



City of Grand Island

Tuesday, May 02, 2006

Council Session

Item G1

Approving Minutes of April 11, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 11, 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 April 11, 2006. Notice of the meeting was given in *The Grand Island Independent* on April 5, 2006.

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

INVOCATION was given by Pastor Nancy Lambert, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Scott Usher – Short Course World Championships in Shanghai, China placing 7th in the 100 Breast, 7th in the 200 Breast, 24th in the 50 Breast and 2nd in the Medley Relay Swimming Competition.
2. Heartland Events Center bid for State Volleyball Championship. Even though we didn't get the bid will work towards statewide events in the future.
3. Brianna Hanse, 5th grade student from Knickrehm Elementary School gave her "Greatest Reasons to Live in Grand Island".

PRESENTATIONS AND PROCLAMATIONS:

Proclamation 'Child Abuse Prevention Month' April 2006. Mayor Vavricek has proclaimed the month of April 2006 as 'Child Abuse Prevention Month'. Dori Bush and Janice Lee were present to receive the proclamation.

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

#2006-BE-4 – Consideration of Determining Connection Fees for Water Main District No. 499T; North Road and Faidley Avenue. Gary Mader, Utilities Department Director reported that the work had been completed and special connection fees had been calculated for Water Main District No. 499T. The total cost to construct the district was \$349,454.36. The total chargeable amount was \$188,844.29.

Motion by Pielstick, second by Hornady to approve Resolutions #2006-BE-4. 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 Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that Grand Island Venue I, Inc. dba Copa Cabana, 2820 Old Fair Road 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 March 1, 2006; notice to the applicant of date, time, and place of hearing mailed on March 27, 2006; notice to the general public of date, time, and place of hearing published on April 1, 2006; along with Chapter 4 of the City Code. Staff recommended approval. Attorney Bill Francis spoke in support. No further public testimony was heard.

Public Hearing on Request of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that De Luna Corporation dba Tabares Bar & Grill, 106 West 4th 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 March 13, 2006; notice to the applicant of date, time, and place of hearing mailed on March 13, 2006; notice to the general public of date, time, and place of hearing published on April 1, 2006; along with Chapter 4 of the City Code. Staff recommended approval. John Sellers, 207 West 3rd Street spoke in support and about the error in the social security number on the background check. No further public testimony was heard.

Public Hearing on Request of Funk Family, LLC by Dale Funk for Conditional Use Permit for Temporary Office Located at 1612 South Webb Road. Craig Lewis, Building Department Director reported that Dale Funk representing Funk Family, LLC had requested a conditional use permit to allow for the temporary use of a trailer to facilitate office operations at Lumbermen's located at 1612 South Webb Road due to damage by the recent snow storm to the building. No public testimony was heard.

Public Hearing on Request of John Luisi for NE Colorado Cellular, Inc. dba Viaero Wireless for Conditional Use Permit for a 120' Telecommunications Tower Located at 305 Wilmar Avenue. Craig Lewis, Building Department reported that John Luisi had requested a conditional use permit on behalf of NE Colorado Cellular, Inc. dba Viaero Wireless located at 305 Wilmar Avenue for a 120' telecommunications tower. Staff recommendation was to deny the request as the application was not submitted as prescribed in the City Code and that the proposal would not protect residential areas and land uses from the potential adverse impact of the telecommunications tower. John Luisi, 1512 South Locust Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located 1/2 Mile North of Bismark Road and 1/2 Mile East of Gunbarrel Road. (Hooker Brothers) Gary Mader, Utilities Director reported that acquisition of a utility easement located 1/2 mile north of Bismark Road and 1/2 mile east of Gunbarrel Road, located in Merrick County was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose of the easement would be to construct a three phase overhead power line to serve the property. No public testimony was heard.

Public Hearing Concerning the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Tim White, Chairman of the Citizens' Review Committee stated the Citizens' Review Committee was required by State Statute and the Grand Island City Code to make a semi-annual report to the City Council. 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:

#9041 - Consideration of Creating Sanitary Sewer District No. 521; Lot 9 of Westwood Park 2nd Subdivision (829 Redwood Road)

#9042 – Consideration of Vacating a 10' by 15' Utilities Easement on Lot #6 of Santa Anita Estates 2nd Subdivision (204 Saratoga Circle, Shafer Properties, LLC)

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

Motion by Pielstick, second by Hornady to approve Ordinances #9041 and #9042.

City Clerk: Ordinances #9041 and #9042 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 #9041 and #9042 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 #9041 and #9042 are 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.

Receipt of Official Documents – Pawnbroker’s Official Bonds for G.I. Loan Shop, Stewart’s Loan and Pawnshop, and Wayne’s Pawn Shop,

Approving Minutes of March 28, 2006 City Council Regular Meeting. Councilmember Meyer abstained.

Approving the Appointment of Dale Shotkoski as Interim City Attorney.

Approving Request of Funk Family, LLC by Dale Funk for Conditional Use Permit for Temporary Office Located at 1612 South Webb Road.

Approving Preliminary Plat for Springdale Subdivision. It was noted that Karen Bredthauer, owner proposed to create 36 lots on a parcel of land located in the SE 1/4 NE 1/4 of Section 23-11-10 consisting of approximately 14.229 acres.

Approving Preliminary Plat for Sterling Estates Subdivision. It was noted that Niedfelt Property Management Preferred, LLC, owner proposed to create 241 lots on a parcel of land located in the NW 1/4 of Section 12-11-10 consisting of approximately 116.13 acres.

Approving Preliminary Plat for Summerfield Estates Fifth Subdivision. It was noted that Little B’s Corporation, owner had proposed to create 14 lots on a parcel of land in the W 1/2 SW 1/4 of Section 12-11-10 consisting of approximately 3.51 acres.

#2006-95 – Approving Contract with the Nebraska Department of Roads to Acquire Right-of-Way and a Temporary Easement Adjacent to the City Library Parking Lot for the Widening of US Highway 30 on 2nd Street.

#2006-105 – Approving Final Plat and Subdivision Agreement for Bosselville Second Subdivision. It was noted that Bosselman Incorporated, owner proposed to create 2 lots on a parcel of land consisting of Lots 5 & 6, Block 1, Bosselville Subdivision and part of the NE 1/4 of Section 24-10-10 consisting of approximately 2.19 acres.

#2006-106 – Approving Final Plat and Subdivision Agreement for Larue Subdivision. It was noted that Housing Plus LLC, owner proposed to create 142 lots on a parcel of land in the E 1/2 NW 1/4 of Section 13-11-10 consisting approximately 35.922 acres.

#2006-107 – Approving Final Plat and Subdivision Agreement for Livermore Subdivision. It was noted that James C. and Marlys M. Livermore, owners proposed to create 2 lots on a parcel of land in the E 1/2 NW 1/4 of Section 28-11-09 consisting approximately 1.052 acres.

#2006-108 – Approving Final Plat and Subdivision Agreement for Neumann Second Subdivision. It was noted that Hall County School District 2, owner proposed to create 2 lots on a parcel of land comprising of Lot 1, Neumann Second Subdivision consisting of approximately 108.256 acres.

#2006-109 – Approving Final Plat and Subdivision Agreement for Summerfield Estates Fifth Subdivision. It was noted that Little B’s Corporation, owner had proposed to create 14 lots on a parcel of land in the W 1/2 SW 1/4 of Section 12-11-10 consisting of approximately 3.51 acres.

#2006-110 – Approving Certificate of Final Completion for Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; Project 2005-D-2 with The Diamond Engineering Company of Grand Island, Nebraska.

#2006-111 – Approving Bid Award for Street Improvement District No. 1258; Faidley Avenue Extending West for Six Hundred Fifty Feet (650 Feet) with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$157,866.40.

#2006-112 – Approving Acquisition of Utility Easement Located 1/2 Mile North of Bismark Road and 1/2 Mile East of Gunbarrel Road. (Hooker Brothers)

#2006-113 – Approving Connection Fees for Water Main District 449T; North Road and Faidley Avenue.

#2006-114 – Approving Bid Award for Transmission Line and Substation Engineering Services with Advantage Engineering of Chesterfield, Missouri in an Amount not to exceed \$2,383,000.00.

#2006-115 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with Dominion Construction Company of Scottsbluff, Nebraska in an Amount of \$2,000.00; Jerry Harders of Wood River, Nebraska in an Amount of \$500.00; and Nebraska State Patrol of Lincoln, Nebraska in an Amount of \$500.00.

#2006-116 – Approving Subordination Request for Doug and Angie Boersen, 3324 Homestead Drive.

#2006-117 – Approving Semi-Annual Report by the Citizens’ Review Committee on the Economic Development Program Plan.

#2006-118 – Approving a Time Extension to the Contract with the Starostka Group Unlimited, Inc., for Construction of Sanitary Sewer District 519; Lots 10 through 21 of Westwood Park Second Subdivision with a new completion date of June 24, 2006.

#2006-119 – Approving Installation of a Traffic Signal on US Highway 30 at the Shared Driveway Serving the Public Safety Center and the Hall County Jail Complex.

#2006-120 – Approving Memorandum of Understanding with the Nebraska Emergency Management Agency for Homeland Security Grant Funding.

#2006-121 – Approving Interlocal Agreement for Cooperative Public Safety Services for Interoperable Radio System.

REQUESTS AND REFERRALS:

Consideration of the Request from Ryan Hansen for Extension of Nonconforming Use at 2216 South Locust Street. Craig Lewis, Building Department Director reported that Ryan Hansen had submitted a request to allow for the expansion of a nonconforming use at the property located at 2216 South Locust Street. It was proposed to construct a new building at 2216 South Locust Street for a body shop operation and the possibility of selling the existing building at 212 Wyandotte for an alterative business.

Motion by Hornady, second by Pielstick to approve the request of Ryan Hansen for the extension of nonconforming use located at 2216 South Locust Street. Upon roll call vote, all voted aye. Motion adopted.

Approving Request of John Luisi for NE Colorado Cellular, Inc. dba Viaero Wireless for Conditional Use Permit for a 120' Telecommunications Tower Located at 305 Wilmar Avenue. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Discussion was held on the co-location options of other towers. Wes Barnett, Vice President of Technical Services stated that it was not possible to co-locate on a government owned tower due to regulations, which eliminated the State Patrol Tower. Mr. Lewis pointed out 5 other towers in the one mile area. Mr. Luisi commented that their tower was only 120' which was not as tall as the other towers in the area.

Motion by Whitesides, second by Nickerson to approve the request of John Luisi on behalf of Viaero Wireless for a Conditional Use Permit for Telecommunications Tower located at 305 Wilmar Avenue. Upon roll call vote, all voted aye. 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. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing and recommended approval contingent upon final inspections.

Motion by Hornady, second by Walker to approve the request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class “C” Liquor License contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2006-122 – Approving Request of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class “C” Liquor License and Octavio De Luna-Rodriquez, 908 East Bismark Road for Liquor Manager Designation. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing with the request of Octavio De Luna Rodriquez for a Liquor Manager designation. Approval was recommended contingent upon final inspections and the stipulation that a state approved server/seller training program be completed.

Motion by Hornady, second by Nickerson to approve the request of De Luna Corporation dba Tabres Bar & Grill, 106 West 4th Street for a Class "C" Liquor License contingent upon final inspections and the request of Octavio De Luna Rodriquest for a Liquor Manager designation with the stipulation that a state approved server/seller training program be completed. Upon roll call vote, all voted aye. Motion adopted.

#2006-123 – Approving Bid Award for Construction of Fire Station #1 with Tri Valley Builders, Inc. of Grand Island, Nebraska. Jim Rowell, Fire Chief introduced the committee and reported that the bids came in over the estimate due to the price increase of steel and fuel. All the bids received were very competitive and good bids. After checking with the Legal Department, Finance Department, and Administration it was agreed to bring this forward as there were funds available.

Motion by Meyer, second by Whitesides to approve the bid award for construction of Fire Station #1 with Tri Valley Builders, Inc. of Grand Island in an amount of \$2,195,000.00 and the following alternates:

1. Alternate No. 1 – Fourth drive-thru bay - \$125,000.00
2. Alternate No. 2 – Plymovent exhaust system - \$3,500.00
3. Alternate No. 3 – Natural gas generator - \$55,000.00
4. Alternate No. 4 – Storage building - \$77,000.00

Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of March 29, 2006 through April 11, 2006, for a total amount of \$1,713,001.53. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #123790.

Motion by Corneilus, second by Hornady to approve the following Claims for the Library Expansion for the period of March 29, 2006 through April 11, 2006:

#25 \$222,699.85

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

RaNae Edwards
City Clerk