



City of Grand Island

Tuesday, August 08, 2006

Council Session

Item G1

Approving Minutes of July 25, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 25, 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 July 25, 2006. Notice of the meeting was given in *The Grand Island Independent* on July 19, 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, Hornady, Walker, and Haase. Councilmember Pauly 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 Gary Schulte, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the Environmental Protection Agency (EPA) Meeting to be held at 7:00 p.m. Thursday, July 27, 2006 in the Community Meeting Room at City Hall. The meeting was to discuss the Parkview Superfund.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of 2005-2006 Community Youth Council. The Mayor and City Council recognized the following Community Youth Council members: Sophomores: Ashley Kahlupa, Central Catholic; Sarah Kuta, Senior High; Lauren Shoemaker, Senior High; Allen Buck, Heartland Lutheran; and Jeffrey Seim, Heartland Lutheran (absent). Juniors: Jodie Meis, Central Catholic; Amber Moreno, Senior High; Elizabeth Koch, Heartland Lutheran; Keely Keel, Northwest; and Theresa Swezey, Northwest. Seniors: Nina Batenhorst, Central Catholic; Janel Meis, Central Catholic; James Pfeifer, Central Catholic; Brent Nesbitt, Senior High; Cameron Schmid, Senior High (absent); Allison Peters, Heartland Lutheran; Kristi Rollen, Heartland Lutheran; Paul Hanson, Northwest (absent); and Amanda Pflaster, Northwest.

Wendy Meyer-Jerke, CYC Coordinator introduced the following CYC Board: Paul Briseno, City of Grand Island; Butch Hurst, Grand Island Police Department; Ed Jarosik, Five Points Bank; Carole Ostdiek, Holiday Tour and Travel; Darren Sanchez, Union Bank and Trust; and Celine Stahlnecker, Grand Island Public Library. A brief overview of the 2005-2006 Community Youth Council activities was given.

ADJOURN TO THE GRAND ISLAND AREA SOLID WASTE AGENCY: Motion by Hornady, second by Cornelius, carried unanimously to adjourn to the Grand Island Area Solid Waste Agency.

Public Hearing on Proposed FY 2006-2007 Grand Island Area Solid Waste Agency Budget. Steve Riehle, Public Works Director reported that a separate hearing was required for the Solid Waste Agency Budget. The Agency budget was the same as the City Solid Waste Division budget (Fund 505) which appeared in the City's Annual Budget Document for Fiscal Year 2006-2007. No public testimony was heard.

#2006-SWA-1 – Approving Adoption of FY 2006-2007 Annual Budget for the Grand Island Solid Waste Agency. Motion by Nickerson, second by Pielstick, to approve Resolution #2006-SWA-1. Upon roll call, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Change of Zoning for Land Proposed for Platting as Francis Subdivision Located East of Carleton Avenue and South of Curran Avenue from B2 General Business & RO Residential Office to RD Residential Development. Chad Naby, Regional Planning Director reported that Raymond J. O'Connor, owner was requesting the City change the zoning on approximately 3.697 acres of land east of Carleton Avenue and south of Curran Avenue, Lots 3, 4, 5, and 6, Bosselman Second Subdivision proposed for platting as Francis Subdivision for the purpose of developing 12 duplex units. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement along the South Right-of-Way Line of Lillie Drive, West of North Road. (Karen J. Bredthauer) Gary Mader, Utilities Director reported that acquisition of a utility easement located along the south right-of-way line of Lillie Drive, west of North Road 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 place underground cables and pad-mounted transformers to serve the new Springdale Subdivision. No public testimony was heard.

Public Hearing on Request of Edwin D. Bolanos dba La Zona Rosa, 613 East 4th Street for a Change of Location for Class "C-70104" Liquor License to 611 East 4th Street. RaNae Edwards, City Clerk reported that an application had been received from Edwin D. Bolanos dba La Zona Rosa, 613 East 4th Street for a change of location to their Class "C-70104" Liquor License to 611 East 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City of July 3, 2006; notice to the general public of date, time, and place of hearing published on July 15, 2006; notice to the applicant of date, time, and place of hearing mailed on July 3, 2006; along with Chapter 4 of the City Code. Staff recommended denial on the findings that no approved plan had been submitted, property permits had not been issued; and Law Enforcement concerns regarding parking lot issues and open out buildings in the area. Craig Lewis, Building Department Director reported that he had received plans today and permits would be forthcoming. Recommended approval pending final inspections. No further public testimony was heard.

Public Hearing Pursuant to the Nebraska Liquor Control Commission Rules and Regulations §53-134.04 Regarding Complaints Filed Against OK Liquor, 305 West Koenig Street, Liquor License "D-15914". Due to a conflict of interest Councilmember Nickerson recused himself and left the room. Dale Shotkoski, Interim City Attorney reported that one of the letters of complaint received was not from a resident of the City which does not meet the Nebraska Liquor Control Commissions Rules and Regulations §53-134.04. Also mentioned was that some of the letters did not site the violation and code from the Rules and Regulations as required by law. Mr. Shotkoski felt uncomfortable continuing with the proceedings.

Motion was made by Hornady, second by Meyer that there were not five (5) valid complaints and the Public Hearing should not be held. Upon roll call vote, Councilmember's Meyer, Whitesides, Gilbert, Cornelius, Hornady, Walker and Haase voted aye. Councilmember Pielstick voted no. Motion adopted.

Councilmember Nickerson returned to the meeting.

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:

- #9054 - Consideration of Change of Zoning for Land Proposed for Platting as Francis Subdivision Located East of Carleton Avenue and South of Curran Avenue from B2 General Business & RO Residential Office to RD Residential Development
- #9055 – Consideration of Amending Ordinance No. 9015 – Creation of Water Main District No. 452
- #9056 – Consideration of Creating Sidewalk District No. 1, 2006 – Various Locations within Grand Island
- #9057 – Consideration of Ordinance Authorizing \$7,975,000 Public Safety Tax Anticipation Bonds Series 2006

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.

Chad Nabity, Regional Planning Director stated Ordinance #9054 related to the aforementioned Public Hearing.

Gary Mader, Utilities Director explained that Ordinance #9055 would replace Ordinance #9015 to correct the legal description for Water Main District No. 452.

Steve Riehle, Public Works Director reported that Ordinance #9056 related to action the City council had taken on May 10, 2005. City Council passed Resolution #2005-149 authorizing City staff to notify property owners to install sidewalk. As of this date seven (7) property owners had

not installed sidewalks. This ordinance would allow for the creation of Sidewalk District 1, 2006 whereby the property owners would be assessed for the installation of their sidewalks.

Bruce Lefler representing Ameritas Investment Corporation explained that Ordinance #9057 was authorizing bonds in the amount of \$7,995,000 for the new Law Enforcement Safety Center. The city had an AAA rating and the interest rate over all would be 4.55% through 2018. Discussion was held with regards to an early payoff. There would be no penalty after 5 years.

Chuck Haase, 3024 Colonial Lane questioned the amount budgeted for this project, the 1/2 cent sales tax, and how funds were transferred from the General Fund. David Springer, Finance Director explained that the funds had been transferred and that the budget books would be out next week.

Motion by Pielstick, second by Whitesides to approve Ordinances #9054, #9055, #9056, and #9057.

City Clerk: Ordinances #9054, #9055, #9056, and #9057 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 #9054, #9055, #9056, and #9057 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 #9054, #9055, #9056, and #9057 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-26 was pulled until the August 8, 2006 meeting. Consent Agenda items G-8, G-20, and G-22 were pulled for further discussion. Motion by Hornady, second by Cornelius to approve the Consent Agenda excluding items G-8, G-20, G-22, and G-26. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of July 11, 2006 City Council Regular Meeting.

Approving Minutes of July 13, 2006 City Council Joint Meeting. Councilmember's Meyer and Whitesides abstained.

Approving Minutes of July 18, 2006 City Council Study Session.

Approving Re-Appointment of Doug Jensen to the Animal Advisory Board.

Approving Re-Appointments of Al Avery, Dianne Miller, Joanne Holmes, and Mike Nolan and New Appointment of Karen Bredthauer to the Zoning Board of Adjustment.

Approving Re-Appointments of John O'Meara, Donald Skeen, and Steve Grubbs and New Appointment of Todd Enck to the Building Code Advisory Board.

Approving Re-Appointments of Mike McElroy and Loran Peterson and New Appointments of Russ Shaw, Scott Hilligas, Mike Myers, Todd Bredthauer, and Armondo Perez to the Gas Fitter Examining Board.

Approving Request of Daniel Albert, 509 Grant Street, Holdrege, Nebraska for Liquor Manager Designation for Sunmart #768, 3420 West State Street.

Approving Request of Daryl Werth, 320 Nelson, St. Paul, Nebraska for Liquor Manager Designation for Pizza Hut, 707 N. Diers Avenue.

Approving Preliminary Plat for Francis Subdivision.

#2006-198 – Approving Final Plat and Subdivision Agreement for Francis Subdivision. It was noted that Raymond J. and Jennifer S. O'Connor, owners proposed to create 12 lots on a tract of land in Lots 3, 4, 5, and 6, Bosselman Section Subdivision consisting of approximately 3.697 acres.

#2006-199 – Approving Final Plat and Subdivision Agreement for Gilbert Acres Subdivision. It was noted that Francie Niedfelt Ballou and Elizabeth and Gene Gilbert, owners proposed to create 1 lot on a tract of land comprising a part of the W1/2 SE1/4 of Section 35-11-9 consisting approximately 1.93 acres. Councilmember Gilbert voted no.

#2006-200 – Approving Final Plat and Subdivision Agreement for Stoltenberg Second Subdivision. It was noted that Webb Road L.L.C., owner proposed to create 1 lot on a parcel of land in the SE 1/4 Section 24-11-10 consisting of approximately 1.850 acres.

#2006-201 – Approving Acquisition of Utility Easement Along the South Right-of-Way Line of Lillie Drive, West of North Road. (Karen J. Bredthauer)

#2006-202 – Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control with CalciQuest, Inc. of Belmont, North Carolina in an Amount of \$86,940.00.

#2006-203 – Approving FY 2006-2007 Annual Budget for Business Improvement District #3, South Locust Street from Stolley Park Road to Highway 34, and Setting September 12, 2006 for Board of Equalization

#2006-204 – Approving FY 2006-2007 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and Setting September 12, 2006 for Board of Equalization.

#2006-205 – Approving FY 2006-2007 Annual Budget for Business Improvement District #5, Downtown, and Setting September 12, 2006 for Board of Equalization.

#2006-207 – Approving Designation of Bert Gurney and Associates, Inc. of Omaha, Nebraska as the Sole Source Provider for a 10 Inch Fairbanks Morse Pump in an Amount of \$22,572.00.

#2006-209 – Approving Agreement with Kirkham Michael & Associates, Inc. of Omaha, Nebraska for Engineering Consulting Services for Storm Sewer Design Relative to the Wasmer Detention cell in an Amount of \$66,874.44.

#2006-210 – Approving Extension of Five Years to Interlocal Agreement with Hall County School District #40-0002 Relative to the School Resource Officers and the Addition of School Crossing Guards through September 30, 2006.

#2006-211 – Approving Subordination Request for 1208 East 5th Street. (Galen and Rebecca Williams)

#2006-212 – Approving Subordination Request for 715 North White Avenue. (Ronald R. Aguilar) This item was pulled from the Agenda and will be placed on the August 8, 2006 City Council Regular meeting.

#2006-213 – Approving Submittal of Grant Application to the Nebraska Department of Economic Development Under the Building Entrepreneurial Communities Act.

#2006-214 – Approving Funding of Economic Development Corporation Request for Heartland Events Center in an Amount of \$50,000.00 (NWPS Rate Agreement Funds).

Approving Request of Dustin Smith, 2642 N. Carleton Avenue #9 for Liquor Manager Designation for Pizza Hut, 1608 South Locust Street. Motion was made by Pielstick, second by Whitesides to approve the request of Dustin Smith contingent upon his completing an alcohol server/training course. Upon roll call vote, all voted aye. Motion adopted.

#2006-206 – Approving Installation of Protected Left Turn Arrows for the Traffic Signal on Stolley Park Road at the Intersection of Blaine Street. Steve Riehle, Public Works Director answered questions regarding how a traffic turn signal was determined to be placed at any intersection such as traffic counts, delays in traffic, and monitoring traffic at intersections.

Motion was made by Walker, second by Gilbert to approve Resolution #2006-206. Upon roll call vote, all voted aye. Motion adopted.

#2006-208 – Approving Notification to Property Owners to Install Sidewalk by July 31, 2007 – Various Locations within Grand Island. Motion was made by Gilbert, second by Walker to approve Resolution #2006-208. Discussion was held regarding sidewalks located at Vine and 4th Street and at Kimball and 4th Street. It was mentioned that backyard sidewalks were typically paid for by the city and front yard sidewalks were paid by the homeowners. Sidewalks were discussed at the Schroeder Subdivision by Husker Highway and the Water Park locations. It was noted that the city would install sidewalks by the new Fire Station. Councilmember Cornelius suggested that the Sycamore to Vine Street sidewalks be moved up to 2007

Lee Casey, 2419 South Blaine Street spoke in support of sidewalks on Blaine Street from Pioneer Blvd. to Stolley Park Road.

Motion was made by Pielstick, second by Whitesides to amend the main motion by deleting “Both sides of Vine Street from East North Front Street to 4th Street” and “Both sides of Kimball Avenue from East North Front Street to 4th Street”. Upon roll call vote, all voted aye. Motion adopted.

Motion was made by Gilbert, second by Hornady to amend the main motion by deleting “North side of Husker Highway from Schroeder Avenue to Buckingham Drive”. Upon roll call vote, all voted aye. Motion adopted.

Motion was made by Cornelius, second by Whitesides to amend the main motion by adding “North side of Fonner Park Road from Sycamore Street to Vine Street”. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote on the main motion and amendments to approve Resolution #2006-208, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of USA Outdoor Advertising to Amend Chapter 31 of the Grand Island City Code Relative to Off Premise (Billboard) Signs. This request was pulled from the Agenda at the request of USA Outdoor Advertising and moved to the August 8, 2006 City Council Regular Meeting.

RESOLUTIONS:

#2006-215 - Consideration of Request from Edwin D. Bolanos dba La Zona Rosa, 631 East 4th Street for a Change of Location for Class “C-70104” Liquor License to 611 East 4th Street. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Pielstick, second by Walker to deny the request of Edwin D. Bolanos dba La Zona Rosa for a change of location to their Class “C-70104” based on the following findings:

- Law Enforcement concerns with out buildings
- Parking lot issues
- Police Officer resources

Police Chief Steve Lamken commented on very little parking, not enough light, concerns of activity and access to surrounding property, and safety to the Police Officers with the number of out buildings. Craig Lewis, Building Department Director commented on parking and final inspections.

Al Fitzgerald, 1304 West Sycamore Street spoke in support. Discussion was held regarding the out buildings.

Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Cornelius, Hornady, Walker, and Haase voted aye. Councilmember Nickerson vote no. Motion adopted.

#2006-216 – Consideration of Complaints Filed Pursuant to the Nebraska Liquor Control Commission Rules and Regulations §53-134.04 Regarding OK Liquor, 305 West Koenig Street, Liquor License “D-15914” Resolution #2006-216 was not acted upon because there were not five (5) valid complaints and the Public Hearing was not held.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of July 12, 2006 through July 25, 2006, for a total amount of \$3,079,609.12. Motion adopted unanimously. Councilmember Pielstick abstained from claim #132353.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

RaNae Edwards
City Clerk