



City of Grand Island

Tuesday, August 22, 2006

Council Session

Item G1

Approving Minutes of August 8, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 8, 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 August 8, 2006. Notice of the meeting was given in *The Grand Island Independent* on August 2, 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 George Oxford, First Church of the Nazarene, 1022 West 6th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek recognized Community Youth Council Member Paul Hansen. Mentioned was the upcoming Hall County Fair and events that would take place at the Heartland Events Center for the first time. Also mentioned was the events scheduled for the Heartland Shooting Park this month.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of the Community Redevelopment Authority (CRA) Budget. Chad Nabity, Regional Planning Director presented the 2006-2007 Community Redevelopment Authority (CRA) budget. CRA requested property tax revenues of \$492,540.00. Mr. Nabity explained there were five designated Blighted and Substandard Ares within the Grand Island City Limits and they were currently studying a sixth area including Five Points, Eddy Street, Broadwell Avenue and 2nd Street West.

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

#2006-BE-5 – Consideration of Determining Benefits for water Main District No. 450 (Circle Drive Area). Gary Mader, Utilities Director reported that Water Main District No. 450 was created at the request of the property owner on the east side of Circle Drive, and along Sunny Brooke Road and Stewart Drive. The cost to be assessed was \$114,849.54.

Motion by Hornady, second by Whitesides to approve Resolution #2006-BE-5. Upon roll call vote, all voted aye. Motion adopted.

#2006-BE-6 – Consideration of Determining Benefits for Water Main District No. 451 (Circle Drive Area). Gary Mader, Utilities Director reported that Water Main District No. 451 was created at the request of the property owner on the east side of Circle Drive, and along Sunny Brooke Road and Stewart Drive. The cost to be assessed was \$99,945.50. Cindy Larson, 2811 Circle Drive requested the assessment on her property compared to her neighbors. Gary Mader explained the process of assessing the property for this district.

Motion by Hornady, second by Whitesides to approve Resolution #2006-BE-6. Upon roll call, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of CXT/LB Foster for Conditional Use Permit to Extend the Temporary Use of Office Trailers Located at 710 East US Highway 30 Craig Lewis, Building Department Director reported that the CXT/LB Foster Company had requested an extension to their Conditional Use Permit for an additional 12 month period of time to allow for the continued use of two temporary buildings located at 710 East US Highway 30. Mr. Lewis stated the first approval was granted on July 24, 2000 for two years with additional approvals granted every two years thereafter. Staff recommended approval for a 12 month period of time. No public testimony was heard.

Public Hearing on Acquisition of Public Utilities Easement Located Along 1149 South Stuhr Road. (Amy Anderson) Steve Riehle, Public Works Director reported that acquisition of a public utility easement located along 1149 South Stuhr Road was needed in order to allow for the connection to a manhole on the sanitary sewer interceptor. Tom Conlon, 819 S. Stuhr Road spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Hike/Bike Easement Located at 3645 South Locust Street. (Judith K. Poland) Steve Paustian, Parks and Recreation Director reported that a utility easement was in place at 3645 South Locust Street and this request would allow for the additional use of construction and maintenance of a hike/bike trail from Hall County Park to 3645 South Locust Street. No public testimony was heard.

Public Hearing on Request of Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd Street for a Class “C” Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 West 2nd Street 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 July 10, 2006; notice to the general public of date, time, and place of hearing published on July 29, 2006; notice to the applicant of date, time, and place of hearing mailed on July 10, 2006; along with Chapter 4 of the City Code. Ms. Edwards stated Mr. Vargas-Bernal had completed a server/training course on July 20, 2006. Staff recommended approval contingent upon final

inspections. Jerry Janulewicz, Attorney for Delfino Vargas-Bernal spoke in support. No further public testimony was heard.

Public Hearing on Proposed FY 2006-2007 City Single Budget. David Springer, Finance Director reported that Council needed to conduct a public hearing to take information from the citizens of Grand Island on the proposed FY 2006-2007 City Single Budget. A Special Budget meeting would be held on August 15, 2006 followed by adoption of the budget and lid limit increase on August 22, 2006. 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:

- #9058 - Consideration of Vacating a 10’ Easement on Lots One (1) and Two (2) of Summerfield Estates 6th Subdivision (Little B’s Corporation)
- #9059 – Consideration of Assessments for Water Main District No. 450 (Circle Drive Area)
- #9060 – Consideration of Assessments for Water Main District No. 451 (Circle Drive Area)
- #9061 – Consideration of Approving Salary Ordinance

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.

Steve Riehle, Public Works Director stated Ordinance #9058 would vacate a 10’ easement on Lots One (1) and Two (2) of Summerfield Estates 6th Subdivision which was not needed.

Gary Mader, Utilities Director explained that Ordinances #9059 and #9060 would assess the properties for Water Main District No. 450 and 451.

Motion by Pielstick, second by Gilbert to approve Ordinances #9058, #9059, and #9060.

City Clerk: Ordinances #9058, #9059, and #9060 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 #9058, #9059, and #9060 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 #9058, #9059, and #9060 are declared to be lawfully adopted upon publication as required by law.

#9061 – Consideration of Approving Salary Ordinance

Brenda Sutherland, Human Resources Director reported that the City conducts salary surveys on various employee groups to stay within acceptable standards should the City be challenged at the Commission of Industrial Relations (C.I.R.). The non-union workforce had been surveyed every three years and was a part of this ordinance. Included in this Ordinance was an administration change to the pay out of sick leave to non-union employees at retirement which would be paid to an employee's Voluntary Employees' Beneficiary Association (VEBA) fund.

Discussion was held regarding comparability of wages and the survey process. Ms. Sutherland explained that State laws required a comparability study for employee's wages. Discussion was held regarding past Commission on Industrial Relations (CIR) rulings and procedures relating to comparability. Paul Essman, CEO of Capital City Concepts conducted the non-union survey and explained the process.

A brief discussion was held regarding the Emergency Management wages and the funding from Hall County. Ms. Sutherland explained that the increases in employee's salaries would be done in step increments. Also explained was the new evaluation system.

Questions were answered regarding the publishing of salaries for all employees. State statutes require that all ranges be published once a year. Councilmember Pielstick requested publishing the salaries after the increases were approved. It was explained that the law requires salaries to be published between July 15th and August 15th of each year.

John Gericke, 2628 O'Flanagan Street asked if those employees who were frozen would receive a raise over the next three years. Ms. Sutherland stated they would not be frozen for three years and it would depend on the comparability study. Mr. Gericke recommended a flat increase across the board as being a fair increase.

Motion by Whitesides, second by Hornady to approve Ordinance #9061.

City Clerk: Ordinance #9061 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 Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Walker voted aye. Councilmember's Meyer and Haase voted no. Motion adopted.

City Clerk: Ordinance #9061 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 Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Walker voted aye. Councilmember's Meyer and Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9061 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-7 and G-8 were pulled for further discussion. Motion by Hornady, second by Gilbert to approve the Consent Agenda excluding items G-7 and G-8. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of July 25, 2006 City Council Regular Meeting. Councilmember Pauly abstained.

Approving Minutes of July 31, 2006 City Council Special Meeting. Councilmember Pauly abstained.

Approving Request of Fonner Park Exposition and Events Center, Inc. for Ratification of Election for Brian Hamilton, George Wanitschke, Vince Dowding, Jim Cannon, and Scott Zana to the Board of Directors.

Approving Request of Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska for Liquor Manager Designation for Pump & Pantry #3, 2511 Diers Avenue contingent upon completing an Alcohol Server/Training Course.

#2006-212 – Approving Request for Subordination Agreement for 715 North White Avenue (Ronald Aguilar).

#2006-217 – Approving Request for Subordination Agreement for 1115 East 9th Street (Victor M. & Gina A. Henriquez).

#2006-220 – Approving Certificate of Final Completion for Street Improvement District No. 1257; Shanna Street in Western Heights 4th Subdivision with The Diamond Engineering Company of Grand Island, Nebraska.

#2006-221 – Approving Change Order No. 2 with Chief Construction of Grand Island, Nebraska for Law Enforcement Center for an Increase of \$2,526.30 and an Construction Contingency Amount of \$155,078.70.

#2006-222 – Approving a Time Extension to the Contract of September 15, 2006 with The Diamond Engineering Company of Grand Island, Nebraska for Construction of Street Improvement District No. 1258; Faidley Avenue Extending West for Six Hundred Fifty Feet (650 Feet).

#2006-223 – Approving Certificate of Final Completion for Water Main District No. 452 – Knott Subdivision Area and Setting September 12, 2006 for the Board of Equalization.

#2006-224 – Approving Contract for the Sale of Fly Ash from Platte Generating Station with Flatwater Materials, Inc. of Grand Island, Nebraska in an Amount of \$.76 per equivalent dry ton.

#2006-225 – Approving Acquisition of Hike/Bike Easement Located at 3645 South Locust Street (Judith K. Poland).

#2006-218 – Approving Acquisition of a Public Utilities Easement Located Along 1149 South Stuhr Road (Amy Anderson). Discussion was held regarding immanent domain and what the city could do to help get this easement for the Conlon's. Dale Shotkoski, Assistant City Attorney explained immanent domain was used for public property and this easement was between two neighbors.

Motion by Pielstick, second by Gilbert to approve Resolution #2006-218. Upon roll call vote, all voted aye. Motion adopted.

#2006-219 – Approving Continuation of Street Improvement District No. 1256; Widening of Capital Avenue from the Moores Creek Drain to Webb Road. Councilmember Haase questioned whether there would be a right and left turn lane on St. Patrick Avenue. Steve Riehle, Public Works Director stated there would be.

Motion by Haase, second by Cornelius to approve Resolution #2006-219. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from CXT/LB Foster for Conditional Use Permit to Extend the Temporary Use of Office Trailers Located at 710 East US Highway 30. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing. Discussion was held regarding the length and number of permits issued to CXT/LB Foster. Marlan Ferguson, Economic Development Corp. commented on working with CXT through the LB-840 Funding and stated he would visit with them letting them know that the Council did not want to extend this permit past the 12 month period.

Motion by Hornady, second by Walker to approve the request of CXT/LB Foster for an Extension of their Conditional Use Permit located at 710 East US Highway 30 for 12 months. Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

RESOLUTIONS:

#2006-226 - Consideration of Request from Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 West 2nd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Hornady, second by Walker to approve Resolution #2006-226 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2006-227 – Consideration of Economic Development Incentive Agreement with J.C. Doyle, Ltd. Marlan Ferguson, President of Economic Development Corporation reported that J.C. Doyle, Ltd. had submitted an application for Economic Development Corporation LB-840 funding in the amount of a \$20,000 forgivable loan to assist with the production of computer software. Jerry Wissing representing J.C. Doyle, Ltd. spoke in support of the application.

Motion by Nickerson, second by Walker to approve Resolution 2006-227. Upon roll call vote, all voted aye. Motion adopted.

#2006-228 – Consideration of Statement of EPA Proposed Action Concerning the Parkview Superfund Site. Gary Mader, Utilities Director reported that the Environmental Protection Agency (EPA) had conducted extensive analyses of the ground water contamination by Volatile Organics Compounds in the southern and Southwestern areas of the City. The extension of City water lines was not a part of the EPA's proposed plan. A Proposed Alternative for the long term clean-up of contaminated ground water was presented at the July 27, 2006 Public Meeting by the EPA.

Mr. Mader stated approval of Resolution #2006-228 would allow the Mayor to provide comments to the EPA expressing the City's position.

Motion by Nickerson, second by Gilbert to approve Resolution #2006-228. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Nickerson to approve the Claims for the period of July 26, 2006 through August 8, 2006, for a total amount of \$2,391,075.13. Motion adopted unanimously. Councilmember Pauly abstained from Claim #133483.

Motion by Cornelius, second by Nickerson to approve the following Claims for the Library Expansion for the Period of July 12, 2006 through August 8, 2006:

#32	\$239,102.86
#33	\$ 429.19

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

RaNae Edwards
City Clerk