



City of Grand Island

Tuesday, September 12, 2006

Council Session

Item G1

Approving Minutes of August 22, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 22, 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 22, 2006. Notice of the meeting was given in *The Grand Island Independent* on August 16, 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 Onamae Waddel, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on Scott Usher, swimmer in the Olympic Trials, the City Administrator's Monthly Report, and Councilmember's Pielstick and Hornady's birthdays.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Brian Sands, Street Supervisor for 40 Years of Service with the City of Grand Island. Mayor Vavricek and the City Council recognized Brian Sands, Street Supervisor with the Public Works Department for 40 years of service with the City. Steve Riehle, Public Works Director commented on Mr. Sands service. Brian Sands was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Change of Zoning for Land Proposed for Platting as Pedcor Second Subdivision Located West of Highway 281 and North of Husker Highway from B2 General Business to RD Residential Development. Chad Nabity, Regional Planning Department Director reported that Pedcor Investments, LLC, owner of the land proposed for platting as Pedcor Second Subdivision requested to amend the final development plan for the Riverbend Apartments located west of Highway 281 and north of Husker Highway to include more property to the north of the existing site and add a small building to one of the apartment buildings for laundry facilities. No public testimony was heard.

Public Hearing on Request of Ruff's Bar, Inc. dba Ed & Net's, 311 North Walnut Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Ruff's Bar, Inc. dba Ed & Net's, 311 North Walnut 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 31, 2006; notice to the general public of date, time, and place of hearing published on August 12, 2006; notice to the applicant of date, time, and place of

hearing mailed on July 31, 2006; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Acquisition of Public Utilities Easement Located at 1135 South Locust Street. (Shafer Properties, LLC) Gary Mader, Utilities Department Director reported that acquisition of a public utility easement located at 1135 South Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to locate a pad-mounted transformer to provide electrical service to the building on the lot. 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:

- #9062 - Consideration of Creation of Water Main District No. 454 – Park-View Subdivision
- #9063 – Consideration of Change of Zoning for Land Proposed for Platting as Pedcor Second Subdivision Located West of Highway 281 and North of Husker Highway from B2 General Business to RD Residential Development
- #9064 – Consideration of Amending Chapter 15 of the City Code, Electric Rate
- #9065 – Consideration of Amending Chapter 35 of the City Code, Water Rate
- #9066 – Consideration of Approving FY 2006-2007 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

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

#9062 - Consideration of Creation of Water Main District No. 454 – Park-View Subdivision

Gary Mader, Utilities Department Director stated Ordinance #9062 would create Water Main District No. 454 in the Park-View Subdivision to be followed by a 30 day protest period. Discussion was held concerning drive way and sidewalks that would need to be replaced and be assessed to the district. Funding was discussed with such a large project and possible short term financing would be needed.

Motion by Nickerson, second by Walker to approve Ordinance #9062.

City Clerk: Ordinance #9062 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 #9062 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 #9062 is declared to be lawfully adopted upon publication as required by law.

#9063 – Consideration of Change of Zoning for Land Proposed for Platting as Pedcor Second Subdivision Located West of Highway 281 and North of Husker Highway from B2 General Business to RD Residential Development

Chad Nabity, Regional Planning Director stated Ordinance #9063 related to the aforementioned Public Hearing. Mentioned was that there would be a total of three exists when completed.

Motion by Hornady, second by Cornelius to approve Ordinance #9063.

City Clerk: Ordinance #9063 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 #9063 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 #9063 is declared to be lawfully adopted upon publication as required by law.

#9064 – Consideration of Amending Chapter 15 of the City Code, Electric Rate

Gary Mader, Utilities Director explained that Ordinance #9064 would increase the electric rates. Presented was information concerning the increase. Discussion was held with regards to people on fixed incomes. It was mentioned that rates would go into effect on December 1, 2006 with billings reflecting the increase to be received in January 2007.

Motion by Meyer, second by Whitesides to approve Ordinance #9064.

City Clerk: Ordinance #9064 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 #9064 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 Pielstick voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9064 is declared to be lawfully adopted upon publication as required by law.

#9065 – Consideration of Amending Chapter 35 of the City Code, Water Rate

Gary Mader, Utilities Director explained that Ordinance #9065 would increase the water rates. Presented was information concerning the increase. Discussion was held with regards to return on investment through assessments. The average increase depending on water use would be \$12.52 to \$14.32 for 1,500 cubic feet (11,220 gallons) or minimum usage would increase 60¢. It was mentioned that rate increases would begin October 1, 2006.

Motion by Nickerson, second by Gilbert to approve Ordinance #9065.

City Clerk: Ordinance #9065 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 #9065 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 Pielstick voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9065 is declared to be lawfully adopted upon publication as required by law.

#9066 – Consideration of Approving FY 2006-2007 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

David Springer, Finance Director reported that Ordinance #9066 was one of the final steps in approving the FY 2006-2007 City Budget. The final step approving the tax request would be brought back to council at the September 12, 2006 Council meeting.

Motion by Pielstick, second by Hornady to approve Ordinance #9066.

City Clerk: Ordinance #9066 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, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Walker voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9066 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, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Walker voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9066 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Cornelius, second by Hornady to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 8, 2006 City Council Regular Meeting.

Approving Minutes of August 15, 2006 City Council Special Meeting/Budget Session.

Approving Preliminary Plat for Pedcor Second Subdivision.

#2006-229 – Approving Final Plat and Subdivision Agreement for Pedcor Second Subdivision. It was noted that Pedcor Investment, L.L.C., owner proposed to create 2 lots on a tract of land in the E

1/2 SE 1/4 of Section 25-11-10, formerly platted as Lots 4 and 5, Pedcor Subdivision consisting of approximately 40.07 acres.

#2006-230 – Approving Final Plat and Subdivision Agreement for Nagy’s Second Subdivision. It was noted that J & B Rentals, L.L.C., owner proposed to create 2 lots on a tract of land comprising the southerly 76.15 feet of Lot 1, Block 22, Nagy’s Addition consisting of approximately 0.115 acres.

#2006-232 – Approving Bid Award for Coal Supply Contracts for 2007 and 2008 – Platte Generating Station with Arch Coal Sales of St. Louis, Missouri.

#2006-233 – Approving Bid Award for Distributed Control System Console Upgrade – Platte Generating Station with ABB, Inc. of Wickliffe, Ohio in an Amount of \$98,537.00.

#2006-234 – Approving Energy Policy Act of 2005 Requirements.

#2006-235 – Approving Bid Award for Spiral Lift Pump Recoating Project 2006-WWTP-3 with HEG Painting Co., Inc. of Cherokee, Iowa in an Amount of \$46,140.00.

#2006-236 – Approving Nebraska Health and Human Services Access & Visitation Grant Application. It was noted that the grant funding amount was \$23,000 through September 2007 is submitted by August 31, 2006.

#2006-237 – Approving Household Hazardous Waste Collection and Recycling Facility Construction Grant Application. It was noted that the grant application amount was \$652,000 with a city match of \$80,000 to be allocated in the 2007-2008 budget.

#2006-238 – Approving Request for Use of Ambulance at the Mission of Mercy Event.

#2006-239 – Approving an Amendment to the User Fee Schedule Pertaining to the Utility Rates, and Correction to Swimming Lesson Fee at Lincoln Park.

RESOLUTIONS:

#2006-240 - Consideration of Request from Ruff’s Bar, Inc. dba Ed & Net’s, 311 North Walnut Street for a Class “C” Liquor License and Request of Jesse Strinz, 2019 N. Park Avenue for Liquor Manager Designation. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Pielstick, second by Whitesides to approve Resolution #2006-240 contingent upon final inspections and the stipulation that Mr. Strinz complete a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2006-241 – Consideration of Approving 1% Increase to the Lid Limit. David Springer, Finance Director reported that in 1998 the Nebraska State Legislature passed LB 989 which put a cap on the amount of restricted revenues a political subdivision could budget for. The restricted revenues that the City of Grand Island included in the budget were Property Taxes, Local Option Sales Tax, Motor Vehicle Tax and State Aid. Of those restricted revenues, property tax was the only revenue that the City could control. The increase in restricted funds authority using the 1% additional amount and the

population growth (when available) was not an increase in budgeted revenues. It only provided the ability to increase restricted revenues, particularly property tax, in a future year if necessary.

Motion by Whitesides, second by Hornady to approve Resolution 2006-241. Upon roll call vote, all voted aye. Motion adopted.

#2006-242 – Consideration of Annexing Property Located at 502 East Capital Avenue, West of St. Paul Road and North of Capital Avenue. Chad Nabity, Regional Planning Director reported that a request had been received to consider annexation of property located at 502 East Capital Avenue, north of Capital Avenue and west of St. Paul Road for the purpose of development. Mr. Nabity stated Resolution #2006-242 would approve the intent to annex, the annexation plan, and set the public hearing for September 26, 2006.

Motion by Hornady, second by Cornelius to approve Resolution #2006-242. 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 August 9, 2006 through August 22, 2006, for a total amount of \$3,657,439.97. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #135192.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

RaNae Edwards
City Clerk