



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item G1

Approving Minutes of October 24, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 24, 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 October 24, 2006. Notice of the meeting was given in *The Grand Island Independent* on October 18, 2006.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's Meyer, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Whitesides 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 Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following upcoming dates:

- November 14, 2006 – Next City Council Meeting
- November 7, 2006 – Election Day
- November 11, 2006 – Veteran's Day – requested everyone fly the American flag

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Timothy Luchsinger, Assistant Utilities Director for 20 Years of Service with the City of Grand Island. The Mayor and City Council recognized Timothy Luchsinger, Assistant Utilities Director for 20 years of service with the City. Gary Mader, Utilities Director commented on Mr. Luchsinger's dedication and work with the Utilities Department. Timothy Luchsinger was present for the presentation.

PUBLIC HEARINGS:

Public Hearing on Request of B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from B & R Stores, Inc. dba Super Saver #19, 1602 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 October 2, 2006; notice to the general public of date, time, and place of hearing published on October 14, 2006; notice to the applicant of date, time, and place of hearing mailed on October 2, 2006; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Lex Ann Roach, 609 South Cleburn Street questioned the intent of the Class "C" Liquor License, recommended a stipulation for all employees to take the server/seller training program, and encouraged the Council to look into this matter further. Fred Groenke, 2308 West Charles Street spoke in support of the application and stated sampling

would be done by the distributors in a cordoned area in the store. No further public testimony was heard.

Public Hearing Change of Zoning for a Tract of Land Proposed for Platting as Francis Second Subdivision Located East of Carleton Avenue and South of Curran Avenue from RO Residential Office to RD Residential Development. Chad Nabity, Regional Planning Director reported that the developer is proposing to build 16 buildings with two dwelling units in each building on this site for a total of 32 units. This would be an addition to Francis Subdivision approved in July of 2006. No public testimony was heard.

Public Hearing on Change of Zoning for a Tract of Land Proposed for Platting as Cedar Ridge Third Subdivision Located West of Highway 281 and South of 13th Street from RD Residential Development to R4 High Density Residential. Chad Nabity, Regional Planning Director reported that this property is located west of Highway 281 and the Moore's Creek Drainage project on the south side of 13th Street, south of Cedar Ridge Apartments. The proposed plan would result in one less apartment building and 12 additional single family or duplex lots. The development does not allow for the extension of a bridge across the Moore's Creek drainway to the east as original planned. No public testimony was heard.

Public Hearing on Acquisition of Hike/Bike Path Easement Located at 2421 Sothman Road (Herbert F. Mayer, Jr. Trust). Steve Paustian, Parks and Recreation Director reported that a request for the development of a hike/bike trail connection from the St. Joe branch of the Union Pacific trail to Sothman Drive had been made by Mrs. Toni Mayer. After negotiations, an easement to construct a trail connection was granted at no cost to the City by Mrs. Mayer. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along the South Side of Rae Road between James Road and US Highway 34/281 Located at 3785 James Road. (Husker Retail Development, LLC) Steve Riehle, Public Works Director reported that the developer (Husker Retail Development) of the property in the southwest quadrant of Husker Highway and US Highway 281 intersection was dedicating the ROW along the south side of Rae Road for the extension of Rae Road west of US Highway 34/281. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along the South Side of Rae Road between James Road and US Highway 34/281 Located at 3780 James Road. (Husker Retail Development, LLC) Steve Riehle, Public Works Director reported that the developer (Husker Retail Development) of the property in the southwest quadrant of Husker Highway and US Highway 281 intersection was dedicating the ROW along the south side of Rae Road for the extension of Rae Road west of US Highway 34/281. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along the South Side of Rae Road west of James Road and US Highway 34/281 Located at 3780 James Road. (Ponderosa Lake Estates Subdivision Homeowners Association, Inc.) Steve Riehle, Public Works Director reported that Ponderosa Lake Estates Subdivision Homeowners Association, Inc. was dedicating the ROW along the south side of Rae Road for the extension of Rae Road west of James Road. No public testimony was heard.

ORDINANCES:

#9078 – Consideration of Annexation of Property Located at 502 East Capital Avenue (Final Reading)

Chad Nabity, Regional Planning Director reported the Public Hearing for this item was held on September 26, 2006 and the second reading was held on October 10, 2006, this was the final reading of three readings.

Motion by Pielstick, second by Cornelius to approve Ordinance #9078 on final reading. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Pielstick moved "that the statutory rules requiring ordinances to be read by title on three different days be suspended and that ordinances numbered:

#9084 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Francis Second Subdivision Located East of Carleton Avenue and South of Curran Avenue from RO Residential Office to RD Residential Development

#9085 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Cedar Ridge Third Subdivision Located West of Highway 281 and South of 13th Street from RD Residential Development to R4 High Density Residential

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.

Chad Nabity, Regional Planning Director reported that Ordinances #9084 and #9085 related to the aforementioned Public Hearing.

#9084 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Francis Second Subdivision Located East of Carleton Avenue and South of Curran Avenue from RO Residential Office to RD Residential Development

Motion by Cornelius, second by Gilbert to approve Ordinance #9084.

Discussion was held concerning curb streets, parking, driveway's versus public streets, and drainage. Mr. Nabity stated this would be a 24' private street which would handle emergency vehicles.

City Clerk: Ordinance #9084 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 Gilbert, Nickerson, Cornelius, Pauly, Horandy, Walker, and Haase voted aye. Councilmember's Meyer and Pielstick voted no. Mayor Vavricek voted aye making a total of eight votes in favor. Motion adopted.

City Clerk: Ordinance #9084 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 Gilbert, Nickerson, Cornelius, Pauly, Horandy, Walker, and Haase voted aye. Councilmember's Meyer and Pielstick voted no. Mayor Vavricek voted aye making a total of eight votes in favor. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9084 is declared to be lawfully adopted upon publication as required by law.

(It was noted after the meeting that approval of Ordinances per state statutes was by a majority vote or six votes.)

#9085 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Cedar Ridge Third Subdivision Located West of Highway 281 and South of 13th Street from RD Residential Development to R4 High Density Residential

Motion by Gilbert, second by Cornelius to approve Ordinance #9085.

City Clerk: Ordinance #9085 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 #9085 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 #9085 is 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.

Approving Minutes of October 10, 2006 City Council Regular Meeting.

Approving Appointments of Paul Briseno, Gregg Ahlers, Jeremy Collinson, Betty Curtis, Brad Driml, Craig Lewis, Kathy Mankin, Chad Nabity, Dennis Osterman, Dale Shotkoski, Jackie Pielstick, and Fred Hotz to the Problem Resolution Team (PRT) Board. It was noted that Fred Hotz name was inadvertently left off the memo but should be included in the appointments.

Approving Preliminary Plat for Francis Second Subdivision.

Approving Preliminary Plat for Cedar Ridge Third Subdivision.

#2006-313 – Approving Final Plat and Subdivision Agreement for Francis Second Subdivision. It was noted that Raymond J. and Jennifer S. O'Connor, owners proposed to create 16 lots on a tract of land comprising all of Lot 7 and the North Half of Lot 8, Bosselman Second Subdivision consisting of approximately 1.291 acres.

#2006-314 – Approving Final Plat and Subdivision Agreement for Cedar Ridge Third Subdivision. It was noted that Michael D. Roasch, owner proposed to create 15 lots on a tract of land comprising of Lot 3, Lot 4, Lot 5, Lot 6, and part of Outlot A, of Cedar Ridge Second Subdivision consisting of approximately 9.02 acres.

#2006-315 – Approving Grant Funding in the Amount of \$31,889 for Gang Resistance Education and Training (GREAT) Program. It was noted the city match was \$3,189.

#2006-316 – Approving Storm Water Management Plan Program Grant Application.

#2006-317 – Approving Change Order No. 1 to the Contract with The Starostka Group Unlimited, Inc. for Construction of Sanitary Sewer District No. 519/521; Lots 9 through 21 of Westwood Park Second Subdivision for a decrease of \$22,852.14 and a Revised Contract Amount of \$147,546.12.

#2006-318 – Approving Certificate of Final Completion with The Starostka Group Unlimited, Inc. of Grand Island, Nebraska and Scheduling Board of Equalization Date for Sanitary Sewer District 519; Lots 10 through 21 of Westwood Park Second Subdivision and Sanitary Sewer District 521; Lot 9 of Westwood Park Second Subdivision.

#2006-319 – Approving Certificate of Final Completion with The Starostka Group Unlimited, Inc. of Grand Island, Nebraska for Sanitary Sewer Project No. 2005-S-14; Sewer Extension to Serve the Law Enforcement Center and the Hall County Correctional Facility.

#2006-320 – Approving Acquisition of Right-of-Way along the South Side of Rae Road between James Road and US Highway 34/281 Located at 3785 James Road. (Husker Retail Development, LLC)

#2006-321 – Approving Acquisition of Right-of-Way along the South Side of Rae Road West of US Highway 34/281 Located at 3780 James Road. (Husker Retail Development LLC)

#2006-322 – Approving Acquisition of Right-of-Way along the South Side of Rae Road West of James Road Located at 3780 James Road. (Ponderosa Lake Estates Subdivision Homeowners Association, Inc.)

#2006-323 – Approving Nebraska Children & Families Foundation Continuation Grant Application in the Amount of \$25,000.

#2006-324 – Approving Acquisition of Hike/Bike Path Easement Located at 2421 Sothman Road. (Herbert F. Mayer, Jr. Trust)

#2006-325 – Approving Interlocal Agreement with Hall County for Emergency Management/Communications Center.

RESOLUTIONS:

#2006-326 – Approving Request of B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class “C” Liquor License and Liquor Manager Designation for Fred M. Groenke, 2308 West Charles Street. RaNae Edwards, City Clerk reported that this item related to the aforementioned Public Hearing. Also included was the request from Fred M. Groenke, 2308 West Charles Street for a liquor manager designation.

Motion by Pielstick, second by Meyer to deny Resolution #2006-326.

A lengthy discussion was held concerning no plan in place for the sampling of alcohol within the store. Mentioned were concerns of minors working in the area of alcohol being sampled. Fred Groenke, 2308 West Charles Street stated there were other grocery stores within the state and one in Grand Island that were allowed a Class “C” Liquor License for sampling purposes. He stated they were looking at sampling once a month.

Discussion was held concerning referring this decision to the next council meeting. City Clerk RaNae Edwards stated the council had 45 days in which to make a decision. Procedural questions were answered also. Gary Greer, City Administrator stated that findings of facts were needed when denying a liquor license and that other grocery stores throughout the state were allowed a Class "C" Liquor License. Mr. Greer stated the Liquor Control Commission would probably approve the request. It was suggested that we defer the decision until the next council meeting to allow Super Saver time to come back with a plan.

Councilmember Pielstick requested her motion be pulled and Councilmember Meyer agreed.

Motion by Pielstick, second by Meyer to defer Resolution #2006-326 to the November 14, 2006 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hronady to approve the Claims for the period of October 11, 2006 through October 24, 2006, for a total amount of \$3,936,321.14. Motion adopted unanimously. Councilmember Hornady abstained from Claim #139411 and Councilmember Pielstick abstained from Claim #139927.

SPECIAL ITEMS:

Discussion Concerning Capital Avenue Widening Project Acquisition of Real Estate. Motion by Hornady, second by Gilbert to go into Executive Session at 8:00 p.m. for the discussion concerning Capital Avenue Widening Project Acquisition of Real Estate. Upon roll call vote, all voted aye. Motion adopted.

Motion by Pielstick, second by Walker to return to Regular Session at 9:40 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:40 p.m.

RaNae Edwards
City Clerk