



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G2**

**Approving Minutes of January 23, 2007 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

# OFFICIAL PROCEEDINGS

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING

January 23, 2007

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 January 23, 2007. Notice of the meeting was given in *The Grand Island Independent* on January 17, 2007.

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

INVOCATION was given by Pastor Scott Friesen, Berean Bible Church, 4116 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Ashley Chalupa and Amanda Calhoon along with Adrian Valez, Board Member. Mentioned were the upcoming Youth Council events - Chili Cook Off and Talent Show.

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of Milt Loeb, Senior Engineering Technician with the Public Works Department for 35 Years of Service with the City. Mayor Hornady and City Council recognized Milt Loeb, Senior Engineering Technician with the Public Works Department for 35 years of service with the City. Milt Loeb was present for the presentation.

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

#2007-BE-1 – Consideration of Determining Benefits for Sidewalk District No. 1, 2006. Steve Riehle, Public Works Director reported that work had been completed on Sidewalk District No. 1, 2006. The total cost of construction was \$924.00.

#2007-BE-2 – Consideration of Determining Benefits for Street Improvement District No. 1258; Extending Faidley Avenue West of Diers Avenue an Additional Six Hundred Fifty Feet (650 Feet). Steve Riehle, Public Works Director reported that work had been completed on Street Improvement District No. 1258. The total cost of the project was \$197,147.92

Motion by Pielstick, second by Meyer to approve Resolutions #2007-BE-1 and #2007-BE-2. Upon roll call vote, all voted ayes. Motion adopted.

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

## PUBLIC HEARINGS:

Public Hearing on Request of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 27, 2006; notice to the general public of date, time, and place of hearing published on January 13, 2007; notice to the applicant of date, time, and place of hearing mailed on December 27, 2006; along with Chapter 4 of the City Code. Staff recommended approval. Harry Hoch, 2417 Cottonwood Road spoke in support. No further public testimony was heard.

Public Hearing on Request from Energy Grains Development Group LLC for a Conditional Use Permit for Construction of an Ethanol Production Facility Located at 1730 and 1898 Wildwood Drive. Craig Lewis, Building Department Director reported that Paul Kenney had requested a conditional use permit on behalf of Energy Grains Development Group LLC located at 1730 and 1898 Wildwood Drive for an ethanol production facility. Mr. Lewis presented the following unknowns for this project: 1) amount and source of water for manufacturing process, 2) Odor, 3) air quality due to ethanol process, 4) sewer and process discharges, 5) landscape buffering, 6) location, and time frame for construction. Staff recommendation was either to approve with stipulations or table for further review.

The following people spoke in support:

Marlan Ferguson, President of EDC, 2808 Apache Road  
Dan Lindstrom, Attorney for Energy Grains Development, Kearney, NE  
Kevin Prior, representative of Olsson Associates  
Paul Kenney, President of Energy Grains Development, Kearney, NE  
Stew Jobes, 1818 South Garland Street, Finance Specialist with the Nebraska Department of Economic Development  
Richard Sanne, Nebraska Department of Agriculture  
Casey Macken, 2603 Riverview Drive  
Ken Gnadt, 1610 Gretchen Avenue  
Nadine Oakley, 1381 West Schimmer Drive  
Kay Robbins, 404 Wyandotte Street  
Bill Westering, 2015 West John Street

The following people spoke in opposition:

Tom Haney, 3604 South Blaine Street #6  
Dan Lind, 2111 Bass Road  
Dr. Casey Iverson, 3604 South Blaine Street  
Laura Fox, 1916 Rainbow Road  
Joel Joe Luetkenhaus, 1710 Rainbow Road  
David Bush, 2508 Stagecoach Road  
Lewis Kent, 624 East Meves Road

The following people spoke in a neutral position:

Mike Morledge, 1425 Stagecoach Road

Tom O'Neill, 2017 Barbara Avenue

No further public testimony was heard.

Public Hearing on Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing and R1 Suburban Density Residential to RD Residential Development. Chad Nabity, Regional Planning Director reported that the Evangelical Lutheran Good Samaritan Society of Sioux Falls, South Dakota had submitted an application to rezone approximately 33 acres of land north and east of the Indianhead Golf Course from M1 Light Manufacturing, M2 Heavy Manufacturing and R1 Suburban Density Residential to RD Residential Development.

The following people spoke in support:

Harold Rosenkotter, 3115 Goldenrod Drive  
Rod Hooker, 4525 West Capital Avenue  
Kim Johansen, Executive Director of Good Samaritan facilities  
Marlan Ferguson, President of EDC, 2808 Apache Road  
Jack Henry, 4840 Baker Avenue  
Jason Gunther, Good Samaritan Design Consultant for the State of Nebraska  
Tom Haney, 3604 South Blaine Street

No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located Northeast of 914 Bauman Drive (Hall County Housing Authority and Mid-Plains Center for Behavioral Healthcare Services, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located northeast of 914 Bauman Drive 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 relocate underground power cables and a pad-mounted transformer for the expanded building of Mid-Plains Center. No public testimony was heard.

The council took a recess at 8:55 p.m. and returned to session at 9:05 p.m.

#### 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:

- #9101 – Consideration of Assessments for Sidewalk District No. 1, 2006
- #9102 – Consideration of Assessments for Street Improvement District No. 1258; Extending Faidley Avenue West of Diers Avenue an Additional Six Hundred Fifty Feet (650 Feet)
- #9103 – Consideration of Vacating the West 900 Feet of Enterprise Avenue and Fortune Street between Trust Street and Enterprise Avenue in Grand Island Industrial park West Subdivision
- #9104 – Consideration of Vacating 16' Utility Easements in Grand Island Industrial Park West Subdivision (The Evangelical Lutheran Good Samaritan Society)

#9105 – Consideration of Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing, and R1 Suburban Density Residential to RD Residential Development

#9106 – Consideration of Amendments to Chapter 34 of the Grand Island City Code Relative to Telecommunications Occupation Tax

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 this ordinance 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 reported Ordinances #9101 and #9102 related to the aforementioned Board of Equalization hearing. Ordinance #9103 was a request by the developer to vacate 900 feet of Enterprise Avenue and Fortune Street between Trust Street and Enterprise Avenue for the purpose of a private street. Ordinance #9104 was a request by the developer to facilitate development in the Grand Island Industrial Park West Subdivision.

Motion by Gilbert, second by Pielstick to approve Ordinances #9101, #9102, #9103, and #9104.

City Clerk: Ordinances #9101, #9102, #9103, and #9104 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 #9101, #9102, #9103, and #9104 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 Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9101, #9102, #9103, and #9104 are declared to be lawfully adopted upon publication as required by law.

#9105 – Consideration of Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing, and R1 Suburban Density Residential to RD Residential Development

Chad Nabity, Regional Planning Director reported Ordinance #9105 related to the aforementioned Public Hearing. Discussion was held regarding the proposed plan for 26’ private streets.

Motion by Whitesides, second by Gilbert to approve Ordinance #9105.

City Clerk: Ordinance #9105 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 Pielstick, Walker, Nickerson, Gericke, Brown, Gilbert, Whitesides, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

City Clerk: Ordinance #9105 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 Pielstick, Walker, Nickerson, Gericke, Brown, Gilbert, Whitesides, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9105 is declared to be lawfully adopted upon publication as required by law.

#9106 – Consideration of Amendments to Chapter 34 of the Grand Island City Code  
Relative to Telecommunications Occupation Tax

Paul Briseno, Assistant to the City Administrator reported Ordinance #9106 was discussed at the January 16, 2007 City Council Study Session. This would be a change to Chapter 23 of the Grand Island City Code allowing a 3% occupational tax on mobile phones.

Discussion was held regarding the use and/or restrictions of these monies. City Administrator Gary Greer stated the money would go into the general fund and council would have final authority on how to spend these monies through the budget process.

Lewis Kent, 624 East Meves Street spoke in opposition. Mr. Greer explained the reasons for the additional tax and who would be affected by it.

Motion by Pielstick, second by Gilbert to approve Ordinance #9106.

City Clerk: Ordinance #9106 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 #9106 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 Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9106 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-11 was pulled for further discussion. Motion by Gilbert, second by Meyer to approve the Consent Agenda excluding item G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 9, 2007 City Council Regular Meeting.

Approving Minutes of January 16, 2007 City Council Study Session.

Approving Re-Appointment of Kurt Haecker to the City/County Efficiency Effectiveness Committee.

Approving Re-Appointments of Craig Hand, Dean Peg, K.C. Hehnke, Mark Stelk, and Tom Ziller to the Business Improvement District No. 5 Board.

Approving Preliminary Plat for Good Samaritan Subdivision.

#2007-14 – Approving Final Plat and Subdivision Agreement for Good Samaritan Subdivision.  
It was noted that The Evangelical Lutheran Good Samaritan Society, owner had submitted a Final Plat for Good Samaritan Subdivision located on a tract of land in Lots 5-10, Lots 26-29, Lots 42-59 and a part of the SW ¼ of the NE ¼ of Section 26-11-10 consisting of approximately 32.06 acres for the purpose of creating 31 lots and 1 outlot.

#2007-15 – Approving Acquisition of Utility Easement Located Northeast of 914 Bauman Drive. (Hall County Housing Authority and Mid-Plains Center for Behavioral Healthcare Services, Inc.)  
Councilmember Meyer abstained.

#2007-16 – Approving Bid Award for Platte River Well Field Well Enclosures for Wells #5, #9, and #12 with Steel Crafters, Inc. of Grand Island, Nebraska in an Amount of \$67,536.00.

#2007-17 – Approving Bid Award for Front End Loader for the Platte Generating Station with Nebraska Machinery Co., of Grand Island, Nebraska in an Amount of \$48,000.00.

#2007-18 – Approving Bid Award for Fork Lift with Torsen, Inc. of Henderson, Nebraska in an Amount of \$20,877.00.

#2007-20 – Approving Bid Award for 47,000 GVW Dump Truck for Public Works Streets Division with Wick's Sterling Trucks of Omaha, Nebraska in an Amount of \$75,489.50.

#2007-21 – Approving Certificate of Substantial and Final Completion for the Ultra Violet Disinfection System Project 2004-WWTP-1 with Starostka Group Unlimited, Inc. of Grand Island, Nebraska.

#2007-22 – Approving Deferral of Assessments for Agricultural Property Located within the Boundaries of Street Improvement District No. 1258 (T & E Cattle Company).

#2007-23 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads.

#2007-24 – Approving Household Hazardous Waste Construction Grant Application to the Department of Environmental Quality (DEQ).

#2007-25 – Approving Bid Award for Hand Held Meter Reading System with Northrop Grumman of San Diego, California in an Amount of 428,450.00.

#2007-26 – Approving Annexation Plan for Property Located Between the East Side of the Platte Valley Industrial Park and South Locust Street and Between Wildwood Drive and Schimmer Drive and Scheduling Public Hearing.

#2007-27 – Approving Paul Briseno, Assistant to the City Administrator as Authorized Representative for Federal/State Financial Assistance under the President's Disaster Relief Fund for the Ice Storms of December 19, 2006 and January 1, 2007.

#2006-19 – Approving Continuation of Water Main District No. 455 – Park-View Area. Gary Mader, Utilities Department Director reported that Water Main District No. 455 was created at the request of area residents within the Park-View Subdivision. Protests were received representing 49.68% of the front footage of the district so this item was the continuation of that district.

The following people spoke in support:

- Trudi Henke, 2429 Commerce Avenue
- Jody Nelson, 2521 Commerce Avenue
- Keith Pirnie, 2425 Commerce Avenue

Discussion was held regarding other residents in the area hooking up to this water main. Mr. Mader stated they would have to for a district which would hook into this district.

Motion by Pielstick, second by Gilbert to approve Resolution #2007-19. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Approving Referral of the One & Six Year Street Improvement Program to the Regional Planning Commission. Steve Riehle, Public Works Director reported on the process of having the Regional Planning Commission act on the One & Six Year Street Improvement Program and then bring their recommendations to the City Council. The City Council will act on this at their February 13, 2007 Regular meeting.

Motion by Gilbert, second by Pielstick to approve referral of the One & Six Year Street Improvement Program to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from Energy Grains Development Group LLC for a Conditional Use Permit for Construction of an Ethanol Production Facility Located at 1730 and 1898 Wildwood Drive. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Motion by Whitesides, second by Meyer to approve the request from Energy Grains Development Group LLC for a conditional Use Permit for an Ethanol Production Facility located at 1730 and 1898 Wildwood Drive.

Discussion was held regarding trains, the comprehensive plan, and how an ethanol plant at this location would impact the power plant. Mr. Mader stated the power plant would be able to handle this facility. Further discussion was held regarding the location and other questions raised during the public hearing.

Motion by Gilbert, second by Gericke to lay this matter on the table in order to get questions answered and bring it back to a Study Session on February 6, 2007. Upon roll call vote, Councilmember's Pielstick, Walker, Gericke, Brown, Gilbert, and Haase voted aye. Councilmember's Nickerson, Whitesides, and Meyer voted no. Motion adopted.



Consideration of Request from Roxy Clark dba Bronx Pawn, 386 North Pine Street for Pawnbroker's Permit. RaNae Edwards, City Clerk reported an application, fee, and bond had been received as required by Chapter 25 of the Grand Island City Code from Roxy Clark dba Bronx Pawn, 386 North Pine Street for a Pawnbroker's Permit. Staff recommended approval.

Motion by Pielstick, second by Walker to approve the request of Roxy Clark dba Bronx Pawn, 386 North Pine Street for a Pawnbroker's Permit. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2007-28 – Consideration of Request of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License and Liquor Manager Designation for Harry A. Hock, Jr., 2417 Cottonwood Road. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Also included was the request from Harry A. Hock, Jr., 2417 Cottonwood Road for a liquor manager designation.

Motion by Pielstick, second by Gericke to approve Resolution #2007-28 contingent upon Harry A. Hoch, Jr. completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase to approve the Claims for the period of January 10, 2006 through January 23, 2007, for a total amount of \$2,453,908.93. Motion adopted unanimously. Councilmember Pielstick abstained from voting on claim #146610.

Motion by Whitesides, second by Haase to approve the following Claims for the Library Expansion for the period of January 10, 2007 through January 23, 2007:

#50     \$2,740.00

Motion adopted unanimously.

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

RaNae Edwards  
City Clerk