



City of Grand Island

Tuesday, February 27, 2007

Council Session

Item G1

Approving Minutes of February 13, 2007 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 13, 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 February 13, 2007. Notice of the meeting was given in *The Grand Island Independent* on February 7, 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, Cornelius, Nickerson, Gericke, Brown, Gilbert, Whitesides, Haase, and Meyer. The following City Officials were present: City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle, and City Attorney Dale Shotkoski.

INVOCATION was given by Mayor Margaret Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Jodie Meis and Megan Bombeck along with Celine Stahlnecker, Board Member. Mentioned were the upcoming Chili Cook-Off and CYC Talent Contest.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by Shonesy Associates for FY 2006 City Single Audit and General Purpose Financial Statements. David Springer, Finance Director introduced Terry Galloway representing Shonsey & Associates who reviewed the FY 2006 City Single Audit and General Purpose Financial Statements. A PowerPoint was presented with a detailed report of the findings. The financial audit received an unqualified rating which was the highest rating possible.

Presentation by BKD, LLP Relative to Fiscal Year 2006 Electric and Water Audit Reports. David Springer, Finance Director introduced Roger Watton from BKD, LLP to give the audit 2006 electric and water reports. Mr. Watton stated that these were unqualified opinions and there were no weaknesses with the internal control. A brief review of the water and electric audit reports were given.

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

#2007-BE-3 – Consideration of Determining Benefits for Asphalt Street Improvement District No. 1254; Dale Roush and Dale Roush 2nd Subdivisions (Indian Acres). Steve Riehle, Public Works Director reported that work had been completed on Asphalt Street Improvement District No. 1254. The total cost of construction was \$357,832.33.

Motion by Pielstick, second by Cornelius to approve Resolution #2007-BE-3. 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 Annexation of Property Located Between the East Side of the Platte Valley Industrial Park and South Locust Street and Between Wildwood Drive and Schimmer Drive. Chad Nabity, Regional Planning Director reported that a request had been received to consider annexation of property located east of the Platte Valley Industrial Park in the E1/2 of Section 5-10-9 located between Wildwood Drive and Schimmer drive on both sides of Blaine Street. City Administration also suggested that the Platte Generating Station located south of Wildwood Drive between Blaine Street and South Locust Street also be annexed at this time. Both properties were contiguous with the Grand Island city limits. Marlan Ferguson, President of EDC spoke in support. No further public testimony was heard.

Public Hearing on the One and Six Year Street Improvement Program. Steve Riehle, Public Works Director reported that adoption of a One and Six Year Street Improvement Program was required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. This item was referred to the Regional Planning Commission by Council at their January 23, 2007 Regular Meeting. The Regional Planning Commission conducted a Public Hearing at their February 7, 2007 meeting. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Hall County Corrections Facility - East Highway 30 (Hall County) Gary Mader, Utilities Director reported that acquisition of a utility easement located at the Hall County Corrections Facility on East Highway 30 was needed in order to have access to install, upgrade, maintain, and repair electric and water utilities. This easement would be used to locate underground power lines and water mains to serve the Hall County Correction Facilities. This included only the public portion of those lines, not the service. 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 ordinance numbered:

#9107 – Consideration of Assessments for Asphalt Street Improvement District No. 1254; Dale Roush and Dale Roush 2nd Subdivisions (Indian Acres)

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

Steve Riehle, Public Works Director reported Ordinance #9107 related to the aforementioned Board of Equalization hearing.

Motion by Pielstick, second by Cornelius to approve Ordinance #9107.

City Clerk: Ordinance #9107 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 #9107 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 #9107 is declared to be lawfully adopted upon publication as required by law.

#9108 – Consideration of Annexation of Property Located Between the East Side of the Platte Valley Industrial Park and South Locust Street and Between Wildwood Drive and Schimmer Drive (First Reading)

Chad Nability, Regional Planning Director reported Ordinance #9108 related to the aforementioned Public Hearing and this was the first of three readings.

Motion by Pielstick, second by Whitesides to approve Ordinance #9108 on first reading. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent Agenda item G-13 was pulled for further discussion. Motion by Cornelius, second by Gilbert to approve the Consent Agenda excluding item G-13. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 20, 2007 City Council Special Study Session - Retreat.

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

Approving Minutes of February 6, 2007 City Council Study Session.

Approving Request of Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska for Liquor Manager Designation for Pump & Pantry #11, 704 West 2nd Street contingent upon completing a state approved alcohol server/seller training program.

#2007-29 – Approving Final Plat and Subdivision Agreement for Westwood Park Tenth Subdivision. It was noted that Rudolf, Jeannice and Tim Plate, owners had submitted the Final Plat for Westwood Park Tenth Subdivision located on a tract of land comprising a part of the N1/2 SE1/4 of Section 14-11-10 consisting of approximately 16.822 acres for the purpose of creating 30 lots.

#2007-30 – Approving Final Plat and Subdivision Agreement for Prairie Acres Subdivision. It was noted that Shafer Commercial Properties, LLC, owner had submitted the Final Plat for Prairie Acres Subdivision located on a tract of land comprising a part of the E1/2 SW1/4 of Section 12-11-10 consisting of approximately 28.894 acres for the purpose of creating 76 lots.

#2007-31 – Approving Acquisition of Utility Easement located at the Hall County Corrections Facility on East Highway 30 (Hall County).

#2007-32 – Approving Bid Award for Water Main Project 2007W-1 Located on the North Side of East Highway 30 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$46,344.36.

#2007-33 – Approving Change Order No. 3 for Fire Station #1 Construction with Tri Valley Builders, Inc. of Grand Island, Nebraska for an Increase of \$9,343.00 and a Revised Contract Amount of \$2,396,711.00.

#2007-34 – Approving Memorandum of Understanding with the Nebraska Emergency Management Agency for Hazmat Team Training and Equipment in Handling Hazardous Materials.

#2007-35 – Approving American Legion Baseball Program License Agreement for a Period of 10 Years through December 31, 2016.

#2007-36 – Approving State Bid Award for (1) 2007 One Ton Dump Truck with Sid Dillon Chevrolet of Wahoo, Nebraska in an Amount of \$29,997.00.

#2007-37 – Approving Bid Award for Public Library Asbestos Removal 2007 at 211 North Washington Street with McGill Asbestos Abatement Company of Omaha, Nebraska in an Amount of \$72,834.00. Discussion was held regarding the range of bids submitted. Library Director Steve Fosselman stated McGill Asbestos Abatement Company was a reputable company and testing would be done by another company.

Motion by Whitsides, second by Haase to approve Resolution #2007-37. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

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 Public Hearing held at the January 23, 2007 Regular Meeting and discussions held at the February 6, 2007 Study Session.

Jim Greer, 637 MacArthur Avenue questioned whether the ethanol plant would obtain steam from the electrical plant. Utilities Director Gary Mader commented on the high cost of a boiler to produce steam. David Fairchild, 2507 Commerce Avenue commented on air emissions, and Kay Robbins, 404 Syandotte Street spoke in support. Dan Lindstrom, 322 West 39th Street, Kearney – Attorney for Energy Grains was present to answer questions.

Discussion was held regarding the process, next step in the process, and whether this would come back to council for further action. Mr. Lewis stated this would not come back to council except for infrastructure such as water, sewer, etc. Also mentioned were the many state permits that would be required.

Motion by Pielstick, second by Whitesides 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 with the following conditions:

1). On site wells regulated by the Central Platte Natural Resources District shall also be registered with the City as to location, size, and proposed volume of water to be pumped. A copy of the permit issued shall also be filed with the City of Grand Island.

2). Odor generated at the plant is proposed to be mitigated with thermal oxidizers, these devices shall be operated continually as the plant is in production. Any repair or maintenance of these devices shall occur only when production is halted for such repair and maintenance. As technology advances the Best Available Control Technology (BACT) shall be implemented to control any odors associated with the facility. Documentation of the BACT shall be submitted on a two year cycle to ascertain compliance with these conditions.

3). Air quality and emissions are regulated by the State of Nebraska Department of Environmental Quality. Additionally, in regard to air quality, BACT shall be provided and justified to the City of Grand Island on a two year rotational period. A copy of the permit issued by the State shall be filed with the City.

4). Waste discharges from the production are regulated by the State Department of Environmental Quality, additionally the City of Grand Island Public Works Department shall approve the method and destination of the waste. A copy of any permits issued by the State for discharges shall be filed with the City.

5). Landscaping on the site is proposed in a tree line adjacent to the north boundary line. A landscape plan identifying this proposed planting and additional plantings that comply with the provisions in the zoning regulations shall be presented to and approved by the City of Grand Island prior to issuance of any construction permits.

6). Exterior lighting for the facility shall be predominately down lighting.

7). Construction of the proposed facility shall commence within two years of approval of the conditional use permit. If for any reason, production ceases for any continuous two year period the conditional use permit shall become null and void and require subsequent approvals from the City of Grand Island.

8). A development agreement that identifies the expectations and responsibilities shall be negotiated and implemented between the Developer and the City of Grand Island.

Council found that the application and use promoted the health, safety, and general welfare of the community, protected property against blight and depreciation, and was generally harmonious with the surrounding neighborhood.

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

RESOLUTIONS:

#2007-38 –Approving One and Six Year Street Improvement Program. Steve Riehle, Public Works Director reported this item related to the aforementioned Public Hearing item.

Motion by Whitesides, second by Meyer to approve Resolution #2007-38. Upon roll call vote, all voted aye. Motion adopted.

#2007-39 – Approving Support of LB 395 – Nebraska Clean Indoor Air Act Relative to Smoking. Dale Shotkoski, City Attorney reported this item was at the request of Councilmember Gilbert. Councilmember Gilbert reported

Councilmember Gilbert spoke in support of Resolution #007-39. Councilmember Whitesides in favor of a partial ban.

Motion by Whitesides, second by Meyer to deny Resolution #2006-39. Upon roll call vote, Councilmember's Pielstick, Walker, Whitesides, and Meyer voted aye. Councilmember's Cornelius, Nickerson, Gericke, Brown, Gilbert, and Haase voted no. Motion failed.

Motion by Nickerson, second by Cornelius to approve Resolution #2007-39. Upon roll call vote, Councilmember's Cornelius, Nickerson, Gericke, Brown, Gilbert, and Haase voted aye. Councilmember's Pielstick, Walker, Whitesides, and Meyer voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of January 24, 2006 through February 13, 2007, for a total amount of \$3,433,740.42. Motion adopted unanimously.

Motion by Cornelius, second by Haase to approve the following Claims for the Library Expansion for the period of January 24, 2007 through February 13, 2007:

#51	\$358,255.49
#52	\$ 156.95

Motion adopted unanimously.

SPECIAL ITEMS:

Discussion Concerning International Association of Fire Fighters (IAFF) Union Litigation and Fraternal Order of Police (FOP) Upcoming Collective Bargaining.

Motion by Whitesides, second by Cornelius to go into executive session at 8:30 p.m. for the purpose of discussing International Association of Fire Fighters (IAFF) union litigation and Fraternal Order of Police (FOP) upcoming collective bargaining. Upon roll call vote, all voted aye. Motion adopted.

Motion by Whitesides, second by Pielstick to reconvene in Regular Session at 8:55 p.m. Upon roll call vote, all voted aye.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

RaNae Edwards
City Clerk