



City of Grand Island

Tuesday, July 10, 2007

Council Session

Item G1

Approving Minutes of June 26, 2007 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 26, 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 June 26, 2007. Notice of the meeting was given in *The Grand Island Independent* on June 20, 2007.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Carney, Zapata, Nickerson, Gericke, Brown, Gilbert, Whitesides, Haase, and Meyer. Councilmember Walker was absent. The following City Officials were present: City Clerk RaNae Edwards, City Attorney Dale Shotkoski, Finance Director David Springer, and Public Works Director Steve Riehle.

INVOCATION was given by Reverend Alberta Danner, First Church of the Nazarene, 1022 West 6th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council member Derrick Morrison. Mentioned was the City wide picnic at Stolley Park this Sunday, July 1, 2007 in conjunction with the Hall County 150th Anniversary.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of Service Award to Councilmember Scott Walker. This item was pulled from the agenda and rescheduled for the July 10, 2007 City Council meeting due to Councilmember Walker being absent.

PUBLIC HEARINGS:

Public Hearing on Request from Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for Class "A" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for a Class "A" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 1, 2007; notice to the general public of date, time, and place of hearing published on June 16, 2007; notice to the applicant of date, time, and place of hearing mailed on June 1, 2007; along with Chapter 4 of the City Code. Staff recommended denial because of "Falsification of Application" under Nebraska Liquor Control Rules and Regulations Section 53-131.01 and Chapter 2 Section 010.01. Dzung Nguyen, 303 East 18th Street spoke in support. No further public testimony was heard.

Public Hearing on Request of JG & J, Inc. dba Bullwinkle's Bar and Grill, 3235 South Locust Street for a Change of Location for Class "C-23100" Liquor License to 2118 North Webb Road. RaNae Edwards, City Clerk reported that an application had been received from JG & J, Inc. dba Bullwinkle's Bar and Grill, 3235 South Locust Street for a Change of Location to their Class 'C-

23100” Liquor License to 2118 North Webb Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 6, 2007; notice to the general public of date, time, and place of hearing published on June 16, 2007; notice to the applicant of date, time, and place of hearing mailed on June 6, 2007; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Becki Keeshan, 3235 South Locust Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Southeast Corner of the New HY-VEE Store at Webb Road and Old Potash Highway (HY-VEE, Inc.). Tim Luchsinger, Assistant Utilities Director reported that acquisition of a utility easement located at the southeast corner of the new HY-VEE store located at Webb Road and Old Potash Highway was needed to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to place underground electrical cable and a pan-mounted transformer to serve the new HY-VEE store. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1313 Johnstown Road Across from Diamond Plastics (Kevin and Tammie Hulse). Tim Luchsinger, Assistant Utilities Director reported that acquisition of a utility easement located at 1313 Johnstown Road was needed to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to locate primary underground electrical cable and a three-phase pad-mounted transformer to a new building at this address. No public testimony was heard.

Public Hearing on Amendment to Chapter 36 of the Grand Island City Code Relative to Accessory Building and Uses. Chad Nabity, Regional Planning Director reported that Portable Storage Unites had been used across the United States for the past several years. These units are designed to be delivered to a property where the property owner can load them and the company hauls them to a warehouse for storage. Mr. Nabity stated changes were needed in City Code to regulate the size of the containers and length of time the unit could be left at a residence. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 516 and 508 Sandalwood Drive, South of Faidley Avenue (Rudolf and Jeannice Plate). Chad Nabity, Regional Planning Director reported that acquisition of a utility easement located at 516 and 508 Sandalwood Drive, south of Faidley Avenue was needed to have access to install, upgrade, and maintain telephone lines and switches, cable TV lines and switches and natural gas lines. This easement would be used to facilitate the installation of telephone, cable TV and gas lines to the property. No public testimony was heard.

Public Hearing on Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2007. Steve Lamken, Police Chief reported that the Grand Island Police Department and Hall County Sheriff’s Department were eligible to receive Justice Assistance Grant monies from the U.S. Department of Justice in 2007 in the amount of \$28,366.00 to be spent over a four year period. The Hall County Sheriff’s Department would receive \$7,091.50 for purchase of computer equipment. The Grand Island Police Department would receive \$14,183.00 to purchase a back-up server for the Data911 mobile data and video equipment for patrol vehicles, additional Data911 equipment and operational costs for the Central Nebraska Drug Court. No public testimony was heard.

ORDINANCES:

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

#9114 – Consideration of Vacation of Alley through Wasmer Detention Cell (between Koenig and Division from Broadwell to Monroe)

#9122 – Consideration of Partial Vacation of Utility Easement (Principal Financial Group)

#9123 – Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Accessory Buildings and Uses

#9124 – Consideration of Vacation of a Portion of Midaro Drive (East of 610 Midaro Drive)

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

Steve Riehle, Public Works Director reported Ordinance #9114 was necessary to vacate street and alley right-of-way at the site of the old Wasmer School which is now a detention cell. There were no utilities in the alley and the detention cell prevents use of the alley and should be vacated.

Tim Luchsinger, Assistant Utilities Director reported Ordinance #9122 would vacate the north 10’ of the current easement and allow The Principal Financial Group to extend their building onto the easement 8’. Existing utilities would not be affected. Discussion was held concerning landscaping. Craig Lewis, Building Department Director explained that Principal Financial Group would expand the landscaping to the east side of the property and drainage would slope to the south.

Chad Nabity, Regional Planning Director reported Ordinance #9123 referred to the aforementioned Public Hearing. Discussion was held concerning portable storage units with regards to the length of time a unit could be on a persons property.

Steve Riehle, Public Works Director reported Ordinance #9124 would allow for the vacation of a portion of Midaro Drive that was no longer needed because of changes in the development plan.

Motion by Whitesides, second by Brown to approve Ordinances #9114, #9122, #9123 and #9124.

City Clerk: Ordinances #9114, #9122, #9123 #9124 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 #9114, #9122, #9123 #9124 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 #9114, #9122, #9123 and #1924 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda item G-12 was removed for further discussion Motion by Gilbert, second by Haase to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Pawnbroker Official Bond for Stewart’s Pawn Shop, 803 West 4th Street.

Approving Minutes of June 12, 2007 City Council Regular Meeting.

Approving Minutes of June 19, 2007 City Council Study Session.

Approving Appointment of Ann Marsh to the Central District Health Department.

Approving Appointment of John Schultz to the Zoning Board of Adjustment.

#2007-143 – Approving Acquisition of Utility Easement Located at the Southeast Corner of the New HY-VEE Store at Webb Road and Old Potash Highway (HY-VEE, Inc.)

#2007-144 – Approving Acquisition of Utility Easement Located at 1313 Johnstown Road Across from Diamond Plastics (Kevin and Tammie Hulse).

#2007-145 – Approving Bid Award for Cooling Tower Rebuild at Platte Generating Station with Midwest Towers of Blue Springs, Missouri in an Amount of \$409,094.00.

#2007-146 – Approving Bid Award for Boiler Inspection and Repair at Platte Generating Station with W-S Mechanical Group, LLC of Council Bluffs, Iowa in an Amount of \$579,337.11.

#2007-147 – Approving Acquisition of Utility Easement Located at 516 and 508 Sandalwood Drive, South of Faidley Avenue (Rudolf and Jeannice Plate).

#2007-148 – Approving Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2007.

#2007-150 – Approving Setting Board of Equalization Date of July 24, 2007 for Annual Mowing Assessments.

#2007-151 – Approving Change Order No. 1 for Fiber Optic Cable Installation Project 2006-OPGW-III with Kayton Electric of Grand Island, Nebraska for an Increase of \$5,120.00 and a Revised Contract Amount of \$64,853.00.

#2007-152 – Approving Agreement with Farmers National Company of Grand Island, Nebraska for Land Management Services in an Amount of 7% of the Gross Farm Income.

#2007-149 – Approving Release and Rescission of Bid Award for Backhoe/Loader with Nebraska Machinery Co. and Approving Bid Award to Ditch Witch of Nebraska in an Amount of \$59,360.61. It was noted that Nebraska Machinery Co. would be discharged from its bid upon payment to the City for the difference in price.

Motion by Meyer, second by Whitesides to approve Resolution #2007-149. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2007-153 – Consideration of Request from Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for Class “A” Liquor License and Request of Dua Tran Huyen, 303 East 8th Street for Liquor Manager Designation. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Discussion was held regarding the Liquor Control requirements regarding denial.

Motion by Meyer, second by Whitesides to deny the request of Mongolian Vietnamese Restaurant and Liquor Manager Designation with the findings that the application was falsified. Upon roll call vote, all voted aye. Motion adopted.

#2007-154 – Consideration of Request from JG & J, Inc. dba Bullwinkle’s Bar and Grill, 3235 South Locust Street for a Change of Location for Class “C-23100” Liquor License to 2118 North Webb Road. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Meyer, second by Gericke to approve Resolution #2007-154. Upon roll call vote, all voted aye.

#2007-155 – Consideration of Northwestern Gas Rate Negotiation/Increase. Dale Shotkoski, City Attorney introduced Mark Paulson, Attorney representing NorthWestern Energy and Roger Cox, Attorney/Public Advocate representing the Public Service Commission.

Mr. Paulson explained the negotiation process. Requested was that the City negotiate directly with NorthWestern Energy on a proposed rate increase of 5.48. Benefits would be a cost savings to the City and local control.

Mr. Cox explained the history of rate negotiations and the role of the Public Advocate. Benefits to the City would be time savings, expertise, cost studies, availability to consultants and formal discovery process.

Discussion was held concerning the cost to the City if negotiations were held directly with NorthWestern. Mr. Cox stated those costs would be passed through to the customers. Mr. Shotkoski commented that if the City would decide to negotiate directly, the City would need to hire an attorney with expertise in this field.

Motion by Whitesides, second by Carney to approve Resolution #2007-155. Upon roll call vote, Councilmember's Zapata, Gericke, Whitesides, Haase, and Meyer voted aye. Councilmember's Carney, Nickerson, Brown, and Gilbert voted no. Motion failed.

Motion by Gilbert, second by Carney to not negotiate directly with NorthWestern Energy. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of June 13, 2007 through June 26, 2007, for a total amount of \$2,080,609.59. Motion adopted unanimously.

Approving Payment of Claim Submitted by Howard Maxon:

Motion by Meyer to deny the claim submitted by Howard Maxon. Motion died due to lack of a second.

Motion by Whitesides, second by Nickerson to adjourn to executive session at 8:20 p.m. for the purpose of discussing the claim submitted by Howard Maxon. Upon roll call vote, all vote aye. Motion adopted.

Motion by Whitesides, second by Gilbert to return to regular session at 8:50 p.m. Upon roll call vote, all voted aye. Motion adopted.

Motion by Meyer, second by Whitesides to table the claim submitted by Howard Maxon to a future date not yet determined. Upon roll call vote, all voted aye. Motion adopted.

SPECIAL ITEMS:

Motion by Meyer, second by Gericke to adjourn to executive session at 8:55 p.m. for the purpose of updating the council on FOP and IBEW (Wastewater Treatment Plant) Union Contract Negotiations. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION:

Motion by Meyer, second by Gericke to return to regular session at 9:45 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:45 p.m.

RaNae Edwards
City Clerk