



City of Grand Island

Tuesday, November 27, 2007

Council Session

Item G1

Approving Minutes of November 13, 2007 City Council Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 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 November 13, 2007. Notice of the meeting was given in *The Grand Island Independent* on November 7, 2007.

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

INVOCATION was given by Pastor Rod Mohler, First Church of the Nazarene, 1022 West 6th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Ben Robbins and Malorie Meier along with Board Member Randy See. Also mentioned was the Community Services Award CYC received from the Community Improvement Program for Family Day in the Park.

Mayor Hornady mentioned the Old Fashion Downtown Christmas event this Friday, November 16, 2007 from 5:00 p.m. to 8:00 p.m. and the Grand Island Unit of Parliamentarians meeting, Wednesday, November 14, 2007 at 6:30 p.m.

PUBLIC HEARINGS:

Public Hearing on Request of JR Enterprises LLC dba JR Liquor, 624 West 4th Street for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from JR Enterprises LLC dba JR Liquor, 624 West 4th Street for a Class "D" 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 15, 2007; notice to the general public of date, time, and place of hearing published on November 3, 2007; notice to the applicant of date, time, and place of hearing mailed on October 15, 2007; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request of Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th 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 18, 2007; notice to the general public of date, time, and place of hearing published on November 3, 2007; notice to the applicant of date, time, and place of hearing mailed on October 18, 2007; along with Chapter 4 of the City Code. Staff recommended denial based on findings from the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01 and code violations. Bill Francis, Attorney for the applicant requested this item be withdrawn.

Public Hearing Concerning Acquisition of Utility Easement Located at 1119 East 4th Street (East 4th Street Company – Alter Scrap Processing). Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1119 East 4th 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 place primary underground electrical cables and a pad-mounted transformer to provide electric service to a new building under construction at Alter Scrap Processing. No public testimony was heard.

Public Hearing on Request from Chief Industries, Inc. for a Conditional Use Permit for Additional Parking and Use of a Rock or Crushed Concrete Surface for One Year Located at 1208 South Adams Street. Craig Lewis, Building Department Director reported that Chief Industries, Inc. requested a conditional use permit to allow for additional parking and the use of a rock or crushed concrete surface at 1208 South Adams Street. Mr. Lewis recommended approval for a one year period of time with the following stipulations: 1) a landscape buffer of 20' along the east boundary adjacent to Adams Street needed to be provided to comply with the landscape requirements of the City Code, and; 2) the responsibility of controlling any dust created from the lot needed to be addressed by the applicants during any dry months throughout the duration of the use. Don Dunn, Attorney for Chief Industries spoke in support. John Niedfelt, 1028 S. Adams spoke in support with concerns regarding drainage and pedestrian traffic. No further public testimony was heard.

ORDINANCES:

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

- #9142 – Consideration of Amending City Code Chapter 5 Relative to Animal Fee Schedule
- #9143 – Consideration of Amending City Code Chapter 8 Relative to Insurance Requirements for Movers and Wreckers
- #9144 – Consideration of Amending City Code Chapter 15 Relative to Electrical Contractors Insurance Requirements
- #9145 – Consideration of Amending City Code Chapter 18 Relative to Gas General Rules
- #9146 – Consideration of Amending City Code Chapter 26 Relative to Insurance Requirements for Plumbing Water Conditioning Contractor
- #9147 – Consideration of Amending City Code Chapter 31 Relative to Insurance Requirements for Sing Hangers
- #9148 – Consideration of Amending City Code Chapter 15 Relative to Power Cost Adjustment

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

Dale Shotkoski, City Attorney explained Ordinance #9142 which proposed a fee of \$50 for kennel inspection for a potentially dangerous animal and a \$100 annual fee to keep a dangerous animal on a person's property.

Craig Lewis, Building Department Director explained Ordinances #9143, #9144, #9145, #9146, #9147 and #9148 would increase the limit of insurance covering the operation of registered contractors in the are of building movers and wreckers, electrical contractors, water conditioning contractors and sign installers. Also Chapter 18-25 would increase the time required to be in the trade for apprentice and journeyman mechanical fitters.

Gary Mader, Utilities Director reported that if approved Ordinance #9148 would set the October 2007 power cost for purposes of computing the PCA at 22.14 mils per megawatt hour.

Motion by Gilbert, second by Zapata to approve Ordinances #9142, #9143, #9144, #9145, #9146, #9147, and #9148.

City Clerk: Ordinances #9142, #9143, #9144, #9145, #9146, #9147, and #9148 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 #9142, #9143, #9144, #9145, #9146, #9147, and #9148 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: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9142, #9143, #9144, #9145, #9146, #9147, and #9148 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda items G-13 and G-20 were removed for further discussion. Motion by Haase, second by Gilbert to approve the Consent Agenda excluding items G-13 and G-20. Upon roll call vote, all voted aye. Motion adopted.

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

#2007-269 – Approving Acquisition of Utility Easement Located at 1119 East 4th Street (East 4th Street Company – Alter Scrap Processing).

#2007-270 – Approving the National Incident Management System (NIMS) as the Standard for Incident Management.

#2007-271 – Approving Interlocal Agreement for Cooperative Public Safety Services with the South Central Planning, Exercise and training Region (SCPETR).

#2007-272 – Approving State Bid Award for (1) 2008 Dodge Ram Pickup for the Emergency Management Department with Lincoln Dodge, Inc. or Lincoln, Nebraska in an Amount of \$24,576.00.

#2007-273 – Approving Intergovernmental Agreement with the Nebraska Department of Environmental Quality for Storm water Management Plan Program.

#2007-274 – Approving Change Order #1 for US Highway 30 and Public Safety Drive Signal Project No. 2006-TS-1 with Ensley Electrical Services, Inc. of Grand Island, Nebraska for an increase of \$4,644.00 and a Revised Contract Amount of \$90,479.60.

#2007-275 – Approving State Bid Award for (1) 2008 Ford F250 XL 4x4 Pickup for the Engineering Division of the Public Works Department with Anderson Ford Lincoln Mercury of Lincoln, Nebraska in an Amount of \$23,399.00.

#2007-276 – Approving Certificate of Final Completion for Handicap Ramp Project No. 2007-1 with Galvan Construction, Inc. of Grand Island, Nebraska.

#2007-277 – Approving State Bid Award for (1) ½ Ton Ford Pickup Truck for the Streets and Transportation Division of the Public Works Department with Anderson Ford Lincoln Mercury of Lincoln, Nebraska in an Amount of \$22,090.00.

#2007-278 – Approving State Bid Award for (6) Ford Crown Victoria’s Police Fleet Vehicles with Anderson Ford of Grand Island, Nebraska in an Amount of \$130,374.00.

#2007-279 – Approving Contract for Council Chamber Audio/Video/Voting System Equipment Upgrade with AVI Systems of Omaha, Nebraska in an Amount of \$107,948.00.

#2007-281 – Approving Amendment to the 2007/2008 Fee Schedule.

#2007-282 – Approving Change Order #2 – Water Main District 455 – Park-View Area with Starostka Group Unlimited, Inc. of Grand Island, Nebraska to Extend the Warranty Period on the Backfill for Three Years at not Additional Cost.

#2007-283 – Approving Bid Award for Uniform Rental for Utilities and Public Works Employees with Paramount Linen and Uniform of Kearney, Nebraska in an Amount of \$23,150.14 Annually.

#2007-284 – Approving Change Order #1 for Boiler Inspection and Repair Contract with W-S Mechanical Group, LLC of Council Bluffs, Iowa for an Increase of \$123,237.93 and a Revised Contract Amount of \$702,575.04.

#2007-285 – Approving Final Plat and Subdivision Agreement for Deadwood Second Subdivision. It was noted that Kevin and Tammie Hulse, owners had submitted a Final Plat for Deadwood Second Subdivision located south of W. Old Highway 30, between Johnstown Road and Claude Road. This proposes to create 2 lots on a tract of land comprising all of Lot Six (6), Deadwood Subdivision consisting of approximately 4.652 acres. Councilmember Gilbert voted no.

#2007-286 – Approving State Bid Award for (1) 2008 Chevrolet Impala for the Building Department with Sid Dillon Chevrolet-Buick-Pontiac of Wahoo, Nebraska in an Amount of \$15,597.00.

#2007-288 – Approving State Bid Award for Portable Radios for the Fire Department with Platte Valley Communications of Grand Island, Nebraska in an Amount of \$43,255.10.

#2007-289 – Approving Right-of-Way Acquisition Certification for Capital Avenue Widening Project.

#2007-280 – Approving Contract for Electric Load Profiling & Cost of Service Study with Christensen Associates of Madison, Wisconsin in an Amount not to exceed \$200,000.00. Gary Mader explained the study was substantially different than the economic study done in 2004. This study would be a cost of service study.

Motion by Gilbert, second by Haase to approve Resolution #2007-280. Upon roll call vote, all voted aye. Motion adopted.

#2007-287 – Approving Reallocating \$250,000.00 within the General Fund for the Purpose of the Law Enforcement Center Costs in Excess of Budget. Ryan Greenwood, 3324 Primrose Drive spoke about concerns of increasing taxes to cover this expense. Steve Lamken, Police Chief explained the reason for the extra expense. It was mentioned this money was a reallocation of funds.

Motion by Zapata, second by Brown to approve Resolution #2007-287. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Chief Industries, Inc. for a Conditional Use Permit for Additional Parking and Use of a Rock or Crushed Concrete Surface for One Year Located at 1208 South Adams Street. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing. Discussion was held concerning the pedestrian crossing.

Motion by Gilbert, second by Haase to approve the request from Chief Industries, Inc. for a Conditional Use Permit for a one year period of time with the following conditions: 1) a landscape buffer of 20' along the east boundary adjacent to Adams Street needed to be provided to comply with the landscape requirements of the City Code, and; 2) the responsibility of controlling any dust created from the lot needed to be addressed by the applicants during any dry months throughout the duration of the use. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2007-290 – Consideration of Request of JR Enterprises LLC dba JR Liquor, 624 West 4th Street for a Class “D” Liquor License and Liquor Manager Designation for Judy Sheeks-Rivas, 3207 East Seedling Mile Road. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Gericke to approve Resolution #2007-290. Upon roll call vote, all voted aye. Motion adopted.

#2007-291 – Consideration of Approving Request of Munoz R. Rodriguez, Inc. dba Zona Rosa Nightclub, 611 East 4th Street for a Class “C” Liquor License and Liquor Manager Designation for Elsy Ramos, 243 South Sycamore. This item was withdrawn at the request of the applicants attorney.

#2007-292 – Consideration of Designating Old Fire Station No. 1 as Surplus Property and Directing Method of Disposal. Jim Rowell, Fire Chief reported that Fire Station 1 located at 302 South Pine was replaced by the new fire station at 409 East Fonner Park Road. Chief Rowell explained two general approaches to the sale of this kind of real estate was either auction or request for proposals which could include a business plan and schedule for the project.

Motion by Meyer, second by Carney to approve Resolution #2007-292.

Discussion was held concerning the method of disposal. Dale Shotkoski, City Attorney explained the sale would be subject to a remonstrance similar to the old City Hall building.

Motion by Meyer, second by Brown to amend the motion to direct the method of disposal through the Request for Proposal process including a business plan and a timeline. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote of the main motion including the amendment, Councilmember’s Brown, Haase, Zapata, Nickerson, Carney, Gilbert, and Meyer voted aye. Councilmember Gericke voted no. Motion adopted.

#2007-293 – Consideration of Northwestern’s Application for Natural Gas Rate Adjustment. Dale Shotkoski, City Attorney reported that the cities of Grand Island, Kearney, North Platte and the Village of Alda were in negotiations with Northwestern and had agreed to an adjustment for new natural gas rates. Mr. Shotkoski explained the surcharge fee in the amount of \$86,000 annually to be used for economic development purposes.

Jim Hartman, 4153 Driftwood Drive representing Northwestern discussed the surcharge fee.

Motion by Gilbert, second by Haase to approve Resolution #2007-293 with the economic development surcharge. Upon roll call vote, Councilmember’s Brown, Gericke, Carney, Gilbert, and Meyer voted yes. Councilmember’s Haase, Zapata, and Nickerson voted no. Mayor Hornady voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of October 24, 2007 through November 13, 2007, for a total amount of \$6,986,178.13. Motion adopted unanimously.

Motion by Brown, second by Haase to approve the following Claims for the Library Expansion for the Period of October 24, 2007 through November 13, 2007:

- #93 \$1,440.00
- #94 \$645.00
- #95 \$2,065.35

#96	\$1,486.50
#97	\$152,855.06
#98	<u>\$410.00</u>

Total \$158,901.91

Motion adopted unanimously.

ADJOURN TO EXECUTIVE SESSION:

Motion by Meyer, second by Haase to adjourn to executive session at 8:30 p.m. for the purpose of discussing FOP, IAFF, and IBEW union negotiations and real estate acquisition for Capital Avenue condemnation. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION:

Motion by Meyer, second by Brown to return to Regular Session at 10:10 p.m. Upon roll call vote, all voted aye. Motion adopted.

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

RaNae Edwards
City Clerk