



City of Grand Island

Tuesday, February 26, 2008

Council Session

Item G1

Approving Minutes of February 12, 2008 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 12, 2008

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 12, 2008. Notice of the meeting was given in *The Grand Island Independent* on February 6, 2008.

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, Ramsey, Niemann, and Meyer. 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 Jay Vetter, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady commented on the new voting/sound/visual system in the Council Chambers. Mayor Hornady acknowledged Community Youth Council members Megan Bombeck, Lauren Shoemaker, and Kayla Harris. Introduced were Boy Scout Troop #117 and Scout Master Rod Boehler.

PUBLIC HEARINGS:

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 22, 2008 Regular Meeting. The Regional Planning Commission conducted a Public Hearing at their February 6, 2008 meeting. Mr. Riehle presented a PowerPoint explaining the recommendations. Attorney Daniel Placzek, 104 North Wheeler Avenue representing Dan & Chris Fogland spoke in opposition to the Broadwell underpass, Marlan Ferguson, representing the Economic Development Corporation spoke in support of several projects, Jay Vavricek, 2729 Brentwood Blvd. spoke of concerns of traffic east of Highway 281 to Webb Road. No further public testimony was heard.

Public Hearing on Request from Hy-Vee, Inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Hy-Vee, Inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue 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 January 14, 2008; notice to the general public of date, time, and place of hearing published on February 2, 2008; notice to the applicant of date, time, and place of hearing mailed on January 14, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Pat Hensley representing Hy-Vee spoke in support. No further public testimony was heard.

Public Hearing on Request from Hy-Vee, Inc. dba Hy-Vee Gas #1221, 118 Wilmar Avenue for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Hy-Vee, Inc. dba Hy-Vee Gas #1221, 115 Wilmar Avenue 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 January 14, 2008; notice to the general public of date, time, and place of hearing published on February 2, 2008; notice to the applicant of date, time, and place of hearing mailed on January 14, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Pat Hensley representing Hy-Vee spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3321 Island Circle – West of Webb Road and South of Highway 30 (GIAET, LLC). Gary Mader, Utilities Director reported that a utility easement was needed at 3321 Island Circle in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place high voltage cable and a pad-mounted transformer to provide electric service to the new Lacy building. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 731 Allen drive in Lot 1 and Lot 2 of Meadowlark West Fifth Subdivision (Allen Phase III, LLC). Steve Riehle, Public Works Director reported that a public utility easement was needed on Lots 1 and 2 of Meadowlark West Fifth Subdivision for the extension of sanitary sewer. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Motion by Zapata, second by Nickerson to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 22, 2008 City Council Regular Meeting.

Approving Minutes of January 26, 2008 City Council Special Study Session Retreat.

Approving Appointment of Bruce Eberle to Business Improvement District #5.

#2008-31 – Approving Change Order #1 for Public Safety Drive Paving, Street Improvement Project Number 2006-P-2 with Starostka Group Unlimited, Inc. of Grand Island, Nebraska for an increase of \$967.00 and a Revised Contract Amount of \$250,330.48.

#2008-32 – Approving Certificate of Final Completion for Street improvement Project Number 2006-P-2, Public Safety Drive with Starostka Group Unlimited, Inc. of Grand Island, Nebraska.

#2008-33 – Approving the Certificate of Compliance with the Nebraska Department of Roads for Maintenance Agreement No. 12; Calendar Year 2007.

#2008-34 – Approving Bid Award for Sanitary Sewer District No. 96 Replacement, Between Yund & Division Streets, from Plum Street tot Vine Street with The Diamond Engineering Co. of Grand Island, Nebraska in an Amount of \$47,797.23.

#2008-35 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads.

#2008-36- Approving Acquisition of Utility Easement Located at 3321 Island Circle, West of Webb Road and South of Highway 30 (GIAET, LLC).

#2008-37 – Approving Bid Award for Office, Lab & Maintenance Room Fire Protection at Platte Generating Station with Nebraska Fire Sprinkler of Alda, Nebraska in an Amount of \$41,200.00.

#2008-38 – Approving Confidentiality Agreement for Community Wind Energy Transmission, LLC.

#2008-39 – Approving Bid Award for Skid Steer Loader for the Water Shop, Utilities Department with Central Nebraska Bobcat of Grand Island, Nebraska in an Amount of \$47,457.73.

#2008-40 – Approving Extension Request for Block Grant 05-CR-015 Community Revitalization, Phase I.

#2008-41 – Approving Subordination Agreement for Tony and Kristy Casarez, 610 East 12th Street.

#2008-42 – Approving License Agreement with America's Promise Alliance for Use of Logo.

#2008-43 – Approving Final Plat and Subdivision Agreement for Dinsdale Subdivision. It was noted that owner, Dinsey, L.L.C. had submitted the Final Plat and Subdivision Agreement for Dinsdale Subdivision located on replat Lot 1, Hamilton-Kinman Subdivision and a tract of land in the SE 1/4 of Section 24-11-10 consisting of approximately 7.002 acres for the purpose of creating 2 lots.

#2008-44 – Approving Change Order No. 17 with Chief Construction Company of Grand Island, Nebraska for Law Enforcement Center for an Increase of \$6,695.55 and a Revised Contingency Fund Amount of \$69,926.45.

#2008-45 – Approving Change Order No. 18 with Chief Construction Company of Grand Island, Nebraska for Law Enforcement Center for the Reduction of \$45,000.00 Assessment in Late Penalties and a Reduction of \$45,000.00 in the Contingency Fund leaving a balance in the Contingency Fund of \$24,926.45 and a Revised Contract Amount of \$7,316,080.00.

#2008-46 – Approving Substantial Completion with Chief Construction Company of Grand Island, Nebraska for the Law Enforcement Center.

#2008-47 – Approving Bid Award for Structural Firefighters Protective Clothing with Municipal Emergency Services of Fremont, Nebraska in an Amount of \$82,712.00.

#2008-48 – Approving Agreement for Temporary Construction Occupancy with Shafer Properties, LLC for Property Located at 1010 North Diers Avenue.

#2008-49 – Approving Agreement for Temporary Construction Occupancy with Westgate Properties, LLC for Property Located at 1004 North Diers Avenue.

#2008-50 – Approving Acquisition of Public Utility Easement Located at 805 Allen Drive and 721 Allen Drive in Lot 1 & Lot 2 of Meadowlark West Fifth Subdivision (Allen Phase III, LLC).

#2008-51 – Approving Agreement with Scott Health & Safety of Monroe, North Carolina for In-House Repair Center of SCBA Equipment.

RESOLUTIONS:

#2008-52 – Consideration of One and Six Year Street Improvement Program. This item related to the aforementioned Public Hearing.

Discussion was held concerning the Broadwell underpass, traffic on Webb Road and Old Potash Highway by Hy-Vee, South Locust landscaping, Capital Avenue, Stolley Park east of the Event Center, and round-a-bouts.

Motion by Carney, second by Niemann to approve Resolution #2008-52. Upon roll call vote, all voted aye. Motion adopted.

#2008-53 – Consideration of Request from Hy-Vee, Inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue for a Class “C” Liquor License and Liquor Manager Designation for Nicholas Steinbach, 21938 Trailridge Blvd., Elk Horn, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Gericke, second by Brown to approve Resolution #2008-53 contingent upon final inspections and the request for Liquor Manager Designation from Nicholas Steinbach contingent upon Mr. Steinbach completing a state approved alcohol server/seller training program.

Motion by Nickerson, second by Meyer to amend the motion for on sale consumption restricted to promotional tasting by consumers. Upon roll call vote, Councilmember’s Brown, Haase, Zapata, Nickerson, Gericke, Carney, Ramsey, Niemann, and Meyer voted aye. Councilmember Gilbert voted no. Amendment adopted.

Upon roll call vote of the main motion with amendment, all voted aye. Motion adopted.

#2008-54 – Consideration of Request from Hy-Vee, Inc. dba Hy-Vee Gas #1221, 118 Wilmar Avenue for a Class “D” Liquor License and Liquor Manager Designation for Nicholas Steinbach, 21938 Trailridge Blvd., Elk Horn, Nebraska. This item relates to the aforementioned Public Hearing.

Motion by Gericke, second by Brown to approve Resolution #2008-54 contingent upon final inspections and the request for Liquor Manager Designation from Nicholas Steinbach contingent upon Mr. Steinbach completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2008-55 – Consideration of Resolution for Proposed Ballot Measure Banning Smoking. Various efforts had taken place in Grand Island for several years on a smoking ban. Councilmember Haase had requested Council consideration of a Resolution to place a smoking

limitation on the May 13, 2008 Primary ballot which would mirror the ordinance currently in effect in Lincoln.

Motion by Haase, second by Gilbert to approve Resolution #2008-55.

The following people spoke regarding the smoking ban:

Ron King, 2615 West Charles Street – opposed
Megan Bombeck, 2129 Macron Street - support
Lauren Shoemaker, 220 West 23rd Street p - support
Lowell Hamilton, 305 Cherokee Avenue- opposed
Curtis Cellar, 4258 Nevada Avenue - opposed

Discussion was held on LB 395 and the timing of a possible state law, smoking ban relative to private clubs, council goal, election costs, differences between Lincoln and Omaha ordinances, prosecuting/enforcement issues, and other states with smoking bans.

Motion by Haase, second by Gilbert to call the question. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote of the motion to approve Resolution #2008-55 Councilmember's Brown, Haase, Gilbert, Niemann, Ramsey, and Zapata voted aye. Councilmember's Nickerson, Carney, Meyer, and Gericke voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of January 23, 2008 through February 12, 2008, for a total amount of \$3,556,350.63. Motion adopted unanimously.

Motion by Brown, second by Haase to approve the following Claim for the Library Expansion for the Period of December 19, 2007 through February 12, 2008:

#103 \$16,084.25

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

RaNae Edwards
City Clerk