



City of Grand Island

Tuesday, March 11, 2008

Council Session

Item G2

Approving Minutes of February 26, 2008 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 26, 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 26, 2008. Notice of the meeting was given in *The Grand Island Independent* on February 20, 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 Paul Hofrichter, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady complimented Public Information Officer Wendy Meyer-Jerke on the presentation given at the Nebraska League of Municipalities Conference today in Lincoln regarding the Community Youth Council.

PUBLIC HEARINGS:

Public Hearing on Request from AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for an Addition to their Class "I-61118" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for an addition to their Class "I-61118" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 11, 2008; notice to the general public of date, time, and place of hearing published on February 16, 2008; notice to the applicant of date, time, and place of hearing mailed on February 12, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Acquisition of Sanitary Sewer Easement Located in the SE 1/4 of the NE 1/4 of Section 23-11-10 between Springdale Second Subdivision and North Road (Karen J. Bredthauer). Steve Riehle, Public Works Director reported that a sanitary sewer easement was needed in unplatted land in the SE 1/4 of the NE 1/4 of Section 23-11-10 between Springdale Second Subdivision and North Road for the construction, operation, maintenance, extension, repair, replacement, and removal of sanitary sewer within the easement. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Consent agenda item G-4 was pulled from the agenda. Consent item G-10 was pulled for further discussion. Motion by Zapata, second by Brown to approve the Consent Agenda excluding items G-4 and G-10. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of February 12, 2008 City Council Regular Meeting.

Approving Minutes of February 19, 2008 City Council Study Session.

#2008-56 – Approving Application and Memorandum of Understanding for Safe Haven: Office on Violence Against Women Grant.

#2008-57 – Approving Bid Award for Spent Activated Carbon and Fly Ash Waste Conveying, Storage and Conditioning System for Platte Generating Station with Clyde Bergemann Delta Ducon of Malvern, Pennsylvania. This item was pulled from the agenda at the request of the Utilities Department.

#2008-58 – Approving Bid Award for Twelve (12) 115 kV Transformer Bushings with PCore Electric of LeRoy, New York in an Amount of \$48,984.60.

#2008-59 – Approving Bid Award for Transmission Line Work – Contract #08-PCC-01 with Schmader Electric Construction Co. of West Point, Nebraska in an Amount of \$179,642.25.

#2008-60 – Approving Tim Luchsinger, Assistant Utilities Director as Alternate Management Committee Representative to the Municipal Energy Agency of Nebraska.

#2008-61 – Approving Bid Award for Swimming Pool Chemicals at Island Oasis with Aqua-Chem, Inc. of Bellevue, Nebraska in an Amount of \$14.50 per bag for Sodium Bicarbonate; \$24.00 per drum for Hydrochloric Acid; \$52.25 per bag for Cyanuric Acid; \$135.00 per drum for Calcium Hypochlorite; \$1.16 per gallon for Sodium Hypochlorite; and \$1.25 per gallon for Hydrochloric Acid.

#2008-62 – Approving Contract for Soft Drink Services for Aquatic Facilities with Pepsi Bottling Group of Grand Island, Nebraska.

#2008-64 – Approving Change Order No. 1 for Re-Alignment of Riverway Trail with The Diamond Engineering Company of Grand Island, Nebraska for an increase of \$1,710.00 and a Revised Contract Amount of \$341,133.85.

#2008-65 – Approving Modification to Golf Pro Contract with Don E. Kruse of Grand Island, Nebraska for the Operation and Management Services for Jackrabbit Run Golf Course.

#2008-66 – Approving Bid Award for Purchase of Furnishings for Building 6 Expansion for Waste Water Treatment Plant with Eakes Office Plus of Grand Island, Nebraska in an Amount of \$21, 684.00.

#2008-67 – Approving Acquisition of Sanitary Sewer Utilities Easement in Springdale Second Subdivision (Karen J. Bredthauer).

#2008-68 – Approving Designating No Parking Zones for Westbound US Highway 30 (2nd Street) Detour.

#2008-69 – Approving Amendment to Resolution #2008-47 Regarding Structural Firefighters Protective Clothing with Municipal Emergency Services, Inc. of Fremont, Nebraska for a Decreased Amount of \$956.00 and a Revised Purchase Price of \$81,756.00.

#2008-70 – Approving Demonstration Grant Contract with Nebraska Children and Families Foundation.

#2008-71 – Approving Continuation Grant Contract with Nebraska Children and Families Foundation.

#2008-72 – Approving Designating 415 East 9th Street as Surplus Property and Directing Method of Disposal.

#2008-73 – Approving Mid-Continent Area Power Pool (MAPP) CEII Non-Disclosure Agreement – Utilities Department.

#2008-63 – Approving Policies and Procedures for Use of Parks & Recreation Facilities. Steve Paustian, Parks & Recreation Director reported a usage policy had been drafted that would allow the Park and Recreation Department control over the use of recreational facilities.

Mark Galvin, 584 East 20th Street and Jan Sorenson, 312 West 17th Street spoke in support. Discussion was held by the council on use of the fields, scheduling, and concession revenue.

Motion by Gilbert, second by Carney to approve Resolution #2008-63. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Ray and Dianne Stahla to Amend the Park Plan for Stahla Mobile Park Located in the 2200 Block of South Engleman Road. Craig Lewis, Building Department Director reported that a request had been made by Ray and Dianne Stahla to amend their Park Plan for Stahla Mobile Park to modify two existing manufactured home sites on Lots 50 and 61. Lot 50 would be modified to allow for one additional recreation vehicle and Lot 61 would create one new recreational vehicle space. City Administration recommended approval with the condition that the required parking pad be completed by April 15, 2008.

Motion by Gilbert, second by Ramsey to approve the request from Ray and Dianne Stahla to amend the Park Plan for Stahla Mobile Park with the condition that the required parking pad be completed by April 15, 2008. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2008-74 – Consideration of Request from AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for an Addition to their Class “I-61118” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Brown to approve Resolution #2008-74 contingent upon final inspections. Upon roll call, all voted aye. Motion adopted.

#2008-75 – Consideration of Economic Development Incentive Agreement with Hastings Foods, LLC. Marlan Ferguson, Economic Development Corporation (EDC) President reported that Hastings Foods, LLC had submitted an application for EDC incentives that would create 35 new full time employee (FTE) positions at \$2,000 per job for a maximum assistance of \$70,000.

Hastings Foods intends to expand its current facility in Hastings, Nebraska to the Grand Island area. It is a meat processing plant that custom produces products primarily for export to Japan. They have entered into a (10) year lease for a building being built at 3321 Island Circle in Grand Island. Gary Deal, owner spoke in support.

Motion by Haase, second by Gilbert to approve Resolution #2008-75. Upon roll call vote, all voted aye. Motion adopted.

#2008-76 – Consideration of Economic Development Incentive Agreement with Nova-Tech, Inc. Marlan Ferguson, Economic Development Corporation (EDC) President reported that Nova-Tech, Inc. had submitted an application for EDC incentives that would create 30 new full time employee (FTE) positions at \$2,000 per job for a maximum assistance of \$60,000 and \$100,000 to offset infrastructure costs related to a new manufacturing corporate headquarters.

Nova-Tech, Inc. intends to expand their FDA Registered Device manufacturing facility which began as an animal blood collection and sterile serum facility. In 2000 they added the FDA Drug registration and are now focused on the aseptic fill of large volume and small volume sterile injectables, specifically fluids, minerals and vitamin products custom manufactured for Animal Health Distributors.

Gloria Thesanvitz, owner spoke in support. Kevin Prior representing Olsson Associates presented a PowerPoint explaining the background of Nova-Tech.

Motion by Haase, second by Gericke to approve Resolution #2008-76. Upon roll call vote, all voted aye. Motion adopted.

#2008-77 – Consideration of Resolution of Intent to Finance Mercury Emissions Control Project at Platte Generating Station. This item was pulled from the agenda at the request of the Utilities Department.

#2008-78 – Consideration of Resolution of Intent to Issue Tax-Exempt Industrial Development Revenue Bonds for Microgy Grand Island, LLC. David Springer, Finance Director reported that the growth in production and processing over the last four years at the Swift & Company plant has put a strain on the City's Waste Water Treatment Plant (WWTP). The proposed Microgy facility, together with an additional holding pond, currently under construction at Swift, were intended to help reduce the flow and the solids content to the WWTP and provide an environmental friendly generation of biogas to be used in their facility.

The Microgy facility meets the criteria for the issuance of Industrial Development Revenue Bonds. These would be limited obligations of the City payable solely from payments made by the Company under a lease agreement with the City and would not constitute a liability to the City, nor would they be payable from any tax source.

Motion by Carney, second by Gericke to approve Resolution #2008-78. Upon roll call vote, all voted aye. Motion adopted.

#2008-79 – Consideration of Model Ordinance for Smoking Ban. Dale Shotkoski, City Attorney reported that Council approved Resolution 2008-55 at their February 12, 2008 meeting to put on the ballot at the May Primary the issue of a Smoking Ban. This item was a model ordinance based upon the language used in the Lincoln Smoking Ban Ordinance.

The following people spoke regarding the smoking ban:

- Curtis Cellar, 4258 Nevada Avenue requested council wait until 2009
- Richard Fruehling, 3604 South Blaine spoke in support
- Ron King, 2615 West Charles requested council wait until 2009
- Richele Cellar, 4258 Nevada Avenue spoke of concerns about Fonner Park being exempt
- Todd Carpenter, 2703 West 2nd Street requested council wait until 2009
- Teresa Anderson, Central District Health Department updated council on the background of the smoking ban

Motion by Haase, second by Gilbert to approve Resolution #2008-79. Upon roll call vote, Councilmember's Brown, Haase, Zapata, Nickerson, Gericke, Carney, Gilbert, Ramsey, and Niemann voted aye. Councilmember Meyer voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of February 13, 2008 through February 26, 2008, for a total amount of \$2,725,858.51. Motion adopted unanimously.

EXECUTIVE SESSION: Motion by Meyer, second by Gericke to adjourn to Executive Session for the purpose of an update on FOP Union Contract Negotiations and IAFF pending litigation at 8:35 p.m. 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