



City of Grand Island

Tuesday, September 09, 2008

Council Session

Item G1

Approving Minutes of August 26, 2008 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 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 August 26, 2008. Notice of the meeting was given in *The Grand Island Independent* on August 20, 2008.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Brown, Haase, Zapata, Gericke, Carney, Gilbert, Ramsey, Niemann, and Meyer. Councilmember Nickerson 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 Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

COMMUNICATION: Mayor Hornady introduced Community Youth Council members Paige Liess and Claire Mackey.

PUBLIC HEARINGS:

Public Hearing on Request from Hooker Brothers Construction Co. for a Conditional Use Permit to Stockpile Recyclable Concrete and Asphalt Located at 3016 North Webb Road. Craig Lewis, Building Department Director reported Hooker Brothers Construction Co. had applied for a Conditional Use Permit to stockpile concrete and asphalt materials at 3016 North Webb Road It was recommended council approve the conditional use permit with the following conditions:

- (a). The permit shall be granted for a two year period with the possibility of a renewal at the end of the initial period.
- (b). Pumping of material for sale shall not be allowed. Pumping and dredging to reshape and create an adequate depth of the proposed lake is permissible.
- (c). The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of completion. A setback of 100 feet from any adjacent property line shall be maintained between any reshaping of the lake or any recycling operation.
- (d). Development activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturday. No development activities shall be permitted on Sundays or from fifteen minutes after sunset or fifteen minutes before sunrise.
- (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or it's successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manor that it would violate any safety provisions of the National Electric Safety code.
- (f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times be kept in a clean and neat condition.

- (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed, or located upon such real estate.
- (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
- (i). Applicant shall maintain any and all drainage ditches that may be located upon the real estate.
- (j). Applicant shall not permit the hauling of any material from the premises over and across any public highway or road unless said material is completely dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
- (k). All water accumulated upon the premises by virtue of such operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same historical natural drainage ways.
- (l). If at any time during the life of the permit the operation shall cease for a continuous 12 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

The following people spoke:

- Theresa Marble, 3004 N. Webb Road – support with conditions as presented by the Building Department
- Golda Bockbrader, 3005 N. Webb Road – spoke of concerns with depth of lake and water problems
- Jim Washington, 3012 N. Webb Road - opposed
- Kelley Sok, 3120 N. Webb Road – support with conditions as presented by the Building Department
- Rod Hooker, Hooker Brothers Construction Company - support

No further public testimony was heard.

Public Hearing and Approval of Revolving Loan Funds for Environmental Review Update at Cornhusker Army Ammunition Plant/Industrial Park. Joni Kuzma, Community Development Administrator reported the Reuse Committee met on August 12, 2008 and voted to recommend the City Council approve use of \$43,750 of Reuse funds for the Cornhusker Industrial Park environmental review. No public testimony was heard.

Public Hearing on Creation of Business Improvement District #8, Downtown. Wes Nespor, Attorney reported the Mayor and Council set preliminary boundaries and appointed an initial Board of Director for Business Improvement District #8. The next step in the process was to hold a public hearing to hear all protests and receive evidence for or against the District and to adopt the Ordinance formally creating the District.

The following people spoke:

- Galen Lambrecht, 1112 East Street, Wood River – opposed
- Terry Taylor, 222 South Eddy Street – opposed
- Bill Francis, Attorney for five property owners spoke in opposition and submitted a Protest Petition signed by James S. Reed, Arlene M. Baasch, Richard H. Baasch, Ronald

E. Trumpe, and Larry C. Gerdes. Also commented on a mistake in Resolution #2008-211 setting the boundaries for BID #8.

- Bruce Eberle, 3219 Hiawatha – supported
- Larry Royle, 112 West Charles - opposed

No further public testimony was heard. City Clerk RaNae Edwards read the names of those owners protesting the district.

Mr. Nespor explained the process of what needed to happen before the Public Hearing was closed and the opportunity for those present to sign a protest. This matter was delayed to the end of the meeting.

CONSENT AGENDA: Consent agenda item G-11 was pulled for further discussion. Motion by Meyer, second by Zapata to approve the Consent Agenda excluding item G-11. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim Filed by Jeff Raitt.

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

Approving Minutes of August 19 and 20, 2008 City Council Budget Meetings.

#2008-218 – Approving Interlocal Agreement for the Central Nebraska Environmental Complex.

#2008-219 – Approving Grant Application with the Nebraska Environmental Trust for the Central Nebraska Environmental Complex.

#2008-220 – Approving Resolution of Intent to Create Business Improvement District #6, Second Street.

#2008-221 – Approving Resolution of Intent to Create Business Improvement District #7, South Locust Street from Hwy 34 to Stolley Park Road.

#2008-222 – Approving FY 2008-2009 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road and Setting September 23, 2008 for Board of Equalization.

#2008-223 – Approving FY 2008-2009 Annual Budget for Business Improvement District #6, 2nd Street from Garfield Avenue to Eddy Street and Setting September 23, 2008 for Board of Equalization.

#2008-224 – Approving FY 2008-2009 Annual Budget for Business Improvement District #7, South Locust Street from Stolley Park Road to Highway 34 and Setting September 23, 2008 for Board of Equalization.

#2008-226 – Approving Revolving Loan Funds for Environmental Review Update at Cornhusker Army Ammunition Plant/Industrial Park.

#2008-227 – Approving Bid Award for Skid Steer Loader for the Streets Division with Central Nebraska Bobcat of Grand Island, Nebraska in an Amount of \$24,430.00.

#2008-228 – Approving Contract for Anaerobic Digestion System for the Wastewater Division of the Public Works Department with Black and Veatch of Kansas City, Missouri in an Amount not-to-exceed \$900,000.00.

#2008-229 – Approving Change Order No. 1 for the 2008 Asphalt Resurfacing Project No. 2008-AC-1 with Gary Smith Construction Company, Inc. of Grand Island Nebraska for an Increase of \$29,216.24 and a Revised Contract Amount of \$747,592.92.

#2008-230 – Approving Certificate of Final Completion for the 2008 Asphalt Resurfacing Project No. 2008-AC-1 with Gary Smith Construction Company, Inc. of Grand Island, Nebraska.

#2008-231 – Approving Contract Amount Correction to Resolution 2008-122; Bid Award to The Diamond Engineering Company of Grand Island, Nebraska for the Construction of Street Improvement District No. 1256; Correct Amount of \$3,379,328.25.

#2008-232 – Approving Annual Agreement for Operating System and Database Administration Support with MUNIS, Inc. for September 14, 2008 to September 13, 2009 for Operating System Support \$22,755.32; Munis Licensing and Support \$78,977.30; Data Base Service Support \$4,583.25; and User Interface Support \$3,000.00.

#2008-233 – Approving Renewal of Boiler and Machinery Insurance for Utilities Department with Factory Mutual Insurance Company of St. Louis, Missouri in an Amount of \$393,651.00.

#2008-234 – Approving Agreement with Platte Valley Weed Management Area for Invasive Plant Control and River Restoration at no cost to the City.

#2008-235 – Approving One (1) 500W Analog UHF Television Transmitter with Installation with LARCAN USA of Lafayette, Colorado in an Amount of \$36,550.00.

REQUESTS AND REFERRALS:

Consideration of Request from Hooker Brothers Construction Co. for a Conditional Use Permit to Stockpile Recyclable Concrete and Asphalt Located at 3016 North Webb Road. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Discussion was held concerning the crushed asphalt and the depth of the lake.

Motion by Gilbert second by Carney to approve the request with conditions as presented at the Public Hearing.

Motion by Gericke, second by Haase to amend the motion for a two year permit only.

Discussion was held whether Hooker Brothers could come back to Council to continue the permit after the two years expired. Craig Lewis, Building Department Director stated they could.

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

Upon roll call vote on the amendment to limit the permit to two years, Councilmember's Gericke, Zapata, Haase, and Brown voted aye. Councilmember's Meyer, Niemann, Ramsey, Gilbert, and Carney voted no. Motion failed.

Upon roll call vote of the main motion, Councilmember's Brown, Haase, Zapata, Carney, Gilbert, Ramsey, Niemann and Meyer voted aye. Councilmember Gericke voted no. Motion adopted.

Consideration of Adding Storm Management System along Stolley Park Road to the FY 2008/2009 Budget. Steve Riehle, Public Works Director reported this item was postponed from the August 20, 2008 City Council meeting. A PowerPoint presentation was presented on the Stolley Park and Southwest Drainage system.

Steve Millnitz, 3004 Brentwood Court spoke in support of using City dollars to address this problem. Tami Waechter, 3011 Brentwood Blvd. spoke in support and presented a petition for study to create a dewatering district.

A lengthy discussion was held concerning the problems with water drainage in the Brentwood and Stolley Park Road areas, cleaning out ditches, gate to be added to the Blaine Street storm drain pipe, concerns with putting water downstream on someone else, costs and time frame for short term and long term solutions.

City Administrator Jeff Pederson recommended the council create an appropriation in the amount of \$250,000 this year for this area with additional funding to following. Mayor Hornady commented on the complexity of water issues in the City.

Motion by Gilbert, second by Brown to approve adding the storm management system along Stolley Park Road to the FY 2008-2009 Budget in the amount of \$250,000. Upon roll call vote, Councilmember's Nieman, Gilbert, Carney, Gericke, Zapata, Haase and Brown voted aye. Councilmember's Meyer and Ramsey voted no. Motion adopted.

Conclusion of Public Hearing on Creation of Business Improvement District #8, Downtown.

Motion by Carney, second by Ramsey that 12 protests for District #8 are valid but constitute less than 50% of the assessable units in the District. Upon roll call vote, all voted ayes. Motion adopted.

ORDINANCES:

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

#9180 – Consideration of Creating Business Improvement District #8, Downtown

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

Motion by Meyer, second by Gericke to approve Ordinance #9180.

City Clerk: Ordinance #9180 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 #9180 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 #9180 is declared to be lawfully adopted upon publication as required by law.

#2008-225 – Approving FY 2008-2009 Annual Budget for Business Improvement District #8, Downtown and Setting September 23, 2008 for Board of Equalization.

Motion by Meyer, second by Ramsey to approve Resolution #2008-225. 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 August 13, 2008 through August 26, 2008, for a total amount of \$5,524,652.81. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

RaNae Edwards
City Clerk