



# **City of Grand Island**

**Tuesday, October 14, 2008**

**Council Session**

## **Item G1**

**Approving Minutes of September 23, 2008 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 23, 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 September 23, 2008. Notice of the meeting was given in *The Grand Island Independent* on September 17, 2008.

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

INVOCATION was given by Pastor Mike Neely, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

COMMUNICATION: Mayor Hornady introduced Community Youth Council member Sammy Saiyavongsa and board member Ed Jarosik. Mentioned was the Nebraska Diplomat award received by the City of Grand Island for Outstanding Community 2008 award.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Nickerson, second by Zapata, carried unanimously to adjourn to the Board of Equalization.

#2008-BE-3 – Consideration of Determining Benefits for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #4. Special assessments were for the amount of \$24,748.75.

#2008-BE-4 – Consideration of Determining Benefits for Business Improvement District #6, Second Street. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #6. Special assessments were for the amount of \$42,865.56.

#2008-BE-5 – Consideration of Determining Benefits for Business Improvement District #7, South Locust Street from Stolley Park Road to Highway 34. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #7. Special assessments were for the amount of \$45,030.94.

#2008-BE-6 – Consideration of Determining Benefits for Business Improvement District #8, Downtown. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #8. Special assessments were for the amount of \$86,689.36.

Motion by Meyer, second by Niemann to approve Resolutions #2008-BE-3, #2008-BE-4, #2008-BE-5 and #2008-BE-6. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Nickerson, second by Zapata carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request from Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore Street for a Class 'C' Liquor License. RaNae Edwards, City Clerk reported that an application for a Class 'C' Liquor License had been received from Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on September 2, 2008; notice to the general public of date, time, and place of hearing published on September 13, 2008; notice to the applicant of date, time, and place of hearing mailed on September 2, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Viaero Wireless for Conditional Use Permit for Wireless Telecommunication Tower Located at 595 S. Stuhr Road. Craig Lewis, Building Department Director reported that Viaero Wireless had applied for a Conditional Use Permit to construct a 90 foot lattice telecommunication tower at 595 S. Stuhr Road. Staff recommended approval with the following conditions: 1) tower height is limited to 85' requiring a setback from adjacent property line of 40'; 2) landscaping is provided in compliance with Section 36-102 of the Grand Island City Code; and 3) the development of this site would be the subdivision of this property as an independent lot and would need to proceed through the Regional Planning Commission and later to the City Council for approval. Mike Olson, Executive Director for the Hall County Airport Authority requested the following stipulations be met before construction: 1) construction of tower contingent upon FAA approval; 2) FAA lighting standards be followed; and 3) tower constructed be only 85' in height. Chris Riha representing Viaero Wireless stated these stipulations were acceptable and would be met. No further public testimony was heard.

Public Hearing on Request from USCOC Nebraska/Kansas LLC for Conditional Use Permit for Construction of a 150' Communication Tower and Equipment Shelter Located at 440 2<sup>nd</sup> Road, Merrick County. Craig Lewis, Building Department Director reported that USCOC Nebraska/Kansas LLC had applied for a Conditional Use Permit to construct a 150' monopole telecommunication tower at 440 2<sup>nd</sup> Road, Merrick County to facilitate their cellular service area. Staff recommended approval. Jesse Hernandez representing USCOC (US Cellular) spoke in support. Mike Olson, Executive Director for the Hall County Airport Authority spoke in opposition and requested the City Council to defer this matter until USCOC contacted the Central Nebraska Airport for approval from the FAA. No further public testimony was heard.

Public Hearing on Acquisition of Approximately 6.8 Acres of Real Estate for Future Park Development Located Immediately North of the 3700 Block of Norseman Avenue (Niedfelt Property Management, LLC). Steve Paustian, Parks and Recreation Director reported that his department had been searching for land west of Highway 281 for park development for several years. Niedfelt Property Management LLC had started a housing development called Sterling Estates west of Highway 281 between Capital Avenue and State Street. Plans had been made to develop a neighborhood Park of approximately 6.8 acres. The negotiated price was \$13,000.00

per acre. Staff recommended approval. Lewis Kent, 624 Meves Avenue spoke in opposition. No further public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located at 1812 Mansfield Road (School District of Grand Island). Gary Mader, Utilities Director reported that a utility easement was needed at 1812 Mansfield Road in order to have access to install, upgrade, maintain, and repair public utilities and appurtenances, including water mains and fire hydrants. The easement would be used to place a water main and a fire hydrant on school property by the Grand Island School District. After completion of all required testing, the School District would turn the system over to the City of Grand Island to maintain as part of the total water system.. Staff recommended approval. No public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located at 1116 West Oklahoma Avenue (Thomas W. and Jill A. O'Neill). Gary Mader, Utilities Director reported that a utility easement was needed at 1116 West Oklahoma Avenue in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground electrical cable and a pad-mounted transformer on the lot line between 1104 and 1116 West Oklahoma Avenue to provide three phase electric service to both properties. Staff recommended approval. No public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located at 1104 West Oklahoma Avenue (Thomas W. and Jill A. O'Neill). Gary Mader, Utilities Director reported that a utility easement was needed at 1104 West Oklahoma Avenue in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground electrical cable and a pad-mounted transformer on the lot line between 1104 and 1116 West Oklahoma Avenue to provide three phase electric service to both properties. Staff recommended approval. No public testimony was heard.

#### ORDINANCES:

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

- #9190 – Consideration of Assessments for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road
- #9191 – Consideration of Assessments for Business Improvement District #6, Second Street
- #9192 – Consideration of Assessment for Business Improvement District #7, South Locust from Stolley Park Road to Highway 34
- #9193 – Consideration of Assessments for Business Improvement District #8, Downtown
- #9194 – Consideration of Amendments to Chapter 15 of the Grand Island City Code Relative to Electrical Code Updates

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

Ordinances #9190, #9191, #9192, and #9193 related to the aforementioned Board of Equalization.

Craig Lewis, Building Department Director reported Ordinance #9194 would adopt the current 2208 Edition of the National Electric Code.

Motion by Zapata, second by Haase to approve Ordinances #9190, #9191, #9192, #9193, and #9184.

City Clerk: Ordinances #9190, #9191, #9192, #9193, and #9194 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: Ordinance #9190, #9191, #9192, #9193, and #9194 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 #9190, #9191, #9192, #9193, and #9194 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-4 and G-7 were pulled for further discussion. Motion by Zapata, second by Haase to approve the Consent Agenda excluding items G-4 and G-7. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 9, 2008 City Council Regular Meeting.

Approving Minutes of September 11, 2008 City Council Special Meeting.

Approving Re-Appointment of Sue Pirnie to the Community Redevelopment Authority Board.

Approving Request from Scott Schlatter, 3325 Longview Court, Lincoln, Nebraska for Liquor Manager Designation for Hy-Vee Gas #1221, 118 Wilmar Avenue and Hy-Vee Grand Island #1221, 115 Wilmar Avenue contingent upon Mr. Schlatter completing a state approved alcohol server/seller training program

Approving Request from Eagles Fraternal Order #378 dba Eagles Fraternal Order #378, 213 North Sycamore Street for a Deletion to Class "C-01462" Liquor License.

#2008-260 – Approving Acquisition of Approximately 6.8 Acres of Real Estate for Future Park Development Located Immediately North of the 3600 Block of Norseman Avenue (Niedfelt Property Management, LLC) in the amount of \$13,000.00 per acre.

#2008-261 – Approving Agreement with NDEQ to Provide Assistance for Retaining Wall Construction at Sucks Lake in the Amount of a \$43,140.00 Grant.

#2008-262 – Approving Bid Award for Retaining Wall Construction at Sucks Lake with Greenworks Landscaping & Design from Grand Island, Nebraska in an Amount of \$68,786.00.

#2008-263 – Approving Acquisition of Utility Easement Located at 1812 Mansfield Road (School District of Grand Island).

#2008-264 – Approving Acquisition of Utility Easement Located at 1116 W. Oklahoma Avenue (Thomas W. and Jill A. O'Neill).

#2008-265 – Approving Acquisition of Utility Easement Located at 1104 W. Oklahoma Avenue (Thomas W. and Jill A. O'Neill).

#2008-266 – Approving Bid Award for 2009 Truck Complete Unit with Articulating Aerial Platform & Chassis with Nebraska Truck Center, Inc. of Grand Island, Nebraska in an Amount of \$130,705.00 including trade-in.

#2008-267 – Approving Bid Award for Storm Drainage Project No. 2008-D-3; Driveway Culvert Replacement at Capital Avenue Outfall Ditch with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$44,230.34.

#2008-268 – Approving Bid Award for Handicap Ramp Project No. 2008-2 with Galvan Construction, Inc. of Grand Island, Nebraska in an Amount of \$98,787.60.

#2008-269 – Approving Contract for Medical Services Director for the EMS Division of the Fire Department with The Physicians Network in an Amount of \$13,439.00 from October 1, 2008 through September 30, 2013 with a 3% increase each subsequent year.

#2008-270 – Approving Transfer of Funds from Business Improvement District No. 3 to Business Improvement District No. 7.

#2008-271 – Approving Transfer of Funds from Business Improvement District No. 5 to Business Improvement District No. 8.

#2008-272 – Approving 2008 Victim's Of Crime Act (VOCA) Grant Award in an Amount of \$27,907.00.

Approving Garbage Permits for Central Waste Disposal, Clark Brothers Sanitation, Heartland Disposal, Mid-Nebraska Disposal and Refuse Permits for Full Circle, O'Neill Transportation and Equipment, and Scott's Hauling. Jeremy Collinson representing the Central District Health Department explained the inspection process for garbage trucks before a permit could be issued. Mr. Collinson mentioned half of Central Waste Disposal trucks were not in compliance and did not meet City Code requirements.

Tom Carter, 11604 Rebel Ridge Road, Omaha, Nebraska representing Central Waste Disposal requested 30 days to make corrections and come into compliance with the City Code. Wes Nespor, Attorney for the City commented that City Code does not allow a temporary permit. Bobby Wiles, District Manager for Central Waste Disposal, 147 East Roberts Avenue answered questions concerning the number of trucks used in Grand Island and the surrounding areas.

Discussion was held regarding the signage on the trucks as required by City Code. Central Waste agreed to use trucks in Grand Island with the proper signage.

Motion by Haase, second by Zapata to approve the Garbage Haulers and Refuse Permits. Upon roll call vote, all voted aye. Motion adopted.

#2008-259 – Approving All-Hazard Mitigation Plan for the City of Grand Island. Chad Nabity, Regional Planning Director reported the All-Hazards Mitigation Plan was required by FEMA in order to be eligible for funding for mitigation activities after a disaster. Discussion was held concerning the importance of this plan. Questions were raised as to the action of this plan and the continued implementation of replacing sirens. Jon Rosenlund, Emergency Management Director commented on the importance of sirens, but stated there was no money in the budget for this.

Motion by Gilbert, second by Niemann to approve Resolution #2008-259. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Consideration of Request from Viaero Wireless for a Conditional Use Permit for Construction of a Wireless Telecommunication Tower Located at 595 S. Stuhr Road. This item related to the aforementioned Public Hearing. Discussion was held concerning the time-line for approval by the FAA which would take approximately 30-60 days. Chris Riha representing Viaero Wireless supported the stipulations.

Motion by Nickerson, second by Haase to approve the request pending FAA approval. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from USCOC Nebraska/Kansas LLC for Conditional Use Permit for Construction of a 150' Communication Tower and Equipment Shelter Located at 440 2<sup>nd</sup> Road, Merrick County. This item related to the aforementioned Public Hearing. Discussion was held concerning the FAA requirements regarding lighting. Mike Olson representing the Central Nebraska Regional Airport commented on concerns of the FAA regulations regarding this tower.

Craig Lewis, Building Department Director stated concerns of requiring applicants to get FAA approval before Council action was taken, which could cost the applicant a lot of money needlessly. All applications within 5 miles of the airport would require FAA approval regardless.

Motion by Haase, second by Ramsey to approve the request pending FAA approval and notification of intent to the Central Nebraska Regional Airport. Upon roll call vote, Councilmember's Meyer, Niemann, Ramsey, Gilbert, Carney, Gericke, Zapata and Haase voted aye. Councilmember Nickerson voted no. Motion adopted.

#### RESOLUTIONS:

#2008-273 – Consideration of Request from Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore Street for a Class 'C' Liquor License and Liquor Manager designation for James K. Jeffries, 40 Kuester Lake. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Zapata to approve Resolution #2008-273 contingent upon final inspections and with the stipulation Mr. Jeffries complete a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2008-274 – Consideration of Intent to Annex Property Located at 908 East Capital avenue, North of Capital Avenue East of St. Paul Road. Chad Nabity, Regional Planning Director reported a request had been received to annex the property located in the SW 1/4 of Section 3-11-9 known as 908 East Capital Avenue. The Regional Planning Commission approved the annexation request.

Motion by Nickerson, second by Meyer to approve Resolution #2008-274. Upon roll call vote, all voted aye. Motion adopted.

#2008-275 – Consideration of Approving Funding of Economic Development Request. David Springer, Finance Director reported this was the annual funding request from the Economic Development Corporation in the amount of \$750,000.00 which was budgeted.

Marlan Ferguson, EDC President gave a Power Point presentation updating the Mayor and Council on job growth in Grand Island, projects completed, 2008-2009 budget, and future plans for CAAP land.

Motion by Gilbert, second by Niemann to approve Resolution #2008-275. Upon roll call vote, all voted aye. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Haase, second by Zapata to approve the Claims for the period of September 10, 2008 through September 23, 2008, for a total amount of \$4,179,068.39. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards  
City Clerk