



City of Grand Island

Tuesday, March 24, 2009

Council Session

Item G1

Approving Minutes of March 10, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 10, 2009

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 March 10, 2009. Notice of the meeting was given in *The Grand Island Independent* on March 4, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Meyer, Nie mann, Gilbert, Haase, Dugan, Zapata, Nickerson and Gericke. Councilmember's Carney and Ramsey were 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 Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady mentioned the Sandhill Cranes had arrived and commented on the Wings Over the Platte activities. Mayor Hornady introduced Community Youth Council members Zach Shultz and Cait Schwehn and CYC Board Member Ed Jarosik. Also mentioned was the Adopt-a-Park, Leave-a-Mark community park clean-up day.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by Almquist, Maltzahn, Galloway & Luth for Fiscal Year 2008 City Single Audit and General Purpose Financial Statements and Electric and Water Audit Reports. Terry Galloway from Almquist, Maltzahn, Galloway & Luth gave the 2008 City Single Audit and General Purpose financial statements and electric and water audit reports. Mr. Galloway stated these were clean and unqualified opinions which were the highest ratings given and that the City had been very effective and efficient in their finances. A brief overview and review of each report was given.

Proclamation "Abbott Sisters Day" March 20, 2009. Mayor Hornady proclaimed March 20, 2009 as "Abbott Sisters Day". Steve Fosselman, Library Director was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Trail and Public Utility Easement in a Part of Lot 25, Matthews Subdivision (McCloud Super 8 Motel). Steve Riehle, Public Works Director reported that a trail and public utility easement was needed in Lot 25 of Matthews Subdivision to accommodate a hike/bike trail and public utilities. The easement would allow for the construction, operation, maintenance, extension, repair and replacement of the trail and public utilities within the easement. No public testimony was heard.

Public Hearing on Redevelopment Plan (CRA Area #6) for Property Located at 1720, 1724, and 1814 North Eddy Street and 1721 North Broadwell Avenue (Casey's). Chad Nabity, Regional Planning Department Director reported that Casey's General Store, Inc. proposed to demolish the

existing Casey's General Store at 1814 North Eddy Street and construct a new building and related structures and site improvements for a Casey's Convenience Store. An amended redevelopment plan, TIF contract and cost benefit analysis had been received for TIF funding on this project. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3648 South Blaine Street (Scott and Leslie Meyer). Gary Mader, Utilities Director reported that a utility easement was needed at 3648 South Blaine Street 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 cable and a pad-mounted transformer to serve a new home being built on the property. 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 ordinance numbered:

#9207 – Consideration of Amending Chapter 20-8 of the Grand Island City Code Relative to Fire Arms

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

Police Chief Steve Lamken reported Ordinance #9207 would change the City Code to require bb, pellet, paintball or similar guns be unloaded and properly encased when being transported in the passenger compartment of a vehicle.

Motion by Gilbert, second by Nickerson to approve Ordinance #9207.

Discussion was held on the broadness of the language. Mentioned was the current language in City Code, other firearms, and what constituted encasement of these items.

Motion by Gericke to refer Ordinance #9207 to a Study Session. Motion died due to lack of a second.

Motion by Meyer, second by Dugan to strike "any other such item designed to discharge a projectile" from Ordinance #9207. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9207 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Dugan, Zapata, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

City Clerk: Ordinance #9207 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Niemann,

Gilbert, Haase, Dugan, Zapata, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9207 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-9, G-11, and G-13 were pulled for further discussion. Motion by Zapata, second by Haase to approve the Consent Agenda excluding items G-9, G-11, and G-13. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of February 21, 2009 City Council Special Study Session Council Retreat.

Approving Minutes of February 24, 2009 City Council Regular Meeting.

#2009-47 – Approving Acquisition of Trail and Public Utility Easement in a Part of Lot 25, Matthews Subdivision (McCloud Super 8 Motel).

#2009-48 – Approving Change Order #2 for Capital Avenue Widening, Street Improvement District No. 1256 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$32,077.94 and a Revised Contract Amount of \$3,762,625.43.

#2009-49 – Approving Bid Award for Sanitary Sewer Project No. 2009-S-2; St. Patrick Avenue – Manhole and Valve with General Excavating Company of Lincoln, Nebraska in an Amount of \$43,250.50.

#2009-50 – Approving Bid Award for Concrete Ready-Mix for 2009 with Gerhold Concrete Co., Inc. of Grand Island, Nebraska in an Amount of \$73.00 per Cubic Yard.

#2009-51 – Approving Bid Award for Hot-Mix Asphalt for 2009 with J.I.L. Asphalt Paving Co. of Grand Island, Nebraska in an Amount of \$53.45 per ton for Type “A”, \$43.30 per ton for Type “B” and \$52.25 per ton for Type “C” Asphaltic Concrete.

#2009-52 – Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2009 with OK Paving of Hordville, Nebraska in an Amount of \$524,230.00.

#2009-54 – Approving Acquisition of Utility Easement Located at 3648 South Blaine Street (Scott and Leslie Meyer).

#2009-56 – Approving Final Plat and Subdivision Agreement for Knuth Subdivision. It was noted that Larry and Karen Knuth, owners had submitted the Final Plat and Subdivision Agreement for Knuth Subdivision located north of Wildwood Drive and east of North Road approximately 5.120 acres for the purpose of creating 1 lot. Councilmember Gilbert voted no.

#2009-53 – Approving Bid Award for Substation Equipment Painting Services with Parpart Corporation of Lincoln, Nebraska in an Amount of \$45,403.00. Gary Mader, Utilities Department Director commented on the low bid received and the difference in the amounts of bids received.

Motion by Nickerson, second by Zapata to approve Resolution #2009-53. Upon roll call vote, all voted aye. Motion adopted.

#2009-55 – Approving Redevelopment Plan (CRA Area #6) for Property located at 1720, 1724, and 1814 North Eddy Street and 1721 North Broadwell Avenue (Casey’s). Chad Nabity, Regional Planning Director answered questions concerning the “but for” needs assessment requirement, TIF financing, and the Comprehensive Plan.

Motion by Gilbert, second by Meyer to approve Resolution #2009-55. Upon roll call vote, all voted aye. Motion adopted.

#2009-57 – Approving Changes to Operation of Stolley Park Train. Discussion was held regarding an operating plan for the train. Steve Paustian, Parks and Recreation Director explained the costs, revenues, hours of the .75 FTE, volunteers, insurance, and hours of operation for the train.

Motion by Zapata, second by Dugan to approve Resolution #2009-57. Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Dugan, Zapata, Nickerson, and Gericke vote aye. Councilmember Haase voted no. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located at 1817 Waugh Street. This item was referred from the February 24, 2009 City Council meeting. Craig Lewis, Building Department Director reported that Chris Riha representing Viaero Wireless had applied for a Conditional Use Permit for construction of a wireless telecommunications tower located at 1817 Waugh Street. It was recommended council approve the conditional use permit with the condition that the required setbacks from adjacent property lines be verified and that a landscaping plan be required.

Sherie Aldridge, 2003 North Huston Avenue spoke in opposition. Chris Riha representing Viaero Wireless spoke in support and showed pictures of what the mono pole would look like.

Comments were made by two Councilmember’s concerning the number of calls received on this item. Discussion was held concerning landscaping requirements, buried propane tanks and wind load on the tower with the dish. Mr. Lewis stated the City Code required a 90 mph wind load.

Motion by Meyer, second by Nickerson to approve the request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower located at 1817 Waugh Street with the conditions that the required setbacks from adjacent property lines be verified and that a landscaping plan be required. Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Dugan, Zapata, Nickerson, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

RESOLUTIONS:

#2009-58 – Consideration of Intent to Annex Property Located South of Case New Holland and West of Highway 281. Chad Nabity, Regional Planning Director reported that a request had been

received to consider annexation of property located in the SE1/4 NE1/4 of Section 25-11-10 located west of U.S. Highway 281 and south of Case New Holland. Mr. Naby explained the process to pass a resolution stating the intent to annex, approve an annexation plan and set a public hearing.

Discussion was held concerning drainage.

Motion by Gericke, second by Zapata to approve Resolution #2009-58. Upon roll call vote, all voted aye. Motion adopted.

#2009-59 – Consideration of City Council Meeting Agenda Preparation Timetable. City Administrator Jeff Pederson reported that in an effort to streamline the assembly and distribution of the Council Meeting Agenda packets, a formal resolution detailing the timetable for submission of agenda items be approved.

Motion by Meyer, second by Dugan to approve Resolution #2009-59.

Discussion was held concerning the timeline and process of adding items to the agenda.

Motion by Haase, second by Gilbert to amend Resolution #2009-59 to have a 5:00 p.m. deadline to be posted to the web-site. Upon roll call vote, Councilmember Haase vote aye. Councilmember's Meyer, Niemann, Gilbert, Dugan, Zapata, Nickerson, and Gericke voted no. Motion failed.

Upon roll call vote of the original motion, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of February 25, 2009 through March 10, 2009, for a total amount of \$2,757,767.24. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Meyer, second by Dugan to adjourn to Executive Session at 9:05 p.m. for the purpose of an update on State Fair litigation. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer, second by Dugan to return to Regular Session at 10:25 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:25 p.m.

RaNae Edwards
City Clerk