



# City of Grand Island

Tuesday, April 14, 2009

Council Session

## Item G3

**Approving Minutes of March 24, 2009 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 24, 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 24, 2009. Notice of the meeting was given in *The Grand Island Independent* on March 18, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Meyer, Niemann, Haase, Carney, Dugan, Ramsey, Zapata, and Gericke. Councilmember Gilbert and Nickerson 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 introduced Community Youth Council members Paige Liess, Andres Gamboa, and Ava Mackey.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation 'Parkinson's Disease Awareness Month' April, 2009. Mayor Hornady proclaimed the month of April, 2009 as 'Parkinson's Disease Awareness Month'. Connie Van Wie and several members of the local Parkinson's Group were present to receive the proclamation.

BOARD OF EQUALIZATION: Motion by Meyer, second by Ramsey, to adjourn to the Board of Equalization. Carried unanimously

#2009-BE-1 – Consideration of Determining Benefits for Water Main District 453T – Central Nebraska Regional Airport and Grand Island Army Aviation Support Facility. Gary Mader, Utilities Department Director reported that City water infrastructure was extended to support the development of the new Grand Island Army Aviation Support Facility. The project had been completed and the Airport Authority agreed to pay a portion of the project's cost as a connection fee in the amount of \$103,145.61 with the remaining \$240,673.08 directed to properties within the district as "tap" fees.

Motion by Meyer, second by Gericke to approve Resolution #2009-BE-1. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer, second by Gericke to return to Regular Session. Carried unanimously

PUBLIC HEARINGS:

Public Hearing on Request from Balz, Inc. dba Balz Sports Bar, 3421 West State Street for Catering Designation to Class "C-39140" Liquor License. RaNae Edwards, City Clerk reported that an application for a Catering Designation to Class "C-39140" Liquor License had been

received from Balz, Inc. dba Balz Sports Bar, 3421 West State Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 27, 2009; notice to the general public of date, time, and place of hearing published on March 14, 2009; notice to the applicant of date, time, and place of hearing mailed on February 27, 2009; 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 Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception Hall, 211 North Sycamore Street for an Addition to Class "C-82906" Liquor License. RaNae Edwards, City Clerk reported that an application for a Beer Garden had been received from Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception Hall, 211 North Sycamore Street for a 42' x 50' addition to the southeast side of the existing building to their Class "C-82906" 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 27, 2009; notice to the general public of date, time, and place of hearing published on March 14, 2009; notice to the applicant of date, time, and place of hearing mailed on February 27, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Changes to the Grand Island City Code Section 36. Chad Nability, Regional Planning Director reported that amendments to be considered pertained to a definition of Recreational Vehicle Pad and Wind Energy Systems. No public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located in SE1/4, NE1/4 Section 25-11-10 from TA Transitional Agricultural to M1 Light Manufacturing. Chad Nability, Regional Planning Director reported that a request had been received to consider rezoning approximately 32 acres of land west of Highway 281 and south of Stolley park Road owned by Case New Holland. No public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located at 4155 East U.S. Highway 30 from B2 General Business to M2 Heavy Manufacturing. Chad Nability, Regional Planning Director reported that a request had been received to consider rezoning approximately 14.685 acres of land located at 4155 East U.S. Highway 30 to permit Aurora Cooperative the ability to move operations from their Lincoln Avenue location to the outskirts of town. No public testimony was heard.

#### ORDINANCES:

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

#9208 – Consideration of Changes to the Grand Island City Code Chapter 36 Relative to the Definition of Recreational Vehicle Pad

#9209 – Consideration of Changes to the Grand Island City Code Chapter 36 (This item was pulled from the agenda.)

#9210 – Consideration of Changes to the Grand Island City Code Chapter 36 Relative to Wind Energy Systems

#9211 – Consideration of Change of Zoning for Land Located in SE1/4, NE1/4 Section 25-11-10 from TA Transitional Agricultural to M1 Light Manufacturing

#9212 – Consideration of Change of Zoning for Land Located at 4155 East U.S. Highway 30 from B2 General Business to M2 Heavy Manufacturing

#9213 – Consideration of Natural Gas Franchise with northwestern Corporation

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 #9208, #9210, #9211 and #9212 related to the aforementioned Public Hearings.

Chad Nabity, Regional Planning Director reported a change to Ordinance #9210 to add the words “if it is located within a designated approach zone” under Small Wind Energy Conversion Systems item G -2.

Jeff Pederson, City Administrator reported Ordinance #9213 related to the Natural Gas Franchise which allowed NorthWestern Corporation the non-exclusive right to construct, maintain and operate a system of mains and pipes within the City of Grand Island for the transportation and distribution of natural gas. The following changes were negotiated with NorthWestern:

- Section 1, Grant of Franchise will be effective for 20 Years
- Section 7, Grantee shall notify the City Administrator of emergency repairs
- Section 9, Grantee agrees to conform to its tariffs filed with the Nebraska Public Service Commission as it relates to service line extensions
- Section 15, 90 days required to review any proposed assignment by the City Of Grand Island
- Section 18, Grantee shall maintain a local office within the corporate limits of the City during the term of the franchise
- Section 21, All notices from the City will be sent to Corporate Affairs
- Section 22, Ordinance shall be construed in accordance with the laws of the State of Nebraska

Mark Fahlsen, Attorney representing NorthWestern was present to answer questions.

Motion by Meyer, second by Dugan to approve Ordinances #9208, #9210, #9211, #9212 and #9213.

City Clerk: Ordinances #9208, #9210, #9211, #9212 and #9213 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: Ordinances #9208, #9210, #9211, #9212 and #9213 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 #9208, #9209, #9210, #9211, #9212 and #9213 are declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of March 10, 2009 City Council Regular Meeting.

Approving Minutes of March 17, 2009 City Council Study Session. Councilmember's Dugan, Meyer and Gericke abstained.

Approving Request from Crystal Burmood, 603 West Division Street for Liquor Manager Designation for Holiday Stationstore #114, 1404 West 2<sup>nd</sup> Street.

#2009-60 – Approving Benefits for Water Main District 453T – Central Nebraska Regional Airport and Grand Island Army Aviation Support Facility.

#2009-61 – Approving Bid Award for Front End Loader Reconditioning – Platte Generating Station with Nebraska Machinery Company of Doniphan, Nebraska in an Amount of \$76,922.98.

#2009-62 – Approving Bid Award for Coal Storage Expansion – 2009 at Platte Generating Station with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$219,679.81.

#2009-63 – Approving Bid Award for Water Main Project 2009-W-2, Wellfield Well Header Modifications – Installation with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$38,395.25.

#2009-64 – Approving Bid Award for the 2009 Asphalt Resurfacing Project No. 2009-AC-1 with J.I.L. Asphalt Paving Company of Grand Island, Nebraska in an Amount of \$676,758.50.

#2009-65 – Approving Bid Award for (1) Street Sweeper for the Streets Division of the Public Works Department with Nebraska Environmental Products of Lincoln, Nebraska in an Amount of \$168,345.00.

#2009-66 – Approving Contract for Citizen Request Management System with Government Outreach of Pleasanton, California in an Amount not to exceed \$5,425.00.

#2009-67 – Approving Agreement to Allow Project for Invasive Plant Control and River Restoration with the Platte Valley Weed Management Area.

#2009-68 – Approving Changes to the 2008-2009 Fee Schedule.

#2009-69 – Approving Subordination Agreement with Kristie Lee Peterson, 1232 Warren Lane.

REQUESTS AND REFERRALS:

Consideration of Petitions Received Concerning Disestablishing Business Improvement District No. 8. Councilmember Larry Carney reported petitions were presented to him by citizens that owned property within the boundaries of BID #8 requesting the disestablishment of BID #8. The first step to be taken was to have the City Council vote on whether or not to refer this disestablishment request for a public hearing.

Comments were made to form an advisory committee to meet with those that wanted to disestablish BID #8. City Attorney Dale Shotkoski explained the process of disestablishing the district. The next step would be to approve a resolution setting the Public Hearing date.

Motion by Meyer, second by Niemann to refer this matter forward for a Public Hearing. Upon roll call vote, Councilmember's Meyer, Niemann, Haase, Carney, Dugan, Ramsey, and Gericke voted aye. Councilmember Zapata voted no. Motion adopted.

RESOLUTIONS:

#2009-70 – Consideration of Request from Balz, Inc. dba Balz Sports Bar, 3421 West State Street for Catering Designation to Class “C-39140” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Zapata to approve Resolution #2009-70 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2009-71 – Consideration of from Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception hall, 211 North Sycamore Street for an Addition to Class “C-82906” Liquor License. The item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Zapata to approve Resolution #2009-71 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted..

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of March 11, 2009 through March 24, 2009, for a total amount of \$4,438,287.09. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Meyer, second by Dugan to adjourn to Executive Session at 7:40 p.m. for the purpose of an update concerning IBEW Union Negotiations and IAFF 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 8:55 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

RaNae Edwards  
City Clerk