



City of Grand Island

Tuesday, April 28, 2009

Council Session

Item G1

Approving Minutes of April 14, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 14, 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 April 14, 2009. Notice of the meeting was given in *The Grand Island Independent* on April 8, 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, Gilbert, Carney, Dugan, Ramsey, Nickerson, Zapata, and Gericke. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, Assistant City Attorney Wes Nespore, 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 Claire Mackey, Yasin Ali, and Board Member Carole Ostdiek. Mayor Hornady recognized Kerry Garza who received the 2009 Nebraska Coalition for Victims of Crime "Victim Advocate Award".

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Community Development Week" April 12-18, 2009. Mayor Hornady proclaimed the week of April 12-18, 2009 as "Community Development Week". Joni Kuzma, Community Development Administrator was present to receive the proclamation.

Proclamation "Child Abuse Prevention Month" April, 2009. Mayor Hornady proclaimed the month of April, 2009 as "Child Abuse Prevention Month". Diane Mulbach was present to receive the proclamation and hand out blue ribbons.

Proclamation "Nebraska Public Health Month, 2009. Mayor Hornady proclaimed the month of April, 2009 as "Nebraska Public Health Month". Ryan King with the Central District Health Department was present to receive the proclamation.

Proclamation "National Braille Readers are Leaders Week" April 20-27, 2009. Mayor Hornady proclaimed the week of April 20-27, 2009 as "National Braille Readers are Leaders Week". Sibby Lebeau was present to receive the proclamation.

Proclamation "Alcohol Awareness Month" April, 2009. Mayor Hornady proclaimed the month of April, 2009 as "Alcohol Awareness Month". Becky Burks and several youth with Project Extra Mile were present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street for a Class "CK" Liquor License. RaNae Edwards, City Clerk reported that an application

for a "CK" Liquor License had been received from Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 18, 2009; notice to the general public of date, time, and place of hearing published on April 4, 2009; notice to the applicant of date, time, and place of hearing mailed on March 23, 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 Chris & Scott Woodward for a Conditional Use Permit for a Recycling Operation Located on St. Paul Road between Capital Avenue and Airport Road. Craig Lewis, Building Department Director reported that Chris Woodward representing Clark Brothers Sanitation had applied for a Conditional Use Permit for a recycling center located at 3105 N. St. Paul Road. It was recommended council approve the conditional use permit with the conditions as set out in the City Code and the additional condition that "all yard waste composting operations shall be located at least 600' from St. Paul Road and 12' from the north, south, and east property lines. Yard waste composting shall be turned and screened at least once each 30 days."

The following people spoke in opposition:

Jay Stoddard, 1810 West Charles Street
Terry Hahn, 888 Eilenstine Road
Craig Akerly, 3059 St. Paul Road
Leila Nelson, 3003 St. Paul Road
Trish Akerly, 3059 St. Paul Road
Anne Puncochar, 3070 N. St. Paul Road
Harlan Puncochar, 3070 N. St. Paul Road
Barb Olsufka, Marquette, NE
Bob Pollock, 2750 St. Paul Road
Daryl Lutes, 2986 N. St. Paul Road
Robert Kreider, 3135 St. Paul Road
Tim Puncochar, 913 West 2nd Street

Chris Woodward, 131 Bismark Road spoke in support. No further public testimony was heard.

Public Hearing on the Semi-Annual Report by the Citizens' Review Committee (CRC) on the Economic Development Program Plan. Mark Stelk, CRC Vice-President gave the semi-annual report. No public testimony was heard.

Public Hearing on Community Revitalization CDBG Assessment Grant Application. Joni Kuzma, Community Development Administrator reported that the City was one of eight eligible communities to update or revise the 2005 Comprehensive Needs Assessment and a Revitalization Strategy. The City is requesting a Planning Grant for \$12,000.00, plus \$840.00 in General Administration with the City providing a required 25% match of \$4,000.00. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on the South Side of Trust Street from North Road to Good Samaritan Place (Chief Industries, Inc.). Gary Mader, Utilities Director reported that a utility easement was needed on the south side of Trust Street from North Road to

Good Samaritan Place in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place conduit and three phase primary cable along the south side of Trust Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2009. Police Chief Steve Lamken reported that the Grand Island Police Department and Hall County Sheriff's Department were eligible to receive Justice Assistance Grant money in the amount of \$84,913.50 and \$28,304.50 respectively. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Lease Agreement with the State of Nebraska, Department of Administrative Services for Property located South of Eagle Scout Lake, West of Broadwell Avenue and North of Highway 2. City Administrator Jeff Pederson reported that negotiations had taken place to relocate the softball facilities currently located at Fonner Park to a new location south of Eagle Scout Lake. The proposed lease would be for 99 years for a nominal sum of \$1.00 per year. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Consent agenda item G-5 was pulled for further discussion. Motion by Zapata, second by Ramsey to approve the Consent Agenda excluding item G-5. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim Filed by Motor Car Engineering.

Receipt of Official Documents – Pawnbroker's official Bonds for Bronx Pawn, G.I. Loan Shop, and Wayne's Pawn Shop.

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

#2009-72 – Approving Final Plat and Subdivision Agreement for Devall Subdivision. It was noted that Ronald and Tonya Devall, owners had submitted the Final Plat and Subdivision Agreement for Devall Subdivision for the purpose of creating 1 lot north of U.S. Hiwy 30, south of Capital Avenue and east of Shady Bend Road comprising of approximately 7.446 acres.

#2009-74 – Approving Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan.

#2009-75 – Approving Community Revitalization CDBG Assessment Grant Application.

#2009-76 – Approving Acquisition of Utility Easement Located on the South Side of Trust Street from North Road to Good Samaritan Place (Chief Industries, Inc.).

#2009-77 – Approving Reserve Sharing Agreement between the City of Grand Island Utilities Department and Nebraska Public Power District.

#2009-78 – Approving Interlocal Agreement with Hall County Airport Authority Regarding Law Enforcement Services.

#2009-79 – Approving Rescission of NO PARKING ZONE on the North Side of Koenig Street from Pine Street West 55 Feet.

#2009-80 – Approving Authorization for Emergency Sanitary Sewer Manhole Repair on Locust Street between Anna Street and John Street with the Diamond Engineering Company of Grand Island, Nebraska in an Amount not-to-exceed \$30,000.00.

#2009-81 – Approving Change Order No. 1 for Application of a Corrosive Resistant Coating System to Concrete Surfaces of Odorous Air Scrubbing Filter (WWTP Bio Filter No. 1) with Mongan Painting Co., Inc. of Cherokee, Iowa for a Decrease of \$1,500.00 and a Revised Contract Amount of \$39,981.29.

#2009-82 – Approving Certificate of Final Completion for the Application of a Corrosive Resistant Coating System to Concrete Surfaces of Odorous Air Scrubbing Filter (WWTP Bio Filter No. 1) with Mongan Painting Co., Inc. of Cherokee, Iowa.

#2009-83 – Approving Certificate of Final Completion for the Application of a Corrosive Resistant Coating System to Concrete Surfaces of Odorous Air Scrubbing Filter (WWTP Bio Filter No. 2) with Mongan Painting Co., Inc. of Cherokee, Iowa.

#2009-84 – Approving Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2009.

#2009-85 – Approving Contract Extension with the Grand Island Skeet and Sporting Clays Club, Inc.

#2009-86 – Approving Sale of #6 Fuel Oil – Burdick Station with Jebro, Inc. of Sioux City, Iowa in an Amount of \$0.45 per gallon.

#2009-87 – Approving Intent to Annex Property Located South of Case New Holland and West of Highway 281.

#2009-88 – Approving Amendment No. 2 to the Agreement for Engineering Consulting Services for Storm Sewer Design Relative to the Wasmer Detention Cell with Kirkham Michael of Omaha, Nebraska in an Amount of \$7,730.00.

#2009-73 – Approving Final Plat and Subdivision Agreement for Woodland Park Eighth Subdivision. It was noted that Woodland Park Townhomes, LLC, owner had submitted the Final Plat and Subdivision Agreement for Woodland Park Eighth Subdivision for the purpose of creating 14 lots east of Independence Avenue and north of Capital Avenue comprising of approximately 4.636 acres.

Discussion was held regarding a drainage plan.

Motion by Gilbert, second by Dugan to approve Resolution #2009-73. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Chris & Scott Woodward for a Conditional Use Permit for a Recycling Operation Located on St. Paul Road between Capital Avenue and Airport Road. This item related to the aforementioned Public Hearing. Discussion was held regarding zoning requirements, enforcement, compost versus recycling, and odor issues.

Motion by Nickerson, second by Dugan to deny the request from Chris Woodward for a Conditional Use Permit based on the findings of the potential environmental risks and dangerous health, will adversely affect quality of life, and is not harmonious with the surrounding area. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-89 – Consideration of Request from Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street for Class “CK” Liquor License and Liquor Manager Designation for James Phipps, 1809 West Anna Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve Resolution #2009-89 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2009-90 – Consideration of Resolution of Intent to Disestablish Business Improvement District No. 8. City Administrator Jeff Pederson reported that at the March 24, 2009 City Council meeting petitions were submitted from property owners requesting the disestablishment of Business Improvement District No. 8. State Statutes require a Resolution to be adopted setting the date and time for a Public Hearing.

Motion by Carney, second by Meyer to approve Resolution #2009-90.

A lengthy discussion was held on the process to disestablish BID's. Assistant City Attorney Wes Nespor explained the process of the public hearing and answered questions. Bruce Eberle representing BID #8 commented on the town hall meeting and the positive outcome.

Motion by Carney, second by Gericke to insert Item 4 to read: “An Ordinance to disestablish Business Improvement District No. 8 shall be voted upon at the same meeting as the meeting where the Public Hearing is held, be that May 12, 2009 or some other date.” Upon roll call vote, councilmember's Niemann, Haase, Carney, and Gericke voted aye. Councilmember's Meyer, Gilbert, Dugan, Ramsey, Zapata, and Nickerson voted no. Motion failed.

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

#2009-91 – Consideration of Acquisition of Lease Agreement with the State of Nebraska, Department of Administrative Services for Property Located South of Eagle Scout Lake, West of Broadwell Avenue and North of Highway 2. This item related to the aforementioned Public Hearing. Discussion was held concerning the \$1.5 million development of the softball and soccer fields and State Fair relocation.

Motion by Ramsey, second by Meyer to approve Resolution #2009-91. Upon roll call vote, all voted aye. Motion adopted.

#2009-92 – Consideration of Bid Award Approval for Sanitary Sewer District No. 76 Replacement; Vine Street between Ashton Avenue and Koenig Street. This item was pulled from the agenda.

#2009-93 – Consideration of Resolution Directing Property Owner to Repair Sidewalk at 2605-2611 Forrest Street. Steve Riehle, Public Works Director reported that Suzanne F. Swanson was sent a letter on November 5, 2008 concerning the necessary repairs to the sidewalk at 2605 – 2611 Forrest Street. As the sidewalks have yet to be repaired, staff recommended sending a notice to Suzanne F. Swanson to obtain a sidewalk permit within 15 days and within 15 days of such permit issuance to make the necessary repairs, otherwise the City would cause the work to be done and assess the cost against the property.

Motion by Meyer, second by Dugan to approve Resolution #2009-93. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of March 25, 2009 through April 14, 2009, for a total amount of \$3,441,888.64. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

RaNae Edwards
City Clerk