



City of Grand Island

Tuesday, May 26, 2009

Council Session

Item G1

Approving Minutes of May 12, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

May 12, 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 May 12, 2009. Notice of the meeting was given in *The Grand Island Independent* on May 6, 2009.

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

MAYOR COMMUNICATION: Mayor Hornady mentioned the Legislature passed LB 224 on second reading which allows the City to apply \$1.5 million ball field relocation towards the \$5 million City funding. Mayor Hornady introduced Community Youth Council members Claire Mackey, Paige Liess and Katrina Molholm.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Tourism Recognition Month" May, 2009. Mayor Hornady proclaimed the month of May "Tourism Recognition Month". Renee Seifert, Executive Director of the Convention Visitors Bureau was present to receive the proclamation.

Presentation by Tam Allen, Vice-Chairman Nebraska State Fair Board Concerning a Request for Ground Lease and Use of City Land for State Fair Vehicle Parking. Tam Allen, Vice-Chairman of the Nebraska State Fair Board updated the council on State Fair issues. Mentioned was a 30,000 sq. ft. building proposed to be constructed near Fire Station 1. The State Fair Board had an interest in utilizing City land adjacent to Island Oasis for Fair parking.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 3134 West Highway 34 (Central Community College). Gary Mader, Utilities Director reported that a utility easement was needed at 3134 West Highway 34 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, primary electrical cable and a pad-mounted transformer to provide electrical service to the new addition of Central Community College. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 4705 Gold Core Drive (Zitski, LLC). Gary Mader, Utilities Director reported that a utility easement was needed at 4705 Gold Core Drive in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to provide underground conduit,

cable, and a pad-mounted transformer to provide electrical service to the new Nova Tech manufacturing facility. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2216 East Highway 30 (Bosselman Carriers, Inc.). Gary Mader, Utilities Director reported that a utility easement was needed at 2216 East Highway 30 in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to extend an overhead power line and add transformers to improve the electrical service to the adjacent buildings. Staff recommended approval. No public testimony was heard.

Public Hearing on Disestablishment of Business Improvement District No. 8. Jeff Pederson, City Administrator reported that Resolution #2009-90 approved by City Council on April 14, 2009 required the City to hold a Public Hearing on the disestablishment of Business Improvement District No. 8. This public hearing was to hear all protests and receive evidence for or against disestablishment. Mr. Pederson explained the options available to council as required by state law.

Mayor Hornady recommended a 1½ minute time limit for each person to speak on this issue since there were so many people wanting to speak.

Motion by Carney, second by Gericke to appeal the decision of the Chair to limit the amount of time for the remaining speakers to 1½ minutes. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember Zapata voted no. Motion adopted.

The time limit for each person was 3 minutes each. Submitted into the record were written protests to disestablish BID #8.

The following people spoke in support:

- Bruce Eberle, 3219 Hiawatha
- Paul Warshauer, 217 North Locust Street
- Tom Ziller, 324 West 18th Street
- Carl Mayhew, 507 Plum Road
- Matthew Armstrong, 2616 Cottonwood Road
- Bill Ziller, 1611 St. Paul Road
- John Wayne, 1101 Nebraska Highway, Phillips, NE
- Marlan Ferguson, 2808 Apache Road
- Kurt Haecker, 2706 Wagon Road
- Marvin Webb, 4164 Allen Avenue

The following people spoke in opposition:

- Bill Francis, 222 North Cedar Street
- Richard Baasch, 216 North Cedar Street
- Jim Reed, 2511 Lakewood Drive
- Wendy Alexander, 123 North Locust Street
- Dave Gilroy, 115 East 20th Street
- Dave Marsh, 242 South Pine Street

- Louise Miller, 1104 West Charles Street
- Dick Strehle, 212 East 2nd Street
- Charlie Fox, 3115 South North Road
- Jack Hansen, 2007 West Lamar Avenue

The following person spoke in a neutral position:

- Amos Anson, 1212 Sagewood

Submitted into the record were protests against the disestablishment of BID #8. Assistant City Attorney Wes Nespor suggested the Council keep the public hearing open and continue with the meeting to give him a chance to count the number of protests in favor and against the disestablishment of BID #8.

No further public testimony was heard.

ORDINANCES:

#9214 – Consideration of Annexation of Property Located South of Case New Holland and West of Highway 281 (Second Reading)

Chad Nabity, Regional Planning Director explained this was the second of three readings to annex property south of Case Holland and west of Highway 281.

Motion by Meyer, second by Niemann to approve Ordinance #9214 on second reading. Upon roll call vote, all voted aye. Motion adopted.

#9215 – Consideration of Lease-Purchase Agreement, Ground Lease and Escrow Agreement for Building and Related Improvements to Serve as a Recreational Facility for State Fair Activities (Second Reading)

Jeff Pederson, City Administrator explained the following changes to the Ground Lease Agreement: 1) Section 3 – Use; 2) Section 5 – Rent; and 3) Section 8 – Assignment and Subletting. Discussion was held concerning the Escrow Agreement and payment schedule. Marlan Ferguson, 2808 Apache Road spoke in support. Lewis Kent, 624 Meves Avenue spoke in opposition. Jay Vavricek, 2729 Brentwood Blvd. asked about naming rights, interest rate, and term of the lease.

Motion by Meyer, second by Carney to approve Ordinance #9215 on second reading. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Gericke voted aye. Councilmember Nickerson voted no. Motion adopted.

Public Hearing Continued on Disestablishment of Business Improvement District No. 8:

Wes Nespor, Assistant City Attorney reported there were 121 valid written protests in favor of keeping the district. Mr. Nespor explained Council needed to make a motion on the findings of evidence received before the Public Hearing was closed.

Motion by Nickerson, second by Zapata determining that there were 121 written protest (owners wanting to keep the district). Upon roll call vote, all voted aye. Motion adopted. The Public Hearing was closed.

#9216 – Consideration of Disestablishment of Business Improvement District No. 8

This item related to the aforementioned Public Hearing. A lengthy discussion was held regarding district boundaries, assessments, timeline to create a new BID if this one wasn't continued, and working together to resolve this issues. Bruce Eberle, 3219 Hiawatha Place explained the process of identifying the downtown boundaries and residential assessments.

Motion by Carney, second by Niemann to approve Ordinance #9216 on fist reading only. Upon roll call vote, Councilmember's Meyer, Niemann, Carney, Dugan, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Ramsey, and Zapata voted no. Motion adopted

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

#9217 – Consideration of Firefighters and Police Pension Assets

#9218 – Consideration of Issuance Refunding Various Purpose Bonds – Series 2009

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.

#9217 – Consideration of Firefighters and Police Pension Assets

Jeff Pederson, City Administrator reported that Ordinance #9217 would authorize the City to maintain and utilize the unallocated employer accounts and use assets to assist in meeting expenses incurred by the City and also fund pension benefits. Lewis Kent, 624 E. Meves Avenue spoke in opposition.

Motion by Nickerson, second by Gilbert to approve Ordinance #9217.

City Clerk: Ordinance #9217 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 Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember's Meyer and Gericke voted no. Motion adopted.

City Clerk: Ordinance #9217 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 Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember's Meyer and Gericke voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9217 is declared to be lawfully adopted upon publication as required by law.

#9218 – Consideration of Issuance Refunding Various Purpose Bonds – Series 2009

Bruce Lefler representing Ameritas Investment Corporation explained that Ordinance #9218 was authorizing the refinancing of the 2002 Various Purpose bonds in the amount of \$2,970,000. The City would pay an average interest rate of 2.64% through 2017 with a savings of approximately \$266,213.

City Clerk: Ordinance #9218 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 #9218 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 #9218 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda items G-12 and G-14 were removed for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding G-12 and G-14. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 28, 2009 City Council Regular Meeting.

Approving Minutes of May 5, 2009 City Council Study Session.

#2009-103 – Approving Final Plat and Subdivision Agreement for DSK Subdivision. It was noted that Danny and Susan Kunze, owners had submitted the Final Plat and Subdivision Agreement for DSK Subdivision for the purpose of creating 6 lots east of Swan Lane and north of Bismark Road comprising of approximately 10 acres.

#009-104 – Approving Final Plat and Subdivision Agreement for Miracle Valley Second Subdivision. It was noted that Joseph and Lori Brown, owners had submitted the Final Plat and Subdivision Agreement for Miracle Valley Second Subdivision for the purpose of creating 2 lots located east of Engleman Road and north of Michigan Avenue comprising of approximately 4.375 acres.

#2009-105 – Approving Acquisition of Utility Easement Located at 3134 West highway 34 (Central Community College).

#2009-106 – Approving Acquisition of Utility Easement Located at 4705 Gold Core Drive (Zitski, LLC).

#2009-107 – Approving Acquisition of Utility Easement Located at 2216 East Highway 30 (Bosselman Carriers, Inc.)

#2009-108 – Approving Anchor Point Access Permission to the Platte River Program for River Channel Monitoring.

#2009-109 – Approving Wind Generation Agreement between Douglas Brunk and Grand Island Utilities.

#2009-110 – Approving License Agreement with Unite Private Networks for Power Pole Attachments in an Amount of \$4.00 per pole.

#2009-111 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with Dominion Construction Company in an Amount of \$2,750 per year and Jerry Harders in an Amount of \$825.00 per year.

#2009-113 – Approving Agreement for Professional Engineering Services for a Project to Replace the Primary Clarifier Mechanisms at the Waste Water Treatment Plant with Black & Veatch Corporation of Kansas City, Missouri in and Amount not-to-exceed \$125,000.00.

#2009-112 – Approving 2 Hour Parking Zone on the East Side of Elm Street from 4th Street South to the Alley. Steve Riehle, Public Works Director reported that in 1996 a “No Parking” designation was approved for the east side of Elm Street from 4th Street south to the alley. A request had been received from the property owner on the southeast corner of 4th Street and Elm Street requesting parking be allowed on the east side of Elm Street. Discussion was held concerning enforcement. Police Chief Steve Lamken stated if a request for enforcement was received a Code Enforcement Officer would be sent.

Motion by Ramsey, second by Zapata to approve Resolution #2009-112. Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

#2009-114 – Approving Pioneer Consortium Interlocal Agreement for Library Services with Grand Island, Bellevue, Gretna, Holdrege, Lincoln, Omaha, and St. Paul. Steve Fosselman, Library Director reported a \$100,000 federal grant had been received and with the adoption of this Interlocal Agreement library services would become more efficient and effective.

Motion by Dugan, second by Meyer to approve Resolution #2009-114. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-115 – Approving Refunding Various Purpose Bonds, Series 2002. David Springer, Finance Director reported this item related the aforementioned Ordinance #9218. Approval of Resolution #2009-115 would retire the \$2,925,000 Various Purpose Bonds approved in 2002.

Motion by Gilbert, second by Zapata to approve Resolution #2009-115. Upon roll call vote, all voted aye. Motion adopted.

#2009-116 – Approving Waste Water Cost of Services Based Rate Study. Steve Riehle, Public Works Director reported that at the May 5, 2009 City Council Study Session a presentation was made by Black & Veatch Corporation of Kansas City, Missouri on the rate study. Staff recommended approving the Rate Study presented to Council on May 5, 2009.

Motion by Meyer, second by Ramsey to approve Resolution #2009-116. Upon roll call vote, all voted aye. Motion adopted.

#2009-117 – Approving Addendum Number 1 to the Agreement for Professional Services for the Design of an Anaerobic Digestion System at the Waste Water Treatment Plant. Steve Riehle, Public Works Director reported that at the May 5, 2009 Study Session, Black & Veatch presented the Digestion Complex Sizing and Cost of Services Based Rate Study with a recommendation of digester sizing option 2A. Approving Resolution #2009-117 would allow Black & Veatch to proceed with Option 2A for the Digestion System.

Motion by Meyer, second by Ramsey to approve Resolution #2009-117. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Zapata to approve the Claims for the period of April 29, 2009 through May 12, 2009, for a total amount of \$2,806,007.61. Unanimously approved.

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

RaNae Edwards
City Clerk