



City of Grand Island

Tuesday, June 09, 2009

Council Session

Item G1

Approving Minutes of May 26, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
May 26, 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 26, 2009. Notice of the meeting was given in *The Grand Island Independent* on May 20, 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, Haase, 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, 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 Audie Aguilar and Garratt Coble. Mayor Hornady mentioned the process of disestablishing BID #8 that was brought forward by Councilmember Carney.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located on the East Side of Broadwell Avenue from 8th Street South to the Alley, West of Jefferson School (Hall County School District No. 2). Gary Mader, Utilities Director reported that a utility easement was needed on the east side of Broadwell Avenue from 8th Street south to the alley, west of Jefferson School in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to relocate secondary underground electric lines to facilitate the clearing of Jefferson School property. Staff recommended approval. No public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located at 3059 St. Paul Road from M2 Heavy Manufacturing to LLR Large Lot Residential. Chad Nabity, Regional Planning Director reported that a request had been made to rezone approximately 5.84 acres of land south of Airport Road and east of St. Paul Road from M2 Heavy Manufacturing to LLR Large Lot Residential. The property had been used for residential purposes and the owners wanted to insure they could rebuild if the house was destroyed. Staff recommended approval. Craig Ackerly, 3059 St. Paul Road spoke in support. No further public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located at 1403 Adams Street from M2 Heavy Manufacturing to R3 Medium Density Residential. Chad Nabity, Regional Planning Director reported that a request had been made to rezone approximately 3.135 acres of land south of Fonner Park Road and east of Adams Street from M2 Heavy Manufacturing to R3 Medium Density Residential. The property is currently vacant. The applicant has an option to purchase this property contingent on rezoning to build apartments. Staff recommended approval. Gary Eilenstine, 2011 North Road spoke in support. No further public testimony was heard.

Public Hearing Concerning Changes to the Grand Island City Code Section 36-173 Relative to Setback and Separation or Buffer Requirements for Towers. Chad Nabity, Regional Planning Director reported that changes proposed were requested by Patrick Buettner which would give the City flexibility in determining the appropriate setbacks for towers when the property is bounded by public property. Staff recommended approval. Patrick Buettner, 714 South Broadwell spoke in support. No further public testimony was heard.

Public Hearing on Acquisition by Lease-Purchase of Building to Serve as a Recreational Facility and State Fair Activities. Jeff Pederson, City Administrator reported this hearing provided for the purchase and leasing of a building and related improvements to serve as a recreational facility at Fonner Park. No public testimony was heard.

ORDINANCES:

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

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

Motion by Meyer, second by Carney 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 (Final Reading)

Dale Shotkoski, City Attorney explained this was the final reading to move the state fair relocation to Grand Island.

Jay Vavricek, 2729 Brentwood Boulevard commented on the lease-purchase agreement, interest, and naming rights of the facility. Discussion was held concerning the approval of payments within the lease-purchase agreement. Bruce Eberly representing Wells Fargo answered questions concerning payments.

Motion by Meyer, second by Zapata to approve Ordinance #9215 on final reading.

Motion by Dugan, second by Meyer to amend the original motion by striking Attachment B to remove the escrow agent fees and Section 7 Subsection B to strike City Administrator and Finance Director. Upon roll call vote, all voted aye. Motion adopted.

A lengthy discussion was held concerning naming rights of the facility. Don Dunn, 72 Ponderosa commented on fund raising and naming rights. Currently private donations had exceeded \$1 million. Hugh Miner, Jr., 3830 Meadoway Trail answered questions regarding naming rights for the Heartland Events Center.

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

#9216 – Consideration of Disestablishment of Business Improvement District No. 8
(Second reading)

Dale Shotkoski, City Attorney explained this was the second reading and was related to the Public Hearing held on May 12, 2009. Also mentioned was the process of disestablishing BID #8.

Bruce Eberly, 3219 Hiawatha Place commented on recent town hall meetings held. The following concerns of those opposed to BID #8 were mentioned:

1. Owner occupied property assessments – move to zero
2. Budget items – how money was spent
3. Membership on board – nomination process

Mr. Eberly spoke against the disestablishment of BID #8.

Carl Mayhew, 507 Plum Road spoke against the disestablishment but wanted changes. Terry Taylor, 222 South Eddy Street supported the disestablishment of the district.

Motion by Carney, second by Meyer to approve Ordinance #9216 on second reading.

Motion by Nickerson, second by Meyer to amend Ordinance #9216 for final reading to July 14, 2009 and during that time the BID members would be solicited by the board for a "yes" or "no" vote to be turned in to the City Clerk by June 30, 2009 and based on those results the Council would take final action on July 14, 2009.

Discussion was held concerning giving more time for both sides to work out their differences. Mentioned was the work plan for BID #8 and residential benefits. Bruce Eberly stated to date most of the items on the list were being worked on.

Wes Nespor, Assistant City Attorney updated the Council on state statutes and the process of establishing and disestablishing BID's. Several Councilmember's stated this issue needed to move forward and bring the process to an end. Mr. Nespor answered questions regarding the roll of the Board of Equalization and process of addressing properties for assessment.

Upon roll call vote for the amendment, Councilmember's Carney and Nickerson voted aye. Councilmember's Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Zapata, and Gericke voted no. Motion failed.

Upon roll call vote of the main motion, Councilmember's Niemann, Haase, Carney, Nickerson, and Gericke voted aye. Councilmember's Meyer, Gilbert, Dugan, Ramsey, and Zapata voted no. Mayor Hornady voted no to break the tie. Motion failed.

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

- #9219 – Consideration of Vacation of Easement in Vacated Jefferson Street; Adjacent to Lot One (1), block Eleven (11) Wallich's Addition (1314 West 7th Street)
- #9220 – Consideration Concerning Change of Zoning for Land Located at 3059 St. Paul Road from M2 Heavy Manufacturing to LLR Large Lot Residential
- #9221 – Consideration Concerning Change of Zoning for Land Located at 1403 Adams Street from M2 Heavy Manufacturing to R3 Medium Density Residential
- #9222 – Consideration Concerning Changes to the Grand Island City Code Section 36-173 Relative to Setback and Separation or Buffer Requirements for Towers

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

Steve Riehle, Public Works Director reported Ordinance #9219 was a request from the Grand Island Public Schools for vacation of a public utility easement due to pending construction of a new annex addition to Jefferson Elementary.

Ordinances #9220, #9221, and #9222 related to the aforementioned Public Hearings.

Motion by Meyer, second by Nickerson to approve Ordinances #9219, #9220, #9221, and #9222.

City Clerk: Ordinances #9219, #9220, #9221, and #9222 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 #9219, #9220, #9221, and #9222 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 #9219, #9220, #9221, and #9222 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda Item G-9 was pulled for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding Item G-9. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 12, 2009 City Council Regular Meeting.

Approving Minutes of May 19, 2009 City Council Study Session.

#2009-118 – Approving Final Plat and Subdivision Agreement for South Place Subdivision. It was noted that Gary Eilenstine, owner had submitted the Final Plat and Subdivision Agreement for South Place Subdivision for the purpose of creating 4 lots east of Adams Street and north of Stolley Park Road comprising of approximately 3.135 acres.

#2009-119 – Approving Acquisition of Utility Easement Located the East Side of Broadwell Avenue from 8th Street South to the Alley, West of Jefferson School (Hall County School District No. 2).

#2009-120 – Approving Bid Award for Water Main Replacement – 1st Street from Pine Street to Plum Street (Water Main Project 2008-W-8) with General Excavating or Lincoln, Nebraska in an Amount of \$163,184.89.

#2009-121 – Approving Authorization for Emergency Sanitary Sewer Repairs on Koenig Street, Between Oak Street and Vine Street with The Diamond Engineering company of Grand Island, Nebraska in an Amount of \$35,000.00 and Midlands Contracting, Inc. of Kearney, Nebraska in an Amount of \$7,494.50.

#2009-122 – Approving Certificate of Final Completion for Storm Drainage Project No. 2009-D-1; Cottonwood Lake Silt Structures with The Diamond Engineering Company of Grand Island, Nebraska.

#2009-123 – Approving Certificate of Final Completion for Handicap Ramp Project No. 2008-2 with Galvan Construction, Inc. of Grand Island, Nebraska.

#2009-125 – Approving Bid Award for a Used Articulated Loader with Fairbanks Equipment of Nebraska of Grand Island, Nebraska in an Amount of \$25,000.00.

#2009-124 – Approving Payment to Pheasants Forever in an Amount of \$4,421.98. Steve Paustian, Parks and Recreation Director explained the purchasing process of paying claims. It was mentioned this claim would be reimbursed 100%.

Motion by Meyer, second by Dugan to approve Resolution #2009-124. 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 May 13, 2009 through May 26, 2009, for a total amount of \$2,610,784.92. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

RaNae Edwards
City Clerk