



# City of Grand Island

Tuesday, July 28, 2009

Council Session

## Item G2

**Approving Minutes of July 14, 2009 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 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 July 14, 2009. Notice of the meeting was given in *The Grand Island Independent* on July 8, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: 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 Katrina Molholm, along with Board Member Liz Mayfield. Also mentioned was the Mid America Blood drive and the need for Type O negative blood.

ADJOURN TO GRAND ISLAND AREA SOLID WASTE AGENCY: Motion by Meyer, second by Gericke, carried unanimously to adjourn to the Grand Island Area Solid Waste Agency.

Public Hearing on Proposed Fiscal Year 2009-2010 Annual Budget for the Grand Island Area Solid Waste Agency. Steve Riehle, Public Works Director reported that a separate hearing was required for the Solid Waste Agency Budget. The Agency budget was the same as the City Solid Waste Division budget (Fund 505) which appeared in the City's Annual Budget Document for Fiscal Year 2009-2010. A PowerPoint presentation was presented by Jeff Wattier, Solid Waste Superintendent explained the services, work being done, revenues, expenses, and 2010 Budget for the Solid Waste Landfill. No public testimony was heard.

#2009-SWA-1 – Approving Adoption of FY 2009-2010 Annual Budget for the Grand Island Area Solid Waste Agency. Motion by Meyer, second by Ramsey, to approve Resolution #2009-SWA-1.

Discussion was held concerning the “other items” in the budget. Jeff Wattier explained materials, property services and professional services. Residential Clean-up Cards were discussed regarding 1 punch versus 2 punches.

Motion by Gericke to amend the motion to offer 1 punch versus 2 punches to the Residential Clean-up Cards. Motion died due to lack of second.

Discussion was held concerning the 2010 budget regarding unrestricted and restricted funds, Mr. Wattier and Mr. Riehle explained the discrepancies from the presentation and what was in the council's packet.

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

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

PUBLIC HEARINGS:

Public Hearing on Request from Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 25, 2009; notice to the general public of date, time, and place of hearing published on July 4, 2009; notice to the applicant of date, time, and place of hearing mailed on June 25, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Ruby Cargill, 248 Arthur Road, St. Libory, NE spoke in support. No further public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located at 3204 West 14<sup>th</sup> Street from R2 Low Density Residential to R4 High Density Residential. Chad Nabity, Regional Planning Director reported that Dan and Lisa Thayer had requested a zoning change for land located at 3204 West 14<sup>th</sup> Street from R2 Low Density Residential to R4 High Density Residential for the purpose of construction eight condominium units. Rex Giesenhagen, 706 W. Angus, Gretna, Nebraska spoke in support on behalf of Dan and Lisa Thayer. No further public testimony was heard.

Public Hearing on Changes to the Future Land Use Map of the Grand Island Comprehensive Plan to Shift the Boundaries of Property Planned for GC General Commercial and Properties Planned for LM Low to Medium Density Residential in an Area East of South Locust and South of the Wood River. Chad Nabity, Regional Planning Director reported that the Lyman Richey Corporation had requested a zoning change on property located at 2819 South Locust (east of South Locust Street and north of Midaro Drive) from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business. The applicant proposes to continue to store mining equipment and materials in the building on this property. An amendment to the Grand Island Comprehensive Plan and Future Land Use map would change the proposed future use of this property from low to medium density residential use to general commercial use as part of this application. Carol White, 4315 Cummings Street, Omaha, Nebraska, Garry Williams, 610 Midaro Drive, and Don Razey, 520 Midaro Drive spoke in support. No further public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located at 2819 South Locust Street from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business. Chad Nabity, Regional Planning Director reported this item related to the aforementioned Public Hearing.

Public Hearing on Acquisition of Utility Easement Located on the East Side of 589 Stuhr Road (Nebraska Colorado Cellular, Inc. dba Viaero Wireless). Gary Mader, Utilities Director reported

that a utility easement was needed at 589 Stuhr Road in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used for a pad-mounted transformer and underground cable to provide electrical service to a new antenna. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1814 North Eddy Street – Five Points Area (Casey’s Retail Company). Gary Mader, Utilities Director reported that a utility easement was needed at 1814 North Eddy Street – Five Points Area in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used for a pad-mount transformer and underground cable to provide service to the new Casey’s. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lot 1 of Meadowlark West Sixth Subdivision at 1204 North Webb Road (Village Development – Grand Island, LLC). Steve Riehle, Public Works Director reported that a public utility easement was needed at 1204 North Webb Road to accommodate public utilities and allow for construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement. The easement would provide for water service to the new Walgreens at 1230 North Webb Road. Staff recommended approval. No public testimony was heard.

#2009-173 – Consideration of Changes to Future Land Use Map of Grand Island Comprehensive Plan to Sift Boundaries of Property Planned for GC General Commercial and Properties Planned for LM Low to Medium Density Residential in an Area East of South Locust Street and South of the Wood River. This item related to the aforementioned Public Hearing.

Discussion was held concerning property owned by Lyman Richey and uses permitted. Building Department Director Craig Lewis explained that sanitary sewer was not required if lots were 10 acres or larger.

Motion by Gilbert, second by Haase to approve Resolution #2009-173. Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

ORDINANCES:

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

#9225 – Consideration of Change of Zoning for Land Located at 3204 West 14<sup>th</sup> Street from R2 Low Density Residential to R4 High Density Residential

#9226 – Consideration of Change of Zoning for Land Located at 2819 South Locust Street from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business

#9227 – Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

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

Ordinances #9225 and #9226 related to the aforementioned Public Hearings.

Motion by Meyer, second by Ramsey to approve Ordinances #9225 and #9226.

City Clerk: Ordinances #9225 and #9226 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 #9225 and #9226 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 #9225 and #9226 are declared to be lawfully adopted upon publication as required by law.

#9227 – Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Public Works Director Steve Riehle reported that Ordinance #9227 was proposed to change the Grand Island City Code Chapter 32 Sections 32-55 Sidewalks; 32-74 Spreading Snow in Streets; and 32-74.2 Mailboxes.

Motion by Meyer, second by Ramsey to approve Ordinance #9227.

Discussion was held regarding snow on streets and time line for removal of snow on sidewalks. Mr. Riehle stated big piles in the street caused problems especially if it does not melt. Conventional sidewalks versus curb sidewalks were discussed. Damages to mail boxes by the Public Works Department was discussed.

Motion was made by Nickerson, second by Gericke to amend Ordinance #9227 by striking Section 32-74.2 Mailboxes paragraph (2). Upon roll call vote, Councilmember’s Meyer, Niemann, Haase, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember’s Gilbert and Carney voted no. Motion adopted.

Motion was made by Gilbert, second by Haase to amend Section 32-55 Sidewalks in the last sentence in the third paragraph by striking the words “Public Works Director” and inserting “City Council”. A lengthy discussion was held regarding curb sidewalks versus conventional sidewalks and who should make the decision to allow which type. Upon roll call vote, Councilmember’s Gilbert, Haase, and Carney voted aye. Councilmember’s Meyer, Niemann, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted no. Motion failed.

City Clerk: Ordinance #9227 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,

Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember's Gilbert and Haase voted no. Motion adopted.

City Clerk: Ordinance #9227 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, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Haase, and Carney voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9227 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-7, G-11, G-18 and G-19 were pulled for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding items G-7, G-11, G-18, and G-19. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 30, 2009 City Council Regular Meeting.

Approving Appointments of Hugh Miner, Roy Neneman, and Byron Wheeler to Business Improvements District #4 Board.

#2009-156 – Approving Final Plat and Subdivision Agreement for Voltaire Villas Subdivision. It was noted that Daniel Thayer, owner had submitted the Final Plat and Subdivision Agreement for Voltaire Villas Subdivision for the purpose of creating 2 lots in Island Acres comprising of approximately .773 acres.

#2009-157 – Approving Final Plat and Subdivision Agreement for Journeys End Subdivision. It was noted that Mae Hein O'Nele Trust, owners had submitted the Final Plat and Subdivision Agreement for Journeys End Subdivision for the purpose of creating 1 lot north of Wildwood Drive and east of Stuhr Road comprising of approximately 1.692 acres. Councilmember Gilbert voted no.

#2009-158 – Approving Acquisition of Utility Easement Located on the East Side of 589 Stuhr Road (Nebraska Colorado Cellular, Inc. dba Viaero Wireless).

#2009-159 – Approving Acquisition of Utility Easement Located at 1814 North Eddy Street – Five Points Area (Casey's Retail Company).

#2009-161 – Approving Bid Award for Water Main Project 2009-W-3 – Water Main Extension – Husker Highway and 60<sup>th</sup> Road (Alda Water Line) with Van Kirk Brothers Contracting of Sutton, Nebraska in an Amount of \$795,409.95.

#2009-162 – Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control with Carus Phosphates, Inc. of Belmont, North Carolina in an Amount not to exceed \$24.624 per million gallons of water treated and an annual estimated amount of \$110,808.00.

#2009-163 – Approving Contract Agreement for Easement Appraisal Services for the 115 kV Interconnection Line with NPPD at St. Libory with Johnson Appraisal, LLC of Lincoln,

Nebraska in an Amount not to exceed \$13,800.00 for the 115 kV transmission line and \$3,000 for the water main extension.

#2009-165 – Approving Contract Termination – Platte Generating Station for Mercury Control System with SPE-Amerex of Batavia, Illinois.

#2009-166 – Approving Bid Award for One (1) Submersible Pump for the Wastewater Division of the Public Works Department with Electric Pump of Des Moines, Iowa in an Amount of \$30,630.00.

#2009-167 – Approving Authorization for Emergency Sanitary Sewer Repairs North of Stolley park Road, Between Arthur Street and Stolley Park Circle with The Diamond Engineering Company of Grand Island, Nebraska in an Amount not to exceed \$21,250.00.

#2009-168 – Approving State Bid Award for (1) 2010 ½ ton Ford F150 SC XLT 4x4 Pickup for the Engineering Division of the Public Works Department with Anderson Ford Lincoln Mercury of Lincoln, Nebraska in an Amount of \$22,731.00.

#2009-169 – Approving Acquisition of Public Utility Easement in Lot 1 of Meadowlark West Sixth Subdivision at 1204 North Webb Road (Village Development – Grand Island, LLC).

#2009-170 – Approving Bid Award for One (1) Positive Displacement Trailer Mounted Sewer Vacuum for the Wastewater Division of the Public Works Department with Elliott Sanitation Co. of Lincoln, Nebraska in an Amount of \$103,960.00.

#2009-160 – Approving Bid Award for Boiler Draft Fan Motors – Platte Generating Station with Hupp Electric, Inc. of Cedar Rapids, Iowa in an Amount of \$349,230.15. Utilities Director Gary Mader reported staff reviewed the bids and submitted the low bid to council for approval.

Motion by Nickerson, second by Meyer to approve Resolution #2009-160.

Gary Anwish, 907 S. Foster, Sioux Falls, South Dakota representing Malloy Electric spoke in opposition of buying motors from overseas. A lengthy discussion was held regarding the bid process, warranty, and overseas manufacturing. Mr. Mader stated many of the items bought by the Utilities Department was made overseas and that the department was comfortable with their recommendation.

Motion by Meyer, second by Nickerson to end debate and move directly to the vote. Upon roll call, Councilmember's Meyer, Haase, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember's Niemann, Gilbert, Carney, and Gericke voted no. Motion failed due to not having a two-thirds vote in the affirmative.

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

#2009-164 – Approving Public Right-of-Way Access Agreement with Environmental Protection Agency (Parkview Superfund). Utilities Director Gary Mader explained the Right-of-Way

Access Agreement and answered questions regarding well locations and ground water contamination.

Motion by Gilbert, second by Dugan to approve Resolution #2009-164. Upon roll call vote, all voted aye. Motion adopted.

#2009-171 – Approving Bid Award for Grand Generation Center Kitchen Addition and Renovation with Chief Construction Company of Grand Island, Nebraska in an Amount of \$195,100.00. Assistant to the City Administrator Paul Briseno answered questions regarding cost and funds raised by the Grand Generation Center to help pay for this project.

Motion by Meyer, second by Zapata to approve Resolution #2009-171. Upon roll call vote, all voted aye. Motion adopted.

#2009-172 – Approving Amendment to Library Personnel FTE Budget Allocation. Library Director Steve Fosselman answered questions regarding the position that was vacated which would be changed from 1 full-time position to 2 part-time positions for cost savings. Also mentioned was the Administrative timing and a 60 day waiting period.

Motion by Haase, second by Nickerson to deny Resolution #2009-172. Upon roll call vote, Councilmember's Haase and Gericke voted aye. Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Nickerson voted no. Motion failed.

Motion by Carney, second by Dugan to approve Resolution #2009-172. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

#### RESOLUTIONS:

#2009-174 – Consideration of Request from Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License and Liquor Manager Designation for Michelle Sheehan, 317 South Plum Street. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Zapata to approve Resolution #2009-174 contingent upon final inspections and Mr. Sheehan completing a state approved alcohol server/seller training program.. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Carney, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Dugan voted no. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Dugan, second by Zapata to approve the Claims for the period of June 24, 2009 through July 14, 2009, for a total amount of \$3,852,901.56. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m.

RaNae Edwards  
City Clerk