



City of Grand Island

Tuesday, April 14, 2015

Council Session

Item G-1

Approving Minutes of March 24, 2015 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 24, 2015

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, 2015. Notice of the meeting was given in *The Grand Island Independent* on March 18, 2015.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mitch Nickerson, Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Interim Finance Director William Clingman, City Attorney Robert Sivick, and Public Works Director John Collins.

INVOCATION was given by Pastor Michael Reiners, Peace Lutheran Church, 1710 N. North Road followed by the PLEDGE OF ALLEGIANCE.

Mayor Jensen introduced Community Youth Council members Diana Molina and Mari Paramo.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Robert Holmes, Computer Programmer with the Finance Department for 45 Years of Service with the City of Grand Island. Mayor Jensen and the City Council recognized Robert Holmes, Computer Programmer with the Finance Department for 45 years of service with the City of Grand Island. Mr. Holmes was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request to Rezone Property Located at 3721 West Capital Avenue from RD Residential Development and R1 Suburban Residential to RD Residential Development (SB Communities, LLC). Regional Planning Director Chad Nabity reported that an application had been received to rezone 15.10 acres south of Capital Avenue and west of the Moore's Creek Drainway. The developer had built five 30 unit three story apartment buildings on the east end of the site and would build an additional five 30 unit buildings. They were requesting to change the configuration and add one 60 unit building by adding property to the west side. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located North of State Street and East of US Highway 281 from CD Commercial Development to Amended CD Commercial Development (EIG Grand Island, LLC). Regional Planning Director Chad Nabity reported that a request to change zoning for property located at 3416, 3420, 3430 and 3436 West State Street had been received to allow 1 additional building at the south end of the property. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA Area 2 for Site Specific Redevelopment Plan Located at 1616 S. Eddy Street. Regional Planning Director Chad Nabity reported that TC Enck Builders, Inc. had submitted a property amendment to the redevelopment plan that would provide for site acquisition, necessary clearance, utility extensions and planning activities and the subsequent construction of a duplex housing unit at 1616 South Eddy Street. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

- #9526 - Consideration of Vacation of Utility Easements Located in Sterling Estates Second Subdivision (SB Communities, LLC)
- #9527 - Consideration of Creation of Street Improvement District No. 1262; Sterling Estates 4th Subdivision – Norseman Avenue, Sunrise Avenue, Monarch Avenue & Ebony Lane
- #9528 - Consideration of Request to Rezone Property Located at 3721 West Capital Avenue from RD Residential Development and R1 Suburban Residential to RD Residential Development (SB Communities, LLC)
- #9529 - Consideration of Request to Rezone Property Located North of State Street and East of US Highway 281 from CD Commercial Development to Amended CD Commercial Development (EIG Grand Island, LLC)
- #9530 – Consideration of Amending Chapter 29 of the Grand Island City Code Relative to Food Manager Permits
- #9531 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Animal Auctions

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 and second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

- #9526 - Consideration of Vacation of Utility Easements Located in Sterling Estates Second Subdivision (SB Communities, LLC)

Public Works Director John Collins reported that the developer of Sterling Estates Second Subdivision requested the vacation of dedicated easements for this area. No utilities were currently within these easements. Staff recommended approval.

Motion by Paulick, second by Hehnke to approve Ordinance #9526.

City Clerk: Ordinance #9526 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 #9526 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9526 is declared to be lawfully adopted upon publication as required by law.

#9527 - Consideration of Creation of Street Improvement District No. 1262; Sterling Estates 4th Subdivision – Norseman Avenue, Sunrise Avenue, Monarch Avenue & Ebony Lane

Public Works Director John Collins reported that the City and developer had been in contact regarding this street improvement district since last year with funding in the 2014/2015 Capital Improvement Program budget. The public/private partnership would allow for the development which would include a City park with parking. Staff recommended approval.

Motion by Donaldson, second by Fitzke to approve Ordinance #9527.

City Clerk: Ordinance #9527 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 #9527 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9527 is declared to be lawfully adopted upon publication as required by law.

#9528 - Consideration of Request to Rezone Property Located at 3721 West Capital Avenue from RD Residential Development and R1 Suburban Residential to RD Residential Development (SB Communities, LLC)

#9529 - Consideration of Request to Rezone Property Located North of State Street and East of US Highway 281 from CD Commercial Development to Amended CD Commercial Development (EIG Grand Island, LLC)

These items related to the aforementioned Public Hearings. Staff recommended approval.

Motion by Haase, second by Stelk to approve Ordinances #9528 and #9529.

Discussion was held on Ordinance #9529 regarding traffic/speed limits on Capital Avenue and sidewalks. Mr. Collins stated sidewalks would be included in this area. Studies were being done on traffic and speed zones.

City Clerk: Ordinances #9528 and #9529 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 #9528 and #9529 on second and final reading. All those in favor of the passage of these ordinances on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinances #9528 and #9529 are declared to be lawfully adopted upon publication as required by law.

#9530 – Consideration of Amending Chapter 29 of the Grand Island City Code Relative to Food Manager Permits

Assistant City Attorney Stacy Nonhof reported that a Certified Food Manager permit was being requested by the Central District Health Department. Two definitions, Potentially Hazardous Food and State Fair Permit, would be added to Chapter 29 of the Grand Island City Code. Staff recommended approval.

Motion by Paulick, second by Stelk to deny Ordinance #9530.

Paul Wicht, 1708 Jerry Drive spoke in opposition. Matt Ripp, 2707 South Locust Street spoke in a neutral position, and Jeremy Collinson from the Central Nebraska Health Department spoke in support.

Discussion was held regarding whom would need a permit, volunteers, fund raisers, etc. Comments were made by Council to take this issue to a Study Session.

Motion by Paulick, second by Stelk to postpone action on Ordinance #9530 until the April 28, 2015 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#9531 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Animal Auctions

Assistant City Attorney Stacy Nonhof reported that changes to Chapter 5 of the Grand Island City Code would prohibit the auctioning of dogs and cats and exempt the State Fair and post-secondary educational institutions from the provisions of Chapter 5. Staff recommended approval.

Motion by Donaldson, second by Hehnke to approve Ordinance #9531.

Douglas Jensen, 2704 North Webb Road spoke in support. Mayor Jensen spoke in opposition. Discussion was held regarding Section 5-7.2 concerning animal auctions. Laurie Dethlof with the Central Nebraska Humane Society spoke of the problems with auctioning animals. She stated ownership was critical.

Motion by Haase, second by Jones to amend the Ordinance and strike section 5-7.2. Upon roll call vote, Councilmembers Paulick, Minton, Fitzke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmembers Steele, Donaldson, and Hehnke voted no. Motion adopted.

City Clerk: Ordinance #9531 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Fitzke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmembers Paulick, Steele, Donaldson, and Hehnke voted no. Motion adopted.

City Clerk: Ordinance #9531 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Fitzke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmembers Paulick, Steele, Donaldson, and Hehnke voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9531 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of March 10, 2015 City Council Regular Meeting.

Approving Minutes of March 17, 2015 City Council Study Session.

#2015-71 - Approving Preliminary and Final Plat and Subdivision Agreement for Sterling Estates 6th Subdivision. It was noted that SB Communities, owner, had submitted the Preliminary and Final Plat and Subdivision Agreement for Sterling Estates 6th Subdivision for the purpose of creating 1 lot located south of Capital Avenue and west of US Highway 281, containing 7.58 acres.

#2015-72 - Approving Temporary Construction Easement for Hall County Sanitary Sewer District 2 (SID 2) [Dale L. Bockmann] in an Amount of \$200.00.

#2015-73 - Approving Amendment No. 1 to Agreement for Engineering Consulting Services Related to Westgate Road Paving District No. 1261; North Road to Copper Road with Olsson Associates of Grand Island, NE in an Amount of \$15,500.00 and a Revised Agreement Amount of \$87,370.00.

#2015-74 - Approving Change Order No. 2 for North Interceptor Phase II; Project No. 2013-S-4 with S.J. Louis Construction, Inc. of Rockville, MN for a Deduction of \$210,003.48 and a Revised Contract Amount of \$21,269,534.02.

#2015-75 - Approving Change Order No. 2 for Sanitary Sewer District No. 528 and No. 530T with Van Kirk Brothers Contracting of Sutton, NE for a Net Credit of \$47,507.46 and a Revised Contract Amount of \$3,326,611.24.

#2015-76 - Approving Nebraska H2O Construction/Post Construction Stormwater Management Program Development; Phase 2 – Felsburg, Holt & Ullevig of Omaha, NE

#2015-77 - Approving Request from the YMCA for Permission to Use City Streets, Hike/Bike Trail, and State Highway for the 2015 State Fair Marathon/Half Marathon/Marathon Relay/5K Race/Kids 1 Mile.

#2015-78 - Approving Award of Proposal for Consulting Services for Geospatial Data Collection of Grand Island's Public Stormwater Conveyance System – 2015 with EA Engineering, Science, and Technology, Inc. of Lincoln, NE in an Amount of \$60,000.00.

#2015-79 - Approving Purchase of a 2015 Truck for the Water Department per State Bid with Anderson Auto Group of Lincoln, NE in an Amount of \$58,488.00.

#2015-80 - Approving Execution of a Confidentiality and Non-Disclosure Agreement regarding Wind Energy with Invenergy Wind Development LLC.

#2015-81 - Approving Bid Award for Heartland Public Shooting Park Entry Road Rehabilitation/Replacement with J.I.L. Asphalt Paving Co., of Grand Island, NE in an Amount of \$205,144.70.

#2015-82 - Approving Grant Application to United States Tennis Association for Ryder Park Tennis Courts.

RESOLUTIONS:

#2015-83 - Consideration of Approving Letter of Support for Essential Air Service (EAS) to the Department of Transportation (DOT). City Administrator Marlan Ferguson introduced Mike Olson, Executive Director of the Hall County Airport Authority. Mr. Olson reported that every two years the Department of Transportation (DOT) asks for proposals from air carriers for the various EAS communities for the continuation of air service. One proposal from American Airlines was submitted. The Hall County Airport Authority recommended American Airlines to the DOT for air service and requested the Mayor send a letter of support to the DOT.

Motion by Haase, second by Paulick to approve Resolution #2015-83. Upon roll call vote, all voted aye. Motion adopted.

#2015-84 - Consideration of Amendment to the Redevelopment Plan for CRA Area 2 for Site Specific Redevelopment Plan Located at 1616 S. Eddy Street. This item related to the aforementioned Public Hearing. Councilmember Steele commented on language in the contract that he felt was problematic. Councilmember Haase stated he did not agree with Tax Increment Financing for apartments. Todd Enk, 4133 Fleetwood Road spoke in support.

Motion by Stelk, second by Fitzke to approve Resolution #2015-84. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Hehnke to approve the Claims for the period of March 11, 2015 through March 24, 2015, for a total amount of \$4,759,809.89. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:42 p.m.

RaNae Edwards
City Clerk