



City of Grand Island

Tuesday, July 14, 2015

Council Session

Item G-1

Approving Minutes of June 23, 2015 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 23, 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 June 23, 2015. Notice of the meeting was given in *The Grand Island Independent* on June 17, 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, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Jeremy Jones was absent. 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 Scott Taylor, First Christian Church, 2400 West 14th Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Jensen introduced Community Youth Council member Maricela Paramo.

BOARD OF EQUALIZATION: Motion by Haase, second by Paulick to adjourn to the Board of Equalization. Motion adopted.

#2015-BE-2 - Consideration of Determining Benefits and Levy Special Assessments for Fence Removal from Public Right of Way at 904 West Phoenix Avenue. Public Works Director John Collins reported that a fence was removed from the public right-of-way at 904 West Phoenix Avenue at a cost of \$500.00. The cost would be assessed to the adjacent property owners. Staff recommended approval.

Lewis Kent, 624 Meves Avenue spoke in support. Tom O'Neill, 2017 Barbara Avenue spoke in opposition.

Motion by Haase, second by Hehnke to approve Resolution #2015-BE-2. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Donaldson, second by Hehnke to return to Regular Session. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road, Suite A for Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road, Suite A. Ms. Edwards presented the following

exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 9, 2015; notice to the general public of date, time, and place of hearing published on June 13, 2015; notice to the applicant of date, time, and place of hearing mailed on June 9, 2015; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report and not qualifying under Nebraska State Statute 53-132 (a), (b), and (c) and under Nebraska Liquor Control Commission Rules and Regulations, Chapter 2 010.01, Falsification of Application. No public testimony was heard.

Public Hearing on Amendment to Redevelopment Plan Area 1 located at 308-312 West 3rd Street. Regional Planning Director Chad Nabity reported that T & S Properties, the owner of the Kaufman Building had submitted a proposed amendment to the redevelopment plan that would provide for renovation and redevelopment of property located at 308-312 West 3rd Street for commercial and office uses. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located at 604 N. Custer Avenue from R2 Low Density Residential to RO Residential Office (Timothy Dunagan). Regional Planning Director Chad Nabity reported that an application had been received from Timothy Dunagan for a change in zoning located at 604 N. Custer Avenue from R2 Low Density Residential to RO Residential Office. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located at 3344 W. Wildwood Drive from B2 General Business and TA Transitional Agriculture to B2 General Business (Robin Stauffer). Regional Planning Director Chad Nabity reported that an application had been received from Robin Stauffer for a change in zoning located at 3344 W. Wildwood Drive from B2 General Business and TA Transitional Agriculture to B2 General Business. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 414 N. Eddy Street - A & V Enterprise, LLC. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 414 N. Eddy Street was needed 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 to provide additional power for the strip mall at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 1002 N. Webb Road - Raile Investments, LLC. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1002 N. Webb Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place a pad-mounted three phase transformer to provide power to the new Feel Fit Fitness building. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 3004 Garland Street - The Diamond Engineering Company. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3004 Garland Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would

be used for a primary underground power line to feed a new Verison Cell Tower. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 218 & 222 S. Plum Street - Burtle Heating & Air Conditioning, Inc. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 218 & 222 S. Plum Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to allow the Electric Utility to continue the use without change or conflict at this location. Staff recommended approval. No public testimony was heard.

ORDINANCE:

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

- #9540 - Consideration of Creation of Water Main District 468 - Lots Five (5) and Twelve (12) Garland Place (Stauss Road)
- #9541 - Consideration of Request to Rezone Property Located at 604 N. Custer Avenue from R2 Low Density Residential to RO Residential Office (Timothy Dunagan)
- #9542 - Consideration of Request to Rezone Property Located at 3344 W. Wildwood Drive from B2 General Business and TA Transitional Agriculture to B2 General Business (Robin Stauffer)
- #9543 - Consideration of Assessments for Fence Removal from Public Right of Way at 904 West Phoenix Avenue

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 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.

- #9540 - Consideration of Creation of Water Main District 468 - Lots Five (5) and Twelve (12) Garland Place (Stauss Road)

Utility Director Tim Luchsinger reported that a petition had been received from the property owner of Lots Five (5) and Twelve (12) Garland Place (at the west end of Stauss Road) requesting City water service.

Motion by Paulick, second by Minton to approve Ordinance #9540.

City Clerk: Ordinance #9540 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 #9540 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 final passage, Ordinance #9540 is declared to be lawfully adopted upon publication as required by law.

#9541 - Consideration of Request to Rezone Property Located at 604 N. Custer Avenue from R2 Low Density Residential to RO Residential Office (Timothy Dunagan)

This item was related to the aforementioned Public Hearings.

Motion by Hehnke, second by Donaldson to approve Ordinance #9541.

City Clerk: Ordinance #9541 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 #9541 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 final passage, Ordinance #9541 is declared to be lawfully adopted upon publication as required by law.

#9542 - Consideration of Request to Rezone Property Located at 3344 W. Wildwood Drive from B2 General Business and TA Transitional Agriculture to B2 General Business (Robin Stauffer)

This item was related to the aforementioned Public Hearings.

Motion by Paulick, second by Minton to approve Ordinance #9542.

City Clerk: Ordinance #9542 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 #9542 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 final passage, Ordinance #9542 is declared to be lawfully adopted upon publication as required by law.

#9543 - Consideration of Assessments for Fence Removal from Public Right of Way at 904 West Phoenix Avenue

This item was related to the aforementioned Board of Equalization hearing.

Motion by Stelk, second by Steele to approve Ordinance #9543.

City Clerk: Ordinance #9543 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 #9543 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 final passage, Ordinance #9543 is declared to be lawfully adopted upon publication as required by law.

#9544 - Consideration of Annexation of Property being Platted as Stauffer Subdivision located at the Northwest Corner of Wildwood Drive and U.S. Highway 281 (First Reading)

Regional Planning Director Chad Nabity reported that all property subdivided adjacent to the Corporate Limits of the City of Grand Island shall be annexed into the City at the time of the subdivision approval. The Mitchell H. Stauffer Revocable Trust, as owners of the property, submitted Stauffer Subdivision as an addition to the City. Annexation ordinances must be read at three separate meetings. This is the first of three readings.

Motion by Paulick, second by Donaldson to approve Ordinance #9544. Upon roll call vote, all voted aye. Motion adopted.

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

Receipt of Official Document – Tort Claim filed by Michael C. Brewer.

Approving Minutes of June 9, 2015 City Council Regular Meeting.

Approving Preliminary Plat for Starlite Subdivision. It was noted that Rick Johnson, owner, had submitted the Preliminary Plat for Starlite Subdivision for the purpose of creating 2 lots located south of State Street and north of 13th Street consisting of 69.346 acres.

#2015-152 - Approving Final Plat and Subdivision Agreement for Landell Subdivision. It was noted that Richard Landell, owner, had submitted the Final Plat and Subdivision Agreement for Landell Subdivision for the purpose of creating 1 lot located north of Capital Avenue and west of Gunbarrel Road consisting of 3.002 acres.

#2015-153 - Approving Acquisition of Utility Easement - 414 N. Eddy Street - A & V Enterprise, LLC.

#2015-154 - Approving Acquisition of Utility Easement - 1002 N. Webb Road - Raile Investments, Inc.

#2015-155 - Approving Acquisition of Utility Easement - 3004 Garland Street - The Diamond Engineering Company.

#2015-156 - Approving Acquisition of Utility Easement - 218 and 222 S. Plum Street - Burtle Heating & Air Conditioning, Inc.

#2015-157 - Approving Change Order #4 (Contract Language Only) with AMEC of Tucker, GA for the Air Quality Control System.

#2015-158 - Approving Quality Control Testing for the 2015 Asphalt Resurfacing Project No. 2015-AC-1 with GSI Engineering of Grand Island, NE in an Amount of \$27,438.00.

#2015-159 - Approving Agreement Amendment No. 2 with Olsson Associates of Grand Island, NE for Professional Services Related to the Extension of Sanitary Sewer System in Wildwood Subdivision (District No. 528) and from Wildwood Subdivision to Interstate 80 (District No. 530T) in an Amount of \$40,000.00 and a Revised Contract Amount of \$542,185.00.

#2015-160 - Approving Change Order No. 3 for North Interceptor Phase II; Project No. 2013-S-4 with S.J. Louis Construction, Inc. of Rockville, MN in and Amount of \$56,540.88 and a Revised Contract Amount of \$21,326,074.90.

#2015-161 - Approving Interlocal Cooperation Agreement for the City/County Geographic Information System.

REQUESTS AND REFERRALS:

Consideration of Forwarding Blighted and Substandard Area #18 – Middleton Electric to the Hall County Regional Planning Commission. Regional Planning Director Chad Nabity reported that Middleton Electric had submitted a Substandard and Blight Study for approximately 114 acres of property in west central Grand Island located between Webb Road on the west, Blaine Street and Custer Avenue on the east, U.S. Highway 30 on the north and 2nd Street on the south. Staff recommended approval to forward to the Regional Planning Commission.

Comments were made concerning the reliance of government assistance for economic development and community benefit from these projects. Also mentioned was the large size of this study. Keith Marvin, Marvin Planning Consultants from David City, NE who conducted the study explained why this area was so large. He stated in order for the area to qualify they needed to make it this big and in the future some of the businesses may redevelop. Ron Depue, attorney for the applicant explained the process for the study. He stated one person would start the process with the study and incur the costs.

Motion by Minton, second by Stelk to approve. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Approving Request for Liquor Manager Designation for Leela Castillo, 2323 Bellwood Drive #212 with Fiesta Latina/Klub Lavish, 2815 South Locust Street. City Clerk

RaNae Edwards reported that Leela Castillo, 2323 Bellwood Drive #212 was requesting a Liquor Manager designation for Fiesta Latina/Klub Lavish, 2815 South Locust Street. Staff recommended denial based on the Police Department report of not qualifying under Nebraska State Statute 53-125 Parts (5), (10), and (11) and the Nebraska liquor Control Commission Nebraska Rules and Regulations, Chapter 2 Section 010.01, Falsification of Application.

Motion by Stelk, second by Hehnke to deny the request from Leela Castillo. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2015-162 - Consideration of Approving Request from Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road, Suite A for Class "T" Liquor License and Liquor Manager Designation for Javier Erives, 504 No. Walnut Street, Apt. 3. This item relates to the aforementioned Public Hearing. Javier Erives, 504 No. Walnut Street, Apt. 3 spoke in support. Sgt. Dave Vitera and Police Chief Steve Lamken commented on the police investigation and reasons for denial. Discussion was held regarding other businesses owned by this applicant in York and McCook.

Motion by Donaldson, second by Stelk to deny Resolution #2015-162. Upon roll call vote, Councilmembers Minton, Fitzke, Donaldson, Hehnke, Haase, Stelk, and Nickerson voted aye. Councilmembers Paulick and Steele voted no. Motion adopted.

#2015-163 - Consideration of Approving Economic Development Incentive Agreement with GIX Logistics, 308 West 3rd Street. Citizens Advisory Review Committee (CARC) Chairman Dehn Renter stated this application had been approved by the CARC. EDC President Dave Taylor reported that GIX Logistics had submitted a LB-840 application in the amount of \$202,800.00 for the creation of 26 additional full-time employees. The company is located at 308 West 3rd Street and is an existing business of transportation, logistics, and distribution of goods across the country. This forgivable loan would be paid over three years.

Tom O'Neill, 2017 Barbara Avenue spoke in support. Compliments were made by Council concerning this project.

Motion by Haase, second by Donaldson to approve Resolution #2015-163. Upon roll call vote, all voted aye. Motion adopted.

#2015-164 - Consideration of Approving Amendment to Redevelopment Plan Area 1 located at 308-312 West 3rd Street. This item is related to the aforementioned Public Hearing. Regional Planning Director Chad Naby stated this item was part two of the GIX Logistics project. This would allow for TIF financing from the Community Redevelopment Authority (CRA) in the amount of \$272,000 if Council approved the Redevelopment Plan.

Discussion was held regarding the business financials in the application. Jim Pirnie, 4011 W. Fairley Avenue explained the reason for this request. They wanted to keep the jobs here in Grand Island and hire students from the local college. If not for the TIF funding they would have

relocated their business to Kearney. City Attorney Robert Sivick explained State Statutes with regards to FIF financing. Mr. Naby explained the process regarding bonds, payments, and increased tax base.

Motion by Hehnke, second by Stelk to approve Resolution #2015-164. Upon roll call vote, all voted aye. Motion adopted.

#2015-165 - Consideration of Approving Architectural Services for the Utilities Customer Service Building. Utility Director Tim Luchsinger reported that the Utilities Department provided the majority of funding for the Finance Department for the financial operations of customer service such as receiving billing payments, account starts, stops, and transfers, and answering other account questions from customers. The customer service area currently in City Hall, including the parking area, does not provide appropriate traffic patterns to adequately serve the customers. Discussions were held regarding the construction of a new Utilities Customer Service Building to be located at the southeast corner of First and Sycamore Streets.

Request for Proposals (RFP) for Architectural Services for a new customer service building were issued with two responses received. This is a three phase project. Staff recommended awarding the contract to Davis Design of Lincoln, NE to proceed with Phase 1 of the project for a not-to-exceed amount of \$7,875.00.

Lewis Kent, 624 Meves Avenue spoke in support.

Motion by Donaldson, second by Fitzke to approve Resolution #2015-165.

Concerns were brought up regarding building this before a Finance Director was hired. Mentioned was reopening the drive-through window and fully staffing the customer service desks during peak hours. Mr. Luchsinger stated this project had been looked at for several years and opening the drive-through window would create traffic problems.

Interim Finance Director William Clingman explained the logistics problems with the current building. City Administrator Marlan Ferguson stated the empty space created by the move could be used for Information Technology and the Human Resources departments. This move would alleviate space constraints within City Hall.

Motion by Stelk, second by Haase to postpone this item 6 months after we hire the Finance Director. Upon roll call vote, Councilmembers Paulick, Steele, Haase, and Stelk voted aye. Councilmembers Minton, Fitzke, Donaldson, Hehnke, and Nickerson voted no. Motion failed.

Upon roll call vote of the main motion, Councilmembers Minton, Fitzke, Donaldson, Hehnke, Stelk, and Nickerson voted aye. Councilmembers Paulick, Steele, and Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Hehnke, second by Nickerson to approve the Claims for the period of June 10, 2015 through June 23, 2015, for a total amount of \$8,311,019.77. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:38 p.m.

RaNae Edwards
City Clerk