



City of Grand Island

Tuesday, July 28, 2015

Council Session

Item G-2

Approving Minutes of July 14, 2015 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 14, 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 July 14, 2015. Notice of the meeting was given in *The Grand Island Independent* on July 8, 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, Roger Steele, and Mike Paulick. Councilmembers Michelle Fitzke and Vaughn Minton were 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 Keegan Crosby, Berean Bible Church, 4116 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

Mayor Jensen introduced Community Youth Council member Adan Redwine and board member Randy See.

PUBLIC HEARINGS:

Public Hearing on Request from GNS Corporation dba Git 'N Split, 3320 Langenheder Street for Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from GNS Corporation dba Git 'N Split, 3320 Langenheder Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 15, 2015; notice to the general public of date, time, and place of hearing published on July 4, 2015; notice to the applicant of date, time, and place of hearing mailed on June 15, 2015; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from YZ GYZ, LLC dba The Filling Station, 217 E. Stolley Park Road, Suite N for Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from YZ GYZ, LLC dba The Filling Station, 217 E. Stolley Park Road, Suite N. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 14, 2015; notice to the general public of date, time, and place of hearing published on July 4, 2015; notice to the applicant of date, time, and place of hearing mailed on June 24, 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 53-124 and 53-132. Ralph Bradley, 132 Ponderosa, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Blender, LLC – Rick Johnson on behalf of Zella, LLC – Farhan Khan for a Conditional Use Permit for a Senior Living Facility located South of the Intersection of State Street and Ebony Lane. Building Department Director Craig Lewis reported that Blender, LLC – Rick Johnson has submitted an application for a Conditional Use Permit for the construction of a senior living center at 1920 Sagewood Avenue with the expectation that upon approval Zella LLC would become the owners and construction the facility. Proposed is to construct a 93 unit two story senior living center with the potential for an additional 70 units in the future. Staff recommended approval. Ron Grabowski, 1621 Summerfield Avenue spoke of concerns regarding drainage. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 3041 N. Shady Bend Road – Ashe. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3041 N. Shady Bend 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 for a new primary underground electric cable, pad-mount transformer, and related appurtenances to serve a new residential acreage at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 5976 & 5700 S. Locust - Lilienthal. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 5976 and 5700 South Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be for primary underground power lines to serve the residence at 5976 South Locust Street, and livestock facilities at 5700 South Locust Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - South of Capital Avenue, West of Hwy. 281, North of Sterling Estates 3rd Subdivision - Niedfelt Property Management. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located south of Capital Avenue, west of Hwy. 281, and north of Sterling Estates 3rd Subdivision 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 Verizon 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 for extension of utility lines between the Sterling Estates 4th Subdivision and the Sterling Estates 6th Subdivision developments. The area would allow for installation of water mains, sanitary sewer lines, and drainage infrastructure. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 4160 Old Potash Highway - Hall County School District #2. Utilities Director Tim Luchsinger reported that acquisition of a utility

easement located at 4160 Old Potash Highway 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 new electrical gear and high voltage power lines to Shoemaker Elementary School. The proposed easement would provide the Utilities Department with rights for operation, maintenance, and access for primary underground power lines, a pad-mount transformer, and related appurtenances. Staff recommended approval. No public testimony was heard.

Public Hearing on Contract Amendment for Community Development Block Grant 12-DTR-104. Community Development Specialist Charley Falmlen reported that staff would like to move \$60,000 from Storm Sewers and \$7,000 from Code Enforcement to Public Facilities, and \$7,200 from Architectural Barriers to Public Facilities where it could be used to support the continued progress of Kaufmann Cummings Plaza. Matching funds would remain the same for each source. Also requested was to move \$8,000 from Commercial Rehabilitation to Public Facilities which was unused from The Chocolate Bar grant. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9544 - Consideration of Annexation of Property being Platted as Stauffer Subdivision located at the Northwest Corner of Wildwood Drive and U.S. Highway 281 (Second 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 second of three readings.

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

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

- #9545 - Consideration of Vacation of a Utility Easement Located in Luzenac Third Subdivision (Central Nebraska Transload, LLC)
- #9546 - Consideration of Creation of Street Improvement District No. 1262; Sterling Estates 4th Subdivision - Ebony Lane
- #9547 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to E-Cigarettes

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.

#9545 - Consideration of Vacation of a Utility Easement Located in Luzenac Third Subdivision (Central Nebraska Transload, LLC)

Public Works Director John Collins reported that Central Nebraska Transload, LLC, requested to vacate a dedicated easement within Lot Two (2) of Luzenac Third Subdivision. There were no utilities currently within this easement that would be affected by this vacation. Staff recommended approval.

Motion by Donaldson, second by Hehnke to approve Ordinance #9545.

City Clerk: Ordinance #9545 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 #9545 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 #9545 is declared to be lawfully adopted upon publication as required by law.

#9546 - Consideration of Creation of Street Improvement District No. 1262; Sterling Estates 4th Subdivision - Ebony Lane

Public Works Director John Collins reported that the City and Developer have been in contact regarding this street improvement district since last year, therefore expenses were planned in the 2014/2015 Capital Improvement Program budget. Several adjustments had been made to this subdivision plat, which had delayed this paving district and required the budgeted funds to be moved to FY 2015/2016. This public/private partnership would allow for development of the area, which consisted of a City park with parking, as well as meeting the developer needs. This project was currently estimated at \$250,000.00 and would be assessed to the subdivision developer.

Motion by Haase, second by Jones to approve Ordinance #9546.

City Clerk: Ordinance #9546 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 #9546 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 #9546 is declared to be lawfully adopted upon publication as required by law.

#9547 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to E-Cigarettes

Assistant City Attorney Stacy Nonhof reported that in order to try to protect the health of the youth of Grand Island, an Ordinance banning all vapor products for anyone under the age of 18 was needed. Banning all vapor products for people under the age of 18 would make enforcement of City Ordinance consistent.

Motion by Hehnke, second by Stelk to approve Ordinance #9547.

City Clerk: Ordinance #9547 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 #9547 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 #9547 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-9 (Resolution #2015-173) and G-10 (Resolution #2015-174) were pulled from the agenda at the request of the Public Works Department. Consent Agenda items G-12 (Resolution #2015-176) and G-14 (Resolution #2015-178) were pulled for further discussion. Motion by Stelk, second by Hehnke to approve the Consent Agenda excluding items G-9, G-10, G-14 and G-14. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 23, 2015 City Council Regular Meeting.

#2015-166 - Approving Acquisition of Utility Easement - 3041 N. Shady Bend Road – Ashe.

#2015-167 - Approving Acquisition of Utility Easement - 5976 & 5700 S. Locust Street – Lilienthal.

#2015-168 - Approving Acquisition of Utility Easement - South of Capital Avenue, West of Hwy. 281, North of Sterling Estates 3rd Subdivision - Niedfelt Property Management.

#2015-169 - Approving Acquisition of Utility Easement - 4160 Old Potash Highway - Hall County School District #2.

#2015-170 - Approving Purchase of Bucket Truck (replacement) for the Line Division (Unit 1551) of the Utilities Department from National Joint Powers Alliance Buying Group (NJPA) in an Amount of \$183,262.00.

#2015-171 - Approving Interlocal Agreement with Hall County for Ambulance Service.

#2015-172 - Approving Police Department Three Year Victims Of Crime Act Grant Application.

#2015-173 - Approving Time Extension for South Blaine Street Bridge Replacements; Project No. 2014-B-1. This item was pulled from the agenda at the request of the Public Works Department.

#2015-174 - Approving Compensation Increase for Relocation of Fence and Sidewalk at the Nebraska Veterans Home Anderson Building for the North Interceptor Phase II Sanitary Sewer Project. This item was pulled from the agenda at the request of the Public Works Department.

#2015-175 - Approving Agreement with NDOR for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2016 Fiscal Year Transportation Planning Program.

#2015-176 - Approving Interlocal Cooperative Agreement with Hall County for Use of County Roads to Reroute Commercial Truck Traffic to Airport Road. Councilmember Paulick thanked those that worked on getting this accomplished in such a short time.

Motion by Paulick, second by Hehnke to approve Resolution #2015-176. Upon roll call vote, all voted aye. Motion adopted.

#2015-177 - Approving Request from the Multicultural Coalition of Grand Island for Permission to Use City Streets and State Highway for the Third Annual Multicultural Day of the Dead Festival.

#2015-178 - Approving Award of Proposal for Asset Management Implementation Assistance for the Grand Island Wastewater Division with Black & Veatch Corporation of Kansas City, MO in an Amount not-to-exceed \$367,700.00. Public Works Director John Collins and Wastewater Treatment Plant (WWTP) Superintendent Marvin Strong explained the value of an Asset Management Implementation Assistance. This would allow the WWTP to be proactive instead of reactive.

Motion by Nickerson, second by Paulick to approve Resolution #2015-178. Upon roll call vote, all voted aye. Motion adopted.

#2015-179 - Approving Certificate of Final Completion for Westgate Road Paving District No. 1261; North Road to Copper Road with The Diamond Engineering Company of Grand Island, NE.

#2015-180 - Approving Contract Amendment for Community Development Block Grant 12-DTR-104.

#2015-181 - Approving Final Plat and Subdivision Agreement for Sandy Beach Third Subdivision. It was noted that John C. Hoffman, owner, had submitted the Final Plat and Subdivision Agreement for Sandy Beach Third Subdivision for the purpose of moving property line between two lots.

#2015-182 - Approving Final Plat and Subdivision Agreement for Starlite Subdivision. It was noted that Blender, LLC – Rick Johnson, owner had submitted the Final Plat and Subdivision Agreement for Starlite Subdivision for the purpose of creating 2 lots located south of State Street and west of US Hwy 281 consisting of 19.75 acres.

#2015-183 - Approving Final Plat and Subdivision Agreement for Vanosdall Second Subdivision. It was noted that Wayne Vanosdall Sanitation Service, Inc., owner, had submitted the Final Plat and Subdivision Agreement for Vanosdall Second Subdivision for the purpose of creating 3 lots located east of Locust Street and north of US Highway 34 consisting of 28.2659 acres.

REQUESTS AND REFERRALS:

Consideration of Approving Request from Blender, LLC – Rick Johnson on behalf of Zella, LLC – Farhan Khan for a Conditional Use Permit for a Senior Living Facility located South of the Intersection of State Street and Ebony Lane. This item relates to the aforementioned Public Hearing. Discussion was held regarding drainage. Mr. Lewis stated with the approval of Starlite Subdivision there was a drainage plan in place. Nate Underwood representing Zella, LLC answered questions concerning the project. He stated this facility would be private pay, they would accept Medicaid, and there was no age limit.

Motion by Paulick, second by Hehnke to approve. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2015-184 - Consideration of Request from GNS Corporation dba Git ‘N Split, 3320 Langenheder Street for Class “D” Liquor License and Liquor Manager Designation for Jess Vetrovsky, 200 So. Lasall Street, Beatrice, NE. This item relates to the aforementioned Public Hearing.

Motion by Donaldson, second by Jones to approve Resolution #2015-184. Upon roll call vote, all voted aye. Motion adopted.

#2015-185 - Consideration of Request from YZ GYZ, LLC dba The Filling Station, 217 E. Stolley Park Road, Suite N for Class “C” Liquor License and Liquor Manager Designation for Shauna Forbes, 1314 Marshall Street, Wood River, NE. This item relates to the aforementioned Public Hearing. Tyson Juhl, part owner commented on the changes in the business and stated he would follow the rules. Shauna Forbes answered questions regarding being a liquor manager. Fire Division Chief Fred Hotz explained the fire inspections that had not been completed.

Motion by Paulick, second by Nickerson to approve Resolution #2015-185 with the stipulation there be no violations for 1 year. Upon roll call vote, Councilmembers Paulick, Steele, Hehnke, Haase, Stelk, and Nickerson voted aye. Councilmembers Donaldson and Jones voted no. Motion adopted.

#2015-186 - Consideration of Approving the 2015-2016 Fee Schedule. Interim Finance Director William Clingman reviewed the 2015-2016 Fee Schedule changes. The following changes were mentioned:

- Administration-Increase Blight Study Adoption fee
- Emergency Management-Elimination of 2 fees and addition of a new fee
- Parks Department- fee changes for Cemetery, Heartland Public Shoot Park and Aquatics
- Public Works – Elimination of 8 fees in the Streets Division
- Wastewater Treatment Plant-increase of various fees

Discussion was held and questions answered regarding alarm monitoring reports, headstone flagging, private pool rental, Family Archery fee, and golf fees.

Motion by Haase, second by Hehnke to approve Resolution #2015-186. Upon roll call vote, all voted aye. Motion adopted.

#2015-187 - Consideration of Approving External Search Firm Services for Finance Director Position. Human Resources Director Aaron Schmid reported that Administration was seeking approval to utilize the services of external search firms to fill the Finance Director position. This position had been vacant since December 10, 2014 and efforts had been taken internally to fill the position. Despite those efforts and associated costs, the applicant response had been low and not produced a finalist candidate. A fee of not to exceed 30% of the candidate's estimated first years annual compensation of \$24,578.45 to \$36,841.74 would be paid to the search firm. Should a candidate leave, through no fault of the City within 90 calendar days of initial employment, the search firm would agree to locate and present additional candidates of comparable qualifications at no additional charge.

Discussion was held regarding qualifications, experience, education, and managerial/leadership qualities. Comments were made concerning eliminating some duties from this position.

Motion by Stelk, second by Paulick to approve Resolution #2015-187. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Paulick to approve the Claims for the period of June 24, 2015 through July 14, 2015, for a total amount of \$5,273,296.78. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:33 p.m.

RaNae Edwards
City Clerk