



# City of Grand Island

Tuesday, November 10, 2015

Council Session

## Item G-1

### Approving Minutes of October 27, 2015 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
October 27, 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 October 27, 2015. Notice of the meeting was given in *The Grand Island Independent* on October 21, 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.

Mayor Jensen introduced Community Youth Council member Natalie Stapleton.

INVOCATION was given by Pastor Dan Bremer, Grace Lutheran Church, 545 East Memorial Drive followed by the PLEDGE OF ALLEGIANCE.

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

#2015-BE-11 - Consideration of Determining Benefits and Levy Special Assessments for Water Service Box Lowering for 219 East Charles Street. Public Works Director John Collins reported that there was a need to lower the water service box at 219 East Charles Street at a cost of \$750.00 to be assessed to the property owner. Staff recommended approval of the connection fee.

Motion by Donaldson, second by Stelk to approve Resolution #2015-BE-11. 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 Hooker Brothers Construction Company for a Renewal of Conditional Use Permit for a Sand and Gravel Operation located at 501 Gunbarrel Road. Building Department Director Craig Lewis reported that a request for the renewal of a Conditional Use Permit from Hooker Brothers Construction Company for a sand and gravel operation had been received. Staff recommended approval with the following conditions:

**1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials.

The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.

**2). CLOSURE:** A drawing of the proposed development of the property after the closing of the sand and gravel operation has been provided along with the initial application.

**3). PRIMARY CONDITIONS: (a).** The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

**(b).** Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations.

**(c).** Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.

**(d).** Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

**(e).** Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.

**(f).** All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

**(g).** No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

**(h).** Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

**(i).** Applicant shall maintain any and all drainage ditches that may be located upon the real property.

**(j).** Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

**(k).** All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

**(l).** Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational. Staff recommended approval. Randy Stueven, 233 S. Gunbarrel Road

requested further regulations and conditions. Kerry McGrath, 3211 Ponca Circle representing Hooker Brothers spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 3840 and 3860 S. Locust Street (Hooker Brothers). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3840 and 3860 S. Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The property used for a sand and gravel operation located at 3840 and 3860 S. Locust Street was being redeveloped for residential homes. In order to serve the area being developed by Hooker Brothers Sand and Gravel, Inc., the Utilities Department needed to acquire an easement along the north side of their property for operation, maintenance, and access of underground primary power lines, pad-mounted transformers, termination equipment, and related infrastructure. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 1212 Allen Drive (JoEL Investment Group, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1212 Allen Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The new Raising Cane's Restaurant was being constructed at the corner of 13<sup>th</sup> Street and Allen Drive. In order to serve the new business and the lot to the south, the Utilities Department needed to acquire an easement for operation, maintenance, and access of underground primary power lines, pad-mounted transformer, termination equipment, and related infrastructure. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 1230 Allen Drive (JoEL Investment Group, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1230 Allen Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The new Raising Cane's Restaurant was being constructed at the corner of 13<sup>th</sup> Street and Allen Drive. In order to serve the new business, the Utilities Department needed to acquire an easement for operation, maintenance, and access of underground primary power lines, pad-mounted transformer, termination equipment, and related infrastructure. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 2036 Brentwood Blvd. (Five Points Bank). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 2036 Brentwood Blvd. was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. Five Points Bank was currently constructing a new building at 2036 Brentwood Boulevard for their data processing use. In order to provide the power supply to the building, the Utilities Department needed to acquire an easement relative to the property owned by Five Points Bank. The easement would be located on part of Lot Two, Brentwood Seventh Subdivision, just south of the Stolley Park Road and the Brentwood Boulevard intersection. 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:

#9561 - Approving Final Bond for Webb Road Street Improvement District No. 1260 and Westgate Road Paving District No. 1261

#9562 - Consideration of Assessments for Water Service Box Lowering for 219 East Charles Street

#9563 - Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Snow Emergency Routes

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.

#9561 - Approving Final Bond for Webb Road Street Improvement District No. 1260 and Westgate Road Paving District No. 1261

Interim Finance Director William Clingman reported that based on the payments made for District No. 1260 and 1261, intersection costs and issuance fees of the new bonds, bond financing of \$1,231,000 was needed to pay off the Bond Anticipation Notes that come due on November 15, 2015. The assessment balances would be paid over the next 9 years.

Motion by Donaldson, second by Minton to approve Ordinance #9561.

City Clerk: Ordinance #9561 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 #9561 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 #9561 is declared to be lawfully adopted upon publication as required by law.

#9562 - Consideration of Assessments for Water Service Box Lowering for 219 East Charles Street

Motion by Minton, second by Hehnke to approve Ordinance #9562.

City Clerk: Ordinance #9562 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 #9562 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 #9562 is declared to be lawfully adopted upon publication as required by law.

#9563 - Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Snow Emergency Routes

Public Works Director John Collins reported that it had been brought to Staff's attention that Chapter 22; Section 113 of City Code wasn't updated when Ordinance No. 9087 was passed by City Council on November 14, 2006, thus leaving Ordinance No. 9204, approved on February 10, 2009 incorrect. The proposed corrections to Chapter 22; Section 113 of the City Code have been drafted for City Council consideration.

Motion by Paulick, second by Jones to approve Ordinance #9562.

City Clerk: Ordinance #9562 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 #9562 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 #9562 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of October 13, 2015 City Council Regular Meeting.

Approving Appointments of Derek Apfel and John Hoggatt to the Regional Planning Commission.

Approving Request from Aloha' Investments, LLC dba Afternooners, 3773 Sky Park Road for a Reconstruction to their Class "C-95177" Liquor License.

#2015-284 - Approving Acquisition of Utility Easement - 3840 and 3860 S. Locust Street - Hooker Brothers.

#2015-285 - Approving Acquisition of Utility Easement - 1212 Allen Drive - JoEL Investment Group, LLC.

#2015-286 - Approving Acquisition of Utility Easement - 1230 Allen Drive - JoEL Investment Group, LLC.

#2015-287 - Approving Acquisition of Utility Easement - 2036 Brentwood Blvd. - Five Points Bank.

#2015-288 - Approving Bid Awards for Tree Trimming Project 2016-TT-1 with Leetch Tree Service of Grand Island, NE in an Amount of \$69,400.00 for Section 2, 3, 6, 7, 8, 11, and 12; Sheffield Tree Service of Grand Island, NE for an Amount of \$16,000.00 for Section 9 and 10; and B & E Tree Service, Inc. of Grand Island, NE in an Amount of \$63,000.00 for Sections 1, 5, and 16.

#2015-289 - Approving Bid Award for Burdick Station Unit #3 Distributed Control System with ABB, Inc. of Wickliffe, OH in an Amount of \$596,977.00.

#2015-290 - Approving Compliance Consulting Agreement with Volkmann Consulting.

#2015-291 - Approving Bid Award for the Law Enforcement Center & Downtown Parking Lot Snow Removal Operations for the 2015/2016 Winter Season with Rick's Lawn Care, Inc. of Grand Island, NE for the following amounts: Trucks for Hauling Snow - \$70.00 per load; Tractor Loader with Box Blade - \$225.00 per hour; Skid Steer Loader - \$175.00 per hour; and Tractor with Pull Blade - \$185.00 per hour.

#2015-292 - Approving Contract for Medical Director for the Grand Island Fire Department with Dr. Michael McGahan of Grand Island, NE in an Amount of \$23,000.00 per year for 5 years.

#2015-293 - Approving Purchase of New Portable Radios for the Grand Island Fire Department with Platte Valley Communication of Grand Island, NE in an Amount of \$31,111.25.

#2015-294 - Approving Purchase of Opticom Traffic Signal Controllers with Mid America Signal of Kansas City, KS in an Amount of \$9,471.00.

#2015-295 - Approving Change Order No. 1 - Sterling Park Site Development – 2015 with The Diamond Engineering Co. of Grand Island, NE for a Decrease of \$4,172.00 and a Revised Contract Amount of \$88,514.63.

#2015-296 - Approving Change Order No. 1 - Sterling Park Site Development - 2015 - Phase Two of Concrete Trail Construction with The Diamond Engineering Co. of Grand Island, NE for an Increase of \$1,150.00 and a Revised Contract Amount of \$49,257.00.

REQUESTS AND REFERRALS:

Consideration of Request from Hooker Brothers Construction Company for a Renewal of Conditional Use Permit for a Sand and Gravel Operation located at 501 Gunbarrel Road. This item relates to the aforementioned Public Hearing.

Motion by Stelk, second by Minton to approve the request from Hooker Brothers Construction Company for a renewal of their Conditional Use Permit for a Sand and Gravel Operation located at 501 Gunbarrel Road with the conditions as presented.

Discussion was held regarding future stipulations and regulations. Reviewed were photos of the gravel site including the sand pile. Mr. Lewis commented on past complaints of the sight. Mr. Sivick stated the Council could pull the permit if conditions were not met. Jeff Hooker commented on the decibel readings at the plant.

Motion by Donaldson, second by Haase to amend the motion that both sides along with the Building Department study the conditions and come back by May 2016 with recommendations. Upon roll vote, Councilmembers Paulick, Steele, Donaldson, Hehnke, Haase, Jones, and Stelk voted aye. Councilmembers Minton, Fitzke, and Nickerson voted no. Motion adopted.

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

RESOLUTIONS:

#2015-297 - Consideration of Approving a New Olympic Bunker Trap Range Venue at the Heartland Public Shooting Park. Parks and Recreation Director Todd McCoy reported that the Grand Island Skeet and Sporting Clays Club, Inc. recently approached the City with the idea of adding a new Olympic Bunker Trap venue at HPSP. GI Skeet and Sporting Clays Club proposed to raise all the funds necessary to build the estimated \$270,000.00 improvement. Upon completion of the project the City would be responsible for maintaining the improvement and servicing the equipment and operational expenses such as electrical for the bunker trap as it does the other venues at HPSP.

Comments were made concerning the increase in FTE's in the future.

Motion by Minton, second by Paulick to approve Resolution #2015-297. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Hehnke, second by Donaldson to approve the Claims for the period of October 24, 2015 through October 27, 2015, for a total amount of \$6,600,084.58. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:26 p.m.

RaNae Edwards  
City Clerk