



City of Grand Island

Tuesday, January 12, 2010

Council Session

Item G1

Approving Minutes of December 15, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

December 15, 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 December 15, 2009. Notice of the meeting was given in *The Grand Island Independent* on December 9, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Councilmember's were present: Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Nickerson, Zapata, and Gericke. Councilmember Carney was absent. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director Mary Lou Brown, 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, Miranda Baxter, Miguel Baeza and Board Member Ed Jarosik. Mayor Hornady requested citizens of Grand Island shovel their sidewalks.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Julie Shaver-Frandsen, Utility Technician for 30 Years of Service with the City of Grand Island: The Mayor and City Council recognized Julie Shaver-Frandsen, Utility Technician with the Utilities Department for 30 years of service with the City of Grand Island. Utilities Director Gary Mader commented on the exceptional service of Ms. Frandsen. Ms. Frandsen was present for the recognition.

Presentation of Operations Plan for State Fair Building. Parks and Recreation Director Steve Paustian and Parks and Recreation Superintendent Todd McCoy presented a PowerPoint outlining the vision for the programming and operation of the 70,000 square foot building to be used by the State Fair two months of the year and the City ten months. This building would be used for soccer, volleyball/basketball, football, softball, and children's playground. Start up costs and expenses were presented. Annual expenses were estimated at \$194,644 and annual revenues were \$189,605. Facility scheduling and staffing needs were presented.

Discussion was held regarding future costs, bidding processes, and Recreational Coordinator position. Showers and locker rooms were discussed. Mr. Paustian stated he didn't feel there was a need for showers and locker rooms. Other new facilities across the state do not offer these amenities. Usage of the facility was discussed including no summer months operations unless there was a need. Mr. Paustian stated Parks and Recreation projects were not money makers, but quality of life issues. Mayor Hornady commented on the importance of the parks within the City of Grand Island.

Project Progress Update on the Veterans Athletic Field Complex. Parks and Recreation Director Steve Paustian and Parks and Recreation Superintendent Todd McCoy updated the Council on efforts to relocate the existing softball/soccer fields at Fonner Park to the new location south of

Eagle Scout Park. Mr. Paustian reported many items associated with the relocation had been completed. Increased parking, new lighting and the relocation of existing lights at Fonner Park would be used in the phase two portion of the development of the new ball fields. Reviewed was the budget summary for the Veterans Athletic Field Complex.

PUBLIC HEARINGS:

Public Hearing on Request from Club 69, Inc. dba Club 69, 106 East 3rd 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 Club 69, Inc. dba Club 69, 106 East 3rd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 9, 2009; notice to the general public of date, time, and place of hearing published on December 5, 2009; notice to the applicant of date, time, and place of hearing mailed on November 9, 2009; along with Chapter 4 of the City Code. Staff recommendation denial based on the following: 1). False application – Nebraska Liquor Control Act (Part II Chapter 2, Section 010.01); 2) Not of good character and reputation in the community – Nebraska Liquor Control Rules and regulations Section 53-125 (2) based on the following: a.) the owner, Mr. Kallos, has not demonstrated that he is fit, willing and able to properly provide the service proposed within the City; b.)The owner, Mr. Kallos has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license; c.) There are multiple on sale liquor establishments in Grand Island of which none demand the level of law enforcement resources because of high calls for service and crimes generated from the liquor license; d.) The Grand Island Police Department frequently lacks adequate resources to police Club 69 and respond to the calls for service and crimes generated by the liquor license; and e.) The Club 69 liquor license is not consistent with the public interest.

The following people spoke in support of granting Club 69 a Liquor License:

- John McDermott, Attorney for Nick Kallos, 1016 West Division Street
- Nick Kallos, 106 East 3rd Street
- Paul Jamson, 619 South Arthur Street
- Courtney Storjohn, 714 North Taft Avenue
- Frank Stahlnecker, 3423 West Kelly Street
- Chris Schleicher, 706 North Taft Avenue
- Melodee Chase, 520 O'Neill Circle
- Richard Rezac, 1512 East Stolley Park Road

The following people spoke in opposition of granting Club 69 a Liquor License:

- Audie Aguilar, 1139 South Lincoln Avenue
- Becky Burks, 1324 West Anna Street

No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1108 Allen Drive (Nebraska Investment Association, LLC). Gary Mader, Utilities Director reported that a utility easement was needed at 1108 Allen Drive in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground primary electric cable and a pad-mounted transformer to serve the new Verizon

Wireless office being constructed on the site. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement at Fonner Park (Hall County Livestock Improvement Association). Gary Mader, Utilities Director reported that a utility easement was needed at Fonner Park in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place high voltage electric cable, conduits and pad-mounted transformers to provide electrical service to three of the new State Fair buildings. Staff recommended approval. No public testimony was heard.

Public Hearing on Easement Acquisitions for the Electric Transmission Line Project – St. Libory Loop. Gary Mader, Utilities Director reported that state law requires the City to hold a public hearing in order to acquire easement for the power line construction. The Public Hearing was required to be held 30 days prior to the beginning of easement acquisition negotiations with landowners. Barry Smith representing Advantage Engineering presented a PowerPoint explaining the process and route of the transmission line. No action was required by council.

The following people spoke in opposition:

- Bill Leiser, 4425 Engleman Road
- Lloyd Mader, 3951 North Webb Road
- Bob Mettenbrink, 5900 N. North Road
- Max Mader, 3850 North Webb Road
- Jeff Koch, 5300 N. North Road

No further public testimony was heard.

Gary Mader commented on the process of negotiations with land owners and severance pay for any property that was damaged.

Public Hearing on Redevelopment Plan for Property Located at 703 South Lincoln Avenue. Chad Nabity, Regional Planning Director reported that developer John Schulte Construction had submitted a proposed amendment to the redevelopment plan that would provide the construction of a 4-unit apartment building located at 703 South Lincoln Avenue. Staff recommended approval. John Schulte, 3422 S. 110 Road, Wood River was present to answer questions. No further public testimony was heard.

Public Hearing on Amending the Commercial Development Zone for Land Located at 2210 North Webb Road. Chad Nabity, Regional Planning Director reported that Ed Wiltgen, owner had requested an amendment to the development plan for Grand Island Mall and property located at 2210 North Webb Road. The request was to allow access from Webb Road. Staff recommended approval. James Wiltgen, 530 East 47th Street, Kearney and Kelly Rafferty, 717 West Anna Street spoke in support. No public testimony was heard.

City Council recessed at 9:15 p.m. and reconvened at 9:25 p.m.

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:

#9245 – Consideration of Amending the Commercial Development Zone for Land Located at 2210 North Webb Road

#9246 – Consideration of Adopting Chapter 40 to the Grand Island City Code for an Illicit Discharge and Storm Water Management Ordinance

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

Ordinance #9245 related to the aforementioned Public Hearing.

Motion by Meyer, second by Haase to approve Ordinance #9245.

Discussion was held regarding set backs and traffic flow off Webb Road.

City Clerk: Ordinance #9245 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, Haase, Ramsey, Zapata, and Gericke voted aye. Councilmember’s Gilbert, Dugan, and Nickerson voted no. Motion adopted.

City Clerk: Ordinance #9245 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, Haase, Ramsey, Zapata, and Gericke voted aye. Councilmember’s Gilbert, Dugan, and Nickerson voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9245 is declared to be lawfully adopted upon publication as required by law.

Steve Riehle, Public Works Director reported that Ordinance #9246 would create a new chapter to the Grand Island City Code. An illicit discharge ordinance was a requirement of the National Pollutant Discharge Elimination System (NPDES) permit for small Municipal Separate Storm Sewer Systems (SMS4). This ordinance would empower the city to track, identify and eliminate illicit discharges to the storm drainage system. Mr. Riehle gave a PowerPoint presentation explaining the scope of Chapter 40 of the Grand Island City Code. Staff recommended approval. Scott Sekutera, Storm Water Technician explained the discharge prohibitions.

Motion by Haase, second by Dugan to approve Ordinance #9246.

Assistant City Attorney Wes Nespor explained the fine structure for violations. These fines would go to the school district.

City Clerk: Ordinance #9246 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 #9246 on final passage. All those in favor of the passage of this ordinance 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, Ordinance #9246 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-10, was removed for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding item G-10. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 1, 2009 City Council Regular Meeting.

Approving the Following Councilmember Appointments to Boards and Commissions:

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| Building Code Advisory Board: | Bob Meyer |
| Business Improvement District #4: | Kirk Ramsey |
| Business Improvement District #6: | Bob Niemann |
| Business Improvement District #7: | Scott Dugan |
| Business Improvement District #8: | Jose Zapata |
| Central District Health board (Term of 3 years) | Chuck Haase |
| City/County Communications/Civil Defense Committee: | John Gericke & Bob Meyer |
| Community Development Advisory Board: | Peg Gilbert |
| Community Redevelopment Authority: | Mitch Nickerson |
| GI Area Economic Development Corp. | Scott Dugan |
| Humane Society: | Larry Carney |
| Law Enforcement Co-Location: | Bob Niemann |
| Library Board: | Peg Gilbert |
| Multi-Cultural Coalition: | Larry Carney |
| Problem Resolution Team: | John Gericke |
| Regional Planning Commission: | Mitch Nickerson |
| Systems Information Advisory Committee (City/County) | Jose Zapata |
| Transportation Committee: | Bob Meyer |

Approving Appointment of Dave Schaffer to the Business Improvement District #6 Board.

Approving Appointments of Denise Kozel, Mike Rivera, Brady Blauhorn, Terry Klanecky, Craig Lewis, and Den Mathis to the Electrical Board.

Approving Appointments of Russ Shaw, Loran Peterson, Scott Hilligas, Mike McElroy, Mike Myers, Todd Bredthauer, and Tom O'Neill to the Mechanical Examining Board.

Approving Appointments of Verne Penas, Jennifer Herman, Mike Bailey, David Scoggins, and Rick Eberl to the Plumbers Examining Board.

#2009-311 – Approving Bid Award for (1) Used Ambulance with Penn Care, Inc. of Niles, Ohio in an amount of \$25,542.00.

#2009-312 – Approving Final Plat and Subdivision Agreement for 281 Retail Second Subdivision. It was noted that Sam's Real Estate Business Trust, owners had submitted the Final Plat and Subdivision Agreement for 281 Retail Second Subdivision for the purpose of creating 2 lots on a tract of land comprising a re-plat of Lot 1, 281 Retail Subdivision comprising of approximately 21.944 acres.

#2009-313 – Approving Final Plat and Subdivision Agreement for Setlik Subdivision. It was noted that Dorothy M. Setlik, owner had submitted the Final Plat and Subdivision Agreement for Setlik Subdivision for the purpose of creating 2 lots on a tract of land comprising all of Lots One (1), Two (2) and Three (3), Block Eighty Eight (88), Wheeler and Bennett's Fourth Addition to the City of Grand Island comprising of approximately .479 acres.

#2009-315 – Approving Acquisition of Utility Easement Located on the Southwest Corner of 1108 Allen Drive (Nebraska Investment Association, LLC).

#2009-316 – Approving Acquisition of Utility Easement Located at Fonner Park (Hall County Livestock Improvement Association).

#2009-317 – Approving Bid Award for On-Site Technical Advisor for GT3 Combustion Inspection for Burdick Station with GE Energy of Omaha, Nebraska in an Amount of \$42,602.05.

#2009-318 – Approving Neighborhood Stabilization Program Housing Developer Agreements.

#2009-319 – Approving Nebraska Children and Families Foundation Contract for Coalition for Children Development Grant.

#2009-320 – Approving Bid Award for Section C – Paving Improvements for Veterans Athletic Field Complex with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$57,226.75.

#2009-321 – Approving Certificate of Final Completion for Engineering Services for Phase 1 Design of Veterans Athletic Field Complex with Olsson Associates of Grand Island, Nebraska.

#2009-322 – Approving Reimbursement Agreement with AT & T of Atlanta, Georgia for Lowering Fiber Optics Cable at the Veterans Athletic Field Complex for an Estimated Cost of \$28,255.00.

#2009-323 – Approving Change Order Number 1 for Street Improvement Project No. 2009-P-3; First Street from Clark Street to Eddy Street with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$5,500.00 and a Revised Contract Amount of \$100,706.60.

#2009-324 – Approving Certificate of Final Complete for Street Improvement Project No. 2009-P-3; First Street from Clark Street to Eddy Street with The Diamond Engineering Company of Grand Island, Nebraska.

#2009-325 – Approving Bid Award for One (1) Telehandler for the Wastewater Division of the Public Works Department with NCS Equipment of Grand Island, Nebraska in an Amount of \$65,200.00.

#2009-314 – Approving Redevelopment Plan for Property Located at 703 South Lincoln Avenue. Discussion was held regarding TIF projects and TIF financing, Regional Planning Director Chad Nabity commented on the need four housing within the City of Grand Island. This plan would create 3 units.

Motion by Ramsey, second by Zapata to approve Resolution #2009-314. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-326 – Consideration of Request from Club 69, Inc. dba Club 69, 106 East 3rd Street for a Class “C” Liquor License and Manager Designation for Nickie Kallos, 1704 East 7th Street. It was noted this related to the aforementioned Public hearing. Discussion was held concerning the number of calls to the business, employees working at the business, and type of customers. Police Chief Steve Lamken explained the number of problems over the last three years.

Motion by Nickerson, second by Niemann to approve Resolution #2009-326. Upon roll call vote, Councilmember’s Haase, and Nickerson voted aye. Councilmember’s Meyer, Niemann, Gilbert, Dugan, Ramsey, Zapata, and Gericke voted no. Motion failed.

Motion by Gilbert, second by Niemann to deny Resolution #2009-326 the request from Club 69, Inc. dba Club 69, 106 East 3rd Street for a Class “C” Liquor License for the following reasons:

- The owner, Mr. Kallos has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license.
- There are multiple on sale liquor establishments in Grand Island of which none demand the level of law enforcement services that Club 69 requires. Club 69 requires the use of additional law enforcement resources because of high calls for service and crimes generated from the liquor license.
- The Club 69 liquor license is not consistent with the public interest.

Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Zapata, and Gericke voted aye. Councilmember Nickerson voted no. Motion adopted.

#2009-327 – Consideration of Economic Development Incentive Agreement with Structured Solutions, Inc. City Administrator Jeff Pederson reported that Structured Solutions, Inc. had submitted an application for LB840 funding to develop a highly technical computer database business and the creation of 200 new full time jobs. Requested was \$600,000.

Discussion was held regarding funding. Marlan Ferguson, EDC President explained that EDC would monitor the number of employees to make sure the requirements for the business are met.

Motion by Meyer, second by Gilbert to approve Resolution #2009-327. Upon roll call vote, all vote aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of December 2, 2009 through December 15, 2009, for a total amount of \$4,320,758.85. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the period of November 25, 2009 through December 15, 2009 for the Veterans Athletic Field Complex for a total amount of \$62,698.06. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the period of November 25, 2009 through December 15, 2009 for the State Fair Recreation Building for a total amount of \$1,255,500.00. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Niemann to adjourn to Executive Session at 10:30 p.m. for the purpose of an update concerning IBEW Union Negotiations. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer, second by Zapata to return to Regular Session at 11:25 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 11:25 p.m.

RaNae Edwards
City Clerk