



# **City of Grand Island**

**Tuesday, April 13, 2010**

**Council Session**

## **Item G1**

**Approving Minutes of March 23, 2010 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 23, 2010

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 23, 2010. Notice of the meeting was given in *The Grand Island Independent* on March 17, 2010.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Councilmember's were present: Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director Mary Lou Brown, and Public Works Director Steve Riehle.

INVOCATION was given by Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady introduced CYC members Ava Mackey and Aaron Oswald. Also mentioned was that City Clerk RaNae Edwards was honored at the Nebraska Municipal Clerk's Association banquet last week with the 2010 Outstanding Clerk's Award in the 1<sup>st</sup> Class and Larger cities category.

PUBLIC HEARINGS:

Public Hearing on Request from Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception Hall, 211 North Sycamore Street for an Addition to Class "C-82906" Liquor License. RaNae Edwards, City Clerk reported that an application for an addition to Class "C-82906" Liquor License had been received from Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception Hall, 211 North Sycamore Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 1, 2010; notice to the general public of date, time, and place of hearing published on March 13, 2010; notice to the applicant of date, time, and place of hearing mailed on March 1, 2010; along with Chapter 4 of the City Code. The addition would cover the entire building. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Alpha Center, LLC dba Alpha Center Receptions & Banquets, 520 West 3<sup>rd</sup> Street for a Class "I" Liquor License. This item was pulled from the agenda at the request of the applicant.

Public Hearing on Annexation of a Tract of Land Being Platted as Shady Bend Subdivision and Adjacent Right-of-Way Located South of U.S. Highway 30 and West of the New Shady Bend Road. Chad Nabity, Regional Planning Director reported that the owner of land located at 3609 East US Highway 30 and 803 North Shady Bend Road had submitted Shady Bend Subdivision as an addition to the City and requested annexation of this property. Staff recommended approval. Ron Miller, 704 South Cherry spoke in opposition. No further public testimony was heard.

Public Hearing on Zoning Change for Land Located East of Stuhr Road between Seedling Mile Road and Swift Road from M1 – Light Manufacturing to M2 – Heavy Manufacturing. Chad Nabity, Regional Planning Director reported that JBS Swift had purchased the property at 435 Stuhr Road and planned to expand their current operation, which required a change in zoning. Staff recommended approval. No public testimony was heard.

Public Hearing on Text Amendment to Chapter 36 of the Grand Island City Code Relative to Light Manufacturing, Heavy Manufacturing – Appendix A, and Landscaping Regulations. Chad Nabity, Regional Planning Director reported that the amendments pertained to; allowing parking lot as a permitted principal use in light and heavy manufacturing areas; landscaping along federal and state funded highways; and landscaping for parking lots with more than 500 spaces. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Ingress/Egress Easement Located at Fonner Park (Hall County Livestock Improvement Association). Steve Riehle, Public Works Director reported that a public ingress/egress easement was needed on the south side of the Fonner Park access road off of South Locust Street to accommodate public access to a piece of property owned by the Nebraska State Fair. Staff recommended approval. No public testimony was heard.

Public Hearing #3 Concerning Community Revitalization Grant, Phase III and Contract Amendment. Barbara Quandt, Community Development Administrator reported that budget and contract extension amendments were needed to the current Community Development Block Grant (CDBG) received in 2008 from the Nebraska Department of Economic Development (DED) to recruit qualified applicants. The contract amendment would extend the project to March 31, 2011. Staff recommended approval. No public testimony was heard.

#### ORDINANCES:

#9254 – Consideration of Annexation Request of a Tract of Land Being Platted as Shady Bend Subdivision and Adjacent Right-of-Way Located South of U.S. Highway 30 and West of the New Shady Bend Road (First Reading)

This item was related to the aforementioned Public Hearing. This was the first of three readings.

Motion by Nickerson, second by Zapata to approve Ordinance #9254 on first reading. Upon roll call vote, all voted aye. Motion adopted.

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

#9255 – Consideration of Zoning Change for Land Located East of Stuhr Road between Seedling Mile Road and Swift Road from M1 – Light Manufacturing to M2 – Heavy Manufacturing

#9256 – Consideration of Text Amendment to Chapter 36 of the Grand Island City Code Relative to Light Manufacturing, Heavy Manufacturing – Appendix A, and Landscaping Regulations

#9257 – Consideration of Vacation of a Portion of the Alley Right-of-Way South of 4<sup>th</sup> Street, from Cedar Street to Walnut Street (USave Pharmacy)

#9258 – Consideration of the Conveyance of 522 N. Beal Street and 2811 West 4<sup>th</sup> Street (Ordinance #9258 item was pulled from the agenda.)

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.

#9255 – Consideration of Zoning change for Land Located East of Stuhr Road between Seedling Mile Road and Swift Road from M1 – Light Manufacturing to M2 – Heavy Manufacturing

#9256 – Consideration of Text Amendment to Chapter 36 of the Grand Island City Code Relative to Light Manufacturing, Heavy Manufacturing – Appendix A, and Landscaping Regulations

#9257 – Consideration of Vacation of a Portion of the Alley Right-of-Way South of 4<sup>th</sup> Street, from Cedar Street to Walnut Street (USave Pharmacy)

#9258 – Consideration of the Conveyance of 522 N. Beal Street and 2811 West 4<sup>th</sup> Street (Ordinance #9258 was pulled from the agenda)

Ordinances #9255 and #9256 related to the aforementioned Public Hearings.

Steve Riehle, Public Works Director reported that Ordinance #9257 was requested from USave Pharmacy to vacate a portion of the alley south of 4<sup>th</sup> Street, from Cedar Street to Walnut Street to allow adequate space for traffic using the drive thru.

#9255 – Consideration of Zoning Change for Land Located East of Stuhr Road between Seedling Mile Road and Swift Road from M1 – Light Manufacturing to M2 – Heavy Manufacturing

Discussion was held regarding Ordinance #9255 and odors from the JBS Swift plant.

Motion by Meyer, second by Nickerson to approve Ordinance #9255.

City Clerk: Ordinance #9255 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, Carney, Dugan, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Haase, Ramsey, and Zapata voted no. Motion adopted.

City Clerk: Ordinance #9255 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, Carney, Dugan, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Haase, Ramsey, and Zapata voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9255 is declared to be lawfully adopted upon publication as required by law.

#9256 – Consideration of Text Amendment to Chapter 36 of the Grand Island City Code Relative to Light Manufacturing, Heavy Manufacturing – Appendix A, and Landscaping Regulations

Motion by Ramsey, second by Gilbert to approve Ordinance #9256.

City Clerk: Ordinance #9256 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 #9256 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 #9256 is declared to be lawfully adopted upon publication as required by law.

#9257 – Consideration of Vacation of a Portion of the Alley Right-of-Way South of 4<sup>th</sup> Street, from Cedar Street to Walnut Street (USave Pharmacy)

Bill Francis, 222 North Cedar Street spoke in support. Mr. Francis answered question about contacting the neighbors.

Motion by Dugan, second by Gilbert to approve Ordinance #9257.

City Clerk: Ordinance #9257 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 #9257 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 #9257 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-21 and G-22 were pulled for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding items G-21 and G-22. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim filed by Eric Steward.

Approving Minutes of March 6, 2010 City Council Special Study Session (Retreat).

Approving Minutes of March 9, 2010 City Council Regular Meeting.

Approving Appointment of Derek Apfel to the Business Improvement District #6 Board.

#2010-73 – Approving Final Plat and Subdivision Agreement for JBS Subdivision. It was noted that JBS USA LLC and Swift Beef Company, owners had submitted the Final Plat and Subdivision Agreement for JBS Subdivision for the purpose of creating 2 lots on a tract of land in part of the West Half (W1/2) of the Northwest Quarter (NW1/4) of Section 14-11-9 comprising of approximately 73 acres.

#2010-74 – Approving Final Plat and Subdivision Agreement for Meadowlark West Eighth Subdivision. It was noted that Paul J. Younes, owner had submitted the Final Plat and Subdivision Agreement for Meadowlark West Eighth Subdivision for the purpose of creating 2 lots on a tract of land comprising all of Lot One (1), Meadowlark West Fifth Subdivision and comprising of approximately 3.69 acres.

#2010-75 – Approving Setting Board of Equalization Hearing Date of April 27, 2010 to Determine Benefits – 2009 Weed/Nuisance Abatement Program.

#2010-76 – Approving Bid Award for Replacing Concrete at Fire Station 2 with the Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$28,575.00.

#2010-77 – Approving the Adoption of the Resolution to Comply with Title VI Requirements.

#2010-78 – Approving the Adoption of the Resolution to Comply with American's with Disability act (ADA) and Section 504 of the Rehabilitation Act.

#2010-79 – Approving Bid Award for One (1) 2010 Model, 127 Cubic Yard Solid Waste Transfer Trailer with STECO of Morris, Minnesota in an Amount of \$58,100.00 with a trade-in Amount of \$19,500.00.

#2010-80 – Approving Bid Award for Water Main Project 2010-W-1 – Poplar Street from 9<sup>th</sup> Street to 12<sup>th</sup> Street with the Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$89,287.08.

#2010-81 – Approving the Agreement to allow Project for Invasive Plant Control and River Restoration between the City of Grand Island and the Platte Valley Weed Management Area.

#2010-82 – Approving Issuance of Building Permit to the Nebraska State Fair Board for Two Storage Buildings Located at 1525 South Locust Street.

#2010-83 – Approving Contract with US Cellular for Cellular Telephone Services for the Police Department.

#2010-84 – Approving Acquisition of Ingress/Egress Easement Located at Fonner Park (Hall County Livestock Improvement Association).

#2010-85 – Approving Community Revitalization Grant, Phase III and Contract Amendment.

#2010-86 – Approving Bid Award Concurrence with the Nebraska Department of Roads (NDOR) on the Construction of the Northbound Lanes on South Locust Street North of I-80 with Upper Plains Contracting, Inc. of Aberdeen, South Dakota.

#2010-87 – Approving Revised Agreement for Installation of Private Well by Goodwill Industries to Service HVAC System.

#2010-88 – Approving Contract Extension to May 15, 2010 Installation of Utilities and Parking Lot at the Veterans Athletic Field Complex with the Diamond Engineering Company of Grand Island, Nebraska.

#2010-91 – Approving Letter of Agreement with Nebraska Emergency Management Agency (NEMA) for Handling Hazardous Materials.

#2010-89 – Approving Change Order #2 for Utility Improvements at the Veterans Athletic Field Complex with the Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$12,428.22 and a Revised Contract Amount of \$212,266.60. Councilmember Meyer apologized to Steve Paustian, Parks and Recreation Director for an earlier comment regarding the Veterans Athletic Field Complex.

Motion by Meyer, second by Dugan to approve Resolution #2010-89. Upon roll call vote, all voted aye. Motion adopted.

#2010-90 – Approving Changes to the 2009-2010 Fee Schedule. Discussion was held regarding the Heartland Public Shooting Park (HPSP) fees and the reason for the increase. Mr. Paustian explained the use of the public and instructors at HPSP.

Motion by Gericke to amend the motion to retain the fee of \$10.00 and \$15.00 for use of the range. Motion died due to lack of a second.

Upon roll call vote on the main motion, all voted aye. Motion adopted.

RESOLUTIONS:

#2010-92 – Consideration of Request from Balz Banquet and Reception Hall, Inc. dba Balz Banquet and Reception Hall, 211 North Sycamore Street for an Addition to Class “C-82906” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Zapata to approve Resolution #2010-92 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2010-93 – Consideration of Request from Alpha Center, LLC dba Alpha Center Receptions & Banquets, 520 West 3<sup>rd</sup> Street for a Class “I” Liquor License and Liquor Manager Designation for Nellie Ries, 3736 South Locust Street. This item was pulled from the agenda at the request of the applicant.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of March 10, 2010 through March 23, 2010, for a total amount of \$3,276,884.83. Unanimously approved.

Motion by Dugan, second by Gericke to approve the Claims for the period of March 10, 2010 through March 23, 2010 for the State Fair Recreation Building for a total amount of \$189,000.00. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 7:50 p.m.

RaNae Edwards  
City Clerk