



City of Grand Island

Tuesday, January 25, 2011

Council Session

Item G1

Approving Minutes of January 11, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 11, 2011

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 January 11, 2011. Notice of the meeting was given in *The Grand Island Independent* on January 5, 2011.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard and John Gericke. The following City Officials were present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Dale Shotkoski, Assistant City Attorney Jason Eley, and Interim Public Works Director Gary Mader.

INVOCATION was given by Pastor Bev Lanzendorf, First United Methodist Church, 4190 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek indicated that the Council Retreat would be held Saturday, January 22, 2011. Mayor Vavricek acknowledged and thanked the City crews for snow removal along with Police and Fire Departments.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Dale Shotkoski, City Attorney for Service with the City of Grand Island. Mayor Vavricek and the City Council recognized City Attorney Dale Shotkoski for his years of service with the City.

Recognition of Mike Kearney and Brye Jensen with the Grand Island Fire Department's Citizen's Citation Award. The Mayor and City Council recognized Mike Kearney and Brye Jensen for their life saving efforts. Russ Blackburn, EMS Division Chief and Corrine Ketterling with the American Red Cross presented Mr. Kearney and Ms. Jensen Citizen Citation Awards and thanked them for their outstanding efforts.

Recognition of Leroy Becker with the Grand Island Fire Department's Citizen's Citation Award. The Mayor and City Council recognized Leroy Becker for his life saving efforts. Russ Blackburn, EMS Division Chief presented Mr. Becker with the Citizen Citation Award and thanked him for his outstanding efforts.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Gilbert, second by Ramsey, carried unanimously to adjourn to the Board of Equalization.

#2011-BE-1 – Consideration of Determining Benefits and Levy Special Assessments for Sidewalk Repairs at 503 E. Yund Street and 2025 N. Lafayette Avenue. Gary Mader, Interim Public Works Director reported that work had been completed on Sidewalk repairs at 503 E. Yund Street and 2025 N. Lafayette Avenue for a total cost of \$2,807.20. Costs for the project

would be assessed to the two properties. The City Council needed to meet as the Board of Equalization to determine the benefits for Sidewalk repairs. Staff recommended approval.

Motion by Gilbert, second by Nickerson to approve Resolution #2011-BE-1. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Dugan carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street for a Class "T" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "T" Liquor License had been received from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 17, 2010; notice to the general public of date, time, and place of hearing published on January 1, 2011; notice to the applicant of date, time, and place of hearing mailed on December 17, 2010; 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 Riverside Golf Club dba Riverside Golf Club, 2820 Riverside Drive for an Addition/Reconstruction to Class "C-07703" Liquor License. RaNae Edwards, City Clerk reported that an application for an addition/reconstruction to Class "C-07703" Liquor License had been received from Riverside Golf Club. dba Riverside Golf Club, 2820 Riverside Drive. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 28, 2010; notice to the general public of date, time, and place of hearing published on January 1, 2011; notice to the applicant of date, time, and place of hearing mailed on December 28, 2010; 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 Consolidated Concrete Co. for a Conditional Use Permit for Two Conex Containers to Store Concrete located at 3440 West Old Highway 30. Craig Lewis, Building Department Director reported that Consolidated Concrete Co. had submitted an application for a renewal for a conditional use permit for two Conex containers to store concrete located at 3440 West Old Highway 30. Staff recommended approval for an additional 12 month period expiring on December 31, 2011. Brad Sallinger representing Consolidated Concrete Co. spoke in support. No further public testimony was heard.

Public Hearing on Program Income Reuse Funds Application. Community Development Administrator Joni Kuzma reported that the City maintains a revolving loan (program income reuse) fund comprised of recaptured monies from Community Development Block Grant (CDBG) Economic Development loans. The Grand Island Area Economic Development Corporation submitted an application for \$7,000.00 of the Revolving Loan funds to update an April 2010 Environmental Review of Platte Valley Industrial Park East. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

#9285 – Consideration of Assessments for Sidewalk Repairs at 503 E. Yund Street and 2025 N. Lafayette 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 this ordinance on second 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.

Motion by Gilbert, second by Gericke to approve Ordinance #9285.

City Clerk: Ordinance #9285 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 #9285 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9285 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-5, G-15, and G-16 were removed for further discussion. Motion by Donaldson, second by Niemann to approve the Consent Agenda excluding items G-5, G-15, and G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 21, 2010 City Council Regular Meeting.

Approving Minutes of December 28, 2010 City Council Special Meeting.

Approving Minutes of January 4, 2011 City Council Study Session.

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

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

Approving Re-Appointments of Rick Eberl, Eric Rose, Jeremy Collinson, David Scoggins, and Craig Lewis to the Plumbers Examining Board.

#2011-1 – Approving Program Income Reuse Funds Application with Grand Island Economic Development Corporation in the Amount of \$7,000.00.

#2011-3 – Approving the Certificate of Compliance with the Nebraska Department of Roads for Maintenance Agreement No. 12; Calendar Year 2010.

#2011-4 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads.

#2011-5 – Approving 2010 Local Emergency Operations Plan.

#2011-6 – Approving Bid Award for Ball Field Fencing at Veteran’s Athletic Field Complex with Elkhorn Fence Co. from Elkhorn, Nebraska in an Amount of \$26,052.00.

#2011-7 – Approving Amendment No. 2 to the Agreement with Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements in an Amount of \$5,200 and a Revised Contract Amount of \$46,400.00.

#2011-8 – Approving Nebraska Children and Families Foundation Contract for Coalition for Children Development Grant.

#2011-2 – Approving Three Year Contract between the City of Grand Island and Union Pacific Railroad for Coal Transportation to Platte Generating Station. Utilities Director Gary Mader answered questions regarding the negotiations with Union Pacific Railroad. Mentioned was there would be no minimum and no price change to ship up to 500,000 tons.

Motion by Gericke, second by Niemann to approve Resolution #2011-2. Upon roll call vote, all voted aye. Motion adopted.

#2011-9 – Approving Amendment to HVAC Energy Efficiency Improvement Upgrades with Myer’s Heating and Air for Fire Station 4 in an Amount of \$16,500.00 and Jerry’s Sheet Metal for Fire Station 3 in an Amount of \$8,056.00. Fire Chief Troy Hughes answered questions regarding the original contract with Myers Heating and Air and the reason for changing to Jerry’s Sheet Metal. No work had been done by Myers Heating and Air and this change would be a long term savings to the City.

Motion by Ramsey, second by Gard to approve Resolution #2011-9. Upon roll call vote, all voted aye. Motion adopted.

#2011-10 – Approving Contract Extension with Midwest Floor Covering at the Field House to July 1, 2011. Parks and Recreation Director Steve Paustian explained the delay in laying the floor due to high humidity in the concrete. A lengthy discussion was held regarding the process of sealing the concrete which could cost between \$50,000 to \$60,000. A revised plan for revenue receipts for the 2010/2011 budget was requested to be presented at the Council Retreat. City Attorney Dale Shotkoski answered questions concerning recourse for this issue.

Motion by Dugan, second by Haase to approve Resolution #2011-10. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Consolidated Concrete Co. for a Conditional Use Permit for Two Conex Containers to store Concrete Located at 3440 West Old Highway 30. This item related to the aforementioned Public Hearing.

Discussion was held concerning the continued use and extensions of Conditional Use Permits. Building Department Director Craig Lewis answered questions concerning other Conex containers in other areas. Brad Sallinger stated he was working on making this permanent.

Motion by Gilbert, second by Gard to approve the request from Consolidated Concrete Co. for a Conditional Use Permit for two Conex containers to store concrete located at 3440 West Old Highway 30 through December 31, 2011. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-11 – Consideration of Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3^d Street for a Class “I” Liquor License and Liquor Manager Designation for Sharena Anson, 4234 Arizona Avenue. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Carney to approve Resolution #2011-11 contingent upon final inspections and completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2011-12 – Consideration of Request from Riverside Golf Club dba Riverside Golf Club, 2820 Riverside Drive for an Addition/Reconstruction to Class “C-07703” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Carney, second by Gericke to approve Resolution #2011-12 contingent upon final inspections. Upon roll call vote, all voted aye. Councilmember Gard abstained. Motion adopted.

#2011-13 – Consideration of Annexation for Right-of-Way along a Portion of South Locust Street between the Grand Island City Limits and the Northernmost Terminus of the Exit Ramps to the Interstate 80 Interchange (County of Hall, Nebraska). Regional Planning Director Chad Naby reported that the City was the owner of property along a portion of South Locust Street between the Grand Island City Limits and the northernmost terminus of the exit ramps to the Interstate 80 interchange. At the October 26, 2010 meeting City Council approved acquisition of the right-of-way of this property and would consider possible annexation of the Locust Street Right-Of-Way into city limits.

Discussion was held regarding the potential revenue for annexation of this area. Mr. Naby stated the primary reason to annex was because the City owned the property and it was contiguous with the City limits and any construction along this portion of South Locust Street could then be annexed. Annexation of the Wellfield was mentioned, but was not proper to do at this time. Maintenance and Police enforcement were mentioned. Police Captain Pete Kortum stated the Police Department would patrol this road. He mentioned the Sheriff’s Department did not have a lot of calls on this road.

Motion by Carney, second by Dugan to approve Resolution #2011-13. Upon roll call vote, Councilmember's Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

#2011-14 – Consideration of a Resolution Authorizing the Mayor to Sign a Letter of Intent on a Public/Private Project to Extend City Sanitary Sewer South Along US Highway 281. Interim Public Works Director Gary Mader reported that a number of businesses along US Highway 281 in the vicinity of Interstate 80 were scheduled to spend significant dollars upgrading their private waste water treatment systems in 2011. As an alternative, the dollars that the businesses would spend upgrading their private systems could be put towards a public/private project to extend city sanitary sewer to serve their properties.

If the council desired to pursue a potential project that would extend sanitary sewer south of Grand Island along US Hwy 281, an agreement between the City of Grand Island and the businesses would have to be negotiated before the project could move forward. A "Letter of Intent" would need to be sent to the NDEQ advising them that the city was entering into negotiations with the businesses on a public/private project. Staff recommended approval.

Cindy Johnson, 309 West 2nd Street and Marlan Ferguson, 2808 Apache Road spoke in support.

Discussion was held regarding the expense to upgrade the collector system and interceptor pipes within the City. Mentioned was the decline of revenue because of Swift's construction and not sending waste water to the City's plant. Comments were made by Council that this "Letter of Intent" would allow the City to gather more information. Mr. Mader stated the timeline for negotiations would probably take between 4 to 6 months. City Attorney Dale Shotkoski stated acquisition of right-of-way could take more time and costs wouldn't be known right away.

Motion by Nickerson, second by Gard to amend the motion that the "Letter of Intent" should stipulate that negotiations would be complete by the first regular City Council meeting in May 2011. Upon roll call vote, Councilmember's Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

Discussion continued concerning an environmental impact study and timeline. Mr. Mader stated they would work with the May 2011 date.

Motion by Gilbert, second by Gard to approve Resolution #2011-14. Upon roll call vote, Councilmember's Carney, Niemann, Ramsey, Gilbert, Nickerson, and Gard voted aye. Councilmember's Haase, Donaldson, Dugan, and Gericke voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of December 29, 2010 through January 11, 2011, for a total amount of \$3,006,237.47. Unanimously approved.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of December 29, 2010 through January 11, 2011 for the Veterans Athletic Field Complex for a total amount of \$14,670.75. Unanimously approved.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of November 24, 2010 through January 11, 2011 for the State Fair Recreation Building for a total amount of \$164,411.62. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:35 p.m.

RaNae Edwards
City Clerk