



# City of Grand Island

Tuesday, May 24, 2011

Council Session

## Item G1

**Approving Minutes of May 10, 2011 City Council Regular Meeting**

Staff Contact: Shannon Oster

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

May 10, 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 May 10, 2011. Notice of the meeting was given in *The Grand Island Independent* on May 4, 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 and Randy Gard. Councilmember John Gericke was absent. The following City Officials were present: City Administrator Mary Lou Brown, Assistant to the City Administrator Shannon Oster, Interim City Attorney Jason Eley, and Public Works Director John Collins.

INVOCATION was given by Pastor Mike Neely of Evangelical Free Church, 2609 South Blaine Street, Grand Island, Nebraska, followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Item E-3 was moved to May 24, 2011 meeting.

Mayor Vavricek introduced Community Youth Council members Michael Hollman, a junior at Heartland Lutheran, and Josh Sugita, a sophomore at Heartland Lutheran.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Mike Davis, Public Works Traffic Signal Technician for 20 Years of Service with the City of Grand Island. Mayor Vavricek recognized Mike Davis for 20 years of service with the City of Grand Island. Mike Davis was present to receive the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Hy-Vee, Inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue for a Catering Designation to Class "C-79662" Liquor License. Shannon Oster, Assistant to the City Administrator reported that an application for a catering designation for Class "C-79662" Liquor License had been received from Hy-Vee, inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 25, 2011; notice to the general public of date, time, and place of hearing published on April 30, 2011; notice to the applicant of date, time, and place of hearing mailed on April 25, 2011; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Napoli LLC dba Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License. Shannon Oster, Assistant to the City Administrator reported that an application for a Class "I" Liquor License had been received from Napoli LLC dba Napoli's Italian, 3421 Conestoga Drive. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 19, 2011; notice to the general public of date, time, and place of hearing published on April 30,

2011; notice to the applicant of date, time, and place of hearing mailed on April 19, 2011; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Alfredo Zamora-Gomez dba Las Vegas Bar & Grill, 316 East 2<sup>nd</sup> Street for a Class “C” Liquor License. This item was pulled from the agenda.

Public Hearing on Amendments to Chapter 36 of the Grand Island City Code Relative to Definitions, yard Requirements, LLR Large Lot Residential Zone, ME Industrial Estates, RD Residential Development and Interpretation of Zoning Regulations. Regional Planning Director Chad Nabity reported that ordinance brought forward would formally define the employees responsible for the interpretation of the Chapter 36 Zoning City Code. Nabity reported that the Building and Planning directors currently are responsible for the interpretation of the applicable sections of the City Code, but the proposed ordinance would amend the City Code to state those responsibilities as a good practice to improve the City Code. The changes are to sections 36-08, 36-22, 36-71, 36-78, and 36-24.

Public Hearing on the Semi-Annual Report by the Citizens’ Review Committee on the Economic Development Program Plan. Marlene Ferguson, Director of the Economic Development Corporation presented the Semi-Annual Report. The Report is required by State Statute and City Code. Ferguson commented positively on the support from past and present mayors and Council members for economic and community development. The economic development program is scheduled to sunset in the 2013 budget year and currently is in the eighth year. Citizens’ Review Committee Chairman Mark Stelk reported that the Report was approved by the Citizens’ Review Committee on Tuesday April 26, 2011.

Public Hearing on Acquisition of Utility Easement Located 1/2 Mile South of Wildwood Drive – West of South Locust Street, North Side of the Platte River (Schnase Farms, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located 1/2 mile south of Wildwood Drive – west of South Locust Street, north side of the Platte River was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of installing underground cable, conduit, and a pad-mounted transformer to provide the electrical service to a new home to be constructed at the site. Staff recommended approval. No public testimony was heard.

Public Hearing for 2010-2011 Community Revitalization CDBG Phase 2 Application. Community Development Specialist Joni Kuzma reported that funding would be about \$227,750. The public hearing is a formality for continuing the application phases. 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 ordinances numbered:

#9294 – Consideration of Amendments to Chapter 36 of the Grand Island City Code Relative to Definitions, Yard Requirements, LLR Large Lot Residential Zone, ME Industrial Estates, RD Residential Development and Interpretation of Zoning Regulations

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.

Discussion was held whether the Building and Planning directors were too narrowly defined, and what would happen if one got sick and needed a replacement. Jason Eley, Interim City Attorney, stated that concern was a very narrow interpretation of the ordinance, and would not be limited to the two individuals currently in the positions.

Motion by Gilbert, second by Ramsey to approve Ordinance #9294.

City Clerk: Ordinance #9294 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 #9294 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 #9294 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-3 were removed for further discussion. Motion by Ramsey, second by Niemann to approve the Consent Agenda excluding items G-3. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 26, 2011 City Council Regular Meeting.

Approving Minutes of May 3, 2011 City Council Study Session.

#2011-111 - Approving Final Plat and Subdivision Agreement for American Independence Third Subdivision. It was noted that Gary and Mary Valasek, owners, had submitted the Final Plat and Subdivision Agreement for American Independence Third Subdivision for the purpose of creating 2 lots on a tract of land located north of 13<sup>th</sup> Street and west of Independence Avenue containing approximately .850 acres.

#2011-112 - Approving Acquisition of Utility Easement Located 1/2 Mile South of Wildwood Drive – West of South Locust Street, North Side of the Platte River (Schnase Farms, LLC).

#2011-113 - Approving Assistant Utilities Director Travis Burdett as Alternate Board Member for the Public Power Generating Agency (PPGA).

#2011-114 - Approving BioAssessment Agreement with The University of Kansas Center for Research, Inc.

#2011-115 - Approving 2010-2011 Community Revitalization Phase 2 Grant Application.

#2011-116 - Approving Extension Request for Community Development Block Grant #08-DIP-005.

#2011-117 – Approving Nebraska Children and Families Foundation Agreement for Grant Evaluation.

#2011-110 - Approving Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Discussion was held regarding the compliance and oversight of companies receiving funding from the Economic Development Program. Ferguson reported the compliance is monitored in reports over multiple years and those reports are externally audited annually. Discussion was held regarding the amount of information Council is provided and would like to see more information going forward.

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

RESOLUTIONS:

#2011-118 - Consideration of Request from Hy-Vee, Inc. dba Hy-Vee Grand Island #1221, 115 Wilmar Avenue for a Catering Designation to Class "C-79662" Liquor License. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Ramsey to approve Resolution #2011-118. Upon roll call vote, all voted aye. Motion adopted.

#2011-119 - Consideration of Request from Napoli LLC dba Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License and Liquor Manager Designation for Florim Ramadani, 3111 College, #34. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Gard to approve Resolution #2011- 119. Upon roll call vote, all voted aye. Motion adopted.

#2011-120 - Consideration of Request from Alfredo Zamora-Gomez dba Las Vegas Bar & Grill, 316 East 2<sup>nd</sup> Street for a Class "C" Liquor License. This item was pulled from the agenda.

#2011-121 - Consideration of Economic Development Incentive Agreement with Case New Holland (CNH America, LLC). Marlene Ferguson reported that funding will be provided as job incentive for \$219,000 funded over the current fiscal year and next fiscal year.

Motion by Gilbert, second by Niemann to approve Resolution #2011-121. Upon roll call vote, all voted aye. Motion adopted.

#2011-122 - Consideration of Amended Economic Development Incentive Agreement with Standard Iron, Inc. Marlene Ferguson reported that the assistance is provided as a forgivable loan for job incentive and infrastructure for \$225,000.

Motion by Ramsey, second by Niemann to approve Resolution #2011-122. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Niemann to approve the Claims for the period of April 27, 2011 through May 10, 2011, for a total amount of \$2,084,741.61. Unanimously approved.

Motion by Dugan, second by Niemann to approve the Claims for the Period of April 27, 2011 through May 10, 2011 for the Veterans Athletic Field Complex for a total amount of \$28,553.98. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION:

Motion by Gilbert, second by Dugan to adjourn to Executive Session at 8:37 p.m. for the purpose of union negotiation updates for the protection of the public interest. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Gard to return to Regular Session at 10:00 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Shannon Oster  
Assistant to the City Administrator