



City of Grand Island

Tuesday, June 28, 2011

Council Session

Item G1

Approving Minutes of June 14, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 14, 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 June 14, 2011. Notice of the meeting was given in *The Grand Island Independent* on June 9, 2011.

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

INVOCATION was given by Pastor Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Reyna Raymundo and Juan Palma. The Mayor commented on the decorum of the meeting and items of conflict of interest which he would recuse himself of.

City Administrator Mary Lou Brown updated the Council on the potential sanitary sewer extension along Highway 281. Meetings were being held regularly with a possible creation of a Sanitary Sewer Improvement District. A consultant had been hired to help with the process.

Mentioned was the flooding issue on the Platte River which had been mentioned at the last meeting. Ms. Brown stated the threat had declined.

PUBLIC HEARINGS:

Public Hearing on Request from Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street for a Class "IB" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "IB" Liquor License had been received from Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 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 May 16, 2011; notice to the general public of date, time, and place of hearing published on June 4, 2011; notice to the applicant of date, time, and place of hearing mailed on May 16, 2011; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report of Angel Ramos, spouse of Elsy Ramos involvement in the business and not a U.S. citizen. No public testimony was heard.

Public Hearing on Request from LaMexicana, Inc. dba Rafa's Tacos, 811 West 2nd 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 LaMexicana, Inc. dba Rafa's Tacos, 811 West 2nd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 19, 2011; notice to the general public of

date, time, and place of hearing published on June 4, 2011; notice to the applicant of date, time, and place of hearing mailed on May 19, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Mark Porto, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Paloma Huerta Nevarez dba El Diamante, 1600 South Eddy 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 Paloma Huerta Nevarez dba El Diamante, 1600 South Eddy Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 19, 2011; notice to the general public of date, time, and place of hearing published on June 4, 2011; notice to the applicant of date, time, and place of hearing mailed on May 19, 2011; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report of false information on the application. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of South Blaine Street, 1/4 Mile North of Schimmer Drive (Cara J. Glade). Mayor Vavricek recused himself due to conflict of interest. Council President Peg Gilbert conducted the meeting. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of South Blaine Street, 1/4 mile north of Schimmer Drive was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of installing three phase underground conduit, cable, and two pad-mounted transformer to provide electrical service to an office and scales and pumping equipment for a sand and gravel operation. Staff recommended approval. No public testimony was heard.

Mayor Vavricek returned to conduct the meeting.

Public Hearing on Acquisition of Utility Easement Located West of South Blaine Street, 3/4 Mile South of Wildwood Drive (Elsie & James Lilienthal). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of South Blaine Street, 3/4 mile south of Wildwood Drive was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of installing three phase underground conduit, cable, and a pad-mounted transformer to provide electrical service to an irrigation well, new shop and remodeled home. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1839 and 1919 East 4th Street (Tommy Ummel Sr. and Tommy Ummel, Jr.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1839 and 1919 East 4th Street was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of providing electrical conduit, cable, and a pad-mounted transformer for a new building. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendments to Chapter 36-71(B) of the Grand Island City Code Relative to Commercial RV Storage in the ME Zone by Conditional Use Permit. Regional Planning Director Chad Nabity reported that Charles Staab of Rich and Sons RV proposed changes to Chapter 36-71(B) of the Grand Island City Code. Requested was to add Commercial RV Storage to the list

of conditional uses shown in section 36-71 (B). Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Properties Located North of Fairacres Lane, East of Shady Bend Road from R1 – Residential to M1 – Light Manufacturing. Regional Planning Director Chad Naby reported that this change included the old Fair Acres Dairy, the storage buildings east of there and an existing contractor’s yard east of the Dairy. Staff recommended approval. Gary Wieck, 555 Stagecoach Road, Manager of Orphan Grain was present to answer questions. No further public testimony was heard.

Public Hearing on Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2011. Steve Lamken, Police Chief reported that Grand Island Police Department and Hall County Sheriff’s Department were eligible to receive Justice Assistance Grant money in the amount of \$25,201.00 and \$8,400.00 respectively. 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 ordinances numbered:

- #9295 – Consideration of Amendments to Chapter 36-71(B) of the Grand Island City Code Relative to Commercial RV Storage in the ME Zone by Conditional Use Permit
- #9296 – Consideration of Request to Rezone Properties Located North of Fairacres Lane, East of Shady Bend Road from R1 – Residential to M1 – Light Manufacturing
- #9297 – Consideration of Vacation of Lot 21, Block 1 of Fairway Crossings at Indianhead Golf Club First Subdivision
- #9298 – Consideration of Amendments to Chapter 27-7 of the Grand Island City Code Relative to Procurement Code

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

Ordinances #9295 and #9296 related to the aforementioned Public Hearings.

Motion by Gilbert, second by Dugan to approve Ordinances #9295 and #9296.

City Clerk: Ordinances #9295 and #9296 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9295 and #9296 on final passage. All those in favor of the passage of these ordinances 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, Ordinances #9295 and #9296 are declared to be lawfully adopted upon publication as required by law.

Mayor Vavricek recused himself due to conflict of interest. Council President Peg Gilbert conducted the meeting.

#9297 – Consideration of Vacation of Lot 21, Block 1 of Fairway Crossings at Indianhead Golf Club First Subdivision

Planning Director Chad Nabity reported Ordinance #9297 was a request from Jack Henry to vacate Lot 21, Block 1 of Fairway Crossings at Indianhead Golf Club First Subdivision in order to connect to water.

Motion by Ramsey, second by Carney to approve Ordinance #9297.

City Clerk: Ordinance #9297 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 #9297 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.

Council President Gilbert: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9297 is declared to be lawfully adopted upon publication as required by law.

Mayor Vavricek returned to conduct the meeting.

#9298 – Consideration of Amendments to Chapter 27-7 of the Grand Island City Code Relative to Procurement Code

Interim City Attorney Jason Eley reported Ordinance #9298 was a housekeeping item to correct the City Code Chapter 27-7.

Motion by Carney, second by Gard to approve Ordinance #9298.

City Clerk: Ordinance #9298 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 #9298 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.

Council President Gilbert: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9298 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-7 was removed for further discussion. Motion by Ramsey, second by Carney to approve the Consent Agenda excluding item G-7. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 24, 2011 City Council Regular Meeting.

Approving Minutes of June 7, 2011 City Council Study Session.

Approving Re-Appointments of Lisa Crumrine and Steven Beck to the Community Development Advisory Board.

Approving Appointment of Councilmember Peg Gilbert as Council Liaison to the Heartland Events Center Board.

Approving Liquor Manager Designation for Jared Edwards, 2203 Woodridge Place for Sam's Club #6461. 1510 Diers Avenue.

#2011-131 – Approving Final Plat and Subdivision Agreement for Platte Valley Industrial Park 7th Subdivision. It was noted that BM & M, LLC, owners had submitted the Final Plat and Subdivision Agreement for Platte Valley Industrial Park Subdivision for the purpose of creating 2 lots on a tract of land comprising all of Lot 11, Platte Valley Industrial Park Third Subdivision containing 6.873 acres.

#2011-133 – Approving Acquisition of Utility Easement Located West of South Blaine Street, 3/4 Mile South of Wildwood Drive (Elsie & James Lilienthal).

#2011-134 – approving Acquisition of Utility Easements Located at 1839 and 1919 East 4th Street (Tommy Ummel, Sr. and Tommy Ummel, Jr.)

#2011-135 – Approving Pipeline Crossing Agreements with Union Pacific Railroad for Water Main Project 2011-W-3 at Broadwell Avenue (\$2,000) and Vine Street (\$2,800).

#2011-136 – Approving Pipeline Crossing Agreement with the Union Pacific Railroad for Water Main District 458T – Blaine Street, Schimmer to Wildwood Drive to Gold Core Road in an Amount of \$2,000.

#2011-137 – Approving Tim Luchsinger as Representative and Travis Burdett as Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee.

#2011-138 – Approving Certificate of Final Completion for Installation of Ball Field Lighting at the Veterans Athletic Field Complex with Ensley Electrical Services, Inc. from Grand Island, Nebraska.

#2011-139 – Approving Certificate of Final Completion for Installation of the Synthetic Court Flooring at the Fieldhouse with Midwest Floor Covering, Inc. from Lincoln, Nebraska.

#2011-140 – Approving Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2011.

#2011-141 – Approving Award of Proposal for Consulting Services for Geospatial Data Collection of Grand Island’s Public Stormwater Conveyance System with JEO Consulting Services, Inc. of Lincoln, Nebraska in an Amount of \$22,500.00.

Mayor Vavricek recused himself due to conflict of interest. Council President Peg Gilbert conducted the meeting.

#2011-132 – Approving Acquisition of Utility Easement Located West of South Blaine Street, 1/4 Mile North of Schimmer Drive (Cara J. Glade). Motion by Donaldson, second by Nickerson to approve Resolution #2011-132. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek returned to conduct the meeting.

RESOLUTIONS:

#2011-142 – Consideration of Request from Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street for a Class ‘IB’ Liquor License. This item related to the aforementioned Public Hearing.

Motion by Dugan, second by Donaldson to deny Resolution #2011-142 based on the Police Department report of Angel Ramos, spouse of Elsy Ramos involvement in the business and not a U.S. citizen.. Upon roll call vote, all voted aye. Motion adopted.

#2011-143 – Consideration of Request from LaMexicana, Inc. dba Rafa’s Tacos, 811 West 2nd Street for a Class ‘I’ Liquor License and Liquor Manager Designation for Maria Ocegueda, 504 North Elm Street. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Gard to approve Resolution #2011-143 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2011-144 – Consideration of Request from Paloma Huerta Nevarez dba El Diamante, 1600 South Eddy Street for a Class ‘I’ Liquor License. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Dugan to deny Resolution #2011-144 based on the Police Department report of false application. Upon roll call vote, all voted aye. Motion adopted.

#2011-145 – Consideration of Approving Appointment of City Attorney Robert Sivick. Mayor Vavricek recommended the appointment of Robert Sivick as City Attorney until the end of the Mayor’s term of office.

The following people spoke:

- Larry Tourangeaou, 1927 Union, St. Joseph, MO - opposed
- Guillermo Pena, 311 East 3rd Street, Apt. 18 – opposed
- Marion Bahensky, 1021 6th Street, St. Paul, NE – support

- Larry Seifert, 1211 4th Avenue, Dannebrog, NE – support
- Mena Sprague, 844 20th Avenue, St. Paul, NE – support

Discussion was held regarding what brought Mr. Sivick to Grand Island. City Administrator Mary Lou Brown stated he indicated this job was not a stepping stone to further his career. Mr. Sivick stated he had spent time in Central Nebraska and liked the area. He answered questions concerning pursuing active employment and that he had two job offers out-of-state. He was impressed with the City and its employees. He commented on his background as a lobbyist and explained the disciplinary action against him by the Nebraska Supreme Court.

Motion by Gilbert, second by Ramsey to approve Resolution #2011-145. Upon roll call vote, Councilmember's Ramsey, Gilbert, Nickerson, Donaldson, and Gard voted aye. Councilmember's Haase, Carney, and Dugan voted no. Mayor Vavricek cast the sixth and deciding vote to approve Resolution #2011-145. Motion adopted.

#2011-146 – Consideration of First Amendment to Display Agreement with the Central Nebraska Humane Society. City Administrator Mary Lou Brown reported that there was an outstanding debt of \$28,704.47 from the Humane Society for an annual light display at Stolley Park. It was recommended that the plan be amended to allow for \$100 annually starting in 2011 until 2013; and \$10,000 annual payments beginning in 2014 until the City is paid in full.

Comments were made concerning the City being a lender to private entities and hope it doesn't happen again.

Motion by Gilbert, second by Gard to approve Resolution #2011-146. Upon roll call vote, Councilmember's Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of May 25, 2011 through June 14, 2011, for a total amount of \$5,792,447.66. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Ramsey to adjourn to Executive Session at 8:14 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 Haase, second by Carney to return to Regular Session at 9:24 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:24 p.m.

RaNae Edwards
City Clerk