



City of Grand Island

Tuesday, August 09, 2011

Council Session

Item G2

Approving Minutes of July 26, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 26, 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 July 26, 2011. Notice of the meeting was given in *The Grand Island Independent* on July 20, 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: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, and Public Works Director John Collins.

INVOCATION was given by Pastor Sylvia Karlsson, St. Paul's Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek acknowledged public records being made available to the Council and news media. Acknowledged was US Army Sergeant Matt Hogget. Mr. Hogget commented on serving in the Army. Councilmember Niemann commented about his 17 years of service as a Marine during the Vietnam War.

City Administrator Mary Lou Brown updated the Council on way-side horns. Sanitary Sewer extension along Hwy 281 was moving along with the committee planning to meet this week.

PRESENTATIONS:

Proclamation Nebraska State Fair 1868 Foundation "Blue Ribbon Roll Out Week" August 1-7, 2011. Mayor Vavricek proclaimed the week of August 1-7, 2011 as "Blue Ribbon Roll Out Week". Lindsey Koepke, Executive Director of the Nebraska State Fair 1868 Foundation was present to receive the proclamation.

Recognition of 2010-2011 Community Youth Council. Wendy Myer-Jerke, Public Information Officer introduced CYC members Andres Gamboa, Aaron Oswald and Danielle Jim who gave a short presentation and video of activities the CYC students participated in over the past year. The Mayor and City Council recognized the following Community Youth Council (CYC) members: Sophomores – Jackson Buck, Ashley Bykerk, Stephanie Chandler, and Emma Kreutzer; Juniors – Evan Dexter, Kaitlin Hehnke, Tori Katsberg, Reyna Raymundo, Dillon Spies, Jessica Wiens, and Alex Wirth; Seniors – Miguel Baeza-Auguilera, Lauren Cantrell, Garrett Coble, Andres Gamboa, Danielle Jim, Ava Mackey, Katrina Molholm, Aaron Oswald, Brandon Pfeifer, and Alisa Rivera. Board Members – Jennifer Cramer, Theresa Engelhardt, Craig Garrett, Elizabeth Mayfield and Randy See. Jerrot Stokwell, Darrin Sanchez, Carole Ostdiek, Celine Stahlnecker, and Elizabeth Kuta. Those not present were: CYC students Alec Baxter, Josh Sugita, Michael Hollman, Steven Bartz and Daniel Carlson; and Board Members – Elizabeth Kuta, Darren Sanchez, Jared Stockwell, Celine Swan and Toy Swan. The "Above and Beyond Award" were presented to Garrett Coble and Jessica Wiens.

PUBLIC HEARINGS:

Public Hearing on Request from Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5 for a Class “C” Liquor License. RaNae Edwards, City Clerk reported that an application for a Class “C” Liquor License had been received from Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on July 8, 2011; notice to the general public of date, time, and place of hearing published on July 16, 2011; notice to the applicant of date, time, and place of hearing mailed on July 8, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Doug Brown, 3773 Sky Park Road was present to answer questions. No further public testimony was heard.

Public Hearing on Request from Charles & Lana Staab for a Conditional Use Permit for a Commercial R-V Storage Located at 3086 Wildwood Drive. Craig Lewis, Building Department Director reported that an application for a conditional use permit had been received from Charles and Lana Staab for Commercial R-V Storage located at 3086 Wildwood Drive. Staff recommended approval with the following conditions:

- 1.) the proposed storage yard comply with required setbacks,
- 2.) landscape provisions as required in the City code be provided,
- 3.) no inoperable units, junk, or salvage be stored at the site.

No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Northwest Corner of Skagway North Parking Lot (Wilmar Realty, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at the northwest corner of the Skagway North Parking Lot was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose to locate new underground conduit, cable and a pad-mounted transformer to continue electrical service to the old Bellows building and to Five Points Bank. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2015 North Broadwell Avenue (Five Points Bank). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 2015 North Broadwell Avenue was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of providing new underground conduit and cable to the existing transformer. 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:

#9308 – Consideration of Amending Chapter 23 of the Grand Island City Code Relative to Telephone Occupation Tax

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.

City Administrator Mary Lou Brown reported on the loss of revenue due to cuts in State aid to Cities. An additional 3% occupation tax on cellular telephones would bring in approximately \$500,000 of additional revenue.

City Attorney Robert Sivick reported that the current telephone occupation tax was 3% on monthly gross receipts received by telephone providers for cellular and residential telephones. Due to an increase in cellular phone use and additional expenses for 911 it was recommended that there be an increase to cellular telephones only in the amount of 6%.

Motion by Gilbert, second by Niemann to approve Ordinance #9308.

Discussion was held concerning the increase of taxes and costs associated with the additional expense of cellular phones to the E-911 Center. Mr. Sivick stated no studies had been done regarding the cost to the City. Mentioned was that Lincoln and Omaha charged 6%. The additional revenues would go into the General Fund to help pay for the loss of revenues from the State.

Ms. Brown clarified the occupation tax was General Fund money and E-911 funds go to a different fund. E-911 funds were being used more than in the past. Comments were made by Council that equipment in the E911 Center would need to be replaced in the near future and funds needed to be set aside for those purchases.

Motion by Gilbert, second by Ramsey to refer Ordinance #9308 to the August 9, 2011 Council meeting with a plan to designate funds. Upon roll call vote, Councilmember’s Haase, Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Niemann voted no. Motion adopted.

CONSENT AGENDA: Consent Agenda items G-15 and G-19 was removed for further discussion. Motion by Ramsey, second by Donaldson to approve the Consent Agenda excluding items G-15 and G-19. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of July 11, 2011 City Council Joint Central District Health Department Meeting.

Approving Minutes of July 11, 2011 City Council Study Session.

Approving Minutes of July 12, 2011 City Council Regular Meeting.

Approving Minutes of July 19, 2011 City Council Study Session.

Approving Appointment of Nate Wieland to the Business Improvement District #7 Board.

Approving Re-Appointment of Melissa Rae Girard to the Animal Advisory Board.

Approving Re-Appointments of Brad Kissler, Marv Webb, Mike Wenzl, and Todd Enck to the Building Code Advisory Board.

#2011-173 – Approving Acquisition of Utility Easement Located at the Northwest Corner of Skagway North Parking Lot (Wilmar Realty, LLC).

#2011-174 – Approving Acquisition of Utility Easement Located at 2013 North Broadwell Avenue (Five Points Bank).

#2011-175 – Approving Certificate of Final Completion with Van Kirk Brothers Contracting of Sutton, Nebraska for Water Main Project 2009-W-1 – Cedar Street between South Front and North Front Streets.

#2011-176 – Approving Bid Award for Water Main Project 2011-W-3 – Broadwell Avenue and Vine Street at the Union Pacific Railroad Crossings with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$173,473.95.

#2011-177 – Approving FY 2011-2012 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and Setting Date for Board of Equalization for September 13, 2011.

#2011-178 – Approving FY 2011-2012 Annual Budget for Business Improvement District #6, Second Street, and Setting Date for Board of Equalization for September 13, 2011.

#2011-179 – Approving FY 2011-2012 Annual Budget for Business Improvement District #7, South Locust Street from Highway 34 to Stolley Park Road, and Setting Date for Board of Equalization for September 13, 2011.

#2011-181 – Approving Program Agreement with Nebraska Department of Roads for the Federal Funds Purchase Program.

#2011-182 – Approving Interlocal Agreement with Central Platte Natural Resources District for an Update to the Groundwater Dewatering Plan.

#2011-183 – Approving Interlocal Agreement with Hall County for Improvements to Engleman Road between US Highway 30 and Airport Road.

#2011-185 – Approving Renewal of Life Insurance Contract with Aetna.

#2011-186 – Approving Award of Proposal for Construction of POW Memorial Marker Project in the Dodge Parking Lot (Northwest Corner of 1st Street & Walnut Street) with Chief Construction Company of Grand Island, Nebraska in an Amount not-to-exceed \$17,600.00.

#2011-180 – Approving FY 2011-2012 Annual Budget for Business Improvement District #8, Downtown, and Setting Date for Board of Equalization for September 13, 2011. City Administrator Mary Lou Brown reported that BID #8 requested \$90,000 in assessments which gives a levy of .284100 per \$100 of real property. These monies are used for downtown beautification, retention and recruitment, and maintenance by the BID.

Discussion was held regarding the line item “other expenditures” which represented 1/3 of the budget. There were no representatives from BID #8 to answer questions. Cindy Johnson representing the Chamber of Commerce stated they represent BID #4, BID #6 and BID #7 but do not represent BID #8. She stated they were notified of the date.

Motion by Gilbert, second by Gericke to approve Resolution #2011-180. Upon roll call vote, all voted aye. Motion adopted.

#2011-184 – Approving Bid Award for Uranium Removal System Equipment with Water Remediation Technologies of Wheat Ridge, Colorado in an Amount of \$1,958,100.00. Utilities Director Tim Luchsinger reported that present value cost evaluation was a method to evaluate different long term options on a level playing field. After reviewing the bids it was realized that the price for this contract was actually the price of the equipment in Schedule A, and the annual cost in Schedule B which was used as a basis for the present value cost evaluation. To correct the previous resolution of June 23, 2011 the Utilities Department recommended that Water Remediation Technologies be awarded the contract for the Uranium Removal System – Equipment Procurement specifications in the amount of \$1,958,100.00 with an annual payment of \$786,450.00 for ten years.

Motion by Nickerson, second by Haase to approve Resolution #2011-184.

Discussion was held regarding the cost would be more subject to CPI. Mentioned was that the rate increase would hold at 20%.

Motion by Gard, second by Dugan to look at the cost side of the Uranium Project regarding the CPI. Upon roll call vote, Councilmember’s Carney and Niemann voted aye. Councilmember’s Haase, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted no. Motion failed.

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

REQUESTS AND REFERRALS:

Consideration of Request from Charles & Lana Staab for a Conditional Use Permit for a Commercial R-V Storage Located at 3086 Wildwood Drive. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Niemann to approve the request from Charles & Lana Staab for a Conditional Use Permit for a Commercial R-V Storage located at 3086 Wildwood Drive with the following conditions:

- 1.) the proposed storage yard comply with required setbacks,
- 2.) landscape provisions as required in the City code be provided,
- 3.) no inoperable units, junk, or salvage be stored at the site, and finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Upon roll call vote, all voted aye. Motion adopted.

Consideration of Accepting Petitions for Creation of Water Main District – Parkview Area. Utilities Director Tim Luchsinger reported that petitions for water main districts had been received from residents along Pioneer Blvd., Park Drive, Riverview Drive, Grand Avenue, August Street, Haage Avenue, Cochin Street, Brahma Street and Bantam Street. Staff recommended creating six separate assessment districts in the Parkview area. All owner's within the District's boundary would be notified and have 30 days to protest the creation.

Discussion was held regarding creating six districts which would not create dead-end water lines.

Motion by Gilbert, second by Haase to approve the petitions for creation of Water Main District in the Parkview Area. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Accepting Petitions for Creation of Water Main Districts – Wildwood and Hiser Subdivision. Utilities Director Tim Luchsinger reported that petitions for water main districts in the Wildwood Subdivision and Hiser Subdivision had been received requesting City water service. The subdivisions are located at the southwest corner of Highway 281 and Wildwood Drive. Staff recommended creating two separate assessment districts in the Wildwood area. All owner's within the District's boundary would be notified and have 30 days to protest the creation. Mr. Luchsinger answered questions regarding water lines at the intersection of Wildwood.

Motion by Dugan, second by Carney to approve the petitions for creation of Water Main District in the Wildwood Area. Upon roll call vote, all voted aye. Motion adopted.

Consideration of CRA Budget as Amended by City Council. Regional Planning Director Chad Nability reported this item was presented to Council at the July 25, 2011 Special Meeting.

The following people spoke in support:

- Roger Lindly, 923 E. Phoenix
- Garrett Coble, 670 12th Avenue, St. Paul, NE

Comments were made by Council regarding the importance of Lincoln Park Pool. Councilmember Gilbert stated Lincoln Pool was a quartile 3 program and that the YMCA had a deep water pool and gave swim lessons.

Motion by Donaldson, second by Niemann to approve the CRA Budget as Amended by City Council. Upon roll call vote, Councilmember's Haase, Carney, Niemann, Ramsey, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember's Gilbert and Nickerson voted no. Motion adopted.

RESOLUTIONS:

#2011-187 – Consideration of Request from Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5 for a Class 'C' Liquor License and Liquor Manager Designation for Terry Brown, 4017 Anna Maria^h Street. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Gard to approve Resolution #2011-187 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of July 13, 2011 through July 26, 2011, for a total amount of \$3,177,702.60. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Dugan to adjourn to Executive Session at 9:30 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 Donaldson to return to Regular Session at 10:45 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:45 p.m.

RaNae Edwards
City Clerk