



City of Grand Island

Tuesday, September 27, 2011

Council Session

Item G1

Approving Minutes of September 13, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 13, 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 September 13, 2011. Notice of the meeting was given in *The Grand Island Independent* on September 7, 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 John Gericke. Councilmember Randy Gard was absent. 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 John Hayes, Grace Baptist Church, 1115 South Vine Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Evan Dexter and Jackson Buck. Mayor commented on signing the final bonds for the Heartland Events Center with a gross debt service savings of \$900,000. Mentioned were the following boards that had vacancies: Regional Planning Commission, BID #8, and Citizens' Review Committee.

City Administrator Mary Lou Brown commented on upcoming Study Sessions in October. Extension of sewer on Highway 281 would be brought forward in October.

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

#2011-BE-2 – Consideration of Determining Benefits for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road. City Administrator Mary Lou Brown reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #4. Special assessments were for the amount of \$27,966.14.

#2011-BE-3 – Consideration of Determining Benefits for Business Improvement District #6, Second Street. City Administrator Mary Lou Brown reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #6. Special assessments were for the amount of \$14,288.66.

#2011-BE-4 – Consideration of Determining Benefits for Business Improvement District #7, South Locust Street from Stolley Park Road to Highway 34. City Administrator Mary Lou Brown reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #7. Special assessments were for the amount of \$58,882.38.

#2011-BE-5 – Consideration of Determining Benefits for Business Improvement District #8, Downtown. City Administrator Mary Lou Brown reported that the City Council in its' capacity

as the Board of Equalization was required to determine the benefits for BID #8. Special assessments were for the amount of \$89,691.84. Presented were two Resolutions with a 70% and 100% assessment for owner occupied residents.

Motion by Gilbert, second by Ramsey to approve Resolutions #2011-BE-2, #2011-BE-3, #2011-BE-4 and #2011-BE-5 (A). 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 General Property, Parking District #2 (Ramp) and Community Development Authority Tax Request. City Administrator Mary Lou Brown reported that state statutes requires the City to conduct a public hearing if the property tax request changes from one year to the next. Property tax request for the 2011-2012 general property tax was \$7,970,431, Parking District No. 2 at \$8,000, and the Community Redevelopment Authority property tax at \$639,405. Staff recommended approval. No public testimony was heard.

Public Hearing on Establishing the Rates for the General Occupation Tax for Downtown Parking District No. 1. City Administrator Mary Lou Brown reported that this was the annual Council action to establish the occupation tax for Downtown Improvement and Parking District No. 1. FY 2011-2012 occupation tax factor was \$.1732 per square foot and would provide taxes of \$39,992.53. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at the Southwest Corner of the Intersection of Belfry Blvd. and August Parkway (Indianhead Golf Club). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at the southwest corner of the intersection of Belfry Blvd. and August Parkway was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of locating a three phase pad mounted transformer and high voltage switch gear for the residential subdivision and the sewer lift station. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at the Northeast Corner of Stolley Park School Property (School District of Grand Island). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at the northeast corner of Stolley Park School property was needed in order to have access to install, upgrade, maintain, and repair water lines and public fire hydrant for the purpose to provide a new public fire hydrant. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 1220 S. Gunbarrel Road (Christopher & Natalie Meister). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1220 S. Gunbarrel Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of correcting the easement on Lot Two (2), Paradise Lake Estates Fourth Subdivision. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at the Northeast Corner of Starr School Property (School District of Grand Island). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at the northeast corner of Starr School property was needed in order to have access to install, upgrade, maintain, and repair a water line and fire hydrant for the purpose to provide a new public fire hydrant. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 5112 S. Antelope Drive (Rich & Sons Camper Sales). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 5112 S. Antelope Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of locating a pad mounted transformer, electrical conduits and cable to serve the expanded facility of Rich and Sons Camper Sales. Staff recommended approval. No public testimony was heard.

RESOLUTION:

#2011-258 – Consideration of Approving the IBEW (Service/Clerical) Labor Agreement. Human Resources Director Brenda Sutherland reported that this contract was for one year with a 1.75% wage increase and a ten cent shift differential for the position of Public Safety Dispatcher for hours worked between 3:00 p.m. and 11:00 p.m. Other changes were the addition of the Community Development Specialist, renaming the GIS Specialist to GIS Coordinator, medical leave to care for immediate family members increased from forty hours to eighty hours, grandchildren were moved from non-immediate family to immediate family in the Bereavement Leave policy, and temporary Disability was more defined to match the language commonly used in other IBEW contracts.

Discussion was held regarding the non-binding arbitration and how it compared to other cities. Ms. Sutherland stated typically discipline was not compared with other cities and this was comparable to other contracts the City had. Explained were the non-binding arbitration and the additional time this step would take.

Motion by Ramsey, second by Donaldson to approve Resolution #2011-258. Upon roll call vote, all voted aye. Motion adopted.

IBEW representatives Dan Quick and Larry Grim were present to sign the IBEW Labor Agreement along with Mayor Vavricek.

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:

#9318 – Consideration of Approving FY 2011-2012 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

#9319 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1

- #9320 – Consideration of Assessments for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road
- #9321 – Consideration of Assessments for Business Improvement District #6, Second Street
- #9322 – Consideration of Assessments for Business Improvement District #7, South Locust from Stolley Park Road to Highway 34
- #9323 (A) – Consideration of Assessments for Business Improvement District #8, Downtown
- #9324 – Consideration of Creation of Sanitary Sewer District No. 529; Westwood Park Subdivision
- #9325 – Consideration of Granting a Temporary Construction Easement to Burlington Northern Santa Fe (BNSF) on City Owned Property Located West of Webb Road and North of BNSF Railroad Tracks
- #9326 – Consideration of Salary Ordinance

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.

#9326 – Consideration of Salary Ordinance

Human Resources Brenda Sutherland reported that Ordinance #9326 would allow for the IBEW Service/Clerical Labor Agreement previously adopted and make two corrections to the previous Salary Ordinance.

Motion by Donaldson, second by Dugan to approve Ordinance #9326.

City Clerk: Ordinance #9326 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 Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, and Dugan voted aye. Councilmember’s Haase and Gericke voted no. Motion adopted.

City Clerk: Ordinance #9326 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 Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, and Dugan voted aye. Councilmember’s Haase and Gericke voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9326 is declared to be lawfully adopted upon publication as required by law.

#9318 – Consideration of Approving FY 2011-2012 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

City Administrator Mary Lou Brown highlighted the changes to the 2011 forecast and 2012 ending cash balances. Public Works Director John Collins presented a PowerPoint answering questions from Council regarding the Wastewater budget.

Discussion was held regarding the valuation, mill levy, and programs through Program Prioritization.

Motion by Dugan, second by Nickerson to approve Ordinance #9318.

City Clerk: Ordinance #9318 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 Niemann, Nickerson, Donaldson, Dugan and Gericke voted aye. Councilmember's Haase, Carney, Ramsey, and Gilbert voted no. Mayor Vavricek cast the sixth and deciding vote to approve. Motion adopted.

City Clerk: Ordinance #9318 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 Niemann, Nickerson, Donaldson, Dugan and Gericke voted aye. Councilmember's Haase, Carney, Ramsey, and Gilbert voted no. Mayor Vavricek cast the sixth and deciding vote to approve. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9318 is declared to be lawfully adopted upon publication as required by law.

#9319 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1

City Administrator Mary Lou Brown stated this item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Gericke to approve Ordinance #9319.

City Clerk: Ordinance #9319 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 #9319 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 #9319 is declared to be lawfully adopted upon publication as required by law.

#9320 – Consideration of Assessments for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road

#9321 – Consideration of Assessments for Business Improvement District #6, Second Street

#9322 – Consideration of Assessments for Business Improvement District #7, South Locust from Stolley Park Road to Highway 34

#9323 (A) – Consideration of Assessments for Business Improvement District #8, Downtown

Motion by Ramsey, second by Niemann to approve Ordinances #9230, #9321, #9322, #9323.

City Clerk: Ordinances #9320, #9321, #9322, and #9323 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 #9320, #9321, #9322, and #9323 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 #9320, #9321, #9322, and #9323 are declared to be lawfully adopted upon publication as required by law.

City Attorney Robert Sivick stated Ordinance #9323 needed to be clarified as to which percent was approved, either the 70% - (A) or the 100% - (B).

Motion by Gilbert, second by Niemann to clarify Ordinance #9323 (A) be approved. Upon roll call vote, all voted aye. Motion adopted.

#9324 – Consideration of Creation of Sanitary Sewer District No. 529; Westwood Park Subdivision

Public Works Director John Collins reported that Ordinance #9324 would create Sanitary Sewer District No. 529 in Westwood Park Subdivision. A petition was received for the sanitary sewer signed by 22 residents

Motion by Dugan, second by Donaldson to approve Ordinance #9324.

City Clerk: Ordinance #9324 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 #9324 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 #9324 is declared to be lawfully adopted upon publication as required by law.

#9325 – Consideration of Granting a Temporary Construction Easement to Burlington Northern Santa Fe (BNSF) on City Owned Property Located West of Webb Road and North of BNSF Railroad Tracks

Regional Planning Director Chad Nabity reported that Ordinance #9325 would provide for a temporary construction easement with BNSF for a double track expansion.

Motion by Gilbert, second by Donaldson to approve Ordinance #9325.

City Clerk: Ordinance #9325 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 #9325 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 #9325 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA:. Consent agenda item G16 was removed for further discussion. Motion by Ramsey, second by Dugan to approve the Consent Agenda excluding item G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 23, 2011 City Council Regular Meeting.

Approving Minutes of August 25, 2011 City Council Special Meeting.

#2011-228 – Approving Interlocal Cooperative Agreement for School Resource Officer (SRO) with the Grand Island Public Schools.

#2011-229 – Approving Police Service Contract with Hall County Housing Authority (HCHA).

#2011-230 – Approving Acquisition of Utility Easement located at the Southwest Corner of Intersection of Belfry Blvd. & August Parkway (Indianhead Golf Club).

#2011-231 – Approving Acquisition of Utility easement located at the Northeast Corner of Stolley Park School Property (School District of Grand Island).

#2011-232 – Approving Acquisition of Utility Easement located at 1220 S. Gunbarrel Road (Christopher & Natalie Meister).

#2011-233 – Approving Acquisition of Utility Easement located at the Northeast Corner of Starr School Property (School District of Grand Island).

#2011-234 – Approving Acquisition of Utility Easement located at 5112 S. Antelope Drive (Rich & Sons Camper Sales).

#2011-235 – Approving Change Order #1 for Water Main Project 2011-W-1 Water Main Replacement – 7th Street, Elm to Clark, and Clark from 7th to 9th Street with Diamond Engineering Company of Grand Island, Nebraska for an increase of \$23,418.38 and a Revised Contract Amount of \$230,325.70.

#2011-236 – Approving the Boiler & Machinery Insurance for the Utilities Department for 2011-2012 with Factory Mutual Insurance Company of St. Louis, Missouri in an Amount of \$382,936.00 and Terrorism Insurance Coverage in an Amount of \$22,372.00.

#2011-237 – Approving Bid Award for Building Reconstruction – Lift Station No. 4; Project No. 2011-S-4 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$38,372.80.

#2011-238 – Approving Union Pacific Railroad/Elm Street Crossing Closure Agreement with Union Pacific Railroad, Nebraska Department of Roads, and Gavilon.

#2011-239 – Approving Supplemental No. 1 to the Agreement with Nebraska Department of Roads for the State Street and Capital Avenue Connector Trail.

#2011-240 – Approving Change Order No. 1 for Asphalt Maintenance Project 2011-AC-1 with J.I.L. Asphalt Paving Co. of Grand Island, Nebraska for an increase of \$22,788.00 and a Revised Contract Amount of \$328,252.36.

#2011-242 – Approving Bid Award for Grand Island Quiet Zone Project No. 2012-QZ-1 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$247,718.25.

#2011-243 – Approving Change Order No. 2 on Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant with Oakview of Red Oak, Iowa for an increase of \$397,897.00 and a Revised Contract Amount of \$3,974,149.00.

#2011-244 – Approving Bid Award for Moores Creek Drain Extension – Old Potash Crossing; Drainage Project No. 2008-D-2 with Midlands Contracting, Inc. of Kearney, Nebraska in an Amount of \$166,805.00.

#2011-245 – Approving Bid Award for 2011-MH REHAB-1 Sanitary Sewer Manhole Rehabilitation Project with Midlands Contracting, Inc. of Kearney, Nebraska in an Amount of \$151,809.00.

#2011-246 – Approving Application for 2011 Transportation Enhancement Program Grant for the Capital Avenue – Webb road to Broadwell Avenue Trail in an Amount of \$173,544.78.

#2011-247 – Approving Application for 2011 Transportation Enhancement Program Grant for the Broadwell Avenue – Capital Avenue to Eagle Scout Park Trail in an Amount of \$178,091.00.

#2011-248 – Approving Application for 2011 Transportation Enhancement Program Grant for the Mormon Island Trail in an Amount of \$345,206.00.

#2011-249 – Approving Bid Award for the St. Joseph Trail Reconstruction – 2011 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$168,769.25.

#2011-250 – Approving Agreement for Temporary Construction Easement at the Southwest Corner of Capital Avenue and Sky Park Road (Procon Development Company, L.L.C.).

#2011-251 – Approving Bid Award for the Southwest Drainage 2011-D-1 Project Pipe with Rinker Materials of Valley, Nebraska in an Amount of \$199,728.10.

#2011-252 – Approving Water Main Extension Agreement with the Union Pacific Railroad Company.

#2011-253 – Approving 2011-2012 Victims of Crime Act (VOCA) Grant in an Amount of \$46,110.00.

#2011-254 – Approving Contract with The Grand Island Independent for Newspaper Advertisement.

#2011-255 – Approving Annual Renewal for Health and Dental Contract with Regional Care, Inc. (RCI).

#2011-241 – Approving Bid Award for Submersible Sewage Pumps at Wastewater Treatment Plant with Electric Pump of Des Moines, Iowa in an Amount of \$99,472.00. Discussion was held regarding the disparity in the bid numbers. Public Works Director John Collins explained the bid process. This was a re-bid and bidders met specifications.

Motion by Nickerson, second by Carney to approve Resolution #2011-241. Upon roll call vote, all voted aye.

RESOLUTIONS:

#2011-227 – Consideration of Approving 2011-2012 Fee Schedule. This item was referred from the August 25, 2011 City Council meeting. Discussion was held regard the cost recover of these fees as they related to programs.

Motion by Ramsey, second by Donaldson to approve Resolution #2011-227. Upon roll call vote, all voted aye. Motion adopted.

#2011-256 – Consideration of Approving General Property, Parking District #2 (Ramp) and Community Redevelopment Authority Tax Request. This item related to the aforementioned Public Hearing. Discussion was held regarding the increase in taxes on property owners.

Motion by Donaldson, second by Dugan to approve Resolution #2011-256. Upon roll call vote, Councilmember's Carney, Niemann, Nickerson, Donaldson, Dugan, and Gericke voted aye. Councilmember's Haase, Ramsey, and Gilbert voted no. Motion adopted.

#2011-257 – Consideration of Approving 1% Increase to the Lid Limit. City Administrator Mary Lou Brown reported that in 1998 the Nebraska State Legislature passed LB 989 which put a cap on the amount of restricted revenues a political subdivision could budget for. The restricted revenues that the City of Grand Island included in the budget were Property Taxes, Local Option Sales Tax, Motor Vehicle Tax, Highway Allocation and State Aid. Of those restricted revenues, property tax was the only revenue that the City could control. The increase in restricted funds authority using the 1% additional amount and the population growth (when available) was not an increase in budgeted revenues. It only provided the ability to increase restricted revenues, particularly property tax, in a future year if necessary.

Discussion was held regarding the legislative intent to keep a lid on property tax. Human Resources Director Brenda Sutherland commented on CIR issues concerning legislative bills regarding available funds to pay comparables. Comments were made by council concerning the amount that could be raised by the 1% increase to the lid.

Motion by Gilbert, second by Gericke to approve Resolution #2011-257. Upon roll call vote, Councilmember's Niemann and Gericke voted aye. Councilmember's Haase, Carney, Ramsey, Gilbert, Nickerson, Donaldson, and Dugan vote no. Motion failed.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of August 24, 2011 through September 13, 2011, for a total amount of \$4,890,010.92. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Comments were made concerning the purpose of Executive Sessions and the need for them. Motion by Gilbert, second by Ramsey to adjourn to Executive Session at 8:37 p.m. for the purpose of union negotiation updates with IBEW. Upon roll call vote, Councilmember's Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, and Dugan voted aye. Councilmember Gericke voted no. Motion adopted.

Councilmember Carney was absent at 8:37 p.m.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Gericke to return to Regular Session at 9:50 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

RaNae Edwards
City Clerk