



City of Grand Island

Tuesday, October 11, 2011

Council Session

Item G1

Approving Minutes of September 27, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 27, 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 27, 2011. Notice of the meeting was given in *The Grand Island Independent* on September 21, 2011.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. Councilmember Chuck Haase 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 Councilmember Peg Gilbert followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Michael Hollman and Stephanie Chandler. Mayor commented on the Hero's Climb and plaque received. Congratulations were given to the entire community for the Hero Flights. Mentioned was Harvest of Harmony Parade this Saturday.

City Administrator Mary Lou Brown announced that the Quiet Zone project was moving forward. Councilmember Gilbert commented on the Christian School open house and the thanks extended to the City Council for improvements at the Five Points area.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Dale Hilderbrand, Police Sergeant with the Grand Island Police Department for 20 Years of Service with the City of Grand Island. Mayor Vavricek and the City Council recognized Sergeant Dale Hilderbrand for 20 years of service with the Grand Island Police Department. Police Chief Lamken commented on Sgt. Hilderbrand's service with the department and introduced Sgt. Hilderbrand.

Recognition of Fred Schritt for Donation for New Police Service Dog. Mayor Vavricek and the City Council recognized Fred Schritt for his \$5,000 donation to the Police Department to purchase a new K-9 police service dog "Noa". Police Chief Lamken explained the process of purchasing Noa. Officer Ryan Rathbun, handler and Noa along with Mr. Schritt were present for the recognition.

Recognition of Bud Jeffries for Service on the Hall County Board of Supervisors. This item was postponed to the October 11, 2011 City Council meeting.

Recognition of the Edgar and Frances Reynolds Foundation for Donation of the Flooring at the Fieldhouse. Mayor Vavricek and the City Council recognized the Edgar and Frances Reynolds Foundation for their \$35,000 donation to purchase the floor covering at the Community

Fieldhouse. Parks and Recreation Director Steve Paustian commented on the donation. Fred Glade and Kathy Huwaldt were present for the recognition.

Recognition of the Fred and Amanda Glade Foundation for Donation of the Indoor Playground Equipment at the Fieldhouse. Mayor Vavricek and the City Council recognized the \$15,000 donation to purchase the indoor playground equipment at the Community Fieldhouse. Fred Glade and Kathy Huwaldt were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement located at 502 East Capital Avenue (Iglesia De Dios Eben-Ezer). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 502 East Capital Avenue was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of locating new electrical service for the primary cable, conduit, and pad-mounted transformer. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 2627 W. Highway 30 - Floor to Ceiling Store (Jim & Donna Narber). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 2627 W. Highway 30 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 new high voltage cable, conduit, and pad-mounted transformer. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 3405 South Blaine Street (Kurt & Shirley McCallum). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3405 South Blaine Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of locating primary electric cable, conduit, and a pad-mounted single phase transformer. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Properties Located North and West of US Hwy 281 and South of Airport Road from AG2 – Secondary Agricultural to B2 – General Business. Regional Planning Director Chad Nabity reported that this request was submitted by Luke Olson to rezone properties located north and west of US Highway 281 and south of Airport Road from AG2 Secondary Agriculture to B2 General Business. This would allow Mr. Olson to provide Ag Services from this location consisting of seed sales and insurance. This would not be a high traffic business and no fertilizer would be at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Annexation for Property Located South of Airport Road/U.S. Highway 281 and the West Side of Broadwell Avenue North of the Burlington Northern Santa Fe Tracks Including Eagle Scout Park and the Veterans Field being Platted as Olson Subdivision (Area 3a). This item was pulled from the agenda.

Public Hearing on Annexation of Property Located North of Bismark Road on the East Side of Stuhr Road (Annexation Area 6). This item was pulled from the agenda.

Public Hearing on Annexation of Property Located North of U.S. Highway 34 on the East Side of South Locust Street (Annexation Area 7). This item was pulled from the agenda.

Public Hearing on Annexation of Property Located North of Husker Highway to the West Side of U.S. Highway 281 and Prairieview Street (Annexation Area 12). This item was pulled from the agenda.

Public Hearing on Annexation of Property Located South of Old Potash Highway on the West Side of North Road (annexation Area 13). This item was pulled from the agenda.

Public Hearing on Annexation of Property Located South of 13th Street on the East and West Side of North Road and North of Faidley Avenue (Annexation Area 14). This item was pulled from the agenda.

Public Hearing on Annexation of Olson Subdivision Located South of Airport Road and North and West of U.S. Highway 281. Regional Planning Director Chad Nabity reported that all property subdivided adjacent to the Corporate Limit of the City of Grand Island had to be annexed into the City at the time of the subdivision approval. Phil and Linda Mader, owners, had submitted the property of Olson Subdivision as an addition to the City of Grand Island. Mr. Nabity stated the next step was for Council to hold a public hearing and consider approval of the ordinances to annex the property. Annexation ordinances were to be read at three separate meetings. Staff recommended approval. No public testimony was heard.

Public Hearing on Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. City Administrator Mary Lou Brown introduced Mark Stelk who gave the CRC report. Marlan Ferguson, President of the Economic Development Corporation gave a PowerPoint presentation of the annual report. Staff recommended approval. Ray Saunders, General Manager of Standard Iron spoke in support. No further public testimony was heard.

ORDINANCES:

The following Ordinances were pulled from the agenda:

#9328 – Consideration of Annexation for Property Located South of Airport Road/U.S. Highway 281 and the West Side of Broadwell Avenue North of the Burlington Northern Santa Fe Tracks Including Eagle Scout Park and Veterans Field (Annexation Area 3a) (First Reading)

#9329 – Consideration of Annexation of Property Located North of Bismark Road on the East Side of Stuhr Road (Annexation Area 6) (First Reading)

#9330 – Consideration of Annexation of Property Located North of U.S. Highway 34 on the East Side of South Locust Street (Annexation Area 7) (First Reading)

#9331 – Consideration of Annexation of Property Located North of Husker Highway to the West Side of U.S. Highway 281 and Prairieview Street (Annexation Area 12) (First Reading)

#9332 – Consideration of Annexation of Property Located south of Old Potash Highway on the West Side of North Road (Annexation Area 13) (First Reading)

#9333 – Consideration of Annexation of Property Located South of 13th Street on the East and West Side of North Road and North of Faidley Avenue (Annexation Area 14) (First Reading)

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

#9327 – Consideration of Request to Rezone Properties Located North and West of U.S. Hwy 281 and South of Airport Road from AG2 – Secondary Agricultural to B2 – General Business

#9335 – Consideration of City Council’s Approval of all Individual City Negotiators

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

#9327 – Consideration of Request to Rezone Properties Located North and West of U.S. Hwy 281 and South of Airport Road from AG2 – Secondary Agricultural to B2 – General Business

Regional Planning Director Chad Nabity reported this item related to the aforementioned Public Hearing.

Motion by Dugan, second by Gilbert to approve Ordinance #9334.

City Clerk: Ordinance #9327 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 #9327 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 #9327 is declared to be lawfully adopted upon publication as required by law.

#9335 – Consideration of City Council’s Approval of all Individual City Negotiators

Councilmember Larry Carney reported that Ordinance #9335 intent was to involve the City Council in the negotiation process. Reasons mentioned were transparency, credibility to the process, and responsibility by the Council to represent the best interest of the citizens of Grand Island.

Motion by Carney, second by Niemann to approve Ordinance #9335.

Lewis Kent, 624 Meves Avenue commented on the responsibility of the Council.

Discussion was held regarding the selection process of negotiators and possible delay in negotiations due to the selection process and Council approval. Comments were made concerning Council having the final vote on contracts. Mentioned was more information was given to Council this year due to the numerous closed sessions held.

Human Resources Director Brenda Sutherland commented on the negotiation representatives for the City which were written in the job descriptions of the Human Resources Director, City Attorney, and Finance Director. Explained was the hiring of a private negotiator to help with union negotiations for the Fire and Police due to not having a City Attorney and Finance Director at the time and all seven union contracts expiring this year.

City Clerk: Ordinance #9335 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, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember's Ramsey, Gilbert, and Nickerson voted no. Motion adopted.

City Clerk: Ordinance #9335 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, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember's Ramsey, Gilbert, and Nickerson voted no. Motion adopted.

Mayor Vavricek spoke against the motion to approve Ordinance #9335 explaining the current negotiation process was working well. Mayor Vavricek exercised his right to veto Ordinance #9335.

Discussion was held regarding overriding the veto. City Attorney Robert Sivick stated it would take 7 votes by Council to override the veto and there was no time frame specified in City Code as to when the Council could do that.

#9334 – Consideration of Annexation of Olson Subdivision Located south of Airport Road and North and West of U.S. Highway 281 (First Reading)

Regional Planning Director Chad Nabity reported this item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Gard to approve Ordinance #9334 on first reading. Upon roll call vote all voted aye. Motion adopted.

CONSENT AGENDA: Consent agenda item G-14 was removed for further discussion. Motion by Ramsey, second by Donaldson to approve the Consent Agenda excluding item G-14. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 13, 2011 City Council Regular Meeting.

Approving Appointment of Eric D. Edwards to the Business Improvement District #8 Board.

Approving Re-Appointment of Tom Gdowski to the Community Redevelopment Authority Board.

Approving Re-Appointment of Bob Loewenstein to the Animal Advisory Board.

Approving Garbage Permits for Clark Brothers Sanitation, He3artland Disposal, Mid-Nebraska Disposal, Inc. and Refuse Permits for Full Circle, Inc. and O’Neill Transportation and Equipment.

#2011-259 – Approving Final Plat and Subdivision Agreement for Bosselville Third Subdivision. It was noted that Bosselman Incorporated, owner had submitted the Final Plat and Subdivision Agreement for Bosselville Third Subdivision for the purpose of creating 2 lots on property located north of Interstate 80 and west of US Hwy 281 in the two mile extraterritorial jurisdiction containing 34/12 acres.

#2011-260 – Approving Acquisition of Utility Easement located at 502 East Capital Avenue (Iglesia De Dios Eben-Ezer).

#2011-261 – Approving Acquisition of Utility Easement located at 2627 W. Highway 30 – Floor to Ceiling Store (Jim & Donna Narber).

#2011-262 – Approving Acquisition of Utility Easement located at 3405 South Blaine Street (Kurt & Shirley McCallum).

#2011-263 – Approving Bid Award for Pipe Painting and Insulation at Platte Generation Station with O’Neill Transportation and Equipment, LLC of Grand Island, Nebraska in an Amount of \$50,655.00.

#2011-264 – Approving Support of Nebraska Challenge to EPA Cross State Air Pollution Rule.

#2011-265 – Approving Certificate of Final Completion with Diamond Engineering Co. of Grand Island, Nebraska and Setting November 8, 2011 Date for Board of Equalization for Water Main District 456T – Engleman Road – 13th Street.

#2011-266 – Approving Certificate of Final Completion with Diamond Engineering Co. of Grand Island, Nebraska for Water Main Project 2011-W-1 – 7th Street between Elm and Clark Streets, and Clark Street from 7th to 9th Street.

#2011-268 – Approving Agreement for Funding with the Crisis Center, Inc. in an Amount of \$4,800.00.

#2011-269 – Approving Agreement for Funding with the Grand Island Area Council for International Visitors in an Amount of \$400.00.

#2011-270 – Approving Agreement for Funding with the Grand Island Hall County Convention & Visitors Bureau in an Amount of \$4,000.00.

#2011-271 – Approving Agreement for Funding with Izaak Walton Kids Fishing Derby in an Amount of \$800.00.

#2011-272 – Approving Agreement for Funding with Hope Harbor in an Amount of \$1,800.00.

#2011-273 – Approving Agreement for Funding with the Grand Island Multicultural Coalition in an Amount of \$4,000.00.

#2011-274 – Approving Agreement for Funding with Senior Citizens Industries, Inc. in an Amount of \$6,000.00.

#2011-275 – Approving Agreement for Funding with the Clean Community System in an Amount of \$20,000.00.

#2011-276 – Approving Concrete Ditch Liner and Headwall East of Harrison Street with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$23,261.00.

#2011-277 – Approving Continuation of Sanitary Sewer District No. 528, Wildwood Subdivision.

#2011-278 – Approving Agreement for Engineering Consulting Services Related to Grand Island Resurfacing – Various Locations with Olsson Associates of Omaha, Nebraska.

#2011-279 – Approving Agreement for Engineering Consulting Services Related to 3rd Street and Wheeler Avenue Historical Lighting with Olsson Associates of Omaha, Nebraska.

#2011-280 – Approving Bid Award for Sugar Beet Ditch Piping at Suck’s Lake; Drainage Project No. 2011-D-3 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$69,664.40.

#2011-281 – Approving Bid Award in Concrete for Sludge Storage Building Project No. 2011-WWTP-4 for Wastewater Division of the City of Grand Island with L & L Concrete & Construction, Inc. of Grand Island in an amount of \$160,843.99.

#2011-282 – Approving Agreement with Olsson Associates of Grand Island, Nebraska for an Update to the Groundwater Study.

#2011-283 – Approving Agreement for Engineering Consulting Services Related to capital Avenue Widening – Webb Road to Broadwell Avenue with Olsson Associates of Omaha, Nebraska.

#2011-284 – Approving Annual Report by the Citizens’ Review Committee on the Economic Development Program Plan.

#2011-285 – Approving Continuation of Water Main District #457 – Pioneer Blvd. – Ordinance #9300.

#2011-286 – Approving Continuation of Water Main District #459 – Park Drive – Ordinance #9301.

#2011-287 – Approving Continuation of Water Main District #460 – Grand Avenue, Riverview Drive, and August Street – Ordinance #9302.

#2011-288 – Approving Continuation of Water Main District #461 – Hagge Avenue – Ordinance #9303.

#2011-289 – Approving Continuation of Water Main District #464 – Antelope Drive – Ordinance #9306.

#2011-290 – Approving Continuation of water Main District #465 – Elk & Cougar Drives – Ordinance #9307.

#2011-291 – Approving Repeal of Water Main District #462 – Chochin Street – Ordinance #9304.

#2011-292 – Approving Repeal of Water Main District #463 – Bantam & Brahma Streets – Ordinance #9305.

#2011-293 – Approving Maintenance Consent Letter for Public Road Crossing with Union Pacific Railroad Company at the Oak Street and Pine Street Crossings.

#2011-267 – Approving Four Railroad Crossing Agreements with BNSF Railroad (East Stolley Park, Mile Post 92.3, Mile Post 92.56, and Shady Bend Crossings). Utilities Director Tim Luchsinger explained the crossing agreements with Burlington Northern Santa Fe. Discussion was held regarding the benefit to the City and the costs. Mr. Luchsinger stated these were only for the electrical utilities and that more agreements would come before the Council for water and sewer.

Motion by Gilbert, second by Dugan to approve Resolution #2011-267. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-294 – Consideration of Approving Funding of Economic Development Request. This item related to the aforementioned Public Hearing. Comments were made concerning the rise in medium average income in Grand Island. Questioned was the drop in EDC funds used for recruitment and promotional events. Mr. Ferguson explained more funds in the last couple of years were being used to purchases land.

Motion by Nickerson, second by Gilbert to approve Resolution #2011-294. Upon roll call vote, all voted aye. Motion adopted.

#2011-295 – Consideration of Approving Jaye Monter as Interim Finance Director. Mayor Vavricek submitted the appointment of Jaye Monter as Interim Finance Director.

Lewis Kent, 624 Meves Avenue spoke in opposition. City Administrator Mary Lou Brown clarified and answered questions from Mr. Kent concerning no qualified applicants at the time

the Finance Director's position was advertised. Jaye Monter was present and thanked the Council for the appointment.

Motion by Carney, second by Niemann to approve Resolution #2011-295. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gilbert to approve the Claims for the period of September 13, 2011 through September 27, 2011, for a total amount of \$4,858,066.72. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Ramsey to adjourn to Executive Session at 9:15 p.m. for the purpose of union negotiation updates with IBEW – (Utilities, Finance, and Wastewater); annual job performance review of City Administrator Mary Lou Brown, and discussion concerning possible litigation. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gard, second by Dugan 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