



City of Grand Island

Tuesday, November 08, 2011

Council Session

Item G1

Approving Minutes of October 25, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 25, 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 October 25, 2011. Notice of the meeting was given in *The Grand Island Independent* on October 19, 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, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. Councilmember Kirk Ramsey was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Public Works Director John Collins and Interim Finance Director Jaye Monter.

INVOCATION was given by Father Chuck Peek, St. Stephen's Episcopal Church, 422 West 2nd Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Michael Hollman and McKenzie Reed and Board member Jennifer Cramer. Mentioned was the State Fair newsletter on their web-site, Chili Cook-Off here at City Hall for the United Way and several other events taking place this week.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Grand Island Senior High Girls Golf Team for Class "A" State Championship. Mayor Vavricek and the City Council recognized the Grand Island Senior High Girls Golf Team and Coach Kelli Jeffries for their win in the Class "A" Girls Golf State Championship. Ms. Jeffries and the girl's team members: Abbie Otto, Tori Peers, Zandria Cole, Leigh Uhing, and Jennifer Wetzel were present for the recognition.

Proclamation "National Adoption Month" November, 2011. Mayor Vavricek proclaimed the month of November, 2011 as "National Adoption Month". Yolanda Nuncio and Marge Creason were present to receive the proclamation.

Recognition of Tim Luchsinger, Utilities Director for 25 Years of Service with the City of Grand Island. Mayor Vavricek and the City Council recognized Utilities Director Tim Luchsinger for his 25 years of service with the City of Grand Island. City Administrator Mary Lou Brown commented on Mr. Luchsinger's service. Mr. Luchsinger was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Zoul Hospitality, LLC dba Willman's Bottle Shop, 1201 South Locust Street for a Class "CK" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "CK" Liquor License had been received from Zoul Hospitality, LLC dba Willman's Bottle Shop, 1201 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 5, 2011; notice to the general public of date, time, and place of hearing published on October 15, 2011; notice to the applicant of date, time, and place of hearing mailed on October 5, 2011; along

with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Dan Thayer, Attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Simara Y. Rodriguez dba El Trancazo Bar, 413 West 4th 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 Simara Y. Rodriguez dba El Trancazo Bar, 413 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 6, 2011; notice to the general public of date, time, and place of hearing published on October 15, 2011; notice to the applicant of date, time, and place of hearing mailed on October 6, 2011; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report of Horacio Rodriguez, spouse of Simara Rodriguez undisclosed convictions and not a United States citizen. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 232 Wilmar Avenue (Texas Roadhouse). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 232 Wilmar Avenue was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing underground conduit, high voltage cable and a single phase pad-mounted transformer to provide electricity to two new homes to be built on adjacent lots. Staff recommended approval. No public testimony was heard.

Mayor Vavricek recused himself due to a potential conflict of interest and Council President Peg Gilbert conducted the meeting for the following item:

Public Hearing on Request to Rezone Properties Located West of Webb Road, South of Faidley Avenue and North of West North Front Street from LLR – Large Lot Residential to B2 – General Business Zone. Regional Planning Director Chad Nabity reported that an application had been submitted to rezone properties located west of Webb Road, south of Faidley Avenue and north of West North Front Street from LLR – Large Lot Residential to B2 – General Business Zone. Staff recommended approval. No public testimony was heard.

Mayor Vavricek resumed the meeting.

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 (Annexation Area 3a). Regional Planning Director Chad Nabity reported that 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 was being considered for annexation. Staff recommended approval. No public testimony was heard.

Public Hearing on Annexation of Property Located North of Bismark Road on the East Side of Stuhr Road (Annexation Area 6). Regional Planning Director Chad Nabity reported that property located north of Bismark road on the east side of Stuhr Road was being considered for annexation. Staff recommended approval. Bill Mowinkel, School Superintendent at Northwest spoke in opposition. No further public testimony was heard.

Public Hearing on Annexation of Property Located North of U.S. Highway 34 on the East Side of South Locust Street (Annexation Area 7). Regional Planning Director Chad Nabity reported that

property located north of U.S. Highway 34 on the east side of South Locust Street was being considered for annexation. Staff recommended approval. No public testimony was heard.

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). Regional Planning Director Chad Nabity reported that property located north of Husker Highway to the west side of U.S. Highway 281 and Prairieview Street was being considered for annexation. Staff recommended approval. Bill Mowinkel, School Superintendent at Northwest spoke in opposition. No further public testimony was heard.

Public Hearing on Annexation of Property Located South of Old Potash Highway on the West Side of North Road (annexation Area 13). Regional Planning Director Chad Nabity reported that property located south of Old Potash Highway on the west side of North Road was being considered for annexation. Staff recommended approval. Bill Mowinkel, School Superintendent at Northwest spoke in opposition. No further public testimony was heard.

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). Regional Planning Director Chad Nabity reported that property located south of 13th Street on the east and west side of North Road and north of Faidley Avenue was being considered for annexation. Staff recommended approval. Bill Mowinkel, School Superintendent at Northwest and Floyd Leiser, 3550 Engleman Road spoke in opposition. No further public testimony was heard.

Public Hearing on Acquisition of Public Sanitary Sewer Utility Easement in the SE 1/4 of Section 23-11-1 (Chief Industries, Inc.). Public Works Director John Collins reported that a public sanitary sewer utility easement was needed in the Southeast Quarter of Section 23-11-10 to accommodate public utilities. The easement would allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement. The 20' easement would provide for extending sanitary sewer to the new Green Line Equipment dealership on the north side of Stolley Park Road and US Highway 30, plus allow for future development in this area. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9334 – Consideration of Annexation of Olson Subdivision Located South of Airport Road and North and West of US Highway 281 (Final Reading)

Regional Planning Director Chad Nabity reported this was the final of three readings for the annexation of Olson Subdivision.

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

Mayor Vavricek recused himself due to a potential conflict of interest and Council President Peg Gilbert conducted the meeting for the following item:

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

#9338 – Consideration of Request to Rezone Properties Located West of Webb Road, South of Faidley Avenue and North of West North Front Street from LLR – Large Lot Residential to B2 – General Business Zone

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

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

Motion by Dugan, second by Gard to approve Ordinance #9338.

City Clerk: Ordinance #9338 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 #9338 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 #9338 is declared to be lawfully adopted upon publication as required by law.

Mayor Vavricek resumed the meeting.

#9339 – Consideration of Annexation of Property Located South of Airport Road/US 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 (Area 3a) (First Reading)

Motion by Dugan, second by Gericke to approve Ordinance #9339 on first reading.

City Clerk: Ordinance #9339 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.

#9340 – Consideration of Annexation of Property Located North of Bismark Road on the East Side of Stuhr Road (Annexation Area 6) (First Reading)

Motion by Gilbert, second by Donaldson to approve Ordinance #9340 on first reading.

A lengthy discussion was held regarding the reasons for the City to annex these areas at this time. Mr. Nabity stated these were areas that would clean up the City limits, were eligible for annexation, and Council had recommended we move forward with annexation on these areas. Mr. Mowinkel commented on the loss of property tax to the Northwest School District. Virgil Harden, Grand Island Public School Superintendent commented on State Aid to schools and how that is equalized with the property tax.

Comments were made that the City provides services to these areas and do not generate revenue from them as they are not in the City limits. Police Chief Steve Lamken commented about calls to these areas. City Attorney Robert Sivick reported that these agricultural areas were suburban in nature and not rural as they were surrounded by the City.

City Clerk: Ordinance #9340 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 Haase, Niemann, Gilbert, Donaldson, Gard, and Gericke voted aye. Councilmember's Carney, Nickerson, and Dugan voted no. Motion adopted.

#9341 – Consideration of Annexation of Property Located North of US Highway 34 on the East Side of South Locust Street (Annexation Area 7) (First Reading)

Motion by Gard, second by Dugan to approve Ordinance #9341 on first reading.

City Clerk: Ordinance #9341 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.

#9342 – Consideration of Annexation of Property located North of Husker Highway to the West Side of US Highway 281 and Prairieview Street (Annexation Area 12) (First Reading)

Motion by Gard, second by Gilbert to approve Ordinance #9342 on first reading.

City Clerk: Ordinance #9342 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 Haase, Carney, Niemann, Gilbert, Donaldson, Gard, and Gericke voted aye. Councilmember's Nickerson and Dugan voted no. Motion adopted.

#9343 – Consideration of Annexation of Property Located South of Old Potash Highway on the West Side of North Road (Annexation Area 13) (First Reading)

Motion by Gard, second by Gilbert to approve Ordinance #9343 on first reading.

City Clerk: Ordinance #9343 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 Haase, Carney, Niemann, Gilbert, Gard, and Gericke voted aye. Councilmember's Nickerson, Donaldson, and Dugan voted no. Motion adopted.

#9344 – 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)

Motion by Gilbert, second by Gard to approve Ordinance #9344 on first reading.

City Clerk: Ordinance #9344 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, Gilbert, and Gard voted aye. Councilmember's Haase, Carney, Nickerson, Donaldson, Dugan, and Gericke voted no. Motion failed.

CONSENT AGENDA: Consent Agenda items G-9 and G-10 were pulled for further discussion. Motion by Gericke, second by Haase to approve the Consent Agenda excluding items G-9 and G-10. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 11, 2011 City Council Regular Meeting.

Approving Minutes of October 18, 2011 City Council Study Session.

Approving Refuse Hauler Permit for Scott's Hauling, 3230 Westside Street.

#2011-311 – Approving Final Plat and Subdivision Agreement for Olson Subdivision. It was noted that Phil and Linda Mader, owners had submitted the Final Plat and Subdivision Agreement for Olson Subdivision for the purpose of creating 1 lot on property located north and west of US Highway 281 and south of Airport Road in the two mile extraterritorial jurisdiction containing 1.879 acres.

#2011-312 – Approving Acquisition of Utility Easement located at 232 Wilmar Avenue (Texas Roadhouse Holdings, LLC).

#2011-313 – Approving Bid Award for Transmission Line Construction – 115 kV Interconnection with NPPD at St. Libory with IES Commercial, Inc. (Kayton Electric) of Holdrege, Nebraska in an Amount of \$3,732,714.50.

#2011-314 – Approving Acquisition of Public Sanitary Sewer Utility Easement in the SE 1/4 of Section 23-11-10 (Chief Industries, Inc.).

#2011-315 – Approving Union Pacific Railroad Pipeline Crossing Agreement for Southwest Drainage Project No. 2011-D-1; Central Community College to the Wood River.

#2011-316 – Approving Amending the City of Grand Island Police Officers' Retirement System Plan and Trust for Changes in the Applicable Tax Laws. Interim Finance Director Jaye Monter reported this was an amendment to the current Retirement System Plan and Trust for changes in the applicable tax laws.

Motion by Gericke, second by Haase to approve #2011-316.

Discussion was held concerning sections 6, 9, 11, and 12 that do not apply to the City. Ms. Monter stated this was boiler plate amendments as recommended by Wells Fargo and there was no financial impact to the City. Mr. Sivick stated we should check with Wells Fargo before we pulled any of these items out of the plan.

City Administrator Mary Lou Brown recommended we have Wells Fargo come to our next Study Session on November 1, 2011 to explain these changes.

Motion by Nickerson, second by Haase to refer Resolution #2011-316 to the November 8, 2011 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#2011-317 – Approving Amending the City of Grand Island Firefighters' Retirement System Plan and Trust for Changes in the Applicable Tax Laws. Interim Finance Director Jaye Monter reported this was an amendment to the current Retirement System Plan and Trust for changes in the applicable tax laws.

Motion by Gericke, second by Haase to approve #2011-316.

Discussion was held concerning sections 6, 9, 11, and 12 that do not apply to the City. Ms. Monter stated this was boiler plate amendments as recommended by Wells Fargo and there was no financial impact to the City. Mr. Sivick stated we should check with Wells Fargo before we pulled any of these items out of the plan.

Motion by Nickerson, second by Haase to refer Resolution #2011-316 to the November 8, 2011 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

City Administrator Mary Lou Brown recommended we have Wells Fargo come to our next Study Session on November 1, 2011 to explain these changes.

RESOLUTIONS:

#2011-318 – Consideration of Request from Zoul Hospitality, LLC dba Willman’s Bottle Shop, 1201 South Locust Street for a Class “CK” Liquor License and Liquor Manager Designation for Zachary Zoul, 3333 Ramada Road. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Gericke to approve Resolution #2011-318. Upon roll call vote, all voted aye. Motion adopted.

#2011-319 – Consideration of Request from Simara Y. Rodriguez dba El Trancazo Bar, 413 West 4th Street for a Class “T” Liquor License. This item related to the aforementioned Public Hearing. Simara Rodriguez spoke in support and stated her husband was in the process of becoming a US citizen. Police Chief Lamken commented on Ms. Rodriguez owning the business and not having a temporary operating permit.

Motion by Gilbert, second by Haase to deny Resolution #2011-319 based on the Police Department Report of Horacio Rodriguez, spouse of Simara Rodriguez undisclosed convictions and not a United States citizen. Upon roll call vote, all voted aye. Motion adopted.

#2011-320 – Consideration of Designating No Parking on 2nd Street, Between Walnut Street and Cedar Street. Public Works Director John Collins reported that a request from St. Steven’s Episcopal Church was received to remove parking between Walnut Street and Cedar Street, on the north side of 2nd Street.

Motion by Carney, second by Dugan to approve Resolution #2011-320.

Discussion was held regarding a loading zone versus a no parking zone. City Administrator Mary Lou Brown commented on the Public Works Department working with the church on this request.

Motion by Carney, second by Nickerson to amend Resolution #2011-320 item #1 to loading/no parking zone.

Police Chief Lamken recommended this be designated a loading zone which would be limited to 20 minutes.

Motion by Gericke, second by Carney to refer Resolution #2011-320 to the November 8, 2011 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#2011-321 – Consideration of Advancement of the US Highway 281 Sanitary Sewer Extension to Interstate 80 Project. City Administrator Mary Lou Brown clarified the \$350,000 JBS settlement. Money applied to this project would reduce the cost to the City and increase the cash balance of the Wastewater Treatment Plant which could be used for other projects.

Jeremy Collinson representing the Central District Health Department spoke in support.

Comments were made regarding the cost to the City to extend the sanitary sewer which would benefit the City in the future. Mr. Sivick explained that Sanitary Improvement District's (SID's) were created by property owners and in this case where farm ground was not in need of the sanitary sewer immediately they could tap in at a later date. Mr. Nabity commented on the future development along Highway 281 and at that time would pay a tap fee when they hooked up to the sewer. If a business went under then the other property owners in the district would pick up the cost.

Motion by Gilbert, second by Niemann to approve Resolution #2011-321. 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 October 12, 2011 through October 25, 2011, for a total amount of \$3,272,015.40. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

RaNae Edwards
City Clerk