



City of Grand Island

Tuesday, November 22, 2011

Council Session

Item G1

Approving Minutes of November 8, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 8, 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 November 8, 2011. Notice of the meeting was given in *The Grand Island Independent* on November 2, 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, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. Councilmember Mitch Nickerson 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 Pastor Scott Jones, Third City Christian Church, 4100 West 13th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Ashley Bykerk and Jackson Buck. City Administrator Mary Lou Brown commented on technical difficulties with the internet in the Council Chambers and gave an update on the Quiet Zone project.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Dr. Rebecca Stenke, 2011 Physician Volunteer of the Year and Dr. Jama Obermiller, 2011 Dentist Volunteer of the Year. Susan Aguilar representing Third City Community Clinic commented on the services of the clinic. Mayor Vavricek and the City Council recognized Dr. Rebecca Steinke and Dr. Jama Obermiller for 2011 Physician and Dentist Volunteer of the Year. Dr. Steinke and Dr. Obermiller were present for the recognition.

Recognition of the Nebraska National Guard. Mayor Vavricek and the City Council recognized those men and women serving in the Nebraska National Guard. Also recognized were men and women who are currently serving in the armed forces and those who had served in the past. Captain Mike Wieneke with the Nebraska National Guard was present for the recognition and commented on the service of the troops from this area in Kosovo and Afghanistan.

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

#2011-BE-6 – Consideration of Determining Benefits for Water Main District 456T – Engleman Road from 13th Street to Old Potash Highway and Old Potash Highway East of Engleman Road for 600’. Utilities Director Tim Luchsinger reported that the City Council in its’ capacity as the Board of Equalization was required to determine the benefits for Water Main District 456T. Special assessments were for the amount of \$537,854.24.

Motion by Gilbert, second by Dugan to approve Resolutions #2011-BE-6. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Gard carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #43, 1222 South Locust Street for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #43, 1222 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 11, 2011; notice to the general public of date, time, and place of hearing published on October 29, 2011; notice to the applicant of date, time, and place of hearing mailed on October 11, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #44, 1309 Diers Avenue for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #44, 1309 Diers Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 11, 2011; notice to the general public of date, time, and place of hearing published on October 29, 2011; notice to the applicant of date, time, and place of hearing mailed on October 11, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Pamela D. Hall dba BT's Lounge, 2320 South Locust Street for a 12' x 26' Addition – Beer Garden to Liquor License "C-24627". RaNae Edwards, City Clerk reported that an application for a 12' x 26' Beer Garden addition to Class "C-24627" Liquor License had been received from Pamela D. Hall dba BT's Lounge, 2320 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 13, 2011; notice to the general public of date, time, and place of hearing published on October 29, 2011; notice to the applicant of date, time, and place of hearing mailed on October 13, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

ORDINANCES:

Regional Planning Director Chad Nabity gave an update on the annexation process and reported this was the second of three readings for the annexation of properties known as Area 3a, 6, 7, 12, and 13. City Administrator Mary Lou Brown commented on no cost to the City to annex these areas.

Virgil Harden representing the Grand Island Public Schools spoke in support of all five annexations.

#9339 – Consideration of Annexation for 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 (Annexation Area 3a) (Second Reading)

Motion by Ramsey, second by Niemann to approve Ordinance #9339 on second reading. 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) (Second Reading)

Motion by Donaldson, second by Gard to approve Ordinance #9340 on second reading. Upon roll call vote all voted aye. 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) (Second Reading)

Motion by Gard, second by Gericke to approve Ordinance #9341 on second reading. 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) (Second Reading)

Discussion was held regarding the timing and need of this annexation. Comments were made by Council regarding the reasons to annex this area. Investment of the City for infrastructure in this area, emergency response, to equitably apply ordinances to property with regards to firearms, fireworks, animals and open burning was mentioned.

Motion by Ramsey, second by Niemann to approve Ordinance #9342 on second reading. Upon roll call vote Councilmember's Carney, Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase 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) (Second Reading)

Motion by Gilbert, second by Niemann to approve Ordinance #9343 on second reading. Upon roll call vote all voted aye. Motion adopted.

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

#9345 – Consideration of Proposed Modifications to City Council Ward Boundaries Resulting from Redistricting

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.

Regional Planning Director Chad Nabity reported that every ten years after the census the Council needed to redistrict the Council wards to allow for equal-population representation.

Motion by Donaldson, second by Niemann to approve Ordinance #9345.

City Clerk: Ordinance #9345 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 #9345 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 #9345 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-3 was pulled for further discussion. Motion by Ramsey, second by Dugan to approve the Consent Agenda excluding item G-3. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 25, 2011 City Council Regular Meeting.

Approving Minutes of November 1, 2011 City Council Study Session.

#2011-323 – Approving Bid Award for (19) Transmission Distance Relays with Power Delivery Services, Inc. of Omaha, Nebraska in an Amount of \$132,145.00.

#2011-324 – Approving Certificate of Final Completion for Water Main Project 2011-W-3 – Broadwell Avenue at the Union Pacific Railroad Tracks, and Vine Street at the Union Pacific Railroad Tracks with Diamond Engineering Company of Grand Island, Nebraska.

#2011-325 – Approving Benefits for Water Main District 456T – Engleman Road from 13th Street to Old Potash Highway and Old Potash Highway East of Engleman Road for 600’.

#2011-326 – Approving Change Order No. 2 for Grand Island Quiet Zone Project No. 2012-QZ-1 with Diamond Engineering Company of Grand Island, Nebraska for no Change in Contract Amount.

#2011-327 – Approving Continuation of Sanitary Sewer District No. 529, Westwood Park Subdivision.

#2011-328 – Approving the Wireline Crossing Agreement between the Union Pacific Railroad Company and the City of Grand Island.

#2011-329 – Approving Change Order No. 1 for Concrete Ditch Liner and Headwall East of Harrison Street with Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$1,725.00 and a Revised Contract Amount of \$24,986.00.

#2011-330 – Approving Change Order No. 1 for Sugar Beet Ditch Piping at Suck’s Lake; Drainage Project No. 2011-D-3 with Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$12,550.00 and a Revised Contract Amount of \$82,214.40.

#2011-331 – Approving Change Order No. 1 for Building Reconstruction – Lift Station No. 4; Project NO. WWTP-2011-S-4 with Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$1,840.00 and a Revised Contract Amount of \$40,212.80.

#2011-332 – Approving Certificate of Final Completion for the 2011 Asphalt Resurfacing Project No. 2011-AC-1 with J.I.L. Asphalt Paving Company of Grand Island, Nebraska.

#2011-333 – Approving Certificate of Final Completion for Concrete Ditch Liner and Headwall East of Harrison Street with Diamond Engineering Company of Grand Island, Nebraska.

#2011-334 – Approving Amending the 2011/2012 Fee Schedule.

#2011-335 – Approving Update to the Emergency Management/Communication Center Interlocal Cooperation Agreement with Hall County.

#2011-336 – Approving Certificate of Final Completion with Diamond Engineering Company of Grand Island, Nebraska and Scheduling December 20, 2011 for the Board of Equalization for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road.

#2011-337 – Approving Certificate of Final Completion with Diamond Engineering Company of Grand Island, Nebraska and Scheduling December 20, 2011 for the Board of Equalization for Sanitary Sewer District No. 526; Lot 3 of Grand Island Plaza Subdivision.

#2011-316 – Approving Amending the City of Grand Island Police Officers’ Retirement System Plan and Trust for Changes in the Applicable Tax Laws.

#2011-317 – Amending the City of Grand Island Firefighters’ Retirement System Plan and Trust for Changes in the Applicable Tax Laws.

#2011-322 – Approving Greater Nebraska Cities Membership. City Administrator Mary Lou Brown reported that the Quad Cities of Grand Island, Hastings, North Plate and Kearney had met for the past twelve years to discuss legislative impact to the respective communities. Requested was to add Lexington to the group and change the name to Greater Nebraska Cities (GNC). There were no dues associated with belonging to this group.

Mike Gloor, 3115 Brentwood Circle spoke in support.

Motion by Haase, second by Carney to refer Resolution #2011-322 to the next Study Session for discussion. Upon roll call vote, Councilmember’s Haase, Carney, Niemann, Dugan, and Gericke voted aye. Councilmember’s Ramsey, Gilbert, Donaldson, and Gard voted no. Motion failed.

Motion by Ramsey, second by Gilbert to approve Resolution #2011-322.

Discussion was held regarding how this organization would work and how Council would be represented.

Motion by Haase, second by Gericke to amend Resolution #2011-322 to include the Council President or Council designee to attend the meetings. Upon roll call vote, all voted aye. Motion adopted.

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

RESOLUTIONS:

#2011-338 – Consideration of Request from Pump & Pantry, Inc. dba Pump & Pantry #43, 1222 South Locust Street for a Class “D” Liquor License and Liquor Manager Designation for Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2011-338 contingent upon final inspections. Upon roll call vote, all voted aye. Councilmember Gard abstained. Motion adopted.

#2011-339 – Consideration of Request from Pump & Pantry, Inc. dba Pump & Pantry #44, 1309 Diers Avenue for a Class “D” Liquor License and Liquor Manager Designation for Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2011-339 contingent upon final inspections. Upon roll call vote, all voted aye. Councilmember Gard abstained. Motion adopted.

#2011-340 – Consideration of Request from Pamela D. Hall dba BT’s Lounge, 2320 South Locust Street for a 12’ x 26’ Addition – Beer Garden to Liquor License “C-24627”. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Niemann to approve Resolution #2011-340 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2011-341 – Approving Confidentiality Agreement with Municipal Energy Agency of Nebraska (MEAN) to Provide Southwest Power Pool Marketing Service Agreement Proposal. Utilities Director Tim Luchsinger reported that electric generation plants are connected to a national electric transmission grid for the distribution of electricity to users. Grand Island is located in the Southwest Power Pool (SPP) and is not a member of SPP. Grand Island Utilities had contacted MEAN and NPPD to submit proposals to become our broker to transfer power. In order for MEAN to submit a proposal a Confidentiality Agreement was needed.

Motion by Gilbert, second by Dugan to approve Resolution #2011-341. Upon roll call vote, all voted aye. Motion adopted.

#2011-342 – Consideration of Designating No Parking on 2nd Street, Between Walnut Street and Cedar Street. Public Works Director John Collins reported that at the October 25, 2011 City Council meeting 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. This item was referred to the November 8, 2011 meeting by City Council.

It was noted that the Public Works Department had the approval from the Nebraska Department of Roads but there were still some items that needed to be looked into.

Motion by Gericke, second by Dugan to refer this item to the November 22, 2011 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#2011-343 – Consideration of Declaration of Intent to Issue Bonds for Uranium Removal System. Utilities Director Tim Luchsinger reported that the estimated capital cost of this project was \$3,000,000 and Council proposed this would be funded by bonding, with an annual operating cost of approximately \$800,000 which was to be funded by a rate adjustment. Ameritas, bond underwriter for the City, advised that Council should declare their intention to use bond revenue to fund the capital improvements which would allow bond proceeds to be used for costs of the uranium removal system prior to the bonds being issued and the funds received.

Motion by Gard, second by Haase to approve Resolution #2011-343. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of October 26, 2011 through November 8, 2011, for a total amount of \$3,803,152.42. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards
City Clerk