



# City of Grand Island

Tuesday, December 06, 2011

Council Session

## Item G1

**Approving Minutes of November 22, 2011 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 22, 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 22, 2011. Notice of the meeting was given in *The Grand Island Independent* on November 16, 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, Public Works Director John Collins and Interim Finance Director Jaye Monter.

INVOCATION was given by Pastor George Jones, Church of God of Prophecy, 1620 North Broadwell Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Kuulei Hose and McKenzie Reed. City Administrator Mary Lou Brown commented on the Wastewater Treatment Plant possible Study Session on the second week of December.

PUBLIC HEARINGS:

Public Hearing on Request from Texas Roadhouse Holdings, LLC dba Texas Roadhouse, 232 Wilmar Avenue for a Class "IK" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "IK" Liquor License had been received from Texas Roadhouse Holdings, LLC dba Texas Roadhouse, 232 Wilmar Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 2, 2011; notice to the general public of date, time, and place of hearing published on November 12, 2011; notice to the applicant of date, time, and place of hearing mailed on November 2, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Jonus Orillo representing Texas Roadhouse and Doug Schliefert, 5805 Avenue O Place, Kearney, NE spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 3501 South Blaine Street (Andrew and Nicole Meier). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3501 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 placing primary conduit, cable and a pad-mounted transformer to provide electrical service to a new home to be constructed on this lot. Staff recommended approval. No public testimony was heard.

Public Hearing to Consider Annexation for Property Located at 1120 and 1140 South Lincoln Avenue (former Aurora Coop Site). Regional Planning Director Chad Nabity reported that Chief Industries, Inc. had purchased the former Aurora Coop Site located north of Fonner Park Road

and west of Lincoln Avenue which was in a county industrial park. A request was made to annex this property into the City of Grand Island. Staff recommended approval. No public testimony was heard.

ORDINANCES:

Regional Planning Director Chad Nabity gave an update on the annexation process and reported this was the final of three readings for the annexation of properties known as Area 3a, 6, 7, 12, and 13.

#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) (Final Reading)

Motion by Gilbert, second by Niemann to approve Ordinance #9339 on final 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) (Final Reading)

Motion by Gard, second by Ramsey to approve Ordinance #9340 on final 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) (Final Reading)

Motion by Niemann, second by Carney to approve Ordinance #9341 on final 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) (Final Reading)

Motion by Gilbert, second by Niemann to approve Ordinance #9342 on final reading. Upon roll call vote Councilmember's Haase, Carney, Niemann, Ramsey, 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) (Final Reading)

Motion by Gard, second by Gericke to approve Ordinance #9343 on final reading. Upon roll call vote Councilmember's Haase, Carney, Niemann, Ramsey, Gilbert, Donaldson, Gard and Gericke voted aye. Councilmember's Nickerson and Dugan voted no. Motion adopted.

#9346 – Consideration of Annexation of Property Located at 1120 and 1140 South Lincoln Avenue (former Aurora Coop Site) (First Reading)

Discussion was held concerning environmental risks to the City. Mr. Nability stated there would be no risk to the City.

Motion by Niemann, second by Dugan to approve Ordinance #9346 on first 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:

#9347 – Consideration of Amending Chapter 2 and 37 of the Grand Island City Code Relative to Community Development Division

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, Councilmember’s Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember Gericke voted no. Motion adopted.

City Administrator Mary Lou Brown reported that the Community Development Division was currently under the Planning Department. Administration had examined this matter at length and concluded the best way to achieve improved internal controls was to amend the City Code and transfer the Community Development Division and its personnel to the Finance Department.

Marlan Ferguson, 2808 Apache Road spoke in opposition. Discussion was held concerning the reasons for the change. Ms. Brown stated the auditors recommended a structural change. Ms. Brown answered questions concerning other Cities which had their Community Development Division under the Administration Department and some had it under the Finance Department.

Location of the office was mentioned along with timing, mismatch of skills, and no Finance Director at this time. Several Councilmember’s commented on the importance of having the Community Development Division under the Finance Department for better internal controls.

Motion by Gilbert, second by Niemann to approve Ordinance #9347.

City Clerk: Ordinance #9347 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, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember’s Haase, Carney, and Gericke voted no. Motion adopted.

City Clerk: Ordinance #9347 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, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember’s Haase, Carney, and Gericke voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9347 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Ramsey, second by Gard to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of November 8, 2011 City Council Regular Meeting.

Approving Minutes of November 15, 2011 City Council Study Session.

#2011-344 – Approving Acquisition of Utility Easement located at 3501 South Blaine Street (Andrew and Nicole Meier).

#2011-345 – Approving Amendment to Arch Coal Contract for 2012.

#2011-346 – Approving Engineering Consulting Services for Water Main Project 2011-W-4 – UPRR Extension to Merrick County with Olsson Associates of Lincoln, Nebraska.

#2011-347 – Approving Bid Awards for Tree Trimming Contract 2012-TT-1 with Leetch Tree Service of Grand Island, Nebraska in an Amount of \$66,192.00 for Sections 1, 3, 4, 5, 7, 8, 9, 10, 11, and 12 and Sheffield Tree Service of Grand Island, Nebraska in an Amount of \$13,400.00 for Sections 2 and 6.

#2011-348 – Approving Community Development Block Grant 10-ED-016 Sub-Award Agreement.

#### RESOLUTIONS:

#2011-349 – Consideration of Request from Texas Roadhouse Holdings, LLC dba Texas Roadhouse, 232 Wilmar Avenue for a Class “IK” Liquor License and Liquor Manager Designation for Douglas Schliefert, 5808 Avenue O Place, Kearney, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Niemann to approve Resolution #2011-349 contingent upon final inspections and Mr. Schliefert completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Councilmember Gard abstained. Motion adopted.

#2011-342 – Consideration of Designating Loading Zone on 2<sup>nd</sup> 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 2<sup>nd</sup> Street. This item was referred to the November 22, 2011 meeting by City Council. After reviewing the request with St. Steven’s Episcopal Church it was decided to designate a Loading Zone that would meet their request.

Motion by Carney, second by Niemann to approve Resolution #2011-342. Upon roll call vote, all voted aye. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of November 9, 2011 through November 22, 2011, for a total amount of \$4,339,220.52. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

RaNae Edwards  
City Clerk