



City of Grand Island

Tuesday, December 20, 2011

Council Session

Item G1

Approving Minutes of December 6, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

December 6, 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 December 6, 2011. Notice of the meeting was given in *The Grand Island Independent* on November 30, 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, Public Works Director John Collins and Interim Finance Director Jaye Monter.

INVOCATION was given by Jan Vavricek, 2729 Brentwood Blvd. followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek thanked Esther Obermeier for donating the Community Christmas tree. Mayor introduced Community Youth Council members Dillon Spies and Alex Baxter and Board member Randy See.

Mayor Vavricek gave the State of the City address. Mentioned were the many challenges facing the City and changes taking place. The following accomplishments of several continuing projects were mentioned: annexation; sanitary sewer system improvements; economic growth along Highway 281 corridor; Lincoln Park Pool, Five Points rejuvenation; Veterans Athletic Complex, Downtown Quiet Zones; budget; Community Fieldhouse; transportation improvements; North East Interceptor; and Utility Department uranium and air pollution projects.

Looking forward to 2012 were several items: work to formalize a set of goals, Highway 281 roadsides near the malls, clean neighborhoods, public safety study, LB 840 economic development program, the Heartland Events Center, city residency for Rainbow Lake home owners, and the waste water treatment plant.

Councilmember President Gilbert gave the State of the Council address. President Gilbert commented on 2011 as a year of a new journey. Mentioned were two new councilmember's, mayor and city administrator as well as new department directors. She looked forward to the journey of 2012.

City Administrator Mary Lou Brown updated the Council on the Wastewater Treatment Plant. Currently they were putting numbers together and would bring this to a Study Session in January.

SPECIAL ITEMS:

ELECTION OF CITY COUNCIL PRESIDENT: Mayor Vavricek opened the nominations for Council President. Councilmember Ramsey nominated Councilmember Gilbert.

Motion by Gericke, second by Ramsey, carried unanimously to make the vote a unanimous one for Councilmember Peg Gilbert as City Council President for 2012. Upon roll call vote, all voted aye. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from GIPH Restaurants, LLC dba Pizza Hut, 707 North Diers Avenue for a Class "A" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "A" Liquor License had been received from GIPH Restaurants, LLC dba Pizza Hut, 707 North Diers Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 16, 2011; notice to the general public of date, time, and place of hearing published on November 26, 2011; notice to the applicant of date, time, and place of hearing mailed on November 16, 2011; along with Chapter 4 of the City Code. Also submitted with the application was a Liquor Manager designation for Scott Kemery, 4156 Vermont Avenue. Staff recommended approval contingent upon final inspections for the liquor license and denial of the Liquor Manager designation based on the Liquor Control Rules and Regulations Section 53-131.01 (d) as submitted by the Police Report. Dave Staab, 3103 Brentwood Blvd. spoke in support. No further public testimony was heard.

Public Hearing on Request from GIPH Restaurants, LLC dba Pizza Hut, 1608 South Locust Street for a Class "A" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "A" Liquor License had been received from GIPH Restaurants, LLC dba Pizza Hut, 1608 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 November 16, 2011; notice to the general public of date, time, and place of hearing published on November 26, 2011; notice to the applicant of date, time, and place of hearing mailed on November 16, 2011; along with Chapter 4 of the City Code. Also submitted with the application was a Liquor Manager designation for Scott Kemery, 4156 Vermont Avenue. Staff recommended approval contingent upon final inspections for the liquor license and denial of the Liquor Manager designation based on the Liquor Control Rules and Regulations Section 53-131.01 (d) as submitted by the Police Report. Dave Staab, 3103 Brentwood Blvd. spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 1010 and 1040 Allen Drive (Batis Development Company). 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 electrical conduit, cable and two pad-mounted transformers to provide power to the new building housing two new businesses. Staff recommended approval. No public testimony was heard.

ORDINANCES:

Regional Planning Director Chad Nabity reported this was the second reading to annex property located at 1120 and 1140 South Lincoln.

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

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

#9348 – Consideration of Creating Sanitary Sewer Tap District No. 530T; US Highway 281 Sanitary Sewer Extension to Interstate 80

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.

Public Works Director John Collins reported that several meetings had taken place with Council concerning the request from several businesses along US Highway 281 near the Interstate 80 interchange to extend City sanitary sewer to serve their property. Council action was required to create a sanitary sewer tap (connection) district for this area.

Motion by Gilbert, second by Donaldson to approve Ordinance #9348.

City Clerk: Ordinance #9348 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 #9348 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 #9348 is declared to be lawfully adopted upon publication as required by law.

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

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

Approving Minutes of November 29, 2011 City Council Study Session.

Approving Appointment of Kris Jerke to the Business Improvement District #8 Board.

Approving Liquor Manager Designation for Robert Real, 609 East 9th Street, Wood River, Nebraska for United Veterans Club, 1914 West Capital Avenue.

#2011-350 – Approving Utility Easement Located at 1010 and 1040 Allen Drive (Batis Development Company).

#2011-351 – Approving Bid Award for Water Main Construction in the Parkview Area – Water Main Districts #457, #459, #460, and #461 with K2 Construction of Lincoln, Nebraska in an Amount of \$897,249.13.

#2011-352 – Approving Bid Award for Low NOx Conversion Burners – Platte Generating Station with Babcock Power Services, Inc. of Lees Summit, Missouri in an Amount of \$3,251,444.00.

#2011-353 – Approving Amended Subdivision Agreement for Fairway Crossings at Indianhead Golf Course First Subdivision.

#2011-354 – Approving Change Order No. 1 for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran’s Athletic Fields with J.I.L. Asphalt Paving Co. of Grand Island, Nebraska for an Increase of \$6,506.20 and a Revised Contract Amount of \$125,699.90.

#2011-355 – Approving Change Order No. 1 for the St. Joseph Trail Reconstruction – 2011 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$7,242.08 and a Revised Contract Amount of \$176,011.33.

#2011-356 – Approving Certificate of Final Completion for the St. Joseph Trail Reconstruction – 2011 with The Diamond Engineering Company of Grand Island, Nebraska.

#2011-357 – Approving Bid Award for Lift Station No. 7 Repairs; Project No. 2011-S-1 with Midlands Contracting, inc. of Kearney, Nebraska in an Amount of \$310,978.67.

#2011-358 – Approving Agreement with NDOR for US Highway 30 Improvements with the City’s Share Estimated to be \$423,705.00.

#2011-359 – Approving Certificate of Final Completion for Sugar Beet Ditch Piping at Suck’s Lake; Drainage Project No. 2011-D-3 with The Diamond Engineering Company of Grand Island, Nebraska.

#2011-360 – Approving State Bid Award for (1) 2012 3/4 Ton Ford F250 4x4 Pickup for the Solid Waste Division of the Public Works Department with Anderson Ford Lincoln Mercury of Lincoln, Nebraska in an Amount of \$23,346.00.

#2011-361 – Approving Supplemental Agreement No. 4 with Schemmer Associates, Inc. of Lincoln, Nebraska for Engineering Consulting Services for the Walk to Walnut Project in an Amount not to exceed \$4,920.71 and a Total Consulting Service Cost of \$76,230.03.

RESOLUTIONS:

#2011-362 – Consideration of Request from GIPH Restaurants, LLC dba Pizza Hut, 707 North Diers Avenue for a Class “A” Liquor License and Liquor Manager Designation for Scott Kemery, 4156 Vermont Avenue. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Niemann to approve Resolution #2011-362 contingent upon final inspections and deny the Liquor Manager request from Scott Kemery, 4156 Vermont Avenue based on the Police Department Report and Liquor Control Rules and Regulations Section 53-131.01 (d). Upon roll call vote, all voted aye. Motion adopted.

#2011-363 – Consideration of Request from GIPH Restaurants, LLC dba Pizza Hut, 1608 South Locust Street for a Class “A” Liquor License and Liquor Manager Designation for Scott Kemery, 4156 Vermont Avenue. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Niemann to approve Resolution #2011-363 contingent upon final inspections and deny the Liquor Manager request from Scott Kemery, 4156 Vermont Avenue based on the Police Department Report and Liquor Control Rules and Regulations Section 53-131.01 (d). Upon roll call vote, all voted aye. Motion adopted.

#2011-364 – Approving Utilities Relocation Agreement with the Burlington Northern Santa Fe Railroad for Double Track Project. Utilities Director Tim Luchsinger reported that this item was discussed at the November 29, 2011 Study Session. BNSF were in the process of building a double track through Grand Island. This agreement would allow BNSF to acquire property from the City and pay for the relocation of utility easements.

Motion by Carney, second by Niemann to approve Resolution #2011-364. 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 23, 2011 through December 6, 2011, for a total amount of \$3,465,671.14. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Ramsey to adjourn to Executive Session at 7:45 p.m. for the purpose of a strategy session with respect to pending litigation. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Dugan, second by Gericke to return to Regular Session at 8:26 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:26 p.m.

RaNae Edwards
City Clerk