



City of Grand Island

Tuesday, January 10, 2012

Council Session

Item G1

Approving Minutes of December 20, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

December 20, 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 20, 2011. Notice of the meeting was given in *The Grand Island Independent* on December 14, 2011.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. Councilmember Larry Carney 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 Bill Rowland, Beacon of Hope Church, 2525 West State Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Alex Wirth and Tori Katzberg.

City Administrator Mary Lou Brown reported that the sidewalk for Knickrehm School had been completed.

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

#2011-BE-7 – Consideration of Determining Benefits for Sanitary Sewer District No. 526; Lot 3, Grand Island Plaza Subdivision. Public Works Director John Collins reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Sanitary Sewer District No. 526. Special assessments were for the amount of \$27,799.23.

Motion by Gilbert, second by Niemann to approve Resolutions #2011-BE-7. Upon roll call vote, all voted aye. Motion adopted.

#2011-BE-8 – Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road. Public Works Director John Collins reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Street Improvement District No. 1256. Special assessments were for the amount of \$732,831.98.

Curtis Cellar, 4220 Shanna Street, Melinda Lavalleur, 2309 West Division Street, and Jeff Vinson, 3010 Gladstone Circle spoke in opposition.

Motion by Gilbert, second by Niemann to approve Resolutions #2011-BE-8.

A lengthy discussion was held concerning questions from those people opposing the district and how assessments were determined. Mr. Collins explained the method of calculating the costs. Federal funds for this project were 80% and the City's costs were 20%.

Motion by Gericke, second by Niemann to refer this item to the January 10, 2012 City Council meeting. 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 GMRI Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive for a Class 'I' Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "A" Liquor License had been received from GMRI, Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 30, 2011; notice to the general public of date, time, and place of hearing published on December 10, 2011; notice to the applicant of date, time, and place of hearing mailed on November 30, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located West of Locust Street and North of Schimmer Drive (Hooker Brothers Sand & Gravel). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of Locust Street and north of Schimmer Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of installing underground electrical conduit cable and a pad-mounted transformer to provide 3-Phase service to a new building located on the property. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1404 West 2nd Street (Casey's Retail Company). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1404 West 2nd 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 underground conduit, cable and a pad-mounted transformer to provide service to Casey's expansion of its store. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendments to Chapter 36-69 of the Grand Island City Code Relative to (AC) Arterial Commercial Overlay Zone regarding Campgrounds. Regional Planning Director Chad Nabity reported that amendments to Chapter 36 of the Grand Island City Code were needed relative to the number of bathroom facilities required for campgrounds. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Oak Pointe Subdivision (R.B.O., L.L.C.). Public Works Director John Collins reported that acquisition of a public utility easement located in the Oak Pointe Subdivision was needed to allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement.

This easement would allow a redesign of the development area. Staff recommended approval. No public testimony was heard.

ORDINANCES:

Regional Planning Director Chad Nabity reported this was the final 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) (Final Reading)

Motion by Ramsey, second by Niemann to approve Ordinance #9346 on final 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 ordinances numbered:

#9349 – Consideration of Amendments to Chapter 36-69 of the Grand Island City Code Relative to (AC) Arterial Commercial Overlay Zone Regarding Campgrounds

#9350 – Consideration of Assessments for Sanitary Sewer District No. 526; Lot 3, Grand Island Plaza Subdivision

#9352 – Consideration of Vacation of a Utility Easement Located in Lot 46, Block 1 of Dale Roush 2nd Subdivision (9 Dakota Drive)

#9353 – Consideration of Vacation of Starwood Avenue from Cedar Ridge Court East in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9354 – Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9355 – Consideration of Conveyance of a Tract of Land Owned by the City of Grand Island to the State of Nebraska, Department of Roads for Project 34-4(126)

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.

#9349 – Consideration of Amendments to Chapter 36-69 of the Grand Island City Code Relative to (AC) Arterial Commercial Overlay Zone Regarding Campgrounds

Regional Planning Director Chad Nabity reported that Ordinance #9349 would amend City Code Section 36-69 relative to the number of bathrooms from 15 to 25 for campgrounds. Mr. Nabity stated this was within the national standards. Building Department Director Craig Lewis stated this would be for primitive sites or tent camping.

Motion by Donaldson, second by Haase to approve Ordinance #9349.

Discussion was held concerning the number to bathroom sites and when they would need to be constructed after reaching 25.

Motion by Gilbert, second by Gericke to amend the motion to add “or fraction thereof” after the number 25 in the second sentence. Upon roll call vote, Councilmember’s Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9349 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 #9349 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 #9349 is declared to be lawfully adopted upon publication as required by law.

#9350 – Consideration of Assessments for Sanitary Sewer District No. 526; Lot 3, Grand Island Plaza Subdivision

Motion by Dugan, second by Ramsey to approve Ordinance #9349.

City Clerk: Ordinance #9350 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 #9350 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 #9350 is declared to be lawfully adopted upon publication as required by law.

#9352 – Consideration of Vacation of a Utility Easement Located in Lot 46, Block 1 of Dale Roush 2nd Subdivision (9 Dakota Drive)

Motion by Gericke, second by Gard to approve Ordinance #9352.

City Clerk: Ordinance #9352 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 #9352 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 #9352 is declared to be lawfully adopted upon publication as required by law.

#9353 – Consideration of Vacation of Starwood Avenue from Cedar Ridge Court East in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9354 – Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

Public Works Director John Collins reported that R.B.O., LLC was considering redesigning the Oak Pointe subdivision area and wished to vacate the east end of Starwood Avenue along with the sixty (60) foot wide utility easement.

Motion by Nickerson, second by Gericke to approve Ordinances #9353 and #9354.

City Clerk: Ordinances #9353 and #9354 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9353 and #9354 on final passage. All those in favor of the passage of these ordinances 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, Ordinances #9353 and #9354 are declared to be lawfully adopted upon publication as required by law.

#9355 – Consideration of Conveyance of a Tract of Land Owned by the City of Grand Island to the State of Nebraska, Department of Roads for Project 34-4(126)

Public Works Department Director John Collins reported that the State of Nebraska, Department of Roads (NDOR) was planning to improve a portion of US Highway 34 from US-281 to South Locust Street. US-34 would be widened at the intersection of Blaine Street to accommodate left turn lanes. The bridge immediately west of the Blaine Street intersection would be replaced with a concrete box culvert. Construction is scheduled in 2012. In order for US-34 to be widened and the new box culvert constructed, 0.03 Acre of property owned by the City of Grand Island must be acquired by NDOR.

Motion by Donaldson, second by Dugan to approve Ordinance #9355.

City Clerk: Ordinance #9355 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 #9355 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 #9355 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-6 was pulled for further discussion. Motion by Ramsey, second by Gard to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 6, 2011 City Council Regular Meeting.

Approving Re-Appointments of John Hoggatt and Roger Bullington to the Grand Island Facilities Corporation Board.

Approving Re-Appointments of Denise Kozel, Mike Rivera, Brady Blauhorn, Terry Klanecky, and Craig Lewis to the Electrical Board.

Approving Re-Appointments of Loran Peterson, Scott Hilligas, Mike McElroy, Mike Myers, Todd Bredthauer, Tom O'Neill, Russ Shaw, and Craig Lewis to the Mechanical Examining Board.

Approving Re-Appointments of Jennifer Herman, Mike Bailey, Verne Penas, David Scoggins, and Craig Lewis to the Plumbers Examining Board.

#2011-366 – Approving Acquisition of Utility Easement Located West of Locust Street and North of Schimmer Drive (Hooker Brothers Sand & Gravel).

#2011-367 – Approving Acquisition of Utility Easement Located at 1404 West 2nd Street (Casey's Retail Company).

#2011-368 – Approving Award of Safety Glass Contract for Utilities, Public Works, and Parks Employees for 2012-2014 with Eyecare Professionals/Grand Island Optical, of Grand Island, Nebraska.

#2011-369 – Approving Employee Uniform Contract for Utilities and Public Works Departments with Paramount Linen and Uniform of Kearney, Nebraska.

#2011-370 – Approving Bid Award for Cul-de-sac Snow Removal Operations for the 2011/2012 Winter Season (Streets Division of the Public Works Department) with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of: CAT Motor Patrol & Front End Loaders - \$165.00 per hour; 10 yard dump - \$125.00 per hour; and 16 yard side dump - \$145.00 per hour.

#2011-371 – Approving Acquisition of Public Utility Easement in Oak Pointe Subdivision (R.B.O., L.L.C.).

#2011-372 – Approving Change Order No. 2 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 \$1,243.77 and a Revised Contract Amount of \$126,943.67.

#2011-373 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads for Calendar Year 2012.

#2011-374 – Approving Supplemental Agreement No. 1 with Kirkham Michael & Associates of Omaha, Nebraska for Preliminary Engineering Services for the US Highway 30 Drainage Improvement Project with an Additional Cost not to exceed \$38,023.00 and a total Consulting Service Cost of \$137,254.43.

#2011-375 – Approving Certificate of Final Completion for Building Reconstruction Lift Station No. 4 Project No. 2011-S-4 with The Diamond Engineering Company of Grand Island, Nebraska.

#2011-376 – Approving Time Extension to the Contract with Midlands Contracting, Inc. of Kearney, Nebraska for the Moores Creek Drain Extension – Old Potash Crossing; Drainage Project No. 2088-D-2 to May 15, 2012.

#2011-365 – Approving Final Plat and Subdivision Agreement for Ponderosa Village Subdivision. Regional Planning Director Chad Naby answered questions concerning James Road, where the four lots were in the subdivision, and the B-2 – General Business zone.

Motion by Gilbert, second by Donaldson to approve Resolution #2011-365. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-377 – Consideration of Request from GMRI, Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive for a Class “I” Liquor License and Liquor Manager Designation for Becky Janes, 2236 West 11th Street. This item related to the aforementioned Public Hearing.

Motion by Gericke, second by Haase to approve Resolution #2011-377 contingent upon final inspections and the Liquor Manager request from Becky Janes, 2236 West 11th Street contingent upon completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2011-378 – Approving Contract for Engineering Design Services for Lincoln Park Pool. Parks and Recreation Director Steve Paustian reported that after several years of emergency repairs, Council determined to renovate/replace the Lincoln Park Swimming Pool. Request for Qualifications (RFQ) for the design service for Lincoln Park Swimming Pool were solicited with six firms responding to the request. A committee rated the proposals and are recommending JEO Consulting Group of Wahoo, Nebraska. A contract had been negotiated with JEO in the amount not to exceed \$150,000.

Motion by Ramsey, second by Niemann to approve Resolution #2011-378.

A brief discussion was held concerning the wording “not to exceed” which was not in the Resolution.

Motion by Gericke, second by Dugan to amend Resolution #2011-378 to add the wording “not to exceed” before the \$150,000. Upon roll call vote, all voted aye. Motion adopted.

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

#2011-379 – Consideration of Spending Process Requirements. Councilmember Chuck Haase recommended a Council Policy regarding City Spending and the process required relative to cash, budget and procurement to create awareness, compliance and openness. Explained was Dillons Rule which the State of Nebraska follows which requires enabling authority. Requested was that any money moved from one fund to another fund be brought to Council as a budget amendment.

Motion by Niemann, second by Dugan to approve Resolution #2011-379.

Terry Galloway explained the difference between the Enterprise funds and General Funds. Interim Finance Director Jaye Monter explained the reasons for lack of funds in the internal services funds. City Administrator Mary Lou Brown commented on the vagueness of the Resolution and how that could be a detriment to the operation of the City.

Motion by Gard, second by Gilbert to refer this item to a Study Session within the first 60 days of 2012. Upon roll call vote, all voted aye. Councilmember Haase abstained. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gard to approve the Claims for the period of December 7, 2011 through December 20, 2011, for a total amount of \$4,484,038.49. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Nickerson to adjourn to Executive Session at 9:16 p.m. for the purpose of a strategy session with respect to litigation which is imminent and strategy session with respect to pending litigation.

Tracy Overstreet representing the Independent requested the identity of the parties for the closed sessions. City Attorney Robert Sivick explained the State Statutes regarding closed sessions.

Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Ramsey to return to Regular Session at 10:02 p.m. Upon roll call vote, all voted aye. Motion adopted.

#2011-380 – Consideration of Approving Settlement Agreement between Jessica Musil and the City of Grand Island.

Motion by Gilbert, second by Donaldson to approve Resolution #2011-380. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:02 p.m.

RaNae Edwards
City Clerk