



City of Grand Island

Tuesday, February 28, 2012

Council Session

Item G1

Approving Minutes of February 14, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 14, 2012

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 February 14, 2012. Notice of the meeting was given in *The Grand Island Independent* on February 8, 2012.

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 Jay Vetter, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council members Emily Heineman and Reyna Raymundo.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Nebraska Danger Week" February 20, 2012. Mayor Vavricek proclaimed the week of February 20, 2012 as "Nebraska Danger Week". Owner Charlie Bosselman, Brandi Bosselman, Head Coach Mike Davis, General Manager Mike McCoy, and Chief Operations Officer Brian Fausch were present for the presentation.

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

#2012-BE-1 – Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road. Public Works Engineer Terry Brown 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.

Jeff Vinson, 3010 Gladstone Circle and Curtis Cellar, 4220 Shanna Street spoke in opposition.

Discussion was held regarding reasons for the Capital Avenue widening project. Councilmembers Haase and Dugan commented on inconsistencies of the City's policy for determining assessments. Mr. Brown answered questions concerning the South Locust widening project done years ago and Capital Avenue widening project as not a fair comparison. Mr. Collins answered questions regarding truck traffic on Capital Avenue.

City Attorney Bob Sivick stated that previous actions by the City Council in 2006 were binding today and the City could be held liable if this Resolution was not approved.

Motion by Gilbert, second by Gard to approve Resolutions #2012-BE-1. Upon roll call vote, Councilmembers Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Baldo, Inc. dba El Farayon Cantina & Grill, 1403 South Eddy Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Baldo, Inc. dba El Farayon Cantina & Grill, 1403 South Eddy Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 17, 2012; notice to the general public of date, time, and place of hearing published on February 4, 2012; notice to the applicant of date, time, and place of hearing mailed on January 17, 2012; along with Chapter 4 of the City Code. Staff recommended Council make no recommendation based on the Nebraska Liquor Control Act 53-125 – Classes of persons to whom no license is issued. Steve Dowding, Attorney for the applicant spoke in support and requested the Council approve the application. No further public testimony was heard.

Public Hearing on Request to Rezone Property Located at 1115 & 1116 Cedar Ridge Court from RD – Residential Development to R4 – High Density Residential. Regional Planning Director Chad Nabity reported that a request had been received to rezone properties located south of 13th Street, east of Sagedwood Avenue and west of US Hwy 281 from RD - Residential Development to R4 - High Density Residential. This change would allow the developer to build additional housing units in Grand Island. Staff recommended approval. No public testimony was heard.

Public Hearing on Annexation of Property Located South of US Highway 34 and West of South Blaine Street – Annexation Area 8b (includes Rainbow Lake Area). Regional Planning Director Chad Nabity reported that the annexation plan for area 8b (Rainbow Lake) was completed and approved by the Regional Planning Commission. Staff recommended approving the ordinance to annex this area on first reading. Vi Sheeks, 3623 South Blaine Street and John Hanssen, 3715 South Blaine Street spoke in opposition. No further public testimony was heard.

Public Hearing on Re-Adoption of the City of Grand Island Official Zoning Map. Regional Planning Director Chad Nabity reported that there were several changes to the Official Zoning Map which were consistent with the existing uses and the Future Land Use map for the City of Grand Island. The proposed changes would harmonize the map and make enforcement of the zoning regulations more consistent. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Plan for Property Located at US Highway 34 and South Locust Street (Howard Johnson). Regional Planning Director Chad Nabity reported that an amendment to the Redevelopment Plan for CRA Area #2 was needed in order to authorize the CRA to execute a contract for Tax Increment Financing (TIF) based on the plan amendment for property located at 3333 Ramada Road. The redevelopment plan amendment permits

rehabilitation and redevelopment of the convention center, hotel and restaurant at this location. The total TIF allowed for this project would not exceed \$524,520 during its 15 year period. Staff recommended approval. Zachery Zoul, 3333 Ramada Road spoke in support. No further public testimony was heard.

Public Hearing on Addition to Chapter 36 of the Grand Island City Code Relative to Airport Approach and Turning Zones. Regional Planning Director Chad Nabity reported that changes to Section 36-46 – Airport Approach and Turning Zones - of the Grand Island City code were needed in order to protect the airport from encroachments in the approach and turning zones. Staff recommended approval. No public testimony was heard.

Public Hearing on the One & Six Year Street Improvement Plan. Public Works Engineer Terry Brown reported that adoption of a One and Six Year Street Improvement Program was required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. This item was referred to the Regional Planning Commission by Council at their January 24, 2012 Regular Meeting. The Regional Planning Commission conducted a Public Hearing at their February 1, 2012 meeting. Public Works Engineer Terry Brown presented a PowerPoint explaining the recommendations. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1819 East 7th Street (Global Industries & D. J. Eihusen). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1819 East 7th 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, high voltage power cable, and a pad-mounted transformer to provide electrical power to the new business opened by Global Industries. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

- #9361 – Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road
- #9362 – Consideration of Request to Rezone Property Located at 1115 & 1116 Cedar Ridge Court from RD – Residential Development to R4 – High Density Residential
- #9533 – Consideration of Annexation of Property Located South of US Highway 34 and West of South Blaine Street – Annexation Area 8b (included Rainbow Lake Area) (First Reading)
- #9364 – Consideration of Addition to Chapter 36 of the Grand Island City Code Relative to Airport Approach and Turning Zones

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

#9361 – Consideration of Determining Benefits for Street Improvement District No. 1256; Capital Avenue from the Moores Creek Drain to Webb Road

Motion by Gilbert, second by Gard to approve Ordinance #9361.

City Clerk: Ordinance #9361 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9361 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmembers Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9361 is declared to be lawfully adopted upon publication as required by law.

#9362 – Consideration of Request to Rezone Property Located at 1115 & 1116 Cedar Ridge Court from RD – Residential Development to R4 – High Density Residential

#9364 – Consideration of Addition to Chapter 36 of the Grand Island City Code Relative to Airport Approach and Turning Zones

Motion by Gilbert, second by Donaldson to approve Ordinances #9362 and #9364.

City Clerk: Ordinances #9362 and #9364 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 #9362 and #9364 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 #9362 and #9364 are declared to be lawfully adopted upon publication as required by law.

#9363 – Consideration of Annexation of Property Located South of US Highway 34 and West of South Blaine Street – Annexation Area 8b (included Rainbow Lake Area) (First Reading)

Comments were made concerning the reasons for annexing this area. Mr. Naby answered questions concerning the cost to land owner and notification of this meeting.

Motion by Gard, second by Nickerson to approve Ordinance #9363 on first reading only. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent agenda item G-12 was pulled for further discussion. Motion by Ramsey, second by Haase to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 24, 2012 City Council Regular Meeting.

Approving Minutes of January 31, 2012 City Council Study Session.

Approving Appointment of Amos Anson to the Business Improvement District #8 Board.

#2012-26 – Approving Change of March 27, 2012 City Council Regular Meeting to March 26, 2012.

#2012-27 – Approving Re-Adoption of the City of Grand Island Official Zoning Map.

#2012-28 – Approving Extension Request for Community Development Block Grant #08-DPI-005.

#2012-29 – Approving Business Continuity and Recovery Services Agreement with IBM for a Three Year Contract in the Amount of \$10,152.00.

#2012-30 – Approving Acquisition of Utility Easement Located at 1819 East 7th Street (Global Industries & D.J. Eihusen).

#2012-31 – Approving Purchase of 2012 Utility Truck – Water Division, Utilities Department from State Contract with Sid Dillon Ford Lincoln Mercury from Crete, Nebraska in an Amount of \$46,802.00.

#2012-32 – Approving Parkview Well Superfund Site Access Agreement Amendment #4.

#2012-33 – Approving Microsoft Home Use Program.

#2012-35 – Approving Revised Contract Amount of \$344,807.42 to Resolution 2012-7; Bid Award to Midlands Contracting, Inc. for Lift Station No. 7 Repairs Project No. 2011-S-1.

#2012-34 – Approving Lease Agreement for a 2002 Ford Medtec Ambulance with Arrow Manufacturing, Inc. of Rock Rapids, Iowa in an Amount of \$1,000.00 per month for six months. Division Chief Tim Hiemer reported this was a lease agreement for 6 months to replace a current ambulance which had mechanical problems.

Lewis Kent, 624 Meves Avenue questioned the warranty/guarantee on the current ambulance.

Motion by Donaldson, second by Dugan to approve Resolution #2012-34. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2012-36 – Consideration of Request from Baldo, Inc. dba El Farayon Cantina & Grill, 1403 South Eddy Street for a Class “C” Liquor License and Liquor Manager Designation for Alberto Baldovinos, 235 North Custer Avenue. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Gard to approve Resolution #2012-36. Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Dugan, Gard, and Gericke voted aye. Councilmember Donaldson voted no. Motion adopted.

#2012-37 – Consideration of Redevelopment Plan for Property Located at US Highway 34 and South Locust Street (Howard Johnson). This item related to the aforementioned Public Hearing. Discussion was held regarding the “but for” clause as it related to the TIF application. Mr. Naby stated the City Council was responsible to make the final decision on the “but for” clause. Explained were the benefits to the South Locust area regarding this project.

Motion by Haase, second by Gilbert to approve Resolution #2012-37. Upon roll call vote, all voted aye. Motion adopted.

#2012-38 – Consideration of Appointment of Jaye Monter as Finance Director. Mayor Vavricek turned the meeting over to Council President Gilbert due to his partiality of this appointment. City Administrator Mary Lou Brown reported that the Mayor was recommending Jaye Monter for the position of Treasurer/Finance Director. Explained were the search process and the search committee recommendation.

Paul Wicht, 936 South Kimball and Joyce Haase, 3024 Colonial Lane spoke in opposition.

Discussion was held regarding the requirement to live within 10 miles of the 2 mile jurisdiction. Ms. Brown stated that Ms. Monter met this requirement. Councilmembers Niemann and Gilbert commented about serving on the search committee and supported the recommendation. Comments were made regarding her skill to lead and vision of the Finance Department in the future.

Motion by Donaldson, second by Niemann to approve Resolution #2012-38. Upon roll call vote, Councilmembers Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Gard, and Gericke voted aye. Councilmembers Haase and Dugan voted no. Motion adopted.

Mayor Vavricek thanked the search committee for their work on this matter. Ms. Monter thanked the Council for her appointment as Finance Director.

#2012-39 – Consideration of Proposing a Ballot Measure for Open Burning Ban. Fire Division Chief Tim Hiemer gave a brief background of open burning. Environmental issues were mentioned as a factor in support of a burning ban. Staff recommended having a burning ban on the May primary ballot. City Attorney Sivick clarified the two resolutions. Resolution #2012-39 (A) was a ballot measure to repeal Ordinance #7993 and if approved by the voters would come back to Council to decide the issue of open burning. Resolution #2012-39 (B) was also a ballot measure with exceptions.

Lewis Kent, 624 Meves Avenue spoke in support of the burning ban.

Comments were made regarding the importance of a ballot measure as this was originally decided by a ballot measure. Comments were also made that the Council should decide this issue without going to a vote of the people. Mr. Sivick stated this issue would have to come back to Council at a later date if Council wanted to ban open burning.

Motion by Niemann, second by Carney to approve Resolution #2012-39 (A). Upon roll call vote, Councilmembers Carney, Niemann, and Nickerson voted aye. Councilmembers Haase, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted no. Motion failed.

Discussion was held regarding the State Statutes as they related to the exemptions.

Motion by Carney, second by Nickerson to approve Resolution #2012-39 (B). Upon roll call vote, Councilmember Nickerson voted aye. Councilmembers Haase, Carney, Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted no. Motion failed.

This item would be brought back to Council at a future meeting.

#2012-40 – Consideration of the One & Six Year Street Improvement Plan. This item related to the aforementioned Public Hearing.

Motion by Gard, second by Ramsey to approve Resolution #2012-40. Upon roll call vote, all voted aye. Motion adopted.

Council recessed at 9:40 p.m. and reconvened at 9:54 p.m.

#2012-41 – Consideration of Direction of Wastewater Treatment Plant Management. Public Works Director John Collins reported that at the request of City Council, information had been presented regarding the Wastewater Treatment Plant management. The following two options had been presented to Council: 1) contract operations and move forward with Veolia; or 2) initiate an internal improvement plan with multiple external contractors. A PowerPoint was presented on the two options.

If the decision was to contract with Veolia, the contract would be presented at the February 21, 2012 Study Session and brought forward for final approval at a later date. If the decision was to initiate a plan without Veolia, the 2012 fiscal year budget would be increased by \$500,000 and two new positions would be created: Wastewater Plant Engineer and Wastewater Operations Engineer.

Deficiencies to be addressed without Veolia were:

- Contracted
Asset Management
Monitoring and Automation
Process Review (Treatment)
- Internal with Potential for Contracted Support
Procurement Review
Technical Skills

Staff Utilization and Process Review (Activities)

With Veolia the following would be realized:

- Optimize plant operations by utilizing expertise gained through years of operating dozens or even hundreds of these facilities
- Reduce operating costs
- Advice during the infrastructure rehabilitation projects
- Local control and ownership

With Veolia Plant Staff would see the following:

- Retain their current pay
- Receive more and better training
- Have more and better opportunities
- IBEW 1597 recognized immediately

Mr. Collins reviewed the contract negotiation process and summary of contract revisions.

The following people spoke in opposition:

- John Henderson, 1068 Hwy 281, St. Paul
- Paul Wicht, 936 South Kimball
- Dave De La Motte, 623 Meves Avenue
- Dan Quick, 1019 Kennedy Drive
- Ron Calihan, 4150 W. Capital Avenue
- Tom Olsen, 3819 Rochdale
- Robert Meyer, 648 E. Memorial Drive
- Scott Kuehl, 1419 Independence Avenue
- Lewis Kent, 624 Meves Avenue

Motion by Haase, second by Carney to reject all proposals to contract management and continue the operations in-house.

Comment was made concerning the motion on the table. Discussion was held regarding moving forward with this project and the public support to keep the Wastewater Treatment Plant management local. Mr. Sivick stated the agenda item before the Council was to approve either Resolution 2012-41 (A) which would move forward with Veolia or #2012-41 (B) which would keep the management of the WWTP in house.

Councilmember Haase withdrew his motion and Councilmember Carney withdrew his second.

Motion by Gard, second by Ramsey to approve Resolution #2012-41 (B). Upon roll call vote, all voted aye. Motion adopted.

Comments were made by Council regarding the community's overwhelming response and dedication of the WWTP employees. Mr. Sivick responded to questions concerning the contract negotiation and that if Council approved Resolution #2012-41 (B), Veolia would not be a part of the management of the WWTP. Mr. Collins answered questions concerning the \$500,000 additional funding to the 2011/2012 Budget.

Motion by Gericke to amend the motion by deleting the \$500,000 and two engineering positions. Motion died due to lack of second.

Councilmember Gericke suggested moving the WWTP to the Utilities Department. Comments were made regarding the process and to do what was right.

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

PAYMENT OF CLAIMS:

Motion by Dugan, second by Donaldson to approve the Claims for the period of January 25, 2012 through February 14, 2012, for a total amount of \$3,514,033.95. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 11:23 p.m.

RaNae Edwards
City Clerk