



# City of Grand Island

Monday, March 26, 2012

Council Session

## Item G1

### Approving Minutes of March 13, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 13, 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 March 13, 2012. Notice of the meeting was given in *The Grand Island Independent* on March 7, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. Councilmember Chuck Haase 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 Finance Director Jaye Monter.

INVOCATION was given by Pastor Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Josh Sugita and Board member Theresa Engelhardt.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Hall County WWII Hero Flights to Washington, DC. Mayor Vavricek and the City Council recognized the outstanding work of the Hall County WWII Hero Flights to send World War II veterans to Washington, DC to visit the World War II Memorial. Don Shuda was present for the recognition and explained the flights. Viewed was a short video of the first flight.

Proclamation "National Agricultural Day" March 8, 2012. Mayor Vavricek proclaimed March 8, 2012 as "National Agricultural Day". FFA Students from Northwest High School were present for the presentation.

PUBLIC HEARINGS:

Public Hearing on Request from Napoli, LLC dba El Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Napoli, LLC dba Napoli's Italian, 3421 Conestoga Drive. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 10, 2012; notice to the general public of date, time, and place of hearing published on March 3, 2012; notice to the applicant of date, time, and place of hearing mailed on February 10, 2012; along with Chapter 4 of the City Code. Staff recommended approval contingent upon completion of a state approved alcohol server/seller training program. No public testimony was heard.

Public Hearing on the Proposal for Use of Program Income Reuse Funds. Community Development Administrator Marco Floreani reported that through the Community Development Block Grant (CDBG) the City submitted an application on behalf of the Grand Island Business

Improvement District #8 for a \$12,500 Revolving Loan funds. If approved these fund would provide a portion of the required match for a 2012 Phase 1 Downtown Revitalization Grant from the Nebraska Department of Economic Development. No public testimony was heard.

Public Hearing on Application for Community Development Block Grant Program. Community Development Administrator Marco Floreani reported that a Community Development Block Grant had been prepared for \$30,000 to fund the Downtown Revitalization Phase 1 Pre-Development Planning Grant to develop a revitalization plan for downtown infrastructure and growth. No public testimony was heard.

Public Hearing on Acquisition of Public Street Right-of-Way in Oak Pointe Subdivision (R.B.O., L.L.C.). Public Works Manager of Engineering Services Terry Brown reported that acquisition of a Public Street right-of-way was needed in order to allow for redesign of the development area at Starwood Avenue and Cedar Ridge Court for development of a cul-de-sac at the south end of Lot One. 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 Manager of Engineering Services Terry Brown reported that acquisition of a Public Utility easement was needed in the Oak Pointe Subdivision to allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement for the purpose of allowing for this area to be redeveloped as a cul-de-sac. No public testimony was heard.

#### ORDINANCES:

#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) (Final Reading)

Motion by Gilbert, second by Donaldson to approve Ordinance #9363 on third 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:

#9370 – Consideration of Amendment to Chapter 35 of the Grand Island City Code Relative to Groundwater Control Area #4 – Nebraska Solvents Company Site on the Eastern Side of the City of Grand Island and a Portion of Western Merrick County

#9371 ( ) – Consideration of Amendments to Chapter 35 of the Grand Island City Code Relative to Revisions of the Water Rate Schedule

#9372 – Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

#9373 – Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9374 – Consideration of Vacation of Starwood Avenue and Cedar Ridge Court in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9375 – Consideration of Amendment to Chapter 16 of the Grand Island City Code Relative to Open Burning

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

#9370 – Consideration of Amendment to Chapter 35 of the Grand Island City Code Relative to Groundwater Control Area #4 – Nebraska Solvents Company Site on the Eastern Side of the City of Grand Island and a Portion of Western Merrick County

Utilities Director Tim Luchsinger reported that Union Pacific would like to create a groundwater control area restricting development and use of new water sources by property owners in the contaminated area. This ordinance also had a housekeeping function of clearly delineating the provisions of Groundwater Control Area No. 3.

Lewis Kent, 624 Meves Avenue questioned if Swift would be putting in a well. Mr. Luchsinger stated he was not aware of any well drilling by Swift.

Motion by Dugan, second by Gericke to approve Ordinance #9370.

City Clerk: Ordinance #9370 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 #9370 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 #9370 is declared to be lawfully adopted upon publication as required by law.

#9371 (A) – Consideration of Amendments to Chapter 35 of the Grand Island City Code Relative to Revisions of the Water Rate Schedule

Utilities Director Tim Luchsinger reported that revision of the Water Rate Schedule had been presented to Council for possible funding methods for the capital cost and annual operating costs for the uranium removal system project. The following two options were presented to Council: 1) creating a Meter Fee Schedule or 2) increasing each billing unit rate (100 cubic feet) by \$0.16.

Lewis Kent, 624 Meves Avenue spoke in support.

Discussion was held regarding meter fee being consistent and fair so people could plan their monthly bills. Comments were also made concerning the advantage of the set rate increase of \$.16 per 100 cubic feet. Mr. Luchsinger clarified the differences in the Ordinances. Customers could control the price of their bill with Option (B) by the amount of water used. The Utilities Department favored Option (A).

Motion by Donaldson, second by Gericke to approve Ordinance #9371 (A).

City Clerk: Ordinance #9371 (A) 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 Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmembers Carney and Nickerson voted no. Motion adopted.

City Clerk: Ordinance #9371 (A) 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 Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmembers Carney and Nickerson voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9371 (A) is declared to be lawfully adopted upon publication as required by law.

#9372 – Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Public Works Manager of Engineering Services Terry Brown reported that Ordinance #9372 were needed Amendments to Chapter 32-69 in order to meet Federal-Aid Transportation requirements for encroachments relating to streets and sidewalks. Ordinance #9373 related to vacating a utility easement in Oak Pointe Subdivision and Ordinance #9374 related to vacating a portion of Starwood Avenue and Cedar Ridge Court in Oak Pointe Subdivision.

David Jelinek, 1723 West 1<sup>st</sup> Street addressed concerns on the US Hwy 30 drainage easements regarding sprinkler system reimbursement. Discussion was held regarding creating a license agreement to identify location of underground sprinklers.

Motion by Ramsey, second by Gilbert to approve Ordinance #9372.

City Clerk: Ordinance #9372 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 #9372 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 #9372 is declared to be lawfully adopted upon publication as required by law.

#9373 – Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

#9374 – Consideration of Vacation of Starwood Avenue and Cedar Ridge Court in Oak Pointe Subdivision (R.B.O., L.L.C.)

Ordinances #9373 and #9374 related to the aforementioned Public Hearings.

Motion by Carney, second by Gard to approve Ordinances #9373 and #9374.

City Clerk: Ordinances #9373 and #9374 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 #9373 and #9374 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 #9373 and #9374 are declared to be lawfully adopted upon publication as required by law.

#9375 – Consideration of Amendment to Chapter 16 of the Grand Island City Code Relative to Open Burning

Fire Division Chief Tim Hiemer reported that Ordinance #9375 was to amend the City Code banning Open Burning.

Jerry Rapp, 802 East 15<sup>th</sup> Street spoke in opposition. Lewis Kent, 624 Meves Avenue spoke in support.

Motion by Gericke, second by Carney to approve Ordinance #9375.

Mayor Vavricek answered the question as to why this issue had been brought forward. It was at the request of Councilmember Gericke. Discussion was held regarding the enforceability and the vote of the people to have open burning in the City.

Motion was made by Nickerson, second by Gard to amend this Ordinance to make it effective May 1, 2012. Upon roll call vote, Councilmembers Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmembers Niemann and Gericke voted no. Motion adopted.

A lengthy discussion on the pros and cons of a burning ban was held. Mentioned was the complexity and number of exceptions in the Ordinance. Discussion was held on the current City Code and if we were in compliance with State Statute. Mr. Hiemer stated we would be if we enforced the permit policy. The Fire Department didn't have the staff for enforcement. City Attorney Bob Sivick explained in order for this Ordinance to pass there needed to be a 2/3 vote.

City Clerk: Ordinance #9375 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 Ramsey, Donaldson, Dugan, Gard and Gericke voted aye. Councilmembers Carney, Niemann, Gilbert, and Nickerson voted no. Motion failed.

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 February 25, 2012 City Council Study Session (Retreat).

Approving Minutes of February 28, 2012 City Council Regular Meeting.

Approving Minutes of March 6, 2012 City Council Study Session.

Approving Councilmember Appointments to Boards and Commissions.

#2012-55 – Approving Final Plat and Subdivision Agreement for Chief Fab Second Subdivision.  
It was noted that Chief Industries, Inc. owner, had submitted the Final Plat and Subdivision Agreement for Chief Fab Second Subdivision for the purpose of creating 2 lots on property located north of Fonner Park Road and west of Adams Street containing 15.448 acres.

#2012-56 – Approving Proposal for Use of Program Income Reuse Funds.

#2012-57 – Approving Application for Community Development Block Grant Program.

#2012-58 – Approving Grant Spending for the Nebraska Children and Families Foundation and Nebraska Department of Health and Human Services Grants.

#2012-59 – Approving Grant Evaluation Agreement for the NE Children and Families Foundation and NE Department of Health and Human Services Grants.

#2012-60 – Approving Acquisition of Public Street Right-of-Way in Oak Pointe Subdivision (R.B.O., L.L.C.).

#2012-61 – Approving Acquisition of Public Utility Easement in Oak Pointes Subdivision (R.B.O., L.L.C.).

#2012-62 – Approving Certificate of Final Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran’s Athletic Fields with J.I.L. Asphalt Paving Company of Grand Island, Nebraska.

#2012-63 – Approving Change Order No. 3 for Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant with Oakview dck, LLC of Red Oak, Iowa for a decrease of \$30,124.00 and a Revised Contract Amount of \$3,944,025.00.

#2012-64 – Approving Supplementing Inter-Departmental Fund Transfer for Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant.

#2012-65 – Approving Support of the Hall County Historical Society Pursuing Placement of the Seedling Mile Site on the National Registry of Historic Places.

#2012-66 – Approving Bid Award for Handicap Ramp Project No. 2012-1 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$98,370.30.

#2012-67 – Approving Bid Award for Concrete Ready-Mix for 2012 with Gerhold Concrete Co., Inc. of Grand Island, Nebraska in an Amount of \$77.00 per cubic yard for Portland Cement Concrete Ready-Mix.

#2012-68 – Approving Bid Award for Hot-Mix Asphalt for 2012 with Gary Smith Construction Co. of Grand Island, Nebraska in an Amount of \$48.50 per ton for Type “A” asphaltic concrete, \$44.27 per ton for Type “BC” asphaltic concrete, \$54.60 per ton for Type “C” asphaltic concrete, and \$51.50 per ton for Type “SPL” asphaltic concrete.

#2012-69 – Approving Change Order #1 for Additional Infield Soil Conditioner at the Veterans Athletic Field Complex with Dakota Transport, Inc. of Hampton, Minnesota for an Increase of \$936.80 and a Revised Contract Amount of \$96,936.80.

#2012-70 – Approving Certificate of Final Completion for Infield Soil Conditioner at the Veterans Athletic Field Complex with Dakota Transport, Inc. of Hampton, Minnesota.

RESOLUTIONS:

#2012-71 – Consideration of Request from Napoli, LLC dba Napoli’s Italian, 3421 Conestoga Drive for a Class “I” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Carney, second by Gericke to approve Resolution #2012-71 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2012-72 – Consideration of Letter of Support for VA Homeless Veterans Housing Project. Building Department Craig Lewis reported that a request had been made by Pridon, a national developer specializing in homes for military families and veterans for application for Low Income Housing Tax Credits from NIFA.

Motion by Dugan, second by Niemann to approve Resolution #2012-72. 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 February 29, 2012 through March 13, 2012, for a total amount of \$4,202,309.40. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

RaNae Edwards  
City Clerk