



City of Grand Island

Tuesday, June 12, 2012

Council Session

Item G1

Approving Minutes of May 22, 2012 Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
May 22, 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 May 22, 2012. Notice of the meeting was given in *The Grand Island Independent* on May 16, 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, Vaughn Minton, 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 Finance Director Jaye Monter.

INVOCATION was given by Pastor Brad Jenkins, Calvary Baptist Church, 3221 West 13th Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Danny Gamboa.

PUBLIC HEARINGS:

Public Hearing on Request from Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street for an Addition to Class "B-86850" Liquor License. City Clerk RaNae Edwards reported that an application for an addition to Class "B-86850" Liquor License had been received from Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 27, 2012; notice to the general public of date, time, and place of hearing published on May 12, 2012; notice to the applicant of date, time, and place of hearing mailed on April 27, 2012; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 315 Wyandotte Street (School District of Grand Island). Utilities Director Tim Luchsinger reported that acquisition of real estate located at 315 Wyandotte Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of serving the electrical feed to Starr school which needed to be replaced, along with a loop feed to the transformer. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Consisting of 2.86 Acres Located East of Pennsylvania and South of Idaho Avenue and Lots 5-7 of Woodland Park Eleventh Subdivision from R1-Suburban Density Residential to R2-Low Density Residential. Regional Planning Director Chad Nabity reported that a request had been received to rezone properties located east of Pannsylvania and south of Idaho Avenue and Lots 507 of Woodland Park Eleventh Subdivision from R1 – Suburban Density Residential to R2 - Low Density Residential. This change would allow the subdivision of this property, approximately 2.86 acres, to be consistent

with the current market conditions. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Consisting of 5.789 Acres Located East of New Mexico Avenue and North of Idaho Avenue of Woodland Park Thirteenth Subdivision from R1-Suburban Density Residential to R2-Low Density Residential. Regional Planning Director Chad Naby reported that a request had been received to rezone properties located east of New Mexico Avenue and North of Idaho Avenue of Woodland Park Thirteenth Subdivision from R1 – Suburban Density Residential to R2 - Low Density Residential. This change would allow the subdivision of this property, approximately 5.789 acres, to be consistent with the current market conditions. Staff recommended approval. No public testimony was heard.

Public Hearing on Proposed Economic Development Program.

The following people spoke in support:

- Ann Martin, 320 Amick Avenue, Doniphan, Chairman Grand Island Economic Development Corporation
- Marlan Ferguson, 2808 Apache Road
- Cindy Johnson, 309 West 2nd Street, Chamber of Commerce President
- Chuck Costello, 3939 Chelsea Place, Part-owner of Rogue Manufacturing

Larry Tourangeau, 311 east 3rd Street commented on checks and balances.

No further public testimony was heard.

RESOLUTION:

#2012-137 – Consideration of Approving Redemption of Series 1999 Water Revenue Bonds. Utilities Director Tim Luchsinger reported that \$1,095,000 remains outstanding of the Series 1999 Water Revenue Bonds. Due to the low interest rates, staff recommended refinancing these bonds and funding an additional \$3,000,000 for the capital cost of the uranium removal equipment, extending the payoff from 2014 to 2027.

Bruce Lefler, Ameritas Investment Corp., Omaha, NE reviewed the refunding bond outlining the interest rates and maturity date. Comments were made by Council that this was a great opportunity for the City to save money.

Motion by Haase, second by Carney to approve Resolution #2012-137. Upon roll call vote, all voted aye. Motion adopted.

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:

#9382 – Consideration of Request to Rezone Property Consisting of 2.86 Acres Located East of Pennsylvania and South of Idaho Avenue and Lots 5-7 of Woodland Park Eleventh Subdivision from R1-Suburban Density Residential to R2-Low Density Residential

#9383 – Consideration of Request to Rezone Property Consisting of 5.789 Acres located East of New Mexico Avenue and North of Idaho Avenue of Woodland Park Thirteenth Subdivision from \$1-Suburban Density Residential to R2-Low Density Residential

#9384 – Consideration of Vacation of Utility & Sidewalk Easements Located in Westwood Park Eleventh Subdivision (Tim C. Plate)

#9385 – Consideration of Authorization of Series 2012 Water Revenue Bonds

#9386 – Consideration of Amending Chapter 16 of the Grand Island City Code Relative to Fireworks

#9387 – Conveyance of Real Estate and Granting of Easement for the BNSF Section Track Project

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 Niemann seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9382 – Consideration of Request to Rezone Property Consisting of 2.86 Acres Located East of Pennsylvania and South of Idaho Avenue and Lots 5-7 of Woodland Park Eleventh Subdivision from R1-Suburban Density Residential to R2-Low Density Residential

#9383 – Consideration of Request to Rezone Property Consisting of 5.789 Acres located East of New Mexico Avenue and North of Idaho Avenue of Woodland Park Thirteenth Subdivision from \$1-Suburban Density Residential to R2-Low Density Residential

Ordinances #9382 and #9383 related to the aforementioned Public Hearing.

Motion by Donaldson, second by Dugan to approve Ordinances #9382 and #9383.

City Clerk: Ordinances #9382 and #9383 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 #9382 and #9383 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 #9382 and #9383 are declared to be lawfully adopted upon publication as required by law.

#9384 – Consideration of Vacation of Utility & Sidewalk Easements Located in Westwood Park Eleventh Subdivision (Tim C. Plate)

Public Works Director John Collins reported that the developer of Westwood Park Eleventh Subdivision had requested that two 20’ wide utility easements and one 10’ sidewalk easement be vacated to allow for redesign of the development.

Motion by Haase, second by Niemann to approve Ordinance #9384.

City Clerk: Ordinance #9384 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 #9384 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 #9384 is declared to be lawfully adopted upon publication as required by law.

#9385 – Consideration of Authorization of Series 2012 Water Revenue Bonds

Utilities Director Tim Luchsinger reported that this was issuance of the refunding revenue bonds Council approved earlier which included uranium removal equipment.

Motion by Haase, second by Minton to approve Ordinance #9385.

City Clerk: Ordinance #9385 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 #9385 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 #9385 is declared to be lawfully adopted upon publication as required by law.

#8386 – Consideration of Amending Chapter 16 of the Grand Island City Code Relative to Fireworks

Fire Operations Division Chief Tim Hiemer reported that Ordinance #8386 would amend Chapter 16, Article II of the Grand Island City Code relative to fireworks. Beginning 2013 several changes were mentioned such as fireworks storage locations, liability policy, sales and discharge times.

Guillermo Pena, 311 East 3rd Street, Apt. 18 and Larry Tourangeau, 311 East 3rd Street spoke in opposition. Tom Towne, 1609 Meadow Road spoke in support.

Council thanked Tim Hiemer and the vendors for the collaborative efforts to solve the fireworks issues. Police Chief Steve Lamken answered questions regarding enforcement.

Motion by Ramsey, second by Gilbert to approve Ordinance #9386.

City Clerk: Ordinance #9386 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 Haase, carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gericke voted aye. Councilmembers Niemann and Minton voted no. Motion adopted.

City Clerk: Ordinance #9386 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 Haase, carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gericke voted aye. Councilmembers Niemann and Minton voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9386 is declared to be lawfully adopted upon publication as required by law.

#9387 – Conveyance of Real Estate and Granting of Easement for the BNSF Second Track Project

Utilities Director Tim Luchsinger reported this was a correction to the legal description of previously adopted easements.

Motion by Gilbert, second by Ramsey to approve Ordinance #9387.

City Clerk: Ordinance #9387 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 #9387 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 #9387 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 May 8, 2012 City Council Regular Meeting.

Approving Minutes of May 15, 2012 City Council Study Session.

Approving Appointment of James Phipps to the Civil Service Commission.

Approving Request from James Bryant, 2830 Fort Worth Avenue for Liquor Manager Designation for Whiskey Creek Steakhouse, 1016 Diers Avenue.

Approving Request from Nebraskaland Distributors, LLC dba Nebraskaland Distributors, 4845 Juergen Road for a Class “X” Liquor License and Liquor Manager Designation for Wayne Gappa, 11 East 48th Street, Kearney, NE.

#2012-126 – Approving Final Plat and Subdivision Agreement for Westwood Park 12th Subdivision. It was noted that Tim C. Plate owner, had submitted the Final Plat and Subdivision Agreement for Westwood Park 12th Subdivision for the purpose of creating 26 lots on property located north of Husker Highway and west of Sandalwood Drive containing 8.765 acres.

#2012-127 – Approving Final Plat and Subdivision Agreement for Woodland Park 12th Subdivision. It was noted that Hastings Ventures, LLC owner, had submitted the Final Plat and

Subdivision Agreement for Woodland Park 12th Subdivision for the purpose of creating 32 lots on property located north of Capital Avenue and south of Vermont Avenue containing 8.63 acres.

#2012-128 – Approving Preliminary Plat, Final Plat and Subdivision Agreement for Woodland Park 13th Subdivision. It was noted that Hastings Ventures, LLC owner, had submitted the Preliminary Plat, Final Plat and Subdivision Agreement for Westwood Park 13th Subdivision for the purpose of creating 20 lots on property located north of Texas Avenue and south of Arizona Avenue containing 5.79 acres.

#2012-129 – Approving Acquisition of Utility Easement located at 315 Wyandotte Street (School District of Grand Island).

#2012-130 – Approving Contract for Southwest Power Pool Participation Services with Tenaska of Arlington, Texas.

#2012-131 – Approving Integrated Resource Plan – 2012.

#2012-132 – Approving Supplemental Agreements with Burlington Northern Santa Fe Railroad for the Double Track Project – Mile Post 94.62.

#2012-133 – Approving Change Order #1 for Pipe Painting and Insulation at Platte Generating Station with O’Neill Transportation and Equipment, LLC of Grand Island, Nebraska for an Increase of \$4,419.09 and a Revised Contract Amount of \$55,074.09.

#2012-134 – Approving Statement of Intent for Financial Assurance for Radio Active Material License.

#2012-135 – Approving Renewal of Small Government Enterprise License Agreement with Environmental Systems Research Institute (ESRI) of Redlands, California in an Amount of \$105,000 for three years.

RESOLUTIONS:

#2012-136 – Consideration of Request from Casey’s Retail Company dba Casey’s General Store #2882, 1404 West 2nd Street for an Addition to Class “B-86850” Liquor License. This item is related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2012-136 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2012-138 – Consideration of Approving Election for Consideration of an Economic Development Program. This item is related to the aforementioned Public Hearing. City Administrator Mary Lou Brown reported that almost ten years ago, the citizens of Grand Island voted to approve the LB 840 Grand Island Economic Development Program. In order to continue the program, the citizens of Grand Island would need to vote again. Staff recommended Council approve the Economic Development Program and November 2012 general election ballot language. Explained were the changes to the current plan.

Comments were made by Council supporting Resolution E2012-138.

Motion by Gilbert, second by Niemann to approve Resolution #2012-138. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of May 9, 2012 through May 22, 2012, for a total amount of \$3,880,740.82. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:00 p.m.

RaNae Edwards
City Clerk