



City of Grand Island

Tuesday, August 28, 2012

Council Session

Item G1

Approving Minutes of August 14, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 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 August 14, 2012. Notice of the meeting was given in *The Grand Island Independent* on August 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, Vaughn Minton, and John Gericke. The following City Officials were present: City Administrator Mary Lou Brown, Acting City Clerk Brenda Sutherland, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor Jay Vetter, Trinity United Methodist Church, 511 N. Elm Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Bethany Hollman and Board member Jared Stockwell.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Patti Buettner, Parks and Recreation Secretary for 30 Years of Service with the City of Grand Island. Mayor Vavricek and the City Council recognized Patti Buettner, Parks and Recreation Secretary for 30 years of service with the City of Grand Island. Ms. Buettner was present for the recognition.

Recognition of Police Chief Steve Lamken for Receiving the Golden Spike Award from the Union Pacific Railroad. Chief Lamken spoke about the award and recognized the work the City's patrol officers who help support the Union Pacific police around the railroad tracks.

Recognition of the Grand Theatre Neon Sign. Craig Hand spoke about the Grand Theatre redevelopment and introduced his board members and volunteers. Judy Humiston led the audience in singing, "God Bless America".

PUBLIC HEARINGS:

Public Hearing on Request from Roger Luebbe for a Conditional Use Permit for a Parking Lot Located at 1311 South Stuhr Road. Building Department Director Craig Lewis reported that Roger Luebbe had submitted an application for a Conditional Use Permit for a parking lot located at 1311 South Stuhr Road. The 36 acre tract of land located east of Stuhr Road was undeveloped and would be utilized as parking for the State Fair and possibly other events. Recommended were the following conditions: minimum 10' setback from the property line before any parking begins; limited access to the site in two drives as approved by the Public Works department; and any parking lot lighting provided shall comply with the National Electric Code and be permitted and inspected by City electrical inspectors. Staff recommended approval.

Joseph McDermott, representing the Nebraska State Fair, 4117 Fleetwood, Grand Island, NE spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2302 Gateway Avenue (Jimmy Slack and Suzanne Shoemaker). Utilities Director Tim Luchsinger reported that the easement will allow replacement of overhead service lines to two properties. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on the East Side of Highway 30 and North of Reuting Road (Exeter 12153 DE, LLC). Utilities Director Tim Luchsinger reported that the easement will allow underground service to the building on that property. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Area #10 for Property Located East of South Locust Street and South of Bismark Road. Regional Planning Director Chad Nabity reported that Larry Fowle commissioned a Blight and Substandard study for proposed Redevelopment Area No. 10 which included approximately 7.5 acres in southeast Grand Island between Bismark Road and Phoenix Street and along Kimball and Oak Street. Based on the study there were sufficient criteria present to declare Area #10 as Blighted and Substandard. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Area #11 for Property located South of Capital Avenue between Broadwell Avenue and Wheeler Avenue Encompassing the Veteran's Home. Regional Planning Director Chad Nabity reported that Pridon LLC by RDG Planning and Design commissioned a Blight and Substandard Study for proposed Redevelopment Area No. 11 which included approximately 27 acres of property in north central Grand Island encompassing the Veterans Hospital Campus south of Capital Avenue between Broadwell and Wheeler. Based on the study there were sufficient criteria present to declare Area #11 as Blighted and Substandard. Staff recommended approval. Paul Wicht, 936 S. Kimball, Grand Island NE spoke in support. No further public testimony was heard.

Public Hearing on Amendment to the 2011-2012 Budget. Finance Director Jaye Monter reported that Amendment #1 was needed due to the refinancing of utility revenue bonds. The City is required to document the disbursement and revenue that is a result of the utility bond refinancing. The average interest rate on the 2001 bonds was 4.95% and the average interest rate on the new 2012 bonds is 2.2%. The refinancing appropriation not budgeted was \$20,695,406 and is included in Amendment #1. 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:

#9392 – Consideration of Amendment to the 2011-2012 Budget

#9393 – Consideration of Suburban Water Rates

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

#9392 – Consideration of Amendment to the 2011-2012 Budget.

Motion by Councilmember Dugan, second by Councilmember Haase to approve Ordinance #9392.

City Clerk: Ordinance #9392 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 #9392 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 #9392 is declared to be lawfully adopted upon publication as required by law.

#9393 – Consideration of Suburban Water Rates

Utilities Director Tim Luchsinger reported that staff is recommending a suburban water rate of a 20% increase over the in-town usage rate once the customer has gone past the first 500 cubic feet of water usage. Approximately 71 customers outside of City limits are served by City water. Most of these customers were forced to use City water due to their water being contaminated. Councilmember Carney questioned the need for such a small rate of return. Council President Gilbert spoke to the philosophy of outside citizens getting City services without helping to support those services and the value that they would later receive if they are annexed. Councilmembers Carney, Nickerson and Gericke spoke in opposition

Motion by Councilmember Carney, second by Council President Gilbert to approve Ordinance #9393.

City Clerk: Ordinance #9393 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, Niemann, Ramsey, Gilbert, Minton, Dugan and Donaldson voted aye. Councilmembers Carney, Gericke and Nickerson voted nay. Motion adopted.

City Clerk: Ordinance #9393 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, Niemann, Ramsey, Gilbert, Minton, Dugan and Donaldson voted aye. Councilmembers Carney, Gericke and Nickerson voted nay. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9393 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Agenda items G-3, G-14 and G-21 was pulled for further discussion. Motion by Councilmember Ramsey, second by Councilmember Niemann to approve the Consent Agenda excluding item G-3, G-14 and G-21. Upon roll call vote, all voted aye. Motion adopted.

Approving Appointments of Councilmember Vaughn Minton to the Community Redevelopment Authority (CRA) Board.

Approving Request of Fonner Park Exposition and Events Center, Inc. (Heartland Events Center) for Ratification of Nomination of Ed Armstrong and Election of Board of Directors.

Approving Liquor Manager Designations for Brian Fausch, 1404 Meadow Road for Pump & Pantry's #2, #3, #6, #8, #10, #11, #15, #42, #43, and #44 in Grand Island, NE. Brandi Bosselman, 963 E. Shimmer Dr., Grand Island, NE said that she was at the meeting to answer any questions and mentioned programs they have in place for compliance. Motion was made by Council President Gilbert and second by Councilmember Niemann to approve. Upon roll call vote, all voted aye. Motion adopted.

#2012-199 – Approving Acquisition of Utility Easement Located at 2302 Gateway Avenue (Jimmy Slack and Suzanne Shoemaker).

#2012-200 – Approving Acquisition of Utility Easement Located on the East Side of Highway 30 and North of Reuting Road (Exeter 12153 DE, LLC).

#2012-201 – Approving Amendment to the Interconnection Agreement with Nebraska Public Power District (NPPD).

#2012-202 – Approving Access Agreement with Union Pacific Railroad Located at 1219 West North Front Street.

#2012-203 – Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control with Carus Phosphates, Inc. of Peru, IL in an Amount not to exceed \$19.72 per million gallons of water treated, estimated annual amount of \$88,740.00.

#2012-204 – Approving Bid Award for Water Main Districts 464 & 465 – Wildwood Subdivision with The Diamond Engineering Company of Grand Island, NE in an Amount of \$350,547.94.

#2012-205 – Approving Bid Award for Vacuum, Blast Cleaning and High Pressure Wash – Fall Outage, 2012 at Platte Generating Station with Meylan Enterprises, Inc. of Omaha, NE in an Amount of \$101,956.88.

#2012-206 – Approving Agreement with Olsson Associates of Grand Island, NE for Professional Services Related to the Extension of Sanitary Sewer System from Wildwood Subdivision to Interstate 80 (District No. 530T) and Construction Phase Services for Sewer/Paving in Wildwood Subdivision (District No. 528) in an Amount of \$235,150.00.

#2012-207 – Approving Change Order No. 1 for Asphalt Resurfacing Project 2012-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, NE for a decrease of \$12,053.30 and a Revised Contract Amount of \$297,914.40.

#2012-208 – Approving Redevelopment Area #10 for Property Located East of South Locust Street and South of Bismark Road.

#2012-209 – Approving Redevelopment Area #11 for Property Located South of Capital Avenue between Broadwell Avenue and Wheeler Avenue Encompassing the Veteran’s Hospital. Motion was made by Councilmember Dugan and second by Councilmember Minton to approve. There was discussion as to why an area on the map was cut out of the blighted and substandard area. Planning Director Chad Nabity explained that it was a private study paid for by Pridon only on the property owned by the Veteran’s Hospital. There was also discussion about what percentage of the City would be designated blighted and substandard. Director Nabity said it was 17%. Councilmember Haase questioned what the appropriate percentage of total valuation of the community should be blighted and substandard. Director Nabity said that is a Council decision. Councilmembers Minton, Gericke and Carney had questions about the project. Nabity says this will be a 7 – 8 year TIF program and will be exempt from the current exemption. Upon roll call vote, all voted aye. Motion adopted

#2012-210 – Approving Purchase of a 2013 Ford Taurus on state Contract for the Fire Department with Anderson Ford of Lincoln, NE in an Amount of \$23,513.00.

#2012-211– Approving Physio Control Monitors Maintenance Contract for Three Years.

#2012-212 – Approving Payment of Repair to Fire Engine 1 with FYR-TEK of Gothenburg, NE in an Amount of \$31,360.35.

#2012-213 – Approving Bid Award for Backup Emergency Generators with Middleton Electric of Grand Island, NE in an Amount of \$76,156.00.

#2012-214 – Approving Bid Award for 2012 or Newer, Heavy Duty Rescue/Pumper with Smeal Fire Apparatus Company of Snyder, NE in an Amount of \$503,128.00.

#2012-215 – Approving Bid Award for Re-Chassis Type III Ambulance with Arrow Manufacturing of Rock Rapids, IA in an Amount of \$131,400.00.

#2012-216 – Approving Memorandum of Understanding with Hall County for Temporary Holding on Inmates and Detainees. Chief Lamken stated that the original memorandum of understanding referred to the Public Safety Center and the M.O.U. has now been changed to the Law Enforcement Center which is the correct name of the building. Motion by Councilmember Ramsey and second by Councilmember Niemann to approve. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Roger Luebbe for a Conditional Use Permit for a Parking Lot Located at 1311 South Stuhr Road. This item related to the aforementioned Public Hearing.

Motion by Council President Gilbert, second by Councilmember Donaldson to approve the request from Roger Luebbe for a Conditional Use Permit for a parking lot located at 1311 South Stuhr Road with the following conditions: minimum 10’ setback from the property line before

any parking begins; limited access to the site in two drives as approved by the Public Works department; and any parking lot lighting provided shall comply with the National Electric Code and be permitted and inspected by City electrical inspectors. Joseph McDermott was asked questions by Councilmembers about the ability to get across, an admission gate on that end of the fair grounds and if there will be a fee for parking at that location. Mr. McDermott said the police department will be present to slow down traffic and help accommodate, that there would be a shuttle available but most would probably walk across. He also said that there is an admission gate at that end of the fair grounds and that there is no fee to park on that lot. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2012-138 – Consideration of Amending Resolution #2012-138 Regarding Economic Development Program Ballot Language. City Attorney Robert Sivick reported that the More Good Jobs for Grand Island committee requested minor language changes to the ballot language for LB840. The administration has approved the changes with the exception of changes relative to language about utility funds being able to be used. Steve Lee, 3406 S. Blaine St. Grand Island, NE spoke in support of the resolution. Marlan Ferguson, 2808 Apache Rd., Grand Island NE spoke in support of the ballot language changes also.

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

#2012-217 – Consideration of Approving Resolution of Intent to Create Business Improvement District 2012 – Stolley Park Road to Fonner Park Road and Proposed 2012-2013 Budget. Community Development Administrator Marco Floreani reported that this is the 4th step in the process to create the B.I.D. Scott Zana, 209 Lakeside Dr., Grand Island, Ne spoke in support.

Motion by Council President Gilbert, second by Councilmember Niemann to approve Resolution #2012-217. Upon roll call vote, all voted aye. Motion adopted.

#2012-218 – Consideration of approving Wireless Network Upgrade Contract. Finance Director Jaye Monter reported that Andrew Dewey with Dewey's Computer Service would present information to the Council with respect to the wireless upgrade project. Mr. Dewey said that our current network is becoming obsolete. The proposed system will replace our current network and increase network speed. This network will connect three additional sites. Recommending Calhoun Communications, Inc. of Sioux City, Iowa for the project in the amount of \$78,410.79.

Motion by Councilmember Ramsey, second by Councilmember Nickerson to approve Resolution #2012-218. Upon roll call vote, all voted aye. Motion adopted.

#2012-219 – Consideration of Approving Dell Computer Equipment for City of Grand Island Network. Finance Director Jaye Monter reported that this contract will support the disaster recovery plan for the I.T. Department. This will allow the purchase of 2 Dell EqualLogic Servers and a tall equipment rack. This will allow quick restoration of information if there is a disaster and the City Hall Servers are damaged. The amount in the resolution needed to be changed to \$64,033.72.

Motion by Councilmember Carney, second by Councilmember Minton to approve Resolution #2012-219.

Motion was amended by Council President Gilbert to amend the amount of the contract to \$64,033.72 and seconded by Councilmember Carney to approve amended amount. Upon roll call vote, all voted aye. Motion adopted.

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

#2012-220 – Consideration of Accepting the Resignation of City Administrator Mary Lou Brown. Councilmember Haase reported that his intention was to allow Council to accept the resignation of the City Administrator as it was written. He feels that if Council has the ability to approve by vote the hiring of the City Administrator, they should also have the ability to “unapprove” by a vote as well. Councilmember Haase stated that this position is different than all others at the City as it is a contract employee. City Attorney Sivick stated that Council would be acting outside of its authority to do this. Mr. Sivick stated that the City falls under Dillon’s Law and there is no authority under State Statute or our City Code.

Motion by Councilmember Haase, second by Councilmember Gericke to approve Resolution #2012-220. Upon roll call vote, Councilmembers Haase, Carney, Nickerson and Gericke voted aye. Councilmembers Niemann, Ramsey, Gilbert, Donaldson, Dugan and Minton voted nay. Motion failed.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Councilmember Donaldson to approve the Claims for the period of July 25, 2012 through August 14, 2012, for a total amount of \$.4,837,209.53.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Councilmember Dugan to adjourn to Executive Session at 9:57 p.m. for the purpose of a strategy session with respect to collective bargaining (IAFF).

RETURN TO REGULAR SESSION: Motion by Ramsey, second by Gericke to return to Regular Session at 11:07 p.m.

ADJOURNMENT: The meeting was adjourned at 11:07 p.m.

Brenda Sutherland
Acting City Clerk