



City of Grand Island

Tuesday, October 9, 2012

Council Session

Item G1

Approving Minutes of September 25, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
September 25, 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 September 25, 2012. Notice of the meeting was given in *The Grand Island Independent* on September 19, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Larry Carney, Kirk Ramsey, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Vaughn Minton, and John Gericke. Councilmember's Chuck Haase, Bob Niemann, and Peg Gilbert were absent. The following City Officials were present: City Clerk RaNae Edwards, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor Caroline Price-Gibson, First Presbyterian Church, 2103 West Anna Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Josh Sugita.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of the "Mayor's Builder Award" to Karl Hughes. Mayor Vavricek presented the third "Mayor's Builder Award" to Karl Hughes for his efforts in the community through Project Hunger and the Salvation Army serving meals to the homeless. Mr. Hughes was present to receive the award.

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

#2012-BE-5 – Consideration of Determining Benefits for South Locust Business Improvement District 2012. Community Development Administrator Marco Floreani reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for the South Locust BID 2012. Special assessments were for the amount of \$34,450.27.

Motion by Gericke, second by Dugan to approve Resolutions #2012-BE-5. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Turkey Maes, LLC dba Peacock Lounge, 2430 North Broadwell Avenue for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Turkey Maes, LLC dba Peacock Lounge, 2430 North Broadwell Avenue. Ms. Edwards presented the following exhibits for the record:

application submitted to the Liquor Control Commission and received by the City on September 4, 2012; notice to the general public of date, time, and place of hearing published on September 15, 2012; notice to the applicant of date, time, and place of hearing mailed on September 4, 2012; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request to Rezone Property Located at 2430 & 2522 Stolley Park Road and 2433 & 2425 Del Mar Avenue – Hornady Subdivision from R2 Low Density Residential to RD Residential Development. Regional Planning Director Chad Naby reported that a request had been made to rezone 7.822 acres located north of Stolley Park Road and west of Arthur Street from R2 – Low Density Residential to RD – Residential Development. The developers were proposing to build twenty townhouse unites. Staff recommended approval. No public testimony was heard.

Public Hearing on Annual Report by the Citizens’ Review Committee on the Economic Development Program Plan. Marlan Ferguson, President of the Economic Development Corporation gave an overview of GIAEDC activities. Since 2003 over 1,188 direct jobs had been created with LB-840 funds with an estimated payroll of \$36,000,000 annually. Over 2,100 indirect jobs had been created with over 3,300 total jobs created in the last 8 years. Over 700 new jobs were created in 2011. Mentioned was support for the November 6, 2012 Election LB-840 renewal for another 10 years.

Mark Stelk, Vice-Chairman of the CRC gave the annual report. Over the past year, the GIAEDC brought forward one application for funding – Medbury Fabrication, LLC which was awarded \$76,000. Ten audits were completed and complied with the terms of their agreements. Mentioned was the November 6, 2012 Election for the renewal of the LB-840 program. Staff recommended approval. Terry Pfeifer, Chairman of the Chamber of Commerce spoke in support. No further public testimony was heard.

Public Hearing on Neighborhood Stabilization Grant Program 09-3N-11 Budget Amendment. Community Development Administrator Marco Floreani reported that grant funds had been received and used by the City of Grand Island for Neighborhood Stabilization Program for property acquisition, demolition, redevelopment of new housing, housing administration, and general administration. All demolition and construction had been completed with remaining funds available for us in the Clearance/Demolition activity of the budget. The amendment would allocate \$4,000 of the Clearance/Demolition funds remaining and re-allocate these to New Construction activity to finalize all expenses incurred during the construction of 8 homes built for low-moderate income individuals and families. Staff recommended approval. No public testimony was heard.

RESOLUTIONS:

#2012-275 – Consideration of Approving the Issuance of Redevelopment “Bonds for the Lincoln Park Pool Project by the Community Redevelopment Authority. Regional Planning Director Chad Naby reported that Bond Council was recommending that the Grand Island City Council pass a resolution authorizing the CRA to issue redevelopment bonds in the amount of \$1,800,000 as approved in the 2012-2013 budget. Bill Beavers representing Ameritas stated all bonds had been sold for 10 years at an interest rate of 1.89%. Closing would take place in 2 to 3 weeks.

Motion by Carney, second by Ramsey to approve Resolution #2012-275. Upon roll call vote, all voted aye. Motion adopted.

#2012-279 – Consideration of Approving Appointment of Cory Schmidt as Fire Chief. Mayor Jay Vavricek recommended the appointment of Cory Schmidt as Fire Chief. Cory Schmidt was present and introduced his family. Mayor Vavricek acknowledged the service of Russ Blackburn and Tim Hiemer as Interim Fire Chiefs.

Motion by Minton, second by Gericke to approve Resolution #2012-279. Upon roll call vote, all voted aye. Motion adopted.

#2012-274 - Consideration of Approving Funding of Economic Development Request. EDC President Marlan Ferguson stated this request was for the annual \$350,000 to the LB 840 Program. Mentioned was the November election ballot issue to renew the LB 840 program for another 10 years and that the EDC was moving forward for the renewal of the program.

Discussion was held regarding the financial data through April 30, 2012. Mr. Ferguson stated there was \$193,738.93 available for future projects.

Motion by Gericke, second by Carney to approve Resolution #2012-274. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

#9402 – Consideration of Assessments for South Locust Business Improvement District 2012

Motion by Dugan, second by Minton to approve Ordinance No. 9402 on first reading only. Upon roll call vote, all voted aye. Motion adopted.

#9403 – Consideration of Request to Rezone Property Located at 2430 & 2522 Stolley Park Road and 2433 & 2425 Del Mar Avenue – Hornady Subdivision from R2 Low Density Residential to RD Residential Development

#9404 – Consideration of Vacation of a Portion of Del Mar Avenue in Hornady Subdivision (JEH Holdings, LLC)

#9405 – Consideration of Vacation of a Utility Easement Located in Hornady Subdivision (JEH Holdings, LLC)

Regional Planning Director Chad Nabity reported that Ordinances #9404 and #9405 was the request from JEH Holdings, LLC. They were developing Hornady Subdivision and were requesting to vacate a portion of Del Mar Avenue and the vacation of a utility easement to accommodate re-platting of the subdivision and allow for new street access, easement and lot.

Discussion was held regarding the drainage for this area. Mr. Nabity stated the drainage from Highway 281 by Case New Holland was currently draining to Brentwood Lake through the storm sewer drainage. The city was currently working to divert that drainage to go through Central Community College and dump into the Wood River Diversion.

Motion by Dugan, second by Carney to approve Ordinances #9403, #9404, and #9405 on first reading only. Upon roll call vote, all voted aye.

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

Approving Minutes of September 11, 2012 City Council Regular Meeting.

Approving Re-Appointment of Barry Sandstrom to the Community Redevelopment Authority Board.

Approving Garbage Permits for Clark Brothers Sanitation, Heartland Disposal, Mid-Nebraska Disposal, Inc. and Refuse Permits for Full Circle, Inc., O'Neill Transportation and Equipment and Scott's Hauling.

Approving Liquor Manager Request for Ruby Cargill, 315 South Plum for The Firehouse Bar, 418 West 4th Street.

Approving Request from Skagway Discount Dept. Stores dba Skagway, 620 State Street for a Deletion to their Class "CK-84624" Liquor License.

#2012-259 – Approving Preliminary and Final Plat and Subdivision Agreement for Hornady Second Subdivision. It was noted that JEH Holdings, LLC, owners had submitted the preliminary plat, final plat and subdivision agreement for Hornady Second Subdivision located north of Stolley Park Road and west of Arthur Street for the purpose of creating 23 lots containing 7.822 acres.

Motion by Gericke, second by Carney to postpone Resolution #2012-259 to the October 9, 2012 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#2012-260 – Approving Annual Report by the Citizens' Review Committee on the Economic Development Program Plan.

#2012-261 – Approving Job Specific Service Agreement with Nebraska Public Power District.

#2012-262 – Approving 2012-2013 Victim of Crime Act (VOCA) Grant.

#2012-263 – Approving Amendment #1 for Professional Consulting Services for the Southwest Outfall Drainage – Central Community College to the Wood River; Project No. 2011-D-1 Construction Services with Olsson Associates of Grand Island, NE in an Amount of \$35,000.00.

#2012-264 – Approving Use of Land Owned by the City of Grand Island for the Concrete Driveway and Traffic Signals to be Constructed on the Walk to Walnut Project.

#2012-265 – Approving Amending the 2012/2013 Fee Schedule – Wastewater Rates.

#2012-266 – Approving 24 Month Agreement for Five City Hall Copiers Maintenance and Supplies with Capital Business Systems, Inc./Modern Methods.

#2012-267 – Approving Amendment #1 to the Crossing Surface Installation Agreement with Burlington Northern Santa Fe (BNSF) Railway Company for Improvements at the Broadwell Avenue/BNSF Railroad Crossing in an Amount not to exceed \$20,000.00 and a Revised Contract Amount of \$51,572.00.

#2012-268 – Approving Agreement for Appraisal Services for the US-30 Drainage Improvement Project with Capital Appraisal Company, LLC in an Amount of \$1,800.00.

#2012-269 – Approving Change Order No. 1 to the Sanitary Sewer District 527T – Platte Valley Industrial Park – East with The Diamond Engineering Company of Grand Island for an Increase of \$9,572.88 and a Revised Contract Amount of \$1,272,482.44.

#2012-270 – Approving Change Order #1 for Lincoln Pool with Hausmann Construction, Inc. of Lincoln NE for a Decrease of \$8,800.00 and a Revised Contract Amount of \$1,670,200.00.

#2012-271 – Approving Neighborhood Stabilization Grant Program 09-3N-11 Budget Amendment.

#2012-272 – Approving Annual Agreement for Financial Software Licensing and Support with Tyler Technologies, Inc. in an Amount of \$131,830.71.

REQUESTS AND REFERAALS:

Consideration of Letter Designating Grand Island as Recipient of 5307 Urbanized Area Transit Dollars for Federal FY 2013 – Metropolitan Planning Organization (MPO). Regional Planning Director Chad Nabity reported that in March of 2012 the City of Grand Island was declared an urbanized area with a population of 50,440. The MPO will deal with both Federal Highway and Federal Transit Dollars. This request was to authorize the Mayor to sign and send a letter to the Governor of Nebraska to designate the City of Grand Island as the recipient of 5307 funds for 2013 and future budget years.

Discussion was held regarding the procedures in forming an MPO. Mr. Nabity stated there would be two boards created which would consist of a Policy Board and a Technical Board. Mentioned were these would be Federal matching dollars. The City would not take over the Hall County Transportation System or the Handi-Bus. The City budget for 2012-2013 would not need to be changed and the funding was yet to be determined.

Interim Public Works Director Terry Brown stated this was the first step in forming a MPO with many more steps to come. This would create more transit in Grand Island.

Motion by Carney, second by Nickerson to approve the letter designating Grand Island as recipient of 5307 Urbanized Area Transit Dollars for Federal FY 2013. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2012-273 - Consideration of Request from Turkey Maes, LLC dba Peacock Lounge, 2430 North Broadwell Avenue for a Class "C" Liquor License and Liquor Manager Designation for Lori Bohnart-Maes, 108 West Cedar, Doniphan, NE. This item is related to the aforementioned Public Hearing.

Motion by Nickerson, second by Donaldson to approve Resolution #2012-273. Upon roll call vote, all voted aye. Motion adopted.

#2012-276 – Consideration of Approving Additional Funds Necessary for the City to Meet Its Obligations Pursuant to Its Contract for Cable Consultant Services. City Attorney Robert Sivick reported that in 2006 the City Council approved the expenditure of \$87,500.00 for consulting services provided by the law firm of Moss & Barnett of Minneapolis. Due to slow progress in negotiations with Charter Communications for the renewal of the City's cable franchise agreement it was recommended to pay Moss & Barnett an additional \$8,584.672 for legal and consulting services.

Discussion was held regarding the payment and expiration of the contract. The original contract was for \$87,500. Finance Director Jaye Monter explained the payments were made through the contingency line item in the non-departmental fund.

Motion by Carney, second by Minton to approve Resolution #2012-276. Upon roll call vote, all voted aye. Motion adopted.

#2012-277 – Consideration of Approving Bid Award for Southwest Outfall drainage – Central Community College to the Wood River; Project No. 2011-D-1. Interim Public Works Director Terry Brown reported that bids were received for the Southwest Outfall drainage project. It was recommended to approve awarding a contract to Van Kirk Bros. Contracting of Sutton, NE in an amount of \$442,496.20.

Discussion was held concerning the length of time for the project. Mr. Brown stated the projected time of completion was yet this year. Drainage to Wood River and utility easements were mentioned.

Motion by Dugan, second by Ramsey to approve Resolution #2012-277. Upon roll call vote, all voted aye. Motion adopted.

#2012-278 – Consideration of Approving Purchase of 2012 Ford F250 for the Fire Department. Interim Fire Chief Russ Blackburn reported that \$70,000 was budgeted in the 2011-2012 Capital Budget to replace broken concrete on the approach to Fire Station 3 and the parking lot. Bids received were over the estimate and the funds would not be spent. It was recommended that \$31,280.00 from the 2011-2012 Fire Department Capital Budget be used to purchase a 2012 F250 pickup from Anderson Ford of Lincoln, NE.

Motion by Carney, second by Gericke to approve Resolution #2012-278. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of September 12, 2012 through September 25, 2012, for a total amount of \$6,851,177.87. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

RaNae Edwards
City Clerk