



City of Grand Island

Tuesday, November 27, 2012

Council Session

Item G1

Approving Minutes of November 13, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
November 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 November 13, 2012. Notice of the meeting was given in *The Grand Island Independent* on November 7, 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, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor Terry Brandenburg, Peace Lutheran Church, 1710 N. North Road followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Jordyn Barnett.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of the "Mayor's Builder Award" to Grand Island Area Habitat for Humanity. Mayor Vavricek presented the sixth "Mayor's Builder Award" to the Grand Island Area Habitat for Humanity. Executive Director Dana Jelinek and Habitat board members were present for the recognition.

Proclamation "National Adoption Month" November, 2012. Mayor Vavricek proclaimed the month of November 2012 as "National Adoption Month". Marge Creason and Suzana Borowski representing the Department of Health and Human Services were present to receive the Proclamation.

Proclamation "Homeless and Hunger Awareness Week" November 12-19, 2012. Mayor Vavricek proclaimed the week of November 12-19, 2012 as "Homeless and Hunger Awareness Week". Melissa DeLaet, Executive Director of Hope Harbor and Heather Cline-ford were present to receive the Proclamation.

Recognition of Pam Holmes and Chelsea Holmes with the Grand Island Fire Department's Citizen's Citation Award. Fire Chief Cory Schmidt, EMS Division Chief Russ Blackburn, and Paramedic Phil Thomas presented Pam and Chelsea Holmes with the Fire Department's Citizen's Citation Award for life saving efforts on October 15, 2012.

PUBLIC HEARINGS:

Public Hearing on Request from Olsson Associates on behalf of Helen Foreman for Renewal of a Conditional Use Permit for a Soil Vapor Extraction and Air Sparge Remediation Trailer Located at 1515 West 2nd Street. Building Department Director Craig Lewis reported that this request was

for the renewal to allow for a soil vapor extraction and air sparge remediation trailer located at 1515 West 2nd Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Third City Christian Church for Renewal of a Conditional Use Permit for an Extension of Soft Surface Parking with Additional Surfacing Located at 4100 West 13th Street. Building Department Director Craig Lewis reported that this request was for the renewal and expansion of a soft surface parking lot. Staff recommended approval with the following conditions: 1) A landscape buffer included within the required 25' front yard setback along the south boundary adjacent to 13th Street needed to be provided to comply with setback requirements of the City Code and 2) The responsibility of controlling any dust created from the lot needed to be addressed by the applicants during any dry months throughout the duration of the use. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3016 East Bismark Road (Grand Island Kennel Club). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3016 East Bismark Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of relocating an overhead power line that is too close to a newly constructed garage on the adjacent property. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way for the Moore's Creek Drainway Extension (Eric M. & Kenda D. Pollock and Barry W. Niedfelt). Interim Public Works Director Terry Brown reported that acquisition of public right-of-way for the Moore's Creek Drainway Extension was needed to accommodate the installation of storm sewer and allow for the construction, operation, maintenance, extension, repair, replacement, and removal of drainage utilities within the easements. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way for the Walk to Walnut Safe Routes to School Project (Grand Island Public Schools). Interim Public Works Director Terry Brown reported that acquisition of public right-of-way for the Walk to Walnut Safe Routes to School Project was needed to allow for the construction, operation, maintenance, extension, repair, replacement, and removal of elements involved with this project. Staff recommended approval. No public testimony was heard.

Public Hearing on Comprehensive Revitalization Needs Assessment Application. Community Development Administrator Marco Floreani reported that Grand Island was requesting a Planning Grant for \$13,500, plus \$1,500 in General Administration to develop and complete a Needs Assessment Strategy through the NE Department of Economic Development for CDBG grants. 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 ordinance numbered:

#9409 – Consideration of Amending Chapter 2-18 and 2-21 of the Grand Island City Code Relative to Compensation for Elected Officials

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 this ordinance 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.

Councilmember Larry Carney reported that the salary for the Mayor and City Council had not been raised since 2002. He recommended raising the Mayor’s salary from \$13,000 to \$20,000 beginning in December 2014 and the City Councils salary from \$6,000 to \$10,000 beginning on December 4, 2012.

Motion by Carney, second by Minton to approve Ordinance #9409.

Paul Wicht, 936 South Kimball and Grady Ericken, 1405 North Koenig spoke in opposition. Guilleramo Pena, 311 East 3rd Street, Apt. 18 questioned where the money would come from. City Attorney Robert Sivick explained the state statutes. Mentioned was that the Councils salary would start December 4, 2012 and the Mayor salary would start December 2014.

Discussion was held regarding the amount of the increase, budget concerns, and the process of reviewing salaries regularly.

Motion by Nickerson, second by Carney to amend the motion for an annual salary of \$7,200 per year for council and \$16,000 per year for the mayor. Upon roll call vote, Councilmembers Niemann, Nickerson, Dugan, and Minton voted aye. Councilmembers Haase, Carney, Ramsey, Gilbert, Donaldson, and Gericke voted no. Motion failed.

City Clerk: Ordinance #9409 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, Dugan, Minton, and Gericke voted aye. Councilmembers Haase, Ramsey, Gilbert, Nickerson, and Donaldson voted no. The Mayor cast the sixth and deciding no vote. Motion failed.

CONSENT AGENDA: Consent Agenda items G-8 and G-15 were pulled for further discussion. Motion by Ramsey, second by Donaldson to approve the Consent Agenda excluding items G-8 and G-15. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 23, 2012 City Council Regular Meeting.

Approving Minutes of October 30, 2012 City Council Special Meeting.

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

#2012-317 – Approving Contract for Section 125 Flexible Spending Plan with TASC of Madison, Wisconsin for 3 years beginning January 1, 2013 through December 31, 2015 at a fee of \$3.58 per participant per month.

#2012-318 – Approving Acquisition of Utility Easement Located at 3016 East Bismark Road (Grand Island Kennel Club).

#2012-319 – Approving Bid Award for Burdick Generating Station Torque Converter for Gas Turbines 2 & 3 with Voith Turbo, Inc. of York, Pennsylvania in an Amount of \$81,213.30.

#2012-320 – Approving Bid Award for Circulation Water Pump Repair at Platte Generating Station with Brimhall Industrial, Inc. of Monte Vista, Colorado in an Amount of \$70,242.29.

#2012-321 – Approving Acquisition of Public Right-of-Way for the Moore’s Creek Drainway Extension (Eric M. & Kenda D. Pollock and Barry W. Niedfelt). Interim Public Works Director Terry Brown answered questions concerning the cost of the right-of-way. He stated the reason was because it was farm ground.

Motion by Gilbert, second by Haase to approve Resolution #2012-321. Upon roll call vote, all voted aye. Motion adopted.

#2012-322 – Approving Acquisition of Public Right-of-Way for the Walk to Walnut Safe Routes to School Project (Grand Island Public Schools).

#2012-323 – Approving Agreement for Temporary Construction Easements for the Walk to Walnut Safe Route to School Project.

#2012-324 – Approving the Granting of a Permanent Easement to Grand Island Public Schools of Hall County, Nebraska in Connection with the Walk to Walnut Safe Routes to School Project.

#2012-325 – Approving Certificate of Final Completion for Grand Island Quiet Zone Project No. 2012-AQ-1 with The Diamond Engineering Company of Grand Island, Nebraska.

#2012-326 – Approving Increase of \$129,204.98 to the City’s Share of the US Highway 34 Improvements from US Highway 281 to South Locust Street – NDOR Project No. STP 34-4(126).

#2012-327 – Approving Public Highway At-Grade Crossing Improvement Agreement with Union Pacific Railroad Company for the Broadwell Avenue Crossing and Administrative Handling Charge of \$1,000.00.

#2012-328 – Approving Installation of Four Way Stop at the Intersection of Capital Avenue and Independence Avenue. Interim Public Works Director Terry Brown reported that a traffic study was completed at the intersection of Capital Avenue and Independence Avenue during peak times of both pedestrian and vehicular traffic. Due to the traffic volumes meeting the Manual on Uniform Traffic Control Devices (MUTCD) criteria and major delays occurring during the peak hours, an all-way stop was being recommended. With northwest Grand Island continuing to grow, this traffic would only increase in the future and the all-way stop would aid in effectively moving traffic along in a timely manner.

Herb Worthington, 4262 Pennsylvania Avenue opposed the four way stop sign and encourage a stop light on North Road.

Discussion was held concerning the rules for stop lights. Mr. Brown stated stop signs had to come first before stop lights and the rules were different for each. Sidewalks were mentioned.

Motion by Minton, second by Dugan to approve. Upon roll call vote, all voted aye. Motion adopted.

#2012-329 – Approving Amendment No. 3 to the Agreement for Professional Engineering Services entitled “Wastewater Treatment Plant and Collection System Rehabilitation” with Black & Veatch of Kansas City, Missouri for an Increase of \$265,754.00 and a Revised Contract Amount of \$3,349,989.00.

#2012-330 – Approving Bid Award for South & West Interceptor Sewer Improvements; Sewer Project No. 2012-S-4 with SAK Construction LLC of O’Fallon, Missouri in an Amount of \$793,547.00.

#2012-331 – Approving Agreement for Utility Relocation Services to be Performed by the City Utility Department for the US-30 Drainage Improvement Project.

#2012-332 – Approving Program Supplemental Agreement No. 1 with the State of Nebraska Department of Roads for the US Highway 30 Drainage Improvement Project.

#2012-333 – Approving Agreement for Temporary Construction Easements & Leasehold Agreements for the US-30 Drainage Improvement Project.

#2012-334 – Approving Bid Award for Snow Removal Services for the 2012/2013 Winter Season (Streets Division of the Public Works Department) with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$135.00 per hour for Trucks Hauling Snow; \$175.00 per hour for Front End Loaders; \$175.00 per hour for Motor Graders; and \$155.00 per hour for Side Dumps.

#2012-335 – Approving Purchase of (12) 2013 Ford Police Interceptors on State Bid with Anderson Ford of Grand Island, Nebraska in an Amount of \$315,900.00.

#2012-336 – Approving Comprehensive Revitalization Block Grant Application.

REQUESTS AND REFERRALS:

Consideration of Request from Olsson Associates on behalf of Helen Foreman for renewal of Conditional Use Permit for a Soil Vapor Extraction and Air Sparge Remediation Trailer Located at 1515 West 2nd Street. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Nickerson to approve the request from Olsson Associates. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from Third City Christian Church for Renewal of a Conditional Use Permit and Expansion of Soft Surface Parking Lot Located at 4100 West 13th Street. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Dugan to approve the request from First City Christian Church with conditions as presented by staff. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2012-337 – Approving Authorization of Local Security Administrator for the Southwest Power Pool (SPP). Utility Director Tim Luchsinger reported that in order to conduct power purchases and sales with other companies, SPP required the City to designate a Local Security Administrator (LSA). It was recommended the City appoint Tim Luchsinger as the LSA to perform duties which included the management of the organization's users and their associated roles and access levels

Motion by Dugan, second by Gericke to approve Resolution #2012-337. Upon roll call vote, all voted aye. Motion adopted.

#2012-338 – Consideration of Amending Personnel Rules Relative to Sexual Orientation. Councilmember Larry Carney reported that Resolution #2012-338 would change the Personnel Rules 1.03 and 2.02 prohibiting the City from discriminating in its employment practices against persons based on their sexual orientation.

The following people spoke in support:

- Guilleramo Pena, 311 East 3rd Street, Apt. 18
- Grady Ericson, 1405 W. Koenig St. Apt. 310
- Lex Ann Roach, 917 West 10th Street
- Bob Rhodes, 2022 West 15th Street
- Todd Ruhter, 2610 Riverside Drive
- Brian Whitecalf, 1506 No. St. Paul Road
- Peggy Lang, 123 No. Mill Street, Dannebrog

Motion by Carney, second by Minton to approve Resolution #2012-338.

Human Resources Director Brenda Sutherland explained the current practices of hiring within the City with regards to the Personnel Rules. Mentioned was that adding any protected class broadens the liability to the City.

Motion by Gericke to amend the motion to add age as a protected class. Motion failed due to lack of a second.

Comments were made regarding the need for this protected class as the City does not discriminate. Mr. Sivick answered questions concerning the liability to the city. He stated the burden of proof for discrimination was on the person bringing the complaint against the City. He also stated that Federal and State government covers the city when we don't have a local law. Ms. Sutherland explained the hiring process and what was required to report to the government.

Upon roll call vote, Councilmembers Carney, Niemann, Ramsey, Donaldson, Minton, and Gericke voted aye. Councilmembers Haase, Gilbert, Nickerson, and Dugan voted no. Motion adopted.

At this point the Mayor asked each Councilmember the reasons for voting the way they did. The Mayor then vetoed the motion. The meeting was turned over to City Attorney Robert Sivick.

Motion by Carney, second by Gericke to override the decision of the Mayor. Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Nickerson, Donaldson, Minton, and Gericke voted aye. Councilmembers Gilbert and Dugan voted no. Motion adopted.

The meeting was turned back over to Mayor Vavricek.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Donaldson to approve the Claims for the period of October 24, 2012 through November 13, 2012, for a total amount of \$5,327,602.35. Upon roll call vote, Councilmembers Haase, Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Minton, and Gericke voted aye. Councilmember Niemann voted no. Councilmember Haase voted no on Claim for the Police Reserve Fund in the amount of \$458,919.35.

ADJOURNMENT: The meeting was adjourned at 9:37 p.m.

RaNae Edwards
City Clerk