



City of Grand Island

Tuesday, December 18, 2012

Council Session

Item G1

Approving Corrections to the Minutes of February 28, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: December 18, 2012

Subject: Corrections to the Minutes of February 28, 2012 City Council Regular Meeting

Item #'s: G-1

Presenter(s): RaNae Edwards, City Clerk

Background

On February 28, 2012 the City Council approved a Conditional Use Permit for Salvador and Sandra Juarez and the Grand Island Public Schools for a parking lot located at 2108 North Custer Avenue and Lot 9, Block 16, University Place with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking
5. that there be a 25' setback, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Discussion

The original motion included item #5 followed by an amendment which included a privacy fence along the west and north side of the lot. The amendment was approved on a 9 to 1 vote. (See attachment #1) and the main motion was approved unanimously. (See attachment #2).

After review of the video, electronic voting summary, and the minutes from the February 28, 2012 meeting it was brought to my attention that #5 of the conditions was missing

along with Lots 11, 13, & 15 as discussed during the meeting. Attached are the minutes with the corrections shown in red.

Correction of these minutes needs to be approved by the City Council.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the corrections to the minutes of February 28, 2012 regular meeting.

Sample Motion

Move to approve the corrections to the minutes of February 28, 2012 regular meeting.

Tuesday, February 28, 2012
8:36:33 PM

Motion by Gilbert, second by Ramsey to approve the request with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking
5. that there be a 25' setback, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Motion by Gilbert, second by Haase to amend the motion to add a privacy fence along the west and north side of the lot.

HAASE: Yes

CARNEY: Yes

NIEMANN: Yes

RAMSEY: Yes

GILBERT: Yes

NICKERSON: No

DONALDSON: Yes

DUGAN: Yes

GARD: Yes

GERICKE: Yes

VAVRICEK, Did not vote

Totals:
Yes: 9
No: 1

Attachment #1

Tuesday, February 28, 2012
8:43:26 PM

Motion by Gilbert, second by Ramsey to approve the request with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking
5. that there be a 25' setback, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

HAASE: Yes

CARNEY: Yes

NIEMANN: Yes

RAMSEY: Yes

GILBERT: Yes

NICKERSON: Yes

DONALDSON: Yes

DUGAN: Yes

GARD: Yes

GERICKE: Yes

VAVRICEK, Did not vote

Totals:
Yes: 10
No: 0

Attachment #2

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 28, 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 February 28, 2012. Notice of the meeting was given in *The Grand Island Independent* on February 22, 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, Randy Gard, 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 Bill Pabuk, St. Paul's Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Kuulei Hose.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "City Employee Appreciation Month" March, 2012. Mayor Vavricek proclaimed the month of March, 2012 as "City Employee Appreciation Month". Marco Floriani, Community Development Department (newest employee), Brian Sands, Public Works Street Department (employee with the most service), and Catrina DeLosh, Public Works Administrative Assistant (first ABCD – Above and Beyond the Call of Duty award winner for the quarter for October – December 2011) were present for the presentation.

State Championship Wrestling Recognition for Northwest High School. The Mayor and City Council recognized Northwest High School Wrestler Blake Fruchtl and Coach Brian Sybrandts for the Class "B" State Wrestling Championship. Mr. Fruchtl and Coach Sybrandts were present for the recognition.

Recognition of Ken Gnadt former Mayor of Grand Island for the Distinguished Nebraskalander Award. The Mayor and Council recognized former Mayor Ken Gnadt who will receive the Distinguished Nebraskalander Award at the annual Statehood Day Dinner on March 3, 2012. Ken Gnadt was present for the recognition.

State Championship Wrestling Recognition for Grand Island Senior High School. The Mayor and City Council recognized the Grand Island Senior High School Wrestling Team and Coach Mike Schadwinkel for the fourth straight Class "A" State Wrestling Championship. Coach Schadwinkel and thirteen members of the wrestling team were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Javier Rodriguez dba El Trancaso, 415 West 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Javier Rodriguez dba El Trancaso, 415 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 30, 2012; notice to the general public of date, time, and place of hearing published on February 18, 2012; notice to the applicant of date, time, and place of hearing mailed on January 30, 2012; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Blaine Street and North of Wildwood Drive (Grand Island Area Economic Development Corporation). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of Blaine Street and north of Wildwood Drive was needed in order to have access to install, upgrade, maintain, and repair water and sewer appurtenances, including pipes, valves, and manholes for the purpose of constructing water and sewer main lines to serve the east section of the Platte Valley Industrial Park. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Salvador and Sandra Juarez and the Grand Island Public Schools for a Conditional Use Permit for a Parking Lot Located at 2108 North Custer and Lot 9, Block 16, University Place. Building Department Craig Lewis reported that the Grand Island Public Schools were requesting a conditional use permit for property located at 2108 North Custer and Lot 9, Block 16, University Place for the purpose of constructing a parking lot. Staff recommended approval with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood. Mary Lanfear, 2128 North Custer Avenue and Jim O'Neill, 2426 North Custer Avenue spoke in opposition. No further public testimony was heard.

RESOLUTIONS:

#2012-53 – Consideration of FTE Amendment for the Wastewater Treatment Plant. Human Resources Director Brenda Sutherland reported that City Council approved Resolution #2012-41 (B) at the February 14, 2012 Council meeting allowing the addition of two new positions at the City Wastewater Treatment Plant. An FTE Amendment was needed to approve the changes in the 2011/2012 budget FTE schedule.

Mike Paulick, 307 East 20th Street spoke in opposition. Comments were made regarding other positions in the City that needed to be filled first and whether two were needed at the WWTP at this time. Discussion was held regarding pay range and time to recruit.

Motion by Dugan, second by Gard to approve Resolution #2012-53. Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember Gericke voted no. Motion adopted.

#2012-54 – Consideration of Redemption of Series 2001 Electric System Revenue Bonds. Utilities Director Tim Luchsinger reported in 2001 the City issued bonds for two gas turbines with a 15 year term. Additional debt would be needed in the future for air omission controls. Introduced was Bond Council Bruce Lefler with Ameritas Investment Corp. from Omaha who explained the redemption of the Series 2001 Electric System Revenue Bonds and refinancing with the Series 2012 Electric System Revenue Bonds. Mentioned was Refinancing the 2001 \$25,000,000 bond at a lower interest rate and extending the bonds an additional five years. This would reduce the debt service for the bond. Current interest rate would be 2.25% over the ten year life of the bond with a net present value benefit of \$1.25 million.

Discussion was held regarding the use of cash on hand to lower the bond debt. Mr. Luchsinger stated targets of minimum cash on hand were between \$20 to \$22 million. Also mentioned were upcoming projects for this year.

Motion by Gilbert, second by Ramsey to approve Resolution #2012-54. Upon roll call vote, all voted aye. Motion adopted.

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) (Second Reading)

Motion by Gard, second by Donaldson to approve Ordinance #9363 on second reading only. 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:

#9365 – Consideration of Amending Chapter 8 of the Grand Island City Code Relative of Adopting the 2009 International Building and Residential Code

#9366 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to adopting the 2011 National Electrical Code

#9367 – Consideration of Amending Salary Ordinance

#9368 – Consideration of Changes to Chapter 16-11 of the Grand Island City Code Relative to Open Burning

#9369 – Consideration of Authorizing Series 2012 Electric System Revenue Refunding Bonds

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

#9369 – Consideration of Authorizing Series 2012 Electric System Revenue Refunding Bonds

This item related to the aforementioned Resolution #2012-54.

Motion by Haase, second by Carney to approve Ordinance #9369.

City Clerk: Ordinance #9369 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 #9369 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 #9369 is declared to be lawfully adopted upon publication as required by law.

#9365 – Consideration of Amending Chapter 8 of the Grand Island City Code Relative of Adopting the 2009 International Building and Residential Code

#9366 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to adopting the 2011 National Electrical Code

Building Department Director Craig Lewis reported that Ordinance #9365 would amend Chapter 8 of the Grand Island City Code to adopt the 2009 International building and Residential Code. Several changes related to occupancy and sprinkler systems. Ordinance #9366 would change Chapter 15 of the City Code to adopt the 2011 National Electrical Code. Tamper proof and water proof receptacles were mentioned.

Discussion was held regarding the National Codes on the city's web-site. Mr. Lewis stated because of copy write laws we were unable to do that but they were available at the Library.

Motion by Donaldson, second by Gericke to approve Ordinances #9365 and #9366.

City Clerk: Ordinances #9365 and #9366 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 #9365 and #9366 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 #9365 and #9366 are declared to be lawfully adopted upon publication as required by law.

#9367 – Consideration of Amending Salary Ordinance

Human Resources Director Brenda Sutherland reported that this item related to Resolution #2012-53 approved earlier in the meeting to put in place the salaries for the two positions at the Wastewater Treatment Plant.

Motion by Gard, second by Ramsey to approve Ordinance #9367.

City Clerk: Ordinance #9367 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 #9367 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 #9367 is declared to be lawfully adopted upon publication as required by law.

#9368 – Consideration of Change to Chapter 16-11 of the Grand Island City Code
Relative to Open Burning

Fire Division Chief Tim Hiemer reported that Ordinance #9368 was to amend the City Code banning Open Burning.

Motion by Gericke, second by Carney to approve Ordinance #9368.

Jerry Rapp, 802 East 15th Street and Barry Niedfelt, 1015 E. Oklahoma Avenue spoke in opposition.

Discussion was held concerning wording in the Ordinance with respect to exceptions, hazard, and nuisance. Mr. Hiemer explained permits and DEQ requirements. Council recommended further work be done on this Ordinance before a vote is taken.

Councilmember Gericke withdrew his motion and Councilmember Carney withdrew his second.

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 February 14, 2012 City Council Regular Meeting.

Approving Minutes of February 21, 2012 City Council Study Session.

Approving Request from Wayne Gappa, 11 East 48th Street, Kearney, Nebraska for Liquor Manager Designation for Nebraskaland Distributors, LLC.

#2012-42 – Approving Acquisition of Utility Easement – West of Blaine Street and North of Wildwood Drive (Grand Island Economic Development Corporation).

#2012-43 – Approving Supplemental Agreements to Utilities Relocation Agreement with Burlington Northern Santa Fe Railroad – Double Track Project – Electric MP 94.70 & Sewer MP 94.56.

#2012-44 – Approving Bid Award for Precipitator & Duct Cleaning at Platte Generating Station with Meylan Enterprises, Inc. of Omaha, Nebraska in an Amount of \$65,950.00.

#2012-45 – Approving Bid Award for Uranium Removal Water Treatment Plant Equipment Installation and Pump Modifications with Judds Brothers Construction of Lincoln, Nebraska in an Amount of \$309,250.00.

#2012-46 – Approving Lease Agreement with the Hall County Historical Society Regarding the Stolley Campus.

#2012-47 – Approving Amendment and Activity Approval to the 2010 Storm Water Management Plan Program Grant.

#2012-48 – Approving Agreement with NDOR for US Highway 34 Improvements from US Highway 281 to South Locust Street.

#2012-49 – Approving Amendment #2 to the Consent to Access for EPA Environmental Response Action Agreement.

#2012-50 – Approving Agreement with NDOR for 2012 Fracture Critical Bridge Inspections.

#2012-51 – Approving Bid Award for One (1) 2012 Solid Waste Transfer Trailer (Solid Waste Division) from STECO Trailer of Morris, Minnesota in an Amount of \$51,2120.00.

REQUESTS AND REFERRALS:

Consideration of Request from Salvador and Sandra Juarez and the Grand Island Public Schools for a Conditional Use Permit for a Parking Lot Located at 2108 North Custer and Lot 9, [11](#), [13](#) & [15](#), Block 16, University Place. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Ramsey to approve the request with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking
5. that there be a 25' setback, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Discussion was held regarding lighting and privacy fence. Mr. Lewis stated there were no City regulations required.

Motion by Gilbert, second by Haase to amend the motion to add a privacy fence along the west and north side of the lot. Upon roll call vote, Councilmembers Haase, Carney, Niemann,

Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Nickerson voted no. Motion adopted.

Dan Petsch, 1734 Ingalls Street commented on the long term plan for this property and that the property would be fenced and locked.

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

RESOLUTIONS:

#2012-52 – Consideration of Request from Javier Rodriguez dba El Trancaso, 415 West 4th Street for a Class “C” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Niemann to approve Resolution #2012-52 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Donaldson to approve the Claims for the period of February 15, 2012 through February 28, 2012, for a total amount of \$2,447,517.64. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Dugan to adjourn to Executive Session at 8:46 p.m. for the purpose of the following:

1. Strategy session with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body
2. Strategy session with respect to collective bargaining (IBEW Local 1507 – Wastewater, Service/Clerical, Finance, Utilities)
3. Strategy session with respect to collective bargaining (IAFF Local 647)
4. Strategy session with respect to pending litigation

Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Haase, second by Ramsey to return to Regular Session at 11:00 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 11:00 p.m.

RaNae Edwards
City Clerk