



City of Grand Island

Tuesday, June 30, 2009

Special Meeting

Item G1

Approving Minutes of June 23, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 23, 2009

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 June 23, 2009. Notice of the meeting was given in *The Grand Island Independent* on June 17, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Meyer, Gilbert, Carney, Dugan, Ramsey, Nickerson, and Gericke. Councilmember's Haase, Niemann, and Zapata were absent. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Dale Shotkoski, and Public Works Director Steve Riehle.

INVOCATION was given by Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Ava Mackey and Zach Stauffer, along with Board Member Celine Stahlnecker.

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

#2009-BE-2 – Consideration of Determining Benefits for 2008 Weed and Nuisance Special Assessments. Wes Nespor, Assistant City Attorney reported that under Chapter 17 of the Grand Island City Code, the City had several properties which were not mowed of which the City contracted to have taken care of. The City also removed rotted foodstuffs from a garage pursuant to Court order. The City Council in its' capacity as the Board of Equalization was required to determine the benefits for the 2008 Weed Abatement Program and nuisance abatement.

Motion by Meyer, second by Nickerson to approve Resolutions #2009-BE-2. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Alm, LLC dba Senor Lucky's, 115 West 3rd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Alm, LLC dba Senor Lucky's, 115 West 3rd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 3, 2009; notice to the general public of date, time, and place of hearing published on June 13, 2009; notice to the applicant of date, time, and place of hearing mailed on June 3, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Mama Ines, Inc. dba Mama Ines, 384 North Walnut Street for a Class "T" Liquor License. Pulled at request of applicant's attorney.

Public Hearing on Request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a Sand and Gravel Operation Located at 3947 South Locust Street. Craig Lewis, Building Department Director reported that Hooker Bros. Sand & Gravel had submitted a request for a conditional use permit to allow for a sand and gravel operation at 3947 South Locust Street. Staff recommended approval with the following conditions:

- 1). **USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). **CLOSURE:** A closure statement identifying improvements to the property after the closing of the sand and gravel operation has been provided along with the application.
- 3). **PRIMARY CONDITIONS:**
 - (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.
 - (b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations and a finished developable width of 150' shall be provided.
 - (c). Pumping and other activities (including lighting) at the site shall be limited to 6:00am to 10:00pm Monday through Saturday, no Sunday operation.
 - (d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
 - (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.
 - (f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
 - (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
 - (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
 - (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
 - (j). Applicant shall not permit the hauling of sand and gravel from the premises over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
 - (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(I). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Jeff Hooker, 3615 Palomino Place spoke in support. No further public testimony was heard.

Public Hearing for Program Income Reuse Funds Application. Joni Kuzma, Community Development Administrator reported that the City of Grand Island maintains a revolving loan fund comprised of recaptured monies from Community Development Block Grant (CDBG) Economic Development loans. The Grand Island Area Economic Development Corporation submitted an application to the Reuse Committee requesting \$4,995.00 of Revolving Loan funds to update a previously completed Storm Sewer Drainage study for the Platte Valley Industrial Park. Staff recommended approval. No public testimony was heard.

Public Hearing for a Disaster Recovery Program Community Development Block Grant. Joni Kuzma, Community Development Administrator reported that the City of Grand Island was requesting a Disaster Recovery Grant for \$803,500.00, plus \$40,175.00 in General Administration, for installation of a sanitary sewer interceptor and sewer main collection system upgrade to address an urgent community development need that occurred as a result of high ground water levels and flooding between May 22 and June 24, 2008. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9223 – Consideration of Assessment for 2008 Weed and Nuisance Abatement Program (First Reading)

#9234 – Consideration of Amendments to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax (First Reading)

Ordinance #9223 related to the aforementioned Board of Equalization item.

Motion by Meyer, second by Nickerson to approve Ordinance #9223 on first reading. Upon roll call vote, all voted aye. Motion adopted.

City Administrator Jeff Pederson reported that Ordinance #9232 would amend Chapter 23-79 of the Grand Island City Code to allow up to \$1.5 million of revenue from the Occupation Tax to be utilized for the athletic fields development on the Veterans Home land that is under lease from the State of Nebraska.

Motion by Ramsey, second by Gericke to approve Ordinances #9224 on first reading.

Motion was made by Carney to insert under Section (B) an “s” to the word “follow” and to insert “for a total of \$6,562,500” after \$1.5 million. Motion died due to a lack of a second.

Discussion was held concerning the costs of Phase I for the fourth ball field and soccer fields’ relocation at the Veterans Home property. Parks and Recreation Director Steve Paustian stated

the ball fields shown in Phase I should be completed for the \$1.5 million amount. Also mentioned was a redesign of the parking lots. Comments were made about extending the occupation tax in order to generate \$100,000 more to cover expenses of the relocation. City Attorney Dale Shotkoski answered questions from Council and stated the extra \$100,000 would not be applied towards the \$1.5 million required to be certified by the City to the State of Nebraska.

Motion by Nickerson, second by Dugan to amend the original motion to increase the amount to \$1.6 million. Upon roll call vote, Councilmember's Meyer, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember's Gilbert and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

Upon roll call of the original motion, Councilmember's Meyer, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember's Gilbert and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

CONSENT AGENDA: Consent Agenda item G-12 was pulled for further discussion. Motion by Ramsey, second by Carney to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 9, 2009 City Council Regular Meeting.

Approving Minutes of June 16, 2009 City council Study Session.

#2009-138 – Approving Program Income Reuse Funds Application.

#2009-139 – Approving Disaster Recovery Program Community Development Block Grant Application.

#2009-140 – Approving Recovery Act – Energy Efficiency and Conservation Block Grant Application in the Amount of \$199,000.

#2009-141 – Approving Bid Award for Handicap Ramp Project No. 2009-1 with Galvan Construction Inc. of Grand Island, Nebraska in an Amount of \$128,002.90.

#2009-142 – Approving Bid Award for Sanitary Sewer District No. 76 Replacement; Vine Street, between Ashton Avenue and Koenig Street with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$211,322.19.

#2009-143 – Approving Agreement with Union Pacific Railroad for Preliminary Engineering Services Related to Quiet Zone Improvements in an Amount of \$10,000.

#2009-144 – Approving Change Order #1 for Cooling Tower Piping Modifications at Burdick Power Plant with Judds Brothers Construction Company of Lincoln, Nebraska in an Amount of \$14,910.02 and a Revised Contract Amount of \$281,035.02.

#2009-145 – Approving 2009/2010 Fee Schedule.

#2009-146 – Approving 2009/2010 FTE's.

#2009-147 – Approving 2009/2010 Outside Agencies Funding. The following people spoke against the decrease in funding proposed:

- Annette Schimmer, 4287 Monitor Road – Crisis Center
- Dennis Leonard, 3828 Rochdale Circle – Crisis Center
- Cindy Hoffman, 913 West Anna Street – Crisis Center
- Lori Knippelmeyer, 519 East 16th Street – Crisis Center
- Thokozile Gurganious, 3033 West Capital Avenue – Crisis Center
- Kelly Pederson, 4350 West Highway 30 – Crisis Center
- Alexis Larsen, Ravenna, Assistant Executive Director for the Crisis Center
- Melissa Delay, 610 West Division – Hope Harbor
- Paul Briseno, 1725 Freedom Drive – Multicultural Coalition
- Karen Rathke, 109 Ingalls Road, Cairo – President of United Way

Discussion was held regarding how this list came about. Comments were made by Council concerning other agencies that were not included but were of value to the community. Concerns were mentioned regarding the Health Department and Clean Community Systems which had no reduction.

Motion by Dugan, second by Carney to approve Resolution #2009-147. Upon roll call vote, Councilmember's Gilbert, Dugan, Ramsey, Nickerson, and Gericke vote aye. Councilmember's Meyer and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a Sand and Gravel Operation Located at 3947 South Locust Street. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Meyer to approve the request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a sand and gravel operation located at 3947 South Locust Street with the following conditions:

- 1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). CLOSURE:** A closure statement identifying improvements to the property after the closing of the sand and gravel operation has been provided along with the application.
- 3). PRIMARY CONDITIONS:** **(a).** The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.
(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations and a finished developable width of 150' shall be provided.

(c). Pumping and other activities (including lighting) at the site shall be limited to 6:00am to 10:00pm Monday through Saturday, no Sunday operation.

(d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.

(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

(g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

(i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(j). Applicant shall not permit the hauling of sand and gravel from the premises over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Upon roll call vote all voted aye. Motion adopted.

RESOLUTIONS:

#2009-148 – Approving Request from Alm, LLC dba Senor Lucky's, 115 West 3rd Street for a Class "C" Liquor License and Liquor Manager Designation for Abbigal Meyer, 328 South Plum Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Carney to approve Resolution #2009-148. Upon roll call vote, Councilmember's Meyer, Gilbert, Carney, Dugan, Ramsey, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

#2009-149 – Approving Request from mama Ines, Inc. dba Mama Ines, 384 North Walnut Street for a Class "I" Liquor License and Liquor Manager Designation for Iliana Garcia, 517 North Ruby Avenue. Pulled at request of applicant's attorney.

#2009-150 – Approving Appointment of Mary Lou Brown as Finance Director. Mayor Hornady submitted the name of Mary Lou Brown for appointment as Finance Director to replace David Springer who would be retiring on August 7, 2009.

Motion by Meyer, second by Gilbert to approve Resolution #2009-150. Upon roll call vote, all voted aye. Motion adopted.

#2009-151 – Approving Project for Athletic Field Complex at Veterans Home. City Administrator Jeff Pederson reported that in order to authorize the Athletic Fields Replacement Project for expenditure authority, the City Council needed to take formal action to designate \$1.5 million in the budget.

Motion by Ramsey, second by Nickerson to approve Resolution #2009-151.

Motion by Dugan, second by Meyer to amend Resolution #2009-151 by adding a period right after “2009-2010 budget capital fund” in the last paragraph and striking the last part of the sentence “which project shall have sufficient appropriations by making the following adjustments to the Capital Fund”. Upon roll call vote, all voted aye. Motion adopted.

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

#2009-152 – Approving Certifying \$1.5 Million to State of Nebraska for Veteran Home Athletic Field Complex. City Administrator Jeff Pederson reported that with the passage of LB 224 by the Nebraska Unicameral, replacement of capital facilities lost at Fonner Park due to the relocation of the Nebraska State Fair in the amount of \$1.5 million may be counted towards the required city contribution of \$8.5 million. Resolution #2009-152 would allow \$1.5 million to be placed in a Trust Account by the July 1, 2009 deadline. Finance Director David Springer stated approving Resolution #2009-152 would allow the \$1.5 million project to move forward and would authorize payment for the project.

Motion by Meyer, second by Nickerson to approve Resolution #2009-152. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of June 10, 2009 through June 23, 2009, for a total amount of \$3,210,859.63. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards
City Clerk