

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
March 22, 2011

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 March 22, 2011. Notice of the meeting was given in *The Grand Island Independent* on March 16, 2011.

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: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, Interim City Attorney Jason Eley, and Public Works Director John Collins.

INVOCATION was given by Pastor Scott Friesen, Berean Bible Church, 4116 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Brandon Pfeifer and Jackson Buck. Mentioned was NPA Resolution 2011-4 recognizing Utilities Director Gary Mader for his service on the Nebraska Power Association board.

Finance Director Mary Lou Brown gave the financial report for the month of March. Financial trends were on tract. Natural Gas franchise receipts would be made up by the end of the year. Expenses have been reduced by having some purchases postponed. Sales tax for the month of March was down as expected. Food and occupation tax were strong and gas tax revenues were tracking as expected.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of Legislative Resolution 13 by Senator Mike Gloor. Senator Mike Gloor presented the City of Grand Island with Resolution 13 approved by the State Legislature congratulating the City of Grand Island for a successful 2010 State Fair. Several community leaders associated with the State Fair were present for the presentation. Former Mayor Margaret Hornady, President of the Nebraska State Fair Janet Krueger, and former Senator Ray Aguilar commented on the success and thanked the citizen's of Grand Island. Gene Graves commented on the fund raising efforts for the Nebraska State Fair and stated it wasn't done with yet. Cindy Johnson, President of the Chamber of Commerce mentioned Lisa Willmam's coordination of over 674 volunteers.

Proclamation "Kick Butts Day 2011" March 23, 2011. Mayor Vavricek proclaimed March 23, 2011 as "Kick Butts Day 2011". Tim Zeleski, Project Coordinator with Tobacco Free Hall County was present to receive the proclamation and commented on the positive actions of the City Council and benefits of not smoking.

PUBLIC HEARINGS:

Public Hearing on Request from Friesen Management, Inc. dba Sam and Louie's NYP, 928 Concord Avenue for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Friesen Management, Inc. dba Sam and Louie's NYP, 928 Concord Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 3, 2011; notice to the general public of date, time, and place of hearing published on March 12, 2011; notice to the applicant of date, time, and place of hearing mailed on March 3, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Tom Ummel and Tommy Ummel for a Conditional Use Permit for a Recycling Center Drop Off Located at 1827 East 4th Street. Building Department Director Craig Lewis reported that Tom Ummel and Tommy Ummel had submitted an application for a Conditional Use Permit for operation of a recycling center drop off in conjunction with the current operation of Heartland Disposal located at 1827 East 4th Street. Staff recommended approval with the conditions that City Code Sections 36-101 through 36-106 be followed. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of Swift's Wastewater Treatment Facility, East of the Plant (Conagra Beef Company JBS USA, LLC). Gary Mader, Utilities Director reported that acquisition of a utility easement located north of Swift's Wastewater Treatment Facility, east of the plant was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers for the purpose of providing a new power line and transformer to the JBS new waste treatment facility on the far east side of their property. The easement will provide for the installation of a new underground electric cable and pad-mounted transformer to serve the treatment facility. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Consent Agenda items G-4 and G-11 were removed for further discussion. Motion by Ramsey, second by Niemann to approve the Consent Agenda excluding items G-4 and G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 8, 2011 City Council Regular Meeting.

Approving Minutes of March 15, 2011 City Council Study Session.

#2011-65 – Approving Subordination Agreement for Rafael and Cecilia Esquivel, 322 East 10th Street.

#2011-67 – Approving Acquisition of Utility Easement Located North of Swift's Wastewater Treatment Facility, East of the Plant (Conagra Beef Company JBS USA, LLC).

#2011-68 – Approving Change Order #1 – Water main District #456T – Engleman Road and Old Potash Highway with Diamond Engineering Company of Grand Island, Nebraska for a decrease of \$657.00 and a Revised Contract Amount of \$496,669.50.

#2011-69 – Approving Bid Award for Boiler Fan Motor Refurbishment at Platte Generating Station with Illinois Electric Works of Granite City, Illinois in an Amount of \$92,125.00.

#2011-70 – Approving Request that Hall County Review the County Industrial Tracts within the City Limits.

#2011-71 – Approving Physio Control Monitors Maintenance Contract.

#2011-72 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings for Two Years with: Dominion Construction Company of Scottsbluff, Nebraska in an Amount of \$2,900.00 per year; Jerry Harders of Wood River, Nebraska in an Amount of \$900.00 per year; and Nebraska State Patrol of Lincoln, Nebraska in an Amount of \$750.00 per year.

#2011-74 – Approving Service Agreement with NebraskaLink, LLC for Data Transport Services for Public Library.

#2011-75 – Approving GIS Maintenance Contract Renewal for 911 Services with GeoComm, Inc. of St. Cloud, Minnesota in an Amount of \$31,066.00 for five years.

#2011-66 – Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2011 with OK Paving of Hordville, Nebraska in an Amount of \$662,780.00. Public Works Director John Collins reported the contracted concrete pavement and storm sewer work supplements the repair work that is performed by the City's patching crews. Lewis Kent, 624 Meves spoke of concerns with the work performed.

Motion by Nickerson, second by Gilbert to approve Resolution #2011-66. Upon roll call vote, all voted aye. Motion adopted.

#2011-73 – Approving Agreement with Granicus, Inc. of San Francisco, California for Live Streaming/Video Archie in an Amount of upfront cost of \$5,125.00 and a monthly cost of \$177.00. Public Information Officer Wendy Meyer-Jerke reported in an attempt to reach a larger audience and create another alternative for citizens to easily acquire City of Grand Island and community information, city staff had researched the option of live video streaming GITV for several years. Staff recommended Granicus, Inc. as it would give citizens the opportunity to engage in city government and gain more awareness of the City's web site and other possible online uses.

Discussion was held regarding viewing City Council meetings through the web-site, Channel 6 and 56. Interim City Attorney commented on negotiations with Charter Communication for cable service would not interfere with this contract.

Motion by Gilbert, second by Haase to approve Resolution #2011-73. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Tom Ummel and Tommy Ummel for a Conditional Use Permit for a Recycling Center Drop Off Located at 1827 East 4th Street. This item related to the aforementioned Public Hearing.

Discussion was held regarding the requirements for a fence. Building Department Director Craig Lewis stated if trash was inside the building a fence was not required. If there was trash outside the building then a fence would be required.

Motion by Dugan, second by Gericke to approve the Conditional Use Permit for Tom Ummel and Tommy Ummel for a Recycling Center Drop Off located at 1827 East 4th Street with the conditions that City Code Sections 36-101 through 36-106 be followed. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-76 – Consideration of Request from Friesen Management, Inc. dba Sam and Louie’s NYP, 928 Concord Avenue for a Class “C” Liquor License and Liquor Manager Designation for Donald Friesen, 4030 West Husker Highway. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Ramsey to approve Resolution #2011-76 contingent upon final inspections and completion of a stated approved alcohol server/seller program. Upon roll call vote, all voted aye. Motion adopted.

#2011-77 – Consideration of Preparing Annexation Plan and Refer to the Planning Commission. Regional Planning Director Chad Nabity reported that after the March 15, 2011 Study Session discussion concerning annexation he was bringing forth the following seven areas for the Council to consider:

- Eagle Scout Park/Veteran’s Field Complex
- Bismark Road
- Vanosdal
- Rainbow Lake/Hall County Park
- Husker Hwy/281
- Old Potash/North
- 13th/North

Mayor Vavricek mentioned a letter sent by e-mail from Bill Mowinkel which will be a part of this record.

The following people spoke regarding the annexation:

- Robert Kutz, 20 Kuester Lake - opposed
- Lloyd Leiser, 3515 No. Engelman Road – opposed

- Steve Johnson, 3418 So. Blaine Street – requested Rainbow Lake and property to the west be considered as two different areas.
- Greg Baxter, 212 No. Monitor Road – concerned about the 2 mile extra-territorial jurisdiction, urban development, and school district tax base
- Lewis Kent, 624 Meves Avenue – commented on orderly growth
- William Leiser, 4425 Engleman Road – opposed
- Ray Stander, 1104 N. North Road - opposed

Motion by Gilbert, second by Ramsey to approve Resolution #2011-77 with the following areas:

- Eagle Scout Park/Veteran's Field Complex
- Bismark Road
- Vanosdal
- Rainbow Lake/Hall County Park
- Husker Hwy/281
- Old Potash/North
- 13th/North

Discussion was held regarding benefits and services available to these areas.

Motion by Haase, second by Carney to amend area 8 Rainbow Lake/Hall County Park into two areas (east and west of Blaine Street). Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

Discussion was held regarding costs, lift station at Rainbow Lake, City services and time-line. It was mentioned that property taxes go into the General Fund and sewer and water are paid from the enterprise funds.

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

PAYMENT OF CLAIMS:

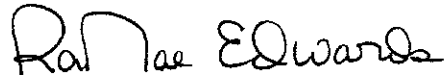
Motion by Dugan, second by Nickerson to approve the Claims for the period of March 9, 2011 through March 22, 2011, for a total amount of \$6,139,512.84. Unanimously approved.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of February 23, 2011 through March 22, 2011 for the Veterans Athletic Field Complex for a total amount of \$27,257.47. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Ramsey to adjourn to Executive Session at 9:03 p.m. for the purpose of discussion concerning City Administrator applicants for the protection of the public interest. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Gericke to return to Regular Session at 10:38 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:38 p.m.

A handwritten signature in black ink that reads "RaNae Edwards". The signature is written in a cursive style with a large, stylized "R" and "E".

RaNae Edwards
City Clerk