



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-1

### Approving Minutes of April 26, 2016 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
April 26, 2016

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 April 26, 2016. Notice of the meeting was given in *The Grand Island Independent* on April 20, 2016.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Mitch Nickerson was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director Renae Griffiths, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council members Reid Bednar and Chandler Hehnke.

INVOCATION was given by Pastor Scott Jones, Third City Christian Church, 4100 West 13<sup>th</sup> Street followed by the PLEDGE OF ALLEGIANCE.

BOARD OF EQUALIZATION: Motion by Donaldson, second by Stelk to adjourn to the Board of Equalization. Motion adopted.

#2016-BE-3 - Consideration of Determining Benefits for Sanitary Sewer District No. 535T, Extension of Sanitary Sewer to Serve Part Lot 1; Voss Subdivision, Lots 1 & 2 Windolph's Subdivision, and Part NW ¼ of Section 14-11-9. Public Works Director John Collins reported that the tap district for Sanitary Sewer District No. 535T had been completed. This district developed an eight inch gravity sanitary sewer main along Seedling Mile Road from Voss Road west to Seedling Mile Access Road. Staff recommended approval.

Motion by Donaldson, second by Stelk to approve Resolution #2016-BE-3. Upon roll call vote, all voted aye. Councilmember Hehnke abstained. Motion adopted.

#2016-BE-4 - Consideration of Determining Benefits for Sanitary Sewer Dist. No. 537T, Extension of Sanitary Sewer to Serve Lots 1 & 2, TLST Spiehs Subdivision & Part of the North Ten (10) Acres of the W Half of the NW Quarter (W1/2NW1/4) all In Section 10-11-9. Public Works Director John Collins reported that the tap district for Sanitary Sewer District 537T had been completed. This district was combined with the North Interceptor Phase II work. Staff recommended approval.

Tim Spiehs, 909 E. Capital Avenue spoke concerning easements and drainage problems on his property due to the Sanitary Sewer District construction. Comments were made regarding delaying this item would not change the assessments.

Motion by Paulick, second by Minton to postpone Resolution #2016-BE-4 for one month. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Hehnke, Haase, and Jones voted aye. Councilmembers Donaldson and Stelk voted no. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Donaldson, second by Stelk to return to Regular Session. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N. Diers Avenue, Suite 200. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 29, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 29, 2016; 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. John Higgins, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Azteca Market, LLC dba The Brick House, 115-117 West 3rd Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Azteca Market, LLC dba The Brick House, 115-117 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 23, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 23, 2016; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Mark Porto, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3rd Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 23, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 23, 2016; along with Chapter 4 of the City Code. Staff recommended the council either deny or approve the application after taking into consideration the Police Department Report and any public testimony. Fred Hotz, State Fire Marshall spoke in opposition. No further public testimony was heard.

RESOLUTION:

#2016-104 – Consideration of Approving Second Addendum to the IBEW Service/Clerical Labor Agreement. Human Resources Director Aaron Schmid reported that this Second Addendum to the IBEW Service/Clerical Labor Agreement related to the Community Service Officers (CSO's). Items included wages and uniform allowance.

Concerns were mentioned regarding the CSO salaries and the upcoming budget. Other comments were made regarding the good work the CSO's do and that Police Officers wouldn't have to do this work which would cost more for the city.

Motion by Stelk, second by Minton to approve Resolution #2016-104. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

ORDINANCES:

Councilmember Donaldson moved "that the statutory rules requiring ordinances to be read by title on three different days are suspended and that ordinances numbered:

#9583 - Consideration of Amending Chapter 24 of the Grand Island City Code Relative to Adding a Tree Board

#9584 – Consideration of Amending the Salary Ordinance Relative to Community Service Officers

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 Fitzke seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9583 - Consideration of Amending Chapter 24 of the Grand Island City Code Relative to Adding a Tree Board

Parks and Recreation Director Todd McCoy reported that Ordinance #9583 would create a Tree Board to the Grand Island City Code under Chapter 24.

Motion by Haase, second by Paulick to approve Ordinance #9583.

City Clerk: Ordinance #9583 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 #9583 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9583 is declared to be lawfully adopted upon publication as required by law.

#9584 – Consideration of Amending the Salary Ordinance Relative to Community Service Officers

Human Resources Director Aaron Schmid reported that that the proposed changes to the salary ordinance would reflect the changes to the Second Addendum of the IBEW Service/Clerical Labor Contract.

Motion by Paulick, second by Minton to approve Ordinance #9584.

City Clerk: Ordinance #9584 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 Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9584 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9584 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-7, G-8, G-9, G-11 and G-12 (Resolutions #2016-93, #2016-94, #2016-95, #2016-97 and #2016-98 respectively) were pulled for further discussion. Motion by Minton, second by Hehnke to approve the Consent Agenda excluding the aforementioned items. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 12, 2016 City Council Regular Meeting.

Approving Minutes of April 19, 2016 City Council Study Session.

Receipt of Official Documents – Pawnbroker’s Official Bonds for G.I. Loan Shop, 1004 West 2nd Street and Express Pawn, 645 South Locust Street.

Approving Liquor Manager Designation for Susan Henk, 505 West Highway 34 for Godfather’s Pizza, 1916 South Locust Street.

#2016-91 - Approving Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class “T” Liquor License and Liquor Manager Designation for Xin K. Lin, 1205 Cedar Ridge Cour, Apt. B16.

#2016-92 - Approving Citizen Participation Plan for Community Development Block Grant Program.

#2016-93 - Approving Traffic Restriction along Sky Park Road from Airport Road to Abbott Road. Public Works Director John Collins reported that they had identified hazardous violations along Sky Park Road due to the large increase of vehicular and pedestrian traffic. There were also concerns of security issues at the airport. Staff recommended no parking, stopping or standing along Sky Park Road from Airport Road to Abbott Road.

Motion by Haase, second by Minton to approve Resolution #2016-93.

Comments were made regarding the language in the resolution regarding “stopping”.

Motion by Steele, second by Stelk to amend the resolution to delete the word “stopping” from the Resolution. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Hehnke, Haase, and Stelk voted aye. Councilmembers Fitzke, Donaldson, and Jones voted no. Motion adopted.

Discussion was held regarding just having a no parking sign along this stretch of road and the number of entrances. Police Chief Steve Lamken stated they didn’t want cars stopping, standing or parking as this caused a security issue.

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

#2016-94 - Approving NPPD Call Center Agreement for Five Years in an Amount of \$4,300.00 per month and a one-time setup fee of \$7,700.00. Utilities Director Tim Luchsinger gave a detailed description of how the Call Center would work. Discussion was held regarding the process of calls and the security of the customer’s data.

Motion by Haase, second by Minton to approve Resolution #2016-94. Upon roll call vote, all voted aye. Motion adopted.

#2016-95 - Approving the AMI Support Services Contract Extension with Landis+Gyr in an Amount of \$8,100.00 for one year. Utilities Director Tim Luchsinger stated the City currently had automated metering and this request would extend that contract. Discussion was held regarding the contract language with reference to Atlanta, Georgia.

Motion by Donaldson, second by Paulick to approve Resolution #2016-95. Upon roll call vote, Councilmembers Paulick, Minton, Fitzke, Donaldson, Hehnke, and Haase voted aye. Councilmembers Steele, Jones, and Stelk voted no. Motion adopted.

#2016-96 - Approving the Hazard Mitigation Plan.

#2016-97 - Approving Purchase of a New Backhoe Loader for the Streets Division of the Public Works Department from Murphy Tractor & Equipment Co. of Grand Island, NE in an Amount of \$110,434.00. Public Works Director John Collins answered questions regarding the purchase of the backhoe.

Motion by Paulick, second by Minton to approve Resolution #2016-97. Upon roll call vote, all voted aye. Motion adopted.

#2016-98 - Approving Purchasing/Buying Group for all City Departments (The Cooperative Purchasing Network). Public Works Director John Collins answered questions regarding the purchasing/buying group.

Motion by Paulick, second by Hehnke to approve Resolution #2016-98. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2016-99 - Consideration of Fees for Sanitary Sewer District No. 535T, Extension of Sanitary Sewer to Serve Part Lot 1; Voss Subdivision, Lots 1 & 2 Windolph’s Subdivision, and Part NW ¼ of Section 14-11-9. This item was related to the aforementioned Public Hearing.

Motion by Paulick, second by Minton to approve Resolution #2016-99. Upon roll call vote, all voted aye. Councilmember Hehnke abstained. Motion adopted.

#2016-100 - Consideration of Fees for Sanitary Sewer Dist. No. 537T, Extension of Sanitary Sewer to Serve Lots 1 & 2, TLST Spiels Subdivision & Part of the North Ten (10) Acres of the W Half of the NW Quarter (W1/2NW1/4) all In Section 10-11-9. This item was related to the aforementioned Public Hearing which was referred to a future Council meeting within one month.

#2016-101 - Consideration of Request from Azteca Market, LLC dba The Brick House, 115-117 West 3rd Street for a Class "I" Liquor License and Liquor Manager Designation for Maria Garcia, 644 East Meves. This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Jones to deny Resolution #2016-101 based upon Nebraska State Statutes 53-125 (2) & (13b); 53-132 (2a), (2b), & (2c); and 010.01 Nebraska Liquor Control Commissions Rules and Regulations. Upon roll call vote, Councilmembers Paulick, Minton, Fitzke, Donaldson, Hehnke, and Jones voted aye. Councilmembers Steele, Haase, and Stelk voted no. Motion adopted.

#2016-102 - Consideration of Request from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3rd Street for a Class "I" Liquor License and Liquor Manager Designation for Maria Garcia, 644 East Meves. This item was related to the aforementioned Public Hearing.

Motion by Paulick, second by Donaldson to deny Resolution #2016-102 based upon Nebraska State Statutes 53-125 (2) & (13b); 53-132 (2a), (2b), & (2c); and 010.01 Nebraska Liquor Control Commissions Rules and Regulations. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Haase, and Jones voted aye. Councilmember Stelk voted no. Motion adopted.

#2016-103 - Consideration of Approving Memorandum of Understanding for Assistance to Firefighters Grant for Fire Training Simulator. Fire Chief Cory Schmidt reported that the Assistance to Firefighters Grant (AFG) program was created to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments. GIFD and several members of their mutual aid association were eligible to apply for federal assistance to purchase a mobile fire training simulator. The GIFD seeks to enter into a memorandum of understanding (MOU) with the Aurora Fire Department, Chapman Fire and Rescue, Grand Island Suburban Fire Protection District #3, and Phillips Rural Fire District #9.

Chuck Hoffman representing the Grand Island Rural Fire Department and Alan Joos, training division chief with the Nebraska State Fire Marshal Office spoke in support.

Motion by Minton, second by Paulick to approve Resolution #2016-103. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Haase to approve the Claims for the period of April 13, 2016 through April 26, 2016 for a total amount of \$2,473,567.51. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Steele, second by Jones to adjourn to Executive Session at 8:56 p.m. for the purpose of a strategy session with respect to Litigation which is Imminent as Evidenced by Communication or a Claim or Threat of Litigation to or by the Public Body. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Paulick, second by Hehnke to return to Regular Session at 9:18 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:18 p.m.

RaNae Edwards  
City Clerk