



# City of Grand Island

Tuesday, January 22, 2002

Council Session

## Item G2

### Approving Minutes of January 8, 2002 City Council Regular Meeting

*The Minutes of the January 8, 2002 City Council Regular Meeting are submitted for approval See attached MINUTES.*

Staff Contact: RaNae Edwards



OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 8, 2002

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 January 8, 2002. Notice of the meeting was given in the Grand Island Independent on January 2, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle and City Attorney Charlie Cuypers.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue.

PRESENTATIONS AND PROCLAMATIONS:

It's About Kids! Audrey Rowley and Leah Koch presented *It's About Kids!* assets.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: One individual reserved time to speak on an agenda item.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 3358 West Old Highway 30 (Plaza Square Development, L.L.C.). Gary Mader, Utilities Director, reported that acquisition of a utility easement relative to the property of Plaza Square Development L.L.C., located in front of Lacy Construction at 3358 West Old Hwy. 30 was required in order to install, upgrade, maintain and repair power appurtenances, including lines and transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located Along the East Property Line of Stuhr Museum (Stuhr Museum Board of Hall County). Gary Mader, Utilities Director, reported that acquisition of utility easement relative to the property of the Museum Board of Hall County, located along the east property line of the Stuhr Museum, from the south side of U.S. Hwy. 34 to the Wood River, was required in order to install, upgrade, maintain and repair power appurtenances, including lines and transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Part of the NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, Section 14-11-10). Steve Riehle, Public Works Director, reported that

acquisition of a utility easement located in part of the NE1/4, SE1/4, Section 14-11-10 along the north edge of Potash Subdivision, was required in order to have access to install, upgrade, maintain, and repair sanitary sewer main and appurtenances. This easement would be used for installation of Sanitary Sewer District 493. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Part of the SW1/4, SE1/4 Section 14-11-10. Steve Riehle, Public Works Director, reported that acquisition of a utility easement located in part of the SW1/4, SE1/4, Section 14-11-10 along the west edge of Potash Subdivision, was required in order to have access to install, upgrade, maintain and repair sanitary sewer main and appurtenances. This easement would be used for installation of Sanitary Sewer District 493. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Lot 51, Potash Subdivision. Steve Riehle, Public Works Director, reported that acquisition of a utility easement located in Lot 51, Potash Subdivision was required in order to have access to install, upgrade, maintain and repair sanitary sewer main and appurtenances. This easement would be used for installation of Sanitary Sewer District 493. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Lot 17, Potash Subdivision. Steve Riehle, Public Works Director, reported that acquisition of a utility easement located in Lot 17, Potash Subdivision was required in order to have access to install, upgrade, maintain and repair sanitary sewer main and appurtenances. This easement would be used for installation of Sanitary Sewer District 493. No public testimony was heard.

#### ORDINANCES:

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

- #8709 – Consideration of Vacating Utility Easement Located in the North 4’ of Lot 4, Block 3, Dickey Second Subdivision (Marc and Marnie Sundermeier)
- #8710 – Consideration of Creating Sanitary Sewer District #504, Dale Roush Subdivision and Dale Roush 2<sup>nd</sup> Subdivision
- #8711 – Consideration of Vacating Utility Easement Located in Lot 10 and Lot 11, Commercial Industrial Park Subdivision

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 their first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Seifert seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in this ordinance? Bart Benson, 220 North Cherokee Avenue spoke in opposition to Ordinance #8710. Steve Riehle, Public Works Director, explained the process of the protest period and the costs associated with this district. No further public testimony was heard.

City Clerk: Ordinances #8709, #8710 and #8711 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.

City Clerk: Ordinance #8709, #8710 and #8711 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.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8709, #8710 and #8711 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Sorensen to refer Ordinance #8712 to a Study Session. Second by Larson.

#8712 – Consideration of Restricting Fire Arms Within Certain Areas of the Zoning Jurisdiction

Charlie Cuypers, City Attorney, reported that during the past several years, the City had received an increasing number of complaints concerning persons discharging firearms close enough to structures to cause the property to be struck by falling pellets. While most of the complaints had come from hunting activities in the fields south of Stolley Park Road and west of US Highway 281, there had been complaints made concerning deer hunters shooting along the Wood River east of Shady Bend Road and shotgun discharges immediately south of Rainbow Lake. Mr. Cuypers stated that Neb. Rev. Stat., §37-523 prohibits hunting any wild bird within a 200 yard radius of an inhabited dwelling or livestock feed lot. The National Rifle Association (NRA) minimum standard for shotfall zones for shotgun competition is a distance of not less than 300 yards.

Councilmember Larson was concerned about those people who had invested in building blinds and having to move them and felt this issue needed to go to a study session. Steve Dowding, 4608 Tara Place, spoke in opposition stating the differences between State Statutes and City Code. Also mentioned was the investments of the blinds which are currently within the state statutes regulations. Mr. Dowding stated that the Ordinance provides no exceptions for landowners hunting on their own land and suggested more consideration before this issues was passed.

Doug Axford, 318 Pheasant Drive; Tom Atkins, 4823 South North Road; Loren Greenwalt, 2920 North St. Paul Road and John Hoffman, 2319 East Stolley Park Road, all spoke in opposition.

Upon roll call vote to table this matter to a study session, Countilmembers Pielstick, Larson, Seifert, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Ward voted no. Motion adopted.

CONSENT AGENDA: Motion by Pielstick, second by Ward, carried unanimously to approve the Consent Agenda.

Approving Minutes of December 18, 2001 City Council Regular Meeting.

#2002-1 – Approving Acquisition of Utility Easement Located at 3358 West Old Highway 30 (Plaza Square Development, L.L.C.)

#2002-2 – Approving Acquisition of Utility Easement Located Along the East Property Line of Stuhr Museum (Stuhr Museum Board of Hall County).

#2002-3 – Approving Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Part of the NE¼, SE¼, Section 14-11-10.

#2002-4 – Approving Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Part of the SW¼, SE¼, Section 14-11-10.

#2002-5 – Approving Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Lot 51, Potash Subdivision.

#2002-6 – Approving Acquisition of Utility Easement for Sanitary Sewer District #493 Located in Lot 17, Potash Subdivision.

#2002-7 – Approving Change Order #1 for Engineering Services to the Corrosion Control Study with CH2MHill, with an Increase of \$400.00 for an Adjusted Contract Amount of \$19,800.00. Councilmember Pielstick voted no.

#2002-8 – Approving Change Order #1 for the Water System Engineering Evaluation with CH2MHill, with an Increase of \$2,100.00 for an Adjusted Contract Amount of \$131,630.00. Councilmember Pielstick voted no.

#2002-9 – Approving Deferral of Assessment, Sanitary Sewer District #493 for Agricultural Property for Eric Pollock, Rudolf F. Plate and T & E Cattle Company.

#2002-10 – Approving Change Order #1 to the Contract with Diamond Engineering for Street Improvement District #1237, Wortman Drive, with an Increase of \$14,200.75 for an Adjusted Contract Amount of \$363,063.98. Councilmember Pielstick voted no.

#2002-11 – Approving Lease Agreement with Hall County Historical Society for the Use of the Burlington Depot as a Satellite Police Station.

#2002-12 – Approving Funding for Household Hazardous Waste Collection Day in the Amount of \$3,000.00.

REQUESTS AND REFERRALS:

Request of Lupercio Lopez-Deleon, 224 South Sycamore Street for Taxi Cab Company Permit for Taxi Latino. This item was pulled from the agenda.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Sorensen, carried unanimously to approve the Claims for the period of December 19, 2001 through January 8, 2002, claims #114805 and #114936 through #115582 for a total amount of \$3,202,513.45. Motion was made by Whitesides to amend the motion to exclude claim 115563 to Dick Hartman in the amount of \$100,000 for a total amount of \$102,513.45. Second by Hornady. Motion was adopted unanimously.

EXECUTIVE SESSION:

Motion by Pielstick, second by Hornady, carried unanimously to adjourn to executive session at 7:55 p.m. for the purpose of discussing pending litigation.

RETURN TO REGULAR SESSION:

Motion by Pielstick, second by Hornady, carried unanimously to reconvene in regular session at 8:25 p.m.

Consideration of the Dick Hartman Claim: Motion was made by Whitesides to deny Claim #115563 to Dick Hartman in the amount of \$100,000.00 with the reason that frivolous claims would not be tolerated by the Council and that this claim be appealed to a higher court. Second by Walker. Upon roll call vote the Council unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk