



City of Grand Island

Tuesday, September 24, 2002

Council Session

Item G2

Approving Minutes of September 10, 2002 City Council Regular Meeting

The Minutes of the September 10, 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

September 10, 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 September 10, 2002. Notice of the meeting was given in the Grand Island Independent on September 4, 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, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Youth Minister Brian Pielstick, Independent Bethel Baptist Church, 1223 East 6th Street.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: Ten individuals reserved time to speak on agenda items.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Always Remember 9-11 Day", September 11, 2002. Mayor Gnadt proclaimed September 11, 2002 as "Always Remember 9-11 Day" and encouraged all citizens to honor the victims of September 11 by reaffirming their commitment to sustaining our newfound patriotism through volunteerism, community involvement, and service.

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

#2002-BE-6 – Determining Benefits for Business Improvement District #2, Downtown. Motion by Murray, second by Whitesides, to approve Resolution #2002-BE-6 carried unanimously.

#2002-BE-7 – Determining Benefits for Business Improvement District #3, South Locust Street from Highway 34 to Stolley Park Road. Motion by Murray, second by Whitesides, to approve Resolution #2002-BE-7 carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Request of Stalker Development, Ltd., Harry Stalker, President, for Conditional Use Permit for Temporary Placement of a Hot Dog Stand Located at 410 South Webb Road. Chad Nabity, Regional Planning Director, reported that Harry Stalker, President of Stalker Development, Ltd., 410 South Webb Road, had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for a 14' x 33' mobile kitchen to be used as a hot dog stand for drive-in customers at 410 South Webb Road. A conditional use permit was required as the applicant is requesting utility connections to this temporary building. No public testimony was heard.

Public Hearing Concerning Change to the Grand Island Zoning Ordinance to Allow Self Storage Facilities in TZ Transitional Agriculture and B2 General Business Zone. Chad Nabity, Regional Planning Director, reported that this item would change the Grand Island Zoning Ordinance to define and allow self-storage facilities within various zoning districts as presented, as requested by Bryce Bartu. Mr. Nabity also stated that at the regular meeting of the Regional Planning Commission on August 7, 2002, they voted to recommend approval of this item with 6 members present voting for, 2 members voting against, and 1 member abstaining. Ron Depue, Attorney for Bryce Bartu spoke in favor. The following people spoke in opposition: Virginia Stevens, 3035 North Webb Road; Golda Bockbrader, 3005 North Webb Road; Carol Swanson, 3023 North Webb Road; and Amy Norton, 3131 North Webb Road. No further public testimony was heard.

Public Hearing to Consider Revisions to the Grand Island Zoning Ordinance Pertaining to Salvage Yards and Conditional Use Permits. Chad Nabity, Regional Planning Director, reported that this would change the Grand Island Zoning Ordinance Chapter 36 pertaining to salvage yards, and conditional use permits. At the regular meeting of the Regional Planning Commission on August 7, 2002, they unanimously voted to approve these changes. The proposed revisions would update the definition of salvage yards to include items other than wrecked autos, established a more complete set of standards for the physical items required in order to operate a yard, such as sight obscuring fencing completely around the facility, proper storage of EPA hazardous materials, and sets out in detail the process for reviewing violations by operators. Jim Lennon representing Alter Scrap Processing and Tim Barts, 3371 North Highway 281 spoke in opposition. No further public testimony was heard.

Public Hearing on Setting Occupation Tax for Downtown Improvement and Parking District #1. Cindy Johnson, Community Projects Director, reported that this request was the annual Council action to establish the occupation tax that supports the budget for Downtown Improvement and Parking District #1. Assessments in this district were based upon an occupation tax on the public space of the businesses operating within the District and were ordinarily paid by the business occupants of the space. This district had been in place since 1975, and was primarily focused on physical improvements such as the purchase and maintenance of parking lots and public green areas, the alleyway improvement project, purchase of holiday decorations, flags, banners, trees, parking monitoring, and snow removal and other activities as allowed by NE. Rev. Statutes 19-4016-4038. The FY2002-2003 occupation tax factor was \$00.1354 per square foot of public use space, with a minimum annual fee of \$104.72. This level was slightly higher than last year's tax factor of \$00.1260. The increase would allow for the continuation and completion of many of the projects underway in the Downtown area. These projects were identified in the Downtown Identity and Design Study and had been adopted as priorities of the Downtown Board. Efforts

included: maintenance and care of the green space area in the downtown, including the pocket park on South Front Street, Kaufman-Cummings Park, as well as the entryway signage, and parking enforcement. No public testimony was heard.

Public Hearing on General Property, Parking District #2 and Community Redevelopment Authority Tax Request. David Springer, Finance Director, reported that Nebraska State Statute 77-1601-02 required that the City of Grand Island conduct a public hearing if the property tax request changed from one year to the next. The general property tax request increased from \$6,050,018 in FY2001-2002 to \$6,480,000 for FY2002-2003, or an increase of \$429,982. This represented a 7.1% increase in property tax dollars and a 0.3% decrease in the city of grand Island's levy. The property tax request for Parking District #2, also known as the Parking Ramp (Fund 271), decreased from \$47,250 in FY2001-2002 to \$30,018 for FY2002-2003, or a decrease of \$17,232. Parking District #2's levy decreased by 36.4%. The property tax request for the Community Redevelopment Authority increased from \$402,431 in FY2001-2002 to \$431,150 for FY2002-2003, an increase of \$28,719. This represented a 7.1% increase in property tax dollars and no change in the CRA's levy. Mr. Springer stated the City Council needed to pass a resolution by majority vote setting the property tax request for the General property tax at \$6,480,000, the Parking District #2 property tax at \$30,180 and the Community Redevelopment Authority property tax at \$431,150. No public testimony was heard.

Public Hearing on Proposed Use of Local Law Enforcement block Grant Funds. Police Chief Kyle Hetrick, reported that the Grand Island Police Department was eligible for federal LLEBG funds annually. This year, the award was \$33,593. Because of Hall County being federally designated as a "disparate community", 25% of the funds would be awarded to the Hall County Sheriff's Office. Our share, including the city match of \$2,604, would be \$23,432. These funds were not to be used for personnel costs; just police equipment. Chief Hetrick also stated there was a federal mandate that required a public hearing regarding the dispersing of the block grant funds. Additionally, a grant advisory board meeting was held to discuss the funds allocation. In September 2002, members of the grant advisory board consisting of Dr. Kent Mann, Jerry Janulewicz, Carol Castleberry, Charlotte Lanzdorf, and Chief Hetrick discussed the 2001 grant. The grant funds were tentatively allocated for the following: portable radios with replacement batteries and chargers and for supplemental replacement and installation costs of wireless communication equipment. No public testimony was heard.

Public Hearing on Request of GCB Restaurant Group, LLC dba Garden Café & Bakery/Tiffany's Lounge, 3333 Ramada Road, for Class "C" Liquor License. City Clerk RaNae Edwards, reported that Brian Lockman, Owner of GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road, had submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 28, 2002; notice to applicant of date, time and place of hearing mailed on August 28, 2002; notice to the general public of date, time and place of hearing published on August 31, 2002; Chapter 4 of City Code and departmental reports as required by City Code. No public testimony was heard.

Public Hearing on Request of Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, for Class "C" Liquor License. City Clerk RaNae Edwards, reported that Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, had submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 29, 2002; notice to applicant of date, time and place of hearing mailed on August 29, 2002; notice to the general public of date, time and place of hearing published on August 31, 2002; Chapter 4 of City Code and departmental reports as required by City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at Faidley and Weis Drive. (Farm Credit Services) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at Faidley and Weis Drive (west of Webb Road), was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate both water and electric lines on the north side of the property and electric lines only on the west side of the property. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of Husker and West of Highway 281. (Pedcor Investments) Gary Mader, Utilities Director, reported that acquisition of a utility easement located in the Pedcor Subdivision north of Husker Highway and west of Highway 281, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground cable and pad-mounted transformers to serve new apartment buildings. 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 ordinances numbered:

- #8762 - Consideration of Vacating Public Utility Easement at 2910 West 5th Street
- #8763 - Consideration of Vacating Public Utility Easement at 2320 South Locust Street
- #8764 – Consideration of Downtown Business Improvement District #2 Assessments
- #8765 – Consideration of Downtown Business Improvement District #3, South Locust Street from Highway 34 to Stolley Park Road, Assessments
- #8768 – Consideration of Amendment to Chapter 13 of City Code Relative to Occupation Tax for Downtown Improvement and Parking District #1 and Downtown Fees
- #8770 – Consideration of Creation of Sidewalk District No. 1, 2002

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

Mayor: Is there any one in the audience interested in these ordinances? No public testimony was heard.

City Clerk: Ordinances #8762, #8763, #8764, #8765, #8768 and #8770 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: Ordinance #8762, #8763, #8764, #8765, #8768 and #8770 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: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8762, #8763, #8764, #8765, #8768 and #8770 are declared to be lawfully passed and adopted upon publication as required by law.

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

#8766 – Consideration Concerning Changes to the Grand Island Zoning Ordinance to Define and Allow Self-Storage Facilities within the TA Transitional Agriculture and B2 General Business Zone

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 this ordinance on its first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Murray seconded the motion. Upon roll call vote, Councilmembers Larson, Whitesides and Murray voted yes. Councilmembers Pielstick, Ward, Seifert, Hornady, Haase, Walker, and Sorensen voted no. Motion failed.

Motion was made by Murray and second by Larson to approve Ordinance #8766 on first reading. Councilmembers Pielstick and Seifert voiced concerns about the owner of this property beginning work before the zoning changes were in place. Councilmember Larson questioned what was permitted on TA ground. Discussion was held concerning set backs, location of storage units and appearances. Al Avery, 3125 North Webb Road spoke in opposition. Upon roll call vote, Councilmembers Whitesides and Murray voted yes. Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Haase, Walker and Sorensen voted no. Motion failed.

Councilmember Larson requested this issue be brought back before Council at a Study Session.

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

#8767 – Consideration Concerning Revisions to the Grand Island Zoning Ordinance Pertaining to Salvage Yards and Conditional Use Permits

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 this ordinance on its first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember

Pielstick seconded the motion. Upon roll call vote, Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase and Murray voted yes. Councilmembers Walker and Sorensen voted no. Motion was adopted.

Jim Lennon representing Alter Scrap Processing and Lewis Kent, 624 East Meves spoke in opposition. Councilmembers Pielstick and Whitesides voiced concerns about fencing.

City Clerk: Ordinance #8767 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 Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase and Murray voted yes. Councilmembers Walker and Sorensen voted no. Motion was adopted.

City Clerk: Ordinance #8767 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase and Murray voted yes. Councilmembers Walker and Sorensen voted no. Motion was adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8767 is declared to be lawfully passed and adopted upon publication as required by law.

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

#8769 – Consideration of Approving Salary Ordinance

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

Jarrett Daugherty, FOP President, spoke in opposition to changes in the Salary Ordinance with regards to the FOP. Don Dreier, 2520 South Stuhr Road spoke in support of the Police Officers. City Administrator Marlan Ferguson explained the reasons for the changes. Human Resources Director Brenda Sutherland explained the AFSCME changes. Councilmember Whitesides suggested that Council wait until the appeal process is complete. Police Chief Kyle Hetrick spoke in support of the changes. Discussion was held regarding the overtime pay. No further public testimony was heard.

Motion was made by Whitesides to table the 7-K portion of Ordinance #8769 relative to FOP to a later date. Seconded by Seifert. Carried unanimously to approve.

City Clerk: Ordinance #8769 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 #8769 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: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8769 is declared to be lawfully passed and adopted upon publication as required by law.

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

Approving Minutes of August 27, 2002 City Council Regular Meeting. Councilmember Hornady abstained.

Approving Request of Stalker Development, Ltd, Harry Stalker, President, for Conditional Use Permit for Temporary Placement of a Hot Dog Stand Located at 410 South Webb Raod.

Approving Request of GCB Restaurant Group, LLC dba Garden Café & Bakery/Tiffany's Lounge, 3333 Ramada Road, for Class "C" Liquor License.

Approving Request of Timothy Peterson, 11010 South 17th Street, Bellevue, Nebraska, for Liquor Manager Designation for GCB Restaurant Group, LLC dba Garden Café & Bakery/Tiffany's Lounge, 3333 Ramada Road.

Approving Request of Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, for Class "C" Liquor License. Councilmember Pielstick voted no.

#2002-272 – Approving Use of Local Law Enforcement Block Grant Funds.

#2002-273 – Approving Acquisition of Utility Easement Located at Faidley and Weis Drive. (Farm Credit Services)

#2002-274 – Approving Acquisition of Utility Easement Located North of Husker Highway and West of Highway 281. (Pedcor Investments)

#2002-275 – Approving Final Plat and Subdivision Agreement for Commercial Industrial Park Third Subdivision. It was noted that Gary Jacobson, owner, had submitted the final plat for Commercial Industrial Park Third Subdivision, located South of Frontage Road, and East of Webb Road for the propose to resubdivide part of Commercial Industrial Park Subdivision into 3 new lots.

#2002-276 – Approving Amendment to Agreement with CH2MHill for Review of Sewage Sludge Handling and Disposal at the Wastewater Treatment Plant in an Amount Not to Exceed \$625,149.00.

#2002-277 – Approving Supplemental Agreement with the Nebraska Department of Roads for Two New Northbound Bridges on South Locust Street for a Cost of 20% of the Engineering Services or Approximately \$30,000.00.

#2002-278 – Approving Bid Award for Water Main District #440 with Starostka Group Company, Grand Island, Nebraska in an Amount of \$93,167.12.

#2002-279 – Approving Bid Award for 2003-2004 Coal Supply with RAG Energy Sales, Inc., of Englewood, Colorado.

#2002-280 – Approving Authorization of Grant Application from the Transportation Enhancement Program for Historic Lighting in Downtown.

#2002-281 – Approving Nomination of Central Nebraska Ethnic Festival to the Nebraska Community Improvement Program.

#2002-282 – Approving Annual Maintenance and Support Contract for Accounting Software and Integrated Financial Program with Process, Inc., dba Munis in an Amount of \$73,829.70.

#2002-283 – Approving Annual Maintenance and Support Contract for Ambulance Billing Software with Sweet Computer Services, Inc. in an Amount of \$1,860.00.

#2002-284 – Approving Amendment Chapter 5 of the Grand Island City Code Relative to the Approved Animal List.

REQUESTS AND REFERRALS:

Request to Use a Portion of the Alley West of Eddy Street Between 2nd Street and 3rd Street for Parking. Public Works Director Steve Riehle, reported that U Save Pharmacy, Central Pharmacy, located at 802 West 2nd Street, recently completed a paving project in the alley behind their store. Tim Terjak owns the property directly north of the Pharmacy across the alley at 216 North Eddy. This property was a residential rental facility. Prior to the paving project, tenants of the Terjak property used the alley to park behind the residence. Since the completion of the paving project, the Grand Island Police Department had been enforcing the “No Parking” restrictions for alleys. Mr. Terjak requested a License Agreement from the City to allow parking in this area. He requested permission to use the north 2’-3’ of the alley for parking. City staff had reviewed his request and do not feel they should approve the request due to traffic in the alley. Mr. Terjak had decided to appeal that decision to the City Council. It was recommended that Council deny the appeal and maintain the No Parking restriction for the alley.

Tim Terjek, 1547 North Monitor Road spoke in support.

Motion was made by Seifert, second by Sorensen, to approve this request. Motion adopted unanimously.

RESOLUTIONS:

#2002-285 – Consideration of Approving Property Tax Request for FY2002-2003 General All-Purpose Property Tax, Community Redevelopment Authority and Parking District #2 (Ramp). Finance Director David Springer, reported that the general property tax request increased from

\$6,050,018 in FY2001-2002 to \$6,480,000 for FY2002-2003, or an increase of \$429,982. This represented a 7.1% increase in property tax dollars and a 0.3% decrease in the city of Grand Island's levy. The property tax request for Parking District #2, also known as the Parking Ramp (Fund 271), decreased from \$47,250 in FY2001-2002 to \$30,018 for FY2002-2003, or a decrease of \$17,232. Parking District #2's levy decreased by 36.4%. The property tax request for the Community Redevelopment Authority increased from \$402,431 in FY2001-2002 to \$431,150 for FY2002-2003, an increase of \$28,719. This represented a 7.1% increase in property tax dollars and no change in the CRA's levy. It was recommended that the City Council pass Resolution #2002-285 by majority vote setting the property tax request for the General property tax at \$6,480,000, the Parking District #2 property tax at \$30,180 and the Community Redevelopment Authority property tax at \$431,150.

Motion was made by Sorensen, second by Hornady, to approve Resolution #2002-285. Carried unanimously to approve.

#2002-271 – Consideration of Approving 1% Increase to the Lid Limit. City Administrator Marlan Ferguson, reported that in 1998 the Nebraska State Legislature passed LB 989, which put a cap on the amount of restricted revenues a political subdivision could budget for. The restricted revenues that the City of Grand Island included in the budget were Property Taxes, Payments in Lieu of Property Tax, Local Option Sales Tax, Motor Vehicle Tax and State Aid. Of those restricted revenues, property tax was the only revenue that the City could control. The increase in restricted funds authority using the 1% additional amount and the population growth (when available) was not an increase in budgeted revenues. It only provided the ability to increase restricted revenues, particularly property tax, in a future year if necessary.

A lengthy discussion was held concerning the advantages of approving the 1% increase to the lid limit. Motion was made by Whitesides, seconded by Seifert, to approve Resolution #2002-271. Carried unanimously to approve.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Seifert, carried unanimously to approve the Claims for the period of August 28, 2002 through September 10, 2002, for a total amount of \$2,005,605.98.

ADJOURNMENT: The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk