



City of Grand Island

Tuesday, April 13, 2004

Council Session

Item G2

Approving Minutes of April 6, 2004 City Council Study Session

The Minutes of April 6, 2004 City Council Study Session are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

April 6, 2004

Pursuant to due call and notice thereof, a Study Session 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 6, 2004. Notice of the meeting was given in the Grand Island Independent on March 31, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Gilbert was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Doug Walker and Public Works Director Steve Riehle.

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

MAYOR COMMUNICATION: Mayor Vavricek introduced Jennifer Fuller newly hired Public Information Officer.

Discussion Concerning Amending Chapter 16 of the Grand Island City Code Relative to Fireworks. Fire Chief Jim Rowell stated that fireworks sales and discharge regulations had been in effect for cities in Nebraska for many decades. It had always been a struggle to find a balance between safety and celebration concerning this issue.

Originally, this issue was placed on the March 23rd Council Meeting for consideration. There was a great deal of public input on the issue, which indicated a need for a more in depth review on the subject.

The State Fire Marshall's office had provided guidelines for the regulation of fireworks, but the City had the ability to adopt local regulations to ensure local control of the practice of celebrating the 4th of July and other important events. The City of Grand Island had been looking at our fireworks regulations in order to update our code to accomplish the following:

- Eliminate duplication and streamline the permitting process
- Increase and insure safety
- Allow for the appropriate celebration of special events
- Mirror newer regulations implemented by the State

An ordinance had been drafted with the review and input of the Fire, Police, Building, Legal and Administration Departments. This ordinance would change the City Code with the aforementioned goals in mind. Many of the changes were descriptive or minor housekeeping

adjustments. However, there were substantive changes that were policy concerns that would change the direction of the law. Following is a brief description of the substantive changes proposed:

- Days of sale shortened from June 24th - July 4th to July 1st - July 4th
- Hours changed for Discharging & Sale from 8 AM to 11 PM to:
10 AM to 10 PM for sale of fireworks
10 AM to 11 PM July 1-3 for discharge of fireworks
10 AM to 12 Midnight July 4th for discharge of fireworks
- Ban all direct public access to fireworks in fireworks stands
- Ban all unattached signs concerning fire stands
- Change process for permitting fire stands to make Fire Department One Stop location
- Delineate fireworks can not be discharged within 300 feet of a fire works stand
- Allow for approval process of special events discharge of fireworks during the year
- Establish throwing fireworks as a class III misdemeanor
- The size of fireworks stands allowed changed from 300 to 320 square feet. This would accommodate the use of 8' X 40' spaces such as semi trailers.

It was noted that City Administration had contacted organizations that received fireworks permits to assure they knew about the Study Session on this issue.

Councilmember Hornady made a speech on the meaning of the 4th of July and why we celebrate it. Ms. Hornady supported not changing the time of sales and discharge. This was followed by a standing ovation. Councilmember Walker questioned the reason for shortening the time frame. Chief Rowell stated that it was a safety issue. It would impact the Police and Fire Departments in response calls. Mr. Walker stated the biggest complaints he had received was those people working and wanted to see shortening the hours for discharging.

Councilmember Meyer stated he would like to see just seven days available to sell fireworks and supported the ban on selling out of semi-trailers. Councilmember Cornelius questioned the selling of over-the-counter with regards to semi-trailers. Chief Rowell stated that the trailers could store their fireworks in the trailers but this Ordinance would restrict patrons from going into the trailers. Ms. Cornelius supported the full eight days but would encourage shorter time to discharge.

Councilmember Pielstick commented on the importance of patriotism and encouraged parents to teach their children the importance of safety. Councilmember Haase questioned throwing

fireworks in the street. Chief Rowell stated that it was illegal to use public right-of-way, such as streets for discharging fireworks. City Attorney Doug Walker commented that using city streets had not been a problem. City Administrator Gary Greer stated that in the Ordinance, discharging fireworks on the right-of-way was prohibited because of the liability to the city.

Councilmember Whitesides questioned who was involved in creating this ordinance. Chief Rowell stated the Fire, Police, Building, Legal and City Clerk's office were involved. Mr. Whitesides complimented these individuals for their hard work. He stated that no matter what restrictions we put on fireworks, there would be those that would not follow it.

Police Chief Hetrick commented on statistics with regards to the date of sales and calls relating to fireworks. Councilmember Nickerson stated he hoped we would not wait for an accident before we do something. He stated we need to be proactive on this issue. Mentioned was a balance between celebration, public safety, and quality of life.

Mayor Vavricek commented on the time for discharging fireworks and that it's barely dark by 10:00 p.m.. Mentioned was the survey done by City Clerk and City Administrator with regards to the cost of the permits.

The following individuals spoke with regards to the firework changes proposed:

Paul Leech, 924 East Nebraska Avenue – opposed
Ken Enck, 619 North Sherman Avenue - opposed
Rich Ludvick, 1752 County Road E, Wahoo, Nebraska – opposed
Justin Geis, 2203 North Lafayette – opposed
Joe DeLeon, 404 West 12th Street – opposed
Casey Oldiron, 626 South Colorado, Hastings, Nebraska – commented on fire safety
Dianne Orr, 1623 West Koenig – opposed
Teri Urbanski, 1824 Grand Island Ave – opposed - suggested 12:00 midnight on July 3rd
Virginia Juett, 422 East 9th Street – opposed
Rhonda Barker, 608 West 15th Street – opposed
Margie Kolar, 1739 South Ingalls Street – opposed
Glendale Reiss, 910 North Boggs Street – opposed
Lynn Mayhew, 2221 West Anna Street – opposed
Mike Miller, 15101 Munridge Road, Lincoln, Nebraska - opposed
Donna Wratten, 605 East Bismark Road – opposed
Marv Kolar, 1739 South Ingalls Street – opposed - suggested educating the public
Kelly Baier, 216 Beachwood Drive – opposed
Jerry Pankoke, 818 West Anna Street – opposed
Laura Dexter, 4076 Zola Lane - opposed

Several Councilmember's stated that this issue needed to be looked at further and not be placed on the next regular meeting.

Craig Lewis, Building Department Director commented on the process of issuing firework permits and inspecting those stands. City Clerk RaNae Edwards commented on pending permits,

fees, and applications. Gary Greer, City Administrator stated that this issue would be studied further by city staff and be brought back with those housekeeping issues that were discussed and agreed upon within the next 30 days.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk