



City of Grand Island

Tuesday, September 14, 2004

Council Session

Item G2

Approving Minutes of September 7, 2004 City Council Study Session and Special Meeting

The Minutes of September 7, 2004 City Council Study Session and Special Meeting are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

September 7, 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 September 7, 2004. Notice of the meeting was given in the Grand Island Independent on September 1, 2004.

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

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

MAYOR COMMUNICATION: Mayor Vavricek mentioned the death of Serviceman Eric Knott who lost his life in Iraq while serving our country and to remember his family.

DISCUSSION CONCERNING NUISANCE CODE CHANGES: City Attorney Doug Walker reported that the City had received complaints regarding various properties around the City of Grand Island that presented an unsightly appearance, but which did not currently violate the provisions of Grand Island Nuisance Ordinance Section 20-13.

Proposed changes to Section 20-13 were presented which would create five additional types of violations. The following five changes were discussed:

- Subsection C – offends decency

- Subsection D – is offensive to senses

- Subsection E – unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city

- Subsection F – in any way renders other persons insecure in life or the use of their property

- Subsection G – essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others

Discussion was held with regards to animal waste concerning horses. Mr. Walker stated as long as it did not accumulate, create an odor, or cause a health problem it would not be a problem. The definition of “decency” was discussed. Mr. Walker defined it as anything offending the neighborhood. Complaints could be brought to the Problem Resolution Team (PRT) which would then be turned over to the Code Compliance Officer for enforcement.

Councilmember Nickerson recommended deleting Subsection C – “offends decency” as it was subjective. He questioned if the City was ready to take this on if it were passed. Mr. Walker stated that his office was. Comments were made by City Councilmembers concerning situations within the City that needed to be looked at.

City Administrator Gary Greer cautioned the Council about eliminating Subsection C and that we needed to look at it with regards to pornography which offends decency. He questioned how aggressive the City Council wanted staff to be in dealing with these issues and that we needed to develop a policy. Discussion was held with regards to those homes that were rented and were a nuisance.

The following people spoke with regards to the nuisance code changes:

Dave Seiser, 804 Geddes commented on his business of dealing with hides and skins and would like to see that wording taken out of the ordinance

Julia Royer, 923 West John Street commented on the property at the corner of Anna Street and Greenwich and supported of these changes

Karen Nagel, 1905 N. North Road spoke concerning animal manure and suggested the word “excessive” to replace “any quantity” in the ordinance

Alan Piel, 1906 Stolley Park Road spoke with regards to his compost that included manure and several other items on the list

Michael O’Connell, 602 South Greenwich asked if diesel fuel fumes coming into a home was a violation. City Attorney Doug Walker stated that it could be.

Cindy Troester, 611 South Greenwich commented on the property at Anna and Greenwich and the effect it was having on her property valuation.

Steve Stimple, 3126 Goldenrod Drive commented on his business in taxidermy and fur buying

Rick VanBibber, 214 East Oklahoma commented with regards to disposing animal waste

Lewis Kent, 624 East Meves Avenue commented on more regulations and mentioned the ones on the books that were not being enforced

Paul Wicht, 724 West 17th Street commented on disposing game animal waste

City Attorney Doug Walker stated that the wording of skins and hides could be taken out of Section 20-13.1(A) in the proposed ordinance. It was the consensus of the Council to leave this wording in the ordinance. Mayor Vavricek recommended that City staff meet with the Health Department to discuss health issues with regards to the proposed code changes.

Councilmember Pielstick requested that this issue be brought forward to the September 14, 2004 Regular City Council meeting for a vote.

DISCUSSION CONCERNING REVISIONS TO DOG ORDINANCES: City Attorney Doug Walker reported that city staff was proposing three changes to the City Code dealing with dogs running at large and the process for declaring dogs vicious. These changes were recommended by the Animal Advisory Board. Proposed changes to City Code Sections 5-37, 5-1, and 5-34 were discussed to improve and expedite the process of declaring dogs vicious to protect the public. Minor changes were proposed to the language in the dog running at large definition.

The following people spoke with regards to the revisions to the dog ordinances:

Pete Kortum, 1718 South Blaine Street spoke in support and commented on Section 5-1 "Running at Large" and the word "unattended". He recommended we differentiate between viscous and non-viscous dogs.

Tammy Ross, 239 South Oak Street presented pictures of her daughter "Abby" that had been bitten by a dangerous dog. She spoke in support of the code changes.

Seraphine Aguilar, 923 East 6th Street spoke with regards to an incident concerning his dog that did no harm and no proof to support the complaint. Pat Bell, Executive Director of the Humane Society spoke concerning this incident where an investigation was conducted and a bite was found.

Alan Piel, 1906 Stolley Park Road spoke with regards to meter readers and the "one strike you're out" rule

Discussion was held with regards to the definition of "dangerous animal" versus "potentially dangerous animal", whether we should have a specific breed designation in city code, meter readers, and "one strike you're out" rule. Discussed and supported by the Council was that if a dog kills someone it should be immediately put down.

Pat Bell, Executive Director of the Humane Society explained the process of labeling a dog dangerous. Investigations were done when a dog had bitten someone.

City Administrator Gary Greer stated that this issue would be brought before the Animal Advisory Board to address further issues as discussed at this meeting.

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

Respectfully submitted,

City Clerk
RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

September 7, 2004

Pursuant to due call and notice thereof, a Special 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 7, 2004. Notice of the meeting was given in the Grand Island Independent on September 2, 2004.

Mayor Jay Vavricek called the meeting to order at 9:50 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, and City Attorney Doug Walker.

EXECUTIVE SESSION:

Motion by Pielstick, second by Hornady, carried unanimously to adjourn to executive session at 9:50 p.m. for the purpose of discussing property negotiations.

RETURN TO REGULAR SESSION:

Motion by Hornady, second by Cornelius, carried unanimously to reconvene in regular session at 10:20 p.m.

ADJOURNMENT: Adjourned the meeting at 10:20 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk