



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G2

Approving Minutes of September 28, 2004 City Council Regular Meeting

The Minutes of September 28, 2004 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 28, 2004

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 28, 2004. Notice of the meeting was given in the Grand Island Independent on September 22, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Randy Fett, St. Paul Lutheran Church, 1515 South Harrison Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the Harvest of Harmony Parade this Saturday, October 2, 2004. Also mentioned was that Item C-1 was being pulled from the agenda at the request of Senator Ray Aguilar. Mayor Vavricek stated that there were many elected officials who have given of their time and efforts to serve the people of Grand Island and it was important to recognize them.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Senator Ray Aguilar Appreciation Week" September 27, 2004: Pulled from the agenda at the request of Senator Ray Aguilar.

Recognition of Contributors to the GREAT Summer Youth Program: Grand Island Police Officer Butch Hurst commented on the GREAT Summer Youth Program and introduced the following officers that helped with the program: Sergeant Steve Rathman, Officer Rick Ressel, Officer James Urbanski, and Officer Stan Steele. The Mayor presented plaques to the following contributors of the Grand Island Police Department Great Summer Youth Program: Tim & Tom Dinsdale and Mike Jacobowski, Tom Dinsdale Chevrolet; Fred Groenke, Super Saver; Chris Burling, Howard School; Dr. Steve Joel, Grand Island School Systems; and Kevin Neth, Coca-Cola. Also mentioned were Sam's Club, Wal-Mart, and Bosselman.

PUBLIC HEARINGS:

Public Hearing for a Nebraska Department of Economic Development Planning Grant. Joni Kuzma, Development Specialist reported that the Nebraska Department of Economic Development was offering a second cycle of funding for a CDBG Planning Grant. The City would apply for the grant for needs assessment of homeless and homeless housing needs in Grand Island and the area served by Hope Harbor which included Hall, Hamilton, Howard and Merrick Counties, and the tri-city area. Marvin Anderson, President of Hope Harbor spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1123 N. St. Paul Road. (Habitat for Humanity) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1123 N. St. Paul Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to relocate a power pole to the south edge of the property to facilitate the construction of a new home. No public testimony was heard.

Public Hearing on Request of Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street for an Addition to their Class "C-01463" Liquor License. City Clerk RaNae Edwards reported that Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street had submitted an application with the City Clerk's Office for an addition to their Class "C-01463" Liquor License. This request was to add a 24' x 28' addition to the northeast corner of the building which would be enclosed by a 6' stockade fence. Dennis Garrels, 303 Lakeside Drive spoke in support and was present to answer questions. No further public testimony was heard.

ORDINANCE:

Councilmember Pielstick made the motion that the statutory rules requiring ordinances to be read by title on three different days be suspended and that ordinances numbered:

#8936 - Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

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 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 this Ordinance? Gene Dominic, 221 East 1st Street spoke concerning the enforcement of the laws on the books. He suggested that the City be proactive and that maybe another full-time or part-time Code Enforcement Officer was needed. Also mentioned was equal enforcement. Mr. and Mrs. Martin Gomez, 1004 West Anna Street with interpreter Yolanda Nuncio commented about being upset with regards to a newspaper article about their property. Explained were actions taken to correct any code enforcement issues on their property. Ms. Nuncio read two letters signed by neighbors who had no problem with the

Gomez property. City Attorney Doug Walker stated that the Legal Department had had contact with the Gomez's and this ordinance would have no effect on their property as it was within the City code regulations at this time. No further public comment was heard.

City Clerk: Ordinance #8936 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 #8936 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 #8936 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-5 and G-12 were pulled from the consent agenda. Motion by Hornady, second by Cornelius, to approve the Consent Agenda excluding items G-5 and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 14, 2004 City Council Regular Meeting.

Approving Minutes of September 21, 2004 City Council Study Session. Councilmember Carole Cornelius abstained.

Approving Request of Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street for Addition to their Class "C-01463" Liquor License.

#2004-236 – Approving Bid Award for Padmount Transformers with Cahoon Sales of Elkhorn, Nebraska in an Amount of \$41,450.00 plus tax.

#2004-238 – Approving Acquisition of Utility Easement Located at 1123 N. St. Paul Road. (Habitat for Humanity)

#2004-239 – Approving Nebraska Department of Economic Development Planning Grant.

#2004-240 – Approving Lease of Vacant Lot at 3rd & Kimball with Senior Citizens Industries, Inc.

#2004-241 – Approving Grant Application from the Transportation Enhancement Program with College Park for Construction of the Riverway Hike/Bike Trail.

#2004-242 – Approving Bid Award for Galvanized Steel Exterior Box Corrugated Culverts at CAAP with CONTECH Construction Products, Inc. of Lincoln, Nebraska in an Amount of \$89,203.20.

#2004-243 – Approving Amendment to Management Agreement with Heartland Public Shooting Park.

#2004-245 – Approving Certificate of Final Completion and Setting Board of Equalization Hearing Date for Sanitary Sewer District No. 513, Gosda Subdivision Along Lillie Drive West of North Road.

#2004-246 – Approving Bid Award for a 35,000 GVW Truck Mounted Sewer Flushing Machine with Nebraska Truck Center, Inc. of Grand Island, Nebraska in an Amount of \$125,460.00.

#2004-247 – Approving Bid Award for a Positive Displacement Trailer Mounted Sewer Vacuum with Elliott Sanitation Equipment Company of Lincoln, Nebraska in an Amount of \$54,820.00.

#2004-248 – Approving Agreement for Consulting Services Relative to Railroad Corridor Study with Kirkham Michael & Associates, Inc. of Omaha, Nebraska in an Amount not to exceed \$123,500.00.

#2004-237 – Approving Sole Source Bid Award for Fuel Oil Facilities Upgrade Project for Burdick and Platte Generating Stations with the Diamond Engineering Company of Grand Island, Nebraska to Pursue Negotiations. Councilmember Meyer questioned if the negotiations was for this project only. Utilities Director Gary Mader stated that is was.

Motion was made by Meyer, second by Gilbert to approve Resolution #2004-237. Upon roll call vote, all voted aye. Motion adopted.

#2004-244 – Approving City Council Meeting Schedule for 2005. Councilmember Pielstick questioned why there was only one Study Session scheduled for August. City Clerk RaNae Edwards stated that August 2, 2005 was National Night Out and typically the Council Meeting was cancelled.

Motion was made by Pielstick, second by Meyer to approve Resolution #2004-244. Upon roll call voted all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of Procon Management, Inc. to Allow Out Swing Doors Onto the Public Sidewalk: Motion was made by Hornady, second by Cornelius to deny the request of Procon Management, Inc. Craig Lewis, Building Department Director reported that Procon Management, Inc. had submitted a License Agreement application for out swinging doors onto the public sidewalk in front of 208 North Pine Street (formerly Old City Hall), which had been denied by City staff due to public safety and Building Code regulations. This was an appeal of that decision.

Councilmember Whitesides questioned if the non-conforming doors were used on a daily basis. Mr. Lewis stated that currently staff was using them and propping open the doors. Discussion was had concerning fire regulations. Councilmember Gilbert asked if the Building Department had seen the plans before the doors were installed. Mr. Lewis stated that before the doors were installed Procon was told that the doors needed to be either recessed or in swinging otherwise a license agreement would be needed. Discussion was held with regards to other downtown businesses with out swinging doors.

K.C. Hehnke, 615 Ivy Hall Place representing Procon commented on other businesses in the downtown area that had doors swinging onto the public streets. Mr. Hehnke presented pictures that showed the original Old City Hall building and that it was the intent to remodel it to its original state. He also stated the doors were for emergency exit only and that it would be impossible to recess these doors. Discussed was marking these doors as emergency exits only, removing the locks from the outside of these doors, and not using these doors for entrance or blocking these doors. Railings were mentioned.

Motion was made by Whitesides to refer this issue to the next regular Council meeting of October 12, 2004. Motion died to lack of a second.

Roll Call was taken upon the original motion to deny the request of out swinging doors onto the public sidewalk located at 208 North Pine Street. Upon roll call vote, Councilmember Cornelius aye. Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted no. Motion failed.

Motion was made by Whitesides, second by Hornady to refer this request to the October 12, 2004 Regular City Council meeting with the following stipulations:

1. Doors to be used as emergency exits only
2. Doors were to be marked emergency exit only
3. Alarms were to be installed
4. Locks on the outside of doors needed to be removed

After further discussion Councilmember Whitesides and Hornady withdrew their motion and second.

Motion was made by Whitesides, second by Pielstick to approve the request of Procon with the following stipulations:

1. Doors to be used as emergency exits only
2. Doors were to be marked emergency exit only
3. Alarms were to be installed
4. Locks on the outside of these doors needed to be removed

Discussion was had concerning the alarm system. Gene Dominic, 221 East 1st Street spoke concerning the process of this discussion and not being uniformed throughout the City with regards to other businesses.

Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember Gilbert voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, approve the Claims for the period of September 15, 2004 through September 28, 2004, for a total amount of \$3,289,864.98. Motion adopted. Councilmember Pauly abstained from voting on claims #80295 & #80796. Councilmember Pielstick abstained from voting on invoices #323492 and #325056. Councilmember Pielstick abstained from voting on claim #80473.

EXECUTIVE SESSION: Motion by Whitesides, second by Hornady, carried unanimously to adjourn to Executive Session at 8:45 p.m. for the purpose of discussing litigation issues and property acquisition.

RETURN TO REGULAR SESSION: Motion by Cornelius, second by Hornady, carried unanimously to return to Regular Session at 9:05 p.m.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk