



City of Grand Island

Tuesday, February 22, 2005

Council Session

Item F2

#8954 - Consideration of Amendments to Chapter 2 of the City Code Relative to Community Projects and CRA

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney
Meeting: February 22, 2005
Subject: City Code Update
Item #'s: F-2; F-4; F-6; F-7; F-8; F-9 and F-10
Presenter(s): Douglas R. Walker, City Attorney

Background

At the City Council Study Session on February 15, 2005, city staff proposed making changes to several chapters of the City Code. During the course of the last several months, city staff has noticed that a number of existing code sections are outdated and either needed to be revised or removed from the City Code. The ordinances that are being proposed for Council approval will make these changes as previously discussed at the February 15, 2005 study session.

Discussion

City staff is proposing that changes be made to Chapters 2, 13, 20, 22, 27 and 34 of the City Code. The changes to be made are as follows:

Chapter 2: Administration – Ordinance #8954

Delete the references to the Community Projects Director and the Community Development Division. Delete the code sections regarding the Downtown Development Division of the Community Projects Department and delete section 2-38 establishing the Community Projects Department. Code Sections 2-58, 2-59 and 2-60 all are referencing the Community Development Division that was formerly in the Community Projects Department but will now be in the Regional Planning Department. Section 2-123 would reinstate a City Code section that was in effect until 2003 which states that the City Administrator will designate a person to serve as the director and ex officio secretary of the Community Redevelopment Authority.

- Chapter 13: Downtown and Business Improvement Districts – Ordinance #8956**
The references to the Community Projects Department Director and the Downtown Development Division in Sections 13-19 and 13-50 have been deleted. The Business Improvement District has requested that code section 13-17.1(c) be revised to remove the sentence waiving the residential parking permit fee and also changing the location of where an application is made for a permit. The Grand Island Police Department currently handles the issuing of permits so the code section now reflects this change.
- Chapter 20: Miscellaneous Offenses – Ordinance #8958**
Section 20-1 of the City Code is being amended to remove subsection 2 of that code section. Subsection 2 is being recommended for removal because there has been some concern about its enforceability. This subsection is being replaced with Section 20-19 on volume control. This ordinance is based on an ordinance in Omaha which has been used successfully for several years. This is an area of the law that is somewhat subjective in nature but it was felt that by making the changes shown in the proposed new code section that this would be a more enforceable ordinance.
- Chapter 22: Motor Vehicles and Traffic – Ordinance #8959**
A change to Section 22-99 is being recommended to change the parking ordinance prohibiting people from parking in one location upon the city streets or on any public free parking lot from 24 hours to 72 hours. When snow storms happen that last over a duration of a day or more it is often difficult and impractical for people to have their cars moved within 24 hours. This change will also accommodate situations where people have guests for the weekend that may park on the public street in front of their residence and could be subject to a ticket under the current code.
- Chapter 27: Procurement – Ordinance #8961**
Code Section 27-9 would be revised under the proposed ordinance. The section of 27-9 to be revised would be under the receipt of proposals. The changes would delete the prohibition against disclosing the identity of offerers when the city seeks sealed proposals. Another change to this paragraph of Section 27-9 would be that the name and address of the offerers would open for public inspection. There is also a change to this paragraph indicating that all proposals will be open for public inspection after the award of the contract.
- Chapter 34: Telecommunications and Public Transportation – Ordinance #8962**
All of the code sections pertaining to taxi cab companies and taxi cab driver permits are to be deleted from the City Code under the proposed ordinance. It came to the attention of city staff that the city had not been enforcing the provisions of Section 34-75 through Section 34-81, which is

the article in the City Code regarding taxi cab companies. The current code sections require a permit from the city to operate a taxi cab company and it was felt by city staff that this was not an area that the city should attempt to regulate because city regulation would not be effective. A majority of the communities in Nebraska do not have regulations requiring a city permit for a taxi cab company and it was felt that these code sections should be deleted to reflect the current practice of not requiring a permit. Also being deleted would be Sections 34-85 through 34-98 which regard taxi cab driver permits. The city has not been requiring individual taxi drivers within the city to comply with the various requirements of these code sections and it was therefore felt that it would be better to delete them.

Dept. of Health References – Ordinance #8960

Delete references to the Grand Island-Hall County Health Department throughout the City Code and insert the Central District Health Department. The Health Department fee references in Sections 25-12, 29-8, 29-11, 29-12 and 29-13 are being deleted because the Central District Health Department sets its own fee schedules.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve these ordinances.
2. May choose not to pass one or more of these ordinances.
3. Postpone the issue to future date
4. Take no action on these ordinances.

Recommendation

City Administration recommends that the Council move to approve the ordinances.

Sample Motion

Motion to suspend the rule for three separate readings and move for final passage of each of these ordinances.

ORDINANCE NO. 8954

An ordinance to amend Chapter 2 of the Grand Island City Code; to amend Section 2-21 pertaining to Appointive Officers of the City; to delete Division 6 and Section 2-38 pertaining to the Community Projects Department; to amend Section 2-58 pertaining to the Community Development Division; to amend Section 2-59 pertaining to the appointment of a director for the Community Development Division; to amend Section 2-60 pertaining to Director Duties; to delete Article V and Sections 2-66, 2-67, 2-68, 2-69, and 2-70 pertaining to the Downtown Development Division and Downtown Development Director; to add Section 2-123 pertaining to the Director of the Community Redevelopment Authority; to repeal Sections 2-21, 2-38, 2-58, 2-59, 2-60, 2-66, 2-67, 2-68, 2-69, and 2-70 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 2-21 of the Grand Island City Code is hereby amended to read as follows:

§2-21. Officers; Appointive

Pursuant to Neb. Rev. Stat. §16-217, the following shall constitute the appointive officers of the City of Grand Island:

City Administrator
Chief of Police
Chief of the Fire Department
City Attorney
Public Works Director
Utilities Director
~~Community Projects Director~~
City Treasurer / Finance Director
Human Resources ~~Personnel~~ Director
City Clerk
Parks and Recreation Director
Building Department Director
Library Director

Directors of Departments created by Interlocal Agreements are as follows:

Approved as to Form	☐ _____
February 16, 2005	☐ City Attorney

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Emergency Management Director
Health Director
Planning Director

SECTION 2. Division 6. and Section 2-38 of the Grand Island City Code is hereby deleted:

~~**Division 6. Community Projects Director**~~

~~**§2-38. Community Projects Department**~~

~~There is hereby created a department of the City which shall be known as the Community Projects Department which shall perform the economic development, community development, downtown and business improvement functions of city government. The department shall be responsible for general administration and management of community projects and special projects as assigned by the City Administrator, Mayor and City Council. Within the department shall be included the Downtown Development Division and Community Development Division. All personnel within the department and its divisions shall be under the supervision and direction of the Community Projects Director.~~

~~There is hereby created the office of Community Projects Director to be appointed and removed in the manner applicable to City department heads generally and the Personnel Rules.~~

SECTION 3. Section 2-58 of the Grand Island City Code is hereby amended to read as follows:

§2-58. Community Development Division

There is hereby created a division of the Regional Planning ~~Community Projects~~ Department to be known as the Community Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's community development projects, programs, policies, and procedures adopted under the provisions of this article.

SECTION 4. Section 2-59 of the Grand Island City Code is hereby amended to read as follows:

§2-59. Director; Appointment

The director of the Regional Planning Department shall act as director of the Community Development Division. ~~There is hereby created the position of director of the Community Development Division.~~

SECTION 5. Section 2-60 of the Grand Island City Code is hereby amended to read as follows:

§2-60. Director; Duties

The director of the Regional Planning Department ~~Community Development Division~~ shall be responsible

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for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Community Development Division, and for coordinating all the City's community development programs and projects ~~under the direction and supervision of the Community Projects Director.~~

SECTION 6. Article V. of Chapter 2 of the Grand Island City Code is hereby deleted.

SECTION 7. Section 2-66 of the Grand Island City Code is hereby deleted:

~~§2-66. Downtown Development; Purpose~~

~~_____ The purpose of this article is to set forth the manner in which the city shall administer the off-street parking and business improvement district activities granted to the city under the statutes of this state, including but not limited to the Off-Street Parking District Act, Neb. Rev. Stat. §19-3301, et seq., and Business Improvement District Act, Neb. Rev. Stat. §19-4015, et. seq.~~

SECTION 8. Section 2-67 of the Grand Island City Code is hereby deleted:

~~§2-67. Downtown Development Division; Creation~~

~~_____ There is hereby created a division of the Community Projects Department to be known as the Downtown Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's business improvement districts, off-street parking districts, and associated downtown development projects, policies and programs.~~

SECTION 9. Section 2-68 of the Grand Island City Code is hereby deleted:

~~§2-68. Director; Appointment~~

~~_____ There is hereby created the position of director of the Downtown Development Division.~~

SECTION 10. Section 2-69 of the Grand Island City Code is hereby deleted:

~~§2-69. Director; Duties~~

~~_____ The director of the Downtown Development Division shall be responsible for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Downtown Development Division, and for coordinating the City's downtown business improvement districts, off-street parking districts, and associated downtown development projects, policies and programs under the direction and supervision of the Community Projects Director.~~

SECTION 11. Section 2-70 of the Grand Island City Code is hereby deleted:

~~§2-70. Director; Boards~~

~~_____ The Downtown Development Director shall serve as ex-officio secretary to all business improvement boards within the downtown area and shall perform such duties as may be assigned by said boards including but not~~

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~~limited to necessary administrative functions as are required by law; provided boards of other business improvement districts and off-street parking districts within the city may contract with the city for services of the director.~~

SECTION 12. Section 2-123 of the Grand Island City Code is hereby added to read as follows:

§2-123. Director

The City Administrator shall designate a person to serve as the Director and Ex Officio Secretary of the Community Redevelopment Authority, and that person shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in Neb. Rev. Stat. §18-2102.01 (Reissue of 1991).

SECTION 13. Sections 2-21, 2-38, 2-58, 2-59, 2-60, 2-66, 2-67, 2-68, 2-69, and 2-70 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 14. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk