



City of Grand Island

Tuesday, August 09, 2005

Council Session

Item G1

Approving Minutes of July 26, 2005 City Council Regular Meeting

The Minutes of July 26, 2005 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

July 26, 2005

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 July 26, 2005. Notice of the meeting was given in the *Grand Island Independent* on July 20, 2005.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's 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, Public Works Director Steve Riehle, and City Attorney Doug Walker.

INVOCATION was given by Associate Pastor Faith Tyson, Calvary Assembly of God, 1424 North Eddy Street followed by the PLEDGE OF ALLEGIANCE.

ADJOURN TO THE GRAND ISLAND AREA SOLID WASTE AGENCY: Motion by Hornady, second by Walker, carried unanimously to adjourn to the Grand Island Area Solid Waste Agency.

Public Hearing on Proposed FY 2005-2006 Grand Island Area Solid Waste Agency Budget. Steve Riehle, Public Works Director reported that a separate hearing was required for the Solid Waste Agency Budget. The Agency budget was the same as the City Solid Waste Division budget (Fund 505) which appeared in the City's Annual Budget Document for Fiscal Year 2005-2006. No public testimony was heard.

#2005-SWA-1 – Approving Adoption of FY 2005-2006 Annual Budget for the Grand Island Solid Waste Agency. Motion by Hornady, second by Nickerson, to approve Resolution #2005-SWA-1. Upon roll call, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of Randall Stueven and Maureen Van Hoven for a Conditional Use Permit to Allow Faulk and Foster and Western Wireless Corp. to Construct a Telecommunication Tower Located at 233 South Gunbarrel Road. Craig Lewis, Building Department Director reported that this request was for the construction of a telecommunication tower and associated facilities located at 233 South Gunbarell Road. It was noted that all

information had been received and approval was recommended. Dave Marvin representing Faulk and Foster spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Property Located at 409 East Fonner Park Road. (Hall County Livestock Improvement Association) Doug Walker, City Attorney reported that the Hall County Livestock Improvement Association (Fonner Park) had agreed to donate approximately ten acres of property on the south side of Fonner Park Road and adjoining the east side of Island Oasis for the city to use to locate a replacement for Fire Station No. 1. City Council approval was needed to transfer the deed. No public testimony was heard.

ORDINANCES:

#8982 – Consideration of Annexation of Land Located North of Capital Avenue and East of St. Paul Road and Various Properties Adjacent to the City of Grand Island. (Final Reading)

Doug Walker, City Attorney reported this related to the Public Hearing held on June 28, 2005, and was the final reading as required by state statutes.

Motion by Pielstick, second by Hornady to approve Ordinance #8982 on final reading. Upon roll call vote, all voted aye. Motion adopted.

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

#8984 – Consideration of Creation of Sanitary Sewer Improvement District No. 519, Lots 10 through 21 of Westwood Park 2nd Subdivision, Maywood Drive, Redwood Court, and Portion of Redwood Road

#8988 – Consideration of Creation of Sanitary Sewer Improvement District No. 520, Lots 1 through 18 & Lots 29 through 47 of Westwood Park Subdivision, Sweetwood Drive, Driftwood Court, and a Portion of Driftwood Drive

#8989 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Dangerous Animals

#8990 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to Electrical Regulations

#8991 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

#8992 – Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreation Vehicles and Parking Busses in Yards

#8993 – Consideration of Vacating Washington Street Between 2nd and 3rd Street and Vacating the Alley Between Washington and Adams Street for Library Expansion

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 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.

#8984 – Consideration of Creation of Sanitary Sewer Improvement District No. 519, Lots 10 through 21 of Westwood Park 2nd Subdivision, Maywood Drive, Redwood Court, and Portion of Redwood Road

Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 519 was petitioned by residents in a small area of Westwood Park 2nd Subdivision. A (10) year assessment period was proposed.

Motion by Hornady, second by Cornelius to approve Ordinance #8984.

City Clerk: Ordinance #8984 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 #8984 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8984 is declared to be lawfully adopted upon publication as required by law.

#8988 – Consideration of Creation of Sanitary Sewer Improvement District No. 520, Lots 1 through 18 & Lots 29 through 47 of Westwood Park Subdivision, Sweetwood Drive, Driftwood Court, and a Portion of Driftwood Drive

Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 520 was petitioned by residents in a small area of Westwood Park Subdivision. A (10) year assessment period was proposed.

Lyna Abshier, 4035 Driftwood Drive and John Libby, 819 Driftwood Court spoke in opposition. Chris Caley, 822 Driftwood Court spoke in support. Discussion was held concerning leach fields, septic tanks, timing, costs, assessments, and location.

Motion by Nickerson, second by Cornelius to approve Ordinance #8988.

City Clerk: Ordinance #8988 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 #8988 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8988 is declared to be lawfully adopted upon publication as required by law.

#8989 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Dangerous Animals

Doug Walker, City Attorney explained the changes to City Code relative to dangerous animals.

Motion by Whitesides, second by Gilbert to approve Ordinance #8989.

City Clerk: Ordinance #8989 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 #8989 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8989 is declared to be lawfully adopted upon publication as required by law.

#8990 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to Electrical Regulations

Craig Lewis, Building Department Director reported on the changes to Chapter 15 relating to the Electrical Regulations.

Motion by Pielstick, second by Hornady to approve Ordinance #8990.

City Clerk: Ordinance #8990 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 #8990 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8990 is declared to be lawfully adopted upon publication as required by law.

#8991 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

Doug Walker, City Attorney commented on the changes to Chapter 20 of City Code relative to nuisances. Lewis Kent, 624 E. Meves spoke in opposition.

Motion by Nickerson, second by Hornady to approve Ordinance #8991.

City Clerk: Ordinance #8991 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 #8991 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8991 is declared to be lawfully adopted upon publication as required by law.

#8992 – Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreation Vehicles and Parking Busses in Yards

Doug Walker, City Attorney reported on the changes to Chapter 22 relative to definitions and parking. Mary Lucas, 1004 West Anna Street spoke in opposition. John Peterson, 1820 North Broadwell spoke in support. A lengthy discussion was held regarding busses versus recreational vehicles and size.

Motion by Whitesides, second by Pielstick to approve Ordinance #8992.

City Clerk: Ordinance #8992 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted aye. Councilmember's Nickerson, Cornelius, and Walker voted no. The Mayor exercised his mayoral right to vote and voted yes. Motion adopted.

City Clerk: Ordinance #8992 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted aye. Councilmember's Nickerson, Cornelius, and Walker voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8992 is declared to be lawfully adopted upon publication as required by law.

#8993 – Consideration of Vacating Washington Street Between 2nd and 3rd Street and Vacating the Alley Between Washington and Adams Street for Library Expansion

Doug Walker, City Attorney reported that with the addition to the Edith Abbott Memorial Library, the city needed to vacate Washington Street between Second and Third Street and the alley between Washington Street and Adams Street.

Motion by Hornady, second by Gilbert to approve Ordinance #8993.

City Clerk: Ordinance #8993 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 #8993 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8993 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Hornady, second by Cornelius to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of July 11, 2005 City Council Joint Meeting. Councilmember's Meyer and Pauly abstained.

Approving Minutes of July 12, 2005 City Council Regular Meeting.

Approving Minutes of July 19, 2005 City Council Study Session. Councilmember Gilbert abstained.

Approving Re-Appointment of Melissa Rae Girard D.V.M. to the Animal Advisory Board.

Approving Request of David Soflin, 3017 West Stolley park Road, #99 for Liquor Manager Designation for Sunmart #768, 3420 West State Street.

Approving Request of Margaret Stine, 6840 Shadow Ridge Road, Lincoln, Nebraska for Liquor Manager Designation for Applebee's Neighborhood Grill & Bar, 721 Diers Avenue.

Approving Request of Randall Stueven and Maureen Van Hoven for a Conditional Use Permit to Allow Faulk and Foster and Western Wireless Corp. to Construct a Telecommunication Tower Located at 233 South Gunbarrel Road.

#2005-204 – Approving FY 2005-2006 Annual Budget for Business Improvement District #3, South Locust Street from Stolley Park Road to Highway 34, and Setting Date for Board of Equalization. Dan Naranjo, BID #3 Board member commented on the budget and stated there was no increase in assessments.

#2005-205- Approving FY 2005-2006 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and Setting Date for Board of Equalization.

#2005-206 – Approving FY 2005-2006 Annual Budget for Business Improvement District #5, Downtown, and Setting Date for Board of Equalization.

#2005-207 – Approving FY 2005-2006 User Fee Schedule.

#2005-208 – Approving Application for Access and Visitation Center Program Grant with Nebraska Department of Health and Human Services.

#2005-209 – Approving Termination and Release Agreement with Northwest Electric on Blower Repair for Waste Water Treatment Plant.

#2005-210 – Approving Continuation of Street Improvement District No. 1257, Shanna Street in Western Heights 4th Subdivision.

#2005-211 – Approving Agreement with NE Department of Roads for Repairs to US Highway 281 from Old Potash to Capital Avenue. It was noted that the State agrees to participate in 50% of the actual construction cost with a maximum amount of \$150,000. Construction costs were anticipated to be \$300,000.

#2005-212 – Approving Acquisition of Property Located at 409 East Fonner Park Road. (Hall County Livestock Improvement Association)

#2005-213 – Approving Implementation of Wells Fargo Managed Accounts Program for Fire Retirement Plan.

#2005-214 – Approving Implementation of Wells Fargo Managed Accounts Program for Police Retirement Plan.

#2005-215 – Approving City Engineer as Authorized Representative for NDEQ Storm Water Permit Program.

REQUESTS AND REFERRALS:

Consideration of Request from Scott Adams, 2712 West Charles Street Relative to Chapter 16 of the City Code for Changes to Projectile Type Fireworks. Scott Adams, 2712 West Charles Street requested Council change City Code Section 16-20 to prohibit projectile fireworks. Mentioned were public safety issues. Kenneth Enck, 619 North Sherman, Marvin Kolar, 1739 South Ingalls, and Robert Colgan, 2319 Independence spoke in opposition. Margie Kolar, 1739 South Ingalls thanked the council for listening.

Motion by Nickerson, second by Cornelius to bring this request back to a Study Session in the near future. Upon roll call vote, Councilmember's Nickerson and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Consideration and Approval of Funding Requests from Outside Agencies. David Springer, Finance Director reported that if Council wanted to increase an outside agency one of three things would have to happen: 1) cut out other expenses in the budget 2) raise the tax levy or 3) draw down the reserves.

Councilmember Pielstick apologized to H & H Distributing for comments made at the July 19, 2005 Study Session regarding the fishing derby. Councilmember Meyer also apologized to Mr. Meister for information that was unfounded.

John Meister representing the Isaac Walton Fishing Derby gave a background on the fishing derby. Discussion was held concerning the \$2,000 request.

Motion by Whitesides to approve staff recommendation with an increase of \$2,500 to the Central Nebraska Humane Society for a total of \$160,000. Motion died due to lack of a second.

Councilmember Nickerson recommended increasing Hope Harbor to \$10,000 and funding the Grand Theatre in the amount of \$5,000.

Motion by Pauly, Second by Walker to approve the funding requests as submitted by city staff. Discussion was held with funding the Grand Island Dive and Rescue Team.

Motion by Nickerson, second by Gilbert to amend the motion to add \$5,500 to Hope Harbor, \$2,000 to the Grand Island Dive Rescue Team, and \$5,000 to the Grand Theatre. Upon roll call vote, Councilmember's Gilbert, Nickerson, and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Motion by Meyer, second by Pauly to amend the motion and add \$2,000 to the Grand Island Dive Rescue Team. Upon roll call vote, all voted aye. Motion adopted.

Motion by Cornelius, second by Gilbert to amend the amendment and add \$5,500 to Hope Harbor. Upon roll call vote, Councilmember's Gilbert, Nickerson, and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Upon roll call vote on the main motion and amendment to approve the funding request as submitted by city staff and add \$2,000 to the Grand Island Dive Rescue Team, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of July 13, 2005 through July 26, 2005, for a total amount of \$2,913,335.43. Motion adopted unanimously. Councilmember Pielstick abstained from voting on claim #104302.

ADJOURN TO EXECUTIVE SESSION: Motion by Hornady, second by Cornelius to adjourn to Executive Session at 9:55 p.m. for the purpose of discussing personnel issues. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Nickerson, second by Cornelius, to return to Regular Session at 10:50 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:50 p.m.

RaNae Edwards
City Clerk