



City of Grand Island

Tuesday, September 26, 2006

Council Session

Item G1

Approving Minutes of September 12, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 12, 2006

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 12, 2006. Notice of the meeting was given in *The Grand Island Independent* on September 6, 2006.

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, Hornady, Walker, and Haase. Councilmember Pauly was absent. The following City Officials were present: City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle, and Interim City Attorney Dale Shotkoski.

INVOCATION was given by Reverend David McCreary, First United Methodist Church, 724 West 12th Street followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Grand Island South Side Nationals Little League Baseball Team, Nebraska Champions and Mid-West Regional Semi-Finalists. The Mayor and City Council recognized the Grand Island South Side Nationals Little League Baseball Team. They were the City, Districts, and State Champions and went on to play in the Mid-West Regional Semi-Finals in Indianapolis, Indiana. The following boys and their coaches were recognized: Will Bamesberger, Sam Foltz, Blake Fruchtl, Ryker Fyfe, Ryan Harris, Austin Meyer, Tanner Meyer, Ben Moul, Kyle Simonds, Austin Steinwart, Alce Waters, and Coaches Monte Fyfe, Greg Enck, and Dennis Fruchtl.

Recognition of Contributors to the "GREAT" Summer Youth Program. The Mayor and City Council recognized Coca-Cola, Pepsi Bottling Group, Sam's Club, Skagway, Swift and Co., and Howard School for sponsoring the Gang Resistance Education Awareness Training (GREAT) program this summer. Police Officer Rick Ressel gave an update on the summer's program. Dr. Steve Joel thanked the Police Department and commented on the impact of this program. Representatives from Sam's Club, Swift & Co., and Skagway were present along with several students who had attended the program.

Mayor Vavricek stated he had a potential conflict of interest with Resolution #2006-BE-11 and Ordinance #9072 and would not be voting in case of a tie.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Hornady, second by Pielstick, carried unanimously to adjourn to the Board of Equalization.

#2006-BE-7 – Consideration of Determining Benefits for Street Improvement District No. 1257, Shanna Street in Western Heights 4th Subdivision. Steve Riehle, Public Works Director reported that Street Improvement District No. 1257 was completed by Diamond Engineering Company and a certificate of final completion was approved on August 8, 2006. The cost to be assessed was \$129,474.92.

Motion by Pielstick, second by Hornady to approve Resolution #2006-BE-7. Upon roll call vote, all voted aye. Motion adopted.

#2006-BE-8 – Consideration of Determining Benefits for Water Main District No. 452, Knott and Palu Subdivision Areas. Gary Mader, Utilities Director reported that Water Main District No. 452 was created at the request of the property owners to serve Knott Avenue, Lake Street, and Tri Street. The cost to be assessed to the district was \$72,353.27.

Motion by Hornady, second by Pielstick to approve Resolution #2006-BE-8. Upon roll call, all voted aye. Motion adopted.

#2006-BE-9 – Consideration of Determining Benefits for Business Improvement District #3. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #3. Special assessments were for the amount of \$34,314.47.

Motion by Nickerson, second by Cornelius to approve Resolution #2006-BE-9. Upon roll call, all voted aye. Motion adopted.

#2006-BE-10 – Consideration of Determining Benefits for Business Improvement District #4. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #4. Special assessments were for the amount of \$17,348.99.

Motion by Nickerson, second by Cornelius to approve Resolution #2006-BE-10. Upon roll call, all voted aye. Motion adopted.

#2006-BE-11 – Consideration of Determining Benefits for Business Improvement District #5. David Springer, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #5. Special assessments were for the amount of \$80,004.04. Also mentioned was a letter received from the Arter Group protesting the method of assessments.

Motion by Nickeson, second by Cornelius to approve Resolution #2006-BE-11. Upon roll call, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of ScoJay Investments, LLC dba The Tank, 123 E. South Front Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Scott Johnson and Jay Beckby, owners of ScoJay Investments, LLC dba The Tank, 123 E. South Front Street for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 14, 2006; notice to the general public of date, time, and place of hearing published on September 2, 2006; notice to the applicant of date, time, and place of hearing mailed on August 22, 2006; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Jayo Beckby, 800 S. Short Drive was present to answer questions. No further public testimony was heard.

Public Hearing on Request of Edwin Bolanos dba La Zona Rosa, 611 East 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Edwin Bolanos dba La Zona Rosa, 611 East 4th Street for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 16, 2006; notice to the general public of date, time, and place of hearing published on September 2, 2006; notice to the applicant of date, time, and place of hearing mailed on August 22, 2006; along with Chapter 4 of the City Code. Ms. Edwards stated Mr. Bolanos had completed a state approved alcohol server/training program on July 20, 2006. Staff recommended approval contingent upon final inspections. Al Fitzgerald, 1304 West Sycamore Street spoke in support. Lex Ann Roach representing Project Extra Mile thanked Mr. Bolanos for not promoting kids in bars. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 602 West Stolley Park Road – Barr Middle School (The School District of Grand Island) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 602 West Stolley Park Road, north and south side of Barr Middle School was needed in order to have access to install, upgrade, maintain, and repair water mains. This easement would be provide service and fire protection in the area of the new expansions of Barr Middle School. No public testimony was heard.

Public Hearing on General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported that state statutes requires the City to conduct a public hearing if the property tax request changes from one year to the next. Property tax request for the general property tax was \$5,467,530, Parking District No. 2 at \$11,000, and the Community Redevelopment Authority property tax at \$492,540. No public testimony was heard.

Public Hearing on Request from Equitable Federal Savings Bank of Grand Island for Conditional Use Permit for Temporary Placement of Modular Banking Facility Located at 3012 South Locust Street. Craig Lewis, Building Department Director reported that Equitable Federal Savings Bank of Grand Island had requested a Conditional Use Permit for temporary placement of a modular banking facility located at 3012 South Locust Street until such time as a permanent building can

be designed and built. Staff recommended approval for a two year period of time. No public testimony was heard.

ORDINANCES:

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

- #9067 - Consideration of Vacation of Utility Easements – 602 West Stolley Park Road – Bar Middle School
- #9068 – Consideration of Assessments for Water Main District No. 452 - Knott and Palu Subdivision Areas
- #9069 – Consideration of Assessments for Street Improvement District No. 1257, Shanna Street in Western Heights 4th Subdivision
- #9070 – Consideration of Assessments for Business Improvement District #3
- #9071 – Consideration of Assessments for Business Improvement District #4
- #9072 – Consideration of Assessments for Business Improvement District #5
- #9073 – Consideration of Amendments to Chapter 12 of the Grand Island City Code Relative to Civil Service
- #9074 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1
- #9075 – Consideration of Corrections to Salary Ordinance
- #9076 – Consideration of Amendments to Chapter 5 of the Grand Island City Code Relative to Animals

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 Gilbert seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

- #9067 - Consideration of Vacation of Utility Easements – 602 West Stolley Park Road – Bar Middle School
- #9068 – Consideration of Assessments for Water Main District No. 452 - Knott and Palu Subdivision Areas

Gary Mader, Utilities Director commented that Ordinance #9067 related to the aforementioned Public Hearing and Ordinance #9068 related to the aforementioned Board of Equalization action taken earlier.

Motion by Pielstick, second by Cornelius to approve Ordinances #9067 and #9068.

City Clerk: Ordinances #9067 and #9068 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9067 and #9068 on final passage. All those in favor of the passage of these ordinances 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, Ordinances #9067 and #9068 are declared to be lawfully adopted upon publication as required by law.

#9069 – Consideration of Assessments for Street Improvement District No. 1257, Shanna Street in Western Heights 4th Subdivision

Steve Riehle, Public Works Director stated Ordinance #9069 related to the aforementioned Board of Equalization action taken earlier.

Motion by Hornady, second by Meyer to approve Ordinance #9069.

City Clerk: Ordinance #9069 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 #9069 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 #9069 is declared to be lawfully adopted upon publication as required by law.

#9070 – Consideration of Assessments for Business Improvement District #3
#9071 – Consideration of Assessments for Business Improvement District #4
#9072 – Consideration of Assessments for Business Improvement District #5

David Springer, Finance Director stated Ordinances #9070, #9071, and #9072 related to the aforementioned Board of Equalization action taken earlier.

Motion by Hornady, second by Walker to approve Ordinances #9070, #9071 and #9072.

City Clerk: Ordinances #9070, #9071 and #9072 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9070, #9071 and #9072 on final passage. All those in favor of the passage of these ordinances 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, Ordinances #9070, #9071 and #9072 are declared to be lawfully adopted upon publication as required by law.

#9073 – Consideration of Amendments to Chapter 12 of the Grand Island City Code Relative to Civil Service

Dale Shotkoski, Interim City Attorney commented that code revisions to Chapter 12 would mirror the current state statute requirements for civil service.

Motion by Hornady, second by Walker to approve Ordinance #9073.

City Clerk: Ordinance #9073 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 #9073 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 #9073 is declared to be lawfully adopted upon publication as required by law.

#9074 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1

David Springer, Finance Director reported that Ordinance #9074 related to the Downtown Improvement and Parking District No. 1 assessments. The FY 2006-2007 occupation tax factor was \$.1375 which would provide for occupation taxes in the amount of \$40,002.

Motion by Pielstick, second by Walker to approve Ordinance #9074.

City Clerk: Ordinance #9074 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 #9074 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 #9074 is declared to be lawfully adopted upon publication as required by law.

#9075 – Consideration of Corrections to Salary Ordinance

Brenda Sutherland, Human Resources Director reported that Ordinance #9075 would correct Ordinance #9061 to include Evidence Technician at the Police Department and Maintenance Worker I position at the Heartland Shooting Park. Also included was Bilingual pay in the amount of \$1,000. Pay ranges for the following positions were also corrected: Fire Captain, Firefighter/EMT, and Firefighter/Paramedic.

Motion by Cornelius, second by Nickerson to approve Ordinance #9075.

City Clerk: Ordinance #9075 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, Nickerson, Cornelius, Hornady, and Walker voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9075 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, Nickerson, Cornelius, Hornady, and Walker voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9075 is declared to be lawfully adopted upon publication as required by law.

#9076 – Consideration of Amendments to Chapter 5 of the Grand Island City Code
Relative to Animals

Dale Shotkoski, Interim City Attorney reported that the City Code Revision Committee had met and drafted changes for Chapter 5. The Animal Advisory Board had also met and recommended changes. Mr. Shotkoski stated Section 5-1 changes to the definitions would mirror state statute definitions of dangerous animals. Recommended changes were to delete reference to vicious animals. Recommended changes to Section 5-41.1 would prohibit the keeping of fowl, including chickens, which included both hens and roosters from being maintained on residential premises within the City.

Karen and Steve Hancock, 2303 East 7th Street spoke in support of keeping chickens. Leon Cederland, 4706 Gunbarrel Place also spoke in support of keeping chickens and commented on other noises which were louder than roosters such as motorcycles, boom boxes, and train whistles.

Motion by Haase, second by Whitesides to approve Ordinance #9076.

A lengthy discussion was held regarding allowing chickens within the city limits, the number of chickens, the size of property, commercial establishments, non-profit businesses, and educational institutions which could have chickens. Mr. Shotkoski stated commercial retail establishments who offer live fowl or chickens for retail sale, governmental and/or non-profit educational facilities would be exempt.

Motion by Haase to amend the motion to allow chickens on residential properties of 5 acres or more. Motion died due to lack of a second.

Motion by Whitesides, second by Walker to amend the main motion to allow four (4) hens per one (1) acre within the City limits. Upon roll call vote, Councilmember's Whitesides, Gilbert, Nickerson, Cornelius, Hornady, Walker, and Haase vote aye. Councilmember's Meyer and Pielstick voted no. Motion adopted.

City Clerk: Ordinance #9076 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 Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Hornady, Walker, and Haase vote aye. Councilmember Meyer voted no. Motion adopted.

City Clerk: Ordinance #9076 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 Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Hornady, Walker, and Haase vote aye. Councilmember Meyer voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9076 is declared to be lawfully adopted upon publication as required by law.

It was noted that this ordinance would go into effect 15 days after publication or the first week of October. Further discussion was held regarding those properties currently with chickens would be in violation after the effective date. Discussed was held regarding conditional use permits.

CONSENT AGENDA: Consent Agenda items G-9 and G-10 were pulled for further discussion. Motion by Hornady, second by Cornelius to approve the Consent Agenda excluding items G-9 and G-10. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 22, 2006 City Council Regular Meeting.

Approving Minutes of August 29, 2006 City Council Study Session.

Approving Minutes of September 5, 2006 City Council Study Session.

Approving Request from Becki Halte, 4164 Texas Avenue for Liquor Manager Designation for Bullwinkle's Bar & Grill, 3235 South Locust Street.

#2006-243 – Approving Acquisition of Utility Easement Located at 602 West Stolley Park Road – Barr Middle School. (The Grand Island School District)

#2006-244 – Approving Bid Award for Boiler and Machinery Insurance with Factory Mutual Insurance Co. of St. Louis, Missouri in an Amount of \$367,507.00.

#2006-245 – Approving Bid Award for 750 MCM Power Cable with WESCO of Grand Island, Nebraska in an Amount of \$188,351.24.

#2006-246 – Approving Electric Distribution System Engineering Services with Advantage Engineering, Inc. of Chesterfield, Missouri in an Amount of \$191,400.00.

#2006-249 – Approving Nebraska Children & Families Foundation Prevention Grant.

#2006-250 – Approving Change Order No. 2 with Tri Valley Builders, Inc. of Grand Island for Construction of Fire Station No. 1 for an Increase of \$55,489.00 and a Revised Contract Amount of \$2,387,368.00.

#2006-251 – Approving Renewal of South Central Area Law Enforcement Services (SCALES) Interlocal Agreement for an Additional Five Years.

#2006-252 – Approving Contract for Employee Assistance Program with Family Resources of Grand Island, Nebraska an an Annual Cost of \$14,475.00 for the next three years, for a Total Amount of \$43,425.00.

#2006-253 – Approving Change Order No. 2 with Hooker Brothers Construction of Grand Island, Nebraska for Site Preparation and Lake Excavation at the Heartland Public Shooting Park for an Increase of \$4,574.01 and a Revised Contract Amount of \$578,224.00.

#2006-254 – Approving Annual Agreements for Support, License, Operating System and Database Administration with MUNIS, Inc. of Falmouth, Maine in the Amounts of \$19,509.02 and \$76,282.31.

#2006-255 – Approving Final Plat and Subdivision Agreement for D K Second Subdivision. It was noted that Paul D. and Rhonda M. Hassett, owners proposed to create 2 lots on a tract of land comprising all of Lot One (1), D.. Subdivision consisting of approximately 0.533 acres.

#2006-256 – Approving Final Plat and Subdivision Agreement for Knott Third Subdivision. It was noted that Ronnie L. and Solveig L. Knott, owners proposed to create 2 lots on a tract of land comprising all of Lot Nine (9), Knott Subdivision consisting of approximately 0.446 acres.

#2006-257 – Approving Final Plat and Subdivision Agreement for Menard Seventh Subdivision. It was noted that Triad Holdings, L.L.C., owners proposed to replat all of Lot Seven (7), and the north 185 feet of Lot Eight (8), Menard Second Subdivision consisting of approximately 1.905 acres.

#2006-258 – Approving Subordination Request for 1208 East 5th Street. (Galen and Rebecca Williams)

#2006-259 – Approving Subordination Request for 115 East 9th Street. (Victor M. and Gina A. Henriquez)

#2006-560 – Approving Subordination Request for 1805 Freedom Drive. (Dean A. and Patricia D. Bierhaus)

#2006-261 – Approving Certificate of Final Completion with Hooker Brothers Construction of Grand Island, Nebraska for Site Preparation and Land Excavation at the Heartland Public Shooting Park.

#2006-262 – Approving Certificate of Final Completion with Galvan Construction of Grand Island, Nebraska for Building Construction, Baffles, and Sheds at Heartland Public Shooting Park.

#2006-247 – Approving Contract for Engineering Services for Mercury Emissions Monitoring with Black & Veatch of Kansas City, Missouri in an Amount not to exceed \$64,500.00. Councilmember Pielstick questioned the amount of the bid submitted by Sargent & Lundy. Gary Mader, Utilities Director commented that he did not have the information with him but that the prices were comparable and Black & Veatch was selected from past performances.

Motion by Pielstick, second by Walker to approve Resolution #2006-247. Upon roll call vote, all voted aye. Motion adopted.

#2006-248 – Approving Bid Award for Sidewalk District No. 1, 2006 with Galvan Construction, Inc. of Grand Island, Nebraska in an Amount of \$6,212.25. Councilmember Gilbert questioned whether this would be in the area of Water Main District No. 454 and would require the removal of sidewalks. Steve Riehle, Public Works Director stated that it was not.

Motion by Cornelius, second by Hornady to approve Resolution #2006-248. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Equitable Federal Savings Bank of Grand Island for Conditional Use Permit for Temporary Placement of Modular Banking Facility Located at 3012 South Locust Street. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Motion by Hornady, second by Cornelius to approve the request of Equitable Federal Savings Bank for a Conditional Use Permit for temporary placement of a modular banking facility located at 3012 South Locust Street not to exceed two years. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request for Brad Harder for Extension of Non-Conforming Use for Harold's Upholster Shop Located at 215 W. South Street. Craig Lewis, Building Department Director reported that Brad Harder, owner of Harold's Upholstery Shop located at 215 W. South Street requested an extension of the non-conforming use to construct additions to the current building. Proposed was a 16'8" x 32'6" addition to the east and a 36'8" x 10' addition to the south. Current zoning does not allow for the additions without Council approval. Staff recommended approval of the request with the condition that the exterior construction be completed within the next 12 months.

Motion by Nickerson, second by Hornady to approve the request of Brad Harder with the condition that the exterior construction be completed within the next 12 months. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2006-263 - Consideration of Request from ScoJay Investments, LLC dba The Tank, 123 E. South Front Street for a Class "C" Liquor License and Request of George Jay Beckby, 800 S. Shore Drive, Hastings, Nebraska for Liquor Manager Designation. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Approval was recommended contingent upon final inspections and the stipulation that a state approved alcohol server/seller training program be completed by Mr. Beckby.

Motion by Hornady, second by Cornelius to approve Resolution #2006-263 contingent upon final inspections and the stipulation that a state approved alcohol server/seller training program be completed by Mr. Beckby. Upon roll call vote, all voted aye. Motion adopted.

#2006-264 – Consideration of Approving Request of Edwin Bolanos dba La Zona Rosa, 611 East 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Approval was recommended contingent upon final inspections.

Motion by Nickerson, second by Pielstick to approve Resolution #2006-264 contingent upon final inspections. Question was raised if City Code required window in this building. Craig Lewis, Building Department Director stated windows were not a requirement, but door assess was. Steve Lamken, Police Chief stated he was satisfied with the work that had been done and had no objections to approving this request.

Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Hornady, Walker, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

#2006-265 – Consideration of Approving General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported this item related to the aforementioned Public Hearing.

Motion by Walker, second by Gilbert to approve Resolution #2006-265. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek commented that he could not approve this Resolution. Mentioned were the goals set at the Council Retreat in January where the council agreed to lower the City tax rate to make a more efficient government. With the increase in valuation and a tax rate request of \$.25 per \$100 valuation this would increase the taxes. The Mayor requested that the council reconsider the tax asking dollars for the General Property tax levy and keep it the same as the FY 2005-2006 request of \$5,212,064 instead of \$5,467,530.

Council voted to reconsider the motion. Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Cornelius, Hornady, Walker, and Haase voted aye. Councilmember's Meyer and Nickerson voted no. Motion adopted.

Motion by Whitesides, second by Cornelius that the General Property tax rate be identical to FY 2005-2006 in the amount of \$5,212,064. Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Cornelius, Hornady, Walker, and Haase voted aye. Councilmember's Meyer and Nickerson voted no. Motion adopted.

#2006-266 – Approving Personnel Rules and Regulations. Brenda Sutherland, Human Resources Director reported that City Council reviewed the proposed changes at their August 29, 2006 Study Session. Some of the proposed changes were the addition of administrative policies being incorporated into the Personnel Rules. Presented were the proposed changes.

Motion by Whitesides, second by Hornady to approve Resolution #2006-266.

A lengthy discussion was held concerning Section 3.13 Nepotism.

Motion by Whitesides, second by Hornady to amend the main motion to include in Section 3.13 Nepotism, second paragraph, second sentence the following: "No relative shall work within the same shift or station of the City, nor shall any relative work within any supervisory capacity of another relative on a daily basis".

Discussion was held regarding the impact to union contracts.

Upon roll call vote of the amendment, all voted aye. Motion adopted.

Motion by Hornady, second by Haase to amend the main motion to allow tuition reimbursement as follows: 100% for an A, 85% for a B, and 70% for a C. Discussion was held regarding the benefits of tuition reimbursement, level of learning, and the importance of encouraging higher education.

Upon roll call vote, Councilmember's Pielstick, Hornady, Walker, and Haase voted aye. Councilmember's Meyer, Whitesides, Gilbert, Nickerson, and Cornelius voted no. Motion failed.

Motion by Gilbert, second by Meyer to amend the main motion by removing the following paragraph in Section 3.13 Nepotism: "In addition to family relationships, and for the same reasons mentioned above, employees involved in romantic and/or sexual relationships or dating must also observe the chain of command rules mentioned above".

Discussion was held regarding dating, romantic relationships, enforcement, etc. Brenda Sutherland, Human Resources Director commented on checking with other cities and the importance of having this in the Personnel Rules and Regulations.

Upon roll call vote, Councilmember's Meyer, Pielstick, Gilbert, and Cornelius voted yes. Councilmember's Whitesides, Nickerson, Hornady, Walker, and Haase voted no. Motion failed.

Motion by Cornelius, second by Whitesides to amend the main motion to allow tuition reimbursement as follows: 100% for an A or B and 85% for a C. Upon roll call vote,

Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Cornelius, Hornady, Walker, and Haase voted aye. Councilmember Nicerson voted no. Motion adopted.

Upon roll call vote of the main motion, including the amendment to the Nepotism Policy and the amendment to the Tuition Reimbursement, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of August 23, 2006 through September 12, 2006, for a total amount of \$2,987,904.68. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #136795.

Motion by Cornelius, second by Haase to approve the following Claims for the Library Expansion for the Period of August 9, 2006 through September 12, 2006:

#34 \$388,607.92

ADJOURNMENT: The meeting was adjourned at 9:55 p.m.

RaNae Edwards
City Clerk