



City of Grand Island

Tuesday, March 11, 2008

Council Session

Item G3

Approving Minutes of March 3, 2008 City Council Special Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

March 3, 2008

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 Monday, March 3, 2008. Notice of the meeting was given in *The Grand Island Independent* on February 28, 2008.

Mayor Margaret Hornady called the meeting to order at 8:00 a.m. The following Councilmember's were present: Brown, Haase, Zapata, Nickerson, Gericke, Carney, Gilbert, Ramsey, Niemann and Meyer. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, and City Attorney Dale Shotkoski.

PLEDGE OF ALLEGIANCE was said.

ORDINANCE:

Councilmember Gilbert moved "that the statutory rules requiring ordinances to be read by title on three different days are suspended and that ordinance numbered:

#9158 – Consideration of a Smoking Ban Ordinance

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 Haase second the motion. Upon roll call vote, Councilmember's Brown, Haase, Zapata, Nickerson, Gericke, Carney, Gilbert, Ramsey, and Niemann voted aye. Councilmember Meyer voted no. Motion adopted.

Motion by Haase, second by Brown to approve Ordinance #9158.

Scott Dugan, 4059 Indianhead Drive spoke in support of the smoking ban, but was concerned about the timing and government control of passing this Ordinance now instead of waiting until next year when the state statute would take effect.

Motion by Carney, second by Nickerson to amend the main motion that the definition of a "Public Place" shown in paragraph 39.3, in Section 1 of Ordinance #9158 be amended by deleting the words, "... and shall also include a ten (10) foot arc by every entrance and exit from a public place".

Discussion was held concerning the 10' arc. Ryan King representing the Health Department commented on the 10' arc and enforcement. The Health Department and Police Department would work together on enforcement. Mr. King commented there would need to be education on the part of the Health Department.

Police Chief Steve Lamken commented this would be an enforcement issue for the Police Department because of the additional demand. Enforcement of the 10' arc was discussed; Chief Lamken stated they would use a common sense approach to enforce the 10' arc. Prosecution would be done by the City Attorney until June 1, 2009.

Discussion was held concerning enforcement, penalties, and the 10 foot arc.

Upon roll call vote on the amendment, Councilmember's Myer, Carney, Gericke, Nickerson, and Zapata voted aye. Councilmember's Niemann, Ramsey, Gilbert, Haase, and Brown voted no. Mayor Hornady voted aye to break the tie. Motion adopted.

Motion by Carney, second by Niemann to amend the motion that Section 3 of Ordinance #9158 be amended to show an effective date of August 1, 2008.

Discussion was held concerning owners ability to comply with the smoking ban by June 1, 2008.

Upon roll call vote, Councilmember's Niemann, Carney, Gericke, and Zapata voted aye. Councilmember's Meyer, Ramsey, Gilbert, Nickerson, Haase, and Brown voted no. Motion failed.

City Clerk: Ordinance #9158 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 Brown, Haase, Zapata, Gericke, Carney, Gilbert, Ramsey, and Niemann voted aye. Councilmember's Nickerson and Meyer voted no. Motion adopted.

City Clerk: Ordinance #9158 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 Brown, Haase, Zapata, Gericke, Carney, Gilbert, Ramsey, and Niemann voted aye. Councilmember's Nickerson and Meyer voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9158 is declared to be lawfully adopted upon publication as required by law.

RESOLUTION:

#2008-80 – Consideration of Rescinding Resolution #2008-55 Relative to the Ballot Issue for a Smoking Ban.

Motion by Haase, second by Brown to approve Resolution #2008-80. Upon roll call vote, all voted aye. Motion adopted.

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

RaNae Edwards
City Clerk