



# **City of Grand Island**

**Tuesday, July 08, 2008**

**Council Session**

## **Item G2**

**Approving Minutes of June 24, 2008 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING

June 24, 2008

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 June 24, 2008. Notice of the meeting was given in *The Grand Island Independent* on June 18, 2008.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Haase, Zapata, Nickerson, Gericke, Carney, Ramsey, Niemann, and Meyer. Councilmember's Brown and Gilbert were absent. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Dale Shotkoski, and Public Works Director Steve Riehle.

INVOCATION was given by Father Vince Parsons, St. Mary's Catholic Church, 204 South Cedar Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council Members Sammy Sayavongsa and Zach Stauffer.

#### PRESENTATIONS AND PROCLAMATIONS:

Proclamation "A Community of One – Unity Walk" June 28, 2008. Mayor Hornady proclaimed June 28, 2008 as "A Community of One – Unity Walk". Paul Briseno, President of the Multicultural Coalition and Ken Gnadt were present for the presentation.

#### PUBLIC HEARINGS:

Public Hearing on Request from The Cigarette Store Corp. dba Smoker Friendly/T & D Liquors, 802 West 2<sup>nd</sup> Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from The Cigarette Store Corp. dba Smoker Friendly/T & D Liquors, 802 West 2<sup>nd</sup> 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 June 5, 2008; notice to the general public of date, time, and place of hearing published on June 14, 2008; notice to the applicant of date, time, and place of hearing mailed on June 5, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and with the restriction there be no alcohol or beer sold through the drive-up window. Dan Gallagher, Owner, 5303 Spine Road #101, Boulder, Colorado was present to answer questions. No further public testimony was heard.

Public Hearing on Request from B & D Management, Inc. dba Bunkhouse Sports Bar and Grill, 3568 West Old Highway 30 for an Addition to Class "C-78875" Liquor License. RaNae Edwards, City Clerk reported that an application for a Sidewalk Café had been received from B & D Management, Inc., dba Bunkhouse Sports Bar and Grill, 3568 West Old Highway 30 for a 9' x 35' addition to the west side of the existing building to their Class "C-78875" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 4, 2008; notice to the general

public of date, time, and place of hearing published on June 14, 2008; notice to the applicant of date, time, and place of hearing mailed on June 6, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Stratford Plaza LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for an Addition to Class "C-65949" Liquor License. RaNae Edwards, City Clerk reported that an application for a Beer Garden had been received from Stratford Plaza LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for a 32' x 25' addition to the north side of the existing building to their Class "C-65949" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 3, 2008; notice to the general public of date, time, and place of hearing published on June 14, 2008; notice to the applicant of date, time, and place of hearing mailed on June 3, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Balz, Inc. dba Balz Sports Bar, 3421 West State Street for an Addition to Class "C-39140" Liquor License. RaNae Edwards, City Clerk reported that an application for a Beer Garden had been received from Balz, Inc., dba Balz Sports Bar, 3421 West State Street for a 22' x 66' and a 35' x 28' addition to the north side of the existing building to their Class "C-39140" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 11, 2008; notice to the general public of date, time, and place of hearing published on June 14, 2008; notice to the applicant of date, time, and place of hearing mailed on June 11, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing Concerning Change of Zoning for Land Located North of Trust Street, South of Rolling Green Drive from RD Residential Development to Amended RD Residential Development (Good Samaritan Subdivision). Chad Nabity, Regional Planning Director reported the request to rezone Good Samaritan Subdivision would change the number of units for Lot 3 from 14 to 28 Senior Housing Apartments to 37 to 65 Senior Housing Apartments. Leah Burkhardt, 1503 Marshall Street, Wood River and Ken Gnadt, 1610 Gretchen Avenue spoke in support. No further public testimony was heard.

Public Hearing Concerning Change of Zoning for Grand Island Mall Fifteenth Subdivision from CD Commercial Development to Amended CD Commercial Development. Chad Nabity, Regional Planning Director reported the request would create a new lot along the east side of the development north of College Street extended and west of Webb Road. Dawn Noka, 7437 Grand Oaks Drive, Lincoln spoke in support. No further public testimony was heard.

Public Hearing to Amend Chapter 36 of the Grand Island City Code Relative to Flood and Reference Maps. Chad Nabity, Regional Planning Director reported the changes proposed were necessary to insure that all communities in Hall County were properly managing the flood plain in their jurisdictions. No public testimony was heard.

Public Hearing Concerning the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Mark Stelk, Vice-Chairman of the Citizens' Review Committee reported that the Citizens' Review Committee was required by State Statute and the

Grand Island City Code to make a semi-annual report to the City Council. Dehn Renter, CRC President, 1820 N. Sherman Court gave the semi-annual report. No further public testimony was heard.

Public Hearing on Request from Mission Nebraska, Inc. for a Conditional Use Permit for Installation of a 40 Foot Tower Located at 3347 West Capital Avenue. Craig Lewis, Building Department Director reported the request was for construction of a 40 foot tall studio transmitter tower and a 6 foot antenna. Mission Nebraska, Inc. owns radio station 95.7 FM and was moving their office and studio to Grand Island and needed the wireless communication tower to transmit programming. Stan Parker, 2530 Q Street, Lincoln spoke in support. No further public testimony was heard.

#### ORDINANCES:

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

#9173 – Consideration of Change of Zoning for Land Located North of Trust Street, South of Rolling Green Drive from RD Residential Development to Amended RD Residential Development (Good Samaritan Subdivision)

#9174 – Consideration of Change of Zoning for Grand Island Mall Fifteenth Subdivision from CD Commercial Development to Amended CD Commercial Development

#9175 – Consideration of Amending Chapter 36 of the Grand Island City Code Relative to Flood and Reference Maps

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 Nickerson second the motion. Upon roll call vote, all voted aye. Motion adopted.

Ordinances #9173, #9174 and #9175 related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve Ordinances #9173, #9174 and #9175.

City Clerk: Ordinances #9173, #9174 and #9175 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 #9173, #9174 and #9175 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 Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9173, #9174 and #9175 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G13-was pulled for further discussion. Motion by Zapata, second by Carney to approve the Consent Agenda excluding item G-13. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 10, 2008 City Council Regular Meeting.

Approving Minutes of June 17, 2008 City Council Study Session.

Approving Re-Appointments of Lisa Crumrine and Steven Beck to the Community Development Advisory Board.

Approving Appointments of Michelle Oldham and Kristin McElligott and Re-Appointment of Lori Hock to the Library Board.

#2008-162 – Approving Final Plat and Subdivision Agreement for Grand Island Mall Fifteenth Subdivision. It was noted that Grand Island Mall, LTD owners had submitted the Final Plat and Subdivision Agreement for Grand Island Mall Fifteenth Subdivision located west of Webb Road and south of Capital Avenue for the purpose of creating one lot.

#2008-163 – Approving Final Plat and Subdivision Agreement for La Luc Subdivision. It was noted that Jose O. and Florencia O. Garcia, owners had submitted the Final Plat and Subdivision Agreement for La Luc Subdivision, a tract of land located in the SE1/4 SW1/4 of Section 4-11-9, north of Capital Avenue and east of Ashley Park.

#2008-164 – Approving the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan.

#2008-165 – Approving Certificate of Final Completion for Campground Potable Water System at Heartland Public Shooting Park with Island Plumbing, Inc. of Grand Island, Nebraska.

#2008-166 – Approving Obligation of Revolving Loan Funds for Environmental Review Update at Cornhusker Industrial Park.

#2008-167 – Approving Bid Award for Sludge Dewatering Polymer for Belt Filter Presses at the Waste Water Treatment Plant. This item was pulled from the agenda at the request of the Public Works Department.

#2008-168 – Approving Proposal for Professional Services for the Supervisory Control and Data Acquisition System (SCADA) at the Waste Water Treatment Plan with Huffman Engineering, Inc. of Lincoln, Nebraska in an amount of \$241,880.00.

#2008-169 – Approving 2008/2009 Fee Schedule.

#2008-171 – Approving 2008/2009 Outside Agencies Funding.

#2008-172 – Approving Employee Group Life Insurance Contract with Aetna, Inc. of Hartford, Connecticut for an Annual Amount of Approximately \$42,000.00.

#2008-173 – Approving Change Order No. 21 with Chief Construction of Grand Island, Nebraska for the Law Enforcement Center in an Amount of \$1,650.00 and a Revised Contingency Amount of \$21,165.14.

#2008-170 – Approving 2008/2009 FTE's. Discussion was held on the need for the additional FTE's. Motion was made by Meyer, second by Ramsey to approve Resolution #2008-170. Upon roll call vote, Councilmember's Zapata, Nickerson, Carney, Ramsey, Niemann and Meyer voted aye. Councilmember's Haase and Gericke voted no. Motion adopted.

#### REQUESTS AND REFERRALS:

Consideration of Request from Mission Nebraska, Inc. for a Conditional Use Permit for Installation of a 40 Foot Tower Located at 3347 West Capital Avenue. This item relates to the aforementioned Public Hearing.

Motion by Nickerson, second by Zapata to approve the request from Mission Nebraska, Inc. for a wireless communications tower. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2008-174 – Consideration of Request from The Cigarette Store Corp. dba Smoker Friendly/T & D Liquors, 802 West 2<sup>nd</sup> Street for a Class "C" Liquor License and Liquor Manager Request from Megan Kenney, PO Box 131, Phillips, Nebraska. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Question was answered regarding the Class "C" designation which allows on and off sale of alcohol. Mr. Gallagher stated the reason was for wine tasting only.

Motion by Meyer, second by Carney to approve Resolution #2008-174 contingent upon final inspections and with the restriction there be no sale of alcohol or beer through the drive-up window. Upon roll call vote, all voted aye. Motion adopted.

#2008-175 – Consideration of Request from B & D Management, Inc. dba Bunkhouse Sports Bar and Grill, 3568 West Old Highway 30 for an Addition of 9' x 35' area for a Sidewalk Café to Class "C-78875" Liquor License. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Meyer, second by Carney to approve Resolution #2008-175 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2008-176 – Consideration of Request from Stratford Plaza LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for an Addition of 32' x 25' area for a Beer Garden to Class "C-68949" Liquor License. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Meyer, second by Carney to approve Resolution #2008-176 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#2008-177 – Consideration of Request from Balz, Inc. dba Balz Sports Bar, 3421 West State Street for an Addition of 22' x 66' area for a Beer Garden and an additional 35' x 28' area to Class "C-78875" Liquor License. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing.

Motion by Meyer, second by Carney to approve Resolution #2008-177 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady excused herself from the meeting due to a conflict of interest and turned the meeting over to President Mitch Nickerson.

#2008-178 – Consideration of Approving Contract for Animal Control Services. Jeff Pederson, City Administrator reported the current five-year contract for animal control services with the Central Nebraska Humane Society would expire September 30, 2008. Request for Proposals were opened on May 30, 2008 with three proposals received. An evaluation team reviewed the proposals using evaluation criteria and recommended Dr. James Kimbrough and Carole Kimbrough dba Grand Island Animal Services for animal control and sheltering services be approved.

The following people spoke in support:

- Susan Koenig, Attorney for Kimbrough's, 308 North Locust Street
- Jim Kimbrough, 7800 No. U.S. Hwy. 281

The following people spoke in opposition:

- Laurie Dethloff, 4204 Kay Avenue
- Tina Reichert, 1104 East Phoenix
- Chris Eberhardt, 523 South Clay
- Mike Kleffner, 2803 West Waugh Street
- Deb Wetzel, 1003 Nebraska Avenue
- JoAnn Rap, 802 East 15<sup>th</sup> Street
- Ardith May, 2530 North Webb Road
- Lewis Kent, 624 East Meves
- Jim Heil, 649 McCarthy
- Gail Yenny, 1716 Rainbow Road
- Marsha Jaeger, 1716 Virginia Drive
- Bill Marshall, 712 Grand Avenue
- Ken Gnadt, 1610 Gretchen Avenue
- Tim Dethloff, 4204 Kay Avenue
- James Truell, 903 West Division

Jay Vavricek, 2729 Brentwood Blvd. requested Council table this issue for further information.

Discussion was held on hours of service, office hours, etc. Jim & Carole Kimbrough explained the services they would provide and that their hours were negotiable. Wes Nespor, Assistant City Attorney explained the differences in the bid process versus the request for proposal process.

Motion by Gericke, second by Carney to deny Resolution #2008-178 based on the lack of understanding and information to council and not low bid.

Motion by Meyer, to call the questions. Upon roll call vote, Councilmember's Haase, Zapata, Nickerson, Carney, Ramsey, Niemann, and Meyer voted aye. Councilmember Gericke voted no. Motion adopted.

Upon roll call vote on the original motion, Councilmember's Zapata, Gericke, Carney, Ramsey and Niemann voted aye. Councilmember Nickerson voted no. Councilmember's Haase and Meyer abstained. Motion failed.

PAYMENT OF CLAIMS:

Motion by Gericke, second by Haase to approve the Claims for the period of June 11, 2008 through June 24, 2008, for a total amount of \$2,837,372.90. Motion adopted unanimously.

EXECUTIVE SESSION: Motion by Meyer, second by Haase to adjourn to Executive Session for the purpose of an update on IBEW Union Contract Negotiations and Real Estate Acquisition – Hall County Livestock Improvement Association at p.m. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer, second by Haase to return to regular session at p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 12:00 a.m.

RaNae Edwards  
City Clerk