



# City of Grand Island

Tuesday, February 10, 2009

Council Session

## Item G1

**Approving Minutes of January 27, 2009 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 27, 2009

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 January 27, 2009. Notice of the meeting was given in *The Grand Island Independent* on January 21, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Meyer, Nickerson, Zapata, Ramsey, Dugan, Carney, Haase, Gilbert, Gericke, and Niemann. 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 Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Garrett Coble and Simon Walker and Board Member Randy See. Also mentioned was the "Create Your Community" art contest at the Conestoga Mall this weekend. Mayor commented on the successful pencil drive.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of StormReady Community. Steve Kisner and Steve Eddy, Meteorologist with the National Weather Service were present to recognize the City of Grand Island as a StormReady Community. Emergency Management Director Jon Rosenlund was present to receive the recognition and thanked his staff and the community.

Proclamation "Census 2010". Mayor Hornady proclaimed full support of and participation in the success of the "Census 2010". Steve Rein and Mike Santillanes with the Census Bureau were present to receive the proclamation and present a video of the 2010 Census.

PUBLIC HEARINGS:

Public Hearing on Request from Vientiane Restaurant, LLC dba Vientiane Restaurant, 523 West 4<sup>th</sup> Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Vientiane Restaurant, LLC dba Vientiane Restaurant, 523 West 4<sup>th</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 5, 2009; notice to the general public of date, time, and place of hearing published on January 17, 2009; notice to the applicant of date, time, and place of hearing mailed on January 5, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. John Higgins, Attorney representing Vientiane Restaurant spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1804 South Eddy Street (Goodwill Industries of Greater Nebraska, Inc.). Gary Mader, Utilities Department Director reported that a

utility easement was needed at 1804 South Eddy Street in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place high voltage underground cable and a pad-mounted transformer to serve the increased load of Goodwill Industries. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3625 Old Potash Highway (Hall County, Nebraska/Hornady Family Limited Partnership). Gary Mader, Utilities Department Director reported that a utility easement was needed on the east side of Hornady Manufacturing Company at 3625 Old Potash Highway in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground cable and a pad-mounted transformer to serve the increased electrical load at the east building of Hornady Manufacturing. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendments to Chapter 36 of the City Code to the B2 General Business Zone and AC Arterial Commercial Overlay Zone Regarding Recreation Vehicle Campgrounds and Changes to Section 36-26 Projections from Buildings. Chad Nabity, Regional Planning Director reported Rick Milton with the Rodeway Inn on South Locust Street had requested Council to consider allowing campgrounds in the AC overlay district by conditional use permit. The AC overlay district is located on both sides of South Locust between Fonner Park Road and U.S. Highway 34.

The other change was for approval to change the language dealing with covered porches that project into the required yard setbacks. The request was to revert back to language that covered this issue prior to the 2004 Zoning Regulation changes. The older language accomplishes the same end as the new language but would be easier to explain, implement and enforce. Staff recommended approval. Rick Milton, 109 East Ashton Avenue spoke in support. No further public testimony was heard.

Public Hearing Concerning Budget Amendment. Dave Springer, Finance Director reported that discussion with the State Auditor’s office had determined that a long standing procedure used in the budgeted appropriations calculation was not the preferred method and it would be appropriate to amend the current year’s budget and revise the process for future state budget submittals. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

- #9202 – Consideration of Amendments to Chapter 36 of the Grand Island City Code to the B2 General Business Zone and AC Arterial Commercial Overlay Zone Regarding Recreation Vehicle Campgrounds and Changes to Section 36-26 Projections from Buildings
- #9203 – Consideration of Budget Amendment

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

Ordinances #9202 and #9203 related to the aforementioned Public Hearing.

Motion by Nickerson, second by Gericke to approve Ordinances #9202 and #9203. Comments were made concerning campgrounds along South Locust Street. Craig Lewis, Building Department Director answered questions regarding restrictions and time limits for conditional use permits.

Motion by Gericke to table Ordinance #9202. Motion died due to lack of a second.

Discussion was held on Ordinance #9203 regarding the current number and amount of carry over purchase orders. Finance Director Dave Springer explained the carry over’s were for projects still in progress and that all of the projects were legitimate.

Motion by Carney, second by Haase to lay on the table Ordinance #9203 to the February 10, 2009 meeting. Upon roll call vote, Councilmember’s Niemann, Gilbert, Haase, Carney, and Gericke voted aye. Councilmember’s Meyer, Dugan, Ramsey, Zapata, and Nickerson voted no. Mayor Hornady voted no. Motion failed.

Motion by Meyer, second by Dugan to refer Ordinance #9203 to the next available Study Session. Upon roll call vote, Councilmember’s Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, and Gericke voted aye. Councilmember’s Zapata and Nickerson voted no. Motion adopted.

City Clerk: Ordinance #9202 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 Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, and Nickerson voted aye. Councilmember’s Meyer, Zapata, and Gericke voted no. Motion adopted.

City Clerk: Ordinance #9202 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 Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember’s Meyer and Gericke voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9202 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda item G-11 was pulled for further discussion. Motion by Zapata, second by Gilbert to approve the Consent Agenda excluding item G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 13, 2009 City Council Regular Meeting.

Approving Minutes of January 20, 2009 City Council Study Session.

Approving Appointments of John Mayer, Todd Morgan, Scott Kuehl, and Tom Cox to the Firefighters Pension Committee.

Approving Appointments of Kelly Mossman, Danny Dubbs, Michael Nelson, and Janet Mead to the Police Pension Committee.

Approving Final Plat and Subdivision Agreement for Pirnie First Subdivision. It was noted that Tom and Sue Pirnie, owners had submitted the Final Plat and Subdivision Agreement for Pirnie First Subdivision for the purpose of creating 2 lots east of Stuhr Road and north of Bismark Road comprising of approximately 1.581 acres.

#2009-15 – Approving Acquisition of Utility Easement Located at 1804 South Eddy Street (Goodwill Industries of Greater Nebraska, Inc.).

#2009-16 – Approving Acquisition of Utility Easement Located at 3625 Old potash Highway (Hall County, Nebraska/Hornady Family Limited Partnership).

#2009-17 – Approving Agreement with the Nebraska Department of Roads for Relocation of a Power Pole for Construction of the North Bound Lanes of U.S. Highway 281 from I80 to Nebraska Highway 2, North of Capital Avenue.

#2009-18 – Approving Bid Award for Twelve (12) Substation Communication Processors with Kriz-Davis Company of Grand Island, Nebraska in an Amount of \$110,937.60.

#2009-19 – Approving Bid Award for Water Main Project 2009-W-2 – Wellfield Well Header Modifications (Materials Only) with Municipal Supply of Hastings, Nebraska in an Amount of \$29,986.67 and HD Supply of Omaha, Nebraska in an Amount of \$82,273.41.

#2009-21 – Approving Maintenance Agreement Number 12 Renewal for 2009 with the Nebraska Department of Roads.

#2009-22 – Approving Update to Resolution 2008-201; for Additional Repairs and Rental of Electrical Switch Gear at the Waste Water Treatment Plant in an Amount not to exceed \$30,326.50.

#2009-23 – Approving Updates to Sections 3.11, 3.17, 3.23, 4.01, 4.11, and 4.12 of the Personnel Rules.

#2009-20 – Approving Household Hazardous Waste Grant with Nebraska Department of Environmental Quality. Assistant to the City Administrator Paul Briseno answered questions regarding two FTE's, costs, and funding for the five year grant. Mr. Briseno stated there were no other facilities within the city that provided this kind of service. An Environmental Trust Grant was submitted in November and if that is not approved then this facility would not go forward.

Motion by Nickerson, second by Gericke to approve Resolution #2009-20. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Approving Referral of the One & Six Year Street Improvement Plan to the Regional Planning Commission Steve Riehle, Public Works Director reported on the process of having the Regional Planning Commission act on the One & Six Year Street Improvement Program and then bring their recommendations to the City Council. The City Council would act on this at their February 10, 2009 Regular meeting.

Motion by Meyer, second by Haase to approve the referral of the One & Six Year Street Improvement Plan to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-24 – Approving Request from Vientiane Restaurant, LLC dba Vientiane Restaurant, 523 West 4<sup>th</sup> Street for a Class “C” Liquor License and Liquor Manager Designation for Chanh Bandasack, 510 North White Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve Resolution #2009-24 contingent upon final inspections and upon Mr. Bandasack completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Zapata to approve the Claims for the period of January 14, 2009 through January 27, 2009, for a total amount of \$2,167,683.42. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

RaNae Edwards  
City Clerk