



City of Grand Island

Tuesday, September 08, 2009

Council Session

Item G1

Approving Minutes of August 25, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 25, 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 August 25, 2009. Notice of the meeting was given in *The Grand Island Independent* on August 19, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, Nickerson, Zapata and Gericke. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director Mary Lou Brown, 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 Austin Witmer and Jared Bombeck. Also mentioned was this Friday was the opening of the Nebraska State Fair. The Platte River Goodwill Charity Shoot was also mentioned.

Mayor Hornady mentioned an addition to the agenda was needed for Library Services threatened or pending litigation.

Motion by Meyer, second by Ramsey to add under Special Items - Library Services threatened or pending litigation. Upon roll call vote, all voted aye. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from Tycoon Ltd., LLC dba Empire, 123 East South Front 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 Tycoon Ltd., LLC dba Empire, 123 East South Front Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 6, 2009; notice to the general public of date, time, and place of hearing published on August 15, 2009; notice to the applicant of date, time, and place of hearing mailed on August 6, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. David Karmazin, 2981 Hwy 4, Lawrence, Nebraska spoke in support. No further public testimony was heard.

Public Hearing on Request from Mosaic Group Home for a Conditional Use Permit for a Mosaic Group Home Located at 2905 West 5th Street. Craig Lewis, Building Department Director reported that Mosaic Group Home had submitted an application for a conditional use permit located at 2905 West 5th Street to construct a six bedroom facility for individuals with disabilities. Staff recommended approval contingent upon zoning setback requirements. Tom Zuck, 119 South 49th Avenue, Omaha, representative for Mosaic Group Home spoke in support. No further public testimony was heard.

Public Hearing on Amendments to Chapter 36-96 of the Grand Island City Code Relative to Off-Street Parking Requirements. Chad Nabity, Regional Planning Director reported that the amendments

to Chapter 36-96 was in response to the relocation of the Nebraska State Fair to Fonner Park. 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:

#9229 – Consideration of Amendments to Chapter 36-96 of the Grand Island City Code Relative to Off-Street Parking Requirements

#9230 – Consideration of Vacation of Alley in Block 9 of Rollins Addition (Bank of Doniphan at 518 North Eddy Street)

#9231 – Consideration of Approving Salary 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 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.

#9229 – Consideration of Amendments to Chapter 36-96 of the Grand Island City Code Relative to Off-Street Parking Requirements

Motion by Meyer, second by Dugan to approve Ordinance No. 9229.

City Clerk: Ordinance #9229 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 #9229 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 Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9229 is declared to be lawfully adopted upon publication as required by law.

#9230 – Consideration of Vacation of Alley in Block 9 of Rollins Addition (Bank of Doniphan at 518 North Eddy Street)

Steve Riehle, Public Works Director reported that Ordinance #9230 would vacate a public alley at 518 North Eddy Street. Bob Dodendorf, 1404 South Harrison, Terry Brown, 201 East 2nd Street, and Gene Graves, 1711 South Stuhr Road spoke in support. A lengthy discussion was held regarding ingress/egress easement, trash service, traffic flow, closing alley, and safety concerns. Building Department Director Craig Lewis explained city code requirements for setbacks in back yards. City Attorney Dale Shotkoski stated an alley was a public right-of-way whereas an easement was not.

Motion by Meyer, second by Ramsey to approve Ordinance No. 9230.

City Clerk: Ordinance #9230 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 Ramsey and Nickerson voted aye. Councilmember’s Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Zapata, and Gericke voted no. Motion failed.

Brenda Sutherland, Human Resources Director reported that Ordinance #9231 was the salary ordinance setting the wages for the upcoming fiscal year. The following increases were presented: AFSCME – 4%; FOP – 3.5%; IAFF – 3.5%; IBEW Wastewater – 3.5%; IBEW Utilities – 3.75%; IBEW Finance – 3.75%; and Non-Union – 3%.

Motion by Haase, second by Meyer to postpone Ordinance #9231 until the final budget is approved which is set for September 8, 2009. Upon roll call vote, all voted aye. Motion adopted.

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

Approving Minutes of August 11, 2009 City Council Regular Meeting.

Approving Minutes of August 18, 19, and 20, 2009 City council Budget Meetings.

Approving Re-Appointments of Karen Bredthauer, Scott Ericksen, and Ray Aguilar to the Interjurisdictional Planning Commission.

Approving Re-Appointment of Glen Murray to the Community Redevelopment Authority.

Approving Appointment of Judy Pederson to the Business Improvement District #6 Board.

Approving Appointments of Mike Wooden and James Reed to the Business Improvement District #8 Board.

Approving Request for Reconstruction Liquor License for Casey's Retail Company dba Casey's General Store #2737, 1814 North Eddy Street, License "B-76265".

Approving Preliminary Plat for Woodland Park Subdivision.

#2009-194 – Approving Final Plat and Subdivision Agreement for Woodland Park Tenth Subdivision. It was noted that Hastings Ventures L.L.C., owners had submitted the Final Plat and Subdivision Agreement for Woodland Park Tenth Subdivision for the purpose of creating 17 lots on a tract of land consisting of part of the W1/2, SE1/4 of Section 2-11-10 comprising of approximately 13.491 acres.

#2009-195 – Approving Final Plat and Subdivision Agreement for R Quandt Subdivision. It was noted that Jerry Quandt, Personal Representative for the Estate of Ralph C. Quandt had submitted the Final Plat and Subdivision Agreement for R Quandt Subdivision for the purpose of creating 1 lot west of Quandt Road and north of White Cloud Road comprising of approximately 4.184 acres. Councilmember Gilbert voted no.

#2009-196 – Approving Renewal of Boiler and Machinery Insurance with Factory Mutual Insurance Company of St. Louis, Missouri in an Amount of \$375,641.00 and Terrorism Insurance Coverage in an Amount of \$21,631.00.

#2009-197 – Approving Release Form for Repairs Made to Solid Waste Division Transfer Station Door.

#2009-198 – Approving Certificate of Final Completion for Sanitary Sewer Project No. 2009-S-2; Saint Patrick Avenue – Manhole and Valve with General Excavation Company of Lincoln, Nebraska.

#2009-199 – Approving Certificate of Final Completion for Sanitary Sewer District No. 76 Replacement; Vine Street, Between Ashton Avenue and Koenig Street with The Diamond Engineering Company of Grand Island, Nebraska.

#2009-200 – Approving Contract for Health and Dental Plan with Regional Care, Inc.

#2009-201 – Approving Keno Satellite Location and Agreement for A. Meier, Inc. dba Bandits, 1016 North Diers Avenue, Suite 118.

#2009-202 – Approving Keno Satellite Location and Agreement for Sluggers, Inc. dba Sluggers Sports Bar and Grill, 707 West Anna Street.

#2009-203 – Approving Amendment Number 3 to Agreement with CH2M Hill of Englewood, Colorado for Waste Water Comprehensive Plan Update in an Amount not to exceed \$24,880.00 and a Revised Contract Amount of \$406,118.00.

REQUESTS AND REFERRALS:

Consideration of Request from Mosaic Group Home for a Conditional Use Permit for a Mosaic Group Home Located at 2905 West 5th Street. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Zapata to approve the request from Mosaic Group Home for a Conditional Use Permit for a Mosaic Group Home located at 2905 West 5th Street contingent upon zoning setback requirements. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-204 – Consideration of Request from Tycoon Ltd., LLC dba Empire, 123 East South Front Street for a Class “C” Liquor License and Liquor Manager Designation for David Karmazin, 2981 Highway 4, Lawrence, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve Resolution #2009-204 contingent upon final inspections and Mr. Karmazin completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2009-205 – Consideration of Requesting the Nebraska Liquor Control Commission to Require Club 69, 106 East 3rd Street to Complete a Long Renewal Form. Police Chief Steve Lamken reported that due to the high volume of calls and problems associated with Club 69 the Police Department recommended the City Council vote to ask the Nebraska Liquor Control Commission to require Club 69 to submit a new application for the renewal of the liquor license.

Becky Burkes, 1324 West Anna representing Project Extra Mile and Randy See 529 Hermitage Court spoke in support. Nick Kallos, 106 East 3rd Street owner of Club 69 spoke in opposition.

Discussion was held regarding intoxicated person within the bar, fights, and strain on Law Enforcement. City Attorney Dale Shotkoski explained the long form renewal process.

Motion by Carney, second by Nickerson to approve Resolution #2009-205. 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 August 12, 2009 through August 25, 2009, for a total amount of \$4,612,901.00. Unanimously approved.

SPECIAL ITEMS:

#2009-206 – Discussion Concerning Settlement of Demolition Costs for Merrick County Case No. CI 08-40.

Motion by Meyer, second by Gilbert to go into Executive Session at 8:40 p.m. for the purpose of discussing settlement of demolition costs for Merrick County Case No. CI 08-40 and Library Services threatened or pending litigation. Upon roll call vote, all voted aye. Motion adopted.

Motion by Meyer, second by Ramsey to reconvene in Regular Session at 9:30 p.m. Upon roll call vote, all voted aye. Motion adopted.

Motion by Gericke, second by Nickerson to approve Resolution #2009-206 (A). Upon roll call vote, all voted aye. Motion adopted.

OTHER ITEMS:

Review of Proposed 2009/2010 City Single Budget and Community Redevelopment Authority (CRA) Budget. City Administrator Jeff Pederson explained the process the department directors took to make cuts to the 2009/2010 budget as requested by the City Council.

Motion by Haase to consider the 2009-2010 CRA Budget, second by Carney. Upon roll call vote, all voted aye. Motion adopted.

Discussion was held regarding TIF projects and cash balance.

Motion by Ramsey, second by Zapata to approve the 2009-2010 CRA budget as presented.

Motion by Haase, second by Nickerson to amend the CRA budget to remove \$425,000 property tax request for the FY 2009-2010 Budget. Upon roll call vote, Councilmember's Haase and Gericke voted aye. Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Nickerson voted no. Motion failed.

Discussion was held regarding using CRA funds for the Lincoln Pool, short term fix, and cash balance.

Upon roll call upon original motion, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

Finance Director Mary Lou Brown updated the Council on the changes that were incorporated from last week. Reviewed were the Capital Improvement Projects, occupational tax, and reserve balances. Human Resources Director Brenda Sutherland explained the health insurance costs and reserve funds.

Motion by Zapata, second by Nickerson to approve Option 2 which includes the 2.25 mill levy and addition of 4 Police Officers. Upon roll call vote,

Motion by Meyer, second by Zapata to amend the motion by removing the Hike/Bike trail in the amount of \$200,000 and the Lincoln Pool in the amount of \$68,000. Upon roll call vote, Councilmember's Meyer, Gilbert, and Zapata voted aye. Councilmember's Niemann, Haase, Carney, Dugan, Ramsey, Nickerson, and Gericke voted no. Motion failed.

Steve Paustian, Parks & Recreation Director commented on the elimination of the Hike/Bike trail money and closing Lincoln Pool for next year.

Motion by Carney, second by Gericke to exclude the 1% employee health insurance. Upon roll call vote, Councilmember's Niemann, Carney, Zapata, and Gericke voted aye. Councilmember's Meyer, Gilbert, Haase, Dugan, Ramsey, and Nickerson voted no. Motion failed.

Motion by Gilbert to postpone this motion until September 1, 2009. Motion died due to lack of a second.

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

Upon roll call vote of the original motion to approve Option 2 which includes the 2.25 Mill Levy and addition of 4 Police Officers Councilmember's Niemann, Carney, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember's Meyer, Gilbert, Haase, and Dugan voted no. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 11:30 p.m.

RaNae Edwards
City Clerk