



City of Grand Island

Tuesday, September 22, 2009

Council Session

Item G1

Approving Minutes of September 8, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 8, 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 September 8, 2009. Notice of the meeting was given in *The Grand Island Independent* on September 2, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Nickerson, Zapata and Gericke. Councilmember Haase was absent. 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 Lauren Cantrell and Danielle Jim along with Board Member Jared Stockwell.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Michael Peterson, Fleet Services with the Public Works Department for 25 Years of Service with the City of Grand Island. The Mayor and City Council recognized Michael Peterson, Fleet Inventory Specialist with the Public Works Department for 25 years of service with the City of Grand Island. Michael Peterson was present.

Presentation from Central District Health Department Regarding H1N1 Update. Teresa Anderson, Executive Director of the Central District Health Department updated the Council on the H1N1 Flu. Presented were recommended action steps under the current flu conditions.

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

#2009-BE-3 – Consideration of Determining Benefits for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road. Mary Lou Brown, 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 \$26,233.69.

#2009-BE-4 – Consideration of Determining Benefits for Business Improvement District #6, Second Street. Mary Lou Brown, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #6. Special assessments were for the amount of \$39,293.84.

#2009-BE-5 – Consideration of Determining Benefits for Business Improvement District #7, South Locust Street from Stolley Park Road to Highway 34. Mary Lou Brown, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #7. Special assessments were for the amount of \$46,615.31.

Motion by Nickerson, second by Ramsey to approve Resolutions #2009-BE-3, #2009-BE-4, and #2009-BE-5. Upon roll call vote, all voted aye. Motion adopted.

#2009-BE-6 – Consideration of Determining Benefits for Business Improvement District #8, Downtown. Mary Lou Brown, Finance Director reported that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #8. Special assessments were for the amount of \$89,410.19. Presented were three Resolutions with a 0%, 70% and 100% assessment for owner occupied residents.

Discussion was held on residents paying any assessment. Bruce Eberle, 3219 Hiawatha Place commented on how the assessment was arrived at for BID #8. Wendy Alexander, 123 North Locust, Apt. 805 and Lynn Buckley, 123 North Locust, Apt. 1103 spoke in opposition.

Motion by Gilbert, second by Ramsey to approve Resolution #2009-BE-6 (B). Upon roll call vote, Councilmember's Gilbert, Dugan, Ramsey, Zapata, and Nickerson voted aye. Councilmember's Meyer, Niemann, Carney, and Gericke voted no. Mayor Hornady voted aye to make the sixth deciding vote. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Olsson Associates for a Conditional Use Permit for a Soil Vapor Extraction Trailer Located at 373 North Vine Street. Craig Lewis, Building Department Director reported that Olsson Associates had submitted an application for an extension of a current conditional use permit located at 373 North Vine Street. Staff recommended approval No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 441 Pheasant Drive (Roy R. Rathgeber). Gary Mader, Utilities Director reported that a utility easement was needed at 441 Pheasant Drive 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 a new home being constructed on the lot. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Alley Right of Way Located at 518 North Eddy Street in Lot 9, Block 10 of Rollins Addition (Bank of Doniphan). Steve Riehle, Public Works Director reported that the Bank of Doniphan was dedicating a 16 feet wide alley to create an "L" shaped alley between 5th and 6th Streets from Clark Street to Eddy Street to replace the one being vacated by Ordinance #9230. Staff recommended approval. No public testimony was heard.

Public Hearing on General Property, Parking District #2 (Ramp) and Community Development Authority Tax Request. Mary Lou Brown, 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 \$6,406,867, Parking District No. 2 at \$8,000, and the Community Redevelopment Authority property tax at \$425,000. Staff recommended approval. No public testimony was heard.

Public Hearing on Establishing the Rates for the General Occupation Tax for Downtown Parking District No. 1. Mary Lou Brown, Finance Director reported that this was the annual Council action to establish the occupation tax for Downtown Improvement and Parking District No. 1. FY 2009-2010 occupation tax factor was \$.1588 per square foot and would provide taxes of \$40,000. 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:

- #9231 – Consideration of Approving Salary Ordinance
- #9232 – Consideration of Vacation of East 52.8 Feet of Alley Between 5th and 6th Street, from Clark Street to Eddy Street in Block 9 of Robbins Addition (Bank of Doniphan at 518 North Eddy Street)
- #9233 – Consideration of Approving FY 2009-2010 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1
- #9234 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1
- #9235 – Consideration of Assessments for Business Improvement District #4, South Locust Street from Stolley park Road to Fonner Park Road
- #9236 – Consideration of Assessments for Business Improvement District #6, Second Street
- #9237 – Consideration of Assessments for Business Improvement District #7, South Locust from Stolley Park Road to Highway 34
- #9238 – Consideration of Assessments for Business Improvement District #8, Downtown

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.

Brenda Sutherland, Human Resources Director reported that Ordinance #9231 was the salary ordinance setting the wages for the upcoming fiscal year. Explained was the non-union increase of 3% and the salary survey.

Motion by Carney, second by Nickerson to approve Ordinance #9231.

Discussion was held concerning the 3% versus 4.5%. The 3% would be an across the board raise for non-union employees. Jeff Pederson, City Administrator commented on the salary survey and recommended the survey should be implemented if Council voted on the 3.5%. He mentioned that the non-union salaries could be pulled from this ordinance and be brought back to Council at the next meeting.

Motion by Meyer, second by Nickerson to table this vote until after the vote was taken on the budget. Upon roll call vote, Councilmember’s Meyer, Niemann, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

- #9232 – Consideration of Vacation of East 52.8 Feet of Alley Between 5th and 6th Street, from Clark Street to Eddy Street in Block 9 of Robbins Addition (Bank of Doniphan at 518 North Eddy Street)

Steve Riehle, Public Works Director reported that Ordinance #9232 would vacate a public alley at 518 North Eddy Street. Discussion was held on the drive thru at the bank and parking.

Motion by Carney, second by Dugan to approve Ordinance #9232.

City Clerk: Ordinance #9232 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 #9232 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 #9232 is declared to be lawfully adopted upon publication as required by law.

#9233 – Consideration of Approving FY 2009-2010 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

Mary Lou Brown, Finance Director reported Ordinance #9233 related to the aforementioned Public Hearing.

Motion by Ramsey, second by Zapata to approve Ordinance #9233.

Discussion was held regarding the non-union employee salaries.

Motion by Carney, second by Gericke to amend Ordinance #9233 to reflect a reduction of non-union salaries from 4.5% to 3.5%.

Discussion was held regarding the salary survey, cost-of-living, implementation process, and non-union employees covered by the CIR. Jeff Pederson, City Administrator mentioned the comparability between positions regarding the salary survey. Health insurance was recommended by Administration to increase from 15% to 16% across the board. Brenda Sutherland, Human Resources Director explained the insurance coverage and the process of salary surveys being done every three years. She mentioned the Department Director's hadn't been done for four years.

Upon roll call vote of the amendment, Councilmember's Meyer, Carney, Dugan, and Gericke voted aye. Councilmember's Niemann, Gilbert, Ramsey, Zapata, and Nickerson voted no. Motion failed.

City Clerk: Ordinance #9233 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, Ramsey, Zapata, and Nickerson voted aye. Councilmember's Councilmember's Meyer, Gilbert, Carney, Dugan and Gericke voted no. Motion failed.

Discussion was held regarding deleting money in the budget for the Hike/Bike Trails, Heartland Shooting Park, and Lincoln Pool. Reduction in force was mentioned.

Council recessed at 9:10 p.m. and reconvened at 9:25 p.m.

Motion by Gericke, second by Dugan to approve Ordinance #9233 with the addition of 3.5% for non-union employees.

Motion by Meyer, second by Nickerson to have the number of speeches each councilmember can speak be removed. Upon roll call vote, all voted aye. Motion adopted.

Motion by Niemann, second by Meyer to amend the budget by adjusting the following by eliminating:

- Street Sweeper \$168,000.00
- Hike/Bike Trail \$200,000.00
- Lincoln Pool \$ 68,000.00
- Total \$436,000.00

Comments were made that these items would only come back next year. Reduction in the cash reserves were discussed.

Upon roll call vote, councilmember's Meyer, Niemann, Gilbert, Carney, and Zapata voted aye. Councilmember's Dugan, Ramsey, Nickerson, and Gericke voted no. Mayor Hornady voted no. Motion failed.

Motion by Gilbert, second by Nickerson to eliminate over-time in non-emergency departments.

Discussion was held on emergency situation such as snow removal and waste water emergencies such as we had last year.

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

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

City Clerk: Ordinance #9233 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 Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember's Meyer, Niemann, and Gilbert voted no. Motion adopted.

City Clerk: Ordinance #9233 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 Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember's Meyer, Niemann, and Gilbert voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9233 is declared to be lawfully adopted upon publication as required by law.

#9234 – Consideration of Amendments to Chapter 13 of the Grand Island City Code Relative to Occupation Tax for Downtown Improvement and Parking District No. 1

#9235 – Consideration of Assessments for Business Improvement District #4, South Locust Street from Stolley park Road to Fonner Park Road

#9236 – Consideration of Assessments for Business Improvement District #6, Second Street

#9237 – Consideration of Assessments for Business Improvement District #7, South Locust from Stolley Park Road to Highway 34

#9238 – Consideration of Assessments for Business Improvement District #8, Downtown

Mary Lou Brown, Finance Director reported Ordinances #9234, #9235, #9236, #9237 and #9238 related to the aforementioned Public Hearing and Board of Equalization.

Motion by Meyer, second by Zapata to approve Ordinances #9234, #9235, #9236, #9237 and #9238.

City Clerk: Ordinances #9234, #9235, #9236, #9237 and #9238 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. Councilmember's Meyer and Gilbert voted no on Ordinance #9239. Motion adopted.

City Clerk: Ordinance #9234, #9235, #9236, #9237 and #9238 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. Councilmember's Meyer and Gilbert voted no on Ordinance #9239. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9234, #9235, #9236, #9237 and #9238 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-17 and G-19 were removed for further discussion. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding G-17 and G-19. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 25, 2009 City Council Regular Meeting.

#2009-207 – Approving Final Plat and Subdivision Agreement for Country Club Third Subdivision. It was noted that Ramiro and Barbara Faz, owners had submitted the Final Plat and Subdivision Agreement for Country Club Third Subdivision for the purpose of creating 2 lots on a tract of land all of Lot One, Country Club 2nd Subdivision comprising of approximately .813 acres.

#2009-208 – Approving Final Plat and Subdivision Agreement for J.H. Harders Third Subdivision. It was noted that Marie H. Harder Estate, owners had submitted the Final Plat and Subdivision Agreement for J.H. Harders Third Subdivision for the purpose of creating 2 lots on a tract of land north of Capital Avenue and west of St. Paul Road comprising of approximately 10.5148 acres. Councilmember Gilbert voted no.

#2009-209 – Approving Acquisition of Utility Easement Located at 441 Pheasant Drive (Roy R. Rathgeber).

#2009-210 – Approving Bid Award for Burdick Station GT1 Generator Rotor Inspection and Testing with TurboCare Generator Services, Inc. of Farmington, New Mexico in an Amount of \$75,627.38.

#2009-211 – Approving Bid Award for Burdick Station Controls Computer Upgrade with Metso Automation of Landsdale, Pennsylvania in an Amount of \$224,167.00.

#2009-212 – Approving Supplemental Agreement Number 1 with the Nebraska Department of Roads for Repairs to a Portion of US Highway 34/US Highway 281.

#2009-213 – Approving Time Extension of October 15, 2009 to the Contract with Galvan Construction, Inc. of Grand Island, Nebraska for Construction of Handicap Ramp Project No. 2009-1.

#2009-214 – Approving Amendment #3 to the Consulting Services Agreement for Major Permit Modification at the Solid Waste Landfill with Aquaterra Environmental Solutions, Inc. of Omaha, Nebraska in an Amount not to exceed \$28,800.00.

#2009-215 – Approving Award of Proposal for Engineering Consulting Services for the Central Community College to Wood River Drainage Project with Olsson Associates of Grand Island, Nebraska in an Amount of Actual Costs with a Maximum of \$51,900.00.

#2009-216 – Approving Acquisition of Alley Right of Way Located at 518 North Eddy Street in Lot 9, Block 10 of Rollins Addition (Bank of Doniphan).

#2009-217 – Approving Change Order Number 3 for Capital Avenue Widening, Street Improvement District #1256 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$88,735.01 and a Revised Contract Amount of \$3,851,360.44.

#2009-218 – Approving Bid Award for Surface Prep and Painting of Island Oasis Water Park with Jameson Painting of Minden, Nebraska in an Amount of \$58,974.00.

#2009-219 – Approving Bid Award for Furnishing & Installation of Well at the Veterans Athletic Field Complex with Nunnenkamp Well Co., Inc. of Grand Island, Nebraska in an Amount of \$29,890.00.

#2009-220 – Approving Bid Award for Furnishing & Installation of Irrigation System at the Veterans Athletic Field Complex with Nature’s Helper of Omaha, Nebraska in an Amount of \$123,750.00.

#2009-221 – Approving Bid Award for Grading Improvements for the Veterans Athletic Field Complex with Slepicka Construction of Dorchester, Nebraska in an Amount of \$83,526.25.

#2009-223 – Approving Authorizing Park and Recreation Department Staff to Apply for Trail Grant.

#2009-225 – Approving Annual Agreement for Financial Software Licensing and Support with Tyler Technologies, Inc., MUNIS Division of Falmouth, Maine in an Amount of \$114,357.50.

#2009-222 – Approving Agreement with the Nebraska Game and Parks Commission for Enhancement of Hunter Education at the Heartland Public Shooting Park. Steve Paustian, Parks and Recreation Director reported that the Nebraska Game and Parks Commission had developed a program where the Commission would provide two boxes of ammunition to each successful participant in the hunter education program firing a shotgun. This agreement would hold harmless the Game and Parks Commission.

Motion by Gilbert, second by Dugan to approve Resolution #2009-222. Upon roll call vote, all voted aye. Motion adopted.

#2009-224 – Approving First Amendment to Lease Agreement with Fonner Park Exposition and Events Center, Inc., Hall County Livestock Improvement Association, City of grand Island, and the Nebraska State Fair Board. Councilmember Dugan stated he would pull any item from the Consent Agenda that dealt with the Nebraska State Fair in order for the City to be transparent.

Motion by Dugan, second by Meyer to approve Resolution #2009-224. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCE:

#9231 – Consideration of Approving Salary Ordinance

Motion by Dugan, second by Meyer to approve Ordinance #9231 for all unions and pull out the non-union portion and bring back to Council on September 22, 2009.

Lewis Kent, 624 Meves Avenue spoke in support of the unions.

Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Olsson Associates for a Conditional Use Permit for a Vapor Extraction Trailer Located at 373 North Vine Street. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Zapata to approve the request from Olsson Associates for a Conditional Use Permit for a vapor extraction trailer located at 373 North Vine Street. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-226 – Consideration of Approving General Property, Parking District #2 (Ramp) and Community Redevelopment Authority Tax Request. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Zapata to approve Resolution #2009-226. Upon roll call vote, Councilmember's Meyer, Niemann, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

#2009-227 – Consideration of Approving 1% Increase to the Lid Limit. Mary Lou Brown, Finance Director reported that in 1998 the Nebraska State Legislature passed LB 989 which put a cap on the amount of restricted revenues a political subdivision could budget for. The restricted revenues that the City of Grand Island included in the budget were Property Taxes, Local Option Sales Tax, Motor Vehicle Tax, Highway Allocation and State Aid. Of those restricted revenues, property tax was the only revenue that the City could control. The increase in restricted funds authority using the 1% additional amount and the population growth (when available) was not an increase in budgeted revenues. It only provided the ability to increase restricted revenues, particularly property tax, in a future year if necessary.

Motion by Meyer, second by Gericke to approve Resolution #2009-227. Upon roll call vote, Councilmember's Meyer, Niemann, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

#2009-228 – Consideration Directing Property Owner to repair Sidewalk at 216 South Oak Street. Steve Riehle, Public Works Director reported that the City had the authority to direct the repair and

replacement of sidewalks by owners of the abutting property. The sidewalk at 216 South Oak Street was in need of repair and/or replacement. Discussion was held on the ability for the property owner to pay for the repair of the sidewalk.

Motion by Meyer, second by Ramsey to approve Resolution #2009-228. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of August 26, 2009 through September 8, 2009, for a total amount of \$3,941,872.65. Unanimously approved.

Motion by Dugan, second by Gericke to approve the Claims for the Period of July 29, 2009 through September 8, 2009 for the Veterans Athletic Field Complex for a total amount of \$1,573.68. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

RaNae Edwards
City Clerk