



City of Grand Island

Tuesday, April 28, 2015

Council Session

Item G-2

Approving Minutes of April 21, 2015 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

April 21, 2015

Pursuant to due call and notice thereof, a Study Session 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 April 21, 2015. Notice of the meeting was given in the *Grand Island Independent* on April 15, 2015.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following Councilmembers were present: Mitch Nickerson, Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Interim Finance Director William Clingman, City Attorney Robert Sivick, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council members Kennedy Martinez and Makayla Morgan

INVOCATION was given by Community Youth Council member Kennedy Martinez followed by the PLEDGE OF ALLEGIANCE.

SPECIAL ITEMS:

Discussion Regarding Amending Chapter 5 of City Code to Allow Bee Keeping. Assistant City Attorney Stacy Nonhof reported that the Animal Advisory Board had met and unanimously voted to allow bee keeping within the city limits of Grand Island. Reviewed were the recommended changes to Chapter 5 regarding bee keeping along with definitions. Regulations included: hives must be enclosed by a “flyway,” one could only have 2 hives or boxes per lot and someone wanting to keep bees must apply for and be granted a permit by the Central Nebraska Health Department. The requirements for the permits included an educational component.

Ms. Nonhof stated Apiaries (a place where bee colonies were kept) would be added to the Grand Island City Code Chapter 5. She explained that hives were subject to inspection and must be maintained in good condition. Hives also must be a least 50 feet away from the dwelling of a neighboring property and at least 15 feet away from any lot line, sidewalk, alley or other public right-of-way. They must be enclosed by a structure at least 6 feet tall and no more than 2 hives per lot within the City limits were allowed. Anyone wanting to keep bees must get a permit from the Central District Health Department and the fees would be set by the Health Department.

Required permit information and proof of education were reviewed. Anyone falsifying permits would result in a fine and having the hives confiscated. If a hive became aggressive the owner would be required to re-queen the colony. Any hives that had been abandoned, were not proper structures for beekeeping, or were a hazard to the health and welfare of the community may be

removed by the City and turned over to the Animal Control Authority. Any violations were subject to a fine and may possibly result in being deemed a Nuisance Owner.

The following people spoke in support:

- Charlie Gregory, 4159 West Faidley Avenue
- Brian Nilson, 108 Carnahan Street, Marquette, NE
- Menetta Kahn, 2831 Wortman Drive, Apt. 14
- Marshall Fischer, 516 South Tilden Street
- Kurt Busskohl, 4164 Norwood Drive
- Judy Weseman, 1107 North Brass Avenue, Juniata, NE
- Gash Rom, 307 Shady Bend Lane
- Brent Adrian, 923 North Hastings Avenue, Hastings, NE
- Keith Pobanz, 4793 West Old Potash Highway

The following person spoke in opposition:

- Don Albright, 2405 Parkview Drive

Discussion was held regarding reactions to bees and if that would be a fear factor or concern for the community. Comments were made about getting neighborhood approval before allowing bee hives. Safety was mentioned as being very important. These would be people who would be hobbyists with restrictions regarding the number of hives per residence. Mentioned were Lincoln and Omaha who allowed bees and had no problems with them.

Ms. Nonhoff explained there was no reference in this Ordinance that would require neighborhood approval. She also explained the requirements for enclosed structure, distance from neighbors, flyway fences, signs, and water requirements. Two hives would be allowed for any size lot within the city limits. Hives currently in place would be grandfathered but would need to obtain permits. Mentioned were fines that the Animal Advisory Board would address in the future if this Ordinance was adopted. Nuisance owners would not be allowed to have hives. Insurance requirements had not been addressed as this would be the responsibility of the bee owners. Enforcement would be done by the Central District Health Department, Animal Control Authority, and City Attorney's office and would be complaint driven.

Mayor Jensen commented on maintaining the integrity of the neighborhood. He would like to see some sort of provision in the ordinance regarding neighbor approval. Mr. Nilson answered questions regarding the number of bees in a hive. He stated there could be 60,000 to 75,000 bees in each hive during the summer. Comments were made concerning monitoring and regulating bees and how this would be enforced. Mr. Nilson explained that a swarm of bees happened when a bee hive was splitting. Proper management of hives would take care of this problem.

City Attorney Robert Sivick stated there would be no liability on the city if the city enforced this ordinance as written.

Discussion Regarding Amending Chapter 29 of the City Code to Add Certified Food Manager Permits. Assistant City Attorney Stacy Nonhof reported that a Certified Food Manager requirement was being requested by the Central District Health Department. Requested were

addition of Potentially Hazardous Food and State Fair Permit to Chapter 29 of the Grand Island City Code. Seven new sections were also being added to Chapter 29.

Potentially Hazardous Food was a food that required time/temperature control for safety to limit pathogenic microorganism, growth or toxic formation. State Fair Permit was a facility that was operating as a food establishment on the grounds of the Nebraska State Fair during the time frame of the Nebraska State Fair.

Ms. Nonhof stated a Certified Food Manager applied to all licensed food establishments that served potentially hazardous food. Each facility must have at least 1 Certified Food Manager in a supervisory position. Exempt were the establishments such as facilities holding a drink permit only and limited food service operations such as places that served or otherwise provided only snack items or commercially prepared and wrapped foods that required little or no preparation. Also exempt were retail food facilities, temporary food establishments, and facilities with a State Fair permit.

Certified Food Managers would have to successfully complete an ANSI accredited food manager training course prior to making the application. The permits would be valid for 3 years and would be non-transferable. Managers would not act as a certified Food Manager in more than one establishment or location at the same time and the permits would have to be on display.

Certified Food Handlers would apply to all employees of a permitted food establishment that handled potentially hazardous food. Applicants would have to complete a food handler safety course approved by the Health department within 14 days of being hired by the establishment. Courses would be done either online with the cooperation of UNL or in person at the Central District Health Department. Establishments that were exempt from having a Certified Food Manager would also be exempt from this requirement. This did not apply to volunteer servers.

Paul Wicht, 1708 Jerry Drive spoke in opposition.

Ms. Nonhof stated a volunteer did not need a food handler's permit. Jeremy Collinson representing the Central District Health Department (CDHD) stated there only needed to be one certified food manager per food establishment to oversee the employees who handled the food. The Food and Drug Administration recommended these changes. He explained the testing for managers and food handlers. Discussion was held regarding not regulating nursing homes. Mr. Collinson stated Health and Human Services did those inspections. Costs for the Food Managers would run around \$220.00 for 3 years and \$20.00 for food handlers.

ADJOURNMENT: The meeting was adjourned at 9:18 p.m.

RaNae Edwards
City Clerk