



City of Grand Island

Tuesday, May 11, 2010

Council Session

Item G2

Approving Minutes of April 27, 2010 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 27, 2010

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 April 27, 2010. Notice of the meeting was given in *The Grand Island Independent* on April 21, 2010.

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

INVOCATION was given by Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

Councilmember Carney was present at 7:05 p.m.

MAYOR COMMUNICATION: Mayor Hornady introduced CYC members Jessica Weins and Alisia Rivera.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Larry Graves, Senior Power Plant Operator with the Utilities Department for 40 Years of Service with the City of Grand Island. Mayor Hornady and the City Council recognized Larry Graves, Senior Power Plant Operator for 40 years of service with the City of Grand Island. Utilities Director Gary Mader commented on Mr. Graves's service with the Utilities Department. Larry Graves was present to receive the recognition.

Proclamation "Stand Against Racism" April 30, 2010. Mayor Hornady proclaimed April 30, 2010 as "Stand Against Racism". Dori Bush, 2508 Stagecoach Road and Jen Larson, Executive Director of the YWCA were present to receive the proclamation.

Proclamation "Arbor Day" April 30, 2010. Mayor Hornady proclaimed April 30, 2010 as "Arbor Day". Parks and Recreation Director Steve Paustian was present to receive the proclamation.

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

#2010-BE-1 – Consideration of Determining Benefits for 2009 Weed and Nuisance Special Assessments. Mayor Lou Brown, Finance Director reported that under Chapter 17 of the Grand Island City Code, the City had several properties which were not mowed of which the City contracted to have taken care of. The City Council in its' capacity as the Board of Equalization was required to determine the benefits for the 2009 Weed Abatement Program and nuisance abatement.

Lewis Kent, 624 Meves Avenue spoke in support of mowing weeds. Gary Valasek, 4321 Michigan Avenue stated he had cut the weeds after notification and objected to the assessment on his properties. Police Chief Steve Lamken reported dates that the Community Service

Officer's had contacted Mr. Valasek to mow his weeds. When he did not comply with the requests they contacted the lawn mowing service that went to the property to mow but Mr. Valasek told them to leave. Mr. Lamken stated there was a charge from the lawn mowing service to show up even if they could not do the mowing.

Discussion was held regarding the requirements to mow weeds. City Attorney Dale Shotkoski commented on the value to the property and explained the assessment process.

Motion by Meyer, second by Gericke to approve Resolutions #2010-BE-1. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street for a Class "B" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "B" Liquor License had been received from Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 5, 2010; notice to the general public of date, time, and place of hearing published on April 17, 2010; notice to the applicant of date, time, and place of hearing mailed on April 5, 2010; 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 Casey's Retail Company dba Casey's General Store #2883, 1420 South Locust Street for a Class "B" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "B" Liquor License had been received from Casey's Retail Company dba Casey's General Store #2883, 1420 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 5, 2010; notice to the general public of date, time, and place of hearing published on April 17, 2010; notice to the applicant of date, time, and place of hearing mailed on April 5, 2010; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

ORDINANCES:

#9254 – Consideration of Annexation Request of a Tract of Land Being Platted as Shady Bend Subdivision and Adjacent Right-of-Way Located South of U.S. Highway 30 and West of the New Shady Bend Road (Third Reading)

Regional Planning Director Chad Nabity reported this was the third of three readings.

Motion by Meyer, second by Gericke to approve Ordinance #9254 on third reading. Upon roll call vote, all voted aye. Motion adopted.

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

#9260 – Consideration of Assessments for 2009 Weed and Nuisance Abatement Program

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 this ordinance on first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Zapata second the motion. Upon roll call vote, all voted aye. Motion adopted.

Ordinance #9260 related to the aforementioned Board of Equalization. Discussion was held regarding the City Code Sections 17-36 and 17-38 in the ordinance. This should have been Sections 17-50 thru 17-52 which was corrected on the final ordinance.

Motion by Gilbert, second by Zapata to approve Ordinance #9260.

City Clerk: Ordinance #9260 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 Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9260 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 Meyer, Niemann, Gilbert, Carney, Dugan, Ramsey, Zapata, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9260 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-4 and G-7 were pulled for further discussion. Motion by Zapata, second by Ramsey to approve the Consent Agenda excluding items G-4 and G-7. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Documents – Pawnbroker’s Official Bonds for G.I. Loan Shop and Wayne’s Pawn Shop.

Approving Minutes of April 13, 2010 City Council Regular Meeting.

Approving Minutes of April 20, 2010 City Council Special Meeting.

#2010-115 – Approving Final Plat and Subdivision Agreement for Shady Bend Subdivision. It was noted that Craig and Karen Woodward, owners had submitted the Final Plat and Subdivision Agreement for Shady Bend Subdivision for the purpose of crating 2 lots on a tract of land comprising a part of the W1/2NW1/4 and part of the NW1/4SW1/4 in Section 12-11-9.

#2010-116 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with Dominion Construction Company of Scottsbluff, Nebraska in an Amount of \$2,900 per year and Jerry Harders of Wood River, Nebraska in an Amount of \$900.00 per year.

#2010-118 – Approving Contract Time Extension to October 1, 2010 with Nature’s Helper of Omaha, Nebraska for Furnishing and Installation of Irrigation System at the Veterans Athletic Field Complex.

#2010-119 – Approving Project Program Agreement with the Nebraska Department of Roads for Construction of the Grand Island Connector Trail.

#2010-120 – Approving Bid Award for Burdick Unit #2 Generator Breaker Addition with Eaton Corporation of Moon Township, Pennsylvania in an Amount of \$86,670.00.

#2010-121 – Approving Agreement between the City of Grand Island and the Nebraska Department of Health and Human Services for Water Main Project Plans Review Pursuant to Chapter 2 of Title 179, Public Water Systems for an Annual Fee of \$900.00.

#2010-122 – Approving Application for Victims of Crimes Act (VOCA) Grant.

#2010-144 – Approving Parking Space Lease at the Police Department Impound Lot, 510 South Stuhr Road with Gleeson Constructors and Engineers L.L.C. of Sioux City, Iowa in an Amount of \$100.00 per month. Discussion was held concerning the cost of \$100.00 per month. Councilmember Gericke recommended \$500.00 per month.

Motion by Gericke to amend the motion to strike \$100.00 and insert \$500.00. Motion died due to lack of a second.

Motion by Gericke, second by Meyer to approve Resolution #2010-144. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, and Zapata voted aye. Councilmember Gericke voted no. Motion adopted.

#2010-117 – Approving Contract Time Extension to December 1, 2010 with Ensley Electrical Services, Inc. of Grand Island, Nebraska for Furnishing and Installation of Ball Field Lighting at the Veterans Athletic Field Complex. Discussion was held regarding the different dates on the memo and resolution. The correct date was December 1, 2010

Motion by Gericke, second by Dugan to approve Resolution #2010-117. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Erika Galaviz-Mendoza, PO Box 682 for Liquor Manager Designation for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street. City Clerk RaNae Edwards reported that Erika Galaviz-Mendoza, PO Box 682 had submitted an application for a Liquor Manager Designation in conjunction with the Class "C-34765" Liquor License for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street.

Ms. Edwards stated the Grand Island Police Department's investigation report recommended Council deny this application based on failure to disclose a bad check conviction and traffic conviction. Also, not listing on the application a home telephone number and a home address. Failure to disclose information makes the application false under the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). A suspended driver's license in Nebraska and Iowa and failure to pay fines showed a lack of responsibility and financial mismanagement. Ms. Edwards sent a letter to the applicant on April 9, 2010 notifying her of the date for Council action. The letter was returned on April 20, 2010 "not deliverable as addressed unable to forward". Staff recommended council deny this application.

Motion by Meyer, second by Niemann to deny the request from Erika Galaviz-Mendoza, PO Box 682 for Liquor Manager Designation for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street based on failure to disclose information on the application, making this a false application under the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2010-123 – Consideration of Request from Casey’s Retail Company dba Casey’s General Store #2882, 1404 West 2nd Street for a Class ‘B’ Liquor License and Liquor Manager Designation for Tina Krings, 1009 Milan Dr. #7, Norfolk, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Niemann to approve Resolution #2010-123 contingent upon final inspections and Ms. Krings completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2010-124 – Consideration of Request from Casey’s Retail Company dba Casey’s General Store #2883, 1420 South Locust Street for a Class “B” Liquor License and Liquor Manager Designation for Tina Krings, 1009 Milan Dr. #7, Norfolk, Nebraska. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Niemann to approve Resolution #2010-124 contingent upon final inspections and Ms. Krings 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 Ramsey to approve the Claims for the period of April 14, 2010 through April 27, 2010, for a total amount of \$2,642,205.19. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of April 14, 2010 through April 27, 2010 for the Veterans Athletic Field Complex for a total amount of \$49,787.61. Unanimously approved. (Correction was made deleting \$65.27 from the original amount on-line.)

Motion by Dugan, second by Ramsey to approve the Claims for the period of April 14, 2010 through April 27, 2010 for the State Fair Recreation Building for a total amount of \$255,432.39. Unanimously approved. (Correction was made adding \$65.27 from the original amount on-line.)

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

RaNae Edwards
City Clerk