



City of Grand Island

Tuesday, June 22, 2010

Council Session

Item G1

Approving Minutes of June 8, 2010 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 8, 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 June 8, 2010. Notice of the meeting was given in *The Grand Island Independent* on June 2, 2010.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Councilmember's 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, 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.

MAYOR COMMUNICATION: Mayor Hornady introduced CYC members Michael Hollman and Aaron Oswald. Introduced were Boy Scout Troops #1 and #7. Mayor Hornady shared a sample check of the volunteer hours totaling \$35,476.28 from the Volunteer Teacher Association. Also mentioned was the Hope Harbor Charity Shoot – June 12, 2010 at the Heartland Public Shooting Park.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation “20th Anniversary Americans with Disabilities Act”. Mayor Hornady proclaimed July 26, 2010 as the “20th Anniversary – Americans with Disabilities Act”.

Proclamation “30th Anniversary of the Grand Island Tornadoes” June 3, 2010. Mayor Hornady proclaimed the “30th Anniversary of the Grand Island Tornadoes” June 3, 2010. Jon Rosenlund, Emergency Management Director was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite #4 for a Class “C” Liquor License. RaNae Edwards, City Clerk reported that an application for a Class “C” Liquor License had been received from Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite #4. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 14, 2010; notice to the general public of date, time, and place of hearing published on May 29, 2010; notice to the applicant of date, time, and place of hearing mailed on May 18 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 Myriam Alvarez dba El Trancaso, 413 West 4th Street for a Class “T” Liquor License. RaNae Edwards, City Clerk reported that an application for a Class “T” Liquor License had been received from Myriam Alvarez dba El Trancaso, 413 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor

Control Commission and received by the City on May 19, 2010; notice to the general public of date, time, and place of hearing published on May 29, 2010; notice to the applicant of date, time, and place of hearing mailed on May 19 2010; along with Chapter 4 of the City Code. Staff made no recommendation. John Boehm, Attorney representing Myriam Alvarez spoke in support. No further public testimony was heard.

Public Hearing on Request from Aurora Cooperative for a Conditional Use Permit for Bulk Fuel, Propane and Anhydrous Ammonia Storage Located at 4415 East Highway 30. Craig Lewis, Building Department Director reported that Aurora Cooperative had requested a Conditional Use Permit for the construction of a bulk fuel storage facility and storage of anhydrous ammonia at 4155 East Highway 30. This request would relocate the existing bulk fuel and propane storage from 1104 S. Lincoln Street to the new location outside the City limits but within the two mile zoning jurisdiction. Staff recommended approval. Dan Lau, 2550 N. Gunbarrel Road spoke in opposition. Don Engel, Gibbon, Nebraska representing Aurora Cooperative spoke in support. No further public testimony was heard.

Public Hearing on Request from Olsson Associates on behalf of the Nebraska State Fair, with Hall Co. Livestock Improvement Assn. (Fonner Park) for a Conditional Use Permit for Recreation Vehicle (RV) Park Located at 700 East Stolley Park Road. Craig Lewis, Building Department Director reported that Olsson Associates on behalf of the Nebraska State Fair, with Hall Co. Livestock Improvement Assn. (Fonner Park) had requested a Conditional Use Permit for a Recreation Vehicle (RV) Park located at 700 East Stolley Park Road. Staff recommended approval with the following conditions:

- 1) All interior roads and streets shall be improved to the design standards as identified in section 36-96(G), permanent, dust-free like asphalt, concrete or paving brick.
- 2) Annual inspection shall be conducted by the Building Department to check compliance with City Codes; conditions imposed, and adopted building, plumbing, electrical, and fire codes.
- 3) A 90 day time limit on the maximum allowable stay shall be imposed on all recreational vehicles and campers in the campground. No RV shall be allowed to remain longer than a 90 day consecutive period.
- 4) The size of any propane tank or other fuel container shall be limited to original equipment supplied by the manufacture; no additional or external tanks shall be permitted.
- 5) No skirting of any kind shall be allowed to be utilized with any recreational vehicle or camper within the camp grounds.
- 6) Use be limited to the State Fair only until such time as all of the required improvements and conditions established by the City Council are completed.

No public testimony was heard.

Public Hearing on Request from Prudent Technologies, Inc. for a Conditional Use Permit for a Temporary Office Construction Trailer Located at 3304 S. Engleman Road. Craig Lewis, Building Department Director reported that Prudent Technologies, Inc. had requested a Conditional Use Permit for the temporary placement of an office trailer at 3304 S. Engleman Road. The office trailer would facilitate operations for a groundwater remediation project. Staff recommended approval for a two year period. Mark Snyder representing Prudent Technologies spoke in support. No further public testimony was heard.

Public Hearing on Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2010. Steve Lamken, Police Chief reported that Grand Island Police Department and Hall County Sheriff's Department were eligible to receive Justice Assistance Grant money in the amount of \$23,621.00 and \$7,873.00 respectively. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located Along the South Side of Pioneer Blvd., West of Blaine Street (Kenmare Owners Association). Gary Mader, Utilities Director reported that a utility easement was needed along the south side of Pioneer Blvd., west of Blaine Street in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. Staff recommended approval. No public testimony was heard.

Public Hearing on Changes to Chapter 36 of the Grand Island City Code Relative to Wireless Communications Tower Regulations. Chad Nabity, Regional Planning Director reported that proposed regulations would amend the Wireless Tower Regulations in Section 36-168 of the Grand Island City Code. Staff recommended approval. Bob Naumann representing the Center for Municipal Solutions spoke in support. No further public testimony was heard.

ORDINANCES:

#9262 – Consideration of Changes to Chapter 36 of the Grand Island City Code Relative to Wireless Communications Tower Regulations

Motion by Meyer, second by Dugan to move Ordinance #9262 to the next available Study Session. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Carney voted no. Motion adopted.

CONSENT AGENDA: Consent agenda items G-6 and G-9 were pulled from the agenda. Motion by Zapata, second by Nickerson to approve the Consent Agenda excluding items G-6 and G-9. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 25, 2010 City Council Regular Meeting.

#2010-147 – Approving Final Plat and Subdivision Agreement for Woodland Park Eleventh Subdivision. It was noted that Hastings Ventures, LLC, owners had submitted the Final Plat and Subdivision Agreement for Woodland Park Eleventh Subdivision for the purpose of creating 11 lots on a tract of land comprising a part of Outlot A of Woodland Park Tenth Subdivision comprising of approximately 4.317 acres.

#2010-148 – Approving Application for Edward Byrne Memorial Justices Assistance Grant (JAG) 2010.

#2010-149 – Approving Certificate of Final Completion for Water Main Project 2009-W-3 – Alda Water Line with Van Kirk Brothers Contracting of Sutton, Nebraska.

#2010-150 – Approving Acquisition of Utility Easement Located Along the South Side of Pioneer Blvd., West of Blaine Street (Kenmare Owners Association).

#2010-151 – Approving Designation of Mc2 as the Sole Source Provider for Fluid Dynamics Parts at the Wastewater Treatment Plant. This item was pulled from the agenda.

#2010-152 – Approving Advertising Contract with the Grand Island Independent in an Amount of \$20,000 from June 1, 2010 through May 31, 2011.

#2010-153 – Approving Renewal of Pioneer Consortium Interlocal Agreement for Library Services with the City of Bellevue, City of Gretna, City of Holdrege, City of Lincoln, City of Omaha, and City of St. Paul, Nebraska from May 1, 2010 to April 30, 2011.

#2010-154 – Approving Contract with Center for Municipal Solutions Regarding Communications Towers. This item was pulled from the agenda.

REQUESTS AND REFERRALS:

Consideration of Request from Aurora Cooperative for a Conditional Use Permit for Bulk Fuel, Propane and Anhydrous Ammonia Storage Located at 4415 East Highway 30. This item is related to the aforementioned Public Hearing.

Discussion was held regarding safety concerns with storing anhydrous ammonia. Don Engel reported Aurora Cooperative had no safety problems or violations with storing anhydrous ammonia and stated the Fire Marshall regulated these sites.

Motion by Meyer, second by Ramsey to approve the request from Aurora Cooperative for a Conditional Use Permit for Bulk Fuel, Propane and Anhydrous Ammonia storage located at 4415 East Highway 39. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Carney voted no. Motion adopted.

Consideration of Request from Olsson Associates on behalf of the Nebraska State Fair, with Hall Co. Livestock Improvement Assn. (Fonner Park) for a Conditional Use Permit for Recreation Vehicle (RV) Park Located at 700 East Stolley Park Road. This item is related to the aforementioned Public Hearing.

Discussion was held on the length of use for this year, drainage ditch, and dust control. Craig Lewis, Building Department Director stated the length of use for the RV Park was for this years State Fair until further improvements could be made.

Motion by Ramsey, second by Zapata to approve the request from Olsson Associates on behalf of the Nebraska State Fair, with Hall Co. Livestock Improvement Assn. (Fonner Park) for a Conditional Use Permit for Recreation Vehicle (RV) Park located at 700 East Stolley Park Road with conditions as set out by City staff. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from Prudent Technologies, Inc. for a Conditional Use Permit for a Temporary Office Construction Trailer Located at 2204 S. Engleman Road. This item is related to the aforementioned Public Hearing.

Motion by Dugan, second by Niemann to approve the request from Prudent Technologies, Inc. for a Conditional Use Permit for a temporary office construction trailer located at 3304 S. Engleman Road for a two year period. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2010-155 – Consideration of Request from Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite #4 for a Class “C” Liquor License and Liquor Manager Designation for Casey Williams, 1321 Sheridan Place. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Gericke to approve Resolution #2010-155 contingent upon final inspections and Mr. Williams completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2010-156 – Consideration of Request from Myriam Alvarez dba El Trancaso, 413 West 4th Street for a Class “I” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Carney, second by Gilbert to make no recommendation to the Nebraska Liquor Control Commission. Upon roll call vote, all voted aye. Motion adopted.

#2010-157 – Consideration of Updating the Personnel Rules. Brenda Sutherland, Human Resources Director reported that the proposed changes in the Personnel Rules represented three basic areas which included compliance, clarification, and policy changes. Changes included adding “genetic information”, language for drug testing for cause in the event of an accident or injury, disciplinary actions, layoffs, furloughs, steps one and two be changed from six months steps to one year steps, five consecutive days for vacation, funeral leave, and tuition reimbursement.

Motion by Gericke, second by Niemann to postpone Resolution #2010-157 to the next available meeting Ms. Sutherland would be present. Upon roll call vote, Councilmember’s Meyer, Niemann, Haase, Carney, and Gericke voted aye. Councilmember’s Gilbert, Dugan, Ramsey, Zapata, and Nickerson voted no. Mayor Hornady voted no. Motion failed.

A lengthy discussion was held on disciplinary actions due to loss of license to perform duties, furloughs, step raises, bereavement leave, and worker’s compensation claims and reporting requirements.

Motion by Dugan, second by Nickerson to approve Resolution #2010-157. Discussion was held regarding the Bereavement Leave and definitions of immediate family.

Motion by Dugan, second by Carney to amend Section 4.05 Bereavement Leave to include in the immediate family – grandchildren and grandparents. Upon roll call vote, Councilmember’s Meyer, Niemann, Haase, Carney, Dugan, Zapata, Nickerson, and Gericke voted aye. Councilmember’s Gilbert and Ramsey voted no. Motion adopted.

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

#2010-158 – Consideration of Early Retirement Program. Brenda Sutherland, Human Resources Director reported that due to budget shortfalls and challenges in future budgets an early retirement program was proposed for those employees within 18 months of regular retirement. This program would allow employees to voluntarily leave early and receive the benefit of having the City continue to pay the employer's portion of the health insurance for the next 18 months until they qualify for Medicare.

Lewis Kent, 624 E. Meves Avenue spoke in opposition. Discussion was held on cash savings through vacancies and lower pay for the next budget year. Mary Lou Brown, Finance Director explained the break-even point which would happen in the next fiscal year.

Motion by Haase, second by Gilbert to approve Resolution #2010-158. Upon roll call vote, all voted aye. Motion adopted.

#2010-159 – Consideration of Changes to the 2009/2010 Fee Schedule. Chad Nabity, Regional Planning Director reported that fee increases were brought forward to more adequately cover the cost of service provided. Discussion was held on fees and the cost to the City to provide certain services. Mentioned was a review process.

Motion by Gilbert, second by Haase to wait until the budget process to approve changes to the fee schedule. Upon roll call vote, Councilmember's Meyer, Niemann, Gilbert, Haase, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Carney voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of May 26, 2010 through June 8, 2010, for a total amount of \$2,667,177.41. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of May 26, 2010 through June 8, 2010 for the Veterans Athletic Field Complex for a total amount of \$31,927.98. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of May 26, 2010 through June 8, 2010 for the State Fair Recreation Building for a total amount of \$4,777.55. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

RaNae Edwards
City Clerk