



City of Grand Island

Tuesday, July 27, 2010

Council Session

Item G2

Approving Minutes of July 13, 2010 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 13, 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 July 13, 2010. Notice of the meeting was given in *The Grand Island Independent* on July 7, 2010.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Councilmember's were present: Meyer, Niemann, Carney, Dugan, Ramsey, Nickerson, and Gericke. Councilmember's Gilbert, Haase, and Zapata 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.

MAYOR COMMUNICATION: Mayor Hornady introduced CYC members Garrett Coble, Brock Schmidt, and Alec Baxter. Mentioned was Big Brothers and Big Sisters event at the Heartland Public Shooting Park and Art in the Park to be held this week-end.

ADJOURN TO GRAND ISLAND AREA SOLID WASTE AGENCY: Motion by Meyer, second by Niemann, carried unanimously to adjourn to the Grand Island Area Solid Waste Agency.

Public Hearing and Approval of Proposed Fiscal Year 2010-2011 Annual Budget for the Grand Island Area Solid Waste Agency. Steve Riehle, Public Works Director reported that a separate hearing was required for the Solid Waste Agency Budget. The Agency budget was the same as the City Solid Waste Division budget (Fund 505) which appeared in the City's Annual Budget Document for Fiscal Year 2010-2011. A PowerPoint presentation was presented by Jeff Wattier, Solid Waste Superintendent. Explained were the services, work being done, revenues, expenses, and the 2010-2011 Budget for the Solid Waste Landfill. No public testimony was heard.

#2010-SWA-1 – Approving Adoption of FY 2010-2011 Annual Budget for the Grand Island Area Solid Waste Agency.

Motion by Dugan, second by Nickerson, to approve Resolution #2010-SWA-1.

Discussion was held concerning discontinuing the clean-up cards for two free dump passes. Mr. Wattier stated he felt these were not meeting the intentions they were originally created for. Contractors were using them to dump renovation waste.

Motion by Gericke to amend the motion to exclude the free residential clean-up cards. Motion died due to the lack of a second.

Upon roll call of the main motion, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from La Cabana LLC dba La Cabana, 1201 South Locust Street, Suite A for a Class "T" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "T" Liquor License had been received from La Cabana LLC dba La Cabana, 1201 South Locust Street, Suite A Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 11, 2010; notice to the general public of date, time, and place of hearing published on July 3, 2010; notice to the applicant of date, time, and place of hearing mailed on June 11, 2010; along with Chapter 4 of the City Code. Staff recommended denial based on discrepancies in the application that were uncovered during the investigation. Steve Dowding, 4417 Drake Lane, Attorney representing La Cabana spoke in support. No further public testimony was heard.

Public Hearing on Request from Lily, Inc. dba Conoco One Stop, 2105 West 2nd Street for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "D" Liquor License had been received from Lily, Inc. dba Conoco One Stop, 2105 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 June 21, 2010; notice to the general public of date, time, and place of hearing published on July 3, 2010; notice to the applicant of date, time, and place of hearing mailed on June 21 2010; along with Chapter 4 of the City Code. Staff recommended denial based on reputation of the applicant and false information on the application. Ralph Bradley, 202 West 3rd Street, Attorney representing Conoco One Stop spoke in support. No further public testimony was heard.

Public Hearing on Request from Doc & Fritz's Shady Bend LLC dba Doc & Fritz's Shady Bend, 3409 East Highway 30 for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Doc & Fritz's Shady Bend LLC dba Doc & Fritz's Shady Bend, 3409 East Highway 30. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 21, 2010; notice to the general public of date, time, and place of hearing published on July 3, 2010; notice to the applicant of date, time, and place of hearing mailed on June 21 2010; along with Chapter 4 of the City Code. Staff recommended approval. Craig Woodward, 819 Stockyards Lane spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located between North and Engleman Roads, and between White Cloud and One R Roads (Robert and Shirley Bruhn). Gary Mader, Utilities Director reported that acquisition of a utility easement located between North and Engleman Roads, and between White Cloud and One R Roads was needed in order to construction a 115 kV transmission interconnection to the north of the City. The negotiated price of the easement was \$1,920.00. Staff recommended approval. No Public testimony was heard.

Public Hearing on Acquisition of Utility Easement located between North and Engleman Roads, and between White Cloud and One R Roads (Lester and Myrna Petzoldt). Gary Mader, Utilities Director reported that acquisition of a utility easement located between North and Engleman Roads and between White Cloud and one R Roads was needed in order to construction a 115 kV

transmission interconnection to the north of the City. The negotiated price of the easement was \$8,642.33. Staff recommended approval. No Public testimony was heard.

Public Hearing on Acquisition of Utility Easement located between North and Engleman Roads, and between Chapman and One R Roads (Thomas and Paul Rauert). Gary Mader, Utilities Director reported that acquisition of a utility easement located between North and Engleman Roads and between Chapman and one R Roads was needed in order to construction a 115 kV transmission interconnection to the north of the City. The negotiated price of the easement was \$3,600.00. Staff recommended approval. No Public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Stuhr Road and South of Fonner Park (Hall County Livestock Improvement Association). Gary Mader, Utilities Director reported that a utility easement was needed west of Stuhr Road and south of Fonner Park in order to have access to install, upgrade, maintain, and repair power appurtenances, including electric lines and a new well house. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 438 Industrial Lane, North of Old U.S. Highway 30 (L & P Investments). Gary Mader, Utilities Director reported that a utility easement was needed at 438 Industrial Lane, north of Old U.S. Highway 30 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 Acquisition of Two Utility Easements Located at 3303 and 3311 Firestone Street (Indianhead Golf Club). Gary Mader, Utilities Director reported that a utility easement was needed at 3303 and 3311 Firestone 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 Acquisition of Ingress/Egress Easement Located at 3016 E. Bismark Road (Karen M. Nepl). Steve Riehle, Public Works Director reported that an ingress/egress easement was needed at 3016 E. Bismark Road in order to have access to a piece of property owned by the Wastewater Division of the Public Works Department. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Consent agenda item G-10 was pulled from the agenda at the Mayor's request. Motion by Carney, second by Niemann to approve the Consent Agenda excluding item G-10. Upon roll call vote, all voted aye. Motion adopted.

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#2010-173 – Approving Acquisition of Utility Easement Located between North and Engleman Roads, and between White Cloud and One R Roads (Robert and Shirley Bruhn).

#2010-174 – Approving Acquisition of Utility Easement Located between North and Engleman Roads, and between White Cloud and One R Roads (Lester and Myrna Petzoldt).

#2010-175 – Approving Acquisition of Utility Easement Located between North and Engleman roads, and between Chapman and One R Roads (Thomas and Paula Rauert).

#2010-176 – Approving Acquisition of Utility Easement Located West of Stuhr Road and South of Fonner Park (Hall County Livestock Improvement Association).

#2010-177 – Approving Acquisition of Utility Easement Located at 438 Industrial Lane, North of Old U.S. Highway 30 (L & P Investments).

#2010-178 – Approving Acquisition of Utility Easement Located at 3311 Firestone Street - Lot 4 (Indianhead Golf Club).

#2010-179 – Approving Acquisition of Utility Easement Located at 3303 Firestone Street – Lot 5 (Indianhead Golf Club).

#2010-180 – Approving Bid Award for Water Main Project 2009-W-6 (6th Street from Elm Street to Pine Street) with K2 Construction of Lincoln, Nebraska in an Amount of \$293,911.47.

#2010-181 – Approving Peter Kiewit Grant Agreement. This item was pulled from the agenda at the request of the Mayor.

#2010-182 – Approving Acquisition of Ingress/Egress Easement Located at 3016 E. Bismark Road (Karen M. Neppl).

#2010-183 – Approving Bid Award for Addition to Transfer Station Storage Building with Rathman & Manning Corporation of Chapman, Nebraska in an Amount of \$80,750.00.

#2010-184 – Approving Rescission of Resolution 736; No Parking on Both Sides of Fonner Park Road from South Locust Street to Pleasant View Drive.

#2010-185 – Approving Designating No Parking on Fonner Park Road from South Locust Street to Pleasant View Drive.

#2010-186 – Approving Contract for City Wellness Plan with American Healthways Services, Inc. in an Amount of \$110 per participant and set up fee of \$150 per location.

RESOLUTIONS:

#2010-187 – Consideration of Request from La Cabana LLC dba La Cabana, 1201 South Locust Street, suite A for a Class “T” Liquor License and Liquor Manager Designation for Alberto Baldovinos, 235 North Custer Street. This item related to the aforementioned Public Hearing.

Discussion was held regarding the two DUI convictions and history of offenses based on the Police investigation.

Motion by Gericke, second by Dugan to deny Resolution #2010-187 based on discrepancies in the application that were uncovered during the investigation. Upon roll call vote, Councilmember’s Meyer, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember’s Niemann and Carney voted no. Mayor Hornady voted aye to make the sixth deciding vote. Motion adopted.

#2010-188 – Consideration of Request from Lily, Inc. dba Conoco One Stop, 2105 West 2nd Street for a Class “D” Liquor License and Liquor Manager Designation for Mohammad Kalam, 2307 West 1st Street. This item related to the aforementioned Public Hearing.

Discussion was held regarding past violations and a previous license that had voluntarily been returned to the Liquor Control Commission due to violations.

Motion by Gericke, second by Ramsey to deny Resolution #2010-188 based on the reputation of the applicant and false information on the application. Upon roll call vote, Councilmember's Niemann, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember's Meyer and Carney voted no. Mayor Hornady voted aye to make the sixth deciding vote. Motion adopted.

#2010-189 – Consideration of Request from Doc & Fritz's Shady bend LLC dba Doc & Fritz's Shady Bend, 3409 East Highway 30 for a Class “C” Liquor License and Liquor Manager Designation for Craig Woodward, 819 Stockyards Lane. This item related to the aforementioned Public Hearing.

Motion by Gericke, second by Nickerson to approve Resolution #2010-189 contingent upon final inspections and Mr. Woodward completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2010-190 – Consideration of Amending the IAFF Contract. Jeff Pederson, City Administrator reported the City was approached by the IAFF to extend the current Agreement by one year. Further negotiations would be held to discuss sick leave plans.

Discussion was held regarding layoffs. Fire Chief Troy Hughes commented on sick leave plans that would be discussed at a future date. It was noted there would be no pay increases in the 2010/2011 budget.

Motion by Dugan, second by Meyer to approve Resolution #2010-190. Upon roll call vote, Councilmember's Meyer, Niemann, Carney, Dugan, Ramsey, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of June 23, 2010 through July 13, 2010, for a total amount of \$3,728,773.11. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of June 23, 2010 through July 13, 2010 for the Veterans Athletic Field Complex for a total amount of \$6,184.24. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of June 23, 2010 through July 13, 2010 for the State Fair Recreation Building for a total amount of \$2,783.52. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Meyer, second by Niemann to adjourn to Executive Session at 8:10 p.m. for the purpose of discussion concerning FOP, IBEW – Service/Clerical, and AFSCME Contractual Issues for the protection of the public interest. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer second by Carney to return to Regular Session at 9:10 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

RaNae Edwards
City Clerk