



City of Grand Island

Tuesday, September 14, 2010

Council Session

Item G1

Approving Minutes of August 24, 2010 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 24, 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 August 24, 2010. Notice of the meeting was given in *The Grand Island Independent* on August 18, 2010.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Councilmember's were present: Meyer, Niemann, Haase, Dugan, Ramsey, Zapata, Nickerson, and Gericke. Councilmember's Gilbert and Carney 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 Andres Gamboa and Katrina Molholm and board member Elizabeth Kuta. Mentioned was the State Fair opening this Friday, August 27th. Mayor Hornady thanked the citizens of Grand Island and all the people that helped to make this happen.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Larry Cornelius, Senior Engineering Technician with the Public Works Department for 40 Years of Service with the City of Grand Island. Mayor Hornady and the City Council recognized Larry Cornelius, Senior Engineering Technician with the Public Works Department for 40 years of service with the City of Grand Island. Public Works Director Steve Riehle commented on the work done by Mr. Cornelius over the past 40 years. Mr. Cornelius was present to receive the recognition.

Proclamation "Life Insurance Awareness Month" September 2010. Mayor Hornady proclaimed the month of September as "Life Insurance Awareness Month". Anita Speece representing the Insurance Companies was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Q-Mex GI, LLC dba Qdoba, 1010 Diers Avenue, Suite 1 for a Class "T" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "T" Liquor License had been received from Q-Mex GI, LLC dba Qdoba, 1010 Diers Avenue, Suite 1. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on July 28, 2010; notice to the general public of date, time, and place of hearing published on August 14, 2010; notice to the applicant of date, time, and place of hearing mailed on July 28, 2010; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Nickie J. Kallos, Jr. dba Nickie's Lounge, 106-108 East 3rd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application

for a Class “C” Liquor License had been received from Nickie J. Kallos, Jr. dba Nickie’s Lounge, 106-108 East 3^d Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on July 15, 2010; notice to the general public of date, time, and place of hearing published on August 14, 2010; notice to the applicant of date, time, and place of hearing mailed on July 15, 2010; along with Chapter 4 of the City Code. Staff recommended denial based on the following:

1. Not of good character and reputation in the community – Nebraska Liquor Control Rules and Regulations Section 53-125 (2) for the following reasons:

- The owner, Mr. Kallos has not demonstrated in the past that he is fit, willing and able to properly provide the service proposed within the City.
- The owner, Mr. Kallos in the past has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license.
- There are multiple on sale liquor establishments in this area of Grand Island.
- The Grand Island Police Department frequently lacks adequate resources to police Nickie’s Lounge and respond to the calls for service.
- A Liquor License for Nickie’s Lounge is not consistent with the public interest.

Nick Kallos, 1704 East 7th Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Veterans Athletic Complex, 2820 Broadwell Avenue (State of Nebraska, Department of Administrative Services). Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at the Veterans Athletic Complex, 2820 Broadwell Avenue was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers and water mains for the purpose of placing primary underground conduit, cable, and transformers and water main to the new Veterans Athletic complex. Staff recommended approval. No Public testimony was heard.

ORDINANCES:

#9266 – Consideration of Annexation Request of a Tract of Land Being Platted as Lake Heritage Second Subdivision Located at the Southeast Corner of U.S. Highway 34 and Blaine Street (Final Reading)

This item related to the Public Hearing held on July 27, 2010. This was the final of three readings.

Motion by Meyer, second by Niemann to approve Ordinance #9266 on final reading. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Dugan moved “that the statutory rules requiring ordinances to be read by title on three different days are suspended and that ordinance numbered:

#9267 – Consideration of Approving Salary Ordinance

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 second 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, Councilmember’s Meyer, Niemann, Dugan, Ramsey, Zapata, Nickerson, & Gericke voted aye. Councilmember Haase voted no. Motion failed.

Human Resources Director Brenda Sutherland reported Ordinance #9268 was the salary ordinance setting the wages for the upcoming fiscal year. Explained was the wages that had been previously agreed to by the City Council when labor agreements were entered into.

Discussion was held concerning sick leave buyout and maximum accrual of sick leave hours.

Motion by Zapata, second by Ramsey to approve Ordinance #9268 on first reading. Upon roll call vote, Councilmember’s Meyer, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember’s Niemann and Haase voted no. Motion adopted.

CONSENT AGENDA: Motion by Zapata, second by Nickerson to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 10, 2010 City Council Regular Meeting.

Approving Minutes of August 12, 2010 City Council Special (Budget) Meetings.

Approving Minutes of August 17, 2010 City Council Special (Budget) Meetings.

Approving Re-Appointment of Lisa Norton to the Animal Advisory Board.

#2010-221 – Approving Preliminary Plat, Final Plat and Subdivision Agreement for Lake Heritage Second Subdivision. It was noted that Jerome W. Niedfelt Revocable Trust, Doralene F. Niedfelt, Trustee owner had submitted the Preliminary Plat, Final Plat and Subdivision Agreement for Lake Heritage Second Subdivision for the purpose of creating 11 lots on a tract of land comprising part of the NW1/4 of the NW1/4 of Section 33-11-9 containing approximately 38 acres.

#2010-222 – Approving Final Plat and Subdivision Agreement for J Clark Subdivision. It was noted that 1321 Webb Road, L.L.C. owner had submitted the Final Plat and Subdivision Agreement for J Clark Subdivision for the purpose of creating 3 lots on a tract of land comprising a part of the SW1/4SW1/4 of Section 21-11-9 containing approximately 1.805 acres.

#2010-223 – Approving Interlocal Agreement with Central Nebraska Drug Court for Drug Court Office Space.

#2010-224 – Approving Acquisition of Utility Easement Located at the Veterans Athletic Complex, 2820 Broadwell Avenue (State of Nebraska, Department of Administrative Services).

#2010-225 Approving Amendment #2 to Parkview Superfund Remediation Access Agreement with EPA.

#2010-226 – Approving Midwest Reliability Organization Non-Disclosure Agreement.

#2010-227 – Approving Nebraska Department of Health and Human Services Agreement for a Child Well-Being Supplemental Grant.

#2010-228 – Approving Storm Water Management Plan Program Grant Application from the Nebraska Department of Environmental Quality.

#2010-229 – Approving Change Order No. 2 for Primary Clarifier Mechanism Replacement Project at the Wastewater Treatment Plant with Oakview Construction, Inc. of Red Oak, Iowa for an Increase of \$16,112.00 and a Revised Contract Amount of \$636,317.00.

#2010-130 – Approving Amendment No. 1 to the Agreement for Consulting Engineering Services on the Aeration Basin Project at the WWTP with Black & Veatch Corporation of Kansas City, Missouri for an Amended Agreement Total of \$995,000.00.

RESOLUTIONS:

#2010-231 – Consideration of Request from Q-Mex GI, LLC dba Qdoba, 1010 Diers Avenue, Suite 1 for a Class “I” Liquor License and Liquor Manager Designation for Connie Westfall, 2003 West Division Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve Resolution #2010-231 contingent upon final inspections and Ms. Westfall completing a state approved alcohol server/seller program. Upon roll call vote, Councilmember’s Meyer, Niemann, Haase, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Dugan voted no. Motion adopted.

#2010-232 – Consideration of Request from Nickie J. Kallos, Jr. dba Nickie’s Lounge, 106-108 East 3rd Street for a Class “C” Liquor License. This item related to the aforementioned Public Hearing.

Discussion was held regarding changes Mr. Kallos agreed to make if granted the Liquor License. Police Chief Steve Lamken answered questions regarding minor problems in other bars since Club 69 had closed.

Motion by Meyer, second by Niemann to deny the application from Nickie J. Kallos, Jr. dba Nickie’s Lounge, 106-108 East 3rd Street for a Class “C” Liquor License based on the following:

1. Not of good character and reputation in the community – Nebraska Liquor Control Rules and Regulations Section 53-125 (2) for the following reasons:
 - The owner, Mr. Kallos has not demonstrated in the past that he is fit, willing and able to properly provide the service proposed within the City.
 - The owner, Mr. Kallos in the past has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license.
 - There are multiple on sale liquor establishments in this area of Grand Island.

- The Grand Island Police Department frequently lacks adequate resources to police Nickie's Lounge and respond to the calls for service.
- A Liquor License for Nickie's Lounge is not consistent with the public interest.

Upon roll call vote, Councilmember's Meyer, Niemann, Dugan, Ramsey, and Zapata voted aye. Councilmember's Haase, Nickerson, and Gericke voted no. Mayor Hornady voted aye making the sixth and deciding vote. Motion adopted.

#2010-233 – Consideration of Resolution Directing Property Owner to Repair Sidewalk at 503 E Yund Street. Public Works Director Steve Riehle reported that on October 19, 2009 and July 22, 2010 a letter was sent to the property owner concerning necessary repairs to the sidewalk at 503 E Yund Street. To date no repairs had taken place.

Motion by Meyer, second by Niemann to approve Resolution #2010-233. Upon roll call vote, all voted aye. Motion adopted.

#2010-234 – Consideration of Resolution Directing Property Owner to Repair Sidewalk at 2025 N Lafayette Avenue. Public Works Director Steve Riehle reported that on October 28, 2009 and July 22, 2010 a letter was sent to the property owner concerning necessary repair to the sidewalk at 2025 N Lafayette Avenue. To date no repairs had taken place.

Motion by Meyer, second by Niemann to approve Resolution #2010-234. Upon roll call vote, all voted aye. Motion adopted.

#2010-235 – Consideration of Approving 2010/2011 Fee Schedule. Finance Director Mary Lou Brown reported that revenue reflected in the budget incorporated the proposed Fee Schedule rates. Correction to the fee schedule was mentioned by deleting the Wireless Communication Tower Permits and changing the single burial space to \$500.00.

Motion by Dugan, second by Zapata to approve Resolution #2010-235 with the stated changes. Upon roll call vote, all voted aye. Motion adopted.

#2010-236 – Consideration of Approving Dental Contract. Human Resources Director Brenda Sutherland reported that last year the City accepted proposals for its health and dental package. Delta Dental of Nebraska was the vendor chosen to provide services for the administration of the dental plan in an amount of \$4.10 per employee per month.

Discussion was held regarding the increased costs to employees and the insurance reserve fund amount.

Motion by Ramsey, second by Nickerson to approve Resolution #2010-236. Upon roll call vote, all voted aye. Motion adopted.

#2010-237 – Consideration of Approving Personnel Rules and Regulations. Human Resources Director Brenda Sutherland reported that proposed changes to the Personnel Rules was required by Council action approving the 2010/2011 budget.

Comments were made regarding a comprehensive review of the health and dental budget.

Motion by Ramsey, second by Nickerson to approve Resolution #2010-237. Upon roll call vote, Councilmember's Meyer, Niemann, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Niemann to approve the Claims for the period of August 11, 2010 through August 24, 2010, for a total amount of \$3,619,604.22. Unanimously approved.

Motion by Dugan, second by Niemann to approve the Claims for the Period of August 11, 2010 through August 24, 2010 for the Veterans Athletic Field Complex for a total amount of \$98,527.66. Unanimously approved.

Motion by Dugan, second by Niemann to approve the Claims for the Period of August 11, 2010 through August 24, 2010 for the State Fair Recreation Building for a total amount of \$399,697.05. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

RaNae Edwards
City Clerk