



# **City of Grand Island**

**Tuesday, October 12, 2010**

**Council Session**

## **Item G1**

**Approving Minutes of September 28, 2010 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 28, 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 September 28, 2010. Notice of the meeting was given in *The Grand Island Independent* on September 22, 2010.

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

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

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Andres Gamboa, Reyna Raymundo and Board Member Jarod Stockwell. Mayor Hornady thanked Lee Elliott for his 10 years of service on the Community Redevelopment Authority Board.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Public Power Week" October 3-9, 2010. Mayor Hornady proclaimed the week of October 3-9, 2010 as "Public Power Week". Utilities Director Gary Mader was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Rezac Enterprizes, Inc. dba Tiki Lounge, 3333 Ramada Road for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Rezac Enterprizes, Inc. dba Tiki Lounge, 3333 Ramada Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 30, 2010; notice to the general public of date, time, and place of hearing published on September 18, 2010; notice to the applicant of date, time, and place of hearing mailed on August 30, 2010; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report. Bill Francis, Attorney, 222 North Cedar Street, for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located South of Capital Avenue and West of Lynn Lane in Merrick County (Joel Leetch & Janet Stryker). Gary Mader, Utilities Director reported that a utility easement was needed south of Capital Avenue and west of Lynn Lane in Merrick County in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place primary underground electric conduit, cable, and a pad-mounted transformer to provide electrical service to a new home. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2210 North Webb Road (James & Barbara Wiltgen). Gary Mader, Utilities Director reported that a utility easement was needed at 2210 North Webb Road in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformer. This easement would be used to provide electrical conduit, cable and a pad-mounted three phase transformer to a new Taco John's restaurant. Staff recommended approval. No public testimony was heard.

Public Hearing on the Semi-Annual Report by the Citizens' Review Committee (CRC). Mark Stelk, CRC Chairman, 3117 Brentwood Drive gave the semi-annual report for the Citizens' Review Committee. Mentioned was the intent of CRC to bring new businesses and jobs to Grand Island for future growth. No public testimony was heard.

### ORDINANCES:

#9278 – Consideration of Amending Ordinance No. 9141 for Sidewalk District No. 1, 2007 (First Reading)

Public Works Director Steve Riehle reported that property owners at 519 & 523 East 14<sup>th</sup> Street had requested their two lots be removed from the Sidewalk District No. 1, 2007 as they were on a dead end street that leads to the overhead railway.

Discussion was held concerning other areas in the City where there were dead ends and if this would set a precedence if approved. Mr. Riehle stated the Sidewalk Committee discussed this issue and decided this was a dead end because of the railroad track and both properties were owned by the same person. City Attorney Dale Shotkoski stated issues like this needed to be decided on a case-by-case basis with public purpose in mind.

Motion by Meyer, second by Niemann to approve Ordinance #9278 on First Reading.

CONSENT AGENDA: Consent Agenda item G-4 was removed for further discussion. Motion by Zapata, second by Ramsey to approve the Consent Agenda excluding Item G-4. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 14, 2010 City Council Regular Meeting.

Approving Minutes of September 21, 2010 City Council Special Meeting.

Approving Appointment of Michelle Fitzke to the Community Redevelopment Authority Board.

Approving Request from Robert Blue, 917 West 15<sup>th</sup> Street for Liquor Manager Designation for Firehouse Bar, 418 West 4<sup>th</sup> Street contingent upon Mr. Blue completing a state approved alcohol server/seller training program.

Approving Request from Kristine Lange, 2021 West Louise Street for Liquor Manager Designation for Bullwinkle's Bar & Grill, 2118 north Webb Road contingent upon Ms. Lange completing a state approved alcohol server/seller training program.

#201-257 – Approving Semi-Annual Report by the Citizens’ Review Committee on the Economic Development Program Plan.

#2010-258 – Approving Acquisition of Utility Easement Located South of Capital Avenue and West of Lynn Lane in Merrick County (Joel Leetch & Janet Stryker).

#2010-259 – Approving Acquisition of Utility Easement Located at 2210 North Webb Road (James & Barbara Wiltgen).

#2010-260 – Approving Certificate of Final Completion for Water Main Project 2010-W-1; Poplar Street between 9<sup>th</sup> and 12<sup>th</sup> Streets with Diamond Engineering Company of Grand Island, Nebraska.

#2010-261 – Approving Agreement with the Nebraska Game and Parks Commission for Hunter Education Program.

#2010-262 – Approving Change Order No. 1 for Furnishing and Installation of Ball Field Lighting at the Veterans Athletic Field Complex with Ensley Electrical Services, Inc. of Grand Island, Nebraska for an Increase of \$8,370.00 and a Revised Contract Amount of \$239,647.00.

#2010-263 – Approving Bid Award for Purchase and Installation of Sod at the Veteran’s Athletic Field Complex with Tilley Sprinkler Systems of Grand Island, Nebraska in an Amount of \$46,629.00.

#2010-264 – Approving Bid Award for Root Foaming Machine for the Wastewater Treatment Plant with Douglas Products and Packaging of Liberty, Missouri in an Amount of \$24,000.00.

#2010-265 – Approving Bid Award for Root Foaming Chemical for the Wastewater Treatment Plant with Douglas Products and Packaging of Liberty, Missouri in an Amount of \$290.00 Unit Price.

#2010-266 – Approving Contract with Ameritas Investment Corp of Omaha, Nebraska for Bond Underwriter.

#2010-267 – Approving Annual Agreement for Financial Software Licensing and Support with Tyler Technologies, Inc. for Laserfiche Interface in an Amount of \$4,365.90.

Approving Garbage Permits for Clark Brother Sanitation, Heartland Disposal, Mid-Nebraska Disposal and Refuse Permits for Full Circle and O’Neill Transportation and Equipment. Discussion was held regarding signage on the garbage trucks and where the waste was being delivered. City Administrator Jeff Pederson stated in order to have all garbage haulers deliver to the City landfill there would need to be contracts in place, which currently there were none.

Motion by Meyer, second by Gericke to approve the Garbage Permits. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2010-268 – Consideration of Request from Rezac Enterprizes, Inc. dba Tiki Lounge, 3333 Ramada Road for a Class “C” Liquor License and Liquor Manager Designation for Jackie Rezac, 1512 E. Stolley Park Road. This item related to the aforementioned Public Hearing.

Discussion was held regarding the spouses information on the application. Bill Francis stated this was a corporation and it didn't fall under the Nebraska State Statute §53-125(13). Police Chief Steve Lamken commented on Mr. Rezac's criminal history and the fact that the financial papers had his name on them. He recommended the Council deny the application.

Motion by Ramsey, second by Zapata to deny Resolution #2010-268 based upon the Police Department report that the applicant's spouse, Richard Rezac listed a “Fed Felony” conviction which is ineligible under Nebraska State Statute §53-125 (13). Upon roll call vote, Councilmember's Meyer, Niemann, Ramsey, Zapata, and Gericke voted aye. Councilmember Dugan voted no. Motion failed.

Motion by Dugan, second by Ramsey to forward the application from Rezac Enterprizes, Inc. dba Tiki Lounge, 3333 Ramada Road for a Class “C” Liquor License to the Liquor Control Commission with no recommendation. Upon roll call vote, Councilmember's Meyer, Niemann, Dugan, Ramsey, and Zapata voted aye. Councilmember Gericke voted no. Mayor Hornady cast the deciding vote. Motion adopted.

#2010-269 – Consideration of Approving Funding of Economic Development Request. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Niemann to approve Resolution #2010-269. 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 September 15, 2010 through September 28, 2010, for a total amount of \$3,286,707.74. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of September 15, 2010 through September 28, 2010 for the Veterans Athletic Field Complex for a total amount of \$185,232.58. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of September 15, 2010 through September 28, 2010 for the State Fair Recreation Building for a total amount of \$420,956.00. Unanimously approved.

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

RaNae Edwards  
City Clerk