



# City of Grand Island

Tuesday, April 26, 2011

Council Session

## Item G1

**Approving Minutes of April 12, 2011 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 12, 2011

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 12, 2011. Notice of the meeting was given in *The Grand Island Independent* on April 6, 2011.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard and John Gericke. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, Interim City Attorney Jason Eley, and Public Works Director John Collins.

INVOCATION was given by Pastor Charles Gregory, First Baptist Church, 811 West 10<sup>th</sup> Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Dillon Spies and Ashley Bykerk.

City Administrator Mary Lou Brown commented on next Tuesday night's Study Session which would be a presentation on Program Prioritization starting at 6:00 p.m.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Central Nebraska Public Health Month" April, 2011. Mayor Vavricek proclaimed the month of April, 2011 as 'Central Nebraska Public Health Month'. Ryan King, Assistant Health Director with the Central District Health Department was present to receive the proclamation and commented briefly on the programs available to the public.

Proclamation "National Library Week" April 10-16, 2011. Mayor Vavricek proclaimed the week of April 10-16, 2011 as "National Library Week". Library Director Steve Fosselman was present to receive the proclamation and commented on the activities at the library.

Presentation of Citizen Survey Results. Assistant to the City Administrator Shannon Oster gave a PowerPoint presentation overview of the results for the comprehensive citizen survey conducted in Grand Island earlier this year. Mentioned was the survey was random and the response rate of 38% was very good for this type of survey. Reviewed were several areas of the survey with outstanding results above the national benchmarks. These results would be tied into the budget program prioritization process.

Highlights of the survey were: good employees, neighborhoods well liked, likely to remain and recommend Grand Island, recreation programs and parks were highly used, and high civic behaviors and volunteerism. Opportunities for improvement were: code enforcement, street maintenance, improve web site use and online tools, Grand Island as a place to retire, and youth services.

PUBLIC HEARINGS:

Public Hearing on Request from Whitey's, Inc. dba Whitey's Sports Bar & Grill, 2118 North Webb 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 Whitey's, Inc. dba Whitey's Sports Bar & Grill, 2118 North Webb Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 31, 2011; notice to the general public of date, time, and place of hearing published on April 2, 2011; notice to the applicant of date, time, and place of hearing mailed on March 31, 2011; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Economic Development – Community Development Block Grant Application for Purchasing Equipment. Community Development Administrator Joni Kuzma reported that the City was eligible for an Economic Development – Community Development Block Grant for equipment purchases by Case New Holland in an amount of \$605,000.00. Staff recommended approving the application. Marlan Ferguson, 2808 Apache Road spoke in support. No further public testimony was heard.

ORDINANCES:

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

- #9292 – Consideration of Authorizing Series 2011 Grand Island Facilities Corporation Building Bonds for Library Project
- #9293 – Consideration of Council Observation in Union Contract Negotiations

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 these ordinances on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage." Councilmember Ramsey second the motion. Upon roll call vote, all voted aye. Motion adopted.

Bruce Lefler representing Ameritas reported that Ordinance #9292 would replace the Library Project Building Bonds, Series 2005 in a principal amount of \$7,000,000 with Refunding Building Bonds (Library Project), Series 2011 in the principal amount of \$3,795,000. The new interest rate was 1.4040% with a savings of \$215,499.38 to the City.

Discussion was held regarding reducing the payment amount versus paying the bond off early. Explained was the Facilities Corporation's involvement in this bond. Mr. Lefler stated that all bonds were sold locally.

Motion by Haase, second by Carney to approve Ordinance #9292.

City Clerk: Ordinance #9292 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9292 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9292 is declared to be lawfully adopted upon publication as required by law.

#9293 – Consideration of Council Observation in Union Contract Negotiations

Councilmember Larry Carney reported that Ordinance #9293 would allow not more than five (5) councilmember's to observe negotiations of each labor contract bargaining units to better understand the negotiation process and for more transparency.

Motion by Niemann, second by Carney to approve Ordinance #9293.

Comments made by Council in favor stated transparency in government and educational purposes. Comments made by Council in opposition were: it showed Council didn't trust the process, more bodies in the room the dynamics change, may make it more difficult than it needed to be, and body language from the Council could be intimidating.

Mentioned was that there needed to be better communication to the Council regarding negotiations and the City had a negotiation team who were professionals.

Motion by Carney, second by Niemann to amend the Ordinance to remove the number five (5) and insert the number two (2) for Councilmember's to attend negotiations.

Discussion was held concerning the number of Councilmember's present during negotiations and that this issued needed to be studied further. Human Resources Director Brenda Sutherland answered questions concerning the number of meetings held for negotiations. She stated it varied with each group. Mentioned was the plan to outsource with John Cripes from Lincoln to help with the negotiations.

Upon roll call vote of the amendment, Councilmember's Haase, Carney, Niemann, Donaldson, Dugan, and Gericke voted aye. Councilmember's Ramsey, Gilbert, Nickerson, and Gard voted no. Motion adopted.

City Clerk: Ordinance #9293 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 Haase, Carney, Niemann, and Gericke voted aye. Councilmember's Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted no. Motion failed.

CONSENT AGENDA: Consent Agenda items G-5 and G-11 were removed for further discussion. Motion by Ramsey, second by Gard to approve the Consent Agenda excluding items G-5 and G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 22, 2011 City Council Regular Meeting.

Approving Minutes of March 29, 2011 City Council Special Meeting.

Approving Minutes of April 5, 2011 City Council Special Meeting/Study Session.

Approving Appointment of David Wetherlit to Business Improvement District #8.

#2011-80 – Approving the Sale of 2 Shares of SemGroup Corporation for a Value of \$32.14 each.

#2011-81 – Approving Economic Development – Community Development Block Grant Project for Purchasing Equipment for Case New Holland in an amount of \$605,000.00.

#2011-82 – Approving Appointment of Tim Luchsinger, Assistant Utilities Director, as the City’s Representative at the Nebraska Municipal Power Pool (NMPP).

#2011-83 – Approving Amended & Restated Nebraska Public Power District and the City of Grand Island Electric Interconnection & Interchange Agreement.

#2011-84 – Approving Bid Award for Burdick Reservoir Painting with Lindner Painting, inc. of Lincoln, Nebraska in an Amount of \$394,120.00.

#2011-86 – Approving Amendment No. 3 to the Agreement with Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements for an Increase of \$3,930.00 and a Revised Contract Amount of \$50,330.00.

#2011-87 – Approving 2011 VOCA Grant Application.

#2011-88 – Approving MOU with Grand Island Campus of Central Community College for Mutual Aid.

#2011-89 – Approving contract for Soft Drink Services for Aquatic Facilities with Coca Cola Bottling Company of Grand Island, Nebraska.

#2011-90 – Approving Change Order No. 1 to Midwest Floor Covering of Lincoln, Nebraska for Installation of Vapor Barrier at the City Fieldhouse for an Increase of \$34,159.00 and a Revised Contract Amount of \$104,053.00.

#2011-79 – Approving Redemption of Series 2005 Grand Island Facilities Corporation Building Bonds for the Library Project.

Motion by Gilbert, second by Nickerson to approve Resolution #2011-79. Upon roll call vote, all voted aye. Motion adopted.

#2011-85 – Approving Program Agreement with Nebraska Department of Roads for US-30 Drainage Improvement Project for an Estimated Cost of \$876,696 with \$327,985 being the responsibility of the City. Public Works Director John Collins answered questions concerning the accuracy of the total figures.

Motion by Dugan, second by Gilbert to approve Resolution #2011-85. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-91 – Consideration of Request from Whitey’s, Inc. dba Whitey’s Sports Bar & Grill, 2118 North Webb Road for a Class “C” Liquor License and Liquor Manager Designation for Jeffrey Richardson, #47 Kuester Lake. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Gericke to approve Resolution #2011-91 contingent upon final inspections and completion of a stated approved alcohol server/seller program. Upon roll call vote, all voted aye. Motion adopted.

#2011-92 – Consideration of Amendment to the Personnel Rules Regarding Computer Usage. Human Resources Director Brenda Sutherland and Andrew Duey, IT Consultant reported that the City of Grand Island needed to continue compliance with the “Payment Card Industry Data Security Standards” (PCI DSS) requirement. The Security Awareness and Acceptable Use Policy would be incorporated in the City’s Personnel Rules and Regulations, replacing Section 3.06.

Discussion was held concerning if a breach occurred and the liability to the City. Mr. Duey stated it depended on a case by case basis. By approving this we would be less liable and the liability would be passed on to the company we contracted with. Interim City Attorney Jason Eley stated we were protected. Discussion was held regarding employee accountability.

Ms. Sutherland gave an overview of the policy regarding personal use on public computers. Mentioned was moderate use. Mr. Duey stated we don’t have filter software but we do have monitoring software. City Administrator Mary Lou Brown commented that some departments make purchases on e-bay and the City was developing a social media policy.

Motion by Carney, second by Gericke to approve Resolution #2011-92. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of March 23, 2011 through April 12, 2011, for a total amount of \$3,048,736.79. Unanimously approved.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of March 23, 2011 through April 12, 2011 for the Veterans Athletic Field Complex for a total amount of \$29.67. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:08 p.m.

RaNae Edwards  
City Clerk