



# **City of Grand Island**

**Tuesday, October 9, 2012**

**Council Session**

## **Item G2**

**Approving Minutes of October 2, 2012 City Council Study Session**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

October 2, 2012

Pursuant to due call and notice thereof, a Study Session 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 October 2, 2012. Notice of the meeting was given in the *Grand Island Independent* on September 26, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following Councilmembers were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Vaughn Minton and John Gericke. Councilmember Peg Gilbert was absent. The following City Officials were present: City Clerk RaNae Edwards, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Community Youth Council member Alex Trejo followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Alex Trejo and board member Liz Mayfield.

PRESENTATION:

Grand Island Fire Department Pinning Ceremony for Fire Chief Cory Schmidt. Mayor Vavricek presented Fire Chief Cory Schmidt with his Fire Chief badge at a pinning ceremony. Present were his family and several firefighters. Fire Chief Schmidt thanked those present for the opportunity to serve as the next Fire Chief.

SPECIAL ITEMS:

Discussion Concerning Renewal of City's Cable Franchise Agreement with Charter Communications. City Attorney Robert Sivick reported that the City was in negotiations with Charter Communication which stalled due to a bankruptcy. Mentioned was that Moss & Barnett of Minneapolis was hired for legal and consulting services and an agreement had been reached.

Tom Bordwell, Director of Government Relations and Rex Buettgenbach, Director of Operations with Charter Communications commented on the agreement with the City and Charter Communications. A 15 year agreement had been negotiated and will be brought to Council for approval on October 9, 2012.

Cory Gierhard, 123 South Webb Road spoke of a potential opportunity that would benefit the City and the schools. Other cities had required a franchise agreement to include fiber optics and network connections for all city buildings and public schools.

Discussion was held regarding the improvements throughout the city in the last few months by Charter and if the dead spaces would be covered. Mr. Buettgenbach stated there were processes in place to target the dead spaces. The rebuild that had taken place was under the current franchise agreement. Mr. Sivick stated the proposed agreement had provisions to take care of the dead spaces.

Capacity was mentioned at 750 MHz with a minimum of 550 MHz. Mr. Bordwell explained the network and bandwidth. It was mentioned that the City should be at industry standards. Mr. Sivick stated industry standards were a vague term and he would rather see a minimum MHz in the agreement. Explained were the changes in the agreement from the previous agreement.

Cory Gierhard explained the option that Charter provide public buildings with network connection and internet services.

Mentioned was the length of time for the contract and the changes that had taken place and may take place in the future. Mr. Sivick stated there was a Performance Guarantee in the agreement. Mr. Bordwell commented on the public building connections. Governmental facilities and schools would receive free cable television service. The agreement sets the franchise fee for the City at 5%. It would increase the Public, Educational and Government (PEG) channels from two to three with a forty cent fee per subscriber, per month.

Mr. Bordwell stated the customer would drive the future of the cable industry. Mr. Sivick explained Article XX with regards to Termination and Article XXIII relative to Periodic Reevaluation and Renegotiations.

Discussion Concerning Residency Requirements for City Department Directors at the Request of Councilmember Chuck Haase. Councilmember Haase stated the reason he brought this forward was the difference in what was in the Personnel Rules, what was approved by the City Council and inconsistency in this issue. Explained were the events that had taken place since 2001.

Human Resources Director Brenda Sutherland explained different departments had different regulations with regards to the number of miles an employee could live outside the City. Explained was the meeting of December 4, 2001 which extended the Department Directors residency to within ten miles of the zoning jurisdiction. Mr. Sivick stated that if the Council decided to change the residency requirement it would not affect any current department director as they would be grandfathered in under current law.

Discussion was held regarding the different departments and residency requirements. It was stated that the only mention of zoning jurisdiction was related to department directors. Comments were made concerning the importance of living in the community for department directors. Generally the courts were prone to strike down residency requirements.

Joyce Haase, 3024 Colonial Lane commented about the money the city would be losing if all department directors lived outside the city limits. If you work for the city you should live in the city. Mentioned was that if you were a Councilmember you had to live within a Ward.

Ms. Sutherland stated this issue could be brought back to Council for a decision at the October 9, 2012 City Council meeting. It was suggested that we start with what's on the books currently and then Council could make changes at that meeting.

Discussion Concerning Proposed Ordinance Prohibiting Discrimination Based on Sexual Orientation at the Request of Councilmember Larry Carney. Councilmember Larry Carney explained how he came involved in this topic. Mentioned was the trend in American law to expand the Civil Rights protection to include sexual orientation.

Brian Whitecalf, 1506 N. St. Paul Road spoke in support of including an ordinance prohibiting discrimination based on sexual orientation.

Mentioned was that every class of citizen could be included in a protected class and this might not be the time to bring this forward. It was stated that no one should discriminate for any reason. Proving an infraction for sexual orientation through an ordinance would be hard to enforce.

Mr. Sivick stated the way to prove discrimination would be the way you prove for other protected classes and gave several examples. Explained was why churches were exempt. At the request of Mayor Vavricek, Mr. Sivick explained the Home Rule Charter which Lincoln and Omaha served under. The Council could either pass an ordinance or put it on the ballot.

Mayor suggested that a broad discussion should be held before this was brought forward. Councilmember Carney disagreed. Discussion was held regarding a possible date for this to be brought forward. Councilmember Carney requested this be brought before Council at the October 9, 2012 Council meeting.

Marian Bahensky, St. Paul, NE and Richard Maciejewski, 2650 New York Avenue stated sexual orientation was not a choice and supported this as a protected class.

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

RaNae Edwards  
City Clerk