

---

# City of Grand Island



**Tuesday, May 10, 2016**  
**Council Session Packet**

---

**City Council:**

**Linna Dee Donaldson**  
**Michelle Fitzke**  
**Chuck Haase**  
**Julie Hehnke**  
**Jeremy Jones**  
**Vaughn Minton**  
**Mitchell Nickerson**  
**Mike Paulick**  
**Roger Steele**  
**Mark Stelk**

**Mayor:**

**Jeremy L. Jensen**

**City Administrator:**

**Marlan Ferguson**

**City Clerk:**

**RaNae Edwards**

---

**7:00 PM**  
**Council Chambers - City Hall**  
**100 East 1st Street**

### **Call to Order**

This is an open meeting of the Grand Island City Council. The City of Grand Island abides by the Open Meetings Act in conducting business. A copy of the Open Meetings Act is displayed in the back of this room as required by state law.

The City Council may vote to go into Closed Session on any agenda item as allowed by state law.

---

**Invocation - Pastor Bill Pavuk, St. Pauls Lutheran Church, 1515 South Harrison Street**

**Pledge of Allegiance**

**Roll Call**

---

### **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

---

### **B - RESERVE TIME TO SPEAK ON AGENDA ITEMS**

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item C-1

### **Presentation by Hall County Vietnam Veterans Hero Flight Committee**

*The Hall County Vietnam Veterans Hero Flight Committee would like to thank the Mayor, City Administrator, Police and Fire Department for all their work in making the Vietnam Veteran Hero Flight such a success on May 3, 2016.*

Staff Contact: Vietnam Veterans Hero Flight Committee



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item E-1

**Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class “D” Liquor License**

*Council action will take place under Resolutions item I-1.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 10, 2016

**Subject:** Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class “D” Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
  - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
  - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of beer off sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments.

Also submitted with the application was a request from Veronica Alvarez, 609 S. Stuhr Road for a Liquor Manager Designation.

This application was to be presented to the City Council at their April 12, 2016 meeting but was pulled at the request of the applicant. Since then an amended application has been submitted disclosing convictions that were left out of the original application.

After reviewing the Police Department report and attached information regarding the previous application for Rafa's Tacos, it is recommended that the Council deny this request based upon: 53-132 (2 a, b, & c) – Retail, craft brewery, or microdistillery license, contents; criminal history record check, verification, false statement; penalty.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council **deny** this application.

### **Sample Motion**

Move to **deny** the application for La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License due to the Police Departments report based upon: 53-132 (2 a, b, & c) – Retail, craft brewery, or microdistillery license, contents; criminal history record check, verification, false statement; penalty.

04/07/16  
14:50

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 08:24:00 03/16/2016  
Occurred before : 08:24:00 03/16/2016  
When reported : 08:24:00 03/16/2016  
Date disposition declared : 03/23/2016  
Incident number : L16031851  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 385 Pine St N  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received :  
Agency code : GIPD GIPD Grand Island Police Dept  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number : RaNae  
Geobase address ID : 11245  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L11053069	03/21/16	Liquor Lic Inv	Related
NM	166733	03/29/16	Ocegueda, Maria	Alias for
Veronica				
NM	61104	03/18/16	La Mexicana Market,	Business
Involved				
NM	62723	03/18/16	Flores, Adolfo	
Applicant/Owner				
NM	181116	03/18/16	Alvarez, Veronica A	Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT12	LT12 Grocery/Supermarket	

IMAGE CODES FOR INCIDENT:

Seq	Imag	Image code for a users description field
1	DOC	DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

La Mexicana Market is applying for a Class D (beer,wine, distilled spirits, off sale only) Corporate Retail Liquor License. Veronica Alvarez is applying to be the liquor manager.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	AOFF	AOFF Alcohol Offense	0.00

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	12:48:24 03/21/2016

Grand Island Police Department  
Supplemental Report

Date, Time: Mon Mar 21 12:48:37 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

La Mexicana Market is applying for a Class D (beer, wine, distilled spirits, off sale only) Corporate Retail Liquor license. Adolfo Flores is the sole owner of the corporation. Veronica Alvarez is applying to be the liquor manager. While perusing the application, I noticed that Adolfo and Veronica did not disclose any criminal convictions, Monica Flores is listed as someone who can write checks and make withdrawals on the business account, and Adolfo has had a liquor license in the past at Rafa's Tacos, and La Mexicana. The application also states that Adolfo has lived in Grand Island since at least 2005. Veronica has lived in Grand Island since 2010. No information is listed under spousal information for either applicant. Veronica stated that she worked for Adolfo at Rafa's Tacos from 2011 through 2013. Since 2013, she has worked for Adolfo at La Mexicana.

One of the first things I discovered while creating a report to document this investigation, is that Veronica Alvarez has an alias listed in Spillman as Maria Ocegueda. When I looked at Maria Ocegueda's Involvements in Spillman, I found that she is listed as the liquor manager for Rafa's Taco's in an investigation I had done in 2011. I compared the identifying information for Maria Ocegueda and Veronica

Alvarez and found that they each have the same date of birth, Social Security number, and driver's license number. I did some more digging and found some documents in NCJIS showing that Maria Ocegueda was granted a name change to Veronica Alvarez by a Hall County District Court judge in September 2012.

I recall that during the Rafa's investigation, Adolfo told me that he was engaged to be married to "Maria." At the time of the Rafa's investigation, I would imagine that Adolfo knew that "Maria" was really Veronica. If for some reason he didn't know in 2011, he had to have known in 2012 when the name change occurred; and she was still working for him at Rafa's Tacos. I didn't find that there was any effort on Adolfo's part to rectify the situation by explaining it to the NLCC and filling out paperwork for a new liquor manager. Adolfo never contacted me either. The Nebraska Liquor Control Commission's Rules and Regulations under 009.01 says that a corporation has sixty days to notify the NLCC of a manager change.

Before doing a lot of checks on Adolfo and Veronica, I read my investigation into Rafa's Tacos from 2011. I noted in that report that Adolfo didn't disclose any convictions, and I found twelve traffic convictions and a conviction for selling alcohol to a minor. I told Adolfo at the time that he needed to include everything including his traffic convictions. I also found where Adolfo didn't disclose on the 2011 application that he had past liquor licenses at La Mexicana Market in Grand Island and La Mexicana restaurants in Gibbon and Lexington. Adolfo said he had problems with selling to minors at the market, that's why he didn't renew the license or seek anymore until Rafa's. My 2011 Rafa's investigation also said that I called ICE and was told that Adolfo and "Maria" were each Naturalized U.S. Citizens.

I called the NLCC on 3/22/16 and left a message for Randy Seybert in Licensing. I asked Randy to call me back, so I can ask him to find information on Adolfo Flores' past liquor licenses. Later that afternoon, I received an e-mail from Randy saying that their deleted history files only go back ten years, and he was unable to find anything. I also asked Randy if they would have hard copies of the records. He advised that they used to keep those records on microfilm, but they don't have that anymore either.

I contacted the Buffalo County Sheriff's Office and the Lexington Police Department to see if either agency had any record of the La Mexicana restaurant or any of the applicants. Lexington has a new computer system, and I was told that their records probably wouldn't go back the fifteen plus years I wanted them to search. They went ahead and searched all the names and didn't come up with anything. Buffalo County later faxed me a report which included Adolfo being warned by a deputy twice in the same day in 1995 for selling food out of his vehicle. They also sent a report from 2012 where Adolfo was cited for allowing an unlicensed driver to drive.

For the current investigation into La Mexicana market, I checked Adolfo and Veronica through Spillman and NCJIS. I just looked at potential violations/convictions since May of 2011 which is when I did the last

investigation (Rafa's Tacos) with them. The Rafa's investigation should be attached. Spillman shows that Adolfo was issued a citation for careless driving as a result of a motor vehicle accident in 2012, had a protection order served against a female in 2013, and had code enforcement issues in 2014 and 2015 for high weeds and trash. He mowed the weeds and cleaned up the trash.

After May of 2011, NCJIS shows that Adolfo was convicted of the careless driving that was listed in Spillman from 2012, convicted of the charge in the citation issued by the Buffalo County Sheriff's Office for allowing an unlicensed driver to drive in 2012, and Adolfo was convicted of unlawful acts license/drive in Merrick County in 2014. I'll ask Adolfo about that one. Maria/Veronica doesn't show any potential violations in Spillman. NCJIS just shows an entry for her driver's license and the name change.

I checked Adolfo and Veronica for outstanding arrest warrants and the status of their driver's license. Neither one of them have any outstanding arrest warrants, and they each have a valid Nebraska driver's license. I also checked them through a paid law enforcement-only database which tends to provide more civil information and personal identifying information. Adolfo didn't have anything out of the ordinary listed. I found an entry for Maria Ocegueda. Veronica Alvarez was also listed with an alias of Maria Ocegueda. Nothing out of the ordinary was associated with either name.

I set up a meeting with Adolfo and Veronica for 1300 hours on 3/31/16. Nebraska State Patrol Investigator Joe Hansen also attended the meeting. I went over the application with Adolfo and Veronica. I asked Adolfo if his attorney filled out the application. Adolfo said his attorney did fill out the application, and Adolfo and Veronica were present. I reminded Adolfo that I spoke to him in 2011 when he applied for a liquor license for Rafa's Tacos. At that time, Adolfo didn't disclose any convictions on his application. I told him back then that he needed to disclose even the most insignificant traffic conviction all the way up to the most serious crime he has been convicted of.

Adolfo said he didn't remember talking to me in 2011, and he didn't have an explanation for failing to disclose his convictions on this application. He added that he wasn't trying to hide anything because he knew we would find it anyway. Adolfo said he couldn't remember a lot of things. He couldn't remember how many times he was held responsible for selling to minors on his prior La Mexicana Market license, but he guessed it was just one time. He also claimed not to remember if he even had a liquor license at his Lexington and Gibbon restaurants. Adolfo did acknowledge being cited for allowing unlicensed drivers to drive on two separate occasions, once in Buffalo county and once in Merrick County. Each time he said that he let a friend borrow his pickup.

I asked Adolfo who Monica Flores is since she is listed as someone who has access to the business bank account. Adolfo said that Monica is his daughter. She has access to the business account, so she can pay bills while Adolfo and Veronica are out of town on vacation.



According to Adolfo's application, he let the Rafa's Tacos liquor license lapse because he didn't wish to risk further violation. An NLCC attachment to the application shows that Rafa's liquor license was issued on 8/18/2011. On 9/28/2012, they were in trouble with the NLCC for selling to a minor and having a minor dispensing/serving alcohol. They plead guilty and had their license suspended. On 2/1/2013, there is another charge of selling to a minor with an eventual guilty plea. The attachment also acknowledges that the La Mexicana Market had a liquor license before, but it was also allowed to lapse over ten years ago.

I asked Adolfo about his relationship with Veronica. In 2011, he told me that they were engaged. He said they are still currently engaged to be married. Veronica said they sold the house they used to live in on WN Front Street and now live together at 609 S. Stuhr Road.

I asked Veronica about her name change. Veronica thought she was about two years old when her parents illegally brought her to the United States. Veronica said her birth name was Veronica Ocegueda. When she was applying for amnesty, her mother sent for her Mexican birth certificate. When they received it, it showed her birth name as Maria Ocegueda. Veronica's mother tried to get it corrected but was unsuccessful. Therefore, Veronica received her amnesty and eventually her Naturalized U.S. Citizenship under the name of Maria Ocegueda.

Veronica said that her father's last name was Ocegueda. Veronica said she can't remember meeting her father. When she legally changed her name, she wanted to go back to her birth name of Veronica and also go by her mother's last name of Alvarez. After speaking with Adolfo and Veronica, Investigator Hansen and I toured the market before the meeting was over.

In summary, Adolfo Flores applied for a liquor license in Grand Island at Rafa's Tacos in 2011. He was granted a license which he had for less than two years. During that time, the NLCC's records show that the business had two separate incidents where the business plead guilty to selling to minors. One of the incidents also had a minor selling/dispensing alcohol. Adolfo's current application has those records attached to it.

During my investigation into the Rafa's application, Adolfo failed to disclose any of his twelve traffic convictions or his conviction for selling to a minor. He also failed to list on his application that he had held prior liquor licenses at the La Mexicana market in Grand Island or the La Mexicana restaurants he owned in Gibbon and Lexington. When Adolfo was applying for the liquor license for Rafa's, I asked him why he didn't already have one for his La Mexicana restaurant in Grand Island. He said that he had problems in the past with selling alcohol to minors at the La Mexicana Market.

Fast forward to Adolfo's current application for La Mexicana market, Adolfo still didn't disclose any of his criminal convictions, and he still didn't list his prior liquor licenses at the La Mexicana restaurants in Gibbon and Lexington. In fact, when I asked him about the history of the restaurant licenses, Adolfo said he couldn't remember if he even had a liquor license at the restaurants. During the 2011 Rafa's investigation, Adolfo acknowledged that he had prior liquor licenses at

the Gibbon and Lexington restaurant and failed to list that on the application. As far as I can tell, Adolfo also failed to notify the NLCC in 2012 when the name of his liquor manager at Rafa's Tacos changed from Maria Ocegueda to Veronica Alvarez.

With Adolfo's admission of having prior issues with selling alcohol to minors (which are partially documented), his inability or refusal to fully disclose his criminal convictions (including a sale to a minor which I believe automatically precludes him from receiving a license based upon 53-131.01) and past liquor licenses on the Rafa's application and this application, and his lack of adhering to the Rules and Regulations of the Nebraska Liquor Control Act as evidenced by the examples above, the Grand Island Police Department does not believe that Adolfo Flores should have a liquor license and recommends that the Council not give local approval.

The denial is based upon: 010.01- Falsification of Application, 53-132 (2 a, b,& c)- Retail, craft brewery, or microdistillery license; commission; duties, and 53-131.01 (1 d)- License; application; form; contents; criminal history record check; verification; false statement; penalty.

Full copies of 010.01, 53-132, and 53-131.01 are attached to this report along with Adolfo's past application for Rafa's Tacos, the police report for Rafa's Tacos, and the NLCC's records for Rafa's Tacos.

**FALSIFICATION OF APPLICATION**

**010.01** No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license.

# Nebraska Revised Statute 53-132

Revised Statutes » Chapter 53 » 53-132

53-131.01

|  
53-133

[Print Friendly](#)

## **53-132. Retail, craft brewery, or microdistillery license; commission; duties.**

(1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section 53-133 and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, cause a retail license, craft brewery license, or microdistillery license to be signed by its chairperson, attested by its executive director over the seal of the commission, and issued in the manner provided in subsection (4) of this section as a matter of course.

(2) A retail license, craft brewery license, or microdistillery license may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

- (a) The recommendation of the local governing body;
- (b) The existence of a citizens' protest made in accordance with section 53-133;
- (c) The existing population of the city, village, or county and its projected growth;
- (d) The nature of the neighborhood or community of the location of the proposed licensed premises;
- (e) The existence or absence of other retail licenses, craft brewery licenses, or microdistillery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises and whether, as evidenced by substantive, corroborative documentation, the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;



(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

(4) Retail licenses, craft brewery licenses, or microdistillery licenses issued or renewed by the commission shall be mailed or delivered to the clerk of the city, village, or county who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subsection (6) of section 53-124 the fee is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the local governing body upon the application for the license, (c) the fee for publication of notice of renewal as provided in section 53-135.01, and (d) occupation taxes, if any, imposed by such city, village, or county. Notwithstanding any ordinance or charter power to the contrary, no city, village, or county shall impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village or within the boundaries of such county in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(5) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.



# Nebraska Revised Statute 53-131.01

Revised Statutes » Chapter 53 » 53-131.01

53-131

|  
53-132

Print Friendly

## **53-131.01. License; application; form; contents; criminal history record check; verification; false statement; penalty.**

(1) The application for a new license shall be submitted upon such forms as the commission may prescribe. Such forms shall contain (a) the name and residence of the applicant and how long he or she has resided within the State of Nebraska, (b) the particular premises for which a license is desired designating the same by street and number if practicable or, if not, by such other description as definitely locates the premises, (c) the name of the owner of the premises upon which the business licensed is to be carried on, (d) a statement that the applicant is a citizen of the United States, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this subdivision shall not apply to the spouse of a manager-applicant, (e) a statement that the applicant intends to carry on the business authorized by the license for himself or herself and not as the agent of any other persons and that if licensed he or she will carry on such business for himself or herself and not as the agent for any other person, (f) a statement that the applicant intends to superintend in person the management of the business licensed and that if so licensed he or she will superintend in person the management of the business, and (g) such other information as the commission may from time to time direct. The applicant shall also submit two legible sets of fingerprints to be furnished to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record check and the fee for such record check payable to the patrol.

(2) The application shall be verified by the affidavit of the petitioner made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of such application, the applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

06/06/11  
450  
14:09  
1

Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island  
Occurred after : 15:10:11 05/23/2011  
Occurred before : 15:10:11 05/23/2011  
When reported : 15:10:11 05/23/2011  
Date disposition declared : 05/23/2011  
Incident number : L11053069  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License  
Investigation  
Incident address : 811 2nd St W  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number :  
Geobase address ID : 13162  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	87129	06/06/11	Rafa's Tacos,	Business
Involved				
NM	166733	06/06/11	Ocegueda, Maria	Liquor Manager
NM	62723	05/24/11	Flores, Adolfo	Owner

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous  
-----  
1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Adolfo Flores for  
Rafa's  
Tacos and a Copy of a Liquor Manager Application from Maria Ocegueda.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

06/06/11  
450  
14:09  
2

Grand Island Police Department  
LAW INCIDENT TABLE

Page:

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	09:55:13 05/24/2011



06/06/11

Grand Island Police Department

450

14:09

LAW INCIDENT TABLE

Page:

3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Tue May 24 09:55:24 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor license application from Adolfo Flores for Rafa's Tacos and a copy of a liquor manager application from Maria Ocegueda. Adolfo Flores is the owner of La Mexicana and is leasing the Rafa's Tacos building from Rafael Orozco. Adolfo is seeking a Class I License which is for beer, wine, and distilled spirits on sale only. The main nature of the business is a restaurant which will not have a bar separate from the dining area. The business plan states that it is the intent of the applicant to "serve alcoholic beverages at the request of patrons." "It is anticipated that all alcoholic beverages will be consumed within the dinning area."

Back on 2/7/11, I spoke to Adolfo at his La Mexicana Restaurant about his lease agreement with Rafael Orozco and Rafa's Taco's. He started operating Rafa's on 2/1/11. At that time, Adolfo advised that he knew he would have to file with the NLCC for a Temporary Operating Permit (TOP) to sell alcohol off of Orozco's license and then eventually get his own. Adolfo assured me that he wouldn't sell alcohol until he had the TOP or his own license. After speaking with Adolfo, I went to Rafa's and spoke to Adolfo's finance who was managing the restaurant. She gave the same explanation about alcohol sales. I looked around the restaurant and found no evidence of alcohol sales.

After looking through Adolfo's application, I had some questions. The first thing I noticed is that on the spot on the application where it asks if anyone who is a party to the application has ever been convicted or plead guilty to any charge, Adolfo checked the "No" box. I also saw that Adolfo listed his home address as 385 N. Pine which I believe is the La Mexicana Market and tortilla factory. The last thing that grabbed my attention is that Adolfo stated he has never had a liquor license before which made me wonder why he was now seeking one for Rafa's and not La Mexicana.

On 5/24/11, I called Adolfo. I asked him about ever being convicted of anything. He said that he thought the question was intended to address serious crimes and being in jail. I told Adolfo that the question was clearly stated, and he had an attorney helping him fill out the application who should have been able to explain it to him. Adolfo had no other response other than to say he answered based on his interpretation of the question. He admitted that he plead guilty to selling alcohol to a minor and has some traffic convictions. He said the sale to a minor happened during a "sting" when he was working the Paddock at Fonner during racing season. He just said that he was so busy, he didn't ask for identification.

I also asked Adolfo why he is seeking a liquor license for Rafa's and not for La Mexicana. Adolfo said that the Rafa's customers are used to having the option to have an alcoholic beverage with their meal, so he wants to continue to offer that same level of service. He also said the he plans on eventually applying for a liquor license for La Mexicana Restaurant and Market. Adolfo advised that he has been leasing the market to his sister, but the lease agreement is almost up, and he plans on resuming the operation of it. Even though Adolfo stated on his application that he has never had a liquor license before, he said

06/06/11

Grand Island Police Department

450

14:09

LAW INCIDENT TABLE

Page:

4

that he had a liquor license for his La Mexicana restaurants in Lexington and Gibbon and the market in Grand Island. He had no explanation as to why he didn't answer the question on the application correctly other than to say it was a mistake. Adolfo also clarified his home address as being 504 N. Elm # 104. He receives mail at the 385 N. Pine address.

Adolfo said he owned the all of the restaurants at the same time, but he got a good offer from someone to buy the Lexington and Gibbon restaurant, so he sold them. He also acknowledged that one of the reasons he hasn't had a liquor license at La Mexicana Restaurant in Grand Island is because he used to have one at that Market and had some problems with selling to minors. I checked Spillman and found records for the restaurant and market. The records go back to 2002 on the market and 2009 on the restaurant. I found no indication of alcohol issues anywhere. I also checked the NLCC website to see if I could verify the extent of Adolfo's issues with selling to minors. I was able to pull up three separate entries for La Mexicana, but they were all in Omaha and Lincoln. On 5/24/11, I called the NLCC and asked for some history on La Mexicana Restaurant and Market.

I was told by the NLCC that it would be extremely difficult and time consuming for them to locate records for Adolfo and his history of having a liquor license approximately ten years ago for his La Mexicana Market. I was told that Adolfo is NOT on their "Hot List" which they keep indefinitely and would indicate that the NLCC had problems with him before.

I looked Adolfo and Maria up in Spillman and NCJIS. Adolfo has some traffic contacts along with a selling alcohol to a minor listed in Spillman. Maria is not listed in Spillman. However, she has only lived in Grand Island since 2010. The majority of her life was spent in California, according to the application. Adolfo has twelve separate traffic convictions listed in NCJIS and the selling to a minor conviction that was also listed in Spillman. The application states that Adolfo has lived in Grand Island since 2007. He lived in Lexington before that, and according to our phone conversation, he lived in California before that. On the application, Maria stated that she was born in Mexico. The application doesn't say where Adolfo was born. However, ICE advised me that Adolfo and Maria are each Naturalized U.S. Citizens.

While Adolfo didn't fill out the application correctly by disclosing his traffic and selling to a minor conviction or disclosing that he has had liquor licenses in the past, his "criminal" history (at least in Nebraska) doesn't automatically exclude him from getting a liquor license. In addition, even though the police department has had some issues with Rafael Orozco and his liquor license at El Diamante, we have not had any issues with Rafael's liquor license at Rafa's Tacos. From my meeting with Adolfo in February and speaking to him over the phone, I don't see any reason why we would start having liquor problems at Rafa's under his control. The GIPD has no objection to Adolfo Flores receiving a liquor license for Rafa's Tacos.

Since Maria Ocegueda has only lived in Nebraska for a short time, it would be

expected that she has little to no criminal history. From speaking with her back in February, she seems like she would be qualified to be a liquor manager. If the State doesn't uncover any problems with her criminal history through her fingerprint submission, the GIPD does not object to her becoming the liquor manager for Rafa's Tacos.

06/06/11  
450  
14:09  
5

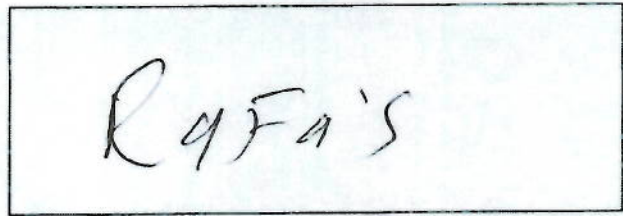
Grand Island Police Department

LAW INCIDENT TABLE

Page:

**APPLICATION FOR LIQUOR LICENSE  
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES  
CHECK DESIRED CLASS**

**RETAIL LICENSE(S)**

Application Fee \$400 (non refundable)

- ☐ A BEER, ON SALE ONLY
- ☐ B BEER, OFF SALE ONLY
- ☐ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- ☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- ☒ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- ☐ AB BEER, ON AND OFF SALE
- ☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- ☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ☐ ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

- ☐ Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31  
All other licenses run from May 1 – April 30  
Catering license (K) expires same as underlying retail license

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING**

- ☐ Individual License (requires insert form 1)
- ☐ Partnership License (requires insert form 2)
- ☒ Corporate License (requires insert form 3a & 3c)
- ☐ Limited Liability Company (LLC) (requires form 3b & 3c)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)**

Commission will call this person with any questions we may have on this application

Name Mark Porto Phone number: 308-384-1635

Firm Name Shambarg, Wolf, McDermott & Depue

FORM 100  
REV 11/2010  
PAGE 3



RECEIVED

**PREMISE INFORMATION**

MAY 11 2011

Trade Name (doing business as) Rafa's Tacos

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

Street Address #1 811 West 2nd Street

Street Address #2 \_\_\_\_\_

City Grand Island

County Hall 8

Zip Code 68801

Premise Telephone number 308-384-6266

Is this location inside the city/village corporate limits:



YES



NO

Mailing address (where you want to receive mail from the Commission)

Name LaMexicana, Inc.

Street Address #1 111 East 4th Street

Street Address #2 \_\_\_\_\_

City Grand Island

State NE

Zip Code 68801

**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED  
READ CAREFULLY**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**\*\*For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms**

Length \_\_\_\_\_ feet  
Width \_\_\_\_\_ feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

See attached.

40' x 58'

FORM 100  
REV 11/2010  
PAGE 4

South

Kotas 1400s Rest.  
811 W 2th St

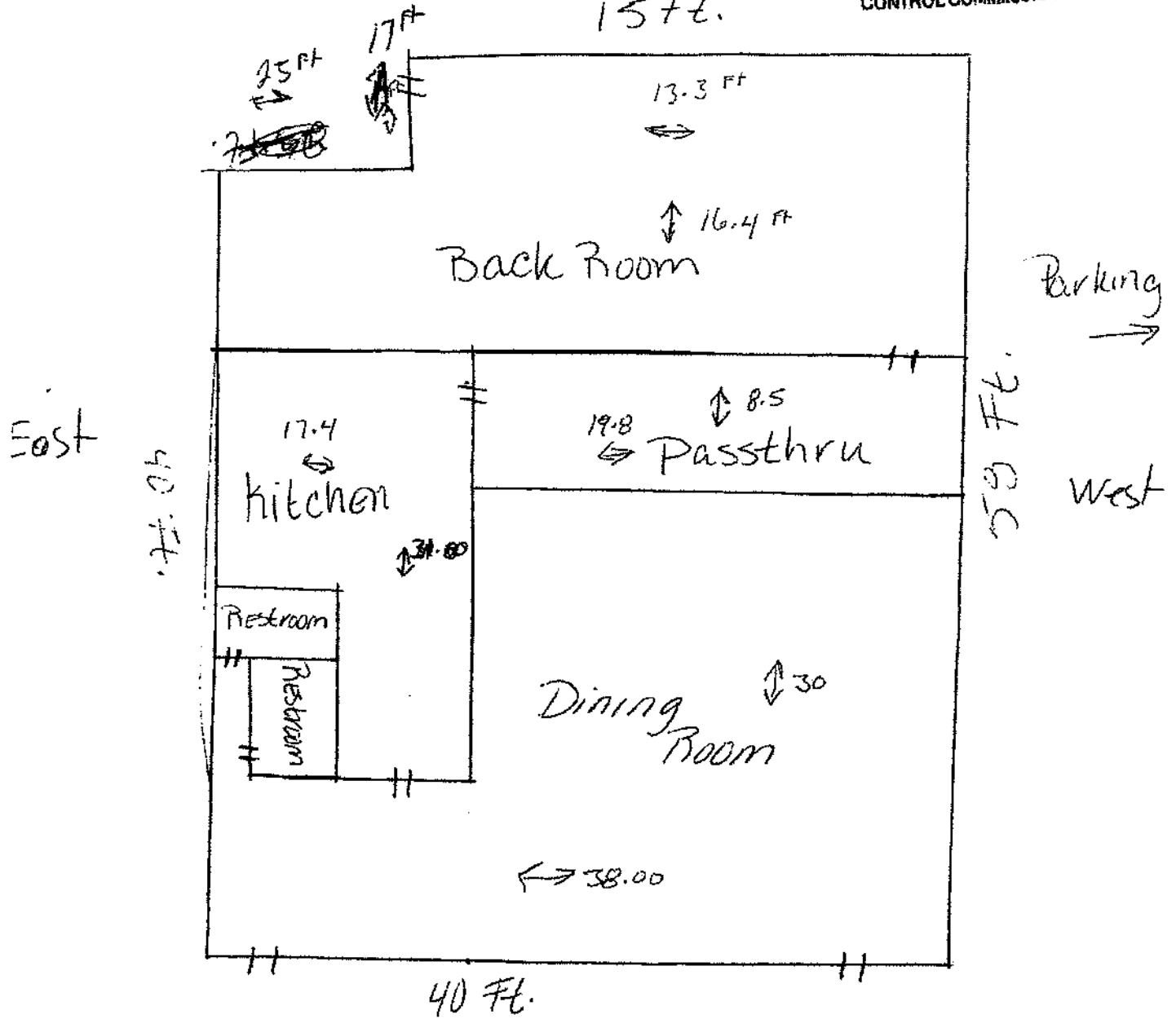
RECEIVED

MAY 11 2011

NEBRASKA LIQUOR  
CONTROL COMMISSION

Parking

15 Ft.



Front of Restaurant

North



## APPLICANT INFORMATION

### 1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☐ YES ☒ NO

If yes, please explain below or attach a separate page.

MAY 11 2011

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

NEBRASKA LIQUOR  
CONTROL COMMISSION

### 2. Are you buying the business of a current retail liquor license?

☐ YES ☒ NO

If yes, give name of business and liquor license number \_\_\_\_\_

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

### 3. Was this premise licensed as liquor licensed business within the last two (2) years?

☒ YES ☐ NO

If yes, give name and license number Papa's Tacos, Inc. j 64352

### 4. Are you filing a temporary operating permit to operate during the application process?

☐ YES ☒ NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

### 5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

☐ YES ☒ NO

If yes, list the lender(s) \_\_\_\_\_

FORM 100  
REV 11/2010  
PAGE 5



6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

RECEIVED

☐ YES ☒ NO

If yes, explain. (All involved persons must be disclosed on application)

MAY 11 2011

NEBRASKA LIQUOR  
CONTROL COMMISSION

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

☒ YES ☐ NO

If yes, list such item(s) and the owner.

Rafael and Rita Orozco own the building and fixtures as the applicant has entered into a lease agreement. A copy of the lease agreement is attached hereto.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

☐ YES ☒ NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

☐ YES ☒ NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Home Federal, Grand Island, NE Adolfo Flores

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

FORM 100  
REV 11/2010  
PAGE 6



STATE OF NEBRASKA  
LIQUOR CONTROL COMMISSION

LICENSE NUMBER 094216  
CATEGORY R

MORE

DELETED HISTORY

ACTION CODE	ACTION	ACTION DATE	DATE ENTERED	DOCUMENT NUMBER	FILM ROLL	PAGE
0000	NEW APPLICATION	05112011	05172011	0094216	11000	09241
0145	STATUTORY TIME	05192011	05242011	0000000	11000	09709
0135	INV. REV. FINAL	06172011	06172011	0000000	11000	11292
0125	LOCAL APPROVE	06162011	06172011	0000000	11000	11300
0115	FIRE APPROVE	08052011	08082011	0000000	11000	13392
0050	ISSUE LICENSE	08182011	08182011	0000000	11000	14267
0061	LEASE EXTENDED	04202012	04202012	0000000	12000	07630
0001	RENEW APP.	04202012	04202012	0000000	12000	07630
0800	SELL ALC/MINORS	09282012	12112012	0121203	12000	22868
0821	MINOR DISP/SELL	09282012	01112013	0011310	12000	22868
0835	CITE	02062013	01142013	0121203	13000	01368
0835	CITE	02062013	01142013	0011310	13000	01368
0843	SUBPOENA	01302013	01292013	0121203	13000	02469
0843	SUBPOENA	01302013	01292013	0011310	13000	02469
0837	PLEA OF GUILTY	02042013	02052013	0121203	13000	02507
0837	PLEA OF GUILTY	02042013	02052013	0011310	13000	02500
0889	HEARING COSTS	02062013	02132013	0121203	13000	03217
0889	HEARING COSTS	02062013	02132013	0011310	13000	03217
0002	SUSPEND LICENSE	02202013	02202013	0121203	13000	03536
0002	SUSPEND LICENSE	02202013	02202013	0011310	13000	03536
0856	AMENDED ORDER	02222013	02222013	0121203	13000	03521
0800	SELL ALC/MINORS	02012013	02252013	0021327	13000	03561
0167	TRAINING REQ	02222013	02272013	0121203	13000	03521
0610	TR COMM ORDER	02272013	02272013	0121203	13000	00638
0610	TR COMM ORDER	03272013	03272013	0121203	13000	01107

DEPRESS: ENTER RETURN PF8 - BACKWARD PF9 - FORWARD PA1 - RETURN TO MENU

RECEIVED

FEB 28 2013

NEBRASKA LIQUOR  
CONTROL COMMISSION

R4Fa's



S T A T E   O F   N E B R A S K A  
L I Q U O R   C O N T R O L   C O M M I S S I O N

L I C E N S E   N U M B E R   094216  
C A T E G O R Y   R

# 11

D E L E T E D   H I S T O R Y

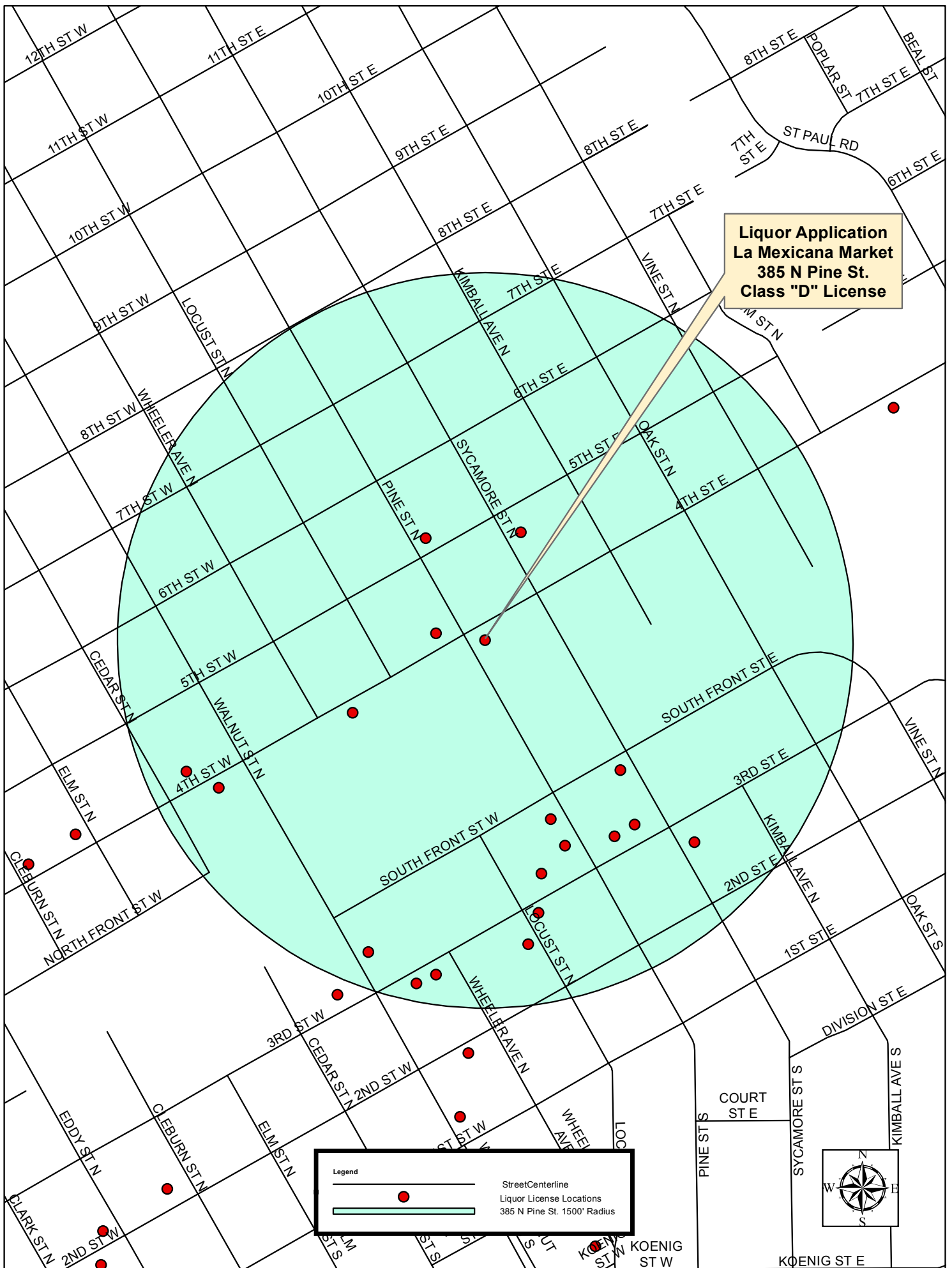
ACTION CODE	ACTION	ACTION DATE	DATE ENTERED	DOCUMENT NUMBER	FILM ROLL	PAGE
0003	MISC. DOCUMENT	04172013	04182013	0121203	13000	09099
0003	MISC. DOCUMENT	04172013	04182013	0011310	13000	09099
0835	CITE	05082013	04192013	0021327	13000	03746
0843	SUBPOENA	04292013	04292013	0021327	13000	12051
0837	PLEA OF GUILTY	05062013	05062013	0021327	13000	03798
0854	RETURNED MAIL	04252013	05072013	0121203	13000	09272
0854	RETURNED MAIL	04252013	05072013	0011310	13000	09272
0047	NEED INFO	05072013	05072013	0000000	13000	09276
0003	MISC. DOCUMENT	05102013	05102013	0121203	13000	09304
0003	MISC. DOCUMENT	05102013	05102013	0011310	13000	09304
0020	TO LEGAL	05102013	05102013	0121203	13000	09304
0020	TO LEGAL	05102013	05102013	0011310	13000	09304
0890	HRG COSTS PAID	05132013	05132013	0121203	13000	12656
0890	HRG COSTS PAID	05132013	05132013	0011310	13000	12656

**RECEIVED**  
FEB 29 2013  
NEBRASKA LIQUOR  
CONTROL COMMISSION

DEPRESS: **ENTER** RETURN      **PF8** - BACKWARD    **PF9** - FORWARD    **PA1** - RETURN TO MENU

**MANAGER APPLICATION**

**009.01** Upon departure, death or termination of a manager, a licensed corporation shall file an application with the Liquor Control Commission for a new manager within sixty (60) days. Should the corporation be unable to establish a manager within sixty (60) days, the corporation may apply for a hardship.





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item E-2

**Public Hearing on Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class “C” Liquor License**

*Council action will take place under Consent Agenda item G-4.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 10, 2016

**Subject:** Public Hearing on Request from La Fonda Jalisco, LLC.  
dba La Fonda Jalisco, 613 East 4<sup>th</sup> Street for a Class “C”  
Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
  - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
  - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4<sup>th</sup> Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments.



Also submitted with the application was a request from Blanca Ascencion, 2223 Bellwood #175 for a Liquor Manager Designation.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

### **Sample Motion**

Move to approve the application for La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4<sup>th</sup> Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Blanca Ascencion, 2223 Bellwood #175 contingent upon completion of a state approved alcohol server/seller training program.

05/03/16  
13:44

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 11:30:00 04/22/2016  
Occurred before : 11:30:00 04/22/2016  
When reported : 11:30:00 04/22/2016  
Date disposition declared : 04/25/2016  
Incident number : L16042153  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 613 4th St E  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received :  
Agency code : GIPD GIPD Grand Island Police Dept  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number : RaNae  
Geobase address ID : 10512  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	209465	04/25/16	La Fonda Jalisco,	Business Involved
NM	53721	04/22/16	Ascencion, Blanca E	Owner/Manager
NM	61215	04/22/16	Ascencion, Alfredo Sr	Owner
NM	101488	04/22/16	Ascencion, Eduardo	Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	LT21 Restaurant	

IMAGE CODES FOR INCIDENT:

Seq	Imag	Image code for a	users description field
1	DOC	DOCUMENT	mobile report

LAW INCIDENT NARRATIVE:

05/03/16  
13:44

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 2

Liquor License Investigation  
Grand Island Police Department

La Fonda Jalisco is applying for a Class C (beer,wine,distilled spirits, on and off sale) LLC Retail Liquor License. Blanca Ascencion is applying to be the liquor manager.

ap  
~~----- (lwmain11272804222016)~~

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	11:06:23 04/25/2016



05/03/16  
13:44

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Mon Apr 25 11:06:33 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

La Fonda Jalisco is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor License. Blanca Ascencion is applying to be the liquor manager. The company is comprised of Alfredo, Blanca, and Eduardo Ascencion who each own a third of the company. Alfredo and Blanca are husband and wife, and Eduardo is their son.

While perusing the application, I noticed that none of the applicants disclosed any convictions, they aren't borrowing any money to establish and/or operate the business, and Alfredo and Blanca have lived in Grand Island for the last twenty-one years with the exception of a couple of years in Arizona, California, and Texas. The application states that Eduardo has lived with his mother between 2006 & 2016. Alfredo and Eduardo bought the building from Edwin and Angela Bolanos for \$300,000 and are now leasing the building to La Fonda Jalisco for \$1 a month.

I checked all of the applicants through Spillman and NCJIS. Alfredo has quite a few entries in Spillman between 2002 and 2008. He doesn't have any entries between June of 2008 and the present time. I didn't see anything in Spillman which would automatically preclude him from receiving a liquor license. I did find what appears to be a citation for "Operator's License; prohibited acts" in 2003, and I also found where I had done a liquor manager investigation on Alfredo in August of 2007 for Fiesta Latina.

I don't know how long Alfredo was the manager at Fiesta Latina, but less than two weeks after my investigation, he was referred by a GIPD patrol officer to the city attorney for violating the city ordinance of allowing unaccompanied minors into Fiesta Latina after 9:00 PM. On that same night, Officers also discovered two vehicles in the parking lot of Fiesta Latina had punctured tires, and security personnel said they had been breaking up fights all night inside the club.

Alfredo only has one undisclosed conviction in NCJIS for allowing an unlicensed driver to drive which matches the 2003 entry in Spillman for operator's license; prohibited acts.

Blanca has one undisclosed conviction for speeding in Spillman. That conviction was confirmed in NCJIS.

Eduardo has entries in Spillman dating back to 2005 but no apparent violations. He has an undisclosed speeding conviction in NCJIS from 2009.

I also checked all of the applicants through NCIC for outstanding arrest warrants, and a check was done through the State of Nebraska DMV to see if they each have a valid driver's license. No outstanding arrest warrants were found for any of the applicants. Alfredo and Blanca each have a valid Nebraska driver's license. Eduardo's Nebraska driver's license expired on 4/4/12.



05/03/16  
13:44

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 4

I searched all of the applicants through a paid law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I found that Alfredo and Blanca filed and were discharged from a Chapter 7 bankruptcy in 2008. I didn't find anything out of the ordinary on Eduardo.

Nebraska State Patrol Investigator Joe Hansen and I met with Blanca and Eduardo at La Fonda Jalisco on 4/28/16 at 10:30 AM. We were told that Alfredo is working in Columbus and comes back to Grand Island on weekends. Like the application says in the business plan, Alfredo will have no day-to-day involvement in the business. However, Blanca and Eduardo said that Alfredo is the one who met with the attorney to fill out the application.

I went over the application with Blanca and Eduardo and asked them what La Fonda Jalisco means. I was told that it translates to "little restaurant in a place in Mexico." I asked why they applied for a Class C license. They didn't know what all a Class C license includes. They are planning for on sale beer only. Eduardo was adamant that he didn't want alcohol leaving the building even if it's allowed by the license they applied for. Since they didn't know what kind of license they applied for and what it allows them to do, I asked what they know about the Nebraska Liquor Control Act. Neither one of them knew about it, but Eduardo said he is anxious to take some online training and study up on the Act.

While continuing to go through the application with Blanca and Eduardo, I pointed out that none of them disclosed any criminal convictions. I showed them the part on the application which instructs them to include traffic violations. It is even highlighted. However, I told them that since they each only have one undisclosed traffic conviction, it shouldn't have too much of a negative impact on their application. I also tried to clarify the section which asks for the residences of the applicant and spouse for the last ten years. I was told that the cities are correct, but the timeframe is off. Blanca said her family has lived in Grand Island for an approximate total of fifteen years.

Eduardo explained that he and his father paid Edwin and Angela Bolanos a down payment on the building and agreed to pay the rest in monthly installments. They did not take out a loan for the down payment. I also asked Eduardo about his expired Nebraska driver's license. He said that he had a valid California driver's license. I checked and verified that Eduardo does have a valid California driver's license.

Investigator Hansen asked if anyone has filed for bankruptcy within the last seven years. Blanca paused for awhile and looked like she was thinking about her answer. I interjected that she and Alfredo had a bankruptcy in 2008. Blanca nodded in agreement and appeared to be counting on her fingers.

After Investigator Hansen and I asked questions, we took a quick tour of the place. The east half of the building has a couple of pool tables, a few chairs, and quite a bit of open space. I asked Blanca if they plan on having live bands or DJ's in the open space. She said they do not. I warned Eduardo about the combination of drinking, competing, and having access to large sticks. He understood and said they will keep a close eye on the billiards area and the alcohol consumption. After the brief tour, Investigator Hansen and I left the business.

All in all, the applicants' failure to each not disclose one traffic conviction is relatively inconsequential. The applicants also have very little business

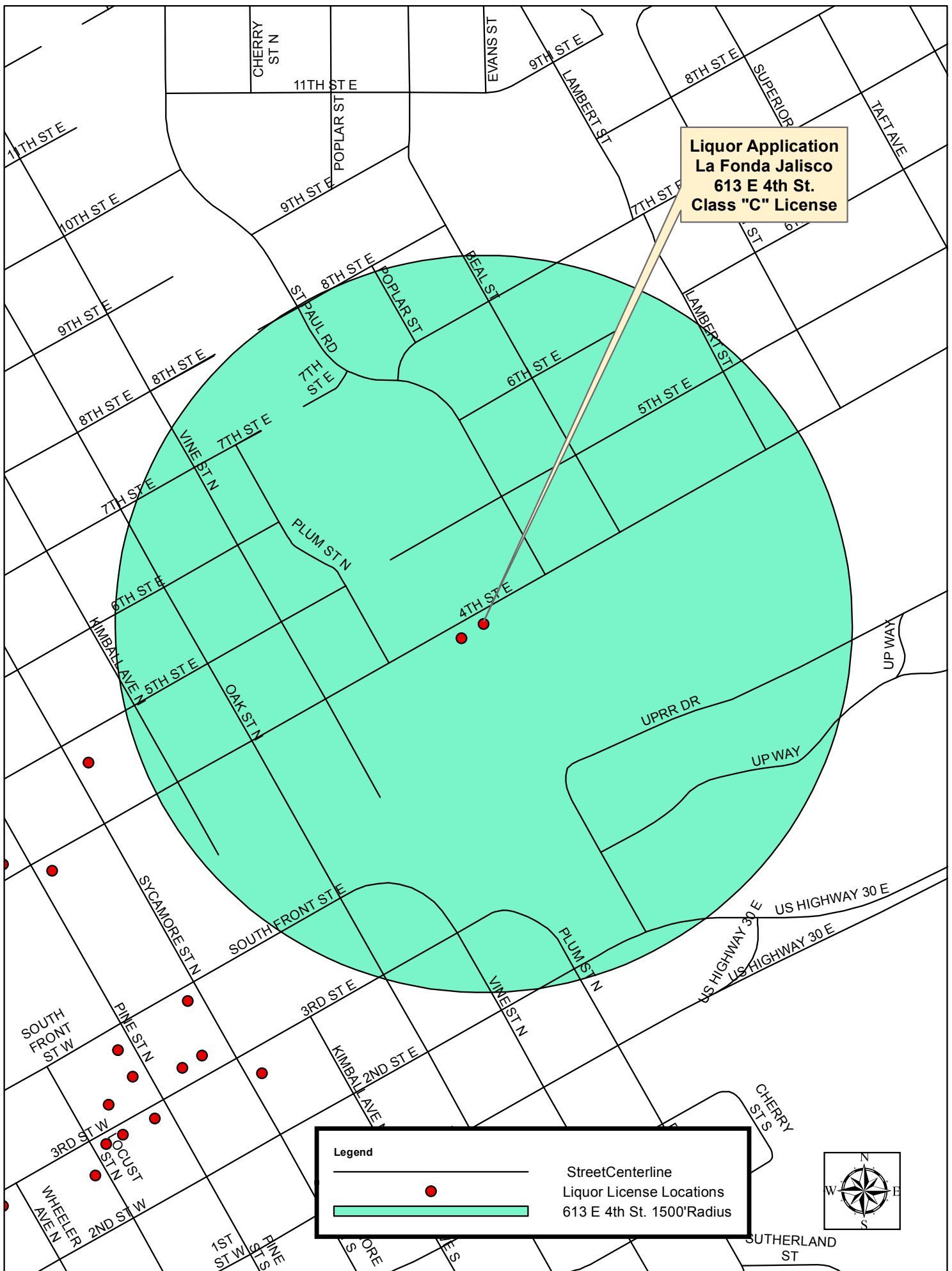


05/03/16  
13:44

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 5

experience and little to no knowledge about the Nebraska Liquor Control Act, but they appear ready and willing to learn and follow the rules. The Grand Island Police Department has no objection to La Fonda Jalisco receiving a liquor license or to Blanca Ascencion becoming the liquor manager.





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item E-3

**Public Hearing on Request to Rezone Property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development (Westar Foods)**

*Council action will take place under Ordinances item F-1.*

Staff Contact: Chad Nabity



# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 10, 2016

**Subject:** Rezone from CD to Amended CD Zone

**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

An application has been made to rezone property described as Lot 6 of Grand Island Mall 18<sup>th</sup> Subdivision in Grand Island NE, from CD Commercial Development Zone to Amended CD Commercial Development Zone.

## **Discussion**

At the regular meeting of the Regional Planning Commission, held May 4, 2016 the above item was considered following a public hearing.

O'Neill opened the Public Hearing.

Nabity explained an application has been made to change zoning for property described as Lot 6 of Grand Island Mall 18<sup>th</sup> Subdivision in Grand Island NE, from CD Commercial Development Zone to Amended CD Commercial Development Zone.

The Development Plan for Grand Island Mall 18<sup>th</sup> Subdivision was approved by the Grand Island City Council in September of 2015. The Developers are requesting changes to the plan as approved to accommodate marketing opportunities and building on Lot 6 of the subdivision along Webb Road.

The proposed change would allow a smaller building oriented east and west and provide additional parking on site and drive through lanes for the proposed business. This lot would not have access directly to Webb Road and the propose driveway would line up with the Burger King driveway as originally proposed. The CD Zone allows for up to 50% of the property to be covered with buildings. The proposed coverage within this development at full development as shown is well below the maximum coverage.

O'Neill closed the Public Hearing.

A motion was made by Ruge and seconded by Monter to approve the Rezone request as presented.

The motion carried with 9 members present and all voting in favor (O'Neill, Ruge, Maurer, Robb, Kjar, Connick, Rainforth, and Monter) and one member abstaining (Hoggatt).

The memo sent to the planning commission with staff recommendation is attached for review by Council.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

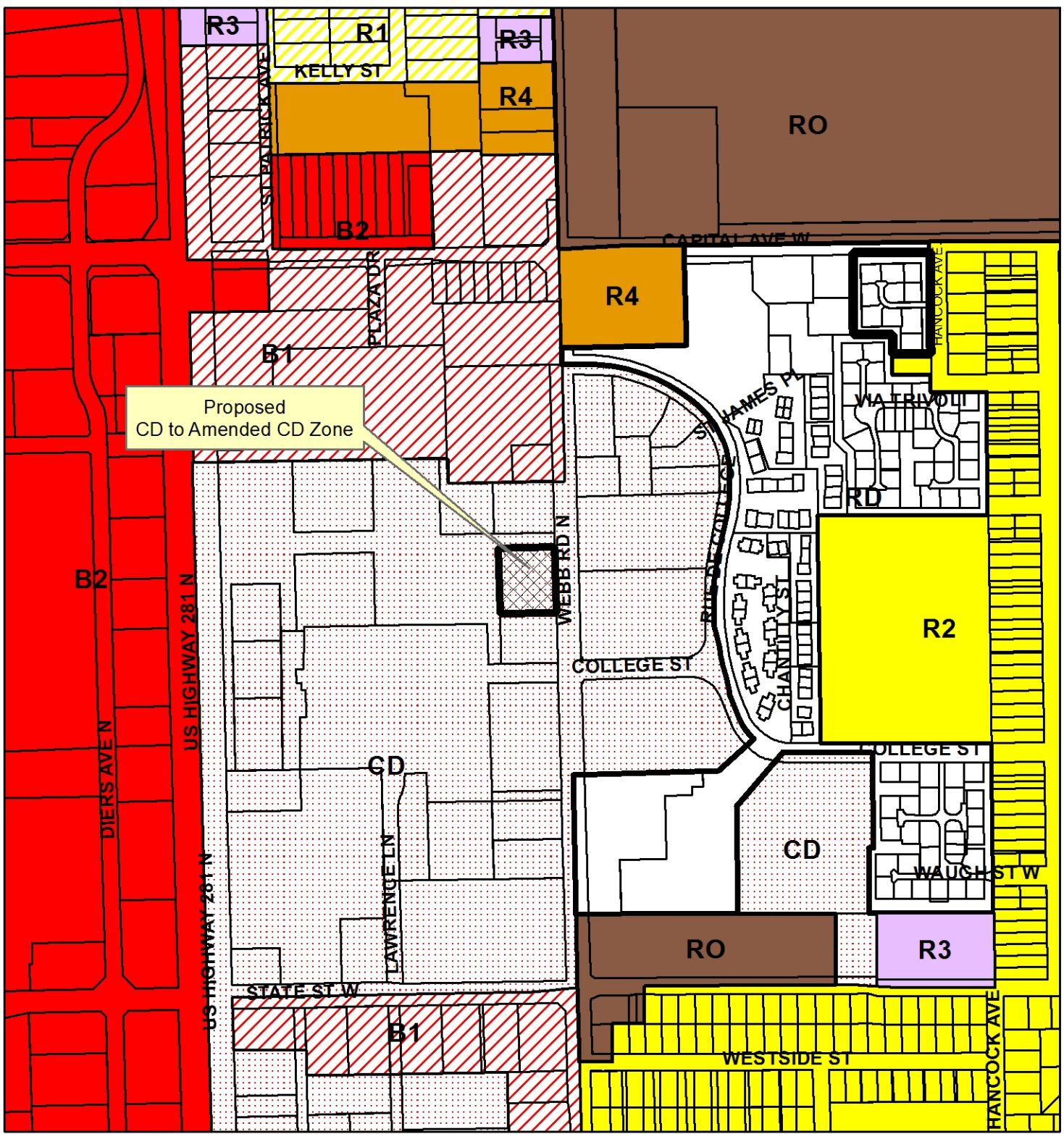
1. Approve the rezoning request as presented
2. Modify the rezoning request to meet the wishes of the Council
3. Postpone the issue

### **Recommendation**

City Administration recommends that the Council approve the proposed changes as recommended.

### **Sample Motion**

Move to approve the ordinance and development plan as presented.



# Proposed Zoning

Scale : NONE  
C-15-2016GI

- From CD : Commercial Development Zone
- to CD : Amended CD Zone

Area that is requested for rezoning  
( SEE MAP )

April 19, 2016

Dear Members of the Board:

**Re: Rezone** – Concerning the rezone of Lot Six (6), Grand Island Mall Eighteenth Subdivision, in the City of Grand Island, Hall County, Nebraska from CD Commercial Development to Amended Commercial Development Zone. This property is located west of Webb Road and north of College Street.

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a rezone request to the Grand Island Zoning Map from CD to amended CD Zone. As shown on the enclosed map.

You are hereby notified that the Regional Planning Commission will consider this zoning change at the next meeting that will be held at 6:00 p.m. on May 4, 2016 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP  
Planning Director

cc: City Clerk  
City Attorney  
City Public Works  
City Building Department  
City Utilities

This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.

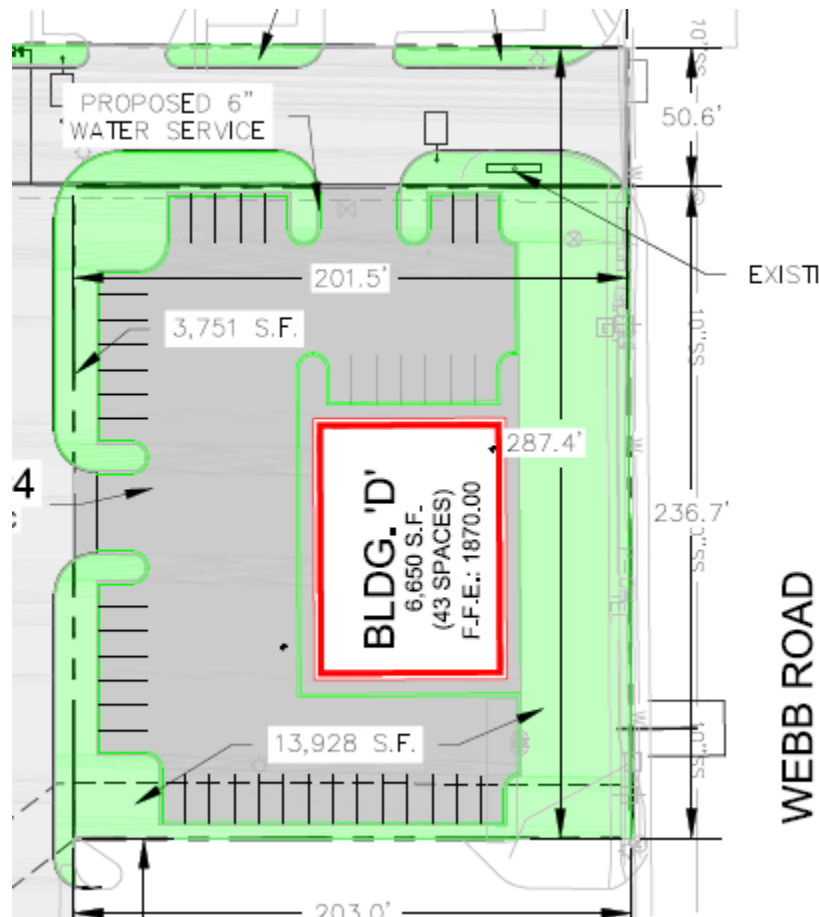
#### Agenda Item 4

#### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

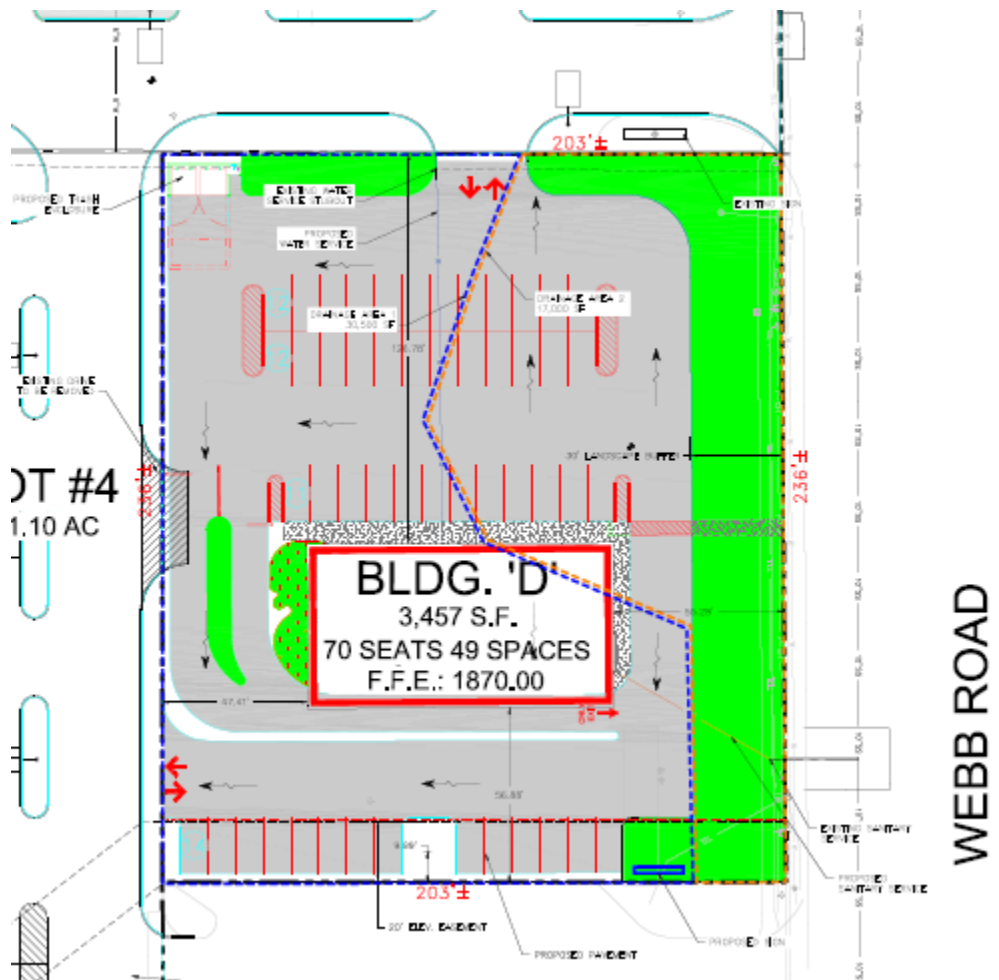
March 28, 2016

**SUBJECT:** *Concerning change of zoning for property described as Lot 6 of Grand Island Mall 18<sup>th</sup> Subdivision in Grand Island NE, from CD Commercial Development Zone to Amended CD Commercial Development Zone. (C-15-2016GI)*

The Development Plan for Grand Island Mall 18<sup>th</sup> Subdivision was approved by the Grand Island City Council in September of 2015. The Developers are requesting changes to the plan as approved to accommodate marketing opportunities and building on Lot 6 of the subdivision along Webb Road.



Development Plan for Lot 6 as Approved in September 2015



**Proposed Development Plan for Lot 6 as submitted March 2016**

**PROPOSAL:** The proposed change would allow a smaller building oriented east and west and provide additional parking on site and drive through lanes for the proposed business. This lot would not have access directly to Webb Road and the proposed driveway would line up with the Burger King driveway as originally proposed. The CD Zone allows for up to 50% of the property to be covered with buildings. The proposed coverage within this development at full development as shown is well below the maximum coverage.

#### **OVERVIEW:**

##### **Site Analysis**

*Current zoning designation:* CD-Commercial Development Zone.  
*Permitted and conditional uses:* Commercial, Office and Retail Uses  
*Comprehensive Plan Designation:* Commercial development  
*Existing land uses:* Retail development and vacant property



## **Adjacent Properties Analysis**

### *Current zoning designations:*

**South West and East** CD Commercial Development Zone

**North:** CD Commercial Development and B1-Light Business

### *Permitted and conditional uses:*

CD – Commercial, office and retail uses as permitted and built according to the approved development plan. B1 limited commercial, office, and interior retail to support the immediate neighborhood and residential uses up to a density of 43 units per acre.

### *Comprehensive Plan Designation:*

**North, South, East and West:**

Designated for commercial development and uses.

### *Existing land uses:*

**North:** Burger King

**East:** Webb Road, Strip Commercial, Fast Food

**West:** Northwest Commons main building, Commercial

**South:** Taco Johns, Strip Commercial

## **EVALUATION:**

### **Positive Implications:**

- *Consistent with the City's Comprehensive Land Use Plan:* The subject property is designated for commercial development.
- *Is infill development.* This development is using property that is within the existing functional and legal boundaries of the City of Grand Island. This is a piece of property that is in need of redevelopment. The City and the Community Redevelopment Authority have already approved the use of Tax Increment Financing to further this project.
- *Accessible to Existing Municipal Infrastructure:* Water and sewer services are available to service the area.
- *Monetary Benefit to Applicant:* Would allow the applicant to further develop this site.

### **Negative Implications:**

- *None foreseen*

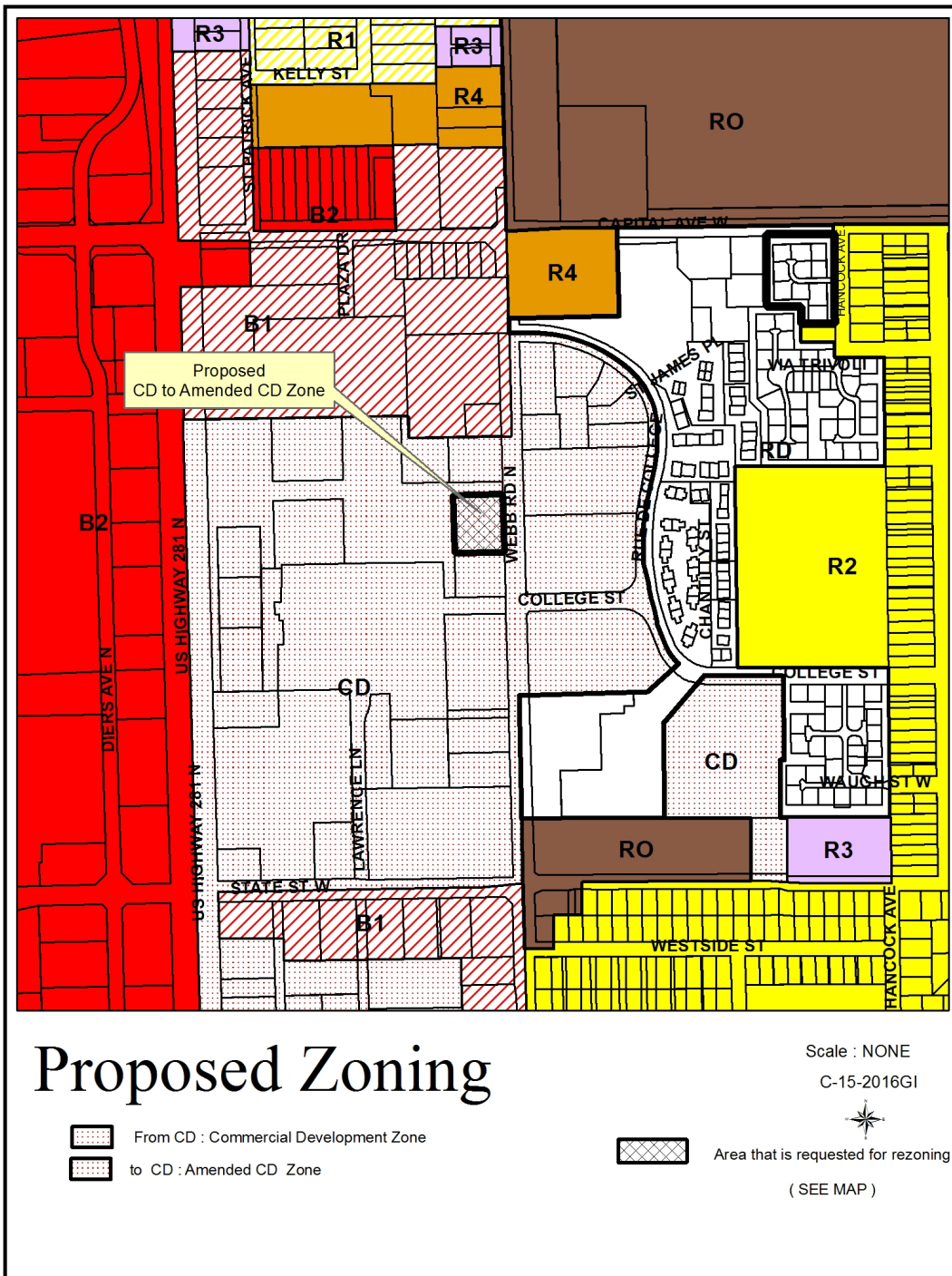
### **Other Considerations**

Commercial development zones allow up to 50% of the property within the CD zone to be covered with buildings.

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council approve the amended CD zoning district and final development plan as shown.

\_\_\_\_\_ Chad Nabity AICP, Planning Director





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item E-4

### **Public Hearing on Acquisition of Utility Easement - (#1) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs)**

*Council action will take place under Consent Agenda item G-10.*

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Tim Luchsinger, Utilities Director

**Meeting:** May 10, 2016

**Subject:** Acquisition of Utility Easement #1 – Victory Village at Capital & Broadwell – U.S. Dept. of Veterans Affairs

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of the U.S. Department of Veterans Affairs, located through a part Lots One (1), Two (2), and Three (3), Victory Village Subdivision in the City of Grand Island, Hall County, Nebraska. The development is located north of the VA Hospital at the NW corner of Broadwell and Capital Avenue.

## **Discussion**

Construction of the first of three apartment buildings, provide housing for veterans, is currently underway by the Pioneer Group, Inc., of Topeka, Kansas. This electric easement allows the Utilities Department to have access to install, maintain, and repair the high voltage underground power lines and pad-mount transformers that will serve the facility. Refer to Exhibit “A” sheet 2 of 2.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

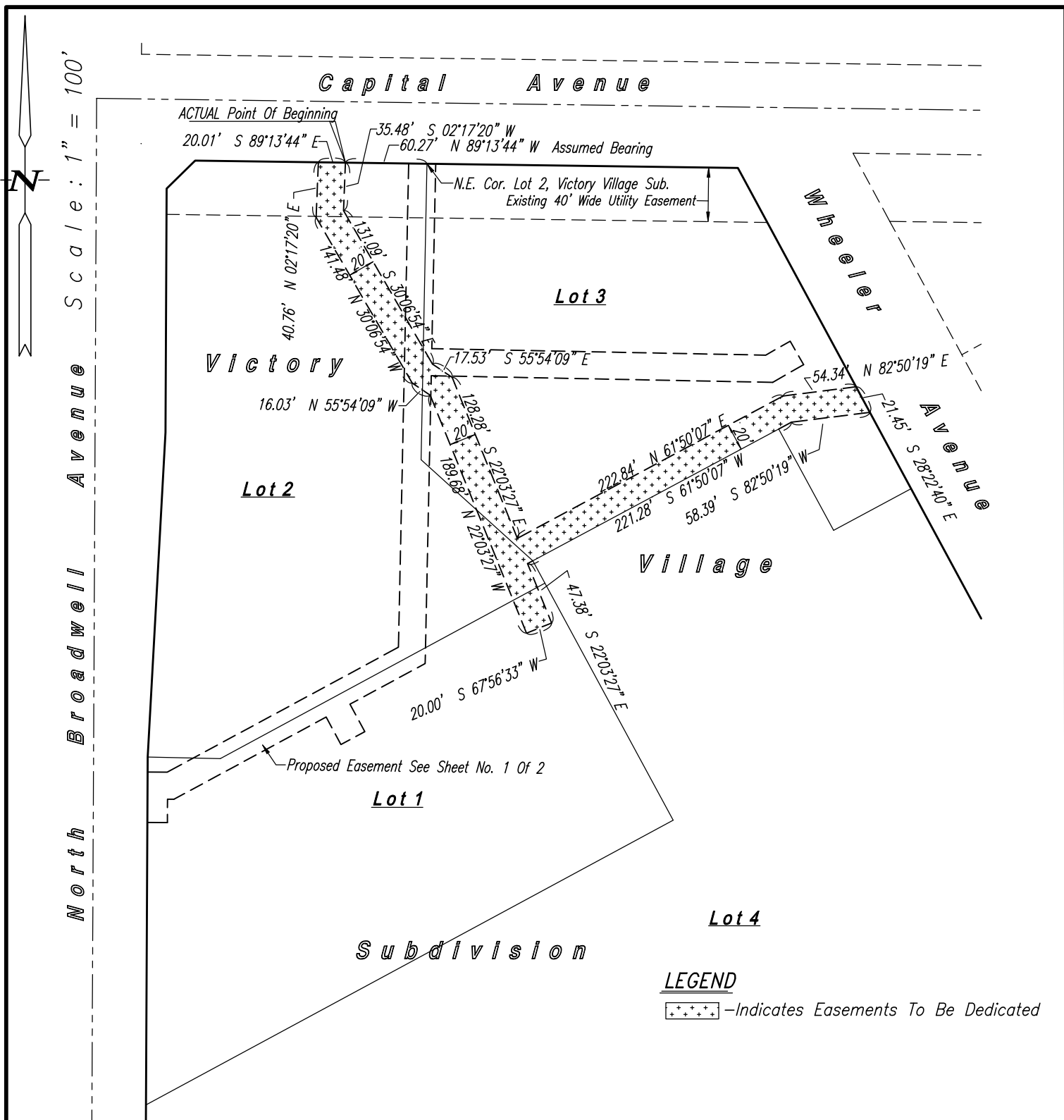
## **Recommendation**

City Administration recommends that the Council approve the resolution for the acquisition of the easement for one dollar (\$1.00).

## **Sample Motion**

Move to approve acquisition of the Utility Easement.





**Description (20' Wide Utility Easement)**

A tract of land comprising a part of Lots One (1), Two (2) and Three (3), Victory Village Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the northeast corner of said Lot Two (2); thence running N89°13'44"W, on the north line of said Lot Two (2), a distance of Sixty and Twenty Seven Hundredths (60.27) feet, to the ACTUAL Point of Beginning; thence running S02°17'20"W, a distance of Thirty Five and Forty Eight Hundredths (35.48) feet; thence running S30°06'54"E, a distance of One Hundred Thirty One and Nine Hundredths (131.09) feet; thence running S55°54'09"E, a distance of Seventeen and Fifty Three Hundredths (17.53) feet; thence running S22°03'27"E, a distance of One Hundred Twenty Eight and Twenty Eight Hundredths (128.28) feet; thence running N61°50'07"E, a distance of Two Hundred Twenty Two and Eighty Four Hundredths (222.84) feet; thence running N82°50'19"E, a distance of Fifty Four and Thirty Four Hundredths (54.34) feet, to a point on the easterly line of said Lot Three (3); thence running S28°22'40"E, on the easterly line of said Lot Three (3), a distance of Twenty One and Forty Five Hundredths (21.45) feet; thence running S82°50'19"W, a distance of Fifty Eight and Thirty Nine Hundredths (58.39) feet; thence running S61°50'07"W on the southerly line of said Lot Three (3), if extended, a distance of Two Hundred Twenty One and Twenty Eight Hundredths (221.28) feet; thence running S22°03'27"E, a distance of Forty Seven and Thirty Eight Hundredths (47.38) feet; thence running S67°56'33"W, a distance of Twenty (20.00) feet; thence running N22°03'27"W, a distance of One Hundred Eight Nine and Sixty Eight Hundredths (189.68) feet; thence running N55°54'09"W, a distance of Sixteen and Three Hundredths (16.03) feet; thence running N30°06'54"W, a distance of One Hundred Forty One and Forty Eight Hundredths (141.48) feet; thence running N02°17'20"E, a distance of Forty and Seventy Six Hundredths (40.76) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lot Two (2), a distance of Twenty and One Hundredth (20.01) feet, to the ACTUAL Point of Beginning and containing 0.304 acres more or less.

**Exhibit 'A'**

Date: January 15, 2016 Sheet No. 2 Of 2



2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O. BOX 549  
E-MAIL [surveyor@computer-concepts.com](mailto:surveyor@computer-concepts.com) PHONE (308) 382-1472 FAX (308) 382-1423



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item E-5

### **Public Hearing on Acquisition of Utility Easement - (#2) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs)**

*Council action will take place under Consent Agenda item G-11.*

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Tim Luchsinger, Utilities Director

**Meeting:** May 10, 2016

**Subject:** Acquisition of Utility Easement #2 – Victory Village at Capital & Broadwell – U.S. Dept. of Veterans Affairs

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of the U.S. Department of Veterans Affairs, located through a part Lots One (1), Two (2), and Three (3), Victory Village Subdivision in the City of Grand Island, Hall County, Nebraska. The development is located north of the VA Hospital at the Northwest corner of Broadwell and Capital Avenue.

## **Discussion**

Construction of the first of three apartment buildings, to provide housing for veterans, is currently underway by the Pioneer Group, Inc., of Topeka, Kansas. The Water Utilities Easement will allow the Department to have access to install, maintain, and repair the public water main and related appurtenances that serve the facility. Refer to Exhibit “A” sheet 1 of 2.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

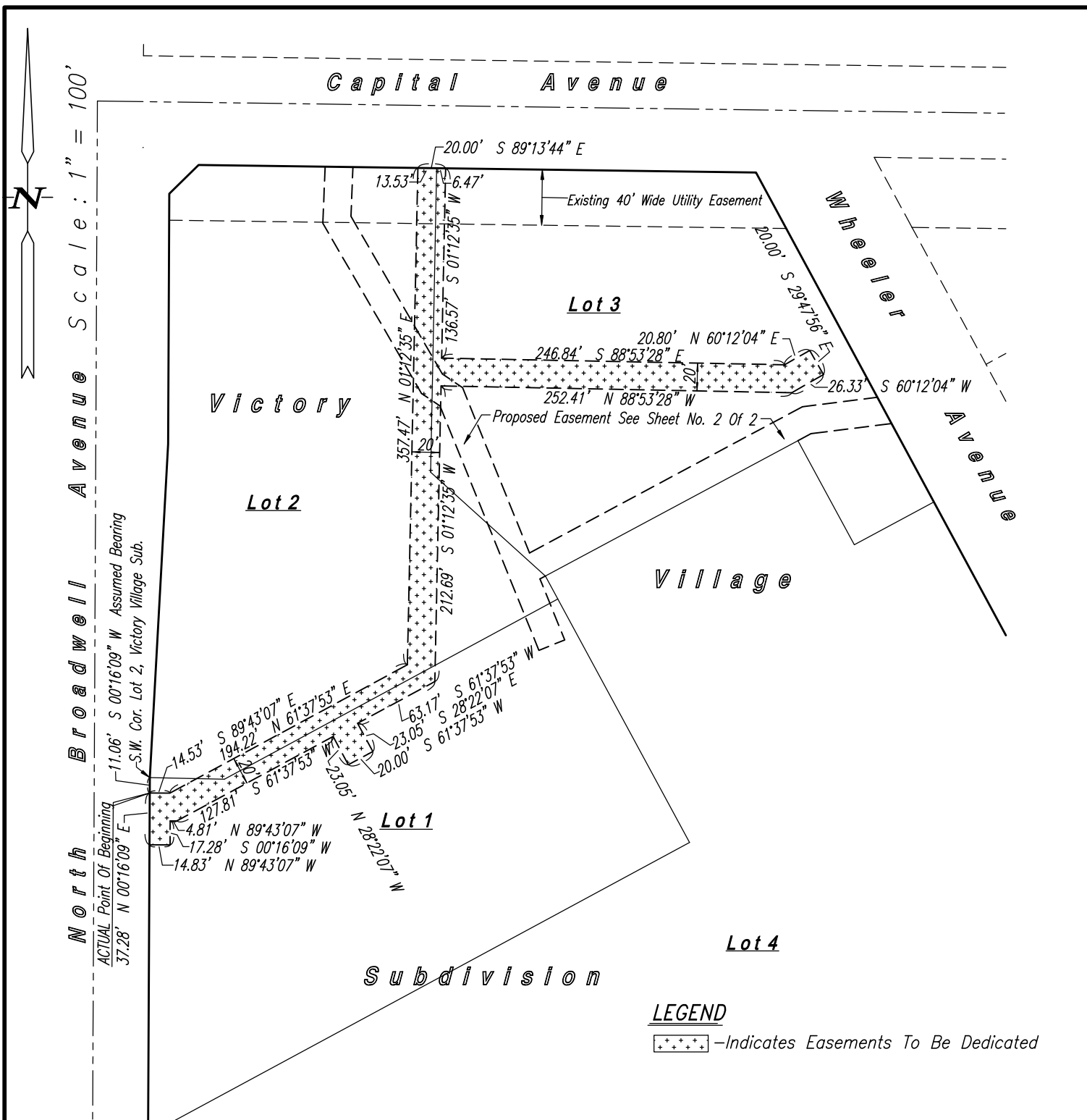
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the resolution for the acquisition of the easement for one dollar (\$1.00).

## **Sample Motion**

Move to approve acquisition of the Utility Easement.



**Description (20' Wide Utility Easement)**

A tract of land comprising a part of Lots One (1), Two (2) and Three (3), Victory Village Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the northwest corner of said Lot One (1); thence running S00°16'09" W, on the west line of said Lot One (1), a distance of Eleven and Six Hundredths (11.06) feet, to the ACTUAL Point of Beginning; thence running S89°43'07"E, a distance of Fourteen and Fifty Three Hundredths (14.53) feet; thence running N61°37'53"E, a distance of One Hundred Ninety Four and Twenty Two Hundredths (194.22) feet; thence running N01°12'35"E, a distance of Three Hundred Fifty Seven and Forty Seven Hundredths (357.47) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lots Two (2) and Three (3), a distance of Twenty (20.00) feet; thence running S01°12'35"W, a distance of One Hundred Thirty Six and Fifty Seven Hundredths (136.57) feet; thence running S88°53'28"E, a distance of Two hundred Forty Six and Eighty Four Hundredths (246.84) feet; thence running N60°12'04"E, a distance of Twenty and Eighty Hundredths (20.80) feet; thence running S29°47'56"E, a distance of Twenty (20.00) feet; thence running S60°12'04"W, a distance of Twenty Six and Thirty Three Hundredths (26.33) feet; thence running N88°53'28"W, a distance of Two Hundred Fifty Two and Forty One Hundredths (252.41) feet; thence running S01°12'35"W, a distance of Two Hundred Twelve and Sixty Nine Hundredths (212.69) feet; thence running S61°37'53"W, a distance of Sixty Three and Seventeen Hundredths (63.17) feet; thence running S28°22'07"E, a distance of Twenty Three and Five Hundredths (23.05) feet; thence running S61°37'53"W, a distance of Twenty (20.00) feet; thence running N28°22'07"W, a distance of Twenty Three and Five Hundredths (23.07) feet; thence running S61°37'53"W, a distance of One Hundred Twenty Seven and Eighty One Hundredths (127.81) feet; thence running N89°43'07"W, a distance of Four and Eighty One Hundredths (4.81) feet; thence running S00°16'09"W, a distance of Seventeen and Twenty Eight Hundredths (17.28) feet; thence running N89°43'07"W, a distance of Fourteen and Eighty Three Hundredths (14.83) feet, to a point on the west line of said Lot One (1); thence running N00°16'09"E, on the west line of said Lot One (1), a distance of Thirty Seven and Twenty Eight Hundredths (37.28) feet, to the ACTUAL Point of Beginning and containing 0.410 acres more or less.

**Exhibit 'A'**

Date: January 15, 2016

Sheet No. 1 Of 2



2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O.BOX 549  
E-MAIL [surveyor@computer-concepts.com](mailto:surveyor@computer-concepts.com) PHONE (308) 382-1472 FAX (308) 382-1423



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item F-1

**#9585 - Consideration of Request to Rezone Property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development (Westar Foods)**

*This item relates to the aforementioned Public Hearing item E-3.*

Staff Contact: Chad Nabity



ORDINANCE NO. 9585

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising all of Lot Six (6) Grand Island Mall Eighteenth Subdivision in the City of Grand Island, Hall County, Nebraska, from CD-Commercial Development Zone to an amended CD-Commercial Development Zone; approving a change in the development plan; directing such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island as established by the provisions of Section 36-44; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on May 6, 2016, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Board of Education of School District No. 2 in Hall County, Nebraska; and

WHEREAS, after public hearing on May 10, 2016, the City Council found and determined the change in zoning be approved and made.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The following tract of land is hereby rezoned and reclassified and changed from CD-Commercial Development Zone to an amended CD-Commercial Development Zone:

all of Lot Six (6) Grand Island Mall Eighteenth Subdivision in the City of Grand Island, Hall County, Nebraska,

Approved as to Form	by _____
May 6, 2016	City Attorney

ORDINANCE NO. 9585 (Cont.)

SECTION 2. The proposed change in the development plan for the above-described real estate, as shown on the updated plan submitted with the rezoning request, is approved.

SECTION 3. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-44 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance and that the amended development plan be kept in the records of the Hall County Regional Planning Department.

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 10, 2016.

---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, May 10, 2016**

**Council Session**

## **Item G-1**

### **Approving Minutes of April 26, 2016 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
April 26, 2016

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 26, 2016. Notice of the meeting was given in *The Grand Island Independent* on April 20, 2016.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Mitch Nickerson was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director Renae Griffiths, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council members Reid Bednar and Chandler Hehnke.

INVOCATION was given by Pastor Scott Jones, Third City Christian Church, 4100 West 13<sup>th</sup> Street followed by the PLEDGE OF ALLEGIANCE.

BOARD OF EQUALIZATION: Motion by Donaldson, second by Stelk to adjourn to the Board of Equalization. Motion adopted.

#2016-BE-3 - Consideration of Determining Benefits for Sanitary Sewer District No. 535T, Extension of Sanitary Sewer to Serve Part Lot 1; Voss Subdivision, Lots 1 & 2 Windolph's Subdivision, and Part NW ¼ of Section 14-11-9. Public Works Director John Collins reported that the tap district for Sanitary Sewer District No. 535T had been completed. This district developed an eight inch gravity sanitary sewer main along Seedling Mile Road from Voss Road west to Seedling Mile Access Road. Staff recommended approval.

Motion by Donaldson, second by Stelk to approve Resolution #2016-BE-3. Upon roll call vote, all voted aye. Councilmember Hehnke abstained. Motion adopted.

#2016-BE-4 - Consideration of Determining Benefits for Sanitary Sewer Dist. No. 537T, Extension of Sanitary Sewer to Serve Lots 1 & 2, TLST Spiehs Subdivision & Part of the North Ten (10) Acres of the W Half of the NW Quarter (W1/2NW1/4) all In Section 10-11-9. Public Works Director John Collins reported that the tap district for Sanitary Sewer District 537T had been completed. This district was combined with the North Interceptor Phase II work. Staff recommended approval.

Tim Spiehs, 909 E. Capital Avenue spoke concerning easements and drainage problems on his property due to the Sanitary Sewer District construction. Comments were made regarding delaying this item would not change the assessments.

Motion by Paulick, second by Minton to postpone Resolution #2016-BE-4 for one month. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Hehnke, Haase, and Jones voted aye. Councilmembers Donaldson and Stelk voted no. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Donaldson, second by Stelk to return to Regular Session. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N. Diers Avenue, Suite 200. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 29, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 29, 2016; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. John Higgins, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Azteca Market, LLC dba The Brick House, 115-117 West 3rd Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Azteca Market, LLC dba The Brick House, 115-117 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 23, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 23, 2016; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Mark Porto, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3rd Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 23, 2016; notice to the general public of date, time, and place of hearing published on April 16, 2016; notice to the applicant of date, time, and place of hearing mailed on March 23, 2016; along with Chapter 4 of the City Code. Staff recommended the council either deny or approve the application after taking into consideration the Police Department Report and any public testimony. Fred Hotz, State Fire Marshall spoke in opposition. No further public testimony was heard.

RESOLUTION:

#2016-104 – Consideration of Approving Second Addendum to the IBEW Service/Clerical Labor Agreement. Human Resources Director Aaron Schmid reported that this Second Addendum to the IBEW Service/Clerical Labor Agreement related to the Community Service Officers (CSO's). Items included wages and uniform allowance.

Concerns were mentioned regarding the CSO salaries and the upcoming budget. Other comments were made regarding the good work the CSO's do and that Police Officers wouldn't have to do this work which would cost more for the city.

Motion by Stelk, second by Minton to approve Resolution #2016-104. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

#### ORDINANCES:

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

#9583 - Consideration of Amending Chapter 24 of the Grand Island City Code Relative to Adding a Tree Board

#9584 – Consideration of Amending the Salary Ordinance Relative to Community Service Officers

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 Fitzke seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9583 - Consideration of Amending Chapter 24 of the Grand Island City Code Relative to Adding a Tree Board

Parks and Recreation Director Todd McCoy reported that Ordinance #9583 would create a Tree Board to the Grand Island City Code under Chapter 24.

Motion by Haase, second by Paulick to approve Ordinance #9583.

City Clerk: Ordinance #9583 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 #9583 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9583 is declared to be lawfully adopted upon publication as required by law.

#9584 – Consideration of Amending the Salary Ordinance Relative to Community Service Officers

Human Resources Director Aaron Schmid reported that that the proposed changes to the salary ordinance would reflect the changes to the Second Addendum of the IBEW Service/Clerical Labor Contract.



Motion by Paulick, second by Minton to approve Ordinance #9584.

City Clerk: Ordinance #9584 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9584 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9584 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-7, G-8, G-9, G-11 and G-12 (Resolutions #2016-93, #2016-94, #2016-95, #2016-97 and #2016-98 respectively) were pulled for further discussion. Motion by Minton, second by Hehnke to approve the Consent Agenda excluding the aforementioned items. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 12, 2016 City Council Regular Meeting.

Approving Minutes of April 19, 2016 City Council Study Session.

Receipt of Official Documents – Pawnbroker’s Official Bonds for G.I. Loan Shop, 1004 West 2nd Street and Express Pawn, 645 South Locust Street.

Approving Liquor Manager Designation for Susan Henk, 505 West Highway 34 for Godfather’s Pizza, 1916 South Locust Street.

#2016-91 - Approving Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class “I” Liquor License and Liquor Manager Designation for Xin K. Lin, 1205 Cedar Ridge Cour, Apt. B16.

#2016-92 - Approving Citizen Participation Plan for Community Development Block Grant Program.

#2016-93 - Approving Traffic Restriction along Sky Park Road from Airport Road to Abbott Road. Public Works Director John Collins reported that they had identified hazardous violations along Sky Park Road due to the large increase of vehicular and pedestrian traffic. There were also concerns of security issues at the airport. Staff recommended no parking, stopping or standing along Sky Park Road from Airport Road to Abbott Road.

Motion by Haase, second by Minton to approve Resolution #2016-93.

Comments were made regarding the language in the resolution regarding “stopping”.

Motion by Steele, second by Stelk to amend the resolution to delete the word “stopping” from the Resolution. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Hehnke, Haase, and Stelk voted aye. Councilmembers Fitzke, Donaldson, and Jones voted no. Motion adopted.

Discussion was held regarding just having a no parking sign along this stretch of road and the number of entrances. Police Chief Steve Lamken stated they didn’t want cars stopping, standing or parking as this caused a security issue.

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

#2016-94 - Approving NPPD Call Center Agreement for Five Years in an Amount of \$4,300.00 per month and a one-time setup fee of \$7,700.00. Utilities Director Tim Luchsinger gave a detailed description of how the Call Center would work. Discussion was held regarding the process of calls and the security of the customer’s data.

Motion by Haase, second by Minton to approve Resolution #2016-94. Upon roll call vote, all voted aye. Motion adopted.

#2016-95 - Approving the AMI Support Services Contract Extension with Landis+Gyr in an Amount of \$8,100.00 for one year. Utilities Director Tim Luchsinger stated the City currently had automated metering and this request would extend that contract. Discussion was held regarding the contract language with reference to Atlanta, Georgia.

Motion by Donaldson, second by Paulick to approve Resolution #2016-95. Upon roll call vote, Councilmembers Paulick, Minton, Fitzke, Donaldson, Hehnke, and Haase voted aye. Councilmembers Steele, Jones, and Stelk voted no. Motion adopted.

#2016-96 - Approving the Hazard Mitigation Plan.

#2016-97 - Approving Purchase of a New Backhoe Loader for the Streets Division of the Public Works Department from Murphy Tractor & Equipment Co. of Grand Island, NE in an Amount of \$110,434.00. Public Works Director John Collins answered questions regarding the purchase of the backhoe.

Motion by Paulick, second by Minton to approve Resolution #2016-97. Upon roll call vote, all voted aye. Motion adopted.

#2016-98 - Approving Purchasing/Buying Group for all City Departments (The Cooperative Purchasing Network). Public Works Director John Collins answered questions regarding the purchasing/buying group.

Motion by Paulick, second by Hehnke to approve Resolution #2016-98. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2016-99 - Consideration of Fees for Sanitary Sewer District No. 535T, Extension of Sanitary Sewer to Serve Part Lot 1; Voss Subdivision, Lots 1 & 2 Windolph’s Subdivision, and Part NW ¼ of Section 14-11-9. This item was related to the aforementioned Public Hearing.

Motion by Paulick, second by Minton to approve Resolution #2016-99. Upon roll call vote, all voted aye. Councilmember Hehnke abstained. Motion adopted.

#2016-100 - Consideration of Fees for Sanitary Sewer Dist. No. 537T, Extension of Sanitary Sewer to Serve Lots 1 & 2, TLST Spiehs Subdivision & Part of the North Ten (10) Acres of the W Half of the NW Quarter (W1/2NW1/4) all In Section 10-11-9. This item was related to the aforementioned Public Hearing which was referred to a future Council meeting within one month.

#2016-101 - Consideration of Request from Azteca Market, LLC dba The Brick House, 115-117 West 3rd Street for a Class "I" Liquor License and Liquor Manager Designation for Maria Garcia, 644 East Meves. This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Jones to deny Resolution #2016-101 based upon Nebraska State Statutes 53-125 (2) & (13b); 53-132 (2a), (2b), & (2c); and 010.01 Nebraska Liquor Control Commissions Rules and Regulations. Upon roll call vote, Councilmembers Paulick, Minton, Fitzke, Donaldson, Hehnke, and Jones voted aye. Councilmembers Steele, Haase, and Stelk voted no. Motion adopted.

#2016-102 - Consideration of Request from Azteca Market, LLC dba Azteca Banquet Hall, 103 West 3rd Street for a Class "I" Liquor License and Liquor Manager Designation for Maria Garcia, 644 East Meves. This item was related to the aforementioned Public Hearing.

Motion by Paulick, second by Donaldson to deny Resolution #2016-102 based upon Nebraska State Statutes 53-125 (2) & (13b); 53-132 (2a), (2b), & (2c); and 010.01 Nebraska Liquor Control Commissions Rules and Regulations. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Haase, and Jones voted aye. Councilmember Stelk voted no. Motion adopted.

#2016-103 - Consideration of Approving Memorandum of Understanding for Assistance to Firefighters Grant for Fire Training Simulator. Fire Chief Cory Schmidt reported that the Assistance to Firefighters Grant (AFG) program was created to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments. GIFD and several members of their mutual aid association were eligible to apply for federal assistance to purchase a mobile fire training simulator. The GIFD seeks to enter into a memorandum of understanding (MOU) with the Aurora Fire Department, Chapman Fire and Rescue, Grand Island Suburban Fire Protection District #3, and Phillips Rural Fire District #9.

Chuck Hoffman representing the Grand Island Rural Fire Department and Alan Joos, training division chief with the Nebraska State Fire Marshal Office spoke in support.

Motion by Minton, second by Paulick to approve Resolution #2016-103. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Haase to approve the Claims for the period of April 13, 2016 through April 26, 2016 for a total amount of \$2,473,567.51. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Steele, second by Jones to adjourn to Executive Session at 8:56 p.m. for the purpose of a strategy session with respect to Litigation which is Imminent as Evidenced by Communication or a Claim or Threat of Litigation to or by the Public Body. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Paulick, second by Hehnke to return to Regular Session at 9:18 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:18 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, May 10, 2016**

**Council Session**

## **Item G-2**

**Approving Liquor Manager Designation for Besim Shala, 1203  
Stoneywood Avenue for Napoli's Italian, 3421 Conestoga Drive**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 10, 2016

**Subject:** Request from Besim Shala, 1203 Stoneywood Avenue for Liquor Manager Designation with Napoli's Italian, 3421 Conestoga Drive

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Besim Shala, 1203 Stoneywood Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Napoli's Italian, 3421 Conestoga Drive.

This application has been reviewed by the Police Department and City Clerk's Office.

## **Discussion**

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. See attached Police Department report.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the requests.
2. Forward the requests with no recommendation.
3. Take no action on the requests.



## **Recommendation**

City Administration recommends that the Council approve the request for Liquor Manager Designation.

## **Sample Motion**

Move to approve the request from Besim Shala, 1203 Stoneywood Avenue for Liquor Manager Designation in conjunction with the Class “I-102784” Liquor License for Napoli’s Italian, 3421 Conestoga Drive with the stipulation that Mr. Shala complete a state approved alcohol server/seller training program.

05/05/16  
15:26

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

City : Grand Island  
Occurred after : 16:00:00 04/22/2016  
Occurred before : 16:00:00 04/22/2016  
When reported : 16:00:00 04/22/2016  
Date disposition declared : 04/25/2016  
Incident number : L16042186  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 3421 Conestoga Dr  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received :  
Agency code : GIPD GIPD Grand Island Police Dept  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number : RaNae  
Geobase address ID : 18361  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	167890	04/22/16	Napoli's,	Business Involved
NM	184526	04/22/16	Shala, Besim	Manager
NM	184540	04/22/16	Shala, Zejnepe	Spouse

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	LT21 Restaurant	

IMAGE CODES FOR INCIDENT:

Seq	Imag	Image code for a	users description field
1	DOC	DOCUMENT	mobile report

LAW INCIDENT NARRATIVE:



05/05/16  
15:26

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
2

Liquor License Investigation  
Grand Island Police Department

Besim Shala is applying to be the liquor manager at Napoli's Italian.

ap  
~~----- (lwmain16011604222016)~~

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:20:11 05/05/2016



05/05/16  
15:26

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Thu May 05 13:20:20 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor manager application from Besim Shala for Napoli's Italian restaurant. According to the application, Besim is married to Zejnepe Zakuti Shala. Besim and Zejnepe have lived in Grand Island since 2013. Before that, they lived in Kansas and Oklahoma. According to the NLCC's web site, Besim is the president and sole owner of the company. NLCC records go back three years and don't show any liquor violations at Napoli's during that timeframe. Besim disclosed a speeding conviction from Oklahoma. Zejnepe didn't disclose any convictions, and she filled out a Spousal Affidavit of Non-Participation form.

I checked Besim and Zejnepe through Spillman and NCJIS. Each one of them has an entry in Spillman for the liquor license investigation at Napoli's in 2013. Neither applicant has any convictions listed in NCJIS. I searched a paid law enforcement-only database which mostly provides personal identifying information and information about civil issues. I didn't find anything out of the ordinary on Besim or Zejnepe. In addition, neither one has any outstanding arrest warrants, and they each have a valid Nebraska driver's license.

When I looked up Zejnepe's driver's license information, I recognized her as an employee of Napoli's. Knowing that she signed a Spousal Affidavit of Non-Participation form, I called the restaurant and asked to speak with Besim. He was not there, but I spoke with another employee who is familiar with the situation and said that Zejnepe still works at the restaurant. I was told that Zejnepe may work at Napoli's pizza in the Conestoga Mall in the near future, but she will most likely still work at the restaurant too.

I then called the attorney who helped Besim with the application. It was his understanding that Zejnepe doesn't work at the restaurant. He said he will make sure it's straightened out and have Zejnepe fingerprinted and retract the non-participation form if Zejnepe will be working in the restaurant.

As long as the paperwork on file with the NLCC concerning Zejnepe is accurate, the Grand Island Police Department has no objection to Besim becoming the liquor manager at Napoli's.



# **City of Grand Island**

**Tuesday, May 10, 2016**

**Council Session**

## **Item G-3**

**Approving Liquor Manager Designation for Sean Roll, 2204  
Chanticleer Street for Olive Garden, 1010 Allen Drive**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 10, 2016

**Subject:** Request from Sean Roll, 2204 Chanticleer Street for  
Liquor Manager Designation with Olive Garden, 1010  
Allen Drive

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Sean Roll, 2204 Chanticleer Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Olive Garden, 1010 Allen Drive.

This application has been reviewed by the Police Department and City Clerk's Office.

## **Discussion**

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. See attached Police Department report.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the requests.
2. Forward the requests with no recommendation.
3. Take no action on the requests.



## **Recommendation**

City Administration recommends that the Council approve the request for Liquor Manager Designation.

## **Sample Motion**

Move to approve the request from Sean Roll, 2204 Chanticleer Street for Liquor Manager Designation in conjunction with the Class "I-096971" Liquor License for Olive Garden, 1010 Allen Drive with the stipulation that Mr. Roll complete a state approved alcohol server/seller training program.

05/04/16  
11:58

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

City : Grand Island  
Occurred after : 15:50:00 04/22/2016  
Occurred before : 15:50:00 04/22/2016  
When reported : 15:50:00 04/22/2016  
Date disposition declared : 04/25/2016  
Incident number : L16042183  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 1010 Allen Dr  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received :  
Agency code : GIPD GIPD Grand Island Police Dept  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number : RaNae  
Geobase address ID : 475  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	172165	04/22/16	Olive Garden,	Business Involved
NM	195321	04/22/16	Roll, Sean Paul	Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	LT21 Restaurant	

IMAGE CODES FOR INCIDENT:

Seq	Imag	Image code for a users description field
1	DOC	DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

05/04/16  
11:58

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
2

Liquor License Investigation  
Grand Island Police Department

Sean Roll is applying to be the liquor manager at Olive Garden.

ap

----- (lwmain15412704222016)~~

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
----	-----------------	--------	-------------

1	Vitera D	318	Vitera D
---	----------	-----	----------

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	09:54:15 05/04/2016

05/04/16  
11:58

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Wed May 04 09:54:30 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a Manager Application from Olive Garden requesting that Sean Roll become their liquor manager. The application states that Sean is married to Kayleigh Roll, and they have lived in Rapid City, South Dakota and Sioux City, Iowa between 1994 and 2014. The application doesn't list an address for Sean or Kayleigh between 2014 and 2016. At this point, I am assuming that they moved to Grand Island in 2014 and have been here since then. Kayleigh signed a Spousal Affidavit of Non-Participation form.

Sean listed twenty-one violations and said the he was convicted of sixteen of them. The convictions include: speeding, "having an invalid license in possession", no driver's license, fail to yield right of way (twice), "obey traffic devices unless directed by a policeman," driving with a suspended license, fail to maintain financial responsibility, DUI, possession of less than two ounces of marijuana (three times), and possession of alcohol by a minor. One speeding violation was dismissed by the prosecutor along with another charge of possessing less than two ounces of marijuana, and three charges of possession of drug paraphernalia.

I checked Sean through Spillman and NCJIS. Sean has one entry in Spillman for a traffic warning in September of 2014. Kayleigh is not listed in Spillman. Sean only has an entry in NCJIS for obtaining a driver's license in March of 2015. Kayleigh has an entry in NCJIS for receiving a warning for speeding in Cherry County in March of this year by the NSP.

I also checked Sean and Kayleigh through a paid law enforcement-only database which provides mostly personal identifying information and information about civil issues. I didn't find anything out of the ordinary on Kayleigh. It appears her maiden name could be Davis. I found that Sean had a couple of judgments against him more than ten years ago in South Dakota. One was for \$1,303, and the other was for \$225. I called court in Pennington County and found that each judgment has been satisfied. The database where I obtained this information also indicates that Sean has lived in Grand Island since 2014.

I also found that Sean has a valid Nebraska driver's license and does not have any outstanding warrants for his arrest. Kayleigh doesn't have any outstanding arrest warrants, but I can't find a driver's license for her through Nebraska or South Dakota using the last name of Roll or Davis.

All in all, while Sean has quite a few convictions for various minor offenses, the vast majority of those convictions were over ten years ago. His civil judgments are also at least ten years ago, and they were satisfied. Kayleigh didn't list any convictions from South Dakota, and she doesn't have any in Nebraska. She also signed a Spousal Affidavit of Non-Participation form. The Grand Island Police Department has no objection to Sean Roll becoming the liquor manager at Olive Garden.



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-4

**#2016-105 - Approving Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class “C” Liquor License and Liquor Manager Designation for Blanca Ascencion, 2223 Bellwood #175**

*This item relates to the aforementioned Public Hearing item E-2.*

Staff Contact: RaNae Edwards



RESOLUTION 2016-105

WHEREAS, an application was filed by La Fonda Jalisco, LLC doing business as La Fonda Jalisco, 613 East 4<sup>th</sup> Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 30, 2016; such publication cost being \$16.77; and

WHEREAS, a public hearing was held on May 10, 2016 for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations:

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends approval of Blanca Ascencion, 2223 Bellwood #175 as liquor manager of such business.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-5

**#2016-106 - Approving Final Plat and Subdivision Agreement for  
Commercial Industrial Park 6th Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 10, 2016

**Subject:** Commercial Industrial Park 6th Subdivision – Final Plat

**Presenter(s):** Chad Nabity

## **Background**

This property is located south of Frontage Road and east of Industrial Lane., in the City of Grand Island, in Hall County, consisting of 3 lots and 4.409 acres.

## **Discussion**

The plat for Commercial Industrial Park 6<sup>th</sup> Subdivision was considered by the Regional Planning Commission at the May 4, 2016 meeting.

A motion was made by Ruge and seconded by Connick to **approve** and recommend that City Council **approve** the final plat of Commercial Industrial Park 6<sup>th</sup> Subdivision.

A roll call vote was taken and the motion passed with 9 members present (Connick, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Hoggatt and Kjar) voting in favor and no members present abstaining.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

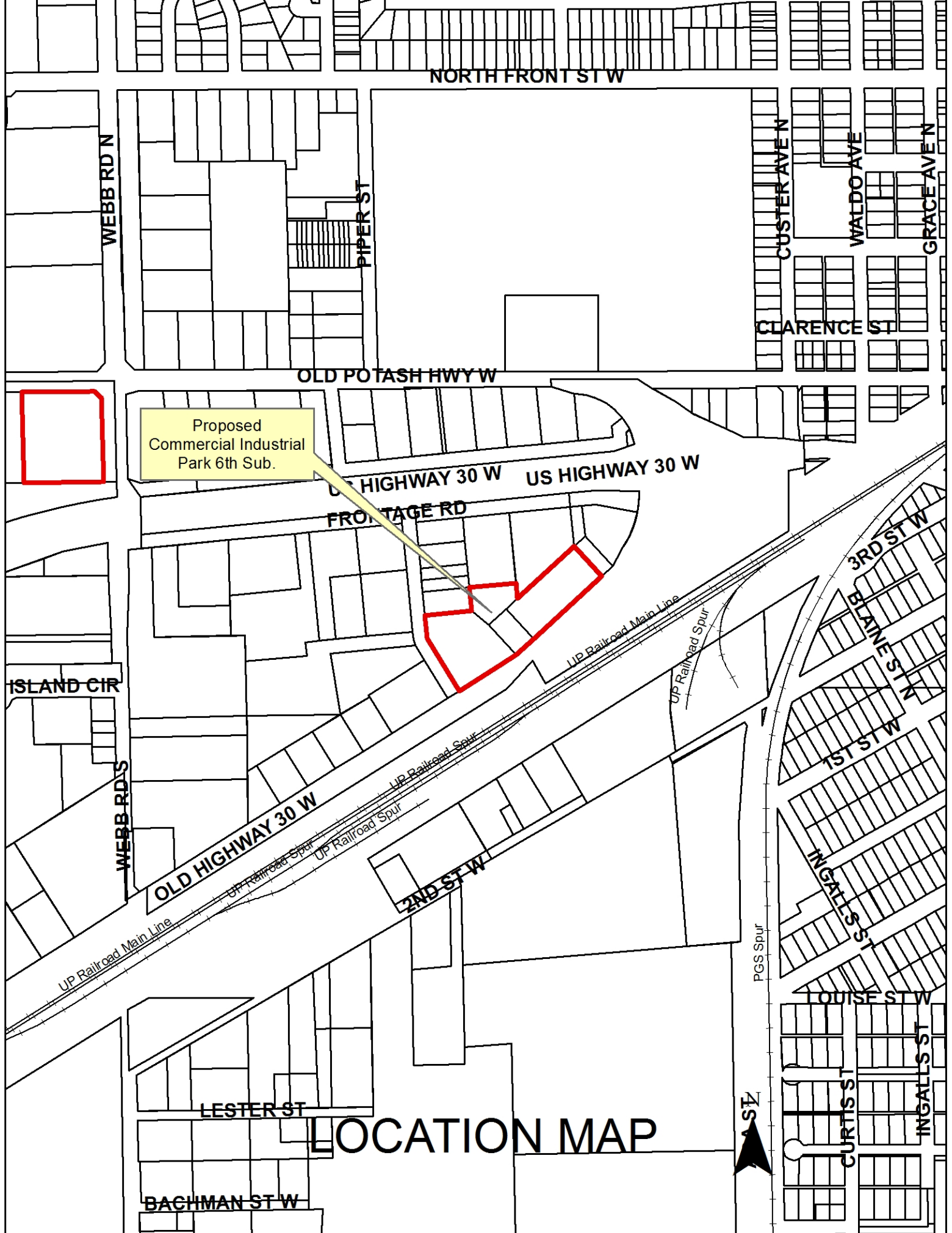
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the final plat as presented.

## **Sample Motion**

Move to approve as recommended.



## Developers/Owners

Middleton Properties, LLC  
Tom Middleton, a Member  
2716 W Old Hwy 30  
Grand Island NE 68801

To create 3 lots on a tract of land located south of Frontage Road and east of Industrial Lane., in the City of Grand Island, in Hall County, consisting of 3 lots.

**Size:** 4.409 acres.

**Zoning:** M2 – Heavy Manufacturing.

**Road Access:** Public streets are available.

**Water Public:** Water is available.

**Sewer Public:** Sewer is available.



April 19, 2016

Dear Members of the Board:

**RE: Final Plat – Commercial Industrial Park 6<sup>th</sup> Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Commercial Industrial Park 6<sup>th</sup> Subdivision, located in Grand Island, in Hall County, Nebraska.

This final plat proposes to create 3 lots, on a tract of land comprising all of Lot Twelve (12) Commercial Industrial Park Subdivision of Part of Block One (1), Nelson Subdivision, Hall County, Nebraska, all of Lot Two (2), Commercial Industrial Park Fourth Subdivision and a .402 acre tract located in a Part of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section Twenty (20), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska, said tract containing 4.409 acres.

You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on May 4, 2016 in the Council Chambers located in Grand Island's City Hall.

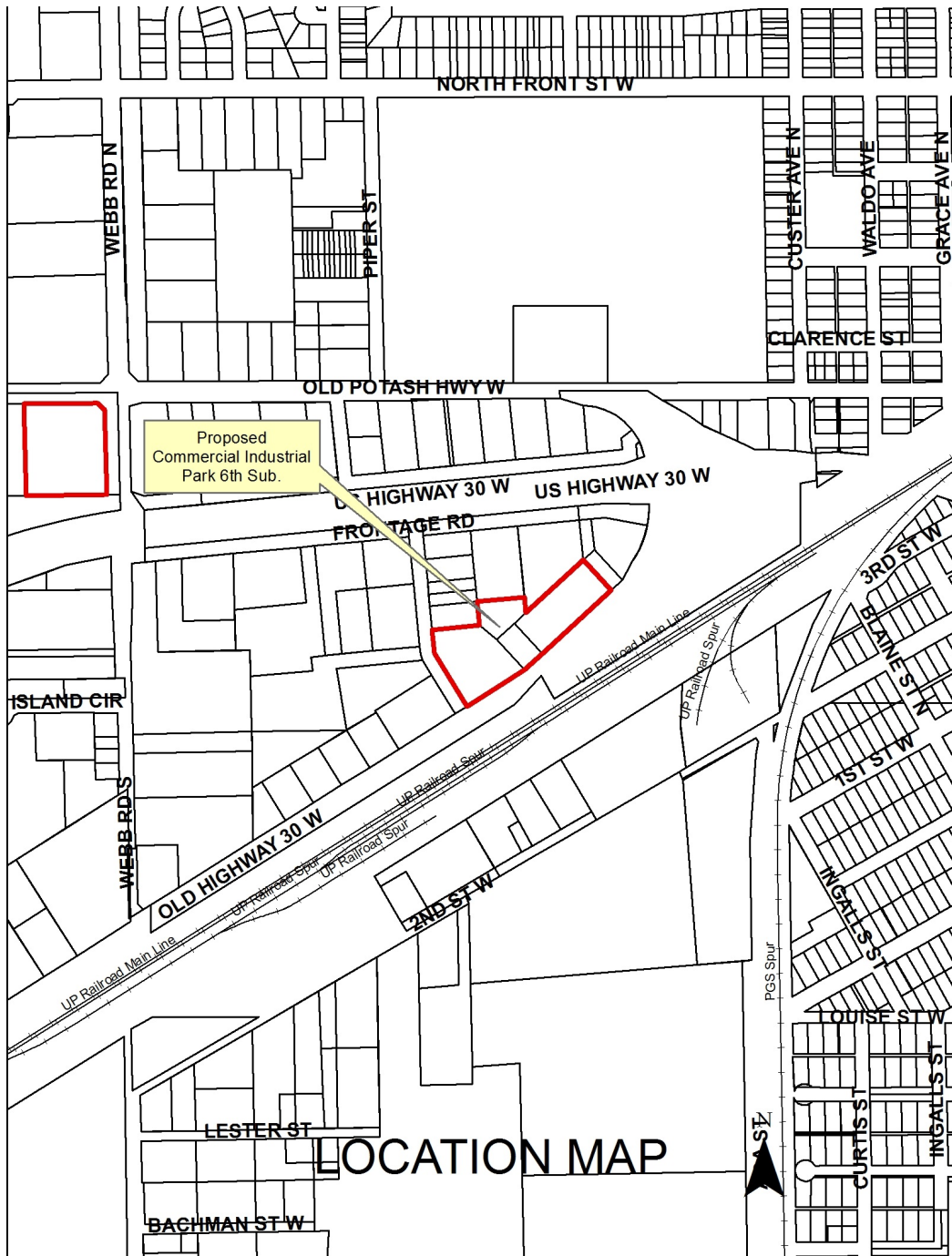
Sincerely,

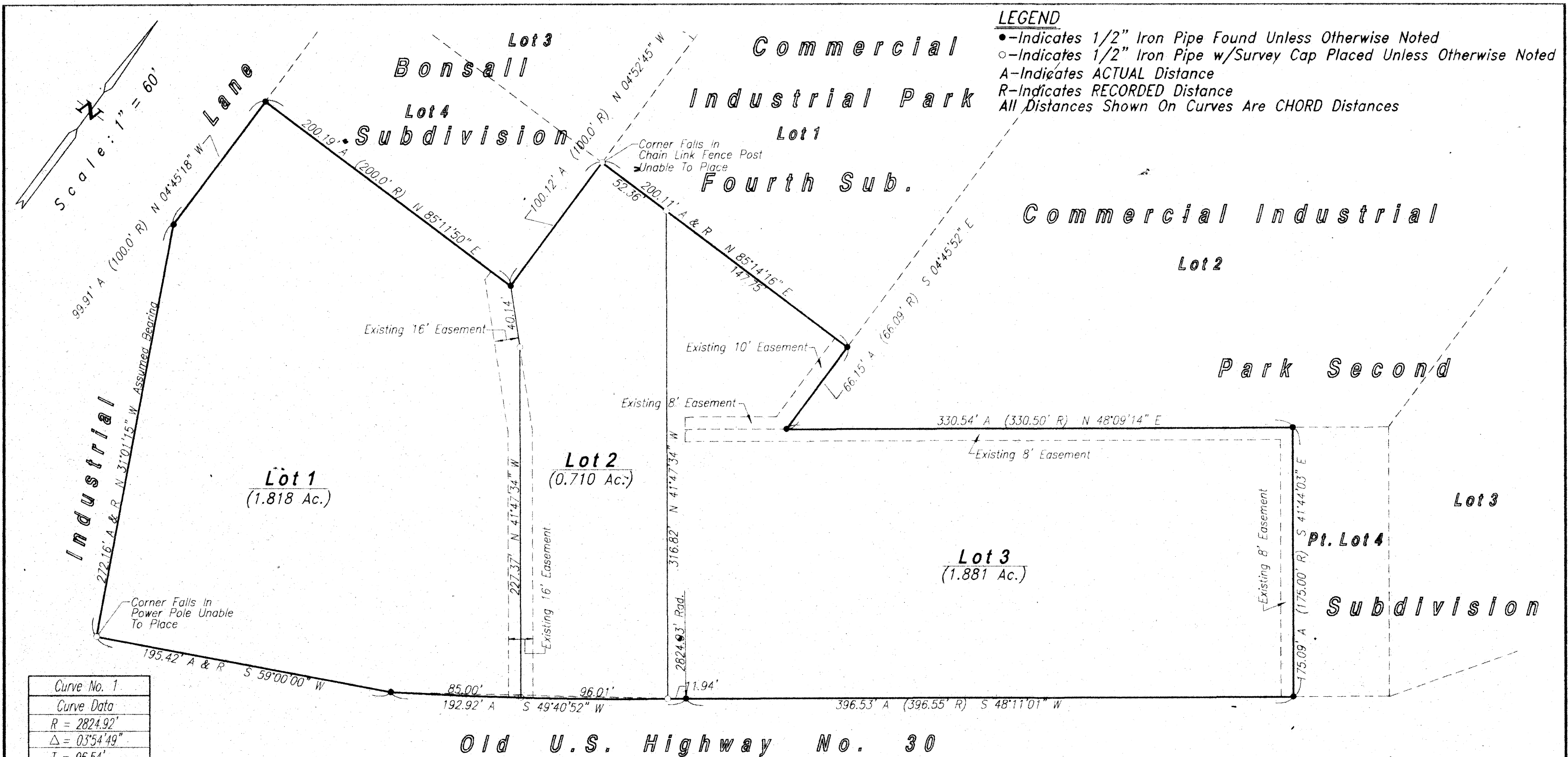
Chad Nabity, AICP  
Planning Director

Cc: City Clerk  
City Attorney  
City Public Works  
City Utilities  
City Building Director  
Manager of Postal Operations  
Rockwell & Assoc.

This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.







Acknowledgement

State Of Nebraska SS  
County Of Hall  
On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, \_\_\_\_\_  
a Notary Public within and for said County, personally appeared, THOMAS E. MIDDLETON, a Member of MIDDLETON PROPERTIES L.L.C., a Nebraska Limited Liability Company, and SEAN P. O'CONNOR, a Member of NORTHWEST CROSSINGS, Limited Liability Company and to me personally known to be the identical persons whose signatures are affixed hereto, and that each did acknowledge the execution thereof to be his voluntary act and deed and the voluntary act and deed of said Trust.  
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.  
My commission expires \_\_\_\_\_.

Notary Public

(Seal)

Surveyor's Certificate

I hereby certify that on April 8, 2016, I completed an accurate survey of 'COMMERCIAL INDUSTRIAL PARK SIXTH SUBDIVISION', in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

(Seal)

Deryl D. Sorgenfrei, Reg. Land Surveyor No. 578

Legal Description

A tract of land comprising all of Lot Twelve (12) Commercial Industrial Park Subdivision of Part of Block One (1), Nelson Subdivision, Hall County, Nebraska, all of Lot Two (2), Commercial Industrial Park Fourth Subdivision and a 0.402 acre tract located in a Part of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section Twenty (20), Township Eleven (11) North, Range Nine (9) West of the 6th. P.M., in the City of Grand Island, Hall County, Nebraska lying north of the northerly right of way line of Old Highway No. 30 and lying between said Lot Twelve (12), Commercial Industrial Park Subdivision of Part of Block One (1), Nelson Subdivision, Hall County, Nebraska and Lot Two (2), Commercial Industrial Park Fourth Subdivision, said tract containing 4.409 acres more or less

Dedication

KNOW ALL MEN BY THESE PRESENTS, that the MIDDLETON PROPERTIES, L.L.C., a Nebraska Limited Liability Company, and NORTHWEST CROSSINGS LIMITED LIABILITY COMPANY, being the owners of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as 'COMMERCIAL INDUSTRIAL PARK SIXTH SUBDIVISION' in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, as shown thereon for the location, construction and maintenance of public service utilities, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements; and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat is made with the free consent and in accordance with the desires of the undersigned owners and proprietors.  
IN WITNESS WHEREOF, we have affixed our signatures hereto, at Grand Island, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

MIDDLETON PROPERTIES L.L.C., a Nebraska Limited Liability Company

Thomas E. Middleton, a Member

Approvals

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska.

NORTHWEST CROSSINGS, Limited Liability Company

Sean P. O'Connor, a Member

Chairman

Date

Approved and accepted by the City of Grand Island, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

(Seal)

Mayor

City Clerk

COMMERCIAL INDUSTRIAL PARK SIXTH SUBDIVISION  
IN THE CITY OF GRAND ISLAND, NEBRASKA

RESOLUTION 2016-106

WHEREAS, Middleton Properties, LLC a Nebraska, Limited Liability Company, and Northwest Crossings Limited Liability Company, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "COMMERCIAL INDUSTRIAL PARK SIXTH SUBDIVISION", a tract of land comprising all of Lot Twelve (12), Commercial Industrial Park Subdivision of Part of Block One (1), Nelson Subdivision, Hall County, Nebraska, all of Lot Two (2), Commercial Industrial Park Fourth Subdivision and a .402 acre tract located in a Part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Twenty (20), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by them; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of COMMERCIAL INDUSTRIAL PARK SIXTH SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-6

**#2016-107 - Approving Final Plat and Subdivision Agreement for Hayman's 2nd Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 10, 2016

**Subject:** Hayman's Second Subdivision – Final Plat

**Presenter(s):** Chad Nabity

## **Background**

This property is located east of North Road and south of Stolley Park Road, in the City of Grand Island, in Hall County, consisting of 2 lots and 4.75 acres.

## **Discussion**

The plat for Hayman's Second Subdivision was considered by the Regional Planning Commission at the May 4, 2016 meeting.

A motion was made by Ruge and seconded by Connick to **approve** and recommend that City Council **approve** the final plat of Hayman's Second Subdivision.

A roll call vote was taken and the motion passed with 9 members present (Connick, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Hoggatt and Kjar) voting in favor and no members present abstaining.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

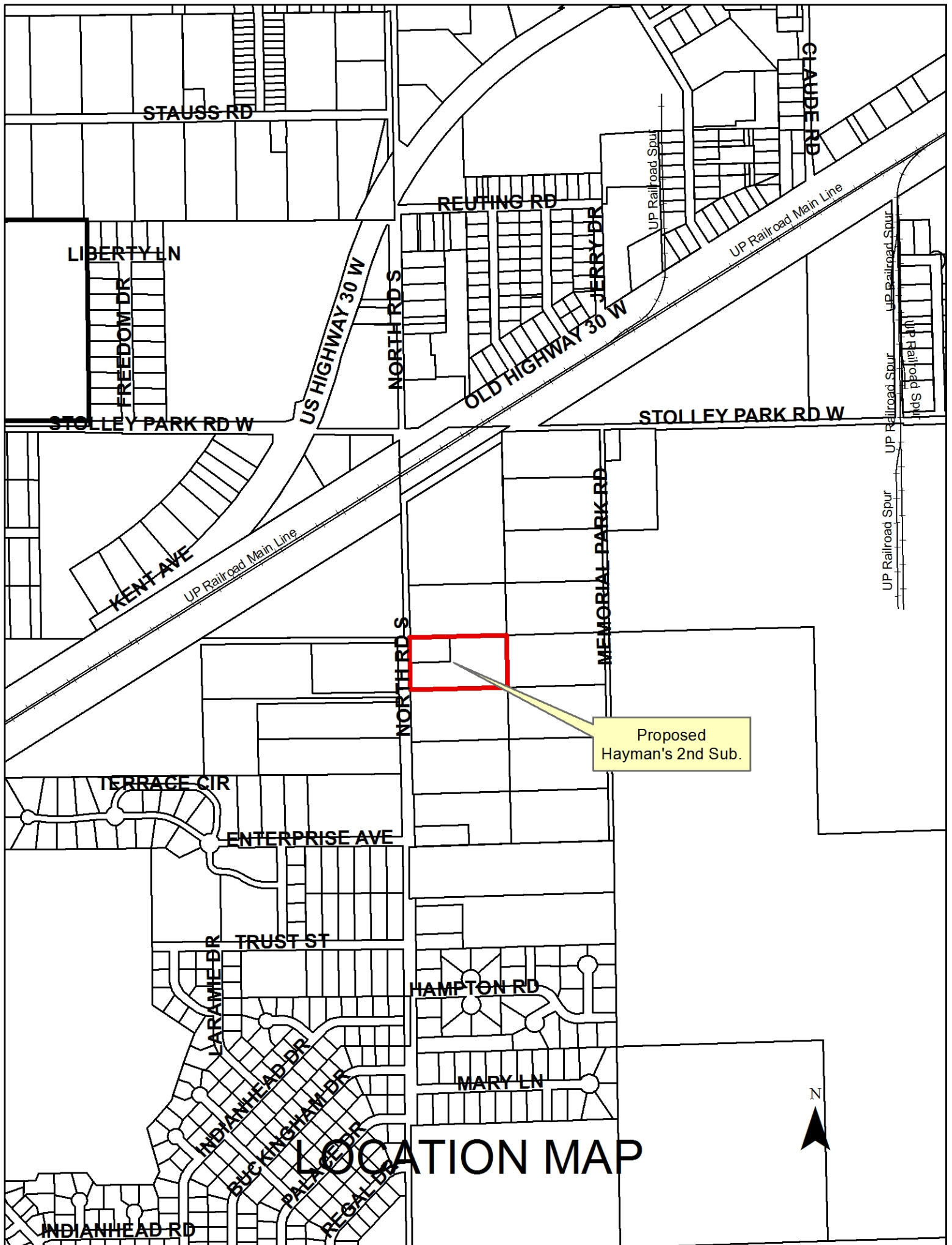
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the final plat as presented.

## **Sample Motion**

Move to approve as recommended.





**Developers/Owners**

Handlers Land LLC

2419 S North Rd

Grand Island NE 68803

To create 2 lots on a tract of east of North Road and south of Stolley Park Road, in the City of Grand Island, in Hall County.

**Size:** 4.75 Acres.

**Zoning:** M1 – Light Manufacturing.

**Road Access:** City roads.

**Water Public:** City water.

**Sewer Public:** City sewer.



April 19, 2016

Dear Members of the Board:

**RE: Final Plat – Hayman’s 2<sup>nd</sup> Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Hayman’s 2<sup>nd</sup> Subdivision, located in Grand Island, in Hall County, Nebraska.

This final plat proposes to create 2 lots, a Replat of all of Lot 11 and Lot 12, Hayman’s Subdivision, in the City of Grand Island, Hall County, Nebraska, said tract containing 4.75 acres.

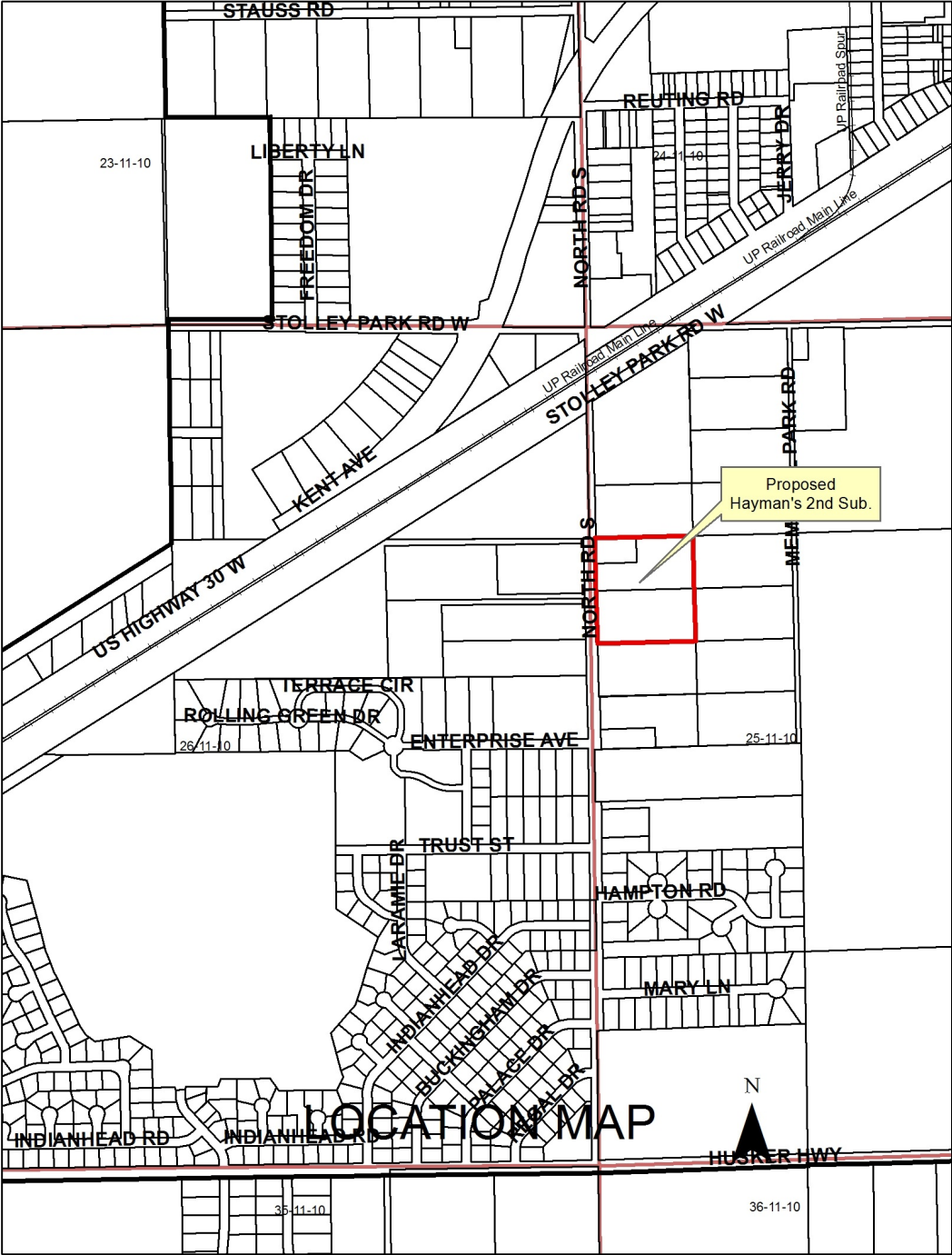
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on May 4, 2016 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

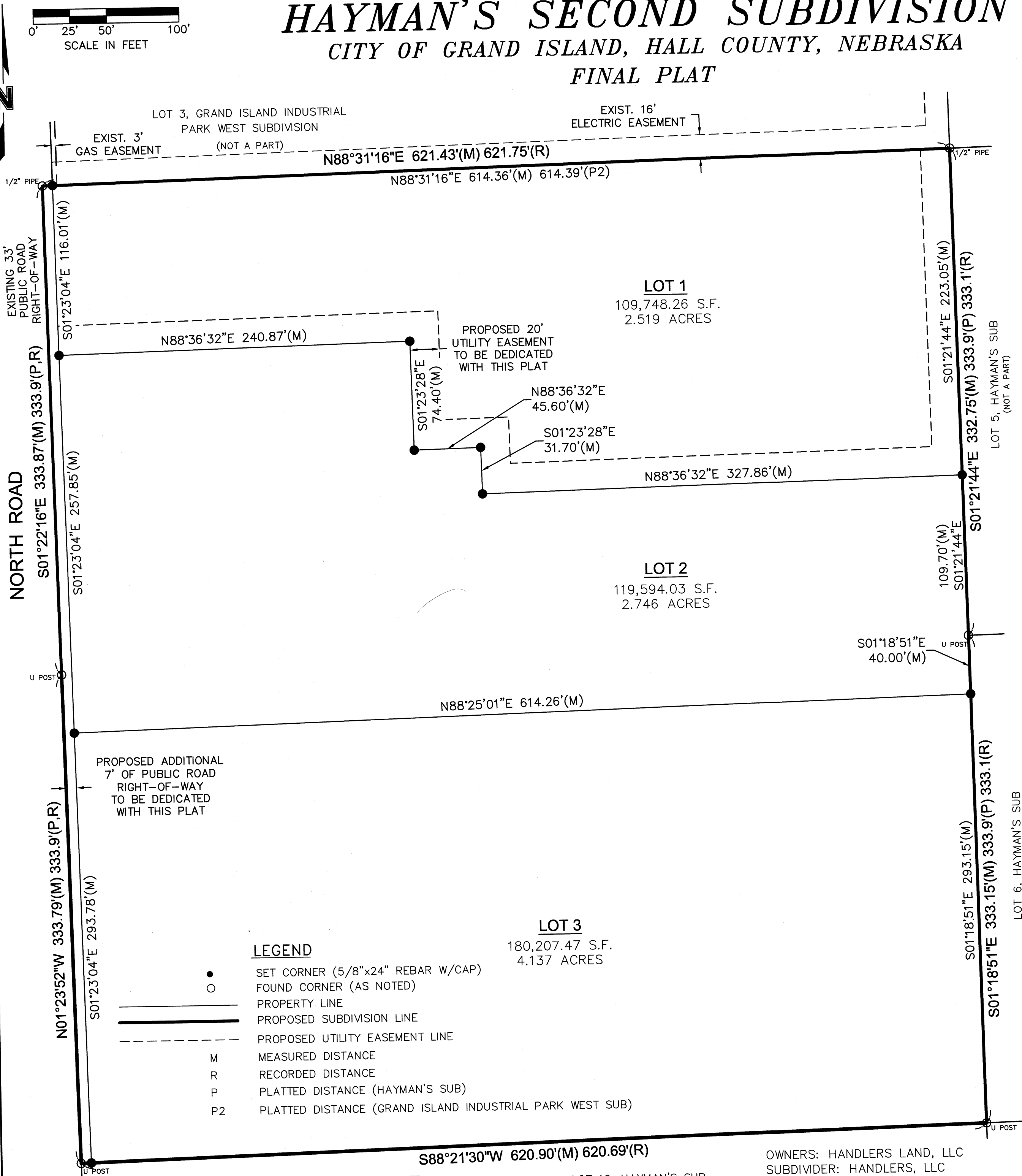
Chad Nabity, AICP  
Planning Director

Cc: City Clerk  
City Attorney  
City Public Works  
City Utilities  
City Building Director  
Manager of Postal Operations  
Olsson & Associates

This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.



DWG: F:\2016\0001-0500\016-0006\40-Design\Survey\SRV\Sheets\VP\_2016-0006.dwg  
DATE: Apr 18, 2016 4:38pm XREFS: V\_XTPO\_016-0006  
USER: jramirez



**LEGEND**

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- PROPERTY LINE
- - - PROPOSED SUBDIVISION LINE
- - - PROPOSED UTILITY EASEMENT LINE
- M MEASURED DISTANCE
- R RECORDED DISTANCE
- P PLATTED DISTANCE (HAYMAN'S SUB)
- P2 PLATTED DISTANCE (GRAND ISLAND INDUSTRIAL PARK WEST SUB)

**OLSSON**  
ASSOCIATES

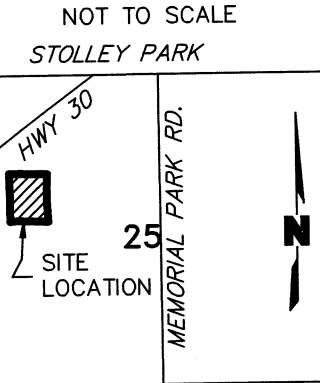
201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308.384.8750  
FAX 308.384.8752

PROJECT NO. 2016-0006  
CHIEF INDUSTRIES  
HAYMAN'S 2ND SUB SURVEY  
FB GI 2015-5

LOT 10, HAYMAN'S SUB  
(NOT A PART)

OWNERS: HANDLERS LAND, LLC  
SUBDIVIDER: HANDLERS, LLC  
SURVEYOR: OLSSON ASSOCIATES  
ENGINEER: OLSSON ASSOCIATES  
NUMBER OF LOTS: 3

**LOCATION MAP**



**LEGAL DESCRIPTION**

A REPLAT OF ALL OF LOT 11 AND LOT 12, HAYMAN'S SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

SAID TRACT CONTAINS A CALCULATED AREA OF 414,249.34 SQUARE FEET OR 9.510 ACRES MORE OR LESS OF WHICH 0.108 ACRES ARE NEW DEDICATED ROAD RIGHT-OF-WAY.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT ON \_\_\_\_\_, 2016, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF "**HAYMAN'S SECOND SUBDIVISION**" IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER, LS-630

**DEDICATION OF PLAT**

KNOW ALL MEN BY THESE PRESENTS, THAT HANDLERS LAND, LLC, BEING THE OWNER OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "**HAYMAN'S SECOND SUBDIVISION**" IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND DO HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS THERETO, AND HEREBY PROHIBITING THE PLANTING OF TREES, BUSHES AND SHRUBS, OR PLACING OTHER OBSTRUCTIONS UPON, OVER, ALONG OR UNDERNEATH THE SURFACE OF SUCH EASEMENTS; AND THAT THE FOREGOING SUBDIVISION IS MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION HEREON AS APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT \_\_\_\_\_, NEBRASKA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_  
DAVID E. LOEFFLER, PARTNER, HANDLERS LAND, LLC

**ACKNOWLEDGMENT**

STATE OF NEBRASKA  
COUNTY OF HALL  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME \_\_\_\_\_, NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED DAVID E. LOEFFLER, PARTNER, HANDLERS LAND, LLC, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT GRAND ISLAND, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

**APPROVAL**

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

RESOLUTION 2016-107

WHEREAS, Handlers Land, LLC, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "HAYMAN'S SECOND SUBDIVISION", a replat of all of Lot 12, Hayman's Subdivision, in the City of Grand Island, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by them; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of HAYMAN'S SECOND SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-7

**#2016-108 - Approving Final Plat and Subdivision Agreement for Jack Voss Horse Country Club 4th Subdivision**

Staff Contact: Chad Nabity



# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 10, 2016

**Subject:** Jack Voss Horse Country Club Fourth Subdivision –  
Final Plat

**Presenter(s):** Chad Nabity

## **Background**

This property is located east of Engleman Road and north of Michigan Ave., in the City of Grand Island, in Hall County, consisting of 2 lots and 7.036 acres.

## **Discussion**

The plat for Jack Voss Horse Country Club Fourth Subdivision was considered by the Regional Planning Commission at the May 4, 2016 meeting.

A motion was made by Ruge and seconded by Connick to **approve** and recommend that Hall County Board of Supervisors **approve** the final plat of Jack Voss Horse Country Club Fourth Subdivision.

A roll call vote was taken and the motion passed with 9 members present (Connick, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Hoggatt and Kjar) voting in favor and no members present abstaining.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

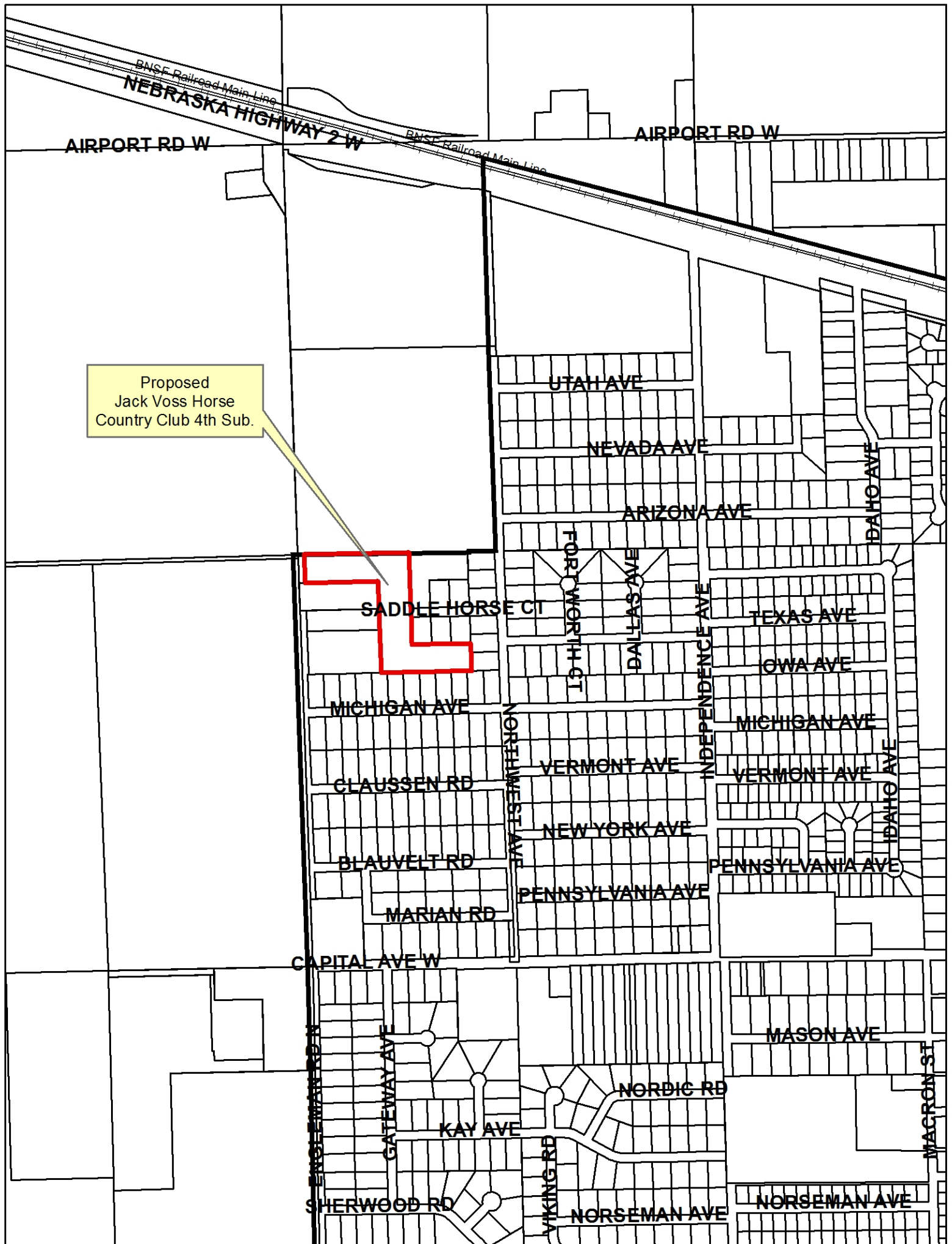
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the final plat as presented.

## **Sample Motion**

Move to approve as recommended.



Joseph M. Brown and Lori J. Bear-Brown  
2807 N Engleman Road  
Grand Island NE 68803  
**Developers/Owners**

To create 2 lots on a tract of land east of Engleman Road and north of Michigan Ave., in the City of Grand Island, in Hall County.

**Size:** 7.036 acres.

**Zoning:** LLR – Large Lot Residential.

**Road Access:** Public streets are available.

**Water Public:** Water is available.

**Sewer Public:** Sewer is available.



March 30, 2016

Dear Members of the Board:

**RE: Final Plat – Jack Voss Horse Country Club 4<sup>th</sup> Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Jack Voss Horse Country Club 4<sup>th</sup> Subdivision, located in Grand Island, in Hall County, Nebraska.

This final plat proposes to create 2 lots, on a tract of land comprising all of Lot One (1), Jack Voss Horse Country Club Third Subdivision, in the City of Grand Island, Hall County, Nebraska, said tract containing 7.036 acres.

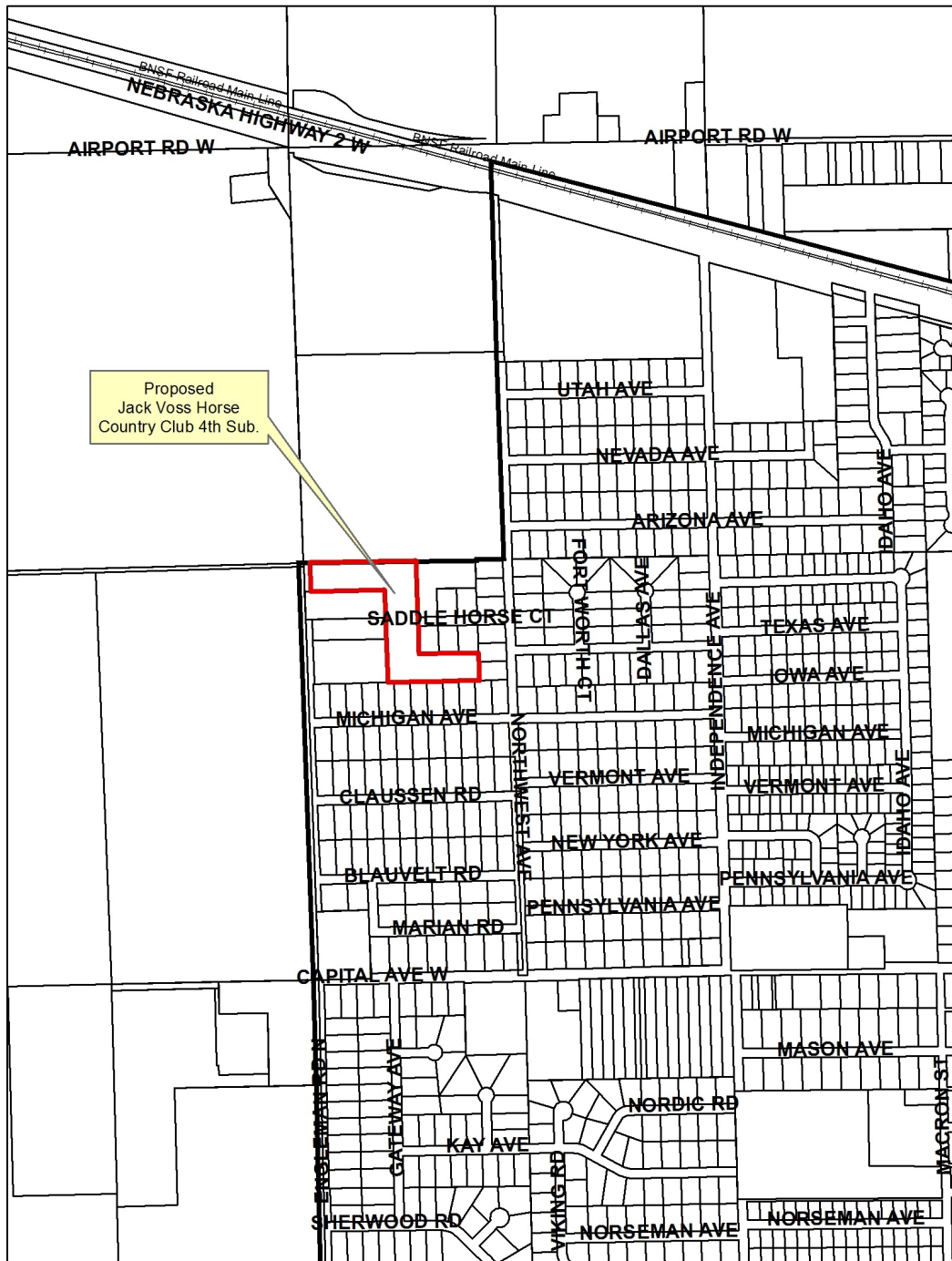
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on April 13, 2016 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

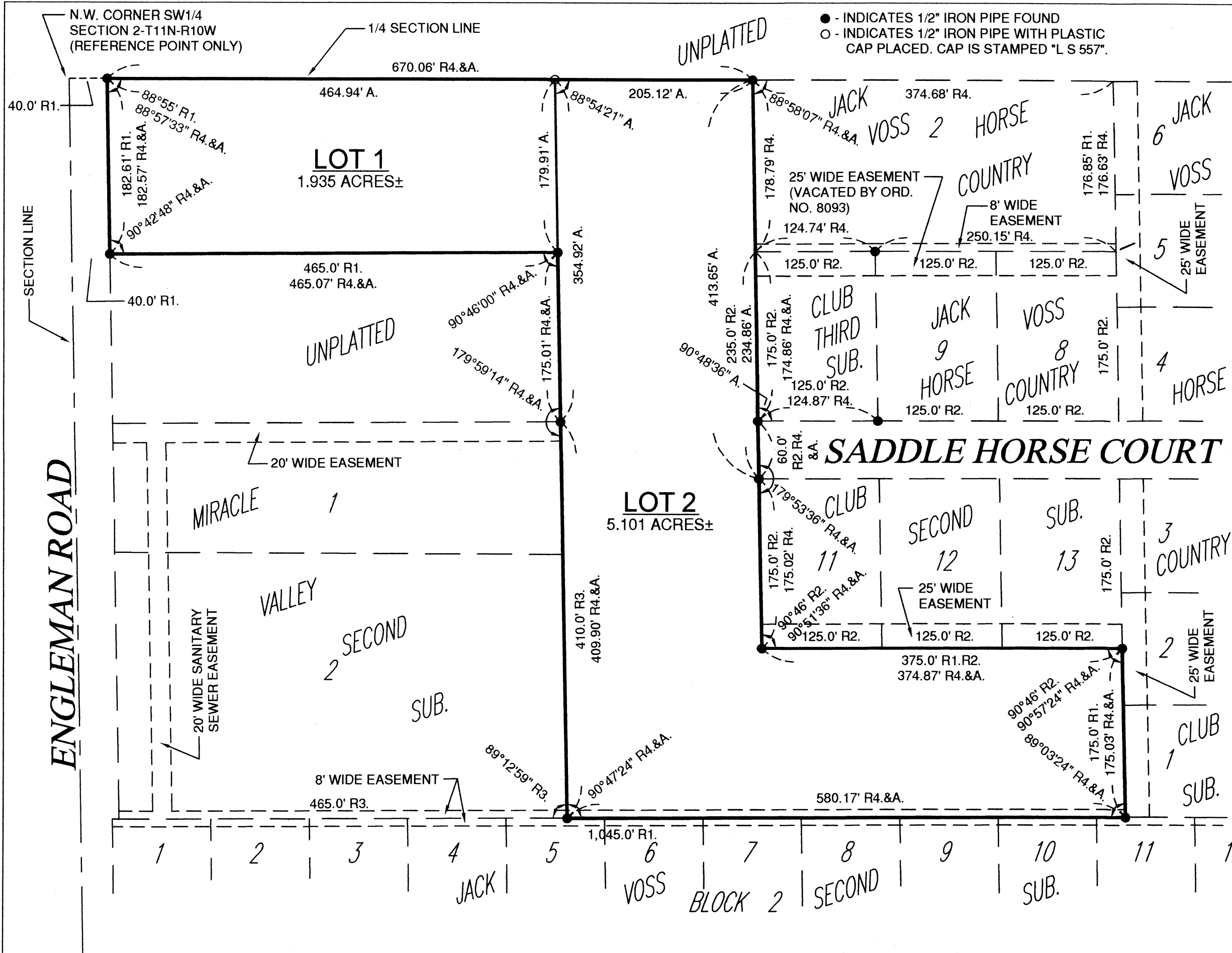
Chad Nabity, AICP  
Planning Director

Cc: City Clerk  
City Attorney  
City Public Works  
City Utilities  
City Building Director  
Manager of Postal Operations  
Benjamin & Associates

This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.







R1. = RECORDED DISTANCE AND/OR ANGLE ON PLAT OF JACK VOSS HORSE COUNTRY CLUB (SUB.)  
R2. = RECORDED DISTANCE AND/OR ANGLE ON PLAT OF JACK VOSS HORSE COUNTRY CLUB SECOND SUB.  
R3. = RECORDED DISTANCE AND/OR ANGLE (BASED ON BEARINGS) ON PLAT OF MIRACLE VALLEY SECOND SUB.  
R4. RECORDED DISTANCE AND/OR ANGLE ON PLAT OF JACK VOSS HORSE COUNTRY CLUB THIRD SUBDIVISION  
A. = ACTUAL DISTANCE AND/OR ANGLE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we, Joseph M. Brown and Lori J. Bear-Brown, husband and wife, being the owners of the land described hereon, have caused same to be subdivided, platted and designated as "JACK VOSS HORSE COUNTRY CLUB FOURTH SUBDIVISION", in the City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, for the location, construction and maintenance of public utilities forever, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements, and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owners and proprietors.

IN WITNESS WHEREOF, we have affixed our signatures hereto at \_\_\_\_\_, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joseph M. Brown

\_\_\_\_\_  
Lori J. Bear-Brown

ACKNOWLEDGEMENT

State of Nebraska ss  
County of Hall

On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, \_\_\_\_\_, a Notary Public within and for said County, personally appeared Joseph M. Brown and Lori J. Bear-Brown, husband and wife, to me personally known to be the identical persons whose signatures are affixed hereto, and they did acknowledge the execution to be his and her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at \_\_\_\_\_, Nebraska, on the date last above written.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(SEAL)

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and the Villages of Alda, Cairo and Doniphan, Nebraska.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Approved and accepted by the City of Grand Island, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

LEGAL DESCRIPTION

A tract of land comprising all of Lot One (1), Jack Voss Horse Country Club Third Subdivision, a subdivision in the City of Grand Island, Hall County, Nebraska, said tract containing 7.036 acres, more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that on \_\_\_\_\_, 2016, I completed an accurate survey (made under my supervision) of "JACK VOSS HORSE COUNTRY CLUB FOURTH SUBDIVISION", in the City of Grand Island, Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds as contained in said subdivision as shown on the accompanying plat thereof, are well and accurately staked off and marked; that iron markers were placed at all corners as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

\_\_\_\_\_  
Lee D. Wagner, Registered Land Surveyor No. 557

JACK VOSS HORSE COUNTRY CLUB FOURTH SUBDIVISION

IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

BENJAMIN & ASSOCIATES, INC. - ENGINEERS & SURVEYORS - GRAND ISLAND, NEBRASKA



RESOLUTION 2016-108

WHEREAS, Joseph M. Brown and Lori J. Bear-Brown, husband and wife, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "JACK VOSS HORSE COUNTRY CLUB FOURTH SUBDIVISION", a tract of land comprising all of Lot One (1), Jack Voss Horse Country Club Third Subdivision, a subdivision in the City Of Grand Island, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by them; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of JACK VOSS HORSE COUNTRY CLUB FOURTH SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-8

**#2016-109 - Approving Final Plat and Subdivision Agreement for  
Park Island Square 7th Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 10, 2016

**Subject:** Park Island Square Seventh Subdivision – Final Plat

**Presenter(s):** Chad Nabity

## **Background**

This property is located south of 13<sup>th</sup> St and west of US Hwy 281, in the City of Grand Island, in Hall County, consisting of 2 lots and 7.81 acres.

## **Discussion**

The plat for Park Island Square Seventh Subdivision was considered by the Regional Planning Commission at the May 5, 2016 meeting.

A motion was made by Ruge and seconded by Connick to **approve** and recommend that City Council **approve** the final plat of Park Island Square Seventh Subdivision.

A roll call vote was taken and the motion passed with 9 members present (Connick, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Hoggatt and Kjar) voting in favor and no members present abstaining.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

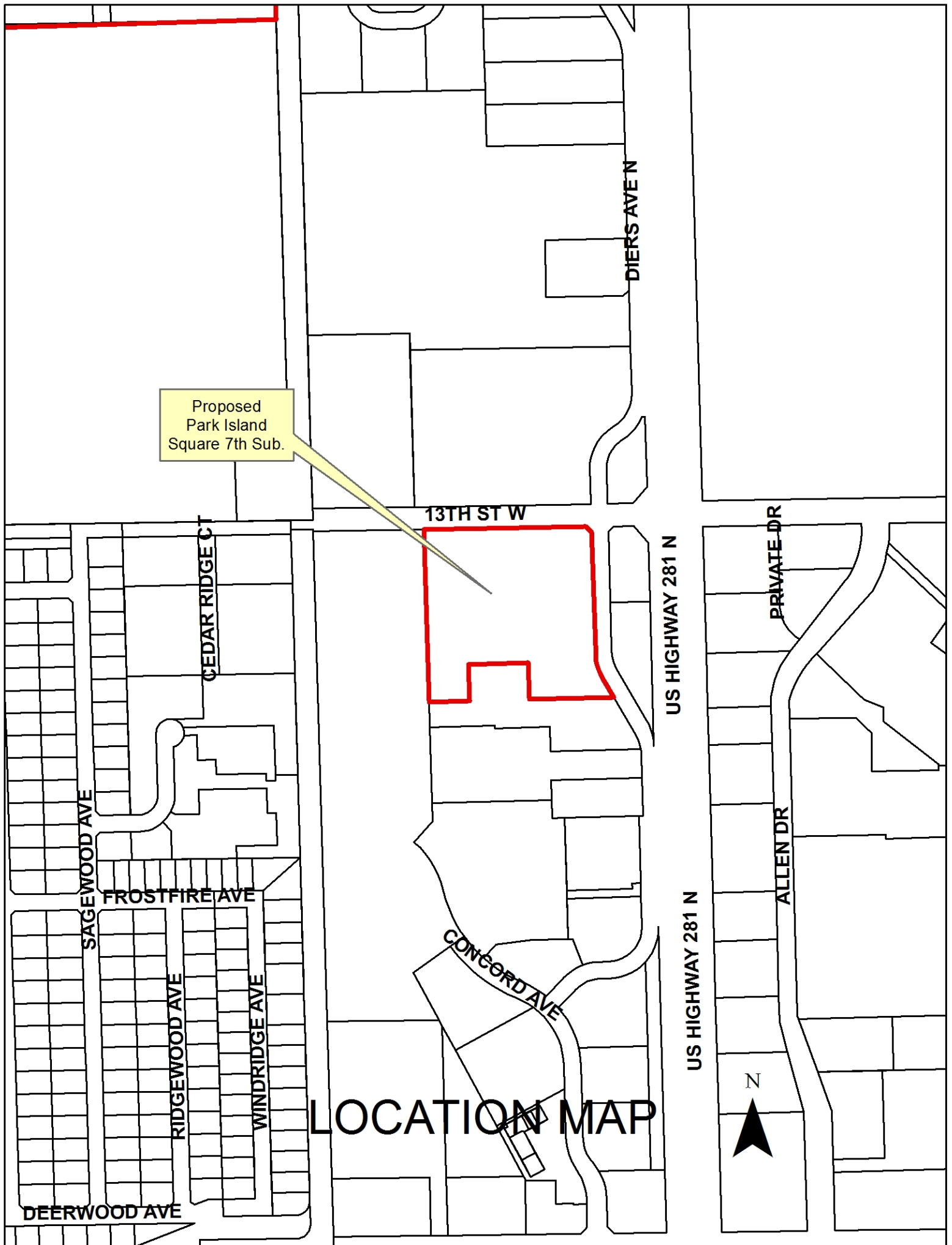
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the final plat as presented.

## **Sample Motion**

Move to approve as recommended.



**Developers/Owners**

KM Grand Island Joint Venture, LLC  
2127 Innerbelt Business Center Drive, Ste. 310  
St. Louis, MO 63114

To create 2 lots on a tract of land south of 13<sup>th</sup> St and west of US Hwy 281, in the City of Grand Island, in Hall County.

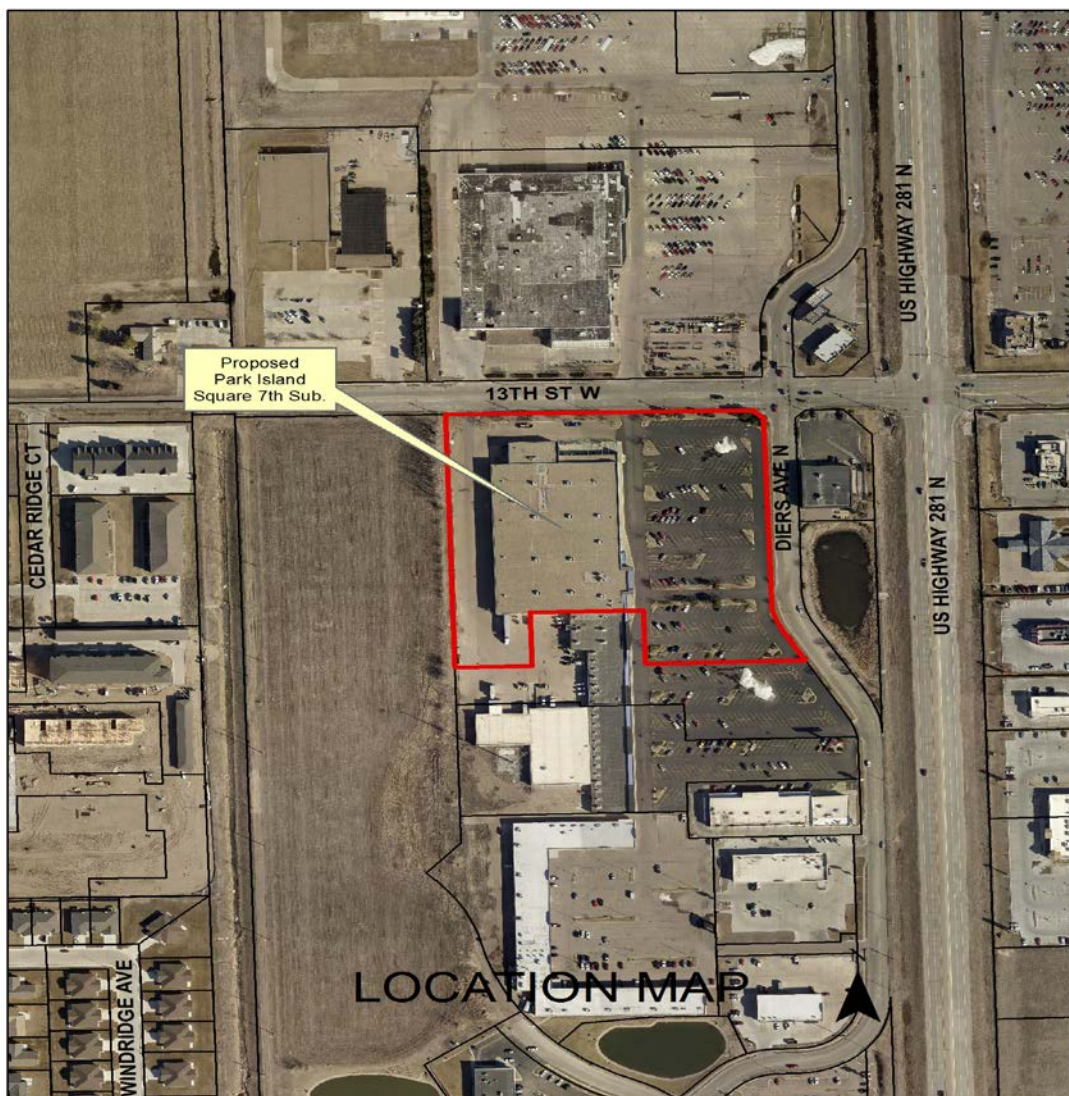
**Size:** 7.81 acres.

**Zoning:** B2 – General Business Zone.

**Road Access:** Public streets are available.

**Water Public:** Water is available.

**Sewer Public:** Sewer is available.



April 19, 2016

Dear Members of the Board:

**RE: Final Plat – Park Island Square 7<sup>th</sup> Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Park Island Square 7th Subdivision, located in Grand Island, in Hall County, Nebraska.

This final plat proposes to create 2 lots, a replat of all of Lot 1, Park Island Square 7th Subdivision in the City of Grand Island, Hall County, Nebraska, said tract containing 7.81 acres.

You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on May 4, 2016 in the Council Chambers located in Grand Island's City Hall.

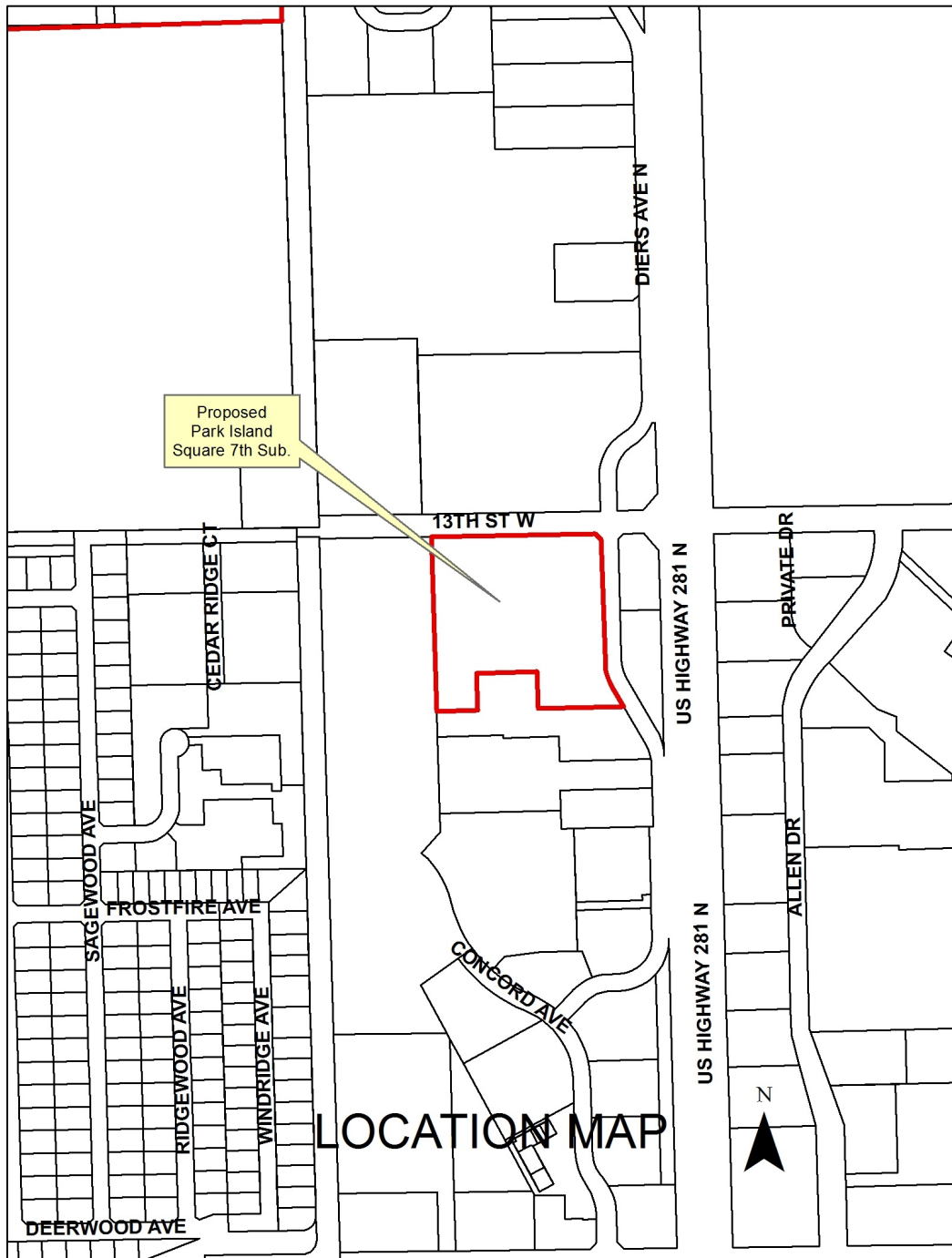
Sincerely,

Chad Nabity, AICP  
Planning Director

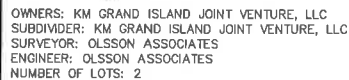
Cc: City Clerk  
City Attorney  
City Public Works  
City Utilities  
City Building Director  
Manager of Postal Operations  
Olsson Associates

This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.





DWG: F:\2016\0001-0500\016-0372\40-Design\Survey\SRV\Sheets\V\_FPT\_60372.dwg  
DATE: Apr 14, 2016 12:11pm XREFS: V\_XT20\_016-0372  
USER: lwheeler



201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308 384.8750  
FAX 308 384.8762

PROJECT NO. 2018-0372
KMART SURVEY

SET CORNER  
FOUND CORNER (1/2" IRON PIPE)(UNLESS NOTED)  
LOT LINE  
PROPERTY LINE  
EXISTING EASEMENT LINE  
NEW EASEMENT LINE  
MEASURED DISTANCE  
PLATTED DISTANCE PARK ISLAND SQUARE 4TH SU  
PLATTED DISTANCE PARK ISLAND SQUARE 5TH SU  
RECORDED DISTANCE D. SORGENFRIE L.S. #578  
EASEMENT

RESOLUTION 2016-109

WHEREAS, KM Grand Island Joint Venture, LLC, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "PARK ISLAND SQUARE SEVENTH SUBDIVISION", a replat of all of Lot 1, Park Island Square Fourth Subdivision in the City of Grand Island, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by them; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of PARK ISLAND SQUARE SEVENTH SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	▣ _____
May 6, 2016	▣ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-9

**#2016-110 - Approving Subordination Agreement for Lois Stade,  
236 S. Plum Street**

Staff Contact: Charley Falmlen

# **Council Agenda Memo**

**From:** Charley Falmlen, Community Development

**Meeting:** May 10, 2016

**Subject:** Approving Subordination Agreement for Lois Stade, 236 S. Plum Street

**Presenter(s):** Charley Falmlen, Community Development

## **Background**

The City of Grand Island has a Deed of Trust filed on property owned by Lois Stade, a single person, located at 236 S. Plum Street, in the amount of \$14,000. In 2013 Community Development Block Grant funds totaling the amount of \$14,000 were loaned to Lois Stade, to assist in her with the down payment as part of the Community Development Block Grant program. The legal description is:

Lot Four (4), Block Two (2), Koehler Place, an Addition to the City Of Grand Island, Hall County, Nebraska.

The owner is requesting permission from the City to subordinate to a new mortgage amount of \$57,000.00 and accept second position to the first mortgage. Lois Stade is seeking to refinance her mortgage and is working through First National Bank. The lender is requesting first position on the Deed of Trust. The house will remain occupied and property taxes will continue to be paid. The equity in the property is in excess of the lien amounts held by both the City and the bank.

## **Discussion**

The City's current lien is in the amount of \$14,000, which has a balance of \$10,577.02 due to 10% being forgiven annually. A new lien in the amount of \$57,000.00 with First National Bank would replace the City of Grand Island's senior lien. By law, the new lien, with First National Bank, would be junior in priority to the City's lien; however, First National Bank, has asked the City to subordinate its lien to the new lien.

The anticipated appraised value of the property is \$80,000.00, as of May 2016, and is sufficient to secure the first mortgage of \$57,000.00 and the City's remaining mortgage of \$10,577.02. The City's loan is a zero percent interest loan that is due only when the homeowner sells the house.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand.  
The Council may:

1. Move to approve the Subordination Agreement
2. Refer the issue to a Committee
3. Postpone the issue to a later date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that Council approve the Subordination Agreement with First National Bank, placing the City in the junior position to the new Deed of Trust.

## **Sample Motion**

Move to approve the Subordination Agreement with First National Bank.



## SUBORDINATION AGREEMENT

COMES NOW the City of Grand Island, Nebraska, secured party/beneficiary and hereby subordinates its trust deed/real estate lien recorded December 21, 2006 on the following described real estate:

Lot Four (4), Block Two (2), Koehler Place, an Addition to the City Of Grand Island, Hall County, Nebraska.

It is the intent of this Agreement that the trust deed for amounts loaned by First National Bank to Lois Stde (Borrower) that has been or is about to be filed, shall be superior to the trust deed/real estate lien of the City of Grand Island, its successors and assigns recorded December 2, 2013, up to the amount of \$57,000 plus interest and amounts advanced to protect the collateral. Thereafter, the City of Grand Island's lien shall have priority. It is further understood that this subordination shall include all current obligations, extensions, renewals, advances or modifications made by the City of Grand Island, Nebraska to Borrowers which is secured by the trust deed/real estate lien recorded December 2, 2013 as Document Number 201309408 in the records of the Register of Deeds of Hall County, Nebraska. Nothing in this Subordination Agreement is intended as a promise to provide financing or make advances to Borrowers by the City of Grand Island, Nebraska and it is not the intention of the City of Grand Island, Nebraska to warrant or guarantee the obligations of Borrowers but merely to subordinate its lien interests under the instrument recorded at Document Number 201309408. It is understood that First National Bank intends to lend funds to Borrower/s but that the amount that will be superior to the City of Grand Island's lien is not to exceed \$57,000 plus interest and amounts advanced to protect the collateral.

Nothing in this instrument is intended to relieve Borrowers of their obligation to make payments to the City of Grand Island, Nebraska or to subordinate any other lien interests including, but not limited to, real estate taxes and special assessments.

Dated: \_\_\_\_\_ City of Grand Island, Nebraska

STATE OF NEBRASKA        )  
  )ss.  
COUNTY OF HALL        )  
By \_\_\_\_\_  
  Jeremy L. Jensen, Mayor

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2015, by Jeremy L. Jensen, Mayor of the City of Grand Island, Nebraska.

\_\_\_\_\_  
Notary Public

RESOLUTION 2016-110

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated November 27, 2013 and recorded on December 2, 2013, as Instrument No.0201309408 and No. 0200802843 respectively, in the total amount of \$33,152.06 secured by property located at 236 S. Plum Street and owned by Lois Stade, said property being described as follows:

Lot Four (4), Block Two (2), Koehler Place, an Addition to the City Of Grand Island, Hall County, Nebraska.

WHEREAS Lois Stade wishes to execute a Deed of Trust in the amount of \$57,000 with First National Bank, to be secured by the above-described real estate upon the subordination of the City's Deed of Trust to their lien priority; and

WHEREAS, the value of the above-described real estate is sufficient to adequately secure both loans; and

WHEREAS, the requested subordination of the City's lien priority is in the best interests of all parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute an agreement subordinating the lien priority of the above described Deeds of Trust Lois Stade, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of First National Bank, Beneficiary, as more particularly set out in the subordination agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-10

**#2016-111 - Approving Acquisition of Utility Easement - (#1) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs)**

*This item relates to the aforementioned Public Hearing item E-4.*

Staff Contact: Tim Luchsinger, Stacy Nonhof

## RESOLUTION 2016-111

WHEREAS, a public utility easement is required by the City of Grand Island from the U.S. Department of Veterans Affairs (#1), to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on May 10, 2016 for the purpose of discussing the proposed acquisition of an easement (#1) located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

Beginning at the northeast corner of said Lot Two (2); thence running N89°13'44"W, on the north line of said Lot Two (2), a distance of Sixty and Twenty Seven Hundredths (60.27) feet, to the ACTUAL Point of Beginning; thence running S02°17'20"W, a distance of Thirty Five and Forty Eight Hundredths (35.48) feet; thence running S30°06'54"E a distance of One Hundred Thirty One and Nine Hundredths (131.09) feet; thence running S55°54'09"E, a distance of Seventeen and Fifty Three Hundredths (17.53) feet; thence running S22°03'27"E, a distance of One Hundred Twenty Eight and Twenty Eight Hundredths (128.28) feet; thence running N61°50'07"E, a distance of Two Hundred Twenty Two and Eighty Four Hundredths (222.84) feet; thence running N82°50'19"E, a distance of Fifty Four and Thirty Four Hundredths (54.34) feet, to a point on the easterly line of said Lot Three (3); thence running S28°22'40"E, on the easterly line of said Lot Three (3), a distance of Twenty One and Forty Five Hundredths (21.45) feet; thence running S82°50'19"W, a distance of Fifty Eight and Thirty Nine Hundredths (58.39) feet; thence running S61°50'07"W, on the southerly line of said Lot Three (3), if extended, a distance of Two Hundred Twenty One and Twenty Eight Hundredths (221.28) feet; thence running S22°03'27"E, a distance of Forty Seven and Thirty Eight Hundredths (47.38) feet; thence running S67°56'33"W, a distance of Twenty (20.00) feet; thence running N22°03'27"W, a distance of One Hundred Eighty Nine and Sixty Eight Hundredths (189.68) feet; thence running N55°54'09"W, a distance of Sixteen and Three Hundredths (16.03) feet; thence running N30°06'54"W, a distance of One Hundred Forty One and Forty Eight Hundredths (141.48) feet; thence running N02°17'20"E, a distance of Forty and Seventy Six Hundredths (40.76) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lot Two (2), a distance of Twenty and One Hundredth (20.01) feet, to the ACTUAL Point of Beginning and containing 0.304 acres more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from the U.S. Department of Veterans Affairs, on the above-described tract of land.

- - -

Approved as to Form	by _____
May 6, 2016	City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

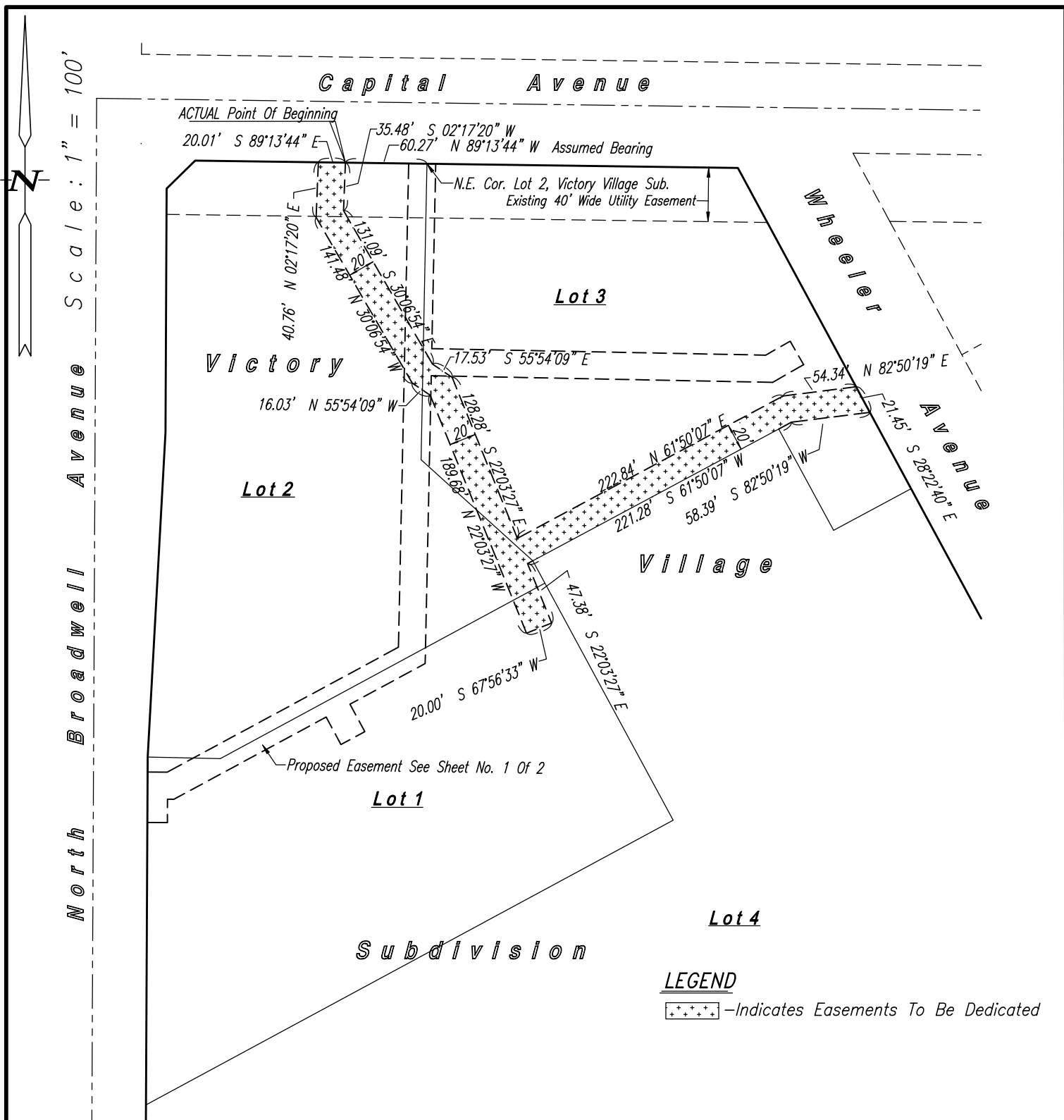
---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk



**Description (20' Wide Utility Easement)**

A tract of land comprising a part of Lots One (1), Two (2) and Three (3), Victory Village Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the northeast corner of said Lot Two (2); thence running N89°13'44"W, on the north line of said Lot Two (2), a distance of Sixty and Twenty Seven Hundredths (60.27) feet, to the ACTUAL Point of Beginning; thence running S02°17'20"W, a distance of Thirty Five and Forty Eight Hundredths (35.48) feet; thence running S30°06'54"E, a distance of One Hundred Thirty One and Nine Hundredths (131.09) feet; thence running S55°54'09"E, a distance of Seventeen and Fifty Three Hundredths (17.53) feet; thence running S22°03'27"E, a distance of One Hundred Twenty Eight and Twenty Eight Hundredths (128.28) feet; thence running N61°50'07"E, a distance of Two Hundred Twenty Two and Eighty Four Hundredths (222.84) feet; thence running N82°50'19"E, a distance of Fifty Four and Thirty Four Hundredths (54.34) feet, to a point on the easterly line of said Lot Three (3); thence running S28°22'40"E, on the easterly line of said Lot Three (3), a distance of Twenty One and Forty Five Hundredths (21.45) feet; thence running S82°50'19"W, a distance of Fifty Eight and Thirty Nine Hundredths (58.39) feet; thence running S61°50'07"W on the southerly line of said Lot Three (3), if extended, a distance of Two Hundred Twenty One and Twenty Eight Hundredths (221.28) feet; thence running S22°03'27"E, a distance of Forty Seven and Thirty Eight Hundredths (47.38) feet; thence running S67°56'33"W, a distance of Twenty (20.00) feet; thence running N22°03'27"W, a distance of One Hundred Eight Nine and Sixty Eight Hundredths (189.68) feet; thence running N55°54'09"W, a distance of Sixteen and Three Hundredths (16.03) feet; thence running N30°06'54"W, a distance of One Hundred Forty One and Forty Eight Hundredths (141.48) feet; thence running N02°17'20"E, a distance of Forty and Seventy Six Hundredths (40.76) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lot Two (2), a distance of Twenty and One Hundredth (20.01) feet, to the ACTUAL Point of Beginning and containing 0.304 acres more or less.

**Exhibit 'A'**

Date: January 15, 2016

Sheet No. 2 Of 2



2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O. BOX 549  
E-MAIL surveyor@computer-concepts.com PHONE (308) 382-1472 FAX (308) 382-1423





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-11

**#2016-112 - Approving Acquisition of Utility Easement - (#2) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs)**

*This item relates to the aforementioned Public Hearing item E-5.*

Staff Contact: Tim Luchsinger, Stacy Nonhof

## RESOLUTION 2016-112

WHEREAS, a public utility easement is required by the City of Grand Island from the U.S. Department of Veterans Affairs (#2), to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on May 10, 2016 for the purpose of discussing the proposed acquisition of an easement (#2) located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

Beginning at the northeast corner of said Lot One (1);thence running S00°16'09"W, on the west line of said Lot One (1), a distance of Eleven and Six Hundredths (11.06) feet, to the ACTUAL Point of Beginning; thence running S89°43'07"E, a distance of Fourteen and Fifty Three Hundredths (14.53) feet; thence running N61°37'53"E, a distance of One Hundred Ninety Four and Twenty Two Hundredths (194.22) feet; thence running N01°12'35"E, a distance of Three Hundred Fifty Seven and Forty Seven Hundredths (357.47) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lots Two (2) and Three (3), a distance of Twenty (20.00) feet; thence running S01°12'35"W, a distance of One Hundred Thirty Six and Fifty Seven Hundredths (136.57) feet, thence running S88°53'28"E, a distance of Two hundred Forty Six and Eight Four Hundredths (246.84) feet; thence running N60°12'04"E, a distance of Twenty and Eighty Hundredths (20.80) feet; thence running S29°47'56" E, a distance of Twenty (20.00) feet; thence running S60°12'04"W, a distance of Twenty Six and Thirty Three Hundredths (26.33) feet; thence running N88°53'28"W, a distance of Two Hundred Fifty Two and Forty One Hundredths (252.41) feet; thence running S01°12'35"W, a distance of Two Hundred Twelve and Sixty Nine Hundredths (212.69) feet; thence running S61°37'53"W, a distance of Sixty Three and Seventeen Hundredths (63.17) feet; thence running S28°22'07"E, a distance of Twenty Three and Five Hundredths (23.05) feet; thence running S61°37'53"W, a distance of Twenty (20.00) feet; thence running N28°22'07"W, a distance of Twenty Three and Five Hundredths (23.05) feet; thence running S61°37'53"W, a distance of One Hundred Twenty Seven and Eighty One Hundredths (127.81) feet; thence running N89°43'07"W, a distance of Four and Eight One Hundredths (4.81) feet; thence running S00°16'09"W, a distance of Seventeen and Twenty Eight Hundredths (17.28) feet; thence running N89°43'07"W, a distance of Fourteen and Eighty Three Hundredths (14.83) feet, to a point on the west line of said Lot One (1); thence running N00°16'09"E, on the west line of said Lot One (1), a distance of Thirty Seven and Twenty Eight Hundredths (37.28) feet, to the ACTUAL Point of Beginning and containing 0.410 acres more or less.

Approved as to Form	▣ _____
May 6, 2016	▣ City Attorney

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from the U.S. Department of Veterans Affairs, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

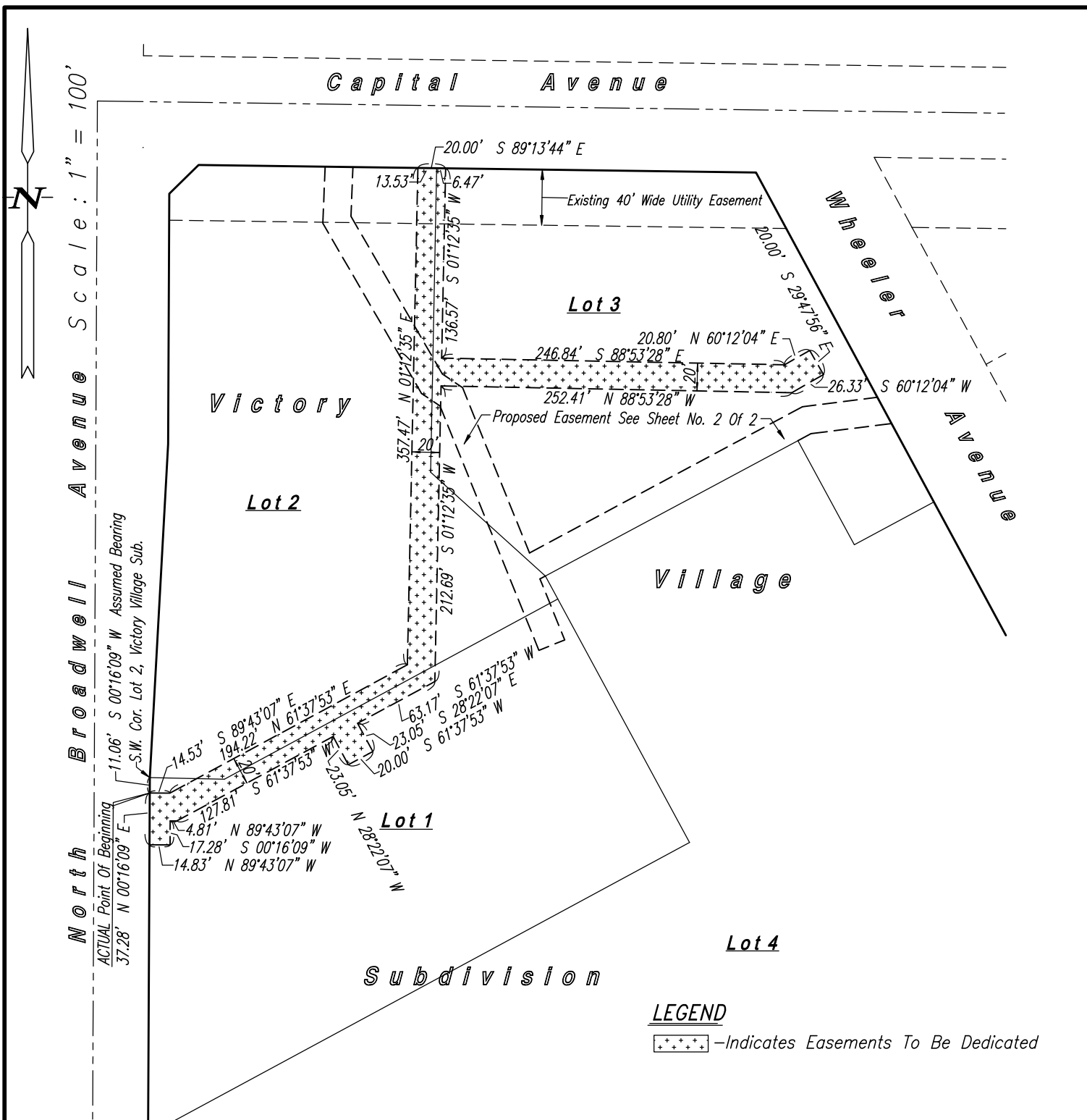
---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk



**Description (20' Wide Utility Easement)**

A tract of land comprising a part of Lots One (1), Two (2) and Three (3), Victory Village Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the northwest corner of said Lot One (1); thence running S00°16'09" W, on the west line of said Lot One (1), a distance of Eleven and Six Hundredths (11.06) feet, to the ACTUAL Point of Beginning; thence running S89°43'07"E, a distance of Fourteen and Fifty Three Hundredths (14.53) feet; thence running N61°37'53"E, a distance of One Hundred Ninety Four and Twenty Two Hundredths (194.22) feet; thence running N01°12'35"E, a distance of Three Hundred Fifty Seven and Forty Seven Hundredths (357.47) feet, to a point on the north line of said Lot Two (2); thence running S89°13'44"E, on the north line of said Lots Two (2) and Three (3), a distance of Twenty (20.00) feet; thence running S01°12'35"W, a distance of One Hundred Thirty Six and Fifty Seven Hundredths (136.57) feet; thence running S88°53'28"E, a distance of Two hundred Forty Six and Eighty Four Hundredths (246.84) feet; thence running N60°12'04"E, a distance of Twenty and Eighty Hundredths (20.80) feet; thence running S29°47'56"E, a distance of Twenty (20.00) feet; thence running S60°12'04"W, a distance of Twenty Six and Thirty Three Hundredths (26.33) feet; thence running N88°53'28"W, a distance of Two Hundred Fifty Two and Forty One Hundredths (252.41) feet; thence running S01°12'35"W, a distance of Two Hundred Twelve and Sixty Nine Hundredths (212.69) feet; thence running S61°37'53"W, a distance of Sixty Three and Seventeen Hundredths (63.17) feet; thence running S28°22'07"E, a distance of Twenty Three and Five Hundredths (23.05) feet; thence running S61°37'53"W, a distance of Twenty (20.00) feet; thence running N28°22'07"W, a distance of Twenty Three and Five Hundredths (23.07) feet; thence running S61°37'53"W, a distance of One Hundred Twenty Seven and Eighty One Hundredths (127.81) feet; thence running N89°43'07"W, a distance of Four and Eighty One Hundredths (4.81) feet; thence running S00°16'09"W, a distance of Seventeen and Twenty Eight Hundredths (17.28) feet; thence running N89°43'07"W, a distance of Fourteen and Eighty Three Hundredths (14.83) feet, to a point on the west line of said Lot One (1); thence running N00°16'09"E, on the west line of said Lot One (1), a distance of Thirty Seven and Twenty Eight Hundredths (37.28) feet, to the ACTUAL Point of Beginning and containing 0.410 acres more or less.

**Exhibit 'A'**

Date: January 15, 2016

Sheet No. 1 Of 2



2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O.BOX 549  
E-MAIL surveyor@computer-concepts.com PHONE (308) 382-1472 FAX (308) 382-1423



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-12

**#2016-113 - Approving Purchase of a 2016 Pick-up Truck for the Utilities Department, Water Shop, via State Contract #14337 OC**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Timothy Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting:** May 10, 2016

**Subject:** Approving State Bid Contract #14337 OC for a 2016  
Truck – Water Division – Unit #94

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

The Utilities Department, Water Division, has a 2004 truck (Unit #94) with 128,940 miles. This vehicle is due to be replaced based upon its condition and the Utilities Department current vehicle replacement schedule.

## **Discussion**

The vehicle specifications awarded under State of Nebraska Contract #143337 OC meet all of the requirements for the Water Division vehicle. Dillon Chevrolet of Crete, Nebraska, submitted a bid with no exceptions in the amount of \$48,663.00 for a 2016 Chevrolet Silverado pick-up truck.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the purchase of a 2016 Chevrolet Silverado 2500HD (Unit #94) truck for the Utilities Department, Water Division, under State of Nebraska Contract #14337 OC, in the amount of \$48,663.00.



### **Sample Motion**

Move to approve the purchase of a 2016 Chevrolet Silverado 2500HD truck (Unit #94) for the Utilities Department, Water Division, in the amount of \$48,663.00.

RESOLUTION 2016-113

WHEREAS, the Water Division of the Utilities Department for the City of Grand Island, budgeted for a replacement vehicle (Unit #94) in the 2015/2016 fiscal year; and

WHEREAS, said vehicle, a 2016 Chevrolet Silverado 2500HD pick-up truck can be obtained from the State Contract holder; and

WHEREAS, the State Contract holder for this vehicle, Sid Dillon Chevrolet of Crete, Nebraska, came in with the low bid in the amount of \$48,663.00 without exceptions; and

WHEREAS, purchasing the vehicle from the State Contract #14337 OC meets all statutory bidding requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the purchase of a new Chevrolet Silverado 2500HD pick-up truck for the Water Division (Unit #94) under State Contract #14337 OC, from Sid Dillon Chevrolet of Crete, Nebraska, in the amount of \$48,663.00, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# **City of Grand Island**

**Tuesday, May 10, 2016**

**Council Session**

## **Item G-13**

**#2016-114 - Approving Coal Contract for 2017 for the Platte  
Generating Station with Arch Coal Sales, Coal Creek Mine**

**Staff Contact: Tim Luchsinger, Stacy Nonhof**

# **Council Agenda Memo**

**From:** Timothy Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting:** May 10, 2016

**Subject:** 2017 Coal Purchase

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

On June 12, 2012, per Resolution 2012-143, the City of Grand Island entered into an agreement with Western Fuels Association for soliciting the purchase of coal for the Platte Generating Station. The agreement provides for Western Fuels to obtain pricing of coal for the Platte Generating Station as part of their larger coal solicitations for their members. Western Fuels recently went out for bids that included the purchase of 150,000 to 400,000 tons of coal that is needed for 2017 for the Platte Generating Station.

## **Discussion**

Bids were evaluated on heat content of the bid coal, total delivered price including freight cost, and value of the sulfur content of the bid coal:

Heat Content – the heat content of Powder River Basin coals can vary as much as 15%.

Freight Costs – are included in the evaluation to determine a total delivered cost at Platte Generating Station.

Sulfur Content – In order to operate a coal fired power plant, environmental regulation requires a plant to hold “Emissions Allowances” for regulated sulfur emissions. The allowances are regularly bought and sold by utilities as economic conditions warrant. EPA administers the markets. The price of sulfur allowances for use of each bid coal is a factor in the evaluation. The sulfur content determines the amount of lime that must be used by plant emission control systems to remove sulfur dioxide from the boiler exit gas. The cost of the lime is also a factor in the evaluation.

Western Fuels has provided the separately attached confidential analysis of the bids received. The Utilities Department concurs with the Western Fuels Association recommendation that the 2017 Coal Supply Contract of 150,000 to 400,000 tons be awarded to the low compliant bidder, Arch Coal Sales, Coal Creek Mine.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the Coal Supply Contract for 140,000 to 400,000 tons for 2017 with Arch Coal Sales, Coal Creek Mine.

### **Sample Motion**

Move to approve the Coal Supply Contract for 140,000 to 400,000 tons for year 2017 with Arch Coal Sales, Coal Creek Mine.

RESOLUTION 2016-114

WHEREAS, the City Electric Department through Western Fuels Association, solicited bids for 150,000 to 400,000 tons of coal for the 2017 Coal Supply for the Utilities Department, according to the contract specifications; and

WHEREAS, it was stipulated that bid prices and/or final award prices would not be publicly disclosed; and

WHEREAS, Western Fuels Association reviewed and evaluated the bids for compliance with the specifications and for delivered cost; and

WHEREAS, Arch Coal Sales from the Coal Creek Mine, submitted a bid in accordance with the terms of the advertisement of bids and the contract specifications and all other statutory requirements contained therein.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Arch Coal Sales for 150,000 to 400,000 tons for the 2017 Coal Supply to Platte Generating Station from the Coal Creek Mine, is approved as the lowest responsive bid submitted.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-14

**#2016-115 - Approving Purchase of a 2017 Truck with 41 Ft. Articulating Telescopic Aerial Platform for the Electric Transmission/Substation Division of the Utilities Department**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Timothy Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting:** May 10, 2016

**Subject:** 2017 Truck with 41 Ft. Articulating Telescopic Aerial Platform- Phelps Control (Electric Transmission/Substation) Division

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

The Utilities Department Phelps Control Center maintains nine substations around the City with approximately 150 circuit breakers and 15 large transformers. Overhead equipment maintenance and repairs in the substations include lighting, security cameras, switches, breakers, bus sections, and large transformers.

Phelps Control has never owned an aerial lift device for substation work. Work has been performed off of ladders when possible. Substation Technicians have to climb up and walk around on top of breakers and transformers. In cases not reached by ladders, a bucket truck and operating crew has been borrowed from other utility divisions, and in some cases, a second truck has to be employed to crane lift parts up to the structures. Whenever a bucket truck is borrowed, the owning crew stays on site and operates the truck, thus assisting in repairs, but resulting in crew overlap and time taken away from distribution projects. In some cases a man lift has been rented.

To vastly improve safety and efficiency, this work should be done with a bucket truck permanently assigned to Phelps Control. The crew can safely be tied off in the bucket and have intimate knowledge of the control of the bucket truck. The proposed truck has an integral crane lifting system so parts can be hoisted up to the worker in the bucket. The truck is a compact unit suited for substation work, has a 41 foot platform height and 30 foot side reach. In addition the truck can be utilized by the Line Department after large storms.

## **Discussion**

The Grand Island City Council approved the use of the National Joint Powers Alliance Buying Group (NJPA) on October 28, 2014 with Resolution 2014-326. To meet

competitive bidding requirements, the Utilities Department obtained pricing from the NJPA Contract No.031014-ALT awarded to Altec Industries, Inc.

Specifications for Substation Bucket Truck were prepared by Department staff, and they are recommending the purchase of the new truck with an articulating telescopic aerial device from Altec Industries Inc., of St. Joseph Missouri, model AT41M, in the amount of \$143,615.00.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the purchase of the 2017 Truck - Altec Model AT41M for the Phelps Control Division of the Utilities Department, from Altec Industries St. Joseph, Missouri, in the amount of \$143,615.00, per the National Joint Powers Alliance Buying Group.

### **Sample Motion**

Move to approve the purchase of a 2017 Truck - Altec Model AT41M from Altec Industries St. Joseph, Missouri, in the amount of \$143,615.00.

RESOLUTION 2016-115

WHEREAS, the City of Grand Island Electric Transmission/Substation Division of the Utilities Department budgeted for a 2017 Truck with 41 foot Articulating Telescopic Aerial Platform in the current budget; and

WHEREAS, on October 28, 2014 with Resolution 2014-326, the City Council approved the use of the National Joint Powers Alliance Buying Group (NJPA) to meet competitive bidding requirements; and

WHEREAS, to meet competitive bidding requirements, the Utilities Department obtained pricing from the NJPA Contract No. 031014-ALT awarded to Altec Industries, Inc., such bid being in the amount of \$143,615.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of a 2017 Truck Altec Model AT41M with 41 Foot Articulating Telescopic Aerial Platform from the NJPA Contract No. 031014-ALT, in the amount of \$143,615.00, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-15

**#2016-116 - Approving Award for Consulting Services for  
Geospatial Data Collection of Grand Island's Public Storm Water  
Conveyance System - 2016**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** May 10, 2016

**Subject:** Approving Award for Consulting Services for Geospatial Data Collection of Grand Island's Public Storm Water Conveyance System - 2016

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

A Request for Qualifications (RFQ) for consulting services for Geospatial Data Collection of Grand Island's Storm Water System was advertised in the Grand Island Independent on April 11, 2016. The RFQ was also sent to five (5) consulting firms by the Engineering Division of the Public Works Department.

The collection of this geospatial data for the City's storm water system will assist with mapping the storm water as required by the National Pollution Discharge Elimination System (NPDES) stormwater permit. The mapping will also give the City information on locations and elevations of all stormwater structures. This information will be utilized for stormwater hydraulic modeling, comprehensive drainage planning, required mapping for compliance with permit to identify Illicit Detection Discharge Elimination (IDDE) and stormwater capital improvement planning. This survey will provide an accurate, electronic, easily-accessible storm sewer map and database from which the staff can quickly access valuable physical and historical information regarding the storm sewer system.

## **Discussion**

One (1) submittal was received, opened and reviewed on April 28, 2016.

The estimate for this work was \$50,000.00. Funds for the consulting services are in the approved 2015/2016 budget and paid for using the LB1226 Storm Water Grant Fund through the Nebraska Department of Environmental Quality (NDEQ). This work supports the City of Grand Island's Storm Water Management Plan.

The submittal from EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska was scored as a firm qualified to complete the required work. The agreement will be for

surveying approximately 1,515 storm water structures at an average cost of \$33.00 each, for a potential amount up to \$50,000.00. Previous surveys have completed 6,441 storm water structures.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the award to EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska for Geospatial Data Collection of Grand Island's Public Storm Water Conveyance System.

### **Sample Motion**

Move to approve the award.





Stacy Nonhof, Purchasing Agent

*Working Together for a  
Better Tomorrow, Today*

**REQUEST FOR QUALIFICATIONS  
FOR  
ENGINEERING CONSULTING SERVICES FOR  
GEOSPATIAL DATA COLLECTION OF GRAND ISLAND'S  
PUBLIC STORM WATER CONVEYANCE SYSTEM**

**RFP DUE DATE:** April 28, 2016 at 4:15 p.m.

**DEPARTMENT:** Public Works

**PUBLICATION DATE:** April 10, 2016

**NO. POTENTIAL BIDDERS:** 5

**SUMMARY OF PROPOSALS RECEIVED**

**EA Engineering, Science, and Technology, Inc.**  
**Lincoln, NE**

cc: John Collins, Public Works Director  
Marlan Ferguson, City Administrator  
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Assist.  
Renae Griffiths, Finance Director  
David Riddle, GIS Coordinator

**P1877**

RESOLUTION 2016-116

WHEREAS, the City Of Grand Island solicited consulting services for Geospatial Data Collection of Grand Island's Storm Water System, according to the Request For Qualifications (RFQ) on file with the Engineering Division of the Public Works Department; and

WHEREAS, on April 28, 2016 submittals were received, reviewed, and evaluated in accordance with established criteria in the RFQ; and

WHEREAS, EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska submitted a proposal in accordance with the terms of the Request for Proposals and all statutory requirements contained therein and the City Procurement Code with the work performed at an average cost of \$33.00 each for a possibility of 1,515 units for a potential total of \$50,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska for consulting services for Geospatial Data Collection of Grand Island's Storm Water System is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-16

**#2016-117 - Approving Agreement Amendment No. 3 with Olsson Associates for Professional Services Related to the Ext of Sanitary Sewer System in Wildwood Subdivision (Dist No. 528), from Wildwood Subdivision to I-80 (Dist No. 530T), and Sanitary Sewer Improvement Dist No. 2 (South of I-80)**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** May 10, 2016

**Subject:** Approving Agreement Amendment No. 3 with Olsson Associates for Professional Services Related to the Extension of Sanitary Sewer System in Wildwood Subdivision (District No. 528), from Wildwood Subdivision to Interstate 80 (District No. 530T), and Sanitary Sewer Improvement District No. 2 (South of Interstate 80)

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

On August 14, 2012, by Resolution No. 2012-206, City Council approved an agreement in the amount of \$235,150.00 with Olsson Associates of Grand Island, Nebraska for engineering consulting services for the extension of Grand Island's public sanitary sewer system in Wildwood Subdivision (District No. 528) and from Wildwood Subdivision to Interstate 80 (District No. 530T).

On February 11, 2014, by Resolution No. 2014-24, City Council approved Agreement Amendment No. 1 in the amount of \$267,035.00 with Olsson Associates for engineering consulting services related the Sewer Improvement District (SID) on both the north and south side of Interstate 80.

On June 23, 2015, by Resolution No. 2015-159, City Council approved Agreement Amendment No. 2 in the amount of \$40,000 with Olsson Associates for compensation of their work due to construction contract extensions granted to the contractor for both Sanitary Sewer District No. 528 and No. 530T.

The scope of this agreement entails coordination with the Nebraska Department of Environmental Quality (NDEQ) regarding the State Revolving Funds (SRF), easement acquisition, geotechnical investigation, sanitary sewer design, project permitting, bid phase services, construction observation, construction administration services, and project close-out for the sanitary sewer extension.

## **Discussion**

Extra construction phase services have occurred on Sanitary Sewer District No. 528 and Sanitary Sewer District No. 530T which include additional geotechnical borings and evaluation, project closeout coordination, site visits, and meeting with landowners and business owners regarding final restoration items. Sanitary Sewer Improvement District No. 2 (SID #2) has also incurred extra costs due to recent rains, and coordination with the utility companies in regards to Lift Station No. 25 and No. 26.

Such additional construction phase services have resulted in additional work for Olsson Associates, thus resulting in Amendment No. 3 to the original agreement, in the amount of \$38,448.00 for a revised agreement amount of \$580,633.00. If approved, total fees for engineering and project inspection services will represent less than 9% of overall project costs.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve Agreement Amendment No. 3 with Olsson Associates of Grand Island, Nebraska and pass a Resolution authorizing the Mayor to sign the agreement, for a total amount of \$38,448.00.

## **Sample Motion**

Move to approve the resolution.

## LETTER AGREEMENT AMENDMENT #3

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated August 17, 2012 between the City of Grand Island ("Client") and Olsson Associates, Inc. ("Olsson") providing for professional services for the following Project (the "Agreement"):

### **PROJECT DESCRIPTION AND LOCATION**

Project is located at: Highway 281 & Wildwood Road, Grand Island, NE

Project Description:

**Construction Phase Services and Contract Closeout for Wildwood Subdivision, Highway 281 Sewer, and SID #2 Sewer:** For Wildwood Subdivision/Highway 281 Sewer there has been additional construction phase services due to delays in final completion and closeout of the project. There have been multiple meetings and site visits in order to rectify final quantities and contractor change order items. There has been coordination with business owners and land owners in order to achieve acceptance of the project restoration. For the SID #2, there has been additional work due to recent rains, utility company inspections and coordination, and generation of final completion punch list items.

### **SCOPE OF SERVICES**

For services covered by this Contract Amendment No. 3, the Client agrees to pay Olsson as follows:

- A. Fees for Basic Services and Reimbursable Expenses for the additional geotechnical analysis shall be on a **time & material not-to-exceed** basis as follows:
1. Construction Phase Services and Contract Closeout for Wildwood Subdivision, Highway 281 Sewer and SID #2 Sewer: **\$30,000.00**.
  2. Additional geotechnical borings and evaluation, requested by the City, to verify soil conditions at Highway 281 bored casing in July 2015: **\$8,448.00**

### **COMPENSATION**

For the additional Scope of Services specifically set forth in this Amendment, Client shall pay Olsson the following fee in addition to the fee(s) set forth in the Agreement:

Client shall pay to Olsson for the performance of the Scope of Services, the actual time of personnel performing such services, and all actual reimbursable expenses in accordance with the original Agreement. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date.

Olsson's Scope of Services will be provided on a time and expense basis not to exceed **Thirty Eight Thousand, Four Hundred Forty Eight Dollars (\$38,448.00)**.

A-1

**TERMS AND CONDITIONS OF SERVICE**

All provisions of the original Agreement not specifically amended herein shall remain unchanged.

If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.

**OLSSON ASSOCIATES**

By   
Joe Baxter, PE

By   
Dave Ziska, PE

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

**CITY OF GRAND ISLAND "Client"**

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

By \_\_\_\_\_

Title \_\_\_\_\_

F:\projects\012-1867\Documents\Contracts\IowaTrenchlessLitigationAmendment041916.doc



## RESOLUTION 2016-117

WHEREAS, on August 14, 2012, by Resolution No. 2012-206 Grand Island City Council approved engineering consulting services with Olsson Associates of Grand Island, Nebraska for the extension of Grand Island's public sanitary sewer system in Wildwood Subdivision (District No. 528) and from Wildwood Subdivision to Interstate 80 (District No. 530T) in the amount of \$235,150.00; and

WHEREAS, on February 11, 2014, by Resolution No. 2014-24 Grand Island City Council approved Agreement Amendment No. 1 in the amount of \$267,035.00, to the original agreement with Olsson Associates to include further coordination with NDEQ for the SRF funding, as well as easement acquisition, geotechnical investigation, demolition of two existing private wastewater package plants and lift stations, design of two City of Grand Island standard lift stations, sanitary sewer force main design, project permitting, bid phase services, construction administration services, construction observation, and project closeout for the SID force main portion of the sanitary sewer extension to Interstate 80; and

WHEREAS, on June 23, 2015, by Resolution No. 2015-159, City Council approved Agreement Amendment No. 2 in the amount of \$40,000 to the original agreement with Olsson Associates for compensation of their work due to construction contract extensions granted to the contractor for both Sanitary Sewer District No. 528 and No. 530T; and

WHEREAS, it is necessary to compensate Olsson Associates for their work in additional construction phase services on Sanitary Sewer District No. 528, Sanitary Sewer District No. 530T, and Sanitary Sewer Improvement District No. 2; and

WHEREAS, the cost of such additional work is \$38,448.00, resulting in a revised agreement of \$580,633.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement Amendment No. 3 between the City of Grand Island and Olsson Associates of Grand Island, Nebraska for engineering consulting services for the extension of Grand Island's public sanitary sewer system in Wildwood Subdivision (District No. 528), from Wildwood Subdivision to Interstate 80 (District No. 530T), and Sanitary Sewer Improvement District No. 2 (south of Interstate 80) is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement amendment on behalf of the City of Grand Island.

- - -

Approved as to Form	by _____
May 6, 2016	City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item G-17

**#2016-118 - Approving Agreement with IMS Infrastructure Management Services for 2016 Pavement Condition Assessment, Traffic Control Sign Inventory, Pavement Markings Inventory, and Sidewalk Inventory**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** May 10, 2016

**Subject:** Approving Agreement with IMS Infrastructure Management Services for 2016 Pavement Condition Assessment, Traffic Control Sign Inventory, Pavement Markings Inventory, and Sidewalk Inventory

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

A Request for Proposals (RFP) for 2016 Pavement Condition Assessment, Pavement Management Services, Public Right-of-Way Digital Imagery, Traffic Control Sign Inventory and Pavement Markings Inventory was advertised in the Grand Island Independent on March 3, 2016. The RFP was also sent to seven (7) potential proposers by the Engineering Division of the Public Works Department.

The City is required to assess roadway pavement every three (3) years, at a minimum. Such assessment is used to determine roadways that become part of the annual maintenance project, as well as roadways that require more substantial work or rebuild. This information is also used for the City's annual audit and for GASB 34 (GASB 34 provides a comprehensive framework for financial reporting with the objective of making annual reports easier to understand and more useful to the people who rely upon the financial condition contained therein. The most significant aspect of Statement 34 was that for the first time general infrastructure assets (such as roads, bridges and dams) were to be reported together with related depreciation or preservation costs.

## **Discussion**

Five (5) proposals were received on March 22, 2016, with evaluation of each by Public Work staff based on established criteria in the RFP. The pavement condition assessment was a requirement of the scope of services, with optional services to develop a five-year pavement preservation work plan, digital imagery of the public right-of-way, sign inventory and street pavement marking inventory.

IMS Infrastructure Management Services was selected as the best qualified firm to perform the requested services. As part of the proposal IMS Infrastructure Management Services offered optional services they are able to perform to aid the City in establishing

walkability projects. An agreement was negotiated for the services to be performed at actual costs with a maximum amount of \$194,365.00, and includes pavement condition assessment, traffic control sign inventory, pavement markings inventory, and trails/sidewalk survey & inventory. It is anticipated that all work will be completed before the end of this fiscal year.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the agreement with IMS Infrastructure Management Services for pavement management services, traffic control sign inventory, pavement markings inventory, and sidewalk inventory to be performed at actual costs with a maximum amount of \$194,365.00.

### **Sample Motion**

Move to approve the agreement.



Stacy Nonhof, Purchasing Agent

*Working Together for a  
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL  
FOR  
2016 PAVEMENT MANAGEMENT SERVICES**

**RFP DUE DATE:** March 22, 2016 at 4:00 p.m.

**DEPARTMENT:** Public Works

**PUBLICATION DATE:** March 3, 2016

**NO. POTENTIAL BIDDERS:** 7

**SUMMARY OF PROPOSALS RECEIVED**

**IMS Infrastructure Management Services, Inc.**  
Tempe, AZ

**Cartegraph**  
Dubuque, IA

**Snyder & Associates, Inc.**  
Ankeny, IA

**Applied Research Associates**  
Champaign, IL

**MDS Technologies, Inc.**  
Park Ridge, IL

cc: John Collins, Public Works Director  
Marlan Ferguson, City Administrator  
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Assist.  
Renae Griffiths, Finance Director  
Tim Golka, PW Engineer I

**P1874**

## AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between **IMS INFRASTRUCTURE MANAGEMENT SERVICES, LLC** hereinafter called the Consultant, and the **City of Grand Island, Nebraska**, hereinafter called the City.

WITNESSETH:

THAT, WHEREAS, in accordance with law, the City has caused agreement documents to be prepared and an advertisement of ***Request for Proposals for Pavement Management Services, Traffic Control Sign Inventory, Pavement Markings Inventory and Sidewalk Inventory for the City of Grand Island***, and

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined, and canvassed the qualifications submitted, and has determined that the aforesaid Consultant submitted the best qualifications based on the evaluation criteria listed in the Request For Qualifications, a copy thereof being attached to and made a part of this agreement, and has duly awarded to the said Consultant an agreement therefore, for the sum or sums named in the ***Request for Proposals*** with terms & conditions submitted by the Consultant, a copy thereof being attached to and made a part of this agreement;

NOW, THEREFORE, in consideration of the compensation to be paid to the Consultant and of the mutual agreements herein contained, the parties have agreed and hereby agree, the City for itself and its successors, and the Consultant for itself, himself, or themselves, and its, his (hers), or their successors, as follows:

ARTICLE I. That the Consultant shall (a) furnish all tools, equipment, superintendence, transportation, and other construction materials, services and facilities; (b) furnish, as agent for the City, all materials, supplies and equipment specified and required to be incorporated in and form a permanent part of the completed work; (c) provide and perform all necessary labor; and (d) in a good substantial and workmanlike manner and in accordance with the requirements, stipulations, provisions, and conditions of the agreement documents as listed in the attached ***Request for Proposals for Pavement Management Services, Traffic Control Sign Inventory, Pavement Markings Inventory and Sidewalk Inventory for the City of Grand Island*** and in the attached ***Request for Proposals*** as submitted by the Consultant; said documents forming the agreement and being as fully a part thereof as if repeated verbatim herein, perform, execute, construct and complete all work included in and covered by the City's official award of this agreement to the said Consultant, such award being based on the acceptance by the City of the Consultant's qualifications;

ARTICLE II. That the City shall pay to the Consultant for the performance of the work embraced in this agreement and the Consultant will accept as full compensation therefore the sum (subject to adjustment as provided by the agreement) of ***One Hundred Ninety Four Thousand Three Hundred Sixty Five and 00/100 Dollars (\$194,365.00)*** for all services, materials, and work covered by and included in the agreement award and designated in the foregoing Article I; payments thereof to be made in cash or its equivalent in the manner provided in the agreement.

ARTICLE III. The Consultant hereby agrees to act as agent for the City in purchasing materials and supplies for the City for this project. The City shall be obligated to the vendor of the materials and supplies for the purchase price, but the consultant shall handle all payments hereunder on behalf of the City. The vendor shall make demand or claim for payment of the purchase price from the City by submitting an invoice to the Consultant. Title to all materials and supplies purchased hereunder shall vest in the City directly from the vendor. Regardless of the method of payment, title shall vest immediately in the City. The Consultant shall not acquire title to any materials and supplies incorporated into the project. All invoices shall bear the consultant's name as agent for the City. This paragraph will apply only to these materials and supplies actually incorporated into and becoming a part of the finished product of attached ***Request for Proposals for Pavement Management Services, Traffic Control Sign Inventory, Pavement Markings Inventory and Sidewalk Inventory for the City of Grand Island***.



ARTICLE IV. That the Consultant shall start work as soon as possible after the agreement is signed.

ARTICLE V. The Consultant agrees to comply with all applicable State fair labor standards in the execution of this agreement as required by Section 73-102, R.R.S. 1943. The Consultant further agrees to comply with the provisions of Section 48-657, R.R.S. 1943, pertaining to contributions to the Unemployment Compensation Fund of the State of Nebraska. During the performance of this agreement, the Consultant and all Sub Consultants agree not to discriminate in hiring or any other employment practice on the basis of race, color, religion, gender, national origin, age or disability. The Consultant agrees to comply with all applicable Local, State and Federal rules and regulations.

ARTICLE VI. The City of Grand Island, Nebraska operates on a fiscal year beginning October 1st and ending on the following September 30th. It is understood and agreed that any portion of this agreement which will be performed in a future fiscal year is contingent upon the City Council adopting budget statements and appropriations sufficient to fund such performance.

ARTICLE VII. GRATUITIES AND KICKBACKS: City Code states that it is unethical for any person to offer, give, or agree to give any City employee or former City employee, or for any City employee or former City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or an agreement or sub agreement, or to any solicitation or proposal therefore. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a Sub Consultant under an agreement to the prime Consultant or higher tier Sub Consultant or any person associated therewith, as an inducement for the award of a Sub Consultant to order.

ARTICLE VIII. FAIR EMPLOYMENT PRACTICES: Each proposer agrees that they will not discriminate against any employee or applicant for employment because of age, race, color, religious creed, ancestry, handicap, sex or political affiliation.

ARTICLE IX. LB 403: Every public consultant and his, her or its sub-consultants who are awarded an agreement by the City for the physical performance of services within the State of Nebraska shall register with and use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

***IMS INFRASTRUCTURE MANAGEMENT SERVICES, LLC***

By \_\_\_\_\_

Title \_\_\_\_\_

***CITY OF GRAND ISLAND, NEBRASKA,***

By \_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest: \_\_\_\_\_  
RaNae Edwards, City Clerk

The agreement is in due form according to law and is hereby approved.

\_\_\_\_\_  
Stacy Nonhof, Asst. City Attorney

**APPENDIX A – TITLE VI NON-DISCRIMINATION -**

During the performance of this agreement, the consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "consultant") agrees as follows:

- (1) **Compliance with Regulations:** The consultant shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.
- (2) **Nondiscrimination:** The Consultant, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of sub-consultants, including procurements of materials and leases of equipment. The consultant shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the agreement covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Sub-consultants, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the consultant for work to be performed under a sub-agreement, including procurements of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the consultant of the consultant's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The consultant shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Grand Island or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information the consultant shall so certify to the City of Grand Island, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the consultant's noncompliance with the nondiscrimination provisions of this agreement, the City of Grand Island shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the consultant under the agreement until the consultant complies, and/or
  - (b.) cancellation, termination or suspension of the agreement, in whole or in part.
- (6) **Incorporation of Provisions:** The consultant shall include the provisions of paragraphs (1) through (6) in every sub-agreement, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The consultant shall take such action with respect to any sub-agreement or procurement as the City of Grand Island or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a consultant becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the consultant may request the City of Grand Island to enter into such litigation to protect the interests of the City of Grand Island, and, in addition, the consultant may request the United States to enter into such litigation to protect the interests of the United States.

# Scope, Budget, & Schedule Memorandum



**To:** Tim Golka, P.E., Project Engineer  
**From:** Jim Tourek, Manager of Client Services  
**Subject:** Scope, Budget, & Schedule

**Date:** April 22, 2016  
**Project:** City of Grand Island  
**Project No:**

## DETAILED PROJECT SCOPE

Task	Description	Activities	Deliverables
<b>Base Project Activities:</b>			
1.	Project Initiation & Kick-off Meeting	<ul style="list-style-type: none"><li>• Conduct kick off meeting confirming scope, extent and content of surveys, set milestones and deliverables.</li><li>• Confirm key contacts, roles and responsibilities, and project documentation.</li><li>• Identify location of key data elements such as traffic data, GIS, existing roadway inventories, historical data, and pavement management data.</li><li>• Identify deficient data and the means to obtain it.</li><li>• Provide data QA plan to City.</li><li>• Confirm phases of the work and invoicing methodology.</li></ul>	Technical memo detailing scope of work, budget and deliverables.
2.	Network Referencing & GIS Linkage	<ul style="list-style-type: none"><li>• Complete a brief review of the City's current GIS environment and assess suitability for pavement management purposes.</li><li>• Using the City's existing GIS centerline topology, update existing street inventory for use in Cartegraph and create a fixed link between the inventory and GIS using a unique identifier.</li><li>• Include street number and block order in referencing.</li><li>• Harmonize street names between GIS and Cartegraph (Note: GIS wins any differences).</li><li>• Link each segment to its parent GIS section.</li><li>• Obtain roadway attributes from GIS for functional class, traffic, width, length, pavement type, curb type, etc. If not available, devise plan to obtain them.</li><li>• Create survey maps for use by the RST and client review.</li></ul>	Survey maps and inventory for use on the project.
3.	Mobilization/Calibration, Map Review, & Pre-Survey Meeting	<ul style="list-style-type: none"><li>• Mobilize surface distress, roughness, and rutting testing equipment to project.</li><li>• Crew to review the survey maps with the City.</li><li>• Demonstrate the equipment to the City.</li><li>• Calibrate equipment.</li></ul>	Equipment calibration results
4.	Pavement Condition Field Data Collection	<ul style="list-style-type: none"><li>• Complete single pass testing on local roads and double pass testing on majors; collect ASTM distresses and attributes at 100-foot intervals on a block by block basis. IMS will survey approximately 300 centerline miles of roadway.</li></ul>	Complete two passes on major roadways. Approximately 375 test miles.

**City of Grand Island**  
**Scope, Budget, and Schedule – 2016 Pavement Management Program**

---

		<ul style="list-style-type: none"> <li>• Possible expansion of distresses to a modified ASTM D6433 protocol. Distresses to include longitudinal, transverse, alligator, and block cracking, raveling, bleeding, patches/potholes, rutting, roughness, and distortions.</li> <li>• Laser based RST will incorporate the use of 11 lasers and rate gyroscopes, digital images, touch screen event board, and GPS acquisition.</li> <li>• Dual wheel path testing collecting International Roughness Index (IRI) data.</li> </ul>	
5.	Pavement Attributes Data Collection	<ul style="list-style-type: none"> <li>• Collect/confirm attributes in the field such as curb presence by segment (C&amp;G, ditch, none).</li> <li>• Collect/confirm asphalt height above lip of gutter using a 3 severity approach where low is flush; moderate is over lip but &lt; 1"; and high is &gt; 1".</li> <li>• Roadway cross fall - report average on a section basis.</li> <li>• Edge drop-off – record edge drop-off into categories of low (&lt; 4"), moderate (4"- 8"), severe (&gt; 8").</li> </ul>	Complete two passes on major roadways. Approximately 375 test miles.
6.	Condition Data Shape File/ KMZ File Development & Delivery	<ul style="list-style-type: none"> <li>• Develop shape files for City distribution.</li> <li>• Sectional data to be plotted.</li> <li>• Up to 3 pavement shape files will be developed for the City. The files can illustrate the results of the survey.</li> </ul>	Delivery of shape files.
7.	OCI Spreadsheet Development (by Segments) & Summary Report	<p>Following the field surveys and data processing, complete the following analysis:</p> <ul style="list-style-type: none"> <li>• Present status and OCI report in Excel format c/w OCI charts and backlog.</li> <li>• Fix all needs analysis, budget and summary report.</li> <li>• Budget driven analysis (\$/yr estimate).</li> <li>• Integrate City capital plans and "must do's" (\$ to hit set OCI and backlog target).</li> </ul>	Draft analysis and report. Up to 5 models/ budget analysis options will be completed.
8.	Project Management	<ul style="list-style-type: none"> <li>• Provide client with periodic e-mail updates and reports.</li> <li>• Meetings to be completed on-site and by conference calls.</li> <li>• Complete project administration and invoicing.</li> </ul>	Status reports and invoices
9.	Operating Parameters, Analysis & 5-Year M&R Work Plan	<ul style="list-style-type: none"> <li>• Review and update the distress protocols used in the collection of condition data being loaded into Cartegraph.</li> <li>• Review existing Cartegraph operating parameters – performance curves, rehab strategies, unit rates, etc.</li> <li>• Provide recommendations to enhance the operating parameters of the Cartegraph software. Updates to be made thereafter.</li> <li>• Review and update the methodology utilized to calculate the Overall Condition Index score.</li> </ul>	Technical memo of data collection protocols. Memo detailing the results of the operating parameters review.
10.	Consultant-led 6-hour Workshop at City	<ul style="list-style-type: none"> <li>• Provide client with feasibility, cost and useful life of the various preventive maintenance treatments for asphalt and concrete pavements</li> <li>• Review the Principles of Pavement Management and how to keep the system up-to-date.</li> </ul>	1-day, 6-hour session with consultant with pavement expertise.
11.	Digital Image Data Collection	<ul style="list-style-type: none"> <li>• On all roadways, perform GPS and forward-view digital images data collection. Local roadways will receive a single pass.</li> <li>• 1 forward facing camera will be utilized to capture images at 25-foot intervals.</li> </ul>	Forward-view digital Images at 20-foot intervals.

**City of Grand Island**  
**Scope, Budget, and Schedule – 2016 Pavement Management Program**

12. & 12 a-c.	Network Camera Angles (3-Views) for Asset Development & Database Development	<ul style="list-style-type: none"> <li>• Mount 3-digital cameras on RST van for capturing multi-view video.</li> <li>• Collect video tape of City's ROW network (3-views) for processing and asset database development.</li> <li>• Utilize field collected video in conjunction with the development of an asset library (Sidewalks, Traffic Control Signs &amp; Pavement Markings).</li> <li>• Develop a Master Asset List used to define attributes.</li> <li>• Utilizing the right of way digital images and GPS data, develop a detailed ROW Asset inventory for entire roadway network.</li> <li>• Note Asset condition using Good/ Fair/ Poor notations.</li> <li>• Utilize RST imagery, aerial photos and in-house GIS tools to place signs in a positional-correct manner.</li> </ul>	<p>Process video tape of City's ROW network (3-views)</p> <p>Supply City with video in h.264 format on a terabyte external hard drive.</p> <p>Technical memo with City - approved MAL attributes.</p> <p>Personal geodatabase with asset inventory.</p>
---------------	--	--	---

**ANTICIPATED PROJECT SCHEDULE**

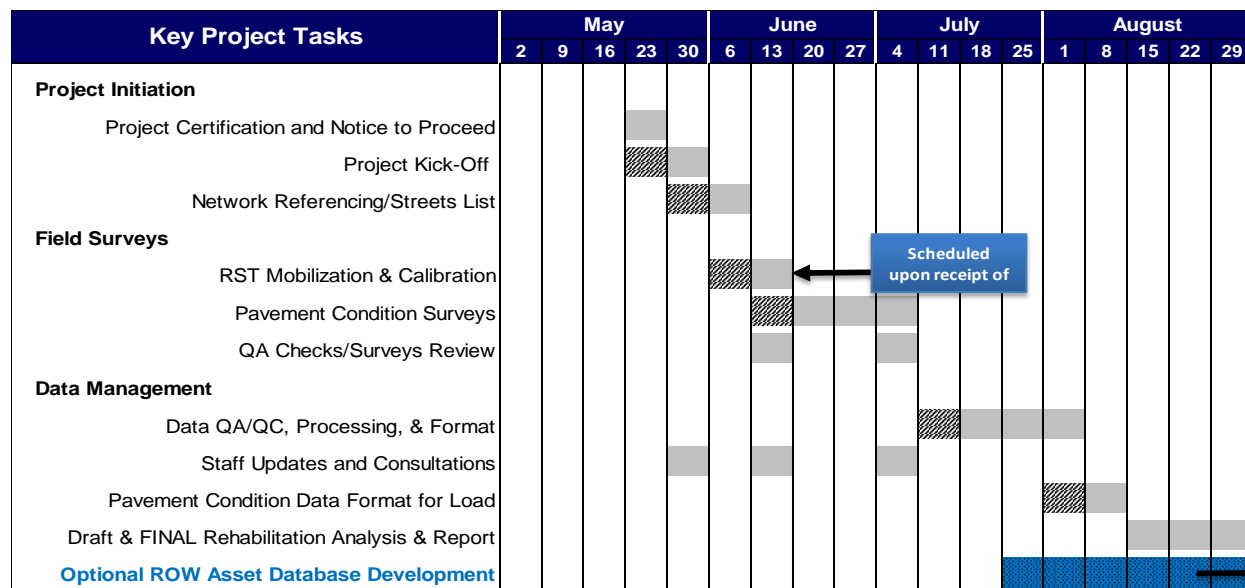
Currently, IMS has a total capacity to complete 2,500 miles/month based on urban surveys, so completing Grand Island surveys in a timely fashion is not an issue.

Field surveys are expected to progress at a conservative rate of 25 to 35 miles per day in urban areas increasing to 75 miles per day in rural environments. Surveys usually proceed at 5.5 to 6 days per week depending on weather, congestion and statutory holidays. On all projects three rate determining functions rise to the top as being critical in maintaining the proposed project schedule. In general it is not the surveys that take the longest time, but rather handling the data that makes project schedules slide. Three important steps are highlighted below:

The schedule presented below has a total of three weeks float built into the work plan. Should these not be required, the schedule would advance accordingly. Within the schedule we have provided allowances for general factors such as weather, maintenance, and client meetings.

**PROJECT SCHEDULE:**

Elapsed time for the City of Grand Island field surveys is estimated at **3 weeks**, depending on weather.



City of Grand Island  
Scope, Budget, and Schedule – 2016 Pavement Management Program

**PROPOSED BUDGET:**

2016 City of Grand Island - Pavement Condition Assessment (Full Network)

Task	Activity	Quant	Units	Unit Rate	Total
<b><u>Project Initiation</u></b>					
1	Project Initiation and Kick-off Meeting	1	LS	\$3,000.00	\$3,000.00
2	Network Referencing and GIS Linkage	375	T-Mi	\$20.00	\$7,500.00
<b><u>Field Surveys</u></b>					
3	Mobilization/Calibration (for 2-pass testing of Arterials & Collectors)	1	LS	\$3,000.00	\$3,000.00
4	Pavement Condition Field Data Collection (SDI & IRI)	375	T-Mi	\$110.00	\$41,250.00
<b><u>Data Management</u></b>					
5	Data QA/QC, Processing, Format and Supply	375	T-Mi	\$20.00	\$7,500.00
6	Shape File/PGD & KMZ File Development & Delivery (by Segments)	1	LS	\$3,500.00	\$3,500.00
7	OCI Spreadsheet Development (by Segments) & Summary Report	1	LS	\$4,500.00	\$4,500.00
8	Project Management	1	LS	\$4,740.00	\$4,740.00
9	<b>Operating Parameters, Analysis &amp; 5-Year M&amp;R Work Plan</b>	1	LS	<b>\$5,000.00</b>	<b>\$5,000.00</b>
10	<b>Consultant-led 8-hour Workshop at City</b>	1	LS	<b>\$4,000.00</b>	<b>\$4,000.00</b>
<b>Provide an overview of the Pavement Management Work Plan</b>					
11	<b>Collection of Digital Imagery (1-FW View, 25 Foot Intervals)</b>	375	T-Mi	<b>\$15.00</b>	<b>\$5,625.00</b>
12	<b>ROW Assets: HD Video Collection &amp; Calibration (3-Views)</b>	375	T-Mi	<b>\$20.00</b>	<b>\$7,500.00</b>
12a.	<b>Traffic Control Sign Database Development (approx. 8,500)</b>	375	T-Mi	<b>\$100.00</b>	<b>\$37,500.00</b>
12b.	<b>Pavement Markings Database Development</b>	375	T-Mi	<b>\$60.00</b>	<b>\$22,500.00</b>
12c.	<b>Sidewalk Database Development</b>	375	T-Mi	<b>\$50.00</b>	<b>\$18,750.00</b>
<b>Project Total:</b>					<b>\$175,865.00</b>

Please note: If operating in Cartegraph OMS only, Tasks 5 & 7 are based on IMS formatting a .csv file to meet Cartegraph specifications.

**Optional Service Items and Activities**


12d.	Curb & Gutter Database Development	375	T-Mi	\$50.00	\$18,750.00
13	City Council Presentation	1	LS	\$3,500.00	\$3,500.00
14	Dynaflect Mobilization	1	LS	\$2,500.00	\$2,500.00
15	Deflection Testing (2-pass test Arterials & Collectors)	164	T-Mi	\$120.00	\$19,680.00
16	Traffic Control for Deflection Testing	72	HR	\$108.00	\$7,776.00
17	<b>Browser Based Image Data Viewer (City-hosted)</b>	1	LS	<b>\$7,500.00</b>	<b>\$7,500.00</b>
18	<b>Browser Based Image Data Viewer (IMS-hosted add, year 2)</b>	1	Annual	<b>\$1,500.00</b>	<b>\$1,500.00</b>
19	<b>Mobilization/Calibration SST for Trails/ Sidewalk Survey</b>	1	LS	<b>\$3,000.00</b>	<b>\$3,000.00</b>
20	<b>SST Sidewalk Survey*(Survey of Trails &amp; non-roadway sidewalks) - Requires completion of task 12 &amp; 12c (+/- 12.5 miles)</b>	1	LS	<b>\$6,500.00</b>	<b>\$6,500.00</b>

\* Note: Mileage shown for Task 20 is based on Map rec'd on 4/21 where IMS would survey non-ROW using S

Thank you for considering IMS as a viable solution to your pavement management needs and we will strive to remain an asset and extension of the City of Grand Island staff and team. If any questions arise please do not hesitate to contact me at (480) 839-4347 or [jtourek@ims-rst.com](mailto:jtourek@ims-rst.com).

Regards,

**IMS Infrastructure Management Services**



Jim Tourek  
West Region Manager of Client Services



RESOLUTION 2016-118

WHEREAS, on March 3, 2016 the Engineering Division of the Public Works Department for the City of Grand Island, advertised for Request for Proposals for Consulting Services for Pavement Condition Assessment, Pavement Management Services, Public Right-of-Way Digital Imagery, Traffic Control Sign inventory and Pavement Markings Inventory; and

WHEREAS, on March 22, 2016 Proposals for such services were opened and evaluated by Public Works staff based on established criteria; and

WHEREAS, the proposal submitted by IMS Infrastructure Management Services, LLC of Tempe, Arizona received the highest ranking based on the established criteria; and

WHEREAS, such work will consist of pavement condition assessment, traffic control sign inventory, pavement markings inventory, and trails/sidewalk survey & inventory; and

WHEREAS, the agreement was negotiated for the work to be performed at actual costs with a maximum amount of \$194,365.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement with IMS Infrastructure Management Services, LLC of Tempe, Arizona for actuals costs with a maximum amount of \$194,365.00 for pavement condition assessment, traffic control sign inventory, pavement markings inventory, and trails/sidewalk survey & inventory is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to enter into such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item I-1

**#2016-119 - Consideration of Approving Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class “D” Liquor License and Liquor Manager Designation for Veronica Alvarez, 609 So. Stuhr Road**

*This item relates to the aforementioned Public Hearing item E-1.*

Staff Contact: RaNae Edwards

RESOLUTION 2016-119

WHEREAS, an application was filed by La Mexicana, Inc. doing business as La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 30, 2016; such publication cost being \$16.77; and

WHEREAS, a public hearing was held on May 10, 2016 for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations:

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends approval of Veronica Alvarez, 609 So. Sthur Road, 2223 Bellwood #175 as liquor manager of such business.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2016	☐ City Attorney



# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item I-2

**#2016-120 - Consideration of Approving Resolution Directing  
Property Owner to Repair Sidewalk at 103 West 3rd Street**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** May 10, 2016

**Subject:** Resolution Directing Property Owner to Repair Sidewalk at 103 West 3<sup>rd</sup> Street

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

On March 29, 2016 Code Enforcement was notified of the sidewalk in disrepair at 103 West 3<sup>rd</sup> Street. Public Works Administration was contacted by Code Enforcement for an opinion on the condition of the sidewalk and whether repairs were necessary to make the area safe for pedestrians. Upon inspection of such sidewalk it was determined by Public Works Engineering that such sidewalk did require repair and Code Enforcement was notified of such. Contact was made with the property owner on March 30, 2016 by Code Enforcement and a copy of City Code Section 32-58 was provided and the violation explained with 30 days given to correct.

As of April 29, 2016 the necessary repairs were not made, and Public Works Administration was notified by Code Enforcement to request City Council order necessary repairs be completed.

## **Discussion**

The Public Works Department is requesting that a resolution be passed giving the property owner 15 days to obtain the sidewalk permit and 15 days from issuance of such permit to complete the repairs of the sidewalk at 103 West 3<sup>rd</sup> Street (Lots 1 & 2, Block 66, Original Town, Grand Island, Hall County, Nebraska), as this is a public safety concern.

If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs 15 days after such permit is issued, the City of Grand Island will take steps to make the necessary repairs with all costs being the responsibility of the property owner.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve a resolution directing the property owner to obtain a permit and repair the sidewalk located at 103 West 3<sup>rd</sup> Street (Lots 1 & 2, Block 66, Original Town, City of Grand Island, Hall County, Nebraska).

## **Sample Motion**

Move to approve a resolution directing the property owner to obtain a sidewalk permit and repair the sidewalk.

RESOLUTION 2016-120

WHEREAS, the City has the authority under Neb. Rev. Stat., §16-662 and Section 32-58 of the City Code, to direct the repair and replacement of sidewalks by owners of the abutting property; and

WHEREAS, the sidewalk abutting 103 West 3<sup>rd</sup> Street, legally described as Lots 1 & 2, Block 66, Original Town, City of Grand Island, Hall County, Nebraska, has been determined to be in need of repair and replacement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that notice be sent to the property owner to obtain a sidewalk permit within 15 days and within 15 days of such permit issuance to make the necessary repairs to the sidewalk abutting the property located at 103 West 3<sup>rd</sup> Street (Lots 1 & 2, Block 66, Original Town, City of Grand Island, Hall County, Nebraska). If the property owner fails to either obtain the sidewalk permit in the 15 day timeframe or complete the necessary repairs within 15 days of such permit issuance, the City will cause the work to be done and assess the cost against the property.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2016.

---

Jeremy L. Jensen, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
May 6, 2016	▣ City Attorney





# City of Grand Island

Tuesday, May 10, 2016

Council Session

## Item J-1

### **Approving Payment of Claims for the Period of April 27, 2016 through May 10, 2016**

*The Claims for the period of April 27, 2016 through May 10, 2016 for a total amount of \$4,100,358.72.  
A MOTION is in order.*

Staff Contact: Renae Griffiths