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# City of Grand Island



**Tuesday, May 24, 2016**  
**Council Session Packet**

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**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**

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**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.

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**Invocation - Pastor Dan Brenton, Evangelical Free Church, 2609 South Blaine Street**

**Pledge of Allegiance**

**Roll Call**

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### **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.

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### **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 24, 2016

Council Session

## Item D-1

**#2016-BE-4 - Consideration of Determining Benefits for Sanitary Sewer District No. 537T, Ext of Sanitary Sewer to Serve Lot 1 & Lot 2, TLST Spiels Subdivision and Part of the N 10 Acres of the W Half of the NW Quarter (W1/2NW1/4) All In Section 10, Township 11N, Range 9W**

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

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

# **Council Agenda Memo**

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

**Meeting:** May 24, 2016

**Subject:** Consideration of Determining Benefits for Sanitary Sewer District No. 537T, Extension of Sanitary Sewer to Serve Lot One (1) And Lot Two (2), TLST Spiehs Subdivision And Part Of The North Ten (10) Acres Of The West Half Of The Northwest Quarter (W1/2NW1/4) All In Section Ten (10), Township Eleven (11) North, Range Nine (9) West, Hall County, Nebraska

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

## **Background**

The Certificate of Final Completion for Sanitary Sewer District No. 537T was approved on March 8, 2016 with April 12, 2016 set as the date for Council to sit as the Board of Equalization. Due to legal description concerns with affected properties this item was pulled from the April 12, 2016 council meeting to allow sufficient time to ensure all documents are correct and legal for filing with Hall County Register of Deeds.

All work has been completed and special fees have been calculated for the tap district.

## **Discussion**

Sanitary Sewer District No. 537T was created by City Council on November 10, 2015, via Ordinance No. 9564. Such sanitary sewer district construction was combined with North Interceptor Phase II work.

Work on the tap district was completed at a total price of \$177,026.57. Costs for the district break down as follows:

	Quantity	Unit	Unit Cost	Total Cost
8" Sanitary Sewer Line	1269.00	LF	\$ 65.80	\$ 83,500.20
4" Sanitary Sewer Service	104.00	LF	\$ 70.00	\$ 7,280.00
Sanitary Sewer Service Connection	13.00	EA	\$ 1,000.00	\$ 13,000.00
48" Diameter Manhole	7.00	EA	\$ 4,550.00	\$ 31,850.00
Tree Removal	1.00	LS	\$ 6,825.00	\$ 6,825.00
Lawn Seed application	1.14	AC	\$ 1,100.00	\$ 1,254.00



Remove and Replace Fence (wire)	794.00	LF	\$ 6.00	\$ 4,764.00
Remove and Replace Fence (wood board)	126.00	LF	\$ 21.53	\$ 2,712.78
Remove and Reset Playground Equipment	1.00	LS	\$ 500.00	\$ 500.00
Miscellaneous Removals	1.00	LS	\$ 500.00	\$ 500.00
Mobilization	1.00	LS	\$ 7,609.30	\$ 7,609.30
<b><i>SUBTOTAL</i></b>				<b><i>\$ 159,795.28</i></b>
Easements				
Temporary Easements (3)	1.00	LS	\$ 2,500.00	\$ 2,500.00
Permanent Easements (2)	1.00	LS	\$ 1,000.00	\$ 1,000.00
<b><i>SUBTOTAL</i></b>				<b><i>\$ 3,500.00</i></b>
Engineering Costs	1.00	LS	\$ 13,731.29	\$ 13,731.29
<b><i>SUBTOTAL</i></b>				<b><i>\$ 13,731.29</i></b>

***TOTAL DISTRICT 537T COSTS \$ 177,026.57***

<b><i>CREDIT – Cast in Place Concrete Manhole</i></b>	<b><i>1.00</i></b>	<b><i>LS</i></b>	<b><i>(\$80,000.03)</i></b>	<b><i>(\$ 80,000.03)</i></b>
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***TOTAL DISTRICT 537T CREDITS (\$ 80,000.03)***

<b><i>TOTAL DISTRICT 537T COLLECTABLE FEES</i></b>	<b><i>\$ 97,026.54</i></b>
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That cost is apportioned to each of the properties within the district based upon equal division of lots served to determine the connection fee. Properties that have already made connection to the sanitary sewer main prior to installation of the new main will be given credit towards their tap fee calculation from their pre-existing sanitary sewer agreement. Connection fees will be collected prior to the properties being connected to City sanitary sewer service. Unlike an assessment district which allows for payments to be spread over a 10 year period at 7% simple interest with the first payment of principle only due 10 days after the ordinance is filed, the tap fees are not due until such time the property owner chooses to connect to the City sanitary sewer main and is due in full at that time.

Property Owner	Address	Previous Fees Paid
Sergio Urbina	805 E Capital Ave	\$1,112.76
Total Previous Fees Paid		\$1,112.76

The allocation for District 537T was completed at a construction price of \$177,026.57, with existing agreement credits of \$1,112.76 and a contract credit of \$80,000.03 for a revised tap fee total of \$95,913.78.

## **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**

Public Works Administration recommends that the Council sit as the Board of Equalization to determine benefits and pass an Ordinance to levy a Special Tap Fee to individual properties.

### **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution determining benefits for Sanitary Sewer District No. 537T.

(Sample Motion for the Ordinance)

Move to approve the Ordinance levying the tap fees for Sanitary Sewer District No. 537T.

RESOLUTION NO. 2016-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution No. 2016-BE-4 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island at time such property becomes connected to the sanitary sewer main. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

According to the front foot and area of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 537T, such benefits are the sums set opposite the descriptions as follows:

Parcel No.	Owner	Legal Description	Connection Fee
400205955	Jose Haro Martha Haro	The North One Hundred Eighty Two (182.0) feet of a certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), which point is one Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the said North Ten (10) acres Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the said North Ten (10) acres One Hundred Thirty Four and Seven Tenths (134.7) feet to a point on the West line of the said North Ten (10) acres; running thence North upon and along the West line of the said North Ten (10) acres Three Hundred	\$7,463.58

Approved as to Form    ☐ \_\_\_\_\_  
May 20, 2016                      ☐ City Attorney

RESOLUTION NO. 2016-BE-4 (Cont.)

		Thirty One (331.0) feet to the Northwest corner of the said North Ten (10) acres; running thence East upon and along the North line of the said North Ten (10) acres One Hundred Thirty Three and Nine Tenths (133.9) feet to the actual point of beginning; EXCEPT the South Fifty (50.0) feet of said North One Hundred Eighty Two (182.0) feet thereof; and subject to one-half (½) of the County Road to the North and West of said premises.	
400205963	Juan Rico Anna M Villa De Rico	The South Fifty (50) feet of the North One Hundred Eighty Two (182.0) feet of that part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of said Section Ten (10), a distance of One Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section; running thence South parallel to the East line of said West Half of the Northwest Quarter (W ½ NW ¼) of said Section for a distance of Three Hundred Thirty One (331.0) feet; running then West parallel to the North line of said Section Ten (10), a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet, more or less, to a point on the West line of Section Ten (10); running thence North upon and along said West Section line for a distance of Three Hundred Thirty One (331.0) feet to the Northwest corner of said Section Ten (10); running thence East upon and along the North line of said Section Ten (10) for a distance of One Hundred Thirty Three and Nine Tenths (133.9) feet, more or less, to the Actual Point of Beginning.	\$7,463.58
400206080	Rhonda Coon Ricky Coon	A certain tract of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), in Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Hundred Eighty Two (182.0) feet South of the Northwest corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), the point of beginning; running thence South on the West line of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; running thence East for a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet; running thence North parallel with the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; thence running West and parallel to the North line of said Ten (10) acre tract to the point of beginning. Subject, however, to One Half (1/2) of the County Road to the West of said premises.	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

400214059	Gary Ummel Estel Ummel	Lot Two (2), TLST Spiehs Subdivision, City of Grand Island, Hall County, Nebraska.	\$7,463.58
400205939	Timothy S Grudzinski Cassandar L Grudzinski	The West Half of the following described tract: Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska and more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet, to a point on the North line of said Ten (10) acres tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject however to the Half (½) of the County Road to the North of said premises, Hall County, Nebraska.	\$7,463.58
400205920	Reinier Fernandez Solorzano	The East Half (E ½) of the following described tract: Part of the North Ten (10) Acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract, One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet to a point on the north line of said Ten (10) acre tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning.	\$7,463.58
400206056	Wesley T Tjaden	Part of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., more particularly described as follows: Beginning at a point on the North line of said Section Ten (10), which point is Nine Hundred Twenty Four (924.0) feet West of the Northeast corner of the Northwest Quarter of the	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		Northwest Quarter (NW ¼ NW ¼) of said Section Ten (10); running thence South and parallel to the East line of said Section Ten (10) a distance of Three Hundred Thirty One (331.0) feet; running thence West and parallel to the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet; running thence North and parallel to the East line of said Section a distance of Three Hundred Thirty One (331.0) feet to the North line of said Section Ten (10); running thence East and along and upon the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet to the point of beginning.	
400205947	Anna Lee Young Life Estate B Haycock & B Hardenbroc	A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Seven Hundred Ninety Two (792.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject, however to One Half (1/2) of the County Road to the North of said premises.	\$7,463.58
400206013	JK Investments, LLC	A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Six Hundred Sixty (660.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet;	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning.	
400206005	Sergio Urbina Idalia Urbina	A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼), of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Five Hundred Twenty Eight (528.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises.	\$6,350.82
400205912	Cruz C Ramos, Sr. Minerva M Ramos	Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) which point is Three Hundred Ninety Six (396.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning.	\$7,463.58

RESOLUTION NO. 2016-BE-4 (Cont.)

		Section Ten (10) Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East along and upon the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises,	
400205904	Ronald Peter Pfenning	Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point of the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Two Hundred Sixty Four (264.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning, subject to One Half (½) of the County Road to the North of said premises.	\$7,463.58
400206048	Timothy S Spiehs Lisa M Spiehs	Lot One (1), TLST Spiehs Subdivision, City of Grand Island, Hall County, Nebraska.	\$7,463.58
<b>TOTAL TAP FEES</b>			<b>\$95,913.78</b>

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RESOLUTION NO. 2016-BE-4 (Cont.)

Adopted by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

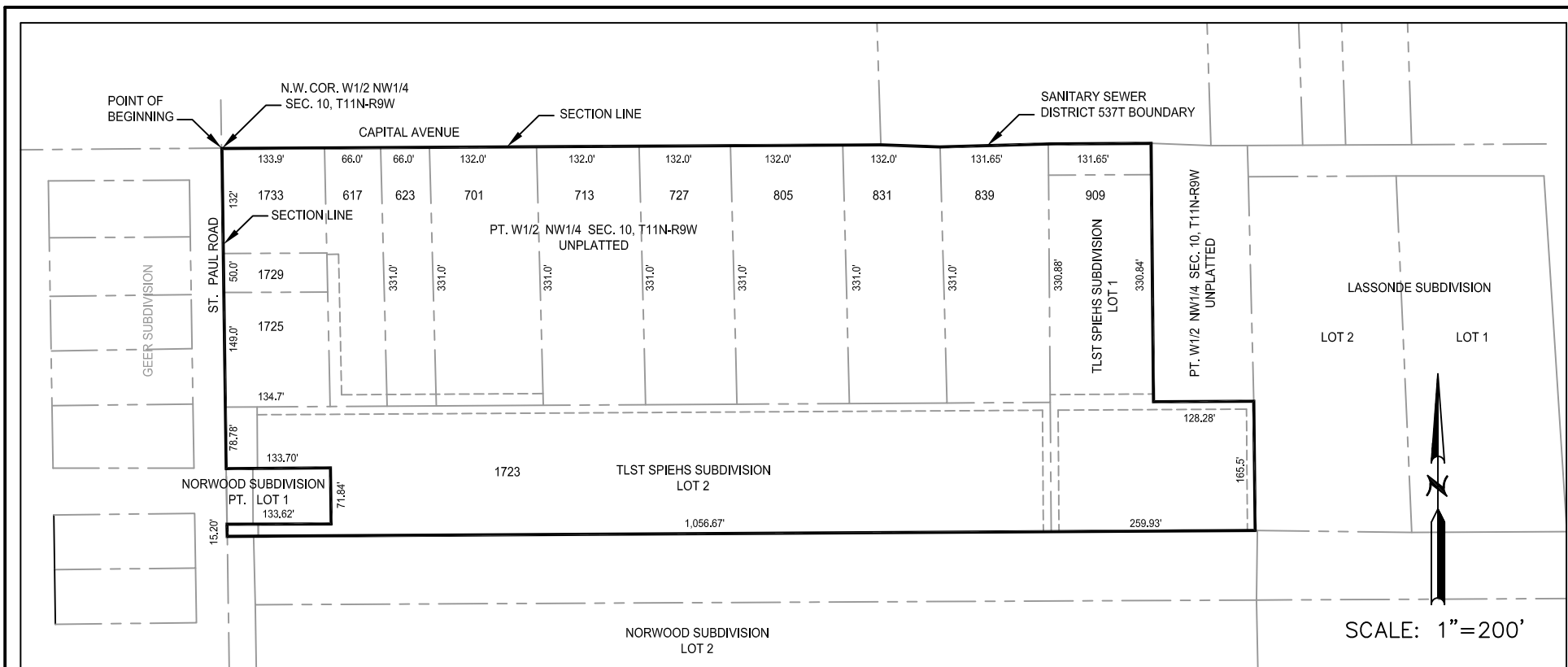
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Jeremy L. Jensen, Mayor

Attest:

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Nicki Stoltenberg, City Clerk Pro Tem



A Sanitary Sewer Tap District comprising of Lot One (1) and Lot Two (2), TLST Spiehs Subdivision and part of the North Ten (10) Acres of the West Half of the Northwest Quarter (W1/2NW1/4) all in Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Beginning at the Northwest corner of said West Half of the Northwest Quarter (W1/2NW1/4), being the ACTUAL Point of Beginning, running thence East parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Thousand One Hundred Eighty Nine Feet and Fifty Five Hundredths (1,189.55); running thence South parallel to the West line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), Three Hundred Thirty Feet and Eighty Four Hundredths (330.84); running thence East parallel to the North line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Twenty Eight Feet and Twenty Eight Hundredths (128.28); running thence South parallel to the West line of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Sixty Five Feet and Fifty Five Hundredths (165.50), said point being the Southeast (SE) Corner of Lot One (1) TLST Spiehs Subdivision; running thence West parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Thousand Three Hundred Sixteen Feet and Sixty Hundredths (1,316.60); running thence North parallel to the East line of the Lot One (1) TLST Spiehs Subdivision Fifteen Feet and Twenty Hundredths (15.20); running thence East parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Thirty Three Feet and Sixty Two Hundredths (133.62), said point being the Southeast (SE) Corner of Part Lot One (1) Norwood Subdivision; running thence North parallel to the East line of the Lot One (1) TLST Spiehs Subdivision Seventy One Feet and Eighty Four Hundredths (71.84); running thence West parallel to the South line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), One Hundred Thirty Three Feet and Seventy Hundredths (133.70); running thence North parallel to the East line of the North Ten (10) Acres of the Northwest Quarter (W1/2NW1/4) of said Section Ten (10), Four Hundred Nine Feet and Seventy Eight Hundredths (409.78); to ACTUAL Point of Beginning.



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item E-1

**Public Hearing on Request from Prairie Pride Brewing Company, LLC dba Prairie Pride Brewing Company, 115 East South Front Street, Suite 1 for a Class “LK” 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 24, 2016

**Subject:** Public Hearing on Request from Prairie Pride Brewing Company, LLC dba Prairie Pride Brewing Company, 115 East South Front Street, Suite 1 for a Class “LK” 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**

Prairie Pride Brewing Company, LLC dba Prairie Pride Brewing Company, 115 East South Front Street, Suite 1 has submitted an application for a Class “LK” Liquor License. A Class “LK” Liquor License is a Craft Brewery (Brew Pub) license which allows for the sale of their own product on and off sale inside the corporate limits of the city. This license also includes catering.

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 Phillip Cahoy, #83 Ponderosa Drive 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 Prairie Pride Brewing Company, LLC dba Prairie Pride Brewing Company, 115 East South Front Street, Suite 1 for a Class "LK" Liquor License contingent upon final inspections and Liquor Manager Designation for Phillip Cahoy, #83 Ponderosa Drive contingent upon completion of a state approved alcohol server/seller training program.

05/17/16  
11:33

Grand Island Police Department  
LAW INCIDENT TABLE

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1

City : Grand Island  
Occurred after : 12:30:00 04/22/2016  
Occurred before : 12:30:00 04/22/2016  
When reported : 12:30:00 04/22/2016  
Date disposition declared : 04/25/2016  
Incident number : L16042164  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 115 South Front St E; Suite 1  
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 : 11236  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	25221	05/10/16	Mack, Jay R	Owner
NM	35658	05/10/16	Anson, Amos C	Owner
NM	36725	05/10/16	Shearer, Bradley W	Owner
NM	50422	05/10/16	Cahoy, Diana M	Philip's Wife
NM	88658	05/10/16	Shearer, Christina L	Bradley's Wife
NM	111396	05/10/16	Anson, Sharena D	Amos' Wife
NM	114618	05/10/16	Cahoy, Philip M	Owner/Manager
NM	209840	05/10/16	Prairie Pride Brewing Company,	Business Involved
NM	209841	05/10/16	Mack, Jennifer	Jay's Wife
NM	209842	05/10/16	Briner, Alexander W	Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	LT03 Bar/Night Club	

IMAGE CODES FOR INCIDENT:

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



05/17/16  
11:33

Grand Island Police Department  
LAW INCIDENT TABLE

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LAW INCIDENT NARRATIVE:

Liquor License Investigation  
Grand Island Police Department

Prairie Pride Brewing Company is applying for a Class L Craft Brewery (Brew Pub) and a Class K Catering LLC Liquor License. Phillip Cahoy is applying to be the liquor manager.

ap  
~~----- (lwmain12243504222016)~~

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	09:31:04 05/10/2016



05/17/16  
11:33

Grand Island Police Department  
LAW INCIDENT TABLE

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318

Grand Island Police Department  
Supplemental Report

Date, Time: Tue May 10 09:31:18 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

Prairie Pride Brewing Company is applying for a Class L Craft Brewery (Brew Pub) and a Class K Catering LLC Liquor License. Philip Cahoy is applying to be the liquor manager. The business will be located at 115 E. South Front Street, Suite 1. Jay Mack is listed as the "Brew Master." Jay Mack also owns the Lucky Lady Tasting Room in Aurora. Prairie Pride Brewing Company is owned equally by Philip and Diana Cahoy, Bradley and Christina Shearer, Alexander Briner, Amos and Sharena Anson, and Jay and Jennifer Mack. Cahoy Leasing will be leasing most of the equipment for the operation of the business to Prairie Pride Brewing Company. Philip Cahoy and Jay Mack are the individuals authorized to conduct business on the company's Five Points Bank account.

According to the application, the Cahoy's have lived in Grand Island for at least the past ten years, the Shearer's have lived in Grand Island for at least the last sixteen years, the Anson's have lived in Grand Island for at least the last thirteen years, the Mack's have lived in Superior and Aurora for the last thirteen years, and Alexander Briner has lived in Aurora four of the last eleven years. During that eleven year timeframe, he also lived in Illinois and New York.

Amos Anson disclosed nine convictions ranging from speeding, not using his seatbelt, no valid registration, leaving the scene of a property damage accident, violating traffic signs/signals, and DUI. Sharena disclosed a conviction for operating a vehicle without proof of ownership. None of the other applicants disclosed any convictions.

I checked on all of the applicants through Spillman and NCJIS. All of the applicants, with the exception of Alexander Briner and Jennifer Mack, have an entry in Spillman. I didn't find any potential violations in Spillman for Philip Cahoy, Diana Cahoy, Christina Shearer, Sharena Anson, or Jay Mack. Bradley Shearer has an entry for no proof of automobile insurance while Amos Anson doesn't have any undisclosed violations, he has a few entries for code violations which he took care of.

NCJIS doesn't show any convictions for Philip Cahoy. Diana Cahoy has one conviction for speeding. Bradley Shearer has a couple of old DUI convictions from 1976 and 1977 along with two speeding convictions listed in NCJIS. Christina Shearer doesn't have any convictions listed in NCJIS. Alexander Briner has a Carrying a Concealed Weapon (CCW) conviction from when he was sixteen years old listed in NCJIS. Amos and Sharena Anson don't have any undisclosed convictions in NCJIS, and Jay and Jennifer Mack don't have any convictions listed in NCJIS.

Besides the question on the application which asks about convictions, another question asks about past and present liquor licenses held by any of the applicants. The applicants listed the Lucky Lady Tasting Room operated by the Mack's in Aurora. However, they failed to mention that Sharena Anson has had a liquor license for The Chocolate Bar since 2011. I checked the license history of The Chocolate Bar through the NLCC's web site and learned that they haven't



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11:33

Grand Island Police Department  
LAW INCIDENT TABLE

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had any violations since they've been open.

In addition to The Chocolate Bar, the Shearer's applied for a liquor license in 2007 in Grand Island for a business called "Bogey's." I called the NLCC and spoke to Randy Seybert about Bogey's and found that the application received local approval and approval from the NSP, but a license was never issued. Randy said the application lacked proof of inspections from the fire department and the health department. The application was eventually administratively withdrawn by the NLCC after six months of inactivity. I spoke to Bradley Shearer over the phone about this situation. He said they had necessary approvals, but they didn't follow through with Bogey's due to some business decisions he had to make at the time. Bradley said he probably didn't notify the NLCC of his intention to withdraw the application.

After checking on the applicants through Spillman and NCJIS, I searched all of the applicants through a paid online law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I did not find anything out of the ordinary on any of the applicants.

I also checked the driver's license status of each applicant along with checking them for outstanding arrest warrants. All of the applicants have a valid Nebraska driver's license, and none of the applicants have any outstanding warrants for their arrest.

On 5/11/16, I called Philip Cahoy and set up a meeting with him on 5/16/16 at 1500 hours. NSP Investigator Hansen and I met with Philip at the agreed upon time and place. The rest of the male applicants were also present. After Investigator Hansen went over his checklist of questions, I went over the application with all of the guys present. I pointed out that a few of the applicants didn't disclose some traffic convictions. I also mentioned that The Chocolate Bar wasn't listed on the application as a liquor license that one of the applicants (Sharena Anson) currently has. Jay Mack advised that he filled out the application. It appears that with the number of applicants involved in this application, it was just an oversight.

I asked Alexander Briner about his CCW conviction when he was a minor. Alexander said he was under the impression that the conviction had been expunged from his record. Otherwise, he would have disclosed it. He also said that the situation wasn't as bad as the conviction sounds. Alexander said he was hanging out with a friend in an alley, and a nearby resident called them in as being suspicious. When the police arrived, Alexander had a pocket knife on him that the blade was one half inch too long according to statute.

I shared with the group that Nebraska Revised Statute 53-125 says that no license of any kind shall be issued to a person who has been convicted of a crime under Chapter 28, Article 12 which Alexander's conviction falls under. However, I believe that the language of 53-125 when it refers to a person, refers to an individual application. Part (9) of 53-125 specifically refers to LLC's and says that if an officer or director of the company doesn't qualify for the reason above, no license shall be issued.

Prior to explaining the statute to the applicants, I asked who the officers in the company are. I was told that Amos Anson and Alexander Briner are not officers. The last segment of part (9) of 53-125 states that if any members of the company owning more than 25% would be ineligible to get a license with a CCW conviction. Since Alexander is not the director or an officer in the company, and he owns less than 26% of the company; it appears his CCW conviction does not



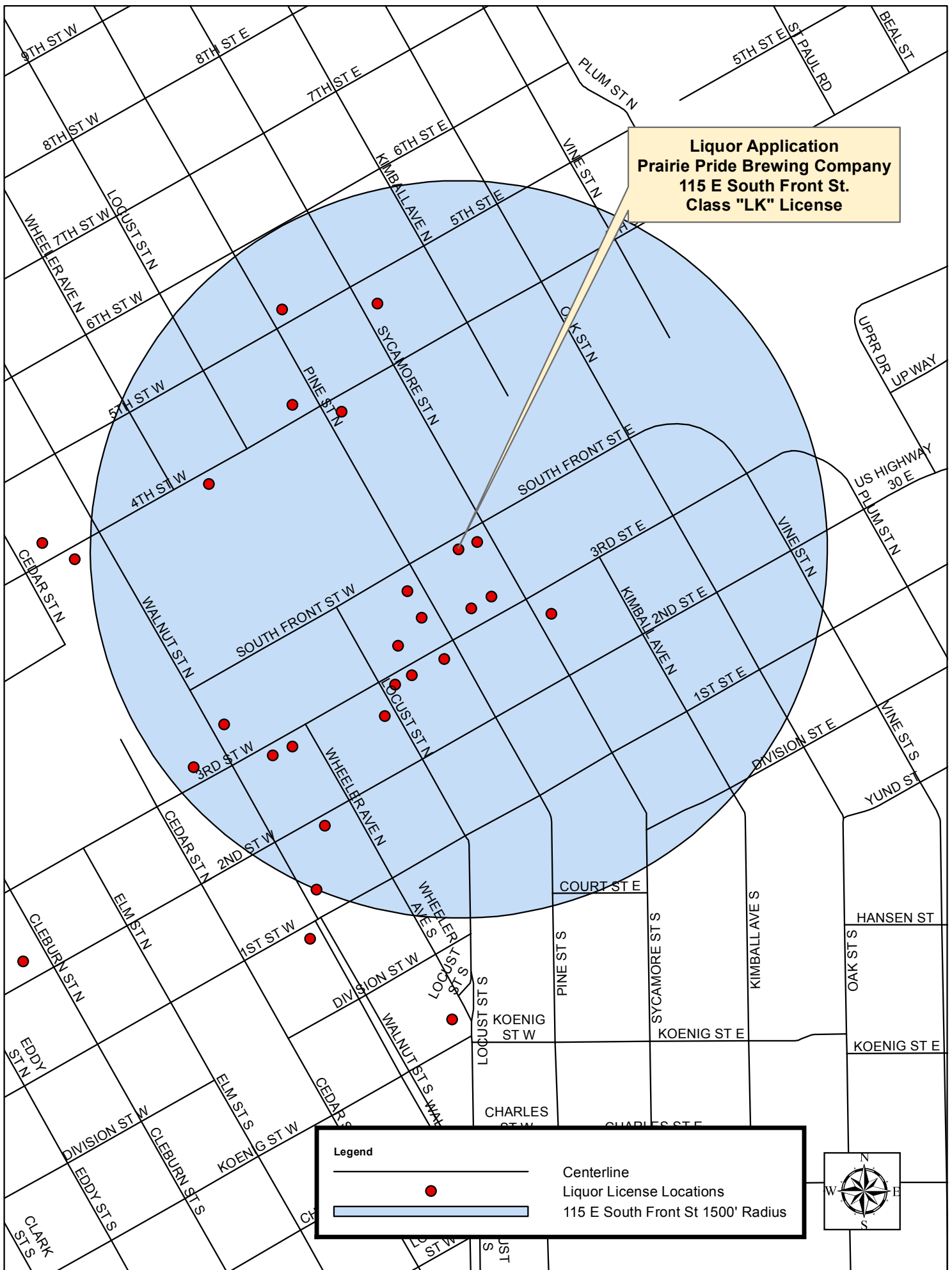
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Grand Island Police Department  
LAW INCIDENT TABLE

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preclude Prairie Pride Brewing Company from receiving a liquor license.

All in all, the failure of some of the applicants to disclose a couple of minor and/or old traffic convictions and the existence of a liquor license for The Chocolate Bar (no violations on their liquor license since its inception five years ago), is pretty inconsequential. Moreover, Alexander's CCW conviction doesn't negatively affect this application either. Therefore, the Grand Island Police Department has no objection to Prairie Pride Brewing Company receiving a liquor license or to Philip Cahoy becoming the liquor manager.





# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item E-2

**Public Hearing on Request to Rezone Property located at 2530 and 2540 N. Webb Road from R4 – High Density Residential to B1 – Light Business (Darren and Celeste Bartunek)**

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

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** May 24, 2016

**Subject:** Rezone from R4 – High Density Residential Zone to B1 – Light Business Zone.

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

## **Background**

An application has been made to rezone property described as tracts of land in the SE ¼ of section 01-11-10 from R4 – High Density Residential Zone to B1 – Light Business 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 a request to change the zoning for tracts of land in the SE ¼ of section 01-11-10 from R4 – High Density Residential Zone to B1 - Light Business Zone. The subject property is located west of Webb Road and north of Capital Avenue.

The proposed rezoning is largely consistent with the comprehensive plan. It is consistent with the proposed new improvements on Capital Avenue and with the existing surrounding uses. The existing houses are permitted in this zoning district and can continue until they transition to commercial uses more appropriate at the intersection of two major roads like Webb and Capital.

O'Neill closed the Public Hearing.

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

The motion carried with 9 members present and all voting in favor (O'Neill, Ruge, Robb, Maurer, Kjar, Connick, Rainforth, Hoggatt, and Monter) and no member abstaining.

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

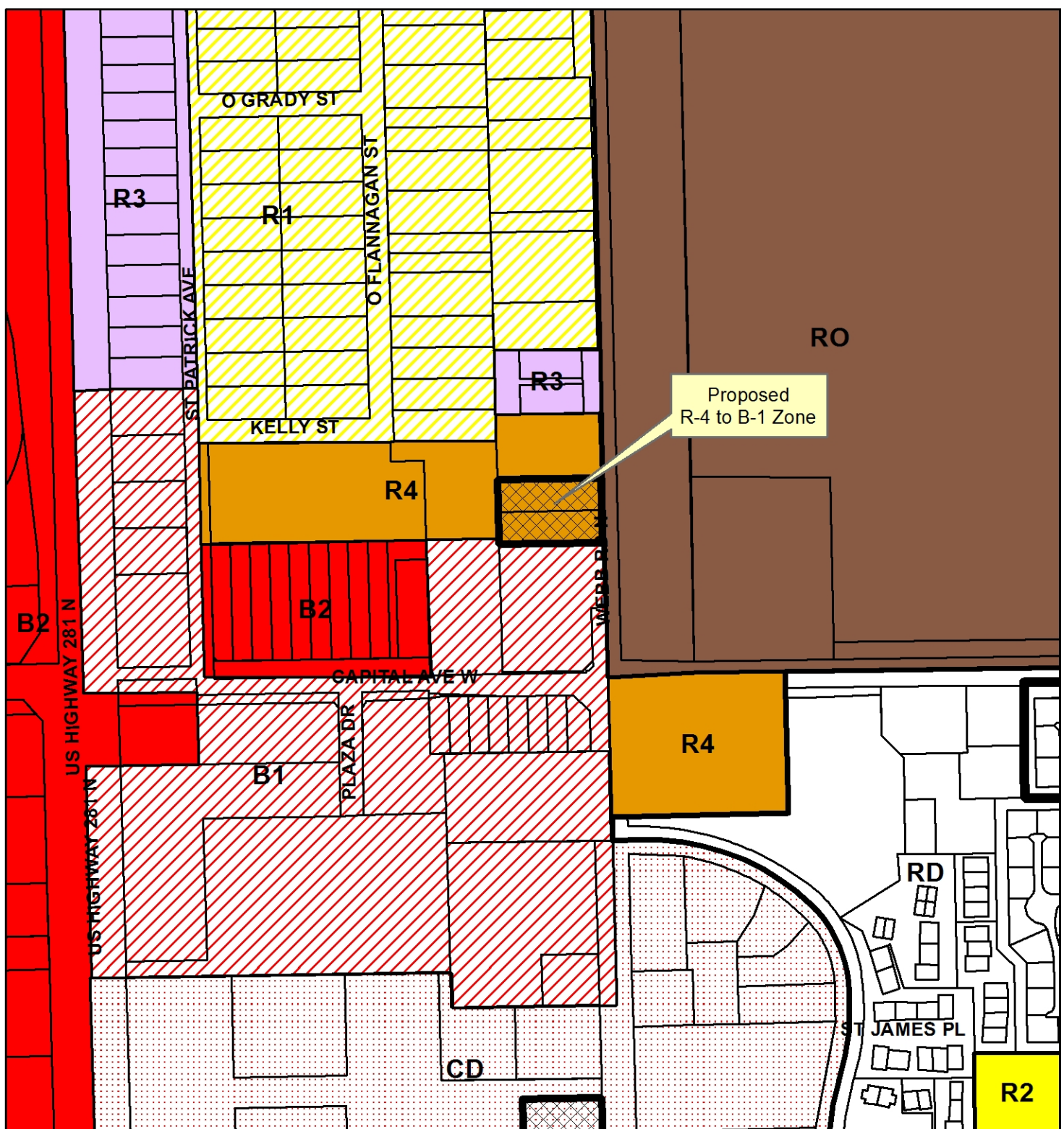
### **Recommendation**

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-17-2016G1



- From R-4 : High Density Residential Zone
- to B-1 : Light Business Zone



Area that is requested for rezoning

( SEE MAP )

**Agenda Item 7**

**PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:**

April 21, 2016

**SUBJECT:** *Rezoning Request C-17-2016GI*

**PROPOSAL:** To change the zoning for tracts of land in the SE ¼ of section 01-11-10 from R4 – High Density Residential Zone to B1 - Light Business Zone. The subject property is located west of Webb Road and north of Capital Avenue.

**OVERVIEW:**

**Site Analysis**

*Current zoning designation:* R4-High Density Residential Zone  
*Permitted and conditional uses:* R4: Residential uses with a density of up to 42 units per acre and a variety of non-profit uses  
*Comprehensive Plan Designation:* Medium Density Residential to Office Commercial Designation to the south  
*Existing land uses:* Houses  
*Site constraints:* none

**Adjacent Properties Analysis**

*Current zoning designations:* **North and West:** R4-High Density Residential  
**South:** B1-Light Business,  
**East:** RO-Residential Office  
*Permitted and conditional uses:* RO: Residential and Professional Office uses. Retail uses limited to prescription services. No Billboards  
B1: General Service, retail and commercial uses excluding outdoor sales, Billboards  
R4: Residential uses with a density of up to 42 units per acre and a variety of non-profit uses  
*Comprehensive Plan Designation:* **North and West:** Medium Density Residential to Office  
**South:** Medium Density Residential to Office and Commercial  
**East:** Public



*Existing land uses:*

**North:** Housing and historic commercial uses

**South:** Commercial/Office

**East:** Veteran's Home Property, Trees and Farm ground and Veteran's Cemetery

**West:** Detention Cell and Apartments

### **EVALUATION:**

The proposed rezoning is largely consistent with the comprehensive plan. It is consistent with the proposed new improvements on Capital Avenue and with the existing surrounding uses. The existing houses are permitted in this zoning district and can continue until they transition to commercial uses more appropriate at the intersection of two major roads like Webb and Capital.

### **Positive Implications:**

- *Compatible with adjacent land uses:* The B1 zone is consistent with the current zoning on surrounding properties.
- *Consistent with the street and traffic patterns:* The proposed change will allow for a transition of commercial uses north of the intersection of Webb Road and Capital Avenue. The proximity of these properties to this intersection makes them suitable for commercial uses.
- *Minimal Impact to Neighboring Properties:* The property to the north has historically been used for quasi-commercial uses and the property to the west is a detention cell owned by the City Of Grand Island.

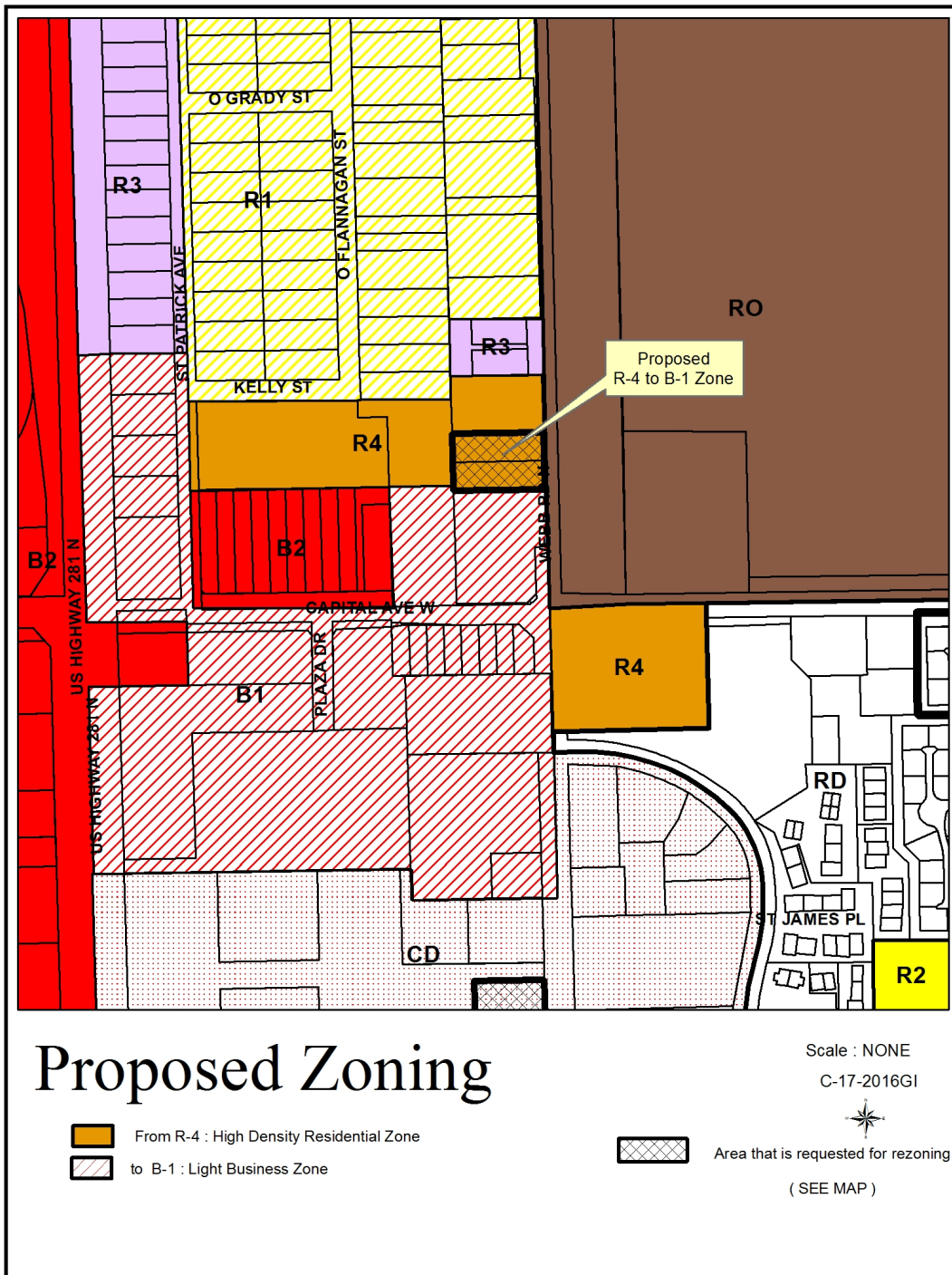
### **Negative Implications:**

- *No negative implications foreseen.*

### **RECOMMENDATION:**

That the Regional Planning Commission recommends that the Grand Island City Council **approve** this request to amend the rezoning from R4 High Density Residential to B1 Light Business as presented.

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





# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item E-3

### **Public Hearing on Acquisition of Utility Easement - 1920 Sagewood Avenue (HC of Grand Island LLC)**

*Council action will take place under Consent Agenda item G-5.*

Staff Contact: Tim Luchsinger, Utilities Director

# **Council Agenda Memo**

**From:** Tim Luchsinger, Utilities Director

**Meeting:** May 24, 2016

**Subject:** Acquisition of Utility Easement – 1920 Sagewood Avenue – HC of Grand Island, LLC

**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 HC of Grand Island, LLC, located through a part of Lot One (1), Starlite Subdivision, in the City of Grand Island, Hall County, Nebraska (1920 Sagewood Avenue), in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to provide for a transformer and high voltage underground power lines that need to be in place to provide electricity to the new Heritage Senior Living Center's health and care facility.

## **Alternatives**

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

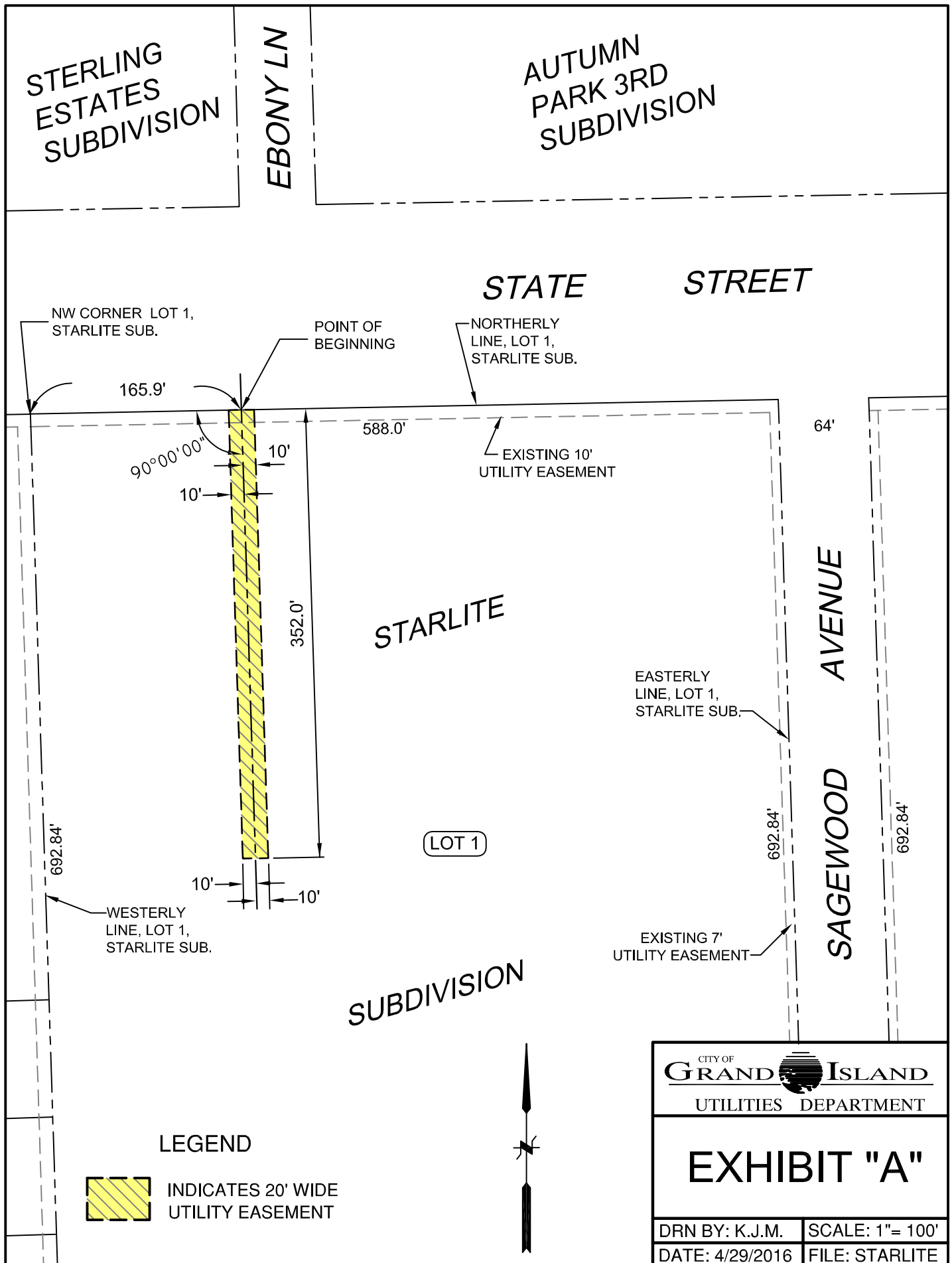
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **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.





# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item E-4

**Public Hearing on Acquisition of Utility Easement in Section 22,  
Township 11 N, Range 9W - SE Corner of S Locust Street & State  
Fair Boulevard Intersection (Hall County Livestock Improvement  
Association)**

*Council action will take place under Consent Agenda item G-7.*

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

# **Council Agenda Memo**

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

**Meeting:** May 24, 2016

**Subject:** Public Hearing on Acquisition of Utility Easement in Section 22, Township 11N, Range 9W; Southeast Corner of South Locust Street and State Fair Boulevard (Hall County Livestock Improvement Association)

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

## **Background**

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council.

A public utility easement is needed to accommodate relocation of the traffic signal from the Skagway entrance off of South Locust Street to South Locust Street and State Fair Boulevard. The easement will allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement.

## **Discussion**

To allow for the accommodation of public utilities to serve the traffic signal at the intersection of South Locust Street and State Fair Boulevard it is requested that a utility easement be acquired by the City of Grand Island according to the attached sketch.

## **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

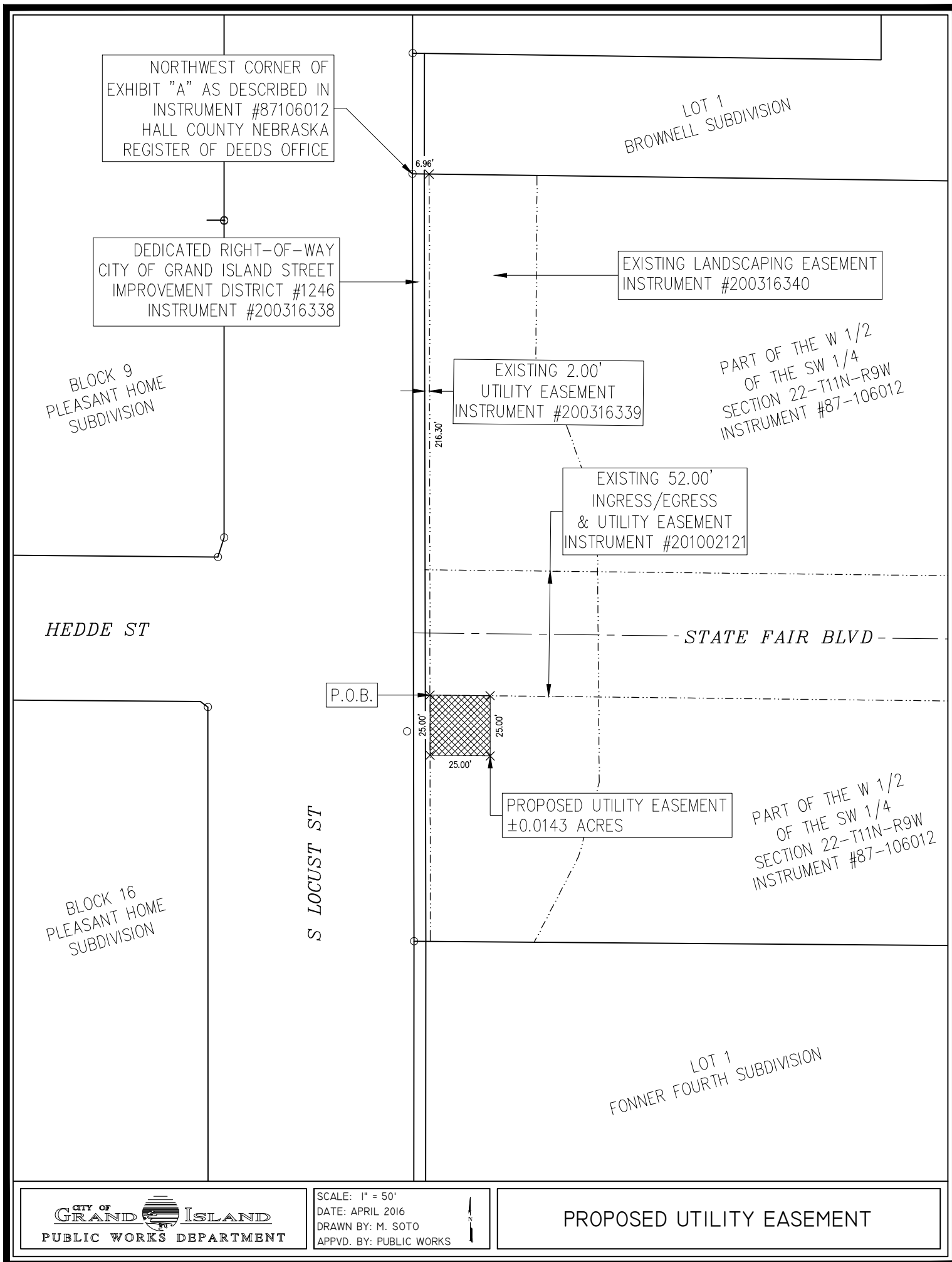
## **Recommendation**

City Administration recommends that the Council conduct a Public Hearing and approve the acquisition of the easement.

### **Sample Motion**

Move to approve the acquisition of the easement.







# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item F-1

**#9586 - Consideration of Request to Rezone Property located at 2530 and 2540 N. Webb Road from R4 – High Density Residential to B1 – Light Business (Darren and Celeste Bartunek)**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9586

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land located in a part of the SE ¼ of Section 1 Township 11 North, Range 10 West of the 6<sup>th</sup> PM in Hall County, Nebraska, from R4 High Density Residential Zone to B1-Light Business Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending 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 Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on May 24, 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, reclassified and changed from R4 High Density Residential Zone to B1-Light Business Zone:

A certain part of the Southeast Quarter (SE1/4) of Section One (1) Township Eleven (11) North Range Ten (10) West of the 6<sup>th</sup> P.M., more particularly described as follows: commencing at a point on the East line of the Southeast Quarter (SE1/4) of Section One (1) which point is Four Hundred Twelve and Five Tenths (412.5) Feet North of the Southeast Corner of the Southeast Quarter (SE1/4) of said Section One (1) running thence North along and upon the East line of the Southeast Quarter (SE1/4) of said Section One (1) Eighty-two and Five Tenths (82.5) Feet; running thence West and parallel to the South line of the Southeast Quarter (SE1/4) of said Section One (1), Two Hundred Sixty-Four (264.0) Feet; running thence South and parallel to the East line of the Southeast Quarter (SE1/4) of said Section One (1) Eighty-two and Five Tenths (82.5) Feet; running thence East and parallel to the South line of the Southeast Quarter

Approved as to Form	by _____
May 20, 2016	City Attorney

ORDINANCE NO. 9586 (Cont.)

(SE1/4) of said Section One (1) Two Hundred Sixty-Four (264.0) Feet to the place of beginning, in Hall County, Nebraska.

And

A tract of land located in the Southeast Quarter (SE1/4) of Section One (1), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., in Hall County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of said Section One (1), thence Northerly along and upon the East line of said Section One (1) a distance of Three Hundred Thirty (330) Feet, to the actual point of beginning; thence Northerly along and upon the East line of said Section One (1) a distance of Eighty Two and Five Tenths (82.5) Feet; thence Westerly parallel to the South line of said Section One (1) a distance of Two Hundred Sixty Four (264.0) Feet; thence Southerly parallel to the East line of said Section One (1) a distance of Eighty Two and Five Tenths (82.5) Feet; thence Easterly parallel to the South line of said Section One (1) a distance of Two Hundred Sixty Four (264.0) feet to the actual point of beginning

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. 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 24, 2016

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Jeremy L. Jensen, Mayor

Attest:

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Nicki Stoltenberg, City Clerk Pro Tem



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item F-2

### **#9587 – Consideration of Amending Salary Ordinance Relative to Non-Union Part-Time Community Service Officers**

Staff Contact: Aaron Schmid, Human Resources Director

# **Council Agenda Memo**

**From:** Aaron Schmid, Human Resources Director  
**Meeting:** May 24, 2016  
**Subject:** Salary Ordinance  
**Presenter(s):** Aaron Schmid, Human Resources Director

## **Background**

The salary ordinance for employees of the City of Grand Island comes before Council when changes are necessary. The following explains the changes to the salary ordinance.

## **Discussion**

On April 26, 2016, resolution 2016-104 was approved. The resolution recognizes the Second Addendum to the labor contract between the City Of Grand Island and International Brotherhood of Electrical Workers (IBEW) Local 1597 (Service/Clerical). The resolution, along with Salary Ordinance No. 9584, adjusted wages for the full time Community Service Officer classification. The proposed Salary Ordinance presented here, would adjust the part time Community Service Officer classification to match the full time Community Service Officer classification pay range.

The second proposed change to the Salary Ordinance would clarify part time, seasonal and temporary classifications. The creation of a Seasonal non-exempt and a Parks & Recreation part time classification will allow for a more accurate grouping of various positions within a classification. Please see the following example as illustration.

Worker/Seasonal (exempt) – lifeguards, concessions, admissions  
Worker/Seasonal (non-exempt) – Utilities, Public Works, Library  
Worker/Temporary – line workers, specific assignments/events  
Worker/Parks & Recreation Part Time – Heartland Public Shooting Park, Cemetery

The proposed change will not impact budget or FTE allocation.

## **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 Salary Ordinance #9587.

## **Sample Motion**

Motion to approve Salary Ordinance #9587.

## ORDINANCE NO. 9587

An ordinance to amend Ordinance 9584 known as the Salary Ordinance which lists the currently occupied classifications of officers and employees of the City of Grand Island, Nebraska and established the ranges of compensation of such officers and employees; ~~to move the position of Community Service Officer Full Time from the non-union employee group to the IBEW Service/Clerical labor agreement~~ to amend the salary range of the non-union position of Community Service Officer – Part Time; to clarify the classification of the non-union seasonal, temporary, and part time Parks and Recreation positions; and to repeal those portions of Ordinance No. 9584 and any parts of other ordinances in conflict herewith; to provide for severability; to provide for the effective date thereof; and to provide for publication of this ordinance in pamphlet form.

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

SECTION 1. The currently occupied classifications of officers and general employees of the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by Personnel Rules & Regulations) to be paid for such classifications, and the number of hours and work period which certain officers and general employees shall work prior to overtime eligibility are as follows:

Classification	Hourly Pay Range Min/Max	Overtime Eligibility
Accountant	23.5633/33.7228	Exempt
Accounting Technician – Solid Waste	19.5260/23.5936	40 hrs/week
Assistant to the City Administrator	22.9200/32.2648	Exempt
Assistant Finance Director	32.9968/47.6559	Exempt
Assistant Public Works Director / Manager of Engineering Services	34.0370/51.6755	Exempt
Assistant Utilities Director – Distribution	48.7903/69.3328	Exempt
Assistant Utilities Director – Production	52.8344/75.1064	Exempt

Approved as to Form ☐ \_\_\_\_\_  
May 18, 2016 ☐ City Attorney



ORDINANCE NO. 9587 (Cont.)

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Assistant Utilities Director – Transmission	52.8344/75.1064	Exempt
Attorney	29.3208/45.2405	Exempt
Biosolids Technician	18.5804/27.3972	40 hrs/week
Building Department Director	34.3474/50.2154	Exempt
CADD Operator	21.0997/30.3529	40 hrs/week
Cemetery Superintendent	21.3846/33.6384	Exempt
City Administrator	69.4139/81.0483	Exempt
City Attorney	41.5086/59.8505	Exempt
City Clerk	28.7959/41.4076	Exempt
Civil Engineer I	28.4483/41.1268	Exempt
Civil Engineer II	32.9968/47.6559	Exempt
Civil Engineering Manager – Utility PCC	35.9394/53.7496	Exempt
Collection System Supervisor	23.5416/33.4641	40 hrs/week
Community Service Officer – Part time	<del>15.0188/21.2122</del> 15.6690/21.3610	40 hrs/week
Custodian – Library, Police	13.7301/19.7513	40 hrs/week
Customer Service Representative – Part time	9.0721/13.6081	40 hrs/week
Customer Service Team Leader	19.8856/27.1643	Exempt
Electric Distribution Superintendent	36.9413/50.3850	Exempt
Electric Distribution Supervisor	31.1960/42.5738	40 hrs/week
Electric Underground Superintendent	32.8985/44.8796	Exempt
Electrical Engineer I	28.4483/41.1268	Exempt
Electrical Engineer II	32.9968/47.6559	Exempt
Emergency Management Deputy Director	24.4553/36.9584	Exempt
Emergency Management Director	34.8053/52.5845	Exempt
Engineer I – Public Works	30.9998/43.6156	Exempt
Engineer I – WWTP	30.9998/43.6156	Exempt
Engineering Technician - WWTP	20.5756/29.0698	40 hrs/week
Equipment Operator - Solid Waste	17.6593/26.2408	40 hrs/week
Finance Director	40.3733/63.5433	Exempt
Finance Operations Supervisor	21.4328/30.3065	Exempt
Fire Chief	38.9843/61.0493	Exempt
Fire EMS Division Chief	34.5645/48.9259	Exempt
Fire Operations Division Chief	34.5645/48.9259	Exempt
Fire Prevention Division Chief	34.4808/46.9413	Exempt

ORDINANCE NO. 9587 (Cont.)

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fleet Services Shop Foreman	23.2034/34.9990	40 hrs/week
GIS Coordinator - PW	25.8244/39.2199	40 hrs/week
Golf Course Superintendent	24.8718/35.8958	Exempt
Grounds Management Crew Chief – Cemetery	19.0220/30.1640	40 hrs/week
Grounds Management Crew Chief – Parks	20.0248/30.3237	40 hrs/week
Human Resources Director	35.1215/52.0396	Exempt
Human Resources Benefits/Risk Mgmt Coordinator	20.8994/33.9014	40 hrs/week
Human Resources Recruiter	20.8994/33.9014	40 hrs/week
Human Resources Specialist	20.8994/33.9014	40 hrs/week
Information Technology Manager	34.8074/55.1841	Exempt
Legal Secretary	20.6847/27.9549	40 hrs/week
Librarian I	18.7455/26.3274	Exempt
Librarian II	20.7590/29.5255	Exempt
Library Assistant I	12.6595/18.2957	40 hrs/week
Library Assistant II	15.6447/22.1478	40 hrs/week
Library Assistant Director	31.5904/49.4024	Exempt
Library Director	39.7504/58.9620	Exempt
Library Page	9.0000/12.4159	40 hrs/week
Library Secretary	15.7519/22.3860	40 hrs/week
Maintenance Worker – Golf	15.6208/24.9970	40 hrs/week
Meter Reader Supervisor	19.2174/28.0738	Exempt
MPO Program Manager	24.7948/36.8559	Exempt
Office Manager – Police Department	17.9564/26.4955	40 hrs/week
Parks and Recreation Director	38.4511/60.0943	Exempt
Parks Superintendent	27.2713/41.6346	Exempt
Payroll Specialist	18.7997/28.1091	40 hrs/week
Planning Director	37.6723/57.6708	Exempt
Police Captain	34.9429/49.7333	Exempt
Police Chief	42.1654/61.0493	Exempt
Power Plant Maintenance Supervisor	31.5808/44.6375	Exempt
Power Plant Operations Supervisor	35.6296/50.2981	Exempt
Power Plant Superintendent – Burdick	38.2626/54.3581	Exempt
Power Plant Superintendent – PGS	44.1110/62.6376	Exempt
Public Information Officer	26.1389/39.4498	Exempt
Public Works Director	40.8216/63.4845	Exempt

ORDINANCE NO. 9587 (Cont.)

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Public Works Engineer	32.3635/46.7971	Exempt
Receptionist	15.7641/24.1323	40 hrs/week
Recreation Coordinator	20.5951/30.9711	Exempt
Recreation Superintendent	31.4938/47.9823	Exempt
Regulatory and Environmental Manager	31.0686/45.7759	Exempt
Senior Electrical Engineer	36.1078/52.1496	Exempt
Senior Public Safety Dispatcher	18.8259/24.8656	40 hrs/week
Senior Utility Secretary	16.0493/22.9174	40 hrs/week
Shooting Range Superintendent	25.2951/39.5535	Exempt
Solid Waste Division Clerk - Full Time	18.6018/22.8997	40 hrs/week
Solid Waste Division Clerk - Part Time	16.5628/20.7941	40 hrs/week
Solid Waste Foreman	21.2589/30.4054	40 hrs/week
Solid Waste Superintendent	30.2660/46.2916	Exempt
Street Superintendent	27.9816/42.5650	Exempt
Street Foreman	22.6046/34.1031	40 hrs/week
Turf Management Specialist	22.3531/31.6433	40 hrs/week
Utilities Director	72.3810/96.4843	Exempt
Utility Production Engineer	36.9261/54.4330	Exempt
Utility Warehouse Supervisor	25.1009/35.8566	40 hrs/week
Victim Assistance Unit Coordinator	14.8356/22.1980	40 hrs/week
Victim/Witness Advocate	13.5989/20.3476	40 hrs/week
Wastewater Plant Chief Operator	23.0656/31.4978	40 hrs/week
Wastewater Plant Engineer	33.6168/48.9736	Exempt
Wastewater Plant Operations Engineer	32.3635/46.2278	Exempt
Wastewater Plant Maintenance Supervisor	24.9808/33.6386	40 hrs/week
Wastewater Plant Regulatory Compliance Manager	26.5131/37.8945	Exempt
Water Superintendent	30.5735/45.3774	Exempt
Water Supervisor	24.1795/35.0998	40 hrs/week
Worker / Seasonal	9.0000/20.0000	Exempt
<u>Worker / Seasonal</u>	<u>9.0000/20.0000</u>	<u>40 hrs/week</u>
Worker / Temporary	9.0000/20.0000	40 hrs/week
<u>Worker / Parks &amp; Recreation Part time</u>	<u>9.0000/20.0000</u>	<u>40 hrs/week</u>

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A shift differential of \$0.25 per hour shall be added to the base hourly wage for persons in the employee classification Senior Public Safety Dispatcher who work any hours or portion thereof that begins between 3:00 p.m. and 11:00 p.m. Employees who work any hours or portion thereof from 11:00 p.m. to 7:00 a.m. will receive a shift differential of \$0.25 per hour. This does not include persons who work the day shift. Shift differential will only be paid for actual hours worked. Paid leave will not qualify for the shift differential pay.

SECTION 2. The currently occupied classifications of employees of the City of Grand Island included under the AFSCME labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the AFSCME labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Equipment Operator – Streets	17.6592/26.1596	40 hrs/week
Fleet Services Mechanic	19.8687/29.4370	40 hrs/week
Horticulturist	19.6840/29.2153	40 hrs/week
Maintenance Worker – Cemetery	16.9683/25.1576	40 hrs/week
Maintenance Worker – Parks	16.7768/24.8881	40 hrs/week
Maintenance Worker – Streets	16.6527/24.6864	40 hrs/week
Senior Equipment Operator – Streets	19.0833/28.3039	40 hrs/week
Senior Maintenance Worker – Streets	18.9955/28.1736	40 hrs/week
Traffic Signal Technician	18.9078/28.0436	40 hrs/week

SECTION 3. The currently occupied classifications of employees of the City of Grand Island included under the IBEW labor agreements, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IBEW labor agreements shall work prior to overtime eligibility are as follows:

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<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accounting Clerk	16.5539/21.9059	40 hrs/week
Cashier	15.4142/21.0044	40 hrs/week
Custodian	16.8533/19.9014	40 hrs/week
Electric Distribution Crew Chief	32.2470/41.0121	40 hrs/week
Electric Underground Crew Chief	32.2470/41.0121	40 hrs/week
Engineering Technician I	19.7395/28.2435	40 hrs/week
Engineering Technician II	24.4019/33.4582	40 hrs/week
Instrument Technician	29.9500/39.5665	40 hrs/week
Lineworker Apprentice	21.7042/31.8251	40 hrs/week
Lineworker First Class	31.6997/37.4917	40 hrs/week
Materials Handler	23.4211/31.3954	40 hrs/week
Meter Reader	18.1497/23.6678	40 hrs/week
Meter Technician	24.4611/30.2316	40 hrs/week
Payroll Clerk	16.5539/21.9059	40 hrs/week
Power Dispatcher I	28.4126/39.5046	40 hrs/week
Power Dispatcher II	29.8421/41.4857	40 hrs/week
Power Plant Maintenance Mechanic	28.9972/36.1069	40 hrs/week
Power Plant Operator	31.7732/37.0102	40 hrs/week
Senior Accounting Clerk	18.5174/24.2563	40 hrs/week
Senior Engineering Technician	31.7854/38.8983	40 hrs/week
Senior Materials Handler	28.3828/37.0215	40 hrs/week
Senior Meter Reader	21.4958/25.5129	40 hrs/week
Senior Power Dispatcher	35.5564/48.7934	40 hrs/week
Senior Power Plant Operator	34.8313/44.6525	40 hrs/week
Senior Substation Technician	38.6369/40.0443	40 hrs/week
Senior Water Maintenance Worker	23.7409/31.2614	40 hrs/week
Substation Technician	35.7676/37.1874	40 hrs/week
Systems Technician	31.5213/40.0443	40 hrs/week
Tree Trim Crew Chief	29.0629/36.0920	40 hrs/week
Utility Electrician	27.8916/36.6549	40 hrs/week
Utility Technician	26.9776/37.9478	40 hrs/week
Utility Warehouse Clerk	21.0186/25.9320	40 hrs/week
Water Maintenance Worker	19.4013/26.8300	40 hrs/week
Wireworker I	22.8595/32.3233	40 hrs/week
Wireworker II	31.6997/37.4917	40 hrs/week

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SECTION 4. The currently occupied classifications of employees of the City of Grand Island included under the FOP labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the FOP labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	
Police Officer	20.3647/31.1988	
Police Sergeant	25.4884/38.2746	

OVERTIME ELIGIBILITY

The City has reserved its right to the utilization of the 207(k) FLSA exemption and will implement this as the hours of work effective the first full pay period following the execution of the labor agreement. The pay period for purposes of calculating overtime shall consist of a fourteen (14) day cycle that runs concurrent with the City's current payroll cycle. For purposes of calculating eligibility for overtime, "hours worked" shall include actual hours worked, vacation, personal leave and holiday hours. Employees shall be eligible for overtime when they exceed their hours scheduled for work in the fourteen (14) day pay cycle with a minimum of eighty (80) hours. There shall also be established for each employee in the bargaining unit a Training and Special Events bank of thirty (30) hours per individual per contract year. Each employee may be scheduled for training or special event duty with a minimum of seven (7) days notice prior to the commencement of the pay period and the training and special events bank hours may be added to the eighty (80) hour, two (2) week pay period up to eighty-six (86) hours and these hours shall not be eligible for overtime. Training and special events hours worked in excess of eighty-six (86) hours in a two week pay period will be eligible for overtime, but will

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not be subtracted from the Training and Special Events bank. All work completed after eighty (80) hours in a pay period that is performed for work that is funded by grants from parties outside or other than the City of Grand Island, shall be paid overtime for the time worked after eighty (80) hours, if the time is funded at overtime rates by the grant. Any such grant hours are not deducted from the Training and Special Events bank.

SECTION 5. The currently occupied classifications of employees of the City of Grand Island included under the IAFF labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IAFF labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fire Captain	19.3620/26.8470	212 hrs/28 days
Firefighter / EMT	14.5913/21.1752	212 hrs/28 days
Firefighter / Paramedic	16.4433/23.2233	212 hrs/28 days
Life Safety Inspector	22.1598/31.4421	40 hrs/week
Shift Commander	23.4973/30.7513	212 hrs/28 days

IAFF employees, with the exception of the Life Safety Inspector, will be eligible for overtime pay for hours worked in excess of 212 hours in each 28-day pay period, unless recall or mandatory overtime is required as specified in the IAFF labor agreement. When an employee is assigned as an Apparatus Operator (not including ambulance or service vehicles) for an entire 24 hour shift, the employee will receive an additional fifty cents (\$.50) per hour.

SECTION 6. The currently occupied classifications of the employees of the City of Grand Island included under the IBEW-WWTP labor agreement, and the ranges of compensation salary and wages, excluding shift differential as provided by contract, to be paid

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for such classifications, and the number of hours and work period which certain such employees included under the IBEW-WWTP labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accounting Technician – WWTP	16.6792/23.4693	40 hrs/week
Equipment Operator – WWTP	17.6458/24.8295	40 hrs/week
Maintenance Mechanic I	18.0428/25.3881	40 hrs/week
Maintenance Mechanic II	20.5493/28.9150	40 hrs/week
Maintenance Worker – WWTP	18.3529/25.8245	40 hrs/week
Wastewater Clerk	14.2480/20.0481	40 hrs/week
Wastewater Plant Laboratory Technician	19.3409/27.2145	40 hrs/week
Wastewater Plant Operator I	16.8551/23.7171	40 hrs/week
Wastewater Plant Operator II	18.8456/26.5178	40 hrs/week

Employees covered under the IBEW Wastewater Treatment Plant labor agreement who are regularly scheduled to work swing shift will receive an additional 15 cents (\$0.15) per hour; employees who are regularly scheduled to work graveyard shift will receive an additional 25 cents (\$0.25) per hour for wages attributable to those shifts. One lead Maintenance Worker covered under the IBEW Wastewater Treatment Plant labor agreement may receive forty dollars (\$40) per pay period stipend.

SECTION 7. The currently occupied classifications of the employees of the City of Grand Island included under the IBEW-Service/Clerical labor agreement, and the ranges of compensation salary and wages to be paid for such classifications, and the number of hours and work period which certain such employees included under the IBEW-Service/Clerical labor agreement shall work prior to overtime eligibility are as follows:



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<b>Classification</b>	<b>Hourly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accounting Technician – Streets	17.6953/23.6213	40 hrs/week
Accounts Payable Clerk	16.5436/23.9354	40 hrs/week
Administrative Assistant	17.9647/25.7664	40 hrs/week
Administrative Assistant - Parks	17.4699/24.8277	40 hrs/week
Audio Video Technician	17.9640/25.3425	40 hrs/week
Building Inspector	21.1769/30.0475	40 hrs/week
Community Development Administrator	19.5714/28.1399	40 hrs/week
Community Development Specialist	17.9647/25.7664	40 hrs/week
Computer Operator	21.6171/28.4170	40 hrs/week
Community Service Officer	15.6690/21.3610	40 hrs/week
Computer Programmer	23.2129/34.0191	40 hrs/week
Computer Technician	22.2655/29.2700	40 hrs/week
Crime Analyst	19.7328/28.0138	40 hrs/week
Electrical Inspector	21.1769/30.0475	40 hrs/week
Emergency Management Coordinator	17.4699/24.8277	40 hrs/week
Engineering Technician – Public Works	20.8417/29.3937	40 hrs/week
Evidence Technician	15.9999/23.4138	40 hrs/week
Finance Secretary	16.2724/23.1258	40 hrs/week
GIS Coordinator	25.2853/35.4803	40 hrs/week
Maintenance Worker I – Building, Library	16.1251/21.8229	40 hrs/week
Maintenance Worker II – Building, Police	16.9931/23.0359	40 hrs/week
Planning Technician	22.3861/31.4963	40 hrs/week
Plans Examiner	21.6952/30.7830	40 hrs/week
Plumbing Inspector	21.1769/30.0475	40 hrs/week
Police Records Clerk – Full Time	14.5968/20.3181	40 hrs/week
Public Safety Dispatcher	16.0865/23.4979	40 hrs/week
Shooting Range Operator	22.2151/30.1130	40 hrs/week
Stormwater Program Manager	21.0996/29.7575	40 hrs/week
Utility Secretary	16.2724/23.1258	40 hrs/week

A shift differential of \$0.15 per hour shall be added to the base hourly wage for persons in the employee classification Public Safety Dispatcher who work any hours or a portion thereof between 3:00 p.m. and 11:00 p.m. Employees who work any hours or portion thereof from 11:00 p.m. to 7:00 a.m. will receive a shift differential of \$0.25 per hour. This does not include

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persons who work the day shift. Shift differential will only be paid for actual hours worked. Paid leave will not qualify for the shift differential pay. A shift differential of \$0.25 per hour shall be added to the base hourly wage for persons who work rotating shifts covered by the IBEW Utilities labor agreement in the employee classifications of Power Dispatcher I, Power Dispatcher II, Power Plant Operator, Senior Power Dispatcher and Senior Power Plant Operator.

SECTION 8. The classification of employees included under labor agreements with the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees shall work prior to overtime eligibility are as stated above. All employees covered by the IAFF labor agreement, except Life Safety Inspector, will be credited five hundred twenty-five dollars (\$525) annual credit to be used for the purchase of the uniform item purchases as needed. New hires will receive four hundred dollars (\$400) credit for the purchase of initial uniforms. After probation they shall receive an additional five hundred dollars (\$500) for the purchase of a Class A uniform or other items as necessary. All employees of the FOP labor agreement shall be paid a clothing and uniform allowance in addition to regular salary of \$25.00 per pay period. If any such employee covered by the FOP labor agreements shall resign, or his or her employment be terminated for any reason whatsoever, the clothing allowance shall be paid on a prorata basis, but no allowance shall be made for a fraction of a month. New employees covered by the IBEW – Utilities labor agreement who are required to wear full fire retardant (FR) clothing will be eligible for a one-time reimbursement up to \$1,200 to purchase or rent required uniforms. All other employees required to wear full FR clothing will be eligible for reimbursement up to \$600 annually. The non-union position of Meter Reader Supervisor who are required to wear full fire retardant

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clothing will be eligible for an annual stipend of \$600 to purchase or rent required uniforms. Those employees who are required to wear partial fire retardant clothing will be eligible for an annual stipend of \$350. Employees will be reimbursed for said purchases with a receipt showing proof of purchase. Employees covered by the IBEW Service/Clerical labor agreement in the Community Service Officer Full Time position shall be paid a uniform allowance at the rate of \$10.00 per pay period. Employees in the nonunion Community Service Officer Part Time position shall be paid a prorated uniform allowance based on hours worked, not to exceed \$10.00 per pay period.

Fire Chief and Fire Division Chiefs shall be paid a clothing allowance of \$484.08 per year, divided into 24 pay periods. Police Chief and Police Captains shall be paid a clothing allowance of \$650.00 per year, divided into 26 pay periods.

Non-union employees and employees covered by the FOP labor agreement, the IAFF labor agreement, the IBEW Utilities, Finance, Service/Clerical and Wastewater Treatment Plant labor agreements may receive an annual stipend not to exceed \$1,500 for bilingual pay.

Employees covered by the AFSCME labor agreement shall be granted a meal allowance of \$4.50 if they are required to work two (2) hours overtime consecutively with their normal working hours during an emergency situation, and if such overtime would normally interfere with and disrupt the employee's normal meal schedule. Employees covered by the IBEW - Utilities labor agreement shall be allowed a meal allowance for actual cost, or up to \$7.00 per meal, if they are required to work two (2) hours overtime consecutively with their normal working hours and if such overtime would normally interfere with and disrupt the employee's normal meal schedule. Direct supervisors of employees who are covered by labor

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agreements which allow overtime meal allowance shall be entitled to the same meal allowance benefit.

Non-exempt direct supervisors of employees who are covered by labor agreements which allow stand-by pay shall be entitled to the same stand-by pay benefit.

Utilities Department personnel in the IBEW bargaining unit and the classifications of Meter Reader Supervisor, Power Plant Superintendent, Power Plant Supervisor, Electric Distribution Superintendent, Electric Distribution Supervisor, Water Superintendent, Water Supervisor, and Electric Underground Superintendent shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18.00 per month. When protective clothing is required for Utilities Department and Wastewater Treatment Plant personnel covered by the IBEW labor agreements and employees covered by the AFSCME labor agreement, except the Fleet Services Division of the Public Works Department, the City shall pay 60% of the actual cost of providing and cleaning said clothing and the employees 40% of said cost. Full-time Fleet Services personnel shall receive a uniform allowance of \$12 biweekly. Public Works Department personnel in the job classifications of Fleet Services Shop Foreman and Fleet Services Mechanic shall receive a tool allowance of \$15 biweekly. The City will reimburse 60% of the actual cost of providing up to 2 pairs of steel toe or safety toe boots that meets the ANSI standard per contract year for employees covered by the IBEW Wastewater Treatment Plant labor agreement.

SECTION 9. Employees shall be compensated for unused medical leave as follows:

- (A) All employees covered in the IBEW Utilities labor agreements shall be paid for forty-seven percent (47%) of their accumulated medical leave at the time of their retirement, early retirement, or death, not to exceed four hundred eighty-

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eight and one third hours (calculated at  $47\% \times 1,039 \text{ hours} = 488.33 \text{ hours}$ ), the rate of compensation to be based on the employee's salary at the time of retirement or death. Employees covered in the IAFF labor agreement, with the exception of Life Safety Inspector, shall have a contribution to a VEBA made on their behalf in lieu of payment for thirty-eight percent (38%) of their accumulated medical leave at the time of their retirement, not to exceed five hundred ninety-eight and eighty-eight hundredths hours (calculated at  $38\% \times 1,576 \text{ hours} = 598.88 \text{ hours}$ ). The Life Safety Inspector shall have a contribution to a VEBA made on their behalf in lieu of payment for fifty percent (50%) of their accumulated medical leave at the time of their retirement, not to exceed five hundred forty-two hours (calculated at  $50\% \times 1,084 = 542$ ). The amount of contribution will be based upon the employee's salary at the time of retirement. Employees covered by the IBEW Service/Clerical, IBEW Finance, and IBEW Wastewater Treatment Plant labor agreements shall have a contribution to a VEBA made on their behalf in lieu of payment for twenty-five percent (25%) of their accumulated medical leave at the time of retirement or death, based on the employee's salary at the time of retirement not to exceed 334.75 hours (calculated at  $25\% \times 1,339 \text{ hours} = 334.75 \text{ hours}$ .) Non-union employees shall have a contribution to a VEBA made on their behalf in lieu of payment for fifty percent (50%) of their accumulated medical leave at the time of their retirement, not to exceed five hundred forty-two hours (calculated at  $50\% \times 1,084 = 542$ ). The amount of contribution will be based upon the employee's salary at the time of retirement. Employees hired before October 1, 2014 covered by the AFSCME

ORDINANCE NO. 9587 (Cont.)

labor agreement shall be paid thirty-five (35%) of their accumulated medical leave bank at the time of their retirement, based on the employee's salary at the time of retirement not to exceed four hundred sixty-eight and sixty-five hundredths hours (calculated at  $35\% \times 1339 \text{ hours} = 468.65 \text{ hours}$ ). Employees hired on or after October 1, 2014, covered by the AFSCME labor agreement will not receive compensation at retirement for unused medical leave. All employees covered under the FOP labor agreement shall be paid thirty-seven and one-half percent (37.5%) of their accumulated medical leave bank at the time of their retirement, not to exceed four hundred eighty hours (calculated at  $37.5\% \times 1,280 \text{ hours} = 480 \text{ hrs.}$ ), based on the employee's salary at the time of retirement. If death occurs while in the line of duty, employees covered under the FOP labor agreement shall be paid fifty percent (50%) of their accumulated medical leave bank at the time of their death, not to exceed six hundred forty hours ( $50\% \times 1,280 \text{ hours} = 640 \text{ hrs.}$ ), based on the employee's salary at the time of their death.

(B) The City Administrator and department heads shall have a contribution made to their VEBA for one-half of their accumulated medical leave, not to exceed 30 days of pay, upon their resignation, the rate of compensation to be based upon the salary at the time of termination. Compensation for unused medical leave at retirement shall be as provided for non-union employees.

(C) The death of an employee shall be treated the same as retirement, and payment shall be made to the employee's beneficiary or estate for one-half of all unused medical leave for non-union employees and as defined in labor agreements for all other employees.

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SECTION 10. Non-union employees shall have a contribution made on their behalf to their VEBA account in the amount of \$30.00 per pay period. Employees represented by the IBEW Service/Clerical, IBEW Wastewater Treatment Plant, and IBEW Finance labor agreements shall have a contribution made on their behalf to the VEBA account of \$15 per pay period. Employees represented by the IBEW Utilities labor agreement shall have a contribution made on their behalf to their VEBA account in the amount of \$20.00 per pay period. Employees represented by the IAFF labor agreement shall have a contribution made on their behalf to the VEBA account of \$10 per pay period.

SECTION 11. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 12. The adjustments identified herein shall be effective on the date of passage and publication in pamphlet form in one issue of the Grand Island Independent as provided by law. ~~Wages for Community Service Officers covered under the IBEW Service/Clerical labor agreement shall be retroactive to the February 24, 2015.~~

SECTION 13. Those portions of Ordinance No. 9584 and all other parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Enacted: May 24, 2016

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Jeremy L. Jensen, Mayor

Attest:

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Nicki Stoltenberg, City Clerk Pro Tem





# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item F-3

**#9588 – Consideration of Amending Chapter 23 Article VII of the Grand Island City Code Relative to the Food & Beverage Retailer Occupation Tax**

Staff Contact: Marlan Ferguson

# **Council Agenda Memo**

**From:** Jerry Janulewicz

**Meeting:** May 24, 2016

**Subject:** Food and Beverage Retailer Occupation Tax

**Presenter(s):** Jerry Janulewicz

## **Background**

At the May 2016 primary election, the citizens of Grand Island approved the following ballot question “shall the City of Grand Island impose an occupation tax of one and one half percent (1 ½%) on the sale of all food and beverages presently subject to sales tax in commercial establishments in the City of Grand Island, which occupation tax shall be imposed pursuant to Nebraska Statutes Sections 16-205 and 18-1208?”

## **Discussion**

Pursuant to approval of the above-mentioned ballot issue, a proposed ordinance was prepared for council’s review and consideration. If approved, the ordinance provides for repeal, effective June 30, 2016, of the current occupation tax imposed on food services, drinking places and restaurants (current Chapter 23, Article VII) and, effective July 1, 2016, amends Chapter 23 by adding a new Article VII imposing the new occupation tax on retailers engaged in the sale of food and beverages.

The tax will be imposed at the rate of 1 ½% of the gross proceeds from the sale of food and beverages. Proceeds from sales of food and beverages that are exempt from or not otherwise subject to Nebraska state sales tax are not included in calculating the gross proceeds subject to the occupation tax.

Section 23-65 specifically provides that revenue derived from the Food and Beverages Tax shall be designated for use in the following order:

- (i) To make the City’s quarterly payments to the Nebraska State Fair Support and Improvement Fund as required by Neb Rev. Stat. §§2-108-110;
- (ii) Promote entertainment, agricultural and livestock shows, trade shows and similar events that will attract visitors to Grand Island;
- (iii) Ongoing enhancement and development of recreation and athletic facilities such as hike, bike and recreational trails, ball fields and other community activity needs; and

- (iv) Invest in community development projects and activities that stimulate progress and growth for Grand Island.

Section 3 of the proposed ordinance provides that repeal of the original provisions of Chapter 23, Article VII entitled “Food Service, Drinking Places, and Restaurant Tax.” adopted on September 9, 2008 as Ordinance No. 9189, as amended, shall not operate or be construed to release, forgive, or discharge any occupation tax liability imposed as a result of said Ordinance 9189, as amended, nor any penalties imposed for failure to pay the same, or any liens arising therefrom. Occupation tax returns, assessments, payment, enforcement, administration, recovery, penalties thereon, and liens arising therefrom shall be had and done as set forth by Sections 23-67 through 23-76 as though the same were provided for and imposed by this Ordinance.

### **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 ordinance.

### **Sample Motion**

Move to approve Ordinance #9588.

## ORDINANCE NO. 9588

An ordinance pertaining to occupation tax; to repeal Chapter 23, Article VII, entitled “Food Service, Drinking Places, and Restaurant Tax,” of the Grand Island City Code; to amended Chapter 23, by adding Article VII, pertaining to food and beverage retailer occupation tax; to provide for survival of claims, penalties and liens for unpaid occupation tax and enforcement thereof; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance..

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

SECTION 1. Effective 11:59 p.m., June 30, 2016, Grand Island City Code Chapter 23, Article VII, entitled “Food Service, Drinking Places, and Restaurant Tax”, as amended, is repealed.

SECTION 2. Effective 12:00 a.m., July 1, 2016, Grand Island City Code Chapter 23 is hereby amended to read as follows:

### Article VII.

#### FOOD AND BEVERAGE RETAILER OCCUPATION TAX

##### §23-64. Definitions

As used in this Article, the following words and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

- (A) *Beverage* shall mean all substances, whether in liquid or frozen form, sold for ingestion by humans and are consumed for their taste or nutritional value and contain one-half of one percent or more of alcohol by volume.
- (B) *City* shall mean the City of Grand Island and the area within the corporate limits of the City of Grand Island.
- (C) *Commercial Establishment* shall mean any retail location in the City that sells food or beverages as herein defined.
- (D) *Food* shall mean substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for

Approved as to Form	▣ _____
May 20, 2016	▣ City Attorney

ORDINANCE NO. 9588 (Cont.)

their taste or nutritional value, excluding beverages as defined herein and tobacco products.

- (E) *Gross Proceeds* shall mean the total amount of consideration, donation, contributions, or monetary charges of any nature paid to obtain food or beverage without any deduction on account of expenses, taxes, or other costs.

Notwithstanding anything herein to the contrary, the term gross proceeds shall not include: (i.) proceeds from the sale of food or beverages exempt from or not otherwise subject to Nebraska Sales and Use Tax as provided by the Nebraska Revenue Act of 1967 as amended from time to time; (ii.) The value of food or beverages furnished by the commercial establishment to employees as part of their compensation when no charge is made to the employee; and (iii.) Tips to an employee of a food services and drinking places when the amount of the tip is wholly in the discretion of the purchaser, whether or not the tip is paid to the employee or added to the bill and if the amount of the tip is turned over to the employee. Amounts that are added to the price of the meal and required to be paid by the purchaser, whether or not designated as a tip or a service charge, shall be exempt as a tip to the extent the mandatory amount does not exceed twenty-five percent (25%) of the food and beverage sales price.

- (F) *Finance Director* shall mean the Finance Director of the City of Grand Island.
- (G) *Person* shall mean any natural person, individual, partnership, association, organization or corporation of any kind or character engaging in retail sales of food or beverages.
- (H) *Retail* shall mean sale for use or consumption and not for resale in any form.
- (I) *Retail location* shall mean any permanent, temporary or mobile place, location or facility where retail sales occur, including, but not limited to, brick and mortar locations, mobile trucks and temporary stands.
- (J) *Sale or to sell* shall mean any transfer of possession for consideration, donation, contributions, or monetary charges of any nature paid to obtain or for access to food or beverage.
- (K) *Taxpayer* shall mean any person operating a commercial establishment herein defined who is required to pay the tax herein imposed.

**§23-65. Intent and Purpose of Article**

(A) Pursuant to the authority of Nebraska Revised Statute R.R.S. 1943, Section 16-205, the City Council finds, determines and declares that it is appropriate that a tax be imposed on commercial establishments that sell food and beverages as herein defined for the purpose of raising revenues. The foregoing determination is made with due consideration of business in the City and the relation of business to the municipal welfare, together with relation thereof, to expenditures required by the City, and with consideration of just, proper and equitable distribution of the tax burdens within the City and other properly associated matters.

(B) That revenue derived from Grand Island City Code, Article VII - the Food and Beverages Tax shall be designated for use in the following order:

- (i) To make the City's quarterly payments to the Nebraska State Fair Support and Improvement Fund as required by Neb Rev. Stat. §§2-108-110;

ORDINANCE NO. 9588 (Cont.)

- (ii) Promote entertainment, agricultural and livestock shows, trade shows and similar events that will attract visitors to Grand Island;
- (iii) Ongoing enhancement and development of recreation and athletic facilities such as hike, bike and recreational trails, ball fields and other community activity needs; and
- (iv) Invest in community development projects and activities that stimulate progress and growth for Grand Island.

**§23-66. Tax Imposed; Collection of Tax**

(A) On or after July 1, 2016 and in each calendar month thereafter there is hereby imposed a food and beverages retailer occupation tax upon each and every person operating a commercial establishment within the City for any period of time during a calendar month. The amount of such tax shall be one and one-half percent (1½%) of all gross receipts for each calendar month derived from the sale of food and beverages subject to this tax.

(B) The person engaged in the sale of food and beverages may but is not required to itemize the tax levied on a bill, receipt, or other invoice to the purchaser, but each person engaged in the sale of food or beverages shall remain liable for the tax imposed by this section.

(C) Gross receipts subject to the tax shall include receipts from the sale of food and beverages but excluding receipts from the sale of food or beverages exempt from or not otherwise subject to Nebraska Sales and Use Tax as provided by the Nebraska Revenue Act of 1967 as amended from time to time..

**§23-67. Tax Imposed for Revenue Purposes; Tax Cumulative**

(A) The tax imposed by this article is purely for revenue purposes to support the programs of the government of the City. The levy of the tax under this article is in addition to all other fees, taxes, excises and licenses levied and imposed under any contract or any other provisions of this Code or ordinances of the City, in addition to any fee, tax, excise or license imposed by the state.

(B) Payment of the tax imposed by this article shall not relieve the person paying the same from payment of any other tax now or hereafter imposed by contract or ordinance or by this Code, including those imposed for any business or occupation he or she may carry on, unless so provided therein. It is the intent of this Council that the occupational taxes imposed by this article shall be cumulative except where otherwise specifically provided.

**§23-68. Return**

(A) Each and every person operating a commercial establishment within the City for the calendar month beginning July 2016, and for each and every calendar month thereafter, shall prepare and file, on or before the 25th day of the month, or the next business day should the 25<sup>th</sup> fall on a Federal holiday or weekend, following on a form prescribed by the Finance Director, a return for the taxable calendar month, and at the same time pay to the Finance Director the tax herein imposed. Any return that is remitted via the United State Postal Service shall be postmarked by the 25<sup>th</sup> day of the month to be considered an on time filing.

(B) A commercial establishment may make reports and remittances quarterly in lieu of monthly if their monthly remittance would be \$100.00 or less.

**§23-69. Suspension or Revocation of Other Licenses**

(A) No delinquency in payment of the tax herein provided for by this article and no revocation or conviction for violation of this article shall be grounds for the suspension or revocation of any other license issued to any person engaged in business within the City by the Finance Director or any other official of the City under any licensing provisions of this Code or other ordinances, nor shall the same be grounds for the suspension or revocation of any other license issued by any licensing authority pursuant to the statutes enacted by the State of Nebraska.

**§23-70. Failure to File Return; Delinquency; Assessment by Finance Director**

(A) If any person neglects or refuses to make a return or payment of the taxes as required by this article, the Finance Director shall make an estimate, based upon such information as may be reasonably available, of the amount of taxes due for the period or periods for which the taxpayer is delinquent, and upon the basis of such estimated amount, compute and assess in addition thereto a penalty equal to ten percent (10%) thereof, together with interest on such delinquent taxes, at the rate of one percent (1%) per month, or fraction thereof from the date when due.

(B) The Finance Director shall give the delinquent taxpayer written notice of such estimated taxes, penalty, and interest, which notice must be served personally or by certified mail.

(C) Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Finance Director ten (10) days from the date of service of the notice or the date of mailing by certified mail; however, within such ten (10) day period the delinquent taxpayer may petition the Finance Director for a revision or modification of such assessment and shall, within such ten (10) day period, furnish the Finance Director the facts and correct figures showing the correct amount of such taxes.

(D) Such petition shall be in writing, and the facts and figures submitted shall be submitted in writing and shall be given under oath of the taxpayer.

(E) Thereupon, the Finance Director shall modify such assessment in accordance with the facts which he or she deems correct. Such adjusted assessment shall be made in writing, and notice thereof shall be mailed to the taxpayer within ten (10) days; and all such decisions shall become final upon the expiration of thirty (30) days from the date of service, unless proceedings are commenced within that time for appeal in the District Court of Hall County, Nebraska by the filing of a petition with the Clerk of the Court. This appeal shall be conducted in conformance with the Nebraska Rules of Civil Procedure and Rules of the Court as may be adopted by the Court or enacted by the Legislature.

**§23-71. Jeopardy Assessment**

(A) If the Finance Director finds that the collection of the tax will be jeopardized by delay, in his or her discretion, he or she may declare the taxable period immediately terminated, determine the tax, and issue notice and demand for payment thereof, and, having done so, the tax shall be due and payable forthwith, and the Finance Director may proceed to collect such tax as hereinafter provided.



ORDINANCE NO. 9588 (Cont.)

(B) Collection may be stayed if the taxpayer gives such security for payment as shall be reasonably satisfactory to the Finance Director.

**§23-72. Administration of Article; Miscellaneous Provisions**

(A) Administration by Finance Director. The administration of the provisions of this article are hereby vested in the Finance Director, who shall prescribe forms in conformity with this article for the making of returns, for the ascertainment, assessment and collection of the tax imposed hereunder, and for the proper administration and enforcement hereof. The Finance Director shall adopt such rules and regulation as may be necessary or desirable for the administration and enforcement of this Article.

(B) Duties performed by others. Duties of the Finance Director herein provided may be performed by any qualified person designated by the Finance Director.

(C) Notices to be sent by registered or certified mail. All notices required to be given to the taxpayer under the provisions of this article shall be in writing, and if mailed postpaid by registered or certified mail, return receipt requested, to him or her at his or her last known address shall be sufficient for the purposes of this article.

(D) Duty to keep books and records. It shall be the duty of every taxpayer to keep and preserve suitable records and other books or accounts as may be necessary to determine the amount of tax for which he/she is liable hereunder.

(i) Records of the gross revenue by which this tax is measured shall be kept separate and apart from the records of other sales or receipts in order to facilitate the examination of books and records as necessary for the collection of this tax.

(ii) It shall be the duty of every such taxpayer to keep and preserve for a period of four (4) years all such books, invoices and other records, which shall be open for examination at any time by the Finance Director or his or her duly designated persons. If such person keeps or maintains his books, invoices, accounts or other records, or any thereof, outside of the state, upon demand of the Finance Director he/she shall make the same available at a suitable place within the City, to be designated by the Finance Director, for examination, inspection and audit by the Finance Director or his or her duly authorized persons.

(iii) The Finance Director, in his or her discretion, may make, permit or cause to be made the examination, inspection or audit of books, invoices, accounts or other records so kept or maintained by such person outside of the state at the place where same are kept or maintained or at any place outside the state where the same may be made available, provided such person shall have entered into a binding agreement with the City to reimburse it for all costs and expenses incurred by it in order to have such examination, inspection or audit made in such place.

(E) Investigation of taxpayer's books. For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax due from any person, the Finance Director or his or her duly authorized persons, may hold investigations and hearings concerning any matters covered by this article; and may examine any relevant books, papers, records or memoranda of any such person; and may require the attendance of such person, or any officer or employee of such person, or of any person having knowledge thereof; and may take testimony and require proof of his or her information. The Finance Director and his or her duly authorized persons shall have power to administer oath to such persons.

ORDINANCE NO. 9588 (Cont.)

(F) Sale of business. Whenever any taxpayer sells his/her food services, drinking places business, or restaurant or quits engaging in such business, any tax payable under this article shall become immediately due and payable and such person shall immediately make a report and pay the tax due.

(G) Status of unpaid tax and bankruptcy and receivership. Whenever the business or property of any taxpayer subject to this article shall be placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for property taxes, all taxes, penalties, and interest imposed by this article and for which the taxpayer is in any way liable under the terms of this article shall be a prior and preferred lien against the property of the taxpayer, except as to pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall have attached prior to the filing of the notice as hereinafter provided on the property of the taxpayer, other than the goods, stock in trade, and business fixtures of such taxpayer; and no sheriff, receiver, assignee or other official shall sell the property of any person subject to this article under process or order of any court without first ascertaining from the Finance Director the amount of any taxes due and payable under this article; and if there be any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of such taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the cost of the proceedings and other pre-existing claims or liens as above provided.

(H) Release of liens. The tax imposed by this article, together with the interest and penalties herein provided and the cost of collection which may be incurred, shall be and, until paid, remain a first and prior lien, except as otherwise provided by the constitution or statute, superior to all other liens, on all the merchandise, furniture and fixtures, tools and equipment of the taxpayer within the City, and may be foreclosed by seizing under distraint and sale of so much of said merchandise, furniture and fixtures, tools and equipment, as may be necessary to discharge the lien. The lien created by this article shall apply only to tax obligations hereafter incurred. Any lien for taxes as shown on the records of the county clerks and recorders as herein provided shall, upon the payment of all taxes, penalties and interest covered thereby, be released by the Finance Director in the same manner as mortgages or judgments are released.

(I) Statute of Limitations. No suit for collection of any taxes imposed by this article for any interest thereon or penalties with respect thereto may be instituted, or any other action to collect the same shall be commenced, nor shall any notice of lien be filed, or distraint warrant be issued, more than four (4) years after the date on which the tax was or is payable. In case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed or proceedings for the collection of such taxes may be begun at any time. Before the expiration of such period of limitation, the taxpayer and the Finance Director may agree in writing to an extension thereof; and the period so agreed on may be extended by subsequent agreement in writing.

(J) Administrative Fee. The Finance Director shall deposit monthly the proceeds of the occupation tax to the special revenue fund, after deducting the amount of refunds made and three percent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Finance Director shall keep full and accurate records of all money received and distributed. All receipts from the three-percent administrative fee shall be deposited in the City's General Fund.

**§23-73. Recovery of Unpaid Tax by Action at Law**

(A) The Finance Director may also treat any such taxes, penalties or interest due and unpaid as a debt due the City.

(B) In case of failure to pay the taxes, or any portion thereof, or any penalty or interest thereon when due, the Finance Director may recover at law the amount of such taxes, penalties and interest in any court of Hall County, Nebraska or of the county wherein the taxpayer resides or has its principal place of business having jurisdiction of the amounts sought to be collected.

(C) The return of the taxpayer or the assessment made by the Finance Director, as herein provided, shall be prima facie proof of the amount due.

(D) Such actions may be actions and attachments, and writs of attachment may be issued to the constable or sheriff, as the case may be; and in any such proceeding no bond shall be required of the Finance Director except as may be required by statute, nor shall any constable or sheriff require of the Finance Director an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceeding; and, in accordance with the procedure established by statute, if any, the Finance Director may prosecute appeals or writs of error in such cases without the necessity of providing bond therefor;

(E) The city attorney, when requested by the Finance Director may commence an action for the recovery of taxes due under this article; and this remedy shall be in addition to all other existing remedies, or remedies provided in this article.

**§23-74. City a Party to Title Actions for Determination of Lien**

In any action affecting the title to real estate or the ownership or rights to possession of personal property, the City may be made a party defendant for the purpose of obtaining a judgment or determination of its lien upon the property involved therein.

**§23-75. Authority of Finance Director to Waive Penalty**

The Finance Director is hereby authorized to waive, for good cause shown, any penalty assessed as in this article provided; and any interest imposed in excess of six percent (6%) per annum shall be deemed a penalty.

**§23-76. Penalty**

(A) Penalties for deficiencies caused by disregard of rules. If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency; and in such case interest shall be collected at the rate of one percent (1%) per month, or fraction thereof, on the amount of the deficiency from the time the return was due, from the person required to file the return, which interest in addition shall become due and payable within ten (10) days after written notice and demand by the Finance Director.

(B) Penalties for deficiencies caused by fraud. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency, and in such case the whole amount of the tax that is unpaid, including the additions, shall become due and payable ten (10) days after written notice and demand by the Finance Director, and an additional one percent (1%) per month, or fraction thereof, on said amounts shall be added from the date the return was due until paid.

ORDINANCE NO. 9588 (Cont.)

**§23-77. Severability**

If any provisions, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

SECTION 3. The repeal provided herein of the original provisions of Chapter 23, Article VII entitled "Food Service, Drinking Places, and Restaurant Tax." adopted on September 9, 2008 as Ordinance No. 9189, as amended, shall not operate or be construed to release, forgive, or discharge any occupation tax liability imposed as a result of said Ordinance 9189, as amended, nor any penalties imposed for failure to pay the same, or any liens arising therefrom. Occupation tax returns, assessments, payment, enforcement, administration, recovery, penalties thereon, and liens arising therefrom shall be had and done as set forth by Sections 23-67 through 23-76, above, as though the same were provided for and imposed by this Ordinance.

SECTION 4. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication.

Enacted: May 24, 2016.

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Jeremy L. Jensen, Mayor

Attest:

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Nicki Stoltenberg, City Clerk Pro Tem



# **City of Grand Island**

**Tuesday, May 24, 2016**

**Council Session**

## **Item G-1**

### **Approving Minutes of May 10, 2016 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING

May 10, 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 May 10, 2016. Notice of the meeting was given in *The Grand Island Independent* on May 4, 2016.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mitch Nickerson, Mark Stelk, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Jeremy Jones 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 member Rylan Dvorak.

INVOCATION was given by Pastor Bill Pavuk, St. Pauls Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

#### PRESENTATIONS AND PROCLAMATIONS:

Presentation by Hall County Vietnam Veterans Hero Flight Committee. Hall County Supervisors Pam Lancaster and Gary Quandt representing the Hall County Vietnam Veterans Hero Flight Committee thanked the City of Grand Island for their work in welcoming the Vietnam Veterans home from Washington, DC on May 3, 2016.

#### PUBLIC HEARINGS:

Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 16, 2016; notice to the general public of date, time, and place of hearing published on April 30, 2016; notice to the applicant of date, time, and place of hearing mailed on April 19, 2016; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report and Nebraska State Statutes 53-132 (2a, 2b & 2c). Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 8, 2016; notice to the general public of date, time, and place of hearing published on April 30, 2016; notice to the applicant of date, time, and place of hearing mailed on April 8, 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. Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

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). Regional Planning Director Chad Nabity reported that an application had been made by Westar Foods to rezone property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - (#1) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of the VA Hospital at the northwest corner of Broadwell and Capital Avenue was needed in order to have access to install, maintain, and repair the high voltage underground power lines and pad-mount transformers that would serve the facility. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - (#2) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of the VA Hospital at the northwest corner of Broadwell and Capital Avenue was needed in order to have access to install, maintain, and repair the public water main and related appurtenances that serve the apartment buildings for veteran housing currently being built. Staff recommended approval. No public testimony was heard.

#### ORDINANCES:

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

#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)

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of this ordinance on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mr. Nabity answered questions regarding a shared driveway with Burger King at this location.

Motion by Haase, second by Paulick to approve Ordinance #9585.

City Clerk: Ordinance #9585 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 #9585 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 #9585 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-9 and G-12 (Resolution #2016-110 and #2016-113) were pulled for further discussion. Motion by Donaldson, second by Minton to approve the Consent Agenda excluding items G-9 and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 26, 2016 City Council Regular Meeting.

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

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

#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.

#2016-106 - Approving Final Plat and Subdivision Agreement for Commercial Industrial Park 6th Subdivision. It was noted that Middleton Properties, LLC, owners, had submitted the Final Plat and Subdivision Agreement for Commercial Industrial Park 6<sup>th</sup> Subdivision for the purpose of creating 3 lots located south of Frontage Road and east of Industrial Lane consisting of 4.409 acres.

#2016-107 - Approving Final Plat and Subdivision Agreement for Hayman's 2nd Subdivision. It was noted that Handlers Land LLC, owners, had submitted the Final Plat and Subdivision Agreement for Hayman's 2<sup>nd</sup> Subdivision for the purpose of creating 2 lots located east of North Road and south of Stolley Park Road consisting of 4.75 acres.

#2016-108 - Approving Final Plat and Subdivision Agreement for Jack Voss Horse Country Club 4th Subdivision. It was noted that Joseph Brown and Lori Bear-Brown, owners, had submitted the Final Plat and Subdivision Agreement for Jack Voss Horse Country Club 4<sup>th</sup> Subdivision for the purpose of creating 2 lots located east of Engleman Road and north of Michigan Avenue consisting of 7.036 acres.

#2016-109 - Approving Final Plat and Subdivision Agreement for Park Island Square 7th Subdivision. It was noted that KM Grand Island Joint Venture, LLC, owners, had submitted the Final Plat and Subdivision Agreement for Park Island Square 7<sup>th</sup> Subdivision for the purpose of creating 2 lots located south of 13<sup>th</sup> Street and west of US Highway 281 consisting of 7.81 acres.

#2016-110 - Approving Subordination Agreement for Lois Stade, 236 S. Plum Street. Community Development Specialist Charley Falmlen stated Lois Stade was looking to refinance



her home which the City had a Community Development down payment assistance lien on. The bank was requesting the subordination agreement. Discussion was held regarding the City having a second lien now and would still have a second lien after the subordination agreement.

Motion by Nickerson, second by Hehnke to approve Resolution #2016-110. Upon roll call vote, all voted aye. Motion adopted.

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

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

#2016-113 - Approving Purchase of a 2016 Pick-up Truck for the Utilities Department, Water Shop, via State Contract #14337 OC from Sid Dillon Chevrolet of Crete, NE in an Amount of \$48,663.00. Utilities Director Tim Luchsinger stated this truck was a replacement for a service truck that was scheduled to be replaced in this year's budget. Comments were made concerning the current 12 year truck with low mileage. Mentioned was having a fleet management city wide. Mr. Luchsinger explained the difference in the Utilities Department fleet versus other companies and the importance of having dependable vehicles. Mr. Ferguson stated the City had an extensive record of fleet management of City vehicles.

Motion by Hehnke, second by Stelk to approve Resolution #2016-113. Upon roll call vote, all voted aye. Motion adopted.

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

#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 from the NJPA Contract No. 031014-ALT Altec Industries, Inc. in an amount of \$143,615.00.

#2016-116 - Approving Award for Consulting Services for Geospatial Data Collection of Grand Island's Public Storm Water Conveyance System – 2016 with EA Engineering, Science, and Technology, Inc. of Lincoln, NE in an Amount of approximately \$50,000.00.

#2016-117 - Approving Agreement Amendment No. 3 with Olsson Associates of Grand Island, NE 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) in an Amount of \$38,448.00 and a Revised Contract Amount of \$580,633.00.

#2016-118 - Approving Agreement for 2016 Pavement Condition Assessment, Traffic Control Sign Inventory, Pavement Markings Inventory, and Sidewalk Inventory with IMS Infrastructure Management Services of Tempe, AZ in an Amount of \$194,365.00.

RESOLUTIONS:

#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 was related to the aforementioned Public Hearing. Comments were made regarding the past history of the applicant selling to minors and what procedures were in place to avoid this in the future. Tom Wagoner, attorney for the applicant commented on the past history of the applicant.

Motion by Stelk, second by Donaldson to deny Resolution #2016-119 based upon the Police Department Report and Nebraska State Statutes 53-132 (2a, 2b & 2c). Upon roll call vote, all voted aye. Motion adopted.

#2016-120 - Consideration of Approving Resolution Directing Property Owner to Repair Sidewalk at 103 West 3rd Street. Public Works Director John Collins reported that Code Enforcement was notified of the sidewalk in disrepair at 103 West 3<sup>rd</sup> Street. On March 30, 2016 Code Enforcement notified the owner giving them 30 days to correct the violation under City Code Section 32-58. The work had not been made as of April 29, 2016. The Public Works Department requested 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.

Mr. Collins explained what the City expected the property owner needed to do to repair the sidewalk.

Motion by Paulick, second by Minton to approve Resolution #2016-120. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Hehnke to approve the Claims for the period of April 27, 2016 through May 10, 2016 for a total amount of \$4,100,358.72. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 7:50 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, May 24, 2016**

**Council Session**

## **Item G-2**

**Approving Minutes of May 17, 2016 City Council Study Session**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

May 17, 2016

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on May 17, 2016. Notice of the meeting was given in the *Grand Island Independent* on May 11, 2016.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following Councilmembers were present: Mitch Nickerson, Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Roger Steele, and Mike Paulick. Councilmember Vaughn Minton 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 member Perla Alarcon.

INVOCATION was given by Community Youth Council member Perla Alarcon followed by the PLEDGE OF ALLEGIANCE.

SPECIAL ITEMS:

Alternate 911 Discussion. Emergency Management Director Jon Rosenlund stated the Emergency Management Department had been investigating options to solve the need for an alternate 911 center. Improved designs for an alternate had been received and recent options were presented to the Interlocal Committee for their review. Options included the construction of a full scale center with proximity to the City's fiber optic network, as well as an alternate facility at Fire Station #1 that could also serve as a Fire Training Room facility. Additional opportunities were presented by private businesses and property owners regarding the sale/lease of current space.

Reviewed were the following cost and design of full scale construction: West Faidley - \$3.4 million and West 13<sup>th</sup> Street - \$3.2 million. An alternate 911 Center at Fire Station #1 was \$1.7 million. Cost of a leased Alternate 911 was \$562,000. Presented was renovating City Hall basement to expand the Emergency Management and 911 offices to match capabilities in a full scale center. This would expand 911 into one wing and the Emergency Management offices into the Community Meeting Room wing. The estimated costs for the City Hall renovations were \$485,000.

Discussion was held regarding the future use of the Community Meeting Room (CMR) after the possible renovation of the basement. Mr. Rosenlund stated the CMR would still be used as it was today. FEMA and NEMA would still have use of CMR and would have to approve the changes proposed.

The following CYC students spoke in support of the Fire Station 1 alternative:

- Melissa Cuellar, 424 Path Avenue

- Brandies Jensen, 1140 Pleasant View Drive
- Ronald Dvorak, 2014 No. Custer Avenue
- Sarah Salaman, 208 Ponderosa Drive

Buzz Douthit, 1608 Anna Street presented another option at Fonner Court, 1512 South Locust Street currently rented by Viaero Wireless.

Comments were made about this being the fourth time this issue came before Council over the last four years. Explained was the Interlocal Committee which was made up of City and County elected officials. It was requested this committee submit their recommendation to the Council. Mentioned was that the costs would be split with the County. There was currently \$857,000 in cash reserves and a yearly \$365,000 collected from landline and wireless phones. Mr. Rosenlund stated the cost of a new building would be the responsibility of the City and not shared by the County as per the Interlocal Agreement.

Discussion was held regarding the size needed for an alternate site. Mr. Rosenlund stated at least 5,400 square feet. Councilmember Nickerson stated he serves on the Interlocal Committee and updated the Council on those discussions. When asked what the best scenario was for him, Mr. Rosenlund stated he thought the alternate at Fire Station 1 was the best choice for him and the Fire Department.

Comments were made regarding building a new full 911 center and having the alternate 911 in the basement at City Hall. Mayor Jensen stated it would be a good idea to put together an amortization schedule if the Council would decide to bond this project. Mentioned was that if the City leased a property the County would be responsible for 50% of the cost of which the citizens of the City would pay approximately 80% since they pay both City and County taxes. Lease purchase was talked about as well as fiber optic challenges at certain sites.

Roundabout Education. Public Works Director John Collins introduced Public Works Engineer Tim Golka who reported that the Engineering Division of the Public Works Department was always looking for ways to improve traffic flow and provide safe roadways for the public. The introduction of roundabouts to the City roadways had been brought up in the past.

Reviewed were types of intersections, what a modern roundabout was, key features, and a video for driving roundabouts. Mentioned was roundabouts were safer than traditional intersections. Public Works was recommending a roundabout on Adams Street between the new Starr Elementary School and Barr Middle School. Discussion was held regarding pedestrian crossings.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, May 24, 2016**

**Council Session**

## **Item G-3**

**Approving Liquor Manager Designation for Stephanie Smith, 208 West 8th Street for Ruby Tuesday, 3429 West 13th Street**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 24, 2016

**Subject:** Request from Stephanie Smith, 208 West 8<sup>th</sup> Street for Liquor Manager Designation with Ruby Tuesday, 3429 West 13<sup>th</sup> Street

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

## **Background**

Stephanie Smith, 208 West 8<sup>th</sup> Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Ruby Tuesday, 3429 West 13<sup>th</sup> Street.

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 Stephanie Smith, 208 West 8<sup>th</sup> Street for Liquor Manager Designation in conjunction with the Class “I-067017” Liquor License for Ruby Tuesday, 3429 West 13<sup>th</sup> Street with the stipulation that Ms. Smith complete a state approved alcohol server/seller training program.



05/17/16  
12:51

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

City : Grand Island  
Occurred after : 15:30:00 04/22/2016  
Occurred before : 15:30:00 04/22/2016  
When reported : 15:30:00 04/22/2016  
Date disposition declared : 04/25/2016  
Incident number : L16042181  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 3429 13th St W  
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 : 470  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	209757	05/06/16	Smith, Stephanie R	Manager
NM	110818	04/22/16	Smith, Matthew Gregory	Stephanie's Spouse
NM	114286	04/22/16	Ruby Tuesday,	Business Involved

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:

05/17/16  
12:51

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
2

Liquor License Investigation  
Grand Island Police Department

Stephanie Smith is applying to be the liquor manager at Ruby Tuesday.

ap

~~~~~ (lwmain15255604222016)~~

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 | 15:17:45 05/06/2016 |
|---|----------|---------------------|

05/17/16  
12:51

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Fri May 06 15:17:56 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

Stephanie Smith is applying to be the liquor manager for Ruby Tuesday. According to her application, Stephanie is married to Matthew Smith. She has lived in Grand Island since 2012. Prior to that, she lived in Kearney since 1991. Matthew signed a Spousal Affidavit of Non-Participation form.

Stephanie disclosed convictions for: speeding in January of 2006, speeding in September of 2007, improper turn in October of 2008, possession of marijuana less than an ounce and possession of drug paraphernalia in February of 2009, minor in possession in May of 2009, speeding and failure to use her seatbelt in June of 2011, and 2nd degree criminal trespass in May of 2014.

Matthew disclosed convictions for: MIP in 2008, Theft in 2009, 2 DUI's, "possession," and reckless driving in 2010, open container and no proof of insurance in 2011, 3 trespassing charges and expired plates (no dates given).

I checked Stephanie and Matthew through Spillman and NCJIS. I didn't find any undisclosed violations for Stephanie in Spillman or NCJIS. In fact, the only convictions Stephanie has listed in NCJIS are for the speeding and no seatbelt in 2011. It's possible that Stephanie listed everything she has been cited for, and some of those violations weren't prosecuted and/or convicted. It's also possible that she successfully completed a STOP class or diversion, so some of those convictions won't show up on a criminal record check.

Matthew has quite a few contacts in Spillman, but it doesn't appear that any of them would fall under undisclosed convictions. I found the following undisclosed convictions in NCJIS: MIP (2nd conviction), no motorcycle helmet, passing on the right, expired in-transit decals, overweight axle or group of axles.

Stephanie and Matthew each have a valid driver's license, and neither one of them have any outstanding warrants for their arrest. I also checked Stephanie and Matthew through a paid law enforcement-only database which tends to mostly provide personal identifying information and information about civil issues. I didn't find anything out of the ordinary for either one of them.

All in all, nothing in Stephanie or Matthew's criminal history (at least in the State of Nebraska) precludes Stephanie from becoming a liquor manager. In addition, Stephanie's disclosed criminal convictions seem to be overstated. Two minor traffic convictions are all I found for her. Lastly, Matthew signed a Spousal Affidavit of Non-Participation form. The Grand Island Police Department has no objection to Stephanie becoming the liquor manager at Ruby Tuesday.



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-4

**#2016-121 - Approving Request from Prairie Pride Brewing Company, LLC dba Prairie Pride Brewing Company, 115 East South Front Street, Suite 1 for a Class “LK” Liquor License and Liquor Manager Designation for Phillip Cahoy, #83 Ponderosa Drive**

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

Staff Contact: RaNae Edwards

RESOLUTION 2016-121

WHEREAS, an application was filed by Prairie Pride Brewing Company, LLC doing business as Prairie Pride Brewing Company, 115 East South Front Street for a Class "LK" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on May 14, 2016; such publication cost being \$17.26; and

WHEREAS, a public hearing was held on May 24, 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 Phillip Cahoy, #83 Ponderosa Drive as liquor manager of such business.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| May 20, 2016        | ☐ City Attorney |



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-5

### **#2016-122 - Approving Acquisition of Utility Easement - 1920 Sagewood Avenue (HC of Grand Island LLC)**

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

Staff Contact: Tim Luchsinger, Utilities Director

RESOLUTION 2016-122

WHEREAS, a public utility easement is required by the City of Grand Island from HC of Grand Island, LLC, 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 24, 2016 for the purpose of discussing the proposed acquisition of an easement located at 1920 Sagewood Avenue, in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

Commencing at the Northwest corner of Lot One (1), Starlite Subdivision, Grand Island, Hall County, Nebraska; thence easterly along the northerly line of said Lot One (1), a distance of one hundred sixty five and nine tenths (165.9) feet to the Actual Point Of Beginning; thence running southerly perpendicular to the northerly line of said Lot One (1), a distance of three hundred fifty two (352.0) feet.

The above-described easement and right-of-way containing 0.16 acres more or less, as shown on the plat dated 4/29/2016, marked Exhibit "A", attached hereto and incorporated herein by reference.

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 HC of Grand Island, LLC, on the above-described tract of land.

- - -

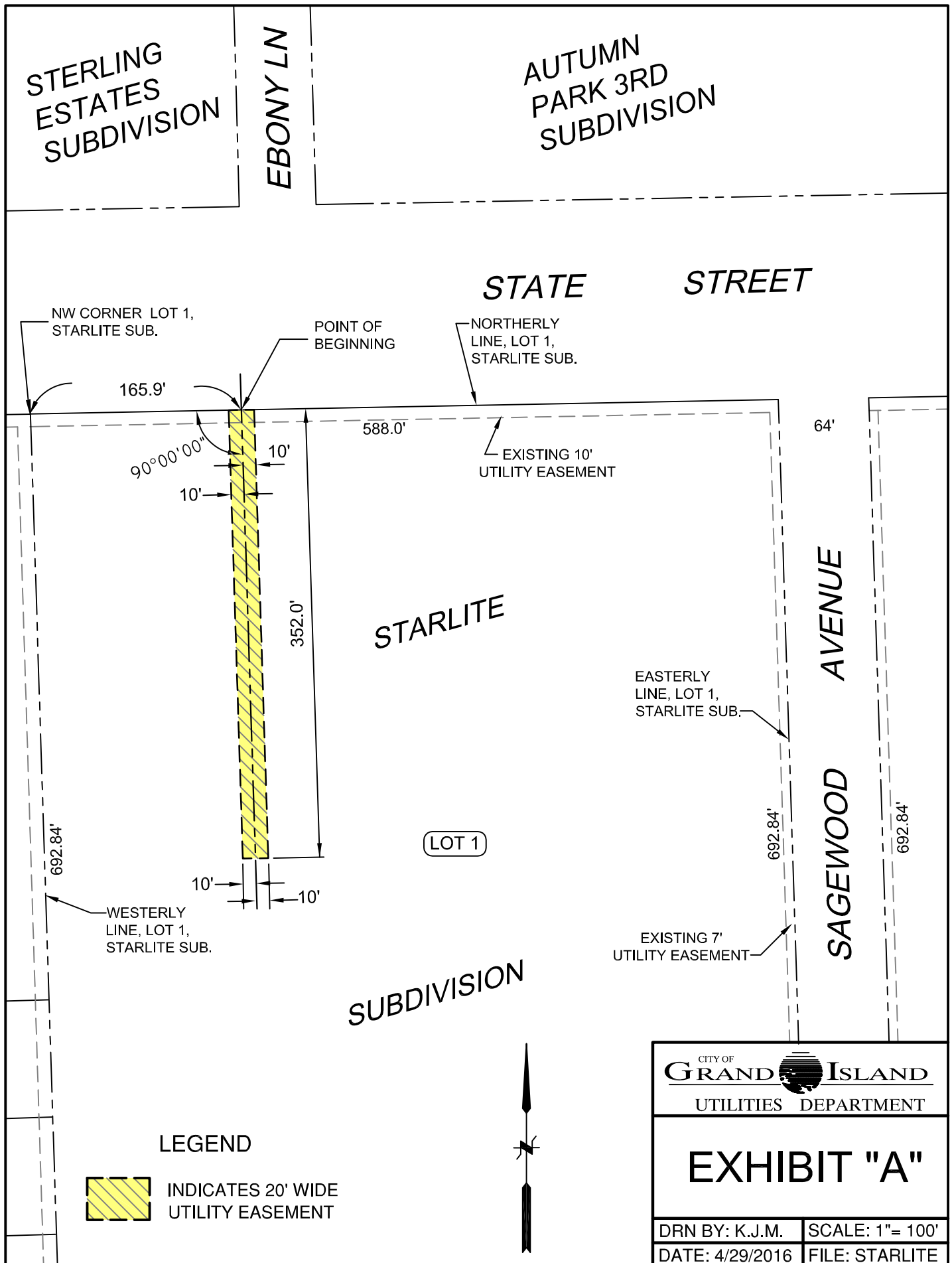
Adopted by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| May 20, 2016        | ☐ City Attorney |







# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-6

**#2016-123 - Approving Certificate of Participant with the Public Power Generation Agency for Revenue Refunding Bonds, 2016, Series A**

Staff Contact: Tim Luchsinger, Jerry Janulewicz

# **Council Agenda Memo**

**From:** Jerry Janulewicz, City Attorney  
Timothy Luchsinger, Utilities Director

**Meeting:** May 24, 2016

**Subject:** Public Power Generation Agency – *Certificate of Participant*

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

## **Background**

The City of Grand Island is a member of Public Power Generation Agency, an agency formed through an Interlocal Agreement on September 1, 2005 and Participation Agreement on October 5, 2006 for the ownership and operation of the Whelan Energy Center Unit 2, a coal-fueled generating plant which began operation May, 2011. This inter-local agency issued revenue bonds in 2007 for the construction of the project. A 2016 issue of bonds to allow the refinancing of the 2007 issue was recently completed.

## **Discussion**

The 2016 Series A Bonds issue requires the compilation of financial and operating data from each of the project Participants in order to prepare the Official Statement and other documents necessary to proceed with the issuance of the bonds to finance the Participants' share of the construction project. Each Participant must provide the required information and certify that this information is correct.

Attached is the *Certificate of Participant*. By execution of this document the City certifies that the information provided for preparation of the 2016 Series A Bonds issue is correct and that there are not material legal matters pending which would affect the Participants' ability to meet its obligation to the project at the date of bond issuance.

All participants in the 2016 Series A Bonds issuance are required to execute a *Certificate of Participant*.

## **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 *Certificate of Participant* be approved by Council for execution by the Mayor.

### **Sample Motion**

Move to approve the *Certificate of Participant* and to authorize the Mayor to execute the document.

## CERTIFICATE OF PARTICIPANT

The undersigned hereby certifies that he is the Mayor of the City of Grand Island, Nebraska (the "*Participant*"), a member of Public Power Generation Agency ("*PPGA*"), and that as such he is authorized to execute this Certificate on behalf of the Participant, and hereby further certifies as follows:

1. This Certificate has been executed in connection with the Public Power Generation Agency Interlocal Agreement, dated as of September 1, 2005 (the "*Interlocal Agreement*"), by and among the Participant and four other public agencies; and the Amended and Restated Participation Agreement, dated as of October 5, 2006 (the "*Participation Agreement*"), between the Participant and PPGA; and the proposed issuance by PPGA of its Whelan Energy Center Unit 2 Revenue Refunding Bonds, 2016 Series A.
2. The Participant is a City of the First Class of the State of Nebraska and is governed by a City Council (the "*Governing Body*").
3. The Interlocal Agreement and the Participation Agreement have each been duly authorized, executed and delivered by the Participant and constitute legal, valid and binding agreements of the Participant, and have not been amended, revised or supplemented.
4. The resolutions adopted at a meeting of the Governing Body held on August 9, 2005 authorizing the execution and delivery of the Interlocal Agreement and related matters and the ordinance adopted at a meeting of the Governing Body held on November 14, 2006 authorizing the execution and delivery of the Participation Agreement and related matters have each been duly adopted, and are in full force and effect and have not been amended, modified, repealed or supplemented.
5. No referendum petition was filed with the Participant or any of its officers seeking to refer such resolution or ordinance to the electors of the Participant in accordance with the provisions of state law; and (b) no litigation has been instituted, is pending or has been threatened to require a referendum election thereon.
6. The Participant now owns and operates a local electric utility system (the "*System*") and furnishes electric energy to all persons desiring such service within its service area. The electric energy to be provided by its Entitlement Share in the Project (each as defined in the Participation Agreement) will be used by the Participant to provide electric service within its service area.
7. The payments to be made by the Participant to PPGA under the Participation Agreement will constitute ordinary and necessary expenses payable solely from the revenues and other available funds of the System.

8. There is no action, suit, proceeding, inquiry or investigation by or before any court, governmental agency, public board or administrative body pending or, to the best of our knowledge threatened, against the Participant which (a) challenges, contests or questions the due and regular adoption of the resolution or ordinance referred to in paragraph 4 above or the validity thereof, or affects or seeks to prohibit, restrain or enjoin the Participant from complying with the obligations contained in the Participation Agreement or the Interlocal Agreement, including the payment obligations to PPGA contained in the Participation Agreement, (b) in any way affects or questions the validity or enforceability of the Interlocal Agreement or the Participation Agreement, nor, to the best of our knowledge, is there any basis therefor, (c) challenges or affects the corporate existence of the Participant or the titles of its officers to their respective offices, (d) seeks to prohibit, restrain or enjoin the collection of revenues from the System to be used to make payments to PPGA under the Participation Agreement, and (e) involves any of the property or assets of the Participant which involves the possibility of any judgment or liability, not fully covered by insurance, which may result in any material adverse change in the business, properties, assets or in the condition, financial or otherwise, of the System.

9. The Participant requested PPGA to acquire and construct the "Project", as defined in the Participation Agreement (consisting primarily of Whelan Energy Center Unit 2), on its behalf in order to provide electric energy needed by the Participant to serve its customers, and the Participant continues to expect the Project to be needed for such purpose.

10. Timothy G. Luchsinger has been duly appointed by the Governing Body to serve as a member, and Travis Burdett as alternate member, of the Board of Directors of PPGA on and from May 10, 2011.

11. The information with respect to the Participant and the System contained in the Official Statement of PPGA, dated April 28, 2016, was provided by the Participant, does not contain any untrue statement of a material fact and does not omit to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

Dated: May 25, 2016

CITY OF GRAND ISLAND, NEBRASKA

By \_\_\_\_\_  
Jeremy Jensen, Mayor

## RESOLUTION 2016-123

WHEREAS, through and by adoption of Resolution 2005-224 on August 9, 2005, the City of Grand Island became a member of the Public Power Generation Agency by its approval of the Interlocal Agreement creating the Public Power Generation Agency, approving the agency bylaws, and approving the Participation Agreement, all providing for the governance of the agency and the ownership and operation of the Whelan Energy Center Unit 2, a coal-fueled generating plant; and

WHEREAS, on November 14, 2006, the City Council of the City of Grand Island enacted Ordinance No. 9089 thereby approving the Amended Participation Agreement by and between the City of Grand Island and the Public Power Generation Agency; and

WHEREAS, the Public Power Generation Agency issued revenue bonds in 2007 for the construction of the Whelan Energy Center Unit 2 and a 2016 issue of bonds to allow the refinancing of the 2007 issue was recently completed; and

WHEREAS, as a part of the process of arranging financing for the Public Power Generation Agency Bonds, the Public Power Generation Agency has requested that the City execute a Certificate of Participant; and

WHEREAS, the form of the Certificate of Participant was reviewed and approved by the City Attorney.

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

1. The actions and proceedings of the City of Grand Island, and its City Council and Mayor, had and taken on August 9, 2005, with respect to the above-mentioned Interlocal Agreement and bylaws of the Public Power Generation Agency, should be and the same are hereby confirmed, ratified and approved; and
2. The Mayor is authorized to execute the above-mentioned Certificate of Participant on behalf of the City of Grand Island.
3. This resolution is hereby determined to be a measure necessary to carry out the obligations of the City under the Agreement and shall be in force and effect immediately upon its passage and approval.

---

PASSED AND APPROVED by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ▣ _____         |
| May 20, 2016        | ▣ City Attorney |



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-7

**#2016-124 - Approving Acquisition of Utility Easement in Section 22, Township 11 N, Range 9 - SE Corner of S Locust Street & State Fair Boulevard Intersection (Hall County Livestock Improvement Association)**

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

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

RESOLUTION 2016-124

WHEREAS, a public utility easement is required by the City of Grand Island, from Hall County Livestock Improvement Association, in the Southwest Quarter of Section 22, Township 11N, Range 9W, City of Grand Island, Hall County, Nebraska and more particularly described as follows:

A PUBLIC UTILITY EASEMENT BEING PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED AS EXHIBIT "A" IN INSTRUMENT #87106012 IN THE HALL COUNTY NEBRASKA REGISTER OF DEEDS OFFICE; THENCE EASTERLY, ON THE NORTH LINE OF SAID EXHIBIT "A", A DISTANCE OF 6.96 FEET TO THE EASTERLY LINE OF AN EXISTING PUBLIC UTILITY EASEMENT AS RECORDED IN INSTRUMENT #200316339 IN SAID HALL COUNTY NEBRASKA REGISTER OF DEEDS OFFICE; THENCE SOUTHERLY, ON THE EASTERLY LINE OF SAID EXISTING PUBLIC UTILITY EASEMENT, A DISTANCE OF 216.30 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING INGRESS/EGRESS EASEMENT AS RECORDED IN INSTRUMENT #201002121 IN SAID HALL COUNTY NEBRASKA REGISTER OF DEEDS OFFICE; SAID POINT BEING THE ACTUAL POINT OF BEGINNING; THENCE EASTERLY, ON THE SOUTHERLY LINE OF SAID EXISTING INGRESS/EGRESS EASEMENT, A DISTANCE OF 25.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EASTERLY LINE OF SAID EXISTING PUBLIC UTILITY EASEMENT, A DISTANCE OF 25.00 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID EXISTING INGRESS/EGRESS EASEMENT, A DISTANCE OF 25.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID EXISTING PUBLIC UTILITY EASEMENT; THENCE NORTHERLY, ON THE EASTERLY LINE OF SAID EXISTING PUBLIC UTILITY EASEMENT, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID NEWLY DEDICATED UTILITY EASEMENT TRACT CONTAINS A CALCULATED AREA OF 0.0143 ACRES MORE OR LESS.

WHEREAS, an Agreement for the public utility easement has been reviewed and approved by the City Legal Department.

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 enter into the Agreement for the public utility easement on the above described tract of land.

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 24, 2016.

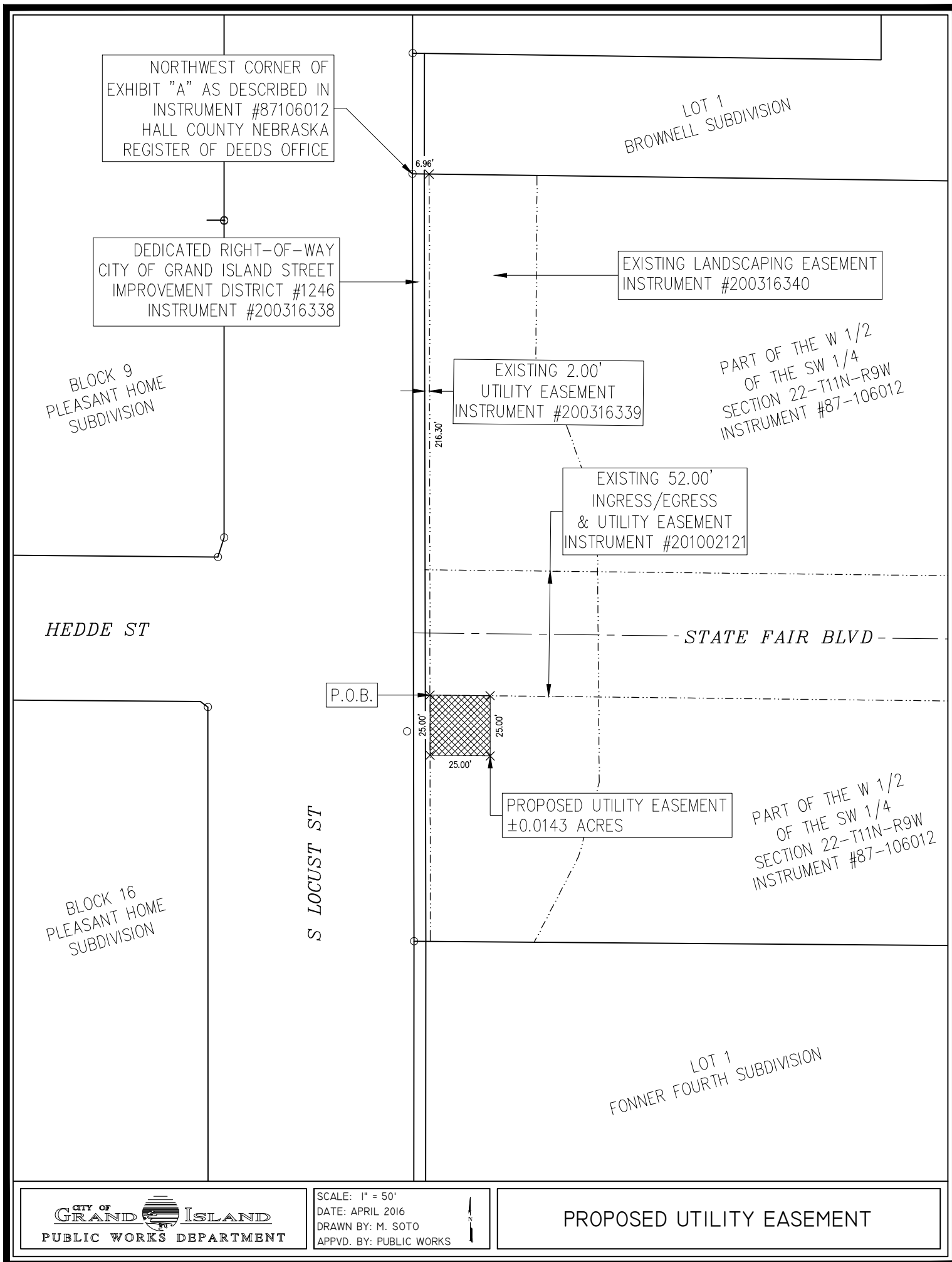
\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |               |
|---------------------|---------------|
| Approved as to Form | by _____      |
| May 20, 2016        | City Attorney |







# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-8

**#2016-125 - Approving Award of Proposal for Enterprise  
Environmental Resources Regulatory and Compliance System -  
2016**

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

# **Council Agenda Memo**

**From:** Marvin Strong PE, Wastewater Treatment Plant Engineer

**Meeting:** May 24, 2016

**Subject:** Approving Award of Proposal for Enterprise Environmental Resources Regulatory and Compliance System - 2016

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

## **Background**

A Request for Proposals (RFP) for consulting services for Enterprise Environmental Resources Regulatory and Compliance System - 2016 was advertised in the Grand Island Independent on April 11, 2016. The RFP was also sent to three (3) potential proposers by the Engineering Division of the Public Works Department.

The implementation of an Environmental Resources Regulatory and Compliance System will focus on the needs of the Public Works Department by,

- Tracking regulatory and compliance permits, inspections and data analysis;
- Linking data analysis to billing system for fees and surcharges;
- Tracking and modeling of proposed and promulgated compliance schedules;
- Reports, permits and letter preparation;
- Centralized location for eases of access to multiple users;
- Centralized database for prompt records retrieval for Local, State or Federal inspections; and
- System modeling for Fats, Oil and Grease (FOG) program that will support Collections system.

## **Discussion**

One (1) proposal was opened on April 28, 2016 and reviewed and scored.

The sole proposal was submitted by Linko Technology, Inc. of Wheat Ridge, Colorado and was scored as the best firm to complete the required work, for a total price of \$63,565.00, with an Annual Maintenance and Support Price of \$7,580.00. The cost proposal is attached for review.

This software will help the Wastewater Division monitor Commercial and Industrial customers more efficiently and effectively. The number of such customers is expected to increase significantly with the addition of customers in the Wildwood Subdivision, Sanitary Sewer Improvement District No. 2 and the Airport Sanitary Sewer Collection System.

Funds for the consulting services are in the approved 2015/2016 Wastewater Division budget.

### **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 of the proposal to Linko Technology, Inc. of Wheat Ridge, Colorado, for an amount up to \$63,565.00, with an Annual Maintenance and Support Price of \$7,580.00.

### **Sample Motion**

Move to approve the award of the proposal.

## Cost Proposal-

Revised May 13, 2016; client requested optional module be included in "Required Additional Component section.

### Cost Proposal Worksheet

#### **A. Enterprise Environmental Resources Regulatory and Compliance System Total Price**

**\$32,585**

- Basic System Price \$10,495
  - Required Additional Components \$22,090
  - Recommended "Extra" Components \$0
- (Itemized below or additional page)

#### **B. System Implementation Total Price**

**\$19,695**

- Basic Implementation \$19,695
  - Required Upgrade(s) to our systems \$0
  - Recommended Upgrades \$0
- (Itemized below or additional page)

#### **C. Initial Training Total Price**

**\$3,705\***

Itemize hours of training included

#### **D. Annual Maintenance and Support Price (per year)**

**\$7,580\*\***

#### **TOTAL PRICE (Sum of Items A, B, C, and D)**

**\$63,565**

\*Price included in proposal is for remote training. A two (2) day on-site training session can be provided for \$5200 (includes travel expenses and a remote follow up session).

\*\*Annual Maintenance and Support Price (\$7580) includes one (1) user login. Each additional user login would increase the Annual Maintenance and Support Price by \$1440.



Stacy Nonhof, Purchasing Agent

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Better Tomorrow, Today*

**REQUEST FOR PROPOSAL  
FOR  
ENTERPRISE ENVIRONMENTAL RESOURCES  
REGULATORY AND COMPLIANCE SYSTEM**

**RFP DUE DATE:** April 28, 2016 at 4:00 p.m.

**DEPARTMENT:** Public Works

**PUBLICATION DATE:** April 9, 2016

**NO. POTENTIAL BIDDERS:** 4

**SUMMARY OF PROPOSALS RECEIVED**

**Linko Technology, Inc.**  
**Wheat Ridge, CO**

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

Catrina DeLosh, PW Admin. Assist.  
Renae Griffiths, Finance Director  
Dawn Slauter, WW Regulatory Comp. Mgr.

**P1876**

RESOLUTION 2016-125

WHEREAS, the City Of Grand Island invited proposals for consulting services for Enterprise Environmental Resources Regulatory and Compliance System – 2016, according to the Request For Proposals (RFP) on file with the Engineering Division of the Public Works Department; and

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

WHEREAS, Linko Technology, Inc. of Wheat Ridge, Colorado 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 a maximum cost of \$63,565.00, with an Annual Maintenance and Support Price of \$7,580.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Linko Technology, Inc. of Wheat Ridge, Colorado for consulting services for Enterprise Environmental Resources Regulatory and Compliance System - 2016 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 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| May 20, 2016        | ☐ City Attorney |



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-9

**#2016-126 - Approving Bid Award for South Locust Traffic Signal Relocation; Project No. 2016-TS-1**

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



# **Council Agenda Memo**

**From:** Keith Kurz P.E., Public Works Engineer

**Meeting:** May 24, 2016

**Subject:** Approving Bid Award for South Locust Traffic Signal Relocation; Project No. 2016-TS-1

**Presenter(s):** John Collins P.E. - Public Works Director

## **Background**

On May 4, 2016 the Engineering Division of the Public Works Department advertised for bids for South Locust Traffic Signal Relocation; Project No. 2016-TS-1. There were nine (9) potential bidders for the project.

This project will allow for relocation of the traffic signal from the Skagway entrance at South Locust Street to the intersection of South Locust Street and State Fair Boulevard.

## **Discussion**

One (1) bid was received and opened on May 17, 2016. The bid was submitted in compliance with the contract, plans, and specifications. A summary of the bid is shown below.

| <i><b>Bidder</b></i>                                                      | <i><b>Exceptions</b></i> | <i><b>Total Bid</b></i>                                                                                                              |
|---------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Chief Construction Co. dba Heartland Electric Company of Grand Island, NE | Noted                    | Bid Section "A"- \$24,810.00<br>Bid Section "B"- \$20,050.70<br>Bid Section "C" - \$5,144.00<br><i>GRAND TOTAL BID - \$50,004.70</i> |

## **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 awarding a contract to Chief Construction Co. dba Heartland Electric Company of Grand Island, Nebraska in the amount of \$50,004.70 as the compliant bid that meets specifications.

## **Sample Motion**

Move to approve the bid award.



Stacy Nonhof, Purchasing Agent

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**BID OPENING**

**BID OPENING DATE:** May 17, 2016 at 2:00 p.m.  
**FOR:** South Locust Traffic Signal Relocation; Project No. 2016-TS-1  
**DEPARTMENT:** Public Works  
**ESTIMATE:** \$100,000.00  
**FUND/ACCOUNT:** 40000400-2100-40017  
**PUBLICATION DATE:** May 4, 2016  
**NO. POTENTIAL BIDDERS:** 9

**SUMMARY**

**Bidder:** Heartland Electric Co.  
Grand Island, NE  
**Bid Security:** Fidelity & Deposit Co.  
**Exceptions:** Noted

**Bid Price:**  
**Section A:** \$24,810.00  
**Section B:** \$20,050.70  
**Section C:** \$ 5,144.00  
**Grand Total:** \$50,004.70

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

Catrina DeLosh, PW Admin. Assist.  
Renae Griffiths, Finance Director  
Terry Brown, Manager, Eng. Services

**P1881**

RESOLUTION 2016-126

WHEREAS, the City of Grand Island invited sealed bids for South Locust Traffic Signal Relocation; Project No. 2016-TS-1, according to plans and specifications on file with the City Engineer/Public Works Director; and

WHEREAS, on May 17, 2016 bids were received, opened, and reviewed; and

WHEREAS, Chief Construction Co. dba Heartland Electric Co. of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$50,004.70; and

WHEREAS, Chief Construction Co. dba Heartland Electric Co.'s bid was below the engineer's estimate for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Chief Construction Co. dba Heartland Electric Co. of Grand Island, Nebraska in the amount of \$50,004.70 for South Locust Traffic Signal Relocation; Project No. 2016-TS-1 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| May 20, 2016        | ☐ City Attorney |



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item I-1

**#2016-100 - Consideration of Fees for Sanitary Sewer District No. 537T, Ext of Sanitary Sewer to Serve Lot 1 & Lot 2, TLST Spiehs Subdivision and Part of the N 10 Acres of the W Half of the NW Quarter (W1/2NW1/4) All In Section 10, Township 11N, Range 9W**

*This item relates to the aforementioned Board of Equalization item D-1.*

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

# RESOLUTION 2016-100

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District No. 537T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district 537T to be the total sum of \$177,026.57, with existing agreement credits of \$1,112.76 and a contract credit of \$80,000.03 for a revised tap fee total of \$95,913.78; and

Such benefits are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 537T, such benefits are the sums set opposite the several descriptions as follows:

| Parcel No. | Owner                             | Legal Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Connection Fee |
|------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 400205955  | Jose Haro<br>Martha Haro          | The North One Hundred Eighty Two (182.0) feet of a certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as: Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), which point is one Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the said North Ten (10) acres Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the said North Ten (10) acres One Hundred Thirty Four and Seven Tenths (134.7) feet to a point on the West line of the said North Ten (10) acres; running thence North upon and along the West line of the said North Ten (10) acres Three Hundred Thirty One (331.0) feet to the Northwest corner of the said North Ten (10) acres; running thence East upon and along the North line of the said North Ten (10) acres One Hundred Thirty Three and Nine Tenths (133.9) feet to the actual point of beginning; EXCEPT the South Fifty (50.0) feet of said North One Hundred Eighty Two (182.0) feet thereof; and subject to one-half (½) of the County Road to the North and West of said premises. | \$7,463.58     |
| 400205963  | Juan Rico<br>Anna M Villa De Rico | The South Fifty (50) feet of the North One Hundred Eighty Two (182.0) feet of that part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows: Beginning at a point on the North line of said Section Ten (10), a distance of One Thousand One Hundred Eighty Eight (1188.0) feet West of the Northeast corner of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section; running thence South parallel to the East line of said West Half of the Northwest Quarter (W ½ NW ¼) of said Section for a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$7,463.58     |

Approved as to Form ☐ May 20, 2016 ☐ City Attorney

|           |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |
|-----------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|           |                                                | distance of Three Hundred Thirty One (331.0) feet; running then West parallel to the North line of said Section Ten (10), a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet, more or less, to a point on the West line of Section Ten (10); running thence North upon and along said West Section line for a distance of Three Hundred Thirty One (331.0) feet to the Northwest corner of said Section Ten (10); running thence East upon and along the North line of said Section Ten (10) for a distance of One Hundred Thirty Three and Nine Tenths (133.9) feet, more or less, to the Actual Point of Beginning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |
| 400206080 | Rhonda Coon<br>Ricky Coon                      | A certain tract of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), in Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:<br>Beginning at a point on the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Hundred Eighty Two (182.0) feet South of the Northwest corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), the point of beginning; running thence South on the West line of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; running thence East for a distance of One Hundred Thirty Four and Seven Tenths (134.7) feet; running thence North parallel with the West line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) for a distance of One Hundred Forty Nine (149.0) feet; thence running West and parallel to the North line of said Ten (10) acre tract to the point of beginning. Subject, however, to One Half (1/2) of the County Road to the West of said premises.                                                         | \$7,463.58 |
| 400214059 | Gary Ummel<br>Estel Ummel                      | Lot Two (2), TLST Spiehs Subdivision, City of Grand Island, Hall County, Nebraska.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$7,463.58 |
| 400205939 | Timothy S Grudzinski<br>Cassandar L Grudzinski | The West Half of the following described tract: Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska and more particularly described as follows:<br>Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet, to a point on the North line of said Ten (10) acres tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject however to the Half (½) of the County Road to the North of said premises, Hall County, Nebraska. | \$7,463.58 |

|           |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |
|-----------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 400205920 | Reinier Fernandez Solorzano                               | <p>The East Half (E ½) of the following described tract:<br/> Part of the North Ten (10) Acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:<br/> Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is One Thousand Fifty Six (1056.0) feet West of the Northeast corner of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of said North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of said tract, One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of said tract, Three Hundred Thirty One (331.0) feet to a point on the north line of said Ten (10) acre tract; running thence East along and upon the North line of said Ten (10) acre tract, One Hundred Thirty Two (132.0) feet to the actual point of beginning.</p> | \$7,463.58 |
| 400206056 | Wesley T Tjaden                                           | <p>Part of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., more particularly described as follows:<br/> Beginning at a point on the North line of said Section Ten (10), which point is Nine Hundred Twenty Four (924.0) feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of said Section Ten (10); running thence South and parallel to the East line of said Section Ten (10) a distance of Three Hundred Thirty One (331.0) feet; running thence West and parallel to the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet; running thence North and parallel to the East line of said Section a distance of Three Hundred Thirty One (331.0) feet to the North line of said Section Ten (10); running thence East and along and upon the North line of said Section Ten (10) a distance of One Hundred Thirty Two (132.0) feet to the point of beginning.</p>                                                                                                                                                                                                                                            | \$7,463.58 |
| 400205947 | Anna Lee Young<br>Life Estate B Haycock &<br>B Hardenbroc | <p>A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:<br/> Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Seven Hundred Ninety Two (792.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$7,463.58 |



|           |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
|-----------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|           |                                | of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet to the actual point of beginning, subject, however to One Half (1/2) of the County Road to the North of said premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
| 400206013 | JK Investments, LLC            | <p>A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:</p> <p>Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Six Hundred Sixty (660.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning.</p> | \$7,463.58 |
| 400206005 | Sergio Urbina<br>Idalia Urbina | <p>A certain part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼), of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:</p> <p>Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Five Hundred Twenty Eight (528.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet; running thence West parallel to the North line of the North Ten (10)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$6,350.82 |

|           |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |
|-----------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|           |                                      | acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty (330.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |
| 400205912 | Cruz C Ramos, Sr.<br>Minerva M Ramos | Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:<br>Beginning at a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) which point is Three Hundred Ninety Six (396.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) Three Hundred Thirty One (331.0) feet to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East along and upon the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10) One Hundred Thirty Two (132.0) feet, to the actual point of beginning; subject to One Half (½) of the County Road to the North of said premises, | \$7,463.58 |
| 400205904 | Ronald Peter Pfenning                | Part of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Ten (10), Township Eleven (11) North, Range Nine (9), West of the 6 <sup>th</sup> P.M., Hall County, Nebraska, more particularly described as follows:<br>Beginning at a point of the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), which point is Two Hundred Sixty Four (264.0) feet West of the Northeast corner of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence South parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet; running thence West parallel to the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$7,463.58 |

|           |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |
|-----------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|           |                                   | (132.0) feet; running thence North parallel to the East line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), Three Hundred Thirty One (331.0) feet, to a point on the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10); running thence East upon and along the North line of the North Ten (10) acres of the West Half of the Northwest Quarter (W ½ NW ¼) of said Section Ten (10), One Hundred Thirty Two (132.0) feet, to the actual point of beginning, subject to One Half (½) of the County Road to the North of said premises. |            |
| 400206048 | Timothy S Spiehs<br>Lisa M Spiehs | Lot One (1), TLST Spiehs Subdivision, City of Grand Island, Hall County, Nebraska.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$7,463.58 |

**TOTAL TAP FEES**

**\$95,913.78**

BE IT FURTHER RESOLVED that the special benefits as determined by this resolution shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103, R.R.S. 1943. A connection fee in the amount of the above benefit accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the sanitary sewer. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 24, 2016.

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

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, City Clerk Pro Tem



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item J-1

### **Approving Payment of Claims for the Period of May 11, 2016 through May 24, 2016**

*The Claims for the period of May 11, 2016 through May 24, 2016 for a total amount of \$5,970,952.20.  
A MOTION is in order.*

Staff Contact: Renae Griffiths



# City of Grand Island

Tuesday, May 24, 2016

## Council Session

### Item X-1

#### **Strategy Session with Respect to Labor Negotiations with Fraternal Order of Police (FOP) #24**

*The City Council may hold a closed or Executive Session as permitted by Neb. Rev. Stat. Sec. 84-1410. Closed sessions may be held for, but shall not be limited to such reasons as:*

- 1. Protection of the public interest.*
- 2. Needless injury to the reputation of an individual.*
- 3. Strategy sessions with respect to*
  - a. collective bargaining,*
  - b. real estate purchases,*
  - c. pending litigation, or*
  - d. imminent or threatened litigation.*
- 4. Discussion regarding deployment of security personnel or devices.*
- 5. For the Community Trust created under Sec. 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.*

Staff Contact: Aaron Schmid, Human Resources Director