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# City of Grand Island



**Tuesday, December 3, 2013**  
**Council Session Packet**

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**City Council:**

**Linna Dee Donaldson**  
**John Gericke**  
**Peg Gilbert**  
**Chuck Haase**  
**Julie Hehnke**  
**Vaughn Minton**  
**Mitchell Nickerson**  
**Bob Niemann**  
**Mike Paulick**

**Mayor:**

**Jay Vavricek**

**City Administrator:**

**Mary Lou Brown**

**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 Matthew Fowler, Faith United Methodist Church, 724 West 12th 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, December 3, 2013

Council Session

## Item C-1

### **Recognition of Todd Morgan, Fire Captain with the Fire Department for 25 Years of Service with the City of Grand Island**

*The Mayor and City Council will recognize Todd Morgan, Fire Captain with the Fire Department for 25 years of service with the City of Grand Island. Mr. Morgan was hired on October 24, 2013 as a Firefighter and was promoted to Fire Captain on April 9, 2001. We congratulate Captain Morgan on his dedicated service to the City for the past 25 years.*

Staff Contact: Mayor Jay Vavricek

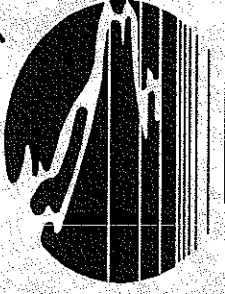
# *Twenty Five Year Service Award*

WE HEREBY EXPRESS OUR SINCERE APPRECIATION TO

**TODD MORGAN**

For your Loyalty, Diligence, and Outstanding Performance During Your Tenure With

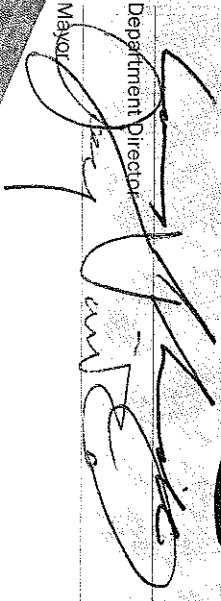
**City of  
GRAND**



**ISLAND**

Department Director

Mayor



10-1-13

Date

9-23-13

Date

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# City of Grand Island

Tuesday, December 3, 2013

Council Session

## Item SP-1

### Election of City Council President

*The City Council is required to elect one Councilmember to the office of Council President. The term is for a one-year period. The Council President automatically assumes the duties of the Mayor in the event that the Mayor is absent or otherwise unable to fulfill his/her duties. Nebraska law allows the election of the Council President to be by secret ballot. The total number of votes for each candidate; however, must be stated and recorded in the Minutes. Past practice has included a run-off election between the top two nominees, if necessary. The City Clerk will prepare, distribute, and count ballots. Nominations to fill the vacancy are in order. A second is not required on nominations.*

Staff Contact: Mayor Jay Vavricek



# **City of Grand Island**

**Tuesday, December 3, 2013**

**Council Session**

## **Item F-1**

**#9459 - Consideration of Assessments for Sidewalk Repairs at 1141 Pleasant View Drive**

**Staff Contact: John Collins**

# **Council Agenda Memo**

**From:** Terry Brown PE, Manager of Engineering Services

**Meeting:** December 3, 2013

**Subject:** Consideration of Determining Benefits and Levy Special Assessments for Sidewalk Repairs at 1141 Pleasant View Drive

**Item #'s:** F-1

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

## **Background**

The Certificate of Final Completion for sidewalk repairs at 1141 Pleasant View Drive was approved by the council on October 8, 2013, with November 12, 2013 set as the date for Council to sit as the Board of Equalization. Through informal bids Reimers Construction of Grand Island, Nebraska was hired to make the necessary repairs at such location. Work was completed at a construction price of \$500.00. Total cost of the repairs, including engineering services of \$50.00, was \$550.00. All work has been completed and special assessments have been calculated for the repairs. This item originally appeared on the agenda for November 12, 2013; it was referred by Council to the November 26, 2013 meeting. City Council approved Ordinance #9459 on first reading only at their November 26, 2013 meeting.

## **Discussion**

The costs for this project will be assessed to the adjacent property. The payments are spread over seven (7) years at 7% simple interest. The first payment of principle only at 1/7<sup>th</sup> of the assessment is due 25 days after the Board of Equalization. The City has had multiple correspondences with the property owner and sent a reminder letter advising them that the BOE is scheduled for November 12, 2013 and the first payment will be due shortly after.

The attached spreadsheet shows the property assessment.

## **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 pass an ordinance to levy Special Assessments to individual properties.

## **Sample Motion**

Move to approve the ordinance levying the assessments for sidewalk repairs at 1141 Pleasant View Drive.



STATE OF NEBRASKA     )  
                                      ) ss  
COUNTY OF HALL         )

**AFFIDAVIT OF MAILING**

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on October 21, 2013, she mailed copies of the "Notice of Board of Equalization Hearing – Sidewalk Repairs at 1141 Pleasant View Drive", which notice was first published in the Grand Island Independent on October 21, 2013, to the following named parties:

\*Julie Nickerson  
18906 E Briargate Ln, Apt 2A  
Parker, CO 80134-3654

Such communications were properly posted and deposited in the United States mail.

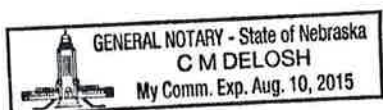
Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: October 23, 2013

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

Subscribed and sworn to before me this 23<sup>rd</sup> date October, 2013.



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

## NOTICE OF BOARD OF EQUALIZATION HEARING

### Sidewalk Repairs at 1141 Pleasant View Drive

NOTICE is hereby given to all persons owning real estate at 1141 Pleasant View Drive in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on November 12, 2013 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sidewalk improvements therein. All owners of real estate within said sidewalk repair area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council, Grand Island, Nebraska.

RaNae Edwards, City Clerk

Publication Dates:

October 23, 2013

October 30, 2013

November 6, 2013

## **8D CLASSIFIED**

### **Legals**

#### **NOTICE OF BOARD OF EQUALIZATION HEARING**

Sidewalk Repairs at  
1141 Pleasant View Drive

NOTICE is hereby given to all persons owning real estate at 1141 Pleasant View Drive in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on November 12, 2013 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to

pay the cost of the sidewalk improvements therein. All owners of real estate within said sidewalk repair area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council,  
Grand Island, Nebraska.

RaNae Edwards, City Clerk  
23-30-6

DRAFT

This Space Reserved for Register of Deeds

ORDINANCE NO. \_\_\_\_\_

An ordinance assessing and levying a special tax to pay the cost of construction of Sidewalk Repairs at 1141 Pleasant View Drive of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and 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. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sidewalk repairs at 1141 Pleasant View Drive, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Julie Nickerson	Lot 3, Block 2, Pleasant View Twelfth Subdivision City of Grand Island, Hall County, Nebraska	\$550.00
<b>TOTAL</b>		<b>\$550.00</b>

Approved as to Form ☐ \_\_\_\_\_  
October 23, 2013 ☐ City Attorney

DRAFT

ORDINANCE NO. \_\_\_\_\_ (Cont.)

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in ten days; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; one-seventh in six years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. 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: November 12, 2013

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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

- 2 -

# RESOLUTION 2013

**DRAFT**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for sidewalk repairs at 1141 Pleasant View Drive, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$550.00; and

Such benefits are based on length of sidewalk installed at the adjacent property; and

According to the actual frontage of sidewalk installed adjacent to the respective lots, tracts, and real estate within such sidewalk repair area, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Julie Nickerson	Lot 3, Block 2, Pleasant View Twelfth Subdivision City of Grand Island, Hall County, Nebraska	\$550.00
<b>TOTAL</b>		<b>\$550.00</b>

Adopted by the City Council of the City of Grand Island, Nebraska, November 12, 2013.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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

Approved as to Form	<input type="checkbox"/> _____
October 23, 2013	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9459

An ordinance assessing and levying a special tax to pay the cost of construction of Sidewalk Repairs at 1141 Pleasant View Drive of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and 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. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sidewalk repairs at 1141 Pleasant View Drive, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Julie Nickerson	Lot 3, Block 2, Pleasant View Twelfth Subdivision City of Grand Island, Hall County, Nebraska	\$550.00
<b>TOTAL</b>		<b>\$550.00</b>

Approved as to Form	▣ _____
November 27, 2013	▣ City Attorney

ORDINANCE NO. 9459 (Cont.)

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in ten days; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; one-seventh in six years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. 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: December 3, 2013

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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





# City of Grand Island

Tuesday, December 3, 2013

Council Session

## Item F-2

**#9460 - Consideration of Vacation of a Utility Easement Located in  
Woodland Park 12th Subdivision (Hastings Ventures, LLC)**

Staff Contact: John Collins

# **Council Agenda Memo**

**From:** Terry Brown PE, Manager of Engineering Services

**Meeting:** December 3, 2013

**Subject:** Consideration of Vacation of a Utility Easement Located in Woodland Park 12<sup>th</sup> Subdivision (Hastings Ventures, LLC)

**Item #'s:** F-2

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

## **Background**

Twenty (20) feet wide drainage/utility easements were dedicated on September 12, 2012 within the Woodland Park 12<sup>th</sup> Subdivision. Such easements are not necessary to accommodate existing or proposed drainage or utilities.

## **Discussion**

The developer/property owner of Woodland Park 12<sup>th</sup> Subdivision is requesting to vacate two (2), twenty (20) feet wide, drainage/utility easements running east and west through four lots. There are not any utilities currently within this easement that would be affected by this vacation. The attached sketch details the referenced easements to be vacated.

## **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 pass an ordinance vacating the twenty (20) foot easements located in Woodland Park 12<sup>th</sup> Subdivision.

## **Sample Motion**

Move to approve an ordinance vacating the easements.

ORDINANCE NO. 9460

An ordinance to vacate existing drainage/utility easements and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; 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. That a portion of drainage/existing utility easements within Woodland Park 12<sup>th</sup> Subdivision in Grand Island, Hall County, Nebraska, more particularly described as follows:

Lot 1, Block 2, Woodland Park 12<sup>th</sup> Subdivision: A drainage/utility easement to be vacated being the south 10 feet of Lot 1, Block 2, Woodland Park Twelfth Subdivision; excluding the west 5 feet and the east 20 feet of said Lot 1; and

Lot 2, Block 2, Woodland Park 12<sup>th</sup> Subdivision: A drainage/utility easement to be vacated being the north 10 feet of Lot 2, Block 2, Woodland Park Twelfth Subdivision; excluding the west 5 feet and the east 20 feet of said Lot 2; and

Lot 4, Block 2, Woodland Park 12<sup>th</sup> Subdivision: A drainage/utility easement to be vacated being the south 10 feet of Lot 4, Block 2, Woodland Park Twelfth Subdivision; excluding the west 5 feet and the east 20 feet of said Lot 4; and

Approved as to Form	by _____
November 27, 2013	City Attorney

ORDINANCE NO. 9260 (Cont.)

Lot 5, Block 2, Woodland Park 12<sup>th</sup> Subdivision: A drainage/utility easement to be vacated being the north 10 feet of Lot 5, Block 2, Woodland Park Twelfth Subdivision; excluding the west 5 feet and the east 20 feet of said Lot 5;

are hereby vacated. Such easements to be vacated are shown and more particularly described on

Exhibit 1 attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 4. 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: December 3, 2013.

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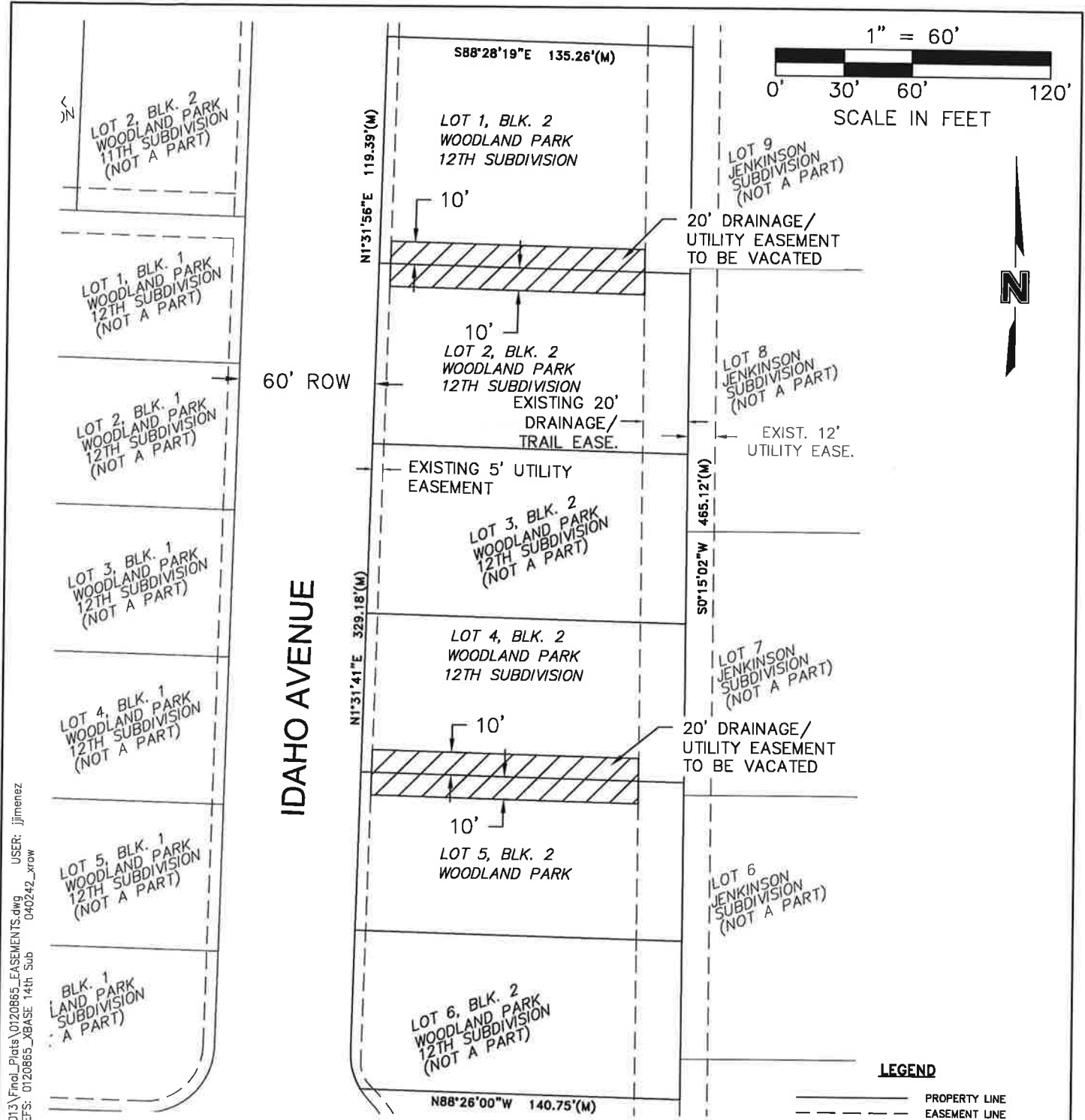
Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

DWG: F:\projects\012-0865\SRVY 2013\Final\_Plats\0120865\_EASEMENTS.dwg USER: jjimenez  
 DATE: Oct 31, 2013 11:18am XREFS: 0120865\_XBASE 14th Sub 040242\_xrow



**A DRAINAGE/UTILITY EASEMENT VACATION IN LOT 1, BLOCK 2, WOODLAND PARK 12TH SUB.**  
 A DRAINAGE/ UTILITY EASEMENT TO BE VACATED BEING THE SOUTH 10 FEET OF LOT 1, BLOCK 2, WOODLAND PARK TWELFTH SUBDIVISION; EXCLUDING THE WEST 5 FEET AND THE EAST 20 FEET OF SAID LOT 1.

**A DRAINAGE/UTILITY EASEMENT VACATION IN LOT 2, BLOCK 2, WOODLAND PARK 12TH SUB.**  
 A DRAINAGE/ UTILITY EASEMENT TO BE VACATED BEING THE NORTH 10 FEET OF LOT 2, BLOCK 2, WOODLAND PARK TWELFTH SUBDIVISION; EXCLUDING THE WEST 5 FEET AND THE EAST 20 FEET OF SAID LOT 2.

**A DRAINAGE/UTILITY EASEMENT VACATION IN LOT 4, BLOCK 2, WOODLAND PARK 12TH SUB.**  
 A DRAINAGE/ UTILITY EASEMENT TO BE VACATED BEING THE SOUTH 10 FEET OF LOT 4, BLOCK 2, WOODLAND PARK TWELFTH SUBDIVISION; EXCLUDING THE WEST 5 FEET AND THE EAST 20 FEET OF SAID LOT 4.

**A DRAINAGE/UTILITY EASEMENT VACATION IN LOT 5, BLOCK 2, WOODLAND PARK 12TH SUB.**  
 A DRAINAGE/ UTILITY EASEMENT TO BE VACATED BEING THE NORTH 10 FEET OF LOT 5, BLOCK 2, WOODLAND PARK TWELFTH SUBDIVISION; EXCLUDING THE WEST 5 FEET AND THE EAST 20 FEET OF SAID LOT 5.

PROJECT NO: 2012-0865	EASEMENT VACATION		201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.384.8750 FAX 308.384.8752	EXHIBIT
DRAWN BY: JMJ				1
DATE: 10/30/13				



# **City of Grand Island**

**Tuesday, December 3, 2013**

**Council Session**

## **Item F-3**

**#9461 – Consideration of Amending Chapter 31 of the Grand Island City Code Relative to Signs**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

**From:** Craig Lewis, Building Department Director

**Meeting:** December 3, 2013

**Subject:** Amend City Code Chapter 31 SIGNS to Provide Updates, Revisions, Modifications, and Clarifications

**Item #'s:** F-3

**Presenter(s)** Craig Lewis, Building Department Director

## **Background**

Chapter 31 of the Grand Island City Code currently regulates signage and defines in section 31-25 the limitations for ground signs. There may be only one ground sign allowed for each one hundred lineal feet or fraction thereof of street frontage for any one lot or tract.

Grand Island Body Shop owner Fred Schritt has applied for and received sign permits for five structures that represent cartoon characters, while these structures do not specifically advertise his business they are by definition a sign and have been regulated as such. Mr. Schritt is proposing to construct additional structures. The five existing signs comply with sign regulations and limits based on street frontage and fulfill the maximum allowed.

## **Discussion**

The proposed ordinance would amend City Code Section 31-25 to provide for an additional two signs on Mr. Schritt's property. It was determined that the adjacent street property to the east of Grand Island Body Shop was vacated in 1996 and as such the reduction of street frontage reduced the availability of additional ground signs. By including language that allows vacated street frontage to be included in the number of ground signs allowed it gives back the right to signage that was inadvertently taken away with the vacation of the adjacent street.

Additional revisions are included to help clarify other sections of the City Code; 31-1 Definitions, horizontal and vertical definitions were removed as it does not appear necessary to define these projecting signs.



31-8 Sign Maintenance, replaced forty eight hours with reasonable time not to exceed 10 days for repair of signs found unsafe.

31-12 Sign Elevation, added language concerning clearance of signage above drives and sidewalks.

31-16 Projecting signs, deleted reference to horizontal or vertical signs, both are projecting signs and regulated as such.

31-18 Business Signs in the Public Right of Way, removed reference to 31-13 as it is not applicable.

31-20 Signs in Residential Districts, added residential zones LLR and RO.

31-25 Ground signs, added language to include vacated streets after 1990 to be included as frontage.

31-44 Size of Signs, added language for off premise signs to allow temporary embellishments and clarify size limits for single faces and total of all faces of the off-premise signs (billboards).

These revisions will amend the code to allow signage that was previously taken away through vacating a public street and provide language to reflex and clarify the intent and enforcement of the sign code.

## **Alternatives**

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

The Council may:

1. Approve the proposed ordinance.
2. Disapprove or /Deny the proposed ordinance.
3. Modify the Ordinance to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council approve the proposed ordinance to modify city code sections.

## **Sample Motion**

Move to approve the proposed ordinance as presented.

## ORDINANCE NO. 9461

An ordinance to amend Chapter 31 of the Grand Island City Code; to amend Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 pertaining to signs; to repeal Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 as now existing, and 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. Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 of the Grand Island City Code are hereby amended to read as follows:

### CHAPTER 31

#### SIGNS

##### Article I. Signs - Generally

###### §31-1. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Back-to-Back Sign.* An off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

*Cloth Sign.* Any sign executed upon or composed of any flexible fabric.

*Development Sign.* A ground sign whose purpose is to identify business located within a retail subdivision or commercial development.

*Directional Sign.* A sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

*Double Faced Sign.* An off-premise sign with two adjacent faces oriented in the same direction and not more than ten (10) feet apart at the nearest point between the two faces.

*Facing.* That portion of an off-premise sign upon which advertising is affixed or painted and visible in one direction at one time.

*Flat Sign.* Any sign so attached to a building or other structure that it projects beyond the building line, but extends parallel or substantially parallel thereto.

*Free Standing Yard Sign.* Any sign 15 square feet or less that shall have as its supports, wood or steel columns, pipe, angle iron framing, or any other combination of these materials, other than ground signs as defined herein.

*Ground Sign.* Any sign which is supported by uprights or braces placed upon or extending into the ground.

~~*Horizontal Sign.* Any sign whose horizontal dimension is greater than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle less than forty five degrees with a horizontal line.~~

*Mobile Sign.* Any sign structure designed and constructed to be moved by means of wheels or skids which proposes any announcement, declaration, demonstration, display, or illustration used to advertise or promote the

interests of any person when the same is placed out of doors in view of the general public. This shall not include signs anchored or attached to vehicles or trailers parked and used primarily as a static advertising display, visible from the public right-of-way.

Multi-faced Sign. An off-premise sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.

Official Sign. A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

Off-Premise Outdoor Advertising Sign. A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called "billboard." The following shall not be considered an off-premise sign for the purposes of this Chapter: (1) directional or official signs authorized by law; (2) real estate signs; (3) on-premise signs.

On-Premise Sign. A sign which advertises the primary goods or services or taking place upon the premises on which the sign is located.

Projecting Sign. Any sign attached to a building or other structure and extending beyond the building line either perpendicularly or at any angle other than parallel thereto.

Roof Sign. Any sign which is supported by uprights or braces placed upon or extending into the roof of any building or other structure.

Sign. Any device composed of one or more letters, words, pictures, figures, characters, symbols or emblems, or any combination or grouping thereof which prefigures, typifies, or represents one or more ideas.

Transparent Sign. Any sign illuminated from within and made of glass or similar material containing opaque lettering upon a translucent letter upon an opaque ground.

V-Type Sign. Any off-premise sign structure which consists of multiple sign facings placed at angles of each other, oriented in different directions and not exceeding twenty (20) feet apart at the nearest point to each other.

~~Vertical Sign. Any sign whose horizontal dimension is less than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle of forty five degrees or greater with a horizontal line.~~

Wall Sign. Any sign which is painted or otherwise directly depicted upon a wall.

Amended by Ordinance No. 8866, effective 11-19-2003

Amended by Ordinance No. 8978, effective 06-08-2005

Amended by Ordinance No. 9316, effective 09-13-2011

### §31-5. Permit to Erect, Move, or Remove Sign

(1) A permit shall be obtained from the building department for each sign to be erected, re-erected, moved, or removed in the City, prior to the work being performed;

(2) Before issuing a permit for erecting any sign, a drawing shall be submitted to the chief building official showing height, width, elevations, and electrical details of such signs;

(3) Upon the granting of a permit for sign erection or moving, the applicant shall pay a fee to the City in accordance with the City of Grand Island Fee Schedule;

(4) When any construction, alteration, or repair of a sign shall have been started before a permit has been issued, an ~~investigation permit~~ fee of double the amount provided in the City of Grand Island Fee Schedule shall be charged.

### §31-8. Sign Maintenance

It shall be the duty of the owner of any sign to keep the same in good repair. Any sign found to be structurally unsound, unsafe or in a state of disrepair shall be made safe by the owner of the sign within a reasonable time not to exceed ten (10) days as determined by forty eight hours after written notification from the chief building official or his designated representative; and ~~all signs shall be in the case of a sign in disrepair,~~ repaired accordingly or removed by the owner of the sign within thirty days after written notification from the chief building official or his designated representative. If the owner of the sign is not the owner of the building or property on which such sign is erected, such property owner shall also be notified in writing of the condition of such sign.

It shall be the duty of the owner of any sign or the owner of the property to remove, within ninety (90) days, any sign not utilized for advertising or identification of an operating business at that location. This requirement shall apply to properties located within the area specified §13-13(2) of this code.

In the event of the failure of the owner or person having control of any sign, or the owner of the property on which any sign is located in the City, to bring such sign into compliance with this section, or to remove or repair such sign within the time stated in such notice, the sign shall be declared a public nuisance and may be removed by the City at the expense of the owner or person having control of such sign, or the owner of the property upon which the sign is located. The cost of removing any sign shall be levied against the property upon which the sign was located, in the manner provided by law for assessment and levy of other special assessments.

#### §31-9. Wind Pressure Specifications

All signs installed in the City of Grand Island shall meet the design specifications and wind pressure requirements of ~~Chapter 23 of the Uniform~~ Building Code as adopted by the Grand Island City Code.

#### §31-12. Sign Elevation

~~Except as provided in §31-10 and §31-11, the lowest part of any sign, including any embellishment grillwork thereon, projecting over a sidewalk, drive, or parking lot shall maintain be at least eight feet of clearance above such the sidewalk or driving surface.~~

Amended by Ordinance No. 9316, effective 09-13-2011

#### §31-16. Projecting ~~Horizontal and Vertical~~ Signs

Signs permitted under the classification of projecting signs are limited to 30% of the building façade on which they are attached, ~~designated as either horizontal or vertical.~~

~~Horizontal Signs. Horizontal signs shall in no case contain more than forty square feet on each of two sides, or project or extend more than ten feet out from any building or property line. In determining the maximum size of a horizontal sign provided for herein, the measurement of length shall be made from the building or property line, and shall include both open and solid areas.~~

~~Vertical Signs. Vertical signs less than five feet in length shall not project or extend more than four feet out from any building or property line. Vertical signs more than four feet and not more than ten feet in length shall not project or extend more than five feet out from the building or property line. Vertical signs more than ten feet in length shall not project or extend more than eight feet out from the building or property line.~~

Every projecting sign shall be hung and its weight entirely supported independent of the side guys or sway bracing, and no supports, side guys or sway braces shall be attached to any fire escape nor extend across or in any way interfere with free use of any fire escape or any exit from a building.

#### §31-17. Unlawful Signs

It shall be unlawful to display any sign which contains anything which is misleading, fraudulent, obscene, immoral, or objectionable.

It shall be unlawful to erect or maintain any sign upon any fire escape.

It shall be unlawful to have a sign anchored, painted or attached to vehicles or trailers parked and used solely or primarily as a static advertising display, visible from the public right-of-way.

It shall be unlawful for any person, persons, firm, or corporation to erect, maintain, or continue any sign, when all or any portion of the supports therefor are located upon any portion of any sidewalk, street, alley, or public place, or within the limits thereof, except as may be required or provided for by laws of the State of Nebraska, without express consent by resolution of the city council of the City of Grand Island. The continued maintenance of any such sign shall also be subject to the limitations of §31-~~85~~ of the Grand Island City Code.

#### §31-18. Business Signs In Public Right-of-Way

All existing signs placed in the public right-of-way, and any new signs placed in the right-of-way ~~under §31-13~~ shall be subject to the following requirements:

(A) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall apply for and obtain a License Agreement pursuant to this code prior to erecting or placing said sign.

(B) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall hold the City harmless for any lawsuit, costs or expenses occasioned by any injury, damages or casualty happening to person or property, as a result of problems with the sign.

(C) The City shall have unencumbered access to the space above the right-of-way, occupied by the sign.

(D) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall accept and agree that the sign is placed at the owner's sole risk and expense.

(E) Any sign erected, maintained, or existing in violation of the Grand Island City Code may be seized, removed and disposed of by the Building Department Director or his/her designee pursuant to §31-19 of the Grand Island City Code.

### §31-20. Signs in Residential Districts

Except as otherwise provided in §31-20 and §31-34, no signs of any nature whatsoever shall be permitted in districts zoned AG, TA, LLR, R1, R2, R3, R4 and R4RO under Chapter 36 of the Grand Island City Code. Nothing in this section shall prevent the use of identification signs not to exceed twenty (20) square feet in the districts mentioned above. The maximum allowable size of such identification signs may be increased by one (1) square foot for each one and one-half (1.5) feet of setback from any adjacent property line up to a maximum of thirty-two (32) square feet.

In AG or TA zoning districts, tracts of land exceeding 10 acres in which a conditional use permit has been issued for a permitted conditional use, the following restrictions shall apply:

- (1) The maximum square footage of all signage shall not exceed one hundred fifty (150) square feet.
- (2) Ground signs shall not exceed seventy-five (75) square feet, shall be limited to twelve (12) feet in height, be set back from the front property line a minimum of ten (10) feet, be set back from the side property line a distance of one third of the total frontage or a minimum of ten (10) feet, and be separated from other ground signs a distance of one hundred (100) feet.
- (3) Flat or projecting wall signs shall not exceed seventy-five (75) square feet and shall comply with all other restrictions of the city code.

### 31-25. Ground Signs

(1) Dimension Limitation: All ground signs shall be subject to the following:

(A) For each foot of height over thirty (30) feet, there shall be a corresponding one foot of setback from the property line;

(B) Lighting reflectors attached to the top of a sign may project above the top and beyond the face of such sign, and shall be excluded from all measurement requirements established by this subsection.

(2) Height Limitation: Ground signs which exceed fifty (50) feet in height, measured from the ground level at the base of the sign to the top of the sign, shall be subject to the following:

(A) No permit shall be issued by the chief building official until such issuance has been authorized by the mayor and city council.

(B) The applicant for the permit shall submit the following to the chief building official for review and consideration by the mayor and city council:

- (i) A drawing showing the height, width, elevations, and electrical details of such sign;
- (ii) Clear and convincing evidence that if the sign does not exceed fifty (50) feet in height the owner will suffer undue hardship and that said hardship is not shared generally by other properties in the area;
- (iii) Clear and convincing evidence that the proposed sign will not be a substantial detriment to adjacent properties and the character of the surrounding area will not be changed by the erection of the proposed sign.

(C) Ground signs exceeding fifty (50) feet in height shall be erected only on tracts of real estate adjacent to state and federal highways and occupied by the business premises advertised by the sign.

(D) No permit shall be issued for any sign exceeding one hundred (100) feet in height, measured from the ground level at the base of the sign to the top of the sign.

(E) In lieu of the permit fee set forth in this chapter, upon the granting of a permit for erection or moving of a sign exceeding fifty (50) feet in height, the applicant shall pay a fee of \$250.00 to the City.

(F) All other provisions of the Grand Island City Code pertaining to signs which are not inconsistent with this section shall apply to ground signs exceeding fifty (50) feet in height.

(3) Number Limitations: There may be only one ground sign allowed for each one hundred (100) lineal feet or fraction thereof of street frontage for any one lot or tract. Notwithstanding this limit, any lot that fronts on more than one street may have at least one sign on each street. Streets vacated after January 1, 1990 may be included as frontage for number limitations.

(4) Location Limitations:

(A) No signs may be placed in city right-of-way.

(B) At street intersections, no signs may be placed within the triangle formed by the intersections of maintained roadway, whether paved or graveled, of two intersecting streets and the line extended joining points measured thirty feet on each property line from the point of said property lines intersection, unless:

(i) said signs are on posts with a width or diameter not greater than 18 inches; and

(ii) the bottom of said signs are not less than eight feet from the ground or the tops are no higher than twenty-four (24) inches from the ground.

(5) The formula for determining the allowable area for ground signs shall be as follows: Four square feet of sign for each one foot of frontage on the lot where the sign is to be placed. In any event, the maximum square footage of any ground sign shall not exceed 800 square feet per side, regardless of frontage feet.

Amended by Ordinance No. 9316, effective 09-13-2011

**§31-44. Size of Signs**

(A) The maximum sign area for any one facing of an off-premise sign shall not exceed three hundred seventy eight (378) square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed twenty percent (20%) of the maximum sign area allowed, and limited to 180 days within a calendar year.-

(B) Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two (2) faces to each facing and such structure shall be considered as one off-premise sign.

(C) The total of all faces shall not exceed 756 square feet with no single face greater than 378 square feet.

Added by Ordinance No. 8866, effective 11-19-2003

SECTION 10. Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 11. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within fifteen days as provided by law.

Enacted: December 3, 2013.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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



# City of Grand Island

Tuesday, December 3, 2013

Council Session

## Item F-4

**#9462 – Consideration of Request to Rezone Property Located at 309 Shady Bend Circle from R1 Suburban Density Residential to RD Residential Development**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** December 3, 2013

**Subject:** Rezone Properties from R1 Suburban Density Residential to RD Residential Development Zone.

**Item #'s:** F-4

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

## **Background**

Concerning an application that has been made to rezone 2.55 acres north of Shady Bend Circle and west Shady Bend Road from R1 Suburban Density to RD Residential Development Zone.

The developers are proposing to build ten duplexes (20 units) on the property with buildings as shown on the attached plans.

## **Discussion**

At the regular meeting of the Regional Planning Commission, held November 6, 2013, the above item was considered following a public hearing.

O'Neill opened the Public Hearing.

Nabity explained the Hall County Housing Authority wants to construct the \$3.5 million Shady Bend Villa Project on 2.5 acres west of Shady Bend Road and south of Shady Bend Circle.

There was a lengthy discussion over how to address the drainage issues along Shady Bend Road and Seedling Mile Road.

O'Neill closed the Public Hearing.

A motion was made by Ruge to approve the rezoning provided the Hall County Housing Authority and the City of Grand Island work out a drainage plan. Motion was seconded by Haskins to approve the Rezone from R1 – Suburban Density to RD Residential Development Zone.



A roll call vote was taken and the motion passed with 7 members present and voting in favor (Amick, Snodgrass, O'Neill, McCarty, Ruge, Reynolds and Haskins) and no one voting against.

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.

## Agenda Item #4

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

October 30, 2013

**SUBJECT:** *Zoning Change (C-28-2013GI)*

**PROPOSAL:** An application has been made to rezone 2.55 acres north of Shady Bend Circle and west Shady Bend Road from R1 Suburban Density to RD Residential Development Zone. The developers are proposing to build ten duplexes (20 units) on the property with buildings as shown on the attached plans.

#### **OVERVIEW:**

##### **Site Analysis**

*Current zoning designation:* R1- Suburban Density Residential  
*Permitted and conditional uses:* R1: Agricultural uses, recreational uses and residential uses at a density of 4 dwelling units per acre

*Comprehensive Plan Designation:* Low to Medium Density Residential  
*Existing land uses:* Vacant Undeveloped Property

##### **Adjacent Properties Analysis**

*Current zoning designations:* **West, East, South and North:** R1-Suburban Density Residential  
*Permitted and conditional uses:* **R1-** Agricultural uses, recreational uses and residential uses at a density of 4 dwelling units per acre

*Comprehensive Plan Designation:* **West, East, South and North:** Low to Medium Density Residential  
**Northwest:** Mixed Use Manufacturing  
*Existing land uses:* **North:** Housing Authority owned multi-family units  
**East, West, South:** Single Family  
**West:** Single Family and Vacant

## **EVALUATION:**

### **Positive Implications:**

- *In general conformance with the City's Comprehensive Land Use Plan:* This particular site is designated Low to Medium Density uses within the plan.
- *New Housing Choices in Eastern Grand Island:* Most of the new construction in Grand Island occurs in the northwest part of the city. This proposed development would build 20 new units in the eastern part of the city.
- *Infill Development:* Most of the existing infrastructure is in place to support this development. Sewer and water are available. The developer is proposing private drives with access to existing public streets.
- *Providing Affordable Housing for Grand Island Residents:* The Hall County Housing Authority will manage and ultimately own these units. These new units will provide housing for 20 additional low income families.
- *Utilization of an Asset that is Already Owned by the Housing Authority:* Hall County Housing Authority has owned this property since at least 1994 when they platted the property. The original intent of purchasing this property was to build additional units similar to those on the north side of the proposed development. The federal funding used to purchase the property limits the use of this property to this type of use.
- *Similar to the Existing Mix of Housing:* The proposed units are similar in nature to the existing Housing Authority north of the site.

### **Negative Implications:**

- *Potential Impacts on Seedling Mile School:* The proposed development could add between 20 and 60 students to the Seedling Mile School enrollment. Grand Island Public School administration is aware of this potential impact and prepared to deal with it.

### **Other**

The developer is proposing to build twenty townhouses on this site (20 unit's total). At the proposed density, this development would be 7.84 units per acre or 1 unit for every 5,554 square feet. This is slightly more development than could be allowed in the R2 Low Density Zoning District. This development provides for public utilities within the development. The private drive connecting these units with Shady Bend Road and Shady Bend Circle will allow adequate access to dwellings with a sufficient turning radius for fire department equipment. This access will be a private street maintained by the Hall County Housing Authority.

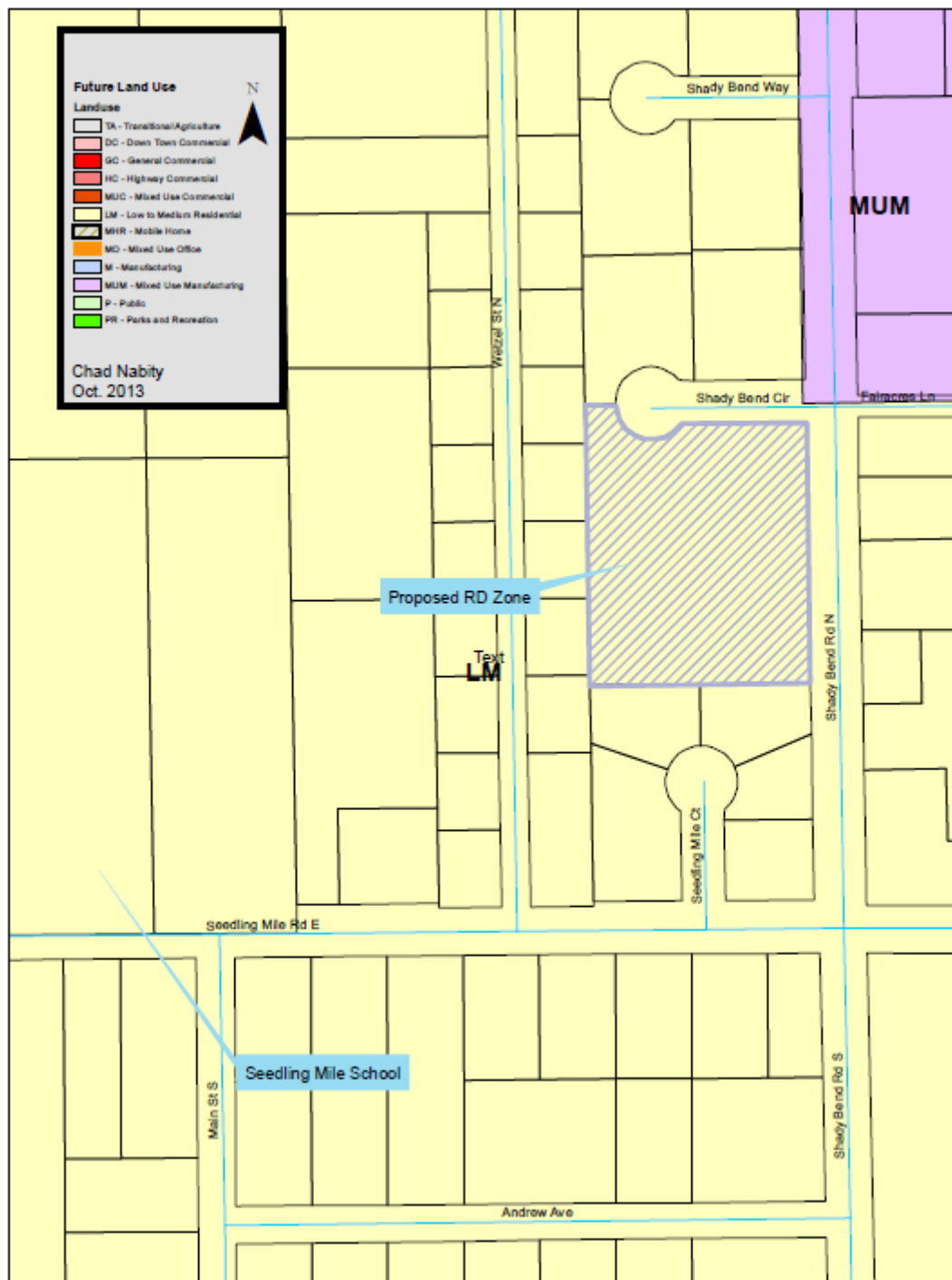
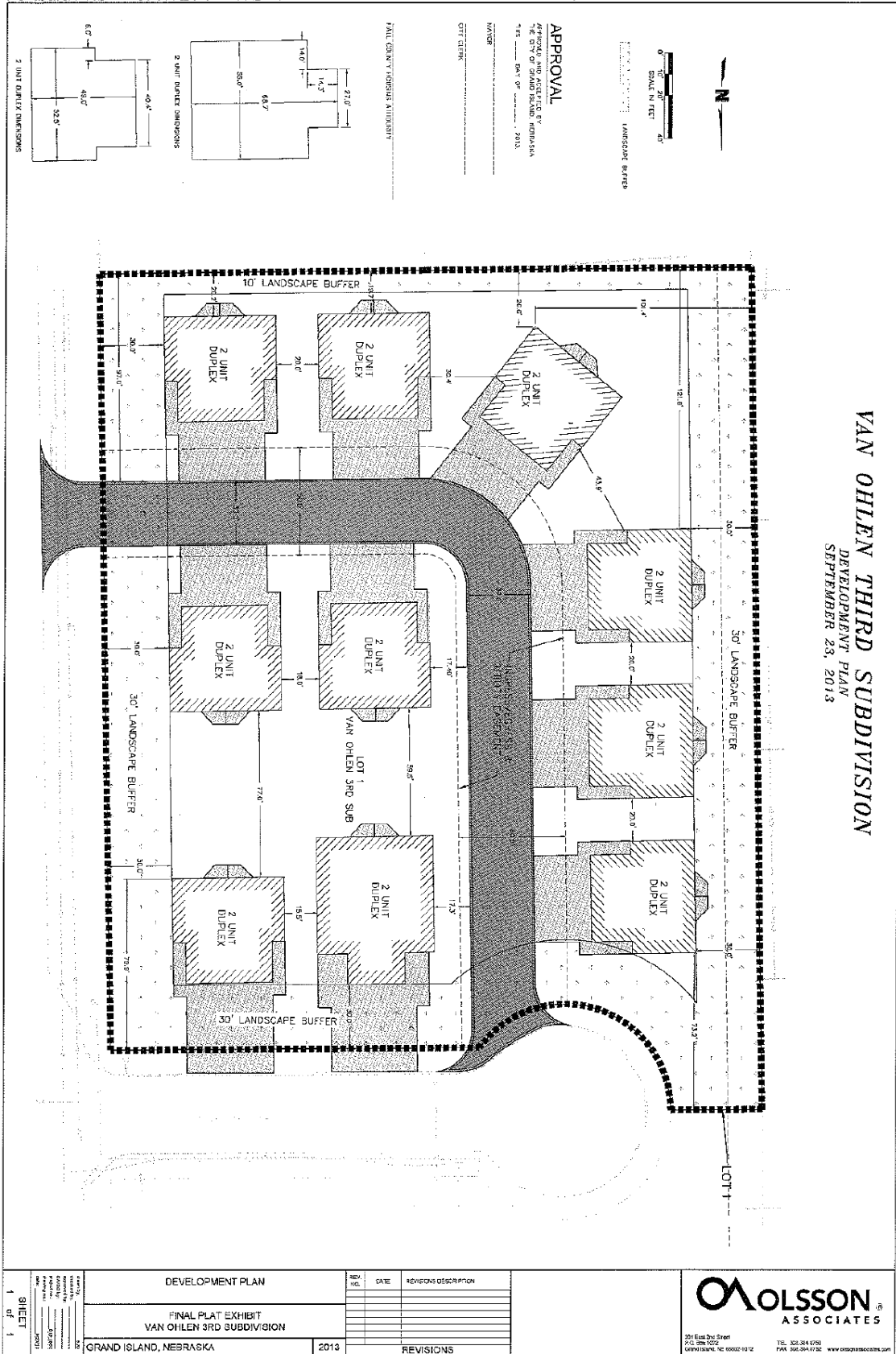


Figure 1 Future Land Use Map from the Grand Island Comprehensive Plan



**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from R1-Suburban Density Residential Zone to RD-Residential Development Zone.

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

ORDINANCE NO. 9462

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising all of Lot One (1) Block One (1) of Van Ohlen 3<sup>rd</sup> Subdivision in the City of Grand Island, Hall County, Nebraska, from R1-Suburban Density Residential Zone to RD-Residential Development Zone; directing 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 November 6, 2013, held a public hearing and made a recommendation on the proposed zoning of such area; and

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

WHEREAS, after public hearing on November 26, 2013, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land is hereby rezoned and reclassified and changed from R1-Suburban Density Residential Zone to RD-Residential Development Zone:

all of Lot One (1) Block One (1) of Van Ohlen 3<sup>rd</sup> Subdivision in the City of Grand Island, Hall County, Nebraska,

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-44 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

Approved as to Form	▣ _____
November 27, 2013	▣ City Attorney

ORDINANCE NO. 9462 (Cont.)

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: December 3, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk