
City of Grand Island



Monday, December 22, 2014
Council Session Packet

City Council:

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

Mayor:

Jeremy Jensen

City Administrator:

City Clerk:

RaNae Edwards

5:30 PM
Council Chambers - City Hall
100 East 1st Street

Call to Order

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

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

Invocation - Pastor Julio Venegas, First United Methodist Church 4190 West Capital Avenue

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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



City of Grand Island

Monday, December 22, 2014

Council Session

Item E-1

**Public Hearing on Request from Zoul Hospitality LLC dba
Willman's Nebraska Bottle Market, 404 South Webb Road for a
Catering Designation to Class "C-99204" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: December 22, 2014

Subject: Public Hearing on Request from Zoul Hospitality LLC dba Willman's Nebraska Bottle Market, 404 South Webb Road for a Catering Designation to Class "C-99204" Liquor License

Item #'s: E-1 & I-1

Presenter(s): RaNae Edwards, City Clerk

Background

Zoul Hospitality LLC dba Willman's Nebraska Bottle Market, 404 South Webb Road has submitted an application for a catering designation to their Class "C-99204" Liquor License. This request would allow Willman's Nebraska Bottle Market to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated License (SDL).

Discussion

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, Police, and Health Departments.

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 the application.

Sample Motion

Move to approve the application for a catering designation from Zoul Hospitality LLC dba Willman's Nebraska Bottle Market, 404 South Webb Road Liquor License "C-99204".



City of Grand Island

Monday, December 22, 2014

Council Session

Item E-2

Public Hearing on Request from Grand Island Public Schools for Reconsideration of a Conditional Use Permit Submitted by John and Gloria Trejo for Off Street Parking located at 622 North Jefferson Street

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: December 22, 2014

Subject: Request of Grand Island Public Schools for Reconsideration of a Conditional Use Permit Submitted by John and Gloria Trejo to Construct a Parking Lot at 622 North Jefferson Street

Item #'s: E-2 & H-1

Presenter(s): Craig Lewis, Building Department Director

Background

This request is for approval of a conditional use permit to allow for the construction of a parking lot at the above referenced address. The property is currently zoned R-4 High Density Residential and as such a parking lot is a listed conditional use. Conditional uses as listed in the zoning code must be approved by the City Council after a finding that the proposed use promotes the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

This request came before the City Council on August 12, 2014, that approval has been determined invalid because of residency issues with a City Council Member (see attached opinion from the City Attorney).

Discussion

This proposal is to construct a parking lot on a residential zoned property south of Jefferson school. The property is located south of the school and southwest of the intersection of 7th St. and Jefferson St. A dwelling and garage currently exist on the site, and it appears they would be removed to facilitate the construction and provide parking for the elementary school. Because the property is zoned R-4 the landscaping regulations provided in the City code would be required. As a plan of the proposed construction has not been provided with this application I would suggest that the following items will need to be included as part of the construction permit; permanent type, dust free surface in conformance with section 36-96, and landscaping as provided in section 36-102, the

landscape provisions in the City code would require a ten foot landscape buffer adjacent to the streets, and plantings of one canopy tree, one understory tree, and three shrubs.

A 4' tall chain link fence is proposed along the west and south property lines to buffer the adjacent residential property and no lighting is proposed at this time.

Alternatives

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

1. Approve the request for a conditional Use Permit finding that the proposed use is a listed conditional use in the zoning code and that it will not be detrimental to public health, safety, and the general welfare of the community.
2. Disapprove or /Deny the request finding that the proposal does not conform to the purpose of the zoning regulations.
3. Modify the request to meet the wishes of the Council.
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the issue

Recommendation

City Staff recommends that the Council approve the conditional use permit with the condition that all applicable city code sections including landscaping are provided in compliance with the City Code and finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Sample Motion

Move to reconsider the requested conditional use permit as specified in the staff recommendation published in the Council packet and presented at the City Council meeting and finding that the application will conform with the purpose of the zoning regulations.

Kneale Administration Building



December 2, 2014

To: Mr. Robert Sivick, Legal Council
City of Grand Island

From: Virgil D. Harden, Executive Director of Business
Grand Island Public Schools

Re: Conditional Use Permit – 622 N Jefferson

Virgil D. Harden, RSBA
Executive Director of Business
123 South Webb Road
P.O. Box 4904
Grand Island, NE 68802-4904

Phone: (308) 385-5900 x 144
Fax: (308) 385-5949
Email: vharden@gips.org
Web: www.gips.org

It has come to our attention that the City of Grand Island vote concerning the conditional use permit for 622 N Jefferson may not be binding since the deciding vote was cast by Council Member Dr. Kenton Mann, who at the time of the vote, residence was outside the Ward he was appointed to represent.

At your earliest convenience please have the City Council of the City of Grand Island reconsider the conditional use permit for the above mentioned property on behalf of Grand Island Public Schools.

Sincerely,

A handwritten signature in black ink that reads "Virgil D. Harden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Virgil D. Harden, RSBA
Executive Director of Business

OPINION OF THE GRAND ISLAND CITY ATTORNEY (2014-08)

TO: Mary Lou Brown, Grand Island City Administrator
FROM: Robert J. Sivick, Grand Island City Attorney
RE: Issues Related to Former Councilmember Kent Mann's
Residency
DATE: October 24, 2014

I have been asked to offer my opinion regarding legal issues arising out of former Grand Island City Councilmember Kent Mann's (Mann) change of residency. This document constitutes my opinion.

I. IS MANN ELIGIBLE TO CONTINUING SERVING AS A MEMBER OF THE GRAND ISLAND CITY COUNCIL?

No. The City of Grand Island does not elect its City Council representatives at large but by district. Accordingly, Neb. Rev. Stat. §16-302.01 requires all persons serving as Councilmembers be registered voters and residents of the Ward they are seeking to or actually representing. This is no longer an issue as Mann tendered his resignation earlier today.

II. WHEN DID MANN BECOME INELIGIBLE TO SERVE AS A MEMBER OF THE GRAND ISLAND CITY COUNCIL?

My understanding is on August 4, 2014 Mann, who represented Ward 1, closed on the purchase of a house located in Ward 5. Since his intent was to reside in this new house (which he does presently) he became ineligible to represent Ward 1 or serve as a member of the Council on August 4th, the day he took legal possession of his new residence.

III. DID MANN CAST A VOTE AS A MEMBER OF THE COUNCIL BETWEEN AUGUST 4 AND OCTOBER 24, 2014 THAT AFFECTS THE VALIDITY OF ANY COUNCIL ACTION?

Yes, on one matter.

During the timeframe Mann was ineligible, the Council held a total of nine meetings. Those meetings consisted of five regular, three special, and one study session meeting. Mann attended all of them. The Study Session meeting held on September 23, 2014 is of no concern as the

Council cannot take formal action during that type of meeting. Therefore, I focused my efforts on reviewing the votes of Mann during the five regular and four special meetings of the Council. In doing so I reviewed the minutes of each meeting. With the exception of the minutes of the October 14, 2014 regular meeting, all have been approved by the Council. I assume the minutes of the October 14th meeting will be approved during the upcoming October 28th meeting and if so this opinion will remain valid.

I did not concern myself with any motions to approve or second a motion to approve made by Mann. Those are procedural matters and in themselves do not constitute official action by the Council unlike a formal vote. Although Grand Island City Code §2-7 states Roberts Rules of Order shall "guide" the Council in its proceedings, those Rules do not themselves carry the weight of law. Since parliamentary procedural issues such as motions, seconding motions, etc. do not constitute official action, any actions by Mann in this regard are not matters of legal concern.

I also examined the minutes of the meetings during the period in question to determine if a quorum would not have existed if Mann had been absent. A quorum for all the regular and special meetings would have been reached regardless of Mann's attendance.

I did not concern myself with Mann's votes on approving the Consent Agenda as during each regular meeting held during the period in question those votes were unanimous and the total votes cast for approval exceeded six, making Mann's votes inconsequential.

I concentrated on examining the minutes for the regular and special meetings during the period in question with regard to votes cast by Mann regarding waiver of the statutory rules regulating the approval of ordinances, motions to approve, to amend, or votes to override vetoes. Mann's votes on all these matters did not affect the final decision of the Council with one exception.

On August 12, 2014 the Council considered a request from John and Gloria Trejo for a Conditional Use Permit to allow off street parking at 622 North Jefferson Street for the benefit of the Grand Island Public Schools. A motion was made to amend the request to require a six foot

privacy fence on the South and West sides of the property. Councilmembers Paulick, Stelk, Gericke, Haase, and Donaldson voted aye while Minton, Gilbert, Nickerson, Hehnke, and Mann voted no. The vote being tied, Mayor Vavricek cast the deciding no vote resulting in the failure of the motion. Without Mann's no vote the motion would have been 5-4 and still failed as Mayor Vavricek was opposed and presumably would not cast a sixth deciding vote in favor.

However, the Council then voted upon the main motion, that being to approve the request as originally proposed. Councilmembers Minton, Stelk, Nickerson, Donaldson, and Mann voted aye while Paulick, Gericke, Gilbert, Hehnke, and Haase voted no. Again Mayor Vavricek broke the tie by casting the deciding aye vote. Unlike the motion to amend, if Mann did not vote on this matter, the result would have been 4-5 in favor and Mayor Vavricek's aye vote would not constitute the necessary sixth vote to grant the request.

Correcting the situation through a motion to reconsider would not be appropriate as the action to be reconsidered was not valid in the first place. Rather, this matter must come back before the Council anew so there is no uncertainty regarding the property rights of Mr. and Mrs. Trejo or the Grand Island Public Schools. I would recommend the Council vote to grant the request so the City is not subject to liability resulting from a possible civil suit arising from the detrimental reliance by the Trejos and the Grand Island Public Schools on the invalid action of the Council.

If you need any additional information do not hesitate to contact me.





City of Grand Island

Monday, December 22, 2014

Council Session

Item E-3

**Public Hearing on Request to Rezone Property Located at 2228
North Webb Road from CD Commercial Development to
Amended CD Commercial Development**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: December 22, 2014

Subject: To Rezone Properties from CD Commercial Development to Amended Commercial Development Zone.

Item #'s: E-3, F-1 & G-8

Presenter(s): Chad Nabyt AICP, Regional Planning Director

Background

A request to change the zoning for property described as Lot 10 Grand Island Mall 8th and Lot 2 of Grand Island Mall 15th Subdivision, also known as 2228 North Webb Road, Grand Island, from CD Commercial Development to Amended Commercial Development Zone. The subject property is located west of Webb Road and south of Capital Avenue in the City of Grand Island, Hall County, Nebraska. (C-01-2015GI)

This proposed development would create 2 additional lots within the development. New parking would be created on the west side of the building and the existing building would be remodeled with a street and pedestrian corridor through the center connecting the 281 and Webb Road sides of the building. No new access drives are being requested or would be approved with this plan. The CD Zone allows for up to 50% of the property to be covered with buildings. The proposed coverage within this development at full development as shown is well below the maximum coverage.

Attached is the memo from the Planning Director to the Planning Commission regarding this project. The project as proposed is consistent with the redevelopment plan approved for Tax Increment Financing and the enhanced employment area occupation tax. Approval of this rezoning will also include approval of the Subdivision for Grand Island Mall Seventeenth Subdivision.

Discussion

At the regular meeting of the Regional Planning Commission, held December 3, 2014 the above item was considered following a public hearing.

O'Neill opened the Public Hearing.

Nabity explained the rezone request.

O'Neill closed the Public Hearing.

A motion was made by Bredthauer and to approve the rezone. Motion was seconded by Ruge to approve the Rezone from CD – Commercial Redevelopment Zone to Amended CD – Commercial Redevelopment Zone.

A roll call vote was taken and the motion passed with 10 members present and 9 voting in favor (Bredthauer, Ruge, Maurer, Robb, Heckman, Haskins, Sears, Connelly and Kjar) and one member abstaining (O'Neill).

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

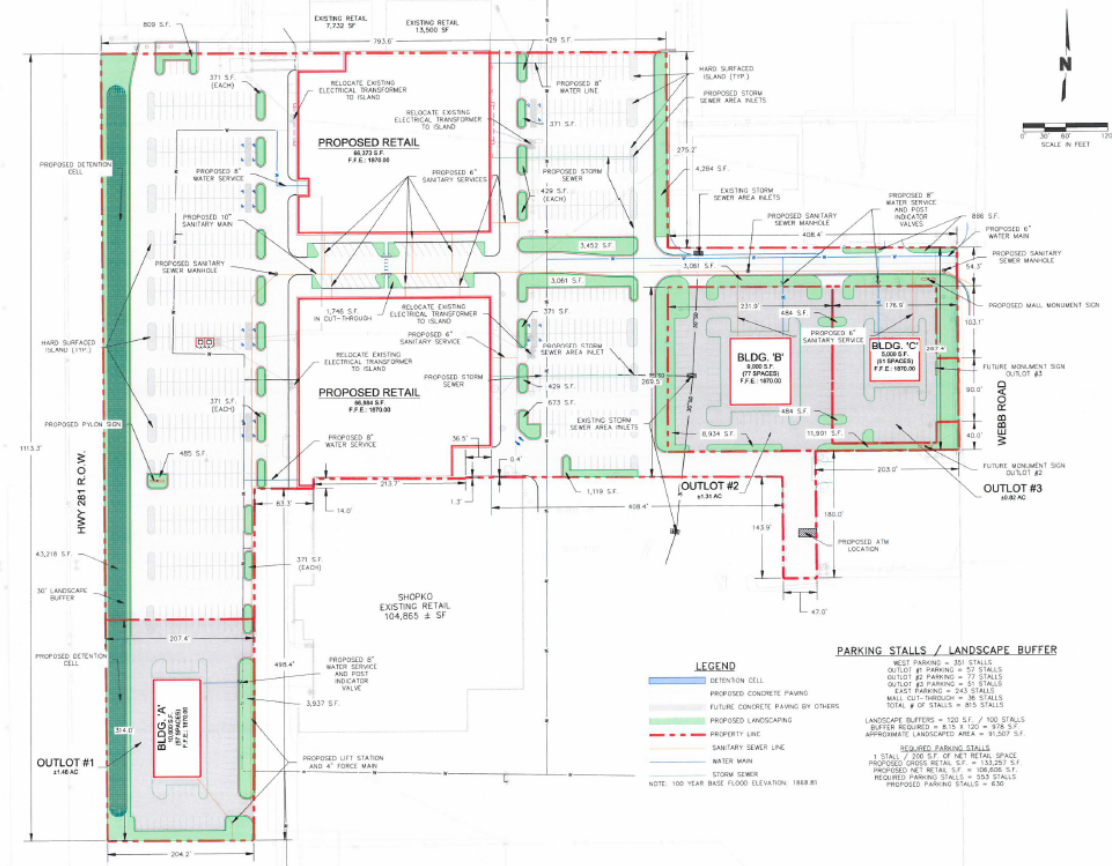
Move to approve the ordinance and development plan as presented.

Agenda Item 4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 19, 2014

SUBJECT: Concerning change of zoning for property located described as Lot 10 Grand Island Mall 8th and Lot 2 of Grand Island Mall 15th, also known as 2228 N. Webb Road, Grand Island NE, from CD Commercial Development to Amended CD Commercial Development Zone. (C-01-2015GI)



PROPOSAL: This proposed development would create 2 additional lots within the development one on the east side of the existing building. New parking would be created on the west side of the building and the existing building would be remodeled with a street and pedestrian corridor through the center connecting the 281 and Webb Road sides of the building. No new access drives are being requested or would be approved with this plan. The CD Zone allows for up to 50% of the property to be covered with buildings. The proposed coverage within this development at full development as shown is well below the maximum coverage.

OVERVIEW:

Site Analysis

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

Adjacent Properties Analysis

Current zoning designations: **South and East** CD Commercial Development Zone

North: B1- Light Business

West: B2 General Business

Permitted and conditional uses: CD – Commercial, office and retail uses as permitted and built according to the approved development plan. B2- Commercial, office, retail and service uses along with residential uses up to a density of 43 units per acre. B1 limited commercial, office, and interior retail to support the immediate neighborhood and residential uses up to a density of 43 units per acre.

Comprehensive Plan Designation: **North, South, East and West:** Designated for commercial development and uses.

Existing land uses: **North:** Goldman Property Retail Development
East: Webb Road, Taco John, Burger King, Strip Commercial
West: U.S. Highway 281 and Commercial Uses
South: Shopko, and Northwest Crossings Commercial Development

EVALUATION:

Positive Implications:

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

- *Monetary Benefit to Applicant:* Would allow the applicant to further develop this site.

Negative Implications:

- *None foreseen*

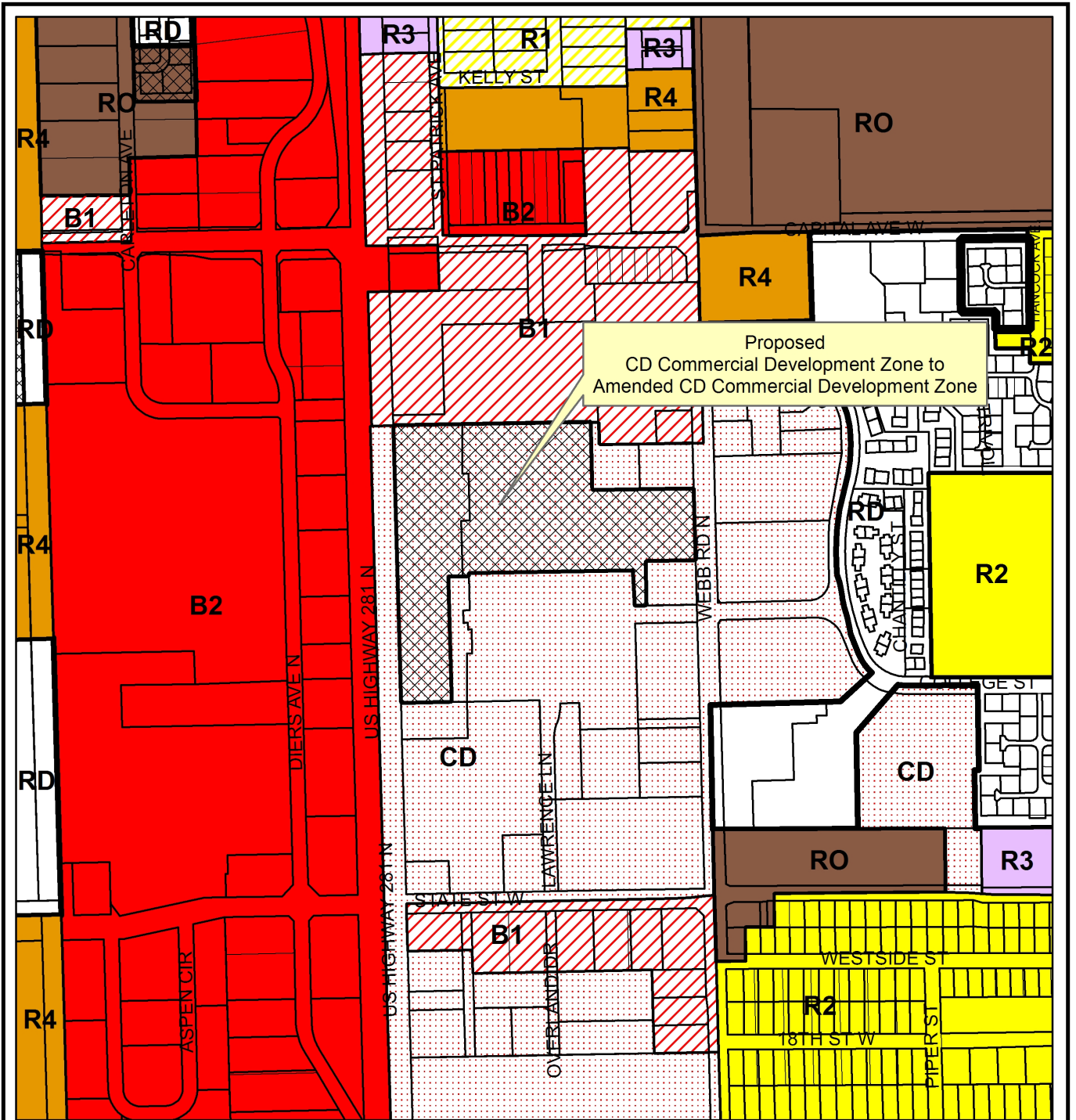
Other Considerations

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

RECOMMENDATION:

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

_____ Chad Nability AICP, Planning Director





Requested Zoning



Scale : NONE
C-01-2015GI



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

November 18, 2014

Dear Members of the Board:

RE: Rezoning – A request to rezone the properties from CD Commercial Development to Amended Commercial Development in the City of Grand Island, Hall County, Nebraska.

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

You are hereby notified that the Regional Planning Commission will consider this zoning change at the next meeting that will be held at 6:00 p.m. on December 3, 2014 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

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

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

November 18, 2014

Dear Members of the Board:

RE: Preliminary & Final Plat – Grand Island Mall 17th Subdivision

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Grand Island Mall 17th Subdivision, located in the City of Grand Island, in Hall County Nebraska.

This final plat proposes to create 4 lots, on a tract of land comprising of a replat of all of Lot 10, Grand Island Mall 8th Subdivision and all of Lot 2, Grand Island Mall 15th Subdivision, all in the City of Grand Island, Hall County, Nebraska, said tract containing 16.43 acres.

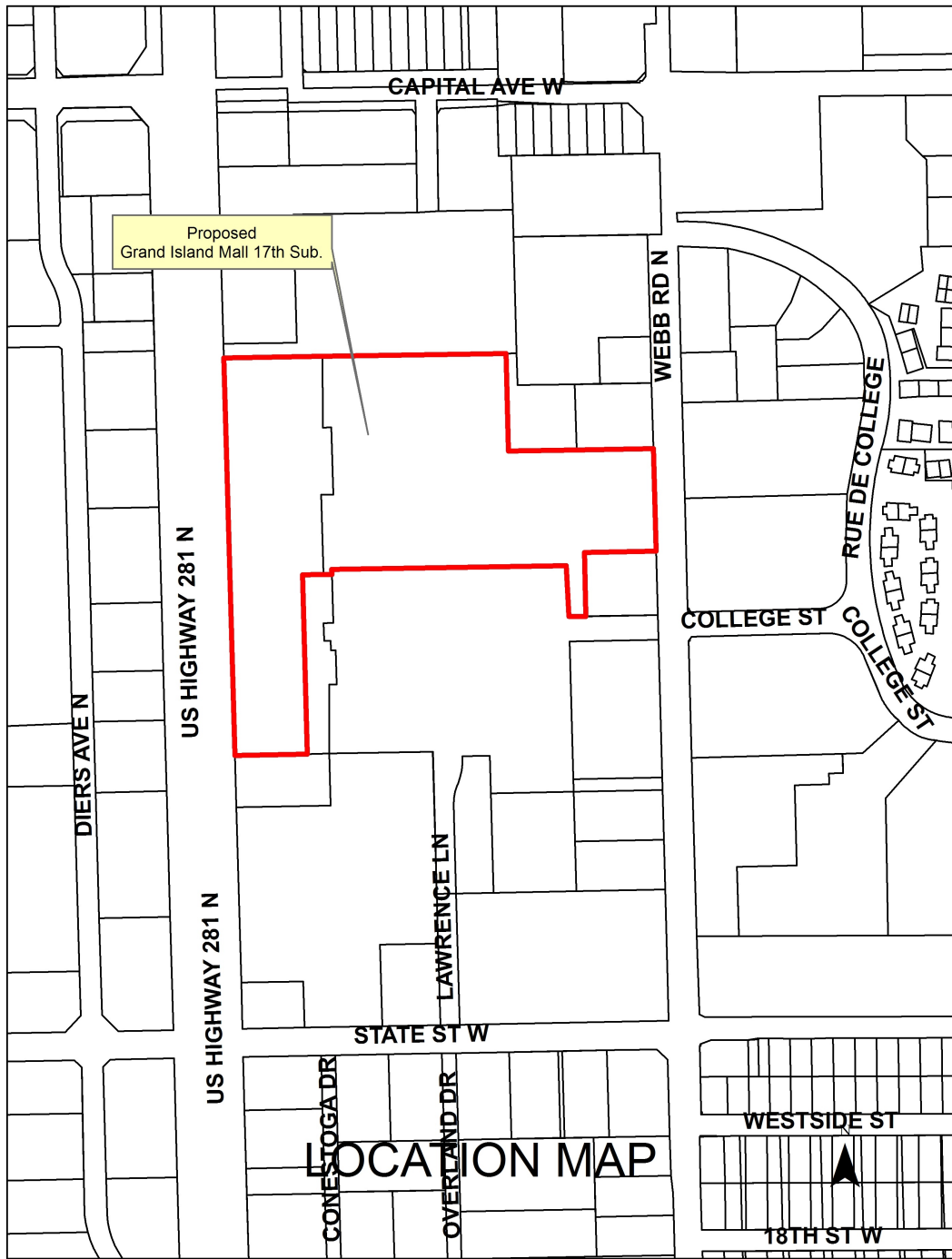
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on December 3, 2014 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

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

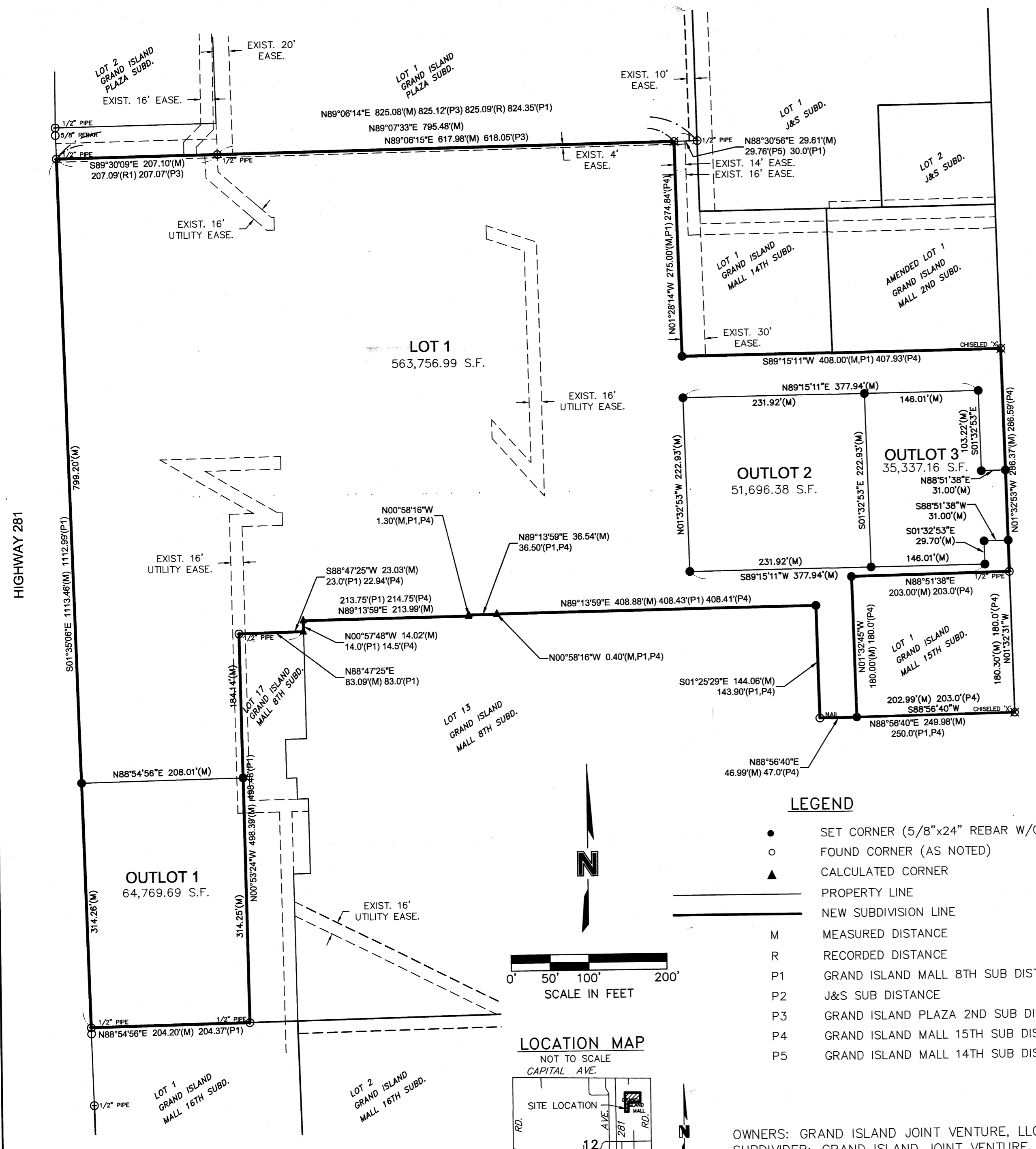
This letter was sent to the following School Districts 1R, 2, 3, 19, 82, 83, 100, 126.



GRAND ISLAND MALL SEVENTEENTH SUBDIVISION

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT



LEGAL DESCRIPTION

A REPLAT OF ALL OF LOT 10, GRAND ISLAND MALL 8TH SUBDIVISION AND ALL OF LOT 2, GRAND ISLAND MALL 15TH SUBDIVISION, ALL IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 715,560.22 SQUARE FEET OR 16.43 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____, 2014, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF "GRAND ISLAND MALL SEVENTEENTH SUBDIVISION" IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

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

DEDICATION OF PLAT

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

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT _____, THIS ____ DAY OF _____, 2014.

GRAND ISLAND JOINT VENTURE, LLC
BY: TSG GRAND ISLAND INVESTORS, LLC

BY:
MICHAEL H. STAENBERG, MANAGER

ACKNOWLEDGMENT

STATE OF MISSOURI ss
COUNTY OF ST. LOUIS
ON THIS ____ DAY OF _____, 2014, BEFORE ME _____, NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MICHAEL H. STAENBERG, THE MANAGER OF TSG GRAND ISLAND INVESTORS, LLC, THE MANAGER OF GRAND ISLAND JOINT VENTURE, LLC, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT ST. LOUIS, MISSOURI, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

APPROVAL

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

CHAIRMAN _____ DATE _____

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

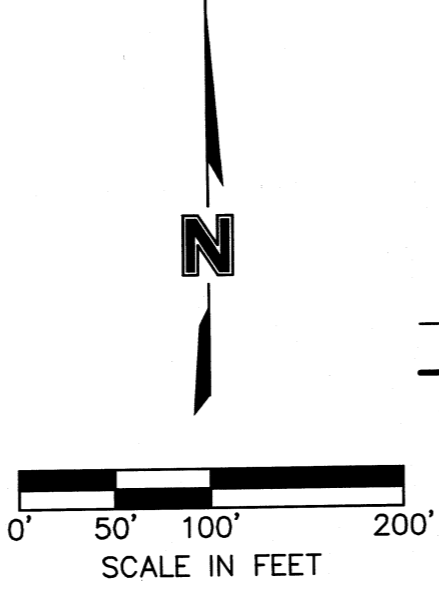
THIS ____ DAY OF _____, 2014.

MAYOR _____

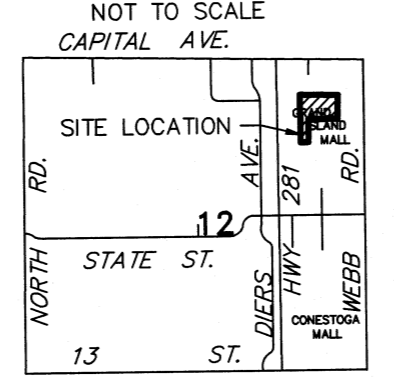
CITY CLERK _____

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- ▲ CALCULATED CORNER
- PROPERTY LINE
- NEW SUBDIVISION LINE
- M MEASURED DISTANCE
- R RECORDED DISTANCE
- P1 GRAND ISLAND MALL 8TH SUB DISTANCE
- P2 J&S SUB DISTANCE
- P3 GRAND ISLAND PLAZA 2ND SUB DISTANCE
- P4 GRAND ISLAND MALL 15TH SUB DISTANCE
- P5 GRAND ISLAND MALL 14TH SUB DISTANCE



LOCATION MAP



OWNERS: GRAND ISLAND JOINT VENTURE, LLC
SUBDIVIDER: GRAND ISLAND JOINT VENTURE, LLC
SURVEYOR: OLSSON ASSOCIATES
ENGINEER: OLSSON ASSOCIATES
NUMBER OF LOTS: 1 & 3-OUTLOTS

DWG: F:\projects\014-2360\SRVY\Final_Plat\142360_FP_GI_Mall_17th.dwg
DATE: Nov 07, 2014 11:15am XREFS: 0142360_XTDFP
USER: jramirez

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

PROJECT NO. 2014-2360
GRAND ISLAND MALL SURVEY
FB GI 2014-4



City of Grand Island

Monday, December 22, 2014

Council Session

Item F-1

#9515 - Consideration of Request to Rezone Property Located at 2228 North Webb Road from CD Commercial Development to Amended CD Commercial Development

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9515

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; amending the Commercial Development district and Final Development Plan for Grand Island Mall Seventeenth Subdivision (Lots 1, 2, 3, 4, 5 and Outlot A Inclusive); 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 36-7; 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 the final development plan for Grand Island Mall Seventeenth Subdivision is amended as shown on the development plan approved and signed by the Subdivider and the City with the Subdivision agreement.

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-7 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: December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 18, 2006	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-1

Approving Minutes of December 9, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

December 9, 2014

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 December 9, 2014. Notice of the meeting was given in *The Grand Island Independent* on December 3, 2014.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Linna Dee Donaldson, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Mark Stelk, Mike Paulick, and Vaughn Minton. Councilmember Chuck Haase was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, Treasurer and Finance Director Jaye Monter, City Attorney Robert Sivick, and City Engineer and Public Works Director John Collins.

INVOCATION was given by Pastor Gary Schulte, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council members Marlena Ramirez, Allie Richardson, and Diego Tum-Monge.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Service of Councilmember John Gericke. Mayor Vavricek presented Councilmember John Gericke with a plaque and recognized his service to the community as Councilmember for Ward 5.

Recognition of Service of Councilmember Peg Gilbert. Mayor Vavricek presented Councilmember Peg Gilbert with a plaque and recognized her service to the community as Councilmember for Ward 2.

Recognition of Service of Jaye Monter Finance Director. Mayor Vavricek presented Finance Director Jaye Monter with a plaque and recognized her service to the community as City Treasurer/Finance Director. Ms. Monter thanked the City for the opportunity to serve as Finance Director.

Recognition of Service of Mary Lou Brown City Administrator. Mayor Vavricek presented City Administrator Mary Lou Brown with a plaque and recognized her service to the community as City Administrator. Ms. Brown appreciated the leadership and fantastic employees of the City of Grand Island and would take many wonderful memories with her. She stated she would return to Colorado and go into retirement.

SPECIAL ITEMS:

Approving Minutes of November 25, 2014 City Council Regular Meeting. Motion by Gericke, second by Minton to approve the minutes of the November 25, 2014 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

Approving Payment of Claims for the Period of November 26, 2014 through December 9, 2014. Motion by Donaldson, second by Hehnke to approve the payment of claims for the period of November 26, 2014 through December 9, 2014 for a total amount of \$8,586,397.15. Unanimously approved.

Acceptance of Election Certificate: Motion by Gilbert, second by Gericke to accept the Election Certificate for the November 4, 2014 General Election. Upon roll call vote, all voted aye. Motion adopted.

Comments by Outgoing Elected Official Councilmember John Gericke: Councilmember Gericke thanked the people of Ward 4 and stated it was an exciting time to serve. Mentioned were several projects that had been completed over his four year term.

Comments by Outgoing Elected Official Councilmember Peg Gilbert: Councilmember Gilbert commented on the new direction of Grand Island and the new leadership. She thanked the citizens of Grand Island for their support along with the citizens from Ward 2. Also thanked were the colleagues on the Council, past and present, city staff, and her family.

Comments by Outgoing Elected Official Mayor Jay Vavricek: Tom O'Neill, 2017 Barbara Avenue thanked the outgoing officials for their service. Mayor Vavricek reflected on eight years of public service and the last four years of work. He stated there were 185 meetings and countless study session topics. He thanked the people of Grand Island, City Council, city staff, and family. Mentioned were the highlights of the last four years.

Recess: Motion by Gilbert, second by Paulick to recess at p.m. 7:38 p.m. for the transition to the new governing body. Upon roll call vote, all voted aye. Motion adopted.

Council reconvened at 7:48 p.m.

Administration of Oath to Newly Elected Mayor and Councilmembers: City Clerk RaNae Edwards administered the Oath of Office to newly elected Mayor Jeremy Jensen. Ms. Edwards then administered the Oath of Office to newly elected Councilmembers Roger Steele – Ward 2 and Michelle Fitzke – Ward 5 and returning Councilmember's Vaughn Minton – Ward 1, Mitchell Nickerson – Ward 4 and Linna Dee Donaldson – Ward 3.

Seating of Newly Elected Councilmembers followed by Roll Call: The following members were present: Mayor Jeremy Jensen, Councilmembers Mitch Nickerson, Mark Stelk, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Chuck Haase was absent.

Comments by Newly Elected Officials:

Councilmember's Roger Steele, Michelle Fitzke, Mitch Nickerson, Linna Dee Donaldson and Vaughn Minton each thanked the citizens of Grand Island for the opportunity to represent them. They also thanked their families, friends and looked forward to moving forward.

Mayor Jensen acknowledged his family and their support. He stated he was humbled and excited to be here.

Election of City Council President: City Clerk RaNae Edwards reported that the City Council was required to elect one Councilmember to the office of Council President for a term of one year and that the Council President automatically assumed the duties of the Mayor in the event that the Mayor was absent or otherwise unable to fulfill his 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 prepared and distributed ballots.

Councilmember Minton nominated Councilmember Nickerson. Councilmember Hehnke nominated Councilmember Donaldson. There were no further nominations.

City Clerk RaNae Edwards called for the first ballot. It was reported that Councilmember Donaldson had received 5 votes and Councilmember Nickerson had received 3 votes. Mayor Jensen cast the sixth and deciding vote for Councilmember Donaldson. Mayor Jensen declared Councilmember Donaldson the new Council President for 2015.

PUBLIC HEARINGS:

Public Hearing on Request from Estanislao LLC dba La Cocina Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Estanislao LLC dba La Cocina Mexican Restaurant, 2418 N. Webb Road, Suite A. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 13, 2014; notice to the general public of date, time, and place of hearing published on December 3, 2014; notice to the applicant of date, time, and place of hearing mailed on November 13, 2014; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report of a false application, character and reputation issues with Gemelo Mario Leon-Garcia, spouse of Gabrielle Gutierrez – Liquor Manager applicant, along with hidden ownership. Gemelo Mario Leon-Garcia and Gabrielle Gutierrez were present to speak in support. No further public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement for Hall County Sanitary Sewer District 2 (SID 2) [Dale L. Bockmann]. Public Works Director John Collins reported that acquisition of a public utility easement was needed for the Hall County Sanitary Sewer District 2. The easement would allow for construction, operation, maintenance, extension, repair, replacement and removal of public utilities within the easement. 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 ordinances numbered:

#9513 - Consideration of Vacation of Utility Easement in Lot One (1) and Lot Two (2), Elder 4th Subdivision

#9514 - Consideration of Creation of Water Main District 467T - Engleman Road from Old Potash Highway, South for One-Half (1/2) Mile

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

Utilities Director Tim Luchsinger reported that Ordinance #9513 would vacate a utility easement across Lots One (1) and Lot Two (2) in Elder 4th Subdivision. He stated this easement was no longer needed by the City and the property owner had requested it be vacated.

Ordinance #9514 would create Water Main District 467T along Engleman Road from Old Potash Highway, south for 1/2 mile. The construction was the first phase to complete the westerly loop of the water system and would provide future development and fire protection for this portion of the City. The district would be constructed as a tap district where fees would not be collected until the user connects to the main.

Motion by Paulick, second by Hehnke to approve Ordinances #9513 and #9514.

City Clerk: Ordinances #9513 and #9514 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9513 and #9514 on second and final reading. All those in favor of the passage of these ordinances 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 final passage, Ordinances #9513 and #9514 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda item G-7 (#2014-366) was pulled from the agenda for further discussion. Motion by Paulick, second by Hehnke to approve the Consent Agenda excluding item G-7 (#2014-366). Upon roll call vote, all voted aye. Motion adopted.

#2014-360 - Approving Surety Bonds for Mayor and City Councilmembers.

#2014-361 - Approving City Council Meeting Schedule for 2015.

#2014-362 - Approving Change Order #1 with Meylan Enterprises, Inc. of Omaha, NE for Precipitator, Bottom Ash and Boiler Industrial Cleaning at Platte Generating Station for an Increase of \$9,931.74 and a Revised Contract Amount of \$129,536.34.

#2014-363 - Approving Temporary Construction Easements for South Blaine Street Bridge Replacements; Project No. 2014-B-1 (Country Club Holding Association, LLC).

#2014-364 - Approving Acquisition of Public Utility Easement for Hall County Sanitary Sewer District 2 (SID 2) [Dale L. Bockmann].

#2014-365 - Approving Temporary Construction Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (Ummel & Spiehs).

#2014-366 - Approving Request from the GRACE Foundation for Permission to Use City Streets and State Highway for a 10K Race and 2-Mile Family Fun Run. Executive Director for Race for GRACE Angie Ziller, 324 West 18th Street spoke in support. Discussion was held regarding insurance for special events. It was requested that the special events insurance issue be brought back to the December 22, 2014 City Council meeting for further review.

Motion by Donaldson, second by Nickerson to approve Resolution #2014-366. Upon roll call vote, all voted aye. Motion adopted.

#2014-367 - Approving State Bid Award for (1) 2015 Dodge Grand Caravan for the Parks & Recreation Department with Lincoln Dodge Inc. of Lincoln, NE in an Amount of \$21,543.00.

#2014-368 - Approving Bid Award for George Park Sidewalk/Trail Project for the Parks & Recreation Department with Diamond Engineering Company of Grand Island, NE in an Amount of \$86,444.35.

#2014-369 - Approving the following State Contract Purchases for Police Department Vehicles:

- 3 Ford TPI sedans / Sid Dillon Ford - State award #14148. \$ 26,552.00 ea.
- 3 Ford Expeditions / Anderson Ford - State award #1415. \$ 31,254.00 ea.
- 2 Ford PUV SUVs / Anderson Ford - State award #14128. \$27,220.00 ea.
- 2 Ford Fusion sedans / Anderson Ford – State award #14117. \$17,517.00 ea.
- 1 Dodge Pickup truck / Roy’s Grand Dodge – Quote - \$ 17,689.00 ea.

for a total cost of \$ 280,581.00.

RESOLUTIONS:

#2014-370 - Consideration of Request from Estanislao LLC dba La Cocina Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class “I” Liquor License and Liquor Manager Designation for Gabriella Gutierrez, 112 West 1st Street, McCook, NE. This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Minton to deny Resolution #2014-370 based on the Police Department report of a false application, character and reputation issues with Gemelo Mario Leon-Garcia, spouse of Gabrielle Gutierrez – Liquor Manager applicant, along with hidden ownership. Upon roll call vote, all voted aye. Motion adopted.

#2014-371 - Consideration of Approving Appointment of City Clerk RaNae Edwards MMC. Mayor Jensen reported he was submitting the appointment of RaNae Edwards MMC as City Clerk to coincide with the Mayor's term of office.

Motion by Paulick, second by Hehnke to approve Resolution #2014-371. Upon roll call vote, all voted aye. Motion adopted.

#2014-372 - Consideration of Approving Appointment of City Engineer/Public Works Director John Collins P.E. Mayor Jensen reported he was submitting the appointment of John Collins P.E. as City Engineer/Public Works Director to coincide with the Mayor's term of office.

Motion by Hehnke, second by Minton to approve Resolution #2014-372. Upon roll call vote, all voted aye. Motion adopted.

#2014-373 - Consideration of Approving Appointment of Interim Treasurer/Finance Director William Clingman. Mayor Jensen reported he was submitting the appointment of William Clingman as Interim City Treasurer/Finance Director until such time as another appointment was made.

Motion by Stelk, second by Paulick to approve Resolution #2014-373. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:32 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-2

Approving Re-Appointments of John Hoggatt and Roger Bullington to the Grand Island Facilities Corporation

Mayor Jensen has submitted the re-appointments of John Hoggatt and Roger Bullington to the Grand Island Facilities Corporation board. The appointments would become effective immediately upon approval by the City Council and would expire on November 30, 2017.

Staff Contact: Mayor Jeremy Jensen



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-3

Approving Re-Appointments to the Electrical Board

The following individuals have expressed their willingness to serve on the City of Grand Island Electrical Board for the year 2015. Denise Kozel, Master Electrician; Kent Sundberg, Journeyman Electrician; Brady Blauhorn, Utility Department Representative; Terry Klanecky, General Public Representative; Kurt Griess and Craig Lewis, Building Department as Ex-Officio members. The above recommendations are made in compliance with the Grand Island City Code. These appointments would become effective January 1, 2015 upon approval by the City Council and would expire on December 31, 2015.

Staff Contact: Mayor Jeremy Jensen



Working Together for a
Better Tomorrow. Today.

DATE: December 15, 2014
 TO: Mayor Jensen and City Council
 FROM: Craig A. Lewis, Building Department Director *CA*
 RE: Appointments to the Electrical Board

The following individuals have been contacted and have indicated their willingness to serve on the Electrical Board of the City of Grand Island for the year 2015.

<u>Representing</u>	<u>Name/Address</u>	<u>Employed</u>
Master Electrician	Denise Kozel PO Box 2271 Grand Island, NE 68802	Tri-City Electric
Journeyman Electrician	Kent Sundberg 605 G St Aurora NE 68818	Middleton Electric
Utility Department	Brady Blauhorn 4004 Kay Ave Grand Island, NE 68803	City of G. I.
General Public	Terry Klanecky 2116 Topeka Circle Grand Island, NE 68803	Crescent Electric
Building Inspection (Ex-Officio)	Kurt Griess 100 E 1 st St Grand Island NE 68801	City of Grand Island Building Department
Building Inspection (Ex-Officio)	Craig Lewis 100 E 1 st St Grand Island, NE 68801	City of Grand Island Building Department

The above recommendations are made in compliance with the Grand Island Electrical Code and are contingent upon approval of the Mayor and the City Council.



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-4

Approving Re-Appointments to the Mechanical Examining Board

The following individuals have expressed their willingness to serve on the City of Grand Island Mechanical Examining Board for the year 2015. Mike McElroy, Master Gas Fitter; Loren Peterson, Gas Company Representative; Scott Hilligas, Master Gas Fitter; Mike Myers, Master Gas Fitter; Todd Bredthauer, Journeyman Gas Fitter; Tom O'Neill, Community Member; Russ Shaw, Plumbing Inspector for the Building Department and Craig Lewis, Building Department Director - Ex Officio. The above recommendation is made in compliance with the Grand Island City Code and approval is requested. These appointments would become effective January 1, 2015 upon approval by the City Council and would expire on December 31, 2015.

Staff Contact: Mayor Jeremy Jensen



*Working Together for a
Better Tomorrow. Today.*

DATE: December 9, 2014
 TO: Mayor Jensen and City Council
 FROM: Craig A. Lewis, Building Department Director *CA*
 RE: Appointment to the Mechanical Examining Board

The following men have been contacted and have indicated their willingness to serve on the Mechanical Examining Board of the City of Grand Island for the year 2015.

<u>Representing</u>	<u>Name/Address</u>	<u>Employed</u>
Local Gas Company	Loran Peterson 515 W 3 rd St Grand Island NE 68801	Northwestern
Contracting Mechanical	Scott Hilligas 2304 W Lincoln Hwy Grand Island NE 68801	Midwest Heating & Air
Master Mechanical	Mike McElroy 807 Claude Rd Grand Island NE 68803	McElroy Service Co
Master Mechanical	Mike Myers 318 E Capital Ave Grand Island NE 68801	Myers Heating & Air
Journeyman Mechanical	Todd Bredthauer PO Box 484 Grand Island NE 68802	Jerry's Sheet Metal
Community Member	Tom O'Neill 2017 W Barbara Ave Grand Island NE 68801	
Building Department (Ex-Officio)	Russ Shaw 100 E 1 st St Grand Island NE 68801	City of Grand Island Building Department
Building Inspection (Ex-Officio)	Craig Lewis 100 E 1 st St Grand Island NE 68801	City of Grand Island Building Department

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
 (308) 385-5325 • FAX: 385-5423 • www.grand-island.com



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-5

Approving Re-Appointments to the Plumbers Examining Board

The following individuals have expressed their willingness to serve on the City of Grand Island Plumbing Board for a two year term 2015/2016. Rick Eberl and Ryan Logue, Master Plumbers; Jeremy Collinson, Health Department; and Craig Lewis and David Scoggins, Building Department Ex-Officio's. The above recommendation is made in compliance with the Grand Island City Code and approval is requested. These appointments would become effective January 1, 2015 upon approval by the City Council and would expire on December 31, 2016.

Staff Contact: Mayor Jeremy Jensen



Working Together for a
Better Tomorrow. Today.

DATE: December 9, 2014
 TO: Mayor Jensen and City Council *CAL*
 FROM: Craig A. Lewis, Building Department Director
 RE: Appointments to the Plumbing Board

The following people have been contacted and have indicated their willingness to serve on the Plumbing Board of the City of Grand Island for a two-year term expiring December 31, 2016.

<u>Term</u>	<u>Representing</u>	<u>Name/Address</u>	<u>Employed</u>
2 yr. 15-16	Master Plumber	Rick Eberl 215 Fort Kearney Rd Grand Island, NE 68801	Mr. Rooter
2 yr. 15-16	Master Plumber	Ryan Logue 2329 North Wheeler Grand Island, NE 68801	Sewer Rooter
2 yr. 15-16	Health Department	Jeremy Collinson 1137 S Locust St Grand Island, NE 68801	Central District Health Department
	Building Inspection (Ex-Officio)	David Scoggins 100 E 1 st St Grand Island, NE 68801	City of G. I. Building Department
	Building Inspection (Ex-Officio)	Craig Lewis 100 E 1 st St Grand Island, NE 68801	City of G. I. Building Department

The above recommendations are made in compliance with the Grand Island Plumbing Code and are contingent upon approval of the Mayor and the City Council.



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-6

Approving Appointment of Glen Murray to the Community Redevelopment Authority Board

Mayor Jensen has submitted the appointment of Glen Murray to the Community Redevelopment Authority board to replace Michelle Fitzke. This appointment will become effective immediately upon approval by the City Council and will expire on September 30, 2015.

Staff Contact: Mayor Jeremy Jensen



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-7

Approving Appointment of Dean Sears to the Interjurisdictional Planning Commission

Mayor Jensen has submitted the appointment of Dean Sears to the Interjurisdictional Planning Commission to replace Dennis McCarty. This appointment will become effective immediately upon approval by the City Council and will expire on May 24, 2015.

Staff Contact: Mayor Jeremy Jensen



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-8

#2014-374 - Approving Preliminary and Final Plat and Subdivision Agreement for Grand Island Mall 17th Subdivision

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

Staff Contact: Chad Nabity

RESOLUTION 2014-374

WHEREAS EIG Grand Island, LLC, and Indiana Limited Liability Company, being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "GRAND ISLAND MALL SEVENTEENTH SUBDIVISION", to be laid out into 4 lots, a Replat of all of Lot 10, Grand Island Mall 8th Subdivision and all of Lot , Grand Island Mall 15th Subdivision, all in the City of Grand Island, Hall County, Nebraska, West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-9

**#2014-375 - Approving Maintenance Agreement No. 12 Renewal
with the Nebraska Department of Roads for Calendar Year 2015**

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

Council Agenda Memo

From: Shannon Callahan, Street Superintendent

Meeting: December 22, 2014

Subject: Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads for Calendar Year 2015

Item #'s: G-9

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

Background

Each year the City and the Nebraska Department of Roads enter into an agreement for the maintenance of Highways within the City Limits. The certification that calendar year 2014 work was performed by the City will be presented at the first January 2015 City Council meeting. The agreement for 2015 has been prepared. The content and scope of the agreement is the same as that of previous years.

Discussion

The maintenance responsibilities by statute are detailed in Exhibit A of the agreement. Calculations for payments are detailed in Exhibit B. Surface maintenance and snow removal responsibilities from an operational efficiency stand point are detailed in Exhibit C. The net result of this exchange of services for 2015 will be a payment to the City of \$35,672.00.

Alternatives

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

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

Recommendation

City Administration recommends that the Council pass a resolution approving Maintenance Agreement No. 12 for calendar year 2015.

Sample Motion

Move to approve Maintenance Agreement No. 12 for calendar year 2015.



AGREEMENT RENEWAL

Maintenance Agreement No. 12
Maintenance Agreement between the Nebraska Department of Roads and the
Municipality of GRAND ISLAND
Municipal Extensions in GRAND ISLAND

We hereby agree that Maintenance Agreement No. 12 described above be renewed for
the period January 1, 2015 to December 31, 2015.

All figures, terms and exhibits to remain in effect as per the original agreement dated
January 1, 2012.

In witness whereof, the parties hereto have caused these presents to be executed by
their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this _____ day of _____, _____.

ATTEST: City of _____

City Clerk

Mayor

Executed by the State this _____ day of _____, _____.

ATTEST: State of Nebraska

District Engineer, Department of Roads

DR Form 507, February 2009



Exhibit B

City of: GRAND ISLAND

Date: 11/18/14

Surface Maintenance

From Exhibit "C", it is determined that the State's responsibility for surface maintenance within the City limits is 29.98 lane miles. Pursuant to Sections 1d, 8c, 8d of the Agreement and to Exhibit "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$1,900.00 per lane mile for performing the surface maintenance on those lanes listed on Exhibit "C".

Amount due the City for surface maintenance:

29.98 lane miles x \$1,900.00 per lane mile = \$56,962.00.

Snow Removal

From Exhibit "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Exhibit "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$500.00 per lane mile for performing snow removal on those lanes listed on Exhibit "C".

Amount due the State for snow removal:

42.58 lane miles x \$500.00 per lane mile = \$21,290.00

Other (*Explain*)

\$56,962.00 - \$21,290.00 = \$35,672.00 due the CITY

**EXHIBIT C
CITY OF GRAND ISLAND**

**STATE OF NEBRASKA
DEPARTMENT OF ROADS**

**RESPONSIBILITY FOR SURFACE MAINTENANCE
OF MUNICIPAL EXTENSIONS**

**NEB. REV. STAT. 39-1339
and NEB. REV. STAT. 39-2105**

DESCRIPTION	HWY. NO.	REF POST		LENGTH IN MILES	TOTAL DRIVING LANES	TOTAL LANE MILES	RESPONSIBILITY	
		FROM	TO				STATE	CITY
West City Limits Jct. W/ US281	N-2	354.45	356.06	1.61	4	6.44	*3.22	*3.22
West City Limits W/ Johnstown Rd	US-30	310.04	312.47	2.43	2	4.86	*4.86	
Johnstown Rd./Greenwich St	US-30	312.47	314.85	2.38	4	9.52	**4.76	4.76
Greenwich St/end of 1-Way	EB 30	314.85	316.07	1.22	3	3.66	**2.44	1.22
Greenwich St/end of 1-way	WB 30	314.85	316.07	1.22	3	3.66		3.66
End 1-Way NE Corporate limits	US-30	316.07	317.68	1.61	4	6.44	**3.22	3.22
SW City Limits/Wildwood Dr/No. Jct. W/281/Husker Hw	US-34	228.89	231.16	2.27	4	9.08	*9.08	
US-281 Jct. 50'W of UPRR/ Leave Corp Limits	US-34	231.16	231.49	0.33	2	0.66	*0.66	
Re-enter Corp Limits-Begin Channelized Int. for Locust St	US-34	232.03	232.77	0.74	2	1.48	1.48	
Begin To End Channelized Intersection for Locust St.	US-34	232.77	233.25	0.48	4	1.92	*0.96	*0.96
End Channelized Intersection for Locust St to East City Limits	US-34	233.25	233.28	0.03	2	0.06	*0.06	
Jct. 34 /281 to Webb /281	US 281	67.45	67.94	.49	4	1.96	*1.96**	
N of Webb Rd/281 to Corp Limits		68.20	72.60	4.40	4	17.60	*17.60**	
TOTALS						67.34	50.30	17.04

****29.98 MILES WHERE NDOR PAYS THE CITY FOR SURFACE MAINTENANCE**

***42.58 MILES WHERE NDOR PERFORMS SNOW REMOVAL—CITY PAYS NDOR**

RESOLUTION 2014-375

WHEREAS, on December 22, 1992, the City of Grand Island approved and entered into Maintenance Agreement No. 12 with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, this agreement requires annual renewal by both parties thereto; and

WHEREAS, it is in the best interest of the City of Grand Island to approve Maintenance Agreement No. 12 to be effective January 1, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Maintenance Agreement No. 12 between the City and the State of Nebraska Department of Roads for the term January 1, 2015 through December 31, 2015 is hereby approved; and 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, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-10

#2014-376 - Approving Agreement for Engineering Consulting Services Related to Webb Road - Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: December 22, 2014

Subject: Approving Agreement for Engineering Consulting Services Related to Webb Road - Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1

Item #'s: G-10

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

Background

With the roadway and drainage improvements along Webb Road, north from Stolley Park Road to the Union Pacific Railroad (UPRR) crossing, additional upgrades are being studied north of the UPRR crossing. This section of Webb Road right-of-way has a lack of drainage, with only a private detention cell serving the area (shown on attached map). Such detention cell has no outlet and the bank of the cell is beginning to erode putting various utility and public infrastructure at harm. As such, this study will look at options to fix this cell, at possibly connecting this cell to the city system and changing local drainage patterns to flow to this cell or some additional pipe.

The Engineering Division put together a Request for Qualifications (RFQ) solicitation package for five (5) of the 2015 Capital Improvement Projects (CIP). The consultants had the option to submit for as many or as few of the projects they felt their firm was qualified for. The request was for engineering services for the 2015 construction season for the selected projects. Each project was evaluated on the predetermined criteria (detailed in the RFQ) and will be awarded to the consultant that scores the best on that particular project, regardless of the consultant's qualifications on another project.

- Project 1 – Sterling Estates Fourth Subdivision Paving District No. 1262; Construction Services
- Project 2 – Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1
- Project 3 – Swift Road Paving District No. 1263
- Project 4 – Webb Road – Union Pacific Railroad to US Highway 30 Drainage Study 2015-D-1

- Project 5 – 3rd Street & Wheeler Avenue Intersection Improvements Project No. 2015-P-2

On October 22, 2014 the Engineering Division of the Public Works Department advertised for Engineering Services for Webb Road – Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1, with seven (7) potential respondents.

Discussion

Seven (7) engineering firms submitted qualifications for the engineering services for Webb Road – Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1. EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska was selected as the top engineering firm based on the pre-approved selection criteria.

- Firm experience and qualifications on similar work (50%)
- Proposed project schedule/approach (40%)
- Past experience working with the City of Grand Island Public Works Department (10%)

Compensation for EA Engineering, Science, and Technology, Inc.'s design services will be provided on a time and materials basis with a maximum fee of \$39,800.00.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the agreement with EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska, in the amount of \$39,800.00.

Sample Motion

Move to approve the resolution.



Stacy Nonhof, Purchasing Agent

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**REQUEST FOR QUALIFICATIONS
FOR
ENGINEERING SERVICES FOR THE 2015 CAPITAL IMPROVEMENT PROJECTS**

RFP DUE DATE: November 6, 2014 at 4:00 p.m.
DEPARTMENT: Public Works
PUBLICATION DATE: October 22, 2014

SUMMARY OF PROPOSALS RECEIVED

Olsson Associates
Grand Island, NE

EA Engineering
Lincoln, NE

Schemmer
Lincoln, NE

Alfred Benesch & Company
Grand Island, NE

Kirkham Michael
Omaha, NE

Speece Lewis Engineers
Lincoln, NE

JEO Consulting Group, Inc.
Grand Island, NE

cc: John Collins, Director Public Works
Mary Lou Brown, City Administrator
Catrina DeLosh, Public Works

Terry Brown, Public Works
Jaye Monter, Finance Director
Stacy Nonhof, Assistant City Attorney

P1775



PROJECT #4
 WEBB ROAD DRAINAGE STUDY
 (UPRR TO US HIGHWAY 30)



SCALE: 1" = 250'
 DATE: OCTOBER 2014
 DRAWN BY: M. SOTO
 APPVD. BY: K. KURZ

2015 CAPITAL IMPROVEMENT PROJECT REQUEST FOR QUALIFICATION
 PROJECT #4 - WEBB ROAD DRAINAGE STUDY

RESOLUTION 2014-376

WHEREAS, on October 22, 2014 the Engineering Division of the Public Works Department advertised for engineering services for Webb Road – Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1; and

WHEREAS, on November 6, 2014 seven (7) engineering firms submitted qualifications for such services; and

WHEREAS, based on the pre-approved selection criteria EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska was selected as the top engineering firm; and

WHEREAS, the City of Grand Island and EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska wish to enter into an Engineering Services Agreement to provide engineering consulting services for such project; and

WHEREAS, an amendment will be brought before council at a later date to address construction phase services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Engineering Services Agreement between the City of Grand Island and EA Engineering, Science, and Technology, Inc. of Lincoln, Nebraska for engineering design services related to Webb Road – Union Pacific Railroad Crossing to Highway 30 Drainage Study; Project No. 2015-D-1, in the amount of \$39,800.00, 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, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-11

#2014-377 - Approving Agreement for Engineering Consulting Services Related to 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: December 22, 2014

Subject: Approving Agreement for Engineering Consulting Services Related to 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2

Item #'s: G-11

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

Background

This project will allow for several improvements of the downtown 3rd Street and Wheeler Avenue intersection. To make the intersection more pedestrian friendly bump outs will be added, in addition to the installation of storm sewer and replacement of existing water main. This project will work in conjunction with the attached park design as well.

The Engineering Division put together a Request for Qualifications (RFQ) solicitation package for five (5) of the 2015 Capital Improvement Projects (CIP). The consultants had the option to submit for as many or as few of the projects they felt their firm was qualified for. The request was for engineering services for the 2015 construction season for the selected projects. Each project was evaluated on the predetermined criteria (detailed in the RFQ) and will be awarded to the consultant that scores the best on that particular project, regardless of the consultant's qualifications on another project.

- Project 1 – Sterling Estates Fourth Subdivision Paving District No. 1262; Construction Services
- Project 2 – Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1
- Project 3 – Swift Road Paving District No. 1263
- Project 4 – Webb Road – Union Pacific Railroad to US Highway 30 Drainage Study 2015-D-1
- Project 5 – 3rd Street & Wheeler Avenue Intersection Improvements Project No. 2015-P-2

On October 22, 2014 the Engineering Division of the Public Works Department advertised for Engineering Services for the 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2, with seven (7) potential respondents.

Discussion

Four (4) engineering firms submitted qualifications for the engineering services for 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2. JEO Consulting Group, Inc. of Lincoln, Nebraska was selected as the top engineering firm based on the pre-approved selection criteria.

- Firm experience and qualifications on similar work (50%)
- Proposed project schedule/approach (40%)
- Past experience working with the City of Grand Island Public Works Department (10%)

Compensation for JEO Consulting Group, Inc.'s design services will be provided on a time and materials basis with a maximum fee of \$56,685.00.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the agreement with JEO Consulting Group, Inc. of Lincoln, Nebraska, in the amount of \$56,685.00.

Sample Motion

Move to approve the resolution.



Stacy Nonhof, Purchasing Agent

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Better Tomorrow, Today*

**REQUEST FOR QUALIFICATIONS
FOR
ENGINEERING SERVICES FOR THE 2015 CAPITAL IMPROVEMENT PROJECTS**

RFP DUE DATE: November 6, 2014 at 4:00 p.m.
DEPARTMENT: Public Works
PUBLICATION DATE: October 22, 2014

SUMMARY OF PROPOSALS RECEIVED

Olsson Associates
Grand Island, NE

EA Engineering
Lincoln, NE

Schemmer
Lincoln, NE

Alfred Benesch & Company
Grand Island, NE

Kirkham Michael
Omaha, NE

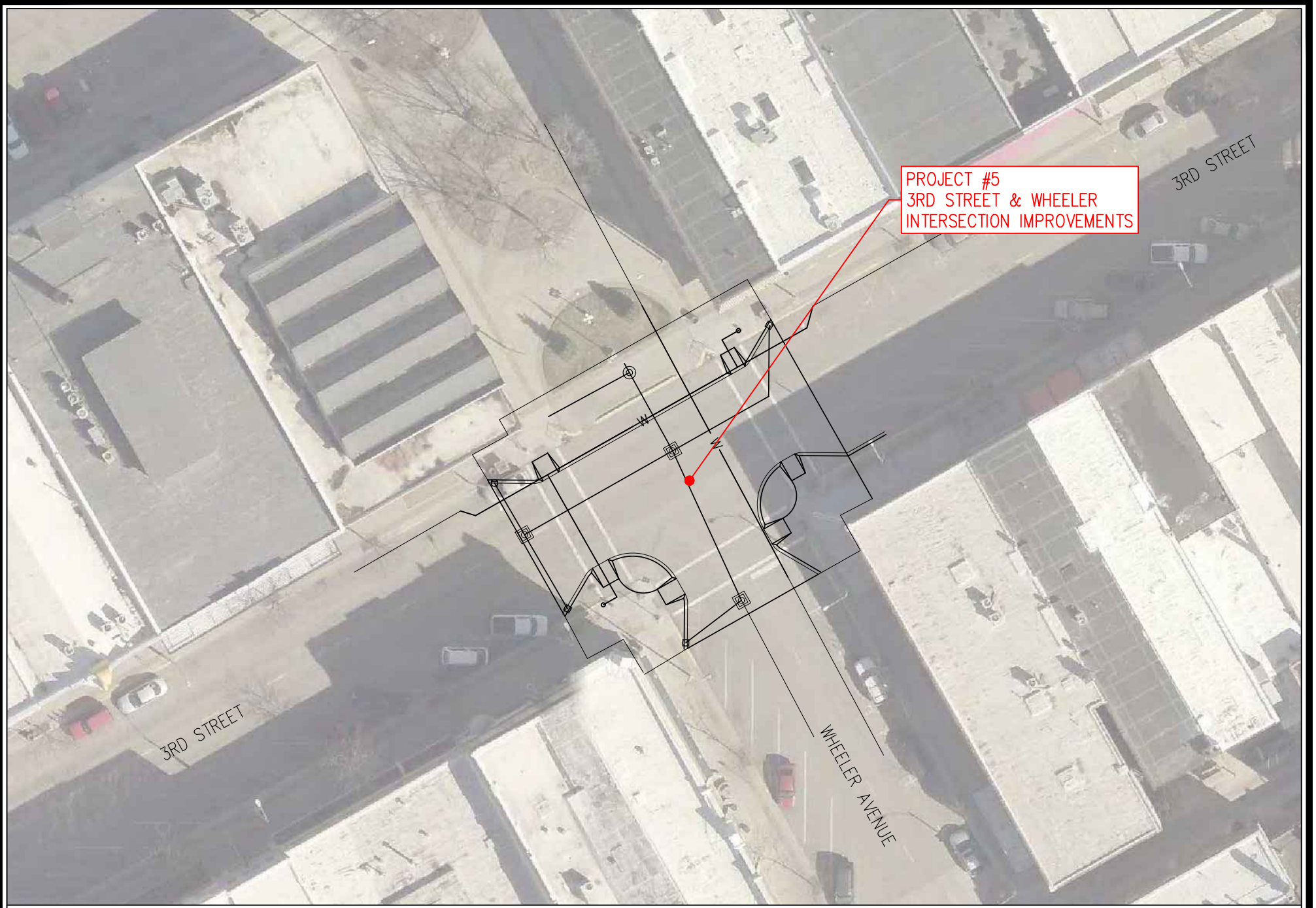
Speece Lewis Engineers
Lincoln, NE

JEO Consulting Group, Inc.
Grand Island, NE

cc: John Collins, Director Public Works
Mary Lou Brown, City Administrator
Catrina DeLosh, Public Works

Terry Brown, Public Works
Jaye Monter, Finance Director
Stacy Nonhof, Assistant City Attorney

P1775



PROJECT #5
3RD STREET & WHEELER
INTERSECTION IMPROVEMENTS

3RD STREET

3RD STREET

WHEELER AVENUE

SCALE: 1" = 40'

2015 CAPITAL IMPROVEMENT PROJECT REQUEST FOR QUALIFICATION

RESOLUTION 2014-377

WHEREAS, on October 22, 2014 the Engineering Division of the Public Works Department advertised for engineering services for 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2; and

WHEREAS, on November 6, 2014 four (4) engineering firms submitted qualifications for such services; and

WHEREAS, based on the pre-approved selection criteria JEO Consulting Group, Inc. of Lincoln, Nebraska was selected as the top engineering firm; and

WHEREAS, the City of Grand Island and JEO Consulting Group, Inc. of Lincoln, Nebraska wish to enter into an Engineering Services Agreement to provide engineering consulting services for such project; and

WHEREAS, an amendment will be brought before council at a later date to address construction phase services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Engineering Services Agreement between the City of Grand Island and JEO Consulting Group, Inc. of Lincoln, Nebraska for engineering design services related to 3rd Street and Wheeler Avenue Intersection Improvements; Project No. 2015-P-2, in the amount of \$56,685.00, 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, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-12

#2014-378 - Approving Agreements with NDOR- Rail and Public Transit for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2014- 2015 Fiscal Years TRANSIT Transportation Planning Program.

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Work Director

Meeting: December 22, 2014

Subject: Approving Agreements with NDOR- Rail and Public Transit for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2014- 2015 Fiscal Years TRANSIT Transportation Planning Program

Item #'s: G-12

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

Background

All agreements must be approved by the City Council. In March 2013 the City of Grand Island was designated as a urbanized area with a population over 50,000 which requires the metropolitan area to establish a transportation planning process in accordance with Title 23 CFR 450 of the current federal transportation bill. On an annual basis, the MPO develops a Unified Planning Work Program (UPWP), which identifies work activities to be performed during the fiscal year. The UPWP is approved by the MPO Policy Board and City Council. The UPWP is then submitted to the Department of Roads for review, and forwarded for approval for federal reimbursement by the Federal Highway Administration, and Federal Transit Administration.

Discussion

The Nebraska Department of Roads-Rail and Public Transit has drawn up Program Agreements with the City of Grand Island for the purpose of assisting the Local Public Agency (LPA) in obtaining Federal financial assistance to ensure a continued, comprehensive, and cooperative transportation planning process between the state and local governments for the Grand Island Metropolitan Planning Area for Fiscal Years 2014 and 2015. When reimbursement was initiated it was discovered that agreements for the TRANSIT planning portion of the UPWP had not been executed. The attached are the two (2) agreements with the Department of Roads.

- The maximum Federal participation under the FY 2014 (July 1, 2013 – June 30, 2014), Unified Planning Work Program (UPWP) was not to exceed \$21,433 for FY 2014
- The maximum Federal participation under the approved FY 2015 Unified Planning Work Program (UPWP) is not to exceed \$21,891 for FY 2015.

During FY 2014 (July 1, 2013 – June 30, 2014), the City incurred \$ 1,621.25, eligible expenses for 80% federal transit reimbursement. This federal reimbursement in the amount of \$1,296.90 will be received once the agreement is executed.

The FY 2015 agreement, which began July 1, 2014 and ends June 30, 2015 requires council approval in order to receive future reimbursements.

The Federal share for the FY 2015 transit planning portion of this project will be a maximum of 80% of the eligible costs. The local 20% (\$) funds would be the City's obligation not to exceed \$5,472.75 and can be part of inkind services (staff time & expenses). Total cost is expected to be \$27,363.75 for the MPO transit planning portion.

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 authorizes the Mayor to sign the FY 2014 and FY 2015 agreements.

Sample Motion

Move to approve authorization for the Mayor to sign the agreements.

RESOLUTION 2014-378

WHEREAS, the Nebraska Department of Roads has prepared a Planning Agreement for Fiscal Year 2014 & Fiscal Year 2015 for the City of Grand Island for the purpose of providing partial funding of Grand Island Area Metropolitan Planning Organization's (GIAMPO) transportation planning activities scheduled to be performed commencing July 1, 2013, as outlined in the Unified Planning Work Program attached to such agreements; and

WHEREAS, the maximum amount of cash support from the State under such agreement is \$21,433.00 of 49 USC Section 5305 funds for Fiscal Year 2014; and

WHEREAS, the maximum amount of cash support from the State under such agreement is \$21,891.00 of 49 USC Section 5305 funds for Fiscal Year 2015; and

WHEREAS, an agreement for each Fiscal Year with the Nebraska Department of Roads is required to proceed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the agreements with the Nebraska Department of Roads for the purpose of providing partial funding of Grand Island Area Metropolitan Planning Organization's (GIAMPO) transportation planning activities scheduled to be performed commencing July 1, 2013, as outlined in the Unified Planning Work Program attached to such agreements is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the Planning Agreement for Fiscal Year 2014 & Fiscal Year 2015.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-13

#2014-379 - Approving Agreement for Engineering Consulting Services Related to Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: December 22, 2014

Subject: Approving Agreement for Engineering Consulting Services Related to Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1

Item #'s: G-13

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

Background

This project is for the improvement of the operation of Stolley Park Road in areas of lane use, traffic signals at existing and proposed intersections along the corridor and pavement evaluation for concrete pavement maintenance. On July 8, 2014 City Council approved No Parking on both sides of Stolley Park Road from US Highway 281 to South Locust Street.

The Engineering Division put together a Request for Qualifications (RFQ) solicitation package for five (5) of the 2015 Capital Improvement Projects (CIP). The consultants had the option to submit for as many or as few of the projects they felt their firm was qualified for. The request was for engineering services for the 2015 construction season for the selected projects. Each project was evaluated on the predetermined criteria (detailed in the RFQ) and will be awarded to the consultant that scores the best on that particular project, regardless of the consultant's qualifications on another project.

- Project 1 – Sterling Estates Fourth Subdivision Paving District No. 1262; Construction Services
- Project 2 – Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1
- Project 3 – Swift Road Paving District No. 1263
- Project 4 – Webb Road – Union Pacific Railroad to US Highway 30 Drainage Study 2015-D-1
- Project 5 – 3rd Street & Wheeler Avenue Intersection Improvements Project No. 2015-P-2

On October 22, 2014 the Engineering Division of the Public Works Department advertised for Engineering Services for Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1, with seven (7) potential respondents.

Discussion

Five (5) engineering firms submitted qualifications for the engineering services for Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1. Olsson Associates of Grand Island, Nebraska was selected as the top engineering firm based on the pre-approved selection criteria.

- Firm experience and qualifications on similar work (50%)
- Proposed project schedule/approach (40%)
- Past experience working with the City of Grand Island Public Works Department (10%)

Compensation for Olsson Associates' design services will be provided on a time and materials basis with a maximum fee of \$79,300.00. Future amendments to this contract would include signal design and construction engineering.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the agreement with Olsson Associates of Grand Island, Nebraska, in the amount of \$79,300.00.

Sample Motion

Move to approve the resolution.



Stacy Nonhof, Purchasing Agent

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Better Tomorrow, Today*

**REQUEST FOR QUALIFICATIONS
FOR
ENGINEERING SERVICES FOR THE 2015 CAPITAL IMPROVEMENT PROJECTS**

RFP DUE DATE: November 6, 2014 at 4:00 p.m.

DEPARTMENT: Public Works

PUBLICATION DATE: October 22, 2014

SUMMARY OF PROPOSALS RECEIVED

Olsson Associates
Grand Island, NE

EA Engineering
Lincoln, NE

Schemmer
Lincoln, NE

Alfred Benesch & Company
Grand Island, NE

Kirkham Michael
Omaha, NE

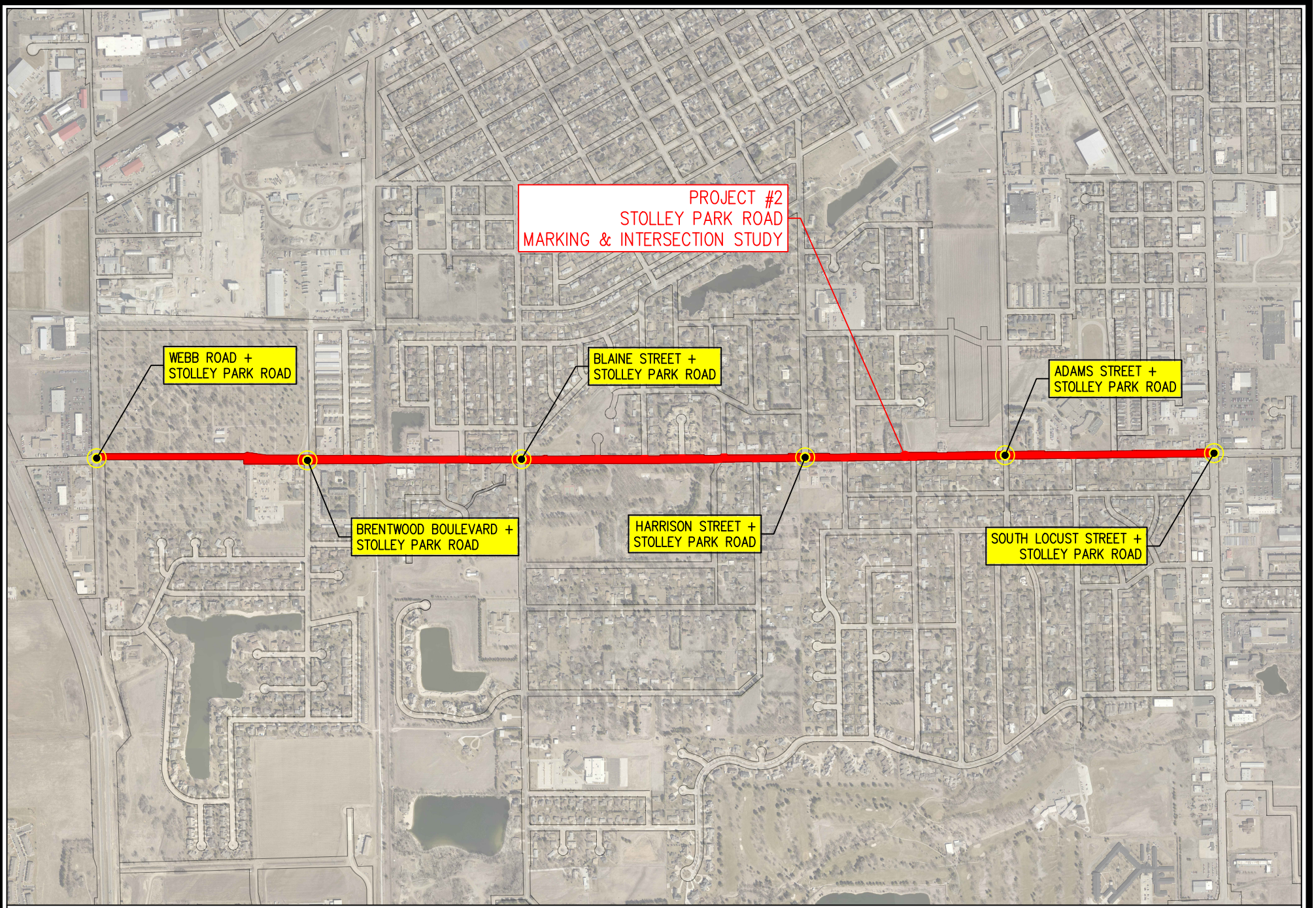
Speece Lewis Engineers
Lincoln, NE

JEO Consulting Group, Inc.
Grand Island, NE

cc: John Collins, Director Public Works
Mary Lou Brown, City Administrator
Catrina DeLosh, Public Works

Terry Brown, Public Works
Jaye Monter, Finance Director
Stacy Nonhof, Assistant City Attorney

P1775



PROJECT #2
STOLLEY PARK ROAD
MARKING & INTERSECTION STUDY

WEBB ROAD +
STOLLEY PARK ROAD

BLAINE STREET +
STOLLEY PARK ROAD

ADAMS STREET +
STOLLEY PARK ROAD

BRENTWOOD BOULEVARD +
STOLLEY PARK ROAD

HARRISON STREET +
STOLLEY PARK ROAD

SOUTH LOCUST STREET +
STOLLEY PARK ROAD



Public Works Department

SCALE: 1" = 1200'

DRAWN BY: M. SOTO
APPVD. BY: T. BROWN

2015 CAPITAL IMPROVEMENT PROJECT REQUEST FOR QUALIFICATION

PROJECT #2 - STOLLEY PARK ROAD MARKING & INTERSECTION STUDY
Council Session - 12/22/2014

RESOLUTION 2014-379

WHEREAS, on October 22, 2014 the Engineering Division of the Public Works Department advertised for engineering services for Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1; and

WHEREAS, on November 6, 2014 five (5) engineering firms submitted qualifications for such services; and

WHEREAS, based on the pre-approved selection criteria Olsson Associates of Grand Island, Nebraska was selected as the top engineering firm; and

WHEREAS, the City of Grand Island and Olsson Associates of Grand Island, Nebraska wish to enter into an Engineering Services Agreement to provide engineering consulting services for such project; and

WHEREAS, an amendment will be brought before council at a later date to address construction phase services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Engineering Services Agreement between the City of Grand Island and Olsson Associates of Grand Island, Nebraska for engineering design services related to Stolley Park Road Pavement Maintenance and Intersection Study; Project No. 2015-P-1, in the amount of \$79,300.00, 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, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
December 19, 2014	☒ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item G-14

**#2014-380 - Approving Change Order #1 - Cooling Tower Stacks
and Fan Blades at Platte Generating Station**

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: December 22, 2014

Subject: Cooling Tower Stacks and Fan Blades at Platte
Generating Station

Item #'s: G-14

Presenter(s): Timothy G. Luchsinger, Utilities Director

Background

A cooling tower is utilized by the circulating water system which condenses the steam exiting the turbine generating unit at the Platte Generating Station. The cooling tower fans blades and the fan stacks are made of fiberglass and require periodic replacement due to erosion, aging and ultra-violet light deterioration. The plant staff prepared specifications for the materials and labor to replace all of the fan blades and four of the five stacks on the cooling tower, the fifth stack having been replaced in 2013. Bidders were also allowed to bid various alternatives on the components that had the potential to be more cost effective replacements or improvements. The specifications were issued for bid and the contract was awarded by Council to the low responsive bidder, EvapTech, Inc., of Lenexa, Kansas for \$204,466.00 on August 12, 2014.

Discussion

When replacing the fan blades, EvapTech noted blocks were needed under the fan deck for the fan cylinder support. EvapTech proposed to perform these items at an additional cost of \$3,210.00, for a final contract cost of \$207,676.00. This cost was based on unit pricing included in the original bid.

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 authorizing Change Order #1 to the Cooling Tower Stacks and Fan Blades at Platte Generating Station, for an addition to the contract price of \$3,210.00 to EvapTech, Inc., of Lenexa, Kansas.

Sample Motion

Move to approve Change Order #1 from EvapTech, Inc., in the amount of \$3,210.00 for the Cooling Tower Stacks and Fan Blades at Platte Generating Station.

Change Order #1

TO: Evaptech, Inc.
 8331 Nieman Road
 Lenexa, KS 66214-1511
 913-428-1021

PROJECT: Cooling Tower Stacks and Fan Blades

You are hereby directed to make the following change in your contract:

- 1 Additional payment per the attached spreadsheet.

ADD: \$3,210.00

The original Contract Sum	<u>\$204,466.00</u>
Previous Change Order Amounts	<u>\$ -</u>
The Contract Sum is increased by this Change Order	<u>\$ 3,210.00</u>
The Contract Sum is decreased by this Change Order	<u>\$ </u>
The total modified Contract Sum to date	<u>\$ 207,676.00</u>

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described therein.

APPROVED: CITY OF GRAND ISLAND

By: _____ Date _____

Attest: _____
 Approved as to Form, City Attorney

ACCEPTED: Evaptech, Inc.

By: _____ Date _____

Cooling Tower Stacks and Fan Blades

Comments: This additional work was identified after the PGS fall outage began.

Contract: Fall 2014 Outage

\$204,466.00

<u>Change Order Request</u>	<u>Description</u>	<u>Amount</u>
001-Labor	Additional cost for rental of Generator for Job	\$1,020.00
002-Labor	Hurricane Blacks under the Fan Deck for Fan Cylinder in Cell A	\$2,190.00
003		
004		
005		
006		
007		
008	Tax	\$ 224.70
009		
010		
011		
012		
013		
014		
015	Total (final) w/out tax	\$3,210.00
017		
018		
019		
020		
021		
023		
024		
028		
029		
030		
	Total	\$3,210.00

RESOLUTION 2014-380

WHEREAS, EvapTech, Inc., of Lenexa, Kansas was awarded the contract for Cooling Tower Stacks and Fan Blades at Platte Generating Station at the August 12, 2014 City Council meeting; and

WHEREAS, when replacing the fan blades, EvapTech noted blocks were needed under the fan deck for the fan cylinder support; and

WHEREAS, the above described work was not included in the original scope of the project.

WHEREAS, Change Order #1 was prepared for an increase in the amount of \$3,210.00, resulting in a final contract amount of \$207,676.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 with EvapTech, Inc., of Lenexa, Kansas, resulting in an increased cost of \$3,210.00, for a final contract price of \$207,676.00, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item H-1

Consideration of Request from Grand Island Public Schools for Reconsideration of a Conditional Use Permit Submitted by John and Gloria Trejo for Off Street Parking located at 622 North Jefferson Street

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

Staff Contact: Craig Lewis



City of Grand Island

Monday, December 22, 2014

Council Session

Item I-1

#2014-381 - Consideration of Request from Zoul Hospitality LLC dba Willman's Nebraska Bottle Market, 404 South Webb Road for a Catering Designation to Class "C-99204" Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2014-381

WHEREAS, an application was filed by Zoul Hospitality LLC doing business as Willman's Nebraska Bottle Market, 404 South Webb Road for a Catering Designation to Class "C-99204" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on December 12, 2014; such publication cost being \$17.26; and

WHEREAS, a public hearing was held on December 22, 2014 for the purpose of discussing such liquor license application for a catering designation.

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 for a catering designation.

_____ 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: _____

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
December 19, 2014 ✕ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item I-2

**#2014-382 - Consideration of Rescinding Resolution #2014-99
Regarding Reimbursement for Insurance Expenses for Special
Events**

Staff Contact: Robert Sivick

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: December 22, 2014

Subject: Consideration of Rescinding a Portion of Resolution 2014-99 Directing City Staff to Seek Reimbursement for Special Event Insurance Expenses

Item #'s: I-2

Presenter(s): Robert J. Sivick, City Attorney

Background

Neb. Rev. Stat. §39-1359(2) requires any special event making use of the State highway system be approved by the governing body of the political subdivision in which the event takes place, acknowledges that political subdivision indemnifies the State of Nebraska for any liability arising from claims resulting from the event, and provides at least thirty days' notice of the event to the Department of Roads.

On April 22, 2014 the Grand Island City Council considered Resolution 2014-99 in compliance with the aforementioned statute regarding the State Fair marathon held on August 23, 2014. During consideration of that resolution a motion was made to amend it directing City staff to seek reimbursement from special event organizers for the additional insurance expense incurred by the City for such events. The amendment was approved by a vote of 8-2 and Resolution 2014-99 as amended was approved unanimously.

On December 9, 2014 the Council approved Resolution 2014-366 regarding the Race for Grace event scheduled for April 11, 2015. During discussion of that matter Council President Donaldson raised concerns seeking reimbursement for expenses would reduce the funds available to the event sponsor for its charitable mission. Although the Council previously removed the fee for such events from the proposed City fee schedule during the last budget process, such removal does not rescind the Council's action in amending Resolution 2014-99 directing City staff to recover such costs. The Resolution before the Council for consideration tonight does so.

Discussion

Presently the City pays two thousand dollars annually for a special events liability insurance rider covering any and all events that involve use of the State highway system. If the Council approves Resolution 2014-382 City staff will no longer attempt to recoup the cost of that rider from special event sponsors. If the Council does not approve Resolution 2014-382 City staff will continue to attempt to collect those costs as previously directed by the Council.

Alternatives

It appears 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

The City Administration has no recommendation regarding Resolution 2014-382.

Sample Motion

Move to approve Resolution 2014-382 rescinding the amendment to Resolution 2014-99 directing City staff to collect the additional insurance expense from sponsors of special events using the State highway system.

RESOLUTION 2014-382

WHEREAS, on April 22, 2014 the Grand Island City Council amended Resolution 2014-99 directing City staff to collect additional insurance expenses from the sponsors of special events making use of the State highway system; and

WHEREAS, on April 22, 2014 Resolution 2014-99 with the aforementioned amendment was approved by the Council; and

WHEREAS, the Council no longer desires City staff to collect additional insurance expenses from sponsors of special events making use of the State highway system,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that City staff shall not collect additional insurance expenses from the sponsors of special events making use of the State highway system.

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

ATTEST:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item I-3

#2014-383 - Consideration of Approving Funding of Economic Development Request

Staff Contact:

Council Agenda Memo

From: Randy Gard, EDC President
Meeting: December 22, 2014
Subject: Approving Economic Development Funding Request
Item #'s: I-3
Presenter(s): Randy Gard, EDC President

Background

On November 6, 2012, the voters of the City of Grand Island approved a new ten year Economic Development Program. The program is in conformance with Neb. Rev. Stat. 18-2710 and provides for annual funding of \$750,000 by the City.

Discussion

A request has been received from the Grand Island Area Economic Development Corporation, duly approved by the Citizen's Review Committee for payment of \$350,000. Funding will be used for administrative and community marketing purposes.

Alternatives

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

1. Approve the request for funds.
2. Disapprove or Deny the request for funds.
3. Modify the Resolution to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the request for funds.

Sample Motion

Move to approve the request for funds to allow payment of \$350,000 to the Grand Island Area Economic Development Corporation.



Grand Island Area Economic Development Corporation LB-840 Application

The Grand Island Area Economic Development Corporation's mission is to facilitate the creation of jobs and economic opportunities for the regional trade area.

APPLICANT IDENTIFICATION

Company Name: Grand Island Area Economic Development Corporation

Mailing Address: 123 North Locust, Suite 201B

City: Grand Island State: NE Zip Code: 68802

Phone: 308-381-7500

Applicant Website: www.grandisland.org

Business Classification (select all that apply):

- | | | | |
|-------------------------------------------------|---------------------------------------------------------|----------------------------------------|--------------------------------|
| <input type="checkbox"/> New Business | <input type="checkbox"/> Expansion of Existing Business | <input type="checkbox"/> Spec Building | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Partnership | <input type="checkbox"/> Proprietor | <input type="checkbox"/> Other |

MAIN CONTACT INFORMATION

Name: Randy Gard Connection to Business: President

Mailing Address: 123 North Locust, Suite 201B

City: Grand Island State: NE Zip Code: 68803

Email Address: rgard@grandisland.org Phone Number: 308-381-7500

FINANCING/INCENTIVE REQUESTED:

The Grand Island Area Economic Development Corporation is requesting Three Hundred Fifty Thousand and No/100 Dollars (\$350,000) as authorized by State Statute 13-315 and 18-2710 (LB-840). Funding will be utilized for administrative and community marketing purposes.

Company Name: Grand Island Area Economic Development Corporation Date: 11/26/2014

Date Application Submitted: 11/26/2014

I hereby represent, this application and supporting information is accurate, and may be relied upon by representatives of the Grand Island Area Economic Development Corporations and the City of Grand Island.

Dated: November 26, 2014

By: 

Randy Gard, President

Reviewed by the Grand Island Area Economic Development Elected Trustees

Date of review:

Approved

Disapproved

Signature of Officer: 

Reviewed by the Citizen's Review Committee

Date of Review: December 4, 2014

Approved

Disapproved

Signature of Officer: 

Referred to the Grand Island City Council

Date of Review:

Approved

Disapproved

Signature of Mayor: _____

Company Name: Grand Island Area Economic Development Corporation Date: 11/26/2014



Grand Island Area

Economic Development Corporation

2014 Review – 2015 Plan

Current LB-840 projects



Grand Island Area
Economic
Development
Corporation

Active Projects

- **Bosselman Tank & Trailer**
 - Add 8 employees
 - Expires February 2017
- **Chief Industries**
 - Add 41 employees
 - Expires May 2017
- **Rogue Manufacturing**
 - Add 12 employees
 - Expires December 2015

Forgiven Projects in 2014

- **Case IH**
 - Add 100 employees
 - Forgiven January 2014
- **Hastings Foods**
 - Add 35 employees
 - Forgiven April 2014

****Four applications are pending****

2004-2014 Historical Trend of LB-840



Grand Island Area
Economic

LB-840 Funds invested in Job Creation:

\$4,027,300

Jobs Created:

1,328

Annual Wages Created from Incentives:

\$40,807,291

Property Tax Increase:

\$4,013,046

2013-2014 Average Wage Per Job Created:

\$15.51

LB-840 Funding Status



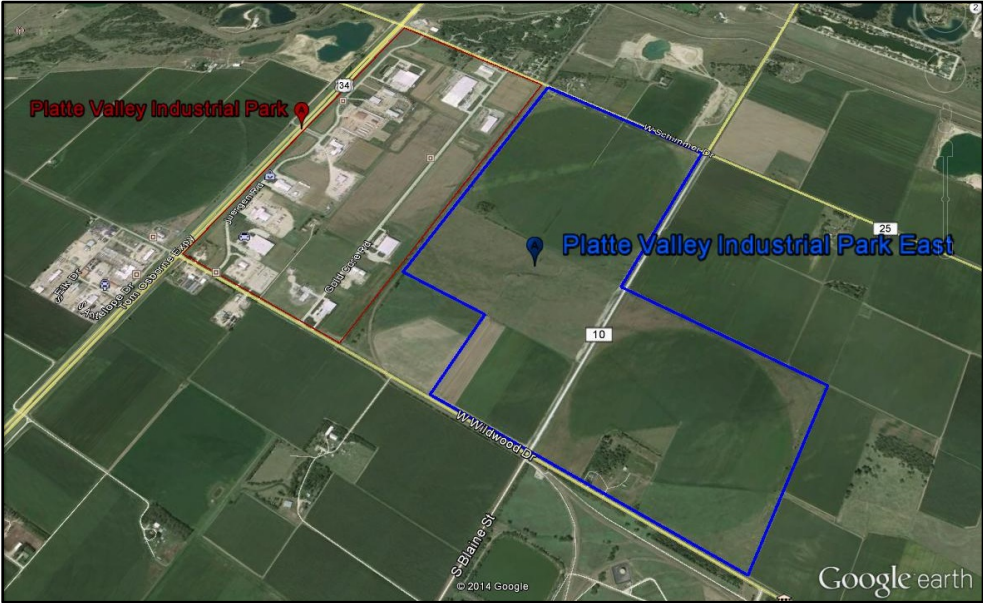
Grand Island Area
Economic
Development
Corporation

LB-840 balance as of 11/26/2014	\$1,048,051
Request for LB-840 operational funds	\$350,000 *upon approval
Commitments to area businesses for job creation	(\$279,000.00)
Ending LB-840 job creation funds	\$419,029

EDC Land



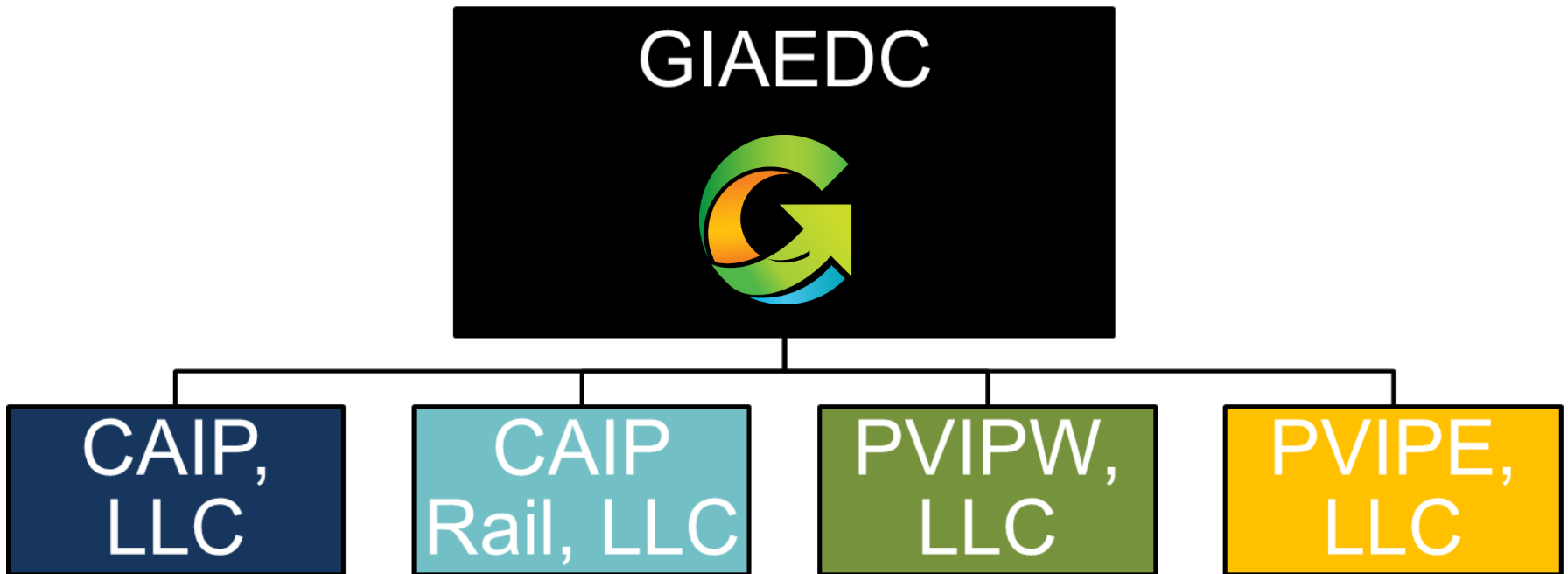
Grand Island Area
Economic
Development
Corporation



Platte Valley Industrial Park (3 lots / 19.2 acres)
Platte Valley Industrial Park- East (280 acres)
Homestead (160 acres)



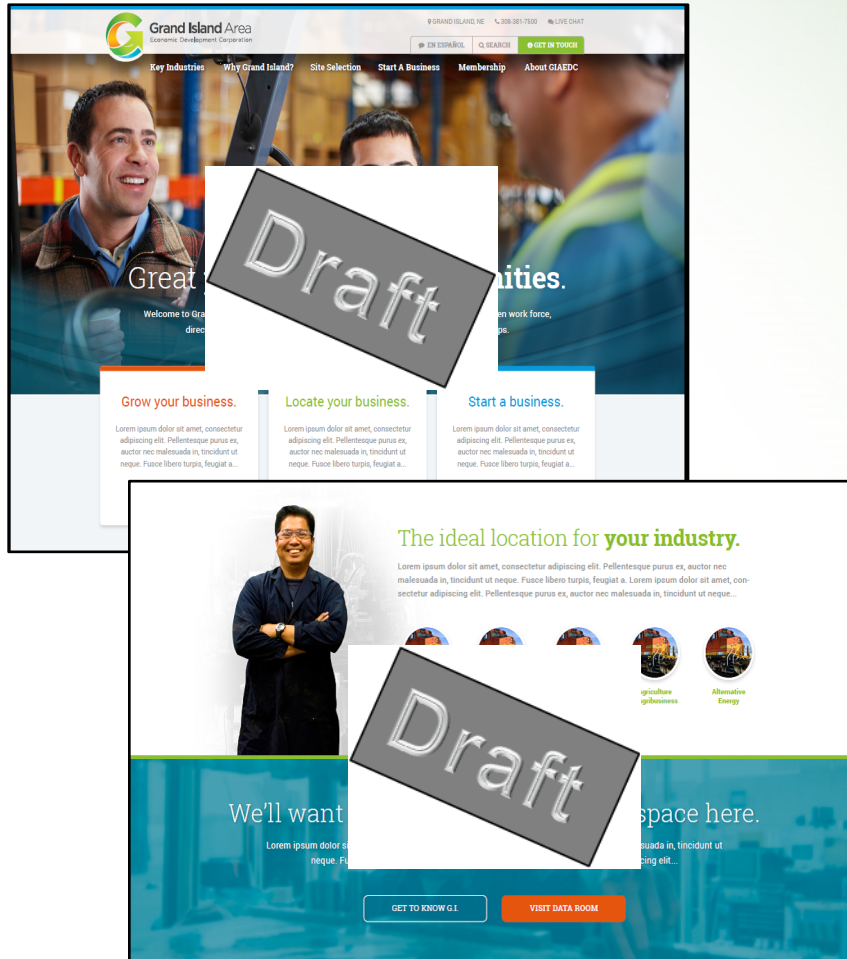
Cornhusker Industrial Park (226 Acres)



The formation of land LLCs are a critical component to GIAEDC's business plan and add a layer the protection to the GIAEDC land assets.



2015 Marketing Efforts



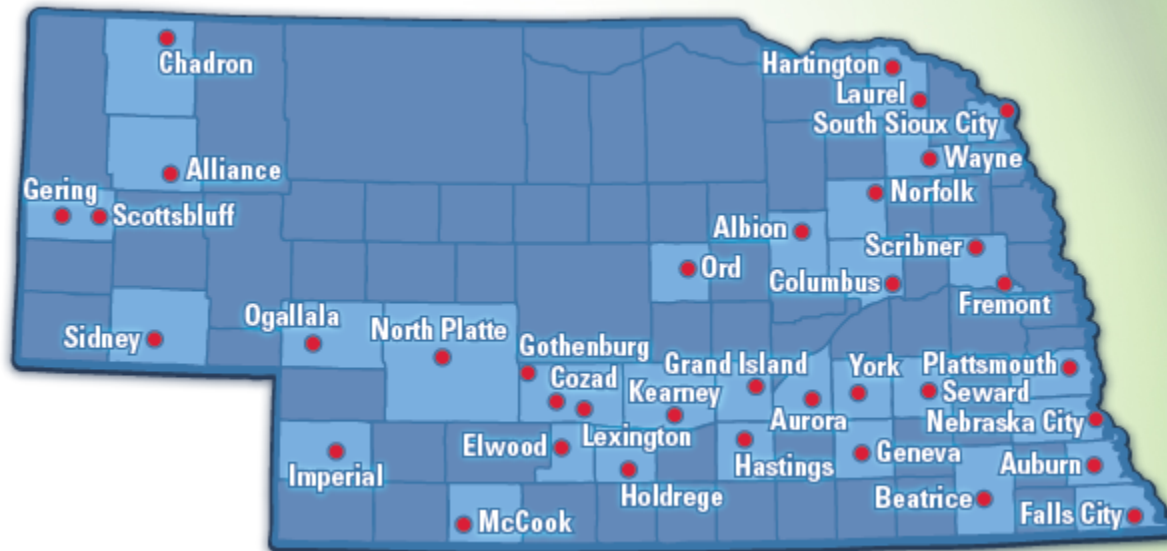
- Redeveloped website released in Q1 of 2015
 - Global access based on “trigger” words and search engine optimization
- Increased usage of state-owned databases
 - LOIS
 - Synchronist
- 100% engagement with the State DED
- Virtual tour of PVIP & PVIP-E
- PVIP-E Partnership

Additional Projects



Grand Island Area
Economic
Development
Corporation

The GIAEDC submitted an application to renew the Community's **Certified Economic Development Community** status on December 1, 2014.



Grow Grand Island Partnership



Grand Island Area
Economic
Development
Corporation





Existing Businesses

GOAL: Maintain a business climate that supports growth of existing businesses in Grand Island.

Entrepreneurs

GOAL: Encourage entrepreneurship and provide necessary resources to support startup growth.

Image

GOAL: Promote a positive image and market the area to potential new businesses, workers, and visitors.

Workforce

GOAL: Improve education and skills attainment to develop a workforce that meets the needs of the community's employers.

Community Assets

GOAL: Develop and enhance community assets that appeal to potential future businesses, residents, and visitors.

Grow Grand Island Partnership



Grand Island Area

Competitive Sectors

Manufacturing

Agriculture
Equipment

Metalwork &
Custom
Fabrication

Food &
Beverage

Transportation & Distribution

Transportation
Services

Warehousing
& Storage

Wholesale
Trade

Travel & Tourism

Entertainment,
Culture &
Recreation

Hospitality &
Traveler
Support

Business Support Services

Call Centers

Financial
Transaction
Processing

Corporate & Professional Services

Professional
Services

Regional
Offices &
Headquarters

Sustainable Processes & Technologies

Alternative
Energy

Repair, Reuse,
& Recycling

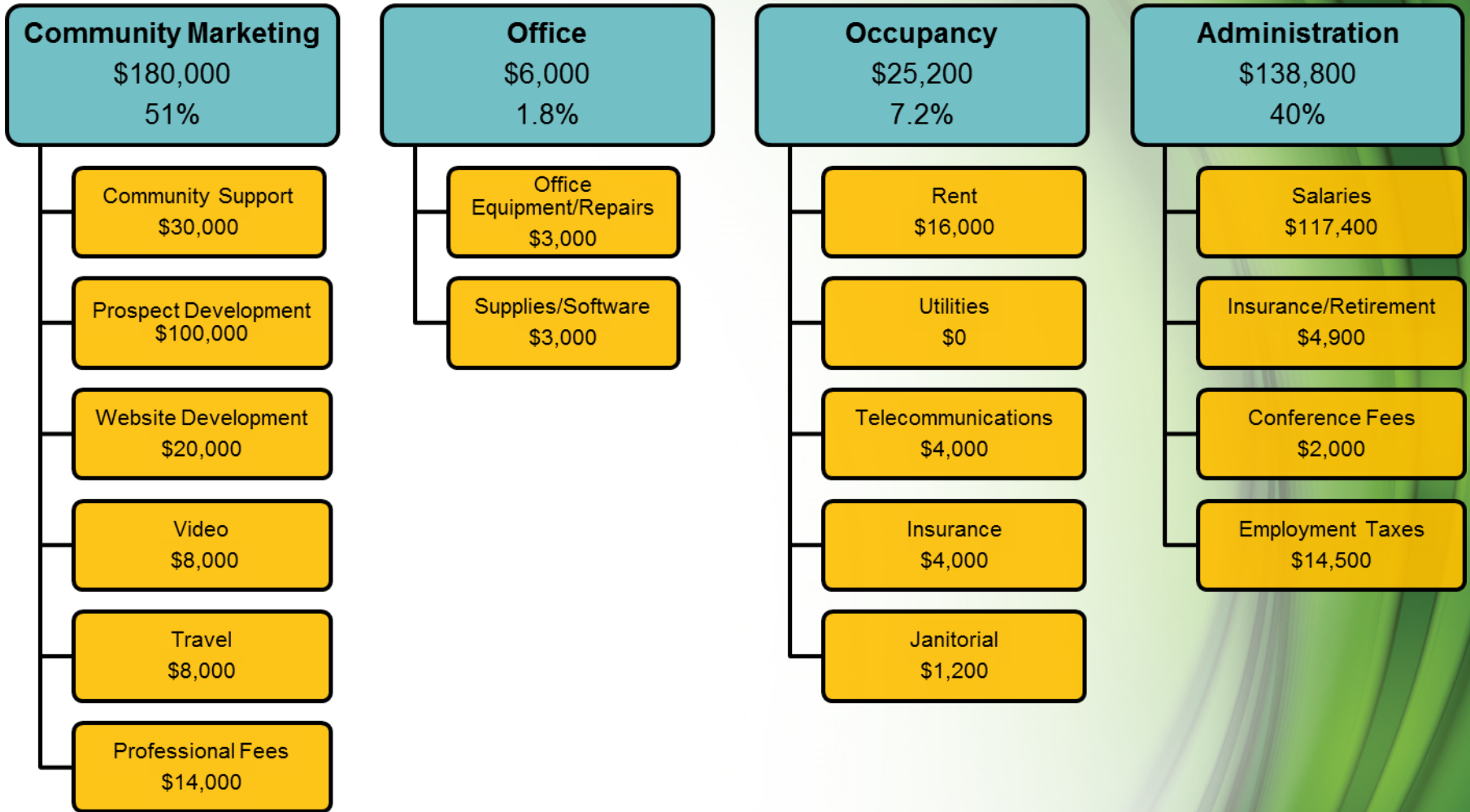
Developmental Sectors

--Presence of Agribusiness Activity--

Utilization of LB-840 Operating Funds



Grand Island Area
Economic
Development
Corporation





The GIAEDC staff and Board of Trustees request approval of LB-840 operating funds, \$350,000, for 2015.

RESOLUTION 2014-383

WHEREAS, on November 6, 2012, the voters of the City of Grand Island approved a new ten year Economic Development Program in conformity with Neb. Rev. Statute No. 18-2710; and

WHEREAS, the program provides for \$750,000 in annual funding to be provided by the City of Grand Island; and

WHEREAS, a request has been made by the Grand Island Area Economic Development Corporation and the Economic Development Program's Citizens Advisory Review Committee for the payment of \$350,000 to be used for administrative and community marketing purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that approval is given to forward \$350,000 in City funding to the Grand Island Area Economic Development Corporation in accordance with the Economic Development Program in quarterly allocations of \$87,500.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
December 19, 2014	☒ City Attorney



City of Grand Island

Monday, December 22, 2014

Council Session

Item I-4

#2014-384 - Consideration of Approving Appointment of Marlan Ferguson as City Administrator and Approving Employment Agreement

Staff Contact: Mayor Jeremy Jensen

Council Agenda Memo

From: Mayor Jeremy Jensen
Meeting: December 22, 2014
Subject: Appointment of Marlan Ferguson as City Administrator and Employment Agreement
Item #'s: I-4
Presenter(s): Mayor Jeremy Jensen

Background

According to Article III – Appointed and Hired Officials, Section 2-30 Officers; Appointive of the Grand Island City Code and Neb. Rev. Stat., §16-308, the Mayor is required to appoint statutory officers for his term. Statutory officers include:

- 1). City Administrator
- 2). City Attorney
- 3). City Clerk
- 4). City Engineer/Public Works Director
- 5). City Treasurer/Finance Director

These officers also must be approved by the City Council.

Discussion

According to Grand Island City Code Section 2-30, I am requesting approval of Marlan Ferguson as City Administrator and approval of the Employment Agreement.

Alternatives

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

1. Approve the appointment of Marlan Ferguson as City Administrator.
2. Deny the appointment of Marlan Ferguson as City Administrator.

3. Ask the Mayor to reconsider his recommendation for the appointment of City Administrator.

Recommendation

City Council is recommended to approve the appointment of Marlan Ferguson as City Administrator and the Employment Agreement.

Sample Motion

Move to approve the appointment of Marlan Ferguson as City Administrator and the Employment Agreement.

EMPLOYMENT AGREEMENT

This Agreement, made and entered into this 22nd day of December, 2014, by and between the City of Grand Island, State of Nebraska, a Municipal Corporation, hereinafter referred to as "Employer," and Marlan Ferguson hereinafter referred to as "Employee." Employer and Employee hereby stipulate and agree as follows:

WITNESSETH

WHEREAS, Employer desires to employ the services of Marlan Ferguson as the City Administrator of the City of Grand Island, Nebraska, as provided for under Nebraska law, and City Code; and

WHEREAS, it is the desire of the Employer to provide certain benefits, establish certain conditions of employment, standards of employment, obligations and responsibilities, and to set working conditions of Employee; and

WHEREAS, Employee desires to accept employment as City Administrator of said City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. Duties

Employer hereby agrees to employ Marlan Ferguson as City Administrator of said Employer to perform the functions and duties specified in the City Code and job description, and to perform other legally permissible and proper duties and functions as Employer shall from time to time assign.

Section 2. Term

A. The term of this Agreement shall be for a period beginning January 5th, 2015, and shall expire at the end of the current Mayor's term of office.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employer to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4 of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign from his position with Employer provided there is thirty (30) days advance notice to Employer.

D. Employee agrees to remain in the exclusive employ of Employer during the term of this contract or any extensions thereof. Both parties acknowledge that

exclusive employment shall mean that Employee shall not accept outside employment from any source whatsoever without first obtaining written approval from the Mayor and City Council.

Section 3. Termination

A(1). Termination for Just Cause. The Mayor with the approval of the City Council shall have the right at any time during the term of this Agreement to terminate the Employee for just cause. "Just cause" is defined as: (a) Employee's fraud, misappropriation, embezzlement, or willful misconduct; (b) Employee's material violation of any provision of this Agreement; (c) Employee's conviction of any intentional or willful act constituting a crime, defined as felonies, crimes of dishonesty, involving substance abuse, or moral turpitude or any activity that would impair the Employee's ability to perform his duties or impair the reputation of the City; (d) Employee's willful failure to adequately perform any duties assigned under this Agreement; or (e) Employee's willful failure or refusal to comply with City ordinances, policies or procedures. Termination for just cause shall not require the City to request the granting of any release under Paragraph A(3) of this section. However, the City may request such waivers of the employee terminated for just cause, which shall then trigger the obligation of the City to pay any sum specified in Paragraph A(3) of this section.

A(2). Termination for Any or No Reason and Consideration Given for Release of All Claims Against City. In the event the Mayor, with the approval of the City Council, during the term of this Agreement, terminates Employee for any or no reason, the City shall make payments as specified in Paragraph A(3) of this section in exchange for a full release of all claims against the City, including but not limited to those claims as specified in Paragraph A(3) of this section.

A(3). Value of Claims Against City Released by City Administrator and Participation in Post-Agreement Proceedings. The City agrees to provide a lump sum cash payment equal to three months of the Employee's salary, plus the cost of the medical (health, dental, life) insurance premium for that three month period, to avoid the expense of:

1. Conducting a pre-and post-termination grievance hearing which would cost the City at a minimum one-half month's salary and benefits for the City Administrator.
2. Conducting a **Loudermill** hearing and "full blown" due process hearing which would cost the City at a minimum one month's salary and benefits for the City Administrator.
3. Defending a discrimination charge brought under the municipal code, state law, and/or federal law which would cost the City at a minimum one month's salary and benefits for the City Administrator.

4. Defending a breach of contract claim which would cost the City at a minimum one-half month's salary and benefits for the City Administrator.
5. The Employee, in accepting this lump sum payment, agrees after termination of employment with the City that he will voluntarily participate and cooperate with the City in the defense of the City and its elected officials and employees and the prosecution of any action or proceeding about which the Employee has knowledge, including any litigation related to these actions. Such participation and cooperation includes, for example, agreeing to speak with the City's attorneys at mutually convenient times regarding the facts of the matter and agreeing to make him available for a deposition and/or trial.
6. The City shall prepare a release of all claims by the Employee against the City to be signed by the Employee in accordance with this paragraph.

Section 4. Disability

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) consecutive work weeks beyond any accrued sick leave or for twenty (20) working days over a thirty (30) working day period, Employer shall have the option to terminate this Agreement subject to the severance pay requirements of Section 4, paragraph A (3). However, Employee shall be compensated for any accrued vacation.

Section 5. Salary

Employer agrees to pay Employee for his services rendered pursuant hereto an annual base salary as per the annual salary and classification ordinance, payable in such installments at the same time as other employees are paid. The annual base salary at which Employee shall start is \$152,280.80. This is equivalent to Step 10 of the non - union employees salary schedule Ordinance 9512 effective January 1, 2015. In addition, the Employer agrees to increase said salary or other benefits or both of Employee in such amounts and to such an extent as the mayor and City Council may determine that it is desirable to do so in advance of the adoption of the City's annual operating budget and any salary adjustment shall conform to the City's pay plan system.

Section 6. Performance Evaluation

The Mayor and City Council or committee thereof shall review and evaluate the performance of Employee at least annually through the target sheet evaluation system set forth in the City Personnel Rules. Said target sheet evaluation criteria shall be developed jointly by the Mayor and Employee.

Section 7. Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of Employer, and to that end Employee will be allowed to take time off during said normal office hours as the Mayor shall deem appropriate.

Section 8. Mileage

For travel beyond the City Limits Employee shall be reimbursed at the IRS approved rate, if personal vehicle is utilized.

Section 9. Vacation, Medical, and Military Leave

A. Employee shall be entitled to eighty (80) hours of vacation leave at the beginning of Employment and thereafter receive all vacation and medical leave credits as provided to all City employees as enumerated in the City Personnel Rules.

B. Employee shall be entitled to military reserve leave time pursuant to State law and City policy.

Section 10. Insurance Benefits

Employee shall receive all insurance benefits provided to all City employees as enumerated in the City Personnel Rules. The Employer will pay any Cobra premiums for the employee until which time employee is eligible for the insurance benefits.

Section 11. Retirement

Employer shall provide Employee the same retirement plan and percentage rate of monthly base pay contribution provided to all City civilian employees as enumerated in the City Personnel Rules.

Section 12. Indemnification

Employer shall defend, save harmless and indemnify Employee against any claim or demand or other legal action, whenever groundless or otherwise arising out of any act or omission incurred in the performance of Employee's duties as City Administrator. This indemnification by Employer shall not include any intentional criminal acts or torts committed by Employee for which Employer would not have insurance coverage.

Section 13. Incorporation of Code of Ethics

Inasmuch as Employee is an active member and participant in ICMA, the "Code of Ethics" promulgated by ICMA are incorporated herein and attached hereto, and by this reference made a part thereof. That said Code of Ethics shall furnish principles to govern Employee's conduct and actions as administrator of City.

Section 14. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 15. Other Terms and Conditions of Employment

Employer shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, City Code or any other law or City ordinances.

Section 16. Moving Expenses

Employee shall be reimbursed, or Employer may pay directly, for the moving and relocation expenses of Employee an amount not to exceed \$5,000 to move to Grand Island, which shall also include unpacking, any storage costs necessary and insurance charges.

Section 17. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

Employer: Mayor
City of Grand Island
100 East 1st Street
Grand Island, Nebraska 68801

Employee: Marlan Ferguson
100 East 1st Street
Grand Island, Nebraska 68801

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18. General Provisions

A. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification, extension, or discharge is sought.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. This Agreement shall become effective commencing January 5th, 2015.

D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

Section 19. Waiver of Breach

The waiver by either the Employer or the Employee of any breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach of any provision of this Agreement. No waiver of any provision of this Agreement shall be valid unless in writing and signed by both the Employee and the Mayor.

Section 20. Assignment

The Employee acknowledges that the services to be rendered by him are unique and personal. Accordingly, the Employee may not assign any of his rights or delegate any of his duties or obligations under this Agreement.

Section 21. Applicable Law

This Agreement is made pursuant to and shall be governed, construed and enforced in all respects and for all purposes in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the parties have hereto affixed their signatures as of the date and year above written.

CITY OF Grand Island, NEBRASKA, Employer

By: _____
Jeremy L. Jensen, Mayor

Attest:

City Clerk



Marlan Ferguson, Employee

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

RESOLUTION 2014-384

WHEREAS, under Neb. Rev. Stat., §16-308, the office of City Administrator for the City of Grand Island, Nebraska, is an appointed position; and

WHEREAS, under Grand Island City Code, §2-30, the office of City Administrator for the City of Grand Island, Nebraska shall be appointed by the mayor and approved by the council; and

WHEREAS, under Grand Island City Code, §2-35, the office of City Administrator for the City of Grand Island, Nebraska may be administered by a negotiated contract; and

WHEREAS, the mayor has chosen on the basis of executive and administrative qualifications with special reference to actual experience, or knowledge of accepted practice in respect to the duties of the office, Marlan Ferguson, to hold the office of City Administrator for the City of Grand Island, Nebraska; and

WHEREAS, this position appointed by the Mayor and confirmed by the City Council shall hold the position to which they may be appointed until the end of the Mayor's term of office; and

WHEREAS, this position appointed by the Mayor may be removed at any time by the Mayor with approval of a majority of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a negotiated contract for the position of City Administrator is to be offered to Marlan Ferguson and he is hereby duly appointed the City Administrator for the City of Grand Island, Nebraska, beginning January 5, 2015 until the end of the Mayor's term of office.

Adopted by the City Council of the City of Grand Island, Nebraska, December 22, 2014.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 19, 2014	☐ City Attorney



City of Grand Island

Monday, December 22, 2014
Council Session

Item J-1

Approving Payment of Claims for the Period of December 10, 2014 through December 22, 2014

The Claims for the period of December 10, 2014 through December 22, 2014 for a total amount of \$5,217,197.97. A MOTION is in order.

Staff Contact: William Clingman