
City of Grand Island



Tuesday, February 26, 2002

Council Session Packet

City Council:

**Joyce Haase
Margaret Hornady
Gale Larson
Glen Murray
Jackie Pielstick
Larry Seifert
Robert Sorensen
Scott Walker
Tom Ward
Fred Whitesides**

Mayor:

Ken Gnadt

City Administrator:

Marlan Ferguson

City Clerk:

RaNae Edwards

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

Call to Order

**Pledge of Allegiance /Invocation - Evangelist Gary Bennett, Church of Christ, 2822
West Stolley Park Road**

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item C1

Recognition of Police Officer Scott Arnold for 20 Years of Service

Mayor Gnadt and the City Council will recognize Police Officer Scott Arnold for his twenty years of dedicated service to the City of Grand Island.

Staff Contact:



Twenty Year Service Award

WE HEREBY EXPRESS OUR SINCERE APPRECIATION TO

SCOTT ARNOLD

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

City of
GRAND



ISLAND

Department Director

Date

Mayor

Date



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item C2

Presentation of the "Howard Eakes Community Awards" by Betty Curtis Representing Clean Community Systems

Betty Curtis representing Clean Community System will present the "Howard Eakes Community Awards", a new community award for beautification efforts in Grand Island. Three awards will be presented at this time.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item C3

Proclamation "Read Across America" March 4, 2002

Whereas, promoting reading for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy, the Mayor has proclaimed March 4, 2002 as "Read Across America". Deb Harder, Principal of Gates Elementary School will be present to receive this Proclamation. See attached PROCLAMATION.

Staff Contact: RaNae Edwards



THE OFFICE OF THE MAYOR
City of Grand Island
State of Nebraska

PROCLAMATION

WHEREAS, the citizens of Grand Island stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Grand Island, NE has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well being and long-term quality of life; and

WHEREAS, Read Across America, a national celebration of Dr. Seuss's birthday, promotes reading and adult involvement in the education of our community's students;

NOW, THEREFORE, I, Ken Gnadt, Mayor of Grand Island, Nebraska, do hereby proclaim March 4, 2002 as

READ ACROSS AMERICA

in the City of Grand Island, and recommits our community to engage in programs and activities to make America's children the best readers in the world ; and

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this twenty-sixth day of February in the year of our Lord Two Thousand and Two.

Mayor of Grand Island, Nebraska

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item D1

#2002-BE-2 - Determining Benefits for 2001 Weed Abatement Program

Chapter 17 – Garbage, Refuse, Waste and Weeds, Article III – Weeds, sets forth the procedure for levying special assessments against real estate on which the City has performed mowing operations during the preceding year. There are only five properties subject to special assessments for mowing during calendar year 2001. Each of these properties is owned by persons residing outside the community of Grand Island. We recommend levying the special assessments for mowing against the properties listed in the resolution as drafted.

Staff Contact: Charlie Cuypers



RESOLUTION 2002-BE-2

WHEREAS, pursuant to Sections 16-230 and 16-707, Neb. R.R.S. 1943, as amended, the City Clerk of the City of Grand Island, Nebraska, gave notice at least ten days prior thereto by publication in a newspaper having general circulation in the City and by mail to persons whose addresses were known to her that the City Council would meet as a Board of Equalization to equalize special weed cutting assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for the purpose of assessing the costs and expenses of cutting and removing weeds, grasses, or worthless vegetation to the various lots and pieces of ground during the 2001 season, that:

1. The special benefits accruing to the real estate hereinafter described for each cutting is the actual expense thereof plus \$50.00 as costs for the City per lot or piece of ground or any combination thereof; and
2. The several lots and pieces of ground hereinafter described are respectively benefited by reason of such weed elimination as follows:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
EquiCredit PO Box 44133 Jacksonville, FL 32231	Lot 23, Sass 2 nd Subdivision	350.00
Jerry Sobieszyk Rt 1, Box 141 Sargent, NE 68874	Lot 1, Box 13, Lambert's Addition	125.00
Metro Publishing Tom Davis PO Box 6392 Lincoln, NE 68506	Lot 5, Block 3, Original Town	140.00
Dale W. Benson, et al 706 W. Pine Street Exeter, CA 93221	Lot 2, College Addition to West Lawn	125.00
Phyllis Nurnberg PO Box 1195 Hastings, NE 68901	Lot 12, Block 2, Riverside Acres	125.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
February 22, 2002	? City Attorney



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item D2

#2002-BE-3 - Determining Benefits for Street Improvement District 1237, Wortman Drive

All work has been completed and special assessments have been calculated for the District. The Certificate of Final Completion was approved by Council on January 22, 2002. The total to be assessed, including Engineering Services equals \$399,311.75.

The Public Works Department recommends that the Council, sitting as a Board of Equalization, determine the benefits to individual properties as calculated. All costs of this District will be assessed to Central Community College.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



R E S O L U T I O N 2002-BE-3

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Street Improvement District 1237, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$399,311.75; and

Such benefits are equal and uniform; and

According to the front foot and area of the respective lots, tracts, and real estate within such Street Improvement District 1237, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Central Community College	Lot 1, Community College Subdivision	\$ 36,705.79
Central Community College	Lot 2, Community College Subdivision	36,709.29
Central Community College	Lot 3, Community College Subdivision	34,906.12
Central Community College	Lot 4, Community College Subdivision	34,902.62
Central Community College	Part of Lot 5, Community College Subdivision lying north of and adjacent to Lot 2, Community College Subdivision, being 40' north and south, and 205.79' east and west	7,002.58
Central Community College	Part of Lot 5, Community College Subdivision lying north of and adjacent to Lot 3, Community College Subdivision, being 60' north and south, and 300' east and west	10,503.87
Central Community College	Part of the E½ of the SW¼ of Section 29-11-9 lying west of and adjacent to the west line of Wortman Drive between the north line of US Highway 34 and the south line of Lot 4, Community College Subdivision, and being within 300' of the west line of Wortman Drive	238,581.48
TOTAL		\$399,311.75

— — —

Adopted by the City Council of the City of Grand Island, Nebraska, on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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City of Grand Island

Tuesday, February 26, 2002

Council Session

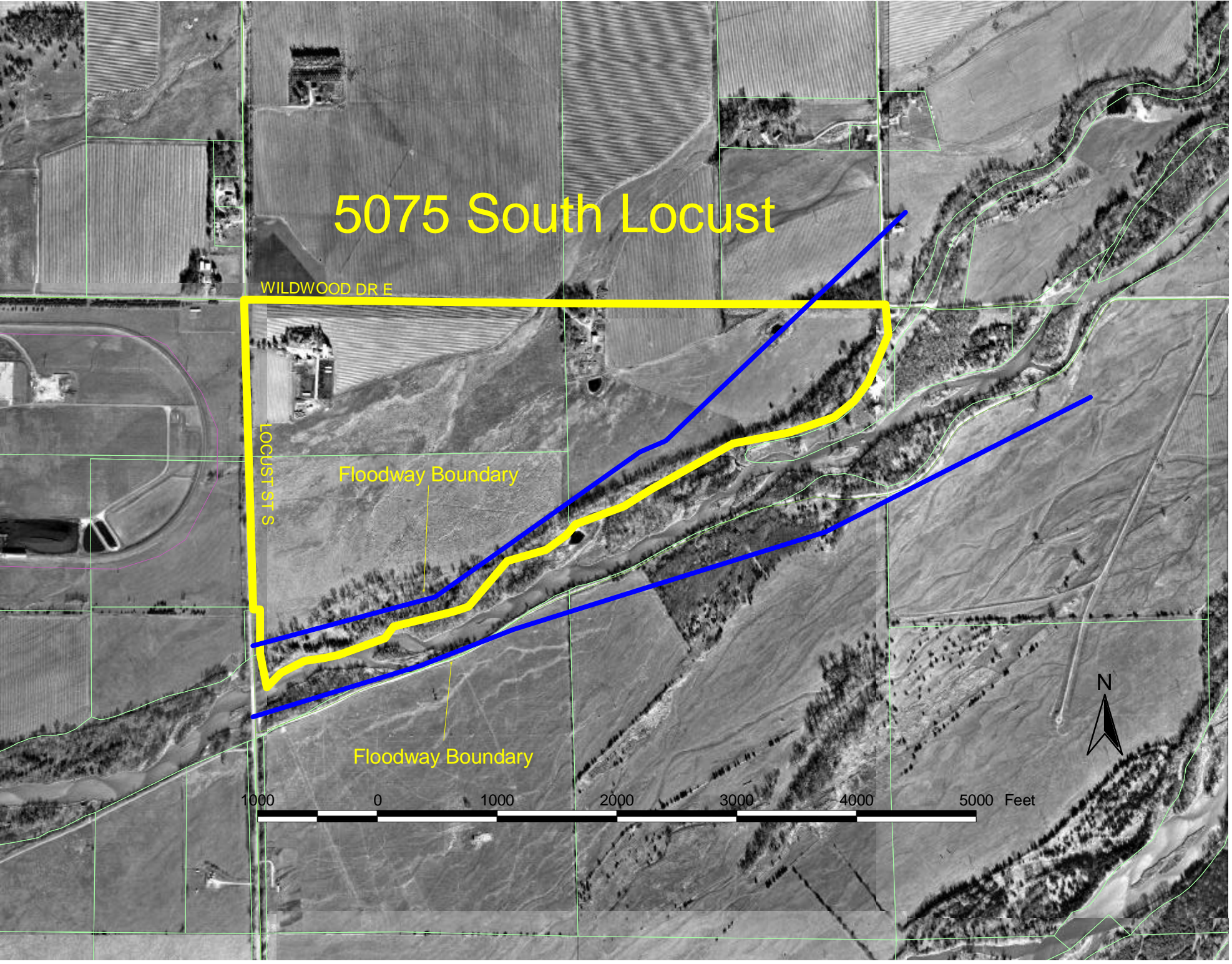
Item E1

Public Hearing on Request of Richard and Pat Hartman for Conditional Use Permit for Gravel Pumping Facilities at 5075 South Locust Street

Richard and Pat Hartman have submitted an application with the City Clerk's Office for a Conditional Use Permit for a gravel pumping facility located at 5075 South Locust Street. This request has been reviewed by the Building, Legal, Utilities, Planning and Public Works Departments. It is appropriate at this time to solicit public comment. the action item is contained under the Consent Agenda.

Staff Contact: Craig Lewis







City of Grand Island

Tuesday, February 26, 2002

Council Session

Item E2

Public Hearing on Request of Balz, Inc. dba Balz Sports Bar, 3421 West State Street, for Addition to Premise to Liquor License "C-39140"

Balz, Inc. dba Balz Sports Bar, 3421 West State Street, has submitted an application with the City Clerk's Office for an Addition to Premise Liquor License, in conjunction with their Class "C-39140" Liquor License presently held. The request would add an area of approximately 28' x 35' to the north portion of the main floor in the building located at 3421 West State Street. This application has been reviewed by the Building, Fire, Health and Police Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item E3

Public Hearing on Request of Dolphin Enterprise NE, LLC dba Conoco 1 Stop, 2105 West 2nd Street for Change of Location to Liquor License "C-49918" from 2107 West 2nd Street

Dolphin Enterprise NE LLC, dba Conoco 1 Stop, 2105 West 2nd Street, has submitted an application with the City Clerk's Office for a change of location for their current liquor license "C-49918" from 2107 West 2nd Street to 2105 West 2nd Street. This application has been reviewed by the Building, Fire, Health and Police Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item E4

Public Hearing on Reconfiguration of Detention Cell at Eagle Run Including Acquisition of Real Estate

The Robert M. Allen Family Limited Partnership, the owner of Eagle Run, has requested that Detention Cell B-6A previously dedicated to the City of Grand Island be reconfigured as shown on the attached drawing in order to accommodate future commercial development of Meadowlark West Fourth Subdivision. The Public Works Department has reviewed and approved the reconfiguration. There are three actions before the Council in connection with this matter, including (a) a public hearing on the reconfiguration of the detention cell, including acquisition of real estate located west of the cell in consideration of abandonment of the northerly portion of the existing cell, (b) an ordinance approving acquisition of the reconfigured cell as Outlot "A", and (c) approving an exchange agreement swapping the existing detention cell B-6A tract for Outlot "A". Other than the cost of preparation of documents for presentation to the City Council and the publication of a notice of public hearing, the City of Grand Island is incurring no other expenses in connection with the estrange transaction. We recommend that the ordinance and resolution be approved as drafted.

Staff Contact: Charlie Cuypers



OUTLOT "A"
(DETENTION CELL)
MEADOWLARK WEST FOURTH SUBDIVISION

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE CITY OF GRAND ISLAND DETENTION CELL B-6A AND PART OF LOT 6, MEADOWLARK WEST THIRD SUBDIVISION, CITY OF GRAND ISLAND, ALL IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4, NE1/4) OF SECTION THIRTEEN (13), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7, MEADOWLARK WEST THIRD SUBDIVISION: THENCE ON AN ASSUMED BEARING OF S90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 216.07 FEET TO A POINT BEING THE SOUTHEAST CORNER OF SAID DETENTION CELL B-6A, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N89°52'44"W A DISTANCE OF 336.73 FEET; THENCE N00°07'16"E A DISTANCE OF 190.13 FEET; THENCE S89°51'18"E A DISTANCE OF 336.73 FEET; THENCE S00°07'16"W A DISTANCE OF 189.99 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 63,999.42 SQUARE FEET OR 1.47 ACRES MORE OR LESS.

WEBB ROAD
(PUBLIC ROAD R.O.W.)

SECTION LINE

SE CORNER, E 1/2, NE 1/4
SEC. 13, T11N, R10W

POINT OF COMMENCEMENT

LOT 10

LOT 29

LOT 7
MEADOWLARK WEST
THIRD SUBDIVISION
NOT A PART

LOT 8

FUTURE

S00°07'16"W
269.97'(M) 270.00'(R)

79.98' S00°07'16"W 189.99'

P.O.B.

CITY OF GRAND ISLAND
DETENTION CELL B-6A

OUTLOT "A"

DETENTION CELL
1.47 ACRES

MEADOWLARK WEST
THIRD SUBDIVISION
NOT A PART

LOT 8

S89°51'18"E
229.56'(M) 230.00'(R)

N89°52'44"W
229.67'(M) 230.00'(R)

S89°51'18"E 336.73'

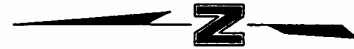
N89°52'44"W 336.73'

N00°08'42"E
270.07'(M) 270.00'(R)

LOT 5

MEADOWLARK WEST

S00°08'42"W
11.18'



SCALE: 1" = 100'

N00°07'16"E 190.13'

LOT 6

N89°51'18"W 443.30' (M&R)

N89°52'44"W 283.60'

S89°51'18"E 335.97'

LOT 9

LOT 9
MEADOWLARK WEST
THIRD SUBDIVISION
NOT A PART

FOURTH SUBDIVISION

ALLEN DRIVE
(PUBLIC ROAD R.O.W.)

33.98'

N18°22'37"W 164.81'(M&R)

EXHIBIT "A"

FUTURE OUTLOT "A" DETENTION CELL
MEADOWLARK WEST FOURTH SUBDIVISION
CITY OF GRAND ISLAND, NEBRASKA

OLSSON ASSOCIATES

CONSULTING ENGINEERS

201 EAST 2ND ST., GRAND ISLAND, NE 68801

DATE:

FEB. 18, 2002



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F1

#8697 - Consideration of Creating Street Improvement District #1240 for Mansfield Road, Allen Avenue and Morrison Drive in Grand West 2nd Subdivision.

This Ordinance provides for the creation of Street Improvement District #1240 for Mansfield Road, Allen Avenue and Morrison Drive in Grand West 2nd Subdivision. This ordinance provides for the district creation and is subject to protest by adjacent property owners. The formation of the district is in accordance with State law. A 20 day protest period follows the publication of creation of the District. Approval is recommended. See attached ORDINANCE.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



• This Space Reserved for Register of Deeds •

ORDINANCE NO. 8697

An ordinance to create Street Improvement District No. 1240; to define the boundaries of the district; to provide for the improvement of a street within the district by paving, curbing, guttering, storm drainage, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Street Improvement District No. 1240 in the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The boundaries of the district shall be as follows:

Beginning at the northwest corner of Lot One (1), Grand West Third Subdivision; thence east on the north line of said Lot One (1), Grand West Third Subdivision to the northeast corner of Lot One (1), Grand West Third Subdivision; thence south on the east line of Lots One (1) and Two (2), Grand West Third Subdivision; thence southeasterly on the northerly line of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), Grand West Third Subdivision; thence east on the north line of Lots Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), Grand West

Approved as to Form ? _____
February 22, 2002 ? City Attorney

ORDINANCE NO. 8697 (Cont.)

Third Subdivision to the northeast corner of Lot Eighteen (18) Grand West Third Subdivision; thence south on the east line of Grand West Third Subdivision; thence west on the south line of Grand West Third Subdivision to the northeast corner of Lot Twenty Six (26), Grand West Subdivision; thence northwesterly on the southerly line of Lots Twenty Three (23), Twenty Four (24), Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty (30), Thirty One (31), Thirty Two (32) and Thirty three (33), Grand West Third Subdivision; thence west on the south line of Lot Thirty Four (34), Grand West Third Subdivision and a prolongation thereof to a point Three Hundred (300.0) feet west of the west line of Mansfield Road; thence north on a line Three Hundred (300.0) feet west of and parallel to the west line of Mansfield Road for a distance of Four Hundred Ninety Two and Seventy Six Hundredths (492.76) feet; thence east on a line for a distance of Three Hundred Sixty (360.0) feet to the point of beginning, all as shown on the plat dated September 18, 2001, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The following streets in the district shall be improved by paving and other incidental work in connection therewith:

Mansfield Road, Allen Avenue, and Morrison Drive within Grand West Third Subdivision in the City of Grand Island, Hall County, Nebraska.

Said improvements shall be made in accordance with plans and specifications approved by the Engineer for the City of Grand Island and approved by the Mayor and City Council.

SECTION 4. All improvements shall be made at public cost, but the cost thereof, shall be assessed upon the lots and lands in the district specially benefited thereby as provided by law.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, as provided by law.

ORDINANCE NO. 8697 (Cont.)

SECTION 7. After passage, approval and publication of this ordinance, without the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F2

#8717 - Consideration of Creating Alley Improvement District 1242

This Ordinance would establish Phase IV of the Downtown Alley Improvement project. District #1242 is located between 3rd and Front Streets from Elm to Cedar Street. If passed and constructed, Special Assessments would be levied against the property owners for improvements. Credit would be given to property owners for existing pavement and storm sewer mains. Laterals for downspouts, window well closures, etc. would be part of the costs assessed to individual properties.

The Public Works Department recommends approval of these Districts. Most of the costs will be the City's with a small portion of the costs to be reclaimed through Special Assessments. The costs for the project are in the approved budget for FY 2002.

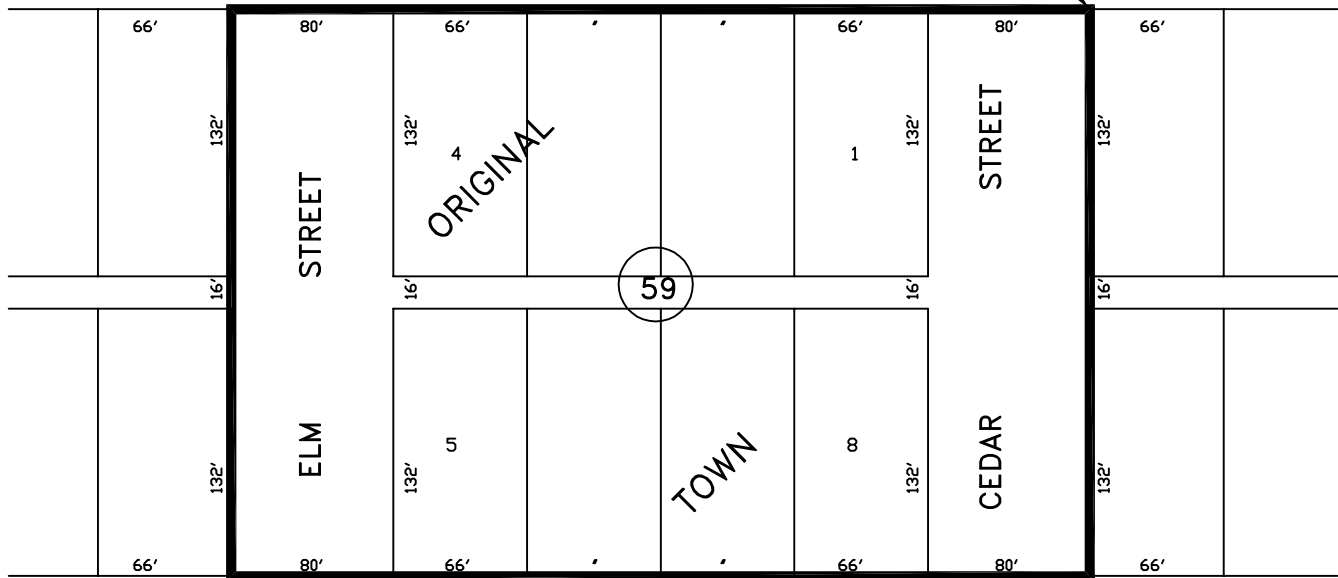
Staff Contact: Steve Riehle, City Engineer/Public Works Director



U.P.R.R.

POINT OF BEGINNING

R.O.W.

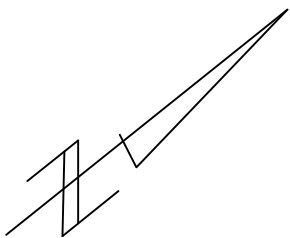


THIRD

80'

80'

STREET



ALLEY IMPROVEMENT DISTRICT 1242

• This Space Reserved for Register of Deeds •

ORDINANCE NO. 8717

An ordinance to create Alley Improvement District No. 1242; to define the boundaries of the district; to provide for the improvement of an alley within the district by paving, curbing, guttering, storm drainage, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Alley Improvement District No. 1242 in the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The boundaries of the district shall be as follows:

Beginning at a point where the east line of Cedar Street intersects a prolongation of the north line of Block Fifty Nine (59) Original Town; thence south on the east line of Cedar Street to the north line of Third Street; thence west on the north line of Third Street and a prolongation thereof to the west line of Elm Street; thence north on the west line of Elm Street to a point where it intersects a prolongation of the north line of Block Fifty Nine (59) Original Town; thence east on the north

ORDINANCE NO. 8717 (Cont.)

line of Block Fifty Nine (59) Original Town and a prolongation thereof to the point of beginning, all as shown on the plat dated November 29, 2001, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The following alley in the district shall be improved by paving and other incidental work in connection therewith:

The alley between Elm Street and Cedar Street, between Third Street and the Union Pacific Railroad right-of-way, in the City of Grand Island, Hall County, Nebraska.

Said improvements shall be made in accordance with plans and specifications approved by the Engineer for the City of Grand Island and approved by the Mayor and City Council.

SECTION 4. All improvements shall be made at public cost. The cost and expense of extending, but not replacing the existing storm water sewer lines shall be levied upon the lots and lands abutting the public right-of-way in which such extensions are constructed to the extent specially benefited thereby.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, as provided by law.

SECTION 7. After passage, approval and publication of this ordinance, without the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

ORDINANCE NO. 8717 (Cont.)

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F3

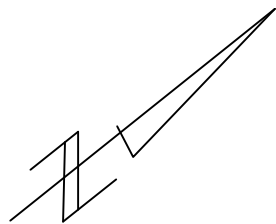
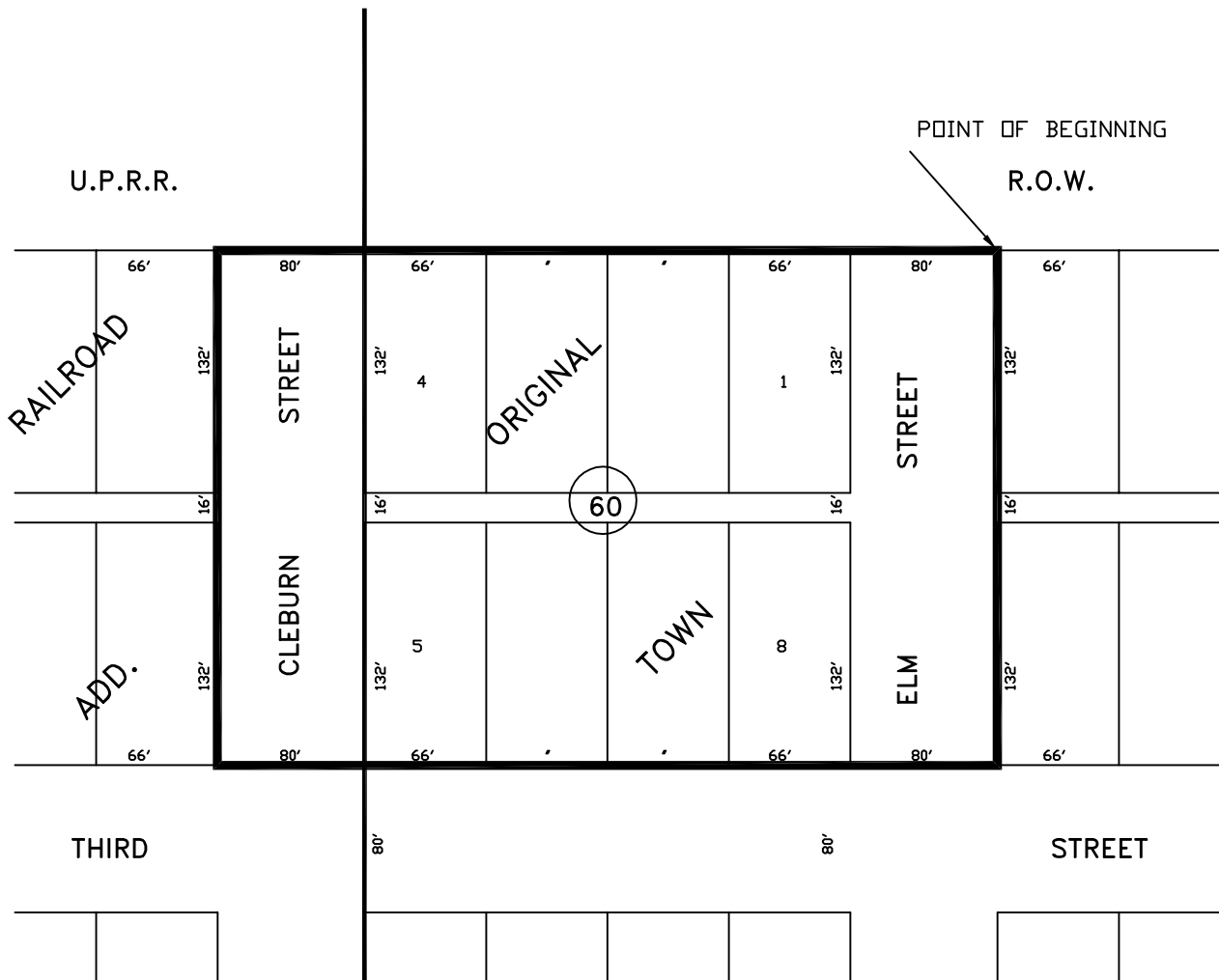
#8718 - Consideration of Creating Alley Improvement District 1243

This Ordinance would establish Phase IV of the Downtown Alley Improvement project. District #1243 is located between 3rd and Front Streets from Cleburn to Elm Street. If passed and constructed, Special Assessments would be levied against the property owners for improvements. Credit would be given to property owners for existing pavement and storm sewer mains. Laterals for downspouts, window well closures, etc. would be part of the costs assessed to individual properties.

The Public Works Department recommends approval of these Districts. Most of the costs will be the City's with a small portion of the costs to be reclaimed through Special Assessments. The costs for the project are in the approved budget for FY 2002.

Staff Contact: Steve Riehle, City Engineer/Public Works Director





ALLEY IMPROVEMENT DISTRICT 1243

• This Space Reserved for Register of Deeds •

ORDINANCE NO. 8718

An ordinance to create Alley Improvement District No. 1243; to define the boundaries of the district; to provide for the improvement of an alley within the district by paving, curbing, guttering, storm drainage, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Alley Improvement District No. 1243 in the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The boundaries of the district shall be as follows:

Beginning at a point where the east line of Elm Street intersects a prolongation of the north line of Block Sixty (60), Original Town; thence south on the east line of Elm Street to the north line of Third Street; thence west on the north line of Third Street and a prolongation thereof to the west line of Cleburn Street; thence north on the west line of Cleburn Street to a point where it intersects a prolongation of the north line of Block Sixty (60), Original Town; thence east on the north line of

ORDINANCE NO. 8718 (Cont.)

Block Sixty (60), Original Town and a prolongation thereof to the point of beginning, all as shown on the plat dated November 29, 2001, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The following alley in the district shall be improved by paving and other incidental work in connection therewith:

The alley between Cleburn Street and Elm Street, between Third Street and the Union Pacific Railroad right-of-way, in the City of Grand Island, Hall County, Nebraska.

Said improvements shall be made in accordance with plans and specifications approved by the Engineer for the City of Grand Island and approved by the Mayor and City Council.

SECTION 4. All improvements shall be made at public cost. The cost and expense of extending, but not replacing the existing storm water sewer lines shall be levied upon the lots and lands abutting the public right-of-way in which such extensions are constructed to the extent specially benefited thereby.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, as provided by law.

SECTION 7. After passage, approval and publication of this ordinance, without the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

ORDINANCE NO. 8718 (Cont.)

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F4

#8719 - Consideration of Establishing Assessments for Street Improvement District 1237, Wortman Drive

This item relates to the action taken earlier whereby the council acted as the Board of Equalization and determined benefits associated with Street Improvement District #1237, Wortman Drive. This District was established December 5, 2000 by Ordinance #8643, in order to provide paving, curbing, guttering, storm drainage, and other incidental work. Construction was completed in Fall 2001. The Public Works Department recommends that Council pass an Ordinance to levy the special assessments. See attached ORDINANCE.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



ORDINANCE NO. 8720

An ordinance levying a special tax to pay the cost to the City of cutting, destroying, and removing weeds, grasses, or worthless vegetation, pursuant to Sections 17-36 and 17-38 of the Grand Island City Code upon certain lots and pieces of ground; providing for the collection thereof; repealing ordinances or parts of ordinances in the Grand Island City Code in conflict herewith; and providing for the publication and effective date of this ordinance.

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

SECTION 1. A special tax is hereby levied for the cost of cutting, destroying, and removing weeds, grasses, or worthless vegetation upon the hereinafter described lots and pieces of ground during the 2001 season in proportion to the special benefits to such real estate as determined and assessed by the City Council sitting as a Board of Equalization after due notice thereof, in the following amounts:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
EquiCredit PO Box 44133 Jacksonville, FL 32231	Lot 23, Sass 2 nd Subdivision	350.00
Jerry Sobieszyk Rt 1, Box 141 Sargent, NE 68874	Lot 1, Box 13, Lambert's Addition	125.00
Metro Publishing Tom Davis PO Box 6392 Lincoln, NE 68506	Lot 5, Block 3, Original Town	140.00
Dale W. Benson, et al 706 W. Pine Street Exeter, CA 93221	Lot 2, College Addition to West Lawn	125.00
Phyllis Nurnberg PO Box 1195 Hastings, NE 68901	Lot 12, Block 2, Riverside Acres	125.00

Approved as to Form ? _____ February 22, 2002 ? City Attorney
--

ORDINANCE NO. 8720 (Cont.)

SECTION 2. Such special tax shall be due and payable to the City thirty (30) days after such levy and shall become delinquent fifty (50) days after such levy. After the same shall become delinquent, interest at the rate of 14 percent (14%) per annum shall be paid thereon. The same shall be collected in the same manner as other city taxes.

SECTION 3. Such special taxes shall be collected by the Finance Director of the City of Grand Island, Nebraska, as provided by law.

SECTION 4. Such special taxes, if not previously paid, shall be certified to the County Clerk at the same time as the next certification for general revenue purposes.

SECTION 5. Such special taxes, when received, shall be applied to reimburse the General Fund Account No. 100.101.04135, from which fund the cost of such improvement was paid, and to apply interest earned on such delinquent assessments to General Fund Account No. 100.101.04160.

SECTION 6. All ordinances or parts of ordinances or provisions in the Grand Island City Code in conflict herewith be, and the same hereby are, repealed.

SECTION 7. 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: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F5

#8720 - Consideration of Establishing Assessments for 2001 Weed Abatement Program

Chapter 17 – Garbage, Refuse, Waste and Weeds, Article III – Weeds, sets forth the procedure for levying special assessments against real estate on which the City has performed mowing operations during the preceding year. There are only five properties subject to special assessments for mowing during calendar year 2001. Each of these properties is owned by persons residing outside the community of Grand Island. We recommend levying the special assessments for mowing against the properties listed in the resolution as drafted.

Staff Contact: Charlie Cuypers



ORDINANCE NO. 8720

An ordinance levying a special tax to pay the cost to the City of cutting, destroying, and removing weeds, grasses, or worthless vegetation, pursuant to Sections 17-36 and 17-38 of the Grand Island City Code upon certain lots and pieces of ground; providing for the collection thereof; repealing ordinances or parts of ordinances in the Grand Island City Code in conflict herewith; and providing for the publication and effective date of this ordinance.

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

SECTION 1. A special tax is hereby levied for the cost of cutting, destroying, and removing weeds, grasses, or worthless vegetation upon the hereinafter described lots and pieces of ground during the 2001 season in proportion to the special benefits to such real estate as determined and assessed by the City Council sitting as a Board of Equalization after due notice thereof, in the following amounts:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
EquiCredit PO Box 44133 Jacksonville, FL 32231	Lot 23, Sass 2 nd Subdivision	350.00
Jerry Sobieszyk Rt 1, Box 141 Sargent, NE 68874	Lot 1, Box 13, Lambert's Addition	125.00
Metro Publishing Tom Davis PO Box 6392 Lincoln, NE 68506	Lot 5, Block 3, Original Town	140.00
Dale W. Benson, et al 706 W. Pine Street Exeter, CA 93221	Lot 2, College Addition to West Lawn	125.00
Phyllis Nurnberg PO Box 1195 Hastings, NE 68901	Lot 12, Block 2, Riverside Acres	125.00

Approved as to Form ? _____ February 22, 2002 ? City Attorney
--

ORDINANCE NO. 8720 (Cont.)

SECTION 2. Such special tax shall be due and payable to the City thirty (30) days after such levy and shall become delinquent fifty (50) days after such levy. After the same shall become delinquent, interest at the rate of 14 percent (14%) per annum shall be paid thereon. The same shall be collected in the same manner as other city taxes.

SECTION 3. Such special taxes shall be collected by the Finance Director of the City of Grand Island, Nebraska, as provided by law.

SECTION 4. Such special taxes, if not previously paid, shall be certified to the County Clerk at the same time as the next certification for general revenue purposes.

SECTION 5. Such special taxes, when received, shall be applied to reimburse the General Fund Account No. 100.101.04135, from which fund the cost of such improvement was paid, and to apply interest earned on such delinquent assessments to General Fund Account No. 100.101.04160.

SECTION 6. All ordinances or parts of ordinances or provisions in the Grand Island City Code in conflict herewith be, and the same hereby are, repealed.

SECTION 7. 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: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F6

#8721 - Consideration of Conveyance of Real Estate in Meadowlark West Third Subdivision and Part of the SE1/4NE1/4 of Section 13-11-10 to Reconfigure Detention Cell

The Robert M. Allen Family Limited Partnership, the owner of Eagle Run, has requested that Detention Cell B-6A previously dedicated to the City of Grand Island be reconfigured as shown on the attached drawing in order to accommodate future commercial development of Meadowlark West Fourth Subdivision. The Public Works Department has reviewed and approved the reconfiguration. There are three actions before the Council in connection with this matter, including (a) a public hearing on the reconfiguration of the detention cell, including acquisition of real estate located west of the cell in consideration of abandonment of the northerly portion of the existing cell, (b) an ordinance approving acquisition of the reconfigured cell as Outlot "A", and (c) approving an exchange agreement swapping the existing detention cell B-6A tract for Outlot "A". Other than the cost of preparation of documents for presentation to the City Council and the publication of a notice of public hearing, the City of Grand Island is incurring no other expenses in connection with the estrange transaction. We recommend that the ordinance and resolution be approved as drafted.

Staff Contact: Charlie Cuypers



ORDINANCE NO. 8721

An ordinance to direct and authorize the conveyance of a tract of land located in the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, to provide for the giving of notice of such conveyance and the terms thereof; to provide for the right to file a remonstrance against such conveyance; 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. The conveyance to Robert M. Allen Family Limited Partnership of a tract of land known as Detention Cell B-6A located in the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows is hereby authorized and directed:

To ascertain the actual point of beginning, commence at the southeast corner of said Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4); thence running north on the east line of said Section Thirteen (13) for a distance of Seven Hundred (700.0) feet; thence deflecting left ninety degrees and no minutes (90°00') and running west on a line for a distance of Two Hundred Seventy (270.0) feet to the actual point of beginning; thence continuing west on said line for a distance of Two Hundred Thirty (230.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running north on a line for a distance of Two Hundred Seventy (270.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running east on a line for a distance of Two Hundred Thirty (230.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running south on a line for a distance of Two Hundred Seventy (270.0) feet to the actual point of beginning; said tract of land containing 62,100 square feet, or 1.4 acres, more or less, identified as Cell B-6A as shown on Exhibit "B" dated 2-6-74, attached hereto and incorporated herein by reference. The description herein is set out in a Warranty Deed dated July 23, 1974 and recorded on July 31, 1974 in

ORDINANCE NO. 8721 (Cont.)

Miscellaneous Records Book 175, Page 526 in the Office of the Register of Deeds, Hall County, Nebraska.

SECTION 2. The consideration for such conveyance shall be the acquisition of a tract of land consisting of approximately 1.47 acres, more or less, located in a part of Lot Six (6), Meadowlark West Third Subdivision to be used for the reconfiguration of such detention cell. Such conveyance shall be conditioned upon the terms and conditions of an Exchange Agreement between the parties. A title insurance policy is not required to be furnished by the City.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish such notice.

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by legal electors of the City of Grand Island equal in number to thirty percent of the electors of the City of Grand Island voting at the last regular municipal election held in such City be filed with the city council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor and City Clerk shall make, execute and deliver to Robert M. Allen Family Limited Partnership, a deed for

ORDINANCE NO. 8721 (Cont.)

said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F7

#8722 - Approving Conveyance of Community Development Property at 1122 East 9th Street

On January 18, 2002, the Community Projects Department, Community Development Division, received proposals from developers to build three single-family dwellings for resale under the Homeownership Opportunity Program. The homes are to be built on the vacant lots located at 1115 East 9th, 1119 East 9th and 1122 East 9th Street. Specifications were written for each house independently. The sets of specifications called for three 3-bedroom houses with unfinished basements and single car attached garage. The developers were asked to submit a price for the resale of the homes, as well as the purchase of the lots.

Six proposals were received for the property at 1122 East 9th Street (lot 7). The City Council, at their meeting of February 12, 2002, approved an agreement with Star Homes for purchase of the lot for \$1 and resale of the home for \$60,264.67. The City will sell the dwellings, upon completion, for the developer under the Homeownership Opportunity Program. The City will provide down-payment assistance to qualified low-to-moderate income homebuyers. This ordinance will approve the conveyance of the property to Star Homes.

Staff Contact:



ORDINANCE NO. 8722

An ordinance to direct and authorize the conveyance of a tract of land comprising of Lot Seven (7), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for the giving of notice of such conveyance and the terms thereof; to provide for the right to file a remonstrance against such conveyance; 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. The conveyance to Star Homes of a tract of land comprising of Lot Seven (7), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; is hereby authorized and directed.

SECTION 2. The consideration for such conveyance shall be One Dollar (\$1.00). Conveyance of the real estate above described may be by deed, upon delivery of the consideration. Such conveyance shall be conditioned upon the terms and conditions of a Contract Agreement, including the construction of a 3-bedroom house with an unfinished basement and a single car attached garage. A title insurance policy is not required to be furnished by the City.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish such notice.

ORDINANCE NO. 8722 (Cont.)

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by legal electors of the City of Grand Island equal in number to thirty percent of the electors of the City of Grand Island voting at the last regular municipal election held in such City be filed with the city council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor and City Clerk shall make, execute and deliver to Star Homes a deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F8

#8723 - Approving Conveyance of Community Development Property at 1119 East 9th Street

On January 18, 2002, the Community Projects Department, Community Development Division, received proposals from developers to build three single-family dwellings for resale under the Homeownership Opportunity Program. The homes are to be built on the vacant lots located at 1115 East 9th, 1119 East 9th, and 1122 East 9th Street. Specifications were written for each house independently. The sets of specifications called for three 3-bedroom houses with unfinished basements and single car attached garages. The developers were asked to submit a price for the resale of the homes, as well as the purchase of the lots.

Six proposals were received for the property at 1119 East 9th Street (lot 8). The City Council, at their meeting of February 12, 2002, approved the sale of the lot to Star Homes in the amount of \$1 and resale of the home for \$61,119.31. The City will sell the dwellings, upon completion, for the developer under the Homeownership Opportunity Program. The City will provide down-payment assistance to qualified low-to-moderate income homebuyers. This ordinance will approve the conveyance of the property to Star Homes.

Staff Contact:



ORDINANCE NO. 8723

An ordinance to direct and authorize the conveyance of a tract of land comprising of Lot Eight (8), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for the giving of notice of such conveyance and the terms thereof; to provide for the right to file a remonstrance against such conveyance; 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. The conveyance to Star Homes of a tract of land comprising of Lot Eight (8), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; is hereby authorized and directed.

SECTION 2. The consideration for such conveyance shall be One Dollar (\$1.00). Conveyance of the real estate above described may be by deed, upon delivery of the consideration. Such conveyance shall be conditioned upon the terms and conditions of a Contract Agreement, including the construction of a 3-bedroom house with an unfinished basement and a single car attached garage. A title insurance policy is not required to be furnished by the City.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish such notice.

ORDINANCE NO. 8723 (Cont.)

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by legal electors of the City of Grand Island equal in number to thirty percent of the electors of the City of Grand Island voting at the last regular municipal election held in such City be filed with the city council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor and City Clerk shall make, execute and deliver to Star Homes a deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F9

#8724 - Approving Conveyance of Community Development Property at 1115 East 9th Street

On January 18, 2002, the Community Projects Department, Community Development Division, received proposals from developers to build three single-family dwellings for resale under the Homeownership Opportunity Program. The homes are to be built on the vacant lots located at 1115 East 9th, 1119 East 9th, and 1122 East 9th Street. Specifications were written for each house independently. The sets of specifications called for three 3-bedroom houses with unfinished basements and single car attached garages. The developers were asked to submit a price for the resale of the homes, as well as the purchase of the lots.

Six proposals were received for the property at 1115 East 9th Street (lot 9). The City Council, at their meeting of February 12, 2002, approved the sale of the lot to Galvan Construction in the amount of \$100 and resale of the home for \$62,500. This ordinance will approve the conveyance of the property to Galvan Construction. The City will sell the dwellings, upon completion, for the developer under the Homeownership Opportunity Program. The City will provide down-payment assistance to qualified low-to-moderate income homebuyers. This ordinance will approve the conveyance of the property to Galvan Construction.

Staff Contact:



ORDINANCE NO. 8724

An ordinance to direct and authorize the conveyance of a tract of land comprising of Lot Nine (9), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for the giving of notice of such conveyance and the terms thereof; to provide for the right to file a remonstrance against such conveyance; 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. The conveyance to Galvan Construction of a tract of land comprising of Lot Nine (9), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska; is hereby authorized and directed.

SECTION 2. The consideration for such conveyance shall be One Hundred Dollars (\$100.00). Conveyance of the real estate above described may be by deed, upon delivery of the consideration. Such conveyance shall be conditioned upon the terms and conditions of a Contract Agreement, including the construction of a 3-bedroom house with an unfinished basement and a single car attached garage. A title insurance policy is not required to be furnished by the City.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish such notice.

ORDINANCE NO. 8724 (Cont.)

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by legal electors of the City of Grand Island equal in number to thirty percent of the electors of the City of Grand Island voting at the last regular municipal election held in such City be filed with the city council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor and City Clerk shall make, execute and deliver to Galvan Construction a deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

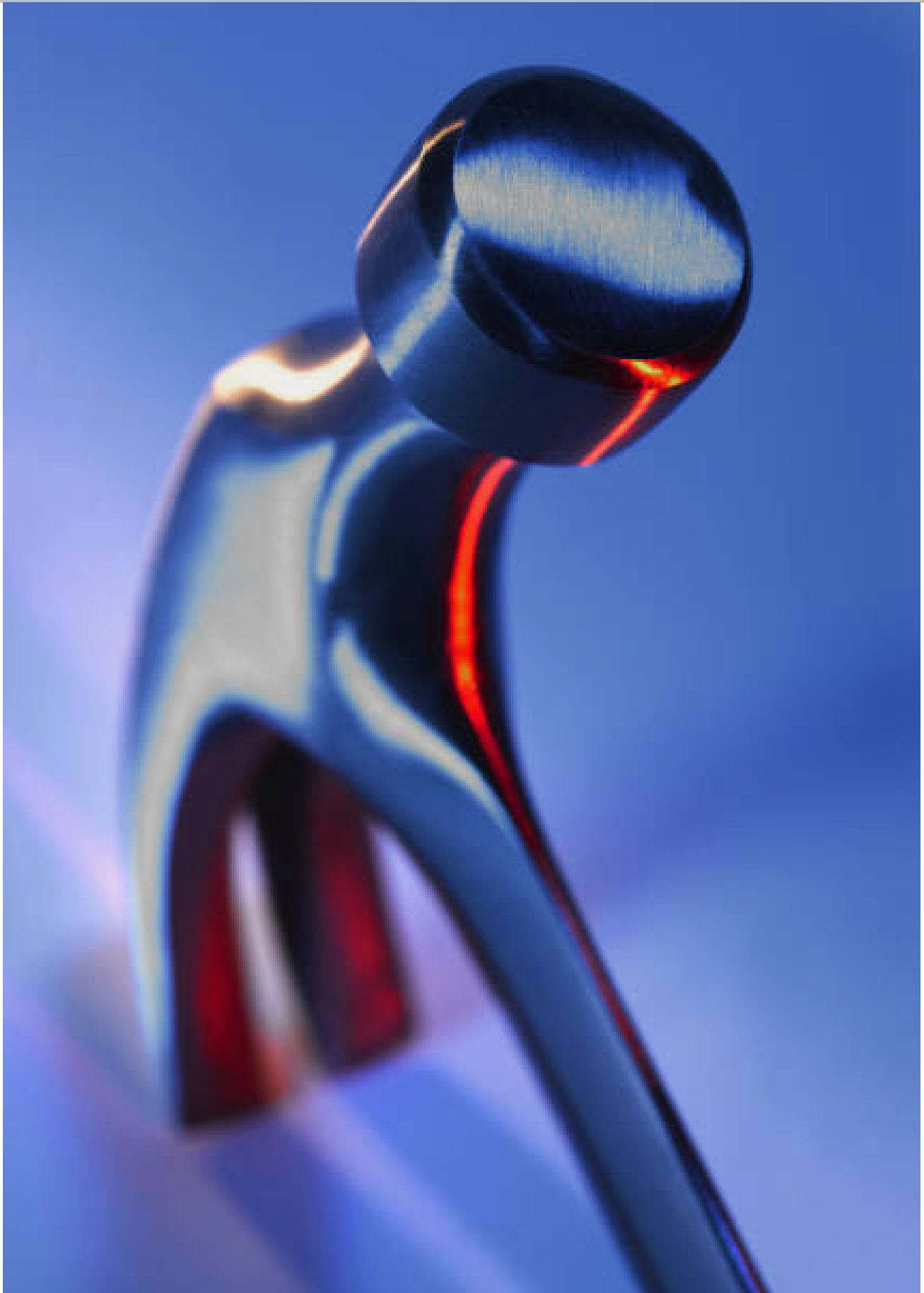
Item F10

#8725 - Consideration of Vacation of Easement at Lot 1 Riverside Third Subdivision

The Utilities Department has received a request from Clark Gauthier to vacate the easement located at just to the west of Blaine Street at Lot One (1), Riverside Third Subdivision. The request is provided to create a housing lot. The application has been reviewed by the Public Works, Utilities, Building, Planning and Legal Departments. Approval is recommended. See attached ORDINANCE.

Staff Contact: Robert H. Smith





* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8725

An ordinance to vacate an existing twenty (20.0) foot wide electrical easement located in Lot One (1), Riverside Farm Third Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; 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 existing twenty (20.0) foot wide electrical easement located in Lot One (1), Riverside Farm Third Subdivision in the city of Grand Island, Hall County, Nebraska, as shown on the attached drawing, is hereby vacated.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

ORDINANCE NO. 8725 (Cont.)

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

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the drawing, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item F11

#8726 - Consideration of Vacation of Easements in Meadowlark West 3rd Subdivision.

Easements were dedicated on Meadowlark West 3rd Subdivision when the plat was filed. Easements must be vacated by an ordinance. Changes were made to the alignment of utilities during construction. Meadowlark West 4th Subdivision is being platted with new utility easements and some of the existing utility easements need to be vacated. Meadowlark West 4th Subdivision will be before the Regional Planning Commission March 6, 2002 and the City Council on March 12, 2002. The Public Works, Planning and Utilities Departments recommend passing the Ordinance vacating the utility easements on Meadowlark West 3rd Subdivision. See Attached ORDINANCE.

Staff Contact: Steve Riehle, City Engineer/Public Works Director





SCALE: 1" = 160'

WEBB

ROAD

SECTION LINE

DATE:

FEB. 19, 2001

OLSSON ASSOCIATES

CONSULTING ENGINEERS
201 EAST 2ND ST., GRAND ISLAND, NE 68801

UTILITY EASEMENTS TO BE VACATED:

UTILITY EASEMENTS LOCATED IN LOTS 2, 3, 4, 5, 6, & 28 OF MEADOWLARK WEST THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN.

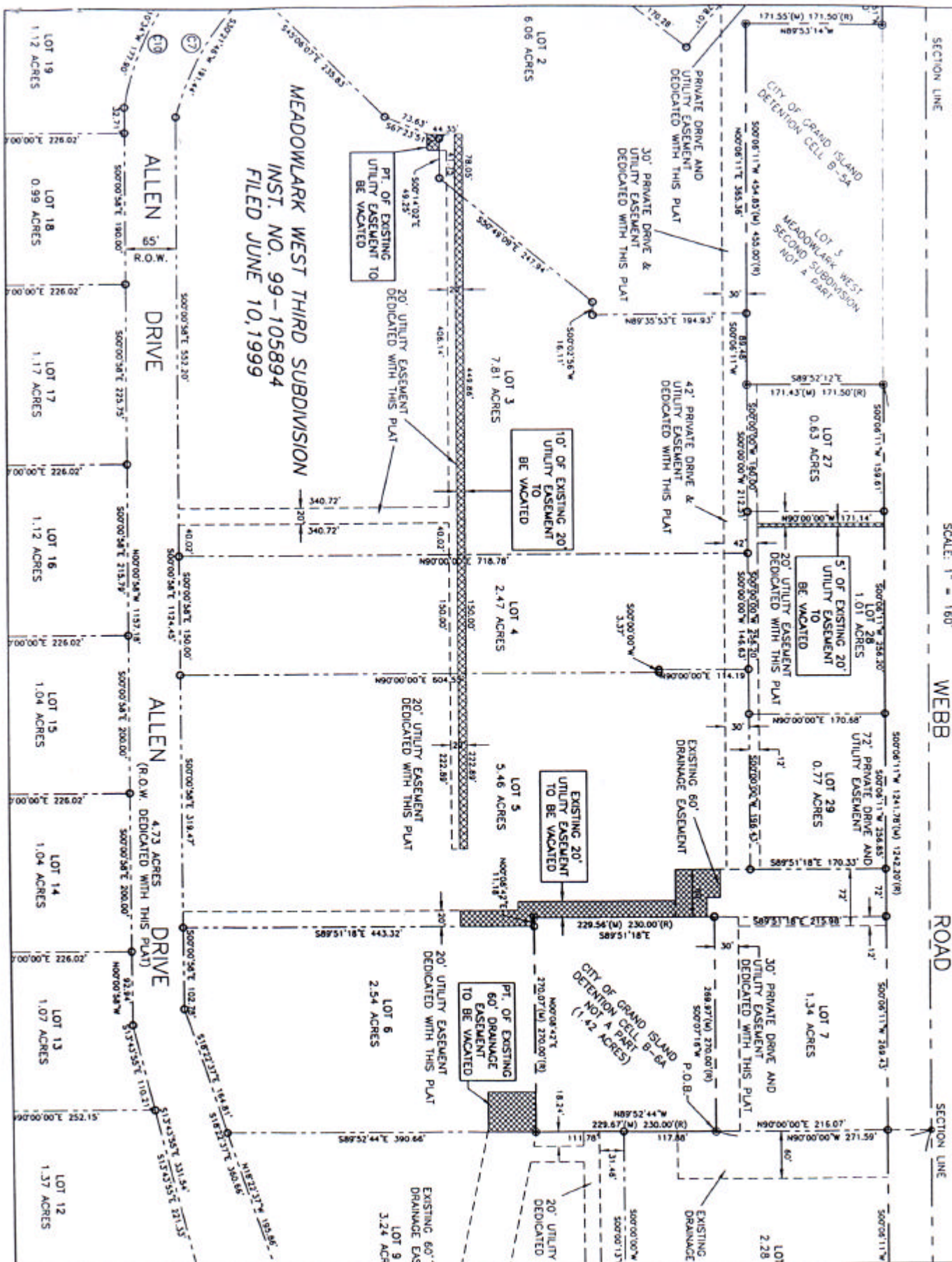


EXHIBIT 'A'

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8726

An ordinance to vacate existing easements located in Meadowlark West Third Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; 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 existing easements located in Meadowlark West Third Subdivision in the city of Grand Island, Hall County, Nebraska, as shaded and identified on the attached drawing dated February 19, 2002, and incorporated herein by reference, are hereby vacated.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

Approved as to Form? _____
February 22, 2002 ? City Attorney

ORDINANCE NO. 8726 (Cont.)

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

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the drawing, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G1

Receipt of Official Document - Civil Service Minutes of January 22, 2002

The Minutes of the January 22, 2002 Civil Service Meeting are submitted. See attached MINUTES.

Staff Contact: Brenda Sutherland





MINUTES
CIVIL SERVICE COMMISSION
January 22, 2002

Roll Call: **Members Present:** Leeper, Burns, Hilligas
 Members Absent: None
 Also Present: Sutherland, Rowell

Leeper called the meeting to order at 8:40 a.m. Notice of meeting was published in the January 19, 2002, edition of the Grand Island Independent.

Hilligas moved to approve the Minutes of the January 16, 2002, meeting. Burns seconded the motion, which carried unanimously upon roll call vote.

The Commission received a request from the Fire Department to certify candidates to fill one Firefighter position. Hilligas moved to certify the top three names, namely, Lilienthal, Backer and Goldfelder. Burns seconded the motion, which carried unanimously upon roll call vote.

There being no further business, Hilligas moved to adjourn the meeting at 8:45 a.m. Burns seconded the motion, which carried unanimously upon roll call vote.

Respectfully submitted,

Brenda Sutherland, Secretary
Civil Service Commission

Approved by Civil Service Commission: 2/19/02
Copies of approved Minutes to: City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G2

Receipt of Official Document - Tort Claim Filed by Wayne A. and Nora G. Devine

The City of Grand Island has received a Notice of Tort Claim on behalf of Wayne and Norma Devine alleging certain claims in connection with an alleged sanitary backup on or about December 23, 2001.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Wayne and Norma Devine is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

This is not an item for council action other than to simply acknowledge that the claim has been received. The claim has been referred to the City's insurer for review.

It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: Charlie Cuypers



BEFORE THE CITY COUNCIL OF GRAND ISLAND, HALL COUNTY, NEBRASKA

WAYNE A. DEVINE AND
NORMA G. DEVINE,

Claimants,

vs.

CITY OF GRAND ISLAND, A Political
Subdivision,

Defendant.

Claim No. _____

**NOTICE
OF TORT CLAIM**



COMES NOW Wayne A. Devine and Norma G. Devine and for their Amended Tort Claim against the City of Grand Island, Nebraska a Political Subdivision, hereby alleges as follows, pursuant to the Nebraska Political Subdivision Tort Claim Act §13-901, *et seq.*

1. Plaintiffs are residents of Grand Island, Hall County, Nebraska and have been for all times material hereto. Plaintiffs are owners of residential property located within the corporate city limits of the City of Grand Island.
2. Defendant City of Grand Island (hereafter "City") is a Political Subdivision organized, functioning and existing within the purview of the Nebraska Political Subdivision Tort Claim Act § 13-901, *et seq.* for all times relevant herein.
3. The events which form the basis to Plaintiff's tort claim took place within the corporate limits of the City, and involve equipment, fixtures and services exclusively owned, operated and maintained by the City of Grand Island for all times material herein.
4. That in conjunction with the City's activities, the City provides, in exchange for a monthly fee or charge to its residents, sewer service from residences such as Plaintiffs' herein. That, in conjunction therewith the City undertakes to monitor, repair, service, inspect, and maintain its pipes, pumps, lift stations, grading and hydrologic drainage of its sewer system pursuant to local, state and federal laws, as well as regulations generated by the Defendant City and other similar situated regulatory bodies, to insure that residential waste materials are properly and safely moved through its system to prevent backups and contamination of air and water qualities, amongst other statutory and other common laws and regulations

CC Legal
A. W. K.

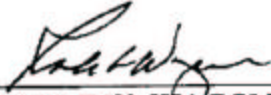
applicable. That in conjunction with said affirmative duties, the City has a duty to warn its users, shutdown parts of its system, and repair segments of its sewer system to prevent the above described ills when it knows or should know, in the exercise of reasonable care, of defects posing a threat to persons or property within its jurisdiction and /or connected to its sewage services. That the City as sole occupant and operator of its sewage system, is aware that residential users are unable to detect defects and / or preform inspections and / or effectuate repairs of instrumentalities wholly within the exclusive control of the City and its employees. That the City, by law, is to utilize, posses and maintain sufficient operating policies and procedures to effectuate its duties to users, such as Plaintiffs herein, to prevent sewage backups into residential properties causing damage to persons and property.

5. That on or about December 23, 2001, Plaintiff, sustained a one (1) foot plus sewage backup in their basement through the connecting drain to the City sewer, which had backed up due to inadequate inspection and negligent monitoring repair when the City knew or should of known of a blockage in the City's sewage pipe system and / or lift station failure occurred. That a number of City service subscribers on West Anna Street and surrounding neighborhoods exhibited and / or experienced a similar fate as did your Plaintiffs herein on or about said date. That the City was timely notified of the defective condition by its users, but failed to timely remedy the defect in their sewage system, thus causing damage to the Plaintiff herein.
6. That a Political Subdivision, exercising reasonable care would have taken such timely corrective action, as was indicated, to prevent and/or ameliorate the conditions created by the City's negligence and the conditions there and then existing.
7. That as an approximate result or an approximate contributing result, Plaintiffs have incurred out of pocket expenses of \$1,011.00 receipts attached, in damages to their residence and its contents to date; additional damage in vacating and effectuating necessary reasonable repairs to their residence and its contents as a proximate result of the Defendants negligence. Plaintiffs invoke theories res ipsa loquitur, and / or specific allegations of negligence, violation of statues and ordinances, including strict liability as a basis for recovery, should this matter progress via discovery and to trial.
8. Plaintiffs also demand reimbursement for attorney's fees and costs, as the City has refused to reimburse Plaintiffs herein, contrary to law, after Plaintiffs timely presentation of their tort claim to the City and its representatives on or about February 15, 2002.

WHEREFORE, Plaintiffs pray for recovery as set forth above.

WAYNE A. DEVINE and NORMA G. DEVINE,
Claimants

BY:


ROBERT W. WAGONER, #18426
Attorney at Law
116 West Fourth Street
P.O. Box 308
Grand Island, NE 68802
Phone: (308) 384-9905

CERTIFICATE OF SERVICE

The undersigned hereby certifies, as counsel of record for the Claimants, that copies of the foregoing Amended Notice of Tort Claim were sent to the following by Certified mail, postage prepaid, on the 15th day of February, 2002.

CITY CLERK
CITY OF GRAND ISLAND
100 E 1ST STREET
GRAND ISLAND NE 68801

CITY SEWER DEPARTMENT
CITY OF GRAND ISLAND
100 E 1ST STREET
GRAND ISLAND NE 68801


ROBERT W. WAGONER, #18426
Attorney at Law



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G3

Receipt of Official Document - Tort Claim Filed by Jack D. and Annette L. Stratman

The City of Grand Island has received a Notice of Tort Claim on behalf of Jack D. and Annette L. Stratman alleging certain claims in connection with an alleged sanitary backup on or about December 23, 2001.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Jack D. and Annette L. Stratman is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. The claim has been referred to the City's insurer for review.

It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: Charlie Cuypers



BEFORE THE CITY COUNCIL OF GRAND ISLAND, HALL COUNTY, NEBRASKA

JACK D. STRATMAN AND
ANNETTE L. STRATMAN,

Claimants,

vs.

CITY OF GRAND ISLAND, A Political
Subdivision,

Defendant.

Claim No. _____

**AMENDED NOTICE
OF TORT CLAIM**



COMES NOW Jack D. and Annette L. Stratman and for their Amended Tort Claim
against the City of Grand Island, Nebraska a Political Subdivision, hereby alleges as follows,
pursuant to the Nebraska Political Subdivision Tort Claim Act §13-901, *et seq.*

1. Plaintiff's are residents of Grand Island, Hall County, Nebraska and have been for all times material hereto. Plaintiffs are owners of residential property located within the corporate city limits of the City of Grand Island.
2. Defendant City of Grand Island (hereafter "City") is a Political Subdivision organized, functioning and existing within the purview of the Nebraska Political Subdivision Tort Claim Act § 13-901, *et seq.* for all times relevant herein.
3. The events which form the basis to Plaintiff's tort claim took place within the corporate limits of the City, and involve equipment, fixtures and services exclusively owned, operated and maintained by the City of Grand Island for all times material herein.
4. That in conjunction with the City's, activities, the City provides, in exchange for a monthly fee or charge to its residents, sewer service from residences such as Plaintiffs' herein. That, in conjunction therewith the City undertakes to monitor, repair, service, inspect, and maintain its pipes, pumps, lift stations, grading and hydrologic drainage of its sewer system pursuant to local, state and federal laws, as well as regulations generated by the Defendant City and other similar situated regulatory bodies, to insure that residential waste materials are properly and safely moved through its system to prevent backups and contamination of air and water qualitties, amongst other statutory and other common laws and regulations

C.C. ~~Legal~~
Stratman
2-19-02


applicable. That in conjunction with said affirmative duties, the City has a duty to warn its users, shutdown parts of its system, and repair segments of its sewer system to prevent the above described ills when it knows or should know, in the exercise of reasonable care, of defects posing a threat to persons or property within its jurisdiction and /or connected to its sewage services. That the City as sole occupant and operator of its sewage system, is aware that residential users are unable to detect defects and / or preform inspections and / or effectuate repairs of instrumentalities wholly within the exclusive control of the City and its employees. That the City, by law, is to utilize, posses and maintain sufficient operating policies and procedures to effectuate its duties to users, such as Plaintiffs herein, to prevent sewage backups into residential properties causing damage to persons and property.

5. That on or about December 23, 2001, Plaintiffs, sustained a one (1) foot plus sewage backup in their basement through the connecting drain to the City sewer, which had backed up due to inadequate inspection and negligent monitoring repair when the City knew or should of known of a blockage in the City's sewage pipe system and / or lift station failure occurred. That a number of City service subscribers on West Anna Street and surrounding neighborhoods exhibited and / or experienced a similar fate as did your Plaintiffs herein on or about said date. That the City was timely notified of the defective condition by its users, but failed to timely remedy the defect in their sewage system, thus causing damage to the Plaintiffs herein.
6. That a Political Subdivision, exercising reasonable care would have taken such timely corrective action, as was indicated, to prevent and/or ameliorate the conditions created by the City's negligence and the conditions there and then existing.
7. That as an approximate result or an approximate contributing result, Plaintiffs have incurred out of pocket expenses of \$10,190.00 receipts attached, in damages to their residence and its contents to date; additional damage in vacating and effectuating necessary reasonable repairs to their residence and its contents as a proximate result of the Defendants negligence. Plaintiffs invoke theories res ipsa loquitur, and / or specific allegations of negligence, violation of statutes and ordinances, including strict liability as a basis for recovery, should this matter progress via discovery and to trial.
8. Plaintiffs also demand reimbursement for attorney's fees and costs, as the City has refused to reimburse Plaintiffs herein, contrary to law, after Plaintiffs timely presentation of their tort claim to the City and its representatives on or about February 15, 2002.

WHEREFORE, Plaintiffs pray for recovery as set forth above.

JACK STRATMAN and
ANNETTE L. STRATMAN, Claimants

BY:


ROBERT W. WAGONER, #18426
Attorney at Law
116 West Fourth Street
P.O. Box 308
Grand Island, NE 68802
Phone: (308) 384-9905

CERTIFICATE OF SERVICE

The undersigned hereby certifies, as counsel of record for the Claimants, that copies of the foregoing Amended Notice of Tort Claim were sent to the following by Certified mail, postage prepaid, on the 15th day of February, 2002.

CITY CLERK
CITY OF GRAND ISLAND
100 E 1ST STREET
GRAND ISLAND NE 68801

CITY SEWER DEPARTMENT
CITY OF GRAND ISLAND
100 E 1ST STREET
GRAND ISLAND NE 68801


ROBERT W. WAGONER, #18426
Attorney at Law



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G4

Receipt of Official Document - Tort Claim Filed by Victor L. Gosda

The City of Grand Island has received a Notice of Tort Claim on behalf of Victor L. Gosda alleging certain claims in connection with an alleged sanitary backup on or about December 15, 1999, February 19, 2001 and February 21, 2001.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Victor L. Gosda is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. The claim has been referred to the City's insurer for review.

It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: Charlie Cuypers



Claim Against the City Of Grand Island

Who is Making the Claim:

Name: *VICTOR L. GOSDA*

Address: *PO BOX 122 CALLAWAY NE. 68825*

Phone: *308-836-4465*



What happened? *SEWER BACKED UP*

Where did it happen? *935 So LOCUST ST. GRAND ISLAND NE.*

When did it happen (time and date)? *12-15-99 1st TIME - 2-19-01 2nd TIME
2-21-01 2nd TIME*

What are the damages? (Exact dollar amount of claim; please attach copies of bills, estimates or other appropriate documents.) *\$ 664.30*

Who do you believe is at fault, and why? *CITY - BOTH PLUMBERS SAY THE
MAIN SEWER WAS PLUGGED CAUSING
BACK UP IN OUR SEWER LINE*

Was the incident reported to anyone else? (i.e. Police, Utilities, etc.) *FRED who works for
the CITY*

Is there any other information not included above? *BOB HERMAN USED A
SANITARY PLUMBING USED THE
ROTO-ROTOR 2 TIMES AND WE STILL
HAD BACK - SO WE CALLED HERMAN
BECAUSE THEY HAD A CAMERA TO FIND
THE PROBLEM*

VICTOR L. GOSDA
Signature of Person Making Claim

*CAMERA WHEN CLEANING OUT
THE SEWER AND FOUND THE
PROBLEM AT THE END OF OUR
SEWER AS IT ENTERED THE MAIN
THAT WAS PLUGGED.
2-24-01*
Date

Please return completed form to:
Legal Department (Insurance)
100 East First Street
Grand Island, NE 68801
(308) 385-5444, ext. 137

FOR MORE INFORMATION
CALL BOB HERMAN
308-382-2760

CC. Legal
Morton
219-02



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G5

Approving Minutes of February 12, 2002 City Council Regular Meeting

The Minutes of the February 12, 2002 City Council Regular Meeting are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards



OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 12, 2002

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 February 12, 2002. Notice of the meeting was given in the Grand Island Independent on February 6, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Seifert, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Councilmembers Ward and Larson were absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle and City Attorney Charlie Cuypers.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by John Dahlstrom, First Church of Christ Scientist.

PRESENTATIONS AND PROCLAMATIONS:

Musical Presentation by Senior High Show Choir, "Ultimate Image". The Grand Island Senior High Show Choir, "Ultimate Image" under the direction of Joni Ramsey, presented two musical selections. On January 26, 2002 this group received a Grand Champion at the Omaha Westside Invitational in Omaha and on February 5, 2002 they received a gold rating at the State Show Choir Competition in Lincoln. They will be competing at the Regional Competition in Council Bluffs, Iowa on February 23, 2002.

It's About Kids! Barb Zaruba presented an *It's About Kids!* asset.

Proclamation "Abbott Sisters' Day" March 20, 2002. The Mayor proclaimed March 20, 2002 as "Abbott Sisters' Day" and urged all citizens to recognize the remarkable contributions and selfless dedication of Grace and Edith Abbott to the citizens of Nebraska and the nation.

Proclamation "Random Acts of Kindness Week" February 10-16, 2002. The Mayor proclaimed February 10-16, 2002 as "Random Acts of Kindness Week". Gloria Wolbach representing the Acts of Kindness Ladies was present to speak about the Random Acts of Kindness Week and to receive the Proclamation.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: Five individuals reserved time to speak on agenda items. David Plautz, 4063 Manchester Road, representing Diamond Engineering, requested that the Council authorize staff to not open a re-bid on Friday, February 15, 2002 for Water Main District's #434T, 437, 438T and 439T and Sanitary Sewer District #499T. City Attorney Charlie Cuypers addressed the issue of incorrect figures on both bids submitted at the

first bid opening. Councilmember Pielstick stated that the re-bid was fair and should be opened on Friday, February 15, 2002.

PUBLIC HEARINGS:

Public Hearing on One and Six Year Street Improvement Plan. Steve Riehle, Public Works Director, reported that the Engineering Division of the Public Works Department had prepared a proposed One and Six Year Street Improvement Plan as required by State Statutes. The plan was referred to the Regional Planning Commission and was approved at their February 6, 2002 meeting. The plan addressed streets, trails and drainage improvements throughout the City and was intended to prioritize needs and address federal and local funding availability. The plan must be submitted to the Nebraska Department of Roads by March 1, 2002. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on Stuhr Road, South of Seedling Mile Road. (Kenneth & Margaret Nienhueser) Gary Mader, Utilities Director, reported that acquisition of a utility easement relative to the property of Kenneth and Margaret Nienhueser, located along the east side of Stuhr Road, south of Seedling Mile Road in the NW 1/4 of Section 14, Township 11 North, Range 9 West, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to relocate overhead power lines. No public testimony was heard.

ORDINANCES:

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

#8697 – Consideration of Creating Street Improvement District #1240, Grand West 3rd Subdivision (Mansfield Road, Allen Avenue and Morrison Drive)

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

Mayor: Is there any one in the audience interested in this ordinance? Lisa Heineman, 4077 Dack Avenue, spoke in opposition. Ben Kistler, 4094 Zola Lane, spoke with regards to the detention cell. Councilmember Seifert spoke regarding concerns about the detention cell and the developer. No further public testimony was heard.

City Clerk: Ordinance #8697 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Hornady, Whitesides, Murray, Haase and Sorensen voted aye. Councilmembers Pielstick, Seifert and Walker voted no. Mayor Gnadt cast the sixth and deciding vote in support. Motion was adopted.

City Clerk: Ordinance #8697 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmembers Hornady, Murray and Sorensen voted aye. Councilmember Pielstick, Seifert, Whitesides, Haase and Walker voted no. Motion failed.

CONSENT AGENDA: Motion by Pielstick, second by Seifert, carried unanimously to approve the Consent Agenda.

Receipt of Official Document – Civil Service Minutes of January 16, 2002.

Approving Minutes of January 22, 2002 City Council Regular Meeting.

Approving Appointments of John O'Meara, Donald Skeen and Steve Grubbs to the Building Code Advisory Board Effective January 1, 2002 and Expiring August 1, 2004.

Approving Appointments of Gene Meester, Doug Fangmeier, Randy Hiatt, Bruce Kleint, Craig Lewis and Dean Mathis to the Electrical Board Effective Immediately and Expiring December 31, 2002.

Approving Appointments of Norm Nietfeldt, Mike McElroy, Loren Peterson, Craig Lewis and Clark Kalkowski to the Gas Fitters and Appliance Installers Board Effective Immediately and Expiring December 31, 2002.

Approving Appointments of Herman Meyer, Dan Middleton, Jennifer Herman, Ryan King and Clark Kalkowski to the Plumbing Board Effective Immediately and Expiring December 31, 2002.

#2002-40 – Approving Authorization for City Treasurer to Issue and Sell Stocks.

#2002-41 – Approving Final Plat and Subdivision Agreement for V & C Subdivision. Chad Nabity reported that Margaret & Kenneth Nienhueser, owners, had submitted the final plat for V & C Subdivision, located north of Swift Road, and east of Stuhr Road for the propose to develop 1 lot on a currently unplatted parcel of land in the W 1/2 of the NW 1/4 14-11-9.

#2002-42 – Approving Proposal to Develop Community Development Property at 1115 East 9th Street to be sold to Star Homes in the amount of \$1 and the house to be resold for \$60,264.67; property at 1119 East 9th Street to be sold to Star Homes in the amount of \$1 and the house to be resold for \$61,119.31 and the property at 1122 East 9th Street to be sold to Galvan Construction in the amount of \$100 and the house to be resold in the amount of \$62,500.

#2002-43 – Approving Acquisition of Utility Easement Located on Stuhr Road, South of Seedling Mile Road. (Kenneth & Margaret Nienhueser)

#2002-44 – Approving Bid Award for Replacement Truck for Platte Generating Station through State Contract No. CA5701 to Husker Automotive, Lincoln, Nebraska in the amount of \$25,305.27.

#2002-45 – Approving Change Order #1 with Hooker Brothers Construction Company, Grand Island, Nebraska for Initial Site Preparation for Combustion Turbines for a Net Decrease of 7,902.45, for an Adjusted Contract Amount of \$3,412,385.90.

#2002-46 – Approving Bid Award for Engineering Services for Repair of Kimball Reservoir and Demolition of Pine Street Reservoir to CH2MHill in the amount of \$108,152.00.

#2002-47 – Approving Supplemental Agreement for Utility Rehabilitation Located on Highway 30 East with the Nebraska Department of Roads for a Total Cost of \$124,300.00 of which the Nebraska Department of Roads will pay \$99,440.00 and the City's share is \$24,860.00.

#2002-48 – Approving Bid Award for (3) Unmarked Police Cars through State Contract No. CA5697 with Husker Auto Group, Lincoln, Nebraska in the Amount of \$50,399.31.

#2002-49 – Approving Change Order #1 for Environmental Monitoring Services at the Grand Island Regional Landfill with Midwest Laboratories, Inc., Omaha, Nebraska for an Adjusted Contract Amount of \$22,947.50.

#2002-50 – Approving Renewal of Maintenance Agreement No. 12 with the State of Nebraska Department of Roads.

#2002-51 – Approving Bid Award for Chain Link Fencing for Webb Road Athletic Fields with American Fence Company, Grand Island, Nebraska in the Amount of \$15,300.00.

REQUESTS AND REFERRALS:

Request of Jose' Delmar Mateo, dba Delmar Transportation Company, 1123 East 5th Street, for Taxi Cab Company/Bus Service Permit. Charlie Cuypers, City Attorney, reported that Jose' Delmar Mateo, dba Delmar Transportation Company, 1123 East 5th Street, had submitted an application for a Taxi Cab Company/Bus Service Permit. A copy of the Certificate of Public Convenience and Necessity and Certificate of Insurance had been received as required by the Grand Island City Code. Also received was a copy of Mr. Mateo's commercial driver's license, a map setting out possible bus routes and the fee for the permit.

Discussion was held concerning the parking issues of the bus at 1123 East 5th Street. Delmar Mateo was present and stated that the bus would not be parked on the street, that other arrangements had been made to store the bus. Motion was made by Murray contingent upon proper storage of the bus to approve the Taxi Cab Company/Bus Service Permit, second by Walker. Upon roll call vote, Councilmembers Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmembers Pielstick and Seifert voted no. Motion was adopted.

RESOLUTIONS:

#2002-52 – Approving One and Six Year Street Improvement Plan. Motion was made by Sorensen to approve Resolution #2002-52, second by Murray. Motion was adopted unanimously.

#2002-39 – Approving Charge to Community Redevelopment Authority (CRA) to Provide Services Relative to Redevelopment of Former City Hall. Marlan Ferguson, City Administrator, reported that the administration had discussed with the Community Redevelopment Authority the possibility of providing assistance in selecting a potential developer for the former City Hall building. The CRA board had indicated informally that the Authority would accept a charge from the City and would perform the services at no charge.

John Brownell, 4309 Quail Lane, representing the CRA Board spoke in support. Mr. Brownell explained that the CRA Board does not want to put the Former City Hall up for auction, but to redevelop it.

Councilmember Murray stated he wants to see a quality project and was confident that the CRA Board would come up with some options. Councilmember Walker asked about the asbestos removal. City Attorney Charlie Cuypers stated it would be removed according to law.

Tom O'Neill, 804 West Stolley Park Road stated that he felt the building should be sold. Tim O'Neill, 1203 South Sylvan stated that he would like to know what the building was worth and hopes the redevelopment is a success. Lisa Heineman, 4077 Dack Avenue stated that people with inside connections were given a better chance at purchasing the building and hoped that would not happen this time.

Motion was made by Sorensen, second by Seifert to approve Resolution #2002-39. Motion was adopted unanimously.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Pielstick, carried unanimously to approve the Claims for the period of January 23, 2002 through February 12, 2002, for a total amount of \$4,596,630.49.

EXECUTIVE SESSION: Motion by Hornady, second by Whitesides, carried unanimously to adjourn to executive session at 8:35 p.m. for the purpose of discussing contract negotiations.

RETURN TO REGULAR SESSION: Motion by Pielstick, second by Hornady, carried unanimously to reconvene in regular session at 9:00 p.m.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G6

Approving Minutes of February 19, 2002 City Council Study Session

The Minutes of the February 19, 2002 City Council Study Session are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards



OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

February 19, 2002

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on February 19, 2002. Notice of the meeting was given in the Grand Island Independent on February 13, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Councilmember Larson was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said.

Discussion of Possible Park Land Acquisition. Steve Paustian, Parks and Recreation Director reported that some time ago the school system sold off school land. Mr. Lowenstein bought 10 acres and contacted Mr. Paustian about making 6 acres located north of Fonner Park at Cherry Street and Sunset Avenue into a neighborhood park. Mr. Lowenstein was interested in selling four acres and leasing two more to the city for park development. This will be presented to the Council at their retreat.

Update Concerning Solid Waste Fee Schedule. Steve Riehle, Public Works Director, reported that the Solid Waste Fee Schedule based on weight was implemented on October 1, 2001. The switch from volume measurement (Cubic Yards) to weight based measurement (Tons) increased the disposal fee for packed loads (ie: residential packer trucks) and decreased the disposal fee for loose loads (ie: roll off containers). A dual fee structure with a lower tipping fee for packer trucks was approved by the city council in an effort to reduce the financial impact on the residential property owner. Data available at the time indicated that the hauler's disposal fee for a packer truck could increase 7.0%, resulting in a potential increase to each household of \$3.86 per year.

Solid Waste Superintendent, Kevin McKennon reviewed the revenue for the time period of October 1, 2001 through December 31, 2001. The following five options were presented to the Council:

1. Do Nothing
2. 12% Increase in all Rates
3. Adjust the Rates Loose and Roll Off Containers
4. Single Rates for the Landfill and Transfer Station
5. Two Rates at the Landfill and Transfer Station

Mr. McKennon recommended option #4 "A Single Price at the Landfill and Transfer Station". Mr. Riehle updated the council on the effect the conversion has had on the financial status of the division. He also stated that option #5 would be a workable solution.

Councilmember Sorensen stated that the City should cut back instead of raising the prices to the customers. Mr. McKennon stated that there had been cut backs in the Public Works Department with cutbacks in equipment and not hiring an assistant solid waste superintendent. Councilmember Pielstick raised concern about raising rates and having people dump illegally in the roadside ditches and other places where the City would have the expense of cleaning it up. Councilmember Seifert questioned the use of the Transfer Station. Mr. Riehle explained the use of the Transfer Station and the Landfill and the cost to the haulers. Councilmember Ward stated that the hours would have to be changed if the haulers would have to haul to the landfill. Instead of starting at 5:00 a.m. they would have to start earlier, which would not make the public happy.

Tom O'Neill, 804 West Stolley Park Road, stated that charging by the yard would probably bring in more money. He stated that Council should hold off until spring when there would be more volume and the figures would change. John Luna, 712 East 8th Street, spoke concerning cubic yards versus tonnage basis. Mr. Luna suggested staying with yards.

City Administrator Marlan Ferguson stated that this would be reviewed at budget time, which would give the council a more accurate picture.

Review of Comprehensive Plan. Marlan Ferguson, City Administrator, reported that the Hall County Regional Planning Commission had signed a contract with JEO Consulting Group of Wahoo. Mr. Ferguson stated that JEO had a wide range of experience in planning in Nebraska and surrounding states. They would be teaming with CBB of St. Louis to update the transportation network for Grand Island that was created for the 1992 comprehensive plan.

The cost of the proposed scope of services was \$218,065. The Planning Commission raised \$225,000 for this project in funds from member communities and grant sources. A steering committee would be formed and representatives from Council would be appointed.

ADJOURNMENT: The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G7

Approving Appointment of Luris Calero to the Public Library Board

The Mayor has submitted the appointment of Luris Calero to the Public Library Board to fill a vacancy. The appointment would become effective March 1, 2002 and would expire June 30, 2004. Approval is recommended.

Staff Contact: Steve Fosselman





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G8

Approving Request of Richard and Pat Hartman for Conditional Use Permit for Gravel Pumping Facilities at 5075 South Locust Street

This item relates to the aforementioned Public Hearing. Richard and Pat Hartman have submitted an application with the City Clerk's Office for a Conditional Use Permit for a gravel pumping facility located at 5075 South Locust Street. This request has been reviewed by the Building, Legal, Utilities, Planning and Public Works Departments. Approval is recommended with the following conditions, 1). The applicant shall apply for and receive a Flood Plain Development from the Building Department and Regional Planning Commission prior to any excavation or site improvement for the sand and gravel operation. 2). No storage of material or any change in the existing grade elevations shall occur in the designated Floodway Boundary Area as identified on the Floodway Boundary and Floodway Map for Hall County, issued by the Federal Emergency management Agency dated September 29, 1986. 3). A minimum setback of 300 feet shall be provided adjacent to the public streets and right of ways along Locust St. and Wildwood DR. from the pumping operations to provide for vehicular safety and future development.

Staff Contact: Craig Lewis





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G9

Approving Request of Balz, Inc. dba Balz Sports Bar, 3421 West State Street, for Addition to Premise to Liquor License "C-39140"

This item relates to the aforementioned Public Hearing. Balz, Inc. dba Balz Sports Bar, 3421 West State Street, has submitted an application with the City Clerk's Office for an Addition to Premise Liquor License, in conjunction with their Class "C-39140" Liquor License presently held. The request would add an area of approximately 28' x 35' to the north portion of the main floor in the building located at 3421 West State Street. This application has been reviewed by the Building, Fire, Health and Police Departments.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G10

Approving Request of Dolphin Enterprise NE, LLC dba Conoco 1 Stop, 2105 West 2nd Street for Change of Location to Liquor License "C-49918" from 2107 West 2nd Street

This item relates to the aforementioned Public Hearing. Dolphin Enterprise NE LLC, dba Conoco 1 Stop, 2105 West 2nd Street, has submitted an application with the City Clerk's Office for a change of location for their current Liquor License "C-49918" from 2107 West 2nd Street to 2105 West 2nd Street. This application has been reviewed by the Building, Fire, Health and Police Departments. Approval is recommended.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G11

#2002-53 - Approving Bid Award - Galvanized Chain Link Fence and Gates for Platte Generating Station

Due to heightened security concerns, the Utilities Department is proposing to erect security fencing at its power plants. Specifications were developed for erecting galvanized chain link fence and gates to enclose major buildings and equipment areas at the Platte Generating Station. Bids were solicited in accordance with City purchasing procedures.

Specifications were sent to seven bidders, with three responses being received. The bid from Elkhorn Fence Company was rejected at the bid opening because the bid bond was not provided in accordance with bid requirements. The bid prices below include 5.0% sales tax. The engineer's estimate for this project was \$200,000.00.

Hurricane Fence Company, Grand Island, NE \$ 128,604.25

American Fence Company, Grand Island, NE \$ 128,842.13

Department engineering staff reviewed the bids for compliance with the City's detailed specifications. The bid from Hurricane Fence meets all the requirements of the technical specification with no exceptions. It is the recommendation of the Utilities Department that Hurricane Fence Company from Grand Island, NE be awarded the contract for this work in the amount of \$128,604.25, with expenditure from Enterprise Fund 520. See attached RESOLUTION.

Staff Contact: Gary R. Mader;Dale Shotkoski



RESOLUTION 2002-53

WHEREAS, the City of Grand Island invited sealed bids for Galvanized Chain Link Fence and Gates for the Utilities Department, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on February 14, 2002, bids were received, opened and reviewed; and

WHEREAS, Hurricane Fence Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$128,604.25; and

WHEREAS, Hurricane Fence Company's bid is less than the engineer's estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hurricane Fence Company of Grand Island, Nebraska, in the amount of \$128,604.25 for galvanized chain link fence and gates is hereby approved as the lowest responsive bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form

*

February 23, 2002 * City Attorney



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G12

#2002-54 - Approving Bid Award - Platte Valley Industrial Park WM Dist. 434T, 437, 438T & 439T & Sanitary Sewer Dist. 499

The Specifications provided for a combined contract with the Utilities Department and the Public Works Department for installation of water and sewer lines for the Platte Valley Industrial Park 3rd Subdivision area. The Industrial Park is located between Schimmer Drive and Wildwood Drive, and east of Highway 281. Attached for reference is a map of the project area.

To facilitate economical installation of infrastructure, the Utilities Department and Public Works Department have solicited bids for this joint project. The bid package was submitted to eight (8) general contractors, seven (7) subcontractors, and six (6) information services. The bids were publicly opened at 11:00 am on February 15, 2002 in accordance with City Procurement Codes.

The bid from General Excavating of Lincoln, was rejected without being opened. General failed to submit their bid on the forms bound with the Contract documents as issued, per the requirements stated in the: Instruction To Bidders; Submission Of Bids; first paragraph; first sentence.

Two bids were opened and read. The bid form computations have been checked and evaluated for completeness and accuracy; and are acceptable as submitted. A summary of the two bids received is listed below:

Bidder: Exceptions: Bid Price:

The Diamond Engineering Co. None \$1,225,225.99 – TOTAL BID
Grand Island, NE \$ 730,416.41 – Water
\$ 494,809.58 – Sewer

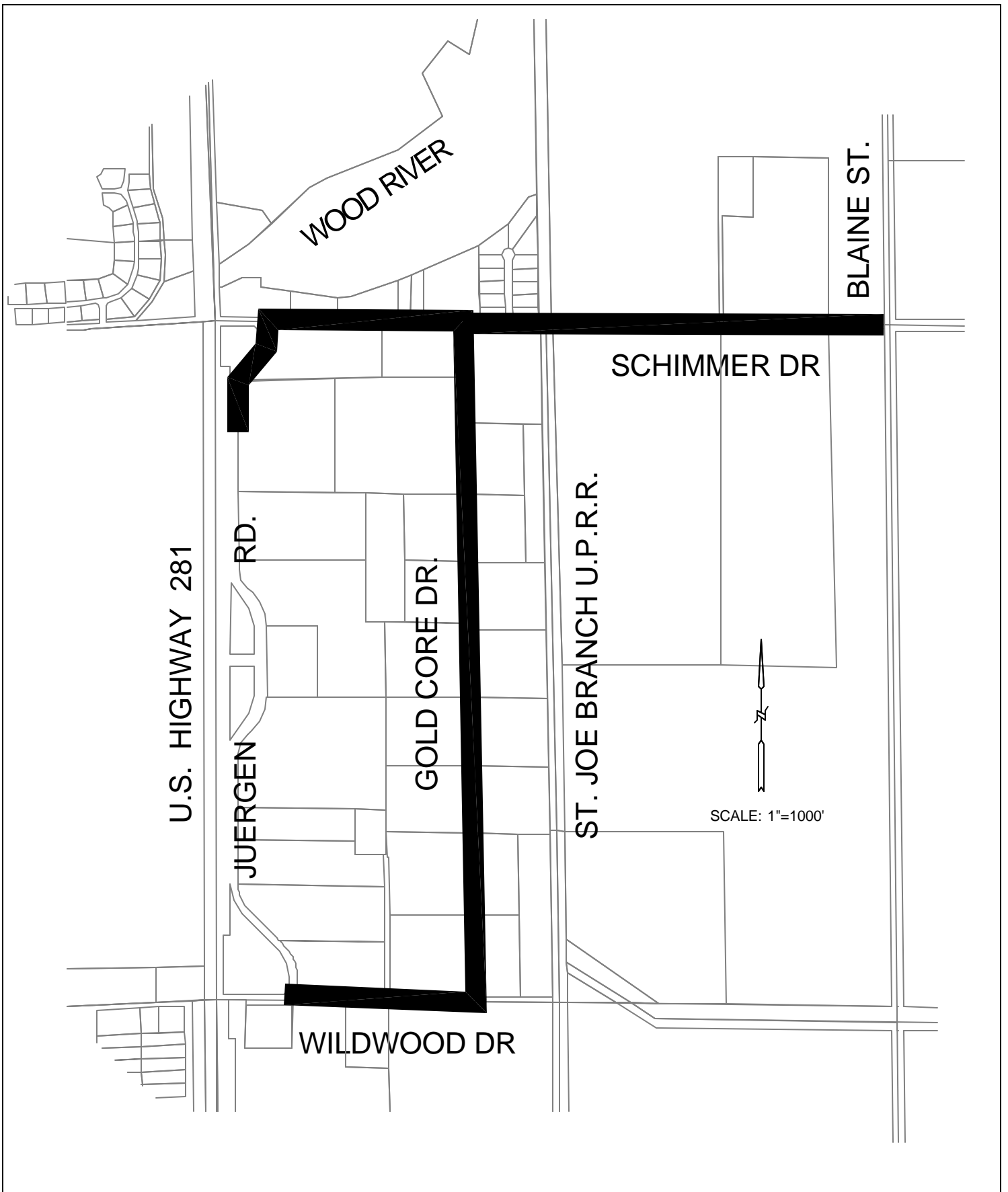
Starostka Group Co. None \$1,197,212.71 – TOTAL BID
Grand Island, NE \$ 656,668.45 – Water
\$ 540,544.26 – Sewer

It is recommendation of the Utilities Department and Public Works Department that the joint contract for Water Main Districts 434T, 437, 438T, and 439T and Sanitary Sewer District 499, be awarded to the Starostka Group Co., in the amount of \$1,197,212.71. Their bid is without exceptions, below the engineer's estimate of \$1,972,887.95, and meets all City contract requirements.

Construction funds are available in Enterprise Funds 525 and 530. The project was included in each Departments FY 2001-2002 budget. See attached RESOLUTION.

Staff Contact: Gary R. Mader;Steve Riehle/Dale Shotkoski





RESOLUTION 2002-54

WHEREAS, the City of Grand Island invited sealed bids for Water Main Districts 434T, 437, 438T and 439T, and Sanitary Sewer District 499, according to plans and specifications on file at the Utility Engineering Office at Phelps Control Center; and

WHEREAS, on February 15, 2002, bids were received, opened and reviewed; and

WHEREAS, Starostka Group Co. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$1,197,212.71; and

WHEREAS, Starostka Group Co.'s bid is less than the engineer's estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Starostka Group Co. of Grand Island, Nebraska, in the amount of \$1,197,212.71 for Water Main Districts 434T, 437, 438T and 439T, and Sanitary Sewer District 499 is hereby approved as the lowest responsive bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
February 22, 2002	? City Attorney



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G13

#2002-55 - Approving Bid Award - 15.5kV, 2000 A. Outdoor Circuit Breakers

The City's electric system contains eight major electrical substations. Each substation has a number of circuit breakers used primarily for distribution feeder circuits and also for generator connection for the older generating units.

The oldest of these substations is located at the Burdick Power Plant and is referred to as the Groff Street Substation. It was built in the mid 50's. The type of circuit breaker used at the Groff Street Substation is no longer manufactured. The breakers there have been kept in operation by scavenging parts from other old breakers.

The upgrade of this substation is included in the '01 - '02 Electric Budget. Funds are budgeted for purchase of thirteen 15,500 volt, 2,000 amp circuit breakers for the Groff Street Substation; to replace equipment dating back to 1956, provide for protective relaying and metering, reduce the oil spill hazard (the old breakers contain over 1500 gallons of oil), and to add a breaker for start up power for the new generators being built at Burdick Station.

The purchase of substation circuit breakers was advertised in accordance with City procurement requirements. Specifications were sent to three regional distributors and four local distributors. Bids were publicly opened at 11:00 a.m. on February 5, 2002. Six bids were received.

<i>Bidder –</i>	<i>Exceptions -</i>	<i>Evaluated Bid Price</i>
<i>Manufacturer & Product</i>		<i>Notes</i>

<i>FKI</i>	<i>Tripping & Closing DC currents</i>	<i>\$222,176.00</i>
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<i>Midwest City, OK</i>	<i>exceed the specifications of 12</i>	
-------------------------	--	--

<i>Horizon 33kV Outdoor Circuit Breaker</i>	<i>Amp DC. Only offers C200 class %CTs; C400 Speci</i>	
---	--	--

<i>Crescent Electric</i>	<i>Only offers one CT per bushing.</i>	<i>\$255,274.50</i>
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<i>Lincoln, NE</i>	<i>Specifications require two CTs</i>	
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<i>GE 15.5kV, 2000A, 40 KAIC 110kV BIL</i>	<i>per bushing.</i>	
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<i>Kriz-Davis</i>	<i>The bushing strike distance is</i>	<i>\$370,077.80</i>
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<i>Grand Island, NE</i>	<i>less than specified. Ten full</i>	
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<i>Square D 15kV, 2000A, 110kV BIL, 31.5</i>	<i>fault interruption.</i>	
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WESCO None \$370,851.60
Grand Island, NE
ABB 15kV, 2000A, 40 KAIC, 110kV BIL

Energy Solutions, Inc. Breaker can't be slow closed so \$413,400.00
Omaha, NE no slow close tool will be supplied.
Siemens 15.5kV, 2000A, 110kV BIL, 31.5

Kriz-Davis The bushing strike distance is \$421,860.92
Grand Island, NE 11.12 inches. Specs
Square D 25kV, 2000A, 150kV BIL, 31.5 require a minimum of 12 inches.

% CT – Current transformers, used for instrumentation, control, and protective relaying.

The lowest compliant bid is from Wesco, of Grand Island, for ABB Type V Vacuum Circuit Breakers, with no exceptions to the specifications. Wesco's bid of \$370,851.60 is below the Engineer's estimate of \$510,000. Funds are budgeted from Electric Fund 520. See attached RESOLUTION.

Staff Contact: Gary R. Mader;Dale Shotkoski

R E S O L U T I O N 2002-55

WHEREAS, the City of Grand Island invited sealed bids for Thirteen (13) 15.5kV, 2000 A. Outdoor Circuit Breakers for the Utilities Department, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on February 5, 2002, bids were received, opened and reviewed; and

WHEREAS, Wesco of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the evaluated amount of \$370,851.60 for ABB Type V Vacuum Circuit Breakers; and

WHEREAS, Wesco's bid is less than the engineer's estimate for such circuit breakers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the evaluated bid of Wesco of Grand Island, Nebraska, in the amount of \$370,851.60 for ABB Type V Vacuum Circuit Breakers is hereby approved as the lowest responsive bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved	as	to	Form
*			
_____ February 22, 2002 * City Attorney			



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G14

#2002-56 - Approving Reconfiguration of Detention Cell Including Acquisition of Real Estate and Approval of Exchange Agreement

The Robert M. Allen Family Limited Partnership, the owner of Eagle Run, has requested that Detention Cell B-6A previously dedicated to the City of Grand Island be reconfigured as shown on the attached drawing in order to accommodate future commercial development of Meadowlark West Fourth Subdivision. The Public Works Department has reviewed and approved the reconfiguration. There are three actions before the Council in connection with this matter, including (a) a public hearing on the reconfiguration of the detention cell, including acquisition of real estate located west of the cell in consideration of abandonment of the northerly portion of the existing cell, (b) an ordinance approving acquisition of the reconfigured cell as Outlot "A", and (c) approving an exchange agreement swapping the existing detention cell B-6A tract for Outlot "A". Other than the cost of preparation of documents for presentation to the City Council and the publication of a notice of public hearing, the City of Grand Island is incurring no other expenses in connection with the estrange transaction. We recommend that the ordinance and resolution be approved as drafted.

Staff Contact: Charlie Cuypers



AGREEMENT FOR EXCHANGE OF REAL ESTATE

THIS AGREEMENT is made and entered into on this ____ day of _____, 2002, by and between the CITY OF GRAND ISLAND, NEBRASKA, A Municipal Corporation, hereinafter referred to as "City" and ROBERT M. ALLEN FAMILY LIMITED PARTNERSHIP, hereinafter referred to "Developer".

1. **STATEMENT OF PURPOSE.** The purpose of this Agreement for Exchange of Real Estate (Exchange Agreement) is to exchange the tracts of real estate known as Detention Cell B-6A now owned by the City, hereinafter more particularly described as Tract 1, for the tract of real estate to be utilized as a reconfigured detention cell shown as Outlot "A" on the drawing attached hereto as Exhibit 1 and made a part hereof by reference; Outlot "A" being more particularly described herein as Tract 2.

2. **REAL ESTATE TO BE CONVEYED.** For purposes of this transaction, Detention Cell B-6A (Tract 1) shall be considered as conveyed to the Developer in exchange for the Developer conveying to the City Outlot "A" (Tract 2) as an even exchange with no net consideration paid by either party to the other. The City and the Developer shall each bear their own expenses, including obtaining at their sole discretion current commitments for owners' policies of title insurance for Tracts 1 or 2. In the event either party elects to obtain an owner's policy of title insurance, the commitment shall be issued not more than ten (10) days following execution of this exchange agreement and a copy provided forthwith to the other party. The grantee shall have a period of not more than twenty (20) days thereafter to examine the commitment to ascertain whether there is any defect or condition affecting the title to the insured real estate. In the event there is such a objectionable defect or condition, the grantor shall have a reasonable period of time, not to exceed forty-five (45) days, within which to cure such defect or condition and provide notice of the same to the grantee or at the grantor's option, to provide the grantee written notice of said party's election to cancel this exchange agreement.

3. **CLOSING AND POSSESSION.** The closing of the conveyances of Tracts 1 and 2 shall occur at the earliest opportunity following compliance with the terms and conditions of this exchange agreement, the statutes of the State of Nebraska and the ordinances of the City of Grand Island, whereupon the respective parties may take possession of Tracts 1 and 2 as

grantees. The conveyances of Tracts 1 and 2 by the respective parties shall be by warranty deed, without reservation or exceptions except those of record.

4. WARRANTIES OF PARTIES. The City and Developers warrant the following to each other as grantors respectively for Tracts 1 and 2:

- a. Each grantor shall have and be able to convey to the grantee at closing marketable fee simple title to their respective tract, free and clear of all liens, claims and encumbrances.
- b. There shall be no pending legal proceedings or actions of any kind whatsoever, or judgments or claims of any nature whatsoever pending against the grantor of their respective tract.
- c. There shall be no uncured violations of any federal, state, local laws, ordinances or regulations on the respective tracts.
- d. The respective tracts shall be in substantially the same physical condition as each is on the date of execution of this exchange agreement.
- e. There shall be no unpaid bills, charges, costs or expenses of any kind which create or permit the filing of a statutory lien of any kind against the respective tracts.

5. TAXES. Detention B-6A is not subject to real estate taxes while owned by the City. The Developers shall pay all real estate taxes which accrue as to Outlot A as of the date closing.

6. NOTICES. All notices envisioned under the terms and conditions of this exchange agreement shall be sent to the other party by first class United States mail, postage prepaid and addressed as follows:

City of Grand Island
Attn: Mayor
P.O. Box 1968
Grand Island, NE 68802-1968

Robert M. Allen Family Limited Partnership
1115 West Second Street
P.O. Box 987
Hastings, NE 68902-0987

7. CHOICE OF LAW. This exchange agreement shall be construed in accordance with the laws of the State of Nebraska and the United States of America.

8. ENTIRE AGREEMENT. This exchange agreement shall constitute the entire agreement between the City and the Developers, notwithstanding any written or oral agreements to the contrary. This exchange agreement may be amended only in writing, duly reviewed, approved and executed by the respective parties.

9. BINDING EFFECT. The terms and conditions contained herein shall extend to and be obligatory on the successors, assigns, heirs and legal representatives of the parties hereto.

Attest: CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

RaNae Edwards, City Clerk

By: _____
Ken Gnadt, Mayor

ROBERT M. ALLEN FAMILY LIMITED
PARTNERSHIP,

By: _____
Robert M. Allen, General Partner

STATE OF NEBRASKA)
) ss:
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by Robert M. Allen, general partner, on behalf of the Robert M. Allen Family Limited Partnership.

Notary Public

Old Detention Cell Property Description

A tract of land known as Detention Cell B-6A located in the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows is hereby authorized and directed:

To ascertain the actual point of beginning, commence at the southeast corner of said Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4); thence running north on the east line of said Section Thirteen (13) for a distance of Seven Hundred (700.0) feet; thence deflecting left ninety degrees and no minutes (90°00') and running west on a line for a distance of Two Hundred Seventy (270.0) feet to the actual point of beginning; thence continuing west on said line for a distance of Two Hundred Thirty (230.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running north on a line for a distance of Two Hundred Seventy (270.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running east on a line for a distance of Two Hundred Thirty (230.0) feet; thence deflecting right ninety degrees and no minutes (90°00') and running south on a line for a distance of Two Hundred Seventy (270.0) feet to the actual point of beginning; said tract of land containing 62,100 square feet, or 1.4 acres, more or less, identified as Cell B-6A as shown on Exhibit "B" dated 2-6-74, attached hereto and incorporated herein by reference. The description herein is set out in a Warranty Deed dated July 23, 1974 and recorded on July 31, 1974 in Miscellaneous Records Book 175, Page 526 in the Office of the Register of Deeds, Hall County, Nebraska.

New Detention Cell Property Description

A tract of land located in the City of Grand Island Detention Cell B-6A and part of Lot Six (6), Meadowlark West Third Subdivision in the City of Grand Island, Hall County, Nebraska, all in the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of Lot 7, Meadowlark West Third Subdivision; thence on an assumed bearing of S90°00'00"W along the south line of said Lot 7, a distance of 216.07 feet to a point being the southeast corner of said Detention Cell B-6A, said point also being the point of beginning; thence N89°52'44"W a distance of 336.73 feet; thence N00°07'16"E a distance of 190.13 feet; thence S89°51'18"E a distance of 336.73 feet; thence S00°07'16"W a distance of 189.99 feet to the point of beginning. Said tract contains 63999.42 square feet or 1.47 acres more or less, as shown on the drawing dated February 18, 2002, attached hereto as Exhibit "A" and incorporated herein by reference.

RESOLUTION 2002-56

WHEREAS, Robert M. Allen Family Limited Partnership has expressed an interest in reconfiguring the detention cell known as the City of Grand Island Detention Cell B-6A in order to accommodate future development in and around Meadowlark West Third Subdivision in the City of Grand Island, Hall County, Nebraska; and

WHEREAS, such property owner has recommended exchanging property with the City of Grand Island in order to reconfigure such detention cell; and

WHEREAS, a public hearing was held on February 26, 2006 for the purpose of discussing the proposed acquisition of property located in the City of Grand Island Detention Cell B-6A and part of Lot Six (6), Meadowlark West Third Subdivision in the City of Grand Island, Hall County, Nebraska, all in the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of Lot 7, Meadowlark West Third Subdivision; thence on an assumed bearing of S90°00'00"W along the south line of said Lot 7, a distance of 216.07 feet to a point being the southeast corner of said Detention Cell B-6A, said point also being the point of beginning; thence N89°52'44"W a distance of 336.73 feet; thence N00°07'16"E a distance of 190.13 feet; thence S89°51'18"E a distance of 336.73 feet; thence S00°07'16"W a distance of 189.99 feet to the point of beginning. Said tract contains 63999.42 square feet or 1.47 acres more or less, as shown on the drawing dated February 18, 2002, attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, an Exchange Agreement has been prepared by the City Attorney's office for such property exchange.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire approximately 1.47 acres of property from Robert M. Allen Family Limited Partnership, for use in reconfiguring the existing detention cell adjacent to Lot Six (6) Meadowlark West Third Subdivision as set out in the Exchange Agreement.

BE IT FURTHER RESOLVED, that the Exchange Agreement for such conveyance of property 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 on February 26, 2002.

Approved as to Form ? _____ February 22, 2002 ? City Attorney
--

RaNae Edwards, City Clerk

Approved as to Form ? _____
February 22, 2002 ? City Attorney



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G15

#2002-57 - Approving Agreement with Grand Island Amateur Radio Society Relative to Project Impact

***BACKGROUND** The City of Grand Island was awarded a federal disaster mitigation grant through the Project Impact program of the Federal Emergency Management Agency (FEMA). The purpose of the Project Impact program is to encourage the implementation of pre-disaster mitigation efforts in communities. **DISCUSSION** Representatives of the Grand Island Amateur Radio Society (GIARS) have approached the City requesting funding to assist with the purchase and maintenance of communications and repeater equipment that would facilitate communications in the event of natural disasters. The agreement provides that the City, through the Project Impact grant, would provide no more than \$18,500 toward the purchase of disaster mitigation communications and repeater equipment to expand emergency communication capabilities to the north and east of Grand Island and that the GIARS would provide the 25% local match required by the grant. Approval is recommended.*

Staff Contact:



AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2002, by and between the **CITY OF GRAND ISLAND, NEBRASKA**, a Municipal Corporation, hereinafter referred to as "City" and the **GRAND ISLAND AMATEUR RADIO SOCIETY, INC.**, a non-profit corporation.

WHEREAS, in accordance with the Public Law 105-65, 111 Stat. 1376, Department of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriation Act, 1998, the City was awarded a federal disaster mitigation grant, through the Project Impact program of the Federal Emergency Management Agency to encourage the implementation of a sustained pre-disaster mitigation program with activities that reduce the existing risk of natural hazard losses within the geographical location of the designed communities; and The United States of America through the Director, Federal Emergency Management Agency (FEMA) or his delegate, agreed to grant to City of Grand Island, Nebraska funds in the amount specified on the FEMA Form 76.10, Assistance Award/Amendment, for the Federal share authorized under the Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208, which authorized the Disaster Resistant Community Initiative.

WHEREAS, the City is required to perform the work described in the Program Narrative/Statement of Work as provided to FEMA; and the cost share for Project Impact – Disaster Resistant Community Initiative is 75/25%; and all projects and activities associated with the Project Impact Grant must be completed by November 1, 2002.

WHEREAS, the City is committed to creation of a sustainable community that is resistant to the human and economic cost of disasters; and the request of the Grand Island Amateur Radio Society is compatible with disaster mitigation goals, as set forth in the Project Impact initiative.

WHEREAS, the Grand Island Amateur Radio Society has provided documentation of past mitigation activities which have supported or currently support disaster mitigation activities in Grand Island and Hall County. In addition, the GIARS has provided documentation of the history, purpose, membership, goals, budget, and insurance requirements of their organization for consideration in grant approval.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the City and the Grand Island Amateur Radio Society agree as follows:

1. RESPONSIBILITIES.

A. The City shall be responsible for the submission of quarterly performance reports, FEMA Form 20-10, FEMA Form 20-22, and all reimbursement forms throughout the grant performance period.

B. The City as Grantee and all Sub-grantees must follow the audit requirements of OMB Circular A-133.

C. For a period of three (3) years following the project completion date, semi-annual written reports shall be required of the Grand Island Amateur Radio Society commencing 6 months from the date of project completion as reported in the final Project Impact performance report. These reports shall include detailed equipment status; all maintenance performed on or in relation to the communications equipment purchased through Project Impact; license status of all members of the organization who performed maintenance on the equipment; mitigation activities for which the equipment was used in the counties of Hall, Merrick, Hamilton, Howard, Adams, and Buffalo; number of persons involved in mitigation activities utilizing the communications equipment; number of persons in the six (6) listed counties who received benefit from the communications equipment.

2. COMPENSATION. The City agrees to grant no more than \$18,500 for the purchase of disaster mitigation communications and repeater equipment to expand emergency communication capabilities to the north and east of Grand Island,

The Grand Island Amateur Radio Society will provide a 25% match amount, either in-kind or cash equivalent, as required by FEMA Project Impact grant guidelines.

3. TERM. Communication equipment purchased with Project Impact money shall be retained as property of the City of Grand Island for a period of three (3) years from the project completion date as reported in the final Project Impact performance report.

The Sub-grantee agrees to maintain all equipment for a period of three (3) years from the project completion date as reported in the final Project Impact performance report, at which time the equipment shall become the property of the Grand Island Amateur Radio Society.

This agreement shall take effect upon its approval by the City Council and execution by the Mayor, and shall terminate three (3) years from the project completion date, as reported in the final Project Impact performance report.

4. LIMITATION. Project Impact monies shall be granted to the Grand Island Amateur Radio Society in the form of a non-renewable grant, with no payback requirement. The City will monitor maintenance and usage of the communications equipment and require semi-annual reports from the Society. The GIARS shall provide, at the City's request, access to their annual budget, insurance, program goals and other activities. Should the GIARS cease to function in its current capacity and no longer provide the services called for, the equipment shall be returned to the City. The City further reserves the right to inspect the equipment during the term of this agreement to satisfy itself of the proper use and maintenance of the equipment.

The Grand Island Amateur Radio Society hereby agrees that the money paid by the City hereunder shall be used solely and specifically for the purposes stated herein.

5. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the City and the Grand Island Amateur Radio Society notwithstanding any other oral agreements or understandings to the contrary and may be amended only in writing, approved and executed as required by law.

IN WITNESS WHEREOF, this agreement is executed by the respective parties.

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation

By: _____
Ken Gnadt, Mayor

Attest: _____
RaNae Edwards

THE GRAND ISLAND AMATEUR RADIO SOCIETY, INC.
A Non-Profit Organization,

By: _____
President of the Organization

RESOLUTION 2002-57

WHEREAS, the City of Grand Island was awarded a federal disaster mitigation grant through the Project Impact program of the Federal Emergency Management Agency to encourage the implementation of a sustained pre-disaster mitigation program with activities that reduce the existing risk of natural hazard losses within the geographical location of the City; and

WHEREAS, all projects and activities associated with the Project Impact grant must be completed by November 1, 2002; and

WHEREAS, the Grand Island Amateur Radio Society has provided documentation of past mitigation activities which have supported or currently support disaster mitigation activities in Grand Island and Hall County, and has requested Project Impact money to be utilized in purchasing and maintaining communications equipment in accordance with the terms and conditions of such grant program; and

WHEREAS, the equipment purchased with Project Impact money shall be retained as property of the City of Grand Island for a period of three years from the project completion date as reported in the final Project Impact performance guidelines, with the ownership of such equipment thereafter to become the property of the Grand Island Amateur Radio Society; and

WHEREAS, an agreement has been drafted setting out the terms and conditions for the purchase of communications equipment in accordance with the receipt of such grant funds; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement by and between the City and the Grand Island Amateur Radio Society 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 on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G16

#2002-58 - Approving Discontinuation of Sanitary Sewer District 504.

Sanitary Sewer District 504 was created by the City Council on January 8, 2002. Legal Notice of the creation of the District was published in the Grand Island Independent on January 15, 2002. A letter with a copy of the Ordinance and Notice was also mailed to all property owners on January 15, 2002. On January 29, 2002 a public informational meeting was held at Shoemaker School to answer property owners' questions and concerns. Sanitary Sewer District 504 completed the 30-day protest period at 5:00 p.m. Thursday, February 14, 2002. There were protests filed against this District by sixty-six abutting property owners. These owners represented 7,296.08 front feet, or 51.4% of the total District frontage of 14,172.03 feet.

According to Nebraska Statute 16-667.01 (see Attached), Council must discontinue the District. If Council would like to create a Sanitary Sewer District for the Subdivision and force the improvements because of public health concerns, another district would have to be created.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



Nebraska Revised Statutes
Chapter 16. Cities of the First Class.

16-667.01. Prohibit formation of district; procedure.

Upon formation by city ordinance of sewerage, drainage, and water service districts as described by section 16-667, the city shall mail copies of such city ordinance and this section to the owners of the record title of any property abutting upon the streets, avenues, or alleys, or parts thereof, which are within such district within twenty calendar days of the passage of the ordinance. The owners of the record title representing more than fifty percent of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such a proposed district may, by petition, stop formation of such a district. Such written protest shall be submitted to the city council or clerk within thirty calendar days after publication of notice concerning the ordinance in a newspaper of general circulation in the city. Publication of such notice shall follow within ten calendar days after passage of such an ordinance. The mailing notice requirement of this section shall be satisfied by mailing a copy of the ordinance and this section by United States mail to the last-known address of the owners of the record title.

Source:

Laws 1901, c. 18, § 48, XXVII, p. 251; Laws 1905, c. 24, § 1, p. 247; Laws 1911, c. 14, § 1, p. 129; Laws 1913, c. 161, § 1, p. 500; R.S. 1913, § 4951; C.S. 1922, § 4120; C.S. 1929, § 16-649; Laws 1933, c. 136, § 19, p. 528; C.S.Supp., 1941, § 16-649; R.S. 1943, § 16-667.01; Laws 1981, LB 31, § 1.

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R E S O L U T I O N 2002-58

WHEREAS, Sanitary Sewer District No. 504 was created by Ordinance No. 8710 on January 8, 2002; and

WHEREAS, notice of the creation of such Sanitary Sewer District No. 504 was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-619 et seq., Neb. Rev. Stat. 1943; and

WHEREAS, a public meeting was held on January 29, 2002 at Shoemaker Annex to provide information and answer questions from residents; and

WHEREAS, Section 16-620, Neb. R.R.S. 1943, provides that if owners of record title representing more than 50% of the front footage of the property abutting or adjoining the streets, avenues or alleys, or parts thereof to be improved in any district shall file with the City Clerk within thirty days from the first publication of said notice written objections to the sanitary sewer district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, protests were filed with the City Clerk against the creation of Sanitary Sewer District No. 504 by abutting property owners representing 51.4% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that sufficient protests having been filed with the City Clerk against the creation of Sanitary Sewer District No. 504, such district should not be continued and the ordinance which created said district shall be repealed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G17

#2002-59 - Approving Amendment to Agreement with HDR Engineering, Inc. for Professional Services to Provide for Tier II Emissions Rate Tests at the Grand Island Regional Landfill

Every five years a Tier II Non Methane Organic Compounds (NMOC) emission rate test must be done. The last Tier II NMOC emissions rate test at the Landfill was completed in 1997. The Tier II Study has been an EPA requirement since the 1990 Amendment to the Clean Air Act. HDR completed the last NMOC and has extensive experience with Tier II emissions rate testing.

The Public Works Department recommends the amendment of Task 3001 - On Call Contingency, under the existing Agreement between HDR Engineering, Inc. of Omaha, NE and the City, dated September 30, 1996, to do the Tier II NMOC emissions rate testing. The cost is \$19,500.00 to complete these tests. The Tier II is a sampling of the gasses being emitted in areas of the Landfill that are two years of age or older: Cells 1 and 2 of the present Landfill, and the closed Landfill.

Staff recommends that HDR be hired to perform the work at the agreed upon price. The original Agreement provided for 30 sample locations at \$14,500.00. The proposed Amendment to the Agreement provides for 50 sample locations at \$19,500.00.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



RESOLUTION 2002-59

WHEREAS, on September 23, 1996, by Resolution 96-269, the City of Grand Island approved the proposal of HDR Engineering, Inc. of Omaha, Nebraska to provide engineering services relative to the construction of the Cell Two of Phase One, Nebraska Department of Environmental Quality required permit modifications and related work for the Grand Island Area Regional Landfill; and

WHEREAS, the contract with HDR Engineering, Inc. included Optional Task 3001 – On Call Contingency to provide for additional unanticipated service work associated with the project; and

WHEREAS, a Tier II Non Methane Organic Compounds (NMOC) emission rate test is required to be performed every five years during the operating life of the landfill; and

WHEREAS, emission rate testing and analysis was last conducted in 1997; and

WHEREAS, it is recommended that HDR Engineering, Inc. perform the emission rate testing and analysis necessary to comply with the Clean Air Act Amendments of 1990; and

WHEREAS, it is proposed that 50 sample locations be tested for an amount of \$19,500; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that HDR Engineering, Inc. of Omaha, Nebraska is hereby authorized to conduct Tier II Non Methane Organic Compounds (NMOC) emission rate testing on 50 sample locations at the Grand Island Area Regional Landfill in accordance with Clean Air Act Amendments of 1990 for an amount of \$19,500; and the Mayor is hereby authorized and directed to execute an agreement on behalf of the City of Grand Island for such project.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G18

#2002- 60 - Approving Contract for (2) SelfCheck Workstations with Epixtech, Inc.

Through previous City Council approval, the Grand Island Public Library has been contracting with Epixtech (formerly Dynix) since 1993 on a variety of automation system needs, including installation of hardware and software to operate the automated circulation of items. The purchase of a 3M SelfCheck Model 6210 workstation (which allows patrons to do the routine checkout of materials without staff intervention) in 1993 was included in this arrangement.

Since that initial contract, our library received City Council approval for a system enhancement in 1999 due to advanced graphical user interface technologies. An upgrade to the 3M SelfCheck workstation was not done at that time, since their technologies hadn't advanced far enough to justify any enhancement in this area.

With difficulty in obtaining replacement parts for our current workstation, 3M is phasing out maintenance service on this model, and through Epixtech is offering a trade-in incentive. 3M's advanced technology in this area now allows these workstations to check out a variety of items, including videos and CD's, while the 1993 model only allowed the check out of books. And two languages, Spanish and English, are standard with this new technology.

Previously, one selfcheck workstation was sufficient to meet the library's operational needs. In the past two years, however, checkouts have increased 32% (i.e. comparing October 2001-January 2002 with the same time period in 1999/2000). The library has also expanded its audiovisual collections, which now comprise 13% of all checkouts. Two selfcheck workstations are now necessary to operate in the most cost-effective manner and to allow staff to provide other essential services to library patrons while increasing numbers of routine checkouts are handled by the patrons themselves.

Purchasing through Epixtech is recommended because 3M selfcheck workstations are directly linked to Epixtech's database server, purchasing through Epixtech assures the library of consistent maintenance service regardless of the source of the problem, and discounts have been negotiated with Epixtech based on previous purchases.

The library recommends City Council approval of this purchase agreement in the amount of \$34,571.00 with Epixtech. This is a budgeted expense in the library's account 44301-85620, which has a current balance of \$36,900.

Staff Contact: Steve Fosselman



R E S O L U T I O N 2002-60

WHEREAS, the Grand Island Public Library has contracted with Epixtech (formerly Dynix) since 1993 on a variety of automation system needs, including installation of hardware and software to operate the automated circulation of items; and

WHEREAS, maintenance agreements for the current selfcheck equipment purchased in 1993 are no longer available, replacement parts are difficult to obtain, and as a result, Epixtech is offering a trade-in incentive on such equipment; and

WHEREAS, the purchase of two 3M SelfCheck Model 6210 workstations for the amount of \$34,571.00 is recommended; and

WHEREAS, continued use of Epixtech is recommended to assure consistent maintenance with Epixtech equipment that is directly linked to the Epixtech database server.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of two 3M SelfCheck Model 6210 workstations at the Grand Island Public Library from Epixtech (formerly Dynix) for the amount of \$34,571.00 is hereby approved; and the Mayor is hereby authorized and directed to execute such Purchase Agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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City of Grand Island

Tuesday, February 26, 2002

Council Session

Item H1

Request to Reconsider Creating Street Improvement District #1240, Grand West 2nd Subdivision

Creation of this District was considered at the February 12, 2002 Council meeting. Due to area resident's concerns regarding drainage in the area, the Ordinance to create the district failed on the 2nd reading. Councilmember Scott Walker, who voted against creation at the February 12 meeting, made a request for the issue to be brought forward and discussed again at the February 26, 2002 Council meeting. Several Councilmembers requested that Staff review the policies of other Cities regarding Street Improvement Districts. A synopsis of the results is attached.

The Public Works Department recommends approval of the motion to reconsider creation of the Street Improvement District so that both sides of the issue can state their concerns. A ten (10) year assessment period is recommended.

Staff Contact: Steve Riehle, Director of Public Works / City Engi



**City of Grand Island
City Code**

§33-20. Installation of Improvements

Developers may select either method or combination of methods listed below to comply with the minimum improvements requirements:

- (1) They may install the required improvements before council approval of the final plat.
- (2) They may submit a petition or petitions requesting the City to construct street surfacing, sanitary sewer, and water mains in the proposed subdivision by the district method. In that event, the City will prepare plans and specifications for all such improvement districts and shall assess the cost of such improvements to the adjacent property, as provided by law. The size of any street improvement district, sanitary sewer district, or water main district, shall be determined by the city council. Construction of any such district shall be subject to the City's ability to finance any of the improvements. When any length of a full-width street is being dedicated as a part of the subdivision, the subdivider shall install water and sewer lines, without using the improvement district method, prior to the creation of any street improvement district.
- (3) They may enter into a Subdivision Agreement for the installation of the required improvements.

Sidewalks shall be constructed when the adjacent lot is built upon and shall be regulated and required with the building permit for such lots, unless a waiver to construct when directed by the city council is provided in the Subdivision Agreement.

Amended by Ordinance No. 8071, eff. 3-28-95

What Do Other Nebraska Cities Finance for Developers Through Assessments?

City	Water	Sewer	Paving	Remarks
Ashland	N/A	N/A	100%	The City of Ashland uses the Street Improvement District process, which means we assume no risk for infrastructure in new developments. Ashland would not allow a street district within the city limits to be established with undeveloped lots, unless building permits were actively being issued for most of those lots.
Aurora	N/A	N/A	95-100%	Aurora allows assessment districts, similar to Sidney and South Sioux City.
Blair	80%	80%	80%	The City of Blair has used assessment districts very successfully the last ten years. The developer is required to put up 20% of the cost (as bid) including all engineering, for the water, sewer, paving (including storm sewer) and assess the remaining 80% over 10 years. This has helped assure that the developer has done their homework on the need for the additional lots. We collect our own assessments so it allows us to monitor any delinquency.
Central City	80%	80%	80%	Central City has the same procedure as Blair, except developer signs an agreement to stipulate start of project, their understanding of funding, etc.
Columbus	N/A	N/A	100% (except intersections)	Columbus allowed Street Improvement Districts in the 1980's and ended up taking ownership of lots as the developer corporation went broke. Council changed the rules to have developer pay for all development except for the intersections in new development, which the City pays. Council is working to have developers furnish, at a minimum, a letter of credit, and guarantees for their work.
Elkhorn	N/A	N/A	N/A	In Elkhorn, as in most of the suburbs around Omaha, Sanitary Improvement Districts are almost exclusively used for new residential development. The good news is that a separate government entity, consisting of the landowners within the development (typically just the developer at the beginning), is taking all of the risk. The bad news is that the cost of development is a point or two higher than what a city could borrow money for and the city does not get to claim the population or lane miles until after annexation, which is typically three to five years after the development is begun.

What Do Other Nebraska Cities Finance for Developers Through Assessments?

City	Water	Sewer	Paving	Remarks
Hastings	N/A	N/A	50%	None.
Kearney	50%	50%	50%	The City of Kearney requires a Developer to pay 50% of the estimated cost of paving, water and sewer construction prior to the bid being awarded, using an engineer's estimate to arrive at the cost. The balance of the cost is assessed to the lots. This policy has worked fairly well for us.
Seward	80%	80%	80%	Seward's policy is virtually identical to Blair. Seward does require the developer to sign a strict subdivision agreement.
Sidney	N/A	N/A	95%	Sidney does 95 percent of its streets in new developments through the assessment process, allowing developers up to 20 years to pay them off.
South Sioux City	loan pool	loan pool	yes	South Sioux City allows paving assessments and also have a loan pool for water and sewer extensions that are paid back when the lots sell - not to exceed three years.



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item J1

Payment of Claims for the Period of February 13, 2002 through February 26, 2002

The Claims for the period of February 13, 2002 through February 26, 2002 for total amount of \$2,522,654.16. A MOTION is in order.

Staff Contact: RaNae Edwards





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item X1

Update on Hartman Appeal

ADJOURN TO EXECUTIVE SESSION:

The council will be updated on Hartman appeal.

RETURN TO REGULAR SESSION:

Staff Contact: Charlie Cuypers





City of Grand Island

Tuesday, February 26, 2002

Council Session

Item X2

#2002-61 - Consideration of Approving Security on Appeal

Nebraska Revised Statute §25-1916 requires that during an appeal to the Nebraska Court of Appeals or Supreme Court, an appellant, such as the City of Grand Island, must file a bond or other security in an amount equal to the judgment and accrued interest to insure payment if the appeal is denied. In lieu of purchasing a commercial supersedeas bond, an agreement has been made with the attorney for Richard and Patricia Hartman to substitute a pledge of the funds available to pay the judgment. In order for the pledge to be executed by the Finance Director, the Mayor and City Council must approve the pledge and authorize the Finance Director to sign and file the document. A commercial supersedeas bond would require much the same approval on the part of the Mayor and City Council and would require payment of a premium in the amount of approximately \$2,000.00. We recommend that the pledge in lieu of supersedeas bond be approved as drafted.

Staff Contact: Charlie Cuypers



RESOLUTION 2002-61

WHEREAS, on July 20, 2001, a panel of arbitrators determined that a payment of \$100,000 by the City to Richard Hartman and Patricia Hartman would adequately compensate the Hartman's for their claims of property damage from the operation of the Platte Generating Station; and

WHEREAS, on December 26, 2001, the Hall County District Court entered judgment for the Hartmans and against the City of Grand Island in the sum of \$100,000 in an action to enforce the arbitration award; and

WHEREAS, on January 15, 2002, the City of Grand Island filed its Notice of Appeal to the Court of Appeals of the State of Nebraska; and

WHEREAS, a bond or other security is required by law to be filed with the Clerk of the District Court upon the filing of such appeal to secure payment of the judgment in the event the appeal is denied; and

WHEREAS, in lieu of providing a supersedeas bond, it is recommended that the City pledge sufficient funds to pay the judgment and accrued interest as security for the judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Pledge in Lieu of Supersedeas Bond is hereby approved, and the Finance Director is hereby authorized and directed to pledge sufficient funds to pay the judgment and accrued interest in the case pending appeal from the District Court of Hall County, Nebraska, captioned Richard Hartman and Patricia Hartman, husband and wife, vs. City of Grand Island, Nebraska, a political subdivision, Case No. CI01-1011.

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Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
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