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# City of Grand Island



**Tuesday, May 21, 2002**

**Council Session Packet**

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**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

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**7:00:00 PM**

**Council Chambers - City Hall  
100 East First Street**

**Call to Order**

**Pledge of Allegiance /Invocation - Dr. James Keyser, Trinity United Methodist Church, 511 North Elm Street**

**Roll Call**

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

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

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

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



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item C1

### **Recognition of Kenneth Hasenauer, Utility Employee for 20 Years of Service**

*The Mayor and Council will recognize Kenneth Hasenauer, Utility employee for his 20 years of dedicated service to the City of Grand Island.*

Staff Contact:

# Twenty Year Service Award

WE HEREBY EXPRESS OUR SINCERE APPRECIATION TO

**KENNETH HASENAUER**

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



\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item C2

### **Proclamation "Emergency Medical Services Week" May 19-25, 2002**

*Whereas, the members of emergency medical services teams devote their lives to saving the lives of others and because the people of Grand Island, Nebraska benefit daily from the knowledge and skill of these trained professionals; and whereas the designation of Emergency Medical Services Week will serve to educate the people of Grand Island about accident prevention and what to do when confronted with a medical emergency, the Mayor has proclaimed May 19-25, 2002 as "Emergency Medical Services Week." See attached proclamation.*

Staff Contact: RaNae Edwards

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

PROCLAMATION

- WHEREAS, the members of emergency medical services teams devote their lives to saving the lives of others; and
- WHEREAS, emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators and administrators; and
- WHEREAS, the people of Grand Island, Nebraska, benefit daily from the knowledge and skill of these trained individuals; and
- WHEREAS, advances in emergency medical care increase the number of lives saved every year; and
- WHEREAS, the professional organizations of providers of emergency medical services promote research to improve and adapt their skills as new methods of emergency treatment are developed; and
- WHEREAS, the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the State; and
- WHEREAS, the designation of Emergency Medical Services Week will serve to educate the people of Grand Island, Nebraska, about accident prevention and what to do when confronted with a medical emergency; and
- WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week.
- NOW, THEREFORE, I, Ken Gnadt, Mayor of Grand Island, Nebraska, do hereby proclaim May 19 - 25, 2002 as

***Emergency Medical Services Week***

in the City of Grand Island and encourage the community to observe this week with appropriate programs, ceremonies, and activities

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this 21st day of May 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, May 21, 2002

Council Session

## Item E1

**Public Hearing on Request of Raymond O'Connor for Change of Land Use Designation for Property Located in Part of the SW1/4 of the SE1/4 of Section 14, Township 11, Range 10 from AG to R1 and R2.**

*Raymond O'Connor, has submitted a request to rezone approximately 25 acres of land located North of Old Potash Hwy, and east of Shoemaker Elementary School from AG to R1 and R2. The purpose of the request is to rezone the property to allow residential housing. The Regional Planning Commission, at their meeting of May 1, 2002, with 7 members voting in favor and 1 member abstaining, voted to approve the request. It is appropriate at this time to solicit public comment. The action item is contained under Ordinances.*

Staff Contact: chad nabit

May 2, 2002

Honorable Ken Gnad, Mayor  
and Members of the Council  
City Hall  
Grand Island NE 68801

Dear Mayor and Members of the Council:

**RE: An amendment to the Zoning Map for properties located North of Old Potash Hwy, and East of Shoemaker School from AG to R1 & R2.**

At the regular meeting of the Regional Planning Commission, held May 1, 2002 the above item was considered following a public hearing. This application proposes to rezone property comprising of part of the SW ¼ of the SE ¼ of Section 14, Township 11, Range 10. This application proposes to rezone the land from AG Agricultural Zone and R1 Suburban Residential, and R2 Low Density Residential Zone.

Greg Baxter expressed concern with the drainage from this subdivision and if the area could handle the drainage needed for an additional subdivision. Greg owns the land on the east side of North Road that the 1977 drainage plan identifies for a detention cell and open ditch drainage. He told the Planning Commission that there is some debate right now as to if that detention cell will be put in or not. He did agree that the drainage ditch will likely be built across his property but said that he would not be willing to let that happen for 2 or 3 more years. His concerns were not as much with the overall drainage plan as with continued development of subdivisions dependent upon this drainage. These subdivisions are in direct competition with a subdivision being developed by Mr. Baxter a mile to the north.

Steven Riehle, Grand Island Public Works Director and Ron Rockwell, engineer for the developer answered questions about the drainage and dependence of this subdivision on uncompleted sections of the overall drainage plan. Both agreed that if the expected ditch is not in place to accept the drainage that 12" pipes could be installed at the end of the 30" storm sewer to restrict flows and carry the water in the existing ROW to the drainage ditch in place on the north side of Faidley Ave. This would cause the storm drainage system in and along Redwood Drive to function as a holding facility for storm waters.



Charlie Cuypers, Grand Island City Attorney explained that the ditch along Mr. Baxter's property is part of the comprehensive city drainage plan for that is almost 30 years in the making. The City Council, at their meeting on April 23, 2002 gave City staff permission to do what it takes to acquire the land for the detention cell. He also reiterated that the engineers have an alternative plan as temporary solution if the land for the drainage ditch is not acquired.

Following further discussion a motion was made by Ruge 2<sup>nd</sup> by Miller to approve and recommend that the City of Grand Island approve this amendment to the Grand Island Zoning Map.

The Planning Commission passed this motion with 7 members voting in favor (Obermeier, Haskins, Ruge, Eriksen, O'Neill, Lechner, Miller) and 1 member (Obst) abstaining.

Yours truly,

Chad Nabity AICP  
Planning Director

cc: City Attorney  
Director of Public Works  
Director of Utilities  
Director of Building Inspections  
Manager of Postal Operations  
Rockwell & Associates



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item E2

### **Public Hearing to Consider Revocation of Conditional Use Permit for Automobile Wrecking Yard, Oakleaf Auto Crushing, 1803-1911 Eldorado Street**

*Previously the Mayor and City Council have received copies of a letter dated May 1, 2002, advising Craig Oakleaf, d/b/a Oakleaf Auto Crushing, of the intent of the City Attorney's Office, Code Compliance Officer and Building Department to conduct a public hearing to consider revocation of the conditional use permit for the automobile wrecking yard operated at 1803-1911 Eldorado Street, Grand Island, Hall County, Nebraska. This business has been in operation for more than two decades, accompanied by virtually continual enforcement action going back to at least October 13, 1981, at which time Oakleaf Auto Crushing was sent a letter by then Assistant City Attorney William Shreffler, advising the manager of complaints regarding junked vehicles and junked vehicle parts being stored outside the fence in the public right-of-way and that the fence did not meet the requirements set forth in the Grand Island City Code requiring that it be at least eight feet in height and site obscuring in nature. Additional correspondence was sent periodically to this business over the years and virtually innumerable personal conversations have been conducted between city staff and manager Craig Oakleaf.*

*The results of the conversations have been periodic minimal improvements related solely to removing junked vehicles, vehicle parts and salvage materials from Eldorado Street but there has never been any significant progress toward lowering the height of the stacks of material which reach above the fence and the business has continued to use Lot 18, Frank P. Bark's Subdivision No. 2 adjacent to the west side of the yard in violation of the Grand Island Zoning Code. Because the adjacent property is zoned R4, it cannot be used as a salvage yard or for any of the uses to which Oakleaf Auto Crushing has been utilizing the property for a number of years.*

*We have received repeated promises during the course of our many visits with Mr. Oakleaf that corrections and improvements will occur but as mentioned earlier, other than removing temporarily junk from Eldorado Street temporarily, nothing has changed. In fact, when the May 1 letter was sent the entire operation was in worse condition and greater violation of the City Code than has ever been the case previously. We are recommending that the conditional use permit be revoked so that the City can proceed to bring the operation to closure. As an alternative, the Grand Island City Council may revoke the existing conditional use permit and reissue a new permit with additional conditions and periodic review opportunities.*

Staff Contact: Charlie Cuypers



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item E3

### **Public Hearing on Acquisition of Utility Easement Located at 3405 N. U.S. Hwy. 281 - Kramer's Auto Parts and Iron Company, Inc.**

*Acquisition of utility easement relative to property of Kramer's Auto Parts and Iron Company, Inc. located at 3405 North U.S. Hwy. 281, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to facilitate a new pad mounted transformer. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item E4

### **Public Hearing on Acquisition of Utility Easement Located in the Southwest Corner of 3015 W. North Front Street - OH HO Partnership**

*Acquisition of utility easement located in the southwest corner of property located at 3015 W. North Front Street, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used as a site for a pad mounted transformer to serve a new apartment building. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item E5

### **Public Hearing on Acquisition of Utility Easement Located on East Highway 30 & Shady Bend Road - GIA**

*Acquisition of utility easement located at East Highway 30 and Shady Bend Road, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used in the extension of both overhead and underground distribution lines to a new pad mounted transformer. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item E6

### **Public Hearing on Request of Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue for Class "K" Liquor License**

*Roy Fredrickson, representing Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue has submitted an application with the City Clerk's Office for a Class "K" Liquor License in conjunction with their Class "C-04162" Liquor License. A Class "K" or "Catering" Liquor license allows a Retail Class C, D, I or L license to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated License (SDL). A Licensee shall not cater an event unless a SDL has been obtained. 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, May 21, 2002

Council Session

## Item F1

### **#8721 - Consideration of Conveyance of Real Estate in Meadowlark West Third Subdivision and Part of the SE1/4 NE1/4 of Section 13-11-10 Hall County, Nebraska 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 in order to accommodate future commercial development of Meadowlark West Fourth Subdivision. A public hearing regarding this matter was held during the February 26, 2002 City Council meeting. The Public Works Department has reviewed and approved the reconfiguration. There are two actions before the Council in connection with this matter, including (a) an ordinance approving acquisition of the reconfigured cell as Outlot "A", and (b) 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 exchange 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 6<sup>th</sup> 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 6<sup>th</sup> 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

Approved as to Form ? _____ May 16, 2002 ? City Attorney
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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, without the drawing, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 21, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item F2

### **#8736 - Consideration of Creating Sanitary Sewer District #505, Livengood, Sharon Rose and Rapien Subdivisions and Part of Sections 15-11-9 and 10-11-9**

*This Ordinance provides for the establishment of a Sanitary Sewer District located in Livengood, Sharon Rose and Rapien Subdivisions and part of Sections 15-11-9 and 10-11-9. The District would provide for the construction of a sanitary sewer line and related appurtenances along Seedling Mile Road and Willow Street. The area is not currently served by the City sanitary sewer system. The costs would be primarily funded through assessments. The issue has been discussed by Council at previous sessions, and background reference material is attached to this narrative. The formation of the District is in accordance with State law. A 30 day protest period follows the publication of creation of the District. See attached ORDINANCE.*

Staff Contact: Steve Riehle

**Creation of Sanitary Sewer District 505**  
**Livengood, Sharon Rose and Rapien Subdivisions and part of Sections 15- 11-9 and 10-11-9**  
**May 16, 2002**

**Background**

Sanitary Sewer District 502 was created by the City Council on August 28, 2001. The District completed the 30-day protest period at 5:00 p.m. Thursday, October 4, 2001, with protests filed by less than 50% of the front footage for the abutting property owners. Property owners in the area are concerned that they can not afford the Sanitary Sewer District. The item for consideration of continuation of the District was tabled at the October 23, 2001 Council meeting.

The following information was discussed at the December 4, 2001 Council meeting:

Total Costs

Public Works staff reviewed the total estimate for the project. The total estimate for the project may be 12 ½ % higher because of the Nebraska Department of Roads' US Highway 30 East project. We reviewed our estimates and do not see any areas where we were high so the initial total project cost estimate is the estimate we should use.

Grant Funding

Public Works Director Steve Riehle, Community Projects Director Cindy Johnson and Monty Montgomery of the Grand Island Area Economic Development Corporation met to explore funding options. The area is not eligible for Community Development Block Grant (CDBG) funds and would be a low priority for funding by the Community Redevelopment Authority (CRA).

Distribution of Assessments

Statute stipulates that the assessments should be allocated in proportion to the benefit to each property. The estimated assessments were calculated by distributing ½ of the project cost by lot area and ½ by front footage.

The motion to approve continuation of the District failed due to abutting property owners' concerns.

**Discussion**

The Public Works and Community Projects Departments further researched funding avenues such as Nebraska Department of Economic Development funding. We were unsuccessful in identifying funding streams that would be appropriate.

State statute provides that protests are calculated based strictly on front footage. The statutes call for assessments to be levied to the properties in proportion to their benefit. We reviewed several methods and believe the most equitable formula for determination of benefits and the assessments is to distribute 50% of the cost based on front footage and 50% according to lot area. This method of distributing the assessments was used for the original District costs estimate. The uploaded chart shows the benefits to the property owners for assessing based on a split between front footage and lot area versus strictly front footage.

## Creation of Sanitary Sewer District 505

Page 2.

Nevada Railroad Materials(NRM) will soon be operating their wood railroad tie rehabilitation facility at 1308 East Seedling Mile Road. The Subdivision Agreement states that the subdivider will request a Sanitary Sewer District to serve the Subdivision. A copy of the Subdivision Agreement for Livengood Subdivision, along the north side of Seedling Mile Road is attached. Because of the estimated time needed to complete construction of a Sanitary Sewer District, NRM installed temporary facilities. The temporary facilities are a short-term solution and NRM would like to connect to City sanitary sewer.

### **Recommendation**

The issue before the Council remains the creation of a sanitary sewer district to serve this area. Council has four alternatives:

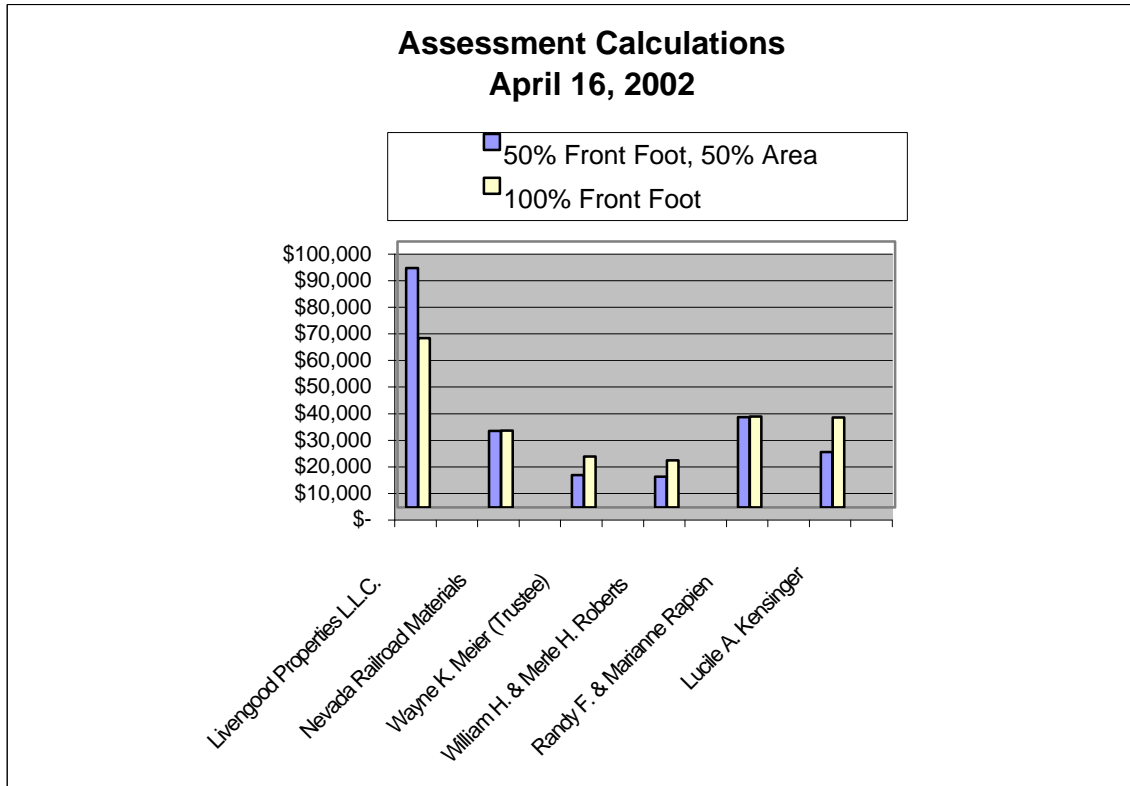
1. **Creation of a Protest District** that has the same boundaries as the original district. A protest period would apply and Council would consider continuation of the District upon completion of the protest period. An Ordinance to create the District will be on the Agenda for Council consideration.
2. **Creation of a Tap District** whereby property owners would not be obligated to pay for their share of the sanitary sewer until they connect. The Wastewater Division of the Public Works Department does not have the financial resources to fund Tap Districts.
3. **Require NRM to build the Sanitary Sewer** as a project at their cost for the section of the sanitary sewer along Seedling Mile Road. The cost to NRM would be increase from an estimated \$28,000 to approximately \$140,000.
4. **Amend the Subdivision Agreement** to allow a private septic tank and leach field for the NRM property. NRM has verbally asked to be reimbursed for the money they spent for sanitary sewer piping on their property in anticipation of a public sanitary sewer main along Seedling Mile Road. Private septic tanks and leach fields within City limits should be discouraged if public sanitary sewer can be made available. An amended Subdivision Agreement could be brought forward for Council consideration at a future meeting.

### **Financial Implications**

If the District is created and continued, the majority of the costs will be assessed to the benefiting properties.

## **Sanitary Sewer District No. 505-Estimated Assessments**

<u>Owner &amp; Address</u>	Total Assessment Calculated 50% by Front Footage, 50% by Lot Area	Total Assessment Calculated By Frontage
Livengood Properties L.L.C.	\$ 89,968.04	\$ 63,716.73
Nevada Railroad Materials	\$ 28,770.53	\$ 28,908.37
Wayne K. Meier (Trustee)	\$ 12,211.49	\$ 19,076.38
William H. & Merle H. Roberts	\$ 11,581.88	\$ 17,663.76
Randy F. & Marianne Rapien	\$ 33,943.76	\$ 34,145.12
Lucile A. Kensinger	\$ 20,839.28	\$ 33,804.64
NDOR	\$ -	\$ -
	\$ 197,315.00	\$ 197,315.00



]

Entered As Instrument No.

0200108147

STATE OF NEBRASKA )  
COUNTY OF HALL ) SS

'01 AUG 14 PM 1 38

*Kathie Edwards*  
REG. OF DEEDS.

CASH 26.00

CHECK \_\_\_\_\_

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REFUNDS: \_\_\_\_\_

CASH \_\_\_\_\_

CHECK \_\_\_\_\_

200108147

\* This Space Reserved for Register of Deeds \*

Return to:  
RANAE EDWARDS  
CITY CLERK  
100 East First Street  
Grand Island, NE 68801

*26.00*

SUBDIVISION AGREEMENT

**LIVENGOOD SUBDIVISION**

(Lots 1 and 2)

In the City of Grand Island, Nebraska

The undersigned, Livengood Properties, L.L.C., a Nebraska Limited Liability Company, hereinafter called the Subdivider, as owner of a tract of land comprising a part of the all that part of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section Ten (10), in Township Eleven (11) North, Range Nine (9) West of the 6th P.M., lying south of a line drawn parallel with and distant Four Hundred (400.0) feet southerly from the centerline of the south main track of the Union Pacific Railroad Company and west from a line drawn parallel with and distant Four Hundred Fifty Five and Forty Five Hundredths (455.45) feet west from the east line of said East Half of the Southeast Quarter (E1/2, SE1/4) of said Section Ten (10), in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

All that part of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section Ten (10), in Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., lying south of a line drawn parallel with and Four Hundred (400.0) feet in a southerly direction from the centerline of the south main track of the Union Pacific Railroad Company and



lying between two parallel lines drawn respectively One Hundred Eighty and Sixty Three Hundredths (180.63) feet and Four Hundred Fifty Five and Forty Five Hundredths (455.45) feet west of the east line of the East Half of the Southeast Quarter (E1/2, SE1/4) of said Section Ten (10), and parallel with said easterly line containing five acres, more or less, which portion is more particularly described as follows: beginning at a point on the south line of said Section Ten (10), which point of beginning is Two Hundred Eighty Seven and Sixty Three Hundredths (287.63) feet west of the southeast corner of said Section Ten (10), running thence north parallel to the east line of said Section Ten (10), a distance of Two Hundred Eighty Eight (288.0) feet, turning thence east and running parallel with the south line of said Section Ten (10), for a distance of One Hundred Seven (107.0) feet, turning thence north and running parallel with the east line of said Section Ten (10), to a point on the southerly right-of-way line of the Union Pacific Railroad Company; turning thence southwesterly along and upon said railroad right-of-way line to a point Four Hundred Fifty Five and Forty Five Hundredths (455.45) feet west of the east line of said Section Ten (10); turning thence south running parallel with the east line of said Section Ten (10), to a point on the south line of said Section Ten (10); turning thence east and running along and upon the south line of said Section Ten (10), for a distance of One Hundred Sixty Seven and Eighty Two Hundredths (167.82) feet to the point of beginning, all being in the City of Grand Island, Hall County, Nebraska, and containing 14.957 acres, more or less;

desires to have subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as LIVENGOOD SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and the City Council to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and

of the street to the use of the public forever. In consideration of the acceptance of the plat of said LIVENGOOD SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following improvements:

1. **Paving.** The Subdivider agrees to waive the right to object to the creation of any paving or repaving district for Seedling Mile Road where it abuts the subdivision.

2. **Water.** Public water supply is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

3. **Sanitary Sewer.** The Subdivider shall file a request to create a sanitary sewer district to serve the subdivision along with the submission of this agreement. The Subdivider waives the right to protest the creation of a sanitary sewer district within or abutting the subdivision. All lots in the subdivision shall be connected to sanitary sewer upon completion of the sanitary sewer district. In the alternative, the Subdivider shall construct a public sanitary sewer system, and shall extend, connect and provide sanitary sewer service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. Private sanitary sewer systems shall not be permissible.

4. **Storm Drainage.** The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage is conveyed to a public right-of-way or to other drainage systems so approved by the Director of Public Works.

5. **Sidewalks.** Immediate sidewalk construction adjacent to Seedling Mile Road shall be waived. However, the sidewalks shall be constructed when the property owner is directed

to do so by the City Council. In the event a Street Improvement District is created to pave any public street in the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

6. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and plans as submitted to and approved by the City's Building Department.

7. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a registered professional engineer and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional registered engineer and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a registered professional engineer shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

8. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as LIVENGOOD SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

9. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs,

devises, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated 8/1, 2001.

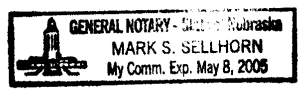
LIVENGOOD PROPERTIES, L.L.C.,  
a Nebraska Limited Liability Company,  
Subdivider

By: *William D. Livengood*  
William D. Livengood, President

STATE OF NEBRASKA )  
LANCASTER ) ss  
COUNTY OF ~~LANCASTER~~ )

On AUGUST 1, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared William D. Livengood, President of Livengood Properties, L.L.C., a Nebraska limited liability company, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of the corporation.

WITNESS my hand and notarial seal the date above written.



*Mark Sellhorn*  
Notary Public

CITY OF GRAND ISLAND, NEBRASKA  
A Municipal Corporation

By: *Ken Ghadt*  
Ken Ghadt, Mayor

Attest: *RaNae Edwards*  
RaNae Edwards, City Clerk



? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 8736

An ordinance creating Sanitary Sewer District No. 505 of the City of Grand Island, Nebraska; defining the boundaries thereof; providing for the laying of sanitary sewer mains in said district; providing for plans and specifications and securing bids; providing for the assessment of special taxes for constructing such sewer and collection thereof; and providing 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. Sanitary Sewer District No. 505 is hereby created for the construction of ten (10.0) inch sanitary sewer mains and appurtenances thereto for Livengood Subdivision, Rapien Subdivision, Sharon Rose Subdivision, and a part of the Southeast Quarter (SE1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., and a part of the Northeast Quarter (NE1/4) of Section Fifteen (15), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., all in the city of Grand Island, Hall County, Nebraska.

Approved as to Form? \_\_\_\_\_  
May 16, 2002 ? City Attorney

ORDINANCE NO. 8736 (Cont.)

SECTION 2. The boundaries of such sanitary sewer district shall be as follows:

Beginning at the northwest corner of Livengood Subdivision; thence south on the west line of Livengood Subdivision, Sharon Rose Subdivision and a prolongation thereof to the north line of U.S. Highway No. 30; thence northeasterly on the north line of U.S. Highway No. 30, said line also being the southerly line of Rapien Subdivision and a prolongation thereof to the south line of Section 10-11-9; thence east on the south lines of Section 10-11-9 and Section 11-11-9 to a point Ninety Three (93.0) feet east of the southwest corner of Section 11-11-9; thence north on a line Ninety Three (93.0) feet east of and parallel to the west line of Section 11-11-9 to a point on the north line of Lot 12, Bosselman Brothers Subdivision; thence southwesterly on the north lines of Bosselman Brothers Subdivision, Livengood Subdivision and a prolongation thereof to the point of beginning, all as shown on the plat dated April 18, 2002, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Said improvement shall be made in accordance with plans and specifications prepared by the Engineer for the City who shall estimate the cost thereof, and submit the same to the City Council, and thereafter, bids for the construction of such sanitary sewer shall be taken and contracts entered into in the manner provided by law.

SECTION 4. The cost of construction of such sanitary sewer district shall be assessed against the property within the district abutting upon the easement or other right-of-way within which such sanitary sewer main has been constructed, to the extent of benefits to such property by reason of such improvement, and a special tax shall be levied at one time to pay for such cost of construction as soon as can be ascertained as provided by law; and such special tax and assessments shall constitute a sinking fund for the payment of any warrants or bonds with interest, issued for the purpose of paying the cost of such sewer in such district; and such special assessments shall be paid and collected in a fund to be designated and known as the Sewer and Water Extension Fund and out of which all warrants issued for the purpose of paying the cost of sanitary sewer shall be paid.

ORDINANCE NO. 8736 (Cont.)

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval and publication, without the plat, as provided by law.

SECTION 6. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 7. After passage, approval and publication of this ordinance, 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: May 21, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item F3

**#8737 - Consideration of Change of Land Use Designation for Part of the SW1/4 of the SE1/4 of Section 14-11-10 From AG Agricultural to R1 Suburban Residential and R2 Low Density Residential**

*This item relates to the aforementioned Public Hearing. Raymond O'Connor, has submitted a request to rezone approximately 25 acres of land located North of Old Potash Hwy, and east of Shoemaker Elementary School from AG to R1 and R2. The purpose of the request is to rezone the property to allow residential housing. The Regional Planning Commission, at their meeting of May 1, 2002, with 7 members voting in favor and 1 member abstaining, voted to approve the request.*

Staff Contact: Chad Nabity



ORDINANCE NO. 8737

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising of a part of the Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4) of Section Fourteen (14), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., in the city of Grand Island, Hall County, Nebraska, from AG-Agricultural Zone to R1-Suburban Residential Zone and R2-Low Density Residential Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-7; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on May 1, 2002, held a public hearing and made a recommendation on the proposed zoning of such area; and

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

WHEREAS, after public hearing on May 21, 2002, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land, as shown on the attached drawing, is hereby rezoned and reclassified and changed from AG-Agricultural Zone to R1-Suburban Residential Zone:

Beginning at the southwest corner of Lot Fifty Four (54), Potash Subdivision, said point being on the east line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4); thence running northerly along the west line of Potash Subdivision, a distance of approximately One Thousand Eighty Two and Seven Tenths (1282.70) feet, to the northwest

Approved as to Form ? _____
May 16, 2002 ? City Attorney

ORDINANCE NO. 8737 (Cont.)

corner of Lot Forty Three (43), Potash Subdivision and the northeast corner of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4); thence running westerly along the north line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately One Hundred Eighty and Fifteen Hundredths (180.15) feet; thence running southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately One Hundred Thirty One and Ninety Three Hundredths (131.93) feet; thence running westerly parallel with the south line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Six Hundred Fifty Nine (659.0) feet; thence running southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Nine Hundred Seventy Five and Sixty Eight Hundredths (975.68) feet; thence running westerly parallel with the south line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Three and Six Hundredths (3.06) feet; thence running southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of One Hundred Seventy Four and Five Tenths (174.50) feet, to a point Forty (40.0) feet north of the south line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4); thence running easterly parallel with the south line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Eight Hundred Forty Five and Three Tenths (845.30) feet, to the point of beginning and containing 22.76 acres more or less.

SECTION 2. The following tract of land, as shown on the attached drawing, is hereby rezoned and reclassified and changed from AG-Agricultural Zone to R2-Low Density Residential Zone:

Beginning at the northwest corner of Lot Forty Three (43), Potash Subdivision, said point also being the northeast corner of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4); thence running westerly along the north line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately One Hundred Eighty and Fifteen Hundredths (180.15) feet, to the Actual Point of Beginning; thence running southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately One Hundred Thirty One and Ninety Three Hundredths (131.93) feet; thence running westerly parallel with the south line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Six Hundred Fifty Nine (659.0) feet; thence running northerly parallel with the

ORDINANCE NO. 8737 (Cont.)

west line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately One Hundred Twenty Nine (129.0) feet, to a point on the north line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4); thence running easterly along the north line of said Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), a distance of approximately Six Hundred Fifty Nine (659.0) feet, to the actual point of beginning and containing 1.97 acres more or less.

SECTION 3. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-7 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

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

Enacted: May 21, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item F4

### **#8738 - Grand Island Heritage Zoo - Chapter 2, Article X**

*Because the Grand Island Heritage Zoo has been closed and its assets liquidated, the provisions found in Chapter 2, Article X of the Grand Island City Code pertaining to the zoo are superfluous and should be repealed. The ordinance before the City Council as drafted will accomplish this. Accordingly, we are recommending that the ordinance be approved and adopted as drafted.*

Staff Contact:

ORDINANCE NO. 8738

An ordinance to amend Chapter 2 of the Grand Island City Code; to repeal Article X. Grand Isle Heritage Zoo and Sections 2-113, 2-114, and 2-115 pertaining to the Grand Isle Heritage Zoo property; repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Article X. Grand Isle Heritage Zoo and Sections 2-113, 2-114, and 2-115 of the Grand Island City Code are hereby repealed:

**~~Article X. Grand Isle Heritage Zoo~~**

**~~§2-113. Ownership~~**

~~Upon request of the Grand Island Area Zoological Society accompanied by receipt of proper documents of conveyance, the City of Grand Island shall accept ownership from said Society of all animals, exhibits, and property used in operation of the Grand Island Heritage Zoo; provided, said conveyance shall be free and clear of any and all debts, liens, and contingent liabilities.~~

**~~§2-114. Purpose~~**

~~Upon receipt of conveyance as provided in §2-113, the City of Grand Island will own, maintain, and operate the Grand Isle Heritage Zoo for public recreational and educational purposes and to preserve, display, and provide instruction in animals, plants, and other objects of natural or scientific curiosity for such term and in such manner as shall from time to time be established by the City.~~

**~~§2-115. Management and Operation~~**

~~The City may enter into an exclusive license agreement with a qualified person or organization for such time and upon such terms and conditions as it may find in its best interests for the management and operation of said Heritage Zoo.~~

SECTION 2. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 21, 2002.

Approved as to Form ? _____
May 16, 2002 ? City Attorney

ORDINANCE NO. 8738 (Cont.)

\_\_\_\_\_  
Ken Gnadt, Mayor

Attest:

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



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item F5

### **#8739 - Consideration to Refer Annexation Areas to the Regional Planning Commission**

#### **BACKGROUND**

*When people live, work and play in close proximity to one another, municipalities are created to provide the services essential for the protection of the health, safety and well being of residents. Municipalities provide the governmental services essential for sound urban development. They provide for the protection of health, safety and well being of property owners in areas that are used primarily for residential, industrial, and commercial purposes. Municipalities must concern themselves with orderly growth pursuant to land use, building, streets, sidewalks, sanitary sewer, storm sewer, water, electrical service, parks, libraries, fire protection, and police protection.*

*Many factors drive annexation of urban and suburban areas adjacent to existing city boundaries. Expansion of municipalities should not be based on a short-term economic analysis but rather on a long-term plan to achieve the necessary expansion of services in the most economical manner. This requires sound planning. Annexation of the proposed areas makes sense. It is the right thing to do if services are to be provided and growth planned for. Municipalities have historically been charged with meeting the needs of the expanded community. The City will inherit these areas of the community at some point. It is best to acquire and plan for improvements in infrastructure.*

*It is incumbent upon cities to anticipate and allocate resources for existing and future infrastructure improvements.*

#### **SUMMARY**

*Council has identified at the two previous Retreat/Planning sessions an interest in annexation.*

*Staff identified 15 areas that were appropriate for consideration of annexation. An inventory of services, costs for infrastructure improvements, and other information was developed for the annexation plan presented to the City Council at their retreat on March 5, 2002.*

*Because all 15 areas have budgetary implications and city officials must recognize the fiscal realities of providing services to newly annexed areas, staff refined the potential annexation areas based on 1) need; 2) available resources and has forwarded 9 areas to the City Council for consideration. Phasing of infrastructure construction (especially of area #4) allows costs to be spread out over multiple years.*

*While the proposed annexation timetable allows several opportunities for citizen comment at OFFICIAL meetings, an additional effort was made to discuss annexation issues*

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*with property owners in an informal setting. The open houses provided an excellent opportunity for one on one interaction allowing property owners, as well as City staff and officials to discuss concerns and issues. The meetings were very successful. Meeting at Cedar Hollow - 67 people attended Meeting at Seedling Mile on Saturday morning - 63 people attended Meeting at Seedling Mile on Wednesday evening - 44 people attended. Staff did their best to answer questions with factual information while neither advocating nor opposing annexation.*

*The proposed annexation timetable is as follows:*

*Referral of annexation issue to Regional Planning Commission on May 21, 2002*

*June 5, 2002 Regional Planning Commission Meeting*

*June 11, 2002 Resolution Setting Public Hearing*

*June 25, 2002 Public Hearing and First Reading of the Ordinance*

*July 9, 2002 Second Reading of the Ordinance*

*July 23, 2002 Third and Final Reading of the Ordinance*

*The reasons for this timetable include:*

*Impending infrastructure issues*

*Process needs to be structured and timely*

*Council's discussions last two years at Retreat*

*Issue that shouldn't be left unresolved*

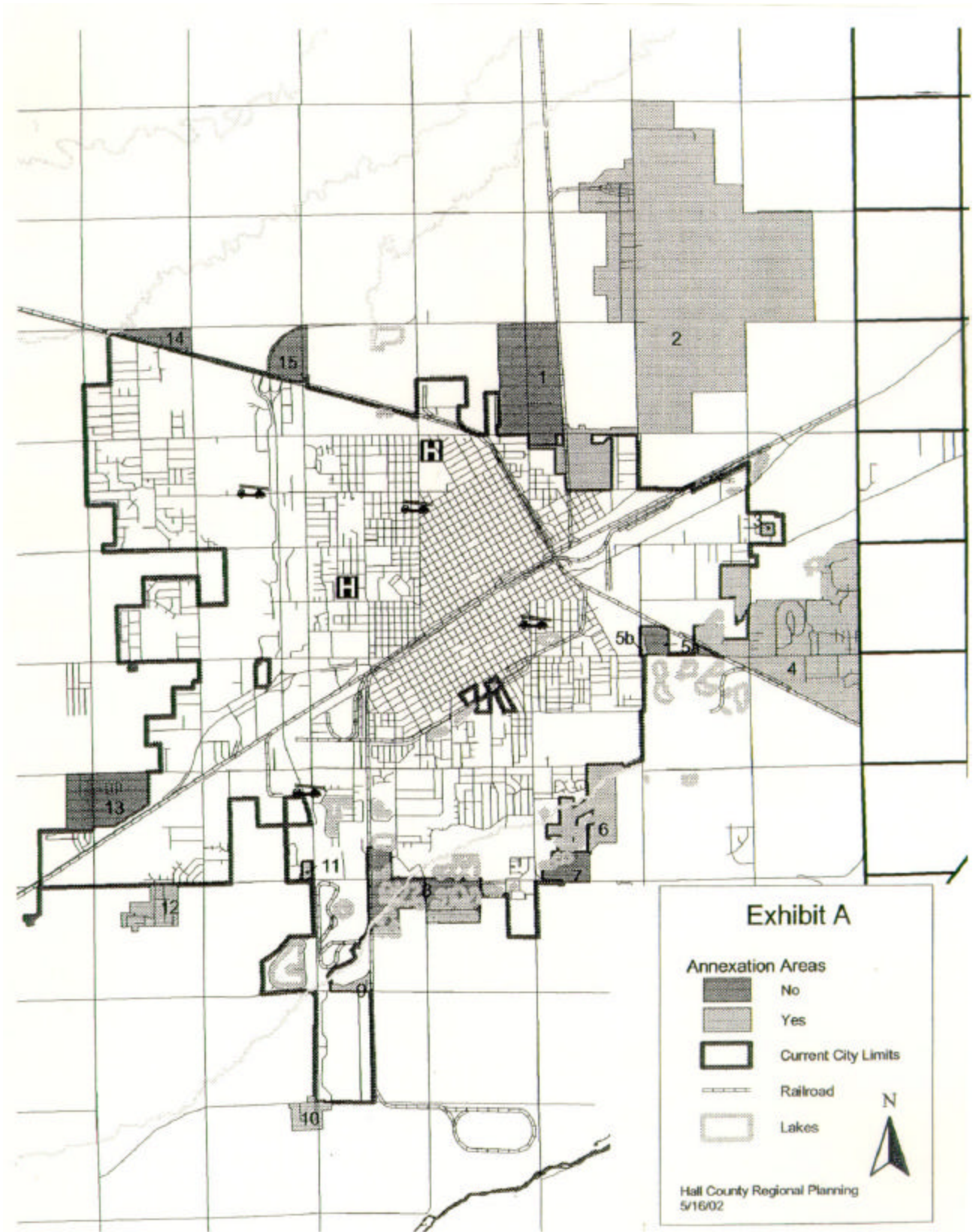
*The process of considering areas for annexation is one which is lengthy and provides multiple opportunities for input from the public and deliberation by the Mayor and City Council. The formal process is generally initiated by the passage of an ordinance which refers the territories under consideration for annexation to the Regional Planning Commission to conduct the public hearing and make recommendations back to the Mayor and City Council. These recommendations are not binding, but are based on the special powers and duties of the Commission to express its judgment regarding the relation of the proposed annexations to the planning of the municipality and whether the proposed annexations are consistent with and should be included in the annexation component of the comprehensive development plan.*

*The ordinance referring the nine areas recommended for annexation to the Regional Planning Commission for consideration also directs that the City Clerk formally notify all school districts within which the areas are situated to be notified of these deliberations and that a referral has been made to the Regional Planning Commission. The City Clerk is to notify the school districts of the time, date and place of the meeting of the Regional Planning Commission at which the public hearing and deliberations will occur. The notice is to include a copy of this ordinance as approved and adopted.*

*As has been stated repeatedly, including particularly during three open houses, there will be at least five meetings during the annexation deliberations for the public to appear and comment, including one before the Regional Planning Commission and four before the Mayor and City Council. This procedure allows the Mayor and City Council to have multiple opportunities to receive information, pro and con, regarding each area considered for annexation prior to making a final decision. We recommend approval of the ordinance as drafted.*

**Staff Contact:**





ORDINANCE NO. 8739

An ordinance to refer certain areas suitable for annexation to the Regional Planning Commission for proceedings and recommendations; to direct the City Clerk to provide notice to Boards of Education; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. The Mayor and City Council have previously discussed whether certain areas which are urban or suburban in character, and are contiguous or adjacent to the City of Grand Island should be annexed and made a part of the City.

SECTION 2. Information has been compiled regarding fifteen such areas which conform to the statutes of the state of Nebraska for purposes of annexation, and the administration and staff have made favorable recommendations regarding nine of the fifteen areas as shown on attached Exhibit "A".

SECTION 3. The Mayor and City Council wish to provide the public with opportunities to provide input into the deliberations considering annexation and are required by Neb. Rev. Stat. §19-929 to receive recommendations from the Regional Planning Commission concerning territories considered for annexation prior to any final action and to set a reasonable time within which to receive said recommendations from the commission.

SECTION 4. The Mayor and City Council do hereby refer the nine areas for which favorable recommendations for annexation have been received from the administration and staff to the Regional Planning Commission for such public hearings and proceedings as are

Approved as to Form ? _____ May 16, 2002 ? City Attorney
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ORDINANCE NO. 8739 (Cont.)

provided by law, and request that the Commission provide recommendations to the City on or before June 10, 2002 with respect to each such area.

SECTION 5. The Mayor and City Council direct the City Clerk to notify the Board of Education of each school district in which the nine areas are situated of the consideration before the Regional Planning Commission and advise each said board of the meeting time, date and place of the commission meeting at which this matter is to be considered. Said notification shall include a copy of this Ordinance as approved and adopted.

SECTION 6. Any ordinances or parts of ordinances in conflict herewith be, and 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: May 21, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G1

### Receipt of Official Document - Civil Service Minutes of April 9, 2002

*The Minutes of the April 9, 2002 Civil Service Meeting are submitted. See attached MINUTES.*

Staff Contact: Brenda Sutherland



**ISLAND**

*Working Together for a  
Better Tomorrow. Today.*

**MINUTES  
CIVIL SERVICE COMMISSION  
APRIL 9, 2002**

Roll Call:           Members Present:       Burns, Leeper  
                  Members Absent:     Hilligas  
                  Also Present:         Pete Kortum, Police Capt., Jim Rowell, Fire Chief  
  Curt Rohling, Fire Operations Chief

Leeper called the meeting to order at 8:35 a.m.

Notice of the meeting was published in the April 5, 2002, edition of the Grand Island Independent.

Burns moved to approve the minutes of the March 7, 2002, meeting. Leeper seconded the motion, which carried unanimously upon roll call vote.

The Commission reviewed the list of 47 applicants for the Police exam scheduled for April 18, 2002. Burns moved to certify 42 candidates as eligible to take the exam. Leeper seconded the motion, which passed unanimously upon roll call vote. Five applicants, namely, Burget, Harris, McConnon, Muir and Puncohar are ineligible for failure to submit proper verification (birth certificate, high school diploma, correct application).

The Commission reviewed Veteran's Preference points awarded Richard Backer on the October, 2001, Firefighter exam. Because Backer had only basic training and a separation from the Army rather than the required service and an honorable discharge, Veteran's Preference points should not have been awarded. Burns moved that the erroneous awarding of Veteran's Preference points be removed from Backer's score, dropping him from #2 to #8 on the certified eligibility list. Leeper seconded the motion, which passed unanimously upon roll call vote. Assistant City Attorney, Dale Shotkoski, also reviewed the procedure and concurred that the Commission is correct in adjusting Backer's score to reflect no addition of Veteran's Preference points. Backer will be notified of the change.

The Commission received a request from the Fire Department to certify candidates to fill one Firefighter/EMT position. Burns moved to certify the top three names, namely, Goldfeder, Brown and Thiele. Leeper seconded the motion, which carried unanimously upon roll call vote.

There being no further business, Burns moved to adjourn the meeting at 9:35 a.m. Leeper seconded the motion, which carried unanimously upon roll call vote.

Respectfully submitted,

Brenda Sutherland, Secretary  
Civil Service Commission

Approved by Civil Service Commission: 5/6/02  
Copies of approved Minutes to:           City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G2

### Appointment of Paul A. Leeper to Civil Service Commission

*Paul Leeper has served on the Civil Service Commission since December 12, 1992. His knowledge and experience have made him a valuable member of the Civil Service Commission. With Council approval, I would like to reappoint Mr. Leeper to serve another 4-year term, beginning June 1, 2002 and ending June 1, 2006.*

*Thank you for your consideration*

Staff Contact: Marlan Ferguson



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G3

### **Approving Appointing Council Representative and Citizen to Central District Health Department Board**

*With Council approval, I will appoint Bob Sorenson as the Council Representative, and Ann Marsh as the citizen appointment to the Central District Health Department Board. The terms of each member will be determined by the Board once they begin. The terms will be staggered, 3-year terms.*

Staff Contact: Marlan Ferguson, Ken Gnadt



# City of Grand Island

Tuesday, May 21, 2002

Council Session

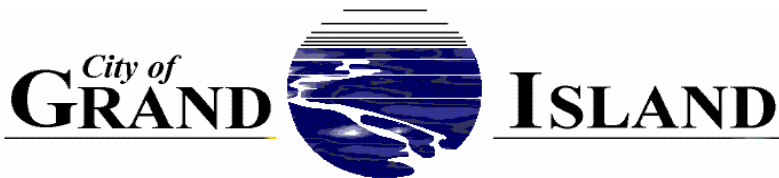
## Item G4

### Approving Appointments to Library Board

*The terms of two library board members – Gerald Bryant and Mike Kneale - expire as of June 30, 2002. The board unanimously recommend reappointment of both board members, subject to the Mayor's appointment and City Council confirmation at its May 21, 2002 regular session.*

Staff Contact: Steve Fosselman





INTEROFFICE  
MEMORANDUM

TO: Mayor Ken Gnadt FROM: Steve Fosselman, Library RE: Reappointment of Two Board Members	DATE: May 15, 2002
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The terms of two library board members – Gerald Bryant and Mike Kneale - expire as of June 30, 2002. Following are the board’s unanimous recommendations, for your appointment and City Council confirmation at its May 21, 2002 regular session.

- Reappointment of Gerald Bryant to a four-year term on the library board, from July 1, 2002 through June 30, 2006. Mr. Bryant resides at 1313 Hagge Avenue in Grand Island. He has been on the library board since 1996 due to his appointment to fill an unexpired term, was reappointed in 1998 for his first full term and qualifies for his second full term. He is currently president of the library board.
- Reappointment of Michael P. Kneale to a four-year term on the library board, from July 1, 2002 through June 30, 2006. Mr. Kneale resides at 2615 Riverside Drive in Grand Island. He was appointed in 2000 to fill an unexpired term and qualifies for his first full term.



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G5

### Approving Minutes of May 7, 2002 City Council Regular Meeting

*The Minutes of the May 7, 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

May 7, 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 May 7, 2002. Notice of the meeting was given in the Grand Island Independent on May 1, 2002.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Dick Bacon, Hall County Chaplaincy Corps.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: One individual reserved time to speak on agenda items.

#### PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Tourism Week" May 6-10, 2002. Mayor Gnadt proclaimed the week of May 6-10, 2002 as "Tourism Week". Trish Beam and Rene' Seifert representing the Hall County Convention Visitors Bureau were present to receive the proclamation. Introduced was Ted Lee Ubanks representing Fermata, Inc. was introduced and spoke about tourism.

Proclamation "Salvation Army Week" May 13-19, 2002. Mayor Gnadt proclaimed the week of May 13-19, 2002 as "Salvation Army Week". Captain Al Simmert representing the Salvation Army was present to receive the proclamation.

Proclamation "Older American Month" May, 2002. Mayor Gnadt proclaimed the month of May, 2002 as "Older American Month". Lois Stienike, Executive Director of the Grand Generation of Hall County was present to receive the proclamation.

#### PUBLIC HEARINGS:

Public Hearing on Request of Jerome Niedfelt for Conditional Use Permit for Telecommunications Tower Located at 1124 South Adams Street Craig Lewis, Building Department Director reported that Laurie Kelly representing Faulk & Foster and Western Wireless and Jerome Niedfelt, had submitted an application with the City Clerks Office for a Conditional Use Permit to allow for the construction of a Telecommunication Tower located at

1124 South Adams Street. Laure Kelly representing Faulk & Foster spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Right of Way Located Along the North Side of Stolley Park Road From U.S. Highway 30 West to Freedom Acres. (Chief Industries, Inc.) Gary Mader, Utilities Director reported that acquisition of property located along the north side of Stolley Park Road, from U.S. Highway 30 west to Freedom Acres, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. The overhead power line will be moved from the south side of Stolley Park Road to facilitate the installation of a sewer line to serve Freedom Acres. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 707 North Diers Avenue. (Grand Island P.H., Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located in the northeast corner of property at 707 North Diers Avenue - Faidley & U.S. Highway 281, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. Pizza Hut was constructing a new building at this location. This easement would be used to locate a pad-mounted transformer to serve the new business. No further public testimony was heard.

#### ORDINANCES:

Motion was made by Larsen, second by Whitesides, to table Ordinance #8721 and Resolutions #2002-56 and #2002-78 until the May 21, 2002 Regular Council meeting. Motion was adopted unanimously.

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

CONSENT AGENDA: Items G-5 and G-6 were removed from the Consent Agenda. Motion by Whitesides, second by Sorensen, carried unanimously to approve the Consent Agenda excluding items G-5 and G-6.

Approving Minutes of April 23, 2002 City Council Regular Meeting.

Approving Request of Nancy Smith, 1614 West 7<sup>th</sup> Street, Hastings, Nebraska for Liquor Manager Designation for Stratford Plaza, LLC dba Best Western Riverside Inn, 3333 Ramada Drive.

Approving Request of Olivia Llamas, 3005 East Highway 30, Grand Island, Nebraska for Liquor Manager Designation for El Tapatio of Grand Island Inc. dba El Tapatio Restaurant, 2610 South Locust Street.

Approving Request of Jerome Niedfelt for Conditional Use Permit for Telecommunications Tower Located at 1124 South Adams Street.

#2002-56 – Approving Reconfiguration of Detention Cell Including Acquisition of Real Estate and Approval of Exchange Agreement. This item was tabled until the May 21, 2002 City Council Meeting.

#2002-78 – Approving Final Plat and Subdivision Agreement for Meadowlark West Fourth Subdivision. This item was tabled until the May 21, 2002 City Council Meeting.

#2002-122 – Approving Amending Resolution #2002-77 Final Plat and Subdivision Agreement for The Village Third Subdivision. It was noted that Resolution #2002-77 approved The Village Third Subdivision with one lot as it was originally presented in December of 2001. The Regional Planning Commission recommended approval of The Village Third Subdivision as presented in March of 2002 with 29 lots and 3 outlots. Resolution #2002-77 needed to be amended to show that The Village Third Subdivision was made up of 29 lots and 3 outlots.

#2002-123 – Approving Acquisition of Right of Way Located Along the North Side of Stolley Park Road From U.S. Highway 30 West to Freedom Acres. (Chief Industries, Inc.)

#2002-124 – Approving Acquisition of Utility Easement Located at 707 North Diers Avenue. (Grand Island P.H., Inc.)

#2002-125 – Approving Engineering Services for Well Field Collection Basin Project CH2M Hill, Englewood, Colorado in an Amount Not to Exceed \$74,414.00.

#2002-126 – Approving Utility Property Farm Leases. It was noted that The Utilities, Public Works and Parks and Recreation Departments lease lands owned at the Platte Valley Industrial Park, Burdick Station, the Well Field, land north of the Wastewater Treatment site, the City Landfill and CHAAP to the following tenants: Larry Knuth, Kenneth Clausen, Jack Webb, Mike Peters, Gerald Bremer, Robert Nunnenkamp, Matt Turek and Bill Cure.

#2002-127 – Approving Continuation and Construction of Street Improvement District #1240, Grand West Third Subdivision.

#2002-128 – Approving Supplemental Agreement #1 to Project No. S-30-4(1019) with the Nebraska Department of Roads to Improve US Highway 30 in Grand Island.

#2002-129 – Approving Bid Award for (1) New Commercial Mulching Turf Mower with Midwest Turf & Irrigation, Omaha, Nebraska in the Amount of \$10,543.00.

RESOLUTIONS:

#2002-130 – Approving Bid Award for Motor Grader for the Street Department. Steve Riehle, Public Works Director reported that the Public Works Department, Street and Transportation Division, was replacing a 40 year old motor grader. Bids were received on April 16, 2002 for a 33,000 lb., 6-wheel drive, 180 horsepower grader. All bids that were received were higher than the estimate of \$137,221.00. The bids ranged from \$152,660.00 to \$172,360.00. A motor grader

was available from the state contract holder at a cost that was less than the estimate, under State of Nebraska Contract Number CA-5747. The Public Works Department recommended that the purchase be awarded to Spreitzer, Inc. of Omaha in the amount of \$135,173.00 per this contract. Mr. Riehle stated that if the Council did not award the bid to the lowest bidder, all bids would be rejected and the project re-advertised with bid specifications that took into account the other items that can be considered when selecting equipment.

Councilmember Larson stated that he felt the lowest bid was not always the best bid. His concern was what the motor grader would be worth in 40 years. Councilmember Whitesides wanted to know what Steve Riehle's opinion was in purchasing a Volvo motor grader instead of one of the others. Mr. Riehle stated that he had some reservations, but the Street Department personnel were in favor of purchasing a Volvo motor grader from the State Contract.

Bob Snodgrass, Norfolk, Nebraska representing Volvo spoke in support.

Motion by Seifert, second by Sorensen, to approve the purchase of a motor grader through State Contract Number CA-5747 with Spreitzer, Inc., Omaha, Nebraska in the amount of \$135,173.00. Motion carried unanimously.

#2002-131 – Approving No Smoking Policy. Marlan Ferguson, City Administrator reported that at the April 2, 2002 City Council Study Session, representatives from the Tobacco Free Hall County organization made a presentation requesting City Council establish a policy banning smoking in city facility and vehicles. As a result of that, a policy had been prepared for the Council's consideration.

Tim Gregory, 1403 North Howard Place; Luke McMahan, 1109 South Cherry Street; Laura Haberman, 3007 Sothman Drive; Jason Meis, 3121 Briarwood Boulevard; Clint McCarthy, 2210 Gateway Avenue and Tom O'Neill, 804 West Stolley Park Road spoke in favor.

Councilmember Sorensen questioned if this Resolution could be enforced. City Attorney Charlie Cuypers stated that typically resolutions are advisory or self enforced. Councilmember Whitesides stated he felt we pass too many laws that are not enforceable. Councilmember Haase felt that putting up signs would help and she congratulated the youth on taking a stand.

Councilmember Walker asked if there had been problems in the pool areas. Steve Paustian, Parks and Recreation Director stated that there would not be much of a change except in the bleachers, grandstands and athletic fields. Councilmember Hornady stated she feels that non-smokers are passing off the responsibility and she has problems with government intruding on people's lives.

Motion by Seifert, second by Haase, to approve Resolution #2002-131 regarding the No Smoking Policy. Upon roll call vote, Councilmembers Seifert, Larsen, Haase, Murray and Walker voted yes. Councilmembers Ward, Hornady, Whitesides and Sorensen voted no. The Mayor voted in favor casting the sixth and deciding vote. Motion was adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Ward, carried unanimously to approve the Claims for the period of April 24, 2002 through May 7, 2002, for a total amount of \$3,259,355.66.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G6

### Approving Minutes of May 14, 2002 City Council Study Session

*The Minutes of the May 14, 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

May 14, 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 May 14, 2002. Notice of the meeting was given in the Grand Island Independent on May 8, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. 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.

Sidewalk Committee Report. Steve Riehle, Public Works Director and Craig Lewis, Building Department Director reported that in 1997 the City Council adopted Resolution #97-214 for the continued installation of public sidewalks. The policy required a plan to accommodate pedestrian school traffic. A committee consisting of staff from the Public Works, Building and Planning Departments had been meeting to develop priorities for sidewalks near schools. In April 2002, the committee met with the Principals of Stolley Park, Seedling Mile, Westridge and Engleman schools to discuss their thoughts regarding sidewalks.

The Committee wanted direction from the Council in order to proceed. If Council resolved to pursue sidewalks in these areas, property owners would be notified to install sidewalks and be given a deadline for compliance. Mr. Riehle stated a Resolution directing staff to notify property owners to install sidewalks would be on the May 21, 2002 Council Agenda.

A presentation was made with proposed sidewalks along Stolley Park, Seedling Mile, Westridge and Engleman Elementary schools. Councilmember Walker asked what the cost per square foot of sidewalk would be. Mr. Riehle stated \$10 – \$12 per foot if hired by a contractor. Councilmember Pielstick requested that the preliminary work be done by the City before we ask the property owners to put in sidewalks. Councilmember Larson mentioned the difficulty in not doing things right the first time and urged staff to require new subdivisions to put in sidewalks. Councilmember Ward clarified that the City would be responsible for the dirt work where the sidewalks would be required. Councilmember Pielstick mentioned the neighborhood associations and contacting them to help.

Tom Noble, 1715 Hudson Circle and Jacey McGowan, 533 Linden Avenue spoke in support.

Update on Annexation. Marlan Ferguson, City Administrator reported that Annexation had been a subject of discussion many times over the past several years and was one of the top Council

priorities identified at the 2001-2002 Annual Council Retreat. When Council directed Administration to look at annexation, the emphasis was on addressing infrastructure needs, equalizing tax situations for those who are currently receiving City services, and acknowledging current and anticipated growth of the community in order to best plan for service delivery. Nebraska law provides the authority for municipalities to annex land.

One of the challenges associated with annexation involved timing. Mr. Ferguson stated that several open house meetings had taken place to inform and answer questions from the public. The timeline for this process was reviewed. Mr. Ferguson stated that city staff needed the Council's direction on this issue.

Rollie Reynolds, 239 South Lakeside Drive spoke against annexation due to cost. Bob Kutz, 20 Kuester Lake and Otis Williamson, 22 Kuester Lake spoke in opposition. Gary Rosacker, 4408 Quail Lane spoke in favor of annexation and would like to become a part of the city.

Councilmember Seifert questioned the reimbursement of lights, sidewalks, etc. Mr. Reihle stated that the City would not reimburse these expenses. Chad Nabity, Regional Planning Director stated that Kuester Lake had a private road and it would remain that way unless it was donated to the City. The Council had an opportunity to review the maps and ask questions.

Councilmember Murray asked about the requests that had been made earlier as far as the age and numbers of septic tanks and costs. Mr. Lewis stated that this would be time consuming and nearly impossible to compile. Mr. Murray stated that maybe this should be put off and work it into our comprehensive plan. Councilmember Haase stated her biggest concern was getting information on the financial end of this and how it would effect the City with other projects. Mr. Ferguson stated that the City was in good financial shape and now would be the time to do this. There may be some projects that might have to be pushed back.

Councilmember Hornady wanted clarification on Title 124. Craig Lewis, Building Department Director explained Title 124 relating to ground water, evaluation, etc. Ms. Hornady questioned the water quality at Kuester Lake. Councilmember Larson stated that this is often times an emotional issue, but we need to look at the big picture. Mr. Larson encouraged the Council to move this along to the Planning Commission.

It was the consensus of the Council to move this forward with the timeline set out.

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G7

### **Approving Request of Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue for Class "K" Liquor License**

*This item relates to the aforementioned Public Hearing. Roy Fredrickson, representing Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue has submitted an application with the City Clerk's Office for a Class "K" Liquor License in conjunction with their Class "C-04162" Liquor License. A Class "K" or "Catering" Liquor license allows a Retail Class C, D, I or L license to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated License (SDL). A Licensee shall not cater an event unless a SDL has been obtained. 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, May 21, 2002

Council Session

## Item G8

### **Approving Request of George P. Kurtz, 616 Pheasant Place for Liquor Manager Designation for Albertson's, Inc. dba Albertson's Express #2265, 1235 Allen Drive**

*George P. Kurtz, 616 Pheasant Place representing Albertson's, Inc. dba Albertson's Express #2265, 1235 Allen Drive, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-50160" and "K-50162" Liquor Licenses. This application has been reviewed by the Police Department and City Clerk's Office. Approval is recommended.*

Staff Contact: RaNae Edwards



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G9

### Approving Preliminary Plat for Country Meadows Subdivision

*Raymond O'Connor, owner, has submitted the preliminary plat for Country Meadows Subdivision, located North of Old Potash Hwy, and East of Shoemaker Elementary School. This plat proposes to develop an unplatted parcel of land into 83 lots. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of May 1, 2002, with 7 members voting in favor and 1 member abstaining voted to recommend approval. Approval is recommended. See attached RESOLUTION.*

Staff Contact: chad nabit



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G10

### **#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 in order to accommodate future commercial development of Meadowlark West Fourth Subdivision. A public hearing regarding this matter was held during the February 26, 2002 City Council meeting. The Public Works Department has reviewed and approved the reconfiguration. There are two actions before the Council in connection with this matter, including (a) an ordinance approving acquisition of the reconfigured cell as Outlot "A", and (b) 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 exchange transaction. We recommend that the ordinance and resolution be approved as drafted. See attached RESOLUTION.*

Staff Contact: Charlie Cuypers

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 Lots Six (6), Eight (8) and Nine (9), 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 6<sup>th</sup> 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 S00°07'16"W a distance of 45.52 feet; 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 147.47 feet to the point of beginning. Said tract contains 63,999.42 square feet or 1.47 acres more or less, as shown on the drawing revised April 30, 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 Lots Six (6), Eight (8) and Nine (9), 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 May 21, 2002.

Approved as to Form ? _____ May 16, 2002 ? City Attorney
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RaNae Edwards, City Clerk

Approved as to Form ? \_\_\_\_\_  
May 16, 2002 ? City Attorney





# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G11

### **#2002-78 - Approving Final Plat and Subdivision Agreement for Meadowlark West Fourth Subdivision**

*Robert M. Allen Family Limited Partnership, owners, have submitted the final plat for Meadowlark West 4th Subdivision, located South of 13th Street, and West of Webb Road. This plat proposes to develop 15 lots and 1 out lot. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of May 1, 2002, unanimously voted to recommend approval. See attached RESOLUTION.*

**Staff Contact: Chad Nabity**

RESOLUTION 2002-78

WHEREAS, Robert M. Allen Family Limited Partnership, as owner, has caused to be laid out into lots and an Outlot, a tract of land comprising all of Lots One (1) through Nine (9), and Twenty Four (24) through Twenty Nine (29), Meadowlark West Third Subdivision, in the City of Grand Island, and the City of Grand Island Detention Cell B-6A, all in the East Half of the Northeast Quarter (E1/2, NE1/4) of Section 13, Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, under the name of MEADOWLARK WEST FOURTH SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on March 6, 2002; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Board of Education of School District No. 2 in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

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

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

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

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Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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

Approved as to Form ? _____ May 16, 2002 ? City Attorney
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# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G12

### **#2002-132 - Approving Acquisition of Utility Easement - Kramer's Auto Parts and Iron Company, Inc.**

*Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to property of Kramer's Auto Parts and Iron Company, Inc., located at 3405 N. U.S. Hwy. 281, on Hwy. 281, 1/4 mile north of Airport Road, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*Kramer's Auto Parts is adding a new crusher to recycle aluminum cans. The increased load and consolidation of existing services requires a new pad mounted transformer which this easement will facilitate. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.*

Staff Contact: Gary R. Mader

NORTHERLY LINE OF TRACT OF LAND DESCRIBED IN DOC. 94-108632

CENTER LINE OF TRACT NO. 1

SW 1/4 SEC. 33, T-12-N, R-9-W

WESTERLY LINE OF SW 1/4

US HWY 281

1350.8'

OUTFALL DITCH R-0-W

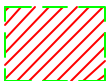
NW CORNER LOT 1 KRAMERS SUB.

EXISTING EASEMENT

KRAMERS SUBDIVISION



**LEGEND**



INDICATES 20' WIDE UTILITY EASEMENT

**AIRPORT RD.**

SW COR. SW 1/4 SEC. 33-12-9 ALUM. CAP

CITY OF GRAND ISLAND UTILITIES DEPARTMENT

**EXHIBIT "A"**

DRAWN BY: B.W.H. SCALE: 1"=100'  
DATE: 5/1/2002 FILE: KRAMER

33' 33'

90°0'0"

231.5'

165.5'

33' 33'

561.5'

10.0'

10.0'

30.0'

CENTER LINE OF TRACT NO. 2

24'

153.33'

RESOLUTION 2002-132

WHEREAS, a public utility easement is required by the City of Grand Island, from Kramer's Auto Parts and Iron Company, Inc., a Nebraska corporation, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on May 21, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the Southwest Quarter (SW1/4) of Section Thirty Three (33), Township Twelve (12) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Tract No. 1:

Beginning at a point on the northerly line of Lot one (1) Kramers Subdivision, Hall County, Nebraska, being one hundred sixty five and five tenths (165.5) feet easterly of the northwest corner; thence northerly parallel to the westerly line of the Southwest Quarter (SW1/4) of Section Thirty Three (33), Township Twelve (12) North, Range Nine (9) West of the 6<sup>th</sup> P.M., a distance of five hundred sixty one and five tenths (561.5) feet to a point on the northerly line of the tract of land as described in Document 94-108632, recorded at the Register of Deeds Office, Hall County, Nebraska. AND

Tract No. 2:

Commencing at a point on the westerly line of the Southwest Quarter (SW1/4) of Section Thirty Three (33), Township Twelve (12) North, Range Nine (9) West of the 6<sup>th</sup> P.M., being one thousand three hundred fifty and eight tenths (1,350.8) feet north of the southwest corner of the said Southwest Quarter (SW1/4); thence easterly perpendicular to the westerly line of said Southwest Quarter (SW1/4), a distance of two hundred thirty one and five tenths (231.5) feet to the Actual Point of Beginning; thence continuing easterly on the last described course, a distance of twenty four (24.0) feet; thence northerly parallel to the westerly line of said Southwest Quarter (SW1/4), a distance of thirty (30.0) feet.

The above-described easement and right-of-way containing a combined total of 0.278 acres, more or less as shown on the plat dated May 1, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Kramer's Auto Parts and Iron Company, Inc., a Nebraska corporation, on the above-described tract of land.

Approved as to Form ? _____
May 16, 2002 ? City Attorney

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____
May 16, 2002           ? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G13

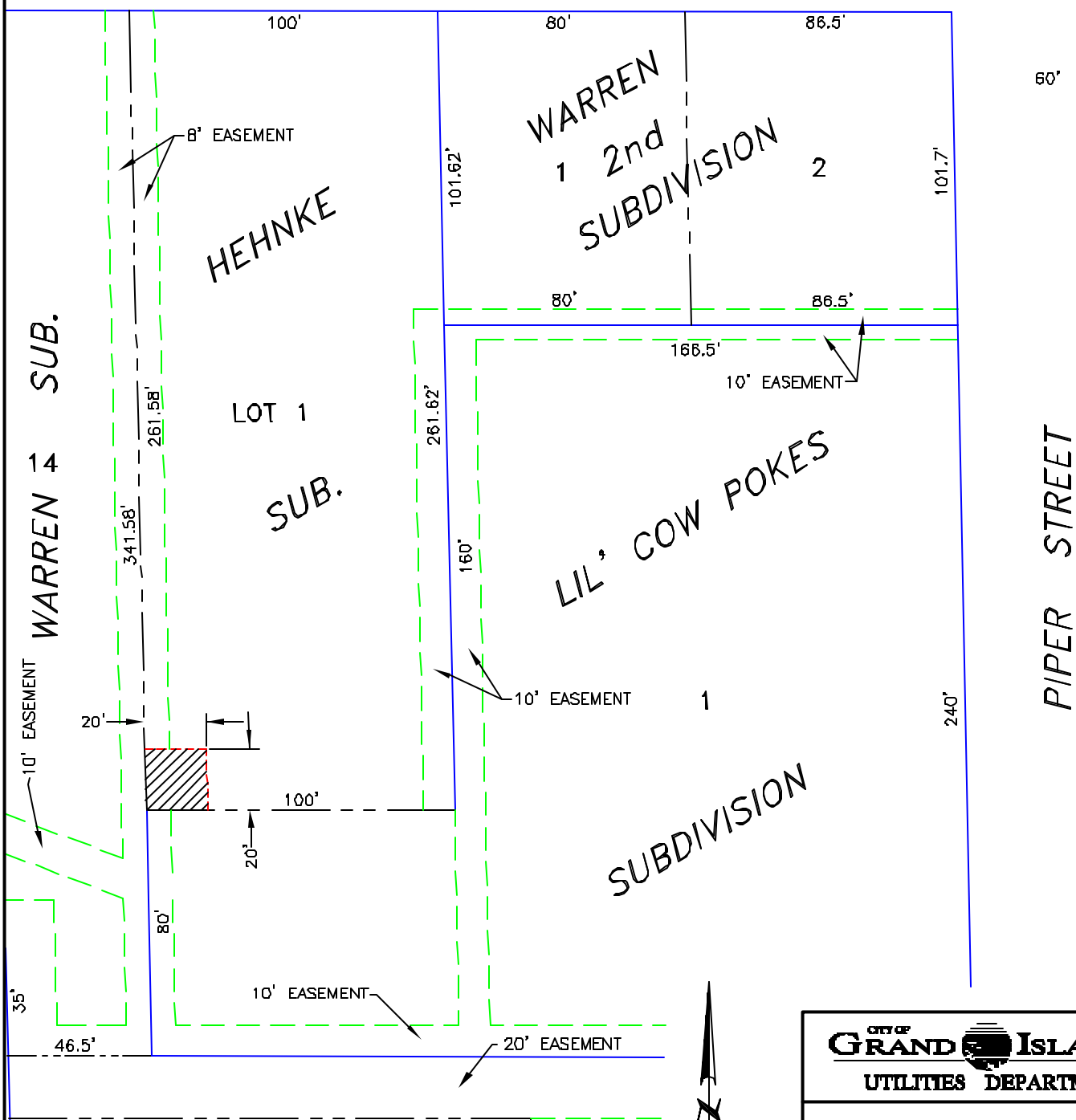
### **#2002-133 - Approving Acquisition of Utility Easement - OH HO Partnership**

*Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to property of OH HO Partnership, located in the southwest corner of property located at 3015 West North Front Street, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*A new apartment building will be built at this location. This easement will provide a site to serve the new apartment building with a pad mounted transformer. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.*

Staff Contact: Gary R. Mader

NORTH FRONT STREET 80'



**LEGEND**

 INDICATES 20' X 20' UTILITY EASEMENT

 <b>CITY OF GRAND ISLAND</b> UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRAWN BY: K.J.M.	SCALE: 1"=50'
DATE: 5/8/2002	FILE: HEHNKE SUB



R E S O L U T I O N 2002-133

WHEREAS, a public utility easement is required by the City of Grand Island, from Oh Ho Partnership, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on May 21, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1), Hehnke Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

The westerly twenty (20.0) feet of the southerly twenty (20.0) feet of Lot One (1) Hehnke Subdivision.

The above-described easement and right-of-way containing a total of 400 square feet, more or less as shown on the plat dated May 8, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____
May 16, 2002 ? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G14

### **#2002-134 - Approving Acquisition of Utility Easement - G.I.A., Inc.**

*Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to property of G.I.A., Inc. located on East Highway 30 and Shady Bend Road, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be used in the extension of both overhead and underground distribution lines to a new pad mounted transformer. The transformer is needed to serve increased electrical load at GIA. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.*

**Staff Contact: Gary R. Mader**

AIRPORT ROAD

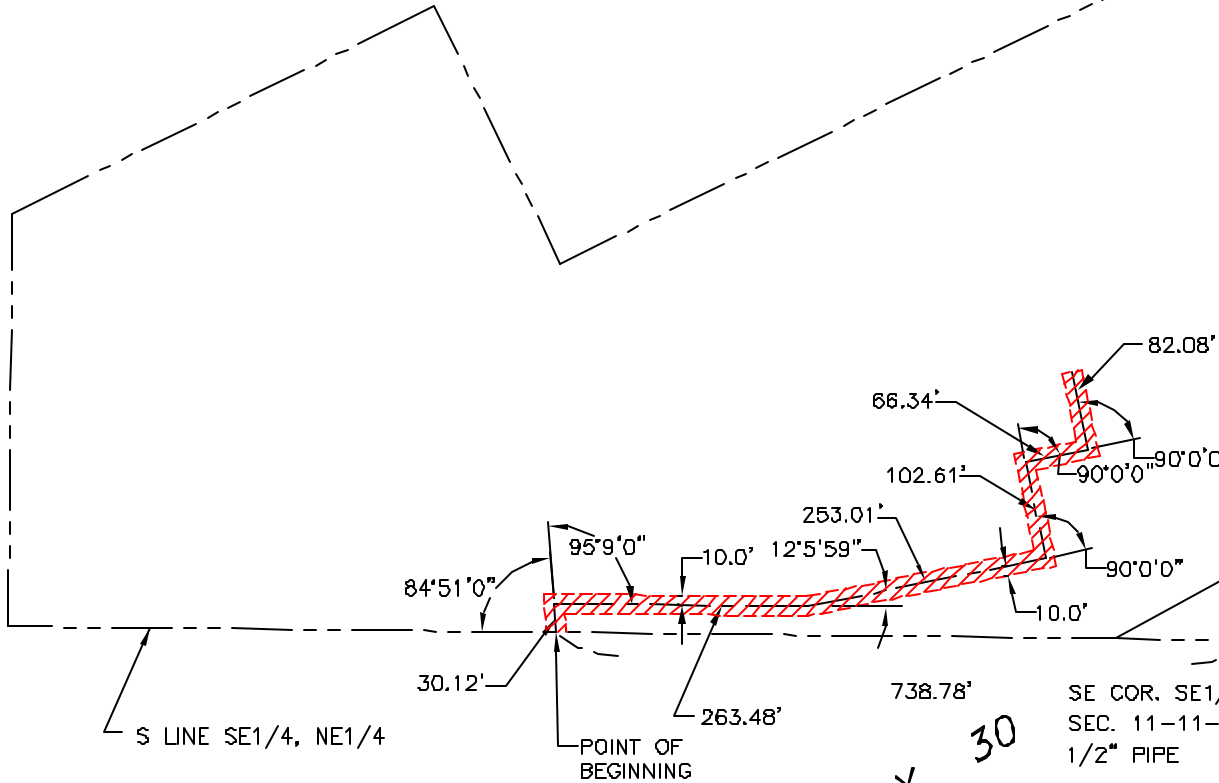
NE COR. NE 1/4  
SEC. 11-11-9  
ALUM. CAP

SE 1/4, NE 1/4  
SECTION 11, T-11-N, R-9-W

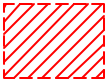


2631.02'

SHADY BEND RD.



LEGEND

 INDICATES 20' WIDE  
UTILITY EASEMENT

 <b>CITY OF GRAND ISLAND</b> UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRAWN BY: B.W.H.	SCALE: 1"=200'
DATE: 5/8/2002	FILE: G I A

RESOLUTION 2002-134

WHEREAS, a public utility easement is required by the City of Grand Island, from G.I.A., Inc., a Nebraska corporation, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on May 21, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West; thence westerly along the southerly line of said Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4), a distance of seven hundred thirty eight and seventy eight hundredths (738.78) feet to the ACTUAL POINT OF BEGINNING; thence deflecting right 84°51'00" and running northerly, a distance of thirty and twelve hundredths (30.12) feet; thence deflecting right 95°9'00" and running easterly, a distance of two hundred sixty three and forty eight hundredths (263.48) feet; thence deflecting left 12°5'59" and running northeasterly, a distance of two hundred fifty three and one hundredth (253.01) feet; thence deflecting left 90°00'00" and running northwesterly, a distance of one hundred two and sixty one hundredths (102.61) feet; thence deflecting right 90°00'00" and running northeasterly, a distance of sixty six and thirty four hundredths (66.34) feet; thence deflecting left 90°00'00" and running northwesterly, a distance of eighty two and eight hundredths (82.08) feet.

The above-described easement and right-of-way containing a total of 0.368 acres, more or less as shown on the plat dated May 8, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from G.I.A., Inc., a Nebraska corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 21, 2002.

RaNae Edwards, City Clerk

Approved as to Form ?	_____
May 16, 2002	? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G15

### **#2002-135 - Approving Joint Reporting Agreement - NPPD and City of Grand Island**

*The problems associated with deregulation of the nations electric industry have been well documented in the media over the past few years. As a result of the problems, federal regulation has increased, and as is often the case with federal regulation, extensive documentation and reporting are required to comply. The National Electric Reliability Council (NERC) and, regionally, the Mid American Power Pool (MAPP) have promulgated expanded rules and regulations governing the operation of electric utilities.*

*Mutual support and emergency back-up service have long been parts of utility operations. But with deregulation many more entities have access to the transmission system, increasing the chances of manipulating the rules to gain a financial advantage not intended by the original rules. Also during this same time frame, the nations reserves were being reduced by growing electric loads during a period of little plant construction. With dwindling reserves and deregulation came the need to more firmly document support arrangements and establish more detailed pricing methods.*

*NPPD is the area control for MAPP and Grand Island is located within that regional control area. NPPD is a member of the MAPP organization. Grand Island is not. Until now, the two utilities have continued to operate in much the same way as pre-deregulation, routinely buying and selling power and providing backup when needed, to the mutual benefit of both. However, regulation now requires that Grand Island comply with the new regulation in order to receive the benefit of MAPP support in an emergency, e.g. the loss of PGS.*

*Over the past several months, GI Utility and NPPD staff have reviewed a number of options to provide compliance with MAPP rules. The result of this analysis is the attached proposed Joint Reporting Agreement. Since NPPD is the MAPP control for the area around the City, and, because of logistics, is the entity through which Grand Island accesses other MAPP utilities for mutual support services, it seemed reasonable to add Grand Island requirements directly to the overall control area requirements as reported and administered by NPPD. If the parties approve this Agreement, it is then subject to additional approvals at MAPP; the Accreditation Working Group (AWG), the Design Review Subcommittee (DRS), and the MAPP Board.*

*It is the recommendation of the Utilities Department that the Joint Reporting Agreement be approved.*

*Fiscal Effects:*

---

*Some staff time to provide the required specific data for MAPP accreditation, payment to NPPD for the additional costs associated with adding the GI capacity to their reporting; estimated at \$20,000 per year, and purchase of firm transmission service for emergency access to MAPP utilities' reserves; estimated at \$250,000 per year.*

*Alternatives:*

*Join MAPP which would require added utility staff and equipment installation, plus \$128,000 first year payment and an annual payment of \$108,000 thereafter. At the present time, there is substantial uncertainty about the future of MAPP. Use of NPPD T-2 transmission service estimated at \$857,000 per year. Purchase of transmission network firm service estimated at over \$1,000,000 annual cost. Operate duplicate City generation to provide 100% back up in the event that a City generator experiences an unplanned outage. See attached RESOLUTION.*

Staff Contact: Gary R. Mader

**JOINT REPORTING AGREEMENT**  
**between**  
**NEBRASKA PUBLIC POWER DISTRICT**  
**and**  
**GRAND ISLAND UTILITIES**  
**CITY OF GRAND ISLAND, NEBRASKA**

**Joint Reporting Agreement**  
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**JOINT REPORTING AGREEMENT**  
**between**  
**NEBRASKA PUBLIC POWER DISTRICT**  
**and**  
**GRAND ISLAND UTILITIES**  
**CITY OF GRAND ISLAND, NEBRASKA**

This Joint Reporting Agreement ("Agreement") is made and entered into effective the 1st day of June, 2002, by and between Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska, hereinafter called "NPPD," and the City of Grand Island, Nebraska, a municipal corporation and political subdivision of the State of Nebraska, doing business as Grand Island Utilities, hereinafter called "GRIS". NPPD and GRIS respectively, being some times hereinafter referred to individually as "Party" or collectively as "Parties".

**RECITALS**

WHEREAS, the North American Electric Reliability Council (NERC) and the Mid-Continent Area Power Pool (MAPP) have established reliability standards to maintain the reliability and capability of the nations electric system, and

WHEREAS, those reliability standards require reporting of generation and transmission system capabilities, and prescribe operational requirements for member facilities, and

WHEREAS, NPPD owns and operates certain electric generating facilities together with a transmission system and various distribution systems in the State of Nebraska and is engaged in the generation, purchase, transmission, distribution, and sale of electric power and energy, and

WHEREAS, GRIS owns and operates certain electric generating facilities together with an electric distribution system and is engaged in the generation, purchase, transmission, distribution and sale of electric power and energy, and

WHEREAS, NPPD and GRIS have provided power and energy to each other through an "Interconnection and Interchange Agreement," effective June 26, 1981, as amended, hereinafter called "Interconnection Agreement", and

WHEREAS, GRIS is physically located within the control area of NPPD and NPPD's control area is a part of the MAPP region, and

WHEREAS, the Parties' respective electric systems are presently interconnected and they wish to provide joint reporting of generation and transmission facilities to MAPP, making possible a more beneficial use of generating facilities and assuring better service in emergencies, thereby providing important benefits to the areas served by the parties and to the public, and

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, the Parties do hereby mutually agree as follows:

**ARTICLE 1**  
**TERM**

- 1.1 This Agreement shall become effective on the date first above written and shall continue in force for a period of two (2) years from said date (through May 31, 2004), and from year-to-year thereafter unless terminated by either Party by providing at least six (6) months prior written notice to the other Party.
- 1.2 Upon termination of this Agreement each Party shall be responsible for meeting their reserve and other obligations as set forth by the North American Electric Reliability Council (NERC), Mid-Continent Area Power Pool (MAPP) or their successor organizations.
- 1.3 In the event the NPPD-GRIS "Interconnection and Interchange Agreement" dated June 26, 1981, should be terminated and not superseded by another interconnection agreement, this Agreement shall terminate simultaneously and otherwise become null and void.
- 1.4 In the event a Party fails to perform or defaults on any of its responsibilities and obligations set forth in this Agreement, the other Party shall have the right to declare a breach and terminate the Agreement upon 30 days written notice to the breaching Party.

**ARTICLE 2**  
**JOINT LOAD AND CAPABILITY**

- 2.1 For the purposes of this Agreement, NPPD is considered to be the reporting Party who, among other responsibilities, shall provide before-the-fact (projected) and after-the-fact (actual) joint load and capability reports to the Mid-Continent Area Power Pool (MAPP).  
  
References to MAPP in this Agreement shall include MAPP or any successor organization(s) to MAPP.
- 2.2 GRIS and NPPD agree that each Party has the rights to the other's generating resources to serve the combined load of GRIS and NPPD. NPPD shall report to MAPP the GRIS and NPPD combined load and capability. GRIS and NPPD shall each, at a minimum, accredit and maintain generation or purchase accredited capacity equal to their respective loads plus the reserve margin specified by MAPP. If the combined load and reserve capacity obligation of the Parties exceeds the combined accredited capability of the Parties during any hour (deficit); then NPPD, as the reporting Party, will be responsible for any deficit incurred through the MAPP organization and shall pay any MAPP charges associated with the deficiency, subject to the provisions in Article 2.3 below.
- 2.3 If a MAPP deficit occurs on the combined load and reserve capacity obligation, the Parties shall determine which Party's load and reserve capacity obligation caused the deficit. The Party causing the deficit shall be responsible for any MAPP charges as a result of such deficit. If the Parties determine that the load and reserve capacity obligation of both Parties caused the deficit, each Party shall be responsible for its prorated share of the MAPP charges. Conversely, if

revenues are received by NPPD from other MAPP members for their deficits that occurred during the term of this Agreement, NPPD will distribute to GRIS its pro-rata share according to GRIS' share of the jointly reported after-the-fact surplus capacity for the applicable season of deficit.

- 2.4 If a Party's resource capability is deficient at the hour of the minimum surplus of the joint system, but the combined resource capability of the Parties, as reportable to MAPP, is not, the Party with the deficient capability shall purchase capacity to cover its load from the other Party at market rates as agreed to by the Parties.

### **ARTICLE 3** **REPORTING INFORMATION**

- 3.1 For purposes of this Agreement "Joint Reported Capacity" shall be defined as accredited generating capacity, in accordance with testing procedures identified in Article 4, and any accredited purchase of capacity or sale of capacity, accredited or not.
- 3.2 GRIS shall provide to NPPD its monthly Joint Reported Capacity and load information for reporting to MAPP as identified in Article 2.1 above as after-the-fact (actual) information. GRIS shall provide this information to NPPD in a form compatible with MAPP requirements. GRIS shall provide multiple hour information in order for NPPD to identify the specific hours that need to be reported to MAPP.
- 3.3 In order to meet deadlines for reporting to MAPP and other authorities as required, NPPD shall promptly request, and GRIS shall promptly provide, all required data. For example, one present requirement is that prior to January 1 of each year during the term of this Agreement as a part of MAPP's annual EIA-411 Data Request to each member, GRIS shall provide to NPPD its projected loads and capabilities, as well as additional MAPP-requested information, for the succeeding ten MAPP years. A MAPP year runs from May 1 of a particular year through April 30<sup>th</sup> of the following year. The first two years of projections shall be on a month-by-month basis and projections for years three through ten shall be on a seasonal basis. Projected load and capability reports shall be provided to NPPD in a form agreed to by the Parties and shall include projections for (i) accredited generating resources; (ii) known capacity purchases or sales, and (iii) firm loads, plus other items as requested. In the accreditation process, details on generation capabilities and contracts for purchases and sales (excluding pricing details) will be required for submittal to MAPP. It is not intended that this paragraph contain a complete list of all the information that will be required to be reported by GRIS to NPPD.
- 3.4 GRIS shall provide system data to NPPD and NPPD shall include such data in required MAPP and /or NERC filings in accordance with this Agreement. GRIS shall be responsible for applicable costs incurred by NPPD for including GRIS in such filings.
- 3.5 The Parties agree that the joint reporting arrangement set out in this Agreement shall not change ownership of facilities and that facility ownership and control will

be the same for each entity as established prior to entering into this Agreement. This Agreement is not intended to, and shall not be construed or deemed to, constitute or create any lien or encumbrance in respect of such facilities or any ownership rights or interest in such facilities.

**ARTICLE 4**  
**TEST PROCEDURES**

- 4.1 NPPD and GRIS shall accredit their generating capacity through tests performed according to the terms and conditions specified by MAPP for Uniform Rating of Generating Equipment (URGE), currently in effect. The URGE criteria are defined in the latest revision of the MAPP Regional Reliability Handbook and such requirements are incorporated herein by reference.

**ARTICLE 5**  
**OPERATING RESERVES**

- 5.1 NPPD and GRIS operating reserves, as required by MAPP, shall be determined from the combined load of GRIS and NPPD. NPPD will pro-rate the operating reserves between the Parties, in megawatts, based upon the pro-rata share of each Party's load that is used to determine the joint operating reserve requirement.
- 5.2 NPPD and GRIS shall maintain operating reserves in accordance with the requirements of MAPP's Generation Reserve Sharing Pool (GRSP) or its successor.
- 5.3 In the event an emergency within MAPP is declared, NPPD shall have the responsibility to respond and shall have the right to request GRIS assistance in providing generation resources for the MAPP emergency. GRIS shall promptly respond to NPPD's request to deploy operating reserves in response to MAPP emergencies and shall restore operating reserves in accordance with MAPP requirements. The amount of GRIS participation in the MAPP emergency will not exceed the incremental amount of reserves prorated as GRIS' share as set out in Article 5.1 above. NPPD shall have the sole responsibility for how operating reserves are deployed for MAPP emergencies. NPPD shall compensate GRIS for their generation share of the MAPP emergency, if called upon by NPPD to deploy reserves. Such compensation shall be based on MAPP emergency pricing for the emergency energy. Detailed procedures will be developed and maintained by the Operating Committee as set out in Article 9.
- 5.4 In the event of a loss of energy resource by GRIS, GRIS shall immediately notify NPPD and NPPD shall have the sole responsibility to declare an emergency within MAPP on behalf of GRIS or to cover the loss of GRIS resources with NPPD resources. GRIS shall follow notification procedures for loss of resource as set out in the operating and billing procedures in accordance with Article 9.
- 5.5 GRIS shall be responsible for all charges incurred by NPPD due to loss of GRIS energy resource whether the loss is covered solely by NPPD or through declaration of an emergency through the MAPP GRSP. Charges shall be as set

out in the operating and billing procedures as developed by the Operating Committee in accordance with Article 9.

**ARTICLE 6**  
**RESPONSIBILITIES OF GRIS**

- 6.1 GRIS shall grant to NPPD the rights to GRIS capacity and energy to serve NPPD end use load obligations, capacity sales, and obligations to the GRSP for providing energy during emergency conditions. The Operating Committee shall determine pricing for such purchases.
- 6.2 GRIS shall be responsible for a study to determine if the transfer capability from GRIS resources to NPPD is adequate to meet the requirements for joint reporting.
- 6.3 GRIS shall provide transmission service on its transmission system, for this joint reporting arrangement, to the points of interconnection between GRIS and NPPD.
- 6.4 GRIS shall purchase firm point-to-point transmission service on the NPPD system to accommodate the exchange of capacity and energy necessary to support this joint reporting arrangement.
- 6.5 GRIS shall operate its generating facilities for use by NPPD to provide energy associated with said facilities in accordance with the provisions of this Agreement, when called upon by authorized NPPD personnel to do so.
- 6.6 GRIS shall make all necessary and required modifications to GRIS' generating facilities as mandated by local, state or federal laws, rules, regulations and requirements that are needed for performance of this Agreement. Generating facilities, which are not in compliance with all such laws, rules, regulations and requirements shall not be reported on GRIS monthly Joint Reporting Capacity to NPPD, nor shall NPPD be responsible for reporting such non-compliant generation on the Joint Load and Capability Report to MAPP.
- 6.7 GRIS shall coordinate the scheduling of all or any part of GRIS' generating facilities with authorized NPPD personnel.
- 6.8 GRIS shall maintain its generating facilities in a readily operable condition in order to meet the requirements of this Agreement.
- 6.9 GRIS shall maintain continuous availability of GRIS personnel to respond to NPPD requests for operation of GRIS' generating facilities in accordance with the operating and billing procedure relative to this Agreement.
- 6.10 The operating and billing procedure relative to this Agreement shall identify GRIS Personnel authorized to request NPPD to operate NPPD's generation pursuant to Article 7.1.

**ARTICLE 7**  
**RESPONSIBILITIES OF NPPD**

- 7.1 NPPD shall grant to GRIS the rights to NPPD capacity and energy to serve GRIS end use load obligations, capacity sales, and obligations to the GRSP for providing energy during emergency conditions. The Operating Committee shall determine pricing for such purchases.
- 7.2 In conjunction with Article 6.4 above, NPPD shall provide transmission service on its transmission system from the points of interconnection between GRIS and NPPD to NPPD's load, to facilitate this joint reporting arrangement.
- 7.3 NPPD shall submit the necessary MAPP joint reporting notifications, reports, studies, data, etc., to the MAPP Design Review Subcommittee, Accreditation Working Group, and/or other MAPP Committees or Subcommittees as required in support of this Agreement. GRIS shall be responsible for applicable costs incurred by NPPD to produce and submit said reports.
- 7.4 NPPD shall include GRIS' system data in MAPP and /or NERC filings that are required due to this joint reporting arrangement and GRIS shall be responsible for applicable costs incurred by NPPD to include GRIS in such filings.
- 7.5 NPPD shall notify GRIS when GRIS is to operate its generation facilities and NPPD shall provide GRIS as much advance notice of required operation as is feasible under the circumstances then existing.
- 7.6 The operating and billing procedure relative to this Agreement shall identify NPPD personnel authorized to request GRIS to operate GRIS' generation facilities, pursuant to this Agreement.
- 7.7 NPPD shall operate its generating facilities for use by GRIS to provide energy associated with said facilities in accordance with the provisions of this Agreement, when called upon by authorized GRIS personnel to do so.
- 7.8 NPPD shall make all necessary and required modifications to NPPD's generating facilities as mandated by local, state or federal laws, rules, regulations and requirements that are needed for performance of this Agreement.
- 7.9 NPPD shall maintain its generating facilities in a readily operable condition in order to meet the requirements of this Agreement.

**ARTICLE 8**  
**NERC REQUIREMENTS**

- 8.1 The Parties acknowledge that the North American Electric Reliability Council (NERC) promotes the reliability of the bulk electric supply for North America. The Parties agree to comply with requirements, programs, standards, criteria, procedures, terms, conditions and the like issued by NERC "requirements", as they may be revised from time to time. It is the obligation of each Party to be individually responsible for compliance to NERC requirements and any associated fines, penalties or assessments due to failure to meet such requirements.

The Parties agree that references to NERC within this Agreement shall apply to NERC or any successor organization.

**ARTICLE 9**  
**OPERATING COMMITTEE**

- 9.1 Each Party shall appoint one representative to act in matters pertaining to this Agreement, such representatives being referred to collectively as the Operating Committee. Either representative may call for a meeting of the Operating Committee at any time and may request personnel from their respective companies to attend such meetings. The principal responsibilities of the Operating Committee with respect to this Agreement shall include but not be limited to the following:
- a. Establish and coordinate energy scheduling procedures and share information on projected loads and capabilities,
  - b. Make available necessary information to audit bills and provide for audits as requested,
  - c. Adjust or settle billing disputes in accordance with Article 10,
  - d. Address any and all operational issues arising from this Agreement,
  - e. Establish procedures for capacity exchange, monitoring compliance, data reporting, billing, and other operating procedures.
- 9.2 Written minutes shall be kept for all meetings of the Operating Committee and decisions or agreements made by the committee shall be reduced to writing and signed by both Parties.

**ARTICLE 10**  
**COSTS AND BILLING**

- 10.1 GRIS shall reimburse NPPD for all incremental costs associated with a joint GRIS and NPPD reporting arrangement to MAPP as set out in this Agreement, including, but not limited to, facilitation of the arrangement, required studies, reporting requirements, emergency energy supplied, administration, and MAPP charges. NPPD shall issue monthly invoicing to GRIS in accordance with the operating and billing procedures established by the Operating Committee.
- 10.2 NPPD shall reimburse GRIS for capacity and energy purchases identified in this Agreement. GRIS shall invoice NPPD as appropriate and in accordance with the operating and billing procedures established by the Operating Committee.
- 10.3 Without admitting to the correctness thereof, payments will be made to the Party performing the work or providing services when due and without deduction. Except as otherwise agreed to by the Parties, all payments will be due within 30 days after the date of the bill. If the due date falls on a Saturday, Sunday or holiday observed by either Party, the following business day becomes the due date. If the owing Party fails to make full payment on or before the due date, the owing Party will pay interest on any unpaid amount from the date due to the date payment is received by the other Party. Such interest will accrue at the rate of one percent (1%) per month or pro-rata portion thereof.

- 10.4 If a Party desires to dispute all or any part of the charges submitted by the other Party pursuant to this Agreement, the disputing Party shall nevertheless pay the full amount of the charges, and give a written notice to the other Party within sixty (60) days from the date the billing is rendered, which notice shall fully describe the basis for the dispute and set forth a detailed statement of the disputed issue(s), the amount in dispute and the relief sought; provided, however, if the basis for such dispute could not have been discovered by reasonable diligence within said sixty (60) days, any such notice shall be given, if at all, within sixty (60) days of the date of such discovery or within eighteen (18) months from the date the billing is rendered, whichever occurs first. The disputing Party will not be entitled to any adjustment on account of any disputed charges not brought to the other Party's attention within the time and in the manner herein specified. If resolution of the dispute results in a refund to the disputing Party, an amount of interest shall be added to the refund. Such interest will accrue at the rate of one percent (1%) per month or pro-rata portion thereof.

**ARTICLE 11**  
**ASSIGNMENT AND INDEMNIFICATION**

11.1 Successors and Assigns

This Agreement shall be binding upon and inure to the benefits of the successors, legal representatives, and assigned of the Parties; provided, however, no Party shall assign all or part of its rights or delegate all or part of its duties under this Agreement without the express written consent of the other Party and an assignment or delegation by a Party of all or part of its rights or duties shall not discharge such Party from its duties under the Agreement, whether consented to or not, unless such discharge is expressly provided by the written agreement of the other Party. An approved assignment or delegation shall not be deemed to permit any further or other assignment or delegation.

11.2 Indemnity

Each Party shall indemnify, hold harmless and defend the other Party, its agents, servants, employees and officers from any and all costs and expenses, including but not limited to attorney's fees, court costs and all other amounts that said other Party, its agents, servants, employees and officers is or may become obligated to pay on account of any and all demands, claims, liabilities or losses arising or alleged to have arising out of, or in any way connected with, the negligent acts or omissions of the indemnifying Party, its agents, servants, employees or officers, whether such demands, claims, liabilities or losses be for damages to property, including property of the Parties or injury or death of any person, including agents, servants, employees or officers of the Parties. This indemnification does not apply to deficit capacity conditions as described in Article 2.



**ARTICLE 12**  
**GOVERNING LAW**

- 12.1 This Agreement is deemed to have been effectively entered into in the State of Nebraska and it shall be interpreted and controlled by the laws of said state. The Parties agree that any action arising out of or related to this Agreement brought by either Party shall be brought only in the federal or state courts in the State of Nebraska.

**ARTICLE 13**  
**CAPTIONS**

- 13.1 The captions of the various Articles and paragraphs herein are intended for convenience of reference only and shall not define or limit any of the terms or provisions hereof.

**ARTICLE 14**  
**WAIVERS**

- 14.1 Any waiver at any time by a party of its rights, or any delay in enforcing its rights, with respect to any default by the other Party hereto, or with respect to any other matter arising out of or related to this Agreement, shall not be considered a waiver with respect to any other default or matter.

**ARTICLE 15**  
**NO THIRD PARTY RIGHTS**

- 15.1 Nothing in this Agreement creates or shall be construed to create any third party beneficiaries or to give any rights, benefits, privileges or interests to any person or entity other than the Parties and their successors and assigns.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers or representatives as of the dates indicated below.

ATTEST:

NEBRASKA PUBLIC POWER DISTRICT

\_\_\_\_\_

By \_\_\_\_\_  
Patrick L. Pope

Title Vice President, Transmission Services

Date \_\_\_\_\_

ATTEST:

CITY OF GRAND ISLAND, NEBRASKA

\_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

R E S O L U T I O N 2002-135

WHEREAS, the North American Electric Reliability Council (NERC) and the Mid Continent Area Power Pool (MAPP) have established standards to maintain the reliability and capability of the nations electric system; and

WHEREAS, those reliability standards require reporting of generation and transmission system capabilities, and prescribe operational requirements for member facilities; and

WHEREAS, Nebraska Public Power District (NPPD) owns and operates certain electric generating facilities together with a transmission system and various distribution systems in the State of Nebraska and is engaged in the generation, purchase, transmission, distribution, and sale of electric power and energy; and

WHEREAS, the City of Grand Island owns and operates certain electric generating facilities together with an electric distribution system and is engaged in the generation, purchase, transmission, distribution and sale of electric power and energy; and

WHEREAS, NPPD and the City have provided power and energy to each other since 1981 through an Interconnection and Interchange Agreement; and

WHEREAS, the City is physically located within the control area of NPPD and NPPD's control area is part of the MAPP region; and

WHEREAS, the parties' respective electric systems are presently interconnected and they wish to provide joint reporting of generation and transmission facilities to MAPP, making possible a more beneficial use of generating facilities and assuring better service in emergencies, thereby providing important benefits to the areas served by the parties and the public; and

WHEREAS, after reviewing available options, it was recommended that the City enter into a Joint Reporting Agreement with NPPD to provide compliance with MAPP rules; and

WHEREAS, the proposed Joint Reporting 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 Joint Reporting Agreement by and between the City and Nebraska Public Power District 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 May 21, 2002.

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Approved as to Form ? _____ May 16, 2002           ? City Attorney
---

RaNae Edwards, City Clerk

Approved as to Form ? \_\_\_\_\_  
May 16, 2002 ? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G16

### **#2002-136 - Approving Bid Award for Turbine Control System Equipment - Platte Generating Station**

*The current control system for the turbine generator at the Platte Generating Station was originally purchased in 1977. The system is essential for operation of the plant, however, it is obsolete and no longer supported by its manufacturer, General Electric. It has been reliable, but failed components cannot be replaced. They must be repaired by third party contractors, and that service is also dwindling. The major plant outage to inspect the turbine generator this fall allows an opportunity to replace the system in a planned manner. Therefore, specifications were developed for replacing the turbine control system equipment by our consultant for this project, Black & Veatch, and were issued in accordance with City purchasing procedures.*

*Specifications for the turbine control system equipment were advertised with responses received from the following bidders. Sales tax was not included in either bid. The engineer's estimate for this project was \$450,000.*

#### *Bidder Bid Price*

*ETSI/ABB Automation Inc, from Littleton, CO \$ 210,520*

*GE Global Control Services from Loveland, CO \$ 405,000*

*The bids were reviewed for compliance with the City's detailed specifications. The bid from ETSI/ABB took exception to a major portion of the specifications. Their bid excluded the specified operator workstation, which includes software development to integrate the new turbine controls into the existing plant controls systems. The bid was evaluated to be incomplete and not further evaluated. The bid from GE meets all the requirements of the technical specification with no exceptions. They are also the original manufacturers of the control system and are supplying the control systems for the new combustion turbines at Burdick Station. It is the recommendation of the Utilities Department that GE be awarded the contract for this work in the amount of \$405,000 from Electric account 520.*

*See Attached RESOLUTION.*

Staff Contact: Gary R. Mader; Dale Shotkoski



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** May 9, 2002 at 11:00 a.m.  
**FOR:** Turbine Control System Equipment  
**DEPARTMENT:** Utilities - PGS  
**ENGINEER'S ESTIMATE:** \$450,000  
**FUND/ACCOUNT:** E520  
**PUBLICATION DATE:** April 13, 2002  
**NO. POTENTIAL BIDDERS:** 2

**SUMMARY**

<b>Bidder:</b>	<u>GE Global Controls Services</u> Loveland, CO	<u>ABB, Inc.</u> Littleton, CO
<b>Bid Security:</b>	Federal Insurance Company	Federal Insurance Company
<b>Exceptions:</b>	Noted	Noted
<b>Bid Price:</b>	<u>\$405,000.00</u>	<u>\$210,520.00</u>

cc: Gary Mader, Utilities Director  
Tim Luchsinger, PGS  
RaNae Edwards, City Clerk  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

Bid specs given to Roger Frandsen, PGS

RESOLUTION 2002-136

WHEREAS, the City of Grand Island invited sealed bids for Turbine Control System Equipment, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on May 9, 2002, bids were received, opened and reviewed; and

WHEREAS, GE Global Control Services of Loveland, Colorado, 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 \$405,000; and

WHEREAS, GE Global Control Services' bid is less than the engineer's estimate for such equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of GE Global Control Services of Loveland, Colorado, in the amount of \$405,000.00 for turbine control system equipment 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 May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G17

### #2002-137 - Approving Bid Award for Generator Excitation Control Equipment - Platte Generating Station

*The current voltage control system for the generator at the Platte Generating Station was originally purchased in 1977. The system is essential for operation of the plant, however, it is obsolete and no longer supported by its manufacturer, General Electric. It has been reliable, but failed components cannot be replaced and must be repaired by third party contractors. The major plant outage to inspect the turbine generator this fall allows an opportunity to replace the system in a planned manner. Therefore, specifications were developed for replacing the generator excitation control system equipment by our consultant for this project, Black & Veatch, and were issued in accordance with City purchasing procedures.*

*The specifications for the generator excitation control system were issued for bid and responses were received from the following bidders. Only E2 Power Systems included sales tax in their bid. The engineer's estimate for this project was \$175,000.*

#### *Bidder Bid Price    Evaluated Bid Price*

<i>ABB Automation Inc, from Littleton, CO</i>	<i>\$ 125,000</i>	<i>\$125,000.00</i>
<i>GE Global Control Services from Loveland, CO</i>	<i>\$ 220,400</i>	<i>\$220,400.00</i>
<i>E2 Power Systems from Chesterfield, MO</i>	<i>\$ 202,762</i>	<i>\$193,106.67</i>

*Department engineering staff reviewed the bids for compliance with the City's detailed specifications. The bid from ABB did not provide an operator workstation, a power control module, or an interface to the plant control system as specified and was not further evaluated. The other two bids meet the requirements of the technical specification with no exceptions. GE offered, in their bid, a deduct of \$86,020 if they were awarded both the contract for the Turbine Controls replacement and the Generator Controls replacement. GE was the only compliant bidder on the Turbine Controls contract. It is the recommendation of the Utilities Department that GE be awarded the contract for this work in the amount of \$134,380 from Enterprise Fund 520.*

*See attached RESOLUTION.*

Staff Contact: Gary R. Mader; Dale Shotkoski





Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** May 9, 2002 at 11:15 a.m.  
**FOR:** Generator Excitation Control Equipment  
**DEPARTMENT:** Utilities - PGS  
**ENGINEER'S ESTIMATE:** \$175,000  
**FUND/ACCOUNT:** E520  
**PUBLICATION DATE:** April 13, 2002  
**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

<b>Bidder:</b>	<u>GE Global Controls Services</u> Loveland, CO	<u>ABB, Inc.</u> Littleton, CO
<b>Bid Security:</b>	Federal Insurance Company	Federal Insurance Company
<b>Exceptions:</b>	Noted	Noted
<b>Bid Price:</b>	<u>\$220,400.00</u>	<u>\$125,000.00</u>
<b>Bidder:</b>	<u>E<sup>2</sup> Power Systems, Inc.</u> Littleton, CO	
<b>Bid Security:</b>	\$10,108.10	
<b>Exceptions:</b>	Noted	
<b>Bid Price:</b>	<u>\$202,762.00</u>	

cc: Gary Mader, Utilities Director  
Tim Luchsinger, PGS  
RaNae Edwards, City Clerk  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant



RESOLUTION 2002-137

WHEREAS, the City of Grand Island invited sealed bids for Generator Excitation Control Equipment, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on May 9, 2002, bids were received, opened and reviewed; and

WHEREAS, GE Global Control Services of Loveland, Colorado, 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 \$134,380.00; and

WHEREAS, GE Global Control Services' bid is less than the engineer's estimate for such equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of GE Global Control Services of Loveland, Colorado, in the amount of \$134,380.00 for generator excitation control equipment 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 May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G18

### **#2002-138 - Approving Bid Award for Wildwood Railroad Crossing Replacement - Platte Generating Station**

*The Platte Generating Station (PGS) is located on Wildwood Drive, two miles south of the City. A spur track serves the PGS site for rail deliveries of coal and heavy equipment. The spur crosses Wildwood Drive approximately ½ mile west of the plant site. The crossing is in need of repair. Also, since the county raised and paved Wildwood several years ago, the crossing needs to be raised to match the road grade. This project includes replacing the crossing on Wildwood Drive, replacing the crossing for the farm access road to the south of Wildwood Drive, installing new ties under both crossings, grading and replacing the asphalt for the approaches to both crossings, raising and stabilizing the track and correcting the track gage. Specifications were developed for replacing the crossing and were issued in accordance with City purchasing procedures.*

*Specifications for the railroad crossing replacement were issued for bid and responses were received from the following bidders. The bid prices below include sales tax. The engineer's estimate for this project was \$120,000.*

#### *Bidder Bid price*

*Railworks Track Systems, Inc. from Grand Island, NE \$ 40,821.90*

*Judds Bros. Construction Co. from Lincoln, NE \$ 47,475.00*

*R & S Track Maintenance, Inc. from Columbus, NE \$ 56,753.00*

*Department engineering staff reviewed the bids for compliance with the City's detailed specifications. It is the recommendation of the Utilities Department that Railworks Track Systems, Inc., of Grand Island, be awarded the contract for this work in the amount of \$40,821.90, with expenditure from Enterprise Fund 520.*

*See attached RESOLUTION.*

Staff Contact: Gary R. Mader; Dale Shotkoski



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** April 25, 2002 at 11:00 a.m.  
**FOR:** Wildwood Drive RR Crossing Replacement  
**DEPARTMENT:** Utilities - PGS  
**ENGINEER'S ESTIMATE:** \$120,000.00  
**FUND/ACCOUNT:** E520  
**PUBLICATION DATE:** March 22, 2002  
**NO. POTENTIAL BIDDERS:** 7

**SUMMARY**

<b>Bidder:</b>	<b><u>Railworks Track Systems, Inc.</u></b> Grand Island, NE	<b><u>Judds Bros. Construction, Co.</u></b> Lincoln, NE
<b>Bid Security:</b>	\$2,041.10	Travelers Casualty and Surety Company of America
<b>Bid Price:</b>	<b><u>\$40,821.90</u></b>	<b><u>\$47,475.00</u></b>
<hr/>		
<b>Bidder:</b>	<b><u>R &amp; S Track Maintenance, Inc.</u></b> Columbus, NE	
<b>Bid Security:</b>	\$2,837.65	
<b>Bid Price:</b>	<b><u>\$56,753.00</u></b>	

cc: Gary Mader, Utilities Director  
Tim Luchsinger, PGS  
RaNae Edwards, City Clerk  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant



RESOLUTION 2002-138

WHEREAS, the City of Grand Island invited sealed bids for Wildwood Drive Railroad Crossing Replacement, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on April 25, 2002, bids were received, opened and reviewed; and

WHEREAS, Railworks Track Systems, Inc. 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 \$40,821.90; and

WHEREAS, Railworks Track Systems, Inc.'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 Railworks Track Systems, Inc. of Grand Island, Nebraska, in the amount of \$40,821.90 for the Wildwood Drive railroad crossing replacement 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 May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G19

### **#2002-139 - Approval to Proceed with Engineering Services for Corrosion Control System Implementation - CH2M Hill**

*The Environmental Protection Agency (EPA) copper rule has a long history.*

*1991 EPA Lead and Copper Rule promulgated.*

*1992 City water tested at the customer's tap in accordance with EPA protocol.*

*1992 Test results show lead levels well within compliance. Copper is above action level.*

*1994 CH2M Hill is selected from RFP responses to proceed with EPA required Optimum Corrosion Control Treatment (OCCT) Study.*

*1994 Nebraska Health and Human Services (NHSS) commissioned studies of copper health affects by the Center for Disease Control (CDC).*

*1995 CDC Study in Delaware concluded "those people drinking the highest level of copper identified in Delaware are not suffering adverse acute effect from this exposure;" and in Nebraska "...no relationship between copper concentration in drinking water and gastrointestinal illness."*

*1995 Based on CDC study results, the OCCT study by CH2M Hill is put on hold.*

*1995 – 1997 A series of meetings questioning the basic science of EPA's action level involving*

*Nebraska Health and Human Services (NHHS), League of Nebraska Municipalities, cities, Senator Kerrey, Senator Hagel, Representative Barrett, and the EPA*

*1998 EPA directs NHHS to prosecute compliance with EPA Lead & Copper Rule as published in 1991.*

*March 1998 NHHS issues Administrative Order (AO) to over 60 Nebraska water systems.*

*1998 Congressmen are successful in procuring federal legislation to commission a study of copper by the National Academy of Science (NAS).*

*Dec. 1998 HHS issues a two-year extension to the Administrative Order, citing the NAS Study.*



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*1999 Grand Island begins publishing quarterly public notices of violation of the Copper Rule in accordance with the AO.*

*2000 NAS study concludes that “Additional information on total copper doses received from drinking water is needed before systemic chronic toxicity can be evaluated...” but “the committee recommends that the MCLG (Maximum Contaminant Level Goal) for copper not be increased at this time.”*

*2000 Nebraska Attorney General challenges EPA authority to set regulatory standards.*

*2001 Federal appeals court upholds dismissal of the lawsuit by Nebraska.*

*2001 NHHS ordered by EPA to resume pursuit of AOs issued in 1998.*

*2001 NHHS directs submittal of OCCT study by December 31, 2001. CH2M Hill is authorized to proceed with completion of the study originally begun in 1994. That study is submitted to NHHS prior to deadline.*

*2002 April, NHHS formally approves Grand Island’s OCCT Study. NHSS order requires installation of OCCT systems by April of 2003.*

*There are currently 82 water systems in Nebraska with copper levels above the EPA action level.*

*In accordance with the RFP from which CH2M Hill was selected from the Water System Engineering work, that firm has provided a price of \$63,288 for the engineering services for this project. Utilities Department Staff has reviewed the engineer’s proposal.*

*The CH2M Hill proposal includes engineering services for project management, engineering, design, plan and specification preparation, development of a pilot study plan, and technical assistance during the implementation of the OCCT systems.*

*It is the recommendation of the Utilities Department that CH2M Hill be authorized to proceed with the engineering required to implement the required OCCT program. The attached Proposed Scope of Services report from CH2M Hill defines the cost of engineering not to exceed \$63,288 from Enterprise Fund 525. There are sufficient funds available.*

*See attached RESOLUTION.*

Staff Contact: Gary R. Mader

# **Proposed Scope of Services and Fee Estimate for the City of Grand Island Corrosion Control Program.**

## **Project Understanding**

In response to the Nebraska Health and Human Services (NHHS) Department's Amended Copper Administrative Order dated December 31, 1998, a report entitled *City of Grand Island Corrosion Control Study* was prepared on behalf of the City of Grand Island (the CITY) by CH2M HILL (the CONSULTANT). The purpose of the study was to identify and evaluate corrosion control alternatives and recommend the optimal corrosion control strategy for implementation by the CITY. The analyses presented were based on documented analogous treatment with other systems of similar size, water chemistry, and distribution system configuration. Recommendations in the report favored the use of SeaQuest for corrosion control, but also left open the possibility that phosphoric acid be used as a corrosion control option. The report was submitted to NHHS in December, 2001 with report recommendations approved by NHHS in April 2002.

The Scope of Services presented herein outlines proposed activities associated with the preparation of detailed plans and specifications for the corrosion control treatment system, as well as to provide assistance in conducting, and analyzing data collected during the Corrosion Control Pilot Study. Nebraska law requires NHHS approval of plans and specifications, prepared by a registered Professional Engineer in Nebraska, prior to implementation. Additionally, ongoing technical assistance will be necessary to ensure that the Pilot Study is conducted consistently with *City of Grand Island Corrosion Control Study*, as approved by the NHHS. Data collected during the pilot study must be carefully analyzed to objectively determine the success of SeaQuest in reducing copper concentrations, as well as monitoring changes to other water quality parameters, such as pH and manganese.

The following specific tasks shall be performed by the ENGINEER.

### **Task 1 – Project Management**

- 1.1 CONSULTANT shall provide routine project management services including, but not limited to, budget and schedule tracking, project team coordination, progress updates for the CITY, and preparation of invoices.

### **Task 2 – Prepare Plans and Specifications**

- 2.1 CONSULTANT shall prepare contract documents consisting of plans and specifications for the implementation of the corrosion control system including, but not limited to, proposed metering pumps, chemical storage facilities, and other miscellaneous mechanical modifications to the distribution system that will be required prior to beginning the Pilot Study. These final plans and specifications shall be consistent with the corrosion control methodology approved by NHHS.
- 2.2 CONSULTANT shall submit five (5) copies of DRAFT plans and specifications at the 90 percent Design Stage to the CITY for review. CONSULTANT shall incorporate CITY comments into the final contract documents.

- 2.3 CONSULTANT shall submit twelve (12) copies of FINAL plans and specifications to the CITY.

### **Task 3 – Corrosion Control Pilot Study Implementation Plan**

- 3.1 CONSULTANT shall develop specific operational and sampling methodologies for the pilot study, in concert with the chemical supplier (Aqua Smart, Inc.), to include:
- 3.1.1 Develop operational procedures for running the pilot study, including metering pump settings, logistical issues, etc.
  - 3.1.2 Identify sampling locations throughout the distribution system that will best demonstrate the effectiveness of the pilot study.
  - 3.1.3 Develop sampling protocol outlining a sample schedule, number of samples to be collected, and a list of parameters for laboratory analysis
- 3.2 CONSULTANT shall summarize Corrosion Control Program Operational Methodology and Sampling Protocol in a brief Technical Memorandum (TM). It is assumed that fifteen (15) copies will be provided to the CITY.

### **Task 4 – Technical Assistance During Pilot Study**

- 4.1 CONSULTANT shall conduct a field visit to all chemical injection sites to be included in the pilot study to verify all instrumentation and connections have been installed as recommended. CONSULTANT will accompany CITY personnel during initial sampling to insure proper protocols are followed. It is assumed that the site visit shall be conducted in one business day with one CONSULTANT representative on site. CITY to provide sampling results to CONSULTANT as collected.
- 4.2 CONSULTANT will be available for frequent communications with CITY personnel regarding interim results and procedural questions.
- 4.3 CONSULTANT shall review intermediate data collected during the pilot study and coordinate with Aqua Smart, Inc. to 1) ensure that the chemical additions are being added in sufficient quantities to control corrosion, or 2) prevent any unforeseen water quality problems from developing that are a direct result of the pilot study. It is assumed that the CONSULTANT shall spend a maximum of 2 labor hours per month during the pilot testing reviewing intermediate results.
- 4.4 CONSULTANT shall review final data collected during the pilot study and make a final recommendation for future corrosion control, to include either:
- a) Continuation of the pilot study until more conclusive data is collected, or
  - b) Future implementation of a corrosion control program based on the positive results of the pilot study, or
  - c) Recommendations for an alternative corrosion control treatment method should the pilot study results be inconclusive.

- 4.5 At the conclusion of the pilot study, CONSULTANT shall prepare and submit five (5) copies of a DRAFT report on the pilot study results to the CITY for review. CONSULTANT shall incorporate CITY comments in FINAL report.
- 4.6 CONSULTANT shall submit fifteen (15) copies of FINAL report to CITY.
- 4.7 CONSULTANT shall prepare and deliver a presentation to City Council summarizing results and recommendations of the corrosion control pilot testing program.

## Fee Estimate

Task Description	Project Manager	Senior Project Engineer	Project Engineer	Junior Project Engineer	Senior Consultant (Process)	Senior Technician	Technician	Clerical	Accounting/Office	Labor	Expenses	Total
	\$139	\$109	\$ 89	\$ 72	\$155	\$ 89	\$ 72	\$ 61	\$ 61			
<b>Task 1 - Project Management</b>												
1.1 Routine project management services		48							12	\$5,964	\$351	\$6,315
<b>Task 1 - Subtotal</b>	<b>0</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>\$5,964</b>	<b>\$351</b>	<b>\$6,315</b>
<b>Task 2 - Plans and Specifications</b>												
2.1 Prepare plans and specifications	4	40	80		4	12	80	32		\$21,436	\$1,724	\$23,160
2.2 Submit DRAFT plans and specifications to City					8					\$1,240	\$47	\$1,287
2.3 Submit FINAL plans and specifications to City		8	16	4		8	20	8		\$5,224	\$624	\$5,848
<b>Task 2 - Subtotal</b>	<b>4</b>	<b>48</b>	<b>96</b>	<b>4</b>	<b>12</b>	<b>20</b>	<b>100</b>	<b>40</b>	<b>0</b>	<b>\$27,900</b>	<b>\$2,395</b>	<b>\$30,295</b>
<b>Task 3 - Corrosion Control Implementation Plan</b>												
3.1 Develop operational and sampling methodologies												
3.1.1 Developing operational procedures		8			3					\$1,337	\$64	\$1,401
3.1.2 Develop sampling locations		8			3					\$1,337	\$64	\$1,401
3.1.3 Develop list of parameters to be sampled + sampling protocols		8			3					\$1,337	\$64	\$1,401
3.2 Submit operational and sampling methodology memorandum	2	20			3					\$2,923	\$146	\$3,069
<b>Task 3 - Subtotal</b>	<b>2</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$6,934</b>	<b>\$339</b>	<b>\$7,273</b>
<b>Task 4 - Technical Assistance During Pilot Study</b>												
4.1 Field visit to chemical injection facilities + sampling locations		12								\$1,308	\$1,070	\$2,378
4.2 Interim communications		20								\$2,180	\$117	\$2,297
4.3 Review intermediate data		24			4					\$3,236	\$164	\$3,400
4.4 Review of final data		12								\$1,308	\$70	\$1,378
4.5 Submit DRAFT report to City	2	32			2	6				\$4,610	\$346	\$4,956
4.6 Submit FINAL report to City		8				2				\$1,050	\$159	\$1,209
4.7 Presentation to City Council	8	12								\$2,420	\$1,367	\$3,787
<b>Task 4 - Subtotal</b>	<b>10</b>	<b>120</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$16,112</b>	<b>\$3,292</b>	<b>\$19,404</b>
<b>Total for Tasks 1 and 2</b>	<b>4</b>	<b>96</b>	<b>96</b>	<b>4</b>	<b>12</b>	<b>20</b>	<b>100</b>	<b>40</b>	<b>12</b>	<b>\$33,864</b>	<b>\$2,746</b>	<b>\$36,610</b>
<b>Total for Tasks 1, 2 and 3</b>	<b>6</b>	<b>140</b>	<b>96</b>	<b>4</b>	<b>24</b>	<b>20</b>	<b>100</b>	<b>40</b>	<b>12</b>	<b>\$40,798</b>	<b>\$3,086</b>	<b>\$43,884</b>
<b>Total for Tasks 1, 2, and 4</b>	<b>14</b>	<b>216</b>	<b>96</b>	<b>4</b>	<b>18</b>	<b>28</b>	<b>100</b>	<b>40</b>	<b>12</b>	<b>\$49,976</b>	<b>\$6,039</b>	<b>\$56,015</b>
<b>Total for Tasks 1, 2, 3 and 4</b>	<b>16</b>	<b>260</b>	<b>96</b>	<b>4</b>	<b>30</b>	<b>28</b>	<b>100</b>	<b>40</b>	<b>12</b>	<b>\$56,910</b>	<b>\$6,378</b>	<b>\$63,288</b>

RESOLUTION 2002-139

WHEREAS, in 1991, the Environmental Protection Agency promulgated rules pertaining to the acceptable level of lead and copper in the public drinking water; and

WHEREAS, the copper levels tested at customer taps in various areas of the City have levels higher than the acceptable rate; and

WHEREAS, in April of 2002, the Nebraska Health and Human Services ordered the City of Grand Island to install Optimum Corrosion Control Treatment (OCCT) systems by April of 2003 to comply with such regulations; and

WHEREAS, on April 10, 2000, by Resolution 2000-110, the City Council for the City of Grand Island awarded the proposal submitted by CH2M Hill of Englewood, Colorado for municipal water system engineering services for the Utilities Department; and

WHEREAS, due to CH2M Hill's experience and history working with the City's water system, it is recommended that CH2M Hill be authorized to proceed with the engineering required to develop specifications and provide engineering services for the installation of the OCCT systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that CH2M Hill is hereby authorized to proceed with the engineering required to develop specifications and provide engineering services for the installation of the OCCT systems in an amount not to exceed \$63,288.

BE IT FURTHER RESOLVED, that an agreement between the City and CH2M Hill be entered into for such project, 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 May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	?
May 16, 2002	? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G20

### **#2002-140 - Approving Final Plat and Subdivision Agreement for Country Meadows Subdivision**

*Raymond O'Connor, owner, has submitted the final plat for Country Meadows Subdivision, located North of Old Potash Hwy, and East of Shoemaker Elementary School. This plat proposes to develop 39 lots on a currently unplatted parcel of land. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of May 1, 2002, with 7 members voting in favor and 1 member abstaining voted to recommend approval. Approval is recommended. See attached RESOLUTION.*

Staff Contact: chad nabity

RESOLUTION 2002-140

WHEREAS, The Meadows Apartment Homes, L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising a part of the Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4) of Section Fourteen (14), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, under the name of COUNTRY MEADOWS SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on May 1, 2002; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Board of Education of School District No. 2 in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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

Approved as to Form ? _____
May 16, 2002 ? City Attorney





# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G21

### **#2002-141 - Approving Bid Award for Asbestos Removal at Old City Hall**

*The Building Department has submitted a request for award of a bid for removal of asbestos containing material and interior demolition at the old City Hall building in the amount of \$96,487.00. Three bids were received ranging in the amount from \$87,900.00 to \$149,000.00. The lowest bid was received from Great Plains Asbestos Control Inc. which was withdrawn from consideration leaving the bid from Environmental Direct as the lowest responsible bid. There are sufficient funds in the budget for this project and it is recommended that the bid be awarded to Environmental direct in the amount of \$96,489.00. See attached RESOLUTION.*

Staff Contact:



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** April 15, 2002 at 2:00 p.m.  
**FOR:** Asbestos Removal – Old City Hall  
**DEPARTMENT:** Building Department  
**ENGINEER'S ESTIMATE:** \$400,000.00  
**FUND/ACCOUNT:**  
**PUBLICATION DATE:** March 14, 2002  
**NO. POTENTIAL BIDDERS:**

**SUMMARY**

<b>Bidder:</b>	<b><u>Great Plains Asbestos Control</u></b> Kearney, NE	<b><u>Environmental Direct</u></b> Grand Island, NE
<b>Bid Security:</b>	American Guarantee & Liability	American Guarantee & Liability
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$87,900.00	None
	Alt. #1 \$87,900.00	Alt. #1 None
	Alt. #2 \$81,300.00	Alt. #2 \$96,487.00

<b>Bidder:</b>	<b><u>Enviro Safe Air, Inc.</u></b> Omaha, NE
<b>Bid Security:</b>	Great American Insurance Co.
<b>Exceptions:</b>	None
<b>Bid Price:</b>	\$149,000.00
	Alt. #1 \$149,000.00
	Alt. #2 \$149,000.00

cc: Craig Lewis, Building Dept. Director  
RaNae Edwards, City Clerk  
Mary Kaye Usrey, Finance Secretary  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant





G R E A T P L A I N S A S B E S T O S C O N T R O L , I N C .

May 14, 2002

City of Grand Island  
Craig Lewis  
Building Department Director  
P.O. Box 1968  
Grand Island, NE 68802-1968

RE: Old City Hall – Asbestos Abatement Project  
208 North Pine Street, Grand Island, NE  
Bid Date: April 15, 2002

Craig:

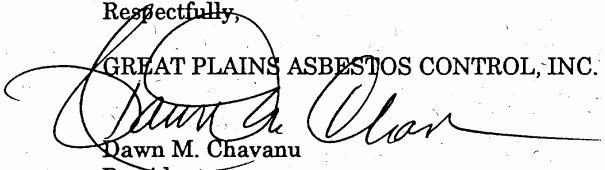
Pursuant to our recent conversation concerning the above referenced project.

As discussed, in reviewing the bid tabulation for the project. It was found that we had not included the costs for the demolition of ceilings as required by the project specifications and drawings. Based upon the error in the bid preparation we are requesting that the bid submitted be withdrawn from further consideration.

Thank you again for your consideration.

Respectfully,

GREAT PLAINS ASBESTOS CONTROL, INC.

  
Dawn M. Chavanu  
President

RESOLUTION 2002-141

WHEREAS, the City of Grand Island invited sealed bids for Asbestos Removal and Demolition at the former city hall building at 208 North Pine Street, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

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

WHEREAS, Environmental Direct 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 \$96,487.00; and

WHEREAS, Environmental Direct'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 Environmental Direct of Grand Island, Nebraska, in the amount of \$96,487.00 for the removal of asbestos containing material and interior demolition at the former City Hall building at 208 North Pine Street 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 May 21, 2002.

---

RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G22

### **#2002-142 - Approving Bid Award for Sanitary Sewer District 503, Gosda Subdivision**

*The Engineering Division of the Public Works Department advertised for bids for Sanitary Sewer District No. 503, Edna Drive on April 19, 2002. The Public Works Department, Engineering Division and the Purchasing Division of the City Attorney's Office reviewed all bids received on May 7, 2002. All bids received met specifications. The bids received were less than the engineer's estimate of \$65,970.00. A summary of the bids is attached..*

*The Public Works Department recommends awarding the contract to The Diamond Engineering Company of Grand Island, Nebraska. There are sufficient funds in Account No. 53030055-85213. The costs for this project will be assessed to the benefiting properties. See attached RESOLUTION.*

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



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** May 7, 2002 at 11:00 a.m.  
**FOR:** Sanitary Sewer District No. 503  
**DEPARTMENT:** Public Works - WWTP  
**ENGINEER'S ESTIMATE:** \$65,970.00  
**FUND/ACCOUNT:** 53030055-85213  
**PUBLICATION DATE:** April 19, 2002  
**NO. POTENTIAL BIDDERS:** 3

**SUMMARY**

<b>Bidder:</b>	<u>The Diamond Engineering Company, Inc.</u> Grand Island, NE	<u>Starostka Group Co.</u> Grand Island, NE
<b>Bid Security:</b>	Travelers Casualty and Surety Company of America	Merchants Bonding Company
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	<u>\$39,212.90</u>	<u>\$48,926.68</u>

cc: Steve Riehle, Public Works Director  
Ben Thayer, WWTP  
RaNae Edwards, City Clerk  
Mary Kaye Usrey, Finance Secretary  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

Bid specs given to Ben Thayer

RESOLUTION 2002-142

WHEREAS, the City of Grand Island invited sealed bids for the construction of Sanitary Sewer District No. 503, according to plans and specifications on file with the City Engineer; and

WHEREAS, on May 7, 2002, bids were received, opened and reviewed; and

WHEREAS, The Diamond Engineering Company, Inc. 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 \$39,212.90; and

WHEREAS, The Diamond Engineering Company, Inc.'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 The Diamond Engineering Company, Inc. of Grand Island, Nebraska, in the amount of \$39,212.90 for the construction of Sanitary Sewer District No. 503 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 May 21, 2002.

---

RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney





# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G23

### **#2002-143 - Approving Certificate of Final Completion for Street Improvement District 1238, Tech Drive and Setting Board of Equalization Date.**

*Street Improvement District 1238, Tech Drive was awarded to The Diamond Engineering Company of Grand Island on June 12, 2001. Work commenced in Summer 2001 and was completed in Spring 2002. The project was completed at a construction price of \$328,808.86. Total cost of the project, including Engineering Services, is \$356,540.13. There are sufficient funds in Account No. 40033530-90063 and 85% of the costs will be assessed to the benefiting properties. Central Community College and College Park will receive credit for the existing paving. The Public Works Department recommends acceptance of the Certificate of Final Completion and scheduling of the Board of Equalization for June 25, 2002. See attached RESOLUTION.*

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

RESOLUTION 2002-143

WHEREAS, the Public Works Director of the City of Grand Island has issued his Certificate of Final Completion for Street Improvement District 1238, located along Tech Drive, certifying that The Diamond Engineering Company of Grand Island, Nebraska, under contract dated June 12, 2001, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Public Works Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Public Works Director's recommendations.

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

1. The Public Works Director's Certificate of Final Completion for Street Improvement District 1238, is hereby confirmed.
2. The City Council will sit as a Board of Equalization on June 25, 2002 to determine benefits and set assessments for Street Improvement District 1238.
3. A warrant be issued from Account No. 40033530-90063 in the amount of \$13,774.82 payable to The Diamond Engineering Company for the total amount due the contractor.
4. The costs of engineering and publication be credited to Account No. 100.130.04516 from Account No. 40033530-90063 in the amount of \$4,364.27.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	?
May 17, 2002	? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G24

### **#2002-144 - Approving Certificate of Final Completion for Island Landscape Project No. 1, 2001**

*Island Landscaping Project No. 1-2001, located at Charles and Locust/Walnut Streets, was awarded to Partridge Construction, Inc. on September 25, 2001. Work commenced in September 2001 and was completed in April 2002. This project was completed on schedule and at a construction price of \$30,802.97. Total cost for the project, including Engineering Services, is \$33,883.27. There are sufficient funds available in Account No.40033535-90076 and Account No. 40033530-90052 to finalize payment on this contract. The Public Works Department recommends acceptance of the Certificate of Final Completion and the issuing of the final payment to the contractor. See attached RESOLUTION.*

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

RESOLUTION 2002-144

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Island Landscaping Project No. 1-2001, certifying that Partridge Construction Inc. of Grand Island, Nebraska, under contract dated September 25, 2001, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Public Works Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Public Works Director's recommendations.

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

1. The Engineer's Certificate of Final Completion for Island Landscape Project No. 1 - 2001, is hereby confirmed.
2. A warrant be issued from Account No. 40033530-90052 in the amount of \$1,601.90 and from Account No. 40033535-90076 in the amount of \$3,606.20 for a total amount of \$5,208.10 payable to Partridge Constructions, Inc. for the total amount due the contractor.
3. The costs of engineering and publication be credited to Account No. 100.130.04516 from Account No. 40033530-90052 in the amount of \$3,080.30.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	☐
May 16, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G25

### **#2002-145 - Approving Bid Award for Shoemaker Hike/Bike Trail**

*The Parks and Recreation Department, has submitted a request for awarding a bid for the Shoemaker Hike/Bike Trail. Three bids were received ranging from \$274,491.00 to \$298,628.52. After the bid opening another bid was submitted and deemed late. The low bid was submitted by Galvan Construction of Grand Island in the amount of \$274,491.00. There are sufficient funds for this purchase in account number 4004445090031. The engineers estimate was \$323,237.25. It is recommended that the bid be awarded to Galvan Construction of Grand Island in the amount of \$274,491.00. See attached RESOLUTION.*

Staff Contact: Steve Paustian



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** May 17, 2002  
**FOR:** Shoemaker Trail Project No. STPB-40(49) C.N. 42178  
**DEPARTMENT:** Parks and Recreation  
**ENGINEER'S ESTIMATE:** \$323,237.25  
**FUND/ACCOUNT:** 4004445090031  
**PUBLICATION DATE:** April 27, 2002  
**NO. POTENTIAL BIDDERS:** 3

**SUMMARY**

<b>Bidder:</b>	<u>Starostka Group Co.</u> Grand Island, NE	<u>Blessing L.L.C.</u> Kearney, NE	<u>Galvan Construction, Inc.</u> Grand Island, NE
<b>Bid Security:</b>	Merchants Bonding Co.	Universal Surety Co.	AMCO Insurance Co.
<b>Exceptions:</b>	None	None	None
<b>Bid Price:</b>	<u>\$298,628.52</u>	<u>\$284,266.15</u>	<u>\$274,491.00</u>
<b>Alternate Bid A</b>	<u>\$282,069.52</u>	<u>\$260,855.15</u>	<u>\$256,219.00</u>

**\*\* Another bid was received late after the bid opening and was rejected.**

cc: Steve Paustian, Parks and Recreation Director  
RaNae Edwards, City Clerk  
Mary Kaye Usrey, Finance Secretary  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

Bid specs given to Steve Paustian and Olsson Associates

RESOLUTION 2002-145

WHEREAS, the City of Grand Island invited sealed bids for the construction of Shoemaker Trail, Project No. STPB-40(49) C.N. 42178, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on May 17, 2002, bids were received, opened and reviewed; and

WHEREAS, Galvan Construction 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 \$274,491.00; and

WHEREAS, Galvan Construction'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 Galvan Construction of Grand Island, Nebraska, in the amount of \$274,491.00 for the construction of Shoemaker Trail, Project No. STPB-40(49) C.N. 42178 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 May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form	☐
May 17, 2002	☐ City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G26

### **#2002-146 - Approving Certificate of Final Completion for Ball Field Lighting at George Park**

*The Parks and Recreation Department has recommended that the Certificate of Final Completion be issued for Ball Field Lighting at George Park. The contract was awarded to Ensley Electrical Services on January 8, 2002. The work commenced in early February and was completed in early May. The performance of the contract was supervised by the Parks and Recreation Department and a Certificate of Final Completion has been issued by the Parks and Recreation Director subject to City Council approval. Approval is recommended. See attached RESOLUTION.*

Staff Contact: steve paustian



RESOLUTION 2002-146

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Ball Field Lighting at George Park certifying that Ensley Electrical Services of Grand Island, Nebraska, under contract dated January 8, 2002, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs in the Parks and Recreation Director's recommendation.

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

1. The Parks and Recreation Director's Certificate of Final Completion for Ball Field Lighting at George Park is hereby confirmed.
2. That a warrant be issued from Account No. 40044450-90024 in the amount of \$16,180.00 payable to Ensley Electrical Services for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ May 16, 2002           ? City Attorney
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# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G27

### **#2002-147 - Approving Certificate of Final Completion for Filter Face Piping Repairs at Island Oasis Water Park**

*The Parks and Recreation Department has recommended that the Certificate of Final Completion be issued for Filter Face Piping Repairs at Island Oasis Water Park. The contract was awarded to Neuman Pools, of Beaver Dam, Wisconsin on April 15, 2002 and was completed in early May of 2002. The performance of the contract was overseen by the Parks and Recreation Department and a Certificate of Final Completion has been issued by the Parks and Recreation Director subject to Council approval. Approval is recommended. See attached RESOLUTION.*

Staff Contact: stevep

RESOLUTION 2002-147

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Filter Face Piping Repairs at Island Oasis Water Park, certifying that Neuman Pools of Beaver Dam, Wisconsin, under contract dated April 15, 2002, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs in the Parks and Recreation Director's recommendation.

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

1. The Parks and Recreation Director's Certificate of Final Completion for filter face piping repairs at Island Oasis Water Park is hereby confirmed.
2. That a warrant be issued from Account No. 10044525-85324 in the amount of \$12,300.00 payable to Neuman Pools for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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

Approved as to Form ? _____ May 16, 2002 ? City Attorney
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# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G28

### **#2002-148 - Approving Public Sidewalk Plans in the Vicinity of Seedling Mile, Stolley Park, and Engelman Elementary Schools.**

*At the May 14, 2002 Council Study Session, the Sidewalk Committee submitted a plan for construction of sidewalks in the vicinity of Seedling Mile, Stolley Park and Engleman Schools. The proposal, timeline and Resolution are attached.*

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

**Proposed Sidewalks Near Stolley Park,  
Seedling Mile and Engleman Schools  
May 21, 2002**

Proposed sidewalks located near Seedling Mile, Stolley Park and Engleman Elementary Schools were reviewed at the May 14, 2002 Council Study Session. The recommended locations were selected to accommodate pedestrian traffic to the schools.

These areas do not have sidewalks because they were developed as asphalt roadways without curb and gutter. Many of the locations have ditches or shallow swales (depressions) to accommodate rainwater. Construction of sidewalks in some of these areas will be straightforward because the ditches are shallow or have been filled in. Other locations will be problematic because of the ditches.

The Council expressed their desire to have sidewalks installed before school starts in the fall of 2002. The following schedule is recommended for sidewalk installation:

**May 21, 2002**

Council directs staff to request property owners install sidewalks before August 21, 2002 at the following locations:

1. Seedling Mile School
  - a. On the North side of Seedling Mile Road from Voss Road to Shady Bend Road.
  - b. On the South side of Seedling Mile Road from Villa Mar Dee Avenue to Main Street.
2. Stolley Park School
  - a. On both sides of William Street from Grand Avenue to Stolley Park Road.
  - b. On the North side of Grand Avenue east from Riverview Drive to the existing sidewalk east of August Street.
  - c. On both sides of Riverview Drive south of Grand Avenue.
3. Engleman School
  - a. On both sides of Gateway Avenue from Sherwood Road to Capital Avenue.
  - b. On the West side of Marian Road from the School north to Blauvelt Road.
  - c. On the South side of Blauvelt Road from Marian Road to Northwest Avenue.
  - d. On the East side of Northwest Avenue from Capital Avenue to Texas Avenue.
  - e. On the West side of Northwest Avenue from Capital Avenue to Saddle Horse Court.

**August 29, 2002**

Council creates a Sidewalk District for properties that have not installed sidewalks.

**Proposed Installation of Sidewalks**  
**City Council**  
**Page 2.**

The remaining locations where sidewalks were discussed have ditch and drainage concerns that will make installation of sidewalks difficult. These areas are at the furthest ends of the sidewalk areas where the numbers of school children using the sidewalk will be less. Installation of sidewalks in these areas will require re-grading of the ditch. The ditch or the sidewalk may have to be constructed within an easement on private property.

Councilmember Larson suggested that sidewalks be considered on Pioneer Boulevard South of Stolley Park Road and on August Street between Rosemont Avenue and Grand Avenue. Staff recommends that these areas be studied and included in the next phase of sidewalks to be constructed.

If Council would like to pursue installation of sidewalks in the areas with ditch and drainage concerns, staff will begin design work. Two possibilities exist for a typical section:

1. Ditch within existing Right of Way with a sidewalk on an Easement or purchased Right of Way.
2. A sidewalk within existing Right of Way with a ditch located within an Easement or purchased Right of Way.

RESOLUTION 2002-148

WHEREAS, Section 32-58 of the Grand Island City Code authorizes the City Council to give notice to property owners to construct sidewalks contiguous to the street side boundary lines of any lot, tract or parcel of land within the city; and

WHEREAS, it is recommended that the City contact the property owners of the following properties near Stolley Park School, Seedling Mile School and Engleman Elementary School, giving them notice to construct such sidewalk according to the provisions set out in Section 32-58 of the Grand Island City Code:

- Both sides of the street along William Street, from Grand Avenue to Stolley Park Road;
- North side of Grand Avenue east from Riverview Drive to the existing sidewalk east of August Street;
- Both sides of the street along Riverview Drive, south of Grand Avenue;
- North side of Seedling Mile Road from Voss Road to Shady Bend;
- South side of Seedling Mile Road from Villa Mar Dee Avenue to Main Street;
- Both sides of the street along Gateway Avenue from Sherwood Road to Capital Avenue;
- West side of Marian Road from Engleman Elementary School north to Blauvelt Road;
- South side of Blauvelt Road from Marian Road to Northwest Avenue;
- East side of Northwest Avenue from Capital Avenue to Texas Avenue;
- West side of Northwest Avenue from Capital Avenue to Saddle Horse Court

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to give the property owners of the above-listed property, notice to install sidewalks in the areas identified above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

---

RaNae Edwards, City Clerk

Approved as to Form	◆	_____
May 17, 2002	◆	City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G29

### **#2002-149 - Approving Partial Waiver of Water and Sewer Connection Fee**

*In the course of development of the Wood River Warm Slough\Flood Diversion Project, the US Army Corps of Engineers obtained an easement across the extreme southeast corner of Block Three, Ponderosa Lake Estates Third Subdivision, an outlot located at the intersection of US Highway 281 and Schimmer Drive. Although Block Three is not likely to be ever developed, the City levied connection fees (tap fees) against this lot for Water Connection District No. 416T and Sewer Connection District No. 476T in 1995. The Corps of Engineers has requested that the City release the tap fees as to the 0.17 acre tract, subject to the above referenced easement, a common practice and requirement in connection with federal projects. The City Attorney's Office has drafted and received approval for a waiver of these connection fees as the 0.17 acre tract and a reallocation of the fees to the remaining portion of Block Three. We recommend approval of the resolution approving the Waiver and Reallocation of Connection Fees as drafted.*

Staff Contact: Charlie Cuypers



RESOLUTION 2002-149

WHEREAS, the U.S. Army Corps. Of Engineers obtained an easement for the Wood River Warm Slough/Flood Diversion project across a tract of land comprising 0.17 acres more or less in Block 3, Ponderosa Lake Estates Third Subdivision, Grand Island, Hall County, Nebraska; and

WHEREAS, the City of Grand Island has previously levied connection fees for Water Connection District No. 416T and Sewer Connection District No. 476T on said Block 3; and

WHEREAS, the U.S. Army Corps. Of Engineers has requested that the City waive the aforementioned connection fees as to said 0.17 acre tract, and has no objection to reallocation of the connection fees to the remainder of Block 3; and

WHEREAS, said waiver and reallocation of said connection fees is in furtherance of development of the Wood River Warm Slough/Flood Diversion project and in the best interests of the City of Grand Island; and

WHEREAS, the City Attorney's office has drafted and received approval for the proposed Waiver and Reallocation of Connection Fee.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Waiver and Reallocation of Connection Fee for Water Connection District No. 416T and Sewer Connection District No. 476T with respect to a tract of land containing 0.17 acres, more or less in Block 3, Ponderosa Lake Estates Third Subdivision, Grand Island, Hall County, Nebraska is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on May 21, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ May 17, 2002 ? City Attorney
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# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item G30

### **#2002-150 - Approving Construction Engineering Services with Olsson Associates for Shoemaker Trail Project**

*The Parks and Recreation Department is requesting a contract be awarded for the construction engineering and construction observation portion of the Shoemaker Hike/Bike Trail project. A contract in an amount not to exceed \$29,750.00 is before you for your approval. The contract was created and approved by the State of Nebraska Department of Roads for this project. Approval is recommended. See attached RESOLUTION*

**Staff Contact: Steve Paustian**

RESOLUTION 2002-150

WHEREAS, on August 14, 2001, by Resolution 2001-210, the City Council for the City of Grand Island awarded the proposal submitted by Olsson Associates of Grand Island, Nebraska for engineering services relating to the construction of a hike/bike trail; and

WHEREAS, due to Olsson Associates' experience and history working with the City's hike/bike trails, it is recommended that Olsson Associates be authorized to proceed with the engineering required to develop specifications and provide engineering services for the construction of the bicycle and pedestrian trail known as the Shoemaker Trail.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Olsson Associates of Grand Island, Nebraska, is hereby authorized to proceed with the engineering services required to construct a ten foot wide concrete bicycle and pedestrian trail, known as the Shoemaker Trail, for an amount not to exceed \$29,750.00.

BE IT FURTHER RESOLVED, that an agreement between the City and Olsson Associates be entered into for such project, 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 May 21, 2002.

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

Approved as to Form	?
May 17, 2002	? City Attorney



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item H1

### **Consideration of Revocation of Conditional Use Permit for Automobile Wrecking Yard, Oakleaf Auto Crushing, 1803-1911 Eldorado Street**

*Previously the Mayor and City Council have received copies of a letter dated May 1, 2002, advising Craig Oakleaf, d/b/a Oakleaf Auto Crushing, of the intent of the City Attorney's Office, Code Compliance Officer and Building Department to conduct a public hearing to consider revocation of the conditional use permit for the automobile wrecking yard operated at 1803-1911 Eldorado Street, Grand Island, Hall County, Nebraska. This business has been in operation for more than two decades, accompanied by virtually continual enforcement action going back to at least October 13, 1981, at which time Oakleaf Auto Crushing was sent a letter by then Assistant City Attorney William Shreffler, advising the manager of complaints regarding junked vehicles and junked vehicle parts being stored outside the fence in the public right-of-way and that the fence did not meet the requirements set forth in the Grand Island City Code requiring that it be at least eight feet in height and site obscuring in nature. Additional correspondence was sent periodically to this business over the years and virtually innumerable personal conversations have been conducted between city staff and manager Craig Oakleaf.*

*The results of the conversations have been periodic minimal improvements related solely to removing junked vehicles, vehicle parts and salvage materials from Eldorado Street but there has never been any significant progress toward lowering the height of the stacks of material which reach above the fence and the business has continued to use Lot 18, Frank P. Bark's Subdivision No. 2 adjacent to the west side of the yard in violation of the Grand Island Zoning Code. Because the adjacent property is zoned R4, it cannot be used as a salvage yard or for any of the uses to which Oakleaf Auto Crushing has been utilizing the property for a number of years.*

*We have received repeated promises during the course of our many visits with Mr. Oakleaf that corrections and improvements will occur but as mentioned earlier, other than removing temporarily junk from Eldorado Street temporarily, nothing has changed. In fact, when the May 1 letter was sent the entire operation was in worse condition and greater violation of the City Code than has ever been the case previously. We are recommending that the conditional use permit be revoked so that the City can proceed to bring the operation to closure. As an alternative, the Grand Island City Council may revoke the existing conditional use permit and reissue a new permit with additional conditions and periodic review opportunities.*

Staff Contact: Charlie Cuypers



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item H2

### **Request of Leroy & Arlene Kramer for Extension of Non-Conforming Use at 3405 N. U.S.Hwy. 281**

*This is a request of Leroy and Arlene Kramer of Kramer's Auto Parts & Iron Co. Inc. for approval of an extension of a non-conforming use at 3405 North U.S. Highway 281. The request is to allow for the construction of a 50'x50' building addition to accommodate a bailer for the processing of metals. Council approval is required as the property is currently zoned T-A Transitional Agriculture and that zoning classification does not allow for the present use. The use was in existence prior to zoning restriction creating a legal non-conforming use. Any expansions, extensions, or additions to the legal non-conforming use must by section 36-86 of the City code be approved by the City council. This request for a building addition does not appear to create any negative impact upon the neighboring properties and approval appears reasonable.*

Staff Contact:



**KRAMER'S AUTO PARTS  
& IRON CO., INC.**

3405 N. US HWY. 281 - GRAND ISLAND, NEBRASKA 68803 - (308) 384-1116



May 9-02

To Whom it May Concern;

We are requesting a extension of the  
non conforming use permit to add another  
building close to the existing one.

We are buying a big baler for corn  
Alum and other metals would appreciate  
your consideration. Thank-you

Leroy & Arlene Kramer  
Kramer Auto Parts & Iron Co. Inc



# City of Grand Island

Tuesday, May 21, 2002

Council Session

## Item J1

### **Payment of Claims for the Period of May 8, 2002 through May 21, 2002**

*The Claims for the period of May 8, 2002 through May 21, 2002 for a total amount of \$2,463,524.21. A MOTION is in order.*

Staff Contact: RaNae Edwards