
City of Grand Island



Tuesday, July 09, 2002

Council Session Packet

City Council:

Joyce Haase

Margaret Hornady

Gale Larson

Glen Murray

Jackie Pielstick

Larry Seifert

Robert Sorensen

Scott Walker

Tom Ward

Fred Whitesides

Mayor:

Ken Gnadt

City Administrator:

Marlan Ferguson

City Clerk:

RaNae Edwards

7:00:00 PM

Council Chambers - City Hall

100 East First Street

Call to Order

Pledge of Allegiance /Invocation - Father Frank Hoelck, Blessed Sacrament Catholic Church, 518 West State Street

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item C1

Proclamation "National Aquatic Week" July 14-20, 2002

The City of Grand Island is extremely fortunate to have facilities and aquatic programs in the community to provide all ages an opportunity for physical and mental health activities. The Mayor has proclaimed July 14-20, 2002 as "National Aquatic Week" and encourages citizens to support and promote this observance.

Staff Contact: RaNae Edwards

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

PROCLAMATION

WHEREAS, individuals and organized forms of recreation and the creative use of free time are vital to the happy lives of all our citizens; and

WHEREAS, education, athletic and recreation programs throughout the City of Grand Island encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and

WHEREAS, citizens of Grand Island should recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the City of Grand Island is extremely proud of the swimming facilities and aquatic programs of this community and their contributions to providing to all ages a healthy place to recreate, a place to learn and grow, to swim, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community.

NOW, THEREFORE, I, Ken Gnadt, Mayor of the City of Grand Island, Nebraska, do hereby proclaim July 14-20, 2002 as

“NATIONAL AQUATIC WEEK”

in the City of Grand Island, and urge all citizens to support and promote this observance.

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

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item C2

Recognition of Police Officers Attending Top Gun Motorcycle Competition

The Grand Island Police Department's motor officers wowed the crowd in Golden, Colorado the last weekend of June with their performance in the 9th Annual "TOP GUN" police motorcycle competition. Officer Ellis Collins took the top award and Sergeant Joe Rodriguez finished 4th in the competition. Officers James Colgan and Doug Whiles just missed making the finals. The Mayor and City Council will recognize these four officers for their accomplishments.

Staff Contact: RaNae Edwards



Certificate of Achievement

Awarded to:

Ellis Collins

For finishing first in the Top Gun Competition.
This achievement is a true measure of your skills and talent.

Mayor, Ken Gnadt

RaNae Edwards, City Clerk



Certificate of Achievement

Awarded to:

Jose Rodriguez

For finishing fourth in the Top Gun Competition.
This achievement is a true measure of your skills and talent.

Mayor, Ken Gnadt

RaNae Edwards, City Clerk



Certificate of Achievement

Awarded to:

James Colgan

For finishing among the top ten, in the Top Gun Competition.
This achievement is a true measure of your skills and talent.

Mayor, Ken Gnad

RaNae Edwards, City Clerk



Certificate of Achievement

Awarded to:

Doug Whiles

For finishing among the top ten, in the Top Gun Competition.
This achievement is a true measure of your skills and talent.

Mayor, Ken Gnadt

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item C3

Presentation by CH2MHill Relative to Engineering Study of Wastewater Treatment Plant Operations

The City Council approved an agreement with Engineering Firm, CH2MHill to perform a Review of Sewage Sludge Handling and Disposal Methods for Grand Island's Wastewater Treatment Plant at the December 4, 2001 City Council Meeting. An update was presented at the March 19, 2002 City Council Study Session. Workshops have been held with city staff throughout the process where plant operations were reviewed, possible improvements discussed, and a recommended improvement selected. Odor was considered throughout the review with odor control measures identified and incorporated into their recommendations. Tom Heinemann of CH2MHill will update the Council on the Review.

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



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item E1

Public Hearing on Acquisition of Utility Easement Located at 1466 S. Gunbarrel (McFarland)

Acquisition of utility easement located at 1466 S. Gunbarrel, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate an underground power line and pad mounted transformer to serve a new house being constructed. 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, July 09, 2002

Council Session

Item E2

Public Hearing on Acquisition of Utility Easement Located at 1310 S. Gunbarrel (Shullaw)

Acquisition of utility easement located at 1310 S. Gunbarrel, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate an underground power line and pad mounted transformer to serve a new house that is being constructed. 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, July 09, 2002

Council Session

Item E3

Public Hearing on Acquisition of Utility Easement Located at 1450 S. Gunbarrel (Nolan)

Acquisition of utility easement located at 1450 S. Gunbarrel, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate an underground power line and pad mounted transformer to serve a new house that is being constructed. 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, July 09, 2002

Council Session

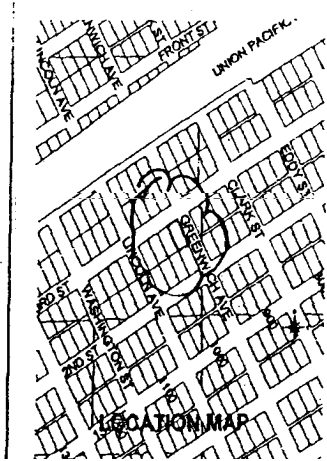
Item E4

Public Hearing on Amendment to Community Redevelopment Authority (CRA) Redevelopment Plan and Authorizing Tax Increment Financing for Renovation of Facility at 1003 West Third Street

At the June 4, 2002 meeting of the Community Redevelopment Authority, the CRA adopted Resolution #38 providing for an amendment to the Redevelopment Plan for Blight and Substandard Area #4, approving a redevelopment contract and giving notice of intent to enter into a redevelopment contract. Kris and Tim Harris, dba RSF Limited, are redeveloping the property at 1003 West Third Street for a dental office. A church was previously located on this property. CRA Resolution #38 was provided to the City Council in the June 11, 2002 Agenda Packet. The proposed redevelopment contract provides for the use of tax increment financing for the redevelopment project. Tax increment financing is a mechanism whereby the increased property taxes for the improved property are used to pay for the improvements. The anticipated tax increment financing for this project is \$35,000.

In December, 2000, the City Council adopted a Redevelopment Plan for this area, which is generally described as the central portion of the City of Grand Island, beginning at the intersection of the west line of Clark Street and the north line of the alley between Fourth and Fifth Streets, south to the alley between Second and Third Streets, and west to Broadwell Avenue. State Statutes require that amendments to the Redevelopment Plan, to address specific projects, be considered by the Community Redevelopment Authority and Regional Planning Commission, in addition to the City Council. The Regional Planning Commission considered the Amendment at their meeting of June 19, 2002 and recommended approval. Notification of the proposed Amendment and Redevelopment Project was provided to all taxing entities and appropriate neighborhood associations. It is appropriate at this time to accept public comment. The action item is contained under the Consent Agenda.

Staff Contact: Cindy Johnson



CITY OF GRAND ISLAND
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council will hold a public hearing on Amendment 1 to the Community Redevelopment Authority

Redevelopment Plan which was adopted December 19, 2000. The Public Hearing will be held on July 9, 2002, at 7 p.m. in the Council Chambers of City Hall, 100 East First Street, Grand Island, Nebraska. The Public Hearing is being held in accordance with section 18-2116 Reissue

the-ised Statutes of Nebraska. Nebraska Community Development Act, as amended for an area located, in the central portion of the City of Grand Island, generally described as beginning at the intersection of the west line of Clark Street and the north line of the alley between 4th and 5th Streets, thence southeasterly along said west line of Clark Street to its

intersection with the south line of the alley between 2nd and 3rd Streets, thence southwesterly along said south alley to its intersection with the east line of Lincoln Avenue, thence southeasterly along said east line of Lincoln Avenue to its intersection with the south line of 2nd Street,

thence southwesterly to the intersection with the west line of Washington Street, thence northwesterly along said west line of Washington to its intersection with the south line of the alley between 2nd and 3rd Streets, thence southwesterly along said south alley to its intersection with the east line of Madison Street, thence southeasterly along said east line of Madison Street to its intersection with the south line of 2nd Street, thence southwesterly along said

south line of 2nd Street to its intersection with the west line of Broadwell Avenue, thence northwesterly along said west line of Broadwell Avenue to a point at approximately at Front Street North where the west line of Broadwell Avenue turns north, thence north along said west line of Broadwell Avenue to its intersection with the north line of the alley between 4th and 5th Streets, thence northeasterly along said north alley line to its intersection with the west line of Clark Street, to the point of beginning and more specifically described as 1003 West Third Street, Lots 1 and 2, Block 18, Arnold and Abbotts' Addition.

The purpose of the proposed amendment is to amend the Redevelopment Plan to include a Redevelopment Project at 1003 West Third Street. The Project is the redevelopment of a former church facility for a dental office and associated office spaces. The proposed amendment to the Redevelopment Plan will be available (a public inspection at city Hall. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the Redevelopment Plan amendment.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item E5

Public Hearing on Request of Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, for Class "D" Liquor License

Habibur Khan, representing Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, has submitted an application with the City Clerk's Office for a Class "D" Liquor License. A Class "D" Liquor License allows for the sale of alcoholic beverages off sale only within the corporate limits of the City. 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, July 09, 2002

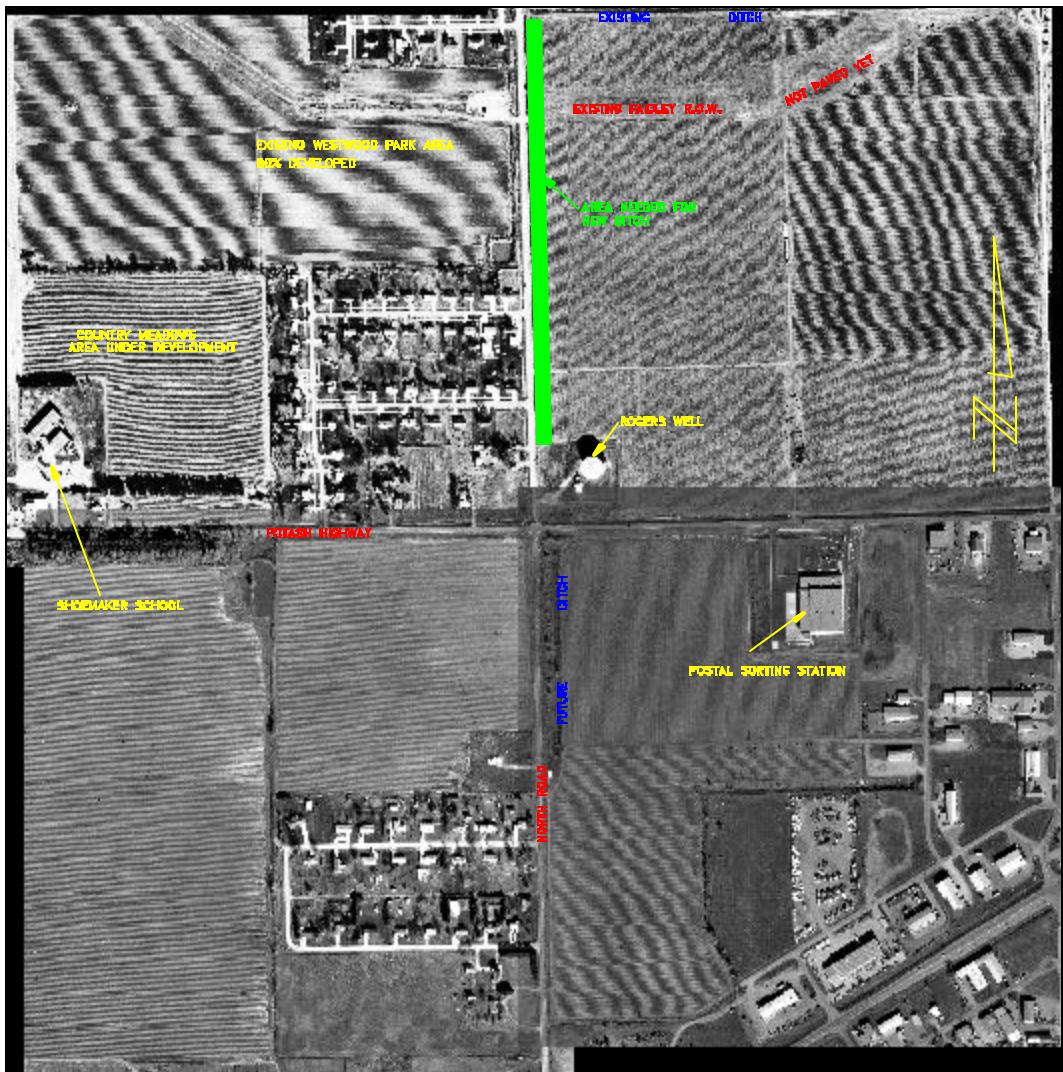
Council Session

Item E6

Public Hearing on Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10 by Eminent Domain. (T & E Cattle Company)

Following the Mayor and City Council's earlier approval of acquiring the right of way from T&E Cattle Company necessary for construction of a drainage ditch to serve two new subdivisions in the North Road/Potash Road area, representatives of the legal and public works departments met with Greg Baxter to negotiate terms for a voluntary acquisition of the right of way. Negotiations were not successful due to the landowner's position that he felt he was given binding assurances that this land transaction would not occur for several years during the course of a prior land sale. The proposals for the new subdivisions were unknown at the time of these discussions. The drainage ditch will serve not only the new subdivisions, but also will serve part of the Little B'S and T&E land when it is developed. The council amended the prior resolution regarding this acquisition to provide that the matter come back to a council meeting for permission to file an eminent domain action if voluntary negotiations proved fruitless. The action item is contained under the Consent Agenda.

Staff Contact: Charlie Cuypers





City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F1

#8745 - Consideration of Vacating Public Utility Easement Located at 2322 South Locust Street

Council action is required for vacation of all Public Utility Easements through passing of an Ordinance. The Easement was acquired for the completion of the South Locust project. Due to changes in the design for the project in relation to this property, additional Permanent Utility Easement and an Ingress/Egress Easement were approved at the June 25, 2002 Council meeting. It is recommended that Council approve vacation of the Easement. The Easement is not needed nor is it anticipated that it would be needed in the future. The Public Works Department has reviewed and approved the request.

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8745

An ordinance to vacate an existing easement and right-of-way located in a part of Lot Eighteen (18), Holcomb's Highway Homes Addition to the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing easement and right-of-way located in a part of Lot Eighteen (18), Holcomb's Highway Homes Addition to the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Referring to the southeast corner of Lot Eighteen (18), Holcomb's Highway Homes Addition; thence west on the south line of Lot Eighteen (18) for a distance of Twenty Six and Five Tenths (26.5) feet; thence N01°24'05"W a distance of Twenty and Forty Seven Hundredths (20.47) feet to the Actual Point of Beginning; thence continuing N01°24'05"W for a distance of Eighteen and Seventy Nine Hundredths (18.79) feet; thence N88°36'00"E a distance of Eighteen and Five Tenths (18.5) feet; thence S01°24'05"E a distance of Eighteen and

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July 5, 2002 ? City Attorney

ORDINANCE NO. 8745 (Cont.)

Seventy Nine Hundredths (18.79) feet; thence S88°36'00"W a distance of Eighteen and Five Tenths (18.5) feet to the point of beginning;

is hereby vacated.

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

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

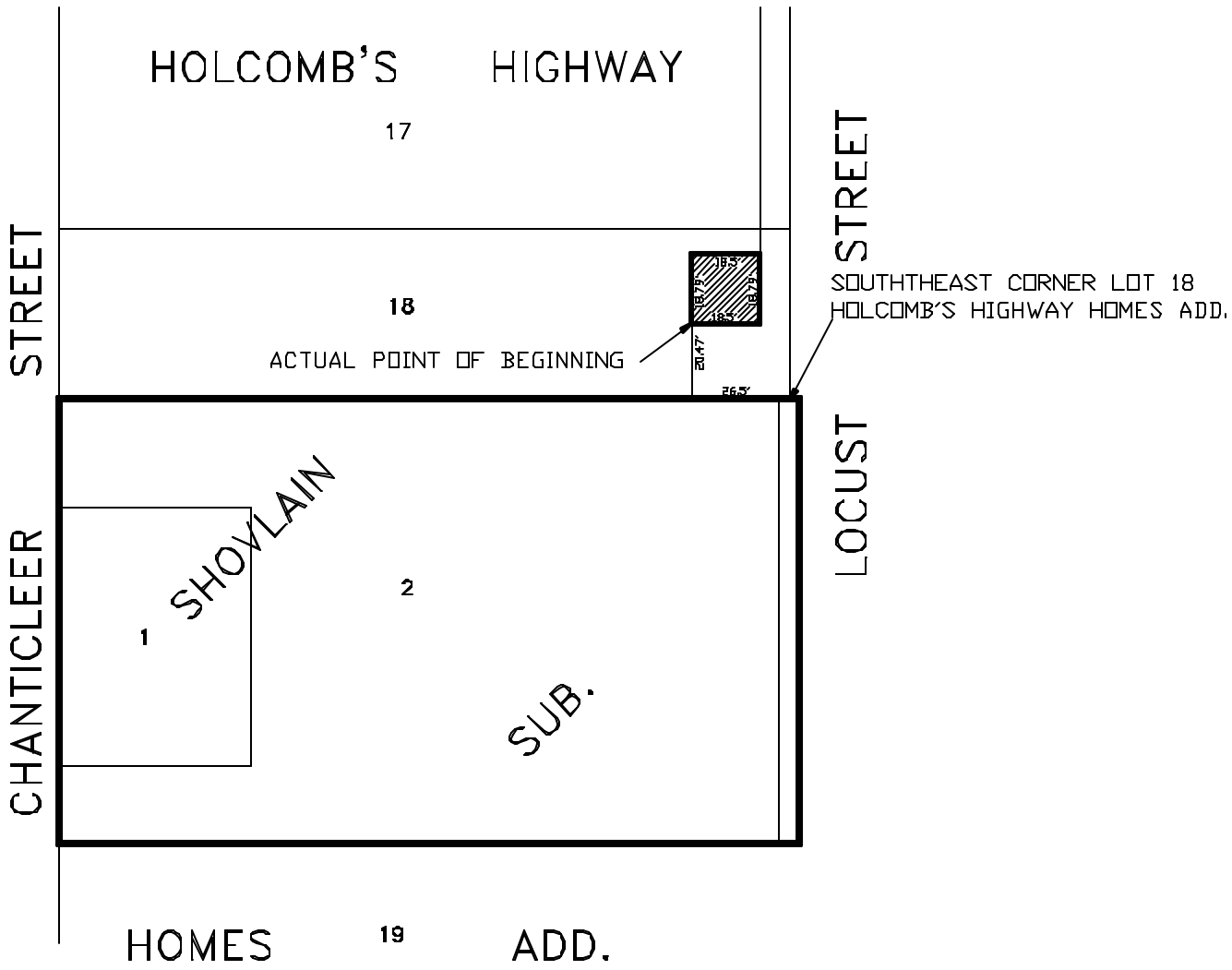
SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 9, 2002.


Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



EASEMENT AREA TO BE VACATED



CITY OF GRAND ISLAND

 PUBLIC WORKS DEPARTMENT

DATE: 6/20/02
 DRN BY: L.D.C.
 SCALE: 1"=50'

PLAT TO ACCOMPANY
 ORDINANCE NO. 8745



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F2

**#8746 - Consideration of Creating Sanitary Sewer District # 507,
Along Cannon Road between North & Mansfield Roads, and a
short piece North of State Street East of North Road**

Council action is needed to create a Sanitary Sewer District. If created, a notice will be mailed to all affected property owners and a 30-day protest period allowed.

Residents in the area submitted a petition requesting the creation of a Sanitary Sewer District. If the District passes the protest period and is constructed, improvements to the road and median should be coordinated with any improvements related to the extension of Independence Avenue from Manchester Road to 13th Street. It is recommended that Council approve creation of the Sanitary Sewer District. A ten (10) year assessment period is recommended. The majority of the costs will be assessed to the benefiting properties.

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

? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 8746

An ordinance creating Sanitary Sewer District No. 507 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. 507 is hereby created for the construction of eight (8.0) inch sanitary sewer mains and appurtenances thereto in Cannon Road and State Street, from Mansfield Road to approximately three hundred forty (340.0) feet east of North Road in the city of Grand Island, Hall County, Nebraska.

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

Beginning at the southwest corner of Lot Eleven (11) Sussex Place Subdivision; thence north on the west line of Lot Eleven (11) Sussex Place Subdivision and a prolongation thereof to the north line of Cannon Road; thence east on the north line of Cannon Road and a prolongation thereof to the east line of Macron Street; thence north on the east line of Macron Street, also being the west line of

Approved as to Form? _____
July 5, 2002 ? City Attorney

ORDINANCE NO. 8746 (Cont.)

Kieselhorst Subdivision, to the northwest corner of Kieselhorst Subdivision; thence east on the north line of Kieselhorst Subdivision, Sussex Place Second Subdivision, Walters Subdivision, Sussex Place Subdivision and a prolongation thereof to the east line of North Road; thence south on the east line of North Road to a point being Two Hundred Forty Five (245.0) feet north of the south line of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) of Section 12-11-10; thence east on a line Two Hundred Forty Five (245.0) feet north of and parallel to the south line of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) of Section 12-11-10 for a distance of Two Hundred Sixty Seven (267.0) feet; thence south on a line Two Hundred Sixty Seven (267.0) feet east of and parallel to the east line of North Road to the south line of State Street; thence west on the south line of State Street and a prolongation thereof to the west line of North Road, said line also being the east line of Burris Subdivision; thence south on the east line of Burris Subdivision to the southeast corner of Burris Subdivision; thence west on the south line of Burris Subdivision, Sussex Place Third Subdivision, Adams Way Subdivision, Saunders Subdivision, Hadenfeldt Subdivision and Lot Eleven (11) Sussex Place Subdivision to the point of beginning, all as shown on the plat dated June 25, 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

ORDINANCE NO. 8746 (Cont.)

Water Extension Fund and out of which all warrants issued for the purpose of paying the cost of sanitary sewer shall be paid.

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: July 9, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F3

#8747 - Consideration of Amending Chapter 34 of City Code Relative to Telecommunications

Following up on our article in "The Blues" issue of two weeks ago, the ordinance proposes a substantial simplification of the current telecommunications chapter of the City Code. Because the anticipated influx of new telecommunications providers to Grand Island in the wake of the Telecommunications Act of 1996 did not occur and we have few problems with the existing telecommunications providers other than a persistent failure of contractors to obtain permits to build in City rights of way and check for interference with existing infrastructure, this simplification is appropriate. The amendments will likely allow us to have a new opportunity to reinforce the need for contractors to obtain permits before commencing trenching and digging the rights of way. Also, it is an opportunity to check again whether there are companies providing local exchange service in Grand Island other than Qwest and Alltel so that the City's occupation taxes can be collected in accordance with the code.

Staff Contact: Charlie Cuypers

ORDINANCE NO. 8747

An ordinance to amend Chapter 34 of the Grand Island City Code; to amend Sections 34-1 through 34-68 pertaining to telecommunications; to renumber Sections 34-1 through 34-68 as now existing; to repeal Sections 34-1 through 34-68 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Article I and Sections 34-1 through 34-68 of the Grand Island City Code is hereby amended to read as follows:

Article I. Telecommunications

§34-1. Purpose

The purpose of this Chapter is to:

- (A) Establish a local policy concerning telecommunications providers and services;
- ~~— (B) Establish clear and nondiscriminatory local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;~~
- ~~(B)(C)~~ (C) Promote competition in telecommunications;
- ~~(C)(D)~~ (D) Minimize unnecessary local regulation of telecommunications providers and services;
- ~~— (E) Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the City;~~
- ~~(D)(F)~~ (F) Permit and manage reasonable access to the public ways of the City for telecommunications purposes on a competitively neutral basis;
- ~~(E)(G)~~ (G) Conserve the limited physical capacity of the public ways held by the City;
- ~~— (H) Assure that the City's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the persons seeking such access and causing such costs;~~
- ~~— (I) Secure fair and reasonable compensation to the City and the residents of the City, in a nondiscriminatory manner, for permitting private use of the public ways;~~
- ~~(E)(J)~~ (J) Assure that all telecommunications carriers providing facilities or services within the City comply with the ordinances, rules and regulations of the City;
- ~~— (K) Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare;~~
- ~~— (L) Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.~~

§34-2. Definitions

Terms used in this Chapter shall have the following meanings:

Affiliate shall mean a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

City shall mean the City of Grand Island, its elected and appointed officers, employees, and duly appointed and authorized agents.

City Property shall mean all real property owned or controlled by the City whether in fee ownership or other interest.

Code shall mean the Grand Island City Code ~~(1988 Ed.)~~, as amended.

Approved as to Form ? _____
July 5, 2002 ? City Attorney

ORDINANCE NO. 8747 (Cont.)

~~Excess Capacity shall mean the volume or capacity in any existing, or future duct, conduit, manhole, handhole or other utility facility within the public ways that is or will be available for use for additional telecommunications facilities.~~

~~FCC or Federal Communications Commission shall mean the Federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.~~

~~Grantee shall mean both licensees and franchisees granted certain rights and obligations as more fully described herein.~~

~~Nebraska Public Service Commission or NPSC shall mean the State administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the State of Nebraska to the extent prescribed by law.~~

Overhead Facilities shall mean utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

Person shall mean corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, other entities and individuals.

Public Ways includes the surface of an space above and below any real property in the City which the City owns or in which it holds an interest as a trustee for the public including, but not limited to, all public streets, highways, roads, alleys, easements, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the ownership or control of the City, and any rights-of-way established, dedicated or devoted for public utility purposes.

Rights-of-Way shall mean all real property and public ways, which the City owns or in which the City has an ownership interest.

State shall mean the State of Nebraska.

Surplus Space shall mean that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Nebraska Public Service Commission to allow its use by a telecommunications carrier for a pole attachment.

Telecommunications Carrier includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities used or to be used to transmit, receive, distribute, provide or offer telecommunications service.

Telecommunications Facilities shall mean the plant, equipment and property within the City used to transmit, receive, distribute, provide or offer telecommunications service.

Telecommunications Provider includes every person who provides telecommunications service over telecommunications facilities.

Telecommunications Service shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium, unless excluded or exempted by local, state or federal law.

Underground Facilities shall mean utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

Usable Space shall mean the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Nebraska Public Service Commission.

Utility Facilities shall mean the plant equipment and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within public ways and used or to be used for the purpose of providing utility or telecommunications services.

§34-3. Penalties

Any person found violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be guilty of an infraction. Upon conviction any person violating any provision of this chapter shall be subject to a fine as provided by § 1-7 of this Code. A separate and distinct violation shall be deemed committed each day on which a violation occurs or continues.

ORDINANCE NO. 8747 (Cont.)

§34-4. Other Remedies and Regulations

Nothing in this chapter shall be construed as limiting any other remedies at law or in equity that the City may have for enforcement of this chapter. The City Administrator is authorized to establish regulations and procedures for the implementation of this chapter.

§34-5. Registration, Fees and Duration

(A) To the extent permitted by law, ~~any telecommunications carrier or provider who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in public ways and/or to provide telecommunications service, including but not limited to local exchange service, to persons or areas within the City~~ all telecommunications carriers or providers engaged in the business of transmitting, supplying or furnishing of telecommunications service originating, terminating or existing, within the City shall register with the City pursuant to this Chapter and pay all fees provided herein, ~~unless otherwise required to apply for and obtain a license or franchise pursuant to this Chapter.~~

(B) A registration shall remain in effect for a period of five (5) years from the date on which the City Administrator certifies that the information required pursuant to §34-6 has been submitted to the Administrator. A registration may be renewed by either submitting information in duplicate to the City Administrator as set forth in §34-6 or submitting affidavits in duplicate attesting that the information submitted for the initial registration remains unchanged except to the extent modified by attachments to said affidavits. Upon filing a registration renewal the registrant shall pay all fees as provided herein.

§34-6. Registration Required

All telecommunications carriers or providers required to register pursuant to §34-5, shall register with the City by submitting information in duplicate to the City Administrator which shall include the following:

(A) The identity and legal status of the registrant including any affiliates.

(B) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

(C) A general description of registrant's existing or proposed telecommunications facilities within the City.

~~(D) A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.~~

~~(E) Information sufficient for the City to determine whether the registrant is subject to licensing or franchising.~~

~~(D)(F)~~ Information sufficient for the City to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal tax or fee.

~~(E)(G)~~ Copies of the registrant's certificate of convenience and necessity issued by the Nebraska Public Service Commission.

(H) A copy of relevant portions of the registrant's certificate of convenience and necessity application may be filed in lieu of items (C), ~~(D)~~ and ~~(E)~~ above.

(I) Such other information as the City may require for purposes of this Chapter.

§34-7. Registration Purpose, Exception

(A) The purpose of registration is to:

(1) Provide the City with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the City, or that own or operate telecommunication facilities within the City;

(2) Assist the City in enforcement of this Chapter;

(3) Assist the City in the collection and enforcement of any municipal taxes, ~~franchise fees, license fees or charges~~ that are lawfully permissible and may be due the City; and

(4) Assist the City in monitoring compliance with local, state and federal laws.

(B) A person which provides telecommunications services solely to itself, its affiliates or members between points in the same building, or between closely located buildings under common ownership or control is excepted from the registration requirement pursuant to this Chapter, provided that such company or person does not use or occupy any public ways of the City.

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§34-8. License and Fees

~~———— To the extent permitted by law and except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in public ways for the purpose of providing telecommunications service to persons and areas outside the City shall first obtain a license granting the use of such public ways from the City pursuant to this Chapter and pay all the fees as provided herein. A license shall not be required by any person that obtains a franchise pursuant to §34-19.~~

§34-9. License Application

~~———— All telecommunications carriers required to obtain a license pursuant to §34-8 shall apply for a license from the City by submitting information in duplicate to the City Administrator which shall include the following:~~

- ~~—— (A) The identity and legal status of the applicant including any affiliates.~~
- ~~—— (B) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the license application.~~
- ~~—— (C) A general description of applicant's existing or proposed telecommunications facilities within the City and the geographic area to be covered by the license.~~
- ~~—— (D) A confirmation that the telecommunications service that the applicant intends to offer or provide, or is currently offering or providing, is to persons, firms, businesses or institutions outside the City.~~
- ~~—— (E) Information sufficient for the City to determine whether applicant is subject to licensing or franchising.~~
- ~~—— (F) Information sufficient for the City to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the applicant constitutes an occupation or privilege subject to any municipal tax or fee.~~
- ~~—— (G) Copies of the applicant's certificate of convenience and necessity issued by the Nebraska Public Service Commission.~~
- ~~—— (H) A copy of relevant portions of the applicant's certificate of convenience and necessity application may be filed in lieu of items (C), (D) and (E) above.~~
- ~~—— (I) Such other information as the City may require for purposes of this Chapter.~~

§34-10. License; Determination by the City

~~———— After receiving a complete application hereunder, the City Administrator shall make a recommendation to the Mayor and City Council to grant or deny the license application in whole or in part. If the application is recommended for denial, the recommendation shall include the reasons for denial. The Mayor and City Council shall grant or deny the license application in whole or in part after receiving a recommendation of the City Administrator. The decision of the Mayor and City Council on the application shall be made within sixty (60) days of the filing of a complete application; provided, time may be extended upon request of the applicant or to permit the City to obtain additional information relevant to the application. The following standards shall apply when determining to grant or deny the license application:~~

- ~~—— (A) The financial and technical ability of the applicant.~~
- ~~—— (B) The legal status of the applicant.~~
- ~~—— (C) The capacity of the public ways to accommodate the applicant's facilities.~~
- ~~—— (D) The capacity of the public ways to accommodate additional utility and telecommunications facilities if the application is granted.~~
- ~~—— (E) The damage or disruption, if any, of existing or future public or private facilities, improvements, service, travel or landscaping if the application is granted, giving consideration to an applicant's willingness and ability to mitigate and/or repair same.~~
- ~~—— (F) The public interest in minimizing the cost and disruption of construction within the public ways.~~
- ~~—— (G) The type of service that applicant will provide.~~
- ~~—— (H) The availability of alternate routes or locations for the proposed facilities.~~
- ~~—— (I) Applicable federal, state and local laws, regulations, rules and policies.~~

§34-11. License; Agreement

~~———— No license granted hereunder shall be effective until the Mayor and City Council have approved a written agreement with the applicant setting forth the particular items and provisions under which the license to occupy and~~

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~~use public ways will be granted. A license granted hereunder shall be limited to a grant of rights to use specific public ways and defined portions thereof, as may be indicated in the license agreement.~~

~~§34-12. License, Nonexclusive Grant~~

~~_____ No license granted hereunder shall confer any exclusive right, privilege or license to occupy or use the public ways or property or to provide telecommunications services or any other purposes.~~

~~§34-13. License, Rights Granted and Term~~

~~_____ (A) No license granted hereunder shall convey any right, title or interest in public ways but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant.~~

~~_____ (B) No license granted hereunder shall authorize or excuse a licensee from securing such further easements, leases, permits or other approvals as may be required to lawfully occupy and use public ways.~~

~~_____ (C) No license granted hereunder shall be construed as any warranty of title.~~

~~_____ (D) Unless otherwise specified in a license agreement, a license granted hereunder shall be in effect for a term of not more than five (5) years from the date of execution of the license agreement by the Mayor following approval by the Mayor and City Council.~~

~~§34-14. License; Construction Permits~~

~~_____ All licensees shall obtain construction permits and pay all fees required by law.~~

~~§34-15. License; Compensation to City~~

~~_____ In the absence of state or federal law to the contrary, each license granted hereunder is subject to the City's right which is expressly reserved, to annually fix a fair, reasonable and non discriminatory compensation to be paid for use of public ways or property and such municipal, occupation, or license taxes as are authorized by state and federal law.~~

~~§34-16. License; Amendment of Grant~~

~~_____ (A) A license application supplement and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public ways which are not included in a license and license agreement previously granted hereunder. The license application supplement shall consist of such information as would have been required but was not included in the initial license application pursuant to §34-9.~~

~~_____ (B) If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted license, the City shall grant a license amendment without further application.~~

~~§34-17. License; Renewal Applications; Renewal Determinations~~

~~_____ (A) Unless applicable state or federal law establishes a different time period for renewal, a licensee that desires to renew its license hereunder shall not more than 180 days nor less than 60 days before expiration of the current license, file an application in duplicate with the city for renewal of its license which shall include updated information required for a license application. A license may be renewed by either submitting information in duplicate to the City Administrator as set forth in §34-9 or submitting affidavits in duplicate attesting that the information submitted for the initial license application remains unchanged except to the extent modified by prior amendments or attachments to said affidavits. Upon filing a license renewal, the applicant shall pay all fees as provided herein.~~

~~_____ (B) Within 90 days after receiving a complete application hereunder, the Mayor and City Council shall make a determination on behalf of the City granting or denying the renewal application in whole or in part. If the application is denied, the determination shall include the reasons for denying approval of the application. The standards enumerated in §34-10 shall apply when determining to grant or deny the application, plus a determination of the applicant's compliance with the requirements of this Chapter and the license agreement.~~

~~§34-18. License; Obligation to Cure as a Condition of Renewal~~

~~_____ No license shall be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement or of the requirements of this Chapter and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured or a plan detailing the corrective action to be taken by the licensee has been approved by the City Administrator.~~

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§34-19. Franchise and Fees

~~_____ To the extent permitted by law and except as otherwise provided herein, any telecommunications carrier or provider who desires to provide telecommunications service, including but not limited to local exchange service, to persons or areas within the City, shall first obtain a franchise granting the use of public ways in the City to construct, install, operate, maintain or otherwise locate telecommunications facilities in public ways and to provide telecommunications service pursuant to this Chapter and to pay all fees as provided herein.~~

§34-20. Franchise Application

~~_____ All telecommunications carriers or providers required to obtain a franchise pursuant to §34-19 shall apply for a franchise from the City hereunder by submitting information in duplicate to the City Administrator which shall include the following:~~

- ~~_____ (A) The identity and legal status of the applicant including any affiliates.~~
- ~~_____ (B) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the franchise application.~~
- ~~_____ (C) A general description of applicant's existing or proposed telecommunications facilities within the City and the geographic area to be covered by the franchise.~~
- ~~_____ (D) A description of the telecommunications service that the applicant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.~~
- ~~_____ (E) Information sufficient for the City to determine whether applicant is subject to licensing or franchising.~~
- ~~_____ (F) Information sufficient for the City to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the applicant constitutes an occupation or privilege subject to any municipal tax or fee.~~
- ~~_____ (G) Copies of the applicant's certificate of convenience and necessity issued by the Nebraska Public Service Commission.~~
- ~~_____ (H) A copy of relevant portions of the applicant's certificate of convenience and necessity application may be filed in lieu of items (C), (D) and (E) above.~~
- ~~_____ (I) Such other information as the City may require for purposes of this Chapter.~~

§34-21. Franchise; Determination by the City

~~_____ After receiving a complete application hereunder, the City Administrator shall make a recommendation to the Mayor and City Council to grant or deny the franchise application in whole or in part. If the application is recommended for denial, the recommendation shall include the reasons for denial. The Mayor and City Council shall grant or deny the franchise application in whole or in part after receiving a recommendation of the City Administrator. The decision of the Mayor and City Council on the application shall be made within sixty (60) days of the filing of a complete application; provided, time may be extended upon request of the applicant or to permit the City to obtain additional information relevant to the application. The following standards shall apply when determining to grant or deny the franchise application:~~

- ~~_____ (A) The financial and technical ability of the applicant.~~
- ~~_____ (B) The legal status of the applicant.~~
- ~~_____ (C) The capacity of the public ways to accommodate the applicant's facilities.~~
- ~~_____ (D) The capacity of the public ways to accommodate additional utility and telecommunications facilities if the application is granted.~~
- ~~_____ (E) The damage or disruption, if any, of existing or future public or private facilities, improvements, service, travel or landscaping if the application is granted, giving consideration to an applicant's willingness and ability to mitigate and/or repair same.~~
- ~~_____ (F) The public interest in minimizing the cost and disruption of construction within the public ways.~~
- ~~_____ (G) The type of service that applicant will provide.~~
- ~~_____ (H) The availability of alternate routes or locations for the proposed facilities.~~
- ~~_____ (I) Applicable federal, state and local laws, regulations, rules and policies.~~

§34-22. Franchise; Agreement

~~_____ No franchise granted hereunder shall be effective until the Mayor and City Council have approved a written agreement with the applicant setting forth the particular items and provisions under which the franchise to occupy~~

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~~and use public ways will be granted. A franchise granted hereunder shall be limited to a grant of rights to use specific public ways and defined portions thereof, as may be indicated in the franchise agreement.~~

~~§34-23. Franchise; Nonexclusive Grant~~

~~_____ No franchise granted hereunder shall confer any exclusive right, privilege or franchise to occupy or use the public ways or property or to provide telecommunications services or any other purposes.~~

~~§34-24. Franchise; Rights Granted and Term~~

~~_____ (A) No franchise granted hereunder shall convey any right, title or interest in public ways but shall be deemed a franchise only to use and occupy the public ways for the limited purposes and term stated in the grant.~~

~~_____ (B) No franchise granted hereunder shall authorize or excuse a franchisee from securing such further easements, leases, permits or other approvals as may be required to lawfully occupy and use public ways.~~

~~_____ (C) No franchise granted hereunder shall be construed as any warranty of title.~~

~~_____ (D) Unless otherwise specified in a franchise agreement, a franchise granted hereunder shall be in effect for a term of not more than five (5) years from the date of execution of the franchise agreement by the Mayor following approval by the Mayor and City Council.~~

~~§34-8, 34-25. Registration Franchise; Construction Permits~~

~~All registrants franchisees shall obtain permits and pay all fees required by the code law prior to commencement of construction.~~

~~§34-9, 34-26. Registration Franchise; Compensation to City~~

~~In the absence of state, federal or other law to the contrary, each registrant franchise granted hereunder is subject to the City's right, which is expressly reserved, to annually fix a fair, reasonable and non discriminatory compensation to be paid for use of public ways or property and such municipal occupation, or franchise taxes as are authorized by state and federal law.~~

~~§34-27. Reserved~~

~~§34-28. Franchise; Service to the City~~

~~_____ A franchisee shall make its telecommunications services available to the City at its most favorable rate for similarly situated users in the State of Nebraska.~~

~~§34-29. Franchise; Amendment of Grant~~

~~_____ (A) A franchise application supplement and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public ways which are not included in a franchise and franchise agreement previously granted hereunder. The franchise application supplement shall consist of such information as would have been required but was not included in the initial franchise application pursuant to §34-20.~~

~~_____ (B) If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted franchise, the City shall grant a franchise amendment without further application.~~

~~_____ (C) A franchise application supplement shall be required of any telecommunications provider that desires to add to or modify the telecommunications services provided pursuant to a franchise previously granted. The franchise application supplement shall consist of such information as would have been required but was not included in the initial franchise application pursuant to §34-20.~~

~~§34-30. Franchise; Renewal Applications; Renewal Determinations~~

~~_____ (A) Unless applicable state or federal law establishes a different time period for renewal, a franchisee that desires to renew its franchise hereunder shall not more than 180 days nor less than 60 days before expiration of the current franchise, file an application in duplicate with the City for renewal of its franchise which shall include updated information required for a franchise application. A franchise may be renewed by either submitting information in duplicate to the City Administrator as set forth in §34-20 or submitting affidavits in duplicate attesting that the information submitted for the initial franchise application remains unchanged except to the extent~~

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modified by prior amendments or attachments to said affidavits. Upon filing a franchise renewal, the applicant shall pay all fees as provided herein.

~~_____ (B) Within 90 days after receiving a complete application hereunder, the Mayor and City Council shall make a determination on behalf of the City granting or denying the renewal application in whole or in part. If the application is denied, the determination shall include the reasons for denying approval of the application. The standards enumerated in §34-21 shall apply when determining to grant or deny the application, plus a determination of the applicant's compliance with the requirements of this Chapter and the license agreement.~~

~~§34-31. Franchise, Obligation to Cure as a Condition of Renewal~~

~~_____ No franchise shall be renewed until any ongoing violations or defaults in the franchisee's performance of the franchise agreement or of the requirements of this Chapter and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured or a plan detailing the corrective action to be taken by the licensee has been approved by the city Administrator of his/her designee.~~

~~§34-32. Conditions of Grant of License or Franchise, General Duties~~

~~_____ (A) All grantees shall comply with all requirements of the Grand Island City Code.~~

~~_____ (B) All grantees shall provide written confirmation sufficient for customary land survey and land title insurance purposes concerning the location of its facilities in public ways and disclaiming any interest in public ways where it has no license or franchise to construct or operate its facilities.~~

~~_____ (C) Any act that a grantee is or may be required to perform under this ordinance, its license, franchise or applicable agreement or law shall be performed at the grantee's expense.~~

~~§34-10, 34-33. Conditions of Registration Grant of License or Franchise; Interference with the Public Ways~~

~~No registrant grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public ways by the City. All such facilities shall be moved by and at the expense of the registrant grantee, temporarily or permanently, as determined by the City.~~

~~§34-34. Conditions of Grant of License or Franchise; Damage to Property~~

~~_____ Any grantee or any person acting on a grantee's behalf that impairs or damages any public way, or other property located in, on or adjacent thereto, shall restore said public way or other property in conformance with §34-41 of this Chapter.~~

~~§34-35. Conditions of Grant of License or Franchise; Notice of Work~~

~~_____ Unless otherwise provided in a license or franchise agreement, no grantee, or any person acting on the grantee's behalf, shall commence any nonemergency work in or about the public ways without providing three (3) working days advance written notice to the City. Any private property owner whose property will be affected by a grantee's work shall be afforded the same notice.~~

~~§34-36. Conditions of Grant of License or Franchise; Repair and Emergency Work~~

~~_____ In the event of an unexpected repair or emergency, a grantee may commence such repair and emergency response work as required under the circumstances, provided the grantee shall notify the Directors of Public Works and Director of Utility Operations as promptly as possible, before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.~~

~~§34-11, 34-37. Conditions of Grant of License or Franchise; Maintenance of Facilities~~

~~Each registrant grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local laws, codes, rules and regulations requirements.~~

~~§34-12, 34-38. Conditions of Grant of License or Franchise; Relocation or Removal of Facilities~~

~~(A) Within thirty (30) days following written notice from the City, a registrant grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public ways whenever the City Administrator shall have determined that such removal, relocation, change or alteration is reasonably necessary for:~~

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- (1) The construction, repair, maintenance or installation by the City or other governmental entity of any public improvement in or upon the public ways.
- (2) The operations of the City or other governmental entity in or upon the public ways.
- (3) The vacation of a public street or the release of a utility easement.

(B) Provided the City has complied with the One Call Notification System Act the City shall not be liable for any damage to or loss of any telecommunications facility within the public ways as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling or work of any kind in the public ways by or on behalf of the City unless directly or proximately caused by the willful, intentional or malicious acts of the City.

~~§34-13,34-39. Conditions of Grant of License or Franchise; Removal of Unauthorized Facilities~~

Within thirty (30) days following written notice from the City, any ~~registrant grantee, telecommunications carrier,~~ or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the public ways shall at its own expense, remove such facilities or appurtenances from the public ways. If such ~~registrant or responsible person grantee~~ fails to remove such facilities or appurtenances, the City may cause the removal and charge the ~~registrant or responsible person grantee~~ for the costs incurred. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

- ~~—(A) Upon expiration or termination of the grantee's license or franchise.~~
- ~~(A)(B) Upon abandonment of a facility within the public ways.~~
- ~~—(C) If the system or facility was constructed or installed without the prior grant of a license or franchise.~~
- ~~(B)(D) If the system or facility was constructed or installed without the prior issuance of a required construction permit.~~
- ~~(C)(E) If the system or facility was constructed or installed at a location not permitted by the City grantee's license or franchise.~~
- ~~(D)(F) Any such other circumstances deemed reasonably necessary by the City Administrator in order to protect public health, safety and welfare.~~

~~§34-14,34-40. Conditions of Grant of License or Franchise; Emergency Removal or Relocation of Facilities~~

The City retains the right and privilege to cut or move any telecommunications facilities located within the public ways as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. The City shall use its best efforts to notify the grantee through its Emergency Management Department ~~and the One Call Notification System Act~~ prior to cutting or moving the grantee's telecommunication facilities.

~~§34-15,34-41. Conditions of Grant of License or Franchise; Restoration of Rights-of-Way~~

The ~~Registrant~~ ~~Grantee~~ shall comply with the following:

- (A) When a ~~registrant grantee~~, or any person acting on its behalf, does any work in or affecting any public ways, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property including trees, landscaping and grounds to the same condition which existed before the work was undertaken.
- (B) If weather or other conditions do not permit the complete restoration required hereunder, the ~~registrant grantee~~ shall temporarily restore the affected ways or property. Such temporary restoration shall be at the ~~registrant grantee's~~ sole expense and the ~~registrant grantee~~ shall promptly undertake and complete the required permanent restoration when the weather conditions no longer prevent such permanent restoration.
- (C) A ~~registrant grantee~~ or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such public ways.

~~§34-42. Conditions of Grant of License or Franchise; Facilities Maps~~

~~Each grantee shall provide the City with an accurate as-built map or maps certifying the location of all of the grantee's telecommunications facilities within the public ways. Each grantee shall provide updated as-built maps annually unless no material changes have occurred. Commencing on January 1, 2002 the "As-Built" Facilities Map must be delivered in digital form with GPS coordinates locating all facilities to at least sub-decimeter accuracy. The digital format will be compatible with the City's Geographic Information System (GIS) system so that it can be~~

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displayed as a layer or theme in the City's GIS system. Commencing on January 1, 2002, the digital "As Built" Facilities Map will be updated and delivered to the City monthly, except that delivery will not be required if no change to the Facility has been made in the preceding month.

§34-43. Conditions of Grant of License or Franchise; Duty to Provide Information

Within ten (10) days of a written request from the City Administrator each grantee shall furnish the City Administrator with information sufficient to demonstrate:

- (A) That grantee has complied with all requirements of this Chapter.
- (B) That all taxes and fees due the City in connection with the telecommunications services and facilities provided by the grantee has been properly collected and paid by the grantee.
- (C) That all books, records, maps and other documents maintained by the grantee with respect to its facilities within the public ways shall be made available for inspection by the City Administrator at reasonable times and intervals and shall remain proprietary and confidential to the extent provided by law if so requested in writing by grantee.

§34-44. Conditions of Grant of License or Franchise; Leased Capacity

Subject to the provisions of §34-48 and §34-65, a grantee shall have the right to enter into interconnection and resale agreements with a telecommunications carrier or provider in order to provide telecommunications service, including but not limited to local exchange service, to persons or areas within the city, provided that:

- (A) Grantee shall furnish the City with a notice of any such interconnection or resale agreements which shall contain the following information:
 - (1) The identity and legal status of the transferee.
 - (2) The name, address, and telephone number of an officer or agent of the transferee.
 - (3) Sufficient general information concerning the proposed lease or agreement and the transferee for the City to make a determination concerning whether said transferee is subject to filing a registration or an application for franchise pursuant to this chapter.
- (B) The proposed transferee, lessee or person shall comply with all of the requirements of this Chapter.
- (C) Notice as provided herein shall be submitted to the City Administrator within ten (10) business days of execution of such agreement by the grantee.

§34-45. Conditions of Grant of License or Franchise; Grantee Insurance

Unless otherwise provided in a license agreement or franchise agreement, each grantee occupying or using public ways or property shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents, representatives and employees as additional named insured with:

- (A) Comprehensive general liability insurance with limits not less than:
 - (1) Five Million Dollars (\$5,000,000.00) for bodily injury or death to each person;
 - (2) Five Million Dollars (\$5,000,000.00) for property damage resulting from any one accident; and,
 - (3) Five Million Dollars (\$5,000,000.00) for all other types of liability.
- (B) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000.00) for each person and Three Million Dollars (\$3,000,000.00) for each accident.
- (C) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000.00).
- (D) Comprehensive form premises operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three Million Dollars (\$3,000,000.00)
- (E) The liability insurance policies required by this section shall be maintained at all times by the grantee. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Clerk of such intent to cancel or not to renew."
- (F) Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the grantee shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Chapter.

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~~§34-46. Conditions of Grant of License or Franchise; General Indemnification~~

~~In addition to and distinct from the insurance requirements of this Chapter, each grantee shall agree as part of its license agreement or franchise agreement to defend, indemnify and hold the City and its officers, officials, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorneys' fees and costs of suit or defense arising out of, resulting from or alleged to arise out of or result from the acts, omissions, failure to act or misconduct of the Grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a license agreement or franchise agreement made or entered into pursuant to this Chapter.~~

~~§34-47. Conditions of Grant of License or Franchise; Coordination of Construction Activities~~

~~All grantees are required to cooperate with the City and with each other as follows:~~

- ~~— (A) By March 1 of each year, grantees shall provide the Director of Public Works and Director of Utility Operations with a schedule of their proposed construction activities which may affect the public ways for that year.~~
- ~~— (B) Each grantee shall meet with the City or grantees and users of the public ways annually or as determined by the City to schedule and coordinate construction.~~
- ~~— (C) All construction locations, activities and schedules shall be coordinated to minimize public inconvenience, disruption and/or damages.~~

~~§34-48. Conditions of Grant of License or Franchise, Change of Ownership Or Control Of Grantee~~

~~The grantee shall file with the City Administrator a copy of any order issued by the Nebraska Public Service Commission or notification filed with the commission in connection with any change of ownership or control of the grantee. Following the filing of such order or notification, the City shall have thirty (30) days to notify the grantee or its successor whether a new license or franchise is required as a result of the change of ownership or control.~~

~~§34-49. Reserved~~

~~§34-50. Conditions of Grant of License or Franchise; Revocation or Termination of Grant~~

~~A license or franchise granted by the City to use or occupy public ways may be revoked for any one or more of the following reasons:~~

- ~~— (A) Construction or operation at an unauthorized location.~~
- ~~— (B) Unauthorized transfer of control of the grantee.~~
- ~~— (C) Unauthorized assignment of a license or franchise.~~
- ~~— (D) Unauthorized sale, assignment or transfer of the grantee's franchise or license assets or an interest therein.~~
- ~~— (E) Misrepresentation by or on behalf of a grantee in any application to the City.~~
- ~~— (F) Abandonment of telecommunications facilities in the public ways.~~
- ~~— (G) Failure to relocate or remove facilities as required in this Chapter.~~
- ~~— (H) Failure to pay lawfully permitted taxes, compensation, fees or costs when and as due the City.~~
- ~~— (I) Insolvency or bankruptcy of the grantee.~~
- ~~— (J) Violation of a material provision of this Chapter or Code.~~
- ~~— (K) Violation of a material term of a license, franchise or associated agreement.~~

~~§34-51. Conditions of Grant of License or Franchise; Notice and Duty to Cure~~

~~In the event that the City Administrator believes that grounds exist for revocation of a license or franchise, the grantee shall be given written notice of the apparent violation or noncompliance, be provided a concise statement of the nature and general facts of the violation or noncompliance, and be given a reasonable period of time not exceeding thirty (30) days to furnish evidence:~~

- ~~— (A) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation of noncompliance.~~

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~~—(B) That rebuts the alleged violation or noncompliance.~~

§34-52. Conditions of Grant of License or Franchise; Hearing

~~—In the event that a grantee fails to provide evidence pursuant to §34-51 reasonably satisfactory to the City Administrator, the City Administrator shall refer the apparent violation or noncompliance to the Mayor and City Council. The Mayor and City Council shall upon request by the grantee, provide the grantee with notice and reasonable opportunity to be heard concerning this matter.~~

§34-53. Conditions of Grant of License or Franchise; Standards for Revocation or Lesser Sanctions

~~—Based on a preponderance of the evidence that the grantee has violated or failed to comply with a material provision of this Chapter or its license or franchise or associated agreement, the City Council shall determine whether to revoke the license or franchise, and issue a written decision relating thereto, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:~~

- ~~—(A) Whether the misconduct was egregious.~~
- ~~—(B) Whether substantial harm resulted.~~
- ~~—(C) Whether the violation was intentional.~~
- ~~—(D) Whether there is a history of prior violations of the same or other requirements.~~
- ~~—(E) Whether there is a history of overall compliance.~~
- ~~—(F) Whether the violation was voluntarily disclosed, admitted or cured.~~

§34-54. Construction; Codes

~~—Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including, but not limited to, the National Building Code, National Electrical Code, Uniform Plumbing Code and A.N.S.I. standards.~~

~~§34-16, §34-55. Construction; Applications~~

~~Applications for permits to construct telecommunications facilities in public ways shall be submitted upon forms provided by the Public Works Department. The applicant shall pay all permit and plan review fees and shall include any additional information as requested by the Public Works Department. The application shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:~~

- ~~(A) That the facilities will be constructed in accordance with all applicable codes, rules and regulations.~~
- ~~(B) The location and route of all facilities to be installed on existing utility poles.~~
- ~~(C) The location and route of all facilities to be located under the surface of the ground including the line and grade proposed for the burial at all points along the route which are within the public way.~~
- ~~(D) The location of all existing underground utilities, conduits, ducts, pipes, mains and installations, if known, which are within the public way along the underground route proposed by the applicant.~~
- ~~—(E) The location of all other facilities to be constructed within the city, but not within the public ways.~~
- ~~—(F) the construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the public ways.~~
- ~~(E)(G) A landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.~~

§34-56. Construction; Engineer's Certification

~~—All permit applications shall be accompanied by the certification of a representative of the applicant that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.~~

§34-57. Construction; Traffic Control Plan

~~—All permit applications which involve work on, in, under, across or along any public way used for vehicular or pedestrian traffic shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed.~~

Approved as to Form	?	_____
July 5, 2002	?	City Attorney

ORDINANCE NO. 8747 (Cont.)

§34-58. Construction; Issuance of Permit

~~Within thirty (30) days or longer period of time which is reasonable under the circumstances after submission of all plans and documents required of the applicant and payment of the permit and plan review fees lawfully required by the City, the Public Works Department, if satisfied that the application, plans and documents comply with all requirements of this Chapter, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the Director of Public Works and Director of Utility Operations may deem necessary or appropriate.~~

§34-59. Construction; Construction Schedule

~~Subject to the provisions in this Chapter regarding emergency work, the permittee shall submit a written construction schedule to the Director of Public Works and Director of Utility Operations ten (10) working days before commencing any work in or about the public ways. The permittee shall further provide written notification to the Director of Public Works and Director of Utility Operations not less than five (5) working days in advance of any excavation or work in the public ways. Before any work is commenced, requisite approvals and permits from the City and city staff must first be obtained.~~

§34-60. Construction; Compliance with Permit

~~All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The Director of Public Works and Director of Utility Operations or their respective representatives and designees shall be provided access to the work and such further information as they may require to ensure compliance with such requirements.~~

§34-61. Construction; Display of Permit

~~The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the Director of Public Works and Director of Utility Operations or their respective designees at all times when construction work is occurring.~~

§34-62. Construction; Noncomplying Work

~~Upon order of the Director of Public Works and Director of Utility Operations all work which does not comply with the permit, the approved plans or specifications for the work, or the requirements of this Chapter shall be removed. The permittee, at its expense in cooperation with other existing facility owners, shall relocate any facilities which are not located in compliance with permit requirements and then provide as-built maps to the City to show conformance.~~

§34-63. Construction; As-Built Drawings

~~Within thirty (30) days after completion of construction, the permittee shall furnish the Public Works Department with two (2) complete sets of plans, drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. Commencing on or before January 1, 2002, "As-Built" drawings must be delivered in digital format acceptable to the City. Digital versions of all previous "As-Built" drawings will also be delivered to the City, if available, on or before January 1, 2002. The drawing files will be tied to the Facilities Map so that "As-Built" for the portion of the system being viewed on the Facilities Map can be easily selected and displayed.~~

~~§34-17.~~ §34-64. Construction; Location of Facilities

~~Unless otherwise required in current or future City ordinances regarding underground construction requirements, a~~All facilities shall be constructed, installed and located in accordance with the following terms and conditions unless hardship or a valid reason to locate elsewhere can be demonstrated to the City Administrator:

(A) A ~~registrant grantee~~ with written authorization to install overhead facilities shall install its telecommunications facilities on pole attachments to existing utility poles, and then only if surplus space is available. If either of the foregoing do not exist, grantee, with prior written approved of the ~~Utilities~~ Director of Utility Operations may construct additional poles.

(B) Whenever all existing telephone, electric utilities, cable facilities or telecommunications facilities are located underground within public ways, a ~~registrant franchisee~~ with written authorization to occupy the same public ways must also locate its telecommunications facilities underground.

ORDINANCE NO. 8747 (Cont.)

(C) Whenever all new or existing telephone, electric utilities, cable facilities or telecommunications facilities are located or relocated underground within public ways, a ~~registrant franchisee~~ that currently occupies the same public ways shall concurrently relocate its facilities underground at its expense.

~~§34-18, 34-65.~~ Construction; Conduit Occupancy

In furtherance of the public purpose of reduction of public way excavation, it is the goal of the City to encourage both the shared occupancy of underground conduit as well as the construction, whenever possible, of excess conduit capacity for occupancy of future public way occupants.

~~§34-19, 34-66.~~ Fees; Registration, Application and Public Way Occupancy

The following fees, which shall be listed on the City's User Fee Schedule, shall be paid in connection with the administration of this Chapter:

- (A) Registration Fee to be paid at the time of filing registration information.
- ~~(B) License Application Fee to be paid at the time of filing a license application.~~
- ~~(C) Franchise Application Fee to be paid at the time of filing a franchise application.~~
- ~~(D) License or Franchise Amendment Fees to be paid at the time of filing a supplementary application.~~
- ~~(B)(E) Occupation tax for local exchange service to be paid quarterly.~~
- ~~(F) Permit and plan review fee to be paid at the time of filing an application for permit to construct telecommunications facilities subject to adjustment upon completion of plan review.~~
- ~~(G) Public Way Occupancy Fee to be paid prior to installation or construction of telecommunications facilities on a public way.~~
- ~~(C)(H) Pole Rental to be paid annually for installing and operating telecommunications facilities on or in conjunction with City utility facilities, including particularly utility poles.~~

~~§34-67. Fees; Preapplication Conference and Application Fee~~

~~Following acceptance of an application by the City, the applicant shall participate in a conference with the City Administrator and city staff for the purpose of reviewing the application, confirming information and identifying issues related to compliance with this Chapter and the issuance of a license or franchise.~~

~~§34-20, 34-68.~~ Severability

If any section, subsection, sentence, clause, phrase or other portion of this Chapter, or its application to any person is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 2. Section 34-1 through 34-68 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8747 (Cont.)

Enacted: July 9, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F4

#8748 - Consideration of Annexation - Areas 2, 3, 5b, 6, 9, 10 & 11 (First Reading)

Following up on the Mayor and City Council's direction from the last meeting, we have prepared three new annexation ordinances. The ordinances break out areas 4 and 12 for separate consideration and leave the remaining seven areas in a single ordinance. The text of the ordinance and exhibit identifying labels remain the same; however, the exhibits were scanned into the packet and appear together after the third annexation ordinance.

Staff Contact: Charlie Cuypers

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 8748

An ordinance to extend the boundaries and include within the corporate limits of, and to annex to the City of Grand Island, Nebraska, various tracts of land more particularly described herein; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

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

SECTION 1. It is hereby found and determined that:

(A) The seven tracts of land, the boundaries of which are hereinafter more particularly described on Exhibits "A", "B", "D", "E", "F", "G", and "H", are urban or suburban in character, and that the subject property is contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to lands within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of

Approved as to Form ? _____
March 5, 1999 ? City Attorney

ORDINANCE NO. 8748 (Cont.)

Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the subject tracts of land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

(D) There is unity of interest in the use of the said tracts of land, lots, tracts, highways and streets (lands) with the use of lands in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject lands within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2002-159, be and is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tracts of land located within the boundaries described on Exhibits "A", "B", "D", "E", "F", "G", and "H", attached hereto and incorporated herein by this reference.

SECTION 3. The subject tracts of land are hereby annexed to the City of Grand Island, Hall County, Nebraska, and said lands and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said

ORDINANCE NO. 8748 (Cont.)

real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land on Exhibit "J" (Areas 2, 3, 5b, 6, 9 10 and 11) and Exhibits "K", "L", "N", "O", "P", "Q", and "R", attached hereto and incorporated herein by reference.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: June 25, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F5

#8749 - Consideration of Annexation - Area 12 (First Reading)

Following up on the Mayor and City Council's direction from the last meeting, we have prepared three new annexation ordinances. The ordinances break out areas 4 and 12 for separate consideration and leave the remaining seven areas in a single ordinance. The text of the ordinance and exhibit identifying labels remain the same; however, the exhibits were scanned into the packet and appear together after the third ordinance.

Staff Contact: Charlie Cuypers

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 8749

An ordinance to extend the boundaries and include within the corporate limits of, and to annex to the City of Grand Island, Nebraska, various tracts of land more particularly described herein; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

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

SECTION 1. It is hereby found and determined that:

(A) The tract of land, the boundary of which is hereinafter more particularly described on Exhibit "I", is urban or suburban in character, and that the subject property is contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to lands within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of

Approved as to Form ? _____
March 5, 1999 ? City Attorney

ORDINANCE NO. 8749 (Cont.)

Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the subject tracts of land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

(D) There is unity of interest in the use of the said tracts of land, lots, tracts, highways and streets (lands) with the use of lands in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject lands within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2002-159, be and is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tracts of land located within the boundaries described on Exhibits "A" through "I", attached hereto and incorporated herein by this reference.

SECTION 3. The subject tracts of land are hereby annexed to the City of Grand Island, Hall County, Nebraska, and said lands and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said

ORDINANCE NO. 8749 (Cont.)

real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land on Exhibit "J" (Area 12) and Exhibit "S", attached hereto and incorporated herein by reference.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: June 25, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item F6

#8750 - Consideration of Annexation - Area 4 (First Reading)

Following up on the Mayor and City Council's direction from the last meeting, we have prepared three new annexation ordinances. The ordinances break out areas 4 and 12 for separate consideration and leave the remaining seven areas in a single ordinance. The text of the ordinance and exhibit identifying labels remain the same; however, the exhibits were scanned into the packet and appear together after the third ordinance.

Staff Contact: Charlie Cuypers

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 8750

An ordinance to extend the boundaries and include within the corporate limits of, and to annex to the City of Grand Island, Nebraska, a tract of land more particularly described herein; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

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

SECTION 1. It is hereby found and determined that:

(A) The tract of land, the boundaries of which is hereinafter more particularly described on Exhibit "C", is urban or suburban in character, and that the subject property is contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to lands within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of

Approved as to Form ? _____
March 5, 1999 ? City Attorney

ORDINANCE NO. 8750 (Cont.)

Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the subject tracts of land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

(D) There is unity of interest in the use of the said tracts of land, lots, tracts, highways and streets (lands) with the use of lands in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject lands within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2002-159, be and is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tracts of land located within the boundaries described on Exhibit "C", attached hereto and incorporated herein by this reference.

SECTION 3. The subject tracts of land are hereby annexed to the City of Grand Island, Hall County, Nebraska, and said lands and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said

ORDINANCE NO. 8750 (Cont.)

real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land on Exhibit "J" (Area 4) and Exhibit "M", attached hereto and incorporated herein by reference.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: June 25, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk

ANNEXATION AREA NO. 2

Beginning at a point Thirty Three (33.0) feet north of the northeast corner of Lassonde Subdivision, said point being on the west right-of-way line of the Ord Branch of the Union Pacific Railroad; thence west on the north line of Capital Avenue to the east line of Saint Paul Road; thence south on the east line of Saint Paul Road to the southwest corner of Lot Three (3) Norwood Subdivision; thence east on the south line of Lot Three (3) Norwood Subdivision; thence south on the east line of Norwood Subdivision to the north line of Lincoln Heights Subdivision; thence east on the north line of Lincoln Heights Subdivision to the northeast corner of Lincoln Heights Subdivision; thence south on the east line of Lincoln Heights Subdivision to the southeast corner of Lincoln Heights Subdivision, said point being on the south line of the Northwest Quarter (NW1/4) of Section 10-11-9; thence east on the south line of the Northwest Quarter (NW1/4) and the Northeast Quarter (NE1/4) of Section 10-11-9 to the southwest corner of Lot Eleven (11), Frank P. Bark's Subdivision; thence north on the west line of Frank P. Bark's Subdivision, Frank P. Bark's Subdivision No. 2, Frank P. Bark's Subdivision No. 3 and Goodrich Subdivision to the southeast corner of Fox Creek Subdivision; thence southerly and westerly along the south line of Fox Creek Subdivision to the southwest corner of Fox Creek Subdivision; thence north on the west line of Fox Creek Subdivision to the south line of Capital Avenue; thence east on the south line of Capital Avenue and a prolongation thereof to the east line of Sky Park Road; thence south on the east line of Sky Park Road for a distance of Three Hundred (300.0) feet; thence east on a line Three Hundred Thirty-Three (333.0) feet south of and parallel to the north line of Section 11-11-9; thence north on a line Eighty Five (85.0) feet east of and parallel to the east line of Sky Park Road to a point Thirty Three (33.0) feet south of the line common to Section 11-11-9 and Section 2-11-9; thence east on a line Thirty-Three (33.0) feet south and parallel to a line common to Section 11-11-9 and Section 2-11-9, to a point Thirty-Three (33.0) feet south of the southeast corner of the Southwest Quarter (SW1/4) of Section 2-11-9; thence north on the east line of the Southwest Quarter (SW1/4) of Section 2-11-9 to the northwest corner of the South Half of the Northeast Quarter of the Southeast Quarter (S1/2, NE1/4, SE1/4), Section 2-11-9; thence east on the north line of the South Half of the Northeast Quarter of the Southeast Quarter (S1/2, NE1/4, SE1/4) of Section 2-11-9 to the east line of Shady Bend Road, said point being Thirty Three (33.0) feet east of the west line of Section 1-11-9; thence north on said east line of Shady Bend Road to the south line of Airport Road; thence east on the south line of Airport Road to a point Thirty-Three (33.0) south of and Three Thousand Three Hundred Thirty-One and Forty-Six Hundredths (3,331.46) feet east of the northwest corner of Section 1-11-9; thence north on a line to a point Three Thousand Three Hundred Thirty-Four and Thirty-Five Hundredths (3,334.35) feet east of and Thirty-Three (33.0) feet north of the north line of Section 36-12-9, said point being on the north line of Abbott Road; thence west on the north line of Abbott Road to the east line of Shady Bend Road; thence north on the east line of Shady Bend Road to a point Thirty-Three (33.0) feet east of and One Thousand Three Hundred Forty-Eight and Thirty-Five Hundredths (1,348.35) feet north of the southwest corner of Section 25-12-9; thence west on the south line of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4), Section 26-12-9, to a point One Thousand Two Hundred Seventy-Seven and Sixty-Eight Hundredths Feet (1,277.68) feet west of the east line of Section 26-12-9; thence north on the west line of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section 26-12-9, and the west line of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 26-12-9 for a distance of Two Thousand Six Hundred Forty and

Exhibit "A"

Eighty-Five Hundredths (2,640.85) feet; thence west on the south line of the North Half of the Northeast Quarter of the Northwest Quarter (N1/2, NE1/4, NW1/4) of Section 26-12-9 to a point Two Thousand Twenty-Three and Eighty-One Hundredths (2,023.81) feet east of the west line of Section 26-12-9; thence north on a line to a point Thirty-Three (33.0) feet north of and Two Thousand Sixty-Six (2,066.00) feet east of the northwest corner of Section 26-12-9; thence west on a line Thirty-Three (33.0) feet north of and parallel to the north line of Section 26-12-9 to a point Thirty-Three (33.0) feet north of and Thirty-Three (33.0) feet west of the northwest corner of Section 26-12-9; thence south on a line to a point Thirty-Three (33.0) feet west of and Four Hundred Sixty-Five (465.0) feet north of the southeast corner of the North Half of the Northeast Quarter of the Southeast Quarter (N1/2, NE1/4, SE1/4) of Section 27-12-9; thence west on a line to a point Four Hundred (400.0) feet west of the east line of Section 27-12-9; thence south on a line Four Hundred (400.0) feet west of and parallel to the east line of Section 27-12-9 for a distance of Four Hundred Sixty-Five (465.0) feet; thence west on a line with a bearing of N89°19'25"W to a point One Thousand Three Hundred Forty and Fifty-Five Hundredths (1,340.55) feet west of the east line of Section 27-12-9; thence southwest on a line with a bearing of S45°42'55"W for a distance of Nine Hundred Twenty-Nine and Ninety-Seven Hundredths (929.97) feet; thence south on a line with a bearing of S0°08'55"W for a distance of One Thousand Two Hundred Eighty and Sixty Hundredths (1,280.60) feet; thence east on a line with a bearing of S89°11'05"E for a distance of One Thousand Three Hundred Eighteen and Fifty Hundredths (1,318.50) feet; thence south on a line with a bearing of S0°19'15"W for a distance of Two Thousand Six Hundred Sixty-Five and Seventy Hundredths Feet (2,665.70) feet; thence west on a line bearing N88°10'25"W for a distance of Six Hundred Sixty (660.0); thence south on a line bearing S0°20'35"W for a distance of One Thousand Three Hundred Sixteen and Fifty Hundredths (1,316.50) feet; thence east on a line bearing S89°09'25"E for a distance of Six Hundred Sixty and Thirty-Eight Hundredths (660.38) feet; thence south on a line bearing S0°18'35"W for a distance of One Thousand Three Hundred Sixteen and Forty-Five Hundredths (1,316.45) feet to a point Thirty-Three (33.0) feet south of the north line of Section 3-11-9; thence east on a line Thirty-Three (33.0) south of and parallel to the north line of Section 3-11-9 to a point Thirty-Three (33.0) feet west of and Thirty-Three (33.0) feet south of the northeast corner of Section 3-11-9; thence south on a line Thirty-Three (33.0) feet west of and parallel to the east line of Section 3-11-9 to a point Thirty-Three (33.0) feet west of and Four Hundred Fifty (450.0) feet north of the southeast corner of Section 3-11-9; thence west on a line Four Hundred Fifty (450.0) feet north of and parallel to the south line of Section 3-11-9 to the west right-of-way line of the Ord Branch of the Union Pacific Railroad, said line also being One Hundred (100.0) feet west of the west line of Lot Four (4) Wilson's Subdivision; thence south on said west line to the point of beginning.

Exhibit "A"

ANNEXATION AREA NO. 3

Beginning at the northeast corner of Lot Three (3), Fairacres Dairy Second Subdivision, said point also being the southwest corner of Lot Three (3), Fairacres Dairy Third Subdivision; thence east on the south line of Lot Three (3), Fairacres Dairy Third Subdivision; thence south on the west line of Fairacres Dairy Third Subdivision to the northeast corner of Yost Subdivision; thence west on the north line of Lot Five (5), Yost Subdivision and Lots Fifteen (15), Sixteen (16) and Seventeen (17), Fairacres Dairy Subdivision to a point where a prolongation of the east line of Lot Nine (9), Fairacres Dairy Second Subdivision intersects; thence north on the east line of Fairacres Dairy Second Subdivision to the point of beginning.

Exhibit "B"

ANNEXATION AREA NO. 4

Beginning at the southwest corner of Sass Second Subdivision; thence east on the south line of Sass Second Subdivision and a prolongation thereof to the east line of Shady Bend Road; thence south on the east line of Shady Bend Road to a point on the north line of the Southwest Quarter (SW1/4) of Section 13-11-9; thence east on the north line of the Southwest Quarter (SW1/4) and the Southeast Quarter (SE1/4) of Section 13-11-9 to the southwest corner of Hidden Lakes Subdivision Number Seven (7); thence north on the west line of Hidden Lakes Subdivision Number Seven (7) and Hidden Lakes Subdivision Number Four (4) to the southwest corner of Lot Three (3) of Axford Subdivision; thence continuing northerly on the westerly line of Axford Subdivision to the west line of Lot Twenty-One (21) of Hidden Lakes Subdivision Number Four (4); thence north on the west line of said Lot Twenty-One (21) to the northwest corner of said Lot Twenty-One (21); thence easterly and northerly on the north line of Hidden Lakes Subdivision Number Four (4) to the northeast corner of Lot Eighteen (18) of Hidden Lakes Subdivision Number Four (4); thence north on a line to a point on the north line of Section 13-11-9; thence east on the north line of Section 13-11-9 to the southwest corner of Lot One (1) on the South Bank of the North channel of the Platte River in Section 12-11-9; thence easterly on the south line of said Lot One (1) to a point Thirty-Three (33.0) feet east of the east line of Section 12-11-9; thence south on a line Thirty-Three (33.0) feet east of the east line of Section 12-11-9 and Section 13-11-9 to the south line of the Burlington Northern Sante Fe Railroad Right-of-Way; thence northwesterly on said south right-of-way line to the south line of Bismark Road; thence east on said south line of Bismark Road to the north line of the Burlington Northern Sante Fe Railroad Right-of-Way; thence northwesterly on the north line of said railroad right-of-way to the southeast corner of Lot One Hundred Seven (107) of Industrial Addition; thence north on the east line of Lots One Hundred Six (106) and One Hundred Seven (107) of Industrial Addition to the southwest corner of Lot Ninety-Two (92) of Industrial Addition; thence east on the south line of Lots Eighty-Nine (89), Ninety (90), Ninety-One (91) and Ninety-Two (92) of Industrial Addition to the southeast corner of Lot Eighty-Nine (89) of Industrial Addition; thence south on a prolongation of the east line of Lot Eighty-Nine (89) to a point where said line intersects the west line of Lot Three (3) of B.&T. Subdivision; thence northeasterly on the west line of Lot Three (3) of B.&T. Subdivision to the northwest corner of Lot Three (3) of B.&T. Subdivision; thence east on the north line of said Lot Three (3) of B.&T. Subdivision to the northeast corner of Lot Three (3) of B.&T. Subdivision; thence north on the west line of Shady Bend Road to the northeast corner of Lot One (1) of Billy Poe Subdivision; thence southwesterly on the westerly line of Billy Poe Subdivision to a point Six Hundred Twenty-Four (624.0) feet west of the east line of Section 14-11-9; thence north on a line Six Hundred Twenty-Four (624.0) feet west of and parallel to the east line of Section 14-11-9 to a point Sixty-Six (66.0) feet north of and Six Hundred Twenty-Four (624.0) feet west of the northeast corner of the Southeast Quarter (SE1/4) of Section 14-11-9; thence west on a line Sixty-Six (66.0) feet north and parallel to the north line of the Southeast Quarter (SE1/4) of Section 14-11-9 to the southeast corner of Lot Thirty-Two (32) of Industrial Addition; thence north on the east line of Lots One (1), Fifteen (15), Sixteen (16), Thirty-One (31) and Thirty-Two (32) of Industrial Addition to the point of beginning.

Exhibit "C"

ANNEXATION AREA NO. 5b

Beginning at a point Thirty Three (33.0) feet south of and Thirty Three (33.0) feet east of the southwest corner Section 14-11-9; thence east on a line Thirty Three (33.0) feet south of and parallel to the south line of Section 14-11-9 for a distance of Three Hundred Sixty and Five Tenths (360.5) feet; thence north on a line Three Hundred Sixty and Five Tenths (360.5) feet east of and parallel to the west line of Section 14-11-9 to a point One Hundred Ninety One and One Tenth (191.10) feet north of the south line of Section 14-11-9; thence west on a line to point Two Hundred Eighty Six and Eighty Seven Hundredths (286.87) feet east of and One Hundred Ninety One and One Tenth (191.10) feet north of the southwest corner of Section 14-11-9; thence north on a line Two Hundred Eighty Six and Eighty Seven Hundredths (286.87) feet east of and parallel to the west line of Section 14-11-9 for a distance of Forty Three and Three Tenths (43.30) feet; thence west on a line to a point Two Hundred Sixty (260.0) feet east of and Two Hundred Thirty Four and Four Tenths (234.40) feet north of the southwest corner of Section 14-11-9; thence north on a line Two Hundred Sixty (260.0) feet east of and parallel to the west line of Section 14-11-9 for a distance of One Hundred Seventy (170.0) feet; thence west on a line to a point One Hundred Ninety One and One Tenth (191.10) feet east of and Four Hundred Four and Four Tenths (404.40) feet north of the southwest corner of Section 14-11-9; thence north on a line One Hundred Ninety One and One Tenth (191.10) feet east of and parallel to the west line of Section 14-11-9 for a distance of Five Hundred Thirty Nine and Forty Seven Hundredths (539.47) feet; thence west on a line Nine Hundred Forty Three and Eighty Seven Hundredths (943.87) feet north of and parallel to the south line of Section 14-11-9 for a distance of One Hundred Ninety One and One Tenth (191.10) feet to the west line of Section 14-11-9; thence south on the west line of Section 14-11-9 to the point of beginning.

Exhibit "D"

ANNEXATION AREA NO. 6

Beginning at a point on the north line of Stolley Park Road, said point being Thirty Three (33.0) feet north of the northeast corner of Roush Subdivision; thence south on the east line of Roush Subdivision also being the east line of the Northwest Quarter (NW1/4) of Section 27-11-9 for a distance of One Thousand Five Hundred Twenty and Two Tenths (1,520.20) feet to the southeast corner of Lot Eleven (11), Burch Subdivision; thence southwesterly on the south line of Lot Eleven (11) for a distance of Eight Hundred Thirty Eight (838.0) feet; thence north on a line for a distance of Four Hundred Sixty Five (465.0) feet; thence west on the south line of Lot Eleven (11), Burch Subdivision for a distance of Five Hundred Seventy Eight and Three Tenths (578.30) feet; thence south on the east line of Lots Thirty One (31) and Thirty Four (34), Matthews Subdivision and a prolongation thereof to the southeast corner of Lot Thirty Four (34), Matthews Subdivision; thence west on the south line of Lot Thirty Four (34), Matthews Subdivision to a point Six Hundred Sixty (660.0) feet east of the west line of Section 27-11-9; thence south on a line Six Hundred Sixty (660.0) feet east of and parallel to the west line of Section 27-11-9 to the north line of Midaro Drive; thence east on the north line of Midaro Drive to the west line of Lot One (1), Firethorne Estates Subdivision; thence north on the west line of Lot One (1), Firethorne Estates Subdivision to the northwest corner of said Lot One (1); thence east on the north line of Lot One (1), Firethorne Estates Subdivision for a distance of Five Hundred Seven and Twenty Four Hundredths (507.24) feet; thence southeasterly on the northerly line of said Lot One (1) for a distance of Three Hundred Sixty Two and Sixty One Hundredths (362.61) feet; thence southwesterly on the southerly line of Lot One (1), Firethorne Estates Subdivision for a distance of Three Hundred Fifty (350.0) feet; thence south on the east line of Lot One (1), Firethorne Estates Subdivision to the north line of Midaro Drive; thence east on the north line of Midaro Drive to the southwest corner of Lot Two (2), Firethorne Estates Subdivision; thence northerly on the west line of Lots Two (2), Three (3), and Four (4), Firethorne Estates Subdivision to the northwest corner of Lot Four (4), Firethorne Estates Subdivision; thence northeasterly on the northerly line of Lot Four (4), Firethorne Estates Subdivision to the northeast corner of Lot Four (4) in said subdivision; thence south on the east line of Lot Four (4) and a prolongation thereof to the south line of Midaro Drive; thence west on the south line of Midaro Drive to the center of Section 27-11-9; thence south on the east line of Midaro Drive for a distance of One Thousand One Hundred Thirty Nine and Eighty Three Hundredths (1,139.83) feet to a point; thence northeasterly on a line for a distance of Five Hundred Eighty Nine and Sixty Three Hundredths (589.63) feet; thence east on a line for a distance of Eight Hundred Fourteen and Ninety Five Hundredths (814.95) feet to the west line of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section 27-11-9; thence north on the west line of the East Half of the Southeast Quarter of the Northeast Quarter (E1/2, SE1/4, NE1/4) of Section 27-11-9 for a distance of Three Thousand Three Hundred Nineteen and One Hundredths (3,319.01) feet; thence northeasterly on a line to the southwest corner of Lot One (1), B & C Subdivision; thence northwesterly on the west line of Lot One (1), B & C Subdivision and a prolongation thereof to the north line of Stolley Park Road; thence west on the north line of Stolley Park Road to the point of beginning.

Exhibit "E"

ANNEXATION AREA NO. 9

Beginning at a point Thirty Three (33.0) feet north of and Five Hundred Seventy (570.0) feet east of the southwest corner Section 32-11-9; thence east on a line Thirty Three (33.0) feet north of and parallel to the south line of Section 32-11-9 to the east line of Scheel's Subdivision; thence north on the east line of Scheel's Subdivision to the northwest corner of Scheel's Subdivision; thence southwesterly along the northerly line of Scheel's Subdivision to the northwest corner of Lot One (1), Scheel's Subdivision; thence west on a line to a point Five Hundred Seventy (570.0) feet east of and Three Hundred Forty Two and Eight Tenths (342.80) feet north of the southwest corner of Section 32-11-9; thence south on a line Five Hundred Seventy (570.0) feet east of and parallel to the west line of Section 32-11-9 for a distance of Three Hundred Nine and Eight Tenths (309.80) feet to the point of beginning.

Exhibit "F"

ANNEXATION AREA NO. 10

Beginning at the northeast corner of Lot One (1), Greenscape Inc. Subdivision; thence south on the east line of Lot One (1), Greenscape Inc. Subdivision to the southeast corner of said Lot One (1); thence west on the south line of said Lot One (1) and a prolongation thereof to the east line of U.S. Highway 281 right-of-way; thence south on the east line of U.S. Highway 281 to a point where it intersects a prolongation of the south line of Wildwood Subdivision; thence west on the south line of Wildwood Subdivision and a prolongation thereof to the southwest corner of Wildwood Subdivision; thence north on the west line of Wildwood Subdivision and Wildwood Second Subdivision to a point Two Hundred Eight and Seventy One Hundredths (208.71) feet south of the north line of Section 12-10-10; thence west on a line Two Hundred Eight and Seventy One Hundredths (208.71) feet south of and parallel to the north line of Section 12-10-10; thence north on a line Two Hundred Eight and Seventy One Hundredths (208.71) feet west of and parallel to the west line of Wildwood Subdivision and Wildwood Second Subdivision to a point Thirty Three (33.0) feet north of the north line of Section 12-10-10; thence east on a line Thirty Three (33.0) feet north of and parallel to the north line of Section 12-10-10 to the west line of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section 1-10-10; thence north on said west line of the East Half of the Southeast Quarter (E1/2, SE1/4) Section 1-10-10 to a point Three Hundred Twenty (320.0) feet north of the south line of Section 1-10-10; thence east on a line Three Hundred Twenty (320.0) feet north of and parallel to the south line of Section 1-10-10 to the west line of U.S. Highway 281; thence south on the west line of U.S. Highway 281 to the north line of Wildwood Drive; thence east on the north line of Wildwood Drive to a point Five Hundred Ninety Five and Forty Five Hundredths (595.45) feet east of the west line of Section 5-10-9; thence south on a line for a distance of Eighty (80.0) feet to the point of beginning.

Exhibit "G"

ANNEXATION AREA NO. 11

All of Lot One (1), Desch Subdivision and Lots One (1), Two (2), and Three (3), Desch Second Subdivision including all of Langenheder Street right-of-way adjacent thereto.

Exhibit "H"

ANNEXATION AREA NO. 12

Beginning at the northwest corner of Westroads Estates Subdivision, said point also being Forty (40.0) feet south of the northwest corner of the Northeast Quarter (NE1/4) of Section 35-11-10; thence east on a line Forty (40.0) feet south of and parallel to the north line of said Section 35-11-10 to a point on the west line of the West Half of the Northeast Quarter (W1/2, NE1/4) of Section 35-11-10; thence south on said west line of the West Half of the Northeast Quarter (W1/2, NE1/4) said line also being common with the east line of Westroads Estates Third Subdivision to the southeast corner of Westroads Estates Third Subdivision; thence west on the south line of Westroads Estates Third Subdivision and Westroads Estates Fourth Subdivision to the southwest corner of said subdivision; thence north on the west line of said subdivision to the northwest corner of Westroads Estates Fourth Subdivision; thence east on the north line of Westroads Estates Fourth Subdivision to a point Nine Hundred Forty Four and Two Hundredths (944.02) feet west of the northeast corner of Westroads Estates Fourth Subdivision; thence north on a line for a distance of Four Hundred Sixty One and Ninety Three Hundredths (461.93) feet; thence east on a line for a distance of Nine Hundred Forty Four and Three Hundredths (944.03) feet to a point on the west line of Westroads Estates Second Subdivision; thence north on the west line of Westroads Estates Second Subdivision and Westroads Estates Subdivision to the point of beginning.

Exhibit "I"

ANNEXATION LANDS

AREA #2 - See Exhibit "K"

- Pt. N1/2NW1/4, S1/2NW1/4, SW1/4NE1/4, SW1/4, W1/2SE1/4 & SE1/4SE1/4, 26-12-9
- S1/2SE1/4 & Pt. N1/2SE1/4, 27-12-9
- E1/2NE1/4, Pt. NW1/4SE1/4 & E1/2SE1/4, 34-12-9
- All 35-12-9
- W1/2, W1/2W1/2NE1/4 & W1/2W1/2SE1/4, 36-12-9
- N1/2, N1/2N1/2SE1/4, Pt. S1/2SE1/4, SW1/4, 2-11-9
- Pt. S1/2SE1/4, 3-11-9
- Pt. Lots 3 & 4, Wilson's Subdivision
- Pt. NW1/4NW1/4, 11-11-9
- Pt. W1/2NE1/4, Pt. NW1/4, 10-11-9
- Pt. Lots 1 & 2, Norwood Subdivision

AREA #3 - See Exhibit "L"

- Pt. SW1/4SW1/4, 12-11-9

AREA #4 - See Exhibit "M"

- Pt. NE1/4NE1/4, Pt. N1/2SE1/4, Pt. SW1/4SE1/4, Pt. SW1/4, 13-11-9
- Pt. SE1/4NE1/4, Pt. SE1/4, 14-11-9
- Pt. NW1/4, Pt. NE1/4, Pt. N1/2SE1/4, 24-11-9
- Pt. NE1/4, 23-11-9
- Lots 1, 2, 3, 4 & 5, Stelk-Tooman Plaza Subdivision

- Lots 1 & 3, B & T Subdivision
- Lots 1, 2, 3, 4, 5, 6 & 7, Shady Lane Subdivision
- Lots 1 & 2, Advent Subdivision
- Lots 1, 2 & 3, Billy Poe Subdivision
- Lot 1, Ummel Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32, Saddle Club Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, & 25, Eagle Lake Estates Subdivision
- Lots 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 & 17, Eagle Subdivision
- Lots 1 & 2, Eagle View Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28, Eaglewood Acres Subdivision
- Lots 1 & 2, Game Bird Second Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 & 54, Ravenwood Subdivision
- Lots 1, 2, 3, 4 & 5, Hidden Lakes Subdivision Number One
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43 & 44, Hidden Lakes Subdivision Number Two
- Lots 1, 2, 3, 4, 5, 6 & 7, Hidden Lakes Subdivision Number Three
- Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33 & 34, Hidden Lakes Subdivision Number Four
- Lot 1, Lesiak Subdivision
- Lots 1, 2, & 3, Axford Subdivision
- Lot 1, Hidden Lakes Subdivision Number Five
- Lot 1, Hidden Lakes Subdivision Number Six
- Lots 1, 2, 3, & 4, Hidden Lakes Subdivision Number Seven

- Lots 1, 2 & 3, Twin Lakes Second Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, Block 1, Lake Davis Acres Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12,13 & 14, Block 2, Lake Davis Acres Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31, Block 3, Lake Davis Acres Subdivision
- Lots 7, 8, 9 & 10, Block 4, Lake Davis Acres Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8 & 9, Lake Davis Acres Second Subdivision
- Lots 1, 2, 3, 4, 5, 6 & 7, Lake Davis Acres Third Subdivision
- Lots 2, 5, 6, & 7, Lake Davis Acres Fourth Subdivision
- Lots 1 & 2, Baker Acres Second Subdivision
- Lots 1 & 2, Lonowski Subdivision
- Lots 1 & 2, Bowden Subdivision
- Lot 1, Heather Subdivision
- Pt. Lots 2 & 3, Paradise Lake Estates Subdivision
- Lots 1, 2, 3, 4 & 5, Paradise Lake Estates Third Subdivision
- Lots 1 & 2 Paradise Lake Estates Fourth Subdivision
- Pt. of W1/2W1/2, 18-11-8 Merrick County
- Pt. of W1/2NW1/4, and NW1/4SW1/4, 19-11-8 Merrick County

AREA # 5b - See Exhibit "N"

- Pt. SW1/4SW1/4, 14-11-9

AREA #6 - See Exhibit "O"

- Pt. NW1/4SE1/4, Pt. Lots 1, 2, 3 & 4, Island, Pt. Lots 2 & 3, Mainland, Pt. NE1/4SW1/4, 27-11-9

AREA #9 - See Exhibit "P"

- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16, Scheel's Subdivision
- Pt. S1/2SW1/4, 32-11-9

AREA #10 - See Exhibit "Q"

- Pt. SE1/4SE1/4, 1-10-10
- Pt. NW1/4NW1/4, 8-10-9
- Pt. NE1/4NE1/4, 12-10-10
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27, Wildwood Subdivision
- Lots 1 & 2, Wildwood Second Subdivision
- Lot 1, Greenscape Inc. Subdivision

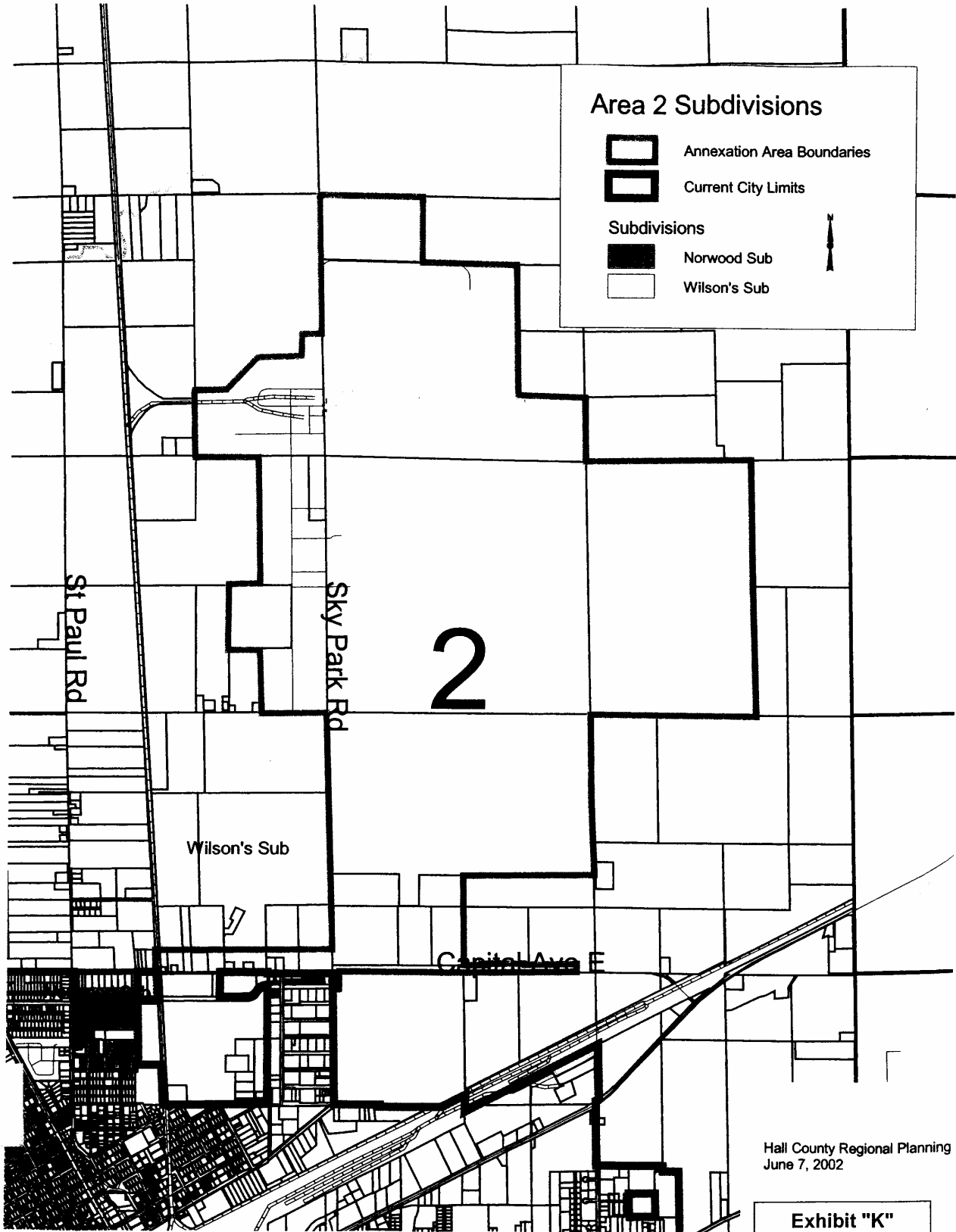
AREA #11 - See Exhibit "R"

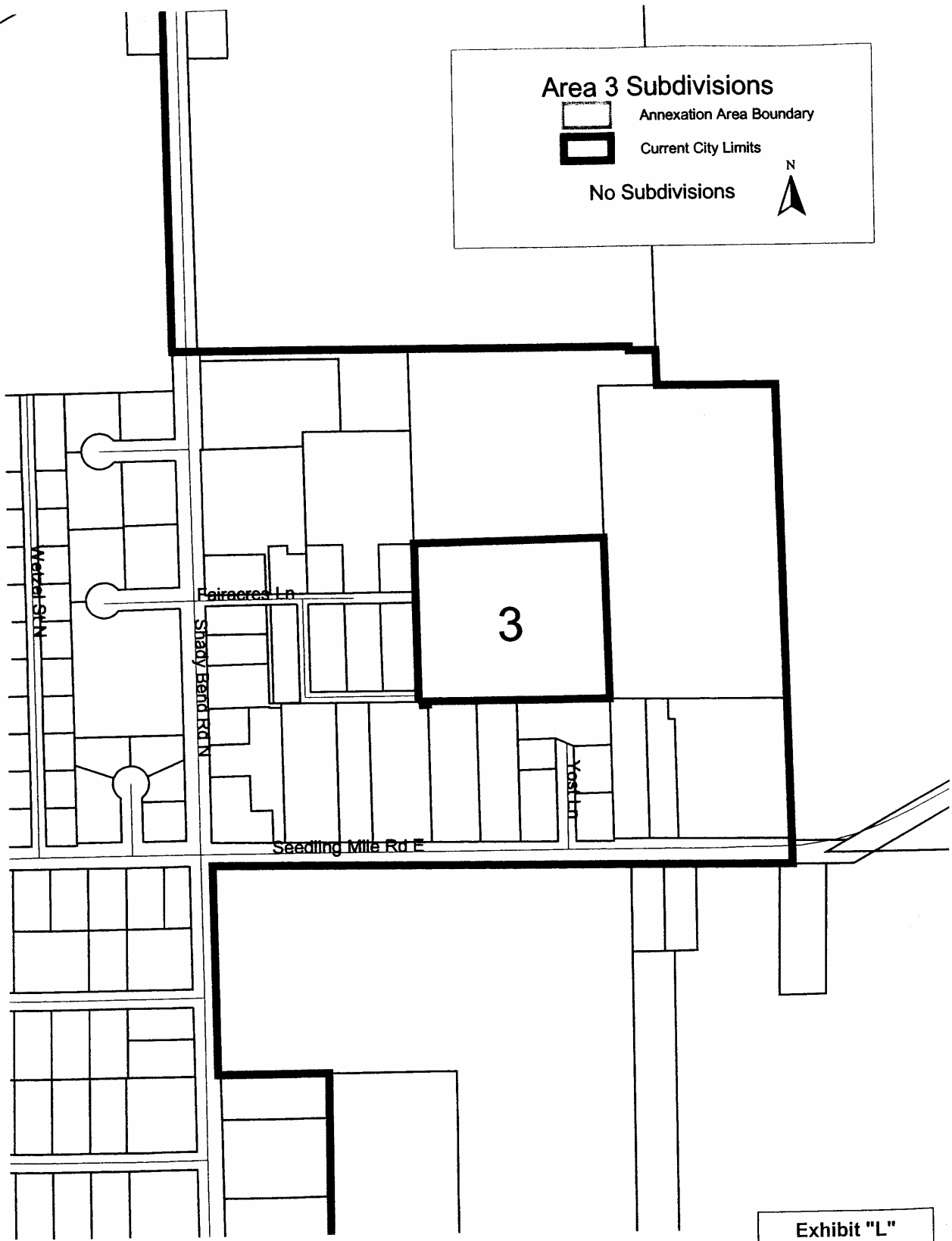
- Lot 1, Desch Subdivision
- Lots 1, 2 & 3, Desch Second Subdivision

AREA #12 - See Exhibit "S"

- Pt. NE1/4NW1/4 & Pt. NW1/4NE1/4, 35-11-10
- Lots 1, 2, 3, 4 & 5, Block 1, Fireside Estates
- Lots 1, 2, 3, 4, & 5, Block 2, Fireside Estates
- Lots 1, 2, 3, 4 & 5, Block 1, Fireside Estates Second Subdivision
- Lots 1, 2, 3, 4 & 5, Block 2, Fireside Estates Second Subdivision
- Lots 1, 2, 3, 4, 5 & 6, Block 1, Westroads Estates
- Lots 1, 2, 3, 4, & 5, Block 2, Westroads Estates
- Lots 1, 2, 3, 4 & 5, Block 1, Westroads Estates Second Subdivision

- Lots 1, 2, 3, 4 & 5, Block 2, Westroads Estates Second Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32, Westroads Estates Third Subdivision
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32, Westroads Estates Fourth Subdivision





Area 3 Subdivisions

 Annexation Area Boundary

 Current City Limits

No Subdivisions



3

Western St N

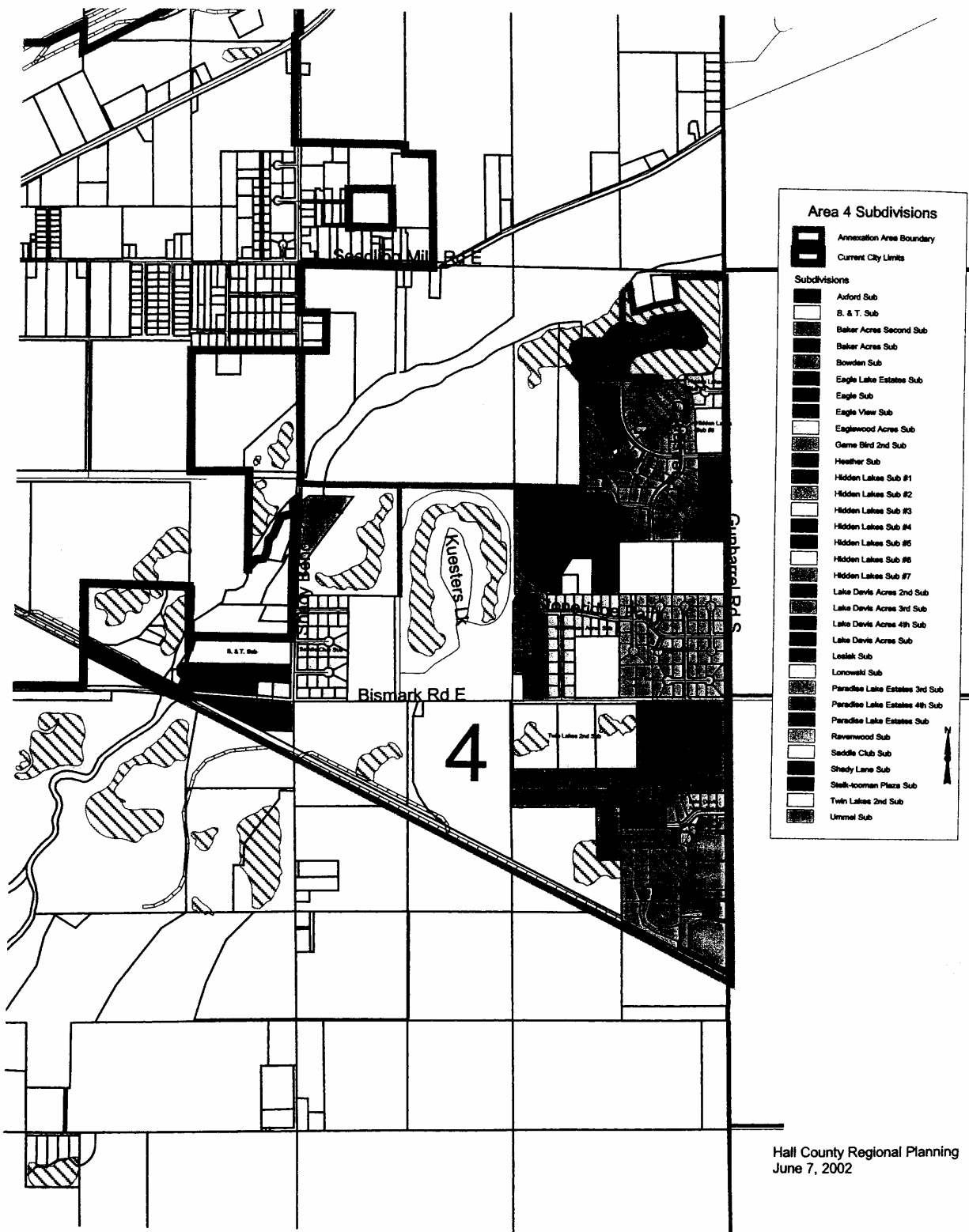
Fairacres Ln

Shady Bend Rd N

Yost Ln

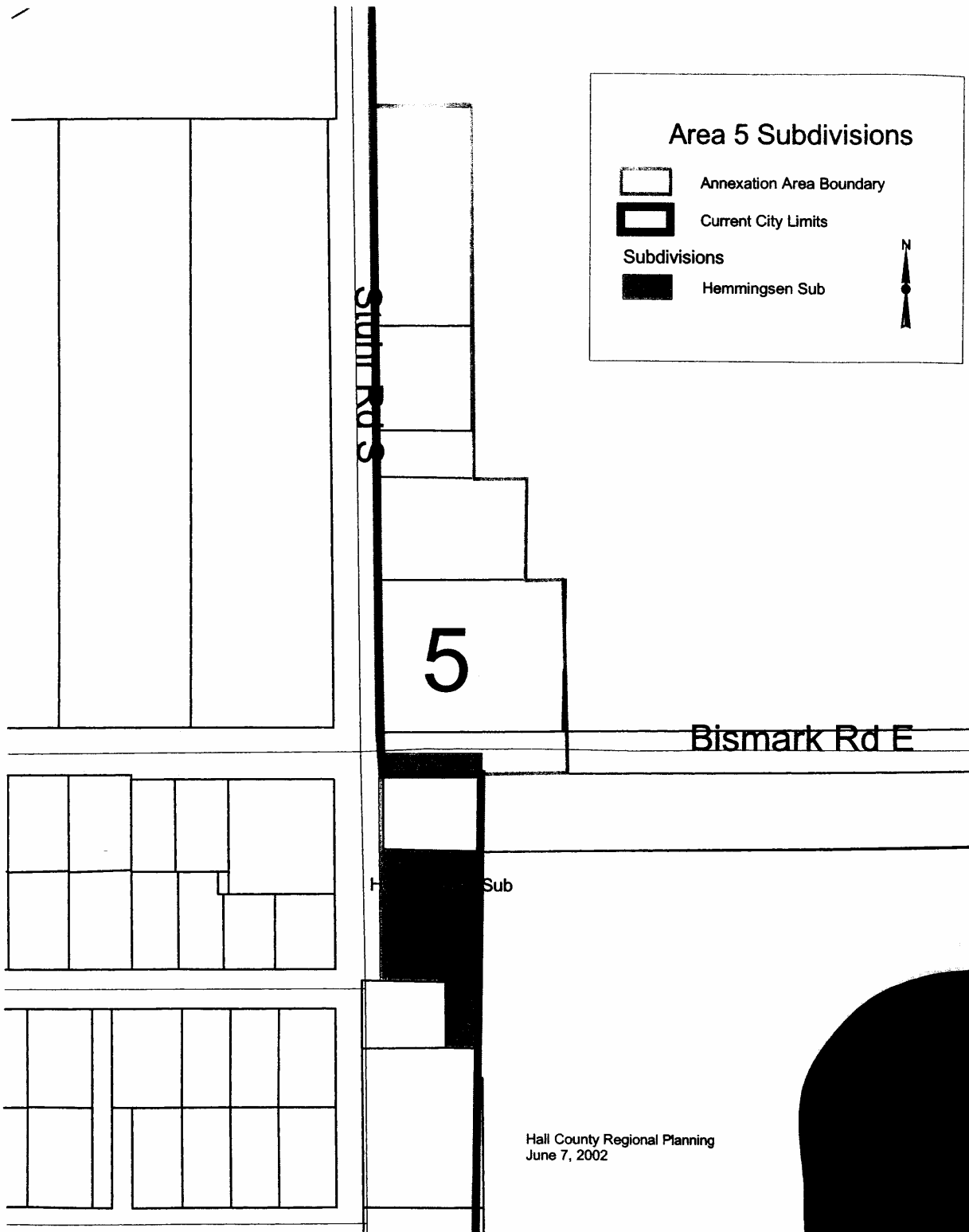
Seeding Mile Rd E

Exhibit "L"



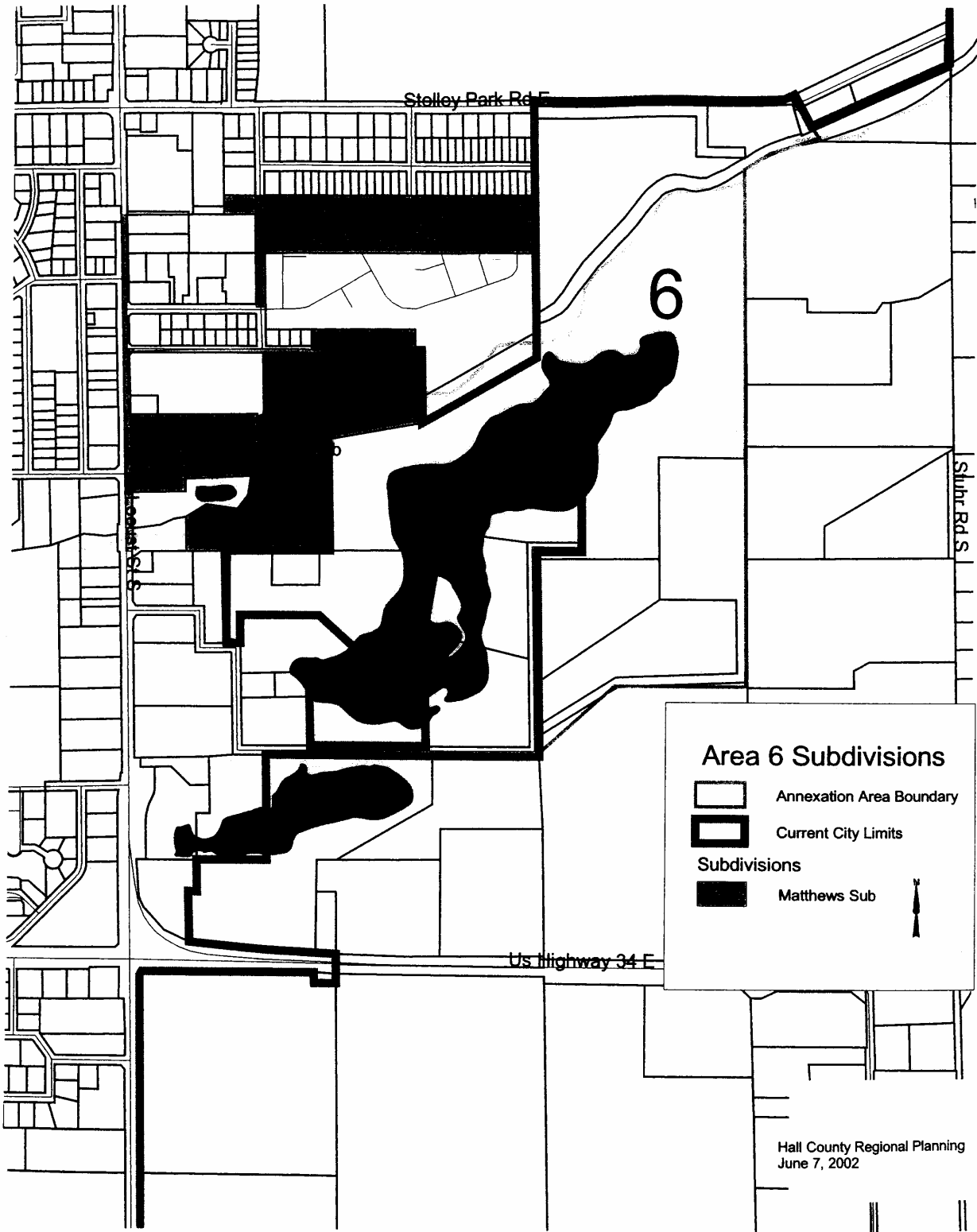
Hall County Regional Planning
June 7, 2002

Exhibit "M"



Hall County Regional Planning
June 7, 2002

Exhibit "N"





Hall County Regional Planning
June 7, 2002


Exhibit "O"



Area 9 Subdivisions

-  Annexation Area Boundary
-  Current City Limits

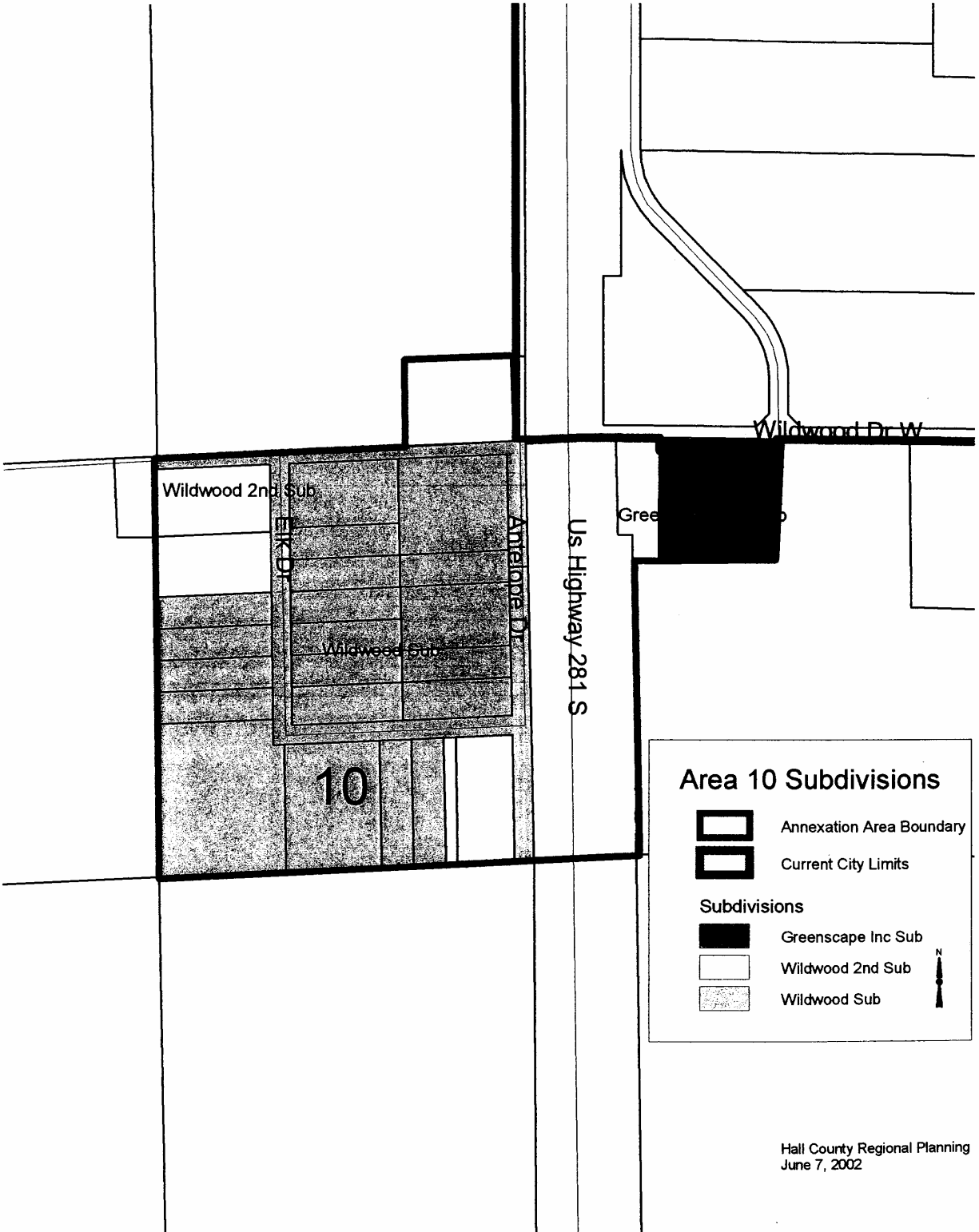
Subdivisions

-  Scheel's Sub






N
↑

Hall County Regional Planning
June 7, 2002

Exhibit "P"



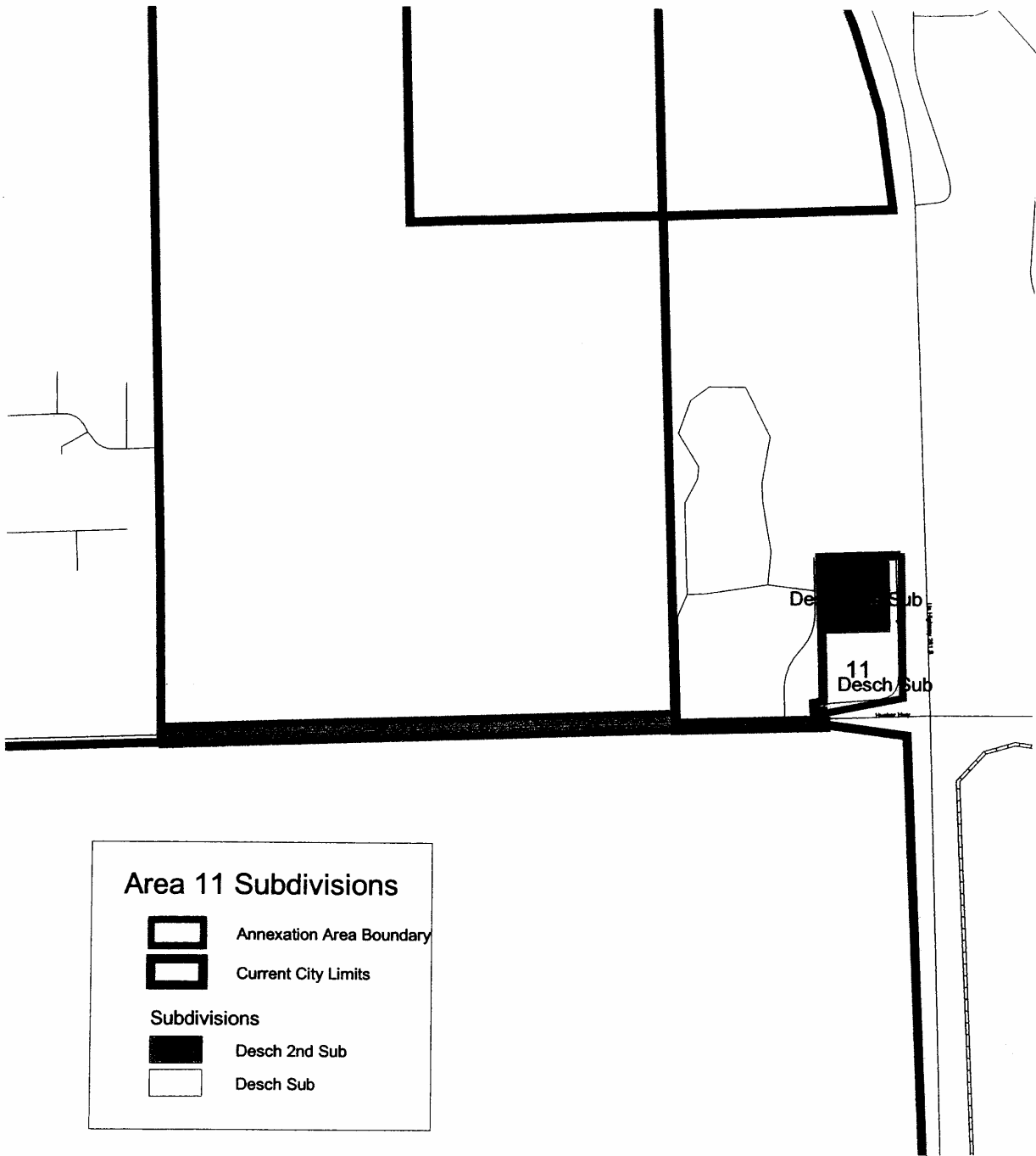
Area 10 Subdivisions

-  Annexation Area Boundary
-  Current City Limits
- Subdivisions**
-  Greenscape Inc Sub
-  Wildwood 2nd Sub
-  Wildwood Sub





Hall County Regional Planning
June 7, 2002



Exhibit "Q"



Area 11 Subdivisions

-  Annexation Area Boundary
-  Current City Limits



Subdivisions

-  Desch 2nd Sub
-  Desch Sub







Hall County Regional Planning
June 7, 2002

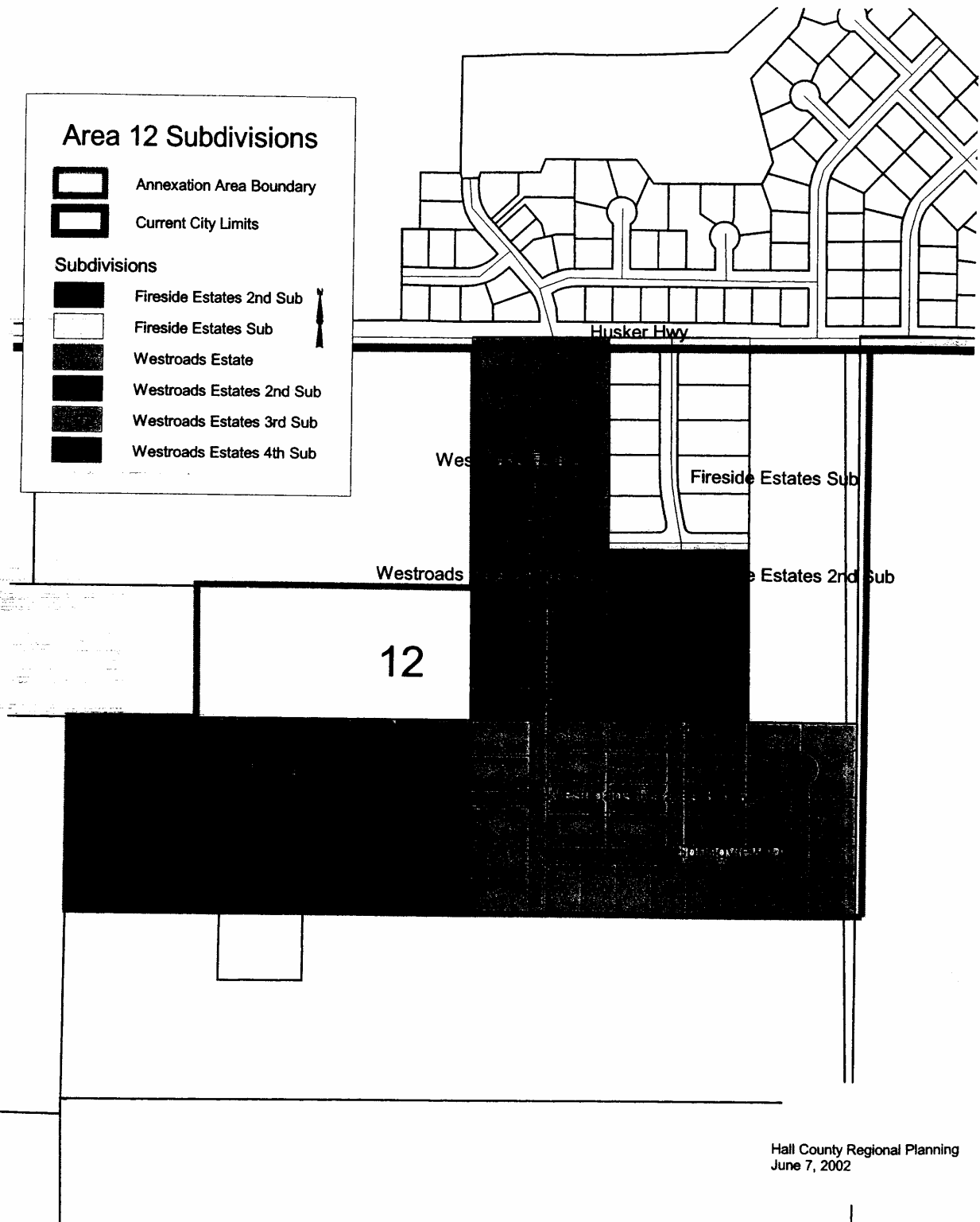
Exhibit "R"

Area 12 Subdivisions

-  Annexation Area Boundary
-  Current City Limits

Subdivisions

-  Fireside Estates 2nd Sub
-  Fireside Estates Sub
-  Westroads Estate
-  Westroads Estates 2nd Sub
-  Westroads Estates 3rd Sub
-  Westroads Estates 4th Sub



Hall County Regional Planning
June 7, 2002

Exhibit "S"



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G1

Receipt of Official Document - Civil Service Minutes of May 6, 2002

The Minutes of the May 6, 2002 Civil Service Meeting are submitted. See attached MINUTES.

Staff Contact: RaNae Edwards



ISLAND

*Working Together for a
Better Tomorrow. Today.*

**MINUTES
CIVIL SERVICE COMMISSION
May 6, 2002**

**Roll Call: Members Present: Burns, Hilligas, Leeper
 Members Absent:
 Also Present: Curt Rohling, Operations Division Chief**

Leeper called the meeting to order at 8:42 a.m.

Notice of the meeting was published in the May 3, 2002, edition of the Grand Island Independent.

Burns moved to approve the minutes of the April 9, 2002, meeting. Leeper seconded the motion, which carried unanimously upon roll call vote.

The Commission reviewed results of the entry-level Police exam administered on April 18, 2002. Burns moved that all applicants who scored 70% or higher, namely, Clemans, Steffen, Bennett, Kusek, Raniere, Castleberry, Stroman, Wilson, Coy, Lindell, Gilster, Furstenau, Jilg, Smith Ganow and Grubbs be placed on the Police Eligibility list through November 9, 2002. Leeper seconded the motion, which passed unanimously upon roll call vote.

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

There being no further business, Hilligas moved to adjourn the meeting at 8:55 a.m. Burns seconded the motion, which carried unanimously upon roll call vote.

Respectfully submitted,

Brenda Sutherland, Secretary
Civil Service Commission

Approved by Civil Service Commission - 6/24/02
Copies of approved Minutes to: City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G2

Approving Appointments to Community Development Advisory Committee

The Mayor is recommending appointment of Ben Murphy, 2309 East Stolley Park Road, and Dave Soto, 4146 Norwood Drive, to the Community Development Advisory Committee. The term of office is for three years, effective immediately. Mr. Murphy and Mr. Soto were both appointed in July, 1999, and are eligible for reappointment. Both have been active members of the Community Development Advisory Committee and have been involved with the Housing Study and program activities. Approval is recommended.

Staff Contact: Cindy Johnson



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G3

Approving Appointments to Selection Committee, Former City Hall

The Mayor has forwarded the appointment of Glen Murray and Margaret Hornady to the Selection Committee for the former City Hall. As you will recall, the City Council, by Resolution, requested the Community Redevelopment Authority market the former City Hall, review proposals received and submit a recommendation(s) to the City Council. The Request for Qualifications set forth the procedure for review and selection of a redeveloper. The process included the formation of a Selection Committee, comprised of CRA members, City Council representative(s), CRA Director, Historic Society representative, and another qualified individual possessing experience with redevelopment projects, to review and interview qualified redevelopers. Approval of the appointment of Councilmember Murray and Councilmember Hornady to the Selection Committee is recommended.

Staff Contact: Cindy Johnson



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G4

Approving Minutes of June 25, 2002 City Council Regular Meeting

*The Minutes of the June 25, 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

June 25, 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 June 25, 2002. Notice of the meeting was given in the Grand Island Independent on June 19, 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, Walker and Sorensen. Councilmember Murray 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 David Vaughn, Victory Bible Fellowship 2416 North Hancock.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Home Ownership Month" June 2002. Mayor Gnadt proclaimed the month of June 2002 as "Home Ownership Month".

Proclamation "Push America Day" July 1, 2002. Mayor Gnadt proclaimed the July 1, 2002 as "Push America Day".

Recognition of Jenny Green, State Championship Winner in Pole Vault. The Mayor and City Council recognized Jenny Green, Central Catholic High School State Championship Winner in Pole Vault. Jenny along with her coach Bob Zavala were present for the presentation.

Recognition of Central Catholic High School Boy's Golf Team – State Championship Winners. The Mayor and City Council recognized the Central Catholic High School Boy's Golf Team for their State Championship Win. Coach Bob McFarland and several of the golf team members were present for the presentation.

Recognition of Megan Bowden and Maggie McDermott – State Champions in Tennis Doubles. Megan Bowden and Maggie McDermott were not able to be present for the presentation, so this was postponed for another meeting.

Presentation by Betty Curtis, Clean Community Systems with Regards to "Keep Nebraska Beautiful!" Betty Curtis, Executive Director of Clean Community Systems presented the Mayor and City Council with a 1st Place Award for Division I and overall award for the Deanie Anderson Community Award held in Nebraska City on June 21, 2002 with regards to "Keep

Nebraska Beautiful!" Ms. Curtis also mentioned receiving \$124,271.00 grant for the household hazardous waste which encompasses a 38 county area.

ADJOURN TO SOLID WASTE AGENCY: Motion by Ward, second by Walker, carried unanimously to adjourn to the Solid Waste Agency.

#2002-SWA-1 – Approving User Fee Schedule Relative to Solid Waste Division. Motion by Ward, second by Hornady, to approve Resolution #2002-SWA-1. Upon roll call vote, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Walker and Sorensen voted yes. Councilmember Pielstick voted no.

RETURN TO REGULAR SESSION: Motion by Pielstick, second by Ward, carried unanimously to return to Regular Session.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Hornady, second by Larson, carried unanimously to adjourn to the Board of Equalization.

#2002-BE-4 – Determining Benefits for Street Improvement District #1238 – Tech Drive Between Central Community College and College Park. Motion by Pielstick, second by Hornady to approve Resolution #2002-BE-4, carried unanimously.

RETURN TO REGULAR SESSION: Motion by Larson, second by Hornady, carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request of James McCaslin of SCT/LB Foster for a Conditional Use Permit to Allow for the Continued Use of Temporary Buildings Located at 710 East US Highway 30. Craig Lewis, Building Department Director, reported that James McCaslin representing CXT /LB Foster Company, had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow the continued use of two temporary structures located at 710 East Highway 30. The two buildings are used as office and employee break facilities, they had been on site and approved by council since June of 1998 and were expected to be needed for the life of CXT's initial contract with the Union Pacific. This contract was expected to expire on September 30,2003. No public testimony was heard.

Public Hearing on Acquisition of Ingress/Egress Easement at 2322 South Locust Street. (Gary Shovlain) Steve Riehle, Public Works Director, reported that acquisition of an Ingress/Egress easement at this location to provide access to the property from a shared driveway. The owner, Gary Shovlain, had agreed to sell the north sixteen feet of Lot 2, Shovlain Subdivision to the City of Grand Island for a purchase price of \$1.00. No public testimony was heard.

Public Hearing on Amendment of Public Utility Easement at 2322 South Locust Street. (Gary Shovlain) Steve Riehle, Public Works Director, reported that acquisition of an additional Public Utility easement was required due to changes in the design for the South Locust project. The

owner, Gary Shovlain, had agreed to sell 0.02 acres to the City of Grand Island for a purchase price of \$1.00. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in Lots 14 and 15, Meadowlark West Fourth Subdivision. (Robert M. Allen Family Limited Partnership) Steve Riehle, Public Works Director, reported that acquisition of easements located in Lots 14 and 15, Meadowlark West Fourth Subdivision was required to relocate sanitary sewer main away from a storm sewer main on the property. The Robert M. Allen Family Limited Partnership, owner of the property, had agreed to sell 0.033 acres to the City of Grand Island for a purchase price of \$1.00.

ORDINANCES:

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

#8742 - Consideration of Creating Sanitary Sewer District #506, Lillie Drive West of North Road

#8743 - Consideration of Assessments for Street Improvement District #1238 – Tech Drive Between Central Community College and College Park

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

Mayor: Is there any one in the audience interested in these ordinances? No public testimony was heard.

City Clerk: Ordinances #8742 and #8743 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8742 and #8743 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8742 and #8743 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Whitesidies, carried unanimously to approve the Consent Agenda excluding items G- and G-.

Approving Minutes of June 11, 2002 City Council Regular Meeting.

Approving Minutes of June 18, 2002 City Council Study Session.

Approving Request of CXT/LB Foster Company for Renewal of Conditional Use Permit for Temporary Placement of Office Buildings at 710 East US Highway 30.

#2002-97 – Approving Acquisition of Ingress/Egress Easement Located at 2322 South Locust Street. (Gary Shovlain)

#2002-98 – Approving Amendment of Public Utility Easement at 2322 South Locust Street. (Gary Shovlain)

#2002-175 – Approving Donation of Scoreboard at Ryder Park Baseball Field to Phillips Baseball Program, Phillips, Nebraska from the Parks and Recreation Department.

#2002-176 – Approving Change Order #1 for Main Power Transformers – Combustion Turbine Project with Waukesha Electric Systems, Waukesha, Wisconsin, for a Decreased Amount of \$8,680.00.

#2002-177 – Approving Change Order #1 for Disconnect Switches – Combustion Turbine Project with USCO Power Equipment Corporation, Birmingham, Alabama, for an Increased Amount of \$1,287.36.

#2002-178 – Approving Change Order #1 for Distributed Control System – Combustion Turbine Project with ABB Automation, Inc., Wickliffe, Ohio, for an Increased Amount of \$32,110.44 and a Final Contract Amount of \$264,795.44. Councilmember Pielstick voted no.

#2002-179 – Approving Bid Award for 3-Phase Digital Panel Meters to Satec, Inc., Summit, New Jersey, in the Amount of \$75,673.00.

#2002-180 – Approving No Parking Designation from 7:00 a.m. to 4:00 p.m., Monday through Friday, Along Prospect Street Between Lafayette Avenue and Park Avenue.

#2002-181 – Approving Bid Award for Street Improvement District #1240 to The Diamond Engineering Company, Inc., Grand Island, Nebraska in the Amount of \$222,829.65.

#2002-182 – Approving Bid Award for One Used Farm Tractor For the Wastewater Division of the Public Works Department to T & B Sales, Grand Island, Nebraska, in the Amount of \$12,800.00.

#2002-183 – Approving Change Order #1 for the Library Expansion Project, Phase II to Starostka Group Company, Grand Island, Nebraska for an Increased Amount of \$2,288.50 and a Revised Contract Amount of \$84,288.50. Councilmember Pielstick voted no.

#2002-184 – Approving Change Order #1 to the Contract with The Diamond Engineering Company for Sanitary Sewer District #492 with The Diamond Engineering Company, Grand Island, Nebraska, for an Increased Amount of \$25,146.82.

#2002-185 – Approving Certificate of Final Completion for Sanitary Sewer District #492 with The Diamond Engineering Company, Grand Island, Nebraska and Setting Board of Equalization Date of August 13, 2002 to Determine Benefits and Set Assessments.

#2002-186 – Approving Agreement to Join the Nebraska Habitat Conservation Coalition.

#2002-187 – Approving Fee Schedule for Fiscal Year 2002-2003.

#2002-188 – Approving Amendment to Interlocal Agreement with Hall County Relative to Providing Ambulance Service to Hall County Correctional Facility.

#2002-189 – Approving Acquisition of Permanent Utility Easement Located in Lots 14 and 15, Meadowlark West Fourth Subdivision.

#2002-190 – Approving Amendment to Community Connections/Neighborhood Associations Policy with Regards to Grant Application Cycles.

#2002-191 – Approving Authorization to Transfer Excess Bond Payment Proceeds from the County Treasurer to the City General Fund.

PUBLIC HEARING ON ANNEXATION:

Public Hearing on Annexation. Charlie Cuypers, City Attorney, reported that a public hearing was required by statute on the proposed annexation of nine areas of land contiguous and adjacent to the City of Grand Island and proposed annexation plan for extension of City services to these lands.

Leon Cederlind, 4706 Gunbarrel Place and VirJeanne Baker, 607 Hermitage Place spoke in support.

The following people spoke in opposition: Rollie Reynolds, 239 Lakeside Drive, Al Karle, 4710 Stoneride Path, Bob Kutz, #20 Kuester Lake, Dean Ritz, 3615 Arabian Circle, Robert Mettenbrink, 270 One R Road, Louise Miller, 1104 West Charles Street, Gary Trump, 4232 Summer Circle, Kim Meyer, 4221 Springview Drive, Rhonda Riha, 3560 Hillside Drive, Tim Victor, 4228 Springview Drive, E. W. Sakala, 323 Mallard Lane, Adrianna Davis, 4227 Springview Drive, John Thiel, 4228 Calvin Drive, Debra Rombach, 206 Lakeside Drive, Jerry Persinger, #21 Kuester Lake, Randy Rapien, 226 Lakeside Drive, Robert Happold, 4236 Calvin Drive, Bud Jefferie, #28 Kuester Lake, Virgil Roush, #62 Kuester Lake, Mel Carlson, #56 Kuester Lake, Nancy Emken, 4413 Pintail Lane, Raymond Mayhew, 4610 Calvin Drive and Lewis Kent, 624 East Meves Avenue.

ORDINANCE ON ANNEXATION:

Councilmember Larson, moved to adopt Ordinance #8744, second by Whitesides.

#8744 – Consideration of Annexation (First Reading)

Councilmember Ward questioned if this ordinance included all 9 areas. City Attorney Charlie Cuypers stated that it did, but the Council did not have to approve all 9 areas at this time. Councilmember Pielstick stated that everyone wanted growth, but not in their back yard. Several people from the audience thought the Council should wait to annex the east lakes area and Schroeder Subdivision. Councilmember Haase asked when the best time would be. It was suggested 5 years. The audience wanted more studies and time to look at this.

Councilmember Whitesides wanted to clarify that even if this ordinance passed, it would take 4 to 5 years before service was available and then it would be up to the people to decide whether to hook up to it. Councilmember Ward recommended that the City, at their annual planning meeting, look at areas to be annexed so people could be informed in a more-timely manner.

Motion was made by Ward, second by Walker to amend the motion to include three separate votes as follows: a.) Areas 2, 3, 5b, 6, 9, 10 & 11; b.) Area 4 and c.) Area 12. Upon roll call vote, Councilmembers Ward, Haase, Walker and Sorensen voted yes. Councilmembers Pielstick, Seifert, Larson, Hornady and Whitesides voted no. Motion failed.

Discussion was held with regards to police services for the east lakes area. Police Chief Kyle Hetrick commented on the number of calls that the Hall County Sheriff's office received and assured the residents that there would be enough law enforcement officers to meet their needs.

Louise Fiene, 219 Lakeside Drive encouraged the Council to listen to the people. Leighton Wiley, 4040 Scheel Road asked why the Rainbow Lakes Subdivision was not considered as part of the annexation plan. City Administrator Marlan Ferguson and Public Works Director Steve Riehle, stated that it was cost prohibitive and they had their own private lift station for sewer.

Upon roll call vote to approve Ordinance 8744, Councilmembers Seifert, Larson, Hornady and Whitesides voted yes. Councilmembers Pielstick, Ward, Haase, Walker and Sorensen voted no. Motion failed.

Councilmember Ward recommended that staff bring this issue back before council at the next regular meeting with a separate vote for the three different areas mentioned above.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by , carried unanimously to approve the Claims for the period of June 12, 2002 through June 25, 2002, for a total amount of \$2,640,767.98.

ADJOURNMENT: The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

RaNae Edwards

City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G5

Approving Request of Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, for Class "D" Liquor License

This item relates to the aforementioned Public Hearing. Habibur Khan, representing Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, has submitted an application with the City Clerk's Office for a Class "D" Liquor License. A Class "D" Liquor License allows for the sale of alcoholic beverages off sale only within the corporate limits of the City. 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, July 09, 2002

Council Session

Item G6

**Approving Request of Mahammad Kalam, 2307 West 1st Street,
for Liquor Manager Designation for Daffodil, LLC dba Conoco
One Stop, 2105 West 2nd Street**

Mahammad Kalam, 2307 West 1st Street, representing Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D" Liquor License applied for earlier at this meeting. 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, July 09, 2002

Council Session

Item G7

Approving Request of Sharon Scusa, 1835 Valley View Drive, Crete, Nebraska, for Liquor Manager Designation for Casey's General Stores, Inc. dba Casey's General Store #1768, 420 North Broadwell Avenue

Sharon Scusa, 1835 Valley View Drive, Crete, Nebraska, representing Casey's General Stores, Inc. dba Casey's General Store #1768, 420 North Broadwell Avenue, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-29484" Liquor License. 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, July 09, 2002

Council Session

Item G8

**Approving Request of Danny C. Dennie, 3605 Bronco Road, for
Liquor Manager Designation for U Save Foods, Inc. dba Sunmart
#768, 3420 West State Street**

Danny C. Dennie, 3605 Bronco Road, representing U Save Foods, Inc. dba Sunmart #768, 3420 West State Street, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D-30046" Liquor License. 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, July 09, 2002

Council Session

Item G9

**Approving Request of Susan R. McAfee, 1863 7th Avenue,
Dannebrog, Nebraska, for Liquor Manager Designation for
Bosselman, Inc. dba Pump & Pantry #8, 2028 North Broadwell
Avenue**

Susan R. McAfee, 1863 7th Avenue, Dannebrog, Nebraska, representing Bosselman, Inc. dba Pump & Pantry #8, 2028 North Broadwell Avenue, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-13153" Liquor License. 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, July 09, 2002

Council Session

Item G10

#2002-192 - Approving Acquisition of Utility Easement - 1466 S. Gunbarrel (McFarland)

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 Robert K. and Kathleen L. McFarland, located at 1466 S. Gunbarrel, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

This easement will be used to locate an underground power line and pad mounted transformer to serve a new house to be constructed for Bob McFarland and an existing house owned by Mike Nolan. Upon completion, the overhead line now serving this location will be removed. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.

Staff Contact: Gary R. Mader

RESOLUTION 2002-192

WHEREAS, a public utility easement is required by the City of Grand Island, from Robert K. McFarland and Kathleen L. McFarland, husband and wife, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on July 9, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Five (5), Paradise Lake Estates Third Subdivision, 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 a point on the northerly right-of-way line of the Burlington Northern Santa Fe Railroad, said point being Three Hundred Ninety Seven and Seventeen Hundredths (397.17) feet southeasterly from the intersection of said right-of-way line and the westerly line of Lot Five (5) Paradise Lake Estates Third Subdivision; thence northerly, parallel with the westerly line of said Lot Five (5), a distance of One Hundred Seventy Eight and One Tenth (178.1) feet; thence deflecting northeasterly 19°04'20", a distance of Two Hundred Forty Four and Five Tenths (244.5) feet to the Actual Point of Beginning; thence deflecting northwesterly 82°37'52", a distance of Three Hundred (300.0) feet. The side lines of the easement and right-of-way being shortened or lengthened to terminate at the easterly line of said Lot Five (5).

The above-described easement and right-of-way containing 0.015 acres, more or less as shown on the plat dated June 17, 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 Robert K. McFarland and Kathleen L. McFarland, husband and wife, on the above-described tract of land.

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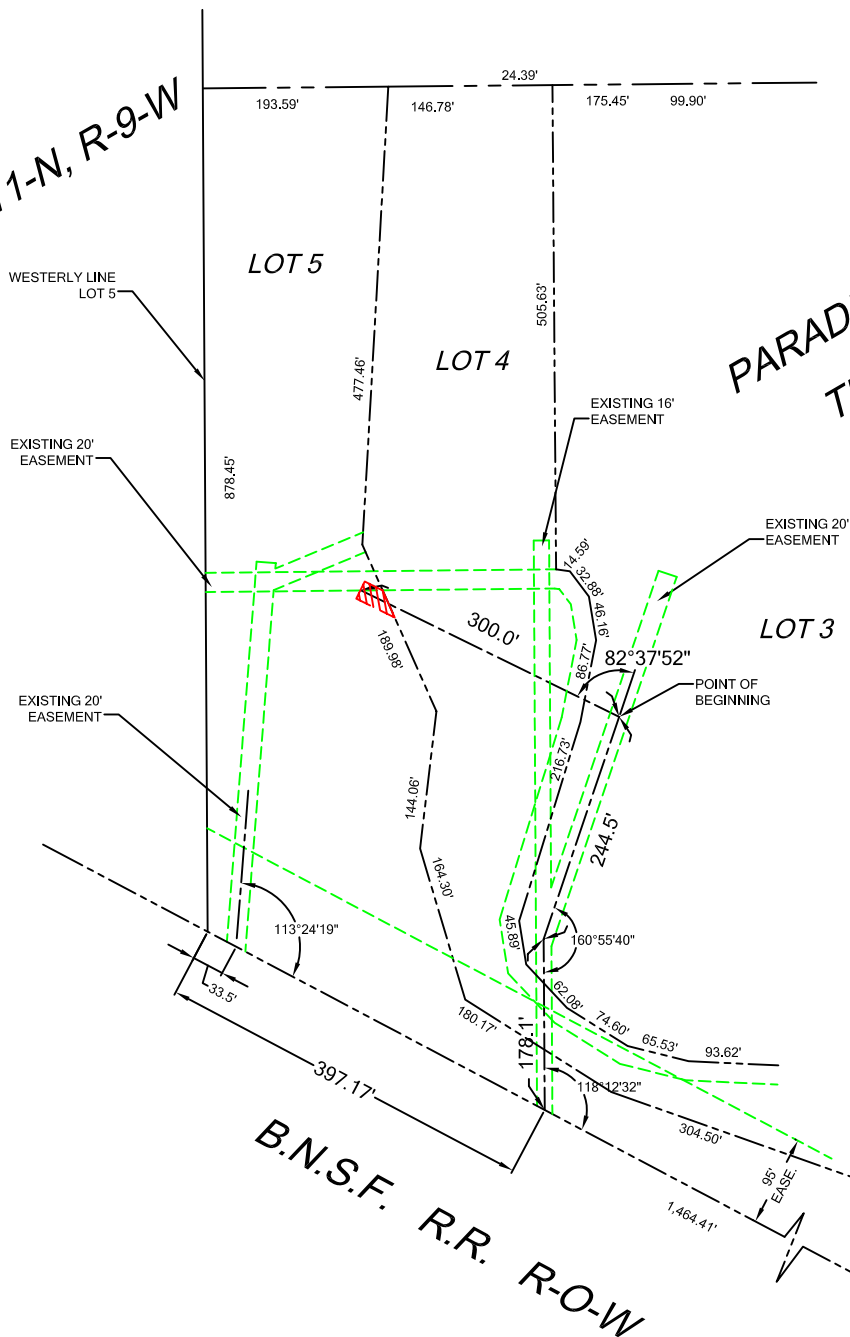
Adopted by the City Council of the City of Grand Island, Nebraska, July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ July 5, 2002 ? City Attorney

SEC. 24, T-11-N, R-9-W

PARADISE LAKE ESTATES
THIRD SUBDIVISION



LEGEND



INDICATES A TWENTY (20.0) FOOT WIDE UTILITY EASEMENT AND RIGHT-OF-WAY, LOCATED IN PART OF LOT FIVE (5) PARADISE LAKE ESTATES THIRD SUBDIVISION, HALL COUNTY, NEBRASKA; THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID POINT BEING THREE HUNDRED NINETY SEVEN AND SEVENTEEN HUNDREDTHS (397.17) FEET SOUTHEASTERLY FROM THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF LOT FIVE (5) PARADISE LAKE ESTATES THIRD SUBDIVISION; THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID LOT FIVE (5), A DISTANCE OF ONE HUNDRED SEVENTY EIGHT AND ONE TENTH (178.1) FEET; THENCE DEFLECTING NORTHEASTERLY 19°04'20", A DISTANCE OF TWO HUNDRED FORTY FOUR AND FIVE TENTHS (244.5) FEET TO THE ACTUAL POINT OF BEGINNING; THENCE DEFLECTING NORTHWESTERLY 82°37'52", A DISTANCE OF THREE HUNDRED (300.0) FEET. THE SIDE LINES OF THE EASEMENT AND RIGHT-OF-WAY BEING SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY LINE OF SAID LOT FIVE (5). THE ABOVE DESCRIBED EASEMENT AND RIGHT-OF-WAY CONTAINING 0.015 ACRES MORE OR LESS, AS SHOWN ON THE PLAT DATED 6/17/2002, MARKED EXHIBIT "A", ATTACHED HERETO, AND INCORPORATED HEREIN BY REFERENCE.

CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

EXHIBIT "A"

DRN BY: B.W.H. SCALE: 1" = 200'
DATE: 6/17/2002 FILE: PLE3SUB



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G11

#2002-193 - Approving Acquisition of Utility Easement - 1310 S. Gunbarrel (Shullaw)

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 Robert C. and Norma J. Shullaw, located at 1310 S. Gunbarrel, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

This easement will be used to locate an underground power line and pad mounted transformer to serve a new house to be constructed for Bob McFarland and an existing house owned by Mike Nolan. Upon completion, the overhead line now serving this location will be removed. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.

Staff Contact: Gary R. Mader

RESOLUTION 2002-193

WHEREAS, a public utility easement is required by the City of Grand Island, from Ronald C. Shullaw and Norma J. Shullaw, husband and wife, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on July 9, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Three (3), Paradise Lake Estates Third Subdivision, 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 a point on the northerly right-of-way line of the Burlington Northern Santa Fe Railroad, said point being Three Hundred Ninety Seven and Seventeen Hundredths (397.17) feet southeasterly from the intersection of said right-of-way line and the westerly line of Lot Five (5) Paradise Lake Estates Third Subdivision; thence northerly, parallel with the westerly line of said Lot Five (5), a distance of One Hundred Seventy Eight and One Tenth (178.1) feet; thence deflecting northeasterly 19°04'20", a distance of Two Hundred Forty Four and Five Tenths (244.5) feet to the Actual Point of Beginning; thence deflecting northwesterly 82°37'52", a distance of Three Hundred (300.0) feet. The side lines of the easement and right-of-way being shortened or lengthened to terminate at the easterly line of said Lot Three (3).

The above-described easement and right-of-way containing 0.018 acres, more or less as shown on the plat dated June 17, 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 Ronald C. Shullaw and Norma J. Shullaw, husband and wife, on the above-described tract of land.

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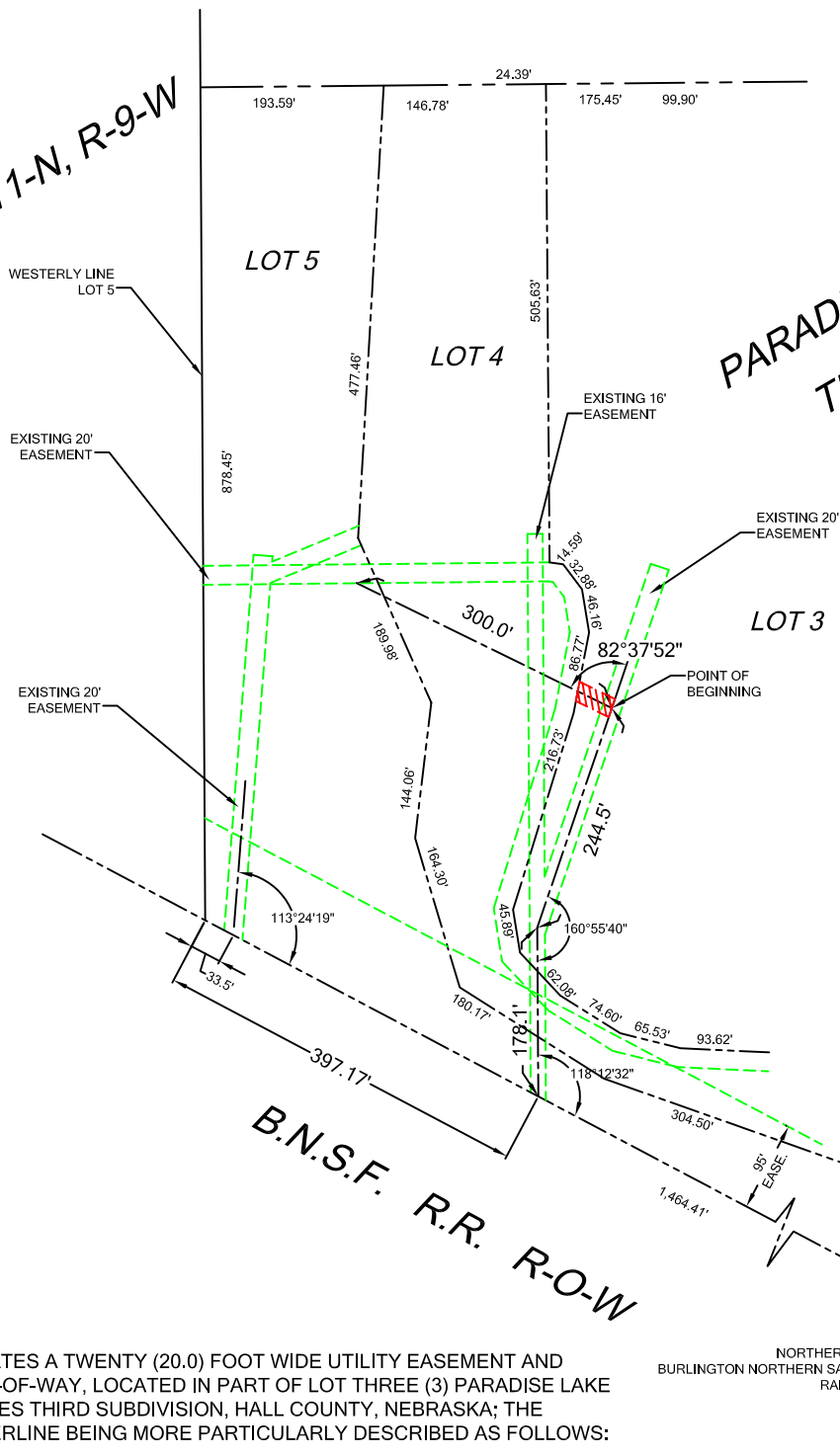
Adopted by the City Council of the City of Grand Island, Nebraska, July 9, 2002.

RaNae Edwards, City Clerk

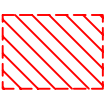
Approved as to Form ? _____ July 5, 2002 ? City Attorney

SEC. 24, T-11-N, R-9-W

PARADISE LAKE ESTATES
THIRD SUBDIVISION



LEGEND



INDICATES A TWENTY (20.0) FOOT WIDE UTILITY EASEMENT AND RIGHT-OF-WAY, LOCATED IN PART OF LOT THREE (3) PARADISE LAKE ESTATES THIRD SUBDIVISION, HALL COUNTY, NEBRASKA; THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID POINT BEING THREE HUNDRED NINETY SEVEN AND SEVENTEEN HUNDREDTHS (397.17) FEET SOUTHEASTERLY FROM THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF LOT FIVE (5) PARADISE LAKE ESTATES THIRD SUBDIVISION; THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID LOT FIVE (5), A DISTANCE OF ONE HUNDRED SEVENTY EIGHT AND ONE TENTH (178.1) FEET; THENCE DEFLECTING NORTHEASTERLY 19°04'20", A DISTANCE OF TWO HUNDRED FORTY FOUR AND FIVE TENTHS (244.5) FEET TO THE ACTUAL POINT OF BEGINNING; THENCE DEFLECTING NORTHWESTERLY 82°37'52", A DISTANCE OF THREE HUNDRED (300.0) FEET. THE SIDE LINES OF THE EASEMENT AND RIGHT-OF-WAY BEING SHORTENED OR LENGTHENED TO TERMINATE AT THE WESTERLY LINE OF SAID LOT THREE (3). THE ABOVE DESCRIBED EASEMENT AND RIGHT-OF-WAY CONTAINING 0.018 ACRES MORE OR LESS, AS SHOWN ON THE PLAT DATED 6/17/2002, MARKED EXHIBIT "A", ATTACHED HERETO, AND INCORPORATED HEREIN BY REFERENCE.

CITY OF GRAND ISLAND	
UTILITIES DEPARTMENT	
EXHIBIT "A"	
DRN BY: B.W.H.	SCALE: 1" = 200'
DATE: 6/17/2002	FILE: PLE3SUB



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G12

#2002-194 - Approving Acquisition of Utility Easement - 1450 S. Gunbarrel (Nolan)

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 Michael J. and Beverly E. Nolan, located at 1450 S. Gunbarrel, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

This easement will be used to locate an underground power line and pad mounted transformer to serve a new house to be constructed for Bob McFarland and an existing house owned by Mike Nolan. Upon completion, the overhead line now serving this location will be removed. One dollar (\$1.00) for the easement will be paid to the grantor. See attached RESOLUTION.

Staff Contact: Gary R. Mader

RESOLUTION 2002-194

WHEREAS, a public utility easement is required by the City of Grand Island, from Michael J. Nolan and Beverly E. Nolan, husband and wife, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on July 9, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Four (4), Paradise Lake Estates Third Subdivision, 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 a point on the northerly right-of-way line of the Burlington Northern Santa Fe Railroad, said point being Three Hundred Ninety Seven and Seventeen Hundredths (397.17) feet southeasterly from the intersection of said right-of-way line and the westerly line of Lot Five (5) Paradise Lake Estates Third Subdivision; thence northerly, parallel with the westerly line of said Lot Five (5), a distance of One Hundred Seventy Eight and One Tenth (178.1) feet; thence deflecting northeasterly 19°04'20", a distance of Two Hundred Forty Four and Five Tenths (244.5) feet to the Actual Point of Beginning; thence deflecting northwesterly 82°37'52", a distance of Three Hundred (300.0) feet. The side lines of the easement and right-of-way being shortened or lengthened to terminate at the easterly and westerly lines of said Lot Four (4).

The above-described easement and right-of-way containing 0.104 acres, more or less as shown on the plat dated June 17, 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 Michael J. Nolan and Beverly E. Nolan, husband and wife, on the above-described tract of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ July 5, 2002 ? City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G13

#2002-195 - Approving Amendment to Community Redevelopment Authority (CRA) Plan and Authorizing Tax Increment Financing for Dental Office Development

At the June 4, 2002 meeting of the Community Redevelopment Authority, the CRA adopted Resolution #38 providing for an amendment to the Redevelopment Plan for Blight and Substandard Area #4, approving a redevelopment contract and giving notice of intent to enter into a redevelopment contract. Kris and Tim Harris, dba RSF Limited, are redeveloping the property at 1003 West Third Street for a dental office. A church was previously located on this property. CRA Resolution #38 was provided to the City Council in the June 11, 2002 Agenda Packet. The proposed redevelopment contract provides for the use of tax increment financing for the redevelopment project. Tax increment financing is a mechanism whereby the increased property taxes for the improved property are used to pay for the improvements. The anticipated tax increment financing for this project is \$35,000.

In December, 2000, the City Council adopted a Redevelopment Plan for this area, which is generally described as the central portion of the City of Grand Island, beginning at the intersection of the west line of Clark Street and the north line of the alley between Fourth and Fifth Streets, south to the alley between Second and Third Streets, and west to Broadwell Avenue. State Statutes require that amendments to the Redevelopment Plan, to address specific projects, be considered by the Community Redevelopment Authority and Regional Planning Commission, in addition to the City Council. The Regional Planning Commission considered the Amendment at their meeting of June 19, 2002 and recommended approval. Notification of the proposed Amendment and Redevelopment Project was provided to all taxing entities and appropriate neighborhood associations. Approval is recommended.

Staff Contact: Cindy Johnson

RESOLUTION 2002-195

RESOLUTION OF THE CITY OF GRAND ISLAND, NEBRASKA, APPROVING AN AMENDMENT TO A REDEVELOPMENT PLAN FOR THE CITY AND AGREEING TO THE PLEDGE OF TAXES IN A REDEVELOPMENT AREA FOR THE BENEFIT OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF GRAND ISLAND (RSF LIMITED PARTNERSHIP PROJECT).

WHEREAS, the City of Grand Island, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1997, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "Authority"), has prepared a Redevelopment Plan pursuant to Section 18-2111 of the Act, and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the City, pursuant to Section 18-2114 of the Act; and

WHEREAS, following consideration of the recommendations of the Authority to the Planning Commission, the recommendations of the Planning Commission to the City, if any, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as described on the attached Exhibit B; and

WHEREAS, the City published notices of a public hearing and mailed notices as required pursuant to Section 18-2115 of the Act and has, on the date of the Resolution held a public hearing on the proposal to amend the Redevelopment Plan to include the Redevelopment Project described on the attached Exhibit B.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF

THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The Redevelopment Plan of the City approved for the area described on the attached Exhibit A, including the Redevelopment Project legally described on the attached Exhibit B, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Grand Island as a whole and the Redevelopment Plan, including the Redevelopment Project identified on the attached Exhibit B, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the Redevelopment Contract in accordance with Section 18-2119 of the Act and of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Contract;

2. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act;

3. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Plan which is legally described in the attached Exhibit B shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall be December 31, 2002 as follows:

a. That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That proportion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, such Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such Redevelopment Project shall be paid into the funds of the respective public bodies.

c. The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Hall County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to each Redevelopment Project.

4. The City hereby finds and determines that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, in accordance with the general plan for development of the City, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity; and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of a healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreation and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

EXHIBIT A

Redevelopment Area

Lots One (1) and Two (2), Block Eighteen (18), Arnold and Abbott Addition to the City of Grand Island, Hall County, Nebraska.

EXHIBIT B

Redevelopment Project

Renovation of an existing structure into a dental office and additional office space.

REDEVELOPMENT CONTRACT

Between

COMMUNITY REDEVELOPMENT AUTHORITY
OF THE CITY OF
GRAND ISLAND, NEBRASKA

and

RSF LIMITED PARTNERSHIP

_____, 2002

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REDEVELOPMENT CONTRACT

This Redevelopment Contract is made and entered into as of the ____ day of _____, 2002, by and between the Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority") and RSF Limited Partnership, a Nebraska limited partnership ("Redeveloper").

WITNESSETH:

WHEREAS, Authority is a duly organized and existing community redevelopment authority, a body politic and corporate under the laws of the State of Nebraska, with lawful power and authority to enter into this Redevelopment Contract, acting by and through its Chair or Vice Chair and Members;

WHEREAS, the City of Grand Island, Nebraska (the "City"), in furtherance of the purposes and pursuant to the provisions of Section 2 of Article VIII of the Nebraska Constitution and Sections 18-2101 to 18-2154, Reissue Revised Statutes of Nebraska, 1991, as amended (collectively the "Act"), has adopted a Redevelopment Plan for a blighted and substandard area designated by the City; and

WHEREAS, pursuant to Section 18-2119 of the Act, Authority has solicited proposals for redevelopment of a redevelopment area included in the Redevelopment Plan, and Redeveloper submitted a redevelopment contract proposal;

WHEREAS, Authority and Redeveloper desire to enter into this Redevelopment Contract for acquisition and redevelopment of the redevelopment area;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth, Authority and Redeveloper do hereby covenant, agree and bind themselves as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATION

Section 1.01 Terms Defined in this Redevelopment Contract

Unless the context otherwise requires, the following terms shall have the following meanings for all purposes of this Redevelopment Contract, such definitions to be equally applicable to both the singular and plural forms and masculine, feminine and neuter gender of any of the terms defined:

"Act" means Section 12 of Article VIII of the Nebraska Constitution, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, 1943, as amended, and acts amendatory thereof and supplemental thereto.

"City" means the City of Grand Island, Nebraska.

"Governing Body" means the Mayor and City Council of the City, in their capacity as Members of the Authority.

"Holder" means the holders of TIF Indebtedness issued by the Authority from time to time outstanding.

"Premises" or "Redevelopment Area" means all that certain real property situated in the City of Grand Island, Hall County, Nebraska, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

"Project" means the improvements to the Premises, as further described in Exhibit B attached hereto and incorporated herein by reference.

"Project Costs" means only costs or expenses incurred by Redeveloper to acquire, construct and equip the Project pursuant to the Act as identified on Exhibit D.

"Redevelopment Contract" means this redevelopment contract between Authority and Redeveloper dated _____, 2002, with respect to the Project.

"Redevelopment Plan" means the Redevelopment Plan for Area _____, prepared by the Authority and approved by the City pursuant to the Act, as amended from time to time.

"Resolution" means the Resolution of the Authority dated _____, 2002, as supplemented from time to time, approving this Redevelopment Contract.

"TIF Indebtedness" means any bonds, notes, loans, and advances of money or other indebtedness, including interest and premiums, if any, thereon, incurred by the Authority pursuant to Article III hereof and secured in whole or in part by TIF Revenues.

"TIF Revenues" means incremental ad valorem taxes generated by the Project which are allocated to and paid to the Authority pursuant to the Act.

Section 1.02 Construction and Interpretation.

The provisions of this Redevelopment Contract shall be construed and interpreted in accordance with the following provisions:

- (a) This Redevelopment Contract shall be interpreted in accordance with and governed by the laws of the State of Nebraska, including the Act.
- (b) Wherever in this Redevelopment Contract it is provided that any person may do or perform any act or thing the word "may" shall be deemed permissive and not mandatory and it shall be construed that such person shall have the right, but shall not be obligated, to do and perform any such act or thing.
- (c) The phrase "at any time" shall be construed as meaning "at any time or from time to time."
- (d) The word "including" shall be construed as meaning "Including, but not limited to."
- (e) The words "will" and "shall" shall each be construed as mandatory.
- (f) The words "herein," "hereof," "hereunder," "hereinafter" and words of similar import shall refer to the Redevelopment Contract as a whole rather than to any particular paragraph, section or subsection, unless the context specifically refers thereto.

(g) Forms of words in the singular, plural, masculine, feminine or neuter shall be construed to include the other forms as the context may require.

(h) The captions to the sections of this Redevelopment Contract are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary by implication or otherwise any of the provisions hereof.

ARTICLE II REPRESENTATIONS

Section 2.01 Representations by Authority.

Authority makes the following representations and findings:

(a) Authority is a duly organized and validly existing community redevelopment authority under the Act.

(b) The Redevelopment Plan has been duly approved and adopted by the City pursuant to Section 18-2116 and 18-2117 of the Act.

(c) The Authority has requested proposals for redevelopment of the Redevelopment Area pursuant to section 18-2119 of the Act, and deems it to be in the public interest and in furtherance of the purposes of the Act to accept the proposal submitted by Redeveloper as specified herein.

(d) The Redevelopment Project will achieve the public purposes of the Act by, among other things, increasing employment, improving public infrastructure, increasing the tax base, and lessening conditions of blight and substandard in the Redevelopment Area.

Section 2.02 Representations of Redeveloper.

The Redeveloper makes the following representations:

(a) The Redeveloper is a Nebraska limited partnership, having the power to enter into this Redevelopment Contract and perform all obligations contained herein and by proper action has been duly authorized to execute and deliver this Redevelopment Contract.

(b) The execution and delivery of the Redevelopment Contract and the consummation of the transactions therein contemplated will not conflict with or constitute a breach of or default under any bond, debenture, note or other evidence of indebtedness or any contract, loan agreement or lease to which Redeveloper is a party or by which it is bound, or result in the creation or imposition of any lien, charge or encumbrance of any nature upon any of the property or assets of the Redeveloper contrary to the terms of any instrument or agreement.

(c) There is no litigation pending or to the best of its knowledge threatened against Redeveloper affecting its ability to carry out the acquisition, construction, equipping and furnishing of the Project or the carrying into effect of this Redevelopment Contract or, except as disclosed in writing to the Authority, as to any other matter materially affecting the ability of Redeveloper to perform its obligations hereunder.

(d) Any financial statements of the Redeveloper or its shareholders delivered to the Authority prior to the date hereof are true and correct in all respects and fairly present the financial condition of the Redeveloper and the Project as of the dates thereof; no materially adverse change has occurred in the financial condition reflected therein since the respective dates thereof; and no additional borrowings have been made by the Redeveloper since the date thereof except in the ordinary course of business, other than the borrowing contemplated hereby or borrowings disclosed to or approved by the Authority.

ARTICLE III

OBLIGATIONS OF THE AUTHORITY

Section 3.01 Division of Taxes.

In accordance with Section 18-2147 of the Act, the Authority hereby amends the Redevelopment Plan of the Authority by providing that any ad valorem tax on real property in the Project for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as provided in Section 18-2147 of the Act. The effective date of this provision shall be December 31, 2002.

Section 3.02 Issuance of TIF Indebtedness.

Authority shall incur TIF Indebtedness in the form and principal amount and bearing interest and being subject to such terms and conditions as are specified on the attached Exhibit C. Authority shall have no obligation to find a lender or investor to acquire the TIF Indebtedness, but rather shall issue the TIF Indebtedness to or to the order of Redeveloper upon payment of the principal amount thereof.

Section 3.03 Grant of Proceeds of Bonds.

The Authority hereby pledges the TIF Revenues as Security for the TIF Indebtedness.

Section 3.04 Grant of Proceeds of Bonds.

Authority will grant to Redeveloper all proceeds of the TIF Indebtedness incurred as described on Exhibit C. An amount equal to interest payable on such TIF Indebtedness in 2003 shall be retained by the Authority and applied for such purpose or, at the option of the Authority, deposited in a reserve fund of Redeveloper to be applied for such purpose.

Notwithstanding the foregoing, the amount of the grant shall not exceed the amount of Project Costs certified pursuant to Section 4.02. The grant shall be paid to the Redeveloper upon receipt of required Project Costs Certifications pursuant to Section 4.02, and may, in the discretion of the Authority, be made in one or more advances upon receipt of partial Cost Certifications for amounts at least equal to the amount of the advance.

Section 3.05 Creation of Fund.

Authority will create a special fund to collect and hold the TIF Revenues. Such special fund shall be used for no purpose other than to pay TIF Indebtedness issued pursuant to Sections 3.02 and 3.03 above.

ARTICLE IV

OBLIGATIONS OF REDEVELOPER

Section 4.01 Construction of Project, Insurance.

(a) Redeveloper will complete the Project and install all equipment and furnishings necessary to operate the Project. Redeveloper shall be solely responsible for obtaining all permits and approvals necessary to acquire, construct and equip the Project. Until construction of the Project has been completed, Redeveloper shall make reports in such detail and at such times as may be reasonably requested by the Authority as to the actual progress of Redeveloper with respect to construction of the Project. Promptly after completion by the Redeveloper of the Project, the Redeveloper shall furnish to the Authority a Certificate of Completion. The certification by the Redeveloper shall be a conclusive determination of satisfaction of the agreements and covenants in this Redevelopment Contract with respect to the obligations of Redeveloper and its successors and assigns to construct the Project. As used herein, the term "completion" shall mean substantial completion of the Project.

(b) Any contractor chosen by the Redeveloper or the Redeveloper itself shall be required to obtain and keep in force at all times until completion of construction, policies of insurance including coverage for contractors' general liability and completed operations and a penal bond as required by the Act. The Authority and the Redeveloper shall be named as additional insureds. Any contractor chosen by the Redeveloper or the Redeveloper itself, as an owner, shall be required to purchase and maintain property insurance upon the Project to the full insurable value thereof. This insurance shall insure against the perils of fire and extended coverage and shall include "All Risk" insurance for physical loss or damage. The contractor or the Redeveloper, as the case may be, shall furnish the Authority with a Certificate of Insurance

evidencing policies as required above. Such certificates shall state that the insurance companies shall give the Authority prior written notice in the event of cancellation of or material change in any of the policies.

Section 4.02 Cost Certification.

Redeveloper shall submit to Authority a certification of Project Costs, after expenditure of such Project Costs, prepared by a certified public accountant or other person acceptable to Authority. Redeveloper may, at its option, submit one or more partial Project Costs Certifications prior to expenditure of all Project Costs. All Project Costs Certifications shall be subject to review and approval by the Authority. Determinations by the Authority whether costs included in the Project Costs Certification are properly included in Project Costs as defined in this Agreement shall be made in its sole discretion and shall be conclusive and binding on Redeveloper.

Section 4.03 Redeveloper to Operate Project.

Redeveloper will operate the Project for not less than 15 years from the effective date of the provision specified in Section 3.01 of this Redevelopment Contract.

Section 4.04 Authority Costs. Other Agreements.

Redeveloper shall pay to Authority on or before the date of receipt of the grant pursuant to Section 3.04, an amount sufficient to reimburse the Authority for its costs incurred in connection with this Redevelopment Contract. Redeveloper will enter into and perform its obligations under such other agreements as are reasonably necessary in connection herewith.

Section 4.05 No Discrimination.

Redeveloper agrees and covenants for itself, its successors and assigns that as long as any TIF Indebtedness is outstanding, it will not discriminate against any person or group of persons on account of race, sex, color, religion, national origin, ancestry, disability, marital status or receipt of public assistance in connection with the Project. Redeveloper, for itself and its successors and assigns, agrees that during the construction of the Project, Redeveloper will not discriminate against any employee or applicant for employment because of race, religion, sex, color, national origin, ancestry, disability, marital status or receipt of public assistance. Redeveloper will comply with all applicable federal, state and local laws related to the Project.

Section 4.06 Pay Real Estate Taxes.

Redeveloper intends to create a taxable real property valuation of the Project of \$355,000 no later than as of January 1, 2003. During the period that any TIF Indebtedness is outstanding, Redeveloper will (1) not protest a real estate property valuation on the Premises of \$355,000 or less after substantial completion or occupancy; (2) not convey the Premises or structures thereon to any entity which would be exempt from the payment of real estate taxes or cause the nonpayment of such real estate taxes; and (3) cause all real estate taxes and assessments levied on the Premises to be paid prior to the time such become delinquent during the term that any Bonds are outstanding.

Section 4.07 Payment in Lieu of Taxes.

Redeveloper agrees to make payments in lieu of taxes, immediately upon receipt of notice from Authority, if for any reason at any time TIF Revenues received by the Authority are not sufficient to pay principal and interest on the TIF Indebtedness when due. This payment in lieu of tax obligation may be represented by a note or other evidence of indebtedness and shall, if required by Authority, be secured by a mortgage or deed of trust on the Premises in favor of the Authority.

Section 4.08 No Assignment or Conveyance.

Redeveloper shall not convey, assign or transfer the Premises, the Project or any interest therein prior to the termination of the 15 year period commencing on the effective date specified in Section 3.01 hereof, without the prior written consent of the Authority, which the Authority may grant or deny in its sole discretion and which the Authority may make subject to any terms or conditions it deems appropriate, except for the following conveyances, which shall be permitted without consent of Authority:

(a) any conveyance as security for indebtedness incurred by Redeveloper for Project Costs or any subsequent physical improvements to the premises, provided that any such conveyance shall be subject to the obligations of the Redeveloper pursuant to this Redevelopment Contract;

(b) any conveyance to any person or entity which owns more than 50% of the voting equity interests of Redeveloper (if Redeveloper is a corporation, partnership or other entity) or with respect to which Redeveloper owns more than 50% of the voting equity interests, provided that any such successor owner of the Project agrees to assume all obligations of the Redeveloper and be bound by all terms and conditions of this Redevelopment Contract;

(c) if Redeveloper is a corporation, any merger, consolidation, split off, split-up, spin off or other reorganization of Redeveloper which does not result in a substantial change of control or management of the Redeveloper, provided that any such successor owner of the Project agrees to assume all obligations of the Redeveloper and be bound by all terms and conditions of this Redevelopment Contract;

(d) if Redeveloper is an individual, any conveyance to Redeveloper's spouse, or to Redeveloper's spouse or issue pursuant to bequest or the laws of intestacy upon the death of Redeveloper;

(e) any conveyance to a limited partnership so long as Redeveloper is general partner in the limited partnership.

ARTICLE V

FINANCING REDEVELOPMENT PROJECT; ENCUMBRANCES

Section 5.01 Financing.

Redeveloper shall pay all Project Costs, if any, which are in excess of the amounts paid from the proceeds of the TIF Indebtedness granted to Redeveloper. Prior to issuance of the TIF Indebtedness, Redeveloper shall provide Authority with evidence satisfactory to the Authority that private funds have been committed to the Redevelopment Project in amounts sufficient to complete the Redevelopment Project.

Section 5.02 Encumbrances.

Redeveloper shall not create any lien, encumbrance or mortgage on the Project or the Premises except encumbrances which secure indebtedness incurred to acquire, construct and equip the Project or for any other physical improvements to the Premises.

ARTICLE VI

DEFAULT, REMEDIES; INDEMNIFICATION

Section 6.01 General Remedies of Authority and Redeveloper.

Subject to the further provisions of this Article VI, in the event of any failure to perform or breach of this Redevelopment Contract or any of its terms or conditions, by either party hereto or any successor to such party, such party, or successor, shall, upon written notice from the other, proceed immediately to commence such actions as may be reasonably designed to cure or remedy such failure to perform or breach which cure or remedy shall be accomplished within a reasonable time by the diligent pursuit of corrective action. In case such action is not taken, or diligently pursued, or the failure to perform or breach shall not be cured or remedied within a reasonable time, this Redevelopment Contract shall be in default and the aggrieved party may institute such proceedings as may be necessary or desireable to enforce its rights under this Redevelopment Contract, including, but not limited to, proceedings to compel specific performance by the party failing to perform or in breach of its obligations.

Section 6.02 Additional Remedies of Authority.

In the event that:

(a) The Redeveloper, or successor in interest, shall fail to complete the construction of the Project on or before December 31, 2002, or shall abandon construction work for any period of 90 days;

(b) The Redeveloper, or successor in interest, shall fail to pay real estate taxes or assessments on the Premises or any part thereof or payments in lieu of taxes pursuant to Section 4.07 when due, and such taxes or assessments or payments in lieu of taxes shall not have been paid, or provisions satisfactory to the Authority made for such payment within 30 days following written notice from Authority; or

(c) There is, in violation of Section 4.08 of this Redevelopment Contract, transfer of the Premises or any part thereof, and such failure or action by the Redeveloper has not been cured within 30 days following written notice from Authority, then the Redeveloper shall be in default of this Redevelopment Contract.

In the event of such failure to perform, breach or default occurs and is not cured in the period herein provided, the parties agree that the damages caused to the Authority would

be difficult to determine with certainty and that a reasonable estimation of the amount of damages that could be incurred is the amount of the grant to Redeveloper pursuant to Section 3.05 of this Redevelopment Contract plus interest as provided herein (the "Liquidated Damages Amount"). The Liquidated Damages Amount shall be paid by Redeveloper to Authority within 30 days of demand from Authority.

Interest shall accrue on the Liquidated Damages Amount at the rate of one percent (1%) over the prime rate as published and modified in the Wall Street Journal from time to time and interest shall commence from the date that the Authority gives notice to the Redeveloper demanding payment.

Payment of the Liquidated Damages Amount shall not relieve Redeveloper of its obligation to pay real estate taxes or assessments or payments in lieu of taxes with respect to the Project.

Section 6.03 Remedies in the Event of Other Redeveloper Defaults.

In the event the Redeveloper fails to perform any other provisions of this Redevelopment Contract (other than those specific provisions contained in Section 6.02), the Redeveloper shall be in default. In such an instance, the Authority may seek to enforce the terms of this Redevelopment Contract or exercise any other remedies that may be provided in this Redevelopment Contract or by applicable law; provided, however, that the default covered by this Section shall not give rise to a right of rescission or termination of this Redevelopment Contract, and shall not be covered by the Liquidated Damages Amount.

Section 6.04 Enforced Delay Beyond Party's Control.

For the purposes of any of the provisions of this Redevelopment Contract, neither the Authority nor the Redeveloper, as the case may be, nor any successor in interest, shall be considered in breach of or default in its obligations with respect to the conveyance or preparation of the Premises for redevelopment, or the beginning and completion of construction of the Project, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, or of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays in subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the Authority or of the Redeveloper with respect to construction of the Project, as the case may be, shall be extended for the period of the enforced delay: Provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay, have first notified the other party thereof in writing, and of the cause or causes thereof and requested an extension for the period of the enforced delay.

Section 6.05 Limitation of Liability; Indemnification

Notwithstanding anything in this Article VI or this Redevelopment Contract to the contrary, neither Authority, City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Contract. The obligation of the Authority on any TIF Indebtedness shall be limited solely to the TIF Revenues pledged as security for such TIF Indebtedness. Specifically, but without limitation, neither City nor Authority shall be liable for any costs, liabilities, actions, demands, or damages for failure of any representations, warranties or obligations hereunder. The Redeveloper releases the Authority and the City from, agrees that the Authority and the City shall not be liable for, and agrees to indemnify and hold the Authority and the City harmless from any liability for any loss or damage to property or any injury to or death of any person that may be occasioned by any cause whatsoever pertaining to the Project.

The Redeveloper will indemnify and hold each of the Authority and the City and their directors, officers, agents, employees and member of their governing bodies free and harmless from any loss, claim, damage, demand, tax, penalty, liability, disbursement, expense, including litigation expenses, attorneys' fees and expenses, or court costs arising out of any damage or injury, actual or claimed, of whatsoever kind or character, to property (including loss of use thereof) or persons, occurring or allegedly occurring in, on or about the Project during the term of this Redevelopment Contract or arising out of any action or inaction of Redeveloper, whether or not related to the Project, or resulting from or in any way connected with specified events, including the management of the Project, or in any way related to the enforcement of this Redevelopment Contract or any other cause pertaining to the Project.

ARTICLE VII

MISCELLANEOUS

Section 7.01 Notice Recording.

This Redevelopment Contract or a notice memorandum of this Redevelopment Contract shall be recorded with the County Register of Deeds in which the Premises is located.

Section 7.02 Governing Law.

This Redevelopment Contract shall be governed by the laws of the State of Nebraska, including but not limited to the Act.

Section 7.03 Binding Effect, Amendment.

This Redevelopment Contract shall be binding on the parties hereto and their respective successors and assigns. This Redevelopment Contract shall run with the Premises. The Redevelopment Contract shall not be amended except by a writing signed by the party to be bound.

IN WITNESS WHEREOF, Authority and Redeveloper have signed this
Redevelopment Contract as of the date and year first above written.

COMMUNITY REDEVELOPMENT
AUTHORITY OF THE CITY OF
GRAND ISLAND, NEBRASKA

ATTEST:

Secretary

By: _____
Its Chair

STATE OF NEBRASKA)
) ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2002, by _____ and
_____, Chair and Secretary, respectively, of the Community
Redevelopment Authority of the City of Grand Island, Nebraska, on behalf of the Authority.

(S E A L)

Notary Public

RSF LIMITED PARTNERSHIP,
REDEVELOPER

By:

Its: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2002, by _____, General Partner of RSF Limited
Partnership, on behalf of the _____.

(S E A L)

Notary Public

EXHIBIT A

DESCRIPTION OF PREMISES

Lots One (1) and Two (2), Block Eighteen (18), Arnold and Abbott
Addition to the City of Grand Island, Hall County, Nebraska

EXHIBIT B

DESCRIPTION OF PROJECT

Renovation of existing structure into dental office and additional office space.

EXHIBIT C

TIF INDEBTEDNESS

Lender: Wells Fargo Bank Nebraska, National Association

Amount: Maximum amount amortizable over term based on Interest Rate and projected Project valuation

Interest Rate: To be determined at funding

Amortization: Not less frequently than semiannually

Term: 15 years from effective date

EXHIBIT D

PROJECT COSTS

1. Site acquisition
2. Site clearing and related site development
3. Off-site improvements
 - a. Streets
 - b. Utility mains
 - c. Street lights
4. On-site improvements
 - a. Sidewalks
 - b. Utility extensions



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G14

#2002-196 - Approving Resolution of Intent to Create Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road

At the City Council Meeting of June 11, 2002, the Council adopted a Resolution defining the boundaries for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road. The Resolution also provided for the formation of a Business Improvement District #4 Board and for the appointment of Mike Toukan, Scott Zana, Kris Nolan Brown, Buzz Douthit, Bill Martin, Hugh Miner and Byron Wheeler. Property owners in this area are organizing their efforts to continue the street improvements that are now evident along the southernmost portions of South Locust Street, including pedestrian lighting, landscaping and sidewalks. The goals include the redevelopment of South Locust into an appealing corridor and entrance into Grand Island in anticipation of the additional flow of traffic to South Locust Street, upon the completion of the I-80 exit to South Locust Street. State statutes allow for the creation of business improvement districts and the expenditure of funds for improvements of public places or facilities within the district, including the acquisition, construction, maintenance, and operation of such improvements, creation and implementation of a plan for improving the general architectural design of public areas within the district, the development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, and employing or contracting for personnel for any improvement program under the act.

The Regional Planning Commission, at a meeting of June 19, 2002, reviewed the boundaries and purpose of the Business Improvement District and by a unanimous vote of the 10 members present recommended the City Council approve the creation of the District.

The first meeting of the BID #4 Board was held on July 2, 2002. The Board voted unanimously to formally recommend that the City Council create the District. The Board reviewed proposed activities in the District and developed a budget for the entire 10-year life of the District. The next step in the process is consideration of Resolution of Intent to Create the District. Notification will then be mailed to every property owner in the District as well as published in the Grand Island Independent. It should be noted that petitions of support for creation of the District have been received by the City, reflecting more than 73% support. Approval is recommended.

Staff Contact: Cindy Johnson

OFFICIAL PROCEEDINGS

MINUTES OF

BUSINESS IMPROVEMENT DISTRICT #4 South Locust Street, Stolley Park Road to Fonner Park Road

July 2, 2002

Pursuant to due call and notice thereof, a regular meeting of the Business Improvement District #4 Board, South Locust Street, Stolley Park Road to Fonner Park Road, was held on July 2, 2002 at City Hall, 100 East First Street. Notice of the meeting was given in the Grand Island Independent on June 27, 2002.

The following board members were present: Hugh Miner, Byron Wheeler, Scott Zana, Mike Toukan, Buzz Douthit, and Bill Martin. City staff present were Cindy Johnson, Community Projects Director and Charlie Cuypers, City Attorney.

Election of Officers. Motion by Wheeler, second by Miner to nominate Toukan as Chair and Zana as Vice-Chair. Motion was adopted unanimously.

Term of Board Appointment. In order to have continuing leadership on the Board, board members agreed to serve two or three year terms. The following terms were approved unanimously on motion by Wheeler, second by Miner. Toukan, Zana, Douthit and Martin to serve three-year terms; Wheeler, Nolan-Brown and Miner to serve two-year terms.

Approving Formal Recommendation to City Council Relative to Formation of District. Motion by Zana, second by Martin, carried unanimously to make a formal recommendation to the City Council in support of the formation of Business Improvement District #4. Johnson noted a copy of these minutes would be provided to the City Council.

Approving Proposed District Activities. Johnson reviewed the proposed District activities included in the agenda packet and reported that the State Statutes and subsequent case law required Districts to identify, at the time of formation, the activities of the district and the anticipated costs associated with those activities over the life of the district. Zana spoke in support of the proposed activities and noted that there was significant momentum with redevelopment of the South Locust corridor and into the downtown area and the District should position itself to assist with redevelopment. Wheeler questioned the priorities of the District. Zana responded that the priority was improvement of the business activity along the corridor and that the proposed activities would all assist in meeting that objective. Johnson reviewed the wording in the Resolution of Intent and noted this wording would be carried forward to the Ordinance creating the District that then gave direction and authority to the Board. Zana noted there would likely be opportunities to partner with BID #3 to achieve the objectives of the entire corridor. Discussion was held on the front footage assessment fee to calculate for life of District and the estimated costs associated with undertaking the proposed activities within the District. Motion by Zana, second by Douthit to set the front footage fee at \$4.40 in year one with a 5%

inflation factor for each subsequent year. Miner spoke in support of contracting with the City for services relating to administration of the Business Improvement District and suggested that an interlocal agreement could be drafted to reflect a multi-year contract fee amount. Johnson to pursue with City Legal Department. Martin noted that the \$4.40 per front foot was a starting point and could be adjusted from year to year as needs dictated but reiterated the entire budget for the life of the district could never exceed that established in the Resolution of Intent. Johnson explained this requirement provided a comfort level to property owners of what assessments would be. Discussion was held on the need to have funds available to assist with an entrance to the Heartland Events Center or to carry forth ideas identified in the Design and Identity Plan. Roll call vote was taken on motion to establish total assessments for life of District at \$4.40 per front footage with a 5% inflation factor each year for the remaining 9 years of the life of the District.

Motion by Martin, second by Zana, carried unanimously to approve the Proposed Activities of the District.

Consideration of FY 2002-2003 Annual Budget to Carry Out Responsibilities of the District. Johnson reviewed the City parameters relative to development of the City budget and the timeline for submittal of Business Improvement District budgets for assessment on October 1, 2002, assessments due 50 days after billing, and the fiscal year for the City being October 1, 2002 through September 30, 2002. It was noted that the Board would have to establish a budget to address issues that could arise over the next 14 months. Zana suggested the first year assessments be set at \$3.50 per front footage in order to cover anticipated expenditures and to allow for unexpected expenses. Wheeler spoke in support of not assessing until the project area was complete and turned over to the District. Toukan noted the need to plan for the expenses associated with maintenance and landscaping in the event the land is turned over in late summer, early fall. Johnson noted there would be some expenses associated with legal notices, publications, and other administrative activities. Wheeler suggested the Board obtain a line of credit for the anticipated District costs for the entire 10 years and then pay for expenses as they occurred rather than through an October assessment. Charlie Cuypers, City Attorney, stated that the BID did not have ability to incur debt but that the Board could use an outside management company to handle affairs and the outside management company could assume responsibility for the revenue and expenditure stream. Nolan-Brown pointed out this could be at an increased cost to the property owners. Cuypers stated that the District had to assess in October in order to have revenue available to pay the bills as the bills were presented but that the City Finance Department would have an understanding of the total amount of funds available to the District and allow payments accordingly. Toukan spoke in support of establishing an initial assessment that did not raise substantially from year one to year two. Zana stated that as a businessman he was interested in knowing what his assessments would be from year to year and supported steadiness and stable amount of assessments. Wheeler stated the property owners needed to see what they were getting for their assessments. Toukan spoke in support of having sufficient funding available to complete the responsibilities of the District with some cushion but no hills or valleys. Miner spoke in agreement. Motion by Zana, second by Wheeler, to support development of a budget for FY 2002-2003 with an assessment level of \$3 for the first year. Upon roll call vote, all voted aye. Motion was adopted unanimously. Johnson noted that if the City Council approved the Resolution of Intent to support the District, all property owners within

the District would get a copy of the publication relative to creation of the District. Nolan-Brown noted the need to communicate with the property owners the role of the District. Toukan to attend July 9, 2002 City Council Meeting. Others to check their schedules for availability at the Public Hearing scheduled for July 23, 2002.

Next meeting. The consensus of the group was to hold monthly meetings and that the meetings be the first Tuesday of the month, 8:15 a.m., at City Hall. The next meeting will be August 6, 2002.

Respectfully submitted,

Cindy K. Johnson
Community Projects Director



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Doniphan, Nebraska

June 19, 2002

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

Dear Mayor and Members of the Council:

RE: Creation of Business Improvement District 4, in the City Of Grand Island. (C-14-2002G)

At the special meeting of the Regional Planning Commission, held June 19, 2002 the above item was considered. This item proposes to create a Business Improvement District encompassing the area north of Stolley Park Road and south of Fonner Park Road along South Locust Street as shown on the attached map. The purpose of the BID would be to install and maintain historic lighting, landscaping and sidewalks along South Locust Street similar to that done south of Stolley Park Road.

Nabity said this would create a Business Improvement District to install & maintain historic lighting, landscaping, & sidewalks in the area.

Cindy Johnson explained to the commission members how a Business Improvement District works and how they function.

No members of the public spoke for or against this item.

Following further discussion a motion was made by Miller and 2nd by O'Neill to recommend the City Council approve the creation of Business Improvement District 4, in the City Of Grand Island.

A roll call vote was taken and the motion passed unanimously with 10 members present voting in favor (Miller, Amick, Eriksen, Hooker, Lechner, Haskins, Ruge, O'Neill, Obst, Wagoner).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Attorney
Director of Public Works
Director of Utilities
Director of Building Inspections
Community Projects

RESOLUTION 2002-196

WHEREAS, the Business Improvement Board for Business Improvement District No. 4 (hereinafter BID 4 Board) has recommended that the City of Grand Island create a business improvement district along South Locust Street with boundaries in the form hereinafter set forth; and

WHEREAS, on June 19, 2002, the Regional Planning Commission recommended approval of the creation of such business improvement district; and

WHEREAS, the City Council has determined that a public hearing should be held on the proposed business improvement district.

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

1. The proposed boundaries of Business Improvement District No. 4 are described as follows:

Beginning at the southeast corner of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Grand Island, Hall County, Nebraska; thence west on the south line of Section 21-11-9 for a distance of One Hundred (100.0) feet; thence north on a line One Hundred (100.0) feet west of and parallel with the line common to Section 21-11-9 and Section 22-11-9 to the north line of the Southeast Quarter (SE1/4) of Section 21-11-9; thence east on the north line of the Southeast Quarter (SE1/4) of Section 21-11-9 and the north line of the Southwest Quarter (SW1/4) of Section 22-11-9 for a distance of Two Hundred (200.0) feet; thence south on a line One Hundred (100.0) feet east of and parallel to the line common to Section 21-11-9 and Section 22-11-9 to the south line of Section 22-11-9; thence west on the south line of Section 22-11-9 for a distance of One Hundred (100.0) feet to the point of beginning, as shown on the drawings dated May 28, 2002, attached hereto and incorporated herein by reference.

2. The proposed district shall be considered in public hearing before the City Council on July 23, 2002, at 7:00 p.m. in the Council Chambers at City Hall in Grand Island, Nebraska.

3. The proposed public facilities and improvements to be made and maintained within the proposed district shall include: maintenance and improvement of the landscaped greenway; maintenance, repair, improvement and replacement of the sprinkler system in the greenway; regular mowing and trimming of the greenway; all facets of the purchase, care and replacement of trees, shrubs and grass and other decorative improvements; snow removal from the sidewalks parallel to S. Locust; employment of or contracting for personnel, purchase of equipment, materials, supplies or other expenses to accomplish the purposes of the district; other incidental or ongoing expenses as needed for the maintenance, improvement

and beautification of the green belt area and to accomplish the goals and objectives of the Business Improvement Board of the district.

4. The estimated ten-year costs for Business Improvement District #4 improvements and facilities as stated in paragraph 3 above is \$275,000. The proposed method by which the revenue shall be raised is by special assessment.

5. The proposed special assessment method by which the revenue shall be raised shall be fair and equitable and shall be based upon the special benefit to the property within the district.

6. A copy of this resolution of intention shall be published one time in the *Grand Island Independent*, and a copy shall be mailed to each owner of taxable property as shown by the latest tax rolls of the Hall County Treasurer.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G15

#2002-197 - Approving Bid Award for Sanitary Sewer District 501, Freedom Acres

The Engineering Division of the Public Works Department advertised for bids for Sanitary Sewer District No. 501, Freedom Drive on June 11, 2002. The Public Works Department, Engineering Division and the Purchasing Division of the City Attorney's Office reviewed all bids received on June 27, 2002. All bids received met specifications. One bid received was less than the engineer's estimate of \$354,150.30. The three bids received were: The Diamond Engineering Company bid of \$322,423.16; General Excavating bid of \$416,917.72; and the Starostka Group Company bid of \$435,527.81. It is recommended that Council award 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.

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



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 27, 2002 @ 10:45 a.m.
FOR: Sanitary Sewer District No. 501
DEPARTMENT: Public Works
ENGINEER'S ESTIMATE: \$354,150.30
FUND/ACCOUNT: 53030055-85213
PUBLICATION DATE: June 11, 2002
NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>The Diamond Engineering Company</u> Grand Island, NE	<u>Starostka Group Co.</u> Grand Island, NE
Bid Security:	Travelers Casualty and Surety Company of America	Merchants Bonding Company
Exceptions:	None	None
Bid Price:	<u>\$322,423.16</u>	<u>\$435,527.81</u>
Bidder:	<u>General Excavating</u> Lincoln, NE	
Bid Security:	Universal Surety Company	
Exceptions:	None	
Bid Price:	<u>\$416,917.72</u>	

cc: Steve Riehle, Public Works Director
Ben Thayer, Waste Water Treatment Superintendent
RaNae Edwards, City Clerk
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

Bid specs. given to Ben Thayer

P-742

RESOLUTION 2002-197

WHEREAS, the City of Grand Island invited sealed bids for Sanitary Sewer District No. 501, according to plans and specifications on file with the City Engineer; and

WHEREAS, on June 27, 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 \$322,423.16; 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 \$322,423.16 for Sanitary Sewer District No. 501 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 July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐
July 5, 2002	☐ City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G16

#2002-198 - Approving Replacement of Pump No. 3 - Platte River Pumping Station

With the completion of the Water System Master Plan, it is the recommendation of the Utilities Department that the City proceed with the system improvement needs identified in that report, starting with the Platte River Pumping Station.

The Platte River Pumping Station moves the water supplied by the 21 wells at the wellfield to the in-town storage reservoirs. There are three split case centrifugal pumps at the station. The largest of those three pumps has developed a casing leak, and upon investigation, it was found that the pump casing is severely worn and eroded on the interior. The pump is currently in standby status, for emergency operation only.

The Water System Master Plan identified the need to add additional water storage and high pressure pumping capacity to continue to meet City growth. High pressure pumping capacity was last expanded in 1990, and since that time several high-pressure wells have been lost. The capital plan included addition of reservoir storage and pumping capacity at the existing Rogers Reservoir site in 2005. The increased storage and high pressure pumping capacity will require additional water from the wellfield, and expansion of facilities there too.

Rather than repair or replace the failed pump at the wellfield with a duplicate unit, the Department believes that the most cost effective approach is to design and add pumping capacity for the projected increased need at this time. CH2M Hill was authorized by Council to proceed with the required engineering in January of this year.

Discussion:

The specifications were issued to 15 pump and motor suppliers. Responses were received from the following bidders. The bid price below includes sales tax. The engineer's estimate for this project was \$750,000.

Bidder #1) Flowserve - Taneytown, MD \$513,566.00.

Bidder #2) Sumitomo Corp. of America - Los Angeles, CA \$598,287.00.

Recommendation:

Our consultants, CH2M Hill, and Department engineering staff reviewed the bids for compliance with the City's detailed specifications and find both to meet the specifications. It is the recommendation of the Utilities Department that the low bidder, Flowserve, be awarded the contract for this work in the amount of \$513,566.00.

Fiscal Effects:

Expenditure of \$513,566.00 from Enterprise Fund 525.

Alternatives:

Award to the next lowest bidder, Sumitomo Corp. of America.

Repair existing pump for now and purchase the larger unit later. 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: June 20, 2002 @ 11:00 a.m.
FOR: Platte River Pumping Station No. 3 Replacement (REBID)
DEPARTMENT: Utilities - PGS
ENGINEER'S ESTIMATE: \$750,000
FUND/ACCOUNT: E525
PUBLICATION DATE: June 1, 2002
NO. POTENTIAL BIDDERS: 15

SUMMARY

Bidder:	<u>Flowserve</u> Taneytown, MD	<u>Sumitomo Corporation of America</u> Los Angeles, CA
Bid Security:	Travelers Casualty and Surety Company of America	Federal Insurance Company
Exceptions:	None	None
Bid Price:	<u>\$513,566.00</u>	<u>\$598,287.00</u>

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

Bid specs. given to Tim Luchsinger, PGS

RESOLUTION 2002-198

WHEREAS, the City of Grand Island invited sealed bids for Platte River Pumping Station, Pump No. 3 Replacement, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on June 20, 2002, bids were received, opened and reviewed by City staff and CH2M Hill, the City's consultants on the project; and

WHEREAS, Flowserve of Taneytown, Maryland, 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 \$513,566.00; and

WHEREAS, Flowserve'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 Flowserve of Taneytown, Maryland, in the amount of \$513,566.00 (includes sales tax) for Platte River Pumping Station, Pump No. 3 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 July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
July 5, 2002	? City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G17

#2002-199 - Approving Bid Award - Phase 4 Downtown Alley Improvement Project

The fourth phase of the joint Utilities Department and Public Works Department project for downtown alley improvements provides for removal and replacing the concrete alley surfacing, installing storm drainage, burying the primary and secondary power lines, and installing area lighting. The project boundary is between South Front Street and 3rd Street, from Clark Street to Cedar Street; and between First Street and Division, from Cedar Street to Locust Street, and the east half of the block south of Division Street and west of Wheeler Avenue.

Discussion:

The project was publicly advertised and bids were opened at 11:00 a.m. on June 26, 2002 in accordance with the City's procurement requirements. Two bids were received. The bid forms have been checked and evaluated for completeness and accuracy, and are acceptable as submitted. Below is a summary of the bids.

*Bidder: Diamond Engineering Co. Starostka Group Co.
Grand Island Grand Island, NE*

Exceptions: None None

*Electrical Project 2002-UG-1: \$322,111.90 \$349,143.65
Paving/Storm Sewer: \$ 69,984.55 \$ 81,028.25
TOTAL BID \$392,096.45 \$430,171.90*

Recommendation:

It is recommended that the contract for Downtown Alley Improvements - Phase 4, Paving/Storm Sewer and Electrical Project 2002-UG-1 be awarded to the low bidder, Diamond Engineering Co., in the amount of \$392,096.45. Their bid is without exceptions and is below the estimate of \$619,230.25.

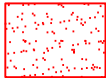
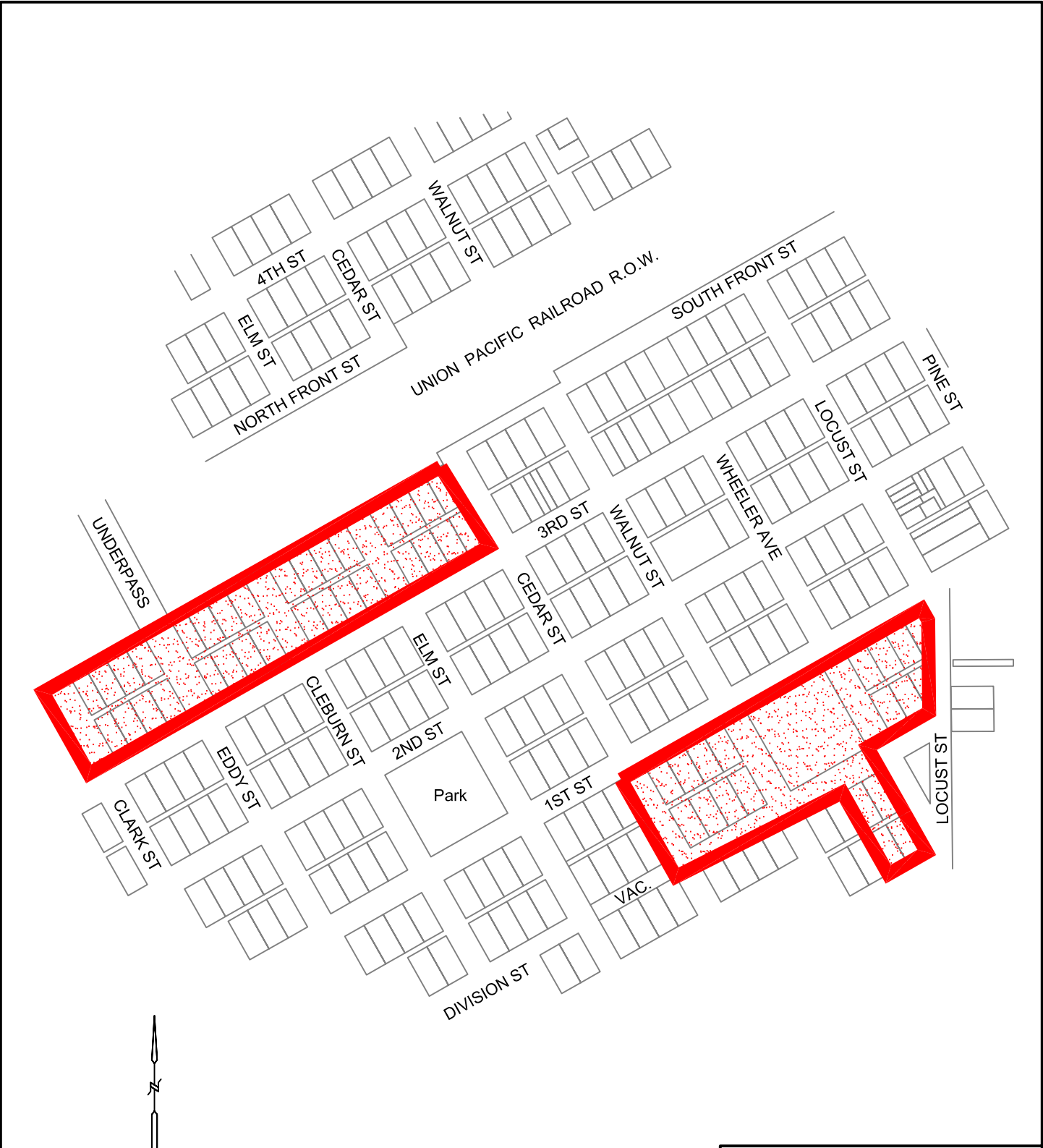
Fiscal Effects:

Funds for the construction are available from the Capital Projects Fund and the Electrical Utility Enterprise Fund 520.

Alternatives:

Award to an alternate bidder or cancel the project. See attached RESOLUTION.

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



INDICATES DOWNTOWN ALLEY IMPROVEMENTS - PHASE 4
PAVING / STORM SEWER, & ELEC. PROJ. 2002-UG-1

CITY OF
GRAND ISLAND

UTILITIES DEPARTMENT

**DOWNTOWN ALLEY
IMPROVEMENTS
PHASE 4**

DRN BY: K.J.M.	SCALE: 1"= 50'
DATE: 7/01/2002	FILE: PHASE 4



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 26, 2002 @ 11:00 a.m.

FOR: Downtown Alley Improvement – Phase 4 Paving, Storm Sewer
and Electrical Project 2002-UG-1

DEPARTMENT: Utilities and Public Works

ENGINEER'S ESTIMATE: Electrical \$513,000.00
Paving/Storm Sewer \$106,230.25
TOTAL \$619,230.25

FUND/ACCOUNT: 520 Enterprise Fund
40033530-90052 Capital Projects Fund

PUBLICATION DATE: June 7, 2002

NO. POTENTIAL BIDDERS: 17

SUMMARY

Bidder:	<u>Diamond Engineering Co.</u> Grand Island, NE	<u>Starostka Group Co.</u> Grand Island, NE
Bid Security:	Travelers Casualty and Surety Company of America	Merchants Bonding Company
Exceptions:	None	None
Bid Price:	<u>\$392,096.45</u>	<u>\$430,171.90</u>

cc: Tom Barnes, Senior Civil Engineer - Utilities
Ron Underwood, Senior Civil Engineer – Public Works
RaNae Edwards, City Clerk
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

RESOLUTION 2002-199

WHEREAS, the City of Grand Island invited sealed bids for Downtown Alley Improvement – Phase 4 Paving, Storm Sewer and Electrical Project 2002-UG-1, according to plans and specifications on file with the City Engineer; and

WHEREAS, on June 26, 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 \$392,096.45; 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 \$392,096.45 for Downtown Alley Improvements – Phase 4 Paving, Storm Sewer and Electrical Project 2002-UG-1 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 July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐
July 5, 2002	☐ City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G18

#2002-200 - Approving Designation of a Loading Zone for Trinity Lutheran Church at 212 West 12th Street

The designation of a Loading Zone must be approved by the Council through passing of a Resolution. Trinity Lutheran Church submitted a request for a Loading Zone for the convenience of their members at 212 West 12th Street. If passed, the Zone will be created and will have a twenty-minute time limit for vehicles per the City Code, Section 22-82 as follows:

§22-82. Loading Zones

It shall be unlawful for the driver of any vehicle to stop, park, or leave such vehicle standing at any designated loading or unloading zone for a period of time longer than twenty minutes, except when necessary for the expeditious loading or unloading of passengers, merchandise, or materials.

The Traffic Division shall designate such loading and unloading zones by causing the curb to be painted yellow, and shall either paint on such curb or sidewalk above it the words, "Loading Zone," or shall cause suitable markers to be placed thereat containing such words.

It is recommended that Council approve the creation of a Loading Zone in front of 212 W 12th Street , starting 112' east of the east back of the curb line of Wheeler Avenue and proceeding 26' to the east of that point.

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

R E S O L U T I O N 2002-200

WHEREAS, the City Council, by authority of Section 22-77 of the Grand Island City Code may, by resolution, entirely prohibit, or fix a time limit for the parking and stopping of vehicles in or on any public street, public property, or portion thereof; and

WHEREAS, Trinity Lutheran Church has requested a Loading Zone at 212 West 12th Street, starting 112 feet east of the east back of the curb line of Wheeler Avenue and proceeding 26 feet to the east of that point; and

WHEREAS, the proposed parking restriction will allow parking for no more than 20 minutes for the expeditious loading or unloading of passengers, merchandise, or materials; and

WHEREAS, it is in the best interests of the City to effect such regulations.

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

1. That a Loading Zone be implemented at 212 West 12th Street, starting 112 feet east of the east back of the curb line of Wheeler Avenue and proceeding 26 feet to the east of that point.
2. The Street Department is directed to erect and maintain the signs and street markings necessary to effect the above regulations.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 9, 2002.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G19

#2002-201 - Approving Resolution for Installation of Stop Sign for Westbound Traffic on 8th Street Approaching Howard Avenue

Council action is required for the installation of stop signs.

Property owners near the intersection of 8th Street and Howard Avenue have requested the installation of a stop sign at this intersection.

West Leg

The west leg of the intersection is a driveway to the Saint Francis Medical Center.

Eastbound traffic leaving the Center is required to stop before entering the intersection.

East Leg

The east leg of the intersection is a 37' wide concrete curb and gutter street.

Installing a stop sign for westbound traffic on 8th Street will improve the safety of the intersection. It is recommended that Council pass a Resolution for the installation of a stop sign for eastbound traffic on 8th Street at Howard Avenue. The cost for the stop sign and installation would be minimal.

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

R E S O L U T I O N 2002-201

WHEREAS, the City Council, by authority of Section 22-27 of the Grand Island City Code, may by resolution regulate motor vehicle traffic upon the streets of the City of Grand Island; and

WHEREAS, property owners in the area of 8th Street and Howard Avenue have requested the installation of a stop sign to improve safety at the intersection;

WHEREAS, after a review of the traffic flow of the intersection, it was recommended that a stop sign be installed for traffic on 8th Street to require all west bound traffic to stop prior to entering the intersection; and

WHEREAS, it is in the city's best interests to effectuate such changes.

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

1. A stop sign be installed on 8th Street where it intersects with Howard Avenue, requiring all west bound traffic to stop prior to entering such intersection.
2. The Street Department is hereby directed to install such signs and lights to regulate traffic as outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
July 5, 2002	? City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G20

#2002-202 - Approving Continuation of Sewer District 505 - Seedling Mile Road and Willow Street, North of US Highway 30

Sanitary Sewer District 505 was created by the City Council on May 21, 2002. Legal Notice of the creation of the District was published in the Grand Island Independent on May 28, 2002. A letter with a copy of the Ordinance and Notice was also mailed to all property owners on May 28, 2002. Council action is required to continue the District.

Sanitary Sewer District 505 completed the 30-day protest period at 5:00 p.m. Thursday, June 27, 2002. There were protests filed against this District by two eligible abutting property owners. These owners represented 639.43 front feet or 24.27% of the total District frontage of 2,634.72 feet. Accordingly, this District may be continued and constructed. It is recommended that the Council continue the District. A 10 year assessment period is recommended. The majority of the costs of the District will be assessed to the benefiting properties.

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

R E S O L U T I O N 2002-202

WHEREAS, Sanitary Sewer District No. 505 was created by Ordinance No. 8736 on May 21, 2002; and

WHEREAS, notice of the creation of such sewer district was published in the Grand Island Independent, on May 28, 2002, in accordance with the provisions of Section 16-667.01, R.R.S. 1943; and

WHEREAS, Section 16-667.01, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within thirty days from the first publication of said notice written objections to such district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on June 27, 2002, and protests have been filed against the creation of such district which represents 24.27% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 505, therefore such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 5, 2002	☐ City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G21

#2002-203 - Approving Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10 by Eminent Domain (T & E Cattle Company)

This item relates to Item E-6 above. The proposed resolution authorizes acquisition of a drainage ditch right of way from T&E Cattle Company by an action in eminent domain in the Hall County Court. Negotiations for a voluntary acquisition of the right of way have proven fruitless, so this is the only avenue left for acquiring the land necessary for the drainage ditch.

Staff Contact: Charlie Cuypers

RESOLUTION 2002-203

WHEREAS, on April 23, 2002, by Resolution 2002-107, the City of Grand Island approved and authorized the acquisition of public right-of-way along North Road, adjacent to Faidley Avenue from T & E Cattle Company, a corporation, for the purpose of a drainage ditch; and

WHEREAS, the City and T & E Cattle Company have been unable to agree upon a price and terms for the acquisition of right-of-way; and

WHEREAS, Section 19-709, R.R.S. 1943, authorizes the City to appropriate private property for use of the City for public facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire the following property as public right-of-way:

Tract No. 1: A tract of land comprising a part of the northwest corner of the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska more particularly described as follows:

Beginning at a point where the east line of North Road intersects the north line of Faidley Avenue, said point being Thirty Three (33.0) feet east of the west line of the Southwest Quarter (SW1/4) of Section 13-11-10; thence north on the east line of North Road for a distance of Three Hundred Seventy (370.0) feet; thence east on a line Sixty (60.0) feet south of and parallel to the north line of the Southwest Quarter (SW1/4) of Section 13-11-10 for a distance of One Hundred Thirteen (113.0) feet; thence south on a line One Hundred Thirteen (113.0) feet east of and parallel to the east line of North Road for a distance of Three Hundred Seventy (370.0) feet to the north line of Faidley Avenue; thence west on the north line of Faidley Avenue for a distance of One Hundred Thirteen (113.0) feet to the point of beginning, containing 0.96 acres more or less, as shown on the plat dated March 6, 2002 attached hereto as "Tract 1".

Tract No. 2: A tract of land comprising a part of the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, being more particularly described as follows:

Beginning at a point on the south line of Faidley Avenue, said point being Sixty Six (66.0) feet east of the intersection of the west line of the Southwest Quarter (SW1/4) of Section 13-11-10 and the south line of Faidley Avenue; thence east on the south line of Faidley

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Avenue for a distance of Eighty (80.0) feet; thence south on a line One Hundred Thirteen (113.0) feet east of and parallel to the east line of North Road for a distance of One Thousand Seven Hundred Twelve and Seven Tenths (1,712.70) feet more or less to a point; thence west on a line Four Hundred Thirty Three (433.0) feet north of and parallel to the south line of Section 13-11-10 for a distance of One Hundred Thirteen (113.0) feet to the east line of North Road; thence north on the east line of North Road to a point where it intersects a prolongation of the north line of Potash Subdivision; thence east on a prolongation of the north line of Potash Subdivision for a distance of Thirty Three (33.0) feet; thence north on a line Thirty Three (33.0) feet east of and parallel to the east line of North Road to the point of beginning, containing 3.8 acres more or less, as shown on the plat dated March 6, 2002 attached hereto as "Tract 2".

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ July 5, 2002 ? City Attorney
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City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G22

#2002-204 - Approivng Bid Award for (3) Cardiac Monitors

Bids were opened on July 2, 2002, for three cardiac monitors. One bid was received which was within the estimated cost from Zoll Medical Corporation of Burlington, MA. This bid reflects the trade-in of three older monitors for a total bid of \$30,795. Approval is recommended.

Staff Contact: Jim Rowell



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: July 2, 2002 @ 11:30 a.m.
FOR: (3) Cardiac Monitors
DEPARTMENT: Fire
ENGINEER'S ESTIMATE: \$37,804.00
FUND/ACCOUNT: 10022102-85615
PUBLICATION DATE: June 15, 2002
NO. POTENTIAL BIDDERS: 2

SUMMARY

Bidder: Zoll Medical Corporation
Burlington, MA

Bid Security: Kemper Insurance

Exceptions: None

Bid Price: \$30,975.00

cc: Jim Rowell, Fire Chief
Chris Hoffman, Fire Secretary
RaNae Edwards, City Clerk
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

Bid specs. given to Chris Hoffman

RESOLUTION 2002-204

WHEREAS, the City of Grand Island invited sealed bids for Three (3) Cardiac Monitors, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on July 2, 2002, one bid was received, opened and reviewed; and

WHEREAS, Zoll Medical Corporation of Burlington, Massachusetts, 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 \$30,975.00 after trade-in; and

WHEREAS, Zoll Medical Corporation'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 Zoll Medical Corporation of Burlington, Massachusetts, in the amount of \$30,975.00 after trade-in for three (3) cardiac monitors is hereby approved as the lowest responsive bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐
July 5, 2002	☐ City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G23

#2002-205 - Approving Bid Award for Furnishing and Installation of Auto Cashier Multi-Space Pay Station

In accordance with a recommendation by the parking ramp committee, action by the Business Improvement District #2 (downtown), and the City Council, to move toward a pay for parking structure at the parking ramp, bids were solicited for the furnishing and installation of an auto cashier multi-space pay station. One bid was received, in the amount of \$20,171 from Access and Time Automation, Inc., Fort Collins, Colorado. The bid is under the estimate of \$22,500. Funds are available in 271001085615. Approval is recommended.

Staff Contact: Cindy Johnson

RESOLUTION 2002-205

WHEREAS, the City of Grand Island invited sealed bids for Downtown Grand Island Parking Ramp Auto Cashier Multi-Pay Station for the Development Division of the Community Projects Department, according to plans and specifications on file with the Community Projects Department; and

WHEREAS, on July 1, 2002, one bid was received, opened and reviewed; and

WHEREAS, Access & Time Automations, Inc. of Denver, 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 \$20,171.00; and

WHEREAS, Access & Time Automations, 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 Access & Time Automations, Inc. of Denver, Colorado, in the amount of \$20,171.00 for Downtown Grand Island Parking Ramp Auto Cashier Multi-Pay Station 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 July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐
July 5, 2002	☐ City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item I1

#2002-206 - Approving Installation of Additional Street Lights on 3rd Street from Blaine to Eddy Streets

An informational meeting was held on February 28, 2002, at the Edith Abbott Memorial Library to discuss additional lighting for the Third Street corridor from Blaine Street to Eddy Street. Ninety-eight invitations were mailed out to residents along Third Street. A copy of the invitation is attached. Three individuals attended the meeting.

Grand Island's Street Light Standards were discussed at the June 18, 2002 Study Session. Councilmember Fred Whitesides requested a future Council agenda item to authorize the installation of one additional streetlight per block on Third Street. Seventeen (17) additional streetlights could be placed mid-block without major disruption of parking areas or major tree trimming. Lath stakes were installed where the additional streetlights will be placed so everyone could see where the lights are being proposed. The estimated capital construction cost would be \$26,600. Money would have to be transferred from an existing account to fund the work.

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



*Interested in a lighted
street corridor on
3rd Street?*

Join Councilmember
Fred Whitesides and representatives
of the Public Works and Utilities
Departments at an
Informational Meeting

7:00 p.m.
Thursday Feb. 28, 2002
Edith Abbott Memorial Library
Meeting Room

*All Residents of the 3rd Street corridor
from Eddy Street to Blaine Street
are encouraged to attend*



3rd Street Lighting Informational Meeting

- **Who should attend?**
All residents and business owners in the 3rd Street corridor from Eddy Street to Blaine Street are welcome to attend!
- **Why has this meeting been called?**
Several area residents approached Councilmember Whitesides with a request for additional lighting for the area for greater recognition of the neighborhood and greater safety for area property.
- **What role will the City play in this process?**
Representatives of the City Public Works and Utilities Departments will share information regarding the requirements for adding additional streetlights to the neighborhood. This meeting is intended to give the neighborhood the information needed to organize themselves to complete the process.
- **Who can I contact for more information?**
Steve Riehle, Director of Public Works:
385-5444 ext. 260,
or by email: sriehle@grand-island.com.
For more information, visit
http://www.grand-island.com/departments/Utilities/Electric/utilities_electric_index.htm
then select streetlight request from sidebar menu

RESOLUTION 2002-206

WHEREAS, a suggestion has been made to increase the number of street lights along Third Street, from Blaine Street to Eddy Street; and

WHEREAS, an information meeting for affected property owners was held on February 28, 2002, at the Edith Abbott Memorial Library to discuss the proposed project in conjunction with the City's Street Light Standards; and

WHEREAS, it has been recommended that one additional streetlight per block along Third Street be installed from Blaine Street to Eddy Street; and

WHEREAS, it is anticipated that the cost of such additional streetlights will be approximately \$26,600.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that it is hereby approved that one additional streetlight per block along Third Street be installed between Blaine Street and Eddy Street.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
July 5, 2002	? City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item I2

#2002-207 - Resolution to Close Seedling Mile Road from Willow Street East for Approximately 450 feet.

The section of undisturbed concrete on Seedling Mile Road east of Willow Road and North of US Highway 30 is eligible for listing with the National Register of Historic Places. Public Works Director Steve Riehle and Don Anderson briefed Council on the historical significance of this stretch of the Lincoln Highway at the April 3, 2001 Study Session. Don's wife Mary wrote the book about the Lincoln Highway titled "Link Across America".

A Resolution to close Seedling Mile Road to vehicular traffic from the Willow Road intersection east for approximately 500' was on the agenda for Council consideration at the April 10, 2001 meeting. Abutting property owners expressed concerns about the impact of closing Seedling Mile Road on their property. They were especially concerned because the details of the Nebraska Department of Roads (NDOR) project to widen US Highway 30 were not yet finalized.

The item was tabled so Staff could work with property owners to address their concerns. A meeting was held with abutting property owners on May 15, 2002. Staff felt that the closing of this stretch of Seedling Mile Road would have to wait until the details of the NDOR's project were worked out. Copies of newspaper articles appearing in the Grand Island Independent on May 13 and May 16 are included for Council reference.

Construction work on the US Highway 30 project is well under way. A new frontage road connection between Seedling Mile/Stuhr Road north of US Highway 30 is now complete. The frontage road provides an access for the property owners that were concerned about closing Seedling Mile Road.

The Contractor was advised to keep construction equipment off this historical piece of road to preserve it. Unfortunately trucks and other traffic have still used the road. The road should be closed to all public vehicular traffic to preserve its integrity and prevent future damage.

It is recommended that Council approve closing the section of Seedling Mile Road to all vehicular traffic. Costs for installation of signs and barricades will be minimal.

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

Seedling Mile proposal creates confusion

Council's vote to close road may need to be postponed

By Tracy Overstreet
toverstreet@theindependent.com

The city of Grand Island and property owners affected by a proposed closure of part of Seedling Mile Road don't have an agreement after all.

Randy Rapien last month questioned how his triangular-shaped property could be accessed if an entry from Seedling Mile Road ceased to exist.

Public Works Director Steve Riehle thought Rapien was OK with a verbal commitment that a new driveway onto East Highway 30 could be constructed.

While Rapien said such southern access would be nice, he wants the offer "in writing" before consenting to have the road north of his property closed.

He also wants agreements spelled out on who will maintain the road property and who will pick up the

taxes currently assessed to him on nearly the full width of the road.

A special meeting has been set for 6 p.m. Tuesday to work out such details.

The Hall County Historical Society requested that 500 feet of Seedling Mile Road east of Willow Street be closed and placed on the National Register of Historic Places as an original "seedling mile" of a concrete transcontinental highway.

The 85-year-old Grand Island road was the first in Nebraska and the second in the United States to be made of concrete as part of the Lincoln Highway, society member Dick Good said.

The society made the request hoping that portion of the road could be formally closed during the Lincoln Highway Association's national conference June 13 through 16 in Grand Island.

The city council's vote to close the road, which Riehle has scheduled for May 22, may need to be postponed, he said. The council would have just one other regular voting meeting before

the national conference — and it would be on June 12, the day before the conference would start.

However, Rapien is not the only one with concerns.

"It's not settled and done," Richard Grudzinski said. "It's a bad deal."

Grudzinski leases the Kensinger Service Station, which would lose left-in and left-out access next year when the state Department of Roads widens East Highway 30, Riehle said.

That cutback in access to the south could mean a greater reliability on access from the north, Grudzinski said. That would be impaired if the stretch of Seedling Mile Road was closed.

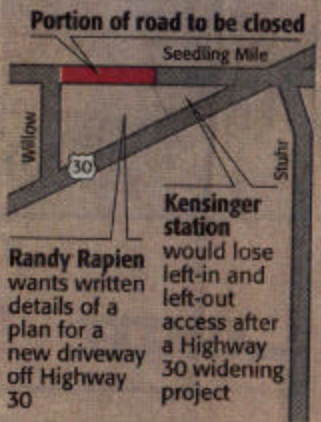
He's concerned also about the angle of the access from Highway 30, which may prevent semi-trucks from getting in and out.

"We started this a while back," Riehle said of the proposed closure. "But I guess now we're on hold."

The meeting will be in the Public Works Department conference room on the second floor of City Hall, 100 E. First.

Closing the original Seedling Mile

At the request of the Hall County Historical Society, the city is looking at closing a portion of Seedling Mile Road. Some nearby property owners object.



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Published Wednesday, May 16, 2001

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Compromise in the works for closing Seedling Mile Road

Kensinger Station looks at options for entrance

Last modified at 12:16 a.m. on Wednesday, May 16, 2001

By Tracy Overstreet
toverstreet@theindependent.com

The highway that built up Kensinger Station in Grand Island may now be its bane.

A project to widen East Highway 30, the very highway that has fed customers into the gas station since 1937, would cut off southern access and is making station manager Richard Grudzinski reluctant to give up the property's northern access from Seedling Mile Road.

But giving up both seems to be in Grudzinski's future -- like it or not -- as the city of Grand Island is strongly backing a request from the Hall County Historical Society to close part of Seedling Mile Road as a way to preserve the nation's effort in building a transcontinental highway.

The state's project to widen Highway 30 is scheduled for 2002-03 construction.

"It was a start to getting rid of the dirt and gravel roads and going to hard-surface," Steve Riehle, city public works director said of the 85-year-old stretch of Seedling Mile Road.

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Although the meeting was called to discuss Seedling Mile, talks frequently wafted back to the Highway 30 project because the Grudzinski and Rapien properties are sandwiched between the two roads on the north and south respectively.

"I actually want the stupid road closed because I'm tired of cleaning it up," Rapien said of Seedling Mile Road. "There are smut magazines and everything else back there."

But what Rapien wanted to ensure is that he could receive a permit to construct a driveway off of East Highway 30 -- a permit granted by the State Department of Roads -- so he could access his property from the south if the northern access was lost.

Riehle said by reducing the amount of Seedling Mile closed from 500 feet east of Willow Street, to 400 feet, the city could also guarantee Rapien room enough for a small driveway on the north where Seedling Mile would be dead-ended.

Rapien seemed satisfied and praised Riehle for taking time Monday night to come walk his property and personally view the issue.

But Grudzinski's fix wasn't so simple.

Alternative sketches were penciled over Nebraska Road Department maps by Project Manager Scott Gripenstroh.

He and Grudzinski both seemed optimistic about an option that would have the state build a cul-de-sac immediately north of Kensinger Station with a driveway in and driveway out onto a frontage road. The cul-de-sac would link to Stuhr Road.

"I'd have to get rid of a warehouse and a line of trailers" rented out as housing, Grudzinski said.

His mother-in-law owns the property and would have to give that consent.

Gripenstroh said the cul-de-sac option would have to be

What do you think?

Post your thoughts in the Public Forum.

Screen Name:



conjunction with the Lincoln Highway Association national convention in Grand Island June 13 through 16 -- a timeline that Riehle said is now unlikely.

"It was just an opportunity, but it's not a do or die thing," historical society member Dick Good said of the timing with the convention.

Your Turn

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RESOLUTION 2002-207

WHEREAS, in July 1913, the Lincoln Highway Association was formed with a goal of creating a "Coast to Coast" highway; and

WHEREAS, such highway was named "The Lincoln Highway" and began at Times Square in New York, passed through Grand Island, and ended at Lincoln Park in San Francisco at the Pacific Ocean; and

WHEREAS, the goal was to oversee the construction of concrete "seedling miles" to emphasize the superiority of concrete over unimproved dirt roads; and

WHEREAS, in an effort to ensure that the memories of the Lincoln Highway and efforts to build hard surfaced roads is not forgotten, it has been recommended that a portion of Nebraska's "Seedling Mile" be preserved by closing it off to vehicular traffic; and

WHEREAS, an application was made in 2001 to place the closed section of road on the National Register of Historic Places; and

WHEREAS, in an effort to preserve the historical piece of road, it is recommended to close Seedling Mile Road to vehicular traffic from the Willow Street intersection east for approximately 450 feet.

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

1. A section of Seedling Mile Road, from the Willow Street east for approximately 450 feet is hereby closed to vehicular traffic
2. The Street Department is hereby directed to install signs and barricades to designate such area as closed to vehicular traffic.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 9, 2002.

RaNae Edwards, City Clerk

Approved as to Form	?
July 5, 2002	? City Attorney



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item J1

Payment of Claims for the Period of June 26, 2002 through July 9, 2002

The Claims for the period of June 26, 2002 through July 9, 2002 for a total amount of \$4,464,826.19. A MOTION is in order.

Staff Contact: RaNae Edwards