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# City of Grand Island



**Tuesday, September 10, 2002**

## **Council Session Packet**

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### **City Council:**

**Joyce Haase**

**Margaret Hornady**

**Gale Larson**

**Glen Murray**

**Jackie Pielstick**

**Larry Seifert**

**Robert Sorensen**

**Scott Walker**

**Tom Ward**

**Fred Whitesides**

### **Mayor:**

**Ken Gnadt**

### **City Administrator:**

**Marlan Ferguson**

### **City Clerk:**

**RaNae Edwards**

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**7:00:00 PM**

**Council Chambers - City Hall**

**100 East First Street**

**Call to Order**

**Pledge of Allegiance /Brian Pielstick, Youth Minister, Independent Bethel Baptist Church, 1223 East 6th Street**

**Roll Call**

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

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

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

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



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item C1

### Proclamation "Always Remember 9-11 Day" September 11, 2002

*In view of the one-year anniversary of the senseless and unprovoked tragedies of September 11, 2001, to our nation, the Mayor has proclaimed September 11, 2002 as "Always Remember 9-11 Days". It is encouraged that all citizens honor the victims of September 11 by reaffirming their commitment to sustaining our newfound patriotism through volunteerism, community involvement, and service. See attached PROCLAMATION.*

Staff Contact: Mayor Gnadt

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

PROCLAMATION

WHEREAS, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon; and

WHEREAS, innocent U.S. citizens of all heritages as well as visiting citizens of foreign nations were killed and injured as a result of these horrific acts; and

WHEREAS, while we as a Union still continue to recover from the unspeakable loss of so many innocent lives, the indomitable spirit of the United States has been revitalized and given way to numerous expressions of heroism and patriotism; and

WHEREAS, the threat of terrorism, destruction and senseless violence must be banished for any free society to exist; and

WHEREAS, the City of Grand Island shares in the grief and will commemorate the one-year anniversary of the September 11 tragedies.

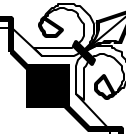

NOW, THEREFORE, BE IT RESOLVED, by the City of Grand Island, that we extend our deepest condolences to the innocent victims of these unprovoked actions by terrorists, as well as to their families and their friends; and be it further

RESOLVED, that we salute the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to these tragic events with courage, selfless compassion, determination, and skill and be it further

RESOLVED, that we dedicate September 11, 2002,

***“ALWAYS REMEMBER 9-11 DAY”***

a day to mourn, reflect and rededicate ourselves to ending terrorism in commemoration of the anniversary of the terrorist attacks; and be it further



RESOLVED, that we encourage all our citizens to honor the victims of September 11 by reaffirming their commitment to sustaining our newfound patriotism through volunteerism, community involvement, and service; and be it further

RESOLVED, that we as citizens dedicate our time, talents, and energy to lift one another up and foster a new level of understanding and awareness. Let us honor the memory of all those who died by being of service to one another and by building the “stronger, more perfect union” our found fathers called for.

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

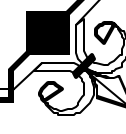

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item D1

### **#2002-BE-6 - Determining Benefits for Business Improvement District #2, Downtown**

#### **BACKGROUND**

*In accordance with City Code, the Grand Island City Council, at the second meeting in July (July 23, 2002), considered the annual budget for Business Improvement District #2, Downtown. Business Improvement District #2 was created in January 1999 in order to provide public improvements, development of public activities and promotions, and administer activities in the Downtown area. The FY2002-2003 Budget is the fourth full year of a five year budget; however, the City Attorney has rendered the opinion that the first year of the five years of the District's life was to have been the 1998-1999 fiscal year. It should be noted that although steps were taken in 1998 to create the District, the first fiscal year's assessment did not occur until June 1999 and the first year's assessments were reduced accordingly. The total funds for the five-year period were established in the creating Resolution and Ordinance for this District. Business Improvement District Board members are beginning the process of reviewing the needs of the District to prepare for the creation/extension of this District next spring.*

#### **DISCUSSION**

*The FY2002-2003 assessments have been set at \$.3028 per \$100 of assessed valuation and provides for a 5% increase in order to continue the projects currently underway and to continue with the activities of the District. The Board has been very active this last year and has played a crucial role in establishing the priorities for the Downtown. Volunteer committee members and staff has been working to carry out many of the components identified in the Downtown Identity and Design Strategic Plan adopted in 2001. Projects include downtown alleyway project (Phase 4 is scheduled for this budget year), entryway signage, beautification and increased events/promotions. The Downtown has focused significant effort this year in bringing people downtown. Many family activities, including Pumpkin Painting, Sidewalk Art Festival, and Bluegrass Festival, were very successful. Of particular interest this year has been, and will continue to be, efforts to attract niche businesses to the downtown as some downtown mainstays have relocated to the Highway 281 corridor. The Downtown Market continues to be very well received. As the Business Improvement Board heads into its last year of the five year life, we would anticipate much discussion on how the downtown can position itself in the next five and ten years to remain a vibrant part of this community. These discussions will take place over the course of the next six months. Your inputs are appreciated.*

#### **RECOMMENDATION**

*It is recommended that the City Council, in its capacity as the Board of Equalization,*

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*determine the benefits of the District. Secondly, it is recommended that the City Council approve the assessments as provided for in the associated Ordinance.*

**Staff Contact: Cindy Johnson**

R E S O L U T I O N 2002-BE-6

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Business Improvement District No. 2, after due notice having been given according to law, that we find and adjudge:

1. The benefits accruing to the real estate in such Business Improvement District No. 2 is the total sum of \$80,199.88; and

2. According to the assessed value of the respective lots, tracts, and real estate within such Business Improvement District, such benefits are the sums set opposite the several descriptions as follows:

<b>Name</b>	<b>Description</b>	<b>Assessment</b>
Red Wolf, Inc.	S 31.9' E2/3 Lot 1, Block 54, Original Town	\$62.05
Red Wolf, Inc.	N 100.5' E2/3 Lot 1, Block 54, Original Town	293.48
Copper Eagle Brewery, LLC	W1/3 Lot 1, Block 54, Original Town	24.35
R. Dennis & Patricia A. Norris	Lot 2, Block 54, Original Town	514.84
John & Teresa A. Wayne	N1/2 of W2/3 Lot 6, N1/2 Lot 5, Block 54, Original Town	415.90
Gus Katrouzos	S 60' W1/3 Lot 5, Block 54, Original Town	74.46
Gus Katrouzos	S 60' W 16' E2/3 Lot 5, Block 54, Original Town	68.76
Nickie J. Kallos	E 28' S1/2 Lot 5; N 6' W 38' S1/2 Lot 5, Block 54, Original Town	172.73
Nickie J. Kallos	W 22' S1/2 Lot 6; Block 54, Original Town	135.84
R. Dennis & Patricia A. Norris	E 22' W 44' S1/2 Lot 6; E 22' Lot 6, Block 54, Original Town	340.43
R. Dennis & Patricia A. Norris	W1/3 Lot 7, Block 54, Original Town	273.35
R. Dennis & Patricia A. Norris	C1/3 Lot 7, Block 54, Original Town	259.94
Copper Eagle Brewery, LLC	E1/3 Lot 7, W1/3 Lot 8, C1/3 Lot 8 and E1/3 Lot 8, (Except 15' x 15' x 15' triangle sold to City), Block 54, Original Town	1,204.62
Nathan Detroits, Inc.	N1/2 Lot 1, Block 55, Original Town	201.24
Nathan Detroits, Inc.	N 44' S1/2 Lot 1, Block 55, Original Town	301.86
Virginia Irvine	S 22½' Lot 1, Block 55, Original Town	88.88



Wayne & Opal Marsh	S1/2 W1/2 Lot 3; S1/2 Lot 4, Block 55, Original Town	338.75
Downtown Center, LLC	N 67½' Lot 5, Block 55, Original Town	50.33
Charles E. Armstrong, Jr.	N 20' S 64.5' Lot 5, Block 55, Original Town	83.18
Fredda P. Bartenbach	S 44.5' Lot 5, Block 55, Original Town	194.53
Grand Island Little Theatre, Inc.	W2/3 Lot 6, Block 55, Original Town	338.75
Arthur & Jeanene Campos	E1/3 Lot 6, Block 55, Original Town	135.84
Prairie Winds Art Center, Inc.	W1/3 Lot 7, Block 55, Original Town	177.76
Roger L. Keith & David D. Landis	E2/3 Lot 7, Block 55, Original Town	558.44
Thomas W. & Angela J. Ziller	W1/3 Lot 8, Block 55, Original Town	108.98
Thomas W. & Angela J. Ziller	C1/3 Lot 8, Block 55, Original Town	108.98
Thomas W. Ziller	E1/3 Lot 8, Block 55, Original Town	140.45
Downtown Center, LLC	N 68' Lot 1; Lot 2; E1/2 Lot 3, Block 56, Original Town	172.97
Downtown Center, LLC	N 22' of S 42', W 6' S 20', Lot 1, Block 56, Original Town	15.49
Downtown Center, LLC	N 22' of S 64' Lot 1, Block 56, Original Town	14.30
Downtown Center, LLC	S 20' of E 60' Lot 1, Block 56, Original Town	11.82
Ron Von Behren	W1/3 Lot 5, Block 56, Original Town	167.70
Jim Huebner & Shane Peterson	E2/3 Lot 5, Block 56, Original Town	519.87
Bette Tiner, Trustee	W2/3 Lot 6, Block 56, Original Town	330.37
Bette Tiner, Trustee	E1/3 Lot 6, Block 56, Original Town	157.64
Duane A. & Dee Ann Johnson	Lot 7, Block 56, Original Town	329.39
Downtown Center, LLC	Lot 8, Block 56, Original Town	2,810.65
William P. & Juliann K. Ziller	Lot 1, Ziller Subdivision	556.76
Furniture Clearing House, Inc.	Lot 2, Ziller Subdivision	362.23
R.L. Fridley Theatres, Inc.	E2/3 Lot 6, Block 57, Original Town	194.53
Wells Fargo	Lot 7, Block 57, Original Town	818.38
Wells Fargo	Lot 8, Block 57, Original Town	1,202.41
U.S. Bank	Lots 1 & 2, Block 58, Original Town	306.89
U.S. Bank	N1/2 Lot 3; N1/2 Lot 4, Block 58, Original Town	129.45
U.S. Bank	S1/2 Lot 3; S1/2 Lot 4, Block 58, Original Town	126.40
U.S. Bank	Lot 5; W 22' Lot 6, Block 58, Original Town	1,482.47
Tom Myers & Darrell Albers	Lot 1, Jensen Subdivision	135.84
Joseph M. Brown	Lot 2, Jensen Subdivision	77.48

Kitchen & Bath Unlimited	W1/3 Lot 7, Block 58, Original Town	176.09
K & S Inc.	C1/3 Lot 7, Block 58, Original Town	119.54
O'Neill Brothers	Lot 2, Prensa Latina Subdivision	136.50
O'Neill Brothers	Lot 3, Prensa Latina Subdivision	107.33
Mark Stelk	Lot 4, Prensa Latina Subdivision	201.68
Mead Bldg. Centers of G.I.	N 102½' Lot 1; Lot 2, Block 59, Original Town	344.62
Mead Bldg. Centers of G.I.	N 33' Lot 4, Block 59, Original Town	150.93
H & H Land Co.	S 29½' Lot 1, Block 59, Original Town	19.13
Mead Bldg. Centers of G.I.	S 99' Lot 4; Lot 3, Block 59, Original Town	160.99
Wells Fargo, Trustee of Eakes Family Trust	Lot 5, Block 59, Original Town	228.86
Larry & Mary Ann Gerdes	W 23' Lot 6, Block 59, Original Town	162.67
Chanh Ty Ngo & My T Nguyen	E 23' W 46' Lot 6, Block 59, Original Town	162.67
Myrtle Grimminger	E 20' Lot 6; W½ Lot 7, Block 59, Original Town	58.66
H & H Land Company	W 22' E1/2 Lot 7, Block 59, Original Town	155.96
H & H Land Company	E 11' Lot 7; Lot 8, Block 59, Original Town	456.14
William D. Livengood	Lots 1 & 2, Block 60, Original Town	603.72
William D. Livengood	Lot 3, Block 60, Original Town	134.16
William D. Livengood	Lot 4, Block 60, Original Town	196.21
Ed Rugebregt	Lots 5 & 6, Block 60, Original Town	583.60
Doax Investment	Lots 7 & 8, Block 60, Original Town	583.60
Wells Fargo, Trustee of Eakes Family Trust	Lots 1 & 2, Block 61, Original Town	687.57
Wells Fargo, Trustee of Eakes Family Trust	Lots 3 & 4, Block 61, Original Town	652.35
Fred M. Glade, III	Lot 5, Block 61, Original Town	536.64
Jerome Niedfelt	Lots 6, 7 and 8, Block 61, Original Town	847.72
Richard H. & Arlene M. Baasch	S 44' Lot 1, Block 62, Original Town	194.53
Bette Tiner, Trustee	N 88' Lot 1, Block 62, Original Town	389.06
Bette Tiner, Trustee	Lot 2, Block 62, Original Town	583.60
Northwestern Public Service	S 66' Lot 4; N 66' of E 57' and S 66' Lot 3, Block 62, Original Town	968.80
Alan D. Zwink	N 66' W 9' Lot 3; N 66' Lot 4, Block 62, Original Town	159.32
Vogel Enterprises, Ltd.	E 16' Lot 5; W ½ Lot 6, Block 62, Original Town	57.97

Vogel Enterprises, Ltd.	E ½ Lot 6; W ½ Lot 7, Block 62, Original Town	335.40
Old Sears Development, Inc.	Lots 1 & 2, Block 63, Original Town	1,030.55
Old Sears Development, Inc.	E2/3 Lot 3, Block 63, Original Town	389.06
John R. Miller	W1/3 Lot 3; E1/3 Lot 4, Block 63, Original Town	273.02
Gail W. Leetch	W2/3 Lot 4, Block 63, Original Town	389.06
Grand Island Investment, Inc.	S 88' Lot 8, Block 63, Original Town	280.06
Maude E. Walters	E1/3 Lot 1, Block 64, Original Town	290.12
Craig C. Hand	C1/3 Lot 1, Block 64, Original Town	131.14
Cosrec Enterprises	W1/3 Lot 1, Block 64, Original Town	201.24
Glade Inc.	E 44' Lot 2, Block 64, Original Town	229.75
Ivan P. & Sharon L. Walsh	W1/3 Lot 2, Block 64, Original Town	182.79
Daniel P. & Molly J. Cimino	E1/3 Lot 3, Block 64, Original Town	150.93
Services Unlimited Agricultural Consultants, Inc.	W2/3 Lot 3, Block 64, Original Town	528.26
Galen E. & Tamera M. Gerdes	Lot 4, Block 64, Original Town	524.90
Ronald L. & Francene Zook	N 22' Lot 8, Block 64, Original Town	186.15
Terry M. & Susan M. Taylor	S1/2 N1/3 Lot 8, Block 64, Original Town	150.93
Laverne & Donna R. Shehein	N 44' S 88' Lot 8, Block 64, Original Town	164.35
Wayne E. & Ardith C. May	Lot 1, Block 65, Original Town	267.35
Drs. Grange, Pedersen & Brown	E1/3 Lot 2, Block 65, Original Town	174.79
Connie Swanson Kersten	C1/3 Lot 2, Block 65, Original Town	157.64
Gary Phillips & David Wetherilt	W1/3 Lot 2, Block 65, Original Town	253.23
Fredda Bartenbach	E1/3 Lot 3, Block 65, Original Town	75.47
Janelle L. Brown	W1/3 Lot 3, Block 65, Original Town	159.32
Allen V. & Linda Hoffer	E1/3 Lot 4, Block 65, Original Town	150.93
Lungrin's, Inc.	W2/3 Lot 4, Block 65, Original Town	313.60
Terry Taylor	N 22' Lot 5, Block 65, Original Town	135.84
Wm. P. & JuliAnn Ziller	S 44' N1/2 Lot 5, Block 65, Original Town	200.41
Doris Winkler Marquart, Trustee	S1/2 Lot 5, Block 65, Original Town	273.35
Steve & Barbara Fuller	W1/3 Lot 6, Block 65, Original Town	87.20
Scott & Sheri Arnold	E2/3 Lot 6, Block 65, Original Town	243.67
Transportation Equipment	W1/2 Lot 7, Block 65, Original Town	199.56

Drs. Grange, Pedersen, Brown	N 55' of E1/2 Lot 7; N 55' Lot 8, Block 65, Original Town	53.65
Drs. Grange, Pedersen, Brown	C 22' of E 4' Lot 7; C 22' of Lot 8, Block 65, Original Town	206.27
Drs. Grange, Pedersen, Brown	W 18.9' of E1/2 Lot 7; N 29.9' of E 14.1' Lot 7; W 29' C 22' E1/2 Lot 7, N 29.9' of S 55' Lot 8 x CN6' S31.1' E40' Lot 8, Block 65, Original Town	226.40
Drs. Grange, Pedersen, Brown	S 25.1' of Lot 8; N 6' of S 31.1' of E 40' Lot 8; and S 25.1' of E14.1' of Lot 7, Block 65, Original Town	300.18
WDC Partnership	Lots 1 & 2, Block 66, Original Town	872.04
John Viperman, T. Kovanda, and A. Wetzel	E1/3 Lot 3, Block 66, Original Town	233.10
Heather, Kelli and Megan Bowden	S1/3 W1/3 C1/3 Lot 3 (Except 17.5'), Block 66, Original Town	281.74
James G. Duda	N88' E1/3 Lot 4, Block 66, Original Town	248.20
J. Gary & Patricia Vejvoda	N 88' C1/3 Lot 4, Block 66, Original Town	292.47
Ben's Drug Store, Inc.	N80' W1/3 Lot 4, Block 66, Original Town	100.62
Masonic Templecraft Assoc.	Pt W 17.5' S 44' Lot 3; N 5' S 52' W 22', & S 44', Lot 4, Block 66, Original Town	228.49
Fredda Bartenbach	Lot 5, W1/3 Lot 6, Block 66, Original Town	475.13
Fredda Bartenbach	E2/3 Lot 6; W1/3 Lot 7, Block 66, Original Town	241.49
James E. & Mary Ann Keeshan	E2/3 Lot 7, Block 66, Original Town	255.91
Plaza Square Development	S1/2 Block 67, Original Town	1,720.60
Rasmussen & Associates	W2/3 Lot 2, Block 68, Original Town	199.23
FOE #378	Pt Lot 3; Lot 4, Block 68, Original Town	1,338.41
Plaza Square Development	Lot 5; W 22' Lot 6, Block 68, Original Town	135.84
Equitable Building & Loan	Lot 1, Block 79, Original Town	288.44
Equitable Building & Loan	Lot 2, Block 79, Original Town	112.89
Equitable Building & Loan	S 44' Lot 3, S 44' Lot 4, Block 79, Original Town	655.71
Margo Schager	Lot A, Gilbert's North, 22' x 99'	164.35
Equitable Building & Loan	Lot B, Gilberts North	166.02
Equitable Building & Loan	N 26' 10½" Lot 8, Block 79, Original Town	28.49
Equitable Building & Loan	S 17' 1½" N 44' Lot 8, Block 79, Original Town	17.47
Equitable Building & Loan	S 88' Lot 8, Block 79, Original Town	97.31
Josephine O'Neill, Trustee	W1/3 Lot 3, All Lot 4, Block 80, Original Town	630.55

Qwest (US West)	Lots 5, 6 and 7, and N 44' of Lot 8, Block 80, Original Town; Centrally Assessed	4,316.02
Alltel Nebraska, Inc.	Central Assessed	12.75
MCI Worldcom	Central Assessed	42.10
Kinder Morgan	Central Assessed	21.58
KN Energy	Central Assessed	.11
Northwestern Public Service	Central Assessed	807.06
Nebraska Technology	Central Assessed	2.60
Wireless II, d/b/a NE Wireless	Central Assessed	103.26
AT&T	Central Assessed	3,300.25
David C. Huston	C1/3 Lot 8, Block 80, Original Town	275.03
Joseph M. & Lori J. Brown	S 44' Lot 8, Block 80, Original Town	281.74
Olson Furniture & Auction, Inc.	Lot 1, Block 81, Original Town	655.71
Ronald E. & Sharon R. Trampe	W1/3 Lot 2, Block 81, Original Town	162.67
Virginia M. Harris	E1/3 Lot 3, Block 81, Original Town	169.38
James S. & Precious Reed	C1/3 Lot 3, Block 81, Original Town	233.10
Ronald C. & Vada M. Krauss	W1/3 Lot 3, Lot 4, Block 81, Original Town	481.77
Walnut Street Partnership	Lot 5, Block 81, Original Town	394.10
Walnut Street Partnership	Lot 6, Block 81, Original Town	189.50
Wheeler Street Partnership	Lot 7; S2/3 Lot 8, Block 81, Original Town	664.09
Schroeder-Rathman, Trustees	N1/3 Lot 8, Block 81, Original Town	276.71
Morris Communications	Lot 1, Block 82, Original Town	85.84
Morris Communications	Lot 2, Block 82, Original Town	253.23
Morris Communications	Lot 3, Block 82, Original Town	85.84
Morris Communications	Lot 4, Block 82, Original Town	286.77
Morris Communications	Lots 5, 6, 7 and 8, Block 82, Original Town	2,750.28
Fort Myers Motel Group, Inc.	Lots 1 and 2, Block 83, Original Town	146.10
Relax Inn	Lots 1 & 2, Block 83, Original Town (Improvements Only)	939.12
JOMIDA, Inc.	Lots 3 and 4, Block 83, Original Town	888.81
Michael & Sonya Wooden	E 41' N 28' Lot 8, Block 83, Original Town	125.78
Michael & Sonya Wooden	Pt N1/3 and S2/3 Lot 8, Block 83, Original Town	209.63
Contryman & Associates	Lots 3 and 4, Block 85, Original Town	489.68

G.I. Liederkrantz	Lots 1, 2, 3 and 4, Block 87, Original Town	298.61
Home Federal Savings & Loan Assoc. of Grand Island	Pt Lots 1, 2, 3, 4 and 7; all of Lots 5 and 6; pt Vacated Alley, Block 89, Original Town	350.49
Home Federal Savings & Loan	Lot 9, County Sub., W1/2 SW1/4 Sec 15-11-9	1,476.97
Kathleen A. Campbell	W 67' S 50' Lot 4, Hann Addiiton	84.09
Ruben DeBlanco-Diaz	N1/2 Lot 1, Block 98, Railroad Addition	23.89
Arvid C. Carlson	Lot 2, Block 98, Railroad Addition	95.05
James D. & Dawn L. Petersen	W 52' Lot 7, Block 98, Railroad Addition	205.09
Filemon Sanchez	E 14' Lot 7, Lot 8, Block 98, Railroad Addition	261.61
Contryman Associates	Lots 1 and 2, Block 106, Railroad Addition	395.77
The Muffler Shop, Inc.	Lots 1 and 2, Block 107, Railroad Addition	274.19
The Muffler Shop, Inc.	Lots 3 & 4, Block 107, Railroad Addition	200.02
Joseph M. & Lori Jean Brown	S2/3 Lot 5, Block 107, Railroad Addition	449.44
David E. Janda, DDS	S 72' Lot 8, E 29.54' of S 71.5' Lot 7, Block 107, Railroad Addition	329.39
Barbara J. Clinch	N 60' of E 22' of Lot 7, N 60' Lot 8, Block 107, Railroad Addition	277.85
Richard & Marilyn Fox	Lots 1 and 2, Block 108, Railroad Addition	508.16
Douglas Bookkeeping	W 29' Lot 3, Lot 4, Block 108, Railroad Addition	621.50
Donald J. & Janet L. Placke	S 88' Lot 5, Block 108, Railroad Addition	113.33
Sam & Barbara Huston	Lot 6, Block 108, Railroad Addition	165.98
Bosselman, Inc.	Lots 7 and 8, Block 108, Railroad Addition	577.63
David A. & Carolyn J. Gilroy	S 61' Lot 1; S 61' Lot 2, Block 109, Railroad Addition	88.11
Gregory T. & Gay L. Austin	N 71' Lot 1; N 71' Lot 2, Block 109, Railroad Addition	120.64
Lawrence J. & Sarah Lynn Levering	E 59.5' Lot 3, Block 109, Railroad Addition	127.96
Lawrence J. & Sarah Lynn Levering	W 6' 6.5" Lot 3, E 52'11" Lot 4, Block 109, Railroad Addition	58.49
Roger L & Sharon K. McShannon	Lots 5 and 6, Block 109, Railroad Addition	234.78
Virgil L. & Darlene G. Roush	Lots 7 & 8, Block 109, Railroad Addition	427.74
Salvation Army	Block 113 and Vacated Alley, Railroad Addition	199.61
Bonna Wanek	S 88' Lot 7, Block 114, Railroad Addition	51.24
Bonna Wanek	Lot 8, Block 114, Railroad Addition	519.13
Gary & Paul Hoos	Lot 4, Part of vacated street, Block 97, Railroad Addition in 15-11-9	271.63

Hall County	N 43.25' Lot 1, Hann's Addition	1,279.55
The Arter Group	Yancey Condominium 001	83.17
The Arter Group	Yancey Condominium 002	24.42
Equitable Building & Loan	Yancey Condominium 101	37.73
Equitable Building & Loan	Yancey Condominium 102	155.96
Equitable Building & Loan	Yancey Condominium 103	228.07
The Arter Group	Yancey Condominium 301	88.08
Arvon & Luella Marcotte	Yancey Condominium 302	71.69
Larry & Gail Fischer	Yancey Condominium 303	89.10
William L. Zins	Yancey Condominium 304	96.27
Raymond & Irene Teng	Yancey Condominium 305	102.42
Harriet A. Beckman	Yancey Condominium 401	72.71
The Arter Group	Yancey Condominium 402	77.84
The Arter Group	Yancey Condominium 403	76.81
Romsa Family Trust	Yancey Condominium 404	83.98
The Arter Group	Yancey Condominium 405	77.84
Larry D. Ruth	Yancey Condominium 406	76.81
Wyndell & Barbara Fordham	Yancey Condominium 407	102.42
Archway Partnership	Yancey Condominium 501	74.76
The Arter Group	Yancey Condominium 502	80.91
George & Donna Schaefer, Jr.	Yancey Condominium 503	77.84
Richard & Nancy Schonberger	Yancey Condominium 504	83.98
The Arter Group	Yancey Condominium 505	77.84
Wayne D. Abbott	Yancey Condominium 506	76.81
Sandra Dawson	Yancey Condominium 507	103.44
The Arter Group	Yancey Condominium 601	76.81
The Arter Group	Yancey Condominium 602	81.93
Lois S. Matthews Trust	Yancey Condominium 603	77.84
Daniel F. Clyne	Yancey Condominium 604	83.98
The Arter Group	Yancey Condominium 605	78.86
Ryan G. Hansen	Yancey Condominium 606	77.84
Leanna Dembowski Estate	Yancey Condominium 607	104.46
Radd C. & Virginia W. Way	Yancey Condominium 701	76.81

The Arter Group	Yancey Condominium 702	81.93
Richard & Margaret Johnson	Yancey Condominium 703	78.86
Art & Jan Burtscher	Yancey Condominium 704	85.01
Ann C. Atkins	Yancey Condominium 705	78.86
Clifton J. Long, Sandra A. Thinner	Yancey Condominium 706	78.86
Nelse Zachry	Yancey Condominium 707	105.49
The Arter Group	Yancey Condominium 801	76.81
Mapes & Co. Partnership	Yancey Condominium 802	81.93
Mapes & Co. Partnership	Yancey Condominium 803	83.98
Romsa Family Trust	Yancey Condominium 1002	81.93
Jeremy S. & Jack L. Gillam	Yancey Condominium 1003	85.01
Helen Garrison	Yancey Condominium 1004	115.73
Ruth E. Megard, Trustee	Yancey Condominium 1005	90.13
Tera VanWinkle	Yancey Condominium 1006	114.71
Wendy Edghill	Yancey Condominium 1101	78.86
Linda L. Clare	Yancey Condominium 1102	82.96
Sharon Peshek Zehr	Yancey Condominium 1103	87.05
Frank L. Hoelck Trust	Yancey Condominium 1104	117.78
Elizabeth W. Mayer	Yancey Condominium 1105	92.17
Judy J. Arnett	Yancey Condominium 804	114.71
Wendy Alexander	Yancey Condominium 805	87.05
Gerald & Janet Janulewicz	Yancey Condominium 806	113.68
James F. Nissan	Yancey Condominium 901	76.81
Elaine & Everett Evnen	Yancey Condominium 902	81.93
Elaine & Everett Evnen	Yancey Condominium 903	85.01
Cody & Robyn Wray/Robco	Yancey Condominium 904	115.73
Theodore L. Beck	Yancey Condominium 905	88.08
Peggy McCann	Yancey Condominium 906	114.71
Ron Krauss	Yancey Condominium 1001	77.84
Elizabeth W. Mayer	Yancey Condominium 1106	116.76
Roxann Kennedy	W 18.9' of E 33' of S 25.1' Lot 7, Block 65, Original Town	37.56
Equitable Building & Loan	Yancey Condominium 104	563.47
Equitable Building & Loan	Yancey Condominium 201A	496.39



Equitable Building & Loan	Yancey Condominium 201B	60.04
Equitable Building & Loan	Yancey Condominium 201C	150.93
Equitable Building & Loan	Yancey Condominium 201D	114.04
Enviro-Clean Contractors, Inc.	N 60' Frac Lots 1, 2 and 3, Block 89, Original Town	375.65

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Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item D2

### **#2002-BE-7 - Determining Benefits for Business Improvement District #3, South Locust Street from Highway 34 to Stolley Park Road**

#### **BACKGROUND**

*In March, 1999, the City Council adopted Ordinance #8452 creating Business Improvement District #3, South Locust Street. The Ordinance established the purpose of the District, described the boundaries, and established that real property in the area would be subject to a special assessment to support purposes established through the creation of the District. Public improvements and facilities addressed in the creating Ordinance include: 1) improvement of any public place or facility including landscaping, physical improvements for decoration or security purposes, and plantings and maintenance of any landscaped greenway, trees, etc; snow removal from the sidewalks parallel to South Locust Street, purchase of equipment, materials, supplies or other expenses to accomplish the purposes of the District; and 2) employing or contracting for personnel, including administrators for any improvement program under the act ...as necessary to carry out the purposes of the act. A voluntary board has been appointed to oversee the activities of the district.*

#### **DISCUSSION**

*The creating Ordinance requires that a proposed budget for the District be considered by the Business Improvement District #3 Board and forwarded to the City Council for consideration at the second regularly scheduled City Council meeting in July. The District was established for a 10-year period of time with anticipated assessment revenues of \$314,447 over the course of the 10-year period. On June 20, 2002 the Business Improvement Board #3 (South Locust Street from Stolley Park Road to Fonner Park Road) met and approved the proposed budget. The 2002-2003 Budget provides for special assessments in the amount of \$3 per front footage for a total of \$29,835.85 for the 9,945.29 front footage. The Board established this assessment based on the anticipated completion of phase 2 of the project (fall 2002) thus requiring maintenance for the entire length of the project – a change from the past year when only ½ of the project was turned over to the City and the BID for maintenance. Additional contract funding has been included for the services provided by the City to the BID. This amount has been set at \$2,500 for the 2002-2003 fiscal year with an anticipated increase to \$5,000 in subsequent years. Other funding has been included in the event the BID moves forward with any suggestions included in the South Locust Street Identity and Design Plan.*

#### **RECOMMENDATION**

*It is recommended that the City Council, in its capacity as the Board of Equalization,*

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*determine the benefits of the District. Secondly, it is recommended that the City Council approve the assessments as provided for in the associated Ordinance.*

Staff Contact: Cindy Johnson

R E S O L U T I O N 2002-BE-7

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Business Improvement District No. 3, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$29,835.87; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Business Improvement District No. 3, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
All Faiths Funeral Home LLC	Part of NW1/4, NW1/4, SW1/4 of Section 27-11-9, Lot 4 Island	720.60
Growth Management Corp.	North 60 feet of Lot 22, south 49 feet of Lot 22 and north 11 feet of Lot 23, Holcomb's Highway Homes Subdivision	360.00
Virgil L. Roush	North 20 feet of Lot 1, all of Lot 2, Burch 2 <sup>nd</sup> Subdivision	1,188.00
Rex E. & Jonadyne A. Carpenter	Lots 1 and 2, Woodland 1 <sup>st</sup> Subdivision	1,199.55
Danny K. & Faith A. Oberg	Lot 4, Woodland 1 <sup>st</sup> Subdivision	600.57
Roland L. & Janis K. Westerby	Lot 3, Woodland 1 <sup>st</sup> Subdivision	600.00
Jerry L. & Dianna D. Duering	Lot 1, Bartz Subdivision	325.74
Stratford Plaza, L.L.C.	Lot 11, Woodland 2 <sup>nd</sup> Subdivision	1,580.88
Maxine E. Bosselman	Lot 8, Woodland 2 <sup>nd</sup> Subdivision	450.00
Jerry L. & Janet C. Loney	West 273 feet of Lot 1, Burch Subdivision	438.84
Byrd C. Garrison	Lot 1, Garrison Subdivision	768.60
Randy J. & Patricia R. Curran	Part of NW¼ of SW¼ of Section 27-11-9	1,008.03
Jonadyne A. Carpenter & Robert L. Clymer, Da -Ly Realty & Insurance Inc.	South 98 feet of Lot 23 and north 12 feet of Lot 24, Holcomb's Highway Homes Subdivision	300.00
Grand Island Music, Inc.	Lot 1, Desert Rose Subdivision	1,576.08
Rickie D. & Susan J. Noden	South 52 feet of Lot 19 and north 1 foot of Lot 20, Holcomb's Highway Homes Subdivision	159.30
Llamas Enterprises	Lot 25, south 97 feet of Lot 24, and north 38 feet of Lot 26, Holcomb's Highway Homes Subdivision	732.00
Nebraska Mil-Nic Inc.	Lot 1, Mil-Nic Addition	360.00
John L. & Beth A. French	Lot 1, Knox Subdivision	420.12

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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RESOLUTION 2002-BE-7

Bradley L. Shanahan	East 100 feet of Lot 12, and east 100 feet of Lot 13, Holcomb's Highway Homes Subdivision	601.02
William E. Lawrey	North 25 feet of east 260 feet of Lot 1 and all of Lot 2, Woodland 3 <sup>rd</sup> Subdivision	375.00
Charles A. Douthit	Lot 21, Holcomb's Highway Homes Subdivision	327.00
Southeast Crossing, LLC	NW¼ of SW¼ of Lot 4 Island, Section 27-11-9	972.00
Jack E. Rasmussen, Joanne L. Rasmussen, Richard S. Rasmussen, June E. & William G. Blackburn	Lot 1 except north 25 feet of east 260 feet, Woodland 3 <sup>rd</sup> Subdivision and north 50 feet of east 260 feet of Lot 6, Woodland 1 <sup>st</sup> Subdivision	375.00
Jerome & Doralene Niedfeldt	Part of NW¼ of NW¼ of NW¼ of Section 27-11-9	119.91
Larry Coffey	West 125 feet of Lots 2, 3 and 4, Burch Subdivision	540.06
Gary E. & Linda D. Shovlain	Lot 2, Shovlain Subdivision	361.56
Marion D. Larsen, Trustee	Lot 2, Woodridge South Subdivision	248.01
McDermott & Miller PC	Lot 1, Woodridge South Subdivision	749.88
Cedar Street Investment	Lot 2, Mil-Nic Addition	767.04
LK Holding, Inc.	Part of N½, SW¼, SW¼ of Section 27-11-9	1,528.17
O'Reilly Automotive, Inc.	Lot 2, Runza Subdivision	547.08
Paulsen & Sons Inc.	Lots 1, 2, 3, 26, 27 and 28, Roush's Pleasantville Terrace Subdivision	600.93
Ming Zhou & Nghi Trieu	Part of SW¼ of NW¼ of Section 27-11-9	309.06
Ronald & Lori Willis	Part NE¼ of NE¼ of Section 28-11-9	300.00
Helen Otto	Lot 10, Woodland 2 <sup>nd</sup> Subdivision	479.73
Theodore J. & Mason D. Robb	Lots 1, 2 & 3, Knox 3 <sup>rd</sup> Subdivision	1,079.25
The Eating Establishment	Lot 1, Runza Subdivision	467.82
Gwyer Grimminger, JJ & Rita L. Lliteras	Lot 9, Woodland 2 <sup>nd</sup> Subdivision	448.35
Adam J. Schrunk	Lot 15, Holcomb's Highway Homes Subdivision	328.41
Gary & Linda Shovlain	Lot 17, north 46 feet of Lot 18, Holcomb's Highway Homes Subdivision	465.00
Elroy Uribe & Oralia Erives	Part of SW¼ of NW¼ of Section 27-11-9	442.29
Todd A. & Wendi Sue Carpenter, Douglas J. & Nanette Redman	South 108 feet of Lot 20, Holcomb's Highway Homes Subdivision	324.54
Gene McCloud; Super 8 Motel	Part of Lot 25, Matthews Subdivision	792.69
Alpha Corporation	East 260 feet of Lot 8, Woodland 1 <sup>st</sup> Subdivision	646.44
B & D Enterprizes	Lot 5, south 126 feet of east 260 feet of Lot 6, Woodland 1 <sup>st</sup> Subdivision	978.00
Charles L. Hancock & Robert D. Hancock	Lot 14, Holcomb's Highway Homes Subdivision	325.32
Vanosdall Softball Fields, Inc.	Part of SW¼ of Section 27-11-9	216.00

RESOLUTION 2002-BE-7

Marion D. Larson, Trustee	North 79 feet of Lot 27 and south 71 feet of Lot 26, Holcomb's Highway Homes Subdivision	612.00
Michael S. & Sandra S. Williams	Lot 5, south 120 feet of Lot 1, Burch 2 <sup>nd</sup> Subdivision	720.00
<b>TOTAL</b>		<b>\$29,835.87</b>

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Adopted by the City Council of the City of Grand Island, Nebraska, on September 10, 2002.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, September 10, 2002

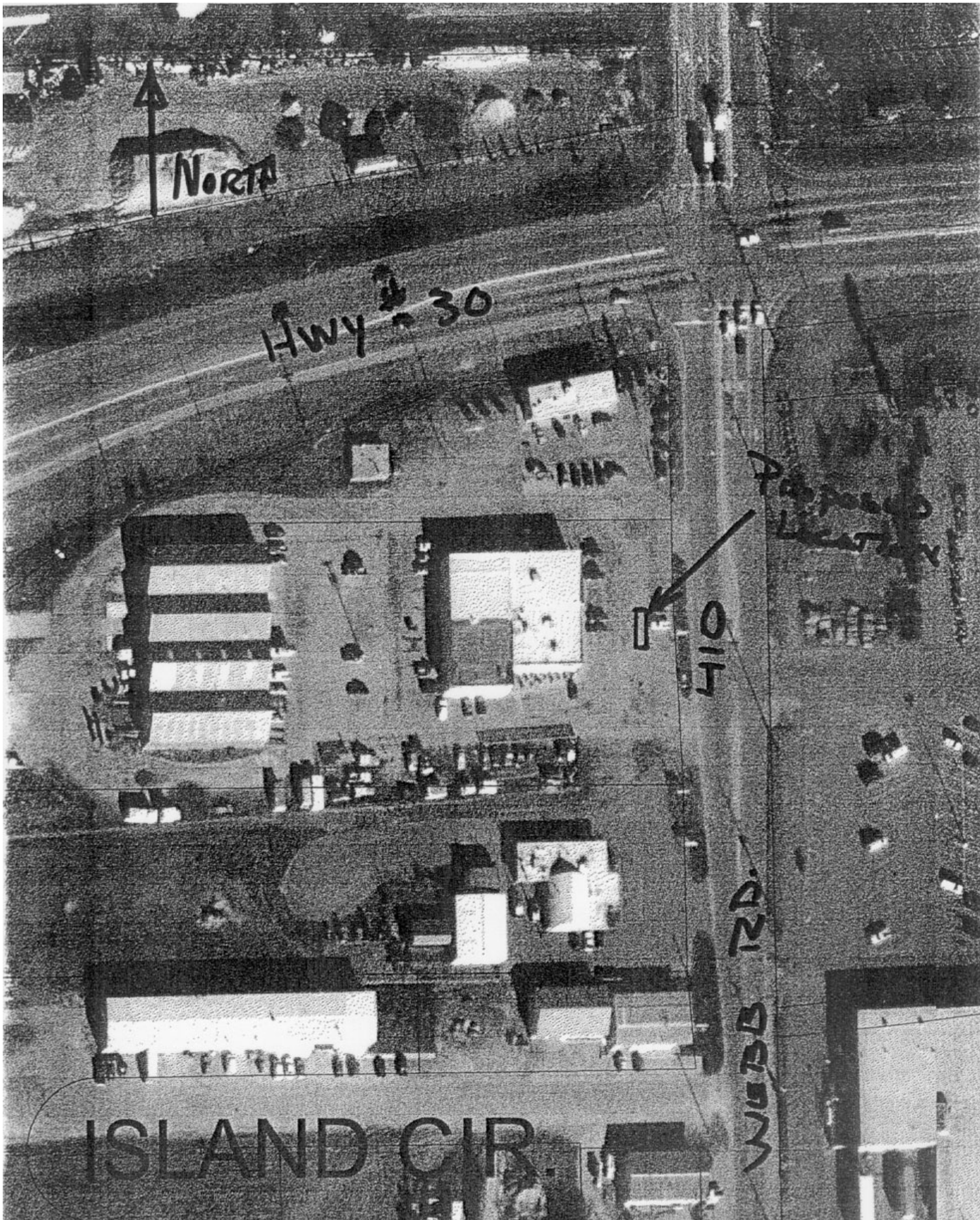
Council Session

## Item E1

### **Public Hearing on Request of Stalker Development, Ltd., Harry Stalker, President, for Conditional Use Permit for Temporary Placement of a Hot Dog Stand Located at 410 South Webb Road**

*Harry Stalker, President of Stalker Development, Ltd., 410 South Webb Road, has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for a 14' x 33' mobile kitchen to be used as a hot dog stand for drive-in customers at 410 South Webb Road. A conditional use permit is required as the applicant is requesting utility connections to this temporary building. This request has been reviewed by the Building, Legal, Utilities, Planning, and Public Works Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Craig Lewis



NORTH

HWY 30

ISLAND CIR

W 5th TRD

410

Proposed Location







# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E2

### **Public Hearing Concerning Change to Grand Island Zoning Ordinance to Allow Self Storage Facilities in TA & B2 Zone.**

*This item would change the Grand Island Zoning Ordinance to define and allow self-storage facilities within various zoning districts as presented, as requested by Bryce Bartu. At the regular meeting of the Regional Planning Commission on August 7, 2002, they voted to recommend approval of this item with 6 members present voting for, 2 members voting against, and 1 member abstaining. It is appropriate at this time to solicit public comment. The action item is contained under Ordinances.*

**Staff Contact: Chad Nabity**

August 8, 2002

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

Dear Members of the Council:

RE: Changes to the Grand Island Zoning Ordinance to define and allow self-storage facilities within the TA Transitional Agriculture Zone, B2 General Business Zone, and M1 Light Manufacturing Zone.

At the regular meeting of the Regional Planning Commission, held August 7, 2002, the above item was considered following a public hearing. This amendment would define and allow self-storage facilities within various zoning districts.

Golda Bockbrader spoke in opposition of this amendment. She expressed concerns with the safety of the area from crime, who would enforce the Landscaping regulations, and the impact this will have on established residential neighborhoods.

Ron Depue spoke on behalf of his clients Mr. & Mrs. Bartu. He said they have done a great deal of time with Chad working out all the details. He said the change to add adjacent to be 300 feet was acceptable. He said he talked to Pete Kortum with the Grand Island police department, and Mr. Kortum said that self storage facilities do not have a higher crime rate than any other development.

Following further consideration and discussion, a motion was made by Ruge, and 2<sup>nd</sup> by Wagoner to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as presented.

A roll call vote was taken and the motion passed with 6 members present voting in favor (Haskins, Ruge, Amick, Eriksen, Wagoner, O'Neill) 2 members voting against (Miller, Hayes), and 1 member abstaining (Hooker).

Yours truly,

Chad Nability AICP  
Planning Director

cc: City Clerk  
City Attorney  
Director Utilities  
Director Public Works  
Director Building Inspections



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E3

### **Public Hearing to Consider Revisions to the Grand Island Zoning Ordinance Pertaining to Salvage Yards and Conditional Use Permits.**

*This item would change the Grand Island Zoning Ordinance Chapter 36 pertaining to salvage yards, and conditional use permits. At the regular meeting of the Regional Planning Commission on August 7, 2002, they unanimously voted to approve these changes. The proposed revisions will update the definition of salvage yards to include items other than wrecked autos, establishes a more complete set of standards for the physical items required in order to operate a yard, such as sight obscuring fencing completely around the facility, proper storage of EPA hazardous materials, and sets out in detail the process for reviewing violations by operators. It is appropriate at this time to solicit public comment. The action item is contained under Ordinances.*

Staff Contact: Chad Nabity

August 8, 2002

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

Dear Members of the Council:

RE: To consider revisions to the Grand Island Zoning Ordinance chapter 36 pertaining to salvage yards and conditional use permits.

At the regular meeting of the Regional Planning Commission, held August 7, 2002, the above item was considered following a public hearing. This amendment would pertain to chapter 36, salvage yards and conditional use permits for salvage yards.

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

Following further consideration and discussion, a motion was made by Hooker, and 2<sup>nd</sup> by Miller to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as presented.

A motion was made by Hayes, and 2<sup>nd</sup> by Ruge to amend chapter 36-45 section I to state that the salvage material may be no higher than the fence around the salvage yard within 50 feet of the fence. A roll call vote was taken and the motion passed unanimously with the 9 members present. (Miller, Amick, Eriksen, Hooker, Hayes, Haskins, Ruge, O'Neil, Wagoner).

A roll call vote was taken on the motion by Hooker to approve the amendment to the Grand Island zoning ordinance as presented with the approved amendment, and the motion passed unanimously with 9 members present voting in favor (Miller, Amick, Eriksen, Hooker, Hayes, Haskins, Ruge, O'Neil, Wagoner).

Yours truly,

Chad Nabity AICP  
Planning Director

cc: City Clerk  
City Attorney  
Director Utilities  
Director Public Works  
Director Building Inspections  
Manager Postal Operation



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E4

### **Public Hearing on Setting Occupation Tax for Downtown Improvement and Parking District #1**

*This request is the annual Council action to establish the occupation tax that supports the budget for Downtown Improvement and Parking District #1. Assessments in this district are based upon an occupation tax on the public space of the businesses operating within the District and are ordinarily paid by the business occupants of the space. This district has been in place since 1975, and is primarily focused on physical improvements such as the purchase and maintenance of parking lots and public green areas, the alleyway improvement project, purchase of holiday decorations, flags, banners, trees, parking monitoring, and snow removal and other activities as allowed by NE. Rev. Statutes 19-4016-4038.*

*The FY2002-2003 occupation tax factor is \$00.1354 per square foot of public use space, with a minimum annual fee of \$104.72. This level is slightly higher than last year's tax factor of \$00.1260. The increase allows for the continuation and completion of many of the projects underway in the Downtown area. These projects were identified in the Downtown Identity and Design Study and have been adopted as priorities of the Downtown Board. Efforts include: maintenance and care of the green space area in the downtown, including the pocket park on South Front Street, Kaufman-Cummings Park, as well as the entryway signage, and parking enforcement. It is appropriate at this time to solicit public comment. The action item is contained under Ordinances.*

Staff Contact: Cindy Johnson



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E5

### **Public Hearing on General Property, Parking District #2 and Community Redevelopment Authority Tax Request**

*Nebraska State Statute 77-1601-02 requires that the City of Grand Island conduct a public hearing if the property tax request changes from one year to the next. Our general property tax request increased from \$6,050,018 in FY2001-2002 to \$6,480,000 for FY2002-2003, or an increase of \$429,982. This represents a 7.1% increase in property tax dollars and a 0.3% decrease in the city of grand Island's levy.*

*The property tax request for Parking District #2, also known as the Parking Ramp (Fund 271), decreased from \$47,250 in FY2001-2002 to \$30,018 for FY2002-2003, or a decrease of \$17,232. Parking District #2's levy decreased by 36.4%.*

*The property tax request for the Community Redevelopment Authority increased from \$402,431 in FY2001-2002 to \$431,150 for FY2002-2003, an increase of \$28,719. This represents a 7.1% increase in property tax dollars and no change in the CRA's levy.*

*The City Council needs to pass a resolution by majority vote setting the property tax request for the General property tax at \$6,480,000, the Parking District #2 property tax at \$30,180 and the Community Redevelopment Authority property tax at \$431,150. The property tax request will be published in the Grand Island Independent on September 6, 2002. As you know, the City Council adopted the City Budget on August 27, 2002. This represents the final action to be taken on the FY2002-2003 Budget. It is appropriate at this time to solicit public comment. The action item is contained under Resolutions.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E6

### Public Hearing on Proposed Use of Local Law Enforcement Block Grant Funds

#### **BACKGROUND:**

*The Grand Island Police Department is eligible for federal LLEBG funds annually. This year, our award is \$33,593. Because of Hall County being federally designated as a “disparate community”, 25% of the funds will be awarded to the Hall County Sheriff’s Office. Our share, including the city match of \$2,604, will be \$23,432. These funds are not to be used for personnel costs; just police equipment.*

#### **DISCUSSION:**

*There is a federal mandate that requires a public hearing regarding the dispersing of the block grant funds. Additionally, a grant advisory board meeting was held to discuss the funds allocation. In September 2002, members of the grant advisory board consisting of Dr. Kent Mann, Jerry Janulewicz, Carol Castleberry, Charlotte Lanzdorf, and I discussed the 2001 grant. We are now asking to hold the public hearing for any input from the community.*

#### **RECOMMENDATION:**

*The grant funds are tentatively allocated for the following: portable radios with replacement batteries and chargers and for supplemental replacement and installation costs of wireless communication equipment. It is allowable to carry over a portion LLEBG funds from year to year. I would propose that not all of these funds be specifically earmarked because of unforeseen equipment needs.*

#### **FINANCIAL IMPLICATIONS:**

*Our cash match for 2002 LLEBG is \$2,604, which has been budgeted.*

#### **ALTERNATIVES:**

*Reallocate funds; refuse the grant.*

*It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Kyle Hetrick



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E7

### **Public Hearing on Request of GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road, for Class "C" Liquor License**

*Brian Lockman, Owner of GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road, has submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale 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, September 10, 2002

Council Session

## Item E8

### **Public Hearing on Request of Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, for Class "C" Liquor License**

*Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, has submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale 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 so solicit public comment. The action item is contained under the Consent Agenda.*

**Staff Contact: RaNae Edwards**



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item E9

### **Public Hearing on Acquisition of Utility Easement Located at Faidley and Weis Drive - Farm Credit Services**

*Acquisition of utility easement located at Faidley and Weis Drive (west of Webb Road), is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate both water and electric lines on the north side of the property and electric lines only on the west side of the property. 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, September 10, 2002

Council Session

## Item E10

### **Public Hearing on Acquisition of Utility Easement Located north of Husker and west of Hwy. 281 - Pedcor Investments**

*Acquisition of utility easement located in the Pedcor Subdivision north of Husker Highway and west of Highway 281, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate underground cable and pad-mounted transformers to serve new apartment buildings. 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, September 10, 2002

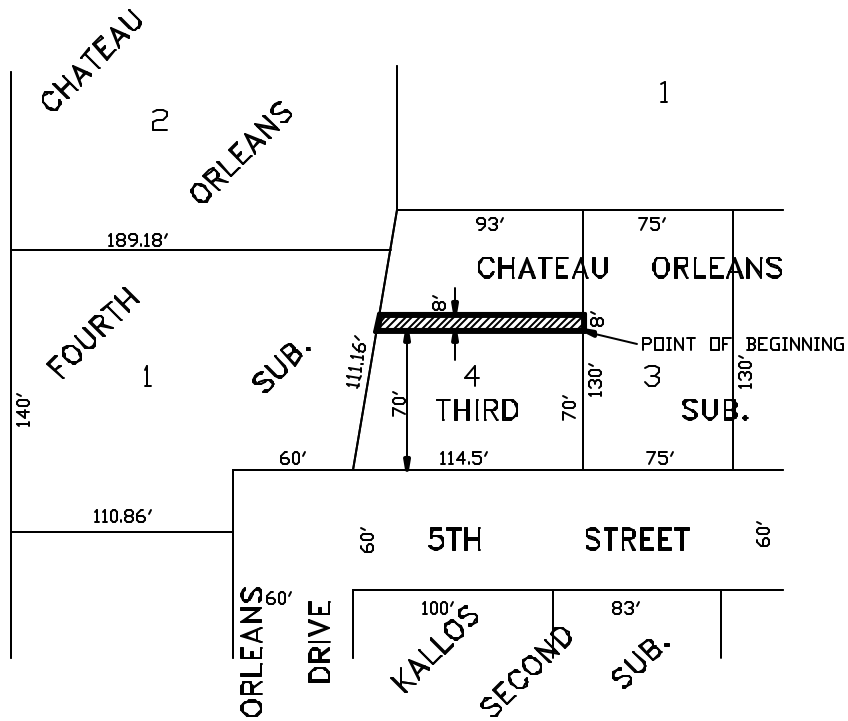
Council Session

## Item F1

### **#8762 - Consideration of Vacating Public Utility Easement at 2910 W 5th Street**

*Council action is required for vacation of all Public Utility Easements through passing of an Ordinance. The current owners would like to put an addition on their residence. The owners have asked the City to vacate the 8' Easement which runs across their lot. 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, Utilities and Building Departments have reviewed and approved the request. Filing and staff costs should be less than the \$75.00 application fee charged for Vacation of an Easement.*

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



AREA OF UTILITY EASEMENT  
TO BE VACATED

# EXHIBIT "A"

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8762

An ordinance to vacate an existing easement and right-of-way located in a part of Lot Four (4), Chateau Orleans Third Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing Eight (8.0) foot wide easement and right-of-way located in a part of Lot Four (4), Chateau Orleans Third Subdivision in the city of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated:

Beginning at a point on the east line of Lot Four (4), Chateau Orleans Third Subdivision, said point being Seventy (70.0) feet north of the southeast corner of said Lot Four (4); thence west on a line Seventy (70.0) feet north of and parallel to the south line of said Lot Four (4) to the west line of Lot Four (4) Chateau Orleans Third Subdivision; thence northeasterly on the west line of said Lot Four (4) to a point being Seventy Eight (78.0) feet north of the south line of said Lot Four (4); thence east on a line Seventy Eight (78.0) feet north of and parallel to the south line of said Lot Four (4) to the east line of Lot Four (4) Chateau Orleans

Approved as to Form? \_\_\_\_\_  
September 6, 2002 ? City Attorney

ORDINANCE NO. 8762 (Cont.)

Third Subdivision; thence south on the east line of said Lot Four (4) for a distance of Eight (8.0) feet to the point of beginning, as shown on the plat dated September 3, 2002, attached hereto and incorporated herein by reference.

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: September 10, 2002.

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

Attest:

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



# City of Grand Island

Tuesday, September 10, 2002

Council Session

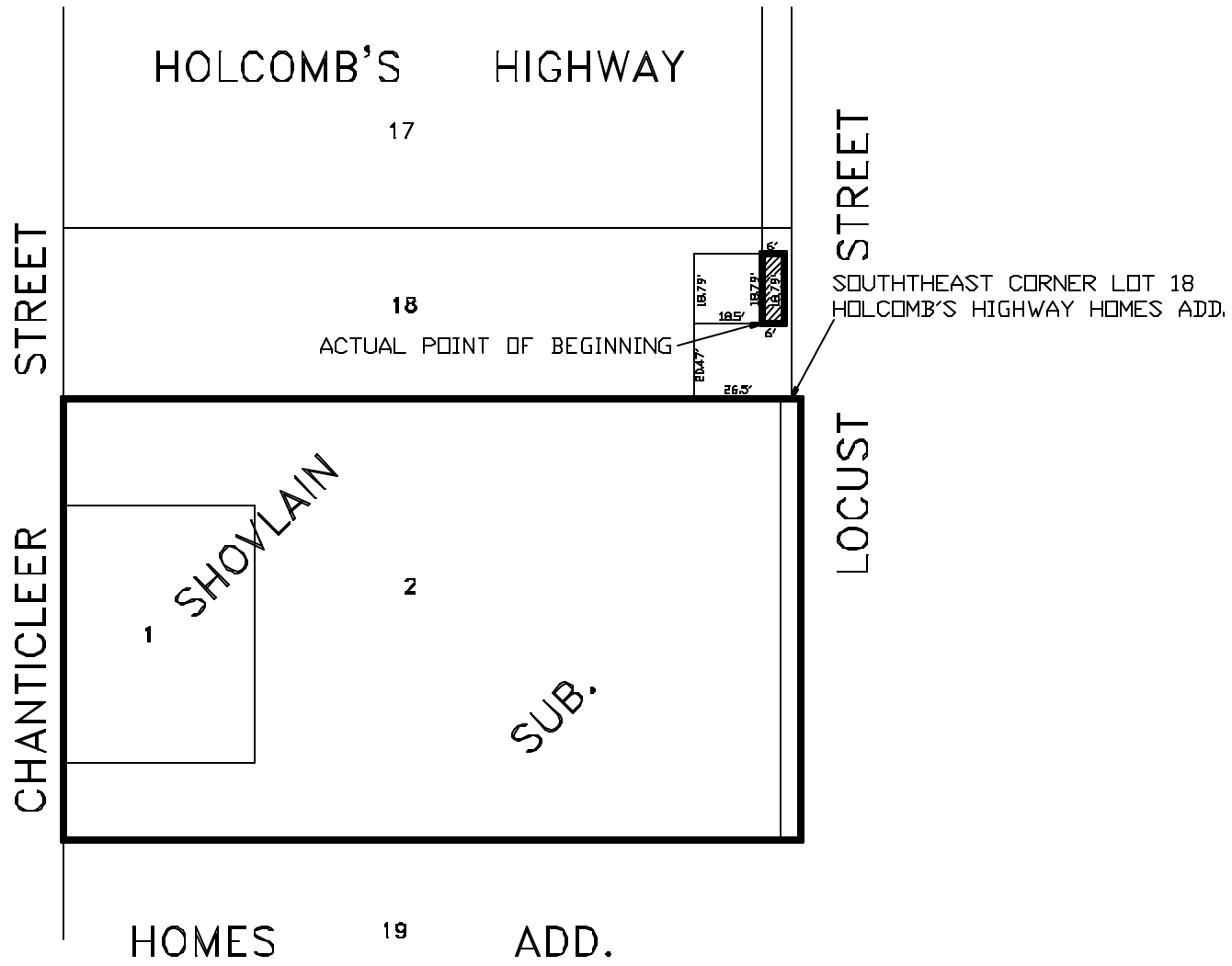
## Item F2

### **#8763 - Consideration of Vacating Public Utility Easement at 2320 South Locust**

*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. After work was completed, it was discovered that 6' of this Easement would not be needed for the project. The owner would like for the City to vacate this 6' section in order to accommodate placement of a sign on his property. 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. Costs for filing the Vacation at the Register of Deeds would be minimal.*

Staff Contact: Steve Riehle





EASEMENT AREA TO BE VACATED

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8763

An ordinance to vacate a portion of 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 a portion of 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, is hereby vacated:

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; thence N88°36'00"E a distance of Eighteen and Five Tenths (18.5) feet to the Actual Point of Beginning; thence N01°24'05"W a distance of Eighteen and Seventy Nine Hundredths (18.79) feet; thence N88°36'00"E a distance of Six (6.0) feet; thence S01°24'00"E a distance of Eighteen and Seventy Nine Hundredths (18.79) feet; thence S88°36'00"W a

Approved as to Form? \_\_\_\_\_  
September 6, 2002 ? City Attorney

ORDINANCE NO. 8763 (Cont.)

distance of Six (6.0) feet to the point of beginning, as shown on the plat dated June 20, 2002, attached hereto and incorporated herein by reference.

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: September 10, 2002.

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

Attest:

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



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F3

### **#8764 - Consideration of Downtown Business Improvement District #2 Assessments**

#### **BACKGROUND**

*In accordance with City Code, the Grand Island City Council, at the second meeting in July (July 23, 2002), considered the annual budget for Business Improvement District #2, Downtown. Business Improvement District #2 was created in January 1999 in order to provide public improvements, development of public activities and promotions, and administer activities in the Downtown area. The FY2002-2003 Budget is the fourth full year of a five year budget; however, the City Attorney has rendered the opinion that the first year of the five years of the District's life was to have been the 1998-1999 fiscal year. It should be noted that although steps were taken in 1998 to create the District, the first fiscal year's assessment did not occur until June 1999 and the first year's assessments were reduced accordingly. The total funds for the five-year period were established in the creating Resolution and Ordinance for this District. Business Improvement District Board members are beginning the process of reviewing the needs of the District to prepare for the creation/extension of this District next spring.*

#### **DISCUSSION**

*The FY2002-2003 assessments have been set at \$.3028 per \$100 of assessed valuation and provides for a 5% increase in order to continue the projects currently underway and to continue with the activities of the District. The Board has been very active this last year and has played a crucial role in establishing the priorities for the Downtown. Volunteer committee members and staff has been working to carry out many of the components identified in the Downtown Identity and Design Strategic Plan adopted in 2001. Projects include downtown alleyway project (Phase 4 is scheduled for this budget year), entryway signage, beautification and increased events/promotions. The Downtown has focused significant effort this year in bringing people downtown. Many family activities, including Pumpkin Painting, Sidewalk Art Festival, and Bluegrass Festival, were very successful. Of particular interest this year has been, and will continue to be, efforts to attract niche businesses to the downtown as some downtown mainstays have relocated to the Highway 281 corridor. The Downtown Market continues to be very well received. As the Business Improvement Board heads into its last year of the five year life, we would anticipate much discussion on how the downtown can position itself in the next five and ten years to remain a vibrant part of this community. These discussions will take place over the course of the next six months. Your inputs are appreciated.*

#### **RECOMMENDATION**

*It is recommended that the City Council, in its capacity as the Board of Equalization,*

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*determine the benefits of the District. Secondly, it is recommended that the City Council approve the assessments as provided for in the associated Ordinance.*

Staff Contact: Cindy Johnson

ORDINANCE NO. 8764

An ordinance to assess and levy a special tax to pay the 2002-2003 revenue year cost of Business Improvement District No. 2 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provisions of the Grand Island City Code, ordinances, 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. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the 2002-2003 revenue year cost of Business Improvement District No. 2 of the City of Grand Island, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such Business Improvement District, after due notice having been given thereof as provided by law; and a special tax for such 2002-2003 revenue year cost is hereby levied at one time upon such lots, tracts and lands as follows:

<b>Name</b>	<b>Description</b>	<b>Assessment</b>
Red Wolf, Inc.	S 31.9' E2/3 Lot 1, Block 54, Original Town	\$62.05
Red Wolf, Inc.	N 100.5' E2/3 Lot 1, Block 54, Original Town	293.48
Copper Eagle Brewery, LLC	W1/3 Lot 1, Block 54, Original Town	24.35
R. Dennis & Patricia A. Norris	Lot 2, Block 54, Original Town	514.84
John & Teresa A. Wayne	N1/2 of W2/3 Lot 6, N1/2 Lot 5, Block 54, Original Town	415.90
Gus Katrouzos	S 60' W1/3 Lot 5, Block 54, Original Town	74.46
Gus Katrouzos	S 60' W 16' E2/3 Lot 5, Block 54, Original Town	68.76
Nickie J. Kallos	E 28' S1/2 Lot 5; N 6' W 38' S1/2 Lot 5, Block 54, Original Town	172.73

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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ORDINANCE NO. 8764 (Cont.)

Nickie J. Kallos	W 22' S1/2 Lot 6; Block 54, Original Town	135.84
R. Dennis & Patricia A. Norris	E 22' W 44' S1/2 Lot 6; E 22' Lot 6, Block 54, Original Town	340.43
R. Dennis & Patricia A. Norris	W1/3 Lot 7, Block 54, Original Town	273.35
R. Dennis & Patricia A. Norris	C1/3 Lot 7, Block 54, Original Town	259.94
Copper Eagle Brewery, LLC	E1/3 Lot 7, W1/3 Lot 8, C1/3 Lot 8 and E1/3 Lot 8, (Except 15' x 15' x 15' triangle sold to City), Block 54, Original Town	1,204.62
Nathan Detroits, Inc.	N1/2 Lot 1, Block 55, Original Town	201.24
Nathan Detroits, Inc.	N 44' S1/2 Lot 1, Block 55, Original Town	301.86
Virginia Irvine	S 22½' Lot 1, Block 55, Original Town	88.88
Wayne & Opal Marsh	S1/2 W1/2 Lot 3; S1/2 Lot 4, Block 55, Original Town	338.75
Downtown Center, LLC	N 67½' Lot 5, Block 55, Original Town	50.33
Charles E. Armstrong, Jr.	N 20' S 64.5' Lot 5, Block 55, Original Town	83.18
Fredda P. Bartenbach	S 44.5' Lot 5, Block 55, Original Town	194.53
Grand Island Little Theatre, Inc.	W2/3 Lot 6, Block 55, Original Town	338.75
Arthur & Jeanene Campos	E1/3 Lot 6, Block 55, Original Town	135.84
Prairie Winds Art Center, Inc.	W1/3 Lot 7, Block 55, Original Town	177.76
Roger L. Keith & David D. Landis	E2/3 Lot 7, Block 55, Original Town	558.44
Thomas W. & Angela J. Ziller	W1/3 Lot 8, Block 55, Original Town	108.98
Thomas W. & Angela J. Ziller	C1/3 Lot 8, Block 55, Original Town	108.98
Thomas W. Ziller	E1/3 Lot 8, Block 55, Original Town	140.45
Downtown Center, LLC	N 68' Lot 1; Lot 2; E1/2 Lot 3, Block 56, Original Town	172.97
Downtown Center, LLC	N 22' of S 42', W 6' S 20', Lot 1, Block 56, Original Town	15.49
Downtown Center, LLC	N 22' of S 64' Lot 1, Block 56, Original Town	14.30
Downtown Center, LLC	S 20' of E 60' Lot 1, Block 56, Original Town	11.82
Ron Von Behren	W1/3 Lot 5, Block 56, Original Town	167.70
Jim Huebner & Shane Peterson	E2/3 Lot 5, Block 56, Original Town	519.87
Bette Tiner, Trustee	W2/3 Lot 6, Block 56, Original Town	330.37
Bette Tiner, Trustee	E1/3 Lot 6, Block 56, Original Town	157.64
Duane A. & Dee Ann Johnson	Lot 7, Block 56, Original Town	329.39

ORDINANCE NO. 8764 (Cont.)

Downtown Center, LLC	Lot 8, Block 56, Original Town	2,810.65
William P. & Juliann K. Ziller	Lot 1, Ziller Subdivision	556.76
Furniture Clearing House, Inc.	Lot 2, Ziller Subdivision	362.23
R.L. Fridley Theatres, Inc.	E2/3 Lot 6, Block 57, Original Town	194.53
Wells Fargo	Lot 7, Block 57, Original Town	818.38
Wells Fargo	Lot 8, Block 57, Original Town	1,202.41
U.S. Bank	Lots 1 & 2, Block 58, Original Town	306.89
U.S. Bank	N1/2 Lot 3; N1/2 Lot 4, Block 58, Original Town	129.45
U.S. Bank	S1/2 Lot 3; S1/2 Lot 4, Block 58, Original Town	126.40
U.S. Bank	Lot 5; W 22' Lot 6, Block 58, Original Town	1,482.47
Tom Myers & Darrell Albers	Lot 1, Jensen Subdivision	135.84
Joseph M. Brown	Lot 2, Jensen Subdivision	77.48
Kitchen & Bath Unlimited	W1/3 Lot 7, Block 58, Original Town	176.09
K & S Inc.	C1/3 Lot 7, Block 58, Original Town	119.54
O'Neill Brothers	Lot 2, Prensa Latina Subdivision	136.50
O'Neill Brothers	Lot 3, Prensa Latina Subdivision	107.33
Mark Stelk	Lot 4, Prensa Latina Subdivision	201.68
Mead Bldg. Centers of G.I.	N 102½' Lot 1; Lot 2, Block 59, Original Town	344.62
Mead Bldg. Centers of G.I.	N 33' Lot 4, Block 59, Original Town	150.93
H & H Land Co.	S 29½' Lot 1, Block 59, Original Town	19.13
Mead Bldg. Centers of G.I.	S 99' Lot 4; Lot 3, Block 59, Original Town	160.99
Wells Fargo, Trustee of Eakes Family Trust	Lot 5, Block 59, Original Town	228.86
Larry & Mary Ann Gerdes	W 23' Lot 6, Block 59, Original Town	162.67
Chanh Ty Ngo & My T Nguyen	E 23' W 46' Lot 6, Block 59, Original Town	162.67
Myrtle Grimminger	E 20' Lot 6; W½ Lot 7, Block 59, Original Town	58.66
H & H Land Company	W 22' E1/2 Lot 7, Block 59, Original Town	155.96
H & H Land Company	E 11' Lot 7; Lot 8, Block 59, Original Town	456.14
William D. Livengood	Lots 1 & 2, Block 60, Original Town	603.72
William D. Livengood	Lot 3, Block 60, Original Town	134.16
William D. Livengood	Lot 4, Block 60, Original Town	196.21
Ed Rugebregt	Lots 5 & 6, Block 60, Original Town	583.60
Doax Investment	Lots 7 & 8, Block 60, Original Town	583.60



ORDINANCE NO. 8764 (Cont.)

Wells Fargo, Trustee of Eakes Family Trust	Lots 1 & 2, Block 61, Original Town	687.57
Wells Fargo, Trustee of Eakes Family Trust	Lots 3 & 4, Block 61, Original Town	652.35
Fred M. Glade, III	Lot 5, Block 61, Original Town	536.64
Jerome Niedfelt	Lots 6, 7 and 8, Block 61, Original Town	847.72
Richard H. & Arlene M. Baasch	S 44' Lot 1, Block 62, Original Town	194.53
Bette Tiner, Trustee	N 88' Lot 1, Block 62, Original Town	389.06
Bette Tiner, Trustee	Lot 2, Block 62, Original Town	583.60
Northwestern Public Service	S 66' Lot 4; N 66' of E 57' and S 66' Lot 3, Block 62, Original Town	968.80
Alan D. Zwink	N 66' W 9' Lot 3; N 66' Lot 4, Block 62, Original Town	159.32
Vogel Enterprises, Ltd.	E 16' Lot 5; W ½ Lot 6, Block 62, Original Town	57.97
Vogel Enterprises, Ltd.	E ½ Lot 6; W ½ Lot 7, Block 62, Original Town	335.40
Old Sears Development, Inc.	Lots 1 & 2, Block 63, Original Town	1,030.55
Old Sears Development, Inc.	E2/3 Lot 3, Block 63, Original Town	389.06
John R. Miller	W1/3 Lot 3; E1/3 Lot 4, Block 63, Original Town	273.02
Gail W. Leetch	W2/3 Lot 4, Block 63, Original Town	389.06
Grand Island Investment, Inc.	S 88' Lot 8, Block 63, Original Town	280.06
Maude E. Walters	E1/3 Lot 1, Block 64, Original Town	290.12
Craig C. Hand	C1/3 Lot 1, Block 64, Original Town	131.14
Cosrec Enterprises	W1/3 Lot 1, Block 64, Original Town	201.24
Glade Inc.	E 44' Lot 2, Block 64, Original Town	229.75
Ivan P. & Sharon L. Walsh	W1/3 Lot 2, Block 64, Original Town	182.79
Daniel P. & Molly J. Cimino	E1/3 Lot 3, Block 64, Original Town	150.93
Services Unlimited Agricultural Consultants, Inc.	W2/3 Lot 3, Block 64, Original Town	528.26
Galen E. & Tamera M. Gerdes	Lot 4, Block 64, Original Town	524.90
Ronald L. & Francene Zook	N 22' Lot 8, Block 64, Original Town	186.15
Terry M. & Susan M. Taylor	S1/2 N1/3 Lot 8, Block 64, Original Town	150.93
Laverne & Donna R. Shehein	N 44' S 88' Lot 8, Block 64, Original Town	164.35
Wayne E. & Ardith C. May	Lot 1, Block 65, Original Town	267.35
Drs. Grange, Pedersen & Brown	E1/3 Lot 2, Block 65, Original Town	174.79

ORDINANCE NO. 8764 (Cont.)

Connie Swanson Kersten	C1/3 Lot 2, Block 65, Original Town	157.64
Gary Phillips & David Wetherilt	W1/3 Lot 2, Block 65, Original Town	253.23
Fredda Bartenbach	E1/3 Lot 3, Block 65, Original Town	75.47
Janelle L. Brown	W1/3 Lot 3, Block 65, Original Town	159.32
Allen V. & Linda Hoffer	E1/3 Lot 4, Block 65, Original Town	150.93
Lungrin's, Inc.	W2/3 Lot 4, Block 65, Original Town	313.60
Terry Taylor	N 22' Lot 5, Block 65, Original Town	135.84
Wm. P. & JuliAnn Ziller	S 44' N1/2 Lot 5, Block 65, Original Town	200.41
Doris Winkler Marquart, Trustee	S1/2 Lot 5, Block 65, Original Town	273.35
Steve & Barbara Fuller	W1/3 Lot 6, Block 65, Original Town	87.20
Scott & Sheri Arnold	E2/3 Lot 6, Block 65, Original Town	243.67
Transportation Equipment	W1/2 Lot 7, Block 65, Original Town	199.56
Drs. Grange, Pedersen, Brown	N 55' of E1/2 Lot 7; N 55' Lot 8, Block 65, Original Town	53.65
Drs. Grange, Pedersen, Brown	C 22' of E 4' Lot 7; C 22' of Lot 8, Block 65, Original Town	206.27
Drs. Grange, Pedersen, Brown	W 18.9' of E1/2 Lot 7; N 29.9' of E 14.1' Lot 7; W 29' C 22' E1/2 Lot 7, N 29.9' of S 55' Lot 8 x CN6' S31.1' E40' Lot 8, Block 65, Original Town	226.40
Drs. Grange, Pedersen, Brown	S 25.1' of Lot 8; N 6' of S 31.1' of E 40' Lot 8; and S 25.1' of E14.1' of Lot 7, Block 65, Original Town	300.18
WDC Partnership	Lots 1 & 2, Block 66, Original Town	872.04
John Vipperman, T. Kovanda, and A. Wetzel	E1/3 Lot 3, Block 66, Original Town	233.10
Heather, Kelli and Megan Bowden	S1/3 W1/3 C1/3 Lot 3 (Except 17.5'), Block 66, Original Town	281.74
James G. Duda	N88' E1/3 Lot 4, Block 66, Original Town	248.20
J. Gary & Patricia Vejvoda	N 88' C1/3 Lot 4, Block 66, Original Town	292.47
Ben's Drug Store, Inc.	N80' W1/3 Lot 4, Block 66, Original Town	100.62
Masonic Templecraft Assoc.	Pt W 17.5' S 44' Lot 3; N 5' S 52' W 22', & S 44', Lot 4, Block 66, Original Town	228.49
Fredda Bartenbach	Lot 5, W1/3 Lot 6, Block 66, Original Town	475.13
Fredda Bartenbach	E2/3 Lot 6; W1/3 Lot 7, Block 66, Original Town	241.49
James E. & Mary Ann Keeshan	E2/3 Lot 7, Block 66, Original Town	255.91
Plaza Square Development	S1/2 Block 67, Original Town	1,720.60

ORDINANCE NO. 8764 (Cont.)

Rasmussen & Associates	W2/3 Lot 2, Block 68, Original Town	199.23
FOE #378	Pt Lot 3; Lot 4, Block 68, Original Town	1,338.41
Plaza Square Development	Lot 5; W 22' Lot 6, Block 68, Original Town	135.84
Equitable Building & Loan	Lot 1, Block 79, Original Town	288.44
Equitable Building & Loan	Lot 2, Block 79, Original Town	112.89
Equitable Building & Loan	S 44' Lot 3, S 44' Lot 4, Block 79, Original Town	655.71
Margo Schager	Lot A, Gilbert's North, 22' x 99'	164.35
Equitable Building & Loan	Lot B, Gilberts North	166.02
Equitable Building & Loan	N 26' 10½" Lot 8, Block 79, Original Town	28.49
Equitable Building & Loan	S 17' 1½" N 44' Lot 8, Block 79, Original Town	17.47
Equitable Building & Loan	S 88' Lot 8, Block 79, Original Town	97.31
Josephine O'Neill, Trustee	W1/3 Lot 3, All Lot 4, Block 80, Original Town	630.55
Qwest (US West)	Lots 5, 6 and 7, and N 44' of Lot 8, Block 80, Original Town; Centrally Assessed	4,316.02
Alltel Nebraska, Inc.	Central Assessed	12.75
MCI Worldcom	Central Assessed	42.10
Kinder Morgan	Central Assessed	21.58
KN Energy	Central Assessed	.11
Northwestern Public Service	Central Assessed	807.06
Nebraska Technology	Central Assessed	2.60
Wireless II, d/b/a NE Wireless	Central Assessed	103.26
AT&T	Central Assessed	3,300.25
David C. Huston	C1/3 Lot 8, Block 80, Original Town	275.03
Joseph M. & Lori J. Brown	S 44' Lot 8, Block 80, Original Town	281.74
Olson Furniture & Auction, Inc.	Lot 1, Block 81, Original Town	655.71
Ronald E. & Sharon R. Trampe	W1/3 Lot 2, Block 81, Original Town	162.67
Virginia M. Harris	E1/3 Lot 3, Block 81, Original Town	169.38
James S. & Precious Reed	C1/3 Lot 3, Block 81, Original Town	233.10
Ronald C. & Vada M. Krauss	W1/3 Lot 3, Lot 4, Block 81, Original Town	481.77
Walnut Street Partnership	Lot 5, Block 81, Original Town	394.10
Walnut Street Partnership	Lot 6, Block 81, Original Town	189.50
Wheeler Street Partnership	Lot 7; S2/3 Lot 8, Block 81, Original Town	664.09
Schroeder-Rathman, Trustees	N1/3 Lot 8, Block 81, Original Town	276.71

ORDINANCE NO. 8764 (Cont.)

Morris Communications	Lot 1, Block 82, Original Town	85.84
Morris Communications	Lot 2, Block 82, Original Town	253.23
Morris Communications	Lot 3, Block 82, Original Town	85.84
Morris Communications	Lot 4, Block 82, Original Town	286.77
Morris Communications	Lots 5, 6, 7 and 8, Block 82, Original Town	2,750.28
Fort Myers Motel Group, Inc.	Lots 1 and 2, Block 83, Original Town	146.10
Relax Inn	Lots 1 & 2, Block 83, Original Town (Improvements Only)	939.12
JOMIDA, Inc.	Lots 3 and 4, Block 83, Original Town	888.81
Michael & Sonya Wooden	E 41' N 28' Lot 8, Block 83, Original Town	125.78
Michael & Sonya Wooden	Pt N1/3 and S2/3 Lot 8, Block 83, Original Town	209.63
Contryman & Associates	Lots 3 and 4, Block 85, Original Town	489.68
G.I. Liederkrantz	Lots 1, 2, 3 and 4, Block 87, Original Town	298.61
Home Federal Savings & Loan Assoc. of Grand Island	Pt Lots 1, 2, 3, 4 and 7; all of Lots 5 and 6; pt Vacated Alley, Block 89, Original Town	350.49
Home Federal Savings & Loan	Lot 9, County Sub., W1/2 SW1/4 Sec 15-11-9	1,476.97
Kathleen A. Campbell	W 67' S 50' Lot 4, Hann Addiiton	84.09
Ruben DeBlanco-Diaz	N1/2 Lot 1, Block 98, Railroad Addition	23.89
Arvid C. Carlson	Lot 2, Block 98, Railroad Addition	95.05
James D. & Dawn L. Petersen	W 52' Lot 7, Block 98, Railroad Addition	205.09
Filemon Sanchez	E 14' Lot 7, Lot 8, Block 98, Railroad Addition	261.61
Contryman Associates	Lots 1 and 2, Block 106, Railroad Addition	395.77
The Muffler Shop, Inc.	Lots 1 and 2, Block 107, Railroad Addition	274.19
The Muffler Shop, Inc.	Lots 3 & 4, Block 107, Railroad Addition	200.02
Joseph M. & Lori Jean Brown	S2/3 Lot 5, Block 107, Railroad Addition	449.44
David E. Janda, DDS	S 72' Lot 8, E 29.54' of S 71.5' Lot 7, Block 107, Railroad Addition	329.39
Barbara J. Clinch	N 60' of E 22' of Lot 7, N 60' Lot 8, Block 107, Railroad Addition	277.85
Richard & Marilyn Fox	Lots 1 and 2, Block 108, Railroad Addition	508.16
Douglas Bookkeeping	W 29' Lot 3, Lot 4, Block 108, Railroad Addition	621.50
Donald J. & Janet L. Placke	S 88' Lot 5, Block 108, Railroad Addition	113.33
Sam & Barbara Huston	Lot 6, Block 108, Railroad Addition	165.98
Bosselman, Inc.	Lots 7 and 8, Block 108, Railroad Addition	577.63

ORDINANCE NO. 8764 (Cont.)

David A. & Carolyn J. Gilroy	S 61' Lot 1; S 61' Lot 2, Block 109, Railroad Addition	88.11
Gregory T. & Gay L. Austin	N 71' Lot 1; N 71' Lot 2, Block 109, Railroad Addition	120.64
Lawrence J. & Sarah Lynn Levering	E 59.5' Lot 3, Block 109, Railroad Addition	127.96
Lawrence J. & Sarah Lynn Levering	W 6' 6.5" Lot 3, E 52'11" Lot 4, Block 109, Railroad Addition	58.49
Roger L & Sharon K. McShannon	Lots 5 and 6, Block 109, Railroad Addition	234.78
Virgil L. & Darlene G. Roush	Lots 7 & 8, Block 109, Railroad Addition	427.74
Salvation Army	Block 113 and Vacated Alley, Railroad Addition	199.61
Bonna Wanek	S 88' Lot 7, Block 114, Railroad Addition	51.24
Bonna Wanek	Lot 8, Block 114, Railroad Addition	519.13
Gary & Paul Hoos	Lot 4, Part of vacated street, Block 97, Railroad Addition in 15-11-9	271.63
Hall County	N 43.25' Lot 1, Hann's Addition	1,279.55
The Arter Group	Yancey Condominium 001	83.17
The Arter Group	Yancey Condominium 002	24.42
Equitable Building & Loan	Yancey Condominium 101	37.73
Equitable Building & Loan	Yancey Condominium 102	155.96
Equitable Building & Loan	Yancey Condominium 103	228.07
The Arter Group	Yancey Condominium 301	88.08
Arvon & Luella Marcotte	Yancey Condominium 302	71.69
Larry & Gail Fischer	Yancey Condominium 303	89.10
William L. Zins	Yancey Condominium 304	96.27
Raymond & Irene Teng	Yancey Condominium 305	102.42
Harriet A. Beckman	Yancey Condominium 401	72.71
The Arter Group	Yancey Condominium 402	77.84
The Arter Group	Yancey Condominium 403	76.81
Romsa Family Trust	Yancey Condominium 404	83.98
The Arter Group	Yancey Condominium 405	77.84
Larry D. Ruth	Yancey Condominium 406	76.81
Wyndell & Barbara Fordham	Yancey Condominium 407	102.42

ORDINANCE NO. 8764 (Cont.)

Archway Partnership	Yancey Condominium 501	74.76
The Arter Group	Yancey Condominium 502	80.91
George & Donna Schaefer, Jr.	Yancey Condominium 503	77.84
Richard & Nancy Schonberger	Yancey Condominium 504	83.98
The Arter Group	Yancey Condominium 505	77.84
Wayne D. Abbott	Yancey Condominium 506	76.81
Sandra Dawson	Yancey Condominium 507	103.44
The Arter Group	Yancey Condominium 601	76.81
The Arter Group	Yancey Condominium 602	81.93
Lois S. Matthews Trust	Yancey Condominium 603	77.84
Daniel F. Clyne	Yancey Condominium 604	83.98
The Arter Group	Yancey Condominium 605	78.86
Ryan G. Hansen	Yancey Condominium 606	77.84
Leanna Dembowski Estate	Yancey Condominium 607	104.46
Radd C. & Virginia W. Way	Yancey Condominium 701	76.81
The Arter Group	Yancey Condominium 702	81.93
Richard & Margaret Johnson	Yancey Condominium 703	78.86
Art & Jan Burtscher	Yancey Condominium 704	85.01
Ann C. Atkins	Yancey Condominium 705	78.86
Clifton J. Long, Sandra A. Thinner	Yancey Condominium 706	78.86
Nelse Zachry	Yancey Condominium 707	105.49
The Arter Group	Yancey Condominium 801	76.81
Mapes & Co. Partnership	Yancey Condominium 802	81.93
Mapes & Co. Partnership	Yancey Condominium 803	83.98
Romsa Family Trust	Yancey Condominium 1002	81.93
Jeremy S. & Jack L. Gillam	Yancey Condominium 1003	85.01
Helen Garrison	Yancey Condominium 1004	115.73
Ruth E. Megard, Trustee	Yancey Condominium 1005	90.13
Tera VanWinkle	Yancey Condominium 1006	114.71
Wendy Edghill	Yancey Condominium 1101	78.86
Linda L. Clare	Yancey Condominium 1102	82.96
Sharon Peshek Zehr	Yancey Condominium 1103	87.05

ORDINANCE NO. 8764 (Cont.)

Frank L. Hoelck Trust	Yancey Condominium 1104	117.78
Elizabeth W. Mayer	Yancey Condominium 1105	92.17
Judy J. Arnett	Yancey Condominium 804	114.71
Wendy Alexander	Yancey Condominium 805	87.05
Gerald & Janet Janulewicz	Yancey Condominium 806	113.68
James F. Nissan	Yancey Condominium 901	76.81
Elaine & Everett Evnen	Yancey Condominium 902	81.93
Elaine & Everett Evnen	Yancey Condominium 903	85.01
Cody & Robyn Wray/Robco	Yancey Condominium 904	115.73
Theodore L. Beck	Yancey Condominium 905	88.08
Peggy McCann	Yancey Condominium 906	114.71
Ron Krauss	Yancey Condominium 1001	77.84
Elizabeth W. Mayer	Yancey Condominium 1106	116.76
Roxann Kennedy	W 18.9' of E 33' of S 25.1' Lot 7, Block 65, Original Town	37.56
Equitable Building & Loan	Yancey Condominium 104	563.47
Equitable Building & Loan	Yancey Condominium 201A	496.39
Equitable Building & Loan	Yancey Condominium 201B	60.04
Equitable Building & Loan	Yancey Condominium 201C	150.93
Equitable Building & Loan	Yancey Condominium 201D	114.04
Enviro-Clean Contractors, Inc.	N 60' Frac Lots 1, 2 and 3, Block 89, Original Town	375.65

SECTION 2. The special tax shall become delinquent in fifty (50) days from date of this levy; the entire amount so assessed and levied against each lot or tract may be paid within fifty (50) days from the date of this levy without interest and the lien of special tax thereby satisfied and released. After the same shall become delinquent, interest at the rate of fourteen percent (14%) per annum shall be paid thereon.

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

ORDINANCE NO. 8764 (Cont.)

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Downtown Business Improvement District No. 2".

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

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

Enacted: September 10, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F4

### **#8765 - Consideration of Business Improvement District #3, South Locust Street from Highway 34 to Stolley Park Road, Assessments**

#### **BACKGROUND**

*In March, 1999, the City Council adopted Ordinance #8452 creating Business Improvement District #3, South Locust Street. The Ordinance established the purpose of the District, described the boundaries, and established that real property in the area would be subject to a special assessment to support purposes established through the creation of the District. Public improvements and facilities addressed in the creating Ordinance include: 1) improvement of any public place or facility including landscaping, physical improvements for decoration or security purposes, and plantings and maintenance of any landscaped greenway, trees, etc; snow removal from the sidewalks parallel to South Locust Street, purchase of equipment, materials, supplies or other expenses to accomplish the purposes of the District; and 2) employing or contracting for personnel, including administrators for any improvement program under the act ...as necessary to carry out the purposes of the act. A voluntary board has been appointed to oversee the activities of the district.*

#### **DISCUSSION**

*The creating Ordinance requires that a proposed budget for the District be considered by the Business Improvement District #3 Board and forwarded to the City Council for consideration at the second regularly scheduled City Council meeting in July. The District was established for a 10-year period of time with anticipated assessment revenues of \$314,447 over the course of the 10-year period. On June 20, 2002 the Business Improvement Board #3 (South Locust Street from Stolley Park Road to Fonner Park Road) met and approved the proposed budget. The 2002-2003 Budget provides for special assessments in the amount of \$3 per front footage for a total of \$29,835.85 for the 9,945.29 front footage. The Board established this assessment based on the anticipated completion of phase 2 of the project (fall 2002) thus requiring maintenance for the entire length of the project – a change from the past year when only ½ of the project was turned over to the City and the BID for maintenance. Additional contract funding has been included for the services provided by the City to the BID. This amount has been set at \$2,500 for the 2002-2003 fiscal year with an anticipated increase to \$5,000 in subsequent years. Other funding has been included in the event the BID moves forward with any suggestions included in the South Locust Street Identity and Design Plan.*

#### **RECOMMENDATION**

*It is recommended that the City Council, in its capacity as the Board of Equalization, determine the benefits of the District. Secondly, it is recommended that the City Council approve the assessments as provided for in the associated Ordinance.*

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**Staff Contact: Cindy Johnson**

ORDINANCE NO. 8765

An ordinance to assess and levy a special tax to pay the 2002-2003 revenue year cost of Business Improvement District No. 3 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provisions of the Grand Island City Code, ordinances, 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. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the 2002-2003 revenue year cost of Business Improvement District No. 3 of the City of Grand Island, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such Business Improvement District, after due notice having been given thereof as provided by law; and a special tax for such 2002-2003 revenue year cost is hereby levied at one time upon such lots, tracts and lands as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
All Faiths Funeral Home LLC	Part of NW1/4, NW1/4, SW1/4 of Section 27-11-9, Lot 4 Island	720.60
Growth Management Corp.	North 60 feet of Lot 22, south 49 feet of Lot 22 and north 11 feet of Lot 23, Holcomb's Highway Homes Subdivision	360.00
Virgil L. Roush	North 20 feet of Lot 1, all of Lot 2, Burch 2 <sup>nd</sup> Subdivision	1,188.00
Rex E. & Jonadyne A. Carpenter	Lots 1 and 2, Woodland 1 <sup>st</sup> Subdivision	1,199.55
Danny K. & Faith A. Oberg	Lot 4, Woodland 1 <sup>st</sup> Subdivision	600.57
Roland L. & Janis K. Westerby	Lot 3, Woodland 1 <sup>st</sup> Subdivision	600.00
Jerry L. & Dianna D. Duering	Lot 1, Bartz Subdivision	325.74
Stratford Plaza, L.L.C.	Lot 11, Woodland 2 <sup>nd</sup> Subdivision	1,580.88

Approved as to Form ? \_\_\_\_\_  
September 6, 2002 ? City Attorney

ORDINANCE NO. 8765 (Cont.)

Maxine E. Bosselman	Lot 8, Woodland 2 <sup>nd</sup> Subdivision	450.00
Jerry L. & Janet C. Loney	West 273 feet of Lot 1, Burch Subdivision	438.84
Byrd C. Garrison	Lot 1, Garrison Subdivision	768.60
Randy J. & Patricia R. Curran	Part of NW¼ of SW¼ of Section 27-11-9	1,008.03
Jonadyne A. Carpenter & Robert L. Clymer, Da-Ly Realty & Insurance Inc.	South 98 feet of Lot 23 and north 12 feet of Lot 24, Holcomb's Highway Homes Subdivision	300.00
Grand Island Music, Inc.	Lot 1, Desert Rose Subdivision	1,576.08
Rickie D. & Susan J. Noden	South 52 feet of Lot 19 and north 1 foot of Lot 20, Holcomb's Highway Homes Subdivision	159.30
Llamas Enterprises	Lot 25, south 97 feet of Lot 24, and north 38 feet of Lot 26, Holcomb's Highway Homes Subdivision	732.00
Nebraska Mil-Nic Inc.	Lot 1, Mil-Nic Addition	360.00
John L. & Beth A. French	Lot 1, Knox Subdivision	420.12
Bradley L. Shanahan	East 100 feet of Lot 12, and east 100 feet of Lot 13, Holcomb's Highway Homes Subdivision	601.02
William E. Lawrey	North 25 feet of east 260 feet of Lot 1 and all of Lot 2, Woodland 3 <sup>rd</sup> Subdivision	375.00
Charles A. Douthit	Lot 21, Holcomb's Highway Homes Subdivision	327.00
Southeast Crossing, LLC	NW¼ of SW¼ of Lot 4 Island, Section 27-11-9	972.00
Jack E. Rasmussen, Joanne L. Rasmussen, Richard S. Rasmussen, June E. & William G. Blackburn	Lot 1 except north 25 feet of east 260 feet, Woodland 3 <sup>rd</sup> Subdivision and north 50 feet of east 260 feet of Lot 6, Woodland 1 <sup>st</sup> Subdivision	375.00
Jerome & Doralene Niedfe ldt	Part of NW¼ of NW¼ of NW¼ of Section 27-11-9	119.91
Larry Coffey	West 125 feet of Lots 2, 3 and 4, Burch Subdivision	540.06
Gary E. & Linda D. Shovlain	Lot 2, Shovlain Subdivision	361.56
Marion D. Larsen, Trustee	Lot 2, Woodridge South Subdivision	248.01
McDermott & Miller PC	Lot 1, Woodridge South Subdivision	749.88
Cedar Street Investment	Lot 2, Mil-Nic Addition	767.04
LK Holding, Inc.	Part of N½, SW¼, SW¼ of Section 27-11-9	1,528.17
O'Reilly Automotive, Inc.	Lot 2, Runza Subdivision	547.08
Paulsen & Sons Inc.	Lots 1, 2, 3, 26, 27 and 28, Roush's Pleasantville Terrace Subdivision	600.93
Ming Zhou & Nghi Trieu	Part of SW¼ of NW¼ of Section 27-11-9	309.06
Ronald & Lori Willis	Part NE¼ of NE¼ of Section 28-11-9	300.00
Helen Otto	Lot 10, Woodland 2 <sup>nd</sup> Subdivision	479.73
Theodore J. & Mason D. Robb	Lots 1, 2 & 3, Knox 3 <sup>rd</sup> Subdivision	1,079.25
The Eating Establishment	Lot 1, Runza Subdivision	467.82
Gwyer Grimminger, JJ & Rita L. Lliteras	Lot 9, Woodland 2 <sup>nd</sup> Subdivision	448.35

ORDINANCE NO. 8765 (Cont.)

Adam J. Schrunk	Lot 15, Holcomb's Highway Homes Subdivision	328.41
Gary & Linda Shovlain	Lot 17, north 46 feet of Lot 18, Holcomb's Highway Homes Subdivision	465.00
Elroy Uribe & Oralia Erives	Part of SW¼ of NW¼ of Section 27-11-9	442.29
Todd A. & Wendi Sue Carpenter, Douglas J. & Nanette Redman	South 108 feet of Lot 20, Holcomb's Highway Homes Subdivision	324.54
Gene McCloud; Super 8 Motel	Part of Lot 25, Matthews Subdivision	792.69
Alpha Corporation	East 260 feet of Lot 8, Woodland 1 <sup>st</sup> Subdivision	646.44
B & D Enterprizes	Lot 5, south 126 feet of east 260 feet of Lot 6, Woodland 1 <sup>st</sup> Subdivision	978.00
Charles L. Hancock & Robert D. Hancock	Lot 14, Holcomb's Highway Homes Subdivision	325.32
Vanosdall Softball Fields, Inc.	Part of SW¼ of Section 27-11-9	216.00
Marion D. Larson, Trustee	North 79 feet of Lot 27 and south 71 feet of Lot 26, Holcomb's Highway Homes Subdivision	612.00
Michael S. & Sandra S. Williams	Lot 5, south 120 feet of Lot 1, Burch 2 <sup>nd</sup> Subdivision	720.00
<b>TOTAL</b>		<b>\$29,835.87</b>

SECTION 2. The special tax shall become delinquent in fifty (50) days from date of this levy; the entire amount so assessed and levied against each lot or tract may be paid within fifty (50) days from the date of this levy without interest and the lien of special tax thereby satisfied and released. After the same shall become delinquent, interest at the rate of fourteen percent (14%) per annum shall be paid thereon.

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

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Business Improvement District No. 3".

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

ORDINANCE NO. 8765 (Cont.)

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

Enacted: September 10, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F5

### **#8766 - Consideration Concerning Changes to the Grand Island Zoning Ordinance to Define and Allow Self-Storage Facilities within the TA Transitional Agriculture and B2 General Business Zone**

*This item relates to the aforementioned Public Hearing. This item would change the Grand Island Zoning Ordinance to define and allow self-storage facilities within various zoning districts as presented, as requested by Bryce Bartu. At the regular meeting of the Regional Planning Commission on August 7, 2002, they voted to recommend approval of this item with 6 members present voting for, 2 members voting against, and 1 member abstaining. Approval is recommended.*

Staff Contact: Chad Nabity

ORDINANCE NO. 8766

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Sections 36-12, 36-23, 36-30, and 36-34 pertaining to self-storage facilities; to repeal Sections 36-12, 36-23, 36-30, and 36-34 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. Section 36-12 of the Grand Island City Code is hereby amended to read as follows:

**§36-12. Definitions**

Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future tense; the word "*building*" includes the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive; the word "*person*" includes a firm, association, corporation, partnership, or natural person; the word "*used*" includes the words "*designed*", "*arranged*", or "*intended to be used*". Words not defined herein but which are defined in the Building Code of the City of Grand Island are to be construed as defined therein.

The following definitions apply:

*Accessory Building*. A subordinate building, on the same lot as the principal building, the use of which is incidental to the principal building and not connected to the principal building in any manner whatsoever.

*Accessory Use*. A subordinate use of land, which is incidental in area, extent, or purpose to the principal building or to the principal use of land.

*Adjacent Land*. Any land or portion of land that is contiguous to a parcel or lot, or that would be contiguous if not for a public roadway or alley.

*Alley*. A tract of land, dedicated to public use, which affords a secondary means of the vehicular access to the back or the side of properties otherwise abutting on a street, and which is not generally used as a thoroughfare by both pedestrians and vehicles.

*Automobile Service Station*. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oils or grease, tires, batteries, or automobile accessories. Services offered may include the installation of tires, batteries, and automobile accessories, automobile repairs, and greasing or washing of automobiles. Automobile service stations shall not include premises offering automobile wrecking or automobile body repair.

*Automobile Wrecking Yard*. The dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

*Basement*. The portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

*Billboard*. An outdoor advertisement sign which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

*Board*. The Board of Adjustment.

*Boarding House (Lodging House, Fraternity, Sorority)*. A building, other than a hotel or motel, where lodging and meals are provided for three or more guests for compensation.

Approved as to Form	<input type="checkbox"/>	_____
September 6, 2002	<input type="checkbox"/>	City Attorney



ORDINANCE NO. 8766 (Cont.)

**Building.** Any structure built for the support, shelter, or enclosure of persons, animals, or chattels, or property of any kind, including a modular home, but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

**Building, Height.** The vertical distance measured from the curb level to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**Building, Nonconforming.** (See "Nonconforming Building or Use")

**Building, Principal.** A nonaccessory building in which is conducted a principal use of the zoning lot on which it is located.

**Building, Setback.** The minimum horizontal distance between the property line and the nearest portion of a building on the property.

**Club.** A voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization of premises the chief activity of which is a service or activity customarily carried on as a business.

**Conditional Use.** A use which is not allowed in a zone as a matter of right but which is permitted upon approval of the city council as provided for in Article VIII of this chapter.

**Country Club.** This shall include golf courses, par 3 golf courses, swimming pools, tennis clubs, and neighborhood clubhouses. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated solely as restaurants, cocktail lounges, card rooms, taverns, bowling alleys, pool and billiard parlors, and similar activities normally carried on as a business shall be excluded from the definition of a country club.

**Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

**Drive-in.** May be used as a noun or adjective and shall refer to a business designed to serve patrons while they are within an automobile by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office dropboxes, or laundry or cleaning drop boxes.

**Dwelling Unit.** One or more habitable rooms that are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating purposes, including a modular home. It does not include a manufactured home unless such manufactured home is a factory-built manufactured home that bears the seal that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, et. seq., promulgated by the United States Department of Housing and Urban Development (H.U.D.), and meets the following standards:

- (1) The home shall have no less than nine hundred square feet of floor area;
- (2) The home shall have no less than an eighteen-foot exterior width;
- (3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built single family construction;
- (5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (6) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed; and
- (7) The home shall be attached to a permanent foundation system and utility connections.

**Family.** An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who need not be related in any manner, living together in a dwelling unit; provided further, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

**Garage.** A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

**Ground Coverage.** The area of a zoning lot occupied by principal and accessory buildings expressed as a percentage of the gross area of the zoning lot.

**Guest Building.** A structure occupying an accessory position on a lot, which contains no cooking facilities, and is used exclusively for housing members of a single family or their nonpaying guests.

ORDINANCE NO. 8766 (Cont.)

Home Occupations, Customary. A business, occupation, or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

- (a) there shall be no external or externally visible evidence of the occupation, business or profession whatsoever;
- (b) there shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line;
- (c) the activity shall employ only members of the immediate family of the resident of the dwelling;
- (d) there shall be no machinery other than that normally found in a home;
- (e) there shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four pupils at one time;
- (f) said occupation may include the caring of children for hire, provided:
  - (1) the total number of children in the home at one time shall not exceed eight children of mixed ages (infant, preschool, and/or school age), including the caregiver's own children under eight years of age. No more than two children may be under the age of 18 months. The caregiver may overlap two (2) more school age children beyond the eight (8) for specified periods during the day if the total time does not exceed four (4) hours. The caregiver may continue overlapping care during school breaks and holidays.
  - (2) the premises must be suitable and meet all applicable codes for day care facilities.
  - (3) the facility must have all licenses, permits, and registrations required by law.
- (g) there shall be no signs, radio, television, newspaper, handbill, or similar types of advertising linking the address of the premises with the home occupation;
- (h) room or board, but not for more than two persons;
- (i) further, shall not utilize more than twenty-five (25) percent of the actual floor area of any one story of any structure.

The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce.

Any business, occupation, or profession, the operation of which does not meet the aforesaid characteristics of a home occupation shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

Hotel. Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, with provisions for individual bath facilities for each guest room and no provisions made for cooking in any individual room.

Junk Yard. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used cars or trucks in operable condition, boats, or trailers in operable condition, and used furniture and household equipment in usable condition, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Lot. A recorded piece, tract, or parcel of land occupied or to be occupied by a single principal building and accessory buildings, together with such open spaces as required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot, Corner. A lot at the junction of two or more streets.

Lot, Interior. A lot other than a corner lot with frontage on one street only.

Lot, Through. An interior lot having frontage on two streets. Such lots may be referred to as "double frontage" lots.

Lot, Depth. The distance between the front and rear lot lines measured in a mean direction of the side lot lines.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The boundary line between a lot and a street. For a corner lot, it is the boundary line between the lot and a street with the least dimension. For a through lot, it is the boundary line between the lot and a street which is so designated by the property owner at the time he takes out his building permit for the principal building.

ORDINANCE NO. 8766 (Cont.)

Lot Line, Rear. The boundary line which is opposite and most distant from the front lot line.

Lot Line, Side. The boundary line or lines connecting the front lot line and rear lot line.

Lot, Minimum Area. The minimum square foot of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lines.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and forty body feet or more in length, or when erected on site is three hundred twenty or more square feet in size and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Manufactured Home Park. Any plot of ground zoned and licensed as such by the City within which two or more manufactured home spaces are located.

Modular Home. A structure whose construction consists entirely of, or the major portions of its construction consists of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. A modular home shall meet all codes applicable to a site-built home. The term modular home shall not include a manufactured home.

Motel. A group of attached or detached rooms with individual bath facilities operated for transient occupants and so constructed that occupants' automobiles may be parked at or near the room.

Nonconforming Building or Use. A building or portion thereof or use of building or land, lawfully existing at the time of the adoption of this ordinance that does not conform to the use regulations of the zone in which it is located.

Planning Commission. The Commission empowered to recommend for and on behalf of the City of Grand Island in accordance with state and local laws.

Self-Service Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or small businesses for self-service storage of personal property.

Stock or Feed Yard. The confined feeding of food, fur, or pleasure animals in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this chapter, confined feeding would mean the feeding of more animals on the property than normally associated with a farming operation on the property involved.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street. A tract of land, dedicated to public use, which affords a primary means of access to the abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil, including a modular home but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

Yard. An open space unoccupied and unobstructed from the ground to the sky except as provided herein on a zoning lot which a building, or manufactured home, if permitted, is situated.

Yard, Front. A yard across the full width of a zoning lot extending from the front lot line to a principal building, or manufactured home, if permitted.

Yard, Rear. A yard across the full width of a zoning lot extending from the rear line of the lot to the rear line of a principal building, or manufactured home, if permitted.

Yard, Side. A yard extending from the front yard to the rear yard of a zoning lot, extending from the side line of the lot to the side of a principal building, or manufactured home, if permitted.

Zoning, Lot. A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building, or structure, for which the building permit and certificate of occupancy are issued, and including such area of land as may be required by the provisions of this chapter for such use, building, or structure.

ORDINANCE NO. 8766 (Cont.)

*Zoning Official.* The zoning official shall be the director of the Planning Commission of the City of Grand Island who shall administer this chapter.

SECTION 2. Section 36-23 of the Grand Island City Code is hereby amended to read as follows:

**§36-23. TA-Transitional Agriculture Zone**

*Purpose:* To provide for a transition from rural to urban uses, and is generally located on the fringe of the urban area. This zone permits both farm and non-farm dwellings at a maximum density of two dwelling units per acre, as well as other open space and recreational activities.

(A) Permitted Principal Uses:

- (1) Dwelling units
- (2) Raising of field crops, and horticulture
- (3) Country clubs as defined herein
- (4) Recreational camps, public parks, and recreational areas
- (5) Greenhouses and the raising of trees and nursery stock
- (6) Utility substations necessary to the functioning of the utility (but not including general business offices, maintenance facilities) when located according to the yard space rules set forth in this section for dwellings and having a ten foot landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties. Installation shall not be subject to minimum area or width regulations.
- (7) Railway right-of-way, but not including railway yards or facilities
- (8) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature.

(B) Permitted Accessory Uses:

- (1) Living quarters for persons regularly employed on the premises but not including labor camps or dwellings for transient labor
- (2) Guest building
- (3) Customary home occupations
- (4) Buildings, corrals, stables or pens in conjunction with the permitted uses
- (5) Buildings for the display and sale of products grown or raised on the premises, provided, the floor area does not exceed 500 square feet
- (6) Offices incidental to and necessary for a permitted use
- (7) Other buildings and uses accessory to the permitted principal uses

(C) Permitted Conditional Uses: The following uses, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Quarters for transient labor
- (2) Cemeteries, memorial parks, crematories, mausoleums, and columbariums
- (3) Commercial mines, quarries, sand and gravel pits and accessory uses
- (4) Public and quasi-public buildings and uses of an administrative, educational, religious, cultural, or public service facility, but not including hospitals, sanitoriums or corrective institutions
- (5) Riding academies
- (6) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (7) Towers
- (8) Veterinary clinics and animal hospitals

(9) Self Service Storage

- (a) When located adjacent to a railroad mainline or primary state highway; and
- (b) If no single unit is larger than 624 square feet; and
- (c) If no building is greater than 18 feet in height; and
- (d) When a minimum ten (10) foot landscaping buffer yard (including grass and trees or shrubs) is installed and maintained around the site. A plan for the landscaping buffer shall be presented in the conditional use permit application and approved as a condition of the permit.
- (e) Outside storage of vehicles, trailers, boats, and other material is not allowed.

ORDINANCE NO. 8766 (Cont.)

(f) When the building envelopes for all storage units are located within three hundred (300.0) feet of public or railroad property.

(D) Space Limitations:

- (1) Minimum lot area per dwelling unit: 20,000 square feet
- (2) Minimum lot width: 100 feet
- (3) Maximum height of building: 35 feet
- (4) Minimum front yard: 30 feet
- (5) Minimum rear yard: 25 feet
- (6) Minimum side yard: 15 feet; a corner lot shall have a minimum setback of 20 feet adjacent to the side street
- (7) Maximum ground coverage: 25%

(E) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein

SECTION 3. Section 36-30 of the Grand Island City Code is hereby amended to

read as follows:

**§36-30. B2 - General Business Zone**

*Purpose:* To provide for the service, retail and wholesale needs of the general community. This zone will contain uses that have users and traffic from all areas of the community and trade areas, and therefor will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the R4 Zone.

(A) Permitted Principal Uses:

- (1) Uses as listed under permitted principal uses of the B1 Zone.
- (2) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (3) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (4) Specific uses within a building such as: Animal hospital area, aquarium, auction house or store, automobile repair (no body repair), automobile sales and rental, aviary, bath house, blueprinting, book bindery, bottling plant (juices and soft drinks), building supply, canvas shop, carpet cleaning, chickens (sale of chicks), dance hall, dyeing of yarns, engraver, express office, extermination, fumigation and sterilization services, feed and grain retail sales, film exchange, food lockers, furniture storage and repair, glass cutting and staining (with retail sales), gymnasium, laboratory (experimental or scientific), lapidary, leather goods (sale and incidental manufacture), lithographer, laundry, dry cleaning and dyeing plant, massage parlor, medical appliances retail sales, motel and/or hotel, newspaper printing office, office machines sales and service, optical glass grinding, pawn shop, photo finishing, plumbing shop, poultry hatchery, printer or publisher, sign painting shop, service enterprises of all kinds, sports arena, storage garage, tavern, bar or cocktail lounge, taxidermist, tire shop (repair and vulcanizing only), towel and linen service, trade or vocational school, upholstery shops, self-service storage.
- (5) Specific uses such as: Archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking).
- (6) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used.

(B) Permitted Accessory Uses:

- (1) Building and uses accessory to the permitted principal use.

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Recycling business
- (2) Towers

(D) Space Limitations:

- (1) Minimum lot area: 3,000 square feet
- (2) Minimum lot width: 30 feet

ORDINANCE NO. 8766 (Cont.)

- (3) Maximum height of building: 55 feet
- (4) Minimum front yard: 10 feet
- (5) Minimum rear yard: None, if bounded by an alley, otherwise 10 feet.
- (6) Minimum side yard: None, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. In the case of a corner lot adjacent to the side street, the setback shall be 10 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.
- (7) Maximum ground coverage: 100%
- (D) Miscellaneous Provisions:
  - (1) Supplementary regulations shall be complied with as defined herein
  - (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 4. Section 36-34 of the Grand Island City Code is hereby amended to read as follows:

**§36-34. M1 - Light Manufacturing Zone**

*Purpose:* To provide for light fabrication, service, warehousing, administrative and research uses within a zone having generally limited public contact and requiring some minimal landscaping standards.

(A) Permitted Principal Uses:

- (1) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agriculture, including the raising of field crops, tree and bush crops, animals and fowls, but not including feed lots, poultry farms, fur farms, and kennels
- (3) Buildings and installations for public utilities; facilities shall observe yard space requirements but shall not be subject to minimum area or width requirements
- (4) Railway right-of-way, but not including railway yards or facilities
- (5) Radio and television stations, private clubs, and meeting halls
- (6) Specific uses such as: animal hospital, automobile service station, bakery, bottling plant, blueprinting, brewery or distillery, cafe or restaurant, cannery, carpenter or woodworking shop, carpet cleaning, casting of lightweight or nonferrous metals, cemetery, dairy products distribution, dry cleaning and laundry plant, enameling, japanning, lacquering, galvanizing or plating of metals, feed and seed processing and storage, furniture repair and warehousing, garage, glass manufacture, laboratories, lapidary, printer, publisher or lithographer, pulp paper, cardboard or building board manufacture, sign painting, or manufacture, signs or billboards, stone and monument works, synthetics and plastic manufacture, tire recapping or retreading, trade or vocational school, vitreous ware, pottery and porcelain manufacture, warehouse, self-service storage.
- (7) Manufacture, processing, assembly, fabrication or storage of products and materials similar to the above
- (8) Other uses which are, in the opinion of the Board of Adjustment, similar to the above

(B) Permitted Accessory Uses:

- (1) Sales of new merchandise when same is manufactured, processed, assembled, fabricated or stored on the premises
- (2) Buildings and uses accessory to the permitted principal use

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Gravel, sand, or dirt removal, stockpiling, processing or distribution, and batching plant
- (2) Concrete or cement products manufacturing and batching plant.
- (3) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (4) Contractor's storage yard or plant
- (5) Motels and hotels
- (6) Towers

(D) Specifically Excluded Uses:

- (1) Any residential use
- (2) Manufactured homes and manufactured home parks

ORDINANCE NO. 8766 (Cont.)

- (3) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools
- (E) Space Limitations:
- (1) Minimum lot area: 20,000 square feet
  - (2) Minimum lot width: 100 feet
  - (3) Maximum height of buildings: 50 feet
  - (4) Minimum front yard: 35 feet, with 15 feet adjacent to a street landscaped to satisfaction of the zoning official
  - (5) Minimum rear yard: 20 feet
  - (6) Minimum side yard: 10 feet
  - (7) Maximum ground coverage: 50%
- (F) Miscellaneous Provisions:
- (1) Supplementary regulations shall be complied with as defined herein
  - (2) Landscaping shall be provided and maintained by the owner or developer within the 15 feet adjacent to a street; landscaping shall include but is not limited to, screen planting, lawn area, trees, shrubs, fences and walls; all landscaping shall be planned and maintained to the satisfaction of the zoning official.
  - (3) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 5. Sections 36-12, 36-23, 36-30, and 36-34 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: September 10, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F6

### **#8767 - Consideration Concerning Revisions to the Grand Island Zoning Ordinance Pertaining to Salvage Yards and Conditional Use Permits**

*This item relates to the aforementioned Public Hearing. This item would change the Grand Island Zoning Ordinance chapter 36 pertaining to salvage yards, and conditional use permits. At the regular meeting of the Regional Planning Commission on August 7, 2002, they unanimously voted to approve these changes. Approval is recommended.*

Staff Contact: Chad Nabity



ORDINANCE NO. 8767

An ordinance to amend Chapters 17 and 36 of the Grand Island City Code; to amend Section 17-1 to add a definition for salvage yard; to amend Section 17-41 pertaining to storage of junked vehicles; to amend Section 36-12 to remove the definition of automobile wrecking yard and to add a definition for salvage yard; to amend Section 36-35 to amend permitted conditional uses in M2-Heavy Manufacturing Zone; to amend Section 36-45 pertaining to the physical appearance of salvage yards; to amend Section 36-119 pertaining to authorized conditional uses; to amend Section 36-120 pertaining to conditional use procedures; to add Section 36-122 pertaining to conditional uses for salvage yards; to add Section 36-127 pertaining to annual inspection of salvage yards; to repeal Sections 17-1, 17-41, 36-12, 36-35, 36-120, 36-122, and 36-127 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. The Mayor and City Council do hereby find that the public interest will be served by the following amendments to the Grand Island City Code, that no existing property shall have or retain rights of any nature to own and/or operate a salvage yard based on the prior provisions of the code and that all salvage yards within the City of Grand Island and its extra territorial jurisdiction shall apply for and obtain a conditional use permit in conformity with this ordinance by April 1, 2003 or cease operation.

SECTION 2. Section 17-1 of the Grand Island City Code is hereby amended to read as follows:

**§17-1. Definitions**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Approved as to Form	?	_____
September 6, 2002	?	City Attorney

ORDINANCE NO. 8767 (Cont.)

City Solid Waste Disposal System. The City solid waste disposal system shall mean and include the City-operated sanitary landfill, the City-operated transfer station, and the City-operated compost site.

Compost. Compost shall mean the end product of an aerobic degradation process of yard and garden waste. Approved backyard composting site shall mean one which uses only composting materials as defined herein.

Construction and demolition waste. This shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums and fuel tanks.

Dead Animals. These words shall mean all small animals such as cats, dogs, and rabbits, which die from any cause. They shall in no way mean large animals such as goats, horses, mules and cows which shall die from any cause.

Detachable container. A detachable container is a container of the size approved by the Department of Health that can be lifted and dumped by a collection truck mechanism.

Garbage. This word shall be held to include every accumulation of animal, fruit or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation or handling of any animal and vegetable matter in any place or at any point where food is prepared for human consumption, including all kitchen and dining room refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, schools, stores, warehouses, cold storage plants, creameries, bakeries, or any other source whatsoever existing in the City.

Litter. Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

Minimum Service Collection. A minimum service collection in a residential district shall mean not more than one full 32 gallon garbage can or any number of full baskets, boxes, sacks, or bundles equal in volume to but not exceeding one 32-gallon garbage can. The weight of such collection shall not exceed 50 pounds. Such minimum service collection shall be on a once-a-week basis.

Refuse. This word shall be held to include the waste material from normal households or living conditions and business operations other than garbage, but the term shall not include waste materials from building construction or repair, factory wastes, or refuse from industrial plants of any character. In general, the kinds of materials classified as refuse are paper, rags, bottles, tin cans, bottle caps, cardboard, wornout clothing or furniture, household appliances, excelsior, garden or tree trimmings, and similar materials.

Regular Collection. A collection in a residential district shall mean not more than three full thirty-two gallon garbage cans, or two full thirty-two gallon cans and any number of full baskets, boxes, sacks, or bundles equal in volume to not exceeding one thirty-two gallon garbage can. A regular collection shall be on a twice-a-week basis.

Salvage Yard. ~~Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing, or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.~~

Special Waste. A solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

Waste material. This word shall be held to include all items, objects, or material not included within the definition of garbage, litter, dead animals, yard waste, or refuse as well as petroleum oils, greases, solvents, and fuels, insecticides, herbicides, chemical waste, hazardous materials, or any materials similar to those listed herein.

Yard Waste. Yard waste shall mean grass and leaves and shall not include other yard debris such as tree limbs and brush.

ORDINANCE NO. 8767 (Cont.)

SECTION 3. Section 17-41 of the Grand Island City Code is hereby amended to read as follows:

**§17-41. Storage of Junked Vehicles**

Junked vehicles and vehicle parts, whether junked, salvaged, or new, may be stored:

(1) On any tract being used as a ~~junk or auto~~ salvage yard, which is in full compliance with all city code sections pertaining to such businesses, including zoning.

(2) On any tract being lawfully used for a business activity related to junked vehicles, such as an automotive body shop, so long as the junked vehicles and parts are stored in an area that is screened from adjoining property and the public right-of-way by a sight-obscuring fence at least six feet in height, or such junked vehicles and junked parts are removed from the premises within fourteen days of becoming junked; provided, that junked vehicles being displayed for sale as whole units by a licensed automobile dealer are not subject to this screening requirement.

(3) On any other tract, so long as such junked vehicles and such vehicle parts are placed within a building.

SECTION 4. Section 36-12 of the Grand Island City Code is hereby amended to read as follows:

**§36-12. Definitions**

Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future tense; the word "*building*" includes the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive; the word "*person*" includes a firm, association, corporation, partnership, or natural person; the word "*used*" includes the words "*designed*", "*arranged*", or "*intended to be used*". Words not defined herein but which are defined in the Building Code of the City of Grand Island are to be construed as defined therein.

The following definitions apply:

*Accessory Building*. A subordinate building, on the same lot as the principal building, the use of which is incidental to the principal building and not connected to the principal building in any manner whatsoever.

*Accessory Use*. A subordinate use of land, which is incidental in area, extent, or purpose to the principal building or to the principal use of land.

*Adjacent Land*. Any land or portion of land that is contiguous to a parcel or lot, or that would be contiguous if not for a public roadway or alley.

*Alley*. A tract of land, dedicated to public use, which affords a secondary means of the vehicular access to the back or the side of properties otherwise abutting on a street, and which is not generally used as a thoroughfare by both pedestrians and vehicles.

*Automobile Service Station*. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oils or grease, tires, batteries, or automobile accessories. Services offered may include the installation of tires, batteries, and automobile accessories, automobile repairs, and greasing or washing of automobiles. Automobile service stations shall not include premises offering automobile wrecking or automobile body repair.

~~*Automobile Wrecking Yard*. The dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.~~

*Basement*. The portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

*Billboard*. An outdoor advertisement sign which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

ORDINANCE NO. 8767 (Cont.)

Board. The Board of Adjustment.

Boarding House (Lodging House, Fraternity, Sorority). A building, other than a hotel or motel, where lodging and meals are provided for three or more guests for compensation.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, or chattels, or property of any kind, including a modular home, but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Building, Height. The vertical distance measured from the curb level to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building, Nonconforming. (See "Nonconforming Building or Use")

Building, Principal. A nonaccessory building in which is conducted a principal use of the zoning lot on which it is located.

Building, Setback. The minimum horizontal distance between the property line and the nearest portion of a building on the property.

Club. A voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization of premises the chief activity of which is a service or activity customarily carried on as a business.

Conditional Use. A use which is not allowed in a zone as a matter of right but which is permitted upon approval of the city council as provided for in Article VIII of this chapter.

Country Club. This shall include golf courses, par 3 golf courses, swimming pools, tennis clubs, and neighborhood clubhouses. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated solely as restaurants, cocktail lounges, card rooms, taverns, bowling alleys, pool and billiard parlors, and similar activities normally carried on as a business shall be excluded from the definition of a country club.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

Drive-in. May be used as a noun or adjective and shall refer to a business designed to serve patrons while they are within an automobile by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office dropboxes, or laundry or cleaning drop boxes.

Dwelling Unit. One or more habitable rooms that are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating purposes, including a modular home. It does not include a manufactured home unless such manufactured home is a factory-built manufactured home that bears the seal that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, et. seq., promulgated by the United States Department of Housing and Urban Development (H.U.D.), and meets the following standards:

- (1) The home shall have no less than nine hundred square feet of floor area;
- (2) The home shall have no less than an eighteen-foot exterior width;
- (3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built single family construction;
- (5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (6) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed; and
- (7) The home shall be attached to a permanent foundation system and utility connections.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who need not be related in any manner, living together in a dwelling unit; provided further, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Garage. A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

Ground Coverage. The area of a zoning lot occupied by principal and accessory buildings expressed as a percentage of the gross area of the zoning lot.

ORDINANCE NO. 8767 (Cont.)

Guest Building. A structure occupying an accessory position on a lot, which contains no cooking facilities, and is used exclusively for housing members of a single family or their nonpaying guests.

Home Occupations, Customary. A business, occupation, or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

- (a) there shall be no external or externally visible evidence of the occupation, business or profession whatsoever;
- (b) there shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line;
- (c) the activity shall employ only members of the immediate family of the resident of the dwelling;
- (d) there shall be no machinery other than that normally found in a home;
- (e) there shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four pupils at one time;
- (f) said occupation may include the caring of children for hire, provided:
  - (1) the total number of children in the home at one time shall not exceed eight children of mixed ages (infant, preschool, and/or school age), including the caregiver's own children under eight years of age. No more than two children may be under the age of 18 months. The caregiver may overlap two (2) more school age children beyond the eight (8) for specified periods during the day if the total time does not exceed four (4) hours. The caregiver may continue overlapping care during school breaks and holidays.
  - (2) the premises must be suitable and meet all applicable codes for day care facilities.
  - (3) the facility must have all licenses, permits, and registrations required by law.
- (g) there shall be no signs, radio, television, newspaper, handbill, or similar types of advertising linking the address of the premises with the home occupation;
- (h) room or board, but not for more than two persons;
- (i) further, shall not utilize more than twenty-five (25) percent of the actual floor area of any one story of any structure.

The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce.

Any business, occupation, or profession, the operation of which does not meet the aforesaid characteristics of a home occupation shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

Hotel. Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, with provisions for individual bath facilities for each guest room and no provisions made for cooking in any individual room.

Junk Yard. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used cars or trucks in operable condition, boats, or trailers in operable condition, and used furniture and household equipment in usable condition, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Lot. A recorded piece, tract, or parcel of land occupied or to be occupied by a single principal building and accessory buildings, together with such open spaces as required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot, Corner. A lot at the junction of two or more streets.

Lot, Interior. A lot other than a corner lot with frontage on one street only.

Lot, Through. An interior lot having frontage on two streets. Such lots may be referred to as "double frontage" lots.

Lot, Depth. The distance between the front and rear lot lines measured in a mean direction of the side lot lines.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The boundary line between a lot and a street. For a corner lot, it is the boundary line between the lot and a street with the least dimension. For a through lot, it is the boundary line between the lot

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and a street which is so designated by the property owner at the time he takes out his building permit for the principal building.

Lot Line, Rear. The boundary line which is opposite and most distant from the front lot line.

Lot Line, Side. The boundary line or lines connecting the front lot line and rear lot line.

Lot, Minimum Area. The minimum square foot of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lines.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and forty body feet or more in length, or when erected on site is three hundred twenty or more square feet in size and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Manufactured Home Park. Any plot of ground zoned and licensed as such by the City within which two or more manufactured home spaces are located.

Modular Home. A structure whose construction consists entirely of, or the major portions of its construction consists of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. A modular home shall meet all codes applicable to a site-built home. The term modular home shall not include a manufactured home.

Motel. A group of attached or detached rooms with individual bath facilities operated for transient occupants and so constructed that occupants' automobiles may be parked at or near the room.

Nonconforming Building or Use. A building or portion thereof or use of building or land, lawfully existing at the time of the adoption of this ordinance that does not conform to the use regulations of the zone in which it is located.

Planning Commission. The Commission empowered to recommend for and on behalf of the City of Grand Island in accordance with state and local laws.

Salvage Yard. ~~Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.~~

Stock or Feed Yard. The confined feeding of food, fur, or pleasure animals in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this chapter, confined feeding would mean the feeding of more animals on the property than normally associated with a farming operation on the property involved.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street. A tract of land, dedicated to public use, which affords a primary means of access to the abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil, including a modular home but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

Yard. An open space unoccupied and unobstructed from the ground to the sky except as provided herein on a zoning lot which a building, or manufactured home, if permitted, is situated.

Yard, Front. A yard across the full width of a zoning lot extending from the front lot line to a principal building, or manufactured home, if permitted.

Yard, Rear. A yard across the full width of a zoning lot extending from the rear line of the lot to the rear line of a principal building, or manufactured home, if permitted.

Yard, Side. A yard extending from the front yard to the rear yard of a zoning lot, extending from the side line of the lot to the side of a principal building, or manufactured home, if permitted.

Zoning, Lot. A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or

ORDINANCE NO. 8767 (Cont.)

built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building, or structure, for which the building permit and certificate of occupancy are issued, and including such area of land as may be required by the provisions of this chapter for such use, building, or structure.

*Zoning Official.* The zoning official shall be the director of the Planning Commission of the City of Grand Island who shall administer this chapter.

SECTION 5. Section 36-35 of the Grand Island City Code is hereby amended to

read as follows:

**§36-35. M2 - Heavy Manufacturing Zone**

*Purpose:* To provide for the widest variety of manufacturing, warehousing, wholesaling and business uses. Conditional use permits are required for those uses with more significant health and safety concerns.

(A) Permitted Principal Uses:

- (1) Uses as listed under permitted principal uses of the B1, B2, B3, and M1 Zones except as listed under specifically excluded uses
- (2) Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plant
- (3) Concrete or cement products manufacturing and batching plant
- (4) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (5) Contractors storage yard or plant
- (6) Specific uses such as: Animal pound or kennel, arena or athletic field or track, automobile body repair, boiler and tank works, cemetery, cesspool cleaning yard, crating and hauling depot, egg candling, felt manufacturing, house movers yard, sauerkraut manufacture; storage yards or buildings for lumber, coal, coke, gas, or similar uses except explosives.
- (7) Railway right-of-way, including yards and facilities
- (8) Other uses which are, in the opinion of the Board of Adjustment, similar to the above.

(B) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- ~~(1) Automobile wrecking yard~~
- ~~(1)(2) Acid or acid by-products manufacture~~
- ~~(2)(3) Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture~~
- ~~(3)(4) Explosives manufacture or storage~~
- ~~(4)(5) Garbage, refuse, offal or dead animal reduction or disposal area~~
- ~~(5)(6) Glue manufacture, fat rendering, distillation of bones or by-products~~
- ~~(6)(7) Meat packing plants, including poultry and animal slaughterhouses and abattoirs~~
- ~~(7)(8) Milling or smelting of ores~~
- ~~(8)(9) Petroleum refining~~
- ~~(9)(10) Stock or feed yards~~
- ~~(10)(11) Salvage yard Storage, dump, or yard for the collection, salvage, or bailing of scrap paper, bottles, iron, rags, junk, etc.~~
- ~~(11)(12) Tanning, curing, or storage of hides or skins~~
- ~~(12)(13) Motels and hotels~~
- ~~(13)(14) Towers~~

(D) Specifically Excluded Uses:

- (1) Any residential use
- (2) Manufactured homes, and manufactured home parks
- (3) Churches, schools, institutions and other public and semi -public uses except for trade and vocational schools

(E) Space Limitations:

- (1) Minimum lot area: 6,000 square feet
- (2) Minimum lot width: 50 feet

ORDINANCE NO. 8767 (Cont.)

- (3) Maximum height of building: None
- (4) Minimum front yard: None
- (5) Minimum rear yard: None, when bounded by an alley, otherwise 10 feet
- (6) Minimum side yard: None, but if provided, not less than 5 feet or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.
- (7) Maximum ground coverage: 65%
- (F) Miscellaneous Provisions:
  - (1) Supplementary regulations shall be complied with as defined herein
  - (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 6. Section 36-45 of the Grand Island City Code is hereby amended to read as follows:

**§36-45. General Non-Residential Provisions**

(A) Residential Use in Business Zone: Dwelling units shall be permitted in Business Zones, provided, that the minimum lot area per dwelling unit and zoning lot area requirement for the R4 Zone shall apply in the B1 and B2 Zones, and the requirement for the RO Zone shall apply in the B3 Zone.

(B) Fire Hazards: Any operation which involves the use of heating fuels, motor fuels, acids, liquids or grinding processes, welding gases or other highly flammable gases shall be in accordance with rules and regulations of the State of Nebraska and the City of Grand Island.

(C) Noise: No operation shall emit a noise level detectable at the exterior property line that is in excess of the traffic noise of the adjacent street at the time of daily peak hour traffic volume. All noises shall be muffled so as not to be objectionable due to intermittence, beat, frequency or shrillness.

(D) Liquid or Solid Waste: No operation shall discharge from any source whatsoever into a sanitary or storm sewer, water course, or the ground, liquid or solid wastes of a radioactive nature or of a chemical nature that is detrimental to normal water pollution control plant operations, corrosive or damaging to pipes and installations, or may tend to be injurious to human, plant, or animal life or otherwise be considered as a contaminant or hazardous material.

(E) Air Pollution: No operation shall discharge from any source whatsoever into the atmosphere any material, contaminant, or any combination thereof, in such quantities or of such duration which are or may tend to be injurious to human, plant, or animal life, or property, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(F) Gases: No operation shall discharge from any source whatsoever any gases of any kind in such quantities or of such duration which are or may tend to be injurious to human, plant, or animal life, or property, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(G) Odor: No operation shall discharge from any source whatsoever any odor detectable at the exterior property line that is generally agreed to be obnoxious by the public, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(H) Glare and Heat: No operation shall emit any glare or heat from any source whatsoever that shall be detectable at the exterior property line.

(I) Physical Appearance: ~~Junk yards, salvage yards, auto wrecking~~ and other similar operations shall be effectively enclosed or shielded from adjacent properties on all sides by means of a sight-obscuring fence at least eight (8) feet in height, in good repair, and constructed of conventional fence building materials and techniques as of similar screening approved by the chief building official. No inventory or salvage materials of any nature may be stacked within fifty (50.0) feet of the fence to a height greater than said fence.



ORDINANCE NO. 8767 (Cont.)

SECTION 7. Section 36-119 of the Grand Island City Code is hereby amended to

read as follows:

**§36-119. Authorized Conditional Uses**

The following uses may be granted by the city council as a permitted conditional use in accordance with the procedure as set forth in this article:

(A)~~(1)~~ To permit uses as listed under the permitted conditional uses within the respective zoning districts as specified in this chapter;

(B)~~(2)~~ To permit the appropriate use of a lot less in area by not more than ten percent of the area required by this chapter;

(C)~~(3)~~ To reduce the applicable off-street parking or loading facilities required by not more than two parking spaces or one loading berth or twenty percent of the required number, whichever is greater;

(D)~~(4)~~ To permit the same off-street parking facilities to qualify as required spaces for two or more uses, provided, the substantial use of such spaces by each user does not take place at approximately the same hours of the same days of the week;

(E)~~(5)~~ To permit temporary buildings and uses for periods not to exceed two years in undeveloped areas of the City, and for periods not to exceed six (6) months in developed areas;

(F)~~(6)~~ To permit the placement and operation of wind turbines, solar energy collectors, or other energy saving devices that would not be in conformance with the space limitations as specified in this chapter.

(G)~~(7)~~ To permit the construction and operation of a private wastewater treatment system for any use within the zoning jurisdiction of the City of Grand Island, excepting those small systems consisting of a septic tank and drainfield having a design capacity of less than 2,000 gallons per day. The design capacity shall be based on the table of estimated waste/sewerage flow rates in the currently adopted plumbing code of the City of Grand Island.

(H)~~(8)~~ To permit the keeping of livestock on residential property with less than a half acre of outdoor enclosure area per animal for periods not to exceed three (3) years in accordance with requirements set out in §5-16 of this code.

(I) To permit operation of a salvage yard where allowed under the permitted conditional uses within the respective districts; provided, that salvage operations conducted entirely within a building as an accessory use to a permitted principal use of land shall not require compliance with this article.

SECTION 8. Section 36-120 of the Grand Island City Code is hereby amended to

read as follows:

**§36-120. Conditional Uses; Procedure**

(A) After receipt of a conditional use application, the city clerk shall schedule a public hearing before the city council to consider such application. Notice of such application shall be placed in a newspaper of general circulation in the city at least one time ten days prior to such hearing. In addition to the publication, the city clerk shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. The hearing shall be held at which all interested parties shall be heard.

(B) The city council may grant, grant with any conditions or safeguards upon the property benefitted by a conditional use, or deny the application. Violation of any such conditions or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a misdemeanor. No conditional use permitting the erection or alteration of a building or other use shall be valid for a period longer than one year unless the building is

ORDINANCE NO. 8767 (Cont.)

erected or altered or the use established within that period. Any act in violation of a permitted conditional use or any condition or safeguard which is made part of the terms under which a conditional use is granted, shall render such conditional use voidable and subject to revocation by the city council upon notice and hearing as provided herein.

(C) The city administrator or any department director having personal knowledge of any violation of a permitted conditional use or a condition or safeguard which is made part of the terms under which a conditional use is granted, may deliver a written request to the building department director asking that the director issue a notice of violation and demand for compliance to the person owning the property subject to the permitted conditional use. Upon receipt of said written request, the building department director shall investigate the alleged violation and if it is determined that a violation exists, the building department director shall send a notice of violation and demand for compliance to the last known address of said person, one copy each, by ordinary first class mail and certified mail, return receipt requested, demanding that the premises be brought into compliance with the conditional use by a date certain and advising said person that in the event violations continue after said date, that a request for revocation of the conditional use will be forwarded to the city council for a public hearing and determination. The written notice shall include a description of the violations and the underlying facts supporting such allegations.

(D) If the violations stated in the foregoing notice and demand are not eliminated and the property brought into compliance with the city code and the permitted conditional use, by the date certain, the building department director shall send such person a notice of hearing before the city council to consider revocation of the conditional use permit. The public hearing shall be conducted informally. The building department director, city attorney or their respective designees shall present oral or written statements or reasons supporting revocation of the permitted conditional use. The property owner(s) or designee(s) shall present oral or written statements or reasons opposing the revocation of the permitted conditional use. Statements by each side shall be limited to a total time of one hour or less. Any interested person may be heard following presentations on behalf of the city and the property owner. Upon conclusion of the hearing, the city council may affirm, revoke, or modify the permitted existing use.

SECTION 9. Section 36-122 is hereby added to the Grand Island City Code as

follows:

**§36-122. Conditional Uses; Salvage Yards**

All salvage yards shall be subject to the following conditions as part of their permitted conditional use:

(A) In addition to the information required pursuant to §36-118, an application for a conditional use for a salvage yard shall include a site plan for the premises showing the layout of the proposed operation, building and infrastructure locations, property dimensions, drainage, and landscaping.

(B) All structures located or constructed on the salvage yard premises shall comply with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) All hazardous materials and regulated waste shall be received, stored, and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality.

(D) All operations of a salvage yard, including those which are ancillary or indirectly related to the salvage yard such as administration, parking, equipment and/or container storage shall be conducted on the premises subject to the permitted conditional use.

(E) All premises on a salvage yard shall be kept and maintained in a clean and orderly manner, using the best practices of the industry, with no loose garbage, litter, refuse or waste materials on the premises except those kept in short term storage for processing. The persons operating the salvage yard shall on a regular and routine basis inspect all areas adjacent to the salvage yard and clean up any materials which originated from the salvage yard.

SECTION 10. Section 36-127 is hereby added to the Grand Island City Code as

follows:

ORDINANCE NO. 8767 (Cont.)

**§36-127. Salvage Yards; Annual Inspection**

The building department director or his/her designee shall inspect all salvage yards annually to confirm compliance with the terms and conditions of each yards' conditional use permit.

SECTION 11. Sections 17-1, 17-41, 36-12, 36-35, 36-45, 36-119, 36-120, 36-122, and 36-127 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 12. That this ordinance shall be in force and take effect from and after its passage and publication, in pamphlet form, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 10, 2002.

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

Attest:

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



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F7

### **#8768 - Consideration of Amendment to Chapter 13 of City Code Relative to Occupation Tax for Downtown Improvement and Parking District #1 and Downtown Fees.**

*This request is the annual Council action to establish the occupation tax that supports the budget for Downtown Improvement and Parking District #1. Assessments in this district are based upon an occupation tax on the public space of the businesses operating within the District and are ordinarily paid by the business occupants of the space. This district has been in place since 1975, and is primarily focused on physical improvements such as the purchase and maintenance of parking lots and public green areas, the alleyway improvement project, purchase of holiday decorations, flags, banners, trees, parking monitoring, and snow removal and other activities as allowed by NE. Rev. Statutes 19-4016-4038.*

*The FY2002-2003 occupation tax factor is \$00.1354 per square foot of public use space, with a minimum annual fee of \$104.72. This level is slightly higher than last year's tax factor of \$00.1260. The increase allows for the continuation and completion of many of the projects underway in the Downtown area. These projects were identified in the Downtown Identity and Design Study and have been adopted as priorities of the Downtown Board. Efforts include: maintenance and care of the green space area in the downtown, including the pocket park on South Front Street, Kaufman-Cummings Park, as well as the entryway signage, and parking enforcement. Approval is recommended.*

Staff Contact: Cindy Johnson

ORDINANCE NO. 8768

An ordinance to amend Chapter 13 of the Grand Island City Code; to amend Section 13-3 pertaining to the occupation tax for Downtown Improvement and Parking District No. 1; to repeal Section 13-3 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. Section 13-3 of the Grand Island City Code is hereby amended to read as follows:

**§13-3. Tax Rate**

The annual rate of the general license and occupation tax and classification of businesses shall be as follows:

1. ~~\$0.1354~~ ~~\$0.1260~~-square foot floor space upon all space used for business and professional offices in the district; provided,
2. ~~\$104.72~~ ~~\$86.15~~-minimum annual tax for any single business or professional office should the tax rate under 1. above be less than ~~\$104.72~~ ~~\$86.15~~.

SECTION 2. Section 13-3 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, and on October 1, 2002.

Enacted: September 10, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form ? _____
September 6, 2002 ? City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F8

### **#8769 - Consideration of Approving Salary Ordinance**

*The proposed changes to this salary ordinance represent the wages agreed to by the Council in respect to the new AFSCME contract that will go into effect on 10-01-02. Also included in this ordinance are changes to the FOP wages and uniform allowance per the order from the Court of Industrial Relations (CIR). These changes are subject to appeal by the FOP. There is also a change to the hours of work as the City will recognize the 7k provision allowed by the Department of Labor - Wage and Hour Division. This allows the City to compute overtime after an employee has reached 171 hours in 28 days. The 7k provision is a recognized standard for public safety entities (Police and Fire). The City currently recognizes the 7K provision for the Fire Department which is based on 106 hours every 14 days or 212 every 28 days. Using the same standard for both Public Safety Departments will help to standardize our procedures. The last change is a housekeeping issue as there needed to be a correction made to the Legal Clerk wage to keep it the same as the other Clerk positions in the City.*

**Staff Contact: Brenda Sutherland**

ORDINANCE NO. 8769

An ordinance to amend Ordinance No. 8755 known as the Salary Ordinance which lists the currently occupied classifications of officers and employees of the City of Grand Island, Nebraska and established the ranges of compensation of such officers and employees; to adjust salary ranges of employees covered by the AFSCME labor union in accordance with their contract; to change the classification name of Shop Attendant to Fleet Services Attendant/Clerk; to change the classification name of Equipment Mechanic – Garage to Fleet Services Mechanic; to change the classification name of Fleet Maintenance Technician to Fleet Services Inventory Specialist; to remove the classification of Maintenance Worker I – Cemetery; to change the classification name of Maintenance Worker II – Cemetery to Maintenance Worker – Cemetery; to remove the classification of Maintenance Worker I – Parks; to change the classification name of Maintenance Worker II – Parks to Maintenance Worker – Parks; to remove the classification of Maintenance Worker I – Streets; to change the classification name of Maintenance Worker II – Streets to Maintenance Worker - Streets; to add the classification of Senior Maintenance Worker – Parks; to change the classification name of Traffic Signal Technician I to Traffic Signal Technician; to adjust the salary ranges for the classification of Legal Clerk to provide for a cost of living adjustment; to adjust the salary ranges of employees covered by the FOP labor union due to the Commission of Industrial Relations (CIR) Order dated August 26, 2002; to clarify the clothing and uniform allowance for full-time firefighters and police officers; to clarify the employees eligible to receive bilingual pay; to repeal Ordinance No. 8755, and any ordinance or parts of ordinances in conflict herewith; to provide for severability; to provide for the effective date thereof; and to provide for publication of this ordinance in pamphlet form.

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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ORDINANCE NO. 8769 (Cont.)

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

SECTION 1. The currently occupied classifications of officers and general employees of the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain officers and general employees shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accountant	1265.66 / 1781.49	Exempt
Accounting Technician – Solid Waste	941.01 / 1324.17	40 hrs/week
Accounting Technician – Streets	941.01 / 1324.17	40 hrs/week
Accounting Technician – WWTP	941.01 / 1324.17	40 hrs/week
Administrative Assistant – Public Works	1015.99 / 1430.46	40 hrs/week
Administrative Assistant – Utilities	1015.99 / 1430.46	40 hrs/week
Assistant Public Works Director	1713.10 / 2410.20	Exempt
Assistant Utility Director – Administration	2237.98 / 3149.33	Exempt
Assistant Utility Director – PGS & PCC	2354.99 / 3314.13	Exempt
Attorney	1797.14 / 2528.86	Exempt
Audio-Visual Technician	1153.60 / 1623.28	40 hrs/week
Biosolids Technician	990.45 / 1394.21	40 hrs/week
Building Clerk	743.25 / 1045.66	40 hrs/week
Building Secretary	842.95 / 1185.74	40 hrs/week
Building Department Director	1825.98 / 2568.41	Exempt
Building Inspector	1182.44 / 1663.66	40 hrs/week
Cemetery Superintendent	1260.72 / 1774.90	Exempt
City Administrator	2777.70 / 3909.06	Exempt
City Attorney	2358.29 / 3319.07	Exempt
City Clerk	1228.93 / 1729.41	Exempt
Civil Engineer – Utilities	1621.63 / 2281.66	Exempt
Civil Engineer I – Public Works	1186.56 / 1670.25	Exempt



ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Civil Engineer II – Public Works	1404.92 / 1977.60	Exempt
Code Compliance Officer	1072.85 / 1509.60	40 hrs/week
Collection System Supervisor	1221.99 / 1719.69	40 hrs/week
Communications Supervisor	1095.10 / 1540.88	Exempt
Community Development Director	1606.80 / 2262.70	Exempt
Community Projects Director	1877.90 / 2644.22	Exempt
Community Projects Secretary	866.85 / 1220.34	40 hrs/week
Community Service Officer – Police Department	763.85 / 1074.50	40 hrs/week
Custodian	737.48 / 1040.71	40 hrs/week
Data Processing Manager	1621.63 / 2281.66	Exempt
Deputy Police Chief	1772.42 / 2495.07	Exempt
Development Specialist	866.85 / 1220.34	40 hrs/week
Downtown Development Director	1606.80 / 2262.70	Exempt
Electric Distribution Superintendent	1911.68 / 2689.54	Exempt
Electric Distribution Supervisor	1615.04 / 2271.77	40 hrs/week
Electric Underground & Substation Superintendent	1702.38 / 2395.37	Exempt
Electrical Engineer I	1533.46 / 2158.88	Exempt
Electrical Engineer II	1777.37 / 2501.66	Exempt
Electrical Inspector	1182.44 / 1663.66	40 hrs/week
Emergency Management Coordinator	909.70 / 1279.67	40 hrs/week
Emergency Management Director	1738.64 / 2446.46	Exempt
EMS Division Chief	1613.39 / 2270.12	Exempt
Engineering Technician Supervisor	1338.18 / 1883.66	Exempt
Equipment Operator	934.42 / 1315.93	40 hrs/week
Executive Assistant – Administration	1015.99 / 1430.46	40 hrs/week
Finance Controller	1812.00 / 2548.63	Exempt
Finance Director	2237.98 / 3149.33	Exempt
Finance Secretary	842.95 / 1185.74	40 hrs/week
Fire Chief	1966.89 / 2766.99	Exempt
Fire Operations Division Chief	1613.39 / 2270.12	Exempt
Fire Prevention Division Chief	1613.39 / 2270.12	Exempt
Fire Training Division Chief	1613.39 / 2270.12	Exempt

ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fleet Services Superintendent	1348.89 / 1899.32	Exempt
Fleet Services Supervisor	1070.38 / 1506.27	40 hrs/week
Golf Course Superintendent	1495.56 / 2104.50	Exempt
Grounds Management Crew Chief	1177.50 / 1657.06	40 hrs/week
Human Resources Director	1825.98 / 2568.41	Exempt
Human Resources Specialist	1097.57 / 1544.18	40 hrs/week
Information Technology Manager	1702.71 / 2395.74	Exempt
Information Technology Supervisor	1442.29 / 2029.76	Exempt
Legal Assistant	1204.69 / 1695.79	40 hrs/week
Legal Clerk	<u>743.25 / 1045.66</u> <del>721.60 / 1015.20</del>	40 hrs/week
Legal Secretary	904.75 / 1274.73	40 hrs/week
Librarian I	1102.51 / 1550.77	Exempt
Librarian II	1212.93 / 1706.50	Exempt
Library Assistant	759.73 / 1068.73	40 hrs/week
Library Assistant Director	1396.68 / 1965.24	Exempt
Library Clerk	606.46 / 854.49	40 hrs/week
Library Director	1774.90 / 2498.37	Exempt
Library Page*	458.97 / 694.81	40 hrs/week
Library Secretary	842.95 / 1185.74	40 hrs/week
Maintenance Mechanic I	946.78 / 1335.70	40 hrs/week
Maintenance Mechanic II	1062.96 / 1495.56	40 hrs/week
Maintenance Worker I – Solid Waste	861.01 / 1212.93	40 hrs/week
Maintenance Worker I – Building, Golf, WWTP	884.98 / 1245.06	40 hrs/week
Maintenance Worker II – Solid Waste	907.22 / 1277.20	40 hrs/week
Maintenance Worker II – Building, Golf, WWTP, Zoo	931.94 / 1314.28	40 hrs/week
Meter Reading Supervisor	1091.80 / 1537.58	Exempt
Office Manager – Police Department	1029.18 / 1448.59	40 hrs/week
Parking Monitor	473.80 / 667.44	40 hrs/week
Parks and Recreation Director	1917.45 / 2696.95	Exempt
Parks and Recreation Secretary	842.95 / 1185.74	40 hrs/week
Parks Maintenance Superintendent	1426.34 / 2006.44	Exempt

ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Payroll Specialist	1097.57 / 1544.18	40 hrs/week
Plumbing Inspector	1182.44 / 1663.66	40 hrs/week
Police Chief	2060.00 / 2899.66	Exempt
Police Records Clerk	783.62 / 1103.34	40 hrs/week
Power Plant Maintenance Supervisor	1615.04 / 2271.77	Exempt
Power Plant Operations Supervisor	1696.62 / 2387.13	Exempt
Power Plant Superintendent – Burdick	1766.66 / 2486.01	Exempt
Power Plant Superintendent – PGS	2093.78 / 2944.98	Exempt
Public Information Officer	1097.57 / 1544.18	40 hrs/week
Public Safety Secretary	931.12 / 1313.46	40 hrs/week
Public Works Director	2237.98 / 3149.33	Exempt
Public Works Secretary	842.95 / 1185.74	40 hrs/week
Purchasing Technician	842.95 / 1185.74	40 hrs/week
Recreation Superintendent	1319.22 / 1855.65	Exempt
Senior Civil Engineer – Public Works Engineering	1704.03 / 2398.66	Exempt
Senior Civil Engineer – Utility, PCC	1802.09 / 2537.10	Exempt
Senior Electrical Engineer	1621.63 / 2281.66	Exempt
Senior Engineering Technician	1182.44 / 1663.66	40 hrs/week
Senior Equipment Operator	1020.11 / 1435.41	40 hrs/week
Senior Library Assistant	838.01 / 1179.14	40 hrs/week
Senior Maintenance Worker	998.69 / 1405.74	40 hrs/week
Senior Telecommunicator/EMD	899.81 / 1265.66	40 hrs/week
Senior Utility Secretary	845.42 / 1192.33	40 hrs/week
Solid Waste Division Clerk	743.25 / 1045.66	40 hrs/week
Solid Waste Superintendent	1535.94 / 2161.35	Exempt
Street Superintendent	1458.48 / 2054.23	Exempt
Street Supervisor	1157.72 / 1628.22	40 hrs/week
Telecommunicator/EMD	856.96 / 1208.81	40 hrs/week
Turf Management Specialist	1182.44 / 1663.66	40 hrs/week
Utility Production Engineer	1867.18 / 2627.74	Exempt
Utility Director	2649.98 / 3727.78	Exempt
Utility Secretary	842.95 / 1185.74	40 hrs/week

ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Utility Services Manager	1549.94 / 2181.13	Exempt
Utility Warehouse Supervisor	1193.98 / 1679.31	40 hrs/week
Wastewater Engineering/Operations Superintendent	1704.03 / 2398.66	Exempt
Wastewater Plant Maintenance Supervisor	1254.13 / 1765.01	40 hrs/week
Wastewater Plant Operator I	880.03 / 1238.47	40 hrs/week
Wastewater Plant Operator II	936.89 / 1319.22	40 hrs/week
Wastewater Plant Process Supervisor	1284.62 / 1808.68	40 hrs/week
Wastewater Plant Senior Operator	990.45 / 1394.21	40 hrs/week
Water Superintendent	1465.07 / 2060.83	Exempt
Water Supervisor	1249.18 / 1759.24	40 hrs/week
Worker / Seasonal	412.00 / 1600.00	Exempt
Worker / Temporary	412.00	40 hrs/week

\*Pay Schedule Variation

SECTION 2. The currently occupied classifications of employees of the City of Grand Island included under the AFSCME labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the AFSCME labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Equipment Operator – Streets	<u>887.54 / 1248.11</u> <u>844.80 / 1188.00</u>	40 hrs/week
<u>Fleet Services Attendant/Clerk</u> <del>Shop Attendant</del>	<u>806.86 / 1138.01</u> <u>768.00 / 1083.20</u>	40 hrs/week
<u>Fleet Services Equipment Mechanic</u> — <del>Garage</del>	<u>992.61 / 1396.04</u> <u>944.80 / 1328.80</u>	40 hrs/week
Fleet <u>Services Inventory Specialist</u> <del>Maintenance Technician</del>	<u>885.02 / 1245.59</u> <u>842.40 / 1185.60</u>	40 hrs/week
Horticulturist	<u>937.14 / 1320.39</u> <u>892.00 / 1256.80</u>	40 hrs/week
<del>Maintenance Worker I</del> — Cemetery	<u>783.20 / 1103.20</u>	40 hrs/week

ORDINANCE NO. 8769 (Cont.)

Classification	Bi-Weekly Pay Range Min/Max	Overtime Eligibility
<del>Maintenance Worker I – Parks</del>	<del>783.20 / 1103.20</del>	<del>40 hrs/week</del>
<del>Maintenance Worker I – Streets</del>	<del>766.40 / 1077.60</del>	<del>40 hrs/week</del>
Maintenance Worker H – Cemetery	<u>880.82 / 1239.71</u> <del>838.40 / 1180.00</del>	40 hrs/week
Maintenance Worker H – Parks	<u>874.94 / 1232.14</u> <del>832.80 / 1172.80</del>	40 hrs/week
Maintenance Worker H – Streets	<u>856.45 / 1205.25</u> <del>815.20 / 1147.20</del>	40 hrs/week
Senior Equipment Operator – Streets	<u>972.43 / 1369.14</u> <del>925.60 / 1303.20</del>	40 hrs/week
<u>Senior Maintenance Worker – Parks</u>	<u>972.43 / 1369.14</u>	<u>40 hrs/week</u>
Senior Maintenance Worker – Streets	<u>972.43 / 1369.14</u> <del>925.60 / 1303.20</del>	40 hrs/week
Traffic Signal Technician-I	<u>972.43 / 1369.14</u> <del>925.60 / 1303.20</del>	40 hrs/week

SECTION 3. The currently occupied classifications of employees of the City of Grand Island included under the IBEW labor agreements, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IBEW labor agreements shall work prior to overtime eligibility are as follows:

Classification	Bi-Weekly Pay Range Min/Max	Overtime Eligibility
Accounting Clerk I	715.20 / 1006.40	40 hrs/week
Accounting Clerk II	808.80 / 1140.00	40 hrs/week
Computer Technician	965.60 / 1358.40	40 hrs/week
Computer Programmer	1268.00 / 1783.20	40 hrs/week
Electric Distribution Crew Chief	1469.60 / 2067.20	40 hrs/week
Electric Underground & Substation Crew Chief	1469.60 / 2067.20	40 hrs/week
Engineering Technician I	1014.40 / 1427.20	40 hrs/week
Engineering Technician II	1236.80 / 1740.00	40 hrs/week
GIS Technician	1332.00 / 1873.60	40 hrs/week

ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Instrument Technician	1506.40 / 2119.20	40 hrs/week
Lineman Apprentice	1040.00 / 1463.20	40 hrs/week
Lineman First Class	1332.00 / 1873.60	40 hrs/week
Lineman Second Class	1148.00 / 1615.20	40 hrs/week
Materials Handler	1267.20 / 1782.40	40 hrs/week
Meter Reader	853.60 / 1201.60	40 hrs/week
Meter Technician	1040.00 / 1463.20	40 hrs/week
Network Technician	1120.00 / 1576.00	40 hrs/week
Power Dispatcher I	1399.20 / 1968.00	40 hrs/week
Power Dispatcher II	1469.60 / 2067.20	40 hrs/week
Power Plant Custodian	754.40 / 1061.60	40 hrs/week
Power Plant Maintenance Mechanic	1332.00 / 1873.60	40 hrs/week
Power Plant Operator I	1040.00 / 1463.20	40 hrs/week
Power Plant Operator II	1399.20 / 1968.00	40 hrs/week
Senior Accounting Clerk	849.60 / 1196.80	40 hrs/week
Senior Engineering Technician	1332.00 / 1873.60	40 hrs/week
Senior Materials Handler	1399.20 / 1968.00	40 hrs/week
Senior Meter Reader	919.20 / 1292.00	40 hrs/week
Senior Power Dispatcher	1621.60 / 2280.80	40 hrs/week
Senior Power Plant Operator	1544.00 / 2172.00	40 hrs/week
Senior Substation Technician	1506.40 / 2119.20	40 hrs/week
Senior Utilities Operator	1506.40 / 2119.20	40 hrs/week
Senior Water Maintenance Worker	1120.00 / 1576.00	40 hrs/week
Substation Technician	1399.20 / 1968.00	40 hrs/week
Systems Technician	1506.40 / 2119.20	40 hrs/week
Tree Trim Crew Chief	1332.00 / 1873.60	40 hrs/week
Utilities Electrician	1399.20 / 1968.00	40 hrs/week
Utilities Operator	1364.80 / 1920.80	40 hrs/week
Utility Technician	1469.60 / 2067.20	40 hrs/week
Utility Warehouse Clerk	942.40 / 1326.40	40 hrs/week
Water Maintenance Worker I	919.20 / 1292.00	40 hrs/week
Water Maintenance Worker II	989.60 / 1392.80	40 hrs/week

ORDINANCE NO. 8769 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Wireman I	1148.00 / 1615.20	40 hrs/week
Wireman II	1332.00 / 1873.60	40 hrs/week

SECTION 4. The currently occupied classifications of employees of the City of Grand Island included under the FOP labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the FOP labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Police Captain	<u>1400.00 / 1920.80</u> <u>1328.80 / 1869.60</u>	<u>171 hrs/28 days</u> 40 hrs/week
Police Officer*	<u>1007.20 / 1408.00</u> <u>978.40 / 1396.80</u>	<u>171 hrs/28 days</u> 40 hrs/week
Police Sergeant*	<u>1257.60 / 1723.20</u> <u>1106.40 / 1580.00</u>	<u>171 hrs/28 days</u> 40 hrs/week

Pay Schedule Variation\*

SECTION 5. The currently occupied classifications of employees of the City of Grand Island included under the IAFF labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IAFF labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fire Captain	1361.88 / 1917.00	212 hrs/28 days
Firefighter / EMT	1004.40 / 1432.08	212 hrs/28 days
Firefighter / Paramedic	1109.16 / 1637.28	212 hrs/28 days

ORDINANCE NO. 8769 (Cont.)

SECTION 6. The currently occupied classifications of officers and employees of the City of Grand Island within the Planning Department, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such officers and employees within the Planning Department shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Planning Director	1636.46 / 2302.26	Exempt
Planning Secretary	842.95 / 1185.74	40 hrs/week
Planning Technician	1182.44 / 1663.66	40 hrs/week

SECTION 7. The classification of employees included under labor agreements with the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classification, and the number of hours and work period which certain such employees shall work prior to overtime eligibility area as stated above. All full-time fire fighters and police officers shall be paid a clothing and uniform allowance in addition to regular salary. All full-time fire fighters shall be paid a clothing and uniform allowance in addition to regular salary in the amount of \$80.00 per month. All full-time police officers shall be paid a clothing and uniform allowance in addition to regular salary of \$48.84 per month. The range of this allowance is \$76 to \$80 per month. Full-time police officers may also receive a reimbursement toward the purchase of body armor, not to exceed \$400. Full-time fire fighters and fire captains may receive a one-time uniform acquisition allowance of up to \$850. Full-time fire fighters, fire captains, Fire Operations Division Chief, Fire Prevention



ORDINANCE NO. 8769 (Cont.)

Division Chief, Fire Training Division Chief, and EMS Division Chief may receive an annual stipend for longevity not to exceed \$520. If any such fire fighter or police officer shall resign, or his or her employment be terminated for any reason whatsoever, the clothing allowance shall be paid on a prorata basis, but no allowance shall be made for a fraction of a month.

Non-union employees and employees covered by the AFSCME labor union, the FOP labor union, and the IBEW labor union ~~Bilingual employees~~ may receive an annual stipend not to exceed \$500 for bilingual pay.

Utilities Department personnel in the IBEW bargaining unit and the classifications of Meter Reading Supervisor, Power Plant Superintendent, Power Plant Supervisor, Electric Distribution Superintendent, Electric Distribution Supervisor, Water Superintendent, Water Supervisor, Electric Underground and Substation Superintendent, Electric Underground and Substation Supervisor, and Engineering Technical Supervisor shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18.00 per month. When protective clothing is required for Utilities Department personnel in the IBEW, the City shall pay 60% of the cost of providing and cleaning said clothing and the employees 40% of said cost. Public Works Department personnel in the AFSCME bargaining unit shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18 per month. Full-time Shop Garage Division personnel shall receive a uniform allowance of \$12 biweekly. Public Works Department personnel in the job classifications Equipment Mechanic Supervisor, Garage Superintendent, and Equipment Mechanic shall receive a tool allowance of \$10 biweekly.

Parking Monitors may receive a one-time uniform acquisition allowance of \$250 upon employment and an annual allowance thereafter of \$100.

SECTION 8. Employees shall be compensated for unused sick leave as follows:

ORDINANCE NO. 8769 (Cont.)

(A) For all employees except those covered in the IAFF and AFSCME bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 960 hours accrued in the preceding calendar year. The compensation will be at the rate of one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 960 hours accrual of the preceding year.

For those employees covered in the AFSCME bargaining agreement, the City will include in the paycheck in January of each year, payment for an employee's unused sick leave in excess of 968 hours accrued in the preceding calendar year. The compensation will be at the rate of one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 968 hours accrual of the preceding year.

For those employees covered in the IAFF bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 2,880 hours accrued in the preceding calendar year. The compensation will be at the rate of one-quarter day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 2,880 hours accrual of the preceding year.

(B) All employees except those covered in the fire department bargaining agreement shall be paid for one-half of their accumulated sick leave at the time of their retirement, the rate of compensation to be based on the employee's salary at

ORDINANCE NO. 8769 (Cont.)

the time of retirement. Employees covered in the fire department bargaining agreement shall be paid for one quarter of their accumulated sick leave at the time of their retirement, the rate of compensation to be based upon the employee's salary at the time of retirement.

(C) Department heads shall be paid for one-half of their accumulated sick leave, not to exceed 30 days of pay, upon their resignation, the rate of compensation to be based upon the salary at the time of termination. Compensation for unused sick leave at retirement shall be as provided above.

(D) The death of an employee shall be treated the same as retirement, and payment shall be made to the employee's beneficiary or estate for one-half of all unused sick leave.

SECTION 9. The city administrator shall receive a vehicle allowance of \$300 per month in lieu of mileage for use of personal vehicle travel within Hall County, payable monthly.

SECTION 10. Reimbursed expenses which are authorized by Neb. Rev. Stat. §13-2201, et. seq., the Local Government Miscellaneous Expenditure Act and/or which the Internal Revenue Service requires to be reflected on an employee IRS Form W-2 at year end, are hereby authorized as a payroll entry.

SECTION 11. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 12. Salary adjustments to be received as a result of this ordinance for employees covered by the AFSCME labor agreement shall become effective with the pay period beginning on October 7, 2002.

ORDINANCE NO. 8769 (Cont.)

SECTION 13. Salary adjustments to be received as a result of this ordinance for the Legal Clerk classification shall become effective with the pay period beginning on October 7, 2002.

SECTION 14. Salary adjustments to be received as a result of this ordinance for employees covered by the FOP labor agreement shall become effective October 1, 2001 per Commission of Industrial Relations (CIR) Order dated August 26, 2002.

SECTION 15. Ordinance No. 8755 and all other ordinances and parts of ordinances in conflict herewith be, and the same are, hereby repealed.

SECTION 16. This ordinance shall be in full force and take effect from and after its passage and publication in pamphlet form in one issue of the Grand Island Independent as provided by law.

Enacted: September 10, 2002.

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

Attest:

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



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item F9

### **#8770 - Consideration of Creation of Sidewalk District No. 1, 2002**

*On May 21, 2002, the Council passed a Resolution authorizing City Staff to contact property owners near Stolley Park School, Engleman Elementary School, and Seedling Mile School to give notice to construct sidewalks. The deadline for construction was set as the beginning of the fall school term. Council action is required to create a Sidewalk District for construction of sidewalks for owners who did not comply.*

*The following properties have been notified and asked to install sidewalk and have not taken action as of the deadline:*

*Clayton and Jeanette Hansen, 2121 S August Street, Lots 1 and 2, Block 1, Country Club Subdivision*

*Betty Mae and Gerald Nelson, 110 N Seedling Mile Court, Lots 1 and 2, Von Ohlen 2nd Subdivision*

*Donald E. McCulley, 3226 E Seedling Mile Road, N 210' of Lots 18 and 19, Sass Subdivision  
Capital Heights Swim Club, 4260 Vermont Avenue, Lot 1, Block 2, Capital Heights 3rd Subdivision*

*Zola Mae Johnson, 2504 Northwest Avenue, Lot 8, Buck Subdivision*

*Bradley and Toni Sue Kirk, 4302 Claussen Road, W 102.25' of Lot 12, Jock Voss Subdivision*

*The Public Works Department is requesting that a Sidewalk District be created to complete the work. Bids would be solicited and a contractor hired to complete the installation. If the work is completed by the property owner before construction is started by the City's contractor, then the property will be removed from the District.*

*The cost of the sidewalks installed by the City and the applicable 10% engineering, inspection and administration fee is assessed to the benefiting property owner and collected over a seven-year period. Public Works intends to stick to the District schedule that was published in the Blues in May 2002. A copy is attached.*

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

## Timeline for Sidewalk District

In May, the City Council passed a Resolution directing the Public Works Department to contact residents near Stolley Park, Engleman, and Seedling Mile Schools and request that the property owners install sidewalks before the start of school in the fall. After that time, Council will consider establishing a Sidewalk District. The City would hire a contractor to complete the walks and assess the property owners. Several people have asked what the timeline for construction and the estimated assessments would be for such a project. The following is a draft timeline and estimated assessment for a property owner.

Council Directs Staff to Contact Property Owners Regarding installation of Sidewalks	May 21, 2002
Letters sent to Property Owners asking them to install sidewalks	May 28, 2002
Deadline for Sidewalk Completion	Before School Starts Fall 2002
Consideration of Creating Sidewalk District No. 1, 2002	September 10, 2002
Advertise for Bids for Sidewalk Construction	September 24, 2002
Award Bids for Sidewalk Construction	October 22, 2002
Start Construction of Sidewalk District (time required will depend on number of sidewalks to be constructed)	October 29, 2002
Certificate of Final Completion for Sidewalk District accepted by City Council	December 17, 2002
Board of Equalization for Sidewalk District	January 28, 2003
First assessment payment due (50 days after Board of Equalization)	March 18, 2003

Example Assessment for property owner with 100' of sidewalk:\*

Bid Price: \$10.00 per foot	\$1,000.00
Engineering Services (10% of Bid)	\$100.00
<b>Total</b>	<b>\$1,100.00</b>

### Example Payments for \$1,100.00 Assessment

<u>PAYMENT</u>	<u>PRINCIPAL</u>	<u>INTEREST</u>	<u>TOTAL</u> <u>PAYMENT</u>	<u>BALANCE</u>
				<b>\$ 1,100.00</b>
1	\$ 157.14	\$ -	<b>\$ 157.14</b>	\$ 942.86
2	\$ 157.14	\$ 66.00	<b>\$ 223.14</b>	\$ 785.71
3	\$ 157.14	\$ 55.00	<b>\$ 212.14</b>	\$ 628.57
4	\$ 157.14	\$ 44.00	<b>\$ 201.14</b>	\$ 471.43
5	\$ 157.14	\$ 33.00	<b>\$ 190.14</b>	\$ 314.29
6	\$ 157.14	\$ 22.00	<b>\$ 179.14</b>	\$ 157.14
7	\$ 157.14	\$ 11.00	<b>\$ 168.14</b>	\$ -

\* The lot length for each residential property owner varies from 87' for some properties on Seedling Mile Road to 312' for a corner lot at Blauvelt Road and Northwest Avenue. Driveway width should be subtracted to determine total length of sidewalk required.

ORDINANCE NO. 8770

An ordinance to create Sidewalk District No. 1, 2002; to define the district where sidewalks are to be constructed; to provide for the construction or repair of such sidewalks within the district by paving and all incidental work in connection therewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, the Mayor and Council of the City of Grand Island have heretofore by Resolution 2002-148 determined the necessity for certain sidewalk improvements, pursuant to Section 19-2417, R.R.S., 1943, and Section 32-58 of the Grand Island City Code; and

WHEREAS, a number of property owners have failed to construct sidewalks within the time specified; and

WHEREAS, it is the determination of this Council that such sidewalks should be constructed by the district method.

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

SECTION 1. Sidewalk District No. 1, 2002, of the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The district where sidewalks shall be constructed shall include the following lots and parcels of ground:

Lots One (1) and Two (2), Block One (1), Country Club Subdivision, Grand Island, Hall County, Nebraska;

Lots One (1) and Two (2), Von Ohlen 2<sup>nd</sup> Subdivision, Grand Island, Hall County, Nebraska;

North Two Hundred Ten (210.0) feet of Lots Eighteen (18) and Nineteen (19), Sass Subdivision, Grand Island, Hall County, Nebraska;

ORDINANCE NO. 8770 (Cont.)

Lot One (1), Block Two (2), Capital Heights 3<sup>d</sup> Subdivision, Grand Island, Hall County, Nebraska;

Lot Eight (8), Buck Subdivision, Grand Island, Hall County, Nebraska;

West One Hundred Two and Twenty Five Hundredths (102.25) feet of Lot Twelve (12), Jack Voss Subdivision, Grand Island, Hall County, Nebraska.

SECTION 3. The sidewalks in the district shall be constructed or repaired by paving and all incidental work in connection therewith; said improvements shall be made in accordance with plans and specifications prepared by the Public Works Department for the City.

SECTION 4. The improvements shall be made at public cost, but the cost thereof shall be assessed upon the lots and lands in the district specially benefited thereby as provided by Section 19-2418, R.R.S. 1943.

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

Enacted: September 10, 2002.

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

Attest:

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





# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G1

### **Approving Minutes of August 27, 2002 City Council Regular Meeting**

*The Minutes of August 27, 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

August 27, 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 August 27, 2002. Notice of the meeting was given in the Grand Island Independent on August 21, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Larson, Whitesides, Haase, Murray, Walker and Sorensen. Councilmember Hornady 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 William Voelker, Peace Lutheran Church, 4018 Zola Lane.

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

#### PRESENTATIONS AND PROCLAMATIONS:

Presentation by the National Weather Service - StormReady. Howard Maxon, Emergency Management Director introduced Steve Kisner representing the National Weather Service from Hastings. Mr. Kisner stated the City of Grand Island had qualified to be designated a StormReady Community. Mr. Kisner presented the City with the StormReady Community Certificate.

#### PUBLIC HEARINGS:

Public Hearing on Acquisition of Easements Located in Sanitary Sewer District #500, Seedling Mile Area. Steve Riehle, Public Works Director, reported that acquisition of easements located south of Seedling Mile Road and west of Shady Bend Road was required in order to have access to install, upgrade, maintain, and repair public sanitary sewer mains. No public testimony was heard.

Public Hearing on Acquisition of Right of Way in Sanitary Sewer District #501, Freedom Drive. Steve Riehle, Public Works Director, reported that acquisition of right of way located along Stolley Park Road south of the intersection with Freedom Drive was required in order to have access to install, upgrade, maintain, and repair sanitary sewer main. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easements for Sanitary Sewer Project #2002-S-5. Steve Riehle, Public Works Director, reported that acquisition of two public utility easements located near Shoemaker Elementary School, was required in order to have access to install, upgrade, maintain, and repair public sanitary sewer mains. No public testimony was heard.

ORDINANCES:

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

#8760 - Consideration to Repeal Ordinance #6957

#8761 - Consideration of Approving FY2002-2003 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

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 Larson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these ordinances? Councilmember Pielstick wanted it noted that she would be voting no on Ordinance #8761. No public testimony was heard.

City Clerk: Ordinances #8760 and #8761 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 #8760 and #8761 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 #8760 and #8761 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Councilmember Whitesides requested item G-19 be removed from the Consent Agenda. Motion by Pielstick, second by Larson, carried unanimously to approve the Consent Agenda excluding item G-19.

Receipt of Official Document – Civil Service Minutes of August 7, 2002.

Authorizing Expenditures Associated with Business Improvement Board Attendance at International Downtown Association.

Approving Minutes of August 12, 2002 City Council Special Meeting.

Approving Minutes of August 13, 2002 City Council Regular Meeting.

Approving Minutes of August 20, 2002 City Council Study Session.

Approving Minutes of August 20, 2002 City Council Special Meeting.

Approving Request of Patricia Lange, 521 Memorial Drive, for Liquor Manager Designation for Bosselman, Inc. dba Pump & Pantry #3, Capital Avenue and US Highway 281.

#2002-252 – Approving Acquisition of Easements Located in Sanitary Sewer District #500, Seedling Mile Area.

#2002-253 – Approving Acquisition of Right of Way in Sanitary Sewer District #501, Freedom Drive.

#2002-254 – Approving Acquisition of Public Utility Easements Located in Sanitary Sewer Project #2002-S-5.

#2002-255 – Approving Bid Award for Electrical and Control Installation at Platte Generating Station with Capital Electric Kansas City, Missouri in an Amount of \$133,500.00.

#2002-256 – Approving Bid Award for Railroad Track Tie Replacement at Platte Generating Station with Judds Brothers Construction Company, Lincoln, Nebraska in an Amount of \$45,300.00.

#2002-257 – Approving Bid Award for 2002 Model Compost Screener for Solid Waste Division, Public Works Department with McCloskey Brothers Manufacturing, Petersborough, Ontario, Canada in an Amount of \$92,500.00.

#2002-258 – Approving Certificate of Final Completion with The Diamond Engineering Company, Grand Island, Nebraska and Setting Board of Equalization Date of September 24, 2002 for Sanitary Sewer District #493, Old Potash Subdivision. Councilmember Pielstick voted no.

#2002-259 – Approving Certificate of Final Completion with The Diamond Engineering Company, Grand Island, Nebraska and Setting Board of Equalization Date of September 24, 2002 for Sanitary Sewer District #503, Edna Drive. Councilmember Pielstick voted no.

#2002-260 – Approving Certificate of Final Completion for Sanitary Sewer Project #2001-S-5 with The Diamond Engineering Company, Grand Island, Nebraska. Councilmember Pielstick voted no.

#2002-261 – Approving Continuation of Sanitary Sewer District #507, Cannon Road Between Mansfield Road & North Road and Approximately 340' of State Street East of North Road.

#2002-262 – Approving Memorandum of Understanding Relative to Participation in the Grand Island Multicultural Coalition.

#2002-264 – Approving Extension of Interlocal Agreement with Hall County for Keno Games.

#2002-265 – Approving Council Meeting Date Changes for November, 2002.

#2002-266 – Approving Agreement with Grand Island Modelers Club Relative to Development and Operation of Facilities at CHAAP.

#2002-267 – Approving Agreement with the Nebraska State Patrol Relative to Preliminary Design and Cost Estimates for Joint Weapons Training Facility at CHAAP.

#2002-263 – Approving Agreement with the Cottonwood Lake Association Relative to Funding for Cottonwood Lake Dredging in an Amount not to Exceed \$50,000.00. Councilmember Seifert stated concerns of using public funds for a private lake. Also mentioned were the fact that this project had not been discussed or budgeted for and that other projects had priority. Councilmember Walker questioned other areas in the City with this same problem. Public Works Director Steve Riehle mentioned several.

Ilene Gruendel, President of the Cotton wood Lake Association, spoke in favor.

Discussion was had concerning the original agreement with the Cottonwood Lake Association and the City regarding the upkeep and maintenance of the lake. The City's responsibility was to clean out the silt near the storm water inlets, which had never been done. Discussed were timing issues of doing this project along with the Sucks Lake Project and the cost savings that would occur.

City Attorney Charlie Cuypers explained the proposed Agreement and the \$50,000 cap for cleanup to the City.

Motion was made by Larson, second by Ward to approve Resolution #2002-263. Approved unanimously.

#### RESOLUTIONS:

#2002-268 – Consideration of Intent to Enter into a Stuhr Museum Train Operating Agreement Contingent on a Successful Bond Election in November. Pam Price representing Stuhr Museum Foundation met with the Board to request that this item be tabled contingent upon successful bond election in November.

City Attorney Charlie Cuypers stated that if this project was to be successful, a good solid business plan was needed.

Motion was made by Larson, second by Seifert, to authorize staff to work with the Stuhr Museum Foundation to for a business plan for the operation of the train within 90 days. Carried unanimously to approve.

#2002-269 – Consideration of Approving Labor Union Contract with AFSCME. Human Resources Director Brenda Sutherland, reported that the proposed labor agreement between AFSCME, Local 251 and the City of Grand Island was submitted for approval. The current AFSCME contract would expire September 30, 2002. The proposed contract would be a five-year contract. The contract would cover the time frame of October 1, 2002 until September 30, 2007.

Some of the more notable changes in the contract were; changing "garage" classifications to "fleet services", removing Maintenance Worker I classification, adding a Senior Maintenance Worker - Parks, defining hours worked and adding a personal leave day. The first year of the contract proposed a 2.0% increase for all positions per the salary survey that was done jointly with the City and a 3.0% COLA. Years two and three called for a 2.5% COLA. There would be a survey done for year four to insure comparability and a 3.0% COLA in year five.

Motion was made by Sorensen, second by Walker, carried unanimously to approve. Steve Hancock – AFSCME representative and the Mayor signed the contract.

#2002-270 – Consideration of Certifying a ½ Cent Sales Tax Ballot Issue for the May 11, 2004 Primary Election. City Administrator Marlan Ferguson, reported that the City Council, at their March 6, 2002 Council Retreat, established securing the ½ cent sales tax as a priority. Reasoning behind this decision was simple: if the City was to continue with major capital projects, an additional revenue source was needed. The State of Nebraska is in a budget crisis and has cut back State Aid to Municipalities, which would ultimately impact the City of Grand Island's budget. The need for capital projects for public safety including Fire Station, Training Center, replacement equipment and possible relocation of the Police Department Public Safety Center was ongoing. There was also a need to fund infrastructure projects including sewer, water, storm sewer and streets. These projects would not be completed in a timely fashion without additional funding. Property tax relief could be realized with the increased sales tax revenue.

State Statute only allows the sales tax issue to be on the ballot once every 23 month. At the May, 2002 primary election the issue of the ½ cent sales tax for an endowment was on the ballot and was defeated. The next time this issue could be on the ballot would be May 11th, 2004. Mr. Ferguson stated it was important that the City establish its intent to have the ½ cent sales tax on the ballot at the next election. Resolution #2002-270 secures the City's position for forwarding the ½ cent sales tax issue in May 2004. The exact ballot language could be modified in accordance with ballot issue guidelines.

Motion by Larson, second , by Ward, carried unanimously to approve.

#2002-271 – Consideration of Approving 1% Increase to the Lid Limit. This item was pulled from the agenda.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Seifert, carried unanimously to approve the Claims for the period of August 14, 2002 through August 27, 2002, for a total amount of \$3,058,893.77.

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G2

### **Approving Request of Stalker Development, Ltd., Harry Stalker, President, for Conditional Use Permit for Temporary Placement of a Hot Dog Stand Located at 410 South Webb Road**

*This item relates to the aforementioned Public Hearing. Harry Stalker, President of Stalker Development, Ltd., 410 South Webb Road, has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for a 14'x33' mobile kitchen to be used as a hot dog stand for drive-in customers at 410 South Webb Road. This request has been reviewed by the Building, Legal, Utilities, Planning, and Public Works Departments.*

Staff Contact: Craig Lewis





# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G3

### **Approving Request of GCB Restaurant Group, LLC dba Garden Cafe & Baker/Tiffany's Lounge, 3333 Ramada Road, for Class "C" Liquor License**

*This item relates to the aforementioned Public Hearing. Brian Lockman, Owner of GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road, has submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale 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, September 10, 2002

Council Session

## Item G4

**Approving Request of Timothy Peterson, 11010 South 17th Street, Bellevue, Nebraska, for Liquor Manager Designation for GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road**

*Timothy Peterson, 11010 South 17th Street, Bellevue, Nebraska, representing GCB Restaurant Group, LLC dba Garden Cafe & Bakery/Tiffany's Lounge, 3333 Ramada Road, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C" Liquor License acted upon earlier. 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, September 10, 2002

Council Session

## Item G5

### **Approving Request of Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, for Class "C" Liquor License**

*This item relates to the aforementioned Public Hearing. Daryl V. Harney dba Scooter's BBQ, 3234 West Schimmer Road, has submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. This application has been reviewed by the Building, Fire, Health and Police Departments. Approval is recommended pending final inspections.*

**Staff Contact: RaNae Edwards**



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G6

### **#2002-272 - Approving Use of Local Law Enforcement Block Grant Funds**

*This item relates to the aforementioned Public Hearing.*

#### **BACKGROUND:**

*The Grand Island Police Department is eligible for federal LLEBG funds annually. This year, our award is \$33,593. Because of Hall County being federally designated as a “disparate community”, 25% of the funds will be awarded to the Hall County Sheriff’s Office. Our share, including the city match of \$2,604, will be \$23,432. These funds are not to be used for personnel costs; just police equipment.*

#### **DISCUSSION:**

*There is a federal mandate that requires a public hearing regarding the dispersing of the block grant funds. Additionally, a grant advisory board meeting was held to discuss the funds allocation. In September 2002, members of the grant advisory board consisting of Dr. Kent Mann, Jerry Janulewicz, Carol Castleberry, Charlotte Lanzdorf, and I discussed the 2001 grant. We are now asking to hold the public hearing for any input from the community.*

#### **RECOMMENDATION:**

*The grant funds are tentatively allocated for the following: portable radios with replacement batteries and chargers and for supplemental replacement and installation costs of wireless communication equipment. It is allowable to carry over a portion LLEBG funds from year to year. I would propose that not all of these funds be specifically earmarked because of unforeseen equipment needs.*

#### **FINANCIAL IMPLICATIONS:**

*Our cash match for 2002 LLEBG is \$2,604, which has been budgeted.*

#### **ALTERNATIVES:**

*Reallocate funds; refuse the grant.*

Staff Contact: Kyle Hetrick

RESOLUTION 2002-272

WHEREAS, the Grand Island Police Department has received notification that they have been awarded \$23,432 in grant funds for the year 2002 from the Local Law Enforcement Block Grants (LLEBG) program; and

WHEREAS, the funds are to be used for police equipment, not personnel costs; and

WHEREAS, a public hearing was held on September 10, 2002 as required to discuss the proposed use of such funds; and

WHEREAS, it is proposed that the grant funds be used for the following purposes: portable radios with replacement batteries and charges, supplemental replacement and installation costs of wireless communication equipment, and unforeseen equipment needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that approval be granted to utilize approximately \$23,432 of grant funds received from the Local Law Enforcement Block Grants program for the items listed above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G7

### **#2002-273 - Approving Acquisition of Utility Easement at Faidley and Weis Drive - Farm Credit Services**

*This item relates to the aforementioned Public Hearing.*

***Background:***

*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 Farm Credit Services of America, FLCA, located at Faidley and Weis Drive (west of Webb Road), in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be used to locate both water and electric lines on the north side of the property and electric lines only on the west side of the property.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council. See attached RESOLUTION.*

**Staff Contact: Gary R. Mader**

# FAIDLEY AVENUE

80.0'

60.0'

EXISTING 5' EASEMENT

240.0'

20'

TRACT NO. 1  
20' WIDE UTILITY  
EASEMENT

## WEIS ACRES

LOT 1

## SUBDIVISION

### WEIS DRIVE

350.0'

350.0'

350.0'

CELL  
B-68

TRACT NO. 2  
20' WIDE UTILITY  
EASEMENT


EXISTING 16' EASEMENT


20'

60.0'

240.0'



 INDICATES  
UTILITY EASEMENT

 CITY OF <b>GRAND ISLAND</b> UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRN BY: K.J.M.	SCALE: 1"= 50'
DATE: 8/27/2002	FILE: WEIS ACRES

R E S O L U T I O N 2002-273

WHEREAS, public utility easements are required by the City of Grand Island, from Farm Credit Services of America, FLCA, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on September 10, 2002, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot One (1) Weis Acres Subdivision in the City of Grand Island, Hall County, Nebraska, the easements and rights-of-way being more particularly described as follows:

Tract No. 1:

The northerly twenty (20.0) feet of Lot One (1) Weis Acres Subdivision in the City of Grand Island, Hall County, Nebraska.

Tract No. 2:

The westerly twenty (20.0) feet of Lot One (1) Weis Acres Subdivision in the City of Grand Island, Hall County, Nebraska.

The above-described easements and rights-of-way containing a combined total of 0.271 acres, more or less as shown on the plat dated August 27, 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 public utility easements from Farm Credit Services of America, FLCA, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G8

### **#2002-274 - Approving Acquisition of Utility Easement - Pedcor Investments**

*This item relates to the aforementioned Public Hearing.*

***Background:***

*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 Pedcor Investments located in the Pedcor Subdivision north of Husker Highway and west of Highway 281, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be needed to locate underground cable and pad-mounted transformers to serve the new apartment buildings.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

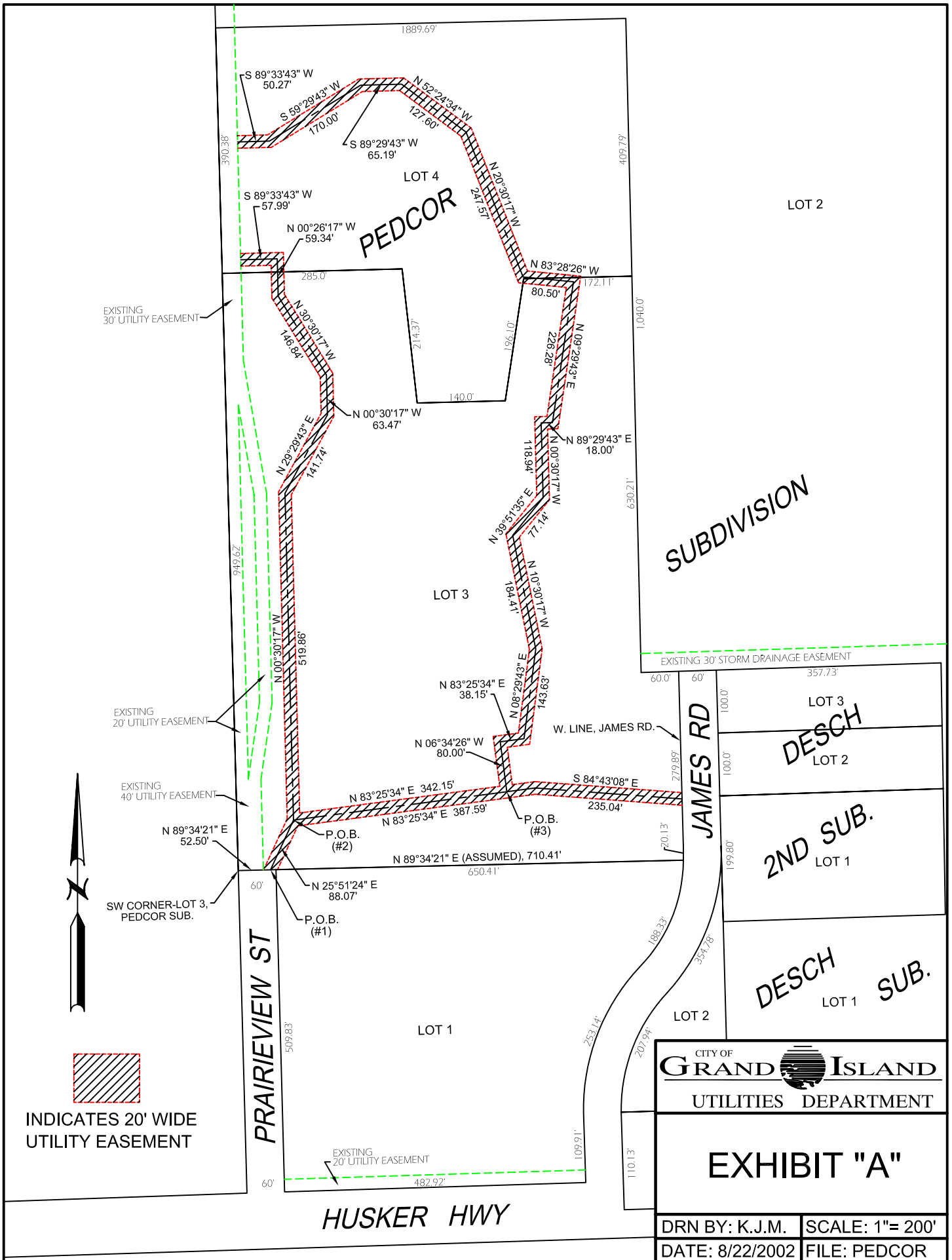
***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council. See attached RESOLUTION.*

**Staff Contact: Gary R. Mader**

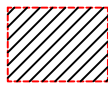


EXISTING 30' UTILITY EASEMENT

EXISTING 20' UTILITY EASEMENT

EXISTING 40' UTILITY EASEMENT

N 89°34'21" E 52.50'  
SW CORNER-LOT 3, PEDCOR SUB.

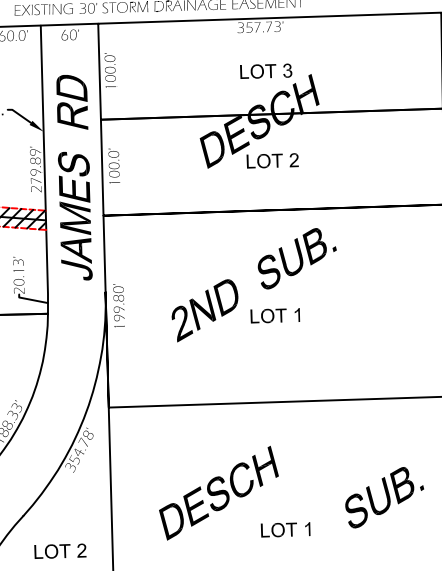


INDICATES 20' WIDE UTILITY EASEMENT

PRAIRIEVIEW ST

HUSKER HWY

SUBDIVISION



CITY OF GRAND ISLAND UTILITIES DEPARTMENT

EXHIBIT "A"

DRN BY: K.J.M.	SCALE: 1"= 200'
DATE: 8/22/2002	FILE: PEDCOR

RESOLUTION 2002-274

WHEREAS, public utility easements are required by the City of Grand Island, from Pedcor Investments-199-XL, L.P., an Indiana limited partnership, and Pedcor Investments, a Wyoming limited liability company, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on September 10, 2002, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lots Three (3) and Four (4) Pedcor Subdivision in the City of Grand Island, Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easements and rights-of-way being more particularly described as follows:

Utility Easement No. 1:

A twenty (20.0) foot wide strip of land being part of Lot Three (3) Pedcor Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, with the centerline of said twenty (20.0) foot wide strip of land being more particularly described as follows:

Referring to the southwest corner of the above said Lot Three (3) and assuming the South line of said lot as bearing N89°34'21"E and all bearings contained herein are relative thereto; thence N89°34'21"E on said South line, a distance of Fifty Two and Five Tenths (52.5) feet to the Actual Place of Beginning, said place of beginning on the centerline of said Twenty (20.0) foot strip of land; thence N25°51'24"E, a distance of Eighty Eight and Seven Hundredths (88.07) feet; thence N83°25'34"E, a distance of Three Hundred Eighty Seven and Fifty Nine Hundredths (387.59) feet; thence S84°43'08"E, a distance of Two Hundred Thirty Five and Four Hundredths (235.04) feet to the point of termination, said point being on the West line of James Road, a street in Grand Island, Hall County, Nebraska, and Ninety Seven and Eight Hundredths (97.08) feet North of the Southeast corner of said Lot Three (3).

Utility Easement No. 2:

A twenty (20.0) foot wide strip of land being part of Lot Three (3) and Lot Four (4) Pedcor Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, with the centerline of said twenty (20.0) foot wide strip of land being more particularly described as follows:

Referring to the Southwest corner of above said Lot Three (3) and assuming the South line of said lot as bearing N89°34'21"E and all bearings contained herein are relative thereto; thence N89°34'21"E on said South line, a distance of Fifty Two and Five Tenths (52.5) feet; thence N25°51'24"E, a distance of Eighty Eight and Seven Hundredths (88.07) feet to the Actual Place of Beginning, said place of beginning being on the centerline of said

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Twenty (20.0) foot strip of land; thence N00°30'17"W, a distance of Five Hundred Nineteen and Eighty Six Hundredths (519.86) feet; thence N29°29'43"E, a distance of One Hundred Forty One and Seventy Four Hundredths (141.74) feet; thence N00°30'17"W, a distance of Sixty Three and Forty Seven Hundredths (63.47) feet; thence N30°30'17"W, a distance of One Hundred Forty Six and Eighty Four Hundredths (146.84) feet; thence N00°26'17"W, a distance of Fifty Nine and Thirty Four Hundredths (59.34) feet; thence S89°33'43"W, a distance of Fifty Seven and Ninety Nine Hundredths (57.99) feet to the point of termination, said point being on the East line of a Thirty (30.0) foot wide Utility Easement and Three Hundred Sixty Eight and Forty Six Hundredths (368.46) feet South of the North line of said Lot Four (4).

Utility Easement No. 3:

A twenty (20.0) foot wide strip of land being part of Lot Three (3) and Four (4) Pedcor Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, with the centerline of said twenty (20.0) foot wide strip of land being more particularly described as follows:

Referring to the Southwest corner of above said Lot Three (3) and assuming the South line of said lot as bearing N89°34'21"E and all bearings contained herein are relative thereto; thence N89°34'21"E on said South line a distance of Fifty Two and Five Tenths (52.5) feet; thence N25°51'24"E, a distance of Eighty Eight and Seven Hundredths (88.07) feet; thence N83°25'34"E, a distance of Three Hundred Forty Two and Fifteen Hundredths (342.15) feet to the Actual Place of Beginning, said place of beginning being on the centerline of said Twenty (20.0) foot wide strip of land; thence N06°34'26"W, a distance of Eighty (80.0) feet; thence N83°25'34"E, a distance of Thirty Eight and Fifteen Hundredths (38.15) feet; thence N08°29'43"E, a distance of One Hundred Forty Three and Sixty Three Hundredths (143.63) feet; thence N10°30'17"W, a distance of One Hundred Eighty Four and Forty One Hundredths (184.41) feet; thence N39°51'35"E, a distance of Seventy Seven and Fourteen Hundredths (77.14) feet; thence N00°30'17"W, a distance of One Hundred Eighteen and Ninety Four Hundredths (118.94) feet; thence N89°29'43"E, a distance of Eighteen (18.0) feet; thence N09°29'43"E, a distance of Two Hundred Twenty Six and Twenty Eight Hundredths (226.28) feet; thence N83°28'26"W, a distance of Eighty and Fifty Hundredths (80.50) feet; thence N20°30'17"W, a distance of Two Hundred Forty Seven and Fifty Seven Hundredths (247.57) feet; thence N52°24'34"W, a distance of One Hundred Twenty Seven and Sixty Hundredths (127.60) feet; thence S89°29'43"W, a distance of Sixty Five and Nineteen Hundredths (65.19) feet; thence S59°29'43"W, a distance of One Hundred Seventy (170.0) feet; thence S89°33'43"W, a distance of Fifty and Twenty Seven Hundredths (50.27) feet to the point of termination, said point being on the East line of a Thirty (30.0) foot wide Utility Easement and One Hundred Eighty One and Five Hundredths (181.05) feet South of the North line of said Lot Four (4).

The above-described easements and rights-of-way containing a combined total of 1.52 acres, more or less as shown on the plat dated August 22, 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 public utility easements from Pedcor Investments-199-XL, L.P., an Indiana limited partnership, and Pedcor Investments, a Wyoming limited liability company, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____
September 6, 2002 ? City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G9

### **#2002-275 - Approving Final Plat and Subdivision Agreement for Commercial Industrial Park Third Subdivision**

*Gary Jacobson, owner, has submitted the final plat for Commercial Industrial Park Third Subdivision, located South of Frontage Road, and East of Webb Road. This plat proposes to resubdivide part of Commercial Industrial Park Subdivision into 3 new lots. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of September 4, unanimously voted to recommend approval subject to sufficient drainage plans approved by the City Engineers. See attached RESOLUTION.*

Staff Contact: Chad Nabity

RESOLUTION 2002-275

WHEREAS, Gary S. Jacobson, a single person, as owner, has caused to be laid out into lots, a tract of land comprising part of Lots Three (3), Four (4), Five (5), Six (6), and Ten (10), and that part of vacated alley adjacent thereto, all in Commercial Industrial Park Subdivision of part of Block One (1), Nelsen Subdivision in the City of Grand Island, Hall County, Nebraska, under the name of COMMERCIAL INDUSTRIAL PARK THIRD SUBDIVISION, and has caused a plat thereof to be acknowledged by him; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on September 4, 2002; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G10

### **#2002-276 - Approving Amendment to Agreement with CH2MHill for Review of Sewage Sludge Handling and Disposal at the Wastewater Treatment Plant**

*The Public Works Department, Wastewater Division, advertised on October 15, 2001 for proposals for furnishing engineering consulting services to review the City's sewage sludge handling and disposal methods, recommend odor control measures for the sewage sludge handling operation, prepare bid plans/specifications, and perform construction engineering oversight. Council approved the selection of CH2M Hill and authorized them to proceed with Phase I (Review of Sewage Sludge Handling and Disposal Methods) at the December 4, 2001 Council meeting. CH2M Hill presented a summary of their findings at the July 9, 2002 Council meeting.*

*It is now time to undertake Phase 2 (Design and Plan/Specification Preparation). Work will be performed with billing at actual costs not to exceed \$625,149.00. Phase 2 includes: Belt Filter Press Pilot Study, Value Engineering, Preliminary Engineering Design, Intermediate Design, Final Design, Bidding Services, and Project Management. A detailed outline of the work is attached. There are sufficient funds available in account number 53030001-85207 for the work.*

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



**Amendment to Agreement for Review  
of Sewage Sludge Handling and Disposal Methods  
Phase II Engineering Design and Plan/Specification Preparation  
September 5, 2002**

**Project Description:**

**Construction of an addition to the existing sludge dewatering building, including new belt filter presses.** The expanded facility will dewater both raw primary sludge and digested secondary sludge prior to composting. Construction will include modifications to the existing polymer storage and feed room; sludge pumping improvements; and mechanical, electrical and instrumentation systems needed to provide a fully functioning system.

**Modifications to the existing aerobic digesters**, including covering two of the digesters, conversion to diffused air aeration in one of the digesters, addition of an odor scrubbing system to treat air from the covered digesters, and miscellaneous other process modifications.

**Grit handling modifications**, including replacement of existing grit handling equipment and installation of grit slurry pumps in the existing aerated grit basins.

**Removal of existing centrifuges** as deemed necessary to allow re-use of existing space for new belt press dewatering equipment.

**Work Tasks:**

**Belt Filter Press Pilot Test:**

Will confirm feasibility of implementing belt filter press technology.

- Prepare plan of study.
- Communicate with involved parties, rent equipment.
- Test execution.
- Analyze data.
- Prepare and present analysis.

**Value Engineering Study Assistance**

Will work toward overall goal of reducing construction costs of improvements while maintaining function and quality of product.

- Assist City staff in preparing scope of work for Value Engineering Consultant.
- Familiarize Value Engineering team with the project.
- Discuss recommendations by the team, incorporate Value Engineering changes approved by the City.

**Preliminary Engineering Design**

Will involve general placement of structures, preliminary facility layouts and other pertinent information.

- Conduct project kick-off meeting.
- Perform schematic design including the following elements: Civil, Architectural, Structural, Process Mechanical, Implementation and Control, and Electrical Design.
- Prepare a preliminary estimate of construction costs.
- Conduct one-day workshop to review preliminary design.

Breakdown of Services

Page 2.

September 5, 2002

### **Intermediate Design**

Will provide review plans detailed enough to determine layout of equipment and buildings.

- Perform schematic design including the following elements: Civil, Architectural, Structural, Process Mechanical, HVAC/Plumbing, Instrumentation and Control, Electrical Design.
- Conduct one-day workshop to review intermediate design with City staff.

### **Final Design Phase**

Will provide plans and specifications for final review prior to preparation of final contract documents.

- Create specifications.
- Update engineer's opinion of costs.
- Conduct one-day workshop to review work product.

### **Bidding Services**

Will provide assistance to City staff during the bidding phase of the project.

- Review and evaluate technical questions from prospective bidders.
- Hold pre-bid conference and site visit.
- Evaluate bids, make recommendation regarding award.

### **Project Management**

Will provide project management and administrative activities to support the technical work.

- Prepare project instructions.
- Coordinate project activities.
- Prepare monthly progress reports and invoices.

RESOLUTION 2002-276

WHEREAS, on December 4, 2001, by Resolution 2001-330, the City of Grand Island approved the proposal of CH2M Hill of Englewood, Colorado to furnish engineering consulting services for review of sewage sludge handling and disposal methods; and

WHEREAS, Phase I of the agreement, which included the evaluation and report preparation, has been completed; and

WHEREAS, it is necessary to begin Phase II of the project, which is the preparation of plans and a bid package for the solids handling facility improvements; and

WHEREAS, CH2M Hill has agreed to perform Phase II services with billing at actual costs not to exceed \$625,149.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that CH2M Hill is hereby authorized to perform Phase II engineering consulting services for review of sewage sludge handling and disposal methods with billing at actual costs not to exceed \$625,149.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G11

### **#2002-277 - Approving Supplemental Agreement with the Nebraska Department of Roads for Two New Northbound Bridges on South Locust**

*This Agreement is a continuation of the overall improvements to South Locust Street between Highway 34 and I-80 as outlined in the Inter-Local Cooperation Agreement of April 6, 1992 between the State of Nebraska, Hall County and the City. The two bridges covered under this agreement now before Council will comprise the northbound bridges of the 4-lane roadway. Construction is currently planned to start in winter 2003-2004. This Agreement with the Nebraska Department of Roads will divide the preliminary engineering costs for the project between the involved entities. Federal funds will cover 80% of the preliminary engineering. The City share of this phase of the project will be 20%. The estimated cost to the City is \$30,000. Funds were allocated for this project in the Fiscal Year 2003 Budget.*

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

RESOLUTION 2002-277

WHEREAS, on March 13, 2001, by Resolution 2001-69, the City of Grand Island approved an agreement with the Nebraska Department of Roads for the construction of bridges over two Platte River channels on South Locust Street between the Wood River Floodway and Interstate 80, known as Project No. STPAA-2235(4); and

WHEREAS, the construction of the bridges is scheduled to start in winter 2003-2004; and

WHEREAS, it is necessary to amend such agreement to authorize preliminary engineering services; and

WHEREAS, the City's share of the cost of the engineering services is 20% of the total cost or approximately \$30,000; and

WHEREAS, Supplemental Agreement No. 1 between the City and the Nebraska Department of Roads has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Supplemental Agreement No. 1 by and between the City and the State of Nebraska Department of Roads for the cost of preliminary engineering services for the construction of bridges over two Platte River channels on South Locust Street between the Wood River Floodway and Interstate 80, known as Project No. STPAA-2235(4), is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G12

### #2002-278 - Approving Bid Award - Water Main District 440

**Background:**

*Water Main District 440 provides for water mains and service lines along: Roberta Avenue between Barbara Ave. and Stolley Park Road; Gretchen Avenue between Barbara Ave. and Del Mar Ave.; and Del Mar Avenue, between Arthur Ave. and Harrison Street; all within Kay Dee Subdivision. The construction will be done as an "assessment district", which is the Department's standard method for installing water mains in areas at the request of the property owners. See the attached plat.*

**Discussion:**

*Plans and specifications were sent to six potential bidders and four plan service companies. Bids were publicly opened at 11:00 am on August 29 in accordance with City Procurement Codes. Four Bids were receive and have been checked and evaluated for completeness and accuracy. Two of the bids had mathematical errors in their computations, however these do not change the overall ranking. A tabulation of the bids: Bidder: Starostka Group Co., Grand Island, NE - Exceptions: None - As Read Bid Price: \$93,167.12 - As Evaluated Bid Price: \$93,167.12. Bidder: Diamond Engineering Co., Grand Island, NE - Exceptions: None - As Read Bid Price: \$117,445.96 - As Evaluated Bid Price: \$117,445.96(1). Bidder: General Excavation, Lincoln, NE - Exceptions: None - As Read Bid Price: \$152,569.00 - As Evaluated Bid Price: \$152,568.20(2). Bidder: Judds Bros. Construction Co., Lincoln, NE - Exceptions: None - As Read Bid Price: \$153,625.90 - As Evaluated Bid Price: \$153,625.90.*

*1) Error in Item C.1.16 - Water Services. An incorrect amount is written in the Total Price column. However, item C.1.21 Total Sum of all items, does reflect the correct amount for the Estimated Quantity multiplied by the Unit Price for this item. A copy of their bid extensions is attached for reference.*

*2) Error in Item C.1.21 - Total Sum. The summation of all bid items is actually \$0.80 less than the amount written in on their bid form. A copy of their bid extensions is attached.*

**Recommendation:**

*The lowest bid, from STAROSTKA GROUP CO., is complete, accurate, and without exceptions. It is recommended the Council award the contract for Water Main District 440 to the low responsive bidder: Starostka Group Co. of Grand Island, in the amount of \$93,167.12. Their bid is below the engineer's estimate of \$114,000.00 and meets all City contract requirements.*

**Fiscal Effects:**

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*Construction funds are available in Enterprise Fund 525 for the FY 2002-03 budget.*

*Alternatives:*

*Award to an alternate contractor or re-bid the District. See attached RESOLUTION.*

Staff Contact: Gary R. Mader;Dale Shotkoski



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** August 29, 2002  
**FOR:** Water Main District 440  
**DEPARTMENT:** Utilities  
**ENGINEER'S ESTIMATE:** \$114,000.00  
**FUND/ACCOUNT:** 525 Enterprise Fund  
**PUBLICATION DATE:** August 15, 2002  
**NO. POTENTIAL BIDDERS:** 8

**SUMMARY**

<b>Bidder:</b>	<b>The Diamond Engineering Co. Grand Island, NE</b>	<b>General Excavating Lincoln, NE</b>
<b>Bid Security:</b>	<b>Travelers Casualty</b>	<b>American Institute of Architects</b>
<b>Exceptions:</b>	<b>NONE</b>	<b>NONE</b>
<b>Bid Price:</b>	<b>\$117,445.96</b>	<b>\$152,569.00</b>
<b>Bidder:</b>	<b>Starostka Group Co. Grand Island, NE</b>	<b>Judds Brothers Construction Co. Lincoln, NE</b>
<b>Bid Security:</b>	<b>American Institute of Architects</b>	<b>American Institute of Architects</b>
<b>Exceptions:</b>	<b>NONE</b>	<b>NONE</b>
<b>Bid Price:</b>	<b>\$93,167.12</b>	<b>\$153,625.90</b>

cc: Gary Mader, Utilities Director  
Tom Barnes, Senior Civil Engineer  
RaNae Edwards, City Clerk  
Dale Shotkoski, Purchasing Agent







RESOLUTION 2002-278

WHEREAS, the City of Grand Island invited sealed bids for Water Main District 440, according to plans and specifications on file with the Utility Engineering Office located at Phelps Control Center; and

WHEREAS, on August 29, 2002, bids were received, opened and reviewed; and

WHEREAS, Starostka Group Co. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$93,167.12; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Starostka Group Company of Grand Island, Nebraska, in the amount of \$93,167.12 for Water Main District 440 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 September 10, 2002.

---

RaNae Edwards, City Clerk

Approved as to Form	☐
September 6, 2002	☐ City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G13

### **#2002-279 - Approving Bid Award - 2003 - 2004 Coal Supply - Platte Generating Station, Utilities**

***Background:***

*The contract for coal supply to PGS expires December 31, 2002. Therefore, bids were solicited for continued supply.*

***Discussion:***

*The contract for coal supply for calendar years 2003 and 2004 was advertised and published in accordance with the City Procurement Code. Bid documents were sent to six prospective bidders. Six bids were received: Triton Coal, RAG Energy, Arch Coal Inc., Peabody Coal Sales Company (provided two bids from different mines; North Antelope and Caballo), and Kennecott Energy. All bids were evaluated for contract compliance and delivered price F.O.B. at PGS. The best bid was received from RAG Energy Sales, Inc.*

***Recommendation:***

*It is the recommendation of the Utilities Department that the 2003 - 2004 Coal Supply Agreement be awarded to RAG Energy Sales, Inc., of Englewood, Colorado.*

***Fiscal Effects:***

*Continuation of fuel supply to the Platte Generating Station.*

***Alternatives:***

*Award to one of the other bidders. See attached RESOLUTION.*

**Staff Contact: Gary R. Mader; Dale Shotkoski**



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL  
FOR COAL SUPPLY AGREEMENT**

**RFP DUE DATE:** August 29, 2002 at 11:15 a.m.

**FOR:** Coal Supply

**DEPARTMENT:** Utilities

**PUBLICATION DATE:** August 12, 2002

**NO. POTENTIAL BIDDERS:**

**SUMMARY OF PROPOSALS RECEIVED**

<b>Bidder:</b>	<b>Peabody Coal Sales Company St. Louis, MO</b>	<b>Triton Coal Company LLC Lexington, KY</b>
<b>Bidder:</b>	<b>RAG Energy Sales Inc. Englewood, CO</b>	<b>Kennecott Energy Co. Gillette, WY</b>
<b>Bidder:</b>	<b>Arch Coal, Inc. Midvale, Utah</b>	

cc: Gary R. Mader, Utilities Director  
RaNae Edwards, City Clerk  
David Springer, Finance Director  
Dale Shotkoski, Purchasing Agent



R E S O L U T I O N 2002-279

WHEREAS, the City of Grand Island invited bids for 2003-2004 Coal Supply Agreement for the Utilities Department, according to the plans and specifications on file in the Purchasing Division of the Legal Department; and

WHEREAS, in accordance with the City Council Study Session of October 5, 1998, it was stipulated that bid prices and/or final award prices would not be publicly disclosed; and

WHEREAS, on August 29, 2002, bids were received, opened and reviewed; and

WHEREAS, RAG Energy Sales, Inc. of Englewood, Colorado, submitted a bid in accordance with the terms of the advertisement of bids and the plans and specifications and all other statutory requirements contained therein; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of RAG Energy Sales, Inc. of Englewood, Colorado for the 2003-2004 Coal Supply Agreement is approved as the lowest responsive bid submitted.

BE IT FURTHER RESOLVED, that an agreement between the City and such contractor be entered into for such project; 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, September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____
September 6, 2002 ? City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G14

### **#2002-280 - Approving Authorization of Grant Application from the Transportation Enhancement Program for Historic Lighting in Downtown**

*The City of Grand Island proposes to apply for assistance from the Intermodal Surface Transportation Enhancement Program (TEA) for the purpose of installing historic lighting in the downtown. The TEA21 funds are directed by the Nebraska Department of Roads. Successful applications must address one of the program categories; the City is applying under the scenic or historic byways category given the proximity to the Lincoln Highway. The Utilities Department, Public Works Department, Business Improvement District #2, and Community Redevelopment Authority have developed a plan for the installation of historic lighting in conjunction with planned street improvements (bumpout project) on Third Street and Wheeler Street, and with replacement of deteriorating brick sidewalks. The lighting project is part of a much larger improvement project and was included in the Downtown Identity and Design Strategy adopted by the Business Improvement District #2 Board as the guideline for development in the downtown area. The rehabilitation efforts already underway in the downtown, including the downtown alleyway project, brick pavers, and facade development, will be significantly enhanced by the historic lighting. Funding is included in the CRA budget (\$76,4400) for the required community match of 20%. The Public Works Budget includes \$150,000 for the infrastructure improvements and preliminary engineering (street bump outs, sidewalk and curb replacement). This is the first phase of a five-phase project. The TEA21 grant application addresses the historic lighting component only and is in the amount of \$305,762. Approval is recommended.*

Staff Contact: Cindy Johnson



RESOLUTION 2002-280

WHEREAS, on September 26, 2000, the Business Improvement District No. 2 in the City of Grand Island approved and adopted the Downtown Identity and Design Strategy; and

WHEREAS, such plan is to serve as the guiding document for development and growth in the downtown area; and

WHEREAS, the Identity and Design Plan identified historical lighting as one of the most important projects/actions for the next five years; and

WHEREAS, the City of Grand Island is interested in applying for financial assistance from the Transportation Enhancement Program for the purpose of installing historic lighting in the downtown area; and

WHEREAS, if granted, assistance would be provided for 80% of the project costs; and

WHEREAS, the City of Grand Island, Nebraska, has available a minimum of 20% of the project cost and has the financial ability to operate and maintain the completed project in a safe and attractive manner for public use.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island supports the installation of historic lighting in the downtown area, and further approves and authorizes an application for assistance from the Transportation Enhancement Program for the purpose of the purchase and installation of such historic lighting.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such application and other documentation on behalf of the City of Grand Island for such grant process.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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

Approved as to Form ? \_\_\_\_\_  
September 6, 2002 ? City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G15

### **#2002-281 - Approving Nomination to Nebraska Community Improvement Program**

*The Nebraska Community Improvement Program, through the Nebraska Department of Economic Development, works with communities at the local level to meet challenges while building on their strengths and resources. NCIP recognizes the leadership, community and economic development efforts of Nebraska's communities through community recognition awards, grants and improvement programs. The City of Grand Island, Community Projects Department, has submitted the Central Nebraska Ethnic Festival as an official entrant in the Special Award Category for Economic Development through Tourism Promotion and Development. The Ethnic Festival was selected because of the tremendous contribution it makes to tourism in Central Nebraska, utilizing over 400 volunteers who donate over 1,400 hours collectively to plan and implement this very successful annual Festival. Approval of a Resolution indicating support for the nomination is recommended.*

Staff Contact: Cindy Johnson

RESOLUTION 2002-281

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, since 1963, the Nebraska Community Improvement Program has helped communities build on their strong heritage and form a vision for their future through community recognition awards, grants, and improvement programs; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the City of Grand Island is interested in participating in the Nebraska Community Improvement Program; and

WHEREAS, the Central Nebraska Ethnic Festival has been nominated for a Special Award in the Tourism Promotion and Development division in recognition of its contribution to tourism and recognition of heritage diversity in Grand Island and central Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor and City Council hereby support the nomination of the Central Nebraska Ethnic Festival to the Nebraska Community Improvement Program for the 2002 calendar year, and hereby pledge their full support, endorsement and cooperation in carrying out the requirements of the Nebraska Community Improvement Program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G16

### **#2002-282 - Approving Annual Maintenance and Support Contract for MUNIS**

*Last year the City purchased an integrated accounting software package from Munis. The contract currently being submitted for approval is for annual Operating System and Database Administration Support from September 14, 2002 to September 13, 2003, in the amount of \$73,829.70. These ongoing support costs were presented to Council last year at the time the software was purchased and was estimated at \$76,000, so it is coming in slightly under plan. Approval is recommended and funding is available in account 10011401-85241*

**Staff Contact: David Springer**

RESOLUTION 2002-282

WHEREAS, on July 10, 2001, by Resolution 2001-180, the City of Grand Island approved the proposal of Process, Inc., d/b/a Munis to implement new accounting software with an integrated financial program; and

WHEREAS, in order to receive continued upgrades and technical assistance from the company, it is necessary to enter into an annual Operating System and Database Administration Support Agreement; and

WHEREAS, the cost of such annual upgrades and technical assistance is \$73,829.70; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Operating System and Database Administration Support Agreement by and between the City and Process, Inc., d/b/a Munis for annual software upgrades and technical assistance is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G17

### **#2002-283 - Approving Annual Maintenance and Support Contract for Ambulance Billing Software**

*The Finance Department has submitted a request for awarding a Technical Support Contract to Sweet Computer Services, Inc. Earlier this year, ambulance billing software was purchased from Sweet. This contract would be for annual maintenance and technical services in support of this software. It is recommended that this contract for \$1,860 be approved. Funding is available in account 10011401-85241*

**Staff Contact: David Springer**

RESOLUTION 2002-283

WHEREAS, on September 25, 2001, by Resolution 2001-261, the City of Grand Island approved the proposal of Sweet Computer Services, Inc. for an emergency management system for ambulance billing, collection and Medicare filing; and

WHEREAS, in order to receive continued upgrades and technical assistance from the company, it is necessary to enter into an annual Technical Support Contract; and

WHEREAS, the cost of such annual upgrades and technical assistance is \$1,860; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Technical Support Contract by and between the City and Sweet Computer Services, Inc. for annual software upgrades and technical assistance is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item G18

### **#2002-284 - Approving Amendment to the Approved Animal List**

*Chapter Five - Animals provides for establishment of a list of wild animals which may be kept in the City limits. The list was originally compiled by the Animal Advisory Board and approved by the Mayor and City Council. If a request is received to add an animal to the list, the Animal Advisory Board conducts a hearing at which the proponent of the additional animal is allowed to make their case that the new species will not be a threat to human health, safety or welfare or that of animals already on the list. Recently a request was received to add hawks and falcons to the list. The proponent showed the board the licensing process for keeping such birds including state and federal testing, inspections, and mentoring. The board recommends adding hawks and falcons to the Approved Animal List provided the keeper is properly qualified and licensed by relevant federal, state and local jurisdictions. Approval of the revised Approved Animal List is recommended.*

Staff Contact: Charlie Cuypers



RESOLUTION 2002-284

WHEREAS, Chapter 5 of the Grand Island City Code sets out the city regulations pertaining to animals; and

WHEREAS, Section 5-40 of the city code prohibits wild animals within the city limits other than those identified on an Approved Animal List, which was adopted and approved by the City Council on February 16, 1998, by Resolution 98-51; and

WHEREAS, on September 4, 2002, the Animal Advisory Board approved an amendment to such Approved Animal List to allow hawks and falcons within the city limits if the owner complies with all city, state and federal regulations for the possession of such animals; and

WHEREAS, the Animal Advisory Board is requesting the Mayor and City Council to approve such amendment to the Approve Animal List.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Approved Animal List as referenced in Section 5-40 of the Grand Island City Code is hereby amended to allow hawks and falcons within the city limits if the owner complies with all city, state and federal regulations for the possession of such animals.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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RaNae Edwards, City Clerk

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item H1

### **Request to Use a Portion of the Alley West of Eddy Street Between 2nd Street and 3rd Street for Parking**

*U Save Pharmacy, Central Pharmacy, located at 802 West 2nd Street, recently completed a paving project in the alley behind their store. Tim Terjak owns the property directly north of the Pharmacy across the alley at 216 North Eddy. This property is a residential rental facility.*

*Prior to the paving project, tenants of the Terjak property used the alley to park behind the residence. Since the completion of the paving project, the Grand Island Police Department has been enforcing the "No Parking" restrictions for alleys. Mr. Terjak requested a License Agreement from the City to allow parking in this area. He requests permission to use the north 2'-3' of the alley for parking (see attached drawing). City staff has reviewed his request and do not feel they should approve the request due to traffic in the alley. Mr. Terjak has decided to appeal that decision to the City Council. It is recommended that Council deny the appeal and maintain the No Parking restriction for the alley.*

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



AUGUST 22, 2002

CITY OF GRAND ISLAND  
100 E 15<sup>TH</sup> ST  
GRAND ISLAND, NEBR. 68801

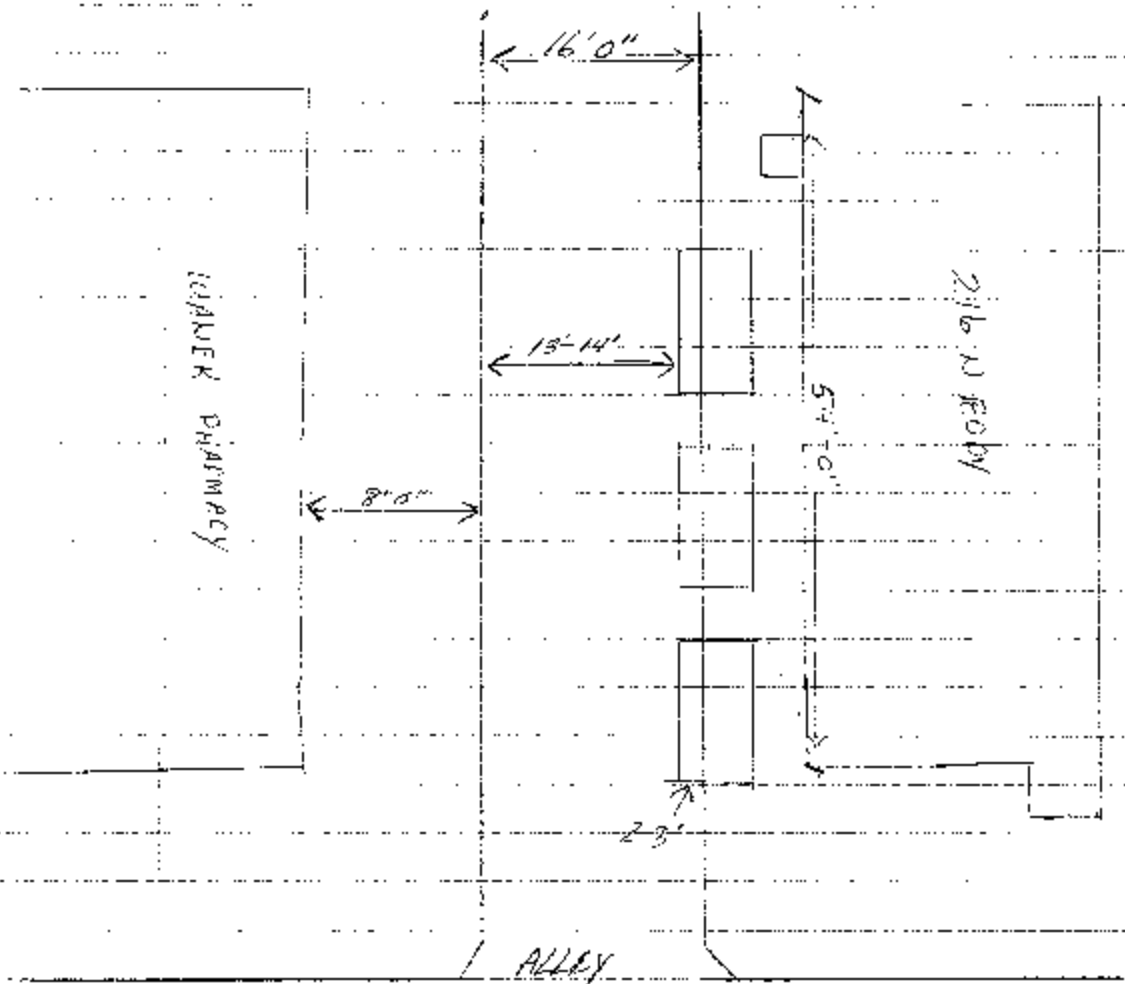
DEAR SIRS,

THIS LETTER IS TO ASK FOR A CONDITIONAL  
USE PERMIT. FOR PARKING ALONG ALLEY OF  
216 N. EDDY, WHICH WOULD REQUIRE 2105 FEET  
OF SIDE ALLEY.

SEE ATTACHED SHEET

THANK YOU FOR YOUR COOPERATION

  
TIM TERTAK



N EDDY St



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item I1

### **#2002-285 - Consideration of Approving Property Tax Request for FY2002-2003 General All-Purpose Property Tax, Community Redevelopment Authority and Parking District #2 (Ramp)**

*This item relates to the aforementioned Public Hearing. Nebraska State Statute 77-1601-02 requires that the City of Grand Island conduct a public hearing if the property tax request changes from one year to the next. Our general property tax request increased from \$6,050,018 in FY2001-2002 to \$6,480,000 for FY2002-2003, or an increase of \$429,982. This represents a 7.1% increase in property tax dollars and a 0.3% decrease in the city of Grand Island's levy.*

*The property tax request for Parking District #2, also known as the Parking Ramp (Fund 271), decreased from \$47,250 in FY2001-2002 to \$30,018 for FY2002-2003, or a decrease of \$17,232. Parking District #2's levy decreased by 36.4%.*

*The property tax request for the Community Redevelopment Authority increased from \$402,431 in FY2001-2002 to \$431,150 for FY2002-2003, an increase of \$28,719. This represents a 7.1% increase in property tax dollars and no change in the CRA's levy.*

*The City Council needs to pass a resolution by majority vote setting the property tax request for the General property tax at \$6,480,000, the Parking District #2 property tax at \$30,180 and the Community Redevelopment Authority property tax at \$431,150. The property tax request will be published in the Grand Island Independent on September 6, 2002. As you know, the City Council adopted the City Budget on August 27, 2002. This represents the final action to be taken on the FY2002-2003 Budget.*

Staff Contact: David Springer

RESOLUTION 2002-285

WHEREAS, Nebraska Revised Statute Section 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year; and

WHEREAS, the final levy of the Municipality for the fiscal year 2002-2003 for all general municipal purposes is set at 0.371540 per one hundred dollars of actual valuation; and

WHEREAS, the final levy of the Municipality for the fiscal year 2002-2003 for Parking District No. 2 is set at 0.061882 per one hundred dollars of actual valuation; and

WHEREAS, the final levy of the Municipality for the fiscal year 2002-2003 for the Community Redevelopment Authority is set at 0.024721 per one hundred dollars of actual valuation.

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

1. The amount to be raised by taxation for all general municipal purposes for the fiscal year commencing on October 1, 2002 in the amount of \$6,480,000 shall be levied upon all the taxable property in the City of Grand Island, and based on a current assessed valuation of \$1,744,093,179; and
2. The amount to be raised by taxation for Parking District No. 2 for the fiscal year commencing October 1, 2002 in the amount of \$30,018 shall be levied upon all the taxable property within Parking District No. 2, and based on a current assessed valuation of \$48,508,713; and
3. The amount to be raised by taxation for the Community Redevelopment Authority for the fiscal year commencing October 1, 2002 in the amount of \$431,150 shall be levied upon the taxable property in the City of Grand Island, and based on a current assessed valuation of \$1,744,093,179.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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RaNae Edwards, City Clerk

Approved as to Form ? \_\_\_\_\_  
September 6, 2002 ? City Attorney



# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item I2

### **#2002-271 - Consideration of Approving 1% Increase to the Lid Limit**

*In 1998 the Nebraska State Legislature passed LB 989, which put a cap on the amount of restricted revenues a political subdivision can budget for. The restricted revenues that the City of Grand Island includes in the budget are Property Taxes, Payments in Lieu of Property Tax, Local Option Sales Tax, Motor Vehicle Tax and State Aid. Of these restricted revenues, property tax is the only revenue that the City can control. The increase in restricted funds authority using the 1% additional amount and the population growth (when available) is not an increase in budgeted revenues. It only provides the ability to increase restricted revenues, particularly property tax, in a future year if necessary. Approval is recommended. A MOTION is in order.*

Staff Contact: David Springer



*City Of*  
**GRAND**  **ISLAND**

*INTEROFFICE  
MEMORANDUM*

*Working Together for a  
Better Tomorrow. Today.*

**DATE:** August 6, 2002

**TO:** Ken Gnadt, Mayor  
Councilmembers,  
Marlan Ferguson, City Administrator  
David Springer, Finance Director

**FROM:** Paul Mueller, Controller *pm*

**RE:** Adoption of additional 1% increase in restricted funds lid

**Background:**

During the Council budget meetings last year there were a lot of questions concerning restricted funds and the impact the restricted funds have on property taxes. Hopefully this will help clarify what restricted funds are all about.

In 1998 The Nebraska State Legislature passed LB 989, which put a cap on the amount of restricted revenues a political subdivision can budget for. The restricted revenues that The City of Grand Island includes in the budget are Property Taxes, Payments in Lieu of Property Tax, Local Option Sales Tax, Motor Vehicle Tax, and State Aid. Of these restricted revenues, property tax is the only revenue that the City can control. In other words, The City can levy any amount for property tax, subject to levy limits. The other restricted revenues are dependent on how much is collected or other formulas, i.e.: sales tax.

**Discussion:**

Each political subdivision budgets amounts for restricted funds. The total amount of these funds is reduced by restricted funds budgeted for debt service and inter-local agreements to come to a total restricted funds for 2002 – 2003.

Each year, the political subdivisions are allowed by State Statute to raise the base from the prior year by 2.5%. Political Subdivisions can also increase the base if the growth in taxable valuation is higher than the allowed 2.5%. This is called allowable growth and is increased by the difference between the growth percentage and the 2.5%. A third way to increase the base is to have the Political Subdivision governing board (City Council) vote to increase the base by an additional 1% over the allowable 2.5%. The allowable dollar increase is computed by taking the prior year base times the allowable %growth to come to a total restricted funds authority. The amount of unused restricted funds authority is carried over to the next year and added to the current year amount of restricted funds to be next years base.

The increase in restricted funds authority using the 1% additional amount and the population growth (when available) is not an increase in budgeted restricted revenues. It only **provides the ability** to increase restricted revenues in a future year if necessary.

**Fiscal Implications:**

Provides more fiscal flexibility in future years. Since the passage of the statute in 1998 through the 2002 - 2003 budget, we have lost approximately \$812,500 in unused restricted funds **authority**.

**Recommendation:** Pass additional 1% increase in restricted funds lid.

# STATE OF NEBRASKA AUDITOR OF PUBLIC ACCOUNTS



August 2, 2002



Grand Island City Council  
PO Box 1968  
Grand Island, Nebraska 68802-1968

P.O. Box 98917  
State Capitol, Suite 2303  
Lincoln, NE 68509  
402-471-2111, FAX 402-471-3301  
www.auditors.state.ne.us

**Kate Witek**  
State Auditor  
kwitek@mail.state.ne.us

Dear Council Members:

**Deann Haeffner, CPA**  
Deputy State Auditor  
haeffner@mail.state.ne.us

This letter is in regard to conversations held with Paul Mueller, City Controller, about the budget and the lid on restricted funds. Through our conversations, it was noted the City Council has not been approving the additional 1% increase to the base amount for lid purposes.

**Don Dunlap, CPA**  
Asst. Deputy Auditor  
ddunlap@mail.state.ne.us

The lid on restricted funds can be difficult to understand so hopefully this letter will help explain how the additional 1% affects the lid on restricted funds. The lid on restricted funds limits the City on the amount of property tax and state aid that can be received in a fiscal year. The Legislature established the lid on restricted funds and allows the base amount each year to be increased by 2.5%, plus allowable growth, plus 1% if the governing body votes the increase. The base amount is then the maximum amount of property tax and state aid the City can receive. If the City is not at the base amount, the remaining amount is carried forward as unused authority.

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For example, the base amount for the 2001-2002 City of Grand Island budget after taking the 2.5% and allowable growth was \$17,596,164. The 2001-2002 restricted funds (property tax and state aid) for the City was \$17,091,432 which then resulted in unused authority of \$504,732. If the City Council would have voted the additional 1%, the base amount would have been \$17,766,176 and the unused authority would have increased to \$674,744. The City Council could have adopted the same budget and increased their base amount for future budget years without automatically increasing property taxes by an additional 1%. The additional 1% can sit in unused authority as long as the City Council determines but if there is some reason the City Council needs additional funds then the authority is there.

**Mary Avery**  
SAE/Finance Manager  
MaryJAvery@aol.com

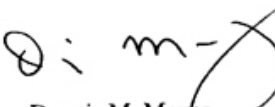
**Dennis Meyer**  
Budget Coordinator  
dmeyer@mail.state.ne.us

If you have any questions or concerns, don't hesitate to contact our office at (402) 471-2111.

**Mark Avery, CPA**  
Subdivision Audit  
Review Coordinator  
mavery@mail.state.ne.us

Sincerely,

**Robert Hotz, JD**  
Legal Counsel  
robhotz@mail.state.ne.us

  
Dennis M. Meyer  
Budget Coordinator

DMM:jsh

Printed with soy ink on recycled paper

cc: Mayor  
City Council  
Marken  
Legal

On Tuesday evening, the City Council will be voting on whether or not to approve the 1% lid increase. We did a survey to determine what some of the other Nebraska cities were doing. As you can see by the results below, virtually every city we surveyed has approved the measure, with the exception of Waverly, which has an extremely high growth rate:

Alliance	Approved 1% increase in budget authority for the past two years.
Alma	Approves this every year.
Blair	Has used this in the past. Did not propose it this year, as they are carrying an unused authority equal to about 75% of actual taxes levied. They also traditionally have 4-10% new valuation annually.
Columbus	Has always passed the lid but doesn't use it.
David City	Have approved it for three years, and will likely to it again this year.
Gering	Has approved the 1% increase since the lid law was enacted.
Gothenburg	Approve this every year.
Kearney	Approves the 1% increase every year.
Laurel	Approved.
La Vista	Has approved the increase each year, even though they are not using their full authority.
Minden	Has approved the increase every year.
Ogallala	Has approved the increase every year.
Papillion	Approved.
Ralston	Approved.
Seward	Has approved the increase every year, but has never used it.
Sidney	Has approved this the past three years.
South Sioux City	Has approved the increase every year, but has never used it.
Springfield	Has approved the increase every year, but has never used it.
Sutton	Has approved this every year, and will likely do so again this year.
Waverly	Their growth rate has been so rapid, they have never needed it, however, if growth were to slow down, they would consider it.
Wayne	This issue is also on their agenda – they will likely approve it.

Marlan.....the Kearney City Council has automatically passed the additional 1% every year. We've made them very aware of the fact that we've been living on reserves over the past several years to balance the budget. We simply showed them the decline in reserves and how rapidly we would eventually be hitting the wall. They see the problem clearly, and I never miss an opportunity to emphasize that the spending lid is our biggest crisis. The problem in Kearney is not the levy lid or a lack of money. The problem for Kearney is a severe spending lid that now is preventing us from keeping up with basic services with such rapid growth. That provision in the formula for growth is a joke. We've never seen any significant help from it. Until we "fix" the inequities in the Lid Laws, the 1% is practically the only remedy we have to take care of our own problem. If you still have some cushion with your reserves, consider how rapidly that is going to decline with growth, inflation, insurance increases, loss of interest income, etc., etc..

RESOLUTION 2002-271

WHEREAS, pursuant to Neb. Rev. Stat. §13-519, the City of Grand Island is limited to increasing its total of budgeted restricted funds to no more than the last prior year's total of budgeted restricted funds plus population growth plus two and one-half percent (2 1/2%) expressed in dollars; and

WHEREAS, §13-519 authorizes the City of Grand Island to exceed the foregoing budget limit for a fiscal year by up to an additional one percent (1%) increase in budgeted restricted funds upon the affirmative vote of at least 75% of the governing body; and

WHEREAS, the Annual Budget for Fiscal Year 2002-2003 and Program for Municipal Services in the Lid Computation FY 2002-2003 supported by the detail relating to restricted revenue accounts, purposes an additional increase in budgeted restricted funds of one percent (1%) as provided by the statute; and

WHEREAS, approval of the additional one percent (1%) increase in budgeted restricted funds is prudent fiscal management, does not increase authorized expenditures and is in the best interests of the City of Grand Island and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that upon affirmative vote by more than 75% of the City Council, of budgeted restricted funds for Fiscal Year 2002-2003 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. §13-519.

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Adopted by the City Council of the City of Grand Island, Nebraska on September 10, 2002.

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

Approved as to Form ? _____ September 6, 2002 ? City Attorney
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# City of Grand Island

Tuesday, September 10, 2002

Council Session

## Item J1

### **Payment of Claims for the Period of August 28, 2002 through September 10, 2002**

*The Claims for the period of August 28, 2002 through September 10, 2002 for a total amount of \$2,005,605.98. A MOTION is in order.*

Staff Contact: RaNae Edwards