

Tuesday, October 22, 2002

Council Session Packet

City Council:

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

City Administrator: Marlan Ferguson

City Clerk: RaNae Edwards

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

Pledge of Allegiance /Reverend Joel Schroeder, St. Paul's Lutheran Church, 1515 South Harrison Street

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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



Tuesday, October 22, 2002 Council Session

Item C1

"Its About Kids!" Presentations by Jill Rath and Michelle Schultz

Youth Leadership Tomorrow, "Its About Kids!" assets will be presented by Jill Rath and Michelle Schultz.



Tuesday, October 22, 2002 Council Session

Item C2

Proclamation "Make a Difference Day" October 26, 2002

Those who volunteer are the backbone of our community, making significant contributions to a healthy, beautiful and better quality of life for all Nebraskans. The Mayor has proclaimed October 26, 2002 as ''Make a Difference Day'' and encourages all citizens to raise public awareness and emphasize the importance of community service. See attached PROCLAMATION.

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

PROCLAMATION

WHEREAS, Every Nebraskan has the power to help others and the community in some way, no matter how small the effort; and

WHEREAS, Nebraska is a state rich in individual and community diversity and richly endowed with natural assets; and

WHEREAS, The people of Nebraska have a continuing responsibility to bring together those rich, diverse neighborhoods and communities, truly making us "One Nebraska" and keeping Nebraska's communities healthy and beautiful; and

WHEREAS, Those who volunteer are the backbone of their communities making significant contributions to a better quality of life for all Nebraskans; and

 WHEREAS,
On Saturday, October 26, 2002, USA WEEKEND in partnership with The Points of Light Foundation and the Nebraska Commission for National and Community Service will sponsor "Make A Difference Day", a national day of volunteering set aside to raise public awareness and emphasize the importance of community service; and

NOW, THEREFORE, I, Ken Gnadt, Mayor of the City of Grand Island, Nebraska, do hereby proclaim October 26, 2002 as

"MAKE A DIFFERENCE DAY"

in Grand Island, Nebraska.

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

Mayor of Grand Island, Nebraska

Attest:

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item C3

Proclamation "United Nations Day 2002" October 24, 2002

The United Nations was founded in 1945 and the anniversary of its founding is observed each year on October 24th. Since the tragic events of September 11th, the United Nations has established a Counter-Terrorism Committee under the auspices of the Security Council and is an important partner in the global response to terrorism. The Mayor has proclaimed October 24, 2002 as ''United Nations Day 2002'' and encourages all citizens to take due note of the observance. See attached PROCLAMATION.

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

PROCLAMATION

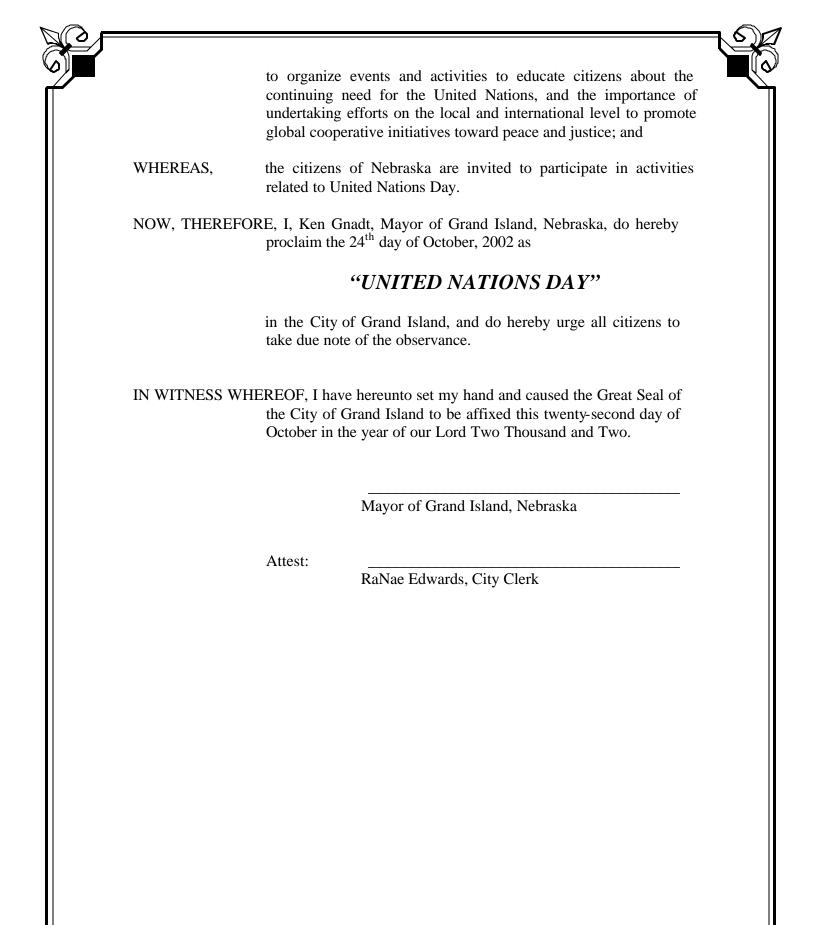
WHEREAS, the United Nations was founded in 1945 and the anniversary of its founding is observed each year on October 24; and

WHEREAS, one of the principal mandates of the United Nations – "To achieve international cooperation in solving problems of an economic, social, cultural, or humanitarian character" – remains as valid today as when those words were written into the Charter more than a half century ago; and

- WHEREAS, the United Nations was shocked and saddened by the tragic events of September 11; and
- WHEREAS, the United Nations Secretary General, the United Nations General Assembly and the United Nations Security Council immediately responded in solidarity with the United States of America by issuing statements of support and resolutions condemning the acts; and
- WHEREAS, the United Nations Security Council, in an unprecedented gesture of unanimity, condemned the massacres "unequivocally" and "in the strongest terms;" and
- WHEREAS, the United Nations has established a Counter-Terrorism Committee under the auspices of the Security Council, which monitors countries' compliance with Security Council Resolution 1373, and receives reports from all U.N. memberstates' efforts in counter-terrorism activity; and
- WHEREAS, the United Nations is an important partner in the global response to terrorism; and
- WHEREAS, the United States would prefer to work with the United Nations and its member-states in order to conduct a coordinated, multilateral effort in both apprehending terrorists worldwide and deterring other terrorist groups from violent acts; and
- WHEREAS, the United Nations Association of the United States of America (UNA-USA), in cooperation with other organizations, has declared "A Global Response to Terrorism: The U.N.'s Role" as its theme for the 2002 United Nations Day commemorations; and

WHEREAS, Jon Camp has been appointed Chair of U.N. Day in Nebraska to work with a U.N. Day Committee composed of community leaders







Tuesday, October 22, 2002 Council Session

Item D1

#2002-BE-11 - Determining Benefits for Street Improvement District #1240, Grand West Third Subdivision

All work has been completed and special assessments have been calculated for the district. Streets paved in the District include Allen Avenue, Mansfield Road and Morrison Drive. The contract was awarded to The Diamond Engineering Company of Grand Island, Nebraska on June 25, 2002; work commenced in Summer 2002 and was completed in August 2002. This project was completed on schedule and at a construction price of \$223,264.98. Total cost of the project, including engineering, is \$236,660.88. Costs for the project break down as follows:

Original Bid \$222,829.65Overruns \$ 435.33No Change Orders \$ 0Engineering and Publication \$ 13,395.90No Easements \$ 0

Total Cost \$236,660.88

The Certificate of Final Completion was approved by Council on September 24, 2002 and the Board of Equalization date of October 22, 2002 was established. Due to issues involved in connecting the new streets to current streets in the area, City costs of \$1,132.95 were incurred. Therefore, the total to be assessed equals \$235,527.93.

The Public Works Department recommends that the Council, sitting as a Board of Equalization, determine the benefits and pass an ordinance to levy Special Assessments to individual properties as calculated. The majority of costs for this District will be assessed to the developer's property. The City will be assessed \$36,797.70 for property within the District. Levying Assessments will allow the City to recover the costs of the District. See attached RESOLUTION. A MOTION is in order.

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

RESOLUTION 2002-BE-11

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Street Improvement District 1240, 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 \$235,527.93; and

Such benefits are equal and uniform; and

According to the front foot and area of the respective lots, tracts, and real estate within such Street Improvement District 1240, such benefits are the sums set opposite the several descriptions as follows:

| <u>Name</u> | Description | Assessment |
|-------------------|--------------------------------------|-------------|
| Grand West L.L.C. | Lot 1, Grand West Third Subdivision | \$ 7,252.87 |
| Grand West L.L.C. | Lot 2, Grand West Third Subdivision | 7,860.24 |
| Grand West L.L.C. | Lot 3, Grand West Third Subdivision | 12,199.24 |
| Grand West L.L.C. | Lot 4, Grand West Third Subdivision | 6,985.79 |
| Grand West L.L.C. | Lot 5, Grand West Third Subdivision | 5,146.80 |
| Grand West L.L.C. | Lot 6, Grand West Third Subdivision | 4,780.95 |
| Grand West L.L.C. | Lot 7, Grand West Third Subdivision | 4,588.41 |
| Grand West L.L.C. | Lot 8, Grand West Third Subdivision | 4,486.65 |
| Grand West L.L.C. | Lot 9, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 10, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 11, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 12, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 13, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 14, Grand West Third Subdivision | 6,354.35 |
| Grand West L.L.C. | Lot 15, Grand West Third Subdivision | 6,274.53 |
| Grand West L.L.C. | Lot 16, Grand West Third Subdivision | 4,548.34 |
| Grand West L.L.C. | Lot 17, Grand West Third Subdivision | 4,548.34 |
| Grand West L.L.C. | Lot 18, Grand West Third Subdivision | 6,497.62 |
| Grand West L.L.C. | Lot 19, Grand West Third Subdivision | 12,131.56 |
| Grand West L.L.C. | Lot 20, Grand West Third Subdivision | 7,472.25 |
| Grand West L.L.C. | Lot 21, Grand West Third Subdivision | 5,900.76 |
| Grand West L.L.C. | Lot 22, Grand West Third Subdivision | 5,623.55 |

RESOLUTION 2002-BE-11

| Grand West L.L.C. | Lot 23, Grand West Third Subdivision | 5,009.85 |
|----------------------|---|--------------|
| | , | , |
| Grand West L.L.C. | Lot 24, Grand West Third Subdivision | 4,130.29 |
| Grand West L.L.C. | Lot 25, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 26, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 27, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 28, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 29, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 30, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 31, Grand West Third Subdivision | 4,171.07 |
| Grand West L.L.C. | Lot 32, Grand West Third Subdivision | 5,195.93 |
| Grand West L.L.C. | Lot 33, Grand West Third Subdivision | 6,061.21 |
| Grand West L.L.C. | Lot 34, Grand West Third Subdivision | 14,358.73 |
| City of Grand Island | Part of Section 11-11-10, more particularly described as follows: | 36,797.70 |
| | Beginning at the intersection of the west line of Mansfield Road and the prolongation of the north line of Lot 1 Grand West Third Subdivision; thence west 300 feet; thence south parallel to the west line of Mansfield Road a distance of 492.76 feet; thence east 300 feet; thence north on the west line of Mansfield Road a distance of 492.76 feet to the point of beginning. | |
| TOTAL | | \$235,527.93 |

Adopted by the City Council of the City of Grand Island, Nebraska, on October 22, 2002.

_ _ _

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item E1

Public Hearing on Request of Wonderful Garden NE Inc. dba Wonderful Garden, 2623 South Locust Street, for a Class ''I'' Liquor License

Chan Chang Yim representing Wonderful Garden NE Inc. dba Wonderful Garden, 2623 South Locust Street, has submitted an application with the City Clerk's Office for a Class "I" Liquor License. A Class "I" Liquor License allows for the sale of alcoholic beverages on sale only within the corporate limits of the City. This application has been reviewed by the Building, Fire, Health, and Police Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.



Tuesday, October 22, 2002 Council Session

Item E2

Public Hearing on Request of El Guitarron, Inc. dba El Guitarron, 413 West 4th Street for Change of Location and Name Change

Nick Kallos, Sr., representing El Guitarron, Inc. dba El Guitarron, 413 West 4th Street, has submitted an application for a Change of Location to 106 & 108 East 3rd Street. Also submitted was a Name Change to El Paraiso Bar in conjunction with their Class ''C-52848'' Liquor License. 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.



Tuesday, October 22, 2002 Council Session

Item E3

Public Hearing on Request of Ronald Bodie dba Sebastians, 115 West 3rd Street, for Class "C" Liquor License

Ronald Bodie dba Sebastians, 115 West 3rd Street, 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.



Tuesday, October 22, 2002 Council Session

Item E4

Public Hearing on Request of Nancy Stephens for a Conditional Use Permit for a Riding Academy Located at 908 East Capital Avenue

Nancy Stephens, 209 Sunny Drive, Doniphan, Nebraska, has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow a riding academy located at 908 East Capital Avenue. The property is currently zoned TA, Transitional Agrirucultural and as such a Conditional Use Permit is required by City Code. 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



Tuesday, October 22, 2002 Council Session

Item E5

Public Hearing on Acquisition of Property Located at 374 North Washington

A Public Hearing is required for acquisition of property located at 374 North Washington. This acquisition will be used to meet the growing needs of the Utilities Department. Owners have agreed to sell the property to the City of Grand Island for a purchase price of \$29,500. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Gary Mader; Dale Shotkoski



Tuesday, October 22, 2002 Council Session

Item E6

Public Hearing on Acquisition of Utility Easement Located at 911 Diers Avenue - Home Depot

Acquisition of a utility easement located at 911 Diers Avenue, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate underground cables and a pad mounted transformer to serve electricity to the new Home Depot store. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Gary R. Mader



Tuesday, October 22, 2002 Council Session

Item E7

Public Hearing on Acquisition of Utility Easement Located at 223 West 4th Street - Edwin and Janice Sittler

Acquisition of a utility easement located at 223 West 4th Street, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate a pad mounted transformer for a new building It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Gary R. Mader



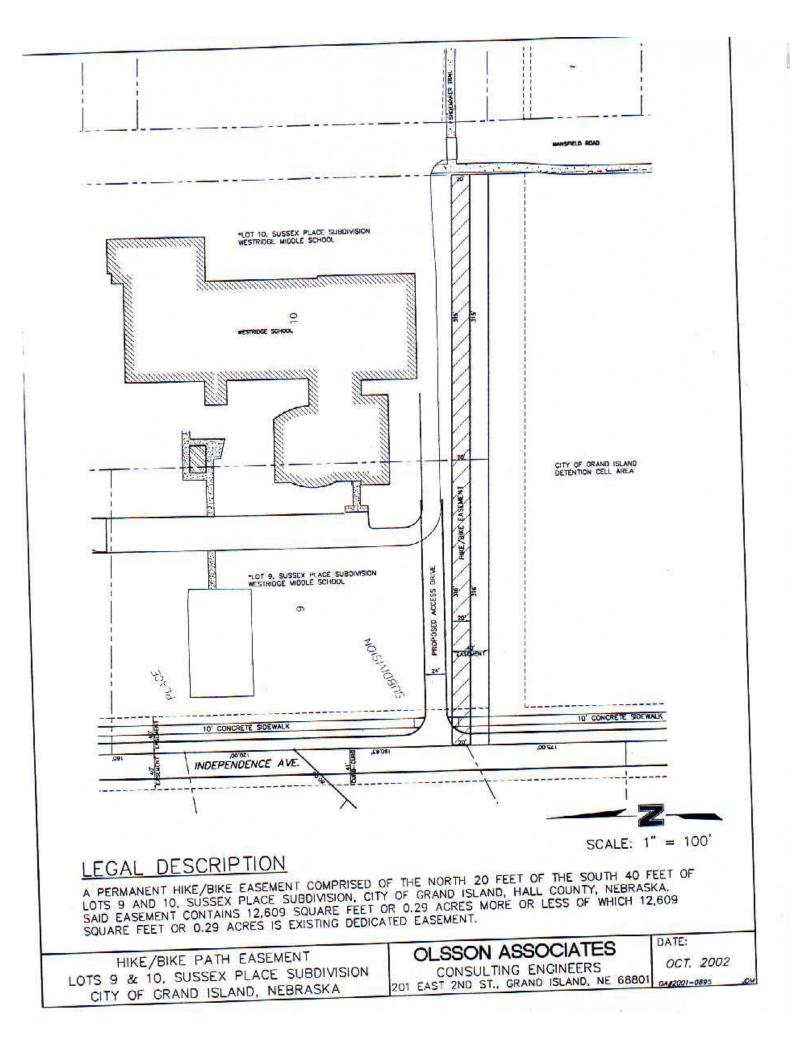
Tuesday, October 22, 2002 Council Session

Item E8

Public Hearing on Acquisition of Easement for Bike Trail in Lot 9, Sussex Place Subdivision near Westridge Middle School

Council action is necessary for the City of Grand Island to acquire public easement for the formation of bike trails. In conjunction with the acquisition of Right of Way for the extension of Independence Avenue, it is appropriate to acquire easement for future installation of the Shoemaker Bike Trail. This easement will allow the Shoemaker Bike Trail to be connected to trails that will be installed with the extension of Independence south to 13th Street. The bike trail should be built in conjunction with the extension of Independence south to necessary for the easement. The cost of the easement is expected to be minimal. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

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





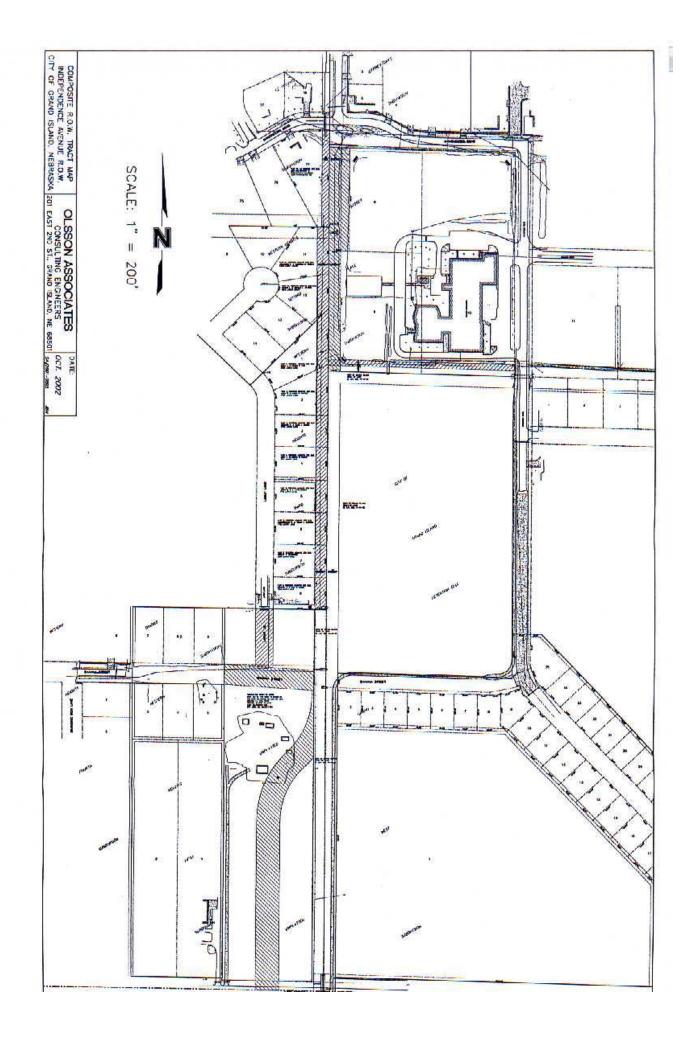
Tuesday, October 22, 2002 Council Session

Item E9

Public Hearing on Acquisition of Public Right of Way for the Extension of Independence Avenue

Council approval is required for the acquisition of Right of Way. The City Council approved a contract for engineering services for the extension of Independence Avenue at their June 11, 2002 Council meeting. Right of Way must be acquired for the road as the construction plans are in the development stage. After the acquisition is approved by Council, property owners will be contacted to negotiate the purchase of the Right of Way. It is recommended that Council conduct a Public Hearing and approve a Resolution authorizing staff to acquire the necessary Right of Way for the construction of Independence Avenue. Costs for the Right of Way are expected to be a small part of overall project costs. The City is in preparations for the construction of the road and the Right of Way is needed for the project to proceed. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

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





Tuesday, October 22, 2002 Council Session

Item E10

Public Hearing on Acquisition of Storm Sewer Easement Located in the Northeast Corner of the Normandy Apartment Property

Acquisition of a storm sewer easement located at the northeast corner of the Normandy Apartments, south of Sucks Lake, is required in order to have access to install, upgrade, maintain, and repair said storm sewer. This easement will be used to aid in the storm water drainage associated with this area and will allow for the water to bypass Sucks Lake under most conditions. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Steve Paustian



Tuesday, October 22, 2002 Council Session

Item F1

#8779 - Consideration of Assessments for Street Improvement District 1240, Grand West Third Subdivision

This item relates to the action taken earlier whereby the Council, acting as the Board of Equalization, determined benefits associated with Street Improvement District 1240, Grand West Third Subdivision. Construction of the District was completed in Summer 2002. This ordinance provides for setting the assessment and levying the special taxes. Approval is recommended. See attached ORDINANCE.

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8779

An ordinance to assess and levy a special tax to pay the cost of construction of Street Improvement District No. 1240 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provision of the Grand Island City Code, ordinances, and 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 cost of construction of said Street Improvement District No. 1240, as adjudged by the Council of said City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

> Approved as to Form ? _____ October 16, 2002 ? City Attorney

ORDINANCE NO. 8779 (Cont.)

| Name | Description | Assessment |
|-------------------|--------------------------------------|-------------|
| Grand West L.L.C. | Lot 1, Grand West Third Subdivision | \$ 7,252.87 |
| Grand West L.L.C. | Lot 2, Grand West Third Subdivision | 7,860.24 |
| Grand West L.L.C. | Lot 3, Grand West Third Subdivision | 12,199.24 |
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| Grand West L.L.C. | Lot 8, Grand West Third Subdivision | 4,486.65 |
| Grand West L.L.C. | Lot 9, Grand West Third Subdivision | 4,480.90 |
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| Grand West L.L.C. | Lot 13, Grand West Third Subdivision | 4,480.90 |
| Grand West L.L.C. | Lot 14, Grand West Third Subdivision | 6,354.35 |
| Grand West L.L.C. | Lot 15, Grand West Third Subdivision | 6,274.53 |
| Grand West L.L.C. | Lot 16, Grand West Third Subdivision | 4,548.34 |
| Grand West L.L.C. | Lot 17, Grand West Third Subdivision | 4,548.34 |
| Grand West L.L.C. | Lot 18, Grand West Third Subdivision | 6,497.62 |
| Grand West L.L.C. | Lot 19, Grand West Third Subdivision | 12,131.56 |
| Grand West L.L.C. | Lot 20, Grand West Third Subdivision | 7,472.25 |
| Grand West L.L.C. | Lot 21, Grand West Third Subdivision | 5,900.76 |
| Grand West L.L.C. | Lot 22, Grand West Third Subdivision | 5,623.55 |
| Grand West L.L.C. | Lot 23, Grand West Third Subdivision | 5,009.85 |
| Grand West L.L.C. | Lot 24, Grand West Third Subdivision | 4,130.29 |
| Grand West L.L.C. | Lot 25, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 26, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 27, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 28, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 29, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 30, Grand West Third Subdivision | 4,124.40 |
| Grand West L.L.C. | Lot 31, Grand West Third Subdivision | 4,171.07 |
| Grand West L.L.C. | Lot 32, Grand West Third Subdivision | 5,195.93 |
| Grand West L.L.C. | Lot 33, Grand West Third Subdivision | 6,061.21 |
| Grand West L.L.C. | Lot 34, Grand West Third Subdivision | 14,358.73 |

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

ORDINANCE NO. 8779 (Cont.)

City of Grand Island

follows: Beginning at the intersection of the west line of Mansfield Road and the prolongation of the north line of Lot 1 Grand West Third Subdivision; thence west 300 feet; thence south parallel to the west line of Mansfield Road a distance of 492.76 feet; thence east 300 feet; thence north on the west line of Mansfield Road a distance of 492.76 feet to the point of beginning.

Part of Section 11-11-10, more particularly described as

TOTAL

\$235,527.93

36,797.70

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years, one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; and one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen percent (14.0%) per annum shall be paid thereon, until the same is collected and paid.

SECTION 3. The 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 "Paving District Assessment Fund" for Street Improvement District No. 1240.

ORDINANCE NO. 8779 (Cont.)

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of 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, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: October 22, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item F2

#8780 - Consideration of Establishing Snow Routes in Annexed Areas

Due to the recent annexations, some changes and additions to the list of emergency snow routes are necessary. The Hall County Highway Department will continue to plow several of the "borderline" roads along the annexed areas as well as some short sections that pass through annexed areas, but the streets listed below will now need to be plowed by the City. The following changes are recommended to City Code 22-113, Snow Emergency Routes: Change Capital Avenue from Engleman Road to Sky Park Road to Capital Avenue from Engleman Road to Shady Bend Ro Change Shady Bend Road between the south and north city limits to Shady Bend Road between the south city limits and Airport Ro Change Sky Park Road between Fourth Street and Capital Avenue to Sky Park Road between Fourth Street and White Cloud Road Add Husker Highway from US Highway 30 to US Highway 281

There is approximately a 14 lane-mile increase in the Snow Emergency Route plowing distance, but no significant financial impact.

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

An ordinance to amend Chapter 22 of the Grand Island City Code; to amend

Section 22-113 pertaining to emergency snow routes; to repeal Section 22-113 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 22-113 of the Grand Island City Code is hereby amended to

read as follows:

§22-113. Snow Emergency Routes

The streets described below are hereby declared to be snow emergency routes in the City of Grand Island, Nebraska. Appropriate signs or other traffic control devices shall be installed indicating the existence of such snow emergency routes. A designation of any street, avenue, road, or highway, or portion thereof, as a snow emergency route shall in no way affect designation of that street, avenue, road, or highway for any other purpose.

Anna Street between Blaine Street and South Locust Street; Adams Street between Stolley Park Road and Anna Street; Bismark Road between Locust Street and the east City Limits; Blaine Street between U.S. Hwy 34 and Third Street; Broadwell Avenue between Anna Street and north City Limits; Cannon Road between North Road and Viking Road; Capital Avenue between Engleman Road and Shady Bend Sky Park-Road; Cherry Street between Bismark Road and Sutherland Street; College Street between Broadwell Avenue and Webb Road; *Custer Avenue* between Third Street and Capital Avenue: Darr Avenue between Faidley Avenue and Seventh Street; Diers Avenue between the dead end south of Richmond Circle and Capital Avenue; *Eddv Street* between Anna Street and State Street: Eighteenth Street between the Burlington Northern and Santa Fe Railroad and St. Paul Road; Faidley Avenue between Diers Avenue and Broadwell Avenue; First Street between Greenwich and Plum Street; Fonner Park Road between Stuhr Road and 320 feet west of Sylvan Street; Fourth Street between Broadwell Avenue and Sky Park Road; *Greenwich Street* between First Street and Second Street: Harrison Street between Stolley Park Road and Anna Street; Howard Avenue between Faidley Avenue and Tenth Street; Husker Highway between U.S. Highway 30 and U.S. Highway 281 Independence Avenue between Manchester Road and Highway No. 2; Koenig Street between Blaine Street and Vine Street; Lafayette Avenue between State Street and Capital Avenue; Lincoln Street between Anna Street and 13th Street/Broadwell Avenue; Manchester Road between Viking Road and Engleman Road;



ORDINANCE NO. 8780 (Cont.)

New U.S. Highway No. 30 between the West City Limits and Second Street; North Front Street between Webb Road and Broadwell Avenue; North Road between the Husker Highway and Highway No. 2; Old Highway No. 2 between North Broadwell and Highway No. 281; Old Potash Hwy between West City Limits and Custer Avenue; Old U.S. Hwy 30 between the west City Limits and New U.S. Hwy 30 Overpass; Pine Street between the Union Pacific Railroad and First Street; *Pioneer Boulevard* between Blaine Street and Stollev Park Road: Pleasant View Drive between Bismark Road and Fonner Park Road: *Plum Street* between Sutherland Street and Second Street: *Riverside Drive* between Stagecoach Road and Stolley Park Road; St. Paul Road between Fourth Street and Capital Avenue; Second Street between Garfield Street and Plum Street: Second Street between Webb Road and Garfield Street; Seedling Mile Road between Stuhr Road and the east City Limits; Seventeenth Street between Sycamore Street and the Burlington Northern and Santa Fe Railroad; Shady Bend Road between the south city limits and Airport Roadand north City Limits; Sky Park Road between Fourth Street and White Cloud RoadCapital Avenue; South Front Street between Vine Street and Walnut Street: South Locust Street between Walnut Street and south City Limits; Stagecoach Road between Blaine Street and Locust Street; State Street between 17th Street and North Road: Stoeger Drive between Seventh Street and Baumann Drive; Stolley Park Road between the west and east City Limits; Stuhr Road between Fonner Park Road and U.S. Hwy 30; Sutherland Street between Cherry Street and Plum Street; Sycamore Street between First Street and Capital Avenue; Tenth Street between Broadwell Avenue and St. Paul Road; Third Street between Blaine Street and Walnut Street; U.S. Hwy 30 between Plum Street and the east City Limits; U.S. Hwy 34 between the west and east City Limits; U.S. Hwy 281 between the north and south City Limits; *Vine Street* between Fonner Park Road and South Front Street: Walnut Street between Fourth Street and South Locust Street; Webb Road between U.S. Hwy 281 south and North City Limits; Wheeler Street between Fourth Street and Capital Avenue; 13th Street between Engleman Road and Eddy Street; 17th Street between Walnut Street and Sycamore Street.

SECTION 2. Section 22-113 as now existing, and any ordinances or parts of

ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after

its passage and publication, within fifteen days in one issue of the Grand Island Independent as

provided by law.

ORDINANCE NO. 8780 (Cont.)

Enacted: October 22, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



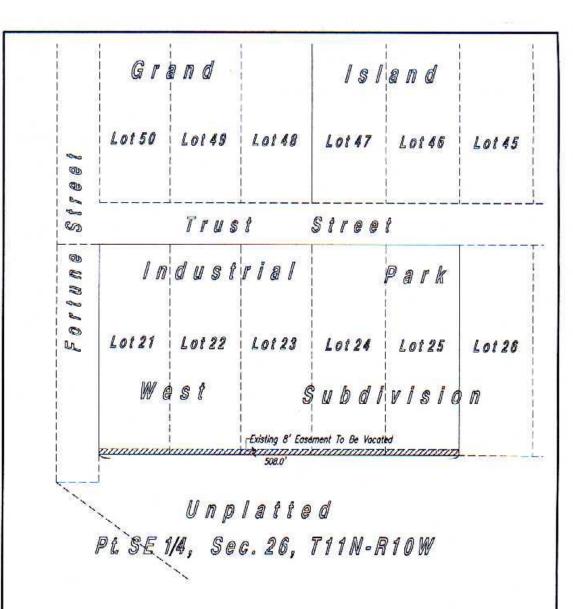
Tuesday, October 22, 2002 Council Session

Item F3

#8781 - Consideration of Vacating Easements in Lots 21, 22, 23, 24, 25, Grand Island Industrial Park West

Council action is required for vacation of easements through the passing of an Ordinance. The current owner of the lots, Indianhead Golf Club, L.L.C., is in the process of developing Indianhead Seventh Subdivision. The vacation of the easements will facilitate the development of this Subdivision. The Subdivision Review Committee has approved the plans for the new Subdivision. The Utilities, Building, and Public Works Departments have reviewed and approved the request. Filing and staff costs should be less than the \$75.00 application fee charged for Vacation of Easements. It is recommended that Council approve Vacation of the Easements.

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



LEGEND

Indicates That Portion Of 8' Easement To Be Vacated

DESCRIPTION

The southerly Eight (8.0) feet of Lots Twenty One (21), Twenty Two (22), Twenty Three (23), Twenty Four (24) and Twenty Five (25), all in Grand Island Industrial Park West Subdivision, in the City Grand Island, Nebraska.

Date: October 9, 2002

Sheet No. 1 Of 1

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8781

An ordinance to vacate existing easements located in Grand Island Industrial Park West 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 easement located in a part of Lots Twenty One (21), Twenty Two (22), Twenty Three (23), Twenty Four (24), and Twenty Five (25), Grand Island Industrial Park West Subdivision in the city of Grand Island, Hall County, Nebraska, as shaded and identified on Exhibit "A" dated October 9, 2002, attached hereto and incorporated herein by reference, are hereby vacated.

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

Approved as to Form? _____ October 17, 2002 ? City Attorney

ORDINANCE NO. 8781 (Cont.)

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

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

Enacted: October 22, 2002.

Attest:

Ken Gnadt, Mayor

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item G1

Receipt of Official Document - Civil Service Minutes of October 1, 2002

Receipt of Official Document - Civil Service Minutes of October 1, 2002. See attached MINUTES.

Staff Contact: Brenda Sutherland



ISLAND

Working Together for a Better Tomorrow. Today.

MINUTES CIVIL SERVICE COMMISSION October 1, 2002

Roll Call:

Members Present: Members Absent: Also Present:

Burns, Leeper, Hilligas None Curt Rohling, Fire Operations Chief

Leeper called the meeting to order at 8:30 a.m.

Notice of the meeting was published in the September 27, 2002, edition of the Grand Island Independent.

Burns moved to approve the minutes of the September 10, 2002, meeting. Hilligas seconded the motion, which carried unanimously upon roll call vote.

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

The Commission discussed the next meeting date and elected to meet on Friday, October 11, 2002, to review the lists of applicants for FF/EMT, Paramedic and Police Officer.

There being no further business, Hilligas moved to adjourn the meeting at 8:40 a.m. Burns seconded the motion, which carried unanimously upon roll call vote.

Respectfully submitted,

Al Satterly, Secretary DesigneeApproved by Civil Service Commission: 10/11/02Civil Service CommissionCopies of approved Minutes to:City Clerk



Tuesday, October 22, 2002 Council Session

Item G2

Approving Minutes of October 8, 2002 City Council Regular Meeting

The Minutes of the October 8, 2002 City Council Regular Meeting are submitted for approval. See attached MINUTES.

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING October 8, 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 October 8, 2002. Notice of the meeting was given in the Grand Island Independent on October 2, 2002.

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

<u>PLEDGE OF ALLEGIANCE</u> was said followed by the <u>INVOCATION</u> given by Pastor Steve Warriner, Abundant Life Christian Church, 3409 West Faidley Avenue.

<u>RESERVE TIME TO SPEAK ON AGENDA ITEMS</u>: One individual reserved time to speak on an agenda item.

PRESENTATIONS AND PROCLAMATIONS:

<u>Recognition of Larry Seifert by Nebraska Veterans Home Representatives for Coordinating the</u> <u>Grand Island Fishing Derby.</u> Cliff Crowder and Nancy Klimek representatives from the Nebraska Veterans Home recognized Larry Seifert for his 10 years of hard work coordinating the Grand Island Fishing Derby.

<u>Proclamation "World Population Awareness Week", October 20-26, 2002.</u> Mayor Gnadt proclaimed October 20-26, 2002 as "World Population Awareness Week" and encouraged citizens to participate appropriately in its observance.

<u>Proclamation "National 4-H Youth Development Program Week" October 6-12, 2002.</u> The Mayor and City Council joined Senator Nelson in proclaiming October 6-12, 2002 as "National 4-H Youth Development Program Week" and encouraged citizens to observe this week with appropriate ceremonies and activities. Kathy Consbruck, Nancy Schmerdtmann and Tom Druidick and several 4-H youth and leaders were present to receive the proclamation.

PUBLIC HEARINGS:

<u>Public Hearing on Acquisition of Utility Easement Located at 1010 North Diers Avenue.</u> (<u>Concord Development</u>) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 1010 North Diers Avenue, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to place power cables, pad mounted switchgear and transformers to serve lots three (3) and four (4) with electricity. No public testimony was heard.

Public Hearing on Request of Brenda and David Schocke dba Bunkhouse Sports Bar & Grill, 3568 West Old Highway 30, for Class "C" Liquor License. City Clerk RaNae Edwards, reported that Brenda and David Schocke dba Bunkhouse Sports Bar & Grill, 3568 West Old Highway 30, had 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. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on September 26, 2002; notice to applicant of date, time and place of hearing mailed on September 29, 2002; Chapter 4 of City Code and departmental reports as required by City Code. No public testimony was heard.

ORDINANCES:

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

#8778 - Consideration of Creating Sanitary Sewer District #508, Desch 1st and 2nd Subdivision near Langenheder Street and Husker Highway

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

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

City Clerk: Ordinance #8778 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8778 on final passage. All those in favor of the passage of this ordinance 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, Ordinance #8778 is declared to be lawfully passed and adopted upon publication as required by law.

<u>CONSENT AGENDA</u>: Items G-23, G-32 and G-35 were removed from the Consent Agenda. Motion by Pielstick, second by Whitesides, carried unanimously to approve the Consent Agenda excluding items G-23, G-32 and G-35.

Receipt of Official Document - Civil Service Minutes of September 10, 2002.

Approving Minutes of September 24, 2002 City Council Regular Meeting.

Approving Appointment of Dale Shotkoski as Interim City Attorney. Councilmenter Haase voted no.

Approving Appointment of Bob Loewenstein to the Animal Advisory Board.

Approving Request of Brenda and David Schocke dba Bunkhouse Sports Bar & Grill, 3568 West Old Highway 30, for Class "C" Liquor License.

Approving Request of Charles Donner, 1818 West Charles Street, for Liquor Manager Designation for Knights of Columbus St.. Mary's dba Knights of Columbus, 1600 South Eddy.

Approving Preliminary Plat for Timberline Subdivision.

Approving Revised Preliminary Plat for Indianhead Subdivision.

<u>#2002-300 – Approving Acquisition of Utility Easement Located at 1010 North Diers Avenue.</u> (Concord Development)

<u>#2002-301 – Approving Outside Funding for Community Humanitarian Resource Center in an Amount of \$4,500.</u> Councilmember Pielstick voted no.

#2002-302 – Approving Outside Funding for the Crisis Center, Inc. in an Amount of \$10,200.

#2002-303 - Approving Outside Funding for the Family Violence Coalition in an Amount of \$10,000.

#2002-304 - Approving Outside Funding for the Grand Island Area Clean Community System in an Amount of \$18,000.

#2002-305 - Approving Outside Funding for Grand Island Area Council for International Visitors in an Amount of \$1,000.

#2002-306 - Approving Outside Funding for Grand Island Dive Rescue Team for a One Time Amount of \$9,700.

#2002-307 - Approving Outside Funding for Grand Island/Hall County Convention & Visitors Bureau in an Amount of \$10,000. Councilmember Pielstick voted no.

#200-308 - Approving Outside Funding for the Retired Senior Volunteer Program in an Amount of \$10,000.

<u>#2002-309 - Approving Outside Funding for the Senior Citizens Industries, Inc. in an Amount of</u> <u>\$15,000.</u> #2002-310 – Approving Final Plat and Subdivision Agreement for Grand West Fourth Subdivision. It was noted that Steve Craig, owner, had submitted the final plat for Grand West Fourth Subdivision, located along Craig Road, between North Road and Mansfield Road for the propose of developing 27 lots.

<u>#2002-311 – Approving Final Plat and Subdivision Agreement for Indianhead Seventh</u> <u>Subdivision.</u> It was noted that Virgil Eihusen, owner, had submitted the final plat for Indianhead Seventh Subdivision, located South of Trust Street and West of North Road for the propose of developing 52 lots.

#2002-312 – Approving Certificate of Final Completion for Preliminary Engineering Services for Shoemaker Hike/Bike Trail with Olsson Associates of Grand Island, Nebraska.

#2002-313 – Approving Certificate of Final Completion for Wading Pool Project with Tri Valley Builders of Grand Island, Nebraska.

#2002-315 – Approving Change Order #1 for General Work Contract at Burdick Station GT-2 and GT-3 Combustion Turbine Project with The Industrial Company of Steamboat Springs, Colorado for an Increased Amount of \$705,382,43 and an Adjusted Contract Amount of \$11,702,997.43. Councilmember Pielstick voted no.

#2002-316 – Approving Bid Award for Boom Truck and Crane with Teague Equipment Company of Denver, Colorado in an Amount of \$198,638.00.

#2002-317 – Approving Bid Award for Tree Trimming Project 2003-TT-1 with Toms Tree Service of Grand Island, Nebraska for Sections 03-2, 03-5, 03-7, and 03-12 in an Amount of \$22,700.00 and Sheffield Tree Service of Grand Island, Nebraska for Sections 03-3, 03-6, 03-8, 03-11, and 03-16 in an Amount of \$34,800.00 and Wright Tree Service, Inc. of Des Moines, Iowa for Sections 03-1, 03-9, 03-10, 03-13, 03-14, 03-15, 03-17, 03-18, 03-19, and 03-20 in an Amount of \$91,943.00.

<u>2002-318 – Approving Bid Award for Security Gates for Burdick Station and Platte Generating</u> <u>Station with American Fence Company of Grand Island, Nebraska in an Amount of \$86,649.40</u> <u>Plus Tax.</u>

#2002-319 – Approving Bid Award for RFP for Engineering Services for Circuit Breaker Replacement with DeWild, Grant, Reckert & Associates Company of Rock Rapids, Iowa in an Amount of 250,00.00.

#2002-320 – Approving Bid Award for Skid Steer Loader with Central Nebraska Bobcat of Grand Island, Nebraska in an Amount of \$34,650.00 Plus Tax.

<u>#2002-321 – Approving Bid Award for Street Improvement District #1234, Juergen Road in the Platte Valley Industrial Park with the Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$133,397.18.</u>

#2002-322 – Approving Designation of Nebraska Machinery Company of Doniphan, Nebraska as the Sole Source Provider of Track Loaders for the Solid Waste Division, Public Works Department, and Approving Authority to Negotiate with the Vendor.

#2002-324 – Approving Agricultural Deferral of Assessments in Sanitary Sewer District #500.

#2002-325 – Approving Authorization for County Treasurer to Re-Sell City Owned Property Acquired Through Sheriff's Deed Located at 603 North Oak Street and 404 East Sixth Street.

#2002-327 – Approving Interlocal Agreement for Statewide Wireless Communication Network.

<u>#2002-326 – Approving Contract Award for the Historical Stolley House Repair and Renovation</u> with Nelson Contracting of Grand Island, Nebraska in an Amount of \$80,257.00. Craig Lewis, Building Department Director, reported that the Building Department solicited proposals for the repair and renovation of the historical Stolley House in accordance with the Master Plan developed by the City and approved by the Nebraska State Historical Society. Two proposals were received, one from Nelson Contracting and the second from Fred Goss. The Building Department recommended approval of the proposal from Nelson Contracting for the repairs and renovation in the amount of \$80,257.00. The funds would be a combination of monies from the City and State Historical Society Foundation. An additional purchase order would be prepared for the second proposal of Fred Goss to provide consulting, interior design, develop a color scheme, and insure historical integrity with a not to exceed \$5,000 amount.

Councilmember Pielstick and Seifert voiced concerns of the \$5,000 amount to Fred Goss and stated they had not been informed of this matter until they had read it in the paper. Councilmember Haase questioned if Stuhr Museum had experience in interior design and whether they would help the City out in this area. Mr. Lewis stated that this project needed to be moved along and volunteer workers or himself just did not have the time or knowledge to do the job right.

Fred Roeser, 4262 Michigan Avenue and Annette Davis, 436 Highway 11, Dannebrog, both members of the historical society spoke in support.

Motion was made by Pielstick to approve Resolution #2002-326, second by Murray. Carried unanimously to approve.

<u>#2002-314 – Approving Bid Award for Installation of Irrigation System for the South Side of the Grand Island Cemetery with Tilley Sprinkler Systems, Inc. of Grand Island, Nebraska in an Amount of \$125,410.00.</u> Councilmember Walker questioned an anonymous letter regarding this Resolution. Mayor Gnadt stated that any anonymous letter would not be talked about, had there been a signature on the letter, this would have been discussed. Motion by Whitesides, second by Ward to approve Resolution #2002-314. Carried unanimously to approve.

<u>#2002-323 – Approving Resolution Directing Staff to Require Installation of Public Sidewalks</u> by Fall 2003. Steve Riehle, Public Works Director, reported that at the August 20, 2002 Council Study Session, the Sidewalk Committee reviewed the sidewalk maps and identified areas where they believe Council should order sidewalks installed before school starts in Fall 2003. Staff reviewed all of the proposed areas and believed that it was possible to install sidewalks in each area. Fill material would be provided where needed at city cost. Some tree and bush trimming or removal may be needed. The Committee discussed the possibility of installing sidewalk on one side of each street, but the Committee felt property owners on both sides of a street should be required to install sidewalk, as long as the installation was possible without major conflicts such as drainage ditches. Three areas had been added to the list discussed at the August 20 meeting.

Discussion was had on the need of widening Harrison Street, drainage, retrofitting, and if there was a need to have sidewalks on both sides of the street.

Bob Wagoner, 1710 South Harrison, Charles Maser, 1222 South Harrison and Roy Anderson, 1810 South Harrison spoke in opposition is including Harrison Street in Resolution #2002-323.

Motion was made by Whitesides, second by Larson to table that portion of Harrison Street in Resolution #2002-323. Upon Roll call vote, Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, and Sorensen voted yes. Councilmember Walker voted no. Councilmember Murray abstained. Motion adopted.

Councilmember Pielstick mentioned the fact that Council voted to put sidewalks in before school started this year and felt we would be opening a can of worms. Councilmember Hornady stated there were areas in town that did not need sidewalks.

Motion was made by Whitesides, second by Walker to approve Resolution #2002-323 excluding that portion of Harrison Street. Carried unanimously to approve.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of September 25, 2002 through October 8, 2002, for a total amount of \$1,811,944.26.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

RaNae Edwards City Clerk



Tuesday, October 22, 2002 Council Session

Item G3

Approving Request of Wonderful Garden NE Inc. dba Wonderful Garden, 2623 South Locust Street, for Class "I" Liquor License

This item relates to the aforementioned Public Hearing. Chan Chang Yim representing Wonderful Garden NE Inc. dba Wonderful Garden, 2623 South Locust Street, has submitted an application with the City Clerk's Office for a Class ''I'' Liquor License. A Class ''I'' Liquor License allows for the sale of alcoholic beverages on sale only within the corporate limits of the City. This application has been reviewed by the Building, Fire, Health, and Police Departments. Approval is recommended.



Tuesday, October 22, 2002 Council Session

Item G4

Approving Request of Chan Chang Yim, 1521 West Charles Street, #1, for Liquor Manager Designation for Wonderful Garden NE, Inc. dba Wonderful Garden, 2623 South Locust Street

Chan Chang Yim, 1521 West Charles Street, #1, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Wonderful Garden NE, Inc. dba Wonderful Garden, 2623 South Locust Street Liquor License. This application has been reviewed by the Police Department and City Clerk's Office. Approval is recommended.



Tuesday, October 22, 2002 Council Session

Item G5

Approving Request of El Guitarron, Inc. dba El Guitarron, 413 West 4th Street for a Change of Location and Name Change

This item relates to the aforementioned Public Hearing. Nick Kallos, Sr., representing El Guitarron, Inc. dba El Guitarron, 413 West 4th Street, has submitted an application for a Change of Location to 106 & 108 East 3rd Street. Also submitted was a Name Change to El Paraiso Bar in conjunction with their Class "C-52848" Liquor License. This application has been reviewed by the Building, Fire, Health, and Police Departments. Approval is recommended.



Tuesday, October 22, 2002 Council Session

Item G6

Approving Request of Ronald Bodie dba Sebastians, 115 West 3rd Street, for Class "C" Liquor License

This item relates to the aforementioned Public Hearing. Ronald Bodie dba Sebastians, 115 West 3rd Street, 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.



Tuesday, October 22, 2002 Council Session

Item G7

Approving Request of Craig Anderson, 1217 West 10th Street, for Liquor Manager Designation for Eagles Frat Order #378, 213 North Sycamore Street

Craig Anderson, 1217 West 10th Street, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Eagles Frat Order #378, 213 North Sycamore Street, Class ''C-01462'' Liquor License. This application has been reviewed by the Police Department and the City Clerk's Office. Approval is recommended.



Tuesday, October 22, 2002 Council Session

Item G8

Approving Request of Greg Tatro, 312 West Koenig Street, for Liquor Manager Designation for Grand Island Pizza Hut, Inc., 707 North Diers Avenue

Greg Tatro, 312 West Koenig Street, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Grand Island Pizza Hut, Inc., 707 North Diers Avenue, Class ''A-31062'' Liquor License. This application has been reviewed by the Police Department and City Clerk's Office. Approval is recommended.



Tuesday, October 22, 2002 Council Session

Item G9

Approving Request of Nancy Stephens for a Conditional Use Permit for a Riding Academy Located at 908 East Capital Avenue

This item relates to the aforementioned Public Hearing. Nancy Stephens, 209 Sunny Drive, Doniphan, Nebraska, has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow a riding academy located at 908 East Capital Avenue. The property is currently zoned TA Transitional Agriculture and as such a Conditional Use Permit is required by City Code. All other provisions of the City Code regarding customary home occupations the housing and number of animals remain applicable. This request has been reviewed by the Building, Legal, Utilities, Planning, and Public Works Departments. Approval is recommended.

Staff Contact: Craig Lewis



Tuesday, October 22, 2002 Council Session

Item G10

#2002-328 - Approving Acquisition of Property - 374 North Washington

This item relates to the aforementioned Public Hearing. Background:

The Electric Department, Line Division offices, shops and storage facilities are located in the 1100 block of West North Front Street. The current buildings were first built over 30 years ago. As the City has grown, so has the Utility's Line Division. Rather than abandon the current site and build new to meet this growth, the Utilities Department has acquired suitable adjacent properties as they have become available and integrated those facilities into the previously constructed facilities. The old YMCA property, which was located on the same block, was acquired in the 70's. A private residence in that same block was acquired in the 80's, and a commercial business in the block just east was acquired in the 90's. These acquisitions have been fully integrated into the Line Division's operations, and have provided well for the needed growth.

Recently the Utilities Department became aware of another property in the area which would be suitable to meet future growth needs. That property is on the market.

Discussion:

A private residence at 374 North Washington, immediately west of the Line Division block is being sold. The Utilities and Legal staff have met with the owner's representative of the property and negotiated a proposed purchase price of \$29,500. The assessed valuation for tax purposes is \$24,700 from the County Assessors office.

Recommendation:

The acquisition of property when it becomes available in the area has worked well to meet the growth needs of the Department's Line Division. Therefore, it is the recommendation of the Utilities Department that the property at 374 North Washington be purchased.

Fiscal Effects: Expenditure of \$29,500 from Electric Fund 520. Sufficient funds are available.

Alternatives: Do not acquire the property. See attached RESOLUTION. Staff Contact: Gary Mader; Dale Shotkoski

WHEREAS, the City has an interest in acquiring property located at 374 North Washington Street in Grand Island, Nebraska, for the purpose of future utility expansion; and

WHEREAS, a public hearing was held on October 22, 2002 for the purpose of discussing the proposed acquisition of property, legally described as follows:

A tract of land comprising of the northerly Fifty Four (54.0) feet of Lot Eight (8) in Block Three (3) in Arnold and Abbott's Addition to the City of Grand Island, Hall County, Nebraska, as shown on the attached drawing dated October 3, 2002, attached hereto and incorporated herein by reference.

WHEREAS, the purchase price of the property is \$29,500; and

WHEREAS, an Agreement for Warranty Deed has been prepared by the City Attorney's office for such acquisition of property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire property located at 374 North Washington Street from Arthur M. Avery and Alvina Z. Avery, husband and wife as set out in the Agreement for Warranty Deed.

BE IT FURTHER RESOLVED, that the Agreement for Warranty Deed for such conveyance of property is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item G11

#2002-329 - Approving Acquisition of Utility Easement Located at 911 Diers Avenue - Home Depot

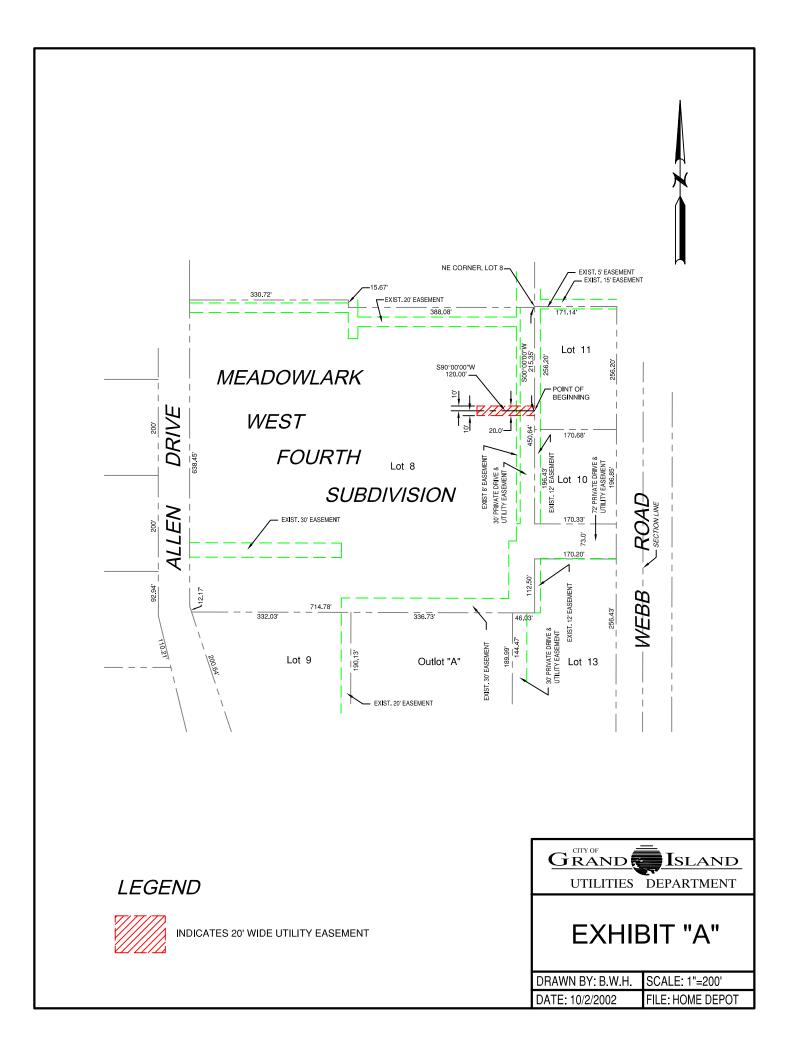
This item relates to the aforementioned Public Hearing. Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to property of Home Depot USA, Inc., located at 911 Diers Avenue, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

The easement will be used to locate underground cables and a pad mounted transformer to serve electricity to the new Home Depot store.

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



WHEREAS, a public utility easement is required by the City of Grand Island, from Home Depot USA, Inc., a Delaware corporation, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on October 22, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Eight (8) Meadowlark West Fourth Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

Commencing at the northeast corner of Lot Eight (8) Meadowlark West Fourth Subdivision; thence running S00°00'00"W along the easterly line of said Lot Eight (8), a distance of Two Hundred Fifteen and Thirty Five Hundredths (215.35) feet to the Actual Point of Beginning; thence running S90°00'00"W, a distance of One Hundred Twenty (120.0) feet.

The above-described easement and right-of-way containing a total of 0.055 acres, more or less as shown on the plat dated October 2, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 22, 2002.

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item G12

#2002-330 - Approving Acquisition of Utility Easement Located at 223 West 4th Street - Edwin and Janice Sittler

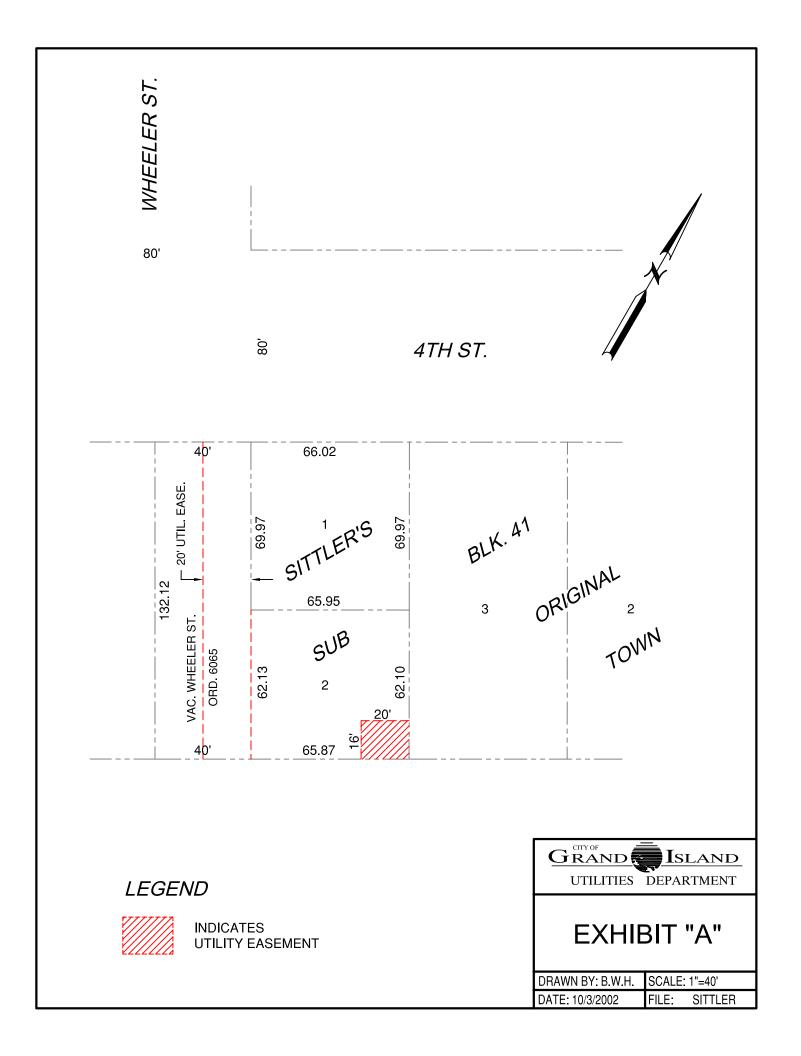
This item relates to the aforementioned Public Hearing. Background: Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to property of Edwin C. and Janice K. Sittler, located at 223 West 4th Street, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

A new building will be constructed on Lot 3, also owned by the Sittlers. This easement will be used to locate a pad mounted transformer for the new building.

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



WHEREAS, a public utility easement is required by the City of Grand Island, from Edwin C. Sittler and Janice K. Sittler, husband and wife, to install, upgrade, maintain, and repair power appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on October 22, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Two (2) Sittler's Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

The south Sixteen (16.0) feet of the easterly Twenty (20.0) feet of Lot Two (2) Sittler's Subdivision in the City of Grand Island, Hall County, Nebraska.

The above-described easement and right-of-way containing a total of 320.0 square feet, more or less as shown on the plat dated October 3, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 22, 2002.

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item G13

#2002-331 - Approving Acquisition of Easement for Bike Trail in Lot 9, Sussex Place Subdivision near Westridge Middle School.

This item relates to the aforementioned Public Hearing. Acquisition of an Easement along the south side of Westridge Middle School is required in order to have access to connect bike trails. See attached RESOLUTION.

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

WHEREAS, the City is interested in acquiring property from the School District of Grand Island, for the purpose of public right-of-way along the south side of Westridge Middle School to connect the Shoemaker hike/bike trail to the east of Westridge Middle School on Manfield Road that will be built along Independence Avenue; and

WHEREAS, a public hearing was held on October 22, 2002 for the purpose of discussing the proposed acquisition of an easement being more particularly described as follows:

The North Twenty (20.0) feet of the south Forty (40.0) feet of Lots Nine (9) and Ten(10), Sussex Place Subdivision, City of Grand Island, Hall County, Nebraska; said easement contains 12,609 square feet or 0.29 acres more or less of which 12,609 square feet or 0.29 acres is existing dedicated easement, as shown on the attached drawing dated October 2002 attached hereto and incorporated herein by reference.

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire an easement from the School District of Grand Island, for the above-described property.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

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



Tuesday, October 22, 2002 Council Session

Item G14

#2002-332 - Approving Acquisition of Public Right of Way for the Extension of Independence Avenue

This item relates to the aforementioned Public Hearing. Acquisition of Right of Way is required in order to construct the extension of Independence Avenue. See attached RESOLUTION.

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

WHEREAS, property is required by the City of Grand Island, from the following parties for right-of-way purposes to extend Independence Avenue; and

WHEREAS, a public hearing was held on October 22, 2002, for the purpose of discussing the proposed rights-of-way affecting the following tracts of land:

| Name | Property Description | |
|--------------------------------|---|--|
| Keo Phetsavahn and Sysengpheth | The east 25.00 feet of Lot 77, Le Heights Fourth Subdivision | |
| Saycocie | the City of Grand Island, Hall County, Nebraska. Said tract | |
| | contains 8,312 square feet or 0.19 acres more or less, all of which | |
| | is an existing City of Grand Island drainage easement. | |
| Jonathan & Shannon Boehle | The east 40.00 feet of Lot 11, Western Heights Second | |
| | Subdivision in the City of Grand Island, Hall County, Nebraska. | |
| | Said tract contains 6,539 square feet or 0.15 acres more or less, | |
| | all of which is an existing City of Grand Island drainage easement. | |
| Tharin & Brenda Peters | The east 40.00 feet of Lot 12, Western Heights Second | |
| | Subdivision in the City of Grand Island, Hall County, Nebraska. | |
| | Said tract contains 5,489 square feet or 0.13 acres more or less, | |
| | all of which is an existing City of Grand Island drainage easement. | |
| Chad & Wendy Cox | The east 40.00 feet of Lot 1, Western Heights Third Subdivision in | |
| | the City of Grand Island, Hall County, Nebraska. Said tract | |
| | contains 7,211 square feet or 0.17 acres more or less, all of which | |
| | is an existing City of Grand Island drainage easement. | |
| Alan & Linda Potter | The east 40.00 feet of Lot 2, Western Heights Third Subdivision in | |
| | the City of Grand Island, Hall County, Nebraska. Said tract | |
| | contains 7,211 square feet or 0.17 acres more or less, all of which | |
| | is an existing City of Grand Island drainage easement. | |
| Richard & Rada Bacon | The east 40.00 feet of Lot 3, Western Heights Third Subdivision in | |
| | the City of Grand Island, Hall County, Nebraska. Said tract | |
| | contains 4,475 square feet or 0.10 acres more or less, all of which | |
| | is an existing City of Grand Island drainage easement. | |
| Gary & Judith Horne | The east 40.00 feet of Lot 4, Western Heights Third Subdivision in | |
| | the City of Grand Island, Hall County, Nebraska. Said tract | |
| | contains 4,476 square feet or 0.10 acres more or less, all of which | |
| | is an existing City of Grand Island drainage easement. | |

| Jerry & Faye Brown | The east 40.00 feet of Lot 5, Western Heights Third Subdivision in |
|-----------------------------|---|
| | the City of Grand Island, Hall County, Nebraska. Said tract |
| | contains 4,477 square feet or 0.10 acres more or less, all of which |
| | is an existing City of Grand Island drainage easement. |
| Christopher & Tammy Chohon | The east 40.00 feet of Lot 6, Western Heights Third Subdivision in |
| Christopher & Taminy Chonon | the City of Grand Island, Hall County, Nebraska. Said tract |
| | contains 4,478 square feet or 0.10 acres more or less, all of which |
| | is an existing City of Grand Island drainage easement. |
| Delet Commission | |
| Robert Cummings | The east 40.00 feet of Lot 7, Western Heights Third Subdivision in |
| | the City of Grand Island, Hall County, Nebraska. Said tract |
| | contains 4,485 square feet or 0.10 acres more or less, all of which |
| | is an existing City of Grand Island drainage easement. |
| Burrell & Lisa Albee | The east 40.00 feet of Lot 8, Western Heights Third Subdivision in |
| | the City of Grand Island, Hall County, Nebraska. Said tract |
| | contains 4,501 square feet or 0.10 acres more or less, all of which |
| | is an existing City of Grand Island drainage easement. |
| Westridge Middle School | The west 70.00 feet of Lot 8 and the west 40.00 feet of Lot 9, |
| | Sussex Place Subdivision in the City of Grand Island, Hall County, |
| | Nebraska. Said tract contains 41,269 square feet or 0.95 acres |
| | more or less, of which 30,660 square feet or 0.70 acres is an |
| | existing drainage easement. |
| Gladys Williams | A tract of land located in the East Half of the West 19 acres of the |
| | East 20 acres of the Southeast Quarter of the Southwest Quarter |
| | of Section 11, Township 11 North, Range 10 West of the 6 th P.M. |
| | in the City of Grand Island, Hall County, more particularly |
| | described as follows: |
| | Commencies of the courts commence of sold Section 11, then so |
| | Commencing at the south quarter corner of said Section 11; thence |
| | on an assumed bearing of N89°08'56"W on the south line of said |
| | Section 11, a distance of 153.48 feet to the Point of Beginning; |
| | thence continuing on said south line N89°08'56"W a distance of |
| | 80.00 feet; thence N00°18'47"E a distance of 584.07 feet; thence |
| | around a curve in a clockwise direction having a radius of 340.00 |
| | feet, a chord bearing of N23°27'48"E a distance of 267.34 feet; |
| | thence around a curve in a counterclockwise direction having a |
| | radius of 260.00 feet, a chord bearing of N23°17'43"E a distance |
| | of 205.84 feet; thence N00°18'47"E a distance of 18.02 feet; |
| | thence S86°09'38"E a distance of 6.53 feet to the east line of said |
| | East Half of the west 19 acres of the east 20 acres of the |
| | Southeast Quarter of the Southwest Quarter; thence S00°18'47"W |
| | on said east line a distance of 230.26 feet; thence around a curve |
| | in a clockwise direction having a radius of 340.00 feet, a chord |

| Commencing at the intersection of the southwest corner of Lot 8, Western Heights Third Subdivision, City of Grand Island and the easterly right-of-way (R.O.W.) line of Lariat Lane, said point also being the Point of Beginning; thence on an assumed bearing of S00°20'23"W a distance of 201.42 feet; thence N86°09'26"W a distance of 60.11 feet; thence N00°20'41"E a distance of 198.18 feet to the southeast corner of Lot 9 of said Western Heights Third Subdivision, said corner also on the westerly R.O.W. line of Lariat Lane; thence S89°14'50"E on the south line of said Western Heights Third Subdivision a distance of 59.98 feet to the point of |
|---|
| beginning. Said tract contains 11,986 square feet or 0.28 acres more or less. |
| |

13th Street road right-of-way.

particularly described as follows:

Gladys Williams

bearing of S42°39'19"W a distance of 46.94 feet; thence around a curve in a counterclockwise direction having a radius of 260.00 feet, a chord bearing of S23°27'48"W a distance of 204.44 feet; thence S00°18'47"W a distance of 584.83 feet to the point of beginning. Said tract contains 75,082 square feet or 1.72 acres more or less of which 2,640 square feet or 0.06 acres is existing

A tract of land located in the East Half of the West 19 acres of the

East 20 acres of the Southeast Quarter of the Southwest Quarter of Section 11, Township 11 North, Range 10 West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska; more

| Gladys Williams | A tract of land located in the East Half of the West 19 acres of the East 20 acres of the Southeast Quarter of the Southwest Quarter of Section 11, Township 11 North, Range 10 West of the 6 th P.M. in the City of Grand Island, Hall County, Nebraska; more portional relationship data follows: |
|-----------------|--|
| | particularly described as follows: Commencing at the intersection of the northeast corner of Lot 5 of Western Heights Fifth Subdivision, City of Grand Island and the southerly right-of-way (R.O.W.) line of Shanna Street, said point also being the Point of Beginning; thence on an assumed bearing of N00°16'56"E a distance of 70.00 feet to the southeast corner of Lot 9 of Double R Subdivision, City of Grand Island; thence S86°09'24"E a distance of 304.91 feet to the east line of said East Half of the West 19 acres of the East 20 acres of the Southeast Quarter of the Southwest Quarter; thence S00°18'47"W on said east line a distance of 70.13 feet; thence N86°07'52"W a distance of 304.88 feet to the point of beginning. Said tract contains 21,310 square feet or 0.49 acres more or less. |

WHEREAS, in the event the City and the various owners are unable to agree upon a price for such right-of-way, it is suggested that the City be authorized to condemn such property for public facilities in accordance with Neb. Rev. Stat. 19-709, as amended.

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 right-of-way from the parties identified above on the above-described tracts of land.

BE IT FURTHER RESOLVED, that if the acquisition of such property is not possible through negotiations, the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire such property forthwith.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 22, 2002.

RaNae Edwards, City Clerk



Tuesday, October 22, 2002 Council Session

Item G15

#2002-333 - Approving Acquisition of Storm Sewer Easement Located in the Northeast Corner of the Normandy Apartment Property

This item relates to the aforementioned Public Hearing. Acquisition of a storm sewer easement located at the northeast corner of the Normandy Apartments, south of Sucks Lake, is required in order to have access to install, upgrade, maintain, and repair said storm sewer. This easement will be used to aid in the storm water drainage associated with this area and will allow for the water to bypass Sucks Lake under most conditions. Approval is recommended.

Staff Contact: Steve Paustian

WHEREAS, a public utility easement is required by the City of Grand Island, from Herbert F. Mayer, Jr. and Katharine S. Mayer, as Trustees of the Herbert F. Mayer, Jr. Trust, to install, upgrade, maintain, and repair storm sewer drainage lines and appurtenances; and

WHEREAS, a public hearing was held on October 22, 2002, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Three (3) Normandy Apartments Subdivision in the City of Grand Island, Hall County, Nebraska, the twenty (20.0) foot wide utility easement and right-of-way being described as being ten (10.0) feet either side of a line more particularly described as follows:

Commencing at a point on the northerly line of Lot 3, Normandy Apartments Subdivision, said point being 74.38 feet southwesterly from the northeast corner of Lot 3 Normandy Apartments Subdivision; thence southeasterly to a point on the east line of said Lot 3, said point being 151.91 feet south of the northeast corner of Lot 3 Normandy Apartments Subdivision, as shown on the plat dated October 16, 2002, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Herbert F. Mayer, Jr. and Katharine S. Mayer, as Trustees of the Herbert F. Mayer, Jr. Trust on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 22, 2002.

RaNae Edwards, City Clerk

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



Tuesday, October 22, 2002 Council Session

Item G16

#2002-334 - Approving Bid Award for Sidewalk District No. 1, 2002

The City Council created Sidewalk District No. 1, 2002 on September 10, 2002. Bids were received on October 9, 2002. The Public Works Department, Engineering Division and the Purchasing Division of the City Attorney's Office reviewed the single bid that was received. The engineer's opinion of costs was \$4,960.00. The bidder for the District was The Diamond Engineering Company of Grand Island, who submitted a bid of \$4,360.00. It is recommended that Council award the contract to The Diamond Engineering Company of Grand Island, Nebraska. There are sufficient funds in Account No. 40033535-90072.

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

Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

| BID OPENI | NG DATE: | October 9, 2002 |
|------------------|----------|-----------------|
| | | |

FOR: Sidewalk District No. 1

DEPARTMENT:

Public Works

ENGINEER'S ESTIMATE: \$4,960.00

FUND/ACCOUNT:

40033535-90072/Capital Projects Fund

PUBLICATION DATE:September 24, 2002

NO. POTENTIAL BIDDERS:

SUMMARY

| Bidder: | Diamond Engineering Company, Inc. | |
|---------------|--|--|
| | Grand Island, NE | |
| Bid Security: | Travelers Casualty and Surety Company of America | |
| Exceptions: | NONE | |
| Bid Price: | \$4,360.00 | |

cc: Steve Riehle, Public Works Director RaNae Edwards, City Clerk Dale Shotkoski, Purchasing Agent Laura Berthelsen, Legal Assistant

P775

WHEREAS, the City of Grand Island invited sealed bids for Sidewalk District No. 1, 2002, according to plans and specifications on file with the City Engineer; and

WHEREAS, on October 9, 2002, one bid was received, opened and reviewed; and

WHEREAS, the Diamond Engineering Company, Inc. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$4,360; and

WHEREAS, the Diamond Engineering Company, Inc.' bid is less than the engineer's opinion of the cost of such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company, Inc. of Grand Island, Nebraska, in the amount of \$4,360 for Sidewalk District No. 1, 2002 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 October 22, 2002.

RaNae Edwards, City Clerk

Approved as to Form ¤ October 16, 2002 ¤ City Attorney



Tuesday, October 22, 2002 Council Session

Item G17

#2002-335 - Approving Bid Award for 2003 Model Track Loader for the Solid Waste Division, Public Works Department

The Solid Waste Division of the Public Works Department advertised for bids for one (1) 2003 Model Track Loader for use in Division operations on September 4, 2002. One bid was received by the Public Works Department, Solid Waste Division, and the Purchasing Division of the City Attorney's Office. The bid, submitted by Nebraska Machinery Company of Doniphan, Nebraska, was higher than the estimate for the Loader. At the October 8, 2002 Council meeting, Nebraska Machinery was declared the sole source provider for this equipment to allow the Solid Waste Division to negotiate with the company.

The Solid Waste Division has negotiated a price with Nebraska Machinery for the purchase of the Track Loader. The negotiated price of \$409,482.00 has been established. The price is below the budgeted number of \$410,000.00. It is recommended that the Council approve award of the bid to the Nebraska Machinery Company of Doniphan, Nebraska. There are sufficient funds in Account No. 50530043-85615 to purchase this equipment.

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

Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

| BID | OPENING DATE: | September 19, 2002 |
|-----|----------------------|--|
| | | ······································ |

FOR:

2003 Model Track Loader with Disposal Arrangement

DEPARTMENT:

Engineering Department

ENGINEER'S ESTIMATE: \$410,000.00

FUND/ACCOUNT: 50530043-85615/Machinery and Equipment

PUBLICATION DATE: September 4, 2002

NO. POTENTIAL BIDDERS:

SUMMARY

| Bidder: | <u>Nebraska Machinery Co.</u> | | |
|---------------|-------------------------------|--|--|
| | Doniphan, NE | | |
| Bid Security: | Fidelity and Deposit Company | | |
| Exceptions: | NOTED | | |

Bid Price: \$411,982.00 <u>-TI 76,000.00</u> \$335,982.00

 cc: Kevin McKennon, Supt. Of Solid Waste Division RaNae Edwards, City Clerk
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

WHEREAS, the City of Grand Island invited sealed bids for one 2003 Model Track Loader with Disposal Arrangement, according to plans and specifications on file with City Engineer; and

WHEREAS, on October 8, 2002, by Resolution 2002-322, authorization was given to pursue negotiations with Nebraska Machinery Co. of Doniphan, Nebraska, as the sole source contractor for the purchase of a 2003 model truck loader with disposal arrangement; and

WHEREAS, as a result of negotiations with Nebraska Machinery Co., the price of \$409,482 for such track loader has been agreed to by all parties; and

WHEREAS, the negotiated price is below the estimated price for such track loader.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of a 2003 model track loader with disposal arrangement from Nebraska Machinery Co. of Doniphan, Nebraska, in the negotiated amount of \$409,482 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

Approved as to Form ¤ October 16, 2002 ¤ City Attorney



Tuesday, October 22, 2002 Council Session

Item G18

#2002-336 - Approving Bid Award for Motor Grader for Street Division, Public Works Department

The Street and Transportation Division of the Public Works Department is replacing a 40 year old Motor Grader for use in Division operations. The Public Works Department, Street and Transportation Division, and the Purchasing Division of the City Attorney's office have reviewed the State of Nebraska specifications under contract number CA-5747. The state bid holder is Spreitzer, Inc. of Omaha, Nebraska for a Volvo motor grader in the amount of \$135,173.00.

The Fleet Services and Street Divisions of the Public Works Department recommend that Council authorize this purchase due to the benefits of having similar make and model of equipment to repair. As the City tends to keep motor graders in operation for 30-40 years, having another Volvo will allow Fleet Services to:

train for repairs on one machine; maintain one parts inventory due to interchangeability of parts; design accessories such as snow gates for one model of machine; and take preventative measures- if one machine has a breakdown, staff can make necessary changes to insure equipment is available in an emergency.

There are sufficient funds available in Account No. 10033501-85615, Street and Transportation Division Capital Outlay - Machinery and Equipment to purchase this equipment.

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

WHEREAS, the Street & Transportation Division of the Public Works Department is scheduled to replace a 40-year old motor grader during the 2002/2003 fiscal year; and

WHEREAS, said motor grader can be obtained from the State contract holder; and

WHEREAS, purchasing the motor grader from the State contract holder meets all statutory bidding requirements; and

WHEREAS, the funding for such vehicle is provided in their 2002/2003 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of one motor grader from the State contract holder, Spreitzer, Inc. of Omaha, Nebraska, for the amount of \$135,173 is hereby accepted and approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

October 16, 2002 ¤ City Attorney

¤

Approved as to Form



Tuesday, October 22, 2002 Council Session

Item G19

#2002-337 - Approving Receipt of Library Grant from the Bill & Melinda Gates Foundation

The Grand Island Public Library has applied for, and has received notice of grant award NE-98-68801-01-A in the amount of \$16,045.00 from the Bill & Melinda Gates Foundation for the purpose of expanding public access to computers and the Internet through the purchase of Gates Library computers, both standalone and content server, and related components, through Gateway, Inc. the manufacturer of these Gates Library computers. Approval of grant receipt is recommended.

Staff Contact: Steve Fosselman

BILL& MELINDA GATES foundation

GRANT AGREEMENT between the Bill & Melinda Gates Foundation and the Grand Island Public Library

Grant Number NE-98-68801-01-A

This Agreement is by and between the grantor, the Bill & Melinda Gates Foundation ("Foundation"), and the grantee, the Grand Island Public Library, a Governmental Agency, with respect to Grant Number NE-98-68801-01-A.

Purpose of the Grant

The purpose of this grant is to expand public access to computers and the Internet.

Terms and Conditions of the Agreement

The terms and conditions of this Agreement are as follows:

- 1) The total amount of the grant is \$16,045.00.
- The grant period shall be for a term commencing upon the execution of this Agreement and terminating on April 30, 2003.
- 3) The grantee agrees that the grant funds will be used in accordance with the budget attached to this Agreement. Also, the grantee agrees that the equipment specified in each attached budget is for the building identified and will not be moved to another facility.
- 4) All of the grant funds are to be used for, and only for, the purpose of the grant as described above. Internet connectivity is a requirement of the grant for the awarded equipment.
- 5) If there are any left over funds after the budgeted items have been purchased, they may be reallocated as long as the funds are spent for the purpose of the grant. Items for which these excess funds might be used include additional computers, accessories, supplies (such as toner cartridges and disks), software, and related books and training materials. In addition, the use of any reallocated funds is restricted to the specific library building(s) identified in the attached budget(s).
- 6) The grantee agrees to furnish periodic reports to the Foundation as to the expenditure of grant funds in accordance with the budget and a final report upon expiration of the grant period, or exhaustion of the grant funds, whichever first occurs.

Grant # NE-98-68801-01-A

- 7) The grantee agrees to keep its financial and other records so that they adequately show the use of the grant funds exclusively for the grant's purposes, and to make its books and records available to the Foundation at reasonable times.
- 8) The grantee agrees that records of receipts and expenditures under the grant, and copies of reports submitted to the Foundation, will be retained by the grantee for a period of at least four years following the completion of such receipts and expenditures, and will be provided to the Foundation upon its written request.
- 9) The grantee understands and agrees that if they purchase equipment other than that offered by the Foundation, they will not be eligible to receive the Foundation's training and technical assistance package.
- 10) The grantee agrees that in accepting these funds to enhance technology in the library and to help bridge the digital divide, that they also agree to being evaluated by the Foundation on their efforts with respect to at least the following: identifying their library system's outreach, sustainability, training and curriculum, networking, and efforts to bridge the digital divide.

The parties hereby agree to the terms and conditions of the grant as recited above.

Bill & Melinda Gates Foundation

Dated October 1, 2002

D. Craig Arnold

Director, U.S. Library Program

City of Grand Island Grand Island Public Library

Dated _____

Signature

Please Print Name

Please Print Title

Grant # NE-98-68801-01-A

WHEREAS, the City of Grand Island has been awarded funds from the Bill & Melinda Gates Foundation, Grant Number NE-98-68801-01-A to provide funds for the expansion of public access to computers and the internet; and

WHEREAS, the funds will be used for the purchase of Gates Library computers, both standalone and content server, and related components through Gateway, Inc., the manufacturer of the Gates Library computers; and

WHEREAS, the payment of \$16,045 in grant funding is contingent on the execution of a Grant Agreement between the Bill & Melinda Gates Foundation and the Grand Island Public Library; 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 Mayor is hereby authorized and directed to execute the Grant Agreement between the Bill & Melinda Gates Foundation and the Grand Island Public Library for the receipt of up to \$16,045 in funds for the expansion of public access to computer and the internet through the purchase of Gates Library computers, both standalone and content server, and related components through Gateway, Inc., the manufacturer of the Gates Library computers.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

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



Tuesday, October 22, 2002 Council Session

Item G20

#2002-338 - Approving Interlocal Agreement with Hall County to Transfer Funds from the General Fund to the Enhanced 911 Fund

As part of the City and County project to upgrade their Law Enforcement Records Management and Computer Aided Dispatch systems, the equipment in the Enhanced 911 Center (Center) also needed replacement and modification. The Center is not funded by the City or County, but through a 50 cent surcharge to users. An additional 50 cent surcharge had been budgeted to start 1/1/2002 and approved by the City council. However, the County did not get approval before the required deadline that the phone company needed for implementation. The new charge will be implemented January 1, 2003, but the phone company remits quarterly, so monies will not be available until April, 2003.

Meanwhile, work has continued on the project with the Police and Sheriff's department planned to go on line yet this year. The County has been paying vendors and needs to be reimbursed by the Center, which is short \$180,000. The City and County have each agreed to make equal loans to The Center of \$90,000 from their respective General Funds so that suppliers may be paid. This agreement details the loan and repayment terms. The City and County are to be repaid out of surcharge collections, \$50,000 by 7/31/03 and the balance by 7/31/04. Staff recommends approval.

Staff Contact: David Springer

INTERLOCAL AGREEMENT FOR THE PROVISION OF TEMPORARY FUNDS FOR THE PURCHASE OF ENHANCED 911 EQUIPMENT AND FACILITIES

THIS AGREEMENT MADE AND ENTERED INTO THIS ____ day of October, 2002, by the between the County of Hall, a body corporate and politic and a political subdivision of the State of Nebraska, hereinafter referred to as "County," and the City of Grand Island, Nebraska, a municipal corporation, hereinafter referred to as "City;" WITNESSETH:

WHEREAS the City and the County jointly operate and emergency communications center, hereinafter referred to as "Center," for the purposes of providing emergency dispatch services for local law enforcement, fire, ambulance and other emergency services; and

WHEREAS, the City and the County have each agreed to the acquisition by the Center of additional communications related goods, services and equipment to replace, upgrade, and improve the emergency communications system operated and or used by the Center; and

WHEREAS, the County has purchased communications and data equipment for the above-described purposes which expenditure should be paid out of the Center's Enhanced 911 funds; and

WHEREAS, the funds currently on hand in the Center's Enhanced 911 fund is insufficient to meet such expenditures and the County and City each have sufficient funds available to utilize for the payment of said expenditures and which should be repaid from 911 service surcharges imposed pursuant to law on each local exchange access line physically terminating in the County's and City's 911 service area.

WHEREFORE, based upon the mutual convenants set forth herein, the City and the County agree as follows:

- 1. **Purchase of Goods, Services, and Equipment**. The County has purchased and shall purchase such goods, services and equipment as required to replace, upgrade, and improve the emergency communications system operated and or used by the Center all as more fully described in the parties' "Interlocal Agreement For Law Enforcement Records Management and Computer Aided Dispatch by and between the County of Hall and the City of Grand Island."
- 2. **Deposits to the Enhanced 911 Fund**. Utilizing funds available to each of the parties, the County and the City shall each transfer the sum of \$90,000 to the Center's Enhanced 911 Fund prior to June 30, 2003 for the acquisition of the aforesaid goods, services, and equipment.
- 3. **Reimbursement of County**. The parties shall each take such action as is necessary, including the issuance of directives to the Center's management staff and City's finance department, so as to cause the sum of \$212,342.82 to be transferred from the Center's Enhanced 911 Fund and deposited to the County's General Fund on or before June 30, 2003

so as to reimburse the County for purchases made and to permit the County to issue payment for the acquisition of the above-described goods, services, and equipment.

4. **Repayment of Funds Advanced by County and City**. The parties shall each take such action as is necessary, including the issuance of directives to the Center's management staff, the City's finance department, and the County's Clerk and Treasurer, so as to cause the sum of \$90,000 to be repaid to the City and the sum of \$90,000 to be repaid to the County, said repayments to be made from the Center's Enhanced 911 funds pursuant to the following schedule:

On or prior to July 31, 2003 the sum of Fifty Thousand Dollars (\$50,000.00); On or prior to July 31, 2004 the sum of One Hundred Forty Thousand Dollars (\$130,000).

One-half of each such payment shall be transferred and paid to the City and one-half to the County. All City and County officers and employees, including the Center's management officials, are hereby authorized and directed to take such action as required to cause the aforesaid transfers and payments to occur as set forth herein.

- 5. **Termination** This agreement shall terminate upon the final and complete repayment of the above-described funds to the City and the County as set forth in Paragraph 4, above.
- 6. **Amendment**. Any amendment of this agreement shall be in writing and approved by the City and the County.
- 7. Effective Date. This agreement shall become effective upon the date last written below.

EXECUTED by the County this _____ day of _____, 2002.

County of Hall

by:____

Pamela Lancaster, Chairman Hall County Board of Supervisors

Attest:

Marla J. Conley, County Clerk

Approved as to form:

Jerom E. Janulewicz, Hall County Attorney

EXECUTED by the City this _____ day of ______, 2002.

City of Grand Island

by:_____

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk Approved as to form:

Dale Shotkoski, Assistant City Attorney

WHEREAS, the City of Grand Island (hereinafter "City") and the County of Hall (hereinafter "County") jointly operate an emergency communications center (hereinafter "Center") for the purposes of providing emergency dispatch services for local law enforcement, fire, ambulance and other emergency services; and

WHEREAS, the City and County have agreed to the acquisition of additional communications related goods, services and equipment to replace, upgrade and improve the emergency communications system operated and/or used by the Center; and

WHEREAS, the County has purchased communications and data equipment for the abovedescribed purposes, which expenditure should be paid out of the Center's Enhanced 911 funds; and

WHEREAS, the funds currently on hand in the Center's Enhanced 911 fund are insufficient to meet such expenditures and the County and City each have sufficient funds available to utilize for the payment of said expenditures and which should be repaid from 911 service surcharges imposed pursuant to law on each local exchange access line physically terminating in the County's and City's 911 service area; and

WHEREAS, an Interlocal Agreement has been prepared outlining the purchase of equipment, the funding for such equipment, and the repayment of such funding to the Center's Enhanced 911 fund; 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 Interlocal Agreement for the Provision of Temporary Funds for the Purchase of Enhanced 911 Equipment and Facilities by and between the City of Grand Island and the County of Hall is hereby approved in accordance with the terms of the agreement.

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

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Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

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



Tuesday, October 22, 2002 Council Session

Item G21

#2002-339 - Approving Installation of Stop Signs on Charles Street at Cedar Street

Council action is required for the installation of stop signs. Property owners near the intersection of Charles Street and Cedar Street have requested that the intersection be marked as a four-way stop due to the volume of traffic received from Locust Street in the evening hours.

We believe the intersection was originally marked as a two way stop when Charles Street was a direct route to the former St. Francis Hospital. Since the hospital is no longer located along this street, the need for straight access to the building has changed. The Public Works Department conducted traffic counts at the intersection and found that the highest traffic volumes occurred in the late evening and on weekend nights. Most of this traffic appears to be recreational, as drivers northbound on Locust Street use Charles Street as a turn around location to head back south to Locust Street. The Police Department and Public Works Department feel the installation of east and westbound stop signs on Charles would improve the safety of the intersection. It is recommended that Council pass a Resolution for the installation of stop signs for eastbound and westbound traffic on Charles Street at Cedar Street. Costs for the stop sign and the installation would be minimal.

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

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

WHEREAS, property owners in the area of Charles Street and Cedar Street have requested the implementation of a 4-way stop to improve safety at the intersection;

WHEREAS, stop signs currently exist on Cedar Street where it intersects with Charles Street requiring north/south bound traffic to stop prior to entering said intersection; and

WHEREAS, after a review of the traffic flow of the intersection, it was recommended that stop signs by installed on Charles Street at Cedar Street to require all east/west bound traffic to stop prior to entering the intersection; and

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

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

- 1. Stop signs be installed on Charles Street where it intersects with Cedar Street, which will result in all traffic being required to stop prior to entering such intersection.
- 2. The Street Department is hereby directed to install such signs and lights to regulate traffic as outlined above.

Adopted by the City Council of the City of Grand Island, Nebraska on October 22, 2002.

RaNae Edwards, City Clerk

| Approved as to For | ? | | |
|--------------------|---|---------------|--|
| October 16, 2002 | ? | City Attorney | |



Tuesday, October 22, 2002 Council Session

Item H1

Request of Central Nebraska Humane Society to Use Stolley Park for the Month of December 2003 for a Christmas Lighting Display Fundraising Event

The Central Nebraska Humane Society is interested in securing the use of the roadway area of Stolley Park, during the month of December 2003. The Society is interested in using the area for a fund raising activity that would include charging vehicles to drive through the park during the evening hours to view Christmas lights and displays provided by the Society.

Representatives of the Society will be on hand to detail the request.

A MOTION is in order. Staff Contact: Steve Paustian



Tuesday, October 22, 2002 Council Session

Item J1

Payment of Claims for the Period of October 9, 2002 through October 22, 2002

The Claims for the period of October 9, 2002 through October 22, 2002 for a total amount of \$4,222,552.33. A MOTION is in order.

Staff Contact: RaNae Edwards