
City of Grand Island



Tuesday, March 23, 2004

Council Session Packet

City Council:

Carole Cornelius
Peg Gilbert
Joyce Haase
Margaret Hornady
Robert Meyer
Mitchell Nickerson
Don Pauly
Jackie Pielstick
Scott Walker
Fred Whitesides

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

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

Call to Order

**Pledge of Allegiance /Invocation - Pastor Cheryl Lamb, First Presbyterian Church,
2103 West Anna 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.

MAYOR COMMUNICATION

This is an opportunity for the Mayor to comment on current events, activities, and issues of interest to the community.



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item C1

Proclamation "Irene Abernethy Day" March 28, 2004

Recognizing outstanding achievement and service to the community has always been the desire of the city of Grand Island. The Mayor would like to recognize Irene Abernathy for the many accomplishments and contributions made to our community. Her years of service, lifetime and ongoing devotion to Grand Island and her long standing reputation for common sense, integrity, high ethical standards, and hard work are being recognized by proclaiming Sunday, March 28, 2004 as "Irene Abernathy Day". We encourage all citizens to be equally involved in their community. See attached PROCLAMATION.

Staff Contact: Mayor Vavricek

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

PROCLAMATION

- WHEREAS, it's the desire of the city of Grand Island to always recognize outstanding achievement and service to the community by its citizens; and
- WHEREAS, Irene Abernathy has enjoyed an exemplary lifetime of unparalleled service to Grand Island; and
- WHEREAS, Irene has been a pioneer as a student, an educator, a community volunteer, and a public official and supported passions from sports, youth activities, music travel and education; and
- WHEREAS, she has been the recipient of numerous awards and honors, and given tirelessly and unselfishly to local government and contributed significantly to organizations; and
- WHEREAS, she was the first woman to be elected to the Hall County Board of Supervisors, the first woman to serve as its chair of the board, the first female president of the Nebraska Association of County Officials, was selected as the Hastings College Outstanding Alumna for 1996, served on the Grand Island School Board, named a Woman of Achievement, the Outstanding Community Service Award, Woman of the Year, the YMCA Family of the Year, and more things than can be enumerated in this proclamation and beyond reproach from many to ever achieve; and
- WHEREAS, in addition to being a devoted wife and mother, the City of Grand Island recognizes her lifetime and ongoing devotion to Grand Island and her long standing reputation for common sense, integrity, high ethical standards and hard work, and is an example to others that life is not measured by years of service, but what each of us chooses to do with the time we enjoy on this earth.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska,
do hereby proclaim Sunday, March 28, 2004 as

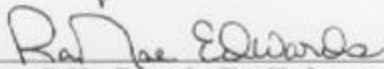
"IRENE ABERNATHY DAY"

in the City of Grand Island, and encourage all citizens to be
equally involved in their community.

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-third day of
March in the year of our Lord Two Thousand and Four.


Jay Vavricek, Mayor

Attest:


RaNae Edwards, City Clerk





City of Grand Island

Tuesday, March 23, 2004

Council Session

Item C2

Proclamation "Child Abuse Prevention Month" April 2004

Because all children deserve love, comfortable homes, and tender care from parents and adults who make them feel safe, happy and loved and because many children were involved in substantiated cases of abuse and neglect in 2003, and because the effects of child abuse are felt by whole communities and need to be addressed by the entire community, the Mayor has proclaimed the month of April, 2004 as "Child Abuse Prevention Month". In conjunction with the Blue Ribbon Campaign, every child should be valued, safe, and healthy and deserves a Blue Ribbon. Cathy Vega representing the Association for Child Abuse Prevention (ACAP) will be present to receive the proclamation. See attached PROCLAMATION.

Staff Contact: RaNae Edwards

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

PROCLAMATION

- WHEREAS, a total of 1,434 child abuse and neglect cases were investigated and a total of 251 cases were substantiated through the Grand Island Regional Nebraska Health and Human Services System and law enforcement in Hall, Hamilton, Merrick and Howard Counties in 2002; and
- WHEREAS, the effects of child abuse are felt by whole communities and must be addressed by the entire community; and
- WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies and the business community; and
- WHEREAS, all citizens should become more aware of child abuse and its prevention within the community and become involved in supporting parents to ensure their children are valued, safe and healthy.


NOW, THEREFORE, I, Jay Vavricek, Mayor of Grand Island, Nebraska, do hereby proclaim the month of April, 2004 as

"Child Abuse Prevention Month"

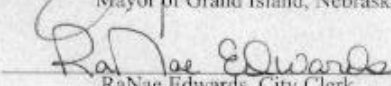
in the City of Grand Island and call upon all citizens to accept their responsibility for reporting and preventing child abuse and to wear a Blue Ribbon to show that it shouldn't hurt to be a child. Remembering that, every child should be valued, safe and healthy and deserves a Blue Ribbon.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this 23rd day of March in the year of our Lord Two Thousand and Four.





Mayor of Grand Island, Nebraska



RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item C3

Proclamation "Minority Health Month" April 2004

Minority populations are more likely than Caucasians to die from cancer, cardiovascular disease and stroke, chemical dependency, diabetes, infant mortality, violence, and AIDS. They continue to face disparities in obtaining access to health care. The Mayor has proclaimed the month of April as "Minority Health Month" and encourages all citizens to support health promotion and disease prevention initiatives for our minority populations. See attached PROCLAMATION.

Staff Contact: RaNae Edwards

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

PROCLAMATION

WHEREAS, over the past 50 years, the United States has achieved significant increases in life expectancy and reductions in the incidence of injury, disability, and disease; and

WHEREAS, despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of physical and mental illness, injury and death experienced by African Americans, Hispanic Americans, Native Americans, Alaska Natives, and Asian and Pacific Islanders compared to the United States population as a whole; and

WHEREAS, public health succeeds by identifying and addressing patterns of disease, illness, and injury in populations; and

WHEREAS, minority populations face substantial cultural, social, geographic and economic barriers in obtaining access to health care; and

WHEREAS, the National Public Health Week theme for 2004 – Eliminating Health Disparities: Communities Moving from Statistics to Solutions – seeks to educate Americans about disparities in our health and highlight community programs that have been successful at eliminating and reducing health disparities; and

WHEREAS, these disparities impact our community as a whole; and

WHEREAS, Nebraska is committed to obtaining that goal.

NOW, THEREFORE, I, Jay Vavricek, Mayor of Grand Island, Nebraska, do hereby proclaim the month of April, 2004, as

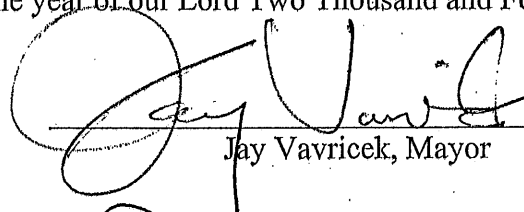
***“MINORITY PUBLIC
HEALTH MONTH”***

and the week of April 5-11, 2004 as

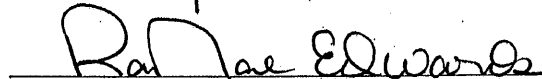
“PUBLIC HEALTH WEEK”

in Grand Island, Nebraska and do hereby urge all citizens to take due note of the observance.

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


Jay Vavricek, Mayor

Attest:


RaNae Edwards, City Clerk





City of Grand Island

Tuesday, March 23, 2004

Council Session

Item C4

Presentation by Shonsey & Associates for FY 2003 City Single Audit and General Purpose Financial Statements

*Terry Galloway and Marcy Luth of Shonsey & Associates will present the City Single Audit
and General Purpose Financial Statements for Fiscal Year 2003.*

Staff Contact: David Springer

Council Agenda Memo

From: Paul Mueller, Controller

Meeting: March 23, 2004

Subject: Audit of the City's Financial Statements for the Year ended September 30, 2003

Item #'s: C-4

Presenter(s): Terry Galloway of Shonsey & Associates

Background

The City of Grand Island has an annual audit of the City's financial statements completed following the Government Auditing Standards (GASB). The audit of the financial statements for the year ended September 30, 2003 is the first audit for the City under GASB 34.

Discussion

The audited financial statements for the year ended September 30, 2003 are significantly different from prior years. The significant changes are: (1) Management's Discussion & Analysis is included before the financial statements discussing significant financial activity; (2) The statement of net assets is a new statement to disclose the City's financial position and net assets for governmental and business type activities; (3) Infrastructure is now included in the governmental funds as a capital asset (4) The statement of activities replaces the statement of changes in fund balance and concentrates on program revenues and expenses; (5) There are numerous additional note disclosures. (6) Future years will include comparable amounts from the prior year.



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E1

**Public Hearing on Acquisition of Property at 1209 - 1219 W. North
Front Street - Utilities Department**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Doug Walker, City Attorney

Meeting: March 23, 2004

Subject: Property Acquisition: 1209 - 1219 W. North Front Street

Item #'s: E-1 & G-6

Presenter(s): Gary R. Mader, Utilities Director

Background

The Electric Department, Line Division and Underground offices, shops and storage facilities are located in the 1100 block of West North Front Street. The current buildings were first built over 35 years ago. As the City has grown, so have the Utility's electric distribution divisions. 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 located at 1209 – 1219 W. North Front and is generally referred to as the old Thompson Building.

Discussion

The Thompson Building warehouse facility is just west of the Line Division block on the opposite (south) side of North Front Street and immediately adjacent to the west side of the City Shop-Garage.

This building is planned to be used to provide covered storage for equipment and materials used by the Line and Underground Distribution Crews into the future. The location is convenient to the existing Electric Department facilities in the area, and close to the Public Works Department shops. And while it is not a particularly attractive

structure, its' previous use as a warehouse provides high ceilings and relatively open architecture, suitable for storage of the large materials and construction equipment used for power system construction.

Utilities and Legal staff have met with the owner's representative and negotiated a proposed purchase price of \$350,000. The original asking price was \$395,000. In 2003, the Utilities Department commissioned an appraisal of the property which set a market value of \$430,000. The taxable value from the Hall County Assessor's Office is \$334,757. A proposed Purchase Agreement is attached.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the purchase of the property.
2. Deny the purchase of the property.
3. Direct a revised purchase price offer.
4. Modify the Purchase Agreement to meet the wishes of the Council.

Recommendation

City Administration recommends that the Council approve the purchase of the property at 1209 – 1219 West North Front Street and that the Mayor be authorized to execute the Purchase Agreement for the property.

Sample Motion

Approve the purchase of the property at 1209 – 1219 West North Front Street and authorizing the Mayor to execute the Purchase Agreement for that property.



Da-Ly Realty
2514 South Locust St.
Grand Island, NE 68801
Phone: 308-384-1101, Fax: 308-384-9647



THIS IS A LEGALLY BINDING AGREEMENT, IF NOT UNDERSTOOD, SEEK LEGAL ADVICE
 The REALTOR® negotiating this agreement is a member of the Nebraska REALTORS® Association
 And as such is governed by its Code of Ethics and Rules and Regulations.

**COMMERCIAL
 PURCHASE AGREEMENT**

Da-Ly Realty, 2514 S. Locust Street, Grand Island, NE 68801
 (firm and address)

16 March, 2004
 (date)

The undersigned, as Buyer, agrees to purchase the following property on the following terms:

Address:

1212 W. North Front Street, Grand Island, NE 68801

Legal Description:

Lots One (1), Two (2), Three (3) and Four (4) in Block Five (5), Arnold and Abbott's Addition to the City of Grand Island, Hall County, Nebraska, together with the easterly Forty Feet (40') of Vacated Adams Street, in the City of Grand Island, Hall County, Nebraska; and Improvement on Leased Land described as an 8,180 square foot tract of land with dimensions of Fifty Feet (50') by One Hundred Sixty-two Feet (162') adjacent to the south side of a portion of Lots One (1) and Two (2) of Block Five (5), Arnold and Abbott's Addition to the city of Grand Island, Hall County, Nebraska on the Union Pacific Railroad Right-of-Way as shown on "Exhibit A," attached hereto and incorporated herein by reference.

(Property) including all fixtures and equipment permanently attached to Property owned by Seller provided Seller has a marketable title in fee simple.
 The only personal property included as follows:

Buyer shall be furnished a current title insurance commitment before closing and a title insurance policy insuring marketability. The cost of title insurance issued for this sale shall be paid as follows:

split equally

Buyer agrees that should a valid title defect exist, Seller has a reasonable time to correct said defect not to exceed 30 days from the date of the title commitment. If the title defects are not cured within such time period, Buyer may declare this agreement null and void, and the earnest money shall be refunded. Seller agrees to convey to Buyer by warranty deed or equivalent

free and clear of all liens and encumbrances except none

and subject to all easements and restrictions or covenants now of record. Special assessments for items such as paving, curbing, sidewalk or utilities previously constructed, now under construction, or ordered to be constructed by public authority, levied, assessed or not yet assessed as of the date of this agreement shall be ☒ paid by Seller ☐ assumed by Buyer. The documentary stamp tax shall be paid by Seller.

Personal Property. ☐ If checked, the purchase price includes all furniture and furnishings and any other personal property owned by Seller and used in the operation of the property per attached signed inventory, receipt of which is hereby acknowledged. The inventory is hereby made an integral part of this agreement upon its execution by both parties. Said personal property is to be transferred by Bill of Sale in favor of Buyer at closing.

Price. Buyer agrees to pay \$ 350,000.00 on the following terms: an earnest money deposit of \$ 5,000.00 at this time as shown by the receipt herein. If paid by check, it will be cashed. The earnest money will be transferred to the listing broker on acceptance, if the selling broker is other than the listing broker. All monies shall be deposited in a trust account, to be held until the time of closing or until transferred to an escrow agent by agreement of Buyer and Seller; balance to be paid as shown in the following Paragraph(s) # A :

#1 All Cash: Balance shall be paid in cash, or by certified or cashier's check at time of delivery of deed, no financing being required.

#2 Conditional Upon Loan: Balance of \$ N/A shall be paid in cash, or certified or cashier's check at time of delivery of deed, contingent upon Buyer's ability to obtain a loan, to be secured by first mortgage or deed of trust, on above described Property in the amount of \$ N/A on the following terms: initial interest not exceeding N/A % per annum; amortized over not less than N/A years; points not to exceed N/A. Loan origination or service fees shall be paid by Buyer. Buyer agrees to make application for the loan within

N/A days of acceptance of this offer, sign all papers, pay all costs, except as provided herein, and to establish escrow reserves for taxes and insurance if required by Lender. If processing of the application has not been completed by the closing date stated elsewhere in this Agreement, such time limit shall be automatically extended until the lending agency has, in the normal course of its business, advised either approval or rejection. Seller may cancel this agreement any time after N/A unless Buyer shall have previously provided to Seller a copy of Buyer's written, non-contingent loan approval from a regulated lender.

#3 Other Provisions:

1. Buyer understands that Seller has negotiated, received, and paid in full a 20-year lease agreement with the Union Pacific Railroad for improvements that are on RR property. Seller will work with the buyer's representative and the railroad to obtain a revised lease agreement whereby the RR will permit the City of Grand Island to assume this lease. If seller cannot successfully obtain a revised lease agreement from the RR, this contract shall be deemed void and all earnest monies returned to buyer.
2. A survey is to be done to verify the exact boundaries per the legal description and how the building sits on the lots. Cost of the survey to be split equally. If total cost of a survey exceeds \$1,000.00, buyer will pay the amount over and above. A survey will be ordered by Buyer within 10 days of acceptance of this contract.
3. If the survey indicates that the improvements are not completely located within the boundaries of this

PREPARED BY AGENT: Jackie Beltzer, Sales Associate

Commercial Purchase Agreement, Nebraska REALTORS® Association
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Buyer(s) _____

03/16/04 11:41:06

Seller(s) _____

Page 1 of 5

- property as set forth in the legal description above, then buyer may cancel this agreement and all earnest monies be returned to buyer.
4. Seller had a Phase I environmental assessment done on the property in October, 1995, and will provide a copy of this study to Buyer. If Buyer chooses to obtain a Phase I and II study as well as an inspection to determine if there is asbestos or other hazardous materials, this will be at buyer's expense. Buyer desires to verify that there are no potential issues of pollution or brown field liability on the premises. If pollution, brown field, asbestos or other hazardous materials become evident on this property or if pollution on adjacent property will affect this real estate, buyer may cancel this agreement and all earnest monies be returned to buyer.
 5. Purchase is subject to approval of the Grand Island City Council.
 6. Buyer requests an August 1, 2004 close date in order to accomplish the necessary studies and/or inspections.

#4 Addendum: The attached addenda shall be made a part of the Purchase Agreement. (List Addenda)

Consent to Dual Agency

(Seller /) (Buyer /)

Real Estate Taxes/Prorations: Seller shall pay all taxes to and including 2003. Taxes for the calendar year 2004, together with interest, rents, prepaid services, and other expenses of the property, if any, shall be prorated to the date of possession/closing. Taxes shall be prorated on the basis of the county assessor's valuation at the date of closing and the most recently certified mill levy.

Compliance with Law: Seller shall comply with any federal, state or local law applicable to the sale or transfer of the property, including but not limited to installing smoke detectors or providing inspections.

Maintenance/Repairs/Replacements, Cost to Seller: Seller agrees to maintain the property in its condition on the date hereof until initial delivery of possession which maintenance shall include, but not be limited to, the building, the heating, air conditioning, water heater, sewer, plumbing, electrical system, any appliances and the lawn.

Insects: ☒ If checked, Buyer requests a termite and wood destroying insect inspection of the property and all buildings thereon at Buyer's expense. Should evidence of termites or wood destroying insects be found, the property shall be treated at Seller's expense. Buyer agrees to accept the treated property. If visible evidence of previously treated infestation, which is now inactive, is found, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense. However, if the cost required for repairs exceeds 1% of the purchase price, either Seller or Buyer may rescind this agreement.

Liability Limit: Except for the costs required by the preceding three paragraphs, Seller's total liability for any costs for maintenance, repairs or replacements required by terms of this agreement or by Buyer's lender, shall not exceed \$0. Should maintenance, repairs or replacement exceed the stated amount Seller may elect to pay the cost in excess of such amount. If Seller does not, Buyer may elect to take the Property without the repairs or maintenance and such amount (the full limit) shall be a credit to the purchase price. Otherwise, either party may rescind this agreement.

Inspections: Unless otherwise provided specifically in this agreement, Buyer, or any designee, at Buyer's expense (or as otherwise agreed), shall have the right to any inspections desired of the real estate and personal property to be sold hereunder on or before See #3 Other Provisions which is the inspection deadline. Buyer shall have 30 calendar days after the inspection deadline to give notice to the Seller of any unsatisfactory conditions of the property (the "rescission deadline"). If the Buyer fails to notify the Seller of an unsatisfactory condition Buyer agrees to accept the property in its condition on the inspection deadline. If such a notice is received by the Seller as set forth above, this agreement shall terminate on August 01, 2004, the settlement deadline, unless Seller and Buyer have agreed to a settlement in writing or Buyer has waived such condition in writing.

Access to Property: Seller shall provide reasonable access to Buyer, his inspectors or agents to timely fulfill this agreement and to representatives of Buyer's Lender to accommodate financing.

Condition of Property: Seller represents (1) that to the best of Seller's knowledge, there are no defects in the property that are not readily ascertainable and which significantly affect the desirability or value of the property, or which the Seller has not disclosed to Buyer in writing dated N/A and (2) that Seller has no notice of violations of any local state or federal laws, rules and regulations relating to the property. ☐ If checked, a disclosure is attached.

Risk of Loss: Risk of loss or damage to Property, prior to closing date, shall be the responsibility of Seller. If, prior to closing, the Property is materially damaged by fire, explosion or any other cause, Buyer shall have the right: i) to require the premises to be restored to the condition at execution hereof; ii) to adjust the price to the value subject to the damage; or, iii) to rescind this agreement.

Possession and Closing: Closing of the sale shall be on August 1, 2004, or within days after loan approval, whichever shall last occur. Possession of Property shall be given on date of closing but not before closing. This agreement shall in no manner be construed to convey Property or to give any right of possession. Buyer shall have the right to make a final inspection of Property prior to closing to ascertain that all conditions of this agreement have been met. Time is of the essence in this agreement.

Escrow Closing: Buyer and Seller agree that the closing of the sale may be handled by an escrow agent. If so, the listing broker is authorized to transfer to the escrow agent the earnest money, other trust funds received by the listing broker and all documents and other items received by the listing broker in connection with the sale. After the transfer, the listing broker shall have no further responsibility or liability to Buyer or Seller to account for funds or preparation of documents in connection with the closing of the sale. Escrow agent will not be required to disburse funds or deliver or record any documents until it has received certified funds or other good, sufficient and collected funds, and all conditions, terms and provisions of this agreement have been satisfied, performed and met.

Closing charges shall be paid as follows:

split equally

(Seller /) (Buyer /)

Rescission, Termination or Default: If Buyer fails to consummate this purchase according to the terms of this agreement, Seller may, at Seller's option, retain the earnest money as liquidated damages for such failure, or utilize such other legal remedies as are available to Seller by reason of such failure. If this agreement is rescinded or terminated by either party without fault as allowed hereby, each party shall bear his or her costs and the earnest money shall be refunded.

F.I.R.P.T.A. (Foreign Investment and Real Property Tax Act) The foreign investment and Real Property Tax Act requires a Buyer of real property to withhold ten percent (10%) of the sale price and to deposit that amount with the Internal Revenue Service upon closing, if the Seller is a

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Commercial Purchase Agreement, Nebraska REALTORS® Association

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Buyer(s)

03/16/04 11:41:36

Seller(s)

Page 2 of 5

foreign person, foreign corporation or partnership, or non-resident alien, unless the property qualifies for an exemption under the act. Unless it is established that the transaction is exempt because the purchase price is \$300,000 or less and the Buyer intends to use the property as his primary residence, Seller agrees to: (a) Provide Broker with a Non-Foreign Seller Affidavit (PPC Form 101-V) stating under penalty of perjury that Seller is not a foreign person; or (b) Provide Broker with a Certificate from the Internal Revenue Service establishing that no federal income tax withholding is required; or (c) Subparagraphs (a) or (b) to be provided to Buyer within 15 days of acceptance or Seller consents to withholding ten percent (10%) from the sale proceeds, to be deposited with the Internal Revenue Service.

Tax Deferred Exchange. In the event the Seller wishes to enter into a tax deferred exchange for the real property described herein, or if Buyer wishes to enter into a tax deferred exchange with respect to property owned by him in connection with this transaction, each of the parties agrees to cooperate with the other party in connection with such exchange, including the execution of such documents as may be reasonably necessary to effectuate the same. Provided that: (a) The other party shall not be obligated to delay the closing. (b) All additional costs in connection with the exchange should be borne by the party requesting the exchange, and (c) The other party shall not be obligated to execute any note, contract, deed, or other document providing for any personal liability which would survive the exchange, nor shall the other party be obligated to take title to any property other than the property described in this agreement. The other party shall be indemnified and held harmless against any liability which arises or is claimed to have arisen on account of the acquisition of the exchange property.

Rights of Persons in Possession. ☐ If checked, this property is sold subject to the rights of persons in possession. Rents shall be prorated to date of closing. Security deposits, advance rentals or considerations involving future lease credits shall be credited to Buyer. Buyer acknowledges that trade fixtures located in the premises may belong to tenants and may be removed upon the conclusion of the tenancy. ☐ If checked, purchase is subject to Buyer's inspection and approval of the leases which shall be treated as an inspection above. Promptly after execution hereof, Seller shall provide Buyer with copies of all leases and rental agreements, notices to or from tenants, claims made to or by tenants, a statement of rents owing and damage or security deposits held and a summary of all oral agreements with tenants which affect the operation or ownership of the premises. Seller shall warrant the foregoing disclosures as true and correct. Seller agrees that no changes in the existing leases or rental agreements shall be made nor new leases or rental agreements entered into nor shall any substantial repairs or alterations be commenced without the express written consent of the Buyer. Buyer's obligations hereunder are conditioned upon receipt at closing of an estoppel certificate from each tenant acknowledging that the lease or rental agreement is in effect, that no lessor default exists, and stating the amount of any prepaid rent or deposits.

Income/Expense. ☐ If checked, the purchase is subject to Buyer's inspection and approval of the operating statement of the premises. Promptly after execution hereof Seller shall provide a statement of rental income and expenses for the premises which Seller shall warrant as true and correct. Such inspection shall be treated as an inspection above.

Service Contracts. Seller agrees to provide to Buyer a copy of any service and/or equipment contracts with respect to the property which extend beyond closing. Buyer agrees to assume such contracts.

Environmental. ☐ If checked, the purchase is contingent upon the satisfactory environmental quality of the Property. On or before the inspection deadline, Buyer may request a Phase I environmental review at its expense which shall be promptly ordered. If the results raise a question of environmental quality, Buyer may request further study and delay closing as necessary, accept the property as is or rescind the agreement. If further study is requested, Buyer shall have ten days after receipt of the study results to accept the property as is or rescind this agreement. Copies of all requests for environmental investigation and the results thereof shall be provided to both Buyer and Seller. If the environmental investigation is not completed by August 1, 2004 either party may rescind this agreement.

Use. ☒ If checked, Buyer intends to use the premises for a specific purpose. Buyer may rescind this agreement on or before the rescission deadline if Buyer determines that zoning or land use restriction prohibits such intended use. The purpose is as follows:
for City Utilities Department

Acceptance Date: This offer is null and void if not accepted by Seller on or before March 11, 2004 at 3 o'clock P.M.

Counterparts: This agreement may be executed in one or more counterparts, each of which is deemed to be an original hereof, and all of which shall together constitute one and the same instrument.

Fax Transmission: The facsimile transmission of a signed copy hereof or any counter offer to the other party or his/her agent followed by faxed acknowledgment of receipt, shall constitute delivery of said signed document. The parties agree to confirm such delivery by mailing or personally delivering a signed copy to the other party or his/her agent.

Entire Agreement: This document contains the entire agreement of the parties and supercedes all prior agreements or representations oral or written with respect to the Property which are not expressly set forth herein or incorporated herein by reference. This agreement may be modified only by a writing signed and dated by both parties. All express representations and Warranties shall survive closing. Both parties acknowledge that they have not relied on any statements of the real estate agent or broker which are not herein expressed except

City of Grand Island
100 East First Street, Grand Island, NE 68801
Bus.#: 308-385-5444 ext 130 Fax #: 308-385-5427

BUYER _____ DATE _____
By: Mayor Jay Vavricek

BUYERS' limited agent is Jackie Beltzer [agent] of Da-Ly Realty [company]

NAMES FOR DEED: _____

RECEIPT FOR EARNED MONEY

RECEIVED FROM: _____ \$ 5,000.00 (by check) to apply

PREPARED BY AGENT: Jackie Beltzer, Sales Associate
Commercial Purchase Agreement, Nebraska REALTORS® Association
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Seller(s) _____ Page 3 of 5

to the purchase price of Property on terms and conditions as stated. In the event this offer is not accepted by the Seller of the Property within the time specified, or if there are any defects in the title which cannot be cured as specified above, the Deposit shall be refunded.

Da-Ly Realty REALTOR® By: _____

ACCEPTANCE

Seller accepts this agreement on the terms stated and agrees to convey title to Property, deliver possession, and perform all the terms and conditions set forth.

TOBA, Inc.
2636 W. Stolley Park Rd, P.O. Box 1466, Grand Island, NE 68802-1466
Bus. #: 308-382-6501 Fax #: 308-382-1813

SELLER _____ DATE _____
By: Anthony Wald

SELLER _____ DATE _____
Gene M. Reab
2617 Lakewood Drive, Grand Island, NE 68801
Home #: 308-384-0826

SELLER _____ DATE _____
Ellenor K. Reab
2617 Lakewood Drive, Grand Island, NE 68801
Home #: 308-384-0826

SELLERS' limited agent is Jackie Beltzer [agent] of Da-Ly Realty [company]

STATE OF NEBRASKA)
COUNTY OF _____) ss

STATE OF NEBRASKA)
COUNTY OF _____) ss

The foregoing purchase agreement was acknowledged
before me on _____

The foregoing purchase agreement was acknowledged
before me on _____

_____ by _____

_____ by _____

Notary Public
Commission Expires _____

Notary Public
Commission Expires _____

RECEIPTS FOR FULLY EXECUTED PURCHASE AGREEMENT

Buyer acknowledges receipt of executed copy of this agreement.

City of Grand Island
BUYER _____ DATE _____
By: Mayor Jay Vavricek

Seller acknowledges receipt of executed copy of this agreement.

TORA, Inc.
SELLER _____ DATE _____
By: Anthony Wald
SELLER _____ DATE _____
Gene M. Reab
SELLER _____ DATE _____
Ellenor K. Reab



Da-Ly Realty
2514 South Locust St.
Grand Island, NE 68801
Phone: 308-384-1101, Fax: 308-384-9647



Instructions: This form should be used at the start of a dual agency situation;
for instance, you discuss one of your listings with a buyer you represent.

This is a legally binding agreement. If not understood, seek legal advice.
Professional Service Fees and Agreement Terms are not regulated by law.

The REALTOR® negotiating this agreement is a member of the
Nebraska REALTORS® Association and as such is governed by its
Code of Ethics and Rules and Regulations.

CONSENT TO DUAL AGENCY

Jackie Beltzer (REALTOR®) of Da-Ly Realty (company)
has a written brokerage agreement with Seller to sell the real estate located at
1219 W. North Front Street, Grand Island, NE 68801
and the Seller previously consented to the REALTOR® acting as a dual agent. REALTOR® has a written or statutory non-written brokerage agreement
with Buyer and the Buyer has consented to REALTOR® acting as a dual agent.

Buyer and Seller agree that:

1. **Dual Agency.** REALTOR® shall act as a Dual Agent for the sale of the described property, pursuant to Nebraska Statute. The REALTOR® as a Dual Agent shall be a limited agent for both the Seller and Buyer and shall have the duties and obligations required of a Seller's Agent and those duties and obligations required of a Buyer's Agent. In a leasing situation, Seller's agent when used herein means Landlord's Agent and Buyer's agent when used herein means Tenant's Agent.
2. **Duties and Obligations of a Seller's Agent.** A REALTOR® representing a Seller as a Seller's Agent shall be a limited agent with the following duties and obligations:
 - (a) To perform the terms of any written agreement made with the client;
 - (b) To exercise reasonable skill and care for the client;
 - (c) To promote the interest of Seller with the utmost good faith, loyalty and fidelity including:
 - (i) Seeking the price and terms which are acceptable to Seller except that REALTOR® shall not be obligated to seek additional offers to purchase the Property while the Property is subject to a contract for sale or to seek additional offers to lease the Property while the Property is subject to a lease or letter of intent to lease.
 - (ii) Presenting all written offers to and from Seller in a timely manner regardless of whether the Property is subject to a contract for sale or lease or letter of intent to lease;
 - (iii) Disclosing in writing to Seller and the clients all adverse material facts actually known by REALTOR®; and
 - (iv) Advising Seller to obtain expert advice as to material matters of that which REALTOR® knows but the specifics of which are beyond the expertise of REALTOR®;
 - (d) To account in a timely manner for all money and property received;
 - (e) To comply with all requirements of Neb. Rev. Stat. Sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated pursuant to such sections or act; and
 - (f) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations.
3. **Duties and Obligations of a Buyer's Agent.** A REALTOR® representing a Buyer as Buyer's Agent shall be a limited agent with the following duties and obligations:
 - (a) To perform the terms of any written agreement made with the client;
 - (b) To exercise reasonable skill and care for the client;
 - (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including:
 - (i) Seeking a price and terms which are acceptable to the client, except that the REALTOR® shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease;
 - (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease;
 - (iii) Disclosing in writing to the client adverse material facts actually known by the REALTOR®; and
 - (iv) Advising the client to obtain expert advice as to material matters about which the REALTOR® knows but the specifics of which are beyond the expertise of the REALTOR®;
 - (d) To account in a timely manner for all money and property received;
 - (e) To comply with all requirements of Neb. Rev. Stat. Sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated pursuant to such sections or act; and
 - (f) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations.
4. **Disclosure of information.** A dual agent may disclose to one client any information that is gained from the other if the information is relevant to the transaction, provided, however, confidential information will not be disclosed unless the disclosure of such information is required by statute, rule or regulation or the failure to disclose such information would constitute fraudulent misrepresentation. Confidential information is information made confidential by statute, rule, regulation, or written instructions from the client unless that information is made public by the acts of such client or another source. In addition, the following information cannot be disclosed without written consent of the client to whom the information pertains which consent is indicated by initialing the box following:

PREPARED BY AGENT: Jackie Beltzer, Sales Associate

Consent To Dual Agency - Nebraska REALTORS® Association

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Buyer(s) _____ 03/16/04 11:55:03

Seller(s) _____ Page 1 of 2

- (a) That a buyer or tenant is willing to pay more than the purchase price or lease rate offered.
[Buyer consents to disclosure _____/_____]]
- (b) That a seller or landlord is willing to accept less than the asking price or lease rate for the property.
[Seller consents to disclosure _____/_____]]
- (c) What the motivating factors are for any client buying, selling, or leasing the property.
[Seller consents to disclosure _____/_____]] [Buyer consents to disclosure _____/_____]]
- (d) That the seller or buyer will agree to financing terms other than those offered.
[Seller consents to disclosure _____/_____]] [Buyer consents to disclosure _____/_____]]
5. a. A Dual Agent does not terminate the dual agency relationship by making any required or permitted disclosure.
b. In a dual agency relationship there shall be no imputation of knowledge or information between any client and the Dual Agent or among persons within an entity engaged as a Dual Agent.
6. REALTOR® Compensation Disclosure. Seller and Buyer agree that the professional fee to be paid to REALTOR® for this transaction shall be paid by the Seller. REALTOR® may accept compensation or profits from any entity providing services for or participating in this transaction.

City of Grand Island
BUYER _____ DATE _____
By: _____

TOBA, Inc.
SELLER _____ DATE _____
By: Anthony Wald
SELLER _____ DATE _____
Gene M. Reab
SELLER _____ DATE _____
Ellenor K. Reab



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E2

**Public Hearing on Acquisition of Utility Easement Located at 3990
West Capital Avenue - Grand Island Retirement, LLC**

Insert a narrative here

Staff Contact: Gary R. Mader;

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: March 23, 2004

Subject: Acquisition of Utility Easement – NW corner of 3990 West Capital Avenue (Capital Avenue and North Road), Grand Island Retirement, LLC

Item #'s: E-2 & G-7

Presenter(s): Gary R. Mader, Utilities Director

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 the property of Grand Island Retirement, LLC, (Primrose Retirement Home) located in the northwest corner of 3990 West Capital Avenue (Capital Avenue and North Road), in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to provide access and locate a pad-mounted transformer to serve electricity to the new Primrose facility.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

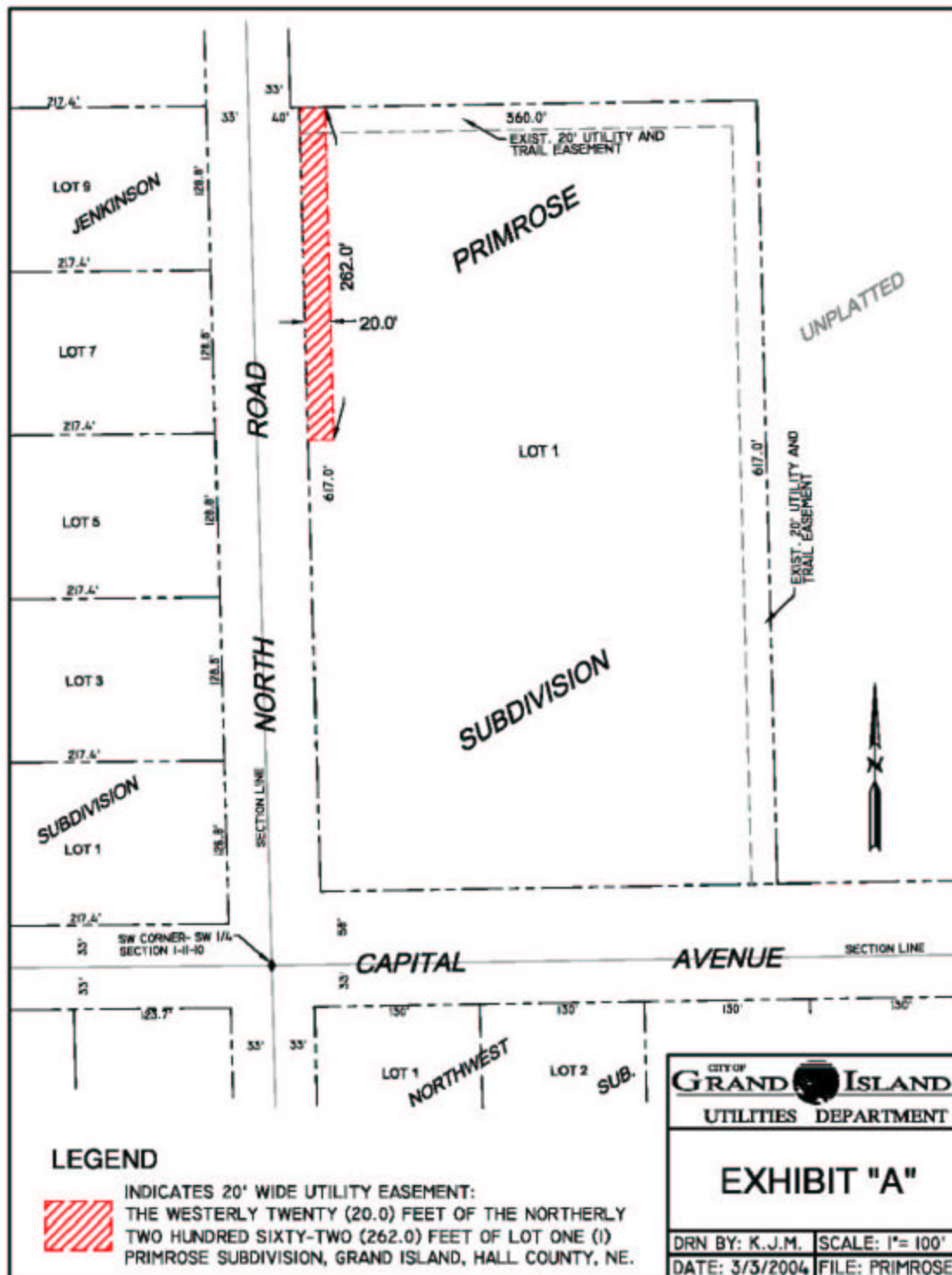
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the resolution for the acquisition of the easement for one dollar (\$1.00).

Sample Motion

Approve the acquisition of the Utility Easement.





City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E3

**Public Hearing on Acquisition of Right-of-Way and Permanent
Drainage Easement Located Along Midaro Drive. (Amy A.
Anderson and Emily J. Anderson)**

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: March 23, 2004

Subject: Public Hearing on Acquisition of Right-of-Way and Permanent Drainage Easement Along Midaro Drive (Amy A. Anderson and Emily J. Anderson)

Item #'s: E-3 & G-8

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

Council action is necessary for the City of Grand Island to acquire public easements and right-of-way. On May 9, 1996 a subdivision agreement was entered into for subdividing a piece of property that became known as Firethorn Estates Subdivision in the City of Grand Island. This subdivision was developed under a special arrangement between the developers and the city.

Discussion

Paragraph number 1 of the subdivision agreement regarding the street improvements states that the developers agree to grade and gravel Midaro Drive in accordance with plans and specifications approved by the city's director of Public Works and subject to city inspection. The subdivision agreement further requires that the sub-dividers would maintain Midaro Drive to such specifications until such time that the right-of-way was paved to city standards. Olsson Associates of Grand Island have prepared plans for grading and graveling Midaro Drive. Staff is requesting the approval of the acquisition of the right-of-way and the permanent drainage easement needed to grade Midaro Drive per the prepared plans. The adjacent property owners are considering an asphalt paving project upon completion of the grading and graveling.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the acquisition of the right-of-way and permanent drainage easement.
2. Disapprove or /Deny the acquisition of the right-of-way and of the permanent drainage easement.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the acquisition of the right-of-way and of the permanent drainage easement located along Midaro Drive.

Sample Motion

Move to approve the acquisition of the permanent drainage easement and of the right-of-way located at along Midaro Drive.



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E4

**Public Hearing on Acquisition of Permanent Drainage Easement
Located at 225 Midaro Drive. (Marlene Roush)**

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: March 23, 2004

Subject: Public Hearing on Acquisition of Permanent Drainage Easement Located at 225 Midaro Drive (Marlene Roush)

Item #'s: E-4 & G-9

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

Council action is necessary for the City of Grand Island to acquire public easements. On May 9, 1996 a subdivision agreement was entered into for subdividing a piece of property that became known as Firethorn Estates Subdivision in the City of Grand Island. This subdivision was developed under a special arrangement between the developers and the city.

Discussion

Paragraph number 1 of the subdivision agreement regarding the street improvements states that the developers agree to grade and gravel Midaro Drive in accordance with plans and specifications approved by the city's director of Public Works and subject to city inspection. The subdivision agreement further requires that the sub-dividers would maintain Midaro Drive to such specifications until such time that the right-of-way was paved to city standards. Olsson Associates of Grand Island have prepared plans for grading and graveling Midaro Drive. Staff is requesting the approval of the acquisition of the permanent drainage easement needed to grade Midaro Drive per the prepared plans. The adjacent property owners are considering an asphalt paving project upon completion of the grading and graveling.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the acquisition of the permanent drainage easement.
2. Disapprove or /Deny the acquisition of the permanent drainage easement.

3. Modify the request to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the acquisition of the permanent drainage easement located at 225 Midaro Drive.

Sample Motion

Move to approve the acquisition of the permanent drainage easement located at 225 Midaro Drive.



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E5

Public Hearing on Amending Chapter 2 of the Grand Island City Code to Include the Economic Development Program and Regulations for the Operation of the Citizens' Review Committee

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: March 23, 2004

Subject: Public Hearing on Amending Chapter 2 of the Grand Island City Code to Include the Economic Development Program and Regulations for the Operation of the Citizens Review Committee

Item #'s: E-5 and F-1

Presenter(s): Douglas R. Walker, City Attorney

Background

The Economic Development Program which was adopted by the city in 2003 included the establishment of a Citizen's Review Committee. The original program did not include some details specifying how the Committee was to be organized and operated. The proposed code sections will reference the Economic Development Program and will set out in detail how members are to be appointed, how they are to be removed, how vacancies are to be filled, how officers are to be selected, who is eligible for the review committee and will prohibit disclosure of confidential information. The code sections will also contain some language in the areas of administration and auditing to conform the program more closely to state statutes. None of the proposed code sections will alter the substance of the Economic Development Program, however, when making changes to the Economic Development Program, Nebraska statutes require that a public hearing be held.

Discussion

As the Citizens Review Committee organized for its initial meetings, questions arose about the organization and operation of the Committee that were not addressed in the original Economic Development Program. The proposed code sections will codify rules for the operation of the Citizens Review Committee to respond to some of the questions that have been raised since the adoption of the Economic Development Program. The new code sections will also conform the plan to more closely follow state statutory requirements. The Citizen's Review Committee has reviewed and approved the proposed additions and amendments to the Economic Development Program at its meeting on February 16, 2004. a copy of the minutes are attached hereto for reference.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand.
The Council may:

1. Approve the proposed code sections to enhance the operation of the Citizens Review Committee and conform the Economic Development Program to state statutes.
2. Disapprove or /Deny the ordinance setting forth the code sections on the operation of the Citizens Review Committee and conforming the Economic Development Program to state statutes.
3. Modify the ordinance to meet the wishes of the Council (within the intent of the ballot language and state statutory requirements).
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the ordinance establishing regulations for the operation of the Citizens Review Committee and conforming the previously adopted plan to state statutory requirements.

Sample Motion

Approve the ordinance relating to the Economic Development Program.

**CITY OF GRAND ISLAND, NEBRASKA
ECONOMIC DEVELOPMENT PROGRAM
General Community and Economic Development Strategy**

In order for Grand Island to continue to grow and prosper, we need to broaden our wealth producing economic base by bringing to our community new employers and helping our existing companies to grow. Unfortunately, communities all across the nation are faced with potential loss of jobs due to mergers, corporate takeovers, and changing economic events. It is becoming increasingly difficult for our community to absorb the loss of this type of employment.

Faced with this challenge, it is the intent of the City to save the existing job opportunities within the community and secure future additional jobs for Grand Island's residents. The formation of an economic development program will provide a mechanism for assisting businesses interested in locating in Grand Island or those interested in expanding their existing businesses. It will take local participation in a financial partnership to develop this new program. Our only means for acquiring the needed funds to carry on an economic development program is through an affirmative vote of the citizens of Grand Island to support this project.

Need and Purpose

An economic development program is a community tool that encourages and stimulates the growth of quality jobs, attracts permanent investment, broadens the tax base, and diversifies the region's economic base that will lead to new opportunities and options for all citizens, ultimately improving the quality of life for all taxpayers in Grand Island and the surrounding region.

Grand Island's best chance of long term growth and prosperity will come with increased diversification with an overall goal of increasing per capita and median household incomes throughout Grand Island and Hall County. Taking into consideration the very low unemployment rates that Hall County has experienced in the 1990's, our focus will be on attracting capital intensive instead of labor intensive businesses – businesses that hire skilled laborers to complement million-dollar production equipment and machinery. In addition, we will be targeting businesses that will provide employment opportunities for those who are underemployed in Hall County and those seeking professional positions.

**SECTION I. GENERAL COMMUNITY AND ECONOMIC DEVELOPMENT
STRATEGY**

The Nebraska Legislature, in the Local Option Municipal Economic Development Act Neb. Rev. Statutes 18-2701, et seq., has made the following legislative findings: (1) there is a high degree of competition among states and municipalities in our nation in their efforts to provide incentives for businesses to expand or locate in their respective jurisdictions; (2) municipalities in Nebraska are hampered in their efforts to effectively compete because of their inability under Nebraska law to respond quickly to opportunities or to raise sufficient capital from local sources to provide incentives for business location and expansion decisions which are tailored to meet the needs of

the local community; (3) the ability of a municipality to encourage business location and expansion has a direct impact not only upon the economic well-being of the community and its residents but upon the whole State as well; and (4) there is a need to provide Nebraska municipalities with the opportunity of providing assistance to business enterprises in their communities, whether for expansion of existing operations or creation of new businesses, by the use of funds raised by local taxation when the voters of the municipality determine that it is in the best interests of their community to do so.

The City of Grand Island faces stiff competition to recruit businesses to the community and to retain businesses that not only are presently operating in the community but also are considered anchors of the economic vitality of the City.

The City, through the Economic Development Corporation, has competed as best it could to bring new business and new well paying jobs to the community, but frankly has less ability to compete by not having available the tools granted by the Local Option Municipal Economic Development Act. The City believes that not having the ability to directly fund economic development activities in the past may have cost jobs and capital investment which otherwise would have been realized. The effect is to hamper growth of the tax base of the City.

Only by adoption of an economic development program can the City of Grand Island directly contribute to economic development projects and thereby compete successfully for location of manufacturing facilities and other businesses to our community and retain those excellent employers currently within our community. The well paying jobs and talented employees employed in these fields are critical to Grand Island. Those jobs are among the highest paying in the community and they attract the most capable and talented people in the work force. Absent approval of the program by the voters, other communities and states could become more attractive as the potential site for business and industry. Grand Island becomes less competitive. The foregoing is a practical example of the underlying basis for the legislative findings set out in the Local Option Municipal Economic Development Act.

The Local Option Municipal Economic Development Act became effective June 3, 1991, and authorizes cities and villages to appropriate and spend local sales tax and property tax revenues for certain economic development purposes. An economic development program formulated by the City to implement this legislation is subject to the vote of the people.

The core of the process involves the formulation of a proposed plan for a local economic development program. The program forms the foundation for the expenditure of local tax revenues for economic development. Because the development and utilization of an economic development program is truly a plan for the community, the Economic Development Fund will be administered by a Citizens' Review Committee appointed by the Mayor and approved by the City Council. The Committee would be comprised of seven members from the community. Three at large members would be recommended for appointment by the Grand Island Area Economic Development Corporation. All members must be registered voters in the city of Grand Island. It is recommended that professionals in the fields of accounting and banking and finance, small business owners, and business professionals be included on the Citizens' Review Committee. At least one member of the Committee shall have expertise or experience in

business finance and accounting as a banker or accountant, at least one member of the Committee shall be a business owner. No member shall be an elected or appointed City Official, an employee of the City, an official or employee of any qualifying business receiving financial assistance under the Program or an official or employee of any financial institution participating directly in the Program. The City Administrator or designee will serve as Liaison to the Economic Development Corporation.

The City has prepared the Program for submission, first to the City Council and, upon Council approval, to the voters of Grand Island. The Legislature of the State of Nebraska has made available through the Act an invaluable tool to recruit new businesses and to retain and expand businesses presently located in a community. The City intends to use this tool to spur further economic development within the City. The City seeks, through the Economic Development Program, to be more competitive or at least as competitive in the economic development area as any other community in this or any other State of comparative size. With voter approval, the provisions of the Program become the basis for funding the economic development program and thereby expanding job opportunities and the tax base in our community.

Through voter approval of the Economic Development Program, the City would be in a position to operate a low-interest, performance based revolving loan fund, provide job creation incentives, equity participation, interest buy downs, acquire commercial and industrial sites, promote their development, and bond the costs of economic development pending sufficient general fund revenues. The City proposes that funding from the City's general fund be dedicated for the economic development program.

SECTION II. STATEMENT OF PURPOSE DESCRIBING GENERAL INTENT AND PROPOSED GOALS

The general intent and goal of the Grand Island Economic Development Program is to provide well paying jobs to the citizens of Grand Island, Nebraska, by encouraging and assisting local businesses to expand as regards job creation and capital investment and to recruit new qualified businesses which results in creation of jobs and expansion of the tax base. The success of the Program will be measured by the number of jobs created and retained for the length of the Program, the total dollars invested in fixed assets, i.e., buildings, new commercial real estate and business equipment and finally, the growth in total valuation in the City. Each project will be considered on its merits, but priority will be given to jobs created and/or retained at or above average wage and benefits for the community.

SECTION III. TYPES OF ECONOMIC ACTIVITIES THAT WILL BE ELIGIBLE FOR ASSISTANCE

A. Definition of Program

Economic Development shall mean any project or program utilizing funds derived from the City's General Fund, which funds will be expended primarily for the purpose of providing direct

or indirect financial assistance to a qualifying non-retail business, the payment of related costs and expenses, and/or through a revolving loan fund. The purpose of the Program is to increase job opportunities and business investment within the community.

B. Eligible Activities

The Economic Development Program may include, but shall not be limited to, the following activities:

- 1) A revolving loan fund from which performance based loans will be made to non-retail qualifying businesses on a match basis from the grantee business and based upon job creation and/or retention, said jobs to be above the average wage scale for the community.
- 2) Public works improvements and/or purchase of fixed assets, including potential land grants or real estate options essential to the location or expansion of a qualifying business or for capital improvements when tied to job creation criteria or when critical to retention of jobs of a major employer within the community, which equity investment may be secured by a Deed of Trust, Promissory Note, UCC filing, personal and/or corporate guarantees or other financial instrument.
- 3) The provision of technical assistance to businesses, such as preparation of financial packages, survey, engineering, legal, architectural or other similar assistance and payment of relocation or initial location expenses.
- 4) The authority to issue bonds pursuant to the Act.
- 5) Grants or agreements for job training.
- 6) Interest buy down agreements or loan guarantees.
- 7) Other creative and flexible initiatives to stimulate the economic growth in the Grand Island area (activities which may be funded through the Economic Development Program or General Fund as authorized by Section 13-315 R.R.S.).
- 8) Commercial/industrial recruitment and promotional activities.
- 9) Payments for salaries and support of City staff or the contracting of an outside entity to implement any part of the Program.
- 10) End Destination Tourism Related Activities.
- 11) Reduction of real estate property taxes for City of Grand Island to stimulate local economy.
- 12) Development of low to moderate income housing.

SECTION IV. DESCRIPTION OF TYPES OF BUSINESSES THAT WILL BE ELIGIBLE

- A. A qualifying business shall mean any corporation, partnership, limited liability company or sole proprietorship that derives its principal source of income from any of the following:
 - 1. The manufacturer of articles of commerce;
 - 2. The conduct of research and development;
 - 3. The processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce as distinguished from goods offered for sale at retail locally;
 - 4. The sale of services in interstate commerce as distinguished from services offered on a local or area basis;
 - 5. Headquarters facilities relating to eligible activities as listed in this section;
 - 6. Telecommunications activities; or
 - 7. End Destination Tourism-Related Activities.
- B. A qualifying business must be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances.
- C. Any other business deemed a qualifying business through future action of the Legislature.

SECTION V. REVOLVING LOAN FUND

- A. The amount of funds available for any single project shall not exceed the amount of funds available under the Economic Development Program during the project term, nor shall it provide for more than fifty percent (50%) of total project costs. An applicant must provide participation and evidence of participation through private funding as distinguished from federal, state, or local funding in the minimum amount of fifteen percent (15%) equity investment. The right is reserved to negotiate the terms and conditions of the loan with each applicant, which terms and conditions may differ substantially from applicant to applicant.
- B. The interest rate shall be negotiated on an individual basis. The term shall not exceed fifteen (15) years for loans used for real estate and building assets and not to exceed seven (7) years for loans involving any other asset category such as furniture, fixtures, equipment or working capital. Security for loans will include, but will not be limited to, Promissory Notes, a Deed of Trust, UCC filings and personal and/or corporate guarantees as appropriate and may be in a subordinate position to the primary commercial or government lender.
- C. If the loan is approved as performance based, a qualifying business may be approved to recapture on a grant basis a portion of the loan amount to be determined by the Economic

Development Corporation based upon job creation or retention and economic impact of the project to the community.

- D. A loan repayment schedule providing for monthly, quarterly or annual payments will be approved in conjunction with project approval. Repayments will be held in a revolving reuse loan fund for future projects as approved.
- E. The City Administrator or his designee is responsible for auditing and verifying job creation and retention and determines grant credits toward any loans made. No grant credits are available unless pre-approved in the initial application and project approval and no grant credits are available beyond the level initially approved.
- F. The Revolving Loan Fund and its portfolio of loan funds will be audited annually by a selected firm of certified public accountants. The audits will be funded by the Economic Development Fund and the findings will be presented to the Citizens' Review Committee.
- G. The City Administrator or his/her designee will be the Program Administrator. The Finance Director will be responsible for the financial and auditing portions of the plan.

SECTION VI. SOURCE OF FUNDING

The Program will be funded from local sources of revenue, including property taxes and/or sales taxes, contained in the City's general fund. The City shall not appropriate from these funds for approved Economic Programs, in any year during which such programs are in existence, an amount in excess of four-tenths of one percent of actual valuation of the City of Grand Island in the year in which the funds are collected, and further, will be subject to the limitation that no city of the First Class shall appropriate more than two million dollars in any one year. The City of Grand Island shall appropriate \$750,000 annually for the Economic Development Program. The restrictions on the appropriation of funds from local sources of revenue shall not apply to the re-appropriation of funds that were appropriated but not expended during the previous fiscal years. If, after five full budget years following initiation of the approved Economic Development Program, less than fifty percent of the money collected from local sources of revenue is spent or committed by contract for the Economic Development Program, the governing body of the City shall place the question of the continuation of the City's Economic Development Program on the ballot at the next regular election.

A. Time Period for Collection of Funds

Annual funding for the program, \$750,000 per year, will come from the City's General Fund. These funds will be allocated commencing with the FY 2003-2004 budget year, beginning October 1, 2003 and will continue for 10 years.

B. Time Period for Existence of the Program

The Economic Development Program will be in effect beginning October 1, 2003 and will continue for 10 years.

C. Proposed Total Collections from Local Sources

<u>Fiscal Year</u>	<u>Estimated Collections</u>
2003-2004	\$750,000 (General Fund revenues)
Every year for 9 years thereafter	\$750,000 (General Fund revenues)

The total amount of City General Fund revenues to be committed to the Economic Development Fund Program for 10 years is \$7,500,000.

D. Basic Preliminary Proposed Budget

It is anticipated that the proposed annual total budget of \$750,000 will be allocated to the Economic Development Fund. Any funds not expended in the revolving loan category will be used to fund the other eligible activities as set out in Section III above.

SECTION VII. APPLICATION PROCESS FOR FINANCIAL ASSISTANCE TO BUSINESSES

A. Application Process and Selection of Participants:

Businesses seeking assistance will be required to:

1. Complete an application which may be obtained from the Grand Island Area Economic Development Corporation or the City of Grand Island.
2. Submit the completed application together with all information as set out below to the Grand Island Area Economic Development Corporation or the City of Grand Island. Following review by the Economic Development Corporation Executive Board and Citizens' Advisory Review Committee, an overview of the proposed application for assistance will be forwarded by the Citizens' Advisory Review Committee to the Mayor and City Council. The overview shall contain sufficient information in order for the elected officials to make an informed decision yet maintain confidentiality of information that, if released, could cause harm to such business or give unfair advantage to competitors. The City Council will approve or deny the application.
3. The Program Administrator will coordinate with the Economic Development President to notify any applicant whose application is not approved. Such applicant may request in writing that the application, with the recommendation not to approve, be forwarded to the City Council for re-consideration.

B. Information Required:

The qualifying business shall provide the following information before any application is considered by the Economic Development Executive Board and the Citizens' Advisory Review Committee:

Sole Proprietorship:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Current Year to Date Profit and Loss Statement
- 5). Recent Balance Sheet (signed)
- 6). Other information as requested

"S" Corporation:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns, if over 25% ownership (signed)
- 4). Two years complete Corporate Tax Returns (signed)
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

"C" Corporation:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed), if over 25% ownership
- 4). Two years complete Corporate Tax Returns (signed)
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

General Partnership:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns, if over 25% partnership (signed)
- 4). Two years complete Partnership Tax Returns (signed) and K-1s for all partners
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

Limited Partnerships:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed) and K-1s for all partners
- 4). Complete copy of Partnership Agreement for Partnership
- 5). Other information as requested

Limited Liability Companies:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Two years complete Entity Tax Returns (signed) and K-1s for all partners
- 5). Current Year to Date Profit and Loss Statement
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

C. Verification Process:

- 1). Credit check
- 2). Dun and Bradstreet Credit Report
- 3). Examine information required
- 4). Examine internal records
- 5). Obtain oral and written verification of application information
- 6). Other investigations as may be deemed necessary

SECTION VIII. PROCESS TO ENSURE CONFIDENTIALITY OF BUSINESS INFORMATION RECEIVED

In the process of gathering information about a qualifying business, the Economic Development Corporation and City may receive information about the business that is confidential and, if released, could cause harm to such business or give unfair advantage to competitors. The Economic Development Corporation and City shall endeavor to maintain the confidentiality of business records that come into its possession.

To protect businesses applying for assistance and to encourage them to make full and frank disclosure of business information relevant to their application, the Economic Development Corporation and City will take the following steps to ensure confidentiality of the information it receives:

- 1) The adoption of a City ordinance that makes such information confidential and punishes disclosure.

- 2) A restriction of the number of people with access to the files which files will be maintained in the Economic Development Corporation Office, who shall be primarily responsible for their safekeeping and any distribution of information contained therein, and
- 3) Require personnel involved in the Program Review, including Economic Development President, secretarial staff assisting the President, Citizens' Advisory Committee, and City staff, to sign statements of confidentiality regarding all personal and private submittals by qualified businesses.

SECTION IX. ADMINISTRATION SYSTEM FOR ECONOMIC DEVELOPMENT PROGRAM

A. Program Administration

- 1). The Program Administrator will serve as ex-officio member of the Citizens' Advisory Review Committee hereinafter established, which Committee will hold regular meetings to review the functioning and process of the Economic Development Program and advise the governing body of the City with regard to the Program.
- 2). The Program Administrator, in cooperation with the Economic Development President, will review on a regular basis the progress of ongoing projects to ensure the qualifying businesses are complying with the terms of any approved project.
- 3). The Economic Development President and the Program Administrator will advise the Mayor and City Council as regards the status of ongoing projects in the Economic Development Program.
- 4). A 3% fee will be retained by the City of Grand Island for program administration. The 3% fee will be retained in the City's general fund.

SECTION X. PROCESS TO ASSURE LAWS, REGULATIONS AND REQUIREMENTS ARE MET BY THE CITY AND QUALIFYING BUSINESSES

The City will assure that all applicable laws, regulations, and requirements are met by the City and the qualifying businesses that will receive assistance as follows:

A. Program Review

The Ordinance establishing the Program shall provide for the creation of a Citizens' Advisory Committee to:

- 1). Review the functioning and progress of the Economic Development Program at regular meetings as set forth by ordinance and to advise the governing body of the City with regard to the Program, and

- 2). Report to the City Council on its findings and suggestions at a public hearing called for that purpose at least once in every six-month period after the effective date of the ordinance.

B. Monitor Participating Businesses

The Program Administrator in cooperation with the Economic Development President or appointed contract loan administrator will conduct reviews on a regular basis to ensure that qualifying businesses are following the appropriate laws and regulations and meeting the terms and conditions of assistance.

C. Monitor Regulatory Changes

The City Attorney will be responsible for keeping the City informed of relevant changes in the law that could affect the Economic Development Program and will review Agreements, Deeds, Leases, Deeds of Trust, Promissory notes, security documents, personal and/or corporate guarantees and other documents relating to specific projects or to the Program as a whole.

D. The City shall provide for an annual, outside, independent audit of its Economic Development Program by a qualified private auditing business.

SECTION XI. PURCHASE OF REAL ESTATE OR OPTION TO PURCHASE

If and when real estate is to be purchased or optioned by the City under the Program, it should meet the following general criteria:

- 1). Be properly zoned with no excessive easements, covenants, or other encumbrances, and
- 2). Should conform and be able to be re-zoned to comply with the City's or County's Comprehensive Plan.
- 3). Can be located either within or outside of the City limits.

The proceeds from the future sale of such land would be returned to the Economic Development Program Fund for reuse for any activities eligible in the Program or for additional land purchases.

SECTION XII. INVESTMENT OF ECONOMIC DEVELOPMENT FUND

The City will establish a separate Economic Development Program Fund. All funds derived from local sources of revenue for the Economic Development Program, any earnings from the investment of such funds, any loan payments, any proceeds from the sale by the City of assets purchased by the City under its Economic Development Program, or other money received by the City by reason of the Economic Development Program shall be deposited into the Economic

Exhibit "A"

Development Fund. No money in the Economic Development Program Fund shall be deposited in the General Fund of the City except as provided by statute. A 3% administrative fee will be retained by the City for program administration. This fee will be retained in the General Fund. The City shall not transfer or remove funds from the Economic Development Fund other than for the purposes prescribed in the Act and this Program, and the money in the Economic Development Fund shall not be co-mingled with any other City funds. Any money in the Economic Development Fund not currently required or committed for the purposes of Economic Development shall be invested as provided in Section 77-2341 R.R.S. Nebraska. In the event the Economic Development Program is terminated, any funds remaining will be transferred as provided by statute to the General Fund of the City and will be used on an installment basis to reduce the property tax levy of the City as provided by the Act.

Adopted by Ordinance No. 8830 on July 22, 2003
Amended by Ordinance No. 8832 on August 12, 2003

**MINUTES OF
CITIZEN'S REVIEW COMMITTEE MEETING
Monday, February 16, 2004
Grand Island City Hall, Council Chambers**

Pursuant to due call and notice thereof, a Regular Meeting of the Citizen's Review Committee met in the City Council Chambers, 12 p.m., February 16, 2004. Notice of the meeting was given in the Grand Island Independent on February 9, 2004.

Board members present were: Tim White, Dehn Renter, Bill Thiemann, Ed Armstrong, and Lisa Willman. Dan Eakes and Tom Ward were absent. Marlan Ferguson, President of Economic Development was in attendance. City staff present were: Gary Greer, City Administrator, Jay Vavricek, Mayor and Missy Nelson, Administration.

Greer opened the meeting by welcoming those in attendance and called the meeting to order.

ELECTION OF CHAIR AND VICE CHAIR. Motion by Renter, second by Willman, carried unanimously to elect Tim White as Chairperson. Willman motioned, second by Thiemann, to appoint Dehn Renter as Vice Chairperson. Vote unanimously carried.

APPROVAL OF MINUTES. Motion by Renter, second by Thiemann, carried unanimously to approve the minutes from the January 19, 2004 meeting.

DISCUSSION REGARDING REQUIREMENTS FOR OPERATION OF REVIEW COMMITTEE. Doug Walker went over the proposed final draft, particularly code section 2-115, regarding disclosures of confidential information. After brief discussion, Renter motioned, second by Armstrong, carried unanimously that the committee approve the new code section 2-106 through 2-115 and present the ordinance to City Council for their approval.

Missy Nelson will contact board members and ask that they bring their calendars to the next meeting to discuss times and dates of future meetings.

Next meeting will be Monday, March 15, 2004.

ADJOURNMENT. The meeting was adjourned at 12:28 p.m.

Respectfully submitted,

Missy Nelson
Administration



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E6

Public Hearing Concerning the Bi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan

The Economic Development Program requires the Citizens' Review Committee to give a report to the City Council on its findings and suggestions at a public hearing called for that purpose at least once in every six-month period after the effective date of the ordinance. Economic Development President Marlan Ferguson will present a report of the Citizens' Review Committee. This item relates to the Consent Agenda Item G-1.

Staff Contact: Doug Walker



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item E7

Public Hearing Concerning Budget Amendments

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: March 9, 2004

Subject: Public Hearing on Revision to the 200302004 Adopted Budget

Item #'s: E-7 & F-4

Presenter(s): David Springer, Finance Director

Background

The City Council approved the FY2004 Annual Budget with Addendum #1 by Ordinance #8835 on August 26, 2003. There are two changes needed to that budget of a procedural nature for accounting compliance. We are submitting Amendment #1 for your consideration.

Discussion

The contribution by the City of \$750,000 to the Grand Island Economic Development Corporation was budgeted in the General Fund. The final version of the Economic Development Program Plan calls for a separate Program Fund to be set up and all incentives dispersed, to be monitored through such fund. The proposed ordinance would allow us to spend from this new fund. The second item to address is to record the unbudgeted short term credit line from Wells Fargo, as approved by Council January 27, 2004, and likewise, the unbudgeted appropriation to repay this loan, as processed through our Debt Service Fund to properly record the transaction. This loan will be repaid from a matured Certificate of Deposit after approval from Council, and no future borrowing is intended. Both of these items are a wash in the budget and have no net financial impact.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the ordinance to amend the 2003-2004 adopted budget
2. Modify the Resolution to meet the wishes of the Council
3. Table the issue

Recommendation

City Administration recommends that the Council approve the related ordinance, F-4, to revise the 2004-2004 Adopted Budget

Sample Motion

Approve the ordinance revising the 2003-2004 Adopted Budget as recommended.



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item F1

#8889 - Consideration of Amending Chapter 2 of the Grand Island City Code to Include the Economic Development Program

This item relates to Public Hearing Item E-5.

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: March 23, 2004

Subject: Public Hearing on Amending Chapter 2 of the Grand Island City Code to Include the Economic Development Program and Regulations for the Operation of the Citizens Review Committee

Item #'s: E5 and F1

Presenter(s): Douglas R. Walker, City Attorney

Background

The Economic Development Program which was adopted by the city in 2003 included the establishment of a Citizen's Review Committee. The original program did not include some details specifying how the Committee was to be organized and operated. The proposed code sections will reference the Economic Development Program and will set out in detail how members are to be appointed, how they are to be removed, how vacancies are to be filled, how officers are to be selected, who is eligible for the review committee and will prohibit disclosure of confidential information. The code sections will also contain some language in the areas of administration and auditing to conform the program more closely to state statutes. None of the proposed code sections will alter the substance of the Economic Development Program, however, when making changes to the Economic Development Program, Nebraska statutes require that a public hearing be held.

Discussion

As the Citizens Review Committee organized for its initial meetings, questions arose about the organization and operation of the Committee that were not addressed in the original Economic Development Program. The proposed code sections will codify rules for the operation of the Citizens Review Committee to respond to some of the questions that have been raised since the adoption of the Economic Development Program. The new code sections will also conform the plan to more closely follow state statutory requirements. The Citizen's Review Committee has reviewed and approved the proposed additions and amendments to the Economic Development Program at its meeting on February 16, 2004. a copy of the minutes are attached hereto for reference.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand.
The Council may:

1. Approve the proposed code sections to enhance the operation of the Citizens Review Committee and conform the Economic Development Program to state statutes.
2. Disapprove or /Deny the ordinance setting forth the code sections on the operation of the Citizens Review Committee and conforming the Economic Development Program to state statutes.
3. Modify the ordinance to meet the wishes of the Council (within the intent of the ballot language and state statutory requirements).
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the ordinance establishing regulations for the operation of the Citizens Review Committee and conforming the previously adopted plan to state statutory requirements.

Sample Motion

Approve the ordinance relating to the Economic Development Program.

DRW/sp

Attachment

**CITY OF GRAND ISLAND, NEBRASKA
ECONOMIC DEVELOPMENT PROGRAM
General Community and Economic Development Strategy**

In order for Grand Island to continue to grow and prosper, we need to broaden our wealth producing economic base by bringing to our community new employers and helping our existing companies to grow. Unfortunately, communities all across the nation are faced with potential loss of jobs due to mergers, corporate takeovers, and changing economic events. It is becoming increasingly difficult for our community to absorb the loss of this type of employment.

Faced with this challenge, it is the intent of the City to save the existing job opportunities within the community and secure future additional jobs for Grand Island's residents. The formation of an economic development program will provide a mechanism for assisting businesses interested in locating in Grand Island or those interested in expanding their existing businesses. It will take local participation in a financial partnership to develop this new program. Our only means for acquiring the needed funds to carry on an economic development program is through an affirmative vote of the citizens of Grand Island to support this project.

Need and Purpose

An economic development program is a community tool that encourages and stimulates the growth of quality jobs, attracts permanent investment, broadens the tax base, and diversifies the region's economic base that will lead to new opportunities and options for all citizens, ultimately improving the quality of life for all taxpayers in Grand Island and the surrounding region.

Grand Island's best chance of long term growth and prosperity will come with increased diversification with an overall goal of increasing per capita and median household incomes throughout Grand Island and Hall County. Taking into consideration the very low unemployment rates that Hall County has experienced in the 1990's, our focus will be on attracting capital intensive instead of labor intensive businesses – businesses that hire skilled laborers to complement million-dollar production equipment and machinery. In addition, we will be targeting businesses that will provide employment opportunities for those who are underemployed in Hall County and those seeking professional positions.

**SECTION I. GENERAL COMMUNITY AND ECONOMIC DEVELOPMENT
STRATEGY**

The Nebraska Legislature, in the Local Option Municipal Economic Development Act Neb. Rev. Statutes 18-2701, et seq., has made the following legislative findings: (1) there is a high degree of competition among states and municipalities in our nation in their efforts to provide incentives for businesses to expand or locate in their respective jurisdictions; (2) municipalities in Nebraska are hampered in their efforts to effectively compete because of their inability under Nebraska law to respond quickly to opportunities or to raise sufficient capital from local sources to provide incentives for business location and expansion decisions which are tailored to meet the needs of

the local community; (3) the ability of a municipality to encourage business location and expansion has a direct impact not only upon the economic well-being of the community and its residents but upon the whole State as well; and (4) there is a need to provide Nebraska municipalities with the opportunity of providing assistance to business enterprises in their communities, whether for expansion of existing operations or creation of new businesses, by the use of funds raised by local taxation when the voters of the municipality determine that it is in the best interests of their community to do so.

The City of Grand Island faces stiff competition to recruit businesses to the community and to retain businesses that not only are presently operating in the community but also are considered anchors of the economic vitality of the City.

The City, through the Economic Development Corporation, has competed as best it could to bring new business and new well paying jobs to the community, but frankly has less ability to compete by not having available the tools granted by the Local Option Municipal Economic Development Act. The City believes that not having the ability to directly fund economic development activities in the past may have cost jobs and capital investment which otherwise would have been realized. The effect is to hamper growth of the tax base of the City.

Only by adoption of an economic development program can the City of Grand Island directly contribute to economic development projects and thereby compete successfully for location of manufacturing facilities and other businesses to our community and retain those excellent employers currently within our community. The well paying jobs and talented employees employed in these fields are critical to Grand Island. Those jobs are among the highest paying in the community and they attract the most capable and talented people in the work force. Absent approval of the program by the voters, other communities and states could become more attractive as the potential site for business and industry. Grand Island becomes less competitive. The foregoing is a practical example of the underlying basis for the legislative findings set out in the Local Option Municipal Economic Development Act.

The Local Option Municipal Economic Development Act became effective June 3, 1991, and authorizes cities and villages to appropriate and spend local sales tax and property tax revenues for certain economic development purposes. An economic development program formulated by the City to implement this legislation is subject to the vote of the people.

The core of the process involves the formulation of a proposed plan for a local economic development program. The program forms the foundation for the expenditure of local tax revenues for economic development. Because the development and utilization of an economic development program is truly a plan for the community, the Economic Development Fund will be administered by a Citizens' Review Committee appointed by the Mayor and approved by the City Council. The Committee would be comprised of seven members from the community. Three at large members would be recommended for appointment by the Grand Island Area Economic Development Corporation. All members must be registered voters in the city of Grand Island. It is recommended that professionals in the fields of accounting and banking and finance, small business owners, and business professionals be included on the Citizens' Review Committee. At least one member of the Committee shall have expertise or experience in

business finance and accounting as a banker or accountant, at least one member of the Committee shall be a business owner. No member shall be an elected or appointed City Official, an employee of the City, an official or employee of any qualifying business receiving financial assistance under the Program or an official or employee of any financial institution participating directly in the Program. The City Administrator or designee will serve as Liaison to the Economic Development Corporation.

The City has prepared the Program for submission, first to the City Council and, upon Council approval, to the voters of Grand Island. The Legislature of the State of Nebraska has made available through the Act an invaluable tool to recruit new businesses and to retain and expand businesses presently located in a community. The City intends to use this tool to spur further economic development within the City. The City seeks, through the Economic Development Program, to be more competitive or at least as competitive in the economic development area as any other community in this or any other State of comparative size. With voter approval, the provisions of the Program become the basis for funding the economic development program and thereby expanding job opportunities and the tax base in our community.

Through voter approval of the Economic Development Program, the City would be in a position to operate a low-interest, performance based revolving loan fund, provide job creation incentives, equity participation, interest buy downs, acquire commercial and industrial sites, promote their development, and bond the costs of economic development pending sufficient general fund revenues. The City proposes that funding from the City's general fund be dedicated for the economic development program.

SECTION II. STATEMENT OF PURPOSE DESCRIBING GENERAL INTENT AND PROPOSED GOALS

The general intent and goal of the Grand Island Economic Development Program is to provide well paying jobs to the citizens of Grand Island, Nebraska, by encouraging and assisting local businesses to expand as regards job creation and capital investment and to recruit new qualified businesses which results in creation of jobs and expansion of the tax base. The success of the Program will be measured by the number of jobs created and retained for the length of the Program, the total dollars invested in fixed assets, i.e., buildings, new commercial real estate and business equipment and finally, the growth in total valuation in the City. Each project will be considered on its merits, but priority will be given to jobs created and/or retained at or above average wage and benefits for the community.

SECTION III. TYPES OF ECONOMIC ACTIVITIES THAT WILL BE ELIGIBLE FOR ASSISTANCE

A. Definition of Program

Economic Development shall mean any project or program utilizing funds derived from the City's General Fund, which funds will be expended primarily for the purpose of providing direct

or indirect financial assistance to a qualifying non-retail business, the payment of related costs and expenses, and/or through a revolving loan fund. The purpose of the Program is to increase job opportunities and business investment within the community.

B. Eligible Activities

The Economic Development Program may include, but shall not be limited to, the following activities:

- 1) A revolving loan fund from which performance based loans will be made to non-retail qualifying businesses on a match basis from the grantee business and based upon job creation and/or retention, said jobs to be above the average wage scale for the community.
- 2) Public works improvements and/or purchase of fixed assets, including potential land grants or real estate options essential to the location or expansion of a qualifying business or for capital improvements when tied to job creation criteria or when critical to retention of jobs of a major employer within the community, which equity investment may be secured by a Deed of Trust, Promissory Note, UCC filing, personal and/or corporate guarantees or other financial instrument.
- 3) The provision of technical assistance to businesses, such as preparation of financial packages, survey, engineering, legal, architectural or other similar assistance and payment of relocation or initial location expenses.
- 4) The authority to issue bonds pursuant to the Act.
- 5) Grants or agreements for job training.
- 6) Interest buy down agreements or loan guarantees.
- 7) Other creative and flexible initiatives to stimulate the economic growth in the Grand Island area (activities which may be funded through the Economic Development Program or General Fund as authorized by Section 13-315 R.R.S.).
- 8) Commercial/industrial recruitment and promotional activities.
- 9) Payments for salaries and support of City staff or the contracting of an outside entity to implement any part of the Program.
- 10) End Destination Tourism Related Activities.
- 11) Reduction of real estate property taxes for City of Grand Island to stimulate local economy.
- 12) Development of low to moderate income housing.

SECTION IV. DESCRIPTION OF TYPES OF BUSINESSES THAT WILL BE ELIGIBLE

- A. A qualifying business shall mean any corporation, partnership, limited liability company or sole proprietorship that derives its principal source of income from any of the following:
 - 1. The manufacturer of articles of commerce;
 - 2. The conduct of research and development;
 - 3. The processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce as distinguished from goods offered for sale at retail locally;
 - 4. The sale of services in interstate commerce as distinguished from services offered on a local or area basis;
 - 5. Headquarters facilities relating to eligible activities as listed in this section;
 - 6. Telecommunications activities; or
 - 7. End Destination Tourism-Related Activities.
- B. A qualifying business must be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances.
- C. Any other business deemed a qualifying business through future action of the Legislature.

SECTION V. REVOLVING LOAN FUND

- A. The amount of funds available for any single project shall not exceed the amount of funds available under the Economic Development Program during the project term, nor shall it provide for more than fifty percent (50%) of total project costs. An applicant must provide participation and evidence of participation through private funding as distinguished from federal, state, or local funding in the minimum amount of fifteen percent (15%) equity investment. The right is reserved to negotiate the terms and conditions of the loan with each applicant, which terms and conditions may differ substantially from applicant to applicant.
- B. The interest rate shall be negotiated on an individual basis. The term shall not exceed fifteen (15) years for loans used for real estate and building assets and not to exceed seven (7) years for loans involving any other asset category such as furniture, fixtures, equipment or working capital. Security for loans will include, but will not be limited to, Promissory Notes, a Deed of Trust, UCC filings and personal and/or corporate guarantees as appropriate and may be in a subordinate position to the primary commercial or government lender.
- C. If the loan is approved as performance based, a qualifying business may be approved to recapture on a grant basis a portion of the loan amount to be determined by the Economic

Development Corporation based upon job creation or retention and economic impact of the project to the community.

- D. A loan repayment schedule providing for monthly, quarterly or annual payments will be approved in conjunction with project approval. Repayments will be held in a revolving reuse loan fund for future projects as approved.
- E. The City Administrator or his designee is responsible for auditing and verifying job creation and retention and determines grant credits toward any loans made. No grant credits are available unless pre-approved in the initial application and project approval and no grant credits are available beyond the level initially approved.
- F. The Revolving Loan Fund and its portfolio of loan funds will be audited annually by a selected firm of certified public accountants. The audits will be funded by the Economic Development Fund and the findings will be presented to the Citizens' Review Committee.
- G. The City Administrator or his/her designee will be the Program Administrator. The Finance Director will be responsible for the financial and auditing portions of the plan.

SECTION VI. SOURCE OF FUNDING

The Program will be funded from local sources of revenue, including property taxes and/or sales taxes, contained in the City's general fund. The City shall not appropriate from these funds for approved Economic Programs, in any year during which such programs are in existence, an amount in excess of four-tenths of one percent of actual valuation of the City of Grand Island in the year in which the funds are collected, and further, will be subject to the limitation that no city of the First Class shall appropriate more than two million dollars in any one year. The City of Grand Island shall appropriate \$750,000 annually for the Economic Development Program. The restrictions on the appropriation of funds from local sources of revenue shall not apply to the re-appropriation of funds that were appropriated but not expended during the previous fiscal years. If, after five full budget years following initiation of the approved Economic Development Program, less than fifty percent of the money collected from local sources of revenue is spent or committed by contract for the Economic Development Program, the governing body of the City shall place the question of the continuation of the City's Economic Development Program on the ballot at the next regular election.

A. Time Period for Collection of Funds

Annual funding for the program, \$750,000 per year, will come from the City's General Fund. These funds will be allocated commencing with the FY 2003-2004 budget year, beginning October 1, 2003 and will continue for 10 years.

B. Time Period for Existence of the Program

The Economic Development Program will be in effect beginning October 1, 2003 and will continue for 10 years.

C. Proposed Total Collections from Local Sources

<u>Fiscal Year</u>	<u>Estimated Collections</u>
2003-2004	\$750,000 (General Fund revenues)
Every year for 9 years thereafter	\$750,000 (General Fund revenues)

The total amount of City General Fund revenues to be committed to the Economic Development Fund Program for 10 years is \$7,500,000.

D. Basic Preliminary Proposed Budget

It is anticipated that the proposed annual total budget of \$750,000 will be allocated to the Economic Development Fund. Any funds not expended in the revolving loan category will be used to fund the other eligible activities as set out in Section III above.

SECTION VII. APPLICATION PROCESS FOR FINANCIAL ASSISTANCE TO BUSINESSES

A. Application Process and Selection of Participants:

Businesses seeking assistance will be required to:

1. Complete an application which may be obtained from the Grand Island Area Economic Development Corporation or the City of Grand Island.
2. Submit the completed application together with all information as set out below to the Grand Island Area Economic Development Corporation or the City of Grand Island. Following review by the Economic Development Corporation Executive Board and Citizens' Advisory Review Committee, an overview of the proposed application for assistance will be forwarded by the Citizens' Advisory Review Committee to the Mayor and City Council. The overview shall contain sufficient information in order for the elected officials to make an informed decision yet maintain confidentiality of information that, if released, could cause harm to such business or give unfair advantage to competitors. The City Council will approve or deny the application.
3. The Program Administrator will coordinate with the Economic Development President to notify any applicant whose application is not approved. Such applicant may request in writing that the application, with the recommendation not to approve, be forwarded to the City Council for re-consideration.

B. Information Required:

The qualifying business shall provide the following information before any application is considered by the Economic Development Executive Board and the Citizens' Advisory Review Committee:

Sole Proprietorship:

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- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Current Year to Date Profit and Loss Statement
- 5). Recent Balance Sheet (signed)
- 6). Other information as requested

"S" Corporation:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
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- 4). Two years complete Corporate Tax Returns (signed)
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- 6). Recent Balance Sheet (signed)
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"C" Corporation:

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- 4). Two years complete Corporate Tax Returns (signed)
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

General Partnership:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns, if over 25% partnership (signed)
- 4). Two years complete Partnership Tax Returns (signed) and K-1s for all partners
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

Limited Partnerships:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed) and K-1s for all partners
- 4). Complete copy of Partnership Agreement for Partnership
- 5). Other information as requested

Limited Liability Companies:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Two years complete Entity Tax Returns (signed) and K-1s for all partners
- 5). Current Year to Date Profit and Loss Statement
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

C. Verification Process:

- 1). Credit check
- 2). Dun and Bradstreet Credit Report
- 3). Examine information required
- 4). Examine internal records
- 5). Obtain oral and written verification of application information
- 6). Other investigations as may be deemed necessary

SECTION VIII. PROCESS TO ENSURE CONFIDENTIALITY OF BUSINESS INFORMATION RECEIVED

In the process of gathering information about a qualifying business, the Economic Development Corporation and City may receive information about the business that is confidential and, if released, could cause harm to such business or give unfair advantage to competitors. The Economic Development Corporation and City shall endeavor to maintain the confidentiality of business records that come into its possession.

To protect businesses applying for assistance and to encourage them to make full and frank disclosure of business information relevant to their application, the Economic Development Corporation and City will take the following steps to ensure confidentiality of the information it receives:

- 1) The adoption of a City ordinance that makes such information confidential and punishes disclosure.

- 2) A restriction of the number of people with access to the files which files will be maintained in the Economic Development Corporation Office, who shall be primarily responsible for their safekeeping and any distribution of information contained therein, and
- 3) Require personnel involved in the Program Review, including Economic Development President, secretarial staff assisting the President, Citizens' Advisory Committee, and City staff, to sign statements of confidentiality regarding all personal and private submittals by qualified businesses.

SECTION IX. ADMINISTRATION SYSTEM FOR ECONOMIC DEVELOPMENT PROGRAM

A. Program Administration

- 1). The Program Administrator will serve as ex-officio member of the Citizens' Advisory Review Committee hereinafter established, which Committee will hold regular meetings to review the functioning and process of the Economic Development Program and advise the governing body of the City with regard to the Program.
- 2). The Program Administrator, in cooperation with the Economic Development President, will review on a regular basis the progress of ongoing projects to ensure the qualifying businesses are complying with the terms of any approved project.
- 3). The Economic Development President and the Program Administrator will advise the Mayor and City Council as regards the status of ongoing projects in the Economic Development Program.
- 4). A 3% fee will be retained by the City of Grand Island for program administration. The 3% fee will be retained in the City's general fund.

SECTION X. PROCESS TO ASSURE LAWS, REGULATIONS AND REQUIREMENTS ARE MET BY THE CITY AND QUALIFYING BUSINESSES

The City will assure that all applicable laws, regulations, and requirements are met by the City and the qualifying businesses that will receive assistance as follows:

A. Program Review

The Ordinance establishing the Program shall provide for the creation of a Citizens' Advisory Committee to:

- 1). Review the functioning and progress of the Economic Development Program at regular meetings as set forth by ordinance and to advise the governing body of the City with regard to the Program, and

- 2). Report to the City Council on its findings and suggestions at a public hearing called for that purpose at least once in every six-month period after the effective date of the ordinance.

B. Monitor Participating Businesses

The Program Administrator in cooperation with the Economic Development President or appointed contract loan administrator will conduct reviews on a regular basis to ensure that qualifying businesses are following the appropriate laws and regulations and meeting the terms and conditions of assistance.

C. Monitor Regulatory Changes

The City Attorney will be responsible for keeping the City informed of relevant changes in the law that could affect the Economic Development Program and will review Agreements, Deeds, Leases, Deeds of Trust, Promissory notes, security documents, personal and/or corporate guarantees and other documents relating to specific projects or to the Program as a whole.

D. The City shall provide for an annual, outside, independent audit of its Economic Development Program by a qualified private auditing business.

SECTION XI. PURCHASE OF REAL ESTATE OR OPTION TO PURCHASE

If and when real estate is to be purchased or optioned by the City under the Program, it should meet the following general criteria:

- 1). Be properly zoned with no excessive easements, covenants, or other encumbrances, and
- 2). Should conform and be able to be re-zoned to comply with the City's or County's Comprehensive Plan.
- 3). Can be located either within or outside of the City limits.

The proceeds from the future sale of such land would be returned to the Economic Development Program Fund for reuse for any activities eligible in the Program or for additional land purchases.

SECTION XII. INVESTMENT OF ECONOMIC DEVELOPMENT FUND

The City will establish a separate Economic Development Program Fund. All funds derived from local sources of revenue for the Economic Development Program, any earnings from the investment of such funds, any loan payments, any proceeds from the sale by the City of assets purchased by the City under its Economic Development Program, or other money received by the City by reason of the Economic Development Program shall be deposited into the Economic

Exhibit "A"

Development Fund. No money in the Economic Development Program Fund shall be deposited in the General Fund of the City except as provided by statute. A 3% administrative fee will be retained by the City for program administration. This fee will be retained in the General Fund. The City shall not transfer or remove funds from the Economic Development Fund other than for the purposes prescribed in the Act and this Program, and the money in the Economic Development Fund shall not be co-mingled with any other City funds. Any money in the Economic Development Fund not currently required or committed for the purposes of Economic Development shall be invested as provided in Section 77-2341 R.R.S. Nebraska. In the event the Economic Development Program is terminated, any funds remaining will be transferred as provided by statute to the General Fund of the City and will be used on an installment basis to reduce the property tax levy of the City as provided by the Act.

Adopted by Ordinance No. 8830 on July 22, 2003
Amended by Ordinance No. 8832 on August 12, 2003

ORDINANCE NO. 8889

An ordinance to amend Chapter 2 of the Grand Island City Code; to add Article IX. Economic Development Program and Sections 2-106 through Section 2-115 pertaining to such Economic Development Program; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Article IX. and Sections 2-106 through 2-115 is hereby added to Chapter 2 of the Grand Island City Code to read as follows:

Article IX. Economic Development Program

§2-106. Economic Development Program Adopted

The mayor and city council have by ordinance adopted an economic development program for the City of Grand Island as authorized by the Local Option Municipal Economic Development Act, R.R.S. 1943, §18-2701, et seq. The Economic Development Program of the City of Grand Island is marked as Exhibit "A" attached hereto and incorporated herein by reference.

§2-107. Citizen Advisory Review Committee; Creation and Composition

There is hereby created in and for the city, a Citizen Advisory Review Committee as authorized by the Municipal Economic Development Act, Neb. Rev. Stat. §18-2715. This Committee shall be composed of seven (7) members who shall be registered voters of the city of Grand Island. Four (4) members shall constitute a quorum. The members shall be appointed by the Mayor subject to the approval of the City Council. Three (3) at-large members will be recommended by the Economic Development Corporation to the Mayor. At least one member of the committee shall have expertise or experience in the field of business, finance or accounting.

§2-108. Terms of Citizen Advisory Review Committee Members

The term of office for the members shall be for the ten (10) year life of the economic development plan.

Approved as to Form	☐ _____
March 18, 2004	☐ City Attorney

ORDINANCE NO. 8889 (Cont.)

§2-109. Individuals Ineligible for Membership on the Citizen Advisory Review Committee

No member of the citizen advisory review committee shall be an elected or appointed city official, an employee of the city, a participant in a decision-making position regarding expenditures of program funds, or an official or employee of any qualifying business receiving financial assistance under the economic development program or of any financial institution participating directly in the economic development program.

§2-110. Citizen Advisory Review Committee Meetings

The citizen advisory review committee shall hold regular meetings at least quarterly in January, April, July and October and on other occasions as necessary to review the functioning and progress of the economic development program and to advise the governing body of the city with regard to the program. Special meetings of the citizen advisory review committee shall be held whenever called by the mayor or chairperson of the committee. At least once in every six-month period after the effective date of the ordinance, the committee shall report to the governing body on its findings and suggestions at a public hearing called for that purpose.

§2-111. Citizen Advisory Review Committee Officers

The citizen advisory review committee shall elect its chairperson from its members and shall create and fill such other offices as it may determine. The term of the chairperson shall be two (2) years, with eligibility for reelection.

§2-112. Citizen Advisory Review Committee Vacancies; Removal

Vacancies occurring in the membership of the Citizen Advisory Review Committee, shall be filled by the mayor, by and with the approval of the council for the remainder of the term. Any member of the citizen advisory review committee may be removed from office by the mayor, by and with the approval of the council.

§2-113. Citizen Advisory Review Committee Administration

The City Administrator or his/her designated representative shall be the Program Administrator and shall be responsible for the administration of the Economic Development Program of the City, shall be an ex-officio member of the committee, and shall be responsible for assisting the committee and providing it with necessary information and advice on the economic development program. The City Finance Director will be responsible for providing financial information to the committee and to the auditing firm that does the annual audit.

ORDINANCE NO. 8889 (Cont.)

§2-114. Citizen Advisory Review Committee Audit

The city shall provide for an annual, outside, independent audit of its economic development program by a qualified private auditing business. The auditing business shall not, at the time of the audit or for any period during the term subject to the audit, have any contractual or business relationship with any qualifying business receiving funds or assistance under the economic development program or any financial institution directly involved with a qualifying business receiving funds or assistance under the economic development program. The results of such audit shall be filed with the city clerk and made available for public review during normal business hours.

§2-115. Disclosure of Confidential Information

All trade secrets, academic and scientific research work which is in progress and unpublished or other proprietary or commercial information of a qualifying business participating in the Economic Development Program of the city which if released would give advantage to business competitors and serve no public purpose shall be confidential. Members of the citizen advisory review committee, in their capacity as members and consistent with their responsibilities as members, may be permitted access to business information received by the city in the course of its administration of the economic development program, which information would otherwise be confidential under Section 84-712.05 or by agreement with a qualifying business participating in the economic development program. The mayor and city council shall designate by resolution other persons who are authorized to have access to such confidential business information.

The unauthorized disclosure of any business information which is confidential under Neb. Rev. Stat. 84-712.05 by any person who knowingly releases such confidential information other than to persons who are authorized to have access to such information in accordance with the provisions of this section shall be guilty of a Class III misdemeanor and upon conviction or being found guilty, shall be subject to a maximum imprisonment of three months in the county jail or a fine of five hundred dollars (\$500.00), or both.

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 8889 (Cont.)

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

Enacted: March 23, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item F2

#8892 - Consideration of Creation of Sanitary Sewer District No. 513, Gosda Subdivision Along Lillie Drive West on North Road

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

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: March 23, 2004

Subject: Consideration of Creation of Sanitary Sewer No. 513,
Gosda Subdivision Along Lillie Drive West of North
Road

Item #'s: F-2

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

Council action is needed to create a sanitary sewer district.

Discussion

The Public Works Department received a petition from property owners requesting the creation of a paving district for Lillie and Mabel Drive. There is not sanitary sewer in parts of the proposed paving district; therefore, city staff recommends creating and constructing a sanitary sewer district before creating a paving district. Installing pavement before installing sanitary sewer would not benefit property owners. If created, a notice will be mailed to all affected property owners and a 30-day protest period allowed.

Alternatives

1. Approve the recommendation to create Sanitary Sewer District 513.
2. Disapprove or /Deny the creation of the District.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the creation of Sanitary Sewer District 513 along Lillie Drive.

Sample Motion

Move to approve the creation of Sanitary Sewer District # 513.

? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 8892

An ordinance creating Sanitary Sewer District No. 513 of the City of Grand Island, Nebraska; defining the boundaries thereof; providing for the laying of sanitary sewer mains in said district; providing for plans and specifications and securing bids; providing for the assessment of special taxes for constructing such sewer and collection thereof; and providing for publication and the effective date of this ordinance.

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

SECTION 1. Sanitary Sewer District No. 513 is hereby created for the construction of eight (8.0) inch sanitary sewer mains and appurtenances thereto in Gosda Subdivision, and a part of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., all in the city of Grand Island, Hall County, Nebraska.

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

Beginning at the southeast corner of Lot Thirteen (13), Block One (1), Gosda Subdivision; thence continuing south on a prolongation of the east line of Lot Thirteen (13), Block One (1), Gosda Subdivision to a point Two Hundred Twenty

ORDINANCE NO. 8892 (Cont.)

Four (224.0) feet south of the south line of Lillie Drive; thence west on a line Two Hundred Twenty Four (224.0) feet south of and parallel to the south line of Lillie Drive to a point where said line intersects a prolongation of the west line of Gosda Subdivision, said line also being the west line of Mabel Drive; thence to a point where a prolongation of the north line of Lot Nine (9), Block One (1), Gosda Subdivision intersects; thence east on the north line of Lots Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13), and a prolongation thereof to the northeast corner of Lot Thirteen (13), Block One (1), Gosda Subdivision; thence south on the east line of Lot Thirteen (13), Block One (1), Gosda Subdivision to the point of beginning, all as shown on the plat dated March 15, 2004, attached hereto as Exhibit "A" and incorporated herein by reference.

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

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

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

ORDINANCE NO. 8892 (Cont.)

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

SECTION 7. After passage, approval and publication of this ordinance, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

Enacted: March 23, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item F3

**#8893 - Consideration of Creation of Sanitary Sewer District No.
514 Along West 13th Street West of Branding Iron Lane**

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

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: March 23, 2004

Subject: Consideration of Creation of Sanitary Sewer No. 514,
Along West 13th Street West of Branding Iron Lane

Item #'s: F-3

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

Council action is needed to create a sanitary sewer district.

Discussion

A petition was received from area residents requesting the creation of the District. Public Works staff has been working on the design of this District. Creation and construction of this District at this time would allow the district to be incorporated with the design and construction of Sanitary Sewer District 510 which is currently under design. This would eliminate dual efforts and save time and money.

Alternatives

1. Approve the recommendation to create Sanitary Sewer District 514.
2. Disapprove or /Deny the creation of the District.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the creation of Sanitary Sewer District 514.

Sample Motion

Move to approve the creation of Sanitary Sewer District 514.

? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 8893

An ordinance creating Sanitary Sewer District No. 514 of the City of Grand Island, Nebraska; defining the boundaries thereof; providing for the laying of sanitary sewer mains in said district; providing for plans and specifications and securing bids; providing for the assessment of special taxes for constructing such sewer and collection thereof; and providing for publication and the effective date of this ordinance.

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

SECTION 1. Sanitary Sewer District No. 514 is hereby created for the construction of twelve (12.0) inch sanitary sewer mains and appurtenances thereto in Bockmann First Subdivision in the city of Grand Island, Hall County, Nebraska.

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

Beginning at the northeast corner of Lot One (1), Bockmann 1st Subdivision; thence west on the north line of Bockmann 1st Subdivision to the northwest corner of Bockmann 1st Subdivision; thence south on the west line of Bockmann 1st Subdivision to the southwest corner of Bockmann 1st Subdivision; thence east on the south line of Bockmann 1st Subdivision to the southeast corner of Bockmann 1st Subdivision; thence north on the east line of Bockmann 1st Subdivision to the

ORDINANCE NO. 8893 (Cont.)

point of beginning, as shown on the plat dated March 15, 2004, attached hereto as Exhibit "A" and incorporated herein by reference.

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

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

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

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

SECTION 7. After passage, approval and publication of this ordinance, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

ORDINANCE NO. 8893 (Cont.)

Enacted: March 23, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item F4

#8894 - Consideration of Budget Amendment

Staff Contact: David Springer

ORDINANCE NO. 8894

An ordinance to amend "The Annual Appropriation Bill" of the City of Grand Island, Nebraska, to revise the budget statement pursuant to the Nebraska Budget Act for the fiscal year commencing October 1, 2003 and ending September 30, 2004; to provide for severability; 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. An amended appropriation is hereby made for the ensuing fiscal year to defray all necessary expenses and liabilities of City departments, funds, and operations. The object and purpose of the appropriation shall be to pay for any and all necessary expenses and liabilities for the following departments, funds, and operations.

<u>Funds</u>	<u>Total Appropriation</u>	<u>Amendment</u>	<u>Revised Appropriation</u>
General	31,889,014	0	31,889,014
Permanent Funds	21,000	0	21,000
Special Revenue	6,288,595	450,000	6,738,595
Debt Service	890,593	5,000,000	5,890,593
Capital Projects	7,992,000	0	7,992,000
Enterprise	80,664,325	0	80,664,325
Internal Service	9,445,548	0	9,445,548
Agency	2,712,682	0	2,712,682
Trust	2,333,990	0	2,333,990
Total Appropriation			
All Funds	<u>142,237,747</u>	<u>5,450,000</u>	<u>147,687,747</u>

SECTION 2. The foregoing amendment is necessary and prudent to address circumstances which could not have been reasonably anticipated at the time of the enactment of The Annual Appropriation Bill, Ordinance No. 8835, and fund transfers as provided above shall increase the appropriation for the Debt Service Fund by \$5,000,000 for the retirement of the line

ORDINANCE NO. 8894 (Cont.)

of credit principal and interest payments. The revision will also increase budgeted appropriation for the Economic Development Fund by \$450,000 to enable the City to make contributions to the Economic Development for specific projects.

SECTION 3. The foregoing appropriate amendments and expenditures will increase the previously adopted total budgeted expenditures beyond that initially adopted in the amount of \$5,450,000.

SECTION 4. If any section, subsection, or any other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. 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: March 23, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item F5

#8895 - Consideration of Amending Chapter 16 of the Grand Island City Code Pertaining to Fireworks

The ordinance changes proposed will include number of days and time of day for sales and discharge, the type of structure that can be used and the signage that is allowed. The ordinance also provides the authority to the fire department to approve the discharge of fireworks for other events.

Staff Contact: Jim Rowell

Council Agenda Memo

From: Fire Chief Jim Rowell
Meeting: March 23, 2004
Subject: Fireworks
Item #'s: F-5
Presenter(s): Fire Prevention Division Chief Fred Hotz

Background

We have had concerns regarding the safety of fireworks and as a part of reviewing the Laws and City code regarding the sale and discharge of fireworks we have found several areas to address to make their use and sale safer. We also found some changes that will make the process of obtaining a permit and getting inspections done much simpler and more efficient. Several city departments' representatives met to review the issues and develop solutions. The Building, Legal, Police, Fire and City Clerk representatives reviewed the codes and the process involved in issuing a fireworks permit and made suggestions to modify them.

Discussion

The discussion has included the changes that have taken place in the state law and upcoming changes in the new building and fire codes. We also discussed the enforcement issues for the Police Department, Fire Department and Building Department. The reduction of the time period for sale and discharge will not eliminate the enforcement issues but it does reduce the time period in which the enforcement is an issue. The enforcement issue for Fire and Building departments includes the safety of those selling and those purchasing the fireworks while at the site of sale. The code would also provide clarification of the signage allowed.

Proposed Changes:

Following are proposals with corresponding options:

1. Nebraska State Law allows the private discharge and sale of fireworks from June 24 thru the 4th of July. Current city code limits the time frame from June 27 thru the 4th of July. **The proposal is to reduce the current time frame to July 1 thru July 4th.**
2. Current City Ordinance allows for the discharge and sale of fireworks from 8 AM to 11 PM and 8 AM to 12 AM on 4th of July. **The proposal is to change the hours of discharge and sale.**
 - a. The sale would be from 10 AM to 10 PM July 1st through July 4th.
 - b. The discharge would be 10 AM to 11 PM July 1st through July 3rd and 10 AM to 12 AM on the 4th of July.
3. The last few years have seen the considerable increase in the use of tractor trailers used as fireworks stands. These trailers have raised many issues with both fire and building

officials as to their safety (*including egress, door and isle widths, height off the ground, ADA requirements, and rickety and narrow steps*). The trailers are used as public access stands. Customers are allowed to enter into the trailer and pick out the fireworks themselves. **The proposal is to ban the use of these and other public access stands.** The International Fire Code, companion to the International Building Code soon to be adopted by the city Fire and Building Departments ban public access sales. *3308.11 Fireworks displayed for retail sale shall not be made readily accessible to the public.*

4. If the council opts to continue to allow the use of tractor trailer and other public access fireworks stands. **The proposal is to develop and place into ordinance regulations insuring a safer environment for the public consumer.** These regulations are found in the NFPA 1124 standard.
5. Signs associated with fireworks stands have been used in violation of city code. **The proposal is to include in the fireworks section of the code this section: "All signage associated with the Temporary Fireworks Stand shall be attached to the stand as flat or banner signs. No portable or temporary signage will be allowed."**
6. We have received requests for discharge of fireworks at special events. **This provision has been added which will allow the Fire Department to approve the discharge of fireworks for other events.**

In the past, the procedure to obtain a license to sale fireworks in Grand Island required making application with the State Fire Marshal's office, the City Clerk's office, Fire Department and Building Department. The City Clerk would issue a city permit only after the Fire and Building Departments signed off and the appropriate state permit was presented. **The proposal is to locate the application and license process at the Fire Administration office** eliminating the need to make stops at the city clerk and building department offices.

A packet of information will be provided to the applicant. The information will include the City Code Fireworks Section and applicable code.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve Ordinance #8895.
2. Disapprove or Deny Ordinance #8895.
3. Modify the Ordinance to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve Ordinance #8895.

Sample Motion

Approve Ordinance #8895 to amend the City Code concerning the sale and discharge of fireworks.

ORDINANCE NO. 8895

An ordinance to amend Chapter 16 of the Grand Island City Code; to amend Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 pertaining to fireworks; to add Section 16-16.1 pertaining to signage for temporary firework stands; to repeal Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 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 16-13 of the Grand Island City Code is hereby amended to read as follows:

§16-13. Permit to Sell Fireworks

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without first having made application to the Fire Administration Office (City Hall) Bureau of Fire Prevention for a permit and received a permit to do so from the Fire Prevention Division ~~city clerk~~. Such permits shall be in accordance with the City of Grand Island Fee Schedule and shall be valid for the calendar year in which issued, and shall at all times be displayed conspicuously within the temporary stand at the place of business of the holder thereof. Such permits shall not be transferable. Applications will not be accepted unless accompanied by an approved display permit from the State Fire Marshal's Office (pursuant to Nebraska Act Book 28-1239.01 and 28-1246, as amended). A copy of the invoice of all fireworks in every license holder's possession shall be available for inspection by the State Fire Marshal or the Grand Island Fire Marshal or his/her designee.

SECTION 2. Section 16-15 of the Grand Island City Code is hereby amended to read as follows:

§16-15. Dates of Lawful Sale

Permissible fireworks may be sold or offered for sale in the City of Grand Island on July 1 ~~June 27~~ through and including July 4 of each year.

July 1 through July 3
July 4

10 a.m. to 10 p.m.
10 a.m. to 10 p.m.

SECTION 3. Section 16-16 of the Grand Island City Code is hereby amended to read as follows:

ORDINANCE NO. 8895 (Cont.)

§16-16. Temporary Fireworks Stands

Any person having obtained ~~the appropriate permits from both the state and city a permit~~ to sell permissible fireworks may sell or offer for sale such fireworks only from a temporary stand or enclosure erected or placed on real estate for that purpose. No fireworks shall be sold from permanent buildings or structures in the City. If fireworks are to be sold from a temporary stand or enclosure, such stand or enclosure shall be of wood or steel frame construction covered with metal or wood. Any temporary enclosure or stand shall be permitted only in those areas of the City zoned for business or manufacturing, and only after a permit is obtained from the Fire Prevention Division building department for the erection or placement of such temporary enclosures or stands. Such temporary enclosures or stands shall be permitted to remain on real estate where permissible fireworks are sold for only the period beginning on June 26 ~~June 22~~ through and including July 9 of each year. The codes regulating the use of temporary stands will be found in the packet, "RETAIL SALES OF CONSUMER FIREWORKS" based upon NFPA 1124, and will be distributed from the City Fire Administration office. ~~Any such temporary stand or enclosure shall not be located closer than twenty-five feet from any building, and at least one hundred feet from any station where gasoline and oil for motor vehicles is sold. Such temporary stand or enclosure shall not exceed three hundred square feet in size.~~

SECTION 4. Section 16-18 of the Grand Island City Code is hereby amended to read as follows:

§16-18. Discharging Fireworks Where Sold

It shall be unlawful for any person to discharge fireworks in, ~~or~~ upon, or within three hundred (300.0) feet of the premises where fireworks are sold; provided, that, this regulation shall not be construed to include the use of toy pistols using what is commonly known as caps.

SECTION 5. Section 16-19 of the Grand Island City Code is hereby amended to read as follows:

§16-19. Explosives; Throwing Prohibited

It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object: (1) from, at, or into a motor vehicle; (2) onto any street, highway, or sidewalk; (3) at or near any person; (4) into any building; or (5) into or at any group of persons. Unlawful throwing of fireworks is a Class III misdemeanor.

SECTION 6. Section 16-20 of the Grand Island City Code is hereby amended to read as follows:

§16-20. Definitions

Permissible fireworks shall mean only sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charge for the purpose of making a noise, ~~firecrackers not to exceed one and one half inches in length or one fourth in diameter, lady fingers not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total explosive pyrotechnic composition not to exceed 50.0 milligrams each in weight, color wheels, and those fireworks authorized by the State Fire Marshall, by regulation, after having been submitted to him and tested to their safety and general use, and any other fireworks approved under Section 28-1247 of the State Fire Marshal's Act Book. See also: Rules and Regulations concerning fireworks in the State of Nebraska Administrative Code, Title 157.~~

ORDINANCE NO. 8895 (Cont.)

Person as used in this Article shall include any person, firm, partnership, association of persons, or corporation.

Sale shall include barter, exchange, or gift or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

SECTION 7. Section 16-22 of the Grand Island City Code is hereby amended to read as follows:

§16-22. Discharge of Fireworks

Permissible fireworks may be discharged, ~~exploded, or used~~ in the City of Grand Island on ~~July 1 June 27~~ through and including July 4 of each year; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

July 1 June 27 through July 3	10 8 a.m. to 11 p.m.
July 4	10 8 a.m. to midnight

The sale, ~~or discharge, or exploding~~ of fireworks within the City of Grand Island on any dates or times other than as set out in this ~~section ordinance shall be unlawful.~~ require a permit from the Fire Prevention Division for public exhibitions. Application for such permit shall be accompanied by documentation of a display license issued by the State Fire Marshal. Applicant shall also show that there will not be any substantial danger to people or property. Factors that will be considered when reviewing an application will include, but not be limited to, where the fireworks will be used, the procedures used to discharge the fireworks and the qualifications of the individuals using the fireworks.

SECTION 8. Section 16-16.1 is hereby added to the Grand Island City Code to read as follows:

§16-16.1. Signage; Temporary Fireworks Stands

All signage associated with a temporary fireworks stand shall be attached to the stand as flat or banner signs. No portable or temporary signage will be allowed.

SECTION 9. Sections 16-13, 16-15, 16-16, 16-18, 16-19, 16-20, and 16-22 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 10. 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. 8895 (Cont.)

Enacted: March 23, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G1

Receipt of the Economic Development Program Plan Report

This item relates to Public Hearing Item #E-6.

Staff Contact: Doug Walker



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G2

Approving Minutes of March 9, 2004 City Council Regular Meeting

The Minutes of March 9, 2004 City Council Regular Meeting are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 9, 2004

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 March 9, 2004. Notice of the meeting was given in the Grand Island Independent on March 3, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nicerkson, Cornelius, Pauly, Hornady, Walker, and Haase. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle, and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Paul Hofrichter, Evangelical Free Church, 2609 South Blaine Street.

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

MAYOR COMMUNICATION: None.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Abbott Sisters' Day 2004" March 20, 2004. The Mayor proclaimed March 20, 2004 as "Abbott Sisters' Day 2004". Steve Fosselman, Library Director, Jerry Bryant and Billie Marvel were present to receive the proclamation.

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

#2004-BE-1 – Determining Reallocation of Benefits for Sanitary Sewer District No. 490. Motion by Pielstick, second by Whitesides, to approve Resolution #2004-BE-1, carried unanimously.

#2004-BE-2 – Determining Reallocation of Benefits for Water Main District No. 432. Motion by Pielstick, second by Whitesides, to approve Resolution #2004-BE-2, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Request of the City of Grand Island dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a Class "A" Liquor License. City Clerk RaNae Edwards reported that due to annexation of several properties in 2002, Jackrabbit Run Golf Course, owned by the City of Grand Island located 2800 North Shady Bend Road had to apply for a new liquor license. Submitted was an application with the City Clerk's Office for a Class "A" Liquor License which allows for the sale of alcohol on sale only 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 Clerk of February 27, 2004; notice to applicant of date, time and place of hearing mailed on February 27, 2004; notice to the general public of date, time and place of hearing published on February 29, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located ½ Mile East of 2nd Road and ½ Mile South of "F" Road Located in Merrick County. (Harry C. Preisendorf and JoAnn Wieland) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located ½ mile east of 2nd Road and ½ mile south of "F" Road, located in Merrick County, was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to construct a new three phase overhead power line along the half section line to serve five irrigation wells. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located ½ Mile East of 2nd Road and ½ Mile South of "E" Road Located in Merrick County. (Nicholas and Adrian Mattoni) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located ½ mile east of 2nd Road and ½ mile south of "E" Road, located in Merrick County, was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to construct a new three phase overhead power line along the half section line to serve five irrigation wells. No public testimony was heard.

Public Hearing on Acquisition of Property Along South Locust Street Between Stolley Park Road and Fonner Park Road for Right-of-Way Purposes. Steve Riehle, Public Works Director reported that acquisition of public right-of-way, landscape easements, utility easements, ingress/egress easements, and temporary construction easements were required in order to make improvements along South Locust Street between Stolley Park Road and Fonner Park Road. Don Mehring, 3028 West College Street stated he had no objections. No further public testimony was heard.

Public Hearing on Acquisition of Right-of-Way Located at 610 Midaro Drive. (Garry & Jeanne Williams). Steve Riehle, Public Works Director reported that acquisition of right-of-way located at 610 Midaro Drive was required in order to grade Midaro Drive. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way Located at 550 Midaro Drive. (Rich and Patricia Johnson) Steve Riehle, Public Works Director reported that acquisition of right-of-way located at 550 Midaro Drive was required in order to grade Midaro Drive. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way Located at 520 Midaro Drive. (Donald and Deborah Razey) Steve Riehle, Public Works Director reported that acquisition of right-of-way located at 610 Midaro Drive was required in order to grade Midaro Drive. No public testimony was heard.

ORDINANCES:

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

#8890 – Consideration of Reallocating Assessments for Sanitary Sewer District No. 490

#8891 – Consideration of Reallocating Assessments for Water Main District No. 432

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

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

City Clerk: Ordinances #8890 and #8891 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #8890 and #8891 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8890 and #8891 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda Items G-11 and G-15 were acted upon separately. Consent Item G-16 was pulled from the agenda until the March 16, 2004 City Council Special Meeting. Motion by Hornady, second by Cornelius, to approve the Consent Agenda excluding Items G-11, G-15, and G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of February 21, 2004 City Council Special Study Session (Council Retreat).

Approving Minutes of February 24, 2004 City Council Regular Meeting.

Approving Minutes of March 2, 2004 City Council Study Session. Correction was made as noted. Councilmembers Cornelius and Pielstick abstained.

Approving Request of Lois Stade, 4111 West Airport Road for Liquor Manager Designation for Garden Café/Tiffany's Lounge, 3333 Ramada Road.

Approving Request of Carl Rezabek, 216 South Eddy Street for Liquor Manager Designation for Fraternal Order of Eagles #378, 213 North Sycamore Street.

Approving Request of the City of Grand Island dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a Class "A" Liquor License.

Approving Request of John C. Hadwick, 131 East Ashton Avenue for Liquor Manager Designation for Jackrabbit Run Golf Course, 2800 North Shady Bend Road.

#2004-38 – Approving Acquisition of Utility Easement Located ½ Mile East of 2nd Road and ½ Mile South of "F" Road Located in Merrick County. (Harry Preisendorf & JoAnn Wieland)

#2004-39 – Approving Acquisition of Utility Easement Located ½ Mile East of 2nd Road and ½ Mile North of "E" Road Located in Merrick County. (Nicholas and Adrian Mattoni)

#2004-40 – Approving Final Plat and Subdivision Agreement for Pleasant View 13th Subdivision. It was noted that GNR Development Corporation of Hastings, Nebraska, had submitted the final plat for Pleasant View 13th Subdivision, located on a parcel of land in the W1/2 NE1/4 of Section 22-11-9 for the purpose of creating 11 lots.

#2004-42 – Approving Bid Award for Concrete Ready-Mix for 2004 to Brodsky's Ready-Mix of Grand Island, Nebraska in an Amount of \$52.20 per cubic yard.

#2004-43 – Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2004 to OK Paving of Grand Island, Nebraska in an Amount of \$368,502.50.

#2004-44 – Approving Bid Award for Asphalt Hot-Mix for 2004 to Gary Smith Construction Co. of Grand Island, Nebraska in an Amount of \$16.85 per ton for Type "B" and \$20.00 per ton for Type "C" Asphalt Hot-Mix.

#2004-46 – Approving Agreement with Grand Island Skeet and Sporting Clays Club for a Loan up to \$100,000 for Improvements to the City-Owned Shooting Facility.

#2004-47 – Approving Contract with James A. Culver dba Chippewa Northwestern Railway Company of Lincoln, Nebraska for Train and Food Concession Services at Stolley Park.

#2004-48 – Approving Two-Year Contract with the Hall County Housing Authority for Police Services.

#2004-49 – Approving Authorization for City Treasurer to Sell Stocks and Securities.

#2004-50 – Approving Bid Award for Low Service Pump #2 Repair with Rotating Equipment Repair, Inc. of Sussex, Wisconsin in an Amount of \$22,500.00.

#2004-51 – Approving Bid Award for Electrical Project 2001-UG-4 Installation of Electrical Conduits with K-D Cable, Inc. of Grand Island, Nebraska in an Amount of \$64,070.00.

#2004-52 – Approving Acquisition of Right-of-Way Located at 610 Midaro Drive. (Garry and Jeanne Williams)

#2004-53 – Approving Acquisition of Right-of-Way Located at 550 Midaro Drive. (Rich and Patricia Johnson)

#2004-54 – Approving Acquisition of Right-of-Way Located at 520 Midaro Drive. (Donald and Deborah Razey)

#2004-55 – Approving Agreement with Nebraska Children and Families Foundation Relative to CYC Funding.

#2004-41 – Approving Final Plat and Subdivision Agreement for Meadow Lane 6th Subdivision. It was noted that Harold and Judith Rosenkotter and Deborah and Stephen Spaulding, had submitted the final plat for Meadow Lane 6th Subdivision, located on a parcel of land in the E1/2 SE1/4 of Section 26-11-9 for the purpose of creating 3 lots. Councilmember Gilbert questioned septic tanks and wondered if there were any other alternatives. Planning Director Chad Nabity stated there was no sewer or water in this subdivision because of it being outside the City limits, but within the 2 mile jurisdiction and that there were no other alternatives at this time.

Motion was made by Hornady, second by Cornelius to approve Resolution #2004-41. Upon roll call vote, Councilmembers Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Hasse voted aye. Councilmembers Meyer and Pielstick voted no. Motion adopted.

#2004-45 – Approving Acquisition and Condemnation of Property Along South Locust Street Between Stolley Park Road and Fonner Park Road. Councilmember Gilbert questioned the condemnation process and status of the temporary construction easements. Public Works Director Steve Riehle explained the process and that this was a way of bringing to the table those property owners who had not signed agreements yet.

Motion by Hornady, second by Walker to approve Resolution #2004-45. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2004-56 – Approving Ballot Language for ½ Cent Sales Tax Vote. Doug Walker, City Attorney reported that Resolution #2004-56 authorized a ½ Cent Sales Tax Measure to be placed on the May 11th Primary Election along with designating how the proceeds of the sales tax would be expended.

Councilmember Whitesides requested the City Clerk to read the ballot language. City Clerk RaNae Edwards read the ballot language as proposed in Resolution #2004-56.

Motion by Whitesides, second by Meyer, to approve Resolution #2004-56. Upon roll call, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase, carried unanimously to approve the Claims for the period of February 25, 2004 through March 9, 2004, for a total amount of \$2,346,572.68. Motion adopted.

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

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G3

Approving Minutes of March 16, 2004 City Council Special Meeting

*The Minutes of March 16, 2004 City Council Special Meeting are submitted for approval.
See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

March 16, 2004

Pursuant to due call and notice thereof, a Special 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 March 16, 2004. Notice of the meeting was given in the Grand Island Independent on March 10, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said.

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

MAYOR COMMUNICATION: Mayor Vavricek announced two new hires for the City of Grand Island in the Administration Department. Paul Briseno was hired for the position of Executive Assistant and Jennifer Fuller to the position of Public Information Office. The Mayor commented on the following two announcements were made this week: Standard Iron and Heritage Disposal and Storage businesses on locating in Grand Island. Mayor commented on the number of jobs to be created in with these two businesses.

PUBLIC HEARINGS:

Public Hearing for the Purpose of Hearing Testimony Concerning the City's Proposed Comprehensive Development Plan. Chad Nabity, Regional Planning Director reported that in March of 2002 the Hall County Regional Planning Department began working with JEO Consulting Inc. of Wahoo Nebraska to update the comprehensive development plans, zoning and subdivision regulations for Grand Island, Hall County, Wood River, Alda, Doniphan and Cairo.

The process for Grand Island, over the course of the last two years, included four town hall meetings, eight subcommittees that comprised of over 130 citizens suggesting goals, objectives and policies for their committee, as well as monthly meetings with a steering committee. The steering committee was made up of more than 25 citizens and city of Grand Island staff.

The Hall County Regional Planning Commission held public hearings on the plan and proposed regulations on February 18, 2004. The planning commission had recommended that the Grand Island City Council approve the plan and regulations as presented.

The Comprehensive Plan and updated regulations were not significantly different from the plan and regulations currently in place for Grand Island. Definitions had been modernized and language in some of the districts has been clarified to make it consistent with interpretation and enforcement of the current regulations.

Keith Marvin representing JEO Consulting Inc. commented on the differences between the Future Land Use Map and the Zoning Map.

Public Hearing for the Purpose of Hearing Testimony Concerning the City's Proposed Zoning and Subdivision Regulations. Chad Nabity, Regional Planning Director reported that the subdivision regulations had been modified with updated definitions and a requirement that final plats need to be tied into three approved known points, and a requirement for submission of final plats in electronic format with specified layers.

James Butary, 2301 West 2nd Street presented economic development and public safety ideas. Mark McCue, #1 Ponderosa Drive, President of Ponderosa Home Owners Association spoke with regards to transitional agricultural (TA) as it related to animals. Suzanne Osberg, 1626 Coventry Lane representing Wayne Bockmann Estate requested that a specific piece of land be rezoned. Greg Baxter, 1722 Bridle Lane spoke with regards to property located on Engleman Road and the definition of transitional agriculture. Concerns were made regarding the zoning and regulations relative to the feedlot owned by Mr. Baxter. Deloris Fitzsimons, 120 Lynn Lane living within the two mile jurisdiction in Merrick County, felt she should have to follow Merrick County rules and regulations.

CONSENT AGENDA:

Discussion Concerning City's Proposed Comprehensive Development Plan and Zoning & Subdivision Regulations. Motion by Pielstick, second by Hornady to discuss the Proposed Comprehensive Development Plan and Zoning & Subdivision Regulations. Discussion was held with regards to the zoning regulations as they pertained to Ponderosa Subdivision. Comments were made by Councilmembers with regards to transitional land. Councilmember Gilbert recommended that the comprehensive plan include wording that states grazing land for livestock within transitional agricultural.

Motion by Gilbert, second by Pielstick, to direct Mr. Nabity to change the TA zone around Ponderosa areas, the areas Mr. Nabity identified on the map, including the request of Suzanne Osberg for the change of 26 acres to the Bochman Estates area to transitional agriculture and to include the words "grazing land" for livestock within the TA zone.

Councilmember Gilbert amended the motion, second by Pielstick to direct staff to refer these changes to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Amendment was made by Gilbert, second by Pielstick to recommend that staff be directed to clarify the use of acreage and animal use in transitional agriculture areas. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Meyer requested that this item be brought back to council before final approval. Regional Planning Director Chad Nabity stated that this would be brought back with another public hearing.

Upon roll call vote of the original motion with the amendments, all voted aye. Motion adopted.

#2004-57 – Approving Letter of Support for Essential Air Service to the Department of Transportation (DOT). Mayor Vavricek reported that for the last few weeks, communities that were eligible for Essential Air Service (EAS) funding had been reviewing bids from airlines for the federal program. In the process of review, regional discussions had come about with the emphasis to band area Cities together to build a program that takes advantage of the influence of the entire region.

In order to facilitate discussions along this line, an open meeting was held on Wednesday, March 10, 2004. About 100 interested people, including many Council Members, attended and a “Tri-City Initiative” was brought out that accomplishes regional participation concerning Essential Air Service. Basically, Kearney would ask for their flights to go to Kansas City, with a stop in Grand Island. In turn, Grand Island would ask for their flights to go to Denver, with a stop in Kearney. This would allow regional fliers to travel to 2 hubs, which was of great advantage.

Mayor Vavricek had stated his concerns and had called for the open process with regional approach to the issue. Hall County Airport Authority and the Kearney Air Task Force had brought about the ground breaking solution that had been jointly developed into the Tri-City Initiative.

The Department of Transportation had asked the Mayor’s of EAS communities to make their recommendation concerning the routes before March 18th in order for them to finalize the process of determining the final plan.

Motion by Pielstick, second by Hornady, to approve Resolution #2004-57. Upon roll call vote, all voted aye. Motion adopted.

#2004-46 – Approving Agreement with Grand Island Skeet and Sporting Clays Club. Steve Paustian, Parks and Recreation Director reported that for over twenty five years the Grand Island Skeet and Sporting Clays Club had operated a City owned shooting facility. With the need to relocate the Club from the City well field, it was determined that the Clubs new home would be on land the City purchased at the former CAAP site. Since October of last year this relocation had been taking place. Mr. Paustian stated to date, most of the relocation activities had been completed.

The Club had invested over \$100,000.00 of Club funds to assist in the cost of this relocation. The Club was committed to provide another \$100,000.00 of funding for the project as well. This additional funding would be provided primarily from funds received from several local trusts. Because the receipt of these funds would happen over several years, the club had asked for a loan of \$100,000.00 from the City to complete their portion of the project. The loan would be paid back as grant funds were received. It was anticipated that all funds would be paid back within five years. All funds would be spent on construction items with all of the improvements being owned by the City of Grand Island.

Motion by Whitesides, second by Gilbert, to approve Resolution #2004-46. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G4

Approving Appointments to Fill Library Board Vacancies

There are currently two openings on the Library Board due to the resignation of Mary Ingram and residency requirements of Luris Calero. The purpose of the Library Board is to make and adopt bylaws, rules, and regulations for the guidance and government of the library, subject to the supervision and control of the City Council. Members of the Library Board are appointed by the Mayor, with Council approval, for a term of four years. Members filling unexpired terms are eligible for two additional full four-year terms. Mayor Vavricek has received letters of interest from six community volunteers, and is requesting Council approval of Lori Hock to fill the unexpired term of Luris Calero beginning April 12, 2004 and ending June 30, 2004 and Karl Kostbahn to fill the unexpired term of Mary Ingram beginning April 12, 2004 and ending June 30, 2006. Approval is recommended.

Staff Contact: Steve Fosselman



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G5

Approving Appointment to the Community Development Advisory Committee

There is currently an opening on the Community Development Advisory Committee due to the resignation of Todd Speece. The purpose of the Community Development Advisory Committee is to monitor all existing and potential community development programs and projects and make recommendations on all existing and potential community development programs, projects, and procedures. Members of the Community Development Advisory Board are appointed by the Mayor, with Council approval, for a term of three years. Mayor Vavricek is requesting Council approval of Bobby Ranard to fill the unexpired term of Todd Speece beginning immediately and ending June 30, 2005. Approval is recommended.

Staff Contact: Jerenne Garrouette



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G6

**#2004-58 - Approving Acquisition of Property at 1209 - 1219 W.
North Front Street - Utilities Department**

This item relates to Public Hearing Item E-1.

Staff Contact: Gary Mader; Doug Walker

RESOLUTION 2004-58

WHEREAS, the City of Grand Island is interested in purchasing a tract of land at 1219 W. North Front Street to be used by the utility department; and

WHEREAS, City officials and the owners of the property, Gene M. Reab and Ellinor K. Reab, husband and wife, have negotiated a price of \$350,000 for such property; and

WHEREAS, a public hearing was held on March 23, 2004 for the purpose of discussing the proposed acquisition of the following property:

Lots One (1), Two (2), Three (3), and Four (4) in Block Five (5), Arnold & Abbott's Addition to the City of Grand Island, Nebraska, together with the easterly 40 feet of vacated Adams Street in the City of Grand Island, Hall County, Nebraska; and

Improvement on Leased Land described as an 8,100 square foot tract of land with dimensions of Fifty (50.0) feet by One Hundred Sixty-Two (162.0) feet adjacent to the south side of a portion of Lots One (1) and Two (2) of Block Five (5), Arnold and Abbott's Addition to the City of Grand Island, Hall County, Nebraska, on the Union Pacific Railroad right-of-way as shown on "Exhibit A," attached hereto and incorporated herein by reference.

WHEREAS, the proposed Commercial Purchase Agreement setting out the terms of such acquisition and the Consent to Dual Agency have been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Purchase Agreement by and between the City and Gene M. Reab and Ellinor K. Reab, husband and wife, to purchase the above described property at a price of \$350,000 is hereby approved; and the Mayor is hereby authorized and directed to execute such Commercial Purchase Agreement on behalf of the City of Grand Island.

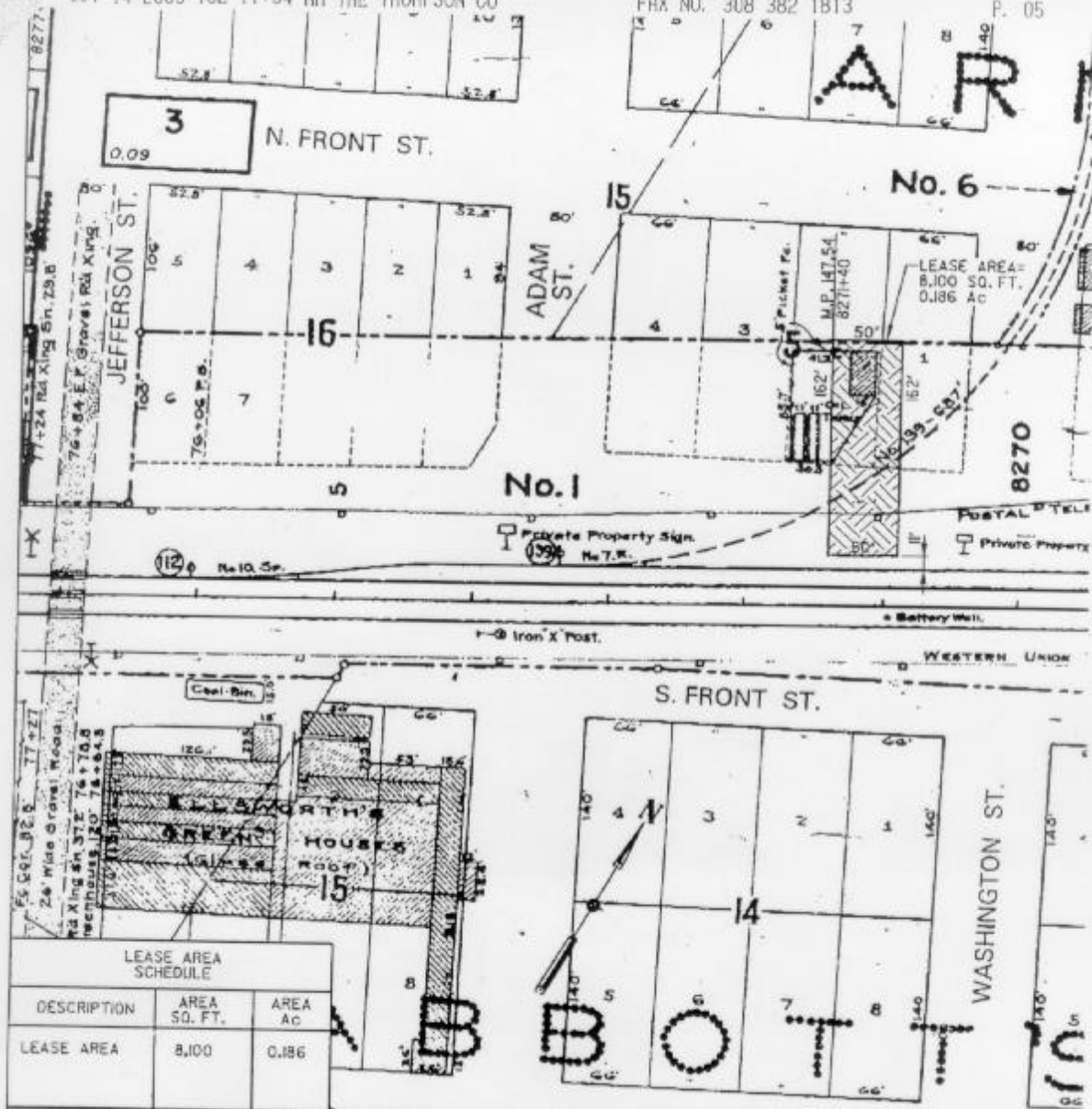
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute a Consent to Dual Agency with respect to this project.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
March 18, 2004	<input type="checkbox"/>	City Attorney



LEASE AREA SCHEDULE		
DESCRIPTION	AREA SQ. FT.	AREA AC
LEASE AREA	8,100	0.186

LEGEND:

LEASE AREA SHOWN -----

UPPRCD. R/W OUTLINED -----

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

GRAND ISLAND, HALL COUNTY, NEBRASKA
M.P. 147.54 - KEARNEY SUB.

LEASE TO TOBA, INC

SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 10-14-2002
LAC FILE: 213-91

CADD FILENAME ://MAPS/NE/21391.DGN

SCAN FILENAME ://UP/NE/UP/3/NE03S17A.CIT
DX=5768.2597.3 AA=1.88Neb3
S17a



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G7

**#2004-59- Approving Acquisition of Utility Easement - 3990 West
Capital Avenue - Grand Island Retirement, LLC**

This item relates to Public Hearing Item E-2.

Staff Contact: Gary R. Mader

RESOLUTION 2004-59

WHEREAS, a public utility easement is required by the City of Grand Island, from Grand Island Retirement, LLC., a limited liability company, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on March 23, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1), Primrose Subdivision in the City of Grand Island, Hall County, Nebraska, the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

The westerly twenty (20.0) feet of the northerly two hundred sixty two (262.0) feet of Lot One (1) Primrose Subdivision.

The above-described easement and right-of-way containing 0.12 acres, more or less, as shown on the plat dated March 3, 2004, 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 Grand Island Retirement, LLC, a limited liability company, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G8

#2004-60- Approving Acquisition of Right-of-Way and Permanent Drainage Easement Located Along Midaro Drive. (Amy A. Anderson and Emily J. Anderson)

This item refers to the aforementioned Public Hearing Item E-3.

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

RESOLUTION 2004-60

WHEREAS, road right-of-way and a permanent drainage easement is required by the City of Grand Island, from Amy A. Anderson, a single person, and Emily J. Anderson, a single person, as co-owners, to install, upgrade, maintain, and repair drainage structures and appurtenances and to widen Midaro Drive; and

WHEREAS, a public hearing was held on March 23, 2004, for the purpose of discussing the proposed acquisition of an easement through a part of Lot Two (2), Firethorn Estates Subdivision in the City of Grand Island, located in the Southeast Quarter (SE1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Road Right-of-Way:

Commencing at the center of Section 27, point also being the point of beginning; thence on an assumed bearing of S89°35'58"E along the north line of said SE1/4 of Section 27 a distance of 39.11 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 36°03'37", an arc length of 44.06 feet, a radius of 70.00 feet, and a chord of S25°30'43"W a distance of 43.33 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 44°18'59", an arc length of 54.14 feet, a radius of 70.00 feet, and a chord of S21°23'02"W a distance of 52.80 feet to a point on the west line of said Southeast Quarter of Section 27; thence N00°46'28"W along said west line a distance of 88.56 feet to the point of beginning. Said tract contains a calculated area of 1,565.60 square feet or 0.0359 acres more or less.

Drainage Easement:

Commencing at the center of Section 27; thence on an assumed bearing of S00°46'28"E along the west line of said SE1/4 of Section 27 a distance of 616.05 feet to the point of beginning; thence N89°13'32"E a distance of 60.00 feet; thence S00°46'28"E parallel to said west line a distance of 40.00 feet; thence S89°13'32"W a distance of 60.00 feet to a point on said west line; thence N00°46'28"W along said west line a distance of 40.00 feet to the point of beginning. Said tract contains a calculated area of 2,400.00 square feet or 0.0551 acres more or less.

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 road right-of-way and a permanent drainage easement from Amy A. Anderson, a single person, and Emily J. Anderson, a single person, as co-owners, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

Approved as to Form	<input type="checkbox"/>	_____
March 18, 2004	<input type="checkbox"/>	City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G9

#2004-61 - Approving Acquisition of Permanent Drainage Easement Located at 225 Midaro Drive. (Marlene Roush)

This item refers to the aforementioned Public Hearing Item E-4.

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

RESOLUTION 2004-61

WHEREAS, a permanent drainage easement is required by the City of Grand Island, from Michael D. Roush, a single person, Marlene C. Roush, a widow, and Dana Jelinek and Ronald Jelinek, wife and husband, as co-owners, to install, upgrade, maintain, and repair drainage structures and appurtenances; and

WHEREAS, a public hearing was held on March 23, 2004, for the purpose of discussing the proposed acquisition of an easement through a part of Lot One (1), Firethorn Estates Second Subdivision in the City of Grand Island, located in the Southwest Quarter (SW1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Commencing at the northwest corner of said Lot 1; thence on an assumed bearing of S01°11'57"E along the west line of said Lot 1 a distance of 179.60 feet said point also being the point of beginning; thence S89°54'27"E a distance of 15.00 feet; thence S01°12'13"E parallel with said west line of Lot 1, said line also being the east right-of-way (R.O.W.) line of Midaro Drive a distance of 651.30 feet; thence S89°54'27"E parallel with the south line of said Lot 1; said line also being the north R.O.W. line of Midaro Drive a distance of 421.95 feet to a point on the east line of said Lot 1; thence S01°15'33"E along said east line a distance of 10.00 feet to a point on the south line of said Lot 1; thence N89°54'27"W along said south line a distance of 436.96 feet to a point on said west line of said Lot 1; thence N01°12'13"W along said west line a distance of 661.30 feet to the point of beginning. Said tract contains a calculated area of 14,141.58 square feet or 0.3246 acres more or less.

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 permanent drainage easement from Michael D. Roush, a single person, Marlene C. Roush, a widow, and Dana Jelinek and Ronald Jelinek, wife and husband, as co-owners, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 18, 2004	☐ City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G10

#2004-62 - Approving Bid Award for Picnic Shelter

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: City Council, March 23, 2004

Subject: Bid Award-Picnic Shelter at Stolley Park

Item #'s: G-10

Presenter(s): Steve Paustian

Background

After the failure of the Zoo referendum the Mayor appointed a committee to develop a re-use plan for the former zoo site. One of the proposals made by the Committee and accepted by the Council was to build a community picnic shelter in the vicinity of the former Zoo.

Discussion

The Park and Recreation Department advertised for an 80 ft. X 30 ft. L shaped picnic shelter. Six firms provided bids ranging from \$52,265.00 to \$76,025.00. The low bid was provided by Fry and Associates Inc. of North Kansas City Missouri.

Alternatives

1. Award the bid.
2. Award the bid to another firm.
3. Table the bid.

Recommendation

It is the recommendation of staff that a contract be awarded to Fry and Associates for \$52,265.00 for one Picnic Shelter, as they provided the low responsible bid.

Sample Motion

Award the contract to Fry and Associates for the purchase of one picnic shelter from Fry and Associates.



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: March 2, 2004 at 11:00 a.m.
FOR: Picnic Shelter
DEPARTMENT: Parks & Recreation
ENGINEER'S ESTIMATE: \$60,000.00
FUND/ACCOUNT: 40044450-90123
PUBLICATION DATE: February 15, 2004
NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder:	<u>Outdoor Recreation Products</u> Elkhorn, NE	<u>Ely Churchich & Associates</u> Omaha, NE
Exceptions:	Noted	None
Bid Price:	\$66,000.00	\$57,525.00 \$52,835.00 Alternate Bid
Bidder:	<u>Riggs Recreation Equipment, Inc.</u> Leawood, KS	<u>Fry and Associates, Inc.</u> North Kansas City, MO
Exceptions:	None	Noted
Bid Price:	\$76,025.00	\$52,265.00
Bidder:	<u>Backyard Adventures</u> Omaha, NE	<u>ABCreative</u> Omaha, NE
Exceptions:	None	None
Bid Price:	\$58,846.00	\$58,840.90

cc: Steve Paustian, Parks & Recreation Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Patti Buettner, Parks & Recreation Secretary
Dale Shotkoski, Purchasing Agent

RESOLUTION 2004-62

WHEREAS, the City of Grand Island invited sealed bids for Picnic Shelter, according to plans and specifications on file with the Parks and Recreation office; and

WHEREAS, on March 2, 2004, bids were received, opened and reviewed; and

WHEREAS, Fry and Associates, Inc. of North Kansas City, Missouri, 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 \$52,265.00; and

WHEREAS, Fry and Associates, Inc.'s bid is less than the engineer's estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Fry and Associates, Inc. of North Kansas City, Missouri, in the amount of \$52,265.00 for picnic shelter is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G11

**#2004-63 - Approving Land for the Purpose of Public Park and
Public Outdoor Recreation Under the Land and Water
Conservation Fund Act at the Grand Island Skeet Range**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: City Council, March 23, 2004

Subject: Approving Land Designation as Required by the Land and Water Conservation Fund Act

Item #'s: G-11

Presenter(s): Steve Paustian

Background

The Grand Island Skeet and Sporting Clays range formerly located on the City Well Field received funds for the development of some of its facilities from the Land and Water Conservation Fund. One of the requirements of using these funds was that in the case of a move or end of the operation, like facilities of equal or greater value would be developed to replace the former operation. That requirement has been met with the development of the shooting facility on former CAAP grounds.

Discussion

A resolution is before you identifying the boundary of the Land and Water replacement lands. This is all that will be required to satisfy the requirement of the former grant and will allow the City to pursue additional Land and Water Conservation Funding for the current development.

Alternatives

1. Ratify the Resolution
2. Modify the boundary of the proposed site and ratify the resolution

Recommendation

It is the recommendation of staff that the resolution be ratified and the Land and Water Fund Act requirement satisfied.

Sample Motion

Motion to pass the resolution pertaining to the Land and Water Fund Act requirement.

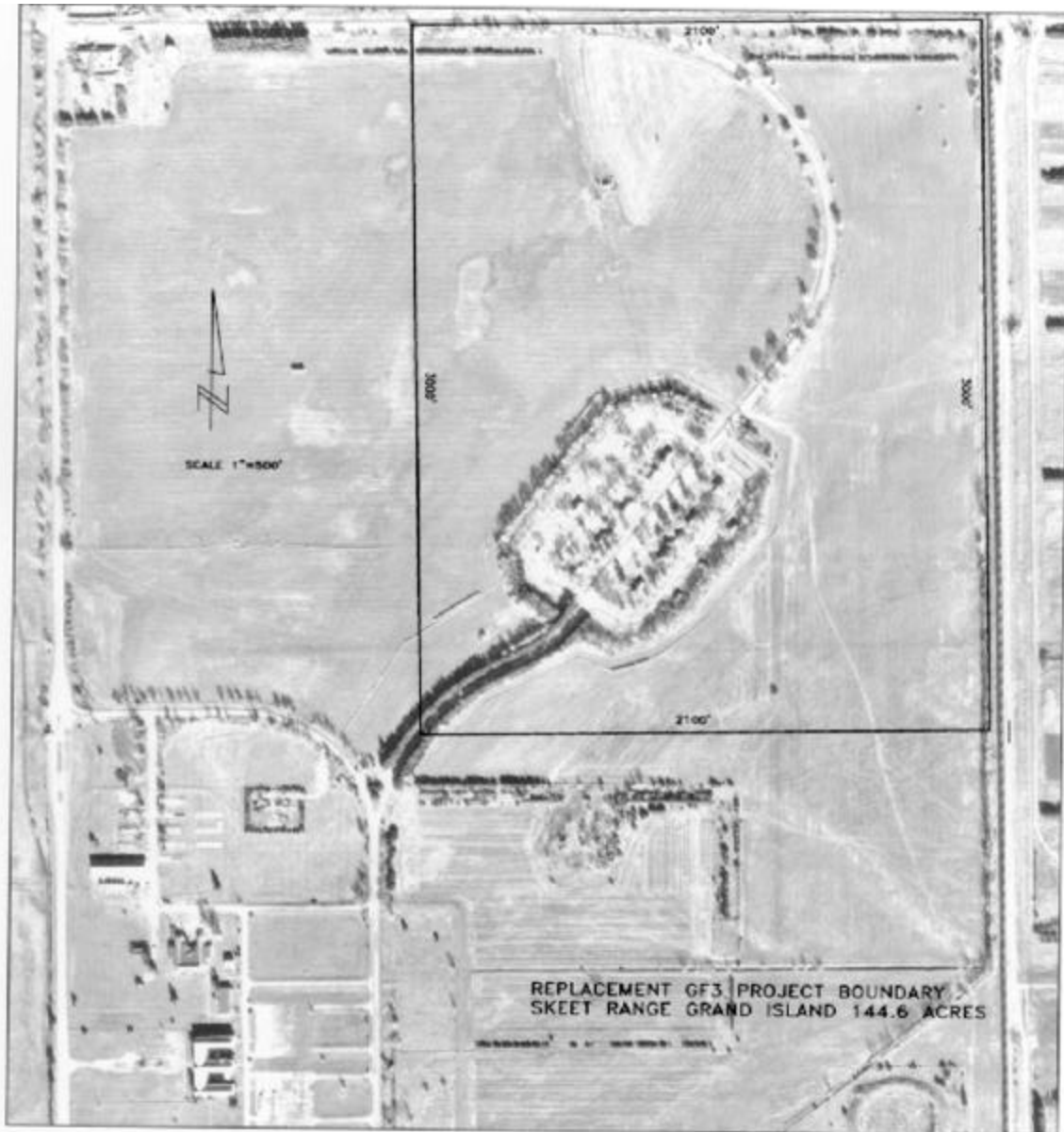


EXHIBIT "A"

RESOLUTION 2004-63

WHEREAS, the City of Grand Island owns approximately 27.3 acres of land along South Locust Street which was leased to the Grand Island Skeet Club for skeet and sporting clay recreational activities; and

WHEREAS, such land was dedicated for public recreational use, and was provided grant funding based on its exclusive as public recreational purposes; and

WHEREAS, with the construction of the Interstate 80 interchange and the expansion of South Locust Street, it was necessary to relocate the Grand Island Skeet Club; and

WHEREAS, on September 12, 2000, by Resolution 2000-276, the City Council of the City of Grand Island authorized the acquisition of the following property located at the former Cornhusker Army Ammunition Plant site for use as a recreational sports facility, and for the relocation of the Grand Island Skeet and Sporting Clays Club and Grand Island Modelers Club from the city well field:

A tract of land comprising all of the Southwest Quarter (SW $\frac{1}{4}$), part of the Southeast Quarter (SE $\frac{1}{4}$), part of the Northeast quarter (NE $\frac{1}{4}$), and all of the Northwest quarter (NW $\frac{1}{4}$), all being in Section Twenty Nine (29), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Beginning at the southwest corner of said Southwest Quarter (SW $\frac{1}{4}$), thence running easterly, along and upon the south line of said Southwest quarter (SW $\frac{1}{4}$), a distance of Two Thousand Six Hundred Forty Six and Fourteen Hundredths (2,646.14) feet to the southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); thence deflecting right 00°06'15" and running easterly, along and upon the south line of said Southeast quarter (SE $\frac{1}{4}$), a distance of Eight Hundred Twenty one and Sixty Five Hundredths (821.65) feet to a point which is Fifteen 915.00) feet west of (measured perpendicular to) the centerline of an existing railroad track; thence deflecting left 90°06'48" and running northerly, parallel with and Fifteen 915.0) feet west of (measured perpendicular to) said existing railroad track centerline, a distance of Five Thousand Two Hundred Ninety Six and Twenty eight Hundredths (5,296.28) feet to a point on the north line of said Northeast Quarter (NE $\frac{1}{4}$); thence deflecting left 90°03'45" and running westerly, along and upon the north line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of Eight Hundred Eleven and Four Tenths (811.40) feet to the northeast corner of said Northwest Quarter (NW $\frac{1}{4}$); thence deflecting left 00°05'00" and running westerly, along and upon the north line of said Northwest Quarter (NW $\frac{1}{4}$), a distance of Two Thousand Six Hundred forty Two and Sixty One Hundredths (2,642.61) feet to the northwest corner of said Northwest Quarter (NW $\frac{1}{4}$); thence deflecting left 89°50'04: and running southerly, along and upon the west line of said Northwest Quarter (NW $\frac{1}{4}$), a distance of Two Thousand Six Hundred Forty Eight (2,648.0) feet to the northwest corner of said Southwest Quarter (SW $\frac{1}{4}$); thence

deflecting right 00°16'05: and running southerly, along and upon the west line of said Southwest Quarter (SW ¼), a distance of Two Thousand Six Hundred Thirty Nine and Nine Hundredths (2,639.09) feet to the point of beginning and containing 420.050 acres, more or less.

WHEREAS, in order to continue grant funding, it is necessary to obtain approval pursuant to Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, to officially designate the replacement land for recreational purposes; and

WHEREAS, it is recommended that the northeast portion of the above described property, a section of land comprising an area of approximately 3,000 feet by 2,100 feet as shown on Exhibit "A" attached hereto, be dedicated for public recreational purposes, and in particular for a skeet and sporting clay facility.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island does hereby dedicate the northeast portion of the above described real property, a section of land comprising an area of approximately 3,000 feet by 2,100 feet, for the purposes of a public park and public outdoor recreational purposes in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G12

#2004-64- Approving Bid Award for (1) 2004 Four-Door Police Vehicle

Staff Contact: Kyle Hetrick

Council Agenda Memo

From: Captain Robert Falldorf, Police Dept.

Meeting: March 23, 2004

Subject: Approval of Purchase of One (1) 2004 Ford Crown Victoria Police Vehicle

Item #'s: G-12

Presenter(s): Kyle Hetrick, Chief of Police

Background

The Police Department advertised for bids for (1) 2004 Police Vehicle on February 28, 2004 to replacement of a wrecked marked police unit.

Discussion

One (1) bid was received from Anderson Ford Lincoln Mercury, Grand Island, Nebraska in the amount of \$23,484.00 with a trade-in allowance of \$4,700.00. There are sufficient funds for this purchase in Account No. 10022301-85625.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the purchase of the 2004 Ford Crown Victoria Police vehicle.
2. Disapprove or /Deny the purchase of the 2004 Ford Crown Victoria Police vehicle.
3. Table the issue.

Recommendation

City Administration recommends that the Council approve the purchase of the 2004 Ford Crown Victoria police vehicle including trade-in in the amount of \$18,784.00 from Anderson Ford Lincoln Mercury of Grand Island, Nebraska.

Sample Motion

Move to approve the purchase of one (1) 2004 Ford Crown Victoria Police vehicle from Anderson Ford Lincoln Mercury of Grand Island, Nebraska in the amount of \$18,784.00.

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: March 9, 2004 at 11:00 a.m.

FOR: (1) 2004 Four-Door Police Vehicle

DEPARTMENT: Police

ENGINEER'S ESTIMATE: \$23,505.00

FUND/ACCOUNT: 10022301-85625

PUBLICATION DATE: February 28, 2004

NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder: Anderson Ford Lincoln Mercury
Grand Island, NE

Bid Security: Union Insurance Company

Exceptions: None

Bid Price: \$23,484.00

Trade-In: 4,700.00

TOTAL: \$18,784.00

cc: Police Chief Kyle Hetrick
Gary Greer, City Administrator
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

P892

RESOLUTION 2004-64

WHEREAS, the City of Grand Island invited sealed bids for One (1) 2004 Four-Door Police Interceptor Vehicle, according to plans and specifications on file with the Police Department; and

WHEREAS, on March 9, 2004, one bid was received, opened and reviewed; and

WHEREAS, Anderson Ford Lincoln Mercury 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 \$23,484 less trade-in value of \$4,700 for a net price of \$18,784; and

WHEREAS, Anderson Ford Lincoln Mercury's bid is less than the engineer's estimate for such vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Anderson Ford Lincoln Mercury of Grand Island, Nebraska, in the amount of \$23,484.00 less trade-in value of \$4,700 for a net amount of \$18,784.00 for one 2004 four-door Police Interceptor vehicle is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 19, 2004	☐ City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G13

#2004-65 - Approving Date for Board of Equalization for Annual Mowing Assessments

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: March 23, 2004

Subject: Setting Date for Board of Equalization
for Annual Mowing Assessment

Item #'s: G-13

Presenter(s): Douglas R. Walker, City Attorney

Background

Chapter 17 of the Grand Island City Code, Garbage, Refuse, Waste and Weeds, Article III - Weeds, sets forth the procedure for levying special assessments against properties on which the City has performed mowing operations during the preceding year. If a property owner, agent, occupant or other person in possession, charge or control of a lot fails to pay the bill sent by the Finance Department for mowing, the Mayor and City Council, after sitting as a Board of Equalization, may levy the mowing costs against the property on which the services were delivered as a special assessment.

Discussion

There were five properties which did not pay mowing bills during the calendar year 2003 as of March 2, 2004. The City Code requires that a hearing date be set for the Board of Equalization to consider the proposed assessments and take public comment. This action sets Board of Equalization for April 27, 2004, and provides for publication and mailing of notices of the proposed assessments.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the meeting date of April 27, 2004 for the Board of Equalization.
2. Disapprove or /Deny the meeting date of April 27, 2004 for the Board of Equalization.

3. Modify the meeting date of April 27, 2004, of the Board of Equalization to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the meeting day of April 27, 2004, for the Board of Equalization for the 2003 mowing assessments.

Sample Motion

Approve the meeting date of April 27, 2004, for the Board of Equalization for the 2003 mowing assessments.

RESOLUTION 2004-65

WHEREAS, pursuant to Article III of Chapter 17 of the Grand Island City Code, for reason of the failure of the owners, agents, occupants, or persons in possession, charge, or control of lots, tracts, or parcels of land in the City to comply with the notices of the City Council in regard to the cutting and removing of weeds and other rank growth of vegetation, such weeds and other rank growth of vegetation were caused to be removed by the City, and the actual expenses thereof have been audited and paid by the City; and

WHEREAS, the owners, agents, occupants, or persons in possession, charge or control of lots, tracts or parcels of land whereon such weeds and other rank growth of vegetation were caused to be cut by the City and are in default of payment of the expenses and costs incurred by the City therefor; and

WHEREAS, the Finance Department for the City has reported the expenses and costs of such weed cutting to the City Council and recommends that the City Council sit as a Board of Equalization to assess the expenses and costs thereof to the respective lots, tracts, or parcels of land.

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

1. The report of the Finance Department for the City pertaining to the cutting of weeds and other rank growth of vegetation is hereby accepted.
2. The City Council shall sit as a Board of Equalization to determine the benefits of such weed cutting on April 27, 2004 at 7:00 p.m.
3. The City Clerk shall give notice, as required by Section 16-707, R.R.S. 1943, as amended, by one publication in the Grand Island Independent that the City Council will sit as a Board of Equalization on the date and time set forth above, at least ten (10) days prior thereto; and further, that the City Clerk, within five (5) days after the date of publication of the above notice, shall send by U.S. mail, a copy of the published notice to each and every party appearing to have a direct legal interest in such proceeding whose name and post office addresses are known, in accordance with the provisions of Section 25-520.01, R.R.S. 1943, as amended.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
March 18, 2004	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G14

**#2004-66 - Approving Subordination Agreement for House
Purchased under CDBG Down Payment Assistance Program**

Staff Contact: Jerenne Garrouette

Council Agenda Memo

From: Jerenne Garrouette

Meeting: March 23, 2004

Subject: Subordination Agreement for House Purchased under CDBG Down Payment Assistance Program

Item #'s: G-14

Presenter(s): Jeri Garrouette, Community Development Director

Background

The City of Grand Island has a real estate lien on property owned by Jonell Ann and Lloyd Wilsey (formerly known as Jonell Ann Vogt) 817 East 7th Street, in the amount of \$13,800. This lien is a result of the City's Down Payment Assistance Program. On October 28, 1999, down payment funds in the amount of \$13,800 were loaned to Jonell Ann Vogt, a single person, to assist in the purchase of a new home in the Community Development Block Grant Project area. The legal description is: Lot Two (2) Block Twelve (12) Voitle's Addition to the City of Grand Island, NE, a/k/a/ 817 East 7th. The owners are requesting permission to refinance their first mortgage at a lower interest rate.

Discussion

The City's current real estate lien is junior in priority to a Deed of Trust to Commercial Federal in the amount of \$55,200. By law, the new Deed of Trust would be junior in priority to the City's lien, however, the lender, Commercial Federal have asked the City to subordinate its real estate lien to the new Deed of Trust.

The new appraised value of the property is \$90,000 and is sufficient to secure the refinanced loan of \$51,400 and the City's loan of \$13,800. The City's loan of \$13,800 will be forgiven if the original owner of the property (Jonell Ann Vogt) resides in the house for a period of 10 years from the date of purchase which was October 28, 1999. Approval of the proposed Subordination Agreement, placing the City in the junior position to the new Deed of Trust, is recommended.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the Subordination Agreement
2. Disapprove or /Deny the Subordination Agreement
3. Modify the Subordination Agreement to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the proposed Subordination Agreement, placing the City's lien in the junior position to the new Deed of Trust.

Sample Motion

Approve the Subordination Agreement with Commercial Federal placing the City's name in the junior position to the new Deed of Trust.

R E S O L U T I O N 2004-66

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated October 28, 1999 and recorded on October 29, 1999 as Instrument No. 0099110511 secured by property owned by Jonell Ann Vogt, a single person (now known as Jonell Ann Wilsey), said property being described as follows:

Lot Two (2), Block Twelve (12), Voitle's Addition to the City of Grand Island, Hall County, Nebraska.

WHEREAS, Jonell Ann Wilsey and Lloyd Wilsey, wife and husband, wish to execute a Deed of Trust and Note in the amount of \$51,400 with Commercial Federal Bank to be secured by the above-described real estate; and

WHEREAS, the new lender, Commercial Federal Bank, Beneficiary, wishes to extend the new loan secured by a Deed of Trust conditioned upon the City subordinating its Deed of Trust to their lien priority; and

WHEREAS, the value of the above-described real estate is sufficient to adequately secure both loans.

WHEREAS, the requested subordination of the City's lien priority is in the best interests of all parties.

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 an agreement subordinating the lien priority of the above described Deed of Trust from Jonell Ann Vogt (now known as Jonell Ann Wilsey) and Lloyd Wilsey, wife and husband, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of Commercial Federal Bank, Beneficiary, as more particularly set out in the subordination agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____	
March 18, 2004	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G15

**#2004-67 - Approving Change Order #1 - Schmader Electric for
Steel Poles - Transmission Line Work, Utilities Department**

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

From: Gary Mader, Utilities Director
Dale Shotkoski, Asst. City Attorney/Purchasing

Meeting: March 23, 2004

Subject: Transmission Line Work Change Order – Schmader Electric Construction, Contract 04-PCC-01

Item #'s: G 15

Presenter(s): Gary R. Mader, Utilities Director

Background

Portions of the 115 kV transmission loop must be upgraded to service the increasing electrical demand. Two line sections are currently upgrade candidates. The first piece is located south of Swift Fresh Meats the other goes north from Platte Generating Station. Bids were opened for this transmission line work on December 22, 2003. The award to Schmader Electric Construction Company was made on January 27, 2004. The contract was executed on March 3, 2004 after all administrative matters were completed; Insurance Certificates and Performance Bonds were submitted and approved.

The bids ranged from \$431,945.52 to \$660,312.00. Schmader Electric Construction's bid was \$26,500.96 below the next higher bid. From the literature furnished, it appears that all bidders intended to use steel poles manufactured by Valmont Industries.

Since these bids were opened, steel and aluminum prices have escalated rapidly. The Utilities Department has been advised that steel and steel materials fabricators will hold price quotes for only two weeks. As a result of this escalation, material vendors are not able to hold the December quotes provided to the contractor, Schmader Electric.

Discussion

Two vendors are experiencing an escalation in material costs. The most significant impact is due to an increase in steel costs, while increased aluminum prices have a lesser effect. Valmont Industries original bid for the steel poles was \$77,463, the escalated price is \$88,477; an increase of \$11,014. Kriz-Davis is furnishing the electric conductor and requests an additional \$2,503.28. After 6.5% sales tax, the total Change Order requested by Schmader Electric is \$14,395.90.

After twenty years of stable prices, the sudden return to rapid escalation was unexpected by the Electric Department, the Bidders, and the Consulting Engineer. The request of Schmader Electric is reasonable. The Department has confirmed from other sources that this escalation is present in the current metal materials markets. Should the Contract be voided, the City would ultimately pay the increased cost.

Future contracts will likely require provisions to automatically allow inflation related price increases.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the Change Order #1 in the amount of \$14,395.90.
2. Deny the request for a Change Order.
3. Void the Contract and re-advertise to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve Change Order #1 to the Transmission Line Work Contract.

Sample Motion

Approve Change Order #1 to Contract 04-PCC-01, Transmission Line Work, with Schmader Electric Construction Company, Inc. in the amount of \$14,295.90, including sales tax, to accommodate inflation related material cost increases.



CHANGE ORDER #1

TO: Schmader Electric Const. Com. Inc.
ATTN: Dale Schmader
340 E. Elk Street
West Point, NE 68788

Project: Transmission Line Work – Contract 04-PCC-01

You are hereby directed to make the following change in your contract:

1. Additional payment for steel poles:

ADD: \$14,395.90 or DELETE \$ _____

The original Contract Sum	<u>\$431,945.52</u>
Previous Change Order Amounts	<u>\$ 0.00</u>
The Contract Sum is increased by this Change Order	<u>\$ 14,395.90</u>
The total modified Contract Sum to date	<u>\$446,341.42</u>

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the Work described herein. Additional claims will not be considered.

APPROVED: **CITY OF GRAND ISLAND**

By: _____
Mayor

Date _____

Attest: _____

Approved as to Form, City Attorney

ACCEPTED: **SCHMADER ELECTRIC CONSTRUCTION COMPANY, INC.**

By: _____

Date _____

RESOLUTION 2004-67

WHEREAS, on January 27, 2004, by Resolution 2004-18, the City of Grand Island awarded the bid for Contract No. 04-PCC-01, Transmission Line Work to Schmader Electric Construction Co. of West Point, Nebraska; and

WHEREAS, it has been determined that a modification to the work to be performed by Schmader Electric Construction Co. is necessary; and

WHEREAS, such modification has been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$14,395.90 for a revised contract price of \$446,341.42.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Schmader Electric Construction Co. of West Point, Nebraska to provide the modifications set out as follows:

Additional payment for steel poles 14,395.90

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
March 18, 2004	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G16

#2004-68 - Approving Certificates of Final Completion and Setting of Board Equalization Hearing Date for Water Main Districts 441 and 442T (Faidley Avenue)

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: March 23, 2004

Subject: Water Main Districts 441 and 442T
Faidley Avenue – Diers Avenue to Claude Road
Extended
Assessments and Connection Fees

Item #'s: G-16

Presenter(s): Gary R. Mader, Utilities Director

Background

The water main for the two referenced districts has been installed and placed in service. The project was done under one contract and involved the construction of a 10" main in Faidley Avenue, from Diers Avenue to the west approximately 700' to the Moore's Creek Drainway; then extending south, tying into an existing 10" main at Claude Road extended. The project provides City service to the Crane Valley 6th and 7th Subdivisions and completes a major loop in the water system.

The total cost of construction was \$38,023.09. The City's share is \$9,158.52 due to the layout of the area previously served, and the cost of over-sizing the main to meet system demands.

Discussion

The assessment District, 441, was created to serve the properties on the north side of Faidley Avenue. This is the Department's standard method for installing water mains to developed areas requesting City service. The assessments will be collected over a five year period, at 7% simple interest on the unpaid balance.

The District's fees are based on the calculated cost of installing an 8" water main, the standard size for commercial areas. To arrive at a proportional cost for each property, the District's assessable amount was divided by the frontage of the properties adjacent to the water main. This computes to a \$19.333172 per front foot fee.

The Connection District, 442T, was created for the two large lots on the south side of Faidley Avenue. These tracts are not fully developed and have the potential to be re-subdivided. If the lots are more fully developed in the future, connection fees would be collected when future facilities were actually connected to the new main to receive City water service.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Issue the Certificate of Final Completion for Districts 441 and 442T and set the date for the Board of Equalization to determine assessments and connection fees for the properties within the boundaries of the two Districts.
2. Deny the issuance of the Certificate of Final Completion for Water Main District 441 and District 442T.
3. Modify the assessments and connection fees due from the properties within the boundary of Districts 441 and 442T, to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Certificates of Final Completion be accepted by the Council and that the Board of Equalization be set to meet at the Council Meeting of April 27, 2004 to determine the assessments for Water Main District 441 and the connection fees for Water Main District 442T. Attached are copies of the calculations, ownership records and district plats.

Sample Motion

Approve the acceptance of the Certificates of Final Completion for Water Main Districts 441 and 442T and set the date for the Board of Equalization to determine assessments and connection fees for these districts for April 27, 2004.



INTEROFFICE MEMORANDUM

*Working Together for a
Better Tomorrow. Today.*

DATE: March 10, 2004
TO: Mayor and Council Members
FROM: Gary R. Mader, Utilities Director

SUBJECT: Water Main District 441

This memo is to certify that Water Main District 441, located in Faidley Avenue, from Diers Avenue to Claude Road Extended has been fully completed. All work was done in accordance with the terms and conditions of the contract, and complies with the plans and specifications. The water main district has been placed in service.

It is recommended that a Board of Equalization be set for April 27, 2004, to determine the benefits and connections fees for the properties within the boundaries of Water Main District 441.


Gary R. Mader, Utilities Director

GRM/pag

pc: Doug Walker, City Attorney
David Springer, Finance Director
Robert H. Smith, Asst. Utilities
Steve Riehle, Public Works Director
Tom Barnes, Civil Engineering Manager, Utilities
Dave Goosic, Water Superintendent
Laura Berthelsen, Legal Assistant
Yolanda Rayburn, Sr. Accounting Clerk



INTEROFFICE MEMORANDUM

*Working Together for a
Better Tomorrow. Today.*

DATE: March 10, 2004
TO: Mayor and Council Members
FROM: Gary R. Mader, Utilities Director

SUBJECT: Water Main District 442T

This memo is to certify that Water Main District 442T, located in Faidley Avenue, from Diers Avenue to Claude Road Extended has been fully completed. All work was done in accordance with the terms and conditions of the contract, and complies with the plans and specifications. The water main district has been placed in service.

It is recommended that a Board of Equalization be set for April 27, 2004, to determine the benefits and connections fees for the properties within the boundaries of Water Main District 442T.


Gary R. Mader, Utilities Director

GRM/pag

pc: Doug Walker, City Attorney
David Springer, Finance Director
Robert H. Smith, Asst. Utilities
Steve Riehle, Public Works Director
Tom Barnes, Civil Engineering Manager, Utilities
Dave Goosic, Water Superintendent
Laura Berthelsen, Legal Assistant
Yolanda Rayburn, Sr. Accounting Clerk

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

WATER MAIN DISTRICT NO. 441

March 10, 2004

Water Main District No. 441 is located in Faidley Avenue from Diers Avenue to the Moore's Creek Drainway, then south to Claude Road extended. The work on this main, as certified to be fully completed by Gary R. Mader, Utilities Director, is hereby accepted for the City of Grand Island, Nebraska, by me as Public Works Director in accordance with the provision on Section 16-650, R.R.S., 1943.

It is recommended that the City Council sit as Board of Equalization on April 27, 2004, to determine benefits and levy special assessments.

Respectfully submitted,



Steve Riehle,
Public Works Director

WATER MAIN DISTRICT NO. 441

March 10, 2004

TO THE MEMBERS OF COUNCIL
CITY OF GRAND ISLAND
GRAND ISLAND, NEBRASKA

I hereby recommend that the Engineer's Certificate of Final Completion for Water Main District 441 be approved.

I further recommend that the City Council sit as Board of Equalization on April 27, 2004, to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

WATER MAIN DISTRICT NO. 442T

March 10, 2004

Water Main District No. 442T is located in Faidley Avenue from Diers Avenue to the Moore's Creek Drainway, then south to Claude Road extended. The work on this main, as certified to be fully completed by Gary R. Mader, Utilities Director, is hereby accepted for the City of Grand Island, Nebraska, by me as Public Works Director in accordance with the provision on Section 16-650, R.R.S., 1943.

It is recommended that the City Council sit as Board of Equalization on April 27, 2004, to determine benefits and levy special assessments.

Respectfully submitted,



Steve Riehle,
Public Works Director

WATER MAIN DISTRICT NO. 442T

March 10, 2004

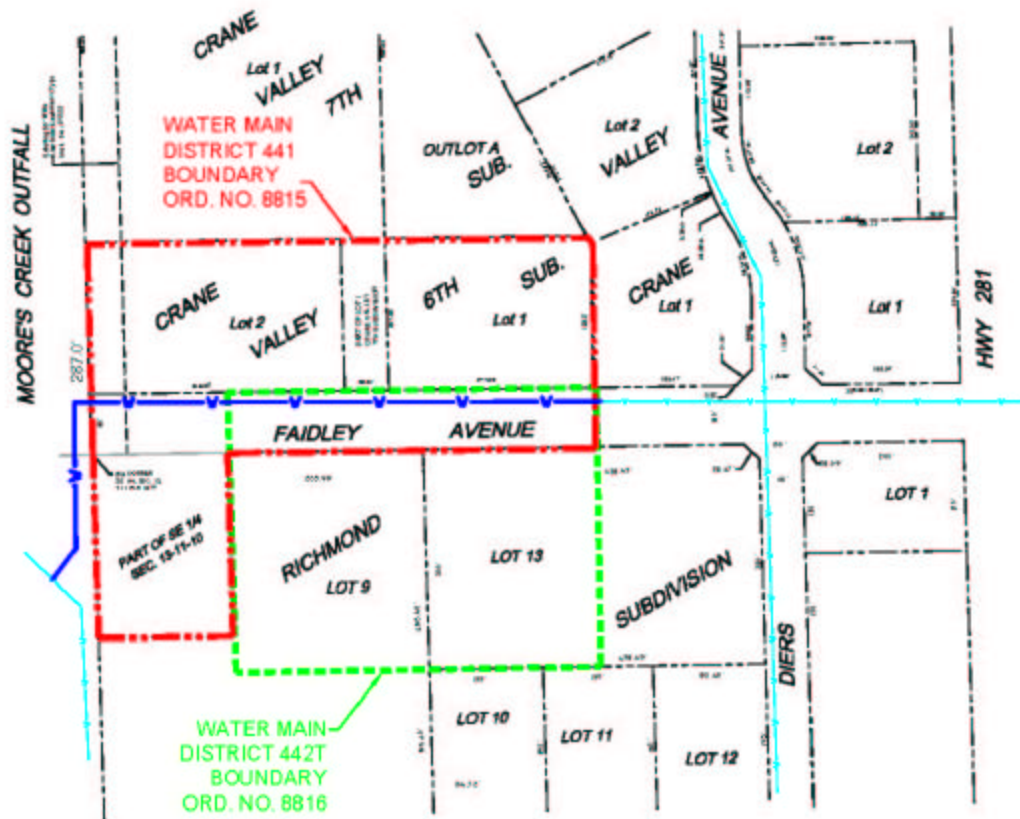
TO THE MEMBERS OF COUNCIL
CITY OF GRAND ISLAND
GRAND ISLAND, NEBRASKA

I hereby recommend that the Engineer's Certificate of Final Completion for Water Main District 442T be approved.

I further recommend that the City Council sit as Board of Equalization on April 27, 2004, to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor



LEGEND

- EXISTING WATER MAIN
- PROPOSED 10" WATER MAIN

CITY OF GRAND ISLAND	
UTILITIES DEPARTMENT	
WATER MAIN DIST. 441 AND 442T	
DRN BY: K.J.M.	SCALE: 1" = 200'
DATE: 8/28/2003	FILE: WM 441/442T

CITY OF GRAND ISLAND, NEBRASKA - UTILITIES DEPARTMENT
WATER MAIN DISTRICT 441 / 442T 7/28/2003 Est.
ASSESSMENTS and FEES 8/28/2003 Bid
 Fairley Ave - Dixie Ave to Okla Rd Extended 12/11/2003 Final

ITEM	DESCRIPTION	QUANTITY EST	UNIT	STAROSTHA		INSTALLED		441 / 442T	Assessable \$ to
				BID UNIT \$	TOTAL BIDS	QUANTITY	FINAL TOTAL \$	Assessable \$	Crane Valley 7th
1.01	10" DI Pipe (ft)	900.00	LF	22.40	20,006.00	900.00	20,004.00	16,235.52	
1.02	10"x10"x10" Tapping Sleeve	1.00	EA	1,601.00	1,601.00	1.00	1,601.00	1,280.80	
1.03	10"x10"x8" Tee (in)	2.00	EA	221.00	442.00	2.00	442.00		442.00
1.04	10"x10"x6" Tee (in)	2.00	EA	215.00	430.00	2.00	430.00	400.00	
1.05	10"x45 El (in)	7.00	EA	220.00	1,540.00	7.00	1,540.00	1,232.00	
1.06	10" RS Tapping Valve	1.00	EA	789.00	789.00	1.00	789.00	631.20	
1.07	8" RS Gate Valve	2.00	EA	600.00	1,200.00	2.00	1,200.00		1,200.00
1.08	8" Plug (in)	2.00	EA	49.00	98.00	2.00	98.00	98.00	
1.09	Valve Box	3.00	EA	129.00	387.00	3.00	387.00	328.00	258.00
1.10	Fire Hydrant Assembly	2.00	EA	471.00	942.00	2.00	942.00	942.00	
1.11	Duc Lugs w/ 3/4" Rod Complete	6.00	SET	25.00	150.00	6.00	150.00	150.00	
1.12	Thrust Block	12.00	EA	52.00	624.00	12.00	624.00	520.00	104.00
1.13	6 Mil Polyethylene	940.00	EA	0.90	846.00	928.00	835.40	835.40	
1.14	Remove & Salvage 10" Cap	1.00	EA	30.00	30.00	1.00	30.00	30.00	
1.15	Deaerating Complete	Lump Sum			1.00		1.00	1.00	
TOTAL BID					\$29,888.00				
CONTRACT TOTAL							\$29,361.80		
Assessable Amount								\$22,414.92	\$2,102.00
Water Dept Materials							\$1,725.60		
Engineering Labor & Overhead							\$8,937.89	\$2,413.85	\$210.20
PROJECT TOTAL							\$39,025.09	\$28,582.37	\$2,312.20
Total Assessable Amount							\$28,884.57		
City Expense for Oversize							\$9,158.52		
Assessment per Front Foot					\$28,884.57 / 1,373.41' =	\$19,333.171			
Lot	Subdivision	Owner	Front Footage	WMD 441 Assessment	WMD 442T Connection Fee				
WATER MAIN DISTRICT 441 OWNERSHIPS									
1	Crane Valley 8th Subdivision	Concord Development, LLC	277.85	\$5,387.85					
2	Crane Valley 8th Subdivision	Concord Development, LLC	349.05	\$6,748.24					
PT 1	Crane Valley 7th Subdivision	Concord Development, LLC	60.01	\$1,172.38					
PT	SE 1/4, Sec 13, T-11-N, R-10-W	City of G. I., NE - Substation B	184.00	\$3,557.30					
				\$19,145.78					
WATER MAIN DISTRICT 442T OWNERSHIPS									
PT 9	Richmond Subdivision	G.I. Surgical Center, LLC	265.99		\$5,142.43				
PT 13	Richmond Subdivision	CALM, A NE Gen. Partnership	238.71		\$4,576.36				
					\$9,718.79				
Total Frontage			1,373.41						
Total Amount for Assessments and Connection Fees					\$28,884.57				

Water Main District 441 – Ownerships, Parcel Descriptions, And Assessments

Concord Development, LLC
c/o Larry S Bird, Member
1701 Windhoek Drive
Lincoln, NE 68506
Lot 1 Crane Valley 6th Subdivision
\$5,367.86

Concord Development, LLC
c/o Larry S Bird, Member
1701 Windhoek Drive
Lincoln, NE 68506
Lot 2 Crane Valley 6th Subdivision
\$6,748.24

Concord Development, LLC
c/o Larry S Bird, Member
1701 Windhoek Drive
Lincoln, NE 68506
Part of Lot 1 Crane Valley 7th Subdivision being more particularly described as follows: Beginning at a southeast corner of Lot One (1) Crane Valley 7th Subdivision in the City of Grand Island, Hall County, Nebraska, also being the southwest corner of Lot One (1) Crane Valley 6th Subdivision; thence N89°41'56"W along the northerly right-of-way line of Faidley Avenue, a distance of sixty and one hundredth (60.01) feet to the southeast corner of Lot Two (2) Crane Valley 6th Subdivision; thence N00°34'22"W along the easterly line of said Lot Two (2) Crane Valley 6th Subdivision, a distance of two hundred seven (207.0) feet to the northeast corner of said Lot Two (2) Crane Valley 6th Subdivision; thence S89°41'46"E to the northwest corner of said Lot One (1) Crane Valley 6th Subdivision; thence S00°34'22"E along the westerly line of said Lot One (1) Crane Valley 6th Subdivision, a distance of two hundred seven (207.0) feet to the said Point of Beginning.
\$3,472.38

City Of Grand Island – Utilities Department
Substation "B" site
Part of the Southeast Quarter (SE 1/4) Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Grand Island, Hall County Nebraska, being more particularly described as follows: Beginning at the northwest corner of the Northwest Quarter of the Southeast Quarter (NW 1/4, SE 1/4) Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West; thence southerly along the westerly line of the Southeast Quarter (SE 1/4) said Section Thirteen (13), on an assumed bearing of S00°00'00"W, a distance of two hundred fifty (250.0) feet, to a northwest corner of Lot Nine (9) Richmond Subdivision; thence S89°04'59"E, a distance of One hundred eighty-three and ninety-four hundredths (183.94) feet to a southeast corner of said Lot Nine (9) Richmond Subdivision; thence N00°01'22"E, a distance of two hundred fifty and fifteen hundredths (250.15) feet, to a northwest corner of said Lot Nine (9) Richmond Subdivision, also being a point on the southerly right-of-way line of Faidley Avenue; thence westerly along the said southerly right-of-way line of Faidley Avenue, a distance of One hundred Eighty-four (184.0) to the said Point Of Beginning.
\$3,557.30

TOTAL =\$19,145.78

Water Main District 442T – Ownerships, Parcel Descriptions, And Connections Fees

Grand Island Surgical Center, LLC
PO Box 1407

Grand Island, NE 68802

Part of Lot 9 Richmond Subdivision, being more particularly described as follows:

The easterly Two Hundred Sixty-five and Ninety-nine Hundredths (265.99) feet of the northerly Three Hundred (300.0) feet of Lot Nine (9) Richmond Subdivision in the City of Grand Island, Hall County, NE.
\$5,142.43

CALM, A Nebraska General Partnership
PO Box 9805

Grand Island, NE 68802-9805

Part of Lot 13 Richmond Subdivision, being more particularly described as follows:

The westerly Two Hundred Thirty-six and Seventy-one Hundredths (236.71) feet of the northerly Three Hundred (300.0) feet of Lot Thirteen (13) Richmond Subdivision in the City of Grand Island, Hall County, NE.
\$4,576.36

TOTAL = \$9,718.79

R E S O L U T I O N 2004-68

WHEREAS, the Utilities Director of the City of Grand Island has issued his Certificate of Final Completion for Water Main Districts 441 and 442T, certifying that Starostka Group Company of Grand Island, Nebraska, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Utilities Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Utilities Director's recommendations.

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

1. The Utilities Director's Certificate of Final Completion for Water Main Districts 441 and 442T is hereby confirmed.
2. The City Council will sit as a Board of Equalization on April 27, 2004 to determine benefits and set assessments for Water Main District No. 441.
3. The City Council will sit as a Board of Equalization on April 27, 2004 to determine benefits and set connection fees for Water Main District No. 442T.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G17

#2004-69 - Approving Bid Award for (2) Police Motorcycles

Staff Contact: Kyle Hetrick

Council Agenda Memo

From: Captain Robert Falldorf, Police Dept.

Meeting: March 23, 2004

Subject: Approval of Purchase of two (2) Solo, 2004 Harley Davidson Certified Police Motorcycles

Item #'s: G-17

Presenter(s): Kyle Hetrick, Chief of Police

Background

The Police Department advertised for bids for (2) Solo, Certified Police Motorcycles on March 2, 2004.

Discussion

One (1) bid was received from Harley Davidson Central, Grand Island, Nebraska in the amount of \$14,005.00 for each motorcycle for a total of \$28,010.00. There are sufficient funds for this purchase in Account No. 10022301-85625.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the purchase of the two Solo, Harley Davidson Certified Police Motorcycles.
2. Disapprove or /Deny the purchase of the two Solo, Harley Davidson Certified Police Motorcycles.
3. Table the issue.

Recommendation

City Administration recommends that the Council approve the purchase of the two Solo, 2004 Harley Davidson Certified Police Motorcycles in the amount of \$28,010.00 from Harley Davidson Central of Grand Island, Nebraska.

Sample Motion

Move to approve the purchase of two (2) Solo, 2004 Harley Davidson Certified Police Motorcycles from Harley Davidson Central of Grand Island, Nebraska in the amount of \$28,010.00.

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: March 12, 2004 at 11:00 a.m.

FOR: (2) Solo, Certified Police Motorcycles

DEPARTMENT: Police

ENGINEER'S ESTIMATE: \$14,500 each

FUND/ACCOUNT: 10022301-85625

PUBLICATION DATE: March 2, 2004

NO. POTENTIAL BIDDERS: 12

SUMMARY

Bidder: Harley Davidson Central
Grand Island, NE

Exceptions: Noted

Bid Price: \$14,005.00 each

cc: Police Chief Kyle Hetrick
Gary Greer, City Administrator
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

P893

RESOLUTION 2004-69

WHEREAS, the City of Grand Island invited sealed bids for Two (2) Solo, Certified Police Motorcycles, according to plans and specifications on file with the City Clerk; and

WHEREAS, on March 12, 2004, one bid was received, opened and reviewed; and

WHEREAS, Harley Davidson Central 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 \$14,005.00 each; and

WHEREAS, Harley Davidson Central's bid is less than the engineer's estimate for such motorcycles.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Harley Davidson Central of Grand Island, Nebraska, in the total amount of \$28,010.00 for two solo, certified police motorcycles is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G18

**#2004-70 - Approving Contract for Engineering Services for
Stolley Park Arboretum**

Staff Contact: stevep

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: City Council, March 23, 2004

Subject: Contract Award – Engineering Services for Stolley Park Arboretum

Item #'s: G-18

Presenter(s): Steve Paustian

Background

After the failure of the Zoo referendum the Mayor appointed a committee to help develop a re-use plan for the former Zoo site. One of the proposals made by the committee and accepted by the Council was to construct an Arboretum on the former Zoo site.

A Request for Proposals was solicited for a concept plan for an Arboretum in Stolley Park. The committee selected Clark –Enerson Partners of Lincoln, NE to develop the concept plan for the Arboretum. That phase of the plan has been completed.

Discussion

It is time to enter into the next phase of development. That phase is to develop the construction drawings and specifications to begin the bidding process and actual construction of the Arboretum. A proposal has been received from Clark-Enerson Partners to provide these services for \$25,130.00.

Alternatives

1. Award the Contract.
2. Solicit proposals again for phase two work.
3. Table the project.

Recommendation

As Clark-Enerson Partners provided the City with a well received master plan it is the Committees and staffs recommendation to continue to use Clark-Enerson Partners to provide phase two design services.

Sample Motion

Award the Contract to Clark-Enerson Partners to provide phase two engineering design services for the Stolley Park Arboretum.

R E S O L U T I O N 2004-70

WHEREAS, on January 22, 2002, by Resolution 2002-38, the City Council of the City of Grand Island approved the Reuse Plan for the former zoo property in Stolley Park; and

WHEREAS, a project identified and approved in the reuse plan was to construct an Arboretum on the former zoo site; and

WHEREAS, proposals were solicited for a concept plan for an Arboretum in Stolley Park; and

WHEREAS, proposals were received and reviewed by the Parks and Recreation Department and the Arboretum Committee; and

WHEREAS, Clark-Enersen Partners of Lincoln, Nebraska, submitted a proposal in accordance with the terms of the Request for Proposals, such proposal being in the amount of \$25,130 to develop the construction drawings and specifications to begin the bidding process and actual construction of the Arboretum.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Clark-Enersen Partners of Lincoln, Nebraska, in the amount of \$25,130 to develop the construction drawings and specifications to begin the bidding process and actual construction of the Arboretum is hereby approved as the best evaluated proposal submitted.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____	
March 18, 2004	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G19

**#2004-71 - Approving Rescheduling Date for Board of
Equalization Hearing for Sanitary Sewer District No. 507**

Staff Contact: Steven P. Riehle, P.E., Director of Public Works

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: March 23, 2004

Subject: Approving Rescheduling Date for Board of Equalization Hearing for Sanitary Sewer District No. 507, Cannon Road and North Road

Item #'s: G-19

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

The Certificate of Final Completion for Sanitary Sewer District No. 507 was approved on February 24, 2004. On March 5, 2004 a notice of the public hearing for March 23, 2004, and a copy of the proposed Board of Equalization Resolution setting out the assessments for this district were mailed to the affected property owners.

Discussion

It has been determined that modifications and a review of the proposed assessments is necessary. Therefore the Board of Equalization should be rescheduled for April 27, 2004 to allow for City staff to recalculate the costs.

Alternatives

1. Approve rescheduling the Board of Equalization Hearing for Sanitary Sewer District No. 507.
2. Disapprove or /Deny rescheduling the Board of Equalization Hearing for Sanitary Sewer District No. 507.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve rescheduling the Board of Equalization Hearing for Sanitary Sewer District No. 507 to April 27, 2004.

Sample Motion

Move to approve the recommendation to reschedule the Board of Equalization Hearing for Sanitary Sewer District No. 507.

RESOLUTION 2004-71

WHEREAS, on February 24, 2004, by Resolution 2004-31, the City Council of the City of Grand Island scheduled a Board of Equalization hearing for March 23, 2004, to determine assessments for Sanitary Sewer District No. 507; and

WHEREAS, notice of the public hearing and a copy of the proposed Board of Equalization Resolution setting out the assessments for Sanitary Sewer District No. 507 were mailed to affected property owners on March 5, 2004; and

WHEREAS, it has been determined that modifications to the proposed assessments are necessary; and

WHEREAS, it is recommended that the Board of Equalization hearing for Sanitary Sewer District No. 507 be rescheduled from March 23, 2004 to April 27, 2004 to allow for City staff to recalculate the costs to be assessed to affected properties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Board of Equalization hearing scheduled for March 23, 2004 for Sanitary Sewer District No. 507 is hereby rescheduled for April 27, 2004.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
March 18, 2004	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item J1

Payment of Claims for the Period of March 10, 2004 through March 23, 2004

The Claims for the period of March 10, 2004 through March 23, 2004 for a total of \$4,058,738.44. A MOTION is in order.

Staff Contact: RaNae Edwards