
City of Grand Island



Tuesday, April 27, 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 - Father Tom Ryan, St. Mary's Cathedral Catholic Church, 204 South Cedar 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, April 27, 2004

Council Session

Item C1

Proclamation "Tourism Month" May, 2004

Whereas, travel and tourism is extremely important to the community of Grand Island in terms of revenues generated, and because the travel and tourism industry contributes to the employment, economic prosperity, international trade, and relations and peace, understanding, and goodwill, Mayor Vavricek, in conjunction with the Hall County Convention and Visitors Bureau, has proclaimed the month of May as "Tourism Month". See attached PROCLAMATION.

Staff Contact: RaNae Edwards

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

PROCLAMATION

WHEREAS, the tourism industry is extremely important to the State of Nebraska and to the community of Grand Island, as an economic development catalyst, by contributing to local employment, economic prosperity, local pride and trade; and

WHEREAS, we all benefit from the effects of tourism. Tourism promotes intercultural understanding and appreciation of geography, history and people of Nebraska. With a strong economy, personal incomes and leisure, will increase more rapidly; and

WHEREAS, tourism can be expected to play an even greater role in the lives of all Nebraskans.

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

“Tourism Month”

in the City of Grand Island, and I urge all citizens to observe such month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this 27th day of April in the year of our Lord Two Thousand and Four.

Mayor of Grand Island, Nebraska

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item C2

Proclamation "Drinking Water Week" May 2-8, 2004

Drinking water is used every day by each and every one of us and it is important to recognize its importance. Water plays an important role through its contributions to public health, agriculture, recreation and economic development. Vitally important is the conservation of our drinking water supply. Mayor Vavricek has proclaimed the week of May 2-8, 2004 as "Drinking Water Week" and encourages all citizens to recognize its importance. See attached PROCLAMATION.

Staff Contact: Gary Mader

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

PROCLAMATION

- WHEREAS, quality drinking water is one of our state's most important resources; and
- WHEREAS, water plays an important role in the lives of Nebraskans through its contributions to public health, agriculture, recreation and economic development; and
- WHEREAS, Nebraskans are committed to preserving the quality and purity of the state's drinking water supply; and
- WHEREAS, conservation of our drinking water supply is vitally important; and
- WHEREAS, Drinking Water Week is observed nationally during the month of May to recognize the importance of programs that protect and preserve the purity of our drinking water supply.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the week of May 2-8, 2004 as

“DRINKING WATER WEEK”

in the City of Grand Island, and encourage 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-Seventh day of April in the year of our Lord Two Thousand and Four.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item D1

**#2004-BE-3 - Consideration of Determining Benefits for Sanitary
Sewer District No. 507, Cannon Road and North Road**

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

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Board of Equalization Hearing to Determine Benefits and Ordinance Establishing Assessments for Sanitary Sewer District No. 507, Cannon Road and North Road

Item #'s: D-1 & F-4

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 with March 23, 2004 set as the date for Council to sit as the Board of Equalization. However, it was determined that modifications to the proposed assessments were necessary; therefore the Board of Equalization Hearing was rescheduled for April 27, 2004.

Discussion

The contract for Sanitary Sewer District No. 507 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on April 22, 2003. Work commenced on September 24, 2003 and was completed on December 22, 2003. The project was completed on schedule at a construction price of \$114,756.80. Total cost of the project, including contract administration, is \$128,487.08. Costs for the project break down as follows:

Original Bid	\$ 121,389.95
Change Order No. 1	\$ 2,040.00
Underruns	(\$ 8,673.15)
Sub Total (Construction Price)	\$ 114,756.80
Additional Costs	
Publication, T.V. Inspection, Etc.	\$ 2,254.60
Engineering and Administration	\$ 11,475.68
Total Cost	\$ 128,487.08

The estimated cost at creation of the district was \$197,500.00.

Alternatives

1. Approve the recommendation to allow the Board of Equalization to determine benefits for Sanitary Sewer District No. 507 and pass an ordinance allowing the City to recover the majority of the District costs and assessing the benefiting owners.
2. Disapprove or /Deny recommendation to allow the Board of Equalization to determine benefits 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, sitting as a Board of Equalization, determine the benefits and pass an ordinance to levy Special assessments to individual properties.

Sample Motion

Move to approve the recommendation, allowing the Board of Equalization to determine benefits for Sanitary Sewer District No. 507 and pass an ordinance to determine benefits.

RESOLUTION 2004-BE-3

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District 507, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$119,953.37; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 507, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Donald E. & Delores A. Kaelin	Lot 1, Sussex Place Subdivision	8,824.19
Rhett M. & Christina L. Martin	Lot 2, Walters Subdivision	7,008.42
Reis Construction Inc.	Lot 1, Walters Subdivision	5,125.40
John T. Beckstead Kendra M. Corman	Lot 2, Sussex Place Second Subdivision	5,755.22
William M. & Ingrid A. Glassbrenner	Lot 1, Sussex Place Second Subdivision	6,398.68
Darwin D. Katzberg Judith Ann Christensen	Lot 2, Kieselhorst Subdivision	6,677.55
Robert E. & Peggy Coffey	Lot 1, Kieselhorst Subdivision	5,484.07
The Diocese of Grand Island	Lot 11, Sussex Place Subdivision	8,532.77
Frank J. & Joni L. Brower	Lot 1, Hadenfeldt Subdivision	6,019.38
Max A. & Melanie S. Bachman	Lot 2, Hadenfeldt Subdivision	6,560.08
Robert H. & Sonja A. Zwiebel	Lot 1, Saunders Subdivision	6,022.07
Ray M. & Rae Ann Saunders	Lot 2, Saunders Subdivision	6,672.17
James H. & Julie Pedersen	Lot 1, Adams Way Subdivision	5,898.15
Gary L. & Brenda F. Schumacher	Lot 2, Adams Way Subdivision	6,257.00
David E. & Marsha R. Bartlett	Lot 2, Sussex Place Third Subdivision	5,755.58
Christopher L. & Frances Ellen May	Lot 1, Sussex Place Third Subdivision	6,398.68
Lance H. & Scherry G. Hermansen	Lot 1, Burris Subdivision	6,775.82
Lance H. & Scherry G. Hermansen	Lot 2, Burris Subdivision	2,062.36

RESOLUTION 2004-BE-3

Bob R. & Karen L. Nagel	Part of SW1/4, NW1/4 of Section 12-11-10; more particularly described as follows: Beginning at the north ROW line of State Street and 33 feet east of the west line of SW1/4, N1/4 of Section 12-11-10; thence north 245 feet; thence east 267 feet; thence south 245 feet to the north ROW line of State Street; thence west 267 feet to the point of beginning	7,725.78
TOTAL		\$119,953.37

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Adopted by the City Council of the City of Grand Island, Nebraska, on April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item D2

**#2004-BE-4 - Consideration of Determining Benefits for 2003
Weed Abatement Program**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: April 27, 2004

Subject: Determination of Benefits–2003 Weed Abatement Program

Item #'s: D-2 & F-5

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

Background

Article III of Chapter 17 to the Grand Island City Code contains a procedure for abating nuisances created by properties that have excessive growths of weeds, grasses and other vegetation. The City Code provides for owners to receive a notice to cut their weeds and grasses and if the owners do not comply with such notice, then the City is authorized to proceed to have the work done and bill the property owner. Once the property owner has been billed, if the owner fails to pay the bill or refuses to do so, the City is authorized by Section 17-38 of the City Code to levy an assessment on the property for the amount of the mowing expenses.

Discussion

The City Council is being asked to assess the benefits for the weed abatement program that took place during the growing season of 2003. There were several properties within the City of Grand Island which were not mowed after notice had been sent that they were not in compliance. When the property owners did not respond to the notice, the City contracted to have the properties mowed and then sent a statement to the property owners for the cost of the mowing. The determination of benefits and levying of special assessments on the properties is the next step in the process of collecting on the mowing expense from those property owners who have not paid their mowing statements.

Alternatives

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

1. Approve the determination of benefits and approve levying the assessment against the property owners who have not paid their mowing bills.
2. Disapprove or /Deny the determination of benefits and levying an assessment against the property owners who have not paid their mowing bills.
3. Modify the determination of benefits and levying of special assessments to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council determine the benefits of mowing done during 2003 and levy the unpaid benefits as a lien against the properties that were mowed.

Sample Motion

Approve the determination of benefits. Approve the levying of assessments for unpaid mowing in 2003 against the properties which benefited from this service.

RESOLUTION 2004-BE-4

WHEREAS, pursuant to Sections 16-230 and 16-707, Neb. R.R.S. 1943, as amended, the City Clerk of the City of Grand Island, Nebraska, gave notice at least ten days prior thereto by publication in a newspaper having general circulation in the City and by mail to persons whose addresses were known to her that the City Council would meet as a Board of Equalization to equalize special weed cutting assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for the purpose of assessing the costs and expenses of cutting and removing weeds, grasses, or worthless vegetation to the various lots and pieces of ground during the 2003 season, that:

1. The special benefits accruing to the real estate hereinafter described for each cutting is the actual expense thereof plus \$50.00 as costs for the City per lot or piece of ground or any combination thereof; and
2. The several lots and pieces of ground hereinafter described are respectively benefited by reason of such weed elimination as follows:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
Jose Torres 200 E. Park Avenue Norfolk, NE 68701	West 2/3 of Lots 5, 6, and 7, Hann's 3 rd Addition	125.00
Lenders Asset Management 7325 S. Pierce Street, Suite 203 Littleton, CO 80128	Lot 6, Block 11, Original Town	125.00
Agnes Wilson 319 E. 10th Grand Island, NE 68801	Lot 2, Nagorski Subdivision	140.00
Gosna Inc. 1010 E. Bismark Grand Island, NE 68801	Lot 1, Super Bowl Subdivision	1,169.02
Troy Noziska 6363 N. Gunbarrel Road Grand Island, NE 68801	Lot 6, Block 30, Packer & Barr's 2 nd Subdivision	125.00

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Adopted by the City Council of the City of Grand Island, Nebraska on April 27, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
April 22, 2004	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item D3

**#2004-BE-5 - Consideration of Determining Benefits for Water
Main District 441 - Faidley Avenue, Diers to Claude Road -
extended, and lots 9 & 13, Richmond Subdivision**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: April 27, 2004

Subject: Determining Benefits for Water Main District 441 –
Faidley Avenue, Diers to Claude Road Extended and
Lots 9 and 13, Richmond Subdivision.

Item #'s: D-3 & F-6

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

Background

Water Main District 441 was created by Council upon receipt of a request from Larry Bird, owner of the properties within Crane Valley 6th and 7th Subdivisions. The project 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 (see attached plat).

In this case, since a single water main serves both developed properties (on the north side of Faidley) and undeveloped frontage (on the south side of Faidley). The administrative processes for an assessment district were used for the north properties and the connection fee processes were used for the south properties (District 442T).

The total cost of construction for Water Main Districts 441 and 442T 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

Water Main District 441 was created to serve the properties on the north side of Faidley Avenue, and is an assessment district. 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.

Alternatives

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

1. Approve the assessments for the properties within the boundaries of the district.
2. Disapprove the assessments.
3. Modify the assessments for the properties within the boundary of District 441, to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the assessments for Water Main District 441 as calculated.

Sample Motion

Approve the assessments for Water Main District 441 as calculated.

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 - Diars Ave to Claude Rd Extended 12/11/2003 Final

ITEM	DESCRIPTION	QUANTITY EST	BID UNIT	STAROSTKA		INSTALLED		441 / 442T Assessable \$	Additional Assessable \$ to Crane Valley 7th
				TOTAL BID \$		QUANTITY	FINAL TOTAL \$		
1.01	10" D.I. Pipe (sj)	920.00	LF	22.40	20,608.00	906.00	20,294.40	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"x 8" Tee (mj)	2.00	EA	221.00	442.00	2.00	442.00		442.00
1.04	10"x10"x 6" Tee (mj)	2.00	EA	215.00	430.00	2.00	430.00	430.00	
1.05	10"x 45 Ell (mj)	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 (mj)	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	129.00	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	8 Mil Polyethylene	940.00	EA	0.90	846.00	926.00	833.40	833.40	
1.14	Remove & Salvage 10" Cap	1.00	EA	30.00	30.00	1.00	30.00	30.00	
1.15	Dewatering Complete	Lump Sum		1.00			1.00	1.00	
TOTAL BID					\$29,688.00				
CONTRACT TOTAL							\$29,361.80		
Assessable Amount								\$22,414.92	\$2,102.00
Water Dept Materials							\$1,723.60	\$1,723.60	
Engineering Labor & Overhead							\$6,937.69	\$2,413.85	\$210.20
PROJECT TOTAL							\$38,023.09	\$26,552.37	\$2,312.20
Total Assessable Amount							\$28,864.57		
City Expense for Oversize							\$9,158.52		

Assessment per Front Foot \$28,864.57 / 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 6th Subdivision	Concord Development, LLC	277.65	\$5,367.86	
2	Crane Valley 6th Subdivision	Concord Development, LLC	349.05	\$8,748.24	
PT 1	Crane Valley 7th Subdivision	Concord Development, LLC	60.01	\$3,472.38	
PT	SE 1/4, Sec 13, T-11-N, R-10-W	City of Grand Island - 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	236.71		\$4,576.36
					\$9,718.79
Total Frontage			1,373.41		
Total Amount for Assessments and Connection Fees					\$28,864.57

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

RESOLUTION 2004-BE-5

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 441, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$19,145.78; and

According to the front foot and cost of installation to provide service to each of the respective lots, tracts, and real estate within such Water Main District No. 441, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Concord Development, LLC	Lot 1, Crane Valley 6 th Subdivision	5,367.86
Concord Development, LLC	Lot 2, Crane Valley 6 th Subdivision	6,748.24
Concord Development, LLC	Part of Lot One (1), Crane Valley 7 th Subdivision, more particularly described as follows: Beginning at a southeast corner of Lot (1) Crane Valley 7 th Subdivision in the City of Grand Island, Hall County, Nebraska, also being the southwest corner of Lot One (1), Crane Valley 6 th 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 6 th Subdivision; thence N00°34'22"W along the easterly line of said Lot Two (2) Crane Valley 6 th Subdivision, a distance of two hundred seven (207.0) feet to the northeast corner of said Lot Two (2) Crane Valley 6 th Subdivision; thence S89°41'46"E to the northwest corner of said Lot One (1) Crane Valley 6 th Subdivision; thence S00°34'22"E along the westerly line of said Lot One (1) Crane Valley 6 th Subdivision, a distance of two hundred seven (207.0) feet to the said Point of Beginning	3,472.38
City of Grand Island, Nebraska (Substation "B")	Part of the Southeast Quarter (SE1/4) of Section 13-11-10, more particularly described as follows: Beginning at the northwest corner of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West; thence southerly along the westerly line of the Southeast Quarter (SE1/4) 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	3,557.30

Approved as to Form ☒ _____
 April 22, 2004 ☒ City Attorney

RESOLUTION 2004-BE-5

	westerly along the said southerly right-of-way line of Faidley Avenue, a distance of one hundred eighty four (184.0) feet to the said Point of Beginning	
TOTAL		\$19,145.78

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Adopted by the City Council of the City of Grand Island, Nebraska, on April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item D4

**#2004-BE-6 - Consideration of Determining Benefits for Water
Main District 442T - Faidley Avenue, Diers to Claude Road -
extended, and lots 9 and 13, Richmond Subdivision**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: April 27, 2004

Subject: Determining Benefits for Water Main District 442T –
Faidley Avenue, Diers to Claude Road Extended and
Lots 9 and 13, Richmond Subdivision.

Item #'s: D-4 & G-12

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

Background

Water Main District 442T was created by Council upon receipt of a request from Larry Bird, owner of the properties within Crane Valley 6th and 7th Subdivisions. The project 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 (see attached plat).

In this case, since a single water main serves both developed properties (on the north side of Faidley) and undeveloped frontage (on the south side of Faidley). The administrative processes for an assessment district were used for the north properties and the connection fee processes were used for the south properties (District 442T).

The total cost of construction for Water Main Districts 441 and 442T 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 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. Approve the connection fees for the properties within the boundaries of the district.
2. Disapprove the connection fees.
3. Modify the connection fees for the properties within the boundary of District 442T, to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the connection fees for Water Main District 442T as calculated.

Sample Motion

Approve the connection fees for Water Main District 442T as calculated.

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 - Diers Ave to Claude Rd Extended 12/11/2003 Final

ITEM	DESCRIPTION	QUANTITY EST	BID UNIT	STAROSTKA		INSTALLED		441 / 442T Assessable \$	Additional Assessable \$ to Crane Valley 7th
				TOTAL BID \$		QUANTITY	FINAL TOTAL \$		
1.01	10" D.I. Pipe (sl)	920.00	LF	22.40	20,608.00	906.00	20,294.40	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"x 8" Tee (mj)	2.00	EA	221.00	442.00	2.00	442.00		442.00
1.04	10"x10"x 6" Tee (mj)	2.00	EA	215.00	430.00	2.00	430.00	430.00	
1.05	10"x 45 Ell (mj)	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 (mj)	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	129.00	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	8 Mil Polyethylene	940.00	EA	0.90	846.00	926.00	833.40	833.40	
1.14	Remove & Salvage 10" Cap	1.00	EA	30.00	30.00	1.00	30.00	30.00	
1.15	Dewatering Complete	Lump Sum		1.00			1.00	1.00	
TOTAL BID					\$29,688.00				
CONTRACT TOTAL							\$29,361.80		
Assessable Amount								\$22,414.92	\$2,102.00
Water Dept Materials							\$1,723.60	\$1,723.60	
Engineering Labor & Overhead							\$6,937.69	\$2,413.85	\$210.20
PROJECT TOTAL							\$38,023.09	\$26,552.37	\$2,312.20
Total Assessable Amount							\$28,864.57		
City Expense for Oversize							\$9,158.52		

Assessment per Front Foot \$28,864.57 / 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 6th Subdivision	Concord Development, LLC	277.65	\$5,367.86	
2	Crane Valley 6th Subdivision	Concord Development, LLC	349.05	\$8,748.24	
PT 1	Crane Valley 7th Subdivision	Concord Development, LLC	60.01	\$3,472.38	
PT	SE 1/4, Sec 13, T-11-N, R-10-W	City of Grand Island - 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	236.71		\$4,576.36
					\$9,718.79
Total Frontage			1,373.41		
Total Amount for Assessments and Connection Fees					\$28,864.57

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

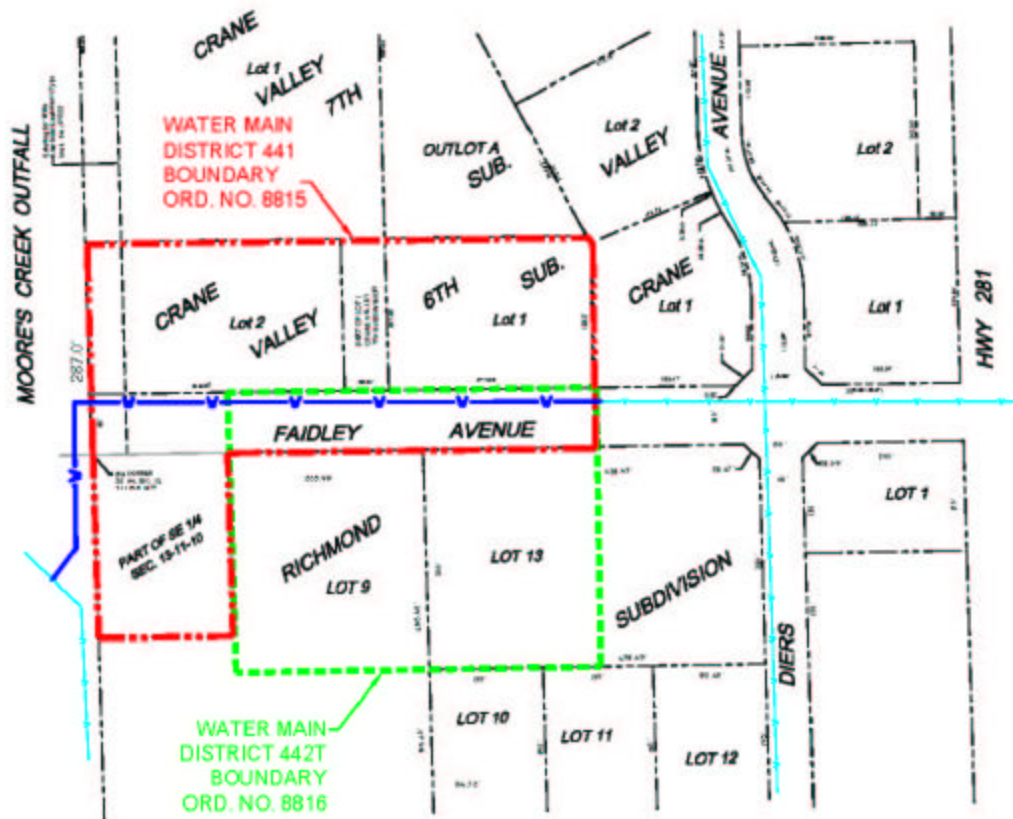
CALM, A Nebraska General Partnership
PO Box 9805

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



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

R E S O L U T I O N 2004-BE-6

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 442T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$9,718.79;
and

Such benefits are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Water Main District No. 442T, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Connection Fee</u>
Grand Island Surgical Center, LLC	Part of Lot Nine (9), Richmond Subdivision, 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, Nebraska	5,142.43
CALM	Part of Lot Thirteen (13), Richmond Subdivision, 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, Nebraska	4,576.36
TOTAL		\$9,718.79

BE IT FURTHER RESOLVED that the special benefits as determined by this resolution shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103, R.R.S. 1943. A connection fee in the amount of the above benefit accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

Approved as to Form <input type="checkbox"/> _____ April 22, 2004 <input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item E1

**Public Hearing on Request of Fonner View Concessions, Inc. dba
Fonner View Golf Course, 2224 South Stuhr Road for Class "D1"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2004

Subject: Public Hearing on Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for a Class “D1” Liquor License

Item #'s: E-1 & G-5

Presenter(s): RaNae Edwards

Background

Fonner View Golf Course, 2224 South Stuhr Road had submitted an application with the City Clerk’s Office. They are within the extraterritorial zoning jurisdiction of the City and need to have a Class “D1” Liquor License through the City. They currently have a Liquor License through Hall County. A new application for a Class “D1” Liquor License has been filed with the Liquor Control Commission and received by the City on March 30, 2004. A Class “D1” Liquor License allows for the sale of alcohol off sale only within the extraterritorial zoning jurisdiction of the City.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Building, Fire, Health, and Police Departments.

Alternatives

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

1. Approve the request of Fonner View Golf Course for a Class “D1” Liquor License.
2. Disapprove or /Deny the request.
3. Forward to the Nebraska Liquor Control Commission with no recommendation.

4. Table the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for a Class “D1” Liquor License.



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item E2

**Public Hearing on Request of Skagway Discount Dept Stores, Inc.
dba Skagway Discount Dept Stores, 620 West State Street for a
Class "DK" Catering Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2004

Subject: Public Hearing on Request of Skagway Discount Dept Stores, Inc. dba Skagway Discount Dept Stores, 620 West State Street for a Class “DK” Catering Liquor License

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

Presenter(s): RaNae Edwards

Background

Skagway Discount Dept Stores located at 620 West State Street has submitted an application with the City Clerk’s Office for a Class “DK” Catering Liquor License. They currently have a Class “D” Liquor License and would like to add a catering license. A new application for a Class “DK” Liquor License has been filed with the Liquor Control Commission and received by the City on April 15, 2004. A Catering Liquor License allows Retail Class C, D, I or L licensees to deliver, sell or dispense alcoholic liquors, including beer for consumption at a location designated on a Special Designated License (SDL).

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Building, Fire, Health, and Police Departments.

Alternatives

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

1. Approve the request of Skagway Discount Dept Stores for a Class “DK” Liquor License.
2. Disapprove or /Deny the request.

3. Forward to the Nebraska Liquor Control Commission with no recommendation.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of Skagway Discount Dept Stores, Inc. dba Skagway Discount Dept Stores, 620 West State Street for a Class "DK" Liquor License.



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item E3

**Public Hearing on Acquisition of Utility Easement Located at 420
N. Diers Avenue - Drs. Grange, Pedersen & Brown**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: April 27, 2004

Subject: Acquisition of Utility Easement – Drs. Grange, Pedersen & Brown – 420 N. Diers Avenue

Item #'s: E-3 & G-9

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 Drs. Grange, Pedersen & Brown, located along the west side of Eye Care Professionals building at 420 North Diers Avenue, located 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 in connection with the next Richmond Subdivision Plat. To have utility access to Lots 1 and 2 of Richmond 4th Subdivision, and to have enough buildable area on those lots a 10' easement is needed from 420 North Diers Avenue. The owners of all lots have agreed with this arrangement.

Alternatives

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

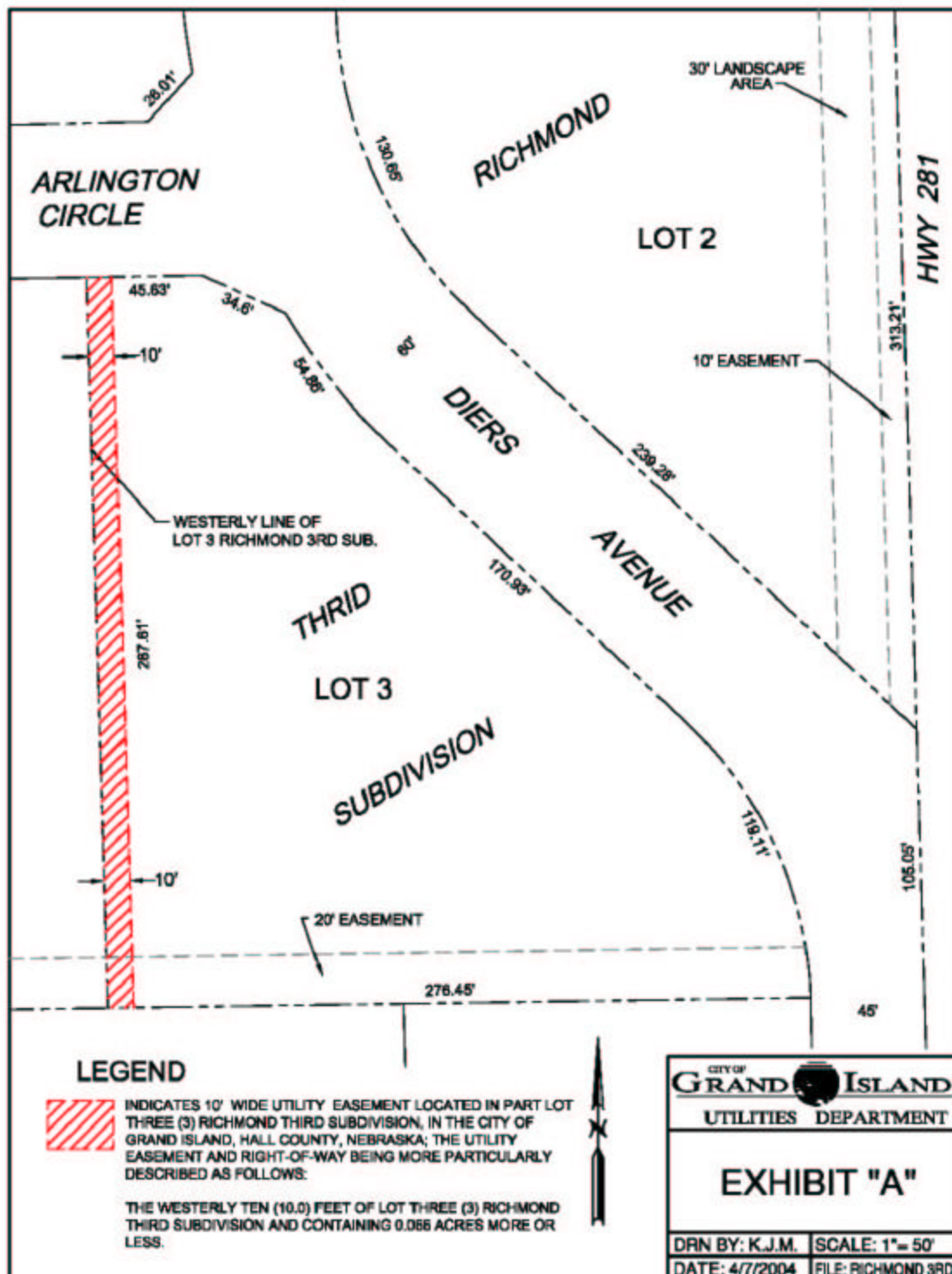
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

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, April 27, 2004

Council Session

Item E4

**Public Hearing on Acquisition of Utility Easement Located West of
Blaine Street, South of Hwy. 34 - Steve and Ginger Johnson**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: April 27, 2004

Subject: Acquisition of Utility Easement – Steve and Ginger Johnson – West of Blaine Street, South of Hwy. 34

Item #'s: E-4 & G-10

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 Steve and Ginger Johnson, located on the west side of Blaine Street towards the lake, south of U.S. Highway 34, located in 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 locate underground cable and transformer to serve electricity to new construction on this lot.

Alternatives

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

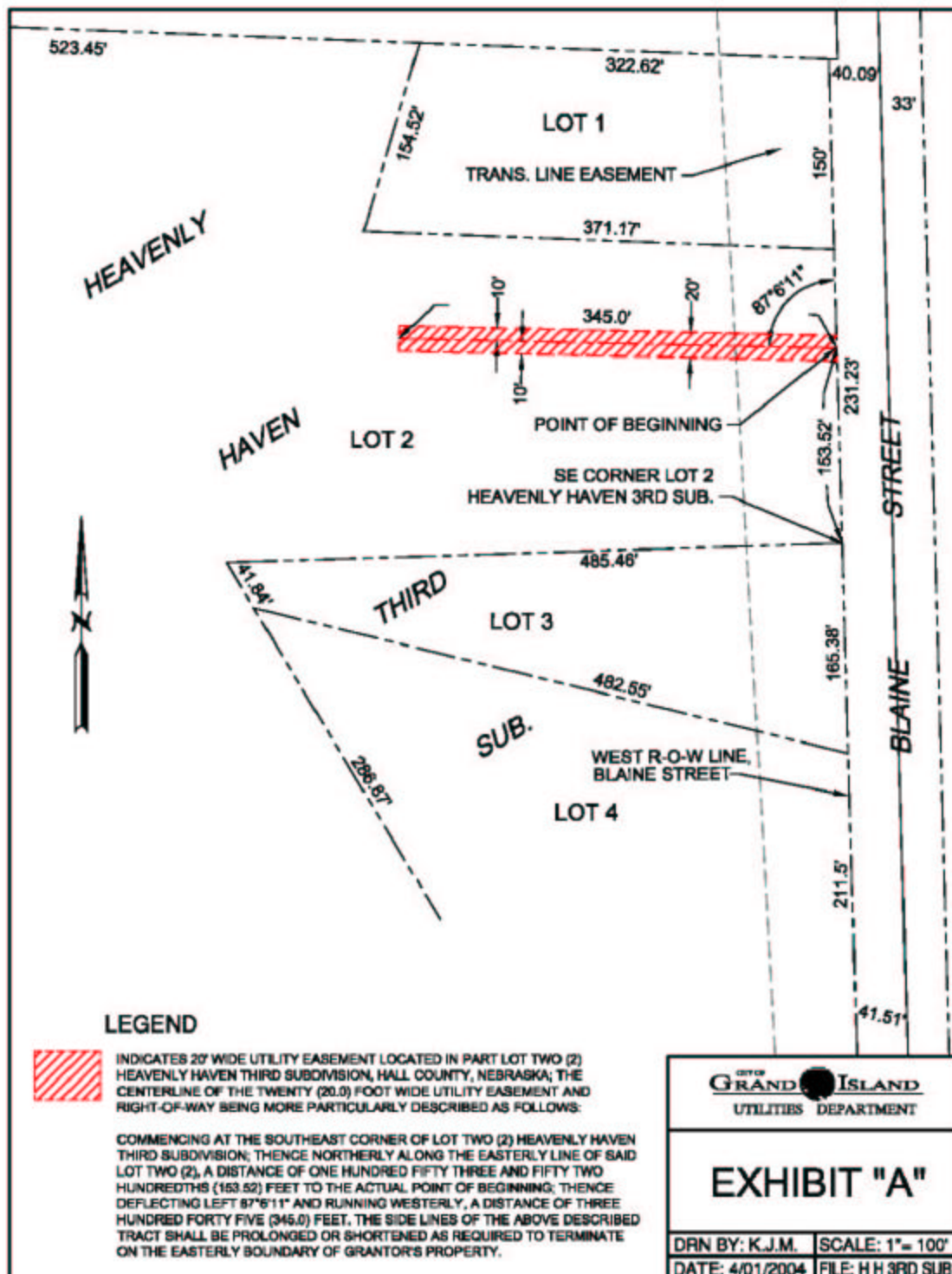
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

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, April 27, 2004

Council Session

Item E5

**Public Hearing on Acquisition of Utility Easement Located at 1115
Allen Drive - Allen**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: April 27, 2004

Subject: Acquisition of Utility Easement – 1115 Allen Drive

Item #'s: E-5 & G-11

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 Robert M. Allen, located at 1115 Allen Drive (north of Gordmans and south of Albertsons Food & Drug), located 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 locate underground primary cable and a pad-mounted transformer to serve the new building.

Alternatives

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

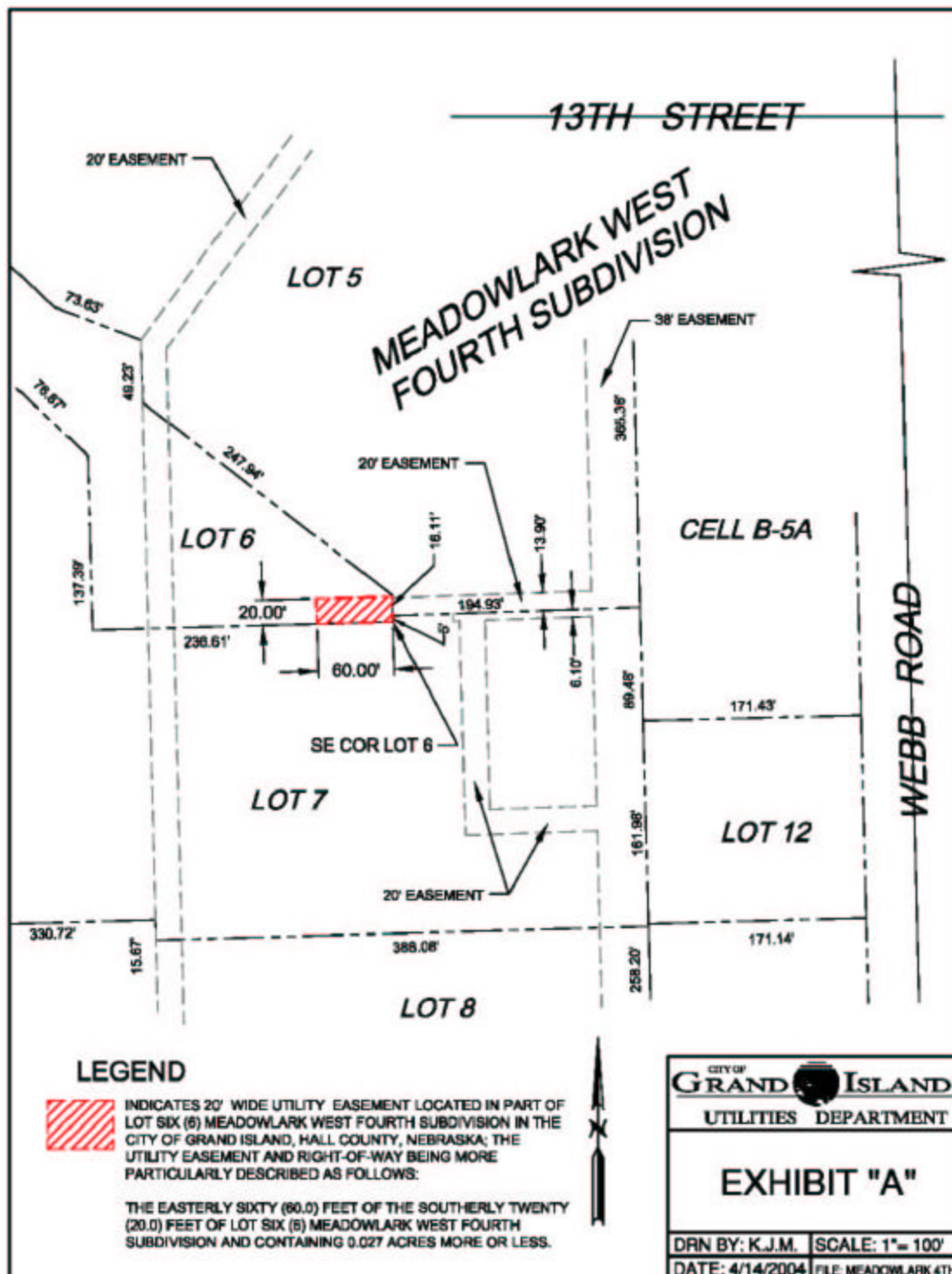
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

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, April 27, 2004

Council Session

Item F1

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

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: April 27, 2004

Subject: Fireworks

Item #'s: F-1

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

Background

Pursuant to the discussion that took place at the study session of the City Council on April 6, 2004, revisions have been made to the Grand Island fireworks ordinance. The changes that are now being proposed to the fireworks ordinance are primarily in the following areas:

1. Streamline the process for obtaining a permit to sell fireworks.
2. Permit fireworks to be discharged for special events upon obtaining a permit throughout the year other than the period from June 27th to July 4th.
3. Increase the size restriction on fireworks stands to 500 square feet.
4. Provide requirements for signage at the fireworks stands.
5. Make the provisions of the city ordinances consistent with standards adopted by the Nebraska Fire Marshall's Office.

Discussion

Pursuant to the input received from the public at the April 6th study session, changes to the city fireworks code have been drafted. The proposed ordinance does not change the dates of sale or the hours for discharging fireworks. The ordinance does however have provisions to streamline the permitting process so that those seeking permits to sell fireworks will have only one city department to contact to receive their permits.

The code has also been changed to permit members of the public to obtain permits for the discharge of fireworks at special events throughout the year at times other than the traditional period for discharge from June 27th through July 4th.

Another change to the current ordinance is that the maximum allowable size of fireworks stands will be increased to 500 feet to permit the larger size trailers currently in use.

The proposed ordinance will also require no smoking signs as well as a sign that notifies the public about the hours for discharging fireworks permitted by the City Code.

The ordinance has also been changed to make the City Code consistent with the standards adopted by the State Fire Marshall; therefore, some types of fireworks that have previously been restricted will be permitted if the State Fire Marshall's standards allow them.

Alternatives

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

1. Approve the ordinance as drafted.
2. Disapprove or /Deny the ordinance.
3. Modify the ordinance to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the ordinance be adopted as drafted.

Sample Motion

Approve the revisions to the City of Grand Island Fireworks ordinance as set forth in Ordinance #8895.

ORDINANCE NO. 8895

An ordinance to amend Chapter 16 of the Grand Island City Code; to amend Sections 16-13, 16-16, 16-18, 16-20, and 16-22 pertaining to fireworks; to delete Section 16-14 pertaining to business locations for selling fireworks; to add Section 16-16.1 pertaining to required signage; to delete Section 16-21 pertaining to prohibition on sky rockets; to repeal Sections 16-13, 16-16, 16-18, 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 at the place of business of the holder thereof. Such permits shall not be transferable.

SECTION 2. Section 16-14 of the Grand Island City Code is hereby deleted:

~~§16-14. Permittees; One Business Location~~

~~_____ No person to whom a permit pursuant to this Article has been issued shall sell or offer for sale permissible fireworks at more than one location within the City.~~

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

§16-16. Temporary Fireworks Stands

Any person having obtained 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

ORDINANCE NO. 8895 (Cont.)

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 22 through and including July 9 of each year. 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 ~~five~~ three hundred square feet in size.

SECTION 4. Section 16-16.1 is hereby added to the Grand Island City Code to read as follows:

§16-16.1. Signage Required

Smoking shall not be permitted inside or within 50 feet of the temporary fireworks stand or sales area. At least one sign that reads as follows, in letters at least 2 inches in height on a contrasting background, shall be conspicuously posted on the exterior of each side of the fireworks stand:

NO SMOKING OR
DISCHARGE OF FIREWORKS
ON THE PREMISES

In addition to the "no smoking" sign, at least one sign, 2 foot by 3 foot in size, on a contrasting background, shall be posted on the exterior of the fireworks stand that reads as follows:

THE GRAND ISLAND CITY CODE ALLOWS
FIREWORKS TO BE DISCHARGED ONLY ON THE
FOLLOWING DATES AND TIMES :
June 27 through July 3 – 8:00 a.m. to 11:00 p.m.
July 4 – 8:00 a.m. to midnight

SECTION 5. 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 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 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 ~~two one and one half~~ two inches in length ~~and three-eighths of an inch or one-fourth in~~ diameter, total 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 16-21 of the Grand Island City Code is hereby deleted:

~~§16-21. Sky Rockets Prohibited~~

~~— Skyrockets, bottle rockets, or any other form of fireworks consisting of a case containing a combustible composition fastened to a guiding stick which is designed and manufactured to be projected through the air by the reaction and resulting from the rearward discharge of gases liberated by combustion shall not be permissible fireworks within the City of Grand Island, notwithstanding any action by the state fire marshal to the contrary, and it shall be unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said fireworks within the City.~~

SECTION 8. 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 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:

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

The ~~sale, 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. Public exhibition applications shall be accompanied by documentation of a display license issued by the State Fire Marshal. Private party display applications will not require a State Fire Marshal license, but displays will be limited to permissible fireworks as described in §16-20 of this Article. 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 discharged, the procedures used to discharge the fireworks and the qualifications of the individuals discharging the fireworks.

SECTION 9. Section 16-13, 16-16, 16-18, 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: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F2

**#8897 - Consideration of Creation of Water Main District 448 -
Stolley Park Road, Bellwood Drive to Kingswood Drive**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: April 27, 2004

Subject: Creation of Water Main Dist 448 – Stolley Park Road, Bellwood Drive to Kingswood Drive

Item #'s: F-2

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

Background

The City has received a petition requesting the creation of a water main district to serve the residents along the south side of Stolley Park Road between Bellwood Drive and Kingswood Drive. The area on the north side of Stolley Park Road is currently being used as City softball fields and already has water service.

Discussion

The district would provide for the installation of a 6" water main and will allow City water service to be extended to area residents. The work would be done as an assessment district. This is the Department's standard method for installing water mains in developed areas requesting City service. The qualified cost of construction will be assessed to the properties within the district's boundary. The assessments are collected over a five year period, at 7% simple interest on the un-paid balance.

Attached are copies of the District's plat, legal description, and a list of property owners within its boundary.

Alternatives

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

1. Approve Ordinance 8897, authorizing the creation of Water Main District 448 in Stolley Park Road, between Bellwood Drive and Kingswood Drive.
2. Disapprove Ordinance 8897 and not create Water Main District 448.
3. Modify the boundary of District 448, to meet the wishes of the Council.
4. Table the issue.

Recommendation

The appropriate information has been submitted to the Legal Department for preparation of Ordinance 8897, defining and creating the District. City Administration recommends that Water Main District 448 be created.

Sample Motion

I move that Ordinance #8897 be approved to create Water Main District 448.



Water Main District 448 - Stolley Park Road, Bellwood Drive to Kingswood Drive - Ownerships

4/13/2004

Square Footage	Front Footage	For	Against	Owner and Address	Doc. No.	Lot	Blk.	Sub.	Amount
15,000.00	100.00			David W and Virginia D Kolbert, HW 423 E Stolley Park Rd Grand Island, NE 68801	200107002	2	2	Roush Sub.	
15,000.00	100.00			Larry W Fowle 1616 W Hagge Street Grand Island, NE 68801	200403001	3	2	Roush Sub.	
15,000.00 15,000.00	100.00 100.00			Donald L and Marie D Madison 604 Fleetwood Drive Grand Island, NE 68803	93101344	4 5	2 2	Roush Sub. Roush Sub.	
15,000.00	100.00			Billie Jo Guyette FKA Billie Jo Haith 323 E Stolley Park Road Grand Island, NE 68801	200212008	6	2	Roush Sub	
15,000.00 15,000.00	100.00 100.00			Randal D and Donna L Rockwell HW 311 E Stolley Park Road Grand Island, NE 68801		7 8	2 2	Roush Sub. Roush Sub.	

WATER MAIN DISTRICT 448 BOUNDARY
ORDINANCE NO. 8897

Beginning at the southeast corner of Lot Nine (9), Block Two (2), Roush Subdivision in the City of Grand Island, Hall County, Nebraska; thence northerly along the easterly line of said Lot Nine (9), a distance of one hundred fifty (150.0) feet to the northeast corner of said Lot Nine (9); thence westerly along the northerly line of said Lot Nine (9), a distance of one hundred (100.0) feet to the northwest corner of said Lot Nine (9); thence northerly along the extension of the easterly right-of-way line of Bellwood Drive, a distance of seventy three (73.0) feet to a point on the northerly right-of-way line of Stolley Park Road; thence easterly along the northerly right-of-way line of said Stolley Park Road, a distance of nine hundred (900.0) feet; thence southerly along the extension of the westerly right-of-way line of Kingswood Drive, a distance of seventy three (73.0) feet to the northeast corner of Lot One (1), Block Two (2), said Roush Subdivision; thence westerly along the northerly line of said Lot One (1), a distance of one hundred (100.0) feet to the northwest corner of said Lot One (1); thence southerly along the westerly line of said Lot One (1), a distance of one hundred fifty (150.0) feet to the southwest corner of said Lot One (1); thence westerly along the southerly line of Lot Two (2), Lot Three (3), Lot Four (4), Lot Five (5), Lot Six (6), Lot Seven (7), and Lot Eight (8), Block Two (2) said Roush Subdivision, a distance of seven hundred (700.0) feet to the southeast corner of said Lot Nine (9), Block Two (2), Roush Subdivision being the said point of beginning.

? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 8897

An ordinance creating Water Main District No. 448 in the City of Grand Island, Hall County, Nebraska; defining the boundaries of the district; providing for the laying of water mains in said district; approving plans and specifications and securing bids; assessing the cost of such improvements; providing for certification to the Register of Deeds; and providing the effective date hereof.

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

SECTION 1. Water Main District No. 448 in the City of Grand Island, Nebraska, is hereby created for the laying of six (6.0) inch diameter water mains with its appurtenances in Roush Subdivision in the City of Grand Island, Hall County, Nebraska.

SECTION 2. The boundaries of such water main district shall be more particularly described as follows:

Beginning at the southeast corner of Lot Nine (9), Block Two (2), Roush Subdivision in the City of Grand Island, Hall County, Nebraska; thence northerly along the easterly line of said Lot Nine (9), a distance of one hundred fifty (150.0) feet to the northeast corner of said Lot Nine (9); thence westerly along the

ORDINANCE NO. 8897 (Cont.)

northerly line of said Lot Nine (9), a distance of one hundred (100.0) feet to the northwest corner of said Lot Nine (9); thence northerly along the extension of the easterly right-of-way line of Bellwood Drive, a distance of seventy three (73.0) feet to a point on the northerly right-of-way line of Stolley Park Road; thence easterly along the northerly right-of-way line of said Stolley Park Road, a distance of nine hundred (900.0) feet; thence southerly along the extension of the westerly right-of-way line of Kingswood Drive, a distance of seventy three (73.0) feet to the northeast corner of Lot One (1), Block Two (2), said Roush Subdivision; thence westerly along the northerly line of said Lot One (1), a distance of one hundred (100.0) feet to the northwest corner of said Lot One (1); thence southerly along the westerly line of said Lot One (1), a distance of one hundred fifty (150.0) feet to the southwest corner of said Lot One (1); thence westerly along the southerly line of Lot Two (2), Lot Three (3), Lot Four (4), Lot Five (5), Lot Six (6), Lot Seven (7), and Lot Eight (8), Block Two (2) said Roush Subdivision, a distance of seven hundred (700.0) feet to the southeast corner of said Lot Nine (9), Block Two (2), Roush Subdivision being the said point of beginning, as shown on the plat dated April 9, 2004, attached hereto and incorporated herein by this reference.

SECTION 3. Said improvement shall be made in accordance with plans and specifications approved by the Engineer for the City, who shall estimate the cost thereof. Bids for the construction of said water main shall be taken and contracts entered into in the manner provided by law.

SECTION 4. All improvements shall be made at public cost, but the cost thereof shall be assessed upon the lots and lands in the district specially benefited thereby as provided by law.

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval, and publication, without the plat, within fifteen days in one issue of the Grand Island Independent.

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.

ORDINANCE NO. 8897 (Cont.)

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, without the plat, as provided by law.

Enacted April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F3

**#8898 - Consideration of Creation of Sanitary Sewer No. 516,
Stolley Park Road from Bellwood Drive to East of Kingswood
Drive (Roush Subdivision)**

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

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Consideration of Creation of Sanitary Sewer No. 516, Bellwood Drive to East of Kingswood Drive (Roush Subdivision)

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. If created, a notice will be mailed to all affected property owners and a 30-day protest period allowed.

Discussion

A petition was submitted by residents in the area requesting the creation of a sanitary sewer district. The homes in the area have experienced problems with their septic tanks.

Alternatives

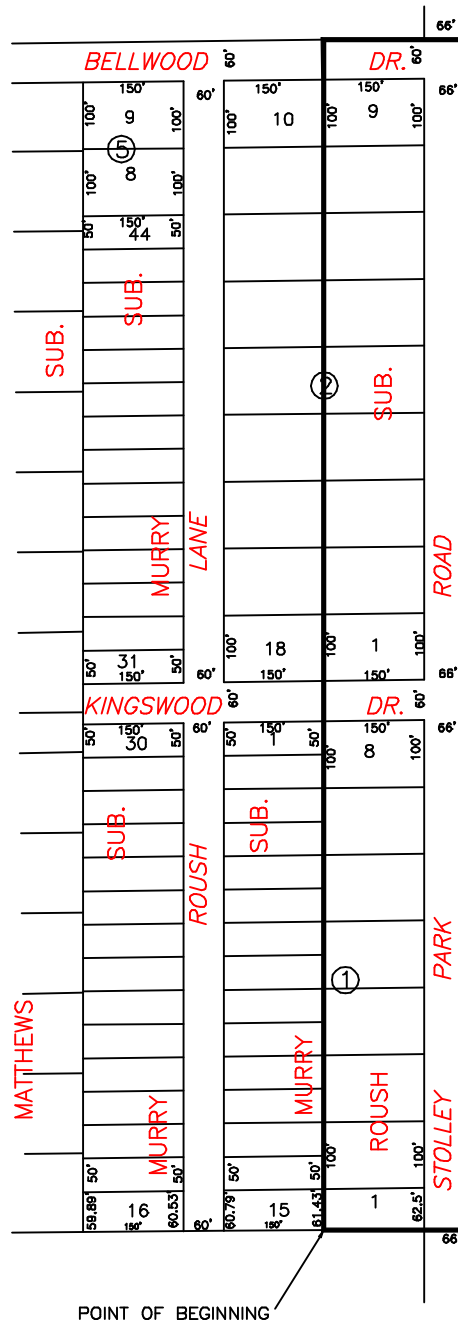
1. Approve the recommendation to create Sanitary Sewer District 516.
2. Disapprove or /Deny the creation of the District.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the creation of Sanitary Sewer District 516. A ten (10) year assessment period is recommended.

Sample Motion

Move to approve the creation of Sanitary Sewer District # 516.



SANITARY SEWER DISTRICT 516

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8898

An ordinance creating Sanitary Sewer District No. 516 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. 516 is hereby created for the construction of an eight (8) inch sanitary sewer main and appurtenances thereto in a part of Roush 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 southeast corner of Lot One (1), Block One (1), Roush Subdivision; thence west on the south line of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8), Block One (1) Roush Subdivision, Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Two (2), Roush Subdivision and a prolongation thereof to the west line of Bellwood Drive; thence north on the west line of Bellwood Drive and a prolongation thereof to the north line of Stolley Park

ORDINANCE NO. 8898 (Cont.)

Road; thence east on the north line of Stolley Park Road to a point where a prolongation of the east line of Lot One (1), Block One (1) Roush Subdivision intersects; thence south on said east line and prolongation thereof to the point of beginning, all as shown on the plat dated April 19, 2004, attached hereto as Exhibit "A" and incorporated herein by reference.

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

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

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.

ORDINANCE NO. 8898 (Cont.)

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: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F4

**#8899 - Consideration of Assessments for Sanitary Sewer District
No. 507, Cannon Road and North Road**

This item relates to the aforementioned Board of Equalization Item D-1.

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8899

An ordinance assessing and levying a special tax to pay the cost of construction of Sanitary Sewer District No. 507 of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sanitary sewer main in said Sanitary Sewer District No. 507, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Donald E. & Delores A. Kaelin	Lot 1, Sussex Place Subdivision	8,824.19
Rhett M. & Christina L. Martin	Lot 2, Walters Subdivision	7,008.42

Approved as to Form ☒ _____
 April 22, 2004 ☒ City Attorney

ORDINANCE NO. 8899 (Cont.)

Reis Construction Inc.	Lot 1, Walters Subdivision	5,125.40
John T. Beckstead Kendra M. Corman	Lot 2, Sussex Place Second Subdivision	5,755.22
William M. & Ingrid A. Glassbrenner	Lot 1, Sussex Place Second Subdivision	6,398.68
Darwin D. Katzberg Judith Ann Christensen	Lot 2, Kieselhorst Subdivision	6,677.55
Robert E. & Peggy Coffey	Lot 1, Kieselhorst Subdivision	5,484.07
The Diocese of Grand Island	Lot 11, Sussex Place Subdivision	8,532.77
Frank J. & Joni L. Brower	Lot 1, Hadenfeldt Subdivision	6,019.38
Max A. & Melanie S. Bachman	Lot 2, Hadenfeldt Subdivision	6,560.08
Robert H. & Sonja A. Zwiebel	Lot 1, Saunders Subdivision	6,022.07
Ray M. & Rae Ann Saunders	Lot 2, Saunders Subdivision	6,672.17
James H. & Julie Pedersen	Lot 1, Adams Way Subdivision	5,898.15
Gary L. & Brenda F. Schumacher	Lot 2, Adams Way Subdivision	6,257.00
David E. & Marsha R. Bartlett	Lot 2, Sussex Place Third Subdivision	5,755.58
Christopher L. & Frances Ellen May	Lot 1, Sussex Place Third Subdivision	6,398.68
Lance H. & Scherry G. Hermansen	Lot 1, Burris Subdivision	6,775.82
Lance H. & Scherry G. Hermansen	Lot 2, Burris Subdivision	2,062.36
Bob R. & Karen L. Nagel	Part of SW1/4, NW1/4 of Section 12-11-10; more particularly described as follows: Beginning at the north ROW line of State Street and 33 feet east of the west line of SW1/4, N1/4 of Section 12-11-10; thence north 245 feet; thence east 267 feet; thence south 245 feet to the north ROW line of State Street; thence west 267 feet to the point of beginning	7,725.78
TOTAL		\$119,953.37

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; and one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments,

ORDINANCE NO. 8899 (Cont.)

except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen percent (14.0%) per annum shall be paid thereof, until the same is collected and paid.

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

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Sewer Extension Fund" for Sanitary Sewer District No. 507.

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

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

Enacted: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F5

#8900 - Consideration of Assessments for 2003 Weed Abatement Program

This item relates to the aforementioned Board of Equalization Item D-2.

Staff Contact: Doug Walker

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8900

An ordinance levying a special tax to pay the cost to the City of cutting, destroying, and removing weeds, grasses, or worthless vegetation, pursuant to Sections 17-36 and 17-38 of the Grand Island City Code upon certain lots and pieces of ground; providing for the collection thereof; repealing ordinances or parts of ordinances in the Grand Island City Code in conflict herewith; and providing for the publication and effective date of this ordinance.

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

SECTION 1. A special tax is hereby levied for the cost of cutting, destroying, and removing weeds, grasses, or worthless vegetation upon the hereinafter described lots and pieces of ground during the 2003 season in proportion to the special benefits to such real estate as determined and assessed by the City Council sitting as a Board of Equalization after due notice thereof, in the following amounts:

Name/Address

Jose Torres
200 E. Park Avenue
Norfolk, NE 68701

Description

West 2/3 of Lots 5, 6, and 7, Hann's 3rd Addition

Assessment

125.00

Approved as to Form ☒ _____
 April 22, 2004 ☒ City Attorney

ORDINANCE NO. 8900 (Cont.)

Lenders Asset Management 7325 S. Pierce Street, Suite 203 Littleton, CO 80128	Lot 6, Block 11, Original Town	125.00
Agnes Wilson 319 E. 10th Grand Island, NE 68801	Lot 2, Nagorski Subdivision	140.00
Gosna Inc. 1010 E. Bismark Grand Island, NE 68801	Lot 1, Super Bowl Subdivision	1,169.02
Troy Noziska 6363 N. Gunbarrel Road Grand Island, NE 68801	Lot 6, Block 30, Packer & Barr's 2 nd Subdivision	125.00

SECTION 2. Such special tax shall be due and payable to the City thirty (30) days after such levy and shall become delinquent fifty (50) days after such levy. After the same shall become delinquent, interest at the rate of 14 percent (14%) per annum shall be paid thereon. The same shall be collected in the same manner as other city taxes.

SECTION 3. Such special taxes shall be collected by the Finance Director of the City of Grand Island, Nebraska, as provided by law.

SECTION 4. Such special taxes, if not previously paid, shall be certified to the County Clerk at the same time as the next certification for general revenue purposes.

SECTION 5. Such special taxes, when received, shall be applied to reimburse the general fund.

SECTION 6. All ordinances or parts of ordinances or provisions in the Grand Island City Code in conflict herewith be, and the same hereby are, repealed.

SECTION 7. This ordinance shall be in force and take effect from and after its passage and publication within fifteen days in one issue of the *Grand Island Independent* as provided by law.

ORDINANCE NO. 8900 (Cont.)

Enacted: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item F6

#8901 - Consideration of Assessments for Water Main District No. 441

This item relates to the aforementioned Board of Equalization Item D-3.

Staff Contact: Gary R. Mader

An ordinance to assess and levy a special tax to pay the cost of construction of Water Main District No. 441 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land specifically benefited, for the purpose of paying the cost of construction of said water main in said Water Main District 441, as adjudged by the Mayor and Council of said City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and lands as follows:

Approved as to Form ☒ _____
 April 22, 2004 ☒ City Attorney

ORDINANCE NO. 8901 (Cont.)

Concord Development, LLC	Lot 2, Crane Valley 6 th Subdivision	6,748.24
Concord Development, LLC	Part of Lot One (1), Crane Valley 7 th Subdivision, more particularly described as follows: Beginning at a southeast corner of Lot (1) Crane Valley 7 th Subdivision in the City of Grand Island, Hall County, Nebraska, also being the southwest corner of Lot One (1), Crane Valley 6 th 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 6 th Subdivision; thence N00°34'22"W along the easterly line of said Lot Two (2) Crane Valley 6 th Subdivision, a distance of two hundred seven (207.0) feet to the northeast corner of said Lot Two (2) Crane Valley 6 th Subdivision; thence S89°41'46"E to the northwest corner of said Lot One (1) Crane Valley 6 th Subdivision; thence S00°34'22"E along the westerly line of said Lot One (1) Crane Valley 6 th Subdivision, a distance of two hundred seven (207.0) feet to the said Point of Beginning	3,472.38
City of Grand Island, Nebraska (Substation "B")	Part of the Southeast Quarter (SE1/4) of Section 13-11-10, more particularly described as follows: Beginning at the northwest corner of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West; thence southerly along the westerly line of the Southeast Quarter (SE1/4) 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) feet to the said Point of Beginning	3,557.30
TOTAL		\$19,145.78

SECTION 2. The special tax shall become delinquent as follows: One-fifth of the total amount shall become delinquent in fifty days; one-fifth in one year; one-fifth in two years; one-fifth in three years; and one-fifth in four years, respectively after the date of such levy.

ORDINANCE NO. 8901 (Cont.)

SECTION 3. The entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen (14%) per annum shall be paid thereof, until the same is collected and paid.

SECTION 4. The treasurer of the City of Grand Island, Nebraska, is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Such special assessments shall be paid into a fund to be designated as the "Water Fund 441".

SECTION 6. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 7. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: April 27, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G1

**Receipt of Official Document - Tort Claim Filed by Donald A.
Nelsen**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2004

Subject: Receipt of Official Document – Tort Claim Filed by Donald A. Nelsen

Item #'s: G-1

Presenter(s): RaNae Edwards, City Clerk

Background

The City of Grand Island has received a Tort Claim on April 9, 2004 from Donald A. Nelsen, 121 East 6th Street alleging certain claims in connection with an arrest made by the Police Department. A copy of this claim is attached to comply with the Nebraska Political Subdivision Tort Claims Act.

Discussion

This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

Sample Motion

Approve acknowledgement of the Tort Claim filed by Donald A. Nelsen.

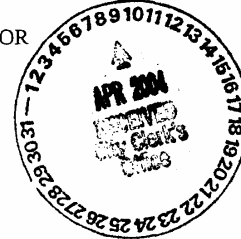
IN THE DISTRICT COURT OF HALL COUNTY, STATE OF NEBRASKA

DONALD A. NELSON,
Plaintiff

vs.

THE CITY OF GRAND ISLAND,
THE GRAND ISLAND POLICE
DEPARTMENT, and OFFICER
BRENT ENGBERG,
Defendants.

50 643
COMPLAINT FOR
TORT CLAIM



COMES NOW, Donald A. Nelson, Plaintiff, Pro Se, and for his complaint against
the Defendants, states and alleges as follows:

1. That at all times material hereto, the Plaintiff and the Defendants were located in Grand Island, Nebraska.
2. That on the 10th day of April 2003, Defendant Brent Engberg, arrested the Plaintiff for driving while intoxicated and other charges.
3. That in the course of said arrest, and subsequent thereto, Police Officer Engberg made false statements concerning the Plaintiff concerning his disposition, concerning his cooperativeness, concerning his ability to see and observe him and in all matters related thereto, which caused the County Court to dismiss and suppress the Arrest Warrant.
4. That during the course of said arrest, without cause, reason or basis therefore, the Police Officer physically assaulted the Plaintiff, causing serious and permanent injuries, necessitating the Plaintiff's hospitalization.
5. That both the Defendant, City of Grand Island, and the Defendant, Grand Island Police Department, were negligent in their hiring and employment of the aforesaid

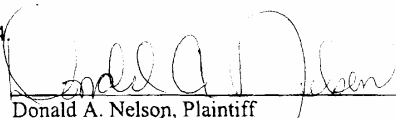
cc: Reg
Pike
Admin
4-9-04

Officer Engberg. That they knew or should have known of his proclivities towards physical aggression and violence, and knew or should have known that he would that he would lie or had lied concerning matters similar to this in the past and present case.

6. As a result of the aforesaid acts of the Defendants, the Plaintiff has suffered real and physical damages, has suffered permanent injury, and has been physically affected and mentally and emotionally upset as a result thereof.

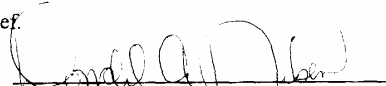
WHEREFORE, Plaintiffs prays for Judgment against the Defendants in the sum determined by jury and for such other and further relief as the Court deems just and equitable in the premises.

Dated this 9 day of April 2004.

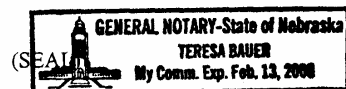

Donald A. Nelson, Plaintiff
121 East 6th
Grand Island, Nebraska 68801

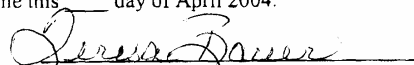
STATE OF NEBRASKA)
COUNTY OF Hall)SS:

Donald A. Nelson, being first duly sworn upon his oath deposes and states that he is the above named Plaintiff, that he has read the foregoing Complaint and that the same is true to the best of his knowledge and belief.


Donald A. Nelson

Subscribed and sworn to before me this ___ day of April 2004.




Teresa Bauer
Notary Public

My Commission Expires:

PLAINTIFF HEREBY DEMANDS JURY TRIAL ON ALL MATTERS HEREIN



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G2

Approving Minutes of April 13, 2004 City Council Regular Meeting

The Minutes of April 13, 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

April 13, 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 April 13, 2004. Notice of the meeting was given in the Grand Island Independent on April 7, 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 Robert Stretch, Berean Bible Church, 4116 West Capital Avenue.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Firefighter Training Demonstration Saturday, April 17, 2004 at the Valentine Motel on South Locust.
2. Spring was the time for cleanup, requested that all citizens keep our city looking great by not littering.
3. Grand Island Senior High 2001 graduate – Noah Boye, a Marine serving in Iraq who lost his life in the line of duty. Pastor Robert Stretch gave a prayer.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation “Community Development Week” April 12-18, 2004. The Mayor proclaimed the week of April 12-18, 2004 as “Community Development Week”. Joni Kuzma, Development Specialist was present to receive the proclamation.

Proclamation “April is for the Arts Month” April 2004. The Mayor proclaimed the month of April 2004 as “April is for the Arts Month”.

Proclamation “National Library Week” April 18-24, 2004. The Mayor proclaimed the week of April 18-24, 2004 as “National Library Week”. Library Director Steve Fosselman was present to receive the proclamation.

Recognition of Parks and Recreation Director Steve Paustian for 25 Years of Service with the Grand Island Parks and Recreation Department. Mayor Vavricek and the City Council recognized and congratulated Steve Paustian, Parks and Recreation Director for his 25 years of dedicated service to the City of Grand Island. Steve Paustian was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request of Gas 'N Shop, Inc. dba Gas 'N Shop, 3320 Langenheder Street for a Class "B" Liquor License. City Clerk RaNae Edwards reported that due to annexation of several properties in 2002, Gas 'N Shop, Inc. dba Gas 'N Shop located at 3320 Langenheder Street had to apply for a new liquor license. Submitted was an application with the City Clerk's Office for a Class "B" Liquor License which allows for the sale of alcohol off 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 on March 17, 2004; notice to the applicant of date, time and place of hearing mailed March 22, 2004; notice to the general public of date, time and place of hearing published on April 3, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Bobbi Ritter dba Flight Deck Restaurant & Lounge, 3773 Sky Park Road, Suite 5 for a Class "I" Liquor License. City Clerk RaNae Edwards reported that due to annexation of several properties in 2002, the Flight Deck Restaurant & Lounge located at 3773 Sky Park Road had to apply for a new liquor license. Submitted was an application with the City Clerk's Office for a Class "I" 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 on March 29, 2004; notice to the applicant of date, time and place of hearing mailed April 6, 2004; notice to the general public of date, time and place of hearing published on April 6, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3200 Bachman Street. (Lyman-Richey Corporation) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3200 Bachman Street 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 locate underground power lines and pad mounted transformer to serve a new building being constructed on the lot. No public testimony was heard.

Public Hearing on Acquisition of Property Located at 508 South Shady Bend Road. (Jerry and Pamela Miller) Steve Riehle, Public Works Director reported that the City had negotiated acquisition of property owned by Jerry and Pamela Miller located at 508 South Shady Bend Road. This property was in litigation between the City and the Miller's due to contamination of their lake. A settlement of the lawsuit in the amount of \$200,000 was negotiated. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Along and Within Proposed Pleasant View Thirteenth Subdivision. (GNR Development Corporation). Steve Riehle, Public Works Director reported that acquisition of a utility easement in the proposed Pleasant View Thirteenth

Subdivision located north of Fonner Park Road and south of South Street was required in order to have access to install, upgrade, maintain, and repair public utilities. 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:

#8896 – Consideration of Creation of Sanitary Sewer District No. 515, Dale Roush Subdivision (Indian Acres)

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

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

City Clerk: Ordinance #8896 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8896 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8896 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: It was noted that Item G-8 was pulled from the agenda until the April 27, 2004 City Council meeting. Item G-7 was pulled from the Consent Agenda for further discussion. Motion by Pielstick, second by Hornady, to approve the Consent Agenda excluding Item G-7. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 23, 2004 City Council Regular Meeting.

Approving Minutes of April 6, 2004 City Council Special Meeting. Councilmember Gilbert abstained.

Approving Request of Gas 'N Shop, Inc. dba Gas 'N Shop, 3320 Langenheder Street for a Class "B" Liquor License.

Approving Request of Jess Vetrovsky, 200 South LaSalle, Beatrice, Nebraska for Liquor Manager Designation for Gas 'N Shop, 3320 Langenheder Street.

Approving Request of Bobbi Ritter dba Flight Deck Restaurant & Lounge, 3773 Sky Park Road, Suite 5 for a Class "T" Liquor License.

Approving Preliminary Plat for Richmond Fourth Subdivision.

#2004-72 – Approving Final Plat and Subdivision Agreement for Richmond Fourth Subdivision.
It was noted that this item was pulled until the April 27, 2004 City Council meeting.

#2004-73 – Approving Intent to Enter the Nebraska Community Improvement Program.
Questioned were which projects would be submitted. Joni Kuzma, Development Specialist reported that the projects had not been picked yet, but were in the process.

#2004-74 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with: Dominion Construction Company - \$2,000; Jerry Harders - \$500.00; and Nebraska State Patrol - \$500.00 per year.

#2004-75 – Approving Waiver of Annual Report from NorthWestern.

#2004-76 – Approving Acquisition of Utility Easement Located at 3200 Bachman Street. (Lyman-Richey Corporation)

#2004-77 – Approving Agreement to Continue Participation in the Whelan Energy Center Unit #2 Power Plant in an Amount not to exceed \$40,000.00.

#2004-78 – Approving Bid Award for 35,000 GVW Cab and Chassis and 10 Cubic Yard Vacuum Catch Basin Cleaner with Mid-Iowa Companies of Johnston, Iowa in an Amount of \$140,015.00. It was noted that Steve Riehle, Public Works Director explained the exceptions to the Council.

#2004-79 – Approving Bid Award for Asphalt Maintenance Project 2004-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, Nebraska in an Amount of \$460,123.29.

#2004-80 – Approving Bid Award for Bleacher and Dugout Covers with Backyard Adventures of Omaha, Nebraska in an Amount of \$39,427.00.

#2004-81 – Approving Bid Award for Street Improvement District No. 1251 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$158,823.95.

#2004-82 – Approving Change Order No. 1 to the Purchase Order for Emergency Sewer Line Repairs Along the Bike Trail with The Diamond Engineering Company of Grand Island for an Increase of \$13,246.50 and a Revised Contract Amount of \$18,647.00. It was noted that these costs would be submitted to insurance.

#2004-83 – Approving Acquisition of Utilities Easement Along and Within Proposed Pleasant View Thirteenth Subdivision. (GNR Development Corporation)

#2004-84 – Approving Bid Award for 2005 Truck with 55 ft. Non-Overcenter Aerial Device with Terex Utilities West of Commerce City, Colorado in an Amount of \$141,892.00.

#2004-85 – Approving Boiler Inspection Agreement with Alstrom Power, Inc. of Charleroi, Pennsylvania in an Amount of \$6,275.00.

#2004-86 – Approving Revision to the Copier Lease with Imagistics International, Inc. of Grand Island, Nebraska for an Additional Monthly Rate of \$113.95.

Approving Preliminary Plat for Woodland Park Subdivision. Chad Nabity, Regional Planning Director explained that this was a preliminary plat for 159 lots on a parcel of land located north of Capital Avenue, between Independence Avenue and Northwest High School. A lengthy discussion was had concerning the access roads to the school, the layout of the subdivision, and safety issues with regards to traffic affecting the school.

Bill Mowinkle and Robert Dubas representing Northwest High School spoke in support. Mentioned was the need for a road on the north side of the school and safety issues. Terry Brown, Olsson Associates representing the developers spoke in support.

Motion was made by Hornady, second by Nickerson to approve the Preliminary Plat for Woodland Park Subdivision. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2004-87 – Approving Settlement Agreement and Acquisition of Property Located at 508 South Shady Bend Road. (Jerry and Pamela Miller) Motion by Pielstick, second by Hornady, to approve Resolution #2004-87. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, carried unanimously to approve the Claims for the period of March 24, 2004 through April 13, 2004, for a total amount of \$5,354,614.02. Motion adopted. Councilmembers Hornady abstained from claim #67167, Whitesides voted no on claims #66875 and #66876, and Pielsick abstained from #66871 and voted no on claims #66875 and #66876.

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

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G3

Approving Minutes of April 20, 2004 City Council Study Session

The Minutes of April 20, 2004 City Council Study Session are submitted to approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

April 20, 2004

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on April 20, 2004. Notice of the meeting was given in the Grand Island Independent on April 14, 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, and Walker. Councilmember Haase was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Doug Walker and Public Works Director Steve Riehle.

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

MAYOR COMMUNICATION: Mayor Vavricek reminded the citizens of Grand Island about a moment of silence tomorrow, April 21, 2004 in honor of Pvt. Noah Boye who lost his life in Iraq and whose funeral will be tomorrow. Also mentioned was a wall of photos of military personnel who lost their lives in Iraq that would be displayed at City Hall. Mayor Vavricek mentioned that there were yellow ribbons that had been placed around Grand Island as a reminder of our military personnel serving in Iraq. Also mentioned was a Support Walk Sunday, April 25, 2004 at Pioneer Park to support our military personnel serving in Iraq.

Update on Stolley Park Improvements. Steve Paustian, Parks and Recreation Director reported since the closing of the Zoo, plans had been developed to reuse the former zoo site. A committee was formed and a reuse plan was developed. To date the construction of Kids Kingdom and the renovation of the train had been completed as part of that plan. The next phase of the implementation of the development plan was the installation of a community picnic shelter.

A plan had been developed to incorporate the community shelter with other existing features of the Park. The architects that were currently designing the arboretum had assisted staff with the design. The design called for a modification to the existing road that included rerouting. A power point presentation was provided to graphically display the proposed new routing.

Discussion was held concerning parking and access to the Stolley House. Further discussion was held with regards to the cave at Stolley Park. Several Councilmembers commented that we should try to preserve the cave and fit it in to the park experience. It was the consensus of the council that Mr. Paustian look into this issue and come back with a cost estimate. City Administrator Gary Greer stated that he felt we should return the cave to its original condition which included a water fall over the cave.

Mr. Paustian stated that he was hoping that the citizens in the community would be able to supply him with information or pictures about the cave.

Discussion Concerning Green Space. Chad Nabity, Regional Planning Director reported that as the City grows it was to the benefit of the community if land for parks could be acquired concurrent with or preceding development. The Grand Island Parks Plan contained recommendations for park sizes and general locations. Acquisition of land for parks could be very costly. Most of the land on which development was anticipated (areas where parks would be necessary) could easily be developed with residential lots covering the entire property without leaving any space for parks. The city could not afford to acquire parkland at building lot prices.

Historically the City of Grand Island had acquired parkland primarily through the donation of property that could not otherwise be developed, or by purchasing tracts of ground with tax dollars. Recently, the City had been able to purchase undeveloped tracts of ground (at predevelopment prices) in areas where parks were needed (Cedar Hills Park). The City would need additional parks as residential development occurs. The Grand Island Parks Plan suggested that every house should have a neighborhood park within ½ mile of the property.

Most property currently being developed in the City does not have an area that can be donated or purchased for parks because it cannot be developed for housing. It was unlikely that there would be property the owners would choose to give as a park rather than develop to sell for lots.

To meet the recommendation of the Grand Island Parks Plan, the City needed to create a park acquisition and development fund. This fund needs to be large enough to provide adequate money to buy land for a neighborhood park every 3 or 4 years. Generally between 80 and 120 lots were developed in Grand Island during the course of a year. A park fee of \$250 to \$500 per lot would provide between \$20,000 and \$60,000 annually toward the acquisition and development of new parks. Any fees of less than \$250 per lot would not generate enough funds to build an effective park acquisition and development fund. The fees charged to the development could be lowered if the developer was willing to provide property useable for a park, easements for hike/bike trails and/or build a trail through the subdivision with the development. The fees could be collected from the developer at the time of execution of the subdivision agreement or from the builder at the time of the building permit.

Mr. Nabity also stated that council could put money in the general fund budget to fund these parks as was currently done. Councilmember Whitesides suggested doing a combination of the two ideas, part funded by the developers and part by the city. Fees based on lot size were discussed. Discussion was held concerning when and where parks were put in. Mentioned were several parks that had been built in the last several years. The goal was to have a park within one-half mile of every home.

Greg Baxter, 1723 Bridle Lane commented on the following points:

- High property taxes – increased burden on property owners
- We are largely an agricultural community of which the developer would have to pay the taxes on the property (which are higher) before the development was completed
- Developers would have to bank roll these fees for several years before they would see a return
- Would like to see the collection of fees at the time the lot was developed
- Grandfather clause existing developments
- Would like to see taxes take care of this or see the assessment at the time of occupancy

Discussion was held concerning when to put parks in, before or during a development. Steve Paustian, Parks and Recreation Director commented that what needed to be done now was for the City to acquire farm ground at a lower cost that would guarantee a park throughout the community and would be a bargaining chip for future development of parks.

Rudy Plate, 2209 East Stolley Park Road spoke in opposition and felt the city was discriminating against the developers.

Discussion was had with regards to existing developments that do not have parks. Where does that money come from? Mr. Nabity stated that a grandfather clause could be used. Mr. Paustian stated that a date needed to be set at which time all funds from that time forward would go into a park development fund.

Mr. Paustian explained the difference between neighborhood parks, community parks, and regional parks were size and amenities.

Councilmember Pielstick recommended that this issue be brought back to council for a decision on a fee per square foot paid by developers. Councilmember Gilbert questioned if there would be a difference between residential and commercial.

Ray O'Connor, 422 South Gunbarrel Road spoke with regards to the square footage as being an unfair way of assessing these fees. Also mentioned were commercial developers that should pay these fees also. This was followed by a lengthy discussion concerning who would pay these fees.

Councilmember Whitesides stated that he felt the developers should pay these costs, not the tax payers.

Dan Starostka, Kearney, Nebraska stated that these fees should be collected at the time of the building permit based on house size. Dave Starostka, 176 Ponderosa also spoke in support of collecting the fees at time of building permit.

Mr. Greer stated that this issue would be brought back to council within the next 30 days and that we would try to compromise on this issue.

ADJOURNMENT: The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G4

Approving Appointment of Alternate to the Zoning Board of Adjustment

The Mayor has submitted the appointment of Joanne Holmes to the Zoning Board of Adjustment to fill the vacancy of alternate member. The appointment would become effective immediately, upon approval by council, and would expire August 31, 2006. Approval is recommended.

Staff Contact: Craig Lewis



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G5

Approving Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for Class "D1" Liquor License

This item relates to the aforementioned Public Hearing Item E-1.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G6

**Approving Request of Wendy Willman, 2224 South Stuhr Road for
Liquor Manager Designation for Fonner View Golf Course, 2224
South Stuhr Road**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2004

Subject: Request of Wendy Willman, 2224 South Stuhr Road for Liquor Manager Designation for Fonner View Golf Course, 2224 South Stuhr Road

Item #'s: G-6

Presenter(s): RaNae Edwards, City Clerk

Background

Wendy Willman, 2224 South Stuhr Road has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D1-62894" Liquor License for Fonner View Golf Course located at 2224 South Stuhr Road. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. All departmental reports have been received. It should be noted that there were discrepancies within the application and the Nebraska Liquor Control Commission has notified us that this application would be set for hearing before the Liquor Control Commission.

Alternatives

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

1. Approve the request of Wendy Willman for Liquor Manager Designation in conjunction with the Class "D1-62894" Liquor License.
2. Disapprove or /Deny the request.
3. Table the issue

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Wendy Willman, 2224 South Stuhr Road for Liquor Manager Designation for Fonner View Golf Course, 2224 South Stuhr Road.



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G7

**Approving Request of Skagway Discount Dept Stores, Inc. dba
Skagway Discount Dept Stores, 620 West State Street for a Class
"DK" Catering Liquor License**

This item relates to the aforementioned Public Hearing Item E-2.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G8

**#2004-72 - Approving Final Plat and Subdivision Agreement for
Richmond Fourth Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 27, 2004

Subject: Richmond Fourth Subdivision - Final Plat

Item #'s: G-8

Presenter(s): Chad Nabity

Background

This final plat proposes to create 6 lots on a parcel of land in the NW ¼ SE ¼ Section 13, Township 11, Range 10. These lots front onto an existing public right-of-way.

Discussion

This is infill development along Diers Avenue between Old Potash Highway and Faidley Avenue. This development of 6 lots is consistent with the preliminary plat presented for approval at the April 13 meeting of the Grand Island City Council.

A utility easement is needed along the eastern edge of lots 1 and 2 extending from the south property line to 20 feet into lot 2. This utility easement needs to be a 20 feet wide. The owner/developer of the property is working with the neighboring property owner to the east to place 10 feet of the 20 foot easement onto the neighboring property. Planning commission did recommend approval of the final plat with the provision that this easement be granted at a minimum width of 20 feet allowing that part of the easement may be place on adjoining property.

This subdivision meets the requirements for a legal subdivision in Grand Island. The lot sizes and widths are large enough for the B2 General Business Zone. Water and sewer are available to the subdivision and will be extended to all lots by the developer. Standard subdivision agreements will apply to this subdivision.

Alternatives

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

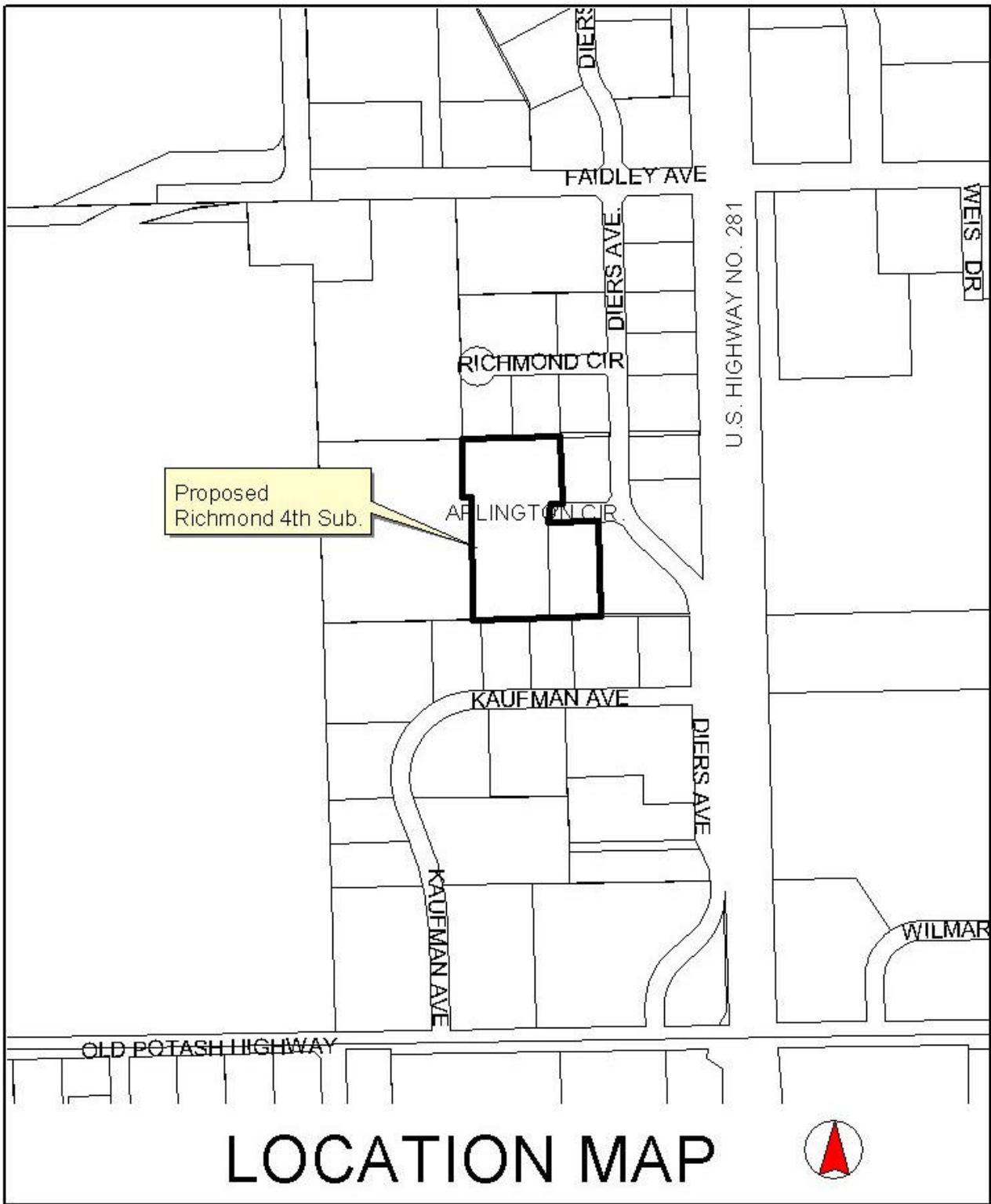
1. Approve the final plat and Subdivision agreement as presented
2. Modify the final plat and subdivision agreement to meet the wishes of the Council
3. Table the issue

Recommendation

Planning Commission recommends that the Council approve the final plat and subdivision agreement.

Sample Motion

Approve the Richmond Fourth Subdivision and subdivision agreements.



RESOLUTION 2004-72

WHEREAS, Arlington Investment, Inc., a Nebraska corporation, as owner, has caused to be laid out into lots, a tract of land comprising all of Lot Four (4), Richmond Third Subdivision and a part of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4), all in Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of RICHMOND FOURTH SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 22, 2004	☐ City Attorney



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G9

**#2004-88 - Approving Acquisition of Utility Easement - 420 N.
Diers Avenue - Drs. Grange, Pedersen & Brown**

This item relates to the aforementioned Public Hearing item E-3.

Staff Contact: Gary R. Mader

R E S O L U T I O N 2004-88

WHEREAS, a public utility easement is required by the City of Grand Island, from Drs. Grange, Pedersen & Brown, a Nebraska general partnership, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on April 27, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Three (3), Richmond Third Subdivision in the City of Grand Island, Hall County, Nebraska, the ten (10.0) foot wide utility easement and right-of-way being more particularly described as follows:

The westerly ten (10.0) feet of Lot Three (3) Richmond Third Subdivision. The above-described easement and right-of-way containing 0.066 acres, more or less, as shown on the plat dated April 7, 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 Drs. Grange, Pedersen & Brown, a Nebraska general partnership, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G10

**#2004-89 - Approving Acquisition of Utility Easement - West of
Blaine Street, South of Hwy. 34 - Steve and Ginger Johnson**

This item relates to the aforementioned Public Hearing item E-4.

Staff Contact: Gary R. Mader

RESOLUTION 2004-89

WHEREAS, a public utility easement is required by the City of Grand Island, from Steve Johnson and Ginger Johnson, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on April 27, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Three (3), Richmond Third Subdivision in the City of Grand Island, Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Commencing at the southeast corner of Lot Two (2) Heavenly Haven Third Subdivision; thence northerly along the easterly line of said Lot Two (2), a distance of one hundred fifty three and fifty two hundredths (153.52) feet to the Actual Point of Beginning; thence deflecting left 87°6'11" and running westerly, a distance of three hundred forty five (345.0) feet. The side lines of the above described tract shall be prolonged or shortened as required to terminate on the easterly boundary of Grantor's property.

The above-described easement and right-of-way containing 0.16 acres, more or less, as shown on the plat dated April 1, 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 Steve Johnson and Ginger Johnson, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G11

#2004-90 - Approving Acquisition of Utility Easement - 1115 Allen Drive - Allen

This item relates to the aforementioned Public Hearing item E-5.

Staff Contact: Gary R. Mader

RESOLUTION 2004-90

WHEREAS, a public utility easement is required by the City of Grand Island, from Robert M. Allen Family Limited Partnership and Allen Parcel 24, L.L.C., to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on April 27, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Six (6), Meadowlark West Fourth 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 easterly sixty (60.0) feet of the southerly twenty (20.0) feet of Lot Six (6) Meadowlark West Fourth Subdivision. The above-described easement and right-of-way containing 0.027 acres, more or less, as shown on the plat dated April 14, 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 Robert M. Allen Family Limited Partnership and Allen Parcel 24, L.L.C., on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G12

**#2004-91 - Approving Connection Fees for Water Main District
No. 442T**

This item relates to the aforementioned Board of Equalization Item D-4.

Staff Contact: Gary R. Mader

* This Space Reserved for Register of Deeds *

RESOLUTION 2004-91

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution 2004-BE-6 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

According to the front foot and area of the respective lots, tracts, and real estate within such Water Main District 442T, such benefits are the sums set opposite the descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Connection Fee</u>
Grand Island Surgical Center, LLC	Part of Lot Nine (9), Richmond Subdivision, 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, Nebraska	5,142.43
CALM	Part of Lot Thirteen (13), Richmond Subdivision, 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, Nebraska	4,576.36

Approved as to Form ☐ _____
April 23, 2004 ☐ City Attorney

TOTAL		\$9,718.79
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- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G13

#2004-92 - Approving Certificate of Final Completion and Setting of Board of Equalization Date for Water Main District 444 - Mary Lane Subdivision

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: April 27, 2004

Subject: Water Main District 444 – Mary Lane Subdivision –
Certificate of Final Completion and Setting of Date of the
Board of Equalization

Item #'s: G-13

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

Background

Water Extension District 444 was created to address ground water contamination by 1,1-dichloroethylene and tetrachloroethylene in the private wells within Marylane Subdivision. The subdivision is located east of North Road and north of Husker Hwy.

The project installed a 6" diameter water main and service lines in Mary Lane and Valley View Avenue. The construction provides City water service to all lots within the subdivision.

Discussion

CNH has entered into an agreement to reimburse the City for the construction cost associated with the water main and service lines. The total cost of construction was \$93,651.44. CNH share of the total cost is \$86,287.93. The remainder of \$7,363.51 is the City's share due to the layout of the area previously served, and the cost of the main placed in Valley View Avenue. This section of piping will provide City services to meet future system extensions.

In a routine assessment district the costs to serve the properties within the District's boundary, would be paid for by the individual property owners. The assessment amounts have been computed for the properties within the district. However, since the appropriate costs have been agreed to be paid by CNH, the assessment payments are planned to be made by CNH. CNH has paid \$73,813.45 to date and has been billed for the remaining balance due.

Alternatives

It appears the following alternatives concerning the issue are at hand:

1. Set the Board of Equalization date for May 25, 2004 to determine benefits and assessments for the properties within the boundary of the District.
2. Deny the issuance of the Certificate of Final Completion for Water Extension District 444.
3. Table the issue.

Recommendation

City Administration recommends the Certificate of Final Completion be approved by the City Council and that May 25, 2004 be set as the date of the Board of Equalization to determine benefits and assessments for the properties within the boundary of Water Extension District 444, located in Mary Lane Subdivision. Attached are copies of the calculations, ownership records, and district's plat.

Sample Motion

Move that the Certificate of Final Completion for Water Main District 444 be approved and that the Board of Equalization be set for May 25, 2004.



INTEROFFICE MEMORANDUM

*Working Together for a
Better Tomorrow. Today.*

DATE: April 7, 2004
TO: Mayor and Council Members
FROM: Gary R. Mader, Utilities Director

SUBJECT: Water Main District 444 – Mary Lane and Valley View Avenue

This memo is to certify that Water Main District 444, located in Mary Lane and Valley View Avenue, 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 May 25, 2004 to determine the benefits and connection fees for the properties within the boundaries of Water Main District 444.


Gary R. Mader, Utilities Director

GRM/pag

pc: Doug Walker
Dave Springer
Bob Smith
Steve Riehle
Laura Berthelsen
Dave Goosic
Tom Barnes
Jean Meyer

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

WATER MAIN DISTRICT NO. 444

April 7, 2004

Water Main District No. 444 is located in Mary Lane and Valley View Avenue. 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 May 25, 2004, to determine benefits and levy special assessments.

Respectfully submitted,



Steve Riehle,
Public Works Director

WATER MAIN DISTRICT NO. 444

April 7, 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 444 be approved.

I further recommend that the City Council sit as Board of Equalization on May 25, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor

WATER EXTENSION DISTRICT 444 - FIANL and ASSESSMENTS
Marylane Subdivision

Est. = 10/8/2003
Bid = 10/17/2003

Award = 10/21/2003
Final = 12/31/2003

4/13/2004
5/25/2004

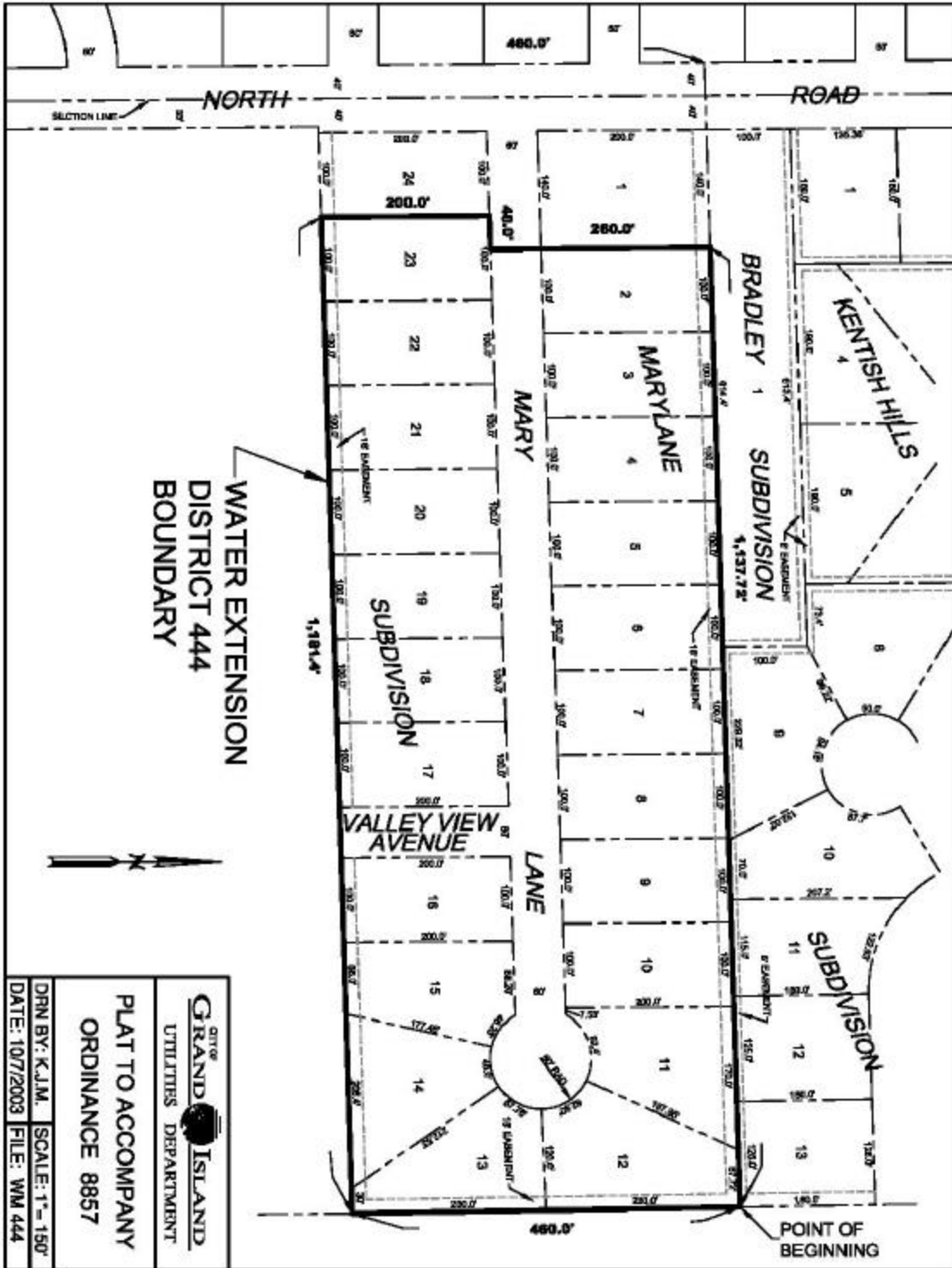
Item	Description	Bid Unit (\$)	Constructed Quantity	Final (\$)
C. 1.01	6" D.I. PIPE, (S.J.)	18.99 LF	1,534.00 LF	\$29,130.66
C. 1.02a	FKM Gaskets (sj)	95.10 EA	77.00 EA	\$7,322.70
C. 1.02b	FKM Gaskets (mj)	59.58 EA	44.00 EA	\$2,621.52
C. 1.03	6"X 6"X 6" TEE (M.J.)	156.51 EA	5.00 EA	\$782.55
C. 1.04	6"X 90 ELL (M.J.)	116.46 EA	0.00 EA	\$0.00
C. 1.05	6" SET SCREW RING	38.15 EA	2.00 EA	\$76.30
C. 1.06	6" RS GATE VALVE	395.13 EA	2.00 EA	\$790.26
C. 1.07	VALVE BOX	94.60 EA	2.00 EA	\$189.20
C. 1.08	FIRE HYDRANT ASSEMBLY COMPLETE	913.31 EA	4.00 EA	\$3,653.24
C. 1.09	FIRE HYDRANT ONLY	347.52 EA	0.00 EA	\$0.00
C. 1.10	REMOVE ASPH. / CONC. DRIVEWAY	7.69 SY	330.00 SY	\$2,537.70
C. 1.11	REPLACE ASPH. / CONC. DRIVEWAY	35.13 SY	330.00 SY	\$11,592.90
C. 1.12	REMOVE ASPH. / CONC. ROADWAY	9.13 SY	203.10 SY	\$1,854.30
C. 1.13	REPLACE ASPH. / CONC. ROADWAY	29.85 SY	203.10 SY	\$6,062.54
C. 1.14	THRUST BLOCK	139.31 EA	6.00 EA	\$835.86
C. 1.15	BELL JOINT BLOCK	195.75 EA	2.00 EA	\$391.50
C. 1.16	1" WATER SERVICE, COMPLETE	420.50 EA	21.00 EA	\$8,830.50
C. 1.17	SALVAGE 6" PLUG	26.44 EA	1.00 EA	\$26.44
C. 1.18	8 MIL POLYWRAP	0.79 LF	1,570.00 LF	\$1,240.30
C. 1.19	R & R 15" CMP Culvert	45.15 LF	5.00 LF	\$225.75
CONTRACT AMOUNT				\$78,164.22
	PO 303189 additional 1" copper pipe	\$8.00 LF	92.00 LF	\$736.00
	PO 303189 additional 22.5 ELL (SJ)	\$120.00 EA	1.00 LF	\$120.00
	Materials Furnished By City (F.H.'s, Stop Box Ext, Curb Stop)			\$3,497.96
	Engineering / Overhead / Administration / Publication			\$11,133.26
TOTAL DISTRICT COST				\$93,651.44
Less Items For Valley View Ave (City Costs)				-\$7,363.51
TOTAL DUE FROM CNH				\$86,287.93

Blk	Lot	Subdivision	Front Ft.	Sq Ft	Owner	1/2 - 1/2 Combo \$\$
2		Marylane Subdivision	100.00	20,000.00	Charles E & Mary A Fox, H/W	\$3,958.74
3		Marylane Subdivision	100.00	20,000.00	Jerry L & Rosalie G Florez, H/W	\$3,958.74
4		Marylane Subdivision	100.00	20,000.00	Neal R & Sondra L Schroder, H/W	\$3,958.74
5		Marylane Subdivision	100.00	20,000.00	Lyle E & Judith Maye Tibbs, H/W	\$3,958.74
6		Marylane Subdivision	100.00	20,000.00	Ronald L & Delores K Tenski, H/W	\$3,958.74
7		Marylane Subdivision	100.00	20,000.00	Jeffrey W & Cynthia R Hayes, H/W	\$3,958.74
8		Marylane Subdivision	100.00	20,000.00	Kenneth C & Christine L Durano, H/W	\$3,958.74
9		Marylane Subdivision	100.00	20,000.00	Jeffrey & Gina Baldwin, H/W - BUYER	\$3,958.74
					Irvin & Mary Ann Baldwin, H/W - SELLER	
10		Marylane Subdivision	100.00	20,000.00	Keith A & Joey L Ruff, H/W	\$3,958.74
11		Marylane Subdivision	89.93	22,898.28	David A Green & Ellen I Nelson-Green, H/W	\$4,026.15
12		Marylane Subdivision	62.93	26,484.70	Kenneth L & Vera L Henman, H/W	\$3,809.89
13		Marylane Subdivision	57.78	22,309.48	Matthew J & Lori A Beiber, H/W	\$3,307.62
14		Marylane Subdivision	48.00	22,129.82	Matthew J & Lori A Beiber, H/W	\$3,088.98
15		Marylane Subdivision	134.53	20,909.27	Timothy D & Susan E Pfeifer, H/W	\$4,756.71
16		Marylane Subdivision	100.00	20,000.00	Gregory J & Penny L Post, H/W	\$3,958.74
17		Marylane Subdivision	100.00	20,000.00	Dale E & Sharon M Huffman, H/W	\$3,958.74
18		Marylane Subdivision	100.00	20,000.00	Andrew M & Joan E Schwan, H/W	\$3,958.74
19		Marylane Subdivision	100.00	20,000.00	Charles E & Loretta A Roehrich, H/W	\$3,958.74
20		Marylane Subdivision	100.00	20,000.00	Terry Lee & Lori I Jepson, H/W	\$3,958.74
21		Marylane Subdivision	100.00	20,000.00	Elaine K & Steven A Makhum, W/H	\$3,958.74
22		Marylane Subdivision	100.00	20,000.00	Vincent E & Cynthia A Luhn, H/W	\$3,958.74
23		Marylane Subdivision	100.00	20,000.00	Dennis W & Cheryl K Harder, H/W	\$3,958.74
			2,093.17	454,731.55		\$86,287.93

CNH
City of Grand Island, NE

\$41.223564 \$0.189756

Blk Lot	Subdivision	Front Ft.	Sq Ft.	Owner	Assessment \$
2	Marylane Subdivision	100.00	20,000.00	Charles E & Mary A Fox, H/W 3115 S North Road Grand Island, NE 68803	\$3,958.74
3	Marylane Subdivision	100.00	20,000.00	Jerry L & Rosaie G Florez, H/W 3934 Mary Lane Grand Island, NE 68803	\$3,958.74
4	Marylane Subdivision	100.00	20,000.00	Neal R & Sondra L Schroder, H/W 3928 Mary Lane Grand Island, NE 68803	\$3,958.74
5	Marylane Subdivision	100.00	20,000.00	Lyle E & Judith Maye Tibbs, H/W 3922 Mary Lane Grand Island, NE 68803	\$3,958.74
6	Marylane Subdivision	100.00	20,000.00	Ronald L & Delores K Tenski, H/W 3916 Mary Lane Grand Island, NE 68803	\$3,958.74
7	Marylane Subdivision	100.00	20,000.00	Jeffrey W & Cynthia R Hayes, H/W 3910 Mary Lane Grand Island, NE 68803	\$3,958.74
8	Marylane Subdivision	100.00	20,000.00	Kenneth C & Christine L Durano, H/W 3904 Mary Lane Grand Island, NE 68803	\$3,958.74
9	Marylane Subdivision	100.00	20,000.00	Jeffrey & Gina Baldwin, H/W - BUYER 3822 Mary Lane Grand Island, NE 68803 Irin & Mary Ann Baldwin, H/W - SELLER 15100 W Hwy 2 Cario, NE 68824	\$3,958.74
10	Marylane Subdivision	100.00	20,000.00	Keith A & Joey L Ruff, H/W 3816 Mary Lane Grand Island, NE 68803	\$3,958.74
11	Marylane Subdivision	89.93	22,898.28	David A Green & Ellen I Nelson-Green, H/W 3810 Mary Lane Grand Island, NE 68803	\$4,026.15
12	Marylane Subdivision	62.93	26,484.70	Kenneth L & Vera L Henman, H/W 3804 Mary Lane Grand Island, NE 68803	\$3,809.89
13	Marylane Subdivision	57.78	22,309.48	Matthew J & Lori A Beiber, H/W 3809 Mary Lane Grand Island, NE 68803	\$3,307.62
14	Marylane Subdivision	48.00	22,129.82	Matthew J & Lori A Beiber, H/W 3809 Mary Lane Grand Island, NE 68803	\$3,088.88
15	Marylane Subdivision	134.53	20,909.27	Timothy D & Susan E Pfeifer, H/W 3815 Mary Lane Grand Island, NE 68803	\$4,756.71
16	Marylane Subdivision	100.00	20,000.00	Gregory J & Penny L Post, H/W 3209 Valley View Ave Grand Island, NE 68803	\$3,958.74
17	Marylane Subdivision	100.00	20,000.00	Dale E & Sharon M Huffman, H/W 3905 Mary Lane Grand Island, NE 68803	\$3,958.74
18	Marylane Subdivision	100.00	20,000.00	Andrew M & Joan E Schwan, H/W 3911 Mary Lane Grand Island, NE 68803	\$3,958.74
19	Marylane Subdivision	100.00	20,000.00	Charles E & Loretta A Roehrich, H/W 3917 Mary Lane Grand Island, NE 68803	\$3,958.74
20	Marylane Subdivision	100.00	20,000.00	Terry Lee & Lori I Jepson, H/W 3923 Mary Lane Grand Island, NE 68803	\$3,958.74
21	Marylane Subdivision	100.00	20,000.00	Elaine K & Steven A Makham, W/H 3929 Mary Lane Grand Island, NE 68803	\$3,958.74
22	Marylane Subdivision	100.00	20,000.00	Vincent E & Cynthia A Luhn, H/W 3935 Mary Lane Grand Island, NE 68803	\$3,958.74
23	Marylane Subdivision	100.00	20,000.00	Dennis W & Cheryl K Harder, H/W 3941 Mary Lane Grand Island, NE 68803	\$3,958.74
TOTAL		2,093.17	454,731.55		\$86,287.93
				Amount Billed to	
				CNH	\$86,287.93
				City of Grand Island, NE	\$7,363.51
					\$93,651.44



CITY OF
GRAND ISLAND
 UTILITIES DEPARTMENT
 PLAT TO ACCOMPANY
 ORDINANCE 8857
 DRN BY: K.J.M. SCALE: 1"=150'
 DATE: 10/7/2003 FILE: WM 444

RESOLUTION 2004-92

WHEREAS, the Utilities Director of the City of Grand Island has issued his Certificate of Final Completion for Water Main District 444 in Mary Lane and Valley View Avenue, certifying that Starostka Group 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 District 444 is hereby confirmed and approved.
2. The City Council will sit as a Board of Equalization on May 25, 2004 to determine benefits and set assessments for Water Main District 444.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G14

**#2004-93 - Approving Contract Award for Engineering Services
for Fuel Storage and Handling Areas Evaluation and Upgrades -
Utilities Department**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Award Contract for Fuel Storage & Handling Upgrade-
Eng. Services - Platte Generating Station

Item #'s: G-14

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

Background

Platte Generating Station fueling facilities currently consist of a 500,000 gallon No. 2 fuel bulk storage tank surrounded by an earthen berm, a locomotive fueling area, an above ground gasoline tank and two smaller above ground No. 1 diesel fuel tanks. C.W. Burdick Station fueling facilities consist of a No. 6 fuel oil bulk storage area with a 4.5 million gallon capacity and a No. 2 fuel oil bulk storage area with a 450,000 gallon capacity. Both tank areas are surrounded by earthen berms. There are also two smaller above ground diesel and gasoline tanks. The bulk oil storage areas at Burdick Station have been in place since the 1950's and the facilities at PGS since the early 80's.

New Federal regulations for Oil Pollution Prevention [40 CFR Part 112] require that the containment around bulk oil storage facilities and associated loading areas be "sufficiently impervious to contain oil". In addition, because the total fuel capacity of the fuel tanks at the C.W. Burdick Station is over 1,000,000 gallons, the regulations require an analysis of the consequences of a worst-case catastrophic release of oil on downstream users and sensitive environments. The new regulations will require a thorough review and upgrade of the current bulk oil storage facilities.

Anticipated activities necessary to meet the Federal regulations include:

- ? Evaluation of the oil containment and fuel transfer areas at all bulk oil storage areas.
- ? Design of necessary upgrades for the earthen berms and associated fuel transfer areas at both plants.
- ? Evaluation and design of a new vehicle fueling facility at PGS that would eliminate the existing three separate fueling areas.
- ? Evaluation of a worst case release of oil from C.W. Burdick Station.

Discussion

A Request for Proposal for engineering services to evaluate the existing facilities and design necessary upgrades to the fuel storage and handling facilities was drafted by plant staff and

advertised in accordance with City procurement procedures. Engineering services for this type of project have typically been solicited by the Department on an actual cost/not to exceed basis, which allows for changes in the work scope as the project progresses. Changes in procurement or installation requirements often occur as detailed engineering is performed and this arrangement has been found to be the most equitable for both the City and the engineer. Proposals were received from the following firms.

HWS Consulting, Lincoln, NE
RDG Geoscience, Omaha, NE
HDR, Omaha, NE
Black & Veatch, Overland, KS
MFG, Inc., Omaha, NE

Utility engineering staff reviewed the bids for compliance with the City's detailed specifications. Using a matrix of the Department's established evaluation criteria, which included fees, company and personnel experience, contract forms, and proposal responsiveness. Each proposal was independently reviewed by each of the three members of the evaluation group. A tabulation of the evaluation factors indicated a consensus selection of the firm of Black & Veatch for this project.

Alternatives

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

1. Approve the contract award to Black & Veatch for the Fuel Storage & Handling Upgrade-Engineering Services.
2. Deny the award of the contract for the Fuel Storage & Handling Upgrade-Engineering Services.
3. Modify the contract for the Fuel Storage & Handling Upgrade-Engineering Services to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that Council award the contract for Fuel Storage & Handling Upgrade – Engineering Services to Black & Veatch of Overland, KS, in an amount not to exceed \$59,600.

Sample Motion

Approve the award of the contract for Fuel Storage & Handling Upgrade-Engineering Services to Black & Veatch of Overland, KS.

RESOLUTION 2004-93

WHEREAS, the City of Grand Island invited proposals for Engineering Services for Fuel Storage and Handling Areas – Evaluation and Upgrades for the Utilities Department, according to plans and Request for Proposals on file at the Platte Generating Station; and

WHEREAS, proposals were due on April 2, 2004; and

WHEREAS, Black & Veatch of Overland Park, Kansas, submitted a proposal in accordance with the terms of the Request for Proposals and all other statutory requirements contained therein; such proposal being in an amount not to exceed \$59,600; and

WHEREAS, a proposed agreement with Black & Veatch for such services has 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 proposal of Black & Veatch of Overland Park, Kansas for Engineering Services for Fuel Storage and Handling Areas – Evaluation and Upgrades for an amount not to exceed \$59,600 is hereby approved.

BE IT FURTHER RESOLVED, that an agreement between the City and such contractor be entered into for such project; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G15

**#2004-94 - Approving Certificate of Final Completion and Setting
Date of Board of Equalization Hearing for Sidewalk District No.
1, 2003**

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: April 27, 2004

Subject: Certificate of Final Completion for Sidewalk District No. 1, 2003

Item #'s: G-15

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

Background

A contract in the amount of \$22,615.40 for Sidewalk District No.1, 2003 was awarded to Galvan Construction Inc., of Grand Island on October 22, 2003. Work on the project was completed in April 2004.

Discussion

The work for Sidewalk District No. 1, 2003 has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The project was completed on schedule at a construction price of \$12,981.80. Total cost of the project, including Engineering Services, is \$14,239.98. The original contract amount was based off of installing sidewalk along twenty-one (21) properties. Eight (8) of the properties had the sidewalks installed by a different contractor thus the project was completed at a lesser amount than what the contract was for. The majority of costs for this project will be assessed to the adjacent properties.

Alternatives

1. Approve the Certificate of Final Completion.
2. Disapprove or /Deny the Certificate of Final Completion for Sidewalk District No. 1, 2003.
3. Modify the Certificate of Final Completion to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the Certificate of Final Completion for Sidewalk District No. 1, 2003 and set the Board of Equalization date of May 25, 2004.

Sample Motion

Move to approve the Certificate of Final Completion and set the Board of Equalization for Sidewalk District No. 1, 2003.

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

SIDEWALK DISTRICT NO. 1, 2003

CITY OF GRAND ISLAND, NEBRASKA

APRIL 27, 2004

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

This is to certify that SIDEWALK DISTRICT NO. 1, 2003 has been fully completed by Galvan Construction Inc. of Grand Island under contract dated October 30, 2003. The work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by me as Director of Public Works in accordance with the provisions of Section 16-650 R.R.S., 1943.

It is further certified that the improvements as constructed include the following items and costs and that this certificate shall constitute the Final Payment for this work.

SIDEWALK DISTRICT NO. 1, 2003 is located at various properties throughout Grand Island

<u>Item</u>	<u>Description</u>	<u>Total Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
1	4" PCC Sidewalk	5852	2.15 s.f.	12,581.80
2	Supply Fill Material and Fill Ditch	400.00	1 l.s.	400.00

TOTAL CONSTRUCTION COST SIDEWALK DISTRICT NO. 1, 2003	\$	12,981.80
LESS AMOUNT PREVIOUSLY PAID CONTRACTOR	\$	0
BALANCE DUE CONTRACTOR THIS FINAL PAYMENT	\$	12,581.80
Engineering and Publication Costs – City	\$	1,258.18
TOTAL COST SIDEWALK DISTRICT NO. 1, 2003	\$	14,239.98
Amount Assessable to Property Owners	\$	13,839.98
City Cost For Fill Material	\$	400.00

Respectfully submitted,

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

April 27, 2004

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

I hereby recommend that the Engineer's Certificate of Final Completion for Sidewalk District No. 1, 2003 be approved and a warrant be issued from Account No. 40033535-90072 in the amount of \$12,581.80; payable to Galvan Construction Inc. for the total amount due the contractor of \$12,581.80.

I further recommend that the costs of City Engineering and publication costs be credited to Account No. 100.130.04516 from account 40033535-90072 in the amount of \$1,258.18.

I further recommend that the City Council sit as a Board of Equalization on May 25, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor

RESOLUTION 2004-94

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Sidewalk District No. 1, 2003, certifying that Galvan Construction, Inc. of Grand Island, Nebraska, under contract dated October 22, 2003, has completed such project according to the terms, conditions, and stipulations for such improvements; and

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

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

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

1. The Public Works Director's Certificate of Final Completion for Sidewalk District No. 1, 2003, is hereby confirmed.
2. A warrant be issued from Account No. 40033535-90072 in the amount of \$12,581.80 payable to Galvan Construction, Inc. for the total amount due the contractor.
3. The costs of engineering and publication costs in the amount of \$1,258.18 be credited to Account No. 100.130.04516 from Account No. 40033535-90072.
4. The City Council will sit as a Board of Equalization on May 25, 2004 to determine benefits and set assessments for Sidewalk District No. 1, 2003.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G16

**#2004-95 - Approving Certificate of Compliance with Nebraska
Department of Roads Maintenance Agreement Number 12 for
Calendar Year 2003**

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

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Approving Certificate of Compliance with the Nebraska Department of Roads Maintenance Agreement No. 12 for the Calendar Year 2003

Item #'s: G-16

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

Background

Each year the City and the Nebraska Department of Roads have an agreement for the maintenance of roadways that are State responsibility but within the City Limits. An agreement between the City and the Nebraska Department of Roads was entered into for the calendar year 2003 at the January 28, 2003 regular Council meeting.

Discussion

The agreement requires the Council to pass a resolution to certify that the City has completed the work as required by Maintenance Agreement 12 for the calendar year 2003. The City will receive payment from the State for \$26,826 for the work performed.

Alternatives

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

1. Approve authorizing the Mayor to sign the Certificate of Compliance.
2. Disapprove or /Deny the authorization for the Mayor to sign Certificate of Compliance.
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council pass a Resolution authorizing the Mayor to sign the Certificate of Compliance.

Sample Motion

Approve authorization for the Mayor to sign the Certificate of Compliance.

R E S O L U T I O N 2004-95

WHEREAS, each year the City of Grand Island enters into a maintenance agreement with the State Department of Roads with respect to the maintenance of certain state roads within the corporate limits of Grand Island; and

WHEREAS, the City has complied with all roadway surface maintenance work for the calendar year 2003 in accordance with the agreement; and

WHEREAS, upon receiving the City's Certificate of Compliance, the state will reimburse the City for maintenance work performed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island has complied with the terms of Maintenance Agreement No. 12 for calendar year 2003; and the Mayor is hereby authorized and directed to execute the Certificate of Compliance for such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G17

**#2004-96 - Approving Renewal of Maintenance Agreement
Number 12 with the State of Nebraska Department of Roads for
2004**

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

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Approving Renewal of Maintenance Agreement No. 12
with the Nebraska Department of Roads

Item #'s: G-17

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

Background

Each year the City and the Nebraska Department of Roads have entered into an agreement for the maintenance of the roadways that are State responsibility but are within the City Limits. The annual agreement for 2004 has been prepared. The content and scope of the agreement are similar to that of previous years.

Discussion

The City performs street maintenance and snow removal on certain portions of the State highway system within the corporate limits. This work is routinely performed in conjunction with other local street duties. The Nebraska Department of Roads performs snow removal duties in the outer corporate limit areas of the highway system that are more accessible for them. Both the City and the State benefit from this arrangement. The net result of this exchange of services for 2004 will be a payment to the City of \$34,731.00.

Alternatives

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

1. Approve the renewal of Maintenance Agreement No. 12.
2. Disapprove or /Deny the renewal of Maintenance Agreement No. 12.
3. Modify Maintenance Agreement No. 12 to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council pass a Resolution approving Maintenance Agreement No. 12.

Sample Motion

Approve the renewal of Maintenance Agreement No. 12 with the Nebraska Department of Roads for 2004.

RESOLUTION 2004-96

WHEREAS, on December 22, 1992, the City of Grand Island approved and entered into Maintenance Agreement No. 12 with the State Department of Roads with respect to the maintenance of certain state roads within the corporate limits of Grand Island; and

WHEREAS, this agreement requires annual renewal by both parties thereto; and

WHEREAS, it is in the best interest of the City of Grand Island to renew Maintenance Agreement No. 12, to be effective January 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the renewal of Maintenance Agreement No. 12 for the term January 1, 2004 through December 31, 2004 is hereby approved; and the Mayor is hereby authorized and directed to execute such renewal agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G18

**#2004-97 - Approving Change Order No. 1 to the Contract with
J.T. Jones Construction for the Waste Water Treatment Plant
Solids Handling Project**

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

Council Agenda Memo

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

Meeting: April 27, 2004

Subject: Approving Change Order No. 1 to the Contract with J.T. Jones Construction for the 2003 Waste Water Treatment Plant-1, Solids Handling Improvements Project

Item #'s: G-18

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

Background

Any change orders to the contract must be approved by City Council. The construction contract was awarded to J.T. Jones, Fargo, North Dakota, on October 14, 2003.

Discussion

The WWTP is staffed with one operator for the evening & graveyard shifts to keep operational costs down. There is not a secured gate at the main plant drive. We get unexpected visitors to the plant at night when the operator may be out of the office checking on plant operations. Operators have expressed concerns about how open the facility is. The plan sheet for improvements to the main entrance driveway & a gate were prepared by city staff and consultant CH2MHill. The change order price was negotiated with John T Jones Construction. City staff and CH2MHill reviewed the work items needed to build the secure entrance to ensure that the price was fair & reasonable. An application was made for Homeland Security funds. Administration recommends the secure entrance be built even if the grant is not approved. J.T. Jones Construction prepared Change Order No. 1 to include the following changes:

Original Contract	\$ 8,462,000.00
1) Modification for secured entry to WWTP complex	\$ 66,490.00
2) Two (2) hose reels required for cleaning process area	\$ 2,993.00
3) Relocate drain piping and vent piping	\$ 661.00
4) Relocate 4" equipment floor drain	\$ 172.00
5) Replace existing deteriorated electrical pull box	\$ 1,176.00
6) Flex coupling for Bio-filter piping	\$ 7,137.00

Revised Contract

\$ 8,540,629.00

Sufficient funds are available in account 53030054-85213.

Alternatives

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

1. Approve Change Order No.1 so as the contract amount for the 2003 Wastewater Treatment Plant -1, Solids Handling Improvements Project would be \$8,540,629.00.
2. Disapprove or /Deny Change Order No. 1.
3. Modify the Change Order to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council pass a resolution authorizing the Mayor to execute the Change Order.

Sample Motion

Approve Change Order No. 1 to the contract with J.T. Jones Construction Company for the 2003 Wastewater Treatment Plant – 1, Solids Handling Improvements Project.

RESOLUTION 2004-97

WHEREAS, on October 14, 2003, by Resolution 2003-296, the City of Grand Island awarded the bid for the construction of sludge handling improvements (Project 2003-WWTP-1) to John T. Jones Construction of Fargo, North Dakota; and

WHEREAS, it has been determined that modifications to the work to be performed by John T. Jones Construction are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modifications will increase the contract amount by \$78,629.00 for a revised contract price of \$8,540,629.00.

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 the John T. Jones Construction of Fargo, North Dakota to provide the modifications set out as follows:

Modification for secured entry to WWTP complex.....	66,490.00
Addition of two hose reels for cleaning process area.....	2,993.00
Relocate drain piping and vent piping.....	661.00
Relocate 4" equipment floor drain	172.00
Replace existing deteriorated electrical pull box.....	1,176.00
Addition of flex coupling for Bio-filter piping.....	7,137.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G19

**#2004-98 - Approving Interlocal Agreement with Hall County
Relative to Joint Special Weapons and Tactics Team (SWAT)**

Staff Contact: Kyle Hetrick

Council Agenda Memo

From: Kyle L. Hetrick, Chief of Police

Meeting: April 27, 2004

Subject: Approving Inter-local Agreement between
City of Grand Island and Hall County for
Joint Special Weapons and Tactics Team

Item #: G-19

Presenter(s) Kyle L. Hetrick, Chief of Police
Doug Walker, City Attorney

Background

County Attorney Jerry Janulewicz and City Attorney Doug Walker have recommended that the Joint Special Weapons and Tactics Team created in 1998 between members of the Hall County Sheriff's Office and the Grand Island Police Department, formalize their cooperative team in the structure of an inter-local governmental agreement. They initiated this dialogue in the fall of 2003.

Discussion

Previous authorization for the combined HCSO/GIPD SWAT team came from state mutual aid statutes. The inter-local format more clearly delineates shared police authority and jurisdiction. Though departmental policy was agreed to by Sheriff Watson and Chief Hetrick and those policies are incorporated within the inter-local agreement, Neb. Rev. Stat. 29-215 allows for more descriptive responsibilities between the governing entities.

After review and preparation by City and County legal staffs, Pamela Lancaster, Chairperson of the Hall County Board, Marla Conley, County Clerk, and Jerom Janulewicz, Hall County Attorney, signed and executed this inter-local agreement on March 9, 2004. It is brought to the council for their consideration.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the Inter-local Agreement.

Sample Motion

Approve the Inter-local Agreement between the County of Hall and the City of Grand Island for the Joint Special Weapons and Tactics Team.

**INTERLOCAL AGREEMENT
BY AND BETWEEN
THE COUNTY OF HALL AND THE CITY OF GRAND ISLAND
FOR JOINT SPECIAL WEAPONS AND TACTICS TEAM**

THIS AGREEMENT is made and entered into this 9 day of March 2004, by and between the County of Hall ("County") and the City of Grand Island ("City") being bodies politic and corporate and political subdivisions of the state of Nebraska, hereinafter referred to as the "Parties" and individually as a "Party." WITNESSETH:

WHEREAS, the law enforcement services are among the most important services provided by local governments to their residents; and

WHEREAS, The Hall County Sheriff and the Grand Island Police Chief have determined that efficient and effective law enforcement and police protection for the residents of the County and the City require the formation and operation of a joint Special Weapons and Tactics Team comprising of members of the County's Sheriff's Office and the City's Police Department and operating under the direction of the Sheriff and Chief of Police; and

WHEREAS, Neb. Rev. Stat. §13-801 provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity, or other undertaking which each public agency entering into the contract is authorized by law to perform; and

WHEREAS, Counties and the Cities are public agencies as defined by Neb. Rev. Stat. §13-801; and

WHEREAS, Neb. Rev. Stat. §29-215 authorizes municipalities and counties to enter into contracts with any other municipality or county for law enforcement services or joint law enforcement services.

NOW, THEREFORE, the parties mutually covenant and agree as follows:

1. **Purpose.** The purpose of this agreement shall be the establishment and operation of a joint special weapons and tactics team (SWAT) comprised of officers of the Grand Island Police Department and the Hall County Sheriff's Department. The SWAT team members shall be selected as set forth herein and shall be specially trained and equipped to work as a team to respond to critical incidents including, but not limited to, hostage taking, barricaded suspects, snipers, terrorists acts and other high-risk incidents. The SWAT team may also be utilized to serve high-risk warrants, both search and arrest, where public and officer safety issues compel the use of such unit.
2. **Exercise of Governmental Functions.** It is understood and agreed to by the parties that this Agreement provides for the joint exercise by the Parties of the function or services provided

herein, but does not establish a separate legal entity to do so, nor does this Agreement establish any employee of any Party as an agent of any other Party for any purpose whatsoever. This Agreement shall provide only for sharing of in-kind services and costs by the Parties toward the establishment and operation of the common mutual goal, being the development and operation of a SWAT team.

3. **Term.** This agreement shall have a term of five (5) years commencing upon execution of this agreement. Thereafter, said agreement shall automatically renew for successive terms of one (1) year unless terminated as set forth herein.
4. **Termination.** This agreement may be terminated at any time, with or without cause, upon thirty (30) days prior written notice given to the non-terminating party by the terminating party.
5. **Governance.** The activities of the cooperative undertaking shall be governed by the Hall County Sheriff and the City's Chief of Police.
6. **Cooperative Powers and Authority.** The Parties agree, subject to the limitations herein set forth, to aid and assist the other, by causing and permitting its law enforcement personnel and its equipment to be used in responding to emergencies and exceptional instances which occur in the Party's jurisdiction such as, but not limited to, barricaded armed individuals, hostage situations, execution of high risk warrant service, riotous crowd control, threat of potential sniper activities, terrorist incidents, or other exceptional instances when other than standard police procedures and weapons are needed by a Party. The need for such aid and assistance shall be determined by the Chief of Police and the Sheriff, or their designees, requesting assistance, and upon such a request the Parties agree that the Party receiving such a request must respond as timely as possible. It is understood and agreed that each Party shall maintain appropriate personnel and funding in support of this Agreement. All Parties shall, however, be excused from making its equipment or services available to the other in the event of the need of such equipment or manpower in its jurisdiction. A Party's decision as to availability of equipment or services shall be conclusive.
7. **Exercise of Law Enforcement Powers.** Any sheriff, deputy sheriff, police officer or peace officer employed by any Party shall have the power and authority to enforce the laws of the State of Nebraska and to perform the functions of his or her office anywhere within the geographic territory of any Party when acting or participating in a cooperative investigation or cooperative law enforcement activity at the request of any Party's Sheriff or Chief of Police or an authorized designee of any such Sheriff or Chief of Police.
8. **Selection, Training, and Operational Standards.** The Parties hereto specifically authorize its respective Sheriff and Chief of Police to establish, maintain, and implement mutually agreed upon policies, standards, and procedures for the SWAT team to include, but not limited to, the selection, training, deployment, and supervision of team members subject to the following:

- 8.1. Each party shall mutually agree upon policies and procedures that shall require that each Party shall maintain a level of personnel and equipment necessary to safely and effectively deploy SWAT during exceptional instances when other than standard police procedures and weapons are required to meet its obligations under this Agreement.
 - 8.2. Officers assigned or appointed to the SWAT team shall successfully complete such physical and psychological examinations as designated by the Sheriff and Chief of Police and these tests shall be made available to both parties. The Chief of Police and Sheriff shall be in unanimous agreement with the selection or appointment of each party's SWAT members.
 - 8.3. Officers assigned to SWAT shall successfully pass and maintain mutually agreed upon performance standards such as firearm qualifications and physical fitness standards. All SWAT team members shall pass and maintain all other mutually agreed upon performance standards as established by each Party's Chief of Police or Sheriff.
 - 8.4. Officers assigned to SWAT shall be subject to the supervision of the supervisory and command personnel assigned to SWAT regardless of which Party assigned the supervisor or officer to SWAT.
 - 8.5. Should disciplinary action be required as a direct result of an officer's involvement or participation in the SWAT, disciplinary action shall be the responsibility of the officer's respective agency. The officer's continued involvement in the SWAT team, however, shall be subject to the approval of both the Chief of Police and the Sheriff.
 - 8.6. Should an instance arise requiring the response of the SWAT, the requesting Party shall be in command of the incident. Tactical operations involving SWAT shall remain the responsibility of supervisory and command personnel assigned to SWAT and shall follow the SWAT chain of command.
9. **Claims and Indemnity.** At all times while acting or participating in a cooperative investigation or cooperative law enforcement activity, any such participating sheriff, deputy sheriff, marshal, deputy marshal, police officer or peace officer shall remain the employee or agent of the Party supplying such officer. Each Party shall provide liability insurance and indemnification for its own personnel as provided in Neb.Rev.Stat. §13-1802.
- 9.1. Each party shall promptly notify the other party of any claims against the party, their Boards, Council, employees or agents incurred as a result of any act or omission by that Party or its employees and agents arising out of any SWAT activities. Nothing herein shall be construed as an agreement to accept or impose on one Party the legal liabilities and obligations of another party.
 - 9.2. Each Party shall provide the other Party with written evidence of current and effective general liability and police professional liability coverage for an amount not less than \$1,000,000 per person and \$5,000,000 per occurrence for claims for bodily injury, death, property damage or personal injury which may arise through acts or omissions related to the functions and activities subject to this Agreement. Each Party's insurance or self insurance shall cover acts and omissions of its officers, employees and agents while performing services under this agreement.
10. **Modification.** This Agreement may be modified by written agreement of the Parties.

11. **No Separate Entity.** This Agreement provides for the joint exercise by the Parties of the function of service provided herein, but does not establish a separate legal entity to do so, nor does this Agreement establish any employee of either party as an agent or employee of the other party for any purpose whatsoever. This Agreement shall provide only for sharing of in-kind services and costs by the Parties toward establishment of a common mutual goal, said goal being the joint development and functioning of a SWAT to be utilized in exceptional circumstances when other than standard police procedures and weapons are required.
12. **Property.** Any property acquired or made available by any party to this agreement for the purposes of this agreement shall remain the property of the party acquiring or making such property available and shall be disposed of such party as provided by law, regulation, or ordinance governing the same.
- 12.1. Any property acquired jointly shall, upon termination, be equitably distributed among the Parties based upon the Parties' financial contributions toward the purchase and maintenance of any such property. In the event any Party withdraws from this agreement, an equitable distribution of the jointly held property, or the fair market value thereof, shall be made to the withdrawing party based upon the withdrawing Party's financial contributions toward the purchase and maintenance of any such jointly held property.
- 12.2. Any property to be purchased and jointly held by the Parties shall be purchased pursuant to the purchasing rules or statutes applicable to the Party making the purchase on behalf of the Parties.
- 12.3. Any surplus or unusable jointly held property shall be disposed pursuant to the rules or statutes applicable to the Party making such disposition on behalf of the Parties. The proceeds of any sale or disposition of jointly held property shall be equitably distributed among the Parties based upon the Parties' financial contributions toward the purchase and maintenance of any such property.
- 12.4. An inventory of all property jointly held and a report on the disposition of any joint property sold, transferred or disposed of during the prior twelve months shall be provided to the City or County Clerk of each Party on or prior to April 1 of each year.
- 12.5. The Hall County Sheriff and the City's Chief of Police shall determine which party shall insure any jointly held property against casualty and other loss. In the absence of an agreement, any jointly held property shall be insured against casualty and other loss by both the county and the city to the extent of their respective interests. Absent evidence to the contrary each party shall be presumed to possess equal shares of any jointly held property.
13. **Finances.** This agreement shall be financed by funds made available by the parties hereto.
14. **Provision of Assistance.** Pursuant to the Interlocal Cooperation Act, any party to this agreement, in the party's sole discretion, may appropriate funds and may sell, lease, give, or otherwise provide assistance, including personnel and services, as may be within the party's legal power to furnish.

15. Additional Agreements.

- 15.1. It is understood and agreed by the Parties that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Nebraska, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.
- 15.2. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the named Parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any third person not expressly a Party to this Agreement. It is the intention of the Parties that any person other than the named Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
- 15.3. This agreement shall become effective for each party when that party by ordinance, motion or resolution adopts and approves this agreement and authorizes the proper official to execute this agreement.
- 15.4. Each Party agrees not to allow any other person or entity to join in this Agreement except with approval by the other Party.

Executed this ____ day of _____,
2004.

City of Grand Island, Nebraska

by: _____
Jay Vavricek, Mayor

[attest]

City Clerk

Approved as to form:

City Attorney

Executed this 9 day of March,
2004.

County of Hall

by: Pamela Lancaster
Pamela Lancaster, Chairperson
County Board of Supervisors

[attest]

Mark J. Conley
County Clerk

Approved as to form:

James E. [Signature]
County Attorney

R E S O L U T I O N 2004-98

WHEREAS, the Hall County Sheriff and the Grand Island Police Chief have determined that efficient and effective law enforcement and police protection for the residents of the County of Hall and the City of Grand Island require the formation and operation of a joint Special Weapons and Tactics Team (SWAT) comprising of members of the County's Sheriff's Office and the City's Police Department; and

WHEREAS, the SWAT will be operated under the direction of the Hall County Sheriff and the Grand Island Police Chief; and

WHEREAS, an interlocal agreement has been prepared which provides for sharing of in-kind services and costs by the City and the County toward the development and operation of a joint SWAT team; and

WHEREAS, the City Attorney has reviewed and approved such interlocal agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Agreement by and between the County of Hall and the City of Grand Island for Joint Special Weapons and Tactics Team (SWAT) is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item J1

Payment of Claims for the Period of April 14, 2004 through April 27, 2004

The Claims for the period of April 14, 2004 through April 27, 2004 for a total of \$2,299,811.18. A MOTION is in order.

Staff Contact: RaNae Edwards