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# City of Grand Island



**Tuesday, May 11, 2004**

**Council Session Packet**

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**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**

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**7:00:00 PM**

**Council Chambers - City Hall**

**100 East First Street**

**Call to Order**

**Pledge of Allegiance /Invocation - Reverend Clyde Masten, First Baptist Church, 811  
West 10th Street**

**Roll Call**

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

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

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

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

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## **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, May 11, 2004

Council Session

## Item C1

### **Proclamation "Employee Health and Fitness Week" May 16-22, 2004**

*Because most American working adults spend most of their waking hours at work, it is important to focus on employee health and fitness programs. Employee health and fitness is associated with improved productivity and morale, decreased use of health benefits, and decreased employee turnover rates. Mayor Vavricek has proclaimed the week of May 16-22, 2004 as "Employee Health and Fitness Week". See attached PROCLAMATION.*

Staff Contact: RaNae Edwards

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

PROCLAMATION

- WHEREAS, American working adults spend most of their waking hours at work; and
- WHEREAS, employees are essential valued assets at their worksites; and
- WHEREAS, worksite support of employee health and fitness is associated with: improved productivity and morale, decreased use of health benefits and decreased employee turnover rates; and
- WHEREAS, the cost of treating preventable disease is significantly greater than the cost of disease prevention and health maintenance; and
- WHEREAS, employee health and fitness promotion provides a good return on investment; and
- WHEREAS, the City of Grand Island has a significant and rising number of worksites – including major employers – offering opportunities for employee health and fitness enhancement; and
- WHEREAS, employers in the City of Grand Island are joining with others across the county in holding employee health and fitness events during the week of May 18-24, 2003.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim May 16-22, 2004 as

***“EMPLOYEE HEALTH AND  
FITNESS WEEK”***

in the City of Grand Island.

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

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item C2

### **Proclamation "Emergency Medical Services Week" May 16-22, 2004**

*Whereas, the members of emergency medical services teams devote their lives to saving the lives of others and because the people of Grand Island, Nebraska benefit daily from the knowledge and skill of these trained professionals; and whereas the designation of Emergency Medical Services Week will serve to educate the people of Grand Island about accident prevention and what to do when confronted with a medical emergency, the Mayor has proclaimed the week of May 16-22, 2004 as "Emergency Medical Services Week." See attached PROCLAMATION.*

Staff Contact: Jim Rowell

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

PROCLAMATION

WHEREAS, the members of emergency medical services teams devote their lives to saving the lives of others; and

WHEREAS, emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators and administrators; and

WHEREAS, the people of Grand Island, Nebraska, benefit daily from the knowledge and skill of these trained individuals; and

WHEREAS, advances in emergency medical care increase the number of lives saved every year; and

WHEREAS, the professional organizations of providers of emergency medical services promote research to improve and adapt their skills as new methods of emergency treatment are developed; and

WHEREAS, the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the State; and

WHEREAS, the designation of Emergency Medical Services Week will serve to educate the people of Grand Island, Nebraska, about accident prevention and what to do when confronted with a medical emergency; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the week of May 16 - 22, 2004 as

***"Emergency Medical Services Week"***

in the City of Grand Island and encourage the community to observe this week with appropriate programs, 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 11th day of May in the year of our Lord Two Thousand and Four.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item C3

### **Recognition of Therese Muchow, Emergency Management Coordinator for 25 Years Service with the City**

*The Mayor and City Council will recognize Therese Muchow, Emergency Management Coordinator for 25 years of service with the City. Ms. Muchow was hired on May 21, 1979 as Civil Defense Deputy Director. In March 1992 her title was changed to Emergency Management Coordinator but the duties remained the same. We congratulate Ms. Muchow for her dedication and service to the City of Grand Island.*

Staff Contact: Brenda Sutherland



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item C4

### Presentation by Youth Leadership Tomorrow

*Executive Director Jennifer Worthington and several members of Youth Leadership Tomorrow will update the Mayor and City Council on activities accomplished this year. A PowerPoint presentation will be given with highlights of the year.*

Staff Contact: Joni Kuzma





# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E1**

**Public Hearing on Request of A. Meier, Inc. dba Bandits, 1016  
Diers Avenue, Suite 118 for a Class "C" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 11, 2004

**Subject:** Public Hearing on Request of A. Meier, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 for a Class “C” Liquor License

**Item #'s:** E-1 & G-4

**Presenter(s):** RaNae Edwards

## **Background**

A. Meier, Inc. dba Bandits located at 1016 Diers Avenue, Suite 118 has submitted an application with the City Clerk’s Office for a Class “C” Liquor License. The application for the Class “C” Liquor License has been filed with the Liquor Control Commission and received by the City on April 21, 2004. A Class “C” Liquor License allows for the sale of alcohol on and off sale within the corporate limits 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 Bandits for a Class “C” 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 A. Meier, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 for a Class "C" Liquor License.



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E2**

**Public Hearing on Request of Greg Penner dba Fine Liquors, 1939  
North Broadwell Avenue for a Catering Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 11, 2004

**Subject:** Public Hearing on Request of Greg Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Catering Liquor License

**Item #'s:** E-2 & G-6

**Presenter(s):** RaNae Edwards

## **Background**

Greg Penner dba Fine Liquors located at 1939 North Broadwell Avenue has submitted an application with the City Clerk's Office for a Catering Liquor License. The application for the Catering Liquor License has been filed with the Liquor Control Commission and received by the City on April 28, 2004. A Catering Liquor License allows a Retail Class C, D, I or L license to deliver, sell or dispense alcoholic liquors, including beer, 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. Fine Liquors currently hold a Class "D" Liquor License and qualify for a catering license. 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 Fine Liquors for a Catering 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.

## **Sample Motion**

Approve the request of Greg Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Catering Liquor License.



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E3**

**Public Hearing on Request of Richard & Kimberly Wiseman dba  
Grand Island Liquor Mart, 710 North Diers Avenue for a Catering  
Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 11, 2004

**Subject:** Public Hearing on Request of Richard & Kimberly Wiseman dba Grand Island Liquor Mart, 710 North Diers Avenue for a Catering Liquor License

**Item #'s:** E-3 & G-7

**Presenter(s):** RaNae Edwards

## **Background**

Richard and Kimberly Wiseman dba Grand Island Liquor Mart located at 710 North Diers Avenue have submitted an application with the City Clerk's Office for a Catering Liquor License. The application for the Catering Liquor License has been filed with the Liquor Control Commission and received by the City on April 29, 2004. A Catering Liquor License allows a Retail Class C, D, I or L license to deliver, sell or dispense alcoholic liquors, including beer, 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. Grand Island Liquor Mart currently hold a Class "C" Liquor License and qualify for a catering license. 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 Grand Island Liquor Mart for a Catering 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.

### **Sample Motion**

Approve the request of Richard and Kimberly Wiseman dba Grand Island Liquor Mart, 710 North Broadwell Avenue for a Catering Liquor License.



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E4**

**Public Hearing on Acquisition of Utility Easement at 3554 West  
Stolley Park Road - Central Nebraska Humane Society**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** May 11, 2004

**Subject:** Acquisition of Utility Easement – Central Nebraska Humane Society – 3554 West Stolley Park Road

**Item #'s:** E-4 & G-13

**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 the Central Nebraska Humane Society, Inc., located behind the building at 3554 West Stolley Park Road, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to add new underground cable and a pad-mounted transformer to serve the new business, Standard Iron, located in this 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, May 11, 2004**

**Council Session**

## **Item E5**

**Public Hearing on Acquisition of Utility Easement Located at 2818  
S. Locust Street - Alpha Corporation**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** May 11, 2004

**Subject:** Acquisition of Utility Easement – Alpha Corporation –  
2818 S. Locust Street

**Item #'s:** E-5 & G-14

**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 the Alpha Corporation located behind U-Auto-Buy at 2818 S. Locust Street, 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 add underground cable and a pad mounted transformer to serve the new Alltel tower and related equipment.

## **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.



FILE: WOODLAND 1st



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E6**

**Public Hearing on Acquisition of Utility Easement at the Southeast  
Corner of Locust Street & Stolley Park Road - Platte Valley State  
Bank**

**Staff Contact: Gary R. Mader**



# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** May 11, 2004

**Subject:** Acquisition of Utility Easement – Southeast Corner of Locust Street and Stolley Park Road – Platte Valley State Bank & Trust Company

**Item #'s:** E-6 & G-15

**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 Platte Valley State Bank and Trust Company, located on the southeast corner of Locust Street and Stolley Park Road, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair water mains and other public utilities.

## **Discussion**

This easement will be used to construct a water main from South Locust through Equestrian Meadows Subdivision and tie into the water main in Stolley Park Road. This is Water Main Project 2004-W-2 designed by Rockwell & Associates and will be constructed privately.

## **Alternatives**

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

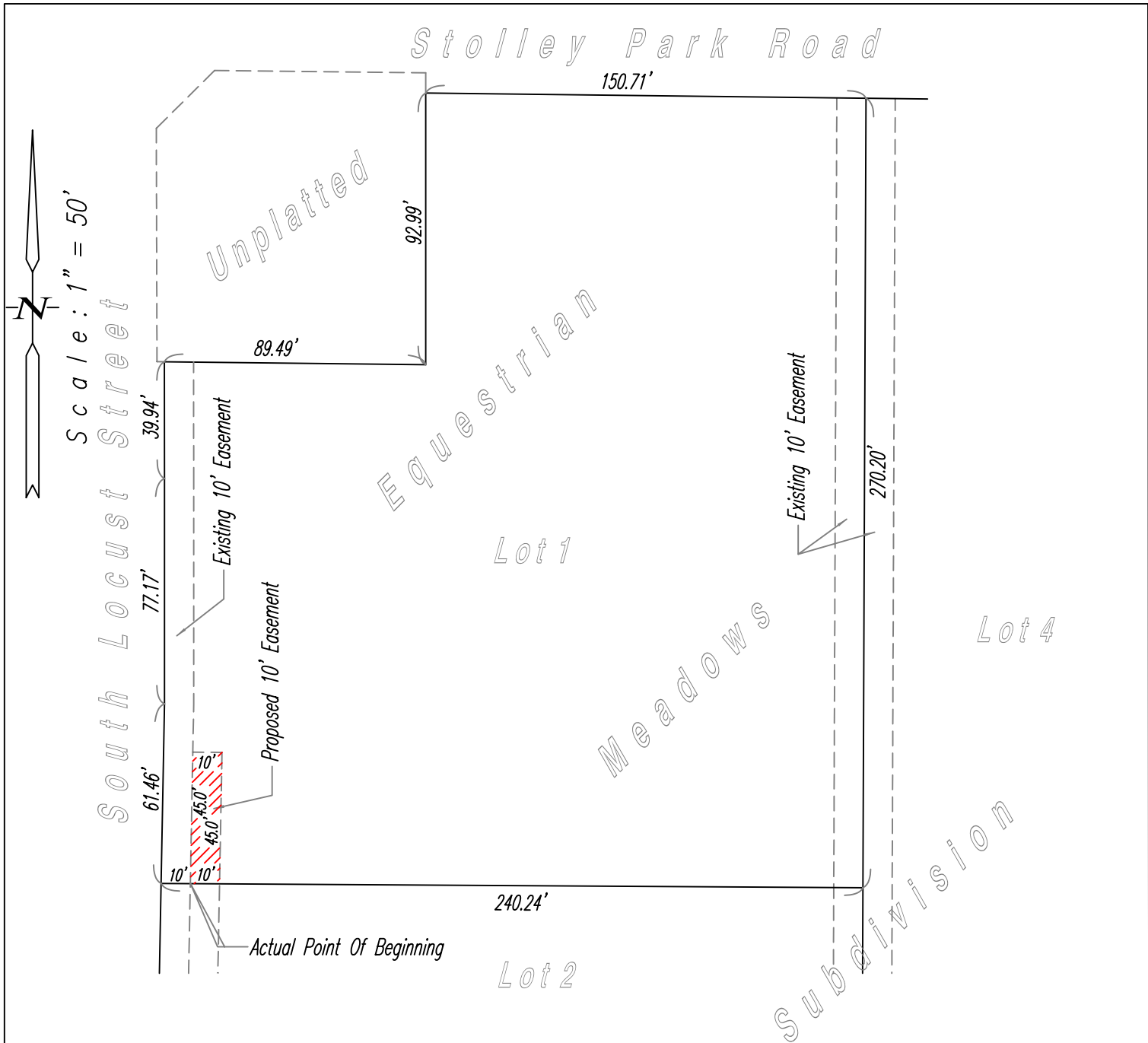
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

## **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



**EASEMENT**

A tract of land consisting of a Ten (10.0) foot wide easement located in a part of Lot One (1), Equestrian Meadows Subdivision, in the City of Grand Island, Nebraska, more particularly described as follows:

Beginning at the southwest corner of said Lot One (1); thence running easterly along the south line of said Lot One (1), a distance of Ten (10.0) feet, to the ACTUAL point of beginning; thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot One (1), a distance of Forty Five (45.0) feet; thence running easterly parallel with the south line of said Lot One (1), a distance of Ten (10.0), feet, to a point Twenty (20.0) feet east of the west line of said Lot One (1); thence running southerly parallel with and Twenty (20.0) feet east of the west line of said Lot One (1), a distance of Forty Five (45.0) feet, to a point on the South line of said Lot One (1); thence running westerly along the south line of said Lot One (1), a distance of Ten (10.0) feet, to the ACTUAL point of beginning and containing 0.010 acres (450 square feet) more or less.



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item E7**

**Public Hearing on Acquisition of Utility Easements at the  
Southeast Corner of Locust Street & Stolley Park Road -  
Equestrian Meadows LLC**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** May 11, 2004

**Subject:** Acquisition of Utility Easements – Southeast Corner of Locust Street and Stolley Park Road – Equestrian Meadows, L.L.C. – Lots 2 and 3

**Item #'s:** E-7 & G-16

**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 two easements relative to the property of Equestrian Meadows, L.L.C., located on the southeast corner of Locust Street and Stolley Park Road, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair water mains and other public utilities.

## **Discussion**

These easements will be used to construct a water main from South Locust through Equestrian Meadows Subdivision and tie into the water main in Stolley Park Road. This is Water Main Project 2004-W-2 designed by Rockwell & Associates and will be constructed privately.

## **Alternatives**

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

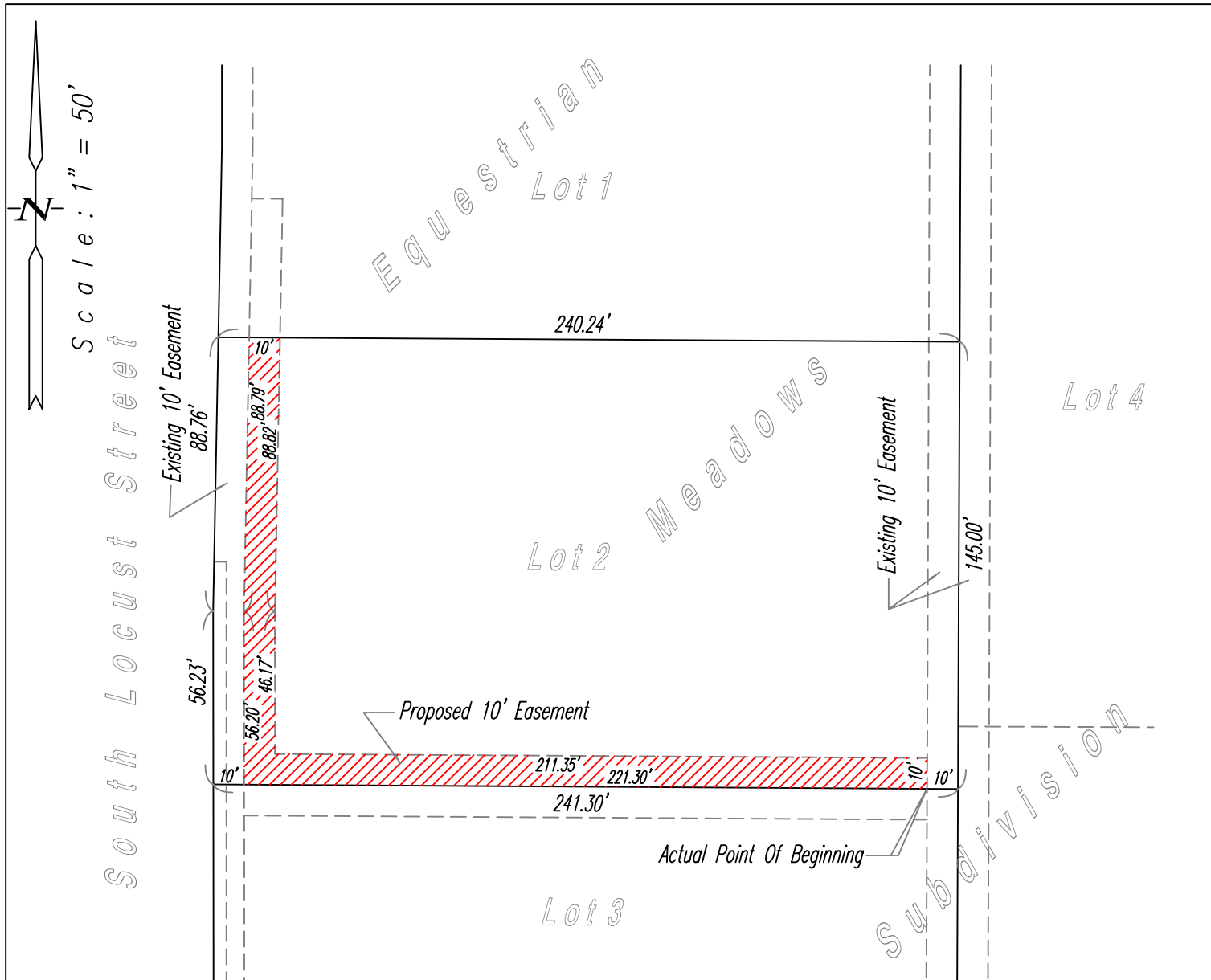
1. Approve the acquisition of the easements
2. Disapprove or /Deny the easements
3. Modify the request to meet the wishes of the Council
4. Table the issue

## **Recommendation**

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

## **Sample Motion**

Approve the acquisition of the Utility Easements.



## EASEMENT

A tract of land consisting of a Ten (10.0) foot wide easement located in a part of Lot Two (2), Equestrian Meadows Subdivision, in the City of Grand Island, Nebraska, more particularly described as follows:

Beginning at the southeast corner of said Lot Two (2); thence running westerly along the south line of said Lot Two (2), a distance of Ten (10.0) feet, to the ACTUAL point of beginning; thence continuing westerly along the south line of said Lot Two (2), a distance of Two Hundred Twenty One and Three Tenths (221.30) feet, to a point Ten (10.0) feet east of the southwest corner of said Lot Two (2); thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot Two (2), a distance of Fifty Six and Two Tenths (56.20) feet, to a point; thence continuing northerly parallel with and Ten (10.0) feet east of the west line of said Lot Two (2), a distance of Eighty Eight and Seventy Nine Hundredths (88.79) feet, to a point on the north line of said Lot Two (2); thence running easterly along the north line of said Lot Two (2), a distance of Ten (10.0) feet, to a point Twenty (20.0) feet east of the west Line of said Lot Two (2); thence running southerly parallel with and Twenty (20.0) feet east of the west line of said Lot Two (2), a distance of Eighty Eight and Eighty Two Hundredths (88.82) feet, to a point; thence continuing southerly parallel with and Twenty (20.0) feet east of the west line of said Lot Two (2), a distance of Forty Six and Seventeen Hundredths (46.17) feet, to a point Ten (10.0) feet north of the south line of said Lot Two (2); thence running easterly parallel with and Ten (10.0) feet north of the south line of said Lot Two (2), a distance of Two Hundred Eleven and Thirty Five Hundredths (211.35) feet, to a point Ten (10.0) feet west of the east line of said Lot Two (2); thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Two (2), a distance of Ten (10.0) feet to the ACTUAL point of beginning and containing 0.082 acres (3,554 square feet) more or less.

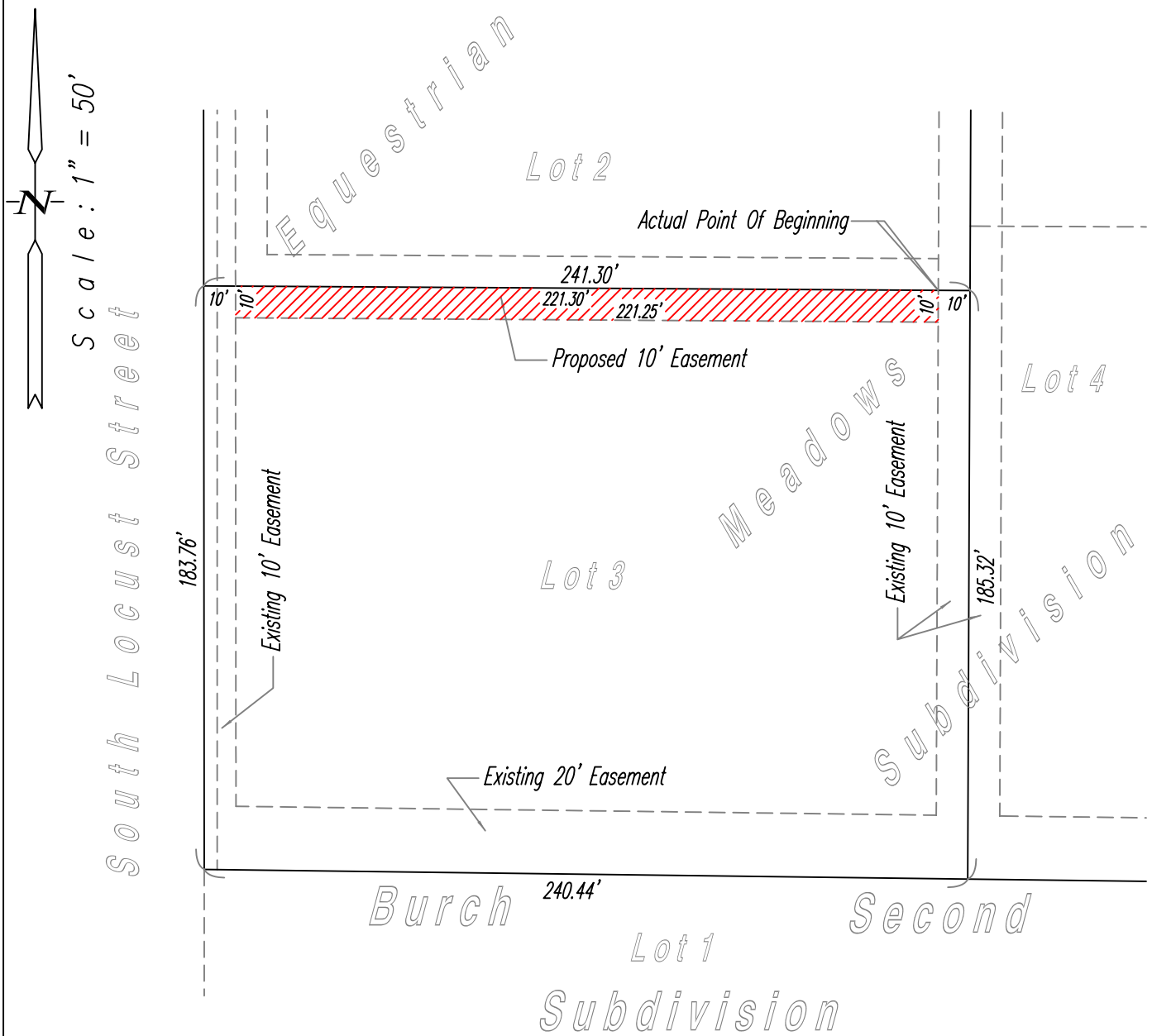
Date : April 27, 2004

Sheet No. 1



ROCKWELL AND ASSOC.  
ENGINEERING & SURVEYING

2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O. BOX 549  
E-MAIL [surveyor@computer-concepts.com](mailto:surveyor@computer-concepts.com) PHONE (308) 382-1472 FAX (308) 382-1423



## EASEMENT

*A tract of land consisting of a Ten (10.0) foot wide easement located in a part of Lot Three (3), Equestrian Meadows Subdivision, in the City of Grand Island, Nebraska, more particularly described as follows:*

*Beginning at the northeast corner of said Lot Three (3); thence running westerly along the north line of said Lot Three (3), a distance of Ten (10.0) feet, to the ACTUAL point of beginning; thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Three (3), a distance of Ten (10.0) feet, to a point Ten (10.0) feet south of the north line of said Lot Three (3); thence running westerly parallel with and Ten (10.0) feet south of the north line of said Lot Three (3), a distance of Two Hundred Twenty One and Twenty Five Hundredths (221.25) feet, to a point Ten (10.0) feet, east of the west line of said Lot Three (3); thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot Three (3), a distance of Ten (10.0) feet, to a point on the north line of said Lot Three (3); thence running easterly along the north line of said Lot Three (3), a distance of Two Hundred Twenty One and Three Tenths (221.30) feet, to the ACTUAL point of beginning and containing 0.051 acres (2213 square feet) more or less.*

Date : April 27, 2004

Sheet No. 1



ROCKWELL AND ASSOC.  
ENGINEERING & SURVEYING

2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O.BOX 549  
E-MAIL surveyor@computer-concepts.com PHONE (308) 382-1472 FAX (308) 382-1423



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item F1**

**#8902 - Consideration of Vacating Washington Street from  
Oklahoma Avenue to Phoenix Avenue**

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

# **Council Agenda Memo**

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

**Meeting:** May 11, 2004

**Subject:** Consideration of Vacating Washington Street from Oklahoma Avenue to Phoenix Avenue, Adjacent to 1221 W Oklahoma, Windolphs Addition

**Item #'s:** F-1

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

## **Background**

Council action is required for vacation of a public Street through the passing of an ordinance.

## **Discussion**

The current owner of the adjacent property, The Island Supply Co., is requesting the vacation of Washington Street because it has been closed for almost 60 years. The land where the bike trail is located, between Adams Street and Lincoln Street, is owned as a tract of land and is not impacted.

## **Alternatives**

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

1. Approve the request to vacate Washington Street from Oklahoma Avenue to Phoenix Avenue.
2. Disapprove or /Deny the request to vacate the street.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.



## **Recommendation**

City Administration recommends that the Council pass an ordinance vacating Washington Street from Oklahoma Avenue to Phoenix Avenue.

## **Sample Motion**

Approve the request to vacate Washington Street from Oklahoma Avenue to Phoenix Avenue.



## LEGEND



AREA OF WASHINGTON STREET RIGHT-OF-WAY  
VACATED

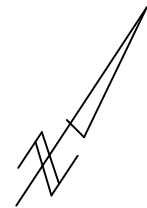


EXHIBIT "A"

\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 8902

An ordinance to vacate a portion of Washington Street, from the north line of Phoenix Avenue to the south line of Oklahoma Avenue in the City of Grand Island, Hall County, Nebraska; to retain an easement on a portion of such vacated street; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the portion of Washington Street from the north line of Phoenix Avenue to the south line of Oklahoma Avenue, being in the Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4) of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska as shown on Exhibit "A" dated April 21, 2004, attached hereto and incorporated herein by this reference, is hereby vacated.

Approved as to Form	<input type="checkbox"/> _____
May 6, 2004	<input type="checkbox"/> City Attorney

ORDINANCE NO. 8902 (Cont.)

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert back to the owner or owners of the abutting property and become part of such property, one-half on each side thereof.

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

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

Enacted: May 11, 2004.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item F2**

**#8903 - Consideration of Amending Chapter 17 of the Grand Island City Code Relative to Nuisance Violations**

**Staff Contact: Doug Walker**

# **Council Agenda Memo**

**From:** Douglas R. Walker, City Attorney

**Meeting:** May 11, 2004

**Subject:** Revisions to Nuisance Ordinances

**Item #'s:** F-2

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

## **Background**

In 2003, the City made changes to the nuisance ordinance to speed up the process of cleaning up properties that have trash and litter problems and present health issues. Under the present code sections, the Health Department is involved in investigating problem properties and enforcing the City Code. For more flexibility in initiating and prosecuting violations of the code for trash and litter, changes are being proposed to Section 17-4.2 and 17-4.3 which would permit the Code Compliance Officer to also investigate complaints in this area and initiate the process for cleaning up problem properties. Changes are also recommended to change the language in the City Code from “junked” vehicles to unlicensed or inoperable vehicles.

## **Discussion**

City Code Compliance personnel sometimes receive citizen complaints or observe properties that have trash and litter problems that may present health issues for neighborhoods. The City Attorney’s Office also receives some of the complaints for health issues that involve trash and litter and the proposed ordinance will enable the Code Compliance Officer and the City Attorney’s Office to initiate the process of cleaning up properties that have a problem with litter and trash. The Health Department may also be involved if that method of enforcing the City Code is used rather than going through the City Code Compliance Officer. The proposed changes will give city personnel more flexibility in dealing with properties that have trash and litter problems.

You will also find in the proposed nuisance ordinance revisions to Sections 17-39, 17-40, 17-41 and 17-42. The changes that are being proposed involve rephrasing the definition of the types of vehicles that violate City Code. The vehicles that were formerly termed as “junked vehicles” will now be termed as “unlicensed or inoperable vehicles”. The definitions in Section 17-39 have been revised to reflect the change in terminology and

we have also deleted the reference to the storage definition and have added to the definition for inoperable vehicles to include partially wrecked or dismantled vehicles. Section 17-41 of the City Code has also been amended to eliminate the fourteen day requirement to speed up the process of cleaning up properties that have unlicensed or inoperable vehicles and parts.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the ordinance revisions as drafted.

### **Sample Motion**

Approve the ordinance which would revise Sections 17-4.1, 17-4.2, 17-4.3, 17-39, 17-40, 17-41 and 17-42 of the Grand Island City Code.

ORDINANCE NO. 8903

An ordinance to amend Chapter 17 of the Grand Island City Code; to amend Sections 17-4.1, 17-4.2, and 17-4.3 pertaining to nuisance violations; to amend Sections 17-39, 17-40, 17-41 and 17-42 pertaining to junked vehicles; to repeal Sections 17-4.1, 17-4.2, 17-4.3, 17-39, 17-40, 17-41, and 17-42, 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 17-4.1 of the Grand Island City Code is hereby amended to read as follows:

**§17-4.1. Penalty for Violation**

Any person violating §17-4 shall upon conviction be deemed guilty of a code violation misdemeanor. Each day shall constitute a separate offense and be punishable as provided in this Code.

SECTION 2. Section 17-4.2 of the Grand Island City Code is hereby amended to read as follows:

**§17-4.2. Notice to Remove; Noncompliance with Notice**

Whenever it shall come to the knowledge of the Health Director or the Code Compliance Officer or their his/her designee, that there exists upon such lot or parcel of ground such nuisance, the Health Director or Code Compliance Officer or their his/her designee shall cause a notice to abate and remove said nuisance within five (5) days to be served upon the owner or the owner's authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either in person or by mailing such notice by first-class mail, postage prepaid and by certified or registered mail. If such owner, lessee, tenant, or occupant shall have failed or refused to abate and remove such nuisance ~~at~~ the expiration of the date fixed upon such notice, the Director of Health or the Code Compliance Officer or their his/her designee may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon as set forth in Section 17-4.3 of this Chapter.

SECTION 3. Section 17-4.3 of the Grand Island City Code is hereby amended to read as follows:

**§17-4.3. Procedure for Removal for Noncompliance**

If the Health Director or Code Compliance Officer determines that there exists upon any lot or parcel of ground the conditions described above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, the director or Code Compliance Officer shall request the Mayor to declare that such an



## ORDINANCE NO. 8903 (Cont.)

immediate public nuisance exists, and after any such declaration, the Health Director or Code Compliance Officer shall cause to be issued a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four (24) hours. Said notice shall be served by personal service upon the owner or the owner's authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the twenty-four (24) hours from delivery of the notice, the Health Director or Code Compliance Officer shall cause such nuisance to be removed from such parcel or lot and from any roads, streets, or alleys abutting thereon.

SECTION 4. Article IV. of Chapter 17 of the Grand Island City Code is hereby renamed "Unlicensed or Inoperable Vehicles".

SECTION 5. Section 17-39 of the Grand Island City Code is hereby amended to read as follows:

### **§17-39. Definitions**

The following definitions are applicable to all Code sections pertaining to unlicensed junked or inoperable vehicles:

- (1) Unlicensed Vehicle ~~Junked Vehicle~~ means any vehicle as defined in Chapter 22 of the City Code which is ~~in storage and is inoperable~~ or totally or partially wrecked or dismantled, or which does not display valid license plates.
- (2) Building means a structure with four walls and a roof erected in compliance with the city building codes.
- ~~(3) Storage means placement, maintenance, or keeping for any length of time in excess of seventy two hours.~~
- ~~(3)(4)~~ Wrecked means a vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statutes or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.
- ~~(4)(5)~~ Dismantled means lacking any vehicle part, the absence of which, if such a vehicle were operated on the streets or highways, would cause such vehicle to be in violation of one or more state statutes or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.
- ~~(5)(6)~~ Inoperable means having one or more parts necessary for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to a fully charged battery and all tires fully inflated. Inoperable shall include totally or partially wrecked or dismantled vehicles.

SECTION 6. Section 17-40 of the Grand Island City Code is hereby amended to read as follows:

### **§17-40. Unlicensed or Inoperable ~~Junked~~ Vehicles; Public Nuisances**

The storage of any unlicensed or inoperable junked vehicle or any vehicle parts on any tract of land within the City of Grand Island shall be deemed a public nuisance and may be abated pursuant to §20-15 of the Grand Island City Code upon written request by the Grand Island Police Department or the Code Compliance Officer to the City Attorney pursuant to §20-15 of the Grand Island City Code. It shall be unlawful for any owner, owner's duly authorized agent or person in possession, charge or control, or the occupant of such a tract to cause, maintain, or permit such public nuisance to exist on said property, except in a manner as set forth below.

ORDINANCE NO. 8903 (Cont.)

SECTION 7. Section 17-41 of the Grand Island City Code is hereby amended to read as follows:

**§17-41. Storage of Unlicensed or Inoperable~~Junked~~ Vehicles**

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

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

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

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

SECTION 8. Section 17-42 of the Grand Island City Code is hereby amended to read as follows:

**§17-42. Removal of Unlicensed or Inoperable~~Junked~~ Vehicles**

(A) The chief of police or any police supervisor may cause the removal of any unlicensed or inoperable ~~junked~~ vehicle or ~~junked~~ vehicle parts:

(1) from any public property; or

(2) from any private property with the permission of the owner or occupant thereof or by authority of a Court order.

(B) The towing, impoundment, and disposal provisions set forth in Chapter 22 shall be applied to all unlicensed or inoperable ~~junked~~ vehicles and ~~junked~~ vehicle parts removed under authority of this section.

SECTION 9. Sections 17-4.1, 17-4.2, 17-4.3, 17-39, 17-40, 17-41 and 17-42 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. 8903 (Cont.)

Enacted: May 11, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item F3

**#8904 - Consideration of Amending Chapter 32 of the Grand Island City Code Relative to Solicitor, Street, and Food Vendor Permits**

Staff Contact: Doug Walker

# **Council Agenda Memo**

**From:** Paul Briseno, Administrative Assistant

**Meeting:** May 11, 2004

**Subject:** Consideration of Amending Chapter 32 of the Grand Island City Code Relative to Solicitor, Street, and Food Vendor Permits

**Item #'s:** F-3

**Presenter(s):** Paul Briseno, Administrative Assistant

## **Background**

Pursuant to discussion that took place at the Study Session of the City Council on May 4, 2004, revisions have been made to the Grand Island City Code Chapter 32 relative to Solicitor, Street, and Food Vendor Permits.

## **Discussion**

Pursuant to the discussion at the May 4<sup>th</sup> City Council Study Session, changes to Chapter 32 have been drafted. The proposed ordinance streamlines the permitting process and focuses on efficiency and safety concerns within the community.

The following changes are being proposed:

### **Food Vendor Permits:**

1. Issued by the Central District Health Department
2. Fee to be determined by the Health Department Board
3. Exclusive Concessions in parks will be granted by the Parks and Recreation Department
4. Violations will be the immediate seizure of the permit by the Police Department

### **Solicitor Permits:**

1. Issued by the Police Department
2. Photo ID required
3. Nonrefundable application fee
4. Background check

5. Application will be processed within 3 days
6. Application having a felony conviction will be denied
7. Permits in effect for 30 consecutive days
8. Hours 8:00 a.m. to sunset
9. Permit required for residents or nonresidents

Street Vendors:

1. Issued by the Police Department
2. Photo ID required
3. Nonrefundable application fee
4. Background check
5. Application will be processed within 3 days
6. Application having a felony conviction will be denied
7. Permits in effect for 30 consecutive days
5. Hours 8:00 a.m. to 9:00 p.m.
6. Permit required for residents or nonresidents

Discussion from the May 2, 2004 Study Session concerning Street Vendors in the downtown areas are regulated under City Code Chapter 13 – Downtown and Business Improvement Districts. Street Vendors and Solicitors are not allowed to do business under City Code Section 13-17 Congested Parking Area. Any event within the downtown area is regulated by the Downtown Business Improvement Districts.

Also at the May 2, 2004 Study Session, discussion was held concerning the hours of operation of Street Vendors at the parks. Section 32-50 of the proposed ordinance addresses those issues.

### **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 Council approve Ordinance #8904 as drafted.

### **Sample Motion**

Approve the revisions to the Grand Island City Code Chapter 32 relative to Solicitor, Street, and Food Vendor Permits as set forth in Ordinance #8904.

ORDINANCE NO. 8904

An ordinance to amend Chapter 32 of the Grand Island City Code; to amend Article IV. and Sections 32-43 through 32-51 pertaining to street vendor, food vendor, and solicitor permits and regulations; to repeal Article IV. and Sections 32-43 through 32-51 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Article IV. of Chapter 32 is hereby amended to read as follows:

**Article IV. Street Vendors and Solicitors**

**§32-43. Definitions**

Food Vendor: shall mean any person, firm or corporation who engages in the sale of food or drink in which such food or drink is prepared, packaged, served and/or sold by such person, firm or corporation from a temporary or mobile facility, and is sold or offered for sale on the streets, alleys, easements, or other public or private property in the City of Grand Island. The sale or offer of sale of freshly grown whole produce shall be exempt from this definition.

Solicitor: shall mean any person that travels from house to house taking or attempting to take orders for the sale of goods, wares or merchandise, subscriptions or personal property of any nature whatsoever. An exception shall be granted to residents of Grand Island giving, selling or offering for sale goods, wares or merchandise who qualify as bona fide nonprofit organizations and operate exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes.

Street Vendor: shall mean any person, firm or corporation who engages in the sale of merchandise or commercially prepared, pre-packaged, non-potentially hazardous food or drink on the streets, alleys, easements, or other public property in the City of Grand Island.

**§32-44. Food Vendor Permit; General Rules**

(A) All food vendors shall make application, pay a permit fee and obtain a permit from the Central District Health Department prior to the sale of food or drinks on any street, alley, easement, or other public or private property in the City of Grand Island.

(B) The amount of the permit fee shall be established and approved by the Health Board.

**§32-45. Solicitors; General Rules**

(A) All solicitors shall make application to the Grand Island Police Department prior to the commencement of any house-to-house sale of goods, wares or merchandise, subscriptions or personal property of any nature whatsoever.

(B) Each person shall show proof of identity with a photo identification card, and shall pay a nonrefundable application fee to the Grand Island Police Department in accordance with the Grand Island Fee Schedule at the time of making such application.

## ORDINANCE NO. 8904 (Cont.)

(C) Processing of such application shall be completed within three working days (Monday-Friday), and shall include a background check of the person submitting such application. Applicants having a felony conviction will be denied a Solicitor's Permit.

(D) Solicitor's Permits shall remain in effect for 30 consecutive days from the date of issuance.

(E) Solicitors may conduct business, door-to-door, only between 8:00 a.m. and sunset. This regulation does not apply where the solicitor is on the property by the express, prior invitation of the person residing on the premises.

### **§32-46. Street Vendors; General Rules**

(A) All street vendors shall make application to the Grand Island Police Department, pay a permit fee and obtain a permit prior to using the streets, alleys, easements or other public property in the City of Grand Island to sell merchandise or commercially prepared, pre-packaged food or drinks.

(B) The owner of each company making application for a street vendor permit shall show proof of identity with a photo identification card, and shall pay a nonrefundable application fee to the Grand Island Police Department in accordance with the Grand Island Fee Schedule at the time of making such application.

(C) Processing of such application shall be completed within three working days (Monday-Friday), and shall include a background check of the owner of the company submitting such application. Applicants having a felony conviction will be denied a Street Vendor Permit.

(D) Street Vendor Permits shall be in effect for 30, 90 or 365 consecutive days from the date of issuance as requested by the vendor and upon payment of the applicable permit fee.

(E) Street vendors may conduct business only between the hours of 8:00 a.m. and 9:00 p.m.

(F) A person shall vend only when the vendor's truck is lawfully parked or stopped.

(G) A person shall vend only from the side of the vendor's truck away from moving traffic and at the curb or edge of the roadway.

### **§32-47. Rules Applicable to All**

The following rules shall apply to all persons conducting business in accordance with this Article:

(A) A valid permit shall, at all times, be in the possession of the person authorized to operate such business, and shall be subject to inspection upon request.

(B) Except as provided in §32-48, every person authorized by the Grand Island Police Department or the Central District Health Department to engage in any business allowed by this Article may use any of the streets in the City except those streets which have been designated as highways or arterial streets.

### **§32-48 Downtown Business District Streets**

It shall be unlawful for any person authorized to do business under this Article to conduct such business on any street listed in §13-17 Congested Parking Area of this code.

### **§32-49. Use of Sirens, Loudspeakers, Bells, Etc.**

It shall be unlawful for any person engaged in any business pursuant to this article while traveling about the City by motor vehicle or other conveyance, to use sirens or loudspeakers for the purpose of advertising such business.

### **§32-50. When Concessions Granted to Others**

(A) No person shall engage in sales of food or drink at any City park or recreational facility without first obtaining written permission from the Parks and Recreation Director. The Parks and Recreation Director shall have authority to limit the number of street vendors or food vendors doing business at any City park or recreation facility and the manner and time that such sales are conducted.

(B) It shall be unlawful for any person authorized to do business under this Article to carry on such business at any City park or recreation facility, baseball or football game, or any athletic contest where an exclusive concession to carry on a similar business has been granted by the Parks and Recreation Director.

(C) Any person that has been refused permission to engage in sales of food or drink at any City park or recreational facility by the Parks and Recreation Director may request a hearing before the Mayor and City Council on the issue of whether the refusal was arbitrary, capricious or unreasonable.



## ORDINANCE NO. 8904 (Cont.)

### **§32-51. Violations**

It shall be the duty of any police officer of the city to enforce the provisions of this Article against any person found to be violating the same. Any violation of the provisions of this Article may result in the immediate seizure of such permit by the Grand Island Police Department, and may result in prosecution.

## **Article IV. Street Vendors**

### **§32-43. Prerequisites to Engaging in Business**

~~\_\_\_\_\_ No person shall engage in any business as described by §32-46 without first making application to and obtaining a permit from the City Clerk or his/her designee for permission to use the streets of the City for such purpose and without first paying the occupation tax provided for in the City of Grand Island Fee Schedule.~~

### **§32-44. Use of Streets; Exception**

~~\_\_\_\_\_ Except as provided by §32-43, every person authorized by the mayor and council to engage in any business as described by §32-46 may use any of the streets in the City except those streets which have been designated as highways or arterial streets.~~

### **§32-45. Downtown Business District Streets**

~~\_\_\_\_\_ It shall be unlawful for any person authorized to do business under this article to offer merchandise, food or drinks for sale on any street listed in §13-17 Congested Parking Area of this code.~~

### **§32-46. Occupation Tax**

~~\_\_\_\_\_ There is hereby levied upon every person engaged in the business of traveling about the City selling merchandise, food or drinks, on streets, alleys, easements or other public property, an annual occupation tax in accordance with the City of Grand Island Fee Schedule, payable in advance, which tax shall become due and payable on May 1 and shall expire on April 30 of each year.~~

### **§32-47. Tax; To Whom Paid; Disposition**

~~\_\_\_\_\_ The occupation tax provided for by §32-46 shall be paid to the city treasurer and shall be credited to the general fund of the City.~~

### **§32-48. Health Certificate**

~~\_\_\_\_\_ Any person, prior to engaging in sales of food or drink pursuant to this article, shall obtain a Food and Drink Permit from the Grand Island Hall County Department of Health.~~

### **§32-49. Use of Sirens, Loudspeakers, Bells, Etc.**

~~\_\_\_\_\_ It shall be unlawful for any person engaged in any business pursuant to this article while traveling about the City by motor vehicle or other conveyance, to use sirens, loudspeakers, or music makers of any kind for the purpose of advertising such business. It shall, however, be lawful to softly ring a bell. Such bell shall first be approved by the chief of police. No such device shall be approved if the same is an annoyance to any person.~~

### **§32-50. Littering Streets**

~~\_\_\_\_\_ It shall be unlawful for any person engaged in any business pursuant to this article to throw upon the streets of the City any paper, bottles, bottle caps, cartons, or any ice cream or other merchandise in violation of the provisions of this Code.~~

### **§32-51. When Concessions Granted to Others**

~~\_\_\_\_\_ (A) No person shall engage in sales of food or drink at any City park or recreational facility without first obtaining written permission from the Parks and Recreation Director and the City Administrator. The Parks and Recreation Director and the City Administrator shall have authority to limit the number of street vendors doing business at any City park or recreation facility and the manner and time that such sales are conducted.~~

~~\_\_\_\_\_ (B) It shall be unlawful for any person authorized to do business under this article to carry on such business at any City park or recreation facility, baseball or football game, or any athletic contest where an exclusive~~

ORDINANCE NO. 8904 (Cont.)

~~concession to carry on a similar business has been granted by the Parks and Recreation Director and the City Administrator or the entity or person in charge of such facilities or event.~~

~~\_\_\_\_\_ (C) Any person that has been refused permission to engage in sales of food or drink at any City park or recreational facility by the Parks and Recreation Director and the City Administrator may request a hearing before the Mayor and City Council on the issue of whether the refusal was arbitrary, capricious or unreasonable.~~

SECTION 2. Article IV, and Sections 32-43 through 32-51 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: May 11, 2004.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G1

### **Receipt of Official Documents - Pawnbroker's Official Bonds for Wayne's Pawn Shop, G.I. Loan Shop, and Stewart's Loan and Pawnshop**

*Chapter 25 of the Grand Island City Code allows for Pawnbrokers licenses. All permits expire on May 1st of each year. City Council approval is required for new applications and renewals. The City Clerk's Office has received applications and Official Bonds from Wayne's Pawn Shop, G.I. Loan Shop, and Stewart's Loan and Pawnshop. Approval is recommended.*

Staff Contact: RaNae Edwards





# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 05756024  
briefly described as Pawnbroker City of Grand Island  
for Wayne E. May & Ardith May dba Wayne's Pawn Shop, as Principal,  
in the sum of \$ Five Thousand and 00/100 Dollars, for the term beginning  
April 1, 2004, and ending April 1, 2007, subject to all  
the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 23rd day of February, 2004.

WESTERN SURETY COMPANY

By Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President



THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.





### Pawnbroker's License Application

Business Owner Name: Darlo Beazley  
Business Owner Address: 1810 Hwy 58 Dannelberg, Ne  
Business Manager Name: Pat Beazley  
Business Manager Address: 1810 Hwy 58 Dannelberg Ne  
Business Street Address: 1004 W 2<sup>nd</sup> St

Location of storage of goods if kept at location other than business location:

\_\_\_\_\_

List all criminal convictions (except minor traffic infractions) of owner, manager, or all officers and shareholders (if applicant is a corporation):

Offense	Location of Court	Conviction Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

If additional space is required, continue on back of the application.

#### Additional Documents Required:

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application.
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

All licenses expire on April 30<sup>th</sup> of each year. The City of Grand Island requires payment of an occupation tax in the amount of \$65.00 when the license is issued as well as a license fee in the amount of \$65.00.

**All licenses are subject to approval and issuance by the City Council. Be sure you are familiar with the City Code and State Statutes pertaining to pawnbrokers.**



OLD REPUBLIC SURETY COMPANY  
P O BOX 1976  
DES MOINES, IA 50306

## CONTINUATION CERTIFICATE

BOND NUMBER	BOND DESCRIPTION	EFFECTIVE DATE	EXPIRATION DATE
RLI- 557589	PAWNBROKER	5/01/2004	5/01/2005

### PRINCIPAL

BEAZLEY, DARLO R.  
G.I. LOAN SHOP  
1004 W 2ND  
GRAND ISLAND, NE 68801

### OBLIGEE

CITY OF GRAND ISLAND  
2ND & PINE  
GRAND ISLAND, NE 68801

THIS BOND CONTINUES IN FORCE TO THE ABOVE EXPIRATION DATE CONDITIONED AND PROVIDED THAT THE LOSSES OR RECOVERIES ON IT AND ANY AND ALL ENDORSEMENTS SHALL NEVER EXCEED THE PENALTY SET FORTH IN THE BOND AND WHETHER THE LOSSES OR RECOVERIES ARE WITHIN THE FIRST AND/OR SUBSEQUENT OR WITHIN ANY EXTENSION OR RENEWAL PERIOD, PRESENT, PAST OR FUTURE. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

SIGNED AND DATED THIS ELEVENTH DAY OF JANUARY, 2004

40-7749  
RATHMAN-OBERMILLER INSURANCE  
P O BOX 759  
GRAND ISLAND, NE 68802

OLD REPUBLIC SURETY COMPANY  
SURETY



Bernadine J. Heister  
ASSISTANT SECRETARY



### **Pawnbroker's License Application**

**Business Owner Name:** DONNA STEWART

**Business Owner Address:** 2703 W. JOHN ST. GRAND ISLAND, NE 68803

**Business Manager Name:** DONNA STEWART

**Business Manager Address:** 2703 W. JOHN GRAND ISLAND, NE

**Business Street Address:** 506 W. 3RD ST. GRAND ISLAND, NE 68801

**Location of storage of goods if kept at location other than business location:**

N/A

List all criminal convictions (except minor traffic infractions) of owner, manager, or all officers and shareholders (if applicant if a corporation):

Offense	Location of Court	Conviction Date
N/A		

If additional space is required, continue on back of the application.

**Additional Documents Required:**

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application.
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

All licenses expire on April 30<sup>th</sup> of each year. The City of Grand Island requires payment of an occupation tax in the amount of \$65.00 when the license is issued as well as a license fee in the amount of \$65.00.

**All licenses are subject to approval and issuance by the City Council. Be sure you are familiar with the City Code and State Statutes pertaining to pawnbrokers.**





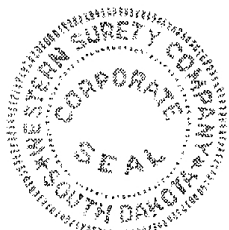
# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 41137041  
briefly described as Pawnshop City of Grand Island  
for LYLE L. STEWART AND DONNA L. STEWART DBA STEWART'S LOAN AND PAWNSHOP, as Principal,  
in the sum of \$FIVE THOUSAND AND NO/100 Dollars, for the term beginning  
April 30, 2004, and ending April 30, 2005, subject to all  
the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 20 day of February, 2004.



WESTERN SURETY COMPANY

By Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President

MUELLER INSURANCE AGENCY INC  
Roger D & Carol J Mueller  
PO Box 1484 PH 308-384-1724  
Grand Island, NE 68802-1484

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G2

### Approving Minutes of April 27, 2004 City Council Regular Meeting

*The Minutes of April 27, 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 27, 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 27, 2004. Notice of the meeting was given in the Grand Island Independent on April 21, 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, Pauly, Walker, and Haase. Councilmembers Cornelius and Hornady were absent. 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 Father Jerry Carlson, St. Mary's Cathedral Catholic Church, 204 South Cedar Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Thanked everyone who attended the Military Support Walk.
2. Mentioned the Wall of Remembrance on display here at City Hall and those military personnel who gave the ultimate sacrifice.
3. Commented on the City of Grand Island being recognized this year as a "Tree City".

#### PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Tourism Month" May, 2004. The Mayor proclaimed the month of May, 2004 as "Tourism Month". Renee Seifert and several other persons representing the Convention Visitors Bureau were present to receive the proclamation.

Proclamation "Drinking Water Week" May 2-8, 2004. The Mayor proclaimed the week of May 2-8, 2004 as "Drinking Water Week". Utilities Director Gary Mader was present to receive the proclamation.

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

#2004-BE-3 – Consideration of Determining Benefits for Sanitary Sewer District No. 507, Cannon Road and North Road. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-3, carried unanimously.

#2004-BE-4 – Consideration of Determining Benefits for 2003 Weed Abatement Program. George Overfield, 1010 Bismark Road spoke in opposition. A lengthy discussion followed concerning the process of the 2003 Weed Abatement Program. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-4, carried unanimously.

#2004-BE-5 – Consideration of Determining Benefits for Water Main District No. 441 – Faidley Avenue, Diers to Claude Road – extended, and lots 9 & 13, Richmond Subdivision. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-5, carried unanimously.

#2004-BE-6 – Consideration of Determining Benefits for Water Main District No. 442T – Faidley Avenue, Diers to Claude Road – extended, and lots 9 & 13, Richmond Subdivision. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-6, carried unanimously.

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

#### PUBLIC HEARINGS:

Public Hearing on Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuh Road for a Class ‘D1’ Liquor License. City Clerk RaNae Edwards reported that Fonner View Concession, Inc. dba Fonner View Golf Course, 2224 South Sturh Road had applied for a Class “D1” liquor license. Submitted was an application with the City Clerk’s Office which allowed for the sale of alcohol off sale only within the extraterritorial zoning jurisdiction 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 30, 2004; notice to the applicant of date, time and place of hearing mailed April 8, 2004; notice to the general public of date, time and place of hearing published on April 17, 2004; and Chapter 4 of the City Code. No public testimony was heard.

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. City Clerk RaNae Edwards reported that Skagway Discount Dept Stores located at 620 West State Street had applied for a Class “DK” Catering liquor license. Submitted was an application with the City Clerk’s Office for a Class ‘DK’” Liquor License which allowed for the delivery, selling or dispensing of alcoholic liquors at a location designated on a Special Designated License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City Clerk on April 15, 2004; notice to the applicant of date, time and place of hearing mailed April 15, 2004; notice to the general public of date, time and place of hearing published on April 17, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 420 North Diers Avenue. (Drs. Grange, Pedersen & Brown) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 420 North Diers Avenue was required in order to have access to install,

upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used in connection with the next Richmond Subdivision Plat. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Blaine Street, South of Highway 34. (Steve and Ginger Johnson) Gary Mader, Utilities Director reported that acquisition of a utility easement located west of Blaine Street, south of Highway 34 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 cable and transformer to serve electricity to new construction. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1115 Allen Drive. (Robert M. Allen Family Limited Partnership) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1115 Allen Drive 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 primary cable and a pad-mounted transformer to serve the new building. 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:

- #8897 – Consideration of Creation of Water Main District No. 448 – Stolley park Road, Bellwood Drive to Kingswood Drive
- #8898 – Consideration of Creation of Sanitary Sewer District No. 516, Stolley Park Road from Bellwood Drive to East of Kingswood drive (Roush Subdivision)
- #8899 – Consideration of Assessments for Sanitary Sewer District No. 507, Cannon Road and North Road
- #8900 – Consideration of Assessments for 2003 Weed Abatement Program
- #8901 – Consideration of Assessments for Water Main District No. 441

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

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

City Clerk: Ordinances #8897, #8898, #8899, #8900, and #8901 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #8897, #8898, #8899, #8900, and #8901 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8897, #8898, #8899, #8900, and #8901 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Whitesides, second by Walker to deny Ordinance #8895.

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

Mayor: Is there any one in the audience interested in these Ordinances? A lengthy discussion was held concerning the procedures in mowing and changes that would be consistent with Fire Marshall regulations.

Upon roll call vote, all voted nay. Motion failed.

Motion was made by Whitesides, second by Walker to approve Ordinance #8895.

City Clerk: Ordinance #8895 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 #8895 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 #8895 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Haase, to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

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

Approving Minutes of April 13, 2004 City Council Regular Meeting.

Approving Minutes of April 20, 2004 City Council Study Session. Councilmember Haase abstained.

Approving Appointment of Joanne Holmes as Alternate to the Zoning Board of Adjustment.

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

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

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

#2004-72 – Approving Final Plat and Subdivision Agreement for Richmond Fourth Subdivision. It was noted that Arlington Investment, Inc. of Grand Island, Nebraska had submitted a final plat for Richmond Fourth Subdivision, located on a parcel of land in the NW1/4SE1/4 of Section 13-11-10 for the purpose of creating 6 lots.

#2004-88 – Approving Acquisition of Utility Easement Located at 420 North Diers Avenue. (Dr. Grange, Pedersen & Brown)

#2004-89 – Approving Acquisition of Utility Easement Located West of Blaine Street, South of Highway 34. (Steve and Ginger Johnson)

#2004-90 – Approving Acquisition of Utility Easement Located at 1115 Allen Drive. (Robert M. Allen Family Limited Partnership)

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

#2004-92 – Approving Certificate of Final Completion with General Excavating, Lincoln, Nebraska and Setting of Board of Equalization date for Water Main District No. 444 – Mary Lane Subdivision. It was noted that the resolution in the packet had Starostka instead of General Excavating.

#2004-93 – Approving Contract Award for Engineering Services for Fuel Storage and Handling Areas Evaluation and Upgrades with Black & Veatch of Overland Park, Kansas in an Amount not to exceed \$59,600.00.

#2004-94 – Approving Certificate of Final Completion with Galvan Construction, Inc. of Grand Island, Nebraska and Setting Date for Board of Equalization Hearing for Sidewalk District No. 1, 2003.

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

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

#2004-97 – Approving Change Order No. 1 for Waste Water Treatment Plant Solids Handling Project with J.T. Jones Construction of Fargo, North Dakota for an Increase of \$78,629.00 and a Revised Contract Amount of \$8,540,629.00.

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

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of April 14, 2004 through April 27, 2004, for a total amount of \$2,298,865.01. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk





# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G3

### **Approving Minutes of May 4, 2004 City Council Study Session**

*The Minutes of May 4, 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

May 4, 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 May 4, 2004. Notice of the meeting was given in the Grand Island Independent on April 28, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Walker, and Haase. Councilmembers Hornady, Meyer, and Pauly were 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: One individual reserved time to speak on agenda items.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Reminder of "National Day of Prayer, Let Freedom Ring" with speaker Attorney General John Bruning to be held Thursday, May 6, 2004 at the Evangelical Free Church
2. Mentioned possibility of not closing City Hall on Arbor Day in the future
3. Mentioned Wasmer School pictures displayed in council chambers

Presentation by the Central District Health Department Relative to Isolation/Quarantine Procedures and Recommending Ordinance. Lisa Heineman, Emergency Response Coordinator and Teresa Anderson, Central District Health Department Executive Director reported that infectious diseases and other public health emergencies were complex health threats facing the nation's safety. Various state statutes existed to allow the State, counties and municipalities to exercise quarantine authority to prevent the introduction or spread of disease.

E. Coli Outbreak, Monkey Pox and SARS were mentioned as rapid communicable diseases. Outlined were critical steps necessary for an effective quarantine. Ms. Heineman explained the responsibilities of the Board of Health. If expenses were incurred during a quarantine they would be paid by the local jurisdiction.

Ms. Heineman requested that the City of Grand Island recognize the Central District Health Department as the "board of health" for Grand Island with respect to issues of isolation and quarantine in the City.

City Administrator Gary Greer stated that the current Interlocal Agreement with the Central District Health Department covered these issues and suggested that if we passed another Ordinance it would be redundant. Discussed were possible expenses during a isolation/quarantine. Ms. Heineman stressed community effort and understanding during a isolation/quarantine.

Discussion Concerning Changes to the City Code Relative to Solicitor and Vendor Permits.  
Executive Assistant Paul Briseno presented information to the Council concerning changes to the Solicitor and Vendor Permitting process. The following changes were proposed:

Food Vendor Permits:

- Issued by the Health Department
- Fee to be determined by the Health Department Board
- Exclusive concessions in parks will be granted by the Park and Recreation Department
- Violations will be immediate seizure of the permit by the Police Department

Solicitor Permits:

- Issued by the Police Department
- Photo ID required
- Nonrefundable application fee
- Background check
- Application would be processed within 30 days
- Application having a felony conviction will be denied
- Permits in effect for 90 consecutive days
- Hours 8:00 a.m. to 8:00 p.m.
- Permit required for residents or nonresidents

Street Vendors

- Issued by the Police Department
- Photo ID required
- Application will be processed within 30 days
- Permits in effect for 90 consecutive days
- Hours 8:00 a.m. to 9:00 p.m.

Lynette Marshall, 407 East 19<sup>th</sup> Street spoke with regards to the Ethnic Festival and the time limit. City Clerk RaNae Edwards explained that the Ethnic Festival would fall under the Food Vendor Permits and that there was no time limit.

Jeremey Collison representing the Health Department spoke with regards to businesses who sell food at their businesses, in which a health certificate would be needed.

Councilmember Pielstick recommended that this issue be brought back to council at the May 11, 2004 Regular Meeting.

ADJOURNMENT: The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G4

**Approving Request of A. Meier, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards



# City of Grand Island

**Tuesday, May 11, 2004**

**Council Session**

## **Item G5**

**Approving Request of Andrew W. Meier, 123 North Locust Street,  
#603 for Liquor Manager Designation for Bandits, 1016 Diers  
Avenue, Suite 118**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 11, 2004

**Subject:** Request of Andrew W. Meier, 123 North Locust Street, #603 for Liquor Manager Designation for Bandits, 1016 Diers Avenue, Suite 118

**Item #'s:** G-5

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Andrew W. Meier, 123 North Locust Street, #603 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C" Liquor License for A. Meier, Inc. dba Bandits located at 1016 Diers Avenue, Suite 118. 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.

## **Alternatives**

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

1. Approve the request of Andrew W. Meier for Liquor Manager Designation in conjunction with the Class "C" Liquor License for Bandits, 1016 Diers Avenue.
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 Andrew W. Meier, 123 North Locust Street, #603 for Liquor Manager Designation for Bandits, 1016 Diers Avenue, Suite 118.





# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G6

**Approving Request of Greg Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Catering Liquor License**

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

Staff Contact: RaNae Edwards



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G7

**Approving Request of Richard & Kimberly Wiseman dba Grand Island Liquor Mart, 710 North Diers Avenue for a Catering Liquor License**

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

Staff Contact: RaNae Edwards



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G8

**#2004-99 - Approving Final Plat and Subdivision Agreement for  
Summerfield Estates Fourth Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** May 11, 2004  
**Subject:** Summerfield Estates Fourth - Final Plat  
**Item #'s:** G-8  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This final plat proposes to create 30 lots on a parcel of land in the W ½ SW ¼ Section 12, Township 11, Range 10. North of 13<sup>th</sup> Street, and West of North Road.

## **Discussion**

This plat as presented is substantially compliant with the approved preliminary plat for Summerfield Estates. This plat proposes to develop 30 lots instead of the original 37 lots. The streets, drainage, and utilities are in the same locations as proposed on the approved preliminary plat. Sidewalk easements will be granted with this plat along Meadow Road. This will accommodate the developer's desire to build conventional sidewalks throughout the subdivision.

## **Alternatives**

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

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

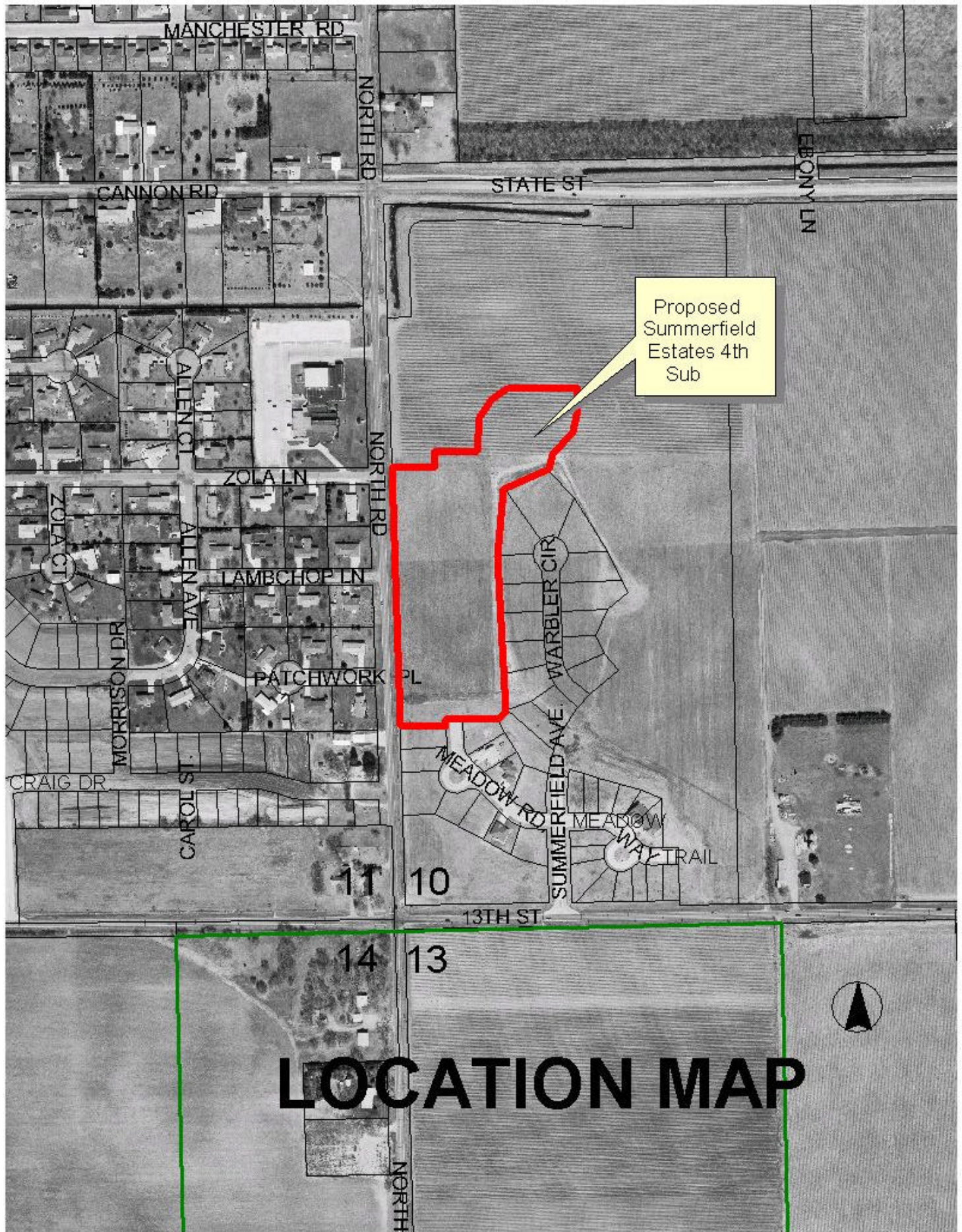
## **Recommendation**

A motion was made by Amick and seconded by Miller to **approve** and recommend that the Grand island City Council **approve** the final plat of Summerfield Estates Subdivision.

A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Hayes, Wagoner) voting in favor.

## **Sample Motion**

Approve the Final Plat for Summerfield Estates Fourth Subdivision as presented.



RESOLUTION 2004-99

WHEREAS, Little B's Corporation, a Nebraska corporation, as owner, has caused to be laid out into lots, a tract of land consisting of Lot 1, Block 2 of Summerfield Estates First Subdivision, and also consisting of unplatted land located in the West Half of the Southwest Quarter (W1/2, SW1/4) of Section 12, Township 11 North, Range 10 West of the 6<sup>th</sup> P.M., all in the City of Grand Island, Hall County, Nebraska, under the name of SUMMERFIELD ESTATES 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 SUMMERFIELD ESTATES 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, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G9

**#2004-100 - Approving Final Plat and Subdivision Agreement for  
Timberline Second Subdivision**

Staff Contact: Chad Nabity



# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** May 11, 2004  
**Subject:** Timberline Second - Final Plat  
**Item #'s:** G-9  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

This final plat proposes to resubdivide lot 11 Timberline Subdivision into 6 lots. This property is located North of Old Highway 2, and West of Webb Road.

## Discussion

This subdivision is in substantial compliance with the approved preliminary plat. The developers are seeking to develop 6 instead of 7 lots. The requirements for easements for the septic systems would not allow the development of 7 lots.

These 5 of lots will be 20,000 sq. ft. lots fronting onto Webb Road. The 6<sup>th</sup> lot will be a 40+ acre lot maintained behind the lots fronting onto Webb Road. City water is available to the subdivision and houses will be required to connect to city water. Sanitary sewer is not available to the subdivision. The subdividers and their successors and assigns will give up their right to protest a sanitary sewer district for the property. It is unlikely that sewer would be extended to this property within the next 5 to 10 years by the City.

## Alternatives

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

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

## Recommendation

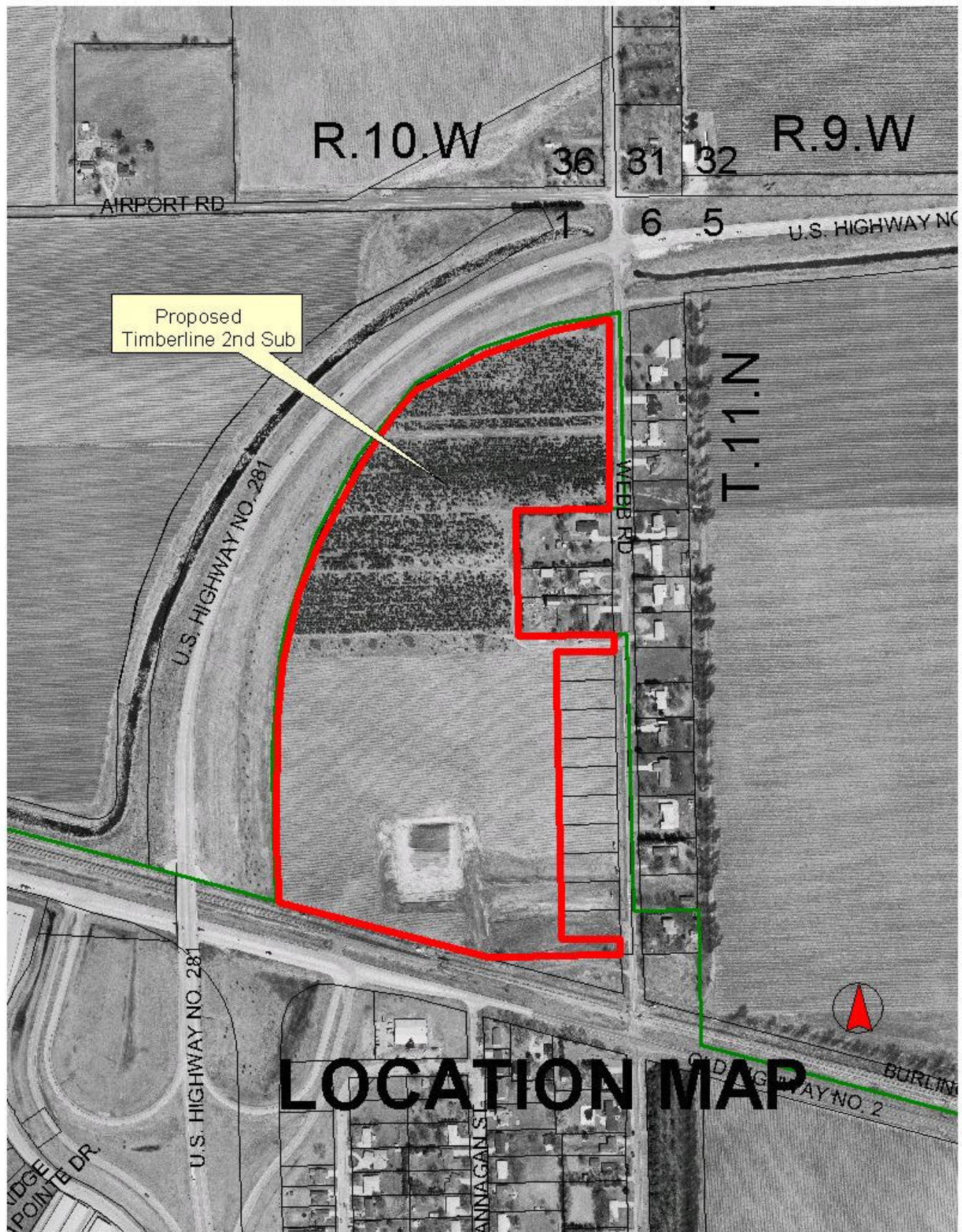
A motion was made by Ruge and seconded by Miller to **approve** and recommend that the Grand island City Council **approve** the final plat of Timberline Second Subdivision.

A roll call vote was taken and the motion passed with 9 members present (Amick, Haskins, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Hayes) voting in favor, and 1 member voting against the motion (Wagoner).

## Sample Motion

Approve the Final Plat for Timberline Second Subdivision as presented.





RESOLUTION 2004-100

WHEREAS, Hehnson, L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising all of Lot Eleven (11), Timberline Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, under the name of TIMBERLINE SECOND 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 TIMBERLINE SECOND 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, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
May 6, 2004	<input type="checkbox"/> City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G10

**#2004-101 - Approving Final Plat and Subdivision Agreement for  
Terjak Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** May 11, 2004  
**Subject:** Terjak Subdivision - Final Plat  
**Item #'s:** G-10  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This final plat proposes to create 2 lots on a parcel of land in the NE ¼ Section 11, Township 11, Range 9. This property is located South of Seedling Mile Road, between Wainwright and Main Street.

## **Discussion**

The original lots in Sass' Subdivision were divided into lots 53.5 feet wide and 825 feet long in 1925. Although odd this would have been a legal lot at that point in time. The owners of this property own a parcel that is 91 feet by 825. The developer would like to create 2 lots. This would not meet the minimum frontage of 100 feet in the TA zone. In a similar situation on lots to the east of these a previous council approved an exception to the minimum frontage requirement. It is recommended that this subdivision be approved with a similar exception. Both lots will have access to public streets, sewer and water.

## **Alternatives**

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

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

## **Recommendation**

A motion was made by Miller and seconded by Amick to **approve** and recommend that the Grand island City Council **approve** the final plat of Terjak Subdivision with an exception to the 100' minimum lot frontage requirement in the TA zone due to issues with prior legal platting of this property with a smaller lot width.

A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Hayes, Wagoner) voting in favor.

## **Sample Motion**

Approve the Final Plat for Terjak Subdivision as presented with exceptions for the lot width requirements due to prior platting with a narrower width.





# LOCATION MAP

RESOLUTION 2004-101

WHEREAS, Carolyn A. Terjak, a single person, as owner, has caused to be laid out into lots, a tract of land comprising the West Half (W1/2) of Lot Twenty Four (24), and all of Lot Twenty Five (25) of Sass Subdivision, and the east Ten (10.0) feet of Lot Nine (9) Windolph's Subdivision, all in the City of Grand Island, Hall County, Nebraska, under the name of TERJAK SUBDIVISION, and has caused a plat thereof to be acknowledged by her; 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 TERJAK 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, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
May 6, 2004	<input type="checkbox"/> City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G11

**#2004-102 - Approving Certificate of Final Completion for Athletic Field Grading Project**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

**From:** Steve Paustian, Park and Recreation Director

**Meeting:** City Council, May 11, 2004

**Subject:** Certificate of Final Completion-Athletic Field Grading Project

**Item #'s:** G-11

**Presenter(s):** Steve Paustian

## **Background**

On December 18, 2003 Council awarded a contract to Hooker Brothers Construction of Grand Island, NE for the grading of two softball fields located north of Grand Island Senior High.

## **Discussion**

All work has been completed to contract specifications.

## **Alternatives**

1. None required.

## **Recommendation**

Accept the Certificate of Final Completion

## **Sample Motion**

Motion to accept the Certificate of Final Completion for the Athletic Field Grading Project.



RESOLUTION 2004-102

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Athletic Field Grading Project, certifying that Hooker Brothers Construction of Grand Island, Nebraska, under contract dated December 18, 2003, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Parks and Recreation Director's recommendations.

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

1. The Parks and Recreation Director's Certificate of Final Completion for Athletic Field Grading Project is hereby confirmed.
2. A warrant be issued from Account No. 40044450-90039 in the amount of \$28,662.00 payable to Hooker Brothers Construction for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item G12**

**#2004-103 - Approving Certificate of Final Completion for Pistol Range Remediation**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

**From:** Steve Paustian, Park and Recreation Director

**Meeting:** May 11, 2004

**Subject:** Certificate of Final Completion-Pistol Range Remediation

**Item #'s:** G-12

**Presenter(s):** Steve Paustian

## **Background**

On June 19, 2002 Council awarded a contract to Jacobson Helgoth Consultants of Omaha NE for the remediation of the pistol range located on former CAAP property. This range was formerly used by the Police Department for firearms training.

## **Discussion**

All work has been completed and required signatures from various State and Federal officials have been obtained allowing for the re-use of the former range site.

## **Alternatives**

1. None required

## **Recommendation**

Accept the Certificate of final completion.

## **Sample Motion**

Motion to accept certificate of final completion for Remediation of Pistol Range at former Cornhusker Army Ammunition Plant.

RESOLUTION 2004-103

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Remediation of Pistol Range at the former Cornhusker Army Ammunition Plant site, certifying that Jacobson Helgoth Consultants of Omaha, Nebraska, under contract dated June 19, 2002, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with such recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for Remediation of Pistol Range at the former Cornhusker Army Ammunition Plant site is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G13

**#2004-104 - Approving Acquisition of Utility Easement - 3554 West Stolley Park Road - Central Nebraska Humane Society**

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

Staff Contact: Gary R. Mader

RESOLUTION 2004-104

WHEREAS, a public utility easement is required by the City of Grand Island, from Central Nebraska Humane Society, Inc., a non-profit corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 11, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Nine (9), Mehring & Giesenhagen Second 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:

Referring to the southeasterly corner of Lot Nine (9), Mehring & Giesenhagen Second Subdivision; thence northerly, along the easterly line of said Lot Nine (9), a distance of twenty three (23.0) feet to the Actual Point of Beginning; thence deflecting left 72°33'45" and running northwesterly, a distance of one hundred fifty five (155.0) feet. The side lines of the above-described tract shall be prolonged or shortened as required to terminate on the boundary of the Grantor's property.

The above-described easement and right-of-way contains a total of 0.071 acres, more or less, as shown on the plat dated April 19, 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 the Central Nebraska Humane Society, Inc., a non-profit corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
May 6, 2004	<input type="checkbox"/> City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G14

**#2004-105 - Approving Acquisition of Utility Easement - 2818 S.  
Locust Street - Alpha Corporation**

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

Staff Contact: Gary R. Mader

## RESOLUTION 2004-105

WHEREAS, a public utility easement is required by the City of Grand Island, from Alpha Corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 11, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Eight (8), Woodland First Subdivision in the City of Grand Island, Hall County, Nebraska, the centerline of the utility easement and right-of-way being more particularly described as follows:

Tract No. 1:

Indicates a ten (10.0) foot wide easement being more particularly described as follows: The easterly ten (10.0) feet of the westerly one hundred fifty (150.0) feet of Lot Eight (8) Woodland First Subdivision. The side lines of the above-described tract shall be prolonged or shortened as required to terminate on the boundary of Grantor's property.

Tract No. 2:

Indicates a twenty (20.0) foot wide easement. The centerline being more particularly described as follows: Referring to the southwest corner of Lot Eight (8) Woodland First Subdivision; thence easterly along the southerly line of said Lot Eight (8), a distance of one hundred fifty (150.0) feet; thence northerly and parallel with the westerly line of said Lot Eight (8), a distance of one hundred (100.0) feet to the actual Point of Beginning; thence easterly and parallel with the southerly line of said Lot Eight (8) a distance of eighty (80.0) feet.

Tract No. 3:

Indicates a twenty (20.0) foot wide easement. The centerline being more particularly described as follows: Referring to the southwest corner of Lot Eight (8) Woodland First Subdivision; thence easterly along the southerly line of said Lot Eight (8), a distance of one hundred fifty (150.0) feet; thence northerly and parallel with the westerly line of said Lot Eight (8), a distance of one hundred sixty nine and forty three hundredths (169.43) hundredths feet to the actual Point of Beginning; thence deflecting right 29°22'12" and running northeasterly, a distance fifty seven and sixty two hundredths (57.62) feet to a point on the northerly line of said Lot Eight (8). The side lines of the above described tract shall be prolonged or shortened as required to terminate on the boundary of Grantor's property.

The above-described easements and rights-of-way contain a combined total of 0.12 acres, more or less, as shown on the plat dated April 15, 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 Alpha Corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G15

**#2004-106 - Approving Acquisition of Utility Easement - Southeast  
Corner of Locust Street & Stolley Park Road - Platte Valley State  
Bank & Trust Company**

*This item relates to the aforementioned Public Hearing Item E-6.*

Staff Contact: Gary R. Mader

RESOLUTION 2004-106

WHEREAS, a public utility easement is required by the City of Grand Island, from Platte Valley State Bank and Trust Company, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 11, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1), Equestrian Meadows Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

Beginning at the southwest corner of said Lot One (1); thence running easterly along the south line of said Lot One (1), a distance of Ten (10.0) feet, to the Actual Point of Beginning; thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot One (1), a distance of Forty Five (45.0) feet; thence running easterly parallel with the south line of said Lot One (1), a distance of Ten (10.0) feet, to a point Twenty (20.0) feet east of the west line of said Lot One (1); thence running southerly parallel with and Twenty (20.0) feet east of the west line of said Lot One (1), a distance of Forty Five (45.0) feet, to a point on the south line of said Lot One (1); thence running westerly along the south line of said Lot One (1), a distance of Ten (10.0) feet, to the Actual Point of Beginning

The above-described easements and rights-of-way contain a combined total of 0.10 acres (450 square feet), more or less, as shown on the plat dated April 27, 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 Platte Valley State Bank and Trust Company, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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

Approved as to Form	<input type="checkbox"/> _____
May 6, 2004	<input type="checkbox"/> City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G16

**#2004-107 - Approving Acquisition of Utility Easements -  
Southeast Corner of Locust Street & Stolley Park Road -  
Equestrian Meadows LLC.**

*This item relates to the aforementioned Public Hearing Item E-7.*

Staff Contact: Gary R. Mader

## RESOLUTION 2004-107

WHEREAS, public utility easements are required by the City of Grand Island, from Equestrian Meadows, L.L.C., a Nebraska limited liability company, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 11, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot Two (2) and Lot Three (3), Equestrian Meadows Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easements and rights-of-way being more particularly described as follows:

Tract No. 1:

Beginning at the southeast corner of said Lot Two (2); thence running westerly along the south line of said Lot Two (2), a distance of Ten (10.0) feet to the Actual Point of Beginning; thence continuing westerly along the south line of said Lot Two (2), a distance of Two Hundred Twenty One and Three Tenths (221.30) feet, to a point Ten (10.0) feet east of the southwest corner of said Lot Two (2); thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot Two (2), a distance of Fifty Six and Two Tenths (56.20) feet, to a point; thence continuing northerly parallel with and Ten (10.0) feet east of the west line of said Lot Two (2), a distance of Eighty Eight and Seventy Nine Hundredths (88.79) feet, to a point on the north line of said Lot Two (2); thence running easterly along the north line of said Lot Two (2), a distance of Ten (10.0) feet, to a point Twenty (20.0) feet east of the west line of said Lot Two (2); thence running southerly parallel with and Twenty (20.0) feet east of the west line of said Lot Two (2), a distance of Eighty Eight and Eighty Two Hundredths (88.82) feet, to a point; thence continuing southerly parallel with and Twenty (20.0) feet east of the west line of said Lot Two (2), a distance of Forty Six and Seventeen Hundredths (46.17) feet, to a point Ten (10.0) feet north of the south line of said Lot Two (2); thence running easterly parallel with and Ten (10.0) feet north of the south line of said Lot Two (2), a distance of Two Hundred Eleven and Thirty Five Hundredths (211.35) feet, to a point Ten (10.0) feet west of the east line of said Lot Two (2); thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Two (2), a distance of Ten (10.0) feet to the Actual Point of Beginning.

The above-described easement and right-of-way containing 0.082 acres (3554 square feet), more or less, as shown on the plat dated April 27, 2004, marked Exhibit "A", attached hereto and incorporated herein by reference.

Tract No. 2:

Beginning at the northeast corner of said Lot Three (3); thence running westerly along the north line of said Lot Three (3), a distance of Ten (10.0) feet, to the Actual Point of Beginning; thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Three (3), a distance of Ten (10.0) feet, to a point Ten (10.0) feet south of the

north line of said Lot Three (3); thence running westerly parallel with and Ten (10.0) feet south of the north line of said Lot Three (3), a distance of Two Hundred Twenty One and Twenty Five Hundredths (221.25) feet, to a point Ten (10.0) feet east of the west line of said Lot Three (3); thence running northerly parallel with and Ten (10.0) feet east of the west line of said Lot Three (3), a distance of Ten (10.0) feet, to a point on the north line of said Lot Three (3); thence running easterly along the north line of said Lot Three (3), a distance of Two Hundred Twenty One and Three Tenths (221.30) feet, to the Actual Point of Beginning.

The above-described easement and right-of-way containing 0.051 acres (2213 square feet), more or less, as shown on the plat dated April 27, 2004, marked Exhibit "B", attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire public utility easements from Equestrian Meadows, L.L.C., a Nebraska limited liability company, on the above-described tracts of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G17

**#2004-108 - Approving Renewal of Farm Leases**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Steve Riehle, Public Works Director  
Steve Paustian, Parks & Recreation Director

**Meeting:** May 11, 2004

**Subject:** Renewal of Farm Leases

**Item #'s:** G-17

**Presenter(s):** Doug Walker, City Attorney

## **Background**

The Utilities, Public Works and Parks and Recreation Departments lease lands owned, but not required for actual equipment installations, for agricultural use. This process reduces department maintenance expense and provides revenue from the farming operations. The leases are for one-year terms with access for utility purposes guaranteed at any time. Areas included are; unsold property at Platte Valley Industrial Park, Platte Generating Station, Burdick Station, the Well Field, land north of the Wastewater Treatment Plant, land at the former Cornhusker Army Ammunition Plant, and the City Landfill.

## **Discussion**

A summary of the leases is listed below:

Property	Tenant	Acres Rented	Rent Share
Farm #6 - Platte Valley Industrial Park	Larry Knuth	7.5 acres +/-	40% of Alfalfa
Farm #7 - Platte Generating Station	Mike Lilienthal	255+/- Acres	33% Alfalfa 33% Prairie Hay 33% Grain
Farm #8 - City Well Field	Kenneth Clausen	115+/- Acres	50% Prairie Hay
Farm #9 - City Well Field	Larry Knuth	520+/- Acres	50% Prairie Hay
Farm #10 - City Well Field	Jack Webb	650+/- Acres	50% Prairie Hay
Farm #11 - GI Industrial Subdivision	Mike Peters	116.4+/- Acres	\$10,500.00 Cash Rent
Farm #11A – Burdick – Rough Hay Meadow	Gerald Bremer	16.5+/- Acres	\$50.00 Cash Rent
Farm #12 – City Landfill	Mark Pearson	170+/- Acres	\$3,500 Cash Rent
Farm #16 – CAAP	Robert Nunnenkamp	48 +/- Acres	\$3,000 Cash Rent
Farm #16 – CAAP	Matt Turek	51 +/- Acres	30% Prairie Hay



Receipt of revenue by the department depends on success of the farming year

### **Alternatives**

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

1. Approve the annual farm leases.
2. Disapprove the leases.
3. Modify the leases to meet the wishes of the Council.
4. Table the issue.

### **Recommendation**

City Administration recommends that Council approve the farm leases.

### **Sample Motion**

Approve the farm leases.

R E S O L U T I O N    2004-108

WHEREAS, the Utilities, Public Works, and Parks and Recreation Departments have negotiated and submitted proposed leases for the 2004 crop year for its crop and hayland; and

WHEREAS, approval of these leases is recommended.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the following leases be, and hereby are, approved and the Mayor is authorized and directed to sign the leases on behalf of the City of Grand Island:

Property	Tenant	Acres Rented	Rent Share
Platte Valley Industrial Park	Larry Knuth	7.5 +/-	40% of Alfalfa
Northwest Portion City Well Field	Kenneth Clausen	115 +/-	50% Prairie Hay
Southwest and Central Portion City Well Field	Larry Knuth	520 +/-	50% Prairie Hay
East Portion City Well Field	Jack Webb	650 +/-	50% Prairie Hay
Wastewater Treatment Plant	Mike Peters	116.4 +/-	\$10,500 Cash Rent
Southeast of Burdick Station	Gerald Bremer	16.5 +/-	\$50.00 Cash Rent
Cornhusker Army Ammunition Plant	Robert Nunnenkamp	48 +/-	\$3,000 Cash Rent
Cornhusker Army Ammunition Plant	Matt Turck	51 +/-	30% Prairie Hay
City Landfill	Mark Pearson	170 +/-	\$3,500 Cash Rent
Platte Generating Station	Michael Lilienthal	255 +/-	33% Alfalfa 33% Prairie Hay 33% Grain

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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

Approved as to Form May 6, 2004	<input checked="" type="checkbox"/> <i>DRW</i> <input type="checkbox"/> City Attorney
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# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G18

**#2004-109 - Approving Bid Award - Truck Mounted Articulating Crane - Underground Division, 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:** May 11, 2004

**Subject:** Bid Award – Truck Mounted Articulating Crane

**Item #'s:** G-18

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

## **Background**

Specifications were prepared for the purchase of a truck mounted articulating crane for the Electric Underground Division; as budgeted in the current fiscal year. The specifications were advertised in accordance with the City Procurement Code and publicly opened by the City Clerk on April 21, 2004. The engineers estimate was \$175,000.00. The specifications were sent to two potential bidders. Two bids were received:

Bidder:	Aspen Equipment Company Of Omaha, NE	Capital Equipment Rental of Omaha, NE
Bid Price: (main)	\$146,755.00 – Sterling	\$154,923.00 – Sterling
Alternate Bid:	\$151,982.00 – International	\$159,993.00 – International

## **Discussion**

Each bidder included a main bid using a Sterling truck and an alternate using an International truck. All bids meet the specifications with only minor exceptions, therefore each is considered compliant.

## **Alternatives**

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

1. Approve the purchase of the truck mounted articulating crane from the low compliant bidder, Aspen Equipment Company of Omaha, NE.
2. Deny the award for the bid.
3. Modify the bid award to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council award the bid for the truck mounted articulating crane to Aspen Equipment Company of Omaha, Nebraska, in the amount of \$146,755.00.

## **Sample Motion**

Approve the purchase of the truck mounted articulating crane to Aspen Equipment Company of Omaha, Nebraska.

*Purchasing Division of Legal Department*  
**INTEROFFICE MEMORANDUM**



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** April 21, 2004 at 11:15 a.m.

**FOR:** Truck Mounted Articulating Crane

**DEPARTMENT:** Utilities

**ENGINEER'S ESTIMATE:** \$175,000.00

**FUND/ACCOUNT:** E520

**PUBLICATION DATE:** March 30, 2004

**NO. POTENTIAL BIDDERS:** 5

**SUMMARY**

<b>Bidder:</b>	<u>Aspen Equipment Co.</u> Omaha, NE	<u>Capital Equipment Rental</u> Omaha, NE
<b>Bid Security:</b>	Cashier's Check	Western Surety Company
<b>Exceptions:</b>	Noted	Noted
<b>Bid Price:</b>	\$146,755.00 Sterling \$151,982.00 International	\$154,923.00 Sterling \$159,993.00 International

cc: Gary Mader, Utilities Director  
Bob Smith, Assistant Utilities Director  
Pat Gericke, Utilities Secretary  
Gary Greer, City Administrator  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

**P897**

RESOLUTION 2004-109

WHEREAS, the City of Grand Island invited sealed bids for Truck Mounted Articulating Crane for the Underground Division of the Utilities Department, according to plans and specifications on file with the Utilities Administration Office; and

WHEREAS, on April 21, 2004, bids were received, opened and reviewed; and

WHEREAS, Aspen Equipment Co. of Omaha, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$146,755.00; and

WHEREAS, Aspen Equipment Co.'s bid is less than the estimate for such equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Aspen Equipment Co. of Omaha, Nebraska, in the amount of \$146,755.00 for a truck mounted articulating crane is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G19

**#2004-110 - Approving Bid Award - Electrical Project 2004-TS-1 -  
Transformer Storage Yard - Burdick Station Area, 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:** May 11, 2004

**Subject:** Bid Award – Transformer Storage Yard  
Electrical Contract 2004-TS-1

**Item #'s:** G-19

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

## **Background**

The contract provides for a transformer storage facility at the Burdick Station power plant. The new location will provide a safe and secure site for loading, unloading, and temporary storage of the Utility's overhead and pad-mounted electrical transformers. The construction will provide an area that complies with the requirements of the Federal Oil Pollution Prevention Regulations; Title 40, Code of Federal Regulations (CFR) Part 112, which includes the Spill Prevention Control and Countermeasure (SPCC) Plan and the Facility Response Plan (FRP) requirements. A plan view of the Burdick Station area is attached. Plans and specifications were prepared for the construction of a storage facility compliant with the new federal regulations, and advertised in accordance with the City Procurement Code.

## **Discussion**

The plans and specifications were sent to seven (7) potential bidders. The bids were publicly opened at 11:00 am on April 29 in accordance with City Procurement Code. Two bids were received as tabulated below:

Bidder:	Diamond Engineering Grand Island, NE	Hooker Brothers Construction Co. Grand Island, NE
Exceptions:	None	None
Bid Price:	\$154,226.29	\$173,003.44

Utility engineering staff reviewed both bids in detail and finds both to be compliant to the specifications. Both bids were below the Engineer's Estimate.

### **Alternatives**

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

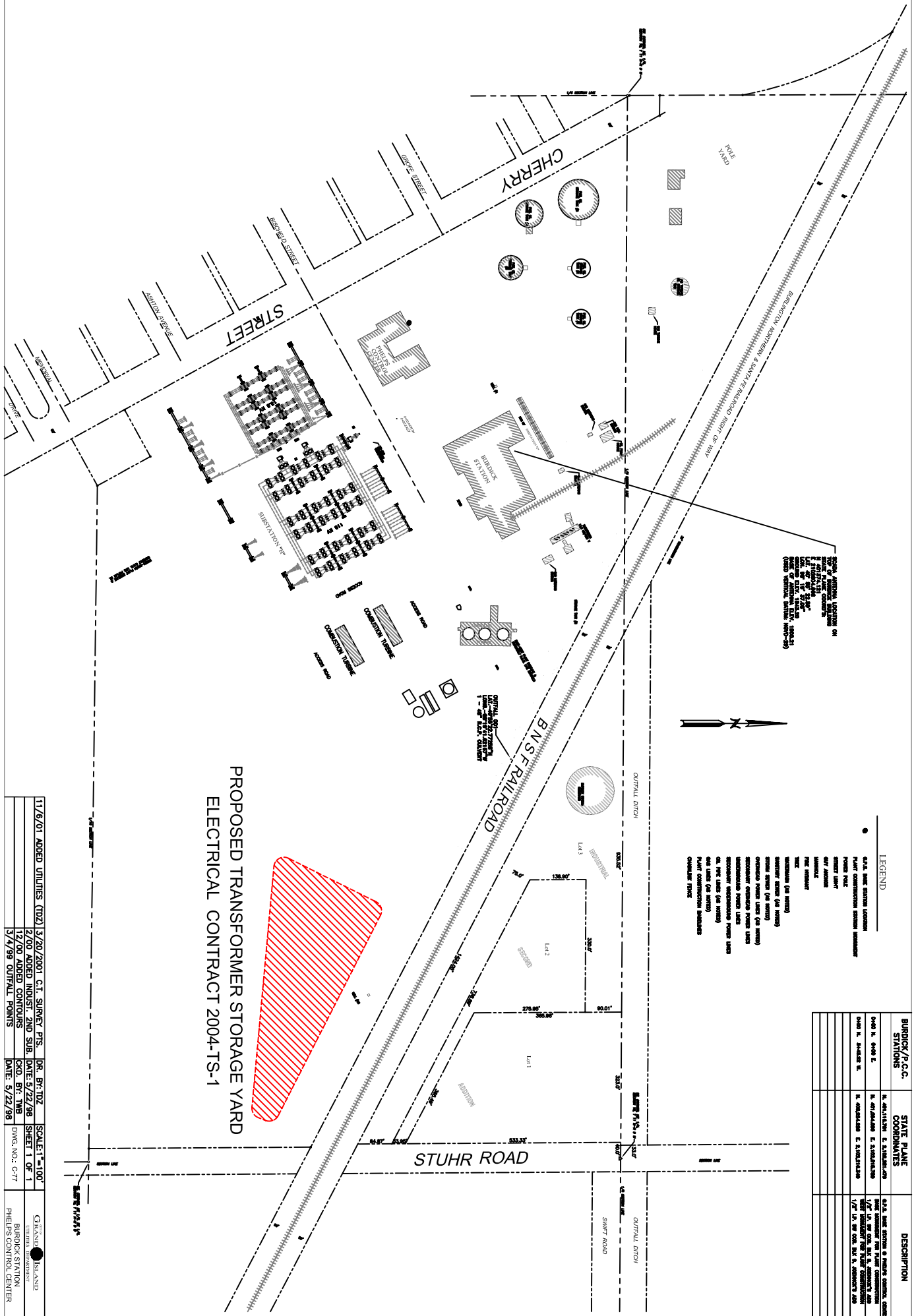
1. Approve the award of Electrical Contract 2004- TS-1.
2. Deny the contract award.
3. Modify the contract to meet the wishes of the Council.
4. Table the issue.


### **Recommendation**

City Administration recommends that the Council approve the award for the Transformer Storage Yard contract to the low responsive bidder, The Diamond Engineering Company of Grand Island in the amount of \$154,226.29.

### **Sample Motion**

Approve the bid award for the Transformer Storage Yard, Electrical Contract 2004-TS-1, to the Diamond Engineering Company in the amount of \$154,226.29.

[illegible]

11/6/01 ADDED UTILITIES (TDZ)	3/20/2001 C.T. SURVEY PTS. DR. BY: TDZ	SCALE: 1"=100'	 GRAND ISLAND LIGHTHOUSE RESTORATION
12/00 ADDED INDUST. 2ND SUB.	DATE: 5/22/98	SHEET 1 OF 1	
3/4/99 OUTFALL POINTS	DATE: 5/22/98	DWG. NO.: C-77	
BURDICK STATION			PHILIPS CONTROL CENTER

*Purchasing Division of Legal Department*  
**INTEROFFICE MEMORANDUM**



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** April 29, 2004 at 11:00 a.m.

**FOR:** Electrical Project 2004-TS-1

**DEPARTMENT:** Utilities

**ESTIMATE:** \$200,000.00

**FUND/ACCOUNT:** 520

**PUBLICATION DATE:** April 14, 2004

**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

<b>Bidder:</b>	<b><u>Diamond Engineering Company</u></b> Grand Island, NE	<b><u>Hooker Brothers Construction</u></b> Grand Island, NE
<b>Bid Security:</b>	Travelers Casualty	Western Surety Company
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	<b>\$154,226.29</b>	<b>\$173,003.44</b>

cc: Gary Mader, Utilities Director  
Bob Smith, Assistant Utilities Director  
Tom Barnes, Engineering Manager  
Pat Gericke, Utilities Administrative Assistant  
Gary Greer, City Administrator  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

**P903**

R E S O L U T I O N   2004-110

WHEREAS, the City of Grand Island invited sealed bids for Electrical Project 2004-TS-1, according to plans and specifications on file with the Utility Engineering Office at Phelps Control Center; and

WHEREAS, on April 29, 2004, bids were received, opened and reviewed; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$154,226.29; and

WHEREAS, Diamond Engineering Company's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$154,226.29 for Electrical Project 2004-TS-1 is hereby approved as the lowest responsible bid.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G20

**#2004-111 - Approving Award of Proposal for Electric System  
Economic Evaluation and Rate Revision, Utilities Department**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

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

**Meeting:** May 11, 2004

**Subject:** Electric System Economic Evaluation and Rate Revision

**Item #'s:** G-20

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

## **Background**

As has been reported to Council in the past, increasing energy costs are having an adverse affect on the Electric Department's financial position. Over the last year the reserves of the department have been reduced from a four month reserve to a three month reserve level, indicating that the current rate structure is not supporting financial requirements. Therefore a Request for Proposals (RFP) was prepared to do a detailed analysis of the financial needs of the Electric Department. The RFP was advertised in accordance with the City Procurement Code and was sent to six nationally recognized consulting firms with experience in utility operations. The last rate increase for the Electric Department was in 1980.

## **Discussion**

Proposals were received from three firms as tabulated below. The RFP provided that the responding firms provide hourly rates for persons assigned to the project. Progress billings are to be based on actual time spent, with a not to exceed maximum billing.

Firm	Hours Assigned	Not to Exceed Prices
Black & Veatch Kansas City, MO	140	\$21,500
Stanley Consultants Englewood, CO	316	\$29,500
HDR Engineering Omaha, NE	300	\$49,609.15

The proposals were reviewed and scored by each of the three members of the evaluation group; the Utilities Director, Assistant Utilities Director – Electrical, and the Utility Accountant. The scoring criteria were;

- Qualifications of Personnel Assigned
- Previous Client Recommendations
- Responsiveness to the RFP
- Completion Date
- Ability to do the work “in-house”
- Qualifications of Subcontractors (if applicable)
- Conflicts of Interest
- Contract Terms and Conditions
- Hourly Rates and other costs

Two of three members of the selection group scored Stanley Consultants the highest. The third scored Black and Veatch the highest. References were checked for both firms, with both receiving positive recommendations.

### **Alternatives**

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

1. Approve the award of the Electric System Economic Evaluation and Rate Revision Study.
2. Deny the award of the project.
3. Modify the RFP and re-advertise for the work.
4. Table the issue.

### **Recommendation**

City Administration recommends that the contract for the Electric System Economic Evaluation and Rate Revision Study be awarded to Stanley Consultants, Inc. of Englewood, Colorado.

### **Sample Motion**

I move that the Electric System Economic Evaluation and Rate Revision Study Contract be awarded to Stanley Consultants, Inc.



RESOLUTION 2004-111

WHEREAS, the City of Grand Island invited proposals for Electric System Economic Evaluation and Rate Revision for the Utilities Department, according to plans and Request for Proposals on file at Phelps Control Center; and

WHEREAS, proposals were due on April 27, 2004; and

WHEREAS, Stanley Consultants, Inc. of Englewood, Colorado, submitted a proposal in accordance with the terms of the Request for Proposals and all other statutory requirements contained therein at a not to exceed cost of \$29,500; and

WHEREAS, the proposed Professional Services Agreement with Stanley Consultants, Inc. for such services has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Stanley Consultants, Inc. of Englewood, Colorado, for an electric system economic evaluation and rate revision for the Utilities Department at a not to exceed cost of \$29,500 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item G21**

**#2004-112 - Approving Ag Deferral for Sanitary Sewer District  
513 (Steven & Connie Asche)**

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

# **Council Agenda Memo**

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

**Meeting:** May 11, 2004

**Subject:** Approving Deferral of Assessments for Agricultural Property, located within the Boundaries of Sanitary Sewer No. 513

**Item #'s:** G-21

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

## **Background**

City Council action is required to approve deferral of special assessments. The City Council created Sanitary Sewer District 513 on March 23, 2004. Steven and Connie Asche are the owners of the agricultural land within the District.

## **Discussion**

The owners have requested that an agricultural use deferral be granted for assessments from Sanitary Sewer District 513. The real estate is located within an agricultural use zone and is used exclusively for agricultural purposes. The owner is not protesting the district provided the agricultural deferment is granted. Assessment payments would begin when the property is developed or no longer eligible for an agricultural use deferral.

## **Alternatives**

1. Approve the request for an agricultural deferment.
2. Disapprove or /Deny the request for an agricultural deferment; the Asche's would then protest the district and the district would fail.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council approve the request for an agricultural deferral.

## **Sample Motion**

Move to approve the agricultural deferral.

R E S O L U T I O N    2004-112

WHEREAS, on March 23, 2004, by Ordinance No. 8892, the City of Grand Island created Sanitary Sewer District No. 513; and

WHEREAS, such district includes land which is and continues to be, within an agricultural use zone and is used exclusively for agricultural use; and

WHEREAS, Steven F. and Connie Asche own property in such district; and

WHEREAS, Steven and Connie Asche have requested an agricultural deferment on the assessment for Sanitary Sewer District No. 513 due to the land being used exclusively for agricultural purposes; and

WHEREAS, a Notice of Filing Application for Deferral from Special Assessments was filed with the Hall County Register of Deeds on May 3, 2004 as Instrument No. 0200404294 pertaining to property owned by Steven and Connie Asche which is located within Sanitary Sewer District No. 513.

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

1.     The special assessments to be levied against Steven and Connie Asche under Sanitary Sewer District No. 513 shall be deferred until terminated in accordance with Neb. Rev. Stat. §19-2430.
2.     That during said deferral, no principal payments shall become due and no interest shall accrue upon the assessment.
3.     That the special assessment shall be divisible upon a pro rata basis of the original assessment in the event a portion of the land shall no longer be eligible for deferral.
4.     That upon termination of deferral, the principal amount of the special assessment shall be amortized over a term of ten years from that date. The first such installment shall become delinquent in fifty days after termination of deferral. Each installment except the first shall draw interest at seven percent (7%) per annum from and after the date of termination of deferral until the same shall become delinquent. Delinquent installments shall draw interest at fourteen percent (14%) per annum.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

Approved as to Form <input type="checkbox"/> _____ May 6, 2004 <input type="checkbox"/> City Attorney
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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G22

**#2004-113 - Approving Continuation of Sanitary Sewer No. 514,  
Along West 13th Street West of Branding Iron Lane**

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

# **Council Agenda Memo**

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

**Meeting:** May 11, 2004

**Subject:** Continuation of Sanitary Sewer No. 514, Along West 13<sup>th</sup> Street West of Branding Iron Lane

**Item #'s:** G-22

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

## **Background**

Sanitary Sewer District 514 was created by the City Council on March 23, 2004. Legal Notice of the creation of the District was published in the *Grand Island Independent* on March 30, 2004. A letter was mailed to all property owners on March 30, 2004.

## **Discussion**

The protest period for Sanitary Sewer District 514 ended at 5:00p.m. on Thursday, April 29, 2004. No protests were filed against this district.

## **Alternatives**

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

## **Recommendation**

City Administration recommends that the Council approve the continuation of Sanitary Sewer District 514 along west 13<sup>th</sup> Street west of Branding Iron Lane.

## **Sample Motion**

Move to approve the continuation of Sanitary Sewer District # 514.



RESOLUTION 2004-113

WHEREAS, Sanitary Sewer District No. 514 was created by Ordinance No. 8893 on March 23, 2004; and

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

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

WHEREAS, the protest period ended on April 29, 2004, and no protests have been filed against the creation of such district.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 514, therefore such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item G23**

**#2004-114 - Approving Designation of No Parking for Section of  
Faidley Avenue from Webb Road to Carey Avenue**

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

# **Council Agenda Memo**

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

**Meeting:** May 11, 2004

**Subject:** Consideration of Designating the Section of Faidley Avenue from Webb Road to Carey Avenue as No Parking

**Item #'s:** G-23

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

## **Background**

Council action is required to designate No Parking on any public streets.

## **Discussion**

A traffic study was conducted along Faidley Avenue from Webb Road to Custer Avenue. This section of Faidley is a collector and can be dangerous because of the left turning vehicles and even more dangerous for cars passing a left turning vehicle on the right. It was also noted that few cars park along this stretch. City Staff believe that traffic flow and safety can be improved by removing parking along Faidley from Webb Road to Carey Avenue and re-striping it as a three lane. The Public Works Department mailed letters to all property owners along Faidley to inform them that Council will be considering this item at the May 11, 2004 regular meeting.

## **Alternatives**

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

1. Approve designating the section along Faidley Avenue from Webb Road to Carey Avenue as No Parking.
2. Disapprove or /Deny designating the section along Faidley Avenue from Webb Road to Carey Avenue as No Parking.
3. Modify the designation to meet the wishes of the Council.

4. Table the issue.

### **Recommendation**

City Administration recommends that the Council pass a resolution designating the section along Faidley Avenue from Webb Road to Carey Avenue as No Parking.

### **Sample Motion**

Move to approve designating the section along Faidley Avenue from Webb Road to Carey Avenue as No Parking.

RESOLUTION 2004-114

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

WHEREAS, a traffic study was conducted along Faidley Avenue from Webb Road to Custer Avenue which resulted in a need to improve traffic flow and increase safety due to a large number of vehicles turning left from Faidley Avenue into adjacent office buildings; and

WHEREAS, it is recommended that parking be restricted on both sides of Faidley Avenue from Webb Road to Carey Avenue to allow the street to accommodate an additional left turn lane along Faidley Avenue between Webb Road and Carey Avenue; and

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

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

1. A parking restriction be established along Faidley Avenue, from Webb Road to Carey Avenue.
2. The Street Department is directed to erect and maintain the signs and street markings necessary to effect the above regulation.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item G24

**#2004-115 - Approving Amendment to the Fee Schedule**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director  
**Meeting:** May 11, 2004  
**Subject:** Approving Amendment to the Fee Schedule  
**Item #'s:** G-24  
**Presenter(s):** David Springer, Finance Director

## **Background**

At the May 4, 2004 City Council Study Session, Council discussed changes to Chapter 32 of the Grand Island City Code relative to Solicitor, Street, and Food Vendors permits and regulations. City Council approves all fees by resolution.

## **Discussion**

Changes to the fee schedule for Solicitor and Street Vendor Permits are as follows:

Solicitor's Permit – Application Fee (nonrefundable)	\$25.00
Solicitor's Permit – 30 day permit	\$25.00
Street Vendor's Permit – Application Fee (nonrefundable)	\$25.00
Street Vendor's Permit – 30 days	\$25.00
Street Vendor's Permit – 90 days	\$60.00
Street Vendor's Permit 365 days	\$200.00

As discussed at the May 4, 2004 Study Session, Food Vendor Permits will be issued by the Health Department with the Health Department Board setting those fees.

## **Alternatives**

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

1. Approve the changes to the fee schedule
2. Disapprove or /Deny the changes to the fee schedule

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

### **Recommendation**

City Administration recommends that the Council approve the changes to the fee schedule.

### **Sample Motion**

Approve the amendment to the fee schedule as set forth in Resolution #2004-115.



RESOLUTION 2004-115

WHEREAS, on June 24, 2003, by Resolution 2003-188, the City of Grand Island approved and adopted fees for items and services to be provided during the 2003-2004 fiscal year; and

WHEREAS, it is necessary to amend such fee schedule to implement new fees for Solicitor's Permits and Street Vendors Permits as follows:

Solicitor's Permit – Application Fee (nonrefundable)	\$25.00
Solicitor's Permit – 30 day permit	\$25.00
Street Vendor's Permit – Application Fee (nonrefundable)	\$25.00
Street Vendor's Permit – 30 days	\$25.00
Street Vendor's Permit – 90 days	\$60.00
Street Vendor's Permit – 365 days	\$200.00

WHEREAS, such permits will be issued by the Grand Island Police Department instead of the City Clerk's office; and

WHEREAS, it is recommended that such amendment be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Fee Schedule is hereby amended to implement the above-identified fees effective immediately.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# **City of Grand Island**

**Tuesday, May 11, 2004**

**Council Session**

## **Item I1**

**#2004-116 - Approving Continuation of Sanitary Sewer No. 513,  
Gosda Subdivision Along Lillie Drive West of 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:** May 11, 2004

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

**Item #'s:** I-1

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

## **Background**

Sanitary Sewer District 513 was created at the regular City Council meeting on March 23, 2004. Legal Notice of the creation of the District was published in the *Grand Island Independent* on March 30, 2004. A letter was mailed to all property owners on March 30, 2004.

## **Discussion**

The protest period for Sanitary Sewer District 513 ended at 5:00p.m. on Thursday, April 29, 2004. No protests were filed against this district; however, this is assuming that the agricultural deferment will be approved by Council on May 11, 2004 for Steven and Connie Asche. If the deferment is not approved the Asche's will be on record as opposed to the Sanitary Sewer District. The Asche's have 825.04 feet of frontage or 51.9% of the total district frontage of 1,590.08 feet; therefore, if the Asche's property is considered as protesting the district will fail.

## **Alternatives**

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

## **Recommendation**

City Administration recommends that the Council approve the continuation of Sanitary Sewer District 513 along Lillie Drive with the approved agricultural deferment.

## **Sample Motion**

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

RESOLUTION 2004-116

WHEREAS, Sanitary Sewer District No. 513 was created by Ordinance No. 8892 on March 23, 2004; and

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

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

WHEREAS, the protest period ended on April 29, 2004; and

WHEREAS, Steven and Connie Asche filed a request for an agricultural deferral on April 29, 2004 pertaining to any assessments against their property located within Sanitary Sewer District No. 513; and

WHEREAS, Steven and Connie Asche have filed a protest to the creation of Sanitary Sewer District No. 513 if such agricultural deferment is not granted; and

WHEREAS, in the event the agricultural deferment is not granted, Steven and Connie Asche's protest will represent 51.9% of the total district frontage; Steven and Connie Asche's protest is the only protest filed against the creation of such district.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agricultural deferment of Steven and Connie Asche has been granted, therefore insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 513, and such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 11, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney



# City of Grand Island

Tuesday, May 11, 2004

Council Session

## Item J1

### **Payment of Claims for the Period of April 28, 2004 through May 11, 2004**

*The Claims for the period of April 28, 2004 through May 11, 2004 for a total of \$2,263,184.51. A MOTION is in order.*

Staff Contact: RaNae Edwards