

Tuesday, May 25, 2004

Council Session Packet

City Council:

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

City Administrator: Gary Greer

City Clerk: RaNae Edwards

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

Pledge of Allegiance /Invocation - Pastor Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



Tuesday, May 25, 2004 Council Session

Item C1

Musical Presentation by the Conestoga Barbershop Chorus

Two musical selections will be presented at the Council meeting by the Conestoga Barbershop Chorus.

Staff Contact: Mayor Vavricek



Tuesday, May 25, 2004 Council Session

Item C2

Proclamation "Barbershop Harmony Week" May 31-June 6, 2004 and "Conestoga Chorus Day" June 5, 2004

Barber Shop Quartets encourage harmony among all people of the world through the universal language of music, promote music education and support charitable activities within our community. The Mayor has proclaimed the week of May 31, 2004 as "Barbershop Harmony Week" and June 5, 2004 as "Conestoga Chorus Day" in Grand Island. See attached PROCLAMATION.

Staff Contact: Mayor Vavricek

THE OFFICE OF THE MAYOR City of Grand Island

State of Nebraska

PROCLAMATION

- WHEREAS, the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc. (SPEBSQSA) was officially organized April 11, 1938 in Tulsa, Oklahoma; and
- WHEREAS, what began as a small group has steadily blossomed into the world's largest all male signing organization, an international organization of men from all stations of life; and
- WHEREAS, SPEBSQSA is dedicated to the spread of harmony for the enjoyment of all people of the world through organizing and encouraging close harmony signing groups; and
- WHEREAS, SPEBSQSA encourages harmony amongst all people of the world through the universal language of music; and
- WHEREAS, SPEBSQSA has actively preserved and presented a distinct style of vocal music that originated in North America; and
- WHEREAS, SPEBSQSA is dedicated to sustaining and preserving an American tradition, the barbershop quartet; and
- WHEREAS, SPEBSQSA promotes music education and supports charitable activities; and
- WHEREAS, barbershoppers are engaged in laudable civic service and enrichment of our cultural life through the fostering of traditional values in entertainment and community endeavors; and
- WHEREAS, the Grand Island Chapter of SPEBSQSA is an organization dedicated to the beliefs of the Society and harmony among the people of Grand Island since 1984.
- NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the week of May 31, 2004 as

"BARBERSHOP HARMONY WEEK"

and June 5, 2004 as

"CONESTOGA CHORUS DAY"

in the City of Grand Island, and extend best wishes to the men of the Conestoga Barbershop Chorus for continued success in promoting barbershop quartet singing in our community.

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item D1

#2004-BE-7 - Consideration of Determining Benefits for Water Main District 444 - Mary Lane Subdivision

Staff Contact: Gary R. Mader

Council Agenda Memo

From:	Gary R. Mader, Utilities Director
Meeting:	May 25, 2004
Subject:	Determining Benefits for Water Main District 444 – Mary Lane Subdivision
Item #'s:	D-1 & F-4
Presenter(s):	Gary R. Mader, Utilities Director

Background

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

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

Discussion

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

In a routine assessment district, the costs to serve the properties within the District's boundary would be paid by the individual property owners. The assessment amounts have been computed for the properties within the district but the assessment amounts have been paid in full by CNH. In order to complete the Assessment District legal processes, the assessments are set, and the Finance Department will then credit each property account as having been paid in full.

Alternatives

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

- 1. Approve the assessments for the properties within the boundaries of the district.
- 2. Disapprove the assessments.
- 3. Modify the assessments for the properties within the boundary of District 444, to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

City Administration recommends that Council approve assessments for the properties within the boundary of Water Extension District 444, located in Mary Lane Subdivision. Attached are copies of the calculations, ownership records, and district's plat.

Sample Motion

Approve the assessments for Water Main District 444 as calculated.

ATER EXTENSION arylane Subdivision	I DISTRICT 444 - FIANL and ASSESSMENTS	Est.= Bid =	10/8/2003 10/17/2003		4/13/200 5/25/200
		Bid	Constructe	d	
Item	Description	Unit (\$)	Quantity	Final (\$)	
C. 1.01 6" D	.I. PIPE, (S.J.)	18.99 LF	1,534.00 LF	\$29,130.66	
C. 1.02a FKN	1 Gaskets (sj)	95.10 EA	77.00 EA	\$7,322.70	
C. 1.02b FKN	Gaskets (mj)	59.58 EA	44.00 EA	\$2,621.52	
C. 1.03 6"X	6"X 6" TEE (M.J.)	156.51 EA	5.00 EA	\$782.55	
C. 1.04 6"X	90 ELL (M.J.)	116.46 EA	0.00 EA	\$0.00	
C. 1.05 6" S	ET SCREW RING	38.15 EA	2.00 EA	\$76.30	
C. 1.06 6" R	S GATE VALVE	395.13 EA	2.00 EA	\$790.26	
C. 1.07 VAL	VE BOX	94.60 EA	2.00 EA	\$189.20	
C. 1.08 FIRE	E HYDRANT ASSEMBLY COMPLETE	913.31 EA	4.00 EA	\$3,653.24	
C. 1.09 FIRE	E HYDRANT ONLY	347.52 EA	0.00 EA	\$0.00	
C. 1.10 REN	IOVE ASPH. / CONC. DRIVEWAY	7.69 SY	330.00 SY	\$2,537.70	
C. 1.11 REP	LACE ASPH. / CONC. DRIVEWAY	35.13 SY	330.00 SY	\$11,592.90	
C. 1.12 REN	IOVE ASPH. / CONC. ROADWAY	9.13 SY	203.10 SY	\$1,854.30	
C. 1.13 REP	LACE ASPH. / CONC. ROADWAY	29.85 SY	203.10 SY	\$6,062.54	
C. 1.14 THR	UST BLOCK	139.31 EA	6.00 EA	\$835.86	
C. 1.15 BEL	L JOINT BLOCK	195.75 EA	2.00 EA	\$391.50	
C. 1.16 1" W	ATER SERVICE, COMPLETE	420.50 EA	21.00 EA	\$8,830.50	
C. 1.17 SAL	VAGE 6" PLUG	26.44 EA	1.00 EA	\$26.44	
C. 1.18 8 MI	L POLYWRAP	0.79 LF	1,570.00 LF	\$1,240.30	
C. 1.19 R&	R 15" CMP Culvert	45.15 LF	5.00 LF	\$225.75	
CON	ITRACT AMOUNT			\$78,164.22	
PO :	303189 additional 1" copper pipe	\$8.00 LF	92.00 LF	\$736.00	
PO :	303189 additional 22.5 ELL (SJ)	\$120.00 EA	1.00 LF	\$120.00	
Mate	erials Furnished By City (F.H.'s, Stop Box Ext, Curb Stop)			\$3,497.96	
Engi	neering / Overhead / Administration / Publication			\$11,133.26	
	AL DISTRICT COST			\$93,651.44	
Less	Items For Valley View Ave (City Costs)			-\$7,363.51	
TOT	AL DUE FROM CNH			\$86,287.93	

Blk	Lot	Subdivision	Front Ft.	Sq Ft	Owner	Combo \$\$
	2	Marylane Subdivision	100.00	20,000.00	Charles E & Mary A Fox, H/W	\$3,958.74
	3	Marylane Subdivision	100.00	20,000.00	Jerry L & Rosalie G Florez, H/W	\$3,958.74
	4	Marylane Subdivision	100.00	20,000.00	Neal R & Sondra L Schroder, H/W	\$3,958.74
	5	Marylane Subdivision	100.00	20,000.00	Lyle E & Judith Maye Tibbs, H/W	\$3,958.74
	6	Marylane Subdivision	100.00	20,000.00	Ronald L & Delores K Tenski, H/W	\$3,958.74
	7	Marylane Subdivision	100.00	20,000.00	Jeffrey W & Cynthia R Hayes, H/W	\$3,958.74
	8	Marylane Subdivision	100.00	20,000.00	Kenneth C & Christine L Durano, H/W	\$3,958.74
	9	Marylane Subdivision	100.00	20,000.00	Jeffrey & Gina Baldwin, H/W - BUYER Irvin & Mary Ann Baldwin, H/W - SELLER	\$3,958.74
	10	Marylane Subdivision	100.00	20,000.00	Keith A & Joey L Ruff, H/W	\$3,958.74
	11	Marylane Subdivision	89.93	22,898.28	David A Green & Ellen I Nelson-Green, H/W	\$4,026.15
	12	Marylane Subdivision	62.93	26,484.70	Kenneth L & Vera L Henman, H/W	\$3,809.89
	13	Marylane Subdivision	57.78	22,309.48	Matthew J & Lori A Beiber, H/W	\$3,307.62
	14	Marylane Subdivision	48.00	22,129.82	Matthew J & Lori A Beiber, H/W	\$3,088.98
	15	Marylane Subdivision	134.53	20,909.27	Timothy D & Susan E Pfeifer, H/W	\$4,756.71
	16	Marylane Subdivision	100.00	20,000.00	Gregory J & Penny L Post, H/W	\$3,958,74
	17	Marylane Subdivision	100.00	20,000.00	Dale E & Sharon M Huffman, H/W	\$3,958.74
	18	Marylane Subdivision	100.00	20,000.00	Andrew M & Joan E Schwan, H/W	\$3,958.74
	19	Marylane Subdivision	100.00	20,000.00	Charles E & Loretta A Roehrich, H/W	\$3,958.74
	20	Marylane Subdivision	100.00	20,000.00	Terry Lee & Lori I Jepson, H/W	\$3,958.74
	21	Marylane Subdivision	100.00	20,000.00	Elaine K & Steven A Makham, W/H	\$3,958.74
	22	Marylane Subdivision	100.00	20,000.00	Vincent E & Cynthia A Luhn, H/W	\$3,958.74
	23	Marylane Subdivision	100.00	20,000.00	Dennis W & Cheryl K Harder, H/W	\$3,958.74
			2,093.17	454,731.55		\$86,287.93

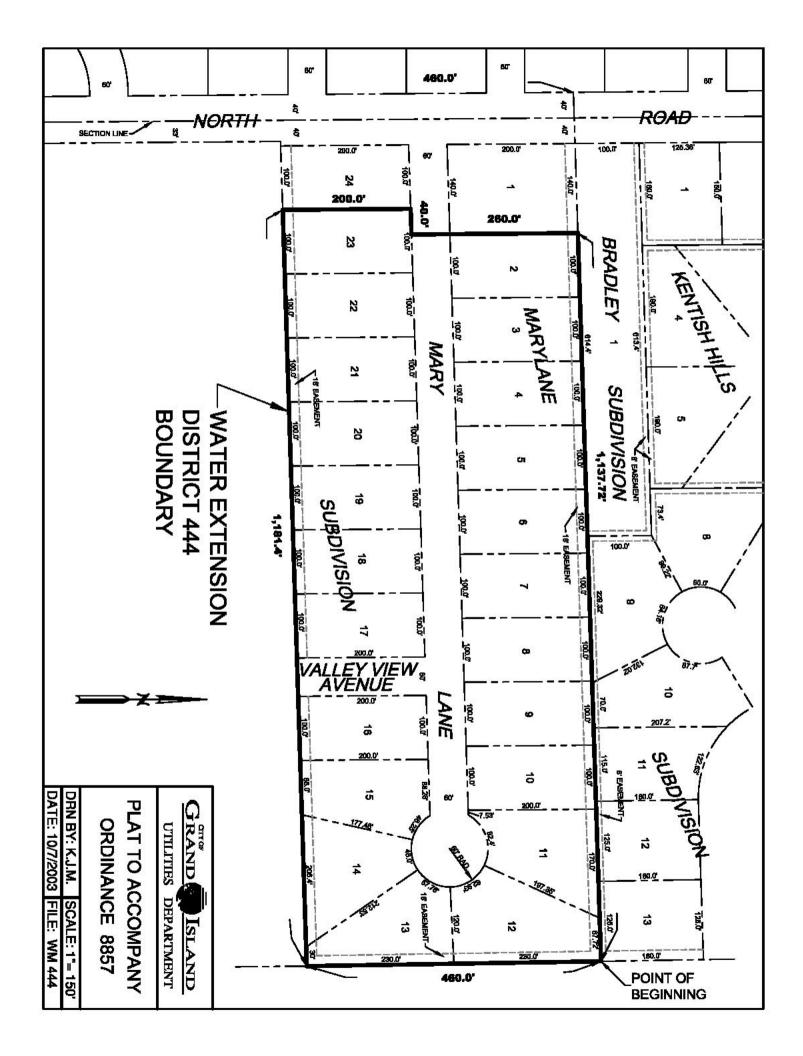
CNH City of Grand Island, NE

1/2 - 1/2

1

Assessable amount based on 1/2 front footage an	nd 1/2 square footage for each lot:
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Blk Lot	Subdivision	Front Ft.	Sq Ft	Owner	Assessment \$
2	Marylane Subdivision	100.00	20,000.00	Charles E & Mary A Fox, H <i>W</i> 3115 S North Road Grand Island, NE 68803	\$3,958.74
3	Marylane Subdivision	100.00	20,000.00	Jerry L & Rosalie G Florez, H <i>W</i> 3934 Mary Lane Grand Island, NE 68803	\$3,958.74
4	Marylane Subdivision	100 DO	20,000.00	Neal R.&. Sondra L. Schroder, HAW 3928 Mary Lane Grand Island, NE 68803	\$3,958.74
5	Marylane Subdivision	100.00	20,000.00	Lyle E & Judith Maye Tibbs, H <i>W</i> 3922 Mary Lane Grand Island, NE 68803	\$3,958.74
6	Marylane Subdivision	100.00	20,000.00	Ronald L & Delones K Tenski, HAV 3916 Mary Lane Grand Island, NE 68803	\$3,958.74
7	Marylane Subdivision	100 DD	20,000.00	Jeffney W & Cynthia R Hayes, H/W 3810 Mary Lane Grand Island, NE 68803	\$3,958.74
8	Marylane Subdivision	100.00	20,000.00	Kenneth C& Christine L Durano, HAW 3804 Mary Lane Grand Island, NE 68803	\$3,958.74
9	Marylane Subdivision	100.00	20,000.00	Jeffrey & Gina Baldwin, HAW - BUYER 3822 Mary Lane Grand Island, NE 68803	\$3,958.74
				Irvin & Wary Ann Baldwin, H/W - SELLER 15100 W Hwy 2 Cario, NE 68824	
10	Marylane Subdivision	100.00	20,000.00	Keith A & Joey L Ruff, H/W 3816 Mary Lane Grand Island, NE 68803	\$3,958.74
11	Marylane Subdivision	89.93	22,898.28	Dawid A. Green & Ellen IN elson-Green, H/W 3810 Many Lane Grand Island, NE 68803	\$4,026.15
12	Marylane Subdivision	62.93	26,484.70	Kenneth L& Vera L Henman, HAV 3804 Mary Lane Grand Island, NE 68803	\$3,809,89
13	Marylane Subdivision	57.78	22,309.48	Matthew J & Lori A Beiber, H/W 3809 Mary Lane Grand Island, NE 68803	\$3,307.62
14	Marylane Subdivision	48.00	22,129.82	Matthew J & Lori A Beiber, H/W 3809 Mary Lane Grand Island, NE 68803	\$3,088.98
15	Marylane Subdivision	134.53	20,909.27	Timothy D & Susan E Pfeifer, H <i>W</i> 3815 Mary Lane Grand Island, NE 68803	\$4,756.71
16	Marylane Subdivision	100.00	20,000.00	Gregory J & Penny L Post, H/W 3209 Valley View Ave Grand Island, NE 68803	\$3,958.74
17	Marylane Subdivision	100.00	20,000.00	Dale E & Sharon M Huffman, H/W 3805 Mary Lane Grand Island, NE 68803	\$3,958.74
18	Marylane Subdivision	100.00	20,000.00	Andrew M & Joan E Schwan, HAV 3811 Mary Lane Grand Island, NE 68803	\$3,958.74
19	Marylane Subdivision	100.00	20,000.00	Charles E & Loretta A Roehrich, H/W 3917 Mary Lane Grand Island, NE 68803	\$3,958.74
20	Marylane Subdivision	100.00	20,000.00	Terny Lee & Lori I Jepson, H/W 3923 Many Lane Grand Island, NE 68803	\$3,958.74
21	Marylane Subdivision	100.00	20,000.00	Elaine K.& Steven A Makham, W/H 3929 Mary Lane Grand Island, NE 68803	\$3,958.74
22	Marylane Subdivision	100.00	20,000.00	Vincent E & Cynthia A Luhn, H/W 3935 Mary Lane Grand Island, NE 68803	\$3,958.74
23	Marylane Subdivision	100.00	20,000.00	Dennis W & Cheryl K Harder, H.W 3941 Mary Lane Grand Island, NE 68803	\$3,958.74
	TOTAL	2,093.174	454,731.55	******	\$86,287.93
		,	Amount Billed to	CNH	\$86,287.93
				City of Grand Island, NE	\$7,363.51



RESOLUTION 2004-BE-7

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 444, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$86,287.93; and

According to the front foot and cost of installation to provide service to each of the respective lots, tracts, and real estate within such Water Main District No. 444, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	Description	Assessment
Charles & Mary Fox	Lot 2, Marylane Subdivision	3,958.74
Jerry & Rosalie Florez	Lot 3, Marylane Subdivision	3,958.74
Neal & Sondra Schroder	Lot 4, Marylane Subdivision	3,958.74
Lyle & Judith Maye Tibbs	Lot 5, Marylane Subdivision	3,958.74
Ronald & Delores Tenski	Lot 6, Marylane Subdivision	3,958.74
Jeffrey & Cynthia Hayes	Lot 7, Marylane Subdivision	3,958.74
Kenneth & Christine Durano	Lot 8, Marylane Subdivision	3,958.74
Jeffrey & Gina Baldwin Irvin & Mary Ann Baldwin	Lot 9, Marylane Subdivision	3,958.74
Keith & Joey Ruff	Lot 10, Marylane Subdivision	3,958.74
David Green & Ellen Nelson-Green	Lot 11, Marylane Subdivision	4,026.15
Kenneth & Vera Henman	Lot 12, Marylane Subdivision	3,809.89
Matthew & Lori Beiber	Lot 13, Marylane Subdivision	3,307.62
Matthew & Lori Beiber	Lot 14, Marylane Subdivision	3,088.98
Timothy & Susan Pfeifer	Lot 15, Marylane Subdivision	4,756.71
Gregory & Penny Post	Lot 16, Marylane Subdivision	3,958.74
Dale & Sharon Huffman	Lot 17, Marylane Subdivision	3,958.74
Andrew & Joan Schwan	Lot 18, Marylane Subdivision	3,958.74
Charles & Loretta Roehrich	Lot 19, Marylane Subdivision	3,958.74
Terry & Lori Jepson	Lot 20, Marylane Subdivision	3,958.74
Elaine & Steven Makham	Lot 21, Marylane Subdivision	3,958.74
Vincent & Cynthia Luhn	Lot 22, Marylane Subdivision	3,958.74

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney

RESOLUTION 2004-BE-7

Dennis & Cheryl Harder	Lot 23, Marylane Subdivision	3,958.74
TOTAL		\$86,287.93

Adopted by the City Council of the City of Grand Island, Nebraska, on May 25, 2004.

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item D2

#2004-BE-8 - Consideration of Determining Benefits for Sidewalk District No. 1, 2003; Various Locations Throughout Grand Island

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 25, 2004
Subject:	Board of Equalization Hearing to Determine Benefits and an Ordinance Establishing Assessments for Sidewalk District No. 1, 2003
Item #'s:	D-2 & F-5
Presenter(s):	Steven P. Riehle, P.E., Director of Public Works

Background

The Certificate of Final Completion for Sidewalk District No. 1, 2003 was approved on April 27, 2004 with May 25, 2004 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for District.

Discussion

The contract for Sidewalk District No. 1, 2003 was awarded to Galvan Construction Inc., of Grand Island, Nebraska on October 28, 2003. Work on the project was completed on schedule, in April 2004, at a construction price of \$12,981.80. Total cost of the project, including engineering, is \$14,239.98. The original contract amount was based off of installing sidewalk along twenty-one (21) properties. Eight (8) of the properties had the sidewalks installed by a different contractor thus the project was completed at a lesser amount than what the contract was for. Costs for the project break down as follows:

Original Bid	\$	22,615.40
Underruns	(\$	9,633.60)
Sub Total (Construction Price)	\$	12,981.80
Additional Costs		
Engineering and Publication	\$	1,258.18
Total Cost	\$	14,239.98

Alternatives

- 1. Approve the recommendation to allow the Board of Equalization to determine benefits for Sidewalk District No. 1, 2003 and pass an ordinance allowing the City to recover the majority of the District costs and assessing the benefits owners.
- 2. Disapprove or /Deny the recommendation to allow the Board of equalization to determine benefits for Sidewalk District No. 1, 2003.
- 3. Modify the recommendation to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

City Administration recommends that the Council, sitting as a Board of Equalization, determine the benefits and pass an ordinance to levy Special Assessments to individual properties.

Sample Motion

Move to approve the recommendation, allowing the Board of Equalization to determine benefits for Sidewalk District No. 1, 2003 and pass an ordinance to determine benefits.

RESOLUTION 2004-BE-8

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sidewalk District No. 1, 2003, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$13,839.98; and

Such benefits are equal and uniform; and

According to the front foot and area of the respective lots, tracts, and real estate within such Sidewalk District No. 1, 2003, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	Description	Assessment
Randall & Jordan Wenz	Lot 2, L-K Subdivision	1,456.84
Phylis Nurnberg	Lot 12, Block 2, Replat of Riverside Acres	1,646.04
Eugene Harnapp	Lot 23, Roush's Pleasantville Terrace Subdivision	340.56
Eugene Harnapp	Lot 25, Roush's Pleasantville Terrace Subdivision	1,002.76
Edwin Glen Ziska	Lot 2, Block 13, Scarff's Addition to West Lawn	1,892.00
Robert & Margarita Roberts	Lot 22, Block 3, Morris Second Addition	1,111.55
Patrick & Cathryn Roark	Lot 1, Morris Second Addition	1,064.25
Robert & Jane Pfeifer-Summers	Lot 27, Block 3, Blain Addition	728.42
Martin & Stephanie Bolles	Lot 22, Block 3, Blain Addition	454.08
Paddi Mack & Thomas Fieldgrove	Lot 8, Norwood Subdivision	690.58
Norberto & Anna Nalasco	Lot 8, Block 3, George Loans Subdivision	1,012.22
Jose Antonio & Rosemary Flores	Lot 1, Block 3, George Loans Subdivision	1,229.80
Myrtle Grimminger	Lot 8, Block 6, George Loans Subdivision	1,210.88
TOTAL		\$13,839.98

Adopted by the City Council of the City of Grand Island, Nebraska, on May 25, 2004.

RaNae Edwards, City Clerk

Approv ed as to Form	¤	
May 19, 2004	¤	City Attorney



Tuesday, May 25, 2004 Council Session

Item E1

Public Hearing Concerning a Request to Rezone 67 Acres North of Capital Avenue and East of Independence Avenue from TA-Transitional Agriculture to R1-Suburban Density Residential and R2-Low Density Residential

Staff Contact: Chad Nabity

Council Agenda Memo

From:	Regional Planning Commission
Meeting:	May 25, 2004
Subject:	Rezoning
Item #'s:	E-1 & F-7
Presenter(s):	Chad Nabity AICP, Regional Planning Director

Background

This application proposes to rezone approximately 67 acres of land east of Independence Avenue and north of Capital Avenue, from TA-Transitional Agriculture to R1 Suburban Density Residential and R2 Low Density Residential, in the City of Grand Island. The stated purpose of this rezoning is to allow the subdivision of this property in accordance with the approved preliminary plat for Woodland Park Subdivision.

Discussion

This proposal is consistent with both the 1992 comprehensive plan and the 2004 comprehensive plan. The zoning requested is identical to the zoning pattern suggested by JEO Consulting Inc. and the comprehensive plan steering committee. The Planning Commission has already recommended this change for approval with the updated zoning map.

This request was made by the developers of Woodland Park so rezoning of their property can occur separate from the approval of new zoning map for the City of Grand Island. This will allow them get approval for the first phase of the Woodland Park subdivision.

At the planning commission meeting, Lisa Heineman spoke with concern that she was notified about the rezoning, but was not notified of the Preliminary Plat, and felt we need to contact surrounding property owners of such changes. She expressed concern with a large residential development in a School District that is already overcrowded, and would like the city to consider a pass through instead of a cul-de-sac in the final plat for the purpose of emergency vehicles. She also expressed concern about putting "high density" residential in an area with existing houses on 20,000 square foot lots.

The subdivision regulations do not require notification of neighbors for final or preliminary plats. These are largely administrative functions that need to be approved if they meet the requirements for the zoning districts. Notifications are sent to surrounding property owners for rezoning applications in accordance with state laws and city

regulations. The requested rezoning is for R1-Suburban Density Residential and R2-Low Density Residential not for R4-High Density Residential. The possibility of a pass through instead of cul-de-sacs could be considered with the approval of the final plat for Woodland Park Subdivision but should not be considered with the approval of the rezoning.

Alternatives

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

- 1. Approve the rezoning as presented
- 2. Modify the rezoning to meet the wishes of the Council
- 3. Deny the request to rezone the property
- 4. Table the issue

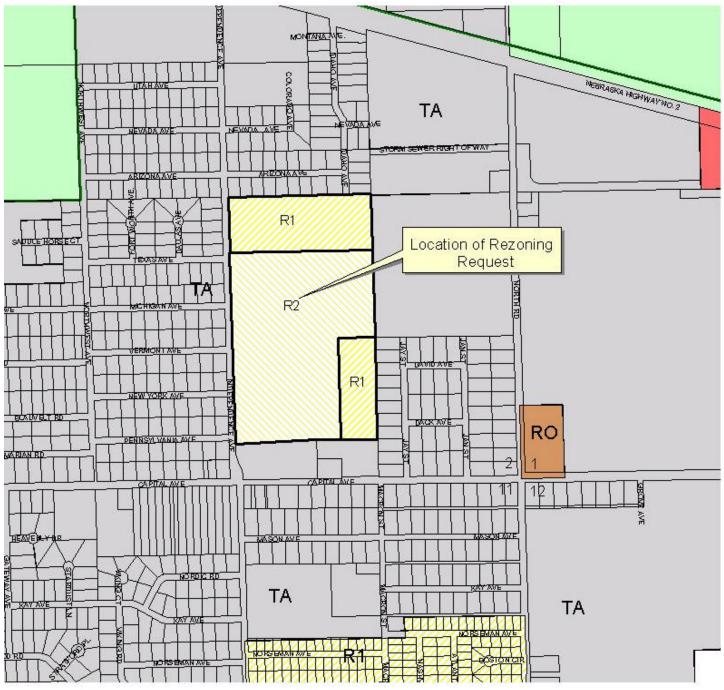
Recommendation

A motion was made by Ruge and seconded by Hayes to **approve** and recommend that the Grand island City Council **approve** this rezoing.

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 this rezoning as presented.



Requested Zoning



From TA: Transitional Agriculture Zone



To R1 : Suburban Residential Zone



To R2 : Low Density Residential Zone

C-20-2004GI



Regional Planning Commission 100 East 1st St Grand Island, NE 68801 308-385-5444 Ext 210

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION: April 19, 2004

SUBJECT: Zoning Change (C-20-2004GI)

PROPOSAL: To rezone approximately 67 acres of land east of Independence Avenue and north of Capital Avenue, from TA-Transitional Agriculture to R1 Suburban Density Residential and R2 Low Density Residential, in the City of Grand Island. The stated purpose of this rezoning is to allow the subdivision of this property in accordance with the approved preliminary plat for Woodland Park Subdivision.

OVERVIEW: Site Analysis Current zoning designation: TA-Transitional Agriculture. Permitted and conditional uses: TA - Agricultural uses, recreational uses and residential uses at a density of 2 dwelling units per acre. Comprehensive Plan Designation: Designated for future low to medium residential development. Existing land uses. Agricultural crops Adjacent Properties Analysis Current zoning designations: North: TA-Transitional Agriculture, South, East and West: TA-Transitional Agriculture. Permitted and conditional uses: TA- Agricultural uses, recreational uses and residential uses at a density of 2 dwelling units per acre. Comprehensive Plan Designation: North, South, East and West: Designated for future low to medium density residential development. Existing land uses: North and West: Residential subdivision (1/2 acre lots) East: Northwest High School and Residential subdivision (1/2 acre lots) South: Two churches

EVALUATION:

Positive Implications:

- Consistent with the City's Comprehensive Land Use Plan: The subject property is designated for low to medium density residential redevelopment (typically R1 to R3).
- Consistent with the Proposed Zoning Map Submitted with the New Comp Plan and Zoning Regulations: The developers are proposing zoning identical to what planning commission recommended for approval to the Grand Island City Council with the new zoning map prepared as part of the updating of the Grand Island Zoning Regulations.
- Accessible to Existing Municipal Infrastructure: City water and sewer services are available to service the rezoning area.
- *Infill Development:* This subdivision will fill in a hole within the existing development along Independence Avenue north of Capital Avenue.
- Monetary Benefit to Applicant: Would allow the applicant to develop and sell this pivot corner.

Negative Implications:

- Changes the Neighborhood: The houses surrounding this field will no longer look out over a corn field they will have neighbors in their back yards instead of farm ground.
- *Will increase the traffic on Independence Ave:* Any development along this stretch of road is likely to increase traffic. The proposed houses on this property will generate an average of 10 trips per day per household.

Other Considerations

This proposal is consistent with both the 1992 comprehensive plan and the 2004 comprehensive plan. The zoning requested is identical to the zoning pattern suggested by JEO Consulting Inc. and the comprehensive plan steering committee. The Planning Commission has already recommended this change for approval with the updated zoning map.

This request was made by the developers of Woodland park so rezoning of their property can occur separate from the approval of new zoning map for the City of Grand Island.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on the this site from TA-Transitional Agriculture to R1-Suburban Density Residential and R2-Low Density Residential as requested and shown on the attached map.

_____ Chad Nabity AICP, Planning Director

§36-24. R1 - Suburban Residential Zone

Purpose: To provide for residential neighborhoods at a maximum density of four to five dwelling units per acre with supporting community facilities.

(A) Permitted Principal Uses:

(1) Dwelling units

(2) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises

(3) Public parks and recreational areas

(4) Country clubs as defined herein

(5) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level and colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college.

(6) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature

(7) Utility substations necessary to the functioning of the utility (but not including general business offices, maintenance facilities, and other general system facilities) when located according to the yard space rules set forth in this section for dwellings and having a ten foot landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties.

(8) Public and quasi-public buildings for cultural use

(9) Railway right-of-way but not including railway yards or facilities

(B) Permitted Accessory Uses:

(1) Guest buildings

(2) Customary home occupations

(3) Other buildings or uses accessory to the permitted principal uses

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

(1) Preschools, nursery schools, day care centers, children's homes, and similar facilities

(2) Towers

(3) Off-street parking areas for schools and places of religious worship/instruction on lands adjacent to and within three hundred (300.0) feet of the principal building associated with the aforementioned uses.

(D) Space Limitations:

(1) Minimum lot area per dwelling unit: 9,000 square feet

(2) Minimum lot width: 70 feet

(3) Maximum height of building: 35 feet

(4) Minimum front yard: 25 feet

(5) Minimum rear yard: 20 feet

(6) Minimum side yard: 10 feet; a corner lot shall have a minimum setback adjacent to the side street equal to 50% of the required front yard

(7) Maximum ground coverage: 30%

(E) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein

(2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein

§36-25. R2 - Low Density Residential Zone

Purpose: To provide for residential neighborhoods at a maximum density of seven dwelling units per acre with supporting community facilities.

(A) Permitted Principal Uses:

(1) Dwelling units

(2) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises

(3) Public parks and recreational areas

(4) Country clubs as defined herein

(5) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level and colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college

(6) Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature

(7) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities, and other general system facilities when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties.

(8) Public and quasi-public buildings for cultural use

(9) Railway right-of-way, but not including railway yards or facilities

(B) Permitted Accessory Uses:

(1) Customary home occupations

(2) Buildings and uses accessory to the permitted principal use

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

(1) Preschools, nursery schools, day care centers, children's homes and similar facilities

(2) Towers

(3) Off-street parking areas for schools and places of religious worship/instruction on lands adjacent to and within three hundred (300.0) feet of the principal building associated with the aforementioned uses.

(D) Space Limitations:

(1) Minimum lot area per dwelling unit: 6,000 square feet

(2) Minimum lot width: 50 feet

(3) Maximum height of buildings: 35 feet

(4) Minimum front yard: 25 feet

(5) Minimum rear yard: 20 feet

(6) Minimum side yard: 5 feet; a corner lot shall have a minimum setback adjacent to the side street equal to 50% of the required front yard

(7) Maximum ground coverage: 35%

(E) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein

(2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.



Tuesday, May 25, 2004 Council Session

Item E2

Public Hearing Concerning Annexation of Property South of Airport Road and East of Shady Bend Road being Platted as Frauen Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From:	Regional Planning Commission
Meeting:	May 25, 2004
Subject:	Public Hearing on Annexation of Property Proposed for Platting as Frauen Subdivision
Item #'s:	E-2 & F-8
Presenter(s):	Chad Nabity AICP, Regional Planning Director

Background

This application proposes to annex property located in the W ½ NW ¼ 1-11-9 into the City of Grand Island. This land is directly adjacent to the current City limit lines, and is proposed for platting as Frauen Subdivision.

Discussion

This parcel of ground is contiguous with the Grand Island City Limits along its eastern boundary. Grand Island has had a policy for several years of annexing all properties adjacent to corporate limits at the time those properties are subdivided. The owner has submitted this subdivision as an addition to the City of Grand Island.

Sewer and water are not available to this subdivision. This is within the Grand Island Utilities Electrical Service District. This subdivision is within the Northwest School District. It is expected that water will be extended along Shady Bend Road to service the helicopter base in the next few years. This will not impact the two mile extraterritorial jurisdiction of Grand Island.

Bill Mowinkle, Superintendent of Northwest High School asked the planning Commission to recommend against the annexation. Annexation by the city forces the school districts to enter into a discussion on which school district the property will be in. In the event that they cannot agree the property will transfer to the Grand Island school district. The policy of Grand Island to annex property as it is subdivided adjacent to city limits is slowly eroding the Northwest school district. He asked that if the annexation is approved that the planning commission aid in the negotiations between the school districts.

Alternatives

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

- 1. Approve the annexation as presented
- 2. Modify the annexation to meet the wishes of the Council
- 3. Deny the request for annexation
- 4. Table the issue

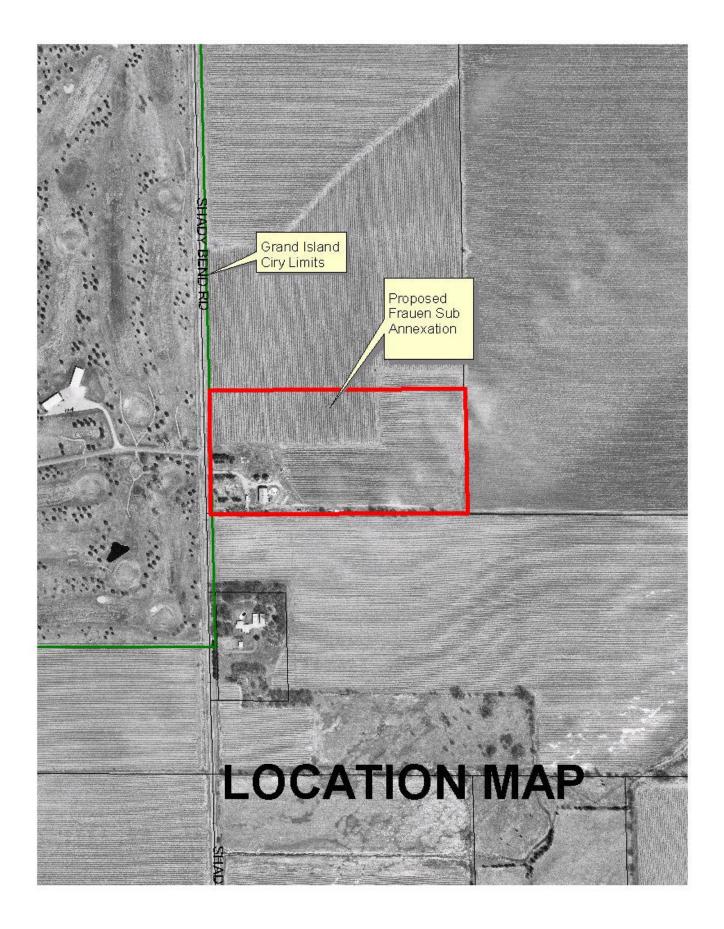
Recommendation

A motion was made by Amick and seconded by Ruge to **approve** and recommend that the Grand island City Council **approve** the annexation of this land into the City of Grand Island.

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 this annexation as presented.





Tuesday, May 25, 2004 Council Session

Item E3

Public Hearing on Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street for a Class "L" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From:	RaNae Edwards, City Clerk
Meeting:	May 25, 2004
Subject:	Public Hearing on Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3 rd Street for a Class "L" Liquor License
Item #'s:	E-3 & G-3
Presenter(s):	RaNae Edwards, City Clerk

Background

Trevor Schaben, owner of Thunderhead Brewing Co. dba Thunderhead Brewing located at 120 East 3rd Street has submitted an application with the City Clerk's Office for a Class "L" Liquor License. The application for the Class "L" Liquor License has been filed with the Liquor Control Commission and received by the City on May 4, 2004. A Class "L" Liquor License allows for a Brew Pub. Thunderhead Brewing has leased an 18' x 28' space in the northeast corner of the Chicken Coop.

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 Thunderhead Brewing for a Class "L" 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 Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street for a Class "L" Liquor License.



Tuesday, May 25, 2004 Council Session

Item E4

Public Hearing on Request of Richard & Patricia Hartman and Lyman-Richey Corporation for Two Conditional Use Permits for Sand and Gravel Operations Located at 3812 and 3630 South Blaine Street

Staff Contact: Craig Lewis

Council Agenda Memo

From:	Craig A. Lewis, Building Department Director
Meeting:	May 25, 2004
Subject:	Public Hearing on Request of Richard and Patricia Harman and Lyman – Richey Corporation for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3630 and 3812 South Blaine Street
Item #'s:	E-4 & G-6
Presenter(s):	Craig Lewis

Background

This request is for council approval to allow for the operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, TA or transitional agriculture does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved by the City Council.

The request for the property at 3630 S. Blaine is planned to begin mining in 2005 and continue until approximately 2015. The request for the southern property at 3812 S. Blaine would be to begin operation in the year 2015 and continue until approximately 2037. In recent discussion with Lyman-Richey Corporation the request for the southern property is to be withdrawn until the projected date of mining is in the near future, possibly in the year 2012, but they wish to express their future desire to mine at that location.

Discussion

Sand and gravel operations have been a part of Grand Island and the surrounding areas for a long time, as residential development continues to expand and the two uses become closer neighbors more conditions need to be implemented to assure a compatible existence for both uses. City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

1). USE: The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.

2). CLOSURE: A statement of the proposed use of the property after the closing of the sand and gravel operation has been provided along with the application.

3). PRIMARY CONDITIONS:

(a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

(b).Pumping of product shall not be allowed within 300 feet of any public road right of way nor within 100 feet from any adjacent property line, nor within 250 feet of the Central Platte Natural Resources District Wood River Diversion Channel Levee property.
(c).Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise.

(d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. There is currently along the east edge of the property a 65 foot electrical easement and an existing 115 thousand volt transmission line, no product, material or equipment shall be stored within that easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.

(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition. (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.(i). Applicant shall maintain any and all drainage ditches that may be located upon the

real property.

(j). Applicant shall not permit the hauling of sand and gravel form the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.
(l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Alternatives

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

- 1. Approve the request with the proposed conditions.
- 2. Disapprove or /Deny the request.
- 3. Modify the request with additional or revised conditions to meet the wishes of the Council.
- 4. Table the issue

Recommendation

Approve the request with the identified conditions presented by City Administration.

Sample Motion

Motion to approve the conditional use with the condition identified by the City Administration, published in the Council packet and presented at the Council meeting. HALL COUNTY BOARD of SUPERVISORS Hall County Administration Building 121 South Pine Street, Grand Island, NE 68801-6099 Telephone: (308)385-5093 Fax: (308)385-5094 TDD: (800)833-7352

Scott Arnold 384-3905 Robert Humiston Jr. 382-4343 Supervisors Chair: Pamela E. Lancaster 381-2754 Jim Eriksen 381-0952 William (Bud) Jeffries 382-8154

Board Assistant: Stacey Ruzicka 385-5093

May 19, 2004

City of Grand Island City Council Members PO Box 1968 Grand Island, NE 68802 ALL STREET OF ST

Richard Hartman 384-6442 Robert Rye 389-4781

RE: Conditional Use Permits for 3812 and 3630 S Blaine Street

Dear Council Members:

The Hall County Board of Supervisors discussed at their meeting on May 18, a response to your letter to property owners regarding the proposed conditional use permits for sand and gravel operations located at 3812 and 3630 South Blaine Street.

Attached you will find a number of conditions we would like considered as requirements to obtain the permits. Our recent experience with a sandpit located in a similar proximity to homeowners resulted in these stipulations. Considering that campers, visitors to our community, as well as residents enjoy Hall County Park, we feel that these requirements are not excessive.

Thank you for your consideration of our request.

Sincerely,

tomela Jaxcaster

Hall County Board of Supervisors Pamela Lancaster, Chair

Enclosure

Hall County Board of Supervisors May 19, 2004 Conditional Use Permits for 3812 and 3630 S Blaine Street Requested Conditions

- Pumping of sand and gravel and storage of recyclable road construction materials shall not be allowed within 300 feet of a public road right of way, easement, or railroad.
- Pumping and other activities including, but not limited to, lighting, hauling, loading, unloading, sorting, and processing, is permitted from fifteen minutes after sunrise to fifteen minutes after sunset Mondays through Saturdays. No pumping or other activities are permitted on Sundays or from fifteen minutes after sunset to fifteen minutes after sunrise.
- Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
- Materials and equipment shall not be stored on the property within the regulated floodways as
 determined by the Federal Emergency Management Agency or its successor and the entity
 having jurisdiction and authority to enforce floodplain regulations.
- All dead trees, rubbish and debris, if any, must be cleared from the above described real
 estate as soon as practical and said real estate must, at all times, be kept in a clean and neat
 condition.
- No trash, rubbish, debris, broken concrete, dead trees, lumber, bricks, refuse or junk material
 of any nature whatsoever shall be dumped, placed or located upon said real estate.
- Crushing or grinding of aggregates other than those mined on site shall not be permitted.
- Manufacturing uses including, but not limited to, asphalt or Portland cement based concrete
 production, shall not be permitted.
- Applicant shall not use said real estate in such a way so as to create or result in an unreasonable hazard or nuisance to adjacent landowners or to the general public.
- Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- Applicant shall not permit the hauling of sand and gravel from the premises and over and
 across any public highway or road unless said sand and gravel is completely dry and free of
 water or is hauled in trucks which are designed and equipped so as to prevent water from
 leaking onto the traveled portion of the roadbed.
- All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

We the undersigned are in opposition to the approval of the granting of Conditional Use Permits for a sand and gravel operation located at 3812 and 3630 South Blaine Street.

The increase in truck traffic will cause deterioration of Blaine Street. The noise of the pumping operation plus lights used to work at night will further aggravate the situation.

We feel the home owners in this area should not be subject to this long term disruptive operation. Our additional concern is that it might affect our water supply as we are all on wells.

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NAME and ADDRESS

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May 19, 2004

Mayor Vavricek 100 East First Street Grand Island, NE 68801

Dear Mayor Vavricek:



My name is Kathy Miller and we live on Scheel Road, bordering one of the addresses for the sand and gravel operation that Dick Hartman is proposing. I would like to state my concerns on the matter. The final result of a sandpit with surrounding homes is a lovely thought, but it will be a long time until that happens. My family is concerned about the 10-20+ years between now and then.

Following is a list of our concerns, in no particular order, as we feel they are all equally important.

Monday-Saturday pumping only, NO Sunday, and dawn to dusk is what I understand the norm is. I feel these hours are even too long, the sun comes up before 6:00 in the morning and stays light until late in the evening, there wouldn't be many quiet moments. Any lesser time of operation would be appreciated.

NO concrete plant or hot mix plant can be added at a later date. Only product that will come out of the ground, no incoming. Not natural state. Cannot bring in rock or asphalt to be ground down. This would help keep the site cleaner, no concrete or asphalt piles, and less noise from grinding machines. Also less traffic from trucks hauling product back in.

The height of the piles of sand: The piles we see around the county in sandpits are mountainous. Looking out at a solid mountain of sand is not the view we were excited about when we purchased our home 17 years ago.

Where will the piles of sand be placed? We request at least a 300' (or more if possible) setback on the sand and the pumping. We are worried that the sand will be put right up to our backyards and result in much blowing, and also the noise from loading trucks and lights from those trucks. We are worried about the blowing sand even pitting the siding of our houses, as we've heard reported from homes around current sandpits.

Concerned that the lights will be too bright and shine on our homes, the lights on the sand pile on South Locust are as bright as day and shine at all times.

Request that all mufflers that can be used, will be used. And any back-up alarms that could be muffled, also be.

If there is a buffer wall of dirt, it needs to be maintained or sprayed. Weeds and tumbleweeds are a huge eyesore also. Many times the outer boundaries of a property are where the piles of eyesore are stored, which happens to be up against my back yard.

Site must stay clean, no scrap, wood or pipes.

The traffic on Schimmer is also a worry. With Hall County Park's entrance on Schimmer, there are many bike riders and joggers every day. With the additional truck traffic all day long, it would be even more dangerous for them to get to the park. The traffic from the Industrial Park is heavier now, but usually is done by the end of the work day when people use the park most. The only other road to get to the park is off of Highway 281, very unsafe, and now we would be making Schimmer equally unsafe. There is talk of a hike/bike trail to Mormon Island. I don't know where this would be located, but with the additional traffic from a sandpit, there would be more danger to the walkers and bikers.

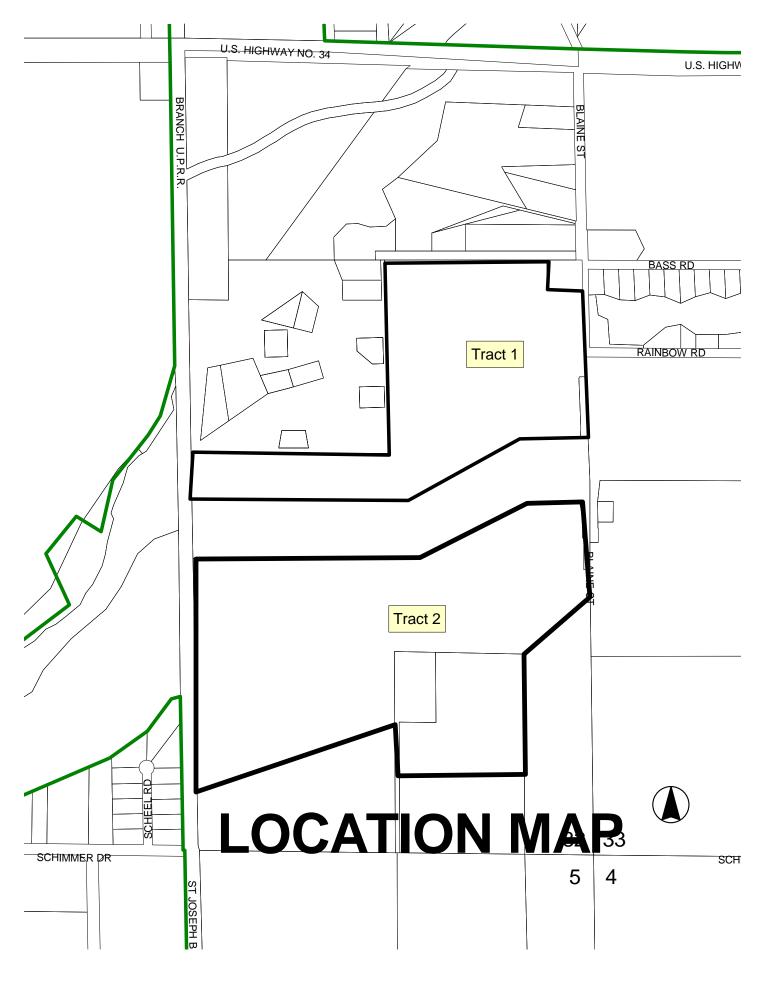
I was keeping an open mind about Dick Hartman and his cooperating with the neighbors until I read the paper this morning. It is obvious from his comments that he does not want to work with the neighbors to his property and I feel we need to clarify in writing as much detail as we can at this time.

Thank you for your time. I appreciate all the help you can give us in this matter. There have been many changes to our little neighborhood the last year or so. We were annexed into the city and are hopeful that our representatives will help us with our concerns. I have had to fight to keep my children in their neighboring school and now we need to fight to keep a mess out of our backyards. Please help us.

Sincerely,

Kathy Millen

Byron and Kathy Miller 4015 Scheel Road Grand Island, NE 68803 381-7060 (home) 389-7222 (work)





Tuesday, May 25, 2004 Council Session

Item E5

Public Hearing on Acquisition of Utility Easements at 524 S. Webb Road - Lacy Construction Company

Staff Contact: Gary R. Mader

From:	Robert H. Smith, Asst. Utilities Director
Meeting:	May 25, 2004
Subject:	Acquisition of Utility Easements – 524 S. Webb Road – Lacy Construction Company
Item #'s:	E-5 & G-8
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 Lacy Construction Company, located on parts of lots one (1) and three (3), Lacy Subdivision, located in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

These easements will be used to place pad-mounted switch gear and transformer to provide electricity to lots one (1), three (3), and four (4) of Lacy Subdivision. The existing electrical primary lines must be moved to facilitate placement of the new street (Island Circle).

Alternatives

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

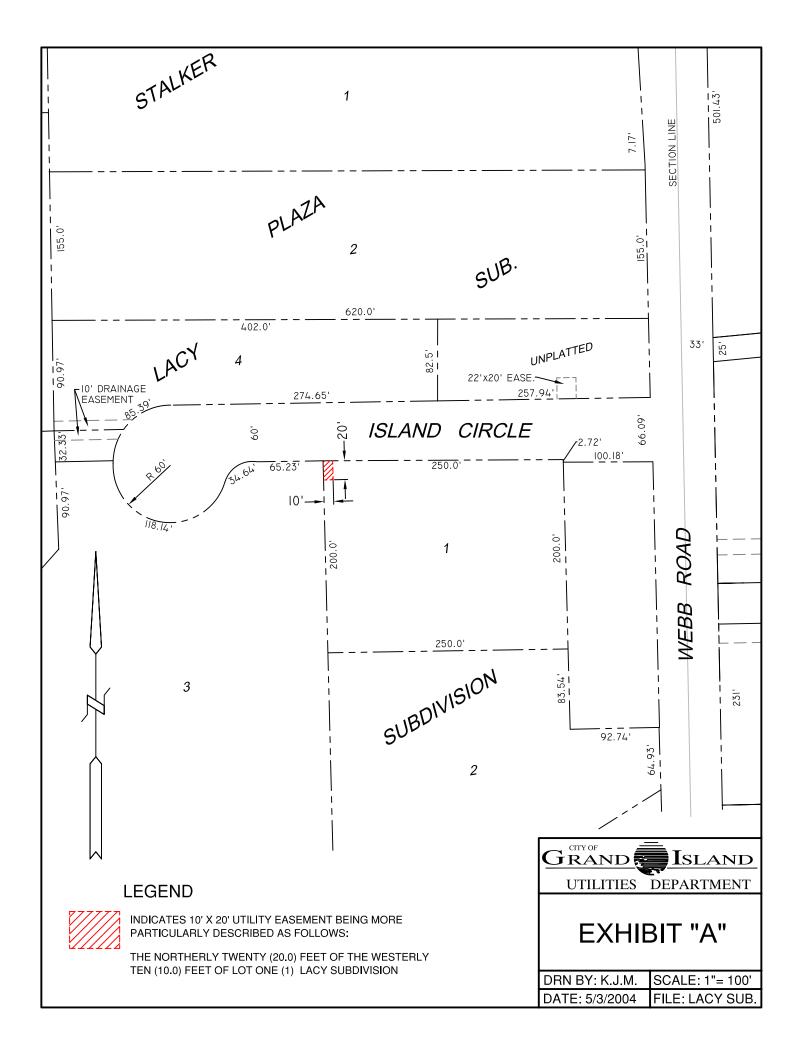
- 1. Approve the acquisition of the easements.
- 2. Deny the easements.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

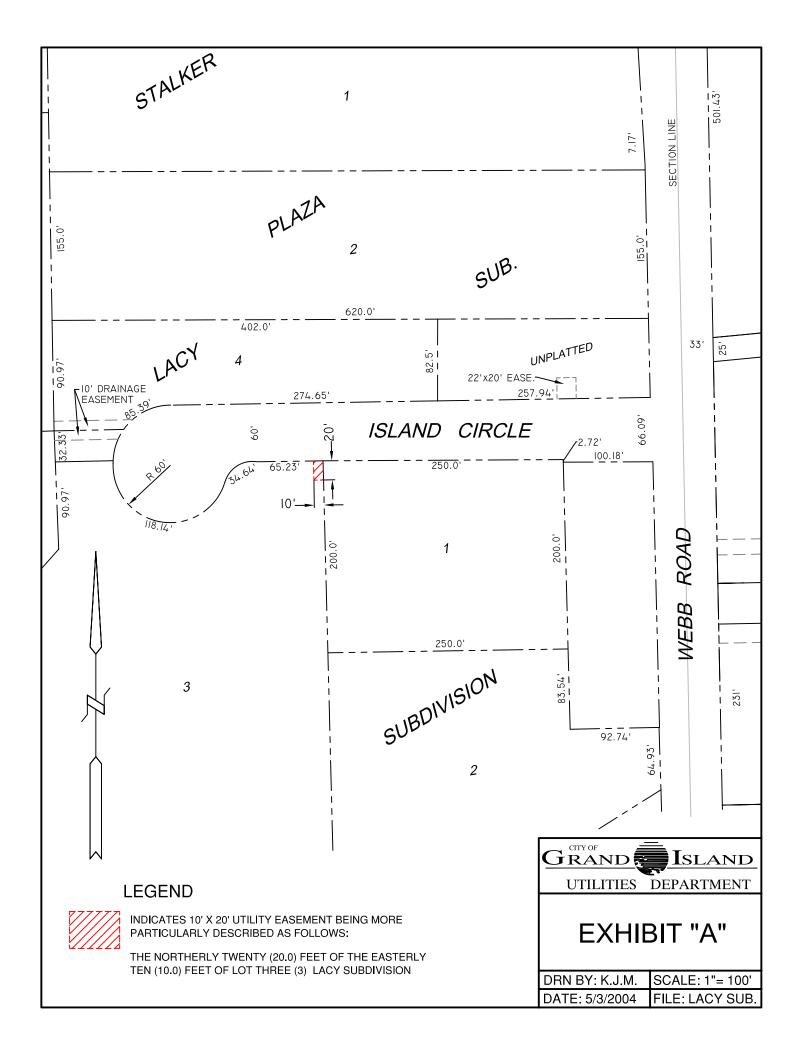
Recommendation

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.







Tuesday, May 25, 2004 Council Session

Item E6

Public Hearing on Acquisition of Utility Easement - 1204 S. Locust - Zana

Staff Contact: Gary R. Mader

From:	Robert H. Smith, Asst. Utilities Director
Meeting:	May 25, 2004
Subject:	Acquisition of Utility Easement - 1204 S. Locust Street - Zana
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 James Scott Zana, located at 1204 S. Locust Street (Arby's Restaurant), 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

The new easement will be used to relocate the electrical feed to the transformer that supplies electricity to Arby's from the north across the property to the west along the south side of the property.

Alternatives

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

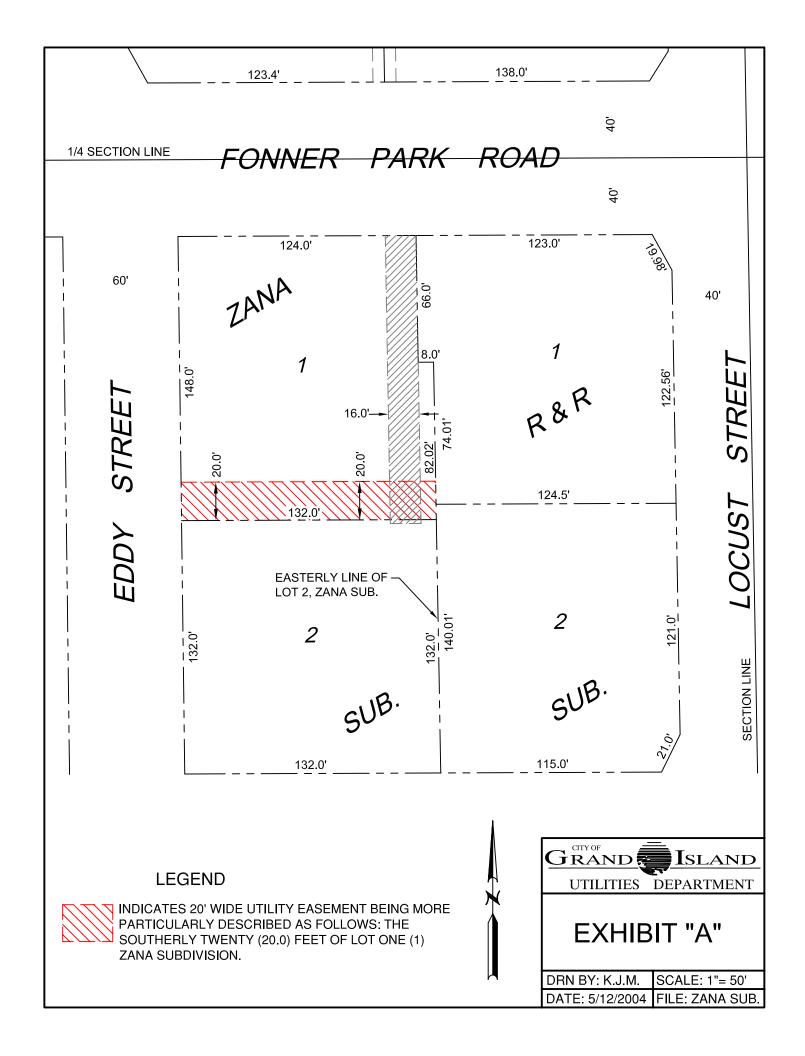
- 1. Approve the acquisition of the new easement.
- 2. Deny the easement acquisition.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

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.





Tuesday, May 25, 2004 Council Session

Item E7

Public Hearing on Acquisition of Real Estate Described as Block 77, Original Town, East of Sycamore Street and North of First Street

Staff Contact: Doug Walker

From:	Douglas R. Walker, City Attorney
Meeting:	May 25, 2004
Subject:	Public Hearing on the Acquisition of Block 77, Original Town of Grand Island
Item #'s:	E-7 and G-10
Presenter(s):	Douglas R. Walker, City Attorney

Background

The City has contacted Rudolph Plate, the owner of the South Half of Block 77 in the Original Town of Grand Island, which is located north of First Street and east of Sycamore Street and across the street east of City Hall to ascertain if he is interested in selling this real estate. In 2000, the city commissioned an appraisal and considered purchasing this property for municipal purposes.

When negotiations took place in 2000 the owner indicated that he would be willing to sell his property in three tracts. Tract I would be lots six and seven and the seller was willing to convey this property for \$50,000. This tract was appraised at \$40,000. A price of \$140,000 was negotiated for Tract II which is Lot 5 and was appraised at \$140,000. Mr. Plate was willing to sell Tract III, for \$180,000 and this property was previously appraised at \$185,000. The total price negotiated in 2000 for these properties was \$370,000 and the appraised value was \$365,000. If the Council decides to proceed with the acquisition of this property the appraisals will need to be revised to reflect current valuation for the property which will probably increase in value during the last four years.

The City has not previously contacted the owners of the North Half of the block. Acquisition of this real estate in addition to the South Half would enhance the development of the entire block and give the City more flexibility in utilizing the real estate. If the Council decides to proceed with the acquisition of this real estate, an appraisal will be necessary. Subsequent Council approval of real estate purchase agreements with the property owners will be also be necessary if the property is acquired through negotiations. Before the City can acquire the property a public hearing is necessary for the purpose of seeking Council approval for proceeding with the acquisition of the real estate. Item G-11 on the Agenda is a resolution authorizing the City to proceed with acquisition of this property through a negotiated purchase or through condemnation if necessary.

Discussion

The City is interested in purchasing this real estate for the following reasons:

- 1. The purchase of this property and the demolition and removal of these structures will clear a blighted area next to City Hall.
- 2. Allows for further expansion of the government center which solidifies Grand Island's downtown.
- 3. Provides land for expansion of parking around City Hall or for the construction of new facilities.

For the above mentioned reasons, City Administration is seeking City Council approval of the resolution for the acquisition of the South Half of the block east of City Hall.

<u>Alternatives</u>

After the public hearing, it appears that the Council has the following alternatives concerning the issue at hand. The Council may:

- 1. Approve the resolution authorizing the City to acquire this real estate.
- 2. Disapprove or /Deny the resolution authorizing the acquisition of the real estate.
- 3. Modify the resolution to meet the wishes of the Council
- 4. Table the issue

Recommendation

City Administration recommends that the Council approve the resolution authorizing the City to acquire the above referenced real estate.

Sample Motion

Approve the resolution authorizing the acquisition of Block 77, Original Town of Grand Island, Hall County, Nebraska.



Tuesday, May 25, 2004 Council Session

Item F1

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

Staff Contact: Doug Walker

From:	Douglas R. Walker, City Attorney
Meeting:	May 25, 2004
Subject:	Revisions to Nuisance Ordinances
Item #'s:	F-1
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 littler, 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 <u>code violation</u> 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 <u>or Code Compliance Officer</u> or his/her designee, that there exists upon such lot or parcel of ground such nuisance, the Health Director <u>or Code Compliance Officer</u> or 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 <u>by first-class mail, postage prepaid and</u> 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 <u>or the Code Compliance Officer</u> or 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 <u>or Code Compliance Officer</u> 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 <u>or Code Compliance Officer</u> shall request the Mayor to declare that such an

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney

ORDINANCE NO. 8903 (Cont.)

immediate public nuisance exists, and after any such declaration, the Health Director <u>or Code Compliance Officer</u> 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 <u>or Code Compliance Officer</u> 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 <u>unlicensed junked</u> or inoperable vehicles: (1) <u>Unlicensed Vehicle Junked Vehicle</u> 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 or valid in transit stickers.

(2) *Building* means a structure with four walls and a roof erected in compliance with the city building codes.

(3) <u>Storage</u> means placement, maintenance, or keeping for any length of time in excess of seventy-two hours.

(3)(4) <u>Wrecked</u> 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) <u>Dismantled</u> 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) <u>Inoperable</u> 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. <u>Inoperable shall include totally or partially wrecked or dismantled vehicles</u>.

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

read as follows:

§17-40. Unlicensed or InoperableJunked Vehicles; Public Nuisances

The <u>placement storage</u> of any <u>unlicensed or inoperable junked</u> 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. Placement Storage of Unlicensed or InoperableJunked Vehicles

<u>Unlicensed or inoperable</u> <u>Junked</u> vehicles and vehicle parts, whether junked, salvaged, or new, may be <u>placed</u> 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 <u>unlicensed or inoperable_junked</u> vehicles, such as an automotive body shop, so long as the <u>unlicensed or inoperable_junked</u>-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 <u>unlicensed or inoperable_junked</u>-vehicles and <u>vehicle_junked</u>-parts are removed from the premises-<u>within fourteen days of becoming_junked</u>; provided, that <u>unlicensed or inoperable_junked</u>-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 <u>unlicensed or inoperable junked</u> 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 <u>Unlicensed or Inoperable</u>Junked Vehicles

(A) The chief of police or any police supervisor may cause the removal of any <u>unlicensed or inoperable junked</u> 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 <u>unlicensed or</u> 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 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F2

#8905 - Consideration of Vacation of Utility Easement - 1204 S. Locust - Zana

Staff Contact: Gary R. Mader

From:	Robert H. Smith, Asst. Utilities Director
Meeting:	May 25, 2004
Subject:	Vacation of Utility Easement - 1204 S. Locust Street - Zana
Item #'s:	F-2
Presenter(s):	Gary R. Mader, Utilities Director

Background

The Utilities Department needs to vacate an easement relative to the property of James Scott Zana, located at 1204 S. Locust Street (Arby's Restaurant), in the City Of Grand Island, Hall County, in order to allow a new building (Arby's Restaurant) to be constructed to replace the existing Arby's Restaurant. This vacation is at the request of the property owner.

Discussion

The property owner is willing to give a new easement and pay for the relocation of the underground cable and conduit to the existing transformer that feeds electricity to the existing building.

Alternatives

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

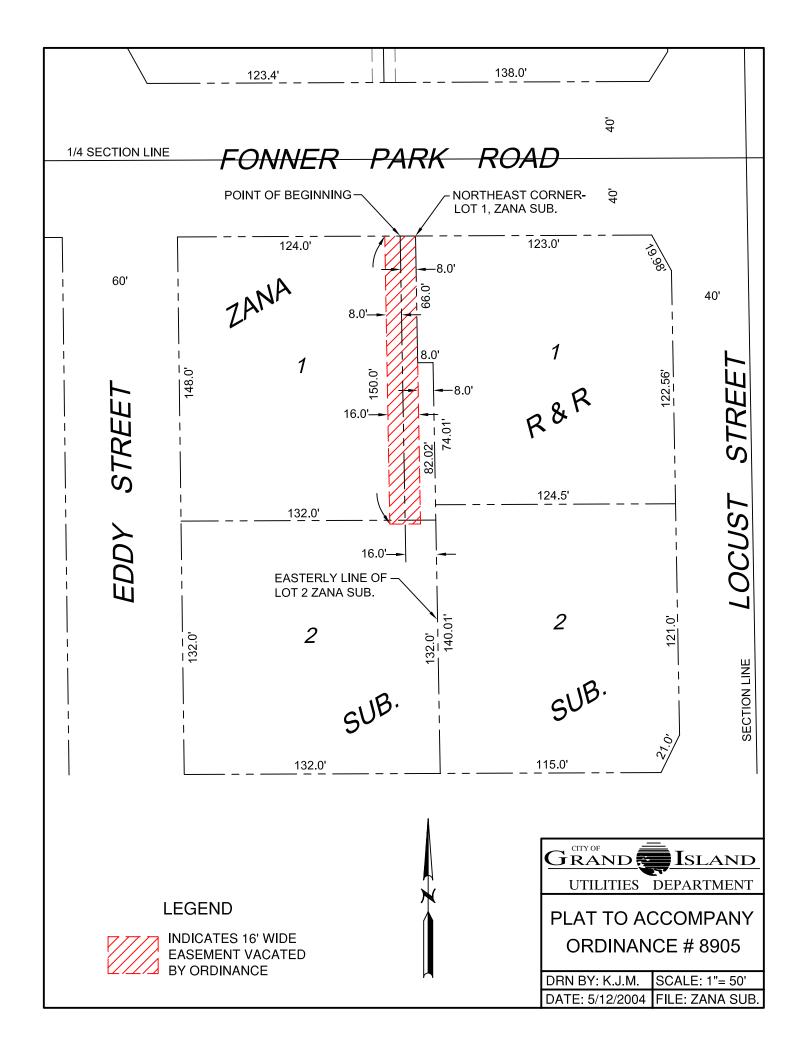
- 1. Approve the vacation of the utility easement.
- 2. Deny the easement vacation.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

City Administration recommends that the Council approve the resolution for the vacation of the easement.

Sample Motion

Approve the vacation of the Utility Easement.



* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8905

An ordinance to vacate an existing easement and right-of-way located in a part of Lot One (1) and Lot Two (2), Zana Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing sixteen (16.0) foot wide easement and right-of-way located in a part of Lot One (1) and Lot Two (2), Zana Subdivision in the city of Grand Island, Hall County, Nebraska, is hereby vacated. The centerline of the easement to be vacated being more particularly described as follows:

Referring to the northeast corner of Lot One (1) Zana Subdivision; thence westerly along the northerly line of said Lot One (1), a distance of Eight (8.0) feet to the Actual Point of Beginning; thence southerly, a distance of One Hundred Fifty (150.0) feet to a point Sixteen (16.0) feet west of the easterly line of Lot Two (2) Zana Subdivision; as shown on the plat dated May 12, 2004, attached hereto and incorporated herein by reference.

ORDINANCE NO. 8905 (Cont.)

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

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

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

Enacted: May 25, 2004.

Attest:

Jay Vavricek, Mayor

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F3

#8906 - Consideration of Creation of Street Improvement District 1252 for Lillie Drive from North Road to Mabel Drive, and Mabel Drive from Lillie Drive North to Edna Drive

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

From:	Steven P. Riehle, P.E., Director of Public Works
Meeting:	May 25, 2004
Subject:	Consideration of Creation of Street Improvement District No. 1252; Lillie Drive from North Road to Mabel Drive and Mabel Drive North to Edna Drive
Item #'s:	F-3
Presenter(s):	Steven P. Riehle, Director of Public Works

Background

Council action is needed to create a Street Improvement District. A petition was received from 8 residents on November 3, 2003, requesting the creation of a Street Improvement District on Lillie Drive and Mabel Drive. However, City staff recommended that a sanitary sewer district be created and passed before creating a paving district. On March 23, 2004 the City Council created Sanitary Sewer District 513, along Lillie Drive. The district passed and was approved for continuation at the May 11, 2004 council meeting. As a result of the creation and continuation of Sanitary Sewer District 513, City staff will proceed with the request to create a paving district along Lillie Drive and Mabel Drive. If the District is created, a notice will be mailed to all affected property owners and a 20-day protest period will begin. The City will bid, construct, and key special assessments for the work if the district passes the protest period. Special assessments would be levied to each property in the district.

Discussion

Lillie Drive and Mabel Drive, both located west of North Road and south of Old Potash Highway, are currently gravel roads. The residents have petitioned for the construction of an asphalt roadway in lieu of a concrete curb and gutter street. This would be similar to the construction requested by the residents along Edna Drive which is located in the immediate area. The district for Edna Drive, Street Improvement District 1250, was approved by Council on October 28, 2003, and the continuation of the district was approved on December 9, 2003.

A Resolution, approved by Council on April 20, 1992, allows gravel roads to be hard paved without curb and gutter if the segment of the road is surrounded by unpaved roads or by paved roads without curb, gutter, or storm sewer. Because North Road is an asphalt roadway without curb and gutter and the other streets in the area are gravel, Lillie Drive and Mabel Drive meet the conditions of this Resolution. The asphalt roadway in this district would be 24 feet wide.

Alternatives

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

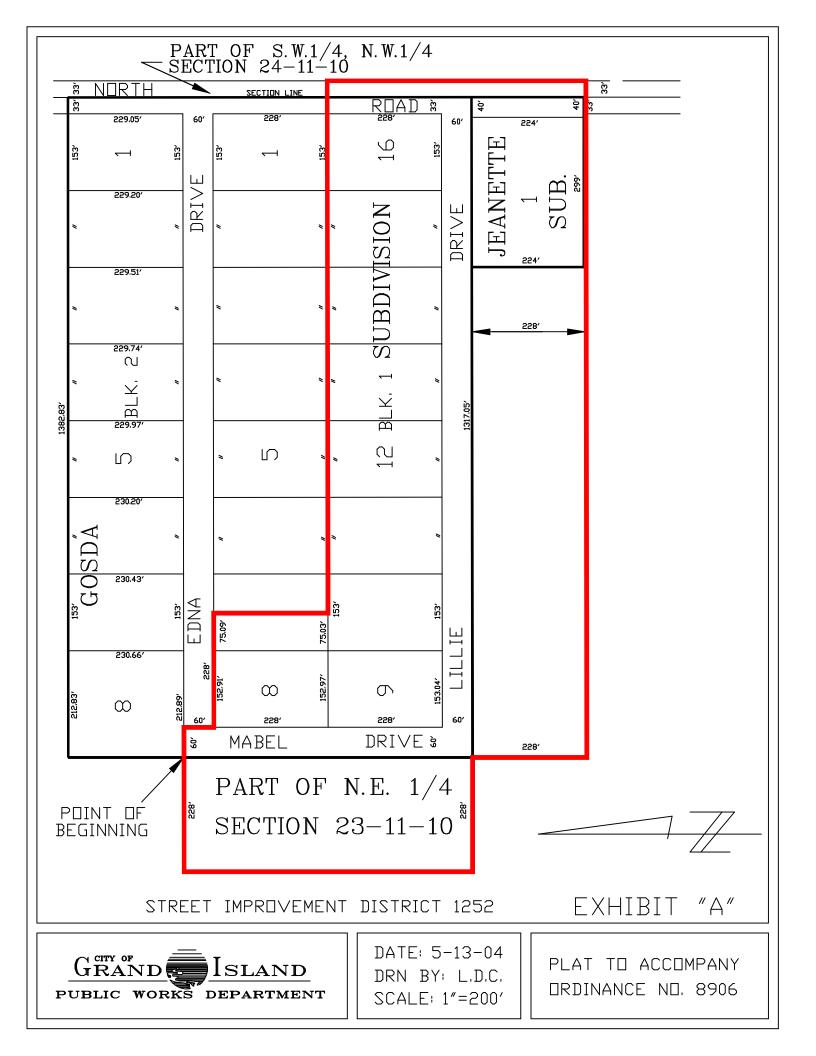
- 1. Approve the creation of Street Improvement District 1252.
- 2. Disapprove or/Deny the creation of the district.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

City Administration recommends that the Council approve the creation of Street Improvement District 1252 along Lillie Drive and Mabel Drive.

Sample Motion

Move to approve the creation of Street Improvement District 1252.



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ORDINANCE NO. 8906

An ordinance to create Street Improvement District No. 1252; to define the boundaries of the district; to provide for the improvement of a street within the district by paving, curbing, guttering, storm drainage, sidewalks, and other incidential work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Street Improvement District No. 1252 in the City of Grand Island,

Nebraska, is hereby created.

SECTION 2. The boundaries of the district shall be as follows:

Beginning at the southwest corner of Lot Eight (8), Block Two (2) Gosda Subdivision; thence east on the south line of Lot Eight (8), Block Two (2) Gosda Subdivision a distance of Sixty (60.0) feet; thence south on a prolongation of the east line of Mabel Drive to the south line of Edna Drive; thence east on the south line of Edna Drive for a distance of Two Hundred Twenty Eight (228.0) feet; thence south on a line Two Hundred Twenty Eight (228.0) feet east of and parallel to the east line of Mabel Drive to the north line of Lot Ten (10), Block One (1) Gosda Subdivision; thence east on the north line of Lots Ten (10), Eleven

ORDINANCE NO. 8906 (Cont.)

(11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16), Block One (1) Gosda Subdivision and a prolongation thereof to the east line of North Road; thence south on the east line of North Road to a point where a prolongation of a line Two Hundred Twenty Eight (228.0) feet south of Lillie Drive intersects; thence west on a line Two Hundred Twenty Eight (228.0) feet south and parallel to the south line of Lillie Drive to a point where a prolongation of the west line of Mabel Drive intersects; thence north on a prolongation of the west line of Mabel Drive for a distance of Two Hundred Twenty Eight (228.0) feet to the south line of Lillie Drive; thence west on a prolongation of the south line of Lillie Drive for a distance of Two Hundred Twenty Eight (228.0) feet; thence north on a line Two Hundred Twenty Eight (228.0) feet west of and parallel to the west line of Mabel Drive to a point where a prolongation of the north line of Edna Drive intersects; thence east on said prolongation for a distance of Two Hundred Twenty Eight (228.0) feet to the point of beginning, as shown on the plat dated May 13, 2004, marked Exhibit 'A", attached hereto and incorporated herein by reference.

SECTION 3. The following street in the district shall be improved by paving and

other incidental work in connection therewith:

Mabel Drive between Edna Drive and Lillie Drive, and Lillie Drive from Mabel Drive to North Road, in the City of Grand Island, Hall County, Nebraska.

Said improvements shall be made in accordance with plans and specifications

approved by the Engineer for the City of Grand Island.

SECTION 4. All improvements shall be made at public cost, but the cost thereof

shall be assessed upon the lots and lands in the district specially benefited thereby as provided by

law.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the

office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its

passage and publication, without the plat, as provided by law.

ORDINANCE NO. 8906 (Cont.)

SECTION 7. After passage, approval and publication of this ordinance, without

the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

Enacted: May 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F4

#8908 - Consideration of Assessments for Water Main District No. 444 - Mary Lane Subdivision

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

Staff Contact: Gary R. Mader

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8908

An ordinance to assess and levy a special tax to pay the cost of construction of Water Main District No. 444 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land specifically benefited, for the purpose of paying the cost of construction of said water main in said Water Main District 444, as adjudged by the Mayor and Council of said City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and lands as follows:

<u>Name</u>	Description	<u>Assessment</u>
Charles & Mary Fox	Lot 2, Marylane Subdivision	3,958.74
Jerry & Rosalie Florez	Lot 3, Marylane Subdivision	3,958.74

ORDINANCE NO. 8908 (Cont.)

Neal & Sondra Schroder	Lot 4, Marylane Subdivision	3,958.74
Lyle & Judith Maye Tibbs	Lot 5, Marylane Subdivision	3,958.74
Ronald & Delores Tenski	Lot 6, Marylane Subdivision	3,958.74
Jeffrey & Cynthia Hayes	Lot 7, Marylane Subdivision	3,958.74
Kenneth & Christine Durano	Lot 8, Marylane Subdivision	3,958.74
Jeffrey & Gina Baldwin Irvin & Mary Ann Baldwin	Lot 9, Marylane Subdivision	3,958.74
Keith & Joey Ruff	Lot 10, Marylane Subdivision	3,958.74
David Green & Ellen Nelson-Green	Lot 11, Marylane Subdivision	4,026.15
Kenneth & Vera Henman	Lot 12, Marylane Subdivision	3,809.89
Matthew & Lori Beiber	Lot 13, Marylane Subdivision	3,307.62
Matthew & Lori Beiber	Lot 14, Marylane Subdivision	3,088.98
Timothy & Susan Pfeifer	Lot 15, Marylane Subdivision	4,756.71
Gregory & Penny Post	Lot 16, Marylane Subdivision	3,958.74
Dale & Sharon Huffman	Lot 17, Marylane Subdivision	3,958.74
Andrew & Joan Schwan	Lot 18, Marylane Subdivision	3,958.74
Charles & Loretta Roehrich	Lot 19, Marylane Subdivision	3,958.74
Terry & Lori Jepson	Lot 20, Marylane Subdivision	3,958.74
Elaine & Steven Makham	Lot 21, Marylane Subdivision	3,958.74
Vincent & Cynthia Luhn	Lot 22, Marylane Subdivision	3,958.74
Dennis & Cheryl Harder	Lot 23, Marylane Subdivision	3,958.74
TOTAL		\$86,287.93

SECTION 2. The above-identified assessments have been paid in full by New Holland of North America, Inc. pursuant to an agreement dated October 21, 2003. No further amounts are due and owing by the property owners identified above with respect to Water Main District No. 444.

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 8908 (Cont.)

SECTION 4. 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 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F5

#8909 - Consideration of Assessments for Sidewalk District No. 1, 2003; Various Locations Throughout Grand Island

This item relates to the aforementioned Board of Equalization Item No. D-2 Staff Contact: Steven P. Riehle, P.E., Public Works Director *This Space Reserved for Register of Deeds *

ORDINANCE NO. 8909

An ordinance to assess and levy a special tax to pay the cost of construction of Sidewalk District No. 1, 2003 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the cost of construction of said Sidewalk District No. 1, 2003, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such improvement, after due notice having been given thereof as provided by law; and, a special tax for such cost of construction is hereby levied at one time upon the lots, tracts, and lands as follows:

ORDINANCE NO. 8909 (Cont.)

<u>Name</u>	Description	Assessment
Randall & Jordan Wenz	Lot 2, L-K Subdivision	1,456.84
Phylis Nurnberg	Lot 12, Block 2, Replat of Riverside Acres	1,646.04
Eugene Harnapp	Lot 23, Roush's Pleasantville Terrace Subdivision	340.56
Eugene Harnapp	Lot 25, Roush's Pleasantville Terrace Subdivision	1,002.76
Edwin Glen Ziska	Lot 2, Block 13, Scarff's Addition to West Lawn	1,892.00
Robert & Margarita Roberts	Lot 22, Block 3, Morris Second Addition	1,111.55
Patrick & Cathryn Roark	Lot 1, Morris Second Addition	1,064.25
Robert & Jane Pfeifer-Summers	Lot 27, Block 3, Blain Addition	728.42
Martin & Stephanie Bolles	Lot 22, Block 3, Blain Addition	454.08
Paddi Mack & Thomas Fieldgrove	Lot 8, Norwood Subdivision	690.58
Norberto & Anna Nalasco	Lot 8, Block 3, George Loans Subdivision	1,012.22
Jose Antonio & Rosemary Flores	Lot 1, Block 3, George Loans Subdivision	1,229.80
Myrtle Grimminger	Lot 8, Block 6, George Loans Subdivision	
TOTAL		\$13,839.98

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in ten days after the date of this levy; one-seventh in one year; one seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; and one-seventh in six years. Each of said installments, except the first, shall draw interest at the rate of seven percent per annum from the time of such levy until they shall become delinquent. After the same becomes delinquent, interest at the rate of fourteen percent per annum shall be paid thereon until the same is collected and paid.

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

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Sidewalk District Assessment Fund" for Sidewalk District No. 1, 2003.

ORDINANCE NO. 8909 (Cont.)

SECTION 5. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: May 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F6

#8910 - Consideration of Imposing an Additional One-Half Percent Sales Tax

Staff Contact: Doug Walker

Council Agenda Memo

From:	Douglas R. Walker, City Attorney
Meeting:	May 25, 2004
Subject:	Ordinance Imposing an Additional One-Half Percent Sales Tax
Item #'s:	F-6
Presenter(s):	Douglas R. Walker, City Attorney

Background

At the May 11, 2004, primary election, the voters of Grand Island approved a one-half percent sales tax in addition to the current one percent sales tax currently in effect. Part of the process of implementing the sales tax is the passage of an ordinance by the city to impose the tax which has been approved by the voters.

Discussion

The Nebraska statutes require that a municipality which passes a local option sales tax to pass an ordinance imposing the tax. Once the ordinance has passed it is then subsequently forwarded to the tax commissioner for the state of Nebraska for the sales tax to be administered. The Nebraska statutes further require that the tax will not commence until the first day of the next calendar quarter which is at least 120 days following receipt by the tax commissioner of a certified copy of the municipal ordinance imposing the tax. Passing the ordinance is required to implement the sales tax once it has been approved by the voters and is a ministerial duty of the municipality.

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 proposed ordinance to meet the wishes of the Council
- 4. Table the issue.

Recommendation

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

Sample Motion

Approve the ordinance imposing additional one-half percent sales tax.

ORDINANCE NO. 8910

An ordinance to adopt an additional one-half (1/2) cent sales and use tax in the City of Grand Island, Hall County, Nebraska; to provide for filing with the Nebraska Tax Commissioner a certified copy of this Ordinance, a certified map of the City of Grand Island, a certified copy of the election results and a statement from the Hall County Election Commissioner indicating that this issue has not been voted on during the last six months; and; 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. By reason of the approval of the voters of the City of Grand Island at the primary election held in the City on May 11, 2004, Grand Island does hereby impose a sales and use tax of one-half of one percent upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time, and such sales and use tax shall be in addition to the one percent sales and use tax imposed by the City in Ordinance No. 7600 and the administration of such sales and use taxes shall be by the Nebraska Tax Commissioner pursuant to Neb. Rev. Stat. §77-27,143.

SECTION 2. The sales and use tax imposed by this Ordinance shall commence on the first day of the next calendar quarter which is at least one hundred twenty days following receipt by the Tax Commissioner of a certified copy of this Ordinance as set forth in Neb. Rev. Stat. §77-27,143.

SECTION 3. One-half of the proceeds of the sales and use taxes imposed by this Ordinance shall be used to reduce the real property taxes imposed by the City and one-half of the

ORDINANCE NO. 8910 (Cont.)

proceeds shall be used to fund capital improvements including but not limited to fire department facilities, police department facilities, library facilities, parks and recreation facilities, senior citizen/Grand Generation Center facilities and infrastructure.

SECTION 4. By reason of the approval of the voters of the City of Grand Island at the primary election held on May 11, 2004, the City of Grand Island shall increase its budgeted restricted funds for fiscal year 2004-2005 and subsequent years by \$4,500,000 over the current year's restricted funds.

SECTION 5. After passage and adoption of this Ordinance, the City Clerk is hereby directed to mail a certified copy of this Ordinance together with a certified map of the City of Grand Island, a certified copy of the election results and a statement from the Hall County Election Commissioner indicating that this issue has not been voted on and failed within the prior twenty-three months preceding the election to the Nebraska Tax Commissioner.

SECTION 6. This Ordinance shall be in full force and take effect, from and after its passage, approval and publication as provided by law.

Enacted: May 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F7

#8911 - Consideration of Request to Rezone 67 Acres North of Capital Avenue and East of Independence Avenue from TA-Transitional Agriculture to R1-Suburban Density Residential and R2-Low Density Residential

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

Staff Contact: Chad Nabity

ORDINANCE NO. 8911

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising a part of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section Two (2), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the city of Grand Island, Hall County, Nebraska, from TA-Transitional Agricultural Zone to R1-Suburban Residential Zone and R2-Low Density Residential Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-7; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on May 5, 2004, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to

the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on May 25, 2004, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tracts of land are hereby rezoned and reclassified and

changed from TA-Transitional Agricultural Zone to R1-Suburban Residential Zone:

A tract of land consisting of part of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section 2, Township 11 North, Range 10 West of the 6th P.M., City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Tract No. 1:

Commencing at the northwest corner of said W1/2, SE1/4, said point also being the Point of Beginning; thence on an assumed bearing of

ORDINANCE NO. 8911 (Cont.)

S89°08'04"E along the north line of said W1/2, SE1/4 a distance of 1313.53 feet to the northeast corner of said W1/2, SE1/4; thence S00°16'04"W along and upon the east line of said W1/2, SE1/4 a distance of 466.59 feet; thence N89°52'13"W a distance of 1312.30 feet; thence N00°07'47"E along east R.O.W. line of Independence Avenue a distance of 483.46 feet to the point of beginning. Said tract contains 14.32 acres more or less; AND

Tract No. 2:

Commencing at the northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of said Section 2, said point also being the Point of Beginning; thence on an assumed bearing of s00°15'02"W along the east line of said W1/2, SE1/4 a distance of 938.12 feet; thence N88°44'38"W a distance of 335.09 feet; thence N00°07'47"E a distance of 931.53 feet; thence S89°52'13"E a distance of 337.00 feet to the point of beginning. Said tract contains 7.21 acres, more or less.

SECTION 2. The following tract of land is hereby rezoned and reclassified and

changed from TA-Transitional Agricultural Zone to R2-Low Density Residential Zone:

A tract of land consisting of part of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section 2, Township 11 North, Range 10 West of the 6^{th} P.M., City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Commencing at the northwest corner of said W1/2, SE1/4; thence on an assumed bearing of S00°07'47" W a distance of 483.46 feet to a point on the east right-of-way line of Independence Ave nue, said point also being the Point of Beginning; thence S89°52'13"E a distance of 1312.30 feet; thence S00°16'04"W along and upon the east line of said W1/2, SE1/4 a distance of 848.85 feet to the northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 2; thence N89°52'13"W a distance of 337.00 feet; thence S00°07'47"W a distance of 931.53 feet; thence N88°44'38"W a distance of 226.55 feet; thence N00°59'45"E a distance of 29.80 feet; thence N88°34'31"W a distance of 747.39 feet to a point on the west line of said W1/2, SE1/4, said line also being the east right-of-way line of Independence Avenue; thence N00°07'47"E along said east R.OW. line a distance of 1729.24 feet to the point of beginning. Said tract contains 45.62 acres more or less.

ORDINANCE NO. 8911 (Cont.)

SECTION 3. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-7 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 4. 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 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item F8

#8912 - Consideration of Annexation of Property South of Airport Road and East of Shady Bend Road being Platted as Frauen Subdivision (First Reading)

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

Staff Contact: Chad Nabity

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8912

An ordinance to annex Frauen Subdivision into the City of Grand Island; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, Karen Frauen, a single person, as owner, has caused to be laid out into lots, a tract of land comprising a part of the West Half of the Northwest Quarter (W1/2, NW1/4) of Section One (1), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, under the name of FRAUEN SUBDIVISION, which is proposed to be an addition to the City of Grand Island; and

WHEREAS, after public hearing on May 5, 2004, the Regional Planning Commission recommended the approval of annexing such addition into the City of Grand Island; and

WHEREAS, after public hearing on May 25, 2004, the City Council found and determined that such annexation be approved.

ORDINANCE NO. 8912 (Cont.)

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

SECTION 1. That Frauen Subdivision is hereby annexed into the City of Grand Island, and shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the City of Grand Island

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

SECTION 3. 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 25, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item G1

Receipt of Official Documents - Hall County Election Commissioner Certificates of Election

The Certificates of Election for the May 11, 2004 Primary Election are submitted. See attached certificates.

Staff Contact: RaNae Edwards

Hall County Election Commissioner Dale M. Baker

CERTIFICATION CITY OF GRAND ISLAND

STATE OF NEBRASKA)) ss COUNTY OF HALL)

I, Dale M Baker, Election Commissioner in and for the County of Hall in the State of Nebraska, do hereby certify the City of Grand Island in the County of Hall has not submitted the question of imposing or increasing a sales tax to the voters in the City of Grand Island anytime within the 23 months prior to May 11, 2004.

IN TESTIMONY WHEREOF I have hereunto set my hand and have caused to be affixed hereto the seal on my office, in the City of Grand Island, County of Hall, State of Nebraska, this 17th day of May 2004.

Dale M. Baker Election Commissioner Hall County, Nebraska



Hall County Administration Building * 121 South Pine Street * Grand Island, NE 68801 Phone 308-385-5054 * Jax 308-385-5071 * e-mail: daleb@hcgi.org * Website: www.hallcountry.org

Hall County Election Commissioner Dale M. Baker



State of Nebraska County of Hall

To: Grand Island City Clerk

I, the undersigned, being the Election Commissioner of Hall County, Nebraska, do hereby certify the following is a true and complete extract (or copy) of the abstract of the votes cast at the election held **Tuesday, May 11, 2004**, in this County as canvassed by the canvassing board if this County, with respect to the candidates, measures, propositions, and issues therein listed; and do further certify that to the best of my knowledge such ballots, including absentee ballots, have been voted, counted and canvassed in the manner provided by the law.



Dale M. Baker, Election Commissioner

Candidates and Offices, Measurers Propositions and Issues	Votes Cast		
City of Grand Island, Nebraska Sales and Use Tax Proposal			
For the proposal	3,453		
Against the proposal	3,219		

Hall County Administration Building ★ 122 South Pine Street ★ Grand Island, 35E 68802 Phone 308-385-5054 ★ Jax 308-385-5071 ★ e-mail: dalebiohcgi.org ★ Website: warw.hallcountry.org

NUMBERED KEY CANVASS		Hall Co May 11	punty Nebraska			
UN DATE:05/13/04 08:55 AM		nay 11.	2004		REPORT-EL52	PAGE 0001
		WOTES	PERCENT			
RAND ISLAND SALES AND USE TAX	PROPOSAL	101100	1 LIVELIN	1		
Vote for 1						
01 = FOR the proposal		3.453	51.75			
02 = AGAINST the proposal		3,219	48.25			

	01	02				

001 001 PRECINCT 1	36	53				
1002 002 PRECINCT 2	26	49				
1003 003 PRECINCT 3	51	76				
004 D04 PRECINCT 4	126	135				
005 D05 PRECINCT 5	126	151				
006 DD6 PRECINCT 6	106	98				
007 007 PRECINCT 7	95	118				
008 008 PRECINCT 8 009 009 PRECINCT 9	111	85				
010 010 PRECINCT 10	42	38				
011 011 PRECINCT 11		115				
012 012 PRECINCT 12	166 131	124				
013 013 PRECINCT 13		97				
014 014 PRECINCT 14	176 125	101				
015 015 PRECINCT 15		166				
016 016 PRECINCT 16	68	84				
017 017 PRECINCT 17	95	104				
038 018 PRECINCT 18	158	155				
019 019 PRECINCT 19	44	65				
020 020 PRECINCT 20		133				
021 021 PRECINCT 21		110				
022 022 PRECINCT 22		135				
023 023 PRECINCT 23		122				
024 024 PRECINCT 24		112				
025 025 PRECINCT 25	104	95				
026 026 PRECINCT 26		142				
027 027 PRECINCT 27		169				
039 ABSENTEE		232				



Tuesday, May 25, 2004 Council Session

Item G2

Approving Minutes of May 11, 2004 City Council Regular Meeting

The Minutes of May 11, 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 May 11, 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 May 11, 2004. Notice of the meeting was given in the Grand Island Independent on May 5, 2004.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nicerkson, Cornelius, Hornady, Walker, and Haase. Councilmember Pauly was 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.

<u>PLEDGE OF ALLEGIANCE</u> was said followed by the <u>INVOCATION</u> given by Reverend Clyde Masten, First Baptist Church, 811 West 10th Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

- 1. No Study Session on Tuesday, May 18, 2004
- 2. Ladies in Red Campaign for Heart Disease Poster
- 3. Primary Election and the importance of voting

PRESENTATIONS AND PROCLAMATIONS:

<u>Proclamation 'Employee Health and Fitness Week' May 16-22, 2004.</u> The Mayor proclaimed the week of May 16-22, 2004 as "Employee Health and Fitness Week". Colleen Babcock representing the Central District Health Department, Jenny Rousch from St. Francic, and Penny Morgan from Chief Industries were present to receive the proclamation.

<u>Proclamation 'Emergency Medical Services Week' May 16-22, 2004.</u> The Mayor proclaimed the week of May 16-22, 2004 as 'Medical Services Week''. Emergency Management Director Howard Maxon was present to receive the proclamation.

<u>Recognition of Therese Muchow, Emergency Management Coordinator for 25 Years Service</u> <u>with the City.</u> The Mayor and City Council recognized Therese Muchow, Emergency Management Coordinator for 25 Year of Service with the City. Ms. Muchow was present to receive the service award. <u>Presentation by Youth Leadership Tomorrow:</u> Joni Kuzma, Development Specialist and several Community Youth Council students and Jennifer Worthington, Executive Director for Youth Leadership Tomorrow and several Youth Leadership Tomorrow students and were present to update the Mayor and Council on activities attended over the last year. The Mayor presented certificates to the senior CYC students.

PUBLIC HEARINGS:

Public Hearing on Request of A. Meier, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 for a Class 'C' Liquor License. City Clerk RaNae Edwards reported that A. Meier, Inc. dba Bandits, 1016 Diers Avenue, Suite 188 had applied for a Class 'C' liquor license. Submitted was an application with the City Clerk's Office which allowed for the sale of alcohol on and off sale only within the corporate limits of the City. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City Clerk on April 21, 2004; notice to the applicant of date, time and place of hearing mailed April 21, 2004; notice to the general public of date, time and place of hearing published on May 1, 2004; and Chapter 4 of the City Code. No public testimony was heard.

<u>Public Hearing on Request of Greg Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Catering Liquor License.</u> City Clerk RaNae Edwards reported that Greg Penner dba Fine Liquors located at 1939 North Broadwell Avenue had applied for a Catering liquor license. Submitted was an application with the City Clerk's Office for a Class Catering Liquor License which allowed for the delivery, selling or dispensing of alcoholic liquors at a location designated on a Special Designated License. Fine Liquor currently holds a Class "D" Liquor 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 28, 2004; notice to the applicant of date, time and place of hearing mailed April 29, 2004; notice to the general public of date, time and place of hearing mailed April 29, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Richard & Kimberly Wiseman dba Grand Island Liquor Mart, 710 North Diers Avenue for a Catering Liquor License. City Clerk RaNae Edwards reported that Richard & Kimberly Wiseman dba Grand Island Liquor Mart located at 710 North Diers Avenue had applied for a Catering liquor license. Submitted was an application with the City Clerk's Office for a Class Catering Liquor License which allowed for the delivery, selling or dispensing of alcoholic liquors at a location designated on a Special Designated License. Grand Island Liquor Mart currently holds a Class "C" Liquor 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 29, 2004; notice to the applicant of date, time and place of hearing mailed April 29, 2004; notice to the general public of date, time and place of hearing published on May 1, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3554 West Stolley Park Road. (Central Nebraska Humane Society, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3554 West Stolley Park Road 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 add new underground cable and a pad-mounted transformer to serve the new business, Standard Iron. No public testimony was heard.

<u>Public Hearing on Acquisition of Utility Easement Located at 2818 South Locust Street. (Alpha Corporation)</u> Gary Mader, Utilities Director reported that acquisition of a utility easement located at 2818 South Locust Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to add underground cable and a pad-mounted transformer to serve the new Alltel tower and related equipment. No public testimony was heard.

<u>Public Hearing on Acquisition of Utility Easement Located at the Southeast Corner of Locust</u> <u>Street and Stolley Park Road. (Platte Valley State Bank and Trust Company)</u> Gary Mader, Utilities Director reported that acquisition of a utility easement located at the southeast corner of Locust Street and Stolley Park Road was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to construct a water main from South Locust through Equestrian Meadows Subdivision and tie into the water main in Stolley Park Road. No public testimony was heard.

<u>Public Hearing on Acquisition of Utility Easements at the Southeast Corner of Locust Street and</u> <u>Stolley Park Road. (Equestrian Meadows LLC)</u> Gary Mader, Utilities Director reported that acquisition of a utility easement located at the southeast corner of Locust Street and Stolley Park Road was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to construct a water main from South Locust through Equestrian Meadows Subdivision and tie into the water main in Stolley Park Road. No public testimony was heard.

ORDINANCES:

It was noted that Ordinance #8903 was pulled from the agenda to a future meeting.

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

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:

#8902 – Consideration of Vacating Washington Street from Oklahoma Avenue to Phoenix Avenue
#8904 – Consideration of Amending Chapter 32 of the Grand Island City Code Relative to Solicitor, Street, and Food Vendor Permits

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of these ordinances on first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Hornady seconded the motion. Upon roll call vote, all voted aye. Motion adopted. Mayor: Is there any one in the audience interested in these Ordinances? Public Works Director Steve Riehle explained the vacation of Washington Street and Executive Assistant Paul Briseno updated the council on changes to the Solicitor, Street and Food Vendor Permits. No public comment was heard.

City Clerk: Ordinances #8902 and #8904 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 #8902 #8904 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 #8902 and #8904 are declared to be lawfully passed and adopted upon publication as required by law.

<u>CONSENT AGENDA</u>: Motion by Pielstick, second by Hornady, to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

<u>Receipt of Official Documents – Pawnbroker's Official Bonds for Wayne's Pawn Shop, G.I.</u> Loan Shop, and Stewart's Loan and Pawnshop.

Approving Minutes of April 27, 2004 City Council Regular Meeting. Councilmembers Hornady and Cornelius abstained.

<u>Approving Minutes of May 4, 2004 City Council Study Session</u>. Councilmembers Meyer and Hornady abstained.

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

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

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

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

<u>#2004-99 – Approving Final Plat and Subdivision Agreement for Summerfield Estates Fourth</u> <u>Subdivision.</u> It was noted that Little B's Corporation, owner, had submitted the final plat for Summerfield Estates Fourth Subdivision, located north of 13th Street and west of North Road for the purpose of creating 30 lots. <u>#2004-100 – Approving Final Plat and Subdivision Agreement for Timberline Second</u> <u>Subdivision.</u> It was noted that Hehnson, L.L.C., owner, had submitted the final plat for Timberline Second Subdivision, located north of Old Highway 2 and west of Webb Road for the purpose of re-subdividing Lot 11 Timberline Subdivision into 6 lots.

<u>#2004-101 – Approving Final Plat and Subdivision Agreement for Terjak Subdivision.</u> It was noted that Carolyn A. Terjak, owner, had submitted the final plat for Terjak Subdivision, located south of Seedling Mile Road, between Wainwright and Main Street for the purpose of creating 2 lots.

#2004-102 – Approving Certificate of Final Completion for Athletic Field Grading Project with Hooker Brothers Construction of Grand Island, Nebraska.

<u>#2004-103 – Approving Certificate of Final Completion for Pistol Range Remediation at CHAAP with Jacobson Helgoth Consultants of Omaha, Nebraska.</u>

<u>#2004-104 – Approving Acquisition of Utility Easement Located at 3554 West Stolley Park</u> Road. (Central Nebraska Humane Society, Inc.)

<u>#2004-105 – Approving Acquisition of Utility Easement Located at 2818 South Locust Street.</u> (Alpha Corporation)

#2004-106 – Approving Acquisition of Utility Easement Located at the Southeast Corner of Locust Street and Stolley Park Road. (Platte Valley State Bank and Trust Company)

#2004-107 – Approving Acquisition of Utility Easement Located at the Southeast Corner Locust Street and Stolley Park Road. (Equestrian Meadows LLC)

<u>#2004-108 – Approving Renewal of Farm Leases.</u> It was noted that the Utilities, Public Works and Parks and Recreation Departments lease lands owned at the Platte Valley Industrial Park, Burdick Station, the Well Field, land north of the Wastewater Treatment Plant, the City Landfill and CHAAP for the following tenants: Larry Knuth, Mike Lilienthal, Kenneth Clausen, Jack Webb, Mike Peters, Gerald Bremer, Mark Pearson, Robert Nunnenkamp, and Matt Turek.

#2004-109 - Approving Bid Award for Truck Mounted Articulating Crane with Aspen Equipment Co. of Omaha, Nebraska in an Amount of \$146,755.00.

<u>#2004-110 – Approving Bid Award for Electrical Project 2004-TS-1 – Transformer storage Yard</u> <u>– Burdick Station Area with the Diamond Engineering Company of Grand Island, Nebraska in</u> <u>an Amount of \$154,226.29.</u>

#2004-111 – Approving Award of Proposal for Electric System Economic Evaluation and Rate Revision with Stanley Consultants, Inc. of Englewood, Colorado in an Amount not to exceed \$29,500.00.

#2004-112 – Approving Ag Deferral for Sanitary Sewer District No. 513. (Steven & Connie Asche)

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

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

#2004-115 – Approving Amendment to the Fee Schedule Relative to Solicitor and Street Vendors.

RESOLUTIONS:

<u>#2004-116 – Approving Continuation of Sanitary Sewer District No. 513, Gosda Subdivision</u> <u>Along Lillie Drive West of North Road.</u> Steve Riehle, Public Works Director reported that since Council approved the ag deferment for Steve and Connie Asche this district could be continued.

Motion by Cornelius, second Hornady, by to approve Resolution #2004-116. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Walker, carried unanimously to approve the Claims for the period of April 28, 2004 through May 11, 2004, for a total amount of \$2,263,184.51. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

RaNae Edwards City Clerk



Tuesday, May 25, 2004 Council Session

Item G3

Approving Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street for a Class "L" Liquor License

The item relates to the aforementioned Public Hearing Item E-3. Staff Contact: RaNae Edwards



Tuesday, May 25, 2004 Council Session

Item G4

Approving Request of Trevor Schabin, 317 West 28th Street, Kearney, Nebraska for Liquor Manager Designation for Thunderhead Brewing, 120 East 3rd Street

Staff Contact: RaNae Edwards

From:	RaNae Edwards, City Clerk
Meeting:	May 25, 2004
Subject:	Request of Trevor Schabin, 317 West 28 th Street, Kearney, Nebraska for Liquor Manager Designation for Thunderhead Brewing, 120 East 3 rd Street
Item #'s:	G-4
Presenter (s):	RaNae Edwards, City Clerk

Background

Trevor Schabin, 317 West 28th Street, Kearney, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "L" Liquor License for Thunderhead Brewing located at 120 East 3rd Street. 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 Trevor Schabin for Liquor Manager Designation in conjunction with the Class "L" Liquor License for Thunderhead Brewing, 120 East 3rd Street.
- 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 Trevor Schabin, 317 West 28th Street, Kearney, Nebraska for Liquor Manager Designation for Thunderhead Brewing, 120 East 3rd Street.



Tuesday, May 25, 2004 Council Session

Item G5

Approving Request of Rachel Anderson, 1502 Hope Street, Apt. #2, for Liquor Manager Designation for Garden Cafe/Tiffany's Lounge, 3333 Ramada Road

Staff Contact: RaNae Edwards

From:	RaNae Edwards, City Clerk
Meeting:	May 25, 2004
Subject:	Request of Rachel Anderson, 1502 Hope Street, Apt. 2 for Liquor Manager Designation for Garden Café/Tiffany's Lounge, 3333 Ramada Road
Item #'s:	G-5
Presenter(s):	RaNae Edwards, City Clerk

Background

Rachel Anderson, 1502 Hope Street, Apt. 2 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-56855" Liquor License for Garden Café/Tiffany's Lounge located at 3333 Ramada Road. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. All departmental reports have been received.

Alternatives

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

- 1. Approve the request of Rachel Anderson for Liquor Manager Designation in conjunction with the Class "C-56855" Liquor License for Garden Café/Tiffany's Lounge, 3333 Ramada Road.
- 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 Rachel Anderson, 1502 Hope Street, Apt. #2 for Liquor Manager Designation for Garden Café/Tiffany's Lounge, 3333 Ramada Road.



Tuesday, May 25, 2004 Council Session

Item G6

Approving Request of Richard Hartman for Two Conditional Use Permits for Sand and Gravel Operation Located at 3812 and 3630 South Blaine Street

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

Staff Contact: Craig Lewis



Tuesday, May 25, 2004 Council Session

Item G7

#2004-117 - Final Plat and Subdivision Agreement for Woodland Park First Subdivision

Staff Contact: Chad Nabity

From:	Regional Planning Commission	
Meeting:	May 25, 2004	
Subject:	Woodland Park First Subdivision - Final Plat	
Item #'s:	G-7	
Presenter(s):	Chad Nabity AICP, Regional Planning Director	

Background

This final plat proposes to create 20 lots on a parcel of land in the W ½ SE ¼ Section 2, Township 11, Range 10. North of Capital Avenue, between Independence Avenue and Northwest High School.

Discussion

This subdivision has been submitted in accordance with the approved preliminary plat. Staff has requested additional easements along the front of the lots to provide for utilities that will be located along the front lot lines. The developers have agreed to those easements.

The subdivision agreement will require the developers to provide temporary turn arounds at the end of both New Mexico and Texas Avenues. This will eliminate the possibility of dead end roads that cannot accommodate fire trucks.

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

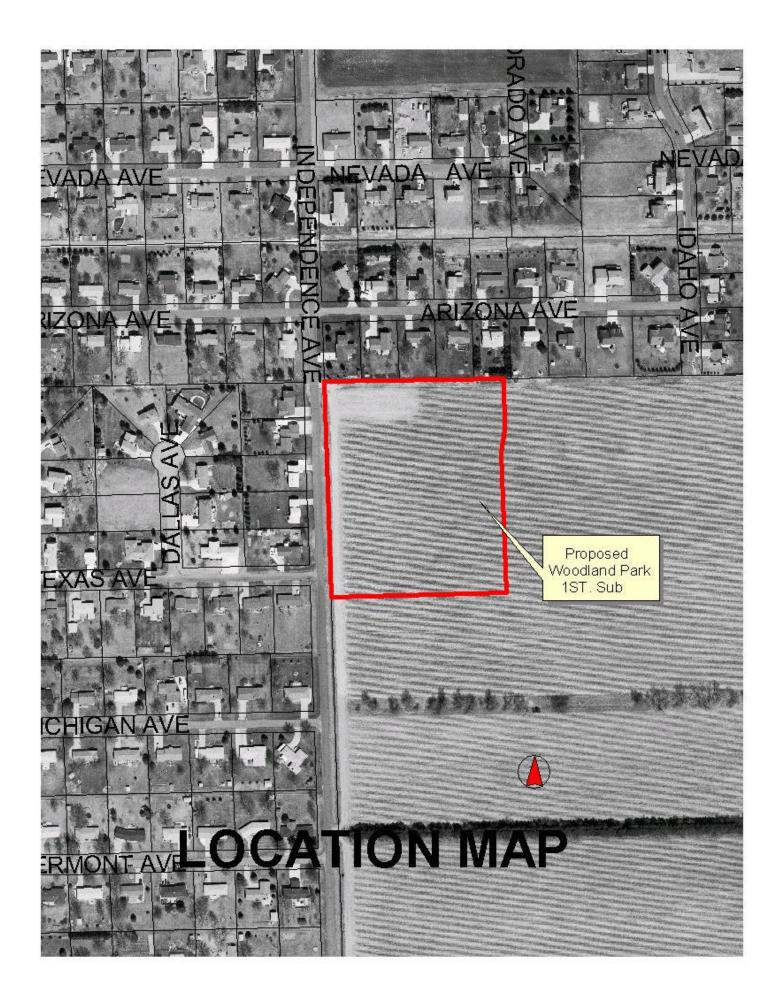
Recommendation

A motion was made by Amick and seconded by Wagoner to **approve** and recommend that the Grand island City Council **approve** the final plat of Frauen Subdivision an Addition to the City of Grand Island.

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 Woodland Park First Subdivision as presented.



RESOLUTION 2004-117

WHEREAS, Hastings Ventures, L.L.C., a limited liability company, as owner, has caused to be laid out into lots, a tract of land consisting of part of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section Two (2), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of WOODLAND PARK FIRST 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 WOODLAND PARK FIRST 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 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G8

#2004-118 - Approving Acquisition of Utility Easement - 524 S. Webb Road - Lacy Construction Company

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

Staff Contact: Gary R. Mader

RESOLUTION 2004-118

WHEREAS, public utility easements are required by the City of Grand Island, from Lacy Construction Company, f/k/a Lacy Building and Supply Company, Inc., a Nebraska corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 25, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot One (1) and Lot Three (3), Lacy 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:

The northerly twenty (20.0) feet of the westerly ten (10.0) feet of Lot One (1) Lacy Subdivision. The above-described easement and right-of-way contains a total of 200 square feet, more or less, as shown on the plat dated May 3, 2004, marked Exhibit "A", attached hereto and incorporated herein by reference.

Tract No. 2:

The northerly twenty (20.0) feet of the easterly ten (10.0) feet of Lot Three (3) Lacy Subdivision. The above-described easement and right-of-way contains a total of 200 square feet more or less, as shown on the plat dated May 3, 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 Lacy Construction Company, f/k/a Lacy Building and Supply Company, Inc., a Nebraska corporation, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item G9

#2004-119 - Approving Certificate of Final Completion and Setting Date of Board of Equalization Hearing for Street Improvement District 1248, Faidley Avenue from Moore's Creek to Diers Avenue

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

From:	Steven P. Riehle, P.E., Director of Public Works	
Meeting:	May 25, 2004	
Subject:	Certificate of Final Completion for Street Improvement District 1248, Faidley Avenue from Moore's Creek to Diers Avenue	
Item #'s:	G-9	
Presenter(s):	Steven P. Riehle, Director of Public Works	

Background

The contract for Street Improvement District 1248 was awarded to The Diamond Engineering Company of Grand Island, NE on February 10, 2004. Work commenced on March 1, 2004 and was completed on May 5, 2004.

Discussion

The work for Street Improvement District 1248 has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The project was completed on schedule at a construction price of \$94,132.79. Total cost of the project, including contract administration, is \$103,546.07. The majority of costs for this project will be assessed to the adjacent properties. Costs for the project break down as follows:

Original Bid	\$ 91,047.03
Overruns	\$ 3,085.76
Sub Total (Construction Price)	\$ 94,132.79
Additional Costs	
Engineering and Publication Costs	\$ 9,413.28
Total Cost	\$ 103,546.07

Alternatives

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

- 1. Approve the Certificate of Final Completion.
- 2. Disapprove or/Deny the Certificate of Final Completion.
- 3. Modify the Certificate of Final Completion to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

City Administration recommends that the Council approve the Certificate of Final Completion for Street Improvement District 1248 and set the Board of Equalization date of June 22, 2004.

Sample Motion

Move to approve the Certificate of Final Completion and set the Board of Equalization hearing for Street Improvement District 1248.

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

STREET IMPROVEMENT DISTRICT 1248

CITY OF GRAND ISLAND, NEBRASKA MAY 25, 2004

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

This is to certify that construction of STREET IMPROVEMENT DISTRICT NO. 1248, has been fully completed by The Diamond Engineering Co. of Grand Island, NE under the contract dated February 27, 2004. The construction of this street improvement district has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work regarding this Street Improvement project is hereby accepted for the City of Grand Island, Nebraska, by me as Director of Public Works in accordance with the provisions of Section 16-650 R.R.S., 1943.

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

Item		Total	Unit	Total
No.	Description	Quantity	Price	Cost
	-			
1.	9" PCC Pavement	3174.4 s.y.	27.50	87,296.00
2.	6" PCC Integral Curb	1340.9 l.f.	1.15	1,542.04
3.	Concrete Header	41.0 l.f.	21.30	873.30
4.	Type "D" Mod. Inlet	2.0 ea	1,255.00	2,510.00
5.	15" RCP Cls. III	52.5 ea	21.70	1,139.25
6.	Remove Conc. Header	58.0 l.f.	3.40	197.20
7.	Remodel Junction Box	1.0 ea	575.00	575.00
	TOTAL CONSTRUCTION CO	DST		\$ 94,132.79
LESS AMOUNT PREVIOUSLY PAID TO CONTRACTOR (\$ 89,426.16)				
	BALANCE DUE TO CONTRA	CTOR THIS F	FINAL PAYME	NT \$ 4,706.63
	Engineering and Publication Cost	s - City		\$ 9,413.28

<u>District No. 1248</u> is located along Faidley Avenue from Morre's Creek to Diers Avenue

Average front foot cost based on Front Foot Method	\$ 72.70
Amount Assessable to Property Owners	\$ 99,849.46
City Cost	\$ 3,696.60

Respectfully submitted,

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

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May 25, 2004

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

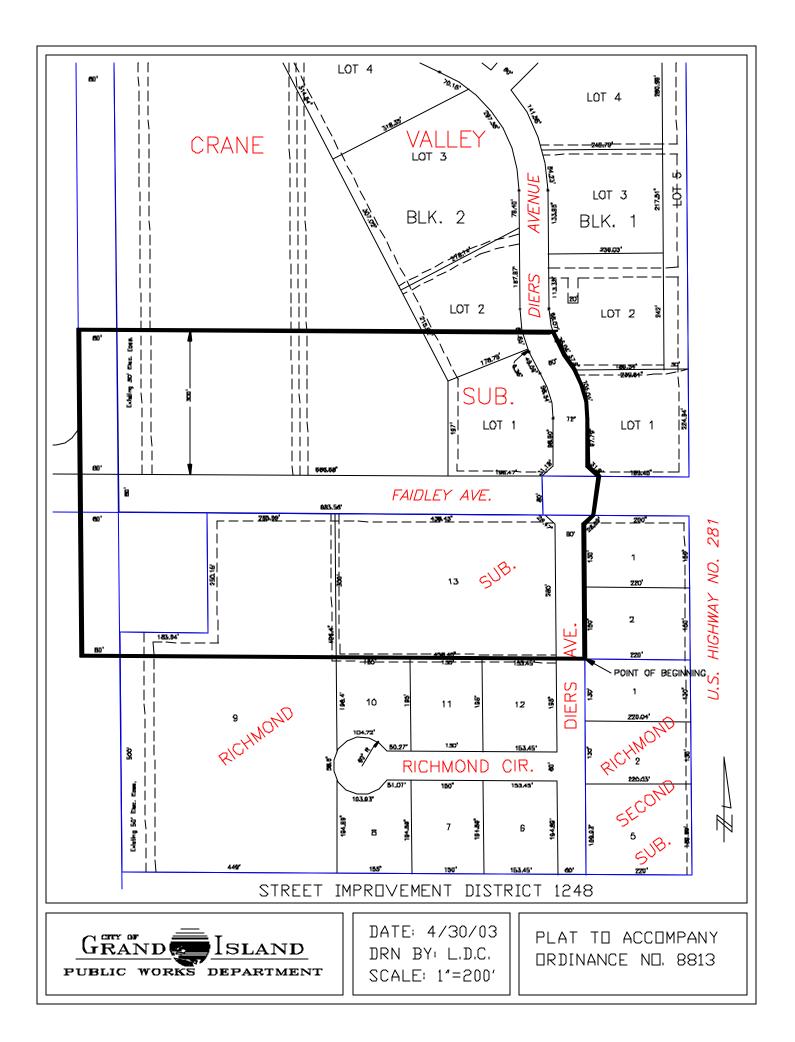
I hereby recommend that the Engineer's Certificate of Final Completion for the Street Improvement District No. 1248, be approved and a warrant be issued from Account No. 40033525-90049 in the amount of \$4,706.63 payable to The Diamond Engineering Co. for the amount due to the contractor.

I further recommend that the Costs of Engineering be credited to Account No. 100.130.04516 from Account No. 40033525-90049 in the amount of \$9,413.28.

I further recommend that the City Council sit as the Board of Equalization on June 22, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek Mayor



RESOLUTION 2004-119

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Street Improvement District No. 1248, certifying that the Diamond Engineering Company of Grand Island, Nebraska, under contract dated February 27, 2004, has completed such project according to the terms, conditions, and stipulations for such improvements; and

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

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

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

- 1. The Public Works Director's Certificate of Final Completion for Street Improvement District No. 1248, is hereby confirmed.
- 2. A warrant be issued from Account No. 40033525-90049 in the amount of \$4,706.63 payable to the Diamond Engineering Company for the total amount due the contractor.
- 3. The costs of engineering and publication costs in the amount of \$9,413.28 be credited to Account No. 100.130.04516 from Account No. 40033525-90049.
- 4. The City Council will sit as a Board of Equalization on June 22, 2004 to determine benefits and set assessments for Street Improvement District No. 1248.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item G10

#2004-120 - Approving Authorization and Condemnation of Real Estate Described as Block 77, Original Town, East of Sycamore Street and North of First Street

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

Staff Contact: Doug Walker

RESOLUTION 2004-120

WHEREAS, the City is interested in acquiring property from Rudolph F. Plate and Jeannice R. Plate, husband and wife, Donna M. Douthit, and Wilhelm R. Gulzow for the purpose of constructing public facilities and infrastructure; and

WHEREAS, a public hearing was held on May 25, 2004, for the purpose of discussing the proposed acquisition of real property legally described as Lots One (1) through Eight (8) [inclusive], Block Seventy Seven (77), Original Town now City of Grand Island, Hall County, Nebraska; and

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

WHEREAS, it may be necessary to resolve this matter through the commencement of eminent domain proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire the above-reference real estate from Rudolph F. Plate and Jeannice R. Plate, husband and wife, Donna M. Douthit, and Wilhelm R. Gulzow.

BE IT FURTHER RESOLVED, that if the acquisition of the above-described property cannot be successfully negotiated, that the City Attorney is hereby authorized and directed to commence condemnation proceedings on behalf of the City of Grand Island to acquire the property for the construction of public facilities and infrastructure.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G11

#2004-121 - Approving Bid Award - Water Main Distrusts 443 and 447T and Sanitary Sewer Districts 510 and 514

Staff Contact: Gary R. Mader; Steve Riehle; Dale Shotkoski

From:	Gary R. Mader, Utilities Director Steve Riehle, Public Works Director Dale Shotkoski, Asst. City Attorney/Purchasing
Meeting:	May 25, 2004
Subject:	Bid Award – Water Main Districts 443 and 447T Sanitary Sewer Districts 510 and 514
Item #'s:	G-11
Presente r(s):	Gary R. Mader, Utilities Director

Background

This is a combined contract between the Utilities Department and the Public Works Department, for the installation of water mains and sanitary sewer lines. The Districts were created by the Council to provide Municipal service to the properties along Independence Avenue, Shanna Street, Lariat Lane, Branding Iron Lane and Court, and 13th Street, within the American Independence Subdivision, Western Heights 4th and 5th Subdivision, Double R Subdivision, Bockmann 1st Subdivision, and part of Grand West Subdivision.

Attached for reference are copies of the Districts plat's showing the project area.

Discussion

To facilitate economical installation of the infrastructure, the Utilities Department and Public Works Department have solicited bids jointly for these projects. The water main / sanitary sewer construction contract would be awarded to a single bidder. The bid is to be awarded on the basis of the least total cost for all construction (water main plus sanitary sewer).

The bid package was submitted to four (4) potential general contractors, material suppliers, and local plan service agencies. The bids were publicly opened at 11:00 a.m. on May 13, 2004 in accordance with City Procurement Codes. Two bids were received and have been checked and evaluated. A tabulation of the bids is listed below:

Bidder:	Diamond Engineering Grand Island, NE	Starostka Group Unlimited, Inc. Grand Island, NE
Exceptions:	None	Yes – Completion dated 4/15/2005
Water Bid Pri Sewer Bid Pri Total Contrac	ce: <u>\$352,057.15</u>	\$ 88,400.72 <u>\$431,050.49</u> \$519,451.21

Alternatives

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

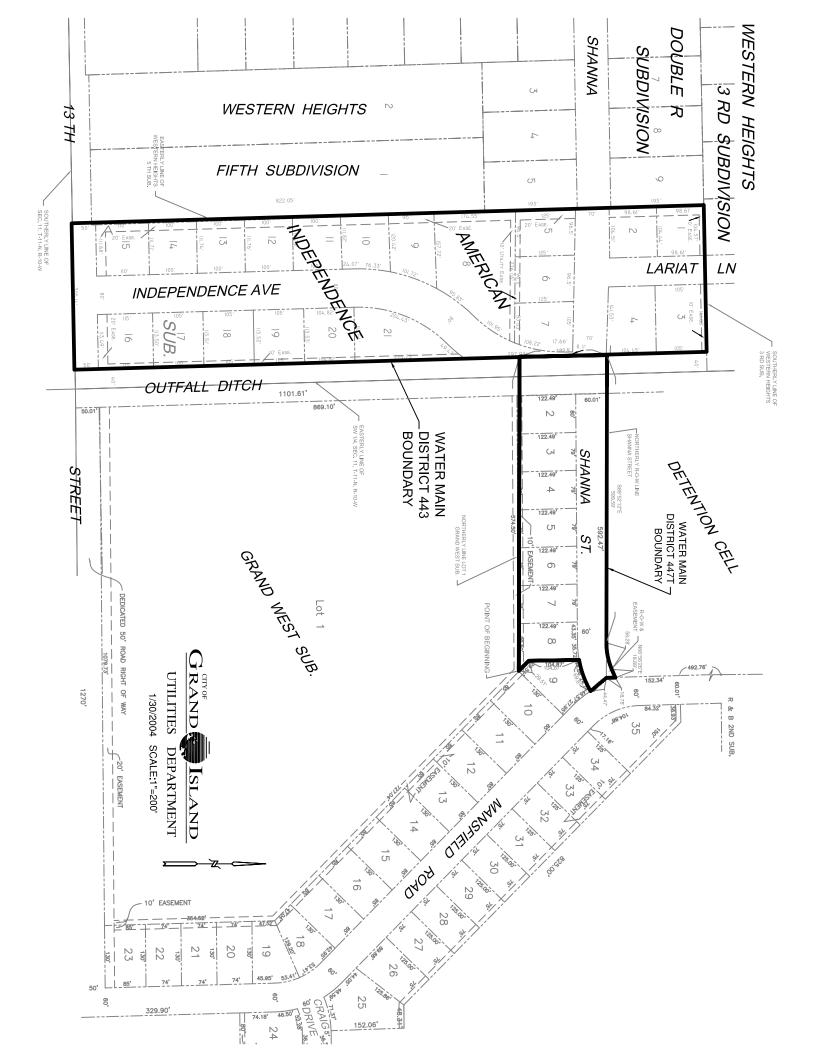
- 1. Approve the joint water sewer contract for Water Main Districts 443/447T and Sanitary Sewer Districts 510/514, to the low bidder.
- 2. Disapprove the contract
- 3. Modify the contract to meet the wishes of the Council
- 4. Table the issue.

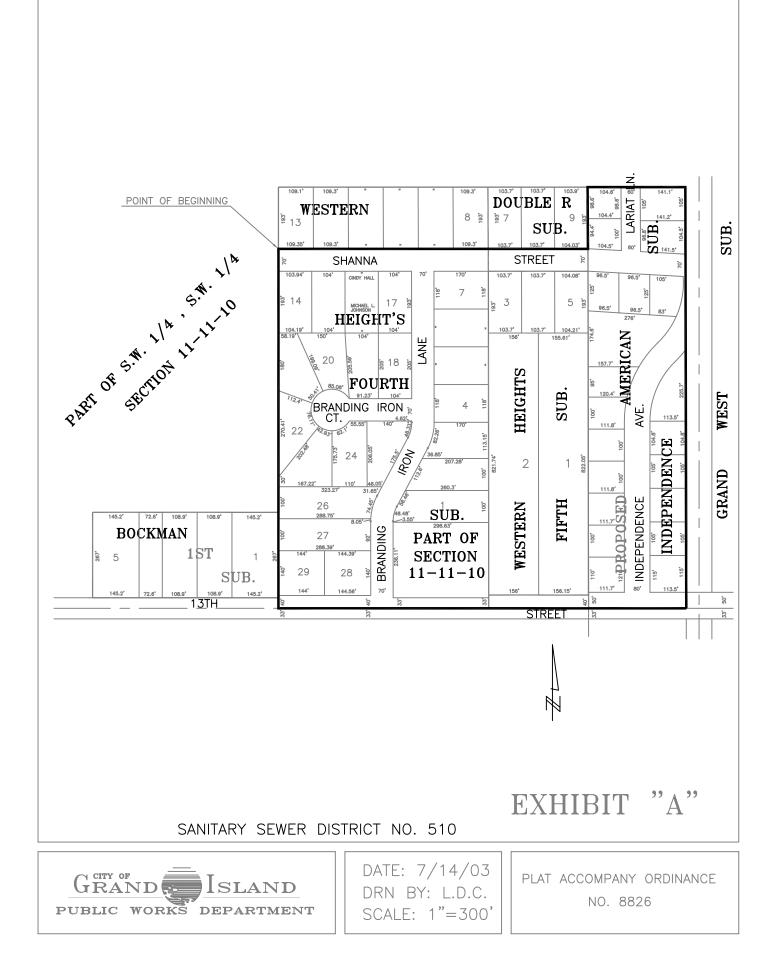
Recommendation

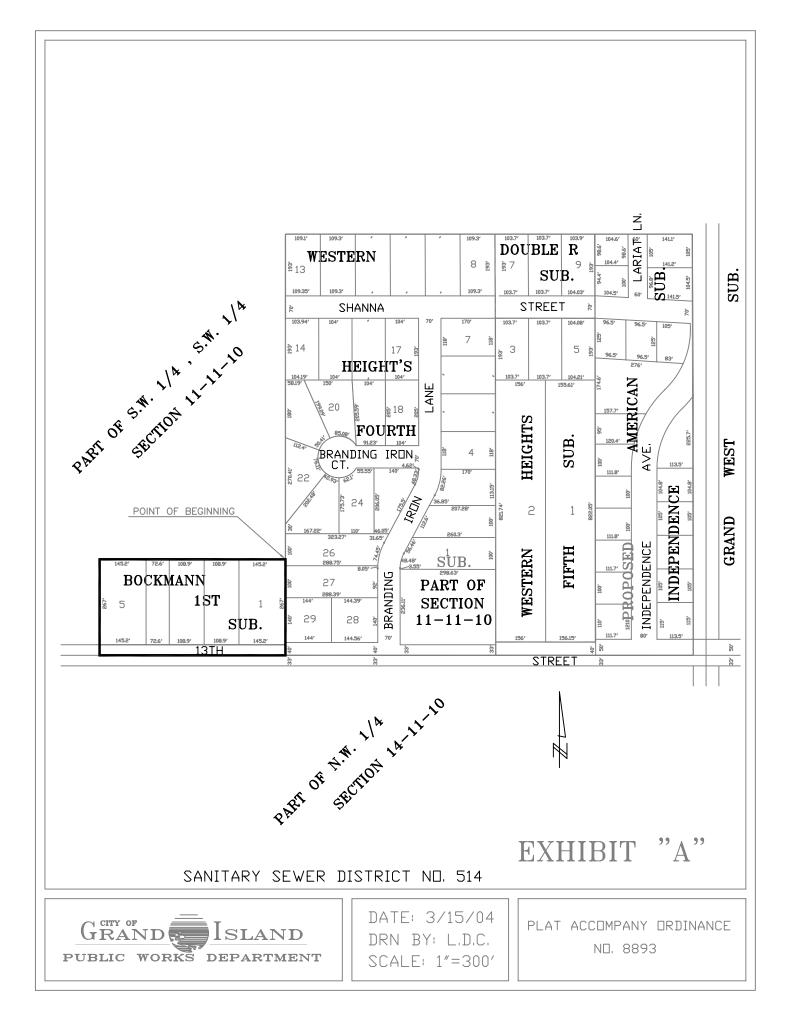
City Administration recommends that the Council award the joint contract for Water Main Districts 443/447T and Sanitary Sewer Districts 510/514 to the Diamond Engineering Company of Grand Island, NE, in the amount of \$441,916.60. The bid is complete and without exceptions.

Sample Motion

I move the bid award for Water Main Districts 443/447T and Sanitary Sewer Districts 510/514 be awarded to the Diamond Engineering Company of Grand Island, NE.







Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

Water

E525

FOR:Water Main Districts 443 & 447T and
Sanitary Sewer Districts 510 & 514

- DEPARTMENT: Utilities and Public Works
- ESTIMATE:
- \$499,199.65 Sewer

4

Water

\$140,000.00

April 29, 2004

- FUND/ACCOUNT:
- Sewer 5300053092-5213
- **PUBLICATION DATE:**
- NO. POTENTIAL BIDDERS:

SUMMARY

Bidder:	<u>Starostka Group</u>	
	Grand Island, NE	
Bid Security:	Merchants Bonding Co.	
Exceptions:	Noted	

<u>Diamond Engineering Co.</u> Grand Island, NE Travelers Casualty & Surety Co. None

Bid Price: \$519,451.21

\$441,916.60

cc: Gary Mader, Utilities Director Bob Smith, Assistant Utilities Director Ben Thayer, Waste Water Superintendent Gary Greer, City Administrator Laura Berthelsen, Legal Assistant

RESOLUTION 2004-121

WHEREAS, the City of Grand Island invited sealed bids for Water Main District Nos. 443 and 447T and Sanitary Sewer District Nos. 510 and 514, according to plans and specifications on file at the Utility Engineering Office at Phelps Control Center; and

WHEREAS, on May 13, 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 \$441,916.60; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$441,916.60 for Water Main District Nos. 443 and 447T and Sanitary Sewer District Nos. 510 and 514 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G12

#2004-122 - Approving Preliminary Feasibility Study to Intercept VOC Groundwater Contamination - Southwest Grand Island

Staff Contact: Gary R. Mader

From:	Gary R. Mader, Utilities Director
Meeting:	May 25, 2004
Subject:	Preliminary Feasibility Study to Intercept VOC Groundwater Contamination
Item #'s:	G-12
Presenter(s):	Gary R. Mader, Utilities Director

Background

The contamination plume of Volatile Organic Compounds (VOCs) discovered last year in the southwest area of the City remains in the groundwater and will continue to move with the groundwater flow. As a result of water and soil sampling by the City, NDEQ, and EPA, the boundaries of the contamination plume are generally known, and from that data it appears that three large municipal wells in the Parkview area are at risk of being contaminated by movement of the VOC contamination in a relatively short time frame. One municipal well in the area has already been abandoned due to the VOC contamination.

Discussion

Utilities Staff has discussed the possibility of installing a pumping system at the leading edge of the contamination plume to intercept the plume before it migrates to the remaining wells. But the Department does not have the computer systems or personnel to adequately assess the feasibility of such a system. Several years ago, a local engineering firm, Olsson Associates, developed a computer model of groundwater movement in several areas of the City, including Parkview, to evaluate dewatering to protect basements from high groundwater levels. That model would be useful, and is readily available, to take a first look at the feasibility of building a system to mechanically intercept the leading edge of the recently discovered VOC contamination plume. This preliminary feasibility study would use the existing model, modified for this project using existing data from the Utilities Department, NDEQ, and the Conservation and Survey Division to evaluate the feasibility of the plume intercept system.

It is not anticipated that this "first look" will provide firm answers. But it is hoped that we will develop direction to follow and have a much better feel for the feasibility and cost of such a system. Olsson Associates has provided a service contract for this Feasibility Study with a not to exceed price of \$7,500 for work authorized at this time.

Alternatives

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

- 1. Approve the award of the Feasibility Study contract to Olsson Associates.
- 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 award of the contract for the Preliminary Feasibility Study to Olsson Associates of Grand Island, Nebraska in an amount not to exceed \$7,500.

Sample Motion

I move to approve the award of the contract for the Preliminary Feasibility Study for Contamination Plume Intercept to Olsson Associates.

RESOLUTION 2004-122

WHEREAS, the City of Grand Island discovered last year a contamination plume of Volatile Organic Compounds (VOC) in the southwest area of the City; and

WHEREAS, as a result of water and soil sampling by the City, Nebraska Department of Environmental Quality and the Environmental Protection Agency, the boundaries of the contamination plume are generally known, and from that data it appears that three large municipal wells in the Parkview area are at risk of being contaminated by movement of the VOC contamination in a relatively short time frame; and

WHEREAS, it is vital that such contamination be intercepted before it migrates into the remaining municipal wells; and

WHEREAS, Olsson Associates of Grand Island, Nebraska, has developed a computer model of groundwater movement to evaluate dewatering to protect basement from high groundwater levels; and

WHEREAS, such computer model would be useful to determine the feasibility of building a system to mechanically intercept the leading edge of the VOC contamination plume; and

WHEREAS, the preliminary feasibility study would use the existing computer model, modified for this project using existing data from the Utilities Department, the Nebraska Department of Environmental Quality and the Conservation and Survey Division to evaluate the feasibility of the plume intercept system; and

WHEREAS, Olsson Associates has provided a service contract for this Feasibility Study for a not to exceed price of \$7,500 for work authorized at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Olsson Associates of Grand Island, Nebraska, is hereby authorized and approved to provide a Preliminary Feasibility Study for Contamination Plume Incept for an amount not to exceed \$7,500.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G13

#2004-123 - Approving Parkview Well for Superfund Site

Staff Contact: Gary R. Mader

From:	Gary R. Mader, Utilities Director
Meeting:	May 25, 2004
Subject:	Parkview Well – Superfund Listing
Item #'s:	G-13
Presenter(s):	Gary R. Mader, Utilities Director

Background

During the past several months, extensive measures have been taken to alleviate the public health concern resulting from the discovery of serious groundwater contamination by Volatile Organic Compounds (VOCs) in south and southwest Grand Island. In tracking the VOC contamination, private wells sampling and EPA testing with geoprobes were used. This effort was focused on public health. And while the data gathered was also very useful in determining the extent of contamination, additional work will be required to fully define the extent of the contamination plume and develop remediation design. The EPA Superfund program is specifically set up to accomplish that.

Discussion

City officials have met with EPA and NDEQ staff to determine the course of action required to include this area in the EPA National Priorities Listing for further work by the Superfund. The first step is for the Governor to place a formal written request to EPA for inclusion of the site in the Superfund program. To that end, a resolution from the City of Grand Island has been prepared requesting the Governor to initiate the process of Superfund listing.

Alternatives

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

- 1. Petition the Governor to list the site for Superfund consideration.
- 2. Do not petition for Superfund listing.
- 3. Table the issue.

Recommendation

City Administration recommends that the Council proceed to include the contamination area in the Superfund Program.

Sample Motion

I move to approve the resolution requesting the Governor to initiate Superfund Listing for the contamination area in south and southwest Grand Island.

pc: Bob Smith, Asst. Utilities Director Tim Luchsinger, Asst. Utilities Director Larry Keown, Superintendent, Burdick Dave Goosic, Water Superintendent Julie Frandsen, Utility Technician Laura Berthelsen, Legal Assistant

WHEREAS, the City of Grand Island has experienced a serious groundwater contamination problem, resulting in the abandonment of over 80 private domestic wells and a large capacity municipal well; and

WHEREAS, four additional municipal wells are in jeopardy of being lost for city supply as the contamination plume continues to move in the area aquifer; and

WHEREAS, the source of the contamination remains undetermined despite continued work with the Environmental Protection Agency, the Nebraska Department of Environmental Quality and an area business; and

WHEREAS, continued efforts must be pursued to determine the source of the contamination and develop remediation programs for the chemical plume; and

WHEREAS, the City of Grand Island is requesting that this area be designated as a Superfund Site under the federal Superfund program administered by the Environmental Protection Agency in order to make it eligible for continued investigation and remediation; and

WHEREAS, it is recommended that a petition be submitted to the Governor for the State of Nebraska requesting the Governor to list this area as the "Parkview Well Superfund Site."

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that due to the ongoing water contamination issue in the Parkview well area in Grand Island, which affects private and municipal water wells, the City of Grand Island supports the designation that such area be listed as the "Parkview Well Superfund Site", making it eligible for continued investigation and remediation.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to submit a petition on behalf of the City of Grand Island, to the Governor for the State of Nebraska requesting such site be designated as a Superfund site.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G14

#2004-124 - Approving Subordination Agreement for Home Rehabilitated with CDBG Funds

Staff Contact: Jeri Garroutte

Council Agenda Memo

From:	Jeri Garroutte, Community Development Director
Meeting:	May 25, 2004
Subject:	Subordination Agreement for Home that was Rehabilitated with CBDG (Community Development Block Grant) Funds
Item #'s:	G-14
Presente r(s):	Jeri Garroutte, Community Development Director

Background

The City of Grand Island has a real estate lien on property owned by Paul D. Allen and Jeanne E. Allen, husband and wife, 512 East 11th Street, legally described as Lot 8, Block 36, Wheeler's Addition. This lien in the amount of \$13,000. was filed on April 3, 1990 and is a result of the City's Rehabilitation Program. The owners are requesting permission to refinance their first mortgage at a lower interest rate.

Discussion

The City's current real estate lien is junior in priority to a Deed of Trust to United Nebraska Bank in the amount of \$35,000. By law, the new Deed of Trust would be junior in priority to the City's lien, however, the lender, United Nebraska Bank have asked the City to subordinate its real estate lien to the new Deed of Trust.

The new appraised value of the property is \$61,000 and is sufficient to secure the refinanced loan of \$36,250 and the City's loan of \$13,000. The City's loan of \$13,000 will be paid back to the City when the property changes ownership. Approval of the proposed Subordination Agreement, placing the City in the junior position to the new Deed of Trust, is recommended.

Alternatives

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

- 1. Approve the Subordination Agreement for Paul and Jeanne Allen
- 2. Disapprove or /Deny the Subordination Agreement
- 3. Modify the Subordination Agreement to meet the wishes of the Council
- 4. Table the issue

Recommendation

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

Sample Motion

Approve the Subordination Agreement for Paul D. and Jeanne E. Allen, placing the City in the junior position to the new Deed of Trust.

WHEREAS, the City of Grand Island, is the lender and secured party of a Real Estate Lien dated April 3, 1990 and recorded on September 13, 1990 as Instrument No. 90-105295 secured by property located at 512 East 11th Street and owned by Paul D. Allen and Jeanne E. Allen, husband and wife, said property being described as follows:

Lot Eight (8), Block Thirty Six (36), Wheeler's Addition to the City of Grand Island, Hall County, Nebraska.

WHEREAS, Paul D. Allen and Jeanne E. Allen, husband and wife, wish to execute a Deed of Trust and Note in the amount of \$36,250 with United Nebraska Bank to be secured by the above-described real estate; and

WHEREAS, the new lender, United Nebraska Bank, Beneficiary, wishes to extend the new loan secured by a Deed of Trust conditioned upon the City subordinating its Real Estate Liens to their lien priority; and

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

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

WHEREAS, Paul D. Allen and Jeanne E. Allen, husband and wife, agreed to a Subordination Agreement with the City on February 15, 2002 pertaining to their present financing against such property; and

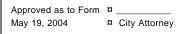
WHEREAS, such Subordination Agreement may be released with the approval and recording with the Hall County Register of Deeds of a subsequent Subordination Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute an agreement subordinating the lien priority of the above described Real Estate Liens from Paul D. Allen and Jeanne E. Allen, husband and wife, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of United Nebraska Bank, Beneficiary, as more particularly set out in the subordination agreement.

BE IT FURTHER RESOLVED, that the Subordination Agreement dated February 15, 2002 and recorded on March 4, 2002 as Instrument No. 0200202425, between the City of Grand Island and Paul D. Allen and Jeanne E. Allen, husband and wife, is hereby released.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.



RaNae Edwards, City Clerk

Approved as to Form	?
May 19, 2004	> City Attorney



Tuesday, May 25, 2004 Council Session

Item G15

#2004-125 - Approving Acquisition of Utility Easement - 1204 S. Locust - Zana

This item relates to the aforementioned Public Hearing Item E-6. Staff Contact: Gary R. Mader

WHEREAS, public utility easements are required by the City of Grand Island, from James Scott Zana, Trustee, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on May 25, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot One (1), Zana Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

The southerly twenty (20.0) feet of Lot One (1) Zana Subdivision. The above-described easement and right-of-way contains 0.061 acres, more or less, as shown on the plat dated May 12, 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 James Scott Zana, Trustee, on the above-described tract of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G16

#2004-126 - Approving Award of Contract for Phase I Environmental Assessment Report - 1219 W. North Front Street -Thompson Bldg., Utilities Dept.

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

From:	Gary R. Mader, Utilities Director Dale Shotkoski, Asst. City Attorney/Purchasing
Meeting:	May 25, 2004
Subject:	Award of Contract for Phase I Environmental Assessment Report – 1219 West North Front Street – Thompson Building
Item #'s:	G-16
Presenter(s):	Gary R. Mader, Utilities Director

Background

The Council approved the purchase of the building at 1219 West North Front Street (the old Thompson Building) for the use of the Underground Division of the Electric Department on March 23, 2004. The purchase offer is contingent upon a satisfactory Phase I Environmental Site Assessment Report and an inspection for the presence of asbestos. A Phase I Environmental Site Assessment Report is a background check of all of the known uses and owners of the property to determine if any environmental problems exist within the building or are causing problems with the surrounding area. A Phase I checks records, interviews past owners and conducts a walk through to determine possible environmental problems. An asbestos survey consists of an inspection and sampling of any suspicious materials within the building (e.g.: ceiling tile, insulation or floor tile) to test for the presence of asbestos.

The Utilities Department requested quotes from local vendors to perform a Phase I Environmental Assessment and Asbestos Survey in accordance with the City Purchasing Policy.

Discussion

The quotes received are as follows:

Milco Environmental Services of Kearney, NE (both Phase I & Asbestos Survey) \$2,200.00

Olsson Associates Of Grand Island & Lincoln, NE (Both Phase I & Asbestos Survey)	\$6,300.00
<i>GSI</i> of Grand Island, NE – Phase One Only Third Party Environmental	\$1,750.00
of Grand Island NE – Asbestos Survey Only TOTAL	<u>\$ 850.00</u> \$2,600.00

The lowest responsive bid was from MILCO Environmental Services of Kearney, NE. The Legal Department has reviewed and approved the proposed contract.

Alternatives

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

- 1. Approve the contract from MILCO Environmental Services.
- 2. Disapprove or /Deny the contract.
- 3. Modify the contract to meet the wishes of the Council.
- 4. Award to another bidder.
- 5. Table the issue.

Recommendation

City Administration recommends that Council approve the award of the contract for Phase I Environmental Assessment and Asbestos Inspection to MILCO Environmental Services, Inc. of Kearney, NE.

Sample Motion

Move to award the contract for Phase I Environmental Assessment and Asbestos Inspection to MILCO Environmental Services, Inc.

WHEREAS, on March 23, 2004, by Resolution 2004-58, the City Council of the City of Grand Island approved the acquisition of property at 1219 West North Front Street (the former Thompson Building) for the use of the Underground Division of the Electric Department; and

WHEREAS, such purchase is contingent upon a satisfactory Phase I Environmental Site Assessment Report and an inspection for the presence of asbestos; and

WHEREAS, the Utilities Department obtained quotes from local vendors to perform a Phase I Environmental Assessment and Asbestos Study; and

WHEREAS, MILCO Environmental Services of Kearney, Nebraska submitted a quote of \$2,200 to perform such services; and

WHEREAS, the proposed contract between the City and MILCO Environmental 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 MILCO Environmental Services of Kearney, Nebraska is hereby approved to complete a Phase I Environmental Assessment and Asbestos Study on the property located at 1219 West North Front Street for the amount of \$2,200; and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G17

#2004-127 - Approving Change Order#1 - Cooling Tower Fan Motor Control Equipment, Platte Generating Station - Crescent Electric

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

From:	Gary R. Mader, Utilities Director Dale Shotkoski, Asst. City Attorney/Purchasing
Meeting:	May 25, 2004
Subject:	Change Order #1 to Crescent Electric Supply Company for Cooling Tower Fan Motor Control Equipment - Platte Generating Station, Utilities Dept
Item #'s:	G-17
Presenter(s):	Gary R. Mader, Utilities Director

Background

To increase reliability and operating efficiency, the Utilities Department purchased new motor control centers equipped with variable frequency drives for the cooling tower fans at Platte Generating Station. Crescent Electric of Grand Island was awarded the contract for this project on July 22, 2003, in the amount of \$122,035.40.

Discussion

The attached proposed Change Order #1 credits this project for correction of tax rate calculations and final billing in the amount of \$1,141.43, for a final contract price of \$120,893.97. The tax rate included in the original bid was in error.

Alternatives

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

- 1. Approve Change Order #1 to the Cooling Tower Fan Motor Control Equipment Contract.
- 2. Disapprove or /Deny the Change Order to the Cooling Tower Fan Motor Control Equipment Contract.
- 3. Modify the Change Order to the Cooling Tower Fan Motor Control Equipment Contract to meet the wishes of the Council.
- 4. Table the issue.

Recommendation

The Utilities Department recommends authorizing Change Order #1 to the Cooling Tower Fan Motor Control Equipment project at the Platte Generating Station for a reduction to the contract price in the amount of \$1,141.43.

Sample Motion

Approve Change Order #1 to the Cooling Tower Fan Motor Control Equipment Contract.



CHANGE ORDER NO. 1

TO: Crescent Electric Supply Company 1024 W.N. Front Street PO Box 489 Grand Island, NE 68802-0489

PROJECT: Platte Generating Station Cooling Tower Fan Variable Frequency Drive – Contract Change You are hereby directed to make the following change in your contract.

1. Credit project for incorrect tax calculations and final bill.

ADD:	and DELETE: \$	\$ 1,141.43
The original Contract Sum		\$ 122,035.40
Previous Change Order Amounts:		\$ -
The Contract Sum is decreased by the Change Order # 1		\$ 1,141.43
The total modified Contract sum to date		\$ 120,893.97

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

APPROVED: CITY OF GRAND ISLAND
By:______ Date: ______
Mayor
Attest:______ Attest: ______ Approved as to Form, City Attorney
ACCEPTED: Crescent Electric
By:_____ Date: _____

WHEREAS, on July 8, 2003, by Resolution 2003-200, the City of Grand Island awarded the bid for Motor Control Equipment to Crescent Electric of Grand Island, Nebraska; and

WHEREAS, an error was noted in the tax rate included in the original, approved bid; and

WHEREAS, Change Order No. 1 will authorize a credit of \$1,141.43 with respect to the tax rate, resulting in a revised contract price of \$120,893.97.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Crescent Electric of Grand Island, Nebraska for a reduction in the contract price in the amount of \$1,141.43 due to an error in calculating the tax rate.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 20, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G18

#2004-128 - Approving Interlocal Agreement with Hall County Relative to the County's Contribution to the Heartland Events Center

Staff Contact: Doug Walker

Council Agenda Memo

From:	Douglas R. Walker, City Attorney
Meeting:	May 25, 2004
Subject:	Approving Interlocal Agreement with Hall County Relative to the County's Contribution to the Heartland Events Center
Item #'s:	G-18
Presente r(s):	Douglas R. Walker, City Attorney

Background

In 2003 the Hall County Board of Supervisors authorized the county to contribute a portion of its keno revenues towards the Heartland Events Center. The county voted to contribute keno revenues of \$150,000 in the current budget year and expressed an intent to contribute an additional \$850,000 over a seven year period to the Events Center. A part of the process for facilitating these contributions is the passage of an interlocal agreement between the county and city for the transfer of these funds.

Discussion

The Hall County Board of Supervisors has decided to contribute up to \$1,000,000 to the Heartland Events Center which will be a city owned property once the city's financial obligations under the lease purchase agreement with Heartland has been completed. To facilitate the payment of the monies from Hall County to the city for use on the Heartland Events Center a grant agreement has been prepared between the county, city and Fonner Park Exposition and Events Center to facilitate the transfer of these funds. By approving the grant agreement, this should qualify the transfer of keno revenues from Hall County to the city as an interlocal agreement between these two governmental entities.

Alternatives

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

- 1. Approve the grant agreement as drafted and previously approved by the Hall County Board of Supervisors.
- 2. Disapprove or /Deny the grant agreement.
- 3. Modify the grant agreement to meet the wishes of the Council
- 4. Table the issue.

Recommendation

City Administration recommends that the Council approve the grant agreement as previously approved by the Hall County Board of Supervisors.

Sample Motion

Approve the grant agreement with Hall County and the Fonner Park Exposition and Events Center.

WHEREAS, on May 18, 2004, the County Board of Supervisors approved an Interlocal Agreement by and between the County of Hall, the City of Grand Island, and Fonner Park Exposition and Events Center, Inc. for the County of Hall to provide keno funds to the City of Grand Island for use in the construction of the Heartland Events Center; and

WHEREAS, the County Board of Supervisors has authorized \$150,000 to be paid to the City of Grand Island on or prior to June 30, 2004 for such construction; and

WHEREAS, it is the intent of the County Board of Supervisors to provide additional annual funding in the amount of \$150,000, however such additional funding will be subject to further approval by the County Board of Supervisors ; and

WHEREAS, a Grant Agreement by and among the County of Hall, the City of Grand Island, and Fonner Park Exposition and Events Center, Inc. setting out the terms of the financial assistance by the County of Hall for the Heartland Events Center has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Grant Agreement by and among the County of Hall, the City of Grand Island, and Fonner Park Exposition and Events Center, Inc. setting out the terms and conditions of the financial assistance by the County of Hall for the Heartland Events Center is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G19

#2004-129 - Approving Correction to Resolution #2004-86 Relative to Copier Lease

Staff Contact: David Springer

Council Agenda Memo

From:	David Springer, Finance Director
Meeting:	May 25, 2004
Subject:	Correction to Resolution 2004-86 (Copier Lease)
Item #'s:	G-19
Presenter(s):	David Springer, Finance Director

Background

On April 13, 2004, Council approved a resolution to add a fourth copier and a sheet feeder option to the existing lease with Imagistics International, Inc., of Grand Island. As stated in the background information provided to Council at that time, the new lease rate would be \$1,363.95, up from \$1,145.10. While this was correct, the accompanying Resolution 2004-86 stated that change would be \$113.95, rather than the actual \$218.85 per month.

Discussion

While the April 13 memo to Council accurately detailed the terms of the revised lease, they were incorrectly noted in the resolution. It is necessary to correct Resolution 2004-86 to reflect the updated monthly lease payments of \$1,363.95.

Alternatives

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

- 1. Approve the correction to the copier lease to \$1,363.95 per month.
- 2. Disapprove or deny the revision to the lease.
- 3. Modify the Resolution to meet the wishes of the Council
- 4. Table the issue

Recommendation

City Administration recommends that the Council approve the request to correct Resolution 2004-86 to properly reflect the copier lease amount of \$1,363.95.

Sample Motion

Approve the request to correct Resolution 2004-86 to reflect the monthly payments for four copiers as \$1,363.95, in accordance with the lease with Imagistics International, Inc.

WHEREAS, on April 13, 2004, by Resolution 2004-86, the City Council of the City of Grand Island approved updated leases with Imagistics International, Inc. of Grand Island, Nebraska, for four photocopier/scanner/printers; and

WHEREAS, although the background information provided to the City Council accurately outlined the terms of the updated lease, the lease amount was incorrectly identified in the resolution; and

WHEREAS, it is necessary to correct Resolution 2004-86 to reflect that the updated monthly lease payment for four photocopier/scanner/printers is \$1,363.95.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Resolution 2004-86 is hereby corrected to reflect the monthly lease payment for four photocopier/scanner/printers as \$1,363.95, in accordance with the lease with Imagistics International, Inc. of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤ _____ May 19, 2004 ¤ City Attorney



Tuesday, May 25, 2004 Council Session

Item G20

#2004-130 - Approving Contract Award for Comprehensive Aquatic Study

Staff Contact: Steve Paustian

Council Agenda Memo

From:	Steve Paustian, Park and Recreation Director
Meeting:	City Council, May 19, 2004
Subject:	Contract Award-Consulting Services for Comprehensive Aquatic Study
Item #'s:	G-20
Presenter(s):	Steve Paustian

Background

The City is interested in developing a plan to assist in the construction and design of future aquatic facilities. In order to develop this plan a request for proposal was developed and sent out to various interested consulting firms.

Discussion

Proposals were received from eight different firms (see summary sheet). The firm that provided the proposal that best fit the requirements of the proposal was provided by The C. T. Brannon Corporation of Tyler, Texas. The review team looked at several different criteria to make this recommendation. Judging criteria included, experience with similar projects, project team, scope of services offered, time line and cost.

Alternatives

- 1. Award the contract as recommended.
- 2. Award contract to another firm.
- 3. Not award a contract.
- 4. Other, as provided by Council.

Recommendation

It is the recommendation of staff to award a contract in a not-to-exceed amount of \$29,800.00.

Sample Motion

Motion to award a Comprehensive Aquatic Study contract to C. T. Brannon Corporation in the amount of \$29,800.00.



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Purchasing Division of Legal Department **INTEROFFICE MEMORANDUM**



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

REQUEST FOR PROPOSAL FOR **CONSULTING SERVICES FOR COMPREHENSIVE AQUATIC STUDY**

- **RFP DUE DATE:** May 7, 2004 at 4:00 p.m.
- **DEPARTMENT: Parks and Recreation**
- **PUBLICATION DATE:** April 15, 2004
- **NO. POTENTIAL BIDDERS:**

SUMMARY OF PROPOSALS RECEIVED

GreenPlay, LLC Broomfield, CO

Natare Corporation Indianapolis, IN

Burbach Aquatics, Inc. Platteville, WI

Water's Edge Aquatic Design

Lenexa, KS

Gremmer & Associates, Inc. USAquatics Lakeville, MN

Delano, MN

9

The Schemmer Associates Omaha, NE

The C. T. Brannon Corporation Tyler, TX

Steve Paustian, Parks & Recreation Director cc: Gary Greer, City Administrator David Springer, Finance Director Dale Shotkoski, Purchasing Agent Laura Berthelsen, Legal Assistant

P904

WHEREAS, the City of Grand Island invited proposals for Consulting Services for a Comprehensive Aquatics Study, according to plans and Request for Proposals on file with the Parks and Recreation Department; and

WHEREAS, proposals were due on May 7, 2004; and

WHEREAS, C. T. Brannon Corporation of Tyler, Texas, submitted a proposal in accordance with the terms of the Request for Proposals and all other statutory requirements contained therein at a cost not to exceed \$29,800; and

WHEREAS, a proposed contract with C. T. Brannon Corporation for such services has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of C. T. Brannon Corporation of Tyler, Texas, for consulting services for a Comprehensive Aquatics Study at a cost not to exceed \$29,800 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, May 25, 2004.

RaNae Edwards, City Clerk



Tuesday, May 25, 2004 Council Session

Item J1

Payment of Claims for the Period of May 12, 2004 through May 25, 2004

The Claims for the period of May 12, 2004 through May 25, 2004 for a total of \$2,849,108.54. A MOTION is in order.

Staff Contact: RaNae Edwards