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# City of Grand Island



**Tuesday, June 08, 2004**

**Council Session Packet**

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**City Council:**

**Carole Cornelius**

**Peg Gilbert**

**Joyce Haase**

**Margaret Hornady**

**Robert Meyer**

**Mitchell Nickerson**

**Don Pauly**

**Jackie Pielstick**

**Scott Walker**

**Fred Whitesides**

**Mayor:**

**Jay Vavricek**

**City Administrator:**

**Gary Greer**

**City Clerk:**

**RaNae Edwards**

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**7:00:00 PM**

**Council Chambers - City Hall**

**100 East First Street**

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**Call to Order**

**Pledge of Allegiance /Invocation - Evangelist Gary Bennett, Stolley Park Church of Christ, 2822 West Stolley Park Road**

**Roll Call**

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

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

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

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

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## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item E1

**Public Hearing on Request of Emil Schaaf/Werner Construction  
for Conditional Use Permit for Sand and Gravel Operation  
Located at 5588 South Engleman Road**

Staff Contact: Craig Lewis

# Council Agenda Memo

**From:** Craig A. Lewis, Building Department Director

**Meeting:** June 8, 2004

**Subject:** Public Hearing on Request of Emil Schaaf and Werner Construction for a Conditional Use Permit to Continue to Operate a Sand and Gravel Pumping Facility at 5588 South Engleman Road

**Item #'s:** E-1 & G-13

**Presenter(s):** Craig Lewis

## Background

This request is for council approval to allow for the continued operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, AG or agricultural 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 original request and permit was approved by the Hall County Board on July 11, 2000. The request for additional approval was brought before the City Council on January 13, 2004 as the property became a part of the City of Grand Island's two mile zoning jurisdictional area and modification were requested. The request was tabled to acquire the additional approvals of the County Board and those approvals have now been received.

## 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.

The County Attorney has submitted a consent to modification of resolution #00-0063 that the Hall County Board has approved and signed and is requesting the City Council

review and if approved sign and return. This document set conditions of operation for the requested sand and gravel facility. The document is enclosed within the Council packet.

### **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. Deny the request
3. Approve the request with additional or revised conditions

### **Recommendation**

Approve the request with the identified conditions presented by County Board and the Consent to Modification of Resolution # 00-0063.

### **Sample Motion**

Motion to approve the conditional use with the condition identified by the Consent to Modification of Resolution #00-0063, published in the Council packet and presented at the Council meeting.

2-17-07

Hall County Attorneys Office

Jerom E. Janulewicz, County Attorney  
231 South Locust Street  
P.O. Box 367  
Grand Island, NE 68802  
Phone (308) 385-5150  
Fax (308) 385-5111  
email jeromj@hcgj.org

May 12, 2004

Mr. Craig Lewis  
Building Inspector  
PO Box 1968  
Grand Island, NE 68802

RE: Schaaf/Werner Conditional Use; Resolution # 00-0063

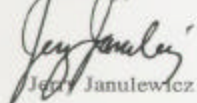
Dear Craig:

On May 4, 2004 the Hall County Board of Supervisors conditionally granted to Werner Construction a conditional use permit regarding additional lands adjoining the location of the present sand and gravel operation. This new resolution is contingent upon the modification of the previous Resolution #00-0063 granted to Mr. Emil Schaaf. The modifications would place further restrictions on Werner Construction's current operations by, among others, restricting the days and hours of operation, require the use of more effective muffler systems on pump motors, and clarify that manufacturing processes (ready mix or asphalt "hot-mix" operations) cannot be conducted on the premises. Inasmuch as the City of Grand Island now has jurisdiction over part of the lands involved in this earlier Resolution, we are requesting that the City of Grand Island approve the proposed modifications.

Enclosed please find the original Consent to Modification of Resolution #00-0063 and a copy of Resolution #00-0063. Please submit this matter to the official or body having authority to approve the Modification on behalf of the City. If approved, please return the executed original to me.

If you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,



Jerom E. Janulewicz

cc: Doug Walker, City Attorney

**CONSENT TO MODIFICATION OF RESOLUTION #00-0063 OF THE COUNTY BOARD OF SUPERVISORS IN AND FOR THE COUNTY OF HALL, NEBRASKA**

WHEREAS, Emil Schaaf, hereinafter "Schaaf," is the record title owner of the following property, to wit:

The East Half of the Southeast Quarter (E1/2 SE1/4) and that part of Lot Two (2) on Island south of the half section line, Section Ten (10), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska; and

WHEREAS, Werner Construction, Inc. of Hastings, Nebraska, a Nebraska Corporation, hereinafter "Werner," has entered into an agreement with Schaaf through which Werner conducts and operates a sand and gravel mining operation on the above-described property; and

WHEREAS, On July 11, 2000 the Hall County Board of Supervisors adopted Resolution #00-0063 authorizing as a conditional use the mining of sand and gravel upon the above-described real property; and

WHEREAS, subsequent to the adoption of Resolution #00-0063, a portion of the above-described real estate has been placed within the extraterritorial zoning jurisdiction of the City of Grand Island; and

WHEREAS, Werner has applied for a permit for the conditional use of the following described real estate, hereafter "additional lands," for mining of sand and gravel, to wit:

Lots One (1) And Two (2) North Of The Half Section Line And Lot Three (3), Section Ten (10), Township Ten (10) North, Range Ten (10), West Of The 6th P.M., Hall County, Nebraska.

NOW, THEREFORE, Schaaf and Werner, do each hereby consent and request that conditions set forth in Resolution #00-0063 adopted July 11, 2000 by the County Board of Supervisors of Hall County, Nebraska be amended to provide the following conditions, limitations, and restrictions:

1. 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 or easement.
2. 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.
3. Commencing July 3, 2004 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.
4. 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.
5. 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.
  6. 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.
  7. Recyclable road construction materials, milled or crushed off-site to a particle size consistent with native aggregates found at the site, may be stored or kept at its current location or on the aforesaid Lot Three (3), but the total quantity of such materials stored on the following described real estate owned, leased, controlled, occupied, or used by Applicant or Owner shall not exceed the quantity by volume that exists on said real estate on May 4, 2004, to wit:

Lots One (1) and Two (2) North of the half section line and Lot Three (3), Section Ten (10), Township Ten (10) North, Range Ten (10), West Of The 6th P.M., Hall County, Nebraska, and

The East Half of the Southeast Quarter (E1/2 SE1/4) and that part of Lot Two (2) on Island south of the half section line, Section Ten (10), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska

8. Crushing or grinding of aggregates other than those mined on site shall not be permitted.
9. Manufacturing uses including, but not limited to, asphalt or Portland cement based concrete production, shall not be permitted.
10. 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.
11. Applicant shall maintain any and all drainage ditches that may be located upon the real property.
12. 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.
13. 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.
14. This permitted conditional use shall terminate on March 14, 2010, but may be sooner terminated if Applicant fails to comply with any of the conditions, restrictions and obligations set forth herein. In the event of noncompliance, the Hall County Board of Supervisors or the entity having jurisdiction shall notify Applicant in writing of such noncompliance setting forth the specific area of noncompliance. If Applicant fails to correct such noncompliance within 30 days of receiving notice, said permit may be revoked or terminated upon notice to Applicant and hearing before the Hall County Board of Supervisors or the entity having jurisdiction.
15. Nothing in this grant of conditional use shall be construed as a grant of right, authority, or



permit to allow any use of land, materials or methods which violate any state or federal law or rule or regulation of a federal, state or local agency other than as specifically set forth herein. Applicant shall comply with all applicable state and federal laws and regulations.

16. The rights granted by this permit may be assigned or transferred upon notice provided to the County and City Building Departments.
17. Trucks hauling sand and gravel from the premises shall use haul routes leading south from the premises. Said trucks shall not be permitted to ingress or egress the premises by passing by the School District Number 3 school building located near the southeast corner of Section Three (3), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska. At all exits from the property Applicant shall erect and maintain signs notifying haulers of this restriction.

Upon approval of this consent by the City and County, Werner and Schaaf each do hereby request that the County of Hall and the City of Grand Island each adopt its ordinance or resolution modifying the conditions of the conditional permitted use provided by Resolution #00-063, adopted July 11, 2000 by the Hall County Board of Supervisors.

Date: 5 05 04

Date: 5-3-04

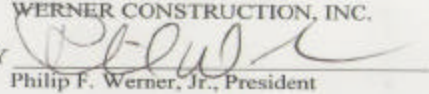
EMIL SCHAAF

WERNER CONSTRUCTION, INC.

BY

  
Emil Schaaf

BY

  
Philip F. Werner, Jr., President

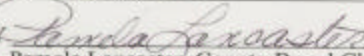
APPROVED AND ACCEPTED BY THE  
COUNTY OF HALL, NEBRASKA

APPROVED AND ACCEPTED BY THE  
CITY OF GRAND ISLAND, NEBRASKA

Date: 5-11-04

Date: \_\_\_\_\_

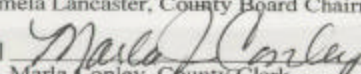
BY

  
Pamela Lancaster, County Board Chairman

BY

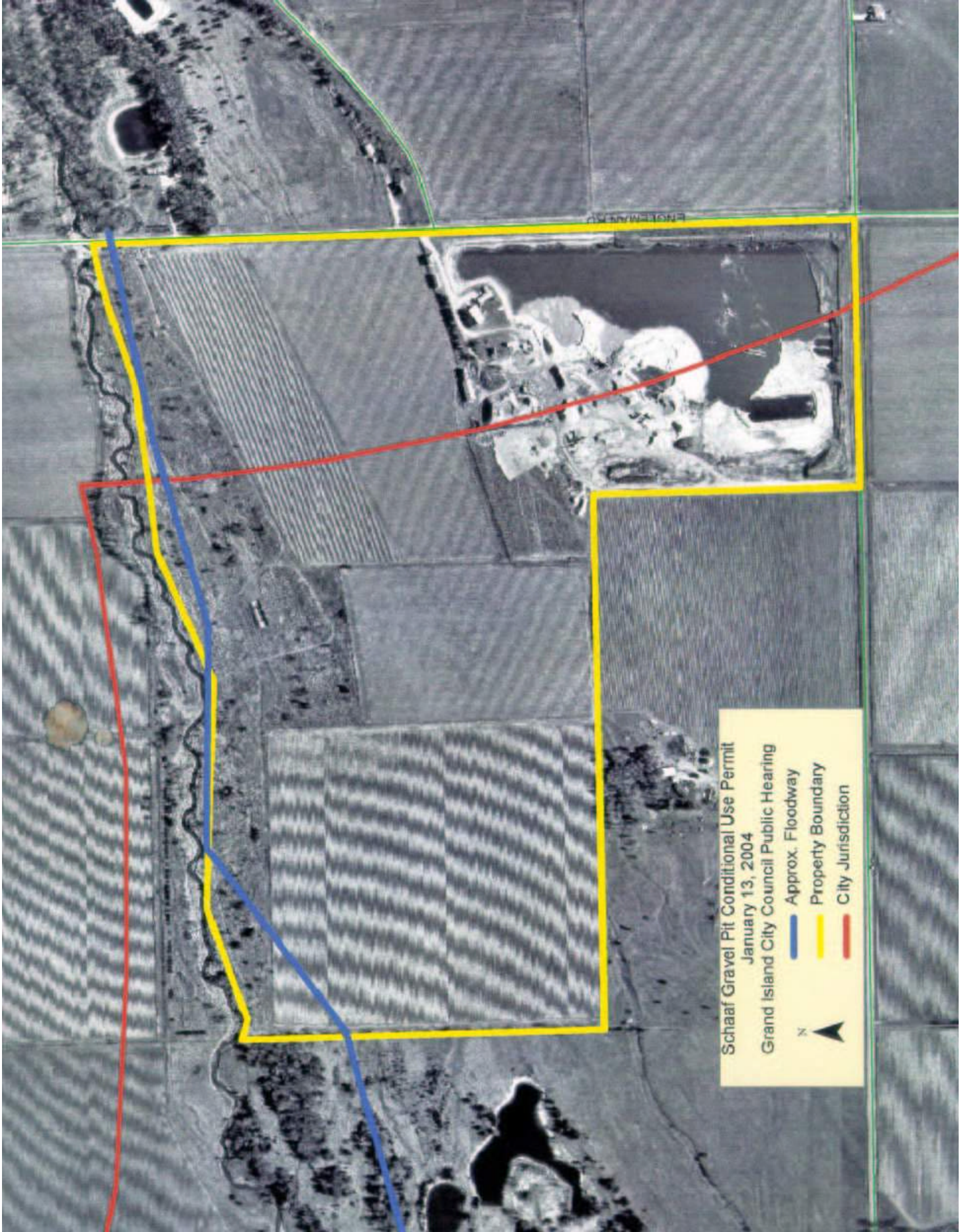
\_\_\_\_\_  
Jay Vavricek, Mayor

[attest]


  
Marla Conley, County Clerk




[attest]

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



Schaaf Gravel Pit Conditional Use Permit  
January 13, 2004  
Grand Island City Council Public Hearing

N 

 Approx. Floodway  
 Property Boundary  
 City Jurisdiction



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item E2

**Public Hearing on Request of Hooker Bros. Sand & Gravel for  
Conditional Use Permit for Sand and Gravel Operation Located at  
3860 South Locust Street**

Staff Contact: Craig Lewis

# Council Agenda Memo

**From :** Craig A. Lewis, Building Department Director

**Meeting:** June 8, 2004

**Subject:** Public Hearing on Request of Hooker Bros. Sand & Gravel Inc. for a Conditional Use Permit to Continue to Operate a Sand and Gravel Pumping Facility at 3860 S. Locust Street

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

**Presenter:** Craig Lewis

## Background

This request is for council approval to allow for the continued 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 original request was presented to and approved by the City Council on May 23, 1994, and was granted for a ten year period, expiring in 2004.

## 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 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet from the base of the Central Platte Natural Resources District Wood River Diversion Channel Levee shall be maintained between the pumping operations.

(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. Two exceptions to this condition shall be in the months of March, April, October, and November, activities may operate from 6:00 a.m. to 10:00 p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.

(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 west edge of the property electrical easement and an existing 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 from the premises and over and across any public highway or road unless said sand and gravel is completely 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 fails to begin operations within the 18 months

the permit shall be considered null and void and subject to reapplication and rehearing. Additionally, if at any time 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 the Council has the following alternatives concerning the issue.

1. Approve the request with the proposed conditions.
2. Deny the request.
3. Approve the request with additional or revised conditions.

## **RECOMMENDATION**

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

## **SAMPLE MOTION**

Motion to approve the conditional use permit with the condition identified by the City Administration, published in the Council packet and presented at the Council meeting.

June 2, 2004

City of Grand Island  
City Hall  
101 East First Street  
Grand Island, NE 68802

Attn: Craig Lewis  
Building Department Director

Re: Your correspondence dtd May 24, 2004

Dear Mr. Lewis:

I have been having drainage problems for years on my land on the side of Hookers Sand and Gravel and Asphalt Mix operation. They have plugged the creek and/or slough with sand and dirt where the water originally drained on their property. They moved the drain further west so it drains into the sandpit near our property line and this eroded my land. After several attempts to contact them they finally repaired it, but if a big rain should come I would lose much valuable soil and it can't be replaced as it originally was.

I would be satisfied if Hooker Sand & Gravel would go north from the Northwest corner of my property, make a ditch along the west side of their property and connect it to the drain that NRD provided for the drainage of their property. Then the water would drain satisfactorily for all concerned.

Sorry I will be unable to attend the meeting on Tuesday, June 8th, but I would like to have my problem made known and hope a correction can be made soon that would benefit all concerned in a satisfactory manner.

Thank you.

Sincerely,



Otto P. Frauen  
394 J Road  
Chapman, NE 68827

-----Original Message-----

**From:** Marlan Ferguson [mailto:mferguson@grandisland.org]

**Sent:** Friday, June 04, 2004 12:26 PM

**To:** Gary Greer; Craig Lewis

**Subject:** Conditional Use Permit

The GIAEDC would like to support the request to renew the Conditional Use Permit for Hooker Bros. Sand and Gravel Operation located at 3860 South Locust Street. One of their customers is CXT which manufacture concrete railroad ties here in Grand Island. They obtain their aggregate from Hooker Brothers. CXT is currently in a competitive bid process for a contract with Union Pacific railroad. They currently employ about 45 employees and that may increase with the new contract. Obviously the availability of the aggregate is critical to the company as they submit their bid.

Marlan Ferguson

Grand Island Area Economic Dev. Corp.

PO Box 1151

Grand Island, NE 68802-1151

308-381-7500

Fax: 308-398-7205

<http://www.grandisland.org>





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item E3

**Public Hearing on Acquisition of Utility Easement - 1/4 Mile West  
& 1/2 Mile North of Stuhr Road & Highway 34 - (off of Midaro  
Drive) - Sahling**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director  
**Meeting:** June 8, 2004  
**Subject:** Acquisition of Utility Easement – Off of Midaro Drive - Sahling  
**Item #'s:** E-3 & G-14  
**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Scott and Mary Sahling, located off of Midaro Drive, ¼ mile west and ½ mile north of Stuhr road and U.S. Highway 34, in Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to construct a single phase high voltage overhead line to a new home to be built by the Sahling family.

## **Alternatives**

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

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

## **Recommendation**

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

## **Sample Motion**

Approve the acquisition of the Utility Easement.

FIRETHORNE  
ESTATES  
SUB.

Pt. W 1/2, SE 1/4

88°59'29"

547.93'

20'

EAST LINE- GOVERNMENT  
LOT 2 ISLAND

TRACT OF LAND DESCRIBED IN DOC.  
#200201765 RECORDED IN THE REGISTER  
OF DEEDS OFFICE, HALL COUNTY, NE.

910.0'

N00°47'08"W - 659.0'

NW COR. W 1/2, SE 1/4  
SEC. 27, T-11-N, R-9-W

NE COR W 1/2, SE 1/4 SEC.  
27, T-11-N, R-9-W

20'

MIDARO DRIVE S00°57'18"E - 1,139.83'

788.94'

WESTERLY LINE  
W 1/2, SE 1/4

858.61'

SECTION 27, T-11-N, R-9-W

489.11'

129.0'

471.71'

EAST LINE- W1/2, SE1/4 SEC.  
27, T-11-N, R-9-W

N01°03'33"W - 780.16'

772.78'

N87°53'02"E - 335.88'

N87°39'24"E - 479.07'

POINT OF BEGINNING

279.98'

568.42'

N56°50'07"E - 589.63'

70.91'

LEGEND



INDICATES 20' WIDE  
UTILITY EASEMENT



CITY OF  
**GRAND ISLAND**  
UTILITIES DEPARTMENT

**EXHIBIT "A"**

DRN BY: K.J.M.	SCALE: 1"= 200'
DATE: 5/20/2004	FILE: S27-T11-R9



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F1

### **#8888 - Consideration of Annexation of Property Located South of U.S. Highway 34 and East of South Locust Street - Proposed Wal-Mart South Subdivision an Addition to the City of Grand Island (Second Reading)**

*This item relates to the action taken at the February 10, 2004 City Council meeting. Annexation of property proposed as the Wal-Mart South Subdivision located south of U.S. Highway 34 and east of South Locust Street. This annexation has been requested by the property owners. The Regional Planning Commission at their meeting of January 7, 2004, unanimously voted to approve and recommend the city council approve this annexation. This is the second of three readings. Approval is recommended.*

Staff Contact: Chad Nabity

\* This Space Reserved For Register of Deeds \*

ORDINANCE NO. 8888

An ordinance to extend the boundaries and include within the corporate limits of, and to annex to the City of Grand Island, Nebraska, a tract of land located in the West Half of the Northwest Quarter (W1/2, NW1/4) of Section 34, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, more particularly described herein; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after public hearing on February 10, 2004, the City Council found and determined that such annexation be approved; and

WHEREAS, such ordinance was approved on first reading on February 10, 2004.

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

SECTION 1. It is hereby found and determined that:

(A) A tract of land located in the West Half of the Northwest Quarter (W1/2, NW1/4) of Section 34, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M. in Hall County,

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney

ORDINANCE NO. 8888 (Cont.)

Nebraska, hereinafter more particularly described, is urban and suburban and not agricultural and rural in character, and that the subject property is contiguous and adjacent to the corporate limits of said City.

(B) That the subject real estate will receive material benefits and advantages including police, fire, emergency services, street maintenance, and snow removal benefits due to annexation to the City of Grand Island, Nebraska, and that City water and sanitary sewer service is available as provided by law.

(C) The various zoning classifications of the subject tract of land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

(D) There is unity of interest in the use of the said tract of land and streets with the use of lots and streets in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject tract of land and streets within the corporate limits of the City of Grand Island.

(E) The plan for extending City services, as adopted by the City Council by the passage and approval of Resolution No. 2004-12, be and is hereby approved and ratified.

SECTION 2. That the boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land described as follows:

Starting at a point 60 feet south and 60 feet east of the northwest corner of said Section 34; thence from the point of beginning east a distance of 233.4 feet; thence north 90° left a distance of 27 feet; thence east 90° right a distance of 1026.6 feet to a point on the east boundary line of the W1/2, NW1/4 of said Section 34; thence south along the east boundary line of the W1/2, NW1/4 of said Section 34 a distance of 1,307.82 feet; thence west 90° right a distance of 1287 feet; thence north 90° a distance of 1,120.82 feet; thence east 90° right a distance of 27 feet; thence north 90° left a distance of 160 feet to the point of beginning.

ORDINANCE NO. 8888 (Cont.)

Except a tract of land located in the NW1/4 of Section 34, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M., Hall County, Nebraska, described as follows: referring to the northwest corner of the NW1/4 of said Section 34; thence easterly along the north line of said NW1/4 a distance of 129.56 feet to a point; thence southerly deflecting 90°00'00" left a distance of 60.00 feet to a point on the south right-of-way line of Highway 34, said point also being the true point of beginning; thence southwesterly deflecting 44°06'24" right a distance of 82.24 feet to a point; thence southerly deflecting 46°17'16" left a distance of 326.58 feet to a point; thence southerly deflecting 0°44'36" left a distance of 371.01 feet to a point; thence southwesterly deflecting 9°32'13" right a distance of 83.17 feet to a point; thence southerly deflecting 9°32'12" left a distance of 449.13 feet to a point; thence westerly deflecting 92°55'41" right a distance of 41.98 feet to a point on the east right-of-way line of Locust Street; thence northerly deflecting 88°12'36" right along the east right-of-way line of Locust Street a distance of 1001.77 feet to a point; thence northeasterly deflecting 10°16'12" right along the east right-of-way line of Locust Street a distance of 151.44 feet to a point; thence northerly deflecting 10°16'13" left along the east right-of-way line of Locust Street a distance of 34.774 meters to a point; thence northeasterly deflecting 27°58'30" right along the east right-of-way line of Locust Street a distance of 24.50 feet to a point on the south right-of-way line of Highway 34; thence easterly deflecting 63°48'42" right, a distance of 56.16 feet to the point of beginning, containing 38.38 acres, more or less.

SECTION 3. That the aforesaid-described tract of land and streets are hereby annexed to the City of Grand Island, Hall County, Nebraska, and said lands and the businesses thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. That the owner of the land so brought within the corporate limits of the City of Grand Island, Nebraska, is hereby compelled to continue with the streets, ways and alleys that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, ways and alleys of such City.

SECTION 5. That a certified copy of this Ordinance be filed on record in the office of the Register of Deeds of Hall County, Nebraska.

ORDINANCE NO. 8888 (Cont.)

SECTION 6. Upon taking effect of this Ordinance, the police, fire, emergency services, street maintenance, and snow removal services of said City shall be furnished to the tract of land and as provided by law, in accordance with the plan for extension of city services adopted by Resolution 2004-12.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: June 8, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F2

**#8907 - Consideration Vacation of Utility Easement - 1850 Union Road - Livengood Second Subdivision**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director  
**Meeting:** June 8, 2004  
**Subject:** Vacation of Utility Easement – 1850 Union Road - Livengood Second Subdivision  
**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 Livengood Properties, LLC, in the City Of Grand Island, Hall County, in order to Allow construction on properties subdivided as lots Four (4), Five (5) and Seven (7) of Livengood Second Subdivision. This property is north of Highway 30 and west of Stuhr Road extended.

## **Discussion**

An overhead electrical line previously occupied the easement to be vacated. The line has been placed underground in an easement granted to the City by Livengood Properties, LLC, for that purpose. Since the easement is no longer occupied or needed in the future, it is available to be vacated.

## **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.

## EASEMENTS TO BE VACATED – Ordinance 8907

... an ordinance to vacate twenty (20.0) foot wide easement tracts located in part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision all in the City of Grand Island, Hall County, Nebraska

### TRACT #1

A twenty (20.0) foot wide utility easement located in part of Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The easterly line of the easement tract being more particularly described as follows:

Referring to the Southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of seventy-three (73.0) feet to the Actual Point of Beginning; thence continuing along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of two hundred thirty-four and eleven hundredths (234.11) feet.

### TRACT #2

A twenty (20.0) foot wide utility easement located in part of Lot Four (4), Lot Five (5), and Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The centerline of the easement tract being more particularly described as follows:

Referring to the Southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of two hundred eighty-seven and eleven hundredths (287.11) feet to the Actual Point of Beginning; thence deflecting right  $11^{\circ}21'32''$  and running Northeasterly, a distance of two hundred ninety-seven and seventy-seven hundredths (297.77) feet; thence deflecting left  $37^{\circ}04'58''$  and running Northwesterly, a distance of one hundred thirty-four and eighty-one hundredths (134.81) feet.

### TRACT#3

A twenty (20.0) foot wide utility easement located in part of Lot Four (4) Livengood Second Subdivision as originally dedicated and shown on the plat of said subdivision.

The three above-described tracts containing 0.303 acres, more or less, as shown on the plat dated 5/19/2004, marked Exhibit "A", attached hereto and incorporated herein by reference.

# Application for Vacation/Relocation of Easements

pc: Clerk, Utilities  
Building, Planning  
Legal, Public Works(2)

**Name of Applicant:**

If Individual(s):

WILLIAM D. LIVENGOOD

If Corporation or Partnership: (if a corporation, please include state of incorporation)

Name of individual signing on behalf of the entity:

Title:

**Reason for the Vacation/Relocation of Easement:**

Please explain why you are requesting a Vacation/Relocation of Easement:

THE EXISTING EASEMENT IS RUNNING THRU THE CENTER OF 3 LOTS, THE NEW PLAT SHOWS THE EASEMENT RELOCATED TO THE EDGE OF LOTS 4 & 5. THE OLD OVERHEAD ELECTRICAL HAS BEEN TAKEN DOWN & THE NEW UNDERGROUND IS ALREADY IN PLACE.

Type of Easement: (ie electrical, sanitary sewer, general utility, water, etc.)

ELECTRICAL

Legal Description: LIVENGOOD SECOND SUBDIVISION, THE OLD EASEMENT RUNS ACROSS LOTS 7, 5 & 4 AND SEEDLING MILE ROAD.

Address:



Please include property deed, diagrams, and drawing.



545 J STREET LINCOLN NE 68508

Applicant Address

(402) 435-3567 X100

Applicant Phone Number

*William D. Livengood*  
Applicant Signature

5-27-04

Date

Please Note: Delays May Occur if Application is Incomplete or Inaccurate.

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8907

An ordinance to vacate existing easements and rights-of-way located in a part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision, and within part of the Seedling Mile Road Right-of-Way 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 twenty foot easements and rights-of-way located in a part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision, and within a part of the Seedling Mile Road Right-of-Way in the city of Grand Island, Hall County, Nebraska, more particularly described as follows, are hereby vacated:

Tract No. 1:

A twenty (20.0) foot wide utility easement located in part of Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One

Approved as to Form  \_\_\_\_\_  
June 3, 2004  City Attorney

ORDINANCE NO. 8907 (Cont.)

(1) Livengood Subdivision as originally dedicated and platted. The easterly line of the easement tract being more particularly described as follows:

Referring to the southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Seventy Three (73.0) feet to the Actual Point of Beginning; thence continuing along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Two Hundred Thirty Four and Eleven Hundredths (234.11) feet.

Tract No. 2:

A twenty (20.0) foot wide utility easement located in part of Lot Four (4), Lot Five (5), and Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road Right-of-Way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The centerline of the easement tract being more particularly described as follows:

Referring to the southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Two Hundred Eighty Seven and Eleven Hundredths (287.11) feet to the Actual Point of Beginning; thence deflecting right 11°21'32" and running northeasterly, a distance of Two Hundred Ninety-Seven and Seventy Seven Hundredths (297.77) feet; thence deflecting left 37°04'58" and running northwesterly, a distance of One Hundred Thirty Four and Eighty One Hundredths (134.81) feet.

Tract No. 3:

A twenty (20.0) foot wide utility easement located in part of Lot Four (4) Livengood Second Subdivision as originally dedicated and shown on the plat of said subdivision.

The above three tracts containing a total of 0.303 acres, more or less, as shown on the plat dated May 19, 2004, attached hereto and incorporated herein by reference.

ORDINANCE NO. 8907 (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: June 8, 2004.

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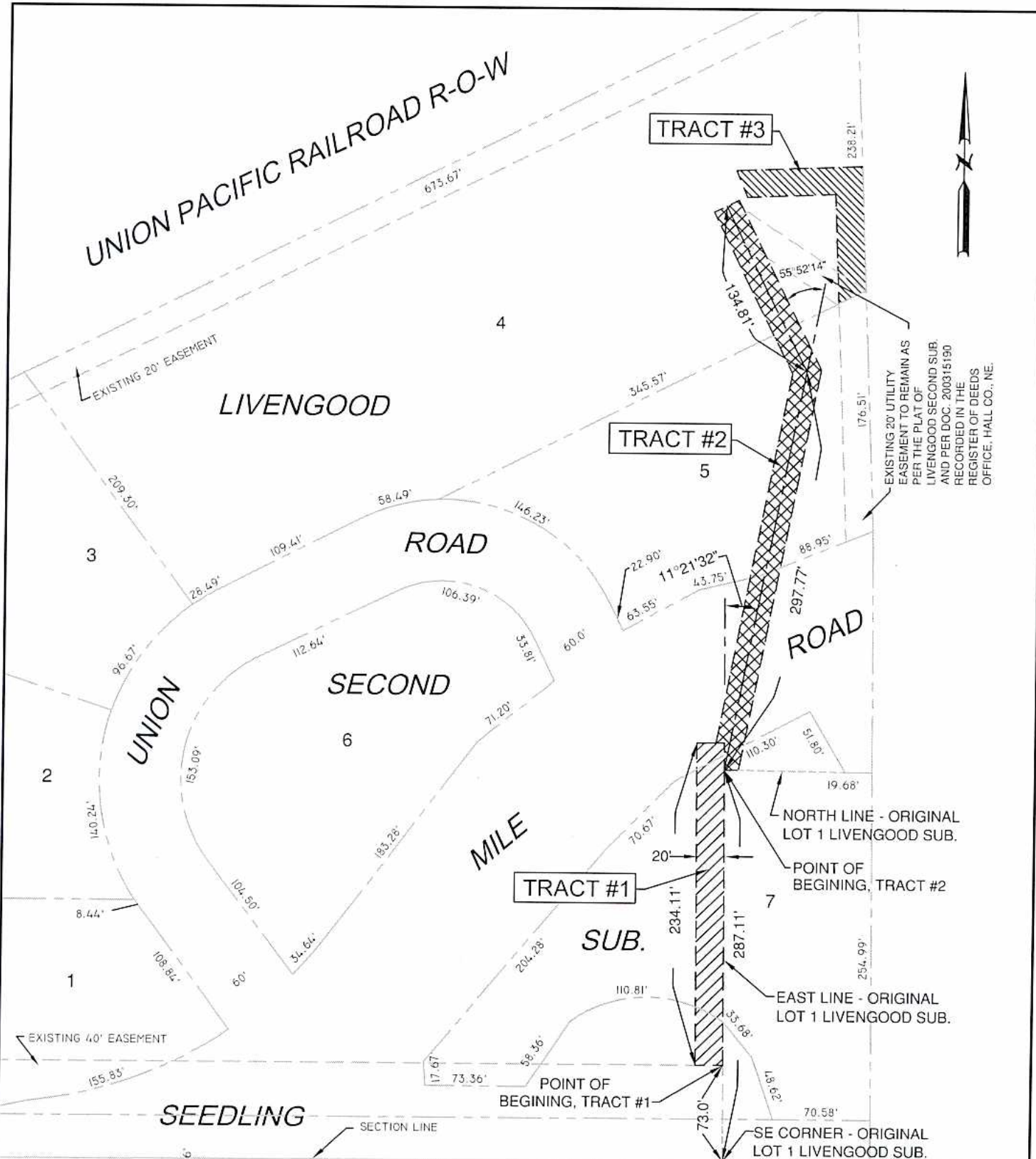
Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

UNION PACIFIC RAILROAD R-O-W



EXISTING 20' UTILITY EASEMENT TO REMAIN AS PER THE PLAT OF LIVENGOOD SECOND SUB. AND PER DOC. 200315190 REGISTERED IN THE OFFICE OF DEEDS REGISTER OF DEEDS OFFICE, HALL CO., NE.

NORTH LINE - ORIGINAL LOT 1 LIVENGOOD SUB.

POINT OF BEGINNING, TRACT #2

EAST LINE - ORIGINAL LOT 1 LIVENGOOD SUB.

POINT OF BEGINNING, TRACT #1

SE CORNER - ORIGINAL LOT 1 LIVENGOOD SUB.

**LEGEND**





-  TRACT #1 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 7 LIVENGOOD 2ND SUB AND PART OF SEEDLING MI RD R-O-W.
-  TRACT #2 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 4, 5, AND 7 LIVENGOOD 2ND SUB; AND PART OF SEEDLING MI RD R-O-W.
-  TRACT #3 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 4 LIVENGOOD 2ND SUB.

EXHIBIT "A"

 <p>CITY OF <b>GRAND ISLAND</b></p>	
<p>UTILITIES DEPARTMENT</p>	
<p>PLAT TO ACCOMPANY ORDINANCE # 8907</p>	
DRN BY: K.J.M.	SCALE: 1" = 100'
DATE: 5/19/04	FILE: LIVENGOOD





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F3

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

*This item relates to the action taken at the May 25, 2004 City Council meeting. Annexation of property being platted as Frauen Subdivision located south of Airport Road and east of Shady Bend Road. This annexation has been requested by the property owners. The Regional Planning Commission at their meeting of May 5, 2004, voted to approve and recommend the city council approve this annexation. This is the second of three readings. Approval is recommended.*

**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 Southeast Quarter (W1/2, SE1/4) of Section Two (2), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> 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.

WHEREAS, such ordinance was approved on first reading on May 25, 2004.

Approved as to Form  \_\_\_\_\_  
June 3, 2004  City Attorney

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: June 8, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F4

**#8913 - Consideration of Vacating Right of Way Along and Utility Easement on Wilmar Avenue Within Martin's Second Subdivision**

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

# **Council Agenda Memo**

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

**Meeting:** June 8, 2004

**Subject:** Consideration of Vacating Right of Way and Utility Easement, Within Martin Subdivision (Along Wilmar Avenue)

**Item #'s:** F-4

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

## **Background**

Council action is required for vacation of Right-of-Way and Easements through the passing of an ordinance.

## **Discussion**

The vacation of the existing right-of-way and easement, located within Martin Subdivision, will facilitate the development of the proposed Martin's Second Subdivision. Both the right-of-way and utility easement will need to be relocated within the proposed Martin's Second Subdivision. The right-of-way and utility easement relocations will be included in Item G9, Approval of the Preliminary Plat for Martin's Second Subdivision. The Subdivision Review Committee has approved the plans for the new Subdivision.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council pass an ordinance vacating a part of Wilmar Avenue right-of-way/easement.

## **Sample Motion**

Approve the request to vacate the right-of-way/easement.

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8913

An ordinance to vacate an existing easement and right-of-way located in a part of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska; to vacate a portion of existing Wilmar Avenue in Martin Subdivision located in the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. 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 twenty foot easement and right-of-way located in a part of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated:

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney

ORDINANCE NO. 8913 (Cont.)

Commencing at the intersection of the east ROW line of Wilmar Avenue and the North ROW line of Old Potash Highway, also known as the southwest corner of Lot 3 of Martin's Subdivision; thence S89°10'52"W 563.43 feet along the south property line of said Lot 3; thence N01°41'48"E 10.00 feet to the intersection of the north utility easement line of Old Potash Highway and the west easement line of an existing 20' Utility Easement, also the Point of Beginning; thence N01°41'48"W 302.01 feet to a point on the existing Wilmar south ROW line; thence N01°40'36"W 224.01 feet to a point on the north ROW line of Wilmar Avenue; thence N01°40'36"W 644.05 feet to a point on the intersection of the south side of an Utility Easement on the south side of the West North Front Street ROW and the west Easement line of an existing 20' Utility Easement; thence N89°03'56"E 20 feet to a point on the intersection of the south side of an Utility Easement on the south side of the West North Front Street ROW and the east side of an existing 20' Utility Easement; thence S01°40'36"E 613.12 feet to a point on the north side of the Wilmar Avenue ROW; thence S01°40'36"E 224.01 feet to a point on the south side of the Wilmar Avenue ROW; thence S01°40'36"E 332.98 feet to a point on the north side of the 10' Utility Easement on the north side of Old Potash Highway; thence S89°10'52"W 19.90 feet to the point of beginning; containing 23386.01 square feet or 0.54 acres, more or less, as shown on the plat attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That a portion of Wilmar Avenue in Martin Subdivision located in the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated:

Commencing at the southwest corner of said Southeast Quarter of the Southeast Quarter on an assumed bearing of N89°11'13"E along the south line of said SE1/4, SE1/4 a distance of 74.92 feet; thence N01°47'41"W a distance of 32.89 feet to a point on the east right-of-way line of U.S. Highway 281; thence N01°47'41"W along the east right-of-way line of U.S. Highway 281 a distance of 7.00 feet; thence N89°10'52"E a distance of 277.98 feet to a point on the west ROW line of Wilmar Avenue; thence N01°47'41"W a distance of 119.95 feet to the Point of Beginning; thence around a curve in a clockwise direction having a delta angle of 24°20'40", an arc length of 76.48 feet, a radius of 180.00 feet and a chord bearing of N10°22'39"E for a distance of 75.91 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of 33°46'46", an arc length of 106.12 feet, a radius of 180.00 feet and a chord bearing of N39°26'22"E for a distance of 104.59 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of



ORDINANCE NO. 8913 (Cont.)

32°51'07", an arc length of 103.21 feet, a radius of 180.00 feet and a chord bearing of N72°45'19"E for a distance of 101.80 feet; thence N89°10'52"E a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°51'28", an arc length of 190.29 feet, a radius of 120.00 feet and a chord bearing of N43°45'08"E for a distance of 170.97 feet; thence N01°40'36"W a distance of 28.41 feet; thence around a curve in a clockwise direction having a delta angle of 90°00'00", an arc length of 282.74 feet, a radius of 180.00 feet and a chord bearing of N43°19'24"E for a distance of 254.56 feet; thence N88°19'24"E a distance of 130.00 feet to a point on the west side of the right-of-way of Webb Road; thence S01°40'36"E a distance of 60.00 feet; thence S88°19'24"E a distance of 130.00 feet; thence N89°10'52"E a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°00'00", an arc length of 188.50 feet, a radius of 120.00 feet and a chord bearing of S43°19'24"W for a distance of 169.71 feet; thence S01°40'36"E a distance of 28.41 feet; thence around a curve in a clockwise direction having a delta angle of 90°51'28", an arc length of 285.44 feet, a radius of 180.00 feet and a chord bearing of S43°45'08"W for a distance of 256.46 feet; thence S89°10'52"W a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°58'33", an arc length of 190.54 feet, a radius of 120.00 feet and a chord bearing of S43°41'36"E for a distance of 171.14 feet; thence S88°12'19"W a distance of 60.00 feet to the point of beginning containing 70,147.45 square feet or 1.61 acres, more or less, as shown on the plat attached hereto as Exhibit "B" and incorporated herein by reference.

SECTION 3. The title to the property vacated by Sections 1 and 2 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 4. 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 plats, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8913 (Cont.)

Enacted: June 8, 2004.

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Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk







# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G1

### Approving Minutes of May 25, 2004 City Council Regular Meeting

*The Minutes of May 25, 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 25, 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 25, 2004. Notice of the meeting was given in the Grand Island Independent on May 19, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the passage of the 1/2 cent sales tax vote at the May 11, 2004 Primary Election. Mentioned was work being done on the various projects.

PRESENTATIONS AND PROCLAMATIONS:

Musical Presentation by the Conestoga Barbershop Chorus. The Conestoga Barbershop Chorus presented three musical presentations.

Proclamation "Barbershop Harmony Week" May 31-June 6, 2004 and "Conestoga Chorus Day" June 5, 2004. The Mayor proclaimed the week of May 31-June 6, 2004 as "Barbershop Harmony Week" and June 5, 2004 as "Conestoga Chorus Day".

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

#2004-BE-7 – Consideration of Determining Benefits for Water Main District No. 444 – Mary Lane Subdivision. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-7, carried unanimously.

#2004-BE-8 – Consideration of Determining Benefits for Sidewalk District No. 1, 2004; Various Locations Throughout Grand Island. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-8, carried unanimously.

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

PUBLIC HEARINGS:

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. Chad Naby, Regional Planning Director reported that the developers of Woodland Park were requesting 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. Chuck Wegner, 4138 Arizona Avenue and Terry Brentzel, 4087 Nevada Avenue spoke with regards to drainage and parking concerns. No further public testimony was heard.

Public Hearing Concerning Annexation of Property South of Airport Road and East of Shady Bend Road being Platted as Frauen Subdivision. Chad Naby, Regional Planning Director reported that property located in the W ½ NW ¼ 1-11-9 located south of Airport Road and east of Shady Bend Road adjacent to the current City limit lines, was being considered for annexation. No public testimony was heard.

Public Hearing on Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3<sup>rd</sup> Street for a Class ‘L’ Liquor License. City Clerk RaNae Edwards reported that Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3<sup>rd</sup> Street had applied for a Class ‘L’ liquor license. Submitted was an application with the City Clerk’s Office which allowed for a Brew Pub. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City Clerk on May 4, 2004; notice to the applicant of date, time and place of hearing mailed May 4, 2004; notice to the general public of date, time and place of hearing published on May 15, 2004; and Chapter 4 of the City Code. No public testimony was heard.

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. Craig Lewis, Building Department Director reported that Richard and Patricia Hartman and Lyman-Richey Corporation had submitted a request for the operation of two sand and gravel operations located at 3812 and 3630 South Blaine Street. The request for the property at 3630 South Blaine was planned to begin mining in 2005 and continue until approximately 2015. The request for the southern property at 3812 South Blaine Street would begin operation in the year 2015 and continue until approximately 2037. The request for a conditional use permit at the 3812 South Blaine Street property was withdrawn.

The following individuals spoke with regards to the Conditional Use Permit:

Carl Roberts, 2610 Shady Lake Road, Columbus, NE

representing Lyman-Richey Corporation	supported
Charles Kaufman, 904 West Division Street	supported
John Amick, representing Richard & Patricia Hartman	supported
Jane Thorngren, 1716 Rainbow Road	opposed
Dr. Casey Iverson, 3604 South Blaine Street	opposed
Scott Fox, 1916 Rainbow Road	opposed
Dan Lynn, 2111 Bass Road	opposed
Richard Miner, 3527 Blaine Street	opposed
Lewis Kent, 624 East Meves	opposed
Scott Leisinger, 2119 Bass Road	opposed

No further public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at 524 South Webb Road. (Lacy Construction Company) Gary Mader, Utilities Director reported that acquisition of a utility easements located at 524 South Webb Road were required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. These easements would 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. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1204 South Locust Street. (James Scott Zana) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1204 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 relocate the electrical feed to the transformer that supplies electricity to Arby's. No public testimony was heard.

Public Hearing on Acquisition of Real Estate Described as Block 77, Original Town, East of Sycamore Street and North of First Street. (Rudolph F. and Jeannie R. Plate, Donna M. Douthit, and Wilhelm R. Gulzow) City Attorney Doug Walker reported that the City had contacted Rudolph Plate, owner of the South Half of Block 77 in the Original Town of Grand Island, located north of First Street and east of Sycamore Street across the street east of City Hall, with regards to his interest in selling this real estate. The total price negotiated in 2000 for these properties was \$370,000. A revised appraisal would need to be conducted to reflect current valuation for the property. Buzz Douthit, 1502 South Locust Street spoke in support and requested time for Olsson Associates to relocate if the north property was bought. Lewis Kent, 624 East Meves spoke in opposition if this property was going to be used for a Fire Station or a parking lot. No further public testimony was heard.

#### ORDINANCES:

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



- #8903 – Consideration of Amending Chapter 17 of the Grand Island City Code Relative to Nuisance Violations
- #8905 – Consideration of Vacation of Utility Easement Located at 1204 South Locust Street (James Scott Zana)
- #8905 – Consideration of Creation of Street Improvement District No. 1252, Lillie Drive and Mabel Drive
- #8908 – Consideration of Assessments for Water Main District No. 444, Mary Lane Subdivision
- #8909 – Consideration of Assessments for Sidewalk District No. 1, 2003
- #8910 – Consideration of Imposing an Additional One-Half Percent Sales Tax
- #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

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 Haase seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these Ordinances? Questions concerning Ordinance #8910 with regards to Alan Sydow's petition were answered by City Attorney Doug Walker. Steve Riehle, Public Works Director explained the drainage problems which related to Ordinance #8911. Lewis Kent, 624 East Meves opposed Ordinance #8903. No further public comment was heard.

City Clerk: Ordinances #8903, #8905, #8906, #8908, #8909, #8910 and #8911 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 #8903, #8905, #8906, #8908, #8909, #8910 and #8911 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 #8903, #8905, #8906, #8908, #8909, #8910 and #8911 are declared to be lawfully passed and adopted upon publication as required by law.

Motion by Pielstick, second by Walker, to approve Ordinance #8912 on first reading only.

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

Councilmember Gilbert questioned the availability of water and sewer in this area. Chad Nabity, Regional Planning Director stated that currently there was no water or sewer in this area.

Upon roll call vote, Councilmembers Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmembers Gilbert and Mayer voted no. Motion adopted.

CONSENT AGENDA: Items G-6, G-10, and G-20 were pulled from the consent agenda. Motion by Nickerson, second by Cornelius, to approve the Consent Agenda excluding items G-6, G-10, and G-20. Upon roll call vote, all voted aye. Motion adopted.

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

Approving Minutes of May 11, 2004 City Council Regular Meeting. Councilmembers Pauly abstained.

Approving Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3<sup>rd</sup> Street for a Class “L” Liquor License.

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

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

#2004-117 – Approving Final Plat and Subdivision Agreement for Woodland Park First Subdivision. It was noted that Hastings Ventures, L.L.C., owners had submitted a final Plat for Woodland Park First Subdivision, located on a tract of land consisting of part of the west half of the southeast quarter of Section 2-11-10 for the purpose of creating 20 lots.

#2004-118 – Approving Acquisition of Utility Easement Located at 524 South Webb Road. (Lacy Construction Company)

#2004-119 - Approving Certificate of Final Completion with Diamond Engineering Company and Setting Date of Board of Equalization Hearing for Street Improvement District No. 1248.

#2004-121 – Approving Bid Award for Water Main Districts 443 and 447T and Sanitary Sewer District 510 and 514 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$441,916.60.

#2004-122 – Approving Preliminary Feasibility Study to Intercept VOC Groundwater Contamination in Southwest Grand Island with Olsson Associates of Grand Island, Nebraska in an Amount not to exceed \$7,500.00.

#2004-123 – Approving Petition to the Governor for the State of Nebraska Requesting Parkview Well for Superfund Site.

#2004-124 – Approving Subordination Agreement with Paul D. and Jeanne E. Allen for Home Rehabilitated with CDBG Funds

#2004-125 – Approving Acquisition of Utility Easement Located at 1204 South Locust Street. (James Scott Zana)

#2004-126 – Approving Award of Contract for Phase I Environmental Assessment Report – 1219 W. North Front Street – Thompson Building with MILCO Environmental Services of Kearney, Nebraska in an Amount of \$2,200.00.

#2004-127 – Approving Change Order #1 for Cooling Tower Fan Motor Control Equipment at Platte Generating Station with Crescent Electric of Grand Island, Nebraska for a Reduction of \$1,141.43 and an Revised Contract Amount of \$120,893.97.

#2004-128 – Approving Interlocal Agreement with Hall County Relative to Financial Assistance for the County’s Contribution to the Heartland Events Center.

#2004-129 – Approving Correction to Resolution #2004-86 Relative to Copier Lease in a Corrected Amount of \$1,363.95 Monthly.

Approving Request of Richard & Patricia Hartman and Lyman-Richey Corporation for Conditional Use Permit for Sand and Gravel Operation Located at 3630 South Blaine Street. Motion by Whitesides, second by Cornelius to deny the request of Richard & Patricia Hartman for a Conditional Use Permit at 3630 South Blaine Street. A lengthy discussion was held by the council concerning dust and sand to the surrounding areas, heights of the stock piles, crushed asphalt, set backs, safety concerns, and quality of life issues. Councilmember Nickerson spoke in support of the permit.

John Amick, Doniphan, Nebraska commented on the restrictions and encouraged the council to look to the future with regards to this property. Jane Thorngren, Scott Fox, Scott Leisinger, and Richard Miner all spoke in opposition.

Upon roll call vote, Councilmembers Whitesides, Pielstick, Gilbert, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmembers Meyer and Nickerson voted no. Motion adopted.

#2004-120 – Approving Authorization and Condemnation of Real Estate Described as Lots One through Eight, Block 77, Original Town, East of Sycamore Street and North of First Street. Motion by Hornady, second by Cornelius to approve Resolution #2004-120. Discussion was held concerning the use of the property. City Administrator Gary Greer commented on this entire block being in the blighted district. Mr. Greer stated this location would fit in nicely with the government plan for downtown.

Upon roll call vote, all voted aye. Motion adopted.

#2004-130 – Approving Contract Award for Comprehensive Aquatic Study with C. T. Brannon Corporation of Tyler, Texas in and Amount not to exceed \$29,800.00. Motion by Hornady, second by Cornelius to approve Resolution #2004-130. Steve Paustian, Parks and Recreation

Director explained the background for this study and what would be included in the study. Cost of the study was also discussed.

Upon roll call vote, all voted aye. Motion adopted.

City Administrator Gary Greer commented on the following 1/2 cent sales tax projects and time lines:

- Property tax reduction being worked on with the budget preparation
- Committees to be formed for the Library Expansion, Law Enforcement Facility and Fire Department projects
- Fire Department site location – June 15, 2004 Study Session
- Law Enforcement Facility – Request for Proposals for Needs study to be sent out within the next few days
- Aquatics Study - approved tonight
- Real Estate east of City Hall - approved tonight

Councilmember Nickerson reminded everyone in Ward 4 of the upcoming neighborhood clean-up.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, carried unanimously to approve the Claims for the period of May 12, 2004 through May 25, 2004, for a total amount of \$2,848,807.48. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G2

### Approving Minutes of June 1, 2004 City Council Study Session

*The Minutes of June 1, 2004 City Council Study Session are submitted for approval. See attached MINUTES.*

Staff Contact: RaNae Edwards

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL STUDY SESSION

June 1, 2004

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on June 1, 2004. Notice of the meeting was given in the Grand Island Independent on May 26, 2004.

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

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the Memorial Day weekend and a reminder of those serving in the military.

Discussion Concerning Smoke Free Public Places and Workplaces in Grand Island. Susan Haeker, Kearney, Nebraska, Tobacco Free Hall County Chair introduced and gave an overview of Tobacco Free Hall County. Collette Shaughnessy, 1422 Jay Street, St. Paul, Nebraska, Tobacco Free Hall County Coordinator discussed an opinion survey results and presented a PowerPoint concerning the effects of smoking in public places and workplaces.

Tobacco Free Hall County requested the Grand Island City Council adopt an ordinance to prohibit smoking in public places and workplaces including restaurants and bars in Grand Island. Recommended was a 100% smoke free ordinance which would (1) protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) guarantee the right of nonsmokers to breathe smoke free air, and recognize that the need to breathe smoke free air should have priority over the desire to smoke.

Lynn Cronk, 2806 Pioneer Blvd., President Grand Island School Board presented information concerning the smoking ban on school grounds. Dr. Dan Cronk, 2806 Pioneer Blvd. spoke concerning tobacco related diseases and the effects of second hand smoke.

Councilmember Pauly asked why this could not be put on a ballot for all citizens to decide. City Administrator Gary Greer commented on costs of an election and stated that 15% of the registered voters, approximate 3,600 signatures would be needed on an initiative petition. Ms. Shaughnessy stated that the city council has the jurisdiction and the cost was a concern.

Amy Osborne and Alexis, 2208 West 10<sup>th</sup> Street commented on a mother's perspective of second hand smoke. Dr. Michael McGahan, 2717 Lakewood Drive, Medical Director of Emergency Services at St. Francis Medical Center spoke concerning the changes in public health over the years, those being air and sewage.

Sarah Wirth, 2822 Dallas Avenue, Grand Island Central Catholic Senior, Tyler Stecker, 71 Ponderosa Drive, Grand Island Senior High and Valerie Williams, 211 South Avenue spoke concerning the youth perspective on second hand smoke in public places and workplaces.

Molly Goedecker, Omaha, Nebraska, Environmental Consultant and former Director of Surveillance & Enforcement of the NE Clean Indoor Act gave a brief overview of Nebraska's Clean Air Act passed in 1980. Smoke in the workplace and employee exposure was presented along with bar and restaurant definitions. Councilmember Pielstick commented on the federal government subsidizing the tobacco growers and asked why Tobacco Free Hall County was not going after them instead of coming to Council.

Don Bourne, 1023 Sherman Avenue, commented that he had been smoking since he was 10. He asked about his rights and the taxes that are being paid by smokers. He opposed the proposed ordinance.

Lee Elliott, Vice President of Human Resources and Foundation at St. Francis Medical Center commented on state statutes which were not very strong. Mentioned were the health care facilities that were non-smoking. Dr. Richard Fruehling, 3604 South Blaine Street, former President of the Nebraska Heart Association commented on primary and secondary illnesses. Asthmatics, children, and filtering systems were mentioned. Dr. Fruehling commented on his disappointment of the Health Departments view on this issue.

Councilmember Gilbert questioned Teresa Anderson, Central District Health Department Director about the health risks of smoking. Ms. Anderson commented that smoking is a health risk and they would support an ordinance, but that they would want more information. Planning was very important along with communication with those involved. Enforcement and awareness were mentioned. Councilmember Haase commented that it was time to act now because it was the right thing to do and it won't get any better.

Councilmember Walker questioned how many restaurants in Grand Island were smoke-free. Currently 80 establishments in Grand Island were smoke free. Councilmember Cornelius spoke in support, but asked about enforcement. Ms. Shaughnessy commented on models from other communities, but stated it could be the council's decision. The model ordinance was read.

City Attorney Doug Walker commented on the model ordinance and enforcement. Mentioned was Code Compliance, Police, or Health Department that could be used for enforcement along with a fine. Mr. Walker asked that the ordinance not be vague if passed by council. Councilmember Meyer questioned what a public place was. Ms. Shaughnessy stated it would be anywhere the public could go.

Ms. Shaughnessy stated that the City of Grand Island was the biggest community in Hall County and that was why they brought this before the council first. City Attorney Doug Walker commented that enforcement would only be within the city limits.

Mike Benischek, 4214 West Capital Avenue and Melanie Koperski, 335 St. Francis, Ashton, Nebraska spoke in support of the ordinance.

Mayor Vavricek questioned the direction of council. Should this to come back before council or should it go before the voters. Councilmember Pauly commented that the federal, state, Lincoln, or Omaha could not come up with a plan and felt this issue should go to a vote of the people. Councilmember Hornady commented on moral choices and supported a vote by the people. Councilmember Meyer commented on those people not represented such as bar owners and supported a vote by the people. Councilmember Gilbert supported the ordinance. Councilmember Whitesides requested more information before a decision would be made by council and supported a vote by the people. Councilmember Haase and Cornelius supported a vote by the people. Councilmember Walker opposed a vote to the people.

City Attorney Doug Walker recommended that his office look into the possibility of taking this to a vote of the people. City Administrator Gary Greer commented that wording for ballot language could be brought before council at in the near future.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G3

### **Approving Appointment to the Central District Health Department Board**

*The Mayor has submitted the appointment of Ann Marsh to the Central District Health Department Board. The appointment would become effective July 1, 2004, upon approval by council, and would expire June 30, 2007. The purpose of the Central District Health Board is to enact rules and regulations for the protection of public health in Hall, Hamilton, and Merrick Counties. Approval is recommended.*

Staff Contact:



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G4

### Approving Appointments to the Law Enforcement Committee

*The Mayor has submitted the appointments of Police Chief Kyle Hetrick, Police Captain Robert Falldorf, Sheriff Jerry Watson, City Administrator Gary Greer, County Board Supervisor Pam Lancaster and Mayor Jay Vavricek to the Law Enforcement Committee. County Board Supervisor Jim Eriksen will serve as an alternate. The purpose of this committee is to oversee the process of building a law enforcement facility. The appointments will become effective immediately and will expire at the completion of the project. Approval is recommended.*

Staff Contact: Mayor Vavricek



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G5

### **Approving Appointments to the Fire Station/Training Committee**

*The Mayor has submitted the appointments of Fire Chief Jim Rowell, Fire Operations Division Chief Curt Rohling, Fire Training Division Chief Troy Hughes, Councilmember Bob Meyer, City Administrator Gary Greer, and Citizen Representative Duane Donaldson to the Fire Station/Training Committee. The purpose of this committee is to oversee the process of building a fire station/training facility. The appointments will become effective immediately and will expire at the completion of the project. Approval is recommended.*

**Staff Contact: Mayor Vavricek**



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G6

### Approving Appointments to the Library Committee

*The Mayor has submitted the appointments of Library Director Steve Fosselman, Councilmember Margaret Hornady, City Attorney Doug Walker, Executive Assistant Paul Briseno, Hall County Supervisor Bob Rye, Library Board Member Michael Kneale, Billie Marvel, and Citizen Representative Tom Ward to the Library Committee. Hall County Supervisor Scott Arnold will serve as an alternate. The purpose of this committee is to oversee the process of expansion of the library facility. The appointments will become effective immediately and will expire at the completion of the project. Approval is recommended.*

Staff Contact: Mayor Vavricek



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G7

**Approving Request of Hooker Bros. Sand & Gravel for  
Conditional Use Permit for Sand and Gravel Operation Located at  
3860 South Locust Street**

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

Staff Contact: Craig Lewis



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G8

**Approving Preliminary Plat for Martin's Second Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 8, 2004  
**Subject:** Martin's Second Subdivision - Preliminary Plat  
**Item #'s:** G-8  
**Presenter(s):** Chad Nabity

## Background

This preliminary plat proposes to create 7 lots on a parcel of land in the SE ¼ SE ¼ Section 13, Township 11, Range 10. North of Old Potash Highway, and West of Webb Road.

## Discussion

This property is zoned B2-General Business zone.

## Alternatives

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

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

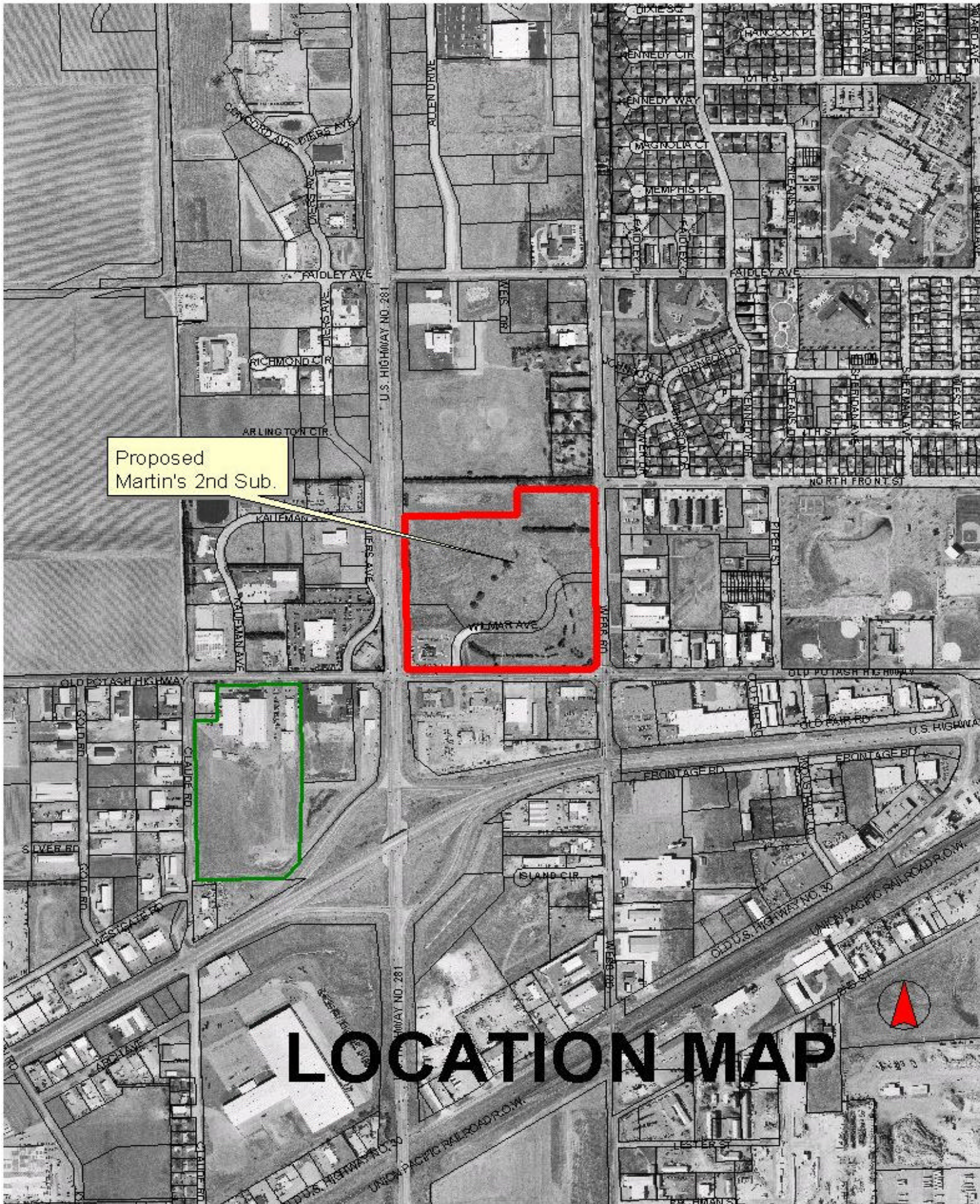
## Recommendation

A motion was made by Brown and seconded by Hayes to **approve** and recommend that the Grand Island City Council **approve** the preliminary plat of Martin's Second Subdivision.

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

## Sample Motion

Approve the Preliminary Plat for Martin's Second Subdivision as presented.



Proposed  
Martin's 2nd Sub.

# LOCATION MAP





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G9

**#2004-131 - Approving Final Plat and Subdivision Agreement for  
Martin's Second Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 8, 2004  
**Subject:** Martin's Second Subdivision - Final Plat  
**Item #'s:** G-9  
**Presenter(s):** Chad Nabity

## Background

This final plat proposes to create 7 lots on a parcel of land in the SE ¼ SE ¼ Section 13, Township 11, Range 10. North of Old Potash Highway, and West of Webb Road.

## Discussion

This property is zoned B2-General Business zone.

## 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

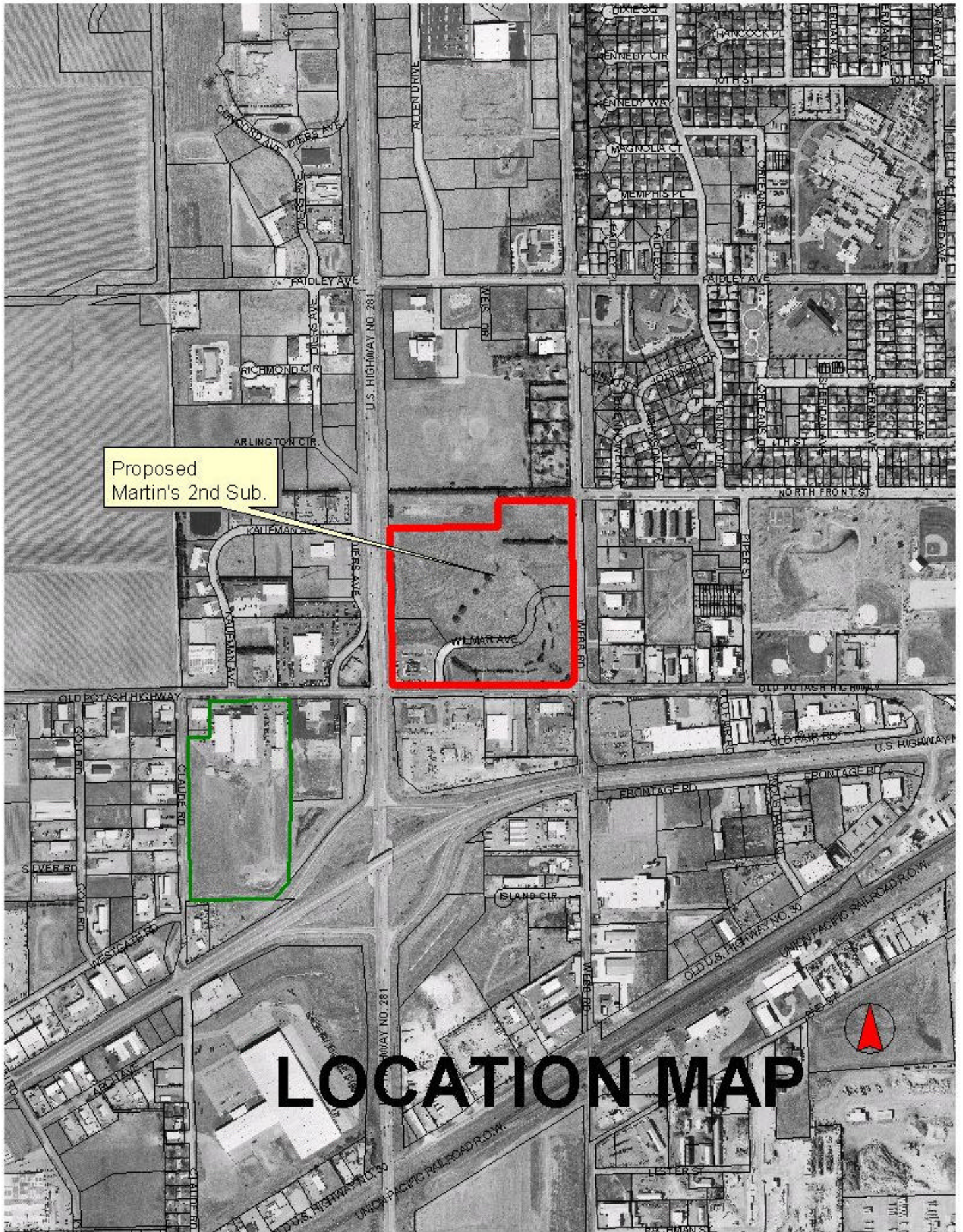
## Recommendation

A motion was made by Haskins and seconded by Ruge to **approve** and recommend that the Grand Island City Council **approve** the final plat of Martin's Second Subdivision.

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

## Sample Motion

Approve the Final Plat for Martin's Second Subdivision as presented.



Proposed  
Martin's 2nd Sub.

# LOCATION MAP

RESOLUTION 2004-131

WHEREAS, Wilmar Realty, L.L.C., a Nebraska limited liability company, and Northcott Hostility International, L.L.C., as owners, have caused to be laid out into lots, a tract of land consisting of all of Lot 1, Lot 2, Lot 3, and Lot 4 of Martin's Subdivision, located in the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section 13, Township 11 North, Range 10 West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, under the name of MARTIN'S SECOND SUBDIVISION, and have caused a plat thereof to be acknowledged by them; 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 owners and by Edgemark Development, L.L.C., a limited liability company, as subdivider of the property, 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 MARTIN'S SECOND SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G10

**#2004-132 - Approving Final Plat and Subdivision Agreement for  
Brentwood Sixth Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 8, 2004  
**Subject:** Brentwood Sixth Subdivision - Final Plat  
**Item #'s:** G-10  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

This final plat proposes to resubdivide lot 1 Brentwood Fifth Subdivision into 2 lots. This property is located South of Woodridge Blvd and East of Webb Rd.

## Discussion

This property is zoned B1 Light Business Zone. These lots meet all of the requirements for the B1 zone. Lot 2 is covered by a storm drainage easement. All building on lot 2 will be limited unless that easement is removed. The intended use for this lot would not require building so this should not be an issue.

## 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

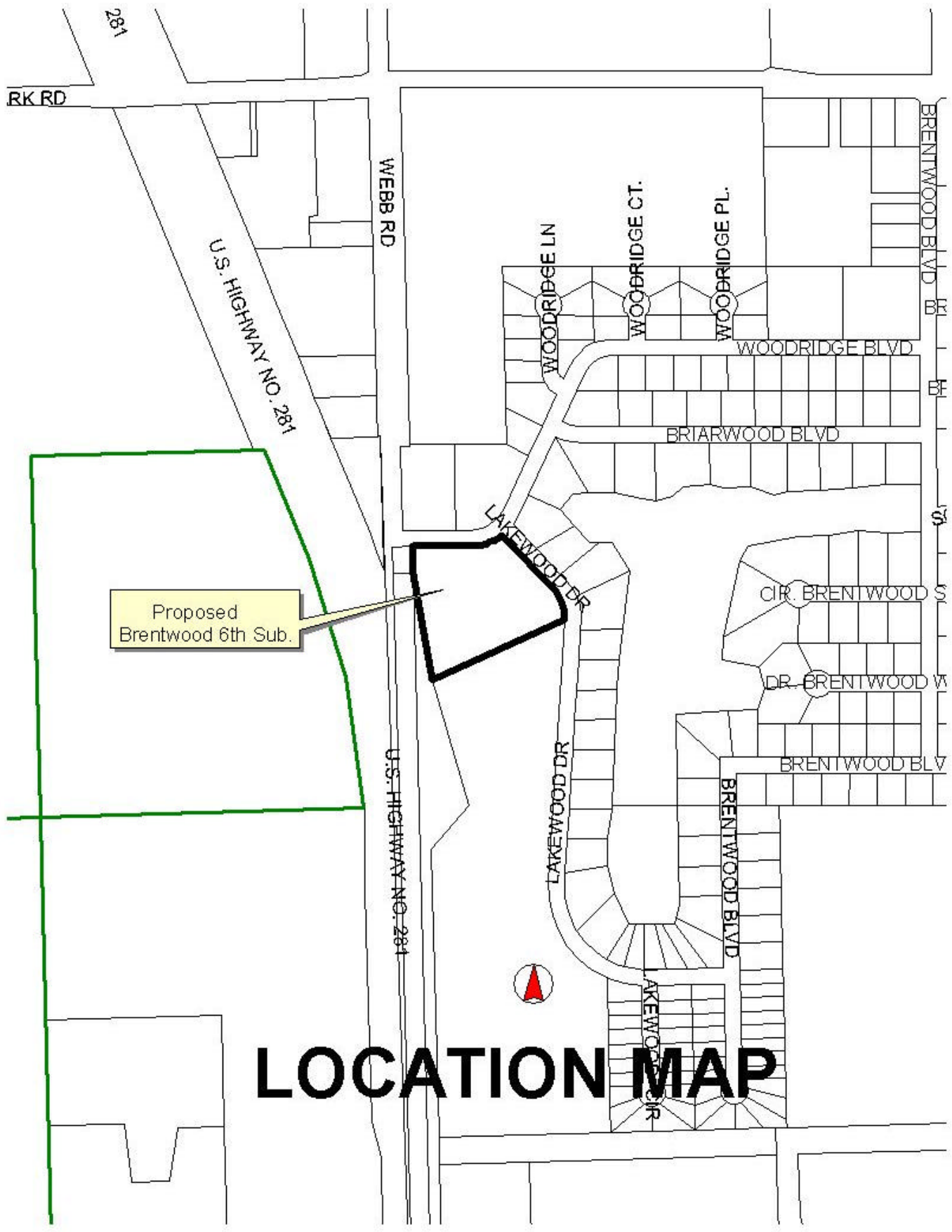
## Recommendation

A motion was made by Haskins and seconded by Hayes to **approve** and recommend that the Grand Island City Council **approve** the final plat of Brentwood Sixth Subdivision.

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

## Sample Motion

Approve the Final Plat for Brentwood Sixth Subdivision as presented.



Proposed  
Brentwood 6th Sub.

# LOCATION MAP

RESOLUTION 2004-132

WHEREAS, Grand Island Bickford Cottage, L.L.C., a Kansas limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising all of Lot One (1), Brentwood Fifth Subdivision, in the City of Grand Island, Hall County, Nebraska, under the name of BRENTWOOD SIXTH 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 BRENTWOOD SIXTH 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, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G11

**#2004-133 - Approving Final Plat and Subdivision Agreement for  
Butterfly Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 8, 2004  
**Subject:** Butterfly Subdivision - Final Plat  
**Item #'s:** G-11  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

This final plat proposes to create 1 lot. This property is located North of 13<sup>th</sup> St and East of Engleman Rd, Hall County, Nebraska within Grand Island 2 mile jurisdiction.

## Discussion

This property is zoned AG Agricultural. This is a typical farmstead lot split. The existing farmstead has been in existence at this location for more than 10 years and is on a parcel of more than 20 acres. This splits the farmstead and 5 acres from the 26 acre parcel. This house is served by water. Sewer is not available.

Greg Baxter appeared at the planning commission meeting to ask that the planning commission table the subdivision application until such time as it is shown that there is a buyer for this property. Baxter's own the feedlot across the street from this property and are concerned about potential conflicts with new neighbors.

It is within the rights of the applicant to split this off with or without a potential buy for the property. It meets all of the requirements for a legal subdivision and should be approved. We do not require that people subdividing property into lots have all of the lots sold prior to allowing the subdivision.

## Alternatives

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

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

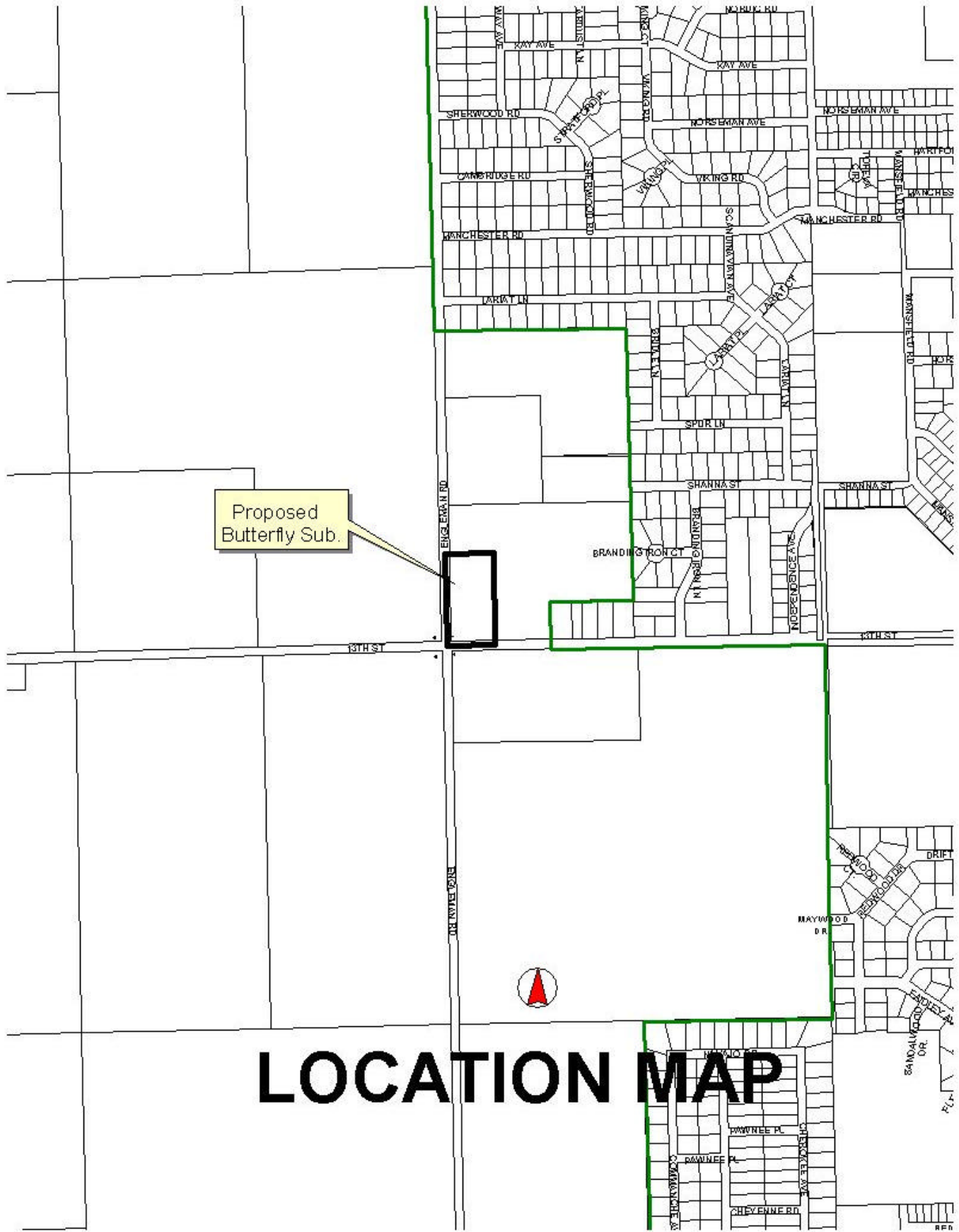
## Recommendation

A motion was made by Hayes and seconded by Haskins to **approve** and recommend that the Grand Island City Council **approve** the final plat of Butterfly Subdivision.

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

**Sample Motion**

Approve the Final Plat for Butterfly Subdivision as presented.



Proposed Butterfly Sub.



# LOCATION MAP

RESOLUTION 2004-133

WHEREAS, Wayne E. Bockman, Personal Representative of the Roy Henry Bockman, Sr. Estate, as owner, has caused to be laid out into a lot, a tract of land comprising a part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section Eleven (11), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, under the name of BUTTERFLY SUBDIVISION, and has caused a plat thereof to be acknowledged by him; 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 BUTTERFLY 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, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G12

**#2004-134 - Approving Final Plat and Subdivision Agreement for  
JPM Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 8, 2004  
**Subject:** JPM Subdivision - Final Plat  
**Item #'s:** G-12  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

This final plat proposes to resubdivide lot 5 Fairacres Subdivision into 6 lots. This property is located North of Eilenstine Rd and East of St Paul Rd, Hall, County Nebraska, within Grand Island 2 mile jurisdiction.

## Discussion

This property is zoned TA Transitional Agriculture. The TA zone allows for 20,000 square foot lots. The proposed lots for this subdivision are more than 30,000 square feet in size. Sewer and water are not available to the property. The nearest lines are approximately ½ mile south at the intersection of St. Paul Road and Capital Avenue. The City does not currently have a timeline for extension of water and sewer to serve this property.

This area was considered for annexation in 2002. Staff recommended that annexation not proceed because the lots are generally large enough to handle well and septic systems and the cost to install sewer and water lines is prohibitive on large lots. Allowing the creation of smaller lots would make it more feasible to extend water and sewer in the future.

Installation of dry sewer and water lines is not required in this case as the lots will be developed along existing roads.

If this subdivision is approved it should be contingent on the final plat showing the locations of the septic leach fields and a reserve area as approved by the Nebraska Department of Environmental Quality. These areas should be called out as utility easements with use restrictions place on those easements within the subdivision agreement.

## Alternatives

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

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

## **Recommendation**

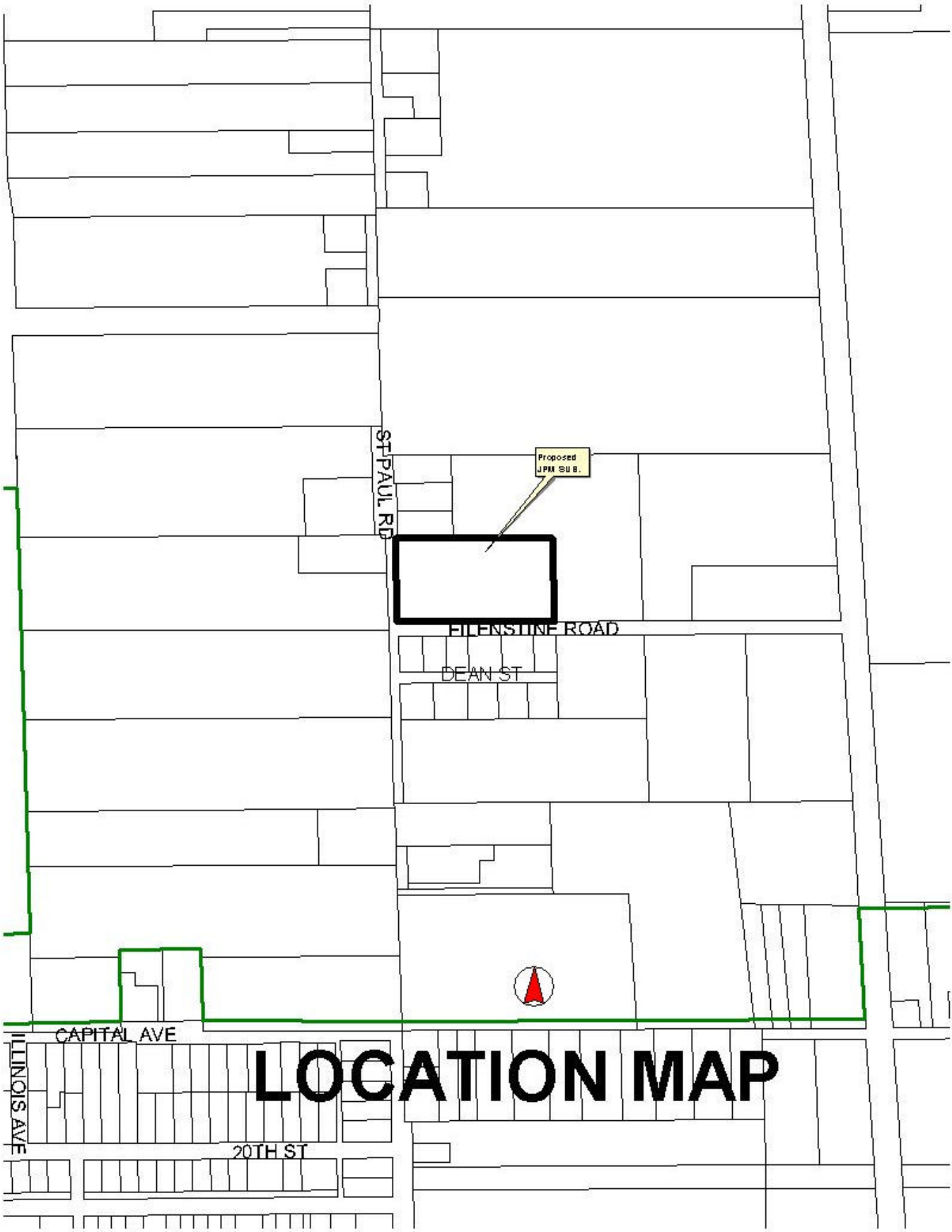
A motion was made by Ruge and seconded by Miller to **approve** and recommend that the Grand Island City Council **approve** the final plat of JPM Subdivision with the final signed plat showing an easement on the lots 1-6 for the septic systems and reserve septic systems.

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

## **Sample Motion**

Approve the Final Plat for JPM Subdivision as presented.





Proposed  
JPM SUB.

ST PAUL RD

FILENSTINE ROAD

DEAN ST

CAPITAL AVE

ILLINOIS AVE

20TH ST

# LOCATION MAP

R E S O L U T I O N 2004-134

WHEREAS, Jerry M. Miller and Pamela S. Saber-Miller, husband and wife, as owners, have caused to be laid out into lots, a tract of land consisting of all of Lot Five (5) of Fairacres Subdivision, in Hall County, Nebraska, under the name of JPM SUBDIVISION, and have caused a plat thereof to be acknowledged by them; 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 owners 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 JPM 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, June 8, 2004.

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



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G13

**#2004-135 - Approving Request of Emil Schaaf/Werner  
Construction for Conditional Use Permit for Sand and Gravel  
Operation Located at 5588 South Engleman Road**

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

Staff Contact: Craig Lewis

R E S O L U T I O N 2004-135

WHEREAS, on July 11, 2000, by Resolution 00-0063, the Hall County Board of Supervisors approved a request by Emil Schaaf and Werner Construction for a conditional use permit to operate a sand and gravel pumping facility at 5588 South Engleman Road; and

WHEREAS, such property has now become part of the City of Grand Island's two mile zoning jurisdictional area; and

WHEREAS, Emil Schaaf and Werner Construction have approached the City of Grand Island and the County of Hall requesting that such Conditional Use Permit be modified to include additional land adjacent to the present sand and gravel operation; and

WHEREAS, such additional and adjacent land would bring the sand and gravel operation closer to residential areas; and

WHEREAS, on May 4, 2004, the Hall County Board of Supervisor conditionally granted to Werner Construction a Conditional Use Permit regarding additional lands adjoining the location of the present sand and gravel operation contingent on the modification of the previous Resolution #00-0053 granted to Emil Schaaf; and

WHEREAS, a Consent to Modification of Resolution #00-0063 of the County Board of Supervisors in and for the County of Hall, Nebraska, has been approved which restricts the days and hours of operation of the current sand and gravel operation, requires the use of more effective muffler systems on pump motors, and clarifies that manufacturing processes (ready mix or asphalt "hot-mix" operations) cannot be conducted on the premises; and

WHEREAS, it is recommended that the City of Grand Island approve a Conditional Use Permit to Emil Schaaf and Werner Construction for a sand and gravel operation at 5588 South Engleman Road in accordance with the terms and conditions set out in Hall County Resolution #00-0063 and the Consent to Modification of Resolution #00-0063 of the County Board of Supervisors in and for the County of Hall, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island hereby authorizes and permits Werner Construction, Inc. of Hastings, Nebraska to operate a sand and gravel operation on the above-identified property owned by Emil Schaaf in accordance with the terms and conditions set out in Hall County Resolution #00-0063 and the Consent to Modification of Resolution #00-0063 of the County Board of Supervisors in and for the County of Hall, Nebraska.

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such documentation on behalf of the City of Grand Island to allow the sand and gravel operation in accordance with the terms set out therein.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G14

**#2004-136 - Approving Acquisition of Utility Easement - 1/4 Mile West and 1/2 Mile North of Stuhr Road and Highway 34 (off of Midaro Drive) - Sahling**

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

Staff Contact: Gary R. Mader

RESOLUTION 2004-136

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

WHEREAS, a public hearing was held on June 8, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the West Half of the Southeast Quarter (W1/2, SE1/4) and part of Government Lot Two (2), Island, all in Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, the easterly line of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Commencing at the northwest corner of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West; thence S00°57'18"E along the westerly line of said West Half of the Southeast Quarter (W1/2, SE1/4), a distance of One Thousand One Hundred Thirty Nine and Eighty Three Hundredths (1,139.83) feet; thence N56°50'07"E, a distance of Five Hundred Eighty Nine and Sixty Three Hundredths (589.63) feet; thence N87°53'02"E, a distance of Three Hundred Thirty Five and Eighty Eight Hundredths (335.88) feet; thence N87°39'24"E, a distance of Four Hundred Seventy Nine and Seven Hundredths (479.07) feet to the actual Point of Beginning; thence N01°03'33"W along the easterly line of the said West Half of the Southeast Quarter (W1/2, SE1/4), a distance of Seven Hundred Eighty and Sixteen Hundredths (780.16) feet to the northeast corner of said West Half of the Southeast Quarter (W1/2, SE1/4); thence N00°47'08"W along the easterly line of Government Lot Two (2), Island, Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., a distance of Six Hundred Fifty Nine (659.00) feet.

The above-described easement and right-of-way containing 0.661 acres more or less, as shown on the plat dated May 20, 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 public utility easements from Scott Sahling and Mary Sahling, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G15

**#2004-137 - Approving Certificate of Final Completion for  
Downtown Alleys Phase IV, Street Improvement District No. 1243  
and 1244 and Setting Board of Equalization Hearing Date for  
Street Improvement District No. 1243**

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

# Council Agenda Memo

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

**Meeting:** June 8, 2004

**Subject:** Certificate of Final Completion for Downtown Alleys Phase IV, Street Improvement District No. 1243 and 1244 and Setting Board of Equalization Hearing Date for Street Improvement District No. 1243.

**Item #'s:** G-15

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

## Background

A Contract in the amount of \$392,096.45 (\$322,111.90 for Electrical and \$69,984.55 for Paving and Storm Sewer) for Phase IV Downtown Alley Improvements, comprising Street Improvement Districts 1243 and 1244. (Street Improvement District 1243 is located between 3<sup>rd</sup> Street and Front Street from Elm to Cleburn Street. District 1244 is located between 3<sup>rd</sup> Street and Front Street from Cedar to Elm Street.) The contract was awarded to The Diamond Engineering Company of Grand Island on July 9, 2002.

## Discussion

The work for Street Improvement Districts 1243 and 1244 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 \$78,475.95. Total cost of the paving and storm sewer work, including Engineering Services, is \$86,323.54. A portion of costs for Street Improvement District 1243 will be assessed to the adjacent properties; however, District 1244 will not be assessed.

## 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 Districts 1243 and 1244 set the Board of Equalization Hearing date for Street Improvement District 1243 for July 13, 2004.

### **Sample Motion**

Move to approve the Certificate of Final Completion and set the Board of Equalization Hearing date for Street Improvement District 1243.

**ENGINEER'S CERTIFICATE OF FINAL COMPLETION**

**DOWNTOWN ALLEY IMPROVEMENT PROJECT  
PAVING/STORM SEWER – PHASE IV**

**CITY OF GRAND ISLAND, NEBRASKA**  
June 8, 2004

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

This is to certify that DOWNTOWN ALLEY IMPROVEMENT PROJECT PAVING/STORM SEWER – PHASE IV has been fully completed by Diamond Engineering of Grand Island under contract dated July 22, 2002. The work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by me as Director of Public Works in accordance with the provisions of Section 16-650 R.R.S., 1943.

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

DOWNTOWN ALLEY IMPROVEMENT PROJECT PAVING/STORM SEWER – PHASE IV, comprises of Street Improvement Districts 1243 and 1244. District 1243 is located between 3<sup>rd</sup> Street and Front Street from Elm to Cleburn Street. District 1244 is located between 3<sup>rd</sup> Street and Front Street from Cedar to Elm Street.

**PHASE IV**

**DISTRICT NO. 1243 – (Elm to Cleburn)**

Item No.	Description	Bid Price	Quantities Placed	Total Amount Completed
1.	PCC Pavement, 6"	\$28.40	65.33 sy	\$1,855.37
2.	PCC Pavement, 8"	\$35.80	576.6 sy	\$20,642.28
3.	Remove Pavement	\$3.50	624.53 sy	\$2,185.86
4.	Pavement Sawcut	\$3.90	261.3 lf	\$1,019.07
5.	Adjust Manhole	\$250.00	2 ea	\$500.00
6.	12" PVC Storm Sewer	\$22.50	301.4 lf	\$6,781.50
7.	4" PVC Drain Pipe	\$15.40	62.8 lf	\$967.12
8.	6" PVC Drain Pipe	\$18.00	237.4 lf	\$4,273.20
9.	Alley Inlet, Castings	\$650	4 ea	\$2,600.00
10.	12" x 4" Tee	\$175	3 ea	\$525.00
11.	12" x 6" Tee	\$180	5 ea	\$900.00
12.	4" Elbow	\$40.00	5 ea	\$200.00

13.	6" Elbow	\$50.00	10 ea	\$500.00
14.	12" x 6" Elbow	\$300.00	0 ea	-
15.	Remove Storm Sewer	\$236.00	0 lf	-
16.	Remove Inlet	\$130.00	0 ea	-
17.	4" Sidewalk R & R	\$4.40	102 sf	\$448.80
	6" Elbow-45 Deg.	\$50.00	5 ea	\$250.00
	6 x 6 x 6 Tee	\$40.00	3 ea	\$120.00

Total District No. 1243	\$43,768.20
Less Amount Previously Paid to Contractor	\$43,145.28
Amount Due to Contractor Final Payment	\$622.92

City's Cost – Public Works Department	\$21,659.17
City's Cost – Utilities Department	\$ 6,341.00
Costs Assessable to Property Owners	\$20,144.84
<b>TOTAL DISTRICT COST</b>	<b>\$71,768.37</b>

**DISTRICT NO. 1244 – (Cedar to Elm)**

Item No.	Description	Bid Price	Quantities Placed	Total Amount Completed
1.	PCC Pavement, 6"	\$28.40	49.25 sy	\$1,398.70
2.	PCC Pavement, 8"	\$35.80	530.45 sy	\$18,990.11
3.	Remove Pavement	\$3.50	561.63 sy	\$1,965.86
4.	Pavement Sawcut	\$3.90	244.6 lf	\$953.94
5.	Adjust Manhole	\$250.00	1 ea	\$250.00
6.	12" PVC Storm Sewer	\$22.50	288.7 lf	\$6,495.75
7.	Alley Inlet	\$510.00	3 ea	\$1,530.00
8.	12" x 4" Tee	\$175.00	1 ea	\$175.00
9.	Remove Storm Sewer	\$5.00	200 lf	\$1000.00
10.	Remove Inlet	\$130.00	3 ea	\$390.00
	Window Well Closure	\$530.00	1 ea	\$530.00
	PVC to RCP Connection	\$30.00	1 ea	\$30.00
	Asphalt Pavt.	\$100.00	8.74 tn	\$874.00
	4" to 2" Reducer	\$12.50	1 ea	\$12.50
	2" PVC Pipe	\$3.00	1.50 lf	\$4.50
	2" Furnco	\$12.50	1 ea	\$12.50
	Rem. & Repl. 4" Walk	\$4.40	21.60 sf	\$95.04

Total District No. 1244	\$34,707.75
Less Amount Previously Paid to Contractor	\$33,965.80
Amount Due to Contractor Final Payment	\$741.95

Steven P. Riehle, P.E.

Director of Public Works

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June 8, 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 Downtown Alley Improvement Project Paving/Storm Sewer – Phase IV and Electrical Project 2000-UG-1 be approved and a warrant be issued from Account No. 40033530-90052 in the amount of \$622.92 payable to Diamond Engineering for the final payment.

I further recommend that the City Council sit as a Board of Equalization on July 13, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek  
Mayor

RESOLUTION 2004-137

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Downtown Alleys Phase IV (consisting of Street Improvement District No. 1243 and Street Improvement District No. 1244), certifying that the Diamond Engineering Company of Grand Island, Nebraska, under contract dated July 22, 2002, 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 Downtown Alleys Phase IV (consisting of Street Improvement District No. 1243 and Street Improvement District No. 1244), is hereby confirmed.
2. A warrant be issued from Account No. 40033530-90052 in the amount of \$622.92 payable to the Diamond Engineering Company for the final amount due the contractor.
3. The City Council will sit as a Board of Equalization on July 13, 2004 to determine benefits and set assessments for Street Improvement District No. 1243.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G16

**#2004-138 - Approving Continuation of Sanitary Sewer District  
No. 515, Dale Roush Subdivision (Indian Acres)**

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



# **Council Agenda Memo**

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

**Meeting:** June 8, 2004

**Subject:** Continuation of Sanitary Sewer No. 515, Dale Roush Subdivision (Indian Acres)

**Item #'s:** G-16

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

## **Background**

Sanitary Sewer District 515 was created by the City Council on April 13, 2004. Legal Notice of the creation of the District was published in the *Grand Island Independent* on April 20, 2004. A letter was mailed to all property owners on April 21, 2004. On May 4, 2004 a public informational meeting was held at Shoemaker School to answer questions and concerns that the owners may have had.

## **Discussion**

The protest period for Sanitary Sewer District 515 ended at 5:00p.m. on Thursday, May 20, 2004. There were protests filed against this district by 21 abutting property owners. These owners represented 2,340.20 front feet, or 17.19% of the total district frontage of 13,614.93 feet.

## **Alternatives**

1. Approve the continuation of Sanitary Sewer District 515.
2. Disapprove or /Deny the continuation of Sanitary Sewer District 515.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

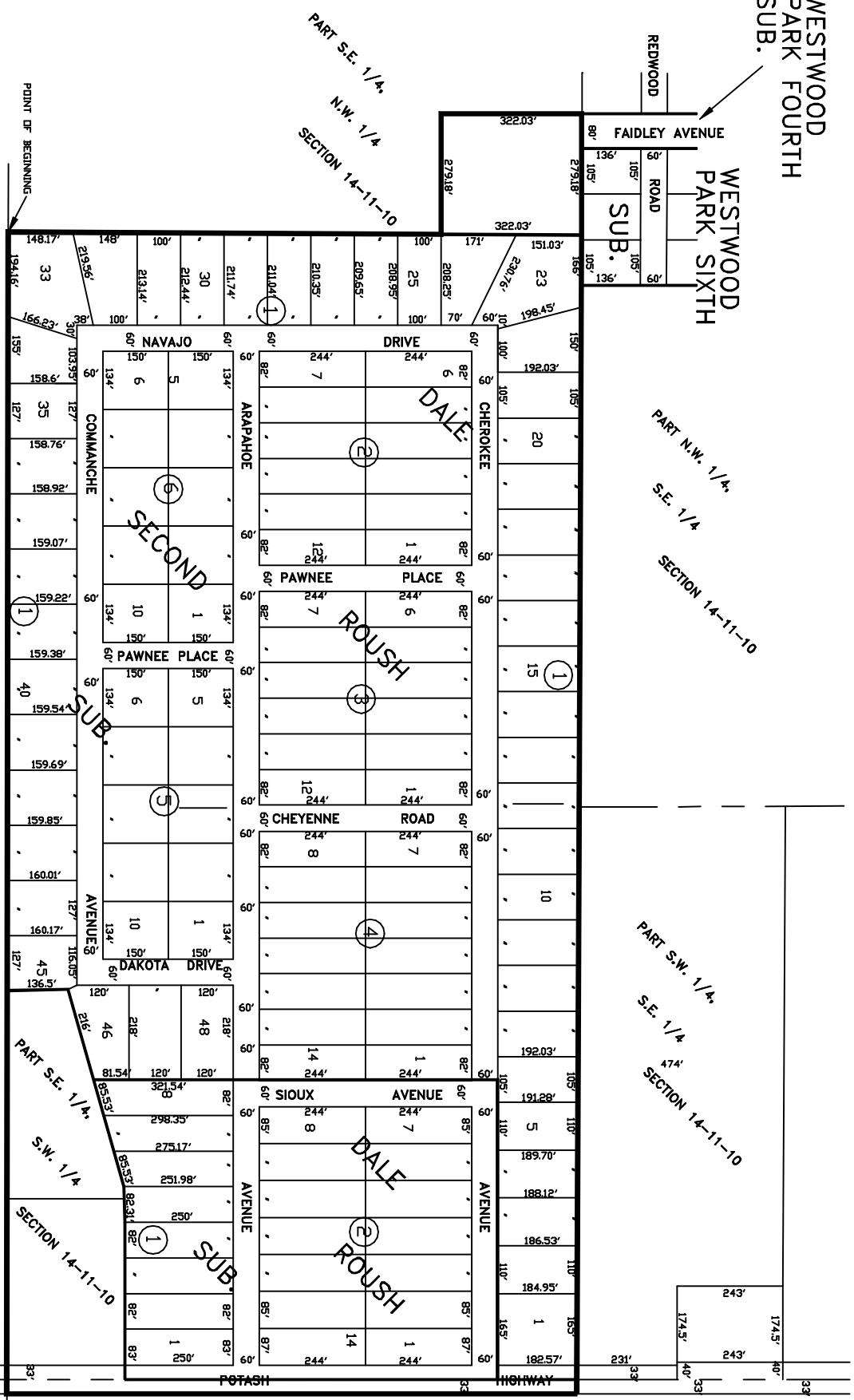
City Administration recommends that the Council approve the continuation of Sanitary Sewer District 515, Dale Roush Subdivision (Indian Acres).

## **Sample Motion**

Move to approve the continuation of Sanitary Sewer District # 515.

WESTWOOD  
PARK FOURTH  
SUB.

WESTWOOD  
PARK SIXTH  
SUB.



POINT OF BEGINNING

PART S.E. 1/4  
N.W. 1/4  
SECTION 14-11-10

PART N.W. 1/4  
S.E. 1/4  
SECTION 14-11-10

PART S.W. 1/4  
S.E. 1/4  
SECTION 14-11-10

PART S.E. 1/4  
S.W. 1/4  
SECTION 14-11-10



SANITARY SEWER DISTRICT S15

EXHIBIT "A"

STATE OF IOWA  
PUBLIC WORKS DEPARTMENT

PLAT TO ACCOMPANY ORDINANCE  
NO. 8896

SCALE 1" = 200' L.D.C. 4/5/04

R E S O L U T I O N 2004-138

WHEREAS, Sanitary Sewer District No. 515 was created by Ordinance No. 8896 on April 13, 2004; and

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

WHEREAS, a copy of the ordinance and notice was mailed to all property owners located in the district on April 21, 2004; and

WHEREAS, a public informational meeting was held at Shoemaker School on May 4, 2004 to further explain details pertaining to the sanitary sewer district; and

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

WHEREAS, the protest period ended on May 20, 2004, and protests were filed with the City Clerk against the creation of Sanitary Sewer District No. 515 by abutting property owners representing 17.19% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 515, therefore such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G17

**#2004-139 - Approving Change Order No. 1 to the Contract for Street Improvement District No. 1245, James Road, Located North of Husker Highway Approximately 950 Feet**

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

# Council Agenda Memo

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

**Meeting:** June 8, 2004

**Subject:** Approving Change Order No. 1 to the Contract with The Diamond Engineering Company for Street Improvement District 1245, James Road

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

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

## Background

James Road was originally a project in which the developer would build water, sanitary sewer, and concrete paving. The developer's contractor built water and sanitary sewer and started work on grading and storm sewer. Before completing the grading and storm sewer the developer decided to finish building thru a district process in which the city would advertise for bids and assess the costs to the developer. Accordingly, Street Improvement District 1245 was created by the City Council on April 8, 2003 and approved for continuation on May 13, 2003. The Engineering Division of the Public Works Department advertised for bids and a contract was awarded to The Diamond Engineering Company of Grand Island, NE on December 9, 2003.

## Discussion

As work to complete Street Improvement District 1245 commenced, changes to storm sewer inlets and grading had to be made because the developer's construction did not match the plans. Because the additional work was not anticipated, it was not part of Diamond's contract. Therefore, the construction cost exceeded the original contract amount and will be assessed to the developer. Change Order No. 1 is prepared to include the following changes.

<b>Original Contract</b>	<b>\$ 99,481.35</b>
1) Additional Labor Hours and Equipment Hours	\$ 1,310.00
<b>Revised Contract</b>	<b>\$100,791.35</b>

## **Alternatives**

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

1. Approve Change Order No. 1 so as the Contract amount for Street Improvement District 1245 would be a total of \$100,859.00.
2. Disapprove or /Deny Change Order No. 1.
3. Modify the Change Order to meet the wishes of the Council
4. Table the issue

## **Recommendation**

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

## **Sample Motion**

Approve Change Order No. 1 to the contract with The Diamond Engineering Company for Street Improvement District 1245.

RESOLUTION 2004-139

WHEREAS, on January 13, 2004, by Resolution 2004-8, the City of Grand Island awarded the bid for Street Improvement District No. 1245 to the Diamond Engineering Company of Grand Island, Nebraska; and

WHEREAS, unanticipated, additional work was required to storm sewer inlets and grading due to existing construction work performed by the developer; and

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

WHEREAS, Change Order No. 1 will result in an addition of \$1,310 to the contract price, for a revised contract price of \$100,791.35; and

WHEREAS, it is recommended that the developer be assessed the costs of this change order.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and the Diamond Engineering Company of Grand Island, Nebraska for an increase in the contract price in the amount of \$1,310.00.

BE IT FURTHER RESOLVED, that the developer of the project be assessed the costs of Change Order No. 1.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G18

**#2004-140 - Approving Certificate of Final Completion and Setting Board of Equalization Hearing Date for Street Improvement District No. 1245, James Road, Located North of Husker Highway Approximately 950 Feet**

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



# Council Agenda Memo

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

**Meeting:** June 8, 2004

**Subject:** Certificate of Final Completion for Street Improvement District 1245, James Road Located North of Husker HWY Approximately 950 Feet

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

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

## Background

The contract for Street Improvement District 1245 was awarded to The Diamond Engineering Company of Grand Island, NE on December 9, 2003. Work commenced with a preconstruction conference on March 17, 2004 and was completed on May 20, 2004.

## Discussion

The work for Street Improvement District 1245 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 \$100,859.00. Total cost of the project, including contract administration, is \$110,944.90. The majority of costs for this project will be assessed to the adjacent properties. Costs for the project break down as follows:

Original Bid	\$ 99,481.35
Change Order No. 1	\$ 1,310.00
Overruns	\$ 67.65
<b>Sub Total (Construction Price)</b>	<b>\$ 100,859.00</b>
Additional Costs	
<u>Engineering and Publication Costs</u>	<u>\$ 10,085.90</u>
<b>Total Cost</b>	<b>\$ 110,944.90</b>

## **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 1245 and set the Board of Equalization date of July 13, 2004.

## **Sample Motion**

Move to approve the Certificate of Final Completion and set the Board of Equalization hearing for Street Improvement District 1245.

# ENGINEER'S CERTIFICATE OF FINAL COMPLETION

STREET IMPROVEMENT DISTRICT 1245

CITY OF GRAND ISLAND, NEBRASKA

JUNE 8, 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. 1245, has been fully completed by The Diamond Engineering Co. of Grand Island, NE under the contract dated January 21, 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.

**District No. 1245, James Road, is located North of Husker Highway, approximately 950 feet.**

Item No.	Description	Total Quantity	Unit Price	Total Cost
1.	7" PCC Pavement	4150 s.y.	22.5	91,507.50
2.	6" PCC Integral Curb	1747 l.f.	1.15	2,009.05
3.	Concrete Header	41 l.f.	11.45	469.45
4.	Type "D" Mod. Inlet	4 ea	520	2,080.00
5.	Furnish & Install MH Ring & Cover	3 ea	430	1,290.00
6.	Adjust Manhole to Grade	2 ea	145	290.00
7.	Adjust Valve Box to Grade	6 ea	200	1,200.00
8.	Type B Seeding s/ Mulch & Fertilizer	0.38 AC	1,850.00	703.00

CHANGE ORDER NO. 1	\$ 1,310.00
TOTAL CONSTRUCTION COST	\$ 100,859.00
LESS AMOUNT PREVIOUSLY PAID TO CONTRACTOR	(\$ 95,148.20)
<b>BALANCE DUE TO CONTRACTOR THIS FINAL PAYMENT</b>	<b>\$ 5,710.80</b>

OUTSIDE ENGINEERING COSTS

MILLER & ASSOCIATES ENGINEERING & DESIGN	\$ 1,989.22
MILLER & ASSOCIATES CONSTR.,STAKING, & OBSERVATION OF AS BUILT DRAWINGS	\$ 7,545.47
TOTAL OUTSIDE ENGINEERING COSTS	\$ 9,534.69

Engineering and Publication Costs - City	\$ 551.21
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TOTAL COST OF STREET IMPROVEMENT DISTRICT 1248	\$110,944.90
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Average front foot cost based on Front Foot Method	\$ 85.67
Amount Assessable to Property Owners	\$ 110,944.90
City Cost	\$ 0.00

Respectfully submitted,

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

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June 8, 2004

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

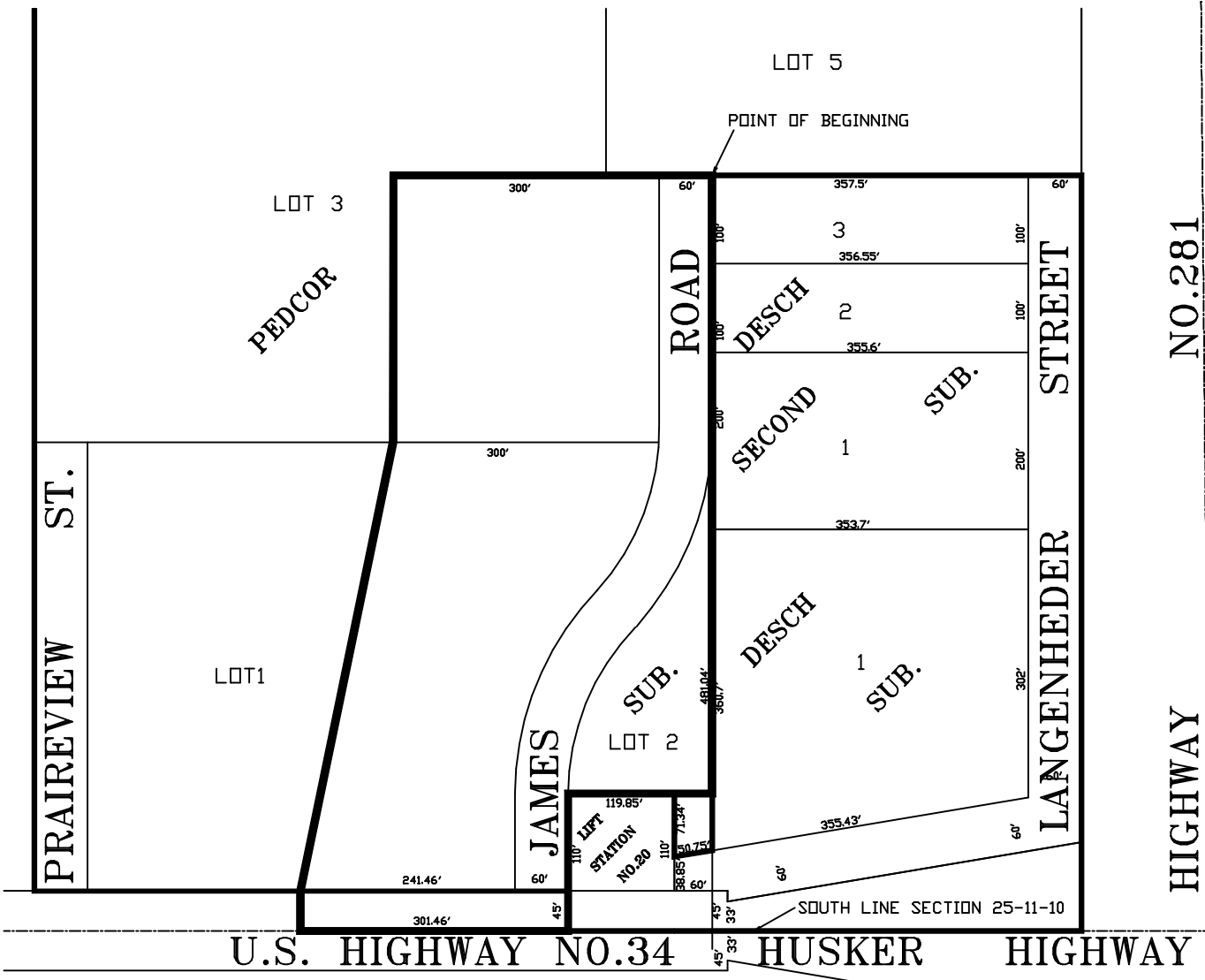
I hereby recommend that the Engineer's Certificate of Final Completion for the Street Improvement District No. 1245, be approved and a warrant be issued from Account No. 40033525-90049 in the amount of \$5,710.80 payable to The Diamond Engineering Co. for the amount due to the contractor.

I further recommend that the Costs of Engineering be credited to Account No. 100.130.04516 from Account No. 40033530-90143 in the amount of \$10,085.90.

I further recommend that the City Council sit as the Board of Equalization on July 13, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek Mayor



STREET IMPROVEMENT DISTRICT 1245

EXHIBIT "A"

CITY OF  
**GRAND ISLAND**  
 PUBLIC WORKS DEPARTMENT

DATE: 4/1/03  
 DRN BY: L.D.C.  
 SCALE: 1"=200'

PLAT TO ACCOMPANY  
 ORDINANCE NO. 8802

R E S O L U T I O N    2004-140

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Street Improvement District No. 1245, certifying that the Diamond Engineering Company of Grand Island, Nebraska, under contract dated January 21, 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. 1245, is hereby confirmed.
2.     A warrant be issued from Account No. 40033525-90049 in the amount of \$5,710.80 payable to the Diamond Engineering Company for the amount due the contractor.
3.     The costs of engineering in the amount of \$10,085.90 be credited to Account No. 100.130.04516 from Account No. 40033530-90143.
4.     The City Council will sit as a Board of Equalization on July 13, 2004 to determine benefits and set assessments for Street Improvement District No. 1245.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item G19

**#2004-141 - Approving Interlocal Agreement with Hall County and the City of Grand Island for Improvements to Schimmer Drive West of U.S. Highway 281**

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



# Council Agenda Memo

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

**Meeting:** June 8, 2004

**Subject:** Approving Interlocal Agreement with Hall County for Improvements for Schimmer Drive West of U.S. HWY 281

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

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

## Background

Council approval is required before entering into an agreement. Pursuing interlocal agreements between government entities is an efficient means of collaborating efforts to better our community.

## Discussion

This agreement is for improving Schimmer Drive commencing at U.S. Highway 281 and continuing westward to the intersection with North Road.

The City of Grand Island will pay Hall County for the cost of asphalt paving, labor, and materials for sub-grade preparation, shouldering, testing, seeding and other expenses incurred with respect to the portion of Schimmer Drive located within the City's municipal responsibilities. The municipal responsibility is from U.S. Highway 281 west for approximately one-half mile to the west city limits.

## Alternatives

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

1. Approve the agreement allowing the Mayor to enter into an agreement with Hall County for improvements to Schimmer Drive.
2. Disapprove or/Deny the agreement.
3. Modify the agreement to meet the wishes of the Council.

4. Table the issue.

### **Recommendation**

City Administration recommends that the Council approve the agreement and pass a Resolution authorizing the Mayor to sign the agreement.

### **Sample Motion**

Move to approve the agreement with Hall County for Improvements to Schimmer Drive.

**INTERLOCAL COOPERATIVE AGREEMENT FOR IMPROVEMENTS TO  
SCHIMMER DRIVE WEST OF U.S. HIGHWAY 281  
BY AND BETWEEN  
THE COUNTY OF HALL AND THE CITY OF GRAND ISLAND, NEBRASKA**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2004, by and between the County of Hall, Nebraska, a body politic and corporate and a political subdivision of the state of Nebraska, hereinafter referred to as the "County," and the City of Grand Island, Nebraska, a municipal corporation within the state of Nebraska, hereinafter referred to as the "City." WITNESSETH:

WHEREAS, the County and City desire enter into an agreement for the joint improvement of Schimmer Drive west from U.S. Highway 281 to North Road, Hall County Road Project C40 (328) and Grand Island Project M310(488); and

WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. 13-801, et seq. provides that units of local government of the State of Nebraska and Nebraska state agencies may enter into agreement for the joint and cooperative exercise of powers, privileges, or authority capable of being exercised by either agency; and

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

WHEREAS, the County and the City are public agencies as defined by Neb. Rev. Stat. 13-801; and

WHEREAS, the County and City desire to enter into this interlocal agreement for improvements to Schimmer Drive because of the anticipated cost savings attainable though using a single bidding process and efficiencies of planning and construction.

NOW, THEREFORE, the County and the City mutually covenant and agree as follows:

1. **Scope of Project.** This agreement is for sub-base and grade improvements, shouldering, and asphalt paving of Schimmer Drive commencing at U.S. Highway 281 and continuing westward to its intersection with North Road. Said paved roadway shall be 24 feet in width using an asphalt depth of 5.5 inches.
2. **County's Obligations.** The County shall be responsible for the following with respect to the portion of Schimmer Drive located within the municipal boundaries of the City and that portion located outside the municipal boundaries of the City:
  - 2.1. Prepare engineering plans and specifications for the work meeting the minimum standards of the Nebraska Department of Roads, Board of

Public Roads, Classifications and Standards and meeting the requirements of the City's Public Works Director;

- 2.2. Supply such equipment and perform such labor as required for sub-base preparation, grade preparation, and shouldering work;
  - 2.3. Prepare bid specifications for asphalt paving and to contract for the same following required bidding practices and to supervise the work of said contractor;
  - 2.4. Obtain required asphalt test samples and obtain appropriate testing of said samples;
  - 2.5. Seed the unpaved right of way disturbed by the road work upon completion of the paving and shouldering;
  - 2.6. Inspect and approve the work on the paving contractor; and
  - 2.7. Upon completion of the project, shall invoice the City for 100% of the cost of paving and for labor and materials for sub-grade preparation, shouldering, testing, seeding and other expenses and labor incurred with respect to that portion of Schimmer Drive located within the City's municipal responsibilities.
3. **City's Obligations.** The City shall pay to the County the amount invoiced by the County as described in section 2, above. Said payment shall be due and payable on November 1, 2004 or with 30 days after completion and billing, whichever is later.
- 3.1. The City's municipal responsibility is from U.S. Highway 281 west for approximately one-half mile to the west city limits.
  - 3.2. The City will be responsible for permanent placement markings within the area of the project inside of city responsibility.
4. **Further Agreements.** Each party hereto shall be responsible for maintenance of its portion of the roadway following completion of paving.
5. **Governance.** This agreement shall be co-governed by the County's Surveyor and the City's Director of Public Works.
6. **Modification.** This Agreement may be modified by written agreement of the Parties.
7. **No Separate Entity.** There shall be no separate legal entity created through this interlocal cooperation agreement.
8. **Finances.** This agreement shall be financed by funds available to the parties hereto.
-

9. **Provision of Assistance.** Pursuant to the Interlocal Cooperation Act, any party to this agreement, in the party's sole discretion, may appropriate funds and may sell, lease, give, or otherwise provide assistance, including personnel and services, as may be within the party's legal power to furnish.

Executed this \_\_\_\_ day of \_\_\_\_\_, Executed this \_\_\_\_ day of \_\_\_\_\_.

**COUNTY OF HALL**

**CITY OF GRAND ISLAND**

By \_\_\_\_\_  
Pamela Lancaster, Chairman  
Hall County Board of Supervisors

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
County Clerk

Attest: \_\_\_\_\_  
City Clerk

R E S O L U T I O N 2004-141

WHEREAS, residents in the Ponderosa Lake Estates Subdivision in the City of Grand Island have requested that Schimmer Drive, adjacent to the subdivision be paved; and

WHEREAS, the City of Grand Island is responsible for the costs of paving Schimmer Drive from U.S. Highway 281 westerly for one-half mile to the west city limits; and

WHEREAS, the County of Hall is responsible for the costs of paving Schimmer Drive from the west city limits to the intersection with North Road; and

WHEREAS, the City of Grand Island has anticipated budgeting the costs for paving such street from U.S. Highway 281 westerly for one-half mile to the west city limits for the 2004-2005 budget year; and

WHEREAS, Hall County has offered to pave such street, including the City's portion of the street within the City's 2003-2004 budget year with the understanding that the City will reimburse the County for costs associated with paving Schimmer Drive from U.S. Highway 281 westerly for one-half mile to the west city limits; and

WHEREAS, an Interlocal Agreement setting out the terms and conditions of such paving project and the reimbursement of costs associated therein has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Agreement with the County of Hall for the street improvements to Schimmer Drive, west of U.S. Highway 281 is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 2004.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 3, 2004	☐ City Attorney



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item H1

**Request of Pollock Well Drilling for Non-Conforming Use of Land  
to Rebuild Business**

Staff Contact: Craig Lewis

# Council Agenda Memo

**From:** Craig A. Lewis, Building Department Director

**Meeting:** June 8, 2004

**Subject:** Request of Robert, Jean, and Antinia Pollock for Non-Conforming Use at 2670 N. St. Paul Rd.

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

**Presenter(s):** Craig Lewis

## Background

This is a request to rebuild a building that was destroyed by fire that housed a commercial operation in a residential zone. The property is zoned TA Transitional Agriculture and that zoning classification does not allow for business types of uses. Pollock Well Drilling has been in operation at this location since 1948 and is a legal non-conforming use.

The City zoning code section 36-86 allows for the extension of nonconforming uses and states in part; the City Council may, when it deems proper, permit repairs, alterations, extensions, expansions, and the remodeling or rebuilding of such structures or extensions or expansions of land use in all cases where refusal to do so would bring hardship to the owner or occupants and in all cases where justice requires the granting of the same.

## Discussion

Pollock Well Drilling business has operated at the present location for more than 50 years; no apparent negative impacts to the neighborhood appear to have been recorded in the cities files of the property.

## Alternatives

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

1. Approve the request for extension of the non-conforming use.
2. Disapprove or /Deny the request.



3. Modify the request and place conditions on the approval to meet the wishes of the Council
4. Table the issue

### **Recommendation**

City Administration recommends that the Council approve the request as the impact to the neighborhood is not adverse and relocation of the business appears to be a burden on the owners.

### **Sample Motion**

Approve the request to extend the non-conforming use and allow the reconstruction of a building to facilitate the existing business.

# POLLOCK WELL DRILLING

2750 N. ST. PAUL ROAD  
GRAND ISLAND, NEBRASKA 68801  
308-382-8171

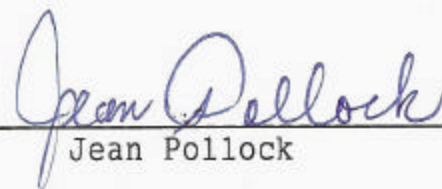
City Council of Grand Island  
Grand Island City Hall'  
P.O. Box 1968  
Grand Island, Nebraska 68802-1968

Pollock Well Drilling is applying to City Council for approval that non-conforming use of land be extended to allow us to rebuild a business that was destroyed by fire May 18th. This business has been in this location since 1948. The extension being applied for will include a building smaller than the 30 X 40 building that was destroyed. We are asking Council to grant this extension.



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Robert Pollock  
Owner, Pollock Well Drilling



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Jean Pollock



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Antonia Pollock, Landowner



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item J2

**Payment of Claims for the Period of May 26, 2004 through June 8, 2004**

*The Claims for the period of May 26, 2004 through June 8, 2004 for a total of \$3,126,867.21.  
A MOTION is in order.*

Staff Contact: RaNae Edwards