
City of Grand Island



Tuesday, June 22, 2004

Council Session Packet

City Council:

Carole Cornelius

Peg Gilbert

Joyce Haase

Margaret Hornady

Robert Meyer

Mitchell Nickerson

Don Pauly

Jackie Pielstick

Scott Walker

Fred Whitesides

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

7:00:00 PM

Council Chambers - City Hall

100 East First Street

Call to Order

Pledge of Allegiance /Invocation - Pastor Onamae Waddel, Trinity United Methodist Church, 511 North Elm Street

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item D1

#2004-BE-9 - Consideration of Determining Benefits for Street Improvement District 1248, Faidley Avenue from Moore's Creek Drainway Easterly Towards Diers Avenue

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

Council Agenda Memo

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

Meeting: June 22, 2004

Subject: Board of Equalization Hearing to Determine Benefits and an Ordinance Establishing Assessments for Street Improvement District 1248, Faidley Avenue from Moore's Creek Drainway to Diers Avenue

Item #'s: D-1 & F-5

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

Background

The Certificate of Final Completion for Street Improvement District 1248 was approved on May 25, 2004 with June 22, 2004 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for District.

Discussion

The contract for Street Improvement District 1248 was awarded to The Diamond Engineering Company of Grand Island, NE on February 10, 2004. Work on the project was completed on schedule, in May 2004, at a construction price of \$94,132.79. Total cost of the project, including engineering, is \$103,546.07. Costs for the project break down as follows:

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

Alternatives

1. Approve the recommendation to allow the Board of Equalization to determine benefits for Street Improvement District 1248 and pass an ordinance allowing the City to recover the majority of the District costs and assess the benefiting owners.
2. Disapprove or /Deny the recommendation to allow the Board of Equalization to determine benefits for Street Improvement District 1248.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

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

Sample Motion

Move to approve the recommendation, allowing the Board of Equalization to determine benefits for Street Improvement District 1248 and pass an ordinance to determine benefits.

RESOLUTION 2004-BE-9

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Street Improvement District No. 1248, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$99,849.46; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Street Improvement District No. 1248, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Concord Development LLC	Lot 1, Crane Valley 6 th Subdivision	18,966.83
Concord Development LLC	Lot 2, Crane Valley 6 th Subdivision	23,845.02
Concord Development LLC	South 300 feet of Lot 1, Crane Valley 7 th Subdivision	5,946.61
Concord Development LLC	South 93 feet of Outlot A, Crane Valley 7 th Subdivision	1,078.28
CALM	West 236.78 feet of Lot 13, Richmond Subdivision	17,244.56
Grand Island Surgical Center LLC	North 300 feet of Lot 9, Richmond Subdivision	19,706.81
City of Grand Island	North 250.15 feet of west 183.94 feet of the NW1/4 of the SE1/4 of Section 13-11-10	13,061.35
TOTAL		\$99,849.46

Adopted by the City Council of the City of Grand Island, Nebraska, on June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E1

**Public Hearing on a Change to the Grand Island Zoning Map for
Property Being Proposed for Platting as Wal-Mart South
Subdivision Located South of Highway 34 and East of South
Locust Street from TA Transitional Agricultural to CD
Commercial Development**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
City Administration

Meeting: June 22, 2004

Subject: Public Hearing for Rezoning

Item #'s: E-1, F-1, G-6 and I-1

Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This application would change the Zoning for property proposed for platting as Wal-Mart South Subdivision, located south of U.S. Highway 34, and east of South Locust Street, from TA Transitional Agriculture to CD Commercial Development. This proposed development would allow for the development of a Wal-Mart Super Center and 5 additional pad sites on 36.19 acres at the southeast corner of U.S. Highway 34 and South Locust Street.

Discussion

A retail store at this site is consistent with the comprehensive development plan for the City and the plan for the development of the South Locust Corridor. Wal-Mart has agreed to continue the landscaping and pedestrian lighting consistent with the landscaping and lighting along South Locust north of U.S. Highway 34. They will be responsible for the installation of all street improvements required for this development including turn lanes on South Locust and a traffic signal at the intersection of Lake Street and South Locust. Below is an analysis of the positive and negative implications of this development.

Positive Implications:

- *Consistent with the City's Comprehensive Land Use Plan:* The subject property is designated for commercial development.
- *Accessible to Existing Municipal Infrastructure:* Water and sewer services are available to service the area. Sanitary sewer and water are along the east side of the property. A suitable outlet for storm water does not currently exist.
- *Development is consistent with Gateway Corridor Overlay:* This development as proposed is substantially consistent with the intent of the Gateway Corridor Overlay District.
- *Would provide a strong anchor store for the South Locust Corridor:* Development of a big box store at this location would strengthen the retail nature of this corridor.

- *Adjacent street are arterial streets:* Both U.S. Highway 34 and South Locust Street are arterial streets. It is expected that these street will carry significant traffic. One of the primary reasons to locate this type of use at a location like this is to take advantage of high traffic volumes.
- *Monetary Benefit to Applicant:* Would allow the applicant to develop and sell this property.

Negative Implications:

- *Traffic Congestion:* The development of a Super Center at this site will increase the traffic along both South Locust and U.S. Highway 34.
- *Drainage concerns along U.S. Highway 34:* The proposed drainage shows outlets to the ditches along U.S. Highway 34. This will be permitted by the Nebraska Department of Roads. It qualifies as drainage to a public way and would be allowed by our regulations. An overall drainage plan similar to that implemented by the City and the Central Platte Natural Resources District for western in Grand Island needs to be developed for this area. The structures built as part of this improvement would need to be included in the overall drainage plan for this area.

Several people spoke at the planning commission public hearing with a variety of comments and concerns about his development.

Ken Bunger, an attorney representing Wal-Mart, said the Supercenters are replacing older Wal-Marts, the Supercenters are easier to maintain, and the distribution center in North Platte, has made it possible to get groceries out to the stores. He said they will use a black wrought iron look-alike fence around the garden center, and black chain link around the pond if it is fenced and not the galvanized chain link that is now proposed. He said they do have a liability concern with the pond not being fenced. He said when all the drainage for the area is done they will hook into the overall drainage plan as it is developed for the area.

Don Day, an engineer representing Wal-Mart said there will be screening along the back of the building, to hide the delivery trucks, trash, pallets, and compactors.

Brett Martinez, an architect representing Wal-Mart said this is one of the newest Wal-Mart prototype. They are going away from the big gray box design. He said it adds a lot of color, and keeps visual distractions to a minimum. There will be a drive-thru Pharmacy on the grocery side, and a tire and lube center on the other side.

Gloria Wolbach, a long time resident of Grand Island, stated that Grand Island does not need two Wal-Mart's. She said one is fine but not two. She expressed concern with what two Wal-Mart's will do to the small businesses in town.

Andrew Aken lives on U.S. Highway 34 north of the property, expressed concern on how they will screen the building and with the number of trucks they will have delivering product to the store. He said they have never been contacted by Wal-Mart regarding the development or the impact Wal-Mart traffic will have on his property. He said they have problems with traffic on this highway now, and will only be worse. He said that they

already have trouble getting into their driveway with all the traffic and delivery trucks on the road now.

Don Day responded that Wal-Mart will be using the three access points that are currently available to this property. He said there will be a turning lane on U.S. Highway 34 and they will widen the road near Mr. Aken's property but will require no additional right-of-way.

Greg Baxter echoed the sentiments of Gloria Wolbach and applauded her for her comments. He said he does have an interest in this town and many people have told him also that Grand Island does not need two Supercenters. He feels it is a gesture to dominate the community by building two Supercenters.

Marty Shukert FAICP with RDG Planning and Design in Omaha is currently working with the South Locust business improvement districts on a redevelopment plan for South Locust north of U.S. Highway 34. Marty made the following comments about the proposed Wal-Mart Development:

"I had the opportunity to review the site plan and elevations for the Wal-Mart proposed for the southeast corner of US Highway 34 and South Locust Street as part of our work on the South Locust corridor. The project elevation is consistent with a middle-level Wal-Mart design, and is consistent with other contemporary development in the South Locust corridor. Generally I believe that Wal-Mart willingly builds to overall community design standards, but typically oppose being singled out with special or unique requirements. It appears that the City has achieved significant improvements in site planning and design over the typical "default" Wal-Mart, including pedestrian-scale lighting consistent with the enhanced South Locust corridor, good pedestrian connections from the street to the front door of the building, and good landscaping. This reflects application of the city's Gateway Corridor Overlay Zone. In general, the Wal-Mart project appears to be a good fit to its context, and your efforts will pay off in producing a project that will enhance this re-emerging corridor."

Grand Island City staff and representatives of Wal-Mart have negotiated the attached development agreement. It identifies responsibilities for infrastructure improvements, site and building design, signage, and fencing. If Council approves the rezoning and subdivision as presented Wal-Mart will be responsible for installation and design of turn lanes on South Locust and U.S. Highway 34 as well as installation and design of a stop light at the intersection of South Locust and Lake Streets. City Administration is suggesting that Wal-Mart demonstrate their interest in quality development throughout the city by also designing and installing a 10' wide hike and bike trail along South Locust in front of the development property and designing and installing a 20" inch water main along the north side of the property. City Administration has expressed the desire for these improvements to Wal-Mart representatives on a number of occasions to help ease concerns about Wal-Mart in the community. City Administration would recommend that council require the hike and bike trail and water line improvements with the cost to be borne by Wal-Mart as part of the development agreement.

Alternatives

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

1. Approve the rezoning, subdivision and development agreement as presented
2. Modify the rezoning, subdivision and development agreement to meet with the suggestions made by City administration regarding the design and installation of the hike and bike trail and 20" water main
3. Modify the rezoning, subdivision and development agreement to meet the wishes of the Council
4. Deny the request to rezone, subdivide and develop the property
5. Table the issue

Planning Commission Recommendation

Following further discussion a motion was made by Amick and seconded by Miller to approve and recommend that the Grand Island City Council approve the rezoning, preliminary and final plat, and development plan with the change to the fence on the garden center from chain link to wrought iron look alike.

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

Sample Motion

City Administration would recommend approval of this ordinance for a change of zone, subdivision plat and development agreement with the following modifications to the development agreement:

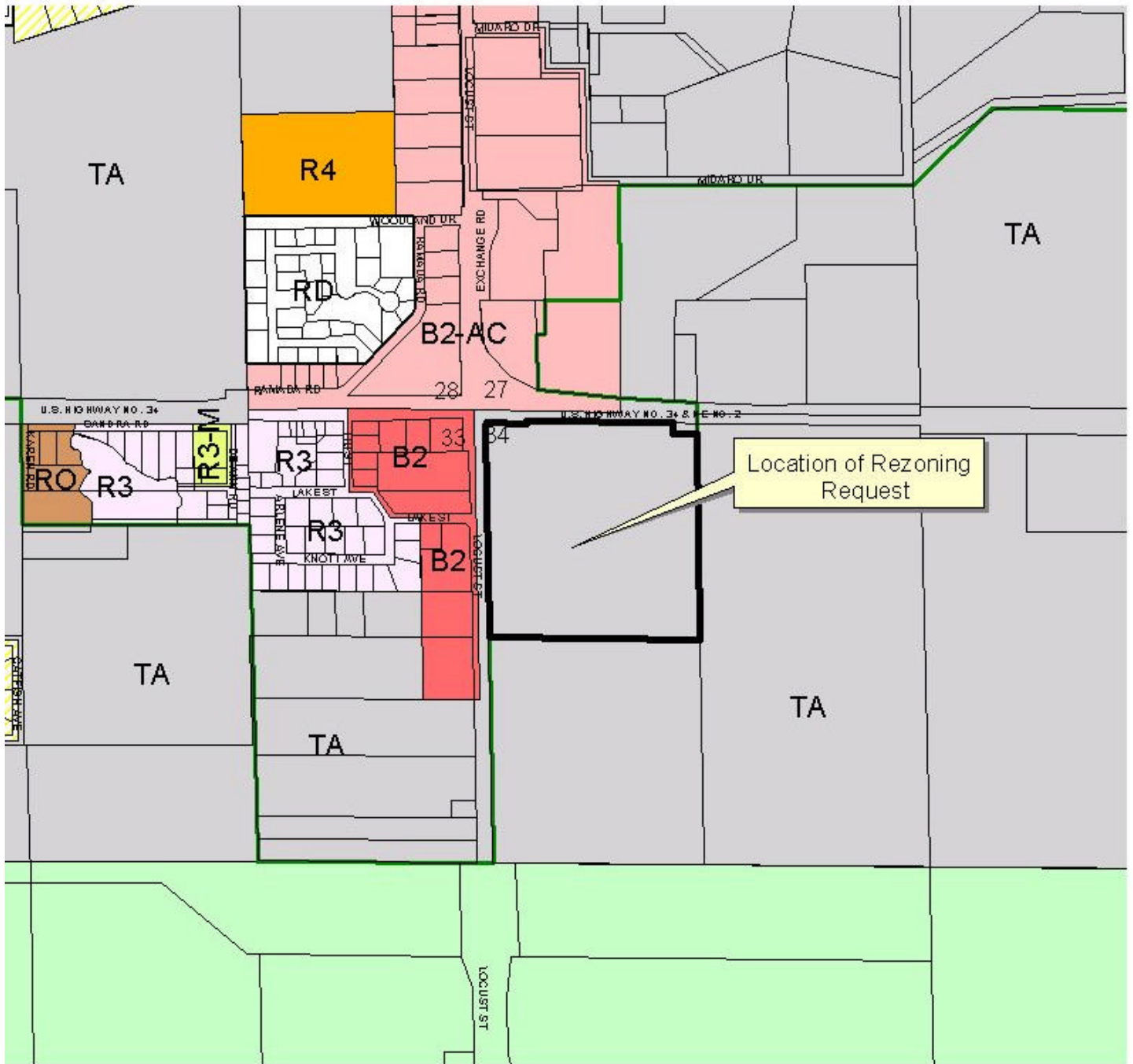
Preliminary Statements Modify Developer Improvements (a) to say "Developer shall design and construct a 10-foot wide hike/bike trail along South Locust Street per plans and specifications approved by the Director of Public Works"

Preliminary Statements Eliminate Public Improvements

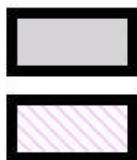
(a) and (b) under public improvements

Modify Section 6 Developer Reimbursements Remove the first sentence "The Developer shall reimburse the City a percentage of the Trail improvements as defined below, equivalent to the cost of designing and constructing a 5-foot wide sidewalk along South Locust Street."

Eliminate Section 7 City Reimbursements

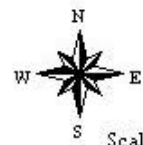


Requested Zoning



From TA: Transitional Agriculture Zone
 To CD : Commercial Development Zone

C-12-2004GI



Scale: None

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

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made as of this ___ day of _____, 2004 by and among **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, **WAL-MART STORES, INC.**, a Delaware corporation (collectively, the "Developer"), and **THE CITY OF GRAND ISLAND, NEBRASKA**, a Nebraska municipal corporation (the "City"). The Developer and the City are hereinafter sometimes individually referred to herein as a "Party" and are collectively referred to herein as the "Parties."

PRELIMINARY STATEMENTS

The Developer intends to acquire fee simple title to the real property, which is legally described in the attached Exhibit A (the "Developer Property"), from Wells Fargo Bank, N. A. as trustee of The Irene V. Christensen Easton Revocable Trust ("Seller"). The Developer intends to develop the Developer Property in accordance with the plan attached hereto as Exhibit B (the "Site Plan"). In connection with the Developer's development of the Developer Property, improvements are to be made to certain real property located in the vicinity of the Developer Property (the "Public Property"), in connection with the final plat of the Developer Property, Wal-Mart South Subdivision (the "Plat"). In particular, the Developer shall perform the following tasks and/or construct the following improvements upon the Public Property (collectively, the "Developer Improvements"):

(a) Developer shall reimburse the City a percentage of the Trail Improvements, as defined below, equivalent to the cost of designing and constructing a 5-foot wide sidewalk along South Locust Street.

(b) The Developer shall design and construct the following: (i) pavement return widening to accommodate an eastbound right turn lane from Highway 34; and (ii) a westbound left turn lane from Highway 34 (collectively the "Highway 34 Improvements").

(c) The Developer shall design, construct and install the following: (i) pavement return widening to accommodate northbound right turn lane from South Locust Street; (ii) a southbound left turn lane from South Locust Street and (iii) a traffic signal at the intersection of South Locust Street and Lake Street per plans and specifications approved by the Director of Public Works (collectively the "South Locust Street Improvements").

(d) Developer shall design, construct and install (i) a public 10-inch diameter water main loop in the easement shown on the Site Plan and (ii) a 20-inch diameter water main along Highway 34 to serve Developer Property per plans and specifications approval by the Director of Public Works (collectively the "Water Work").

(e) Developer shall design, construct and install a public 10-inch diameter sanitary sewer in the easement shown on the Site Plan in order to serve Lots 1 and 6 of the Plat and a 6-inch sanitary sewer line to Lots 2, 3, 4 and 5 of the Plat in accordance with plan and specification approval and inspection by the Director of Public works (collectively the “Sewer Work”).

(i) Developer shall design, construct and install (i) a conduit for a public electrical line loop as noted on the Site Plan and (ii) necessary conduit, wire and lighting fixtures for public pedestrian lighting, with a separate circuit and meter, as part of the Trail Improvements as noted on the Site Plan; and, shall give the City an additional 10% of the materials constructed so as to allow the City to maintain the lighting (collectively the “Electrical Work”).

Further, the City shall perform the following tasks and/or construct the following improvements upon the Public Property (collectively, the “Public Improvements”):

(a) The City shall design and construct a 10-foot wide, 5-inch thick concrete or asphalt trail and landscaping along South Locust Street and Highway 34 (the “Trail Improvements”);

(b) City shall reimburse the developer 50% of the cost of designing and constructing a 20-inch diameter water main along Highway 34, as described below, which is equivalent to the cost of a 10-inch water main needed to serve Developer Property.

(c) The City shall install a public electrical line in the conduit constructed by the Developer as shown on the Site Plan.

(d) The City shall provide construction observation and testing for all Developer Improvements.

Further, the Developer shall design, construct and maintain a storm water retention pond upon the Developer Property (collectively, the “Drainage Improvements”) until such time that a permanent and adequate public system is constructed adequate to serve Developer’s Property.

NOW, THEREFORE, based upon the foregoing Preliminary Statements, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

Section 1. Applications for Permits and Approvals. The City will not deny or delay the issuance of any certificate of occupancy or other permit required for the lawful use and occupancy of the Developer Property, which denial or delay is solely associated with the City’s failure to perform any of the duties or obligations set forth in this Agreement. The City will cooperate with the Developer to obtain all approvals and permits necessary for the completion of the Public Improvements from any and all governmental authorities with jurisdiction over the same, including but not limited to the Hall County Department of Health, State of Nebraska Department of Roads, State of Nebraska Department of Environmental Quality and State of Nebraska Department of Natural Resources.

Section 2. Construction and Maintenance of Developer Improvements. Developer shall perform or engage a qualified contractor to construct and install the Developer Improvements, including the South Locust Street Improvements, the Highway 34 Improvements, the Sewer Work, the Electrical Work and the Water Work. Notwithstanding the above, Developer shall have no obligation to perform the Developer Improvements until such time as (a) the Developer has acquired the Developer Property, (b) the Developer gives a written notice to the City of Developer's intention to develop and use the Developer Property, (c) the land, which is necessary for construction of the Developer Improvements and the Public Improvements, has been publicly dedicated and accepted by the City, and (d) Developer and City have obtained any and all necessary approvals and permits necessary for the completion of the Developer Improvements from any and all governmental authorities with jurisdiction over the same. City hereby grants to Developer, its agents, successors and assigns, a permit, license and temporary easement to enter onto any property of the City necessary to perform the Developer Improvements and reasonably regulate pedestrian and vehicular traffic to such areas during the performance of the Developer Improvements. Following completion of the Developer Improvements, the City shall, at its sole cost and expense, accept, maintain in perpetuity the Developer Improvements and all improvements appurtenant thereto and benefiting the same, in good order and repair. The City shall provide the necessary construction observation and testing to ensure that the Developer Improvements are completed in accordance with the plans and specifications, provided that payments by the Developer for such services shall be at the same rate as that charged to others developing property in the City.

Section 3. Construction and Maintenance of Public Improvements. In the event that (i) the Developer shall acquire the Developer Property, (ii) the Developer delivers plans to the City for the Public Improvements drafted by a civil engineering firm retained by Developer and (iii) the Developer gives a written notice to proceed to the City of Developer's intention to develop and use the Developer Property, then the City shall construct and complete the Public Improvements within 270 calendar days after delivery to the City of Developer's written notice to proceed.

Section 4. Easements. Developer agrees to grant perpetual, non-exclusive easements to the City to maintain, operate, repair and replace public water, electrical and sanitary sewer lines over that portion of the Developer Property identified on the Plat.

Section 5. Drainage Improvements. The Developer shall construct a retention facility with a permanent pool as shown on Exhibit "C", attached hereto. The Developer shall maintain and operate the facility until such time as the City develops a regional drainage solution that includes the Developer Property. Such solution shall include the building of a storm sewer or swale sufficient to connect to and to drain the Developer Property. In such event, the Developer shall connect to the regional system and pay a connection fee or assessment the same as that charged to others connecting to the system. The Developer reserves the right to construct a fence around the retention cell as noted on the Site Plan.

Section 6. Developer Reimbursements. The Developer shall reimburse the City a percentage of the Trail Improvements, as defined below, equivalent to the cost of designing and constructing a 5-foot wide sidewalk along South Locust Street. The Developer shall make payment of these reimbursements to the City within 30 days of receipt of City's written request

and certification that the particular improvement has been completed in accordance with the plans and specifications. Such certification shall include sufficient detail so that expenses can be tracked in accordance with the engineer's cost estimates.

Section 7. City Reimbursements. The City shall reimburse the Developer 50% of the cost of designing and constructing the water main along Highway 34 as a 20-inch water main. The City shall make payment of these reimbursements to the Developer within 30 days of receipt of Developer's written request and certification that the particular improvement has been completed in accordance with the plans and specifications. Such certification shall include sufficient detail so that expenses can be tracked in accordance with the engineer's cost estimates.

Section 8. Improvement District. The Developer agrees to sign a paving petition in the event it is necessary to reconstruct South Locust Street or Highway 34 after the improvements contemplated by this Agreement are constructed. Except as to the Trail Improvements, the owners of the lots within the Developer Property shall construct public sidewalks along public streets abutting their respective lots at the time such lot is built upon in accordance with City ordinance.

Section 9. No Obligation To Construct or Operate Upon the Developer Property. The City acknowledges and agrees that the Developer has made no promise or commitment to construct any road or street, construct or operate any retail facility upon the Developer Property or make any other use of the Developer Property, and the City releases the Developer from any and all claims and liability resulting from the Developer's decision not to construct or operate any road, street or retail facility upon the Developer Property. If the Developer has not applied for a building permit on or before December 22, 2005, the City may initiate a reversion of zoning of Developer Property to the TA District.

Section 10. Subdivision Approval; Site Plan Approval; Annexation. The Plat complies with all of the terms and provisions of the Grand Island City Code and has been approved by the City concurrently with this Agreement. City hereby approves of (i) all matters set forth in the Site Plan and (ii) the character and locations of pedestrian and vehicular access from the Developer Property to Highway 34 and South Locust Street as shown in the Site Plan. The land encompassed and described by the Plat has been annexed into City.

(a) **Design and Construction** The buildings to be constructed on the Developer Property shall be designed so that the exterior elevation of such building shall be architecturally and aesthetically compatible in material and color with any building constructed by Wal-Mart on the Wal-Mart Property. The design and construction shall be in conformity with sound architectural and engineering standards and the construction shall be first quality. No portion of any building constructed on the Developer Property (including architectural features) shall exceed a height of 45 feet above the center of the intersection of U.S. Highway 34 and South Locust Street.

(b) **Location** No building shall be constructed on the Developer Property except within the Building Envelope Areas as defined on the Site Plan.

(c) **Signage**. Signage on the Developer property shall be permitted at the locations approved on the Site Plan. Signage shall be limited to wall mounted signs permissible by the Grand Island sign code at the time of application for the signage and one (1) monument style sign not to exceed ten (10) feet in height or width for the entire sign structure on each platted lot. In addition one monument style sign on the outlot for the main Entrance on South Locust Street not to exceed 14 feet in width and 10 feet in height but may be constructed. All sign bases shall be built from materials similar tot the buildings and shall be illuminated internally.

(d) **Flood Plain**. Since the Plat is within a delineated flood plain, all structures constructed shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood as determined by the building permit received by the Developer or its successors from the City Building Department under the provisions of Section 2-1506.06, R.R.S. 1943. No basement shall be constructed in connection with any structure in the flood plain unless such basement is floodproofed and certified as such by a registered engineer or architect. This section shall not apply should the affected property be removed from the flood plain prior to construction of buildings on the affected properties.

(e) **Landscaping**. The Developer agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and landscaping and lighting plans as approved on the Site Plan.

(f) **Access**. Vehicular access to lots 2, 3, 4 and 5 shall not be allowed directly from South Locust Street. Access shall be limited as shown on the Site Plan.

(g) **Outside Storage**. Semi-trailers, conex boxes, shipping containers and similar items shall not be kept outside on the property within of public view as permanent or temporary storage facilities, except as shown on the Site Plan.

Section 11. Connection Fees. Sewer connection fees in the amount of \$40,614.00 on Developer Property will be paid at the time the Agreement is executed by the Developer. In the event the Developer chooses not proceed with the development of Developer's Property and the Plat is vacated, the City shall promptly refund the connection fees. No connection fees or assessments are required for water service or water main extensions for the development of Developer property as approved, except necessary time and material that may be required.

Section 12. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns. Except with the written consent of the other Party hereto or as expressly permitted by this Agreement, no Party to this Agreement shall take any act which would allow any right hereunder to be assigned or held by any other person without the written consent of the other Parties hereto.

Section 13. Time of Essence. Time is of the essence in the Parties' performance of their respective obligations pursuant to this Agreement.

Section 14. Choice of Law. The laws of the State of Nebraska shall govern as to the interpretation, validity and effect of this Agreement.

Section 15. Complete Agreement. This Agreement constitutes the entire agreement among the Developer and the City with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral and written, among the Developer and the City with respect to the subject matter of this Agreement.

Section 16. Counterparts. This Agreement may be signed in counterparts.

Section 17. Further Assurances. From time to time after the date hereof, without further consideration, the Parties will (i) execute and deliver, or cause to be executed and delivered, such instruments to each other as may be reasonably requested in order to effectuate the intent of this Agreement and (ii) use reasonable good faith efforts to obtain any third-party consents reasonably necessary to effectuate the intent of this Agreement.

Section 18. Severability. The provisions of this Agreement shall be deemed severable. If any part of this Agreement shall be held invalid, illegal or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect, and such invalid, illegal or unenforceable provision shall be reformed so as to give maximum legal effect to the intention of the Parties as expressed therein.

Section 19. Authorization. The Developer represents, covenants and warrants that the making and execution of this Agreement and all other documents and instruments required or related hereunder have been fully authorized by the necessary corporate action of the Developer and are valid, binding and enforceable obligations of the Developer in accordance with their respective terms. The City represents, covenants and warrants that the making and execution of this Agreement and all other documents and instruments required or related hereunder have been fully authorized by the necessary organizational action of the City and are valid, binding and enforceable obligations of the City in accordance with their respective terms.

Section 20. Notice. All notices, consents, approvals or other instruments required or permitted to be given by either Party pursuant to this Agreement shall be in writing and given by (a) hand delivery, (b) facsimile, (c) express overnight delivery service or (d) certified or registered mail, return receipt requested, and shall be deemed to have been delivered upon (i) receipt, if hand delivered, (ii) transmission, if delivered by facsimile, (iii) the next business day, if delivered by express overnight delivery service, or (iv) the third business day following the day of deposit of such notice with the United States Postal Service, if sent by certified or registered mail, return receipt requested. Notices shall be provided to the parties and addresses (or facsimile numbers, as applicable) specified below:

If to the City: The City of Grand Island
 100 East First Street
 Box 1968
 Grand Island, NE 68802-1968

 Attention: City Administrator
 Telephone: () _____
 Facsimile: () _____

If to the Developer: Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-0550
Attention: Legal Dept., Nebraska
with copy to: Real Estate Manager, Nebraska
Telephone: (479) 204-0754
Facsimile: (479) 273-4107

Section 21. Modification. This Agreement may not be amended, modified or altered unless by written agreement signed by the Developer and the City.

Section 22. Seller's Consent. The Parties agree that the written consent of the Seller to this Agreement is made for the sole purpose of allowing the Agreement to be filed of record with the Plat if the Developer Property is owned by the Seller at the time of such filing. The Parties agree that the Seller assumes no obligation, duty or responsibility, present or future, direct or implied, under this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written.

THE CITY OF GRAND ISLAND,
NEBRASKA, a Nebraska municipal corporation

Attest:

By _____
Mayor

The City Clerk

Approved as to Form:

The City Attorney

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written.

THE DEVELOPER:

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By _____
Name _____
Title _____

WAL-MART STORES, INC., a Delaware corporation

By _____
Name _____
Title _____

IN WITNESS WHEREOF, as of the day and year first above written and pursuant to Section 22 hereinabove, the Seller hereby consents to the filing and recording of this Agreement with the filing and recording of the Plat.

THE IRENE V. CHRISTENSEN EASTON
REVOCABLE TRUST

By Wells Fargo Bank Nebraska, N.A., trustee

By _____
Its _____

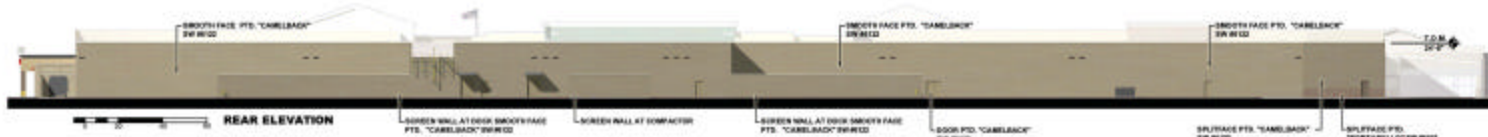
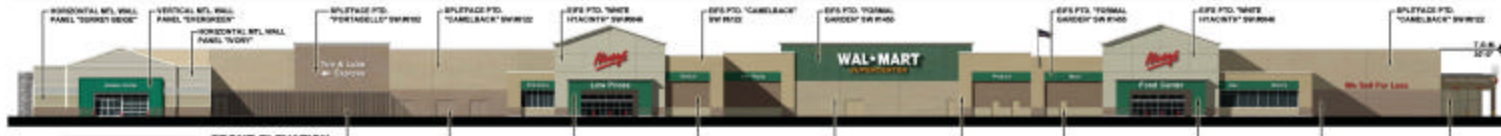
EXHIBIT A

DEVELOPER PROPERTY LEGAL DESCRIPTION

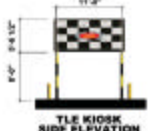
EXHIBIT B

SITE PLAN

[See attachment.]



FINISH	DESCRIPTION	HEIGHT	AREA
1	WAL-MART	7'-0"	100 SF
2	SUPERCENTER	7'-0"	100 SF
3	Always	7'-0"	20,000 SF
4	Food Center	7'-0"	50,000 SF
5	Low Prices	7'-0"	40,000 SF
6	Walmart	7'-0"	100,000 SF
7	Pharmacy	7'-0"	11,000 SF
8	Auto	7'-0"	5,000 SF
9	Service	7'-0"	10,000 SF
10	Auto	7'-0"	10,000 SF
11	Auto	7'-0"	10,000 SF
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99	Auto	7'-0"	10,000 SF
100	Auto	7'-0"	10,000 SF



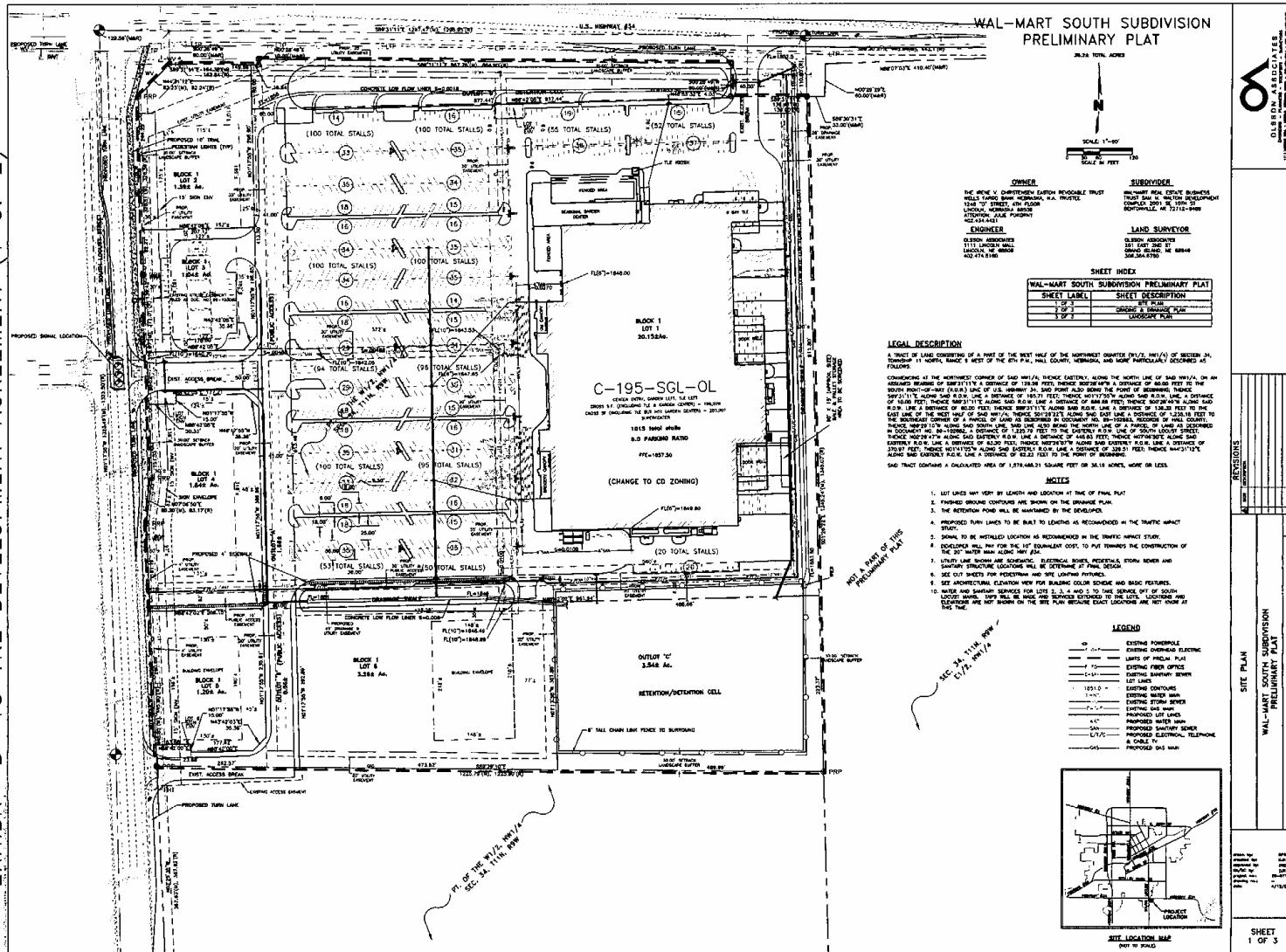
LAW/KINGDON, INC.
Architects • Engineers • Planners

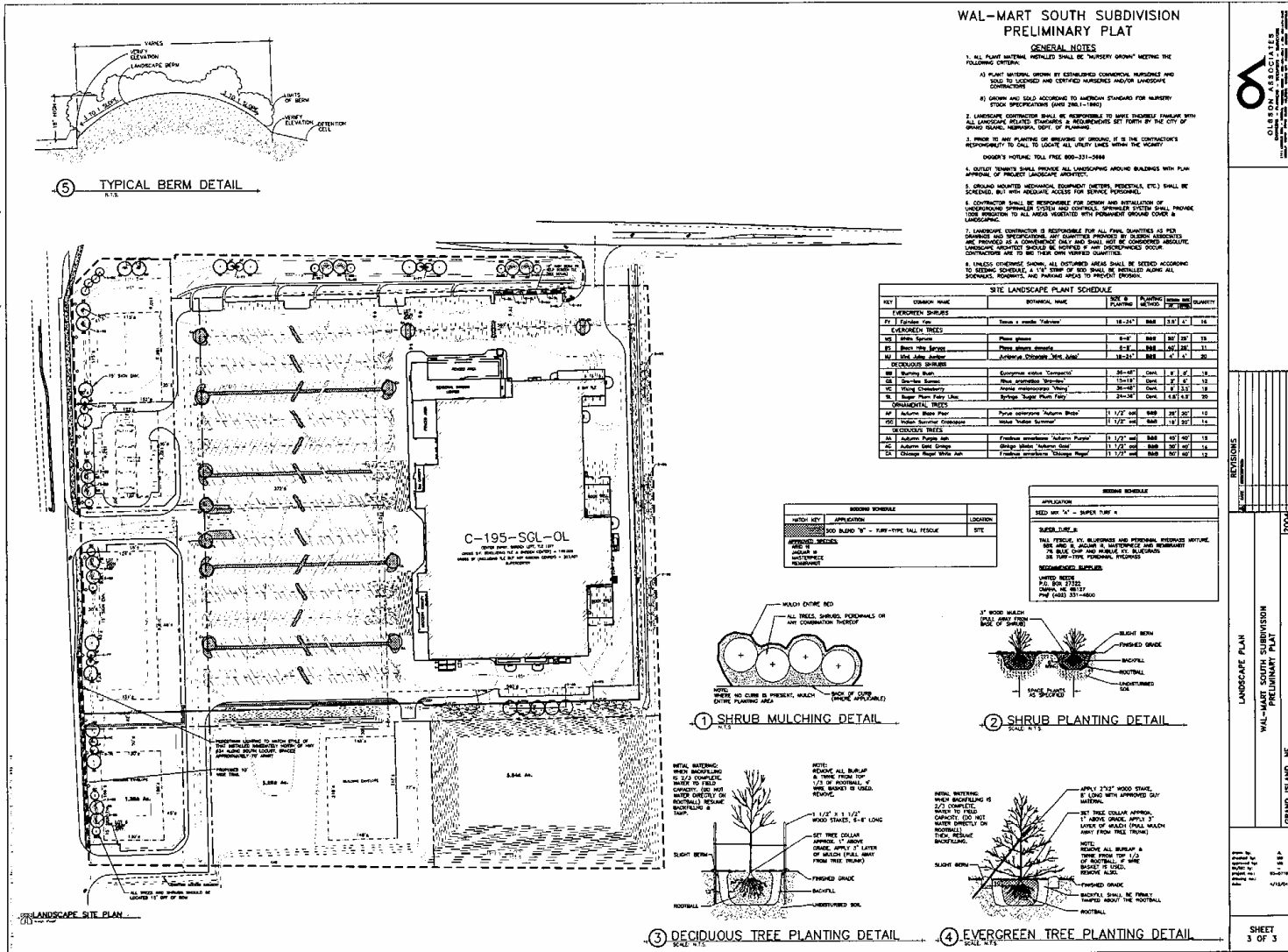
REPRESENTATION ONLY
NOT FOR CONSTRUCTION
Building images shown are a representation of the design
intent and may not reflect any subtle variations in color,
material or construction that may occur due to local material
differences and final design detailing.

WAL-MART
SUPERCENTER

Grand Island, NE (scout)
83388 8/11/04

EXHIBIT "B" TO THE DEVELOPMENT AGREEMENT (1 OF 2)





WAL-MART SOUTH SUBDIVISION
PRELIMINARY PLAT

GENERAL NOTES

- ALL PLANT MATERIAL INSTALLED SHALL BE "NURSERY GROWN" MEETING THE FOLLOWING CRITERIA:
 - PLANT MATERIAL GROWN BY ESTABLISHED COMMERCIAL NURSERIES AND SOLD TO LICENSED AND CERTIFIED NURSERIES MAJOR LANDSCAPE CONTRACTORS
 - GROWN AND SOLD ACCORDING TO NURSERY STANDARDS FOR NURSERY STOCK SPECIFICATIONS (ANSI Z60.1-1993)
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO HAVE INCORPORATED EARLY IN LANDSCAPE RELATED STANDARDS & REQUIREMENTS SET FORTH BY THE CITY OF GRAND ISLAND, NEBRASKA, DEPT. OF PLANNING
- REFER TO ANY PLANNING OR RESOURCES OF GRAND ISLAND TO THE CONTRACTOR'S RESPONSIBILITY TO CALL TO LOCATE ALL UTILITY LINES WITHIN THE VICINITY. DODGE'S HOTLINE: TOLL FREE 800-231-2888
- OUTLET DRAINAGE SHALL PROVIDE ALL LANDSCAPING AROUND BUILDINGS WITH PLAN APPROVED BY PROJECT LANDSCAPE ARCHITECT.
- GROUND MOUNTED MECHANICAL EQUIPMENT (HETTERS, PEDESTALS, ETC.) SHALL BE SCHEDULED AS WITH INCLUSIVE ACCESS FOR SERVICE PERSONNEL.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN AND INSTALLATION OF LANDSCAPING SPREADERS, CYLINDERS AND CONTAINERS. SPREADER SYSTEM SHALL PROVIDE 100% PROTECTION TO ALL AREAS INSTALLED WITH PERMANENT GROUND COVER & LANDSCAPING.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINAL QUANTITIES AS PER DRAWINGS AND SPECIFICATIONS AND QUANTITIES PROVIDED BY DESIGN AGREEMENTS ARE PROVIDED AS A CONVEYANCE ONLY AND SHALL NOT BE CONSIDERED ASSUMED. LANDSCAPE QUANTITIES SHOULD BE NOTED AT ALL DISCREPANCIES FROM CONTRACTORS ARE TO BE THEIR OWN MARKED QUANTITIES.
- UNLESS OTHERWISE SHOWN, ALL OUTDOOR LANCES SHALL BE SIZED ACCORDING TO SCHEDULING SCHEDULE. A 1/2" TYPICAL OF 1/2" SHALL BE INSTALLED ALONG ALL SIDEWALKS, DRIVEWAYS AND PARKING AREAS TO PREVENT DRIP.

SITE LANDSCAPE PLANT SCHEDULE

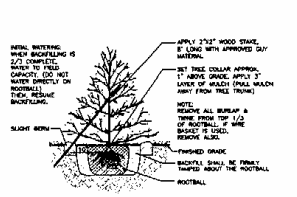
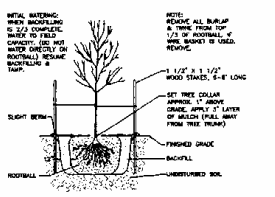
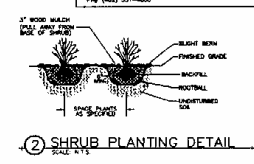
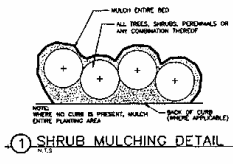
KEY	COMMON NAME	BOTANICAL NAME	SIZE @ PLANTING	PLANTING METHOD	QUANTITY
EVERGREEN SHRUBS					
EV	Yucca Yucca	Yucca x small 'Yucca'	18-24" H	BAR	2,000 C
DECIDUOUS TREES					
DT	Flamingo Tree	Flamingo Tree	6-8" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	6-8" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	6-8" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	6-8" DBH	BAR	200
DECIDUOUS SHRUBS					
DS	Burner Bush	Burner Bush	24-36" H	BAR	1,000
DS	Flamingo Tree	Flamingo Tree	18-24" H	BAR	1,000
DS	Flamingo Tree	Flamingo Tree	18-24" H	BAR	1,000
DS	Flamingo Tree	Flamingo Tree	18-24" H	BAR	1,000
DECIDUOUS TREES					
DT	Flamingo Tree	Flamingo Tree	1 1/2" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	1 1/2" DBH	BAR	200
DECIDUOUS TREES					
DT	Flamingo Tree	Flamingo Tree	1 1/2" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	1 1/2" DBH	BAR	200
DT	Flamingo Tree	Flamingo Tree	1 1/2" DBH	BAR	200

BERING SCHEDULE

NOTATION	APPLICATION	LOCATION	NOTE
XXXXXX	WOOD MULCH	WOOD MULCH	WOOD MULCH
XXXXXX	WOOD MULCH	WOOD MULCH	WOOD MULCH
XXXXXX	WOOD MULCH	WOOD MULCH	WOOD MULCH

BERING SCHEDULE

APPLICATION	LOCATION
WOOD MULCH	WOOD MULCH
WOOD MULCH	WOOD MULCH
WOOD MULCH	WOOD MULCH



CLERK ASSOCIATES
1000 N. 10TH ST., SUITE 100
LINCOLN, NE 68502
PHONE: (402) 441-1111
FAX: (402) 441-1112
WWW.CLERKASSOCIATES.COM

REVISIONS

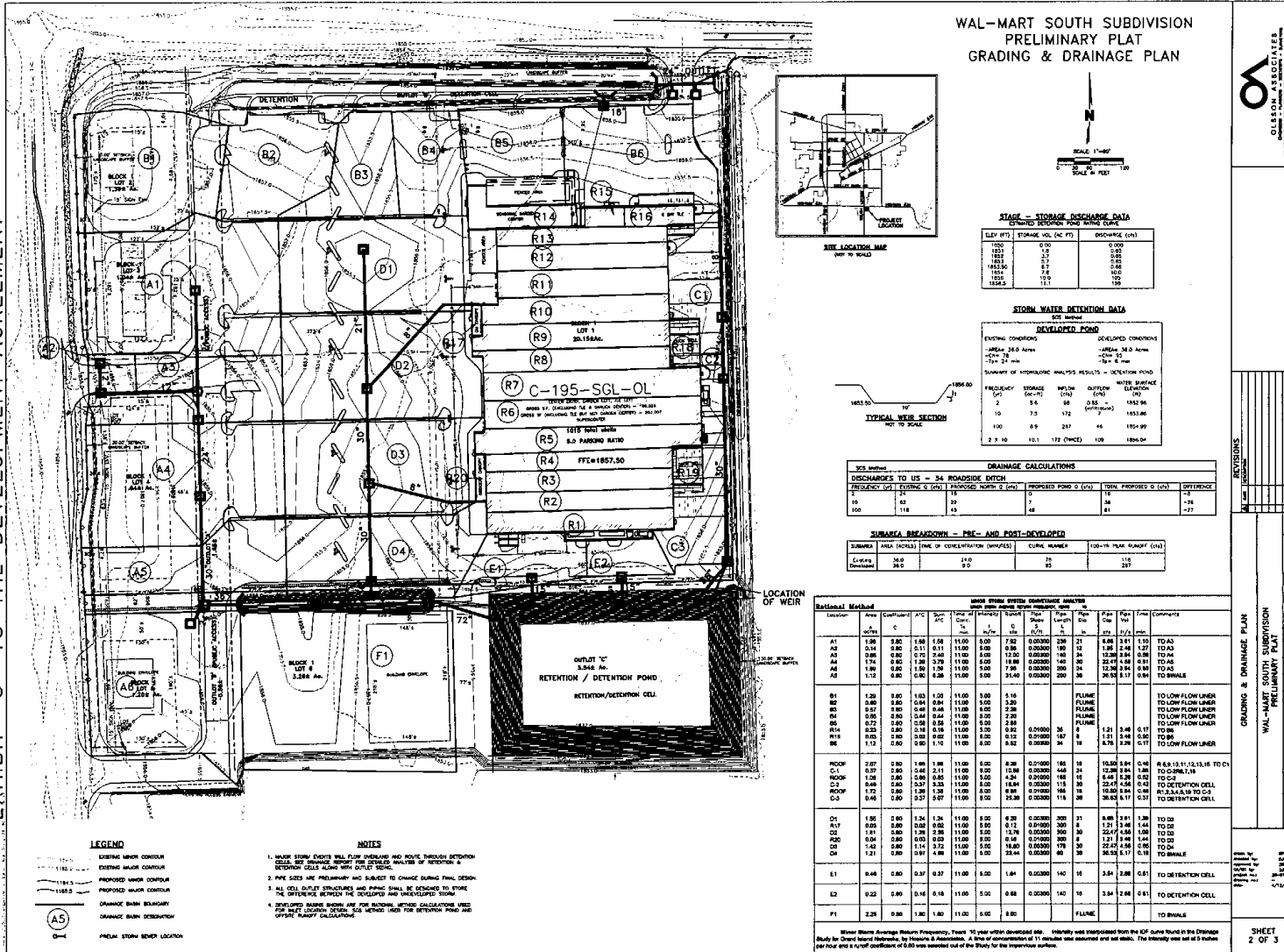
NO.	DATE	DESCRIPTION
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2	01-20-19	ISSUED FOR PERMIT
3	01-20-19	ISSUED FOR PERMIT

LANDSCAPE PLAN
WAL-MART SOUTH SUBDIVISION
PRELIMINARY PLAT
GRAND ISLAND, NE

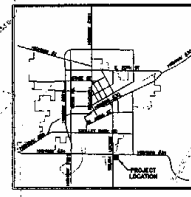
Drawn by: [Name]
Checked by: [Name]
Approved by: [Name]
Date: 01-20-19
Scale: AS SHOWN

SHEET 3 OF 3

EXHIBIT "C" TO THE DEVELOPMENT AGREEMENT



WAL-MART SOUTH SUBDIVISION
PRELIMINARY PLAT
GRADING & DRAINAGE PLAN



STAGE - STORAGE/RELEASE DATA
GRADED DETENTION POND RISING CURVE

STAGE (FT)	STORAGE VOL. (CU FT)	DISCHARGE (CFS)
100.0	0.00	0.000
100.1	2.7	0.005
100.2	5.4	0.010
100.3	8.1	0.015
100.4	10.8	0.020
100.5	13.5	0.025

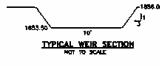
STORM WATER DETENTION DATA

DEVELOPED POND

EXISTING CONDITIONS	DEVELOPED CONDITIONS
- AREA: 36.0 Acres	- AREA: 36.0 Acres
- CFS: 28	- CFS: 28

SUMMARY OF HYDROLOGIC ANALYSIS RESULTS - DETENTION POND

FREQUENCY (1/yr)	STORAGE (CU FT)	INLET (CFS)	OUTFLOW (CFS)	WATER SURFACE ELEVATION (FT)
2	5.4	58	58	100.25
10	7.5	172	172	100.36
100	6.9	237	45	100.99
2.7 10	10.1	170 (TWICE)	120	100.54



DRAINAGE CALCULATIONS

DETERMINED DISCHARGE TO US - 34 ROADSIDE DITCH	PROPOSED POND O (CFS)	TOTAL PROPOSED O (CFS)	DIFFERENCE
28	28	28	0
100	118	48	-24

SUMMARY BREAKDOWN - PRE- AND POST-DEVELOPED

LINE#	AREA (ACRES)	TIME OF CONCENTRATION (MINUTES)	CURVE NUMBER	100-YR PEAK FLOW (CFS)
Line#	36.0	9.0	20	110
Development	36.0	9.0	20	110

BASE FLOOD WITHIN DRAINAGE AREA

Location	Area (ac)	Coeff	ATC	SFC	SFC	Intensity		Peak Flow	Peak Dis	Peak Dis	Peak Dis	Comments	
						100-yr	50-yr						
A1	0.06	0.02	1.68	11.00	0.00	7.02	0.00000	30	1	0.00	2.61	TO AS	
A2	0.14	0.02	0.11	11.00	0.00	0.86	0.00000	189	12	1.98	2.48	TO AS	
A3	0.06	0.02	0.48	11.00	0.00	17.00	0.00000	30	1	12.00	2.61	TO AS	
A4	1.74	0.02	1.28	11.00	0.00	18.88	0.00000	140	30	25.47	4.28	TO AS	
A5	1.96	0.02	1.50	11.00	0.00	7.00	0.00000	30	1	12.20	2.61	TO AS	
A6	1.12	0.02	0.80	11.00	0.00	21.40	0.00000	200	30	36.50	5.17	TO AS	
B1	1.26	0.02	1.03	11.00	0.00	1.16						TO LOW FLOW LINER	
B2	0.80	0.02	0.94	0.84	11.00	0.00	3.20					TO LOW FLOW LINER	
B3	0.97	0.02	0.48	11.00	0.00	2.38						TO LOW FLOW LINER	
B4	0.95	0.02	0.44	11.00	0.00	2.20						TO LOW FLOW LINER	
B5	0.72	0.02	0.58	11.00	0.00	2.88						TO LOW FLOW LINER	
B6	0.23	0.02	0.18	0.18	11.00	0.00	0.82	0.26000	36	8	1.21	3.48	TO B6
B7	0.93	0.02	0.82	11.00	0.00	0.72	0.25000	187	8	1.81	3.48	TO B6	
B8	1.12	0.02	0.80	11.00	0.00	8.82	0.26000	34	18	8.78	3.28	TO LOW FLOW LINER	
ROOF	2.07	0.02	1.98	1.98	11.00	0.00	4.38	0.21000	186	18	10.80	3.94	TO AS
C1	0.37	0.02	0.48	2.11	11.00	0.00	15.88	0.00000	448	24	12.88	3.88	TO COMBINE 7, 18
ROOF	1.28	0.02	0.80	0.80	11.00	0.00	2.02	0.25000	180	18	8.48	3.28	TO C2
C2	0.88	0.02	7.37	3.33	11.00	0.00	16.84	0.00000	115	30	22.47	4.28	TO DETENTION CELL
ROOF	1.72	0.02	1.38	1.38	11.00	0.00	8.88	0.21000	186	18	10.80	3.94	TO AS
C3	0.45	0.02	5.37	0.77	11.00	0.00	25.38	0.00000	118	30	36.62	5.17	TO DETENTION CELL
D1	1.92	0.02	1.26	1.26	11.00	0.00	6.20	0.26000	309	31	8.88	3.91	TO D2
A17	0.03	0.02	2.02	0.02	11.00	0.00	0.72	0.21000	300	8	1.21	3.48	TO D2
C2	1.91	0.02	1.28	2.28	11.00	0.00	11.78	0.00000	300	30	22.47	4.28	TO D2
D2	0.84	0.02	0.70	0.70	11.00	0.00	6.08	0.21000	300	8	1.21	3.48	TO D2
D3	1.41	0.02	1.14	3.72	11.00	0.00	16.80	0.00000	179	30	22.47	4.28	TO D2
D4	1.21	0.02	3.91	4.98	11.00	0.00	22.64	0.00000	80	30	36.52	5.17	TO SWALE
E1	0.46	0.02	0.37	0.37	11.00	0.00	1.84	0.00000	140	16	3.54	2.88	TO DETENTION CELL
E2	0.22	0.02	0.16	0.16	11.00	0.00	0.88	0.00000	140	16	3.54	2.88	TO DETENTION CELL
F1	2.28	0.02	1.80	1.80	11.00	0.00	8.80					TO SWALE	

- LEGEND**
- 100.00 --- EXISTING MAJOR CONTOUR
 - 100.10 --- EXISTING MAJOR CONTOUR
 - 100.20 --- PROPOSED MAJOR CONTOUR
 - 100.30 --- PROPOSED MAJOR CONTOUR
 - 100.40 --- DRAINAGE BASH BOUNDARY
 - 100.50 --- DRAINAGE BASH BOUNDARY
 - 100.60 --- PROPOSED STORM SEWER LOCATION
- NOTES**
1. MAJOR STORM DITCHES WILL FLOW THROUGH AND ROUTE THROUGH DETENTION CELLS. SEE DRAINAGE REPORT FOR DETAILED ANALYSIS OF RETENTION & DETENTION CELLS ALONG WITH OUTLET STRUCT.
 2. PIPE SIZES ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
 3. ALL CELL, OUTLET STRUCTURES AND PIPING SHALL BE DESIGNED TO STORE THE DIFFERENCE BETWEEN THE DEVELOPED AND UNDEVELOPED FLOWS.
 4. DEVELOPED FLOWS SHOWN ARE FOR AUTOMATIC METHOD CALCULATIONS USING THE RATIONAL METHOD. SEE METHOD USED FOR DETENTION POND AND OTHER MAJOR CALCULATIONS.

OLSON ASSOCIATES
INCORPORATED
1000 N. WASHINGTON ST.
ANN ARBOR, MI 48106-1500
TEL: 734/769-0000
FAX: 734/769-0001
WWW.OLSONASSOCIATES.COM

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/08	ISSUED FOR PERMIT
2	01/15/08	ISSUED FOR PERMIT
3	01/15/08	ISSUED FOR PERMIT
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49	01/15/08	ISSUED FOR PERMIT
50	01/15/08	ISSUED FOR PERMIT

GRADING & DRAINAGE PLAN
WAL-MART SOUTH SUBDIVISION
PRELIMINARY PLAT

GRAND ISLAND, INE

SHEET 2 OF 3



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E2

**Public Hearing on Request of Mongolian Grill of Omaha, LLC dba
Mongolian Grill Restaurant, 1816 Webb Road for a Class "J"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 22, 2004

Subject: Public Hearing on Request of Mongolian Grill of Omaha, LLC dba Mongolian Grill Restaurant, 1816 Webb Road for a Class “J” Liquor License

Item #'s: E-2 & G-3

Presenter(s): RaNae Edwards, City Clerk

Background

Tri Nguyen, owner of Mongolian Grill of Omaha, LLC dba Mongolian Grill Restaurant located at 1816 Webb Road has submitted an application with the City Clerk’s Office for a Class “J” Liquor License. The application for the Class “J” Liquor License has been filed with the Liquor Control Commission and received by the City on June 7, 2004. A Class “J” Liquor License allows for the sale of wine and beer, on sale only within the corporation limits of the city.

Discussion

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

Alternatives

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

1. Approve the request of Mongolian Grill Restaurant for a Class “J” Liquor License.
2. Disapprove or /Deny the request.
3. Forward to the Nebraska Liquor Control Commission with no recommendation.

4. Table the issue.

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Mongolian Grill of Omaha, LLC dba Mongolian Grill Restaurant, 1816 Webb Road for a Class "J" Liquor License contingent upon final inspections.



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E3

Public Hearing on Acquisition of Utility Easement - 2719 S Locust Street - Lawrey

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director
Meeting: June 22, 2004
Subject: Acquisition of Utility Easement – 2719 S. Locust St. - Lawrey
Item #'s: E-3 & G-8
Presenter(s): Gary R. Mader, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of William and Sandra Lawrey, located along the north side of the new Harley Davidson Central located at 2719 South Locust Street, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to locate underground electrical cables and a pad-mounted transformer to serve the new building.

Alternatives

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

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

Recommendation

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

Sample Motion

Approve the acquisition of the Utility Easement.



SOUTH LOGUST STREET

UNPLATTED

NW CORNER LOT 1
GARRISON SUB.

NORTH LINE LOT 1
GARRISON SUB.

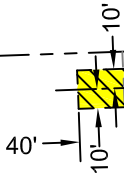
348.3'

POINT OF
BEGINNING

GARRISON

Lot 1

SUBDIVISION



169.41'

38.23' 25.22'

145.36'

1.5'

102.26'

185.74'

95'

78'

KNOX

Lot 1

THIRD

SUBDIVISION

EXISTING 16' EASEMENT

150.2'

78'

220.0'

16' EASEMENT

38.37'

54.42'

64.17'

215.90'

Lot 3

9'.01'

8' EASEMENT

LEGEND



INDICATES 20' WIDE
UTILITY EASEMENT

CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

EXHIBIT "A"

DRN BY: K.J.M.

SCALE: 1"= 100'

DATE: 6/1/2004

FILE: GARRISON



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E4

**Public Hearing on Request of CXT/LB Foster Company for
Renewal of Conditional Use Permit for Temporary Buildings
Located at 710 East Highway 30**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: June 22, 2004

Subject: Request of CXT/LB Foster Company for Renewal of a Conditional Use Permit for Temporary Buildings Located at 710 E. Hwy. #30

Item #'s: E-4 & G-5

Presenter(s): Craig Lewis

Background

This is a request for renewal of a conditional use permit to allow for the continued use of two temporary buildings at the above referenced site. The two buildings were allowed as a conditional use to provide temporary office and break room spaces for CXT in June of 1998.

A conditional use permit is required as the City Code does not allow for buildings of this type on a temporary basis unless approved by the City Council in the form of a conditional use.

Discussion

The City Code allows temporary buildings for a period of two years in undeveloped areas to facilitate the development of permanent structures and uses. These two buildings were originally intended to facilitate the employees at CXT for the duration of the initial project which was projected to extend for a five year period. As the project appears to have expanded in the length of time additional time has been needed to allow for the continued use.

The intent of the City Code is to allow for a temporary building limited to two years while a permanent facility is being constructed, as this additional request is now approaching eight years in duration, it does not appear to meet the spirit or intend of the code.

Alternatives

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

1. Approve the request for an additional two years.
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 neighboring properties does not appear negative, but no future approvals are recommended as an eight year temporary building and use would not appear to comply with the intent and spirit of the City Code.

Sample Motion

Approve the request to allow for an additional two years for the continued use of the two temporary buildings.



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E5

**Public Hearing on Acquisition of all Real Estate Property Located
in the Block Bordered by Walnut, Cedar, Koenig, and Charles
Streets**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: June 22, 2004

Subject: Public Hearing on the Acquisition of Lots 1 through 8, Fractional Block 104, Railroad Addition and its Compliment Fractional Block 104, Koenig and Wiebe's Addition to the City of Grand Island, Hall County, Nebraska

Item #'s: E-5 & I-3

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

Background

At the June 15, 2004, study session held by the Grand Island City Council, the Grand Island Fire Department made a presentation regarding the sites that it is interested in acquiring for constructing a new fire station to replace Fire Station #1. At the conclusion of that meeting the consensus of the Council seemed to be that the site proposed by the Fire Department, which is bordered on the north by Koenig Street on the south by Charles Street on the west by Cedar Street and on the east by Walnut Street, was the best site for the proposed fire station. There are numerous individual single family homes on this block and the owners will need to be contacted individually once an appraisal has been done to establish a value for the properties. Once a price has been negotiated for the acquisition of the properties, a purchase agreement will need to be prepared for approval by the City Council to acquire the properties.

Before the City can acquire the property, a public hearing is necessary for the purpose of seeking Council approval for proceeding with the acquisition of the real estate. Item I-3 on the agenda is a resolution authorizing the city to proceed with acquisition of this property through a negotiated purchase if possible, or through condemnation if necessary.

Discussion

The city is interested in purchasing this real estate for a fire station for the following reasons:

1. This property is located so that the response times in the area that it will be serving will be the best to provide emergency services to the community.
2. Access to the site from the streets in the area is desirable and will allow for ingress and egress of fire trucks and other equipment from the facility to the area which it will be serving.
3. Locating the property at this site will allow for utilizing the facilities to the greatest extent since it is closer to more densely populated areas of the community.

For the above mentioned reasons city administration is seeking City Council approval of the resolution for the acquisition of the real estate on the above described block.

Alternatives

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

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

Recommendation

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

Sample Motion

Approve the resolution authorizing the acquisition of Fractional Block 104 in Railroad Addition and Fractional Block 104 in Koenig and Wiebe's Addition to the City of Grand Island, Hall County, Nebraska.





City of Grand Island

Tuesday, June 22, 2004

Council Session

Item E6

Public Hearing on Acquisition of Approximately 90 Acres of Real Estate Located South of Capital Avenue, East of Nebraska Central Railroad, North of Lincoln View Estates Subdivision, and West of Geddes Street

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: June 22, 2004

Subject: Public Hearing on the Acquisition of Real Estate in the East Half of the Northwest Quarter, East of the Nebraska Central Railroad Right-of-Way and in the West Half of the Northeast Quarter West of Previously Subdivided Property in that Quarter Section, All of Which is in Section 10, Township 11 North, Range 9 West of the 6th P.M. in Hall County, Nebraska and Lot Two of Fox Creek Subdivision to the City of Grand Island

Item #'s: E-6 & I-4

Presenter(s): Douglas R. Walker, City Attorney
Chief Jim Rowell, Grand Island Fire Department

Background

At the June 15, 2004, study session held by the Grand Island City Council, the Grand Island Fire Department made a presentation regarding the sites that it is interested in acquiring for locating a fire training facility. At the conclusion of that meeting, the consensus of the Council seemed to be that the site proposed by the Fire Department, which is bordered on the north by Capital Avenue and on the west by the Nebraska Central Railroad Right-of-Way, on the east by the Goodrich Subdivision. The Frank P. Bark's Subdivision and Lot One of the Fox Creek Subdivision and on the south by a strip of land adjacent to John W. Lambert's Addition, was the best site for the proposed training facility. This property has been previously used for agricultural purposes and is owned by Bradley R. Petersen who will be contacted to negotiate a sale once an appraisal has been done to establish a value for the property. Once a price has been negotiated for the acquisition of this real estate, a purchase agreement will need to be prepared for approval by the City Council to acquire the property.

Before the city can acquire the property, a public hearing is necessary for the purpose of seeking Council approval for proceeding with the acquisition of this real estate. Item I-4

on the agenda is a resolution authorizing the city to proceed with acquisition of this property through a negotiated purchase if possible or by condemnation if necessary.

Discussion

The city is interested in purchasing this real estate for a fire training facility for the following reasons:

1. This property is located in an area of Grand Island that is near the current law enforcement training center.
2. This facility has good access to main arterial roads which allow for ingress and egress to the facility for fire training equipment.
3. The property is located on a site that is sufficient in size to develop for the training facility and also to maintain a buffer zone around the facility so that it will not disturb the neighboring area.
4. City utility service would be available to the property.

For the above mentioned reasons, city administration is seeking City Council approval of the resolution for the acquisition of this real estate.

Alternatives

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

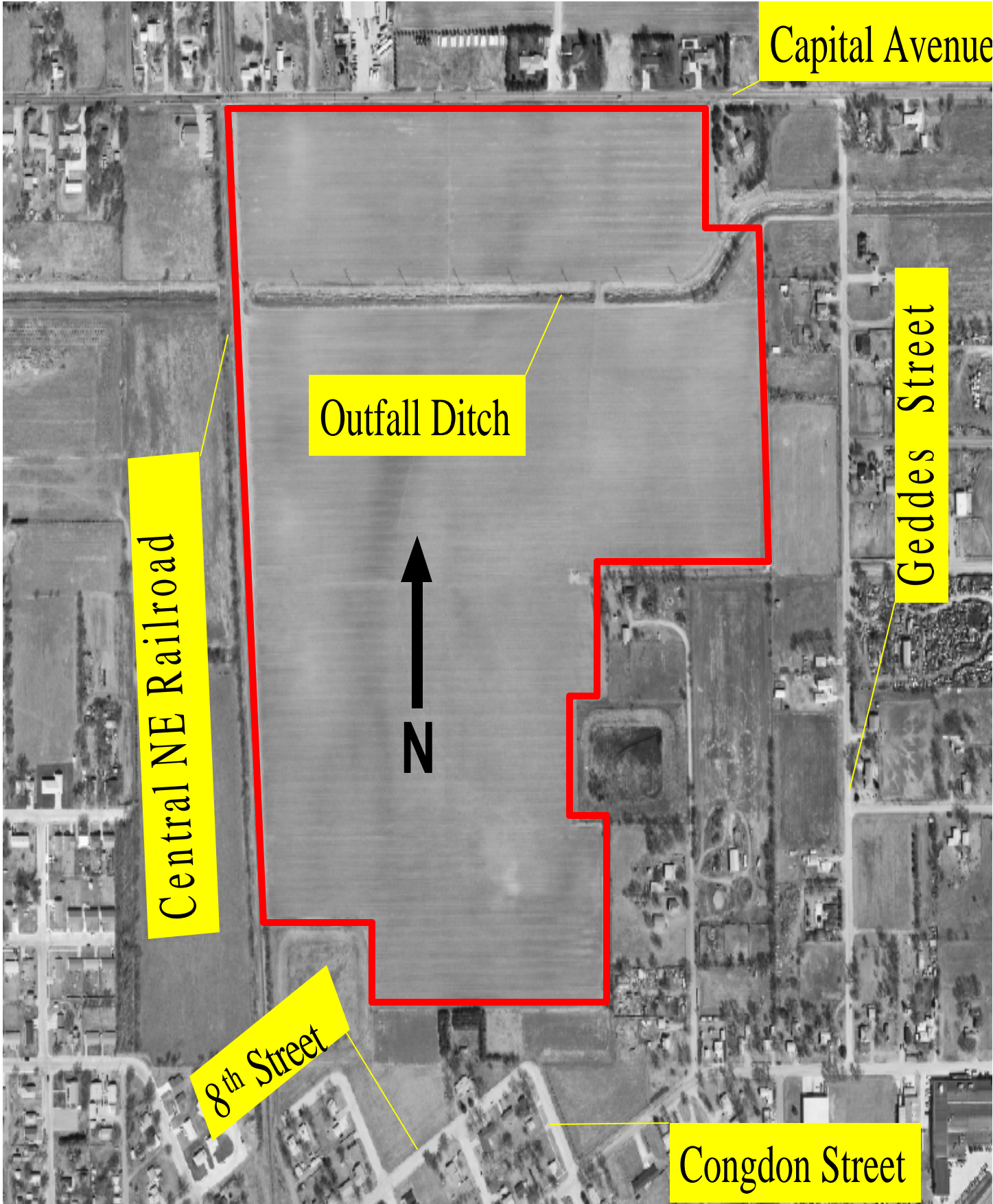
1. Approve the resolution authorizing the city to acquire this real estate.
2. Disapprove or /Deny the resolution authorizing the acquisition of the real estate.
3. Modify the resolution to meet the wishes of the Council
4. Table the issue

Recommendation

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

Sample Motion

Approve the resolution authorizing the acquisition of the real estate described in the resolution for use as a fire training facility.



Capital Avenue

Outfall Ditch

Central NE Railroad

Geddes Street



8th Street

Congdon Street



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F1

#8916 - Consideration of Change to the Grand Island Zoning Map for Property Being Proposed for Platting as Wal-Mart South Subdivision Located South of Highway 34 and East of So. Locust Street from TA Transitional Agricultural to CD Commercial Development

This item relates to the aforementioned Public Hearing Item E-1, Consent Agenda Item G-6, and Resolution Item I-1.

Staff Contact: Chad Nabity

ORDINANCE NO. 8916

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising a part of the West Half of the Northwest Quarter (W1/2, NW1/4) of Section Thirty Four (34), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in Hall County, Nebraska, from TA-Transitional Agricultural Zone to CD-Commercial Development Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-7; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on May 19, 2004, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on June 8, 2004, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. That the portion of land located south of U.S. Highway 34 and east of South Locust Street, as shown on the attached drawing, is hereby rezoned and reclassified and changed from TA-Transitional Agricultural Zone to CD-Commercial Development Zone.

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-7 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

ORDINANCE NO. 8916 (Cont.)

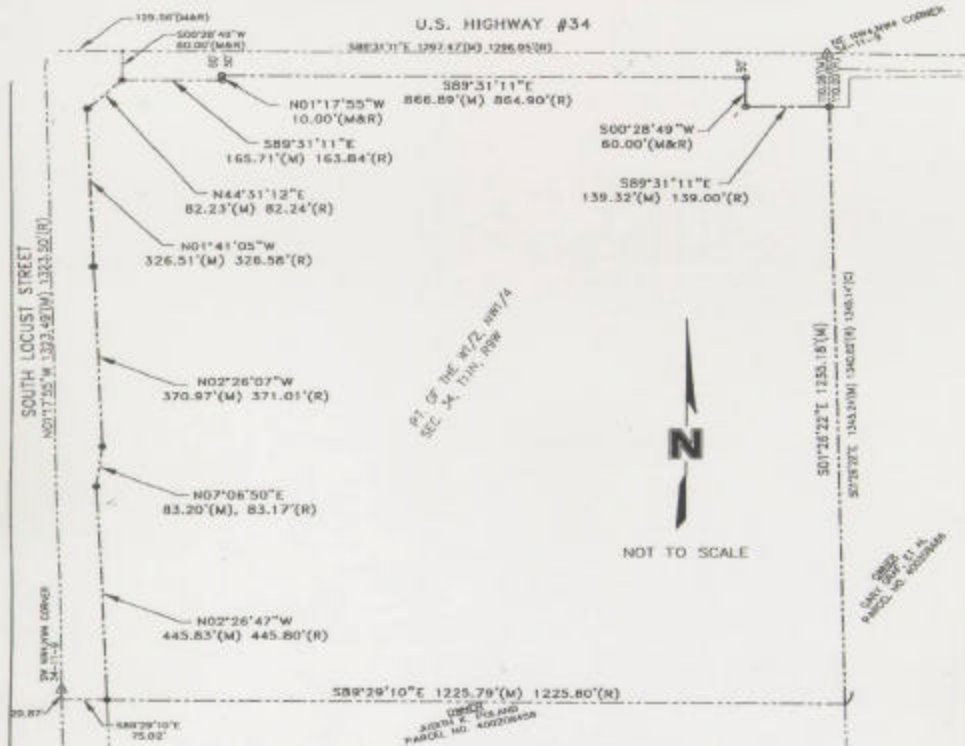
SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 31 MINUTES 11 SECONDS EAST A DISTANCE OF 129.56 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 49 SECONDS WEST A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 34, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 31 MINUTES 11 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, SAID LINE ALSO BEING 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 165.71 FEET; THENCE NORTH 01 DEGREES 17 MINUTES 55 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 11 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, SAID LINE ALSO BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 866.89 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 49 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, SAID LINE ALSO BEING 110.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 139.32 FEET TO THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 26 MINUTES 22 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1,225.18 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN DOCUMENT NO. 89-102883, RECORDS OF HALL COUNTY; THENCE NORTH 89 DEGREES 29 MINUTES 10 SECONDS WEST, ALONG SAID SOUTH LINE, SAID LINE ALSO BEING THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN DOCUMENT NO. 89-102882, A DISTANCE OF 1,225.79 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE NORTH 02 DEGREES 26 MINUTES 47 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 445.83 FEET; THENCE NORTH 07 DEGREES 04 MINUTES 50 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 83.20 FEET; THENCE NORTH 02 DEGREES 28 MINUTES 07 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 370.97 FEET; THENCE NORTH 01 DEGREES 41 MINUTES 05 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 326.51 FEET; THENCE NORTH 44 DEGREES 31 MINUTES 12 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.23 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 1,576,468.21 SQUARE FEET OR .3619 ACRES, MORE OR LESS.

31 December 2003
 F:\Projects\20030710\LINCSURVEY\DOC\LEG_DESCRIBED.dwg

REZONING EXHIBIT	<p>OLSSON ASSOCIATES CONSULTING ENGINEERS 1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501</p>	DATE: 03/18/04
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City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F2

#8888 - Consideration of Annexation of Property Located South of U.S. Highway 34 and East of South Locust Street - Proposed Wal-Mart Subdivision (Final Reading)

This item relates to the action taken at the February 10, 2004 and June 8, 2004 City Council meetings. 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 final reading 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 6th 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; and

WHEREAS, such ordinance was approved on second reading on June 8, 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:

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney

ORDINANCE NO. 8888 (Cont.)

(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 6th P.M. in Hall County, 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

ORDINANCE NO. 8888 (Cont.)

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.

Except a tract of land located in the NW1/4 of Section 34, Township 11 North, Range 9 West of the 6th 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.

ORDINANCE NO. 8888 (Cont.)

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.

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 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 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 (Final Reading)

This item relates to the action taken at the May 25, 2004 and June 8, 2004 City Council meetings. 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 final reading 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 6th P.M. in Hall County, Nebraska, under the name of FRAUEN SUBDIVISION, which is proposed to be an addition to the City of Grand Island; and

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

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

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

Approved as to Form _____
June 17, 2004 City Attorney

ORDINANCE NO. 8912 (Cont.)

WHEREAS, such ordinance was approved on second reading on June 8, 2004.

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 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F4

**#8914 - Consideration of Creation of Street Improvement District
No. 1253, Island Circle - West of Webb Road in Lacy Subdivision**

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

Council Agenda Memo

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

Meeting: June 22, 2004

Subject: Consideration of Creation of Street Improvement District No. 1253; Island Circle, West of Webb Road, in Lacy Subdivision

Item #'s: F-4

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

Background

Council action is needed to create a Street Improvement District. A petition was received on June 4, 2004, requesting the creation of a Street Improvement District. If the District is created, a notice will be mailed to all affected property owners and a 20-day protest period will begin. The City will bid, construct, and levy special assessments for the work if the district passes the protest period. Special assessments would be levied to each property in the district.

Discussion

Island Circle, which is located west of Webb Road in Lacy Subdivision, is currently a gravel road. The developer of Lacy Subdivision has requested the creation of a District.

Alternatives

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

1. Approve the creation of Street Improvement District 1253.
2. Disapprove or/Deny the creation of the District.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the creation of Street Improvement District 1253 along Island Circle. A ten (10) year assessment period is recommended.

Sample Motion

Move to approve the creation of Street Improvement District 1253.

• This Space Reserved for Register of Deeds •

ORDINANCE NO. 8914

An ordinance to create Street Improvement District No. 1253; to define the boundaries of the district; to provide for the improvement of a street within the district by paving, curbing, guttering, storm drainage, sidewalks, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Street Improvement District No. 1253 in the City of Grand Island, Nebraska, is hereby created.

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

Beginning at the northwest corner of Lot Four (4) Lacy Subdivision; thence east on the north line of Lot Four (4) and the south line of Stalker Plaza Subdivision to the west line of Webb Road; thence on the west line of Webb Road to the north line of Island Circle; thence east on a prolongation of the north line of Island Circle to the center line of Webb Road; thence south on the center line of Webb Road for a distance of Sixty Three and Nine Hundredths (63.09) feet; thence west on the prolongation of the south line of Island Circle to the west line of Webb Road; thence south on the west line of Webb Road for a distance of Ninety Nine

Approved as to Form ☐ _____
June 17, 2004 ☐ City Attorney

ORDINANCE NO. 8914 (Cont.)

and Five Tenths (99.5) feet; thence west on a line Ninety Nine and Five Tenths (99.5) feet south of and parallel to the south line of Island Circle to the east line of Lot One (1) Lacy Subdivision; thence south on the east line of Lot One (1) Lacy Subdivision to the southeast corner of Lot One (1) Lacy Subdivision; thence west on the south line of Lot One (1) Lacy Subdivision to a point where it intersects an arc with a radius of Two Hundred Sixty (260.0) feet; thence south and westerly on an arc with a Two Hundred Sixty (260.0) foot radius to a point where said arc intersects the west line of Lot Three (3) Lacy Subdivision; thence northeasterly on the northwesterly line of Lot Three (3); thence north on the west line of Lot Three (3) and Lot Four (4) Lacy Subdivision to the point of beginning, as shown on the plat dated June 14, 2004, marked Exhibit 'A', attached hereto and incorporated herein by reference.

SECTION 3. The following street in the district shall be improved by paving and other incidental work in connection therewith:

Island Circle, west of Webb Road in the City of Grand Island, Hall County, Nebraska.

Said improvements shall be made in accordance with plans and specifications approved by the Engineer for the City of Grand Island.

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

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, as provided by law.

SECTION 7. After passage, approval and publication of this ordinance, without the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

ORDINANCE NO. 8914 (Cont.)

Enacted: June 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

POINT OF BEGINNING

STALKER

PLAZA
SUB.

PART OF N.E.1/4,
N.E.1/4, SEC. 24-11-10

SPELTS-SCHULTZ
LOT 2

ISLAND CIRCLE

PART OF S.E.1/4,
N.E.1/4,
SEC. 24-11-10

LACY

2
SUB.

WEBB RD.

INDUSTRIAL
SUB.
LOT 1

PART OF S.E.1/4,
N.E.1/4,
SEC. 24-11-10



STREET IMPROVEMENT DISTRICT 1253

EXHIBIT "A"

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 6/14/04
DRN BY: L.D.C.
SCALE: 1"=200'

PLAT TO ACCOMPANY
ORDINANCE NO. 8914



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F5

**#8917 - Consideration of Assessments for Street Improvement
District 1248, Faidley Avenue from Moore's Creek Drainway
Easterly Towards Diers Avenue**

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

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8917

An ordinance to assess and levy a special tax to pay the cost of construction of Street Improvement District No. 1248 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provision of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said Street Improvement District No. 1248, as adjudged by the Council of said City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

Approved as to Form ☐ _____
June 17, 2004 ☐ City Attorney

ORDINANCE NO. 8917 (Cont.)

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Concord Development LLC	Lot 1, Crane Valley 6 th Subdivision	18,966.83
Concord Development LLC	Lot 2, Crane Valley 6 th Subdivision	23,845.02
Concord Development LLC	South 300 feet of Lot 1, Crane Valley 7 th Subdivision	5,946.61
Concord Development LLC	South 93 feet of Outlot A, Crane Valley 7 th Subdivision	1,078.28
CALM	West 236.78 feet of Lot 13, Richmond Subdivision	17,244.56
Grand Island Surgical Center LLC	North 300 feet of Lot 9, Richmond Subdivision	19,706.81
City of Grand Island	North 250.15 feet of west 183.94 feet of the NW1/4 of the SE1/4 of Section 13-11-10	13,061.35
TOTAL		\$99,849.46

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years, one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; and one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen percent (14.0%) per annum shall be paid thereon, until the same is collected and paid.

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

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Paving District Assessment Fund" for Street Improvement District No. 1248.

ORDINANCE NO. 8917 (Cont.)

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

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

Enacted: June 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item F6

#8918 - Consideration of the Sale of Excess Right-of-Way to Menard Inc., Adjacent to the South Side of Menard's Property

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 22, 2004

Subject: Approving the Sale of Excess Right-of-Way to Menards Inc., Adjacent to the South Side of Menard's Property

Item #'s: F-6

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

Background

Council approval is needed to sell excess Right-of-Way owned by the City of Grand Island. On September 23, 2003 the City Council approved a resolution authorizing the Mayor to sign the Agreement for Warranty Deed. The sale of the land has been delayed due to replatting of the area. The Menard Sixth Subdivision was filed with the register of deeds on June 4, 2004.

Discussion

The strip of land consists of approximately 12,026 square feet. It is located north of the trail along the north side of State Street and on the south side of the Menards store. Menard's Inc. has agreed to pay the City of Grand Island the appraised value of \$27,225.00 for the property.

A notice of the approval to sell the land will be published in the *Grand Island Independent*. A 30 day period is granted to the public to file a remonstrance. Signatures of thirty percent of the registered voters would be needed on the remonstrance in order to halt the conveyance of the land.

Alternatives

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

1. Approve the sale of the excess Right-of-Way to Menard's Inc.

2. Disapprove or/Deny the sale of the excess Right-of-Way.
3. Modify the terms of the sale to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the ordinance.

Sample Motion

Move to approve the sale of the excess Right-of-Way.

ORDINANCE NO. 8918

An ordinance directing and authorizing the conveyance of property to Menard, Inc., a Wisconsin corporation; providing for the giving of notice of such conveyance and the terms thereof; providing for the right to file a remonstrance against such conveyance; providing for publication and the effective date of this ordinance.

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

SECTION 1. The City of Grand Island shall convey to Menard, Inc., a Wisconsin corporation, subject to the requirements of Sections 2, 3, and 4 hereafter, a tract of land currently used as road right-of-way for State Street, which is now a part of Lot One (1) Menard Sixth Subdivision in the City of Grand Island, Hall County, Nebraska; more particularly described as follows:

Beginning at the southeast corner of said Lot One (1), said point also being on the northerly right-of-way line of State Street and a point on the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West; thence running westerly along the southerly line of said Lot One (1), on an Assumed Bearing of N89°26'39"W, a distance of Seventy Nine and Fifteen Hundredths (79.15) feet, to the Actual Point of Beginning; thence running S80°38'19"W, along the southerly line of said Lot One (1), a distance of Three Hundred Forty Nine and Thirty Eight Hundredths (349.38) feet; thence running N44°57'02"W, along the southwesterly line of said Lot One (1), a distance of Fifty Nine and Ninety Six Hundredths (59.96) feet, to a point on the east line of Lot One (1), State Subdivision; thence running N00°00'00"E, along the east line of Lot One (1), State Subdivision and the west line of said Lot One (1), a distance of Eighteen and Fifteen Hundredths (18.15) feet, to a point on the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West; thence running S89°26'39"E, along the north line of the Southeast Quarter (SE1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West, a distance of Three Hundred Eighty Seven and Eleven Hundredths (387.11) feet, to the Actual Point of Beginning and containing 0.276 acres more or less.

ORDINANCE NO. 8918 (Cont.)

SECTION 2. The consideration for such conveyance shall be Twenty Seven Thousand Two Hundred Twenty Five Dollars (\$27,225.00). Conveyance of the real estate above described shall be by warranty deed, upon payment of the consideration pursuant to the terms and conditions of an Agreement for Warranty Deed between the parties.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish said notice.

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by registered voters of the City of Grand Island equal in number to thirty percent of the registered voters of the City of Grand Island voting at the last regular municipal election held in such City be filed with the City Council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor shall make, execute and deliver to Menard, Inc., a Wisconsin corporation, a warranty deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

ORDINANCE NO. 8918 (Cont.)

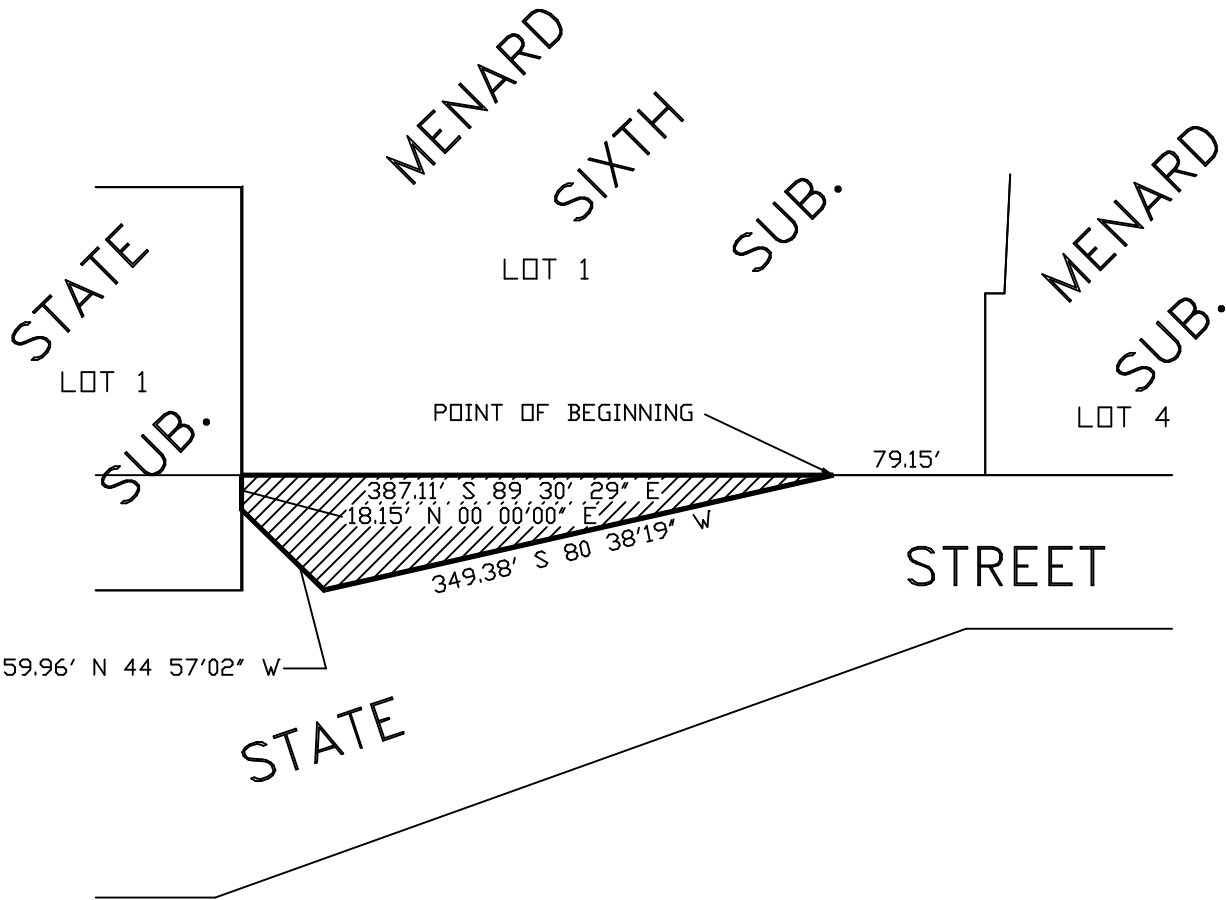
SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 22, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



AREA OF STATE STREET RIGHT-OF-WAY



EXHIBIT "A"

CITY OF GRAND ISLAND

PUBLIC WORKS DEPARTMENT

DATE: 6/16/04
 DRN BY: L.D.C.
 SCALE: 1"=100'

PLAT TO ACCOMPANY
 ORDINANCE NO. 8918



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G1

Approving Minutes of June 8, 2004 City Council Regular Meeting

The Minutes of June 8, 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

June 8, 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 June 8, 2004. Notice of the meeting was given in the Grand Island Independent on June 2, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Evangelist Gary Bennett, Stolley Park Church of Christ, 2822 West Stolley Park Road.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the death of President Ronald Reagan and the funeral service that would be held on Friday, June 11, 2004. Also mentioned was that City Hall would be open for business as usual on Friday.

PUBLIC HEARINGS:

Public Hearing on Request of Emil Schaaf/Werner Construction for a Conditional Use Permit for Sand and Gravel Operations Located at 5588 South Engleman Road. Craig Lewis, Building Department Director reported that Emil Schaaf and Werner Construction had submitted a request for the continued use of a sand and gravel operation located at 5588 South Engleman Road. Mr. Lewis stated that Hall County Board had approved Resolution #00-0063 which set conditions of operation for the facility. Pat O'Hara, 5387 Engleman Road spoke in support. No further public testimony was heard.

Public Hearing on Request of Hooker Bros. Sand & Gravel for Conditional Use Permit for Sand and Gravel Operation Located at 3860 South Locust Street. Craig Lewis, Building Department Director reported that Hooker Bros. Sand & Gravel, Inc. had submitted a request for the continued use of a sand and gravel operation located at 3860 South Locust Street. Mr. Lewis stated that the original request was approved by City Council on May 23, 1994 for a period of ten years. Explained were the conditions recommended by city administration. Ron Depue, Attorney for Hooker Bros. Sand & Gravel and Jeff Hooker, 3615 Palamino Place spoke in

support. Ken Clausen, 3050 W. Guenther Road commented on drainage concerns, but was not against the permit. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located 1/4 Mile North of Stuhr Road and Highway 34. (Scott and Mary Sahling) Gary Mader, Utilities Director reported that acquisition of a utility easements located 1/4 mile north of Stuhr Road and Highway 34 was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to construct a single phase high voltage overhead line to a new home to be built by the Sahling family. No public testimony was heard.

ORDINANCES:

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

#8907 – Consideration of Vacation of Utility Easement Located at 1850 Union Road.
(Livengood Second Subdivision)

#8913 – Consideration of Vacating Right of Way and Utility Easement Along Wilmar Avenue within Martin's Second Subdivision.

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? No public comment was heard.

City Clerk: Ordinances #8907 and #8913 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 #8907 and #8913 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 #8907 and #8913 are declared to be lawfully passed and adopted upon publication as required by law.

Motion by Whitesides, second by Hornady to approve Ordinance #8888 on second reading only.

#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)

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

Motion by Whitesides, second by Cornelius, to approve Ordinance #8912 on second reading only.

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

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

CONSENT AGENDA: Items G-7 and G-19 were removed from the Consent Agenda. Motion by Hornady, second by Gilbert, to approve the Consent Agenda excluding items G7 and G-19. Upon roll call vote, all voted aye. Motion adopted.

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

Approving Minutes of June 1, 2004 City Council Study Session. Councilmember Nickerson abstained.

Approving Appointment of Ann Marsh to the Central District Health Department Board.

Approving the Appointments of Police Chief Kyle Hetrick, Police Captain Robert Falldorf, Sheriff Jerry Watson, City Administrator Gary Greer, County Board Supervisor Pam Lancaster, Steve Lamken from the Law Enforcement Training Center, Chief Deputy Chris Rea from the Hall County Sheriff's Department, Emergency Management Director Howard Maxon, and Mayor Jay Vavricek to the Law Enforcement Committee. County Board Supervisor Jim Ericksen was appointed as an alternate.

Approving 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. Councilmember Myer abstained.

Approving 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 Members Michael Kneale and Billie Marvel, and Citizen Representative Tom Ward to the Library Committee. Councilmember Hornady abstained.

Approving Preliminary Plat for Martin's Second Subdivision.

#2004-131 – Approving Final Plat and Subdivision Agreement for Martin's Second Subdivision. It was noted that Wilmar Realty, L.L.C. had submitted the final plat for Martin's Second Subdivision, located north of Potash Highway and west of Webb Road for the purpose of creating 7 lots.

#2004-132 – Approving Final Plat and Subdivision Agreement for Brentwood Sixth Subdivision. It was noted that Grand Island Bickford Cottage, L.L.C. has submitted the final plat for Brentwood Sixth Subdivision, located south of Woodridge Blvd. and east of Webb Road for the purpose of re-subdividing Lot 1 Brentwood Fifth Subdivision into 2 lots.

#2004-133 – Approving Final Plat and Subdivision Agreement for Butterfly Subdivision. It was noted that Wayne E. Bockman, Personal Representative of the Roy Henry Bockman, Sr. Estate had submitted the final plat for Butterfly Subdivision, located north of 13th Street and east of Engleman Road for the purpose of creating 1 lot.

#2004-134 – Approving Final Plat and Subdivision Agreement for JPM Subdivision. It was noted that Jerry M. and Pamela S. Saber-Miller had submitted the final plat for JPM Subdivision, located north of Eilenstine Road and east of St. Paul Road for the purpose of re-subdividing Lot 5 Fairacres Subdivision into 6 lots.

#2004-135 – Approving Request of Emil Schaaf/Werner Construction for Conditional Use Permit for Sand and Gravel Operation Located at 5588 South Engleman Road. Councilmember Meyer voted no.

#2004-136 – Approving Acquisition of Utility Easement Located 1/4 Mile West and 1/2 Mile North of Stuhr road and Highway 34 (off of Midaro Drive). (Scott and Mary Sahling)

#2004-137 – Approving Certificate of Final Completion for Downtown Alleys Phase IV, Street Improvement District No. 1243 and 1244 with the Diamond Engineering Company of Grand Island, Nebraska and Setting July 13, 2004 for Board of Equalization Hearing for Street Improvement District No. 1243.

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

#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 with the Diamond Engineering Company of Grand Island, Nebraska for an increase of \$1,310.00 and a Revised Contract Amount of \$100,791.35.

#2004-140 – Approving Certificate of Final Completion for Street Improvement District No. 1245, James Road, Located North of Husker Highway Approximately 950 Feet with the Diamond Engineering Company of Grand Island, Nebraska and Setting July 13, 2004 for Board of Equalization Hearing.

Approving Request of Hooker Bros. Sand & Gravel for Conditional Use Permit for Sand and Gravel Operation Located at 3860 South Locust Street. Discussion was held concerning drainage on the south side of the Hooker Bros. Sand & Gravel operation.

Motion was made by Whitesides, second by Hornady to approve the request for the Conditional Use Permit. Upon roll call vote, Councilmembers Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase vote aye. Councilmember Meyer voted no. Motion adopted.

#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. Motion was made by Gilbert, second by Cornelius to approve Resolution #2004-141. Bruce Swihart, 339 Ponderosa Drive spoke in support and thanked the council.

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

REQUEST AND REFERRALS:

Request of Pollock Well Drilling for Non-Conforming Use of Land to Rebuild Business. Craig Lewis, Building Department Director reported that a request was received from Pollock Well Drilling for a Non-Conforming Use of land located at 2670 N. St. Paul Road to rebuild a building that was destroyed by fire. Mr. Lewis stated that the Pollock Well Drilling business had operated at that location for more than 50 years and there were no apparent negative impacts to the neighborhood.

Motion by Gilbert, second by Hornady to approve the request of Pollock Well drilling for a non-conforming use of land located at 2670 N. St. Paul Road. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, carried unanimously to approve the Claims for the period of May 26, 2004 through June 8, 2004, for a total amount of \$3,126,849.21. Motion adopted.

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

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G2

Approving Minutes of June 15, 2004 City Council Study Session

The Minutes of June 15, 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 15, 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 15, 2004. Notice of the meeting was given in the Grand Island Independent on June 9, 2004.

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

Fire Station #1/Fire Training Site Presentation. Fire Chief Jim Rowell reported that since the one-half cent sales tax was approved on May 11, 2004, the Fire Department's priority was the construction of a training center and the replacement of Fire Station One. Chief Rowell commented on the public support for these facilities.

Fire Training Chief Troy Huges reported on the training facility sites. A PowerPoint presentation was given for the proposed sites.

The following criteria were looked at for each site:

- Adequate space – room for future expansion
- Impact to surrounding areas
- Access to roadways
- Emergency response to City Of Grand Island
- Ability to acquire

Site #1 – 8th and Taft

Benefits:

Near Airport, adequate land (89.49 acres), near LEATC, near rail line, water and sewer available, active neighborhood association to partnership with.

Potential Problems:

Near residential, may be costly, and response to south would be through residential neighborhood.

Site #2 – Capital and Shady Bend

Benefits:

Near airport and future helicopter base, adequate land (111.39 acres), near golf course, near LETC, and good access to roadways.

Potential Problems:

Water may attract waterfowl and no water or sewer at this time.

Site #3 – West of Capital Trailer Court

Benefits:

Adequate land (61.86 acres), access to main road (Capital Ave), water and sewer, good emergency response to City.

Potential Problems:

Near residential, high traffic count during school periods may interfere with roadway access, and might limit future expansion.

Site #4 - Highway 281 and Airport Road (west) and Site #4b – Highway 281 and Airport Road (east)

Benefits:

Adequate land (60.53 acres), highly visible – presents good image to visitor of Grand Island.

Potential Problems:

May be expensive, might interfere with commercial development, poor access to roadway, and no water or sewer.

The following were the recommended rankings of the Fire Department:

1. Site #1 – 8th and Taft
2. Site #2 – Capital and Shady Bend
3. Site #3 – West of Capital Trailer Court
4. Site #4 – Highway 281 and Airport (west)
5. Site #4b – Highway 281 and Airport (east)

It was recommended that City Attorney Doug Walker contact owners of the Council's preferred properties, begin preliminary negotiations to purchase property, and bring a Resolution to the June 22, 2004 City Council Regular Meeting to allow negotiation and purchase of the training center land.

City Administrator Gary Greer commented that this project would be phased in and there were three other projects ahead of this one.

Fire Operations Division Chief Curt Rohling presented a PowerPoint on the site selections for the replacement of Fire Station One.

The following criteria were looked at for locating a new fire station site:

- Response Time
- Risk Assessment

- Mapping Responses
- Access

The following needs assessments were looked at:

- 2 Acres
- 20,000 Square Foot Required for the Building
- Parking Space
- Administrative Offices
- Approach
- Traffic Flow

The following were the proposed sites:

Site #1 - Existing Station (Koenig Street and Pine Street):

Benefits:

Currently own large section of land and preserve Station One – (remodel)

Potential Problems:

Limited response routes and cost of remodel

Site #2 – Proposed Fonner Station (Fonner Park and Pleasant View Drive):

Benefits:

Cost of land and expansion room

Potential Problems:

Limited coverage, congested emergency routes, limited response routes, and extended response times.

Site #3 – Proposed Walnut Station (Walnut, Cedar, Kownig, and Charles Streets):

Benefits:

Coverage, response time, and response routes

Potential Problems:

Cost of property, displacement of property, and demolition

Site #4 – Proposed Sycamore Station (Sycamore, First, Second, and Kimball Streets):

Benefits:

Acquired land

Potential Problems:

Extended response time, congested traffic, parking, poor coverage, and drive through

City Administration recommended proposed Site #3 - Walnut Station site because of location, access, and coverage with regards to population, NFIRS calls, and cardiac calls.

Discussion was held with regards to increase in population in the future and the importance of response time with this location.

Lewis Kent, 624 East Meves complimented staff on their presentation. He stated he would liked to have seen this station further south on South Locust with the Events Center and Wal-Mart coming.

Tom O'Neill, 804 Stolley Park Road thanked the Fire Department for the good job they were doing and stated they know their business and we should give them the area that they think was best.

Several Councilmember's stated they were impressed with the Walnut Street site. It was the consensus of the Council to move forward with the Fire Station One and Fire Training sites as recommended by City Administration.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G3

**Approving Request of Mongolian Grill of Omaha, LLC dba
Mongolian Grill Restaurant, 1816 Webb Road for a Class "J"
Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G4

**Approving Request of Tri Nguyen, 3122 North 168th Street,
Omaha, Nebraska for a Liquor Manager Designation for
Mongolian Grill Restaurant, 1816 Webb Road**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 22, 2004

Subject: Request of Tri Nguyen, 3122 North 168th Street, Omaha, Nebraska for Liquor Manager Designation for Mongolian Grill Restaurant, 1816 Webb Road

Item #'s: G-4

Presenter(s): RaNae Edwards, City Clerk

Background

Tri Nguyen, 3122 North 168th Street, Omaha, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "J-64032" Liquor License for Mongolian Grill Restaurant located at 1816 Webb Road. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request of Tri Nguyen for Liquor Manager Designation in conjunction with the Class "J-64032" Liquor License for Mongolian Grill Restaurant, 1816 Webb Road.
2. Disapprove or /Deny the request.
3. Table the issue

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Tri Nguyen, 3122 North 168th Street, Omaha, Nebraska for Liquor Manager Designation for Mongolian Grill Restaurant, 1816 Webb Road.



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G5

**Approving Request of CXT/LB Foster Company for Renewal of
Conditional Use Permit for Temporary Buildings Located at 710
East Highway 30**

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

Staff Contact: Craig Lewis



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G6

Approving Preliminary Plat for Wal-Mart South Subdivision

This item relates to the aforementioned Public Hearing Item E-1, Ordinance Item F-1, and Resolution Item I-1.

Staff Contact: Chad Nabity



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G7

**#2004-142 - Final Plat and Subdivision Agreement Frauen
Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: June 22, 2004
Subject: Frauen Subdivision - Final Plat
Item #'s: G-7
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This final plat proposes to create 2 lots on a parcel of land in the W ½ NW ¼ Section 1, Township 11, Range 9, South of Airport Road, West of Shady Bend Road. This subdivides an existing farmstead, and a one time split from an 80 acre tract of land.

Discussion

This property is zoned AG and this is an allowed split from the farm. The original house has been removed from the farmstead but it is clear that this is the location of the original farmstead. Houses constructed on these lots will not be able to connect to city sewer and water services at this time. These lots are approximately 10 acres each and will easily support well and septic systems until such time as city services are available. This subdivision is allowable within our regulations and should be approved.

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

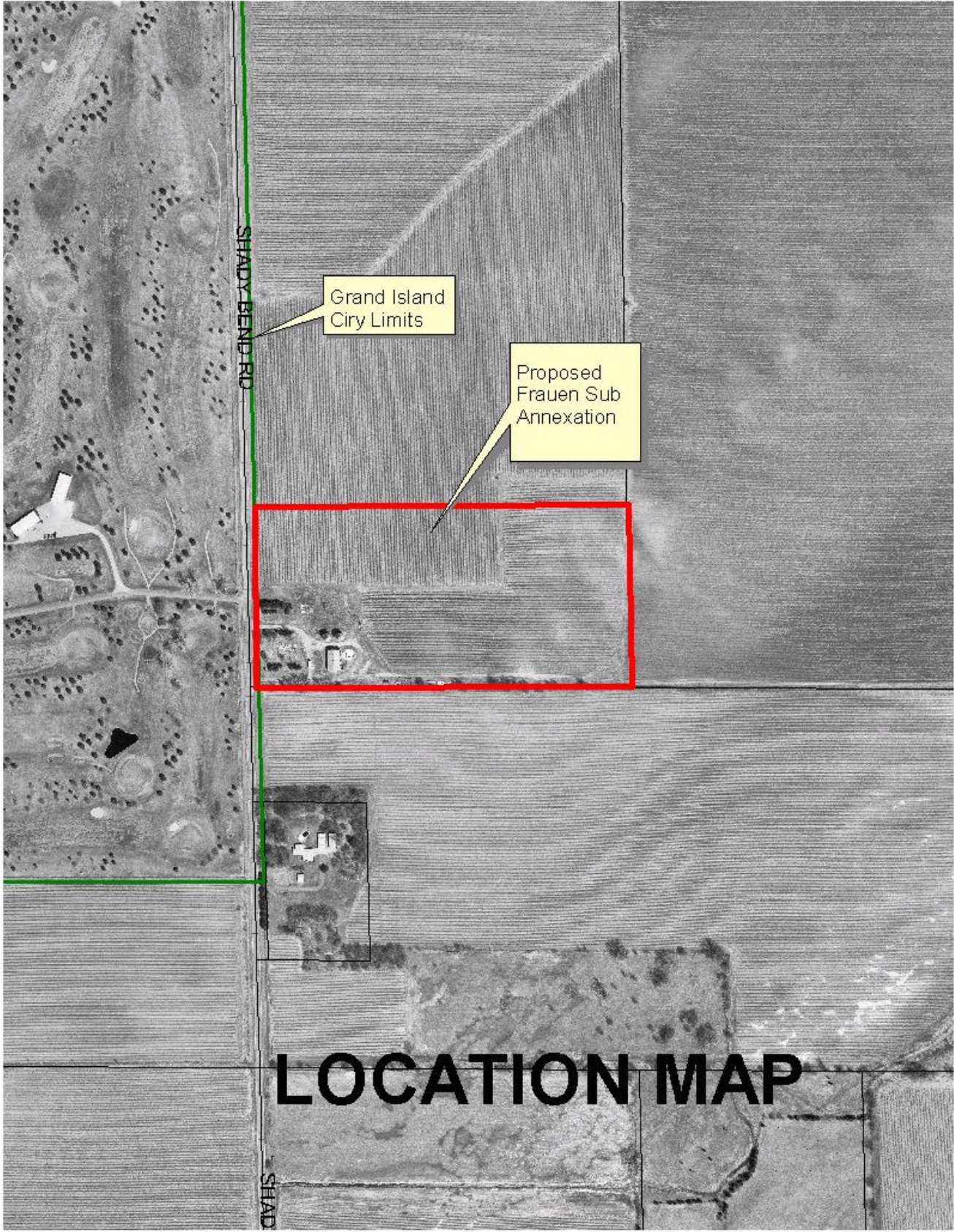
Recommendation

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

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

Sample Motion

Approve the Final Plat for Frauen Subdivision as presented.



Grand Island
City Limits

Proposed
Frauen Sub
Annexation

LOCATION MAP

R E S O L U T I O N 2004-142

WHEREAS, Karen Frauen, a single person, as owner, has caused to be laid out into lots, a tract of land comprising a part of the West Half of the Northwest Quarter (W1/2, NW1/4) of Section 1, Township 11 North, Range 9 West of the 6th P.M. in Hall County, Nebraska, under the name of FRAUEN SUBDIVISION, and has caused a plat thereof to be acknowledged by her; and

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

WHEREAS, a form of subdivision agreement has been agreed to between the owner 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 FRAUEN 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 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form _____
June 17, 2004 City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G8

**#2004-143 - Approving Acquisition of Utility Easement - 2719 S.
Locust Street - Lawrey**

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

Staff Contact: Gary R. Mader

R E S O L U T I O N 2004-143

WHEREAS, a public utility easement is required by the City of Grand Island, from William E. Lawrey and Sandra L. Lawrey, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on June 22, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1) Garrison Subdivision located in the City of Grand Island, Hall County, Nebraska, the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Referring to the northwest corner of Lot One (1) Garrison Subdivision; thence easterly along the northerly line of said Lot One (1), a distance of three hundred forty eight and three tenths (348.3) feet to a corner of said Lot One (1); thence southerly perpendicular to the northerly line of said Lot One (1), a distance of nineteen (19.0) feet to the Actual Point of Beginning; thence westerly parallel with the northerly line of said Lot One (1), a distance of forty (40.0) feet.

The above-described easement and right-of-way containing 800 square feet, more or less, as shown on the plat dated June 1, 2004, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from William E. Lawrey and Sandra L. Lawrey, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G9

**#2004-144 - Approving Discontinuation of Water Main District No.
448 - Stolley Park Road, Bellwood to Kingswood**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: June 22, 2004

Subject: Discontinuation of Water Main District 448 – Stolley Park Road

Item #'s: G-9

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

Background

A petition requesting the creation of a water main district to serve properties along the south side of Stolley Park Road, between Bellwood Drive and Kingswood Drive, was received from area residents. The request was presented to the City Council and Ordinance 8897 was adopted for the creation of Water Main District 448. The project would provide water service to all properties within the District's boundaries. See the attached plat.

Discussion

The proposed construction would be done as an assessment district. All owners of record title within boundaries of the district were notified of its creation and had thirty days to submit objection to the project. The protest period for Water Main District 448 ended at 5:00 p.m., June 3, 2004. Protests were received from 71.4% of the property owners.

If more than 50% of the land owners protest the creation of the district, the Council shall be required to proceed with rescinding Ordinance 8897 as per Nebraska Statute, 16.667.01, R.R.S. 1943.

Alternatives

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

Repeal Ordinance 8897 creating Water Main District 448, in Stolley Park Road, between Bellwood and Kingswood Drive.

Recommendation

City Administration recommends that the Council repeal Ordinance 8896 creating Water Main District 448, in Stolley Park Road, between Bellwood and Kingswood Drive.

Sample Motion

I move to repeal Ordinance 8897.

SEC. 22, T-11-N, R-9-W
(FONNER PARK SOFTBALL FIELDS)

WATER MAIN
DISTRICT 448
BOUNDARY

NORTHERLY R-O-W LINE-
STOLLEY PARK ROAD

900.0'

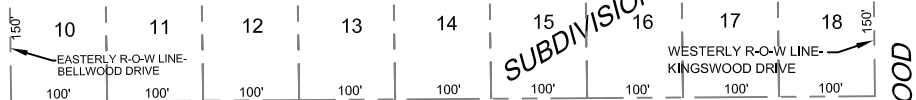
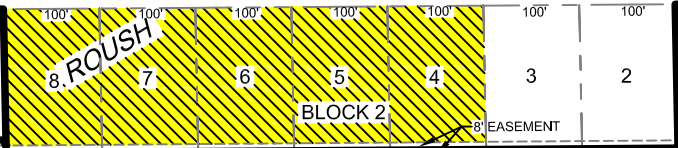
STOLLEY PARK ROAD

STREET

LOCUST

DRIVE

DRIVE



ROUSH

LANE

BELLWOOD

KINGSWOOD

EASTERLY R-O-W LINE-
BELLWOOD DRIVE

WESTERLY R-O-W LINE-
KINGSWOOD DRIVE

SUBDIVISION

SUBDIVISION

MURRY

BLOCK 5

LEGEND



INDICATES 71.4% PROTEST RECEIVED



CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

PLAT TO ACCOMPANY
ORDINANCE 8897

DRN BY: K.J.M.	SCALE: 1"= 200'
DATE: 4/9/2004	FILE: WMD 448

R E S O L U T I O N 2004-144

WHEREAS, Water Main District No. 448 was created by Ordinance No. 8897 on April 27, 2004; and

WHEREAS, notice of the creation of Water Main District No. 448 was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-619, et seq., Neb. Rev. Stat. 1943; and

WHEREAS, Section 16-620, Neb. R.R.S. 1943, provides that if owners of record title representing more than 50% of the front footage of the property abutting or adjoining the streets, avenues or alleys, or parts thereof to be improved in any district shall file with the City Clerk within thirty days from the first publication of said notice written objections to the water main district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, protests were filed with the City Clerk against the creation of Water Main District No. 448 by abutting property owners representing 71.4% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that sufficient protests having been filed with the City Clerk against the creation of Water Main District No. 448, such district should not be continued and the ordinance which created said district shall be repealed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G10

**#2004-145 - Approving Bid Award for Horizontal Split-Case Pump
with Electric Motor for Roger's Pumping Station Pump #3
Installation - Utilities Department**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

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

Meeting: June 22, 2004

Subject: Bid Award for Supply of Horizontal Split-Case Pump
with Electric Motor – Rogers Pumping Station Pump #3

Item #'s: G-10

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

Background

The Rogers Pumping Station is located at Old Potash Highway and North Road and includes a storage reservoir and two high pressure pumps. It receives water from the Platte River Well Field and transfers it to the City distribution mains. As part of the Water System Master Plan, the capacity of the Rogers Pumping Station is recommended to be increased to allow for growth in the northwest area of the City and as a contingency for the possible loss of additional in-town high pressure wells.

Specifications were developed by our consultants for this project, CH2M Hill, for an additional pump and electric motor for the Rogers Pumping Station. The pump would be installed under a future construction contract. The specifications were issued, advertised and publicly opened in accordance with City purchasing procedures.

Discussion

The specifications were issued for bid and responses were received from the following bidders. The bid price below **does not** include Nebraska sales tax. The engineer's estimate for this equipment was \$125,000.00.

<u>Bidder</u>	<u>Bid price</u>
Patterson Pump Company, Toccoa, GA	\$ 113,000.00
Fairbanks Morse Pump, Kansas City, KS	\$ 169,100.00
Flowserve Corporation, Taneytown, MD	\$ 140,909.09

Alternatives

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

1. Approve award of the contract for the Horizontal Split-Case Pump With Electric Motor – Rogers Pumping Station Pump #3.
2. Disapprove or /Deny the award for the Supply of Horizontal Split-Case Pump with Electric Motor – Rogers Pumping Station Pump No. 3 Installation.
3. Table the issue.

Recommendation

The engineering consultants, CH2M Hill and department engineering staff reviewed the bids for compliance with the City's detailed specifications. The low bid is evaluated to be compliant with the specifications. It is the recommendation of City Administration that Patterson Pump Company be awarded the contract for this work in the amount of \$113,000.00.

Sample Motion

I move the award for the supply of horizontal split-case pump with electric motor for Rogers Pumping Station Pump #3 in the amount of \$113,000, be awarded to Patterson Pump Company of Toccoa, GA.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 9, 2004 at 11:00 a.m.

FOR: Horizontal Split-Case Pump with Electric Motor
Roger's Pumping Station Pump No. 3 Installation

DEPARTMENT: Utilities

ESTIMATE: \$125,000.00

FUND/ACCOUNT: Enterprise Fund 525

PUBLICATION DATE: May 10, 2004

NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder:	<u>Fairbanks Morse Pump</u> Kansas City, KS	<u>Patterson Pump Company</u> Toccoa, GA
Bid Security:	Safeco Insurance Co.	Travelers Casualty & Surety Co.
Exceptions:	None	Noted

Bid Price:	\$169,100.00	\$113,000.00
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Bidder:	<u>Flowserve Corporation</u> Taneytown, MD
Bid Security:	Chubb Surety (copy only)
Exceptions:	None

Bid Price:	\$140,909.09
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RESOLUTION 2004-145

WHEREAS, the City of Grand Island invited sealed bids for Supply of Horizontal Split-Case Pump with Electric Motor for Roger's Pumping Station Pump No. 3 Installation, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on June 9, 2004, bids were received, opened and reviewed; and

WHEREAS, Patterson Pump Company of Toccoa, Georgia, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$113,000 plus sales tax; and

WHEREAS, Patterson Pump Company's bid is less than the estimate for such equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Patterson Pump Company of Toccoa, Georgia, in the amount of \$113,000 plus sales tax for supply of horizontal split-case pump with electric motor for Roger's Pumping Station Pump No. 3 installation is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G11

**#2004-146 - Approving Discontinuation of Sanitary Sewer No. 516,
Along Stolley Park Road From Bellwood Drive to East of
Kingswood Drive (Roush Subdivision)**

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

Council Agenda Memo

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

Meeting: June 22, 2004

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

Item #'s: G-11

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

Background

Sanitary Sewer District 516 was created by the City Council on April 27, 2004. Legal notice of the creation of the District was published in the *Grand Island Independent* on May 4, 2004. A letter was also mailed to all property owners on that date.

Discussion

Sanitary Sewer District 516 completed the 30-day protest period at 5:00 p.m., Thursday, June 3, 2004. There were protests filed against this District by eight abutting property owners. These owners represented 1,262.50 front feet, or 75.94% of the total District frontage of 1,662.50 feet.

Alternatives

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

Recommendation

City Administration recommends that the Council approve the discontinuation of Sanitary Sewer District 516.

Sample Motion

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

R E S O L U T I O N 2004-146

WHEREAS, Sanitary Sewer District No. 516 was created by Ordinance No. 8898 on April 27, 2004; and

WHEREAS, notice of the creation of such Sanitary Sewer District No. 516 was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-619 et seq., Neb. Rev. Stat. 1943; and

WHEREAS, Section 16-620, Neb. R.R.S. 1943, provides that if owners of record title representing more than 50% of the front footage of the property abutting or adjoining the streets, avenues or alleys, or parts thereof to be improved in any district shall file with the City Clerk within thirty days from the first publication of said notice written objections to the sanitary sewer district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, protests were filed with the City Clerk against the creation of Sanitary Sewer District No. 516 by abutting property owners representing 75.94% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that sufficient protests having been filed with the City Clerk against the creation of Sanitary Sewer District No. 516, such district should not be continued and the ordinance which created said district shall be repealed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G12

**#2004-147 - Approving Amendment to the Grand Island
Employees Pension Plan**

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: June 22, 2004

Subject: Approving Amendment to the Grand Island Employees Pension Plan

Item #'s: G-12

Presenter(s): David Springer, Finance Director

Background

Generally, ERISA 404(c) and the Department of Labor impose individual liability with respect to certain individuals who have dealings with a qualified retirement plan. This is known as a fiduciary duty and obligates the person(s) to act with the utmost good faith with respect to the plan participants. The City, as a non-profit, tax exempt entity, **is not** governed by this ERISA section. However, as our plan already conforms to these requirements, we believe it to be prudent to amend our plan to incorporate them in our Investment Policy Statement. If the plan's investment features satisfies the Department of Labor regulations under ERISA 404(c), the plan fiduciaries may not be liable for any loss which is the direct result of the participant's exercise of control over account investments.

Discussion

Some of the key criteria of ERISA 404(c) are that the plan provide for an individual account for each participant and an opportunity for them to exercise investment control over assets in the individual account by choosing from among a broad range of investment alternatives. Our client representative at Ameritas has advised us that we are in compliance with these criteria and other requirements of ERISA 494(c) and it would be to our benefit to enact this policy.

Alternatives

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

1. Approve the amendment to the pension plan.

2. Disapprove or deny the amendment.
3. Modify the Resolution to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the request to amend the City of Grand Island's General City Employees Pension Plan to incorporate an Investment Policy Statement.

Sample Motion

Approve the request to amend the City of Grand Island's General City Employees Pension Plan to incorporate an Investment Policy Statement.

Grand Island City Employees Pension Plan Investment Policy Statement

Purpose:

The purpose of the Plan is to help employees build a financially secure future by providing a source of retirement income. The purpose of this Investment Policy Statement is to establish investment criteria, document the Plan's investment objectives, and create performance guidelines for evaluating investment decisions.

It is the intent of the Plan to satisfy the requirements under ERISA Section 404(c) and the Department of Labor ("DOL") regulations thereunder, which limit the liability of Plan Fiduciaries for investment losses resulting from participant-directed investments.

Designated Investment Alternatives

I. Statement of Investment Objectives for Designated Investment Alternatives

- A. Provide a broad range of designated investment alternatives (at least three) with varying investment characteristics and degrees of risk to provide Plan Participants with the opportunity to:
 - 1. materially affect the potential return on the amounts in their individual accounts;
 - 2. control the degree of risk to which such amounts are subject; and
 - 3. construct a portfolio with aggregate risk and return characteristics within their appropriate range.
- B. Select and monitor providers prudently and incur expenses that are reasonable based on the quality of the services provided and the nature and extent of the services rendered.

II. Meeting the Investment Objectives Performance Criteria for Designated Investment Alternatives

- A. To meet its investment objectives, the Plan will invest in a group annuity contract offering a wide range of investment options, including a diversified selection of investment options suited to the demographics of the City of Grand Island employees. As part of the Plan Fiduciaries' due diligence with respect to the investments available for qualified retirement plans, the Plan Fiduciaries have selected an Ameritas Group Annuity Contract as the principal investment vehicle to meet the purpose, objectives, and performance criteria set forth in this Investment Policy Statement.
- B. Assets in the group annuity contract will be placed in investment options managed by professional managers. Participants will have the freedom to choose from among these designated investment alternatives to create the investment mix desired to meet their own retirement objectives.

C. The selection and retention of designated investment alternatives will be based on the characteristics of their Fund Managers. Evaluations may include one or more of the following:

- analyzing returns for 1, 3, 5 and 10 years
- reviewing Standard Deviation measures for 3 and 5 years
- measuring performance and correlation to asset class, style, benchmark, and other investment options in the Ameritas line-up
- reviewing performance in fluctuating markets analyzing style and asset class
- looking for portfolio changes and reviewing consistency of style
- considering fund manager tenure
- considering additional characteristics such as: size of fund(s) managed; assets under management; size and depth of
- supporting management company; recent cash inflows/outflows; stability and integrity of the fund management company; changes in fund managers and changes in company ownership.

These characteristics are guidelines only and each may or may not be applied at the discretion of the Plan Fiduciaries.

III. Investment Options for Designated Investment Alternatives

The Plan will implement this policy by offering investment options which closely parallel the categories described below:

Conservative

The investment options in this category seek to protect principal and provide small growth.

Income

The investment options in this category seek to protect principal and provide some growth.

Growth & Income

The investment options in this category seek a balance between growth and safety of principal.

Growth

The investment options in this category seek growth of principal.

Aggressive Growth

The investment options in this category seek maximum growth of principal.

The Plan will offer all of the specific investment options indicated on the attached Ameritas Edge Investment Options, which will be the designated investment alternatives offered by the Plan.

IV. Monitoring Performance of Designated Investment Alternatives

- A. In order to ensure continued compliance with the purposes and objectives of this Investment Policy Statement, periodic reviews of the performance record of investment options and Fund Managers will be conducted.
- B. Performance reviews and other evaluative materials may be used to assist in the

review process and will become a part of the records maintained regarding the selection and monitoring of the Designated Investment Alternatives and Fund Managers.

- C. Performance will be compared to a style-specific market index and/or appropriate peer group. Fund Managers will be reviewed for their discipline in maintaining their asset class/style. Although short-term results will be reviewed, the primary standard for making changes will be weak performance, based on long-term, sustained results compared to the relevant peer group and/or style-specific market index.
- D. The returns on each investment option will be measured by comparison to the appropriate index.

Date: _____

Signature: _____
(Plan Fiduciary)



**City of Grand Island
Ameritas Edge Investment Options**

<p>Large Value</p> <p>American Century Income & Growth MFS Value</p>	<p>Large Blend</p> <p>Fidelity VIP Index 500 Fidelity VIP Contrafund Calvert Social Investment Equity A</p>	<p>Large Growth</p> <p>Alger American Growth American Century Ultra</p>	<p>Domestic Hybrid / Balanced</p> <p>Fidelity VIP Asset Manager Vanguard Wellington</p>
<p>Mid Cap Value</p> <p>American Century Equity Income</p>	<p>Mid Cap Blend</p>	<p>Mid Cap Growth</p> <p>INVESCO Dynamics</p>	<p>Foreign Stock</p> <p>Fidelity Overseas</p>
<p>Small Value</p> <p>Janus Small Cap Value</p>	<p>Small Blend</p>	<p>Small Growth</p> <p>Baron Growth</p>	<p>Money Market</p> <p>Fidelity VIP Money Market</p>
<p>Fixed Income</p> <p>Ameritas Guaranteed Account Vanguard Long Term Corporate INVESCO Stable Value</p>			

Amendment Number 2
Grand Island General City Employees Pension Plan

In accordance with the provisions of Article VII of the Grand Island General City Employees Pension Plan, Section 2.3 Powers and Duties of the Administrator shall be amended effective July 1, 2004, and shall have the following duty added as follows:

2.3 Powers and Duties of the Administrator

- (k) to act as the named Fiduciary responsible for communications with Participants as needed to maintain Plan compliance with Internal Revenue Code Section 404(c), including, but not limited to, the receipt and transmitting of Participant's directions as to the investment of their account(s) under the Plan and the formulation of policies, rules and procedures pursuant to which Participants may give investment instructions with respect to the investment of their accounts.

IN WITNESS WHEREOF, this Amendment has been executed this _____ day of _____, 2004.

City of Grand Island, Nebraska

By _____
EMPLOYER

RESOLUTION 2004-147

WHEREAS, on June 12, 2001, by Resolution 2001-147, the City of Grand Island authorized Group Annuity Contract 21074 with Ameritas, effective January 1, 2002, for the City of Grand Island General City Employees Pension Plan; and

WHEREAS, it is necessary to amend such contract to maintain fiduciary responsibilities; and

WHEREAS, it is recommended that an Investment Policy Statement be adopted and incorporated into the pension plan to satisfy the requirements under ERISA Section 404(c) and the Department of Labor regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Investment Policy Statement attached hereto as Exhibit "A" is hereby adopted and incorporated into the Ameritas Group Annuity Contract 21074 for the City of Grand Island General City Employees Pension Plan, and that the plan be amended to maintain fiduciary responsibilities.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute Amendment Number 2 to the Grand Island General City Employees Pension Plan as set out above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G13

**#2004-148 - Approving State Contract Award for Purchase of 20
Computers for Public Library**

Staff Contact: Steve Fosselman

Council Agenda Memo

From: Steve Fosselman, Library Director

Meeting: June 22, 2004

Subject: Approving State Contract Award for Purchase of 20 Computers for Public Library

Item #'s: G-13

Presenter(s): Steve Fosselman, Library Director

Background

The Public Library has over 60 computers in use throughout its facility for a variety of public and staff functions. Through collaboration with the city's Information Technology Department, the Library has identified several computers insufficient in processing speed, memory, and hard drive capacity, or which are otherwise performing poorly due to age and condition.

Discussion

With the assistance of the city's Information Technology Department, quotes totaling \$24,971.08 were obtained under state bid (contract #CA-5654) for 20 Dell computers, for an average cost per computer of \$1,248.55. Eighteen of these computers are desktop models with Intel Pentium 4 processor at 3.0GHz, 512 MB SDRAM. Two computers are laptops with the same specifications.

These computers will be replacing computers in the 200-300MHz range, 2 of which are 7 years old, 12 are 6 years old, and 2 are 5 years old – all of these computers will be auctioned with some used for spare parts first. Four additional computers in the 600MHz range (four years old) are being moved from their current locations due to this purchase and after memory upgrades will be used in areas of the library not requiring newer machines at this time.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the resolution for purchase of 20 computers from Dell, Round Rock, Texas through state bid # CA-5654 in the amount of \$24,971.08. There are sufficient funds for this purchase in account number 10044301.85540.

Sample Motion

Approve the resolution as presented.

R E S O L U T I O N 2004-148

WHEREAS, the Edith Abbott Memorial Library is scheduled to purchase 20 computers for replacement of existing computers for public and staff functions; and

WHEREAS, such computers can be obtained from the state contract holder; and

WHEREAS, purchasing the computers from the state contract holder meets all statutory bidding requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of 20 computers through Dell Computers of Round Rock, Texas, the state contract holder (Contract No. CA-5654), in the total amount of \$24,971.08 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item G14

**#2004-149 - Approving Warranty Work for Burdick Station
Combustion Turbines 2 and 3 - Donaldson Company**

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: June 22, 2004

Subject: Warranty Work – Burdick Station Combustion
Turbines 2 and 3

Item #'s: G-14

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

Background

Combustion turbines are very sensitive to water induction through the air system and are built with air intake structures specifically designed to prevent that. On the other hand, generating capacity can be increased by adding water vapor (not droplets) to the incoming air to lower incoming air temperature and increase density. This is particularly effective during the summer months when incoming air is often hot and dry. An evaporative intake air cooler is an integral part of turbine performance design and is part of the air intake structure.

The Utilities Department has received a Technical Information Letter (TIL 1399-1) from General Electric providing direction on inspection and maintenance of the air intake systems.

Discussion

The Donaldson Company, of Bloomington, Minnesota, provided the air intake structures for the two new combustion turbines at Burdick Station. General Electric has advised that the Donaldson supplied evaporative cooling systems require inspection and possibly correction of factory installed adhesive sealant. This work is to be done under warranty.

The use of contracts for the warranty work resulted from incidents occurring during the course of the warranty repair work at other power plants; where installation problems beyond the warranty repair were found. One hundred fifteen (115) units have been done so far. When these problems were found, disputes arose about who was responsible – GE, Donaldson, the owner or the erecting contractor. The warranty service agreements were developed to specifically define the scope of the warranty work. The Utilities and

Legal Departments have reviewed the Agreements and find them acceptable.

Alternatives

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

1. Approve the agreements for warranty repair of the Combustion Turbines.
2. Reject the Agreements.
3. Table the issue.

Recommendation

City Administration recommends that the Agreements governing warranty inspection and repair of Combustion Turbines #2 and #3 be approved.

Sample Motion

I move to approve the Agreements governing Combustion Turbines #2 and #3 warranty work.

R E S O L U T I O N 2004-149

WHEREAS, General Electric Company of Schenectady, New York was authorized to provide and install two combustion turbine generators at Burdick Station; and

WHEREAS, the combustion turbine project is now complete, and has been available for commercial operation since March 27, 2003; and

WHEREAS, General Electric has advised the City that the evaporative cooling systems in the turbines that were supplied by the Donaldson Company, Inc. will require inspection and possible correction of factory installed adhesive sealant; and

WHEREAS, such work will be performed by the Donaldson Company under the provisions of the warranty through General Electric; and

WHEREAS, an agreement has been prepared setting out the work to be performed by the Donaldson Company for such inspection and possible corrective action; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement by and between the City and the Donaldson Company, Inc. of Bloomington, Minnesota to perform corrective action on Donaldson's evaporative cooler systems in the combustion turbines at Burdick Station in accordance with the agreement is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item I1

#2004-150 - Approving Final Plat and Development Agreement for Wal-Mart South Subdivision

This item relates to the aforementioned Public Hearing Item E-1, Ordinance Item F-1, and Consent Agenda Item G-6.

Staff Contact: Chad Nabity

RESOLUTION 2004-150

WHEREAS, Irene V. Christensen Easton Revocable Trust, as owner, and Wal-Mart Stores, Inc., a Delaware corporation, have caused to be laid out into lots, a tract of land comprising a part of the West Half of the Northwest Quarter (W1/2, NW1/4) of Section 34, Township 11 North, Range 9 West of the 6th P.M., an addition to the City of Grand Island, Hall County, Nebraska, under the name of WAL-MART SOUTH ADDITION, 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 Development Agreement has been agreed to between the owner, developer, 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 Development 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 WAL-MART SOUTH ADDITION, 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 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item I2

**#2004-151 - Approving Resolution Proposing a Ballot Measure
Banning Smoking from all Enclosed Public Places and Places of
Employment within the City of Grand Island**

Staff Contact: Doug Walker

Council Agenda Memo

From: Gary D. Greer, City Administrator
Douglas R. Walker, City Attorney

Meeting: June 22, 2004

Subject: Resolution Placing a Smoking Ban on the
Election Ballot at the Next General Election

Item #'s: I-2

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

Background

At the June 1, 2004, meeting of the Grand Island City Council representatives of the Tobacco Free Hall County group made a presentation to the City Council requesting that the City Council pass an ordinance banning smoking in all enclosed public places within the City of Grand Island and further prohibits smoking in all enclosed facilities within places of employment and further prohibits smoking within twenty-five feet outside of an enclosed area where smoking is prohibited. After discussion at that study session, the Council appeared to be reaching a consensus that it was interested in placing this issue on the ballot for the voters of the city to decide at the next general election. The resolution and sample ballot language has been prepared to enable the City Council to place this issue on the ballot if it chooses to do so.

Discussion

Representatives of Tobacco Free Hall County as well as a number of other individuals spoke as proponents for a city ordinance that would ban smoking in public places within the City of Grand Island and within all places of employment and within twenty five feet outside of an enclosed area where smoking is prohibited. Tobacco Free Hall County also presented a model ordinance to the city which would adopt several code sections that would enact the smoking ban and would provide for penalizing violations of the ban. Comments by the Council at the study session indicated that there was interest in placing this matter on the ballot so that the people of the City of Grand Island could decide this issue. The ballot language that has been included in the resolution summarizes the language in the proposed ordinance. The City Attorney's Office has revised the ordinance to be in a format that could be placed in the Grand Island City Code should the City Council decide to place this matter on the ballot and if the voters approve the smoking

ban. The full ordinance, which is several pages in length, will be available at the City Clerk's Office for any member of the public to obtain a copy and review it.

Alternatives

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

1. Approve the resolution which would place a smoking ban proposal on the ballot at the next general election.
2. Disapprove or /Deny the resolution.
3. Modify the resolution to meet the wishes of the Council
4. Table the issue

Recommendation

Under an Inter-local Agreement, the Health Department is charged with implementing and administering all health related programs and policies. A letter from the Health Department (attached), indicates that they would like to take time to include all stakeholders in the community and take input on the issue before enacting smoking ban legislation.

City Administration believes in including all citizens in the public policy process. Additionally, we believe in allowing those who we have charged to advise us be allowed to do so in specialized areas such as Public Health. Therefore, we strongly recommend that we allow the Health Department to engage in a public dialogue at this time in order to develop a community consensus and a plan of action concerning implementing smoking regulations for the community.

However, if the City Council determines that it is appropriate to deal with the smoking issue at this time, it is recommended that Resolution #2004-151 be approved in order to allow for the citizens of Grand Island to consider the issue at the next general election.

Sample Motion

Refer the issue to the Health Department, or, approve Resolution #2004-151 for placing this matter on the ballot at the next general election.



Health Department
HALL • HAMILTON • MERRICK

1137 S. Locust Street • Grand Island, NE 68801 • Phone (308) 385-5175 • Fax (308) 385-5181

1719 16th Avenue • Central City, NE 68826 • Phone (308) 946-3103 • Fax (308) 946-2086

May 13, 2004

Mr. Gary Greer, Administrator
City of Grand Island
City Hall
100 E 1st St
Grand Island NE 68801

Dear Gary,

Exposure to second hand smoke (SHS) is a public health issue. SHS is defined as the smoke that comes from the lit tip of a cigarette, cigar, or pipe, or from the exhalations of a smoker. Of the more than 4000 chemicals in tobacco, at least 43 are carcinogens (cancer causing agents). Additionally, the irritants found in SHS contribute to respiratory infections in all age groups, and to middle ear infections, asthma attacks, and reduced lung function in children. There is no safe level of exposure to carcinogens; hence there is no safe level of exposure to SHS. For this reason, the Central District Health Department (CDHD) supports smokefree family centered public buildings. CDHD activities directed toward the goal of reducing/eliminating exposure to SHS revolve around the three core functions of public health: **Assurance, Assessment, and Policy Development.**

Assessment means that we obtain the data necessary to identify threats to our health, determine who in our community is most affected, and the severity of those effects. We also use data to determine available assets or resources that may be beneficial in reducing or eliminating the health risks. While the specific number of individuals exposed to SHS is not known, 20% of adults in Central Nebraska admit to being regular smokers. The 2002 Nebraska Guide to Smoke Free Dining lists 80 establishments in Grand Island that are completely smokefree. We are not aware of any Grand Island bars that are completely smokefree.

Policy development involves informing, educating, and empowering people about health issues, mobilizing community partnerships to identify and solve health problems, and developing policies and plans that support individual and community health efforts. As public health officials, we recognize that health policy is most effective when developed in partnership with those who are impacted by that policy. Recently, policy changes to address SHS exposure have included attempts to ensure smokefree indoor environments through the passage of city ordinances. Across our country, there are a total of 291 municipalities that provide 100% smoke free protection for private workplaces/government buildings, restaurants, and/or bars. In Nebraska, there are no cities that currently provide this level of protection from SHS exposure.

"Your partner in building healthy communities."

May 13, 2004
Page Two

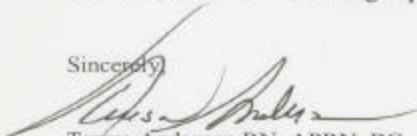
We are well acquainted with the recent and controversial SHS ordinance passed by the city of Lincoln. I have spoken with Bruce Dart, Director of Lincoln Lancaster Health Department and former Director of the Grand Island Hall County Health Department, several times recently. The Lincoln Lancaster Health Department was integral in the passage of this ordinance, which took many forms during the weeks of discussion, and which, in final form, was drastically different from its initial content. Bruce strongly advises us to treat the Lincoln ordinance as a test case for us and for the rest of the state. He recommends that we study the processes and the short term and long term effects of the ordinance for up to one year, before taking action toward a SHS ordinance in Grand Island.

Assurance includes enforcing laws and regulations that protect health and ensure the safety of the public we serve. SHS or clean indoor air ordinances may be enforced by health department personnel or by other public officials. Regardless of who enforces the ordinance, it is essential to have a clearly written ordinance which is readily understood by the public, simple to enforce, and above all, effective in reducing exposure to SHS. As previously mentioned, our cohorts in Lincoln urge us to take the next year to observe the consequences of that ordinance process before we take action.

We firmly believe that dialogue related to smokefree environments is beneficial to the process of local SHS policy formation. Discussions among those in favor of and those opposed to smoking bans in public places ultimately move us as a society toward a consensus that is fair and just. We believe that, in view of their experience, it is folly to ignore the recommendations of our Lincoln colleagues.

Therefore, it is the recommendation of the CDHD that, prior to development of a SHS ordinance in our district, we continue to observe, study, and learn from the experiences of those in Lincoln and others across the nation over the next year. During that time, we will continue with the processes designed to raise awareness of the issues related to SHS exposure and foster dialogues designed to generate a community consensus on reducing/eliminating exposure to SHS. We believe this action will ensure a SHS ordinance that is clearly written, readily understood by the public, simple to enforce and, above all, effective in reducing exposure to second hand smoke.

Sincerely,



Teresa Anderson RN, APRN, BC
Executive Director
Central District Health Department

RESOLUTION 2004-151

WHEREAS, members of Tobacco Free Hall County have made a request to ban smoking in all businesses, bars, restaurants and public places in Grand Island, Nebraska; and

WHEREAS, Tobacco Free Hall County has proposed a model ordinance that may be adopted if a majority of the voters at the next general election approve this ballot measure described as the Grand Island Smoke Free Air Act of 2004, a copy of this proposed ordinance is available for public inspection at the office of the Grand Island City Clerk; and

WHEREAS, the Mayor and City Council of the City of Grand Island wish to place this issue before the voters of the City of Grand Island for their decision at the statewide general election on November 2, 2004; and

WHEREAS, it is recommended that the ballot language set forth below be adopted for such measure to be submitted at the statewide general election scheduled for November 2, 2004.

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

(1) Pursuant to Neb. Rev. Stat. §18-2520, in lieu of a separate special election, the following ballot shall be submitted at the statewide general election on November 2, 2004:

**(OFFICIAL SAMPLE BALLOT)
OFFICIAL MUNICIPAL ELECTION BALLOT**

CITY OF GRAND ISLAND, NEBRASKA

Tuesday, November 2, 2004

Smoking Ban Proposal:

Shall the Mayor and City Council of the City of Grand Island, Nebraska, adopt an ordinance known as the Grand Island Smokefree Air Act of 2004 which would prohibit smoking in all enclosed public places within the City of Grand Island, and which would further prohibit smoking in all enclosed facilities within places of employment, and which would further prohibit smoking within twenty-five (25) feet outside of an enclosed area where smoking is prohibited?

Vote for or against the foregoing proposal.

- FOR the proposal
- AGAINST the proposal

Approved as to Form	□ _____
June 17, 2004	□ City Attorney

(2) The City Clerk is directed to immediately certify the above issue to the Election Commissioner in the manner and form provided in Neb. Rev. Stat. §18-2520.

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Adopted by the City Council of the City of Grand Island, Nebraska on June 22, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item I3

**#2004-152 - Approving Acquisition of all Real Estate Property
Located in the Block Bordered by Walnut, Cedar, Koenig, and
Charles Streets**

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

Staff Contact: Doug Walker

RESOLUTION 2004-152

WHEREAS, the City is interested in acquiring property from each individual property owner in Fractional Block One Hundred Four (104) of Railroad Addition and Koenig and Wiebe's Addition to the City of Grand Island for the purpose of constructing a fire station to replace the existing Fire Station No. 1, which is the block bordered on the north by Koenig Street, on the south by Charles Street, on the west by Cedar Street and on the east by Walnut Street; and

WHEREAS, a public hearing was held on June 22, 2004, for the purpose of discussing the proposed acquisition of real property legally described as Lots One (1) through Eight (8) Fractional Block One Hundred Four (104), Railroad Addition and its complement Fractional Block One Hundred Four (104) Koenig and Wiebe's Addition to the City of Grand Island, Hall County, Nebraska; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire the above-referenced real estate from the owners of all of the real estate in Fractional Block One Hundred Four (104) in Railroad Addition and its complement Fractional Block One Hundred Four (104) in Koenig and Wiebe's Addition to the City of Grand Island, Hall County, Nebraska.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item I4

#2004-153 - Approving Acquisition of Approximately 90 Acres of Real Estate Located South of Capital Avenue, East of Nebraska Central Railroad, North of Lincoln View Estates Subdivision, and West of Geddes Street

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

Staff Contact: Doug Walker

R E S O L U T I O N 2004-153

WHEREAS, the City is interested in acquiring property from Bradley R. Petersen for the purpose of constructing fire training facilities; and

WHEREAS, a public hearing was held on June 22, 2004, for the purpose of discussing the proposed acquisition of real property located in the East Half of the Northwest Quarter (E1/2, NW1/4) and in the West Half of the Northeast Quarter (W1/2, NE1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, as described in a metes and bounds description set forth in Instrument No. 98-108239 and 98-108241 in the real estate records of the Register of Deeds of Hall County, Nebraska, and Lot Two (2) of Fox Creek Subdivision in the City of Grand Island, Hall County, Nebraska; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to acquire the above-referenced real estate from Bradley R. Petersen.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 22, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 17, 2004	☐ City Attorney



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item J1

Payment of Claims for the Period of June 9, 2004 through June 22, 2004

The Claims for the period of June 9, 2004 through June 22, 2004 for a total of \$3,453,006.11. A MOTION is in order.

Staff Contact: RaNae Edwards