

# Tuesday, September 14, 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 Scott Jones, Third City Christian Church, 4100 West 13th 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.



### Tuesday, September 14, 2004 Council Session

### Item C1

# Recognition of Michael Peterson from Fleet Services of the Public Works Department for 20 Years of Service with the City

The Mayor and City Council will recognize Michael Peterson, Fleet Services of the Public Works Department for 20 years of service with the City. Mr. Peterson was hired on September 12, 1984 as a Shop Clerk. On September 3, 1992 he was promoted to Fleet Maintenance Technician and on October 7, 2002 he was promoted to Fleet Services Inventory Specialist. We Congratulate Mr. Peterson for his dedication and service to the City of Grand Island.

**Staff Contact: Brenda Sutherland** 



### Tuesday, September 14, 2004 Council Session

### Item C2

### Proclamation "Reducing Underage Drinking: A Collective Responsibility" Presented by Project Extra Mile

With underage drinking becoming such a national problem, Project Extra Mile is requesting the Mayor and City Council to support the findings of the National Academy of Sciences' report titled "Reducing Underage Drinking: A collective Responsibility". See attached PROCLAMATION.

**Staff Contact: Mayor Vavricek** 





### THE OFFICE OF THE MAYOR

City of Grand Island State of Nebraska

### **PROCLAMATION**

WHEREAS, children who consume alcohol before age 15 are four times

more likely to develop alcohol dependence at some point in their lives when compared to children who abstain from alcohol until

they are 21; and

WHEREAS, more than 24% of the alcohol advertising on television in 2001

was more likely to be seen by youth ages 12-20 than by adults

of legal drinking age; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) surveyed

over 1,800 Nebraska high school students and found that, in 2001, 53% of the students reported using alcohol in the

preceding month; and

WHEREAS, the CDC found that 43.5% of the students surveyed reported

riding with a driver who had been drinking; and

WHEREAS, the CDC found that 39% of Nebraska high school students had

five or more drinks on one or more occasions in the preceding

month: and

WHEREAS, the CDC recently found "point-of-purchase," or on-site, alcohol

marketing in 94% of the nearly 4,000 convenience stores, grocery stores and gas stations it studied, having selected types

of retail outlets that are frequented by underage youth; and

WHEREAS, reports by the Center on Alcohol Marketing and Youth show

that underage youth are exposed to more alcohol advertising

than adults on television, radio and in magazines; and

WHEREAS, the Journal of the American Medical Association published in its

May 14, 2003 edition a study that found that alcohol advertising in magazines between 1997 and 2001 tended to increase as youth

readership increased, and;

WHEREAS, independent research indicates that awareness of alcohol

advertising and marketing has an impact on the beliefs and

expectations of children and youth regarding alcohol use, and;

WHEREAS, the current voluntary guidelines of the Beer Institute and the

Distilled Spirits Council of the U.S. allow alcohol advertising to

reach a great number of youth, and;





WHEREAS,

the recent report by the National Academy of Sciences recommends combating underage drinking by instituting an adult media campaign, limiting and monitoring youth exposure to alcohol advertising, creating a federal interagency committee, raising alcohol excise taxes to deter underage drinking and fund related prevention work, and limiting youth access to alcohol by taking tougher measurers at the community level.

NOW, THEREFORE, BE IT RESOLVED by the City council of Grand Island, County of Hall, State of Nebraska:

That the City Council asks Nebraska's federal, state and local government leaders to support the findings of the National Academy of Sciences' report titled *Reducing Underage Drinking: A Collective Responsibility*.

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

	Jay Vavricek, Mayor	
Attest:		
	RaNae Edwards, City Clerk	







### Tuesday, September 14, 2004 Council Session

### Item C3

#### Proclamation "Walk to D'Feet ALS" September 19, 2004

Amyotrophic Lateral Sclerosis (ALS), also known as "Lou Gehrig's Disease" is a progressive disease that attacks nerve cells in the brain and the spinal cord of which an estimated 30,000 Americans have the disease at any given time. On September 19, 2004, a "Walk to D'Feet ALS" will be held at Eagle Scout Park at 2:00 p.m. to raise funds to find a cure and to assist those afflicted with the disease. The Mayor has proclaimed September 19, 2004 as "Walk to D'Feet ALS" and encourages all citizens to support the walk. See attached PROCLAMATION.

**Staff Contact: RaNae Edwards** 





#### THE OFFICE OF THE MAYOR

City of Grand Island State of Nebraska

### **PROCLAMATION**

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), often referred to as "Lou

Gehrig's Disease," is a progressive neurodegeneration disease that attacks nerve cells in the brain and the spinal cord; and

WHEREAS, based on U.S. population studies, a little over 5,600 people in

the U.S. are diagnosed with ALS each year. (That's 15 new

cases a day.); and

WHEREAS, it is estimated that as many as 30,000 Americans have the

disease at any given time and a number in Central Nebraska;

and

WHEREAS, on September 19, 2004 a "Walk to D'Feet ALS" will be held at

Eagle Scout Park at 2:00 p.m. to raise funds to find a cure and to

assist those afflicted with the disease.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim September 19, 2004 as

#### "WALK TO D'FEET ALS"

in the City of Grand Island, and encourage all citizens to support the Walk to D'Feet ALS and salute those who walk to find a cure for this devastating disease.

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

	Jay Vavricek, Mayor	
Attest:		
	RaNae Edwards, City Clerk	







Tuesday, September 14, 2004 Council Session

### Item D1

**#2004-BE-15 - Consideration of Determining Benefits for Business Improvement District #3** 

**Staff Contact: David Springer** 

### **Council Agenda Memo**

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Determining Benefits for Business Improvement District

No. 3 and Approving the Assessments

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

**Presente** r(s): David Springer, Finance Director

### **Background**

In March, 1999, the City Council adopted Ordinance #8452 creating Business Improvement District No.3, South Locust Street, Hwy 34 to Stolley Park Road. The District was established for a 10-year period with anticipated total assessment revenues of \$314,447. The 2004-2005 Budget, as approved by Council on July 27, 2004, provides for special assessments in the amount of \$3.50 per front footage for a total of \$34,368.44 for the 9,820 front footage. At this meeting, the Board of Equalization was set for September 14, 2004.

#### **Discussion**

The City Council, in its' capacity as the Board of Equalization, is required to determine the benefits of the District and take action on the assessments as provided for in the associated Ordinance.

#### **Alternatives**

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

- 1. Approve the benefits of the District and related assessments.
- 2. Deny the benefits and assessments.

### Recommendation

City Administration recommends that the Council approve the benefits of Business Improvement District No. 3 and related assessments.

#### **Sample Motion**

**Board of Equalization:** Approve the benefits accruing to Business Improvement District No. 4 as presented.

**Ordinance:** Approve the assessments as provided for in the related Ordinance.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Business Improvement District No. 3, 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 \$34,368.44; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Business Improvement District No. 3, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	Assessment
All Faiths Funeral Home LLC	Part of NW1/4, NW1/4, SW1/4 of Section 27-11-9	840.00
Growth Management Corp.	North 60 feet of Lot 22 (except City), Holcomb's Highway Homes Subdivision	207.34
Growth Management Corp.	South 49 feet of Lot 22 and north 11 feet of Lot 23 (except City), Holcomb's Highway Homes Subdivision	210.00
Equestrian Meadows LLC	Lot 2 (except City), Burch Second Subdivision	507.47
Rex E. & Jonadyne R. Carpenter	Lot 1 [200' x 400'] (except City), Woodland First Subdivision	697.97
Rex E. & Jonadyne R. Carpenter	Lot 2 [200' x 400'] (except City), Woodland First Subdivision	700.14
Danny K. Oberg	Lot 4 (except City), Woodland First Subdivision	696.64
Roland L. & Janis K. Westerby	Lot 3 (except City), Woodland First Subdivision	700.21
Dianna D. Duering	Lot 1, Bartz Subdivision	381.50
Stratford Plaza, L.L.C.	Lot 11 (except City), Woodland Second Subdivision	1,900.92
Bosselman Inc.	Lot 8, Woodland Second Subdivision	522.69
Jerry L. & Janet C. Loney	West 273 feet of Lot 1 (except City), Burch Subdivision	490.35
William & Sandra Lawrey	Lot 1 (except City), Garrison Subdivision	817.15
Robert L. Clymer, Jonadyne Carpenter	South 98 feet of Lot 23 and north 12 feet of Lot 24, (except City) Holcomb's Highway Homes Subdivision	385.00
Grand Island Music, Inc.	Lot 1 (except City), Desert Rose Subdivision	1,497.41
Rickie D. & Susan J. Noden	South 52 feet of Lot 19 and north 1 foot of Lot 20, Holcomb's Highway Homes Subdivision	183.16

Approved as to Form 

September 9, 2004 

City Attorney

Llamas Enterprises	Lot 25, south 97 feet of Lot 24, and north 38 feet of Lot 26, (except City) Holcomb's Highway Homes Subdivision	853.79
John L. & Beth A. French	Lot 1 (except City), Knox Subdivision	489.41
Bradley L. Shanahan Teresa K. Brooks	East 100 feet of Lot 12, and east 100 feet of Lot 13, (except City) Holcomb's Highway Homes Subdivision	700.00
William E. Lawrey	North 25 feet of east 260 feet of Lot 1 and all of Lot 2, (except City) Woodland Third Subdivision	437.26
Charles A. Douthit	Lot 21 (except City), Holcomb's Highway Homes Subdivision	381.57
Southeast Crossing, LLC	Part of NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub> of Section 27-11-9 and part of Lot 4 Island (except City)	1,133.90
Jack E. Rasmussen, Joanne L. Rasmussen, Richard S. Rasmussen, June E. & William Blackburn	Lot 1 except north 25 feet of east 260 feet, Woodland Third Subdivision	262.22
Larry Coffey	West 125 feet of Lots 2, 3 and 4 (except City), Burch Subdivision	630.07
Marion D. Larsen Rev. Trust	Lot 2 (except City), Woodridge South Subdivision	380.38
McDermott & Miller PC	Lot 1 (except City), Woodridge South Subdivision	883.82
Cedar Street Investment	Lot 2, Mil-Nic Second Addition	957.60
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Integrated Holdings, Inc.	Part of N <sup>1</sup> / <sub>2</sub> , SW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> of Section 27-11-9	2,084.11
O'Reilly Automotive, Inc.	Lot 2 (except City), Runza Subdivision	544.74
O'Reilly Automotive, Inc.	Lot 2 (except City), Runza Subdivision Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's	544.74
O'Reilly Automotive, Inc. Paulsen and Sons Inc.	Lot 2 (except City), Runza Subdivision Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision	544.74 700.21
O'Reilly Automotive, Inc. Paulsen and Sons Inc. Ming Zhou & Nghi Trieu	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub> of Section 27-11-9	544.74 700.21 347.24
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW1/4 of NW1/4 of Section 27-11-9  Part of NE1/4 of NE1/4 (except City) of Section 28-11-9	544.74 700.21 347.24 350.00
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub> of Section 27-11-9  Part of NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub> (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision	544.74 700.21 347.24 350.00 556.12
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto  Theodore J. & Mason D. Robb	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub> of Section 27-11-9  Part of NE <sup>1</sup> / <sub>4</sub> of NE <sup>1</sup> / <sub>4</sub> (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision	544.74 700.21 347.24 350.00 556.12 539.53
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto  Theodore J. & Mason D. Robb  Theodore J. & Mason D. Robb	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW1/4 of NW1/4 of Section 27-11-9  Part of NE1/4 of NE1/4 (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision  Lot 2 (except City), Knox Third Subdivision	544.74 700.21 347.24 350.00 556.12 539.53 462.14
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto  Theodore J. & Mason D. Robb  Theodore J. & Mason D. Robb  Theodore J. & Mason D. Robb	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW½ of NW¼ of Section 27-11-9  Part of NE¼ of NE¼ (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision  Lot 2 (except City), Knox Third Subdivision  Lot 3, Knox Third Subdivision	544.74 700.21 347.24 350.00 556.12 539.53 462.14 269.71
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu Ronald & Lori Willis Helen Otto Theodore J. & Mason D. Robb	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW¹/4 of NW¹/4 of Section 27-11-9  Part of NE¹/4 of NE¹/4 (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision  Lot 2 (except City), Knox Third Subdivision  Lot 3, Knox Third Subdivision  Lot 1 (except City), Runza Subdivision	544.74 700.21 347.24 350.00 556.12 539.53 462.14 269.71 542.01
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto  Theodore J. & Mason D. Robb  The Eating Establishment  Bennett Properties Inc.	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW¹/4 of NW¹/4 of Section 27-11-9  Part of NE¹/4 of NE¹/4 (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision  Lot 2 (except City), Knox Third Subdivision  Lot 3, Knox Third Subdivision  Lot 1 (except City), Runza Subdivision  Lot 9, Woodland Second Subdivision  Lot 15 (except City), Holcomb's Highway Homes	544.74 700.21 347.24 350.00 556.12 539.53 462.14 269.71 542.01 525.11
O'Reilly Automotive, Inc.  Paulsen and Sons Inc.  Ming Zhou & Nghi Trieu  Ronald & Lori Willis  Helen Otto  Theodore J. & Mason D. Robb  Theodore J. & Mason D. Robb  Theodore J. & Mason D. Robb  The Eating Establishment  Bennett Properties Inc.  Adam J. Schrunk	Lot 2 (except City), Runza Subdivision  Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision  SW1/4 of NW1/4 of Section 27-11-9  Part of NE1/4 of NE1/4 (except City) of Section 28-11-9  Lot 10, Woodland Second Subdivision  Lot 1, Knox Third Subdivision  Lot 2 (except City), Knox Third Subdivision  Lot 3, Knox Third Subdivision  Lot 1 (except City), Runza Subdivision  Lot 9, Woodland Second Subdivision  Lot 15 (except City), Holcomb's Highway Homes Subdivision	544.74 700.21 347.24 350.00 556.12 539.53 462.14 269.71 542.01 525.11 379.54

Alpha Corporation	East 260 feet of Lot 8 (except City), Woodland First Subdivision	733.08
B & D Enterprises	South 126 feet of east 260 feet of Lot 6 (except City), Woodland First Subdivision	443.21
B & D Enterprises	Lot 5 (except City), Woodland First Subdivision	700.21
Jack E. Rasmussen, et al	North 50 feet of east 260 feet of Lot 6 (except City), Woodland First Subdivision	174.48
Charles L. Hancock & Robert D. Hancock	Lot 14 (except City), Holcomb's Highway Homes Subdivision	383.46
Vanosdall Softball Fields, Inc.	Part of N1/2, SW1/4, SW1/4 of Section 27-11-9	252.00
Marion D. Larson Rev. Trust	North 79 feet of Lot 27 and south 71 feet of Lot 26, (except City) Holcomb's Highway Homes Subdivision	525.21
Michael S. & Sandra S. Williams	Lot 1 (except City), Burch Second Subdivision	421.72
Michael S. & Sandra S. Williams	Lot 5 (except City), Burch Subdivision	419.02
Gary & Linda Shovlain	Lot 3, Shovlain Second Subdivision	543.80
Gary & Linda Shovlain	Lot 2, Shovlain Second Subdivision	420.07
Platte Valley State Bank & Trust Company	Lot 1, Equestrian Meadows Subdivision	623.77
Equestrian Meadows LLC	Lot 3, Equestrian Meadows Subdivision	644.63
Theodore J. Robb	Part of NW1/4, SW1/4 (except City) 27-11-9	1,176.04
TOTAL		\$34,368.44

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Adopted by the City Council of the City of Grand Island, Nebraska, on September 14, 2004.

RaNae Edwards, City Clerk



### Tuesday, September 14, 2004 Council Session

### Item D2

**#2004-BE-16 - Consideration of Determining Benefits for Business Improvement District #4** 

**Staff Contact: David Springer** 

### **Council Agenda Memo**

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Determining Benefits for Business Improvement District

No. 4 and Approving the Assessments

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

**Presente** r(s): David Springer, Finance Director

### **Background**

In July, 2002, the City Council adopted Ordinance No. 8751 creating Business Improvement District No. 4, South Locust Street, Stolley Park Road to Fonner Park Road. The 2004-2005 Budget, as approved by Council on July 27, 2004, provides for special assessments in the amount of \$3.50 per front footage for a total of \$17,324.59 for the 4,950 front footage. At this meeting, the Board of Equalization was set for September 14, 2004.

#### **Discussion**

The City Council, in its' capacity as the Board of Equalization, is required to determine the benefits of the District and take action on the assessments as provided for in the associated Ordinance.

### **Alternatives**

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

- 1. Approve the benefits for the District and related assessments.
- 2. Deny the benefits and assessments.

### Recommendation

City Administration recommends that the Council approve the benefits of Business Improvement District No. 4 and related assessments.

#### **Sample Motion**

**Board of Equalization:** Approve the benefits accruing to Business Improvement District No. 4 as presented.

**Ordinance:** Approve the assessments as provided for in the related Ordinance.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Business Improvement District No. 4, 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 \$17,324.59; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Business Improvement District No. 4, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<b>Description</b>	Assessment
Sonic of Grand Island LTD	Lot 1, Janisch Subdivision	419.86
Niels McDermott	Lot 1 (except E 10 feet), Brownell Subdivision	174.93
James & Margot Wiltgen	Lot 5, Kirkpatrick Subdivision	246.93
Wiltgen Corp. II	Lot 6, Kirkpatrick Subdivision	243.22
E.P.S. Investments	Lot 1, Labelindo Second Subdivision	978.53
James Scott Zana	Lot 1, R & R Subdivision	492.52
Fontenelle Oil Co.	Block 9 (except City E1/2, S1/2), Pleasant Home Subdivision	491.33
Locust Street LLC	Block 16 (except City), Pleasant Home Subdivision	978.57
M & W Investment Co.	Lot 1 and Part of Lot 2, Roepke Subdivision	540.19
M & W Investment Co.	Lot 1, Roepke Second Subdivision	159.25
Edwards Building Corp.	Lot 1 (except City), Fonner Subdivision	524.79
Grand Island Associates, LLC	Lot 1, Fonner Fourth Subdivision	1,716.82
5500 L Street Properties Co.	Lot 5 (except City), Fonner Second Subdivision	699.51
5500 L Street Properties Co.	Lot 6, Fonner Second Subdivision	1,400.53
Three Circle Irrigation Inc.	Lot 1, Fonner Third Subdivision	1,189.79
Edwards Building Corp.	Replatted Lot 3, Fonner Third Subdivision	489.62
Kenneth & Rose Mary Staab	Part of SE1/4, SE1/4 of Section 21-11-9 (52 x 264')	182.00
KWM Co.	Part of SE1/4, SE1/4 of Section 21-11-9 (20 ac to City)	472.75
Michael, Carey & Barb Reilly	Lot 1, JNW Subdivision	539.00
Edwards Building Corp.	Lot 1, JNW Second Subdivision	580.41
Sax's Pizza of America	Lot 2, Sax's Subdivision	246.26

Approved as to Form 

September 9, 2004 

City Attorney

Cindy Braddy	Part of SE1/4, SE1/4 of Section 21-11-9	473.45
U-Haul Realty Estate Co.	Part of SE1/4, SE1/4 of Section 21-11-9 (except City)	699.93
Sax's Pizza of America	Lot 3, Sax's Subdivision	568.33
Michael & Laurel Toukan	Lot 3, Goodwill Fourth Subdivision	415.31
Toukan Properties, LLC	Lot 2, Goodwill Fourth Sudivision	229.95
Byco, Inc.	Lot 2, R & R Subdivision	487.73
Preferred Enterprises LLC	Lot 2, Fonner Fourth Subdivision	523.04
Hall County Livestock Improvement Association	Miscellaneous tracts 22-11-9 to the City; Part SW1/4, SW1/4 and Part NW1/4, SW1/4	1,160.04
TOTAL		\$17,324.59

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Adopted by the City Council of the City of Grand Island, Nebraska, on September 14, 2004.

RaNae Edwards, City Clerk



### Tuesday, September 14, 2004 Council Session

### Item D3

**#2004-BE-17 - Consideration of Determining Benefits for Business Improvement District #5** 

**Staff Contact: David Springer** 

### **Council Agenda Memo**

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Determining Benefits for Business Improvement District

No. 5 and Approving the Assessments

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

**Presenter(s):** David Springer, Finance Director

### **Background**

In May, 2003, the City Council adopted Ordinance No. 8812 creating Business Improvement District No. 5, Downtown. The 2004-2005 Bud get, as approved by Council on July 27, 2004, provides for special assessments on land and real property in the District as of January 1, 2004 in the amount of \$.3408 per \$100 of real property. The total taxable value of \$23,476,032 provides for assessments of \$80,006.

#### **Discussion**

The City Council, in its' capacity as the Board of Equalization, is required to determine the benefits of the District and take action on the assessments as provided for in the associated Ordinance.

#### **Alternatives**

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

- 1. Approve the benefits for the District and related assessments.
- 2. Deny the benefits and assessments.

### Recommendation

City Administration recommends that the Council approve the benefits of Business Improvement District No. 5 and related assessments.

### **Sample Motion**

**Board of Equalization:** Approve the benefits accruing to Business Improvement District No. 5 as presented.

**Ordinance:** Approve the assessments as provided for in the related Ordinance.

#### BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND

ISLAND, NEBRASKA, sitting as a Board of Equalization for Business Improvement District No. 5, after due notice having been given according to law, that we find and adjudge:

- 1. The benefits accruing to the real estate in such Business Improvement District No. 5 is the total sum of \$80,006.28; and
- 2. According to the assessed value of the respective lots, tracts, and real estate within such Business Improvement District, such benefits are the sums set opposite the several descriptions as follows:

Name	Description	Assessment
Kinder Morgan Interstate Gas Transmission	Centrally Assessed	30.52
KN Energy	Centrally Assessed	1.34
Northwestern Energy	Centrally Assessed	400.07
Alltel Nebraska, Inc.	Centrally Assessed	7.68
Qwest Corporation	Centrally Assessed	6,406.30
AT&T Communications	Centrally Assessed	1,174.77
MCI Worldcom Network Services Inc.	Centrally Assessed	6.40
NPCR, Inc. d/b/a Nextel Partners	Centrally Assessed	4.96
Qwest Wireless, LLC	Centrally Assessed	9.03
Red Wolf, Inc.	S 31.9' E2/3 Lot 1, Block 54, Original Town	67.56
Red Wolf, Inc.	N 100.5' E2/3 Lot 1, Block 54, Original Town	319.52
Equitable Federal Savings Bank	W1/3 Lot 1, Block 54, Original Town	26.51
R. Dennis & Patricia A. Norris	Lot 2, Block 54, Original Town	560.53
John & Teresa A. Wayne	N1/2 of W2/3 Lot 6, N1/2 Lot 5, Block 54, Original Town	452.81
Gus Katrouzos	S 60' W1/3 Lot 5, Block 54, Original Town	81.07
Gus Katrouzos	S 60' W 16' E2/3 Lot 5, Block 54, Original Town	74.86
Nickie J. Kallos	E 28' S1/2 Lot 5; N 6' W 38' S1/2 Lot 5, Block 54,	188.06

Approved as to Form 

September 9, 2004 

City Attorney

	Original Town	
Nickie J. Kallos	W 22' S1/2 Lot 6; Block 54, Original Town	147.89
R. Dennis & Patricia A. Norris	E 22' W 44' S1/2 Lot 6; E 22' Lot 6, Block 54, Original Town	370.65
R. Dennis & Patricia A. Norris	W1/3 Lot 7, Block 54, Original Town	297.61
R. Dennis & Patricia A. Norris	C1/3 Lot 7, Block 54, Original Town	283.00
Equitable Federal Savings Bank	E1/3 Lot 7, Lot 8 (Except 15' x 15' x 15' triangle sold to City), Block 54, Original Town	1,224.01
Nathan Detroits, Inc.	N1/2 Lot 1, Block 55, Original Town	541.76
Nathan Detroits, Inc.	N 44' S1/2 Lot 1, Block 55, Original Town	328.65
Virginia Irvine	S 22' Lot 1, Block 55, Original Town	96.77
Russell L. Hoetfelker	S1/2 W1/2 Lot 3; S1/2 Lot 4, Block 55, Original Town	368.82
Downtown Center, LLC	N 67½' Lot 5, Block 55, Original Town	54.80
Charles E. Armstrong, Jr.	N 20' S 64.5' Lot 5, Block 55, Original Town	90.56
Fredda P. Bartenbach	S 44.5' Lot 5, Block 55, Original Town	211.80
Grand Island Little Theatre, Inc.	W2/3 Lot 6, Block 55, Original Town	368.82
Arthur & Jeanene Campos	E1/3 Lot 6, Block 55, Original Town	147.89
Prairie Winds Art Center, Inc.	W1/3 Lot 7, Block 55, Original Town	193.54
Roger L. Keith & David D. Landis	E2/3 Lot 7, Block 55, Original Town	273.87
Thomas W. & Angela J. Ziller	W1/3 Lot 8, Block 55, Original Town	118.65
Thomas W. & Angela J. Ziller	C1/3 Lot 8, Block 55, Original Town	118.65
Thomas W. Ziller	E1/3 Lot 8, Block 55, Original Town	238.34
Downtown Center, LLC	N 68' Lot 1; Lot 2; E1/2 Lot 3, Block 56, Original Town	188.32
Downtown Center, LLC	N 22' of S 42', W 6' S 20', Lot 1, Block 56, Original Town	16.86
Downtown Center, LLC	N 22' of S 64' Lot 1, Block 56, Original Town	15.57
Downtown Center, LLC	S 20' of E 60' Lot 1, Block 56, Original Town	12.88
Shafer Properties LLC	W1/3 Lot 5, Block 56, Original Town	182.58
Jim Huebner & Shane Peterson	E2/3 Lot 5, Block 56, Original Town	566.01
Bette Tiner, Trustee	W2/3 Lot 6, Block 56, Original Town	359.69
Bette Tiner, Trustee	E1/3 Lot 6, Block 56, Original Town	171.63
Duane A. & Dee Ann Johnson	Lot 7, Block 56, Original Town	358.62
Downtown Center, LLC	Lot 8, Block 56, Original Town	1,415.02
William P. & Juliann K. Ziller	Lot 1, Ziller Subdivision	565.73

Furniture Clearing House, Inc.	Lot 2, Ziller Subdivision	394.38
R.L. Fridley Theatres, Inc.	E2/3 Lot 6, Block 57, Original Town	211.80
Overland Building Corp.	Lot 7, Block 57, Original Town	891.01
Overland Building Corp.	Lot 8, Block 57, Original Town	1,309.12
FirsTier Bank National Assoc.	Lots 1 & 2, Block 58, Original Town	334.13
FirsTier Bank National Assoc.	N1/2 Lot 3; N1/2 Lot 4, Block 58, Original Town	140.94
FirsTier Bank National Assoc.	S1/2 Lot 3; S1/2 Lot 4, Block 58, Original Town	137.62
FirsTier Bank National Assoc.	Lot 5; W 22' Lot 6, Block 58, Original Town	1,614.04
Darrell & Joyce Albers	Lot 1, Jensen Subdivision	147.89
James & Mavis Reiter	Lot 2, Jensen Subdivision	108.45
Kitchen & Bath Unlimited	W1/3 Lot 7, Block 58, Original Town	191.71
James K. Keeshan	C1/3 Lot 7, Block 58, Original Town	130.14
Jesus & Victoria Galvan	Lot 1, Pensa Latina Subdivision	135.73
Timothy & Miki O'Neill Thomas & Jill O'Neill	Lot 2, Prensa Latina Subdivision	148.62
Timothy & Miki O'Neill Thomas & Jill O'Neill	Lot 3, Prensa Latina Subdivision	116.85
Mark Stelk	Lot 4, Prensa Latina Subdivision	362.27
Mead Bldg. Centers of G.I.	N 1021/2' Lot 1; Lot 2, Block 59, Original Town	375.21
Mead Bldg. Centers of G.I.	N 33' Lot 4, Block 59, Original Town	164.32
H & H Land Co.	S 29½' Lot 1, Block 59, Original Town	20.83
Mead Bldg. Centers of G.I.	S 99' Lot 4; Lot 3, Block 59, Original Town	175.28
Norwest Bank NE NA, Trustee of ABE Trust & the Jale Trust	Lot 5, Block 59, Original Town	249.17
Larry & Mary Ann Gerdes	W 23' Lot 6, Block 59, Original Town	177.11
Chanh Ty Ngo & My T Nguyen	E 23' W 46' Lot 6, Block 59, Original Town	177.11
Doax Investment Co.	E 20' Lot 6; W1/2 Lot 7, Block 59, Original Town	63.87
H & H Land Company	W 22' E1/2 Lot 7, Block 59, Original Town	169.80
H & H Land Company	E 11' Lot 7; Lot 8, Block 59, Original Town	496.63
Kevin & Cindy Pfeifer	Lots 1 & 2, Block 60, Original Town	657.30
Kevin & Cindy Pfeifer	Lot 3, Block 60, Original Town	146.07
William D. Livengood	Lot 4, Block 60, Original Town	213.62
618 W 3 <sup>rd</sup> Street LLC	Lots 5 & 6, Block 60, Original Town	635.39
Doax Investment	Lots 7 & 8, Block 60, Original Town	635.39

Wells Fargo, Trustee of Eakes Family Trust	Lots 1 & 2, Block 61, Original Town	748.59
Wells Fargo, Trustee of ABE and Jules Trust	Lots 3 & 4, Block 61, Original Town	710.25
Tri-City Properties LLC	Lot 5, Block 61, Original Town	584.27
Manuel & Guadalupe Garcia	Lots 6, 7 and 8, Block 61, Original Town	681.60
Richard H. & Arlene M. Baasch	S 44' Lot 1, Block 62, Original Town	211.80
Cedar Street Properties LLC	N 88' Lot 1, Block 62, Original Town	567.43
Cedar Street Properties LLC	Lot 2, Block 62, Original Town	219.48
Alan D. Zwink	N 66' W 9' Lot 3; N 66' Lot 4, Block 62, Original Town	173.45
Vogel Enterprises, Ltd.	E 16' Lot 5; W 1/2 Lot 6, Block 62, Original Town	63.12
Vogel Enterprises, Ltd.	E 1/2 Lot 6; W 1/2 Lot 7, Block 62, Original Town	365.17
Old Sears Development, Inc.	Lots 1 & 2, Block 63, Original Town	1,122.02
Old Sears Development, Inc.	E2/3 Lot 3, Block 63, Original Town	423.59
Marlyn J. Miller	W1/3 Lot 3; E1/3 Lot 4, Block 63, Original Town	297.25
Gail W. Leetch	W2/3 Lot 4, Block 63, Original Town	423.59
Monte & Sheri Hack	S 88' Lot 8, Block 63, Original Town	304.91
Maude E. Walters	E1/3 Lot 1, Block 64, Original Town	315.87
Craig C. Hand	C1/3 Lot 1, Block 64, Original Town	142.78
Cosrec Enterprises	W1/3 Lot 1, Block 64, Original Town	219.10
Glade Inc.	E 44' Lot 2, Block 64, Original Town	250.14
Ivan P. & Sharon L. Walsh	W1/3 Lot 2, Block 64, Original Town	199.02
Double S Properties LLC	E1/3 Lot 3, Block 64, Original Town	164.32
Services Unlimited Agricultural Consultants, Inc.	W2/3 Lot 3, Block 64, Original Town	575.14
Galen E. & Tamera M. Gerdes	Lot 4, Block 64, Original Town	571.48
Ronald L. & Francene Zook	N 22' Lot 8, Block 64, Original Town	202.67
Terry M. & Susan M. Taylor	S1/2 N1/3 Lot 8, Block 64, Original Town	164.33
Laverne & Donna R. Shehein	N 44' S 88' Lot 8, Block 64, Original Town	178.93
Wayne E. & Ardith C. May	Lot 1, Block 65, Original Town	216.24
Drs. Grange, Pedersen & Brown	E1/3 Lot 2, Block 65, Original Town	190.30
Connie Swanson Kersten	C1/3 Lot 2, Block 65, Original Town	171.63
Archway Partnership	W1/3 Lot 2, Block 65, Original Town	275.70
Fredda Bartenbach	E1/3 Lot 3, Block 65, Original Town	82.16

Janelle L. Brown	W1/3 Lot 3, Block 65, Original Town	164.32
Allen V. & Linda Hoffer	E1/3 Lot 4, Block 65, Original Town	278.13
Lungrin's, Inc.	W2/3 Lot 4, Block 65, Original Town	341.43
Terry & Susan Taylor	N 22' Lot 5, Block 65, Original Town	147.89
Wm. P. & JuliAnn Ziller	S 44' N1/2 Lot 5, Block 65, Original Town	218.19
JO Enterprises Inc.	S1/2 Lot 5, Block 65, Original Town	297.61
Steve & Barbara Fuller	W1/3 Lot 6, Block 65, Original Town	88.61
Scott & Sheri Arnold	E2/3 Lot 6, Block 65, Original Town	265.29
Transportation Equipment	W1/2 Lot 7, Block 65, Original Town	217.28
Drs. Grange, Pedersen, Brown	N 55' of E1/2 Lot 7; N 55' Lot 8, Block 65, Original Town	58.41
Drs. Grange, Pedersen, Brown	C 22' of E 4' Lot 7; C 22' of Lot 8, Block 65, Original Town	224.58
Drs. Grange, Pedersen, Brown	W 18.9' of E1/2 Lot 7; N 29.9' of E 14.1' Lot 7; W 29' C 22' E1/2 Lot 7, N 29.9' of S 55' Lot 8 x CN6' S31.1' E40' Lot 8, Block 65, Original Town	246.49
Drs. Grange, Pedersen, Brown	S 25.1' of Lot 8; N 6' of S 31.1' of E 40' Lot 8; and S 25.1' of E14.1' of Lot 7, Block 65, Original Town	326.82
WDC Partnership	Lots 1 & 2, Block 66, Original Town	949.43
John Vipperman, Arthur Wetzel	E1/3 Lot 3, Block 66, Original Town	253.79
Ronald E. Bodie	S1/3 W1/3 C1/3 Lot 3 (Except 17.5'), Block 66, Original Town	253.79
James G. Duda	N88' E1/3 Lot 4, Block 66, Original Town	270.22
J. Gary & Patricia Vejvoda	N 88' C1/3 Lot 4, Block 66, Original Town	318.43
Ben's Drug Store, Inc.	N80' W1/3 Lot 4, Block 66, Original Town	109.55
Masonic Templecraft Assoc.	Pt W 17.5' S 44' Lot 3; N 5' S 52' W 22', & S 44', Lot 4, Block 66, Original Town	248.77
Fredda Bartenbach	Lot 5, W1/3 Lot 6, Block 66, Original Town	517.29
Fredda Bartenbach	E2/3 Lot 6; W1/3 Lot 7, Block 66, Original Town	262.92
James E. & Mary Ann Keeshan	E2/3 Lot 7, Block 66, Original Town	278.62
Procon Management Inc.	Lot 8, Block 66, Original Town	636.85
Plaza Square Development	S1/2 Block 67, Original Town	1,504.27
Steven & Vicki Rasmussen	W2/3 Lot 2, Block 68, Original Town	216.91
FOE #378	Pt Lot 3; Lot 4, Block 68, Original Town	739.54
Plaza Square Development	Lot 5; W 22' Lot 6, Block 68, Original Town	147.89
Equitable Building & Loan	Lot 1, Block 79, Original Town	314.04

Equitable Building & Loan	Lot 2, Block 79, Original Town	122.91
Equitable Building & Loan	S 44' Lot 3, S 44' Lot 4, Block 79, Original Town	713.90
Margo Schager	Lot A, Gilbert's North, 22' x 99'	178.93
Equitable Building & Loan	Lot B, Gilberts North	180.76
Equitable Building & Loan	N 26' 10½" Lot 8, Block 79, Original Town	31.01
Equitable Building & Loan	S 17' 1½" N 44' Lot 8, Block 79, Original Town	19.02
Equitable Building & Loan	S 88' Lot 8, Block 79, Original Town	105.94
Josephine O'Neill, Trustee	W1/3 Lot 3, All Lot 4, Block 80, Original Town	358.70
Qwest (US West)	Lots 5, 6 and 7, and N 44' of Lot 8, Block 80, Original Town; Centrally Assessed	4,319.88
David C. Huston	C1/3 Lot 8, Block 80, Original Town	299.44
Joseph M. & Lori J. Brown	S 44' Lot 8, Block 80, Original Town	279.46
Olson Furniture & Auction, Inc.	Lot 1, Block 81, Original Town	761.50
Ronald E. & Sharon R. Trampe	W1/3 Lot 2, Block 81, Original Town	177.11
Virginia M. Harris	E1/3 Lot 3, Block 81, Original Town	184.41
James S. & Precious Reed	C1/3 Lot 3, Block 81, Original Town	253.79
Ronald C. & Vada M. Krauss	W1/3 Lot 3, Lot 4, Block 81, Original Town	524.53
Walnut Street Partnership	Lot 5, Block 81, Original Town	429.07
Walnut Street Partnership	Lot 6, Block 81, Original Town	206.32
Wheeler Street Partnership	Lot 7; S2/3 Lot 8, Block 81, Original Town	723.03
Schroeder-Rathman, Trustees	N1/3 Lot 8, Block 81, Original Town	301.26
Morris Publishing Group LLC	Lot 1, Block 82, Original Town	93.45
Morris Publishing Group LLC	Lot 2, Block 82, Original Town	275.70
Morris Publishing Group LLC	Lot 3, Block 82, Original Town	93.45
Morris Publishing Group LLC	Lot 4, Block 82, Original Town	312.22
Morris Publishing Group LLC	Lots 5, 6, 7 and 8, Block 82, Original Town	2,994.37
Grand Island Hospitality LLC	Lots 1 and 2, Block 83, Original Town	460.08
JOMIDA, Inc.	Lots 3 and 4, Block 83, Original Town	967.69
Michael & Sonya Wooden	E 41' N 28' Lot 8, Block 83, Original Town	136.94
Michael & Sonya Wooden	Pt N1/3 and S2/3 Lot 8, Block 83, Original Town	228.23
Contryman & Associates	Lots 3 and 4, Block 85, Original Town	533.14
G.I. Liederkranz	Lots 1, 2, 3 and 4, Block 87, Original Town	325.11
Home Federal Savings & Loan Assoc. of Grand Island	Pt Lots 1, 2, 3, 4 and 7; all of Lots 5 and 6; pt Vacated Alley, Block 89, Original Town	381.60

Enviro-Clean Contractors Inc.	N 60' of Fr Lots 1, 2, 3, Block 69, Original Town	408.99
Kathleen A. Campbell	W 67' S 50' Lot 4, Hann Addiiton	91.55
Hoos Insurance Agency Inc.	Lot 4, Pt of Vac St, Block 97, Railroad Addition (Comp County Sub 15-11-9)	295.74
Filemon Sanchez	N1/2 Lot 1, Block 98, Railroad Addition	26.01
Arvid C. Carlson	Lot 2, Block 98, Railroad Addition	103.49
Buck's Rental Inc.	W 52' Lot 7, Block 98, Railroad Addition	223.30
Filemon Sanchez	E 14' Lot 7, Lot 8, Block 98, Railroad Addition	284.83
Contryman Associates	Lots 1 and 2, Block 106, Railroad Addition	430.90
The Muffler Shop, Inc.	Lots 1 and 2, Block 107, Railroad Addition	355.21
The Muffler Shop, Inc.	Lots 3 & 4, Block 107, Railroad Addition	217.77
Joseph M. & Lori Jean Brown	S2/3 Lot 5, Block 107, Railroad Addition	409.01
David E. Janda, DDS	S 72' Lot 8, E 29.54' of S 71.5' Lot 7, Block 107, Railroad Addition	358.62
Barbara J. Clinch	N 60' of E 22' of Lot 7, N 60' Lot 8, Block 107, Railroad Addition	302.50
Richard & Marilyn Fox	Lots 1 and 2, Block 108, Railroad Addition	553.26
Douglas Bookkeeping	W 29' Lot 3, Lot 4, Block 108, Railroad Addition	676.65
Donald J. & Janet L. Placke	S 88' Lot 5, Block 108, Railroad Addition	123.39
Sam Huston Rev Living Trust	Lot 6, Block 108, Railroad Addition	180.71
Bosselman, Inc.	Lots 7 and 8, Block 108, Railroad Addition	628.89
David A. & Carolyn J. Gilroy	S 61' Lot 1; S 61' Lot 2, Block 109, Railroad Addition	95.92
Gregory T. & Gay L. Austin	N 71' Lot 1; N 71' Lot 2, Block 109, Railroad Addition	131.35
Lawrence J. & Sarah Lynn Levering	E 59.5' Lot 3, Block 109, Railroad Addition	139.31
Lawrence J. & Sarah Lynn Levering	W 6' 6.5" Lot 3, E 52'11" Lot 4, Block 109, Railroad Addition	63.69
Roger L & Sharon K. McShannon	Lots 5 and 6, Block 109, Railroad Addition	255.62
Virgil L. & Darlene G. Roush, Trustees	Lots 7 & 8, Block 109, Railroad Addition	465.70
Salvation Army	Block 113 and Vacated Alley, Railroad Addition	217.32
Bonna Wanek	S 88' Lot 7, Block 114, Railroad Addition	55.79
Bonna Wanek	Lot 8, Block 114, Railroad Addition	665.69
Artvest III	Yancey Condominium 001	90.55
Artvest III	Yancey Condominium 002	26.58

Equitable Building & Loan	Yancey Condominium 101	41.08
Equitable Building & Loan	Yancey Condominium 102	169.80
Equitable Building & Loan	Yancey Condominium 103	248.31
Equitable Building & Loan	Yancey Condominium 104	613.48
Equitable Building & Loan	Yancey Condominium 201A	540.45
Devco Investment Corporation	Yancey Condominium 301	94.75
Arvon & Luella Marcotte	Yancey Condominium 302	77.12
Thomas & Nita Farr	Yancey Condominium 303	95.85
William L. Zins	Yancey Condominium 304	103.57
Dudley & Diana Baxter	Yancey Condominium 401	78.22
Artvest III	Yancey Condominium 402	83.73
Artvest III	Yancey Condominium 403	82.63
Romsa Family Trust	Yancey Condominium 404	90.34
Artvest III	Yancey Condominium 405	83.73
Larry D. Ruth	Yancey Condominium 406	82.63
Wyndell & Barbara Fordham	Yancey Condominium 407	110.17
Archway Partnership	Yancey Condominium 501	80.43
Artvest III	Yancey Condominium 502	87.04
Dudley & Diana Baxter	Yancey Condominium 503	83.73
Lloyd L. Vodehnal	Yancey Condominium 504	90.34
Artvest III	Yancey Condominium 505	83.73
Wayne D. Abbott	Yancey Condominium 506	82.63
Sandra Dawson	Yancey Condominium 507	111.27
Artvest III	Yancey Condominium 601	82.63
Artvest III	Yancey Condominium 602	88.14
Andrew Meier Donald Matthews	Yancey Condominium 603	83.73
Daniel F. Clyne	Yancey Condominium 604	90.34
Artvest III	Yancey Condominium 605	84.84
Ryan G. Hansen	Yancey Condominium 606	83.73
Anastasia Dembowski	Yancey Condominium 607	112.38
Laura J. Johnson	Yancey Condominium 701	82.63
Artvest III	Yancey Condominium 702	88.14
Richard & Margaret Johnson	Yancey Condominium 703	84.84

Art & Jan Burtscher	Yancey Condominium 704	91.45
Ann C. Atkins	Yancey Condominium 705	84.84
Clifton J. Long, Sandra A. Thinnes	Yancey Condominium 706	84.84
Nelse Zachry	Yancey Condominium 707	113.48
Artvest III	Yancey Condominium 801	82.63
Mapes & Co. Partnership	Yancey Condominium 802	88.14
Mapes & Co. Partnership	Yancey Condominium 803	90.34
David H. Wren	Yancey Condominium 1002	88.14
Jeremy S. & Jack L. Gillam	Yancey Condominium 1003	91.44
Ruth E. Megard, Trustee	Yancey Condominium 1005	96.95
Tera VanWinkle	Yancey Condominium 1006	123.40
John Patrick Tooley	Yancey Condominium 1101	84.84
Linda L. Clare Rev Trust	Yancey Condominium 1102	89.24
Bradley C. Kissler	Yancey Condominium 1103	93.65
Frank L. Hoelck Trust	Yancey Condominium 1104	126.70
Elizabeth W. Mayer	Yancey Condominium 1105	99.16
Judy J. Arnett	Yancey Condominium 804	123.40
Wendy Alexander Christine Alexander-Johnson	Yancey Condominium 805	93.65
Gerald & Janet Janulewicz	Yancey Condominium 806	122.30
James F. Nissan Rev Trust	Yancey Condominium 901	82.63
Elaine & Everett Evnen	Yancey Condominium 902	88.14
Elaine & Everett Evnen	Yancey Condominium 903	91.44
Ann C. Atkins	Yancey Condominium 904	124.50
Theodore L. Beck	Yancey Condominium 905	94.75
Peggy McCann	Yancey Condominium 906	123.40
Stephen & Margaret Arrasmith	Yancey Condominium 1001	83.73
Elizabeth W. Mayer	Yancey Condominium 1106	125.60
Home Federal Savings & Loan Assn	Lot 3, Hann's 4 <sup>th</sup> Addition	1,661.48
Roxann Kennedy	W 18.9' of E 33' of S 25.1' Lot 7, Block 65, Original Town	40.90
Equitable Building & Loan	Yancey Condominium 201B	65.37
Equitable Building & Loan	Yancey Condominium 201C	164.33

Equitable Building & Loan	Yancey Condominium 201D	124.16
Adopted by the City Council of th	 ne City of Grand Island, Nebraska on September 14, 2	004.
radopted by the City Council of the	to City of Grand Island, I veoraska on September 14, 2	004.
	RaNae Edwards, City Clerk	



### Tuesday, September 14, 2004 Council Session

### Item E1

Public Hearing for a Public Utility Easement Along the Property of 3936 Hampton Road, Lot 27 of the Kentish Hills Subdivision (Ron and Darla Sitzman)

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

### **Council Agenda Memo**

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

Meeting: September 14, 2004

**Subject:** Public Hearing and Approving Acquisition of a

Public Utility Easement Along the Property at 3936 Hampton Road, Lot 27 of the Kentish

Hills Subdivision (Ron and Darla Sitzman)

**Item #'s:** E-1 & G-7

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

#### **Background**

Nebraska State Law states that acquisition of property must be approved by City Council. The Public Works Department needs to acquire a Public Utility Easement along the property of 3936 Hampton Road within the Kentish Hills Subdivision.

#### **Discussion**

The Easement will be located along the Easterly 20' of the Westerly 28' of Lot 27 of Kentish Hills Subdivision. The Easement is needed in order to have access to install and maintain sanitary sewer.

#### **Alternatives**

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

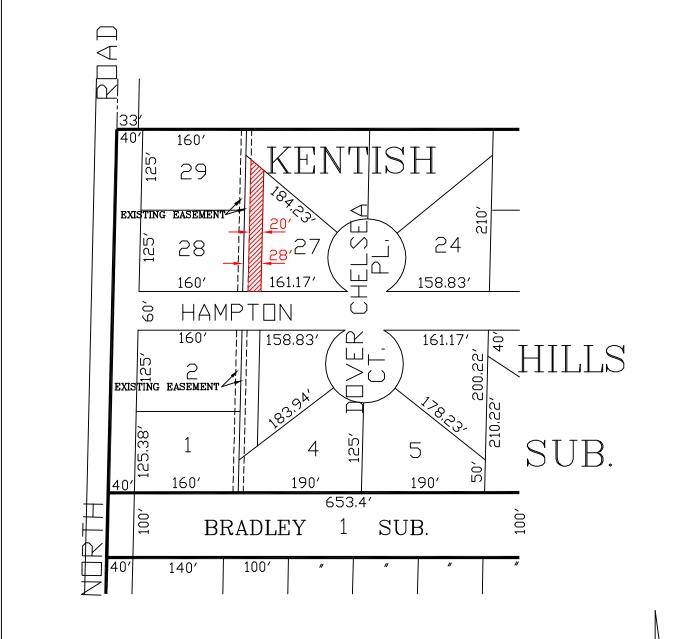
- 1. Approve the acquisition of the Easement.
- 2. Disapprove or/Deny the acquisition of the Easement.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

### Recommendation

City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Easement.

### **Sample Motion**

Move to approve the acquisition of the Easement.





EASEMENT AREA ACQUIRED FROM DALE E. & PEGGY A. GILBERT

EXHIBIT "A"



DATE: 6/30/04 DRN BY: L.D.C. SCALE: 1"=150'

PLAT TO ACCOMPANY EASEMENT



## Tuesday, September 14, 2004 Council Session

### Item E2

Public Hearing for a Public Utility Easement Along the Property of 3937 Dover Court, Lot 3 of the Kentish Hills Subdivision (Ryan & Whitney Witt)

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

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

Meeting: September 14, 2004

**Subject:** Public Hearing and Approving Acquisition of a

Public Utility Easement Along the Property of 3937 Dover Court, Lot 3 of the Kentish Hills

Subdivision (Ryan & Whitney Witt)

**Item #'s:** E-2 & G-8

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

### **Background**

Nebraska State Law states that acquisition of property must be approved by City Council. The Public Works Department needs to acquire a Public Utility Easement along the property of 3937 Dover Court within the Kentish Hills Subdivision.

### **Discussion**

The Easement will be located along the Easterly 20' of the Westerly 28' of Lot 3 of Kentish Hills Subdivision. The Easement is needed in order to have access to install and maintain sanitary sewer.

### **Alternatives**

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

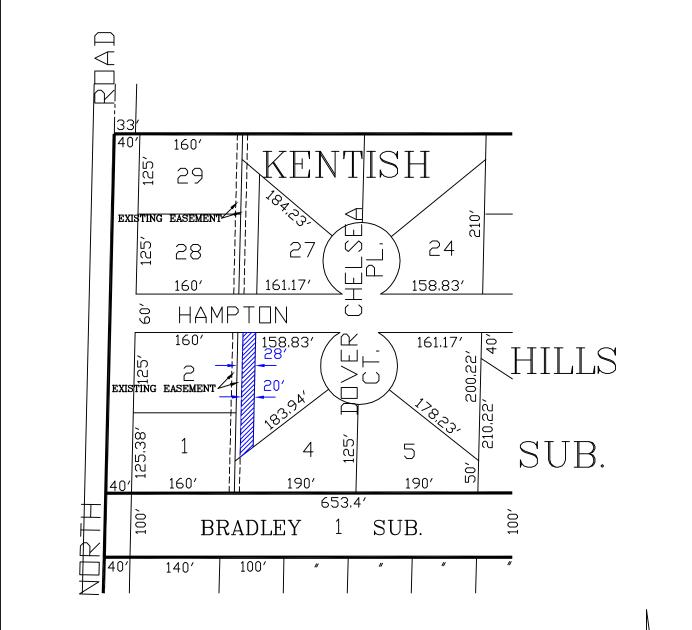
- 1. Approve the acquisition of the Easement.
- 2. Disapprove or/Deny the acquisition of the Easement.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

### Recommendation

City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Easement.

## **Sample Motion**

Move to approve the acquisition of the Easement.





EASEMENT AREA ACQUIRED FROM RYAN G. & WHITNEY C. WITT



EXHIBIT "A"



DATE: 6/30/04 DRN BY: L.D.C. SCALE: 1"=150'

PLAT TO ACCOMPANY EASEMENT



Tuesday, September 14, 2004 Council Session

# Item E3

Public Hearing on General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request

**Staff Contact: David Springer** 

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Public Hearing and Resolution Approving General

Property, Parking District No. 2 (Ramp), and Community

Redevelopment Authority Tax Request

**Item #'s:** E-3 & I-1

**Presente** r(s): David Springer, Finance Director

#### **Background**

Nebraska State Statute 77-1601-02 requires that the City of Grand Island conduct a public hearing if the property tax request changes from one year to the next. Our general property tax request decreased from \$6,599,570 for FY2003-2004 to \$4,708,194 for FY2004-2005, or a decrease of \$1,891,376. This represents a 28.7% decrease in actual tax dollars, a 32.7% decrease in the City's levy, and a \$2,288,916 decrease from the current levy, if it remained unchanged.

The property tax request for Parking District No.2, also known as the Parking Ramp (Fund 271), decreased from \$28,000 in FY2003-2004 to \$26,000 for FY2004-2005, or a decrease of \$2,000. Parking District No. 2's levy increased by 13.9%, as the districts valuation decreased by 18.5%. This is the third consecutive year that the tax asking has been reduced for the Parking Ramp.

The property tax request for the Community Redevelopment Authority increased from \$449,847 for FY2003-2004 to \$457,391, an increase of \$7,544. This represents a 1.7% increase in property tax dollars and a 4.1% decrease in the CRA's levy.

### **Discussion**

The City Council needs to pass a resolution by majority vote setting the property tax request for the general property tax at \$4,708,194, the Parking District No.2 property tax at \$26,000, and the Community Redevelopment Authority property tax at \$457,391. The property tax request will be published in the Grand Island Independent on September 8, 2004. It is appropriate at this time to solicit public comment. The action is contained

under Resolutions. This represents the final action to be taken on the FY2004-2005 Budget.

### **Alternatives**

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

- 1. Approve the General Property, Parking District No. 2, and CRA tax requests.
- 2. Modify the Budget and tax requests.

### **Recommendation**

City Administration recommends that the Council approve the tax requests and levies as presented.

### **Sample Motion**

Approve the FY2004-2005 General Property, Parking District No.2, and Community Redevelopment Authority tax requests and levies, as presented in the related Resolution.



# Tuesday, September 14, 2004 Council Session

## Item E4

**Public Hearing on Proposed Use of Local Law Enforcement Block Grant Funds** 

**Staff Contact: Kyle Hetrick** 

From: Captain Robert Falldorf, Police Department

Meeting: September 14, 2004

**Subject:** Federal Local Law Enforcement Block Grant

(LLEBG) 2004

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

**Presenter(s):** Kyle Hetrick, Chief of Police

### **Background**

The Grand Island Police Department is eligible for federal LLEBG funds annually. This year, our award is \$7,388. These funds are not to be used for personnel costs, just police equipment.

### **Discussion**

There is a federal mandate that requires a public hearing regarding the dispersing of the block grant funds. Additionally, a grant advisory board meeting was held to discuss the funds allocation. On August 17, 2004 members of the grant advisory board consisting of Dr. Kent Mann, Jerry Janulewicz, Charlotte Lahndorf, Carol Castleberry, and Captain Robert Falldorf discussed the 2004 grant. The grant funds are tentatively allocated to purchase four LED Rotation Lights for patrol vehicles at an approximate cost of \$7,400. We are now asking to hold the public hearing for any input from the community.

### **Alternatives**

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

- 1. Approve the grant as discussed.
- 2. Disapprove or /Deny the grant.
- 3. Modify/reallocate the grant funds to meet the wishes of the Council.
- 4. Table the issue.

### Recommendation

City Administration recommends that the Council approve the grant as discussed.

## **Sample Motion**

Approve the 2004 Local Law Enforcement Block Grant as awarded and the proposed expenditures.



# Tuesday, September 14, 2004 Council Session

## Item E5

Public Hearing on Acquisition of Real Estate Located at 414 S. Shady Bend Road (Timothy & Mary Arends)

**Staff Contact: Steve Riehle** 

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

Doug Walker, City Attorney

Meeting: September 14, 2004

**Subject:** Public Hearing on the Purchase of the Arends Property

located at 414 South Shady Bend Road (Timothy and

Mary Arends)

**Item #'s:** E-5 & G-16

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

### **Background**

A public hearing must be held and Council action must be taken by resolution for the City of Grand Island to acquire property. Timothy and Mary Arends own the property at 414 Shady Bend Road and have agreed to sell their property as part of the overall settlement of the litigation that was initiated by the Arends in 2003.

### **Discussion**

The settlement of the lawsuit is in the total amount of \$240,000.00. This property is being acquired for \$205,000.00 of the total. The remaining \$35,000.00 of the settlement is for reimbursement of the Arends's expenses; alleged damages and relocation costs.

The Arends's property was appraised for \$205,000.00 in an appraisal completed by a certified appraiser. The appraisal was part of establishing an acquisition price for the real estate and an overall settlement for the lawsuit. An appraisal was also done to comply with the requirements of Nebraska Revised Statute Section 13-403 which requires municipalities to obtain an appraisal of real property purchased for more than \$100,000.

#### **Alternatives**

- 1. Conduct a Public Hearing and approve the acquisition of the Arends property.
- 2. Disapprove or /Deny the acquisition of the Arends property.
- 3. Modify the recommendation to meet the wishes of the Council.
- 4. Table the issue.

### Recommendation

City Administration recommends that the Council approve the purchase of the Arends Property for \$240,000.00 and pass a resolution authorizing the Mayor to sign an agreement with the Arends's for the purchase and approve the overall settlement of all legal issues in the lawsuit.

### **Sample Motion**

Move to approve the acquisition of the Arends property.



## Tuesday, September 14, 2004 Council Session

## Item E6

Public Hearing for a Public Utility Easement Along the Property of 514 Congdon Avenue, Lot 1 of Lambert's Addition (Galvan Construction)

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

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

Meeting: September 14, 2004

**Subject:** Public Hearing and Approving Acquisition of a

Public Utility Easement Along the Property of 514 Congdon Avenue, Lot 1 of Lambert's

Addition (Galvan Construction)

**Item #'s:** E-6 & G-19

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

### **Background**

Nebraska State Law states that acquisition of property must be approved by City Council. The Public Works Department needs to acquire a Public Utility Easement along the property of 514 Congdon Avenue.

### **Discussion**

The Easement will be located along the Southerly 6' of Lot 1 of Lambert's Addition. The Easement is needed in order to have access to maintain the existing sanitary sewer.

### **Alternatives**

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

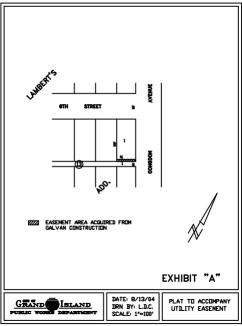
- 1. Approve the acquisition of the Easement.
- 2. Disapprove or/Deny the acquisition of the Easement.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

### Recommendation

City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Easement.

# **Sample Motion**

Move to approve the acquisition of the Easement.





## Tuesday, September 14, 2004 Council Session

### Item E7

Public Hearing on Acquisition of Four (4) Utility Easements Located Along the North and South Side of East Hwy. 30, West of Shady Bend Road (Woodward Family Trust and Woodward Marital Trust)

**Staff Contact: Gary Mader** 

From: Robert H. Smith, Asst. Utilities Director

Meeting: September 14, 2004

**Subject:** Acquisition of Utility Easements – North and South of

East Hwy. 30, West of Shady Bend Road – Woodwood

Family Trust and Woodward Marital Trust

**Item #'s:** E-7 & G-17

**Presente** r(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 four easements relative to the property of Margaret G. Woodward and Robert M. Wagner, Trustee of the Woodward Family Trust and Woodward Marital Trust, located along East Hwy. 30, in the area of Shady Bend Road, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

### **Discussion**

These easements will be used to relocate overhead power lines and the required anchors to back-up those lines. The expansion and widening of East Hwy. 30 has caused the need to relocate overhead power lines. In most cases, the relocated lines are in right-of-way acquired by Nebraska Dept. of Roads. As a line crosses a road, it must be backed up by anchors that are not in the right-of-way. These anchor easements must be acquired from adjacent property owners.

In the case of easement #1 and #2 an existing line was upgraded from single phase to three phase and is now used as a feeder. Documentation did not exist for the single phase line so it will be included in this acquisition.

The amount proposed to be paid for the easements is the same as that paid by Nebraska Department of Roads to the landowners for adjacent property. This was established by a court decision. The amount for each is: #1 \$1,760.00

#2 \$ 720.00 #3 \$ 73.46 #4 <u>\$ 36.73</u> TOTAL \$2,590.19

### **Alternatives**

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

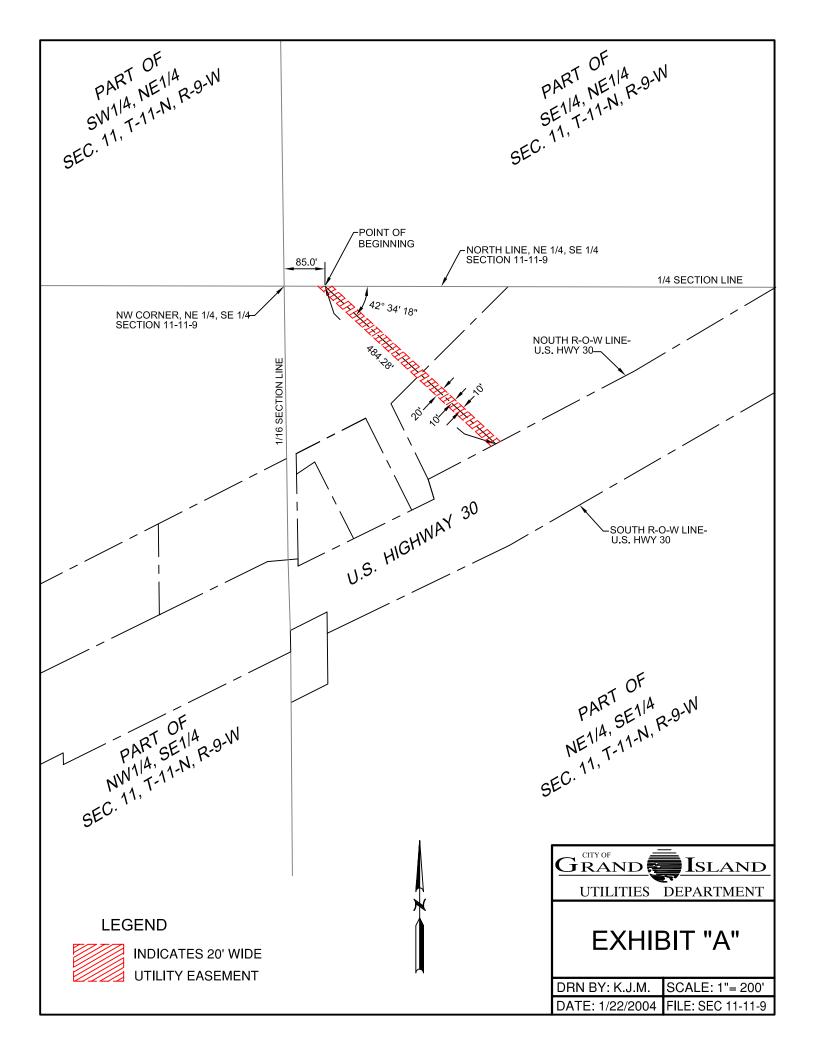
- 1. Approve the payment and acquisition of the easements.
- 2. Deny the acquisition of the easements.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

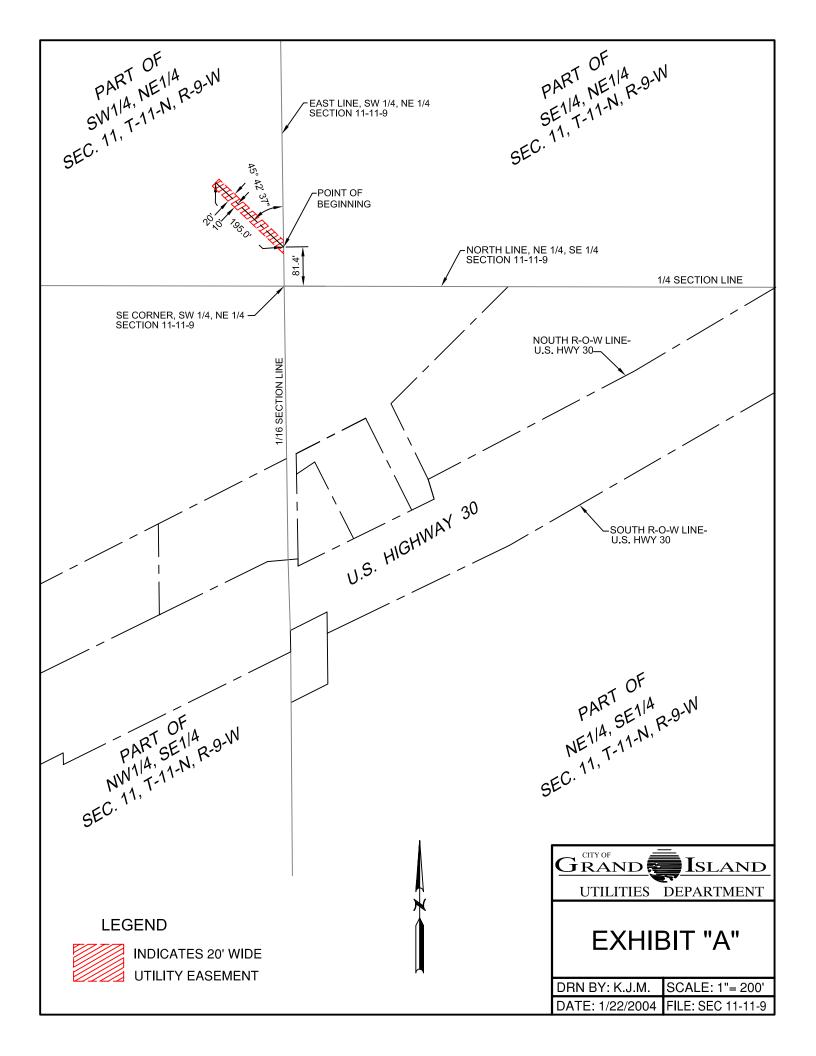
### **Recommendation**

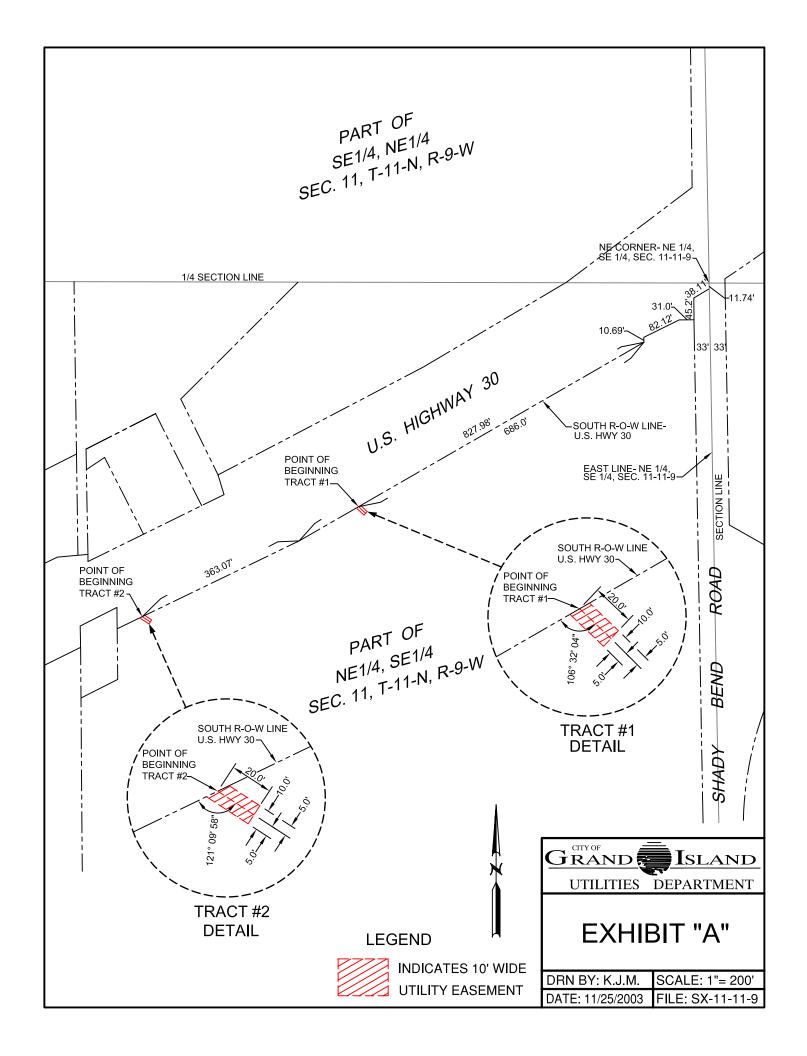
City Administration recommends that the Council approve the resolution for the acquisition of the easements for a total of \$2,590.19.

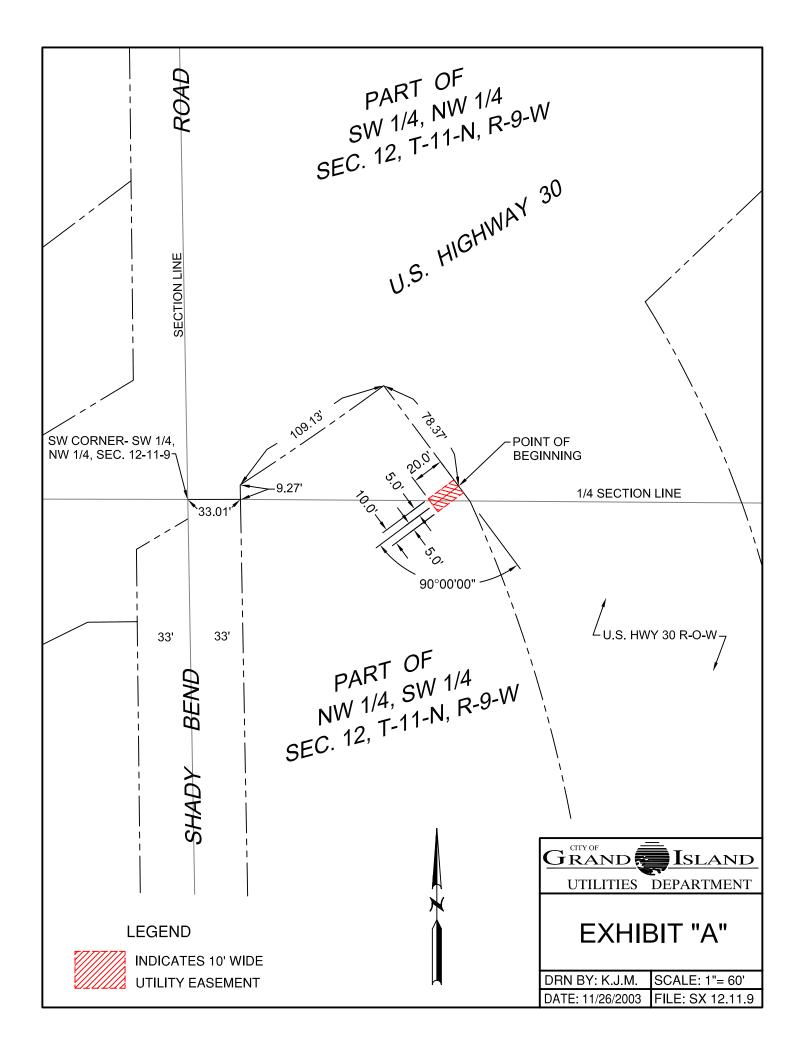
### **Sample Motion**

Approve the acquisition of the Utility Easements.











## Tuesday, September 14, 2004 Council Session

### Item E8

Public Hearing on Acquisition of Utility Easement - Northwest Corner of the Proposed Super Wal-Mart Property Located at Diers & Carleton Avenue

**Staff Contact: Gary R. Mader** 

From: Robert H. Smith, Asst. Utilities Director

Meeting: September 14, 2004

**Subject:** Acquisition of Utility Easement – Wal-Mart Real Estate

**Business Trust** 

**Item #'s:** E-8 & G-23

**Presente** r(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 Wal-Mart Real Estate Business Trust, located at the northwest corner of the proposed Super Wal-Mart property located at Diers and Carleton Avenue, located in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

#### **Discussion**

This easement will be used to facilitate electrical service and provide access to the electrical facilities on the north side of the Super Wal-Mart property.

#### **Alternatives**

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

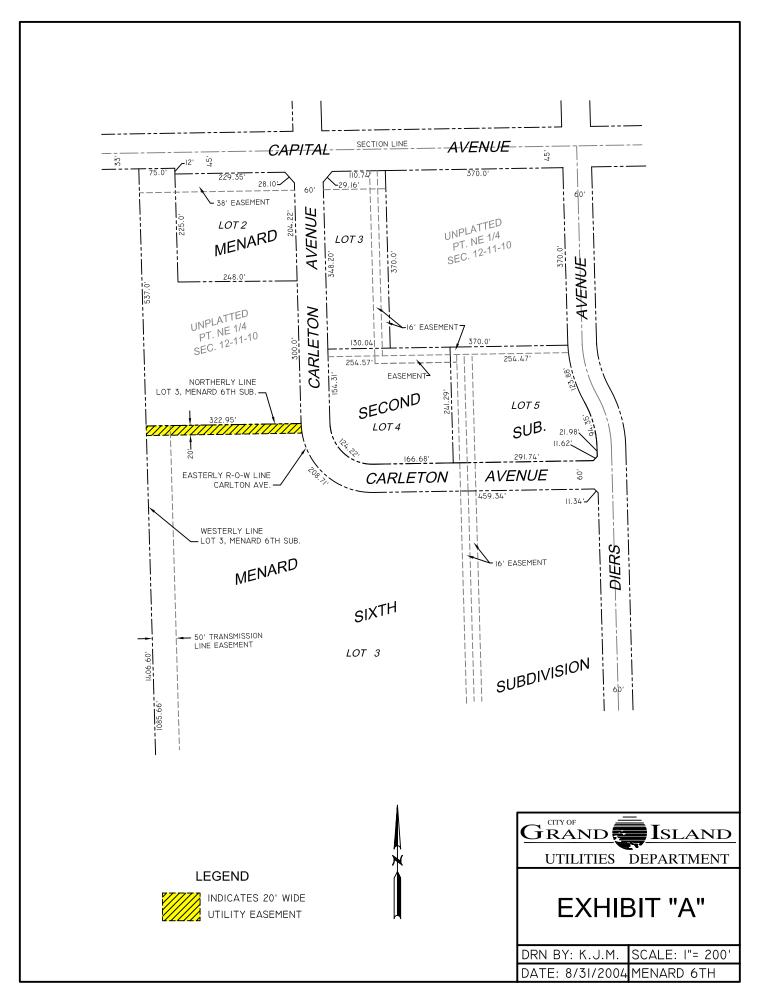
- 1. Approve the acquisition of the easement.
- 2. Deny the easement.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

### 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.





Tuesday, September 14, 2004 Council Session

# Item E9

Public Hearing on Request of Bag 'N Save, Inc. dba Bag 'N Save, 1215 Allen Drive for Class "D" Liquor License

**Staff Contact: RaNae Edwards** 

**From:** RaNae Edwards, City Clerk

Meeting: September 14, 2004

**Subject:** Public Hearing on Request of Bag 'N Save, Inc. dba Bag

'N Save, 1215 Allen Drive for Class "D" Liquor License

**Item #'s:** E-9 & G-4

**Presente** r(s): RaNae Edwards, City Clerk

### **Background**

Bag 'N Save, Inc. dba Bag 'N Save located at 1215 Allen Drive (formerly Albertson's) has submitted an application with the City Clerk's Office for a Class "D" Liquor License. The application for the Class "D" Liquor License has been filed with the Liquor Control Commission and received by the City on September 1, 2004. A Class "D" Liquor License allows for the sale of alcoholic beverages off sale only within the corporate limits of the City.

### **Discussion**

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

### **Alternatives**

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

- 1. Approve the request for Bag 'N Save, Inc. dba Bag 'N Save, 1215 Allen Drive for a Class 'D" 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 Bag 'N Save, Inc. dba Bag 'N Save, 1215 Allen Drive for a Class "D" Liquor License.



Tuesday, September 14, 2004 Council Session

## Item E10

Public Hearing on Request of Bag 'N Save, Inc. dba Bag 'N Save, 1235 Allen Drive for Class "B" and "K" Liquor Licenses

**Staff Contact: RaNae Edwards** 

From: RaNae Edwards, City Clerk

Meeting: September 14, 2004

**Subject:** Public Hearing on Request of Bag 'N Save, Inc. dba Bag

'N Save, 1235 Allen Drive for Class "B" and "K" Liquor

Licenses

**Item #'s:** E-10 & G-5

**Presente** r(s): RaNae Edwards, City Clerk

#### **Background**

Bag 'N Save, Inc. dba Bag 'N Save located at 1235 Allen Drive (formerly Albertson's Express) has submitted an application with the City Clerk's Office for a Class "B" and "K" Liquor License. The application for the Class "B" and "K" Liquor License has been filed with the Liquor Control Commission and received by the City on September 2, 2004. A Class "B" Liquor License allows for the sale of beer off sale only within the corporate limits of the City. A Class "K" Liquor License allows for the sale of wine off sale only within the corporate limits of the City.

### **Discussion**

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

### **Alternatives**

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

- 1. Approve the request for Bag 'N Save, Inc. dba Bag 'N Save, 1235 Allen Drive for a Class "B" and "K" 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 Bag 'N Save, Inc. dba Bag 'N Save, 1235 Allen Drive for a Class "B" and "K" Liquor License.



Tuesday, September 14, 2004 Council Session

## Item E11

Public Hearing on Application to the Nebraska Department of Economic Development for an Economic Development CDBG Grant

**Staff Contact: Jerenne Garroutte** 

**From:** Jerenne Garroutte

Meeting: September 14, 2004

**Subject:** Public Hearing Concerning Application to the Nebraska

Department of Economic Development for a Community Development Block Grant for Economic Development

Activity in the Local Community

**Item #'s:** E-11 & G-14

**Presente** r(s): Jerenne Garroutte

### **Background**

The Nebraska Department of Economic Development offers Community Development Block Grant funding for economic development. The City is applying for a grant in the amount of \$429,947 of which \$425,947 will be loaned to Standard Iron, Inc. for building construction and equipment purchases. The City will retain the remaining \$4,000 for audit and administrative expenses associated with the grant. The City will also loan Economic Development program income of \$74,053 for building and equipment. A public hearing is required prior to submission of an application to the Nebraska Department of Economic Development to solicit public comment and input into the proposed project and grant application.

### **Discussion**

The City's Revolving Loan Fund Committee met on September 7, 2004 to consider the Economic Development application. The Committee is recommending approval of the request for \$429,947 (\$425,947 loan; \$4,000 General Administration), plus Program Income of \$74,053 to be available to Standard Iron, Inc. for building construction and equipment purchases.

Notice of the public hearing was given in the September 4, 2004 Grand Island Independent.

#### **Alternatives**

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

- 1. Approve the Economic Development Grant application and give approval for the Mayor to sign all related documents.
- 2. Disapprove or /Deny the Economic Development Grant application.
- 3. Modify the Economic Development Grant application to meet the wishes of the Council
- 4. Table the issue

### Recommendation

City Administration recommends that the Council approve the Economic Development Grant application and give approval for the Mayor to sign all related documents.

#### **Sample Motion**

Approve the Economic Development Grant application and authorize the Mayor to sign all related documents.



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item F1

**#8931 - Consideration of Assessments for Business Improvement District #3** 

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

**Staff Contact: David Springer** 

City of Grand Island City Council

#### ORDINANCE NO. 8931

An ordinance to assess and levy a special tax to pay the 2004-2005 revenue year cost of Business Improvement District No. 3 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provisions of the Grand Island City Code, ordinances, or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the 2004-2005 revenue year cost of Business Improvement District No. 3 of the City of Grand Island, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such Business Improvement District, after due notice having been given thereof as provided by law; and a special tax for such 2004-2005 revenue year cost is hereby levied at one time upon such lots, tracts and lands as follows:

<u>Name</u>	<u>Description</u>	Assessment
All Faiths Funeral Home LLC	Part of NW1/4, NW1/4, SW1/4 of Section 27-11-9	840.00
Growth Management Corp.	North 60 feet of Lot 22 (except City), Holcomb's Highway Homes Subdivision	207.34
Growth Management Corp.	South 49 feet of Lot 22 and north 11 feet of Lot 23 (except City), Holcomb's Highway Homes Subdivision	210.00
Equestrian Meadows LLC	Lot 2 (except City), Burch Second Subdivision	507.47
Rex E. & Jonadyne R. Carpenter	Lot 1 [200' x 400'] (except City), Woodland First Subdivision	697.97
Rex E. & Jonadyne R. Carpenter	Lot 2 [200' x 400'] (except City), Woodland First Subdivision	700.14
Danny K. Oberg	Lot 4 (except City), Woodland First Subdivision	696.64
Roland L. & Janis K. Westerby	Lot 3 (except City), Woodland First Subdivision	700.21

Approved as to Form 

September 9, 2004 

City Attorney

Dianna D. Duering	Lot 1, Bartz Subdivision	381.50
Stratford Plaza, L.L.C.	Lot 11 (except City), Woodland Second Subdivision	1,900.92
Bosselman Inc.	Lot 8, Woodland Second Subdivision	522.69
Jerry L. & Janet C. Loney	West 273 feet of Lot 1 (except City), Burch Subdivision	490.35
William & Sandra Lawrey	Lot 1 (except City), Garrison Subdivision	817.15
Robert L. Clymer, Jonadyne Carpenter	South 98 feet of Lot 23 and north 12 feet of Lot 24, (except City) Holcomb's Highway Homes Subdivision	385.00
Grand Island Music, Inc.	Lot 1 (except City), Desert Rose Subdivision	1,497.41
Rickie D. & Susan J. Noden	South 52 feet of Lot 19 and north 1 foot of Lot 20, Holcomb's Highway Homes Subdivision	183.16
Llamas Enterprises	Lot 25, south 97 feet of Lot 24, and north 38 feet of Lot 26, (except City) Holcomb's Highway Homes Subdivision	853.79
John L. & Beth A. French	Lot 1 (except City), Knox Subdivision	489.41
Bradley L. Shanahan Teresa K. Brooks	East 100 feet of Lot 12, and east 100 feet of Lot 13, (except City) Holcomb's Highway Homes Subdivision	700.00
William E. Lawrey	North 25 feet of east 260 feet of Lot 1 and all of Lot 2, (except City) Woodland Third Subdivision	437.26
Charles A. Douthit	Lot 21 (except City), Holcomb's Highway Homes Subdivision	381.57
Southeast Crossing, LLC	Part of NW <sup>1</sup> / <sub>4</sub> of SW <sup>1</sup> / <sub>4</sub> of Section 27-11-9 and part of Lot 4 Island (except City)	1,133.90
Jack E. Rasmussen, Joanne L. Rasmussen, Richard S. Rasmussen, June E. & William Blackburn	Lot 1 except north 25 feet of east 260 feet, Woodland Third Subdivision	262.22
Larry Coffey	West 125 feet of Lots 2, 3 and 4 (except City), Burch Subdivision	630.07
Marion D. Larsen Rev. Trust	Lot 2 (except City), Woodridge South Subdivision	380.38
McDermott & Miller PC	Lot 1 (except City), Woodridge South Subdivision	883.82
Cedar Street Investment	Lot 2, Mil-Nic Second Addition	957.60
Integrated Holdings, Inc.	Part of N <sup>1</sup> / <sub>2</sub> , SW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> of Section 27-11-9	2,084.11
O'Reilly Automotive, Inc.	Lot 2 (except City), Runza Subdivision	544.74
Paulsen and Sons Inc.	Lots 1 & 28 (except City), Lots 2, 3, 26, and 27, Roush's Pleasantville Terrace Subdivision	700.21
Ming Zhou & Nghi Trieu	SW <sup>1</sup> / <sub>4</sub> of NW <sup>1</sup> / <sub>4</sub> of Section 27-11-9	347.24
Ronald & Lori Willis	Part of NE1/4 of NE1/4 (except City) of Section 28-11-9	350.00
Helen Otto	Lot 10, Woodland Second Subdivision	556.12
Theodore J. & Mason D. Robb	Lot 1, Knox Third Subdivision	539.53
Theodore J. & Mason D. Robb	Lot 2 (except City), Knox Third Subdivision	462.14
Theodore J. & Mason D. Robb	Lot 3, Knox Third Subdivision	269.71

The Eating Establishment	Lot 1 (except City), Runza Subdivision	542.01
Bennett Properties Inc.	Lot 9, Woodland Second Subdivision	525.11
Adam J. Schrunk	Lot 15 (except City), Holcomb's Highway Homes Subdivision	379.54
Elroy Uribe & Oralia Erives	Part of SW1/4 of NW1/4 of Section 27-11-9	511.56
Todd Allen Carpenter, Douglas J. & Nanette Redman	South 108 feet of Lot 20 (except City), Holcomb's Highway Homes Subdivision	381.57
McCloud Super 8 Motel Inc.	Part of Lot 25 (except City), Matthews Subdivision	866.18
Alpha Corporation	East 260 feet of Lot 8 (except City), Woodland First Subdivision	733.08
B & D Enterprises	South 126 feet of east 260 feet of Lot 6 (except City), Woodland First Subdivision	443.21
B & D Enterprises	Lot 5 (except City), Woodland First Subdivision	700.21
Jack E. Rasmussen, et al	North 50 feet of east 260 feet of Lot 6 (except City), Woodland First Subdivision	174.48
Charles L. Hancock & Robert D. Hancock	Lot 14 (except City), Holcomb's Highway Homes Subdivision	383.46
Vanosdall Softball Fields, Inc.	Part of N1/2, SW1/4, SW1/4 of Section 27-11-9	252.00
Marion D. Larson Rev. Trust	North 79 feet of Lot 27 and south 71 feet of Lot 26, (except City) Holcomb's Highway Homes Subdivision	525.21
Michael S. & Sandra S. Williams	Lot 1 (except City), Burch Second Subdivision	421.72
Michael S. & Sandra S. Williams	Lot 5 (except City), Burch Subdivision	419.02
Gary & Linda Shovlain	Lot 3, Shovlain Second Subdivision	543.80
Gary & Linda Shovlain	Lot 2, Shovlain Second Subdivision	420.07
Platte Valley State Bank & Trust Company	Lot 1, Equestrian Meadows Subdivision	623.77
Equestrian Meadows LLC	Lot 3, Equestrian Meadows Subdivision	644.63
Theodore J. Robb	Part of NW1/4, SW1/4 (except City) 27-11-9	1,176.04
TOTAL		\$34,368.44

SECTION 2. The special tax shall become delinquent in fifty (50) days from date of this levy; the entire amount so assessed and levied against each lot or tract may be paid within fifty (50) days from the date of this levy without interest and the lien of special tax thereby satisfied and released. After the same shall become delinquent, interest at the rate of fourteen percent (14%) per annum shall be paid thereon.

SECTION 3. The city treasurer of the City of Grand Island, Nebraska, is hereby

directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 4. Such special assessments shall be paid into a fund to be designated

as the "Business Improvement District No. 3".

SECTION 5. Any provision of the Grand Island City Code, any ordinance, or

part of an 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, in pamphlet form, within fifteen days in one issue of the Grand Island

Independent as provided by law.

Enacted: September 14, 2004.

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item F2

#8932 - Consideration of Assessments for Business Improvement District #4

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

**Staff Contact: David Springer** 

City of Grand Island City Council

#### ORDINANCE NO. 8932

An ordinance to assess and levy a special tax to pay the 2004-2005 revenue year cost of Business Improvement District No. 4 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provisions of the Grand Island City Code, ordinances, or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the 2004-2005 revenue year cost of Business Improvement District No. 4 of the City of Grand Island, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such Business Improvement District, after due notice having been given thereof as provided by law; and a special tax for such 2004-2005 revenue year cost is hereby levied at one time upon such lots, tracts and lands as follows:

<u>Name</u>	<u>Description</u>	Assessment
Sonic of Grand Island LTD	Lot 1, Janisch Subdivision	419.86
Niels McDermott	Lot 1 (except E 10 feet), Brownell Subdivision	174.93
James & Margot Wiltgen	Lot 5, Kirkpatrick Subdivision	246.93
Wiltgen Corp. II	Lot 6, Kirkpatrick Subdivision	243.22
E.P.S. Investments	Lot 1, Labelindo Second Subdivision	978.53
James Scott Zana	Lot 1, R & R Subdivision	492.52
Fontenelle Oil Co.	Block 9 (except City E1/2, S1/2), Pleasant Home Subdivision	491.33
Locust Street LLC	Block 16 (except City), Pleasant Home Subdivision	978.57
M & W Investment Co.	Lot 1 and Part of Lot 2, Roepke Subdivision	540.19
M & W Investment Co.	Lot 1, Roepke Second Subdivision	159.25

Approved as to Form 

September 9, 2004 

City Attorney

Edwards Building Corp.	Lot 1 (except City), Fonner Subdivision	524.79
Grand Island Associates, LLC	Lot 1, Fonner Fourth Subdivision	1,716.82
5500 L Street Properties Co.	Lot 5 (except City), Fonner Second Subdivision	699.51
5500 LStreet Properties Co.	Lot 6, Fonner Second Subdivision	1,400.53
Three Circle Irrigation Inc.	Lot 1, Fonner Third Subdivision	1,189.79
Edwards Building Corp.	Replatted Lot 3, Fonner Third Subdivision	489.62
Kenneth & Rose Mary Staab	Part of SE1/4, SE1/4 of Section 21-11-9 (52 x 264')	182.00
KWM Co.	Part of SE1/4, SE1/4 of Section 21-11-9 (20 ac to City)	472.75
Michael, Carey & Barb Reilly	Lot 1, JNW Subdivision	539.00
Edwards Building Corp.	Lot 1, JNW Second Subdivision	580.41
Sax's Pizza of America	Lot 2, Sax's Subdivision	246.26
Cindy Braddy	Part of SE1/4, SE1/4 of Section 21-11-9	473.45
U-Haul Realty Estate Co.	Part of SE1/4, SE1/4 of Section 21-11-9 (except City)	699.93
Sax's Pizza of America	Lot 3, Sax's Subdivision	568.33
Michael & Laurel Toukan	Lot 3, Goodwill Fourth Subdivision	415.31
Toukan Properties, LLC	Lot 2, Goodwill Fourth Sudivision	229.95
Byco, Inc.	Lot 2, R & R Subdivision	487.73
Preferred Enterprises LLC	Lot 2, Fonner Fourth Subdivision	523.04
Hall County Livestock Improvement Association	Miscellaneous tracts 22-11-9 to the City; Part SW1/4, SW1/4 and Part NW1/4, SW1/4	1,160.04
TOTAL		\$17,324.59

SECTION 2. The special tax shall become delinquent in fifty (50) days from date of this levy; the entire amount so assessed and levied against each lot or tract may be paid within fifty (50) days from the date of this levy without interest and the lien of special tax thereby satisfied and released. After the same shall become delinquent, interest at the rate of fourteen percent (14%) per annum shall be paid thereon.

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

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Business Improvement District No. 4".

SECTION 5. Any provision of the Grand Island City Code, any ordinance, or part of an 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, in pamphlet form, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 14, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item F3

**#8933 - Consideration of Assessments for Business Improvement District #5** 

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

**Staff Contact: David Springer** 

City of Grand Island City Council

#### ORDINANCE NO. 8933

An ordinance to assess and levy a special tax to pay the 2004-2005 revenue year cost of Business Improvement District No. 5 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provisions of the Grand Island City Code, ordinances, or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land, specially benefited, for the purpose of paying the 2004-2005 revenue year cost of Business Improvement District No. 5 of the City of Grand Island, as adjudged by the Council of the City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such Business Improvement District, after due notice having been given thereof as provided by law; and a special tax for such 2004-2005 revenue year cost is hereby levied at one time upon such lots, tracts and lands as follows:

Name	Description	Assessment
Kinder Morgan Interstate Gas Transmission	Centrally Assessed	30.52
KN Energy	Centrally Assessed	1.34
Northwestern Energy	Centrally Assessed	400.07
Alltel Nebraska, Inc.	Centrally Assessed	7.68
Qwest Corporation	Centrally Assessed	6,406.30
AT&T Communications	Centrally Assessed	1,174.77
MCI Worldcom Network Services Inc.	Centrally Assessed	6.40
NPCR, Inc. d/b/a Nextel Partners	Centrally Assessed	4.96

Approved as to Form 

September 9, 2004 

City Attorney

Qwest Wireless, LLC	Centrally Assessed	9.03
Red Wolf, Inc.	S 31.9' E2/3 Lot 1, Block 54, Original Town	67.56
Red Wolf, Inc.	N 100.5' E2/3 Lot 1, Block 54, Original Town	319.52
Equitable Federal Savings Bank	W1/3 Lot 1, Block 54, Original Town	26.51
R. Dennis & Patricia A. Norris	Lot 2, Block 54, Original Town	560.53
John & Teresa A. Wayne	N1/2 of W2/3 Lot 6, N1/2 Lot 5, Block 54, Original Town	452.81
Gus Katrouzos	S 60' W1/3 Lot 5, Block 54, Original Town	81.07
Gus Katrouzos	S 60' W 16' E2/3 Lot 5, Block 54, Original Town	74.86
Nickie J. Kallos	E 28' S1/2 Lot 5; N 6' W 38' S1/2 Lot 5, Block 54, Original Town	188.06
Nickie J. Kallos	W 22' S1/2 Lot 6; Block 54, Original Town	147.89
R. Dennis & Patricia A. Norris	E 22' W 44' S1/2 Lot 6; E 22' Lot 6, Block 54, Original Town	370.65
R. Dennis & Patricia A. Norris	W1/3 Lot 7, Block 54, Original Town	297.61
R. Dennis & Patricia A. Norris	C1/3 Lot 7, Block 54, Original Town	283.00
Equitable Federal Savings Bank	E1/3 Lot 7, Lot 8 (Except 15' x 15' x 15' triangle sold to City), Block 54, Original Town	1,224.01
Nathan Detroits, Inc.	N1/2 Lot 1, Block 55, Original Town	541.76
Nathan Detroits, Inc.	N 44' S1/2 Lot 1, Block 55, Original Town	328.65
Virginia Irvine	S 22' Lot 1, Block 55, Original Town	96.77
Russell L. Hoetfelker	S1/2 W1/2 Lot 3; S1/2 Lot 4, Block 55, Original Town	368.82
Downtown Center, LLC	N 67½' Lot 5, Block 55, Original Town	54.80
Charles E. Armstrong, Jr.	N 20' S 64.5' Lot 5, Block 55, Original Town	90.56
Fredda P. Bartenbach	S 44.5' Lot 5, Block 55, Original Town	211.80
Grand Island Little Theatre, Inc.	W2/3 Lot 6, Block 55, Original Town	368.82
Arthur & Jeanene Campos	E1/3 Lot 6, Block 55, Original Town	147.89
Prairie Winds Art Center, Inc.	W1/3 Lot 7, Block 55, Original Town	193.54
Roger L. Keith & David D. Landis	E2/3 Lot 7, Block 55, Original Town	273.87
Thomas W. & Angela J. Ziller	W1/3 Lot 8, Block 55, Original Town	118.65
Thomas W. & Angela J. Ziller	C1/3 Lot 8, Block 55, Original Town	118.65
Thomas W. Ziller	E1/3 Lot 8, Block 55, Original Town	238.34

Downtown Center, LLC	N 68' Lot 1; Lot 2; E1/2 Lot 3, Block 56, Original Town	188.32
Downtown Center, LLC	N 22' of S 42', W 6' S 20', Lot 1, Block 56, Original Town	16.86
Downtown Center, LLC	N 22' of S 64' Lot 1, Block 56, Original Town	15.57
Downtown Center, LLC	S 20' of E 60' Lot 1, Block 56, Original Town	12.88
Shafer Properties LLC	W1/3 Lot 5, Block 56, Original Town	182.58
Jim Huebner & Shane Peterson	E2/3 Lot 5, Block 56, Original Town	566.01
Bette Tiner, Trustee	W2/3 Lot 6, Block 56, Original Town	359.69
Bette Tiner, Trustee	E1/3 Lot 6, Block 56, Original Town	171.63
Duane A. & Dee Ann Johnson	Lot 7, Block 56, Original Town	358.62
Downtown Center, LLC	Lot 8, Block 56, Original Town	1,415.02
William P. & Juliann K. Ziller	Lot 1, Ziller Subdivision	565.73
Furniture Clearing House, Inc.	Lot 2, Ziller Subdivision	394.38
R.L. Fridley Theatres, Inc.	E2/3 Lot 6, Block 57, Original Town	211.80
Overland Building Corp.	Lot 7, Block 57, Original Town	891.01
Overland Building Corp.	Lot 8, Block 57, Original Town	1,309.12
FirsTier Bank National Assoc.	Lots 1 & 2, Block 58, Original Town	334.13
FirsTier Bank National Assoc.	N1/2 Lot 3; N1/2 Lot 4, Block 58, Original Town	140.94
FirsTier Bank National Assoc.	S1/2 Lot 3; S1/2 Lot 4, Block 58, Original Town	137.62
FirsTier Bank National Assoc.	Lot 5; W 22' Lot 6, Block 58, Original Town	1,614.04
Darrell & Joyce Albers	Lot 1, Jensen Subdivision	147.89
James & Mavis Reiter	Lot 2, Jensen Subdivision	108.45
Kitchen & Bath Unlimited	W1/3 Lot 7, Block 58, Original Town	191.71
James K. Keeshan	C1/3 Lot 7, Block 58, Original Town	130.14
Jesus & Victoria Galvan	Lot 1, Pensa Latina Subdivision	135.73
Timothy & Miki O'Neill Thomas & Jill O'Neill	Lot 2, Prensa Latina Subdivision	148.62
Timothy & Miki O'Neill Thomas & Jill O'Neill	Lot 3, Prensa Latina Subdivision	116.85
Mark Stelk	Lot 4, Prensa Latina Subdivision	362.27
Mead Bldg. Centers of G.I.	N 102½' Lot 1; Lot 2, Block 59, Original Town	375.21
Mead Bldg. Centers of G.I.	N 33' Lot 4, Block 59, Original Town	164.32
H & H Land Co.	S 29½' Lot 1, Block 59, Original Town	20.83

Mead Bldg. Centers of G.I.	S 99' Lot 4; Lot 3, Block 59, Original Town	175.28
Norwest Bank NE NA, Trustee of ABE Trust & the Jale Trust	Lot 5, Block 59, Original Town	249.17
Larry & Mary Ann Gerdes	W 23' Lot 6, Block 59, Original Town	177.11
Chanh Ty Ngo & My T Nguyen	E 23' W 46' Lot 6, Block 59, Original Town	177.11
Doax Investment Co.	E 20' Lot 6; W½ Lot 7, Block 59, Original Town	63.87
H & H Land Company	W 22' E1/2 Lot 7, Block 59, Original Town	169.80
H & H Land Company	E 11' Lot 7; Lot 8, Block 59, Original Town	496.63
Kevin & Cindy Pfeifer	Lots 1 & 2, Block 60, Original Town	657.30
Kevin & Cindy Pfeifer	Lot 3, Block 60, Original Town	146.07
William D. Livengood	Lot 4, Block 60, Original Town	213.62
618 W 3 <sup>rd</sup> Street LLC	Lots 5 & 6, Block 60, Original Town	635.39
Doax Investment	Lots 7 & 8, Block 60, Original Town	635.39
Wells Fargo, Trustee of Eakes Family Trust	Lots 1 & 2, Block 61, Original Town	748.59
Wells Fargo, Trustee of ABE and Jules Trust	Lots 3 & 4, Block 61, Original Town	710.25
Tri-City Properties LLC	Lot 5, Block 61, Original Town	584.27
Manuel & Guadalupe Garcia	Lots 6, 7 and 8, Block 61, Original Town	681.60
Richard H. & Arlene M. Baasch	S 44' Lot 1, Block 62, Original Town	211.80
Cedar Street Properties LLC	N 88' Lot 1, Block 62, Original Town	567.43
Cedar Street Properties LLC	Lot 2, Block 62, Original Town	219.48
Alan D. Zwink	N 66' W 9' Lot 3; N 66' Lot 4, Block 62, Original Town	173.45
Vogel Enterprises, Ltd.	E 16' Lot 5; W 1/2 Lot 6, Block 62, Original Town	63.12
Vogel Enterprises, Ltd.	E ½ Lot 6; W ½ Lot 7, Block 62, Original Town	365.17
Old Sears Development, Inc.	Lots 1 & 2, Block 63, Original Town	1,122.02
Old Sears Development, Inc.	E2/3 Lot 3, Block 63, Original Town	423.59
Marlyn J. Miller	W1/3 Lot 3; E1/3 Lot 4, Block 63, Original Town	297.25
Gail W. Leetch	W2/3 Lot 4, Block 63, Original Town	423.59
Monte & Sheri Hack	S 88' Lot 8, Block 63, Original Town	304.91
Maude E. Walters	E1/3 Lot 1, Block 64, Original Town	315.87
Craig C. Hand	C1/3 Lot 1, Block 64, Original Town	142.78
Cosrec Enterprises	W1/3 Lot 1, Block 64, Original Town	219.10

Glade Inc.	E 44' Lot 2, Block 64, Original Town	250.14
Ivan P. & Sharon L. Walsh	W1/3 Lot 2, Block 64, Original Town	199.02
Double S Properties LLC	E1/3 Lot 3, Block 64, Original Town	164.32
Services Unlimited Agricultural Consultants, Inc.	W2/3 Lot 3, Block 64, Original Town	575.14
Galen E. & Tamera M. Gerdes	Lot 4, Block 64, Original Town	571.48
Ronald L. & Francene Zook	N 22' Lot 8, Block 64, Original Town	202.67
Terry M. & Susan M. Taylor	S1/2 N1/3 Lot 8, Block 64, Original Town	164.33
Laverne & Donna R. Shehein	N 44' S 88' Lot 8, Block 64, Original Town	178.93
Wayne E. & Ardith C. May	Lot 1, Block 65, Original Town	216.24
Drs. Grange, Pedersen & Brown	E1/3 Lot 2, Block 65, Original Town	190.30
Connie Swanson Kersten	C1/3 Lot 2, Block 65, Original Town	171.63
Archway Partnership	W1/3 Lot 2, Block 65, Original Town	275.70
Fredda Bartenbach	E1/3 Lot 3, Block 65, Original Town	82.16
Janelle L. Brown	W1/3 Lot 3, Block 65, Original Town	164.32
Allen V. & Linda Hoffer	E1/3 Lot 4, Block 65, Original Town	278.13
Lungrin's, Inc.	W2/3 Lot 4, Block 65, Original Town	341.43
Terry & Susan Taylor	N 22' Lot 5, Block 65, Original Town	147.89
Wm. P. & JuliAnn Ziller	S 44' N1/2 Lot 5, Block 65, Original Town	218.19
JO Enterprises Inc.	S1/2 Lot 5, Block 65, Original Town	297.61
Steve & Barbara Fuller	W1/3 Lot 6, Block 65, Original Town	88.61
Scott & Sheri Arnold	E2/3 Lot 6, Block 65, Original Town	265.29
Transportation Equipment	W1/2 Lot 7, Block 65, Original Town	217.28
Drs. Grange, Pedersen, Brown	N 55' of E1/2 Lot 7; N 55' Lot 8, Block 65, Original Town	58.41
Drs. Grange, Pedersen, Brown	C 22' of E 4' Lot 7; C 22' of Lot 8, Block 65, Original Town	224.58
Drs. Grange, Pedersen, Brown	W 18.9' of E1/2 Lot 7; N 29.9' of E 14.1' Lot 7; W 29' C 22' E1/2 Lot 7, N 29.9' of S 55' Lot 8 x CN6' S31.1' E40' Lot 8, Block 65, Original Town	246.49
Drs. Grange, Pedersen, Brown	S 25.1' of Lot 8; N 6' of S 31.1' of E 40' Lot 8; and S 25.1' of E14.1' of Lot 7, Block 65, Original Town	326.82
WDC Partnership	Lots 1 & 2, Block 66, Original Town	949.43
John Vipperman, Arthur Wetzel	E1/3 Lot 3, Block 66, Original Town	253.79

Ronald E. Bodie	S1/3 W1/3 C1/3 Lot 3 (Except 17.5'), Block 66, Original Town	253.79
James G. Duda	N88' E1/3 Lot 4, Block 66, Original Town	270.22
J. Gary & Patricia Vejvoda	N 88' C1/3 Lot 4, Block 66, Original Town	318.43
Ben's Drug Store, Inc.	N80' W1/3 Lot 4, Block 66, Original Town	109.55
Masonic Templecraft Assoc.	Pt W 17.5' S 44' Lot 3; N 5' S 52' W 22', & S 44', Lot 4, Block 66, Original Town	248.77
Fredda Bartenbach	Lot 5, W1/3 Lot 6, Block 66, Original Town	517.29
Fredda Bartenbach	E2/3 Lot 6; W1/3 Lot 7, Block 66, Original Town	262.92
James E. & Mary Ann Keeshan	E2/3 Lot 7, Block 66, Original Town	278.62
Procon Management Inc.	Lot 8, Block 66, Original Town	636.85
Plaza Square Development	S1/2 Block 67, Original Town	1,504.27
Steven & Vicki Rasmussen	W2/3 Lot 2, Block 68, Original Town	216.91
FOE #378	Pt Lot 3; Lot 4, Block 68, Original Town	739.54
Plaza Square Development	Lot 5; W 22' Lot 6, Block 68, Original Town	147.89
Equitable Building & Loan	Lot 1, Block 79, Original Town	314.04
Equitable Building & Loan	Lot 2, Block 79, Original Town	122.91
Equitable Building & Loan	S 44' Lot 3, S 44' Lot 4, Block 79, Original Town	713.90
Margo Schager	Lot A, Gilbert's North, 22' x 99'	178.93
Equitable Building & Loan	Lot B, Gilberts North	180.76
Equitable Building & Loan	N 26' 101/2" Lot 8, Block 79, Original Town	31.01
Equitable Building & Loan	S 17' 11/2" N 44' Lot 8, Block 79, Original Town	19.02
Equitable Building & Loan	S 88' Lot 8, Block 79, Original Town	105.94
Josephine O'Neill, Trustee	W1/3 Lot 3, All Lot 4, Block 80, Original Town	358.70
Qwest (US West)	Lots 5, 6 and 7, and N 44' of Lot 8, Block 80, Original Town; Centrally Assessed	4,319.88
David C. Huston	C1/3 Lot 8, Block 80, Original Town	299.44
Joseph M. & Lori J. Brown	S 44' Lot 8, Block 80, Original Town	279.46
Olson Furniture & Auction, Inc.	Lot 1, Block 81, Original Town	761.50
Ronald E. & Sharon R. Trampe	W1/3 Lot 2, Block 81, Original Town	177.11
Virginia M. Harris	E1/3 Lot 3, Block 81, Original Town	184.41
James S. & Precious Reed	C1/3 Lot 3, Block 81, Original Town	253.79
Ronald C. & Vada M. Krauss	W1/3 Lot 3, Lot 4, Block 81, Original Town	524.53

Walnut Street Partnership	Lot 5, Block 81, Original Town	429.07
Walnut Street Partnership	Lot 6, Block 81, Original Town	206.32
Wheeler Street Partnership	Lot 7; S2/3 Lot 8, Block 81, Original Town	723.03
Schroeder-Rathman, Trustees	N1/3 Lot 8, Block 81, Original Town	301.26
Morris Publishing Group LLC	Lot 1, Block 82, Original Town	93.45
Morris Publishing Group LLC	Lot 2, Block 82, Original Town	275.70
Morris Publishing Group LLC	Lot 3, Block 82, Original Town	93.45
Morris Publishing Group LLC	Lot 4, Block 82, Original Town	312.22
Morris Publishing Group LLC	Lots 5, 6, 7 and 8, Block 82, Original Town	2,994.37
Grand Island Hospitality LLC	Lots 1 and 2, Block 83, Original Town	460.08
JOMIDA, Inc.	Lots 3 and 4, Block 83, Original Town	967.69
Michael & Sonya Wooden	E 41' N 28' Lot 8, Block 83, Original Town	136.94
Michael & Sonya Wooden	Pt N1/3 and S2/3 Lot 8, Block 83, Original Town	228.23
Contryman & Associates	Lots 3 and 4, Block 85, Original Town	533.14
G.I. Liederkranz	Lots 1, 2, 3 and 4, Block 87, Original Town	325.11
Home Federal Savings & Loan Assoc. of Grand Island	Pt Lots 1, 2, 3, 4 and 7; all of Lots 5 and 6; pt Vacated Alley, Block 89, Original Town	381.60
Enviro-Clean Contractors Inc.	N 60' of Fr Lots 1, 2, 3, Block 69, Original Town	408.99
Kathleen A. Campbell	W 67' S 50' Lot 4, Hann Addiiton	91.55
Hoos Insurance Agency Inc.	Lot 4, Pt of Vac St, Block 97, Railroad Addition (Comp County Sub 15-11-9)	295.74
Filemon Sanchez	N1/2 Lot 1, Block 98, Railroad Addition	26.01
Arvid C. Carlson	Lot 2, Block 98, Railroad Addition	103.49
Buck's Rental Inc.	W 52' Lot 7, Block 98, Railroad Addition	223.30
Filemon Sanchez	E 14' Lot 7, Lot 8, Block 98, Railroad Addition	284.83
Contryman Associates	Lots 1 and 2, Block 106, Railroad Addition	430.90
The Muffler Shop, Inc.	Lots 1 and 2, Block 107, Railroad Addition	355.21
The Muffler Shop, Inc.	Lots 3 & 4, Block 107, Railroad Addition	217.77
Joseph M. & Lori Jean Brown	S2/3 Lot 5, Block 107, Railroad Addition	409.01
David E. Janda, DDS	S 72' Lot 8, E 29.54' of S 71.5' Lot 7, Block 107, Railroad Addition	358.62
Barbara J. Clinch	N 60' of E 22' of Lot 7, N 60' Lot 8, Block 107, Railroad Addition	302.50
Richard & Marilyn Fox	Lots 1 and 2, Block 108, Railroad Addition	553.26

Douglas Bookkeeping	W 29' Lot 3, Lot 4, Block 108, Railroad Addition	676.65
Donald J. & Janet L. Placke	S 88' Lot 5, Block 108, Railroad Addition	123.39
Sam Huston Rev Living Trust	Lot 6, Block 108, Railroad Addition	180.71
Bosselman, Inc.	Lots 7 and 8, Block 108, Railroad Addition	628.89
David A. & Carolyn J. Gilroy	S 61' Lot 1; S 61' Lot 2, Block 109, Railroad Addition	95.92
Gregory T. & Gay L. Austin	N 71' Lot 1; N 71' Lot 2, Block 109, Railroad Addition	131.35
Lawrence J. & Sarah Lynn Levering	E 59.5' Lot 3, Block 109, Railroad Addition	139.31
Lawrence J. & Sarah Lynn Levering	W 6' 6.5" Lot 3, E 52'11" Lot 4, Block 109, Railroad Addition	63.69
Roger L & Sharon K. McShannon	Lots 5 and 6, Block 109, Railroad Addition	255.62
Virgil L. & Darlene G. Roush, Trustees	Lots 7 & 8, Block 109, Railroad Addition	465.70
Salvation Army	Block 113 and Vacated Alley, Railroad Addition	217.32
Bonna Wanek	S 88' Lot 7, Block 114, Railroad Addition	55.79
Bonna Wanek	Lot 8, Block 114, Railroad Addition	665.69
Artvest III	Yancey Condominium 001	90.55
Artvest III	Yancey Condominium 002	26.58
Equitable Building & Loan	Yancey Condominium 101	41.08
Equitable Building & Loan	Yancey Condominium 102	169.80
Equitable Building & Loan	Yancey Condominium 103	248.31
Equitable Building & Loan	Yancey Condominium 104	613.48
Equitable Building & Loan	Yancey Condominium 201A	540.45
Devco Investment Corporation	Yancey Condominium 301	94.75
Arvon & Luella Marcotte	Yancey Condominium 302	77.12
Thomas & Nita Farr	Yancey Condominium 303	95.85
William L. Zins	Yancey Condominium 304	103.57
Dudley & Diana Baxter	Yancey Condominium 401	78.22
Artvest III	Yancey Condominium 402	83.73
Artvest III	Yancey Condominium 403	82.63
Romsa Family Trust	Yancey Condominium 404	90.34

Artvest III	Yancey Condominium 405	83.73
Larry D. Ruth	Yancey Condominium 406	82.63
Wyndell & Barbara Fordham	Yancey Condominium 407	110.17
Archway Partnership	Yancey Condominium 501	80.43
Artvest III	Yancey Condominium 502	87.04
Dudley & Diana Baxter	Yancey Condominium 503	83.73
Lloyd L. Vodehnal	Yancey Condominium 504	90.34
Artvest III	Yancey Condominium 505	83.73
Wayne D. Abbott	Yancey Condominium 506	82.63
Sandra Dawson	Yancey Condominium 507	111.27
Artvest III	Yancey Condominium 601	82.63
Artvest III	Yancey Condominium 602	88.14
Andrew Meier Donald Matthews	Yancey Condominium 603	83.73
Daniel F. Clyne	Yancey Condominium 604	90.34
Artvest III	Yancey Condominium 605	84.84
Ryan G. Hansen	Yancey Condominium 606	83.73
Anastasia Dembowski	Yancey Condominium 607	112.38
Laura J. Johnson	Yancey Condominium 701	82.63
Artvest III	Yancey Condominium 702	88.14
Richard & Margaret Johnson	Yancey Condominium 703	84.84
Art & Jan Burtscher	Yancey Condominium 704	91.45
Ann C. Atkins	Yancey Condominium 705	84.84
Clifton J. Long, Sandra A. Thinnes	Yancey Condominium 706	84.84
Nelse Zachry	Yancey Condominium 707	113.48
Artvest III	Yancey Condominium 801	82.63
Mapes & Co. Partnership	Yancey Condominium 802	88.14
Mapes & Co. Partnership	Yancey Condominium 803	90.34
David H. Wren	Yancey Condominium 1002	88.14
Jeremy S. & Jack L. Gillam	Yancey Condominium 1003	91.44
Ruth E. Megard, Trustee	Yancey Condominium 1005	96.95
Tera VanWinkle	Yancey Condominium 1006	123.40

John Patrick Tooley	Yancey Condominium 1101	84.84
Linda L. Clare Rev Trust	Yancey Condominium 1102	89.24
Bradley C. Kissler	Yancey Condominium 1103	93.65
Frank L. Hoelck Trust	Yancey Condominium 1104	126.70
Elizabeth W. Mayer	Yancey Condominium 1105	99.16
Judy J. Arnett	Yancey Condominium 804	123.40
Wendy Alexander Christine Alexander-Johnson	Yancey Condominium 805	93.65
Gerald & Janet Janulewicz	Yancey Condominium 806	122.30
James F. Nissan Rev Trust	Yancey Condominium 901	82.63
Elaine & Everett Evnen	Yancey Condominium 902	88.14
Elaine & Everett Evnen	Yancey Condominium 903	91.44
Ann C. Atkins	Yancey Condominium 904	124.50
Theodore L. Beck	Yancey Condominium 905	94.75
Peggy McCann	Yancey Condominium 906	123.40
Stephen & Margaret Arrasmith	Yancey Condominium 1001	83.73
Elizabeth W. Mayer	Yancey Condominium 1106	125.60
Home Federal Savings & Loan Assn	Lot 3, Hann's 4 <sup>th</sup> Addition	1,661.48
Roxann Kennedy	W 18.9' of E 33' of S 25.1' Lot 7, Block 65, Original Town	40.90
Equitable Building & Loan	Yancey Condominium 201B	65.37
Equitable Building & Loan	Yancey Condominium 201C	164.33
Equitable Building & Loan	Yancey Condominium 201D	124.16

SECTION 2. The special tax shall become delinquent in fifty (50) days from date of this levy; the entire amount so assessed and levied against each lot or tract may be paid within fifty (50) days from the date of this levy without interest and the lien of special tax thereby satisfied and released. After the same shall become delinquent, interest at the rate of fourteen percent (14%) per annum shall be paid thereon.

SECTION 3. The city treasurer of the City of Grand Island, Nebraska, is hereby

directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 4. Such special assessments shall be paid into a fund to be designated

as the "Downtown Business Improvement District No. 5".

SECTION 5. Any provision of the Grand Island City Code, any ordinance, or

part of an 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, in pamphlet form, within fifteen days in one issue of the Grand Island

Independent as provided by law.

Enacted:	September	14	2004
Linacica.	Debtember	тт.	<b>4</b> 00 <b>T</b> .

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item F4

#8934 - Consideration of Amending the Grand Island City Code Relative to Downtown Improvement and Parking District Taxes

**Staff Contact: David Springer** 

City of Grand Island City Council

## Council Agenda Memo

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Consideration of Amending City Code Chapter 13-3

Relative to Tax Rate for Downtown Improvement and

Parking District No. 1

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

**Presenter(s):** David Springer, Finance Director

#### **Background**

This request is the annual Council action to establish the occupation tax that supports the budget for Downtown Improvement and Parking District No. 1. Assessments in this district are based upon an occupation tax on the public space of the businesses operating within the District and are ordinarily paid by the business occupants of the space. This district has been in place since 1975, and is primarily focused on physical improvements and maintenance of public parking lots and green areas and other activities as allowed by NE. Rev Statutes 19-4016-4038.

#### **Discussion**

The FY2004-2005 occupation tax factor is \$.1377 per square foot of public use space, with a minimum annual fee of \$104.72. Total non-exempt footage in the District is 316,902 which would provide for occupation taxes of \$44,645.52.

### **Alternatives**

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

- 1. Approve the amendment to the city code.
- 2. Modify the amendment to meet the wishes of the Council.
- 3. Deny the amendment.

## Recommendation

City Administration recommends that the Council approve the amendment to City Code.

#### **Sample Motion**

Approve the Amendment to City Code Chapter 13-3 relative to the tax rate for the Downtown Improvement and Parking District No. 1.

ORDINANCE NO. 8934

An ordinance to amend Chapter 13 of the Grand Island City Code; to amend

Section 13-3 pertaining to the occupation tax for Downtown Improvement and Parking District

No. 1; to repeal Section 13-3 as now existing, and any ordinance or parts of ordinances in

conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF

GRAND ISLAND, NEBRASKA:

SECTION 1. Section 13-3 of the Grand Island City Code is hereby amended to

read as follows:

§13-3. Tax Rate

The annual rate of the general license and occupation tax and classification of businesses shall be as

follows:

(1) \$00.1377 \$00.1342 square foot floor space upon all space used for business and professional offices in the

district; provided,

(2) \$104.72 minimum annual tax for any single business or professional office should the tax rate under (1)

above be less than \$104.72.

SECTION 2. Section 13-3 as now existing, and any ordinances or parts of

ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after

its passage and publication, within fifteen days in one issue of the Grand Island Independent as

provided by law.

Enacted: September 14, 2004.

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards City Clerk		



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item F5

**#8935 - Consideration of Water Rate Change** 

Staff Contact: Gary R. Mader

City of Grand Island City Council

## **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director

Meeting: September 14, 2004

**Subject:** Water Rate Change

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

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

#### **Background**

The Water Department last had a rate increase in 1994. Over that 10 year period, the system has grown from 222 miles of pipe to 255 miles of pipe, an increase of 15%, and the pressures to continue to expand the system are expected to continue. Over the last 10 years the inflation rate has been relatively low, but expenses have steadily increased as the price of materials, labor and power have increased and are projected to continue to do so.

#### **Discussion**

In order to meet increasing costs and maintain the financial position of the Water Department to meet growth, sometimes on an emergency basis as in the Mary Lane area, the Utilities Department proposes a rate increase. A 2% rate increase is included in the '04 – '05 Water Department budget. The table below provides a comparison of the present and proposed rate schedule.

MONTHLY BILLING RATES			
WOIT	PRESENT RATE	PROSOSED RATE	
	Per 100 cu. Ft.	2% Increase	
First 500	\$ 1.255	\$1.282	
Next 500	\$ 0.500	\$0.510	
Next 3,000	\$ 0.492	\$0.502	
Next 6,000	\$ 0.440	\$0.449	
Next 90,000	\$ 0.384	\$0.392	
Next 100,000	\$ 0.308	\$0.314	
Over 200,000	\$ 0.271	\$0.276	
Monthly Minimum (500 Cu. Ft.)	\$ 6.28	\$ 6.41	

You will note that the percentage change in each rate block varies somewhat from an even 2%. That is due to rounding of the computations.

For comparison, a residential customer using 10,000 gallons of water in a month will see their bill for water increase from \$10.41 to \$10.63.

It is proposed that the new rate schedule go into effect October 1, 2004; which means billings under the new rate would commence in November, 2004.

#### **Alternatives**

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

- 1. Approve the rate increase.
- 2. Deny the rate increase.
- 3. Modify the rates.
- 4. Table the issue.

#### Recommendation

City Administration recommends that the Council approve the rate increase.

#### **Sample Motion**

I move to approve the new Water Rate Schedule with an effective date of October 1, 2004.

#### ORDINANCE NO. 8935

An ordinance to amend Chapter 35 of the Grand Island City Code; to amend Section 35-30 pertaining to an increase in the water rate schedule; to repeal Section 35-30 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 35-30 of the Grand Island City Code is hereby amended to read as follows:

#### §35-30. Schedule of Rates

The rate to be charged for water furnished shall be as follows:

Monthly Billings			
Cubic feet per month	Rate per 100 cubic		
•	feet		
First 500	\$1.282		
	<del>\$1.255</del>		
Next 500	0.510		
	0.500		
Next 3,000	0.502		
	0.492		
Next 6,000	0.449		
	0.440		
Next 90,000	0.392		
	0.384		
Next 100,000	0.314		
	0.308		
Over 200,000	<u>0.276</u>		
	0.271		
Monthly Minimum (500 cu.ft.)	<u>6.41</u>		
	<del>6.28</del> *		

<sup>\*</sup>Plus a customer charge of \$0.30 per month for unfunded federal mandates for the Clean Water Act and the City's backflow program, in addition to the regular rates charged for water furnished to the customer.

SECTION 2. Section 35-30 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

Approved as to Form 

September 9, 2004 

City Attorney

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.

provided by law.		
Enacted: September 14, 2004.		
	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



# **City of Grand Island**

## Tuesday, September 14, 2004 Council Session

## Item G1

# **Approving Minutes of August 24, 2004 City Council Regular Meeting**

The Minutes of August 24, 2004 City Council Regular Meeting are submitted to approval. See attached MINUTES.

**Staff Contact: RaNae Edwards** 

City of Grand Island City Council

#### OFFICIAL PROCEEDINGS

#### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL REGULAR MEETING August 24, 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 August 24, 2004. Notice of the meeting was given in the Grand Island Independent on August 18, 2004.

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

<u>PLEDGE OF ALLEGIANCE</u> was said followed by the <u>INVOCATION</u> given by Pastor Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue.

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

<u>MAYOR COMMUNICATION</u>: Mayor Vavricek commented on the death of Ken Wortman from Aurora. Mentioned was his outstanding public service.

<u>ADJOURN TO BOARD OF EQUALIZATION</u>: Motion by Pielstick, second by Gilbert, carried unanimously to adjourn to Board of Equalization.

#2004-BE-12 — Consideration of Determining Benefits for Street Improvement District No. 1251, Grand West Fourth Subdivision; Craig Drive, Morrison Drive, and Carol Street. Public Works Director Steve Riehle stated that work had been completed on Street Improvement District No. 1251 and action was required by the Council to set the assessments for this district. Motion by Pielstick, second by Cornelius, to approve Resolution #2004-BE-12, carried unanimously.

#2004-BE-13 – Consideration of Determining Benefits for Water Extension District No. 445, Blair and Kentish Hills Subdivisions. Utilities Director Gary Mader stated that work had been completed on Water Extension District No. 445 and action was required by the Council to set the assessments for this district. Motion by Walker, second by Pielstick, to approve Resolution #2004-BE-13. Upon roll call vote Councilmembers Meyer, Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Walker, and Haase voted yes. Councilmember Gilbert abstained. Motion adopted.

#2004-BE-14 — Consideration of Determining Benefits for Water Main District No. 446T. Utilities Director Gary Mader stated that work had been completed on Water Extension District No. 446T and action was required by the Council to set the assessments for this district. Motion by Cornelius, second by Haase, to approve Resolution #2004-BE-14, carried unanimously.

<u>RETURN TO REGULAR SESSION</u>: Motion by Whitesides, second by Cornelius, carried unanimously to return to Regular Session.

#### PUBLIC HEARINGS:

<u>Public Hearing on Proposed Amendments to FY 2003-2004 Annual Budget.</u> David Springer, Finance Director reported it was necessary to increase the current year's budgeted revenues and budgeted appropriations by a total of \$5,010,000 each for the retirement of the Series 1999 Various Purpose Bonds and the issuance of the Series 2004 Refunding Bonds and the retirement of the Series 1998 Solid Waste Revenue Bonds and the issuance of the Series 2004 Revenue Refunding Bonds. No public testimony was heard.

Public Hearing on Request of Crown Asphalt Products Company for a Conditional Use Permit for Temporary Office Trailer Located at 1820 Fairchild Lane. Craig Lewis, Building Department Director reported that an application had been submitted by Crown Asphalt Products Company for a Conditional Use Permit for a temporary office trailer located at 1820 Fairchild Lane. It was recommended that council approve the permit with the following conditions: 1) The permit be for a two year period only, any additional space needed should be in a permanent facility; 2) Sanitation facilities for employees should be provided to an approved system; and 3) No sleeping or dwelling accommodations should be provided or allowed on site. No public testimony was heard.

#### ORDINANCES:

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

#8927 – Consideration of Amendments to FY 2003-2004 Annual Budget

#8928 – Consideration of Approving FY 2004-2005 Annual Single City Budget, The Annual Appropriations Bill Including Addendum #1

#8929 – Consideration of Assessments for Street Improvement District No. 1251, Grand West Fourth Subdivision; Craig Drive, Morrison Drive, and Carol Street

#8930 – Consideration of Assessments for Water Extension District No. 445, Blair and Kentish Hills Subdivisions

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 this Ordinance? No public comment was heard.

City Clerk: Ordinances #8927, #8928, #8929, and #8930 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. Councilmembers Pielstick and Haase voted no on Ordinance #8928. Councilmember Gilbert abstained from voting on Ordinance #8930. Motion adopted.

City Clerk: Ordinances #8927, #8928, #8929, and #8930 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. Councilmembers Pielstick and Haase voted no on Ordinance #8928. Councilmember Gilbert abstained from voting on Ordinance #8930. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8927, #8928, #8929, and #8930 are declared to be lawfully passed and adopted upon publication as required by law.

<u>CONSENT AGENDA</u>: Item G-6 was pulled from the consent agenda. Motion was made by Cornelius, second by Haase, to approve the Consent Agenda excluding item G-6. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim Filed by Anthony and Carly Huffman.

Approving Minutes of August 10, 2004 City Council Regular Meeting.

<u>Approving Minutes of August 11, 2004 City Council Special Budget Meeting.</u> Councilmember Cornelius abstained. It was noted that corrections to the minutes were made.

Approving Minutes of August 17, 2004 City Council Study Session.

Approving Request of Fonner Park Exposition and Events Center, Inc. for Ratification of Election of Board of Directors, Brian Hamilton, George Wanitschke, Vince Dowding, Jim Cannon, and John R. Brownell.

#2004-201 – Approving Connection Fees for Water Main District No. 446T, Part of Section 25-11-10.

#2004-202 – Approving Bid Award for Transmission Poles, Steel/Wood Equivalent with WESCO Distribution, Inc. of Grand Island, Nebraska in an Amount of \$121,736.04.

#2004-203 – Approving Bid Award for Turbine Packing Replacement Valve Overhaul with Power Generation Services of Anoka, Minnesota in an Amount of \$226,836.00 plus tax.

#2004-204 – Approving Addendum to Sales Agreement for 1209-1219 W. North Front Street (Thompson Building).

- #2004-205 Approving Bid Award for (2) Playground Structures with Churchich Recreation Design, Inc. of Omaha, Nebraska for (1) Playground Structure at Ryder Park in an Amount of \$20,000.00 and ABCreative, Inc. of Omaha, Nebraska for (1) Playground Structure at Chevron Park in an Amount of \$27,010.00.
- #2004-206 Approving Outside Funding for Hope Harbor f/k/a Community Humanitarian Resource Center in an Amount of \$4,500.00.
- #2004-207 Approving Outside Funding for The Crisis Center, Inc, in an Amount of \$12,000.00.
- #2004-208 Approving Outside Funding for the Grand Island Area Council for International Visitors in an Amount of \$1,000.00.
- #2004-209 Approving Outside Funding for the Grand Island/Hall County Convention & Visitors Bureau in an Amount of \$10,000.00.
- #2004-210 Approving Outside Funding for the Retired Senior Volunteer Program in an Amount of \$10,000.00.
- #2004-211 Approving Outside Funding for the Senior Citizens Industries, Inc. in an Amount of \$15,000.00.
- #2004-212 Approving Outside Funding for Clean Community System in an Amount of \$20,000,00.
- #2004-213 Approving Certificate of Final Completion for Asphalt Maintenance Project 2004-AC-1; Located in Various Locations in Grand Island with Gary Smith Construction Co., Inc. of Grand Island, Nebraska.
- #2004-214 Approving Bid Award for Street Improvement District No. 1253, Island Circle, West of Webb Road in Lacy Subdivision with the Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$99,265.26.
- #2004-215 Approving Bid Award for Vehicle Exhaust Removal Systems with Air Clean Technologies, Inc,. of Bonner Springs, Kansas in an Amount of \$53,550.00.

Approving Request of Crown Asphalt Products Company for Conditional Use Permit for Temporary Office Trailer Located at 1820 Fairchild Lane. Craig Lewis, Building Department Director answered questions and explained that it was recommended the following conditions would apply: 1) The permit be for a two year period only, any additional space needed should be in a permanent facility; 2) Sanitation facilities for employees should be provided to an approved system; and 3) No sleeping or dwelling accommodations should be provided or allowed on site.

Motion was made by Whitesides, second by Haase to approve the request of Crown Asphalt Products Company for a Conditional Use Permit with the above stated conditions. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2004-216 – Consideration of Approving 1% Increase to the Lid Limit. David Springer, Finance Director reported that in 1998 the Nebraska State Legislature passed LB989, which put a cap on the amount of restricted revenues a political subdivision could budget for. The restricted revenues that the City of Grand Island included in the budget were Property Taxes, Local Option Sales Tax, Motor Vehicle Tax and State Aid. Of those restricted revenues, property tax was the only revenue that the City could control. The increase in restricted funds authority using the 1% additional amount and the population growth (when available) was not an increase in budgeted revenues. It only provided the ability to increase restricted revenues, particularly property tax, in a future year if necessary.

Lewis Kent, 624 E. Meves spoke in opposition.

Motion was made by Whitesides, second by Nickerson to approve Resolution #2004-216. Upon roll call vote, all voted aye. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Cornelius, second by Meyer, approve the Claims for the period of August 11, 2004 through August 24, 2004, for a total amount of \$2,416,724.62. Motion adopted. Councilmember Pielstick abstained from voting on claim #78086.

ADJOURNMENT: The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

RaNae Edwards City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G2

Approving Minutes of September 7, 2004 City Council Study Session and Special Meeting

The Minutes of September 7, 2004 City Council Study Session and Special Meeting are submitted for approval. See attached MINUTES.

**Staff Contact: RaNae Edwards** 

#### OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL STUDY SESSION September 7, 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 September 7, 2004. Notice of the meeting was given in the Grand Island Independent on September 1, 2004.

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

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

MAYOR COMMUNICATION: Mayor Vavricek mentioned the death of Serviceman Eric Knott who lost his life in Iraq while serving our country and to remember his family.

<u>DISCUSSION CONCERNING NUISANCE CODE CHANGES</u>: City Attorney Doug Walker reported that the City had received complaints regarding various properties around the City of Grand Island that presented an unsightly appearance, but which did not currently violate the provisions of Grand Island Nuisance Ordinance Section 20-13.

Proposed changes to Section 20-13 were presented which would create five additional types of violations. The following five changes were discussed:

Subsection C – offends decency

Subsection D – is offensive to senses

Subsection E – unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city

Subsection F – in any way renders other persons insecure in life or the use of their property

Subsection G – essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others

Discussion was held with regards to animal waste concerning horses. Mr. Walker stated as long as it did not accumulate, create an order, or cause a health problem it would not be a problem. The definition of "decency" was discussed. Mr. Walker defined it as anything offending the neighborhood. Complaints could be brought to the Problem Resolution Team (PRT) which would then be turned over to the Code Compliance Officer for enforcement.

Councilmember Nickerson recommended deleting Subsection C – "offends decency" as it was subjective. He questioned if the City was ready to take this on if it were passed. Mr. Walker stated that his office was. Comments were made by City Councilmembers concerning situations within the City that needed to be looked at.

City Administrator Gary Greer cautioned the Council about eliminating Subsection C and that we needed to look at it with regards to pornography which offends decency. He questioned how aggressive the City Council wanted staff to be in dealing with these issues and that we needed to develop a policy. Discussion was held with regards to those homes that were rented and were a nuisance.

The following people spoke with regards to the nuisance code changes:

Dave Seiser, 804 Geddes commented on his business of dealing with hides and skins and would like to see that wording taken out of the ordinance

Julia Royer, 923 West John Street commented on the property at the corner of Anna Street and Greenwich and supported of these changes

Karen Nagel, 1905 N. North Road spoke concerning animal manure and suggested the word "excessive" to replace "any quantity" in the ordinance

Alan Piel, 1906 Stolley Park Road spoke with regards to his compost that included manure and several other items on the list

Michael O'Connell, 602 South Greenwich asked if diesel fuel fumes coming into a home was a violation. City Attorney Doug Walker stated that it could be.

Cindy Troester, 611 South Greenwich commented on the property at Anna and Greenwich and the effect it was having on her property valuation.

Steve Stimple, 3126 Goldenrod Drive commented on his business in taxidermy and fur buying

Rick VanBibber, 214 East Oklahoma commented with regards to disposing animal waste Lewis Kent, 624 East Meves Avenue commented on more regulations and mentioned the ones on the books that were not being enforced

Paul Wicht, 724 West 17<sup>th</sup> Street commented on disposing game animal waste

City Attorney Doug Walker stated that the wording of skins and hides could be taken out of Section 20-13.1(A) in the proposed ordinance. It was the consensus of the Council to leave this wording in the ordinance. Mayor Vavricek recommended that City staff meet with the Health Department to discuss health issues with regards to the proposed code changes.

Councilmember Pielstick requested that this issue be brought forward to the September 14, 2004 Regular City Council meeting for a vote.

DISCUSSION CONCERNING REVISIONS TO DOG ORDINANCES: City Attorney Doug Walker reported that city staff was proposing three changes to the City Code dealing with dogs running at large and the process for declaring dogs vicious. These changes were recommended by the Animal Advisory Board. Proposed changes to City Code Sections 5-37, 5-1, and 5-34 were discussed to improve and expedite the process of declaring dogs vicious to protect the public. Minor changes were proposed to the language in the dog running at large definition.

The following people spoke with regards to the revisions to the dog ordinances:

Pete Kortum, 1718 South Blaine Street spoke in support and commented on Section 5-1 "Running at Large" and the word "unattended". He recommended we differentiate between viscous and non-viscous dogs.

Tammy Ross, 239 South Oak Street presented pictures of her daughter "Abby" that had been bitten by a dangerous dog. She spoke in support of the code changes.

Seraphine Aguilar, 923 East 6<sup>th</sup> Street spoke with regards to an incident concerning his dog that did no harm and no proof to support the complaint. Pat Bell, Executive Director of the Humane Society spoke concerning this incident where an investigation was conducted and a bite was found.

Alan Piel, 1906 Stolley Park Road spoke with regards to meter readers and the "one strike you're out" rule

Discussion was held with regards to the definition of "dangerous animal" versus "potentially dangerous animal", whether we should have a specific breed designation in city code, meter readers, and "one strike you're out" rule. Discussed and supported by the Council was that if a dog kills someone it should be immediately put down.

Pat Bell, Executive Director of the Humane Society explained the process of labeling a dog dangerous. Investigations were done when a dog had bitten someone.

City Administrator Gary Greer stated that this issue would be brought before the Animal Advisory Board to address further issues as discussed at this meeting.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

City Clerk RaNae Edwards

#### OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL SPECIAL MEETING September 7, 2004

Pursuant to due call and notice thereof, a Special 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 September 7, 2004. Notice of the meeting was given in the Grand Island Independent on September 2, 2004.

Mayor Jay Vavricek called the meeting to order at 9:50 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, and City Attorney Doug Walker.

### EXECUTIVE SESSION:

Motion by Pielstick, second by Hornady, carried unanimously to adjourn to executive session at 9:50 p.m. for the purpose of discussing property negotiations.

### RETURN TO REGULAR SESSION:

Motion by Hornady, second by Cornelius, carried unanimously to reconvene in regular session at 10:20 p.m.

ADJOURNMENT: Adjourned the meeting at 10:20 p.m.

Respectfully submitted,

RaNae Edwards City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G3

**Approving Garbage and Refuse Haulers Permits** 

**Staff Contact: RaNae Edwards** 

## **Council Agenda Memo**

From: RaNae Edwards, City Clerk

Meeting: September 14, 2004

**Subject:** Approving Garbage and Refuse Haulers Permits

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

**Presente** r(s): RaNae Edwards, City Clerk

### **Background**

Grand Island City Code Section 17-15 allows for the Collection, Transportation, and Disposal of Garbage and/or Refuse. These permits are effective October 1 through September 30 of each calendar year.

### **Discussion**

The following businesses have submitted applications for renewal for 2004/2005:

Central Waste Disposal, 147 East Roberts
Clark Brothers Sanitation, 3080 West 2<sup>nd</sup> Street
Garbage
Mid-Nebraska Disposal, Inc., 3080 West 2<sup>nd</sup> Street
Full Circle, Inc., 3719 Westgate Road
Scott's Hauling, 3230 Westside Street
Refuse

All City Code requirements have been met by these businesses.

### **Alternatives**

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

- 1. Approve the renewal for garbage/refuse permits.
- 2. Disapprove or deny the renewals.
- 3. Modify the renewals to meet the wishes of the Council.
- 4. Table the issue

## Recommendation

City Administration recommends that the Council approve the renewals for garbage/refuse permits for 2004/2005.

## **Sample Motion**

Approve the renewal for garbage/refuse permits for 2004/2005.



## Tuesday, September 14, 2004 Council Session

## Item G4

Approving Request of Bag 'N Save, Inc. dba Bag 'N Save, 1215 Allen Drive for Class "D" Liquor License

This item relates to the aforementioned Public Hearing Item E-9.

**Staff Contact: RaNae Edwards** 



## Tuesday, September 14, 2004 Council Session

## Item G5

Approving Request of Bag 'N Save, Inc. dba Bag 'N Save, 1235 Allen Drive for Class "B" and "K" Liquor Licenses

This item relates to the aforementioned Public Hearing Item E-10.

**Staff Contact: RaNae Edwards** 



## Tuesday, September 14, 2004 Council Session

## Item G6

Approving Request of Helene Rae Shrago, 12639 Shirley Street, Omaha, Nebraska for Liquor Manager Designation for Bag 'N Save, 1215 Allen Drive

**Staff Contact: RaNae Edwards** 

## **Council Agenda Memo**

From: RaNae Edwards, City Clerk

Meeting: September 14, 2004

**Subject:** Request of Helene Rae Shrago, 12639 Shirley Street,

Omaha, Nebraska for Liquor Manager Designation for Bag 'N Save, 1215 Allen Drive and 1235 Allen Drive

**Item #'s:** G-6

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

### **Background**

Helene Rae Shrago, 12639 Shirley Street, Omaha, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D-64670"; Class "B-64671"; and Class "K-64672" Liquor Licenses for Bag 'N Save located at 1215 Allen Drive and 1235 Allen Drive. These applications have 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:

- Approve the request of Helene Rae Shrago, 12639 Shirley Street, Omaha, Nebraska for Liquor Manager Designations in conjunction with the Class "D, B, and K" Liquor Licenses for Bag 'N Save, 1215 Allen Drive and 1235 Allen Drive.
- 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 Helene Rae Shrago, 12639 Shirley Street, Omaha, Nebraska for Liquor Manager Designations for Bag 'N Save, 1215 Allen Drive and 1235 Allen Drive.



## Tuesday, September 14, 2004 Council Session

## Item G7

#2004-177 - Approving Acquisition of a Public Utility Easement Along the Property of 3936 Hampton Road, Lot 27 of the Kentish Hills Subdivision (Ron and Darla Sitzman)

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

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

### RESOLUTION 2004-177

WHEREAS, public utility easements are required by the City of Grand Island, from Ronnie R. Sitzman and Darla M. Sitzman, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot Twenty Seven (27) Kentish Hills Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

Being the easterly ten (10.0) feet of the westerly eighteen (18.0) feet of Lot Twenty Seven (27), Kentish Hills Subdivision, as shown on the plat dated June 30, 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 Ronnie R. Sitzman and Darla M. Sitzman, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G8

#2004-178 - Approving Acquisition of a Public Utility Easement Along the Property of 3937 Dover Court, Lot 3 of the Kentish Hills Subdivision (Ryan & Whitney Witt)

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

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

### RESOLUTION 2004-178

WHEREAS, a public utility easement is required by the City of Grand Island, from Ryan G. Witt and Whitney C. Witt, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Three (3), Kentish Hills Subdivision in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

Being the easterly ten (10.0) feet of the westerly eighteen (18.0) feet of Lot Three (3), Kentish Hills Subdivision, as shown on the plat dated June 30, 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 Ryan G. Witt and Whitney C. Witt, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G9

#2004-217 - Approving Changing the Delivery Date From 250 Days to 350 Days for Final Clarifier Mechanisms for the Waste Water Treatment Plant

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

## **Council Agenda Memo**

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

Meeting: September 14, 2004

**Subject:** Approving Changing the Delivery Date From 250 Days

to 350 Days for Final Clarifier Mechanisms for the Waste

Water Treatment Plant

**Item #'s:** G-9

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

### **Background**

On September 23, 2003 the City Council approved the bid for three (3) Final Clarifier Mechanisms (Project 2003-WWTP-2) to Dorr-Oliver EIMCO of Salt Lake City, Utah.

### **Discussion**

The signed contract, dated November 17, 2003, had a delivery date of 250 days. The date of delivery should be 350 days. The Public Works Department requested the delivery date be pushed ahead 100 days due to cash flow concerns and installation timing.

### **Alternatives**

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

- 1. Approve a resolution extending the period of the contract from 250 days to 350 days.
- 2. Disapprove or /Deny the extension of the contract.
- 3. Modify the request to meet the wishes of the Council
- 4. Table the issue.

## Recommendation

City Administration recommends that the Council pass a resolution extending the period of the contract from 250 days to 350 days for the delivery of the Final Clarifier Mechanisms.

## **Sample Motion**

Move to approve the extension of the contract.

### RESOLUTION 2004-217

WHEREAS, on September 23, 2003, by Resolution 2003-272, the City Council of the City of Grand Island approved the bid of Dorr-Oliver EIMCO of Salt Lake City, Utah for final clarifier mechanism, Project 2003-WWTP-2; and

WHEREAS, on August 10, 2004, by Resolution 2004-194, such bid award to Dorr-Oliver EIMCO was clarified; and

WHEREAS, the delivery for providing such equipment was set out in the contract as two hundred fifty (250) days; and

WHEREAS, the City has requested an extension of the delivery to three hundred fifty (350) days due to cash flow concerns and installation timing; and

WHEREAS, Dorr-Oliver has agreed to the time extension.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the completion date for final clarifier mechanisms, Project 2003-WWTP-2 is hereby extended to November 1, 2004.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G10

#2004-218 - Approving Continuation of Asphalt Street Improvement District No. 1254; Dale Roush and Dale Roush 2nd Subdivisions (Indian Acres)

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

## **Council Agenda Memo**

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

Meeting: September 14, 2004

**Subject:** Continuation of Street Improvement District

No. 1254; Dale Roush and Dale Roush 2<sup>nd</sup>

Subdivisions (Indian Acres)

**Item #'s:** G-10

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

### **Background**

Street Improvement District 1254, Dale Roush and Dale Roush 2<sup>nd</sup> Subdivisions (Indian Acres), was created by the City Council on July 13, 2004. Legal notice of the district creation was published in the *Grand Island Daily Independent* on July 20, 2004. Notification was also mailed to the property owners on that date, stating that the construction would take place unless more than 50% of the abutting landowners submitted written protests during the protest period.

### **Discussion**

The District completed the 20-day protest period at 5:00 p.m. on August 9, 2004. There were thirteen protests filed against this district by abutting property owners. These owners represented 1,671.05 front feet, or 9.43% of the total district frontage of 17,724.00 feet. Accordingly, this district may be continued and constructed.

### **Alternatives**

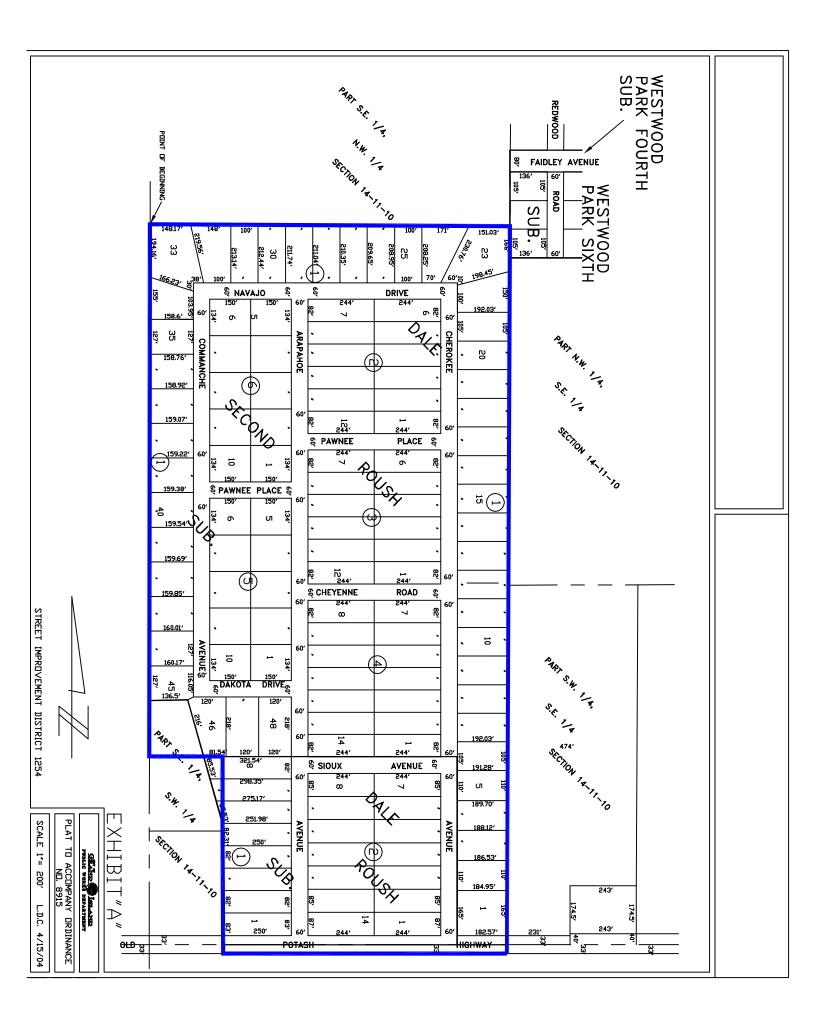
- 1. Approve the continuation of Street Improvement District 1254.
- 2. Disapprove or /Deny the continuation of the District.
- 3. Modify the recommendation to meet the wishes of the Council.
- 4. Table the issue.

## Recommendation

City Administration recommends that the Council pass a resolution for continuation of the district.

## **Sample Motion**

Move to approve the continuation of Street Improvement District 1254.



### RESOLUTION 2004-218

WHEREAS, Street Improvement District No. 1254 located in Dale Roush First Subdivision and Dale Roush Second Subdivision (Indian Acres) was created by Ordinance No. 8915 on July 13, 2004; and

WHEREAS, notice of the creation of such street improvement district was published in the Grand Island Independent in accordance with the provisions of Section 16-619, R.R.S. 1943; and

WHEREAS, Section 16-620, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within twenty days from the first publication of said notice written objections to such street improvement district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on August 9, 2004, and protests were filed with the City Clerk against the creation of Street Improvement District 1254 by property owners representing 9.43% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests having been filed with the City Clerk against the creation of Street Improvement District No. 1254, such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



Tuesday, September 14, 2004 Council Session

## Item G11

#2004-219 - Approving Bid Award for Sanitary Sewer District 512, Marylane, Kentish Hills and Bradley Subdivisions

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

## **Council Agenda Memo**

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

Meeting: September 14, 2004

**Subject:** Approving Bid Award for Sanitary Sewer

District No. 512, Marylane, Kentish Hills and

**Bradley Subdivisions** 

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

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

### **Background**

On July 19, 2004 the Engineering Division of the Public Works Department advertised for bids for Sanitary Sewer No. 512; Marylane, Kentish Hill, and Bradley Subdivisions.

### **Discussion**

Four bids were received and opened on August 3, 2004. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office have reviewed the bids that were received. Three bids were submitted in compliance with the contract, plans, and specifications with no exceptions. One bid was submitted with noted exceptions. A summary of the bids is shown below.

Bidder	Exceptions	Bid Security	Total Bid
Starostka Group	Noted	Merchants Bonding	\$528,638.16
Grand Island NE		Company	
Judds Bros.	None	Inland Insurance	\$510,631.00
Construction Co.		Company	
Grand Island NE			
The Diamond	None	Travelers Casualty	\$482,418.05
Engineering Co.			
Grand Island NE			
General Excavating	None	Universal Surety	\$477,488.14
Lincoln, NE		Co.	

The engineers estimate for this project was \$579,766.60. There are sufficient funds in Account No. 53030055-85213 to fund this contract.

### **Alternatives**

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

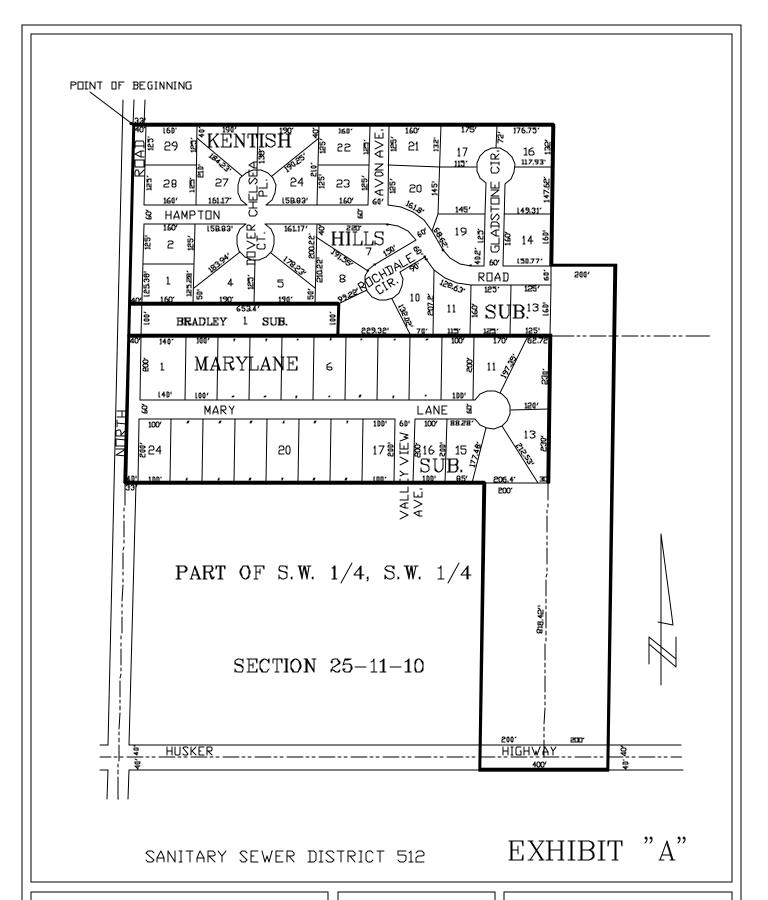
- 1. Approve awarding the contract for Sanitary Sewer District 512 to the lowest bidder.
- 2. Disapprove or/Deny awarding the contract.
- 3. Modify the contract to meet the wishes of the Council.
- 4. Table the issue, however, the contractor may withdraw their bid if there is not a contract awarded within 45 days of bid opening.

### Recommendation

City Administration recommends that the Council approve awarding the contract and passing a resolution authorizing the Mayor to sign a contract with General Excavating of Lincoln, Nebraska for the amount of \$477,488.14.

### **Sample Motion**

Move to approve the award of the contract to the lowest bidder, General Excavating of Lincoln, Nebraska for Sanitary Sewer District 512.





DATE: 10/17/03 DRN BY: L.D.C. SCALE: 1"=300'

PLAT TO ACCOMPANY ORDINANCE NO. 8862

# Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

### **BID OPENING**

BID OPENING DATE: August 3, 2004 at 11:00 a.m.

FOR: Sanitary Sewer District #512

**DEPARTMENT:** Public Works

**ESTIMATE:** \$579,766.60

FUND/ACCOUNT: 53030055-85213

PUBLICATION DATE: July 19, 2004

NO. POTENTIAL BIDDERS: 5

### **SUMMARY**

Bidder: Starostka Group Judds Bros. Construction Co.

Grand Island, NE Grand Island, NE

Bid Security: Merchants Bonding Company Inland Insurance Company

Exceptions: Noted None

Bid Price: \$528,638.16 \$510,631.00

Bidder: General Excavating The Diamond Engineering Co.

Lincoln, NE Grand Island, NE

Bid Security: Universal Surety Company Travelers Casualty

Exceptions: None None

Bid Price: \$477,488.14 \$482,418.05

cc: Steve Riehle, Public Works Director

Ben Thayer, Supt. WWTP Gary Greer, City Administrator Dale Shotkoski, Purchasing Agent Laura Berthelsen, Legal Assistant

### RESOLUTION 2004-219

WHEREAS, the City of Grand Island invited sealed bids for Sanitary Sewer District No. 512, according to plans and specifications on file with the City Engineer; and

WHEREAS, on August 3, 2004, bids were received, opened and reviewed; and

WHEREAS, General Excavating of Lincoln, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$477,488.14; and

WHEREAS, General Excavating's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of General Excavating of Lincoln, Nebraska, in the amount of \$477,488.14 for Sanitary Sewer District No. 512 is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute a contract with such contract for such project on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G12

#2004-220 - Approving Final Plat and Subdivision Agreement for Schaaf's Seventh Subdivision

**Staff Contact: Chad Nabity** 

## **Council Agenda Memo**

From: Regional Planning Commission

Meeting: September 2, 2004

**Subject:** Schaaf's Seventh Subdivision - Final Plat

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

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

### **Background**

This final plat proposes to create 2 lots on a parcel of land comprising of lot 1, and part of lot 2 Schaaf's Subdivision. This property consists of 1.372 acres. This property is zoned LLR Large Lot Residential.

### **Discussion**

This is a legal subdivision within the jurisdiction of the City of Grand Island. This will be permitted with a well and septic system as city services are not available at this location. An existing house is on lot one of this subdivision. An outbuilding on lot 2 of the subdivision will need to be removed or a residence built upon the lot within 6 months of acceptance of the subdivision agreement by the subdivider. This lots will front onto Seedling Mile Road. This property is not adjacent to the Grand Island City Limits.

### **Alternatives**

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

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

### **Recommendation**

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

A roll call vote was taken and the motion passed with 8 members present (Haskins, Lechner, O'Neill, Niemann, Miller, Ruge, Monter, Hayes) voting in favor.

### **Sample Motion**

Approve the Final Plat for Schaaf's Seventh Subdivision as presented.



### RESOLUTION 2004-220

WHEREAS, Leo Liske and Maxine M. Liske, husband and wife, as owners, have caused to be laid out into lots, a tract of land comprising all of Lot One (1) and a part of Lot Two (2), Schaaf's Subdivision, in Hall County, Nebraska, under the name of SCHAAF'S SEVENTH SUBDIVISION, and have caused a plat thereof to be acknowledged by them; and

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

WHEREAS, a form of subdivision agreement has been agreed to between the owners 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 SCHAAF'S SEVENTH 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, September 14, 2004.

RaNae Edwards, City Clerk



# Tuesday, September 14, 2004 Council Session

# Item G13

**#2004-221 - Approving Proposed Use of Local Law Enforcement Block Grant Funds** 

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

**Staff Contact: Kyle Hetrick** 

WHEREAS, the Grand Island Police Department has received notification that they have been awarded \$7,388 in grant funds from the Local Law Enforcement Block Grants (LLEBG) program; and

WHEREAS, the funds are to be used for police equipment, not personnel costs; and

WHEREAS, a public hearing was held on September 14, 2004 as required to discuss the proposed use of such funds; and

WHEREAS, it is proposed that the grant funds be used to purchase four LED rotation lights for patrol vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that approval be granted to utilize approximately \$7,400 of grant funds received from the Local Law Enforcement Block Grants program for the purchase of four LED rotation lights for patrol vehicles.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



Tuesday, September 14, 2004 Council Session

## Item G14

#2004-222 - Approving Application to the Nebraska Department of Economic Development for an Economic Development CDBG Grant

This item relates to the aforementioned Public Hearing Item E-11.

**Staff Contact: Jerenne Garroutte** 

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended, for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Grand Island, Nebraska, has obtained its citizens' comments on community development housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$429,947 for Standard Iron, Inc.'s building construction and equipment costs, and for grant administration costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to proceed with the formulation of any and all documents, contracts or other memoranda between the City of Grand Island and the Nebraska Department of Economic Development so as to effect application for and acceptance of the grant application for the purposes outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



Tuesday, September 14, 2004 Council Session

# Item G15

**#2004-223 - Approving Amendment to the 2004-2005 Fee Schedule** for Parking District **#2 (Ramp) and Police Department** 

**Staff Contact: David Springer** 

# **Council Agenda Memo**

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Approving Amendment to 2004-2005 Fee Schedule

Related to Parking District No.2 (Ramp) and Police

Department

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

**Presente** r(s): David Springer, Finance Director

### **Background**

Per City Code 13-55, The Downtown Improvement Board (DIB) is authorized to promulgate, subject to the approval and adoption by the City Council, lease rates for the parking spaces in the public parking ramp. It is the goal of the DIB to establish a fee structure that encourages usage of the ramp, while at the same time, one that reduces reliance on the district's taxes.

## **Discussion**

At its' August 19, 2004 meeting, the DIB approved changes to the ramp fee schedule which included recommendations from the Police Department. The DIB was unable to approve these fees at their July meeting, prior to the Council adopting the City's Fee Schedule, as they did not have a quorum at that meeting. These fee changes are now before the City Council for review and adoption.

### **Alternatives**

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

- 1. Approve the changes in fees.
- 2. Disapprove the changes in fees.
- 3. Modify the Resolution to meet the wishes of the Council
- 4. Table the issue

## Recommendation

City Administration recommends that the Council approve the changes to the Parking Ramp and Police Department fees.

## **Sample Motion**

Approve the Amendment to the 2004-2005 Fee Schedule Related to Parking District No.2 (Ramp) and Police Department.

WHEREAS, on July 27, 2004, by Resolution 2004-184, the City of Grand Island approved and adopted fees for items and services to be provided during the 2004-2005 fiscal year; and

WHEREAS, it is necessary to amend such fee schedule to implement fees processed by the Grand Island Police Department itemized on Exhibit "A" attached hereto; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Fee Schedule is hereby amended to allow the Grand Island Police Department to implement the fees identified in Exhibit "A" attached hereto.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

	<u> </u>			
Fee Schedule for 2005				
	2002	2008	2004	2005
TPOLICE DEPARTMENT		ammida A A A Second	Relational Communication	Segment Co Chimenose
Copy of Reports (see below)	2.00	2.00	2.00	2.00
Copy of Records 1-5 pages (for all pages, not each page	1.00	1.00	1.00	1.00
Copy of Records 6-10 pages (for all pages, not each page)	2.00	2.00	2.00	2.00
Copy of Records 11-15 pages (for all pages, not each page)	3.00	3.00	3.00	3.00
Bicycle License (one time)	2.50	2.50	2.50	0.00
Firearms Permit				5.00
Criminal Record Check (one time)	10.00	10.00	10.00	10.00
Towing Reac Day				60.00
Towing Fee Night				80.00
Impoundment Fee for Abandoned Vehicle	25.00	30.00	30.00	30.00 10.00
Storage Fee for Impounded Vehicle (per day)	10.00 27.50	10.00 55.00	10.00 55.00	95.00
Alcohol Test for DUI (each time)	27.30	33.00	33.00	93.00
  Solicitator's Permit (30 day permit) *used to be under Administration				25.00
Solicitators Fermit (50 day permit) used to be drider Administration		entement à des gignt étaqués devus en l'indécès et su different su different par ent		No longer
Solicitation Permit (per year) * used to be under Administration				available
Solicitor's Permit - Application Fee (Nonrefundable)	***************************************			25.00
Street Vendor's Permit - Application Fee (Nonrefundable)		2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		25.00
Street Vendor's Permit - 30 days				25.00
Street Vendor's Permit - 90 days		1	a was	60.00
Street Vendor's Permit - 365 days				200.00
Parking Ramp Permit Fees:		a Adami	i de in estita	
Lower Level & Reserved Monthly!	n ( <b>n</b> . 111), , , , , , ,		25/00/ments	25:00/month
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Reserved Daily Parking		P   1   1:00	1.00	0-2 hours/free
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Control of the Contro	A Development	lom.	2.00	nour
Reserved Daily Parking	or Proposition (1994)			
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# Tuesday, September 14, 2004 Council Session

# Item G16

#2004-224 - Approving Acquisition of Real Estate Located at 414 S. Shady Bend Road (Timothy & Mary Arends)

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

**Staff Contact: Steve Riehle** 

WHEREAS, on July 12, 2004, Timothy and Mary Arends, husband and wife, filed a lawsuit against the City of Grand Island in the District Court of Hall County, Nebraska, alleging that the discharge from the City's wastewater treatment facilities caused pollution to their property at 414 South Shady Bend Road; and

WHEREAS, negotiations to resolve such issues have been ongoing between the parties, and a potential settlement has been reached; and

WHEREAS, it is recommended that the City would pay to Timothy and Mary Arends, the sum of \$205,000 in exchange for the conveyance of their property at 414 South Shady Bend Road by warranty deed and an additional \$35,000 for reimbursement of alleged damages, relocation expenses and for complete settlement of all claims and legal issues between Timothy and Mary Arends and the City of Grand Island; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of property, legally described as follows:

A tract of land located in the Northeast Quarter (NE1/4) of Section Fourteen (14), in Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, described as follows:

Beginning at a point on the East Section line of said Section Fourteen, said point being 66.0 feet North of the Southeast corner of the Northeast Quarter (NE1/4) of said Section 14; thence North along and upon the East line of said Section 14, a distance of 833.93 feet; thence deflecting left 131°30' and running Southwesterly a distance of 900.86 feet; thence deflecting left 48°30' and running South and parallel to the East Section line a distance of 232.62 feet to a point 66.0 feet North of the South line of the Northeast Quarter (NE1/4) of said Section 14; thence deflecting left 89°37' and running Easterly and parallel to the South line of the Northeast Quarter (NE1/4) of said Section 14 a distance of 674.72 feet to the point of beginning; AND

A tract of land located in the Northeast Quarter (NE1/4) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., Hall County, Nebraska, being more particularly described as follows: with reference to the Southeast corner of said NE1/4; thence Northerly on the East line of said NE1/4 on an assumed bearing of N00°00'00"E for 899.93 feet to the point of beginning; thence continuing on aforesaid line for 20.00 feet; thence S48°34'51"W for 899.72 feet; thence S30°00'W parallel with the East line of said NE1/4 for 20.00 feet; thence running N48°34'51"E for 899.72 feet to the point of beginning; and

WHEREAS, a letter agreement dated August 20, 2004, sets out the terms and conditions

of such settlement terms, and has been reviewed and approved by the City Attorney; and

WHEREAS, the approval of such settlement terms will resolve all issues currently pending against the City by Timothy and Mary Arends.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the settlement agreement by and between the City and Timothy and Mary Arends regarding the property located at 414 South Shady Bend Road is hereby approved according to the terms set out in such agreement; and the Mayor is hereby authorized and directed to execute the agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

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## Tuesday, September 14, 2004 Council Session

## Item G17

#2004-226 - Approving Acquisition of Four (4) Utility Easements Located Along the North and South Sides of East Hwy. 30, West of Shady Bend Road (Woodward Family Trust and Woodward Marital Trust)

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

Staff Contact: Gary R. Mader

WHEREAS, public utility easements are required by the City of Grand Island, from the Woodward Family Trust and the Woodward Marital Trust, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way as follows:

#### Tract No. 1:

A tract of land comprising a part of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., located in the city of Grand Island, Hall County, Nebraska; the centerline of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Referring to the northwest corner of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West; thence easterly along the northerly line of the said Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4), a distance of Eighty Five (85.0) feet to the Actual Point of Beginning; thence deflecting right 42°34'18" and running southeasterly, a distance of Four Hundred Eighty Four and Twenty Eight Hundredths (484.28) feet to a point on the northerly right-of-way line of U.S. Highway 30. The side lines of the above-described tract shall be prolonged or shortened to terminate on the boundary of said Grantor's property.

The above-described easement and right-of-way containing 0.22 acres, more or less, as shown on the plat dated January 22, 2004, marked Exhibit "A1" attached hereto and incorporated herein by reference.

#### Tract No. 2:

A tract of land comprising a part of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., located in the city of Grand Island, Hall County, Nebraska; the centerline of the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

Referring the southeast corner of the Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West; thence northerly along the easterly line of the said Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4), a distance of Eighty One and Four Tenths (81.4) feet to the Actual Point of Beginning; thence deflecting left 45°42'37" and running northwesterly, a distance of One Hundred Ninety Five (195.0) feet. The side lines of the above-described tract shall be prolonged or shortened as required to terminate on the boundary of said

#### Grantor's property.

The above-described easement and right-of-way containing 0.09 acres, more or less, as shown on the plat dated January 22, 2004, marked Exhibit "A2" attached hereto and incorporated herein by reference.

#### Tract No. 3A:

A tract of land comprising a part of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in the city of Grand Island, Hall County, Nebraska; the centerline of the ten (10.0) foot wide utility easements and rights-of-way being more particularly described as follows:

Referring to the northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of the said Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4), a distance of Eleven and Seventy Four Hundredths (11.74) feet; thence southwesterly along the southerly right-of-way line of U.S. Highway 30, a distance of Thirty Eight and Eleven Hundredths (38.11) feet; thence southerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Forty Five and Two Tenths (45.2) feet; thence westerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Thirty One (31.0) feet; thence southwesterly along the southerly right-of-way line of said U.S. Highway 30, a distance of Eighty Two and Twelve Hundredths (82.12) feet; thence southerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Ten and Sixty Nine Hundredths (10.69) feet; thence southwesterly along the southerly right-of-way line of said U.S. Highway 30, a distance of Six Hundred Eighty Six (686.0) feet to the Actual Point of Beginning of Tract #3A; thence deflecting left 106°32'04: and running in a southeasterly direction, a distance of Twenty (20.0) feet. The side lines of the above described tract shall be prolonged or shortened as required to terminate on the boundary of Grantor's property.

The above-described easement and right-of-way is shown on the plat dated November 25, 2003, marked Exhibit "A3" attached hereto and incorporated herein by reference.

#### Tract No. 3B:

A tract of land comprising a part of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4) of Section Eleven (11), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in the city of Grand Island, Hall County, Nebraska; the centerline of the ten (10.0) foot wide utility easements and rights-of-way being more particularly described as follows:

Referring to the northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4), Section Eleven (11), Township Eleven (11) North, Range Nine (9) West;

thence southerly along the easterly line of the said Northeast Quarter of the Southeast Quarter (NE1/4, SE1/4), a distance of Eleven and Seventy Four Hundredths (11.74) feet; thence southwesterly along the southerly right-of-way line of U.S. Highway 30, a distance of Thirty Eight and Eleven Hundredths (38.11) feet; thence southerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Forty Five and Two Tenths (45.2) feet; thence westerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Thirty One (31.0) feet; thence southwesterly along the southerly right-of-way line of said U.S. Highway 30, a distance of Eighty Two and Twelve Hundredths (82.12) feet; thence southerly along the southerly right-of-way line of said U.S. Highway 30, a distance of Ten and Sixty Nine Hundredths (10.69) feet; thence southwesterly along the southerly right-of-way line of said U.S. Highway 30, a distance of Eight Hundred Twenty Seven and Ninety Eight Hundredths (827.98) feet; thence continuing southwesterly along the southerly right-of-way line of said U.S. Highway 30, a distance of Three Hundred Sixty Three and Seven Hundredths (363.07) feet to the Actual Point of Beginning of Tract 3B; thence deflecting left 121°09'58" and running in a southeasterly direction, a distance of Twenty (20.0) feet. The side lines of the above-described tract shall be prolonged or shortened as required to terminate on the boundary of the Grantor's property.

The above-described easement and right-of-way is shown on the plat dated November 25, 2003, marked Exhibit "A3" attached hereto and incorporated herein by reference.

#### Tract No. 4:

A tract of land comprising a part of the West Half (W1/2) of Section Twelve (12), Township Eleven (11) North, Range Nine (9) West of the  $6^{th}$  P.M., located in Hall County, Nebraska; the centerline of the ten (10.0) foot wide utility easement and right-of-way being more particularly described as follows:

Referring to the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4), Section Twelve (12), Township Eleven (11) North, Range Nine (9) West; thence easterly along the southerly line of said Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4), Section Twelve (12), Township Eleven (11) North, Range Nine (9) West, a distance of Thirty Three and One Hundredths (33.01) feet; thence northerly along the easterly right-of-way line of Shady Bend Road, a distance of Nine and Twenty Seven Hundredths (9.27) feet; thence northeasterly along the southerly right-of-way line of U.S. Highway 30, a distance of One Hundred Nine and Thirteen Hundredths (109.13) feet; thence southeasterly along a right-of-way line of said U.S. Highway 30, a distance of Seventy Eight and Thirty Seven Hundredths (78.37) feet to the Actual Point of Beginning; thence deflecting right 90°00'00" and running southwesterly, a distance of Twenty (20.0) feet.

The above-described easement and right-of-way containing 200 square feet, more or less, as shown on the plat dated November 26, 2003, marked Exhibit "A4" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire public utility easements from the Woodward Family Trust and Woodward Marital Trust, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

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Tuesday, September 14, 2004 Council Session

## Item G18

#2004-227 - Approving Bid Award for the Ditch Restoration From North Road Along Faidley Avenue Extending Toward Diers Avenue then North at 1/4 Mile West of US HWY 281

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

# **Council Agenda Memo**

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

Dale Shotkoski, Assistant City Attorney

Meeting: September 14, 2004

**Subject:** Approving Bid Award for the Ditch Restoration

From North Road Along Faidley Avenue Extending To ¼ Mile West of US HWY 281

then North

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

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

## **Background**

On September 1, 2004 the Street and Transportation Division of the Public Works Department advertised for bids for the above referenced project. The ditch restoration project runs from North Road along Faidley Avenue to ¼ mile west of US HWY 281, then north to NE HWY 2, along NE HWY 2 to US HWY 281 and along US HWY 281 to Webb Road. The project also includes the ditch from Independence Avenue between Arizona and Nevada east to the Army ditch south of NE HWY 2.

### **Discussion**

Two bids were received and opened on September 9, 2004. The Streets and Transportation Division of the Public Works Department and the Purchasing Division of the City Attorney's Office reviewed the bids that were received. The bids were submitted in compliance with the bid request form with no exceptions. A summary of the bids is shown below.

Bidder	Exceptions	Bid Security	Total Bid
Dobesh Land Leveling	None	N/A	\$79,100.00
Strobel Constructions	None	N/A	\$162,680.00

The estimate for this project is \$95,000. There are sufficient funds available in the Street Division of the Public Works Department in account No.10033504-85318.

### **Alternatives**

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

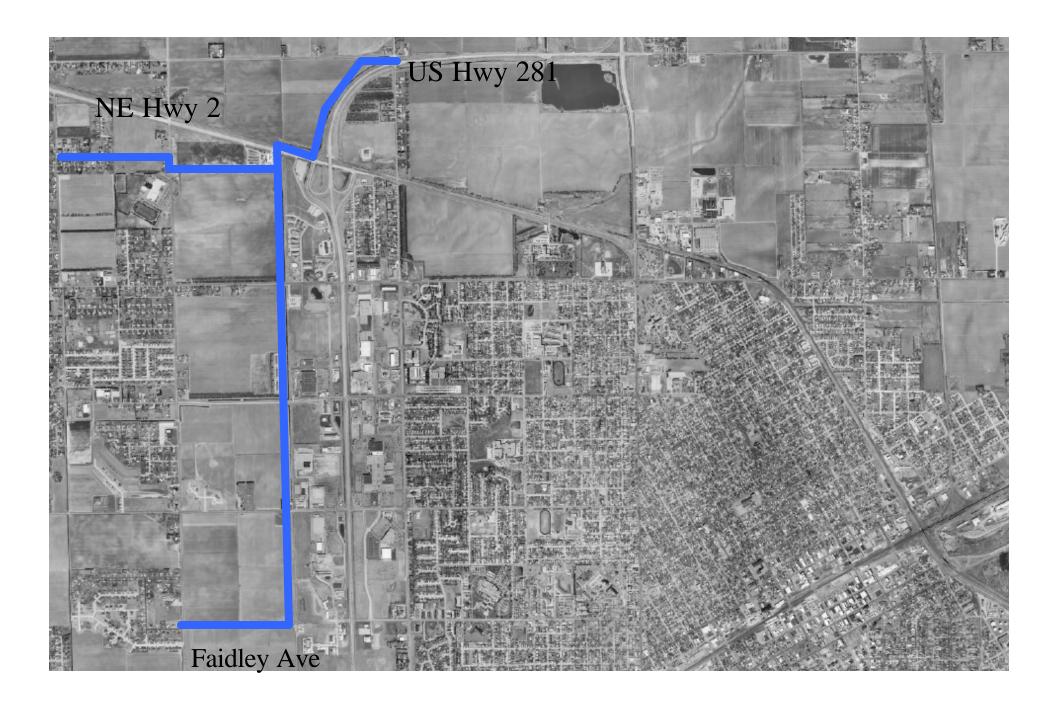
- 1. Approve awarding the contract for the ditch restoration to the lowest bidder.
- 2. Disapprove or/Deny awarding the contract.
- 3. Modify the contract to meet the wishes of the Council.
- 4. Table the issue, however, the contractor may withdraw their bid if it is not awarded within 45 days of bid opening.

### Recommendation

City Administration recommends that the Council approve awarding the contract for the ditch restoration project to Dobesh Land Leveling of Grand Island, Nebraska, for the amount of \$79,100.00.

### **Sample Motion**

Move to approve the award of the contract to Dobesh Land Leveling of Grand Island, Nebraska.



# Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

#### **BID OPENING**

BID OPENING DATE: September 9, 2004 at 11:15 a.m.

FOR: Drainage Ditch Restoration (Re-Bid)

**DEPARTMENT:** Public Works

**ESTIMATE:** \$95,000.00

FUND/ACCOUNT: 10033504-85318

PUBLICATION DATE: September 1, 2004

**NO. POTENTIAL BIDDERS:** 

### **SUMMARY**

Bidder: <u>Dobesh Landing Leveling</u> <u>Strobel Construction</u>

Grand Island, NE Clarks, NE

Exceptions: None None

Bid Price: \$79,100.00 \$162,680.00

cc: Steve Riehle, Public Works Director

Scott Johnson, Street Superintendent

Gary Greer, City Administrator Dale Shotkoski, Purchasing Agent Laura Berthelsen, Legal Assistant

WHEREAS, the City of Grand Island invited sealed bids for Drainage Ditch Restoration for the Street and Transportation Division of the Public Works Department, according to plans and specifications on file with the Street Division; and

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

WHEREAS, Dobesh Land Leveling of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$79,100; and

WHEREAS, Dobesh Land Leveling's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Dobesh Land Leveling of Grand Island, Nebraska, in the amount of \$79,100 for drainage ditch restoration is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute a contract with such contract for such project on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



## Tuesday, September 14, 2004 Council Session

## Item G19

#2004-228 - Approving Acquisition of a Public Utility Easement Along the Property of 514 Congdon Avenue, Lot 1 of Lambert's Addition (Galvan Construction)

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

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

WHEREAS, public utility easements are required by the City of Grand Island, from Galvan Construction, Inc., a Nebraska corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot One (1), Block Thirteen (13), Lamberts Addition to the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

The South Six (6.0) feet of Lot One (1), Block Thirteen (13), Lamberts Addition to the City of Grand Island, Hall County, Nebraska.

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 Galvan Construction, Inc., a Nebraska corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



Tuesday, September 14, 2004 Council Session

## Item G20

#2004-229 - Approving Bid Award for Asphalt Street Improvement District 1252; Lillie Drive from North Road to Mabel Drive and Mabel Drive North to Edna Drive

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

# Council Agenda Memo

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

Dale Shotkoski, Assistant City Attorney

Meeting: September 14, 2004

**Subject:** Approving Bid Award for Street Improvement

District 1252; Lillie Drive from North Road to Mabel Drive and Mabel Drive North to Edna

Drive (Asphalt Paving)

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

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

## **Background**

On August 18, 2004 the Engineering Division of the Public Works Department advertised for bids for Street Improvement District 1252.

### **Discussion**

Two bids were received and opened on September 2, 2004. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office have reviewed the bids that were received. All bids were submitted in compliance with the contract, plans, and specifications with no exceptions. A summary of the bids is shown below.

Bidder	Exceptions	Bid Security	Total Bid
J.I.L Asphalt Paving Co. Grand Island NE	None	The Cincinnati Insurance Co.	\$34,217.25
Gary Smith Construction Co. Grand Island, NE	None	Inland Insurance Co.	\$34,616.96

The engineer's opinion of cost for this project is \$44,431.38. There are sufficient funds available in the Public Works account No. 40033530-90060.

## **Alternatives**

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

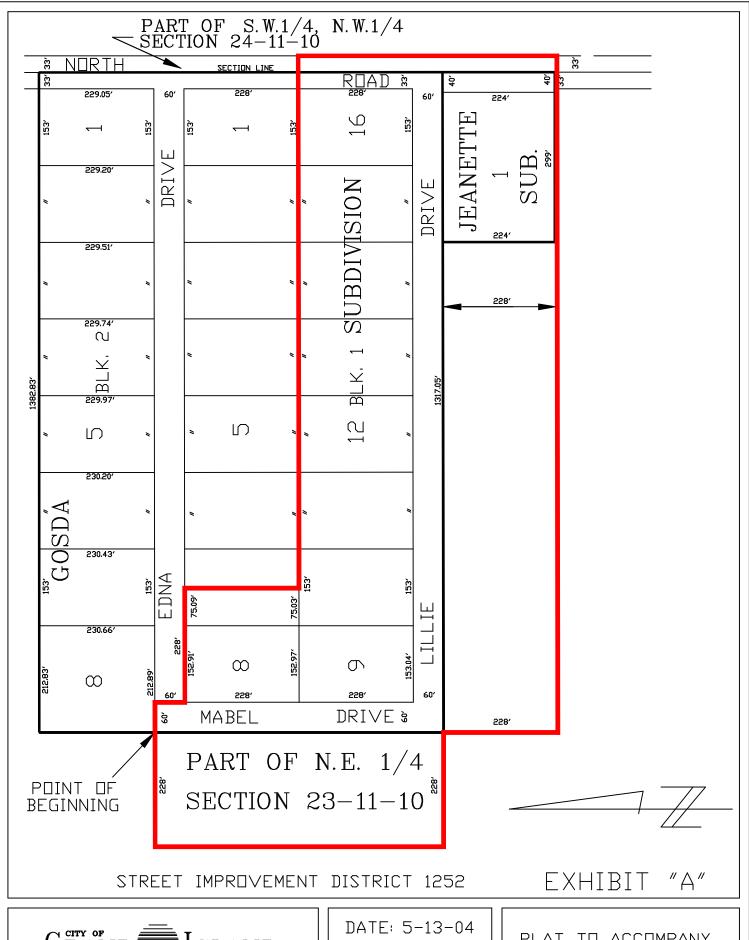
- 1. Approve awarding the contract for Street Improvement District 1252 to the lowest bidder.
- 2. Disapprove or/Deny awarding the contract.
- 3. Modify the contract to meet the wishes of the Council.
- 4. Table the issue, however, the contractor may with draw their bid if it is not awarded within 45 days of bid opening.

## **Recommendation**

City Administration recommends that the Council approve awarding the contract to J.I.L. Asphalt Co., of Grand Island, Nebraska, for the amount of \$34,217.25.

## **Sample Motion**

Move to approve the award of the contract to the lowest bidder, J.I.L. Asphalt Co., of Grand Island, Nebraska for Street Improvement District 1252.



GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 5-13-04 DRN BY: L.D.C. SCALE: 1"=200'

PLAT TO ACCOMPANY ORDINANCE NO. 8906

# Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

### **BID OPENING**

BID OPENING DATE: September 2, 2004 at 11:00 a.m.

FOR: Street Improvement District No. 1252

**DEPARTMENT:** Public Works

**ESTIMATE:** \$44,431.38

FUND/ACCOUNT: 40033530-90060

PUBLICATION DATE: August 18, 2004

NO. POTENTIAL BIDDERS: 6

#### **SUMMARY**

Bidder: J.I.L. Asphalt Paving Co. Gary Smith Construction Co.

Grand Island, NE Grand Island, NE

Bid Security: Cincinnati Insurance Co. Inland Insurance Co.

**Exceptions:** None None

Bid Price: \$34,217.25 \$34,616.96

cc: Steve Riehle, Public Works Director

Ron Underwood, Senior Engineering Manager

Laura Berthelsen, Legal Assistant

Gary Greer, City Administrator Dale Shotkoski, Purchasing Agent

P935

WHEREAS, the City of Grand Island invited sealed bids for Street Improvement District No. 1252, according to plans and specifications on file with the City Engineer; and

WHEREAS, on September 2, 2004, bids were received, opened and reviewed; and

WHEREAS, J.I.L. Asphalt Paving Co. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$34,217.25; and

WHEREAS, J.I.L. Asphalt Paving Co.'s bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of J.I.L. Asphalt Paving Co. of Grand Island, Nebraska, in the amount of \$34,217.25 for Street Improvement District No. 1252 is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute a contract with such contract for such project on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



# Tuesday, September 14, 2004 Council Session

# Item G21

#2004-230 - Approving Transfer of Funds from BID #2 to BID #5

**Staff Contact: David Springer** 

# Council Agenda Memo

From: David Springer, Finance Director

Meeting: September 14, 2004

**Subject:** Approving the Transfer of Funds from Business

Improvement District No.2 to Business Improvement

District No. 5

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

**Presente** r(s): David Springer, Finance Director

### **Background**

Fiscal 2002-2003 was the final year of the life of the Business Improvement District (BID) No.2, Downtown. Council on May 20, 2003, by Ordinance No.8812, created BID No.5 with a five year life, to replace the defunct BID No.2. At that time, there were a number of delinquent assessments due BID No.2 for which the City Attorney was seeking collection. Most of these have subsequently been collected and two are still on a payment plan. All known encumbrances and liabilities for BID No.2 will have been paid before this fiscal year is closed, leaving a cash balance of \$2,500 - \$3,000.

### **Discussion**

The old BID No.2 Fund needs to be closed out and any cash balance dispositioned by Council. The new downtown district has the same boundaries as the old one, and while appropriated to spend, these monies were not available to the old district, but could be moved to the new BID No.5 for it's' use, if council so chooses. The alternative would be to refund the remaining BID No.2 monies back to the district. With 291 businesses, the average would be under a ten dollar refund and costly to effect, as each would need to be set up as a payable account.

### **Alternatives**

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

- 1. Approve the transfer of the cash balance and future collections of BID No.2 to its' current counterpart, BID No.5.
- 2. Disperse the funds back to the District.
- 3. Modify the Resolution to meet the wishes of the Council

## Recommendation

City Administration recommends that the Council approve the transfer of funds from the old to the new BID.

## **Sample Motion**

Approve the Transfer of Funds from BID No. 2 to BID No.5.

WHEREAS, Business Improvement District No. 2 was created on January 25, 1999, by Ordinance No. 8402; and

WHEREAS, such district was created for the purpose of making improvements to the downtown area; and

WHEREAS, Business Improvement District No. 2 expired at the end of the 2002-2003 budget year; and

WHEREAS, all improvements associated with such district have been completed, and assessments against the property in the district will be fully collected by September 30, 2004; and

WHEREAS, it is anticipated that as of September 30, 2004, a balance of approximately \$3,000 will be remaining from Business Improvement District No. 2 operations; and

WHEREAS, it is recommended that such balance be transferred to Business Improvement District No. 5, which encompasses the same general area as Business Improvement District No. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that all funds remaining in Business Improvement District No. 2 as of September 30, 2004, and any future payments received from Business Improvement District No. 2 assessments shall be transferred to Business Improvement District No. 5.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.



## Tuesday, September 14, 2004 Council Session

## Item G22

#2004-231 - Approving Assignment of Lease from Toba, Inc. to the City of Grand Island, Utilities Department, for Union Pacific Railroad Right-of-Way

Staff Contact: Gary R. Mader; Doug Walker

## Council Agenda Memo

**From:** Gary R. Mader, Utilities Director

Doug Walker, City Attorney

Meeting: September 14, 2004

**Subject:** Thompson Building; assumption of Union Pacific Lease

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

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

### **Background**

The Electric Department, Line Division and Underground offices, shops and storage facilities are located in the 1100 block of West North Front Street. The current buildings were first built over 35 years ago. As the City has grown, so have the Utility's electric distribution divisions. Rather than abandon the current site and build new to meet this growth, the Utilities Department has acquired suitable adjacent properties as they have become available and integrated those facilities into the previously constructed facilities. The old YMCA property, which was located on the same block, was acquired in the 70's. A private residence in that same block was acquired in the 80's, and a commercial business in the block just east was acquired in the 90's. These acquisitions have been fully integrated into the Line Division's operations, and have provided well for the needed growth.

The property located at 1209 – 1219 West North Front, generally referred to as the Thompson Building, was approved for purchase to continue the expansion of the Line Division facilities in the area at the Council meeting of March 23, 2004.

### **Discussion**

The Purchase Agreement approved in March contained several contingencies required by the City to protect its interests in the proposed purchase. One of those contingences was the assumption of a 20 year lease with Union Pacific Railroad for property upon which a portion of the building is located. The business use of property leased from Union Pacific is a common situation in the central part of the City. Parts of the Public Works Department Shops are on property leased from the Railroad.

Union Pacific has agreed to assign the property lease to the City. A copy of the Agreement is attached. The proposed Lease Assignment has been reviewed by the Legal Department.

#### **Alternatives**

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

- 1. Approve the Lease Assignment.
- 2. Deny the Lease Assignment.
- 3. Modify the Assignment to meet the wishes of the Council.
- 4. Table the issue.

#### **Recommendation**

City Administration recommends that the Council approve the Assignment of the Lease from Union Pacific and that the Mayor be authorized to execute the Assignment.

#### **Sample Motion**

I move to approve the Assignment of the Property Lease from Union Pacific Railroad for the property at 1209 – 1219 West North Front Street and to authorize the Mayor to execute the Assignment.

Folder: 213-91 Audit: 181895

### ASSIGNMENT

THIS AGREEMENT is entered into on the day of, 2004, between UNION PACIFIC RAILROAD COMPANY ("Lessor") and TOBA, INC., a Nebraska corporation, whose address is P.O. Box 1466, Grand Island, NE 68802-1466, ("Assignor").
RECITALS:
By instrument dated March 06, 2003, Lessor and Assignor, or their predecessors in interest, entered into an agreement ("Basic Agreement"), identified as Audit No. 181895, at Grand Island, Nebraska.
AGREEMENT:
Effective September 15, 2004, Assignor assigns all of Assignor's right, title and interest in and to the Basic Agreement, including any supplement or amendment (if any), to CITY OF GRAND ISLAND, a municipal corporation of the State of Nebraska, whose address is City Hall, 100 East First Street P.O. Box 1968 Grand Island, Nebraska 68802-1968 ("Assignee").
Assignee accepts the above Assignment and agrees to be bound by all of the terms and conditions contained in the Basic Agreement and any supplement or amendment (if any). Assignee represents and warrants to Railroad that Assignee has purchased and is the owner of all improvements located on, in or under the premises leased under the Basic Agreement.
Lessor gives its consent to this Assignment. This consent does not authorize any further assignment of the Basic Agreement, whether voluntary or otherwise, without the prior written consent of Lessor. In the event of default by Assignee, Assignor shall be bound by and shall perform all of the obligations of the Basic Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first herein written.
By: Athory & Wald By: Senior Manager - Real Estate  (Assignor)  UNION PACIFIC RAILROAD COMPANY  By: Senior Manager - Real Estate
GRAND ISLAND, CITY OF
Ву:
Title:(Assignee)

WHEREAS, on March 23, 2004, by Resolution 2004-58, the City Council of the City of Grand Island approved the acquisition of a tract of land at 1219 W. North Front Street, generally referred to as the Thompson Building, to be used by the Utility Department; and

WHEREAS, the Commercial Agreement contained several contingencies required by the City to protect its interests in the proposed purchase; and

WHEREAS, one of the contingencies required by the City was the assumption of a 20-year lease with the Union Pacific Railroad for property upon which a portion of the building is located; and

WHEREAS, a Basic Agreement was entered into on March 6, 2003 (identified as Audic No. 181895, at Grand Island, Nebraska, by and between Anthony J. Wald of Toba, Inc. and the Union Pacific Railroad; and

WHEREAS, an Assignment of such Basic Agreement has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Assignment of the Basic Agreement by and between Toba, Inc., the Union Pacific Railroad Company, and the City of Grand Island to assign a 20-year lease to the City of Grand Island for property upon which a portion of the building at 1219 W. North Front Street is located, is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G23

#2004-232 - Approving Acquisition of Utility Easement - Northwest Corner of Diers and Carleton Avenue (Super Wal-Mart)

This item relates to the aforementioned Public Hearing Item E-8.

Staff Contact: Gary R. Mader

WHEREAS, public utility easements are required by the City of Grand Island, from Wal-Mart Real Estate Business Trust, a Delaware statutory trust, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on September 14, 2004, for the purpose of discussing the proposed acquisition of easements and rights-of-way through a part of Lot Three (3), Menard Sixth Subdivision in the City of Grand Island, Hall County, Nebraska, the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

The northerly twenty (20.0) feet of Lot Three (3), Menard Sixth Subdivision. The side lines of the above described tract shall be prolonged or shortened as required to terminate on the boundary of the Grantor's property.

The above-described easement and right-of-way containing 0.15 acres, more or less, as shown on the plat dated August 31, 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 Wal-Mart Real Estate Business Trust, a Delaware statutory trust, on the above-described tract of land.

\_ \_ \_

Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



Tuesday, September 14, 2004 Council Session

## Item G24

#2004-233 - Approving Time Extension to Contract with J.I.L. Asphalt Paving Company for Construction of Street Improvement District 1250, Edna Drive, North Road to Mabel Drive

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

## Council Agenda Memo

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

Meeting: September 14, 2004

**Subject:** Approving Time Extension to Contract with J.I.L.

Asphalt Paving Company for Construction of Street Improvement District 1250, Edna Drive, North Road to

Mabel Drive

Item #'s: G-24

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

### **Background**

The City Council awarded the bid for construction of Street Improvement District 1250 to J.I.L. Asphalt Paving Company on August 10, 2004.

### **Discussion**

J.I.L. Asphalt is requesting a time extension to complete the work for the above named district. They are requesting the extension due to the adjacent asphalt paving district, 1252; Lillie Drive and Mabel Drive which is scheduled to be awarded to J.I.L. at the September 14, 2004 regular council meeting. The extension of Street improvement District 1250, Edna Drive and the award of Street improvement District 1252, Lillie Drive and Mable Drive will allow J.I.L. to complete both of the projects at the same time.

#### **Alternatives**

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

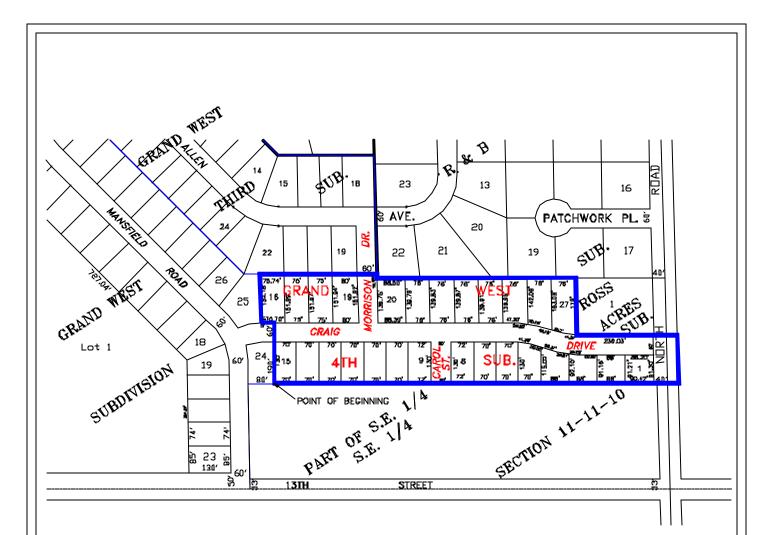
- 1. Approve the time extension for Street Improvement District 1250 to October 1, 2004.
- 2. Disapprove or/Deny the time extension.
- 3. Modify the request to meet the wishes of the Council.
- 4. Table the issue.

## Recommendation

City Administration recommends that the Council approve the request for the time extension for Street Improvement District 1250.

## **Sample Motion**

Move to approve the time extension.





STREET IMPROVEMENT DISTRICT 1251

EXHIBIT "A"



DATE: 10/21/03 DRN BY: L.D.C. SCALE: 1"=300'

PLAT TO ACCOMPANY ORDINANCE NO. 8861

WHEREAS, on August 10, 2004, by Resolution 2004-193, the City Council of the City of Grand Island approved the bid of J.I.L. Asphalt Paving Company of Grand Island, Nebraska for Street Improvement District No. 1250; and

WHEREAS, J.I.L. Asphalt Paving Company has requested a time extension to complete the work for Street Improvement District No. 1250 due to the adjacent asphalt paving district (Street Improvement District No. 1252), which would allow J.I.L. Asphalt Paving Company to complete both projects at the same time; and

WHEREAS, the City has agreed to such time extension.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the completion date for Street Improvement District No. 1250 is hereby extended to October 1, 2004.

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

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Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item G25

#2004-234 - Approving Addendum to Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority

**Staff Contact: Doug Walker** 

## **Council Agenda Memo**

From: Douglas R. Walker, City Attorney

Meeting: September 14, 2004

**Subject:** Approving Addendum Agreement to Share Initial Costs

to Investigate Creation of South Dakota Public Power

Authority

**Item #'s:** G-25

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

Gary Mader, Utilities Director

#### **Background**

The city has been contacted by a group of South Dakota municipalities to ascertain whether the City of Grand Island would be interested in exploring the possibility of creating a new public power entity that would investigate the possibility of acquiring the assets of Northwestern Corporation in the event that the company is sold. Discussions have occurred with other municipalities and public power districts in South Dakota and Nebraska to explore the feasibility of establishing a new public power corporation and to investigate the feasibility of purchasing and operating the assets of Northwestern Public Services.

### **Discussion**

The enclosed agreement would obligate the City of Grand Island to pay 11.1% of the cost of evaluating the feasibility of setting up a public power authority which would purchase the stock of Northwestern Public Services. To investigate whether or not setting up such a corporation is feasible and whether it is in the best interests of the various participants to attempt to be involved in setting up a company it is necessary to hire consultants and other professionals to help evaluate the assets of Northwestern Public Services and to evaluate the feasibility of establishing the company amongst a group of public power entities. Costs for the initial feasibility studies are estimated to be \$300,000 and Grand Island's share of the cost would therefore be approximately \$33,300. If the Council chooses to authorize the city to enter into this agreement, it will enable Grand Island to participate in this project through the initial investigations to determine whether it would be economically and legally viable.

#### **Alternatives**

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

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

#### **Recommendation**

City Administration recommends that the Addendum to Agreement be approved.

#### **Sample Motion**

Approve the Addendum to Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority.

WHEREAS, on July 12, 2004, an Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority was entered into by and between Brookings Municipal Utilities, Missouri River Energy Services, and Heartland Consumers Power District to investigate the formation of an entity to be responsible for the acquisition for the natural gas and electric facilities of Northwestern Corporation located in the State of South Dakota, the State of North Dakota, the State of Iowa, and certain portions of the State of Nebraska; and

WHEREAS, such agreement authorizes the parties to complete the initial investigation phase, to assess whether the project is feasible, and to divide the costs for such investigation; and

WHEREAS, a number of South Dakota cities have expressed a desire to participate in such agreement; and

WHEREAS, the parties to such agreement have contacted the City of Grand Island, the City of Kearney, and the City of North Platte to determine if they would be interested in exploring the possibility of creating a new public power entity that would investigate the possibility of acquiring the assets of Northwestern Corporation in the event the company is sold; and

WHEREAS, if the City of Grand Island chooses to join such group, it will enable the City to participate in this project through the initial investigations to determine whether it would be economically and legally viable; and

WHEREAS, the City would be responsible for a share of the initial costs, which is anticipated to be not more than \$50,000; and

WHEREAS, it is recommended that the City of Grand Island participate in such investigation; and

WHEREAS, the proposed Addendum No. 2 to the Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Addendum No. 2 to the Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority is hereby approved; and the Mayor is hereby authorized and directed to execute such addendum on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

RaNae Edwards, City Clerk

Approved as to Form ¤



Tuesday, September 14, 2004 Council Session

## Item H1

Request of Elvin & Carline Denman, 6125 S. U.S. Hwy. 281 for Consideration of Damaged Billboard

**Staff Contact: Craig Lewis** 

## Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: September 14, 2004

**Subject:** Request of Elvin & Carline Denman, 6125 U.S Hwy

#281 for Consideration of Damaged Billboard.

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

**Presente** r(s): Craig Lewis

### **Background**

This is a request for City Council consideration to allow for the repair and replacement of a Billboard sign along the east side of south US Highway #281. The sign has been damaged by recent winds to the extent that the City Code would not allow for the repairs and requires that the sign be removed. The sign is a legal non conforming sign as it was constructed several years ago and was only recently brought into the City's jurisdiction through annexation. The location of six other billboard signs within an 800 foot radius established by code would not allow for this structure to be rebuilt in conformance with City Code regulations.

### **Discussion**

In November of 2003 the City Council adopted revisions to the City Code which stated that legal nonconforming signs damaged for any reason to the extent that repairs are equal to or exceed 50% of the cost of the replacement of the sign it may not be repaired or replaced unless it will comply with all of the requirements of the City Code. On August 5, 2004 the Building Department sent a letter to Lamar Outdoor Advertising informing them of the damage to the sign and requesting it be removed by September 10, 2004. The damage to the sign has severed four of the seven support post and over one half of the face is currently on the ground creating a cost to repair in excess of 50%. The owners of the property have requested the City Council consider allowing the damaged sign to be repaired and remain at the current location as removal would significantly reduce income and hinder the traveling public.

#### **Alternatives**

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

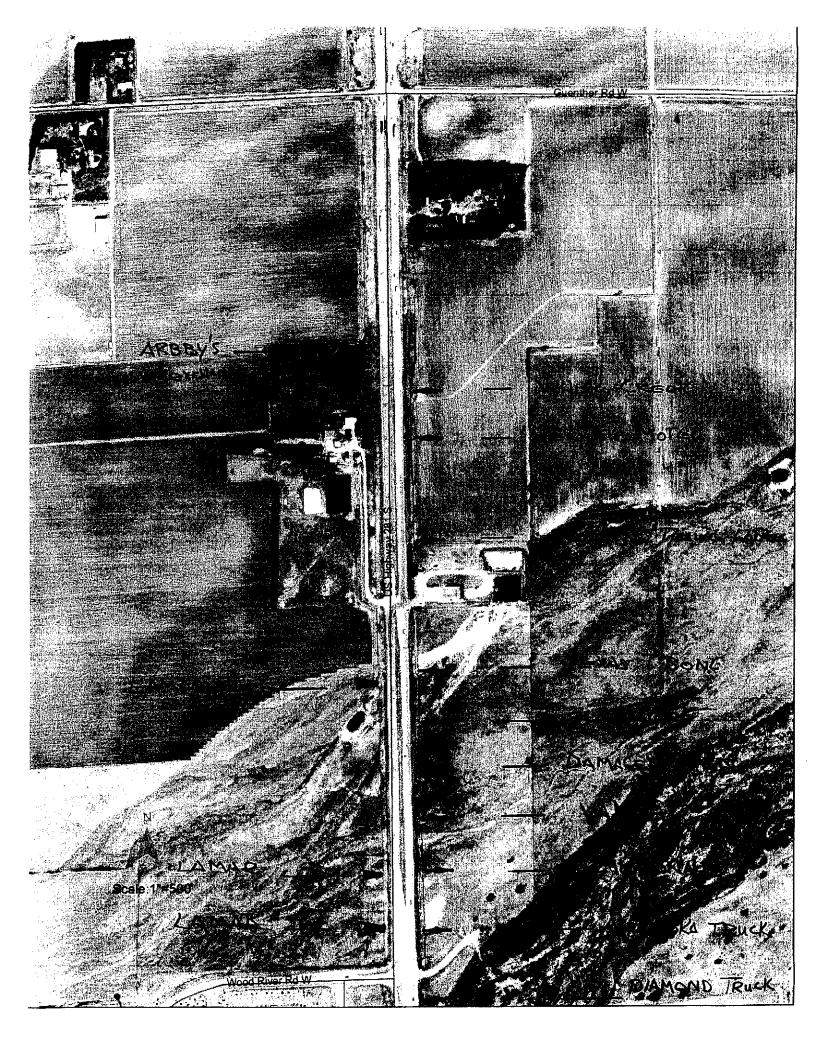
- 1. Approve the request and amend the City Code to allow nonconforming Billboards to be rebuilt.
- 2. Disapprove or /Deny the request.
- 3. Modify the request to meet the wishes of the Council
- 4. Table the issue

#### **Recommendation**

City Administration recommends that the Council deny the request and require the property and billboard to conform with established City Code requirements.

### **Sample Motion**

A motion to deny the request to amend the City Code in regard to nonconforming Billboard signs.





Tuesday, September 14, 2004 Council Session

## Item I1

**#2004-235 - Approving General Property, Parking District #2** (Ramp), and Community Redevelopment Authority Tax Request

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

**Staff Contact: David Springer** 

WHEREAS, Nebraska Revised Statute Section 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year; and

WHEREAS, the final levy of the Municipality for the fiscal year 2004-2005 for all general municipal purposes is set at .250000 per one hundred dollars of actual valuation; and

WHEREAS, the final levy of the Municipality for the fiscal year 2004-2005 for Parking District No. 2 is set at .073192 per one hundred dollars of actual valuation; and

WHEREAS, the final levy of the Municipality for the fiscal year 2004-2005 for the Community Redevelopment Authority is set at .024287 per one hundred dollars of actual valuation.

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

- 1. The amount to be raised by taxation for all general municipal purposes for the fiscal year commencing on October 1, 2004 in the amount of \$4,708,194 shall be levied upon all the taxable property in the City of Grand Island, and based on a current assessed valuation of \$1,883,272,257; and
- 2. The amount to be raised by taxation for Parking District No. 2 for the fiscal year commencing October 1, 2004 in the amount of \$26,000 shall be levied upon all the taxable property within Parking District No. 2, and based on a current assessed valuation of \$35,523,194; and
- 3. The amount to be raised by taxation for the Community Redevelopment Authority for the fiscal year commencing October 1, 2004 in the amount of \$457,391 shall be levied upon the taxable property in the City of Grand Island, and based on a current assessed valuation of \$1,883,272,257.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2004.

### RaNae Edwards, City Clerk



## Tuesday, September 14, 2004 Council Session

## Item J1

Payment of Claims for the Period of August 25, 2004 through September 14, 2004

The Claims for the period of August 25, 2004 through September 14, 2004 for a total of \$4,688,987.81. A MOTION is in order.

**Staff Contact: RaNae Edwards**