City of Grand Island

Tuesday, September 28, 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 **Pastor Randy Fett, St. Paul Lutheran Church, 1515 South Harrison Street**

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item C1

Proclamation "Senator Ray Aguilar Appreciation Week" September 27, 2004

Positive leadership is vital to the long term interests of our citizens and a strong community. Senator Ray Aguilar has shown many of these important characteristics. He has shown a strong knowledgeable voice representing the largest number of Grand Island citizens in Nebraska's Legislature. The Mayor has proclaimed the week of September 27, 2004 as "Senator Ray Aguilar Appreciation Week". See attached PROCLAMATION.

Staff Contact: Mayor Vavricek

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

PROCLAMATION

WHEREAS, it's always my desire to promote positive leadership in Grand Island; and

WHEREAS, positive leadership takes many forms and is many times challenged and subject to scrutiny and personal peril; and

WHEREAS, positive leadership can enrich the lives of others without personal reward while risking self sacrifice; and

WHEREAS, community service is vital to the best long term interests of our citizens and strong community service by all our people, should always be encouraged, not discouraged and that such service needs to be acknowledged with gratitude from time to time; and

WHEREAS, community service embraces contributions from men, women, and children of all walks of life including volunteers to veterans and yes, elected officials; and

WHEREAS, a strong knowledgeable voice needs to be aggressive at times and passionate…a voice of reason, a voice to persuade, a voice to capably express and protect and balance the best interest of so very many; and

WHEREAS, Senator Ray Aguilar represents the largest number of Grand Island citizens in Nebraska's Legislature.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the week of September 27, 2004 as

"SENATOR RAY AGUILAR APPRECIATION WEEK"

in the City of Grand Island, and do hereby extend our city's gratitude for the many years of community service of Senator Ray Aguilar and welcome his continued efforts…knowing history alone, is always the final judge of our deeds on this earth.

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

_____

Jay Vavricek, Mayor

Attest: _____

RaNae Edwards, City Clerk

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item C2

Recognition of Contributors to the Great Summer Youth Program

The Mayor and City Council will recognize contributors to the Great Summer Youth Program sponsored by the Grand Island Police Department. The following contributors will be recognized at the Council meeting: Tom Dinsdale Chevrolet, Super Saver, Howard School, Grand Island School Systems, Coca-Cola, Sam's Club, Wal-Mart, and Bosselman. We would like to thank these contributors for supporting the Great Summer Youth Program's success.

Staff Contact: Kyle Hetrick

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item E1

Public Hearing for a Nebraska Department of Economic Development Planning Grant

Staff Contact: Joni Kuzma

Council Agenda Memo

From: Joni Kuzma, Development Specialist

Meeting: September 28, 2004

Subject: Public Hearing for a Nebraska Department of Economic Development Planning Grant

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

Presenter(s): Joni Kuzma, Development Specialist

Background

The Nebraska Department of Economic Development is offering a second cycle of funding for a CDBG Planning Grant. There are funds available from NDED for the second cycle between October 1st and the 15th, 2004. The City of Grand Island is eligible for those funds as an incorporated municipality under 50,000 population. The City will apply under the Planning activity of "community strategic planning" for a needs assessment of homeless and homeless housing needs in Grand Island, the area served by Hope Harbor (Hall, Hamilton, Howard and Merrick Counties, and the tri-city area). Because of multi-county involvement, the City may apply for a grant up to $40,000. Inter local agreements with Hall County, Hamilton County, Howard County, Merrick County, Kearney County, Buffalo County, the City of Hastings and the City of Kearney are required for the Planning Grant.

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

Homelessness and homeless housing are an on-going issue in Central Nebraska. Hope Harbor provides housing and services to the majority of homeless persons in this area and works closely with other homeless service providers. On occasion, homeless housing is not available in Grand Island so clients are referred to the Hastings homeless facility. The study will address both local and tri-city homeless needs. A Planning Grant would fund a feasibility study to determine the needs of homeless persons and homeless housing needs in the Hall County homeless service area for the next 5 years. The study supports the

Nebraska Department of Economic Development priority of ending chronic homelessness in Nebraska in the next 5 years.

The City will enter into an inter local agreement with Hamilton County, Howard County, Merrick County, Hall County, Kearney County, Buffalo County, the City of Hastings and the City of Kearney. The inter-local agreement identifies the City as Grant Administrator on behalf of all involved entities. The City will apply for and administer a $40,000 Planning Grant, of which $2,800 will fund General Administration. Hope Harbor will provide the $9,300 required match.

Notice of the public hearing was given in the September 18, 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 Planning Grant application, inter local agreements and give approval for the Mayor to sign all related documents.
2. Disapprove or /Deny the Planning Grant application and inter local agreements.
3. Modify the Planning Grant application and inter local agreements to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that public comment be solicited regarding the proposed application and that Council gives approval to the Planning Grant application and gives approval for the Mayor to sign all related documents.

Sample Motion

Approve the submission of the proposed application and authorize the Mayor to sign all related documents.

INTERLOCAL AGREEMENT FOR PARTICIPATION IN A PLANNING GRANT FROM THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT BY AND BETWEEN THE COUNTY OF BUFFALO AND THE CITY OF GRAND ISLAND

THIS AGREEMENT is made and entered into this ___ day of _____, 2004, by and between the County of Buffalo, a body politic and corporate and a political subdivision of the state of Nebraska. herinafter referred to as the "County", and the City of Grand Island, a municipal corporation, herinafter referred to as the "City", for the administration of a planning block grant from the Nebraska Department of Economic Development. WITNESSETH:

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

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

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

WHEREAS, the County and the City are authorized by state law to receive, administer and expend Community Development Block Grant Funds for planning development; and

WHEREAS, Community Development Block Grant must be administered through an individual who has been certified by the Nebraska Department of Economic Development; and

WHEREAS, the County currently utilizes the services of Hope Harbor for their homeless and near homeless residents and wishes to be included in the planning grant to identify future services for homeless and near homeless residents in their community.

NOW, THEREFORE, the parties mutually covenant and agree as follows:

1. The City shall apply for a planning block grant from the Nebraska Department of Economic Development in the amount of $40,000 to be used to pay for the creation of a plan to address homelessness and homeless housing issues in the City of Grand Island and the Hope Harbor service area.

2. The City will provide properly certified staff to administer the grant funds.

3. The parties agree that an administrative fee from the grant of $2,800 represents a fair, reasonable and appropriate value for the administrative service to be provided by the City of

Grand Island. The City through its staff shall provide the services hereunder at no cost to Buffalo County. The Administrative fee provided in the grant shall be used by the City solely for purposes of the grant.

4. It is the expressed intent of the parties that this Agreement shall not create an employer/employee relationship between the County and the City's staff, who shall be directed and supervised by the City. The City shall not receive compensation of any sort for services rendered except as specifically set forth in this Agreement.

5. This Agreement may be modified by mutual agreement of the parties hereto.

6. This Agreement shall have a term of two (2) years from the date of the final award of grant to the City. This Agreement may be terminated at any time by either party upon thirty (30) days written notice mailed or delivered to the other party.

7. This Agreement shall become effective immediately upon lawful approval and execution by the parties and shall remain in full force and effect until such time as it is amended or terminated pursuant to the provisions herein. Provided, however, it is expressly understood and agreed by the parties that this agreement and the obligations, duties, and responsibilities expressed herein are contingent upon the receipt by the County of the above-described grant from the Nebraska Department of Economic Development. If said grant award is not made, this Agreement shall be null and void and of no effect.

8. There shall be no separate legal entity created through this interlocal cooperation agreement. Said agreement shall be jointly administered by the City of Grand Island and the County of Buffalo.

9. Any property acquired or made available by any party to this agreement for the purposes of this agreement shall remain the property of the party acquiring or making such property available and shall be disposed of by such party as provided by law, regulation or ordinance governing the same.

10. This Agreement shall be financed by funds available to the parties hereto, including, but not limited to grant funds awarded by the Nebraska Department of Economic Development.

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

EXECUTED this ___ day of _____, 2004.

City of Grand Island, Nebraska

by:_____
Jay Vavricek, Mayor

[attest]

_____
RaNae Edwards, City Clerk

Approved as to form:

_____
Doug Walker, City Attorney

County of Buffalo

by:_____

[attest]

_____
, County Clerk

Approved as to form:

_____
, Buffalo County Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item E2

Public Hearing on Acquisition of Utility Easement - Southwest Corner of 1123 N. St. Paul Road - Habitat for Humanity

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: September 28, 2004

Subject: Acquisition of Utility Easement – Southwest Corner of 1123 N. St. Paul Road – Habitat for Humanity

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

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

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of the Grand Island Area Habitat for Humanity, Inc., located in the southwest corner of property located at 1123 N. St. Paul Road, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to relocate a power pole to the south edge of the property to facilitate the construction of a new home. The relocation of the pole was requested by the Grand Island Area Habitat for Humanity who agreed to pay for the move.

Alternatives

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

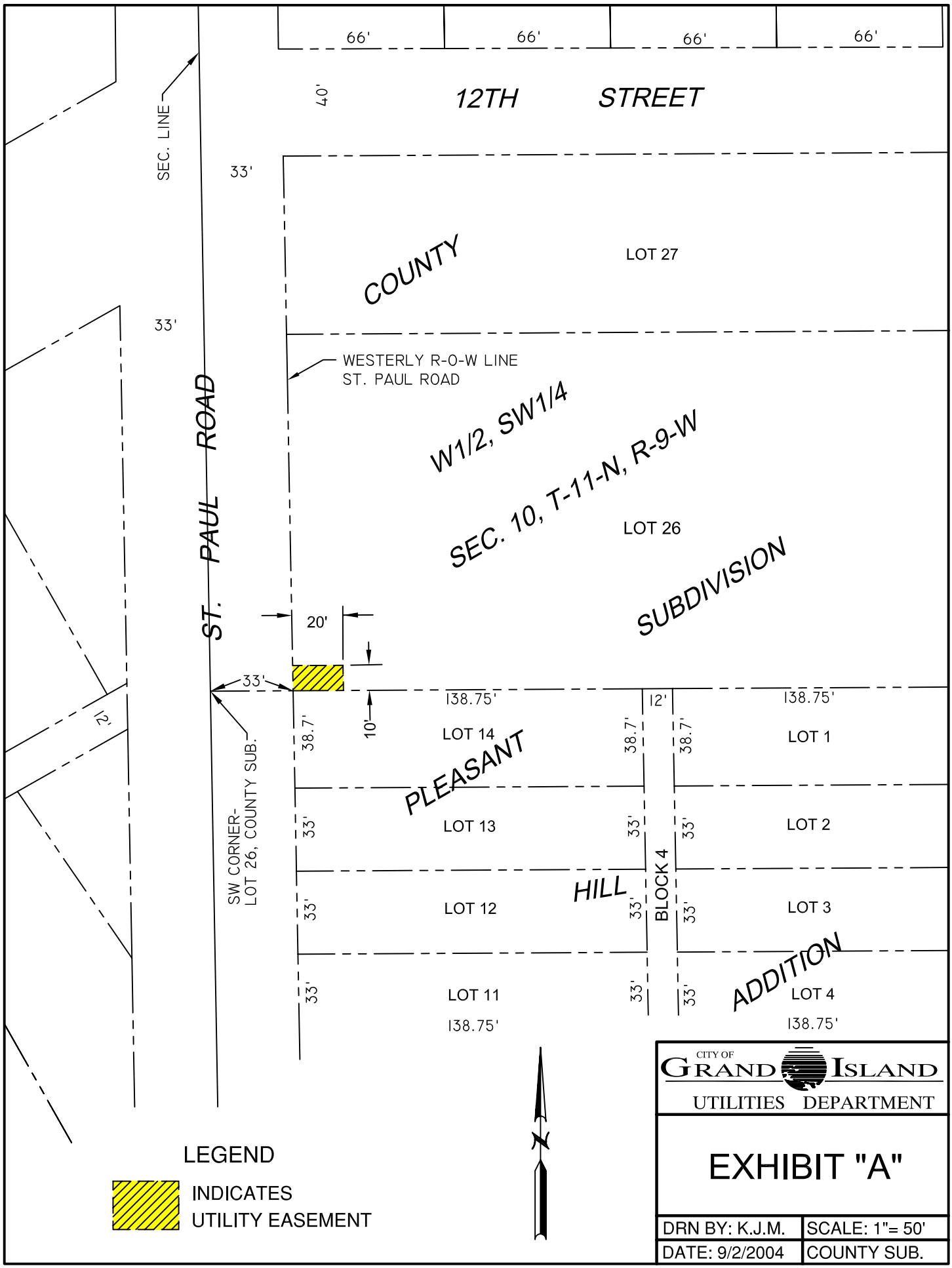
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

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

Sample Motion

Approve the acquisition of the Utility Easement.



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City of Grand Island

Tuesday, September 28, 2004
Council Session

Item E3

Public Hearing on Request of Elks BPO Lodge 604, dba Elks BPO Lodge 604, 631 South Locust Street for Addition to their Class "C-01463" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 28, 2004

Subject: Public Hearing on Request of Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street for an Addition to their Class "C-01463" Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street has submitted an application for a 24 x 28 addition to their current Class "C-01463" Liquor License.

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 Elks BPO Lodge 604, 631 South Locust Street for an addition to their Class "C-01463" 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 Elks BPO Lodge 604, 631 South Locust Street for an addition to their Class "C-01463" Liquor License.

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item F1

#8936 - Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: September 28, 2004

Subject: Nuisance Code Changes

Item #'s: F-1

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

Background

At the September 7, 2004, Study Session, a new nuisance ordinance was discussed with the City Council that would make additions to Sections 20-11 and 20-13. The ordinance will also add a new Section 20-13.1 to the City Code which is now being submitted to you for final passage.

Discussion

The changes that were made to the ordinance as originally proposed are as follows:

1. In Section 20-11, it has been revised to state that objects will be removed immediately upon giving personal notice or posting property where items are on the city street right-of-way.

2. Code Section 20-11, subsection (C) has an additional sentence which sets forth a daily storage fee, a disposal fee and an administrative fee for items that are removed from the right-of-way by the city. This is being done to cover the city's costs in removing the items and to remove any incentive for people seeking to dispose of their property by having the city handle it.

3. Proposed Section 20-13 has been revised since the September 7th meeting to remove the old subsection (C) which was "offends decency". The other sections of this ordinance are the same as proposed earlier.

4. Proposed Section 20-13.1, subsection (A) has been revised to remove the words "hides" and "skins". Elsewhere in this subsection of the ordinance any part of a dead animal, fish or fowl may be considered a nuisance if it is in an odorous, putrid, unsound or unwholesome condition.

5. Subsection (D) of proposed Section 20-13.1 has been revised to address the concerns that were expressed at the earlier meeting regarding animal manure. This subsection now addresses issues of animal manure in a quantity that would cause an abundance of flies, odorous conditions or other health hazards or which is kept or handled in violation of any provisions of the City Code.

6. In subsection (E) of Section 20-13.1, there has been one word changed in line three from the word "provided" to the word "approved", which is more appropriate in that sentence. All other remaining portions of the ordinance are the same as presented to the City Council at the September 7, 2004 meeting.

Alternatives

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

1. Approve the ordinance as revised and proposed by city administration.
2. Disapprove or /Deny the ordinance as currently drafted.
3. Make further modifications to the proposed ordinance to meet the wishes of the City Council.
4. Table the issue.

Recommendation

City Administration recommends that the proposed ordinance as revised since the September 7th meeting be approved as drafted.

ORDINANCE NO. 8936

An ordinance to amend Chapter 20 of the Grand Island City Code; to amend Section 20-11 pertaining to obstructing public right-of-way; to amend Section 20-13 pertaining to nuisances; to add Section 20-13.1 defining a nuisance; to repeal Sections 20-11 and 20-13 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 20-11 of the Grand Island City Code is hereby amended to read as follows:

§20-11. Obstructing Public Right-of-Way

(A) It shall be illegal for any person, corporation or entity to erect, plant, place, or maintain, fences, hedges, shrubbery, or other natural or man-made objects or structures on any public right-of-way which interfere with or are hazardous to the City's or the general public's use of the right-of-way. No such objects may be placed on any public right-of-way without the prior consent of the City.

(B) When the City discovers any objects on the city right-of-way as described in Subsection (A) herein, the City will notify the adjacent property owner or tenant that said objects shall be removed immediately upon giving personal notice or posting the property.

(C) Any objects not removed pursuant to Subsections (A) and (B) herein may be removed by city personnel and taken to the Grand Island Police Department impoundment facility or such other facility as the city deems appropriate for storing said objects. If the objects are not claimed by the owners within thirty days after being placed in storage, then the city may dispose of the property as it deems appropriate. If said objects are auctioned, the City may retain sufficient funds to pay all of the expenses of removal from the right-of-way and storage. Any person who has items removed from the right-of-way by the City shall pay a daily storage fee, the cost of disposal and an administrative fee of $50.00.

SECTION 2. Section 20-13 of the Grand Island City Code is hereby amended to read as follows:

§20-13. Nuisances; Generally Defined

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either: ~~The following are hereby declared to be public nuisances:~~

(A) Violates ~~Any violation of~~ any provision of this Code or any ordinances of the City of Grand Island or statute of the State of Nebraska which is consistently repeated or of a continuous and ongoing nature, if uncorrected.

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

(B) Is an ~~Any~~ act or thing done, made, permitted, allowed, or conducted on any property, public or private, by any person, firm, or corporation, their agents or servants, detrimental to the health, or to the damage or injury of any of the inhabitants of the City.

(C) Is offensive to the senses.

(D) Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the City.

(E) In any way renders other persons insecure in life or the use of property.

(F) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

SECTION 3. Section 20-13.1 is hereby added to Chapter 20 of the Grand Island City Code to read as follows:

§20-13.1. Nuisances; Specifically Defined

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

(A) Any odorous, putrid, unsound or unwholesome grain, meat, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.

(B) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

(C) Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.

(D) Stockpiling animal manure in a manner that causes an abundance of flies, malodorous conditions or creates other health concerns, or which is kept or handled in violation of any ordinance of the City.

(E) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner approved by the health officer of the City, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

(F) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

(G) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, used furniture, used appliances, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

(H) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

(I) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or buildings or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(J) Stagnant water permitted or maintained on any lot or piece of ground.

(K) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter

is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the City, or are maintained and kept in such a manner as to be injurious to the public health.

(L) All other things specifically designated as nuisances elsewhere in this Code.

SECTION 4. Sections 20-11 and 20-13 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. 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 28, 2004.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G1

Approving Minutes of September 14, 2004 City Council Regular Meeting

The Minutes of September 14, 2004 City Council Regular Meeting are submitted to approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
September 14, 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 September 14, 2004. Notice of the meeting was given in the Grand Island Independent on September 8, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by a moment of silence for fallen serviceman Eric Knott who was killed in Iraq. INVOCATION was given by Pastor Scott Jones, Third City Christian Church, 4100 West 13th Street.

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

MAYOR COMMUNICATION: Mayor Vavricek reminded everyone of the funeral services that were held today for Serviceman Eric Knott and for all to remember his family.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Michael Peterson from Fleet Services of the Public Works Department for 20 Years of Service with the City: Mayor Vavricek and the City Council recognized Michael Peterson for 20 years of service with the City. Public Works Director Steve Riehle commented on Michael's service with the City. Michael Peterson was present to receive a certificate.

Proclamation "Reducing Underage Drinking: a Collective Responsibility" Presented by Project Extra Mile: The Mayor presented the Proclamation "Reducing Underage Drinking: a Collective Responsibility". Lex Ann Roach representing Project Extra Mile and 3 students spoke with regards to underage drinking.

Proclamation "Walk to D'Feet ALS" September 19, 2004. Mayor Vavricek proclaimed September 19, 2004 as "Walk to D'Feet ALS". John and Diane Brownell were present to receive the proclamation and thank the City for their support. Mentioned was a walk to be held on Sunday, September 19, 2004 at 2:00 p.m. at Eagle Scout Park to raise funds to find a cure and assist those afflicted with the disease.

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

#2004-BE-15 – Consideration of Determining Benefits for Business Improvement District #3. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #3. Special assessments were for the amount of $34,368.44. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-15, carried unanimously.

#2004-BE-16 – Consideration of Determining Benefits for Business Improvement District #4. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #4. Special assessments were for the amount of $17,324.59. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-16, carried unanimously.

#2004-BE-17 – Consideration of Determining Benefits for Business Improvement District #5. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #5. Special assessments were for the amount of $80,006.00. Mr. Springer stated that the City had received a protest from The Arter Group concerning assessments for residential and commercial being the same. This would be studied for future assessments. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-17, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Public Utility Easement Along the Property of 3936 Hampton Road, Lot 27 of the Kentish Hills Subdivision. (Ron and Darla Sitzman). Steve Riehle, Public Works Director reported that an easement located along the easterly 20' of the westerly 28' of Lot 27 of Kentish Hills Subdivision was required to have access to install and maintain a sanitary sewer. No public testimony was heard.

Public Hearing on Public Utility Easement Along the Property of 3937 Dover Court, Lot 3 of the Kentish Hills Subdivision. (Ryan & Whitney Witt) Steve Riehle, Public Works Director reported that an easement located along the easterly 20' of the westerly 28' of Lot 3 of Kentish Hills Subdivision was required to have access to install and maintain a sanitary sewer. No public testimony was heard.

Public Hearing on General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported that state statutes requires the City to conduct a public hearing if the property tax request changes from one year to the next. Property tax request for the general property tax was $4,708,194, the Parking District No. 2 at $26,000, and the Community Redevelopment Authority property tax at $457,391. No public testimony was heard.

Public Hearing on Proposed Use of Local Law Enforcement Block Grant Funds. Captain Robert Falldorf reported that the Grand Island Police Department was eligible for federal LLEBG funds in the amount of $7,388. The funds were tentatively allocated to purchase four LED Rotation Lights for patrol vehicles. No public testimony was heard.

Public Hearing on Acquisition of Real Estate Located at 414 S. Shady Bend Road. (Timothy & Mary Arends) Steve Riehle, Public Works Director reported that acquisition of real estate located at 414 S. Shady Bend Road owned by Timothy & Mary Arends was required as part of the overall settlement of litigation initiated by the Arends in 2003. The settlement of the lawsuit was for a total of $240,000.00. George Sinner, 507 N. Sherman commented that there was more to this issue than the Wastewater Treatment Plant. No further public testimony was heard.

Public Hearing for Acquisition of Public Utility Easement Along the Property of 514 Congdon Avenue, Lot 1 of Lambert's Addition. (Galvan Construction) Steve Riehle, Public Works Director reported that acquisition of a public utility easement located along the southerly 6' of Lot 1 of Lambert's Addition was required in order to have access to maintain an existing sanitary sewer. No public testimony was heard.

Public Hearing on Acquisition of Four (4) Utility Easements Located Along the North and South Sides of East Highway 30, West of Shady Bend Road. (Woodward Family Trust and Woodward Marital Trust) Gary Mader, Utilities Director reported that acquisition of utility easements located along the north and south sides of East Highway 30, west of Shady Bend Road were required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easements would be used to relocate overhead power lines and the required anchors to back-up those lines due to the expansion and widening of East Highway 30. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in the Northwest Corner of the Proposed Super Wal-Mart Property Located at Diers and Carleton Avenue. (Wal-Mart Real Estate Business Trust) Gary Mader, Utilities Director reported that acquisition of a utility easement located in the northwest corner of the proposed Super Wal-Mart property located at Diers and Carleton Avenue was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to facilitate electrical service and provide access to the electrical facilities on the north side of the Super Wal-Mart property. No public testimony was heard.

Public Hearing on Request of Bag 'N Save, Inc. dba Bag 'N Save, 1215 Allen Drive for a Class "D" Liquor License. City Clerk RaNae Edwards reported that Bag 'n Save, Inc. dba Bag 'N Save, 1215 Allen Drive had submitted an application with the City Clerk's Office for a Class "D" Liquor License which allows for the sale of alcoholic beverages, off sale only within the corporate limits of the city. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on September 1, 2004; notice to applicant of date, time, and place of hearing mailed on September 1, 2004; notice to the general public of date, time, and place of hearing published on September 4, 2004; and Chapter 4 of the City Code. Helene Shrago, 12639 Shirley Street, Omaha, Nebraska spoke in

support and was present for questions. George Sinner, 507 N. Sherman spoke in opposition. No further public testimony was heard.

Public Hearing on Request of Bag 'N Save, Inc. dba Bag 'N Save, 1235 Allen Drive for a Class "B" and "K" Liquor Licenses. City Clerk RaNae Edwards reported that Bag 'n Save, Inc. dba Bag 'N Save, 1235 Allen Drive had submitted an application with the City Clerk's Office for a Class "B" and "K" Liquor Licenses which allows for the sale of beer and wine, off sale only within the corporate limits of the city. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on September 2, 2004; notice to applicant of date, time, and place of hearing mailed on September 2, 2004; notice to the general public of date, time, and place of hearing published on September 4, 2004; and Chapter 4 of the City Code. Helene Shrago, 12639 Shirley Street, Omaha, Nebraska spoke in support and was present for questions. George Sinner, 507 N. Sherman spoke in opposition. No further public testimony was heard.

Public Hearing on Application to the Nebraska Department of Economic Development for an Economic Development CDBG Grant. Stewart Jobes, Nebraska State Department of Economic Development reported that the Nebraska Department of Economic Development offers Community Development Block grant funding for economic development. The City was applying for a grant in the amount of $429,947 of which $425,947 would be loaned to Standard Iron, Inc. for building construction and equipment purchases. The City would retain the remaining $4,000 for audit and administrative expenses associated with the grant. 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:

#8931 - Consideration of Assessments for Business Improvement District #3
#8932 - Consideration of Assessments for Business Improvement District #4
#8933 - Consideration of Assessments for Business Improvement District #5
#8934 - Consideration of Amending the Grand Island City Code Relative to Downtown Improvement and Parking District Taxes
#8935 - Consideration of Water Rate Change

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

Mayor: Is there any one in the audience interested in this Ordinance? Jose Zapat, 2110 Independence spoke in opposition to Ordinance #8935. George Sinner, 507 N. Sherman spoke in support of Ordinance #8935. No further public comment was heard.

City Clerk: Ordinance #8931, #8932, #8933, #8934, and #8935 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. Councilmember Pielstick voted no on Ordinance #8935. Motion adopted.

City Clerk: Ordinance #8931, #8932, #8933, #8934, and #8935 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. Councilmember Pielstick voted no on Ordinance #8935. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8931, #8932, #8933, #8934, and #8935 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-3, G-12, and G-25 were pulled from the consent agenda. Motion by Hornady, second by Cornelius, to approve the Consent Agenda excluding items G-3, G-12, and G-25. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 24, 2004 City Council Regular Meeting. Councilmember Margaret Hornady abstained.

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

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

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

Approving 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.

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

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

#2004-217 – Approving Changing the Delivery Date from 250 Days to 350 Days for Final Clarifier Mechanisms Project 2003-WWTP-2 for the Waste Water Treatment Plant with Dorr-Oliver EIMCO of Salt Lake City, Utah.

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

#2004-219 – Approving Bid Award for Sanitary Sewer District No. 512, Marylane, Kentish Hills, and Bradley Subdivisions with General Excavating of Lincoln, Nebraska in an Amount of $477,488.14.

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

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

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

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

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

#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 Highway 281 with Dobesh Land Leveling of Grand Island, Nebraska in an Amount of $79,100.00.

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

#2004-229 – Approving Bid Award for Asphalt Street Improvement District No. 1252; Lillie Drive from North Road to Mabel Drive and Mabel Drive North to Edna Drive with J.I.L. Asphalt Paving Co. of Grand Island, Nebraska in an Amount of $34,217.25.

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

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

#2004-232 – Approving Acquisition of Utility Easement Located in the Northwest Corner of Diers and Carleton Avenue. (Wal-Mart Real Estate Business Trust)

#2004-233 – Approving Time Extension to Contract with J.I.L. Asphalt Paving Company for Construction of Street Improvement District No. 1250, Edna Drive, North Road to Mabel Drive.

Approving Garbage and Refuse Haulers Permits to: Central Waste Disposal, 147 East Roberts; Clark Brothers Sanitation, 3080 West 2nd Street; Mid-Nebraska Disposal, Inc., 3080 West 2nd Street; Full Circle, Inc., 3719 Westgate Road; and Scott's Hauling, 3230 Westside Street. George Sinner, 507 N. Sherman commented on three garbage hauling services in his neighborhood and recommended that routes be created whereby companies pick up garbage only on designated routes. He also recommended that all residential and rental properties should be required to have garbage service.

Motion was made by Nickerson, second by Gilbert to approve the Garbage and Refuse Haulers Permits for 2004-2005. Upon roll call vote, all voted aye. Motion adopted.

#2004-220 – Approving Final Plat and Subdivision Agreement for Schaaf's Seventh Subdivision. It was noted that Leo and Maxine Liske had submitted the final plat for Schaaf's Seventh Subdivision, located on a parcel of land comprising of Lot 1 and part of Lot 2 Schaaf's Subdivision for the purpose of creating 2 lots.

Councilmember Pielstick questioned if this property was in Merrick County. Chad Nabity, Regional Planning Director stated that is was. Discussion was held with regards to drainage, annexation, and distance from Hall County.

Motion was made by Pielstick, second by Meyer to deny Resolution #2004-220. Upon roll call vote, Councilmembers Meyer, Whitesides, and Pielstick voted yes. Councilmembers Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Motion was made by Hornady, second by Nickerson to approve Resolution #2004-220. Upon roll call vote, Councilmembers Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted yes. Councilmembers Meyer, Whitesides, and Pielstick vote no. Motion adopted.

#2004-234 – Approving Addendum to Agreement to Share Initial Costs to Investigate Creation of South Dakota Public Power Authority. Doug Walker, City Attorney reported that the City had been contacted by a group of South Dakota municipalities to see if the City 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 was sold. The approximate cost to the City would be $33,300.00 for the initial feasibility studies.

Linda Wittrock, Sioux Falls, South Dakota representing Northwestern Public Service Co. cautioned the Council about costs and explained that Northwestern Public Service Co. was currently in bankruptcy, but that it was going well. George Sinner, 507 N. Sherman complained about his gas prices and was not in favor of the City buying a gas company. Councilmember Whitesides stated that the City would be very capable of handling a gas company as it had with the City owned utilities.

Motion was made by Whitesides, second by Pielstick to approve Resolution #2004-234. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of Elvin and Carline Denman, 6125 South U.S. Highway 281 for Consideration of Damaged Billboard: Craig Lewis, Building Department Director reported that Elvin and Carline Denman, 6125 South U.S. Highway 281 had requested Council consideration for the repair and replacement of a billboard sign that had been damaged by recent winds. City Code would not allow for the repairs and requires that the sign be removed.

Elvin and Carline Denman, 6125 S. US Hwy 281 mentioned that they thought their signs were grandfathered in when the City Code was changed last year. The Denman's commented on the income from these signs. Discussion was had with regards to code regulations. It was mentioned that the Denman's had 10 signs on their property and this sign was income to the Denman's in the amount of $700.00 per year.

Don Deitemeyer representing Lamar Signs commented that the percentage of the sign was not over 50% replacement value and that the Denman's should be allowed to replace the sign.

Craig Lewis, Building Department Director explained the process and code regulations to determine the percentage of damage. Pictures of the Denman sign were presented to Council.

Motion was made by Meyer, seconded by Gilbert to deny the request of replacing or repairing the damaged sign. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2004-235 – Approving General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported that this item referred to the previous public hearing.

Motion by Walker, second by Hornady to approve Resolution #2004-235. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Pauly, approve the Claims for the period of August 25, 2004 through September 14, 2004, for a total amount of $4,688,987.81. Motion adopted.

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

Respectfully submitted,

RaNae Edwards
City Clerk

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G2

Approving Minutes of September 21, 2004 City Council Study Session

The Minutes of September 21, 2004 City Council Study Session are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL JOINT STUDY SESSION
September 21, 2004

Pursuant to due call and notice thereof, a Joint Study Session of the City Council of the City of Grand Island, Nebraska and the Hall County Board of Supervisors was conducted in the Council Chambers of City Hall, 100 East First Street, on September 21, 2004. Notice of the meeting was given in the Grand Island Independent on September 15, 2004.

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

The following Hall County Board of Supervisors were present: Pam Lancaster, Scott Arnold, Jim Ericksen, Bob Humiston, Bud Jeffries, and Robert Rye. County Clerk Marla Connelly was also present.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: No individuals reserved time to speak on agenda items.

MAYOR COMMUNICATION: Mayor Vavricek commented on a number of events that took place last week. Among them were: Assisted Living Week, Husker Harvest Days, Funeral Services for Eric Knott, Ducks Unlimited Banquet, Media Day at Shooting Sports Facility at Cornhusker Army Ammunition Plant, Running of the Weiners and Walk for ALS at Eagle Scout Park.

PRESENTATION OF THE LAW ENFORCEMENT FACILITY NEEDS ASSESSMENT STUDY: Police Chief Kyle Hetrick introduced Project Manager Captain Robert Falldorf. Captain Falldorf reported that a new Law Enforcement facility was one of the projects identified to receive funding under the recently passed 1/2 cent sales tax initiative. Request for Proposals were issued for a needs study for a combined new police/sheriff headquarters facility. Wilson Estes Police Architects of Overland, Kansas was chosen and several meetings had been held with the Law Enforcement Facility Committee.

Captain Falldorf introduced James Estes of Wilson Estes Police Architects who presented a PowerPoint presentation concerning the completed needs study.

Mr. Estes commented that his firm works on nothing but Police facilities. Wilson Estes Police Architects had planned over 100 Police facilities all over the country. Following was the Study Process:

- Program Development
- Sites Analysis
- Budget Establishment

Initial assessments were presented. Mr. Estes stated there was currently a deficiency of space in the facility today. He commented that the current facility was one of the worst cases he had seen and was amazed at how the Police/Sheriff's offices were able function. The total building size needed was recommended at 39,688 sq ft for 2004 and 44,997 sq ft for 2024.

Workplace standards and personnel projections were reviewed. Current personnel for both Police and County were 126 for 2004 with an estimated increase of 32% or 166.5 by 2024. Comparison of facility to typical Police facilities for 2004 Grand Island/Hall County was 315 with a national average at 304.

The following was the Law Enforcement Center Cost Estimate:

Building Construction Cost	44,997 sq ft x $140.00	=	$6,299,580.00
Site Development Cost	44,997 sq ft x $ 14.00	=	$ 629,958.00
Subtotal			$6,929,538.00
Contingency (10%)			$ 692,953.80
Total			$7,622,491.80
Architectural Engineering Fees			$ 580,000.00
Geotechnical & Surveying			$ 12,000.00
Construction Testing Services			$ 20,000.00
Furnishings			$ 240,000.00
Phones/Data Wiring			$ 134,991.00
Total Project Costs			**$8,609,482.80**
Options			
High Density storage Systems			$ 9,008.40
CCTV			$ 112,492.50
Basement			$ 921,442.50

Site Evaluation included:

Determination of Total Building Area
Probable Building Configuration
Parking/Site Area Requirements
Site Development Requirements
Site Criteria Evaluation

Presented was the site located across from City Hall. This site was determined not to be big enough for the needs of the Police/Sheriff facility. This site had no room for expansion and would require buying more property for parking which would include additional cost. The site at the Luzenac property owned by the County was presented and recommended at the best site, which would work well for the facility with room to expand.

Mentioned were the process, work, and meetings conducted by several people from the Police and Sheriff's Departments to accomplish this study. Developing the site was explained in detail with extensive experience from other facilities.

Mayor Vavricek asked County Board Chairman, Pam Lancaster if this site would be feasible for this facility. Ms. Lancaster commented that the Board would not be able to make a decision right now, but would take it back to the County Board for further discussion. The County Board would meet in two weeks and would have a decision at that time.

Question was asked concerning the benefits of a three story versus a two story building. Mr. Estes stated a two story building was more feasible. From the standpoint of operations, most Police facilities worked better with a two story building. A lot of demands requiring first floor access were mentioned.

Green technology was discussed with regards to materials used in the building and being energy efficient. Mentioned was this would probably increase the cost of the building project. Mr. Estes stated Wilson Estes Police Architects was an environmentally conscious firm.

Captain Robert Falldorf stated the next phase would be to issue a Request for Proposal for the design phase.

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

Respectfully submitted,

RaNae Edwards
City Clerk

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G3

Approving Request of Elks BPO Lodge 604, dba Elks BPO Lodge 604, 631 South Locust Street for Addition to their Class "C-01463" Liquor License

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

Staff Contact: RaNae Edwards

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G4

#2004-236 - Approving Bid Award for Padmount Transformers - Utilities Department

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities
Dale Shotkoski, Asst. City Attorney/Purchasing

Meeting: September 28, 2004

Subject: Bid Award – Padmount Transformers – Utilities Dept.

Item #'s: G-4

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

Background

Bid specifications for 2500 and 1500 kVA padmount transformers were publicly advertised on Friday, September 3, 2004. Bidding documents were mailed to six potential bidders. On Tuesday, September 21, 2004 the bids were publicly opened. Bids were received from three firms for the specified padmount transformers. The transformers are the type used for large commercial customers such as Standard Iron and the Super Wal-Marts.

All transformer bids are evaluated for efficiency of operation to determine a total lifetime cost to the City over the 20 year life of the transformers. The evaluation criteria factors are provided to each of the suppliers so that each supplier can design the transformers and bid accordingly. The lifetime cost of operation is then used to determine the lowest total overall cost to the City. The lowest evaluated bid is recommended for approval.

Discussion

Bids for Padmount transformers were received in accordance with City Procurement Code requirements, as tabulated below:

Three-phase Padmounted Transformers – 2500 kVA 277/480V					
Bidder	Manufacturer	Quantity	Bid Price Each	Evaluated Bid Each	Comments
Dutton-Lainson	Howard	2	$29,090.00	$73,238.00	
Kriz-Davis	Cooper	2	$24,521.50	$70,782.50	
Cahoon Sales	ERMCO	2	$20,725.00	$64,421.00	***Low Evaluated Bid***
Three-phase Padmounted Transformers 1500 kVA 277/480V					
Dutton-Lainson	Howard	2	$23,080.00	$48,575.50	
Kriz-Davis	Cooper	2	$16,096.00	$43,881.50	***Low Evaluated Bid***
Cahoon Sales	ERMCO	2	$14,521.00	$44,015.00	

The low evaluated bid for the two 2500 kVA transformers was provided by Cahoon Sales of Elkhorn, NE for a bid award of $41,450.00 plus tax. The bid for the two 1500 kVA transformers of $32,192.00 was provided by Kriz Davis of Grand Island.

The total transformer purchase price is $73,642.00 which is less than the engineers estimate of $97,000.00.

It is proposed that the 2500 kVA transformers bid be formally awarded to Cahoon Sales as the total bid price is above the $40,000 purchase limit of the Electric Department, and that a purchase order be issued for the 1500 kVA transformers.

Alternatives

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

1. Approve the bid award to Cahoon Sales for the 2500 kVA transformers.
2. Deny the bid award.
3. Modify the award to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council award the bid for two 2500 kVA padmount transformers to Cahoon Sales of Elkhorn, NE.

Sample Motion

Approve the bid award for the two 2500 kVA transformers to Cahoon Sales.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**September 21, 2004 at 11:00 a.m.**
FOR:	**Padmount Transformers**
DEPARTMENT:	**Utilities**
ESTIMATE:	**$97,000**
FUND/ACCOUNT:	**520**
PUBLICATION DATE:	**September 3, 2004**
NO. POTENTIAL BIDDERS:	**6**

SUMMARY

Bidder:	**Dutton-Lainson Company** **Hastings, NE**	**Kriz-Davis Company** **Grand Island, NE**
Bid Security:	**Universal Surety Company**	**St. Paul Guardian Insurance Co.**
Exceptions:	**None**	**Noted**
Bid Price:	**$111,122.10**	**$86,697.92**

Bidder:	**Cahoon Sales** **Elkhorn, NE**
Bid Security:	**St. Paul Guardian Insurance Co.**
Exceptions:	**Noted**
Bid Price:	**$75,074.00**

cc: Gary Mader, Utilities Director
Randy Leiser, Utilities Dept.
Pat Gericke, Utility Admin. Secretary
Dale Shotkoski, Purchasing Agent
Bob Smith, Assistant Utilities Director
Gene Pesek, Utilities Dept.
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

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R E S O L U T I O N 2004-236

WHEREAS, the City of Grand Island invited sealed bids for Padmount Transformers, according to plans and specifications on file with the Utilities Department; and

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

WHEREAS, Cahoon Sales of Elkhorn, 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 $41,450 plus tax for two 2500 kVA transformers; and

WHEREAS, Kriz-Davis Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of $32,192 plus tax for two 1500 kVA transformers; and

WHEREAS, the bid of Kriz-Davis Company can be awarded by purchase order in accordance with city code provisions; and

WHEREAS, the total of both bids is less than the estimate for such transformers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Cahoon Sales of Elkhorn, Nebraska, in the amount of $41,450 plus tax for two 2500 kVA padmount transformers is hereby approved as the lowest evaluated bid for those items.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G5

#2004-237 - Approving Sole Source Bid Award for Fuel Oil Facilities Upgrade Project for Burdick and Platte Generating Stations

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

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

Meeting: September 28, 2004

Subject: Fuel Oil Facilities Upgrade Project
Sole Source Contractor – Burdick and Platte Generating Stations

Item #'s: G-5

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

Background

The Burdick and Platte Generating Stations have recently been affected by revised federal regulations regarding the construction of fuel oil storage and handling areas to prevent environmental impact as a result of spills or leaks. Black and Veatch Engineers were contacted by the City to evaluate these areas. Their review indicated that construction of new containment berms, installation of synthetic and concrete liners, and new fuel dispensing equipment was required within the next year. Specifications for this project were developed and issued for bids in accordance with City procurement requirements. The engineer's estimate, based on experience with past similar projects, was $600,000. One bid was received, from Diamond Engineering for $833,000.

Discussion

It is the plant staff's opinion that due to current market demand, (Heartland Events Center, St. Francis Hospital, Super Wal-Marts) the services of a construction contractor, especially if earth moving is required, are at a premium. The situation of a single bid substantially larger than the estimate has also been recently encountered with projects at the City's well field and landfill. City Code allows a contract to be awarded without competition when, after advertising, the Council determines that there is only one source for a project. The City may then conduct negotiations as to the price, delivery, and terms with the contractor as the basis for the contract. To enable this project to be completed, the options appear to be either negotiating with Diamond Engineering on issues that caused a large discrepancy between the bid price and the estimate, or reissue the specifications. Reissuing the specifications could obtain a lower bid price, however, also

poses the risk of either a higher bid price, or no bids at all, along with incurring additional consultant costs and possibly affecting compliance with regulatory deadlines. Due to the uncertainties of reissuing the specifications, the Utilities Department recommends that the Council declare Diamond Engineering as the sole source contractor for the Fuel Oil Facilities Upgrade Project and authorize City staff to conduct negotiations with Diamond for a contract to be submitted to Council for approval.

Alternatives

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

1. Approve the Resolution for the declaration of Diamond Engineering as the sole source contractor for the Fuel Oil Facilities Upgrade Project.
2. Deny the Resolution for the declaration of Diamond Engineering as the sole source contractor for the Fuel Oil Facilities Upgrade Project.
3. Table the issue.

Recommendation

The Utilities Department recommends that the Council declare Diamond Engineering as the sole source contractor for the Fuel Oil Facilities Upgrade Project and authorize City staff to conduct negotiations with Diamond for a contract to be submitted to Council for approval.

Sample Motion

Approve the Resolution for declaration of Diamond Engineering as the sole source contractor for the Fuel Oil Facilities Upgrade Project.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**August 31, 2004 at 11:00 a.m.**
FOR:	**Fuel Oil Facilities Upgrades General Construction**
DEPARTMENT:	**Utilities**
ESTIMATE:	**$600,000.00**
FUND/ACCOUNT:	**E520**
PUBLICATION DATE:	**August 5, 2004**
NO. POTENTIAL BIDDERS:	**4**

SUMMARY

Bidder:	**Diamond Engineering Co.** **Grand Island, NE**
Bid Security:	**Travelers Casualty & Surety**
Exceptions:	**Noted**
Bid Price:	**$833,000.00 (Tax Included)**

cc: Gary Mader, Utilities Director
Shelly Schnakenberg, Utilities Senior Sec.
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant
Bob Smith, Assistant Utilities Director
Pat Gericke, Utilities Admin. Secretary
Dale Shotkoski, Purchasing Agent

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R E S O L U T I O N 2004-237

WHEREAS, the City of Grand Island invited sealed bids for Fuel Oil Facilities Upgrades General Construction, according to the plans and specifications on file with the City Clerk and with Black & Veatch; and

WHEREAS, on August 26, 2004, one bid was received, opened and reviewed; and

WHEREAS, inasmuch as only one bidder was able to comply with the plans and specifications for such project, it is recommended that the Diamond Engineering Company of Grand Island, Nebraska, be designated as a sole source contractor for such project; and

WHEREAS, it is further recommended that negotiations be initiated with the Diamond Engineering Company, as a sole source contractor, to proceed with such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Diamond Engineering Company of Grand Island, Nebraska be designated as a sole source contractor for the fuel oil facilities upgrade project.

BE IT FURTHER RESOLVED, that authorization is hereby given to pursue negotiations with the Diamond Engineering Company for the fuel oil facilities upgrade project.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G6

#2004-238 - Approving Acquisition of Utility Easement - Southwest Corner of 1123 N. St. Paul Road - Habitat for Humanity

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

Staff Contact: Gary R. Mader

R E S O L U T I O N 2004-238

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

WHEREAS, a public hearing was held on September 28, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Twenty-Six(26), County Subdivision in the West Half of the Southwest Quarter (W1/2, SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

> Beginning at a point on the South line of Lot Twenty Six (26) of the County Subdivision of the West Half of the Southwest Quarter (W1/2, SW1/4) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West, said point being Thirty Three (33.0) feet East of the Southwest corner of said Lot Twenty Six (26); thence easterly along the South line of said Lot Twenty Six (26), a distance of Twenty (20.0) feet; thence northerly at right angles and parallel with the West line of said Lot Twenty Six (26), a distance of Ten (10.0) feet; thence westerly at right angles and parallel with the South line of said Lot Twenty Six (26), a distance of Twenty (20.0) feet; thence southerly at right angles and parallel with the West line of said Lot Twenty Six (26), a distance of Ten (10.0) feet to the Point of Beginning.
>
> The above-described easement and right-of-way containing 200 square feet, more or less, as shown on the plat dated September 2, 2004, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from the Grand Island Area Habitat for Humanity, Inc., a Nebraska non-profit corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G7

#2004-239 - Approving Nebraska Department of Economic Development Planning Grant

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

Staff Contact: Joni Kuzma

R E S O L U T I O N 2004-239

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to file an application through the Nebraska Department of Economic Development for a Community Development Block Grant; and

WHEREAS, the Nebraska Department of Economic Development is presently accepting grant applications for community strategic planning; and

WHEREAS, a grant application has been prepared to request funding for a study to address the homeless and homeless housing needs in the area encompassing Hall County, Hamilton County, Howard County, Buffalo County, Kearney County, and Merrick County, and the cities of Grand Island, Kearney and Hastings; and

WHEREAS, Hope Harbor currently provides housing and services to the majority of homeless persons in these areas; and

WHEREAS, a $40,000 grant is being requested to fund such study, with the $9,300 required match to be provided by Hope Harbor; and

WHEREAS, the City Attorney has reviewed and approved the Interlocal Agreements by and between the City of Grand Island and the counties of Buffalo, Kearney, Hamilton, Howard, and Merrick, and the cities of Kearney and Hastings.

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

1. The City of Grand Island, Nebraska is hereby authorized to apply for financial assistance from the Nebraska Department of Economic Development for the purpose of funding a study to address the needs of the homeless and homeless housing needs as outlined above.

2. The Mayor is hereby authorized and directed to execute such grant application and other documentation on behalf of the City of Grand Island for such grant process.

3. The Mayor is hereby authorized and directed to execute Interlocal Agreements by and between the City of Grand Island and the counties of Buffalo, Kearney, Howard, Hamilton, and Merrick Counties, and the cities of Kearney and Hastings to support a grant application in the amount of $40,000 to fund a study to address the homeless and homeless housing needs in the area.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

_____

RaNae Edwards, City Clerk

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G8

#2004-240 - Approving Lease of Vacant Lot at 3rd & Kimball

Staff Contact: Jerenne Garroutte

Council Agenda Memo

From: Jerenne Garroutte, Community Development

Council Meeting: September 28, 2004

Subject: Lease of Vacant Lot at 3rd & Kimball

Item #'s: G-8

Presenter(s): Jerenne Garroutte, Community Development

Background

In 1992 the City of Grand Island applied for CDBG funding from the Nebraska Department of Economic Development under the Development Investment Category. The grant was for $100,000 and was used to acquire the vacant Eagles commercial building and lot, demolition of the building and preparation and installation of 6" asphalt overlay and finishing to provide parking for the YMCA/YWCA. Since the YWCA has relocated and the YMCA never negotiated a lease arrangement with the City, a request has been received by the Senior Citizens Industries, Inc. to lease and maintain the vacant lot.

Discussion

With the expansion and renovation of the Grand Generation Center, the Center is interested in leasing the lot for employee and participant parking. The Grand Generation Center is currently owned by the City of Grand Island and leased to the Senior Citizen Industries, Inc. for 99 years with a yearly lease fee of $1.00. The Grand Generation Center has submitted a request to lease the vacant lot for $1.00 a year. The parcel is legally described as: All of Lot 1 (One) and the Easterly 1/3 (E 1/3) of Lot Two (2), Block Sixty Eight (68), Original Town, City of Grand Island.

Alternatives

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

1. Approve the lease agreement
2. Disapprove or Deny the request.
3. Modify the Request to lease to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the lease request from the Senior Citizens Industries.

Sample Motion

Approve the request to lease the vacant lot located at 221 East 3rd Street to the Senior Citizen Industries, Inc. at the rate of $1.00 per year.

R E S O L U T I O N 2004-240

WHEREAS, the City of Grand Island owns a vacant lot located at 221 East 3rd Street which has previously been used by the YWCA/YMCA for parking; and

WHEREAS, such parking lot is no longer needed by the YWCA or YMCA; and

WHEREAS, Senior Citizens Industries, Inc. has approached the City to lease such lot in conjunction with the expansion and renovation of the Grand Generation Center which is in close proximity to such vacant lot; and

WHEREAS, a Lease Agreement has been negotiated, and the City Attorney has reviewed and approved such Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the request of Senior Citizens Industries, Inc. to lease and maintain the vacant lot located at 221 East 3rd Street in Grand Island for $1.00 per year is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G9

#2004-241 - Approving Grant Application from the Transportation Enhancement Program for Construction of the Riverway Hike/Bike Trail

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: September 28, 2004

Subject: Grant Application for Hike-Bike Trail Extension

Item #'s: G-9

Presenter(s): Steve Paustian, Park and Recreation Director

Background

One of the requirements for applying for grant funding for trail construction is authorization by the City Council.

Discussion

It is the intention of the Park and Recreation Department to construct a trail addition on the Wood River Diversion Dike from Hall County Park to South Locust Street. Federal funding will pay for 80% of the costs associated with the project if the grant request is approved.

Alternatives

1. Forgo federal grant assistance and build the trail without financial assistance.
2. As directed by Council.

Recommendation

It is the recommendation of the Park and Recreation Department to apply for the Federal Grant to assist in the costs of the development of this trail segment.

Sample Motion

Motion to approve applying for the Federal Grant by the Park and Recreation Department.

R E S O L U T I O N 2004-241

WHEREAS, on June 10, 1996, by Resolution 96-188, the City of Grand Island approved and adopted the Parks and Recreation Comprehensive Development Plan; and

WHEREAS, such plan included the development of a hiker/biker trail system for the community; and

WHEREAS, the City of Grand Island is requesting grant funding for such project; and

WHEREAS, if granted, assistance would be provided for 80% of the project costs; and

WHEREAS, the City of Grand Island, Nebraska, has available a minimum of 20% of the project cost and has the financial ability to operate and maintain the completed facility in a safe and attractive manner for public use.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island supports the construction of the Riverway hiker/biker trail, and further approves and authorizes an application for assistance from the Transportation Enhancement Program for the purpose of constructing such trail.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such application and other documentation on behalf of the City of Grand Island for such grant process.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 28, 2004.

_ RaNae Edwards, City Clerk

Approved as to Form ? _____
September 28, 2004 ? City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G10

#2004-242 - Approving Bid Award for Galvanized Steel Exterior Box Corrugated Culverts at CAAP

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: September 28, 2004

Subject: Bid Award – Galvanized Steel Culverts

Item #'s: G-10

Presenter(s): Steve Paustian, Park and Recreation Director

Background

The City is in the process of developing the Rifle and Piston ranges at the Heartland Public Shooting Park. To this end culverts have been bid to be used as shooting tubes to help control the flight of the bullets.

Discussion

Bids were advertised for the purchase of the culverts. One firm responded providing a bid of $89,203.20. The successful low bid was provided by Contech Construction Products Inc. of Lincoln, NE in the amount of $89,203.20. The engineers estimate was $120,000.00.

Alternatives

1. Award the contract as recommended.
2. As directed by Council.
3. Not award a bid.

Recommendation

It is the recommendation of staff to award the bid to Contech Construction Products Inc. of Lincoln, NE in the amount of $89,203.20.

Sample Motion

Motion to award the bid to Contech Construction Product Inc. of Omaha, NE in the amount of $89,203.20..

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**September 17, 2004 at 11:00 a.m.**
FOR:	**Galvanized Steel Exterior Box Corrugated Culverts**
DEPARTMENT:	**Parks & Recreation**
ESTIMATE:	**$120,000.00**
FUND/ACCOUNT:	**40044450-90026**
PUBLICATION DATE:	**September 7, 2004**
NO. POTENTIAL BIDDERS:	**4**

SUMMARY

Bidder:	**CONTECH Construction Products, Inc.** **Lincoln, NE**
Exceptions:	**None**
Bid Price:	**$89,203.20**

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

P942

R E S O L U T I O N 2004-242

WHEREAS, the City of Grand Island invited sealed bids for Galvanized Steel Exterior Box Corrugated Culverts, according to plans and specifications on file with the Parks and Recreation Department; and

WHEREAS, on September 17, 2004, one bid was received, opened and reviewed; and

WHEREAS, CONTECH Construction Products, Inc. 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 $89,203.20; and

WHEREAS, CONTECH Construction Products, Inc.'s bid is less than the estimate for such project; and

WHEREAS, the Parks and Recreation Department has $69,000 budgeted in the 2003/2004 fiscal year for this expense; and

WHEREAS, additional funds will be available in the 2004/2005 fiscal year budget to pay the remaining amount due CONTECH Construction Products, Inc. for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of CONTECH Construction Products, Inc. of Lincoln, Nebraska, in the amount of $89,203.20 for galvanized steel exterior box corrugated culverts is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that $69,000 from the 2003/2004 fiscal year budget is hereby authorized to be applied to this bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G11

#2004-243 - Approving Amendment to Management Agreement with Heartland Public Shooting Park

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: September 28, 2004

Subject: Amendment to Management Agreement with Heartland Public Shooting Park

Item #'s: G-11

Presenter(s): Steve Paustian, Park and Recreation Director

Background

For over twenty five years the City of Grand Island has provided a site for skeet and sporting clays shooting. This facility has always been operated by the Heartland Public Shooting Park group, formerly known as the Grand Island Skeet and Sporting Clays Club.

Discussion

This amendment to the current management agreement allows for the change in name of the group and also includes language spelling out the responsibilities of the group when hiring staff to assist in the operation of the facility. The employees allowed for in this amendment will be staff hired, managed and paid for by the Heartland Public Shooting Park group. These employees will not be City employees.

Alternatives

As recommended by Council.

Recommendation

Park and Recreation staff recommends that Council allow for the modification to the existing contract to allow for the above mentioned items.

Sample Motion

Motion to pass the resolution allowing for the modification to the existing management contract.

R E S O L U T I O N 2004-243

WHEREAS, on March 9, 2004, by Resolution 2004-46, the City Council of the City of Grand Island approved an Agreement with the Grand Island Skeet & Sporting Clays Club, Inc. of Grand Island, Nebraska to assist in the development, improvements, and maintenance of shooting sports facility at the former Cornhusker Army Ammunition Plant site; and

WHEREAS, the Grand Island Skeet & Sporting Clays Club, Inc., of Grand Island, Nebraska, has changed its name to the Heartland Public Shooting Park; and

WHEREAS, as a result of such name change, it is necessary to assign the terms of such Agreement to Heartland Public Shooting Park; and

WHEREAS, in conjunction with ongoing construction work and improvements to the facility, it is necessary to provide management services to coordinate such work and to oversee public use of such facility; and

WHEREAS, Heartland Public Shooting Park has agreed to provide such management services as set out in an Assignment and Amendment to Agreement; and

WHEREAS, such Assignment and Amendment to Agreement has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Assignment and Amendment to Agreement by and between the City and the Grand Island Skeet & Sporting Clays Club, Inc., now known as the Heartland Public Shooting Park for the provision of management services at the shooting sports facility is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G12

#2004-244 - Approving City Council Meeting Schedule for 2005

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 28, 2004

Subject: Approving City Council Meeting Schedule for 2005

Item #'s: G-12

Presenter(s): RaNae Edwards, City Clerk

Background

Grand Island City Code Chapter 2 specifies that Regular Meetings of the City Council shall be held in the Council Chambers of City Hall on the second and fourth Tuesdays of each month and Study Sessions to be held the first and third Tuesdays of each month beginning at 7:00 p.m. It is customary for the City Council to formally establish its Regular Meeting and Study Session schedules for the following calendar year.

Discussion

The City Clerk has prepared the proposed 2005 meeting schedule. This provides for the first City Council meeting to be a Study Session on January 4, 2005.

Alternatives

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

1. Approve the 2005 Meeting schedule as presented.
2. Disapprove or deny the 2005 Meeting schedule.
3. Modify the 2005 Meeting schedule to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the proposed 2005 Meeting schedule.

Sample Motion

Approve the 2005 Meeting schedule as proposed.

PROPOSED
2005 CITY COUNCIL MEETINGS

2005 City Council Meetings

January 11, 2005
January 25, 2005
February 8, 2005
February 22, 2005
March 8, 2005
March 22, 2005
April 12, 2005
April 26, 2005
May 10, 2005
May 24, 2005
June 14, 2005
June 28, 2005
July 12, 2005
July 26, 2005
August 9, 2005
August 23, 2005
September 13, 2005
September 27, 2005
October 11, 2005
October 25, 2005
November 8, 2005
November 22, 2005
December 6, 2005
December 20, 2005

2005 City Council Study Sessions

January 4, 2005
January 18, 2005
February 1, 2005
February 15, 2005
March 1, 2005
March 15, 2005
April 5, 2005
April 19, 2005
May 3, 2005
May 17, 2005
June 7, 2005
June 21, 2005
July 5, 2005
July 19, 2005
August 16, 2005
September 6, 2005
September 20, 2005
October 4, 2005
October 18, 2005
November 1, 2005
November 15, 2005
December 13, 2005

R E S O L U T I O N 2004-244

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Council of the City of Grand Island, Nebraska will meet in the Council Chambers, 100 East First Street at 7:00 p.m. on the below-mentioned dates, and that the City Council of the City of Grand Island, Nebraska will meet in Study Session in the Council Chambers, 100 East First Street at 7:00 p.m. on the following dates:

2005 City Council Meetings:

January 11, 2005
January 25, 2005
February 8, 2005
February 22, 2005
March 8, 2005
March 22, 2005
April 12, 2005
April 26, 2005
May 10, 2005
May 24, 2005
June 14, 2005
June 28, 2005
July 12, 2005
July 26, 2005
August 9, 2005
August 23, 2005
September 13, 2005
September 27, 2005
October 11, 2005
October 25, 2005
November 8, 2005
November 22, 2005
December 6, 2005
December 20, 2005

2005 City Council Study Sessions:

January 4, 2005
January 18, 2005
February 1, 2005
February 15, 2005
March 1, 2005
March 15, 2005
April 5, 2005
April 19, 2005
May 3, 2005
May 17, 2005
June 7, 2005
June 21, 2005
July 5, 2005
July 19, 2005
August 16, 2005
September 6, 2005
September 20, 2005
October 4, 2005
October 18, 2005
November 1, 2005
November 15, 2005
December 13, 2005

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on September 28, 2004.

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G13

#2004-245 - Approving Certificate of Final Completion and Setting Board of Equalization Hearing Date for Sanitary Sewer District 513, Gosda Subdivision Along Lillie Drive West of North Road

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

Council Agenda Memo

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

Meeting: September 28, 2004

Subject: Certificate of Final Completion for Sanitary Sewer District 513, Gosda Subdivision Along Lillie Drive West of North Road

Item #'s: G-13

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

Background

The contract for Sanitary Sewer District 513 was awarded to The Diamond Engineering Company of Grand Island, NE on July 13, 2004. Work was completed on August 31, 2004.

Discussion

The work for Sanitary Sewer District 513 was completed in accordance with the terms, conditions, and stipulations of the contract and complies with the contract, the plans, and the specifications. The project was completed on schedule at a construction price of $22,803.10. Total cost of the project, including contract administration, is $25,575.60. All of costs for this project will be assessed to the adjacent properties. Costs for the project break down as follows:

Original Bid	$	23,394.50
Underruns	$	(591.40)
Sub Total (Construction Price)	**$**	**22,803.10**
Additional Costs		
Engineering, Publication, and TV Insp. Costs	$	2,772.50
Total Cost	**$**	**25,575.60**

Alternatives

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

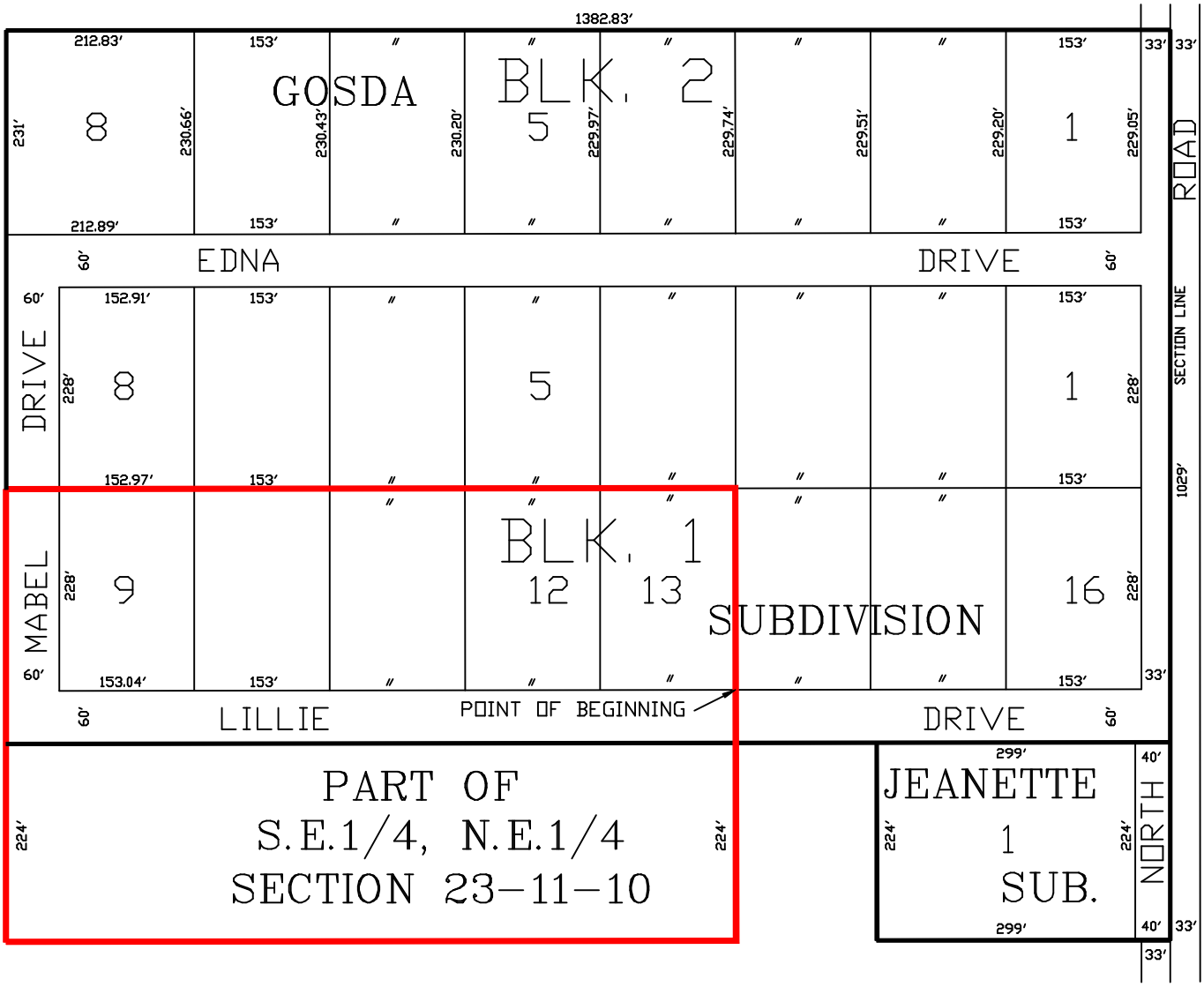
1. Approve the Certificate of Final Completion.
2. Disapprove or/Deny the Certificate of Final Completion.
3. Modify the Certificate of Final Completion to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the Certificate of Final Completion for Sanitary Sewer District 513 and set the Board of Equalization date of October 26, 2004.

Sample Motion

Move to approve the Certificate of Final Completion and set the Board of Equalization Hearing for Sanitary Sewer District 513.



SANITARY SEWER DISTRICT NO. 513

EXHIBIT "A"

CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 3/15/04
DRN BY: L.D.C.
SCALE: 1"=200'

PLAT TO ACCOMPANY
ORDINANCE NO. 8892

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

SANITARY SEWER DISTRICT 513
GOSDA SUBDIVISION ALONG LILLIE DRIVE WEST OF NORTH ROAD
CITY OF GRAND ISLAND, NEBRASKA
September 28, 2004

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

This is to certify that SANITARY SEWER DISTRICT NO. 513, has been fully completed by The Diamond Engineering Company of Grand Island, Nebraska under contract dated July 21, 2004. The work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by me as Director of Public Works in accordance with the provisions of Section 16-650 R.R.S., 1943.

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

Sanitary Sewer District 513 is located at Lillie Drive.

Item No.	Description		Unit Price	Total Quantity		Total Cost
1	Build 8" Sanitary Sewer	$	15.40	738.00	$	11,365.20
2	Build 4" Dia. STD. Manhole	$	2,490.00	2.00	$	4,980.00
3	Build 4" Dia. Manhole/ Extra Depth	$	230.00	0.73	$	167.9
4	Build Service Line Per STD. Plan No. 132-A	$	825.00	5.00	$	4,125.00
5	Furnish & Place Gravel	$	7.00	70.00	$	490.00
6	Construct 4" Sanitary Sewer / Water Main Crossing Per STD. Plan No. 138	$	335.00	5.00	$	1,675.00

TOTAL CONSTRUCTION COST **$22,803.10**

SUMMARY OF OTHER COST	
City of Grand Island Wastewater Division- TV Inspection	$ 376.00
G.I. Daily Independent-Advertising	$ 116.19
City of Grand Island Engineering Division Engineering & Administration	$ 2,280.31
TOTAL OTHER COSTS	$ 2,772.50

TOTAL COST OF SANITARY SEWER DISTRICT **$25,575.60**

Respectfully submitted,

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

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

I hereby recommend that the Engineer's Certificate of Final Completion for the SANITARY SEWER DISTRICT NO. 513, be approved and a warrant be issued from Account No. 53030055-85213 in the amount of $22,803.10 payable to The Diamond Engineering Co. for the amount due to the contractor.

I further recommend that the Costs of Engineering be credited to Account No. 10033001-74516 from Account No. 53030055-85213 in the amount of $2,280.31.

I further recommend that the City Council sit as the Board of Equalization on October 26, 2004 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor

R E S O L U T I O N 2004-245

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Sanitary Sewer District 513, certifying that The Diamond Engineering Company of Grand Island, Nebraska, under contract dated July 13, 2004, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Public Works Director recommends the acceptance of the district; and

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

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

1. The Public Works Director's Certificate of Final Completion for Sanitary Sewer District 513 is hereby confirmed.

2. The City Council will sit as a Board of Equalization on October 26, 2004 to determine benefits and set assessments for Sanitary Sewer District 513.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G14

#2004-246 - Approving Bid Award for a 35,000 GVW Truck Mounted Sewer Flushing Machine

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 28, 2004

Subject: Approving Bid Award for a 35,000 GVW Truck Mounted Sewer Flushing Machine

Item #'s: G-14

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

Background

On August 26, 2004 the Engineering Division of the Public Works Department advertised for bids for One (1) 35,000 GVW Truck Mounted Sewer Flushing Machine.

Discussion

Four bids were received and opened on September 13, 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 the exceptions of the low bidder, Nebraska Truck Center Inc. A summary of the bids is shown below.

Bidder	***Exceptions***	***Bid Security***	***Total Bid***
Hansen International Truck Inc.	None	Cashier's Check	$126,068.85
Hansen International Truck Inc.	None	Cashier's Check	$140,639.85
Wick's Sterling Trucks, Inc.	None	Employers Mutual Casualty Co.	$141,000.00
Nebraska Truck Center, Inc.	Noted	Inland Insurance Co.	$125,460.00

The low bid exceeds the Estimate by $460.00. It is felt that the current rise in steel prices is responsible for increasing the price of the unit. The exceptions noted by Nebraska Truck Center are minor components and are not considered to have any impact on the quality of the unit.

The estimate for this unit was $125,000.00. There are sufficient funds in Account No. 53030054-85625 to fund this purchase.

Alternatives

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

1. Approve acquisition of the Truck Mounted Sewer Flushing Machine from the lowest bidder.
2. Disapprove or/Deny the acquisition, thereby rejecting all bids.
3. Modify the terms 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 the acquisition and pass a resolution authorizing the Mayor to issue a purchase order to Nebraska Truck Center Inc., of Grand Island, Nebraska, for the amount of $125,460.00.

Sample Motion

Move to approve the acquisition of the unit from Nebraska Truck Center Inc., of Grand Island, Nebraska for the Truck Mounted Sewer Flushing Machine.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**September 13, 2004 at 11:00 a.m.**
FOR:	**(1) 35,000 GVW Truck Mounted Sewer Flushing Machine**
DEPARTMENT:	**Public Works**
ESTIMATE:	**$125,000.00**
FUND/ACCOUNT:	**53030054-85625**
PUBLICATION DATE:	**August 26, 2004**
NO. POTENTIAL BIDDERS:	**7**

SUMMARY

Bidder:		**Hansen International Truck, Inc.**	**Nebraska Truck Center, Inc.**
		Grand Island, NE	**Grand Island, NE**
Bid Security:		**Cashier's Check**	**Inland Insurance Company**
Exceptions:		**None**	**Noted**
Make:		**International**	**Freightliner**
Bid Price:	**#1**	**$126,068.85**	**$125,460.00**
	#2	**$140,639.85**	

Bidder:	**Wick's Sterling Trucks, Inc.**
	Omaha, NE
Bid Security:	**Employers Mutual Casualty Co.**
Exceptions:	**None**
Make:	**Sterling**
Bid Price:	**$141,000.00**

cc: Steve Riehle, Public Works Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant
Ben Thayer, Supt. of WWTP
Dale Shotkoski, Purchasing Agent

P938

R E S O L U T I O N 2004-246

WHEREAS, the City of Grand Island invited sealed bids for one 35,000 GVW Truck Mounted Sewer Flushing Machine, according to plans and specifications on file with the City Engineer; and

WHEREAS, on September 13, 2004, bids were received, opened and reviewed; and

WHEREAS, Nebraska Truck Center, Inc. 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 $125,460.00; and

WHEREAS, although Nebraska Truck Center, Inc.'s bid is $460 more than the estimate for such equipment, it is believed that such increase is due to the current rise in steel prices.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Nebraska Truck Center, Inc. of Grand Island, Nebraska, in the amount of $125,460.00 for one 35,000 GVW truck mounted sewer flushing machine is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G15

#2004-247 - Approving Bid Award for a Positive Displacement Trailer Mounted Sewer Vacuum

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 28, 2004

Subject: Approving Bid Award for a Positive Displacement Trailer Mounted Sewer Vacuum

Item #'s: G-15

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

Background

On September 9, 2004 the Engineering Division of the Public Works Department advertised for bids for One (1) Positive Displacement Trailer Mounted Sewer Vacuum.

Discussion

One bid was received and opened on September 22, 2004. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office reviewed the bid that was received. The bid was submitted in compliance with the contract, plans, and specifications. The bid is shown below.

Bidder	***Exceptions***	***Bid Security***	***Total Bid***
Elliot Sanitation Equipment Company Lincoln, NE	None	Merchants Bonding Co.	$54,820.00

The estimate for this unit was $65,000.00. There are sufficient funds in Account No. 53030054-85625 for this purchase.

Alternatives

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

1. Approve acquisition of the Positive Displacement Trailer Mounted Sewer Vacuum from the lowest bidder.
2. Disapprove or/Deny the acquisition.
3. Modify the terms 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 the acquisition and pass a resolution authorizing the Mayor to issue a purchase order to Elliot Sanitation Equipment Company, of Lincoln, Nebraska, for the amount of $54,820.00.

Sample Motion

Move to approve the acquisition of the unit from Elliot Sanitation Equipment Company, of Lincoln, Nebraska, for the Positive Displacement Trailer Mounted Sewer Vacuum.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Dale M. Shotkoski, Assistant City Attorney

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**September 22, 2004 at 11:00 a.m.**
FOR:	**(1) Positive Displacement Trailer Mounted Sewer Vacuum**
DEPARTMENT:	**Public Works**
ESTIMATE:	**$65,000.00**
FUND/ACCOUNT:	**53030054-85625**
PUBLICATION DATE:	**September 9, 2004**
NO. POTENTIAL BIDDERS:	**2**

SUMMARY

Bidder:	**Elliott Sanitation Equipment Company** **Lincoln, NE**
Bid Security:	**Merchants Bonding Company**
Exceptions:	**None**
Bid Price:	**$54,820.00**

cc: Steve Riehle, Public Works Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant
Ben Thayer, WWTP Superintendent
Dale Shotkoski, Purchasing Agent

P943

R E S O L U T I O N 2004-247

WHEREAS, the City of Grand Island invited sealed bids for one Positive Displacement Trailer Mounted Sewer Vacuum, according to plans and specifications on file with the City Engineer; and

WHEREAS, on September 22, 2004, bids were received, opened and reviewed; and

WHEREAS, Elliott Sanitation Equipment Company 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 $54,820.00; and

WHEREAS, Elliott Sanitation Equipment Company's bid is less than the estimate for such equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Elliott Sanitation Equipment Company of Lincoln, Nebraska, in the amount of $54,820.00 for one positive displacement trailer mounted sewer vacuum is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item G16

#2004-248 - Approving Agreement with Kirkham Michael & Associates, Inc. for Consulting Services Relative to Railroad Corridor Study

Staff Contact: Steve Riehle, City Engineer/Public Works Directo

Council Agenda Memo

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

Meeting: September 28, 2004

Subject: Approving Agreement with Kirkham Michael & Associates, Inc. for Consulting Services Relative to Railroad Corridor Study

Item #'s: G-16

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

Background

Proposals were solicited from Consulting Engineering Companies for performing a Railroad Corridor Safety study. Eight (8) proposals were received.

Discussion

A committee comprised of Public Works Director Steve Riehle, Executive Assistant Paul Briseno, Civil Engineering Manager Ron Underwood & Engineering Technician Supervisor Tom Carlson conducted interviews with two firms during the week of September 13, 2004. Kirkham Michael & Associates, Inc. of Omaha, Nebraska was chosen and an agreement was negotiated for the work to be performed at actual costs with a maximum amount of $123,500.

Alternatives

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

1. Approve a resolution authorizing the mayor to execute the agreement.
2. Disapprove or/Deny the resolution.
3. Modify the terms of the agreement to meet the wishes of the Council.
4. Table the issue, however, the Consultant may withdraw their proposal if there is not an agreement entered into within 45 days.

Recommendation

City Administration recommends that the Council approve agreement.

Sample Motion

Move to approve the agreement with Kirkham Michael & Associates, Inc to perform the Railroad Corridor Study

R E S O L U T I O N 2004-248

WHEREAS, the City of Grand Island invited proposals for a Railroad Corridor Safety Study in accordance with a Request for Proposal on file with the Public Works Department; and

WHEREAS, on April 7, 2004, eight proposals were received, reviewed and evaluated in accordance with established criteria; and

WHEREAS, city staff conducted interviews with two of the proposing firms; and

WHEREAS, as a result of the interviews, an agreement was negotiated with Kirkham Michael & Associates, Inc. of Omaha, Nebraska, to perform the railroad corridor study for actual costs at a not to exceed cost of $123,500.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Kirkham Michael & Associates, Inc. of Omaha, Nebraska, is hereby authorized to perform a Railroad Corridor Safety Study at actual costs with a not to exceed cost of $123,500.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 28, 2004.

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RaNae Edwards, City Clerk

Approved as to Form ¤ _____
September 23, 2004 ¤ City Attorney

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item H1

Consideration of Request from Procon Management Inc. to Allow Out Swing Doors Onto the Public Sidewalk

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: September 28, 2004

Subject: Consideration of Request from Procon Management Inc., to Allow Out Swing Doors onto the Public Sidewalk

Item #'s: H-1

Presenter(s): Craig A. Lewis, Building Department Director

Background

On July 21, 2004 Procon Management Inc. submitted a License Agreement Application for out swing doors onto the public sidewalk in front of 208 N Pine Street. A letter was sent to Procon Management Inc. on August 10, 2004 denying the request. The need for a License Agreement was identified and indicated to the property owners on a walk through during construction and on the plans submitted for the construction project.

Discussion

The license agreement was denied because of the Grand Island City Code sections 32-1 and 32-69 which states that it shall be unlawful for any person to obstruct any sidewalk in any manor which impedes the passage of traffic, and a license agreement shall be denied if the City finds that the request impedes, impairs, or diminishes the use of the public land by the City, the public or other persons which have a lawful right to use and/or occupy said land. Model Building Codes published and adopted throughout the United States and Foreign Countries have for years prohibited doors and windows from opening onto or projecting into the Public Right of Way.

In addition, a quick survey of the buildings in the Downtown area reveals that most of the buildings have the doors recessed into the front façade of the building, not by accident but by design so that the doors leading to and exiting from the buildings do not encroach into or swing over the public sidewalks and place at risk the pedestrian walking along the public sidewalk.

Alternatives

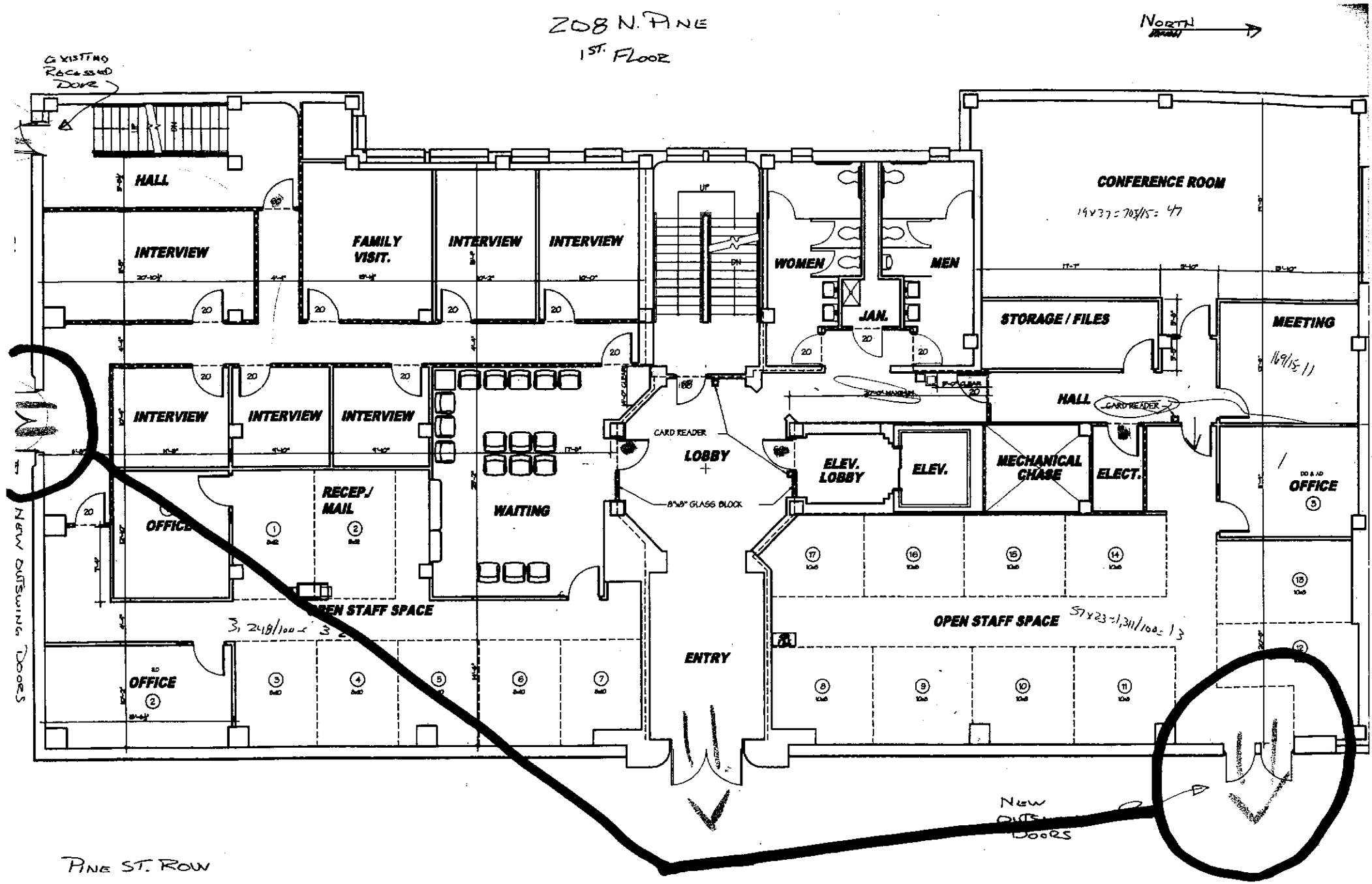
1. Approve the request and execute a License Agreement for the encroachment.
2. Disapprove or /Deny the request and require the encroachment to be removed and the property to comply with the City Code.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council deny the request as the encroachment impedes, impairs, and diminishes the public use of the public sidewalk

Sample Motion

Move to deny the request for a License Agreement to allow exterior doors to swing over the Public sidewalk.



Problem Doors

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item J1

Payment of Claims for the Period of September 15, 2004 through September 28, 2004

The Claims for the period of September 15, 2004 through September 28, 2004 for a total of $3,289,864.98. A MOTION is in order.

Staff Contact: RaNae Edwards

City of Grand Island

Tuesday, September 28, 2004
Council Session

Item X1

Discussion Concerning Litigation Issues and Property Acquisition

ADJOURN TO EXECUTIVE SESSION:
Discussion regarding Litigation Issues and Property Acquisition.
RETURN TO REGULAR SESSION:

Staff Contact: Doug Walker