
City of Grand Island



Tuesday, October 12, 2004

Council Session Packet

City Council:

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

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

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

Call to Order

Pledge of Allegiance /Invocation - Pastor George Oxford, First Church of the Nazarene, 1022 West 6th 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, October 12, 2004

Council Session

Item C1

Proclamation "Clergy Appreciation Month" October 2004

Clergy provide an important service to our community through hard work, sacrificial dedication, and spiritual leadership. To show our appreciation and support, the Mayor has proclaimed the month of October 2004 as "Clergy Appreciation Month" and encourages people to remember and support their clergy the entire year. See attached PROCLAMATION.

Staff Contact: Mayor Vavricek

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

PROCLAMATION

- WHEREAS, Clergy and their families provide a unique service to the people of our community, through hard work, sacrificial dedication, and spiritual leadership; and
- WHEREAS, God has entrusted to them one of the most precious of assignments – the spiritual well-being of His flock; and
- WHEREAS, Clergy and their families live under incredible pressures. Their lives are played out in a fishbowl, with the entire congregation and community watching their every move; and
- WHEREAS, Clergy put in a lot of hard hours preparing sermons and teachings, visiting the sick, comforting those who have lost loved ones, and praying for those in need; and
- WHEREAS, Clergy have been a constant source of moral and spiritual guidance for many people and clergy are in need of special blessings from their people.

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

“CLERGY APPRECIATION MONTH”

in the City of Grand Island, and encourage all citizens to show your appreciation and support for your Clergy throughout the entire year.

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item C2

Recognition of Captain Kevin Harris, Firefighter with the Grand Island Fire Department for 25 Years of Service with the City

The Mayor and City Council will recognize Captain Kevin Harris, Firefighter with the Grand Island Fire Department for 25 years of service with the City. Captain Harris was hired as a firefighter on October 23, 1979, promoted to Lieutenant on January 4, 1993, and then promoted to Captain on July 4, 1999. We would like to congratulate Kevin on his 25 years of dedication to the City.

Staff Contact: Brenda Sutherland



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item C3

Recognition of Jodi Halm, Accounting Clerk with the Finance Department for 20 Years of Service with the City

The Mayor and City Council will recognize Jodi Halm, Accounting Clerk with the Finance Department for 20 years of service with the City. Ms. Halm was hired on October 1, 1984 as a Cashier I, was promoted to Cashier III-Customer Service on March 30, 1987, was promoted to Clerk III on February 1, 1988, then was promoted to Accounting Clerk II on August 28, 1992. We would like to congratulate Jodi on her 20 years of dedication to the City.

Staff Contact: Brenda Sutherland



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item C4

**Presentation by Marlan Ferguson, Economic Development
President Relative to Economic Development Activities in Grand
Island and Hall County**

Marlan Ferguson, President of the Economic Development Corporation (EDC) will present a PowerPoint presentation to update the Mayor and City Council on Economic Development activities in Grand Island and Hall County.

Staff Contact: Marlan Ferguson, EDC President



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item E1

**Public Hearing on Request of Orozco's Corporation dba El
Diamante Night Club, 1600 South Eddy Street for a Class "I"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 12, 2004

Subject: Public Hearing on Request of Orozco's Corporation dba El Diamante Night Club, 1600 South Eddy Street for a Class "I" Liquor License

Item #'s: E-1 & G-6

Presenter(s): RaNae Edwards, City Clerk

Background

Orozco's Corporation dba El Diamante Night Club, 1600 South Eddy Street has submitted an application for a Class "I" Liquor License. A Class "I" Liquor License allows for the sale of alcoholic beverages on sale only within the corporate limits of the City of Grand Island.

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 Orozco's Corporation, dba El Diamante Night Club, 1600 South Eddy Street for a Class "I" 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 Orozoco's Corporation dba El Diamante Night Club, 1600 South Eddy Street for a Class 'T' Liquor License.



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item E2

Public Hearing on Acquisition of Utility Easement - 3604 S. Blaine Street - Meadowlark Estates, Inc.

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: October 12, 2004

Subject: Acquisition of Utility Easement – 3604 S. Blaine Street – Meadowlark Estates, Inc.

Item #'s: E-2 & G-12

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 Meadowlark Estates, Inc., located along the south line of Meadowlark Estates Subdivision (3604 S. Blaine Street) between Lot Two (2) and U.P.R.R. spur line, 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 place underground cable and a junction box along the south side of Meadowlark Estates. The cable will create a two-way feed for most of the transformers in Meadowlark Estates. The existing electrical cable in this area is nearing the end of its useful life and needs to be replaced prior to total failure. By creating a two-way feed, individual sections of cable can be replaced without causing long outages to all of the customers in the subdivision.

Alternatives

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

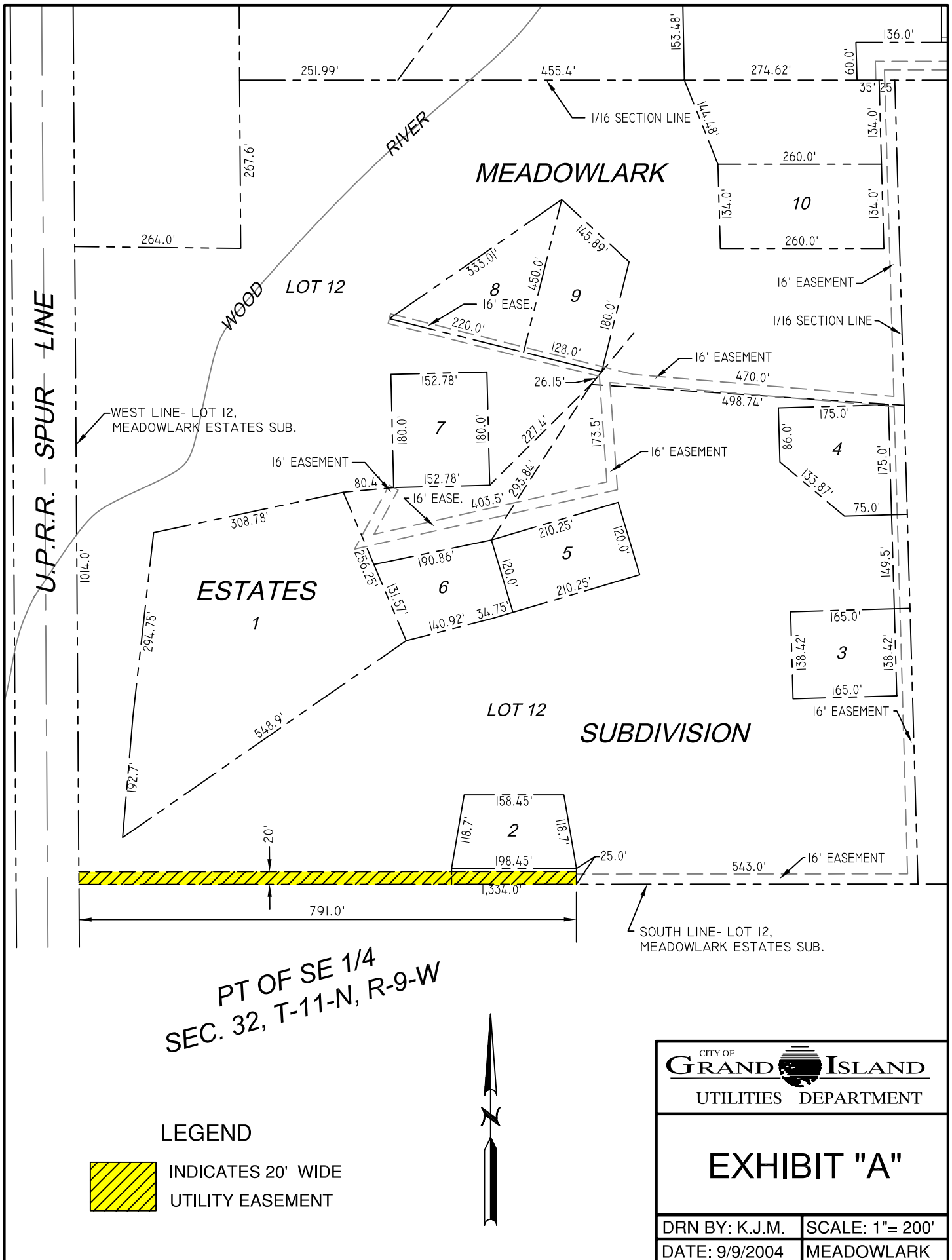
1. Approve the acquisition of the easement
2. Disapprove or /Deny the easement
3. Modify the request to meet the wishes of the Council
4. Table the issue

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.





City of Grand Island

Tuesday, October 12, 2004

Council Session

Item E3

**Public Hearing on the Acquisition of Four (4) Public Utility
Easements Along the Properties of 3917 & 3923 Partridge Circle
and 1609 & 1615 Meadow Road (Little B's Corporation)**

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Public Hearing and Approving Acquisition of Four (4) Public Utility Easements Along the Properties of 3917 & 3923 Partridge Circle and 1609 & 1615 Meadow Road; (Little B's Corporation)

Item #'s: E-3 & G-16

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

Background

Nebraska State Law states that acquisition of property must be approved by City Council. The Public Works Department needs to acquire a Public Utility Easement along the properties of 3917 & 3923 Partridge Circle and 1609 & 1615 Meadow Road.

Discussion

The Easement is needed in order to have access to maintain the necessary storm drainage.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the acquisition of the Easement.

DRAINAGE EASEMENT

PART OF LOT 12, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND

LOT 14, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 18, BLOCK 3
SUMMERFIELD
ESTATES
4TH SUBD.

LOT 13, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 12, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 11, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

PARTRIDGE CIRCLE

R=60'

R.O.W.
60'

10.00'

20' DRAINAGE
EASEMENT

EXISTING 10'
UTILITY EASEMENT

UNPLATTED

LEGEND

DRAINAGE EASEMENT



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 12, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 10.00 FEET OF LOT 12, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,345.11 SQUARE FEET OR 0.031 ACRES MORE OR LESS.

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 12, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES

ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

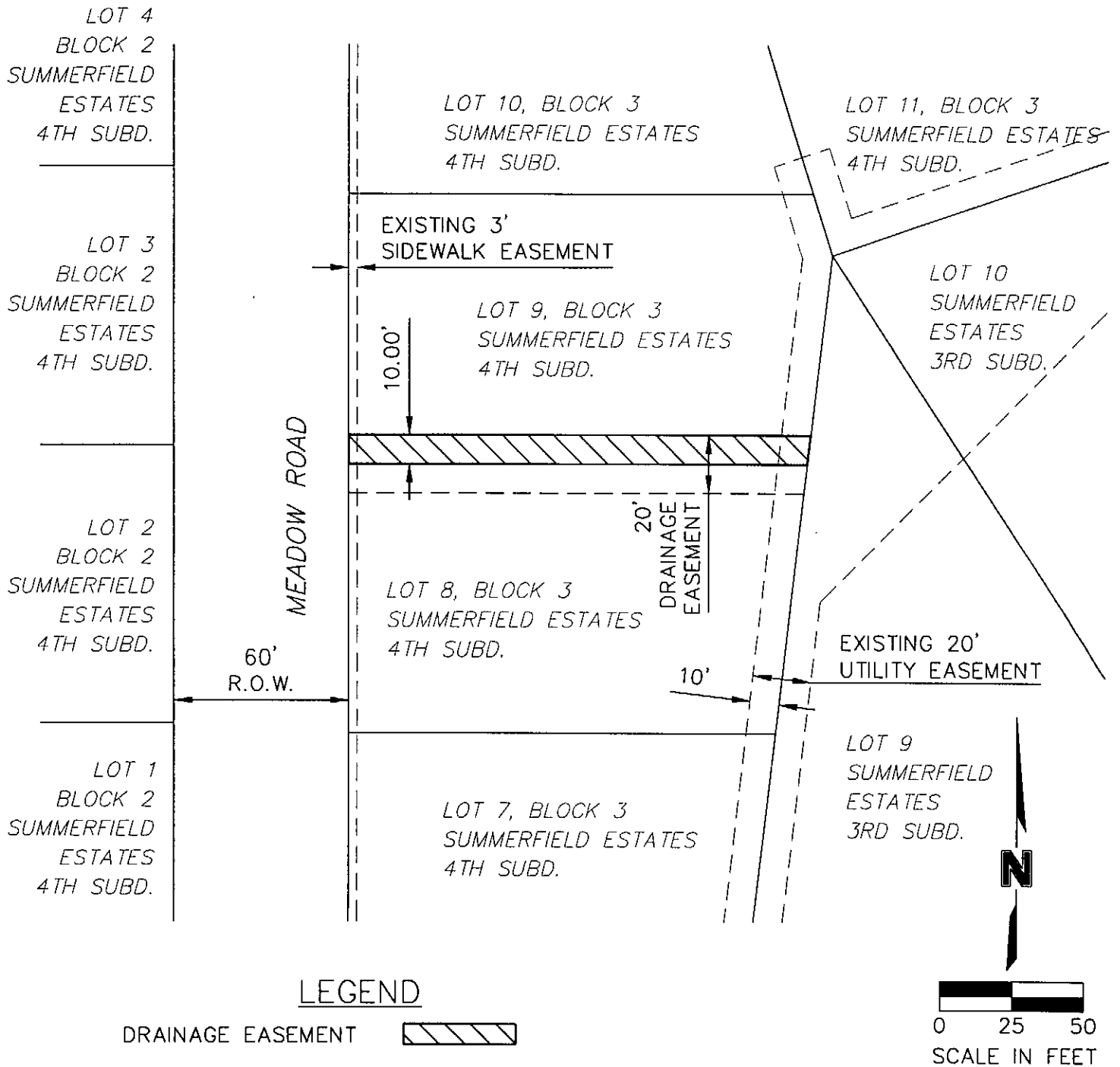
201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-8750 - FAX 308-384-8752
OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:
AUGUST 2004

OA #2003-0463

DRAINAGE EASEMENT

PART OF LOT 9, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 9, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 10.00 FEET OF LOT 9, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,585.44 SQUARE FEET OR 0.036 ACRES MORE OR LESS.

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 9, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES

ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

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OMAHA DEWEE LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

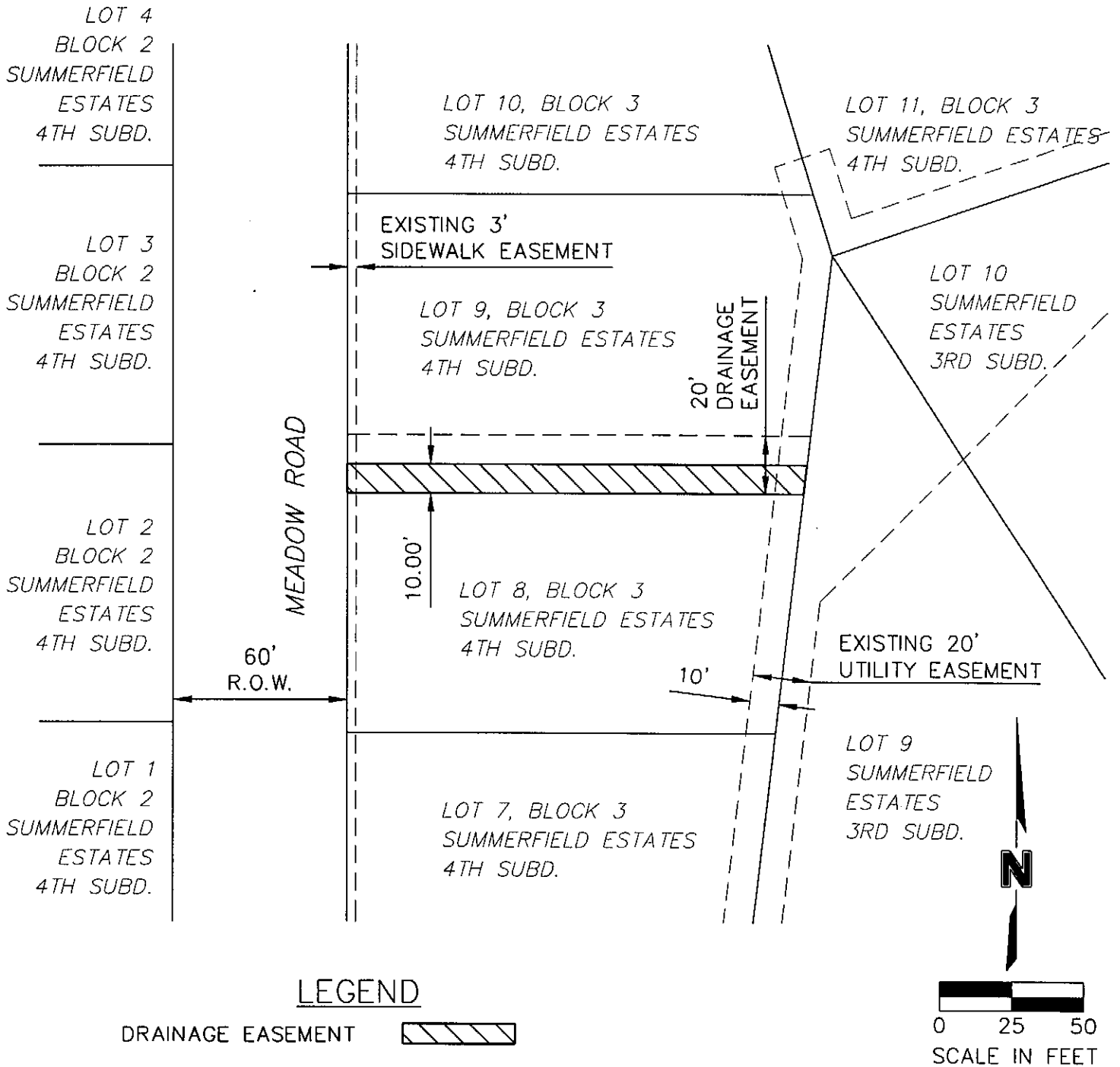
DATE:

AUGUST 2004

OA #2003-0463

DRAINAGE EASEMENT

PART OF LOT 8, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND



LEGEND

DRAINAGE EASEMENT



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 8, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF LOT 8, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,573.78 SQUARE FEET OR 0.036 ACRES MORE OR LESS.

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 8, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES

ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

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OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:
AUGUST 2004

OA #2003-0463

DRAINAGE EASEMENT

PART OF LOT 13, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND

LOT 14, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 18, BLOCK 3
SUMMERFIELD
ESTATES
4TH SUBD.

LOT 13, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 12, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

LOT 11, BLOCK 3
SUMMERFIELD ESTATES
4TH SUBD.

PARTRIDGE CIRCLE

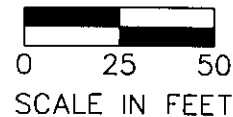
20' DRAINAGE
EASEMENT

EXISTING 10'
UTILITY EASEMENT

UNPLATTED

LEGEND

DRAINAGE EASEMENT



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 13, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 10.00 FEET OF LOT 13, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,383.69 SQUARE FEET OR 0.032 ACRES MORE OR LESS.

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 13, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-6750 - FAX 308-384-6752
OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:
AUGUST 2004
OA #2003-0463



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item E4

**Public Hearing on the Acquisition of a Public Utility Easement
South of Capital Avenue and West of Diers Avenue (John R.
Menard)**

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Public Hearing and Approving Acquisition of a Public Utility Easement South of Capital Avenue and West of Diers Avenue (John R. Menard)

Item #'s: E-4 & G-17

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

Background

Nebraska State Law states that acquisition of property must be approved by City Council. The Public Works Department needs to acquire a Public Utility Easement South of Capital Avenue and West of Diers Avenue.

Discussion

The Easement is needed in order to have access to install and maintain the necessary storm drainage. The property is owned by John R. Menard. The easement is needed for the storm sewer that the Wal Mart's contractor will build when paving Carlton Avenue.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the acquisition of the Easement.

Storm Sewer Easement

HALL COUNTY, NEBRASKA

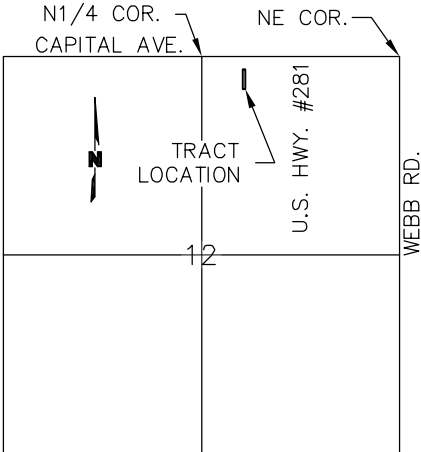
CITY OF GRAND ISLAND
PROPERTY

LEGEND

PERMANENT EASEMENT

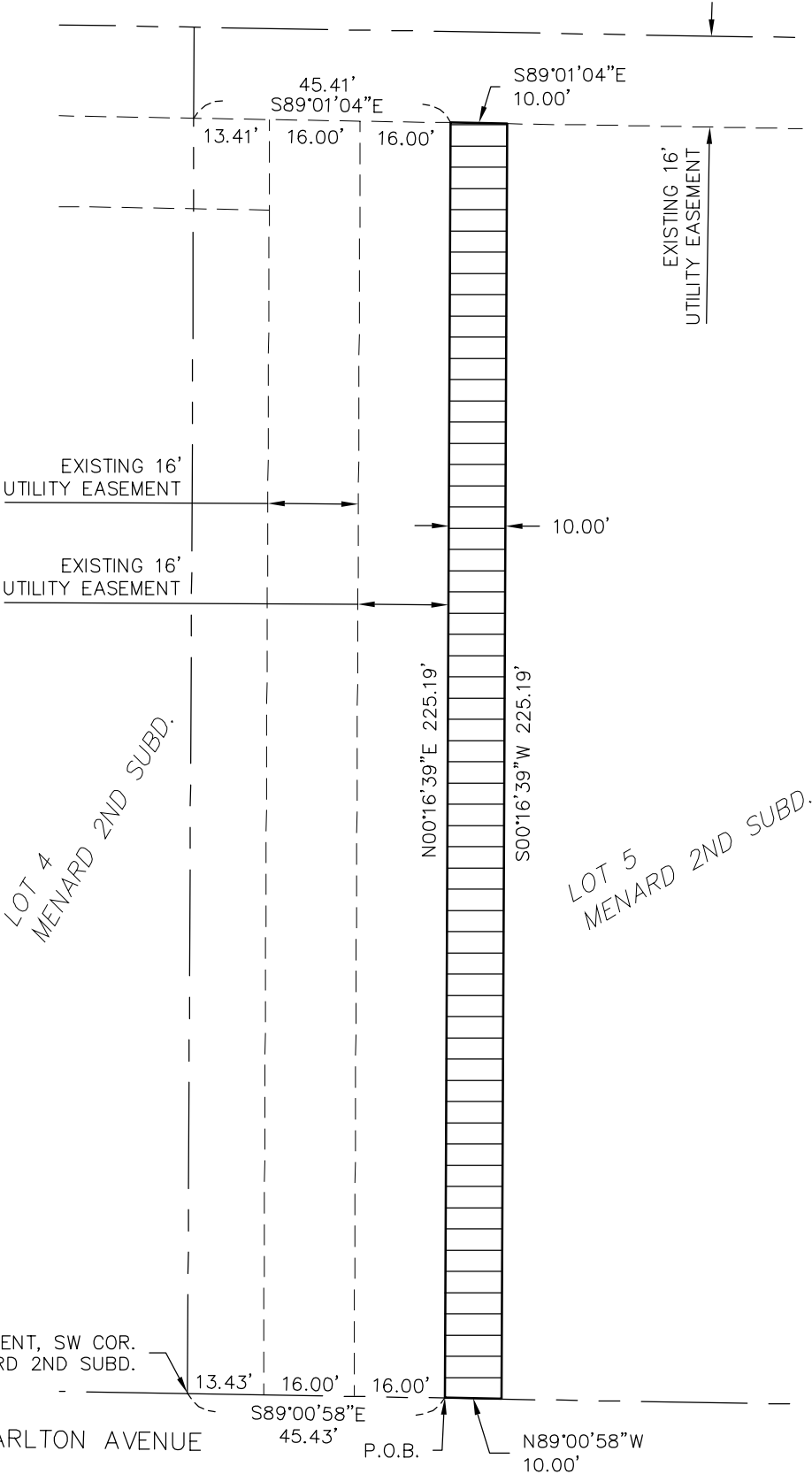


NOT TO SCALE



VICINITY MAP

NOT TO SCALE



STORM SEWER EASEMENT DESCRIPTION

A STORM SEWER EASEMENT CONSISTING OF PART OF LOT 5 OF MENARD SECOND SUBDIVISION, LOCATED IN THE NORTHEAST QUATER (NE1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CARLTON AVENUE; THENCE S89°00'58\"/>

EXHIBIT A



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS
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OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item E5

**Public Hearing Concerning the Semi-Annual Report by the
Citizens' Review Committee on the Economic Development
Program Plan**

Staff Contact: Marlan Ferguson, EDC President

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: October 12, 2004

Subject: Public Hearing Concerning the Semi-Annual Report by the Citizen's Review Committee on the Economic Development Program Plan.

Item #'s: E-5 & G-1

Presenter(s): Douglas R. Walker, City Attorney
Tim White, Chairman, Citizen's Advisory Review Committee

Background

The voters of the City of Grand Island approved an economic development plan at the May 6, 2003 election. Subsequent to the election, the city has adopted an ordinance that establishes the economic development plan and a Citizens Advisory Review Committee to oversee the process of approving applications for economic development incentives. The Citizens Advisory Review Committee is required by State Statute and the Grand Island City Code to make a semi-annual report to the City Council.

Discussion

The Citizens Advisory Review Committee has been conducting regular meetings during the last six months as required by the City Code and the Nebraska Statutes. The committee has been able to approve two applications for funding since the last semi-annual report which have been from Standard Iron and Wireworks, Inc. and Heritage Disposal and Storage. The committee looks forward to receiving meritorious applications for consideration in the future.

Alternatives

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

1. Accept the semi-annual report of the Citizens Advisory Review Committee.

2. Do not accept the semi-annual report of the Citizens Advisory Review Committee.

Recommendation

City Administration recommends that the Council accept the semi-annual report of the Citizens Advisory Review Committee.

Sample Motion

Accept the semi-annual report of the Citizens Advisory Review Committee.



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item F1

**#8937 - Consideration of Amending Chapter 5 of the Grand Island
City Code Relative to Animals**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: October 12, 2004

Subject: Proposed Change to Dog Ordinance

Item #'s: F-1

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

Background

At the study session on September 7, 2004, city staff proposed three changes to the City Code dealing with dogs running at large and the process for declaring dogs vicious. Since that meeting, an additional change has been made to the vicious dog and dangerous dog definitions in Section 5-1 of the City Code. There have been some unfortunate situations develop in the City of Grand Island this summer regarding some dog bite incidents and city staff believes that the proposed changes in the ordinance will improve and expedite the process of declaring dogs vicious to protect the public. City staff is also proposing some minor changes to the language in the dog running at large definition section and in Ordinance 5-34, which deals with dogs running at large.

Discussion

Grand Island City Code Section 5-37 as currently drafted does not specifically permit the Director of the Humane Society to declare an animal vicious if it has previously been declared dangerous or potentially dangerous and inflicts a subsequent bite on a human being or a domestic animal. The way Section 5-37 is currently worded, an animal can be declared vicious if it is not under control of the owner. A new subsection (d) to Section 5-37 specifically states that in the event an animal previously declared to be dangerous or potentially dangerous bites or inflicts a wound on a human being or domestic animal, then that animal may be declared vicious by the Director of the Humane Society who may then require the animal to be relinquished to the Humane Society for disposition as a vicious animal. City staff believes that by having this provision in Section 5-37, this will substantially strengthen the Humane Society's ability to declare animals as vicious and prevent them from being a threat to people or other animals.

Section 5-37 also does not specify that if an animal kills a human being or a domestic animal on its owner's property that the animal is to be declared vicious. A new sub-

section, 5-37(E) now requires that such an animal be declared vicious. A change has also been made to the definition of a dangerous animal and a vicious animal to reflect this change in the City Code.

In regard to the changes proposed for Sections 5-1 and 5-34, these changes are clearing up some ambiguity in the requirements for people to keep animals that are outside of their residence in a fenced in area or on a leash to prevent them from running at large. The old definition of running at large included the phrase “If an animal is unattended and out of doors on the premises, the owner”. The words “unattended and” have been removed so that it is clear that the if animal is out of doors on the owner’s property that it must either be in a fenced in area or on a leash. When revisions were made to these ordinances in 2003 this was the intent of the Humane Society and the Animal Advisory Board to recommend changes that would require the animals outside on their owner’s premises be properly restrained as well as when the animals are off the property of the owner. The proposed changes will clarify this issue.

Alternatives

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

1. Approve the ordinance as drafted.
2. The City Council may choose to reject the proposed ordinance.
3. Modify the proposed ordinance to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the proposed changes to the dog ordinances be approved and adopted.

ORDINANCE NO. 8937

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Section 5-1 pertaining to the definition of a dangerous animal, the definition of a vicious animal, the definition of running at large; to amend Section 5-34 pertaining to animals running at large; to amend Section 5-37 pertaining to restraint, impoundment, confiscation of dangerous and vicious animals; to repeal Sections 5-1, 5-34, and 5-37 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 5-1 of the Grand Island City Code is hereby amended to read as follows:

§5-1. Definitions

As used in this chapter, the following terms mean:

Animal. Any live, vertebrate creature other than human beings.

Animal Shelter. Any facility operated by the City or the contracting agency for the purpose of impounding or caring for animals held under the authority of this chapter.

Auctions. Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.

Birds. Any feathered vertebrate, including pigeons, but excluding poultry.

Bite. Any seizure with the teeth by an animal

Circus. A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel (this term shall not include a veterinary hospital or veterinary clinic).

Contracting Agency. The person, association, corporation, or partnership with which the City has contracted to enforce the provisions of this chapter.

Dangerous Animal. Any animal that (a) has ~~killed or~~ inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the animal was off the owner's property; or (c) has been previously determined to be a potentially dangerous animal according to this chapter and such animal subsequently and aggressively bites, attacks, or endangers the safety of humans or domestic animals. Under (a) and (c) herein, the animal shall not be considered a dangerous animal if the conduct of the animal in question is directed at a person:

- (1) Who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal;
- (2) Who, at the time, was tormenting, abusing, or assaulting the animal;
- (3) Who, in the past, has been observed or reported to have tormented, abused, or assaulted the animal; or
- (4) Who, at the time, was committing or attempting to commit a crime against the person, against public peace, or relating to the property.

ORDINANCE NO. 8937 (Cont.)

Enclosure. Any tract of land intended to restrain or contain an animal by means of a building, fence, or any other means.

Fowl. Any poultry, other than pigeons.

Grooming Shop. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Health Department. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society Officer. Any police officer, Health Department employee, or employee of the contracting agency who is performing the duty of enforcing the provisions of this chapter.

Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock. Any hoofed animal commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, and miniature pot belly pigs.

Owner. Any person, partnership, or corporation owning, keeping, harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing Animal Exhibition. Any spectacle, display, act, or event other than circuses in which performing animals are used.

Pet. Any animal kept for pleasure rather than utility.

Pet Shop. Any person, partnership, or corporation, whether operated separately or in connection with another business except for a licensed kennel, that buys, sells, or boards any species of animal.

Potentially Dangerous Animal. (a) Any animal that (1) bites or inflicts a wound that is not severe on a human or injures a domestic animal either on public or private property, or (2) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude or attack; or (b) any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Restraint. Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Residence. The structure used as a domicile by a person or a family.

Riding School or Stable. Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

Running at Large. Running at large shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is ~~unattended and~~ out of doors on the premises of the owner, the animal shall be in an adequately fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises.

Scratch. Any scraping with the claws by an animal which causes an abrasion, puncture or wound of the skin.

Severe Injury. Any physical injury to a person that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery, or one or more broken bones, or that creates a potential danger to the life or health of a victim.

Shelter. Any structure with a roof and walls designed and/or intended to house one or more animals.

Veterinary Hospital or Veterinary Clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseased and injured animals.

Vicious Animal. Any animal that has killed a human being or another domestic animal on its owner's property. Also any animal that conforms to the definition of a dangerous animal and that could not be controlled or restrained by its owner at the time of any occurrence underlying the animal's declaration as a dangerous animal or which cannot be sufficiently controlled or restrained by the animal's owner to prevent any such occurrence in the future. An animal that has previously been declared dangerous or potentially dangerous that bites or inflicts a wound on a human or on a domestic animal will not be considered sufficiently controlled and may be declared a vicious animal by the Director of Humane Society.

Wild Animal. Any live animal normally found living in a state of nature and not normally subjected to domestication, including but not limited to: monkeys, raccoons, skunks, snakes, and lions, but excluding birds.

ORDINANCE NO. 8937 (Cont.)

Zoological Park. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

SECTION 2. Section 5-34 of the Grand Island City Code is hereby amended to read as follows:

§5-34. Running at Large; Restraint Required

It shall be unlawful for any owner to suffer or permit any dog or other animal to run at large within the corporate limits of the City of Grand Island. "Running at Large" shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is ~~unattended and~~ out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises. It shall be the duty of the city animal control officer or other appropriate city law enforcement officer to impound any dog found running at large within the City of Grand Island. Every dog found running at large in violation of this or any other section of the Grand Island City Code is declared to be a public nuisance and may be impounded.

SECTION 3. Section 5-37 of the Grand Island City Code is hereby amended to read as follows:

§5-37. Dangerous Animals and Vicious Animals; Restraint; Impoundment; Confiscation

(A) No owner of a dangerous or potentially dangerous animal shall fail to keep such animal securely muzzled and restrained by a leash or chain whenever off the owner's property.

(B) Any dangerous animal or potentially dangerous animal in violation of §5-36 or §5-37 of the Grand Island City Code may be impounded by humane society officers pending the owner paying the costs of confinement, licensing and vaccination, if applicable, and demonstrating the ability of complying with said sections thereafter.

(C) In the event an animal previously declared dangerous or potentially dangerous has been cited for running at large on two separate occasions subsequent to service of written notice on the animal's owner pursuant to §5-47 of this code, such animal shall be declared a vicious animal and ownership of such animal shall be relinquished to the Humane Society in accordance with §5-47(C).

(D) In the event an animal conforming to the definition of dangerous or potentially dangerous bites or inflicts a wound on a human or domestic animal, subsequent to service of written notice on the animals' owner pursuant to §5-47 of this code, such animal may be declared a vicious animal and if the animal is declared to be vicious, ownership of such animal shall be relinquished to the Humane Society in accordance with §5-47(C).

(E) Any animal that has killed a human being or a domestic animal when on its owner's property shall be declared vicious and ownership shall be relinquished to the Humane Society.

~~(F)(D)~~ Disposition of any dangerous animal or potentially dangerous animal impounded for violation of §5-36 or §5-37 shall be governed by §5-44.

SECTION 4. Sections 5-1, 5-34, and 5-37 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 8937 (Cont.)

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: October 12, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G1

Receipt of the Economic Development Program Plan Report

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

Staff Contact: Marlan Ferguson, EDC President



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G2

Approving Minutes of September 28, 2004 City Council Regular Meeting

The Minutes of September 28, 2004 City Council Regular Meeting are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 28, 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 28, 2004. Notice of the meeting was given in the Grand Island Independent on September 22, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Randy Fett, St. Paul Lutheran Church, 1515 South Harrison Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the Harvest of Harmony Parade this Saturday, October 2, 2004. Also mentioned was that Item C-1 was being pulled from the agenda at the request of Senator Ray Aguilar. Mayor Vavricek stated that there were many elected officials who have given of their time and efforts to serve the people of Grand Island and it was important to recognize them.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Senator Ray Aguilar Appreciation Week" September 27, 2004: Pulled from the agenda at the request of Senator Ray Aguilar.

Recognition of Contributors to the GREAT Summer Youth Program: Grand Island Police Officer Butch Hurst commented on the GREAT Summer Youth Program and introduced the following officers that helped with the program: Sergeant Steve Rathman, Officer Rick Ressel, Officer James Urbanski, and Officer Stan Steele. The Mayor presented plaques to the following contributors of the Grand Island Police Department Great Summer Youth Program: Tim & Tom Dinsdale and Mike Jacobowski, Tom Dinsdale Chevrolet; Fred Groenke, Super Saver; Chris Burling, Howard School; Dr. Steve Joel, Grand Island School Systems; and Kevin Neth, Coca-Cola. Also mentioned were Sam's Club, Wal-Mart, and Bosselman.

PUBLIC HEARINGS:

Public Hearing for a Nebraska Department of Economic Development Planning Grant. Joni Kuzma, Development Specialist reported that the Nebraska Department of Economic Development was offering a second cycle of funding for a CDBG Planning Grant. The City would apply for the grant for needs assessment of homeless and homeless housing needs in Grand Island and the area served by Hope Harbor which included Hall, Hamilton, Howard and Merrick Counties, and the tri-city area. Marvin Anderson, President of Hope Harbor spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1123 N. St. Paul Road. (Habitat for Humanity) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1123 N. St. Paul Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to relocate a power pole to the south edge of the property to facilitate the construction of a new home. No public testimony was heard.

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. City Clerk RaNae Edwards reported that Elks BPO Lodge 604 dba Elks BPO Lodge 604, 631 South Locust Street had submitted an application with the City Clerk's Office for an addition to their Class "C-01463" Liquor License. This request was to add a 24' x 28' addition to the northeast corner of the building which would be enclosed by a 6' stockade fence. Dennis Garrels, 303 Lakeside Drive spoke in support and was present to answer questions. No further public testimony was heard.

ORDINANCE:

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:

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

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 this ordinance 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? Gene Dominic, 221 East 1st Street spoke concerning the enforcement of the laws on the books. He suggested that the City be proactive and that maybe another full-time or part-time Code Enforcement Officer was needed. Also mentioned was equal enforcement. Mr. and Mrs. Martin Gomez, 1004 West Anna Street with interpreter Yolanda Nuncio commented about being upset with regards to a newspaper article about their property. Explained were actions taken to correct any code enforcement issues on their property. Ms. Nuncio read two letters signed by neighbors who had no problem with the

Gomez property. City Attorney Doug Walker stated that the Legal Department had had contact with the Gomez's and this ordinance would have no effect on their property as it was within the City code regulations at this time. No further public comment was heard.

City Clerk: Ordinance #8936 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8936 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8936 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-5 and G-12 were pulled from the consent agenda. Motion by Hornady, second by Cornelius, to approve the Consent Agenda excluding items G-5 and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 14, 2004 City Council Regular Meeting.

Approving Minutes of September 21, 2004 City Council Study Session. Councilmember Carole Cornelius abstained.

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.

#2004-236 – Approving Bid Award for Padmount Transformers with Cahoon Sales of Elkhorn, Nebraska in an Amount of \$41,450.00 plus tax.

#2004-238 – Approving Acquisition of Utility Easement Located at 1123 N. St. Paul Road. (Habitat for Humanity)

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

#2004-240 – Approving Lease of Vacant Lot at 3rd & Kimball with Senior Citizens Industries, Inc.

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

#2004-242 – Approving Bid Award for Galvanized Steel Exterior Box Corrugated Culverts at CAAP with CONTECH Construction Products, Inc. of Lincoln, Nebraska in an Amount of \$89,203.20.

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

#2004-245 – Approving Certificate of Final Completion and Setting Board of Equalization Hearing Date for Sanitary Sewer District No. 513, Gosda Subdivision Along Lillie Drive West of North Road.

#2004-246 – Approving Bid Award for a 35,000 GVW Truck Mounted Sewer Flushing Machine with Nebraska Truck Center, Inc. of Grand Island, Nebraska in an Amount of \$125,460.00.

#2004-247 – Approving Bid Award for a Positive Displacement Trailer Mounted Sewer Vacuum with Elliott Sanitation Equipment Company of Lincoln, Nebraska in an Amount of \$54,820.00.

#2004-248 – Approving Agreement for Consulting Services Relative to Railroad Corridor Study with Kirkham Michael & Associates, Inc. of Omaha, Nebraska in an Amount not to exceed \$123,500.00.

#2004-237 – Approving Sole Source Bid Award for Fuel Oil Facilities Upgrade Project for Burdick and Platte Generating Stations with the Diamond Engineering Company of Grand Island, Nebraska to Pursue Negotiations. Councilmember Meyer questioned if the negotiations was for this project only. Utilities Director Gary Mader stated that is was.

Motion was made by Meyer, second by Gilbert to approve Resolution #2004-237. Upon roll call vote, all voted aye. Motion adopted.

#2004-244 – Approving City Council Meeting Schedule for 2005. Councilmember Pielstick questioned why there was only one Study Session scheduled for August. City Clerk RaNae Edwards stated that August 2, 2005 was National Night Out and typically the Council Meeting was cancelled.

Motion was made by Pielstick, second by Meyer to approve Resolution #2004-244. Upon roll call voted all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of Procon Management, Inc. to Allow Out Swing Doors Onto the Public Sidewalk: Motion was made by Hornady, second by Cornelius to deny the request of Procon Management, Inc. Craig Lewis, Building Department Director reported that Procon Management, Inc. had submitted a License Agreement application for out swinging doors onto the public sidewalk in front of 208 North Pine Street (formerly Old City Hall), which had been denied by City staff due to public safety and Building Code regulations. This was an appeal of that decision.

Councilmember Whitesides questioned if the non-conforming doors were used on a daily basis. Mr. Lewis stated that currently staff was using them and propping open the doors. Discussion was had concerning fire regulations. Councilmember Gilbert asked if the Building Department had seen the plans before the doors were installed. Mr. Lewis stated that before the doors were installed Procon was told that the doors needed to be either recessed or in swinging otherwise a license agreement would be needed. Discussion was held with regards to other downtown businesses with out swinging doors.

K.C. Hehnke, 615 Ivy Hall Place representing Procon commented on other businesses in the downtown area that had doors swinging onto the public streets. Mr. Hehnke presented pictures that showed the original Old City Hall building and that it was the intent to remodel it to its original state. He also stated the doors were for emergency exit only and that it would be impossible to recess these doors. Discussed was marking these doors as emergency exits only, removing the locks from the outside of these doors, and not using these doors for entrance or blocking these doors. Railings were mentioned.

Motion was made by Whitesides to refer this issue to the next regular Council meeting of October 12, 2004. Motion died to lack of a second.

Roll Call was taken upon the original motion to deny the request of out swinging doors onto the public sidewalk located at 208 North Pine Street. Upon roll call vote, Councilmember Cornelius aye. Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted no. Motion failed.

Motion was made by Whitesides, second by Hornady to refer this request to the October 12, 2004 Regular City Council meeting with the following stipulations:

1. Doors to be used as emergency exits only
2. Doors were to be marked emergency exit only
3. Alarms were to be installed
4. Locks on the outside of doors needed to be removed

After further discussion Councilmember Whitesides and Hornady withdrew their motion and second.

Motion was made by Whitesides, second by Pielstick to approve the request of Procon with the following stipulations:

1. Doors to be used as emergency exits only
2. Doors were to be marked emergency exit only
3. Alarms were to be installed
4. Locks on the outside of these doors needed to be removed

Discussion was had concerning the alarm system. Gene Dominic, 221 East 1st Street spoke concerning the process of this discussion and not being uniformed throughout the City with regards to other businesses.

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

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, approve the Claims for the period of September 15, 2004 through September 28, 2004, for a total amount of \$3,289,864.98. Motion adopted. Councilmember Pauly abstained from voting on claims #80295 & #80796. Councilmember Pielstick abstained from voting on invoices #323492 and #325056. Councilmember Pielstick abstained from voting on claim #80473.

EXECUTIVE SESSION: Motion by Whitesides, second by Hornady, carried unanimously to adjourn to Executive Session at 8:45 p.m. for the purpose of discussing litigation issues and property acquisition.

RETURN TO REGULAR SESSION: Motion by Cornelius, second by Hornady, carried unanimously to return to Regular Session at 9:05 p.m.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G3

Approving Minutes of October 5, 2004 City Council Study Session

The Minutes of October 5, 2004 City Council Study Session are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

October 5, 2004

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on October 5, 2004. Notice of the meeting was given in the Grand Island Independent on September 29, 2004.

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

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the Harvest of Harmony Parade and complemented those people who helped put it on and the people who attended.

Update on 1/2 Cent Sales Tax Projects: Mayor Vavricek commented on meeting with the Hall County Board of Supervisor's and requesting property for the Law Enforcement Center. Mayor Vavricek stated that the County Board unanimously approved the donation of 5 acres of property located east of the city on Highway 30.

City Administrator Gary Greer reported that recently there had been a lot of discussion concerning the financing strategy of the 1/2 Percent Sales Tax Projects. As usually is the case most of the time, there was not enough money to accomplish all the projects immediately. Mentioned was the need to continually prioritize, cost contain, value engineer, justify expenses, seek other revenues, and avoid unnecessary costs.

Mr. Greer stated they were finding bid construction costs to be coming in higher due to the many projects that were in store for the community. It was the City Administration's recommendation that City Council consider Fire Station #1, the Law Enforcement Center, and the Library Expansion as top priorities. In order to assure that these facilities moved forward it appeared that the other proposed sale tax projects needed to be delayed, phased, and/or considered as pay-as-you-go projects.

Reviewed were the original 1/2 Percent Project Plan and the possible Re-Prioritization of the 1/2 Percent Sales Tax Projects as follows:

Original 1/2 Percent Project Plan

Financed Projects:

1)	Fire Station #1 Replacement	\$3,000,000
2)	Fire Training Facility (Land, Building, Burn Building, Training Tower)	\$4,000,000
3)	Police/Sheriff Law Enforcement Center	\$3,000,000
4)	Library Expansion	\$7,000,000
5)	Aquatics Projects (according to Aquatics plan)	<u>\$3,000,000</u>
Total:		\$20,000,000

The aforementioned if amortized for 20 years at 5% would create approximate annual costs of:
\$1,593,449.

Annual Cash Projects:

1)	Grand Generation Center Capital Fund	\$100,000
2)	Cornhusker Army Ammunition Recreation Development	\$125,000
3)	Hike/Bike Trail Development	\$125,000
4)	Infrastructure Emergency Funds	<u>\$ 56,551</u>
Total:		\$406,550

Annual Grand Total: \$2,000,000

Possible Re-Prioritization of 1/2 Percent Sales Tax Projects:

Financed Projects:

1)	Fire Station #1 Replacement	\$3,000,000
2)	Police/Sheriff Law Enforcement Facility	\$8,600,000
3)	Library Expansion	<u>\$7,000,000</u>
Total:		\$18,600,000

The aforementioned if amortized for 20 years at 5% would create approximate annual costs of:
\$1,492,512.

Councilmember Gilbert questioned the costs for Fire Station #1 since the Law Enforcement Center came in twice what was estimated. Mr. Greer stated he was confident that we could build a Fire Station, but it depended on a lot of other things like if we would have to buy land, the type of station, etc. Also questioned was the delay in the Fire Training Facility. Mr. Greer stated the

delays would not be significant and that we were working on the Training Facility, but that it would take some time.

Glendale Reiss, 910 North Boggs commented on concerns about putting the Fire Station on the back burner. Mr. Greer stated the Fire Station was a high priority and was one of the immediate projects. Lewis Kent, 624 East Meves asked that the Council hold off on the Law Enforcement Facility because it was going to cost twice what the City had estimated. He suggested we move forward with the Fire Station.

Update by Bill Stovall, Hall County Regional Airport for Air Service to the East: Bill Stovall, Executive Director for Central Nebraska Regional Airport updated the Mayor and City Council on air service to the east. Chairman Harold Rosenkotter and Vice President Doyle Hulme representing the Airport Authority Board were present for the meeting.

Reviewed were the Industrial Park Development (Tech Park, Infrastructure, and Long Range Goals), Aviation Development (A&P School, Avionics, Summer Programs, Air Show, and Destination Charters), and Geographic Information System. The following projects were presented:

New Hangar 2003-2004	\$2.3 Million
AIP 25 – Runway 2004-2005	\$7.2 Million
AIP 24 – ARFF Vehicle 2005-2005	\$700,000

2004-2007

Environmental Impact Study (EIS), Engineer Selection, Design - \$1.5 Million – Total \$20 Million

AIP 26 – North Apron Reconstruction 2006	\$3.3 Million
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Presented was the proposed Mesa Airlines Routing from Denver, Grand Island, Manhattan, and Kansas City. Projects were mentioned for 1999 – 2005 with \$25 Million coming into Grand Island. The following community economic impacts were mentioned:

14 New Businesses
70+ Employees
Over 300 Employees Total
#3 in Nebraska
Annual Economic Impact \$21,139,600
Annual Payroll \$6.6 Million

Mr. Stovall commented that the total community economic impact and return on investment from 1999 – 2007 would be \$48 Million.

Presentation of the Electric Utility Economic Study: Utilities Director Gary Mader reported that the last rate increase in the Electric Department was in 1980. That was due to an unusually stable period of electric costs including steady city load growth, low inflation rates, and stable fuel prices nationally, particularly coal and natural gas. But over the last few years, that stable environment had changed.

The Electric Utility financial reports had shown a general down trend in the financial position over the last year with the department's reserves being reduced by 26% from December '02 to December '03. This was directly attributable to increased energy costs for production, fuel costs, and purchase power costs. The following indicated the state of those factors:

- Delivered coal costs had increased 14% since December '02 and were expected to firm up at that or a higher level.
- Natural gas prices were extremely volatile but on average, had approximately triple in the last two years.
- Oil prices had increased sharply and OPEC continued production limits.

As a result of the declining financial condition of the Electric Utility, an economics evaluation was begun in May, 2004. The firm of Stanley Consultants was commissioned to conduct the study working closely with Electric Department Staff. The Study concluded that it was necessary to increase Electric Department revenue to maintain that Department.

Mr. Mader introduced Mary Garrison representing Stanley Consultants, Inc. who presented the Economic Evaluation and Rate Revision Study.

Ms. Garrison presented the following Overview of Process that had taken place to determine the need for a rate increase:

1. Financial Forecast with Existing Rates:
 - a.) Project Annual Revenues
 - b.) Project Annual Expenses
 - c.) Project Annual Capital Improvements
 - d.) Project Debt Service Payments
 - e.) Compare projected Revenues & Expenses
 - f.) Determine Net Income & DSCR
 - g.) Set Guideline for Net Income
 - h.) Determine Overall System Rates Increases
2. Rate Design:
 - a.) Power Cost Adjustment Base (formerly fuel adjustment)
 - b.) Base Rate Schedules
3. Financial Forecast with Proposed Rates:
 - a.) Project revenues based on new rates
 - b.) Compare to projected expenses
 - c.) Determine net income with new rates
 - d.) Determine new debt service coverage ratios (DSCR)

Presented were number of customers & annual usage growth rates, projected Mwh sales, projected sales revenue, project system expenses, fuel costs & purchase power costs, projected expenses, projected Capital Improvements and debt service payments, and projected operating

results with current rates. By 2009 the end of year cash would be -\$17,260,749 with the current rates.

The following was presented:

	<u>Set Guideline Net Income/Determine Overall Revenue Increase</u>				
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Set Guideline Net Income	\$4,000,000	\$5,000,000	\$5,000,000	5,000,000	\$5,000000
Cumulative Req. Revenue Increase	9.65%	11.28%	11.62%	13.75%	15.01%
Option 1 Revenue Increase	11.50%	-----	-----	3.00%	-----
Option 2 Revenue Increase	5.00%	5.00%	-----	3.00%	-----

Ms. Garrison recommended that Grand Island use Option 2. Reviewed were the proposed rates. The following conclusions and recommendations were presented:

1. Both power supply & non-power supply costs were increasing
2. Net income, cash reserves, and DSCR are decreasing
3. GIED has committed to 30 MW of Nebraska City #2
4. Retail rates must be adjusted
5. Recommend phasing-in rate increases: 5% (Jan 2005), 5% (Jan 2006), 3% (Jan 2008)
6. Recommend GIED install load profile meters
7. Recommend GIED use financial forecast model as a budgeting tool and a method of monitoring GIED's financial position for a forward five year period

Discussion was held with regards to customer rates, transportation and production costs. Mr. Mader stated that once Council reviewed this information it was proposed to bring an ordinance before Council within 60 days with a rate increase.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

City Clerk
RaNae Edwards



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G4

Approving Appointments to the Human Rights Commission

The following Human Rights Commission members terms of office will expire on October 31, 2004: Anita Lewandowski, Jose Zapata, and Karina Morales. The Mayor is recommending the re-appointment of Anita Lewandowski and Jose Zapata and appointing Kerri Nazarenius to replace Karina Morales. The terms of office will be effective on November 1, 2004 and will expire on October 31, 2007.

The Mayor is also recommending the appointment of John Briseno to fill the unexpired term of Rev. Tim Anderson. The term of office will be effective immediately and will expire on October 31, 2006. Approval is recommended.

Staff Contact: Mayor Vavricek



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G5

Approving Appointment to the Community Redevelopment Authority Board (CRA)

The Mayor is recommending the re-appointment of Glen Murray to the Community Redevelopment Authority Board (CRA) who term of office expired on September 30, 2004. The term will become effective immediately and will expire on September 30, 2009. Approval is recommended.

Staff Contact: Mayor Vavricek



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G6

**Approving Request of Orozco's Corporation dba El Diamante
Night Club, 1600 South Eddy Street for a Class "I" Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G7

**Approving Request of Rafael Orozco, 2105 North Nashville for
Liquor Manager Designation for El Diamante Night Club, 1600
South Eddy Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 12, 2004

Subject: Request of Rafael Orozco, 2105 North Nashville for Liquor Manager Designation for El Diamante Night Club, 1600 South Eddy Street

Item #'s: G-7

Presenter(s): RaNae Edwards, City Clerk

Background

Rafael Orozco, 2105 North Nashville has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "I" Liquor Licenses for El Diamante Night Club, 1600 South Eddy Street. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request of Rafael Orozco, 2105 North Nashville for Liquor Manager Designation in conjunction with the Class "I" Liquor License for El Diamante Night Club. 1600 South Eddy Street.
2. Disapprove or /Deny the request.
3. Table the issue

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Rafael Orozco, 2105 North Nashville for Liquor Manager Designation for El Diamante Night Club, 1600 South Eddy Street.



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G8

**Approving Request of Cara Murphy, 1212 N. Sycamore Street for
Liquor Manager Designation for Pump & Pantry #3, 2511 Diers
Avenue**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 12, 2004

Subject: Request of Cara Murphy, 1212 N. Sycamore Street for Liquor Manager Designation for Pump & Pantry #3, 2511 Diers Avenue

Item #'s: G-8

Presenter(s): RaNae Edwards, City Clerk

Background

Cara Murphy, 1212 N. Sycamore Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-13151" Liquor Licenses for Pump & Pantry #3, 2511 Diers Avenue. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request of Cara Murhpy, 1212 N. Sycamore Street for Liquor Manager Designation in conjunction with the Class "B-13151" Liquor License for Pump & Pantry #3, 2511 Diers Avenue.
2. Disapprove or /Deny the request.
3. Table the issue

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Cara Murphy, 1212 N. Sycamore Street for Liquor Manager Designation for Pump & Pantry #3, 2511 Diers Avenue.



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G9

**#2004-249 - Approving Final Plat and Subdivision Agreement for
Obermeier Subdivision**

Staff Contact: Chad Nabitv

Council Agenda Memo

From: Regional Planning Commission

Meeting: October 12, 2004

Subject: Obermeier Subdivision - Final Plat

Item #'s: G-9

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

Background

This subdivision proposes to create 1 lot on a parcel of land in the S ½ of the NE ¼ of Section 26, Township 11, Range 9. This subdivision consists of 5.265 acres more or less.

Discussion

This is a one time split from a parcel of 80 acres or more. The property is zoned TA Transitional Agricultural and there are no reported feeding operations near this site. City sewer and water are not available to this subdivision and it is not anticipated that services will be extended to this point in the near future. This lot fronts onto Shady Bend Road. This subdivision meets the requirements of the Grand Island Zoning and Subdivision Regulations.

Alternatives

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

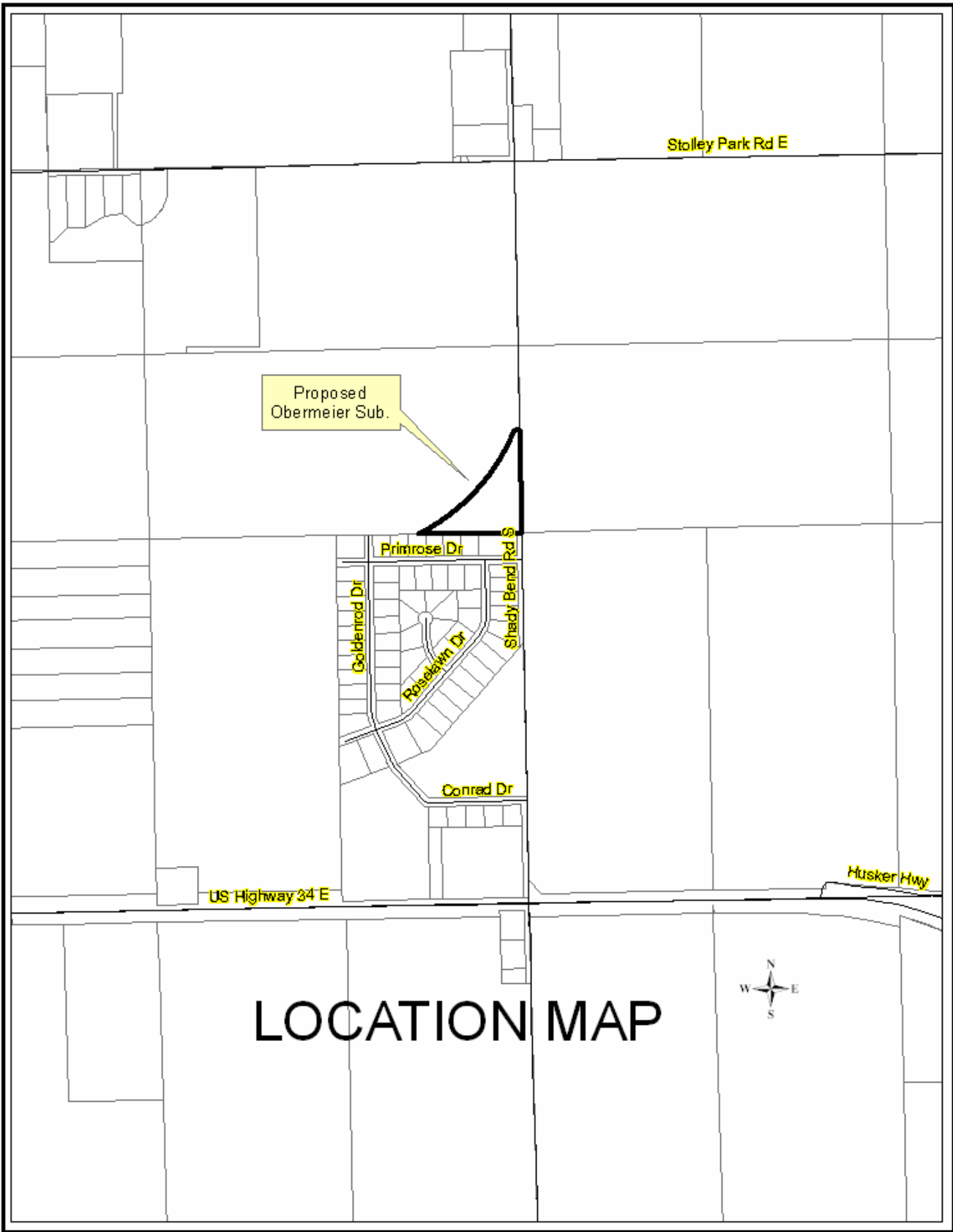
1. Approve the final plat as presented
2. Modify the final plat to meet the wishes of the Council
3. Table the issue

Recommendation

A motion was made by Hayes and seconded by Miller to **approve** and recommend that the Grand Island City Council **approve** the final plat of Obermeier Subdivision. A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, O'Neill, Brown, Niemann, Miller, Obst, Ruge, Monter, Hayes) voting in favor.

Sample Motion

Approve the Final Plat for Obermeier Subdivision as presented.



R E S O L U T I O N 2004-249

WHEREAS, Ronald E. Obermeier and Dorothy J. Obermeier, husband and wife, as owners, have caused to be laid out into a lot, a tract of land comprising a part of the South Half of the Northeast Quarter (S1/2, NE1/4) of Section Twenty Six (26), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in Hall County, Nebraska, under the name of OBERMEIER SUBDIVISION, and have caused a plat thereof to be acknowledged by them; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on October 6, 2004; and

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

WHEREAS, a form of subdivision agreement has been agreed to between the owners and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of OBERMEIER SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G10

**#2004-250 - Approving Funding of Economic Development
Request for NWPS Rate Agreement Funds**

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: October 12, 2004

Subject: Approving Funding of Economic Development Corporation Request (NWPS Rate Agreement Funds)

Item #'s: G-10

Presenter(s): David Springer, Finance Director

Background

On September 26, 2000, the City Council approved Resolution #2000-291 establishing an Economic Development Policy for the annual contribution from Northwestern Public Service (NWPS). A request has been received for funding and recommended for approval by the NWPS Funds Review Committee.

Discussion

The Grand Island Area Economic Development Corporation requests \$23,310.00 to assist with the second of their semi-annual principal payments on land acquired at the Platte Valley Industrial Park. These funds represent direct cash contributions previously made by NWPS to the City of Grand Island and the usage of these funds for this purpose falls within the guidelines of the economic development policy set forth in the rate agreement.

Alternatives

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

1. Approve the request for funds
2. Disapprove or /Deny the request for funds
3. Table the issue

Recommendation

City Administration recommends that the Council approve the request for funds.

Sample Motion

Approve the request for funds to allow payment to the Grand Island Area Economic Development Corporation.

R E S O L U T I O N 2004-250

WHEREAS, Northwestern Public Service (NWPS) makes an annual contribution for economic development purposes to the City of Grand Island in the amount of \$86,000; and

WHEREAS, on September 26, 2000, the Mayor and City Council approved Resolution 2000-291 establishing an economic development policy for receiving, considering and making recommendations regarding requests for disbursement of said funds; and

WHEREAS, the office of the City Administrator received a recommendation for funding from the local economic development committee for \$23,310 payable to the Grand Island Area Economic Development Corporation to assist with the principal payment involved in their loan from the purchase of land at the Platte Valley Industrial Park; and

WHEREAS, said request is consistent with the intent of NWPS in making its annual economic development contribution, and the policy established by the Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the request for disbursement in the amount of \$23,310 to fund the principal loan payment from the purchase of land at the Platte Valley Industrial Park is hereby approved, and a payment is authorized to be made to the Grand Island Area Economic Development Corporation for such purpose.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G11

**#2004-251 - Approving Revision to Copier Lease with Imagistics
International**

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: October 12, 2004

Subject: Approving Revision to Copier Lease with Imagistics International, Inc.

Item #'s: G-11

Presenter(s): David Springer, Finance Director

Background

Since January 27, 2004, the City has leased several copiers from Imagistics International, Inc., of Grand Island. This lease agreement has proven to be cost effective and provides flexibility in dealing with obsolescence issues inherent with this type of equipment.

Discussion

The copier in Utilities/Public Works suite that was purchased in 1998 is experiencing excessive misfeeds and other maintenance problems, such that the low lease cost of a replacement makes more sense than continuing with down time and repairs on this six year old unit. A copier similar to those currently in use, with network printing and scanning capabilities can be leased for \$123.93 per month. There would be no additional minimums required on the maintenance contract. Sufficient funds are appropriated in accounts #52081295-92100 and #52591200-79300.

Alternatives

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

1. Approve the revision to increase the copier lease by \$123.93 per month.
2. Disapprove or deny the revision to the lease.
3. Modify the Resolution to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the request to increase the copier lease by \$123.93, to include a new replacement machine.

Sample Motion

Approve the request to revise the copier lease with Imagistics International, Inc., to include an additional machine and increase the lease rate by \$123.93 per month.

R E S O L U T I O N 2004-251

WHEREAS, the City has leased several copiers from Imagistics International, Inc. of Grand Island, Nebraska since January 27, 2004; and

WHEREAS, the photocopier for the Utilities/Public Works/Parks & Recreation suite has experienced an increase in the number of maintenance issues, and it is prudent to include a new copier for this suite at this time; and

WHEREAS, it is recommended that the lease agreement with Imagistics International, Inc. be modified to include a new photocopier/printer/scanner for the Utilities/Public Works/Parks & Recreation suite for an additional monthly rate of \$123.93.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the lease agreement with Imagistics International, Inc. of Grand Island, Nebraska, is hereby amended to include a an additional copier/printer/scanner for the Utilities/Public Works/Parks & Recreation suite at an additional cost of \$123.93 per month.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G12

**#2004-252 - Approving Acquisition of Utility Easement - 3604 S.
Blaine Street - Meadowlark Estates Inc.**

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

Staff Contact: Gary R. Mader

RESOLUTION 2004-252

WHEREAS, a public utility easement is required by the City of Grand Island, from Meadowlark Estates, Inc., a Nebraska corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on October 12, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Twelve (12), Meadowlark Estates Subdivision located in Hall County, Nebraska, the twenty (20.0) foot wide utility easement and right-of-way being more particularly described as follows:

The southerly twenty (20.0) feet of the westerly seven hundred ninety one (791.0) feet of Lot Twelve (12), Meadowlark Estates Subdivision.

The above-described easement and right-of-way containing 0.36 acres, more or less, as shown on the plat dated September 9, 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 Meadowlark Estates, Inc., a Nebraska corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G13

**#2004-253 - Approving Bid Award for Rogers Pump Station Pump
#3 Installation**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Award Memo for Rogers Pumping Station Pump No. 3
Installation

Item #'s: G-13

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

Background

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

Specifications were developed by our consultants for this project, CH2MHill, for installation of a new pump and the required electrical switchgear. These items are being provided under separate contracts. The installation specifications include an addition to the original building and all mechanical and electrical work required for operation of the new equipment. The specifications were issued for bid in accordance with City purchasing procedures.

Discussion

The specifications were issued for bid and response was received from the following bidder. The bid price below includes Nebraska sales tax. The engineer's estimate for this project was \$ 350,000.00.

<u>Bidder</u>	<u>Bid price</u>
The Diamond Engineering Co., Grand Island	\$ 324,944.04

Alternatives

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

1. Approve award of the contract for the Rogers Pumping Station Pump No. 3 Installation.
2. Deny the award of the contract for the Rogers Pumping Station Pump No. 3 Installation.
3. Table the issue.

Recommendation

Our consultants and department engineering staff reviewed the bid for compliance with the City's detailed specifications and find the bid fully compliant. It is the recommendation of the Utilities Department that The Diamond Engineering Company be awarded the contract for this work in the amount of \$324,944.04.

Sample Motion

I move the contract for The Rogers Pumping Station Pump No. 3 Installation be awarded to The Diamond Engineering Company of Grand Island, Nebraska in the amount of \$324,944.04.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: September 30, 2004 at 11:00 a.m.

FOR: Rogers Pump Station Pump No. 3 Installation

DEPARTMENT: Utilities

ESTIMATE: \$350,000.00

FUND/ACCOUNT: E525

PUBLICATION DATE: August 29, 2004

NO. POTENTIAL BIDDERS:

SUMMARY

Bidder: Diamond Engineering Company
Grand Island, NE

Bid Security: Travelers Casualty

Exceptions: None

Bid Price: \$324,944.04 (7% Sales Tax Included)

cc: Gary Mader, Utilities Director
Tim Luchsinger, Platte Generating Station
Dale Shotkoski, Purchasing Agent

Bob Smith, Assist. Utilities Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

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RESOLUTION 2004-253

WHEREAS, the City of Grand Island invited sealed bids for Rogers Pump Station Pump No. 3 Installation, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on September 30, 2004, one bid was received, opened and reviewed; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$324,944.04; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$324,944.04 for Rogers Pump Station Pump No. 3 installation is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G14

**#2004-254 - Approving Bid Award for Motor Control Center -
Rogers Pumping Station**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Bid Award - Rogers Pumping Station Motor Control Center

Item #'s: G-14

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

Background

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

Specifications were developed by our consultants for this project, CH2MHill, for a new motor control center to replace existing switchgear and to add switchgear for the new pump being added to the station. This motor control center will be installed in a new electrical equipment room being added to the station because of electrical code clearance requirements. The specifications were issued for bid in accordance with City purchasing procedures.

Discussion

The specifications were issued for bid and responses were received from the following bidders. The bid prices below do not include Nebraska sales tax. The engineer's estimate for this equipment was \$ 150,000.00.

<u>Bidder</u>	<u>Bid price</u>
Hupp Electric Motors, Cedar Rapids, IA	\$ 64,079.00
Crescent Electric, Grand Island	\$ 67,391.00
Kriz-Davis, Grand Island	\$104,100.00
Dutton-Lainson	\$122,790.00
Northwest Electric, Columbus, NE	\$129,101.47

The bids were reviewed for conformance with the specifications. The bid from Hupp Electric Motors included a lighting transformer and two power panels that were not included in these specifications. Using list prices included in the bid, the price was adjusted to \$60,571.00. The bid was otherwise in compliance with the specifications.

Alternatives

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

1. Approve the award of the Rogers Pumping Station Motor Control Center contract.
2. Deny the award of the Rogers Pumping Station Motor Control Center contract.
3. Table the issue.

Recommendation

Our consultants and department engineering staff reviewed the bids for compliance with the City's detailed specifications as noted above. It is the recommendation of the Utilities Department that Hupp Electric Motors be awarded the contract for this work in the amount of \$60,571.00.

Sample Motion

I move that the contract for The Rogers Pumping Station Motor Control Center be awarded to Hupp Electric Motors of Cedar Rapids, Iowa, in the amount of \$60,571.00.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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BID OPENING

BID OPENING DATE: September 30, 2004 at 11:15 a.m.
FOR: Motor Control Center – Rogers Pumping Station
DEPARTMENT: Utilities
ESTIMATE: \$150,000.00
FUND/ACCOUNT: E525
PUBLICATION DATE: September 15, 2004
NO. POTENTIAL BIDDERS:

SUMMARY

Bidder:	<u>Kriz-Davis Co.</u> Grand Island, NE	<u>Crescent Electric Supply Co.</u> Grand Island, NE
Bid Security:	St. Paul Guardian Ins.	Merchants Bonding Company
Exceptions:	None	Noted
Bid Price:	\$110,866.50	\$71,771.42
Bidder:	<u>Northwest Electric, Inc.</u> Columbus, NE	<u>Dutton-Lainson Company</u> Hastings, NE
Bid Security:	Cashier's Check	Universal Surety Company
Exceptions:	None	None
Bid Price:	\$137,493.07	\$130,771.35
Bidder:	<u>Hupp Electric Motors</u> Cedar Rapids, IA	
Bid Security:	Cashier's Check	
Exceptions:	None	
Bid Price:	\$68,244.14	

cc: Gary Mader, Utilities Director
Pat Gericke, Admin. Utilities Sec.
Dale Shotkoski, Purchasing Agent

Bob Smith, Assistant Utilities Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

R E S O L U T I O N 2004-254

WHEREAS, the City of Grand Island invited sealed bids for Motor Control Center - Rogers Pumping Station, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on September 30, 2004, bids were received, opened and reviewed; and

WHEREAS, Hupp Electric Motors of Cedar Rapids, Iowa, 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 \$64,079.00; and

WHEREAS, Hupp Electric Motors' bid included a lighting transformer and two power panels that were not included in the specifications for this project, therefore city staff adjusted the bid to \$60,571.00; and

WHEREAS, Hupp Electric Motors' bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hupp Electric Motors of Cedar Rapids, Iowa, in the adjusted amount of \$60,571.00 plus tax for Motor Control Center - Rogers Pumping Station is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G15

**#2004-255 - Approving Bid Award for Platte River Well Field
Contract 2005-WF-1**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

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

Meeting: October 6, 2004

Subject: Bid Award – Well Field Contract 2005-WF-1

Item #'s: G-15

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

Background

The Platte River Well Field wells were originally installed without closures over the well structures. In order to improve operational reliability and security, the Utilities Department has been systematically working to place closures over each of the wells, doing several wells a year over several years. Closures for four wells are budgeted for this year.

Contract 2005-WF-1 provides for furnishing all equipment and labor to construct embankments, and earthen fill around wells 2, 3, 10, and 11 at the City's Platte River well field. The work is necessary prior to the construction of buildings at each site in order to properly install the buildings.

Attached for reference is a site drawing.

Discussion

This contract was advertised and sent to seven (7) potential bidders with an original bid opening date of September 9. At that time, only one bid was received in the amount of \$46,370.00. This was \$11,370.00 over the original project estimate. That bid was rejected.

The proposed construction contract was re-advertised, and again plans and specifications were sent to seven (7) potential area bidders. The public bid opening was held at 11:00 a.m. on October 5, 2004 in accordance with City Procurement Codes. Again, only one (1) bid was received.

Bidder:	Exceptions:	Evaluated Bid Price:
Platte Valley Construction Co. LLC Grand Island, NE	None	\$23,745.03

This bid is without exceptions, and is below the engineer's estimate.

The 'as read' bid amount from Platte Valley was: \$23,670.66. During the evaluation process a math error was discovered in the total price for Item C1.02 - Compacted Backfill. Correction of the error results in an evaluated increase in the bid, in the amount of \$74.37.

Since the Contract provides for 'unit prices' for work completed, and these prices will be used as the established amount for any additions or deductions to the contract work, the contractor will be paid for actual quantities installed.

Alternatives

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

1. Approve the award of the contract for Well Field Contract 2005-WF-1, to the one responding bidder.
2. Deny award of the contract for Well Field Contract 2005-WF-1.
3. Modify the award of the contract, for Well Field Contract 2005-WF-1, to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve award of Contract 2005-WF-1 to the low responsive bidder, Platte Valley Construction Company, LLC of Grand Island, in the amount of \$23,745.03.

Sample Motion

I move to approve the bid award to Platte Valley construction Company, LLC of Grand Island.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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BID OPENING

BID OPENING DATE: October 5, 2004 at 11:00 a.m.

FOR: Platte River Well Field Contract 2005-WF-1 (Re-Bid)

DEPARTMENT: Utilities

ESTIMATE: \$47,000.00

FUND/ACCOUNT: E525

PUBLICATION DATE: September 23, 2004

NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder: Platte Valley Construction Co.
Grand Island, NE

Bid Security: Cashier's Check

Exceptions: None

Bid Price: \$23,670.66

cc: Gary Mader, Utilities Director
Pat Gericke, Utilities Admin. Secretary
Dale Shotkoski, Purchasing Agent

Tom Barnes, Utilities Engineering Manager
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

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R E S O L U T I O N 2004-255

WHEREAS, the City of Grand Island invited sealed bids for Platte River Well Field Contract 2005-WF-1, according to plans and specifications on file with the Utility Engineering Office at Phelps Control Center; and

WHEREAS, on October 5, 2004, bids were received, opened and reviewed; and

WHEREAS, Platte Valley Construction 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 \$23,670.66; and

WHEREAS, during the evaluation process, a mathematical error was discovered which increased the bid in the amount of \$74.37 or an adjusted amount of \$23,745.03; and

WHEREAS, the adjusted bid of Platte Valley Construction Company is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Platte Valley Construction Company of Grand Island, Nebraska, in the adjusted amount of \$23,745.03 for Platte River Well Field Contract 2005-WF-1 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G16

#2004-256 - Approving Acquisition of Four (4) Public Utility Easements Along the Properties of 3917 & 3923 Partridge Circle and 1609 & 1615 Meadow Road (Little B's Corporation)

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

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

R E S O L U T I O N 2004-256

WHEREAS, drainage easements are required by the City of Grand Island, from Little B's Corporation, a Nebraska corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on October 12, 2004, for the purpose of discussing the proposed acquisition of easements through a part of Lots Eight (8), Nine (9), Twelve (12) and Thirteen (13), Summerfield Estates Fourth Subdivision located in the city of Grand Island, Hall County, Nebraska, the easements being more particularly described as follows:

Tract No. 1:

The North 10.00 feet of Lot 8, Block 3 of said Summerfield Estates Fourth Subdivision. Said permanent drainage easement contains 1,573.78 square feet or 0.036 acres more or less, as shown on the drawing attached hereto as Exhibit "A1".

Tract No. 2:

The South 10.00 feet of Lot 9, Block 3 of said Summerfield Estates Fourth Subdivision. Said permanent drainage easement contains 1,585.44 square feet or 0.036 acres more or less, as shown on the drawing attached hereto as Exhibit "A2".

Tract No. 3:

The Northerly 10.00 feet of Lot 12, Block 3 of said Summerfield Estates Fourth Subdivision. Said permanent drainage easement contains 1,345.11 square feet or 0.031 acres more or less, as shown on the drawing attached hereto as Exhibit "A3".

Tract No. 4:

The Southerly 10.00 feet of Lot 13, Block 3 of said Summerfield Estates Fourth Subdivision. Said permanent drainage easement contains 1,383.69 square feet or 0.032 acres more or less, as shown on the drawing attached hereto as Exhibit "A4".

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 drainage easements from Little B's Corporation, a Nebraska corporation, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

Approved as to Form <input type="checkbox"/> _____ October 7, 2004 <input type="checkbox"/> City Attorney
--

RaNae Edwards, City Clerk

04. #ZD03-0483

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of α -methylstyrene in the presence of SnCl_4 at 25°C .

$$\frac{d^2 \theta}{dt^2} + \frac{g}{L} \theta = 0$$

J/11/04 4:14 P.M. FILE: F:\PROJECTS\20030463\G-SUMMER4TH-REVISED\DWG\LEGALS\DRAINAGE-EASE-SUMMER4TH.DWG SF=50 ZLL



0 25 50
SCALE IN FEET

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 9, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 10.00 FEET OF LOT 9, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,585.44 SQUARE FEET OR 0.036 ACRES MORE OR LESS.

Exhibit "A2"

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 9, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY

9

OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

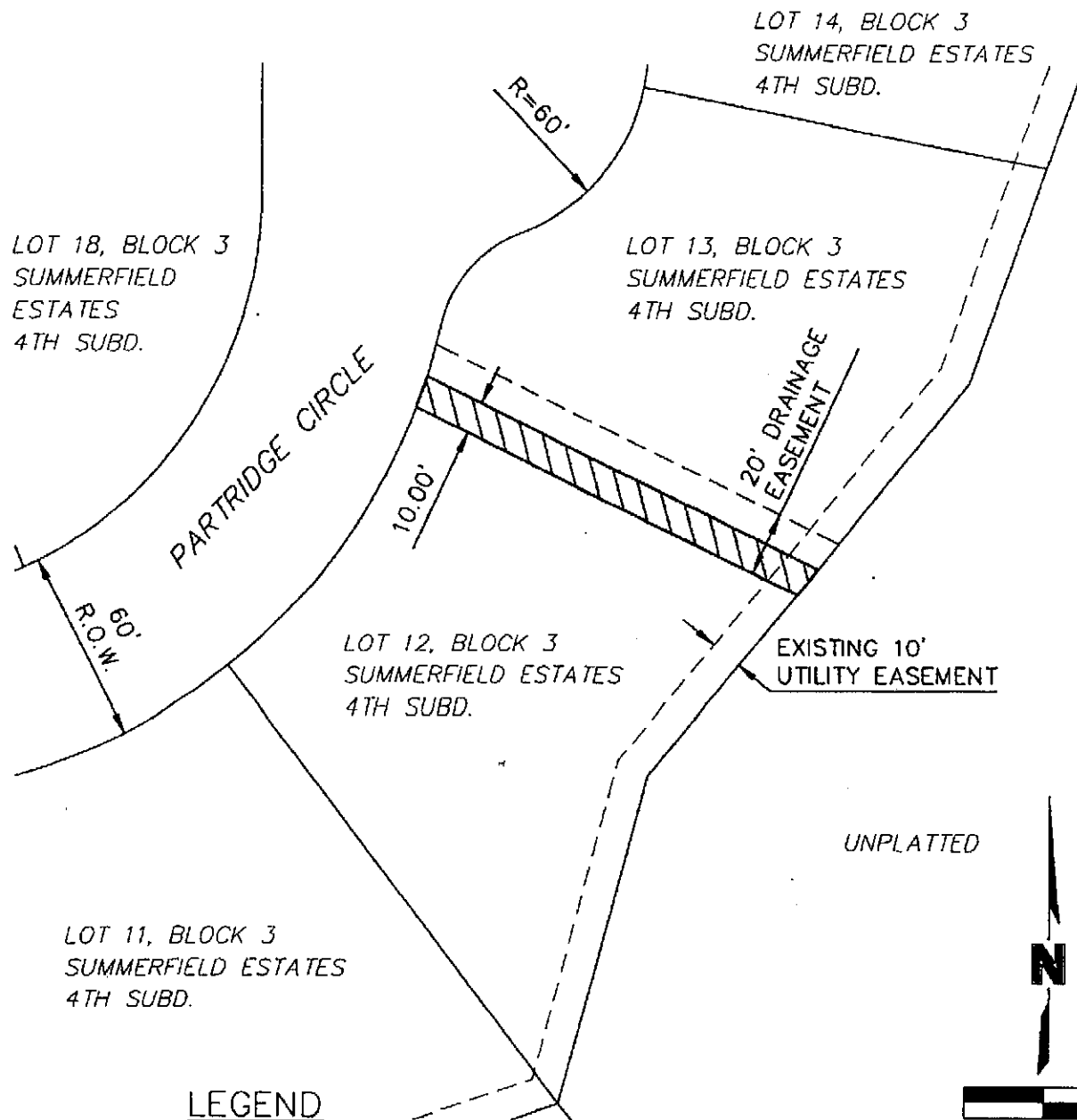
201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-6750 - FAX 308-384-6752
OMAHA DENVER LINCOLN PHOENIX HOLMBRIDGE KANSAS CITY GRAND ISLAND SOUTH BEND CITY

DATE:
AUGUST 2004

DA #2003-0463

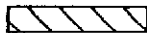
DRAINAGE EASEMENT

PART OF LOT 12, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND



LEGEND

DRAINAGE EASEMENT



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 12, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 10.00 FEET OF LOT 12, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,345.11 SQUARE FEET OR 0.031 ACRES MORE OR LESS.

Exhibit "A3"

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 12, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

301 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-364-8750 - FAX 308-364-8753
OMAHA DENVER LINCOLN PHOENIX HOLDREGE KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

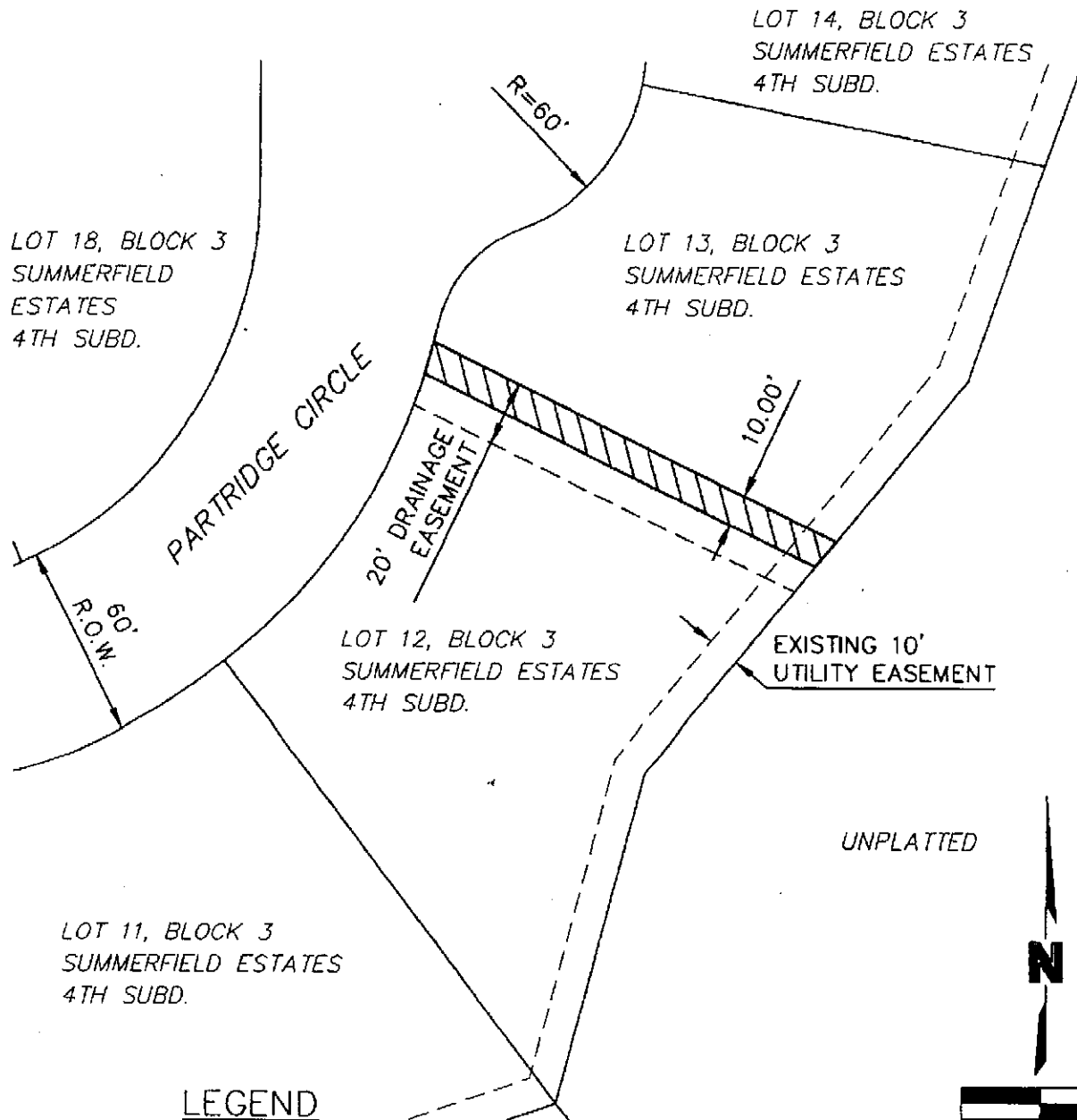
DATE:
AUGUST 2004

GA #2003-0463

8/11/04 4:14 P.M. FILE: F:\PROJECTS\2003\0463\01 - SUMMERFIELD - REVISED DRAINAGE - EASE - SUMMERFIELD.DWG. SF=50 ZLL

DRAINAGE EASEMENT

PART OF LOT 13, BLOCK 3
SUMMERFIELD ESTATES FOURTH SUBDIVISION
CITY OF GRAND ISLAND



LEGEND

DRAINAGE EASEMENT



EASEMENT DESCRIPTION

A PERMANENT DRAINAGE EASEMENT CONSISTING OF THE PART OF LOT 13, BLOCK 3 OF SUMMERFIELD 4TH SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 10.00 FEET OF LOT 13, BLOCK 3 OF SAID SUMMERFIELD 4TH SUBDIVISION. SAID PERMANENT DRAINAGE EASEMENT CONTAINS 1,383.69 SQUARE FEET OR 0.032 ACRES MORE OR LESS.

Exhibit "A4"

DRAINAGE
EASEMENT

SUMMERFIELD ESTATES FOURTH SUBDIVISION
PART OF LOT 13, BLOCK 3
GRAND ISLAND, NE
HALL COUNTY



OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS

201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-8750 - FAX 308-384-8752
DRAVH DOWNE LINCOLN PHOENIX HOLDBRECK KANSAS CITY GRAND ISLAND SOUTH SIOUX CITY

DATE:
AUGUST 2004

OA #2003-0463

8/21/04 4:14 P.M. FILE: F:\PROJECTS\20030463\G-SUMMER4TH-REVISED\DWG\LEGALSDRAINAGE-EASE-SUMMER4TH.DWG SF=50 ZLL



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G17

**#2004-257 - Approving Acquisition of a Public Utility Easement
Located South of Capital Avenue and West of Diers Avenue
(Menard, Inc.)**

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

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

RESOLUTION 2004-257

WHEREAS, a storm sewer easement is required by the City of Grand Island, from John R. Menard, a single person, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on October 12, 2004, for the purpose of discussing the proposed acquisition of a storm sewer easement through a part of Lot Five (5), Menard Second Subdivision, located in the Northeast Quarter (NE1/4) of Section 12, Township 11 North, Range 10 West of the 6th P.M. in the city of Grand Island, Hall County, Nebraska, the easement being more particularly described as follows:

Commencing at the southwest corner of said Lot 5, said point also being on the north right-of-way (ROW) line of Carlton Avenue; thence S89°00'58"E along the south line of said Lot 5 a distance of 45.43 feet to the point of intersection of said south line and the east line of an existing 16 foot utility easement, said point also being the Point of Beginning; thence N00°16'39"E along said east line a distance of 225.19 feet to the point of intersection of said east line and the south line of an existing 16 foot utility easement; thence S89°01'04"E along said south line a distance of 10.00 feet; thence S00°16'39"W a distance of 225.19 feet to a point on the south line of said Lot 5; thence N89°00'58"W along said south line a distance of 10.00 feet to the point of beginning.

The above-described storm sewer easement contains 2251.88 square feet or 0.052 acres, more or less, as shown on 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 storm sewer easement from John R. Menard, a single person, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

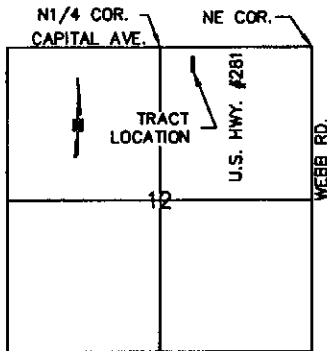
Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney

HALL COUNTY, NEBRASKA

CITY OF GRAND ISLAND
PROPERTY



NOT TO SCALE

VICINITY MAP

NOT TO SCALE



CARLTON AVENUE

N89°00'58"W
10.00'

STORM SEWER EASEMENT DESCRIPTION

A STORM SEWER EASEMENT CONSISTING OF PART OF LOT 5 OF MENARD SECOND SUBDIVISION, LOCATED IN THE NORTHEAST QUATER (NE1/4) OF SECTION 12, TOWNSHIP 11 NORTH, RANGE 10 WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF CARLTON AVENUE; THENCE S89°00'58"E ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 45.43 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE EAST LINE OF A EXISTING 16 FOOT UTILITY EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N00°16'39"E ALONG SAID EAST LINE A DISTANCE OF 225.18 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE SOUTH LINE OF A EXISTING 16 FOOT UTILITY EASEMENT; THENCE S89°01'04"E ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET; THENCE S00°16'39"W A DISTANCE OF 225.19 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE N89°00'58"W ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID STORM SEWER EASEMENT CONTAINS 2251.88 SQUARE FEET OR 0.052 ACRES MORE OR LESS.

EXHIBIT A



OLSSON ASSOCIATES

ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS
281 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-364-6780 - FAX 308-364-6782
OMAHA DENVER LINCOLN PIRROCK HOLDSBROE SIOUX CITY GRAND ISLAND SOUTH BEND CITY



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G18

#2004-258 - Approving Bid Award for Snow Removal Services

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Approving Bid Award for Snow Removal Services for the 2004/2005 Winter Season

Item #'s: G-18

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

Background

On September 17, 2004 the Street and Transportation Division of the Public Works Department advertised for bids for Snow Removal Services for the 2004/2005 Winter Season including equipment and labor.

Discussion

One bid was received and opened on September 28, 2004. The Street and Transportation 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 bid request form with no exceptions. The bid is shown below.

<i>Bidder</i>	<i>Exceptions</i>	<i>Bid Security</i>	<i>Total Bid</i>
The Diamond Engineering Co. Grand Island, NE	None	NA	Truck Plows - \$95.00/HR Front End Loaders - \$90.00/HR Motor Graders - \$110.00/HR Hauling Snow - \$85.00/HR

The estimates for the services were as follows:

- | | |
|---------------------------------------|-------------|
| A. Truck Plows for 2 Emergency Routes | \$120.00/HR |
| B. Front End Loaders | \$135.00/HR |
| C. Motor Graders | \$135.00/HR |
| D. Hauling Snow | \$120.00/HR |

There are sufficient funds in Account No. 10033502-85213 for these services.

Alternatives

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

1. Approve awarding the contract for snow removal services.
2. Disapprove or/Deny awarding the contract.
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 awarding the contract for snow removal services to The Diamond Engineering Company, of Grand Island, Nebraska.

Sample Motion

Move to approve awarding contract to The Diamond Engineering Company.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: September 28, 2004 at 11:00 a.m.

FOR: Snow Removal Services

DEPARTMENT: Public Works

ESTIMATE:

a. Truck Plows for 2 Emergency Routes	\$120.00 per hour
b. Front End Loaders	\$135.00 per hour
c. Motor Graders	\$135.00 per hour
d. Hauling Snow	\$120.00 per hour

FUND/ACCOUNT: 10033502-85213

PUBLICATION DATE: September 17, 2004

NO. POTENTIAL BIDDERS: 6

SUMMARY

Bidder: Diamond Engineering Co.
Grand Island, NE

Exceptions:

Bid Prices:

Truck Plows: \$ 95.00 per hour
Front End Loaders: \$ 90.00 per hour
Motor Graders: \$110.00 per hour
Hauling Snow: \$ 85.00 per hour

cc: Steve Riehle, Public Works Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Scott Johnson, Street Superintendent
Dale Shotkoski, Purchasing Agent

R E S O L U T I O N 2004-258

WHEREAS, the City of Grand Island invited sealed bids for Snow Removal Services, according to the plans and specifications on file in the office of the Public Works Department; and

WHEREAS, on September 28, 2004, one bid was received, opened and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska, submitted the only bid in accordance with terms of the advertisement of bids and the plans and specifications and all other statutory requirements contained therein, such bid being as follows:

	<u>Cost Per Hour</u>
Truck Plows	\$ 95.00
Front End Loaders	90.00
Motor Graders	110.00
Hauling Snow	85.00

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that The bid of the Diamond Engineering Company of Grand Island, Nebraska, for snow removal services in the amounts identified above is hereby approved as the lowest responsible bid submitted.

BE IT FURTHER RESOLVED, that a contract between the City and such contract for such snow removal services be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G19

#2004-259 - Approving Bid Award for a Landfill Compactor

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Approving Bid Award for a Landfill Compactor

Item #'s: G-19

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

Background

On August 30, 2004 the Solid Waste Division of the Public Works Department advertised for bids for One (1) Landfill Compactor. We developed specifications for a new unit that would best meets our needs based on our previous operational experience

Discussion

Three bids were received and opened on September 15, 2004. The Solid Waste Division of the Public Works Department and the Purchasing Division of the City Attorney's Office reviewed the bids that were received. The bids were also reviewed by a team of the following managers: Public Works Director, Assistant Public Works Director, Solid Waste Superintendent, Wastewater Operations Engineering Superintendent, Street Superintendent, and the Fleet Services Superintendent.

The bid submitted by Al-Jon Inc. met all specifications except the delivery date. The Al-Jon bid allowed use to use the existing machine until a new one would be delivered. The team recommended that the bid including extended warranty be awarded to Al-Jon. The team believes that the Cities Fleet Services mechanics can perform the lubrication and maintenance work (primarily fluid changes) for less than the Al-Jon bid and therefore recommends that Option 1 – Lubrication and Maintenance Agreement not be awarded.

The estimate for the compactor was \$450,000.00. There are sufficient funds in Account No. 50530043-85615 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 Landfill Compactor.
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 Al-Jon Inc., of Ottumwa, IA for a total bid price of \$391,000.

Sample Motion

Move to approve the acquisition of the Landfill Compactor from Al-Jon Inc.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: September 15, 2004 at 11:00 a.m.

FOR: Landfill Compactor

DEPARTMENT: Public Works

ESTIMATE: \$450,000.00

FUND/ACCOUNT: 50530043-85615

PUBLICATION DATE: August 30, 2004

NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>Al-Jon, Inc.</u> Ottumwa, IA	<u>Nebraska Machinery Company</u> Grand Island, NE
Bid Security:	Employers Mutual Casualty Co.	Fidelity & Deposit Company
Exceptions:	None	Noted
Base Bid Price:	\$378,750.00	\$403,013.00
Extended Warranty:	<u>12,250.00</u>	<u>Included</u>
Total Bid Price:	\$391,000.00	\$403,013.00
Option One:	\$ 48,885.00	Included
Total Bid + Option:	\$439,885.00	\$403,013.00
Delivery Date:	45 Days from Order Date	Week of November 12, 2004

Bidder: Road Builders
Grand Island, NE
Bid Security: Fidelity & Deposit Company
Exceptions: Noted on all 3 bids

	<u>Bid #1</u>	<u>Bid #2</u>	<u>Bid #3</u>
Base Bid Price:	\$403,979.00	\$456,854.00	\$464,655.00
Extended Warranty:	<u>30,115.00</u>	<u>30,115.00</u>	<u>30,115.00</u>
Total Bid Price:	\$434,094.00	\$486,969.00	\$494,770.00
Option One:	\$ 27,400.00	\$27,400.00	\$24,700.00
Total Bid + Option:	\$461,494.00	\$514,369.00	\$519,470.00
Delivery Date:	30 – 60 Days	120 – 150 Days	120 – 150 Days

cc: Steve Riehle, Public Works Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Bud Buettner, Assistant Public Works Director
Dale Shotkoski, Purchasing Agent

P937

R E S O L U T I O N 2004-259

WHEREAS, the City of Grand Island invited sealed bids for one 81,000 Pound Landfill Compactor, according to plans and specifications on file with the City Engineer; and

WHEREAS, on September 15, 2004, bids were received, opened and reviewed; and

WHEREAS, Al-Jon, Inc. of Ottumwa, Iowa, 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 \$391,000.00; and

WHEREAS, Al-Jon, Inc.'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 Al-Jon, Inc. of Ottumwa, Iowa, in the amount of \$391,000.00 for one 81,000 pound landfill compactor is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G20

#2004-260 - Approving Bid Award for Color Copier (Public Works Department)

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Approving Bid Award Color Copier (Public Works Department)

Item #'s: G-20

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

Background

On September 19, 2004 the Information Technology Department advertised for bids for a Color Copier for the Public Works Department. Council approval of bids and subsequent contracts are required.

Discussion

Four bids were received and opened on September 27, 2004. The Public Works Department, Information Technology Department, and the Purchasing Division of the City Attorney's Office reviewed the bids that were received. The bids were submitted in compliance with the bid request form; two bids were turned in with no exceptions and two bids were turned in with noted exceptions. A summary of the bids is shown below.

<i>Bidder</i>	<i>Model</i>	<i>Exceptions</i>	<i>Total bid *</i>
Imagistics Inc.	CM3120 (Konra)	None	\$490.35 per Month \$0.01 / copy B/W \$0.06/ copy color
Modern Methods	Cannon C3220	None	\$501.59 per Month \$0.0099 / copy B/W \$0.09 / copy color
Modern Methods	Cannon C3220	Does not include 3 paper trays	\$485.62 per Month \$0.0099 / copy B/W \$0.09 / copy color
OfficeNet	Savin 3828	Does not meet specs. regarding copies per minute and uses fuser oil.	\$219.00 per Month \$0.04 / copy B/W \$0.09 / copy color

*Based on 1000 color prints per month and zero black and white prints. Modern Methods monthly bids had to be increased by \$90.00 for 1,000 color copies at \$0.09 each as required by the bid specifications. OfficeNet's monthly bid had to be increased by \$20.00 for three (3) paper trays as required by the bid specifications.

There are sufficient funds in Account No. 10033001-85241 for the machine.

Eakes Office Plus did not submit a lease bid as requested in the bid specifications and instead submitted a bid to purchase a machine that did not comply with the specifications. OfficeNet submitted a machine that did not meet the specifications. The Cannon machine bid by Modern Methods is a brand new model and has some features that the Imagistics model does not have. Since the Imagistics model met the bid specifications, their low bid must be honored in order to maintain the integrity of the bid process.

Alternatives

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

1. Approve awarding the lease agreement for the color copier.
2. Disapprove or/Deny awarding the lease agreement.
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 an agreement awarded within 45 days of bid opening.

Recommendation

City Administration recommends that the Council approve awarding the lease agreement for the color copier to Imagistics Inc., of Grand Island, Nebraska.

Sample Motion

Move to approve awarding the lease agreement to Imagistics Inc.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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BID OPENING

BID OPENING DATE: September 27, 2004 at 11:00 a.m.
FOR: Color Copier/Printer/Scanner
DEPARTMENT: Information Technology
ESTIMATE:
FUND/ACCOUNT: 10033001-85241
PUBLICATION DATE: September 19, 2004
NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder:	<u>Imagistics</u> Grand Island, NE	<u>Office Net</u> Grand Island, NE
Manufacturer:	Imagistics	Savis
Exceptions:	None	Noted
Bid Price:	\$490.35 per mo.	\$199.00 per mo.
Bidder:	<u>Modern Methods</u> Grand Island, NE	<u>Modern Methods</u> Grand Island, NE
Manufacturer:	Cannon	Cannon
Exceptions:	None	None
Bid Price:	\$395.62 per mo.	\$411.59 per mo.
Bidder:	<u>Eakes Office Plus</u> Grand Island, NE	
Manufacturer:	Sharp	
Exceptions:	Noted	
Bid Price:	No price per month stated	

cc: David Springer, Finance Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Carl Hurd, IT Manager
Dale Shotkoski, Purchasing Agent

R E S O L U T I O N 2004-260

WHEREAS, the City of Grand Island invited sealed bids for Color Copier/Printer/Scanner, according to specifications on file with the Information Technology Division of the Finance Department; and

WHEREAS, on September 27, 2004, bids were received, opened and reviewed; and

WHEREAS, Imagistics, 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 monthly lease amount of \$490.35 in accordance with the terms of a proposed lease agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the color copier/printer/scanner bid of Imagistics, Inc. of Grand Island, Nebraska, for a color copier/printer/scanner in the amount of \$490.35 per month is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a lease agreement for such copier/printer/scanner be entered into; and the Mayor is hereby authorized and directed to execute such lease on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G21

**#2004-261 - Approving Installation of a Yield Sign at the
Intersection of Sweetwood Drive and Driftwood Drive**

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

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Approval of Installing a Yield Sign at the Intersection of Sweetwood Drive and Driftwood Drive

Item #'s: G-21

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

Background

Council action is required for the installation of Yield Signs.

Discussion

Residents adjacent to this intersection have expressed concerns that vehicles approaching the "Tee" intersection from the south on Sweetwood Drive proceed through the intersection without looking for traffic on Driftwood Drive. These vehicles also do not slow down as they should. Installation of a yield sign should improve the safety of the intersection by reminding motorists on Sweetwood Drive that they must yield the Right-of-Way to vehicles on Driftwood Drive.

Alternatives

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

1. Approve the installation of a Yield Sign at the intersection of Sweetwood Drive and Driftwood Drive.
2. Disapprove or /Deny the installation of a Yield Sign at the intersection of Sweetwood Drive and Driftwood Drive.
3. Modify the Yield Sign location to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council pass a resolution to install a Yield Sign at the intersection of Sweetwood Drive and Driftwood Drive.

Sample Motion

Move to approve the installation of the Yield Sign.

RESOLUTION 2004-261

WHEREAS, the City Council, by authority of Section 22-27 of the Grand Island City Code, may by resolution regulate motor vehicle traffic upon the streets of the City of Grand Island; and

WHEREAS, residents in the area of Driftwood Drive and Sweetwood Drive have expressed safety concerns about the traffic flow at such intersection; and

WHEREAS, in order to implement a more efficient and safe traffic flow to the area, it is recommended that a yield sign be installed on Sweetwood Drive, requiring northbound traffic on Sweetwood Drive to yield to the eastbound/westbound traffic on Driftwood Drive before entering such intersection; and

WHEREAS, it is in the city's best interests to effectuate such changes.

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

1. A yield sign be installed on Sweetwood Drive where it intersects with Driftwood Drive, requiring northbound traffic on Sweetwood Drive to yield to east-west traffic prior to entering such intersection.
2. The Street Department is hereby directed to install such signs to regulate traffic as outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G22

**#2004-262 - Approving Renewal of Interlocal Agreement with Hall
County Relative to Juvenile Accountability Program**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: October 12, 2004

Subject: Approving Renewal of Interlocal Agreement with Hall County Relative to Juvenile Accountability Program

Item #'s: G-22

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

Background

The City of Grand Island and Hall County have entered into an Interlocal Agreement with the Nebraska Department of Probation Administration to enable the department to provide a probation officer to assist Hall County Juvenile Services for pre and post adjudicated juveniles in Hall County, Nebraska. The agreement is one that is renewed on an annual basis and was last renewed at the October 14, 2003 City Council session. The agreement is being brought forward at this time for annual approval so that the program can be continued to keep an additional probation officer in Hall County to help with juvenile services.

Discussion

In May, 1999, the city and county entered into an interlocal agreement that provided for the receipt of grant funding. The grant funding is from federal monies that are used to promote greater accountability in the juvenile justice system. Primarily, the dollars are used to increase accountability with those individuals who commit serious crimes and who have been in the court system previously. The grant funding requires a local match and must be used to address specific areas that include hiring additional juvenile judges, probation officers and court appointed defenders developing and administering accountability based sanctions for juvenile offenders, establishing and maintaining inter-agency information, sharing programs that enable the juvenile and criminal justice system to make more informed decisions regarding the early identification, control, supervision and treatment of juveniles who repeatedly commit serious, delinquent or criminal acts. The county serves as the fiscal agent for the grant and the city and county are required to provide matching funds in an amount not to exceed \$36,922.50. This agreement was approved by the county in September, 2004.

Alternatives

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

1. Approve the Interlocal Agreement Providing for Juvenile Accountability Intake Probation Officer in Hall County and the City of Grand Island.
2. Disapprove or /Deny the agreement.
3. Table the issue

Recommendation

City Administration recommends that the Council approve the Interlocal Agreement Providing for Juvenile Accountability Intake Probation Officer in Hall County and the City of Grand Island, including forwarding of the city's matching funds.

Sample Motion

Approve the Interlocal Agreement Providing for Juvenile Accountability Intake Probation Officer in Hall County and the City of Grand Island.

RESOLUTION 2004-262

WHEREAS, renewal of a Juvenile Accountability Block Grant has been submitted to the Nebraska Crime Commission by the City of Grand Island and the County of Hall for use in high risk youth issues; and

WHEREAS, the funds obtained through this grant are intended to be used for a Juvenile Accountability/Probation Intake Officer; and

WHEREAS, it is recommended that the City's portion of the grant award and the City's required cash match be forwarded to the County of Hall to administer such grant funding; and

WHEREAS, an Interlocal Agreement between the City of Grand Island, the County of Hall, and the State of Nebraska Department of Probation Administration for the provision of juvenile intake probation officer and Assistant to Hall County Juvenile Services for pre-and post-adjudicated juveniles in Hall County, Nebraska, has been reviewed by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Agreement by and between the City of Grand Island, the County of Hall, and the State of Nebraska Department of Probation Administration for the receipt and administration of the Juvenile Accountability Block Grant funds and matching fund is hereby approved; and the Mayor is hereby authorized and directed to execute such Interlocal Agreement on behalf of the City of Grand Island upon the City's receipt of the grant award from the Nebraska Crime Commission.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G23

#2004-263 - Approving Contract for Web Page Rebuild with KDSI

Staff Contact: Jennifer Fuller

Council Agenda Memo

From: Jennifer Fuller, Public Information Officer

Meeting: October 12, 2004

Subject: Website Rebuild Contract Approval

Item #'s: G-23

Presenter(s): Jennifer Fuller, Public Information Officer

Background

The re-development and design of the city's website is of paramount importance as the city realizes that more and more of the community is accessing and using the city's website for information and conducting of city business. In response to the city council's goal of reinventing the city website, the Public Information Officer put together an Request for Proposal.

Discussion

The Public Information Department sent out Request for Proposals on July 15, 2004. Six proposals were opened on August 10, 2004. The website rebuild committee interviewed four of those companies on September 9, 2004. After discussion and scoring, the website rebuild committee selected the highest scoring company, KDSI of Grand Island, Nebraska.

Alternatives

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

1. Approve the contract with KDSI
2. Disapprove or deny the contract KDSI
3. Modify the contract with KDSI to meet the wishes of the Council.
4. Table the issue

Recommendation

City Administration recommends that the Council approves the website rebuild contract.

Sample Motion

Approve the website rebuild contract with KDSI of Grand Island, Nebraska.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL
FOR
WEB PAGE REBUILD**

RFP DUE DATE: August 10, 2004 at 5:00 p.m.

DEPARTMENT: Public Information Office

ESTIMATE: \$60,000

FUND ACCOUNT: 10044601-85213

PUBLICATION DATE: July 15, 2004

NO. POTENTIAL BIDDERS: 8

SUMMARY OF PROPOSALS RECEIVED

KDS Internet
Grand Island, NE

Idea Bank Marketing
Hastings, NE

CivicPlus
Manhattan, KS

MSI System Integrators
Omaha, NE

Viewpoint Technologies, Inc.
Manhattan, KS

Mindstorm Multimedia Development
Grand Island, NE

cc: Jennifer Fuller, Public Information Officer
Gary Greer, City Administrator
David Springer, Finance Director
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

R E S O L U T I O N 2004-263

WHEREAS, the City of Grand Island invited proposals for Web Site Rebuild, in accordance with a Request for Proposal on file with the Public Information Officer; and

WHEREAS, on August 10, 2004, six proposals were received, reviewed and evaluated in accordance with established criteria; and

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

WHEREAS, as a result of the interviews, an agreement was negotiated with KDS Internet of Grand Island, Nebraska, to perform the web site rebuild at a cost not to exceed \$25,000 plus a monthly web hosting fee of \$49.95.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that KDS Internet of Grand Island, Nebraska, is hereby authorized to perform a web site rebuild at a cost not to exceed \$25,000 plus a monthly web hosting fee of \$49.95.

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, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item G24

**#2004-264 - Approving Payment for Balance of Funds for
Galvanized Steel Exterior Box Corrugated Culverts at CAAP**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks & Recreation Director

Meeting: October 12, 2004

Subject: Approving Payment for Balance of Funds for Galvanized Steel Exterior Box Corrugated Culverts at CAAP.

Item #'s: G-24

Presenter(s): Steve Paustian, Parks & Recreation Director

Background

At the September 28, 2004 City Council meeting, Resolution #2004-242 was approved by Council awarding a bid to CONTECH Construction Products, Inc. of Lincoln, Nebraska for the purchase of Galvanized Steel Exterior Box Corrugated Culverts in the amount of \$89,203.20. Fiscal Year Budget 2003/2004 allowed for the payment of \$69,000.

Discussion

There are currently funds available in the 2004/2005 budget for the remaining balance due of \$20,203.20.

Alternatives

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

1. Approve the remaining balance due.
2. Disapprove or deny.
3. Table the issue

Recommendation

City Administration recommends that the Council approve the remaining balance due of \$20,203.20 to CONTECH Construction Products, Inc. of Lincoln, Nebraska.

Sample Motion

Approve the payment due of \$20,203.20 to CONTECH Construction Products, Inc. of Lincoln, Nebraska.

R E S O L U T I O N 2004-264

WHEREAS, on September 28, 2004, by Resolution 2004-242, the City of Grand Island awarded the bid for galvanized steel exterior box corrugated culverts to CONTECH Construction Products, Inc. of Lincoln, Nebraska, for the amount of \$89,203.20; and

WHEREAS, the Parks and Recreation Department was authorized to pay such contractor \$69,000 from the 2003-2004 fiscal year budget for such project; and

WHEREAS, it is necessary to pay the contractor the remainder due under the contract; and

WHEREAS, the Parks and Recreation Department has the remaining funds available in its 2004-2005 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the remaining amount of \$20,203.20 due CONTECH Construction Products, Inc. of Lincoln, Nebraska for the galvanized steel exterior box corrugated culverts contract is hereby authorized to be paid to such contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item I1

**#2004-265 - Approving Economic Development Incentive
Agreement with Heritage Disposal and Storage LLC**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: October 12, 2004

Subject: Authorizing the City to Enter Into a Facility Incentive Agreement with Heritage Disposal and Storage

Item #'s: I-1

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

Background

The voters of the City of Grand Island approved an economic development plan at the May 6, 2003 election. Subsequent to the election, the city has adopted an ordinance that establishes the economic development plan and a Citizens Advisory Review Committee to oversee the process of approving applications for economic development incentives. Heritage Disposal and Storage has applied for a forgivable loan from the Grand Island Area Economic Development Corporation pursuant to the Economic Development Plan. This application has been reviewed and approved by the executive committee of the Economic Development Corporation and by the Citizens Advisory Review Committee. The Heritage Disposal and Storage application is now being forwarded to the City Council for its approval pursuant to the city's economic development plan.

Discussion

The Economic Development Corporation has taken the application of Heritage Disposal and Storage Corporation for a \$100,000 forgivable loan as an incentive to assist with the location of an ammunition disposal facility in the City of Grand Island. A Facility Incentive Agreement has been prepared by the Economic Development Corporation which sets forth the terms under which Heritage Disposal and Storage would receive these benefits. Heritage would receive a \$100,000 forgivable loan which would not have to be repaid if it meets all of the employment targets during the five year period for which the agreement would be in effect. The Facility Incentive Agreement spells out in detail how the employment targets would be calculated and what amount of funds would be paid back if these targets are not met. The application of Heritage Disposal and Storage Corporation meets all of the criteria for extending economic incentives and the Economic Development Corporation's executive board as well as the Citizens Advisory Review

Committee have both unanimously recommended approval of the incentive agreement by the Grand Island City Council. For the above mentioned reasons, city administration is seeking City Council approval of the resolution authorizing the city to enter into the Facility Incentive Agreement with Heritage Disposal and Storage.

Alternatives

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

1. Approve the resolution authorizing the city to enter into the Facility Incentive Agreement for inducement grants and benefits.
2. Disapprove or /Deny the Facility Incentive Agreement.
3. Modify the agreement to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the resolution authorizing the city to enter into the Facility Incentive Agreement with Heritage Disposal and Storage.

Sample Motion

Approve the resolution authorizing the city to enter into the Facility Incentive Agreement with Heritage Disposal and Storage.

FACILITY INCENTIVE AGREEMENT

1. Grand Island Area Economic Development Corporation (Development Corporation), a Nebraska non-profit corporation, and the City of Grand Island, Nebraska (City), hereby agree to provide economic assistance to Heritage Storage and Disposal (Employer) to be used for the purposes of Employer's locating Employer's business within Grand Island, and Hall County, Nebraska, and increasing the number of higher paying jobs to the community.

2. Employer hereby accepts the economic assistance expressly set forth in paragraph 3, below, and agrees to the terms and conditions hereby, including, without limitation, the terms and conditions of repayment.

3. After Employer secures funding necessary to complete the construction and secures a storage contract, and incentive funds are approved through the City of Grand Island, Nebraska Economic Development Fund (Local LB840) program, the City will advance Employer One Hundred Thousand and No/100 Dollars (\$100,000.00). That amount shall be repaid, without interest, by Employer in five (5) equal annual payments of Twenty Thousand and No/100 Dollars (\$20,000.00) each beginning on the first day of the twenty-fourth (24th) month after the employer opens for business and continuing on the anniversaries of the first payment due date in each of the following four (4) years, unless repayment is accelerated as hereinafter provided.

However, if for the twelve (12) consecutive months prior to the date each repayment is due under this paragraph 3, Employer maintains eighteen (18) or more full-time equivalent employees the payment which would otherwise become due on that date will be waived by the City and the Development Corporation, subject to the provisions of paragraph 4 below.

4. Notwithstanding any other provisions of this Agreement, Employer agrees as follows: if for any of the five (5) consecutive twelve (12) month periods commencing on the first day of the twelfth (12th) month after the execution of this Agreement, Employer fails to continue to employ eighteen (18) full-time equivalent employees, then Development Corporation may declare the unrepaid portion of the advance made under paragraph 3 of this Agreement to be immediately due and repayable to the City together with interest upon the unrepaid balance at the rate of eight percent (8%) per annum from the date that Development Corporation gives notice to the declaration of Employer and continuing until the entire principal and interest is repaid. The number of full-time employees shall be determined as of each anniversary by dividing the total hours employees worked for Employer at Grand Island in the immediately prior twelve (12) month period by 2080 hours.

5. If Employer is merged into or with any other corporation the provisions of this Agreement shall continue in full force and effect and shall be binding upon the surviving corporation.

6. If prior to the seventh (7) anniversary of the execution of this Agreement Employer or its successor discontinues the operation of its business in Grand Island, Hall County, Nebraska, by reason of the sale of its assets to another person or company or for any

other reason, then immediately and without any further notice being required the entire amount of monies theretofore paid by the City to Employer under the provisions of this Agreement less any amounts that have theretofore been repaid by Employer shall immediately be repaid by Employer and the unpaid balance thereof shall bear interest at the rate of eight percent (8%) per annum; provided, however, that the Development Corporation may waive the provisions of this paragraph 6 if a buyer of all of Employer's assets which is acceptable to Development Corporation agrees in writing to assume the obligations of Employer hereunder.

7. Within two (2) weeks after each anniversary of this Agreement Employer shall furnish Development Corporation with a written annual report certified by Employer and showing the following as of the anniversary date (1) The number of full-time employees employed in Hall County, (2) The number of part-time employees employed in Hall County, (3) The total number of hours employees worked for Employer in Hall County in the twelve (12) month period ending on the anniversary date, (4) The total wages paid to all of Employer's Hall County employees during that same twelve (12) month period and (5) A brief summary of Employer's business activity in Hall County during the year ending on the anniversary date. Furthermore the Development Corporation reserves the right to Audit the Employer's payroll records at anytime throughout the duration of the Agreement.

8. The contents of this Incentive Agreement contain all of the agreements and understandings between the Development Corporation, the City, and Employer relative to the incentives and the repayment thereof and supersede any and all prior agreements and understandings whether written or oral.

9. The provisions of this Agreement are fully binding upon the Development Corporation and upon Employer and upon their respective successors.

GRAND ISLAND AREA ECONOMIC
DEVELOPMENT CORPORATION

HERITAGE STORAGE AND DISPOSAL

By _____
Marlan Ferguson, President

By _____
Bonnie Bilderback-Vess, President

CITY OF GRAND ISLAND

By _____
Mayor Jay Vavricek

RESOLUTION 2004-265

WHEREAS, on July 22, 2003, the City of Grand Island adopted an Economic Development Program and a Citizens Advisory Review Committee to oversee the process of approving applications for economic development incentives; and

WHEREAS, Heritage Disposal and Storage LLC has applied for a forgivable loan in the amount of \$100,000 from the Grand Island Area Economic Development Corporation in accordance with the Economic Development Program; and

WHEREAS, such application has been approved by the executive committee of the Economic Development Corporation and was approved on October 5, 2004 by the Citizens Advisory Review Committee; and

WHEREAS, Heritage Disposal and Storage LLC will be required to meet or exceed employment numbers and employee salary levels as outlined in the Incentive Agreement for Inducement Grants and Benefits to retain all of the economic incentives granted under the agreement; and

WHEREAS, it is in the best interests of the City to provide economic development funding to Heritage Disposal and Storage LLC as provided by the Grand Island Economic Development Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Incentive Agreement for Inducement Grants and Benefits by and between the City and the Grand Island Area Economic Development Corporation to provide \$100,000 in economic assistance through a forgivable loan to Heritage Disposal and Storage LLC, a limited liability corporation, to be used for establishing its business at the former Cornhusker Army Ammunition Plant site is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item I2

#2004-266 - Approving Economic Development Funding Request

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: October 12, 2004

Subject: Approving Economic Development Funding Request

Item #'s: I-2

Presenter(s): David Springer, Finance Director

Background

On July 22, 2003, the City Council approved Ordinance No.8830 adopted an Economic Development Program for the City of Grand Island in conformance with Neb. Rev. Stat. 18-2710. This provides for annual funding of \$750,000 by the City.

Discussion

A request has been received from the Grand Island Area Economic Development Corporation, duly approved by its President and the Chairman of its Citizen's Review Committee for payment of \$350,000. Said funds to be used for operating expenses, community publicity, and promotion.

Alternatives

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

1. Approve the request for funds.
2. Disapprove or Deny the request for funds.
3. Modify the Resolution to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the request for funds.

Sample Motion

Approve the request for funds to allow payment of \$350,000 to the Grand Island Area Economic Development Corporation.



Project Application for Economic Development Programs

1. Applicant Business Name: Grand Island Area Economic Development Corporation

Address: 308 North Locust Street, PO Box 1151, Grand Island, NE 68802-1151

Telephone: (308) 381-7500

Email Address: mferguson@grandisland.com

Business Contact Person: Marlan Ferguson

Telephone: (308) 381-7500

2. Business Organization: ☒ Corporation ☐ Partnership
☐ Proprietor ☐ Other

3. Business Type: ☐ Startup ☒ Existing
☐ Business Buyout ☐ Spec Building
☐ Other

4. Project Location:

☐ Within the city limits of Grand Island.

☐ Outside the city limits, but within the 2 mile zoning jurisdiction.

☐ Outside the zoning jurisdiction of Grand Island in (county) _____.

5. Product or Service Provided: N/A

6. Project Description: Operating overhead to include salaries and benefits, occupancy costs, supplies, business recruitment, and community publicity. To offset cost associated with Infrastructure including: interest, real estate taxes, maintenance, advertising, special assessments to city, debt service payments, and Infrastructure Needs Study (long range plan).

7. Project Timetable :

October 1, 2004 thru September 30, 2005

8. Employment Information:

Current # of employees 2 (full-time equivalent)

Proposed # of employees N/A (full-time equivalent)

What is the average hourly wage for all employees? N/A

Number of new jobs to be created N/A (full-time equivalent)

What would be the average hourly wage for new jobs? N/A

Number of jobs to be retained, if any N/A (full-time equivalent)

Please describe all benefits which the business provides to employees: N/A

9. Financing/Incentives Requested:

The request for \$350,000 funding from LB840 funds is for the fiscal year beginning
October 1, 2004 thru September 30, 2005. Application being made is to continue Economic
Development within Hall County under state statute 13-315.

NOTE: Additional Information may be required and made part of this application by attachment.

To the best of my knowledge, this application and supporting information is accurate, and may be relied upon by representatives of the Grand Island Area Economic Development Corporation (GIAEDC).

Signature of Business Official

Title

Date

Date Referred to GIAEDC Executive Board: _____

Approved: _____ Disapproved: _____ Date: _____

Comments: _____

Signature of Chairman: _____

Curtis Griess

Date Referred to Citizen's Review Committee: _____

Approved: _____ Disapproved: _____ Date: _____

Comments: _____

Signature of Chairman: _____

Tim White

Date Referred to City Council: _____

Approved: _____ Disapproved: _____ Date: _____

Comments: _____

Signature of Mayor: _____

Jay Vavricek

RESOLUTION 2004-266

WHEREAS, on July 22, 2003, by Ordinance No. 8830, the City Council of the City of Grand Island approved and adopted an Economic Development Program for the City of Grand Island prepared in conformity with Neb. Rev. Statute §18-2710; and

WHEREAS, such program was amended on August 12, 2003, by Ordinance No. 8832;
and

WHEREAS, the program provides for \$750,000 in annual funding to be provided by the City of Grand Island; and

WHEREAS, a request has been made by the Grand Island Area Economic Development Corporation and the Economic Development Program's Citizens Review Committee for the payment of \$350,000 to be used for operating expenses, community publicity and promotion.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that approval is given to forward \$350,000 in City funding to the Grand Island Area Economic Development Corporation in accordance with the Economic Development Program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item I3

**#2004-267 - Approving Authorization to Perform Emergency
Repair Near the Intersection of Plum Street and Sutherland Street**

Staff Contact: Steve Riehle

Council Agenda Memo

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

Meeting: October 12, 2004

Subject: Approving Authorization to Perform Emergency Repair
Near the Intersection of Plum Street and Sutherland
Street

Item #'s: I-3

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

Background

On October 7, 2004, a ten foot section of the street collapsed and created a five foot deep hole. Emergency repairs are needed.

Discussion

The City procurement code limits the dollar amount whereby City Staff can hire a contractor to no more than \$7,500.00. Staff believes the total cost will exceed \$7,500.00. We are requesting permission to use the emergency procurement procedures as outlined in section 27-13 of the City Code to acquire services of a contractor to perform the necessary emergency repairs.

The Public Works Department contacted The Diamond Engineering Company of Grand Island, NE assess the repairs needed. The Diamond Engineering Company is qualified to execute such work and is available to complete the emergency repairs.

Alternatives

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

1. Approve usage of the City's emergency procurement procedures and authorize The Mayor to issue a purchase order to the contractor for the work.

2. Disapprove or /Deny usage of the City's emergency procurement procedures and not approve authorization for The Mayor to issue a purchase order.
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve usage of the City's emergency procurement procedures and pass a resolution authorizing the Mayor to issue a purchase order for the repairs.

Sample Motion

Move to approve the usage of the City's emergency procurement procedures and issue a purchase order to The Diamond Engineering Company for the repairs.

RESOLUTION 2004-267

WHEREAS, a ten foot section of the street at Sutherland and Plum Street has collapsed, and has created a five foot deep hole; and

WHEREAS, it is unknown what may have caused the street to collapse; and

WHEREAS, the City has sewer lines, water mains and storm sewers in this area which are affected by such street collapse; and

WHEREAS, using the City's standard procurement procedures to make repairs will not allow the required repair work to be completed in an acceptable time frame; and

WHEREAS, it is in the public interest to proceed immediately with the required repair work; and

WHEREAS, it is appropriate and necessary to deal with this emergency by proceeding under Section 27-13 of the Grand Island City Code (1988 ed.) and declare and authorize an emergency procurement procedure; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska, is qualified to do such work, and was available and willing to do such work on a very short notice; and

WHEREAS, as it is unknown what caused the street to collapse, the Diamond Engineering Company will evaluate the damage and report back to city officials with a proposed plan to repair the damage and a cost estimate to make such repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the use of the City's emergency procurement procedures in this situation is hereby ratified.

BE IT FURTHER RESOLVED, that emergency work shall be completed by the Diamond Engineering Company of Grand Island, Nebraska, after such damage has been evaluated and a proposed plan and cost estimates have been provided to city officials.

BE IT FURTHER RESOLVED, that the Public Works Department is authorized to issue a purchase order to the contractor for such project.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 12, 2004.

Approved as to Form	☐ _____
October 7, 2004	☐ City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 12, 2004

Council Session

Item J1

Payment of Claims for the Period of through September 28, 2004 through October 12, 2004

The Claims for the period of September 28, 2004 through October 12, 2004 for a total of \$2,986,285.72. A MOTION is in order.

Staff Contact: RaNae Edwards