
City of Grand Island



Tuesday, October 26, 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 26, 2004

Council Session

Item C1

Recognition of Grand Island Senior High Girls Golf Team for State Championship

The Mayor and City Council will recognize the Grand Island Senior High Girls Golf Team and their Coach Kevin Bartlett for their State Championship on October 13, 2004. These five girls set a state scoring record in Class A competition. Congratulations for a job well done.

Staff Contact: Mayor Vavricek



Certificate of Recognition

Awarded to the

“Girl’s Golf Team”

at Grand Island Senior High School in 2004. In recognition of your
Class “A” State Championship.

Mayor, Jay Vavricek

City Clerk, RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item C2

Recognition of Grand Island Central Catholic Boy's Tennis #2 Double's State Championship

The Mayor and City Council will recognize Kenny Howard and Chris Northup for their State Championship in the Boy's Tennis #2 Double's held in Lincoln on October 14 & 15, 2004. Also recognized will be their Coach Bill Gavers and Assistant Coach Fred Northup. Congratulations on a job well done.

Staff Contact: Mayor Vavricek



Certificate of Recognition

Awarded to the

**“GICC Boy’s Tennis #2 Double’s
State Championship”**

at Grand Island Central Catholic High School in 2004.
In recognition of your State Championship.

Mayor, Jay Vavricek

City Clerk, RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item D1

#2004-BE-18 - Consideration of Determining Benefits for Sanitary Sewer District 513, Gosda Subdivision along Lillie Drive West of North Road

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

Council Agenda Memo

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

Meeting: October 26, 2004

Subject: Board of Equalization Hearing to Determine Benefits and Consideration of an Ordinance Levying Assessments for Sanitary Sewer District 513, Gosda Subdivision Along Lillie Drive West of North Road

Item #'s: D-1 & F-2

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

Background

The Certificate of Final Completion for Sanitary Sewer District No. 513, was approved on September 28, 2004 with October 26, 2004 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for the District.

Discussion

The contract for Sanitary Sewer District No. 513 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on July 13, 2004. Work on the project was completed on schedule at a construction price of \$22,803.10. Total cost of the project, including engineering, is \$25,575.60. The estimated cost of the District at the time of creation was \$31,188.75. Costs for the project break down as follows:

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

Alternatives

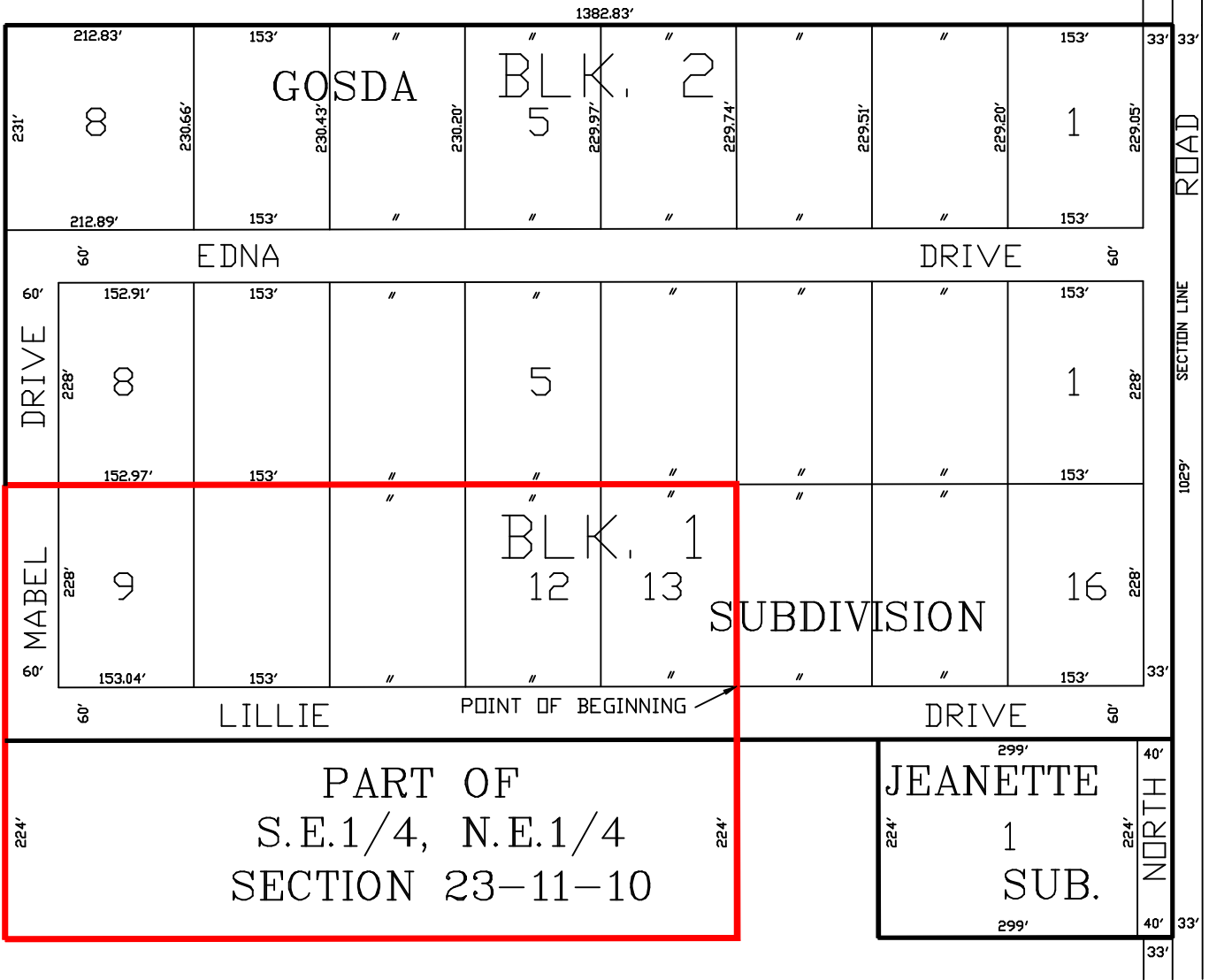
1. Make a motion to approve the recommendation to allow the Board of Equalization to determine benefits for Sanitary Sewer District No. 513 and pass an ordinance allowing the City to recover the majority of the District costs and assess the benefiting owners.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

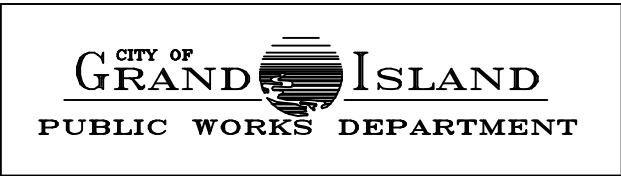
City Administration recommends that the Council, sitting as a Board of Equalization, determine the benefits and pass an ordinance to levy Special Assessments to individual properties.

Sample Motion

Move to approve the recommendation, allowing the Board of Equalization to determine benefits for Sanitary Sewer District No. 513, and pass an ordinance to levy assessments.



SANITARY SEWER DISTRICT NO. 513 EXHIBIT "A"



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

PLAT TO ACCOMPANY
ORDINANCE NO. 8892

R E S O L U T I O N 2004-BE-18

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District 513, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$25,575.60; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 513, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Michael & Carol Joy Robinson	Lot 9, Block 1, Gosda Subdivision	2,932.35
Jerry & Mary Jane Novakowski	Lot 10, Block 1, Gosda Subdivision	2,931.82
Brett & Lori Nellson	Lot 11, Block 1, Gosda Subdivision	2,931.82
Janice & Merle Simmons	Lot 12, Block 1, Gosda Subdivision	2,931.82
R. Rebecca Donovan	Lot 13, Block 1, Gosda Subdivision	2,931.82
Steven & Connie Asche	Part of the SE1/4, NE1/4 of Section 23-T11N-R10W, more particularly described as follows: Beginning on the South ROW line of Lillie Drive at the southerly prolongation of the east line of Lot 13, Block 1 Gosda Subdivision; thence south 224 feet; thence west parallel to the south ROW line of Lillie Drive to the prolongation of the west ROW line of Mabel Drive; thence north to the south ROW line of Lillie Drive; thence east to the point of beginning.	10,915.97
TOTAL		\$25,575.60

Adopted by the City Council of the City of Grand Island, Nebraska, on October 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____ October 21, 2004 <input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item E1

**Public Hearing on Request of Scott & Carla Dominick dba
Crooner's, 418 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Public Hearing on Request of Scott & Carla Dominick dba Crooner's, 418 West 4th Street for a Class "C" Liquor License

Item #'s: E-1 & G-4

Presenter(s): RaNae Edwards, City Clerk

Background

Scott & Carla Dominick dba Crooner's, 418 West 4th Street have submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale 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 Scott & Carla Dominick dba Crooner's, 418 West 4th Street for a Class "C" Liquor License.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of Scott & Carla Dominick dba Crooner's, 418 West 4th Street for a Class "C" Liquor License contingent upon final inspections.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item E2

Public Hearing on Request of Stratford Plaza, LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Public Hearing on Request of Stratford Plaza, LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for a Class “C” Liquor License

Item #'s: E-2 & G-5

Presenter(s): RaNae Edwards, City Clerk

Background

Stratford Plaza, LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcoholic beverages on and off sale 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 Stratford Plaza, LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for a Class “C” Liquor License.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of Stratford Plaza, LLC dba Howard Johnson Riverside Inn, 3333 Ramada Road for a Class "C" Liquor License contingent upon final inspections.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item E3

**Public Hearing on Request of A. Meier, Inc. dba El Copa Cabana,
2808 Old Fair Road, Suite B for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Public Hearing on Request of A. Meier, Inc. dba El Copa Cabana, 2808 Old Fair Road, Suite B for a Class “C” Liquor License

Item #'s: E-3 & G-7

Presenter(s): RaNae Edwards, City Clerk

Background

A. Meier, Inc. dba El Copa Cabana, 2808 Old Fair Road has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcoholic beverages on and off sale 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 A. Meier, Inc. dba El Copa Cabana, 2808 Old Fair Road for a Class “C” Liquor License.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of A. Meier, Inc. dba El Copa Cabana, 2808 Old Fair Road for a Class "C" Liquor License contingent upon final inspections.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item E4

Public Hearing on Request of Perez, Inc. dba Tucanaso, 410 East Fourth Street for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Public Hearing on Request of Perez, Inc. dba Tucanoso, 410 East Fourth Street for a Class “C” Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Perez, Inc. dba Tucanoso, 410 East Fourth Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcoholic beverages on and off sale 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 Perez, Inc. dba Tucanoso, 410 East Fourth Street for a Class “C” Liquor License.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve this request contingent upon final inspections.

Sample Motion

Approve the request of Perez, Inc. dba Tucanaso, 410 East Fourth Street for a Class "C" Liquor License contingent upon final inspections.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item E5

Public Hearing on Acquisition of Utility Easement - 2537 Diers Avenue - Bosselman, Inc.

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director
Meeting: October 26, 2004
Subject: Acquisition of Utility Easement – 2537 Diers Avenue
Bosselman, Inc.
Item #'s: E-5 & G-11
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 Bosselman, Inc., located at 2537 Diers Avenue, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to serve electricity to the new business on Lot 1, Bosselman Subdivision from an existing transformer.

Alternatives

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

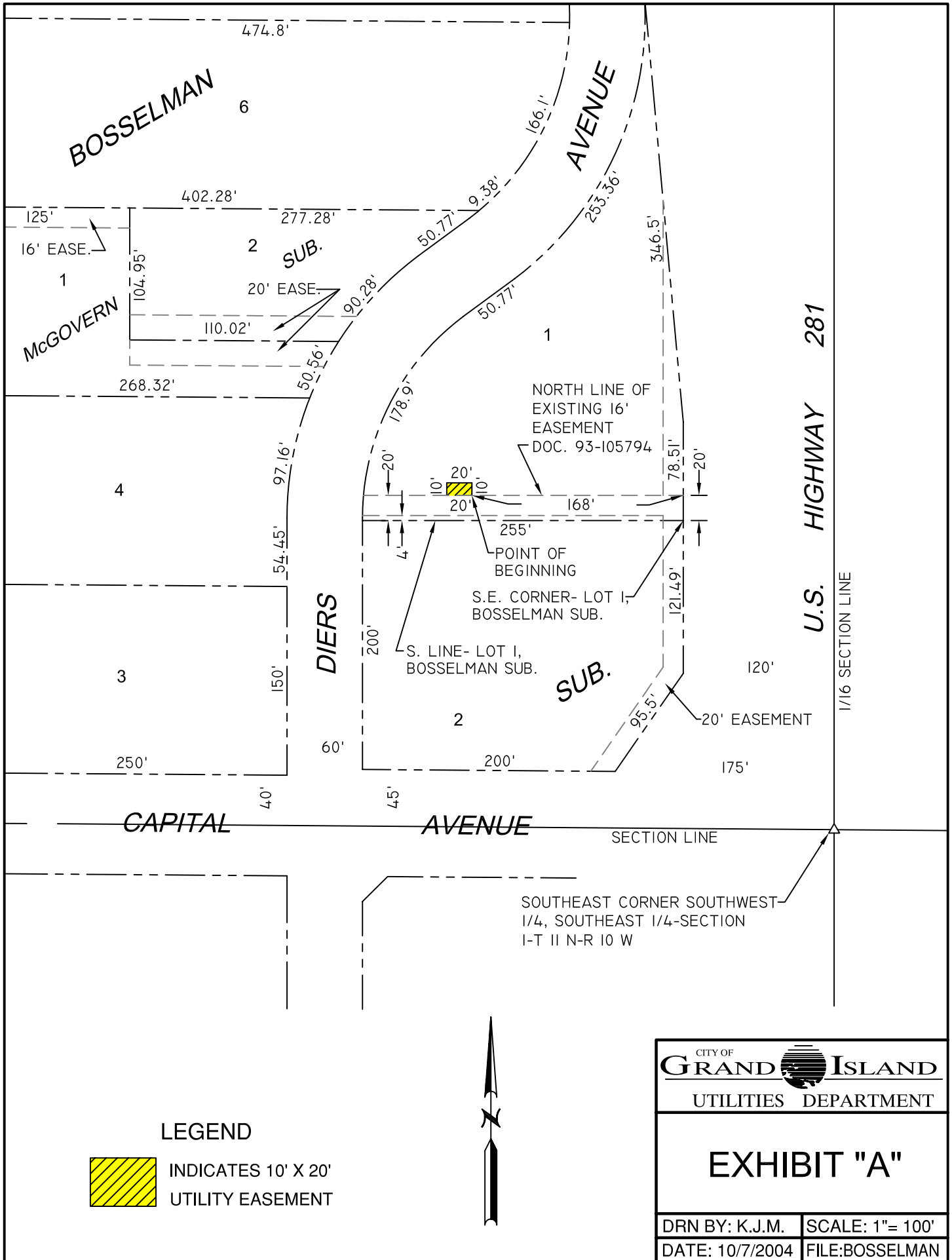
1. Make a motion to approve.
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve acquisition of the Utility Easement.



BOSSELMAN

AVENUE

McGOVERN

DIERS

CAPITAL

AVENUE

U.S. HIGHWAY 281

1/16 SECTION LINE

SECTION LINE

SOUTHEAST CORNER SOUTHWEST 1/4, SOUTHEAST 1/4-SECTION I-T II N-R 10 W

NORTH LINE OF EXISTING 16' EASEMENT DOC. 93-105794

POINT OF BEGINNING

S.E. CORNER- LOT I, BOSSELMAN SUB.

S. LINE- LOT I, BOSSELMAN SUB.

SUB.

20' EASEMENT

SUB.

SUB.

16' EASE.

20' EASE.

104.95'

402.28'

277.28'

110.02'

268.32'

50.56'

97.16'

54.45'

150'

250'

40'

45'

200'

60'

200'

4

20'

10'

20'

178.9'

90.28'

50.77'

50.77'

9.38'

166.1'

253.36'

346.5'

78.51'

20'

121.49'

95.5'

120'

175'

200'

255'

168'

20'

10'

20'

10'

20'

20'

20'

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20'

20'

20'



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item F1

**#8938 - Consideration of Creation of Street Improvement District
1255; American Independence Subdivision for Independence
Avenue, Lariat Lane, and Shanna Street**

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 26, 2004

Subject: Consideration of Creation of Street Improvement District No. 1255; Portions of Independence Avenue, Lariat Lane, and Shanna Street

Item #'s: F-1

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

Background

Council action is needed to create a Street Improvement District. If the District is created, a notice will be mailed to all affected property owners and a 20-day protest period will begin. The City will bid, construct, and levy special assessments for the work if the district passes the protest period.

Discussion

The District will consist of the following streets: Independence Avenue from 13th Street northerly to Shanna Street, approximately ½ block of Lariat Lane north of Shanna Street and Shanna Street from just east of Branding Iron Lane easterly for approximately ¼ mile to Mansfield Road.

Alternatives

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

1. Make a motion to approve the creation of Street Improvement District 1255.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the creation of Street Improvement District 1255; portions of Independence Avenue, Lariat Lane, and Shanna Street. A ten (10) year assessment period is recommended.

Sample Motion

Approve the creation of Street Improvement District 1255.

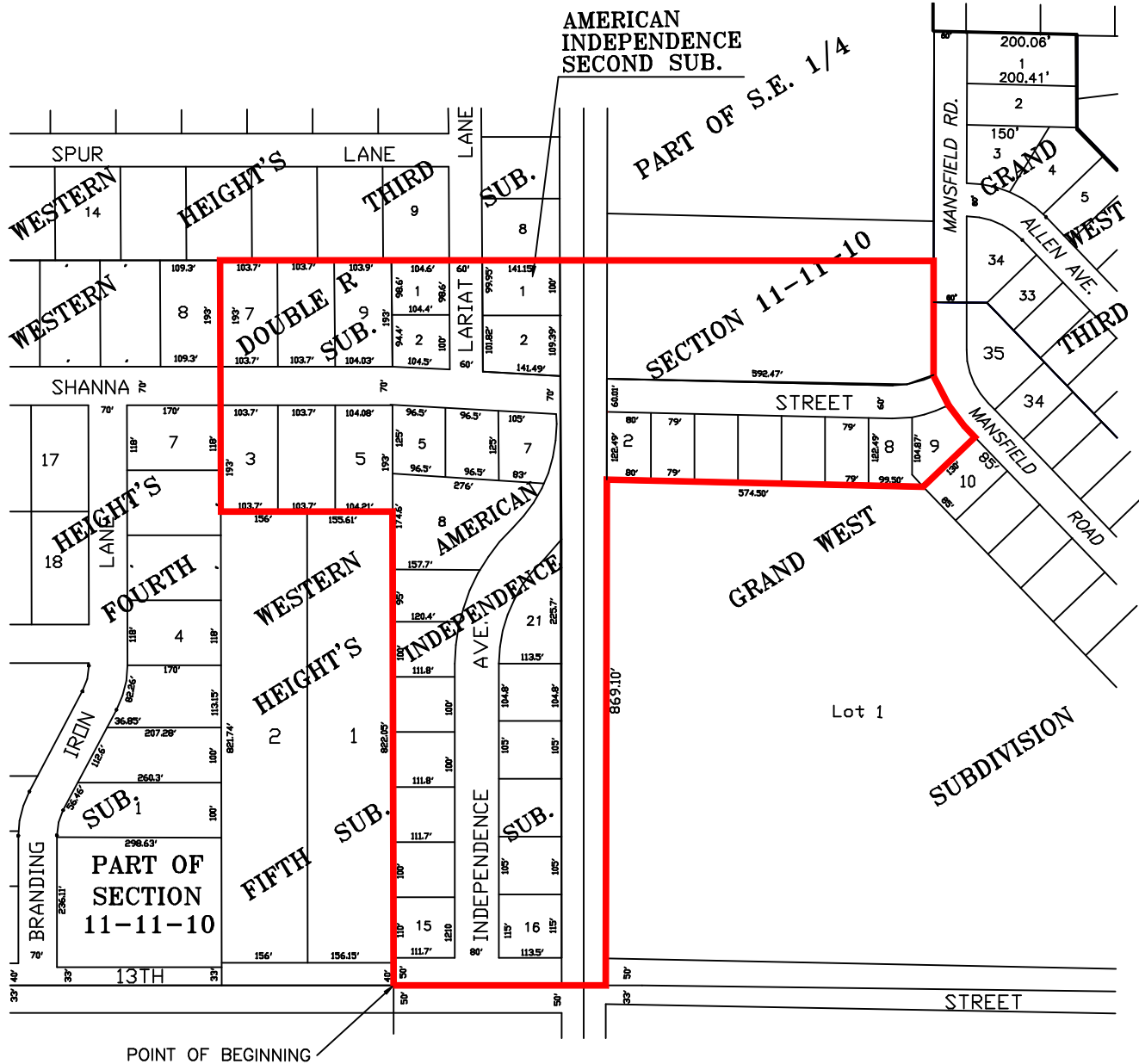



EXHIBIT "A"

STREET IMPROVEMENT DISTRICT NO. 1255


CITY OF GRAND ISLAND
 PUBLIC WORKS DEPARTMENT

DATE: 10/12/04
 DRN BY: L.D.C.
 SCALE: 1"=300'

PLAT ACCOMPANY ORDINANCE
 NO. 8938

• This Space Reserved for Register of Deeds •

ORDINANCE NO. 8938

An ordinance to create Street Improvement District No. 1255; to define the boundaries of the district; to provide for the improvement of a street within the district by paving, curbing, guttering, storm drainage, sidewalks, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Street Improvement District No. 1255 in the City of Grand Island, Nebraska, is hereby created.

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

Beginning at the southwest corner of American Independence Subdivision; thence north on the west line of American Independence Subdivision to the southeast corner of Lot Five (5) Western Height's Fifth Subdivision; thence west on the south line of Lots Three (3), Four (4), and Five (5) Western Height's Fifth Subdivision to the southwest corner of Lot Three (3) Western Height's Fifth Subdivision; thence north on the west line of Western Height's Fifth Subdivision and Double R Subdivision to the northwest corner of Lot Seven (7) Double R Subdivision; thence east on the north line of Lots Seven (7), Eight (8), and Nine

ORDINANCE NO. 8938 (Cont.)

(9) Double R Subdivision, Lot One (1) American Independence Subdivision, Lot One (1) American Independence Second Subdivision, and a prolongation thereof to the west line of Mansfield Road; thence south on the west line of Mansfield Road to the southeasterly corner of Lot Nine (9) Grand West Subdivision; thence southwesterly on the southerly line of Lot Nine (9) Grand West Subdivision to the southeast corner of Lot Eight (8) Grand West Subdivision; thence west on the south line of Lots Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) Grand West Subdivision to the northwest corner of Lot One (1) Grand West Subdivision; thence south on the west line of Grand West Subdivision to the southwest corner of Grand West Subdivision; thence west on the south line of American Independence Subdivision and a prolongation thereof to the point of beginning, as shown on the plat dated October 12, 2004, marked Exhibit 'A', attached hereto and incorporated herein by reference.

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

Independence Avenue from 13th Street northerly to Shanna Street, approximately 1/2 block of Lariat Lane north of Shanna Street; and Shanna Street from just east of Branding Iron Lane easterly for approximately 1/4 mile to Mansfield Road in the City of Grand Island, Hall County, Nebraska.

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

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

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

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

ORDINANCE NO. 8938 (Cont.)

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

Enacted: October 26, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item F2

**#8939 - Consideration of Assessments for Sanitary Sewer District
513, Gosda Subdivision along Lillie Drive West of North Road**

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

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8939

An ordinance assessing and levying a special tax to pay the cost of construction of Sanitary Sewer District No. 513 of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sanitary sewer main in said Sanitary Sewer District No. 513, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Michael & Carol Joy Robinson	Lot 9, Block 1, Gosda Subdivision	2,932.35
Jerry & Mary Jane Novakowski	Lot 10, Block 1, Gosda Subdivision	2,931.82

Approved as to Form ☐ _____
October 21, 2004 ☐ City Attorney

ORDINANCE NO. 8939 (Cont.)

Brett & Lori Nellson	Lot 11, Block 1, Gosda Subdivision	2,931.82
Janice & Merle Simmons	Lot 12, Block 1, Gosda Subdivision	2,931.82
R. Rebecca Donovan	Lot 13, Block 1, Gosda Subdivision	2,931.82
Steven & Connie Asche	Part of the SE1/4, NE1/4 of Section 23-T11N-R10W, more particularly described as follows: Beginning on the South ROW line of Lillie Drive at the southerly prolongation of the east line of Lot 13, Block 1 Gosda Subdivision; thence south 224 feet; thence west parallel to the south ROW line of Lillie Drive to the prolongation of the west ROW line of Mabel Drive; thence north to the south ROW line of Lillie Drive; thence east to the point of beginning.	10,915.97
TOTAL		\$25,575.60

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

SECTION 3. The assessments for Steven and Connie Asche have been deferred in accordance with City of Grand Island Resolution 2004-112 approved on May 11, 2004, and shall not accrue interest until terminated in accordance with Neb. Rev. Stat. §19-2428 through §19-2431.

ORDINANCE NO. 8939 (Cont.)

SECTION 4. The treasurer of the City of Grand Island, Nebraska, is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Such special assessments shall be paid into a fund to be designated as the "Sewer Extension Fund" for Sanitary Sewer District No. 513.

SECTION 6. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 7. 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 26, 2004.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G1

Approving Minutes of October 12, 2004 City Council Regular Meeting

The Minutes of October 12, 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

October 12, 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 October 12, 2004. Notice of the meeting was given in the *Grand Island Independent* on October 6, 2004.

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

INVOCATION was given by Council President Jackie Pielstick followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Teresa Anderson, Health Department Director who remarked about the shortage of the flu vaccine and encouraged those who were healthy to “Know When to Pass” on getting a flu shot.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation “Clergy Appreciation Month” October 2004.

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

Recognition of Jodi Halm, Accounting Clerk with the Finance Department for 20 Years of Service with the City. Jodi Halm was present for the recognition. Finance Director David Springer commented on the service of Ms. Halm.

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

PUBLIC HEARINGS:

Public Hearing on Request of Orozco’s Corporation dba El Diamante Night Club, 1600 South Eddy Street for Class “I” Liquor License. City Clerk RaNae Edwards reported that Orozco’s Corporation dba El Diamante Night Club, 1600 South Eddy Street had submitted an application with the City’ Clerk’s Office for a Class “I” Liquor License which allows for the sale of alcoholic beverages on sale only within the corporate limits of the city. Ms. Edwards presented

the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City of September 20, 2004; notice to the applicant of date, time, and place of hearing mailed on September 20, 2004; notice to the general public of date, time, and place of hearing published on October 2, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3604 South Blaine Street. (Meadowlark Estates, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3604 South Blaine Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground cable and a junction box along the south side of Meadowlark Estates. No public testimony was heard.

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) Steve Riehle, Public Works Director reported that acquisition of (4) public utility easements located along the properties of 3917 & 3923 Partridge Circle and 1609 & 1615 Meadow Road were required in order to have access to maintain the necessary storm drainage. No public testimony was heard.

Public Hearing on the Acquisition of a Public Utility Easement South of Capital Avenue and West of Diers Avenue. (John R. Menard) Steve Riehle, Public Works Director reported that acquisition of a public utility easement south of Capital Avenue and west of Diers Avenue was required in order to have access to install and maintain the necessary storm drainage. No public testimony was heard.

Public Hearing Concerning the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Doug Walker, City Attorney reported that State Statute and City Code required the Citizens' Review Committee to make a semi-annual report to the City Council. Tim White, Chairman of the Citizens' Advisory Review Committee presented the Economic Development Program Plan. Gary Kelsch, 1808 West 2nd Street spoke in support. No further public testimony was heard.

ORDINANCE:

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

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

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.

Dennis Benson, 1008 East 5th Street spoke in support.

Motion was made by Pielstick, second by Whitesides to approve Ordinance #8937.

City Clerk: Ordinance #8937 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 #8937 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 #8937 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Councilmember Pielstick requested Item G-6 be removed from the Consent Agenda. Motion by Hornady, second by Cornelius to approve the Consent Agenda excluding item G-6. Upon roll call vote, all voted aye. Motion adopted.

Receipt of the Economic Development Program Plan Report.

Approving Minutes of September 28, 2004 City Council Regular Meeting. Councilmember Walker abstained.

Approving Minutes of October 5, 2004 City Council Study Session.

Approving the Appointments of Anita Lewandowski, Jose Zapata, Kerri Nazareus, and John Briseno to the Human Rights Commission.

Approving Reappointment of Glen Murray to the Community Redevelopment Authority Board.

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

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

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

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

#2004-251 – Approving Revision to Copier Lease with Imagistics International, Inc. of Grand Island, Nebraska for an additional cost of \$123.93 per month.

#2004-252 – Approving Acquisition of Utility Easement Located at 3604 S. Blaine Street. (Meadowlark Estates, Inc.)

#2004-253 – Approving Bid Award for Rogers Pump Station Pump #3 Installation with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$324,944.04.

#2004-254 – Approving Bid Award for Motor Control Center – Rogers Pumping Station with Hupp Electric Motors of Cedar Rapids, Iowa, in an Amount of \$60,571.00 plus tax.

#2004-255 – Approving Bid Award for Platte River Well Field Contract 2005-WF-1 with Platte Valley Construction Company of Grand Island, Nebraska in an Amount of \$23,745.03.

#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)

#2004-257 – Approving Acquisition of a Public Utility Easement Located South of Capital Avenue and West of Diers Avenue. (John R. Menard)

#2004-258 – Approving Bid Award for Snow Removal Services with Diamond Engineering Company of Grand Island, Nebraska for the following amounts per hour: Truck Plows - \$95.00; Front End Loaders - \$90.00; Motor Graders - \$110.00; and Hauling Snow - \$85.00.

#2004-259 – Approving Bid Award for a Landfill Compactor with Al-Jon, Inc. of Ottumwa, Iowa in an Amount of \$391,000.00.

#2004-260 – Approving Bid Award for Color Copier with Imagistics, Inc. of Grand Island, Nebraska in an Amount of \$490.35 per month.

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

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

#2004-263 – Approving Contract for Web Page Rebuild with KDS Internet of Grand Island, Nebraska in an Amount not to exceed \$25,000.00 plus monthly web hosting fee of \$49.95.

#2004-264 – Approving Balance of Funds for Galvanized Steel Exterior Box Corrugated Culverts at CAAP with CONTECH Construction Products, Inc. of Lincoln, Nebraska in an Amount of \$20,203.20.

Approving Request of Orozco's Corporation dba El Diamante Night Club, 1600 South Eddy Street for a Class "I" Liquor License. Discussion was had on the location of this business being close to residential property.

Motion was made by Pielstick, second by Walker to forward this request to the Liquor Control Commission with no recommendation. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2004-265 – Approving Economic Development Incentive Agreement with Heritage Disposal and Storage LLC in an Amount of \$100,000.00. City Attorney Doug Walker reported that the Economic Development Corporation had taken the application of Heritage Disposal and Storage Corporation for a \$100,000.00 forgivable loan as an incentive to assist with the location of an ammunition disposal facility in the City of Grand Island. Mark Vess owner of Heritage Disposal and Storage Corporation spoke in support.

Motion by Pielstick, second by Hornady to approve Resolution #2004-265. Upon roll call vote, all voted aye. Motion adopted.

#2004-266 – Approving Economic Development Funding Request. Finance Director David Springer reported that a requested had been received from the Grand Island Area Economic Development Corporation for annual funding of \$350,000.00.

Motion by Hornady, second by Cornelius to approve Resolution #2004-266. Upon roll call vote, all voted aye. Motion adopted.

#2004-267 – Approving Authorization for The Diamond Engineering Company of Grand Island, Nebraska to Perform Emergency Repair Near the Intersection of Plum Street and Sutherland Street. Public Works Director Steve Riehle reported that a ten foot section of the street near the intersection of Plum Street and Sutherland Street had collapsed and had created a five foot deep hole. Mr. Riehle stated City procurement code limited the dollar amount whereby City staff could hire a contractor so permission was requested to acquire the services of The Diamond Engineering Company of Grand Island, Nebraska to perform the necessary emergency repairs.

Motion by Hornady, second by Cornelius to approve Resolution #2004-267. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of September 29, 2004 through October 12, 2004, for a total amount of \$3,616,893.43. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G2

Approving Minutes of October 19, 2004 City Council Study Session

The Minutes of October 19, 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 19, 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 19, 2004. Notice of the meeting was given in the Grand Island Independent on October 13, 2004.

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

Discussion Concerning Public Building Commission: City Attorney Doug Walker reported that to facilitate the construction of the one-half cent sales tax projects which included an addition to the City Library, Fire Station #1, and a Law Enforcement Facility, the City was proposing that a non-profit corporation be established.

It was recommended that the City establish the Grand Island Facilities Corporation. This non-profit corporation would be authorized to issue tax exempt bonds to construct facilities and be authorized to do lease purchase arrangements with the City of Grand Island.

Mr. Walker stated the following advantages of a non-profit corporation:

1. A subsequent vote of the people would not be required to issue tax exempt bonds. The ballot language approved on May 11, 2004 specifically included the Library Expansion, Fire Station #1, and Law Enforcement Center projects.
2. The non-profit corporation would have greater flexibility in contractual arrangements with contractors and other professionals for construction of the facilities. It would enhance the City's ability to contain costs by using a design/build process instead of the design/bid/build process.

Mr. Walker explained the by-laws and articles of corporation. Discussion was held concerning the terms of the board members, number of board members, and their responsibilities. It was stated that there would be no compensation to the board members. Mayor Vavricek commented on the scope of the Public Building Commission. Explained was the concept of design/build versus design/bid/build.

Lewis Kent, 624 East Meves spoke in support and requested Council use caution on each project.

Update on Library Facility Renovation/Expansion Project: Michael Kneale, President of the Library Board of Trustees updated the Mayor and City Council on the Library Facility

Renovation/Expansion Project. Several members of the Library Board and Board of Directors were present for the presentation.

The Library Facility Committee had established three major objectives for its work: 1) Architect selection; 2) Development of a building program; and 3) Overview throughout design, construction, and post-construction.

The following list was presented of the Library Project Milestone Review and Projections:

1997	Library Strategic Plan identified need for future expansion of library facilities
2000	Building Consultant David Smith produced initial "Space Needs and Alternatives Study"
2000	Community Survey conducted to gauge use of and interest in library services
2001	Library Feasibility Committee formed with citizen representation to determine feasibility of expanding library facilities
2001	Clark Enersen Partners' Phase I Feasibility Study concluded
2002	Short term renovations concluded to provide computer lab and study room services
2003	Library Board held monthly post-renovation public meetings to update plans for future expansion
05/2004	1/2% Sales Tax issue approved with library project included
05/2004	David Smith issued final Space Needs and Alternatives Study report with updated findings
11/2004	RFP issuance
12/2004	City Council approval of architect
01/2005	Library Building Program document approval and work commences with architect
07/2005	Conclusion of Design phase of project
09/2005	Construction documents finalized and construction commences
12/2006	Construction completed

Mr. Kneale stated that Mr. Fosselman would be the project director throughout design, construction and post-construction of the library expansion project. Discussion was held concerning acquiring property to the west of the library for parking.

Library Director Steve Fosselman commented on a list of people who had helped out since the inspection of the library expansion project. Mr. Fosselman stated a community survey would be conducted in the near future.

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

City Clerk
RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G3

Approving Appointment to the Regional Planning Commission

The Mayor has submitted the appointment of Scott Erickson to the Regional Planning Commission. His appointment would become effective November 1, 2004, upon approval by Council, and would expire October 31, 2007. He will be replacing current Regional Planning Commission representative Bob Obst whose term will expire on October 31, 2004. Approval is recommended.

Staff Contact: Mayor Vavricek



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G4

**Approving Request of Scott & Carla Dominick dba Crooner's, 418
West 4th Street for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G5

**Approving Request of Stratford Plaza, LLC dba Howard Johnson
Riverside Inn, 3333 Ramada Road for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G6

**Approving Request of Nancy Smith, 1614 West 7th Street,
Hastings, Nebraska for Liquor Manager Designation for Howard
Johnson Riverside Inn, 3333 Ramada Road**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Request of Nancy Smith, 1614 West 7th Street, Hastings, Nebraska for Liquor Manager Designation for Howard Johnson Riverside Inn, 3333 Ramada Road

Item #'s: G-6

Presenter(s): RaNae Edwards, City Clerk

Background

Nancy Smith, 1614 West 7th Street, Hastings, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-65949" Liquor Licenses for Howard Johnson Riverside Inn, 3333 Ramada Road. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request of Nancy Smith, 1614 West 7th Street, Hastings, Nebraska for Liquor Manager Designation in conjunction with the Class "C-65949" Liquor License for Howard Johnson Riverside Inn, 3333 Ramada Road.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Nancy Smith, 1614 West 7th Street, Hastings, Nebraska for Liquor Manager Designation for Howard Johnson Riverside Inn, 3333 Ramada Road.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G7

**Approving Request of A. Meier, Inc. dba El Copa Cabana, 2808
Old Fair Road, Suite B for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G8

**Approving Request of Andrew Meier, 123 Meadowlark Circle,
Doniphan, Nebraska for Liquor Manager Designation for El Copa
Cabana, 2808 Old Fair Road, Suite B**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Request of Andrew Meier, 123 Meadowlark Circle, Doniphan, Nebraska for Liquor Manager Designation for El Copa Cabana, 2808 Old Fair Road, Suite B

Item #'s: G-8

Presenter(s): RaNae Edwards, City Clerk

Background

Andrew Meier, 123 Meadowlark Circle, Doniphan, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-65965" Liquor Licenses for El Copa Cabana, 2808 Old Fair Road, Suite B. 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 Andrew Meier, 123 Meadowlark Circle, Doniphan, Nebraska for Liquor Manager Designation in conjunction with the Class "C-65965" Liquor License for El Copa Cabana, 2808 Old Fair Road, Suite B.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Andrew Meier, 123 Meadowlark Circle, Doniphan, Nebraska for Liquor Manager Designation for El Copa Cabana, 2808 Old Fair Road, Suite B.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G9

Approving Request of Perez, Inc. dba Tucanaso, 410 East Fourth Street for a Class "C" Liquor License

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G10

Approving Request of Anastacio Jacobo, 411 East 4th Street, Apt. 1 for Liquor Manager Designation for Tucanaso, 410 East Fourth Street

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2004

Subject: Request of Anastacio Jacobo, 411 East 4th Street, Apt. 1 for Liquor Manager Designation for Tucanaso, 410 East Fourth Street

Item #'s: G-10

Presenter(s): RaNae Edwards, City Clerk

Background

Anastacio Jacobo, 411 East 4th Street, Apt. 1 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-66056" Liquor Licenses for Tucanaso, 410 East Fourth 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 Anastacio Jacobo, 411 East 4th Street, Apt. 1 for Liquor Manager Designation in conjunction with the Class "C-66056" Liquor License for Tucanaso, 410 East Fourth Street.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve this request.

Sample Motion

Approve the request of Anastacio Jacobo, 411 East 4th Street, Apt. 1 for Liquor Manager Designation for Tucanoso, 410 East Fourth Street.



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G11

**#2004-268 - Approving Acquisition of Utility Easement - 2537
Diers Avenue - Bosselman, Inc.**

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

Staff Contact: Gary R. Mader

R E S O L U T I O N 2004-268

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

WHEREAS, a public hearing was held on October 26, 2004, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1), Bosselman Subdivision located in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Referring to the southeast corner of Lot One (1) Bosselman Subdivision; thence northerly along the easterly line of said Lot One (1), a distance of twenty (20.0) feet; thence westerly and parallel with the southerly line of said Lot One (1), a distance of one hundred sixty eight (168.0) feet to the ACTUAL point of beginning; thence continuing westerly and parallel with the southerly line of Lot One (1), a distance of twenty (20) feet; thence deflecting right 90° and running northerly, a distance of ten (10.0) feet; thence deflecting right 90° and running easterly, a distance of twenty (20.0) feet; thence deflecting right 90° and running southerly, a distance of ten (10.0) feet to the point of beginning.

The above-described easement and right-of-way containing 200 square feet, more or less, as shown on the plat dated October 7, 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 Bosselman, Inc., a Nebraska corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 21, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G12

**#2004-269 - Approving Bid Award for Uniform Rental for Utilities
and Public Works Department Employees**

Staff Contact: Gary R. Mader;Dale Shotkoski

Council Agenda Memo

From: Robert H. Smith, Assistant Utilities Director
Bud Buettner, Assistant Public Works Director
Dale Shotkoski, Assistant City Attorney/Purchasing

Meeting: October 26, 2004

Subject: Bid Award for Uniform Rental for Utilities & Public Works Employees

Item #'s: G-12

Presenter: Gary R. Mader, Utilities Director

Background

Several divisions within the Utilities and Public Works Departments have uniform rental agreements in order to maintain standard uniforms for City employees in these departments. The Union Contracts require the employees to pay 40% of the cost and the City 60%. Not all employees take advantage of the uniforms so the total numbers change from time to time. The current supplier is Paramount Uniform and Linen. That contract has been in place for three years, so the service was recently re-bid.

Discussion

Bid documents were prepared and advertised in accordance with the City Purchasing Code. Bids were publicly opened on Thursday October 7, 2004. Four bids were received and evaluated by the Utilities and Public Works Departments. Bids were received from Aramark Uniform Services, Lincoln, NE; Paramount Uniform and Linen, Kearney, NE; Jackson Services, Inc., Columbus, NE; Western Uniform and Towel Service Inc., Salina, KS. The low bid was received from Paramount Uniform and Linen. The amount currently being spent for uniform rental is approximately \$26,300 per year by the City departments. It is anticipated that approximately the same amount would be necessary to cover the Uniform Rental Agreement for the upcoming year.

Alternatives

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

1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date (specify date)
4. Take no action on the issue

Recommendation

City Administration recommends that the Council accept the lowest bid for uniform rental which was from Paramount Uniform and Linen, Kearney, NE.

Sample Motion

Move to approve the award of the bid for Uniform Rental services to Paramount Uniform and Linen.

f.) Shirt, Indura Work Shirt – long sleeve	.80	.85	.96	1.10
g.) Pant, Industrial Cut	.40	.45	.49	.40
h.) Pant, Jean Cut (West)	.40	.45	.49	.40
i.) Pant, Dress slacks	.62	.73	.85	.50
j.) Pant, Half Elastic Industrial	.40	.45	.49	.40
k) Pant, Indura	.80	.95	1.00	1.10
l.) Pant, Denim (Big Ben)	.55	.45	.59	.48
m.) Pant, Denim (Wrangler)	.55	.45	.69	1.00
n.) Pant, Red Kap Denim	.55	.45	.59	.48
Jacket with inventory of 11 pants and shirts				
l.) Eisenhower (Ike)	N/C	N/C	.25	.60
m.) Panel	N/C	N/C	.50	.60
n.) Indura Zip-in/Zip-out	N/C	N/C	.79	1.30
Jacket with less than inventory of 11 pants and shirts				
o.) Eisenhower (Ike)	N/C	N/C	1.00	.60
p.) Panel	N/C	N/C	1.00	.60
q.) Indura Zip-in/Zip-out	N/C	N/C	1.00	1.30
r.) Coveralls, Action Back (with inventory of 11 pants & shirts)	.80	.98	1.00	.90
s.) Coveralls, Action Back – rented in winter	.80	.98	1.00	.90
t.) Coveralls, Action Back – rented in winter months only	.80	.98	1.00	.90
u.) Coveralls, Action Back (less than inventory of 11 pants & shirts)	.80	.98	1.00	.90
v.) Short/long sleeve option	N/C	N/C	.10	.20
w.) Pre/Set up charge per item	.25	N/C	1.00	N/C
x.) Any other cost	None	None	6.00 per stop service chg	None
y.) Emblem for Dept. designation	.50	N/C	2.00	N/C
z.) Emblem for employee designation	.50	N/C	1.00	N/C

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

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

R E S O L U T I O N 2004-269

WHEREAS, the City of Grand Island invited sealed bids for Uniform Rental for the Public Works and Utilities Department, according to plans and specifications on file with the Utilities Administration Office; and

WHEREAS, on October 7, 2004, bids were received, opened and reviewed; and

WHEREAS, Paramount Linen and Uniform Rental of Kearney, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Paramount Linen and Uniform Rental of Kearney, Nebraska for uniform rental is hereby approved as the lowest responsive bid.

BE IT FURTHER RESOLVED, that a rental agreement between the City and Paramount Linen and Uniform Rental be entered into, and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 21, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G13

#2004-270 - Approving Interlocal Agreement with College Park for Hike/Bike Trail Development

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: October 26, 2004

Subject: Approving Interlocal Agreement with College Park for Hike/Bike Trail Development

Item #'s: G-13

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

Background

Monies have been budgeted for the extension of the existing Hike/Bike trail currently located at Central Community College to be extended toward Hall County Park.

Discussion

This agreement allows for the City to construct the trail across College Park property before heading south across Hwy 34 and on to Stuhr Museum property.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the interlocal agreement allowing for the trail extension.

Sample Motion

Motion to approve acceptance of License Agreement with College Park.

RESOLUTION 2004-270

WHEREAS, the City of Grand Island provides and develops parks and recreation areas including hike/bike trails for public use; and

WHEREAS, the City of Grand Island is proposing the development of Riverway Hike/Bike Trail which will connect the trail currently at Central Community College property to pass through College Park property, through Stuhr Museum property and onto the Wood River diversion canal, connecting to Hall County Park and will continue along the canal until it eventually reaches the Platte River; and

WHEREAS, such hike/bike trail will encroach on property owned by College Park; and

WHEREAS, it is recommended that an Interlocal Agreement be entered into with College Park to facilitate the development of such hike/bike trails; and

WHEREAS, the City Attorney's office has prepared an Interlocal Agreement with College Park for the development of hike/bike trails across its property.

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 and College Park at Grand Island, Nebraska, a Nebraska non-profit corporation, for the development of a hike/bike trail across its property is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G14

#2004-271 - Approving Bid Award for Site Preparation and Lake Excavation at CAAP

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: October 26, 2004

Subject: Approving Bid Award for Site Preparation and Lake Excavation at CAAP

Item #'s: G-14

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

Background

The master plan for the development of the Heartland Public Shooting Park, located on former CAAP property calls for the development of an outdoor rifle and pistol range. This development plan was adopted by the City Council several years ago.

Discussion

The City advertised for bids for the site development work required for the project. Two bids were received. One bid was from Hooker Brothers Construction, of Grand Island in the amount of \$684,150.00. The second bid was received for Platte Valley Construction, also of Grand Island, in the amount of \$1,463,950.00. Total budget available in this line item for this work is \$500,000.00. The actual engineers estimate for this work was \$2,441,970.10.

In discussions with Hooker Brothers Construction it appears several items of the proposed work can be modified to save substantial dollars. A deductive change order will be prepared to get the final contact amount closer to the \$500,000.00 available. Additional funds are available to help offset this increased expense in the 400 fund. Efforts will also be made to receive financial assistance from private sources and foundations as well.

Alternatives

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

1. Move to approve

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the bid award to Hooker Brothers Construction of Grand Island, NE in the amount of \$684,150.00.

Sample Motion

Motion to approve the bid award.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: September 29, 2004 at 11:00 a.m.
FOR: Site Preparation & Lake Excavation CAAP Sport Shooting Complex
DEPARTMENT: Parks & Recreation
ESTIMATE: \$400,000.00
FUND/ACCOUNT: 40044450-90026
PUBLICATION DATE: September 19, 2004
NO. POTENTIAL BIDDERS: 12

SUMMARY

Bidder:	<u>Hooker Brothers Construction Co.</u> Grand Island, NE	<u>Platte Valley Construction Co.</u> Grand Island, NE
Bid Security:	Western Surety Company	Universal Surety Company
Exceptions:	None	Noted
Bid Price:	\$684,150.00	\$1,463,950.00

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

RESOLUTION 2004-271

WHEREAS, the City of Grand Island invited sealed bids for Site Preparation and Lake Excavation at the CAAP Sport Shooting Complex, according to plans and specifications on file with the City Clerk; and

WHEREAS, on September 29, 2004, bids were received, opened and reviewed; and

WHEREAS, Hooker Brothers 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 \$684,150.00; and

WHEREAS, Hooker Brothers Construction Company's bid is less than the estimate for such project, however only \$500,000 has been budgeted for this project during the 2004-2005 fiscal year; and

WHEREAS, as a result of discussions with Hooker Brothers Construction Company, several items of the proposed work can be modified to substantially reduce project costs; and

WHEREAS, efforts will be made to receive financial assistance on this project from private sources and local foundations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hooker Brothers Construction Company of Grand Island, Nebraska, in the amount of \$684,150.00 for site preparation and lake excavation at the CAAP Sport Shooting Complex 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 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 21, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G15

#2004-272 - Approving Certificate of Final Completion for Professional Services Agreement for Development of the Rifle and Pistol Ranges

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: October 26, 2004

Subject: Certificate of Final Completion-Professional Services Agreement with C. Vargas and Associates

Item #'s: G-15

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

Background

A contract was entered into with C. Vargas and Associates on February 27, 2004 for design services of a rifle and pistol shooting complex at the Heartland Public Shooting Park.

Discussion

The design services have been completed as per the contract.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the final acceptance for the work contracted.

Sample Motion

Motion to approve certificate of final completion.

RESOLUTION 2004-272

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Professional Services Agreement for Development of the Rifle and Pistol Ranges, certifying that C. Vargas and Associates of Jacksonville, Florida, under contract dated February 27, 2004, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Parks and Recreation Director's recommendations.

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

1. The Parks and Recreation Director's Certificate of Final Completion for Professional Services Agreement for Development of the Rifle and Pistol Ranges is hereby confirmed.
2. A warrant be issued from Account No. 40044450-90026 in the amount of \$800.00 payable to C. Vargas and Associates for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G16

#2004-273 - Approving Authorization to Use Emergency Procurement Procedures to Make Repairs to a Blower at the Waste Water Treatment Plant

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

Council Agenda Memo

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

Meeting: October 26, 2004

Subject: Approving Authorization to Perform Emergency Repairs on the Wastewater Treatment Plant Blower

Item #'s: G-16

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

Background

On October 8, 2004 one of our four (4) Aeration Basin Blowers broke down. Failure to repair the blower in a timely manner may result in release of water from the treatment plant into the out fall ditch that has not been fully treated. This in turn will violate the conditions of the NPDES permit.

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 Northwest Electric Shop of Lincoln, NE to assess the repairs needed. They have estimated the repair costs at \$26,284.22. We also received a quote from Gardner Denver Blower Division in Peachtree City, Georgia for \$30,284.00 plus freight. The Northwest Electric Shop has done minor repairs to the blower in the past.

Alternatives

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

1. Make a motion to approve usage of the City's emergency procurement procedures and authorize the Mayor to issue a purchase order to the vendor for the necessary repairs.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on 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 Northwest Electric Shop for the repairs.

RESOLUTION 2004-273

WHEREAS, on October 8, 2004, one of the four aeration basin blowers broke down at the Wastewater Treatment Plant; and

WHEREAS, two aeration basin blowers must be running at all times to comply with NPDES regulations; and

WHEREAS, the remaining two aeration basin blowers are available when one or both of the main blowers fails, with the one broke down we only have one standby blower; and

WHEREAS, it is in the City's best interests to immediately repair the failed aeration basin blower; and

WHEREAS, using the City's standard procurement procedures to make repairs may jeopardize the City's ability to comply with NPDES regulations; 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 Northwest Electric Shop of Lincoln, Nebraska, has assessed the damage to one of the aeration basin blower, and is available and willing to do such work on a very short notice at a cost of \$26,284.22; and

WHEREAS, the Northwest Electric Shop is qualified to do such work, and has completed repair work on the blowers in the past.

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 repairs shall be completed by the Northwest Electric Shop of Lincoln, Nebraska, at a cost of \$26,284.22 to fix the aeration basin blower for use at the Wastewater Treatment Plant.

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

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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 26, 2004

Council Session

Item G17

**#2004-274 - Approving Change Order #1 to the Contract with
Starostka Group for Grand Generation Addition and Renovation**

Staff Contact: Jerenne Garroutte

Council Agenda Memo

From: Jerenne Garroutte, Community Development
Meeting: October 26, 2004
Subject: Change Order #1 Grand Generation Center
Item #'s: G-17
Presenter(s): Jerenne Garroutte, Community Development

Background

The City of Grand Island owns the building that houses the Senior Citizens Industries, Inc. which is located at 304 East 3rd Street, here in Grand Island. The City recently awarded a contract in the amount of \$615,985.00 to Starostka Group Unlimited for the expansion and renovation of the Center. The City applied for and received a Community Development Block grant in the amount of \$350,000 to assist in this expansion and renovation. The additional funding will come in the form of matching funds from the Senior Citizen Industries, Inc. A Change Order in the amount of \$17,524.25 has been requested for the removal of miscellaneous debris found under the footings during the redigging for the laying of the foundation. At the regular monthly Board Meeting of the Senior Citizens Industries, Inc. Board, held October 13, 2004, a motion was made and approved to pay the request for Change Order #1.

Discussion

As the building is owned by the City and the original contract was signed by the City of Grand Island, Change Order #1 is being submitted to the City for approval even though the Senior Citizens Industries, Inc. will pay the cost of Change Order #1.

Alternatives

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

1. Make a motion to approve Change Order #1.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.

4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve Change Order #1.

Sample Motion

Motion to approve Change Order #1 to the contract with Starostka Group Unlimited on the expansion and renovation of the Senior Citizens Industries, Inc.

R E S O L U T I O N 2004-274

WHEREAS, on July 13, 2004, by Resolution 2004-166, the City of Grand Island awarded the bid for the addition and renovation of the Grand Generation Center at 304 East Third Street to Starostka Group, Inc. of Grand Island, Nebraska; and

WHEREAS, while preparing for the laying of a new foundation, miscellaneous debris was found under the existing footings which needed to be removed; and

WHEREAS, Change Order No. 1 sets out the cost of such miscellaneous debris removal at \$17,524.25, which will be paid entirely by the Senior Citizens Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Starostka Group, Inc. of Grand Island, Nebraska for the removal of miscellaneous debris as set out in the change order.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G18

**#2004-275 - Approving Subordination Agreements for House
Located at 1122 East 9th Street and Purchased Under CDBG
Down Payment Assistance Program and Affordable Housing Trust
Fund**

Staff Contact: Jerenne Garroutte

Council Agenda Memo

From: Jerenne Garrouette, Community Development

Meeting: October 26, 2004

Subject: Subordination Agreements for House Located at 1122 East 9th Street Purchased Under CDBG Down Payment Assistance Program And Affordable Housing Trust Fund

Item #'s: G-18

Presenter(s): Jerenne Garrouette, Community Development

Background

The City of Grand Island has two real estate liens on property owned by Eleanor F. Bennett, 1122 East 9th Street. The 1st lien is in the amount of \$12,053.00 which is the result of the City Down Payment Assistance funds loaned to the homeowner to purchase a home in the Community Development Block Grant Project Area on October 4, 2002. This lien reduces 10% per year on the anniversary date of the loan and will be forgiven totally on October 4, 2012. The 2nd lien in the amount of \$9,000.00 is the result of the Affordable Housing Trust Fund Grant for infrastructure of the Subdivision. The \$9,000.00 lien does not reduce yearly however, the grant stipulates that if the property is sold and does not yield enough to pay the \$9,000 lien, the \$9,000 lien will be forgiven.

Discussion

The City currently has a 2nd mortgage real estate lien in the amount of \$12,053.00 and a 3rd mortgage real estate lien in the amount of \$9,000.00 which are junior in priority to a Deed of Trust from the owner to their finance company Community Mortgage. By law, the new Deed of Trust would be junior in priority to the City's lien; however, the lenders from the new lending institution (Full Spectrum Lending) have asked the City to subordinate its real estate liens to the new Deed of Trust.

The new lien with Full Spectrum Lending is in the amount of \$60,001. The current appraisal of the property as of October 7, 2004 is \$90,000.00 and is sufficient to secure

the refinanced loan and the City's loans. Approval of the proposed Subordination Agreements, placing the City in the junior position to the new Deed of Trust, is recommended.

ALTERNATIVES

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

1. Approve the Subordination Agreements.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the Subordination Agreements, placing the City's liens in the junior position to the new Deed of Trust.

Sample Motion

Approve the Subordination Agreements between the City of Grand Island and Eleanor F. Bennett for the property located at 1122 East 9th Street.

R E S O L U T I O N 2004-275

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated October 4, 2002 and recorded on October 7, 2002 as Instrument No. 0200210700, in the amount of \$12,053.00, secured by property located at 1122 East 9th Street and owned by Eleanor F. Bennett, a single person, said property being described as follows:

Lot Seven (7), Lincoln View Estates Subdivision in the City of Grand Island, Hall County, Nebraska.

WHEREAS, the City of Grand Island, is also the lender and secured party of a Deed of Trust dated October 4, 2002 and recorded on October 7, 2002 as Instrument No. 0200210701, in the amount of \$9,000.00, secured by the same property; and

WHEREAS, Eleanor F. Bennett, a single person, wishes to execute a Deed of Trust and Note in the amount of \$60,001 with Full Spectrum Lending to be secured by the above-described real estate; and

WHEREAS, the new lender, Full Spectrum Lending, Beneficiary, wishes to extend the new loan secured by a Deed of Trust conditioned upon the City subordinating its Deeds of Trust to their lien priority; and

WHEREAS, the value of the above-described real estate is sufficient to adequately secure all three loans.

WHEREAS, the requested subordination of the City's lien priority is in the best interests of all parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute agreements subordinating the lien priority of the above described Deeds of Trust from Eleanor F. Bennett, a single person, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of Full Spectrum Lending, Beneficiary, as more particularly set out in the subordination agreements.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 21, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G19

**#2004-276 - Approving Subordination Agreement for House
Located at 1208 Warren Lane and Purchased Under CDBG Down
Payment Assistance Program**

Staff Contact: Jerenne Garroutte

Council Agenda Memo

From: Jerenne Garrouette, Community Development

Meeting: October 26, 2004

Subject: Subordination Agreement for House Located at
1208 Warren Lane Purchased Under CDBG Down
Payment Assistance Program

Item #'s: G-19

Presenter(s): Jerenne Garrouette, Community Development

Background

The City of Grand Island has a real estate lien on property owned by David and Michelle Grinnell, 1208 Warren Lane, in the amount of \$23,000.00 which is the result of the City Down Payment Assistance funds loaned to the homeowner to purchase a home in the Community Development Block Grant Project Area on April 30, 1998. This lien reduces 10% per year on the anniversary date of the loan and will be forgiven totally on April 30, 2008. The balance due at this time is \$9,200.00. The owners are requesting permission to refinance their first mortgage to include some home improvement loans.

Discussion

The City's current real estate lien is junior in priority to a Deed of Trust from the owner to their finance company (Commercial Federal). By law, the new Deed of Trust would be junior in priority to the City's lien; however, the lenders from the new lending institution (New Century Mortgage) have asked the City to subordinate its real estate lien to the new Deed of Trust.

The current lien with Commercial Federal is \$48,000.00. The appraised valuation of the property is \$84,000 and is sufficient to secure the refinanced loan of \$70,000 and the City's loan. Approval of the proposed Subordination Agreement, placing the City in the junior position to the new Deed of Trust is recommended.

Alternatives

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

1. Approve the Subordination Agreement.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the Subordination Agreement, placing the City's liens in the junior position to the new Deed of Trust.

Sample Motion

Approve the Subordination Agreement between the City of Grand Island and David and Michelle Grinnell, for the property located at 1208 Warren Lane.

RESOLUTION 2004-276

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated April 30, 1998 and recorded on April 30, 1998 as Instrument No. 98-104089 secured by property located at 1208 Warren Lane and owned by David Grinnell and Michelle Haase, now known as Michelle Grinnell, husband and wife, said property being described as follows:

Lot Twelve (12), Houghkirk Subdivision in the City of Grand Island, Hall County, Nebraska, excepting therefrom a tract of land of Lot Twelve (12) conveyed to the Burlington Northern Railroad Company more particularly described as follows:

Beginning at the southwest corner of said Lot Twelve (12); thence running northwesterly along the westerly line of said Lot Twelve (12), a distance of Two Hundred Six and Eighty Nine Hundredths (206.89) feet; to the northwest corner of said Lot Twelve (12); thence deflecting right 89°59'40" and running northeasterly along the northerly line of said Lot Twelve (12), a distance of Forty Five and Sixty Eight Hundredths (45.68) feet; thence deflecting right 89°30'31" and running southeasterly a distance of Seventy Four and Eight Tenths (74.80) feet; thence deflecting right 90°28'49" and running southwesterly a distance of Thirty Six and Sixty Six Hundredths (36.66) feet; thence deflecting left 90°06'59" and running southeasterly a distance of One Hundred Thirty Two and Sixteen Hundredths (132.16) feet, to a point on the northerly right of way line of 12th Street; thence deflecting right 90°29'34" and running southwesterly along the northerly right of way line of 12th Street, a distance of Ten (10.0) feet, to the point of beginning.

WHEREAS, David Grinnell and Michelle Grinnell, husband and wife, wish to execute a Deed of Trust and Note in the amount of \$70,000 with New Century Mortgage to be secured by the above-described real estate; and

WHEREAS, the new lender, New Century Mortgage, Beneficiary, wishes to extend the new loan secured by a Deed of Trust conditioned upon the City subordinating its Deed of Trust to their lien priority; and

WHEREAS, the value of the above-described real estate is sufficient to adequately secure both loans.

WHEREAS, the requested subordination of the City's lien priority is in the best interests of all parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute an agreement subordinating the lien priority of the above described Deed of Trust from David Grinnell and Michelle Grinnell, husband and wife, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of New Century Mortgage, Beneficiary, as more particularly set out in the subordination agreement.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item G20

**#2004-277 - Approving Renewal of Upgrade and Compliance of
Microsoft Licensing**

Staff Contact: David Springer

Council Agenda Memo

From: David Springer, Finance Director

Meeting: October 26, 2004

Subject: Approving Upgrade and Compliance of Microsoft Licensing

Item #'s: G-20

Presenter(s): David Springer, Finance Director

Background

On July 23, 2002, Council adopted Ordinance No. 2002-228 for the purchase of Microsoft licenses and renewals for City departments. Those licenses included a 2 year upgrade feature that expired on June 30, 2004. As of July 1, 2004, the State of Nebraska entered into a new state-wide Microsoft Select Agreement with a three year contract term through June 30, 2007.

Discussion

The new Select Agreement for the City of Grand Island from ASAP Software Express, Inc., a Nebraska State Contract reseller, would extend all existing licenses purchased under the 2002 agreement until June 30, 2007 and can be paid in three installments of \$28,873.14 each for a total of \$86,619.42. The Software Assurance feature allows for these licenses to be upgraded to the highest level of the same software to the end of the term in 2007. The number of users varies by application, but just for the Windows Server Interface, there are over 300. As this agreement pertains to licenses in place in 2002, any added since that time will be reviewed and presented to Council for inclusion at a future date. This purchase is budgeted for in the IT Department and the cost is included in the annual computer charge out to user departments.

Alternatives

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

1. Approve the upgrade and extension of Microsoft licenses

2. Refer the issue to a Committee
3. Postpone the issue to a future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the new three year Microsoft licensing agreement for \$86,619.42, payable in three installments. .

Sample Motion

Approve the three year Microsoft Licensing Agreement with ASAP Software Express, Inc., in the amount of \$86,619.42.

R E S O L U T I O N 2004-277

WHEREAS, the Information Technology Division of the Finance Department continually works on maintaining the city's computer network, computer hardware, software, etc.; and

WHEREAS, due to the number of computer users, the variety of computer software programs utilized, and the constant need for computer upgrades, it is imperative to consistently maintain the entire city network system; and

WHEREAS, on July 23, 2002, by Resolution 2002-228, the City Council of the City of Grand Island authorized the Information Technology Division of the Finance Department to update expired computer software licenses and renewals on the City computers for an amount of \$150,000, which included a two-year maintenance feature providing the option to receive additional upgrades during that period; and

WHEREAS, the upgrade feature expired on June 30, 2004; and

WHEREAS, as of July 1, 2004, the State of Nebraska entered into a new state-wide Microsoft Select Agreement with a three year contract term; and

WHEREAS, the City of Grand Island can utilize the Microsoft Select Agreement to extend all existing software licenses purchased in 2002 until June 30, 2007; and

WHEREAS, the cost for such license extension is \$86,619.42, which can be paid in three installments of \$28,873.14; and

WHEREAS, this is the most cost effective approach to updating and upgrading the city computer system.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Information Technology Division of the Finance Department is hereby authorized to utilize the Microsoft Select Agreement to extend all existing software licenses purchased in 2002 until June 30, 2007 at a cost of \$86,619.42, which can be paid in three annual installments.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, October 26, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 21, 2004	☐ City Attorney



City of Grand Island

Tuesday, October 26, 2004

Council Session

Item J1

Payment of Claims for the Period of October 13, 2004 through October 26, 2004

The Claims for the period of October 13, 2004 through October 26, 2004 for a total of \$3,663,151.60. A MOTION is in order.

Staff Contact: RaNae Edwards