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# City of Grand Island



**Tuesday, November 04, 2003**

## **Council Session Packet**

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### **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:**

**David Springer (Interim)**

### **City Clerk:**

**RaNae Edwards**

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

**Call to Order**

**Pledge of Allegiance /Invocation - Pastor Todd Brown, Covenant Presbyterian Church, 418 West 12th Street**

**Roll Call**

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## **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.

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## **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.



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item C1

### **Proclamation "Hunger and Homeless Awareness Week" November 9-15, 2003**

*Every day there are men, women and children who go hungry and do not have a place they can call home. The Community Humanitarian Resource Center, Inc. is planning an annual fundraiser "Your Night Out for Their Night In" on November 13, 2003. The Mayor in conjunction with the Community Humanitarian Resource Center, Inc. has proclaimed the week of November 9-15, 2003 as "Hunger and Homeless Awareness Week" and encourages all citizens to recognize and support the efforts of homeless shelters. See attached PROCLAMATION.*

Staff Contact: Mayor Vavricek

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

PROCLAMATION

WHEREAS, every day there are men, women and children in Grand Island who go hungry and do not have a place they can call home; and

WHEREAS, the Community Humanitarian Resource Center, Inc. is committed to providing shelter and meals to the homeless; and

WHEREAS, every year, public and private agencies observe HUNGER AND HOMELESS AWARENESS WEEK to increase and focus attention on the needs of homeless individuals and families; and

WHEREAS, the theme of HUNGER AND HOMELESS AWARENESS WEEK this year is "It takes a Community to end Homelessness; and

WHEREAS, November 9<sup>th</sup> through the 15<sup>th</sup>, 2003, is HUNGER AND HOMELESS AWARENESS WEEK in Grand Island.

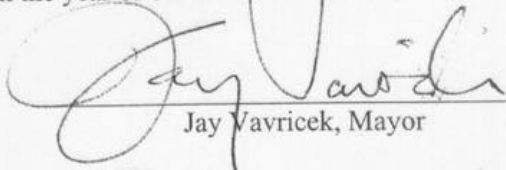
NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim November 9-15, 2003 as

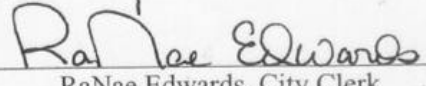
**"HUNGER AND HOMELESS  
AWARENESS WEEK"**

in the City of Grand Island, and I urge all citizens to recognize and support the efforts of homeless shelters.

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



  
Jay Vavricek, Mayor

Attest:   
RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item D1

#### **#2003-BE-20 - Determining Assessments for Water Main District 440 - Kay-Dee Subdivision**

***Background:***

*Water Main District 440 was created by the Council upon receipt of a petition from property owners within the district. The water main is located in: Roberta Avenue between Barbara Avenue and Stolley Park Road; Gretchen Avenue between Barbara Avenue and Del Mar Avenue; and Del Mar Avenue, between Arthur Avenue and Harrison Street; within the Kay-Dee Subdivision. See the attached plat.*

***Discussion:***

*All construction was installed as per City Standards, placed in service, and incorporated into the City system. The district is an "assessment district" used by the City to recoup construction costs when mains are installed at the request of the property owners.*

*Computations for fees within the District are based on the actual cost of construction, divided by the number of lots which received service within the subdivision. This method provides an equal and same assessment to each property in the amount of \$2,808.10. The total project cost was \$115,790.17. The City's share in the construction is \$42,779.57 due to the lay-out of the area previously served by other districts.*

***Recommendation:***

*It is the recommendation of the Utilities Department that the assessments for Water Main District 440 be set as stated on the attached tabulation.*

***Fiscal Effects:***

*Recover assessments for the construction of the District over a five year term.*

***Alternatives:***

*None.*

**Staff Contact: Gary R. Mader**

## **WATER MAIN DISTRICT 440 - PARCEL DESCRIPTIONS AND ASSESSMENTS.**

Julie K & Stephen D Cain – W/H  
1919 Del Mar Ave  
Grand Island, NE 68803  
Lot 2 Blk 1 Kay-Dee Subdivision  
\$2,808.10

Timothy L & Carla S Anderson – H/W  
2009 Del Mar Ave  
Grand Island, NE 68803  
Lot 3 Blk 1 Kay-Dee Subdivision  
and part of Lot 5 Blk 1 Kay-Dee Sub more particularly described as follows: Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.  
\$2,808.10

John H and Amelia Dahlke - H/W  
1819 S Roberta Ave  
Grand Island, NE 68803  
Lot 4 Blk 1 Kay-Dee Subdivision  
\$2,808.10

Richard C & Rebecca B King – H/W  
18811 Roberta Ave  
Grand Island, NE 68803  
Lot 5 Blk 1 Kay-Dee Subdivision except that part of Lot 5 Blk 1 Kay-Dee Sub more particularly described as follows: Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.  
\$2,808.10

Barbara G Glover  
1916 W Del Mar Ave  
Grand Island, NE 68803  
Lot 1 Blk 2 Kay-Dee Subdivision  
\$2,808.10

Joseph R & Patricia L Partington – H/W  
1717 Gretchen Ave

Grand Island, NE 68803  
Lot 2 Blk 2 Kay-Dee Subdivision  
\$2,808.10

Pamela B Haeussler-Bonner  
1705 S Gretchen Ave  
Grand Island, NE 68803  
Lot 3 Blk 2 Kay-Dee Subdivision  
\$2,808.10

Brian S Tresick  
1619 S Gretchen Ave  
Grand Island, NE 68803  
Lot 4 Blk 2 Kay-Dee Subdivision  
\$2,808.10

Thomas A & Brenda L Strand - H/W  
1607 Gretchen Ave  
Grand Island, NE 68803  
Lot 5 Blk 2 Kay-Dee Subdivision  
\$2,808.10

Shane Lee & Lisa Diane Stava – H/W  
1607 Roberta Ave  
Grand Island, NE 68803  
Lot 2 Blk 3 Kay-Dee Subdivision, except the south 2.0 foot  
\$2,808.10

Todd W & Dawyn E Otto – H/W  
1609 Roberta Ave  
Grand Island, NE 68803  
Lot 3 Blk 3 Kay-Dee Subdivision  
and the south 2.0 foot of Lot 2 Blk 3 Kay-Dee Subdivision  
\$2,808.10

Lucille K Hand Revocable Living Trust  
Lucille K Hand – Trustee  
1611 Roberta Ave  
Grand Island, NE 68803  
Lot 4 Blk 3 Kay-Dee Subdivision  
\$2,808.10

Carl H & Betty K Maggiore – H/W  
2020 Del Mar Ave  
Grand Island, NE 68803  
Lot 5 Blk 3 Kay-Dee Subdivision

\$2,808.10

Alfred E & Bette A Nabity – H/W  
1730 S Gretchen Ave  
Grand Island, NE 68803  
Lot 6 Blk 3 Kay-Dee Subdivision  
\$2,808.10

James M Davis and 1st National Bank of Grand Island, Co-trustees for Joan W Davis  
PO Box 8265  
Wichita Falls, TX 76307  
Lot 7 Blk 3 Kay-Dee Subdivision  
\$2,808.10

Genevieve R & Robert S Franke – W/H  
1628 S Gretchen Ave  
Grand Island, NE 68803  
Lot 8 Blk 3 Kay-Dee Subdivision  
\$2,808.10

Kenneth L & Bonita L Gnadt – H/W  
1610 S Gretchen Ave  
Grand Island, NE 68803  
Lot 9 Blk 3 Kay-Dee Subdivision  
\$2,808.10

Steven L & Lisa A Toner  
1716 S Roberta Ave  
Grand Island, NE 68803  
Lot 5 Blk 4 Kay-Dee Subdivision  
\$2,808.10

Jean P White  
1704 Roberta Ave  
Grand Island, NE 68803  
Lot 6 Blk 4 Kay-Dee Subdivision  
\$2,808.10

Norman L & Charlene M Niethfelt – H/W  
1606 Roberta Ave  
Grand Island, NE 68803  
Lot 7 Blk 4 Kay-Dee Subdivision  
\$2,808.10



Randall L & Sharon R Frost – H/W  
321 Maple Ct  
Random Lake, WI 53075  
Lot 2 Blk 6 Kay-Dee Subdivision  
\$2,808.10

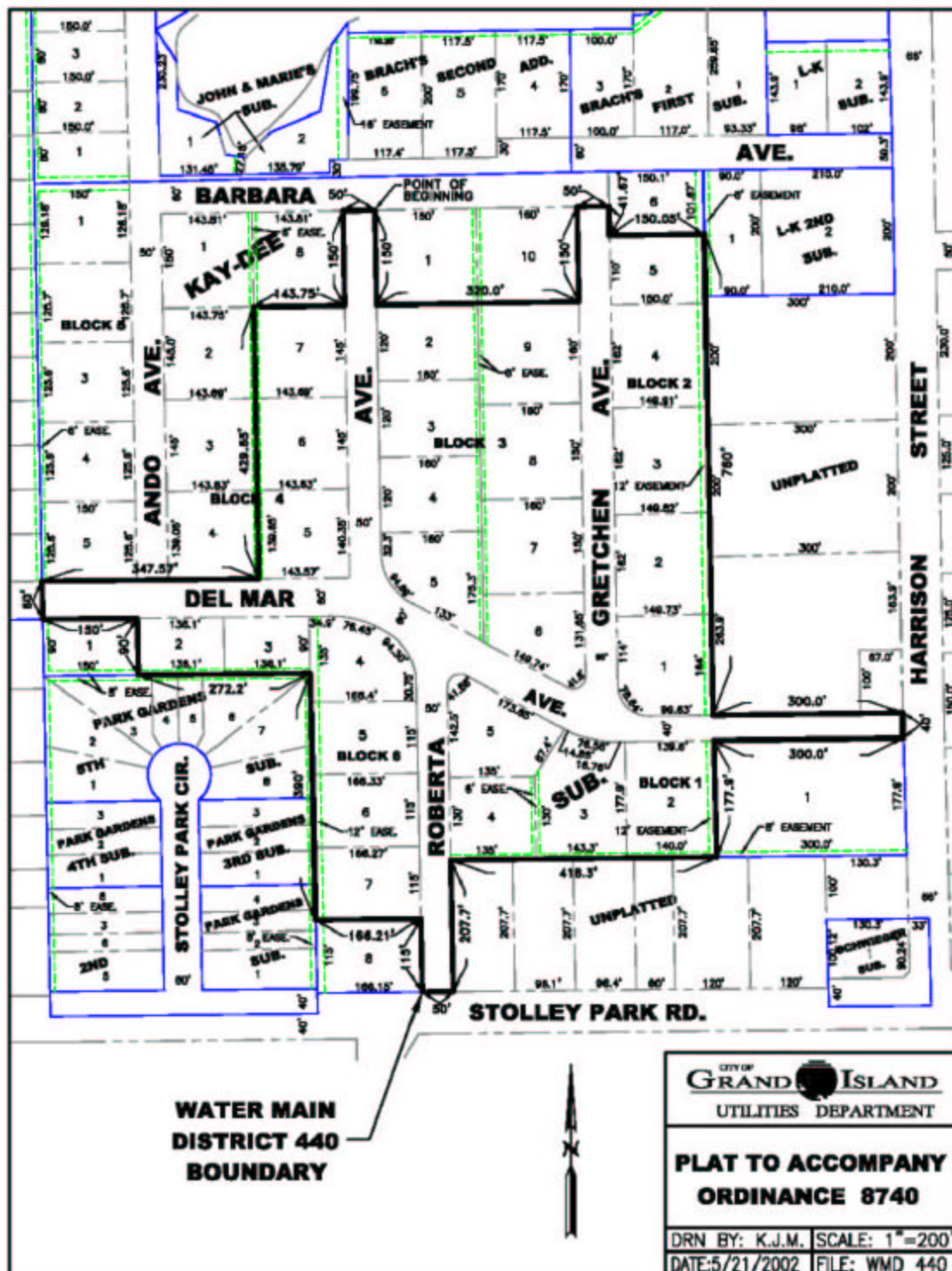
Burl A & Kay A Janzen – H/W  
2207 Del Mar Ave  
Grand Island, NE 68803  
Lot 3 Blk 6 Kay-Dee Subdivision  
\$2,808.10

Benedict P Jr. & Arlene G Wassinger – H/W  
2115 Del Mar Ave  
Grand Island, NE 68803  
Lot 5 Blk 6 Kay-Dee Subdivision  
\$2,808.10

Michael D & Susan A Kemling – H/W  
1816 S Roberta Ave  
Grand Island, NE 68803  
Lot 5 Blk 6 Kay-Dee Subdivision  
\$2,808.10

Doris M Schuppan  
1818 S Roberta Ave  
Grand Island, NE 68803  
Lot 6 Blk 6 Kay-Dee Subdivision  
\$2,808.10

Everett & Cleo V Eads – H/W  
1908 S Roberta Ave  
Grand Island, NE 68803  
Lot 7 Blk 6 Kay-Dee Subdivision  
\$2,808.10



**WATER MAIN DISTRICT 440 - ASSESSMENTS**  
6" Main; Gretchen, Roberta, and Del Mar

Est. = 7/29/2002  
Bid = 8/29/2002

Award = 9/10/2002  
Final = 7/10/2003

Item	Description	Bid Unit (\$)	Constructed		Assessable \$\$
			Quantity	Final \$\$	
C. 1.01	6" D.I. PIPE (S.J.)	16.50 LF	2,881.50 LF	\$47,215.25	\$47,215.25
C. 1.02	6"X 6"X 6" TEE (M.J.)	127.00 EA	6.00 EA	\$762.00	\$762.00
C. 1.03	6"X 6"X 6" TAPPING SLEEVE	453.00 EA	1.00 EA	\$453.00	\$453.00
C. 1.04	6"X 45 ELL (M.J.)	83.00 EA	8.00 EA	\$664.00	\$664.00
C. 1.05	6"X 8" REDUCER (M.J.)	47.00 EA	1.00 EA	\$47.00	\$47.00
C. 1.06	8" SET SCREWRING	40.00 EA	1.00 EA	\$40.00	\$40.00
C. 1.07	6" RS GATE VALVE	411.00 EA	1.00 EA	\$411.00	\$411.00
C. 1.08	6" RS TAPPING VALVE	547.00 EA	1.00 EA	\$547.00	\$547.00
C. 1.09	VALVE BOX	110.00 EA	2.00 EA	\$220.00	\$220.00
C. 1.10	FIRE HYDRANT ASSEMBLY COMPLETE	1,057.00 EA	5.00 EA	\$5,285.00	\$5,285.00
C. 1.11	REMOVE ASPH. / CONC. DRIVEWAY	4.30 SY	381.28 SY	\$1,639.51	\$1,639.51
C. 1.12	REPLACE ASPH. / CONC. DRIVEWAY	31.70 SY	375.32 SY	\$11,897.65	\$11,897.65
C. 1.13	REMOVE ASPH. / CONC. ROADWAY	8.60 SY	140.15 SY	\$1,205.29	\$1,205.29
C. 1.14	REPLACE ASPH. / CONC. ROADWAY	29.60 SY	140.15 SY	\$4,148.44	\$4,148.44
C. 1.15	THRUST BLOCK	51.00 EA	15.00 EA	\$765.00	\$765.00
C. 1.16	1" WATER SERVICE, COMPLETE	450.00 EA	26.00 EA	\$11,700.00	\$11,700.00
C. 1.17	1-1/2" WATER SERVICE, COMPLETE	907.00 EA	1.00 EA	\$907.00	\$907.00
C. 1.18	SALVAGE 6" PLUG	49.00 EA	3.00 EA	\$147.00	\$147.00
C. 1.19	SALVAGE 8" PLUG	59.00 EA	1.00 EA	\$59.00	\$59.00
C. 1.20	8 MIL POLYWRAP	0.40 LF	2,911.53 LF	\$1,164.61	\$1,164.61
<b>Contract Total</b>				\$89,277.75	\$89,277.75
PO 302952 - Materials				\$927.00	\$927.00
City Materials				\$4,249.48	\$4,249.48
Engineering / Overhead / Administration				\$21,335.94	\$21,335.94
<b>Total District Cost</b>				\$115,790.17	\$115,790.17

Bk	Lot	Subdivision	Front Ft.	Sq Ft	Owner	Per Equal Assessment \$
1	2	Kay-Dee Subdivision	139.60	24,870.42	Julie K & Stephen D. Cain	\$2,808.10
1	3 & pt 5	Kay-Dee Subdivision	162.30	31,235.38	Timothy L. & Carla S. Anderson	\$2,808.10
1	4	Kay-Dee Subdivision	130.00	17,550.00	John & Amelia Dahlke	\$2,808.10
1	pt 5	Kay-Dee Subdivision	132.15	18,196.39	Richard C. & Rebecca B. King	\$2,808.10
2	1	Kay-Dee Subdivision	149.73	24,008.52	Barbara Glover	\$2,808.10
2	2	Kay-Dee Subdivision	162.00	24,263.55	Joseph R. & Patricia L. Partington	\$2,808.10
2	3	Kay-Dee Subdivision	162.00	24,276.13	Pamela B. Haussler-Bonner	\$2,808.10
2	4	Kay-Dee Subdivision	162.00	24,292.71	Brian S. Threlk	\$2,808.10
2	5	Kay-Dee Subdivision	110.00	16,502.75	Thomas A. & Brenda L. Strand	\$2,808.10
3	pt 2	Kay-Dee Subdivision	118.00	18,880.00	Shane Lee & Lisa Diane Stava	\$2,808.10
3	pt 2 & 3	Kay-Dee Subdivision	122.00	18,520.00	Todd W. & Dawyn E. Otto	\$2,808.10
3	4	Kay-Dee Subdivision	120.00	19,200.00	Lucille K. Hand Revocable Trust	\$2,808.10
3	5	Kay-Dee Subdivision	127.47	20,240.71	Carl H. & Betty K. Maggiore	\$2,808.10
3	6	Kay-Dee Subdivision	113.93	19,032.57	Alfred E. & Beata A. Nability	\$2,808.10
3	7	Kay-Dee Subdivision	150.00	24,000.00	James M. Davis & Ist Nat Bank	\$2,808.10
3	8	Kay-Dee Subdivision	150.00	24,000.00	Genevieve R. & Robert S. Franka	\$2,808.10
3	9	Kay-Dee Subdivision	160.00	25,600.00	Kenneth I. & Bonita L. Gnad	\$2,808.10
4	5	Kay-Dee Subdivision	140.00	20,104.00	Steven L. Toner	\$2,808.10
4	6	Kay-Dee Subdivision	145.00	20,890.70	Jean P. White	\$2,808.10
4	7	Kay-Dee Subdivision	145.00	20,890.40	Norman L. & Charlene M. Nistfeldt	\$2,808.10
6	2	Kay-Dee Subdivision	136.10	12,249.00	Randall L. & Sharon R. Frost	\$2,808.10
6	3	Kay-Dee Subdivision	136.10	12,249.00	Burt A. & Kay A. Jansen	\$2,808.10
6	4	Kay-Dee Subdivision	149.70	19,933.94	Benedict P. Jr. & Arlene G. Wassinger	\$2,808.10
6	5	Kay-Dee Subdivision	115.00	19,131.98	Michael D. & Susan A. Kemling	\$2,808.10
6	6	Kay-Dee Subdivision	115.00	19,124.50	Doris M. Schuppan	\$2,808.10
6	7	Kay-Dee Subdivision	115.00	19,117.60	Everett & Cleo V. Eads	\$2,808.10
			1,553.72	235,595.76	City of Grand Island, NE	\$42,779.57
			5,121.60	774,847.01		\$115,790.17

## R E S O L U T I O N   2003-BE-20

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 440, 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 \$73,010.60; and

According to the front foot and cost of installation to provide service to each of the respective lots, tracts, and real estate within such Water Main District No. 440, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Julie & Stephen Cain	Lot 2, Block 1, Kay-Dee Subdivision	2,808.10
Timothy & Carla Anderson	Lot 3, Block 1, Kay-Dee Subdivision and part of Lot 5, Block 1, Kay-Dee Subdivision, more particularly described as follows:  Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.	2,808.10
John & Amelia Dahlke	Lot 4, Block 1, Kay-Dee Subdivision	2,808.10
Richard & Rebecca King	Lot 5, Block 1, Kay-Dee Subdivision except that part of Lot 5, Block 1, Kay-Dee Subdivision more particularly described as follows:  Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.	2,808.10
Barbara Glover	Lot 1, Block 2, Kay-Dee Subdivision	2,808.10
Joseph & Patricia Partington	Lot 2, Block 2, Kay-Dee Subdivision	2,808.10
Pamela Haeussler-Bonner	Lot 3, Block 2, Kay-Dee Subdivision	2,808.10
Brian Tresick	Lot 4, Block 2, Kay-Dee Subdivision	2,808.10
Thomas & Brenda Strand	Lot 5, Block 2, Kay-Dee Subdivision	2,808.10
Shane Lee & Lisa Diane Stava	Lot 2, Block 3, Kay-Dee Subdivision except the south 2.0 feet	2,808.10

# RESOLUTION 2003-BE-20

Todd & Dawyn Otto	Lot 3, Block 3, Kay-Dee Subdivision and the south 2.0 feet of Lot 2, Block 3, Kay-Dee Subdivision	2,808.10
Lucille K. Hand Revocable Living Trust	Lot 4, Block 3, Kay-Dee Subdivision	2,808.10
Carl & Betty Maggiore	Lot 5, Block 3, Kay-Dee Subdivision	2,808.10
Alfred & Bette Nabity	Lot 6, Block 3, Kay-Dee Subdivision	2,808.10
James M. Davis and 1 <sup>st</sup> National Bank of Grand Island, Co-Trustees	Lot 7, Block 3, Kay-Dee Subdivision	2,808.10
Genevieve & Robert Franke	Lot 8, Block 3, Kay-Dee Subdivision	2,808.10
Kenneth & Bonita Gnad	Lot 9, Block 3, Kay-Dee Subdivision	2,808.10
Steven & Lisa Toner	Lot 5, Block 4, Kay-Dee Subdivision	2,808.10
Jean P. White	Lot 6, Block 4, Kay-Dee Subdivision	2,808.10
Norman & Charlene Niethfelt	Lot 7, Block 4, Kay-Dee Subdivision	2,808.10
Randall & Sharon Frost	Lot 2, Block 6, Kay-Dee Subdivision	2,808.10
Burl & Kay Janzen	Lot 3, Block 6, Kay-Dee Subdivision	2,808.10
Benedict P. Jr. & Arlene Wassinger	Lot 5, Block 6, Kay-Dee Subdivision	2,808.10
Michael & Susan Kemling	Lot 5, Block 6, Kay-Dee Subdivision	2,808.10
Doris Schuppan	Lot 6, Block 6, Kay-Dee Subdivision	2,808.10
Everett & Cleo Eads	Lot 7, Block 6, Kay-Dee Subdivision	2,808.10
<b>TOTAL</b>		<b>\$73,010.60</b>

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Adopted by the City Council of the City of Grand Island, Nebraska, on November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E1

### **Public Hearing on Acquisition of Utility Easement Located at 1833 East Seedling Mile Road - Livengood Properties**

*Acquisition of utility easement located at 1833 East Seedling Mile Road, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate a new pad-mounded transformer to feed the existing UPS/ARA Mark building. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E2

### **Public Hearing on Acquisition of Utility Easement Located at 3225 West Wildwood Road - Lewis Greenscape**

*Acquisition of utility easement located at 3225 West Wildwood Road, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to place a pad-mounted transformer to serve the business, including a new addition. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E3

### **Public Hearing on Acquisition of Utility Easement Located at 3516 Richmond Circle - Richmond Building, LLC**

*Acquisition of utility easement located at 3516 Richmond Circle, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate a pad-mounted transformer to serve electricity to the new building. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E4

### **Public Hearing on Acquisition of Utility Easement Located at 2009 West Faidley Avenue - Kraft-Janda**

*Acquisition of utility easement located at 2009 West Faidley Avenue, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to locate a pad-mounted transformer to serve a new Dental Clinic. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E5

### **Public Hearing on Acquisition of Utility Easement Located at 2810 East Highway 30 - Eugene and Janet Penrose**

*Acquisition of utility easement located at 2810 East Highway 30 is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used for an anchor and down guy to back-up a line to the south of the highway. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item E6

### **Public Hearing on Acquisition of Utility Easement Located at 2809 East Highway 30 - Virgil R. Eihusen**

*Acquisition of utility easement located at 2809 East Highway 30, is required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement will be used to relocate both overhead and underground facilities to continue service to the business at 2809 East Highway 30. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

Staff Contact: Gary R. Mader



# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item E7

#### **Public Hearing on Acquisition of Public Utility Easement Located at 3732 West Husker Highway - Gladys Schoel**

***Background:***

*Water Main Extension District No. 444 for the Marylane area was created by City Council on October 14, 2003, and Water Main Extension District No. 445 for the Kentish Hills area and Sanitary Sewer District No. 512 were created by the City Council on October 28, 2003. Both Water Main Extension Districts were created as extension districts due to groundwater contamination problems in the area. Both water districts had over 2/3 of the eligible owners sign a petition for water service, so a protest period was not required. Sanitary Sewer District No. 512 will be subject to the standard 30 day protest period. Public Utility easements are needed for these installations. Council action is necessary for the City of Grand Island to acquire public easements.*

***Discussion:***

*In conjunction with the installation of the water main and sanitary sewer main with these Districts, it is necessary to acquire two easements for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. The property owners have been contacted regarding the easement requirements and it is now time for Council approval of the acquisition.*

***Recommendation:***

*Conduct public hearings for acquisition of the easements.*

***Financial Implications:***

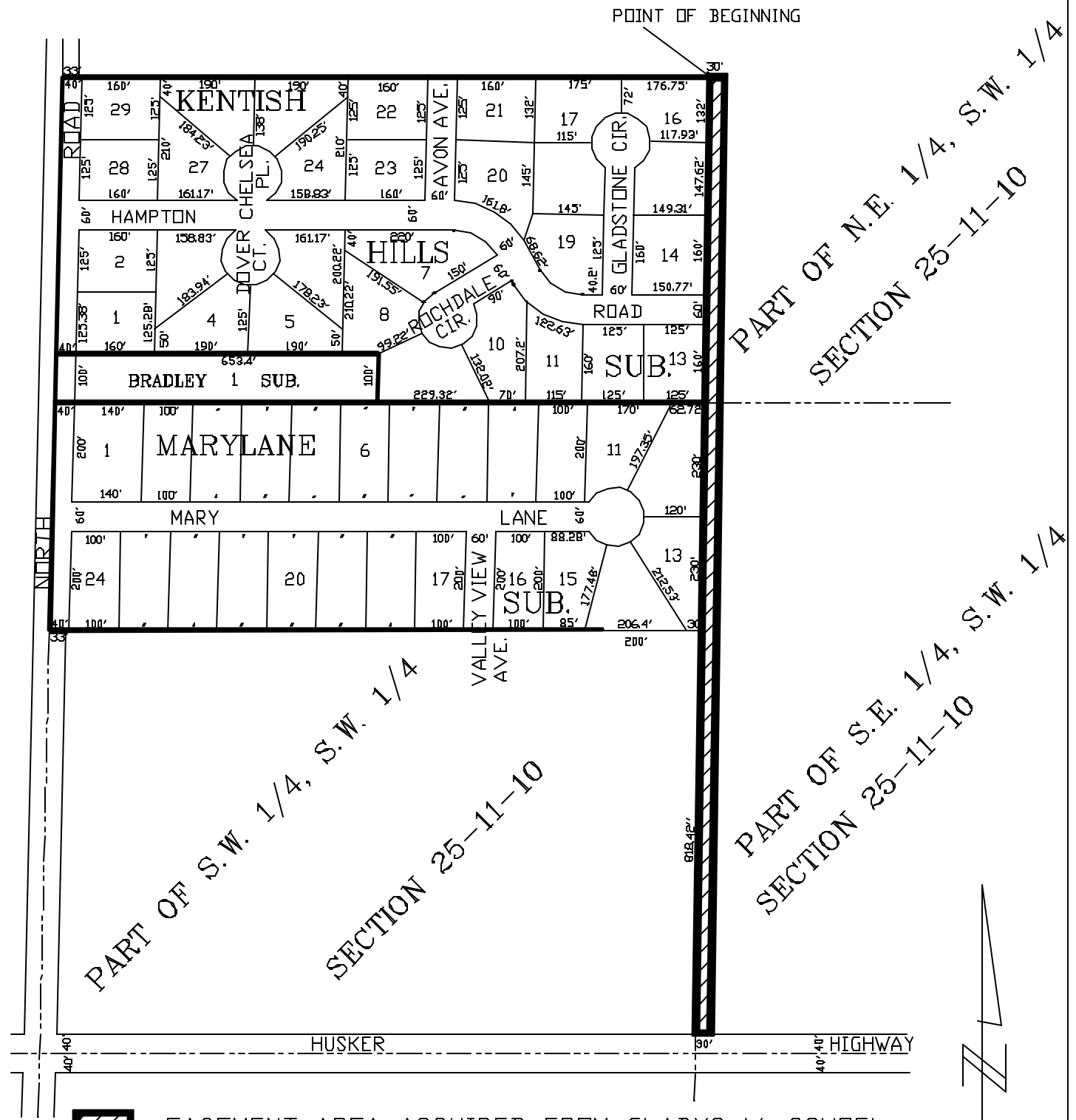
*The cost of the easements are expected to be a small portion of the project costs.*

***Alternatives:***

*None. The easements are necessary to serve the area with city water and sanitary sewer.*

*It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

**Staff Contact: Steven P. Riehle, Public Works Director/City Eng**





# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item E8

#### **Public Hearing on Acquisition of Public Utility Easement Located at 3803 Mary Lane - Matthew J. and Lori A. Beiber**

***Background:***

*Water Main Extension District No. 444 for the Marylane area was created by City Council on October 14, 2003, and Water Main Extension District No. 445 for the Kentish Hills area and Sanitary Sewer District No. 512 were created by the City Council on October 28, 2003. Both Water Main Extension Districts were created as extension districts due to groundwater contamination problems in the area. Both water districts had over 2/3 of the eligible owners sign a petition for water service so a protest period was not required. Sanitary Sewer District No. 512 will be subject to the standard 30 day protest period. Public Utility easements are needed for these installations. Council action is necessary for the City of Grand Island to acquire public easements.*

***Discussion:***

*In conjunction with the installation of the water main and sanitary sewer main with these Districts, it is necessary to acquire two easements for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. The property owners have been contacted regarding the easement requirements and it is now time for Council approval of the acquisition.*

***Recommendation:***

*Conduct public hearings for acquisition of the easements.*

***Financial Implications:***

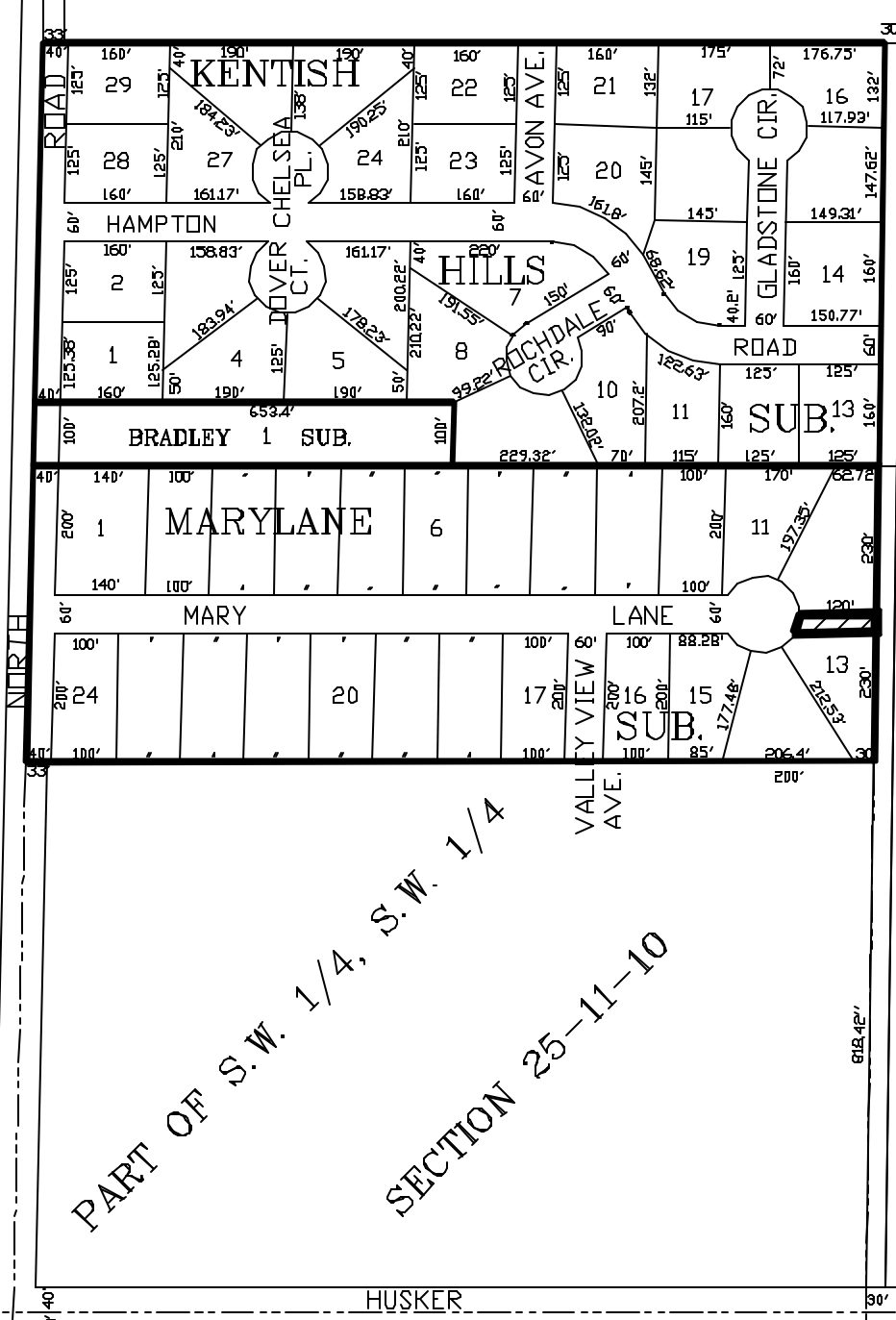
*The cost of the easements are expected to be a small portion of the project costs.*

***Alternatives:***

*None. The easements are necessary to serve the area with city water and sanitary sewer.*

*It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.*

**Staff Contact: Steve Riehle**



EASEMENT AREA ACQUIRED FROM MATTHEW J. & LORI A. BEIBER

EXHIBIT "A"



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item F1

### **#8863 - Consideration of Annexation of Property Proposed for Platting as Smith Acres Subdivision Located North of Capital Avenue and West of Saint Paul Road (Second Reading)**

*This item relates to the action taken at the October 28, 2003 City Council meeting. Annexation of property being platted as Smith Acres Subdivision an addition to the City of Grand Island. The property is located in the E 1/2 W 1/2 SE 1/4 Section 4-11-9. The Regional Planning Commission at their meeting of October 1, 2003, unanimously voted to approve and recommend the city council approve this annexation. This is the second of three readings. Approval is recommended.*

Staff Contact: Chad Nabity



\* This Space Reserved for Register of Deeds \*

### ORDINANCE NO. 8863

An ordinance to annex Smith Acres Subdivision into the City of Grand Island; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, Helen C. Smith, a widow, as owner, has caused to be laid out into a lot, a tract of land comprising a part of the West One-Half of the south thirty (30.0) acres of the East Half of the West Half of the Southeast Quarter (E1/2, W1/2, SE1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, under the name of SMITH ACRES SUBDIVISION, which is proposed to be an addition to the City of Grand Island; and

WHEREAS, after public hearing on October 1, 2003, the Regional Planning Commission recommended the approval of annexing such addition into the City of Grand Island; and

WHEREAS, after public hearing on October 28, 2003, the City Council approved such annexation on first reading; and

Approved as to Form	☐ _____
October 31, 2003	☐ City Attorney

ORDINANCE NO. 8863 (Cont.)

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

SECTION 1. That Smith Acres Subdivision is hereby annexed into the City of Grand Island, and shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the City of Grand Island

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: November 4, 2003.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item F2

### **#8865 - Consideration of Assessments for Water Main District 440 - Kay-Dee Subdivision**

*This item relates to the action taken earlier whereby the council acted as the Board of Equalization and determined benefits associated with Water Main District # 440, Kay-Dee Subdivision. This District was established June 11, 2002 by Ordinance #8740, in order to provide City water services to the Kay-Dee Subdivision. Construction was completed in October of 2003. This ordinance provides for setting the assessments. Approval is recommended.*

Staff Contact: Gary R. Mader

\* This Space Reserved for Register of Deeds \*

#### ORDINANCE NO. 8865

An ordinance to assess and levy a special tax to pay the cost of construction of Water Main District No. 440 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal 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. There is hereby assessed upon the following described lots, tracts, and parcels of land specifically benefited, for the purpose of paying the cost of construction of said water main in said Water Main District 440, as adjudged by the Mayor and Council of said 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 lands as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Julie & Stephen Cain	Lot 2, Block 1, Kay-Dee Subdivision	2,808.10

# ORDINANCE NO. 8865 (Cont.)

Timothy & Carla Anderson	Lot 3, Block 1, Kay-Dee Subdivision and part of Lot 5, Block 1, Kay-Dee Subdivision, more particularly described as follows:  Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.	2,808.10
John & Amelia Dahlke	Lot 4, Block 1, Kay-Dee Subdivision	2,808.10
Richard & Rebecca King	Lot 5, Block 1, Kay-Dee Subdivision except that part of Lot 5, Block 1, Kay-Dee Subdivision more particularly described as follows:  Beginning at the NE corner of said Lot 5; thence southwesterly along the easterly line of said Lot 5, a distance of 87.4 feet to the SE corner of said Lot 5; thence northerly and parallel to the westerly line of said Lot 5, a distance of 100.95 feet to a point on the northeasterly line of said Lot 5; thence southeasterly along the northeasterly line of said Lot 5, a distance of 54.1 feet to the said point of beginning.	2,808.10
Barbara Glover	Lot 1, Block 2, Kay-Dee Subdivision	2,808.10
Joseph & Patricia Partington	Lot 2, Block 2, Kay-Dee Subdivision	2,808.10
Pamela Haeussler-Bonner	Lot 3, Block 2, Kay-Dee Subdivision	2,808.10
Brian Tresick	Lot 4, Block 2, Kay-Dee Subdivision	2,808.10
Thomas & Brenda Strand	Lot 5, Block 2, Kay-Dee Subdivision	2,808.10
Shane Lee & Lisa Diane Stava	Lot 2, Block 3, Kay-Dee Subdivision except the south 2.0 feet	2,808.10
Todd & Dawyn Otto	Lot 3, Block 3, Kay-Dee Subdivision and the south 2.0 feet of Lot 2, Block 3, Kay-Dee Subdivision	2,808.10
Lucille K. Hand Revocable Living Trust	Lot 4, Block 3, Kay-Dee Subdivision	2,808.10
Carl & Betty Maggiore	Lot 5, Block 3, Kay-Dee Subdivision	2,808.10
Alfred & Bette Nabity	Lot 6, Block 3, Kay-Dee Subdivision	2,808.10
James M. Davis and 1 <sup>st</sup> National Bank of Grand Island, Co-Trustees	Lot 7, Block 3, Kay-Dee Subdivision	2,808.10
Genevieve & Robert Franke	Lot 8, Block 3, Kay-Dee Subdivision	2,808.10
Kenneth & Bonita Gnadt	Lot 9, Block 3, Kay-Dee Subdivision	2,808.10
Steven & Lisa Toner	Lot 5, Block 4, Kay-Dee Subdivision	2,808.10
Jean P. White	Lot 6, Block 4, Kay-Dee Subdivision	2,808.10
Norman & Charlene Niethfelt	Lot 7, Block 4, Kay-Dee Subdivision	2,808.10
Randall & Sharon Frost	Lot 2, Block 6, Kay-Dee Subdivision	2,808.10

ORDINANCE NO. 8865 (Cont.)

Burl & Kay Janzen	Lot 3, Block 6, Kay-Dee Subdivision	2,808.10
Benedict P. Jr. & Arlene Wassinger	Lot 5, Block 6, Kay-Dee Subdivision	2,808.10
Michael & Susan Kemling	Lot 5, Block 6, Kay-Dee Subdivision	2,808.10
Doris Schuppan	Lot 6, Block 6, Kay-Dee Subdivision	2,808.10
Everett & Cleo Eads	Lot 7, Block 6, Kay-Dee Subdivision	2,808.10
<b>TOTAL</b>		<b>\$73,010.60</b>

SECTION 2. The special tax shall become delinquent as follows: One-fifth of the total amount shall become delinquent in fifty days; one-fifth in one year; one-fifth in two years; one-fifth in three years; and one-fifth in four years, respectively after the date of such levy.

SECTION 3. 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%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen (14%) per annum shall be paid thereof, until the same is collected and paid.

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 "Water Fund 440".

SECTION 6. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 8865 (Cont.)

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: November 4, 2003.

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Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item F3

### **#8866 - Consideration of Amendment to Chapter 31 of the Grand Island City Code Relative to Billboards**

*This Ordinance will amend the City Sign Code to provide additional regulations for the placement and construction of off-premise signs. The proposal allows for a six month period to rebuild or modify legal non-conforming signs, restricts the size of off-premise signs to 300 square feet, requires a spacing of either a 500 or 800 foot radius between signs, and requires a setback from property lines in an attempt to protect the visibility of on-premise signs. Approval is recommended.*

Staff Contact: Doug Walker



ORDINANCE NO. 8866

An ordinance to amend Chapter 31 of the Grand Island City Code; to establish Article I of Chapter 31 to encompass existing Sections 31-1 through 31-34; to establish Article II of Chapter 31 to encompass existing Section 31-35; to amend Section 31-1 to include additional definitions; to add Article III and Sections 31-40 through 31-49 pertaining to off-premise outdoor advertising signs; to repeal 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. Article I of Chapter 31 of the Grand Island City Code entitled "Signs – Generally" is hereby added to encompass existing Sections 31-1 through 31-34 inclusive.

SECTION 2. Article II of Chapter 31 of the Grand Island City Code entitled "Signs in AC-Arterial Commercial Zone" is hereby added to encompass existing Section 31-35.

SECTION 3. Section 31-1 of the Grand Island City Code is hereby amended to read as follows:

**§31-1. Definitions**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Back-to-Back Sign.* An off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

*Cloth Sign.* Any sign executed upon or composed of any flexible fabric.

*Directional Sign.* A sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

*Double Faced Sign.* An off-premise sign with two adjacent faces oriented in the same direction and not more than ten (10) feet apart at the nearest point between the two faces.

*Facing.* That portion of an off-premise sign upon which advertising is affixed or painted and visible in one direction at one time.

*Flat Sign.* Any sign so attached to a building or other structure that it projects beyond the building line, but extends parallel or substantially parallel thereto.

*Free Standing Sign.* Any sign that shall have as its supports, wood or steel columns, pipe, angle iron framing, or any other combination of these materials, other than ground signs as defined herein.

## ORDINANCE NO. 8866 (Cont.)

*Ground Sign.* Any sign which is supported by uprights or braces placed upon or extending into the ground.

*Horizontal Sign.* Any sign whose horizontal dimension is greater than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle less than forty-five degrees with a horizontal line.

*Mobile Sign.* Any sign structure designed and constructed to be moved by means of wheels or skids which proposes any announcement, declaration, demonstration, display, or illustration used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public. This shall not include signs anchored or attached to vehicles or trailers parked and used primarily as a static advertising display, visible from the public right-of-way.

*Multi-faced Sign.* An off-premise sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.

*Official Sign.* A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

*Off-Premise Outdoor Advertising Sign.* A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premise sign for the purposes of this Chapter: (1) directional or official signs authorized by law; (2) real estate signs, (3) on-premise signs.

*On-Premise Sign.* A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

*Projecting Sign.* Any sign attached to a building or other structure and extending beyond the building line either perpendicularly or at any angle other than parallel thereto.

*Real Estate Sign.* Any sign which advertises the sale or lease of the property upon which the sign is located.

*Roof Sign.* Any sign which is supported by uprights or braces placed upon or extending into the roof of any building or other structure.

*Sign.* Any device composed of one or more letters, words, pictures, figures, characters, symbols or emblems, or any combination or grouping thereof which prefigures, typifies, or represents one or more ideas.

*Transparent Sign.* Any sign illuminated from within and made of glass or similar material containing opaque lettering upon a translucent letter upon an opaque ground.

*V-Type Sign.* Any off-premise sign structure which consists of multiple sign facings placed at angles of each other, oriented in different directions and not exceeding twenty (20) feet apart at the nearest point to each other.

*Vertical Sign.* Any sign whose horizontal dimension is less than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle of forty-five degrees or greater with a horizontal line.

*Wall Sign.* Any sign which is painted or otherwise directly depicted upon a wall.

SECTION 4. Article III and Sections 31-40 through 31-49 of Chapter 31 of the Grand Island City Code are hereby added to read as follows:

### **Article III. Off-Premise Outdoor Advertising Signs**

#### **§31-40. Statement of Purpose**

This Article establishes the regulations for the continuing use of off-premise outdoor advertising in order to encourage an attractive environment for businesses, inform and direct the general public, protect and enhance the physical appearance of the community, ensure public safety along streets and highways, and provide businesses with a format for advertising the goods and services made available by the business community.

Outdoor advertising is a traditional advertising medium involving the use of private property.

Outdoor advertising should be regulated to provide for safe structures, to be properly located so as to meet uniform standards for construction and maintenance, and to be maintained to conform to a neat and pleasant community appearance.

In support of the previous statements and in order to assure the compatibility of billboards with surrounding land usage, to protect the public interest in streets and highways, to promote and maintain the safety and general

## ORDINANCE NO. 8866 (Cont.)

welfare of persons and their property in the vicinity of outdoor advertising structures, to allow orderly and effective display of outdoor advertising, it is deemed to be in the public interest to enact this ordinance.

The regulations in this Article shall be known as the Outdoor Advertising Ordinance of the City of Grand Island, Nebraska.

### **§31-41. Permitted Zones**

Off-Premise signs shall be permitted as principal, accessory or conditional uses in the following zones:

#### 1. Business Zones:

B2 – General Business Zone

AC – Arterial Commercial Zone

B3 – Heavy Business Zone

TD – Travel Development Zone

#### 2. Manufacturing Zones:

M1 – Light Manufacturing Zone

M2 – Heavy Manufacturing Zone

M3 – Central City Manufacturing Zone

Note: Off-premise signs located within B2/AC zones shall comply with the most restrictive requirements of Section 31-35 or Article III of this Chapter.

### **§31-42. Legal Nonconforming Signs**

(A) Any off-premise sign lawfully erected and in existence on the effective date of this ordinance which does not meet the requirements of this ordinance may be maintained as a matter of right as a legal nonconforming sign. The sign may be maintained and repaired provided the degree of nonconformity is not increased. If for any reason the sign is damaged to the extent that the repairs are equal to or exceed fifty percent (50%) of the cost of the replacement of the sign it may not be repaired or replaced unless it will comply with all requirements of this Article.

(B) Within the first six (6) months following the passage of these requirements, any existing off-premise sign lawfully in existence may be rebuilt excluding the requirements as specified in Section 31-46(A).

### **§31-43. General Provisions**

(A) No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

(B) Off-premise signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the adopted Building Code.

(C) Off-premise signs shall be regularly maintained in good and safe structural condition.

(D) No off-premise sign shall be located on a property without the consent of the property's owner or legal representative.

(E) The general area in the vicinity of any freestanding sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

(F) Signs located on the property as the principal use require that landscaping regulations are provided as part of the permit to erect the sign.

(G) Sign applications must include a copy of a lease sufficient to provide a description of the tract of land and the location of the sign on the land.

### **§31-44. Size of Signs**

(A) The maximum sign area for any one face of an off-premise sign shall not exceed three hundred (300) square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed twenty percent (20%) of the maximum sign area allowed.

(B) Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two (2) faces to each facing and such structure shall be considered as one off-premise sign.

## ORDINANCE NO. 8866 (Cont.)

### **§31-45. Height of an Off-Premise Sign**

(A) An off-premise sign shall maintain a minimum clearance of ten (10) feet measured from the ground level at the base of the sign to the bottom of the sign face.

(B) An off-premise sign shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the top of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

### **§31-46. Spacing for Off-Premise Signs**

(A) No off-premise sign may be established within an eight hundred (800) foot radius of any other off-premise sign along a state or federal highway. Signs along arterial and collector streets may be located no closer than a five hundred (500) foot radius from all other off premise signs.

(B) Spacing from Directional and Official signs, On-Premises signs, or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.

(C) The minimum distance between off-premise signs shall be measured along the nearest edge of the signs along either side of the highway, roadway, or street.

(D) All off-premise signs shall maintain a minimum of fifty (50) feet from on-premise signs located upon the same property.

### **§31-47. Setback Requirements**

(A) Front: A minimum front yard setback equal to that required in the zoning classification is required from the front lot line for any off-premise sign, but in no event shall the setback be less than ten (10) feet.

(B) Side: A minimum setback of ten (10) feet is required from side lot lines for any off-premise sign, regardless of zone.

(C) Rear: A minimum setback of ten (10) feet is required from the rear lot line for any off-premise sign, regardless of zone.

(D) In no case shall any portion of an off-premise sign overhang into or be placed upon the public right-of-way, or any easement unless allowed by the public entity.

(E) All off-premise signs in excess of thirty (30) feet in height shall provide an additional one (1) foot of setback for each foot in height over thirty (30) feet in addition to those setbacks required above. The setback distance shall be measured from the leading edge of the sign to the property line. No sign shall exceed fifty (50) feet in total height.

### **§31-48. Lighting**

Off-premise signs may be illuminated subject to the following restrictions:

(A) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with subsections (C) and (D) of this section.

(B) Electronic variable message signs giving public information such as, but not limited to time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-faced signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.

(C) Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

(D) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

### **§31-49. Sign Permits**

No off-premise sign shall be erected without submitting an application, securing a permit and paying the permit fees required by the City of Grand Island. Before any such permit is issued, an inspection shall determine that the off-premise sign complies with the provisions of this Article. When any construction, alteration, or repair of off-premise signs shall have begun before a permit therefore has been issued, an investigation fee in addition to the sign

ORDINANCE NO. 8866 (Cont.)

permit fee shall be collected. The permit fee and the investigation fee shall be in accordance with the City of Grand Island Fee Schedule.

SECTION 5. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: November 4, 2003.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G1

### **Approving Minutes of October 28, 2003 City Council Regular Meeting**

*The Minutes of October 28, 2003 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 28, 2003

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 28, 2003. Notice of the meeting was given in the Grand Island Independent on October 22, 2003.

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: Interim City Administrator David Springer, City Clerk RaNae Edwards, Public Works Director Steve Riehle, and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor David Vaughn, Victory Bible Fellowship, 2416 North Hancock.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on continued discussions with the State Fair Board regarding Grand Island's interest in holding the State Fair here in Grand Island. Mentioned was a State Fair Board meeting to be held November 14, 2003. Mayor Vavricek stated this would not compete or compromise Husker Harvest Days. Mayor Vavricek informed Councilmembers of recent and upcoming appointments with regards to residency requirements. Also mentioned were utility stuffer survey's for comments and ideas concerning the ½ cent sales tax.

BOARD OF EQUALIZATION: Motion by Whitesides, second by Hornady, carried unanimously to adjourn to the Board of Equalization.

#2003-BE-18 – Determining Benefits for Sanitary Sewer District No. 500 – South of Seedling Mile Road and West of Shady Bend Road. Steve Riehle, Public Works Director reported that a contract for Sanitary Sewer District 500 was awarded to The Starostka Group Company of Grand Island, Nebraska on June 11, 2003 and was completed on schedule and at a construction price of \$195,379.27. It was now time to determine the benefits of the district. Lloyd Gloyne, 3318 Gregory questioned the amount they owed compared to other properties.

Motion by Pielstick, second by Hornady, carried unanimously to approve. Motion adopted.

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

## PUBLIC HEARINGS:

Public Hearing on Changes to the Grand Island Zoning Map for Property Proposed for Platting as Grand Island Mall 14<sup>th</sup> Subdivision. Chad Nabity, Regional Planning Director reported that Gerald Jacobsen, owner was requesting a change of zoning for property located south of Capital Avenue and west of Webb Road. This application proposed to change the zoning from CD Commercial Development to an amended CD Commercial Development. This change was in conformance with the Grand Island Comprehensive Plan. No public testimony was heard.

Public Hearing on Annexation of Property Proposed for Platting as Smith Acres Subdivision, Located North of Capital Avenue and West of Saint Paul Road. Chad Nabity, Regional Planning Department Director reported that a Public Hearing needed to be held concerning annexation of property being platted as Smith Acres Subdivision an addition to the City of Grand Island. The property was located in the E 1/2 W 1/4 SE 1/4 Section 4, Township 11, Range 9. The Regional Planning Commission at their meeting of October 1, 2003, unanimously voted to approve and recommend the city council approve this annexation. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 5018 Antelope Drive in Wildwood Subdivision. (ROBCO, LLC). Steve Riehle, Public Works Director reported that the owner had requested that the city vacate a public utility easement to allow for their use of the area. In turn they would grant a public utility easement in another area of their property. Council action was necessary for the City of Grand Island to vacate and acquire public easements. The owner wished to construct an addition to an existing building and needed to have the public easement vacated to facilitate their construction plans. No public testimony was heard.

## ORDINANCES:

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

- #8853 – Consideration of Assessments for Sanitary Sewer District No., 500, South of Seedling Mile Road and West of Shady Bend Road
- #8858 – Consideration of Creation of Water Extension District No. 445 – Kentish Hills Subdivision
- #8859 – Consideration of Vacation of Easement Located at 5018 Antelope Drive (Wildwood Subdivision)
- #8860 – Consideration of Creation of Street Improvement District No. 1250 – Edna Drive from North Road to Mable Drive
- #8861 – Consideration of Creation of Street Improvement District No. 1251 – Grand West Fourth Subdivision (Craig Drive, Morrison Drive, & Carol Street)
- #8862 – Consideration of Creation of Sanitary Sewer District No. 512 – Maryland, Kentish Hills, and Bradley Subdivisions
- #8864 – Consideration of Change of Land Use Designation for Property Proposed for Platting as Grand Island Mall 14<sup>th</sup> Subdivision



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

Mayor: Is there any one in the audience interested in these Ordinances? Discussion was held concerning Ordinance #8858 with regards to CNH requirement of capped wells. No public comment was heard.

City Clerk: Ordinances #8853, #8858, #8859, #8860, #8861, #8862, and #8864 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #8853, #8858, #8859, #8860, #8861, #8862, and #8864 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8853, #8858, #8859, #8860, #8861, #8862, and #8864 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Pielstick, second by Cornelius, to approve Ordinance #8863 on First Reading only.

#8863 – Consideration of Annexation of Property Being Platted as Smith Acres Subdivision, Located North of Capital Avenue and West of Saint Paul Road

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

CONSENT AGENDA: Motion by Hornady, second by Walker, carried unanimously to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Civil Service Minutes of September 24, 2003.

Approving Minutes of October 14, 2003 City Council Regular Meeting.

Approving Minutes of October 21, 2003 City Council Special Meeting. Councilmember Whitesides abstained.

Approving Minutes of October 21, 2003 City Council Study Session. Councilmember Whitesides abstained.

Approving Appointments of Tom Brown and Robert Niemann to the Regional Planning Commission.

Approving Appointments of Irene Abernethy, Reverend Tim Anderson, Mercedes Ayala, Kris Nolan Brown, Jacinto Corona, Dr. Jim Keyser, Anita Lewandowski, Karina Morales, and Jose Zapata to the Human Rights Commission.

Approving Appointment of Glen Murray to the Zoning Board of Adjustment Board.

Approving Request of Laurie Beason, 2014 North Custer Street, for a Liquor Manager Designation for Pump & Pantry #3, 2511 Diers Avenue.

#2003-307 – Approving Final Plat and Subdivision Agreement for Grand Island Mall 14<sup>th</sup> Subdivision. It was noted that Gerald Jacobsen, owner, had submitted the final plat for Grand Island Mall 14th Subdivision, located south of Capital Avenue and west of Webb Road for the purpose of developing 1 lot.

#2003-308 – Approving Acquisition of Public Utility Easement Located at 5018 Antelope Drive in Wildwood Subdivision. (ROBCO, L.L.C.)

#2003-309 – Approving Certificate of Final Completion for Street Improvement District No. 1239 – Gold Core Drive with Gehring Construction and Ready Mix Co., Inc. of Columbus, Nebraska.

#2003-310 – Approving Certificate of Final Completion for Sanitary Sewer District No. 505 – Livengood Subdivision with Diamond Engineering Company of Grand Island, Nebraska.

#2003-311 – Approving Certificate of Final Completion for Sanitary Sewer District No. 508 – Desch 1<sup>st</sup> & 2<sup>nd</sup> Subdivisions with Diamond Engineering Company of Grand Island, Nebraska.

#2003-312 – Approving Bid Award for a Truck Tractor for Solid Waste Division for the Public Works Department with Nebraska Truck Center of Grand Island, Nebraska in an Amount of \$77,327.00.

#2003-313 – Approving Bid Award for Sidewalk District No. 1, 2003 with Galvan Construction Company of Grand Island, Nebraska in an Amount of \$22,615.40.

#2003-314 – Approving Bid Awards for Tree Trimming Project 2004-TT-1 with Sheffield Tree Service of Grand Island, Nebraska for Sections 3, 4, 5, 7, 8, 14, 15, and 16 in an Amount of \$44,900.00 and Wright Tree Service, Inc. of West Des Moines, Iowa for Sections 1, 2, and 17 in an Amount of \$56,825.00.

#2003-315 – Approving Amendment to Interlocal Agreement with the Central District Health Department.

RESOLUTION:

#2003-316 – Approving Bid Award for a Front End Loader for the Solid Waste Division of the Public Works Department. Steve Riehle, Public Works Director reported that the Solid Waste

Division of the Public Works Department Advertised for bids for a 2004 Model 29,250-pound Four-Wheel Drive Loader. There was a need for a loader of a high lift design to replace the Solid Waste Divisions five-year-old loader.

Bids were opened on October 9, 2003. Three local vendors provided bids for the replacement loader. Two of the vendors bid HIGH LIFT design loaders that had a lift arm clearance at maximum lift of at least 12'6" and were able to provide the complete warranty package. Nebraska Machinery was the only vendor that matched all of the required bid specifications. It was recommended that Nebraska Machinery Co. of Doniphan, Nebraska be awarded the bid in the amount of \$117,891.00.

Motion was made by Hornady, second by Gilbert to approve Resolution #2003-316. Upon roll call vote, all voted aye. Motion adopted.

#2003-317 – Approving Discontinuation of Sanitary Sewer District No. 511 – Dale Roush 1<sup>st</sup> & 2<sup>nd</sup> Subdivisions. Steve Riehle, Public Works Director reported that Sanitary Sewer District 511 was created by the City Council on September 9, 2003. Legal Notice of the creation of the District was published in the Grand Island Independent on September 16, 2003. A letter with a copy of the Ordinance and Notice was also mailed to all property owners on September 16, 2003.

Sanitary Sewer District 511 completed the 30-day protest period at 5:00 p.m. Thursday, October 16, 2003. There were protests filed against this District by sixty-four abutting property owners. Those owners represented 7,224.55 front feet, or 54.3% of the total District frontage of 13,307.5 feet. According to Nebraska Statute 16-667.01 Council must discontinue the District.

If Council would like to create a Sanitary Sewer District for the Subdivision and force the improvements because of public health concerns, another district would have to be created.

Motion was made by Hornady, second by Walker to approve Resolution #2003-317. Upon roll call vote, all voted aye. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase, carried unanimously to approve the Claims for the period of October 15, 2003 through October 28, 2003, for a total amount of \$2,327,113.82. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item G2

#### **#2003-318 - Approving Agreement with Gladys V. Schoel Regarding Terms for Utility Easement Acquisition**

##### ***Background:***

*The Public Works and Utility Departments have been working with Gladys Schoel on the terms of an agreement for acquisition of a utility easement to serve the Mary Lane and Kentish Hills area.*

*A Public Hearing is being held this evening. Council approval by resolution of the acquisition is also being requested this evening.*

##### ***Discussion:***

*Gladys Schoel and the City have a few terms to the easement acquisition that need council approval.*

*Negotiations regarding the dollar amount of the acquisition are still occurring. Staff believes both parties can reach a satisfactory agreement on the dollar amount if the terms are agreed to.*

*The City Utility and Public Works Departments are seeking an easement to facilitate the installation of City Sewer service to the Marylane and Kentish Hills Subdivisions in the event that the residents of these subdivisions choose to permit the formation of a City Sewer District. Acquisition of this easement will also permit the water mains that will be installed in the Marylane and Kentish Hills Subdivisions to be looped to enhance the flow of water through these mains and the service to the residents of these areas. The property owner would receive monetary consideration as well as the right to tap into the City Water main for potable water service to her farmstead without being annexed into the City Limits. The property owner would also receive the benefit of being granted an agricultural deferral from sanitary sewer district assessments upon application with the City.*

##### ***Recommendation:***

*Approval is recommended to facilitate the installation of public services to these areas of the City.*

##### ***Financial Implications:***

*Minimal impact.*

##### ***Alternatives:***

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*As determined by Council.*

Staff Contact: Doug Walker; Steve Riehle; Gary Mader

## **AGREEMENT**

THIS AGREEMENT is entered into this \_\_\_\_ day of November, 2003, between the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation, hereinafter referred to as the City, and GLADYS V. SCHOEL, a single person, hereinafter referred to as "Schoel".

WITNESSETH:

WHEREAS, on October 28, 2003, the City approved the creation of Sanitary Sewer District No. 512 which encompasses a portion of Schoel's property; and

WHEREAS, on October 28, 2003, the City approved the creation of Water Extension District No. 445 adjacent to Schoel's property; and

WHEREAS, the City of Grand Island is interested in acquiring a permanent and perpetual utility easement along the west side of Schoel's property located in a part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section Twenty Five (25), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska to facilitate the installation of Water Extension District No. 445 and Sanitary Sewer District No. 512; and

WHEREAS, Schoel has requested to tap into the City's water system to obtain potable water for her residence; and,

WHEREAS, Schoel has requested an agricultural deferment for assessments levied against the property in Sanitary Sewer District No. 512; and

WHEREAS, City has agreed to permit Schoel's farmstead to remain outside of the City limits until such time as it is subdivided for residential or commercial purposes in return for the permanent and perpetual utility easement.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Schoel agrees to grant the City a permanent and perpetual utility easement as described in Exhibit "A" attached hereto.

2. Schoel agrees to grant the City a temporary easement sixty feet (60') in width parallel and adjacent to the east side of the permanent and perpetual easement for construction purposes in the permanent easement.

3. As consideration for Schoel granting the permanent and perpetual utility easement, the City agrees to pay Schoel the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

- 2 -

\_\_\_\_\_  
Gladys V. Schoel

STATE OF NEBRASKA )  
                                  ) SS.  
COUNTY OF HALL        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2003,  
by Gladys V. Schoel, a single person.

\_\_\_\_\_  
Notary Public



RESOLUTION 2003-318

WHEREAS, a public utility easement and a temporary construction easement is required by the City of Grand Island, from Gladys V. Schoel, a widow, to facilitate the installation of Sanitary Sewer District No. 512 and Water Extension District No. 445; and

WHEREAS, Gladys V. Schoel has requested to tap into the City's water system to obtain potable water for her residence; and

WHEREAS, an agreement has been prepared by the City Attorney's office outlining the terms and conditions for the acquisition of such easements and to allow Gladys V. Schoel to tap into the City's water system.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement by and between the City and Gladys V. Schoel, a widow, for the City to obtain easements for the construction and installation of Water Extension District No. 445 and Sanitary Sewer District No. 512 on or adjacent to Gladys V. Schoel's property, and for Gladys V. Schoel to tap into the City's water main is hereby approved according to the terms and conditions of the agreement.

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, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G3

### **#2003-319 - Approving Acquisition of Utility Easement - 1833 East Seedling Mile Road - Livengood Properties**

*This item relates to the aforementioned Public Hearing.*

***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 property of Livengood Properties located in front of the southeast corner of building at 1833 East Seedling Mile Road, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be used to locate a new pad-mounted transformer and associated cable to feed the existing UPS/ARA Mark building. After all electrical load is transferred to the new transformer, the overhead line will be removed.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**

## RESOLUTION 2003-319

WHEREAS, a public utility easement is required by the City of Grand Island, from Livengood Properties, L.L.C., a Nebraska limited liability company, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Four (4) Livengood Second Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Beginning at the southeast corner of Lot Four (4) Livengood Second Subdivision; thence running southwesterly along the southerly line of said Lot Four (4) Livengood Second Subdivision, a distance of Twenty Three and One Tenth (23.1) feet; thence deflecting right 59°57'28" and running northwesterly, a distance of One Hundred Three (103.0) feet; thence running northeasterly parallel with the southerly line of said Lot Four (4) Livengood Second Subdivision, a distance of Twenty Three and One Tenth (23.1) feet; thence deflecting right 59°57'28" and running southeasterly, a distance of One Hundred Three (103.0) feet to the southeast corner of said Lot Four (4) Livengood Second Subdivision, being the said point of beginning.

The above-described easement and right-of-way containing a total of 0.047 acres, more or less, as shown on the plat dated October 20, 2003, 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 Livengood Properties, L.L.C., a Nebraska limited liability company, on the above-described tract of land.

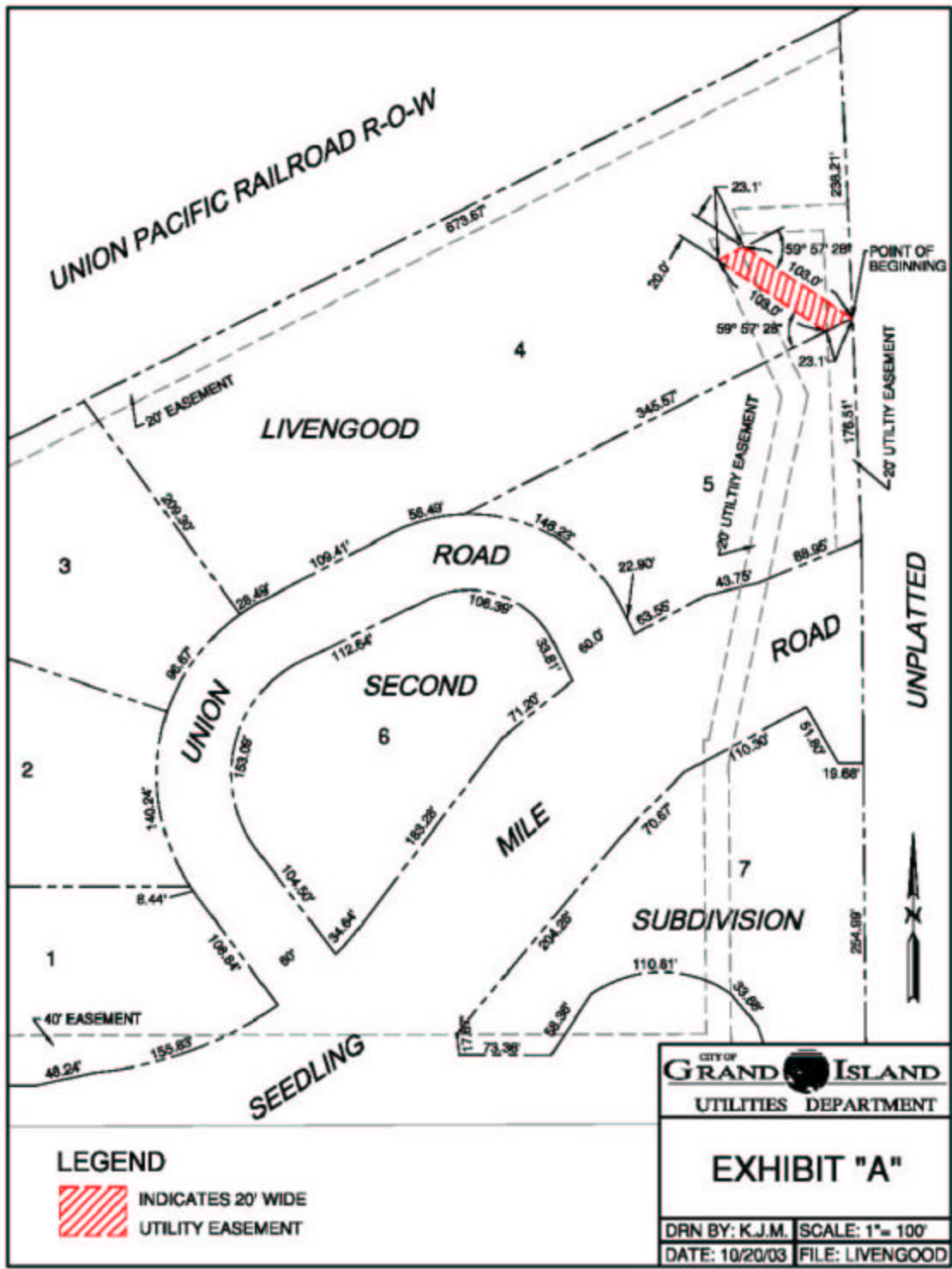
- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
October 31, 2003	☐ City Attorney





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G4

### **#2003-320 - Approving Acquisition of Utility Easement - 3225 West Wildwood Road - Lewis Greenscape**

*This item relates to the aforementioned Public Hearing.*

***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 property of Lewis Greenscape, Inc., located in front of Lewis Greenscape at 3225 West Wildwood Road, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*Lewis Greenscape is planning an addition to their building and the Utilities Department is placing the new lines adjacent to Platte Valley Industrial Park underground. This easement will be used to place a pad-mounted transformer to serve the business including the new addition.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**

RESOLUTION 2003-320

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

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot One (1) Greenscape, Inc. Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

The northerly Twenty (20.0) feet of the westerly Twenty (20.0) feet of the easterly One Hundred Eighty Two (182.0) feet of Lot One (1) Greenscape, Inc. Subdivision.

The above-described easement and right-of-way containing a total of 400 square feet, more or less, as shown on the plat dated October 22, 2003, marked Exhibit "A" attached hereto and incorporated herein by reference.

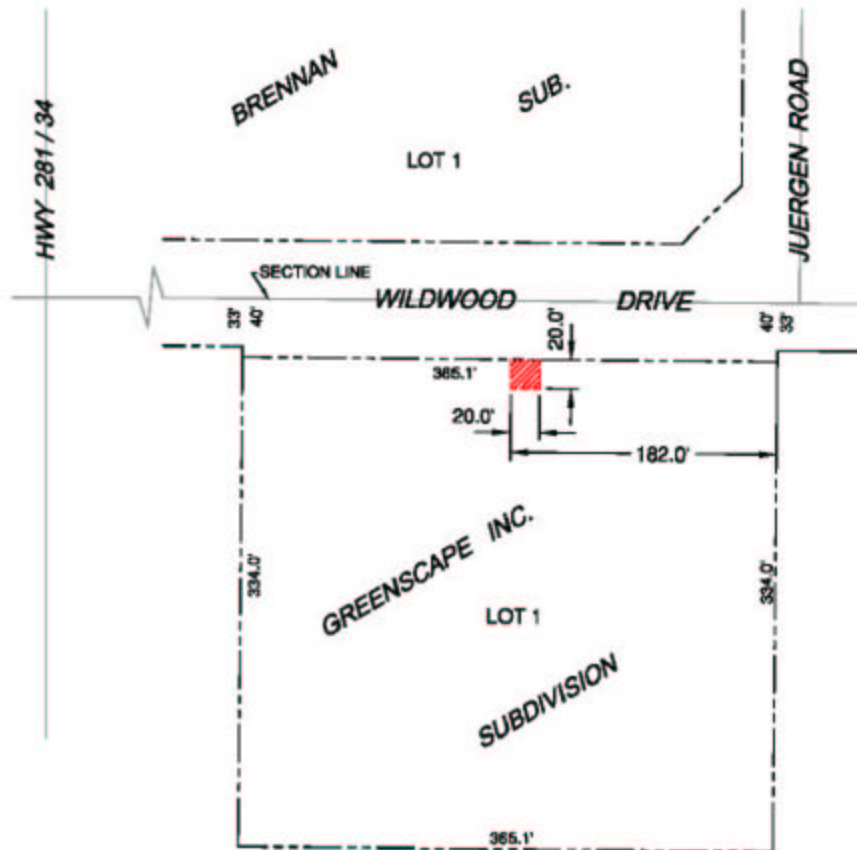
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Lewis Greenscape, Inc, a Nebraska corporation, on the above-described tract of land.

- - -


Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



#### LEGEND

 INDICATES 20' x 20'  
UTILITY EASEMENT



CITY OF  
**GRAND ISLAND**  
UTILITIES DEPARTMENT

### EXHIBIT "A"

DRN BY: K.J.M.	SCALE: 1" = 100'
DATE: 10/22/2003	FILE: GREENSC



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G5

### **#2003-321 - Approving Acquisition of Utility Easement - 3516 Richmond Circle - Richmond Building, LLC**

*This item relates to the aforementioned Public Hearing.*

***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 property of Richmond Building, LLC, located at the northwest corner of property located at 3516 Richmond Circle, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be used to locate a pad-mounted transformer to serve electricity to the new building.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**



RESOLUTION 2003-321

WHEREAS, a public utility easement is required by the City of Grand Island, from Richmond Building, L.L.C., a limited liability company, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Ten (10) Richmond Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

The northerly Twenty Five (25.0) feet of the westerly Twenty Five (25.0) feet of Lot Ten (10) Richmond Subdivision.

The above-described easement and right-of-way containing a total of 625 square feet, more or less, as shown on the plat dated October 10, 2003, 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 Richmond Building, L.L.C., a limited liability company, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G6

### **#2003-322 - Approving Acquisition of Utility Easement - 2009 West Faidley Avenue - Kraft - Janda**

*This item relates to the aforementioned Public Hearing.*

**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 property of Kraft-Janda, Inc., located at the northwest corner of property located at 2009 West Faidley Avenue, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*This easement will be used to locate a pad-mounted transformer to serve the new Dental Clinic.*

**Recommendation:**

*Approve the request to obtain the needed easement.*

**Fiscal Effects:**

*One dollar (\$1.00) for the easement will be paid to the grantor.*

**Alternatives:**

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**

RESOLUTION 2003-322

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

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Four (4), Block Three (3), Packer and Barr's Addition to the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

The northerly Twenty (20.0) feet of the westerly Twenty (20.0) feet of Lot Four (4), Block Three (3), Packer and Barr's Addition.

The above-described easement and right-of-way containing a total of 400 square feet, more or less, as shown on the plat dated October 10, 2003, marked Exhibit "A" attached hereto and incorporated herein by reference.

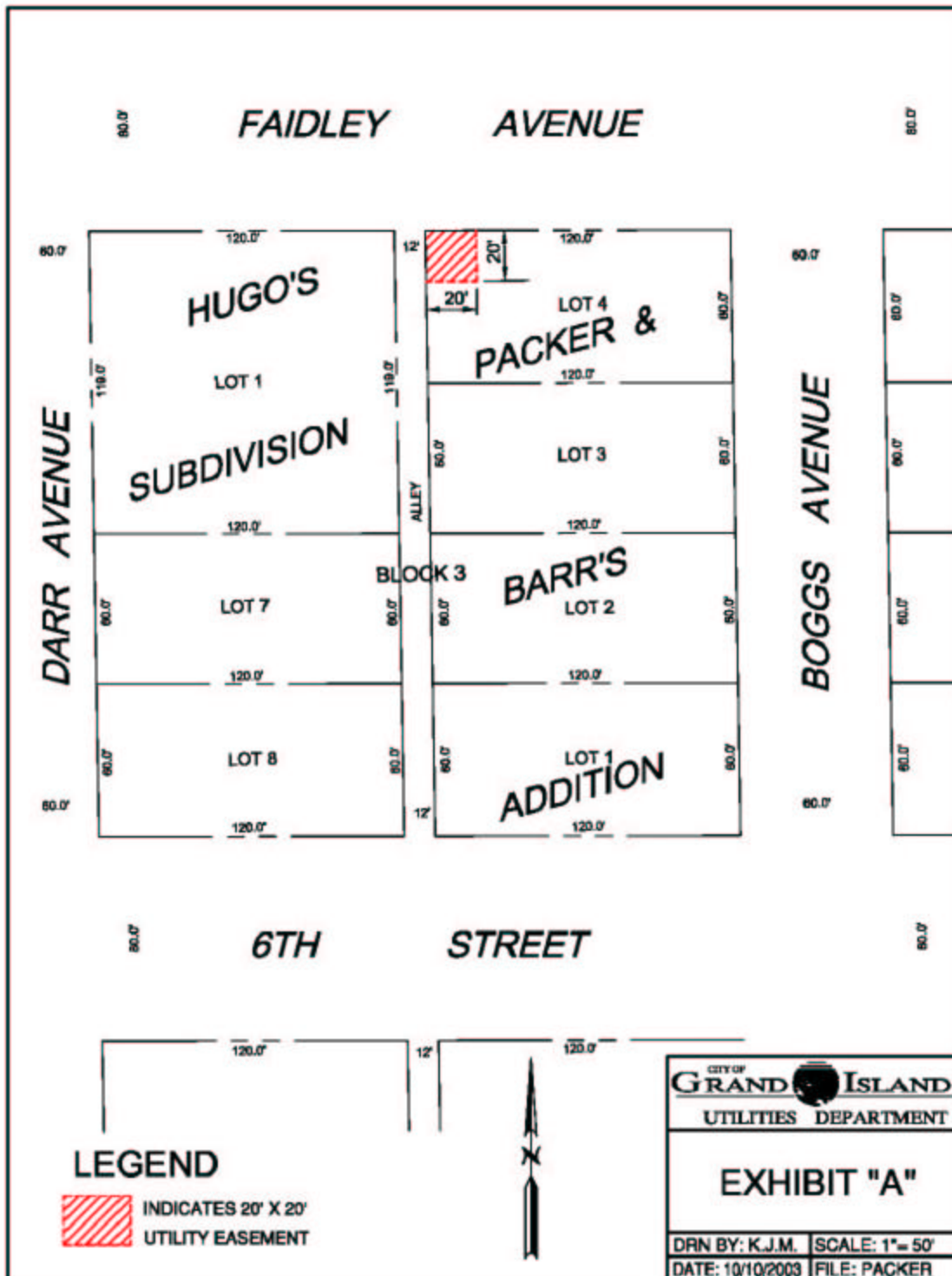
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from Kraft-Janda, Inc., on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G7

### **#2003-323 - Approving Acquisition of Utility Easement - 2810 East Highway 30 - Eugene and Janet Penrose**

*This item relates to the aforementioned Public Hearing.*

***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 property of Eugene J. and Janet K. Penrose, located at 2810 East Highway 30, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*Highway 30 East of Grand Island will be widened to five lanes during 2004-2005. The construction requires relocation of overhead power lines in the area.*

*This easement will be used for an anchor and down guy to back-up a line to the south of the highway.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**

R E S O L U T I O N    2003-323

WHEREAS, a public utility easement is required by the City of Grand Island, from Eugene J. Penrose and Janet K. Penrose, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Two (2) Connell Industrial Park Second Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

The westerly Ten (10.0) feet of the easterly One Hundred Eighty Seven and Thirty One Hundredths (187.31) feet of the southerly Twenty Three (23.0) feet of Lot Two (2) Connell Industrial Park Second Subdivision.

The above-described easement and right-of-way containing 230.0 square feet, more or less, as shown on the plat dated July 31, 2003, 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 Eugene J. Penrose and Janet K. Penrose, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

\_\_\_\_\_  
RaNae Edwards, City Clerk



# LEGEND



INDICATES UTILITY EASEMENT

CITY OF <b>GRAND ISLAND</b>	
UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRN BY: K.J.M.	SCALE: 1"= 100'
DATE: 7/31/2003	FILE: CIP2S-2





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G8

### **#2003-324 - Approving Acquisition of Utility Easement - 2809 East Highway 30 - Virgil R. Eihusen**

*This item relates to the aforementioned Public Hearing.*

***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 property of Virgil R. Eihusen, located at 2809 East Highway 30, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.*

*Highway 30 East of Grand Island will be widened to five lane during 2004-2005. The construction requires relocation of overhead power lines in the area.*

*The easements on this property will be used to relocate both overhead and underground facilities to continue service to this business.*

***Recommendation:***

*Approve the request to obtain the needed easement.*

***Fiscal Effects:***

*One dollar (\$1.00) for the easement will be paid to the grantor.*

***Alternatives:***

*As suggested by City Council.*

**Staff Contact: Gary R. Mader**

## RESOLUTION 2003-324

WHEREAS, a public utility easement is required by the City of Grand Island, from Virgil R. Eihusen, a single person, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through two tracts of land located in part of Lot Six (6) Voss Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Tract No. 1:

Commencing at the northeast corner of Lot Six (6) Voss Subdivision; thence southerly along the easterly line of said Lot Six (6), a distance of Thirty Six and Twenty One Hundredths (36.21) feet to a point on the southerly right-of-way line of Highway 30, as described in Document No. 200308994, recorded in the Register of Deeds Office, Hall County, Nebraska; thence deflecting right 64°02'47" and running southwesterly along said right-of-way line, a distance of Sixty Three (63.0) feet to the Point of Beginning of Tract No. 1; thence continuing southwesterly along said right-of-way line, a distance of Twenty (20.0) feet; thence deflecting left 83°53'19" and running southeasterly, a distance of Two Hundred Twenty and Two Hundredths (220.02) feet to the easterly line of said Lot Six (6); thence deflecting left 160°09'28" and running northerly along the easterly line of said Lot Six (6), a distance of Fifty Eight and Ninety Two Hundredths (58.92) feet; thence deflecting left 19°50'23" and running northwesterly, a distance of One Hundred Sixty Six and Seventy Four Hundredths (166.74) feet to the said Point of Beginning.

Tract No. 2:

Commencing at the northeast corner of Lot Six (6) Voss Subdivision; thence southerly along the easterly line of said Lot Six (6), a distance of Thirty Six and Twenty One Hundredths (36.21) feet to a point on the southerly right-of-way line of Highway 30, as described in Document No. 200308994, recorded in the Register of Deeds Office, Hall County, Nebraska; thence deflecting right 64°02'47" and running southwesterly along said right-of-way line, a distance of Three Hundred Eighty Eight and Fifty Four Hundredths (388.54) feet to the Point of Beginning of Tract No. 2; thence continuing southwesterly along said right-of-way line, a distance of Twelve and Sixty Three Hundredths (12.63) feet to the westerly line of Grantor's property; thence deflecting left 63°44'51" and running southerly along the westerly line of Grantor's property, a distance of Twenty Four and Four Tenths (24.4) feet; thence deflecting left 90°0'0" and running easterly, a distance of Ten (10.0) feet; thence deflecting left 90°0'0" and running northerly, a distance of Ten (10.0) feet; thence deflecting right 90°0'0" and running easterly, a distance of Fifty Five and Twelve Hundredths (55.12) feet; thence deflecting left 90°0'0" and running northerly, a distance of Twenty (20.0) feet; thence deflecting left 90°0'0" and running westerly, a distance of Fifty Three and Fifty Four Hundredths (53.54) feet to the said Point of

Beginning.

The above-described easement and right-of-way tracts containing a combined total of 0.120 acres, more or less, as shown on the plat dated July 31, 2003, 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 Virgil R. Eihusen, a single person, on the above-described tracts of land.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item G9

#### **#2003-325 - Approving Acquisition of Public Utility Easement Located at 3732 West Husker Highway - Gladys Schoel**

*This item relates to the aforementioned Public Hearing.*

#### **Background:**

*Water Main Extension District No. 444 for the Marylane area was created by City Council on October 14, 2003, and Water Main Extension District No. 445 for the Kentish Hills area and Sanitary Sewer District No. 512 were created by the City Council on October 28, 2003. Both Water Main Extension Districts were created as extension districts due to groundwater contamination problems in the area. Both water districts had over 2/3 of the eligible owners sign a petition for water service, so a protest period was not required. Sanitary Sewer District No. 512 will be subject to the standard 30 day protest period. Public Utility easements are needed for these installations. Council action is necessary for the City of Grand Island to acquire public easements.*

#### **Discussion:**

*In conjunction with the installation of the water main and sanitary sewer main with these Districts, it is necessary to acquire two easements for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. The property owners have been contacted regarding the easement requirements and it is now time for Council approval of the acquisition.*

#### **Recommendation:**

*Approve acquisition of the easements.*

#### **Financial Implications:**

*The cost of the easements is expected to be a small portion of the project costs.*

#### **Alternatives:**

*None. The easements are necessary to serve the area with city water and sanitary sewer.*

Staff Contact: Steven P. Riehle, Public Works Director/City Eng

R E S O L U T I O N    2003-325

WHEREAS, a public utility easement is required by the City of Grand Island, from Gladys V. Schoel, a widow, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the Southwest Quarter (SW1/4) of Section Twenty Five (25), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

Beginning at the northeast corner of Lot 16 Kentish Hills Subdivision, said point also being the northeast corner of Kentish Hills Subdivision; thence east on a prolongation of the north line of Kentish Hills for a distance of Thirty (30.0) feet; thence south on a line Thirty (30.0) feet east of and parallel to the east line of Kentish Hills Subdivision, Marylane Subdivision and the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section 25-11-10 to a point Forty (40.0) feet north of the south line of Section 25-11-10; thence west on the north line of Husker Highway for a distance of Thirty (30.0) feet; thence north on the east line of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section 25-11-10, Marylane Subdivision, and Kentish Hills Subdivision to the point of beginning.

The above-described easement and right-of-way tracts containing a total of 1.33 acres, more or less, as shown on the plat dated October 24, 2003, 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 Gladys V. Schoel, a widow, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

\_\_\_\_\_  
RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item G10

#### **#2003-326 - Approving Acquisition of Public Utility Easement Located at 3803 Mary Lane - Matthew J. and Lori A. Beiber**

*This item relates to the aforementioned Public Hearing.*

**Background:**

*Water Main Extension District No. 444 for the Marylane area was created by City Council on October 14, 2003, and Water Main Extension District No. 445 for the Kentish Hills area and Sanitary Sewer District No. 512 were created by the City Council on October 28, 2003. Both Water Main Extension Districts were created as extension districts due to groundwater contamination problems in the area. Both water districts had over 2/3 of the eligible owners sign a petition for water service, so a protest period was not required. Sanitary Sewer District No. 512 will be subject to the standard 30 day protest period. Public Utility easements are needed for these installations. Council action is necessary for the City of Grand Island to acquire public easements.*

**Discussion:**

*In conjunction with the installation of the water main and sanitary sewer main with these Districts, it is necessary to acquire two easements for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. The property owners have been contacted regarding the easement requirements and it is now time for Council approval of the acquisition.*

**Recommendation:**

*Approve acquisition of the easements*

**Financial Implications:**

*The cost of the easements is expected to be a small portion of the project costs.*

**Alternatives:**

*None. The easements are necessary to serve the area with city water and sanitary sewer.*

**Staff Contact: Steve Riehle**

RESOLUTION 2003-326

WHEREAS, a public utility easement is required by the City of Grand Island, from Matthew J. Beiber and Lori A. Beiber, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 4, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Thirteen (13), Marylane Subdivision in the city of Grand Island, Hall County, Nebraska, the easement and right-of-way being more particularly described as follows:

The north Thirty (30.0) feet of Lot Thirteen (13), Marylane Subdivision in the city of Grand Island, Hall County, Nebraska.

The above-described easement and right-of-way containing a total of 3,666.02 square feet more or less, as shown on the plat dated October 27, 2003, 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 Matthew J. Beiber and Lori A. Beiber, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G11

### **#2003-327 - Approving Purchase of One Clay Based Alternative Daily Cover Sprayer and One Semi-Load of Clay Product for Solid Waste Division of Public Works Department**

***Background:***

*The Solid Waste Division of the Public Works department is purchasing one clay based alternative daily cover sprayer and one semi-load of clay product. The Solid Waste Division of Public Works Department opened bids on October 22, 2003 at 11:00AM.*

***Discussion:***

*The Public Works Department, Solid Waste Division and the Purchasing Division of the City Attorney's Office have reviewed the bids received. See attached Bid Summary.*

***Recommendation:***

*Staff recommends that the purchase be awarded to the Enviro Group, Inc. in the amount of \$37,970.00 for one (1) clay based alternative daily cover sprayer and one semi load of clay product as per bid.*

***Financial Implications:***

*There are sufficient funds in account # 50530043-85615, Solid Waste Division Capital Expenditures- Machinery and Equipment and account # 50530043-85547 Solid Waste Division Supplies Expenditures - Materials to purchase this equipment and product.*

***Alternatives:***

*Award the bid to vendor or reject.*

**Staff Contact: Steve Riehle**

*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:** October 22, 2003 at 11:00 a.m.

**FOR:** Clay Based Alternative Daily Cover Sprayer w/  
(1) Semi-Load of Clay Product

**DEPARTMENT:** Public Works – Solid Waste Division

**ENGINEER'S ESTIMATE:** \$20,000.00 Sprayer  
\$25,000.00 Materials

**FUND/ACCOUNT:** 50530043-85547 Sprayer  
50530043-85547 Materials

**PUBLICATION DATE:** October 6, 2003

**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

<b>Bidder:</b>	<u>Enviro Group, Inc.</u> Greenwood, IN	<u>New Waste Concepts, Inc.</u> Perrysburg, OH
<b>Exceptions:</b>	None	Noted
<b>Bid Price:</b>	\$37,970.00	\$50,584.00

cc: Steve Riehle, Public Works Director  
Kevin McKennon, Solid Waste Superintendent  
David Springer, Interim City Administrator  
Dale Shotkoski, Purchasing Agent  
Laura Berthelsen, Legal Assistant

**P865**

RESOLUTION 2003-327

WHEREAS, the City of Grand Island invited sealed bids for Clay Based Alternative Daily Cover Sprayer with one semi-load of Clay Product, according to plans and specifications on file with the City Clerk; and

WHEREAS, on October 22, 2003, bids were received, opened and reviewed; and

WHEREAS, Enviro Group, Inc. of Greenwood, Indiana, 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 \$37,970.00; and

WHEREAS, Enviro Group, Inc.'s bid is less than the estimate for such equipment and material.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Enviro Group, Inc. of Greenwood, Indiana, in the amount of \$37,970 for clay based alternative daily cover sprayer with one semi-load of clay product is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G12

### **#2003-328 - Approving Amendment #4 to Design Agreement with Olsson Associates for South Locust Street; Stolley Park Road to Fonner Park Road**

***Background:***

*A contract for design and professional engineering services with Olsson Associates of Grand Island in the amount of \$156,866.00 for improvements on South Locust Street from Stolley Park Road to Fonner Park Road was approved by Council on November 12, 2002.*

***Discussion:***

*The design effort was subsequently expanded to more closely align the extent and scope of these improvements with the level of improvements on the recently completed segment of South Locust from U.S. Highway 34 to Stolley Park Road. The preliminary budget for the project was \$900,000. As the project scope was better defined it almost doubled in cost with a bid price of \$1,820,276.72. The design effort increased in several areas which will result in an improvement in the overall safety and appearance of the street. As a result of the increased scope of the design effort, the cost for the design phase of the project increased in the amount of \$23,258.27.*

***Recommendation:***

*Approve the increase in design costs. This increase is considered nominal in view of the overall increase in the scope of design.*

***Financial Implications:***

*Adequate funds are available in account number 40033530-90066 for these costs.*

***Alternatives:***

*Deny approval. The Amendment to the Agreement should be approved because of the increased scope of the project.*

**Staff Contact: Steven P. Riehle, Public Works Director/City Eng**

RESOLUTION 2003-328

WHEREAS, on November 12, 2002, by Resolution 2002-350, the City of Grand Island approved an agreement with Olsson Associates for professional engineering and landscape architecture services along a ½ mile stretch of South Locust Street from Stolley Park Road to Fonner Park Road; and

WHEREAS, the construction of such project was expanded to include more of the adjacent connecting streets and local business parking and joint access drives to improve safety and the appearance of the South Locust Street Corridor; and

WHEREAS, due to additional design services required by Olsson Associates, they are requesting an additional \$23,258.27 for such work; and

WHEREAS, approval of the 4<sup>th</sup> Amendment to Letter Agreement for Engineering Services allowing the payment of additional funds to Olsson Associates is recommended.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Fourth Amendment to the Agreement for Professional Engineering and Landscape Architecture Services by and between the City and Olsson and Associates is hereby approved to provide funding to Olsson Association in the amount of \$23,258.27 for additional design services; and the Mayor is hereby authorized and directed to execute such amendment on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G13

### **#2003-329 - Approving Purchase of One 2 X 4 Half Ton Pickup Truck for Solid Waste Division of Public Works Department**

***Background:***

*The Solid Waste Division of the Public Works department is replacing one 1985 GMC ½ ton work truck.*

***Discussion:***

*The Public Works Department, Solid Waste Division and the Purchasing Division of the City Attorney's Office have reviewed the State of Nebraska specifications under contract number CA-6082B. The State contract meets all bidding requirements.*

***Recommendation:***

*Staff recommends that the purchase be awarded to the Husker Auto Group Inc. of Lincoln, Nebraska in the amount of \$17,320.00 for the one (1) pickup truck in accordance with the current State of Nebraska contract.*

***Financial Implications:***

*There are sufficient funds in account # 50530040-85625, Solid Waste Division Capital Expenditures- Vehicles to purchase this equipment.*

***Alternatives:***

*Award the bid to vendor or reject.*

**Staff Contact: Steven P. Riehle, Public Works Director/City Eng**

R E S O L U T I O N    2003-329

WHEREAS, the Public Works Department is scheduled to purchase a replacement truck for the Solid Waste Division during the 2003/2004 fiscal year; and

WHEREAS, said truck can be obtained from the State contract holder; and

WHEREAS, purchasing the truck from the State contract holder meets all statutory bidding requirements; and

WHEREAS, the funding for such truck is provided in their 2003/2004 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of one 2004 1/2 ton 2x4 extended cab pickup truck from the State contract holder, Husker Auto Group of Lincoln, Nebraska, for the total amount of \$17,320 is hereby accepted and approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G14

### **#2003-330 - Approving Removal of a 20 Minute Express Parking Zone**

***Background:***

*City Code Section 22-77 states that the Council may, by Resolution, entirely prohibit, or fix a time limit for parking and stopping of vehicles in or on any public street, public property, or portion thereof. By Resolution 2001-349 of December 13, 2001, a 20 minute express parking stall was established at 414 West 3rd Street.*

***Discussion:***

*The take-out restaurant is no longer located at this address, consequently the need for an express parking zone no longer exists.*

***Recommendation:***

*Approve the removal of the 20 minute parking express zone at 414 West 3rd Street and restore the standard 2 hour parking.*

***Financial Implications:***

*Minimal. Removal of signs and painting of the curb.*

***Alternatives:***

*None. The change should be approved because the 2 hour parking meets the needs of the businesses in the area.*

**Staff Contact: Steve Riehle**



## RESOLUTION 2003-330

WHEREAS, the City Council, by authority of §22-77 of the Grand Island City Code, may by resolution, entirely prohibit, or fix a time limit for the parking and stopping of vehicles in or on any public street, public property, or portion thereof; and

WHEREAS, on December 18, 2001, by Resolution 2001-349, the City Council of the City of Grand Island approved the establishment of an on-street 20-minute parking express zone at 414 West 3<sup>rd</sup> Street to facilitate parking for a restaurant; and

WHEREAS, such restaurant is no longer located at this address; and

WHEREAS, it is recommended that such 20-minute parking express zone be removed and replaced with the standard 2-hour parking limit at this location; and

WHEREAS, it is in the best interests of the City to effect such regulations.

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

1. The on-street 20-minute express parking stall currently located at 414 West Third Street shall hereby be removed and replaced with the standard two-hour time limit.
2. The Street Department is directed to erect and maintain the sign and street markings necessary to effect the above regulation.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G15

### **#2003-331 - Approving Procurement Procedures and Code of Conduct for Use of Community Development Block Grant (CDBG) Funds**

*The City of Grand Island was recently awarded two separate Community Development Block Grant Awards. One grant was in the amount of \$270,000 to be used for Owner Occupied Rehabilitation and the other grant was in the amount of \$350,000 to be used on the renovation and expansion of the Grand Generation Senior Center.*

*All Community Development Block Grant (CDBG) Programs must adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes; in all cases the stricter shall apply, when expending CDBG funding.*

*The Nebraska State Department of Economic Development awards Community Development Block Grant funds and have suggested that Cities and Villages receiving these funds follow the Procurement Procedures and Code of Conduct they have provided that summarize said laws and regulations. Approval is recommended.*

Staff Contact: David Springer

R E S O L U T I O N    2003-331

WHEREAS, the City of Grand Island obtains funding from Community Development Block Grant (CDBG) funding sources for various improvement projects throughout the community; and

WHEREAS, as the funding comes from federal sources, it is required that the use of such funding adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes, whichever is more strict; and

WHEREAS, the proposed Procurement Procedures and Code of Conduct is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, it is recommended that such proposed Procurement Procedures and Code of Conduct be adopted for use on projects utilizing Community Development Block Grant (CDBG) funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island hereby adopts the attached "Procurement Procedures and Code of Conduct" for the use of Community Development Block Grant (CDBG) funds.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk

City of Grand Island, Nebraska  
Procurement Procedures and Code of Conduct  
For Use With  
Community Development Block Grant (CDBG) Funds

The City of Grand Island, Nebraska will in all cases of procurement for professional services, construction services, and materials needed for Community Development Block Grant (CDBG) Programs adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes; in all cases the stricter shall apply. The following procedures summarize said laws and regulations.

(A) Procurement shall be made by one of the following methods:

- (1) **Small Purchase Procedures [24 C.F.R. Section 85.36(d)(1)] – This method will generally be used to obtain small quantities of supplies.** Small purchase procedures are those relatively simple and informal procurement methods for security services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
- (2) **Competitive Sealed Bids [24 C.F.R. Section 85.36(d)(2)] – This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials.** Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
- (3) **Competitive Proposals [24 C.F.R. Section 85.36(d)(3)] – This method will generally be used to obtain professional services.** This method has two subparts – The Request for Proposal and the Request for Qualifications.  
Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required; the grantee must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete; proposals must be solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement; the grantee must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; as necessary, the grantee must conduct negotiations with those offerors who are deemed responsive and responsible and fall within a competitive price range, based on the grantee's evaluation of the bidders' pricing and technical proposals. After negotiations, these bidders may be given the opportunity to submit a "best and final" offer; and the grantee must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals or "best and final" offers according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services.

Request for Qualifications – Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- (4) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36(d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
- (B) The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- (C) The City of Grand Island, Nebraska, shall maintain records sufficient to detail the sufficient history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.
- (D) The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

**General Administrative Provisions**

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

**Scope of Services**

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

**Method of Compensation**

- Provisions for compensation for services including fee and/or payment schedules and specification of maximum amount payable under the contract.

**Federal Standard Provisions**

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than \$50,000)
- Title VI of the Civil Rights Act of 1964 clause.
- Section 109 of the Housing and Community Development Act of 1974 clause.
- Section 3 compliance clause (Required only if the contract exceeds \$100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding \$2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission, employees, or agents of the City of Grand Island, Nebraska, engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

- I. The provisions and requirements of the *Conflict of Interest*, at subpart (d) of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49-14,1404 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.
- II. No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
- III. The municipal employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- IV. Violations of the Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item G16

### **#2003-332 - Approving Contract with Central Nebraska Humane Society**

*The contract that the City has with the Central Nebraska Humane Society will expire on November 23, 2003. A new contract that is for a term of one year with automatic renewals for up to four additional one year terms has been drafted. The new contract is similar to the agreement that was prepared five years ago; however, some changes have been made to reflect current operating practices of the Humane Society. One of the primary changes to the agreement is in the business hours of the shelter which have been changed from 9:00 a.m.- 6:00 p.m. to 10:00 a.m. to 6:00 p.m. for weekdays. The hours of operation for the shelter have also been changed from 9:00 a.m.- 5:00 p.m. to 10:00 a.m.- 2:00 p.m. on Saturdays. These changes in the hours that the shelter is open reflect the current operational schedule of the humane society. Costs of unreimbursed rabies laboratory procedures that are paid by the Central District Health Department for rabies verification services are also proposed to increase to \$40.00 from the current \$25.00. Approval of this contract is recommended.*

Staff Contact: Doug Walker

## **AGREEMENT**

THIS AGREEMENT is made on \_\_\_\_\_, 2003, by and between the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation, hereinafter referred to as the “City” and THE CENTRAL NEBRASKA HUMANE SOCIETY, INC., a Non-Profit Corporation, hereinafter referred to as the “Humane Society”.

1.     **STATEMENT OF PURPOSE.** The purpose of this Agreement is to set forth the terms and conditions under which the Humane Society shall administer and enforce the ordinances of the City pertaining to animals in accordance with the parties mutual objectives and principles. It is agreed that the welfare of the animals and the protection of the public are the paramount concerns of the parties and that compliance with the law is the primary objective of enforcement. Education of the public is the principal tool to be utilized to accomplish the purposes of this Agreement.

2.     **HUMANE SOCIETY’S DUTIES.** In the performance of this Agreement, the Humane Society shall have the following duties:

a.     The Humane Society shall furnish, maintain and operate an animal shelter with equipment, supplies and facilities to be utilized in connection with the Humane Society’s performance of this Agreement.

b.     The animal shelter shall remain open during all normal business hours of the Humane Society which are hereby defined as Monday through Friday from 10:00 a.m. to 6:00 p.m., and Saturdays from 10:00 a.m. to 2:00 p.m., excluding holidays as observed by the City of Grand Island except those which shall fall on a weekend at which time the shelter shall also be closed on the day of observation by the City as well as the holiday itself. The Humane Society shall maintain its business telephone and records at



the animal shelter and shall provide all services in the ordinary course of business in a courteous and efficient manner

c. The Humane Society shall employ at least three full time officers and provide at least one truck with the intent of staffing the animal shelter and providing services in the administration and enforcement of City Ordinances pertaining to animals within the city limits of Grand Island. at least one Humane Society officer shall be on duty during all business hours of the Humane Society. Humane Society officer hours shall be from April 1 through October 31 of each year, Monday through Friday from 7:00 a.m. until 7:00 p.m., and on Saturday from 8:00 a.m. to 2:00 p.m., and Sunday from 8:00 a.m. to 12:00 noon. Duty hours for November 1 through March 31 shall be Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 2:00 p.m. and Sundays from 8:00 a.m. to 12:00 noon. A Humane Society officer shall be on-call for emergency purposes at all times that the Humane Society officer is not regularly scheduled. The name and telephone number of said on-call officers shall be maintained with the Grand Island Emergency Center.

d. At all times the Humane Society will provide employees and equipment on standby for emergency services such as bite cases, ill/injured animal cases, dangerous or vicious animals as defined by the Grand Island City Code, picking up and transporting animals that have been confined, and bite/rabies investigation.

e. The Humane Society shall investigate during normal business hours complaints concerning violations of the City's Animal Ordinances and shall take such steps as are necessary to administer and enforce said ordinances.

f. During business hours, the Humane Society shall collect and dispose of all dead animals except domestic livestock found upon City streets, alleys, avenues or other property owned by or controlled by the City.

g. During regular business hours and during daylight savings time on-call hours, the Humane Society shall collect and remove domestic animals and animals under 200 pounds found running at large within the corporate limits of the City and return such animals to their owners or impound and care for such animals in a humane manner.

h. The Humane Society shall receive pet license taxes and issue annual pet licenses at the animal shelter pursuant to the City Animal Code or as they may be able to arrange, and shall maintain animal records and pay the expenses in connection with said licensing.

i. The Humane Society shall retain all fees collected from the impounding, boarding, observation, adoption, redemption or sale of animals found within the corporate limits of the City.

j. The Humane Society shall provide adoption services pursuant to its published policies and procedures at the animal shelter.

k. The Humane Society officers shall be empowered to issue warning citations in connection with the performance of their duties and refer complaints and requests for prosecution for violations of the City Animal Code to the City Attorney.

l. The Humane Society shall maintain written policies and procedures with respect to its performance of this Agreement, a current copy of which shall be maintained on file with the City Clerk. A current set of written policies and procedures is attached hereto as Exhibit "A" and made a part hereof by reference. All future amendments to the

written policies and procedures shall be submitted to the Grand Island Mayor for his comment and input at least thirty (30) days prior to implementation except in instances of an emergency.

m. The Humane Society shall maintain a published list of charges for all its services and products; a current copy of which shall be maintained with the City Clerk. A current copy of charges for services and products is attached hereto as Exhibit “B” and made a part hereof by reference. All future amendments to the list of charges shall be submitted to the Mayor for his comment and recommendations at least thirty (30) days prior to their institution except in instances of an emergency.

n. The Humane Society shall collect all fees in connection with its performance of this Agreement, shall maintain complete financial records concerning its receipts and expenditures in connection with the performance of this Agreement and shall provide copies of current financial statements upon request.

o. The Humane Society shall file an annual activity report with the City Clerk concerning its activity in connection with its performance of this Agreement.

p. The Humane Society shall maintain written records of all citizen complaints of significant nature relating to animals and the Humane Society’s operations within the corporate limits of the City. Copies of incident reports shall be sent to the Mayor upon request.

q. The Humane Society shall impound all animals which have bitten or are suspected of biting any person for the number of days required by the City’s ordinances and State Statutes in order that such animal may be observed for rabies. The Humane Society shall report all bites or suspected bites to the Central District Health Department

within five (5) days and shall file copies of any medical reports it receives in connection with bites or suspected bites with the said department. The Central District Health Department of Nebraska shall be the ultimate responsible agency for rabies control. Unreimbursed costs of rabies verification through laboratory procedures shall be paid to the Humane Society by the Health Department following monthly billing, costs to include supplies, postage and handling, not to exceed \$40.00 per incident.

r. The Humane Society shall purchase and maintain during the term of this Agreement or its renewals, insurance providing the following coverage and shall file certificates of insurance with the City Clerk:

(1) Employee's liability and Workmen's Compensation Insurance if required by laws of the State of Nebraska.

(2) Automobile public liability and property damage insurance with minimum limits of \$1,000,000 single limit.

(3) Public liability insurance, including premises insurance for the animal shelter, with minimum limits of \$1,000,000 single limit and the City shall be listed as an additional named insured. Said certificates of insurance shall state that thirty (30) days written notice shall be given to the City before any policy covered thereby is changed or canceled.

3. CITY'S DUTIES. In the performance of this Agreement, the City shall have the following duties:

a. The City shall cooperate with the Humane Society whenever necessary to aid in the enforcement and administration of the City's Animal Ordinances, including law enforcement assistance by the Grand Island Police Department.

b. The Emergency Center will receive telephone calls concerning violations of the City's Animal Ordinances at all times that an animal control officer is not available and in emergencies shall request assistance from Humane Society officers who are on call.

c. During the term of this Agreement or its renewal terms, the City shall pay to the Humane Society the amounts authorized by the Mayor and City Council as shown in its adopted budgeted statements and annual appropriation ordinances. Said amount shall be paid in twelve (12) equal monthly installments beginning in October of each year. The Humane Society shall receive all pet license taxes received in connection with the issuance of annual pet licenses.

d. The City shall sell pet license and receive pet license taxes through its Finance Department, shall transmit to the Humane Society a monthly record of all animals licensed and shall remit to the Humane all pet license taxes collected monthly.

e. The City shall inform the President and Executive Director of the Humane Society within a reasonable time of any complaints received which the Mayor feels need to be followed up on concerning the Humane Society.

f. The Mayor and the City may periodically evaluate the performance of the Humane Society in connection with this Agreement and may inform the City Council, President of the Humane Society and the Executive Director of any criticisms noted in connection with said evaluation within a reasonable time.

g. The City shall inform the Humane Society of any revisions or amendments to the City's Animal Ordinance.

4. FORTHWITH, CONTRACTS WITH OTHER ENTITIES. The Humane Society agrees to refrain from performing the function of animal control or performing the duties set forth in this Agreement for any other jurisdiction or political subdivision until such time as the Humane Society has written agreements with such other entity. The Humane Society shall maintain on file with the Grand Island City Clerk current copies of its written Agreements with other jurisdictions or political subdivisions.

5. TERM OF AGREEMENT. This Agreement shall take effect upon its approval by the City Council and execution by the Mayor and shall continue in full force and effect for a period of one year thereafter. This Agreement shall be automatically renewable for not more than four (4) additional one-year terms. It is specifically agreed and understood that either party shall have the right to terminate this Agreement at any time by giving the other party sixty (60) days written notice in advance of the termination date.

6. ANNUAL PET LICENSE TAXES. The annual pet license taxes shall be established by the Mayor and City Council. All other fees and charges in connection with the performance of this Agreement shall be established by the Humane Society subject to comment and input by the City of Grand Island as set forth herein except in instances of an emergency.

7. PUBLIC EDUCATION AND CONDUCT. The Humane Society and City shall respond and investigate complaints of violations of the Grand Island Animal Ordinance in a courteous and efficient manner and shall endeavor to educate citizens regarding the City's Animal Ordinance, the humane treatment of animals and the reasons for their respective policies and actions in the course of daily contact with the public.

8. CHOICE OF LAWS. This Agreement shall be construed in accordance with the Grand Island City Code and the laws of the State of Nebraska.

9. INDEMNIFICATION. The Humane Society will indemnify and save harmless the City from all demands, claims, causes of action or judgments, and from all expenses that may be incurred in investigating or resisting the same, arising from, or growing out of, any act or neglect of the Society, its contractors, agents or servants in connection with the operation of the shelter or in the performance of related duties. The Humane Society shall fully inform all persons using or being upon the said premises, or dealing thereat, of the non-liability of the City for any act or neglect of the Society by posting an adequate number of notices to that effect in, about, or on said premises.

10. ASSIGNMENT. The Humane Society shall not assign its rights under this Agreement without the expressed prior written consent of the City.

11. INDEPENDENCE OF SOCIETY. The Humane Society, its officers, employees, agents, and volunteers, shall act in an independent capacity during the term of this agreement and not as officers, employees, agents or volunteers of the City.

12. EQUAL EMPLOYMENT AND NON-DISCRIMINATION. The Humane Society is an Equal Opportunity Employer. It is the intent of the Humane Society to provide equal employment opportunity in its employment practices for all persons and will not discriminate on the basis of race, color, religion, sex, age or national origin, or against any qualified handicapped/disabled individual. This same policy of non-discrimination will be practiced throughout the entire Humane Society as pertains to the treatment of its volunteers and in dealing with all customers.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the Humane Society and City notwithstanding any other oral agreements or

understandings to the contrary and may be amended only in writing, approved and executed as required by law.

Attest:

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

\_\_\_\_\_  
RaNae Edwards, City Clerk

By: \_\_\_\_\_  
Jay Vavricek, Mayor

Approved as to form by City Attorney \_\_\_\_\_  
Approved by Resolution 2003- \_\_\_\_\_

Attest:

CENTRAL NEBRASKA HUMANE SOCIETY,  
INC., a Non-Profit Corporation,

\_\_\_\_\_

By: \_\_\_\_\_  
President



**Central Nebraska Humane Society  
City of Grand Island  
Agreement Policies & Procedures**

UNDER NO CIRCUMSTANCES should an ACO's address or phone number be given to any caller. In addition, the address, name and phone number of any complainant should not be given out to anyone other than enforcement officials.

PRIORITY #1 CALLS are responded to by an ACO 24 hours a day. Priority #2 calls are responded to during normal on-duty hours.

CALLS ARE RESPONDED to only within city limits. For calls outside the city limits, callers are directed to the Hall County Sheriff's department. Animal Control will assist the Sheriff's department at their request or respond as detailed in any Humane Society/Hall County agreement.

Humane Society Office Hours	Monday-Friday	10am to 6pm
	Saturday	10am to 2pm
	Sunday	Closed
Animal Control Officer Hours Daylight savings time	Monday-Friday	7am to 7pm
	Saturday	8am to 2pm
	Sunday	8am to 12pm
Central Standard Hours	Monday-Friday	7am to 6pm
	Saturday	8am to 2pm
	Sunday	8am to 12pm

### **Priority #1 Calls**

- Bites
- Vicious Stray or Animal Involved in Bite
- Injured Animal
- Assist Police and/or Fire Department
- Cruelty
- Rabies
- Wildlife removal – skunks and bats only

### **Priority #2 Calls**

- Confined Animal
- At Large
- Stray
- Neglect
- Wildlife removal – excluding skunks and bats
- Dead Domestic animal
- Sanitation
- Lost and Found – only during Humane Society regular office hours
- License and permits, claims, adoptions, surrenders – only during Humane Society Regular office hours

## **BITES – PRIORITY #1**

Bite calls are a Priority #1 for Animal Control to ensure public health and safety.

### **DISPATCH ACTION:**

Animal Control Officers will respond to ALL bite calls at ALL TIMES.

### **INFORMATION NEEDED:**

1. DID THE BITE BREAK THE SKIN?
2. WHAT DATE AND TIME DID THE BITE OCCUR?
3. IS IMMEDIATE MEDICAL ATTENTION NEEDED?
4. WHERE IS THE VICTIM (at home, hospital, etc)?
5. IS TRANSPORTATION AVAILABLE (if required)?
6. WHAT IS THE LOCATION AND DESCRIPTION OF THE ANIMAL?
7. WHAT IS THE NAME AND ADDRESS OF PERSON MAKING THE CALL?
8. IS THE OWNER OF THE ANIMAL KNOWN?
9. WHAT IS THE ANIMAL OWNERS NAME AND ADDRESS?

### **INSTRUCTIONS TO BE GIVEN:**

1. Required medical attention (minor wounds-wash with soap and water for (5) five minutes, contact personal physician)
2. If transportation is required, call ambulance. Animal Control will not transport victims.
3. Inform person calling that Animal Control and/or Police will make contact with victim and witnesses.

**PLEASE NOTE:** Medical attention is very important – washing of injury can limit the infection potential.



## **VICIOUS STRAY OR ANIMAL INVOLVED IN BITE – PRIORITY #1**

This type of call is one where a person spots or has information about a domestic animal that is suspected in a bite case. Individual may be responding to a radio public service announcement requesting information on an animal that was involved in a bite, but could not be located.

**DISPATCH ACTION:** Animal Control Officers will respond to VICIOUS STRAY calls at ALL times.

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. DESCRIPTION OF ANIMAL
3. IS THE ANIMAL STAYING IN THE AREA OR CONFINED
4. WHAT DIRECTION IS THE ANIMAL HEADING
5. WHO IS THE OWNER (sometimes the caller knows)
6. REASON CALLER IS SUSPICIOUS OF THE ANIMAL (a response to a public service lookout for the animal, or the person has seen the animal bite someone.)
7. NAME, ADDRESS & PHONE NUMBER OF THE CALLER

### **INSTRUCTIONS TO BE GIVEN:**

1. Advise the caller to stay away from the animal
2. Advise the caller that an ACO may want to contact them for further information

## **INJURED ANIMAL – PRIORITY #1**

**DISPATCH ACTION:** Animal Control Officer will respond to ALL injured animal calls, including wildlife, at ALL times.

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. TYPE/DESCRIPTION OF ANIMAL
3. IS THE OWNER KNOWN?
4. CAUSE AND EXTENT OF INJURY
5. IS THE ANIMAL SUFFERING?
6. IS THE INJURED ANIMAL CAUSING A TRAFFIC PROBLEM?
7. NAME AND ADDRESS OF CALLER

### **INSTRUCTIONS TO BE GIVEN:**

1. Do not try to move the animal unless necessary. Be careful not to get bitten.
2. If caller is the owner of the injured animal have them call their Veterinarian. If transportation is being requested, the Humane Society will charge a transportation fee.
3. If the injury is from an illegal action (shooting, trap, poison, fighting) have witnesses remain at the scene or get names and addresses.

## **ASSIST POLICE AND/OR FIRE DEPARTMENT – PRIORITY #1**

**DISPATCH ACTION:** Animal Control will respond at all times to a call for assistance from the Police or Fire Departments.

### **INFORMATION NEEDED:**

1. WHY ASSISTANCE IS REQUIRED
2. LOCATION WHERE ASSISTANCE IS NEEDED
3. ANY OTHER PERTINENT INFORMATION - SPECIFIC EQUIPMENT REQUIRED OR SAFETY CONCERNS (HAZARDOUS MATERIAL, WARRANT, ETC)

**PLEASE NOTE:** Animal Control trucks are not equipped with sirens; therefore they must maintain legal speed limits when responding to a call.

## **CRUELTY – PRIORITY #1**

**DISPATCH ACTION:** Animal Control will respond at ALL times to a call about cruelty.

Cruelty generally refers to physical beating, torture, or killing. Cruelty should be occurring at the time of the call. Witnesses must be willing to testify in court.

### **INFORMATION NEEDED:**

1. IS THE ANIMAL IN IMMEDIATE DANGER?
2. DESCRIPTION/TYPE OF ANIMAL
3. LOCATION OF ANIMAL
4. INFORMATION ON OWNER, IF KNOWN
5. WHAT TYPE OF CRUELTY? (WILLFULLY OR MALICIOUSLY)  
BEATING, TORTURE, KILLING, MUTILATING, BURNING
6. INFORMATION ON "ABUSER", IF KNOWN
7. NAME, ADDRESS AND PHONE NUMBER OF WITNESSES



## **RABIES – PRIORITY #1**

Rabies is a viral disease that can infect all mammals. Once rabies develops it is almost always fatal. The rabies virus is transmitted through the saliva of an infected animal, usually during a bite.

**DISPATCH ACTION:** Animal Control will respond to ALL rabies calls at ALL times. These calls will usually be – bites, bat removal (dead and/or alive), and skunk removal (dead and/or alive).

### **INFORMATION NEEDED:**

1. WHY DOES INDIVIDUAL FEEL ANIMAL IS RABID
2. LOCATION OF SUSPECTED RABID ANIMAL
3. DESCRIPTION/LOCATION OF ANIMAL
4. HAS THE ANIMAL COME IN CONTACT WITH A HUMAN OR OTHER ANIMAL
5. NAME, ADDRESS AND PHONE NUMBER OF CALLER
6. NAME AND ADDRESS OF THE OWNER OF THE ANIMAL

### **DIRECTIONS TO BE GIVEN:**

1. AVOID PHYSICAL CONTACT WITH THE ANIMAL
2. INFORM CALLER THAT AN ANIMAL CONTROL OFFICER WILL RESPOND AND WILL SPEAK TO THE CALLER TO GET MORE INFORMATION
3. ANY MEDICAL QUESTIONS SHOULD BE REFERRED TO THEIR DOCTOR

**PLEASE NOTE:** Not all animals “foaming at the mouth” have rabies. This is more often a sign of heat stress, running for a long time, having eaten something and vomited or distemper. Signs of rabies include: Unusual or abnormal behavior for that animal.

## **WILDLIFE REMOVAL – SKUNKS AND BATS ONLY – PRIORITY # 1**

**DISPATCH ACTION:** Animal Control will respond to ALL skunk and bat removal calls at All times. No service fee is collected for bats or skunks.

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. TYPE OF ANIMAL
3. NAME, ADDRESS AND PHONE NUMBER OF CALLER

## **CONFINED ANIMAL – PRIORITY #2**

“Confined” refers to a stray/at-large domestic animal, which has been caught and/or restrained in some way. This includes animals in a trap.

**DISPATCH ACTION:** Animal Control will respond to “confined” calls during normal Animal Control hours. (If the animal is injured or a bite suspect please refer to the appropriate pages).

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. HOW IS ANIMAL CONFINED
3. DESCRIPTION OF ANIMAL
4. IS THE OWNER KNOWN
5. NAME, ADDRESS AND PHONE NUMBER OF CALLER

**PLEASE NOTE:** The complainant must be available to release the animal to the Animal Control Officer.

## **AT-LARGE – PRIORITY #2**

At-large is an animal whose owner is known. In cases where the animal's owner is not known please refer to the page on stray animals.

**DISPATCH ACTION:** Animal Control Officers will respond to At-Large calls only during Animal Control Officers hours. Calls after hours may be referred to the Animal Control Officer the next working day.

### **INFORMATION NEEDED:**

1. NAME, ADDRESS AND PHONE NUMBER OF ANIMAL OWNER
2. LOCATION OF ANIMAL
3. DESCRIPTION OF ANIMAL
4. IS ANIMAL AT-LARGE NOW OR WHEN SEEN LAST



## STRAY – PRIORITY #2

Stray is an animal whose owner is not known. In cases where the animal's owner is known, see at-large animal. For stray animals possibly involved in bites please refer to page for vicious stray or animals involved in bites.

**DISPATCH ACTION:** Animal Control Officers will respond to STRAY calls only during the working hours. Calls after the hours may be referred to the Animal Control Officer for the next working day.

### INFORMATION NEEDED:

1. Location of the animal
2. Description of the animal
3. Is the animal staying in the area
4. What direction is the animal heading
5. Who is the owner (Sometimes the caller knows)

**PLEASE NOTE:** This is sometimes a difficult complaint to resolve. Often the animal is gone by the time the ACO arrives. If the caller feels comfortable with the animal and can confine it that is helpful.

## NEGLECT – PRIORITY #2

Neglect generally refers to lack of food, water, shelter and shade.

**DISPATCH ACTION:** Animal Control will respond during to neglect calls during regular Animal Control Officer hours. Calls after hours may be referred to the Animal Control Officer the next working day. For calls about cruelty or request for Police/Fire Department assistance please refer to those pages.

### INFORMATION NEEDED:

1. IS THE ANIMAL IN IMMEDIATE DANGER
2. DESCRIPTION/TYPE OF ANIMAL
3. LOCATION OF ANIMAL
4. WHAT TYPE OF NEGLECT – FOOD, WATER, SHELTER, SHADE, LEFT IN CAR, FECAL, ETC.
5. INFORMATION ON OWNER, IF KNOWN
6. NAME, ADDRESS AND PHONE NUMBER OF WITNESSES

**PLEASE NOTE:** The Animal Control Officer must be able to see neglect. A warrant for removal is not available after hours.

## **WILDLIFE REMOVAL – PRIORITY #2**

**DISPATCH ACTION:** Animal Control will respond to wildlife calls during regular Animal Control Officer hours. For calls concerning bats and skunks please refer to the page under priority #1. For injured wildlife please refer to the page concerning injured animal in priority #1.

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. TYPE OF ANIMAL
3. NAME, ADDRESS AND PHONE NUMBER OF CALLER

### **INSTRUCTIONS TO BE GIVEN:**

1. AVOID PHYSICAL CONTACT WITH ANIMAL
2. SUGGEST REMOVING PET FOOD, AND REPLACING COVERS ON GARBAGE CANS.
3. DEAD WILDLIFE CAN BE PLACED IN A PLASTIC BAG AND PUT IN THE GARBAGE.
4. DEAD DEER CALLS WILL BE HANDLED DURING REGULAR ANIMAL CONTROL OFFICER HOURS.

**PLEASE NOTE:** Wildlife just "seen" by citizens does not justify removal. Wildlife should be injured or causing damage to the residence.

## **DEAD DOMESTIC ANIMAL – PRIORITY #2**

If the animal is wildlife please refer to the previous page.

**DISPATCH ACTION:** Animal Control will respond to dead domestic animal calls during regular Animal Control Officer Hours. If the animal is owned a service fee will be charged and collected at the time of service. If owner of the animal is not know, Animal Control will pick up at no charge.

### **INFORMATION NEEDED:**

1. LOCATION OF ANIMAL
2. DESCRIPTION/TYPE OF ANIMAL
3. NAME, ADDRESS AND PHONE NUMBER OF OWNER, IF KNOWN

**PLEASE NOTE:** An owner may dispose of an dead domestic animal personally by:

1. PLACING THE ANIMAL IN A PLASTIC BAG AND DISPOSING OF IN THE GARBAGE.
2. TAKING THE ANIMAL TO THE HUMANE SOCIETY FOR A SIMPLE DISPOSAL (landfill) OR A BURIAL (pet cemetery)
3. BURYING ON THEIR PROPERTY UNDER NATURAL GROUND LEVEL WITH TWO FEET OF SOIL.

## **SANITATION**

Sanitation refers to problems caused by animal waste productS, on the owner's property. Other types of sanitation problems are handled by the Central District Health Department.

**DISPATCH ACTION:** Animal Control will respond to sanitation calls during normal Animal Control Officer hours.

**PLEASE NOTE:** Sanitation problems can be a serious health problem or public nuisance involving offensive odors, or attraction of flies, mosquitoes, or other noxious pests.

## **LOST AND FOUND**

Advise caller to contact Humane Society officer (385-5305) during normal office hours

## **LICENSE, CLAIMS, ADOPTIONS and SURRENDERS**

Advise the caller to contact Humane Society (385-5305) during normal office hours.

### **LICENSE REQUIREMENTS:**

1. All dogs and cats 6 months and over within the city limits
2. Proof of current rabies vaccination is required



RESOLUTION 2003-332

WHEREAS, the City is authorized by state law to contract with the Central Nebraska Humane Society, Inc., a non-profit corporation ("Humane Society"), to provide animal code enforcement services; and

WHEREAS, the Humane Society currently provides the City with animal code enforcement services, with such contract due to expire on December 1, 2003; and

WHEREAS, the parties desire to enter into a new contract to continue to perform such animal code enforcement services; and

WHEREAS, the City shall provide funding to the Humane Society in an amount authorized by the Mayor and City Council pursuant to adopted budget statements and annual appropriation ordinances; and

WHEREAS, the City Attorney has reviewed and approved the proposed agreement with the Humane Society.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement between the City and the Central Nebraska Humane Society, Inc., a non-profit corporation, is hereby approved to provide animal code enforcement services within the city limits; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item G17

#### **#2003-333 - Approving Continuation of Water Main District 443 - American Independence Subdivision**

***Background:***

*A request was received from Gary Valasek for creation of a water main district to serve property for the referenced subdivision. The district was created by the City Council to provide water service to Mr. Valasek's property.*

***Discussion:***

*The protest period for the referenced district ended at 5:00 p.m., Thursday, October 30, 2003. Since there is no protest by the owner of record title within the boundaries of Water Main District 443, it may be continued as per Nebraska Statute, 16.667.01, R.R.S. 1943.*

***Recommendation:***

*It is the recommendation of the Utilities Department that Council authorize the department to proceed with preparing plans and the solicitation of bids, so that the district can be constructed.*

***Fiscal Effects:***

*There are sufficient funds allocated in Enterprise Fund 525 for installation of District 443. Upon completion of the district, assessments will be computed.*

***Alternatives:***

*Cancel or revise the district.*

**Staff Contact: Gary R. Mader**

RESOLUTION 2003-333

WHEREAS, Water Main District No. 443 was created by Ordinance No. 8852 on September 23, 2003; and

WHEREAS, notice of the creation of such water district was published in the Grand Island Independent on September 30, 2003, in accordance with the provisions of Section 16-667.01, R.R.S. 1943; and

WHEREAS, Section 16-667.01, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within thirty days from the first publication of said notice written objections to such district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on October 30, 2003, and no protests have been filed against the creation of such district.

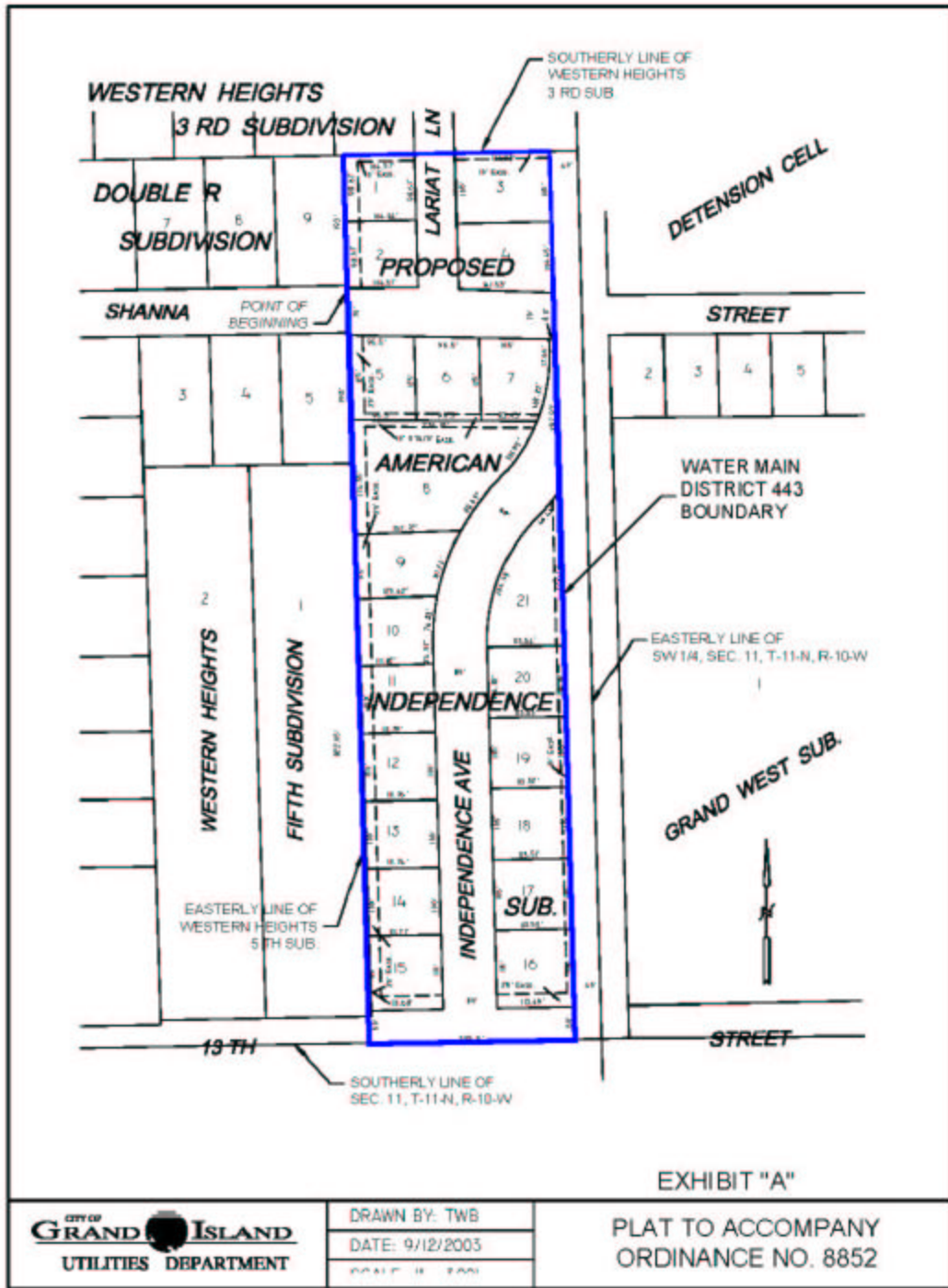
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Water Main District No. 443, therefore such district shall be continued and constructed according to law.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk







# City of Grand Island

Tuesday, November 04, 2003

## Council Session

### Item G18

#### **#2003-334 - Approving Authorization for Negotiating an Agreement with Kirkham Michael and Associates, Inc. for Consulting Services Relative to Water Main Work on Second Street**

##### *Background:*

*The Nebraska Department of Roads (NDOR) is working on a project to improve US Highway 30 through central Grand Island. The NDOR issued a Request for Proposals for Engineering Services for the project, reviewed proposals, conducted interviews, made a selection and negotiated an agreement. Their choice for the project was Kirkham Michael and Associates, Inc. of Omaha, Nebraska. Requests For Proposals are used when the city is looking for Consulting Engineering Firms to perform Professional Services that are over \$10,000. Exceptions to that process must be approved by the council.*

##### *Discussion:*

*The City must perform water main work as part of the project. The plans will be incorporated into the NDOR's plans with work being performed by the contractor that is awarded the project by the NDOR. Staff is requesting authorization to negotiate an Agreement with Kirkham Michael and Associates to design the water main project. Using a different consultant than the NDOR would slow the project considerably and add cost to the project.*

##### *Recommendation:*

*Staff recommends approval of a Resolution designating Kirkham Michael and Associates as a sole source provider for this water main design work under the City code. An agreement will be brought forward for council's consideration at the November 18th regular city council meeting.*

##### *Financial Implications:*

*Sufficient funds are available in the Utilities Budget for the work. The project will reimburse the city for 80% of the non-betterment cost for the work.*

##### *Alternatives:*

*None. Cost savings will be realized by using the same consultant as the NDOR.*

**Staff Contact: Steve Riehle and Gary Mader**

R E S O L U T I O N    2003-334

WHEREAS, the Nebraska Department of Roads (NDOR) is working on a project to improve U.S. Highway 30 through central Grand Island from Grant to Greenwich Streets; and

WHEREAS, after following state procurement procedures, the NDOR entered into a contract with Kirkham Michael and Associates, Inc. of Omaha, Nebraska to provide engineering services for the project; and

WHEREAS, the NDOR informed the City that it must perform water main work on Second Street in order for the NDOR to proceed with the project; and

WHEREAS, due to their familiarity with the project, it would be beneficial for the City to utilize Kirkham Michael and Associates, Inc. to design the water main project on Second Street for the City; and

WHEREAS, it is recommended that negotiations be authorized with Kirkham Michael and Associates, Inc. to perform such work.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that authorization is hereby given to pursue negotiations with Kirkham Michael and Associates, Inc. of Omaha, Nebraska to design the water main project on Second Street for the City in order to allow the Nebraska Department of Roads to proceed with their U.S. Highway 30 improvement project.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 4, 2003.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item H1

### **Request of Grand Island Kennel Club, Inc. 2860 East Bismark Road to be Annexed into the City of Grand Island**

*The Grand Island Kennel Club is requesting that their property be annexed into the City of Grand Island. The Kennel Club is also requesting that city sewer service be extended to the improvements on their property as soon as possible. If the council approves this request for annexation and refers it to the Planning Commission for approval prior to the Council adopting an annexation ordinance then Public Works may begin the process of extending sewer service to the Kennel Club property. A MOTION is in order.*

Staff Contact: Doug Walker & Chad Nabity



# City of Grand Island

Tuesday, November 04, 2003

Council Session

## Item J1

### **Payment of Claims for the Period of October 29, 2003 through November 4, 2003**

*The Claims for the period of October 29, 2003 through November 4, 2003 for a total of \$1,874,481.13. A MOTION is in order.*

Staff Contact: RaNae Edwards