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# City of Grand Island



**Tuesday, August 09, 2005**

## **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:**

**Gary Greer**

### **City Clerk:**

**RaNae Edwards**

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

**Call to Order**

**Invocation - Pastor Scott Friesen, Berean Bible Church, 4116 West Capital Avenue**

**Pledge of Allegiance**

**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.

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## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item C1

**Presentation of the Community Redevelopment Authority (CRA)  
Budget**

Staff Contact: Chad Nabity

## **COMMUNITY REDEVELOPMENT AUTHORITY**

### **2005-2006 ANNUAL BUDGET**

It is my privilege to present to you the budget for the Community Redevelopment Authority for 2005-2006. This plan and budget continues the high-quality services that have enabled the CRA to partner with the City of Grand Island, private developers and businesses, and with property owners in the blighted and substandard areas to make Grand Island vibrant, clean, safe, and attractive.

The CRA budget for 2005-2006 is offered to you with a review of the responsibilities of the CRA. Those responsibilities and abilities are outlined in State Statutes and are summarized, in part, as follows:

The creation of Redevelopment Authorities was authorized by the Nebraska Legislature in order to provide communities with the ability to address certain areas of a city in need of improvement and development. Powers granted to Community Redevelopment Authorities are outlined in Chapter 18 of the Statutes and include the ability to expend funds to acquire substandard or blighted areas, make public improvements, and assist with development and redevelopment projects in specified areas. The Authority has virtually the same powers as any political subdivision, including borrowing money, issuing bonds, undertaking surveys and appraisals and asking for a levy of taxes.

A five-member board, appointed by the Mayor with the approval of the City Council, governs the CRA. The CRA is administered by a Director and devotes the overwhelming share of its resources to highly visible and effective programs. The CRA funds its programs primarily through assessments on taxable properties within the Grand Island city limits.

#### **BLIGHTED AND SUBSTANDARD AREAS**

There are five (5) designated Blighted and Substandard Areas within the Grand Island City Limits. These are contiguous areas that range from the southern city limits along S. Locust Street to Capital Avenue and Sky Park Road near the Central Nebraska Regional Airport. Other areas are also under discussion including portions of north central Grand Island and the areas around Five Points.

#### **CRA GOALS 2005/2006**

This year's CRA Retreat is scheduled for Tuesday the 16<sup>th</sup> of August. Based on the budget as submitted I expect that the primary focus of the CRA will be similar to the activities conducted last year, acquisition and demolition, façade improvement, and other grants or loans to significant projects within the blighted and substandard areas.

## **FISCAL RESOURCES**

### **General Revenues For 2005-2006,**

The CRA is requesting property tax revenues of \$492,540. Historically, the levies and tax asking have been:

<b>2004-2005</b>	<b>2003-2004</b>	<b>2002-2003</b>	<b>2001 -2002</b>	<b>2000-2001</b>
\$0.024287	\$0.025325	\$0.024721	\$0.024721	\$0.024657
\$457,391	\$449,487	\$402,431	\$388,713	\$367,384

At the July 13, 2005 meeting, the Community Redevelopment Authority approved the proposed budget establishing a preliminary request of \$0.024287 for each hundred dollars of valuation for an anticipated \$492,540 based on an estimated taxable valuation of \$2,028,000,000.

### **Program Funding**

The Community Redevelopment Authority has the ability to assist private developers and governmental entities with the commercial, residential or mixed-use redevelopment projects throughout the City. Specific detail on projects is as follows:

- Purchase of Dilapidated Properties/Infrastructure. The 2005-2006 budget includes \$200,000 for the acquisition of substandard properties in the blighted and substandard areas and for the provision of infrastructure. The Authority has indicated an interest in redevelopment of specific areas along the South Locust Street corridor to their “highest and best use” potential.
- Facade Development \$150,000 has been budgeted for the façade development program, including grants and interest buy down these projects are unidentified at this time. This program has been used extensively in the Downtown area but is available to all blighted and substandard areas.
- Other Projects: \$500,000 has been reserved for other projects in the blights and substandard areas. This funding can be assigned to specific projects including but not limited to infrastructure improvements in the blighted and substandard areas that would support larger redevelopment plans.

## **CONCLUSION**

Grand Island has one of the most efficient and progressive Community Redevelopment Authorities across the state. A continued aggressive approach toward redevelopment will be the focus for the CRA in 2005-2006. The investments this community has made in housing, redevelopment efforts, infrastructure and economic development, bode well for the future of the community.

This budget reflects the continued and changing needs of the community. The Community Redevelopment Authority is to be commended for the difference their dedication and vision is making in this community.

**COMMUNITY REDEVELOPMENT AUTHORITY  
FY 2005 - 2006 BUDGET**

<b>CONSOLIDATED</b>	<b>2004 Actual</b>	<b>2005 <u>Revised Budget</u></b>	<b>2005 <u>Projected</u></b>	<b>2006 <u>Budget</u></b>
Beginning Cash	1,159,196	1,110,533	1,110,533	1,023,635
<b>REVENUE:</b>				
Property Taxes	576,254	586,536	580,000	640,864
Loan Proceeds	-			
Interest Income	14,416	10,000	10,000	9,000
Land Sales	-	200,000	13,434	50,000
Other Revenue	-	-	2,710	-
<b>TOTAL REVENUE</b>	<b>590,670</b>	<b>796,536</b>	<b>606,144</b>	<b>699,864</b>
<b>TOTAL RESOURCES</b>	<b>1,749,866</b>	<b>1,907,069</b>	<b>1,716,677</b>	<b>1,723,499</b>
<b>EXPENSES</b>				
Auditing & Accounting	12,750	12,000	5,825	8,000
Legal Services	7,599	5,000	7,000	10,000
Consulting Services	1,250	15,000	10,000	15,000
Contract Services	26,323	100,000	30,000	50,000
Printing & Binding	984	1,500	1,000	1,500
Other Professional Services	3,250	5,000	2,000	5,000
General Liability Insurance	-	4,000	-	-
Matching Grant	-	-	-	-
Legal Notices	314	500	700	1,000
Licenses & Fees	62	-	-	-
Travel & Training	-	1,500	-	1,500
Other Expenditures	149,008	500	200	500
Office Supplies	292	1,500	500	750
Supplies	-	500	150	500
Land	-	250,000	90,000	200,000
Façade Improvement	221,655	300,000	151,000	150,000
South Locust	12,000	150,000	150,000	150,000
Alleyway Improvement	7,674	-	-	-
Other Projects	59,276	200,000	100,000	500,000
Bond Principal	62,450	71,993	71,993	71,993
Bond Interest	74,446	72,674	72,674	72,674
<b>TOTAL EXPENSES</b>	<b>639,333</b>	<b>1,191,667</b>	<b>693,042</b>	<b>1,238,417</b>
<b>INCREASE(DECREASE) IN CASH</b>	<b>(48,663)</b>	<b>(395,131)</b>	<b>(86,898)</b>	<b>(538,553)</b>
<b>ENDING CASH</b>	<b>1,110,533</b>	<b>715,402</b>	<b>1,023,635</b>	<b>485,082</b>
<b>LESS COMMITMENTS</b>			-	-
<b>AVAILABLE CASH</b>	<b>1,110,533</b>	<b>715,402</b>	<b>1,023,635</b>	<b>485,082</b>
<b>CHECKING</b>	<b>639,382</b>	<b>715,402</b>	<b>343,635</b>	<b>485,082</b>
<b>INVESTMENTS</b>	<b>471,151</b>	<b>-</b>	<b>680,000</b>	<b>-</b>
<b>Total Cash</b>	<b>1,110,533</b>	<b>715,402</b>	<b>1,023,635</b>	<b>485,082</b>

COMMUNITY REDEVELOPMENT AUTHORITY  
FY 2005 - 2006 BUDGET

	<b>2004</b>	<b>2005</b>	<b>2005</b>	<b>2006</b>
	<b>Actual</b>	<b><u>Revised Budget</u></b>	<b><u>Projected</u></b>	<b><u>Budget</u></b>
<b>CRA</b>				
<b>GENERAL OPERATIONS:</b>				
Property Taxes	440,206	457,391	453,000	492,540
Interest Income	14,173	10,000	9,810	9,000
Land Sales	-	200,000	13,434	50,000
Other Revenue	-	-	976	
<b>TOTAL</b>	<b>454,379</b>	<b>667,391</b>	<b>477,220</b>	<b>551,540</b>
<b>GILI TRUST</b>				
Property Taxes	68,189	65,761	65,000	65,780
Interest Income	-		-	
Other Revenue	-			
<b>TOTAL</b>	<b>68,189</b>	<b>65,761</b>	<b>65,000</b>	<b>65,780</b>
<b>CHERRY PARK LTD II</b>				
Property Taxes	64,425	59,181	58,000	59,180
Interest Income	216	-	125	-
Other Revenue				
<b>TOTAL</b>	<b>64,641</b>	<b>59,181</b>	<b>58,125</b>	<b>59,180</b>
<b>GENTLE DENTAL</b>				
Property Taxes	3,433	4,203	4,000	4,202
Interest Income	28	0	20	-
Other Revenue			1,734	
<b>TOTAL</b>	<b>3,461</b>	<b>4,203</b>	<b>5,754</b>	<b>4,202</b>
<b>PROCON TIF</b>				
Property Taxes				19,162
Loan Proceeds	-			
Interest Income			45	
Other Revenue				
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>45</b>	<b>19,162</b>
<b>TOTAL REVENUE</b>	<b>590,670</b>	<b>796,536</b>	<b>606,144</b>	<b>699,864</b>

**COMMUNITY REDEVELOPMENT AUTHORITY  
FY 2005 - 2006 BUDGET**

	<b>2004 Actual</b>	<b>2005 <u>Revised Budget</u></b>	<b>2005 <u>Projected</u></b>	<b>2006 <u>Budget</u></b>
<b>EXPENSES</b>				
<b>CRA</b>				
<b>GENERAL OPERATIONS:</b>				
Auditing & Accounting	12,750	12,000	5,825	8,000
Legal Services	2,599	5,000	7,000	10,000
Consulting Services	1,250	15,000	10,000	15,000
Contract Services	26,323	100,000	30,000	50,000
Printing & Binding	984	1,500	1,000	1,500
Other Professional Services	3,250	5,000	2,000	5,000
General Liability Insurance		4,000		-
Matching Grant		-		
Legal Notices	314	500	700	1,000
Licenses & Fees				
Travel & Training	-	1,500		1,500
Other Expenditures	25	500	200	500
Office Supplies	292	1,500	500	750
Supplies		500	150	500
Land		250,000	90,000	200,000
				-
<b>PROJECTS</b>				
Façade Improvement	221,655	300,000	151,000	150,000
South Locust	12,000	150,000	150,000	150,000
Alleyway Improvement	7,674	-	0	
Other Projects	59,276	200,000	100,000	500,000
<b>TOTAL CRA EXPENSES</b>	<b>348,392</b>	<b>1,047,000</b>	<b>548,375</b>	<b>1,093,750</b>
<b>GILI TRUST</b>				
Bond Principal	34,470	37,279	37,279	37,279
Bond Interest	31,310	28,501	28,501	28,501
<b>TOTAL GILI EXPENSES</b>	<b>65,780</b>	<b>65,780</b>	<b>65,780</b>	<b>65,780</b>
<b>CHERRY PARK LTD II</b>				
Bond Principal	27,177	29,322	29,322	29,322
Bond Interest	32,003	29,858	29,858	29,858
<b>TOTAL CHERRY PARK EXPENSES</b>	<b>59,180</b>	<b>59,180</b>	<b>59,180</b>	<b>59,180</b>
<b>GENTLE DENTAL</b>				
Legal Services	-	-		
Bond Principal	803	1,735	1,735	1,735
Bond Interest	2,596	2,467	2,467	2,467
<b>TOTAL GENTLE DENTAL</b>	<b>3,399</b>	<b>4,202</b>	<b>4,202</b>	<b>4,202</b>
<b>PROCON TIF</b>				
Legal Services	5,000		-	
Licenses & Fees	61		-	
Other Expenditures	148,983		-	
Bond Principal		3,657	3,657	3,657
Bond Interest	8,538	11,848	11,848	11,848
<b>TOTAL PROCON TIF</b>	<b>162,582</b>	<b>15,505</b>	<b>15,505</b>	<b>15,505</b>
<b>TOTAL EXPENSES</b>	<b>639,333</b>	<b>1,191,667</b>	<b>693,042</b>	<b>1,238,417</b>





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E1

**Public Hearing on Proposed FY 2005-2006 City Single Budget**

Staff Contact: Gary Greer

# Council Agenda Memo

**From:** Gary D. Greer, City Administrator

**Meeting:** August 9, 2005

**Subject:** Public Hearing and Approval of FY 2004-05 Budget

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

**Presenter(s):** Gary D. Greer, City Administrator  
David Sprinter, Finance Director

## Background

The budget process for the City of Grand Island is approximately a six month process that commences in April with internal budget compilation to approval of the final budget in September. Over the last few months several milestones have taken place. Following are accomplishments that have occurred:

- Outside agencies were asked to and submitted their budget requests
- Departments reviewed their current budgets and submitted requests for next year
- All departments were asked to further reduce their current year budget by 3%
- Request were reviewed with each Department by the City Administrator
- 2005-06 budgets were adjusted to ensure efficiency and effectiveness
- Board review and approval took place for Business Improvement Districts, CRA, and Solid Waste Agency
- On July 19<sup>th</sup>, the City Council conducted a Study Session to review the proposed Fee Schedule, FTE Schedule and funding for Outside Agencies
- On July 26<sup>th</sup>, the City Council:
  - \*Conducted a public hearing and approved the Solid Waste Agency Budget
  - \*Approved the budgets for Business Improvement Districts #3, #4, and #5
  - \*Approved the FY 2005-06 User Fee Schedule

## Discussion

The August 9<sup>th</sup> Council Meeting is another important milestone in the budget process. At the meeting the City Council is asked to conduct a public hearing on the proposed budget to allow for public input. Before the public hearing, City Administration will present the highlights of the proposed budget in order to provide a starting point for public input. The

public hearing will be followed up with a Special Budget meeting on August 10, 2005 where the Council will be able to ask questions and respond to information concerning the proposed budget and public input. At the August 10<sup>th</sup> meeting, the Council will be asked to make determination on the budget or set further meetings to move toward determination.

Future steps concerning the budget include:

- |                    |  |
|--------------------|--|
| August 23, 2005    | Set Business Improvement District Assessments<br>Approve levies City, Parking District #1 and CRA<br>Adopt budget and approve lid limit increase   |
| September 13, 2005 | Establish several property tax requests<br>Establish Parking District #1 occupation tax request<br>Establish Parking District #2 property tax request<br>Board of Equalization for BID's |
| September 20, 2005 | Submit Budget to State Auditor   |

### **Recommendation**

The Council is asked to conduct the public hearing and take information from the citizens. After conducting the hearing, it is recommended that the City Council take the information under advisement for further discussion at the August 10<sup>th</sup> Special Budget Session.

The budget transmittal letter and a "Budget in Brief" document are attached to aid in the discussion and process. Additionally, the Council has been provided a draft document of the budget on July 29, 2005. If any further information is needed please contact City Administration.



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E2

**Public Hearing on Request of Larry Knuth for Conditional Use Permit for a Sand and Gravel Operation Located at 3554 West Wildwood**

Staff Contact: Craig Lewis

## **Council Agenda Memo**

**From :** Craig A. Lewis, Building Department Director

**Meeting:** August 2, 2005

**Subject:** Public Hearing on Request of Larry & Karen Knuth for a Conditional Use Permit to Allow for the Expansion of an Existing Sand and Gravel Pumping Operation at 3301 W. Schimmer Drive to Expand onto their Property at 3554 Wildwood Drive, Grand Island, NE

**Item #'s:** E-2 & G-4

**Presenter:** Craig Lewis, Building Department Director

### **Background**

This request is for council approval to allow for the expansion of an existing operation of sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, TA or transitional agriculture does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved by the City Council.

The original operation has been in existence at the current location since 1999 and has received subsequent approvals that would expire on February 10, 2014.

### **Discussion**

Sand and gravel operations have been a part of Grand Island and the surrounding areas for a long time, as residential development continues to expand and the two uses become closer neighbors more conditions need to be implemented to assure a compatible existence for both uses.

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

**1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate

materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.

**2). CLOSURE:** A statement of the proposed use of the property after the closing of the sand and gravel operation has been provided along with the application.

**3). PRIMARY CONDITIONS: (a).** The permit shall be granted for a period not to exceed 3 years with the possibility of renewal for an additional time at the end of the 3 year period.

**(b).** Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet south of the base of the north Central Platte Natural Resources District Wood River Diversion Channel Levee shall be maintained and a setback of 100 feet north of the south Central Platte Natural Resources District Wood River Diversion Channel Levee shall be maintained between the pumping operations.

**(c).** Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition.

**(d).** Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

**(e).** Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations.

**(f).** All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

**(g).** No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

**(h).** Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

**(i).** Applicant shall maintain any and all drainage ditches that may be located upon the real property.

**(j).** Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

**(k).** All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

**(l).** Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing.

Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

## **ALTERNATIVES**

It appears the Council has the following alternatives concerning the issue.

1. Approve the request with the proposed conditions.
2. Deny the request.
3. Approve the request with additional or revised conditions.

## **RECOMMENDATION**

Approve the request with the identified conditions presented by City Administration

## **SAMPLE MOTION**

Motion to approve the conditional use with the condition identified by the City Administration, published in the Council packet and presented at the Council meeting.

Schlimmer Dr.

EXISTING PUMPINGS

Proposed Level 8 SUTBACK

Level 8 SUTBACK

WEST DIVERSION CHANNEL CONFLUENCE WITH WOOD RIVER STA. 094+17.07

3554 WILLOWWOOD DRIVE

KNIGHT

102' A 1/4" H

- NOTES:
- SEE RIGHT OF WAY DRAWINGS SHEETS 0-41, 0-42, 0-43 FOR CONSTRUCTION EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS.
  - THE QUANTITY OF FILLING SHALL BE REMOVED AND REPAIRED EXISTING NECESSARY TO COMPLETE PROJECT. FILLING REMOVED IN ACCORDANCE WITH DETAILS ON SHEET 0-7 AND SPECIFICATION SHEET 0-11.
  - THE CONTRACTOR SHALL INSTALL A NEW SLOPE OF DOUBLE GRADE OVER EXISTING GRADE. THE EXISTING GRADE SHALL BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE AND SHALL BE REPAIRED TO ORIGINAL GRADE. THE CONTRACTOR SHALL VERIFY THE QUANTITY OF FILLING REMOVED AND ON-FIELD DISPOSITION. ON-BIDDING PROPOSERS SHALL:
  - THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE CONCRETE AND FIELD OBSERVATION LOCATION. SHALL NOT BE SHOWN IN THE CONCEPT DRAWINGS.

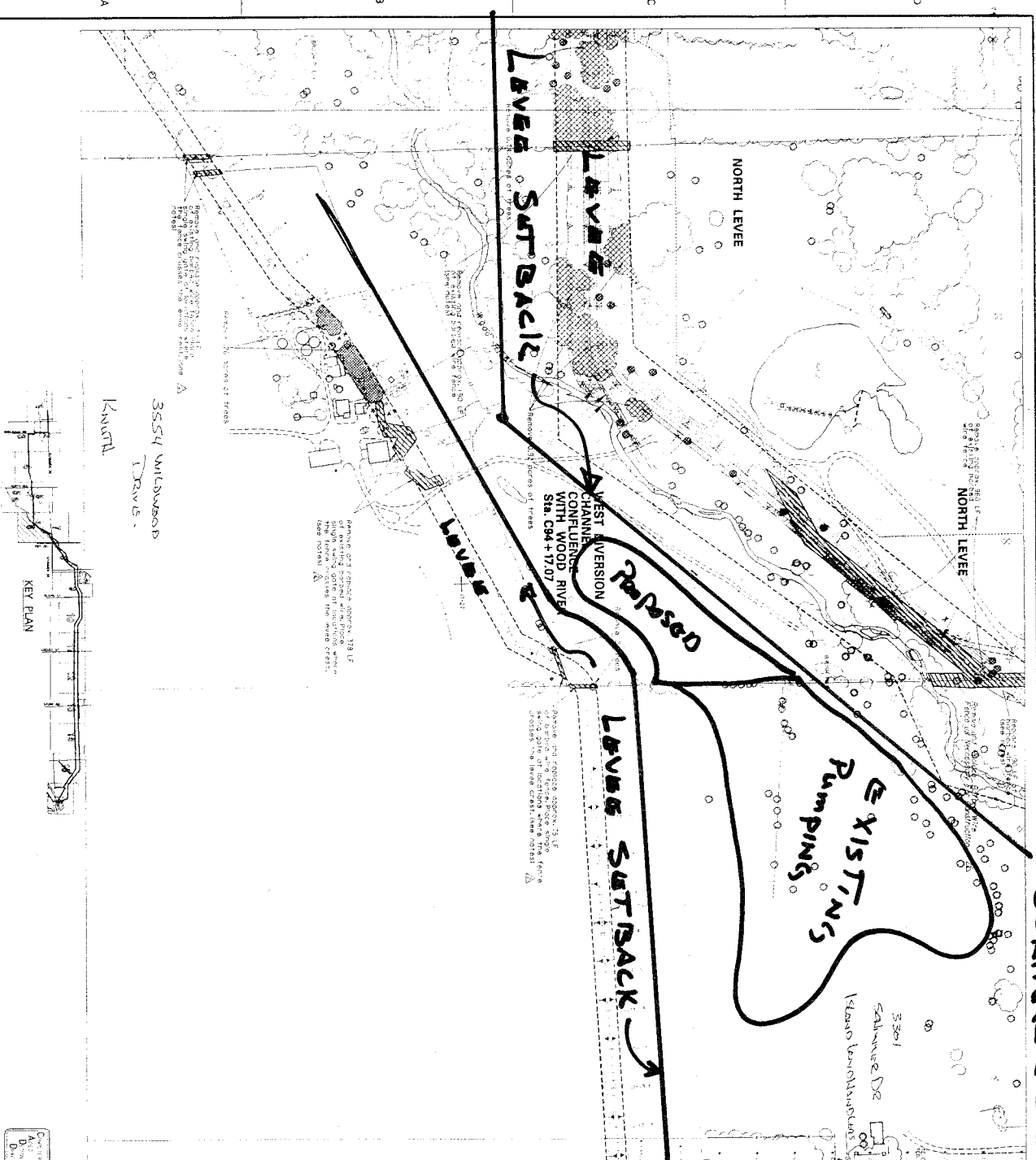
LEGEND:

- REMOVE BARBED WIRE FENCE
- REMOVE TREES AND BRUSH
- REMOVE 3" GRAVEL SURFACE
- REMOVE 6" CONCRETE PAD
- REMOVE TREE

SCALE: 1 INCH = 100 FEET

\$5 - THINK VALUE ENGINEERING - \$5

<p>DESIGNER: GRAND ISLAND, NEBRASKA</p> <p>PROJECT: WOOD RIVER FLOOD PROTECTION REMOVAL PLAN AREA 8</p> <p>DATE: MARCH 2012</p> <p>PROJECT NO: PRR2-220E</p> <p>SCALE: 1 INCH = 100 FEET</p>	
<p>DESIGNED BY: CMC</p> <p>CHECKED BY: RBP</p> <p>DATE: 03-28-12</p>	<p>CONSTRUCTION EASEMENT</p> <p>TEMPORARY CONSTRUCTION EASEMENT</p>
<p>PROJECT NO: PRR2-220E</p> <p>DATE: MARCH 2012</p> <p>SCALE: 1 INCH = 100 FEET</p>	<p>PROJECT NO: PRR2-220E</p> <p>DATE: MARCH 2012</p> <p>SCALE: 1 INCH = 100 FEET</p>







# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E3

**Public Hearing on Change of Zoning for Lot 1, Crane Valley 7th  
Subdivision from RD Residential Development to B2 General  
Business**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Change of Zoning  
**Item #'s:** E-3 & F-1  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

Change of Zoning for lot 1 Crane Valley 7<sup>th</sup> Subdivision from RD Residential Development to B2 General Business.

## Discussion

The developer proposed to build eight apartment buildings with eight dwelling units in each building on this site (64 units total). This was approved in March of 2003. The RD zone requires that construction begin within 18 months of approval unless the developer has requested a six month extension. As construction on these apartments has not begun it is appropriate for the planning commission and council to reconsider this proposal and return the zoning to B2-General Commercial. The developer has not requested a six month extension and this project was approved more than 24 months ago.

## Alternatives

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

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

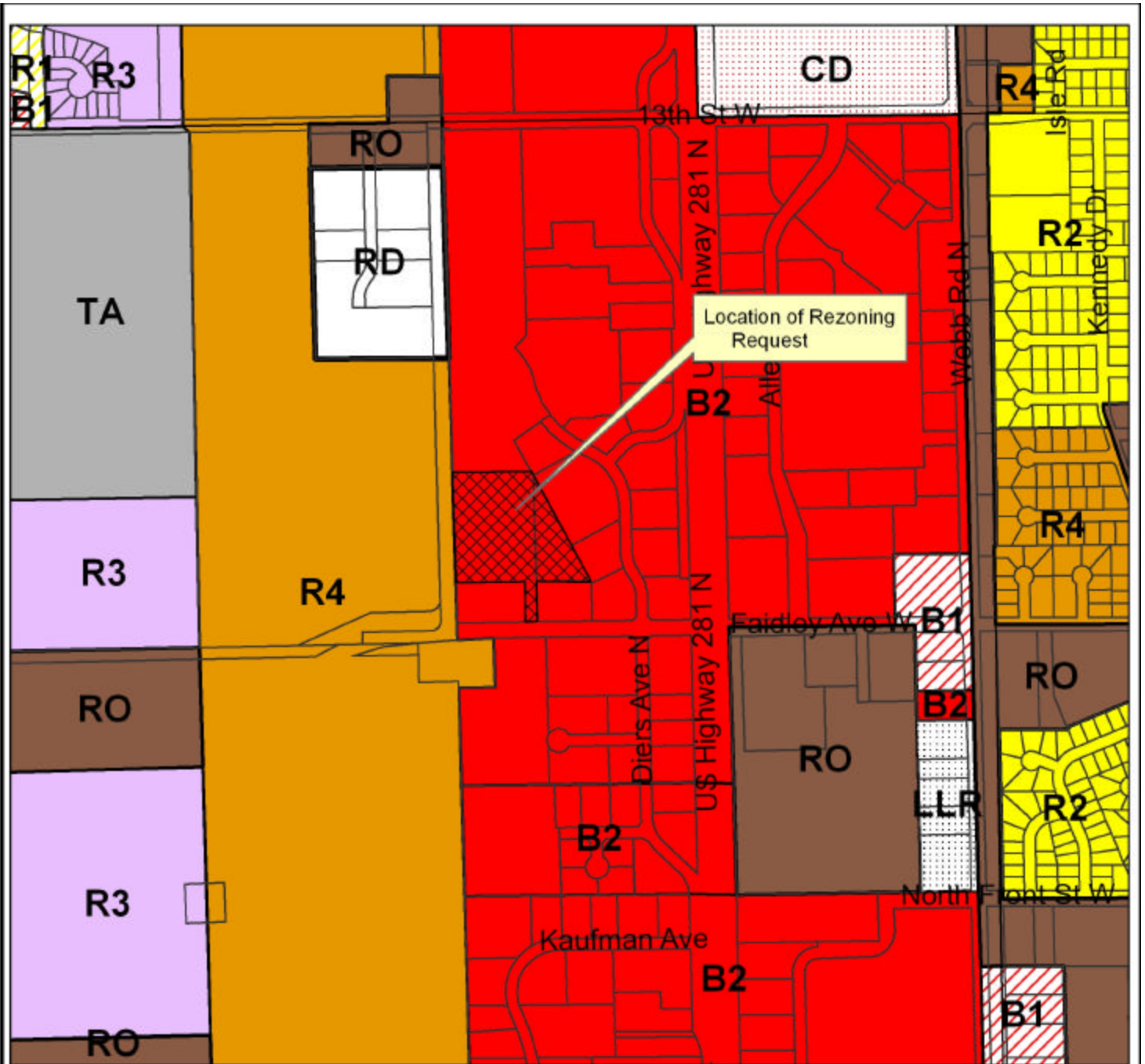
## Recommendation

A motion was made by Haskins 2<sup>nd</sup> by Eriksen to approve and recommend that the City of Grand Island **approve** this change of zoning and as presented.

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



## Sample Motion

Approve the change of zoning as Submitted.



# Requested Zoning

C-29-2005GI

-  From RD : Residential Development Zone
-  To : B2 : General Business Zone





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E4

**Public Hearing on Change to Development Agreement for Via  
Milano Subdivision Relative to Distance Between Buildings on  
Adjacent Lots and Infringements into the Easements and Outlots**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Change to Development agreement for Via Milano  
**Item #'s:** E-4 & G-5  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

Amendment to the Subdivision Agreement for the Via Milano Residential Development zone located South of Capital Avenue, and West of Hancock Avenue.

## Discussion

As construction started in this subdivision the Grand Island Building Department brought up some issues with the conditions of development as they were approved. The attached amendments are designed to clarify the rights and responsibilities of all parties with respect to this development.

This will not allow any additional or different types of development on this property.

## Alternatives

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

1. Approve the amendment to the Subdivision Agreement as presented
2. Modify the amendment to the Subdivision Agreement to meet the wishes of the Council
3. Table the issue

## Recommendation

A motion was made by Ruge 2<sup>nd</sup> by Miller to approve and recommend that the City of Grand Island **approve** this modification to the Development Agreement and as presented.

A roll call vote was taken and the motion passed with 8 members present (Haskins, Reynolds, O'Neill, Miller, Eriksen, Ruge, Hayes, Wagoner) voting in favor, and 1 member abstaining (Amick).

## Sample Motion

Approve the amendment to the Subdivision Agreement as Submitted.

## **Proposed Amendments to Via Milano Subdivision Agreement**

9. **Design and Construction.** No building shall be constructed within the Subdivision except within the Building Envelope Areas as defined on the Development Plan (Exhibit "A"). The subdivider shall be granted a license agreement by the City of Grand Island to allow eaves from structures to cross into a utility easement up to 1 foot if such easement is on the same lot as the building. No buildings on adjoining lots shall be built closer than 10 feet from one another regardless of distance from the lot line. The buildings to be constructed (typical elevations shown on Exhibit "C" attached hereto and incorporated herein by this reference) shall be designed so that the exterior of such building shall be architecturally and aesthetically compatible in material and color. The design and construction shall be in conformity with sound architectural and engineering standards. No portion of any building constructed (including architectural features) shall exceed a height of 35 feet above the center of the intersection of Capital Avenue and Hancock Avenue.

10. **Outlot A.** Uses on Outlot A shall be limited to drainage, utilities, landscaping and paved driving surfaces, pedestrian walkways and patios as identified in the Development Plan. Patios shall be screened with a six (6) foot high privacy fence if they reduce the landscaped area of Outlot A to less than thirty (30) feet from an adjoining property line on the exterior of this subdivision. Eaves from adjoining buildings may extend no more than 2 feet into Outlot A.



Proposed  
Via Milano Sub.

Capital Ave W

Cottage St

St. James Pl

Via Trivoli

Forrest St

Sheridan Ave

Sherman Blvd

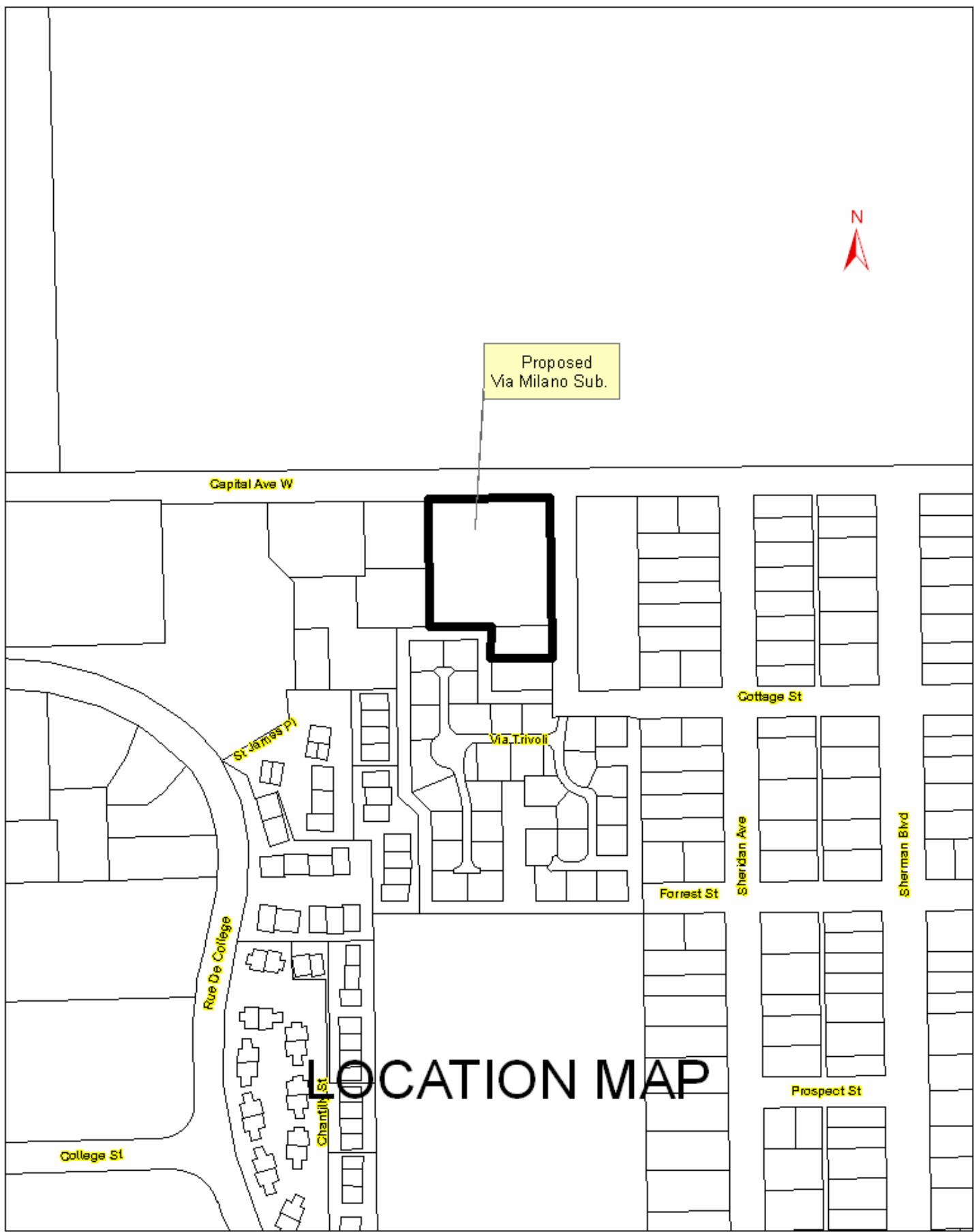
Rue De College

Chamilly St

Prospect St

College St

# LOCATION MAP





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E5

**Public Hearing on Amendments to Chapter 36 of the Grand Island  
City Code Relative to Massage Therapy**

Staff Contact: Chad Nabity



# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Amendments to Chapter 36 Zoning Regulations  
**Item #'s:** E-5 & F-2  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

The City of Grand Island adopted new zoning regulations in July 2004. The changes proposed here pertain to the Home Occupation Standards. A copy of the proposed changes is attached.

This request was brought forward at the request of Ms. Kristi Comer a Licensed Massage Therapist. A copy of her request is attached.

## **Discussion**

The planning staff recommended against the change for the reason outlined in the attached memo to the planning commission. The planning commission has recommended that no change be made to the regulations.

The following testimony was offered during the public hearing before the planning commission:

Kristi Comer said she follows the stringent laws the state has regarding massage therapy, and she only treats five or fewer clients a day with a half-hour between sessions. She said she has great concerns with noise, air pollution, cleanliness and temperature control in areas that are zoned business and commercial.

Sandra Kealy said she is a licensed massage therapist in Hawaii, and runs her business out of her home. She said this is an allowable home occupation in the state of Hawaii, and it offers her clients a more personal setting.

## **Alternatives**

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

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

## **Recommendation**

A motion was made by Amick 2<sup>nd</sup> by Miller that no change be made to Chapter 36 Zoning Regulations and that the City of Grand Island make no change to Chapter 36 Zoning Regulations.

A roll call vote was taken and the motion passed with 7 members present (Amick, Haskins, O'Neill, Miller, Eriksen, Ruge, Hayes) voting in favor of the motion and 2 members (Wagoner, Reynolds) voting against the motion.

## **Sample Motion**

Approve the changes to Chapter 36 of the Grand Island City Code as Submitted. Both planning commission and staff are recommending that this motion not pass.

**PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:**

June 21, 2005

**SUBJECT:**

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the Home Occupation Standards, §36-99 (D) (C-31-2005GI)*

**PROPOSAL:**

The City of Grand Island adopted new zoning regulations in July 2004 and amended those regulations in May of 2005. The changes proposed here were requested by Kristi Comer of 3112 Brentwood Circle. All areas with changes are highlighted. Additions are *italicized and underlined* and deletions are in ~~strike out~~.

**§36-99. Home Occupations**

The following are the minimum standards required for a Home Occupation:

(A) There shall be no external or externally visible evidence of the home occupation, business or profession whatsoever. There shall be no signage or advertising, linking the residential property with the home occupation.

(B) No more than 25% of the floor area of any one story can be used for the home occupation

(C) There shall be no machinery other than that normally found in a home

(D) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time and, massage therapy may be performed on one client at a time, and cultural, art, or dance instruction may be given to four pupils at one time

(E) No one other than the resident(s) can work from that site

(F) No retail sales are permitted from the site other than incidental sales related to services provided

(G) No exterior storage (including storage within detached buildings/garage) is permitted

(H) No offensive noise, vibration, smoke, odor, heat or glare shall be noticeable at or beyond the property line

(I) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902.

Amended by Ord. No. 8947, effective 1-5-2005

**OVERVIEW:**

Ms. Comer has requested that massage therapy with customer contact be allowed as a home based business. Most home based businesses do not allow customers to visit the residence of the business owner. This would be true for architects, lawyers, tax preparation professional and similar occupations.

An exception is made for piano teachers and persons teaching cultural arts. Ms. Comer is asking for a similar exception for persons conducting massage therapy. If approved as proposed this would expand the type of client contact allowed in home based businesses.

The current regulations do not allow other personal services to be conducted within a home. It is not legal to open a: barbershop, beauty or nail salon, pet grooming salon, legal office, insurance office, accountant's office, doctor's office or any other office that includes personal contact with customers at the home of the business owners in a residential zoning district. The planning and building departments often get questions from doctors (psychiatrists or psychologists usually) that would like to open a practice in a residential setting. Any of these can be run from a home provided the business owner travels to the clients home or some other site to conduct business or provided that the service can be provided remotely by telephone, fax, mail or electronic means.

The primary purpose of limiting client contact with regard to these businesses is to discourage non-residential traffic and visitors from entering residential neighborhoods. Other concerns include parity between business owners. Owners of businesses located within the commercial and industrial zones maintain both their business property and their residential property. Another option for people who want to run this type of business from their home is to buy a home in a commercial district. The RO, B1, B2, B3 and M3 zones all allow both commercial and residential uses. It is permissible in these districts to live in one portion of the house and conduct business including client or customer contact in another portion.

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **not approve** the changes to the Grand Island Zoning Ordinance as requested.

\_\_\_\_\_ Chad Nability AICP, Planning Director

## *Massage Benefits*

*Kristi D. Comer, L.M.T., NCTMB*

January 3, 2005

City of Grand Island Zoning  
Attention: Chad Nabity  
100 E 1<sup>st</sup> Street  
Grand Island, NE 68801

To the City of Grand Island Zoning Committee;

I am a massage therapist licensed by the State of Nebraska, license #1529. My husband and I purchased a home in Grand Island and have been residents at 3112 Brentwood Circle for the past 2 ½ years. I applied for an establishment license with the State of Nebraska and the house has been approved by them, but they asked to see the zoning code, which turned out to be R-1 zoning. After reviewing the zoning ordinance for R-1, it appears that piano lessons, dance lessons and swim lessons are ok. The State of Nebraska informed me that I could ask for a variance to the City's ordinance. I am requesting of your committee to approve the word "massage" to be included in the R-1 ordinance, along with the above occupations, so I can have my business at the above location.

There would be only one client at any given time, which would mean only one vehicle at any one give time sitting in our drive. I want to comply completely with all laws and ordinances both City and State and that is the purpose of this letter. Please call me at 308-398-0385 if there are any other questions that you may want to ask of me.

Thank you for your consideration to this matter.

Sincerely,

*Kristi D. Comer, L.M.T.*

Kristi D. Comer, L.M.T.

## Agenda Item #7

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

June 21, 2005

### SUBJECT:

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the Home Occupation Standards, §36-99 (D) (C-31-2005GI)*

### PROPOSAL:

The City of Grand Island adopted new zoning regulations in July 2004 and amended those regulations in May of 2005. The changes proposed here were requested by Kristi Comer of 3112 Brentwood Circle. All areas with changes are highlighted. Additions are *italicized and underlined* and deletions are in ~~strike out~~.

#### **§36-99. Home Occupations**

The following are the minimum standards required for a Home Occupation:

(A) There shall be no external or externally visible evidence of the home occupation, business or profession whatsoever. There shall be no signage or advertising, linking the residential property with the home occupation.

(B) No more than 25% of the floor area of any one story can be used for the home occupation

(C) There shall be no machinery other than that normally found in a home

(D) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time and, massage therapy may be performed on one client at a time, and cultural, art, or dance instruction may be given to four pupils at one time

(E) No one other than the resident(s) can work from that site

(F) No retail sales are permitted from the site other than incidental sales related to services provided

(G) No exterior storage (including storage within detached buildings/garage) is permitted

(H) No offensive noise, vibration, smoke, odor, heat or glare shall be noticeable at or beyond the property line

(I) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902.

Amended by Ord. No. 8947, effective 1-5-2005

### OVERVIEW:

Ms. Comer has requested that massage therapy with customer contact be allowed as a home based business. Most home based businesses do not allow customers to visit the residence of the business owner. This would be true for architects, lawyers, tax preparation professional and similar occupations.

An exception is made for piano teachers and persons teaching cultural arts. Ms. Comer is asking for a similar exception for persons conducting massage therapy. If approved as proposed this would expand the type of client contact allowed in home based businesses.

The current regulations do not allow other personal services to be conducted within a home. It is not legal to open a: barbershop, beauty or nail salon, pet grooming salon, legal office, insurance office, accountant's office, doctor's office or any other office that includes personal contact with customers at the home of the business owners in a residential zoning district. The planning and building departments often get questions from doctors (psychiatrists or psychologists usually) that would like to open a practice in a residential setting. Any of these can be run from a home provided the business owner travels to the clients home or some other site to conduct business or provided that the service can be provided remotely by telephone, fax, mail or electronic means.

The primary purpose of limiting client contact with regard to these businesses is to discourage non-residential traffic and visitors from entering residential neighborhoods. Other concerns include parity between business owners. Owners of businesses located within the commercial and industrial zones maintain both their business property and their residential property. Another option for people who want to run this type of business from their home is to buy a home in a commercial district. The RO, B1, B2, B3 and M3 zones all allow both commercial and residential uses. It is permissible in these districts to live in one portion of the house and conduct business including client or customer contact in another portion.

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **not approve** the changes to the Grand Island Zoning Ordinance as requested.

\_\_\_\_\_ Chad Nabity AICP, Planning Director



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item F1

**#8994 - Approving Change of Zoning for Lot 1, Crane Valley 7th  
Subdivision from RD Residential Development to B2 General  
Business**

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

Staff Contact: Chad Nabity



ORDINANCE NO. 8994

An ordinance to rezone a certain tract of land within the zoning jurisdiction of the City of Grand Island; to revert the land use classification of a tract of land all of Lot One (1), Crane Valley 7<sup>th</sup> Subdivision in the City of Grand Island, Hall County, Nebraska, from RD-Residential Development Zone to B2-General Business Zone; to direct that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; to amend the provisions of Section 36-44 of the Grand Island City Code; and to provide for publication and the effective date of this ordinance.

WHEREAS, the above property was rezoned from B2-General Business to RD-Residential Development Zone by Ordinance No. 8800, enacted on March 18, 2003 for development as Crane Valley 7<sup>th</sup> Subdivision; and

WHEREAS, over 18 months have elapsed after City Council approval of such zoning change; and

WHEREAS, the construction of footings and foundations for such project has not been completed; and

WHEREAS, Grand Island City Code Section 36-78 requires that upon failure to complete such construction within eighteen (18) months, the entire property shall revert to its former zoning classification; and

WHEREAS, the Regional Planning Commission on July 6, 2005, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the appropriate Board of Education for such area; and

ORDINANCE NO. 8994 (Cont.)

WHEREAS, after public hearing on August 9, 2005, the City Council found and determined that the change in zoning be approved and made.

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

SECTION 1. A tract of land comprising all of Lot One (1), Crane Valley 7<sup>th</sup> Subdivision in the City of Grand Island, Hall County, Nebraska, is hereby reverted and reclassified from RD-Residential Development Zone to B2-General Business Zone classification.

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-44 of the Grand Island City Code is hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. That Ordinance No. 8800, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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: August 9, 2005.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item F2

**#8995 - Consideration of Amendments to Chapter 36 of the Grand Island City Code Relative to Massage Therapy**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 8995

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-99 pertaining to home occupations ; to repeal Section 36-99 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 36-99 of the Grand Island City Code is hereby amended to read as follows:

**§36-99. Home Occupations**

The following are the minimum standards required for a Home Occupation:

(A) There shall be no external or externally visible evidence of the home occupation, business or profession whatsoever. There shall be no signage or advertising, linking the residential property with the home occupation.

(B) No more than 25% of the floor area of any one story can be used for the home occupation.

(C) There shall be no machinery other than that normally found in a home.

(D) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and, massage therapy may be performed on one client at a time, and cultural, art, or dance instruction may be given to four pupils at one time.

(E) No one other than the resident(s) can work from that site.

(F) No retail sales are permitted from the site other than incidental sales related to services provided.

(G) No exterior storage (including storage within detached buildings/garage) is permitted.

(H) No offensive noise, vibration, smoke, odor, heat or glare shall be noticeable at or beyond the property line.

(I) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce.

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902.

SECTION 2. Section 36-99 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

ORDINANCE NO. 8995 (Cont.)

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: August 9, 2005.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item F3

**#8996 - Consideration of Approving Salary Ordinance**

Staff Contact: Brenda Sutherland

ORDINANCE NO. 8996

An ordinance to amend Ordinance No. 8973 known as the Salary Ordinance which lists the currently occupied classifications of officers and employees of the City of Grand Island, Nebraska and established the ranges of compensation of such officers and employees; to amend the salary ranges for the general employees to reflect a cost of living adjustment; to add the classification and salary range for the position of Administrative Assistant – Fire; to remove the classification and salary range for the position of Code Compliance Officer; to clarify the current classification and salary range for the position of Library Assistant to Library Assistant I; to change the position title of Senior Library Assistant to Library Assistant II; to add the classification and salary range for the position of Plans Examiner; to change the position title of Senior Engineering Technician to Engineering Technician; to add the classification and salary range for the position of Stormwater Technician; to amend the salary ranges for employees under the AFSCME labor union in accordance with the labor agreement; to amend the salary ranges for employees under the IBEW labor union in accordance with the labor agreement; to amend the salary ranges for the employees under the FOP labor union in accordance with the labor agreement; to amend salary ranges for the employees under the IAFF labor union in accordance with the labor agreement; to repeal Ordinance No. 8973, and any ordinance or parts of ordinances in conflict herewith; to provide for severability; to provide for the effective date thereof; and to provide for publication of this ordinance in pamphlet form.

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

SECTION 1. The currently occupied classifications of officers and general employees of the City of Grand Island, and the ranges of compensation (salary and wages,

ORDINANCE NO. 8996 (Cont.)

excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain officers and general employees shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accountant	<u>1369.60 / 1927.78</u> <del>1329.71 / 1871.63</del>	Exempt
Accounting Technician – Solid Waste, Streets, WWTP	<u>1018.28 / 1432.90</u> <del>988.62 / 1391.17</del>	40 hrs/week
Administrative Assistant – Administration, <u>Fire</u> , Public Works, Utilities	<u>1099.42 / 1547.94</u> <del>1067.40 / 1502.85</del>	40 hrs/week
Administration Secretary	<u>912.17 / 1283.10</u> <del>885.60 / 1245.73</del>	40 hrs/week
Assistant to the City Administrator	<u>1391.53 / 1959.06</u> <del>1351.00 / 1902.00</del>	Exempt
Assistant Public Works Director	<u>1853.77 / 2608.12</u> <del>1799.78 / 2532.16</del>	Exempt
Assistant Utility Director – Administration	<u>2470.20 / 3476.10</u> <del>2398.25 / 3374.86</del>	Exempt
Assistant Utility Director – PGS & PCC	<u>2675.80 / 3765.59</u> <del>2597.86 / 3655.91</del>	Exempt
Attorney	<u>1944.72 / 2736.52</u> <del>1888.08 / 2656.82</del>	Exempt
Audio-Video Technician	<u>1273.30 / 1791.70</u> <del>1236.22 / 1739.52</del>	40 hrs/week
Biosolids Technician	<u>1125.37 / 1584.14</u> <del>1092.59 / 1538.00</del>	40 hrs/week
Building Clerk	<u>844.50 / 1188.10</u> <del>819.90 / 1153.50</del>	40 hrs/week
Building Department Director	<u>2216.99 / 3118.40</u> <del>1956.75 / 2752.34</del>	Exempt
Building Inspector	<u>1305.13 / 1836.27</u> <del>1267.11 / 1782.79</del>	40 hrs/week
Building Secretary	<u>912.17 / 1283.10</u> <del>885.60 / 1245.73</del>	40 hrs/week
Cemetery Superintendent	<u>1364.25 / 1920.65</u> <del>1324.51 / 1864.71</del>	Exempt
City Administrator	<u>3587.13 / 5048.15</u> <del>2976.62 / 4188.99</del>	Exempt



ORDINANCE NO. 8996 (Cont.)

City Attorney	<u>2590.22 / 3645.50</u> <u>2477.62 / 3487.02</u>	Exempt
City Clerk	<u>1356.44 / 1908.86</u> <u>1316.94 / 1853.26</u>	Exempt
Civil Engineering Manager – Public Works Engineering	<u>1843.96 / 2595.64</u> <u>1790.26 / 2520.04</u>	Exempt
Civil Engineering Manager – Utility, PCC	<u>2028.07 / 2855.25</u> <u>1969.00 / 2772.09</u>	Exempt
<del>Code Compliance Officer</del>	<del>1127.14 / 1585.99</del>	<del>40 hrs/week</del>
Collection System Supervisor	<u>1322.34 / 1860.90</u> <u>1283.82 / 1806.70</u>	40 hrs/week
Communications Specialist/EMD	<u>945.87 / 1334.23</u> <u>918.32 / 1295.37</u>	40 hrs/week
Communications Supervisor	<u>1208.72 / 1700.76</u> <u>1173.52 / 1651.23</u>	Exempt
Community Development Administrator	<u>1125.95 / 1584.35</u> <u>1093.16 / 1538.20</u>	Exempt
Community Service Officer – Police Department	<u>826.58 / 1162.73</u> <u>802.50 / 1128.86</u>	40 hrs/week
Custodian	<u>798.05 / 1126.18</u> <u>774.80 / 1093.38</u>	40 hrs/week
Development Specialist	<u>1125.95 / 1584.35</u> <u>1093.16 / 1538.20</u>	Exempt
Electric Distribution Superintendent	<u>2110.04 / 2968.60</u> <u>2048.58 / 2882.14</u>	Exempt
Electric Distribution Supervisor	<u>1782.62 / 2507.48</u> <u>1730.70 / 2434.45</u>	40 hrs/week
Electric Underground Superintendent	<u>1879.02 / 2643.91</u> <u>1824.29 / 2566.90</u>	Exempt
Electrical Engineer I	<u>1659.39 / 2336.16</u> <u>1611.06 / 2268.12</u>	Exempt
Electrical Engineer II	<u>1923.32 / 2707.10</u> <u>1867.30 / 2628.25</u>	Exempt
Electrical Inspector	<u>1305.13 / 1836.27</u> <u>1267.11 / 1782.79</u>	40 hrs/week
Emergency Management Coordinator	<u>984.40 / 1384.76</u> <u>955.73 / 1344.42</u>	40 hrs/week
Emergency Management Director	<u>1919.04 / 2700.30</u> <u>1863.15 / 2621.65</u>	Exempt

ORDINANCE NO. 8996 (Cont.)

EMS Division Chief	<u>1780.80 / 2505.67</u> <del>1728.93 / 2432.69</del>	Exempt
Engineering Technician Supervisor	<u>1448.06 / 2038.35</u> <del>1405.89 / 1978.98</del>	Exempt
Equipment Operator, Solid Waste	<u>1072.32 / 1510.14</u> <del>1041.09 / 1466.16</del>	40 hrs/week
Equipment Operator, WWTP	<u>1061.70 / 1495.19</u> <del>1030.78 / 1451.64</del>	40 hrs/week
Finance Director	<u>2581.36 / 3632.53</u> <del>2398.25 / 3374.86</del>	Exempt
Finance Secretary	<u>912.17 / 1283.10</u> <del>885.60 / 1245.73</del>	40 hrs/week
Fire Chief	<u>2351.89 / 3308.60</u> <del>2066.41 / 2907.00</del>	Exempt
Fire Operations Division Chief	<u>1780.80 / 2505.67</u> <del>1728.93 / 2432.69</del>	Exempt
Fire Prevention Division Chief	<u>1780.80 / 2505.67</u> <del>1728.93 / 2432.69</del>	Exempt
Fire Training Division Chief	<u>1780.80 / 2505.67</u> <del>1728.93 / 2432.69</del>	Exempt
Fleet Services Superintendent	<u>1459.66 / 2055.29</u> <del>1417.14 / 1995.43</del>	Exempt
Fleet Services Supervisor	<u>1216.19 / 1711.46</u> <del>1180.77 / 1661.62</del>	40 hrs/week
Golf Course Superintendent	<u>1699.29 / 2391.18</u> <del>1649.80 / 2321.53</del>	Exempt
Grounds Management Crew Chief	<u>1274.19 / 1793.14</u> <del>1237.08 / 1740.91</del>	40 hrs/week
Human Resources Director	<u>2269.26 / 3191.91</u> <del>1975.93 / 2779.32</del>	Exempt
Human Resources Specialist	<u>1211.46 / 1704.40</u> <del>1176.17 / 1654.76</del>	40 hrs/week
Information Technology Manager	<u>1934.66 / 2722.10</u> <del>1878.31 / 2642.81</del>	Exempt
Information Technology Supervisor	<u>1623.16 / 2284.30</u> <del>1575.88 / 2217.76</del>	Exempt
Legal Assistant	<u>1303.62 / 1835.04</u> <del>1265.65 / 1781.59</del>	40 hrs/week
Legal Secretary	<u>979.06 / 1379.41</u> <del>950.54 / 1339.23</del>	40 hrs/week

ORDINANCE NO. 8996 (Cont.)

Librarian I	<u>1193.05 / 1678.11</u> <del>1158.30 / 1629.24</del>	Exempt
Librarian II	<u>1312.53 / 1846.64</u> <del>1274.30 / 1792.85</del>	Exempt
Library Assistant I	<u>822.11 / 1156.50</u> <del>798.17 / 1122.81</del>	40 hrs/week
<u>Library Assistant II</u>	<u>906.82 / 1275.98</u>	<u>40 hrs/week</u>
Library Assistant Director	<u>1511.37 / 2126.62</u> <del>1467.35 / 2064.68</del>	Exempt
Library Clerk	<u>689.08 / 970.90</u> <del>669.01 / 942.62</del>	40 hrs/week
Library Director	<u>2045.49 / 2879.26</u> <del>1864.71 / 2624.79</del>	Exempt
Library Page	<u>521.50 / 734.02</u> <del>506.30 / 712.65</del>	40 hrs/week
Library Secretary	<u>912.17 / 1283.10</u> <del>885.60 / 1245.73</del>	40 hrs/week
Maintenance Mechanic I	<u>1045.02 / 1474.30</u> <del>1014.58 / 1431.35</del>	40 hrs/week
Maintenance Mechanic II	<u>1173.26 / 1650.74</u> <del>1139.08 / 1602.66</del>	40 hrs/week
Maintenance Worker I – Solid Waste	<u>931.79 / 1312.53</u> <del>904.66 / 1274.30</del>	40 hrs/week
Maintenance Worker I – Building, Golf, Library	<u>957.65 / 1347.30</u> <del>929.75 / 1308.06</del>	40 hrs/week
Maintenance Worker I – WWTP	<u>976.80 / 1374.26</u> <del>948.35 / 1334.23</del>	40 hrs/week
Maintenance Worker II – Solid Waste	<u>981.72 / 1382.08</u> <del>953.13 / 1341.82</del>	40 hrs/week
Maintenance Worker II – Building, Golf	<u>1008.48 / 1422.21</u> <del>979.10 / 1380.78</del>	40 hrs/week
Maintenance Worker II – WWTP	<u>1028.64 / 1450.66</u> <del>998.68 / 1408.40</del>	40 hrs/week
Meter Reading Supervisor	<u>1240.53 / 1747.04</u> <del>1204.40 / 1696.15</del>	Exempt
Office Manager – Police Department	<u>1113.70 / 1567.54</u> <del>1081.26 / 1521.89</del>	40 hrs/week
Parking Monitor	<u>553.72 / 780.02</u> <del>537.59 / 757.30</del>	40 hrs/week

ORDINANCE NO. 8996 (Cont.)

Parks and Recreation Director	<u>2313.52 / 3254.04</u> <u><del>2014.47 / 2833.42</del></u>	Exempt
Parks and Recreation Secretary	<u>912.17 / 1283.10</u> <u><del>885.60 / 1245.73</del></u>	40 hrs/week
Parks Maintenance Superintendent	<u>1543.47 / 2171.20</u> <u><del>1498.52 / 2107.97</del></u>	Exempt
Payroll Specialist	<u>1187.70 / 1670.98</u> <u><del>1153.10 / 1622.30</del></u>	40 hrs/week
Planning Director	<u>2293.95 / 3227.25</u> <u><del>1753.65 / 2467.13</del></u>	Exempt
Planning Secretary	<u>912.17 / 1283.10</u> <u><del>885.60 / 1245.73</del></u>	40 hrs/week
Planning Technician	<u>1279.54 / 1800.26</u> <u><del>1242.27 / 1747.83</del></u>	40 hrs/week
<u>Plans Examiner</u>	<u>1305.13 / 1836.27</u>	<u>40 hrs/week</u>
Plumbing Inspector	<u>1305.13 / 1836.27</u> <u><del>1267.11 / 1782.79</del></u>	40 hrs/week
Police Captain	<u>1780.80 / 2505.67</u> <u><del>1728.93 / 2432.69</del></u>	Exempt
Police Chief	<u>2463.23 / 3467.24</u> <u><del>2164.24 / 3046.38</del></u>	Exempt
Police Records Clerk	<u>847.97 / 1193.94</u> <u><del>823.27 / 1159.16</del></u>	40 hrs/week
Power Plant Maintenance Supervisor	<u>1870.00 / 2630.40</u> <u><del>1815.53 / 2553.79</del></u>	Exempt
Power Plant Operations Supervisor	<u>1964.45 / 2763.97</u> <u><del>1907.24 / 2683.47</del></u>	Exempt
Power Plant Superintendent – Burdick	<u>2102.90 / 2959.17</u> <u><del>2041.65 / 2872.98</del></u>	Exempt
Power Plant Superintendent – PGS	<u>2424.32 / 3409.89</u> <u><del>2353.71 / 3310.57</del></u>	Exempt
Public Information Officer	<u>1211.46 / 1704.40</u> <u><del>1176.17 / 1654.76</del></u>	Exempt
Public Safety Secretary	<u>1007.58 / 1421.32</u> <u><del>978.24 / 1379.92</del></u>	40 hrs/week
Public Works Director	<u>2591.29 / 3646.50</u> <u><del>2351.23 / 3308.68</del></u>	Exempt
Public Works Secretary	<u>912.17 / 1283.10</u> <u><del>885.60 / 1245.73</del></u>	40 hrs/week

ORDINANCE NO. 8996 (Cont.)

Purchasing Technician	<u>912.17 / 1283.10</u> <del>885.60 / 1245.73</del>	40 hrs/week
Recreation Superintendent	<u>1456.11 / 2048.19</u> <del>1413.70 / 1988.54</del>	Exempt
Regulatory and Environmental Specialist	<u>1870.00 / 2630.40</u> <del>1815.53 / 2553.79</del>	Exempt
Senior Accountant	<u>1546.69 / 2175.80</u> <del>1396.88 / 1965.05</del>	Exempt
Senior Communications Specialist/EMD	<u>1022.38 / 1438.07</u> <del>992.61 / 1396.18</del>	40 hrs/week
Senior Electrical Engineer	<u>2105.76 / 2962.83</u> <del>2044.42 / 2876.53</del>	Exempt
<del>Senior</del> Engineering Technician	<u>1279.54 / 1800.26</u> <del>1242.27 / 1747.83</del>	40 hrs/week
Senior Equipment Operator, Solid Waste	<u>1125.95 / 1584.34</u> <del>1093.16 / 1538.20</del>	40 hrs/week
Senior Equipment Operator, WWTP	<u>1103.88 / 1553.28</u> <del>1071.73 / 1508.04</del>	40 hrs/week
<del>Senior Library Assistant</del>	<u>880.41 / 1238.81</u>	40 hrs/week
Senior Maintenance Worker	<u>1134.74 / 1597.24</u> <del>1101.69 / 1550.72</del>	40 hrs/week
Senior Utility Secretary	<u>914.86 / 1290.24</u> <del>888.21 / 1252.66</del>	40 hrs/week
Shooting Range Superintendent	<u>1456.11 / 2048.19</u> <del>1413.70 / 1988.54</del>	Exempt
Solid Waste Division Clerk	<u>820.37 / 1154.15</u> <del>796.47 / 1120.54</del>	40 hrs/week
Solid Waste Superintendent	<u>1662.06 / 2338.84</u> <del>1613.65 / 2270.72</del>	Exempt
<u>Stormwater Technician</u>	<u>1279.54 / 1800.26</u>	40 hrs/week
Street Superintendent	<u>1609.81 / 2267.38</u> <del>1562.92 / 2201.34</del>	Exempt
Street Supervisor	<u>1277.84 / 1797.17</u> <del>1240.63 / 1744.82</del>	40 hrs/week
Turf Management Specialist	<u>1279.54 / 1800.26</u> <del>1242.27 / 1747.83</del>	40 hrs/week
Utility Director	<u>3522.84 / 4955.64</u> <del>2923.28 / 4112.22</del>	Exempt
Utility Production Engineer	<u>2161.95 / 3042.57</u> <del>2098.98 / 2953.95</del>	Exempt

ORDINANCE NO. 8996 (Cont.)

Utility Secretary	<u>912.17 / 1283.10</u> <u>885.60 / 1245.73</u>	40 hrs/week
Utility Services Manager	<u>1744.31 / 2454.65</u> <u>1693.51 / 2383.15</u>	Exempt
Utility Warehouse Supervisor	<u>1382.46 / 1944.42</u> <u>1342.20 / 1887.78</u>	40 hrs/week
Victim Assistance Unit Coordinator	<u>847.97 / 1193.94</u> <u>823.27 / 1159.16</u>	40 hrs/week
Wastewater Clerk	<u>820.37 / 1154.15</u> <u>796.47 / 1120.54</u>	40 hrs/week
Wastewater Engineering/Operations Superintendent	<u>1843.96 / 2595.64</u> <u>1790.26 / 2520.04</u>	Exempt
Wastewater Plant Maintenance Supervisor	<u>1357.11 / 1909.95</u> <u>1317.58 / 1854.32</u>	40 hrs/week
Wastewater Plant Operator I	<u>952.30 / 1340.17</u> <u>924.56 / 1301.14</u>	40 hrs/week
Wastewater Plant Operator II	<u>1064.52 / 1498.93</u> <u>1033.51 / 1455.27</u>	40 hrs/week
Wastewater Plant Process Supervisor	<u>1390.11 / 1957.21</u> <u>1349.62 / 1900.20</u>	40 hrs/week
Wastewater Plant Senior Operator	<u>1125.37 / 1584.14</u> <u>1092.59 / 1538.00</u>	40 hrs/week
Water Superintendent	<u>1680.50 / 2363.86</u> <u>1631.56 / 2295.01</u>	Exempt
Water Supervisor	<u>1432.87 / 2017.93</u> <u>1391.14 / 1959.15</u>	40 hrs/week
Worker / Seasonal	412.00 / 1600.00	Exempt
Worker / Temporary	412.00	40 hrs/week

SECTION 2. The currently occupied classifications of employees of the City of Grand Island included under the AFSCME labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the AFSCME labor agreement shall work prior to overtime eligibility are as follows:

ORDINANCE NO. 8996 (Cont.)

Classification	Bi-Weekly Pay Range Min/Max	Overtime Eligibility
Equipment Operator – Streets	<u>955.79 / 1344.08</u> <del>932.48 / 1311.30</del>	40 hrs/week
Fleet Services Attendant/Clerk	<u>868.90 / 1225.50</u> <del>847.70 / 1195.62</del>	40 hrs/week
Fleet Services Inventory Specialist	<u>953.08 / 1341.37</u> <del>929.83 / 1308.65</del>	40 hrs/week
Fleet Services Mechanic	<u>1090.30 / 1533.46</u> <del>1042.86 / 1466.72</del>	40 hrs/week
Horticulturist	<u>1009.20 / 1421.91</u> <del>984.58 / 1387.23</del>	40 hrs/week
Maintenance Worker – Cemetery	<u>948.55 / 1335.03</u> <del>925.42 / 1302.47</del>	40 hrs/week
Maintenance Worker – Parks	<u>942.22 / 1326.88</u> <del>919.23 / 1294.52</del>	40 hrs/week
Maintenance Worker – Streets	<u>922.30 / 1297.92</u> <del>899.80 / 1266.26</del>	40 hrs/week
Senior Equipment Operator – Streets	<u>1047.21 / 1474.42</u> <del>1021.66 / 1438.46</del>	40 hrs/week
Senior Maintenance Worker – Parks	<u>1047.21 / 1474.42</u> <del>1021.66 / 1438.46</del>	40 hrs/week
Senior Maintenance Worker – Streets	<u>1047.21 / 1474.42</u> <del>1021.66 / 1438.46</del>	40 hrs/week
Traffic Signal Technician	<u>1047.21 / 1474.42</u> <del>1021.66 / 1438.46</del>	40 hrs/week

SECTION 3. The currently occupied classifications of employees of the City of Grand Island included under the IBEW labor agreements, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IBEW labor agreements shall work prior to overtime eligibility are as follows:

ORDINANCE NO. 8996 (Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accounting Clerk	<u>892.75 / 1258.32</u> <del>866.75 / 1221.67</del>	40 hrs/week
Computer Programmer	<u>1399.61 / 1968.27</u> <del>1358.84 / 1910.94</del>	40 hrs/week
Computer Technician	<u>1091.82 / 1535.95</u> <del>1060.02 / 1491.22</del>	40 hrs/week
Custodian	<u>832.70 / 1171.78</u> <del>808.45 / 1137.65</del>	40 hrs/week
Electric Distribution Crew Chief	<u>1622.13 / 2281.74</u> <del>1574.88 / 2215.29</del>	40 hrs/week
Electric Underground Crew Chief	<u>1622.13 / 2281.74</u> <del>1574.88 / 2215.29</del>	40 hrs/week
Engineering Technician I	<u>1146.99 / 1613.74</u> <del>1113.58 / 1566.74</del>	40 hrs/week
Engineering Technician II	<u>1397.56 / 1967.44</u> <del>1356.86 / 1910.14</del>	40 hrs/week
GIS Technician	<u>1506.10 / 2118.50</u> <del>1462.24 / 2056.79</del>	40 hrs/week
Instrument Technician	<u>1662.75 / 2339.14</u> <del>1614.32 / 2271.02</del>	40 hrs/week
Lineworker Apprentice	<u>1147.94 / 1615.06</u> <del>1114.50 / 1568.02</del>	40 hrs/week
Lineworker First Class	<u>1470.25 / 2068.05</u> <del>1427.42 / 2007.82</del>	40 hrs/week
Materials Handler	<u>1398.71 / 1967.38</u> <del>1357.98 / 1910.08</del>	40 hrs/week
Meter Reader	<u>942.19 / 1326.31</u> <del>914.75 / 1287.68</del>	40 hrs/week
Meter Technician	<u>1175.94 / 1654.45</u> <del>1141.69 / 1606.26</del>	40 hrs/week
Power Dispatcher I	<u>1621.64 / 2280.86</u> <del>1574.41 / 2214.43</del>	40 hrs/week
Power Dispatcher II	<u>1703.24 / 2395.84</u> <del>1653.63 / 2326.06</del>	40 hrs/week
Power Plant Maintenance Mechanic	<u>1470.25 / 2068.05</u> <del>1427.42 / 2007.82</del>	40 hrs/week



ORDINANCE NO. 8996 (Cont.)

Power Plant Operator	<u>1544.42 / 2172.26</u> <del>1499.43 / 2108.98</del>	40 hrs/week
Senior Accounting Clerk	<u>937.78 / 1321.02</u> <del>910.46 / 1282.54</del>	40 hrs/week
Senior Engineering Technician	<u>1506.10 / 2118.50</u> <del>1462.24 / 2056.79</del>	40 hrs/week
Senior Materials Handler	<u>1544.42 / 2172.26</u> <del>1499.43 / 2108.98</del>	40 hrs/week
Senior Meter Reader	<u>1014.60 / 1426.10</u> <del>985.05 / 1384.56</del>	40 hrs/week
Senior Power Dispatcher	<u>1879.39 / 2643.39</u> <del>1824.66 / 2566.40</del>	40 hrs/week
Senior Power Plant Operator	<u>1704.26 / 2397.43</u> <del>1654.62 / 2327.60</del>	40 hrs/week
Senior Substation Technician	<u>1662.75 / 2339.14</u> <del>1614.32 / 2271.02</del>	40 hrs/week
Senior Water Maintenance Worker	<u>1266.40 / 1782.00</u> <del>1229.51 / 1730.10</del>	40 hrs/week
Substation Technician	<u>1544.42 / 2172.26</u> <del>1499.43 / 2108.98</del>	40 hrs/week
Systems Technician	<u>1662.75 / 2339.14</u> <del>1614.32 / 2271.02</del>	40 hrs/week
Tree Trim Crew Chief	<u>1470.25 / 2068.05</u> <del>1427.42 / 2007.82</del>	40 hrs/week
Utilities Electrician	<u>1544.42 / 2172.26</u> <del>1499.43 / 2108.98</del>	40 hrs/week
Utility Technician	<u>1622.13 / 2281.74</u> <del>1574.88 / 2215.29</del>	40 hrs/week
Utility Warehouse Clerk	<u>1040.21 / 1464.06</u> <del>1009.91 / 1421.42</del>	40 hrs/week
Water Maintenance Worker	<u>1118.95 / 1574.86</u> <del>1086.36 / 1528.98</del>	40 hrs/week
Wireworker I	<u>1267.15 / 1782.84</u> <del>1230.25 / 1730.91</del>	40 hrs/week
Wireworker II	<u>1470.25 / 2068.05</u> <del>1427.42 / 2007.82</del>	40 hrs/week

ORDINANCE NO. 8996 (Cont.)

SECTION 4. The currently occupied classifications of employees of the City of Grand Island included under the FOP labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the FOP labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Police Officer	<u>1196.33 / 1672.38</u> <del>1132.89 / 1583.70</del>	40 hrs/week
Police Sergeant	<u>1469.01 / 2012.88</u> <del>1441.47 / 1975.15</del>	40 hrs/week

SECTION 5. The currently occupied classifications of employees of the City of Grand Island included under the IAFF labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IAFF labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fire Captain	<u>1472.52 / 2072.30</u> <del>1415.88 / 1992.60</del>	212 hrs/28 days
Firefighter / EMT	<u>1131.42 / 1592.14</u> <del>1078.94 / 1530.73</del>	212 hrs/28 days
Firefighter / Paramedic	<u>1276.52 / 1796.31</u> <del>1189.41 / 1727.18</del>	212 hrs/28 days

SECTION 6. The classification of employees included under labor agreements with the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift

ORDINANCE NO. 8996 (Cont.)

differential as provided by contract) to be paid for such classification, and the number of hours and work period which certain such employees shall work prior to overtime eligibility area as stated above. All full-time fire fighters and police officers shall be paid a clothing and uniform allowance in addition to regular salary. All full-time fire fighters shall be paid a clothing and uniform allowance in addition to regular salary in the amount of \$80.00 per month. All full-time police officers shall be paid a clothing and uniform allowance in addition to regular salary of \$50.00 per month. Full-time police officers may also receive a reimbursement toward the purchase of body armor, not to exceed \$400. Full-time fire fighters and fire captains may receive a one-time uniform acquisition allowance of up to \$850. Full-time fire fighters, fire captains, Fire Operations Division Chief, Fire Prevention Division Chief, Fire Training Division Chief, and EMS Division Chief may receive an annual stipend for longevity not to exceed \$520. If any such fire fighter or police officer shall resign, or his or her employment be terminated for any reason whatsoever, the clothing allowance shall be paid on a prorata basis, but no allowance shall be made for a fraction of a month.

Non-union employees and employees covered by the AFSCME labor union, the FOP labor union, and the IBEW labor union may receive an annual stipend not to exceed \$500 for bilingual pay.

Utilities Department personnel in the IBEW bargaining unit and the classifications of Meter Reading Supervisor, Power Plant Superintendent, Power Plant Supervisor, Electric Distribution Superintendent, Electric Distribution Supervisor, Water Superintendent, Water Supervisor, Electric Underground and Substation Superintendent, Electric Underground and Substation Supervisor, and Engineering Technical Supervisor shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18.00 per month.

ORDINANCE NO. 8996 (Cont.)

When protective clothing is required for Utilities Department personnel in the IBEW, the City shall pay 60% of the cost of providing and cleaning said clothing and the employees 40% of said cost. Public Works Department personnel in the AFSCME bargaining unit shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18 per month. Full-time Shop Garage Division personnel shall receive a uniform allowance of \$12 biweekly. Public Works Department personnel in the job classifications Equipment Mechanic Supervisor, Garage Superintendent, and Equipment Mechanic shall receive a tool allowance of \$10 biweekly.

SECTION 7. Employees shall be compensated for unused sick leave as follows:

(A) For all employees except those covered in the IAFF and AFSCME bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 960 hours accrued in the preceding calendar year. The compensation will be at the rate of one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 960 hours accrual of the preceding year.

For those employees covered in the AFSCME bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 968 hours accrued in the preceding calendar year. The compensation will be at the rate of one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 968 hours accrual of the preceding year.

For those employees covered in the IAFF bargaining agreement, the City will make a contribution into a Health Reimbursement Account (HRA) on behalf

ORDINANCE NO. 8996 (Cont.)

of the employee in lieu of payment for an employee's unused sick leave in excess of 2,880 hours accrued in the preceding calendar year. The contribution will be at the rate of one-quarter day's pay based on the employee's current pay rate at the time of such contribution, for each day of unused sick leave which exceeds 2,880 hours accrual of the preceding year.

(B) All employees except those covered in the fire department bargaining agreement shall be paid for one-half of their accumulated sick leave at the time of their retirement, the rate of compensation to be based on the employee's salary at the time of retirement. Employees covered in the fire department bargaining agreement shall have a contribution to a Health Reimbursement Account (HRA) made on their behalf in lieu of payment for one quarter of their accumulated sick leave at the time of their retirement, the amount of contribution will be based upon the employee's salary at the time of retirement.

(C) Department heads shall be paid for one-half of their accumulated sick leave, not to exceed 30 days of pay, upon their resignation, the rate of compensation to be based upon the salary at the time of termination. Compensation for unused sick leave at retirement shall be as provided above.

(D) The death of an employee shall be treated the same as retirement, and payment shall be made to the employee's beneficiary or estate for one-half of all unused sick leave.

SECTION 8. The city administrator shall receive a vehicle allowance of \$400 per month in lieu of mileage for use of personal vehicle travel within Hall County, payable monthly.

ORDINANCE NO. 8996 (Cont.)

SECTION 9. Reimbursed expenses which are authorized by Neb. Rev. Stat. §13-2201, et. seq., the Local Government Miscellaneous Expenditure Act and/or which the Internal Revenue Service requires to be reflected on an employee IRS Form W-2 at year end, are hereby authorized as a payroll entry.

SECTION 10. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 11. The salary adjustments identified herein shall be effective with the pay period beginning on October 3, 2005.

SECTION 11. Ordinance No. 8973 and all other ordinances and parts of ordinances in conflict herewith be, and the same are, hereby repealed.

SECTION 12. This ordinance shall be in full force and take effect from and after its passage and publication in pamphlet form in one issue of the Grand Island Independent as provided by law.

Enacted: August 9, 2005.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G1

### Approving Minutes of July 26, 2005 City Council Regular Meeting

*The Minutes of July 26, 2005 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

July 26, 2005

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 July 26, 2005. Notice of the meeting was given in the *Grand Island Independent* on July 20, 2005.

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

INVOCATION was given by Associate Pastor Faith Tyson, Calvary Assembly of God, 1424 North Eddy Street followed by the PLEDGE OF ALLEGIANCE.

ADJOURN TO THE GRAND ISLAND AREA SOLID WASTE AGENCY: Motion by Hornady, second by Walker, carried unanimously to adjourn to the Grand Island Area Solid Waste Agency.

Public Hearing on Proposed FY 2005-2006 Grand Island Area Solid Waste Agency Budget. Steve Riehle, Public Works Director reported that a separate hearing was required for the Solid Waste Agency Budget. The Agency budget was the same as the City Solid Waste Division budget (Fund 505) which appeared in the City's Annual Budget Document for Fiscal Year 2005-2006. No public testimony was heard.

#2005-SWA-1 – Approving Adoption of FY 2005-2006 Annual Budget for the Grand Island Solid Waste Agency. Motion by Hornady, second by Nickerson, to approve Resolution #2005-SWA-1. Upon roll call, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of Randall Stueven and Maureen Van Hoven for a Conditional Use Permit to Allow Faulk and Foster and Western Wireless Corp. to Construct a Telecommunication Tower Located at 233 South Gunbarrel Road. Craig Lewis, Building Department Director reported that this request was for the construction of a telecommunication tower and associated facilities located at 233 South Gunbarell Road. It was noted that all



information had been received and approval was recommended. Dave Marvin representing Faulk and Foster spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Property Located at 409 East Fonner Park Road. (Hall County Livestock Improvement Association) Doug Walker, City Attorney reported that the Hall County Livestock Improvement Association (Fonner Park) had agreed to donate approximately ten acres of property on the south side of Fonner Park Road and adjoining the east side of Island Oasis for the city to use to locate a replacement for Fire Station No. 1. City Council approval was needed to transfer the deed. No public testimony was heard.

ORDINANCES:

#8982 – Consideration of Annexation of Land Located North of Capital Avenue and East of St. Paul Road and Various Properties Adjacent to the City of Grand Island. (Final Reading)

Doug Walker, City Attorney reported this related to the Public Hearing held on June 28, 2005, and was the final reading as required by state statutes.

Motion by Pielstick, second by Hornady to approve Ordinance #8982 on final reading. Upon roll call vote, all voted aye. Motion adopted.

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

#8984 – Consideration of Creation of Sanitary Sewer Improvement District No. 519, Lots 10 through 21 of Westwood Park 2<sup>nd</sup> Subdivision, Maywood Drive, Redwood Court, and Portion of Redwood Road

#8988 – Consideration of Creation of Sanitary Sewer Improvement District No. 520, Lots 1 through 18 & Lots 29 through 47 of Westwood Park Subdivision, Sweetwood Drive, Driftwood Court, and a Portion of Driftwood Drive

#8989 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Dangerous Animals

#8990 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to Electrical Regulations

#8991 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

#8992 – Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreation Vehicles and Parking Busses in Yards

#8993 – Consideration of Vacating Washington Street Between 2<sup>nd</sup> and 3<sup>rd</sup> Street and Vacating the Alley Between Washington and Adams Street for Library Expansion

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of these ordinances on first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.”

Councilmember Hornady seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#8984 – Consideration of Creation of Sanitary Sewer Improvement District No. 519, Lots 10 through 21 of Westwood Park 2<sup>nd</sup> Subdivision, Maywood Drive, Redwood Court, and Portion of Redwood Road

Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 519 was petitioned by residents in a small area of Westwood Park 2<sup>nd</sup> Subdivision. A (10) year assessment period was proposed.

Motion by Hornady, second by Cornelius to approve Ordinance #8984.

City Clerk: Ordinance #8984 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8984 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8984 is declared to be lawfully adopted upon publication as required by law.

#8988 – Consideration of Creation of Sanitary Sewer Improvement District No. 520, Lots 1 through 18 & Lots 29 through 47 of Westwood Park Subdivision, Sweetwood Drive, Driftwood Court, and a Portion of Driftwood Drive

Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 520 was petitioned by residents in a small area of Westwood Park Subdivision. A (10) year assessment period was proposed.

Lyna Abshier, 4035 Driftwood Drive and John Libby, 819 Driftwood Court spoke in opposition. Chris Caley, 822 Driftwood Court spoke in support. Discussion was held concerning leach fields, septic tanks, timing, costs, assessments, and location.

Motion by Nickerson, second by Cornelius to approve Ordinance #8988.

City Clerk: Ordinance #8988 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8988 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8988 is declared to be lawfully adopted upon publication as required by law.

#8989 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Dangerous Animals

Doug Walker, City Attorney explained the changes to City Code relative to dangerous animals.

Motion by Whitesides, second by Gilbert to approve Ordinance #8989.

City Clerk: Ordinance #8989 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8989 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8989 is declared to be lawfully adopted upon publication as required by law.

#8990 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to Electrical Regulations

Craig Lewis, Building Department Director reported on the changes to Chapter 15 relating to the Electrical Regulations.

Motion by Pielstick, second by Hornady to approve Ordinance #8990.

City Clerk: Ordinance #8990 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8990 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8990 is declared to be lawfully adopted upon publication as required by law.

#8991 – Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Nuisances

Doug Walker, City Attorney commented on the changes to Chapter 20 of City Code relative to nuisances. Lewis Kent, 624 E. Meves spoke in opposition.

Motion by Nickerson, second by Hornady to approve Ordinance #8991.

City Clerk: Ordinance #8991 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8991 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8991 is declared to be lawfully adopted upon publication as required by law.

#8992 – Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Definitions for Recreation Vehicles and Parking Busses in Yards

Doug Walker, City Attorney reported on the changes to Chapter 22 relative to definitions and parking. Mary Lucas, 1004 West Anna Street spoke in opposition. John Peterson, 1820 North Broadwell spoke in support. A lengthy discussion was held regarding busses versus recreational vehicles and size.

Motion by Whitesides, second by Pielstick to approve Ordinance #8992.

City Clerk: Ordinance #8992 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted aye. Councilmember's Nickerson, Cornelius, and Walker voted no. The Mayor exercised his mayoral right to vote and voted yes. Motion adopted.

City Clerk: Ordinance #8992 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted aye. Councilmember's Nickerson, Cornelius, and Walker voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8992 is declared to be lawfully adopted upon publication as required by law.

#8993 – Consideration of Vacating Washington Street Between 2<sup>nd</sup> and 3<sup>rd</sup> Street and Vacating the Alley Between Washington and Adams Street for Library Expansion

Doug Walker, City Attorney reported that with the addition to the Edith Abbott Memorial Library, the city needed to vacate Washington Street between Second and Third Street and the alley between Washington Street and Adams Street.

Motion by Hornady, second by Gilbert to approve Ordinance #8993.

City Clerk: Ordinance #8993 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #8993 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8993 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of July 11, 2005 City Council Joint Meeting. Councilmember's Meyer and Pauly abstained.

Approving Minutes of July 12, 2005 City Council Regular Meeting.

Approving Minutes of July 19, 2005 City Council Study Session. Councilmember Gilbert abstained.

Approving Re-Appointment of Melissa Rae Girard D.V.M. to the Animal Advisory Board.

Approving Request of David Soflin, 3017 West Stolley park Road, #99 for Liquor Manager Designation for Sunmart #768, 3420 West State Street.

Approving Request of Margaret Stine, 6840 Shadow Ridge Road, Lincoln, Nebraska for Liquor Manager Designation for Applebee's Neighborhood Grill & Bar, 721 Diers Avenue.

Approving Request of Randall Stueven and Maureen Van Hoven for a Conditional Use Permit to Allow Faulk and Foster and Western Wireless Corp. to Construct a Telecommunication Tower Located at 233 South Gunbarrel Road.

#2005-204 – Approving FY 2005-2006 Annual Budget for Business Improvement District #3, South Locust Street from Stolley Park Road to Highway 34, and Setting Date for Board of Equalization. Dan Naranjo, BID #3 Board member commented on the budget and stated there was no increase in assessments.

#2005-205- Approving FY 2005-2006 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and Setting Date for Board of Equalization.

#2005-206 – Approving FY 2005-2006 Annual Budget for Business Improvement District #5, Downtown, and Setting Date for Board of Equalization.

#2005-207 – Approving FY 2005-2006 User Fee Schedule.

#2005-208 – Approving Application for Access and Visitation Center Program Grant with Nebraska Department of Health and Human Services.

#2005-209 – Approving Termination and Release Agreement with Northwest Electric on Blower Repair for Waste Water Treatment Plant.

#2005-210 – Approving Continuation of Street Improvement District No. 1257, Shanna Street in Western Heights 4<sup>th</sup> Subdivision.

#2005-211 – Approving Agreement with NE Department of Roads for Repairs to US Highway 281 from Old Potash to Capital Avenue. It was noted that the State agrees to participate in 50% of the actual construction cost with a maximum amount of \$150,000. Construction costs were anticipated to be \$300,000.

#2005-212 – Approving Acquisition of Property Located at 409 East Fonner Park Road. (Hall County Livestock Improvement Association)

#2005-213 – Approving Implementation of Wells Fargo Managed Accounts Program for Fire Retirement Plan.

#2005-214 – Approving Implementation of Wells Fargo Managed Accounts Program for Police Retirement Plan.

#2005-215 – Approving City Engineer as Authorized Representative for NDEQ Storm Water Permit Program.

REQUESTS AND REFERRALS:

Consideration of Request from Scott Adams, 2712 West Charles Street Relative to Chapter 16 of the City Code for Changes to Projectile Type Fireworks. Scott Adams, 2712 West Charles Street requested Council change City Code Section 16-20 to prohibit projectile fireworks. Mentioned were public safety issues. Kenneth Enck, 619 North Sherman, Marvin Kolar, 1739 South Ingalls, and Robert Colgan, 2319 Independence spoke in opposition. Margie Kolar, 1739 South Ingalls thanked the council for listening.

Motion by Nickerson, second by Cornelius to bring this request back to a Study Session in the near future. Upon roll call vote, Councilmember's Nickerson and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Consideration and Approval of Funding Requests from Outside Agencies. David Springer, Finance Director reported that if Council wanted to increase an outside agency one of three things would have to happen: 1) cut out other expenses in the budget 2) raise the tax levy or 3) draw down the reserves.

Councilmember Pielstick apologized to H & H Distributing for comments made at the July 19, 2005 Study Session regarding the fishing derby. Councilmember Meyer also apologized to Mr. Meister for information that was unfounded.

John Meister representing the Isaac Walton Fishing Derby gave a background on the fishing derby. Discussion was held concerning the \$2,000 request.

Motion by Whitesides to approve staff recommendation with an increase of \$2,500 to the Central Nebraska Humane Society for a total of \$160,000. Motion died due to lack of a second.

Councilmember Nickerson recommended increasing Hope Harbor to \$10,000 and funding the Grand Theatre in the amount of \$5,000.

Motion by Pauly, Second by Walker to approve the funding requests as submitted by city staff. Discussion was held with funding the Grand Island Dive and Rescue Team.

Motion by Nickerson, second by Gilbert to amend the motion to add \$5,500 to Hope Harbor, \$2,000 to the Grand Island Dive Rescue Team, and \$5,000 to the Grand Theatre. Upon roll call vote, Councilmember's Gilbert, Nickerson, and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Motion by Meyer, second by Pauly to amend the motion and add \$2,000 to the Grand Island Dive Rescue Team. Upon roll call vote, all voted aye. Motion adopted.

Motion by Cornelius, second by Gilbert to amend the amendment and add \$5,500 to Hope Harbor. Upon roll call vote, Councilmember's Gilbert, Nickerson, and Cornelius voted yes. Councilmember's Meyer, Whitesides, Pielstick, Pauly, Hornady, Walker, and Haase voted no. Motion failed.

Upon roll call vote on the main motion and amendment to approve the funding request as submitted by city staff and add \$2,000 to the Grand Island Dive Rescue Team, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of July 13, 2005 through July 26, 2005, for a total amount of \$2,913,335.43. Motion adopted unanimously. Councilmember Pielstick abstained from voting on claim #104302.

ADJOURN TO EXECUTIVE SESSION: Motion by Hornady, second by Cornelius to adjourn to Executive Session at 9:55 p.m. for the purpose of discussing personnel issues. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Nickerson, second by Cornelius, to return to Regular Session at 10:50 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:50 p.m.

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G2

### **Approving Re-Appointments of Gene McCloud and Rhonda Saalfeld to the Business Improvement District (BID) #3 Board**

*The Mayor with Council approval is recommending the re-appointments of Gene McCloud and Rhonda Saalfeld to the Business Improvement District #3 Board. These appointments would become effective immediately and continue through the life of the district.*

Staff Contact: Mayor Vavricek





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G3

### **Approving Request from Fonner Park Exposition and Events Center, Inc. for Ratification of Election of Board of Directors**

*At the December 21, 1998 City Council Meeting, Resolution #98-332 was adopted supporting the application of Fonner Park to the Internal Revenue Service for a 501(c)(3) exemption for construction and operation of an Exposition and Events Center. This approval created the formation of the Fonner Park Exposition and Events Center, Inc. The Internal Revenue Service requires the election of the members of the Board of Directors of Fonner Park Exposition and Events Center, Inc. be ratified by the Grand Island City Council. The appointments of Brian Hamilton, George Wanitschke, Vince Dowding, Jim Cannon, and Scott Zana to the Board of Directors for the Fonner Park Exposition and Events Center, Inc. are recommended.*

**Staff Contact: Mayor Vavricek**

**LEININGER, SMITH, JOHNSON,  
BAACK, PLACZEK, STEELE & ALLEN**

ATTORNEYS AT LAW

ESTABLISHED IN 1929

104 N. WHEELER STREET  
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A.J. LUEBS (1903-1996)

D. STEVEN LEININGER  
BRUCE I. SMITH  
MICHAEL L. JOHNSON  
AREND R. BAACK  
DANIEL M. PLACZEK  
ROGER G. STEELE  
CATHLEEN H. ALLEN  
BRANDON S. CONNICK  
SONYA K. KOPERSKI  
AARON M. POPELKA

July 28, 2005



Mayor Jay Vavricek  
City Hall Building  
100 E. First Street  
P.O. Box 1968  
Grand Island, NE 68802

Re: Fonner Park Exposition and Events Center, Inc.

Dear Mayor Vavricek:

Please have the City Clerk of the City of Grand Island, Nebraska place the following matter on the agenda of the meeting of the City Council of the City of Grand Island, Nebraska scheduled for August 9, 2005:

"Fonner Park Exposition and Events Center, Inc./ Ratification of Election of Board of Directors"

On July 27, 2005 the following persons were elected as directors of the Fonner Park Exposition and Events Center, Inc.:

Brian Hamilton  
George Wanitschke  
Vince Dowding  
Jim Cannon  
Scott Zana

The following provisions are included in the Bylaws of Fonner Park Exposition and Events Center, Inc.:

- (1) The Mayor of the City of Grand Island, Nebraska nominates one (1) member of the Board of Directors of Fonner Park Exposition and Events Center, Inc.; and

Mayor Jay Varicek  
July 28, 2005  
Page 2

- (2) The election of the members of the Board of Directors of Fonner Park Exposition and Events Center, Inc. is submitted to the City Council of the City of Grand Island, Nebraska for ratification.

As you know, you nominated Scott Zana as a member of the Board of Directors of Fonner Park Exposition and Events Center, Inc. in compliance with the requirements of (1) above. The election of the members of the Board of Directors of Fonner Park Exposition and Events Center, Inc. should now be submitted to the City Council of the City of Grand Island, Nebraska for ratification in compliance with the requirements of (2) above.

Thank you for your time and consideration.

Sincerely,

LEININGER, SMITH,  
JOHNSON, BAACK, PLACZEK,  
STEELE & ALLEN



MICHAEL L. JOHNSON  
MLJ/las

cc: Mr. Gary Greer, City Administrator  
Ms. RaNae Edwards, City Clerk  
Mr. Hugh Miner, Jr.

43-4/122921



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G4

**Approving Request of Larry Knuth for Conditional Use Permit for  
a Sand and Gravel Operation Located at 3554 West Wildwood**

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

Staff Contact: Craig Lewis



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G5

**#2005-216 - Approving Change to Development Agreement for Via Milano Subdivision Relative to Distance Between Buildings on Adjacent Lots and Infringements into the Easements and Outlots**

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

Staff Contact: Chad Nabity

RESOLUTION 2005-216

WHEREAS, on November 23, 2004, by Resolution 2004-293, the City Council of the City of Grand Island approved the final plat and Subdivision Agreement for Via Milano Subdivision; and

WHEREAS, the owner has requested an amendment to the subdivision agreement to limit the proximity of buildings on adjoining lots and permit eaves to extend into the outlots and easements; and

WHEREAS, an Amendment to the Via Milano Subdivision Agreement has been prepared by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Amendment to the Via Milano Subdivision Agreement is hereby approved to limit the proximity of buildings on adjoining lots and to permit eaves to extend into the outlots and easements.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G6

**#2005-217 - Approving Final Plat and Subdivision Agreement for  
Goodrich Second Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Goodrich Second Subdivision - Final Plat  
**Item #'s:** G-6  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This subdivision proposes to replat lots 1-12 Block 1 Goodrich Subdivision into 3 lots. This land consists of approximately 1.356 acres.

## **Discussion**

This property is zone R4-High Density Residential. Sewer and water are available or will be extended to the properties. This subdivision meets the requirements for the R4 zoning district.

## **Alternatives**

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

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

## **Recommendation**

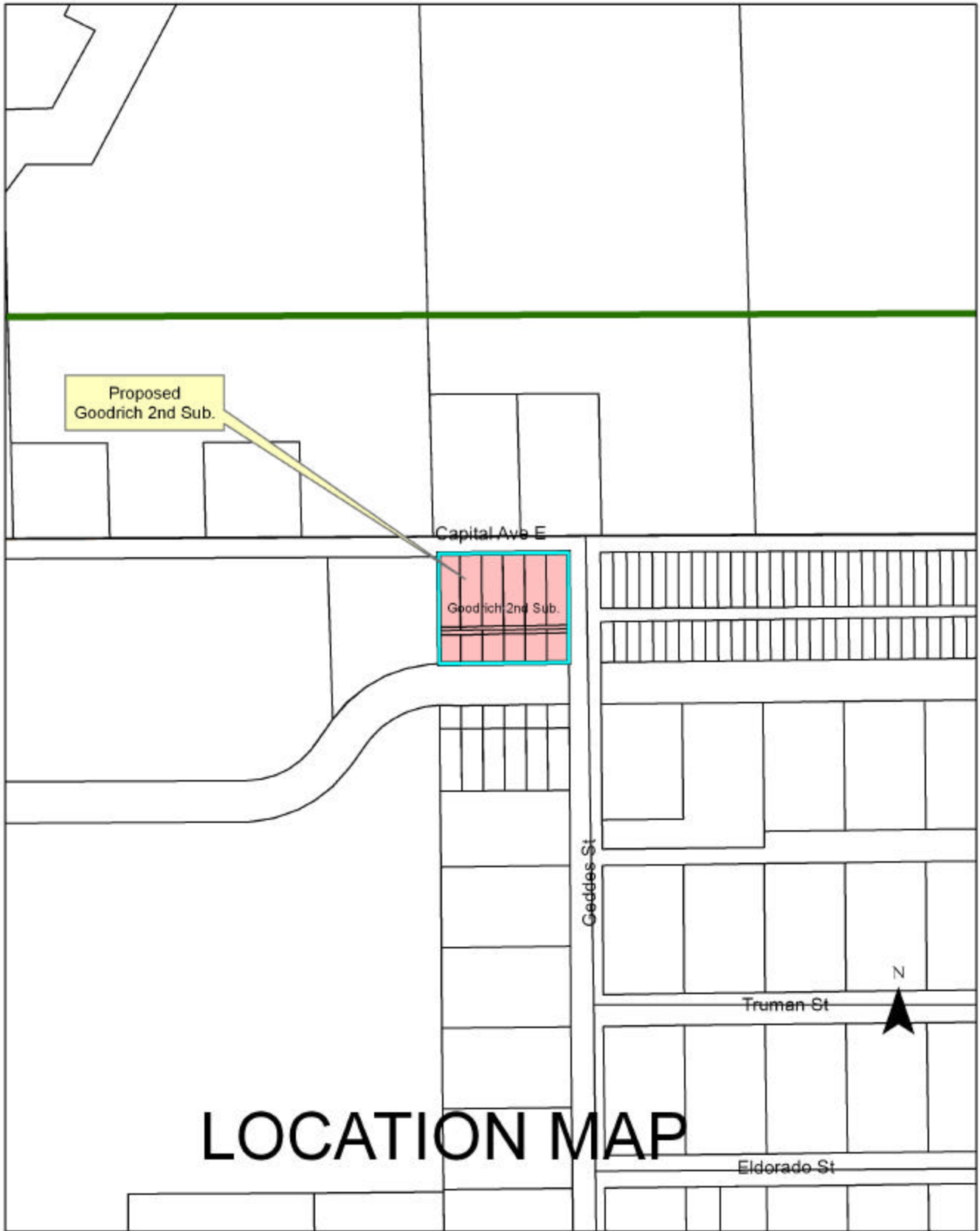
A motion was made by Amick 2<sup>nd</sup> by Brown to approve by consent agenda and recommend that the City Council approve the subdivision as presented.

A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, Reynolds, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Wagoner) voting in favor.

## **Sample Motion**

Approve the Final Plat for Goodrich Second Subdivision as presented.





RESOLUTION 2005-217

WHEREAS, Procon Development Company, L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising all of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), in Block One (1), Goodrich Subdivision, in the City of Grand Island, Hall County, Nebraska, and that part of the vacated alley as shown in Ordinance No. 4823, recorded in Book 20, Page 203, Hall County Register of Deeds Office, and excepting a certain tract (City Storm Sewer Right-of-Way) described in Quitclaim Deed recorded in Book 161, Page 30, Hall County Register of Deeds Office, under the name of GOODRICH SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G7

**#2005-218 - Approving Final Plat and Subdivision Agreement for  
Martin's Fourth Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Westgate Ninth Subdivision - Final Plat  
**Item #'s:** G-7  
**Presenter(s):** Chad Naby AICP, Regional Planning Director

## **Background**

This subdivision proposes to replat lot 3 Martin's Third Subdivision into 2 lots. This land consists of approximately 12.26 acres.

## **Discussion**

This property is zoned B2 General Business and the proposed lot configuration is legal in the B2 zoning district. Sewer and water are available to the lots.

## **Alternatives**

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

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

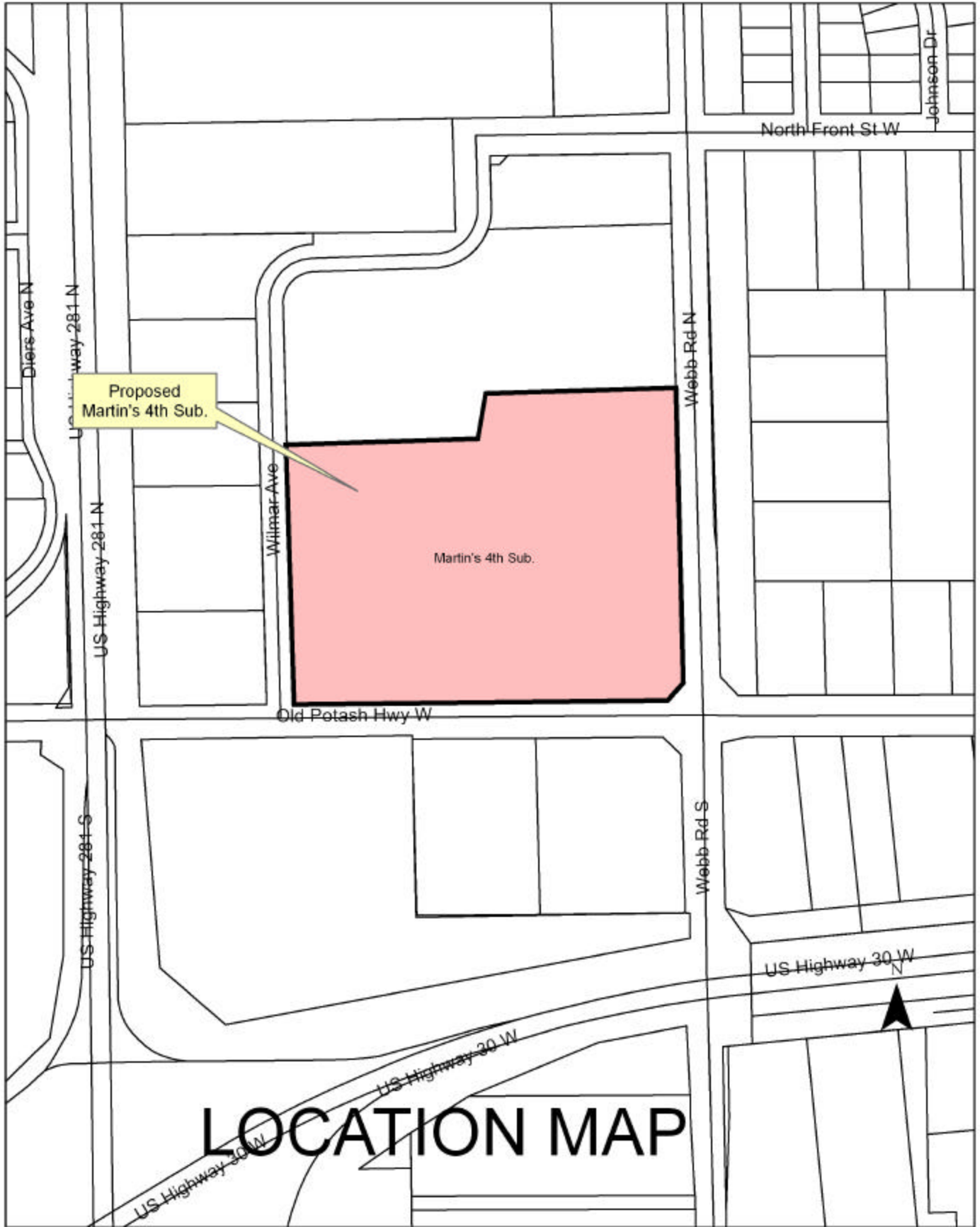
## **Recommendation**

A motion was made by Amick 2<sup>nd</sup> by Brown to approve by consent agenda and recommend that the City Council approve the subdivision as presented.

A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, Reynolds, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Wagoner) voting in favor.

## **Sample Motion**

Approve the Final Plat for Martin's Fourth Subdivision as presented.



RESOLUTION 2005-218

WHEREAS, 281 & Old Potash L.L.C., a limited liability company, as owner, has caused to be laid out into lots, a tract of land comprised of Lot 3 of Martin's Third Subdivision, in the city of Grand Island, Hall County, Nebraska, under the name of MARTIN'S FOURTH SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G8

**#2005-219 - Approving Final Plat and Subdivision Agreement for  
Sunny Side Second Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Sunny Side Second Subdivision - Final Plat  
**Item #'s:** G-8  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

This subdivision proposes to replat lots 25-36 Sunny Side Subdivision into 2 lots. This land consists of approximately .817 acres.

## Discussion

This property is zone R4-High Density Residential. Sewer and water are available or will be extended to the properties. This subdivision meets the requirements for the R4 zoning district.

## Alternatives

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

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

## Recommendation

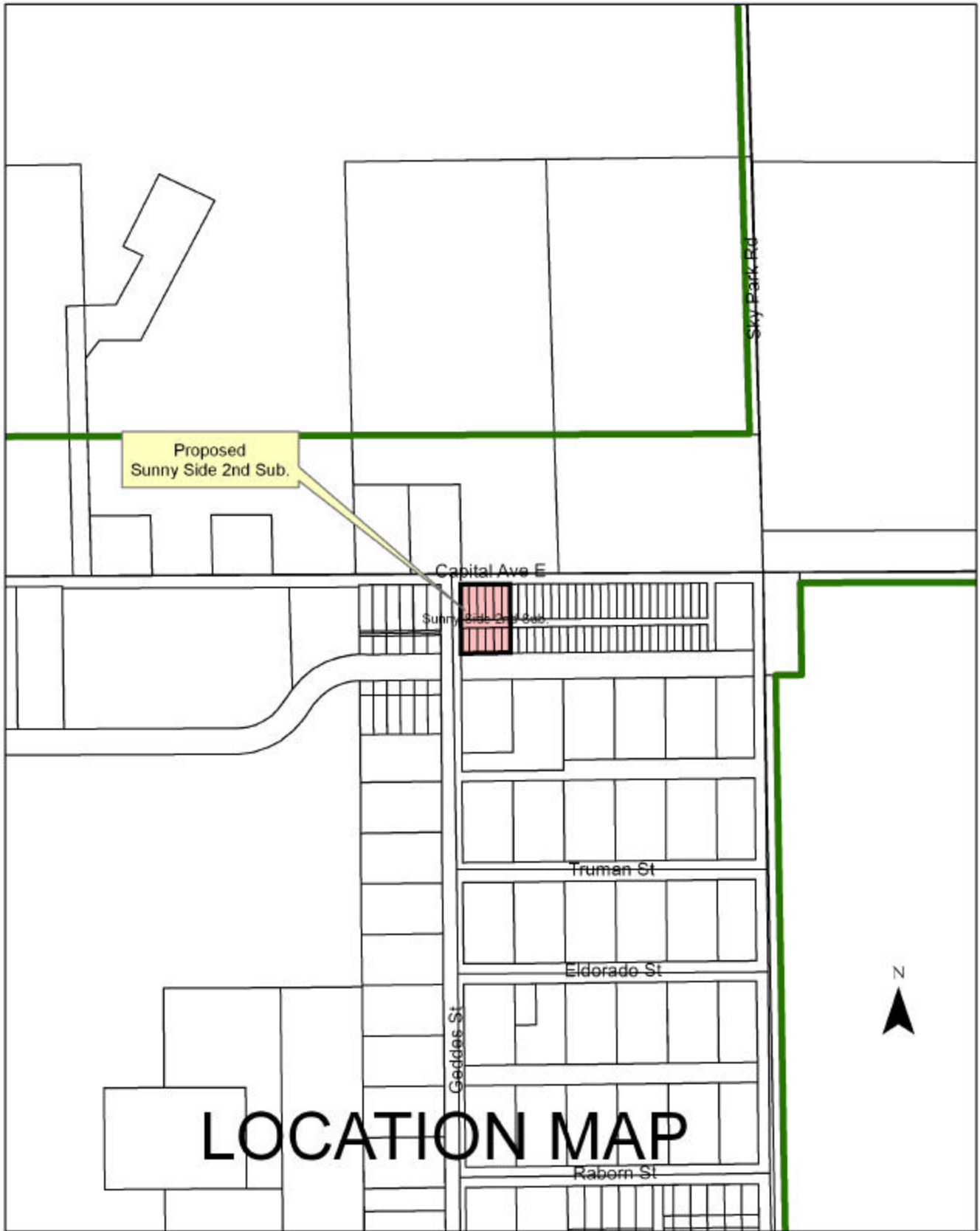
A motion was made by Amick 2<sup>nd</sup> by Brown to approve by consent agenda and recommend that the City Council approve the subdivision as presented.

A roll call vote was taken and the motion passed with 10 members present (Amick, Haskins, Reynolds, O'Neill, Brown, Niemann, Miller, Ruge, Monter, Wagoner) voting in favor.

## Sample Motion

Approve the Final Plat for Sunny Side Second Subdivision as presented.





RESOLUTION 2005-219

WHEREAS, Procon Development Company, L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising all of Lots Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty (30), Thirty One (31), Thirty Two (32), Thirty Three (33), Thirty Four (34), Thirty Five (35), and Thirty Six (36), Sunny Side Subdivision, in the City of Grand Island, Hall County, Nebraska, and that part of the vacated Edward Street as shown in Ordinance No. 4804, recorded in Book 19, Page 362, Hall County, Register of Deeds Office, and that part of the vacated alley as shown in Ordinance No. 4824, recorded in Book 20, Page 204, Hall County Register of Deeds Office, and excepting a certain tract (City Storm Sewer Right-of-Way) described in Quitclaim Deed recorded in Book 161, Page 30, Hall County Register of Deeds Office, under the name of SUNNY SIDE SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G9

**#2005-220 - Approving Bid Award - Corrosion Control Solution -  
Utilities Department, Water Department**

Staff Contact: Gary R. Mader; DaleShotkoski

# Council Agenda Memo

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

**Meeting:** August 9, 2005

**Subject:** Bid Award - Liquid Ortho-Polyphosphate for Corrosion Control - Platte Pumping Station

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

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

## Background

The City was issued an Administrative Order by the Nebraska Health and Human Services on March 24, 1998, requiring compliance with the Lead and Copper Rule. Because City water was corrosive enough to leach copper from household plumbing and fixtures in excess of EPA limits, the order required the preparation of an Optimum Corrosion Control Treatment program (OCCT).

The OCCT program includes the addition of liquid ortho-polyphosphate solution to the source water and the addition was implemented in May 2003. Annual testing of the water system indicates that the goal of reducing corrosiveness, and thus copper levels, to comply with the regulatory order has been achieved.

## Discussion

The contract to provide the additive for this year is completed. Therefore, specifications for the purchase of Liquid Ortho-Polyphosphate for Corrosion Control for another year were prepared and issued for bid. The specifications require a firm price for the product to maintain the guaranteed dose rate. Two bids were received as listed below. The bids were evaluated based upon the total cost to treat 4.5 billion gallons of water (a high estimate of annual treatment needed).

Bidder	Price/gal	Price/mil gal	Est. annual cost
Aqua Smart, Inc., Atlanta, GA	\$7.140	\$27.49	\$123,705.00
CalciQuest, Inc., Belmont, NC	\$4.945	\$19.78	\$ 89,010.00

Department engineering staff has reviewed the bids for compliance with the City's detailed specifications. AquaSmart did not include sales tax in their price. Otherwise, both bids are compliant.

### **Alternatives**

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

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

### **Recommendation:**

City Administration recommends that the purchase of liquid ortho-polyphosphate be awarded to CalciQuest, Inc. from Belmont, North Carolina, as the low responsive bidder, for a firm price of \$19.78 per million gallons of water treated in an annual amount estimated at \$89,010.00. The actual annual amount will depend on City water usage.

### **Sample Motion**

Motion to approve the award for the purchase of Liquid Ortho-Polyphosphate for Corrosion Control in the amount of \$19.78 per million gallons of treated water awarded to CalciQuest, Inc. from Belmont, North Carolina.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** July 27, 2005 at 11:00 a.m.  
**FOR:** Liquid Ortho-Polyphosphate for Corrosion Control  
**DEPARTMENT:** Utilities  
**ESTIMATE:** \$175,000.00  
**FUND/ACCOUNT:** E525  
**PUBLICATION DATE:** July 15, 2005  
**NO. POTENTIAL BIDDERS:** 3

**SUMMARY**

<b>Bidder:</b>	<u>Aqua Smart, Inc.</u> Atlanta, GA	<u>CalciQuest</u> Belmont, NC
<b>Bid Security:</b>	\$6,997.50	Aegis Security Insurance Co.
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$123,705.00	\$89,010.00

cc: Gary Mader, Utilities Director  
Tim Luchsinger, Assist. Utilities Director PGS  
Gary Greer, City Administrator  
Laura Berthelsen, Legal Assistant

Bob Smith, Assist. Utilities Director  
Pat Gericke, Utilities Admin. Assist.  
Dale Shotkoski, Purchasing Agent

**P1011**

RESOLUTION 2005-220

WHEREAS, the City of Grand Island invited sealed bids for Purchase of Liquid Ortho-Polyphosphate for Corrosion Control, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on July 27, 2005, bids were received, opened and reviewed; and

WHEREAS, CalciQuest of Belmont, North Carolina, 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 \$19.78 per million gallons of water treated in an annual amount estimated at \$89,010.00; and

WHEREAS, the actual annual amount will depend on City water usage; and

WHEREAS, such bid is below the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of CalciQuest of Belmont, North Carolina, for the purchase of liquid Ortho-Polyphosphate for corrosion control in the amount of \$19.78 per million gallons of treated water is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G10

**#2005-221 - Approving Replacement of Fire Protection Systems at the Utilities Service Center**

Staff Contact: Gary R. Mader



# **Council Agenda Memo**

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

**Meeting:** August 9, 2005

**Subject:** Replacement of Fire Protection Systems at the Utility Service Center

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

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

## **Background**

The Utilities Department Service Center has a fire protection sprinkler system consisting of water pipes and sprinkler heads. That system covers the operation offices, purchasing, warehouse and truck garage areas.

Central Sprinkler Company, an affiliate of Tyco Fire Products of Lansdale, PA is the maker of the fire suppression system. The company has issued a Voluntary Sprinkler Replacement recall to replace parts of the sprinkler heads. They will provide parts and labor to replace the original O-Ring Sprinkler Heads with an improved design, at no cost to the Department. The Department has 51 of the sprinkler heads covered in the recall.

## **Discussion**

Prior to the replacement, Central Sprinkler Company and Tyco Fire Products require a "Waiver, Release of Claims and Replacement Agreement" to be signed by the "Owner", in this case, the Mayor with approval by City Council.

The agreement limits the liability of Central Sprinkler Company and Tyco Fire Products for prior claims associated with the sprinkler heads. Fortunately, the Utilities Department has not had occasion for the system to operate, so there are no "prior claim" issues at this time.

The Legal Department has reviewed the agreement.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the waiver agreement, and that the O-Ring Sprinkler Heads be replaced.

## **Sample Motion**

Motion to approve the Waiver, Release of Claims and Replacement Agreement with Central Sprinkler Company.

# WAIVER, RELEASE OF CLAIMS AND REPLACEMENT AGREEMENT

102248126

“Central” means Central Sprinkler Company, its predecessors, successors, subsidiaries, parent company, affiliated companies (including, but not limited to, Gem Sprinkler Co. and Star Sprinkler, Inc.), and any and all of their past, present or future officers, directors, stockholders, partners and agents.

“You” means the undersigned individual or entity that owns O-Ring Sprinkler Heads covered by the Voluntary Replacement Program described in this Notice Packet or at [www.SprinklerReplacement.com](http://www.SprinklerReplacement.com), or any person claiming through the undersigned individual as his, her or its heir, administrator, devisee, predecessor, successor, shareholder, partner, director, owner, affiliate, subrogee, assignee, insurer or representative of any kind.

In return for Your agreements below, Central agrees to do the following:

- (1) Central will provide a Central Replacement Sprinkler Head to replace each O-Ring Sprinkler Head owned by You that is covered by the Voluntary Replacement Program described in the Notice Packet or at [www.SprinklerReplacement.com](http://www.SprinklerReplacement.com).
- (2) Central will provide a replacement extension, escutcheon and any fittings, fixtures or appurtenances necessary for the proper replacement of each O-Ring Sprinkler Head with a Replacement Sprinkler Head (“Replacement Parts”).
- (3) Central will remove the O-Ring Sprinkler Heads at Your building(s) and install the Replacement Sprinkler Heads and Parts or pay an installer designated by Central an agreed-upon price to perform the replacement work.

In return for Central’s agreements above, You agree to the following:

(1) You release and give up any claim against Central and those persons or entities in the chain of distribution of Central O-Ring Sprinkler Heads, including distributors, installers, design engineers, builders, developers, contractors or subcontractors (together with Central, “Released Parties”) that may arise from the selection, purchase, presence or use of the O-Ring Sprinkler Heads that are being replaced, except as provided below. You do not release, and continue to retain, any claim against persons in the chain of distribution that does not arise from that person’s selection, sale or distribution of the O-Ring Sprinkler Heads that are being replaced. You also do not release, and continue to retain, the right to bring any claim for actual property damage, costs associated with business interruption or lost business, bodily injury, or wrongful death that may arise from (a) the failure of an O-Ring Sprinkler Head or sprinkler system to perform in a fire as intended, designed or expected, (b) the premature activation of an O-Ring Sprinkler Head, or (c) damage to property other than the O-Ring Sprinkler Head or sprinkler system caused by leakage or corrosion of the O-Ring Sprinkler Head.

(2) You expressly waive the provisions of Section 1542 of the California Civil Code (and all other like provisions of law), which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor;

Unknown claims for damages arising from fire damage, property damage, personal injury, or wrongful death associated with the failure or alleged failure of an O-ring sprinkler head or sprinkler system to perform in a fire as intended, designed, or expected; premature activation of such sprinkler; or damage to property other than the O-Ring Sprinkler Head or sprinkler system caused by leakage or corrosion of the O-Ring Sprinkler Head, are not released hereby.

(3) You will fully cooperate with Central (or the installer designated by Central to perform the replacement work) to schedule the replacement work for a mutually convenient time and, if necessary, to secure the cooperation and agreement of any occupants or tenants.

(4) It is Central’s intention that, as a matter of good faith and sound business practice, if a defect in the sprinkler system not related to the heads being replaced is identified by the installer, the installer will bring the defect to the attention of

the building owner or manager. Nevertheless, Central and/or the installer designated by Central are not legally responsible for identifying, disclosing, repairing, or remedying any pre-existing condition(s) of Your building or sprinkler system, and cannot be held liable for failing to do so. Pre-existing conditions include asbestos abatement, improper or incorrect sprinkler system design, unsuitable piping or materials (other than the O-Ring Sprinkler Heads), adequacy of available water supply, water quality or microbiologically induced corrosion.

(5) Central and/or the installer designated by Central are not liable for any incidental or consequential damages or for costs associated with business interruption or lost business to You, unless such damage was caused by intentional misconduct or a negligent act during the installation of the Replacement Sprinkler Heads and Parts. These incidental damages include water damage, leaks, cosmetic damage, or costs of cleaning the premises more than broom clean.

(6) Central and/or the installer designated by Central are not liable for any costs associated with access restrictions, fire watch or security costs, permit costs, or Your personnel costs, unless such cost was caused by intentional misconduct or a negligent act during the installation of the Replacement Sprinkler Heads and Parts. If your O-ring sprinkler heads are "On-Off" sprinklers, Central is not liable for the fact that no Replacement Sprinkler heads with an On-Off feature are available if you choose to participate in this program.

(7) In the event You bring suit against some party other than the Released Parties for claims covered by this release, You will reduce any judgment You obtain related to the claims released above so as to discharge any claims for contribution and/or indemnity against the Released Parties arising from or related to those claims, and if You obtain a judgment (or settlement) against a party and that party obtains a judgment against the Released Parties for contribution or indemnity, You will reduce or remit any judgment You obtain by the amount of the judgment against the Released Parties.

(8) Your participation in this program supersedes all prior offers from Central regarding replacement of O-Ring Sprinkler Heads.

(9) Central's offer of free Replacement Sprinkler Heads, free Replacement Parts and performance or provision of replacement labor does not mean that any valid claim exists against Central or any other person or entity regarding the O-Ring Sprinkler Heads, and by making this offer, Central does not admit liability of any kind.

(10) This Agreement can only be amended in writing signed by You and Central.

(11) You are fully possessed of all rights and authority to execute this document on behalf of the owner of the O-Ring Sprinklers being replaced.

By entering this Agreement, You and Central intend to eliminate the necessity and expense of defending against any claims by You, as an owner of O-Ring Sprinkler Heads, relating to the purchase and installation of O-Ring Sprinkler Heads against any other person.

*Bob Brinkman*

\_\_\_\_\_  
*Owner of the O-ring Sprinkler Heads (Signature)*

\_\_\_\_\_  
Robert Brinkman,  
for Central Sprinkler Company

By: \_\_\_\_\_  
(print name)

Title: \_\_\_\_\_  
(if You are signing on behalf of an entity)

Date: \_\_\_\_\_

Send this signed Agreement with Your completed and signed Proof of Claim Form and required photographs to:

Central Sprinkler Company Replacement Program  
PO Box 5005  
Lansdale, PA 19446

RESOLUTION 2005-221

WHEREAS, the Utilities Department Service Center has a fire protection sprinkler system consisting of water pipes and sprinkler heads that covers the operation offices, purchasing, warehouse and truck garage areas; and

WHEREAS, Central Sprinkler Company, an affiliate of Tyco Fire Products of Lansdale, Pennsylvania is the maker of the fire suppression system; and

WHEREAS, the company has issued a Voluntary Sprinkler Replacement recall to replace parts of the sprinkler heads; and

WHEREAS, such recall will provide parts and labor to replace the original O-Ring Sprinkler Heads with an improved design, at no cost to the Department; and

WHEREAS, prior to the replacement, Central Sprinkler Company and Tyco Fire Products require a Waiver, Release of Claims and Replacement Agreement to limit the liability of Central Sprinkler Company and Tyco Fire Products for prior claims associated with the sprinkler heads; and

WHEREAS, the City Attorney's office has reviewed and approved the proposed agreement, and no prior claims exist pertaining to the sprinkler heads.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute the Waiver, Release of Claims and Replacement Agreement with Central Sprinkler Company to provide parts and labor to replace the original O-Ring Sprinkler Heads at the Utility Service Center involved in the recall.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G11

**#2005-222 - Approving Cross Street Banners**

Staff Contact: Gary R. Mader

# Council Agenda Memo

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** August 9, 2005

**Subject:** Cross Street Banners

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

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

## Background

For over 20 years the Utilities Department has provided a public service of placing advertising banners across downtown streets for public and private, non-profit functions. Banners were required to conform to the policy adopted by Council in 1985, copy attached. Banner locations were; across 2<sup>nd</sup> Street at Cedar, across 3<sup>rd</sup> Street at Cedar, and across 2<sup>nd</sup> Street at Sycamore. Recent changes in Federal Highway Administration and Nebraska Department of Roads regulation will affect this historical practice as two of the three banner locations cross a federal highway, US 30/ 2<sup>nd</sup> Street. The new regulations became effective on July 1, 2005. The new federal/state regulations place limitations on where in the highway right of way banners can be placed and also limit the types of advertising that can utilize banners across highways.

## Discussion

### **Banner Locations:**

The new regulations prohibit cross street banner installation within 50 ft. of a signal controlled intersection. The 2<sup>nd</sup> and Sycamore banner location spanned that intersection parallel to Sycamore at the curb line. That location does not meet the new regulations and that location is no longer being used. The other two banner locations are not affected by this section of the rules.

### **Types of Advertising:**

The new regulation prohibits the use of banners which include the name, symbol, slogan, or any identifying feature of a person, business, commercial product, or any private activity irregardless of whether or not it is a non-profit organization. This portion of the regulation affects the other location on 2<sup>nd</sup> Street at Cedar. Organizations currently utilizing the cross street banner advertising service but who will no longer be allowed include:

Heartland United Way, Goodwill Charity Shoot, St Francis Hospital Healthfest, Team Mates Mentoring, GI Nurses Association, Eagles Camper Convention, 1<sup>st</sup> Church of the Nazarene Earth Day

These banners may still be placed at the 3<sup>rd</sup> and Cedar location since that is not a federal highway.

The new regulation does provide that public events sponsored or sanctioned by the governing body of the city or village, which do not conflict with the previous prohibitions, may be allowed, but only with the formal support of that governing body. Public events currently utilizing the cross street banner advertising are:

Central Nebraska Ethnic Festival, Downtown Market, Hall County Fair, Husker Harvest Days, City of Kindness, Health Department-Employee Health & Fitness Week, Cholesterol Testing, Child Abuse Prevention, the American Great Race and Discover Downtown

In order to provide compliance with the sponsoring requirements of the new regulations, the City Council would need to sanction these advertisings. Also, the city or village must be the applicant for the state permit.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council declare the following list of events and promotions as of community interest and direct staff to make application to the State of Nebraska, Department of Roads for permits to allow hanging of the banners:

Central Nebraska Ethnic Festival, Downtown Market, Hall County Fair, Husker Harvest Days, City of Kindness, Health Department-Employee Health & Fitness Week, Cholesterol Testing, Child Abuse Prevention, the American Great Race and Discover Downtown

### **Sample Motion**

Motion to approve the above list of events and promotions as community interest and apply to the State of Nebraska, Department of Roads for permits to allow hanging of banners.



# CITY OF **GRAND ISLAND**



## POLICY DOWNTOWN BANNER

1. All requests must be submitted to the Gary R. Mader, Utility Director, 100 East First Street, Grand Island, NE 68801.
2. Banner locations will be restricted to three locations: Second and Sycamore, Second and Cedar, and Third and Cedar. These are the only locations where adequate supports for the lines exist.
3. The requesting party must have their own banner made at their own expense. The banner should not exceed 30 feet in length and 24" in height. Eyelets should be spaced at approximately 1.5 to 2 feet across the top and bottom of the banner. Half moon wind slits should be placed every three feet to defray wind. 3/8" rope (minimum) approximately 45 feet in length, should be placed at the top and bottom of the banner to be used to secure from pole to pole. It is also recommended that the rope be nylon because of the extended life.
4. The City Line Department will put up and take down all banners at cost. The current standard charge is \$50. Additional charges may be made for any unforeseen costs at the prevailing rate. The Mayor may waive the fee.
5. The maximum length of time for banners to be up on Second Street will be two weeks unless specific permission is granted from the Mayor's office for a longer time.
6. Only banners promoting or advertising community events or general commercial events will be allowed on Second Street. No banners advertising a specific commercial event at a specific location will be allowed on Second Street. However, generalized promotions of events such as "Downtown Days" are allowed.
7. Because of the vital public safety role of the Line Department, the City cannot guarantee exact times for installation or removal of banners. The City reserves the right to refuse to install any banner if the request is not made more than 30 days in advance. The City reserves the right to remove or refuse installation of any banner at any time. The Mayor or his designated representatives shall be the final authority of all matters pertaining to banners over the public right-of-way.
8. Requests for banners at the Third and Cedar location not meeting the criteria for the Second Street banners in Paragraph 5 and 6 shall be submitted to the Mayor and City Council for approval. The request should indicate the nature of the banner and the length of the time required.



Dave Heineman

*Altoona  
May 11, 2005  
6/12/05 PJS  
Line*

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

June 8, 2005

The Honorable Jay Vavricek  
Mayor of Grand Island  
100 E First St  
PO Box 1968  
Grand Island NE 68802-1968

JUN 2005  
RECEIVED  
DISTRICT OFFICE

Re: Final Banner Policy

We have completed our Banner Policy and it has been approved by the Federal Highway Administration (FHWA). This policy sets forth the requirements and procedures to be followed for our permitting banners within the State highway right-of-way and is effective on July 1, 2005.

All existing banners that do not conform to the requirements noted in the policy need to be removed or modified to conform to the policy on or before September 1, 2005. All other conforming banners should be permitted on or before September 1, 2005.

Our participation in the Federal-Aid Highway Program requires that we assure to the FHWA that all real property within the boundaries of a federally-aided highway is devoted exclusively to the purpose of that highway, and that the real property is preserved free of all other public or private alternative uses. With State and local Federal funding at stake, it is important that we all cooperate to insure that we are in compliance with Federal Regulations.

Exceptions are permitted when we have determined such use of the real property is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic and the FHWA has concurred in our determination.

Banners, provided they conform to our policy, are exceptions that have been determined to be in the public interest and not to impair the highway or interfere with the free and safe flow of traffic.

We encourage you to review the policy for the requirements and procedures to follow when applying for a Banner Permit. The web address is [www.dor.state.ne.us/roway/permits.htm](http://www.dor.state.ne.us/roway/permits.htm). If you have any questions, please contact the appropriate District office as identified on the map shown on the web address. You may also contact Gary Britton at (402) 479-4761 or email him at [gbritton@dor.state.ne.us](mailto:gbritton@dor.state.ne.us).

Sincerely,

John L. Craig  
Director

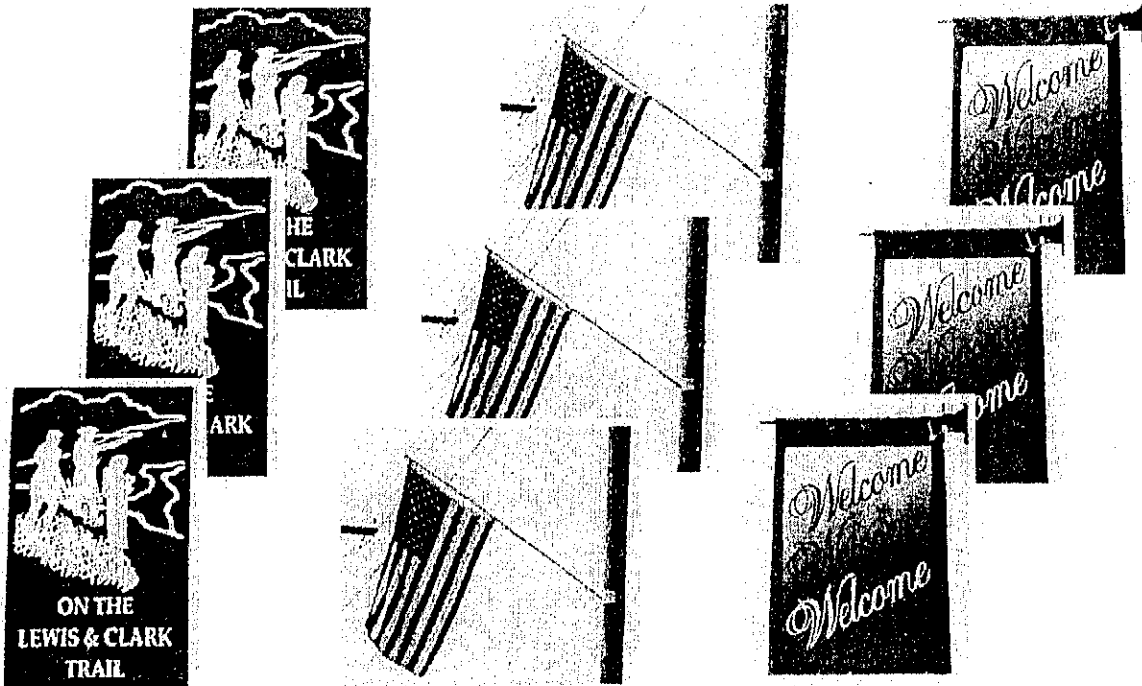
JLC:RN:Z

cc: League of Nebraska Municipalities  
Nebraska Chamber of Commerce and Industry  
Nebraska Highway Commission

*Handwritten notes and stamps at bottom right*

# NDOR

Nebraska  
Department of Roads



## BANNER POLICY

Effective Date

July 1, 2005

APPROVED

John L. Craig  
Director  
Nebraska Department of Roads

# BANNER POLICY

## 1. Purpose and Authority

- a. To prescribe policy and procedures for permitting Banners within State Highway Right-of-Way.
- b. State and federal law prohibits commercial advertising on public right-of-way. Therefore, the Banners allowed pursuant to this policy may not include commercial advertising of any kind. Any message on a Banner shall not include the name, symbol, slogan or any identifying feature of a person, a business, a commercial product, or a private activity. Refer to Section 3. e. Banners may be allowed for only the following purposes:
  - (1) to announce plans for an upcoming Event,
  - (2) to promote community pride and spirit, or
  - (3) to serve as a non-message decoration.
- c. Neb. Rev. Stat. 39-1359 provides the Department authority to control the use or occupancy of State Highway right-of-way. Section 39-1359 states as follows: "The rights-of-way acquired by the department shall be held inviolate for state highway and departmental purposes and no physical or functional encroachments, structures, or uses shall be permitted within such right-of-way limits, except by written consent of the department."

## 2. Definitions

- a. A Banner is any device, display, decoration, flag, pennant, symbol, badge or object affixed to or hung from a pole lawfully located on the right of way of a State highway. For purposes of this policy, the State will only allow the following two types of Banners:
  - (1) Pole Mounted Banner is a Banner attached to a single existing pole.
  - (2) Over-the-Highway Banner is a Banner which extends over the traveled lanes of the highway and shall not be attached to light poles with breakaway devices.
- b. An Event is a federal, state or local celebration, occasion, occurrence, happening, gathering, remembrance, or other similar event, that is observed by or open to the general public, is of limited duration and frequency and has been formally sanctioned or sponsored by the governing body of the village or city. Any federal or state observed holiday is an event.
- c. Freeway shall mean a divided arterial highway for through traffic with full control of access which has grade separations and interchanges and no at grade intersections.
- d. Interchange shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection.

## 3. Criteria for Placement

- a. Applicant, Owner, Location and Installation:
  - (1) The City or Village must be the applicant, responsible party and installer of Banners, except: in lieu of installation by the City or Village forces, the installation or any part thereof may be performed by a contractor hired and directly supervised by the City or Village.
  - (2) Banners are allowed only within the City or Village corporate limits.
- b. Size and Installation Dimensions:
  - (1) Pole Mounted Banners shall be limited to a surface area of 20 square feet per pole.

- (i) Up to two American Flags may be added per pole provided the American Flags do not exceed 24 square feet per flag.
  - (ii) All banners and American Flags purchased on or before the effective date of this policy that do not conform to these size requirements will be allowed to be used until January 1, 2007.
- (2) Over-the-Highway Banners shall not be more than three feet wide. The length will be sufficient to fit between the poles to which it is affixed.
- (3) If the Pole Mounted Banner is in an area with curbs the following two options exist:
- (i) If the banner is behind the face of the curb, the bottom of the banner shall be at least eight feet above the elevation of the sidewalk or ground.
  - (ii) If the banner extends beyond the curb, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the shoulder and no closer than four feet from the nearest driving lane, as measured from the white line.
- (4) If the Pole Mounted Banner is in an area without curbs the following two options exist:
- (i) If the banner overhangs a sidewalk or ground that is not a shoulder, the bottom of the banner shall be at least eight feet above the elevation of the sidewalk or ground and not closer than four feet from the edge of the nearest driving lane, as measured from the white line.
  - (ii) If the banner overhangs the shoulder of the highway, the bottom of the banner shall be at least twelve feet six inches (12' 6") feet above the elevation of the shoulder and not closer than four feet from the edge of the nearest driving lane, as measured from the white line.
- (5) Over-the-Highway Banners shall vertically clear the pavement by at least 18 feet and there shall be only one for each entrance to the City or Village.
- (6) In any instance where a local ordinance is more restrictive the local ordinance will prevail.
- c. Spacing:
- (1) Banners shall not be within 50 feet of a stop sign that is used for stopping traffic on the highway.
  - (2) Banners shall not be within 50 feet of a traffic signal.
- d. Material: Banners shall be made of durable material.
- e. Appropriate Message: The banner shall not have displayed thereon any service, consumer good, message, legend, symbol, notations, slogans or identifying feature which:
- (1) may be construed to advertise, promote the sale of, or publicize any merchandise or commodity,
  - (2) identifies any person, or,
  - (3) identifies any private company, private corporation or private business, whether they are for profit or non-profit.
- f. Banners to be Placed on Existing Poles: The banners must be attached to a pole which is permanently located in the right of way and conforms to the following requirements:
- (1) A load rating analysis, signed and sealed by a registered professional engineer, may be required when banners are to be placed on light poles that contain a breakaway device.
  - (2) The District Engineer, in the District in which the banner is located, will decide if the load rating analysis is necessary.

- (3) If necessary, the load rating analysis shall certify that the specific light poles, which are used to support the banners, will handle the additional load placed on the structures by the banner and attachments, and will not exceed the loading design requirement of the light pole.
- (4) Copies of load rating analysis previously submitted are acceptable for subsequent applications if all conditions remain the same.
- (5) A utility pole not owned by the State or City may be considered for affixing Banners only upon the express written consent of the owner of the pole.

g. Illumination:

- (1) Illumination will be allowed only on pole mounted holiday decorations in which beams or rays of light are not directed at any portion of the traveled way or which are not of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle.
- (2) All other banners will not be illuminated.

h. Duration:

- (1) Pole Mounted Banner permits are valid for one year, unless terminated by either party.
- (2) Over-the-Highway Banner permits are valid for a period of time not to exceed four weeks before the event and shall be removed not more than two days after the event; however, Over-the-Highway Banners shall not occupy the right-of-way for a total duration of more than 50 days.

4. Restrictions and Limitations

- a. **Highways On Which Banners Are Not Allowed.** Banners will not be allowed on freeways or Interstate highways.
- b. **Placement Supports.** No banners shall be attached to:
  - (1) Traffic control devices such as signal poles.
  - (2) Sign structures.
  - (3) Bridges or overpass structures.
- c. **Interchanges.** Banners may not be placed within one-half mile of the center of the interchange.
- d. **Sight Obstructions.** No banner shall obstruct the view of traffic or any traffic control devices.
- e. **Obstructing Traffic.** No banner shall be allowed to obstruct, impede or endanger the flow of traffic.
- f. **Resemble traffic control signs, signals, marking devices.** Banners shall not appear to direct the movement of traffic, obscure, or interfere with the effectiveness of, imitate or resemble any official traffic signal, sign or device or otherwise be a traffic hazard or distraction.
- g. **Construction Projects.** In the event future highway construction or maintenance requires any alteration, relocation or removal of the banner, the City or Village shall perform such work as requested and without expense to the NDOR.
- h. **Removal by NDOR.** Banners may be removed by NDOR at any time, after 30 day written notice, if in the sole discretion of the NDOR, the banner is damaged, faded, neglected, becomes unsightly, or does not comply with the requirements of this policy. The City or Village shall reimburse the NDOR its costs to remove any Banner that is not promptly removed by the City or Village after notice from the NDOR. The removed Banners will be stored in the nearest NDOR Maintenance Yard for 30 days after removal.

- 5. Permit Requirements are the same as for any other use or occupancy of the State Highway right-of-way, which are:

- a. **Application.** The City or Village must complete the appropriate application form. The form may be obtained at [www.dor.state.ne.us/roway/](http://www.dor.state.ne.us/roway/) or by contacting the District Engineer.
- b. **Restrictions and Specific Instructions.** The NDOR may prescribe and define any terms and conditions deemed necessary and/or in the best interest of the public.
- c. **Approved Permit.** The City or Village must have an approved permit before commencing any work on the right-of-way
- d. **Indemnify and Hold Harmless:** The City or Village agrees to accept full responsibility to the public for loss or damage caused by their installation, operation, maintenance or removal of Banners on the highway right of way. The City or Village will hold the State harmless from any suits brought against the State arising out of the installation, occupancy, or removal of any Banner on the State's right-of-way. The City or Village will, when required by the State, provide or cause to be provided proper insurance coverage for public protection and employee protection during installation, maintenance or removal of any Banner.
- e. **Safety Measures:** The City or Village will be solely responsible for all appropriate safety measures to be taken when installing, maintaining and removing banners to ensure the safety of the traveling public as well as the safety of those installing or removing the banners.
- f. **Traffic Control Measures:** The traveling public shall be protected from the activities of the City or Village by means of signs, flagmen and traffic control devices as determined by the City or Village in accordance with the Manual of Uniform Traffic Control devices for Streets and Highways and in accordance with any traffic control plans that are attached to the permit.
- g. **Cancellation/Revocation of Permit:** The permit issued by the NDOR may be cancelled or revoked, after 30 days written notice, when the NDOR has actual knowledge that the City or Village has failed to comply with the provisions of the permit or this Policy. In the event that the City or Village has failed to remove any Banners upon request by the NDOR, the NDOR reserves the right to remove any or all Banners at the expense of the Village or City. The removed Banners will be stored in the nearest NDOR Maintenance Yard for 30 days after removal.
- h. **Performance Guarantees:** Performance Guarantees for Banner Permits will be waived for Cities and Villages, except when the past performance of the City or Village on previous banner permits requires the necessity of a Performance Guarantee.

RESOLUTION 2005-222

WHEREAS, for over 20 years the Utilities Department has provided a public service of placing advertising banners across downtown streets for public and private, non-profit functions;; and

WHEREAS, banner locations were across Second Street at Cedar Street, across Third Street at Cedar Street and across Second Street at Sycamore Street; and

WHEREAS, recent changes in the Federal Highway Administration and the Nebraska Department of Roads will affect banners at two of the crossings since they cross a federal highway right-of-way (U.S. Highway 30); and

WHEREAS, the new federal/state regulations place limitations on where in the highway right-of-way banners can be placed and also limit the types of advertising that can utilize banners across highways; and

WHEREAS, in order to comply with the new regulations, which became effective on July 1, 2005, the City must make application to the Nebraska Department of Roads to authorize the banners to cross U.S. Highway 30.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the following events and promotions are hereby declared to be of community interest, and City staff is hereby directed to make application to the State of Nebraska Department of Roads for permits to allow banners promoting such events or promotions in accordance with the Nebraska Department of Roads Banner Policy:

- |  |                        |
|--|------------------------|
| Central Nebraska Ethnic Festival                 | Downtown Market        |
| Hall County Fair                                 | Husker Harvest Days    |
| Cholesterol Testing                              | Child Abuse Prevention |
| The American Great Race                          | Discover Downtown      |
| City of Kindness                                 |                        |
| Health Department Employee Health & Fitness Week |                        |

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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

Approved as to Form	☐ _____
August 2, 2005	☐ City Attorney





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G12

**#2005-223 - Approving Agreement with USGS and the City of Grand Island for Platte River Well Field River Channel Analysis**

Staff Contact: Gary R. Mader

# Council Agenda Memo

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

**Meeting:** August 9, 2005

**Subject:** Platte River Well Field River Channel Flow Analysis

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

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

## Background

South of the City, at the municipal Well Field, the Platte River is comprised of four separate channels over a mile and a half in total width. The City Well Field is on the east end of Indian Island which is bordered by the two northern most channels of the four. Previous computer hydraulic modeling of the Well Field, its interaction with surface streams, and its interaction with adjacent groundwater deposits, shows that the maintenance of flows in the adjacent river channels is very important to the maintenance of water quality in the aquifer waters underlying the Well Field. The modeling also shows that during periods of dry river conditions, the continued operation of the Well Field can, after several months, begin to draw adjacent groundwater, contaminated with nitrate levels well above the drinking water standards, toward the City's facilities. Thus the maintenance of flows to the greatest extent possible in the north river channels is important to protecting the Well Field, and particularly maintaining flow in the far north channel.

During the last few years, Utility staff has noted that the north channel does not appear to be maintaining its proportional flow when compared to the other three. Two years ago, Utility and NRD staff flew the river during low flow conditions and noted that there had been substantial modifications made in the river channels at a dividing point upstream of the Well Field. After consultations with the landowner and the Corps of Engineers, a 404 Permit was obtained and a local contractor was hired to do some major restoration in the river to redistribute the flows to return more water to the north channel. That project was successful. However, continued observations indicated that the flow proportions in the channels adjacent to the Well Field were still less than historical levels. The river was again flown last fall, just as the flows were returning to the river. The north channel was the last to see return of surface flow, lagging the south channel by several weeks. It appears that there may be additional channel modifications upstream of the first location corrected, but we are lacking accurate historical data by which to judge changes that have

been made, and to document what modifications need to be made, to restore historical balance.

## Discussion

The Utilities Department has been working with the U.S. Geological Survey Division (USGS) and the Central Platte NRD to attempt to develop a program to document the historical and current proportional channel flows in the reach of the river affecting the City Well Field. USGS is the lead agency. The initial proposal from USGS put the cost of the project at just under \$160,000. USGS would cost share about \$40,000 but having the Water Department responsible for \$120,000 was more than its current financial condition would allow. In April, Department staff met with the USGS and the CPNRD. It was decided to modify the research project to place maximum focus on the two most critical division points in the river, to reduce the number of field measurements required in the first data set, and to spread the project over two years. CPNRD also agreed to cost share if the project was done over two years.

USGS subsequently revised the project proposal to reflect a two year time line for completion with a corresponding payment schedule. The proposed project cost is tabulated below.

	Fiscal 2005-2006	Fiscal 2006-2007	
USGS	\$20,000	\$20,000	
CPNRD	\$20,000	\$20,000	
City of Grand Island	\$17,500	\$52,150	
Total	\$57,500	\$92,150	\$149,650

The first year payment by the Water Department is included in the '05-'06 Water Department Budget, as currently proposed.

As the Platte River becomes increasingly regulated and as the river channels continue to be modified by private and public entities for specific beneficial purposes, having sound, complete data on channel water distribution will be very important in maintaining the river to the benefit of the City's Well Field.

## Alternatives

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

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

## **Recommendation**

City Administration recommends that the U.S. Geological Survey proposal for *Geomorphic Assessment of Selected Channels of the Platte River near Grand Island, Nebraska* be approved by the City Council.

## **Sample Motion**

Motion to approve the *Geomorphic Assessment of Selected Channels of the Platte River near Grand Island, Nebraska* proposed from U.S. Geological Survey.

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement

Customer #: NE009  
Agreement #: 05C4NE009039000  
Project #: 8826  
TIN #: 47-6006205  
Fixed Cost Agreement Yes

FOR  
WATER RESOURCES INVESTIGATIONS

THIS AGREEMENT is entered into as of the 1st day of August 2005, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF GRAND ISLAND, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the survey of selected channels of the Platte River, herein called the program.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program
  - (a) \$20,000.00 by the party of the first part during the period August 1, 2005 to October 31, 2006
  - (b) \$69,650.00 by the party of the second part during the period August 1, 2005 to October 31, 2006 (\$20,000 repay, \$49,650 unmatched)
  - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. Billing for this agreement will be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. GEOLOGICAL SURVEY  
UNITED STATES  
DEPARTMENT OF THE INTERIOR

By: 

Robert B. Swanson, NWSC Director

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

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

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

(USE REVERSE SIDE IF ADDITIONAL SIGNATURES ARE REQUIRED)

**U.S. GEOLOGICAL SURVEY  
PROJECT PROPOSAL**

**Geomorphic Assessment of Selected Channels of the Platte River  
near Grand Island, Nebraska**

**by**

**Richard Wilson, PE**

**Brenda Woodward**

**July 28, 2005**

## **SUMMARY**

An understanding of the Platte River channel characteristics, hydrologic flow patterns, and geomorphic conditions near Grand Island, Nebraska is important for the operation and management of the water resources of the City of Grand Island. The North Channel of the Platte River flows within one mile of the well field and the surface water flow recharges the underlying aquifer which serves as a source of water supply to the City. This project will research and analyze historical aerial photography and data sets obtained from previous topographic and bathymetric surveys to explain significant changes in the channels over the years. A topographic survey of three specific locations on the Platte River will be conducted to supplement a LIDAR (Light Detection And Ranging) survey covering the three locations plus all other channels and the area between study sites.

## **BACKGROUND AND PROBLEM**

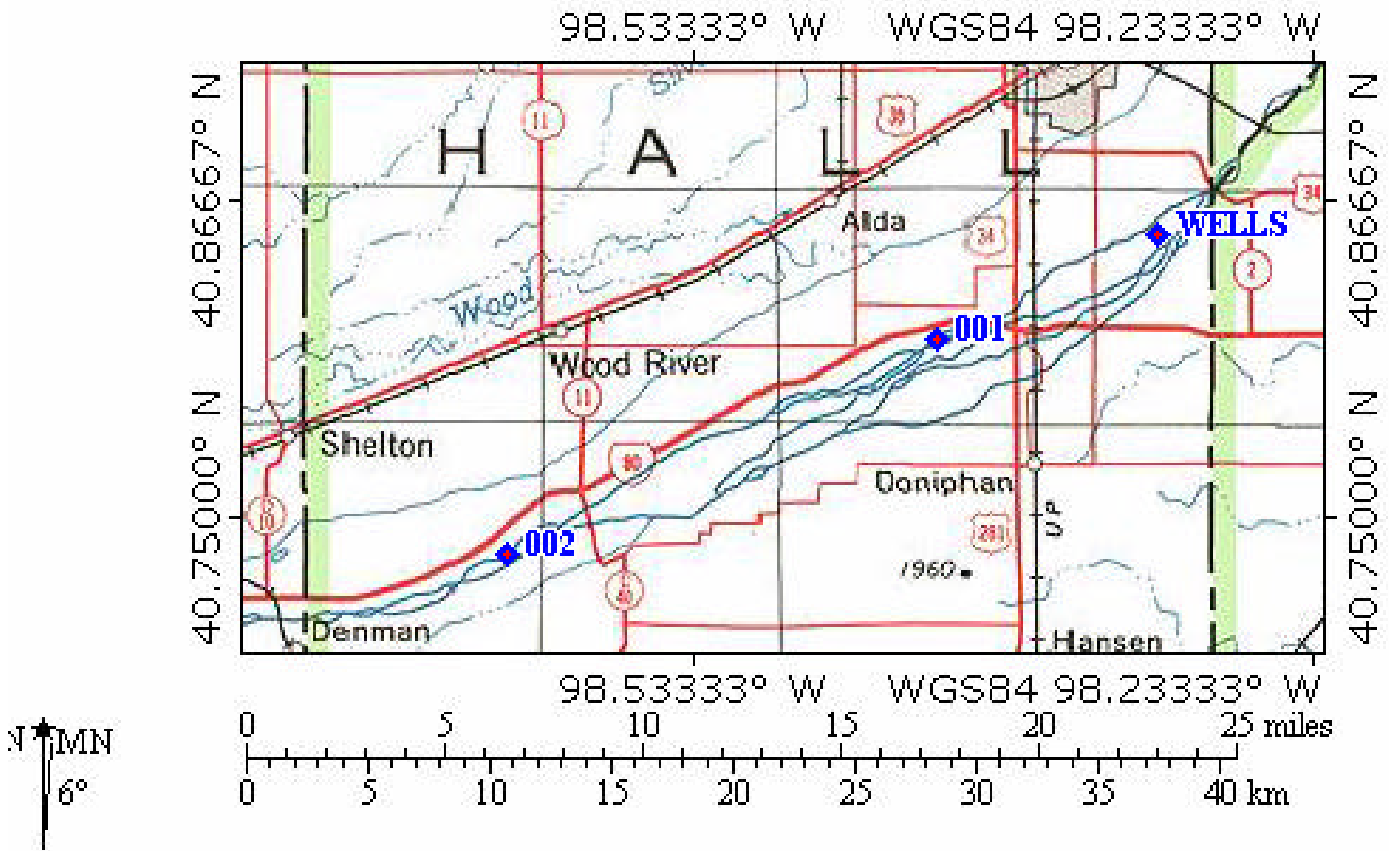
The Platte River is the major watercourse flowing through the State of Nebraska. The river supplies water for irrigation, domestic and industrial use, fish and wildlife, and provides recreational opportunities for the state. The Platte is a braided shallow river at many locations throughout Nebraska including the area in Central Nebraska near Grand Island. The City of Grand Island, with a population of 45,000, is located in Hall County in central Nebraska.

The North Channel of the Platte River flows within one mile of the City of Grand Island's well field. The North Channel of the Platte River is considered by the City (Gary Mader, verbal communication) to be the significant source of recharge to the ground water in the vicinity of the well field. Historically, during July, August, and September the mean average flow of the River declines to 500-1,000 ft<sup>3</sup>/s (USGS Gaging Station 06770500 at the Platte River near Grand Island). It is suspected that the low flows reduce the amount of recharge to the ground water and therefore the ground water levels continue to decline. The current drought has accelerated the problem of water level declines. At low flow conditions, even minor river channel modifications including limited grading operations of excavation equipment within the channel can redirect flow. Therefore, the current geomorphic conditions of the river and the historical channel disposition, scourer, and meander are important in the evaluation of the potential ground water recharge available to the City of Grand Island well field.

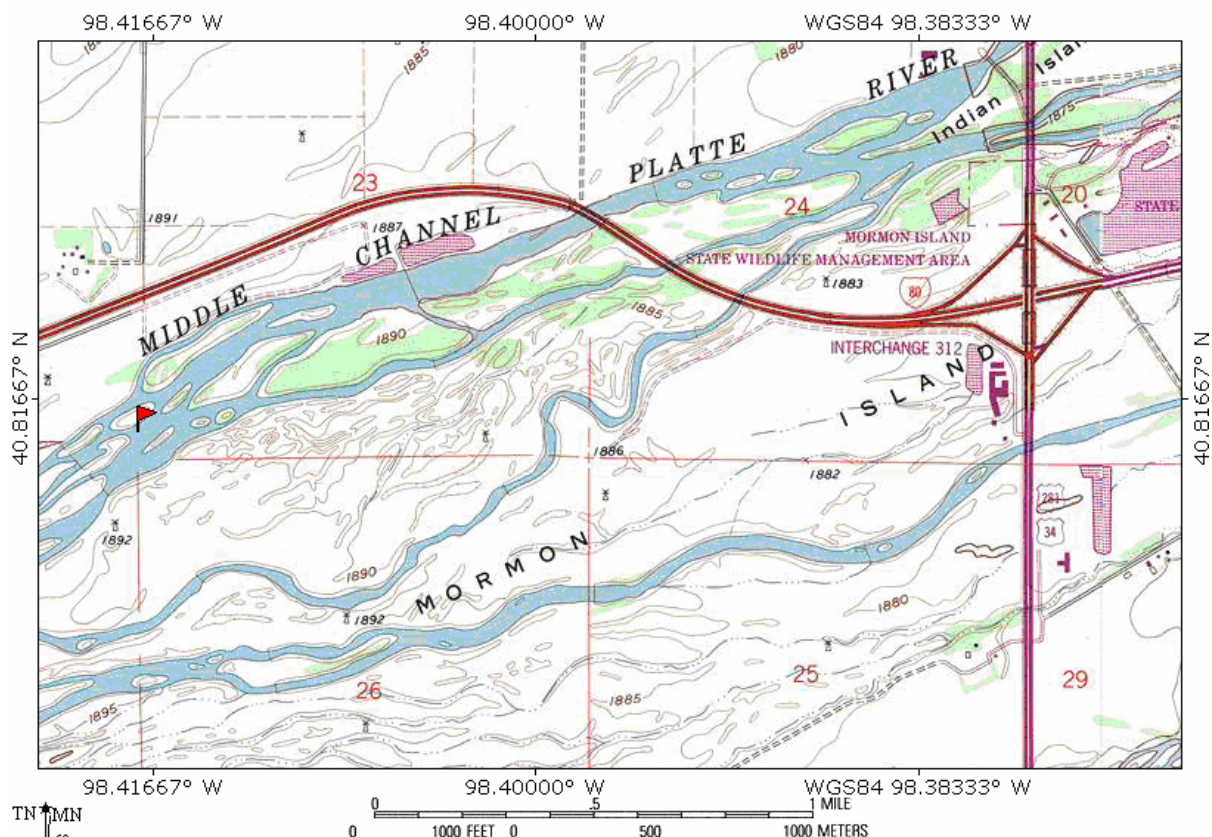
The study area reach extends along the Platte River (figure 1) beginning upstream of the Wood River I-80 interchange (approximately 7 miles west of Hwy 281) and proceeding downstream to the city of Grand Island well field two miles east and one mile north of the Interstate 80 and US Hwy 281 interchange. There are two specific areas of concern:

- Site 1, located on the North Channel of the Platte River two miles west of the intersection of Interstate 80 and US Hwy 281, latitude 40.81612 longitude 98.41684 (figure 2).
- Site 2, located upstream, seven miles west of Hwy 281 and 0.75 miles south of Interstate 80 where all channels flow as one, latitude 40.73697 longitude 98.62475 (figure 3).

**FIGURE 1. STUDY AREA**

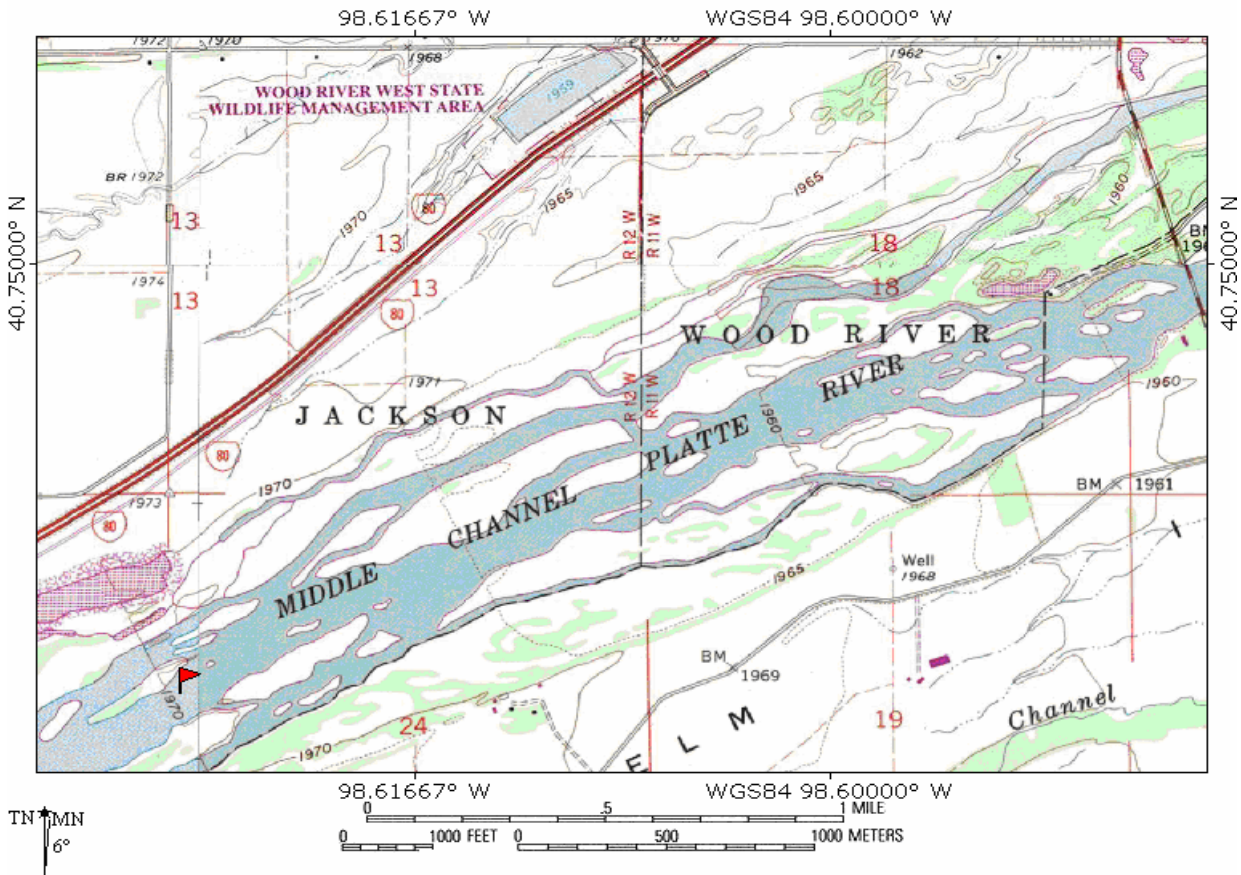


**FIGURE 2. SITE 1**





**FIGURE 3. SITE 2**



Above maps created in TOPO! 2001 National Geographic

## **OBJECTIVES**

The U.S. Geological Survey (USGS) in cooperation with the City of Grand Island and the Central Platte Natural Resources District (CPNRD) proposes to study the geomorphic changes of the channel in the Platte River at two discrete locations. Specifically, the study objectives are:

1. Compare and review historical aerial photography, hydrologic studies, topographic and bathymetric surveys and other data sets to determine historical Platte River channel and floodplain changes.
2. Conduct topographic surveys of sites 1 and 2 within the study area to determine geomorphic changes and map channel physical characteristics using Real Time Kinematic (RTK) Global Positioning System (GPS). Also, conduct a LIDAR (Light Detection And Ranging) survey which will be supplemented by the RTK-GPS surveys. The results of the combined LIDAR surveys will produce a one foot topographic map of the 33 square mile study area for areas unsubmerged. The RTK GPS survey will produce 37 channel cross sections on the upstream site and 23 on the downstream site including both submerged and unsubmerged areas.

3. Determine expected flows in individual channels of the braided system from surveys and concurrent stream discharge measurements of the Platte River at several locations during stable flows. Correlate seven of these sites with those surveyed by Quang M. Nguyen and Martha W. Gilliland in 1985 (Nguyen and Gilliland 1985).
4. Investigate changes in the Platte River study site determined from comparison of survey methods and historical analysis to determine if changes are from human channel modifications or natural channel shifting.

## **APPROACH**

### **Inventory and Analysis of Historical Watershed Surveys**

Historical information, including maps and documentation of field surveys and aerial photography, will be compiled and analyzed. Channel characteristics (bank slope, high bank elevation, bed elevations, and channel width) will be compared between old survey locations and current surveys of approximately the same locations. Available aerial photography will be evaluated through time to identify laterally migrating channels and the apex of the meanders. Analysis of aerial photography will not be used for measures of specific changes in the channel, but will give a general idea of the variability of these braids. Analysis of old surveys compared with current surveys will give more detailed information about the rate of change in these braided channels.

### **Survey Preparation**

USGS will obtain digital orthophoto quadrangles (DOQs) of the project reaches in tagged-image-file format. These will be loaded into Environmental Systems Research Institute Geographic Information System (GIS) software and determine preliminary endpoints for hydrographic-survey cross sections. For each of the two project reaches, the cross sections will be:

1. High-bank to high-bank straight line;
2. Generally perpendicular to the flow of the Platte River; and
3. Spaced at 50 meter intervals (cross-section midchannel point to cross-section midchannel point), the main channel splits of concern, this area will be referred to as the core study site (Figure 5 and 6). A total of 37 or 23 survey lines will be located within this core study site with the capability to survey an additional 15 lines per site in areas where the initial data collection shows more data is needed.

The preliminary cross-section endpoints will provide initial starting points for field operations, and will be confirmed with City of Grand Island and CPNRD prior to initiation of field activities. Final cross-section endpoints will be determined in the field based on evaluation of the high bank locations and evaluation of obstructions that hinder data-collection activities. USGS will communicate with City of Grand Island and CPNRD concerning revisions to cross-section locations that occur during field data-collection activities.

Field reconnaissance of the project reaches will occur prior to the onset of data-collection activities. Project reaches will be evaluated for land-based access to aid in data-collection activities. Positional control points will be established at accessible locations within or near the project reaches for daily quality control and for base station setup. These control points will be surveyed from US National Geodetic benchmarks of high order and stability.

### **GPS Survey**

The data above water surface, or topographic land survey, will be collected using a RTK GPS. Bases will be set on newly established positional control points as described above. Roving units will be in backpacks with the GPS antenna mounted to the pack frame. Data points including northing, easting, and elevation will be continuously collected as the surveyor walks along established transects displayed in handheld data collectors. Data coordinates will be collected in Nebraska state plan meters and elevations will be in North America Vertical Datum 88 meters using a Geoid model. Correction factors received from the base station are continuously applied to each data point as well as antenna height offsets, so that all data stored is correct and accurate. Survey points will generally be collected in less than two foot increments along the transects where vegetation cover does not block satellite communication. Each transect will run from top of bank to top of bank and will include points with descriptions that designate bankful, right and left edge of water, sand bars, and islands. This method of surveying will be used for all land and wadable areas of the cross-section. GPS data will determine thalweg elevation, channel width, and bed slope. Additional information will be recorded for each transect including bed material, bank soil type, near bank vegetation cover, other noticeable details about the transect line, and noticeable details about areas between transect lines. This data will be collected along a total of 38-52 lines per site (37 or 23 original lines and 15 extra lines if necessary) plus additional lines where discharge measurements are made and where old survey information was collected.

### **LIDAR Survey**

The US Geological Survey Rolla, Missouri Geographic Science Center will conduct a LIDAR survey of the study area. The LIDAR data will be acquired over an area of approximately 33 square miles or 85 square kilometers. LIDAR data will be acquired (with a nominal post spacing of 1-2 meters) and processed to include bare-earth with vertical RMS error to support one foot contours. Contours will not be hydrologically enforced (may be places where contours cut off portions of streams depending on obstructions in the water). A one foot or 0.314 meter contour map will be generated of the area. It is possible that USGS may fly the area twice to ensure that the vertical accuracy is met.

### **Discharge Measurements**

Discharge measurements will be collected using standard USGS stream measurement protocol. The measurements will be taken at selected locations within the study area. The purpose of the discharge measurements is to determine the distribution of flow within the study area.

## **GIS Data Processing**

Water surface elevations will be collected by GPS at the time of the survey. The GPS survey data and the LIDAR survey data will be merged into one data set. From these base transects a triangulated irregular network (TIN) will be extracted and contoured to represent the topography of the study area. This information will be correlated with the discharge measurements to gain an understanding of geomorphic system dynamics and flow patterns within the study area.

A second database will be created containing current survey data, historical survey data (when available), historical and current digital images, soil classification maps, land cover, and other relative data bases. This database will be created to support interpretations of historical data and for future uses.

## **Report Preparation**

A web published interpretive report will be the result of this study. Contour maps of each of the two study sites created with GPS data will be included in the report along with a one ft contour map created with the LIDAR data. A fourth contour map will merge the two data sets into one for a highly accuracy representation of the Platte channels in the study area. The report will include data collection methods along with interpretation of historical data, current survey data, and discharge data.

## **QUALITY ASSURANCE**

Accuracy of horizontal-position and elevation data will be documented by occupying points of known horizontal position and elevation, including both permanent markers and several stakes along the shoreline of the survey area. At the start and end of each surveying session GPS roving units will be checked against permanent markers. Checks on surveyed stakes will occur periodically through out the survey as these stakes are encountered along the shoreline (a minimum of once a day). In addition, ten percent of lines will be resurveyed for quality assurance. Resurveying will be conducted with a different GPS rover than the unit that collected the initial data. Resurveying will occur on the same day as the initial survey to eliminate bed movement interference.

All data will be reviewed and checked in the field for completeness. Accuracy of the elevation of GPS surveyed points will have a final check by comparing elevation data to topographic maps and comparing cross sections of those lines next to each other.

## **PRODUCTS**

USGS will provide an interpretive web report that documents data-collection and analysis methods, and both the raw and processed horizontal-position and elevation data. Cross-sectional profiles will be presented in both tabular and graphical form. Comparisons of past and present conditions will be summarized.

## **RELEVANCE AND BENEFITS**

The proposed work is consistent with the USGS's Strategic Direction for the Water Resources Division (WRD) falling under several issues, primarily issue #3 drinking water availability and

quality, as well as under issue #9 hydrologic-system management, including optimization of ground-water and surface-water use and issue #8 surface-water and ground-water interactions as related to water-resource management. The proposed study will assist the cooperator by providing current and historical information about how the river channels are changing. These changes potentially affect the City of Grand Islands water supply since the North Channel is considered to supply a large part of the recharge to the water table in the area.

## PERSONNEL and SCHEDULE

The project will start in fall of 2005 and require two weeks of preparation time to set benchmarks, prepare survey line files and other pre-survey activities. The project will require two weeks to conduct the RTK-GPS topographic survey utilizing a four person crew. A four person crew will also be utilized for three days to collect discharge measurements and additional GPS line surveys. The LIDAR Survey will be conducted by personnel from the USGS Geographic Science Center in Rolla, MO during low or no flow conditions in 2005. Initial analysis of historical data and development of a GIS database will also begin in 2005. Surveying of the two core study sites will be conducted in late fall (early FY 2006) or in early spring (FY 2006). The finished GIS database and the web report will be available by November 2006.

## BUDGET

<i>Estimated Expenditure by Object Class</i>	Total	2005/2006	2006/2007
Salaries	\$91,400	\$6,200	\$85,200
Travel	\$6,450	\$0	\$6,450
Supplies and Equipment	\$1,000	\$500	\$500
Contracts	\$50,800	\$50,800	--
<b>Project Total Cost</b>	<b>\$149,650</b>	<b>\$57,500</b>	<b>\$92,150</b>
USGS Contribution	\$40,000	\$20,000	\$20,000
City of Grand Island	\$69,650	\$17,500	\$52,150
Central Platte Natural Resource District	40,000	20,000	20,000

## REFERENCES

Nguyen, Q.M. and M.W. Gilliland, 1985, Soil, surface water, and groundwater characteristics of the Platte River and its aquifer in the vicinity of Grand Island's Platte River well field. Department of Civil Engineering University of Nebraska-Lincoln, March 1985.

R E S O L U T I O N 2005-223

WHEREAS, south of the City, at the municipal Well Field, the Platte River is comprised of four separate channels over a mile and a half in total width; and

WHEREAS, the City Well Field is on the east end of Indian Island which is bordered by the two northern most channels of the four; and

WHEREAS, maintenance of flows in the adjacent river channels is very important to the maintenance of water quality in the aquifer waters underlying the Well Field; and

WHEREAS, previous computer hydraulic modeling shows that during periods of dry river conditions, the continued operation of the Well Field can, after several months, begin to draw adjacent groundwater, contaminated with nitrate levels well above drinking water standards, toward the City's facilities; and

WHEREAS, the maintenance of flows in the north river channels is important to protecting the Well Field, and

WHEREAS, the City Utilities Department has been working with the U.S. Geological Survey Division (USGS) and the Central Platte Natural Resources District (NRD) to attempt to develop a program to document the historical and current proportional channel flows in the reach of the Platte River affecting the City Well Field; and

WHEREAS, in the past few years, Utility staff has noted that the north channel does not appear to be maintaining its proportional flow when compared to the other three; and

WHEREAS, it is important to obtain accurate historical data by which to judge changes that have been made, and to document what modifications need to be made, to restore historical balance; and

WHEREAS, USGS and Central Platte NRD have agreed to cost share the research program; and

WHEREAS, the research program is proposed to be completed over a two year period, with the City's share of such project is anticipated to be \$17,500 from fiscal year 2005-2006, and \$52,150 from fiscal year 2006-2007; and

WHEREAS, as the Platte River becomes increasingly regulated and as the river channels continue to be modified by private and public entities for specific beneficial purposes, having sound, complete data on channel water distribution will be very important in maintaining the river to the benefit of the City's Well Field.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of the U.S. Geological Survey for *Geomorphic Assessment of Selected Channels of the Platte River near Grand Island, Nebraska*, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G13

**#2005-224 - Approving Contract Documents for Participation in  
the Whelan Energy Center Unit #2**

Staff Contact: Gary R. Mader



# Council Agenda Memo

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

**Meeting:** August 9, 2005

**Subject:** Whelan Energy Center Unit #2; Contract Documents

**Item #'s:** G-13

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

## Background

### Project Development:

For the last four years, Grand Island has been participating in the development of a new base load, coal fired electric generating plant to be built in Hastings at the same site as the existing Hastings plant. That site is named the Whelan Energy Center (WEC) and the new project is generally referred to as WEC2. WEC2 capacity is designed to be 220 megawatts (MW). The current Grand Island share is 15MW. Other participants include the Municipal Energy Agency of Nebraska (MEAN), the City of Hastings, Heartland Electric Cooperative (S. Dakota), the City of Nebraska City, and Consolidated Wyoming Municipalities.

Phase 1 of the WEC2 project included site design, steam cycle engineering selection, plant cost estimates, and unit design to the point of allowing application for environmental permitting by the Nebraska Department of Environmental Quality (NDEQ). The environmental permitting and public hearing processes have been completed and NDEQ has issued the construction permits. Phase 1 of WEC2 project development is completed.

Phase 1.5 of the project included preconstruction ambient air particulate monitoring as required by the construction permit; initiation of detailed plant design to maintain the permit requirement to begin construction within 18 months of the permit date; application to the Nebraska Power Review Board for project approval as required by state law, that approval has been received; and initiation of the transmission service study for plant output delivery to the participants.

The initial project development work for the WEC2 project has now been completed and all regulatory permits have been issued to allow the project to move forward.

### Project Governance:

The proposed legal structure of the project governance is based upon the Nebraska Interlocal Agreement statutes, wherein public entities are enabled to join forces for public projects. This project proposes to utilize the Interlocal Agreement process to create a governing body for the

power plant project, with the board of that governing body made up of representatives from each of the project participants. That governing agency is named the Public Power Generating Agency (PPGA).

The incorporation documents associated with this project have been reviewed by legal counsel retained by the group to assist in development, the legal counsels of the parties, and in the case of Grand Island, by our Bond Council, Baird Holm.

Each project participant would have a seat on the PPGA Board of Directors, as assigned by the governing entity of each of the participants. In the case of Grand Island, the City Council would appoint a Board Director to represent the City. The creation of the Public Power Generating Agency includes the approval of three documents;

- The Interlocal Agreement – constructed in accordance with statutory requirements to create the Public Power Generating Agency (PPGA)
- The Bylaws of the Public Power Generating Agency (PPGA) – the document defining the operation, governing authority, duties and obligations of the PPGA
- The Participation Agreement – a contract, signed by each of the participants, which describes the terms and conditions for Project rights and obligations.

Each of these documents is interrelated to the others, so a single effective date is proposed for all three of the agreements. That date is September 1, 2005.

## **Discussion**

The last round of construction of large, base load power plants in the state occurred in the late 1970's and early '80's. It was during that time that the cities of Grand Island, Hastings, and Fremont added coal fired plants, and Nebraska Public Power District built the Gerald Gentleman plant in western Nebraska and Omaha Public Power District built the Nebraska City plant in the east. Since that time, electric load growth has been met from the excess capacity built into those plants and, more recently, by the addition of gas turbine peaking units.

The most cost effective generation mix is a combination of base load power plants (those having low operating costs but high first costs) intended for nearly constant operation, and peaking plants (those having low first costs but high operating costs) intended for limited hours of operation to meet only peak loads of short duration.

As load growth has continued, the cost effectiveness of the current generation mix in the state, i.e. the balance of base load units and peaking units, is being diminished as more peaking unit operation is required to meet electric demand.

Differing fuel costs between base load and peaking units create a substantial difference in the cost of generation. The City's Platte Generating Station produces electricity with a fuel cost of \$10 - \$12/MWh; Burdick Station peaking units are fired by natural gas and produce power for a volatile \$100/MWh. From the fiscal '03-'04 audit, Grand Island's retail electric rate averaged

only \$49.00/MWh. To maintain a competitive rate structure, electricity production from Burdick Station must be limited to peaking service only.

As a result of the statewide need for base load electric generating resources, two large projects are currently being developed in Nebraska; Nebraska City Unit #2 (NC #2), a 600 MW coal fired power plant and the Whelan Energy Center Unit #2 project, a 220 MW coal fired power plant. Grand Island is a participant in the Nebraska City project at a 30 MW level. That plant is in the early stages of construction and is scheduled for commercial operation in the spring of 2009. The Whelan Energy Center #2 project is on a later time line with a scheduled commercial operation date of 2012.

Currently, the City's only base load electric power resource is Platte Generating Station, which has a capacity of 100 MW. Grand Island's electric load, like that of the state in general, continues to grow. The City's summer peak loads are now regularly over 150 MW, and the Gas Turbines are routinely used during peak load conditions in the summer months. Electric loads are also growing in non-summer months. In January of 2005, peak electric demand reached 99.2 MW, and the City's electric loads in the winter are projected to continue to grow above the 100 MW capacity of Platte Generating Station. In another five years, the City's loads are projected to exceed 100 MW most months of the year. In order to maintain a near optimum mix of electric generation resources for the future, base load capacity will need to be added. The WEC #2 project offers an opportunity to do so in a staged approach, three years after the NC #2 unit is on line.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the City participate in the Whelan Energy Center Unit #2 power plant project and that the City Council authorize the Mayor to execute the three base documents for that project participation.

### **Sample Motion**

Motion to approve participation in the Whelan Energy Center Unit #2 power plant project and authorize the Mayor to execute the three contract documents.

RESOLUTION 2005-224

WHEREAS, for the past four years, the City of Grand Island has been participating in the development of a new base load, coal fired electric generating plant to be built in Hastings at the same site as the existing Hastings plant; and

WHEREAS, the site is named the Whelan Energy Center (WEC) and the new project is generally referred to as WEC2; and

WHEREAS, the WEC2 capacity is designed to be 220 megawatts (MW), with the current Grand Island share to be 15 MW; and

WHEREAS, the legal governing agency of the project is the Public Power Generating Agency (PPGA), with one board member to be appointed from each project participant; and

WHEREAS, the creation of the Public Power Generating Agency includes the approval of three documents: the Interlocal Agreement, the Bylaws of the Public Power Generating Agency, and the Participation Agreement; and

WHEREAS, Grand Island's electric load, like that of the state in general, continues to grow; and

WHEREAS, in order to maintain a near optimum mix of electric generation resources for the future, base load capacity will need to be added; and

WHEREAS, the WEC2 project offers an opportunity to add electric base load capacity; and

WHEREAS, the City Attorney has reviewed and approved the above identified contract documents to participate in such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to participate in the Whelan Energy Center Unit No. 2 power plant project.

BE IT FURTHER RESOLVED, that the Public Power Generation Agency Participation Agreement, Interlocal Agreement, and Bylaws of the Public Power Generation Agency are hereby approved; and the Mayor is hereby authorized and directed to execute such documents on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

Approved as to Form	□ _____
August 2, 2005	□ City Attorney

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G14

**#2005-225 - Approving Authorization for Emergency Sanitary  
Sewer Force Main Repairs on Capital Avenue**

Staff Contact: Steve Riehle, City Engineer\Public Works Director\

# **Council Agenda Memo**

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

**Meeting:** August 9, 2005

**Subject:** Approving Authorization for Emergency Sanitary Sewer Repairs near the Intersection of Capital Avenue and Wheeler Avenue

**Item #'s:** G-14

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

## **Background**

Due to a failure in the sewer main, the City of Grand Island Wastewater Treatment Division was required to perform emergency repairs to the sanitary sewer force main on Capital Avenue near Wheeler Avenue. This sewer main carries the majority of the waste from the northwest area of the city.

## **Discussion**

The Diamond Engineering Company was hired by means of a purchase order in the amount of \$10,000 to effect the necessary repairs. Since this was an emergency situation, no other bids were solicited. Upon excavation, the extent of the needed repairs was found to be quite extensive. Diamond Engineering has completed the repairs on an actual cost basis for a total of \$22,472.90. We are requesting permission to use the emergency procurement procedures as outlined in section 27-13 of the City Code. City Administration is requesting that Council approve the payment of the claim to Diamond Engineering.

## **Alternatives**

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

1. Approve usage of the City's emergency procurement procedures and authorize the Mayor to issue a purchase order to the contractor for the work.
2. Disapprove or Deny usage of the City's emergency procurement procedures and not approve authorization for The Mayor to issue a purchase order.

3. Modify the request to meet the wishes of the Council
4. Table the issue

### **Recommendation**

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

### **Sample Motion**

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



R E S O L U T I O N 2005-225

WHEREAS, due to a failure in the sanitary sewer force main, the City of Grand Island Wastewater Division was required to perform emergency repairs to the main on Capital Avenue near Wheeler Avenue; and

WHEREAS, immediate repairs were necessary as this sewer main carries sanitary sewer flows from the majority of the west and northwest areas of the city; and

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

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

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

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

WHEREAS, upon excavation, the extent of the needed repairs was found to be quite extensive, and could not be completed under the \$7,500 limit of a purchase order; and

WHEREAS, the Diamond Engineering Company has completed the repairs on an actual cost basis of \$22,472.90; and

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

BE IT FURTHER RESOLVED, that emergency work completed by The Diamond Engineering Company of Grand Island, Nebraska, is hereby approved and payment shall be authorized to such contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

Approved as to Form    ☐ \_\_\_\_\_  
August 2, 2005            ☐ City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G15

**#2005-226 - Approving Bid Award for Two Bridges for  
Northbound Lanes on So. Locust St. between I-80 and Wood River  
Diversion Channel**

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

# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director  
Dale Shotkoski, Assistant City Attorney

**Meeting:** August 9, 2005

**Subject:** Approving Bid Award for Two Bridges for northbound lanes of S. Locust Street between I-80 and the Wood River Diversion Channel

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

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

## **Background**

On June 27, 2005 the Engineering Division of the Public Works Department advertised for bids for the construction of two bridges over Platte River channels on South Locust Street between I-80 and the Wood River Diversion Channel. These bridges, and ultimately the northbound lanes, are required to be constructed per the agreements negotiated with the Nebraska Department of Roads (NDOR) in conjunction with the I-80 interchange construction.

## **Discussion**

Six bids were received and opened on July 21, 2005. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office reviewed the bids that were received. The bids were submitted in compliance with the contract, plans, and specifications with no exceptions. Because Federal funds will be used to pay for approximately 75% of the construction costs, this bid award had to be concurred with by NDOR before the contract is awarded. Their concurrence has been received. A summary of the bids is shown below.

<i>Bidder</i>	<i>Exceptions</i>	<i>Bid Security</i>	<i>Total Bid</i>
BRB Contractors, Inc.	None	Travelers Casualty	\$1,328,318.40
L.J. Webb Contractor, Inc.	None	Universal Surety Company	\$1,366,924.00
Capital Contractors, Inc.	None	Universal Surety Company	\$1,521,137.00
Diamond Engineering Co.	None	Universal Surety Co.	\$1,179,155.59
A.M. Cohron & Son, Inc.	None	Merchants Bonding Co.	\$1,190,415.70
Christensen Bros. Inc.	None	Merchants Bonding Co.	\$1,449,250.00

The engineer's opinion of cost for this project was \$1,515,264.11. There are sufficient funds available in the Public Works account No. 40033530-90059.

### **Alternatives**

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

1. Approve awarding the contract for Bridge Construction to Diamond Engineering Co. of Grand Island, NE.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council approve awarding the contract for bridge construction to the Diamond Engineering Co., of Grand Island, Nebraska, for the amount of \$1,179,155.59.

### **Sample Motion**

Move to approve the award of the contract to Diamond Engineering Company of Grand Island, Nebraska for the S. Locust Bridge Construction.

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:** July 21, 2005 at 11:00 a.m.  
**FOR:** South Locust Bridges/Northbound Project 2235(4)  
**DEPARTMENT:** Public Works  
**ESTIMATE:** \$1,515,264.11  
**FUND/ACCOUNT:** 40033530-90059  
**PUBLICATION DATE:** June 27, July 4, July 11, 2005  
**NO. POTENTIAL BIDDERS:** 7

**SUMMARY**

<b>Bidder:</b>	<b><u>BRB Contractors, Inc.</u></b> Topeka, KS	<b><u>Diamond Engineering Co.</u></b> Grand Island, NE
<b>Bid Security:</b>	Travelers Casualty	Universal Surety Co.
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$1,328,318.40	\$1,179,155.59
<b>Bidder:</b>	<b><u>L.J. Webb Contractor, Inc.</u></b> Gretna, NE	<b><u>A.M. Cohron &amp; Son, Inc.</u></b> Atlantic, IA
<b>Bid Security:</b>	Universal Surety Company	Merchants Bonding Company
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$1,366,924.00	\$1,190,415.70
<b>Bidder:</b>	<b><u>Capital Contractors, Inc.</u></b> Lincoln, NE	<b><u>Christensen Bros. Inc.</u></b> Cherokee, IA
<b>Bid Security:</b>	Universal Surety Company	Merchants Bonding Company
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$1,521,137.00	1,449,250.00

cc: Steve Riehle, Public Works Director  
Danelle Collins, PW Admin. Assist.  
Gary Greer, City Administrator  
Laura Berthelsen, Legal Assistant  
Bud Buettner, Assist. PW Director  
Ron Underwood, Civil Eng.  
Dale Shotkoski, Purchasing Agent

R E S O L U T I O N 2005-226

WHEREAS, the City of Grand Island invited sealed bids for Construction of Two Bridges for northbound lanes over the Platte River channels on South Locust Street between I-80 and the Wood River Diversion Channel [Project No. 2235(4)], according to plans and specifications on file with the City Engineer; and

WHEREAS, on July 21, 2005, bids were received, opened and reviewed; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$1,179,155.59; and

WHEREAS, such bid is below the estimate for such project; and

WHEREAS, the Nebraska Department of Roads has concurred with such recommended bid award.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company of Grand Island, Nebraska, for the construction of two bridges for northbound lanes over the Platte River channels on South Locust Street between Interstate 80 and the Wood River Diversion Channel [Project No. 2235(4)] in the amount of \$1,179,155.59 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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

Approved as to Form    ✕ \_\_\_\_\_  
August 2, 2005            ✕ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G16

**#2005-227 - Approving Keno Satellite Location and Agreement for the Midtown Holiday Inn, Located at 2503 South Locust Street, Grand Island, Nebraska**

Staff Contact: RaNae Edwards, City Clerk



# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** August 9, 2005

**Subject:** Approving Keno Satellite Location and Agreement for the Midtown Holiday Inn, Located at 2503 South Locust Street, Grand Island, Nebraska

**Item #'s:** G-16

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

## **Background**

An Interlocal Agreement governing County/City keno operations provides that the City shall have the duty to review and approve satellite operations within the City. Fonner Keno, Inc. has previously been licensed to operate keno at Fonner Park as well as other facilities in the City that have been designated as satellite locations for the operation of keno.

## **Discussion**

The Midtown Holiday Inn of Grand Island, 2503 South Locust Street, has submitted a request for approval of a satellite location at the premises of the Midtown Holiday Inn, 2503 South Locust Street, Grand Island, Nebraska. This request was approved by Hall County at their July 26, 2005 meeting. Approval of the Satellite Agreement between the Midtown Holiday Inn in Grand Island is required along with approval for the satellite location. The Agreement has been reviewed by the Legal and Building Departments.

## **Alternatives**

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

1. Move to approve the request of the Midtown Holiday Inn in Grand Island, Nebraska.
2. Refer the issue to a Committee.

3. Postpone the issue to future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council approve the request for a Keno Satellite Location and Agreement for the Midtown Holiday Inn, 2503 South Locust Street, Grand Island, Nebraska.

### **Sample Motion**

Motion to approve the request for a Keno Satellite Location and Agreement for the Midtown Holiday Inn, located at 2503 South Locust Street, Grand Island, Nebraska.

R E S O L U T I O N 2005-227

WHEREAS, the County of Hall and the City of Grand Island entered into an Inter-Local Cooperation Agreement to permit the operation of keno within Hall County; and

WHEREAS, Fonner Keno, Inc. has previously been licensed to operate keno and certain locations have been designated as satellite locations for the operation of keno; and

WHEREAS, the County of Hall has selected an additional satellite location for approval for the operation of keno, such location being the premises at 2503 South Locust Street in Grand Island, Nebraska, owned by The Midtown Holiday Inn of Grand Island, Inc., a Nebraska corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that The Midtown Holiday Inn of Grand Island, a Nebraska corporation, located at 2503 South Locust Street, Grand Island, Nebraska, is hereby approved as an additional satellite location for the operation of keno, subject to entering into the proper agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 4, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G17

**#2005-228 - Approving Contract with University of Nebraska-Lincoln for Graduate Assistant Planning Intern**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Joni Kuzma, Development Specialist

**Council Meeting:** August 9, 2005

**Subject:** Contract with UNL intern for Community Revitalization Grant

**Item #'s:** G-17

**Presenter(s):** Joni Kuzma, Community Development

## **Background**

In April 2005, the City of Grand Island was awarded a \$7,500 Comprehensive Revitalization grant from the Department of Economic Development to complete a Comprehensive Needs Assessment and a Revitalization Strategy. The Comprehensive Needs Assessment will identify all areas of low and moderate- income concentrations in the city and inventory all types and degree of housing and community development needs within each area. The Revitalization Strategy will identify a one, two and three year action plan to meet the needs of the low- to moderate-income neighborhood(s) selected for investment.

The Assessment/Strategy grant amount award was \$7,500 with local cash match of \$2,500, for a \$10,000 total.

## **Discussion**

The City has an opportunity to hire a UNL Community and Regional Planning graduate student to help gather, compile and interpret data gathered for the Needs Assessment and three-year action plan. Dr. N. Brito Mutunayagam, D.E.D.P. Professor at UNL has been working with the City during the grant planning process and referred two graduate students to the City as candidates.

Both candidates submitted resumes, provided examples of current work and participated in an interview with Chad Nabity, Joni Kuzma and Marsha Kaslon. It is the recommendation of the Planning Department that Veerajaneeya K.C. Nekkanti be hired to provide technical assistance for the Community Revitalization grant. Cost for the

intern will not exceed \$6,223.00, which is available in the grant. There will be no cost to the City for this contract position.

### **ALTERNATIVES**

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

1. Approve the contract for an internship position for the Community Revitalization Needs Assessment and Strategy and award it to UNL graduate student, Veerajaneeya Nekkanti
2. Refer the issue to a Committee.
3. Postpone the issue to a later date.

### **Recommendation**

City Administration recommends that Council approve the contract with the University of Nebraska-Lincoln for an Internship position for the Community Revitalization Needs Assessment and Strategy and award it to UNL graduate student, Veerajaneeya Nekkanti.

### **Sample Motion**

Motion to approve the contract with the University of Nebraska-Lincoln an internship position for the Community Revitalization Needs Assessment and Strategy and award it to UNL graduate student, Veerajaneeya Nekkanti.

**AGREEMENT FOR PROFESSIONAL OR TECHNICAL SERVICES**

*between*

**City of Grand Island, Nebraska**

*and*

**Board of Regents of the University of Nebraska**

The University of Nebraska Board of Regents, through the Department of Community and Regional Planning, agrees to provide the City of Grand Island a graduate research assistant, Veerajaneeya K.C. Nekkanti, from August 10<sup>th</sup> through November 23<sup>rd</sup>, 2005, generally corresponding with fall semester 2005.

The student shall perform the services outlined in the Job Description (attached). The City of Grand Island shall provide on-site supervision and the Department of Community and Regional Planning shall periodically monitor the student's performance.

In the event the student does not perform satisfactorily, the Department of Community and Regional Planning will assign a different student to the City of Grand Island or the University will be paid for services provided to the date of the student's dismissal. The University reserves the right to withdraw the student from the agency in the event that the work assigned is not within the general scope of activities agreed to by both parties; in this event the City of Grand Island is responsible for payment for services provided by the student to the date of the student's removal.

The Department of Community and Regional Planning shall perform this agreement according to its own means and methods of work, which shall be in the exclusive charge and control of the Department of Community and Regional Planning, and which shall not be subject to the control of the City of Grand Island except as to the result of the work. The Department of Community and Regional Planning is, for all purposes arising out of the agreement, an independent contractor, and neither shall it nor any students provided by it be deemed employees of the City. It is expressly understood and agreed that neither shall the Department of Community and Regional Planning nor any students provided by it be entitled to any benefits to which city employees are entitled, including but not limited to, overtime, any retirement benefits, worker's compensation benefits, injury leave, or other leave benefits.

The City of Grand Island agrees to pay the amount of **\$5,223.00** for the graduate research assistantship that is to be awarded to the student for this project, as well as maximum expenses of **\$1,000.00** incurred by the graduate research assistant for travel (car and mileage charges only) between Lincoln and Grand Island. The total of these two items, a **maximum of \$6,223.00**, will be paid by the City of Grand Island to the University of Nebraska upon receipt of a statement from the University of Nebraska-Lincoln Office of Sponsored Programs at the conclusion of the 2005 fall semester.

Authorized Signatures:

FOR THE BOARD OF REGENTS OF THE  
UNIVERSITY OF NEBRASKA

CITY OF GRAND ISLAND, NEBRASKA

\_\_\_\_\_  
Christine Jackson  
Vice Chancellor for  
Business and Finance, UNL

\_\_\_\_\_  
Jay Vavricek  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gordon Scholz  
Chair, Department of Community  
and Regional Planning, UNL

JOB DESCRIPTION

FIELD EXPERIENCE  
IN CONJUNCTION WITH  
DEPARTMENT OF COMMUNITY AND REGIONAL PLANNING  
UNIVERSITY OF NEBRASKA–LINCOLN

STUDENT NAME: Veerajaneeya K.C. Nekkanti

JOB SITE: Grand Island, Nebraska, City Hall

Agency: City of Grand Island, Nebraska

Address: 100 East 1<sup>st</sup> Street, Grand Island, NE 68801

Telephone: 308-385-5444, extension 219

Director: Chad Nability, Regional Planning Director

Supervisor: Joni Kuzma/Marsha Kaslon, Community Development

JOB TITLE: Planning Intern

JOB PERIODS, HOURS, AND REMUNERATION DETAILS:

The job period encompasses, generally, the fall semester 2005 (specifically August 10<sup>th</sup>, 2005, through November 23<sup>rd</sup>, 2005). A total of 225 hours of work by the student is required (averaging 15 hours per week for 15 weeks) during the job period.

The details of remuneration and expenses are as follows:

Minimum stipend for fall semester:	\$3,863.00
Tuition remission (28% of stipend):	\$1,082.00
Health insurance for fall semester: (Student share of health insurance is \$74.00)	<u>\$ 278.00</u>
<b>Firm Subtotal:</b>	<b>\$5,223.00</b>
Maximum reimbursement of travel expenses of student (mileage only):	<b><u>\$1,000.00</u></b>
<b>Maximum Grand Total:</b>	<b>6,223.00</b>

JOB DESCRIPTION:

- ? Assist in gathering, compiling and interpreting data for a Comprehensive Needs Assessment and Revitalization Strategy for the City of Grand Island.
- ? Create appropriate computer related documents for data compilation and disbursement.
- ? Assist the City of Grand Island Community Development staff in creation of the Comprehensive Needs Assessment document and three-year action plan.
- ? Assist with other grant-related duties as needed.



RESOLUTION 2005-228

WHEREAS, in April 2005, the City of Grand Island was awarded a \$7,500 Comprehensive Revitalization grant from the Department of Economic Development to complete a Comprehensive Needs Assessment and a Revitalization Strategy; and

WHEREAS, the Comprehensive Needs Assessment will identify all areas of low and moderate-income concentrations in the city and inventory all types and degree of housing and community development needs within each area; and

WHEREAS, the Revitalization Strategy will identify a one, two and three year action plan to meet the needs of the low to moderate income neighborhoods selected for investment; and

WHEREAS, the City has an opportunity to hire a University of Nebraska-Lincoln Community and Regional Planning graduate student to help gather, compile and interpret data gathered for the Needs Assessment and three-year action plan; and

WHEREAS, two graduate students have been referred to the City by a professor at the University of Nebraska-Lincoln; and

WHEREAS, after a review of documentation and an interview of each candidate, it is recommended that Veerajaneeya K.C. Nekkanti be hired to provide technical assistance for the Community Revitalization grant; and

WHEREAS, the cost of the intern will be provided by grant funds; no city funds will be used for this position.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the contract with the University of Nebraska-Lincoln for an Internship position for the Community Revitalization Needs Assessment and Strategy is hereby approved; and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED, that University of Nebraska-Lincoln graduate student, Veerajaneeya K.C. Nekkanti, be authorized to compile data for such study.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

Approved as to Form    ☐ \_\_\_\_\_  
August 2, 2005         ☐ City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G18

**#2005-229 - Approving Number of Board Members for Business Improvement District #3 and Appointing Bill Lowrey and Jeff Reed**

Staff Contact: Doug Walker

# Council Agenda Memo

**From:** Douglas R. Walker, City Attorney

**Meeting:** August 9, 2005

**Subject:** Expanding Membership of the Board of Business Improvement District No. 3

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

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

## Background

The City of Grand Island established Business Improvement District No. 3, which has been operating with a board that has five members. The BID Board has requested that the number of members for that Board be expanded to a seven member board. Neb. Rev. Stat., §19-4022 states that the Business Improvement District Board shall consist of five or more members to serve such terms as the City Council by resolution would determine. This matter is being brought forward for the City Council to consider changing the number of board members from five to seven by resolution.

## Discussion

The Board of Business Improvement District No. 3 has requested that the number of board members be increased from five to seven. A larger number of board members will broaden representation on the board and make it easier to have a quorum at each meeting. The Nebraska statutes would permit an increase and the ordinance establishing BID No. 3 does not specify the number of board members, therefore, a resolution establishing the number of board members at seven would be appropriate. The resolution will also authorize the appointment of Jeff Reed and Bill Lowrey to fill these additional positions on the Board of BID No. 3.

## Alternatives

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

1. Move to approve expanding the number of members on the Business Improvement District Board to seven.
2. Not approve the resolution expanding the number of members.
3. Postpone the issue to future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council approve the resolution establishing the number of members of the Business Improvement District No. 3 Board at seven.

### **Sample Motion**

Motion to approve the resolution establishing a seven member board for Business Improvement District No. 3.

R E S O L U T I O N 2005-229

WHEREAS, Business Improvement District Number 3 was established by the City Council to become active on March 8, 1999 for a period of ten years; and

WHEREAS, five board members were selected by the Mayor with the approval of the City Council for the Board of Business Improvement District Number 3 when it was established; and

WHEREAS, Neb. Rev. Stat. §19-4022 permits the board of a business improvement district to have five or more members; and

WHEREAS, the Board for Business Improvement District Number 3 has requested that the number of board members be increased to seven; and

WHEREAS, two additional persons will need to be appointed to fill the additional positions on the Business Improvement District Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the number of board members for Business Improvement District Number 3 shall be seven members.

IT IS FURTHER RESOLVED that Jeff Reed and Bill Lowrey be appointed to the Board of Business Improvement District No. 3 until the ten year period of the board is concluded.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 4, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item G19

**#2005-231 - Approving Bid Award for Asbestos Removal & Demolition of Improvements at 1204, 1212 & 1216 West 2nd Street, 214 N. Washington St. and 1203/1205, 1209, 1215, & 1221 West 3rd Street**

Staff Contact: Doug Walker

# **Council Agenda Memo**

**From:** Douglas R. Walker, City Attorney

**Meeting:** August 9, 2005

**Subject:** Approving Bid Award for Asbestos Removal & Demolition of Improvements at 1204, 1212 and 1216 West 2<sup>nd</sup> Street, 214 North Washington Street and 1203/1205, 1209, 1215 and 1221 West Third Street, Grand Island, NE 68801

**Item #'s:** G-19

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

## **Background**

As part of the process of expanding the Edith Abbot Memorial Library, it is necessary to clear the improvements from the property in the block west of the city library. The city has advertised for bids for doing asbestos removal and for demolishing the improvements in this block west of the city library.

## **Discussion**

Bids were received from Hookers Brothers Construction Company in the amount of \$239,445.00; G&G Dozer in the amount of \$198,514; and, Environmental Direct, Inc., in the amount of \$143,333.19. Each of the bids were reviewed by the city's Legal Department and each of the bidders submitted all of the required documentation and met all of the requirements set forth in the advertisement for bids. The engineer's estimate for this project was \$215,000, therefore, the low bid of Environmental Direct, Inc., is substantially below the estimate. All of the bids that were submitted were submitted without exception.

## **Alternatives**

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



1. Move to approve the bid for asbestos removal and demolition of the improvements in the block west of the city's library.
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the award for asbestos removal and for demolition of the improvements in the block west of the city's library with street addresses of 1204, 1212 and 1216 West 2<sup>nd</sup> Street, 214 North Washington Street and 1203/1205, 1209, 1215 and 1221 West Third Street to the lowest compliant bidder, which is Environmental Direct, Inc.

### **Sample Motion**

Motion to approve awarding the contract for asbestos removal and demolition of improvements to Environmental Direct, Inc., of Grand Island, Nebraska.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** August 3, 2005 at 11:15 a.m.

**FOR:** Asbestos Removal & Demolition of Improvements at 1204, 1212 and 1216 West 2<sup>nd</sup> Street, 214 N. Washington St. and 1203/1205, 1209, 1215 & 1221 West 3<sup>rd</sup> St.

**DEPARTMENT:** Legal

**ESTIMATE:** \$215,000.00

**FUND/ACCOUNT:** 40015025-90004

**PUBLICATION DATE:** July 23, 2005

**NO. POTENTIAL BIDDERS:** 5

**SUMMARY**

<b>Bidder:</b>	<u>Hooker Brothers Construction Co.</u> Grand Island, NE	<u>G &amp; G Dozer</u> Caney, KS
<b>Bid Security:</b>	Western Surety Company	Old Republic Surety Company
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$239,445.00	\$198,514.00
<b>Bidder:</b>	<u>Environmental Direct, Inc.</u> Grand Island, NE	
<b>Bid Security:</b>	Arch Insurance Company	
<b>Exceptions:</b>	None	
<b>Bid Price:</b>	\$143,333.19	

cc: Doug Walker, City Attorney  
Dale Shotkoski, Purchasing Agent

Gary Greer, City Administrator  
Laura Berthelsen, Legal Assistant

RESOLUTION 2005-231

WHEREAS, the City of Grand Island invited sealed bids for Asbestos Removal and Demolition of Improvements at 1204, 1212 and 1216 West 2<sup>nd</sup> Street, 214 North Washington Street and 1203/1205, 1209, 1215 and 1221 West Third Street in the City of Grand Island, Nebraska, according to plans and specifications on file with the City Attorney's Office; and

WHEREAS, on August 3, 2005, bids were received, opened and reviewed; and

WHEREAS, Environmental Direct, Inc., of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$143,333.19; and

WHEREAS, such bid is below the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Environmental Direct, Inc. of Grand Island, Nebraska, for asbestos removal and demolition of improvements at 1204, 1212 and 1216 West 2<sup>nd</sup> Street, 214 North Washington Street and 1203/1205, 1209, 1215 and 1221 West Third Street in the City of Grand Island, Nebraska in the amount of \$143,333.19 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, August 9, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 5, 2005	☐ City Attorney



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item H1

**Consideration of Annexation for Property Located South of Case  
New Holland and West of US Highway 281 and Refer to the  
Regional Planning Commission**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Nabity, AICP Hall County Regional Planning Director

**Meeting:** August 9, 2005

**Subject:** Annexation of Property South of Case New Holland

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

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

## Background

A request has been received to consider annexation of property located south of Case New Holland on the west side of U.S. Highway 281 north of the Riverview Apartments. The owners of this property are anticipating development of the property and requesting that the city bring it into the corporate limits. This property is surrounded by the Grand Island Municipal limits on all sides.

## Discussion

Nebraska Revised Statute §16-117 provides for the process of annexation the first step of which is for the Mayor and City Council to refer the matter to the Regional Planning Commission for a recommendation. This will be followed by the process as outlined in the attached

## Alternatives

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

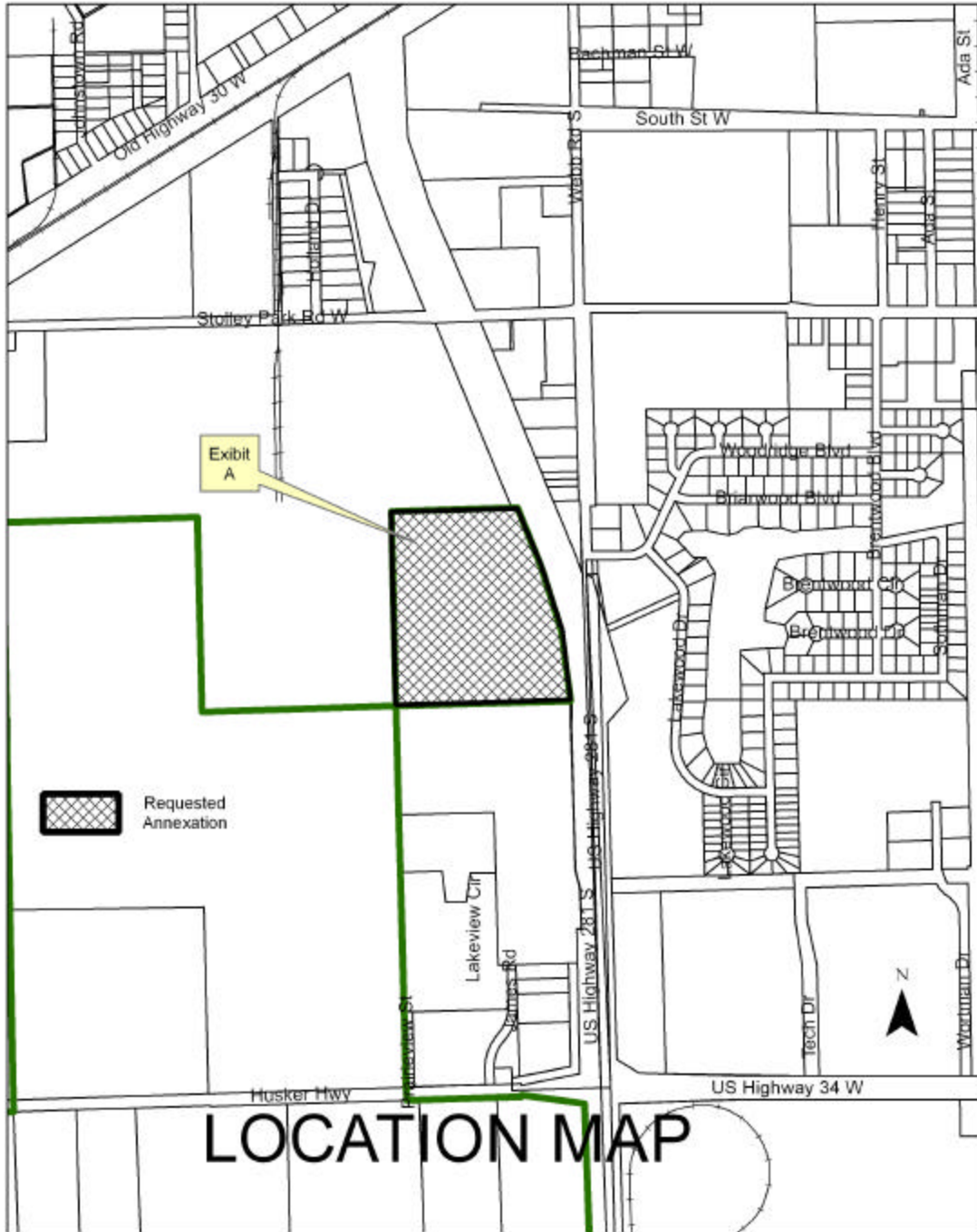
1. Refer the annexation request to the Hall County Regional Planning Commission
2. Choose not to refer the annexation request to the Hall County Regional Planning Commission
3. Table the issue

## **Recommendation**

City Administration recommends that the Council refer this request for annexation to the Hall County Regional Planning Commission for a recommendation.

## **Sample Motion**

Move to refer this request for annexation to the Hall County Regional Planning Commission for a recommendation.



**TIMELINE**  
**2005 Annexation**

- 08-09-2005 City Council Meeting. Referral of areas considered for annexation to Regional Planning Commission for hearing and recommendation.
- 08-27-2005 Notice of public hearing re: annexation published in *Grand Island Independent* for Regional Planning Commission meeting. [§19-929]
- 09-07-2005 Planning Commission Meeting. Commissioners to make recommendation on annexation of land into the City of Grand Island.
- 09-13-2005 City Council Meeting. Resolution indicates the city is (1) considering annexation, (2) approves and adopts the annexation plan, and (3) scheduling a public hearing for October 13, 2005. Annexation plan for extension of city services to be on file with the City Clerk. [§16-117]
- 09-13-2005 Annexation Plan for the extension of city services to the annexed area to be on file with the City Clerk for public review and inspection during regular business hours.
- 09-14-2005 Upon approval of resolution on 9/13/05, City Clerk sends copy of resolution to the school board of the school district in the land proposed for annexation.
- 09-27-2005 Notice of Public Hearing before City Council to be published in the *Grand Island Independent*. Notice must be published at least once, not less than 10 days prior to date of hearing.
- 10-13-2005 Public Hearing re: annexation.  
Title of ordinance to be read at council meeting. (1st time) [§16-404]
- 10-25-2005 Title of ordinance to be read at council meeting. (2nd time)
- 11-8-2005 Title of ordinance to be read at council meeting. (3rd time)  
Annexation Ordinance approved by City Council.
- 11-23-2005 Annexation Ordinance becomes effective.





# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item H2

**Consideration of Annexation Property Located South of Sandra Road and East of South Locust Street and Refer to the Regional Planning Commission**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Chad Nabity, AICP Hall County Regional Planning Director

**Meeting:** August 9, 2005

**Subject:** Annexation of Property South of Beverly Healthcare South

**Item #'s:** H-2

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

## **Background**

A request has been received to consider annexation of property located south of Beverly Healthcare South on the west side of U.S. Highway 34 west of S. Locust Street. Beverly Healthcare is planning to expand their operations at this site to the south. This property is adjacent and contiguous with the Grand Island Municipal Limits.

## **Discussion**

Nebraska Revised Statute §16-117 provides for the process of annexation the first step of which is for the Mayor and City Council to refer the matter to the Regional Planning Commission for a recommendation. This will be followed by the process as outlined in the attached

## **Alternatives**

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

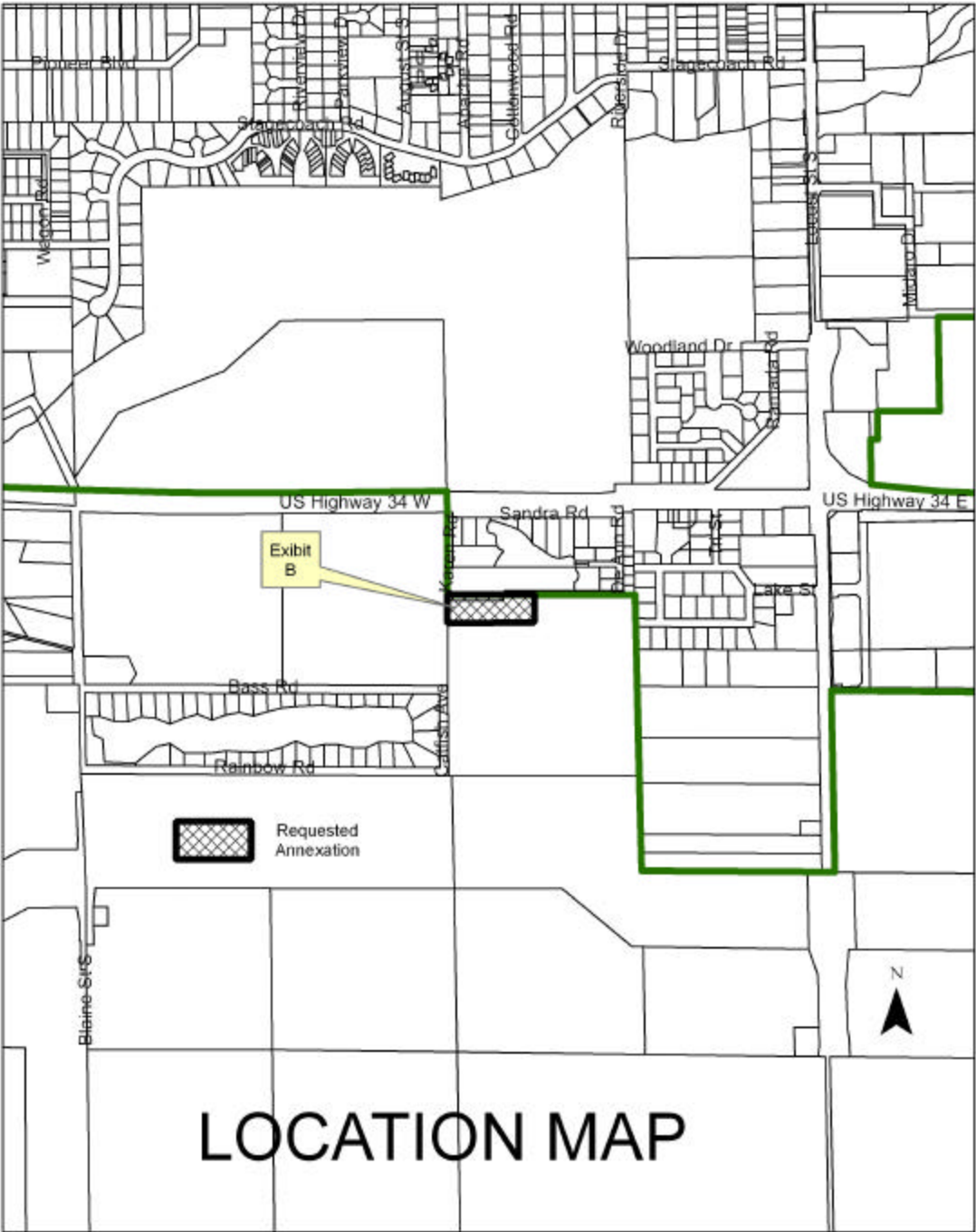
1. Refer the annexation request to the Hall County Regional Planning Commission
2. Choose not to refer the annexation request to the Hall County Regional Planning Commission
3. Table the issue

## **Recommendation**

City Administration recommends that the Council refer this request for annexation to the Hall County Regional Planning Commission for a recommendation.

## **Sample Motion**

Move to refer this request for annexation to the Hall County Regional Planning Commission for a recommendation.



**TIMELINE**  
**2005 Annexation**

- 08-09-2005 City Council Meeting. Referral of areas considered for annexation to Regional Planning Commission for hearing and recommendation.
- 08-27-2005 Notice of public hearing re: annexation published in *Grand Island Independent* for Regional Planning Commission meeting. [§19-929]
- 09-07-2005 Planning Commission Meeting. Commissioners to make recommendation on annexation of land into the City of Grand Island.
- 09-13-2005 City Council Meeting. Resolution indicates the city is (1) considering annexation, (2) approves and adopts the annexation plan, and (3) scheduling a public hearing for October 13, 2005. Annexation plan for extension of city services to be on file with the City Clerk. [§16-117]
- 09-13-2005 Annexation Plan for the extension of city services to the annexed area to be on file with the City Clerk for public review and inspection during regular business hours.
- 09-14-2005 Upon approval of resolution on 9/13/05, City Clerk sends copy of resolution to the school board of the school district in the land proposed for annexation.
- 09-27-2005 Notice of Public Hearing before City Council to be published in the *Grand Island Independent*. Notice must be published at least once, not less than 10 days prior to date of hearing.
- 10-13-2005 Public Hearing re: annexation.  
Title of ordinance to be read at council meeting. (1st time) [§16-404]
- 10-25-2005 Title of ordinance to be read at council meeting. (2nd time)
- 11-8-2005 Title of ordinance to be read at council meeting. (3rd time)  
Annexation Ordinance approved by City Council.
- 11-23-2005 Annexation Ordinance becomes effective.



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item J1

### Approving Payment of Claims for the Period of July 27, 2005 through August 9, 2005

*The Claims for the period of July 27, 2005 through August 9, 2005 for a total amount of \$3,085,621.80. A MOTION is in order.*

Staff Contact: RaNae Edwards