
City of Grand Island



Tuesday, November 08, 2005

Council Session Packet

City Council:

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

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

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

Call to Order

Invocation - Pastor Jay Vetter, Trinity United Methodist Church, 511 North Elm Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, November 08, 2005

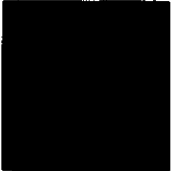
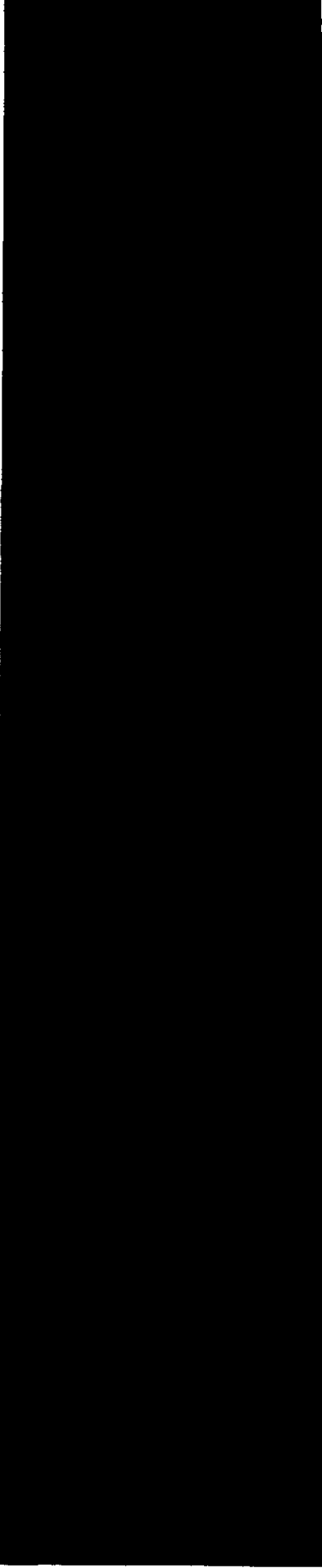
Council Session

Item C1

Presentation by Fire Department of Preliminary Plan for Fire Station Facility

James Brisnehan from Cannon Moss Brygger & Associates and Ken Newell from Stewart Cooper Newell Architects will present a progress report on the Fire Station project to be located at 411 Fonner Park Road.

Staff Contact: Jim Rowell



Cannon Moss **Brygger & Assoc.**

A R C H I T E C T S

2535 Carleton Avenue, Suite A
Grand Island NE 68803

Phone: 308.384.4444

Fax: 308.384.0971

www.cmbaarchitects.com

James R. Brisnehan, AIA

Registered Architect

Principal in the Firm

Recent Projects:

Jim has served as an architect on the following projects:

- Aqua Park – Hastings, NE
- Wood River School Expansion – Wood River, NE
- St. Mary's Parish Center – Grand Island, NE
- St. Francis Projects – Grand Island, NE

Education:

Master of Architecture, University of Nebraska

Registrations:

**Registered Architect: South Dakota and Nebraska
National Council of Architects Registration Board**

Affiliations:

Member – American Institute of Architects

**Member – Nebraska Joint Committee on
Professional Practice**

**Member – Grand Island Community Redevelopment
Association Façade Team**

Board Member – Western Chapter, AIA Nebraska

Member – Grand Island Rotary

Board of Directors – St. Leo's Catholic Church

Past Member – BPO Elks

Professional Experience:

**1991 - 1992: Davis Fenton Stange Darling –
Lincoln, Nebraska**

**1992 - 1995: TSP Three Inc. –
Rapid City, South Dakota**

1995 – Present: Mr. Brisnehan joined Cannon and Associates in 1995 and in 2000 became a principal in the CMBA firm. His responsibilities include business development, business management, design, design development, working drawings, specification writing and construction administration.



**719 E. Second Avenue
Gastonia, NC 28054**

**Phone: (704) 865-6311
Fax: (704) 865-0046**

**www.scn-architects.com
www.fire-facilities.com**

Ken Newell, AIA

Principal Architect

Recent Projects:

Ken has served as Principal in Charge or Consultant on the following projects:

- City of Denton, Texas - Historic Renovation for new Fire Headquarters
- City of Waukesha, WI - Fire Station No. 1
- Virginia Beach, VA - Prototype Substation Design
- Reidland, KY - Fire Department Design
- Kalamazoo, MI - Fire Station Programming
- 95+ Total Projects in North and South Carolina

Education:

University of North Carolina at Charlotte, North Carolina – College of Architecture – Bachelor of Art in Architecture

North Carolina State University – School of Design – Bachelor of Architecture – Raleigh, North Carolina

Registration:

Virginia, North Carolina, South Carolina, Florida, Georgia, NCARB

Professional Societies and Involvement:

American Institute of Architects
North Carolina Fireman's Association
South Carolina Fireman's Association
International Association of Fire Chiefs

Presentations and Articles:

Published in Carolina Fire & Rescue Journal and Fire Chief Magazine. Presented presentations at South Carolina Fire Chief's Conference, FIERO, National Fire Station Design Symposium, NC Firefighter's Conference.

Ken Newell, AIA, is a senior principal with Stewart Cooper Newell Architects, and has designed over 100 Fire/EMS stations and fire training facilities since joining the firm in 1988.

He has provided architectural and consulting services for fire departments and municipalities in North Carolina, South Carolina, Texas, Kentucky, Virginia, Michigan, Wisconsin, Georgia, Nebraska, and New Jersey. Ken has also spoken at various national and state fire department conferences.

Ken also maintains a general contractors license as a means of staying more closely in touch with the construction community.

1) COMPANY PROFILE

**Cannon Moss Brygger Architects
Stewart Cooper Newell Architects**

Cannon Moss Brygger and Associates

2535 Carleton Ave, Suite A
Grand Island, Nebraska 68803
Phone: (308) 384-4444
Fax: (308) 384-0971
www.cmbaarchitects.com

401 Douglas St., Ste. 500
Sioux City, Iowa 51102-3689
Phone: (712) 274-2933
Fax: (712) 274-2926
www.cmbaarchitects.com

Year Established: 1963
Type of Ownership: S - Corporation
Company Staff: Grand Island - 7
Sioux City - 19

All work will be completed in the Grand Island Office.

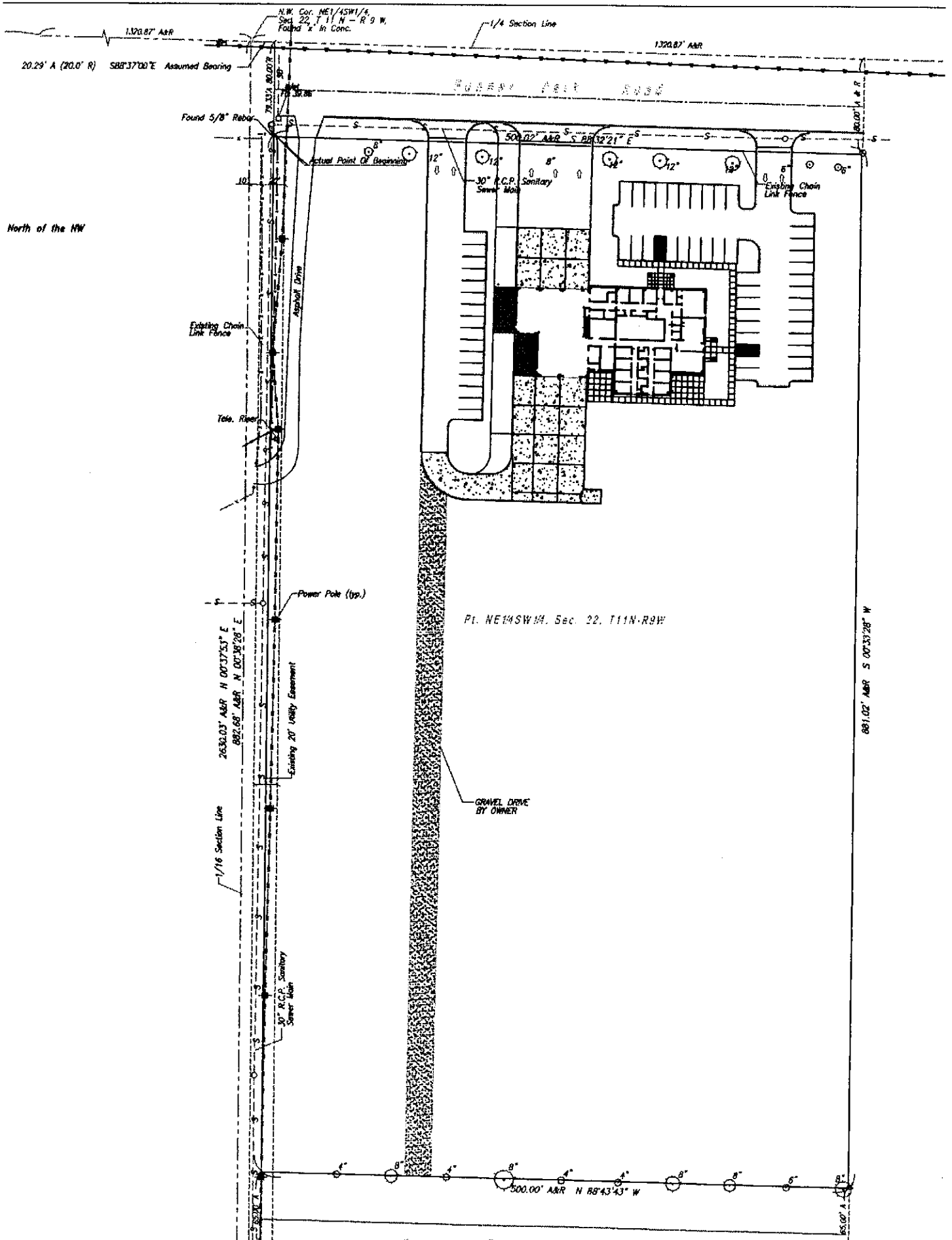
Stewart Cooper Newell Architects, P.A.

719 E. Second Avenue
Gastonia, NC 28054
Phone: (704) 865-6311
Fax: (704) 865-0046
www.scn-architects.com
www.fire-facilities.com

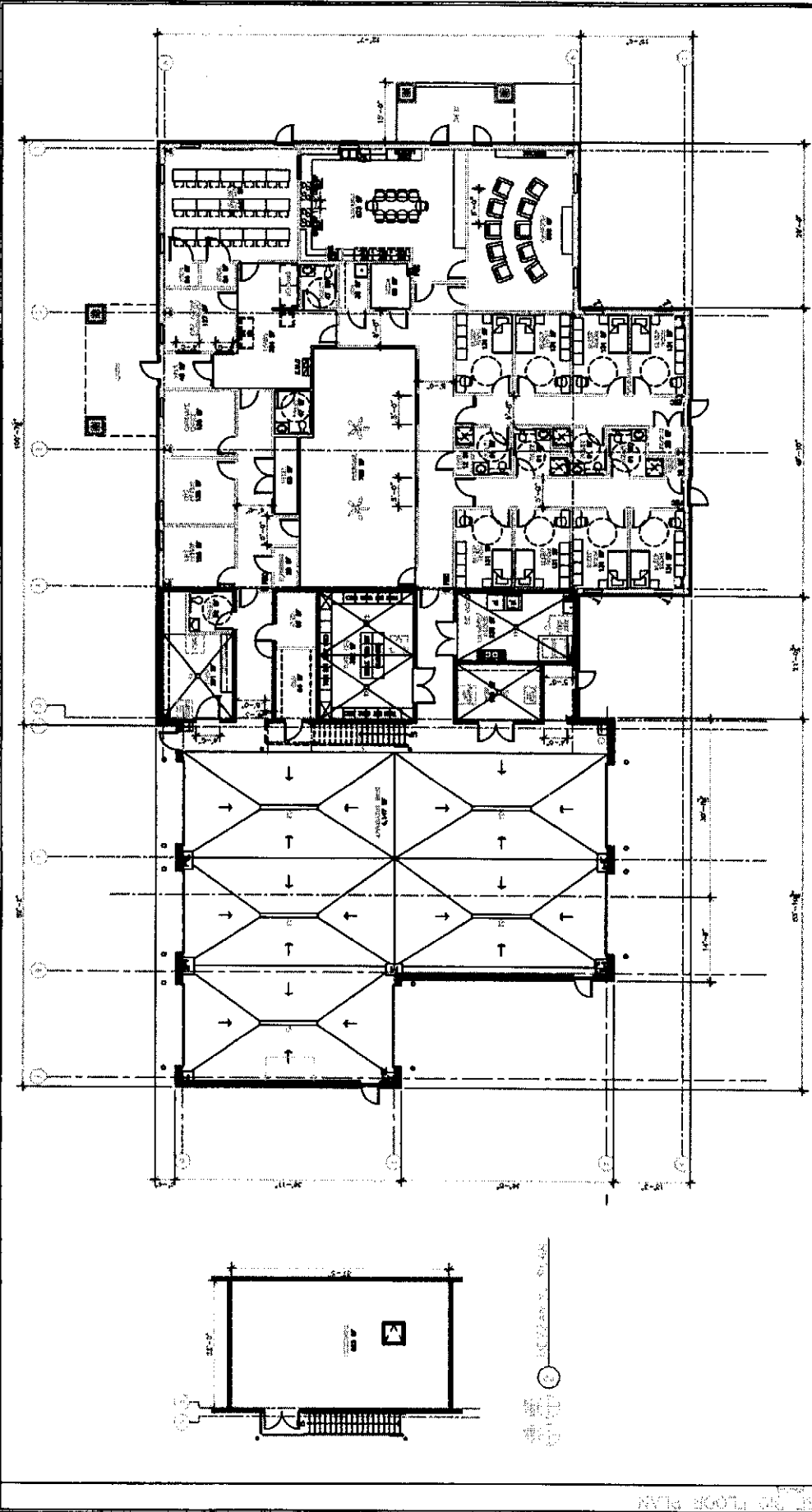
2016 Sumter St. Ste. 202
Columbia, SC 29201
Phone: (803) 765-9011
Fax: (803) 765-2011
www.scn-architects.com
www.fire-facilities.com

Year Established: 1971
Type of Ownership: Professional Association (P.A.)
Company Staff: Gastonia - 18
Columbia - 3

All work will be completed in the Gastonia, North Carolina office.



North of the NW



BASE BID FLOOR PLAN

NOTE

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES. DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.

2. ALL WALLS AND PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

3. ALL ROOFING SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

4. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SHALL BE INSTALLED IN ACCORDANCE WITH THE 2003 INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING CODE (IMC).

5. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

6. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

7. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

8. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

9. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

10. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE (IBC) AND THE 2003 INTERNATIONAL FIRE CODE (IFC).

NOTE



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item D1

2005-BE-13 - Consideration of Determining Benefits for Sanitary Sewer District No. 512; Mary Lane, Kentish Hills and Bradley Subdivisions

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 8, 2005

Subject: Board of Equalization Hearing to Determine Benefits and Consideration of an Ordinance Levying Assessments for Sanitary Sewer District No. 512; Marylane, Kentish Hills and Bradley Subdivisions

Item #'s: D-1 & F-3

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

Background

The Certificate of Final Completion for Sanitary Sewer District 512 was approved on October 11, 2005 with November 8, 2005 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for the District.

Discussion

The contract for Sanitary Sewer District 512 was awarded to General Excavating of Lincoln, Nebraska on September 14, 2004. Work on the project was completed at a construction price of \$436,000.72. Total cost of the project, including engineering, was \$512,530.13. Costs for the project break down as follows:

| | |
|----------------------------------|---------------|
| Original Bid | \$ 477,488.14 |
| Underruns | \$ 36,751.80 |
| Deductions: | |
| Liquidated Damages | (\$ 600.00) |
| Restore Property Pins | (\$ 800.00) |
| Replace Trees | (\$ 300.00) |
| Fill & Grade Yards | (\$ 2,000.00) |
| T.V. Clean Line, Adjust Manholes | (\$ 2,909.86) |
| Additional Costs | |
| Fire Hydrant Adjustment | \$ 320.00 |

| | |
|---|----------------------|
| Driveway Replacement | \$ 1,554.24 |
| Sub Total (Construction Price) | \$ 436,000.72 |
| <u>Easement Acquisition/Restoration Costs</u> | \$ 32,929.34 |
| <u>Engineering, Publication, TV Insp. Costs</u> | \$ 43,600.07 |
| Total Project Cost | \$ 512,530.13 |

The estimated total for District 512 at the time of creation was \$521,110.50.

Alternatives

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

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

Recommendation

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

Sample Motion

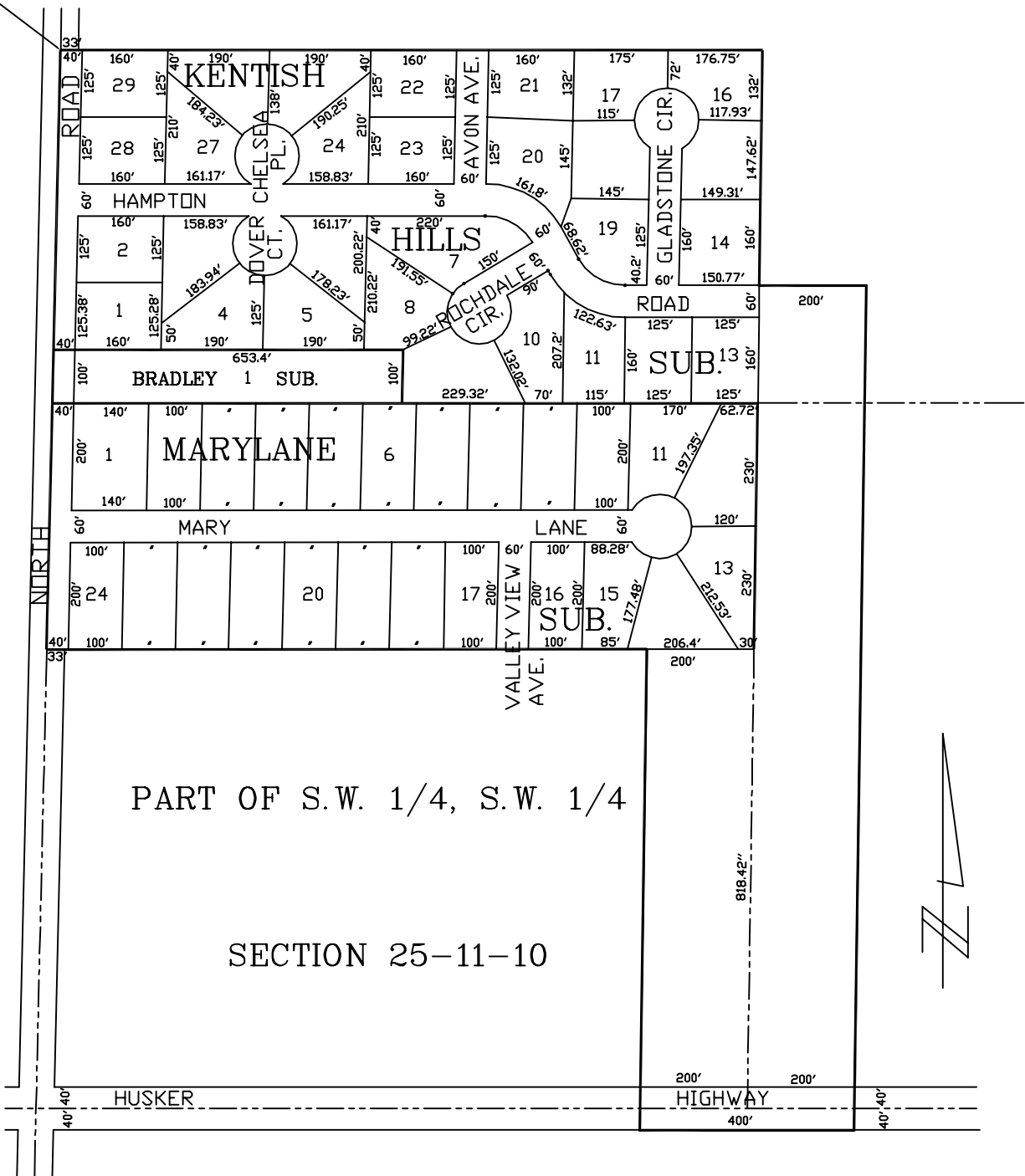
(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for Sanitary Sewer District No. 512.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Sanitary Sewer District No. 512.

POINT OF BEGINNING



PART OF S.W. 1/4, S.W. 1/4
SECTION 25-11-10

SANITARY SEWER DISTRICT 512

EXHIBIT "A"

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 10/17/03
DRN BY: L.D.C.
SCALE: 1"=300'

PLAT TO ACCOMPANY
ORDINANCE NO. 8862

R E S O L U T I O N 2005-BE-13

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District 512, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$464,064.14; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 512, such benefits are the sums set opposite the several descriptions as follows:

| <u>Name</u> | <u>Description</u> | <u>Assessment</u> |
|------------------------------------|------------------------------|-------------------|
| Charles E. & Mary A. Fox | Lot 1, Marylane Subdivision | 6,536.11 |
| Charles E. & Mary A. Fox | Lot 2, Marylane Subdivision | 6,536.11 |
| Jerry L. & Rose G. Florez | Lot 3, Marylane Subdivision | 6,536.11 |
| Neal R. & Sondra L. Schroder | Lot 4, Marylane Subdivision | 6,536.11 |
| Lyle E. & Judith Maye Tibbs | Lot 5, Marylane Subdivision | 6,536.11 |
| Ronald L. & Delores K. Tenski | Lot 6, Marylane Subdivision | 6,536.11 |
| Jeffrey W. & Cynthia R. Hayes | Lot 7, Marylane Subdivision | 6,536.11 |
| Kenneth C. & Christine L. Durand | Lot 8, Marylane Subdivision | 6,536.11 |
| Cresencio & Maria Carmen Gutierrez | Lot 9, Marylane Subdivision | 6,536.11 |
| Keith A. & Joey L. Ruff | Lot 10, Marylane Subdivision | 6,536.11 |
| David A. & Ellen I. Nelson Green | Lot 11, Marylane Subdivision | 6,536.11 |
| Kenneth I. & Vera L. Henman | Lot 12, Marylane Subdivision | 6,536.11 |
| Matthew J. & Lori A. Beiber | Lot 13, Marylane Subdivision | 6,536.11 |
| Matthew J. & Lori A. Beiber | Lot 14, Marylane Subdivision | 6,536.11 |
| Timothy D. & Susan E. Pfeifer | Lot 15, Marylane Subdivision | 6,536.11 |
| Gregory J. & Penny L. Post | Lot 16, Marylane Subdivision | 6,536.11 |
| Dale E. & Sharon M. Huffman | Lot 17, Marylane Subdivision | 6,536.11 |
| Andrew M. & Joan E. Schwan | Lot 18, Marylane Subdivision | 6,536.11 |
| Charles E. & Loretta A. Roehrich | Lot 19, Marylane Subdivision | 6,536.11 |
| Terry Lee & Lori L. Jepson | Lot 20, Marylane Subdivision | 6,536.11 |
| Elaine K. & Steven A. Markham | Lot 21, Marylane Subdivision | 6,536.11 |

RESOLUTION 2005-BE-13

| | | |
|---|-----------------------------------|----------|
| Vincent E. & Cynthia A. Luhn | Lot 22, Marylane Subdivision | 6,536.11 |
| Dennis W. & Cheryl K. Harder | Lot 23, Marylane Subdivision | 6,536.11 |
| Jody D. & Robin R. Bennett | Lot 24, Marylane Subdivision | 6,536.11 |
| Robert W. & Penelope M. Thomas | Lot 1, Bradley Subdivision | 6,536.11 |
| Jeffrey N. & Angela M. Warren | Lot 1, Kentish Hills Subdivision | 6,536.11 |
| Frank P. & Marsha Prucha | Lot 2, Kentish Hills Subdivision | 6,536.11 |
| Ryan G. & Whitney C. Witt | Lot 3, Kentish Hills Subdivision | 6,536.11 |
| Dale G. & Joan J. Clark | Lot 4, Kentish Hills Subdivision | 6,536.11 |
| Steven D. & Theresa M. Stirn | Lot 5, Kentish Hills Subdivision | 6,536.11 |
| Thomas P. & Ronda K. Kruger | Lot 6, Kentish Hills Subdivision | 6,536.11 |
| Dennis W. & Keanna Leonard | Lot 7, Kentish Hills Subdivision | 6,536.11 |
| Heath A. & Barbara L. Johnson | Lot 8, Kentish Hills Subdivision | 6,536.11 |
| Thomas A. & Lisa M. Olsen | Lot 9, Kentish Hills Subdivision | 6,536.11 |
| Elmer E. & Kathleen F. Feldotto | Lot 10, Kentish Hills Subdivision | 6,536.11 |
| Randy L. & Laurie R. Peterson | Lot 11, Kentish Hills Subdivision | 6,536.11 |
| Danny L. & Lareen M. Halverson | Lot 12, Kentish Hills Subdivision | 6,536.11 |
| Monte L. & Michelle G. Shultz | Lot 13, Kentish Hills Subdivision | 6,536.11 |
| ABC Engineered Trusses Inc. | Lot 14, Kentish Hills Subdivision | 6,536.11 |
| Thomas M. & Jessica M. Whelan | Lot 15, Kentish Hills Subdivision | 6,536.11 |
| Ryan T. & Rebecca S. Waind | Lot 16, Kentish Hills Subdivision | 6,536.11 |
| Jeffry A. & Jamie A. Vinson | Lot 17, Kentish Hills Subdivision | 6,536.11 |
| Gregg & Shirley A. Schultz | Lot 18, Kentish Hills Subdivision | 6,536.11 |
| John M. & Dianne McMahan | Lot 19, Kentish Hills Subdivision | 6,536.11 |
| Bradley R. & Shree A. Arends | Lot 20, Kentish Hills Subdivision | 6,536.11 |
| Stephen C. & Teresa A. Skibinski | Lot 21, Kentish Hills Subdivision | 6,536.11 |
| John J. & Debra J. Lantz | Lot 22, Kentish Hills Subdivision | 6,536.11 |
| Guy L. Leverington & Patricia J. Beiber | Lot 23, Kentish Hills Subdivision | 6,536.11 |
| William F. & Connie J. Parten | Lot 24, Kentish Hills Subdivision | 6,536.11 |
| Timothy & Sheri Brown | Lot 25, Kentish Hills Subdivision | 6,536.11 |
| Charles T. & Debra L. Costello | Lot 26, Kentish Hills Subdivision | 6,536.11 |
| Ronnie R. & Darla M. Sitzman | Lot 27, Kentish Hills Subdivision | 6,536.11 |
| Craig & Terry Sue Starke | Lot 28, Kentish Hills Subdivision | 6,536.11 |
| Cindy J. Avila | Lot 29, Kentish Hills Subdivision | 6,536.11 |

RESOLUTION 2005-BE-13

| | | |
|-----------------------------|---|---------------------|
| Gladys V. Schoel | Part of SE1/4, SW1/4 of Section 25-11-10; more particularly described as: the west 200 feet of the north 1498.42 feet of the south 1538.42 feet of E1/2, SW1/4 of Section 25-11-10. | 111,113.95 |
| Lutheran High School Assoc. | Part of SW1/4, SW1/4 of Section 25-11-10; more particularly described as follows: East 200 feet of north 818.42 feet of south 858.42 feet of SW1/4, SW1/4 of Section 25-11-10 | 0.00 |
| TOTAL | | \$464,064.14 |

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Adopted by the City Council of the City of Grand Island, Nebraska, on November 8, 2005.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item E1

**Public Hearing on Request of Jeff D. Leo dba Bud's Roadhouse,
2710 Diers Avenue for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 8, 2005

Subject: Public Hearing on Request of Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue for a Class "C" Liquor License

Item #'s: E-1 & H-1

Presenter(s): RaNae Edwards, City Clerk

Background

Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue has submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. After reviewing the application by city staff it is recommended that the City Council deny the request for the following reasons:

1. The applicant provided false information on this application, leaving out several important convictions.
2. The applicant pleaded guilty and was found guilty of a Class 1 Misdemeanor.
3. Convictions for driving under suspensions, disorderly conduct, carrying a concealed weapon, and violation of exploitation of human nudity do not indicate that the applicant is of good character and reputation.
4. The applicant's record indicates a pattern of behavior of disregard of the law.

(See attached memo from the Police Department)

Alternatives

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

1. Approve the request.
2. Deny the request.
3. Forward to the Nebraska Liquor Control Commission with no recommendation.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council deny this request.

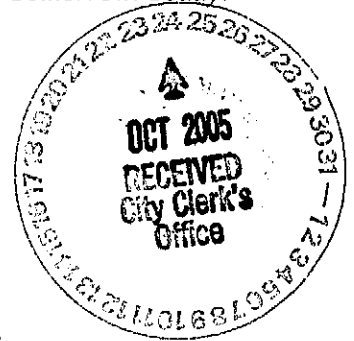
Sample Motion

Move to deny the request of Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue for a Class "C" Liquor License because of false information on the liquor application and numerous violations.

CITY OF
GRAND ISLAND

Police Department
To Protect and Serve Since 1872

Working Together for a
Better Tomorrow. Today.



DATE: October 24, 2005
TO: RaNae Edwards, City Clerk
FROM: Robert Falldorf, Police Captain *Robert E. Falldorf*
RE: Application for Class C Liquor License: Bud's Roadhouse

The Grand Island Police Department has received the application from Jeff D. Leo, dba Bud's Roadhouse for a Class C Liquor License.

We have an objection to the issuance of the Class C Liquor License because of the false information included in the application on Page 3, Question 1 pertaining to criminal convictions. Mr. Leo indicated on the application that he has never been convicted of or plead guilty to any charge, which includes a felony, misdemeanor, violation of a federal or state law, violation of local law (which would include infractions, ordinances, and resolutions). A criminal background check on Jeff D. Leo shows the following convictions or guilty pleas:

Offense Date 8-9-97, Driving Under Suspension (Dakota County), Class 3 Misdemeanor, and Speeding 11-15 MPH (Dakota County), Infraction, Plea was Not Guilty, Finding was Guilty on both counts.

Offense Date 7-30-01, Disorderly Conduct-Fighting (Madison County), Infraction, Plea was Guilty/Admit, Finding was Guilty.

Offense Date 11-3-01, Speeding 6-10 MPH (Nance County), Infraction, Plea was Guilty/Admit, Finding was Guilty.

Offense Date 12-18-02, Driving Under Suspension (Pierce County), Class 3 Misdemeanor, No Proof of Insurance (Pierce County), Class 2 Misdemeanor, and Carry Concealed Weapon (Pierce County), Class 1 Misdemeanor, Plea was Guilty, Finding was Guilty on all three counts.

Offense Date 1-30-03, Violation of Exploitation of Human Nudity (Pierce County), Infraction, Plea was Guilty/Admit, Finding was Guilty.

Offense Date 2-1-03, Violation of Exploitation of Human Nudity (Pierce County), Infraction, Plea was No Contest, Finding was Guilty.

Offense Date 5-24-03, Speeding 11-15 MPH (Platte County), Infraction, Plea was Guilty/Admit, Finding was Guilty.




**INTEROFFICE
MEMORANDUM**
Building Department

*Working Together for a
Better Tomorrow. Today.*

DATE: November 1, 2005

TO: RaNae Edwards -- City Clerk

FROM: Craig Lewis -- Building Department 

RE: Liquor License request for Bud's Roadhouse at 2710 Diers Ave.

Mr. Leo called today to request an inspection of the proposed facility he is considering for a liquor establishment, however at the present time the space is simply a vacant unfinished tenant space in the building. Any approvals should be contingent upon the space being finished and a certificate of occupancy being issued. At this time no plans have been submitted nor have any permits been issued for remodeling the space.

Please let me know if you need any other information.



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item E2

**Public Hearing on Acquisition of Public Utility Easement Located
at 4250 Old Potash Highway (Lee J. and Sherry A. Newport)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 8, 2005

Subject: Public Hearing and Approval for Acquisition of a Public Utilities Easement Located at 4250 Old Potash HWY (Lee J. and Sherry A. Newport)

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

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

Background

Council action is necessary for the City of Grand Island to acquire public easements. The Public Works Department needs to acquire an easement along the property of 4250 Old Potash Highway.

Discussion

This easement is needed to construct public Sanitary Sewer in this area.

Alternatives

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

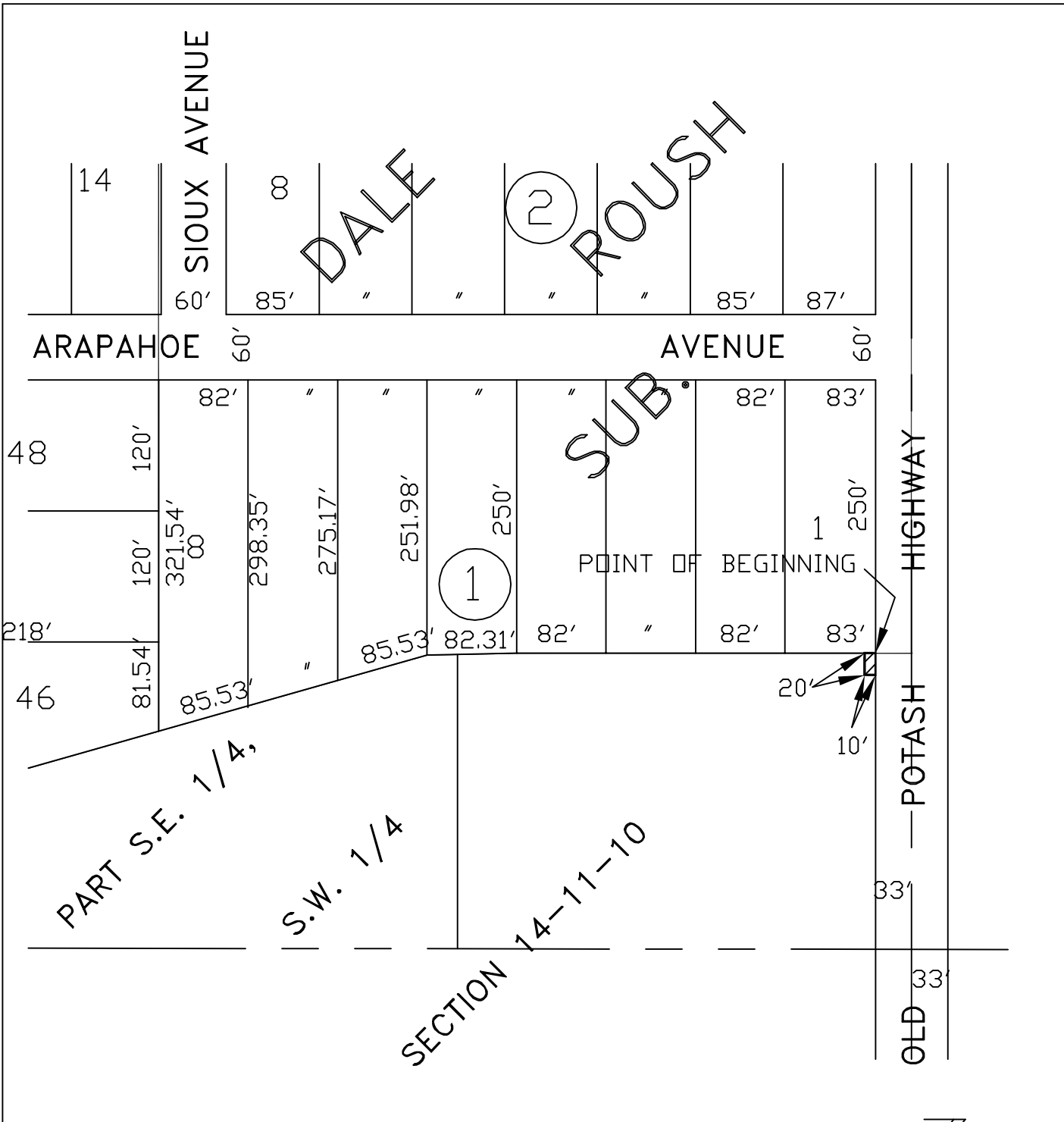
1. Move to approve the acquisition of the Public Utility Easement.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

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

Sample Motion

Move to approve the acquisition of the Public Utility Easement.



 AREA TO BE ACQUIRED FROM LEE J. & SHERRY A. NEWPORT



EXHIBIT "A"

CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 10/3/05
DRN BY: L.D.C.
SCALE: NONE

PLAT TO ACCOMPANY
EASEMENT



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item E3

**Public Hearing on Acquisition of Public Utility Easement Located
at 108 Arapahoe Avenue (Gaylen & Kim Sprague)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 8, 2005

Subject: Public Hearing and Approval for Acquisition of a Public Utilities Easement Located at 108 Arapahoe Avenue (Gaylen & Kim Sprague)

Item #'s: E-3 & G-6

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

Background

Council action is necessary for the City of Grand Island to acquire public easements. The Public Works Department needs to acquire an easement along the property of 108 Arapahoe Avenue.

Discussion

This easement is needed to construct public Sanitary Sewer in this area.

Alternatives

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

1. Move to approve the acquisition of the Public Utility Easement.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

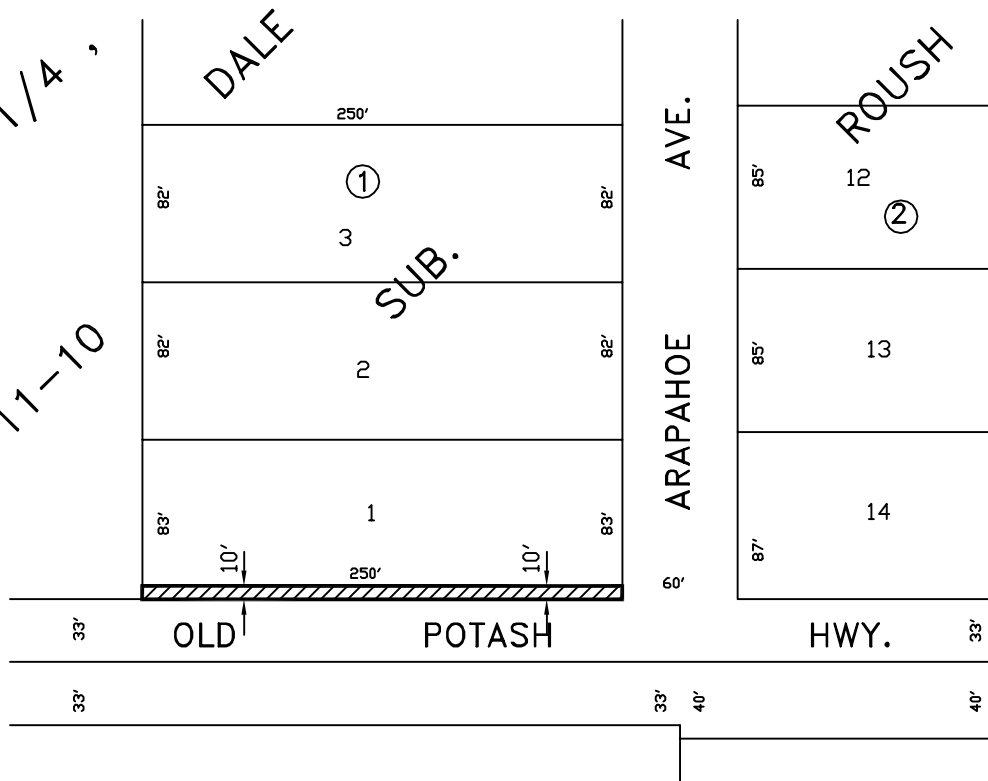
Recommendation

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

Sample Motion

Move to approve the acquisition of the Public Utility Easement.

PART OF S.E. 1/4,
S.W. 1/4
SECTION 14-11-10



LEGEND

 EASEMENT ACQUIRED FROM
GAYLEN & KIM SPRAGUE



EXHIBIT "A"

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 8/18/05
DRN BY: L.D.C.
SCALE: 1"=100'

PLAT TO ACCOMPANY
EASEMENT



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item E4

**Public Hearing on Acquisition of Public Utility Easement Located
at 2836 & 2838 Cross Pointe Drive; Lot 11 North Pointe
Subdivision (The Meadows Apartment Homes LLC)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 8, 2005

Subject: Public Hearing Concerning Acquisition of a Public Utilities Easement Located Along 2836 & 2838 Cross Pointe Drive; Lot 11 North Pointe Subdivision (The Meadows Apartment Homes LLC)

Item #'s: E-4 & G-7

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

Background

Council action is necessary for the City of Grand Island to acquire public easements. The Public Works Department needs to acquire an easement along the property of 2836 and 2838 Cross Pointe Drive (Lot 11 of North Pointe Subdivision) to extend private sanitary sewer service to an adjacent property.

Discussion

This easement will be used in order to have access to install, upgrade, maintain, and repair public utilities including but not limited to sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, in, underneath and through the tract of land.

Alternatives

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

1. Move to approve the acquisition of the Public Utility Easement.
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 conduct a Public Hearing and approve acquisition of the Public Utility Easement.

Sample Motion

Move to approve the acquisition of the Public Utility Easement.



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item E5

**Public Hearing Concerning Acquisition of Utility Easement -
Along the East Side of Webb Road just South of Whitecloud Road
(Wenzl, Inc.)**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director
Meeting: November 8, 2005
Subject: Acquisition of Utility Easement – Along the East Side of Webb Road, from Whitecloud Road to Kansas Nebraska Gas Station – Wenzl, Inc.
Item #'s: E-5 & G-10
Presenter(s): Gary R. Mader, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Wenzl, Inc. located along the east side of Webb Road, from Whitecloud Road to Kansas Nebraska Gas Station, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to construct a new overhead three-phase distribution line to provide electrical service to a new pump at White Cloud Road and Webb Road.

Alternatives

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

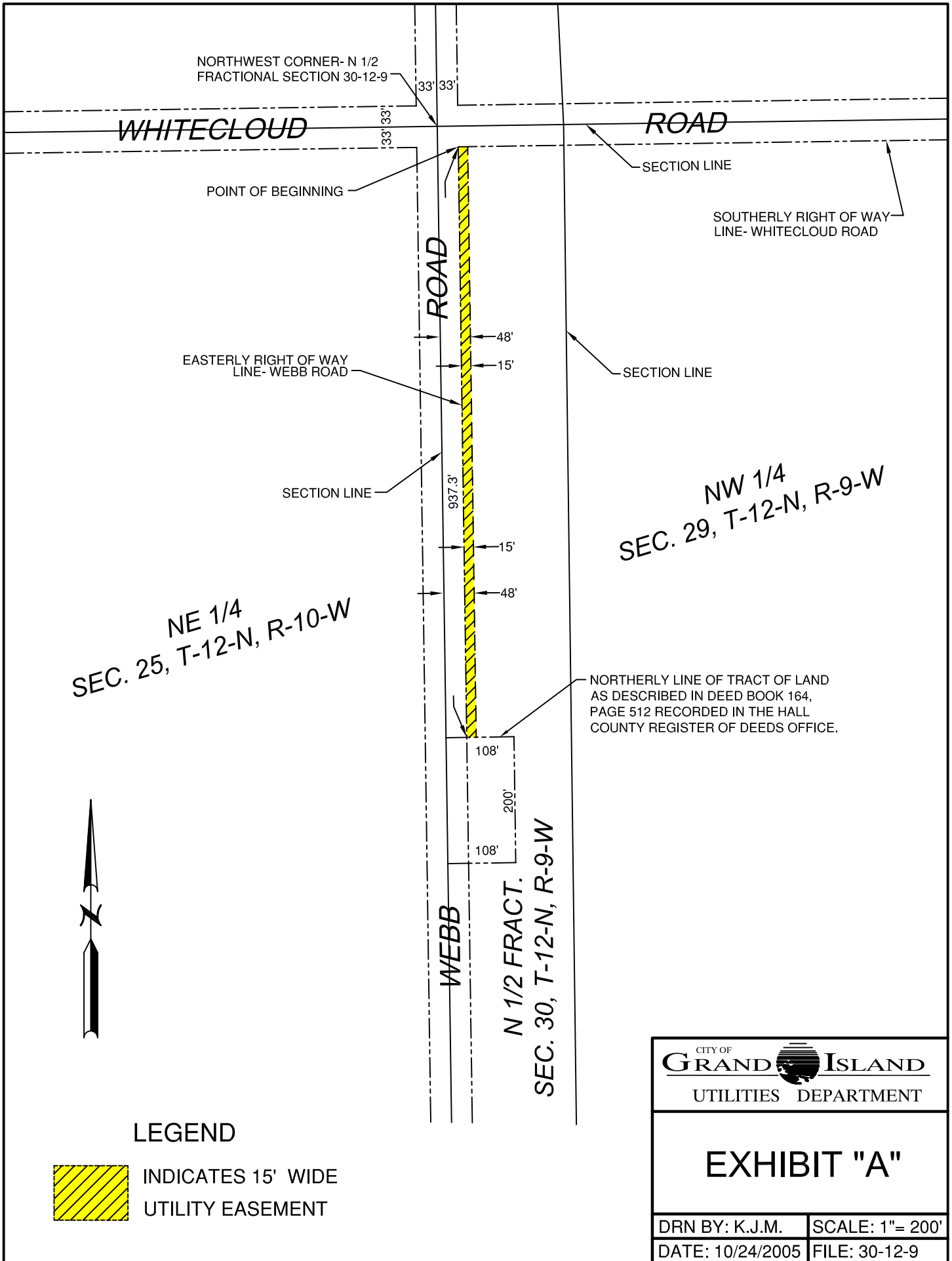
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Motion to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, November 08, 2005

Council Session

Item F1

**#9012 - Consideration of Annexation of Property Located South of
Case New Holland and West of US Highway 281 (Final Reading)**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: November 8, 2005
Subject: Annexation
Item #'s: F-1 (Third Reading)
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

Annexation of land located in the SE ¼ NE ¼ 25-11-10 into the Grand Island City Limits. (Exhibit A). The owners of this property have requested that the city consider this property for annexation in preparation for development. Council forwarded this request to the Hall County Regional Planning Commission and approved an annexation plan on this property.

The Developers of this property requested on November 3, 2005 that this annexation be tabled until such time as the Council considers the rezoning and final platting of this property. They anticipate that rezoning and platting will occur in early 2006.

Discussion

On September 7th, 2005 the Hall County Regional Planning Commission held a public hearing before considering this matter.

No members of the public testified at the hearing held by the Regional Planning Commission.

This property is adjacent to and contiguous with the Grand Island City limits on all sides.

Sewer and water are available to the property included in this annexation request. This property is within the Grand Island Utilities Electrical Service District. This property is not within the Grand Island School District. Annexing these properties will not impact the two mile extraterritorial jurisdiction of Grand Island.

Alternatives

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

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

Recommendation

A motion was made by Haskins 2nd by Ruge to approve and recommend that the City of Grand Island **approve** this annexation and as presented.

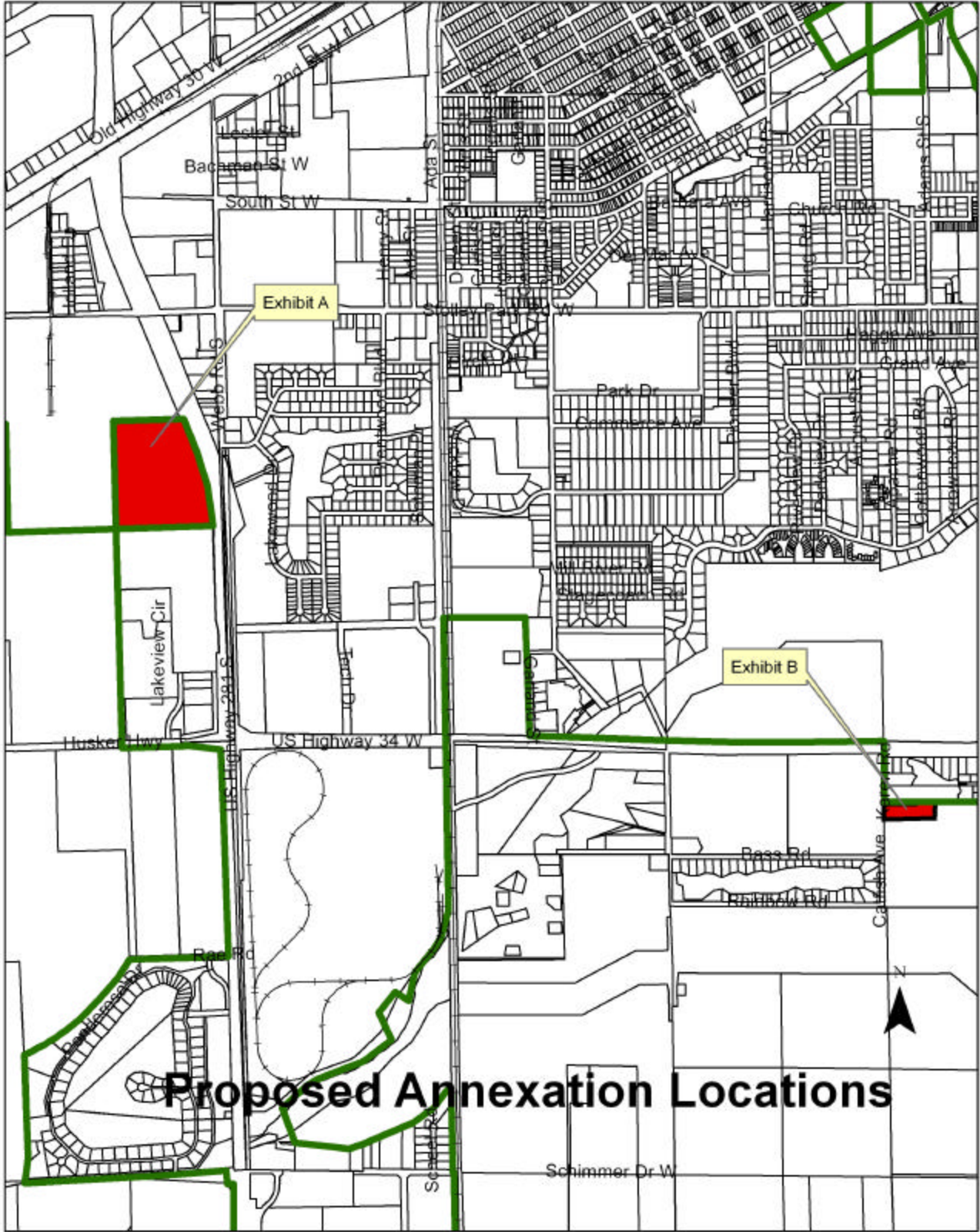
A roll call vote was taken and the motion passed with 11 members present (Haskins, Reynolds, O'Neill, Brown, Niemann, Miller, Eriksen, Ruge, Monter, Hayes, Wagoner) voting in favor.

Recommendation From Staff

Based upon the request from the developer Staff would recommend that consideration of this item be tabled until such time as the rezoning application and final plat for this property are approved by the City Council and/or for a period of six months.

Sample Motion

Move that this application be tabled until such time as Council is considering approval of the rezoning and final plat for this property and/or for a period of six months if the application to rezone and plat the property has not been filed.



RaNae Edwards

From: Chad Nabity
Sent: Thursday, November 03, 2005 4:14 PM
To: Gary Greer, RaNae Edwards
Subject: FW: Annexation of Becker Property

Gary and RaNae,

I just received this. I would suggest that we just ask council to table action on this until the rezoning and subdivision of this property comes forward for approval or for 6 months whichever comes first.

Chad Nabity, AICP
Hall County Regional Planning Director
P.O. Box 1968
100 E 1st Street
Grand Island, Nebraska 68803
Work (308) 385-5240 Fax (308) 385-5423
cnabity@grand-island.com
www.grand-island.com

-----Original Message-----

From: Walt Lautner [<mailto:Wlautner@cproperties.com>]
Sent: Thursday, November 03, 2005 3:52 PM
To: Chad Nabity
Subject: Annexation of Becker Property

Chad,

Continental Properties Company, Inc, CPCI, has entered into a contract to purchase the Becker property and had previously requested the City of Grand Island to begin the annexation process. At this time CPCI respectfully requests the final reading of the annexation not take place until approval of the final plat and rezoning of the property occurs.

CPCI and our tenants are still full committed to this project and anticipate meeting with the City in early 2006 to seek our approvals from the city.

If you have questions regarding this issue or need further information regarding the project, please contact me at your convenience.

Sincerely,

Walt Lautner
Retail Leasing Director
Continental Properties Company Inc.
262-532-9359

Unless otherwise indicated, the information contained in this electronic message is expressly privileged and confidential, intended for the use of the intended recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. The recipient also agrees not to transfer these electronic files and/or attachments to others without the prior written consent of the sender. If you have received this communication in error, please immediately notify us by collect telephone and delete this original message.

11/3/2005

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9012

An ordinance to extend the boundaries and include within the corporate limits of, and to annex to the City of Grand Island, Nebraska, a tract of land comprising a part of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Twenty Five (25), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after public hearing on September 7, 2005, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, a part of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Twenty Five (25), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows, into the City of Grand Island, Hall County, Nebraska:

Beginning at the northwest corner of Lot Five (5), Pedcor Subdivision, said point also being the southwest corner of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 25-11-10; thence north on the west line of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 25-11-10 to the northwest corner of the Southeast Quarter of the Northeast Quarter (SE1/4,

| | |
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| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |

ORDINANCE NO. 9012 (Cont.)

NE1/4) of Section 25-11-10; thence east on the north line of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 25-11-10 to the west line of U.S. Highway 281; thence south and east on the west line of U.S. Highway 281 to the south line of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 25-11-10; thence west on the south line of the Southeast Quarter of the Northeast Quarter of Section 25-11-10 to the point of beginning, as shown on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, after public hearing on October 11, 2005, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on October 11, 2005, the City Council of the City of Grand Island approved such annexation on first reading; and

WHEREAS, on October 25, 2005, the Council of the City of Grand Island approved such annexation on second reading.

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

SECTION 1. It is hereby found and determined that:

(A) The above described tract of land is urban or suburban in character, and that the subject property is contiguous or adjacent to the corporate limits of said City.

(B) The subject land will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

ORDINANCE NO. 9012 (Cont.)

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2005-246 is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

ORDINANCE NO. 9012 (Cont.)

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: November 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item F2

#9013 - Consideration of Annexation of Property Located South of Sandra Road and West of South Locust Street (Final Reading)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: November 8, 2005
Subject: Annexation
Item #'s: F-2 (Third Reading)
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

Annexation of land located in the S ½ NW ¼ NE ¼ 33-11-09 into the Grand Island City Limits. (Exhibit B). The owners of this property have requested that the city consider this property for annexation in preparation for expansion of the nursing home directly to the north of this property. This property was rezoned by the Grand Island City Council in August of 2005 for that purpose. Council forwarded this request to the Hall County Regional Planning Commission and approved an annexation plan on this property.

Discussion

On September 7th, 2005 the Hall County Regional Planning Commission held a public hearing before considering this matter.

No members of the public testified at the hearing held by the Regional Planning Commission.

This property is adjacent to and contiguous with the Grand Island City along its northern property line.

Sewer and water are available to the property included in this annexation request. This property is within the Grand Island Utilities Electrical Service District. This property is not within the Grand Island School District. Annexing these properties will not impact the two mile extraterritorial jurisdiction of Grand Island.

Alternatives

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

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

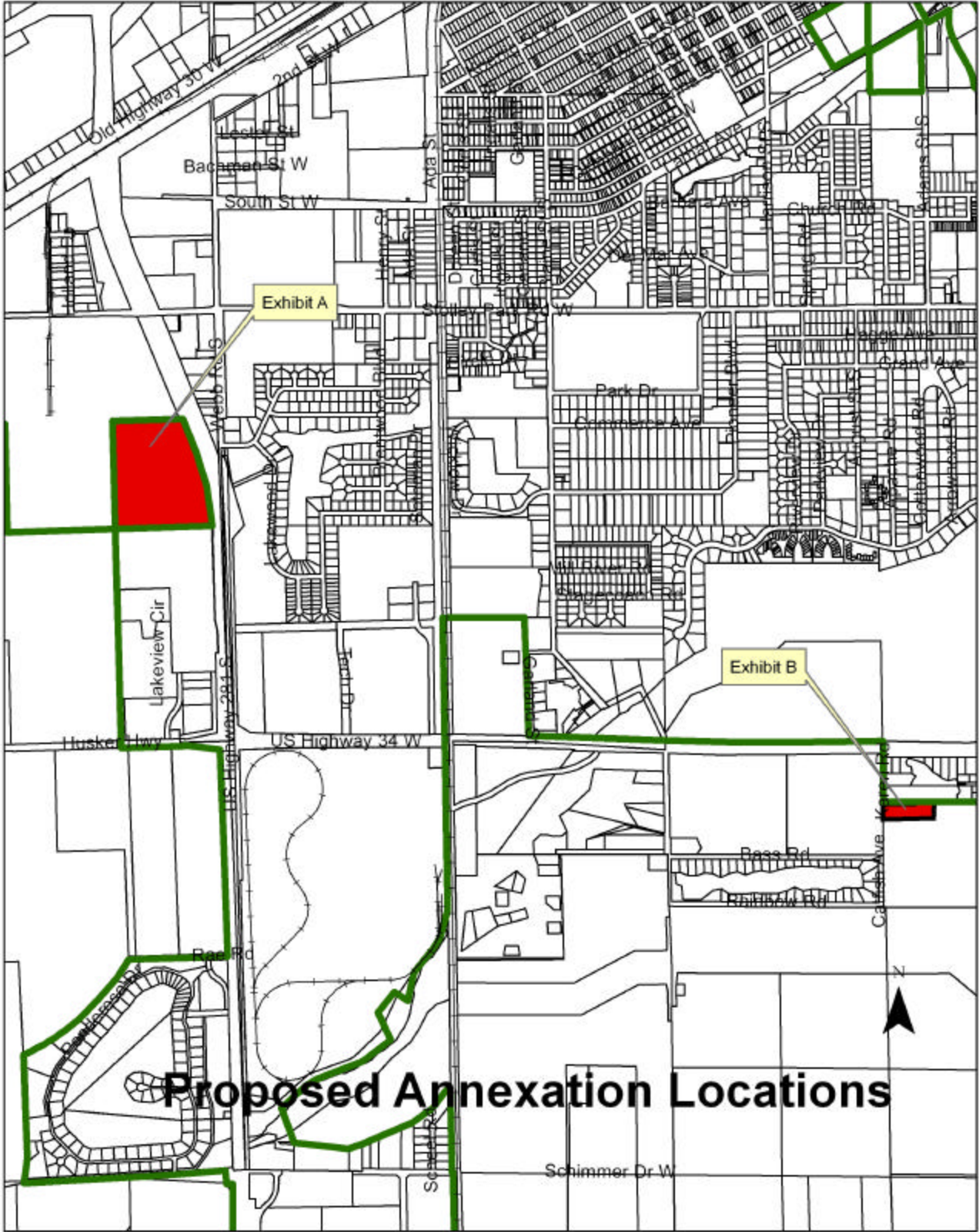
Recommendation

A motion was made by Miller 2nd by Brown to approve and recommend that the City of Grand Island **approve** this annexation and as presented.

A roll call vote was taken and the motion passed with 11 members present (Haskins, Reynolds, O'Neill, Brown, Niemann, Miller, Eriksen, Ruge, Monter, Hayes, Wagoner) voting in favor.

Sample Motion

Approve the annexation as Submitted



Proposed Annexation Locations

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9013

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land comprising a part of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) of Section Thirty Three (33), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska; to provide service benefits thereto; to confirm zoning classifications; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after public hearing on September 7, 2005, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, a tract of land comprising a part of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) of Section Thirty Three (33), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Phillips Subdivision; thence east on the south line of Phillips Subdivision for a distance of 600.0 feet; thence south on a line perpendicular to the south line of Phillips Subdivision for a distance of 217.8 feet south of and parallel to the south line of Phillips Subdivision for a distance of 600.0 feet to the west line of the Northeast Quarter (NE1/4) of Section 33-11-9;

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |

ORDINANCE NO. 9013 (Cont.)

thence north on the west line of the Northeast Quarter (NE1/4) of Section 33-11-9 for a distance of 217.8 feet to the point of beginning, as shown on Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, after public hearing on October 11, 2005, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on October 11, 2005, the City Council of the City of Grand Island approved such annexation on first reading; and

WHEREAS, on October 25, 2005, the City Council of the City of Grand Island approved such annexation on second reading.

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

SECTION 1. It is hereby found and determined that:

(A) The above-described tract of land is urban or suburban in character, and that the subject property is contiguous or adjacent to the corporate limits of said City.

(B) The subject land will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience

ORDINANCE NO. 9013 (Cont.)

and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2005-246 is hereby approved and ratified as amended.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted by herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 9013 (Cont.)

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: November 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item F3

**#9014 - Consideration of Assessments for Sanitary Sewer District
No. 512: Mary Lane, Kentish Hills and Bradley Subdivisions**

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

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

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 9014

An ordinance assessing and levying a special tax to pay the cost of construction of Sanitary Sewer District No. 512 of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sanitary sewer main in said Sanitary Sewer District No. 512, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

| <u>Name</u> | <u>Description</u> | <u>Assessment</u> |
|--------------------------|-----------------------------|-------------------|
| Charles E. & Mary A. Fox | Lot 1, Marylane Subdivision | 6,536.11 |
| Charles E. & Mary A. Fox | Lot 2, Marylane Subdivision | 6,536.11 |

Approved as to Form ☐ _____
November 3, 2005 ☐ City Attorney

ORDINANCE NO. 9014 (Cont.)

| | | |
|------------------------------------|-----------------------------------|----------|
| Jerry L. & Rose G. Florez | Lot 3, Marylane Subdivision | 6,536.11 |
| Neal R. & Sondra L. Schroder | Lot 4, Marylane Subdivision | 6,536.11 |
| Lyle E. & Judith Maye Tibbs | Lot 5, Marylane Subdivision | 6,536.11 |
| Ronald L. & Delores K. Tenski | Lot 6, Marylane Subdivision | 6,536.11 |
| Jeffrey W. & Cynthia R. Hayes | Lot 7, Marylane Subdivision | 6,536.11 |
| Kenneth C. & Christine L. Durand | Lot 8, Marylane Subdivision | 6,536.11 |
| Cresencio & Maria Carmen Gutierrez | Lot 9, Marylane Subdivision | 6,536.11 |
| Keith A. & Joey L. Ruff | Lot 10, Marylane Subdivision | 6,536.11 |
| David A. & Ellen I. Nelson Green | Lot 11, Marylane Subdivision | 6,536.11 |
| Kenneth I. & Vera L. Henman | Lot 12, Marylane Subdivision | 6,536.11 |
| Matthew J. & Lori A. Beiber | Lot 13, Marylane Subdivision | 6,536.11 |
| Matthew J. & Lori A. Beiber | Lot 14, Marylane Subdivision | 6,536.11 |
| Timothy D. & Susan E. Pfeifer | Lot 15, Marylane Subdivision | 6,536.11 |
| Gregory J. & Penny L. Post | Lot 16, Marylane Subdivision | 6,536.11 |
| Dale E. & Sharon M. Huffman | Lot 17, Marylane Subdivision | 6,536.11 |
| Andrew M. & Joan E. Schwan | Lot 18, Marylane Subdivision | 6,536.11 |
| Charles E. & Loretta A. Roehrich | Lot 19, Marylane Subdivision | 6,536.11 |
| Terry Lee & Lori L. Jepson | Lot 20, Marylane Subdivision | 6,536.11 |
| Elaine K. & Steven A. Markham | Lot 21, Marylane Subdivision | 6,536.11 |
| Vincent E. & Cynthia A. Luhn | Lot 22, Marylane Subdivision | 6,536.11 |
| Dennis W. & Cheryl K. Harder | Lot 23, Marylane Subdivision | 6,536.11 |
| Jody D. & Robin R. Bennett | Lot 24, Marylane Subdivision | 6,536.11 |
| Robert W. & Penelope M. Thomas | Lot 1, Bradley Subdivision | 6,536.11 |
| Jeffrey N. & Angela M. Warren | Lot 1, Kentish Hills Subdivision | 6,536.11 |
| Frank P. & Marsha Prucha | Lot 2, Kentish Hills Subdivision | 6,536.11 |
| Ryan G. & Whitney C. Witt | Lot 3, Kentish Hills Subdivision | 6,536.11 |
| Dale G. & Joan J. Clark | Lot 4, Kentish Hills Subdivision | 6,536.11 |
| Steven D. & Theresa M. Stirn | Lot 5, Kentish Hills Subdivision | 6,536.11 |
| Thomas P. & Ronda K. Kruger | Lot 6, Kentish Hills Subdivision | 6,536.11 |
| Dennis W. & Keanna Leonard | Lot 7, Kentish Hills Subdivision | 6,536.11 |
| Heath A. & Barbara L. Johnson | Lot 8, Kentish Hills Subdivision | 6,536.11 |
| Thomas A. & Lisa M. Olsen | Lot 9, Kentish Hills Subdivision | 6,536.11 |
| Elmer E. & Kathleen F. Feldotto | Lot 10, Kentish Hills Subdivision | 6,536.11 |
| Randy L. & Laurie R. Peterson | Lot 11, Kentish Hills Subdivision | 6,536.11 |
| Danny L. & Lareen M. Halverson | Lot 12, Kentish Hills Subdivision | 6,536.11 |

ORDINANCE NO. 9014 (Cont.)

| | | |
|---|---|---------------------|
| Monte L. & Michelle G. Shultz | Lot 13, Kentish Hills Subdivision | 6,536.11 |
| ABC Engineered Trusses Inc. | Lot 14, Kentish Hills Subdivision | 6,536.11 |
| Thomas M. & Jessica M. Whelan | Lot 15, Kentish Hills Subdivision | 6,536.11 |
| Ryan T. & Rebecca S. Waind | Lot 16, Kentish Hills Subdivision | 6,536.11 |
| Jeffrey A. & Jamie A. Vinson | Lot 17, Kentish Hills Subdivision | 6,536.11 |
| Gregg & Shirley A. Schultz | Lot 18, Kentish Hills Subdivision | 6,536.11 |
| John M. & Dianne McMahon | Lot 19, Kentish Hills Subdivision | 6,536.11 |
| Bradley R. & Shree A. Arends | Lot 20, Kentish Hills Subdivision | 6,536.11 |
| Stephen C. & Teresa A. Skibinski | Lot 21, Kentish Hills Subdivision | 6,536.11 |
| John J. & Debra J. Lantz | Lot 22, Kentish Hills Subdivision | 6,536.11 |
| Guy L. Leverington & Patricia J. Beiber | Lot 23, Kentish Hills Subdivision | 6,536.11 |
| William F. & Connie J. Parten | Lot 24, Kentish Hills Subdivision | 6,536.11 |
| Timothy & Sheri Brown | Lot 25, Kentish Hills Subdivision | 6,536.11 |
| Charles T. & Debra L. Costello | Lot 26, Kentish Hills Subdivision | 6,536.11 |
| Ronnie R. & Darla M. Sitzman | Lot 27, Kentish Hills Subdivision | 6,536.11 |
| Craig & Terry Sue Starke | Lot 28, Kentish Hills Subdivision | 6,536.11 |
| Cindy J. Avila | Lot 29, Kentish Hills Subdivision | 6,536.11 |
| Gladys V. Schoel | Part of SE1/4, SW1/4 of Section 25-11-10; more particularly described as: the west 200 feet of the north 1498.42 feet of the south 1538.42 feet of E1/2, SW1/4 of Section 25-11-10. | 111,113.95 |
| Lutheran High School Assoc. | Part of SW1/4, SW1/4 of Section 25-11-10; more particularly described as follows: East 200 feet of north 818.42 feet of south 858.42 feet of SW1/4, SW1/4 of Section 25-11-10 | 0.00 |
| TOTAL | | \$464,064.14 |

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; and one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments,

ORDINANCE NO. 9014 (Cont.)

except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen percent (14.0%) per annum shall be paid thereof, until the same is collected and paid.

SECTION 3. The assessment for Gladys V. Schoel has been deferred in accordance with City of Grand Island Resolution 2003-365 approved on December 9, 2003, and shall not accrue interest until terminated in accordance with Neb. Rev. Stat. §19-2428 through §19-2431.

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

SECTION 5. Such special assessments shall be paid into a fund to be designated as the "Sewer Extension Fund" for Sanitary Sewer District No. 512.

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

SECTION 7. This ordinance shall be in force and take effect from and after its passage and publication within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item F4

**#9015 - Consideration of Creation of Water Main District #452 -
Knott Avenue and Lake Street**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: November 8, 2005

Subject: Creation of Water Main District 452 – Knott Avenue, Lake, and Tri-Streets – Ordinance #9015

Item #'s: F-4

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

Background

The Utilities Department has received a request for the creation of a water main district to serve the properties along Knott Avenue, Lake Street, and Tri Street. The area is located south of U.S. Highway 34 and west of Locust Street. See the attached district plat for reference. Also attached is a list of property owners, and legal descriptions of the properties within the boundary of the district.

Discussion

The proposed district would provide for the installation of an 8” water main to serve new commercial developments being planned along the west side of Locust Street and existing homes in the area.

District 452 is proposed as an assessment district. This is the Department’s standard method for installing water mains in developed areas that petition for City service. If less than 50% of the front footage of the land owners protest creation, the District may be continued for construction. The assessable costs of the district would be charged to the properties receiving service upon completion of construction. The assessments may be financed with the Water Department over a five year period, at 7% simple interest on the unpaid balance.

Alternatives

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

1. Move to approve the creation of Water Main District 452
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 Ordinance #9015 to create Water Main District No. 452.

Sample Motion

Motion to approve Ordinance #9015 to create Water Main District No. 452.

U.S. HIGHWAY 34

SECTION LINE

NORTHEAST CORNER-
SECTION 33, T-11-N, R-9-W

POINT OF
BEGINNING

PART OF NE1/4, NE1/4
SECTION 33, T-11-N, R-9-W
(PROPOSED KINGS
CROSSING SUBDIVISION)

LOCUST STREET

PALU

SUB. STREET

TRI STREET

LAKE STREET

LAKE STREET

ARLENE AVE.

KNOTT

BLOCK 3

BLOCK 1

KNOTT AVENUE

SUBDIVISION

BLOCK 2

VALENTINE
MOTEL SUB.

WATER MAIN
DISTRICT 452
BOUNDARY

EXHIBIT "A"



CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

PLAT TO ACCOMPANY
ORDINANCE NO. 9015

DRN BY: K.J.M. | SCALE: 1"= 200'
DATE: 10/25/2005 | FILE: WMD 452

| SQUARE FOOTAGE | FRONT FOOTAGE | FOR | AGAINST | OWNER AND ADDRESS | DOCUMENT # | LOT | BLOCK | SUBDIVISION | AMOUNT |
|----------------|---------------------------|-----|---------|---|------------|-----|-------|-----------------------------------|--------------|
| 15,470.25 | 101.0' | | | DOROTHY MENKE REVOCABLE TRUST DOROTHY J. MENKE - TRUSTEE 3412 TRI STREET GRAND ISLAND, NE 68801 | PT | 8 | | PALU SUB. | |
| 16,311.5 | 101.0' | | | RZ SZ, LLC | | 7 | | PALU SUB. | |
| 14,554.1 | 101.0' | | | 2024 STAGECOACH RD | | 10 | | " " | |
| 63,709.22 | 717.58' | | | GRAND ISLAND, NE 68801 | 200412508 | | | PT NE 1/4, NE 1/4 SEC. 33-11-9 | SEE ATTACHED |
| 16,311.5 | 101.0' | | | GAYLORD A. & SUSAN MARTENS & THOMAS, DAVID, AMY, & MICHAEL PALU 3422 TRI STREET GRAND ISLAND, NE 68801 | | 9 | | PALU SUB. | |
| 16,384.18 | 101.6' 161.5' 263.1 | | | DENNIS L. BEINS 3428 TRI STREET GRAND ISLAND, NE 68801 | | 12 | | PALU SUB | |
| 14,719.82 | 101.8' 144. 245.9 | | | MANUEL & CATHERN B. VEGA 324 LAKE STREET GRAND ISLAND, NE 68801 | | 11 | | PALU SUB. | |
| 23,401.7 | 140.0' | | | MARLENE R & JERALD W. ANDERSEN | 2005-3117 | 2 | 1 | KNOTT SUB. | |
| 22,101.38 | 272.5 | | | LYLE E. & ARLENE M. KNOTT 321 LAKE STREET GRAND ISLAND, NE 68801 | | 1 | 1 | KNOTT SUB. | |

WATER MAIN DISTRICT 452 BOUNDARY

ORDINANCE NO. 9015

Beginning at the northeast corner of Lot Seven (7) Palu Subdivision in the City of Grand Island, Hall County, Nebraska; thence southerly along the easterly line of said Lot Seven (7), a distance of one hundred one (101.0) feet to the southeast corner of said Lot Seven (7), thence westerly along the southerly line of said Lot Seven (7), a distance of seventeen and four tenths (17.4) feet to the northeast corner of Lot Ten (10) said Palu Subdivision; thence southerly along the easterly line of Lot Ten (10) and Lot Eleven (11) and the extension of said lots, said Palu Subdivision, a distance of two hundred twenty three and five tenths (223.5) feet; thence easterly along the extension of the northerly line of Knott Subdivision, a distance of five hundred seventy three and twelve hundredths (573.12) feet to a point on the easterly line of Section Thirty Three (33), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of said Section Thirty Three (33), a distance of one hundred ninety five and seventy one (195.71) feet; thence westerly along the northerly line of Lot Two (2) and its extension, Valentine Motel Subdivision, a distance of two hundred seven and ninety one (207.91) feet to the northeast corner of Lot One (1) said Valentine Motel Subdivision; thence southerly along the easterly line of said Lot One (1), a distance of one hundred fifty (150.0) feet to the southeast corner of said Lot One (1); thence westerly along the southerly line of said Lot One (1), a distance of one hundred twenty five (125.0) feet to the southwest corner of said Lot One (1); thence southerly along the easterly line of Lot Two (2) and Lot Three (3) Block Two (2) said Knott Subdivision, a distance of two hundred fifty two (252.0) feet to the southeast corner of said Lot Three (3); thence westerly along the southerly line of Lot Three (3), Lot Four (4), and Lot Five (5) Block Two (2) said Knott Subdivision, a distance of three hundred eighty (380.0) feet to the southwest corner of said Lot Five (5); thence northerly along the westerly line of said Lot Five (5), a distance of one hundred sixty (160.0) feet to the northwest corner of said Lot Five (5); thence easterly along the northerly line of said Lot Five (5), a distance of fifty two and two tenths (52.2) feet; thence northerly along the westerly line of Lot Nine (9) Block One (1) and its extension, said Knott Subdivision, a distance of two hundred twenty five (225.0) feet to the northwest corner of said Lot Nine

(9); thence westerly along the southerly line of Lot One (1) and Lot Two (2) Block One (1) said Knott Subdivision, a distance of one hundred eighty (180.0) feet to the southwest corner of said Lot Two (2), thence northerly along the westerly line of said Lot Two (2) and its extension, a distance of two hundred twenty six and eighty six hundredths (226.86) feet to a point on the southerly line of Lot Twelve (12) said Palu Subdivision; thence westerly along the southerly line of said Lot Twelve (12), a distance of ninety and ninety seven hundredths (90.97) feet to the southwest corner of said Lot Twelve (12); thence northerly along the westerly line of Lot Twelve (12), Lot Nine (9), and Lot Eight (8) said Palu Subdivision, a distance of two hundred fifty seven and three tenths (257.3) feet; thence northeasterly a distance of sixty seven and thirty five hundredths (67.35) feet to a point on the northerly line of said Lot Eight (8), being fifty (50.0) feet easterly of the northwest corner of said Lot Eight (8); thence easterly along the northerly line of Lot Eight (8) and Lot Seven (7) and the extension of said lots, said Palu Subdivision, a distance of three hundred twenty three (323.0) feet to the northeast corner of said Lot Seven (7), being the said Point of Beginning.

? This Space Reserved for Register of Deeds ?

ORDINANCE NO. 9015

An ordinance creating Water Main District No. 452 in the City of Grand Island, Hall County, Nebraska; defining the boundaries of the district; providing for the laying of water mains in said district; approving plans and specifications and securing bids; assessing the cost of such improvements; providing for certification to the Register of Deeds; and providing the effective date hereof.

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

SECTION 1. Water Main District No. 452 in the City of Grand Island, Nebraska, is hereby created for the laying of eight (8.0) inch diameter water mains with its appurtenances in Lake Street, Tri Street and Knott Avenue located in Knott Subdivision in the City of Grand Island, Hall County, Nebraska.

SECTION 2. The boundaries of such water main district shall be more particularly described as follows:

Commencing at the northeast corner of said NE1/4; thence on an assumed bearing of S02°04'06"E along the east line of said NE1/4 a distance of 104.43 feet; thence

Approved as to Form ☐ _____
November 3, 2005 ☐ City Attorney

ORDINANCE NO. 9015 (Cont.)

S87°55'54"W a distance of 116.80 feet to the point of intersection of the south right-of-way (R.O.W.) line of Husker Highway and the west R.O.W. line of U.S. Highway 281, said point also being the Point of Beginning; thence S02°24'13"E along and upon said west R.O.W. line a distance of 1468.77 feet; thence S01°30'13"E a distance of 1065.29 feet to the point of intersection of said west R.O.W. line and the south line of said NE1/4; thence S88°06'48"W along the south line of said NE1/4 a distance of 1207.02 feet; thence N02°02'58"W a distance of 1321.89 feet; thence S88°13'36"W a distance of 827.63 feet; thence N02°03'03"W a distance of 1279.01 feet to a point on the south R.O.W. line of Husker Highway; thence N88°20'15"E along and upon said south R.O.W. line a distance of 997.68 feet; thence N88°21'56"E a distance of 289.92 feet; thence N88°21'41"E a distance of 287.28 feet; thence N88°20'40"E a distance of 35.49 feet; thence N01°39'20"W a distance of 12.00 feet; thence S82°01'25"E a distance of 431.92 feet to the point of beginning. Said tract contains 4,195,681 square feet or 96.32 acres more or less of which 8.02 acres is new dedicated public road right-of-way;

SECTION 3. Said improvement shall be made in accordance with plans and specifications approved by the Engineer for the City, who shall estimate the cost thereof. Bids for the construction of said water main shall be taken and contracts entered into in the manner provided by law.

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

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval, and publication, without the plat, within fifteen days in one issue of the Grand Island Independent.

SECTION 6. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

ORDINANCE NO. 9015 (Cont.)

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

Enacted November 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item F5

#9017 - Consideration of Salary Ordinance Relative to Emergency Management Positions

Staff Contact: Brenda Sutherland

Council Agenda Memo

From: Brenda Sutherland, Human Resources Director
Meeting: November 8, 2005
Subject: Salary Ordinance Change
Item #'s: F-5
Presenter(s): Brenda Sutherland, Human Resources Director

Background

The Emergency Management Center has recently experienced a change in leadership with the hiring of Lela Lowry as the new Emergency Management Director. She has spent the last four months evaluating the strengths and weaknesses of the department as well as formulating a plan to address them.

Discussion

In order to run the department in the most effective and efficient way possible Administration is recommending the restructuring of the department. This restructuring would involve eliminating the Emergency Management Coordinator and replacing it with an Emergency Management Clerk. The Communications Supervisor position would also be eliminated and replaced by the Emergency Management Deputy Director.

This restructuring would reallocate expertise in the correct areas. The reorganization would allow for greater management coverage for the department. Also, it will provide for a clerical position to take care of administrative aspects of the department. This change will not result in an increase of expenses to the department.

Also, as a clean up measure, administration recommends deleting the position of Building Clerk as that position was eliminated in this budget year but was missed in the last ordinance.

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 salary ordinance to reflect the restructuring of the Emergency Management Department.

Sample Motion

Motion to approve Salary Ordinance # 9017.

ORDINANCE NO. 9017

An ordinance to amend Ordinance No. 8996 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 remove the classification and salary range for the position of Building Clerk; to add the classification and salary range for the position of Emergency Management Deputy Director; to add the classification and salary range for the position of Emergency Management Clerk; to remove the classification and salary range for the position of Communication Supervisor; to remove the classification and salary range for the position of Emergency Management Coordinator; to repeal Ordinance No. 8996, 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, 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:

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|--|--|---------------------------------|
| Accountant | 1369.60 / 1927.78 | Exempt |
| Accounting Technician – Solid Waste, Streets, WWTP | 1018.28 / 1432.90 | 40 hrs/week |
| Administrative Assistant – Administration, Fire, Public Works, Utilities | 1099.42 / 1547.94 | 40 hrs/week |

| |
|---|
| Approved as to Form <input type="checkbox"/> _____ November 3, 2005 <input type="checkbox"/> City Attorney |
|---|

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|---|--|---------------------------------|
| Administration Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Assistant to the City Administrator | 1391.53 / 1959.06 | Exempt |
| Assistant Public Works Director | 1853.77 / 2608.12 | Exempt |
| Assistant Utility Director – Administration | 2470.20 / 3476.10 | Exempt |
| Assistant Utility Director – PGS & PCC | 2675.80 / 3765.59 | Exempt |
| Attorney | 1944.72 / 2736.52 | Exempt |
| Audio-Video Technician | 1273.30 / 1791.70 | 40 hrs/week |
| Biosolids Technician | 1125.37 / 1584.14 | 40 hrs/week |
| Building Clerk | 844.50 / 1188.10 | 40 hrs/week |
| Building Department Director | 2216.99 / 3118.40 | Exempt |
| Building Inspector | 1305.13 / 1836.27 | 40 hrs/week |
| Building Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Cemetery Superintendent | 1364.25 / 1920.65 | Exempt |
| City Administrator | 3587.13 / 5048.15 | Exempt |
| City Attorney | 2590.22 / 3645.50 | Exempt |
| City Clerk | 1356.44 / 1908.86 | Exempt |
| Civil Engineering Manager – Public Works Engineering | 1843.96 / 2595.64 | Exempt |
| Civil Engineering Manager – Utility, PCC | 2028.07 / 2855.25 | Exempt |
| Collection System Supervisor | 1322.34 / 1860.90 | 40 hrs/week |
| Communications Specialist/EMD | 945.87 / 1334.23 | 40 hrs/week |
| Communications Supervisor | 1208.72 / 1700.76 | Exempt |
| Community Development Administrator | 1125.95 / 1584.35 | Exempt |
| Community Service Officer – Police Department | 826.58 / 1162.73 | 40 hrs/week |
| Custodian | 798.05 / 1126.18 | 40 hrs/week |
| Development Specialist | 1125.95 / 1584.35 | Exempt |
| Electric Distribution Superintendent | 2110.04 / 2968.60 | Exempt |
| Electric Distribution Supervisor | 1782.62 / 2507.48 | 40 hrs/week |
| Electric Underground Superintendent | 1879.02 / 2643.91 | Exempt |
| Electrical Engineer I | 1659.39 / 2336.16 | Exempt |
| Electrical Engineer II | 1923.32 / 2707.10 | Exempt |
| Electrical Inspector | 1305.13 / 1836.27 | 40 hrs/week |
| <u>Emergency Management Clerk</u> | <u>844.50 / 1188.10</u> | <u>40 hrs/week</u> |

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|---|--|---------------------------------|
| Emergency Management Coordinator | 984.40 / 1384.76 | 40 hrs/week |
| <u>Emergency Management Deputy Director</u> | <u>1348.40 / 1897.42</u> | <u>Exempt</u> |
| Emergency Management Director | 1919.04 / 2700.30 | Exempt |
| EMS Division Chief | 1780.80 / 2505.67 | Exempt |
| Engineering Technician Supervisor | 1448.06 / 2038.35 | Exempt |
| Equipment Operator, Solid Waste | 1072.32 / 1510.14 | 40 hrs/week |
| Equipment Operator, WWTP | 1061.70 / 1495.19 | 40 hrs/week |
| Finance Director | 2581.36 / 3632.53 | Exempt |
| Finance Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Fire Chief | 2351.89 / 3308.60 | Exempt |
| Fire Operations Division Chief | 1780.80 / 2505.67 | Exempt |
| Fire Prevention Division Chief | 1780.80 / 2505.67 | Exempt |
| Fire Training Division Chief | 1780.80 / 2505.67 | Exempt |
| Fleet Services Superintendent | 1459.66 / 2055.29 | Exempt |
| Fleet Services Supervisor | 1216.19 / 1711.46 | 40 hrs/week |
| Golf Course Superintendent | 1699.29 / 2391.18 | Exempt |
| Grounds Management Crew Chief | 1274.19 / 1793.14 | 40 hrs/week |
| Human Resources Director | 2269.26 / 3191.91 | Exempt |
| Human Resources Specialist | 1211.46 / 1704.40 | 40 hrs/week |
| Information Technology Manager | 1934.66 / 2722.10 | Exempt |
| Information Technology Supervisor | 1623.16 / 2284.30 | Exempt |
| Legal Assistant | 1303.62 / 1835.04 | 40 hrs/week |
| Legal Secretary | 979.06 / 1379.41 | 40 hrs/week |
| Librarian I | 1193.05 / 1678.11 | Exempt |
| Librarian II | 1312.53 / 1846.64 | Exempt |
| Library Assistant I | 822.11 / 1156.50 | 40 hrs/week |
| Library Assistant II | 906.82 / 1275.98 | 40 hrs/week |
| Library Assistant Director | 1511.37 / 2126.62 | Exempt |
| Library Clerk | 689.08 / 970.90 | 40 hrs/week |
| Library Director | 2045.49 / 2879.26 | Exempt |
| Library Page | 521.50 / 734.02 | 40 hrs/week |
| Library Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Maintenance Mechanic I | 1045.02 / 1474.30 | 40 hrs/week |

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|--|--|---------------------------------|
| Maintenance Mechanic II | 1173.26 / 1650.74 | 40 hrs/week |
| Maintenance Worker I – Solid Waste | 931.79 / 1312.53 | 40 hrs/week |
| Maintenance Worker I – Building, Golf, Library | 957.65 / 1347.30 | 40 hrs/week |
| Maintenance Worker I – WWTP | 976.80 / 1374.26 | 40 hrs/week |
| Maintenance Worker II – Solid Waste | 981.72 / 1382.08 | 40 hrs/week |
| Maintenance Worker II – Building, Golf | 1008.48 / 1422.21 | 40 hrs/week |
| Maintenance Worker II – WWTP | 1028.64 / 1450.66 | 40 hrs/week |
| Meter Reading Supervisor | 1240.53 / 1747.04 | Exempt |
| Office Manager – Police Department | 1113.70 / 1567.54 | 40 hrs/week |
| Parking Monitor | 553.72 / 780.02 | 40 hrs/week |
| Parks and Recreation Director | 2313.52 / 3254.04 | Exempt |
| Parks and Recreation Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Parks Maintenance Superintendent | 1543.47 / 2171.20 | Exempt |
| Payroll Specialist | 1187.70 / 1670.98 | 40 hrs/week |
| Planning Director | 2293.95 / 3227.25 | Exempt |
| Planning Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Planning Technician | 1279.54 / 1800.26 | 40 hrs/week |
| Plans Examiner | 1305.13 / 1836.27 | 40 hrs/week |
| Plumbing Inspector | 1305.13 / 1836.27 | 40 hrs/week |
| Police Captain | 1780.80 / 2505.67 | Exempt |
| Police Chief | 2463.23 / 3467.24 | Exempt |
| Police Records Clerk | 847.97 / 1193.94 | 40 hrs/week |
| Power Plant Maintenance Supervisor | 1870.00 / 2630.40 | Exempt |
| Power Plant Operations Supervisor | 1964.45 / 2763.97 | Exempt |
| Power Plant Superintendent – Burdick | 2102.90 / 2959.17 | Exempt |
| Power Plant Superintendent – PGS | 2424.32 / 3409.89 | Exempt |
| Public Information Officer | 1211.46 / 1704.40 | Exempt |
| Public Safety Secretary | 1007.58 / 1421.32 | 40 hrs/week |
| Public Works Director | 2591.29 / 3646.50 | Exempt |
| Purchasing Technician | 912.17 / 1283.10 | 40 hrs/week |
| Recreation Superintendent | 1456.11 / 2048.19 | Exempt |
| Regulatory and Environmental Specialist | 1870.00 / 2630.40 | Exempt |
| Senior Accountant | 1546.69 / 2175.80 | Exempt |

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|--|--|---------------------------------|
| Senior Communications Specialist/EMD | 1022.38 / 1438.07 | 40 hrs/week |
| Senior Electrical Engineer | 2105.76 / 2962.83 | Exempt |
| Engineering Technician | 1279.54 / 1800.26 | 40 hrs/week |
| Senior Equipment Operator, Solid Waste | 1125.95 / 1584.34 | 40 hrs/week |
| Senior Equipment Operator, WWTP | 1103.88 / 1553.28 | 40 hrs/week |
| Senior Maintenance Worker | 1134.74 / 1597.24 | 40 hrs/week |
| Senior Utility Secretary | 914.86 / 1290.24 | 40 hrs/week |
| Shooting Range Superintendent | 1456.11 / 2048.19 | Exempt |
| Solid Waste Division Clerk | 820.37 / 1154.15 | 40 hrs/week |
| Solid Waste Superintendent | 1662.06 / 2338.84 | Exempt |
| Stormwater Technician | 1279.54 / 1800.26 | 40 hrs/week |
| Street Superintendent | 1609.81 / 2267.38 | Exempt |
| Street Supervisor | 1277.84 / 1797.17 | 40 hrs/week |
| Turf Management Specialist | 1279.54 / 1800.26 | 40 hrs/week |
| Utility Director | 3522.84 / 4955.64 | Exempt |
| Utility Production Engineer | 2161.95 / 3042.57 | Exempt |
| Utility Secretary | 912.17 / 1283.10 | 40 hrs/week |
| Utility Services Manager | 1744.31 / 2454.65 | Exempt |
| Utility Warehouse Supervisor | 1382.46 / 1944.42 | 40 hrs/week |
| Victim Assistance Unit Coordinator | 847.97 / 1193.94 | 40 hrs/week |
| Wastewater Clerk | 820.37 / 1154.15 | 40 hrs/week |
| Wastewater Engineering/Operations Superintendent | 1843.96 / 2595.64 | Exempt |
| Wastewater Plant Maintenance Supervisor | 1357.11 / 1909.95 | 40 hrs/week |
| Wastewater Plant Operator I | 952.30 / 1340.17 | 40 hrs/week |
| Wastewater Plant Operator II | 1064.52 / 1498.93 | 40 hrs/week |
| Wastewater Plant Process Supervisor | 1390.11 / 1957.21 | 40 hrs/week |
| Wastewater Plant Senior Operator | 1125.37 / 1584.14 | 40 hrs/week |
| Water Superintendent | 1680.50 / 2363.86 | Exempt |
| Water Supervisor | 1432.87 / 2017.93 | 40 hrs/week |
| Worker / Seasonal | 412.00 / 1600.00 | Exempt |
| Worker / Temporary | 412.00 | 40 hrs/week |

ORDINANCE NO. 9017 (Cont.)

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:

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|-------------------------------------|--|---------------------------------|
| Equipment Operator – Streets | 955.79 / 1344.08 | 40 hrs/week |
| Fleet Services Attendant/Clerk | 868.90 / 1225.50 | 40 hrs/week |
| Fleet Services Inventory Specialist | 953.08 / 1341.37 | 40 hrs/week |
| Fleet Services Mechanic | 1090.30 / 1533.46 | 40 hrs/week |
| Horticulturist | 1009.20 / 1421.91 | 40 hrs/week |
| Maintenance Worker – Cemetery | 948.55 / 1335.03 | 40 hrs/week |
| Maintenance Worker – Parks | 942.22 / 1326.88 | 40 hrs/week |
| Maintenance Worker – Streets | 922.30 / 1297.92 | 40 hrs/week |
| Senior Equipment Operator – Streets | 1047.21 / 1474.42 | 40 hrs/week |
| Senior Maintenance Worker – Parks | 1047.21 / 1474.42 | 40 hrs/week |
| Senior Maintenance Worker – Streets | 1047.21 / 1474.42 | 40 hrs/week |
| Traffic Signal Technician | 1047.21 / 1474.42 | 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:

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|-----------------------|--|---------------------------------|
| Accounting Clerk | 892.75 / 1258.32 | 40 hrs/week |

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|----------------------------------|--|---------------------------------|
| Computer Programmer | 1399.61 / 1968.27 | 40 hrs/week |
| Computer Technician | 1091.82 / 1535.95 | 40 hrs/week |
| Custodian | 832.70 / 1171.78 | 40 hrs/week |
| Electric Distribution Crew Chief | 1622.13 / 2281.74 | 40 hrs/week |
| Electric Underground Crew Chief | 1622.13 / 2281.74 | 40 hrs/week |
| Engineering Technician I | 1146.99 / 1613.74 | 40 hrs/week |
| Engineering Technician II | 1397.56 / 1967.44 | 40 hrs/week |
| GIS Technician | 1506.10 / 2118.50 | 40 hrs/week |
| Instrument Technician | 1662.75 / 2339.14 | 40 hrs/week |
| Lineworker Apprentice | 1147.94 / 1615.06 | 40 hrs/week |
| Lineworker First Class | 1470.25 / 2068.05 | 40 hrs/week |
| Materials Handler | 1398.71 / 1967.38 | 40 hrs/week |
| Meter Reader | 942.19 / 1326.31 | 40 hrs/week |
| Meter Technician | 1175.94 / 1654.45 | 40 hrs/week |
| Power Dispatcher I | 1621.64 / 2280.86 | 40 hrs/week |
| Power Dispatcher II | 1703.24 / 2395.84 | 40 hrs/week |
| Power Plant Maintenance Mechanic | 1470.25 / 2068.05 | 40 hrs/week |
| Power Plant Operator | 1544.42 / 2172.26 | 40 hrs/week |
| Senior Accounting Clerk | 937.78 / 1321.02 | 40 hrs/week |
| Senior Engineering Technician | 1506.10 / 2118.50 | 40 hrs/week |
| Senior Materials Handler | 1544.42 / 2172.26 | 40 hrs/week |
| Senior Meter Reader | 1014.60 / 1426.10 | 40 hrs/week |
| Senior Power Dispatcher | 1879.39 / 2643.39 | 40 hrs/week |
| Senior Power Plant Operator | 1704.26 / 2397.43 | 40 hrs/week |
| Senior Substation Technician | 1662.75 / 2339.14 | 40 hrs/week |
| Senior Water Maintenance Worker | 1266.40 / 1782.00 | 40 hrs/week |
| Substation Technician | 1544.42 / 2172.26 | 40 hrs/week |
| Systems Technician | 1662.75 / 2339.14 | 40 hrs/week |
| Tree Trim Crew Chief | 1470.25 / 2068.05 | 40 hrs/week |
| Utilities Electrician | 1544.42 / 2172.26 | 40 hrs/week |
| Utility Technician | 1622.13 / 2281.74 | 40 hrs/week |
| Utility Warehouse Clerk | 1040.21 / 1464.06 | 40 hrs/week |
| Water Maintenance Worker | 1118.95 / 1574.86 | 40 hrs/week |

ORDINANCE NO. 9017 (Cont.)

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|-----------------------|--|---------------------------------|
| Wireworker I | 1267.15 / 1782.84 | 40 hrs/week |
| Wireworker II | 1470.25 / 2068.05 | 40 hrs/week |

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:

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|-----------------------|--|---------------------------------|
| Police Officer | 1196.33 / 1672.38 | 40 hrs/week |
| Police Sergeant | 1469.01 / 2012.88 | 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:

| Classification | Bi-Weekly Pay Range Min/Max | Overtime Eligibility |
|-------------------------|--|---------------------------------|
| Fire Captain | 1472.52 / 2072.30 | 212 hrs/28 days |
| Firefighter / EMT | 1131.42 / 1592.14 | 212 hrs/28 days |
| Firefighter / Paramedic | 1276.52 / 1796.31 | 212 hrs/28 days |

ORDINANCE NO. 9017 (Cont.)

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 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

ORDINANCE NO. 9017 (Cont.)

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. 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.

ORDINANCE NO. 9017 (Cont.)

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

ORDINANCE NO. 9017 (Cont.)

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.

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 November 28, 2005.

SECTION 11. Ordinance No. 8996 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: November 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G1

Approving Minutes of October 25, 2005 City Council Regular Meeting

The Minutes of October 25, 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

October 25, 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 October 25, 2005. Notice of the meeting was given in the *Grand Island Independent* on October 19, 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, Walker, and Haase. Councilmember Hornady was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, and Public Works Director Steve Riehle.

INVOCATION was given by Pastor Mike Benischek, First United Methodist Church, 4190 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek welcomed Boy Scout Troop 119 and their Scout Masters and the Community Youth Council members. Mayor Vavricek mentioned Councilmember's Cornelius, Walker, and Whitesides birthdays which were in October.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by Marlan Ferguson, Economic Development President Relative to Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Marlan Ferguson, President of the Economic Development Corporation gave a PowerPoint presentation of the semi-annual report concerning the work being done by the Economic Development Corporation in Grand Island.

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

#2005-BE-11 – Consideration of Determining Benefits for Water Main District No. 443 – American Independence Subdivision. Gary Mader, Utilities Director reported that the Utilities Department and Public Works Department designed and prepared specifications for a joint project to include installation of both water main and sanitary sewer under a single construction project. The total assessable cost of Water Main District No. 443 was \$70,025.92 to be financed over five years.

#2005-BE-12 – Consideration of Determining Benefits for Water Main District No. 447T; Grand West Subdivision. Gary Mader, Utilities Director reported that the Water Main District No. 447T

was done as a tap district, which is the Department's standard method for water main extensions through undeveloped areas. The total assessable cost was \$19,950.94.

Motion by Pielstick, second by Cornelius to approve Resolutions #2005-BE-11 and #2005-BE-12, carried unanimously. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing Concerning the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan. Doug Walker, City Attorney introduced Tim White, Chairman of the Citizens' Review Committee. The Citizens' Review Committee was required by State Statute and the Grand Island City Code to make a semi-annual report to the City Council. No public testimony was heard.

Public Hearing on Request from Richard and Patricia Hartman, 5075 South Locust Street for Conditional Use Permit for Sand & Gravel Operation Located at 3812 South Blaine Street. Craig Lewis, Building Department Director reported that Richard and Patricia Hartman were requesting a Conditional Use Permit to allow for a sand and gravel operation located at 3812 South Blaine Street. The request was to begin in the year 2006 after a qualified operator was identified and continue until the year 2026.

The following people spoke in support:

Bill Francis, Attorney for the Hartman's. Mr. Francis submitted the following Exhibits:

- Exhibit 1 Application for Conditional Use Permit by Richard & Patricia Hartman
- Exhibit 2 Council memo from Craig Lewis, Building Department Director
- Exhibit 3 Chapter 36 of the Grand Island City Code relative to zoning

(See attached Exhibits 1, 2, & 3)

Gene Dominic, 221 East 1st Street

Tom Atkins, 4323 South North Road

Dick Hartman, 5075 South Locust Street

The following people spoke in opposition:

Dr. Casey Iverson, 3604 S. Blaine Street

Dr. Richard Fruehling, 3604 S. Blaine Street

Scott Leisinger, 2119 Bass Road

Dan Lind, 2111 Bass Road

Kathy Miller, 5015 Scheel Road

No further public testimony was heard.

Public Hearing on Acquisition of a Public Utilities Easement Located at 741 North Webb Road. (Veronica I. Hutton Estate) Steve Riehle, Public Works Director reported that acquisition of a public utility easement located at 741 North Webb Road was required in order to have access to

install, upgrade, maintain, and repair public utilities, including sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances. The easement would be used to extend public sanitary sewer to the property. No public testimony was heard.

Public Hearing on Acquisition of a Public Utilities Easement Located at 821 North Webb Road. (Allen & Sheila Garton) Steve Riehle, Public Works Director reported that acquisition of a public utility easement located at 821 North Webb Road was required in order to have access to install, upgrade, maintain, and repair public utilities, including sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances. The easement would be used to extend public sanitary sewer to the property. No public testimony was heard.

ORDINANCES:

Chad Nabity, Regional Planning Director stated Ordinances #9012 and #9013 provided for the annexation of two pieces of property. This was the second of three readings.

#9012 – Consideration of Annexation of Property Located South Case New Holland and West of US Highway 281 (First Reading)

Motion by Pielstick, second by Haase to approve Ordinance #9012 on second reading only. Upon roll call, all voted aye. Motion adopted.

#9013 – Consideration of Annexation of Property Located South of Sandra Road and East of South Locust Street (First Reading)

Motion by Pielstick, second by Haase to approve Ordinance #9013 on second reading only. Upon roll call, 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 ordinance numbered:

#9014 – Consideration of Assessments for Water Main District No. 443 – American Independence Subdivision

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

Gary Mader, Utilities Director stated Ordinance #9014 related to the action taken earlier during the Board of Equalization.

Motion by Meyer, second by Walker to approve Ordinances #9014.

City Clerk: Ordinance #9014 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 #9014 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 #9014 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of October 11, 2005 City Council Regular Meeting.

Approving Minutes of October 18, 2005 City Council Study Session.

Approving Re-Appointment of Jacinto Corona and Kris Nolan Brown and the Appointment of Darren Sanchez to the Human Rights Commission.

#2005-299 – Approving Final Change Order No. 8 for the Senior Center Expansion with Starostka Group, Inc. of Grand Island, Nebraska for an Increase of \$1,118.65 and a Modified Contract Amount of \$617,698.40.

#2005-300 – Approving Changes to Speed Limits on City Streets.

#2005-301 – Approving Acquisition of a Public Utilities Easement Located at 741 North Webb Road. (Veronica I. Hutton Estate)

#2005-302 – Approving Acquisition of a Public Utilities Easement Located at 821 North Webb Road. (Allen & Sheila Garton)

#2005-303 – Approving Bid Award for Capital Heights Drainway Rip Rap & Grading Project 2005-D-3 and for Capital Avenue Outfall Structure Project 2005-D-4 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$141,551.58.

#2005-304 – Approving Time Extension to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for Construction of Sanitary Sewer District 515; Dale Roush Subdivision (Indian Acres).

#2005-305 – Approving Certificate of Final Completion for Sanitary Sewer District No. 517; Deadwood Subdivision (Arch Avenue and Johnstown Road Area).

#2005-306 – Approving Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan.

#2005-307 – Approving State Bid Award for 3/4 Ton Pickup Truck with Lift Gate for the Fleet Services Division with Anderson Ford of Grand Island, Nebraska in an Amount of \$24,769.00.

#2005-308 – Approving Bid Award for Substation Site Security – Project 05-PCC-02 with CPS Company of South Lancaster, Massachusetts in an Amount of \$57,500.00.

#2005-309 – Approving Connection Fees for Water Main District No. 447T – Grand West Subdivision.

#2005-310 – Approving Bid Award for Replacement Gas Turbine Generator Voltage Control System – Burdick Generating Station with E2 Power Systems, Inc. of Littleton, Colorado in and Amount of \$57,850.00.

#2005-311 – Approving State Bid Award for (2) 2006 Case 621 D Wheel Loaders – Wastewater Division with Mid-Land Equipment of Omaha, Nebraska in an Amount of \$23,250.00 (after trade-in).

#2005-312 – Approving State Bid Award for a 2005 Front End Loader for the Street and Transportation Division with Mid-Land Equipment of Omaha, Nebraska in an Amount of \$71,816.00.

#2005-314 – Approving Amendment to the Agreement with Natural Resources Conservation Service for Flood Damage Repair Work.

REQUESTS AND REFERRALS:

Consideration of Request from Richard and Patricia Hartman, 5075 South Locust Street for Conditional Use Permit for Sand & Gravel Operation Located at 3812 South Blaine Street. Motion by Walker, second by Whitesides to approve the request of Richard and Patricia Hartman for a sand and gravel operation located at 3812 South Blaine Street. City Administrator Gary Greer stated that finding of facts needed to be included in the motion. Walker withdrew his motion, Whitesides withdrew his second.

Motion by Whitesides, second by Cornelius to approve the request for economic development reasons.

Richard Hartman stated they would do whatever was required by City Council. He mentioned that he had visited with several people in the area and also had priced a 6' chain-link fence in the amount of \$15,600.00 to put on the east side of the property.

Discussion was held with regards to this application and the previous one submitted by Mr. Hartman. Reviewed were other sand and gravel operations in the area along with setbacks. Quality of life issues were discussed such as noise, blowing sand/dirt, truck traffic, floodlights, and safety to the surrounding areas. An access road off of Schimmer Drive was discussed.

Mr. Hartman explained the difference between a sand and gravel operation and dredging. Dredging did not require a permit and that the sand/gravel could not be sold.

Motion by Whitesides, second by Cornelius to amend the motion that an access road onto Schimmer Drive be 300' west of the neighboring property and that a 6' high chain-link fence be placed on the east side of the gravel pit along Blaine Street. Upon roll call vote, all voted aye. Motion adopted.

Motion by Gilbert, second by Pielstick to postpone this decision to the first meeting in January 2006 to allow Mr. Hartman a chance to visit with the neighboring residents. Discussion was held with regards of Hartman meeting with surrounding neighbors. Mr. Hartman asked that the City Council to either "vote up or down" his request. Gilbert withdrew her motion and Pielstick withdrew her second.

Motion by Whitesides, second by Pauly to amend the motion and allow Mr. Hartman a three year permit at which time it would come back to council for further review. Discussion followed with Mayor Vavricek stating this did not allow the operator time to recoup the costs associated with starting a gravel operation.

Motion by Pielstick, second by Meyer to call the previous question. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Cornelius, Pauly, Walker, and Haase voted aye. Councilmember's Nickerson and Gilbert voted no. Motion adopted.

Upon roll call of the amendment of a three year permit, Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Walker, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

Upon roll call vote of the main motion with amendments Councilmember's Whitesides, Cornelius, and Pauly voted aye. Councilmember's Meyer, Pielstick, Gilbert, Nickerson, Walker, and Haase voted no. Motion failed.

Motion by Pielstick, second by Gilbert to recess for 5 minutes was approved by the consensus of the council at 9:05 p.m. The meeting reconvened at 9:15 p.m.

City Attorney Doug Walker recommended the Council needed to make a motion with findings.

Motion by Nickerson, second by Haase to deny the request of Richard and Patricia Hartman for a Conditional Use Permit for sand and gravel operation located at 3812 South Blaine Street for the following reasons:

- No urgent need for another pit at this time.
- Alternate sites will be less disruptive to established neighborhoods and Hall County Park.
- Property can be developed in another fashion
- Does not promote health, safety, welfare of the community.
- Does not protect against blight and depreciation.

- Is not generally harmonious with surrounding neighborhoods.

Upon roll call vote, Councilmember's Meyer, Pielstick, Gilbert, Nickerson, Pauly, Walker, and Haase vote aye. Councilmember's Whitesides and Cornelius voted no. Motion adopted.

RESOLUTIONS:

#2005-313 – Approving Funding of Economic Development Request.

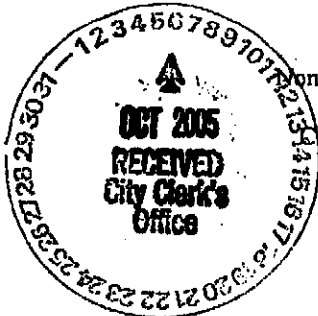
Motion by Whitesides, second by Cornelius to approve Resolution #2005-313. Upon roll call vote, all voted aye. Motion adopted. Councilmember Gilbert thanked the EDC for all their hard work.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of October 12, 2005 through October 25, 2005, for a total amount of \$3,351,835.44. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

RaNae Edwards
City Clerk



Non-Refundable Fee: \$155.00
Return by: _____
Council Action on: 10-25-05

pc: Building, Legal, Utilities
Planning, Public Works

Conditional Use Permit Application

- 1. The specific use/construction requested is: Mining of sand, gravel and rock from the described property.
- 2. The owner(s) of the described property is/are: Richard and Patricia Hartman
- 3. The legal description of the property is: See attached.
- 4. The address of the property is: 3812 S. Blaine Street, Grand Island, NE 68801
- 5. The zoning classification of the property is: TA
- 6. Existing improvements on the property is: None.
- 7. The duration of the proposed use is: 25 years.
- 8. Plans for construction of permanent facility is: See attached plans for mining.
- 9. The character of the immediate neighborhood is: Agricultural.
- 10. There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
- 11. Explanation of request: To allow mining of the described property to obtain sand and gravel for construction uses in Grand Island areas.

I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

9/26/2005
Date

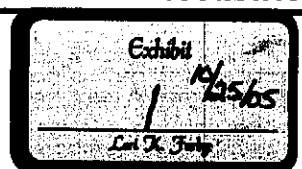
Richard and Patricia Hartman
Owners(s)

(308) 384-6442
Phone Number

5075 S. Locust Street, Grand Island, NE 68801
Address

City State Zip

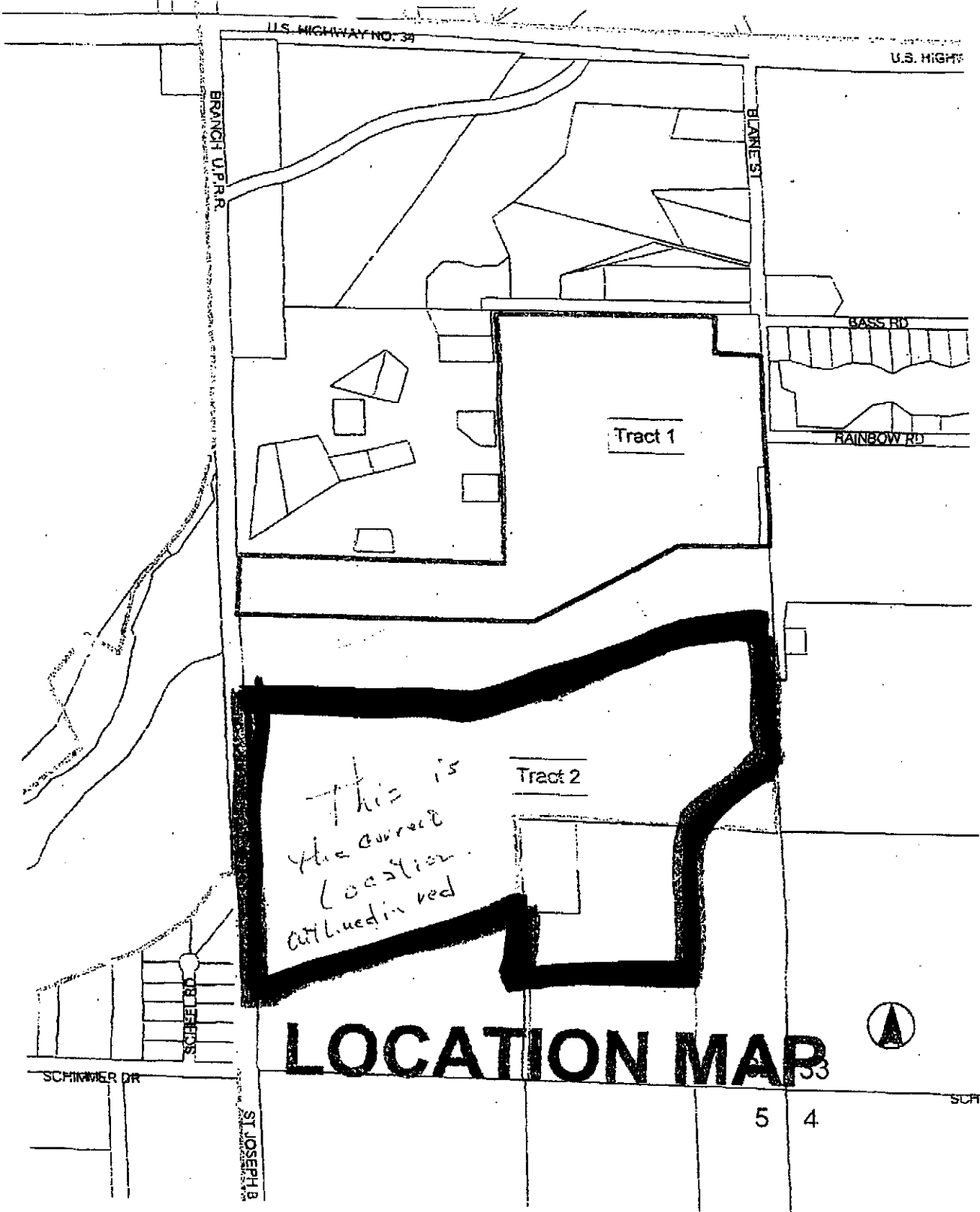
Please Note: Delays May Occur if Application is Incomplete or Inaccurate.



Legal Description of Purchased and Leased Property

A tract of land comprising a part of the Southeast Quarter of Section Thirty Two, Township Eleven North, Range Nine West of the 6th P.M., in Hall County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said Southeast Quarter; thence running southerly along the east line of said Southeast Quarter, on an assumed bearing of S00 00'00"W, a distance of Five Hundred eighty Six and Sixty Nine Hundredths (586.69) feet, to the ACTUAL Point of Beginning; Thence running S 89 degrees 17'35" W, a distance of Forty (40) feet; Thence running N 00 degrees 00'00" E, a distance of Two Hundred Ten and Two Hundredths (210.02) feet; Thence running S 89 degrees 19' 26" W, a distance of Eight (8) feet; Thence running N 00 degrees 00' 09" W, a distance of One hundred Thirty Five and One Hundredths (135.01) feet; Thence running N 11 degrees 09' 24" W, a distance of One Hundred Seven and Forth Five Hundredths (107.45) feet; Thence running S 89 degrees 16' 35" W, a distance of Three Hundred Forty Four and Seventy Nine Hundredths (344.79) feet; Thence running S 61 degrees 59' 54" W, a distance of Seven Hundred Eighty Six and Ninety Three Hundredths (786.93) feet; Thence running S 89 degrees 55' 41" W, a distance of One Thousand Five hundred Thirty Four and Seventy Four Hundredths (1534.74) feet to a point on the easterly right of way line of the Saint Joseph Branch of the Union Pacific Railroad; thence running S 01 degrees 03' 45" E along the easterly right of way line of the Saint Joseph Branch of the Union Pacific Railroad, a distance of One Thousand Five Hundred Thirteen and Fifty Seven hundredths (1513.57) feet; Thence running N 88 degrees 55' 50" E, a distance of Six Hundred Seventy Seven and Thirty Seven Hundredths (677.37) feet; Thence running N 69 degrees 35' 54" E, a distance of Six Hundred Seventy Four and Eighty Hundredths (674.80) feet; Thence N 00 degrees 00' 00" a distance of Five Hundred (500) feet; Thence running S 00 degrees 01' 52"W a distance of Forty One and Thirty Five Hundredths (41.35) feet; Thence running S 89 degrees 35' 36" E, a distance of One Thousand Three Hundred Fourteen and Sixty Four Hundredths (1314.64) feet, to the southeast corner of the Northeast Quarter of said Southeast Quarter; Thence running N 00 degrees 00' 00" W, along the east line of said Southeast Quarter, a distance of Seven Hundred Forth Two and Nine Hundredths (742.09) feet to the ACTUAL Point of Beginning and containing 74.269 acres more or less, of which 0.562 acres more or less is presently occupied by public road right of way. Net 73.707 acres more or less.



ATTACHMENT TO CONDITIONAL USE PERMIT APPLICATION

Richard Hartman and Patricia Hartman, Husband and Wife, request a special use permit to allow excavation, processing, stock piling and selling of aggregates on an agricultural zone parcel at 3812 S. Blaine. The Application is requested by the owners to allow the special use; the owners anticipate entering into a contract with a qualified operator to include the following specifications:

1. **Time of Mining Operations.** The estimated time to operate the mining operation will be approximately 22 years. The owners plan upon contracting with a qualified operator to begin operations on the property in 2006 to continue until approximately 2026 which would also include time for reclamation and restoration of the property.
2. **Location of Processing Plant.** The owners are contemplating locating a processing plant on the south side of the parcel approximately 1,300 feet west of Blaine Street and approximately 1,200 feet north of Schimmer Drive. The total area of the processing plant will be six (6) acres.
3. **Ingress and Egress to Plant Site.** Currently there is a driveway to the property off of Schimmer Drive and that road is contemplated as the location of ingress and egress to the plant.
4. **Environmental Issues.** The operator selected by the owner will be required to maintain its operation in accordance with Nebraska Department of Environmental Quality including permits regulating air and water quality.

The mining operator will be required to follow all federal Department of Environmental Quality rules and regulations including obtaining permits for diesel fuel, oil and gasoline storage. The fuel storage must and will have secondary containment provisions to allow safe use before any fuel or oil will be stored on the property.

The operator will be required to operate in such a fashion as to minimize dust caused by truck traffic. The relative short length of the haul road from Schimmer Road to the plant site will also minimize dust.

The operator will be required to maintain the mining operations pursuant to rules and regulations enforced by the Mining Health and Safety Act as mandated by the federal government. The regulations of this act require maximum noise level within the boundary of the mining operation to be maintained at 85 decibels or less. The owners will require the operator to strictly comply with these federal regulations and will also provide for a requirement of use of special mufflers to be fitted to the engines on the dredge. An electronic processing plant will be used in order to minimize noise.

The operator will be required to place stockpiles of mined material in such a fashion as to absorb and deflect as much of the motor noise as possible. The federal regulations require back up of alarms for the loaders.

5. Mining Operations. The operator will be required to remove top soil from the area to be mined each year. This process will reduce the exposure of the underlying sand to wind erosion. The top soil that is removed will be stockpiled on the perimeter of the property and the operator will be required to cover the waste sand from the mining process at the conclusion of each mining phase.

To start the mining process, a hole will be dug below the water level to allow the dredge to be placed. Once placed, the dredge will float on the created opening to the ground water level. The dredge will be located at approximately 8 feet below the original ground surface. Fluctuations in the ground water level can occur during the mining season that is normally conducted from March 15 to December 15.

Because of its placement below the ground surface, the dredge will not be readily visible from view of adjoining property owners and the placement of the top soil stockpile along the boundaries of the operation will also serve as a screening of the operation from adjoining properties.

It is anticipated that the operator will work approximately 3 to 5 acres of land per year depending upon demand. The number of acres used can fluctuate depending upon the number tons of materials from the excavation. The entire 74 acre parcel less the 6 acre plant site is anticipated to be completely mined in approximately 22 years.

The sand that is mined that is considered to be a waste product will be placed against the stockpiled top soil and placed at a height conducive to the development of the property for other uses contemplated after the mining operation is completed. At the conclusion of the mining operation, there will be approximately 40 acres of open water.

6. Reclamation. The stockpiled top soil will be placed over the waste sand on the perimeter of the lake area and leveled. The top soiled will be planted periodically throughout the mining operation with grass to prevent wind erosion on the soil. The reclamation of the property will be an ongoing process in conjunction with the mining operation in an effort to maintain the resulting land area reclaimed to be level and pleasing in appearance.

At the conclusion of the mining operation, all mining equipment will be timely removed and stockpiles will have been eliminated. It is anticipated that the conclusion of the operation will result in a lake and surrounding land area for planting and residential uses.

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: October 25, 2005

Subject: Public Hearing on Request of Richard & Patricia Hartman for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3812 S. Blaine Street Grand Island, Nebraska

Item #'s: E-2 & H-1

Presenter: Craig A. Lewis, Building Department Director

Background

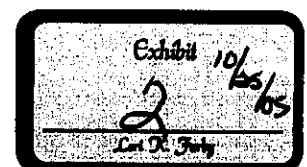
This request is for Council approval to allow for the operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, TA (transitional agricultural) does not allow for this type of use as a permitted principal use. The 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 or denied by the City Council in the form of a conditional use after a finding that the proposed use will or will not comply with the purposes as identified in the Code.

Section 36-2 of the Grand Island Zoning code, Purposes: This chapter has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in government expenditures.

This request is to begin in the year 2006 after a qualified operator is identified and continue until the year 2026.

Discussion:

Sand and gravel operations have been a part of the Grand Island and surrounding areas for a long time, as residential development continues to expand and the uses become closer neighbors more conditions need to be implemented to assure compatible and harmonious 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. Neither of these operations have been requested in this application.

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. Residential use is anticipated.

3). PRIMARY CONDITIONS: (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 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 a minimum 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 from the Central Platte Natural Resources District Wood River Diversion Channel Levee property 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. One exception to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 7:00p.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. There is currently along the east edge of the property a 45' electrical easement and an existing transmission line, no product, material or equipment shall be stored within that easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.

(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.

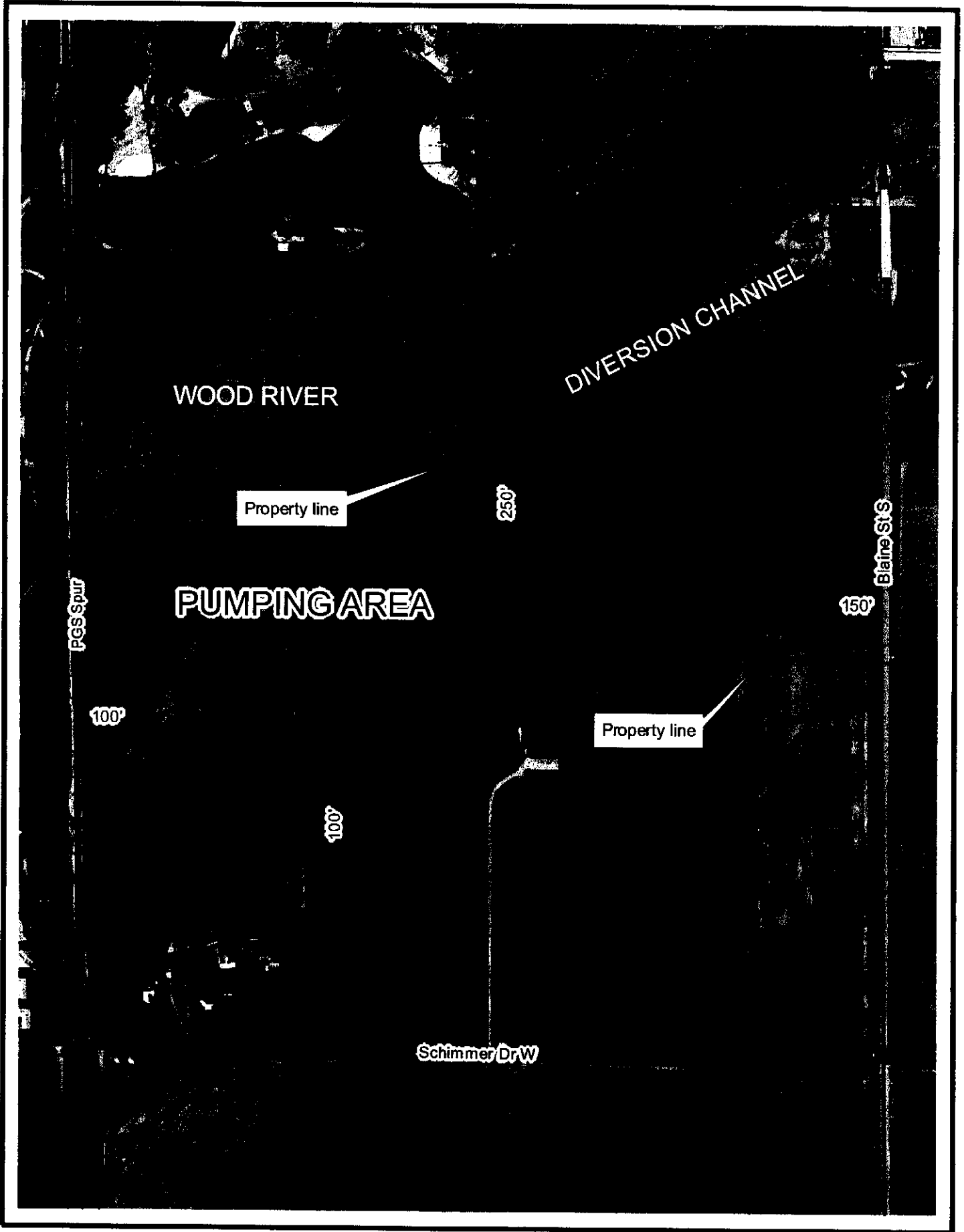
1. Approve the request with the proposed conditions, finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Deny the request, finding that the proposed application does not conform to the purpose of the zoning regulations.
3. Approve the request with additional or revised conditions and findings of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.

RECOMMENDATION:

Approve the request if all conditions are met as presented by City Administration and if the City Council finds that the proposed use and application promotes the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

SAMPLE MOTION:

Motion to approve the conditional use with the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting and finding that the applications conforms with the purpose of the zoning regulations.



WOOD RIVER

DIVERSION CHANNEL

Property line

250'

PUMPING AREA

Blaine St S

150'

PES Spur

100'

Property line

100'

Schimmer Dr W

CHAPTER 36 ZONING

Article I. Title and Purpose

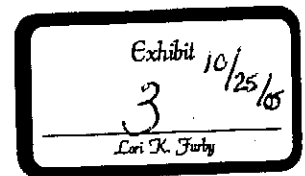
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- (2) Minimum zoning lot: Same as underlying zone but in no event less than 6,000 square feet
 - (3) Minimum lot width: Same as underlying zone
 - (4) Minimum front yard: Same as underlying zone
 - (5) Minimum rear yard: Same as underlying zone
 - (6) Minimum side yard: Same as underlying zone but in no event less than 10 feet for manufactured homes
 - (7) Maximum ground coverage: Same as underlying zone
- (E) Procedure:
- (1) An application for an amendment for the Manufactured Home Zone to the zoning map shall follow all procedural requirements for amendments as set forth herein, and, in addition, shall include the following information:
 - (a) Site plan showing precise number, locations, and dimensions of all manufactured home lots, public or private drive or streets, illumination facilities, recreation or green areas, utilities, etc. Such site plan, if approved, shall form the basis for the issuance of a manufactured home park permit or as a preliminary subdivision study, whichever is the intention of the owner.
 - (b) Data as may be requested by the chief building official to determine that the proposed manufactured home development will comply with all legal requirements.
- (F) Miscellaneous Provisions:
- (1) Supplementary regulations shall be complied with as defined herein.

- §36-82. Reserved
- §36-83. Reserved
- §36-84. Reserved
- §36-85. Reserved
- §36-86. Reserved
- §36-87. Reserved

Article VI. Conditional Use Permits

§36-88. Conditional Uses; Application

An application for a conditional use, signed by the property owner or by a purchaser thereof under contract in writing duly executed by both buyer and seller, or by agent of any of the foregoing duly authorized to do so in writing, shall be submitted to the city clerk. The application shall state the location of the proposed conditional use, the specific conditional use requested as permitted by this chapter and shall be accompanied by such other material as necessary to explain the proposal. The city council may request additional information as it deems proper.

§36-89. Authorized Conditional Uses

The following uses may be granted by the city council as a permitted conditional use in accordance with the procedure as set forth in this article:

- (A) To permit uses as listed under the permitted conditional uses within the respective zoning districts as specified in this chapter;
- (B) To permit the appropriate use of a lot less in area by not more than ten percent of the area required by this chapter;
- (C) To reduce the applicable off-street parking or loading facilities required by not more than two parking spaces or one loading berth or twenty percent of the required number, whichever is greater;

(D) To permit the same off-street parking facilities to qualify as required spaces for two or more uses, provided, the substantial use of such spaces by each user does not take place at approximately the same hours of the same days of the week;

(E) To permit temporary buildings and uses for periods not to exceed two years in undeveloped areas of the City, and for periods not to exceed six (6) months in developed areas;

(F) To permit the placement and operation of wind turbines, solar energy collectors, or other energy saving devices that would not be in conformance with the space limitations as specified in this chapter.

(G) To permit the construction and operation of a private wastewater treatment system for any use within the zoning jurisdiction of the City of Grand Island, excepting those small systems consisting of a septic tank and drainfield having a design capacity of less than 2,000 gallons per day. The design capacity shall be based on the table of estimated waste/sewerage flow rates in Chapter 30 of this code.

(H) To permit the keeping of livestock on residential property with less than a half acre of outdoor enclosure area per animal for periods not to exceed three (3) years in accordance with requirements set out in §5-16 of this code.

(I) To permit operation of a salvage yard where allowed under the permitted conditional uses within the respective districts; provided, that salvage operations conducted entirely within a building as an accessory use to a permitted principal use of land shall not require compliance with this article.

§36-90. Conditional Uses; Procedure

After receipt of a conditional use application and application fee, the city clerk shall schedule a public hearing before the city council to consider such application. Notice of such application shall be placed in a newspaper of general circulation in the city at least one time ten days prior to such hearing. In addition to the publication, the city clerk shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. The hearing shall be held at which all interested parties shall be heard.

The city council may grant, grant with any conditions or safeguards upon the property benefitted by a conditional use, or deny the application. Violation of any such conditions or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a misdemeanor. No conditional use permitting the erection or alteration of a building or other use shall be valid for a period longer than one year unless the building is erected or altered or the use established within that period.

The city administrator or any department director having a personal knowledge of any violation of a permitted conditional use or a condition or safeguard which is made part of the terms under which a conditional use is granted, may deliver a written request to the building department director asking that the director issue a notice of violation and demand for compliance to the person owning the property subject to the permitted conditional use. Upon receipt of said written request, the building department director shall investigate the alleged violation and if it is determined that a violation exists, the building department director shall send a notice of violation and demand for compliance to the last known address of said person, one copy each, by ordinary first class mail and certified mail, return receipt requested, demanding that the premises be brought into compliance with the conditional use by a date certain and advising said person that in the event violations continue after said date, that a request for revocation of the conditional use will be forwarded to the city council for a public hearing and determination. The written notice shall include a description of the violations and the underlying facts supporting such allegations.

If the violations stated in the foregoing notice and demand are not eliminated and the property brought into compliance with the city code and the permitted conditional use by the date certain, the building department director shall send such person a notice of hearing before the city council to consider revocation of the conditional use permit. The public hearing shall be conducted formally. The building department director, city attorney or their respective designees shall present oral or written statements or reasons supporting revocation of the permitted conditional use. The property owner(s) or designee(s) shall present oral or written statements or reasons opposing the revocation of the permitted conditional use. Statements by each side shall be limited to a total time of one hour or less. Any interested person may be heard following presentations on behalf of the city and the property owner. Upon conclusion of the hearing, the city council may affirm, revoke, or modify the permitted existing use.

§36-91. Fees

At the time of filing of an application for a conditional use permit with the city clerk, the applicant shall pay to the city treasurer a processing fee, as provided in the City of Grand Island Fee Schedule, which shall not be refundable.

§36-92. Reserved

§36-93. Reserved

§36-94. Reserved

§36-95. Reserved

Article VII. Supplemental Regulations

§36-96. Off-Street Parking Requirements

(A) Purposes:

(1) It is the intent of this section that all buildings and uses shall provide off-street parking and loading facilities in a minimum amount as required herein to meet the needs of such buildings and uses on private property and under the same ownership as such buildings or uses. The accommodations may consist of lots, garages, or other buildings, and accessories; they may be surface facilities or facilities above or under the ground.

(2) It is the further intent of this section that all off-street parking and loading spaces and facilities shall be sited and built according to the requirements contained in this section, and shall require an application for and issuance of a building permit pursuant to §8-22.

(B) Application. Each building or use hereafter constructed, and each addition to or altered building or use shall be provided with off-street parking and loading spaces as required herein. Each off-street parking space or loading facility and space hereafter constructed, upon proper application and permit being granted shall be sited and constructed pursuant to the requirements of this section. No application for a building permit for such building, addition, alteration, or use shall be approved unless accompanied by a plot plan showing the location and amount of off-street parking and loading spaces as required herein for the existing or proposed building or use and including all such additions or alterations. No occupancy or use permit shall be issued unless the required parking and loading facilities shall have been provided in accordance with the approved plot plan. Requirements shall be applicable to all zones and districts but not to include the following business districts:

(1) *Central Business District* as identified and described in Chapter 13 of this code as the Downtown Improvement and Parking District No. 1.

(2) *Fourth Street Business District.* Beginning at the intersection of Eddy Street and the alley in the block between Fourth and Fifth Streets; thence easterly on the alley to the intersection of the alley with



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G2

Approving Appointment of Dean Peg to Business Improvement District #5 Board

The Mayor has submitted the appointment of Dean Peg to complete the term of Steve Rasmussen who has resigned to the Business Improvement District #5 Board. This appointment would become effective immediately, upon approval by City Council and would expire on December 31, 2006. Approval is recommended.

Staff Contact: Mayor Vavricek



October 8, 2005

Mayor Jay Vavricek
City Hall
100 East First Street
Grand Island, NE 68801

Dear Jay:

It is with regret that I submit my resignation from the Downtown Business Improvement Board. My work schedule and a few new exciting developments are making it difficult to attend meetings on a regular basis.

I have enjoyed the time I've spent on the board, seeing many of our ideas come to fruition. I hope you will appoint someone who will continue with the vision.

Sincerely

A handwritten signature in black ink, appearing to read 'Steve Rasmussen'.

Steve Rasmussen
President
Rasmussen & Associates, Inc.

CC:
Cindy Johnson, President
Grand Island Area Chamber of Commerce



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G3

Approving Re-Appointment of Roger Bullington and Appointment of John Hoggatt to the Grand Island Facilities Corporation

The Mayor has submitted the reappointment of Roger Bullington to the Grand Island Facilities Corporation. This appointment would become effective December 1, 2005, upon approval by City Council and would expire November 30, 2008. Approval is recommended.

The Mayor also has submitted the appointment of John Hoggatt to replace Dee Price to the Grand Island Facilities Corporation. This appointment would become effective December 1, 2005, upon approval by City Council and would expire November 30, 2008. Approval is recommended.

Staff Contact: Mayor Vavricek



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G4

**Approving Request of Jack Henry, 4840 Baker Avenue for Liquor
Manager Designation for Indian Head Golf Course, 4100 W.
Husker Highway**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 8, 2005

Subject: Request of Jack Henry, 4840 Baker Avenue for Liquor Manager Designation for Indian Head Golf Course, 4100 W. Husker Highway

Item #'s: G-4

Presenter(s): RaNae Edwards, City Clerk

Background

Jack Henry, 4840 Baker Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-17348" Liquor License for Indian Head Golf Course, 4100 W. Husker Highway. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve this request for a Liquor Manager Designation.

Sample Motion

Move to approve the request of Jack Henry, 4840 Baker Avenue for Liquor Manager Designation in conjunction with the Class "C-17348" Liquor License for Indian Head Golf Course, 4100 W. Husker Highway..



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G5

**#2005-315 - Approving Acquisition of Public Utility Easement
Located at 4250 Old Potash Highway (Lee J. and Sherry A.
Newport)**

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

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2005-315

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

WHEREAS, a public hearing was held on November 8, 2005, for the purpose of discussing the proposed acquisition of an easement through a part of the Southeast Quarter of the Southwest Quarter (SE1/4, SW1/4) of Section Fourteen (14), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., all in the city of Grand Island, Hall County, Nebraska, the ten (10.0) foot by twenty (20.0) foot easement being more particularly described as follows:

Beginning at the Southwest corner of Lot One (1) Block One (1) of Dale Roush Subdivision thence west on the north line of Old Potash Highway for a distance of twenty (20.0) feet thence north on a line perpendicular to the north line of Old Potash Highway for a distance of ten (10.0) feet thence east on a line ten (10.0) feet north of and parallel to the north line of Old Potash Highway for a distance of twenty (20.0) feet to the west line of Lot One (1) Block One (1) of Dale Roush Subdivision thence south on the west line of Lot One (1) Block One (1) of Dale Roush Subdivision for a distance of ten (10.0) feet to the point of beginning.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G6

**#2005-316 - Approving Acquisition of Public Utility Easement
Located at 108 Arapahoe Avenue (Gaylen & Kim Sprague)**

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

Staff Contact: Steven P. Riehle, Public Works Director

R E S O L U T I O N 2005-316

WHEREAS, a public utility easement is required by the City of Grand Island, from Gaylen Sprague and Kim Sprague, husband and wife, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 8, 2005, for the purpose of discussing the proposed acquisition of an easement through a part of Lot One (1), Block One (1), Dale Roush Subdivision in the city of Grand Island, Hall County, Nebraska, the ten (10.0) foot wide easement being more particularly described as follows:

Being the south ten (10.0) feet of Lot One (1), Block One (1) of Dale Roush Subdivision.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G7

**#2005-317 - Approving Acquisition of Public Utility Easement
Located at 2836 & 2838 Cross Pointe Drive; Lot 11 North Pointe
Subdivision (The Meadows Apartment Homes LLC)**

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

Staff Contact: Steven P. Riehle, Public Works Director

R E S O L U T I O N 2005-317

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

WHEREAS, a public hearing was held on November 8, 2005, for the purpose of discussing the proposed acquisition of an easement through a part of Lot Eleven (11), North Pointe Subdivision in the city of Grand Island, Hall County, Nebraska, the easement being more particularly described as follows:

Beginning at the southeast corner of said Lot Eleven (11); thence running northwesterly along the southerly line of said Lot Eleven (11), a distance of One Hundred Thirty Eight and Twenty Six Hundredths (138.26) feet, to a point on the easterly line of an existing Fifteen (15.0) foot wide easement; thence running northerly along the easterly line of said existing Fifteen (15.0) foot wide easement, a distance of Five and Eleven Hundredths (5.11) feet, to a point Five (5.0) feet northerly of the southerly line of said Lot Eleven (11); thence running southeasterly parallel with and Five (5.0) feet northerly of the southerly line of said Lot Eleven (11), a distance of One hundred Forty Four and Fifteen Hundredths (144.15) feet, to a point on the southeasterly line of said Lot Eleven (11); thence running southwesterly along the southeasterly line of said Lot Eleven (11), a distance of Six and Ninety Five Hundredths (6.95) feet to the point of beginning and containing 0.016 acres more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from The Meadows Apartment Homes, L.L.C., a Nebraska limited liability company, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G8

**#2005-318 - Approving Bid Award for 47,000 GVW Dump Truck;
Street and Transportation Division of the Public Works
Department**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

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

Meeting: November 8, 2005

Subject: Approving Bid Award for One Minimum 47,000 GVW
Dump Truck

Item #'s: G-8

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

Background

On October 21, 2005 the Street & Transportation Division of the Public Works Department advertised for bids for the purchase of a Minimum 47,000 GVW Dump Truck. Funds for the dump truck were in the approved 2005/2006 budget.

Discussion

Fifteen bids were received and opened on October 31, 2005. The Street & Transportation Division of the Public Works Department and the Purchasing Division of the City Attorney's Office have reviewed the bids that were received. The Wick's Sterling Truck with the Crysteel Body was the only truck that met all specifications. A summary of the bids is shown below.

| <i>Bidder</i> | <i>Exceptions</i> | <i>Total Bid</i> |
|--|-------------------|--------------------|
| 1. Wick's Sterling Trucks Omaha, NE | Noted | \$67,778.00 |
| 2. Wick's Sterling Trucks Omaha, NE | None | \$67,815.00 |
| 3. Tom Dinsdale Grand Island, NE | Noted | \$68,548.00 |
| 4. Tom Dinsdale Grand Island, NE | Noted | \$68,585.00 |
| 5. Wick's Sterling Trucks Omaha, Ne | Noted | \$68,724.00 |
| 6. Tom Dinsdale Grand Island, NE | Noted | \$69,494.00 |

| | | |
|---|-------|-------------|
| 7. Nebraska Truck Center Grand Island, NE | Noted | \$71,664.00 |
| 8. Nebraska Truck Center Grand Island, NE | Noted | \$71,701.00 |
| 9. Nebraska Peterbilt Grand Island, NE | Noted | \$72,443.00 |
| 10. Nebraska Peterbilt Grand Island, NE | Noted | \$72,476.00 |
| 11. Nebraska Truck Center Grand Island, NE | Noted | \$72,610.00 |
| 12. Nebraska Peterbilt Grand Island, NE | Noted | \$73,352.00 |
| 13. Hansen International Grand Island, NE | Noted | \$74,108.91 |
| 14. Hansen International Grand Island, NE | Noted | \$74,145.91 |
| 15. Hansen International Grand Island, NE | Noted | \$75,054.91 |

There are sufficient funds for this purchase in Account No. 10033501-85625.

Alternatives

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

1. Make a motion to approve the purchase of the Dump Truck from Wick's Sterling Trucks, Inc. of Omaha, NE in the amount of \$67,815.00.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the purchase of the Dump Truck in the amount of \$67,815.00 from Wick's Sterling Trucks, Inc. of Omaha, NE.

Sample Motion

Approve the purchase of the Dump Truck.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: October 31, 2005 at 11:00 a.m.
FOR: (1) Minimum 47,000 GVW Dump Truck
DEPARTMENT: Public Works
ESTIMATE: \$88,000.00
FUND/ACCOUNT: 10033501-85625
PUBLICATION DATE: October 21, 2005
NO. POTENTIAL BIDDERS: 6

SUMMARY

| | | |
|-----------------------|--|---|
| Bidder: | <u>Wick's Sterling Trucks</u> Omaha, NE | <u>Hansen International Truck, Inc.</u> Grand Island, NE |
| Exceptions: | None | Noted |
| Bid Price: | \$67,815.00 Crysteel Body | \$74,145.91 Crysteel Body |
| Alternate Bid: | \$67,778.00 Galion Body | \$74,108.91 Galion Body |
| Alternate Bid: | \$68,724.00 Henderson Body | \$75,054.91 Henders on Body |
| Bidder: | <u>Nebraska Peterbilt</u> Grand Island, NE | <u>Tom Dinsdale Chevy Cadillac & GMC</u> Grand Island, NE |
| Exceptions: | Noted | Noted |
| Bid Price: | \$72,443.00 | \$69,494.00 Henderson Body |
| Alternate Bid: | \$72,476.00 | \$68,548.00 Galion Body |
| Alternate Bid: | \$73,352.00 Henderson Body | \$68,585.00 Crysteel Body |

Bidder: Nebraska Truck Center, Inc.
Grand Island, NE

Exceptions: **Noted**

Bid Price: **\$71,664.00 Galion Body**
Alternate Bid: **\$72,610.00 Henderson Body**
Alternate Bid: **\$71,701.00 Tipper Body**

cc: Steve Riehle, Public Works Director
Danelle Collins, PW Admin. Assist.
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Scott Johnson, Street Superintendent
Bud Buettner, Assist. PW Director
Dale Shotkoski, Purchasing Agent

P1034

R E S O L U T I O N 2005-318

WHEREAS, the City of Grand Island invited sealed bids for one (1) Minimum 47,000 GVW Dump Truck for the Street and Transportation Division of the Public Works Department, according to plans and specifications on file with the City Attorney; and

WHEREAS, on October 31, 2005, bids were received, opened and reviewed; and

WHEREAS, Wick's Sterling Trucks of Omaha, 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 \$67,815.00; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Wick's Sterling Trucks of Omaha, Nebraska, in the amount of \$67,815.00 for one (1) minimum 47,000 GVW dump truck with a Crysteel Body is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G9

#2005-319 - Approving Installation of a Stop Sign on 17th Street at the Intersection with Walnut / State Street

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 8, 2005

Subject: Approving Installation of a Stop Sign on 17th Street at the Intersection with Walnut / State Street

Item #'s: G-9

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

Background

Council action is required for the installation of Stop signs.

Discussion

Northbound traffic on Walnut Street stops at the intersection. East bound traffic on 17th Street currently has a yield sign posted at the intersection. Traffic on eastbound 17th Street should be required to stop in order to improve safety.

Alternatives

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

1. Approve the installation of a Stop Sign on 17th Street at the intersection with Walnut / State Street.
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 pass a resolution to install a Stop Sign on 17th Street at the intersection with Walnut / State Street.

Sample Motion

Move to approve the installation of the Stop Sign.



Blessed Sacrament Church

State Street

17th Street
Proposed Stop

Walnut Street
Traffic Stops

RESOLUTION 2005-319

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

WHEREAS, it is necessary to improve traffic safety where 17th Street, State Street and Walnut Street intersect; and

WHEREAS, eastbound traffic on 17th Street currently has a yield sign posted at the intersection;

WHEREAS, northbound traffic on Walnut Street currently has a stop sign posted at the intersection; and

WHEREAS, it is recommended that both the eastbound traffic on 17th Street and the northbound traffic at Walnut Street be required to stop before entering such intersection; and

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

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

1. A stop sign be installed on 17th Street, requiring eastbound traffic to stop prior to entering the intersection with State Street and Walnut Street.
2. A stop sign be installed on Walnut Street, requiring northbound traffic to stop prior to entering the intersection with State Street and 17th Street.
3. The Street Department is hereby directed to install such signs to regulate traffic as outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G10

#2005-320 - Approving Acquisition of Utility Easement - Along the East Side of Webb Road just South of Whitecloud Road (Wenzl, Inc.)

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

Staff Contact: Gary R. Mader

R E S O L U T I O N 2005-320

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

WHEREAS, a public hearing was held on November 8, 2005, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the North Half (N1/2) of Fractional Section Thirty (30), Township Twelve (12) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, the westerly line of the fifteen (15.0) foot wide easement and right-of-way being more particularly described as follows:

Beginning at a point being thirty three (33.0) feet east and thirty three (33.0) feet south of the northwest corner of the North Half (N1/2) of Fractional Section Thirty (30), Township Twelve (12) North, Range Nine (9) West, said point being the intersection of the easterly right-of-way line of Webb Road and the southerly right-of-way line of Whitecloud Road; thence southerly along the easterly right-of-way line of said Webb Road, a distance of nine hundred thirty seven and three tenths (937.3) feet to a point on the northerly line of a tract of land described in Deed Book 164, Page 512, recorded in the Hall County Register of Deeds office.

The above-described easement and right-of-way containing 0.032 acres, more or less, as shown on the plat dated October 24, 2005, marked Exhibit "A" attached hereto and incorporated herein by reference.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G11

**#2005-321 - Approving Western Area Power Administration
(WAPA) Revisions to Contract - Utilities Department**

Staff Contact: Gary R. Mader; DaleShotkoski

Council Agenda Memo

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

Meeting: November 8, 2005

Subject: Revision of Exhibits to Western Area Power
Administration Contract

Item #'s: G-11

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

Background

The Western Area Power Administration (WAPA) markets electrical power and energy from the hydroelectric dam projects on the Missouri River. Grand Island entered into a purchase contract with the predecessor organization of WAPA in 1970. The Contract, WAPA Number 90-BAO-413, was renewed, with modifications in 1991 and again in 1999. This Contract extends through December 31, 2020.

The Contract contains provisions for WAPA, under certain circumstances, to reduce the allotment of power and energy, otherwise known as Contract Rate of Delivery (CROD), to customers. Those “circumstances” include new projects, changes in allocation of water resources, changes in river hydrology or river operations. Recently there have been extensive negotiations and court proceedings involving several states and federal agencies regarding the competing interests of recreation, barge traffic use and the maintenance of habitat for the endangered species utilizing the Missouri River Basin.

Grand Island has received notice that the Rate of Delivery will be reduced by 0.164% during the summer months and 0.216% during the winter months. WAPA requests that Grand Island acknowledge this reduction through execution of Revision 3 of Exhibit A and Revision 2 of Exhibit B.

Discussion

Revised Exhibit A provides the maximum hourly summer and winter delivers, while reaffirming WAPAs conditional right to impose further reductions. Revised Exhibit B

provides the monthly rates of delivery for power and energy to Grand Island. Both Exhibits are within the bounds of the existing contract.

WAPA provides approximately 5% of Grand Island's electrical needs. A 0.2% reduction of this 5% will not have a major impact on the overall cost of power to Grand Island or a major impact on the Electric Department's ability to serve customers. Platte Generating Station will be used to pick up the small reduction in energy. This reduction in the Contract Rate of Delivery is contractually authorized. The revisions provide Grand Island with the revised CROD. WAPA requests formal acknowledgement of these revisions.

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, in which case the revisions will still become effective by the existing contract.

Recommendation

City Administration recommends that the Council approve the proposed Exhibit A, Revision 3 and Exhibit B, Revision 2 to the WAPA Contract No. 90-BAO-413.

Sample Motion

Motion to approve acceptance of proposed Exhibit A, Revision 3 and Exhibit B, Revision 2 to the WAPA Contract No. 90-BAO-413.

EXHIBIT A
(Contract Rates of Delivery)

1. This Exhibit A made this _____ day of _____, 200____, under and as a part of Contract No. 90-BAO-413, dated April 4, 1991, hereinafter called the Contract, shall become effective on January 1, 2006. Upon such effective date, this Exhibit A shall terminate and supersede Exhibit A dated February 7, 2001, and shall remain in effect until superseded by another Exhibit A or termination of the Contract.

2. CONTRACT RATES OF DELIVERY FOR FIRM POWER:

2.1 On and after January 1, 2006, and continuing through December 31, 2010, the Contract Rate of Delivery (CROD) for firm power during any Winter Season shall be 5,113 kilowatts. Effective with the first day of the first full billing period beginning in January 2011, the CROD for firm power during any Winter Season may be adjusted as stated in this Exhibit A.

2.2 On and after January 1, 2006, and continuing through December 31, 2010, the CROD for firm power during any Summer Season shall be 9,153 kilowatts. Effective with the first day of the first billing period of the 2011 Summer Season, the CROD for firm power during any Summer Season may be adjusted as stated in this Exhibit A.

2.3 Through the term of this Contract, Western may reduce Grand Island's Summer Season CROD by up to 5 percent for new project use requirements, by giving a minimum of five years advance written notice of such action.

2.4 Effective on the first full billing period in January 2011, Grand Island's CROD may be adjusted in accordance with the Program. Western may reduce Grand Island's CROD for future Winter and Summer Seasons by up to 1 percent from the then current CROD. Western will give Grand Island two years advance written notice of such adjustment.

2.5 In the event that Western determines that any portion of the CROD withdrawn under the terms of Subsection 2.4 above is not required for use by Western in accordance with the Program, Western will offer a pro rata share of the unallocated CROD to Grand Island, using the formula as specified in Subsection 2.6 below.

2.6 The redistribution formula is as follows:

$$(CROD/MRW) \times MWA = \text{Share Returned}$$

where

CROD = CROD at the time of withdrawal;

MWA = Megawatts Available to be returned; and

MRW = Marketable Resource at time of Withdrawal.

2.7 In the event that Western, at its sole discretion, determines that resources become available due to the imposition of penalties in accordance with the Program, Western may offer these resources to Grand Island. Prior to offering these resources to Grand Island, Western and Grand Island will mutually agree upon withdrawal procedures which will be provided for in a separate agreement. To limit administrative burden, Western may wait until such time as it accumulates sufficient resources to justify offering them.

2.8 On and after the effective date of this Exhibit A, at the discretion and sole determination of Western, Grand Island's CROD will be subject to adjustment on five years advance written notice in response to changes in hydrology and river operations. Proportional adjustments will be set forth in a revised Exhibit A only after an appropriate public process.

WESTERN AREA POWER ADMINISTRATION

By _____

Title _____ Power Marketing Manager

Address _____ P.O. Box 35800

_____ Billings, MT 59107-5800

CITY OF GRAND ISLAND, NEBRASKA

(SEAL)

By _____

Attest:

Title _____

By _____

Address _____ P.O. Box 1968

Title _____

_____ Grand Island, NE 68802-1968

EXHIBIT B
(Operating Agreement Including Quantitative Determinations)

1. This Exhibit B made this _____ day of _____, 200____, under and as a part of Contract No. 90-BAO-413, dated April 4, 1991, hereinafter called the Contract, shall become effective on January 1, 2006. Upon such effective date, this Exhibit B shall terminate and supersede Exhibit B dated February 7, 2001, and shall remain in effect until superseded by another Exhibit B or termination of the Contract.

2. GRAND ISLAND'S FIRM ELECTRIC SERVICE ARRANGEMENTS:

2.1 The System Definitions and Billing Determinations set forth in this Operating Agreement are based upon the understanding of the Parties that Grand Island's firm electric service arrangements are such that its system load requirements are normally supplied from the following sources:

2.1.1 Firm electric service from Western.

2.1.2 Firm electric service from another power supplier.

2.1.3 Grand Island's own generation.

2.2 Western reserves the right to unilaterally require the substitution of a new Exhibit B in the event that the firm electric service arrangements of Grand Island are altered.

3. REPORTING REQUIREMENTS: Grand Island must provide, or cause to be provided, data to Western each month that documents both the times of operation and the amounts of power and energy generated. If Grand Island's resources are not operated during the month, information shall be submitted to Western so indicating. Grand Island shall also keep such other records as may be necessary for the purposes of this Exhibit B and will furnish the Contracting Officer with such information or reports necessary for the determinations called for herein.

4. SYSTEM DEFINITIONS:

4.1 Grand Island's System Demand for any billing period shall be the sum of the highest coincident 30-minute integrated demands established from meter readings taken at:

4.1.1 the Point(s) of Measurement, as may be adjusted and defined in Exhibit C; and

4.1.2 the Point(s) of Measurement into Grand Island's system from its generating units, adjusted, if necessary, to generator bus voltage.

4.2 Grand Island's System Energy Requirements for any billing period shall be the total energy delivered during the billing period at:

4.2.1 the Point(s) of Measurement, as may be adjusted and defined in Exhibit C; and

4.2.2 the Point(s) of Measurement into Grand Island's system from its generating units, adjusted, if necessary, to generator bus voltage.

5. FIRM POWER AND ENERGY OBLIGATION OF WESTERN:

5.1 Notwithstanding the provisions of Subsection 6.3 of the Contract, the Parties, by mutual agreement, have established, for each month of the year, values for the Maximum Rate of Firm Power Obligation and Maximum Energy Obligation of Western to Grand Island as shown below:

| Summer Season | kW | MWh | Winter Season | kW | MWh |
|---------------|-------|-------|------------------------|-------|-------|
| May | 6,182 | 2,547 | November | 4,790 | 2,437 |
| June | 9,153 | 3,504 | December | 4,790 | 2,440 |
| July | 9,153 | 3,294 | January | 4,790 | 2,763 |
| August | 9,057 | 3,924 | February ^{1/} | 5,113 | 2,627 |
| September | 6,709 | 2,702 | March | 4,466 | 2,237 |
| October | 5,751 | 2,442 | April | 4,790 | 2,450 |

^{1/} Energy amount for leap year will be 2,721 MWh.

5.2 The Maximum Rate of Firm Power Obligation and Maximum Energy Obligation of Western in any billing period shall each be, for the billing period involved, apportioned among the Point(s) of Delivery identified in Exhibit C using the ratio of the obligation of Western, as noted above, to the respective Grand Island's System Demand and System Energy Requirements for that same period as determined pursuant to Section 4 above.

5.3 In the event that Grand Island's System Demand and/or Grand Island's System Energy Requirements in a billing period are less than the values in Subsection 5.1 above for that billing period, then Grand Island's actual System Demand and/or System Energy Requirements shall be Western's Maximum Rate of Firm Power Obligation and Maximum Energy Obligation for that billing period.

5.4 Either Party hereto shall have the right to resume determination of Western's firm power and energy obligations to Grand Island pursuant to Subsection 6.3 of the Contract upon five years advance written notice to the other Party or upon a period of less than five years if mutually agreed to. In the event of such notice, obligation determinations pursuant to Subsection 6.3 shall begin upon the effective date of a revised Exhibit B providing for such determinations.

5.5 Western reserves the right to appropriately modify the above power and energy values in the event that the Contract Rate(s) of Delivery or energy deliveries are modified as provided elsewhere in the Contract.

6. BILLING DETERMINATIONS:

6.1 The billed demand for firm power provided by Western to Grand Island in any billing period shall be, for that billing period, the Maximum Rate of Firm Power Obligation as established pursuant to Section 5 above.

6.2 The billed energy provided by Western to Grand Island in any billing period shall be, for that billing period, the Maximum Energy Obligation as established pursuant to Section 5 above.

WESTERN AREA POWER ADMINISTRATION

By _____

Title _____ Power Marketing Manager

Address _____ P.O. Box 35800

_____ Billings, MT 59107-5800

(SEAL)

CITY OF GRAND ISLAND, NEBRASKA

By _____

Title _____

Attest:

By _____

Address _____ P.O. Box 1968

Title _____

_____ Grand Island, NE 68802-1968

RESOLUTION 2005-321

WHEREAS, since 1970, the City of Grand Island has purchased firm power and associated energy from the federal hydroelectric projects on the Missouri River, the federal bureau tasked with the operation and administration of the hydroelectric projects in the Western Area Power Administration (WAPA); and

WHEREAS, on March 4, 1991, the original contract was replaced with Contract No. 90-BAO-413, which will expire on December 31, 2020; and

WHEREAS, the contract contains provisions for WAPA, under certain conditions, to reduce the allotment of power and energy, otherwise known as Contract Rate of Delivery (CROD) to customers; and

WHEREAS, the City of Grand Island has received notice that the Rate of Delivery will be reduced by 0.164% during the summer months and 0.216% during the winter months; and

WHEREAS, WAPA requests that the City of Grand Island acknowledge this reduction through the execution of Revision 3 of Exhibit A and Revision 2 of Exhibit B; and

WHEREAS, both exhibits are within the bounds of the existing contract, and such reductions will not have a major impact on the overall cost of power to Grand Island or a major impact on the Electric Department's ability to serve its customers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Exhibit A, Revision 3 and Exhibit B, Revision 2 to the Western Area Power Administration Contract No. 90-BAO-413 are hereby approved and accepted.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G12

**#2005-322 - Approving Certificate of Final Completion for
Modular Home Design/Build at Heartland Public Shooting Park**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 8, 2005

Subject: Certificate of Final Completion-Modular Home Design/Build at Heartland Public Shooting Park

Item #'s: G-12

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

Background

A Purchase Order was issued to Lockhart Homes for the design/build of a home for the Superintendent at the Heartland Public Shooting Park.

Discussion

The project has been completed as per the purchase order.

Alternatives

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

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

Recommendation

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

Sample Motion

Motion to approve certificate of final completion.

CERTIFICATE OF FINAL COMPLETION AND ACCEPTANCE


**MODULAR HOME DESIGN/BUILD
HEARTLAND PUBLIC SHOOTING PARK**

**CITY OF GRAND ISLAND, NEBRASKA
NOVEMBER 8, 2005**

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

This is to certify that the Modular Home Design/Build at the Heartland Public Shooting Park has been fully completed by **Lockhart Homes** of Grand Island, NE under contract dated **June 14, 2005**. All other work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by the Parks and Recreation Director in accordance with the provisions of the terms of the above said contract.

Respectfully submitted,


Steve Paustian
Parks & Recreation Director

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

I hereby recommend that the Certificate of Final Completion and Acceptance be approved and warrants issued from Account No. 40044450-90026 to **Lockhart Homes** in the final payment amount of **\$9,025.10**.

Respectfully submitted,

Jay Vavricek
Mayor

R E S O L U T I O N 2005-322

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Modular Home Design/Build at the Heartland Public Shooting Park, certifying that Lockhart Homes of Grand Island, Nebraska, under contract dated June 14, 2005, has completed such project according to the terms, conditions, and stipulations for such improvements; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Parks and Recreation Director's Certificate of Final Completion for Modular Home Design/Build at the Heartland Public Shooting Park is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item G13

#2005-323 - Approving Renewal of Lease Agreement with Scott and Lisa Norton dba Health Plex Fitness Center

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: November 8, 2005

Subject: Approving Renewal of Lease Agreement with Scott and Lisa Norton to manage the Grand Island Racquet Center

Item #'s: G-13

Presenter(s): Steve Paustian

Background

For the past ten years Scott and Lisa Norton have managed the Grand Island Racquet Center. Their involvement has allowed for the facility to continue operating without tax subsidy. While the facility remains under utilized those that take advantage of the facility are enjoying it.

Discussion

Until such time as the City or other group provides a proposal to increase the utilization of the facility the current arrangement remains satisfactory.

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 renew the contract of Scott and Lisa Norton to run the Racquet Center.

Sample Motion

Motion to approve lease agreement with Scott and Lisa Norton dba the Health Plex Fitness Center.

LEASE AGREEMENT

This Lease Agreement made between the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation, hereinafter called the "Lessor" and SCOTT NORTON and LISA NORTON, Husband and Wife, doing business as THE HEALTH PLEX FITNESS CENTER, hereinafter called the "Lessee".

WITNESSETH:

I.

That, in consideration of the covenants herein contained on the part of the Lessee to be observed and performed, the Lessor does hereby demise and lease unto the Lessee all that tract and parcel of land and improvements described as the Grand Island Racquet Center located at 2204 Bellwood Drive, Grand Island, Hall County, Nebraska.

To have and to hold said premises unto Lessee for a term of five (5) years beginning November 1, 2005. It is expressly understood and agreed by and between the parties that either party shall have the absolute right to provide to the other party ninety (90) days written notice to terminate the lease without any cause, at any time during the five year period.

Lessee shall pay as rent therefore the sum of One Dollar (\$1.00) per year due and payable on the first day of November, 2005, and on the first day of November each year thereafter.

II.

The Lessee, for themselves, does hereby covenant with the Lessor:

- a. That the Lessee will pay the said rent at the times and the manner aforesaid, except only in the case of fire or other unavoidable casualty as hereinafter provided.
- b. The Lessee will not allow for any liens or encumbrances to be placed upon the property or improvements of the Lessor.
- c. The Lessee shall provide a comprehensive general public liability insurance policy in the amount of at least One Hundred Thousand Dollars (\$100,000.00) for one person of Three Hundred Thousand Dollars (\$300,000.00) for any one accident involving injury to more than one person, and property damage of not less than Fifty Thousand Dollars (\$50,000.00) for any one accident.
- d. The Lessee will promptly pay for all utility bills which may become payable during the continuance of this Lease Agreement for all utilities used on said premises.
- e. The Lessee will keep the building and premises, including the plumbing and heating and air conditioning in good repair, reasonable wear and tear and damage by fire or other unavoidable casualty only excepted.

- f. The Lessee will not injure, overload or deface or suffer to be injured, overload or deface the premises or any part thereof.
- g. The Lessee will not make or suffer any unlawful, improper, or offensive use of the premises, or any use or occupancy thereof contrary to any law of the State or any ordinance of the City now or hereafter made, or which shall be injurious to any person or property, or which shall be liable to endanger or effect any insurance on the said building or to be placed upon the building except such as Lessor shall in writing approve.
- i. The Lessee shall not assign, sublet or part with the possession of the whole or any part of the leased premises without first obtaining the written consent of the Lessor.
- j. The Lessor, at any reasonable time, may enter to view the premises and to make repairs which the Lessor may see fit to make, or show the premises to persons who may wish to lease or buy the premises as Lessor may see fit.
- k. That at the expiration of said term, the Lessee will peaceably yield up to the Lessor the premises and all improvements made upon the same, in good repair in all respects, reasonable use and wear and damage by fire or unavoidable casualties excepted, as the same now are and may be put in by the parties.
- l. No consent, express or implied by the Lessor to any breach of any of the Lessee's covenants shall be deemed to be a waiver of any succeeding breach of the same or any other covenant.
- m. Lessor will provide a telephone line to the facility. If Lessee chooses to install an alarm system, Lessor will provide the alarm monitoring service through the line provided by the Lessor.

III.

It is also agreed, that in case the leased premises or any part thereof shall at any time during the said term be destroyed or damaged by fire or other unavoidable casualty so as to be unfit for occupancy and use, and so that the premises cannot be rebuilt or restored by the Lessor within 120 days thereafter, then and in that case this Lease Agreement shall end.

IV.

Lessee agrees that it will not discriminate against any employee or applicant for employment to be employed in the performance of this Lease Agreement, with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment because of his race, color, religion, national origin or ancestry. The Lessee further agrees to maintain a drug free environment at all times on the leased premises. Breach of this covenant may be regarded as a material breach of the Lease Agreement.

V.

Lessee agrees that tennis shall remain the main focus of the Racquet Center and to maintain an appropriate schedule of tournaments and leagues. Lessee shall be allowed to enhance the current facilities to add a fitness center, including, but not limited to the following: Nautilus equipment; treadmills; aerobic classes; and stairmasters. Lessee is further authorized to attempt to increase the utilization of the Racquet Center by allowing other activities including, but not limited to the following: soccer; basketball; roller hockey; volleyball; automated batting cages and simulated golf.

VI.

An annual inspection shall be conducted of the premises by the Director of the Parks and Recreation Department for the City of Grand Island. The Director of the Parks and Recreation Department shall meet with the Lessee to review the use and activities of the leased premises. Lessee agrees to cooperate and provide information to the Director of the Parks and Recreation Department regarding the use and activity of the building so that the Parks and Recreation Department Director can evaluate whether or not there is being provided suitable recreational activity.

VII.

Lessee agrees to indemnify the Lessor for any claim made by the Lessee's employees or by any other persons, for personal injury or property damage arising out of the Lessee's use of equipment on the premises or equipment brought onto the premises after the commencement of this Lease Agreement, which Lessee agrees to accept at all times during the term of this Agreement as is, where is, and the Lessor has no responsibility for its condition or state of repair. Lessee agrees not to remove from the Lessor's premises any equipment or property located on the leased premises at the commencement of this Lease, except as authorized in writing by the Lessor.

VIII.

Before exercising any remedies for breach, default or failure to perform under this Lease Agreement, the defaulting party shall be given thirty (30) days written notice of such default or failure to perform. If the act is such that it cannot be cured within a 30 day period, this period may be extended upon written agreement of the parties, providing that the defaulting party commences to cure such default within said 30 day period and proceeds diligently thereafter to effect such cure.

IX.

In the event either party institutes legal proceedings against the other for breach of this Lease Agreement, the party against whom a judgment is entered shall pay all reasonable costs and expenses relative thereto, including reasonable attorney fees.

IN WITNESS WHEREOF, the parties hereby have executed this Lease Agreement.

Attest:

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation, Lessor

RaNae Edwards, City Clerk

By: _____
Jay Vavricek, Mayor

Approved as to form by City Attorney _____
Approved by Resolution 2005-_____

STATE OF NEBRASKA)
) SS.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by Jay Vavricek, Mayor on behalf of the City of Grand Island, Nebraska, a municipal corporation.

Notary Public

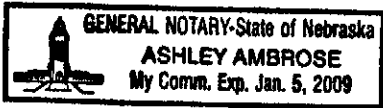
SCOTT NORTON and LISA NORTON,
Husband and Wife, d/b/d THE HEALTH
PLEX FITNESS CENTER, Lessee

By: _____
Scott Norton

By: _____
Lisa Norton

STATE OF NEBRASKA)
) SS.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this 4th day of NOV., 2005,
by Scott Norton and Lisa Norton, Husband and Wife, d/b/a The Health Plex Fitness Center



Notary Public

RESOLUTION 2005-323

WHEREAS, on August 4, 1997, by Resolution 97-215, the City Council of the City of Grand Island approved and authorized Scott and Lisa Norton, doing business as Health Plex Fitness Center, to manage and operate the Racquet Center in Grand Island, Nebraska; and

WHEREAS, the parties have expressed an interest in entering into a new lease arrangement; and

WHEREAS, the proposed 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 Lease Agreement by and between the City and Scott and Lisa Norton, doing business as Health Plex Fitness Center, to manage and operate the Racquet Center in Grand Island, Nebraska, is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2005.

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| November 3, 2005 | ☐ City Attorney |



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item H1

**Consideration of the Request of Jeff D. Leo dba Bud's Roadhouse,
2710 Diers Avenue for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, November 08, 2005

Council Session

Item H2

Consideration of Annexation for Property Located East of Engleman Road and South of Old Potash Highway and Refer to the Regional Planning Commission

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP Hall County Regional Planning Director

Meeting: November 8, 2005

Subject: Annexation of Property South Old Potash Highway and East of Engleman Road

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 Old Potash Highway on the east side of Engleman Road. 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 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:

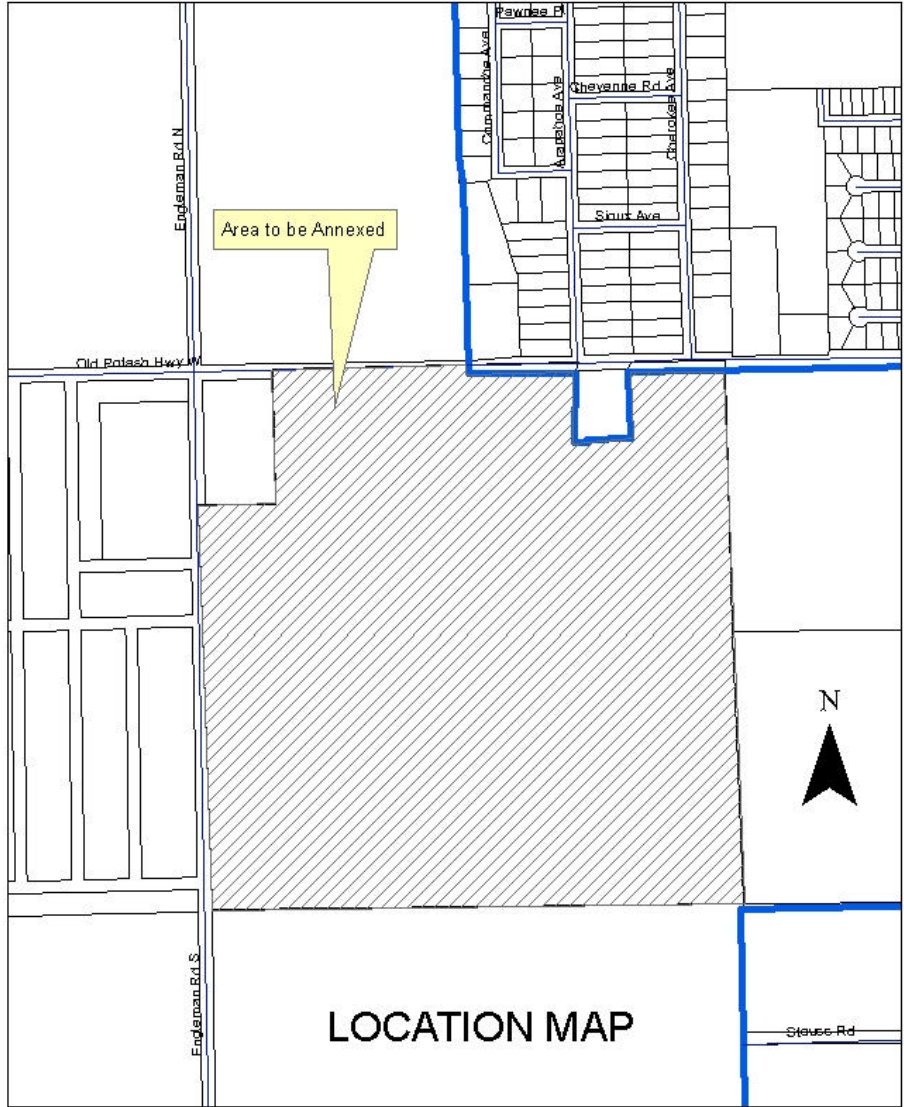
1. Refer the annexation request to the Hall County Regional Planning Commission
2. Choose not to refer the annexation request to the Hall County Regional Planning Commission
3. Table the issue

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.





City of Grand Island

Tuesday, November 08, 2005

Council Session

Item J1

Approving Payment of Claims for the Period of October 26, 2005 through November 8, 2005

The Claims for the period of October 26, 2005 through November 8, 2005 for a total amount of \$2,368,834.78. A MOTION is in order.

Staff Contact: RaNae Edwards