
City of Grand Island



Tuesday, January 10, 2006

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 Curtis Holzworth, Evangelical Free Church, 2609 South Blaine 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, January 10, 2006

Council Session

Item C1

Presentation by the Grand Island Girl Scout Brownie Troop #331

The Stolley Park 3rd grade Brownie Troop #331 under the leadership of Jill O'Neill will be present to kick off the start of Girl Scout Cookie sales.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item E1

**Public Hearing on Request of The Cigarette Store Corp. dba
Smoker Friendly, 724 West 2nd Street for a Class "D" Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 10, 2006

Subject: Public Hearing on Request of The Cigarette Store Corp dba Smoker Friendly, 724 West 2nd Street for a Class “D” Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

The Cigarette Store Corp dba Smoker Friendly, 724 West 2nd Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only 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.

Smoker Friendly is located at the intersection of 2nd Street and Eddy Street with a drive thru window for the sale of tobacco. City staff has concerns with traffic safety and would recommend that no business be conducted at the drive thru window. Please see attached memo’s from the Public Works and Building Departments.

Nebraska Liquor Control Commission Rules and Regulations Section 53-178.01 reads as follows: **Licensee; sale to person within motor vehicle; prohibited; exception.** No licensee shall sell alcoholic liquor, including beer, to any person for consumption off the licensed premises while such person is in any manner within any motor vehicle. This section shall not apply to sales to handicapped persons in a motor vehicle displaying a current handicapped license plate issued by the Department of Motor Vehicles.

See the attached Liquor Application Checklist.

Alternatives

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

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

Recommendation

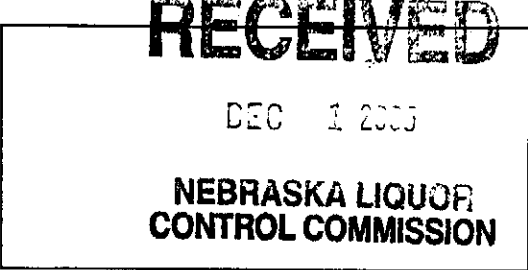
Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this request contingent upon final inspections and with the stipulation that no business will be conducted at the drive thru window.

Sample Motion

Move to approve the request of The Cigarette Store Corp. dba Smoker Friendly, 724 West 2nd Street for a Class 'D' Liquor License contingent upon final inspections and with the stipulation that no business will be conducted at drive thru window.

APPLICATION FOR LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.nol.org/home/NLCC/



OFFICE USE ONLY

CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS(S)

RETAIL LICENSE(S)

- A Beer, On Sale Only \$45.00
- B Beer, Off Sale Only \$45.00
- C Beer, Wine & Distilled Spirits, On & Off Sale \$45.00
- D Beer, Wine & Distilled Spirits, Off Sale Only \$45.00
- I Beer, Wine & Distilled Spirits, On Sale Only \$45.00

Class K Catering license may be added to any of these classes with an additional fee of \$100.00 and filing form 35-4202

MISCELLANEOUS

			Bond
<input type="checkbox"/>	L	Craft Brewery (Brew Pub)	\$295.00 1,000 min.
<input type="checkbox"/>	O	Boat	\$ 95.00 N/A
<input type="checkbox"/>	V	Manufacturer, Beer, Wine & Distilled Spirits (additional fee of \$100 to \$1,000-call for exact amount)	\$ 45.00 10,000 min.
<input type="checkbox"/>	W	Wholesale Beer	\$295.00 5,000 min.
<input type="checkbox"/>	X	Wholesale Liquor	\$545.00 5,000 min.
<input type="checkbox"/>	Y	Farm Winery	\$295.00 5,000 min.

All Class C licenses expire October 31st
All other licenses expire April 30th
Catering expire same as underlying retail license

TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- Individual License, requires insert form 1
- Partnership License, requires insert form 2
- Corporate License, requires insert form 3a and manager application 3b

NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION

(Commission will call this person with any questions we may have)

Name: Daniel Gallagher Phone: 303 442-2520 / 219

Firm Name: The Cigarette Store Corp.

Firm address: 3223 Arapahoe #201, Boulder, CO 80303

PREMISE INFORMATION

Trade Name (doing business as) Smoker friendly - Tobacco, Liquor, Wine, Beer

Street Address #1 724 W. 2nd Street

Street Address #2 _____

City Grand Island County Hall

Zip Code 68801

Telephone number at premise to be licensed 303 395-8930

Is this location inside the city/village corporate limits: YES NO

Mail to Address (where you want receipt of Liquor Control Commission mailings)

Name: The Cigarette Store Corp

Street Address #1 3223 Arapahoe #201

Street Address #2 P.O. Box 18690

City Boulder, CO County Boulder

Zip Code 80308-1690

DESCRIPTION AND DRAWING OF THE STRUCTURE TO BE LICENSED

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

- See Attached -

RECEIVED

DEC 1 2005

NEBRASKA LIQUOR CONTROL COMMISSION

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

- Yes If yes, please explain below or attach a separate page.
 No

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DEC 1 2005

**NEBRASKA LIQUOR
CONTROL COMMISSION**

2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required). Liquor Inventory may be taken at time of application being submitted.

- Yes
Current business name and license number _____
 No

3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license. If yes, attach agreement. **Please note: This agreement is not effective until Commissions assigns you a 3-digit ID number.**

- Yes
 No

4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.

- Yes _____
 No _____

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DEC 1 2005

NEBRASKA LIQUOR CONTROL COMMISSION

5. Will any person or entity other than applicant be entitled to share in the profits of this business? If yes, explain. All involved members must be disclosed on application.

Yes
 No

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.

Yes
 No

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain? (No silent partners)

Yes
 No

8. Are the premises to be licensed within 150 ft of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Neb. Rev. Stat. 53-177.

Yes
 No

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties.

Yes
 No

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or make withdrawals on accounts at the institutions.

US Bank
424 W. 3rd
Grand Island, NE 68901
Terry Gallagher Jr.

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.

1. Colorado Alcohol Beverage License - 1054 W. Vine, Ft. Collins, CO
3.2% Beer Retail Off Premises - Lic # 06-12947-0048
2. NLCC Class D Liquor License - 825/827 S. Jeffers, North Platte, NE
License # 66210

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DEC 1 2005

12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be supervising operations.

Megan Kenney Location Manager
45-50 hours per week

NEBRASKA LIQUOR CONTROL COMMISSION

13. List the training or experience (when and where) of the person listed in #12 above in connection with selling and/or serving alcohol products.

Trained in the sale of age restricted products as manager of Tobacco store. Corporate policy is to ID under the age of 35 for the sale of any age restricted product. Company conducts monthly compliance shops and employs the "We Card" training program.

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

- Lease: expiration date _____
- Deed
- Purchase Agreement

15. When do you intend to open for business? As soon as license is issued.

16. What will be the main nature of business? What are the anticipated hours of operation? Retail Tobacco and Liquor
M-SAT 8A-10pm Sunday 12:00noon-6pm

17. List the principal residence(s) for the past 10 years for all persons required to sign application, including spouses. If necessary attach a separate sheet.

Applicant Name	From: Year	To: Year	City/State
<i>See Attached</i>			

The undersigned applicant(s) hereby consent(s) to a background investigation and release present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance

of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

Signature Pages Included

(sign here) (sign here)

(sign here) (sign here)

RECEIVED

(sign here) (sign here)

DEC 1 2000

(sign here) (sign here)

NEBRASKA LIQUOR CONTROL COMMISSION

(sign here) (sign here)

Subscribed in my presence and sworn to before me this

_____ day of _____

Notary Public Signature & Seal

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

FORM 35-4010
REV. 4/05

RECEIVED

DEC 1 2005

NEBRASKA LIQUOR CONTROL COMMISSION

7. List the principal residence for the past 10 years for all persons required to sign application. If necessary attach a separate sheet.

NAME	FROM (YEAR)	TO (YEAR)	RESIDENCE (CITY, STATE)
Terry Gallagher Sr	1994	2005	Boulder, CO
David Berschhof	1994	2005	Denver, CO
Phil Herbison	1994	2005	Longmont, CO
Terry Gallagher Jr	1994	2005	Boulder, CO
Mike Gallagher	1994	2005	Boulder, CO
Mary Szarmach	1994	2005	Boulder, CO
Delmar Peterson	1994	2005	Cheyenne, WY
Nancy Gallagher	1994	2005	Boulder, CO
Dan Gallagher	1994	2005	Superior, CO
Kathleen Allen	1994	2005	Billings, MT
Cynthia Berschhof	1994	2005	Denver, CO
Windy Gallagher	1994	2005	Boulder, CO
Gayle Gallagher	1994	2005	Boulder, CO
Randy Szarmach	1994	2005	Boulder, CO
Suzan Peterson	1994	2005	Cheyenne, WY
Rhonda Gallagher	1994	2005	Superior, CO
Ron Allen	1994	2005	Billings, MT



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: December 27, 2005

TO: RaNae Edwards, City Clerk

FROM: Robert Falldorf, Captain

RE: Liquor License/Liquor Manager Designation
Applications for "Smoker Friendly/Megan Kenney"

The Grand Island Police Department has no objections to the issuance of a Liquor License to Smoker Friendly, 724 West 2nd Street, Grand Island, Nebraska or to the Manager Designation for the establishment to Megan Marie Kenney, 221 East Street, Phillips, Nebraska.

RF/rk

**CITY OF GRAND ISLAND
LIQUOR APPLICATION CHECKLIST**

___ Retail: Individual **

- ___ Applicant is Nebraska Resident.
- ___ Applicant is of good character and reputation in the community in which he or she resides.
- ___ Applicants is citizen of the United States.
- ___ Applicant has no Felony or Class I Misdemeanor convictions or guilty pleas.
- ___ Applicants has had no prior liquor licenses issued under the Nebraska Liquor Control Act revoked.
- ___ Applicant's spouse must qualify the same as applicant.
- ___ Applicant owns premise or has a lease of premise for the full period for which the license is issued.
- ___ Premise meets State Fire Marshal codes.
- ___ Applicant is not a law enforcement officer.
- ___ Applicant is at least 21 years of age.

___ Retail: Partnership **

- ___ One partner must be a resident of Nebraska.
- ___ All partners and spouses must be citizens of the United States.
- ___ All partners must be of good character and reputation in the community.
- ___ All partners must not have been convicted or plead guilty to a Felony or Class I Misdemeanor.
- ___ All partners must not have had a liquor license issued under the Nebraska Liquor Control Act revoked.

___ **Retail: Limited Liability Company ****

___ One of the members must be a resident of Nebraska.

___ All members of such company must qualify to above individual restrictions.

___ **Retail: Corporation ****

___ Any officer, manager, or director of the corporation or any stockholder owning more than 25% of the stock must qualify to above individual restrictions.

___ The manager and spouse of the corporation must be a resident of Nebraska and qualify to above individual restrictions.

___ Corporation must be registered with the Secretary of State.

___ Corporation owned by a corporation, the owning corporation must register with the Secretary of State.

___ **Manufacturer, Wholesaler, Railroad, Airline, Boat, Nonbeverage**

___ Application filed in duplicate.

___ Beer Wholesaler must file sales territory of their brands.

___ Must file a bond.

___ Must pay registration fee and license fee.

___ No Manufacturer or Wholesaler may have interest as owner, part owner, lessee, or lessor in any retail establishment.

****All Retail Licenses:**

___ Premise is not within 150' from any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children.

___ Premise is not within 300' from any college campus.

Other Comments or Concerns:

CITY OF
GRAND ISLAND

INTEROFFICE
MEMORANDUM

DATE: January 5, 2006

SUBJECT: Drive up window to Smoker Friendly at 724 West 2nd Street

TO: Gary Greer
RaNae Edwards

FROM: Steve Riehle

The Regional Planning Commission and the City Council adopted guidelines for all site plan reviews in 1985. These guidelines required a minimum 100' stacking distance for drive-up service windows when the driveway is off a street that is not classified as a local street. The minimum distance of 100' from the window to the property line is needed for stacking of vehicles in line.

In 2004, the business opened a drive-up window that was located closer than 100' to the property line. In January 2005 in a spirit of cooperation, city staff negotiated with the property owners to move the drive-up window as far back in the existing building as possible. The drive-up window is approximately 45' from the US Highway 30/2nd Street property line.

This window continues to be a problem with 4 to 5 vehicles regularly waiting in line. Many times the line will back up into US Highway 30/2nd Street. The situation is not safe and will only be exacerbated if there is an increase in traffic to the property.

Public works recommends that the approval of a liquor license be contingent on removal of the existing drive-up window.



January 5, 2006

*Working Together for a
Better Tomorrow. Today.*

The Cigarette Store Corp.
Attn: Daniel Gallagher
3223 Arapahoe #201
PO Box 18690
Boulder CO 80308-1690

RE: Liquor License inspection for store located at 724 W 2nd Street, Grand Island, NE

Dear Mr. Gallagher,

An inspection was conducted of the above referenced property on January 5, 2006. Based upon that inspection the following items are in need of your attention to correct violations of the adopted building and electrical codes:

1. There were a number of extension cords being utilized as permanent wiring that need to be removed.
2. Electrical wall receptacle cover plates were missing along the south and east walls.
3. A hole had been cut into the floor along the west wall leaving an opening to the basement for what appeared as ventilation. That hole needs to be closed to provide separation from the basement and the main floor.
4. In the basement the clearances from combustibles and the furnace and water heater were adequate and had been maintained. Continued monitoring needs to be paramount as the amount of combustibles in the basement is extreme and I believe the Fire Department will address that issue.

The drive up window for the facility had, in the past, been approved based upon a plan submitted, the occupancy of the building and the limited amount of stacking distance available. I believe with the introduction of additional product offered for sale that the traffic at the site may once again become a concern for traffic along (second street) and the Public Works Department. The items listed need to be corrected at your earliest opportunity and additional inspections will be required prior to a Liquor License being released from the City Clerk's office.

If you have any questions, comments, or need any additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig A. Lewis".

Craig A. Lewis
Building Department Director





Eddy Street

Smoker
Friendly

2nd Street

N





City of Grand Island

Tuesday, January 10, 2006

Council Session

Item E2

**Public Hearing on Acquisition of 3.198 Acres of Land for
Expansion of Recreation Trail Rights-of-Way Located at the
Cornhusker Army Ammunition Plant in the SW1/4 of Section 11-
11-11**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: January 10, 2006

Subject: Right-of-Way Acquisition for Hike/Bike Trail Easement at the Former Cornhusker Army Ammunition Plant

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

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

Background

Over the past several years nearly 25 miles of trail easements have been acquired on the former Cornhusker Army Ammunition Plant (CAAP) site. These easements have been acquired as the various parcels of land have been auctioned off. The auctions held to date have sold off nearly all lands available for redevelopment.

Discussion

The easement purchase request before the City Council represents one of the final easements to be acquired to complete the property acquisition necessary to allow for the construction of the trail network laid out for the former CAAP site. The easement consists of 3.198 acres at a cost of \$1,918.80. There are funds in the 40044450-90027 Miscellaneous Park Projects account to pay for this easement.

Alternatives

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

1. Move to accept the easement
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 purchase the easement offered by the Army Corp of Engineers.

Sample Motion

Motion to purchase the easement offered by the Army Corp of Engineers for an amount of \$1,918.80.

**DEPARTMENT OF THE ARMY
AMENDMENT NO. 4
TO
EASEMENT NO. DACA45-2-01-6078
CORNHUSKER ARMY AMMUNITION PLANT
HALL COUNTY, NEBRASKA**

WHEREAS, on the 30th day of May 2001, **CITY OF GRAND ISLAND**, a political subdivision of the State of Nebraska, hereinafter referred to as the grantee, was granted Easement No. DACA45-2-01-6078 in perpetuity for a right-of-way to plan, construct, maintain, repair and operate a public recreation trail, hereinafter referred to as the facilities, in, over, and upon certain lands of the United States; and

WHEREAS, said right-of-way covered only a portion of the planned recreation trail system located on the Cornhusker Army Ammunition Plant; and

WHEREAS, Amendment No. 1 granted the use of 40.57 acres, more or less, of additional land for extension of the recreation trail and added Condition No. 24; and

WHEREAS, Amendment No. 2 granted the use of 9.32 acres, more or less, of additional land for the further extension of the recreation trail; and

WHEREAS, Amendment No. 3 granted use of 13.51 acres, more or less, of additional land for still another extension of recreation trail; and

WHEREAS, the grantee has requested that the Department of the Army grant it additional right-of-way over Tract 21A at the locations identified in the planned recreation trail system located on the Cornhusker Army Ammunition Plant; and

NOW THEREFORE, effective 3 October 2005, in consideration of the premises, Easement No. DACA45-2-01-6078 is amended in the following particulars, but in no others:

- a. The granting clause, as amended, is further amended as follows:

The land described on Exhibit "E," attached hereto and made a part hereof, is added to the right-of-way.

- b. The following sentence is added to Condition No. 3:

"For the additional right-of-way the grantee shall pay in advance to the United States an amount of **ONE THOUSAND NINE HUNDRED EIGHTEEN AND 80/100 DOLLARS (\$1,918.80)**, for the term hereof, payable as stated herein."

Original

Encl 11

LEGAL DESCRIPTION FOR THIRTY (30.0) FOOT WIDE
HIKE AND BIKE TRAIL EASEMENT SITUATED IN A PART OF THE SW1/4
OF SECTION 11- T11N-R11W, HALL COUNTY, NEBRASKA
(PROPOSED CAAP TRACT NO. 21A)

A tract of land comprising a part of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, said tract being more particularly described as follows:

First to ascertain the point of beginning, start at the northwest corner of said Southwest Quarter (SW1/4); thence running southerly, along and upon the west line of said Southwest Quarter (SW1/4), a distance of Two Hundred Seventy Three and Forty Eight Hundredths (273.48) feet to the southwest corner of a survey by Lee D. Wagner, L. S. No. 557, dated April 1, 2005, and referred to as "CAAP Tract No. 20A;" thence deflecting left $103^{\circ}45'27''$ and running northeasterly, along and upon the south line of said "CAAP Tract No. 20A," a distance of Fifty One and Forty Eight Hundredths (51.48) feet to a point on the easterly right of way line of Schauppsville Road, said point being Fifty (50.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), said point being the ACTUAL point of beginning; thence continuing northeasterly, along and upon the previously described course, a distance of Thirty and Eighty Nine Hundredths (30.89) feet to a point, said point being Eighty (80.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4); thence deflecting right $103^{\circ}45'27''$ and running southerly, parallel with and Eighty (80.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), a distance of Two Thousand Four Hundred Seven and Seventy Five Hundredths (2,407.75) feet to a point which is Sixty Three (63.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4); thence deflecting left $90^{\circ}19'57''$ and running easterly, parallel with and Sixty Three (63.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4), a distance of Two Thousand Two Hundred Eight and Seventy Six Hundredths (2,208.76) feet to a point on the northerly prolongation of the east line of a survey by Lee D. Wagner, L. S. No. 557, dated August 28, 2001, and referred to as "CAAP Tract No. 31A;" thence deflecting right $90^{\circ}24'45''$ and running southerly, along and upon the northerly prolongation of the east line of said "CAAP Tract No. 31A," a distance of Thirty (30.0) feet to a point on the northerly right of way line of 13th Street, said point being Thirty Three (33.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4); thence deflecting right $89^{\circ}35'15''$ and running westerly, along and upon the northerly right of way line of said 13th Street, which is, Thirty Three (33.0) feet north of (measured perpendicular to) the south line of said Southwest Quarter (SW1/4), a distance of Two Thousand Two Hundred Thirty Eight and Seventy Two Hundredths (2,238.72) feet to a point on the easterly right of way line of said Schauppsville Road, said point being Fifty (50.0) feet east of (measured perpendicular to) the west line of

LEGAL DESCRIPTION FOR THIRTY (30.0) FOOT WIDE
HIKE AND BIKE TRAIL EASEMENT SITUATED IN A PART OF THE SW1/4
OF SECTION 11- T11N-R11W, HALL COUNTY, NEBRASKA
(PROPOSED CAAP TRACT NO. 21A)
(CONTINUED)

said Southwest Quarter (SW1/4); thence deflecting right 90°19'57" and running northerly, along and upon the easterly right of way line of said Schauppsville Road, which is, Fifty (50.0) feet east of (measured perpendicular to) the west line of said Southwest Quarter (SW1/4), a distance of Two Thousand Four Hundred Thirty and Fifty Eight Hundredths (2,430.58) feet to the ACTUAL point of beginning and containing 3.198 acres, more or less.

TOTAL acres 3.198 x \$600 = \$1,918.80

Airport Rd W

Schauppsville Rd N

70th Rd N

13th St W

Alda Rd N

Old Potash Hwy W

Schauppsville Rd S


Stolley Park Rd W

80th Rd

Alda Rd S

Legend

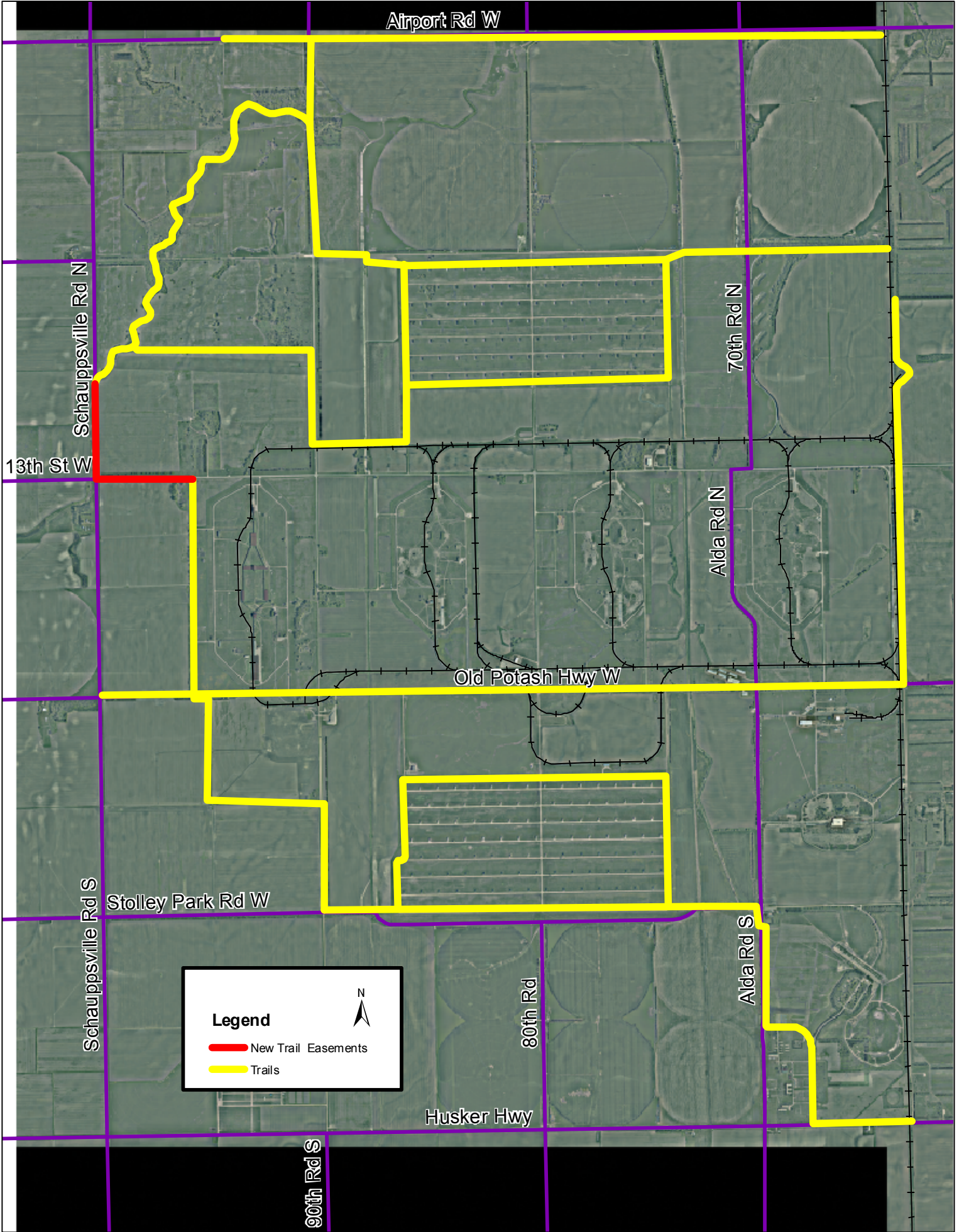


 New Trail Easements

 Trails

Husker Hwy

90th Rd S





City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G1

Approving Minutes of December 20, 2005 City Council Regular Meeting

The Minutes of December 20, 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

December 20, 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 December 20, 2005. Notice of the meeting was given in the *Grand Island Independent* on December 14, 2005.

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

INVOCATION was given by Pastor Mike Reiners, Peace Lutheran Church, 4018 Zola Lane followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek gave the "State of the City" address in which he mentioned the many activities taken place within the city over the past year. Mentioned were changes in the public safety departments, major improvements such as the Grand Generation Center expansion, library expansion, new fire station, and new police/sheriff department public safety center.

Environmental improvements at the wastewater treatment plant was a goal that would be looked at by council next year along with a 10 percent reduction in the tax levy. Also mentioned were the major projects facing each department within the city.

PRESENTATIONS AND PROCLAMATIONS:

Musical Presentation by the La Camerata Madrigal Singers Under the Direction of Pam Ahlman. The La Camerata Madrigal Singers presented three holiday selections for the Mayor and City Council.

PUBLIC HEARINGS:

Public Hearing on Request of Club 69, Inc. dba Club 69, 106 East 3rd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that Nickie Kallos, Jr. owner of Club 69, Inc. dba Club 69, 106 East 3rd Street had submitted an application with the City Clerk's Office for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 17, 2005; notice to the applicant of date, time, and place of hearing mailed on November 29, 2005; notice to the general public of date, time, and place of hearing published on December 10, 2005; along with

Chapter 4 of the City Code. John McDermott, Attorney for Nickie Kallos, Jr. spoke in support. No further public testimony was heard.

Public Hearing on Change of Zoning for Land Proposed for Platting as Autumn Park Third Subdivision from RD Residential Development to Amended RD Residential Development. Chad Nability, Regional Planning Director reported that M. Timm Development, owner of the land proposed for platting as Autumn Park Third Subdivision, requested an amended plan which was originally approved in 1995. The amended plan proposed 16 unit buildings instead of 12 unit buildings. Tony Clark, representing M. Timm Development spoke in support. Greg Baxter, 1723 Bridle Lane spoke about concerns of drainage. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at 1932 Aspen Circle. (Northstar Plaza, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1932 Aspen Circle was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose of this easement would be to locate electric underground cable and a three phase pad-mounted transformer to provide electrical service to a new building. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 4179 Old Potash Highway. (Barry & Jolynn Niedfelt) Steve Riehle, Public Works Director reported that acquisition of a utility easement located at 4179 Old Potash Highway was needed in order to provide public sewer to serve the development of Copper Creek Subdivision. No public testimony was heard.

ORDINANCES:

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

- #9021 - Consideration of Vacation of all Public Utility Easements in Lot 1 of Autumn Park 2nd Subdivision (Undeveloped Property West of 3720 West State Street)
- #9022 – Consideration of Change of Zoning for Land Proposed for Platting as Autumn Park Third Subdivision from RD Residential Development to Amended RD Residential Development

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

Steve Riehle, Public Works Director reported on Ordinance #9021. The developer of Autumn Park 2nd Subdivision requested the easements be vacated since this subdivision was never developed and Autumn Park Third Subdivision would have utilities in different locations.

Discussion was held concerning Ordinance #9022 and drainage. Chad Nability, Regional Planning Director reported that it was proposed to create a concrete lining to the north of the property to drain into Moores Creek. Maintenance and green space were also discussed.

Motion by Pielstick, second by Hornady to approve Ordinance #9021 and #9022.

City Clerk: Ordinances #9021 and #9022 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9021 and #9022 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9021 and #9022 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Item G-7 was pulled for questions. Motion by Cornelius, second by Hornady to approve the Consent Agenda excluding Item G-7. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 6, 2005 City Council Regular Meeting.

Approving Minutes of December 13, 2005 City Council Study Session.

Approving Re-Appointments of Vic Aufdemberge, George Bartenbach, Jim Berglund, and Matthew Armstrong and the Appointment of Joan Dillenchach to the Business Improvement District #5 Board.

Approving Request of Nickie Kallos, Jr., 1704 East 6th Street for Liquor Manager Designation for Club 69, 106 East 3rd Street.

Approving Preliminary Plat for Autumn Park Third Subdivision.

#2005-348 – Approving Final Plat and Subdivision Agreement for Autumn Park Third Subdivision. It was noted that Milan E. Timm, owner proposed to create 25 lots on a parcel of land located in the SE1/4 of Section 12-11-10.

#2005-350 – Approving Acquisition of Utility Easement Located at 1932 Aspen Circle. (Northstar Plaza, LLC)

#2005-351 – Approving Bid Award for One (1) 700 Horsepower Motor Repair with Hupp Electric Motors of Cedar Rapids, Iowa in an Amount of \$70,573.74.

#2005-352 – Approving Engineering Services Contracts Black & Veatch of Kansas City, Missouri and Sargent & Lundy of Chicago, Illinois.

#2005-353 – Approving Engineering Services for Riverway Hike/Bike Trail with Olsson Associates of Grand Island and Lincoln, Nebraska in an Amount of \$32,248.00.

#2005-354 – Approving Acquisition of a Public Utility Easement Located at 4179 Old Potash Highway. (Barry & Jolynn Niedfelt)

#2005-355 – Approving Change Order No. 1 to the Contract for Construction of Sanitary Sewer District 515 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$7,466.00 and a Revised Contract of \$520,099.30.

#2005-356 – Approving Certificate of Final Completion with The Diamond Engineering Company of Grand Island, Nebraska and Scheduling the Board of Equalization for Sanitary Sewer District No. 515, Dale Roush Subdivision (Indian Acres).

#2005-357 – Approving Certificate of Final Completion for Asbestos Removal and Demolition of Improvements Located West of the Edith Abbott Memorial Library with Environmental Director, Inc. of Grand Island, Nebraska.

#2005-358 – Approving State Bid Award for 3/4 Ton Pickup Truck (Solid Waste Division) with Anderson Ford of Grand Island, Nebraska in an Amount of \$27,315.00.

#2005-359 – Approving Amendment No. 3 to the Police and Firefighters Pension Plans.

#2005-360 – Approving Hall County Local Emergency Operations Plan (LEOP).

#2005-349 – Approving Intent to Annex Land Located South of Old Potash Highway and East of Engleman Road and Schedule Public Hearing for January 24, 2006. Discussion was held concerning the time frame for services to be available. Chad Nabity, Regional Planning Director reported that sewer would be available by the summer of 2006 and the developer would pay the costs. It was reported that water was already available.

Motion by Gilbert, second by Hornady to approve Resolution #2005-349. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request of Club 69, Inc. dba Club 69, 106 East 3rd Street for a Class “C” Liquor License.

Motion by Whitesides, second by Pauly to approve the request of Club 69, 106 East 3rd Street for a Class “C” Liquor License. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of December 7, 2005 through December 20, 2005, for a total amount of \$3,742,417.70. Motion adopted unanimously. Councilmember Pielstick abstained from voting on claim #115417.

Motion by Cornelius, second by Hornady to approve the following Claims for the Library Expansion:

#9	\$23,266.20
#10	140,651.24
#11	1,333.36
#12	50.00
#13	225.00

Motion adopted unanimously.

Each Councilmember gave a holiday greeting, thanking the Mayor, City Administrator, staff, employees, and constituents for the past year.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G2

Approving Appointment of Dee Johnson to Business Improvement District #5 Board

The Mayor has submitted the appointment of Dee Johnson to Business Improvement District #5 Board. This appointment would become effective immediately, upon approval by City Council and would expire on December 31, 2008. Ms. Johnson would fill the position left vacant by Cindy Duff who did not want to be considered for another appointment to the BID #5 Board. Approval is recommended.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G3

Approving Request of Megan Kenney, PO Box 131, 221 East Street, Phillips, Nebraska for Liquor Manager Designation for Smoker Friendly, 724 West 2nd Street

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 10, 2006

Subject: Request of Megan Kenney, PO Box 131, 221 East Street, Phillips, Nebraska for Liquor Manager Designation for Smoker Friendly, 724 West 2nd Street

Item #'s: G-3

Presenter(s): RaNae Edwards, City Clerk

Background

Megan Kenney, PO Box 131, 221 East Street, Phillips, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D-70994" Liquor License for Smoker Friendly, 724 West 2nd Street. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all 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 Megan Kenney, PO Box 131, 221 East Street, Phillips, Nebraska for Liquor Manager Designation in conjunction with the Class "D-70994" Liquor License for Smoker Friendly, 724 West 2nd Street.



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G4

Approving Preliminary Plat for Copper Creek Estates

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: January 10, 2006
Subject: Copper Creek Estates - Preliminary Plat
Item #'s: G-4
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 560 lots and 3 outlots on a parcel of land in the NW ¼ 23-11-10. This land consists of approximately 150.56 acres.

Discussion

Greg Baxter spoke and expressed concerns with the City continuing to expand into the county and taking good farm ground away and not infilling in the current City Limits. He also expressed concern with drainage. He said this property is usually underwater during a hard rain event and adding more housed and hard surface to this area will only add to the drainage problem in this part of town.

Roger Luebbe expressed concerns that he has a grain drying business on the northwest corner of this development and they create a lot of noise. He is concerned that a housing development would prohibit him from continuing to use his agricultural land as he does now.

Robert Baker said there would be a 6 to 8 foot block wall around this area to help buffer the noise, and knowing how the land is used now they would create an agreement with the owners of these homes to disclose this use and the noise and also prevent the home owner from filing any law suits against Mr. Luebbe in the future.

The Planning Commission discussed the drainage issues thoroughly. The developers will be creating ditches along Old Potash Highway as part of the project to extend sewer to this property. They have a drainage easement across the property immediately to the east and will use the existing cell on their property to contain and control runoff as development occurs.

The City will continue to extend the backbone drainage system in this area. Plans are to continue this system to Old Potash Highway in the 2007 budget year with additional expansions in 2008 and beyond. These expansions to the planned drainage system were designed to accommodate water from this and surrounding properties as they develop.

Alternatives

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

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

Recommendation

A motion was made by Ruge 2nd by Hayes to approve the preliminary plat with any final plat approval subject to rezoning to R2-Low Density Residential and no increase in the rate of drainage leaving the property.

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

Sample Motion

Approve the Preliminary Plat for Copper Creek Estates as presented.



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G5

**#2006-1 - Approving Acquisition of Easement Amendment No. 4
for Hike/Bike Trail at the Cornhusker Army Ammunition Plant**

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

Staff Contact: Steve Paustian

RESOLUTION 2006-1

WHEREAS, on May 23, 2000, by Resolution 2000-164, the City Council of the City of Grand Island approved the acquisition of property at the former Cornhusker Army Ammunition Plant area to be used as a hike/bike trail; and

WHEREAS, the Department of Army, Corps of Engineers has agreed to grant the City of Grand Island use of 3.198 acres of additional land for the expansion of its hike/bike trail; and

WHEREAS, a public hearing was held on January 10, 2006, for the purpose of discussing the proposed acquisition of an additional 3.198 acres of land located in part of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., in Hall County, Nebraska, to be used for such hike/bike trail.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 4 to Easement No. DACA45-2-01-6078 to authorize the City to acquire 3.198 acres of additional land for the expansion of its hike/bike trail located in the former Cornhusker Army Ammunition Plant area is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such Amendment No. 4 on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G6

#2006-2 - Approving Bid Award for Asbestos Abatement and Building Demolition and Removal

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: January 10, 2006

Subject: Bid Award for Asbestos Abatement and Building Demolition and Removal

Item #'s: G-6

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

Background

The City acquired 412 acres of former Cornhusker Army Ammunition Plant property. Included in this 412 acre purchase were several buildings formerly used by the Army. In December one of the buildings was set on fire and now needs to be cleaned up and the debris removed and buried.

Discussion

Three bids were received, with the low base bid being provided by Environmental Direct, Inc. of Grand Island. The base bid provided by Environmental Direct was for \$62,750.00. This base bid was lower than the bids provided by Great Plains Asbestos Control, Inc of \$69,750.00 and ESA, Inc. \$91,000.00. Two alternate bids were also received from the three bidding entities, however; funding limitations will not allow for the award of these bids at this time.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid award to Environmental Direct, Inc. of Grand Island for \$62,750.00.

Sample Motion

Motion to approve bid award to Environmental Direct, Inc..



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: December 29, 2005 at 11:15 a.m.
FOR: Asbestos Abatement & Building Demolition & Removal
DEPARTMENT: Parks and Recreation
ESTIMATE: \$225,000.00
FUND/ACCOUNT: 61550020-85465
PUBLICATION DATE: December 11, 2005
NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder:	<u>Great Plains Asbestos Control, Inc.</u> Kearney, NE	<u>ESA, Inc.</u> Omaha, NE
Bid Security:	Arch Insurance Company	Great American Ins. Co.
Exceptions:	None	None
Base Bid Price:	\$69,750.00	\$91,000.00
Alternate #1:	\$42,475.00	\$35,000.00
Alternate #2:	<u>\$52,340.00</u>	<u>\$62,000.00</u>
Total Bid:	\$164,565.00	\$188,000.00
Bidder:	<u>Environmental Direct, Inc.</u> Grand Island, NE	
Bid Security:	Arch Insurance Company	
Exceptions:	None	
Base Bid Price:	\$62,500.00	
Alternate #1:	\$39,500.00	
Alternate #2:	<u>\$49,500.00</u>	
Total Bid:	\$151,500.00	

cc: Steve Paustina, Park & Recreation Director
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Patti Buettner, Parks & Rec. Sec.
Dale Shotkoski, Purchasing Agent

RESOLUTION 2006-2

WHEREAS, the City of Grand Island invited sealed bids for Asbestos Abatement and Building Demolition and Removal for the Parks and Recreation Department, according to specifications on file with the Parks and Recreation Department office; and

WHEREAS, on December 29, 2005, bids were received, opened and reviewed; and

WHEREAS, Environmental Direct, Inc. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$62,500.00; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Environmental Direct, Inc. of Grand Island, Nebraska, in the amount of \$62,500.00 for asbestos abatement and building demolition and removal is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G7

**#2006-3 - Approving Bid Award - Circulating Water Pump
Motor - Platte Generating Station, Utilities Department**

Staff Contact: Gary R. Mader; Dale Shotkoski

Council Agenda Memo

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

Meeting: January 10, 2006

Subject: Circulating Water Pump Motor

Item #'s: G-7

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

Background

The Platte Generating Station has two circulating water pumps that pump cooling water between the cooling tower and the main condenser. Each of these pumps is driven by a 700 hp motor. The use of one pump is required to operate the plant during the cold weather months and both pumps are required for operation during warmer weather, generally April to October. One of the circulating water pump motors recently failed. That motor is being repaired. However, due to the essential nature of this system and the long lead times required to repair or obtain a replacement motor, it is the recommendation of the Utilities Department that a new motor be purchased as a spare. Specifications were developed for a replacement motor by our consultant for this project, Black & Veatch, and were issued in accordance with City purchasing procedures.

Discussion

The specifications for the Circulating Water Pump Motor were issued for bid and responses were received from the following bidders. The engineer's estimate for this project was \$112,000.00.

Bidder	Motor Manuf.	Bid Price
Rocky Mountain Electric Motors, Grand Junction, CO	(US Motor)	\$ 93,945.64 *
Malloy Electric, Inc., Sioux City, IA	(US Motor)	\$102,377.20
Northwest Electric, Inc., Columbus, NE	(Weg)	\$103,052.40 *
Hupp Electric, Inc., Cedar Rapids, IA	(Weg)	\$107,066.54 *
Colin Electric Motor Service	(Weg)	\$117,329.75
Rocky Mountain Electric Motors, Grand Junction, CO	(Siemens)	\$146,282.08 *

* Bid price adjusted for sales tax

The bids were reviewed for compliance with the City's detailed specifications. The bids from Rocky Mountain Electric and Mallory Electric propose to provide a motor that does not meet the specifications. The US Motor proposed in the bids from these two suppliers does not meet the torque requirements called for in the technical specifications. Therefore, those bids are non-compliant with the specifications. The next low bid, from Northwest Electric, meets the requirements of the technical specification with only minor exceptions that are acceptable to the Department.

Alternatives

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

1. Move to approve the award of the contract for the Circulating Water Pump Motor
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 award the purchase of a Circulating Water Pump Motor to Northwest Electric from Columbus, Nebraska, as the low responsive bidder, at a purchase price of \$103,052.40.

Sample Motion

Motion to approve the bid of \$103,052.40 from Northwest Electric of Columbus, Nebraska, for the Circulating Water Pump Motor as submitted.



Dale M. Shotkoski, Assistant City Attorney

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BID OPENING

BID OPENING DATE: December 28, 2005 at 11:00 a.m.
FOR: Circulating Water Pump Motor
DEPARTMENT: Utilities
ESTIMATE: \$112,000.00
FUND/ACCOUNT: E-525
PUBLICATION DATE: December 9, 2005
NO. POTENTIAL BIDDERS: 10

SUMMARY

Bidder:	<u>Colin Electric Motor Service</u> Lincoln, NE	<u>Hupp Electric Motors</u> Cedar Rapids, IA
Bid Security:	\$6,977.41	\$5,072.00
Exceptions:	Noted	Noted
Bid Price:	\$117,329.75	\$101,428.00
Bidder:	<u>Northwest Electric, Inc.</u> Columbus, NE	<u>Rocky Mountain Electric Motors</u> Grand Junction, CO
Bid Security:	Travelers Casualty & Surety	\$7,400.00
Exceptions:	Noted	Noted
Bid Price:	\$105,032.26	\$146,144.58
Bidder:	<u>Rocky Mountain Electric Motors</u> Grand Junction, CO	<u>Malloy Electric</u> Sioux City, IA
Bid Security:	\$5,000.00	\$5,200.00
Exceptions:	Noted	Noted
Bid Price:	93,808.14	\$102,377.20

cc: Gary Mader, Utilities Director
Pat Gericke, Utilities Admin. Sec.
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Bob Smith, Assist. Utilities Director
Karen Nagel, Utilities Secretary
Dale Shotkoski, Purchasing Agent

RESOLUTION 2006-3

WHEREAS, the City of Grand Island invited sealed bids for Circulating Water Pump Motor for the Utilities Department, according to specifications on file at Platte Generating Station; and

WHEREAS, on December 28, 2005, bids were received, opened and reviewed; and

WHEREAS, Northwest Electric, Inc. of Columbus, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$103,052.40; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Northwest Electric, Inc. of Columbus, Nebraska, in the amount of \$103,052.40 for a circulating water pump motor is hereby approved as the lowest responsible bid.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form _____
January 4, 2006 City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G8

**#2006-4 - Approving Bid Award - Platte River Well Field - Wells 6
& 7 Earthwork (Contract 2006-WF-1)**

Staff Contact: Gary R. Mader; DaleShotkoski

Council Agenda Memo

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

Meeting: January 10, 2006

Subject: Bid Award for Contract 2006-WF-1 – Platte River Wellfield Wells Six (6) and Seven (7) Earthwork

Item #'s: G-8

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

Background

The Utilities Department is replacing wells six (6) and seven (7) at the Platte River Wellfield. Since the Wellfield is in a flood prone area, all structures and facilities there are placed substantially above the natural elevation of the land. Contract 2006-WF-1 provides for the earth moving work necessary for installation of the pump foundations, well closure buildings and access roads. The raised elevation also provides protection against surface water intrusion during flood events to protect the groundwater quality of the wells.

Attached for reference is a site drawing.

Discussion

The contract bid solicitation was publicly advertised and the bid documents were sent to seven potential bidders. Bids were opened in accordance with City Procurement Codes at 11:00 a.m. on December 29, 2005. Two bids were received as tabulated below:

Bidder	Exceptions	Bid Price
The Diamond Engineering Company Grand Island, NE	None	\$39,356.61
Hooker Brothers Construction Grand Island, NE	None	\$28,420.00

Both bids have been evaluated by Utility Engineering staff. Both are complete and are without exceptions.

The project is scheduled for completion by April 1, 2006.

Alternatives

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

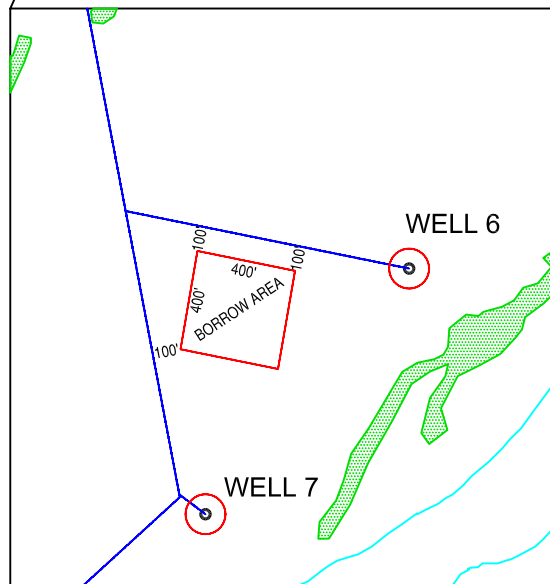
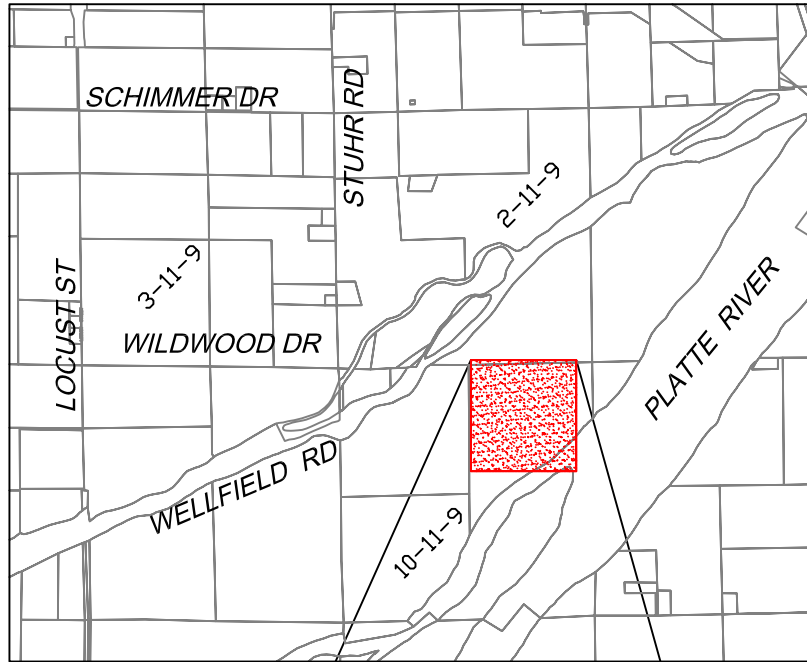
1. Move to approve the award of Well Field Contract 2006-WF-4 to the low responding bidder
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council award Contract 2006-WF-1, Platte River Wellfield Wells Six (6) and Seven (7) Earthwork, to the low responsive bidder, Hooker Brothers Construction of Grand Island, NE, in the amount of \$28,420.00.

Sample Motion

Motion to the award of Contract 2006-WF-1 to Hooker Brothers Construction.



CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

**2006-WF-1
PROJECT LOCATION**



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: December 29, 2005 at 11:00 a.m.

FOR: Contract 2006-WF-1 Platte River Well Field –
Wells 6 & 7 Earthwork

DEPARTMENT: Utilities

ESTIMATE: \$35,000.00

FUND/ACCOUNT: 525

PUBLICATION DATE: December 12, 2005

NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder:	<u>The Diamond Engineering Co.</u> Grand Island, NE	<u>Hooker Brothers Construction</u> Grand Island, NE
Bid Security:	Universal Surety Company	Western Surety Company
Exceptions:	None	None
Bid Price:	\$39,356.61	\$28,420.00

cc: Gary Mader, Utilities Director
Tom Barnes, Utilities Eng. Manager
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Bob Smith, Asst. Utilities Dir.
Pat Gericke, Utilities Admin. Sec.
Dale Shotkoski, Purchasing Agent

RESOLUTION 2006-4

WHEREAS, the City of Grand Island invited sealed bids for Contract 2006-WF-1, Platte River Well Field Wells 6 & 7 Earthwork, according to specifications on file with the Utilities Engineering Office at Phelps Control Center; and

WHEREAS, on December 29, 2005, bids were received, opened and reviewed; and

WHEREAS, Hooker Brothers Construction of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$28,420.00; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hooker Brothers Construction of Grand Island, Nebraska, in the amount of \$28,420.00 for Contract 2006-WF-1, Platte River Well Field Wells 6 & 7 Earthwork is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G9

**#2006-5 - Approving Continuation of Water Main District 452 -
Knott Avenue, Lake Street and Tri Street**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Meeting: January 10, 2006
Subject: Continuation of Water Main District 452
Item #'s: G-9
Presenter(s): Gary R. Mader, Utilities Director

Background

The Utilities Department received a request for 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. Per the request, District 452 was created by Ordinance 9015 to provide service to the single family homes in the area and the new commercial development being planned along the west side of Locust Street.

Discussion

The proposed installation would be done as an assessment district. This is the standard method for installing water mains in developed areas that request City service. The eligible construction costs are charged to the property owners within the district's boundary. Assessments can be financed with the Water Department to be collected over a five year period, at 7% simple interest on the unpaid balance. All owners of record within the boundaries of District 452 were notified of its creation and had thirty days to submit objection to the project. The protest period ended at 5:00 p.m., December 15, 2005.

One letter of protest was received against District 452. That protest represents 101.0 feet of the total 3,072.87 of frontage, or 3.3%.

Since protest was received from less than 50% of the front footage of the land owners, the district may be continued by Council, per Nebraska Statute, 16.667.01, RRS 1943.

See the attached plat indicating the protesting property's location.

Alternatives

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

1. Move to approve the continuation of Ordinance 9015, creating 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 continue Water Main District 452.

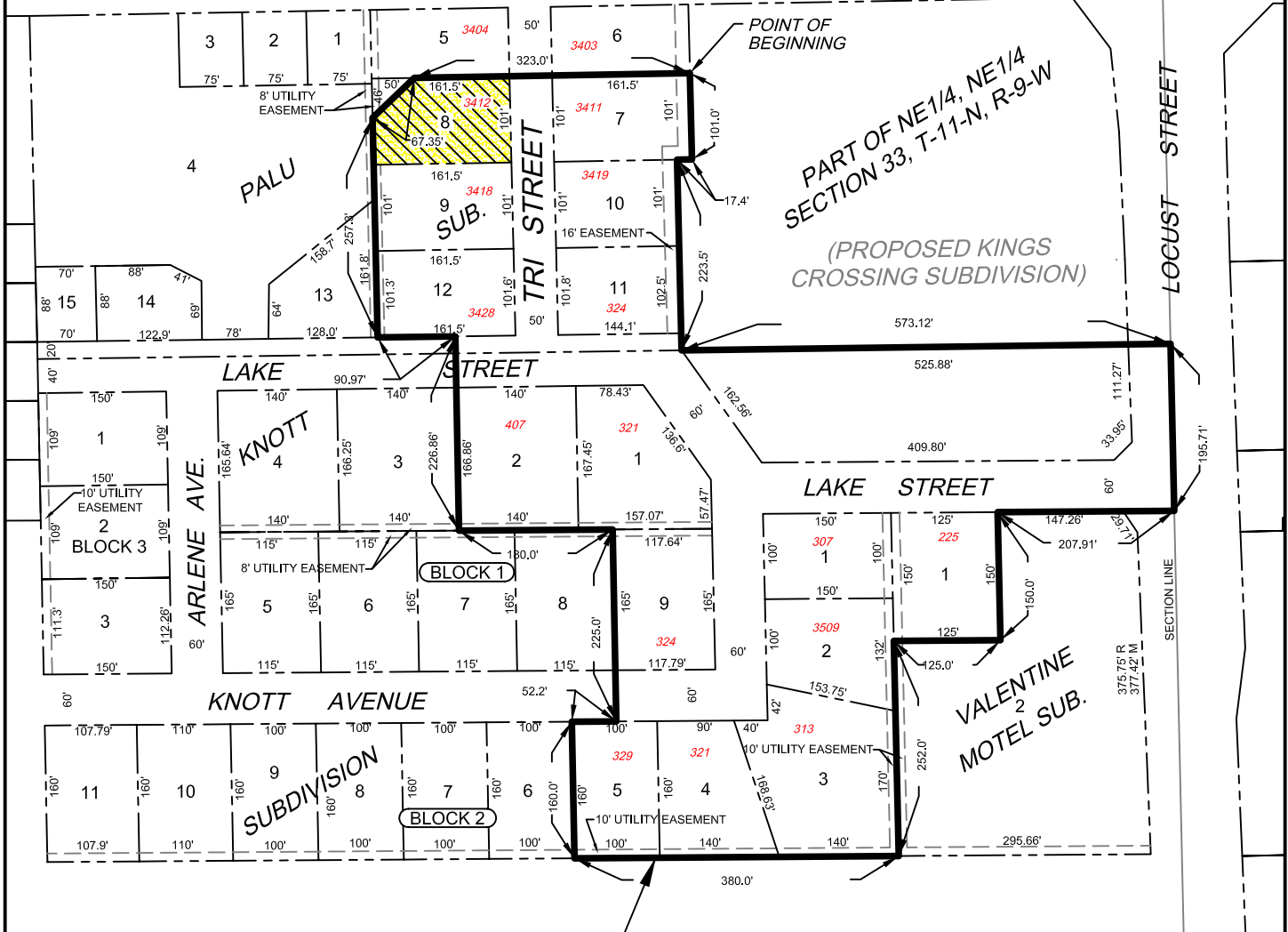
Sample Motion

Motion to approve the continuation of Water Main District 452.

U.S. HIGHWAY 34

SECTION LINE

NORTHEAST CORNER-
SECTION 33, T11N, R9W



POINT OF BEGINNING

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

LOCUST STREET

**WATER MAIN
DISTRICT 452
BOUNDARY**

EXHIBIT "A"

LEGEND



INDICATES
PROTEST



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

RESOLUTION 2006-5

WHEREAS, Water Main District No. 452 was created by Ordinance No. 9015 on November 8, 2005; and

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

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

WHEREAS, the protest period ended on December 15, 2005; and

WHEREAS, protests were filed with the City Clerk against the creation of Water Main District No. 452 which represented 3.3% of the total district front footage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Water Main District No. 452, and such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G10

**#2006-6 - Approving Change Order No. 1 to the Contract with
A&R Construction for Street Improvement District 1255;
Independence Avenue, Shanna Street & Lariat Lane**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Approving Change Order No. 1 to the Contract with A&R Construction for Street Improvement District 1255; Independence Avenue, Shanna Street & Lariat Lane

Item #'s: G-10

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

Background

On April 4, 2005 the City of Grand Island entered into a contract with A & R Construction for construction of Street Improvement District 1255; Independence Avenue, Shanna Street and Lariat Lane. Any changes to the contract must be approved by the city council.

Discussion

The Engineering Division of the Public Works Department is submitting Change Order No. 1 in the amount of \$798.00, with the following changes:

- A. Construct four (4) concrete collars for storm sewer pipe located at both ends of the concrete storm sewer that is tapped into the box culvert. (4 @ \$125.00 ea =\$500.00)
- B. Replace a broken sanitary sewer manhole ring and cover located on Shanna Street west of Lariat Lane. (1 @ \$298.00)

Alternatives

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

1. Make a motion to approve Change Order No.1.

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 Change Order No. 1 to the contract with A & R Construction Co. for construction of Street Improvement District 1255.

Sample Motion

Motion to approve Change Order No.1.

City of Grand Island
100 East 1st Street
Grand Island, Nebraska 68801

CHANGE ORDER NO. 1

Date of Issuance: December 6, 2005

PROJECT: Independence Avenue, Street Improvement District No. 1255, City of Grand Island, Nebraska

CONTRACTOR: A & R Construction, P.O. Box 121, Plainview, NE 68769

CONTRACT DATE: March 8, 2005

AMOUNT OF ORIGINAL CONTRACT: \$416,354.66

You are directed to make the changes noted below in the subject contract:

- 1) Construct four (4) concrete collars for storm sewer pipe located at both ends of the concrete storm sewer that is tapped into the box culvert. (\$125.00 Each x 4 = \$500.00)
- 2) Replace a broken sanitary sewer manhole ring and cover that is located on Shanna Street west of Lariat Lane. (\$298.00)

The changes result in the following adjustment of Contract Price and Contract Time:

Contract Price Prior to This Change Order\$416,354.66
 Net Increase/Decrease Resulting from this Change Order.....\$ 798.00
 Revised Contract Price Including this Change Order.....\$417,152.66

Contract Time Prior to This Change Order/Calendar Days - Substantial Completion 266 Days
 Net Increase Resulting from This Change Order/Calendar Days 0 days
 Current Contract Time Including this Change Order/Calendar Days - Substantial Completion 266 Days

Approval Recommended:

City of Grand Island

 Owner
 By [Signature]
 Public Works Director, City of Grand Island
 Date 11/21/2005

Approval Recommended:

Olsson Associates - Project No. 2001-0895

 By [Signature]
 Kevin L. Prior, Vice President
 Date 11/17/2005

The Above Change Order Accepted:

A & R Construction

 Contractor
 By [Signature]
 Date 11-17-05

Approved for the City of Grand Island

 Mayor
 Attest: _____
 City Clerk
 Date _____

RESOLUTION 2006-6

WHEREAS, on March 8, 2005, by Resolution 2005-62, the City of Grand Island awarded the bid for Street Improvement District No. 1255 to A & R Construction Co. of Plainview, Nebraska; and

WHEREAS, on March 22, 2005, by Resolution 2005-84, the City of Grand Island approved a corrected bid amount of \$416,354.66 for such contract; and

WHEREAS, it has been determined that modifications to the work to be performed by A & R Construction Co. are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$798.00 for a revised contract price of \$417,152.66.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and A & R Construction Co. of Plainview, Nebraska to provide the modification set out as follows:

Construct 4 concrete collars for storm sewer pipe located at both ends of the concrete storm sewer that is tapped into the box culvert.....	500.00
Replace broken sanitary sewer manhole ring and cover	298.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G11

#2006-7 - Approving Certificate of Final Completion for Street Improvement District 1255; Independence Avenue, Shanna Street & Lariat Lane

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Certificate of Final Completion for Street Improvement District 1255; Independence Avenue, Shanna Street & Lariat Lane

Item #'s: G-11

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

Background

The contract for Street Improvement District 1255 was awarded to A & R Construction Company of Plainview, NE on March 8, 2005. Work commenced on August 4, 2005 and was completed on October 7, 2005.

Discussion

Street Improvement District 1255 was completed in accordance with the terms, conditions, and stipulations of the contract, the plans, and the specifications. The project was completed on schedule at a construction price of \$412,912.70. Total cost of the project, including contract administration, is \$549,297.66. Costs for the project break down as follows:

Original Bid	\$ 416,354.66
Underruns	(\$ 4,239.96)
Change Order #1	\$ 798.00
Sub Total (Construction Price)	\$ 412,912.70
Additional Costs:	
Outside Engineering (Olsson Assoc.)	\$ 128,126.71
Contract Administration, Engineering, and Publication Costs	\$ 8,258.25
Total Cost	\$ 549,297.66

Alternatives

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

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

Recommendation

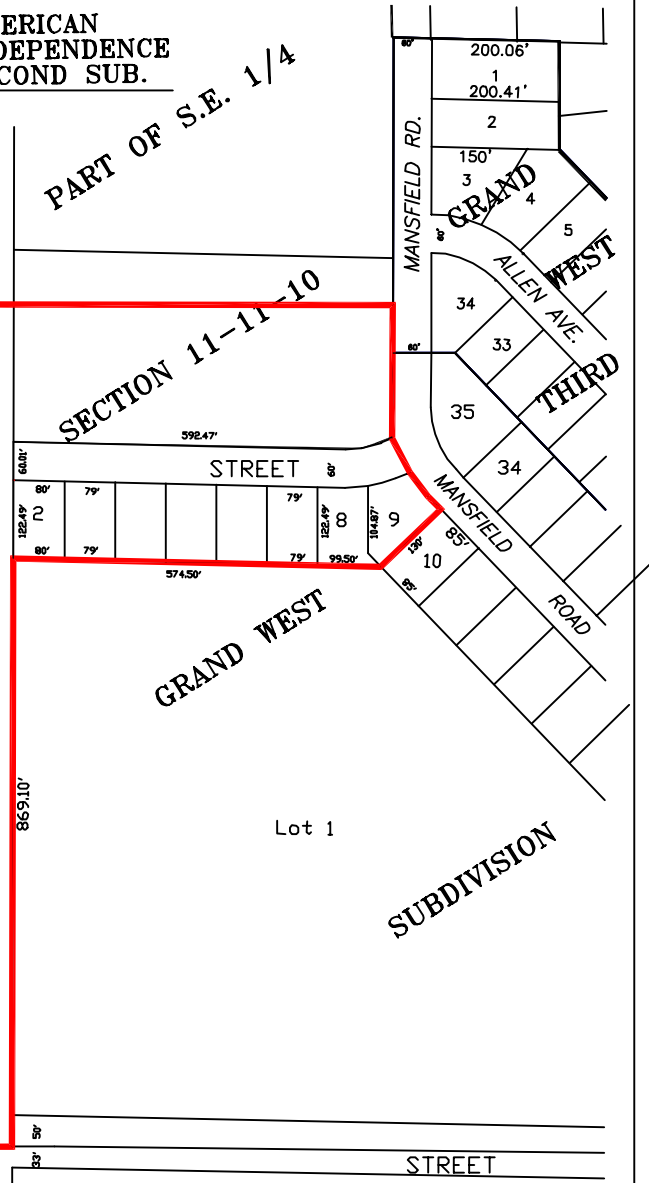
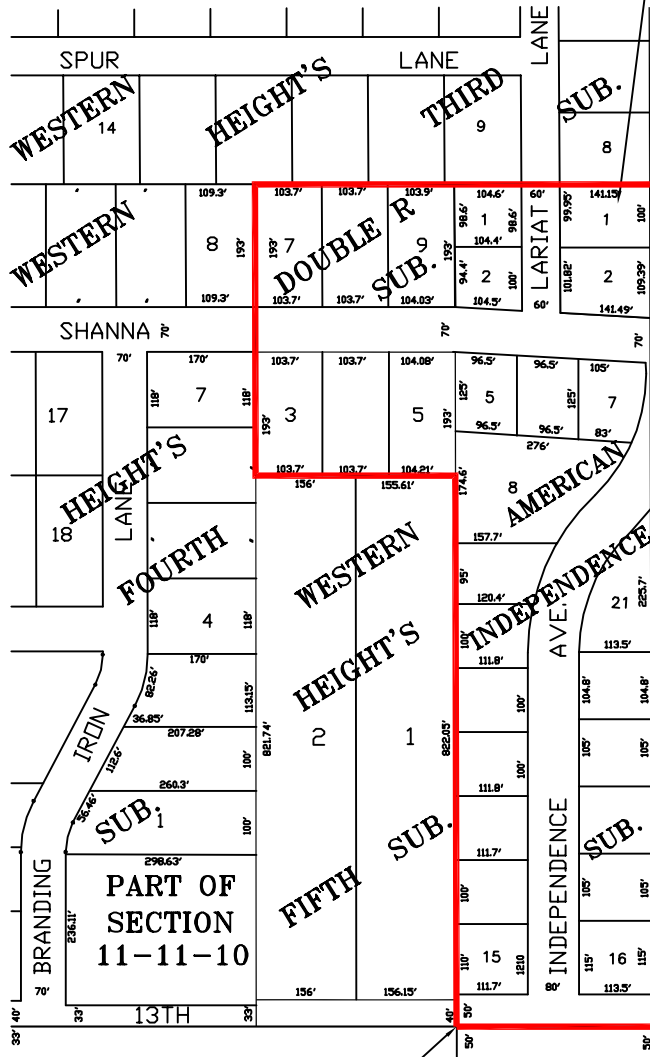
City Administration recommends that the Council approve the Certificate of Final Completion for Street Improvement District 1255.

Sample Motion

Move to approve the Certificate of Final Completion.

AMERICAN INDEPENDENCE SECOND SUB.

PART OF S.E. 1/4



POINT OF BEGINNING



EXHIBIT "A"

STREET IMPROVEMENT DISTRICT NO. 1255

CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT

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

PLAT ACCOMPANY ORDINANCE NO. 8938

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

STREET IMPROVEMENT DISTRICT 1255

CITY OF GRAND ISLAND, NEBRASKA

JANUARY 10, 2006

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

This is to certify that construction of STREET IMPROVEMENT DISTRICT NO. 1255 has been fully completed by A & R Construction Company of Plainview, NE under the contract dated April 4, 2005. The construction of this street improvement district 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 regarding this Street Improvement District is hereby accepted for the City of Grand Island, Nebraska, by me as Public Works Director in accordance with the provisions of Section 16-650 R.R.S., 1943.

District No. 1255, Independence Avenue, Shanna Street & Lariat Lane

Item No.	Description	Total	Unit	Total Price
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Cost

SECTION A - SURFACING					
1.	Earthwork	1.00	LS	\$8,000.00	\$ 8,000.00
2.	7" Concrete Pavement	5542.90	SY	\$21.57	\$ 18,870.36
3.	6" Concrete Pavement	6397.30	SY	\$20.00	\$ 228,636.00
4.	6" Concrete Integral Curb	5119.70	LF	\$1.35	\$ 6,911.60
5.	7" Asphaltic Concrete Pavement	0		\$51.00	\$ 0
		TN			
6.	6" Concrete Driveway	96.50		\$22.00	\$ 2,123.00
		SY			
7.	Concrete Header	41.00	LF	\$5.00	\$ 205.00
8.	6" Concrete Bike Trail	336.70	SY	\$20.11	\$ 6,771.04
9.	Adjust Manhole to Grade	8.00	EA	\$150.00	\$ 1,200.00
10.	Adjust Valve Box to Grade	42.00	EA	\$65.00	\$ 2,730.00
11.	Seeding	3.00	AC	\$1,200.00	\$ 3,600.00
12.	Overexcavation	334.00	CY	\$7.00	\$ 2,338.00
13.	Remove Existing Asphalt Pvmnt.	283.10	SY	\$5.00	\$ 1,415.50
14.	Remove 6" Concrete Bike Trail	331.10	SY	\$3.00	\$ 993.30

15.	Clearing & Grubbing	1.00	LS	\$2,500.00	\$ 2,500.00
16.	Remove Gravel Drive	26.00		\$5.00	\$ 130.00
		SY			
17.	Remove Concrete Drive	98.80		\$4.00	\$ 395.20
		SY			
18.	Remove Concrete Header	37.00	LF	\$4.00	\$ 148.00
	TOTAL SECTION A				\$286,966.99
	SECTION B – STORM SEWER				
19.	3.5' x 4.0' Modified "D" Curb Inlet	7.00	EA	\$1,250.00	\$ 8,750.00
20.	4.0' x 4.0' Modified "D" Curb Inlet	3.00	EA	\$1,250.00	\$ 3,750.00
21.	4.5' x 4.0' Modified "D" Curb Inlet	0	EA	\$1,350.00	\$ 0
22.	4.0' x 4.0' Storm Sewer Manhole	1.00	EA	\$1,250.00	\$ 1,250.00
23.	47B Concrete For Box Culvert	179.00	CY	\$255.00	\$ 45,645.00
24.	Reinforcing Steel For Box Culvert	19860.00	LB	\$0.73	\$ 14,497.80
25.	47B Concrete For Headwalls	10.00	CY	\$257.00	\$ 2,570.00
26.	Reinforcing Steel for Box Culvert	830.00	LB	\$0.73	\$ 605.90
27.	Earthwork for Box Culvert & HW	1.00	LS	\$7,000.00	\$ 7,000.00
28.	Manhole Entrance to Box Culvert	1.00	EA	\$650.00	\$ 650.00
29.	15" Reinforced Concrete SS Pipe	447.00	LF	\$20.21	\$ 9,033.87
30.	18" Reinforced Concrete SS Pipe	479.00	LF	\$22.54	\$ 10,796.66
31.	18" Rnd. Equ. Reinforced Pipe	40.00	LF	\$48.00	\$ 1,920.00
32.	24" Reinforced Concrete SS Pipe	427.00	LF	\$30.24	\$ 12,912.48
33.	30" Reinforced Concrete SS Pipe	26.00	LF	\$52.00	\$ 1,352.00
34.	15" Reinforced Cncrte Flared End	1.00	EA	\$333.00	\$ 333.00
35.	18" Reinforced Cncrte Flared End	3.00	EA	\$377.00	\$ 1,131.00
36.	18" Rnd. Equ. Reinforced End	2.00	EA	\$555.00	\$ 1,110.00
37.	24" Reinforced Cncrte Flared End	2.00	EA	\$444.00	\$ 888.00
38.	Remove Concrete Splash Pad	55.00		\$4.00	\$

		SY		220.00
39.	Remove Existing Culvert	244.00	LF	\$3.00
				\$ 732.00
	TOTAL SECTION B			\$ 125,147.71

TOTAL SECTIONS A & B \$ 412,114.70

CHANGE ORDER NO. 1 \$ 798.00

SUB TOTAL (CONSTRUCTION COST) \$ 412,912.70

Additional Costs:

Outside Engineering (Olsson Assoc.) \$ 128,126.71

Contract Administration,
Engineering and Publication Costs - City \$ 8,258.25

TOTAL COST OF STREET IMPROVEMENT DISTRICT 1255 \$ 549,297.66

Informational Costs

Average front foot cost based on Front Foot Method is \$68.51
Amount Assessable to Property Owners Including City Property is \$315,637.57
City Property Costs is \$46,621.78
Total City Cost is \$280,281.87

Respectfully submitted,

Steven P. Riehle
Public Works Director

January 10, 2006

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

I hereby recommend that the Engineer's Certificate of Final Completion for the Street Improvement District No. 1255, be approved.

I further recommend that the Costs of Engineering be credited to Account No. 10033001-74516 from Account No. 40033530-90061 in the amount of \$8258.25.

I further recommend that the City Council sit as the Board of Equalization on February 14, 2006 to determine benefits and levy special assessments.

Respectfully submitted,

Jay Vavricek
Mayor

RESOLUTION 2006-7

WHEREAS, the City Engineer / Public Works Director for the City of Grand Island has issued a Certificate of Final Completion for Street Improvement District No. 1255 located in Independence Avenue, Shanna Street, and Lariat Lane, certifying that A & R Construction Co. of Plainview, Nebraska, under contract dated April 4, 2005, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the City Engineer / Public Works Director recommends the acceptance of the district; and

WHEREAS, the Mayor concurs with the City Engineer / Public Works Director's recommendations.

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

1. The City Engineer / Public Works Director's Certificate of Final Completion for Street Improvement District No. 1255 is hereby confirmed.
2. The City Council will sit as a Board of Equalization on February 24, 2006 to determine benefits and set assessments for Street Improvement District No. 1255.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G12

**#2006-8 - Approving Continuation of Street Improvement District
1258, Faidley Avenue West of Diers Avenue - Extending West for
Six Hundred Fifty Feet (650 Feet)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Approving Continuation of Street Improvement District 1258, Faidley Avenue Extending West for Six Hundred Fifty Feet (650 Feet)

Item #'s: G-12

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

Background

Street Improvement District 1258 was created by the City Council on November 22, 2005. Legal notice of creation of the District was published in the Grand Island Daily Independent on November 29, 2005. Notification was also mailed to the property owners on that date, stating that the construction would take place unless more than 50% of the abutting landowners submitted written protests during the protest period.

Discussion

Faidley is now paved for approximately 900' west of Diers Avenue. This district will extend the paving for another 650' to the west. A future district(s) will pave the remaining 2000' to North Road.

This district completed the 20-day protest period at 5:00 p.m., Monday, December 19, 2005. No protests were filed against this district. Accordingly, the District may be continued and constructed.

Alternatives

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

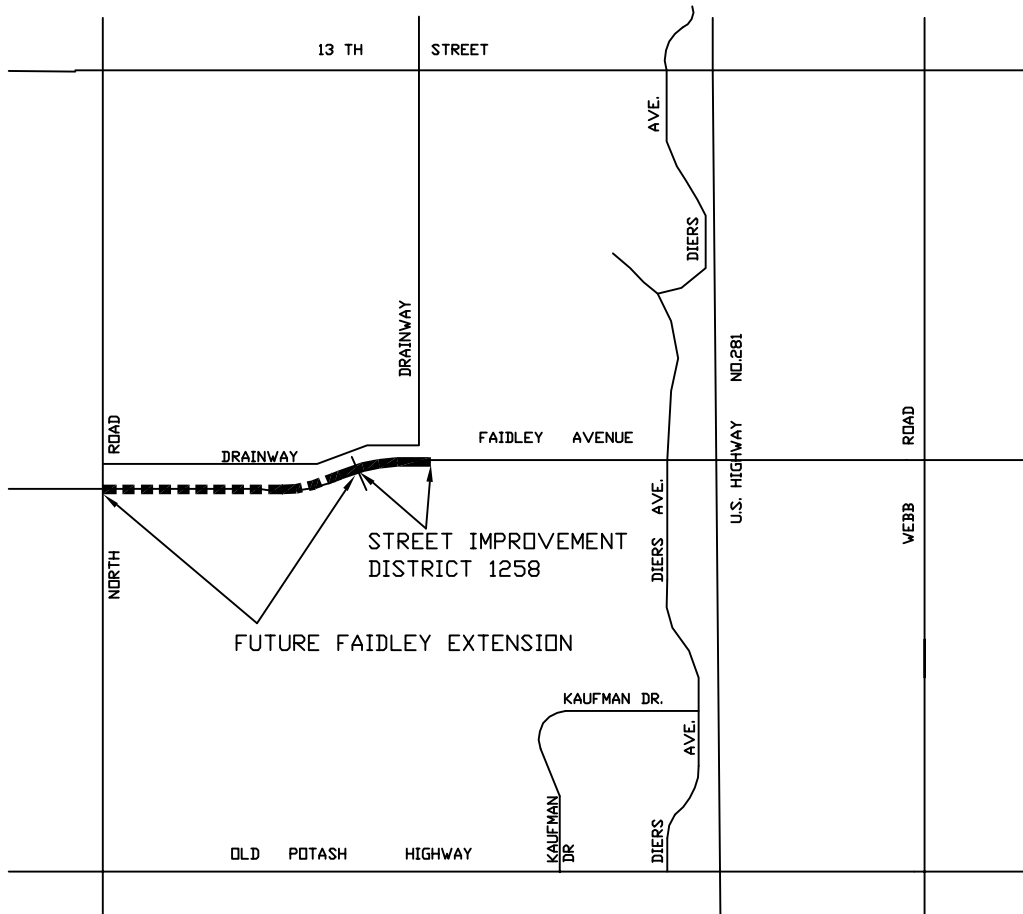
1. Move to approve the continuation and construction of Street Improvement District 1258.
2. Refer the issue to committee.
3. Postpone the issue.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the continuation and construction of District 1258.

Sample Motion

Move to approve the continuation and construction of Street Improvement District 1258.



RESOLUTION 2006-8

WHEREAS, Street Improvement District No. 1258, Faidley Avenue extension, was created by Ordinance No. 9016 on November 22, 2005; and

WHEREAS, notice of the creation of such street improvement district was published in the Grand Island Independent in accordance with the provisions of Section 16-619, R.R.S. 1943; and

WHEREAS, Section 16-620, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within twenty days from the first publication of said notice written objections to such street improvement district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on December 19, 2005, and no protests were filed with the City Clerk against the creation of Street Improvement District No. 1258.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests having been filed with the City Clerk against the creation of Street Improvement District No. 1258, such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G13

#2006-9 - Approving a Time Extension to the Contract with The Diamond Engineering Company for Construction of the Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; 2005-D-2

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Approving a Time Extension to the Contract with The Diamond Engineering Company for Construction of the Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; 2005-D-2

Item #'s: G-13

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

Background

The City Council awarded the bid for construction of the Concrete Ditch Lining, 2005-D-2, to The Diamond Engineering Company on September 13, 2005. Diamond Engineering is requesting a time extension to complete the work.

Discussion

The contractor completed the concrete ditch lining east of Idaho Avenue. The ditch lining west of Idaho was delayed by the city so the contractor could concentrate their efforts on the concrete pavement repair on US HWY 281 and the City Library Sanitary Sewer. Both of these projects were more critical.

Any changes to the contract require council approval. Diamond Engineering is requesting that the final completion date be changed from December 1, 2005 to May 5, 2006.

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 time extension.
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 extend the completion date to May 5, 2006.

Sample Motion

Move to approve the time extension.

**City of Grand Island
100 East First Street
Grand Island NE 68801**

CONTRACT TIME EXTENSION

PROJECT: Concrete Ditch Lining for Capital Heights Ditch; 2005-D-2

CONTRACTOR: The Diamond Engineering Company

AMOUNT OF ORIGINAL CONTRACT: \$48,234.75

CONTRACT DATE: September 16, 2005

Notice to Proceed Date.....**September 19, 2005**

Original Completion Date**December 1, 2005**

Revised Completion Date **May 5, 2006**

Contractor The Diamond Engineering Company

By _____

Date _____

Title _____

CITY OF GRAND ISLAND, NEBRASKA,

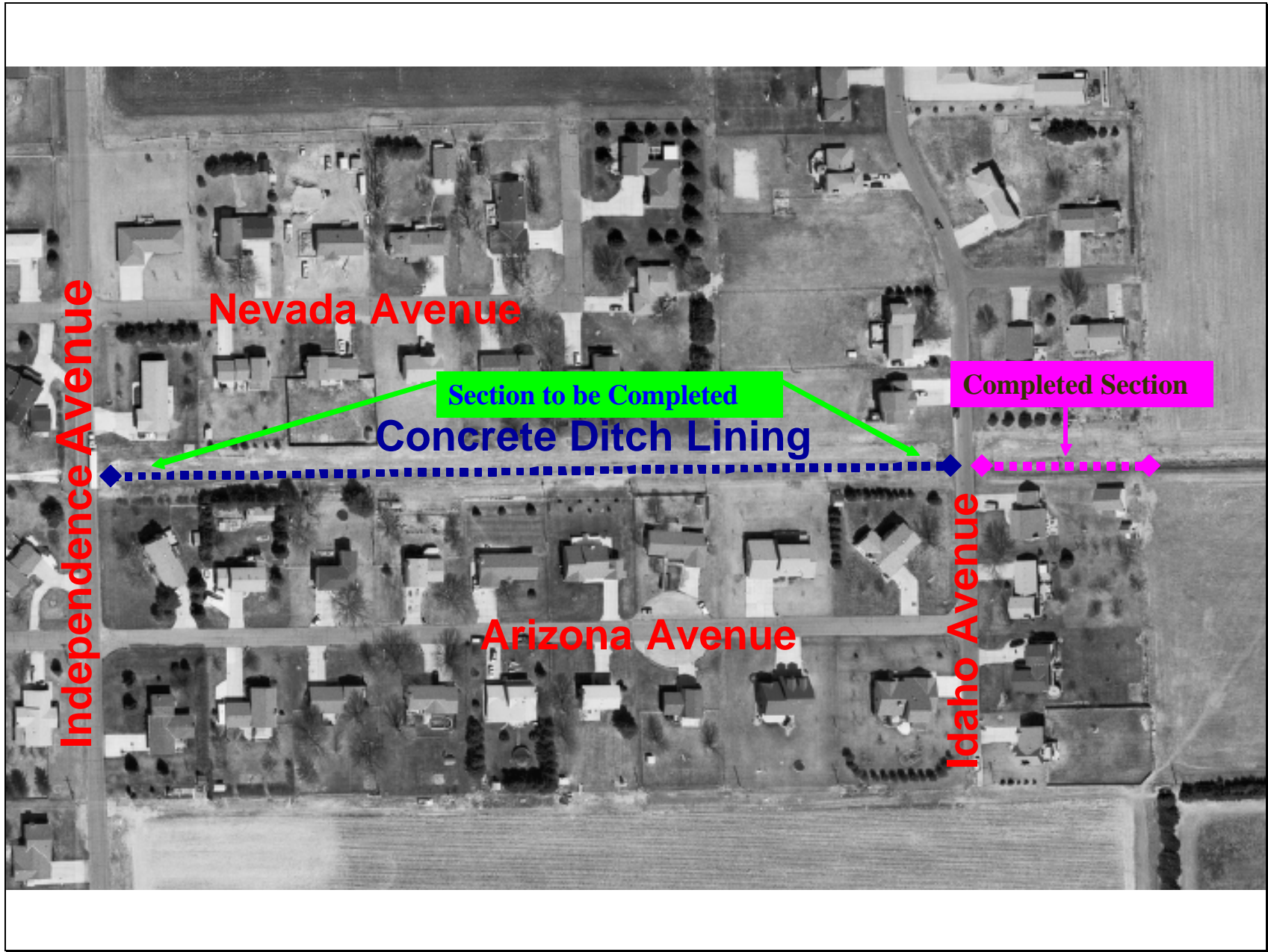
By _____

Date _____

Mayor

Attest: _____

City Clerk



Independence Avenue

Nevada Avenue

Section to be Completed
Concrete Ditch Lining

Completed Section

Arizona Avenue

Idaho Avenue

RESOLUTION 2006-9

WHEREAS, on September 13, 2005, by Resolution 2005-257, the City Council of the City of Grand Island approved the bid of The Diamond Engineering Company of Grand Island, Nebraska for Concrete Lining of the Capital Heights Ditch between Arizona Avenue and Nevada Avenue from Independence Avenue to east of Idaho Avenue; and

WHEREAS, the completion of such project has been delayed due to the City requesting the contractor to complete other higher priority City projects; and

WHEREAS, The Diamond Engineering Company has requested an extension from December 1, 2005 to May 6, 2006 in order to complete the concrete ditch lining project; and

WHEREAS, the Public Works Department is agreeable to such contract extension.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the completion date for Concrete Lining of the Capital Heights Ditch between Arizona Avenue and Nevada Avenue from Independence Avenue to east of Idaho Avenue is hereby extended until May 5, 2006.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G14

#2006-10 - Approving Transferring the Deferral of Assessments for Agricultural Property at 3732 W Husker HWY (from Gladys Schoel to Jerome Schoel); for Sanitary Sewer District 512

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Approving Transferring the Deferral of Assessments for Agricultural Property at 3732 W Husker HWY (from Gladys Schoel to Jerome Schoel); for Sanitary Sewer District 512, Mary Lane and Kentish Hills

Item #'s: G-14

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

Background

City Council action is required to approve deferral of special assessments. Payments of deferred assessments begins once the property is no longer being used for agricultural purposes; at which point the property no longer qualifies for the deferral.

Discussion

Gladys Schoel owned the agricultural property adjacent to Sanitary Sewer District 512. On December 9, 2003 the City Council approved an agricultural deferral for this property. Mrs. Schoel recently passed away and the property was transferred to Jerome Schoel. Jerome Schoel filed an application for deferral from special assessments with the Hall County Register of Deeds on December 6, 2005

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 request for an agricultural deferral.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

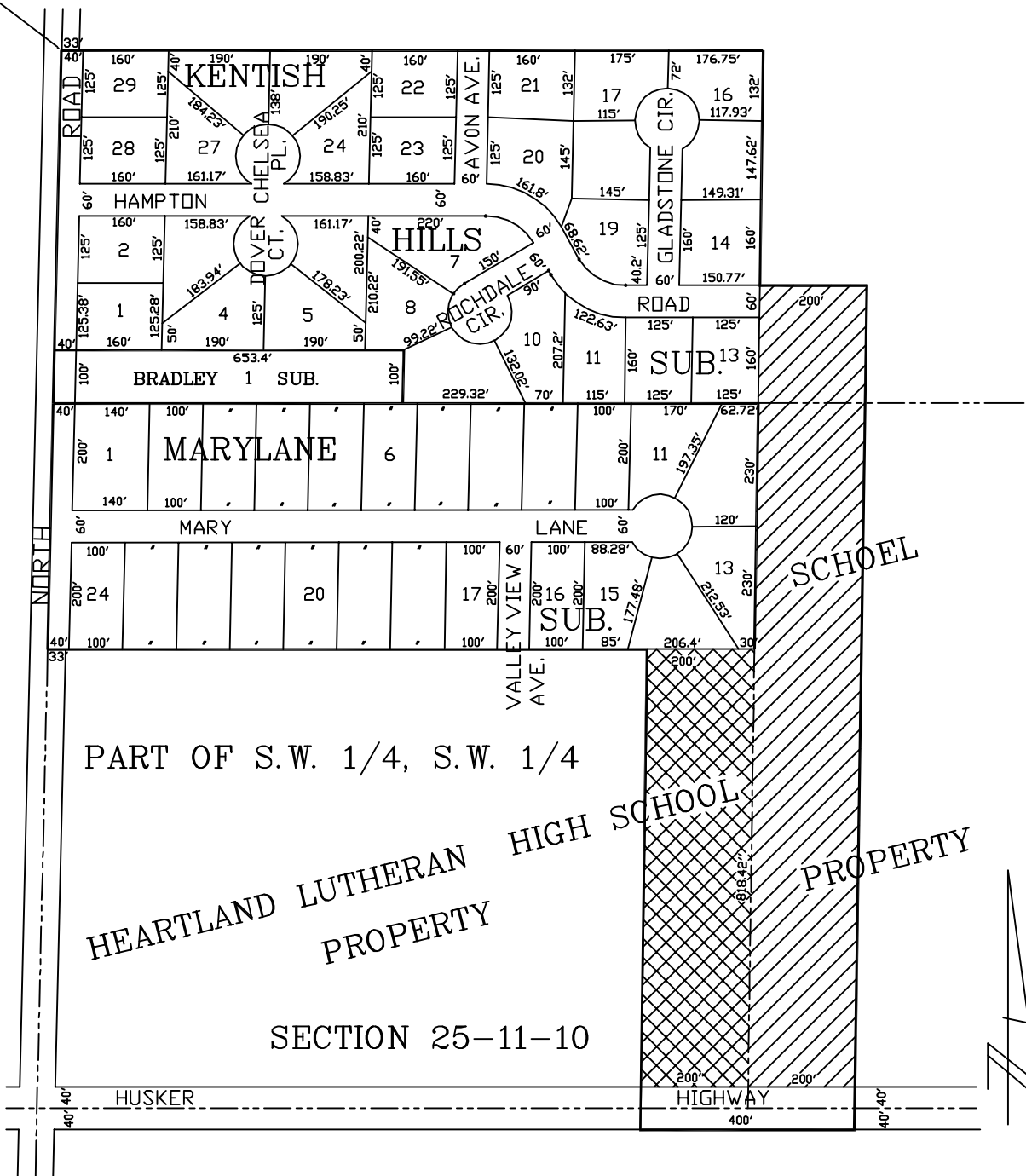
Recommendation

City Administration recommends that the Council approve the request for transferring the agricultural deferral.

Sample Motion

Move to approve the agricultural deferral.

POINT OF BEGINNING



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

RESOLUTION 2006-10

WHEREAS, on October 28, 2003, by Ordinance No. 8862, the City of Grand Island created Sanitary Sewer District No. 512; and

WHEREAS, such district includes land adjacent to the City, some of which is and continues to be, within an agricultural use zone and is used exclusively for agricultural use; and

WHEREAS, on December 9, 2003, by Resolution 2003-365, the City Council of the City of Grand Island approved an agricultural deferment for property located in such district owned by Gladys V. Schoel; and

WHEREAS, Mrs. Schoel passed away and such property was transferred to Jerome K. Schoel on November 29, 2005 according to a Deed of Distribution; and

WHEREAS, such property continues to be used exclusively for agricultural purposes; and

WHEREAS, an Application for Deferral from Special Assessments was filed by Jerome K. Schoel with the Hall County Register of Deeds on December 6, 2005 as Instrument No. 0200511991 pertaining to such property.

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

1. The special assessments levied against Gladys V. Schoel under Sanitary Sewer District No. 512 are hereby transferred to Jerome K. Schoel, and shall be deferred until terminated in accordance with Neb. Rev. Stat. §19-2430.
2. That during said deferral, no principal payments shall become due and no interest shall accrue upon the assessment.
3. That the special assessment shall be divisible upon a pro rata basis of the original assessment in the event a portion of the land shall no longer be eligible for deferral.
4. That upon termination of deferral, the principal amount of the special assessment shall be amortized over a term of ten years from that date. The first such installment shall become delinquent in fifty days after termination of deferral. Each installment except the first shall draw interest at seven percent (7%) per annum from and after the date of termination of deferral until the same shall become delinquent. Delinquent installments shall draw interest at fourteen percent (14%) per annum.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G15

**#2006-11 - Approving State Bid Award for 3/4 Ton Pickup Truck
(Waste Water Division of the Public Works Department)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 10, 2006

Subject: Approving State Bid Award for ¾ Ton Pickup Truck
(Waste Water Division)

Item #'s: G-15

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

Background

The Waste Water Division of the Public Works Department is purchasing a 2006 Ford F-250 four wheel drive, extended cab pickup. The four wheel drive pickup is used by the sewer maintenance crew in easements/alleys during all types of weather conditions. Funds for the truck were in the approved 2005/2006 budget (\$30,000 on page 270 of the 2005 / 2006 Annual Budget Report).

Discussion

The ¾ ton extended cab pickup truck awarded under State of Nebraska contract #11414 OC meets all of the requirements for the Waste Water Division. The following is a summary of the State bid contract.

<i>Bidder</i>	<i>Exceptions</i>	<i>Total Cost</i>
Anderson Ford Grand Island, Nebraska	None	\$23,861.00

There are sufficient funds for this purchase in Account No. 53030054-85625.

Alternatives

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

1. Move to approve the purchase of the pickup truck.
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 ¾ ton pickup truck from Anderson Ford of Grand Island, Nebraska.

Sample Motion

Move to approve the purchase of the ¾ ton pickup truck under state contract from Anderson Ford of Grand Island, Nebraska in the amount of \$23,861.00.

RESOLUTION 2006-11

WHEREAS, the Waste Water Waste Division of the Public Works Department budgeted in the 2005/2006 fiscal year to purchase a 2006 Ford F-250 four-wheel drive, extended cab pickup; and

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

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

WHEREAS, the funding for such vehicle is provided in the 2005/2006 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of one 2006 Ford F-250 four-wheel drive, extended cab pickup in the amount of \$23,861.00 from the State contract holder, Anderson Ford of Grand Island, Nebraska, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G16

**#2006-12 - Approving Setting Board of Equalization Date for
Annual Mowing Assessments**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: January 10, 2006

Subject: Accepting Report of Delinquent Weed Abatement Costs and Setting a Public Hearing for the Board of Equalization to Assess Weed Abatement Costs

Item #'s: G-16

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

Background

Article III of Chapter 17 to the Grand Island City Code contains a procedure for abating nuisances created by properties that have excessive growths of weeds, grasses and other vegetation. The City Code provides for owners to receive a notice to cut their weeds and grasses and if the owners do not comply with such notice, then the City is authorized to proceed to have the work done and bill the property owner. Once the property owner has been billed, if the owner fails to pay the bill or refuses to do so, the City is authorized by Section 17-38 of the City Code to levy an assessment on the property for the amount of the mowing expenses.

Discussion

The City Council is being asked to accept the report on the unpaid weed expenses and set a date of February 14, 2006, for a Board of Equalization hearing to establish the benefits for the 2005 weed abatement program. A notice was sent to property owners who did not keep their weeds and grasses mowed. When the property owners did not respond to the notice, the City contracted to have the properties mowed and then sent a statement to the property owners for the cost of the mowing. Setting a Board of Equalization hearing for the determination of benefits and levying of special assessments on the properties is the next step in the process of collecting on the mowing expense from those property owners who have not paid their mowing statements.

Alternatives

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

1. Set a date authorizing a Board of Equalization hearing to establish the benefits of the weed abatement program.
2. Do not set a date for a public hearing for the determination of benefits and levying an assessment against the property owners who have not paid their mowing bills.
3. Table the issue.

Recommendation

City Administration recommends that the Council set a public hearing date of February 14, 2006, for a Board of Equalization to determine the benefits of mowing done during 2005 and levy the unpaid benefits as a lien against the properties that were mowed.

Sample Motion

Approve setting a Board of Equalization hearing on February 14, 2006, to approve the levying of assessments for unpaid mowing in 2005 against the properties which benefited from this service.

RESOLUTION 2006-12

WHEREAS, pursuant to Article III of Chapter 17 of the Grand Island City Code, for reason of the failure of the owners, agents, occupants, or persons in possession, charge, or control of lots, tracts, or parcels of land in the City to comply with the notices of the City Council in regard to the cutting and removing of weeds and other rank growth of vegetation, such weeds and other rank growth of vegetation were caused to be removed by the City, and the actual expenses thereof have been audited and paid by the City; and

WHEREAS, the owners, agents, occupants, or persons in possession, charge or control of lots, tracts or parcels of land whereon such weeds and other rank growth of vegetation were caused to be cut by the City and are in default of payment of the expenses and costs incurred by the City therefor; and

WHEREAS, the Finance Department for the City has reported the expenses and costs of such weed cutting to the City Council and recommends that the City Council sit as a Board of Equalization to assess the expenses and costs thereof to the respective lots, tracts, or parcels of land.

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

1. The report of the Finance Department for the City pertaining to the cutting of weeds and other rank growth of vegetation is hereby accepted.
2. The City Council shall sit as a Board of Equalization to determine the benefits of such weed cutting on February 14, 2006 at 7:00 p.m.
3. The City Clerk shall give notice, as required by Section 16-707, R.R.S. 1943, as amended, by one publication in the Grand Island Independent that the City Council will sit as a Board of Equalization on the date and time set forth above, at least ten (10) days prior thereto; and further, that the City Clerk, within five (5) days after the date of publication of the above notice, shall send by U.S. mail, a copy of the published notice to each and every party appearing to have a direct legal interest in such proceeding whose name and post office addresses are known, in accordance with the provisions of Section 25-520.01, R.R.S. 1943, as amended.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G17

#2006-13 - Approving Addendum to the Memorandum of Understanding with Case New Holland

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: January 10, 2006

Subject: Addendum to Memorandum of Understanding to CNH Agreement

Item #'s: G-17

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

Background

On December 17, 2002, a Memorandum of Understanding (MOU), which was a mutual agreement for inducement loans and benefits to encourage CNH to upgrade and expand their manufacturing facility in Grand Island was approved and executed by the City and Case New Holland North America, Inc. (CNH). Paragraph 17 of the original agreement was subsequently amended by an Addendum to the Memorandum of Understanding executed on April 14, 2005. CNH has now requested that Paragraph 13 of the MOU be amended so that CNH is not required to access the Grand Island Partners Loan (1 (GIPL #1) prior to or simultaneously to seeking the forgivable loan from the City of Grand Island.

Discussion

Since the original MOU was prepared providing incentives for the expansion of the CNH facility south of Stolley Park Road, it has not been necessary for the company to access the funds available through the GIPL loans made available in the MOU and referred to as GIPL #1 and GIPL #2. CNH has requested that the forgivable loan as set forth in paragraphs 9 through 15 of the MOU be made available for an equipment purchase. The MOU requires that the funds available through GIPL #1 be accessed prior to or simultaneously to disbursements of the forgivable loan. The Second Addendum would remove the requirement that the forgivable loan be accessed prior to or simultaneously to obtaining the forgivable loan by revising 13(a) and 13(f) of the MOU. The other requirements for the forgivable loan would remain the same since the loans are from CDBG funds which must meet Nebraska Department of Economic Development requirements as well as some federal requirements.

Alternatives

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

1. Move to approve the Second Addendum to the original MOU with CNH.
2. Refer the issue to a Committee or study session for further discussion.
3. Postpone the issue to future date.
4. Reject the Second Addendum, in which case the requirements of the original MOU would remain in effect.

Recommendation

City Administration recommends that the Council approve the Second Addendum to the Memorandum of Understanding. It appears that the changes requested by CNH are reasonable and will be of greater benefit to the company and the community without having an adverse budgetary impact.

Sample Motion

Motion to approve the Second Addendum to the Memorandum of Understanding (Mutual Agreement for Inducement Loans and Benefits) with Case New Holland North America, Inc., a corporation (CNH).

**SECOND
ADDENDUM
TO
MEMORANDUM OF UNDERSTANDING**

Mutual Agreement for Inducement Loans and Benefits

THIS SECOND ADDENDUM TO AGREEMENT is executed and delivered on _____, 2005, by the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation (City), NEW HOLLAND NORTH AMERICA, INC., a Corporation (CNH), GRAND ISLAND AREA ECONOMIC DEVELOPMENT CORPORATION, a Corporation (EDC), and WELLS FARGO BANK NEBRASKA, a Corporation, as lender of GRAND ISLAND PARTNERS (GIP).

RECITALS

WHEREAS, the above referenced parties entered into a Memorandum of Understanding dated December 17, 2002, (hereinafter referred to as MOU), a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference, for a mutual agreement for inducement loans and benefits for the improvement and development of the CNH facility in Grand Island, Nebraska; and,

WHEREAS, the above referenced parties have also entered into an addendum to the Memorandum of Understanding, Mutual Agreement for Inducement Loans and Benefits on April 14, 2005; and

WHEREAS, the parties hereto are in agreement with the need for a Second Amendment to the MOU.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties do hereby agree and contract as follows:

1. The parties hereto agree that paragraph thirteen of the MOU shall be amended as of the date of this Addendum to the MOU as follows:

13(a). Forgivable Loan funds may be disbursed prior to accepting any disbursements under the GIPL #1.

13(f). The City shall receive written funding commitments from CNH for matching funds for their share of the project.

2. Except as specifically modified by this Addendum to the MOU, all other terms and provisions of the MOU, Mutual Agreement for Inducement Loans and Benefits and the Addendum to Memorandum of Understanding previously executed by and between the parties to the agreement shall remain in full force and effect.

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

**NEW HOLLAND NORTH AMERICA, A
INC., A Corporation**

By: _____
Jay Vavricek, Mayor

By: _____
Steven G. Lee, General Manager
New Holland North America, Inc.
Grand Island Plant

ATTEST:

RaNae Edwards, City Clerk

**WELLS FARGO BANK NEBRASKA,
A Corporation, as Lead Lender for
ISLAND PARTNERS,**

**GRAND ISLAND AREA ECONOMIC
DEVELOPMENT CORPORATION,
A Corporation,**

By: _____
Kurt A. Haecker
Community Banking President

By: _____
Kurt A. Haecker, Chairman

RESOLUTION 2006-13

WHEREAS, on December 17, 2002, by Resolution 2002-394, the City of Grand Island approved a Memorandum of Understanding (MOU) with New Holland North America, Inc. (CNH) to lend funds and provide inducements in support of the operation of the Grand Island manufacturing facility; and

WHEREAS, on January 25, 2005, the City Council passed Resolution 2005-25 authorizing an Addendum to the MOU amending Paragraph 17 of the agreement and said addendum was executed on April 14, 2005; and

WHEREAS, CNH has requested that it be given access to the forgivable loan proceeds without borrowing the money made available in the Grand Island Partners Loan No. 1; and

WHEREAS, amending the MOU will enhance the ability of CNH to retain jobs at its Grand Island facility; and

WHEREAS, the Addendum to the Memorandum of Understanding has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Second Addendum to the Memorandum of Understanding with New Holland North America, Inc. to modify Paragraph 13(a) and 13(f) of the Memorandum of Understanding to remove the requirement that CNH borrow the money made available through GIPL#1 prior to or simultaneous to taking funds of the forgivable loan is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item H1

**Consideration of the Request of The Cigarette Store Corp. dba
Smoker Friendly, 724 West 2nd Street for a Class "D" Liquor
License**

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

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item J1

Approving Payment of Claims for the Period of December 21, 2005 through January 10, 2006

The Claims for the period of December 21, 2005 through January 10, 2006 for a total amount of \$2,489,445.25. A MOTION is in order.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item J2

Approving Payment of Claims for the Library Expansion for the Period of December 21, 2005 through January 10, 2006

The Claims for the Library Expansion for the period of December 21, 2005 through January 10, 2006 for the following requisitions.

#14 \$ 5,494.88

A MOTION is in order.

Staff Contact: David Springer

REQUISITION FOR DISBURSEMENT

Requisition No. 14

TO: Wells Fargo Bank, National Association, Trustee
1248 "O" Street, 4th Floor
Lincoln, NE 68501
Attention: Trust Department

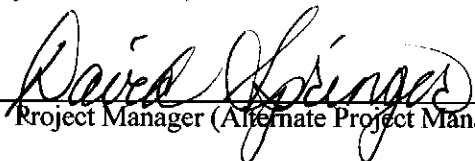
As Trustee under that Trust Indenture and Security Agreement, dated as of October 1, 2005 (the "Indenture"), executed by Grand Island Facilities Corporation, a Nebraska nonprofit corporation (the "Corporation") under which you serve as trustee, you are hereby directed to make payment from the Construction Fund (and/or Costs of Issuance Fund) pursuant to Article VI of said Indenture of the following amounts to the persons or firms indicated:

<u>Payee</u>	<u>Dollar Amount</u>	<u>Reason for Payment</u>
City of Grand Island	\$5,494.88	Reimburse city for phone lines relocated by Qwest
TOTAL	\$5,494.88	

Pursuant to said Indenture, the undersigned Project Manager does hereby certify the following:

1. The above requested payments represent obligations incurred in the amounts shown by or on behalf of the Corporation with respect to the Project (or for costs of issuance for the Building Bonds) and have not previously been paid from the Construction Fund (and/or Costs of Issuance Fund).
2. The payments requested above represent disbursements permitted to be made from the Construction Fund (and/or Costs of Issuance Fund) under the terms of the Indenture and the Agreement (as defined in the Indenture), by and between said Corporation and the City of Grand Island, Nebraska.
3. Attached to this Requisition are copies of the invoices in the case of payment to third parties for services or materials. In the case of payments to the contractor under the Construction Contract (as defined in the Indenture) such contractor's application.

IN WITNESS WHEREOF, the undersigned has caused this disbursement requisition to be executed pursuant to the terms of said Indenture this 9th day of November, 2005.


Project Manager (Alternate Project Manager)



Vendor Number
107

Check Date
12/07/2005

Check Number
120074

27-5/1040

Treasurer
100 E 1st St
PO Box 1968
Grand Island, NE 68802-1968

\$5,494.88

Pay *****5,494 DOLLARS AND 88 CENTS

To The
Order Of

QWEST CORPORATION
PO BOX 2348
SEATTLE WA 98111-2348

David Springs
Authorized Signature MP
John Law
Authorized Signature MP

Wells Fargo Bank
Nebraska, N.A.

⑈ 120074 ⑈ ⑆ 104000058 ⑆ 0670016146 ⑈

City of Grand Island
Grand Island, Nebraska

Invoice Date	Invoice Number	P.O. No.	Voucher	Invoice Description	Net Invoice Amount	
11/30/05	A939420	9699	114216	REROUTE FACILITIES	5,494.88	
Vendor No.	Vendor Name			Check No.	Check Date	Check Amount
107	QWEST CORPORATION			120074	12/07/2005	\$5,494.88