
City of Grand Island



Tuesday, April 11, 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 Nancy Lambert, Trinity United Methodist Church, 511 North Elm Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item C1

Proclamation "Child Abuse Prevention Month" April 2006

Because all children deserve love, comfortable homes, and tender care from parents and adults who make them feel safe, happy and loved and because many children were involved in substantiated cases of abuse and neglect in 2005, and because the effects of child abuse are felt by whole communities and need to be addressed by the entire community, the Mayor has proclaimed the month of April, 2006 as "Child Abuse Prevention Month". See attached PROCLAMATION.

Staff Contact: RaNae Edwards

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

PROCLAMATION

WHEREAS, a total of 1,651 child abuse and neglect cases were investigated and a total of 248 cases were substantiated through the Grand Island Regional Nebraska Health and Human Services System in 2004; and

WHEREAS, the effects of child abuse are felt by whole communities and must be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community and become involved in supporting parents to ensure their children are valued, safe, and healthy.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the month of April, 2006 as

“CHILD ABUSE PREVENTION MONTH”

in the City of Grand Island, and encourage all citizens to accept their responsibility for reporting and preventing child abuse and to wear a Blue Ribbon to show that it shouldn't hurt to be a child. Remembering that, every child should be valued, safe, and healthy and deserves a Blue Ribbon. You have the power to protect a child.

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item D1

**#2006-BE-4 - Board of Equalization Hearing for Water Main
District 449T - North Road and Faidley Avenue**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: April 11, 2006

Subject: Water Main District 449T – North Road and Faidley Avenue

Item #'s: D-1 & G-17

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

Background

Water Main District 449T was created to extend a 24” diameter main north along North Road, from the Roger’s Pumping Station to Greenwood Drive and a 12” diameter water main east, within the Faidley Avenue extended right-of-way, from North Road to Claude Road extended. A map of the District is attached for reference. The Project is part of the Water Department’s master plan to provide City water service extension to developing areas in the west and northwest parts of the City, and to provide trunkline capacity for expanded pumping capacities at the reservoir at North Road and Potash.

Discussion

This trunkline construction was done as a connection district, which has been the department’s standard method for completing needed system expansions through undeveloped areas. The connection fees associated with the district would not be collected until the water main is actually “tapped” to provide direct service to an adjacent property when it develops. The total cost to construct Water Main District 449T was \$349,454.36. The connection fee chargeable amount is \$188,844.29.

The chargeable amount for water service connections is based on current prices for the installation of an 8” main. The price difference between the chargeable amount and the actual construction cost is the Department’s cost for over-sizing above the standard 8” diameter pipe size. The connection fees are computed by taking the total chargeable amount (\$188,844.29) and dividing it by the district’s frontage (5,856.32 lf.) along North Road and Faidley Avenue. This arrives at a per front foot fee of \$32.246239.

Alternatives

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

1. Move to approve the connection fee amounts for Water Main District 449T
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 connection fee amounts for Water Main District 449T be set for the properties within the District as tabulated on the attached listing.

Sample Motion

Motion to approve the connection fee amounts for Water Main District 449T.

Tract One (1)
Part of the SW 1/4, Sec. 13, T-11-N, R-10-W
1,855.5 LF - \$59,832.89

T & E Cattle Company, a Nebraska Corp.
c/o Tom Baxter
4444 W 13th Street
Grand Island, NE 68803

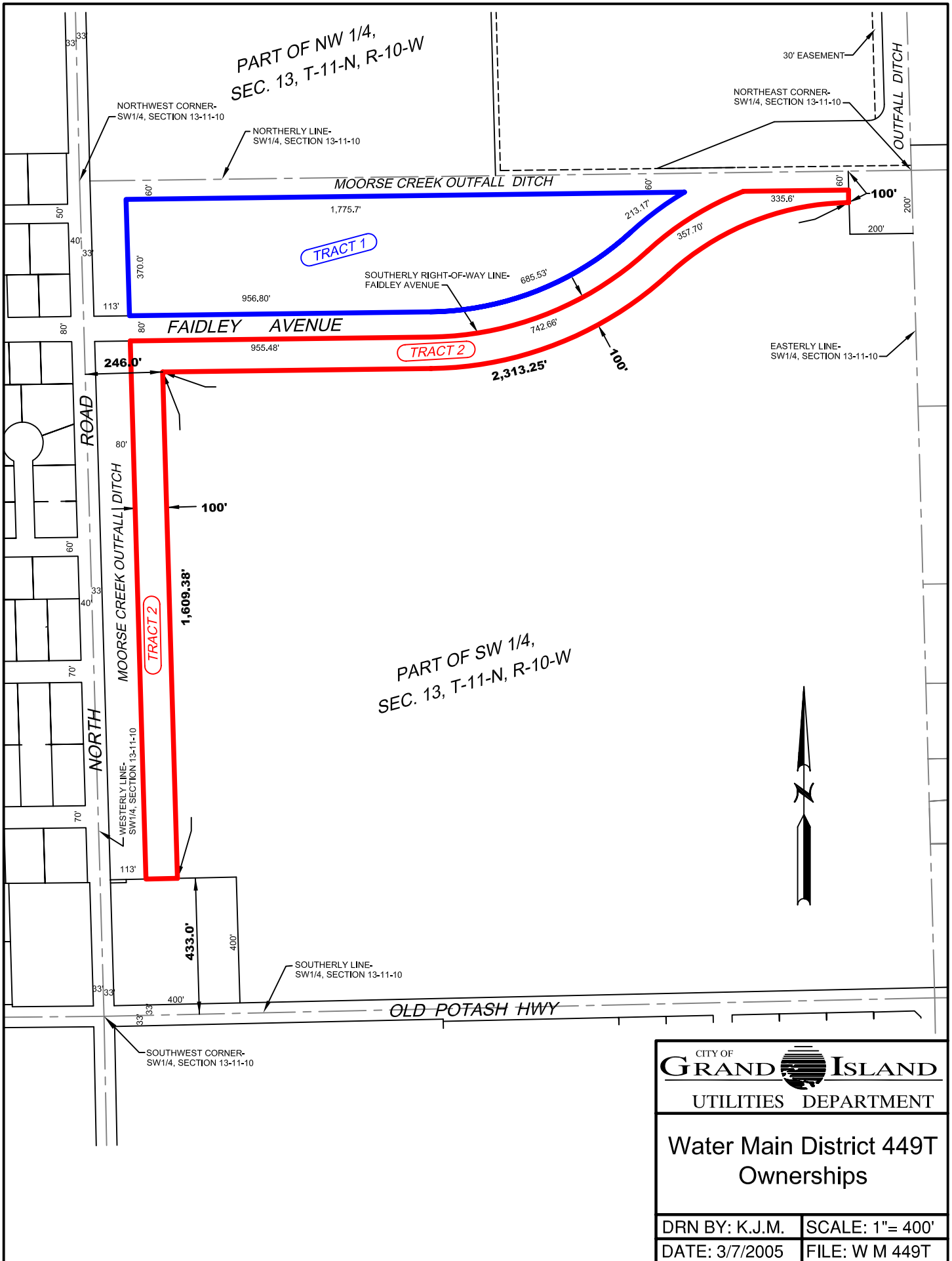
Commencing at the point 430.0 feet south of the northwest corner of the Southwest Quarter (SW 1/4) Section 13, T-11-N, R-10-W; thence easterly along the northerly right-of-way line of Faidley Avenue, a distance of 146.0 feet to the Actual Point Of Beginning; thence continuing easterly along the northerly right-of-way line of said Faidley Avenue, a distance of 956.80' to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 960.0 feet, the long cord of which deflects 20°55'08" left from the last described course, a long cord distance of 685.53 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose radius is 1,040.0 feet, the long cord of which deflects 11°18'35" left from the last described course, a long chord distance of 213.17 feet, to a point on the southerly right-of-way line of the Moores Creek Outfall Ditch; thence westerly along the southerly right-of-way line of said Moores Creek Outfall Ditch, a distance of 1,775.7 feet, to the easterly right-of-way line of said Moores Creek Outfall Ditch; thence southerly along easterly right-of-way line of said Moores Creek Outfall Ditch, a distance of 370.0 feet to the said point of beginning.

Tract Two (2)
Part of the SW 1/4, Sec. 13, T-11-N, R-10-W
4,000.82 LF - \$129,011.40

T & E Cattle Company, a Nebraska Corp.
c/o Tom Baxter
4444 W 13th Street
Grand Island, NE 68803

Commencing at the northeast corner of the Southwest Quarter (SW 1/4) Section 13, T-11-N, R-10-W; thence westerly along the northerly of said Southwest Quarter (SW 1/4) a distance of 200.0 feet; thence southerly and parallel with the easterly line of said Southwest Quarter (SW 1/4), a distance of 60.0 feet to a point on the southerly right-of-way line of the Moose Creek Outfall Ditch, being the Actual Point Of Beginning; thence continuing southerly along the last described course, a distance of 40.0 feet; thence westerly on a line that is parallel with and offset southerly one hundred (100.0) feet from the southerly right-of-way line of Faidley Avenue, a distance of two thousand three hundred thirteen and twenty five hundredths (2,313.25) feet, to a point two hundred forty six (246.0) feet easterly of the westerly line of the said Southwest Quarter (SW 1/4); thence southerly and parallel with the westerly line of said Southwest Quarter (SW 1/4), a

distance of one thousand six hundred nine and thirty eight (1,609.38) feet, to a point four hundred thirty three (433.0) feet north of the southerly line of the said Southwest Quarter (SW 1/4); thence westerly and parallel with the southerly line of said Southwest Quarter (SW 1/4), a distance of 100.0 feet, to a point on the easterly right-of-way line of the Moose Creek Outfall Ditch; thence northerly along the easterly right-of-way line of said Moose Creek Outfall Ditch, a distance of 1,709.38 feet to a point of the southerly right-of-way line of said Faidley Avenue; thence easterly along the southerly right-of-way line of said Faidley Avenue, a distance of 955.48 feet to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 1,040.0 feet, the long cord of which deflects $20^{\circ}55'08''$ left from the last described course, a long cord distance of 742.66 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose radius is 960.0 feet, the long cord of which deflects $11^{\circ}18'35''$ left from the last described course, a long chord distance of 357.7 feet, to a point on the southerly right-of-way line of said Moores Creek Outfall Ditch; thence easterly along the southerly right-of-way line of said Moores Creek Outfall Ditch, a distance of 335.6 feet to the said point of beginning.



PART OF NW 1/4,
SEC. 13, T-11-N, R-10-W

NORTHWEST CORNER-
SW1/4, SECTION 13-11-10

NORTHERLY LINE-
SW1/4, SECTION 13-11-10

NORTHEAST CORNER-
SW1/4, SECTION 13-11-10

MOORSE CREEK OUTFALL DITCH

TRACT 1

SOUTHERLY RIGHT-OF-WAY LINE-
FAIDLEY AVENUE

FAIDLEY AVENUE

TRACT 2

EASTERLY LINE-
SW1/4, SECTION 13-11-10

ROAD NORTH

MOORSE CREEK OUTFALL DITCH

TRACT 2

PART OF SW 1/4,
SEC. 13, T-11-N, R-10-W



SOUTHWEST CORNER-
SW1/4, SECTION 13-11-10

SOUTHERLY LINE-
SW1/4, SECTION 13-11-10

OLD POTASH HWY

CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

Water Main District 449T
Ownerships

DRN BY: K.J.M. | SCALE: 1" = 400'
DATE: 3/7/2005 | FILE: W M 449T

R E S O L U T I O N 2006-BE-4

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Water Main District 449T, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$188,844.29; and

Such benefits are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Water Main District No. 449T, such benefits are the sums set opposite the several descriptions as follows:

| <u>Name</u> | <u>Description</u> | <u>Connection Fee</u> |
|----------------------|--|---------------------------|
| T & E Cattle Company | Commencing at the point 430.0 feet south of the northwest corner of the Southwest Quarter (SW1/4) of Section 13-11-10; thence easterly along the northerly right-of-way line of Faidley Avenue, a distance of 146.0 feet to the Actual Point of Beginning; thence continuing easterly along the northerly right-of-way line of said Faidley Avenue, a distance of 956.80 feet to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 960.0 feet, the long chord of which deflects 20°55'08" left from the last described course, a long chord distance of 685.53 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose radius is 1,040.0 feet, the long chord of which deflects 11°18'35" left from the last described course, a long chord distance of 213.17 feet, to a point on the southerly right-of-way line of the Moore's Creek Outfall Ditch; thence westerly along the southerly right-of-way line of said Moore's Creek Outfall Ditch; a distance of 1,775.7 feet, to the easterly right-of-way line of said Moore's Creek Outfall Ditch; thence southerly along the easterly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 370.0 feet to the said point of beginning. | \$59,832.89 |
| T & E Cattle Company | Commencing at the northeast corner of the Southwest Quarter (SW1/4) of Section 13-11-10; thence westerly along the northerly line of said Southwest Quarter (SW1/4) a distance of 200.0 feet; thence southerly and parallel with the easterly line of said Southwest Quarter (SW1/4), a distance of 60.0 feet to a point on the southerly right-of-way line of the Moore's Creek Outfall Ditch, being the Actual Point of Beginning; thence continuing southerly along the last described course, a distance of 40.0 feet; thence westerly on a line that is | 129,011.40 |

| |
|--|
| Approved as to Form <input type="checkbox"/> _____ April 6, 2006 <input type="checkbox"/> City Attorney |
|--|

| | | |
|--------------|--|---------------------|
| | <p>parallel with and offset southerly one hundred (100.0) feet from the southerly right-of-way line of Faidley Avenue, a distance of 2,313.25 feet, to a point 246.0 feet easterly of the westerly line of the said Southwest Quarter (SW1/4); thence southerly and parallel with the westerly line of said Southwest Quarter (SW1/4), a distance of 1,609.38 feet to a point 433.0 feet north of the southerly line of the said Southwest Quarter (SW1/4); thence westerly and parallel with the southerly line of said Southwest Quarter (SW1/4), a distance of 100.0 feet, to a point on the easterly right-of-way line of the Moore's Creek Outfall Ditch; thence northerly along the easterly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 1,709.38 feet to a point on the southerly right-of-way line of said Faidley Avenue; thence easterly along the southerly right-of-way line of said Faidley Avenue, a distance of 955.48 feet to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 1,040.0 feet, the long chord of which deflects 20°55'08" left from the last described course, a long chord distance of 742.66 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose radius is 960.0 feet, the long chord of which deflects 11°18'35" left from the last described course, a long chord distance of 357.7 feet, to a point on the southerly right-of-way line of said Moore's Creek Outfall Ditch; thence easterly along the southerly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 335.6 feet to the said point of beginning.</p> | |
| TOTAL | | \$188,844.29 |

BE IT FURTHER RESOLVED that the special benefits as determined by this resolution shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103, R.R.S. 1943. A connection fee in the amount of the above benefit accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E1

Public Hearing on Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 11, 2006

Subject: Public Hearing on Request of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class “C” Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city. This application was pulled from the March 28, 2006 City Council meeting at the request of the applicant because they were in the process of changing managers. At this time we have not had an application for a different manager so will take action on the liquor license only at this time.

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. Attached is the Police Department’s background investigation and recommendation. It is recommended that Council act on the liquor license request at this time due to the 45 day requirement in which we have to hold a public hearing.

Alternatives

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

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.

3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License.

Sample Motion

Move to approve the application of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: February 23, 2006

TO: RaNae Edwards, City Clerk

FROM: Brad Brush, Lt., Grand Island Police Department

RE: Liquor Manager Designation Application and Retail Corporation
Liquor License for Copa Cabana, 2850 Old Fair Rd and Tonia Reeser

The Grand Island Police Department is in receipt of an application from Tonia Reeser for a Liquor Manager Designation for Copa Cabana and an application for Retail Corporation Liquor License for Copa Cabana, 2850 Old Fair Road.

The application for the Liquor Manager and the application for the liquor license itself are technically false applications, due to failure to report all convictions. However the convictions, if duly reported, would not disqualify either applicant(s).

The Grand Island Police Department has concerns about Guillermo Calderon's unlawful activities both in California and Central Nebraska, however all of the incidents found occurred over 14 years ago.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, as well as the Liquor License application for the business, Copa Cabana, 2850 Old Fair Rd., Grand Island, NE 68803.

BB/rkk

A handwritten signature in black ink, appearing to read "Lt. Brad Brush". The signature is written in a cursive, flowing style.

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

City : Grand Island
 Occurred after : 14:13:42 03/08/2006
 Occurred before : 14:13:42 03/08/2006
 When reported : 14:13:42 03/08/2006
 Date disposition declared : 03/21/2006
 Incident number : L06031000
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 2850 Old Fair Rd
 State abbreviation : NE
 ZIP Code : 68803
 Contact or caller : capt Falldorf
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Brush B
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Brush B
 Offense as Taken :
 Offense as Observed :
 Disposition : CLO Closed Case
 Misc. number :
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status :

INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|----------|------|----------------------------|--------------------|
| NM | C34 | | Francis, William A | reg agent |
| NM | 8526 | | OConnor, Raymond | owner/shareholder |
| NM | 13439 | | OConnor, Jennifer S | owner/shareholder |
| NM | 66633 | | Calderon, Eliseo | owner/shareholder |
| NM | 69803 | | Calderon, Guillermo Manuel | owner/shareholder |
| NM | 71619 | | Quezada, Lorena | proposed mgr |
| NM | 81274 | | Reeser, Tonia A A | liq mgr appl |
| NM | 108249 | | Calderon, Jessica | wife of Eliseo |
| NM | 111279 | | Copa Cabana, | business mentioned |

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application and Retail Corporation Liquor License.

The Liquor Manager Designation Applicant's name is Tonia Reeser Business-Copa Cabana, 2850 Old Fair Rd, GI, NE 68803.

Applicant answered "NO" to the question in reference to violations. In NCJIS database I found the applicant had three (3) infraction convictions.

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

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Page: 2

TONIA REESER: three (3) infraction convictions;
Guilty by admit-Buffalo County-no vehicle ins., 08-06-96
Guilty by admit-Custer County-possession of marijuana 1 oz or less, 07-20-03
Guilty by admit-Adams County-speeding, 07-01-04

The applicant had filed a false application. I checked Tonia Reeser's criminal history through NCIC, but found no other convictions.

03-22-06 NSP Liquor License Enforcement Investigator, Lorri Rogers and I interviewed Tonia Reeser and later also Guillermo Calderon, both at the Copa Cabana.

Reeser did admit that she had been convicted of the three above charges. She advised that she had talked to someone, who she could not name, with NSP, who had advised her that she did not have to worry about anything that was not at least a class I misdemeanor or more serious charge.

Reeser described Guillermo Calderon's activities at the bar, when open, as;
"Watches the front door"
"Helps at the bar"
"Hires & Fires the security personnel"

Reeser described Eliseo Calderson's activities at the bar, when open, as
"Filing in for "Memo" (Guillermo's nickname), when Memo was not there.

Just as we were finishing the interview with Reeser, Guillermo Calderon arrived. During the subsequent interview, Guillermo Calderson described his activities at the bar, when open, as helping out when needed, arranging for the bands for entertainment and included serving drinks at the bar to customers.

Guillermo admitted to being being arrested for the following;
2 seperate incidents in California involving 2 different women of Domestic Violence. These would be the arrests found out of California in his criminal history through NCIC;

01-03-87, 273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB
11-10-91, 273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB

1 incident near Phillips, NE, Hamilton County. He and his brother were involved in shooting a gun in the air. This would be the aiding & abetting a 3rd Degree Assault, a Class I misdemeanor.

It was Guillermo Calderon's belief that because he only has 24 of the total 100 shares, it was not necessary to report his convictions. He indicated he had not intended to hide anything. He admitted that he had a bad temper when he was younger, but has matured and wants to do what is right and proper.

NSP Lorri Rogers advised both Reeser & Guillermo Calderon that due to the False Application, this would require a "Show Cause Hearing" with the State of Nebraska. Rogers went on to state that due to him only having 24 of the total 100 shares, it is Rogers understanding that all that effects is; He does not have to submit his finger prints or have back ground check, but all convictions need to be reported.

In summation, the application for the Liquor manager and the application for the liquor license itself are technically false applications, due to failure to report all convictions. However the convictions, if duly reported, would not

disqualify either applicant(s).

The Grand Island Police Department has concerns about Guillermo Calderon's unlawful activities both in California and Central Nebraska, however all of the incidents found occurred over 14 years ago.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, as well as the Liquor License application for the business, Copa Cabana, 2850 Old Fair Rd, GI, NE 68803.

LAW INCIDENT RESPONDERS DETAIL:

| Seq | Responding offi | Unit n | Unit number |
|-----|-----------------|--------|-------------|
| 1 | Brush B | 208 | Brush B |

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|---------|---------------------|
| 1 | Brush B | 15:25:36 03/08/2006 |

TONIA REESER-done
208, 030806 Liquor Manager Designation-Reeser
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Liquor Manager Designation Applicant's name is Tonia Reeser.
The Business-Copa Cabana, 2850 Old Fair Road, Grand Island, NE 68803

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had three (3) infraction convictions.

TONIA REESER
Guilty by admit-Buffalo County-no vehicle ins., 08-06-96
Guilty by admit-Custer County-possession of marijuana 1 oz or less, 07-20-03
Guilty by admit-Adams County-speeding, 07-01-04

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, for the business, Copa Cabana, 2850 Old Fair Road, Grand Island, NE 68803.

| | | | |
|---|---------|----------|------------|
| 2 | Brush B | 14:00:03 | 03/10/2006 |
|---|---------|----------|------------|

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

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4

RAYMOND O'CONNOR-done
208, 031006 Liquor License-RAYMOND O'CONNOR
Grand Island Police Department
Supplemental Report

Date, Time: 031006
Reporting Officer: Lieutenant Brush
Unit #: CID

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had two (2) infraction convictions.

Guilty of violate traffic light, Infraction, Lancaster County, 3/07/1998
Guilty of violate occupant protection system, infraction, 03/07/1998

3 Brush B 14:07:12 03/10/2006

JENNIFER O'CONNOR-done
208, 030806 Liquor License-JENNIFER O'CONNOR
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

No record of any convictions found.

4 Brush B 14:13:19 03/10/2006

ELISEO CALDERON-done
208, 030806 Liquor License-ELISEO CALDERON
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

This subject mentioned in the application as having 24 of 100 shares in the

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

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Page: 5

corporation. The applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found this subject had five (5) infraction convictions.

No license on person, Hall County, Offense Date is 10/10/1999
Plea is Guilty/Admit

Speeding 11-15 MPH Municipal, Grand Island; Infraction
Offense Date is 11/03/1999
Plea is Guilty/Admit

Speeding 21+ MPH Hamilton County, Infraction
Offense Date is 03/13/2000
Plea is Guilty/Admit

Speeding 16-20 MPH Municipal, Grand Island; Infraction
Offense Date is 05/10/2000
Plea is Guilty/Admit

Speeding 11-15 MPH Buffalo County, Infraction
Offense Date is 09/11/2000
Plea is Guilty/Admit

Traffic Sign/Signal Municipal, Grand Island; Infraction
Offense Date is 10/06/2000
Plea is Guilty/Admit

I found no additional convictions.

5 Brush B 14:15:13 03/10/2006

GUILLERMO CALDERON-done
208, 030806 Liquor License-GUILLERMO CALDERON
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

This subject mentioned in the application as having 24 of 100 shares in the corporation. The applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found this subject had three (3) misdemeanor convictions.

ARREST 01* * * *11/14/1985* * * * DCN 26153
11-19-85 Plead Guilty, \$200 fine, 1 year prob., 1987 released unsatisfactory
AGENCY-HAMILTON CO SO (NB0410000)
CASE NUMBER-02886 NAME USED-CALDERON, GUILLERMO MANUEL
CHARGE 01-1399 (AID/ABET) ASSAULT 3RD(1) -MISDMNR

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

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ARREST 02* * * *06/11/1989* * * * DCN 706905
AGENCY-HALL CO SO (NB0400000)
CASE NUMBER- NAME USED-CALDERON, GUILLERMO M
CHARGE 01-5707 TRESPASSING 2ND DEGREE(1) -MISDMNR

ARREST 03* * * *07/21/1989* * * * DCN 706906
AGENCY-HALL CO SO (NB0400000)
CASE NUMBER- NAME USED-CALDERON, GUILLERMO M
CHARGE 01-5015 FAILURE TO APPEAR/WRNT-TRESPASSING(1) -MISDMNR

Because of the class I misdemeanor conviction of AID/ABET) ASSAULT 3RD(1) -MISDMNR, I checked this subject's criminal history through NCIC and found this subject had been charged in California w/
01:273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB

032206, I determined that the 273.5 had been dismissed and a 242 (Battery) was filed. He plead to this charge, sentenced to 5 days in jail & 2 years probation. I was advised that a 242 is a minor misdemeanor in California.

6 Brush B 15:29:47 03/10/2006

JESSICA CALDERON aka QUEZADA-done
208, 030806 Liquor License-JESSICA CALDERON aka QUEZADA
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had three (3) misdemeanor convictions. The Applicant supplied false information in the application.

Driving Under the Influence, reduced to DDS, Hall County, 12/23/1995
Guilty-Speeding, Adams County, Infraction, 12/31/1999
Guilty-Speeding, Hall County, Infraction, 04/05/2000
Guilty-Traffic Sign/Signal, Hall County, Infraction, 03/12/2003

Due to applicant giving false information on the application, I checked his criminal history through National Crime Information Computer (NCIC). I found no additional convictions.

03/23/06
12:20

Grand Island Police Dept.
LAW INCIDENT TABLE

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7

7 Brush B 15:47:38 03/10/2006

LORENA QUEZADA, DOB 11-18-81-done
208, 030806 Liquor License-LORENA QUEZADA
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Assignee (person who paid bond) for Humberto Quezada, Dawson County, IV FO
Criminal Mischief 01-12-02

No record of any convictions.



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E2

Public Hearing on Request of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 11, 2006

Subject: Public Hearing on Request of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class “C” Liquor License

Item #'s: E-2 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. Attached is the Police Department’s background investigation and recommendation.

Along with this liquor license application was a request from Octavio De Luna-Rodriquez, 908 East Bismark Road for a Liquor Manager designation. This has been reviewed by the City Clerk and Police Department.

Alternatives

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

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.

4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License and the request of Octavio De Luna-Rodriquez, 908 East Bismark Road for Liquor Manager designation with the stipulation that a state approved server/seller training program be completed.

Sample Motion

Move to approve the application of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License and the request of Octavio De Luna-Rodriquez, 908 East Bismark Road for Liquor Manager designation with the stipulation that a state approved server/seller training program be completed.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 3, 2006

TO: RaNae Edwards, City Clerk

FROM: Bradley Brush, Lieutenant, Grand Island Police Department

RE: Applications for a Liquor License for Tabares Bar and Grill, 106 West 4th Street and a Liquor Manager Designation for Octavio De Luna-Rodriguez for Tabares Bar and Grill

The application for the Liquor Manager and the application for the liquor license are not accurate. The applicant submitted an inaccurate social security number causing technical false applications, but it appears to be a typographical error, which was corrected later in the application.

The Police Department's recommendation is to accept this Liquor Manager Designation Application in the name of Octavio De Luna-Rodriguez, as well as the Liquor License Application for the business, Tabares Bar and Grill, 106 West 4th, Grand Island, NE. 68801

BB/rk

A handwritten signature in black ink, appearing to read "B. Brush".

04/03/06
09:47

Grand Island Police Dept.
LAW INCIDENT TABLE

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Page: 1

City : Grand Island
 Occurred after : 16:27:04 03/16/2006
 Occurred before : 16:27:04 03/16/2006
 When reported : 16:27:04 03/16/2006
 Date disposition declared : 04/03/2006
 Incident number : L06032096
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 106 w 4th
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller : Captain Falldorf
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Brush B
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Brush B
 Offense as Taken :
 Offense as Observed :
 Disposition : CLO Closed Case
 Misc. number :
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status :

=====

INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|----------|------|----------------------------|-------------------|
| NM | 65585 | | El Palenque Bar, | bar mentioned |
| NM | 67679 | | De Luna-Rodriguez, Octavio | Liq Lic Applicant |
| NM | 111574 | | Tabares Bar & Grill, | bar's new name |
| NM | 111575 | | Garcia, Alice Berenice | wife of Octavio |

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application and Retail Corporation Liquor License.

The Liquor Manager Designation Applicant's name is Octavio De Luna-Rodriguez Business-Tabares Bar & Grill, 106 W 4th St, GI, NE 68801

In summation, the application for the Liquor manager and the application for the liquor license itself is not accurate. Applicant submitted an inaccurate social security number, causing a technical false applications, but it appears to be a typographical error which was corrected later in the application.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Octavio De Luna-Rodriguez, as well as the Liquor License application for the business, Tabares Bar & Grill, 106 W

04/03/06
09:47

Grand Island Police Dept.
LAW INCIDENT TABLE

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Page: 2

4th,GI, NE 68801.

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|---------|---------------------|
| 1 | Brush B | 09:41:21 03/15/2006 |

208, 031506 potential questions

Grand Island Police Department
Supplemental Report

Date, Time: 031506
Reporting Officer: Lieutenant Brush
Unit #: CID

While initially looking into this matter, I determined applicant has had no contact w/ the Bureau of Immigration and Customs Enforcement (ICE), from Agent Dale Kramer. ICE also advised the Social Security Number 355-98-5182 is a good number and was issued to the named applicant in the state of Illinois, during a window of time from 2002 through 2004.

On the Application For Liquor License Corporation/LLC Insert-Form 3a, applicant submitted SSN 335-98-5182 on 2 separate locations on the application. It appears applicant provided false information on this document.

On the Application For Liquor License Corporation Manager-Form 3b, applicant submitted 355-98-5182 which is the SSN that ICE advised was to the named applicant.

Applicant claimed no resident in Illinois in the last ten years. Grand Island Social Security Office advised their offices are allowed to issue numbers to out of state residents.

I determined from Grand Island Utilities that 908 E Bismark, applicant's address was purchased by applicant and Alice Garcia, from Joseph Landstrom on 083104.

I determined that 106 W 4th is owned by El Palenque Inc. through the Hall County "Mapsifter" website.

| | | |
|---|---------|---------------------|
| 2 | Brush B | 11:53:16 03/29/2006 |
|---|---------|---------------------|

208&NSP #405, 032806, Octavio inter.

04/03/06
09:47

Grand Island Police Dept.
LAW INCIDENT TABLE

333
Page: 3

Grand Island Police Department
Supplemental Report

Date, Time: 032806
Reporting Officer: Lieutenant Brush
Unit #: CID

Inv Rogers & I met Octavio at the bar. Octavio showed us around the bar. The bar appeared to be acceptable except for 2 problems, which were pointed out to Octavio, who agreed to correct both items;
#1 Temporary Agency Agreement was not exhibited prominently behind the bar
#2 A picture of a nude woman was exhibited behind the bar

There were 3 items I specifically wanted to clarify w/ Octavio;
#1 Octavio's citizenship in US. Octavio advised he initially came to US from Mexico at age 14, illegally. Octavio married Alice Garcia, a US citizen, filled out all of the appropriate paperwork and now has a Permanent Resident Card #A 048-137-777, which Octavio showed this officer.

#2 SSN issued out of Illinois, but no claim to residence in Illinois in last 10 years on application. Octavio advised he visited a friend in Chicago, IL and while there filed for a SSN. He did not develop a residence or work while there. He was just visiting and was there about 1, no more than 2 months. He couldn't recall his friend's address, but thought it was on 21st street, but was not sure.

#3 Because the purchase price was \$1.00, I questioned Octavio's answer of no, to question five, about anyone else getting a share of the profit. Octavio reassured us that no one else was going to receive a share in the profit, other than the payment of rent of "\$2,000 a month" to El Palenque Inc. Octavio also stated, "Plus the utilities." Later in the day, I looked at the lease contract attached to the application which stated that the rent would be "\$1,500 per month". The lease went on to state Octavio was to "...pay all utilities..." I called Octavio and questioned him about this. He immediately apologized and stated, "Initially we had agreed to \$2,000 a month rent, including utilities, however later we changed it to \$1,500 a month rent, plus I pay all the utilities."

I sent for any citations/arrests/contacts in reference to Octavio;
El Paso, TX
Tyler, TX
Grand Canyon, AZ

On 03-29-06 I received notification from all 3 agencies of no record on Octavio De Luna-Rodriguez.



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E3

**Public Hearing on Request of Funk Family, LLC by Dale Funk for
Conditional Use Permit for Temporary Office Located at 1612
South Webb Road**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 11, 2006

Subject: Request of Dale Funk of Funk Family LLC for Approval of a Conditional Use Permit to Allow a Temporary Office at 1612 S. Webb Road

Item #'s: E-3 & G-4

Presenter(s): Craig Lewis, Building Department Director

Background

This request is for Council approval to allow for the placement of a temporary office trailer to facilitate office operations at Lumbermen's at the above referenced address. The recent snow storm damaged the existing building and repairs are necessary before office operations may resume in the existing building.

Discussion

The City code allows for temporary buildings and uses if approved by the City Council in the form of a Conditional use permit. This request is to allow for the existing business to continue to operate from the existing location while repairs are made to the building damaged by the recent snow storm. The site location is such that it would not appear that this request will have any negative impact on the neighboring properties.

Alternatives

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

1. Approve the request.
2. Disapprove or /Deny the request.
3. Modify the request to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the request and authorize the issuance of a conditional use permit for a nine month period.

Sample Motion

Motion to approve the request for a conditional use permit for a temporary office structure for a nine month period.

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: MORILL OFFICE 12' x 46'
2. The owner(s) of the described property is/are: ~~Bob~~ Funk Family LLC 13709 Industrial Rd
3. The legal description of the property is: SE 1/4 part of 241140
4. The address of the property is: 1612 S. WEBB. RD.
5. The zoning classification of the property is: md
6. Existing improvements on the property is: EXISTING STRUCTURE + BUSINESS
7. The duration of the proposed use is: 180 - 270 DAY
8. Plans for construction of permanent facility is: RECONSTRUCTION
9. The character of the immediate neighborhood is: MANUFACTURING
10. There is hereby **attached** a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
11. Explanation of request: Temp office - Roof Damage on Structure after 2-21-06 Snow Storm.

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

3-27-06

Date

Funk Family LLC

Steve Leach, Managing Partner

Owners(s)

402-894-2222

Phone Number

13709 Industrial Rd

Address

Omaha

City

NE

State

68137

Zip

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



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E4

Public Hearing on Request of John Luisi for NE Colorado Cellular, Inc. dba Viera Wireless for Conditional Use Permit for a 120' Telecommunications Tower Located at 305 Wilmar Avenue

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 11, 2006

Subject: Request of John Luisi of NE Colorado Cellular, Inc. d.b.a. Viaero Wireless for approval of a Conditional Use Permit to construct a telecommunication tower at 305 Wilmar Ave. Grand Island, NE.

Item #'s: E-4 & H-2

Presenter(s): Craig Lewis

Background

This is a request to allow for the construction of a 120 foot telecommunication tower at 305 Wilmar Ave. to facilitate the cellular service area and a proposed new retail location. The Grand Island Zoning Code requires that all telecommunication towers receive the approval of City Council in the form of a conditional use permit prior to construction.

The intent of the tower and telecommunication facilities and antenna regulations is to protect residential areas and land uses from the potential adverse impact of the installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers, and to ensure that towers and antennas are compatible with the surrounding land uses.

Discussion

The City code specifies eight items to be submitted with the application for a tower development permit, all of those items have not been submitted. The remaining items are; 1). the engineering of the foundation design, 2). a color photo simulation of the proposed tower providing a realistic representation of the tower as it would appear from the nearest residential zoned property and the nearest roadway, street or highway, and 3). A building permit application.

Additional information attesting to a diligent effort to collocate has been submitted from the applicant but no supporting documentation from the other tower owners has been submitted stating the reasons for a denial of collocation.

There are several towers in the immediate area. A review of the neighboring properties especially the residential area to the east of the proposed location would indicate that an additional tower at this site would not be in the best interest of the area. The lattice tower proposed does not appear to be aesthetically compatible with the surrounding properties nor in the best interest of the area

Alternatives

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

1. Approve the conditional use permit.
2. Disapprove or /Deny the conditional use permit.
3. Modify the conditional use to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council deny the request for a conditional use permit to construct this telecommunication tower.

Sample Motion

A motion to deny the request for a conditional use permit to construct a telecommunication tower at 305 Wilmar Ave. Possible findings to support this position might include; that the application was not submitted as prescribed in the City code and that the proposal would not protect residential areas and land uses from the potential adverse impact of this telecommunication tower.

Conditional Use Permit Application

pc: Building, Legal, Utilities
 Planning, Public Works

1. The specific use/construction requested is: TO BUILD 120 FT. SELF-SUPPORT TELECOMMUNICATIONS TOWER.
2. The owner(s) of the described property is/are: NE COLORADO CELLULAR, INC. d.b.a. VIAERO WIRELESS
3. The legal description of the property is: LOT ONE (1), MARTIN'S THIRD SUB-DIVISION, IN THE CITY OF GRAND ISLAND, NE
4. The address of the property is: 305 WILMAR AVE, GRAND ISLAND, NE
5. The zoning classification of the property is: B-2
6. Existing improvements on the property is: VACANT LAND
7. The duration of the proposed use is: PERMANENT
8. Plans for construction of permanent facility is: N/A
9. The character of the immediate neighborhood is: GENERAL BUSINESS / COMMERCIAL / SHOPPING CENTER
10. There is hereby **attached** a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
11. Explanation of request: VIAERO WIRELESS WANTS TO CONSTRUCT A 120 FT. SELF-SUPPORT TELECOMMUNICATIONS TOWER ON LAND WE ARE PURCHASING. WE ALSO INTEND TO CONSTRUCT A RETAIL STORE & OFFICE ON THE SITE. (APPROX - 3000 SQ FT) - *SEE SITE PLAN ATTACHED

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

3/28/06 Date
CELL 970-768-0061 Phone Number
HOME OFF- 970-542-3624 Phone Number

John Picini - Site Acquisition Mgr.
NE COLORADO CELLULAR, INC d.b.a. VIAERO WIRELESS
 (HOME OFFICE) Owners(s)
1724 WEST PLATTE AVE Address

* GRAND ISLAND OFFICE:
 1512 So LOCUST ST.
 GRAND ISLAND, NE 68801

FT. MORGAN City CO State 80701 Zip

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



Mr. Craig Lewis
Planning Director
City of Grand Island, NE

March 23, 2006

Dear Mr. Lewis

With regard to Viaero Wireless's Application to Develop a Tower at the SE Quarter of Section 13, T11N, R10W we respectfully submit our response to Section 36-171(D) which states:

"An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support structure within a one (1) mile radius of the proposed tower location or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure within a one (1) mile radius of the proposed tower location.."

Using the Federal Communications Commission's Antenna Structure Registration database, we have conducted a search for all registered tower structures which are required to be registered according to the Code of Federal Regulations (CFR) 47 Part 17.7 and 14 CFR 77.13 within a 1 mi radius of the proposed site. This search resulted in five structures which fall within the 1 mile criteria.

An engineering analysis was then performed to determine if any of the sites would meet Viaero's criteria for network connectivity, reliability and coverage. Within the scope of this document we will use the following definitions:

Network Connectivity:

The physical and electrical processes necessary to connect a cellular base station to its associated Mobile Switching Center (MSC). This is done via Viaero owned microwave radios utilizing licensed and unlicensed spectrum in the 6 and 11 GHz bands as appropriate and may consist of multiple microwave links. Viaero owns, operates and maintains its entire microwave radio network to provide better reliability and capacity for our subscribers.

Network Reliability:

Network Reliability is the percentage of time that the physical and electrical processes connecting the base station to its associated Mobile Switching Center remain in service.

While there are many factors contributing to Network Reliability, for the purposes of this application it will essentially be the microwave path reliability from the cell site to the MSC. Viaero's design criteria on a per link basis is 99.9999% or 32 seconds of outage per year. This number is highly dependant on site location, tower construction, interference, antenna size and obstructions along the path.

Coverage:

Coverage is the area in which a mobile station can originate and receive calls reliably. It is affected by the base stations location, antenna type, height, transmit power, receiver sensitivity, terrain, obstructions, interference and the ability to hand off or hand in other base stations traffic as needed to maintain high call quality. Coverage is typically measured in terms of the area in which a mobile will receive a specified signal strength from the base station. Viaero's criteria for an urban environment is that the mobile will receive no less than a -80 dBm signal under worst case conditions. These conditions include additional losses due to buildings, vegetation, weather and variations in mobile receive sensitivity and mobile antenna efficiency.

Using these criteria, we would like to present an analysis of the five possible co location sites within a 1 mile radius of our proposed location:

Site 1:

Nebraska State Patrol

Latitude: 40-55-00.0 N
Longitude: 98-22-37.0 W
Height: 93.5 Meters

Due to the fact that the Nebraska State Patrol does not allow co-location on any of its structures by commercial (non-governmental) entities, this site was removed from consideration.

Site 2:

Pinpoint Communications

Latitude: 40-54-50.0 N
Longitude: 98-23-53.0 W
Height: 68.0 Meters

This site is approximately 1.05 miles Southwest of the proposed site. It is a 68 Meter high structure. Test data in the desired coverage area of inside Conestoga Mall yield a 30 dB variation in additional losses beyond that predicted from an unobstructed Free Space condition. If the site were to be located here it would not meet our criteria for signal strength received by the mobile and it would not provide the connectivity to the proposed Viaero retail store which would be collocated with the site. Additionally, this structure will not support our anticipated loading requirements. Distance from this site to the target coverage area as well as its lack of an



unobstructed microwave path back to Viaero's switching center make it unacceptable as a co location candidate.

Site 3:

Aliant Cellular

Latitude: 40-55-59.0 N
Longitude: 98-23-11.0 W
Height: 59.1 Meters

This site is approximately .95 miles Northwest of the proposed site. It is a 59.1 Meter high structure. Test data in the desired coverage area of inside Conestoga Mall yield a 30 dB (factor of 1000) variations in additional losses beyond that predicted from an unobstructed Free Space condition which would result in lowered call quality and reliability. If the site were to be located here it would not meet our criteria for signal strength received by the mobile. Distance from this site to the target coverage area as well as its lack of an unobstructed microwave path back to Viaero's switching center and lack of connectivity to the proposed Viaero retail store which would be collocated with the site make it unacceptable as a co location candidate.

Site 4:

United States Cellular Corporation

Latitude: 40-55-13.0 N
Longitude: 98-23-11.0 W
Height: 92.0 Meters

This site is approximately .35 miles West of the proposed site. It is a 92.0 Meter high structure. While this site may meet criteria for mobile signal strength inside the Conestoga Mall, the tower is heavily loaded and does not offer space at a height which would allow for an unobstructed microwave path back to our switching center. Additionally, it would not provide the connectivity to the proposed Viaero retail store which would be collocated with the site and would make it unacceptable as a co location candidate.

Site 5:

Midland Telecom, Inc.

Latitude: 40-54-35.0 N
Longitude: 98-23-01.0 W
Height: 57.9 Meters



This site is approximately .75 miles South of the proposed site. It is a 57.9 Meter high structure. Test data in the desired coverage area of inside Conestoga Mall yield 30 dB (factor of 1000) variations in additional losses beyond that predicted from an unobstructed Free Space condition and would result in lowered call quality and reliability. If the site were to be located here it would not meet our criteria for signal strength received by the mobile. Distance from this site to the target coverage area as well as its lack of an unobstructed microwave path back to Viaero's switching center and lack of connectivity to the proposed Viaero retail store which would be collocated with the site make it unacceptable as a co location candidate. It should be noted that Viaero has actually co located on this tower in the last 5 years and removed our equipment from it due to poor cell site performance and structural instability of the tower to support our required antenna and transmission line loading.

Analysis of all available data has shown that our Network connectivity, reliability and coverage criteria are achieved with the selection of the proposed site. Additionally, as we anticipate authorization for Enhanced 911 (E911) deployment this year, this site would increase the location accuracy and reliability for our subscribers.

Please let me know if there is any additional information I may provide,

Sincerely,

A handwritten signature in black ink that reads "Wes Burnett". The signature is fluid and cursive, with a large, sweeping flourish at the end.


Wes Burnett
BSEE
VP Technical Operations
Viaero Wireless

Attachments:

ASR Registration Search

Registration Search Results

Displayed Results

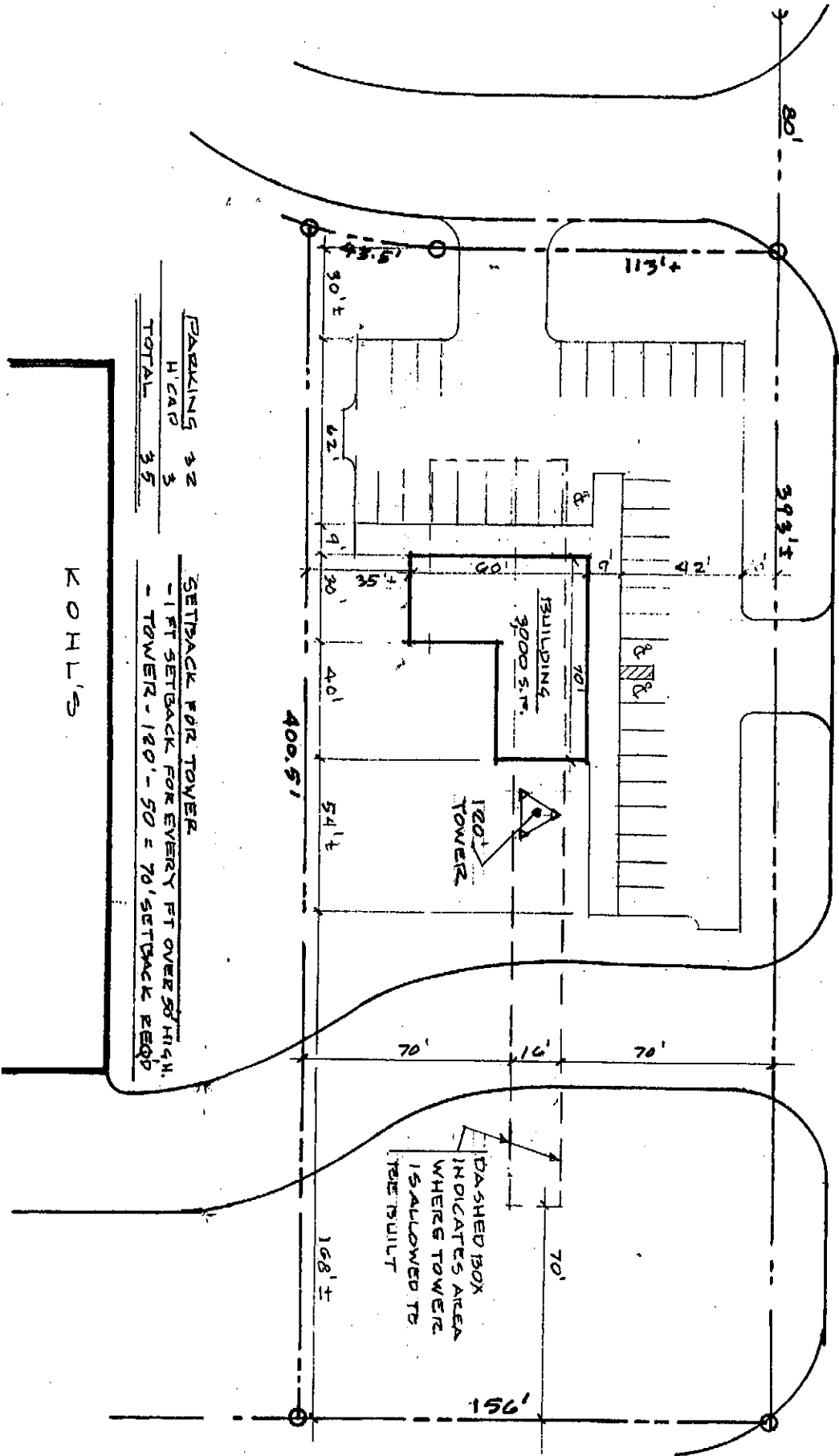
 = Pending Application(s)

Specified Search

Latitude=**40-55-12.7 N**, Longitude=**98-22-45.5 W**, Radius=**1.6 Kilometers**

| Registration Number | Status | File Number | Owner Name | Latitude/Longitude | Structure City/State | Overall Height Above Ground (AGL) |
|---------------------|-------------|-------------|---|-----------------------------|----------------------|-----------------------------------|
| 1 1025473 | Constructed | A0030238 | NEBRASKA, STATE OF | 40-55-00.0N 098-22-37.0W | GRAND ISLAND, NE | 93.5 |
| 2 1027246 | Constructed | A0032303 | PINPOINT COMMUNICATIONS INC | 40-54-50.0N 098-23-53.0W | GRAND ISLAND, NE | 68.0 |
| 3 1027392 | Constructed | A0454097 | ALIANI CELLULAR, INC. DBA ALLTEL COMMUNICATIONS, INC. | 40-55-59.0N 098-23-11.0W | GRAND ISLAND, NE | 59.1 |
| 4 1032461 | Constructed | A0490590 | UNITED STATES CELLULAR CORPORATION | 40-55-13.0N 098-23-11.0W | Grand Island, NE | 92.0 |
| 5 1034385 | Constructed | A0040748 | MIDLAND TELECOM INC. | 40-54-35.0N 098-23-01.0W | GRAND ISLAND, NE | 57.9 |

CLOSE WINDOW



| | |
|-------------------|----|
| <u>PARKING 32</u> | |
| H.C.A.P | 3 |
| TOTAL | 35 |

SETBACK FOR TOWER
 - 1 FT SETBACK FOR EVERY FT OVER 50' HIGH.
 - TOWER - 120' - 50 = 70' SETBACK REQ'D

KOHL'S

VIAERO WIRELESS
 GRAND ISLAND NE

SITE PLAN
 1" = 50'



2-10-2006

4-4-06

281 & OLD POTASH LLC

410 17th Street, Suite 1705
Denver, Colorado 80202
Phone 303.571.4650 Fax 303.571.4651

March 31, 2006

Mr. Craig A. Lewis
Building Department Director
City of Grand Island
100 East First Street
Box 1968
Grand Island, NE 68802-1968

**RE: Grand Island City Council
Conditional Use Permit Application
Viaero Wireless Tower**

Dear Mr. Lewis:

We are in favor of Grand Island City Council granting a Conditional Use Permit for the erection and an approximately 120 foot tower to be used by Viaero Wireless. The sale of our land is contingent upon the approval of this Conditional Use Permit Application.

Please contact us with any questions you may have. We look forward to working with you throughout the permit process.

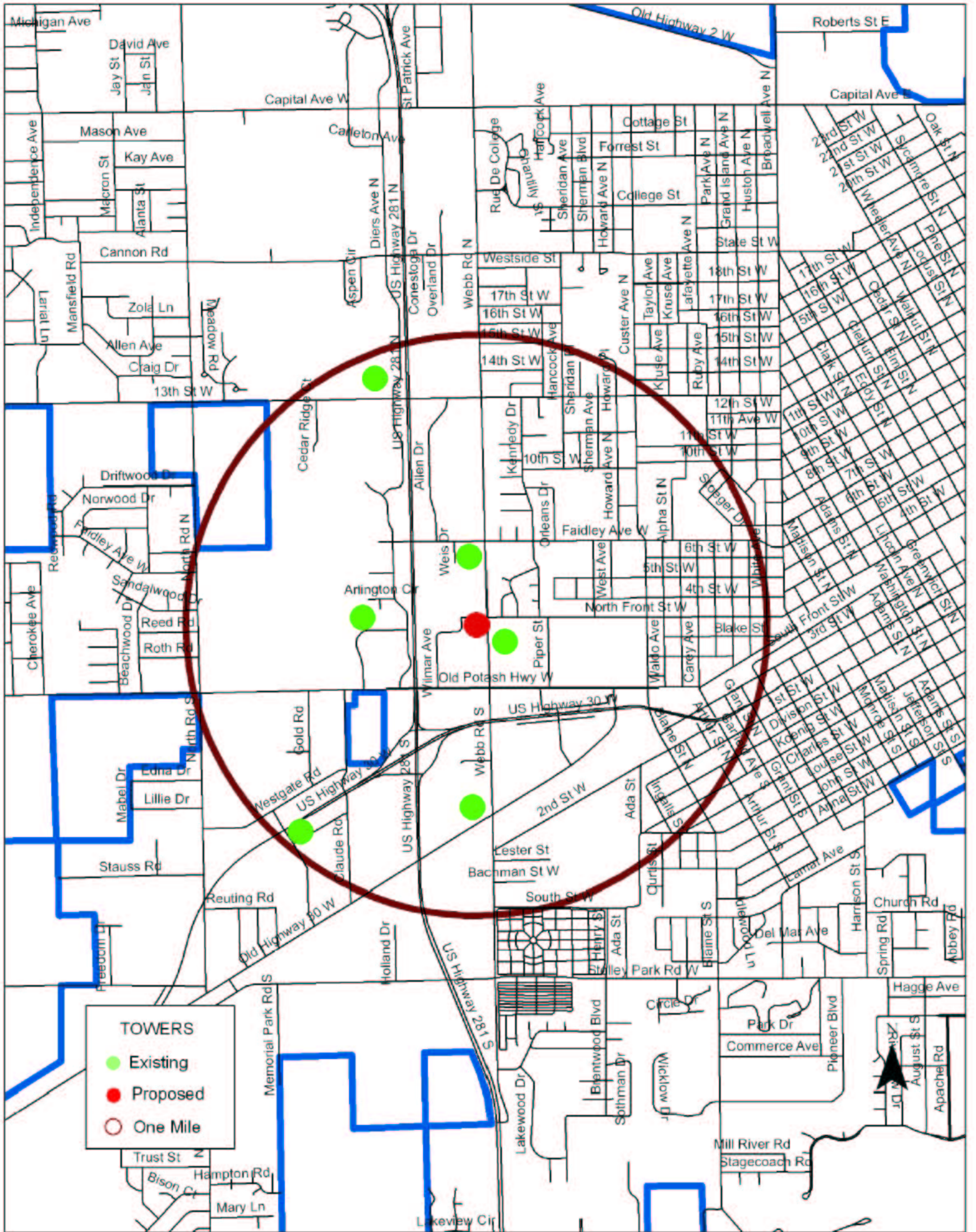
Sincerely,

281 & Old Potash LLC
By: Edgemark Development LLC
Its: Manager



Dave Gustavson
Vice President

Cc: File .25





City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E5

**Public Hearing Concerning Acquisition of Utility Easement
Located 1/2 Mile North of Bismark Road and 1/2 Mile East of
Gunbarrel Road (Hooker Brothers)**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director
Meeting: April 11, 2006
Subject: Acquisition of Utility Easement – 1/2 Mile North of Bismark Road and 1/2 Mile East of Gunbarrel Road – Hooker Brothers
Item #'s: E-5 & G-16
Presenter(s): Gary R. Mader, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Hooker Brothers, Inc., located 1/2 mile north of Bismark Road and 1/2 mile east of Gunbarrel Road, located in Merrick County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to construct a three phase overhead power line to serve the property.

Alternatives

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

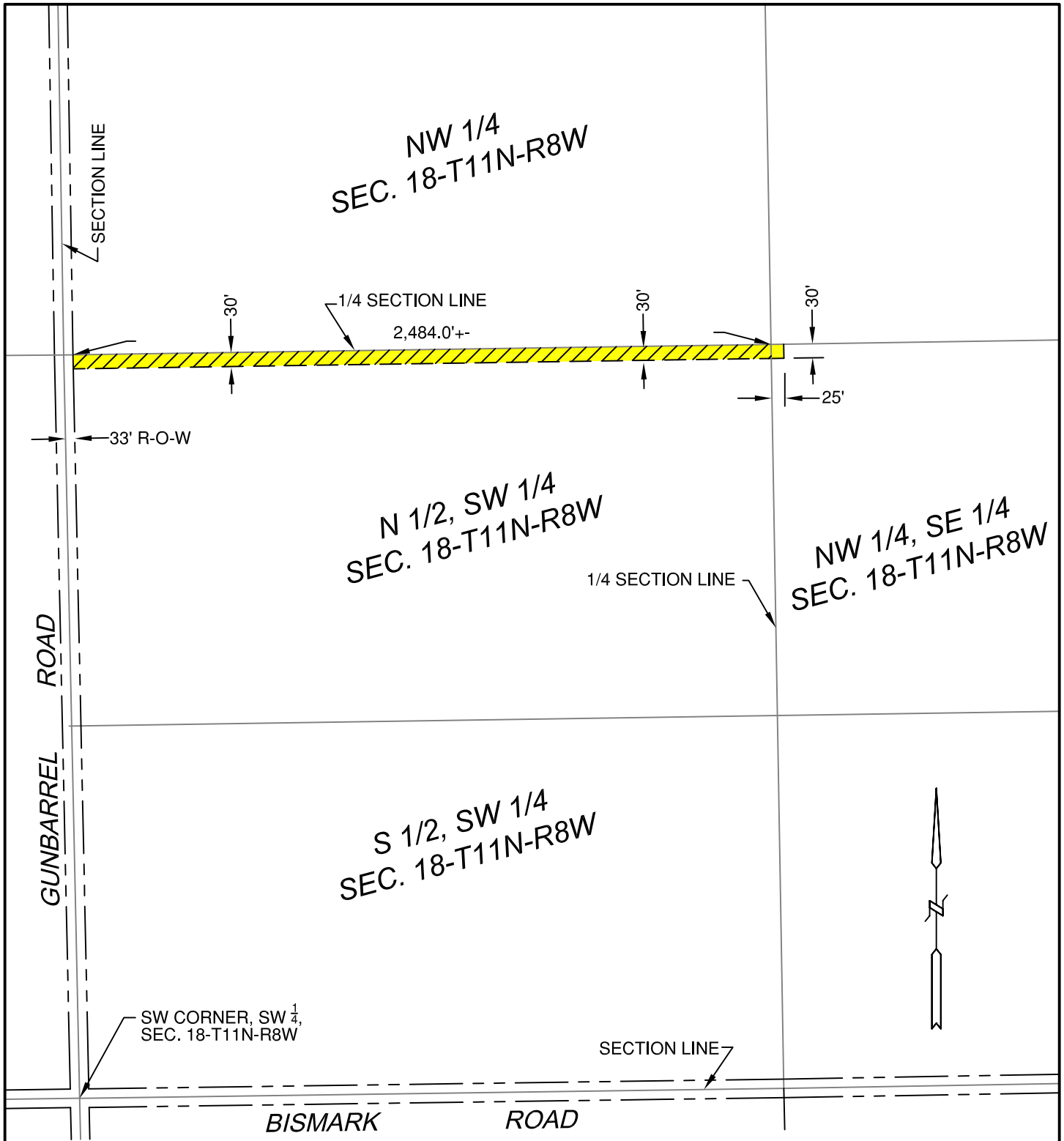
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Motion to approve acquisition of the Utility Easement.



NW 1/4
SEC. 18-T11N-R8W

1/4 SECTION LINE
2,484.0'+-

N 1/2, SW 1/4
SEC. 18-T11N-R8W

NW 1/4, SE 1/4
SEC. 18-T11N-R8W


S 1/2, SW 1/4
SEC. 18-T11N-R8W

SW CORNER, SW 1/4,
SEC. 18-T11N-R8W

GUNBARREL ROAD

BISMARK ROAD

LEGEND

-  INDICATES 30' WIDE UTILITY EASEMENT

| | |
|--|-------------------|
| CITY OF GRAND ISLAND UTILITIES DEPARTMENT | |
| EXHIBIT "A" | |
| DRN BY: K.J.M. | SCALE: 1"= 500' |
| DATE: 3/20/2006 | FILE: SEC 18.11.8 |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E6

**Public Hearing Concerning the Semi-Annual Report by the
Citizens' Review Committee on the Economic Development
Program Plan**

Staff Contact:

Council Agenda Memo

From: Gary Greer, City Administrator

Meeting: April 11, 2006

Subject: Public Hearing Concerning the Semi-Annual Report by the Citizens' Review Committee on the Economic Development Program Plan

Item #'s: E-6 & G-21

Presenter(s): Gary Greer, City Administrator

Background

The voters of the City of Grand Island approved an economic development plan at the May 6, 2003 election. Subsequent to the election, the city has adopted an ordinance that establishes the economic development plan and a Citizens' Advisory Review Committee to oversee the process of approving applications for economic development incentives. The Citizens' Advisory Review Committee is required by State Statute and the Grand Island City Code to make a semi-annual report to the City Council.

Discussion

The purpose of this agenda item is to allow for the semi-annual report. During the Public Hearing, Tim White will present the semi-annual report concerning the activities of the Citizens' Review Committee.

Alternatives

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

1. Move to approve the semi-annual report of the Citizens' Advisory Review Committee.
2. Move to not accept the semi-annual report of the Citizens' Advisory Review Committee.
3. Move to modify the request to meet the needs of the council.

Recommendation

City Administration recommends that the Council accept the semi-annual report of the Citizens' Review Committee.

Sample Motion

Motion to approve the semi-annual report of the Citizens' Review Committee.



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item F1

#9041 - Consideration of Creating Sanitary Sewer District 521; Lot 9 of Westwood Park 2nd Subdivision (829 Redwood Road)

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Consideration of Creating Sanitary Sewer District 521; Lot 9 of Westwood Park 2nd Subdivision

Item #'s: F-1

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

Background

Council action is needed to create a Sanitary Sewer District. Sanitary Sewer District 519 was created by council on July 26, 2005 and includes Lots 10 – 21 of Westwood Park 2nd Subdivision (12 lots). The contract for the construction of District 519 was awarded to the Starostka Group Unlimited, Inc. on February 14, 2006 with construction starting in March 2006.

The property owners at 829 Redwood (Lot # 9, Westwood Park 2nd Subdivision) requested city sanitary sewer on March 20, 2006. A copy of their request is attached. Their property was not included within the boundary of Sanitary Sewer District 519 when it was created.

Discussion

The design of the sanitary sewer main in district 519 is such that Lot # 9 can be served with the installation of a sanitary sewer service. The boundaries for district 519 cannot be changed, but the lot can be served if district 521 is created for that one lot and a sanitary sewer service constructed as part of district 519. A joint board of equalization will be held for sewer districts 519 and 521 with the costs distributed equally to the 13 lots in the districts. Holding the boards of equalizations for the two districts jointly will lower the per lot assessment by approximately \$1,000.

Alternatives

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

1. Approve the recommendation to create Sanitary Sewer District 521.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

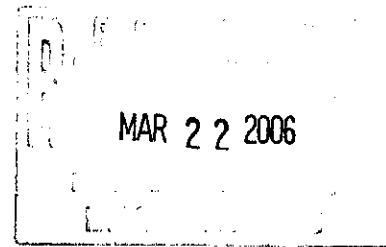
City Administration recommends that the Council approve the creation of Sanitary Sewer District #521. A ten (10) year assessment period is recommended.

Sample Motion

Move to approve the creation of Sanitary Sewer District #521.

March 20,2006

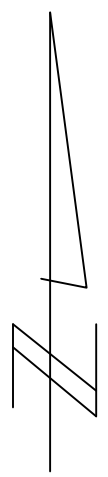
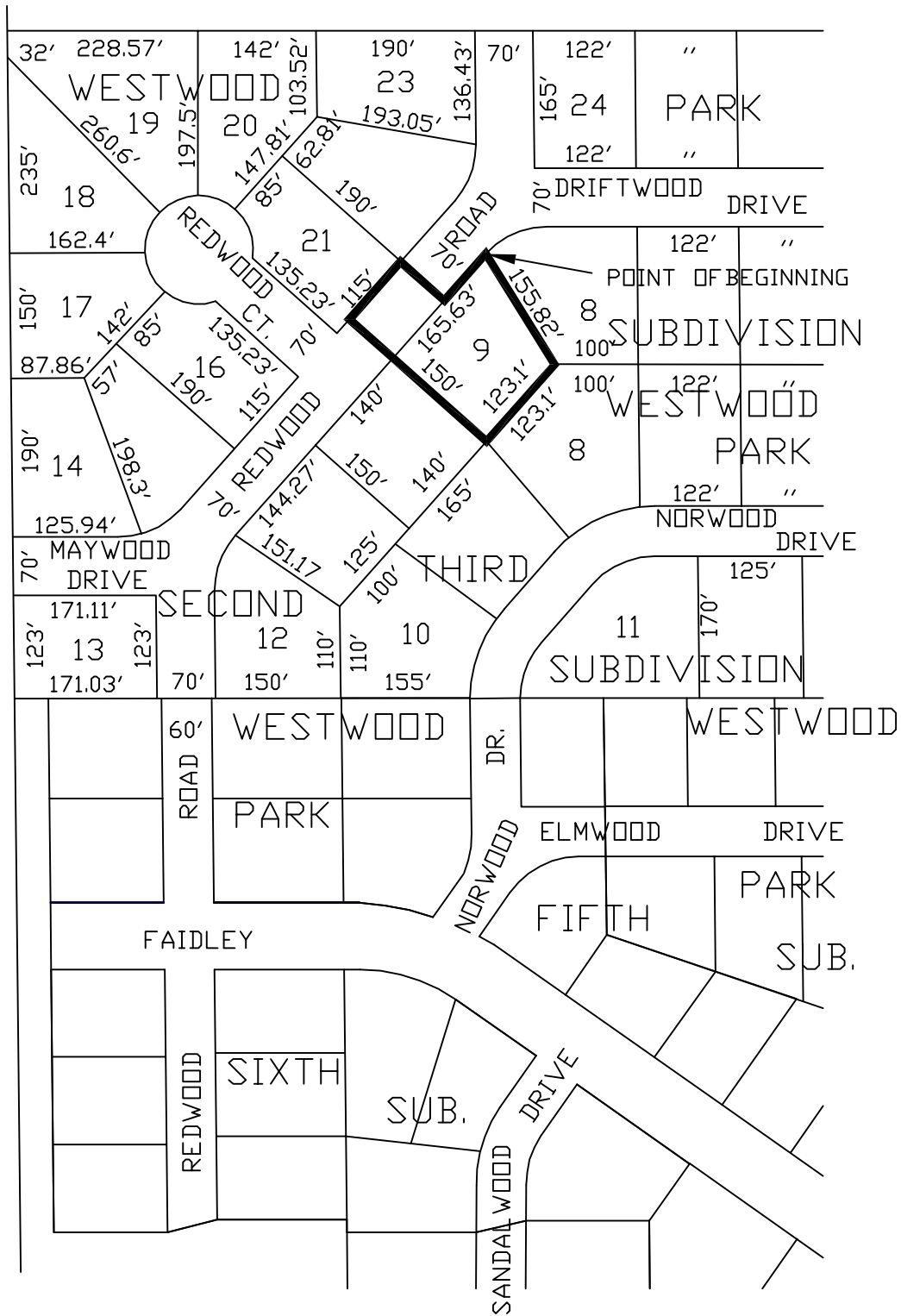
Steven Riehle
Public Works Director



We are writing in regards to the Sanitary Sewer District No. 519. We live at 829 Redwood Rd. legal description ; Lot 9 Westwood Park Second Subdivision. We understand that this new sewer district will be constructed in the near future. We would like to know if it is possible to have our property included in this district at this time. We did protest sewer district 518 last year, but we have had so much trouble with our leach field and we are tired of putting money into it trying to make it work right and it does not help. We feel it would be best to be added to the city sewer, if possible at this time. Our property has already been surveyed for this project as the workers thought we were included .Please let us know if this can be accomplished.


Thank You

Douglas & Betty Bryant
829 Redwood Rd.
Grand Island,Ne.68803
308-384-2279



SANITARY SEWER DISTRICT 521

EXHIBIT "A"



CITY OF GRAND ISLAND

 PUBLIC WORKS DEPARTMENT

DATE: 4/3/06
 DRN BY L.D.C.
 SCALE: 1"=200'

PLAT TO ACCOMPANY
 ORDINANCE NO. 9041

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 9041

An ordinance creating Sanitary Sewer District No. 521 of the City of Grand Island, Nebraska; defining the boundaries thereof; providing for the laying of sanitary sewer mains in said district; providing for plans and specifications and securing bids; providing for the assessment of special taxes for constructing such sewer and collection thereof; and providing for publication and the effective date of this ordinance.

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

SECTION 1. Sanitary Sewer District No. 521 is hereby created for the construction of a eight (8.0) inch sanitary sewer main and appurtenances thereto in Lot Nine (9), Westwood Park Second Subdivision in the City of Grand Island, Hall County, Nebraska.

SECTION 2. The boundaries of such sanitary sewer district shall be as follows:

Beginning at the northeast corner of Lot Nine (9), Westwood Park Second Subdivision; thence southeasterly on the easterly line of said Lot Nine (9) to the southeast corner of Lot Nine (9), Westwood Park Second Subdivision; thence southwesterly on the south line of Lot Nine (9) of said subdivision to the southwest corner of Lot Nine (9) Westwood Park Second Subdivision; thence northwesterly on the west line of Lot Nine (9) of said subdivision and a prolongation thereof to the northwesterly line of Redwood Road; thence

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney

ORDINANCE NO. 9041 (Cont.)

northeasterly on the northwesterly line of Redwood Road to the southeast corner of Lot Twenty One (21) of Westwood Park Second Subdivision; thence southeasterly on a prolongation of the east line of Lot Twenty One (21) Westwood Park Second Subdivision to the southeasterly line of Redwood Road; thence northeasterly on the southeasterly line of Redwood Road to the point of beginning, all as shown on the plat dated April 3, 2006, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Said improvement shall be made in accordance with plans and specifications prepared by the Engineer for the City who shall estimate the cost thereof, and submit the same to the City Council, and thereafter, bids for the construction of such sanitary sewer shall be taken and contracts entered into in the manner provided by law.

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

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval and publication, without the plat, as provided by law.

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

SECTION 7. After passage, approval and publication of this ordinance, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

ORDINANCE NO. 9041 (Cont.)

Enacted: April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item F2

#9042 - Consideration of Vacating a 10' by 15' Utilities Easement on Lot # 6 of Santa Anita Estates 2nd Subdivision (204 Saratoga Circle, Shafer Properties, LLC)

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Consideration of Vacating a 10' by 15' Utilities Easement on Lot #6 of Santa Anita Estates 2nd Subdivision (204 Saratoga Circle, Shafer Properties, LLC)

Item #'s: F-2

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

Background

Vacation of easements requires council action through passing of an ordinance.

Discussion

The original easement was used for a guy wire and is no longer needed. Shafer Properties L.L.C. is requesting the vacation of the easement in order to construct a duplex on Lot No. 6.

Alternatives

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

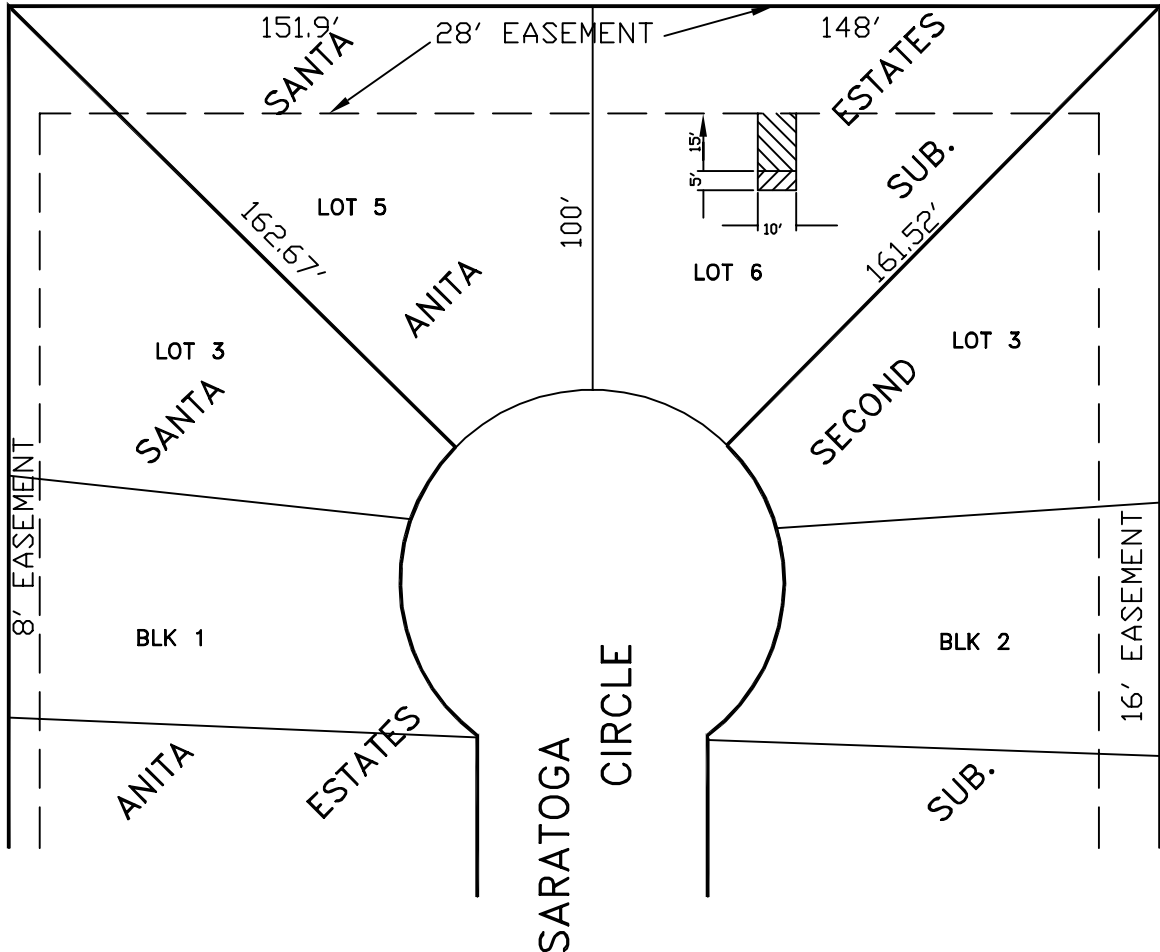
1. Make a motion to approve the ordinance vacating the Utility Easement.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the ordinance for the vacation of the easement.

Sample Motion

Move to approve the vacation of the Utility Easement.



LEGEND

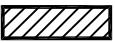


-  EASEMENT AREA PREVIOUSLY VACATED BY ORD. NO. 8208
-  EASEMENT AREA VACATED BY THIS ORDINANCE



EXHIBIT "A"

CITY OF GRAND ISLAND

PUBLIC WORKS DEPARTMENT

DATE: 4/4/06
 DRN BY: L.D.C.
 SCALE: 1"=50'

PLAT TO ACCOMPANY
 ORDINANCE NO. 9042

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 9042

An ordinance to vacate an existing easement located in Lot Six (6), Santa Anita Estates Second Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the fifteen by ten foot (15'x10') easement located in Lot Six (6) Santa Anita Estates Second Subdivision is hereby vacated. Such vacated land is shown on Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of Lot Six (6) Santa Anita Estates Second Subdivision in the City of Grand Island, Hall County, Nebraska.

SECTION 3. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |

ORDINANCE NO. 9042 (Cont.)

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G1

Receipt of Official Documents - Pawnbroker's Official Bonds for Wayne's Pawn Shop and G.I. Loan Shop

Chapter 25 of the Grand Island City Code allows for Pawnbrokers licenses. All permits expire on May 1st of each year. City Council approval is required for new applications and renewals. The City Clerk's Office has received renewal applications and Official Bonds from Wayne's Pawn Shop, G.I. Loan Shop, and Stewart's Loan and Pawnshop. Approval is recommended.

Staff Contact: RaNae Edwards



Pawnbroker's License Application

Business Owner Name: Ardith May

Business Owner Address: 2530 N Webb Road, Grand Island, Ne. 68803

Business Manager Name: Dary May.

Business Manager Address: 513 East Depot Farming, Ne. 68831

Business Street Address: 203 West 3rd Grand Island, Ne. 68801

Location of storage of goods if kept at location other than business location:

List all criminal convictions (except minor traffic infractions) of owner, manager, or all officers and shareholders (if applicant is a corporation):

| Offense | Location of Court | Conviction Date |
|---------|-------------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

If additional space is required, continue on back of the application.

Additional Documents Required:

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application. *you have on file*
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

All licenses expire on April 30th of each year. The City of Grand Island requires payment of an occupation tax in the amount of \$65.00 when the license is issued as well as a license fee in the amount of \$65.00.

All licenses are subject to approval and issuance by the City Council. Be sure you are familiar with the City Code and State Statutes pertaining to pawnbrokers.

DOMESTIC CHANGE OF REGISTERED AGENT and/or OFFICE

Submit in Duplicate

John A. Gale, Secretary of State
Room 1301 State Capitol, P.O. Box 94608
Lincoln, NE 68509

<http://www.sos.state.ne.us>

The following corporation, pursuant to the laws of the state of Nebraska, does hereby wish to change its Registered Agent and/or Registered Office.

Name of Corporation Wayne's Inc.

Previous:

Registered Agent: Wayne E. May

Registered Office: 203 West 3rd Grand Island NE 68801
Street Address City Zip

New:

Registered Agent: Ardith C. May

Registered Office*: 203 West 3rd Grand Island NE 68801
Street Address City Zip

* The street address of the registered office and the street address of the registered agent must be identical.

DATED 3-24-06

X Ardith C. May
Signature
Ardith C. May, President
Printed Name and Title

NOTE: Every filing must be signed by the chairperson of the board of directors, the president, or one of the officers of the corporation. If the corporation has not yet been formed or directors have not yet been selected, the filing shall be signed by an incorporator. If the corporation is in the hands of a receiver, trustee, or other court appointed fiduciary, the filing shall be signed by that fiduciary. Signing a false document which is filed or attempted to be filed with the Secretary of State is a Class I Misdemeanor, subject to up to one year imprisonment or a \$1000 fine, or both.

Registered Agent: Please check A (current agent) or B (new agent) below and sign

A. I hereby state that the above named corporation has been notified of the change in address of my registered office.

B. I hereby consent to act as registered agent for the above named corporation.

X Ardith C. May
Signature of Registered Agent

FILING FEE: \$30.00
Revised 01/09/2004



Western Surety Company

CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 05756024

briefly described as Pawnbroker City of Grand Island

for Wayne E. May & Ardith May dba Wayne's Pawn Shop

_____ , as Principal,

in the sum of \$ Five Thousand and 00/100 Dollars, for the term beginning

April 1 , 2004 , and ending April 1 , 2007 , subject to all

the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 23rd day of February , 2004 .

WESTERN SURETY COMPANY

By Paul T. Bruflat
Paul T. Bruflat, Senior Vice President



THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.





Pawnbroker's License Application

Business Owner Name: Darbo R Beazley
Business Owner Address: 1810 Hwy 58 Dannebrog, Ne 68831
Business Manager Name: Patricia Beazley
Business Manager Address: 1810 Hwy 58 Dannebrog, Ne 68831
Business Street Address: 1004 W 2nd Grand Island

Location of storage of goods if kept at location other than business location:

List all criminal convictions (except minor traffic infractions) of owner, manager, or all officers and shareholders (if applicant if a corporation):

| Offense | Location of Court | Conviction Date |
|---------|-------------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

If additional space is required, continue on back of the application.

Additional Documents Required:

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application.
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

All licenses expire on April 30th of each year. The City of Grand Island requires payment of an occupation tax in the amount of \$65.00 when the license is issued as well as a license fee in the amount of \$65.00.

All licenses are subject to approval and issuance by the City Council. Be sure you are familiar with the City Code and State Statutes pertaining to pawnbrokers.



OLD REPUBLIC SURETY COMPANY
 P O BOX 1976
 DES MOINES, IA 50306

CONTINUATION CERTIFICATE

| BOND NUMBER | BOND DESCRIPTION | BOND AMOUNT | EFFECTIVE DATE | EXPIRATION DATE |
|-------------|------------------|-------------|----------------|-----------------|
| RLI- 557589 | PAWNBROKER | 5,000 | 5/01/2006 | 5/01/2007 |

PRINCIPAL

BEAZLEY, DARLO R.
 G.I. LOAN SHOP
 1004 W 2ND
 GRAND ISLAND, NE 68801

OBLIGEE

CITY OF GRAND ISLAND
 2ND & PINE
 GRAND ISLAND, NE 68801

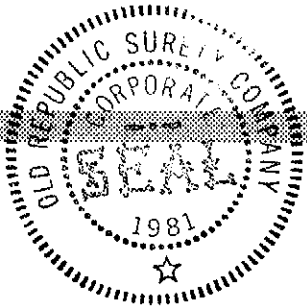
THIS BOND CONTINUES IN FORCE TO THE ABOVE EXPIRATION DATE CONDITIONED AND PROVIDED THAT THE LOSSES OR RECOVERIES ON IT AND ANY AND ALL ENDORSEMENTS SHALL NEVER EXCEED THE PENALTY SET FORTH IN THE BOND AND WHETHER THE LOSSES OR RECOVERIES ARE WITHIN THE FIRST AND/OR SUBSEQUENT OR WITHIN ANY EXTENSION OR RENEWAL PERIOD, PRESENT, PAST OR FUTURE. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

SIGNED AND DATED THIS EIGHTH DAY OF JANUARY, 2006

40-7749
 RATHMAN-OBERMILLER INSURANCE
 P O BOX 759
 GRAND ISLAND, NE 68802

OLD REPUBLIC SURETY COMPANY
 SURETY

By *Suzanne J. Stelter*
 ASSISTANT SECRETARY





Pawnbroker's License Application

Business Owner Name: Linda J. Atkins/Thomas M. Atkins, Sr

Business Owner Address: 4323S. North Rd.
Grand Island NE 68803

Business Manager Name: as above

Business Manager Address: same as above

Business Street Address: 803W 4th St.
Grand Island NE 68801

Location of storage of goods if kept at location other than business location:

List all criminal convictions (except minor traffic infractions) of owner, manager, or all officers and shareholders (if applicant if a corporation):

| Offense | Location of Court | Conviction Date |
|---------|-------------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

If additional space is required, continue on back of the application.

Additional Documents Required:

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application.
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

All licenses expire on April 30th of each year. The City of Grand Island requires payment of an occupation tax in the amount of \$65.00 when the license is issued as well as a license fee in the amount of \$65.00.

All licenses are subject to approval and issuance by the City Council. Be sure you are familiar with the City Code and State Statutes pertaining to pawnbrokers.



Western Surety Company

CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 69818760

briefly described as Pawn Shop City of Grand Island

for LINDA J. ATKINS AND HERMAN T. MEYER DBA STEWARTS LOAN & PAWN

_____, as Principal,

in the sum of \$FIVE THOUSAND AND NO/100 Dollars, for the term beginning

November 29, 2005, and ending November 29, 2006, subject to all

the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 05 day of August, 2005.



WESTERN SURETY COMPANY

By

Paul T. Bruflat, Senior Vice President

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G2

Approving Minutes of March 28, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 28, 2006

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 March 28, 2006. Notice of the meeting was given in *The Grand Island Independent* on March 22, 2006.

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

INVOCATION was given by Reverend Daniel Bremer, Grace Lutheran Church, 545 East Memorial Drive followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Baby Blues Week" March 26 to April 1, 2006. Mayor Vavricek has proclaimed the week of March 26 to April 1, 2006 as "Baby Blues Week". Dr. Kent Mann, Sue Beaty, and several students from Grand Island Senior High School were present to receive the proclamation.

Proclamation "Autism Awareness Month" April 2006: Mayor Vavricek has proclaimed the month of April 2006 as "Autism Awareness Month". Russell Wing was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License. This item was pulled from the agenda at the request of the applicant.

Public Hearing on Request of WILE E. Investment Properties, LLC for Conditional Use Permit for Temporary Use of a Home as a Veterinary Clinic during Construction of a New Veterinary Clinic Located at 210 East Stolley Park Road. Craig Lewis, Building Department Director reported that Melissa Girard representing WILE E. Investment Properties, LLC had requested a conditional use permit to allow for the temporary use of an existing single family dwelling located at 210 East Stolley Park Road for a veterinary clinic during construction of a permanent facility. No public testimony was heard.

Public Hearing on Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Agricultural to CD Commercial Development. Chad Nabity, Regional Planning Director reported that the developers of Ponderosa Pointe (Ewoldt Subdivision) had requested the City change the zoning on approximately 100 acres of ground at the southwest corner of Husker Highway and U.S. Highway 281 from TA Transitional Agricultural to CD Commercial Development. No public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at Stuhr and Swift Roads. (Swift Beef Company) Gary Mader, Utilities Director reported that acquisition of two utility easements located at Stuhr and Swift Roads were needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose of these easements would be to place a pad-mounted transformer and underground cable to serve electricity to a new lab building. No public testimony was heard.

ORDINANCES:

Chad Nabity, Regional Planning Director reported Ordinance #9032 related to the Public Hearing held on January 24, 2006 and was the final of three readings for annexation of Ewoldt Subdivision.

#9032 – Consideration of Annexation of Property Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of U.S. Highway 281. (Final Reading)

Motion by Pielstick, second by Cornelius to approve Ordinance #9032 on final reading. Upon roll call vote, all voted aye. Motion adopted.

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

#9035 - Consideration of Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Transitional Agricultural to CD Commercial Development

#9036 – Consideration of Amendments to Chapter 2 of the City Code Relative to Administration

#9037 – Consideration of Amendments to Chapter 3 of the Grand Island City Code Relative to Alarm Systems

#9038 – Consideration of Creating Chapter 37 of the Grand Island City Code Relative to Planning and Community Development

#9039 – Consideration of Creating Chapter 38 of the Grand Island City Code Relative to Economic Development

#9040 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Truck Routes

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

#9035 - Consideration of Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Transitional Agricultural to CD Commercial Development

Chad Nabity, Regional Planning Director reported on Ordinance #9035 a zoning change for Ewoldt Subdivision which was requested along with the annexation of this property.

Motion by Pielstick, second by Cornelius to approve Ordinance #9035. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9035 is declared to be lawfully adopted upon publication as required by law.

#9036 – Consideration of Amendments to Chapter 2 of the City Code Relative to Administration

Doug Walker, City Attorney explained Ordinances #9036 and the changes made to Chapter 2 of the Grand Island City Code.

Motion by Hornady, second by Cornelius to approve Ordinances #9036.

Discussion was held with regards to hired versus appointed officials, council agenda's, removal of elected officials, and county authority duties.

Motion by Gilbert, second by Whitesides to amend the motion to strike out “a majority of the entire” in Section 2-6. Upon roll call vote, all voted aye. Motion adopted.

Motion by Whitesides, second by Pielstick to add “as per state statute” and “malfeasance” in Section 2-24. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9036 is declared to be lawfully adopted upon publication as required by law.

#9037 – Consideration of Amendments to Chapter 3 of the Grand Island City Code Relative to Alarm Systems

Doug Walker, City Attorney explained the changes to Chapter 3 of the Grand Island City Code relative to alarm systems.

Motion by Pielstick, second by Hornady to approve Ordinance #9037. Discussion was held on Section 3-7 regarding penalties.

Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9037 is declared to be lawfully adopted upon publication as required by law.

#9038 – Consideration of Creating Chapter 37 of the Grand Island City Code Relative to Planning and Community Development

Doug Walker, City Attorney explained that Chapter 37 was added to the Grand Island City Code to include those areas of Planning and Community Development from other parts of the City Code in its own section.

Motion by Walker, second by Hornady to approve Ordinance #9038. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9038 is declared to be lawfully adopted upon publication as required by law.

#9039 – Consideration of Creating Chapter 38 of the Grand Island City Code Relative to Economic Development

Doug Walker, City Attorney explained that Chapter 38 was added to the Grand Island City Code to include those areas relating to Economic Development in one chapter.

Motion by Hornady, second by Pielstick to approve Ordinance #9039. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9039 is declared to be lawfully adopted upon publication as required by law.

#9040 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Truck Routes

Steve Riehle, Public Works Director reported on the changes to the truck routes throughout Grand Island and the changes to the City Code with regards to allowing the truck routes to be approved by Resolution.

Motion by Hornady, second by Walker to approve Ordinance #9040. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9040 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-12 was pulled from the agenda to the April 11, 2006 meeting. Consent Agenda item G-20 was pulled for further discussion. Motion by Cornelius, second by Hornady to approve the Consent Agenda excluding items G-12 and G-20. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 7, 2006 Joint City/County Special Meeting.

Approving Minutes of March 7, 2006 City Council Regular Meeting.

Approving Request of Sage Rath, 3111 College Street, Apt. #23 for Liquor Manager Designation for Whiskey Creek, 1016 Diers Avenue with the stipulation of completing a state approved alcohol server/seller training program.

Approving Request of WILE E. Investment Properties, LLC for Conditional Use Permit for Temporary Use of a Home as a Veterinary Clinic during Construction of a New Veterinary Clinic Located at 210 East Stolley Park Road.

Approving Preliminary Plat for Ewoldt Subdivision.

#2006-890 – Approving Final Plat and Subdivision Agreement for Ewoldt Subdivision. It was noted that Husker Retail Development, L.L.C., owners had submitted the final plat for Ewoldt Subdivision located on a parcel of land in the NE 1/4 of Section 36-11-10 for the purpose of creating 10 lots and 3 outlots.

#2006-90 – Approving Designating No Parking Along the East Side of Exchange Street.

#2006-91 – Approving Change Order No. 1 to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for the Capital Heights Drainway Rip Rap & Grading; 2005-D-3 and for the Capital Avenue Outfall Structure; 2005-D-4 for a Decrease of \$589.40 and a Revised Contract Amount of \$140,962.18.

#2006-92 – Approving Certificate of Final Completion with The Diamond Engineering Company of Grand Island, Nebraska for Capital Heights Drainway Rip Rap & Grading; 2005-D-3 and for the Capital Avenue Outfall Structure; 2005-D-4.

#2006-93 – Approving Agreement for Consulting Engineering Services for the Re-Permitting of the Solid Waste Landfill with HDR Engineering, Inc. of Omaha, Nebraska for Actual Costs with a Basic Permit Fee Maximum of \$32,400 and a Total Maximum Dollar Amount of \$54,000.

#2006-94 – Approving Installation of a Temporary Traffic Signal at the intersection of Diers Avenue and Capital Avenue.

#2006-95 – Approving Contract for the Nebraska Department of Roads to Acquire Right-of-Way Adjacent to the City Library for the Widening of US Highway 30. This item was pulled from the agenda until the April 11, 2006 meeting.

#2006-96 – Approving the Renewal of the Interlocal Agreement with Hall County for Law Enforcement Records Management and Computer Aided Dispatch. It was noted that two additional voting members were to be added.

#2006-97 – Approving 20 Year Lease Agreement for Jackrabbit Run Golf Course with the Hall County Regional Airport Authority Based on a Yearly 3% Increase with 2007 in the Amount of \$16,172.44.

#2006-98 – Approving Acquisition of Utility Easements Located at Stuhr and Swift Roads. (Swift Beef Plant)

#2006-99 – Approving Bid Award for 22.5 MVA Substation Transformers - Contract 06-PCC-01, with VA Tech Ferranti Packard of St. Catharines, Ontario, Canada in an Amount of \$1,587,462.00.

#2006-100 – Approving Agreement for Air Emissions Monitoring with HDR Engineering, Inc. of Omaha, Nebraska in an Amount not to exceed \$20,000.00.

#2006-101 – Approving Letter of Agreement between the Nebraska Children and Families Foundation and the Community youth Council for Grant Funds in the Maximum Amount of \$25,000.00.

#2006-102 – Approving Interlocal Agreement with Hall County for Sharing the Costs for the Operation of the New Law Enforcement Center.

#2006-103 – Approving Establishment of Designated Truck Routes. Steve Riehle, Public Works Director explained the changes to the truck routes and approving these routes through Resolution instead of Ordinance as has been done in the past.

Motion by Gilbert, second by Whitesides to approve Resolution #2006-103. Discussion was held with regards to the area of North Road from Husker Highway to Stolley Park Road. Discussed was truck traffic and concerns of public safety crossing North Road to the Cedar Hills Park.

Motion by Gilbert, second by Whitesides to amend the motion to delete the truck route on North Road from Husker Highway to Stolley Park Road. Upon roll call voted all voted aye. Motion adopted.

Upon roll call vote on the main motion with the amendment, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of the Request from Bosselman, Inc. for Approval of a Ground Sign Exceeding 50' in Height Located at 7301 Bosselman Avenue. Craig Lewis, Building Department Director reported that Bosselman, Inc. had submitted an application for permission to place a 14' x 18' ground sign with a height of 60' at 7301 Bosselman Avenue. Section 31-25 of the Grand Island

City Code requires that ground signs exceeding 50 feet in height be approved by the Mayor and City Council. Brandi Bosselman spoke in support.

Motion by Whitesides, second by Hornady to approve the request of Bosselman, Inc. for the proposed 60' tall sign and authorize the Building Department to issue a permit for such sign. Upon roll call vote, Councilmember's Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Pielstick vote no. Motion adopted.

RESOLUTIONS:

#2006-104 – Approving Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class “C” Liquor License. This item was pulled from the agenda at the request of the applicant.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of March 8, 2006 through March 28, 2006, for a total amount of \$4,799,769.20. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #121662.

Motion by Corneilus, second by Haase to approve the following Claims for the Library Expansion for the period of March 8, 2006 through March 28, 2006:

| | |
|-----|------------|
| #23 | \$75.00 |
| #24 | \$2,128.67 |

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G3

Approving the Appointment of Dale Shotkoski as Interim City Attorney

The Mayor and City Administrator have submitted the appointment of Dale Shotkoski to serve as the Interim City Attorney. Mr. Shotkoski will serve in this capacity until a City Attorney is hired. Approval is recommended.

Staff Contact: Brenda Sutherland



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G4

**Approving Request of Funk Family, LLC by Dale Funk for
Conditional Use Permit for Temporary Office Located at 1612
South Webb Road**

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

Staff Contact: Craig Lewis



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G5

Approving Preliminary Plat for Springdale Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Springdale Subdivision - Preliminary Plat
Item #'s: G-5
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 36 lots on a parcel of land in the SE ¼ NE ¼ 23-11-10. This land consists of approximately 14.229 acres.

Discussion

This property is located west of North Road and south of Lilly Drive. Sewer and water are available to the property and will be extended to serve the planned lots. The property is currently zoned LLR Large Lot Residential. The proposed plat would require that the property be rezoned to R1 Suburban Density Residential at the time of final platting. The availability of sewer and water supports the R1 lot sizes.

The developer is including property for a detention cell required by the Moore's Creek Drainway plan. They will excavate the cell to provide fill material for the lots on the site.

Greg Baxter expressed concern about the drainage in this area.

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

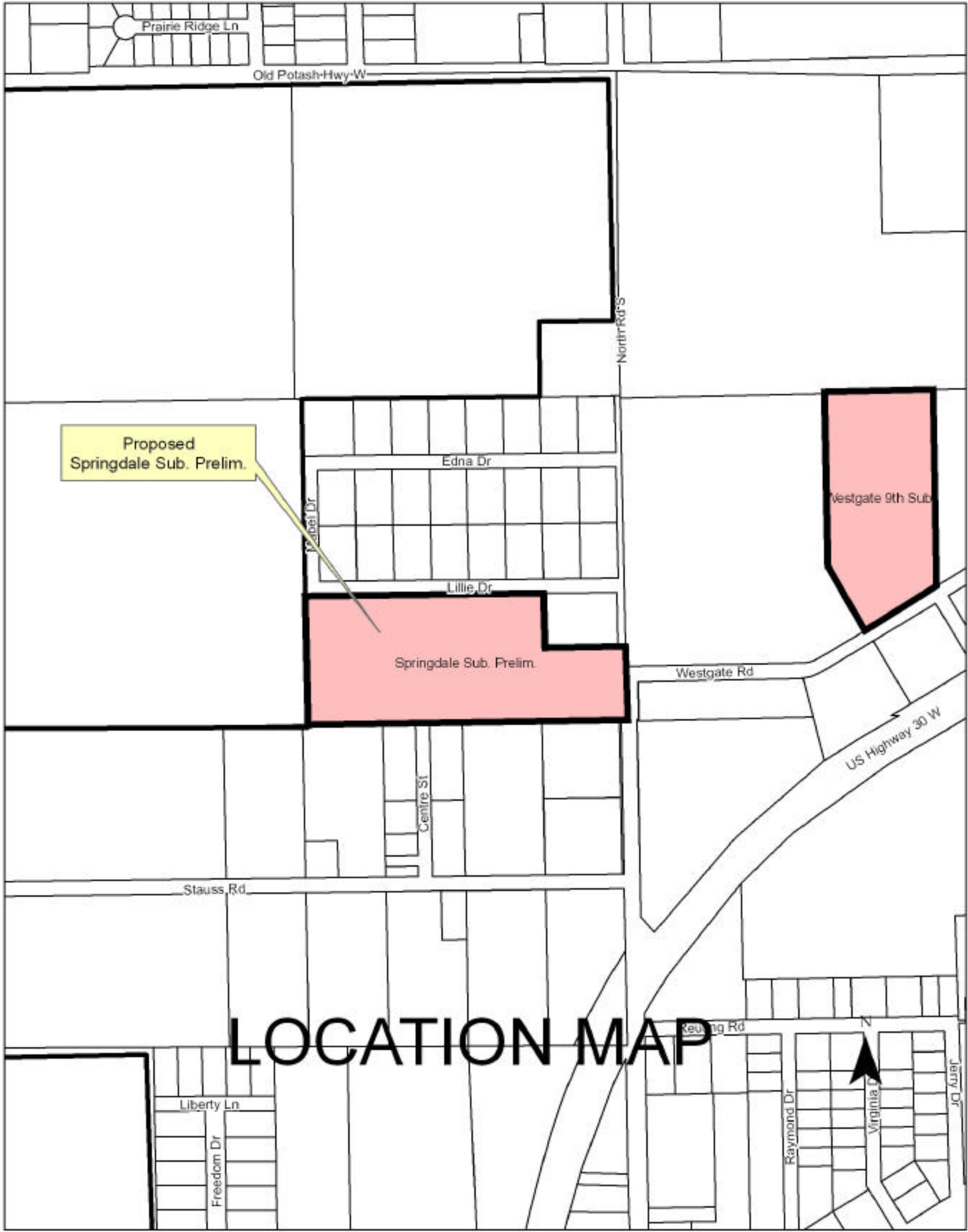
Recommendation

A motion was made by Ruge 2nd by Eriksen to approve the preliminary plat as presented.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Preliminary Plat for Springdale Subdivision as presented.





City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G6

Approving Preliminary Plat for Sterling Estates Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Sterling Estates Subdivision - Preliminary Plat
Item #'s: G-6
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 241 lots on a parcel of land in the NW ¼ 12-11-10. This land consists of approximately 116.13 acres. This development is proposing 235 residential lots and 6 office lots, along with a 7 acre public park connected to the hike-bike trail along the Moore's Creek Drainway.

Discussion

This property is currently zone R1 Suburban Density Residential and R4 High Density Residential. Sewer and water are available to the property. It will drain into the Moore's Creek Drainway immediately to the east of the property. An application to rezone the property will need to accompany the final plat to adjust zoning district boundaries to line up with the proposed streets.

Planning commission members expressed concern about Imperial Lane as it changes from an east/west street to a north/south street at the east end of the subdivision. The developers agreed to change the name of the north/south section of the street.

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

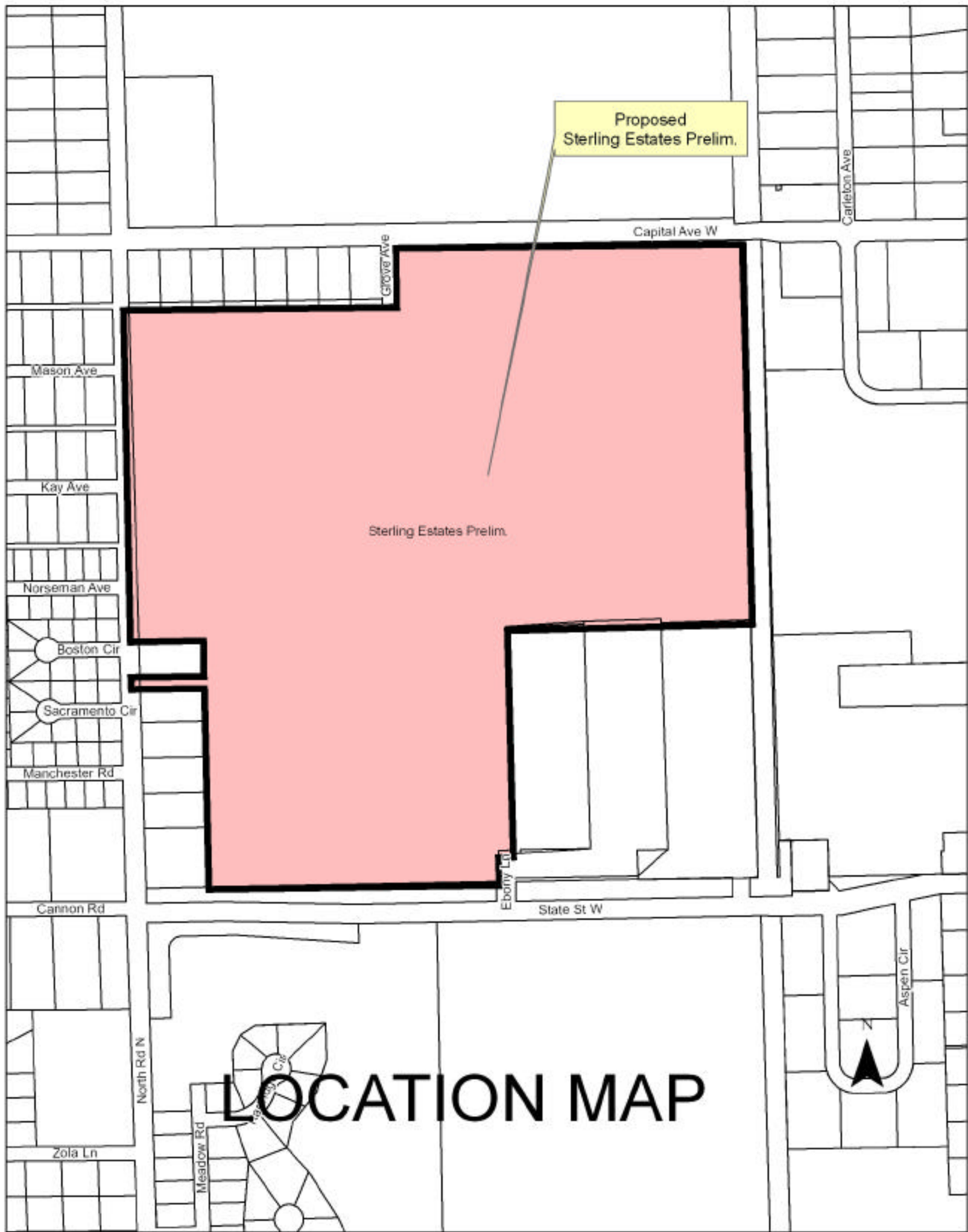
Recommendation

A motion was made by Snodgrass 2nd by Haskins to approve the preliminary plat with a new name for the north/south portion of Imperial Lane.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Preliminary Plat for Sterling Estates Subdivision as presented.



**STERLING ESTATES
SUBDIVISION
PRELIMINARY PLAT**
MARCH 2008

2008-03-01
10:01

STERLING ESTATES
SUBDIVISION
PRELIMINARY PLAT
MARCH 2008

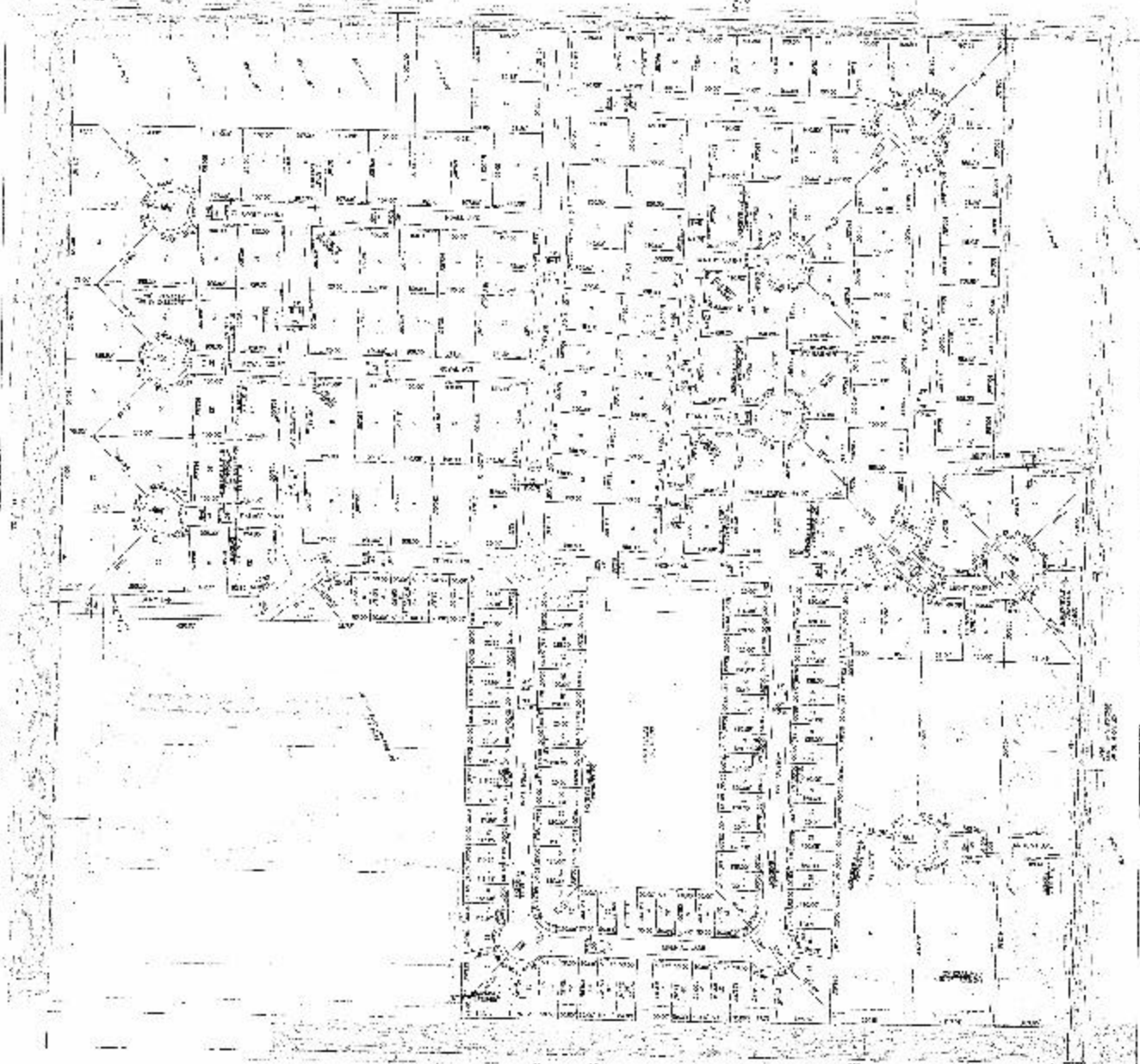
STERLING ESTATES
SUBDIVISION
PRELIMINARY PLAT
MARCH 2008

STERLING ESTATES
SUBDIVISION
PRELIMINARY PLAT
MARCH 2008



OLSSON ASSOCIATES

2008-03-01
10:01





City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G7

**Approving Preliminary Plat for Summerfield Estates Fifth
Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Summerfield Estates Subdivision - Preliminary Plat
Item #'s: G-7
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 14 lots on a parcel of land in the W ½ SW ¼ 12-11-10. This land consists of approximately 3.51 acres.

Discussion

This property is currently zoned R1 Low Density Residential and R3 Medium Density Residential. Sewer and water are available to the subdivision and will be extended. This preliminary plat eliminates a cul-de-sac that was planned for the area of the Summerfield Fifth Subdivision. This helps loop the water lines.

No changes were made in the number of lots proposed for this development.

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

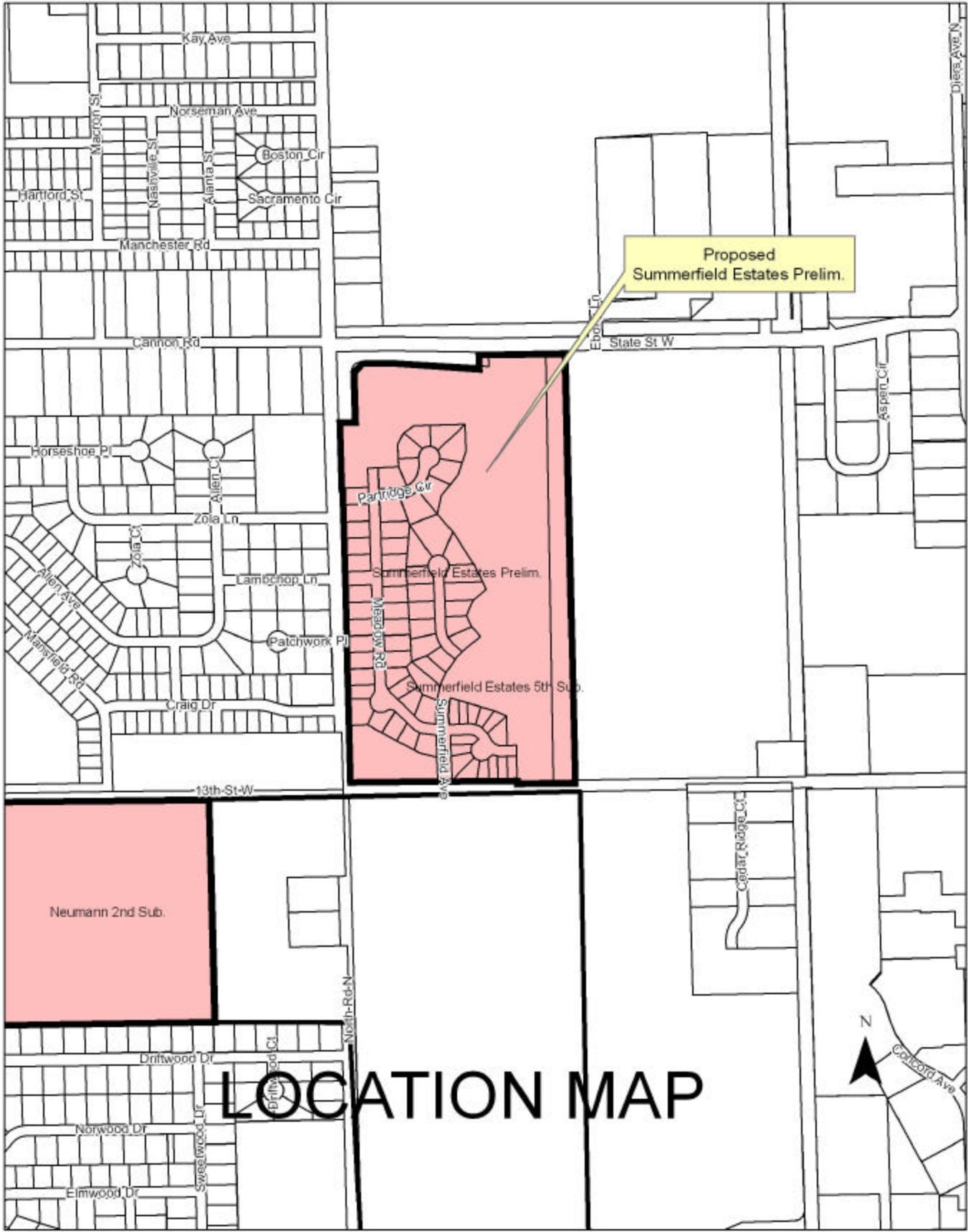
Recommendation

A motion was made by Miller 2nd by Monter to approve the preliminary plat as presented.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Preliminary Plat for Summerfield Estates Subdivision as presented.





City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G8

#2006-95 - Approving Contract with the Nebraska Department of Roads to Acquire Right-of-Way Along the City Library Parking Lot for the Widening of US HWY 30

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Approving Contract with the Nebraska Department of Roads to Acquire Right-of-Way Along the City Library Parking Lot for the Widening of US HWY 30

Item #'s: G-8

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

Background

Council approval is needed for the Mayor to sign contracts. The Nebraska Department of Roads (NDOR) is working with the City of Grand Island Public Works Department on a joint project to widen US HWY 30 (Second Street) from a 4-lane to a 5-lane roadway. The existing road is 50' wide and the new roadway will be 64' wide. Approximately 7' of widening occurs on the north side of 2nd Street and 7' on the south side of 2nd Street.

This item was pulled from the March 28, 2006 council agenda because the ownerships for the City and the Library Board were listed incorrectly.

Discussion

In conjunction with the widening project, additional Right-of-Way (ROW) and Temporary Easements are needed.

Between Adams Street and Washington Street (NDOR Tract No. 33)

The City of Grand Island is the owner of the property where the parking lot will be located. The NDOR is acquiring 962.17 square feet of ROW and 2,703.05 square feet of Temporary Easement. The total dollar amount of the contract is \$8,020.00.

Between Washington Street and Lincoln Street (NDOR Tract No. 38)

The Library Board of Grand Island, NE is the owner of the property where the library building is located. The NDOR is acquiring 956.41 square feet of ROW and 2,771.03 square feet of Temporary Easement. The Library Board will be considering a contract with NDOR in the amount of \$9,110.00 at their board meeting.

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 contract.
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 Acquisition Contract and associated documents.

Sample Motion

Move to approve the contract.

STREET

SPAULDING AND
GREGG'S
BLK 2
ADDITION

VACATED WASHINGTON
STREET

16.43' 14.13'

10' TEMPORARY EASEMENT

3' R.O.V.

3' R.O.V.



SECOND

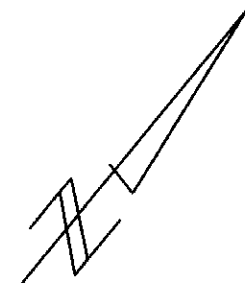
STREET

ADAMS

WASHINGTON
STREET

LEGEND

-  10' TEMPORARY EASEMENT AREA
-  RIGHT OF WAY ACQUIRED





STATE OF NEBRASKA
DEPARTMENT OF ROADS

ACQUISITION CONTRACT

Copies to:

- 1. Right of Way Division, Nebraska Department of Roads
- 2. Owner (NDOR Approved)
- 3. Owner
- 4. District Engineer
- 5. Project Manager

Project No.: **30-4(103)**
 Control No.: **40352**
 Tract No.: **33**

THIS CONTRACT, made and entered into this _____ day of _____, 20____
 by and between **City of Grand Island, Nebraska,** _____

Address: _____

hereinafter called the OWNER, and the State of Nebraska, Department of Roads, hereinafter called the STATE.

RIGHT OF WAY

WITNESSETH: In consideration of the payment or payments as specified below, the OWNER hereby agrees to execute to the STATE, a deed which will be prepared and furnished by the STATE, to certain real estate described as follows:

A TRACT OF LAND LOCATED IN LOTS 5, 6, 7 AND FRACTIONAL LOT 8 IN FRACTIONAL BLOCK 2, SPAULDING & GREGG'S ADDITION, AND FRACTIONAL LOT 8 IN FRACTIONAL BLOCK 2, ARNOLD PLACE ADDITION TO GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID LOT 5; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT, A DISTANCE OF 16.42 FEET; THENCE EASTERLY DEFLECTING 134 DEGREES, 58 MINUTES, 01 SECONDS RIGHT A DISTANCE OF 18.65 FEET; THENCE NORTHEASTERLY DEFLECTING 45 DEGREES, 00 MINUTES, 00 SECONDS LEFT A DISTANCE OF 250.81 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 8, ARNOLD PLACE ADDITION; THENCE SOUTHEASTERLY ALONG SAID LINE DEFLECTING 90 DEGREES, 01 MINUTES, 59 SECONDS RIGHT A DISTANCE OF 3.39 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 8; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINES OF LOT 8, ARNOLD PLACE ADDITION AND LOTS 8,7 AND 6, SPAULDING AND GREGG'S ADDITION DEFLECTING 90 DEGREES, 00 MINUTES, 00 SECONDS RIGHT A DISTANCE OF 264.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 962.17 SQUARE FEET, MORE OR LESS.

TEMPORARY EASEMENT

WITNESSETH: In consideration of the payment or payments as specified below, the OWNER hereby grants to the STATE a Temporary Easement to certain real estate described as follows:

A TRACT OF LAND FOR SHAPING PURPOSES LOCATED IN LOTS 5, 6, 7 AND FRACTIONAL LOT 8 IN FRACTIONAL BLOCK 2, SPAULDING & GREGG'S ADDITION, AND FRACTIONAL LOT 8 IN FRACTIONAL BLOCK 2, ARNOLD PLACE ADDITION TO GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHERLY CORNER OF SAID LOT 5; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT, A DISTANCE OF 16.42 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY DEFLECTING 0 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 14.13 FEET; THENCE EASTERLY DEFLECTING 134 DEGREES, 58 MINUTES, 01 SECONDS RIGHT A DISTANCE OF 24.49 FEET; THENCE NORTHEASTERLY DEFLECTING 45

DEGREES, 00 MINUTES, 00 SECONDS LEFT A DISTANCE OF 246.67 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 8, ARNOLD PLACE ADDITION; THENCE SOUTHEASTERLY ALONG SAID LINE DEFLECTING 90 DEGREES, 01 MINUTES, 59 SECONDS RIGHT A DISTANCE OF 10.00 FEET; THENCE SOUTHWESTERLY DEFLECTING 89 DEGREES, 58 MINUTES, 01 SECONDS RIGHT A DISTANCE OF 250.81 FEET; THENCE WESTERLY DEFLECTING 45 DEGREES, 00 MINUTES, 00 SECONDS RIGHT A DISTANCE OF 18.65 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 2703.05 SQUARE FEET, MORE OR LESS.

UPON COMPLETION AND ACCEPTANCE OF PROJECT 30-4(103), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE GRANTOR AND TO ITS SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.

It is understood that the easement area(s) may be used for the temporary relocation of utilities during the construction of the project.

The STATE agrees to purchase the above described Right of Way and/or Easement(s) and to pay, therefore, upon the delivery of said executed Deed and/or Easement(s). If the OWNER so desires, he/she shall have the right to receive 100% of the final payments due under this contract prior to vacating the premises being acquired.

| | |
|---|--------------------|
| Purchase 962.17 Sq. Ft. @ \$6.50 per Sq. Ft., net amount | \$ 6,260.00 |
| Temporary easement for shaping containing 2,703.05 Sq. Ft., net amount | 1,760.00 |
| TOTAL | \$ 8,020.00 |

It is agreed and understood that the STATE is hereby granted an immediate right of entry upon the premises described above.

The above payments shall cover all damages caused by the establishment and construction of the above project except for CROP DAMAGE, if any, which will be paid for in an amount based on the yield from the balance of the field less expenses of marketing and harvesting. CROP DAMAGE shall mean damage to such crops as are required to be planted annually and which were planted at the time of the signing of this contract and which are actually damaged due to construction of this project, but in no case shall damages be paid for more than one year's crop. The OWNER agrees to make a reasonable attempt to harvest any crop so as to mitigate the crop damage.

If any other party shall hold any encumbrance against the aforementioned property at the time of delivery of the aforementioned property, such payments as are due under this contract shall be made to the OWNER jointly with the party or parties holding such encumbrance, unless said party or parties holding such encumbrance shall have in writing waived his/her right to receive such payment.

Expenses for partial release of mortgages will be paid by the STATE, if required.

This contract shall be binding on both parties as soon as it is executed by both parties, but should none of the above real estate be required, this contract shall terminate upon the payment of \$10.00 by the STATE to the OWNER.

This contract may be executed in more than one copy, each copy of which, however, shall serve as an original for all purposes, but all copies shall constitute but one and the same contract.

REMARKS

THIS IS A LEGAL AND BINDING CONTRACT - READ IT.

The representative of the STATE, in presenting this contract has given me a copy and explained all its provisions. A complete understanding and explanation has been given of the terminology, phrases, and statements contained in this contract. It is understood that no promises, verbal agreements or understanding, except as set forth in this contract, will be honored by the STATE.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

OWNER

By _____
Right of Way Manager

Date _____

Dated this _____ day of _____, 20 _____

Dated this _____ day of _____, 20 _____

On the above date, before me a General Notary Public duly commissioned and qualified, personally came

On the above date, before me a General Notary Public duly commissioned and qualified, personally came

to me known to be the identical person _____ whose name _____ affixed to the foregoing instrument as grantor _____ and acknowledged the same to be a voluntary act and deed.

to me known to be the identical person _____ whose name _____ affixed to the foregoing instrument as grantor _____ and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year above written.

WITNESS my hand and Notarial Seal the day and year above written.

Notary _____

Notary _____

My commission expires the _____ day of _____, 20 _____

My commission expires the _____ day of _____, 20 _____

STATE OF _____

STATE OF _____

ss.

ss.

County

County

RESOLUTION 2006-95

WHEREAS, the City has been working with the Nebraska Department of Roads on a joint project to widen U.S. Highway 30 (2nd Street) from a 4-lane to a 5-lane roadway; and

WHEREAS, the existing road is fifty feet wide, and the new roadway will be sixty-four feet wide; and

WHEREAS, the Nebraska Department of Roads is working to acquire right-of-way and a temporary easement adjacent to the Edith Abbott Memorial Library to accommodate the widening project; and

WHEREAS, an Acquisition Contract and related documents have been reviewed and approved by the City Attorney's office for this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Acquisition Contract by and between the City and the Nebraska Department of Roads for the state to acquire right-of-way and a temporary easement adjacent to the library for the widening of 2nd Street is hereby approved; and the Mayor is hereby authorized and directed to execute such contract and related documents on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G9

**#2006-105 - Approving Final Plat and Subdivision Agreement for
Bosselville Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Bosselville Second Subdivision - Final Plat
Item #'s: G-9
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 2 lots on a parcel of land consisting of lots 5 & 6 block 1 Bosselville Subdivision and part of the NE ¼ 24-10-10. This land consists of approximately 2.19 acres.

Discussion

This property is zoned B2. Public sewer and water are not available to the subdivision. A private community water and sewer system serves these properties. This subdivision is including additional property with the lot the Motel 6 is on to bring the sign at this location into compliance with the Grand Island sign regulations.

Alternatives

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

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

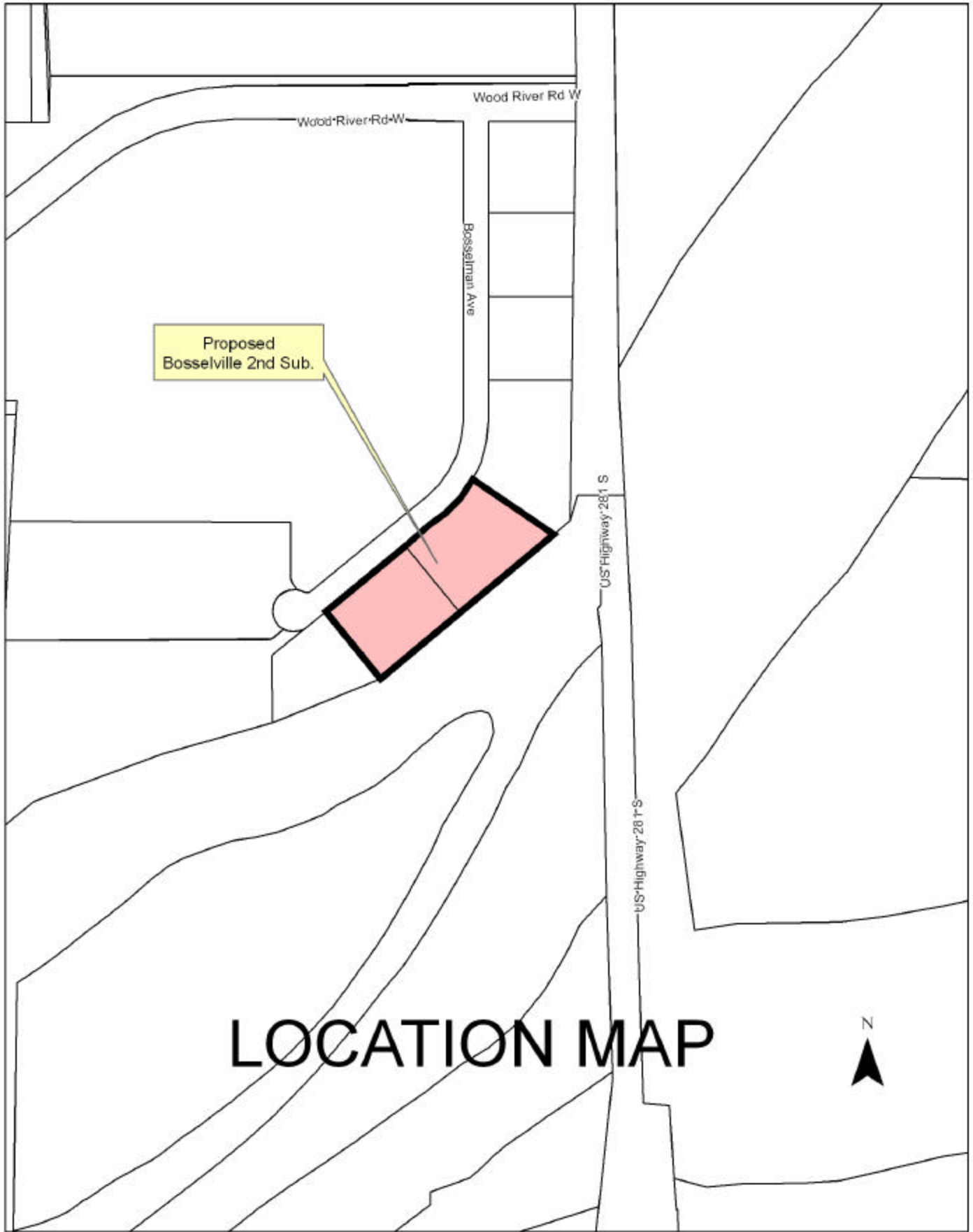
Recommendation

A motion was made by Miller 2nd by Haskins to approve the final plat as presented.

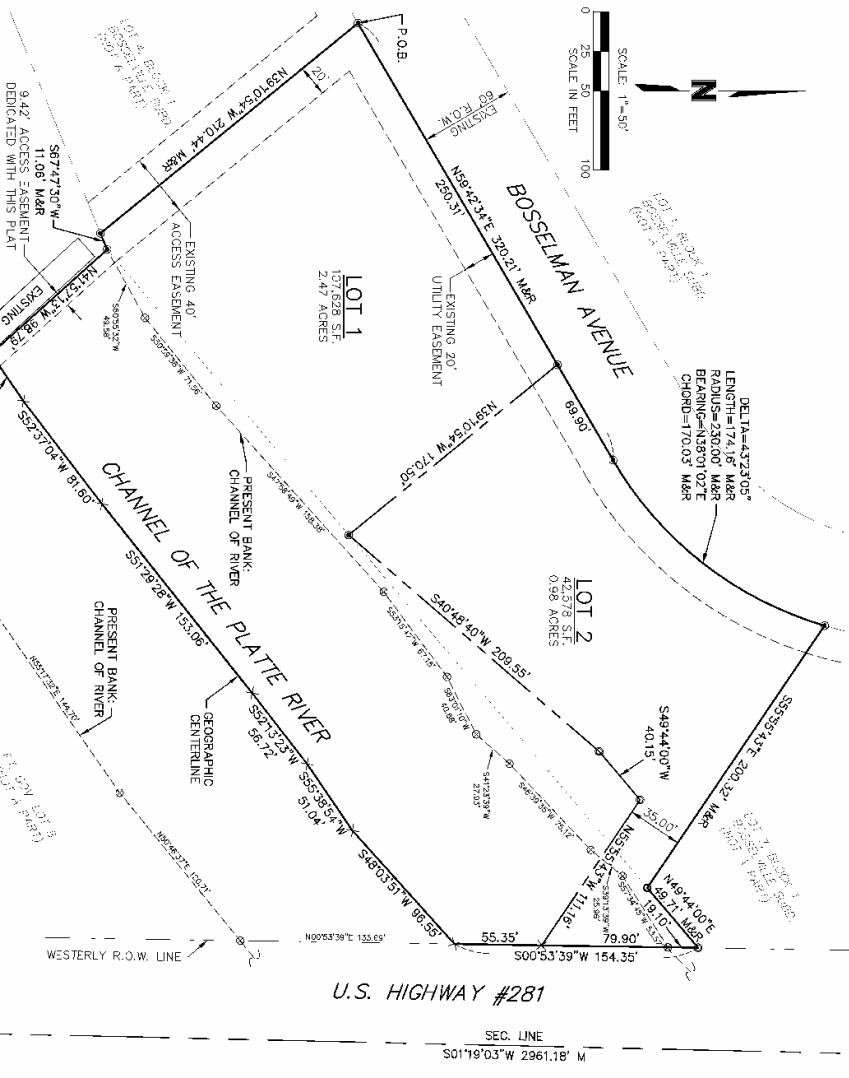
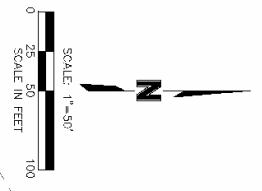
A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Final Plat for Bosselville Second Subdivision as presented.

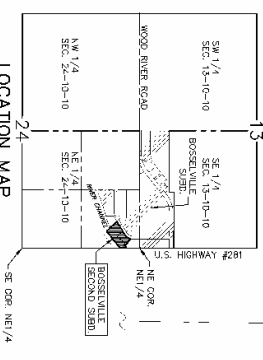


BOSELVILLE SECOND SUBDIVISION PART OF THE NE1/4 OF THE NE1/4, SEC. 24, T10N, R10W, HALL COUNTY, NEBRASKA



- ### LEGEND
- CORNER FOUND—3/4" IRON PIPE
 - CORNER SET—3/4" IRON PIPE
 - ⊗ CORNER SET—1/2" IRON PIPE
 - ⊙ ANGLE POINT
 - M MEASURED DISTANCE
 - R RECORDED DISTANCE

- ### SECTION TIES
- 66.45' SW TO CORNER "X" NE BOLT LIGHT POLE
 - 66.45' SW TO CORNER "X" NE BOLT LIGHT POLE
 - 27.89' SE TO CORNER "X" IN CONCRETE
 - 25.87' SE TO CORNER "X" IN CONCRETE
 - 18.87' SW TO CORNER "X" IN CONCRETE
 - 13.31' N TO E. EDGE S. BRIDGE LAKE HWY. 281



LEGAL DESCRIPTION

That certain lots and portions of the NE1/4 of the NE1/4 of Section 24, Township 10 North, Range 10 West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

COMMENCING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 1 OF SAID BOSELVILLE SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY (R.O.W.) LINE OF BOSELVILLE AVENUE AND THE POINT OF BEGINNING, THENCE ALONG AND UPON SAID SOUTHERLY RIGHT-OF-WAY (R.O.W.) LINE OF BOSELVILLE AVENUE A DISTANCE OF 200.21 FEET TO A POINT OF CURVATURE, THENCE A RADIUS OF 230.00 FEET AND A CHORD BEARING N89°10'24"E A DISTANCE OF 170.03 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK 1 OF SAID BOSELVILLE SUBDIVISION, THENCE S89°10'24"E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 7, BLOCK 1 A DISTANCE OF 401.15 FEET TO A POINT OF CURVATURE, THENCE A RADIUS OF 401.15 FEET AND A CHORD BEARING N89°10'24"E A DISTANCE OF 273.03 FEET TO THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 OF SAID BOSELVILLE SUBDIVISION, THENCE N89°10'24"W A DISTANCE OF 164.25 FEET TO THE INTERSECTION OF SAID WESTERN R.O.W. LINE AND THE GEOGRAPHIC CENTERLINE OF A CHANNEL OF THE PLATE RIVER, THENCE ALONG SAID GEOGRAPHIC CENTERLINE, S89°10'24"W A DISTANCE OF 31.38 FEET, THENCE N45°15'15"W A DISTANCE OF 98.79 FEET TO A SOUTHERLY CORNER OF LOT 5, BLOCK 1 OF SAID BOSELVILLE SUBDIVISION, THENCE S89°10'24"W A DISTANCE OF 153.06 FEET, THENCE S89°10'24"W A DISTANCE OF 16.60 FEET, THENCE S89°10'24"W A DISTANCE OF 153.06 FEET, THENCE N45°15'15"W A DISTANCE OF 98.79 FEET TO A SOUTHERLY CORNER OF LOT 5, BLOCK 1 OF SAID BOSELVILLE SUBDIVISION, THENCE N87°04'14"W A DISTANCE OF 150.26 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 150.26 SQUARE FEET OR 0.34 ACRES MORE OR LESS.

DEDICATION

NOTICE IS HEREBY GIVEN, THAT BOSELMAN INCORPORATED BEING THE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE SURVEYED, SUBDIVIDED, PLATED AND DESIGNATED AS BOSELVILLE SECOND SUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 10 WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE PLAT HEREIN, AND THE SAID LAND HAS BEEN DESIGNATED AS PUBLIC HIGHWAY AND HAS BEEN OPEN TO THE PUBLIC FOR THE PURPOSES OF TRAVEL, BUSINESS AND EXPRESS TRAFFIC, AND HEREBY PROMULGATING THE PLANNING OF THESE OR PLACING OTHER RESTRICTIONS THEREON, I HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE SAID TRACT OF LAND AS DESCRIBED ON THIS PLAT, WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT _____ DAY OF _____, 2006, _____ CITY, _____ STATE.

CHARLES D. BOSELMAN, PRESIDENT

ACKNOWLEDGMENT

STATE OF NEBRASKA, SS
COUNTY OF HALL

ON THIS _____ DAY OF _____, 2006, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED CHARLES D. BOSELMAN TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED AND CERVED BY OFFICIAL SEAL HEREON VOLUNTARY ACT AND SOUND MIND, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

APPROVAL

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALMA, OAKO, AND DONIPHAN, NEBRASKA.

NOTARY PUBLIC _____

CHAIRMAN _____ DATE _____

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA
THIS _____ DAY OF _____, 2006.

MAYOR _____

CITY CLERK _____

APPROVED AND ACCEPTED BY THE HALL COUNTY BOARD OF SUPERVISORS
THIS _____ DAY OF _____, 2006.

CHAIRMAN _____

COUNTY CLERK _____

SURVEYOR'S CERTIFICATE

I, SURVEYOR, CERTIFY THAT ON _____, 2006, UNDER MY PERSONAL SUPERVISION I COMPLETED AN ACCURATE SURVEY OF BOSELVILLE SECOND SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 10 WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF, THAT THE LOTS, BLOCKS, ACROSSING AND PLAT THEREOF ARE WELL AND ACCURATELY STAKED OFF AND MARKED, THAT IRON PIPE MARKERS EXCEPT WHERE INDICATED WERE FOUND OR PLACED AT ALL LOT CORNERS, THAT THE DIMENSIONS OF THE LOTS ARE AS SHOWN ON THE PLAT, THAT EACH LOT BEARS ITS OWN NUMBER AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

THOMAS J. AMEN, REGISTERED LAND SURVEYOR NUMBER: 15-438

RESOLUTION 2006-105

WHEREAS, Bosselman Incorporated, a corporation, as owner, has caused to be laid out into lots, a tract of land consisting of Lot 5 and Lot 6, Block 1, Bosselville Subdivision, and part of Government Lot 1, all located in the Northeast Quarter (NE1/4) of Section 24, Township 10 North, Range 10 West of the 6th P.M. in Hall County, Nebraska, under the name of BOSSELVILLE SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G10

#2006-106 - Approving Final Plat and Subdivision Agreement for Larue Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Larue Subdivision - Final Plat
Item #'s: G-10
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 142 lots on a parcel of land in the E ½ NW ¼ 13-11-10. This land consists of approximately 35.922 acres.

Discussion

This property is zoned R4-High Density Residential. Sewer and water are available and will be extended with the development. The developers are proposing to make the easternmost street, Windridge Avenue, a private street. They have presented plans and intend to build this street to city standard of 37 feet. They will be able to use different financing that will make the project feasible if they can maintain this as a private street. Council changed the regulations to allow private streets in residential subdivisions 2 months ago in anticipation of this application.

Alternatives

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

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

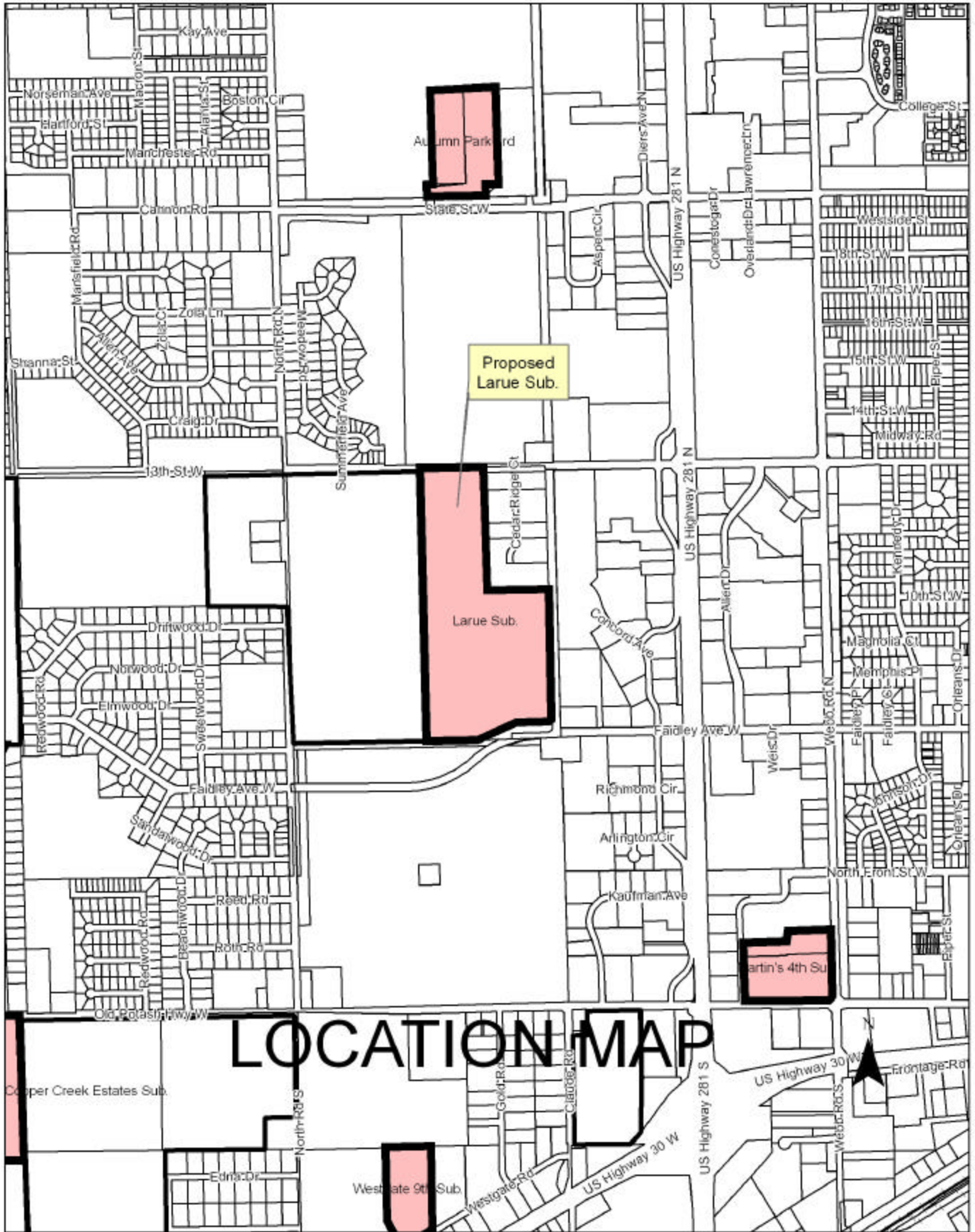
Recommendation

A motion was made by Miller 2nd by Haskings to approve the final plat as presented.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskings, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

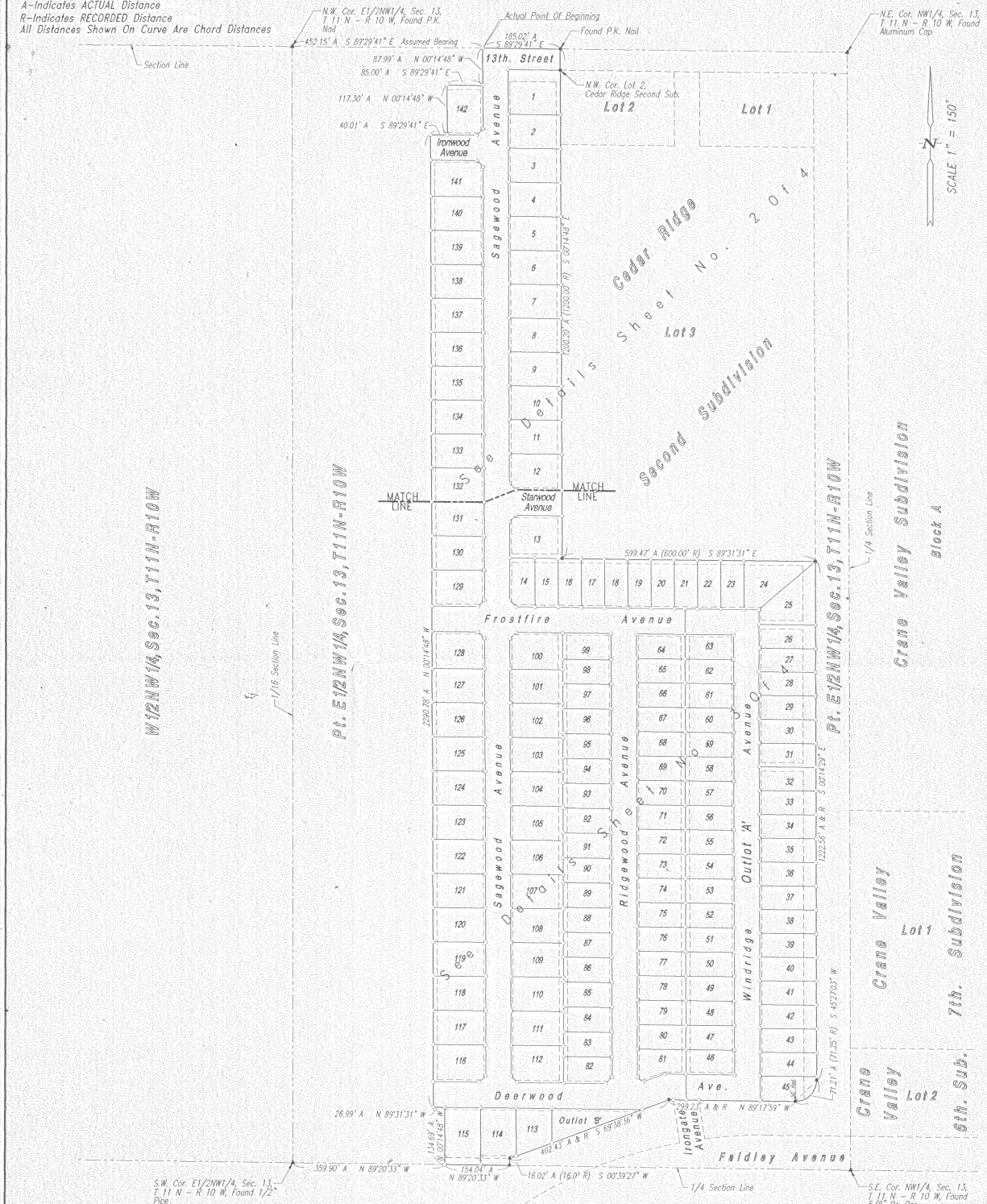
Sample Motion

Approve the Final Plat for Larue Subdivision as presented.



LEGEND

- - Indicates 1/2" Iron Pipe Found Unless Otherwise Noted
 - - Indicates 1/2" Iron Pipe w/Survey Cap Placed Unless Otherwise Noted
 - A - Indicates ACTUAL Distance
 - R - Indicates RECORDED Distance
- All Distances Shown On Curve Are Chord Distances



W12NW1/4, Sec. 13, T11N-R10W

Pt. E12NW1/4, Sec. 13, T11N-R10W

Pt. E12NW1/4, Sec. 13, T11N-R10W

SW1/4, Sec. 13, T11N-R10W

LARUE SUBDIVISION

IN THE CITY OF GRAND ISLAND, NEBRASKA

RESOLUTION 2006-106

WHEREAS, Housing Plus L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into lots, a tract of land comprising a part of the East Half of the Northwest Quarter (E1/2, NW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of LARUE SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G11

**#2006-107 - Approving Final Plat and Subdivision Agreement for
Livermore Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Livermore Subdivision - Final Plat
Item #'s: G-11
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 2 lots on a parcel of land in the E ½ NW ¼ 28-11-09. This land consists of approximately 1.052 acres.

Discussion

This property is currently zoned R1 Suburban Density Residential. Sewer and water are both available to the property and sewer will be extended to serve the new lots. This is one of the last if not the last unplatted metes and bounds tract in the Riverside area. Subdividing this property creates lots similar in size and shape to the surrounding lots.

Alternatives

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

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

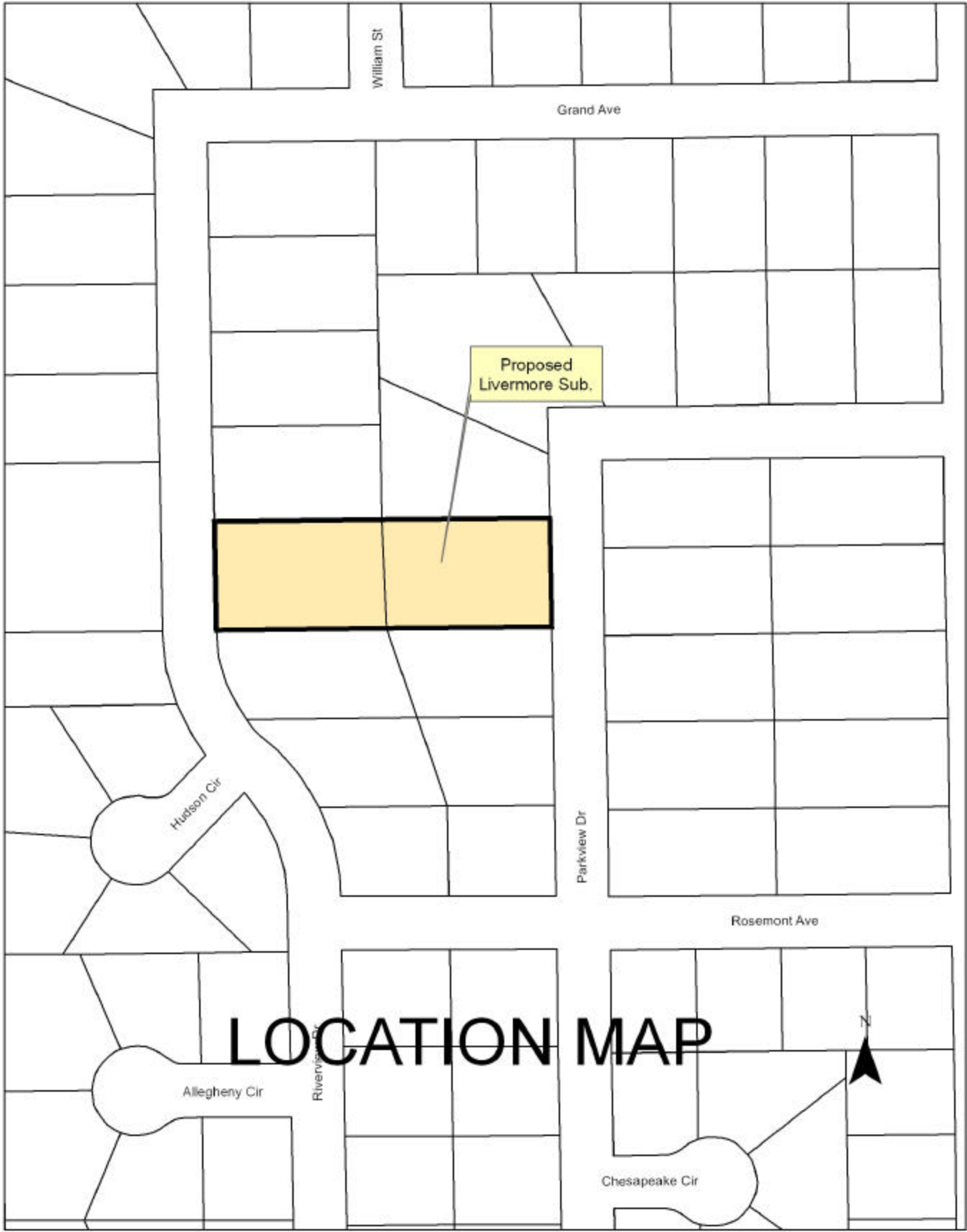
Recommendation

A motion was made by Miller 2nd by Haskins to approve the final plat as presented.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Final Plat for Livermore Subdivision as presented.





Acknowledgement

State Of Nebraska ss
 County Of Hall
 On the _____ day of _____, 2006, before me, _____ a Notary Public within and for said County, personally appeared JAMES C. LIVERMORE and MARLYS M. LIVERMORE, husband and wife, and to me personally known to be the identical persons whose signatures are affixed hereto, and that each did acknowledge the execution thereof to be his or her voluntary act and deed.
 IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.
 My commission expires _____

(Seal) _____
 Notary Public

Surveyor's Certificate

I hereby certify that on March 1, 2006, I completed an accurate survey of 'LIVERMORE SUBDIVISION', in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

(Seal) _____
 Deryl D. Sorgenfrei, Reg. Land Surveyor No. 578

Approval

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska.

 Chairman Date

Approved and accepted by the City of Grand Island, Nebraska, this _____ day of _____, 2006.

 Mayor City Clerk

(Seal)

Legal Description

A tract of land comprising a part of the East Half of the Northwest Quarter (E1/2NW1/4) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th. P.M., in the City Of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot Ten (10), Block Six (6), Country Club Subdivision; thence running easterly along the south line of Lots Ten (10) and Nineteen (19), Block Six (6), Country Club Subdivision, on an Assumed Bearing of S89°56'11"E, a distance of Three Hundred Seventy Five and Forty Hundredths (375.40) feet, to southeast corner of Lot Nineteen (19), Block Six (6), Country Club Subdivision, and to a point on the westerly right of way line of Parkview Drive; thence running S00°11'55"E, along the westerly right of way line of Parkview Drive, a distance of One Hundred Twenty Two (122.00) feet, to the northeast corner of Lot Twenty Six (26), Morningside Acres Subdivision; thence running N89°56'39"W, along the north line of Lot Twenty Six (26), Morningside Acres Subdivision, and the north of Lot Nineteen (19), Morningside Acres Third Subdivision, a distance of Three Hundred Seventy Five and Thirty Seven Hundredths (375.37) feet, to the northwest corner of Lot Nineteen (19), Morningside Acres Third Subdivision, and to a point on the easterly right of way line of Riverview Drive; thence running N00°12'47"W, along the easterly right of way line of Riverview Drive, a distance of One Hundred Twenty Two and Six Hundredths (122.06) feet, to the point of beginning and containing 1.052 acres more or less.

Dedication

KNOW ALL MEN BY THESE PRESENTS, that, JAMES C. LIVERMORE and MARLYS M. LIVERMORE, husband and wife, being the owners of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as 'LIVERMORE SUBDIVISION' in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, as shown thereon for the location, construction and maintenance of public service utilities, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements; and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat is made with the free consent and in accordance with the desires of the undersigned owners and proprietors.

IN WITNESS WHEREOF, we have affixed our signature hereto, at Grand Island, Nebraska, this _____ day of _____, 2006.

 James C. Livermore Marlys M. Livermore

LIVERMORE SUBDIVISION
IN THE CITY OF GRAND ISLAND, NEBRASKA

RESOLUTION 2006-107

WHEREAS, James C. Livermore and Marlys M. Livermore, husband and wife, as owners, have caused to be laid out into lots, a tract of land comprising a part of the East Half of the Northwest Quarter (E1/2, NW1/4) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of LIVERMORE SUBDIVISION, and have caused a plat thereof to be acknowledged by them; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G12

**#2006-108 - Approving Final Plat and Subdivision Agreement for
Neumann Second Subdivision**

Staff Contact: Chad Nabity

-Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Neumann Second Subdivision - Final Plat
Item #'s: G-12
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 2 lots on a parcel of land comprising of lot 1 Neumann Second Subdivision. This land consists of approximately 108.256 acres.

Discussion

This property is zoned R1 Low Density Residential. This is the site of the new middle school and additional property that will remain under the school's ownership. This subdivision creates a site for the new middle school and plats Redwood Road through the property as well as establishing easements around the proposed school building.

Alternatives

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

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

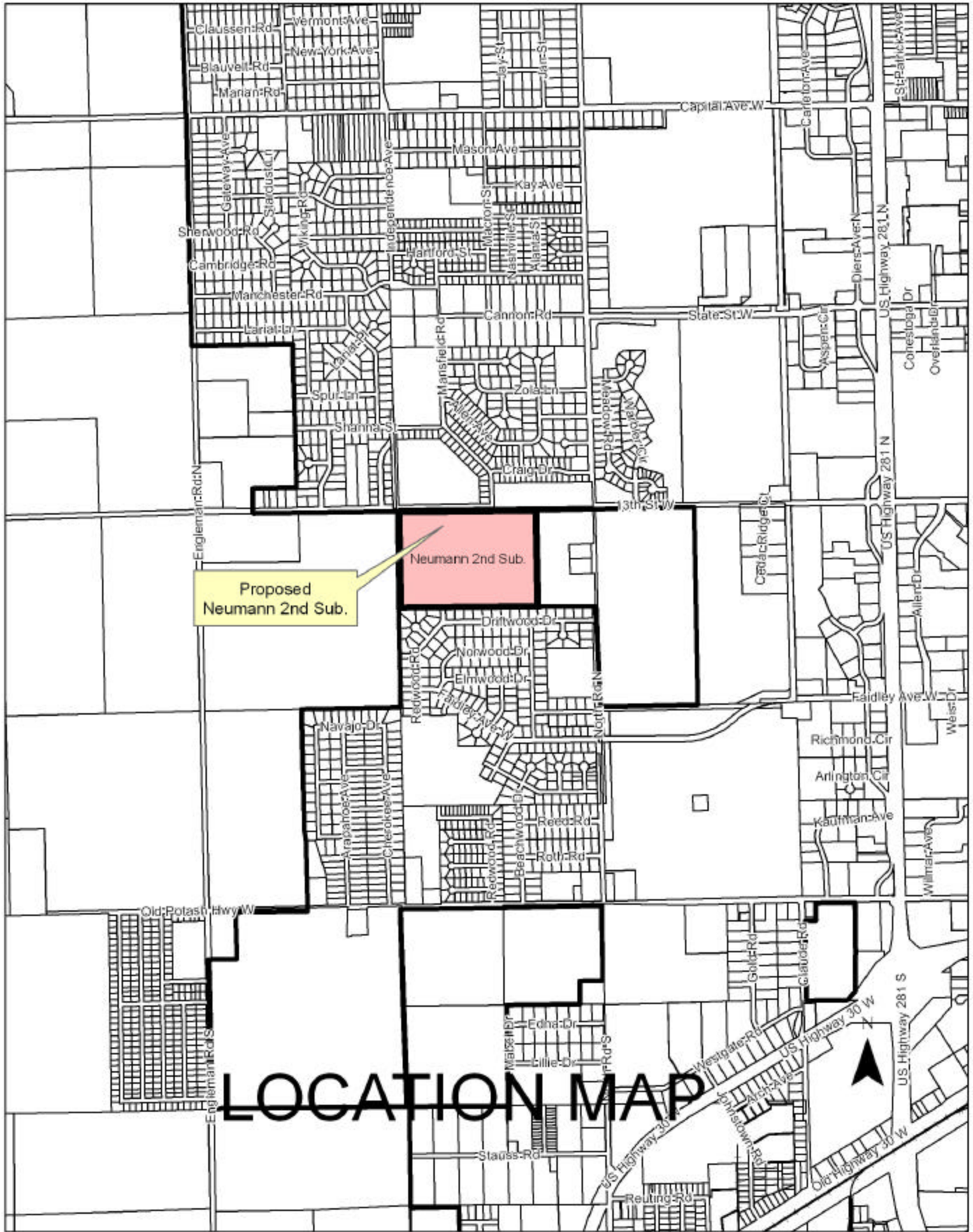
Recommendation

A motion was made by Miller 2nd by Haskins to approve the final plat as presented.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Final Plat for Neumann Second Subdivision as presented.

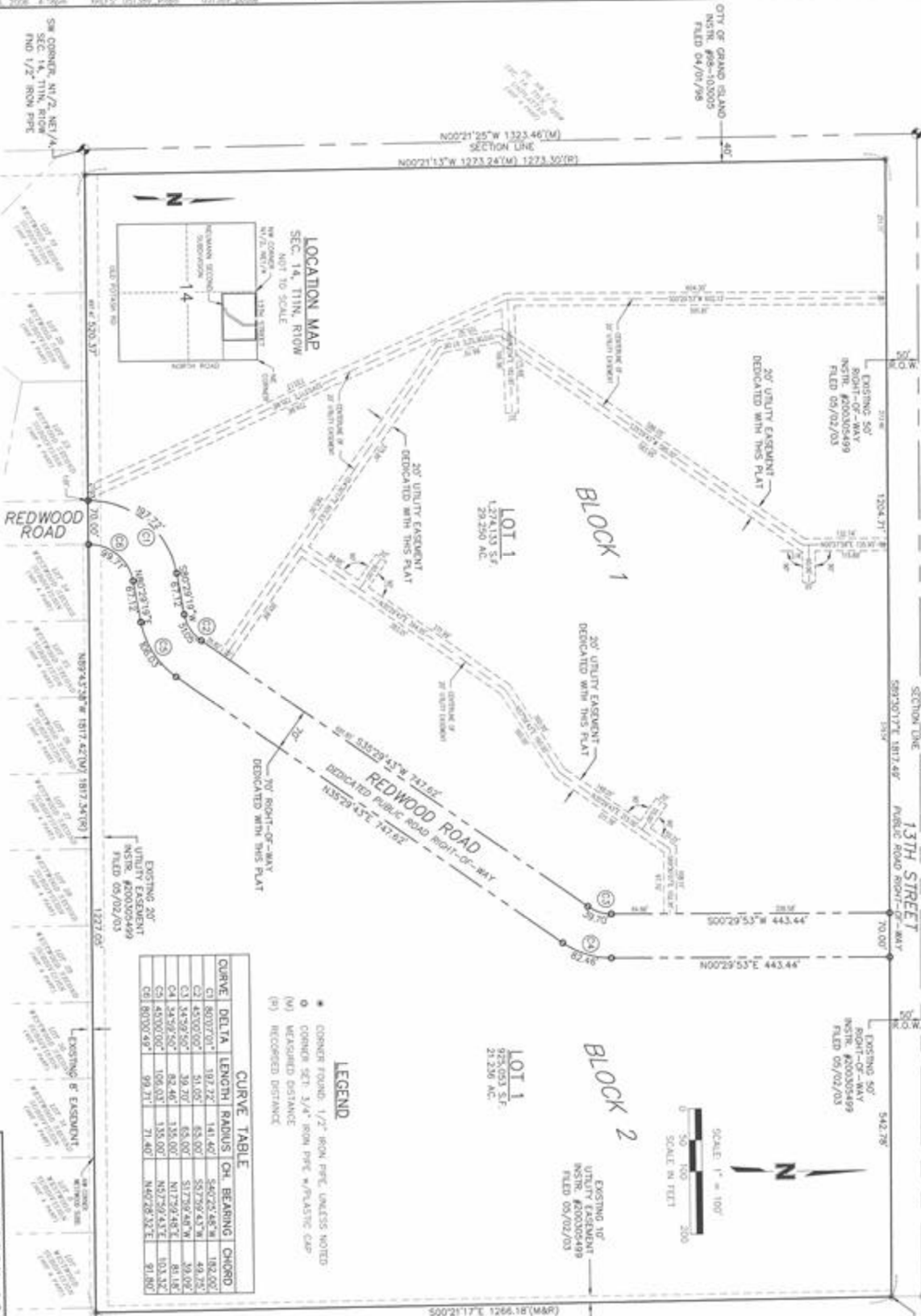


LOCATION MAP

NW CORNER, N 1/2, NE 1/4
 SEC. 14, T11N, R10W
 FND 1/2" IRON PIPE

CITY OF GRAND ISLAND
 NSRN #98-103005
 FILED 04/07/06

NEUMANN SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND



CURVE TABLE

| CURVE | DELTA | LENGTH | RADIUS | CH | BEARING | CHORD |
|-------|-----------|----------|----------|-------------|----------|----------|
| C1 | 80.07701° | 19.732' | 141.467' | 546.754678' | 192.002° | 49.735' |
| C2 | 45.03000° | 31.000' | 65.000' | 537.994378' | 49.735° | 39.000' |
| C3 | 54.97502° | 39.200' | 65.000' | 517.992487' | 59.002° | 61.188' |
| C4 | 54.97502° | 82.460' | 135.000' | 527.992487' | 103.332° | 103.332' |
| C5 | 45.03000° | 106.000' | 135.000' | 547.992487' | 91.880° | 91.880' |

- LEGEND**
- CORNER FOUND 1/2" IRON PIPE, UNLESS NOTED
 - CORNER SET 3/4" IRON PIPE w/ PLASTIC CAP
 - (M) MEASURED DISTANCE
 - (P) RECORDED DISTANCE



OLSSON ASSOCIATES

R E S O L U T I O N 2006-108

WHEREAS, the Hall County School District 2, a body corporate, as owner, has caused to be laid out into a lot, a tract of land comprising all of Lot 1, Neumann Subdivision, an addition to the City of Grand Island, Hall County, Nebraska, under the name of NEUMANN SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G13

**#2006-109 - Approving Final Plat and Subdivision Agreement for
Summerfield Estates Fifth Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: April 11, 2006
Subject: Summerfield Estates Fifth Subdivision - Final Plat
Item #'s: G-13
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This subdivision proposes to create 14 lots on a parcel of land in the W ½ SW ¼ 12-11-10. This land consists of approximately 3.51 acres.

Discussion

This property is zoned R3 Medium Density Residential. Sewer and water are available and will be extended with the development.

Planning commission did recommend the installation of a temporary turnaround at the end of Warbler Road.

Alternatives

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

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

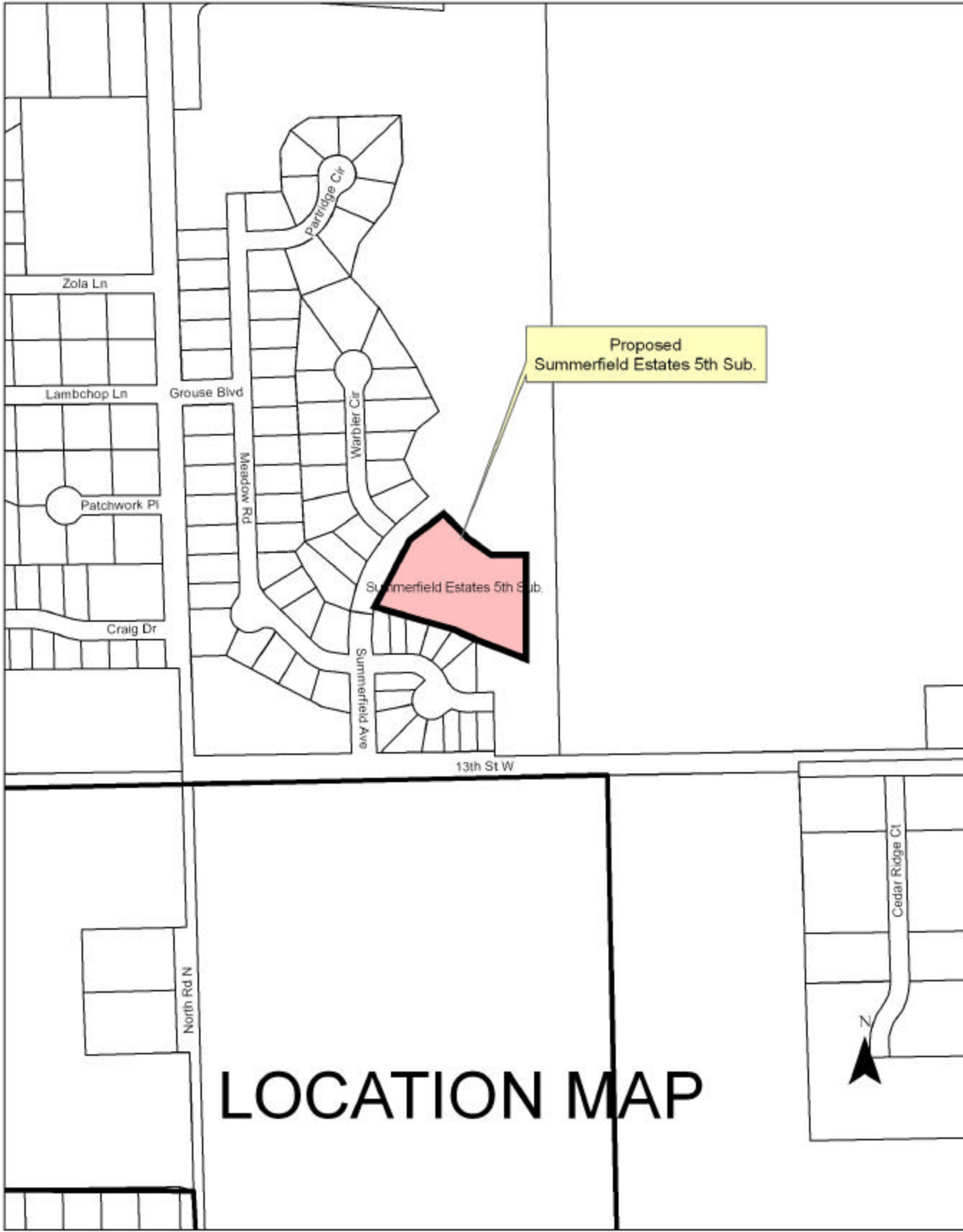
Recommendation

A motion was made by Ruge 2nd by Haskins to approve the final plat as presented with a provision for a temporary turnaround at the end of Warbler Road.

A roll call vote was taken on the motion to recommend approval with 9 members (Haskins, Reynolds, O'Neill, Niemann, Miller, Eriksen, Ruge, Monter, Snodgrass) voting in favor.

Sample Motion

Approve the Final Plat for Summerfield Estates Fifth Subdivision as presented with provisions for a temporary turnaround at the end of Warbler Road.



RESOLUTION 2006-109

WHEREAS, Little B's Corporation, a corporation, as owner, has caused to be laid out into lots, a tract of land comprising a part of the West Half of the Southwest Quarter (W1/2, SW1/4) of Section 12, Township 11 North, Range 10 West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of SUMMERFIELD ESTATES FIFTH SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G14

#2006-110 - Approving Certificate of Final Completion for Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; Project 2005-D-2

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Certificate of Final Completion for Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; Project 2005-D-2

Item #'s: G-14

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

Background

The contract for Concrete Lining of the Capital Heights Ditch, Project 2005-D-2 was awarded to The Diamond Engineering Company of Grand Island, NE on September 13, 2005. Work commenced in November 2005 and was completed in March 2006.

Discussion

The project was completed in accordance with the terms, conditions, and stipulations of the contract, the plans, and the specifications. It was completed at a total construction price of \$51,371.25. There was an over run in the square yards of ditch lining of concrete to match field conditions and to build flares at the ends to match / tie into the existing culverts. Costs for the project break down as follows:

| | |
|-------------------|---------------------|
| Original Bid | \$ 48,234.75 |
| Overruns | \$ 3,136.50 |
| Total Cost | \$ 51,371.25 |

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 the Concrete Lining of the Capital Heights Ditch, Project 2005-D-2.

Sample Motion

Move to approve the Certificate of Final Completion.

Independence Avenue

Nevada Avenue

Concrete Ditch Lining

Arizona Avenue

Idaho Avenue



ENGINEER'S CERTIFICATE OF FINAL COMPLETION

**CONCRETE DITCH LINING OF CAPITAL HEIGHTS DITCH
PROJECT 2005-D-2**

**CITY OF GRAND ISLAND, NEBRASKA
APRIL 11, 2006**

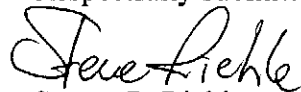
**TO THE MEMBERS OF THE COUNCIL
CITY OF GRAND ISLAND
GRAND ISLAND, NEBRASKA**

This is to certify that construction of the CONCRETE DITCH LINING OF CAPITAL HEIGHTS DITCH, PROJECT 2005-D-2 has been fully completed by The Diamond Engineering Company of Grand Island, NE under the contract dated September 16, 2005. The construction was 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 the Drainage Project is hereby accepted for the City of Grand Island, Nebraska, by me as City Engineer / Public Works Director in accordance with the provisions of Section 16-650 R.R.S., 1943.

Concrete Ditch Lining of Capital Heights Ditch, Project 2005-D-2

| Item No. | Description | Total Quantity | Unit | Price | Total Cost |
|-----------------|--|-----------------------|-------------|--------------|---------------------|
| | SECTION A – 2005-D-4 | | | | |
| 1. | 6" (thick) x 8" (wide) PCC Ditch Liner | 1370.5 | SY | \$42.50 | \$ 50,171.25 |
| 2. | Seeding, Fertilizing, & Mulching | 0.5 | ACRE | \$2400.00 | \$ 1,200.00 |
| | TOTAL | | | | \$ 51,371.25 |

Respectfully submitted,



Steven P. Riehle
City Engineer / Public Works Director

April 11, 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 Concrete Ditch Lining of Capital Heights Ditch, Project 2005-D-2 be approved.

Respectfully submitted,

Jay Vavricek
Mayor

RESOLUTION 2006-110

WHEREAS, the City Engineer / Public Works Director for the City of Grand Island has issued a Certificate of Final Completion for Concrete Lining of the Capital Heights Ditch between Arizona Avenue and Nevada Avenue from Independence Avenue to east of Idaho Avenue, certifying that The Diamond Engineering Company of Grand Island, Nebraska, completed such project according to the terms, conditions, and stipulations of the contract, plans and specifications for such improvements; and

WHEREAS, the City Engineer / Public Works Director recommends the acceptance of the certificate of final completion; and

WHEREAS, the Mayor concurs with such recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for Concrete Lining of the Capital Heights Ditch between Arizona Avenue and Nevada Avenue from Independence Avenue to east of Idaho Avenue is hereby confirmed and approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G15

#2006-111 - Approving Bid Award for Street Improvement District No. 1258; Faidley 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: April 11, 2006

Subject: Approving Bid Award for Street Improvement District No. 1258; Faidley Avenue Extending West for Six Hundred Fifty Feet (650 Feet)

Item #'s: G-15

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

Background

On March 3, 2006 the Engineering Division of the Public Works Department advertised for bids for Street Improvement District 1258; Faidley Avenue extending west for six hundred fifty feet (650 feet). The original engineers estimate was \$147,865.00. There was an error in the calculations of excavation needed to move the Moores Creek drain-way resulting in a revised engineer's estimate of \$173,137.00.

The excavation needed to move the Moores Creek drain-way will be a city cost; therefore the dollar estimate assessed to the benefiting property owners is not changed by revising the engineers estimate.

Discussion

One bid was received and on March 21, 2006. The bid was submitted in compliance with the contract, plans, and specifications with no exceptions. A summary of the bid is shown below.

| <i>Bidder</i> | <i>Exceptions</i> | <i>Bid Security</i> | <i>Bid Price</i> |
|--|-------------------|----------------------|------------------|
| The Diamond Engineering Co. Grand Island NE | None | Universal Surety Co. | \$157,886.40 |

There are sufficient funds in Account No. 50033530-90060 to fund this contract.

Alternatives

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

1. Make a motion to approve awarding the bid to The Diamond Engineering Company for Street Improvement District No. 1258 in the amount of \$157,886.40.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve awarding the contract and pass a resolution authorizing the Mayor to sign a contract with The Diamond Engineering Company of Grand Island, NE.

Sample Motion

Move to approve the award of the contract to The Diamond Engineering Company for Street Improvement District 1258.

E. 1/2 N.W. 1/4
SECTION 13-11-10

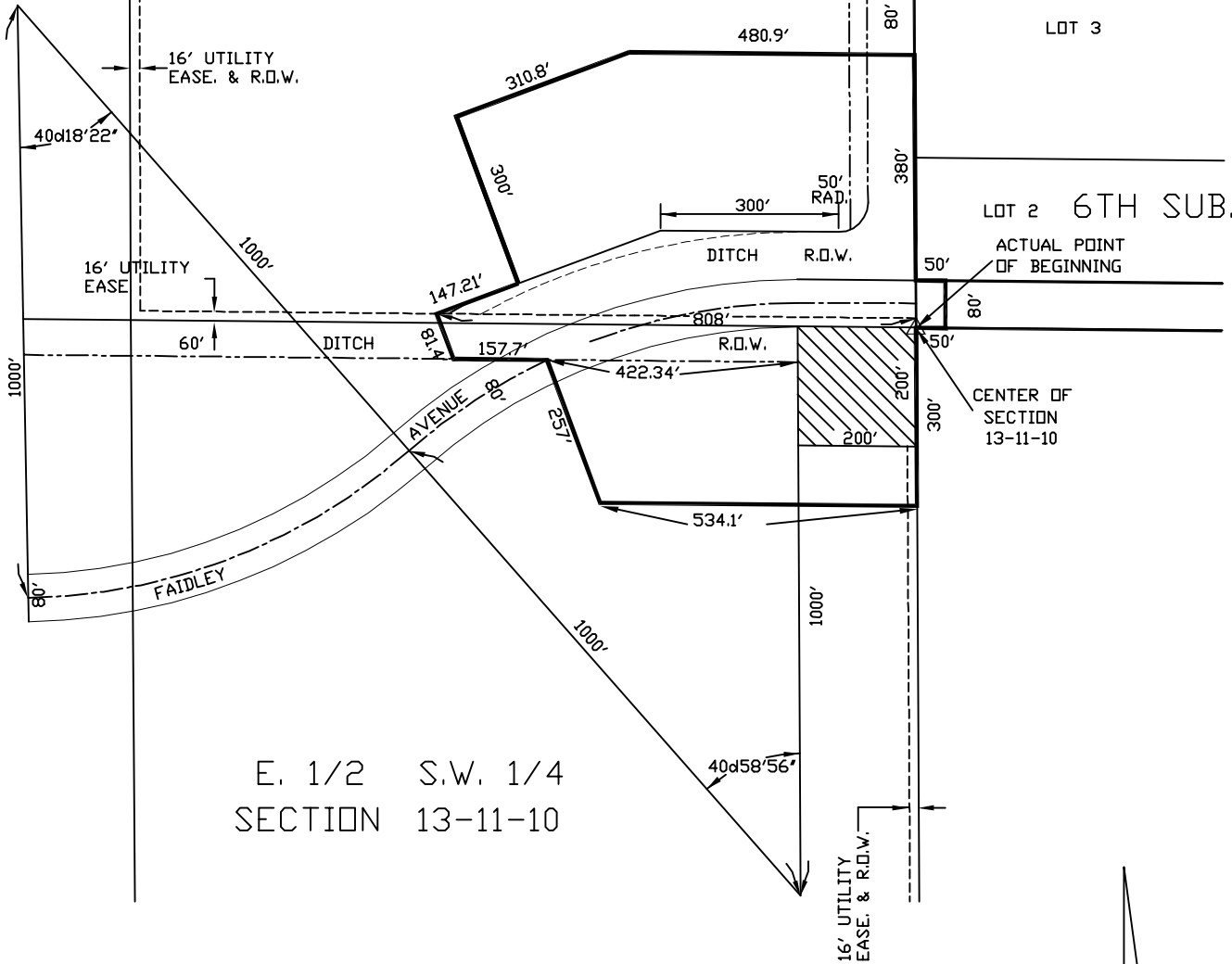
CRANE VALLEY

LOT 3

LOT 2 6TH SUB.

ACTUAL POINT
OF BEGINNING

CENTER OF
SECTION
13-11-10



E. 1/2 S.W. 1/4
SECTION 13-11-10

STREET IMPROVEMENT
DISTRICT NO. 1258

EXHIBIT "A"

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 10/27/05
DRAWN BY: L.D.C.
SCALE: 1"=300'

PLAT TO ACCOMPANY
ORDINANCE NO. 9016



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 21, 2006 at 11:00 a.m.
FOR: Street Improvement District No. 1258
DEPARTMENT: Public Works
ESTIMATE: \$147,865.00
FUND/ACCOUNT: 50033530-90060
PUBLICATION DATE: March 3, 2006
NO. POTENTIAL BIDDERS: 15

SUMMARY

Bidder: The Diamond Engineering Co.
Grand Island, NE
Bid Security: Universal Surety Company
Exceptions: None
Bid Price: \$157,886.40

cc: Steve Riehle, Public Works Director
Ron Underwood, Civil Eng. Manager
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

Bud Buettner, Assist. PW Director
Danelle Collins, PW Admin. Assist.
Dale Shotkoski, Purchasing Agent

RESOLUTION 2006-111

WHEREAS, the City of Grand Island invited sealed bids for Street Improvement District No. 1258 [Faidley Avenue extending west for 650 feet], according to plans and specifications on file with the City Engineer; and

WHEREAS, on March 21, 2006, bids were received, opened and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$157,886.40; and

WHEREAS, The Diamond Engineering Company's bid is less than 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 The Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$157,886.40 for Street Improvement District No. 1258 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G16

#2006-112 - Approving Acquisition of Utility Easement Located 1/2 Mile North of Bismark Road and 1/2 Mile East of Gunbarrel Road (Hooker Brothers)

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

Staff Contact: Gary R. Mader

RESOLUTION 2006-112

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

WHEREAS, a public hearing was held on April 11, 2006, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of the North Half of the Southwest Quarter (N1/2, SW1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4) of Section Eighteen (18), Township Eleven (11) North, Range Eight (8) West of the 6th P.M. in Merrick County, Nebraska, the thirty (30.0) foot wide easement and right-of-way being more particularly described as follows:

The northerly thirty (30.0) feet of the North Half of the Southwest Quarter (N1/2, SW1/4) of Section Eighteen (18), Township Eleven (11) North, Range Eight (8) West and the northerly thirty (30.0) feet of the westerly twenty-five (25.0) feet of the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4) of Section Eighteen (18), Township Eleven (11) North, Range Eight (8) West, except the westerly thirty three (33.0) feet of the said North Half of the Southwest Quarter (N1/2, SW1/4) being dedicated as road right-of-way.

The above-described easement and right-of-way containing 1.73 acres, more or less, as shown on the plat dated March 20, 2006, marked Exhibit "A" attached hereto and incorporated herein by reference.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G17

**#2006-113 - Approving Connection Fees for Water Main District
449T - North Road and Faidley Avenue**

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

Staff Contact: Gary R. Mader

* This Space Reserved for Register of Deeds *

RESOLUTION 2006-113

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution 2006-BE-4 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103, R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island at the time such property becomes connected to the water main. No property benefited as determined by this resolution shall be connected to the water main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

According to the front foot and area of the respective lots, tracts, and real estate within such Water Main District 449T, such benefits are the sums set opposite the descriptions as follows:

| <u>Name</u> | <u>Description</u> | <u>Connection Fee</u> |
|----------------------|--|-----------------------|
| T & E Cattle Company | Commencing at the point 430.0 feet south of the northwest corner of the Southwest Quarter (SW1/4) of Section 13-11-10; thence easterly along the northerly right-of-way line of Faidley Avenue, a distance of 146.0 feet to the Actual Point of Beginning; thence continuing easterly along the northerly right-of-way line of said Faidley Avenue, a distance of 956.80 feet to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 960.0 feet, the long chord of which deflects 20°55'08" left from the last described course, a long chord distance of 685.53 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose | \$59,832.89 |

Approved as to Form _____
April 6, 2006 City Attorney

| | | |
|----------------------|--|---------------------|
| | radius is 1,040.0 feet, the long chord of which deflects 11°18'35" left from the last described course, a long chord distance of 213.17 feet, to a point on the southerly right-of-way line of the Moore's Creek Outfall Ditch; thence westerly along the southerly right-of-way line of said Moore's Creek Outfall Ditch; a distance of 1,775.7 feet, to the easterly right-of-way line of said Moore's Creek Outfall Ditch; thence southerly along the easterly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 370.0 feet to the said point of beginning. | |
| T & E Cattle Company | Commencing at the northeast corner of the Southwest Quarter (SW1/4) of Section 13-11-10; thence westerly along the northerly line of said Southwest Quarter (SW1/4) a distance of 200.0 feet; thence southerly and parallel with the easterly line of said Southwest Quarter (SW1/4), a distance of 60.0 feet to a point on the southerly right-of-way line of the Moore's Creek Outfall Ditch, being the Actual Point of Beginning; thence continuing southerly along the last described course, a distance of 40.0 feet; thence westerly on a line that is parallel with and offset southerly one hundred (100.0) feet from the southerly right-of-way line of Faidley Avenue, a distance of 2,313.25 feet, to a point 246.0 feet easterly of the westerly line of the said Southwest Quarter (SW1/4); thence southerly and parallel with the westerly line of said Southwest Quarter (SW1/4), a distance of 1,609.38 feet to a point 433.0 feet north of the southerly line of the said Southwest Quarter (SW1/4); thence westerly and parallel with the southerly line of said Southwest Quarter (SW1/4), a distance of 100.0 feet, to a point on the easterly right-of-way line of the Moore's Creek Outfall Ditch; thence northerly along the easterly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 1,709.38 feet to a point on the southerly right-of-way line of said Faidley Avenue; thence easterly along the southerly right-of-way line of said Faidley Avenue, a distance of 955.48 feet to a point of curvature; thence running northeasterly along the arc of a curve to the left whose radius is 1,040.0 feet, the long chord of which deflects 20°55'08" left from the last described course, a long chord distance of 742.66 feet, to a point of reverse curvature; thence running northeasterly along the arc of a curve to the right whose radius is 960.0 feet, the long chord of which deflects 11°18'35" left from the last described course, a long chord distance of 357.7 feet, to a point on the southerly right-of-way line of said Moore's Creek Outfall Ditch; thence easterly along the southerly right-of-way line of said Moore's Creek Outfall Ditch, a distance of 335.6 feet to the said point of beginning. | 129,011.40 |
| TOTAL | | \$188,844.29 |

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G18

#2006-114 - Approving Bid Award for Transmission Line and Substation Engineering Services - 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: April 11, 2006

Subject: Award of Transmission Line and Substation Engineering Services

Item #'s: G-18

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

Background

The Electric Department has electric distribution substations connected at various distances along a 115 kV transmission loop. The loop generally runs along the outer edge of the urban area, providing power to the substations and providing power supply redundancy by use of the looped configuration. Substations reduce voltage from the 115,000 volt level to 13,800 volts for distribution to individual customers across the City. Substations "E," located north of Swift on the east side of the loop, and "F," located north of Menards on the west side of the loop, are the newest substations. They were placed in initial service in 2001. And will be fully expanded in 2007. The City and its electric demand continue to grow.

Power Generation and regional interconnections to NPPD are concentrated on the south side of the transmission system loop. The northern portion of the transmission loop has no interconnections. And while it can sustain a single line segment loss contingency any additional failure could result in loss of several major substations, resulting in power loss to major portions of the City. With power plant and regional grid interconnections, the southern portion of the transmission loop has more redundancy.

Recognizing that the City is continuing to grow, that future transmission line construction will occur and that reliability improvement is always important, Substations "E" and "F" were constructed with provisions to accept additional 115 kV transmission interconnections. In the long range plan of the Electric Department, these substations are designed for new transmission interconnections as future load growth may require.

Discussion

The transmission system improvements and substation additions are crucial, interrelated elements of the electric system. It is advantageous to combine planning, routing, right of way acquisition, financing, engineering and construction of these major components in a single long-term project, which might take up to ten years for completion. The Electric Department is not staffed for undertakings of this magnitude.

Therefore, a Request for Proposals to provide Transmission Line and Substation Engineering Services was advertised in the February 11, 2006 issue of the *Grand Island Daily Independent*. In addition to the public advertising, proposals were solicited from six qualified engineering firms.

Proposals were received on March 28, from HDR Engineering of Billings, Montana and Advantage Engineering of Chesterfield, Missouri. These were evaluated by the three staff engineers who will be most involved with the project. They unanimously concurred that the proposal from Advantage Engineering was the superior of the two. The criteria by which the proposals would be evaluated was provided to all prospective providers in the RFP.

The summary of the evaluation results is attached for reference.

Payments are based on hours worked at rates furnished with the proposal. Advantage Engineering furnished a “not to exceed” price of \$2,383,000; including a 5% annual increase in labor rates. The contract form proposed by Advantage Engineering has been reviewed by the Legal Department. A copy of the Contract is attached for reference.

During the previous ten years, Advantage Engineering has performed several transmission line improvement projects along with the additions of Substations “E” and “F.” The Electric Department staff is entirely satisfied with the quality of their work.

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 accept the Advantage Engineering March 2006 Proposal for Transmission Line and Substation Engineering Services for a “not to exceed” amount of \$2,383,000.

Sample Motion

Motion to approve the March 2006 Proposal from Advantage Engineering of Chesterfield, Missouri and that the Mayor be authorized to sign the Contract for Professional Services.

Bid Evaluation of Transmission & Substation Engineering Service Proposals

3-Apr-06

| Advantage Engineering | | Burhl | Jeff | Travis | Average |
|--|--------------|--------------|--------------|--------------|--------------|
| Criterion | Score | Score | Score | Score | Score |
| 1. Not to Exceed Amount | 10 | 0 | 14 | 8.0 | |
| 2. Proposal Responsiveness | 16 | 16 | 18 | 16.7 | |
| 3. Company Experience/ References | 12 | 16 | 14 | 14.0 | |
| 4. Personnel Experience / References | 9 | 10 | 9 | 9.3 | |
| 5. Commercial Terms | 9 | 8 | 8 | 8.3 | |
| 6. Hourly Rates | 8 | 8 | 9 | 8.3 | |
| 7. Multipliers for pass through services | 9 | 10 | 8 | 9.0 | |
| Total - Advantage Engineering | | 73 | 68 | 80 | 73.7 |

| HDR | | Burhl | Jeff | Travis | Average |
|--|--------------|--------------|--------------|--------------|--------------|
| Criterion | Score | Score | Score | Score | Score |
| 1. Not to Exceed Amount | 16 | 0 | 16 | 10.7 | |
| 2. Proposal Responsiveness | 8 | 16 | 14 | 12.7 | |
| 3. Company Experience/ References | 18 | 18 | 18 | 18.0 | |
| 4. Personnel Experience / References | 8 | 8 | 8 | 8.0 | |
| 5. Commercial Terms | 7 | 8 | 7 | 7.3 | |
| 6. Hourly Rates | 6 | 8 | 7 | 7.0 | |
| 7. Multipliers for pass through services | 5 | 5 | 5 | 5.0 | |
| Total - HDR | | 68 | 63 | 75 | 68.7 |

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT, between City of Grand Island, Nebraska ("Company"), and Advantage Engineering, Inc., of St. Louis, Missouri, ("Consultant");

WITNESSETH: That in consideration of the mutual covenants herein contained, the Consultant agrees to perform professional services hereinafter outlined in connection with engineering and related support services for projects.

SECTION 1 - SCOPE OF WORK

- A. The work to be performed shall be defined in a mutually agreeable scope-of-work or job description including a schedule of completion. There are no requirements on amount of work inclusive of small jobs of a few hours to larger jobs of many hours. The work will be performed at the locations detailed in the scope-of-work.
- B. The Consultant shall provide all services and incidentals included in the scope-of-work or job description. The company agrees to pay the consultant at the billing rates and in accordance with the billing policies indicated in Exhibit A.
- C. Supplemental services and incidentals not included in the scope-of-work or job description must be authorized in writing by the Company's designated representative.
- D. Invoicing and payment will be as set out below:
 1. Consultant will invoice Company, on a monthly basis, based on amount of work completed and expenses expended in the prior month. Invoices will include names, hours worked, and a summary of reimbursable expenses.
 2. Invoices from AE shall be sent to:

Grand Island Utilities Department
Att: Mr. Burhl Gilpin
700 E. Bischeld Street
Grand Island, NE 68801
 3. Invoice payments by customer shall be sent to:

ADVANTAGE ENGINEERING, INC.
Attn: Accounts Receivable
769 Spirit of St. Louis Blvd.
Chesterfield, MO 63005

4. Consultant's invoices will be paid by Company no later than 30 days after receipt of correct invoice.

SECTION 2 - CONSULTANT'S RESPONSIBILITY

Consultant shall perform the services hereunder in accordance with the standards imposed by custom and law upon professional engineers and/or architects. Consultant shall be an independent contractor in the performance of the services hereunder.

SECTION 3 - DAMAGE TO COMPANY PROPERTY

Consultant shall compensate Company for any damage to Company property due to any breach of contract or tortuous conduct by the Consultant, its officers, agents, employees, contractors or subcontractors on the Company's premises.

SECTION 4 - INDEMNIFICATION

Consultant shall indemnify, save harmless and defend Company from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement and reasonable attorney's fees), which it may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage caused to property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations or orders, caused, in whole or in part, by (i) Contractor's breach of any term or provision of this contract; or (ii) any tortuous act of Consultant, its officers, agents, and employees.

SECTION 5 - PATENT INDEMNIFICATION

Consultant shall acquire all rights or licenses necessary to be utilized by Consultant for all designs or process involved in the proposal. Consultant shall defend, indemnify and hold Company harmless from any and all claims, liabilities, costs and expenses, including without limitation, attorneys' fees resulting from any claim that any designs or processes used by Consultant under this Agreement or any part thereof constitutes an infringement of any patent of the United States or any other country.

SECTION 6 - INSURANCE

- A. Without limiting the scope or extent of the protection afforded the Company or the liabilities assumed by the Consultant herein, Consultant shall obtain and maintain in force for the entire life of this Contract the following minimal insurance:

1. Consultant agrees to maintain public liability and property insurance to cover the obligations set forth above. The minimum insurance limits of

liability shall be \$1,000,000 bodily injury and property damage.

2. Commercial general liability insurance on the premises and services covered by this Contract and specifically including, without limitation, products/completed operations and contractual liability insurance to cover the liability assumed by Consultant at SECTION 4, with combined single limits, per accident, of not less than \$50,000 for bodily injury, including death and property damage, with an annual aggregate of not less than \$1,000,000; and
 3. Workmen's Compensation insurance with statutory limits and employer's liability insurance with limits of not less than \$1,000,000 and
 4. Professional liability insurance with limits of not less than \$1,000,000; and
 5. Comprehensive Auto Liability insurance which has minimum limits for bodily injury of \$1,000,000 per person, \$1,000,000 per accident and property damage of \$1,000,000 per accident or equivalent combined single limits per occurrence. The comprehensive Auto Liability policy shall include owned and blanket non-owned and hired coverage.
- B. Consultant shall, before the commencement of any work, furnish Company with a certificate from an insurance carrier acceptable to Company stating that policies of insurance listed above and that such policies are in force. All such certificate(s) shall state that the insurance carrier(s) will give Company thirty (30) days prior written notice (by first class mail) of any cancellation or material change in such policies.

SECTION 7 - SCHEDULE

The services to be performed under this contract shall be completed as required in the scope-of-work or job description. Any services of Consultant not specially set out in the scope-of-work or job description shall be performed in a timely and expedient manner.

SECTION 8 - PRODUCTS OF SERVICES

All information, reports, drawings, and other materials resulting from this Contract shall be the property of the Company, and the Company shall have the right to use such materials for any purpose whatsoever, or to dispose of all or any part of such materials by any means whatsoever.

SECTION 9 - CONFIDENTIALITY

Consultant agrees to keep confidential during and subsequent to the period of this Contract all information and materials provided by Company or prepared by Consultant in performance of this Contract.

The foregoing is not intended to prohibit disclosures to the extent reasonably required to carry out the contracted services.

SECTION 10 - COMPLIANCE WITH LAWS

Consultant shall observe and abide by all applicable laws, federal, state, and any subdivision thereof, and the rules and regulations and orders of any lawful regulatory body acting thereunder in connection with the services performed hereunder.

SECTION 11 - ASSIGNMENT

Consultant shall not assign or transfer this Contract or any part hereof without Company's prior written consent.

SECTION 12 - APPLICABLE LAW

This Contract shall be interpreted according to Nebraska law.

SECTION 13 - TERMINATION

Company reserves the right to suspend or terminate all or any portion of the work under this Contract at any time upon notice to the Consultant. In such event Company will pay Consultant's reasonable charges through the effective date of termination.

SECTION 14 - AUDIT

For any work performed, the Consultant's correspondence, records, vouchers and books of account, insofar as they pertain to cost made for Company's account under this Contract, will be open at reasonable times to Company's inspection and audit.

SECTION 15 - WAIVERS

The failure of Company to insist upon or enforce, in any instance, strict performance by Consultant of any of the terms of this Contract or to exercise any rights herein conferred shall not be constructed as a waiver or relinquishment to any extent of Company's rights to assert or rely upon such terms or rights on any subsequent occasion.

SECTION 16 - DESIGNATED REPRESENTATIVES

The company's designated representative is Mr. Burhl Gilpin. The Consultant's designated representative is Steven E. Spencer, President. Either party may change its designated representative by notice to the other in writing signed by its then designated representative or by a corporate officer.

SECTION 17 - ENTIRE AGREEMENT

This Contract, along with exhibits incorporated herein constitute the entire agreement between the parties and supersede any prior representations, offers, negotiations, or understandings between the parties with respect to the subject matter hereof. This Contract may not be modified except in writing signed by the parties' designated representatives or corporate officers.

IN WITNESS WHEREOF, the parties have executed this agreement to be effective on the date last below written.

ADVANTAGE ENGINEERING, INC.

City of Grand Island, NE

By *Dan Schwab*
Dan Schwab
Steven E. Spencer
President *vice President*

By _____
Mayor

Date *3-23-06*

Date _____

Attest: _____
City Clerk

Date: _____

The contract is in due form according to law and is hereby approved.

Attorney for the City

Date: _____

EXHIBIT A
BILLING POLICIES AND RATES

Direct Advantage Engineering expenses incurred including, but not limited to travel, subsistence, and vehicle expenses will be billed at cost. All outside services that are subcontracted such as right-of-way acquisition services, survey Services, soil borings, and NPPD studies will be billed at cost plus a 3.5% handling fee.

The following is a summary of AE employee billing rates who could be billed to the city during the course of the project. Billings would be monthly for actual work performed in the prior month.

2006 Billing Rates Valid Through December 31, 2006*

| <u>EMPLOYEE NAME</u> | <u>EMPLOYEE RATE</u> | <u>BILLING CLASSIFICATION</u> |
|----------------------|----------------------|-------------------------------|
| Steve Spencer | \$116.50 | Engineer 8 |
| Dan Schwab | \$111.00 | Engineer 7 |
| Barry Smith | \$120.00 | Engineer 8 |
| Richard Gu | \$ 99.50 | Engineer 6 |
| David Gaskins | \$ 93.00 | Engineer 6 |
| Dale Bachle | \$105.50 | Engineer 9 |
| Henry Litzsinger | \$ 62.00 | Technician 13 |
| Paul Richard | \$ 63.50 | Technician 14 |
| Tony Harness | \$ 51.00 | Technician 8 |
| Michael Gibbs | \$ 55.00 | Technician 11 |
| Deb Seiver | \$ 32.50 | Drafter 3 |

Automobile mileage would be billed at the current Internal Revenue Service's allowable rate, presently \$0.445 per mile.

Use of Advantage Engineering, Inc., CAD computer facilities and survey equipment will be charged as follows:

\$30.00/day - Survey Equipment – Total Station \$15.00/day - Grounding Tester

\$3.00/Hour – On line time for PLS-CADD use and Computer Aided Drafting Services

***Billing rates will increase for all future years at the rate of 5.00% per year.**

EXHIBIT A
BILLING POLICIES AND RATES (cont.)

Blue prints, mylars, bond papers, plots and coping would be charged as follows at AE's cost.

| <u>XEROX</u> | | <u>BLUE LINE</u> |
|--------------------|------------------|------------------|
| <u>PAPER SIZES</u> | <u>UNIT COST</u> | <u>UNIT COST</u> |
| 8 ½ x 11 | \$ 0.08 | \$0.25 |
| 11x17 | \$ 0.12 | \$0.50 |
| 25x33 | \$ 6.00 | \$0.60 |
| 30x42 | \$ 8.75 | \$0.85 |
| 34x44 | \$10.40 | \$1.05 |

| <u>CHECK PLOTS (B&W)</u> | | <u>FINAL PLOTS (vellum & color)</u> |
|------------------------------|------------------|---|
| <u>PAPER SIZES</u> | <u>UNIT COST</u> | <u>UNIT COST</u> |
| 8 ½ x 11 | \$2.50 | \$3.00 |
| 11x17 | \$5.00 | \$7.00 |
| 24x36 | \$5.00 | \$7.00 |
| 30x42 | \$5.00 | \$7.00 |
| 34x44 | \$5.00 | \$7.00 |

EXHIBIT B
COATES FIELD SERVICE, INC.
BILLING POLICIES AND RATES

The following rates apply for subcontracted right-of-way acquisition services supplied by Coates Field Service, Inc.

2006 Billing Rates Valid Through December 31, 2006*

| <u>Classifications</u> | <u>Daily Rate**</u> |
|--|---------------------|
| Right of Way Supervisor | \$528.00 |
| Title Supervisor | \$488.00 |
| Document Specialist | \$425.00 |
| Right of Way Agent | \$465.00 |
| Abstractor | \$450.00 |
| Secretary/Clerk | \$236.00 |
| Automobile – Current Approved IRS Rate | \$0.445 per Mile |

The above rates are based upon a standard 5 day, 40 hour workweek and include all taxes, insurance, employee benefits, automobile, overhead and profit.

Should employee be required to be away from his or her permanent home, per diem living expenses will be billed on a calendar day basis at the Federal Conus rates for the location to which such employee is assigned, such rate to be agreed upon prior to assignment.

Project related "out of pocket expenses" will be billed at cost plus the 3.5% handling fee when supported by original receipts, such as parking, road tolls, filing fees, photocopies, postage, and express overnight mail, cellular telephone, computers, notary fees, etc.

***Billing rates will increase for all future years at the rate of 5.00% per year.**

**** All rates do not include a 3.5% handling fee**

13.0

Schedule

Once awarded the project and the scope for each portion of the project and study has been defined, AE will prepare a detailed schedule for each part of the project.

AE has the resources and capabilities to begin work on the study portion of the project immediately after award of a contract by the City of Grand Island.



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL
FOR
TRANSMISSION LINE AND SUBSTATION
ENGINEERING SERVICES**

RFP DUE DATE: March 28, 2006 at 4:00 p.m.
DEPARTMENT: Utilities
PUBLICATION DATE: February 11, 2006
NO. POTENTIAL BIDDERS: 6

SUMMARY OF PROPOSALS RECEIVED

HDR Engineering, Inc.
Billings, MT

Advantage Engineering, Inc.
Chesterfield, MO

cc: Gary Mader, Utilities Director
Burhl Gilpin, Assist. Utilities Director
David Springer, Finance Director
Laura Berthelsen, Legal Assistant

Bob Smith, Assist. Utilities Director
Gary Greer, City Administrator
Dale Shotkoski, Purchasing Agent

P1067

RESOLUTION 2006-114

WHEREAS, the City of Grand Island invited proposals for Transmission Line and Substation Engineering Services in accordance with a Request for Proposals on file at Phelps Control Center; and

WHEREAS, proposals were received, reviewed and evaluated in accordance with established criteria; and

WHEREAS, Advantage Engineering of Chesterfield, Missouri, submitted a proposal in accordance with the terms of the request for proposals and all statutory requirements contained therein and the City Procurement Code, such proposal being for hourly rates as identified in the proposal (including a 5% annual increase in labor rates), with a not to exceed amount of \$2,383,000; and

WHEREAS, Advantage Engineering has successfully completed numerous transmission line improvement projects in the past for the Utilities Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Advantage Engineering of Chesterfield, Missouri, for transmission line and substation engineering services for hourly rates as identified in the proposal (including a 5% annual increase in labor rates), with a not to exceed amount of \$2,383,000 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G19

**#2006-115- Approving Renewal of Leases at Cornhusker Army
Ammunition Plant for Storage Buildings**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: April 11, 2006

Subject: Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings

Item #'s: G-19

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

Background

On May 22, 2001, City Council approved the leasing of several buildings at the former Cornhusker Army Ammunition Plant pursuant to the provisions of Resolution 2001-132. The leases that were approved provide for an automatic one year renewal requested by the lessees. The resolution that is presented for Council consideration would authorize the city to renew the lease on Building's No. A-30, A-11, and A-12 located on city property at the former Cornhusker Army Ammunition Plant.

Discussion

The city purchased property at the former Cornhusker Army Ammunition Plant that had several buildings located on it. The city has been leasing these buildings to the State of Nebraska, Department of Administrative Services, State Building Division; Dominion Construction Company; and Jerry Harders to obtain revenue and utilize these assets. There have not been any problems with damage to the property or with non payment of rent and City Parks & Recreation officials are recommending that the Council extend the lease for an additional year.

Alternatives

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

1. Move to approve the resolution authorizing the city to extend the leases for another year.
2. Refer the issue to a Committee.

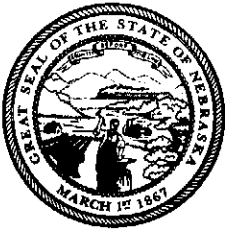
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the resolution authorizing the extension of the leases for an additional year.

Sample Motion

Motion to approve the resolution authorizing the city to extend the leases for an additional year to the State of Nebraska, Department of Administrative Services, State Building Division in the amount of \$500.00; Dominion Construction Company in the amount of \$2,000.00; and Jerry Harders in the amount of \$500.00.



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ADMINISTRATIVE SERVICES

Gerry Olligmueller
Acting Director

January 26, 2006

Ms. RaNae Edwards, City Clerk
City of Grand Island
Box 1968
Grand Island, Nebraska 68802-1968



Dear Ms. Edwards:

The State currently leases storage space (Building A-30, Cornhusker Army Ammunition Plant) from the City of Grand which is occupied by the Nebraska State Patrol.

As per the terms and conditions of this lease agreement (CA-65971364), it can be extended annually through April 30, 2007.

The State would like to extend this lease term for one (1) year at the annual rental rate of \$500.00. As soon as I received approval of this extension from the City of Grand Island, I will have our Accountant process the annual rental payment.

If you have any questions or comments regarding this request, please feel free to contact me at your earliest convenience.

Thank you for your continued cooperation.

Pat Genzmer
Leasing Coordinator
State Building Division

cc: ~~Parks~~
Legal
1-30-06

DCC Dominion Construction Company

POST OFFICE BOX 48
SCOTTSBLUFF, NEBRASKA 69363-0048

TELEPHONE (308) 635-3372
FAX NUMBER (308) 635-3576

March 14, 2006

To: Rahnke to put on agenda

City of Grand Island
Attn: City Mayor
PO Box 1968
Grand Island, Nebraska 68802-1968

Dear Sir:

We presently are leasing the property identified as Building No. A-11 on the former Cornhusker Army Ammunition Plant and at this time wish to renew our lease. Enclosed is a copy of Resolution 2005-97.

Very truly yours,

DOMINION CONSTRUCTION COMPANY



R. Michael Olmstead
President

encl.

CITY OF
GRAND ISLAND

Working Together for a
Better Tomorrow. Today.

March 11, 2005

Jerry Harders
10582 W. 13th Street
Wood River, NE 68883

PER phone conversation with
Jerry Harders please consider
this years request per last years
LETTER. Steve Paustian

Re: CAAP Building Lease

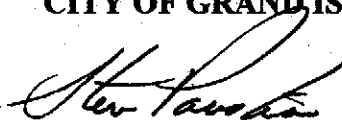
Dear Mr. Harders:

The lease for Building A-12 at the former Cornhusker Army Ammunition Plant site in Grand Island will expire on April 30, 2005 unless renewed. If you request that the lease be renewed, please sign the bottom of this letter and return it with the lease payment of \$500.00 to my office. Upon city council approval, the lease will be renewed.

If you have any questions, please call me at 385-5444, extension 290.

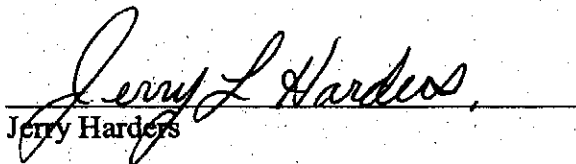
Sincerely,

CITY OF GRAND ISLAND



STEVE PAUSTIAN
Parks and Recreation Director

SP:LJB



Jerry Harders

RESOLUTION 2006-115

WHEREAS, the City of Grand Island is the owner of an approximately 420 acre tract of land at the former Cornhusker Army Ammunition Plant, which has several buildings which were leased by the US Army Corp of Engineers during their ownership of the property; and

WHEREAS, on May 22, 2001, by Resolution 2001-132, the City approved Building Leases with the tenants of the buildings pending development of the property; and,

WHEREAS, the leases provide an automatic one-year renewal if requested by the Lessee's; and

WHEREAS, three of the Lessee's of storage buildings have requested that their lease be extended for another year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Building Leases at the former Cornhusker Army Ammunition Plant are hereby authorized to be extended for an additional year to the following Lessees in accordance with the Building Leases:

| <u>Lessee</u> | <u>Description</u> | <u>Rental</u> |
|-------------------------------|---------------------|---------------|
| Dominion Construction Company | Storage building | \$2,000/yr. |
| Jerry Harders | Fire/guard building | \$500/yr. |
| Nebraska State Patrol | Storage building | \$500/yr. |

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G20

**#2006-116 - Approving Subordination Request for Doug and Angie
Boersen, 3324 Homestead Drive**

Staff Contact: Joni Kuzma

Council Agenda Memo

From: Joni Kuzma, Community Development

Council Meeting: April 11, 2006

Subject: Subordination Request for 3324 North Homestead Drive

Item #'s: G-20

Presenter(s): Joni Kuzma, Community Development

Background

The City Of Grand Island has a Deed of Trust filed on property owned by Douglas and Angela Boersen at 3324 Homestead Drive, in the amount of \$25,000.00. On August 12, 2005, Community Development Block Grant funds in the amount of \$25,000.00 were loaned to Douglas and Angela Boersen, husband and wife, to assist in the rehabilitation of a home in the Community Development Block Grant program. The legal description is: Lot One (1) in Homestead Second Subdivision, Hall County, Nebraska a/k/a 3324 Homestead Drive. The owner is requesting permission to assume a first mortgage, behind which the City would become the second mortgage.

Discussion

The City's current Deed of Trust is junior in priority to a Deed of Trust to EquiFirst Corporation in the amount of \$94,900.00. A new lien in the amount of \$143,000.00 with the Franklin American Mortgage Company would replace the senior Deed of Trust with EquiFirst, as well as consolidate a third and fourth Deed of Trust used to finish the handicapped accessibility rehabilitation issues the family needed to address. By law, the new Deed of Trust would be junior in priority to the City's lien, however, the new lender, Franklin American Mortgage Company, has asked the City to subordinate its Deed of Trust to the new Deed of Trust.

The new appraised value of the property is \$168,000 and is sufficient to secure the first mortgage of \$143,000.00 and the City's mortgage of \$25,000.00. The City's loan of \$25,000.00 will be forgiven if the original owner of the property (Douglas and Angela

Boersen) resides in the house for a period of 10 years from the date the lien was filed which was August 12, 2006. The Boersen's have lived at this address for 3 years and will have 9 years left before the loan expires with the City. The lien amount decreases 10% per year.

Community Development Subordination guidelines state the following:

- 1) Community Development will subordinate within the following conditions:
 - a. Re-financing the original home loan to reduce the amount of interest paid or to reduce the amount of the original monthly payment. The loan cannot exceed the original loan by more than \$500.
 - b. Re-financing the original home loan for debt consolidation ONLY IF THE AMOUNT OF THE LIEN IS PAID OFF TO THE CITY OF GRAND ISLAND. The amount depends if the program prorates the payment back or if it is a 100% payoff regardless of what year it is in.
 - c. Only one subordination granted every 5 years per applicant.
 - d. Loans must be with a NIFA or an FHA approved lender, unless it is an interest rate reduction loan and the loan amount does not increase. Only then will other consideration be given for another loan.
 - e. There may be extenuating circumstances for a request. Community Development staff will consider each client on a case by case basis.
 - f. All subordination requests must be submitted for approval to the Grand Island City Council. Subordination agreements cannot be signed without council approval. All requests need to be in two weeks prior to a regularly scheduled City Council meeting.

The circumstances under which Mr. and Mrs. Boersen has requested subordination have been determined by the Community Development Division to be "extenuating" and approval is recommended.

Alternatives

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

1. Approve the Subordination Request.
2. Refer the issue to a Committee.
3. Postpone the issue to a later date.

Recommendation

City Administration recommends that the Council approves the Subordination Request.

Sample Motion

Recommend approval to the Grand Island City Council of the Subordination Agreement with Franklin American Mortgage Company, placing the City in the junior position to the new Deed of Trust.

RESOLUTION 2006-116

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated July 1, 2005 and recorded on August 12, 2005 as Instrument No. 0200507865, in the amount of \$25,000.00, secured by property located at 3324 N. Homestead Drive and owned by Douglas A. Boersen and Angela M. Boersen, husband and wife, said property being described as follows:

Lot One (1), Homestead Second Subdivision in the City of Grand Island, Hall County, Nebraska.

WHEREAS, Douglas and Angela Boersen wish to execute a Deed of Trust and Note in the amount of \$143,000 with Franklin American Mortgage Company to be secured by the above-described real estate conditioned upon the City subordinating its Deed of Trust to their lien priority; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute an agreement subordinating the lien priority of the above described Deeds of Trust from Douglas A. Boersen and Angela M. Boersen, husband and wife, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of Franklin American Mortgage Company, Beneficiary, as more particularly set out in the subordination agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G21

**#2006-117 - Approving Semi-Annual Report by the Citizens'
Review Committee on the Economic Development Program Plan**

This item relates to the aforementioned Public Hearing Item E-6.

Staff Contact:

RESOLUTION 2006-117

WHEREAS, Neb. Rev. Stat. §18-2715(3) and Grand Island City Code §2-110 require a report by the Citizens Advisory Review Committee to the City Council at least once every six months on its findings and suggestions on the administration of the Economic Development Plan; and

WHEREAS, a public hearing on the report submitted by the Citizens Advisory Review Committee was held at a regular session of the Grand Island City Council on April 11, 2006; and

WHEREAS, said report gave information about the activities of the past six months that have taken place pursuant to the Economic Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the semi-annual report of the Citizens Advisory Review Committee is hereby accepted and approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G22

#2006-118- Approving a Time Extension to the Contract with the Starostka Group Unlimited Inc., for Construction of Sanitary Sewer District 519; Lots 10 through 21 of Westwood Park Second Subdivision

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Approving a Time Extension to the Contract with the Starostka Group Unlimited Inc., for Construction of Sanitary Sewer District 519; Lots 10 through 21 of Westwood Park Second Subdivision

Item #'s: G-22

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

Background

Any changes to a contract require council approval. The City Council awarded the bid for construction of Sanitary Sewer District 519 to the Starostka Group Unlimited Inc., on February 14, 2006. The contract allows 90 calendar days to complete the work. The completion date for the project, based on the notice to proceed date of March 13, 2006, is June 10, 2006.

Discussion

The Starostka Group is requesting a two week time extension to complete the work due to the snow storm on March 20th and 21st. This would move the completion date to June 24, 2006. Administration believes this request is reasonable.

Alternatives

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

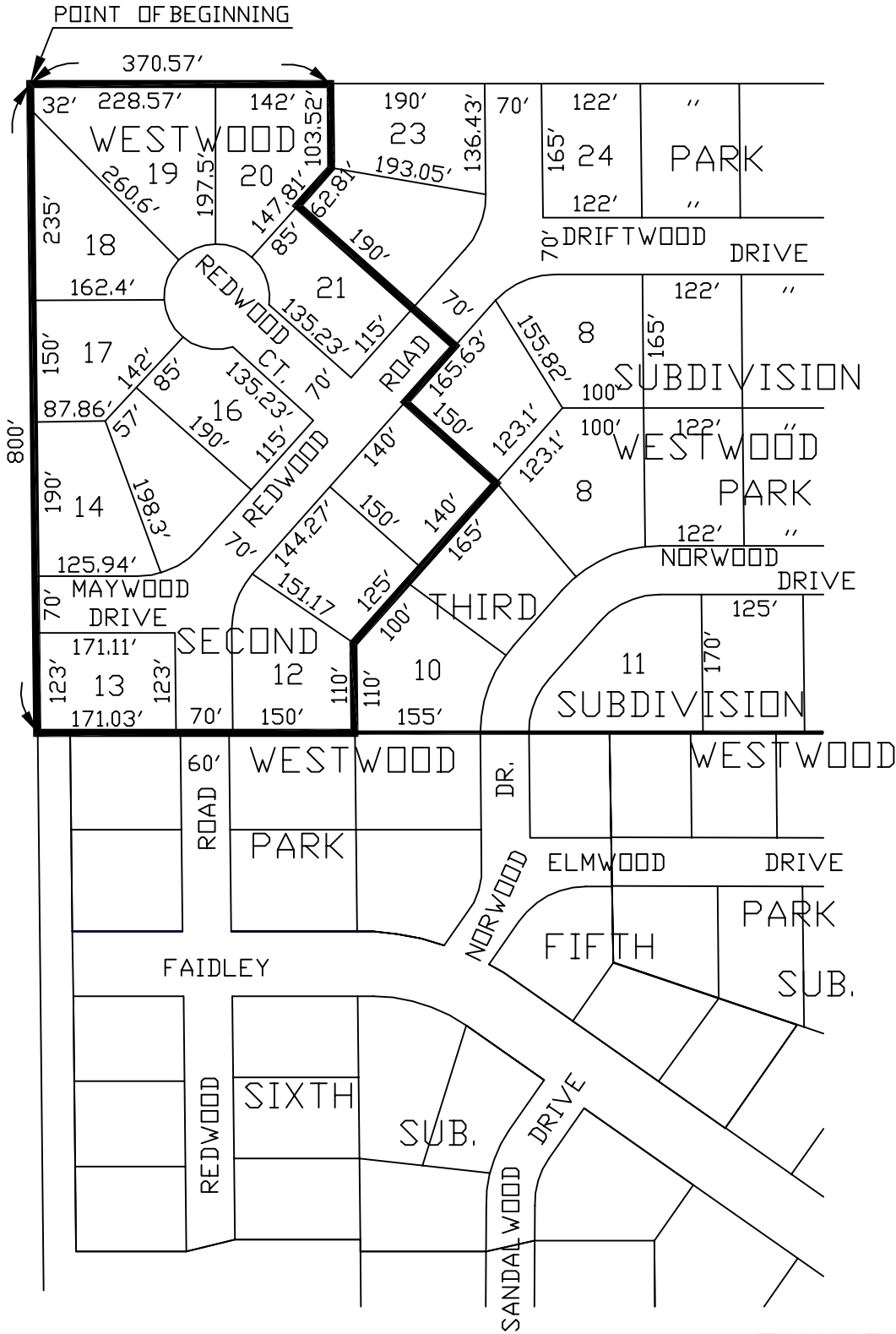
1. Make a motion to approve the time extension.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council extend the completion date by 14 days to June 24, 2006.

Sample Motion

Move to approve the time extension.



SANITARY SEWER DISTRICT 519

EXHIBIT "A"

CITY OF
GRAND ISLAND
 PUBLIC WORKS DEPARTMENT

DATE: 6/29/05
 DRN BY L.D.C.
 SCALE: 1"=200'

PLAT TO ACCOMPANY
 ORDINANCE NO. 8984

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

CONTRACT TIME EXTENSION

PROJECT: Sanitary Sewer District 519

CONTRACTOR: Starostka Group Unlimited, Inc.

AMOUNT OF ORIGINAL CONTRACT: \$170,398.26

CONTRACT AWARD DATE: February 14, 2006

CONTRACT DATE: March 3, 2006

Notice to Proceed Date.....**March 13, 2006**

Original Contract Time Allowance.....**90 Calendar Days**

Original Completion Date**June 10, 2006**

Revised Contract Time Allowance.....**104 Calendar Days**

Revised Completion Date**June 24, 2006**

Contractor Starostka Group Unlimited, Inc.

By _____

Date _____

Title _____

CITY OF GRAND ISLAND, NEBRASKA,

By _____

Jay Vavricek, Mayor

Date _____

Attest: _____

RaNae Edwards, City Clerk

RESOLUTION 2006-118

WHEREAS, on February 14, 2006, by Resolution 2006-44, the City Council of the City of Grand Island approved the bid of the Starostka Group Unlimited, Inc. of Grand Island, Nebraska for Sanitary Sewer District No. 519; and

WHEREAS, due to the recent snow storm, the Starostka Group Unlimited, Inc. was unable to proceed with the project; and

WHEREAS, Starostka Group Unlimited, Inc. has requested an additional fourteen days to complete the construction of Sanitary Sewer District No. 519.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the completion date for Sanitary Sewer District No. 519 is hereby extended fourteen days, with a new completion date of June 24, 2006.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G23

#2006-119 - Approving Installation of a Traffic Signal on US HWY 30 at the Shared Driveway Serving the Public Safety Center and the Hall County Jail Complex

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 11, 2006

Subject: Approving Installation of a Traffic Signal on US HWY 30 at the Shared Driveway Serving the Public Safety Center and the Hall County Jail Complex

Item #'s: G-23

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

Background

An engineering study and council approval is needed for the installation of traffic signals.

Discussion

A traffic engineering study was performed using projected traffic counts for the facilities. The study showed that the driveway met the warrants in the Manual of Uniform Traffic Control Devices (MUTCD) for the installation of a signal. Since the signal is being installed based on projected traffic counts, the MUTCD requires a traffic engineering study be performed 12 months after the signal is operational to verify that the warrants are met.

Olsson Associates is preparing the traffic signal plans. The Engineering Division of the Public Works Department will prepare the bid specifications. It is anticipated that bids will open in the summer of 2006 with the installation will be completed in the spring of 2007.

Alternatives

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

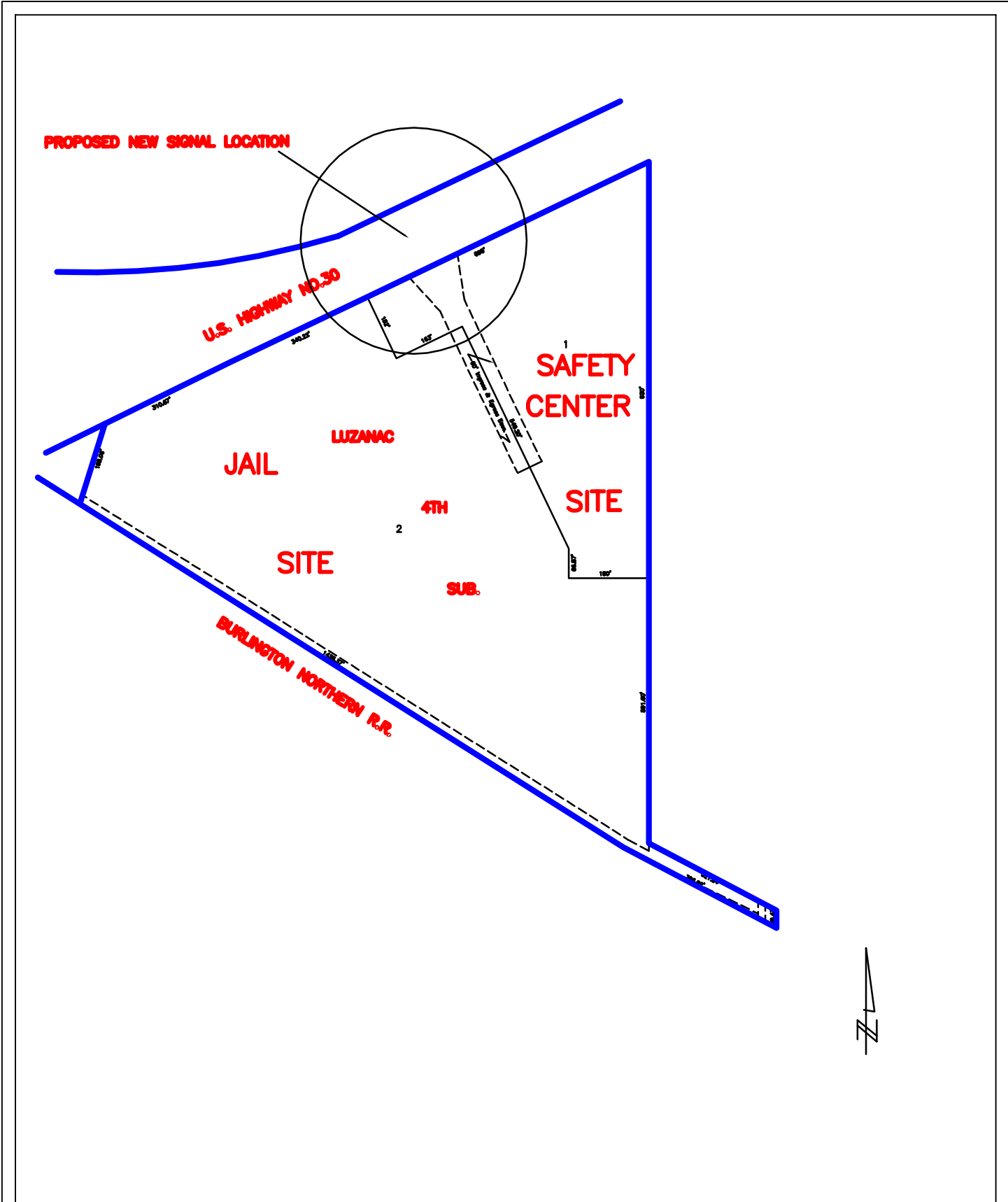
1. Approve the installation of the traffic signal on US HWY 30 at the shared driveway serving the Public Safety Center and the Hall County Jail Complex.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the installation of the traffic signal.

Sample Motion

Approve the installation of the traffic signal.



RESOLUTION 2006-119

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

WHEREAS, a traffic engineering study was performed using projected traffic counts to determine the need for a traffic signal along U.S. Highway 30 at the location of the shared driveway which will serve the new Public Safety Center and the Hall County Jail Complex;

WHEREAS, the study revealed the need for a traffic signal at such intersection;

WHEREAS, it is requested that a traffic signal be installed at such intersection to allow for increased traffic safety at such location.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that it is hereby approved to install a traffic signal to control traffic along U.S. Highway 30 at the location of the shared driveway to serve the new Public Safety Center and the Hall County Jail Complex.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G24

**#2006-120 - Approving Memorandum of Understanding with
Nebraska Emergency Management Agency for Homeland Security
Grant Funding**

Staff Contact: Lela Lowry

Council Agenda Memo

From: Lela L. Lowry, Emergency Management/911 Director
Meeting: April 11, 2006
Subject: Memorandum of Understanding
Item #'s: G-24
Presenter(s): Lela L. Lowry, EM/911 Director

Background

Each County in Nebraska has the opportunity to receive Homeland Security Grants to help support planning, training and exercises to prepare responders and volunteers to effectively respond to any type of emergency or disaster which may present itself. It is understood that NEMA will provide instructors for the training with homeland security money that has been funded to their department. In cooperation with state wide training process, portions of the money that is awarded to Hall County is asked to be used to support training in Hall County. If the training is multiple days with extended classroom hours, overnight housing may be needed. This agreement states that with the Homeland Security money that Hall County receives from the Federal Government, rooms and meals will be paid for with the understanding of full reimbursement by NEMA with Homeland Security Grant Money. This memorandum of understanding will establish terms by which Nebraska expends Homeland Security Grant Funding on behalf of Local Government, provided that Local Government and Nebraska enter into an agreement on the matter.

Discussion

The purpose of this agreement is to set forth terms by which NEMA shall deliver training and exercise support in Hall County utilizing State Homeland Security Grant funds. Homeland Security Grant Money received by Hall County will also be used to support further training for the city and the county.

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 move to approve this memorandum of understanding between NEMA and Grand Island/Hall County Emergency Management/911 Center.

Sample Motion

Motion to approve the memorandum of understanding between NEMA and Grand Island/Hall County Emergency Management/911 Center.

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING / AGREEMENT
BETWEEN THE STATE OF NEBRASKA/NEBRASKA EMERGENCY MANAGEMENT AGENCY
AND LOCAL GOVERNMENT/EMERGENCY MANAGEMENT AGENCY, HALL COUNTY
NEBRASKA.
REGARDING STATE USE OF HOMELAND SECURITY GRANT FUNDING REGARDING LOCAL
GOVERNMENT

1. PARTIES. The parties to this Agreement are the State of Nebraska/Nebraska Emergency Management Agency and the Local Government, Grand Island/Hall County Emergency Agency, Hall County, Nebraska.
2. AUTHORITY. This Agreement is authorized under the provisions of the United States Department of Homeland Security issued grant number 2005-GE-T5-0020.
3. PURPOSE. The purpose of this Agreement is to set forth terms by which Nebraska shall expend Homeland Security Grant Funding on behalf of Local Government. On April 1, 2004, the United States Department of Homeland Security issued grant number 2004-GE-T4-0048 to Nebraska. Under this grant, Nebraska must allocate grant funding to Local Government. Under this grant, Local Government may authorize Nebraska to utilize funds on behalf of Local Government, provided that Local Government and Nebraska enter into an Agreement on the matter.
 - a. The purpose of this agreement is to set forth terms by which NEMA shall deliver training and exercise support in Hall County, Nebraska, utilizing State Homeland Security Grant funds allocated to Hall County Nebraska.
4. RESPONSIBILITIES.
 - a. State
 - i. NEMA will provide course management, instructors, equipment, and instructor transportation as needed. Estimated cost to be \$15,000.00
 - ii. Grand Island/Hall County EMA will provide the facility for classrooms, lodging for participants and instructors, all printed materials, supplies, breaks and appropriate meals.
5. POINTS OF CONTACT.
 - a. NEMA: Henry Tamasi, 1300 Military Road, Lincoln, NE
402-471-7349

b. GRAND ISLAND/HALL COUNTY EMA: Lela Lowry, PO Box 1968,
Grand Island, NE 68802, 308-385-5372.

6. OTHER PROVISIONS. Nothing in this Agreement is intended to conflict with current laws or regulations of Nebraska or Local Government. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
7. EFFECTIVE DATE. The terms of this agreement will become effective on February 1, 2006.
8. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.
9. TERMINATION. The terms of this agreement, as modified with the consent of both parties will remain in effect until March 31, 2007. Either party upon 10 days written notice of the other party may terminate this agreement.

APPROVED BY:

February 13, 2006

February 13, 2006

RESOLUTION 2006-120

WHEREAS, on April 1, 2004, the United States Department of Homeland Security authorized grant funding to the state of Nebraska pursuant to Grant No. 2004-GE-T4-0048; and

WHEREAS, it is recommended that such grant funding in the estimated amount of \$15,000 be used for personnel from the Nebraska Emergency Management Agency to deliver training and exercise support in Hall County; and

WHEREAS, a Memorandum of Understanding has been prepared between the State of Nebraska Emergency Management Agency and the Grand Island/Hall County Emergency Management Center to further address the use of such grant funding and the responsibilities of the parties; and

WHEREAS, the City Attorney's office has reviewed and approved the proposed Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Memorandum of Understanding / Agreement between the State of Nebraska Emergency Management Agency and the Grand Island / Hall County Emergency Management Center for the use of Homeland Security grant funding is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G25

**#2006-121- Approving Interlocal Agreement for Cooperative
Public Safety Services for Interoperable Radio System**

Staff Contact: Lela Lowry

Council Agenda Memo

From: Lela L. Lowry, Emergency Management/911 Director

Meeting: April 11, 2006

Subject: Inter-local agreement for cooperative public safety services.

Item #'s: G-25

Presenter(s): Lela L. Lowry, EM/911 Director

Background

This is an agreement between the counties of Adams, Buffalo, Chase, Clay, Dawson, Dundy, Frontier, Furnas, Gosper, Hall, Hamilton Harlan, Hayes, Hitchcock, Kearney, Nuckolls, Phelps, Red Willow and Webster and the participating cities and villages within these counties to form an interoperable radio system among public safety agencies. A radio system that has the capability of connecting multiple frequencies from multiple agency and counties will ensure effective communication and a quicker response without dispatchers having to “relay” information from one agency to another.

Discussion

Enter into the multi-county agreement to continue to receive Homeland security funding for maintenance and service to the inter-operability communications equipment.

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 move to approve this Inter-Local Agreement for Cooperative Public Safety Service.

Sample Motion

Motion to approve the Inter-Local Agreement for Cooperative Public Safety Service.

**INTERLOCAL AGREEMENT FOR COOPERATIVE PUBLIC SAFETY SERVICES
BY AND AMONG
THE COUNTIES OF ADAMS, BUFFALO, CHASE, CLAY, DAWSON, DUNDY,
FRONTIER, FURNAS, GOSPER, HALL, HAMILTON, HARLAN, HAYES,
HITCHCOCK, KEARNEY, NUCKOLLS, PHELPS, RED WILLOW AND WEBSTER,
AND THE CITIES AND VILLAGES WITHIN SAID COUNTIES.**

THIS AGREEMENT is made and entered into this _____ day of _____ 2006, by and between the **Counties of Adams, Buffalo, Chase, Clay, Dawson, Dundy, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Kearney, Nuckolls, Phelps, Red Willow, and Webster and the participating cities and villages within said counties**, all being bodies political and corporate and political subdivisions of the state of Nebraska, hereinafter referred to collectively as the "Parties" and individually as a "Party."

WITNESSETH:

WHEREAS, the Parties desire to form an interoperable radio system among public safety agencies; and

WHEREAS, the Interlocal Cooperation Act, Neb.Rev. Stat. §13-801, et seq. provides that units of local government of the State of Nebraska and Nebraska state agencies may enter into agreement for the joint and cooperative exercise of powers, privileges, or authority capable of being exercised by either agency; and

WHEREAS, Neb. Rev. Stat. §13-801 provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity, or other undertaking which each public agency entering into the contract is authorized by law to perform; and

WHEREAS, Counties and Cities are public agencies as defined by Neb. Rev. Stat. §13-801; and

WHEREAS, Neb. Rev. Stat. §29-215 authorizes municipalities and counties to enter into contracts with any other municipality or county to form, operate and maintain an interoperable radio system

NOW, THEREFORE, the parties mutually covenant and agree as follows:

- 1) **Definition:** CNRI is the Central Nebraska Radio Interoperability group composed of the governmental agencies participating in this agreement.
- 2) **Purpose:** To establish, maintain and operate a public safety Interoperable Radio System within the jurisdictions of the participating agencies.
- 3) **Term.** This agreement shall have a term of five (5) years commencing July 1, 2004.

- 4) **Termination.** This agreement may be terminated at any time, with or without cause, upon the mutual consent of a majority of the member Parties.
- 5) **Withdrawal.** Any Party may withdraw from this agreement at any time, with or without cause, upon providing to the non-withdrawing Parties a written notice of such withdrawal given not less than one hundred eighty (180) days prior to the effective date of the withdrawal.
- 6) **Governance.** The activities of the cooperative undertaking shall be governed by a board comprised of one representative from each of the Parties, hereinafter referred to as the "CNRI Policy Board." The CNRI Policy Board shall meet not less than two times each calendar year. The CNRI Policy Board shall select as officers a chairperson and a secretary who shall serve terms of one year. A quorum of not less than a majority of the CNRI Policy Board shall be required to take action. All questions before the CNRI Policy Board shall be determined by majority vote of the members present. The CNRI Policy Board may adopt such by-laws and rules of procedure as deemed appropriate by the CNRI Policy Board.
- 7) **Cooperative powers and Authority.** Each Party shall maintain their radio system, microwave and other operating components of the radio systems. Each shall grant permission for any public safety agency to utilize such system.
- 8) **Claims and Indemnity.** At all times while utilizing the radio system the employee of the Party shall remain an employee of the employing agency. Each Party shall provide liability insurance and indemnification for its own personnel as provided in Neb. Rev. Stat. §13-1802.
- 9) **Modification.** This Agreement may be modified by written agreement of the Parties.
- 10) **No Separate Entity.** There shall be no separate legal entity created through this Interlocal cooperation agreement. Said agreement shall be jointly administered by the CNRI Policy Board as provided in section 6 above.
- 11) **Property.** Any property acquired or made available by any party to this agreement for the purposes of this agreement shall remain the property of the party acquiring or making such property available and shall be disposed of by such party as provided by law, regulation, or ordinance governing the same.
 - a) Any property acquired jointly shall, upon termination, be equitably distributed among the Parties based upon the Parties' financial contributions toward the purchase and maintenance of any such property. In the event any Party withdraws from this agreement, an equitable distribution of the jointly held property, or the fair market value thereof, shall be made to the withdrawing party based upon the withdrawing Party's financial contributions toward the purchase and maintenance of any such jointly held property.

- b) Any party can be elected or appointed by the CNRI Policy Board to act as fiscal or purchasing agent in accordance with state law.
- c) Any property to be purchased and jointly held by the Parties shall be purchased pursuant to the purchasing rules or statutes applicable to the Party making the purchase on behalf of the Parties.
- d) Any surplus or unusable jointly held property shall be disposed of pursuant to the rules or statutes applicable to the Party making such disposition on behalf of the Parties. The proceeds of any sale or disposition of jointly held property shall be equitably distributed among the Parties based upon the Parties' financial contributions toward the purchase and maintenance of any such property.
- e) An inventory of all property jointly held and a report on the disposition of any joint property sold, transferred or disposed of during the prior twelve months shall be provided to the City or County Clerk of each Party on or prior to April 1 of each year.

12) **Finances.** This agreement shall be financed by funds available to the parties hereto.

13) **Provision of Assistance.** Pursuant to the Interlocal Cooperation Act, any party to this agreement, in the party's sole discretion, may appropriate funds and may sell, lease, give, or otherwise provide assistance, including personnel and services, as may be within the party's legal power to furnish.

14) **Additional Agreements.**

- a) This agreement shall become effective for each party when that party by ordinance, motion or resolution adopts and approves this agreement and authorizes the proper official to execute this agreement.
- b) Additional cities or counties may become parties to this agreement upon acceptance and execution of this agreement, and upon approval by the governing bodies of the Parties already a party to this agreement.

Dated _____, 2006


City of Grand Island, Nebraska

by: _____
Mayor

[attest]

City Clerk

Approved as to form:



City Attorney

Dated _____, 2006

The County of Hall

by: _____
Hall County Board of Supervisors

[attest]

County Clerk

Approved as to form:

Hall County Attorney

RESOLUTION 2006-121

WHEREAS, the Central Nebraska Radio Interoperability group is composed of governmental agencies within the counties of Adams, Buffalo, Chase, Clay, Dawson, Dundy, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Kearney, Nuckolls, Phelps, Red Willow and Webster; and

WHEREAS, it is recommended that a public safety Interoperable Radio System be established, maintained, and operated within the jurisdictions of the participating agencies; and

WHEREAS, an Interlocal Agreement has been reviewed and approved for such project by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Agreement for Cooperative Public Safety Services by and among the counties of Adams, Buffalo, Chase, Clay, Dawson, Dundy, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Kearney, Nuckolls, Phelps, Red Willow and Webster, and the cities and villages within said counties to establish, maintain and operate a public safety Interoperable Radio System is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item H1

**Consideration of the Request from Ryan Hansen for Extension of
Nonconforming Use at 2216 South Locust Street**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 11, 2006

Subject: Request of Ryan Hansen for Extension of
Nonconforming Use at 2216 South Locust Street, Grand
Island, Nebraska

Item #'s: H-1

Presenter(s): Craig Lewis

Background

This is a request to allow for the expansion of a nonconforming use at the property located at 2216 S. Locust. The property is currently zoned B-2/A-C, which is a General Business Zone with an Arterial Commercial Overlay Zone. That zoning classification does not allow for automotive body shops unless as an accessory use to vehicle sales establishments.

It appears that the City Council in September of 1980 granted a conditional use permit for the reconstruction of the existing body shop operation damaged by the 1980 tornados for the property addressed 212 Wyandotte. The property of the current request appears to have been utilized as an accessory lot for the approved body shop. As an accessory to an existing shop any expansions of the current operation because the use is not permitted in the zoning classification needs approval of the City Council in the form of an expansion of a non conforming use.

It is my understanding that this proposal is to construct a new building at 2216 S. Locust for the body shop operation and possibility sell the existing building at 212 Wyandotte for an alternative business.

Discussion

The City code does not specifically allow body shop operations in the current zoning classification along the South locust Street corridor. The site for consideration has been utilized as an automotive body shop for approximately the past fifty years and did receive approval from the City Council in 1980 to continue.

It does not appear that a continuation of the existing facility or the construction of a new facility on the adjacent lot to the north would create a negative impact on the neighboring properties or the Locust Street Corridor.

The South Locust Improvement Board for the Business Improvement District #3 convened a special meeting on April 4, 2006 to discuss this request. At that meeting the Board unanimously voted to support this request with the recommendation that any and all wrecked vehicles be screened such that they would not be visible from Locust Street.

Alternatives

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

1. Approve the extension of the nonconforming use.
2. Disapprove or /Deny the request.
3. Modify the approval to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the request for a nonconforming use to permit the construction of a new automotive body shop operation with the condition that any and all wrecked vehicles located on the site be screened such that they are not visible from Locust Street.

Sample Motion

Motion to approve the request to allow for the extension of a nonconforming use of a automotive body shop facility at 2216 South Locust Street, with the condition that any and all wrecked vehicles be visually screened from Locust Street..

March 13, 2006

City of Grand Island
Attn: Craig Lewis
100 E. 1st Street
Grand Island, NE 68801

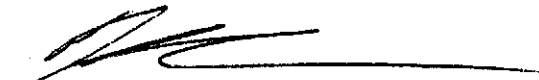
Mr. Lewis,

This letter is in regards to the South Locust Improvement project. My name is Ryan Hansen and as the owner of Sorensen's Paint & Body, I am excited about the positive changes this project has brought South Locust and Grand Island. As a South Locust business owner, I would like to help continue the redevelopment of this area.

Imagine driving down South Locust and seeing all the great improvements, then coming to 2216 S. Locust to find a lot filled with mangled vehicles, parts, etc. Not appealing to the eye, right? This is one of the reasons I would like to build a new, clean, attractive facility. The new Sorensen's Paint & Body would play a part in enhancing South Locust Street. Great things for South Locust and Grand Island will come out of building a new Sorensen's Paint & Body.

Thank you for your time and consideration in making South Locust and Sorensen's Paint & Body all it can be. Please contact me at 308-382-2028 with any questions.

Sincerely,



Ryan Hansen
Sorensen's Paint & Body



April 4, 2006

Craig A. Lewis, Director
City of Grand Island Building Department
PO Box 1968
Grand Island, NE 68802-1968

Dear Mr. Lewis:

Per your request, the BID 3 Board reviewed Mr. Ryan Hansen's plans for future improvements to the Sorensen's Paint and Body property located at 2216 South Locust Street. Thank you for your assistance in explaining the zoning classifications and conditional use permits. To recap the Board's understanding, Mr. Hansen's proposal is to construct a new building at 2216 South Locust for body shop operation. And, that this property is currently zoned B-2/A-C, which does not allow for automotive body shops. This business site has been utilized as an automotive body shop since the 1950's and a portion of this business site was granted a conditional use permit in 1980 for the reconstruction of the existing body shop operation (212 Wyandotte). The South Locust property referenced in this extension request has been used as an accessory lot for the approved Wyandotte lot. As an accessory to the existing shop, any expansions of the current operation, because the use is not permitted in the zoning classification, needs City Council approval in the form of an expansion of a nonconforming use. The BID 3 Board recommends in support of the City Council granting Mr. Hansen's request for an extension of the current nonconforming use permit at 2216 South Locust Street. As presented, Mr. Hansen's design for the new building, added landscaping and plans for locating repair vehicles out of vision from South Locust street will be an asset to BID #3 and the entire South Locust corridor.

The BID 3 Board would also like to extend a request for City Council approval on an amendment to the district's current "off-premise" sign regulations. As currently written, a total of five "off-premise" (AKA billboard) signs are allowed to be located on South Locust between Highway 34 and Stolley Park at any one time. Should one of the five signs be removed, an opportunity is then created for a replacement "off-premise" sign to be erected on any willing property within district boundaries. Replacement signs are not restricted to the current site

locations. The BID 3 Board recommends support for amendment to the current district "off premise" sign regulations to allow for the grandfathering of the five existing "off-premise" signs; if and when a grandfathered signs is removed or deemed to be physically damaged beyond 50 percent, a replacement unit for that grandfathered sign will not be allowed within BID 3 boundaries. This amendment will lend continuity and more closely align the off-premise sign regulations of the two South Locust BIDs. Off-premise signage is not permitted in BID 4.

If you have any questions, please contact Diana Kellogg, Chamber of Commerce, 382-9210, or Dan Naranjo, BID 3 Board Representative, 398-2929. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bartz", with a long horizontal stroke extending to the right.

David Bartz, Chair
Business Improvement District #3

Cc: BID 3 Board Representatives
Ryan Hansen, Sorensen's Paint & Body



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item H2

**Approving Request of John Luisi for NE Colorado Cellular, Inc.
dba Viaero Wireless for Conditional Use Permit for a 120'
Telecommunications Tower Located at 305 Wilmar Avenue**

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

Staff Contact: Craig Lewis



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item I1

**#2006-104 - Approving Request of Grand Island Venue I, Inc. dba
Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License**

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

Staff Contact: RaNae Edwards

RESOLUTION 2006-104

WHEREAS, an application was filed by Venue I, Inc., doing business as Copa Cabana at 2850 Old Fair Road for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 1, 2006; such publication cost being \$13.60; and

WHEREAS, a public hearing was held on March 28, 2006, for the purpose of discussing such liquor license application.

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

_____ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: _____

_____ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: _____

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
April 6, 2006 ☐ City Attorney



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item I2

**#2006-122 - Approving Request of De Luna Corporation dba
Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor
License and Octavio De Luna-Rodriquez, 908 East Bismark Road
for Liquor Manager Designation**

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

Staff Contact: RaNae Edwards

RESOLUTION 2006-122

WHEREAS, an application was filed by De Luna Corporation, doing business as Tabares Bar & Grill at 106 W. 4th Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 1, 2006; such publication cost being \$13.60; and

WHEREAS, Octavia De Luna-Rodriquez has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on March 28, 2006, for the purpose of discussing such liquor license application.

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

_____ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: _____

_____ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: _____

_____ The City of Grand Island hereby recommends the application of Octavia De Luna-Rodriquez as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

Approved as to Form _____
April 6, 2006 City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item I3

**#2006-123 - Approving Bid Award for Construction of Fire Station
#1**

Staff Contact: Jim Rowell

Council Agenda Memo

From: Jim Rowell, Fire Chief
Meeting: April 11, 2006
Subject: Bid Award for Fire Station 1
Item #'s: I-3
Presenter(s): Jim Rowell, Fire Chief

Background

Over the past two years the Fire Station Committee has worked on site, architect selection, and station design. During this same time City Council has approved site and architect selection. The Fire Station Committee is comprised of City Administrator Gary Greer, Councilmember Bob Meyer, Duane Donaldson with Home Federal Bank, and the following members from the Fire Department: Jim Rowell, Curt Rohling, Troy Hughes, Todd Morgan, Brett Bamesberger, Russ Bolling, and Chris Hoffman.

The fire station project has completed the design phase and received bids for fire station construction. During this time, members of the committee worked closely with Architect Jim Brisnehan to create a quality building.

Discussion

The Fire Station Project is ready for the construction phase. Selecting the contractor and awarding the contract is the action to consider. The builder then becomes the critical link in the success of the project. Bid opening was held on March 14, 2006 with seven qualified builders submitting bids on the project. A summary document is included in your packet with the amount of the bids for all the bidders. The summary document also includes the bid amount for each alternate item listed in the bid specifications. Alternate items were included in the bid document in the event the base bid was below the estimate. Tri Valley Builders Inc. submitted the lowest base bid for \$2,195,000. The dollar amount listed for Tri Valley Builders, Inc. is without any alternates. Should the Council choose to include any one or all of the alternates, Tri Valley Builders, Inc. would remain the lowest bidder.

The alternates were:

- 1: Fourth drive through bay - \$125,000
2. Plymovent exhaust system - \$3,500
3. Natural gas generator - \$55,000
4. Storage building - \$77,000.

The dollar amount to include all the alternates would be \$2,455,500.

The bid requirements were met and funds are available for this project. The Finance Department has evaluated the funding available and the Legal Department reviewed applicable state laws and local codes. They advised that we may proceed as approved by Council.

The rising cost of fuel as well as the cost of the materials affects the overall cost of the project. From the time the project started we have seen a significant rise in costs associated with construction. With the outcome of the current bids being all within a close grouping in terms of cost we feel we have good bids. Due to continued increasing costs, re-bidding the project would most likely result in an increase in project cost.

We will work to contain and reduce the cost of the project as allowed by code. Because the architect's fee is based on a percentage of the project cost, and the bids were all higher than anticipated we are working with the architect to contain the cost of their fee as well.

The project committee and the architect met the day of the bid opening and reviewed the results. After discussing the bidder qualifications and the bid figures, they decided to gather more information on the increased costs. The committee then met again and decided that we should move ahead and recommend council approval of the low bid submitted by Tri Valley Builders, Inc.

Alternatives

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

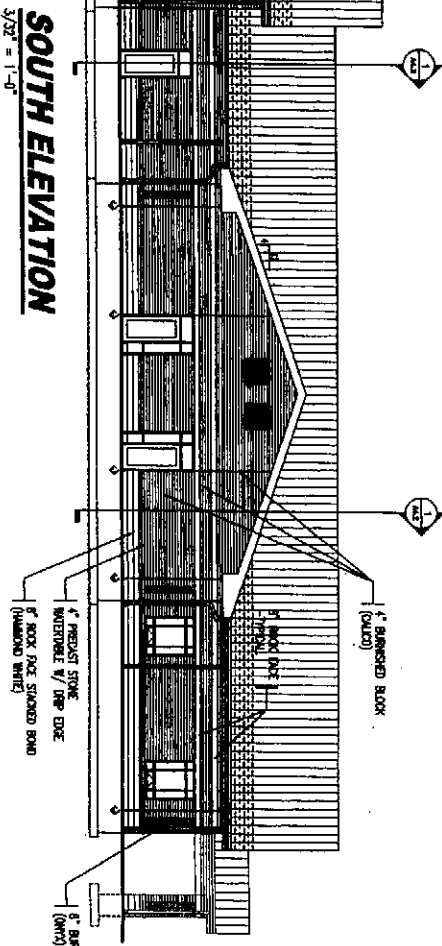
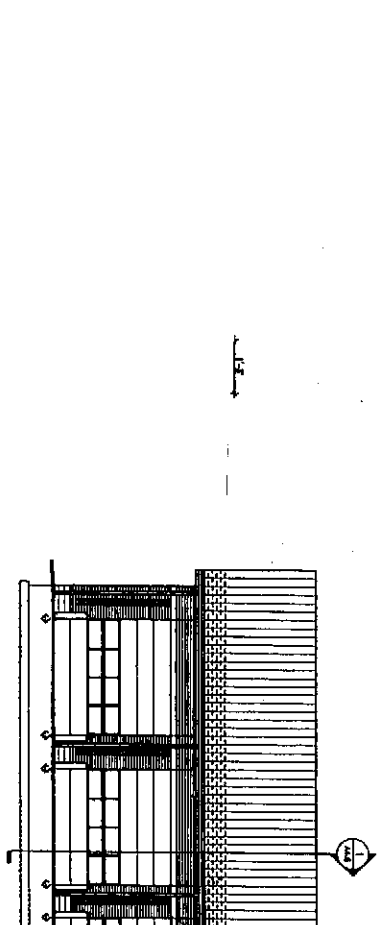
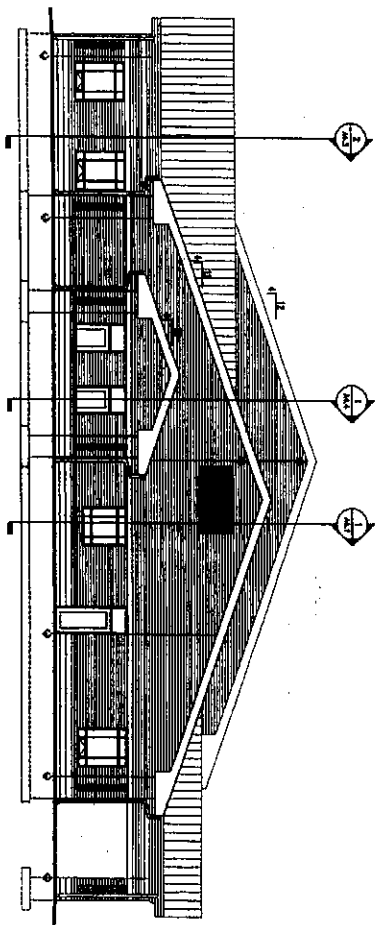
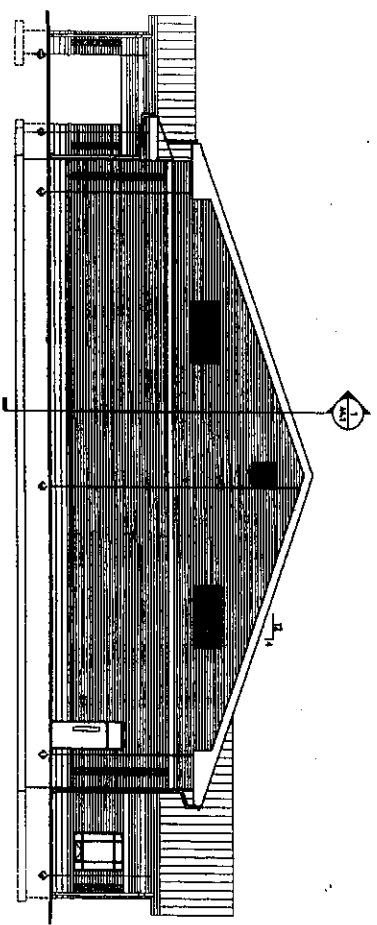
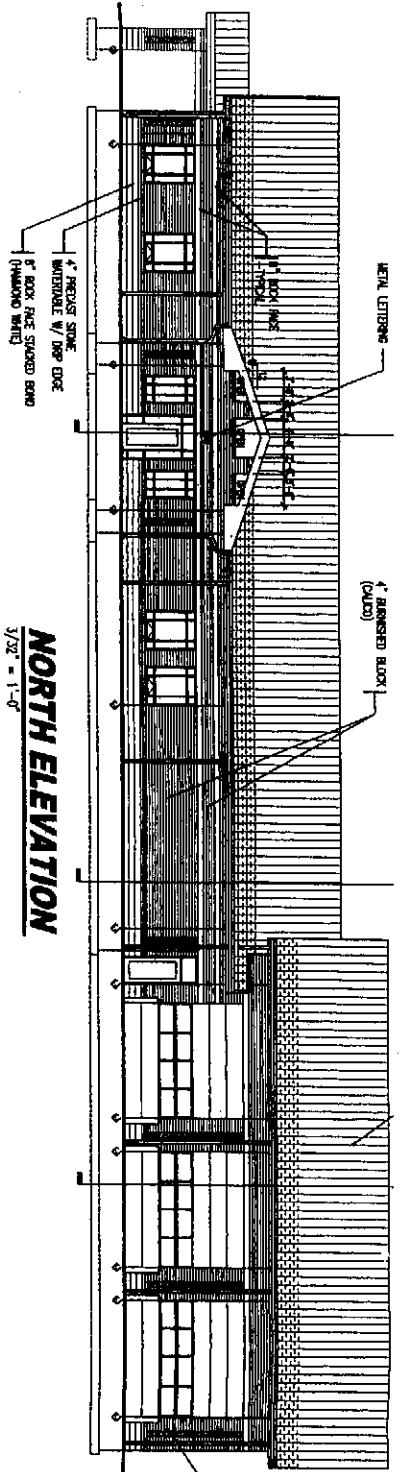
1. Move to approve
2. Move to approve including specific alternates
3. Refer the issue to a Committee
4. Postpone the issue to future date
5. Take no action on the issue

Recommendation

City Administration recommends that the Council award the contract to Tri Valley Builders, Inc. of Grand Island, Nebraska and authorize the mayor to sign said contract.

Sample Motion

Motion to approve contract with Tri Valley Builders, Inc. of Grand Island, Nebraska for construction of new fire station one at 409 East Fonner Park Road.





Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 14, 2006 at 11:30 a.m.
FOR: Construction of Fire Station 1
DEPARTMENT: Fire
ESTIMATE: \$2,000,000.00
FUND/ACCOUNT: 40015025-90007
PUBLICATION DATE: February 22, 2006
NO. POTENTIAL BIDDERS: 6

SUMMARY

| | | |
|-------------------------|--|---|
| Bidder: | <u>Central Contracting Corp.</u> Kearney, NE | <u>Bierman Contracting, inc.</u> Columbus, NE |
| Bid Security: | Travelers Casualty & Surety Co. | Universal Surety Company |
| Exceptions: | None | None |
| Base Bid Price: | \$2,292,000.00 | \$2,320,000.00 |
| Alternate No. 1: | 97,800.00 | 112,500.00 |
| Alternate No. 2: | 2,900.00 | 3,500.00 |
| Alternate No. 3: | 47,200.00 | 59,900.00 |
| Alternate No. 4: | 72,000.00 | 81,000.00 |
| Completion Date: | March 1, 2007 | February 2007 |

| | | |
|-------------------------|---|--|
| Bidder: | <u>Farris Construction Co., Inc.</u> Hastings, NE | <u>Lacey Construction Company</u> Grand Island, NE |
| Bid Security: | Universal Surety Company | Universal Surety Company |
| Exceptions: | None | None |
| Base Bid Price: | \$2,456,100.00 | \$2,430,000.00 |
| Alternate No. 1: | 139,195.00 | 116,000.00 |
| Alternate No. 2: | 10,287.00 | 4,000.00 |
| Alternate No. 3: | 57,269.00 | 50,000.00 |

Alternate No. 4: 95,151.00 80,000.00
Completion Date: January 2007 July 1, 2007

Bidder: Tri Valley Builders, Inc. Chief Construction Company
Grand Island, NE Grand Island, NE
Bid Security: Universal Surety Company Fidelity & Deposit Company
Exceptions: None None

Base Bid Price: \$2,195,000.00 \$2,433,000.00
Alternate No. 1: 125,000.00 84,400.00
Alternate No. 2: 3,500.00 3,400.00
Alternate No. 3: 55,000.00 59,100.00
Alternate No. 4: 77,000.00 85,000.00
Completion Date: June 2007 January 15, 2007

Bidder: Sampson Construction Co., Inc.
Kearney, NE
Bid Security: Liberty Mutual Insurance Company
Exceptions: None

Base Bid Price: \$2,450,000.00
Alternate No. 1: 118,000.00
Alternate No. 2: 3,300.00
Alternate No. 3: 46,000.00
Alternate No. 4: 87,000.00
Completion Date: December 15, 2006

cc: Jim Rowell, Fire Chief
Chris Hoffman, Public Safety Sec.
Dale Shotkoski, Purchasing Agent

Curt Rohling, Fire Operations Div. Chief
Gary Greer, City Administrator
Laura Berthelsen, Legal Assistant

P1065



Douglas R. Walker, City Attorney
Dale M. Shotkoski, Assistant City Attorney

INTEROFFICE MEMORANDUM

*Working Together for a
Better Tomorrow, Today.*

DATE: April 6, 2006
TO: Jim Rowell, Fire Chief
FROM: Dale M. Shotkoski, Attorney
RE: Engineer's Estimate and Fire Station Bids

In regards to the question asked as to whether it is legal to accept bids which exceed the engineer's estimate, the question is somewhat misplaced in that no engineer's estimate was requested or obtained prior to seeking the bids for the fire station, which is not necessarily the problem.

The term "engineer's estimate" is a statutory requirement in certain situations, and can be requested when a new building is going to be erected. Neb. Rev. Stat., §16-321, which governs engineer's estimates states:

"The city engineer shall, when requested by the mayor or city council, make estimates of the costs of labor and material which may be done or furnished by contract with the city and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, the building of culverts, sewers, electric light system, water works, power plant, public heating system, bridges, curbing and gutters, the improvement of streets and the erection and repair of buildings and shall perform such other duties as the council may require."

There are other provisions in the statute when engineer's estimates are required, however, as you can see for the erection of a building, the engineer's cost estimate is only necessary when requested by the mayor or council.

I do not know if any such request is made of the city engineer prior to obtaining the bids for the fire station and it was my understanding that the cost estimate that was obtained prior to seeking bids was furnished instead by the architect who had been hired by the city to prepare the construction plans.

Jim Rowell, Fire Chief
April 6, 2006
Page Two

The question that needs to be answered as to whether or not the bid for the fire station can be accepted because it exceeded the architect's cost estimate, is an administrative issue as to whether or not there are enough funds available to award the contract and if there are enough funds to award the contract, whether or not the bid, which is exceeded the estimate, is found and deemed to be reasonable and in the best interests of the city. If the determination is made that there are funds available to award the contract, it would be legal to award the contract, and the contract can be awarded if the costs are found to be reasonable and if the bid is found to be acceptable and in the best interest of the city.

Under the City Code for the City of Grand Island, Section 27-8, if it is found that the low responsive bid for the construction project exceeds available funds as certified by the city treasurer or the finance director, and if such bid is found to not exceed such funds by more than 5%, at that time, the city could, if time and economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price with the low response of the responsible bidder in order to bring the bid within the amount of available funds. Negotiated adjustments shall be based upon eliminating independently deducted items specified in the invitation for bids or upon adjustments to unit prices or project prices. What this section of the City Code basically requires again, is the finding of whether or not there are funds available to award the contract to a low responsive bidder. If it is found that such funds are not available and if the low bid was no more than 5% of the available funds, then negotiations on a limited basis could commence. If again, a finding is made that time and economic considerations would preclude the re-solicitation of work of a reduced scope. It has been explained to me that the available funds are present to award the contract based upon the low bid received so it may not be necessary to make the findings as to whether or not re-solicitation should be precluded or should be done and at this point, it appears that the mayor and council can legally award the contract if they find that the bid is acceptable based upon the estimate that was provided at the time, available funds and other considerations that they deem relevant.

One contributing factor which may have led to the construction bid prices coming in higher than the estimate is that the contract with the architect was written so that the architect's fees were tied to a percentage of the total construction cost which opened the possibility up of having a building designed at a higher than expected price which would in turn then ratchet up the amount of fees the architect could then request from the city. Apparently some discussion with the architect has occurred in regards to these fees provisions and I do not know the results of those discussions, however, it would be my recommendation in the future, that architect agreements not be written in this fashion to hopefully prevent this situation from re-occurring.

Jim Rowell, Fire Chief

April 6, 2006

Page Three


The architect's agreement was legal as to form, however, it was written in a fashion which created an opportunity for the architect to design a building at a higher price, thus costing the city and the city tax payers more money to construct the building than may have originally been deemed necessary. Not being an architect, I cannot say that this is what occurred in this case, however, contracts written in this fashion do allow for the situation to arise more easily than if there had been a definite cap put on the architect fees.

DMS/sp

*INTEROFFICE
MEMORANDUM*

City Of
GRAND  **ISLAND**

*Working Together for a
Better Tomorrow. Today.*

DATE: April 7, 2006
TO: Jim Rowell, Fire Chief ✓
FROM: Dave Springer, Finance Director 
SUBJECT: *Funds Availability for Fire Station*

As bids for the replacement of Fire Station No.1 came in higher than expected, I have been asked if funds are available to meet the increased cost. I understand the low bid to be \$2,195,000 and \$2,455,500 with all alternatives. The Capital Projects 2006 budget by line item for this project is \$2,150,000. However, there are sufficient contingency and unused project monies within the fund to cover the low bid and/or all alternatives.

It is normal to reallocate resources within a fund as the fiscal year progresses to meet changing needs. The key is to stay within the fund appropriation and to exceed that would require a budget amendment. From a fiscal standpoint, funds are available at any of the levels stated. This is really a management decision as to the best return on investment.

Cc: Gary Greer, City Administrator
Dale Shotkoski, Acting City Attorney

RESOLUTION 2006-123

WHEREAS, the City of Grand Island invited sealed bids for Construction of Fire Station No. 1, according to plans and specifications on file with the architects for the project, Cannon, Moss, Bygger & Associates; and

WHEREAS, on March 14, 2006, bids were received, opened and reviewed; and

WHEREAS, Tri Valley Builders, Inc. of Grand Island, Nebraska, submitted a base bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such base bid being in the amount of \$2,195,000; and

WHEREAS, alternate bids were also requested from each of the bidders for additional options to the construction project; and

WHEREAS, Tri Valley Builders, Inc. submitted a bid in the amount of \$125,000 for Alternate No. 1; a bid in the amount of \$3,500 for Alternate No. 2; a bid in the amount of \$55,000 for Alternate No. 3; and a bid in the amount of \$77,000 for Alternate No. 4.

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

_____ The base bid of Tri Valley Builders, Inc. of Grand Island, Nebraska, in the amount of \$2,195,000 for the construction of Fire Station No. 1 is hereby approved as the lowest responsible base bid.

_____ The Tri Valley Builders bid for Alternate No. 1 – (fourth drive-thru bay) in the amount of \$125,000 is hereby approved.

_____ The Tri Valley Builders bid for Alternate No. 2 – (Plymovent exhaust system) in the amount of \$3,500 is hereby approved.

_____ The Tri Valley Builders bid for Alternate No. 3 – (natural gas generator) in the amount of \$55,000 is hereby approved.

_____ The Tri Valley Builders bid for Alternate No. 4 – (storage building) in the amount of \$77,000 is hereby approved.

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

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 6, 2006 | ☐ City Attorney |

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 11, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item J1

Approving Payment of Claims for the Period of March 29, 2006 through April 11, 2006

The Claims for the period of March 29, 2006 through April 11, 2006 for a total amount of \$1,713,001.53. A MOTION is in order.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item J2

Approving Payment of Claims for the Library Expansion for the Period of March 29, 2006 through April 11, 2006

The Claims for the Library Expansion for the period of March 29, 2006 through April 11, 2006 for the following requisitions.

#25 \$222,699.85

A MOTION is in order.

Staff Contact: RaNae Edwards

EXHIBIT B
Mortgage, Trust Indenture and Security Agreement

Requisition Form

REQUISITION FOR DISBURSEMENT

Requisition No. 25

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

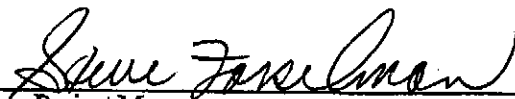
As Trustee under that Mortgage, Trust Indenture and Security Agreement, dated as of October 1, 2005 (the "Indenture"), executed by Grand Island Facilities Corporation, a Nebraska nonprofit corporation (the "Corporation") under which you serve as trustee, you are hereby directed to make payment from the 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> |
|-----------------------------|----------------------|---------------------------|
| Mid Plains Construction Co. | \$222,699.85 | Design/Build Contract |

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 (and/or architect's certificate for payment).

IN WITNESS WHEREOF, the undersigned has caused this disbursement requisition to be executed pursuant to the terms of said Indenture this 5th day of April, 2006.



Project Manager

MID PLAINS CONSTRUCTION CO.

1319 W. North Front St.
GRAND ISLAND, NE 68801

(308) 382-2760

STATEMENT

DATE
3/31/06

NUMBER
50175

Grand Island Facilities Corporation
PO Box 1968
Grand Island, NE 68802

TERMS: net 10 days

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ _____

| DATE | CHARGES AND CREDITS | BALANCE |
|------|---|---------------|
| | BALANCE FORWARD | |
| | Re: Edith Abbott Memorial Library 2005 Expansion/Remodel Project | |
| | Mid Plains Labor & Materials to date | \$ 333,572.65 |
| | Cannon Moss Brygger & Assoc | 341,327.28 |
| | Diamond Engineering Co | 184,864.70 |
| | Subcontractors | 180,105.87 |
| | Subtotal | 1,039,870.50 |
| | Management Fee (6.1%) | 63,432.10 |
| | Total Costs to Date | 1,103,302.60 |
| | Less 5% retainage | -55,165.13 |
| | Subtotal | 1,048,137.47 |
| | Less previous billings | -825,437.62 |
| | Balance Due this Invoice | \$222,699.85 |

MID PLAINS CONSTRUCTION CO.

Thank You

PAY LAST AMOUNT
IN THIS COLUMN