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# City of Grand Island



**Tuesday, July 25, 2006**

## **Council Session Packet**

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### **City Council:**

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

### **Mayor:**

**Jay Vavricek**

### **City Administrator:**

**Gary Greer**

### **City Clerk:**

**RaNae Edwards**

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

**Call to Order**

**Invocation - Pastor Gary Schulte, Evangelical Free Church, 2609 South Blaine Street**

**Pledge of Allegiance**

**Roll Call**

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## **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

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

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## **B - RESERVE TIME TO SPEAK ON AGENDA ITEMS**

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

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## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item C1

### Recognition of 2005-2006 Community Youth Council

*The Mayor and City Council will recognize the hard work and many hours contributed by the Community Youth Council to the community of Grand Island through sponsored and collaborative events. A short presentation will be given regarding the highlights of the 2005-06 Community Youth Council year. All youth and adult members will be recognized with a certificate and a special gift will be given to the seniors that just graduated. Congratulations on a successful year.*

Staff Contact: Mayor Vavricek



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item C.1**

**Public Hearing on Proposed Fiscal Year 2006-2007 Annual  
Budget for the Grand Island Area Solid Waste Agency**

Staff Contact: Steven P. Riehle, Public Works Director



# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Public Hearing and Approval of FY 2006 – 2007 Grand Island Area Solid Waste Agency Budget

**Item #'s:** SWA 1 & 2

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

## **Background**

The Solid Waste Agency is required to hold a budget hearing separate from that of the City and approve the budget by passing a Resolution.

## **Discussion**

A budget has been developed for the Agency. The Agency budget is the same as the City Solid Waste Division budget (Fund 505). This budget appears in the City's Annual Budget Document for Fiscal Year 2006 – 2007.

## **Alternatives**

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

1. Conduct a Public Hearing and approve the FY 2006 – 2007 budget for the Solid Waste Agency.
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 FY 2006 – 2007 budget for the Solid Waste Agency.

## **Sample Motion**

Motion to approve the budget for the Solid Waste Agency.

## SOLID WASTE

	<b><u>2004 Actual</u></b>	<b><u>2005 Actual</u></b>	<b><u>2006 Revised</u></b>	<b><u>2006 Projected</u></b>	<b><u>2007 Budget</u></b>
Beginning Cash Balance	3,900,640	4,323,029	4,712,467	4,712,467	4,857,412
Revenue	4,719,588	2,361,580	2,251,116	2,283,867	2,973,160
Transfers In	-	-	-	-	-
Total Resources Available	<u>8,620,228</u>	<u>6,684,609</u>	<u>6,963,582</u>	<u>6,996,334</u>	<u>7,830,572</u>
Expenditures	4,297,198	1,972,143	2,235,004	2,138,922	2,998,427
Transfers Out	-	-	-	-	-
Total Requirements	<u>4,297,198</u>	<u>1,972,143</u>	<u>2,235,004</u>	<u>2,138,922</u>	<u>2,998,427</u>
Ending Cash Balance	<u>4,323,029</u>	<u>4,712,467</u>	<u>4,728,578</u>	<u>4,857,412</u>	<u>4,832,145</u>
Unrestricted Cash	2,561,608	2,743,448	2,518,989	2,647,823	2,382,556
Restricted Cash	1,761,421	1,969,019	2,209,589	2,209,589	2,449,589
	<u>4,323,029</u>	<u>4,712,467</u>	<u>4,728,578</u>	<u>4,857,412</u>	<u>4,832,145</u>

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14:41 JLM

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 1  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

2005  
ACTUAL

2006  
ORIG BUD

2006  
REVISED BUD

2006  
ACTUAL

2006  
PROJECTION

2007  
Finance

PCT  
CHANGE

50530040 TRANSFER STATION

74773 CO-PAY HEALTH INSURANCE

50530040 74773 COPAYHLTH

2,604.72 3,019.00 3,019.00 2,563.36 3,100.00 3,019.00 .0%

TOTAL CO-PAY HEALTH INSURANC

74815 TRADE-IN ALLOW - MACH & EQUIP

50530040 74815 TRADE-M&E

2,604.72 3,019.00 3,019.00 2,563.36 3,100.00 3,019.00 .0%

TOTAL TRADE-IN ALLOW - MACH

TOTAL TRANSFER STATION

50530041 YARD WASTE SITE

74773 CO-PAY HEALTH INSURANCE

50530041 74773 COPAYHLTH

2,604.72 33,000.00 33,000.00 14,500.00 14,500.00 .00 -100.0%

TOTAL CO-PAY HEALTH INSURANC

TOTAL YARD WASTE SITE

50530043 LANDFILL

74519 LANDFILL SERVICE FEES

50530043 74519 LANDFILL

980.88 980.88 1,137.00 1,137.00 1,137.00 1,137.00 .0%

TOTAL LANDFILL SERVICE FEES

74715 OTHER RENTAL

50530043 74715 OTHRENT

2,128,168.32 2,128,284.00 2,128,284.00 1,696,115.94 2,130,248.00 2,438,885.00 14.6%

TOTAL OTHER RENTAL

74773 CO-PAY HEALTH INSURANCE

50530043 74773 COPAYHLTH

3,150.00 3,150.00 2,500.00 1,575.00 1,575.00 3,150.00 26.0%

6,759.54 8,969.00 8,969.00 5,082.32 7,176.00 8,969.00 .0%

07/17/2006  
14:41 JLM

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 2  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

2006 PCT  
2007 Finance CHANGE

2006  
PROJECTION

2006  
ACTUAL

2006  
REVISED BUD

2006  
ORIG BUD

2005  
ACTUAL

TOTAL CO-PAY HEALTH INSURANC 6,759.54 8,969.00 8,969.00 5,082.32 7,176.00 8,969.00 .0%

74787 INTEREST & DIVIDEND REVENUE

50530043 74787 INT&DIVREV 80,235.42 71,400.00 71,400.00 111,108.58 109,584.00 110,000.00 54.1%

TOTAL INTEREST & DIVIDEND RE 80,235.42 71,400.00 71,400.00 111,108.58 109,584.00 110,000.00 54.1%

74792 SALE PROCEEDS - MISC PROPERTY

50530043 74792 MISC PROP .00 1,000.00 1,000.00 2,079.00 2,079.00 1,000.00 .0%

TOTAL SALE PROCEEDS - MISC P .00 1,000.00 1,000.00 2,079.00 2,079.00 1,000.00 .0%

74795 OTHER REVENUE

50530043 74795 OTHER REV 9,681.10 806.73 806.73 14,342.44 14,468.00 1,000.00 24.0%

TOTAL OTHER REVENUE 9,681.10 806.73 806.73 14,342.44 14,468.00 1,000.00 24.0%

74815 TRADE-IN ALLOW - MACH & EQUIP

50530043 74815 TRADE-M&E .00 .00 .00 .00 406,000.00 .0%

TOTAL TRADE-IN ALLOW - MACH .00 .00 .00 .00 406,000.00 .0%

74830 SALE OF FIXED ASSETS

50530043 74830 SALEASSETS 130,000.00 1,000.00 1,000.00 .00 .00 -100.0%

TOTAL SALE OF FIXED ASSETS

130,000.00 1,000.00 1,000.00 .00 .00 -100.0%

TOTAL LANDFILL

2,357,994.38 2,213,959.73 2,213,959.73 1,830,303.28 2,265,130.00 2,969,004.00 34.1%

TOTAL SOLID WASTE

2,361,579.98 2,251,115.73 2,251,115.73 1,848,219.48 2,283,867.00 2,973,160.00 32.1%

GRAND TOTAL 2,361,579.98 2,251,115.73 2,251,115.73 1,848,219.48 2,283,867.00 2,973,160.00 32.1%

\*\* END OF REPORT - GENERATED BY JAYE MONTER \*\*

07/17/2006  
14:42 JLM

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 1  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

2006 PCT  
ACTUAL Finance CHANGE

50530040 TRANSFER STATION

90 PERSONNEL SERVICES

50530040 85105	SAL-REG	130,987.26	116,844.00	100,881.54	130,812.00	126,968.00	8.7%
50530040 85110	SAL-OT	22,527.88	20,700.00	18,488.21	25,678.00	20,700.00	.0%
50530040 85115	FICA	11,450.17	10,522.00	8,833.31	11,617.00	11,296.00	7.4%
50530040 85120	HEALTHINS	26,895.76	23,226.00	17,418.74	23,248.00	23,226.00	.0%
50530040 85125	LIFEINS	374.27	414.00	256.70	350.00	414.00	.0%
50530040 85130	DISABINS	295.82	368.00	204.14	278.00	378.00	2.7%
50530040 85135	TUITREIMB	.00	200.00	.00	.00	200.00	.0%
50530040 85140	CLOTHING	244.52	320.00	158.00	202.00	300.00	-6.3%
50530040 85145	PENSION	8,902.97	7,895.00	5,556.55	8,195.00	8,112.00	2.7%
50530040 85150	WORKCOMP	1,967.26	5,615.00	5,615.00	5,615.00	5,700.00	1.5%
50530040 85160	OTHEMBEN	88.00	75.00	132.00	128.00	100.00	33.3%
50530040 85161	VEBA	1,438.37	1,560.00	1,199.99	1,550.00	1,950.00	25.0%

TOTAL PERSONNEL SERVICES

205,172.28	187,739.00	158,744.18	207,673.00	199,344.00	6.2%
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91 OPERATING EXPENSES

50530040 85201	A & A	.00	1,700.00	.00	1,600.00	1,700.00	.0%
50530040 85213	CONTSVCS	10,128.64	3,450.00	216.00	3,216.00	3,450.00	.0%
50530040 85221	ADMINSVCS	3,277.48	9,700.00	.00	5,000.00	6,500.00	-33.0%
50530040 85245	PR&BISVCS	1,320.07	1,200.00	.00	1,200.00	1,200.00	.0%
50530040 85290	OTHPROF	3,806.20	5,000.00	750.00	4,750.00	5,000.00	.0%
50530040 85305	UTILSVCS	2,685.48	5,000.00	2,192.78	3,269.00	5,000.00	.0%

## PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

ACCOUNTS FOR:  
SOLID WASTE

ACCOUNTS FOR: SOLID WASTE	2005 ACTUAL	2006 ORIG BUD	2006 REVISED BUD	2006 ACTUAL	2006 PROJECTION	2007 Finance	PCT CHANGE
50530040 85324	12,515.46	8,000.00	8,000.00	1,839.39	7,007.00	8,000.00	.0%
50530040 85325	26,868.00	22,000.00	38,496.41	28,757.20	38,175.00	25,000.00	-35.1%
50530040 85330	.00	2,200.00	2,200.00	1,535.61	2,150.00	2,500.00	13.6%
50530040 85335	23,520.28	22,000.00	22,000.00	28,131.69	28,325.00	25,000.00	13.6%
50530040 85336	2,322.32	2,400.00	2,400.00	1,225.54	2,426.00	2,400.00	.0%
50530040 85340	2,561.22	2,100.00	2,100.00	2,644.04	2,468.00	2,100.00	.0%
50530040 85390	4,159.82	7,000.00	7,000.00	1,202.71	6,939.00	7,000.00	.0%
50530040 85401	3,547.00	7,315.00	7,315.00	7,315.00	7,315.00	11,565.00	58.1%
50530040 85404	4,100.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	.0%
50530040 85407	1,800.00	1,900.00	1,900.00	1,900.00	1,900.00	1,900.00	.0%
50530040 85410	2,053.89	2,000.00	2,000.00	1,513.19	1,886.00	2,050.00	2.5%
50530040 85413	253.89	300.00	300.00	316.16	446.00	400.00	33.3%
50530040 85416	102.70	700.00	700.00	111.48	636.00	700.00	.0%
50530040 85419	60.74	150.00	150.00	46.78	147.00	150.00	.0%
50530040 85422	643.00	1,000.00	1,000.00	.00	900.00	1,000.00	.0%
50530040 85424	54,997.74	59,000.00	59,000.00	55,841.33	59,410.00	60,000.00	1.7%
50530040 85425	.00	105.00	105.00	.00	.00	100.00	-4.8%
50530040 85428	2,813.96	8,000.00	8,075.00	1,522.09	4,837.00	7,500.00	-7.1%
50530040 85453	.00	200.00	200.00	.00	.00	200.00	.0%
50530040 85490	1,053.93	600.00	600.00	4,318.12	4,220.00	1,000.00	66.7%
50530040 85505	2,179.27	1,900.00	1,900.00	1,361.39	1,767.00	1,950.00	2.6%
50530040 85510	255.10	900.00	900.00	35.93	212.00	900.00	.0%
50530040 85515	804.42	1,000.00	1,000.00	310.02	1,000.00	1,000.00	.0%

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CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 3  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:		2005	2006	2006	2006	2006	2006	2007	PCT
SOLID WASTE		ACTUAL	ORIG BUD	REVISED BUD	ACTUAL	PROJECTION	Finance	CHANGE	
50530040	85520	47,488.00	52,000.00	52,000.00	39,350.31	57,295.00	62,000.00	19.2%	
50530040	85530	148.00	650.00	650.00	.00	650.00	650.00	.0%	
50530040	85535	40.50	50.00	50.00	.00	50.00	50.00	.0%	
50530040	85540	1,542.00	12,500.00	12,500.00	.00	10,000.00	10,000.00	-20.0%	
50530040	85590	4,782.50	5,000.00	5,000.00	5,809.62	6,426.00	5,500.00	10.0%	
TOTAL OPERATING EXPENSES		221,831.61	251,520.00	268,091.41	192,746.38	270,122.00	267,965.00	.0%	
96	CAPITAL OUTLAY								
50530040	85610	105,050.00	.00	.00	.00	.00	.00	.0%	
50530040	85612	.00	20,000.00	20,000.00	.00	15,000.00	30,000.00	50.0%	
50530040	85615	.00	255,000.00	255,000.00	192,355.00	200,000.00	.00	-100.0%	
50530040	85625	.00	185,000.00	185,000.00	164,224.00	164,224.00	.00	-100.0%	
TOTAL CAPITAL OUTLAY		105,050.00	460,000.00	460,000.00	356,579.00	379,224.00	30,000.00	-93.5%	
TOTAL TRANSFER STATION		532,053.89	899,259.00	915,830.41	708,069.56	857,019.00	497,309.00	-45.7%	
50530041	YARD WASTE SITE								
90	PERSONNEL SERVICES								
50530041	85105	37,612.97	58,580.00	58,580.00	30,592.86	41,921.00	60,100.00	2.6%	
50530041	85110	4,853.90	9,000.00	9,000.00	3,685.74	6,490.00	9,000.00	.0%	
50530041	85115	3,173.67	5,170.00	5,170.00	2,557.08	3,608.00	5,286.00	2.2%	
50530041	85120	8,174.20	8,746.00	8,746.00	6,559.74	8,752.00	8,746.00	.0%	
50530041	85125	117.12	138.00	138.00	87.84	119.00	138.00	.0%	
50530041	85130	93.22	134.00	134.00	77.35	103.00	138.00	3.0%	
50530041	85140	64.25	50.00	50.00	45.35	56.00	50.00	.0%	

07/17/2006  
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CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 4  
bgnrpts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

	2005 ACTUAL	2006 ORIG BUD	2006 REVISED BUD	2006 ACTUAL	2006 PROJECTION	2007 Finance	PCT CHANGE
50530041 85145	2,509.98	2,875.00	2,875.00	2,056.67	2,905.00	2,966.00	3.2%
50530041 85150	1,190.00	1,771.00	1,771.00	1,771.00	1,771.00	1,623.00	-8.4%
50530041 85161	442.00	520.00	520.00	400.00	550.00	650.00	25.0%
TOTAL PERSONNEL SERVICES	58,231.31	86,984.00	86,984.00	47,833.63	66,275.00	88,697.00	2.0%
91 OPERATING EXPENSES							
50530041 85201	.00	525.00	525.00	.00	400.00	525.00	.0%
50530041 85213	3,683.63	3,900.00	3,900.00	.00	3,750.00	3,900.00	.0%
50530041 85245	.00	160.00	160.00	.00	150.00	150.00	-6.3%
50530041 85290	.00	150.00	150.00	.00	.00	150.00	.0%
50530041 85305	320.96	2,000.00	2,000.00	713.09	1,368.00	1,500.00	-25.0%
50530041 85324	86.06	500.00	500.00	14.22	414.00	500.00	.0%
50530041 85325	.00	500.00	500.00	78.35	478.00	500.00	.0%
50530041 85330	.00	100.00	100.00	.00	100.00	100.00	.0%
50530041 85335	.00	1,000.00	1,000.00	.00	900.00	1,000.00	.0%
50530041 85336	454.95	500.00	500.00	.00	400.00	500.00	.0%
50530041 85340	707.35	700.00	700.00	855.54	800.00	700.00	.0%
50530041 85390	7,448.00	3,500.00	3,500.00	4,580.70	4,000.00	3,500.00	.0%
50530041 85401	1,525.00	3,661.00	3,661.00	3,661.00	3,661.00	5,788.00	58.1%
50530041 85404	1,000.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	.0%
50530041 85407	650.00	700.00	700.00	700.00	700.00	700.00	.0%
50530041 85410	.00	500.00	500.00	309.88	450.00	500.00	.0%
50530041 85413	131.40	50.00	50.00	.00	48.00	50.00	.0%



07/17/2006  
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CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 5  
bgnryrpts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

	2005 ACTUAL	2006 ORIG BUD	2006 REVISED BUD	2006 ACTUAL	2006 PROJECTION	2007 Finance	PCT CHANGE
50530041 85416	364.82	52.00	52.00	167.96	268.00	175.00	236.5%
50530041 85419	.00	50.00	50.00	.00	.00	50.00	.0%
50530041 85422	150.00	200.00	200.00	.00	175.00	200.00	.0%
50530041 85424	47.60	600.00	600.00	.00	300.00	500.00	-16.7%
50530041 85425	.00	100.00	100.00	.00	50.00	100.00	.0%
50530041 85428	235.00	500.00	500.00	167.00	400.00	500.00	.0%
50530041 85490	173.45	500.00	500.00	.00	400.00	500.00	.0%
50530041 85505	.00	620.00	620.00	.00	400.00	620.00	.0%
50530041 85510	.00	140.00	140.00	.00	120.00	140.00	.0%
50530041 85515	.00	200.00	200.00	.00	400.00	200.00	.0%
50530041 85520	.00	1,300.00	1,300.00	.00	1,000.00	1,300.00	.0%
50530041 85530	.00	50.00	50.00	.00	50.00	50.00	.0%
50530041 85540	.00	290.00	290.00	.00	265.00	290.00	.0%
50530041 85590	1,343.86	1,250.00	1,250.00	420.51	1,046.00	1,250.00	.0%
TOTAL OPERATING EXPENSES	18,322.08	25,398.00	25,398.00	12,768.25	23,593.00	27,038.00	6.5%
TOTAL YARD WASTE SITE	76,553.39	112,382.00	112,382.00	60,601.88	89,858.00	115,735.00	3.0%
50530043 LANDFILL							
90 PERSONNEL SERVICES							
50530043 85105	199,981.31	201,408.00	201,408.00	140,237.84	194,962.00	188,937.00	-6.2%
50530043 85110	19,007.07	35,300.00	35,300.00	14,480.95	21,081.00	35,300.00	.0%
50530043 85115	15,805.49	18,109.00	18,109.00	10,936.98	15,630.00	18,683.00	3.2%
50530043 85120	51,141.27	68,995.00	68,995.00	41,397.16	55,448.00	68,995.00	.0%
50530043 85125	465.73	690.00	690.00	351.34	473.00	690.00	.0%

07/17/2006  
14:42 JLM

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 6  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

ACCOUNTS FOR:  
SOLID WASTE

FOR PERIOD 12

	2005 ACTUAL	2006 ORIG BUD	2006 REVISED BUD	2006 ACTUAL	2006 PROJECTION	2007 Finance	PCT CHANGE
50530043 85130	392.84	606.00	606.00	301.56	400.00	642.00	5.9%
50530043 85135	.00	300.00	300.00	.00	.00	300.00	.0%
50530043 85140	447.83	550.00	550.00	385.15	482.00	550.00	.0%
50530043 85145	10,528.27	12,971.00	12,971.00	7,899.28	12,111.00	13,744.00	6.0%
50530043 85150	3,918.00	6,341.00	6,341.00	6,341.00	6,341.00	5,810.00	-8.4%
50530043 85160	1,583.13	4,460.00	4,460.00	607.00	1,387.00	4,460.00	.0%
50530043 85161	1,757.63	2,600.00	2,600.00	1,600.01	2,075.00	3,250.00	25.0%
TOTAL PERSONNEL SERVICES	305,028.57	352,330.00	352,330.00	224,538.27	310,390.00	341,361.00	-3.1%
91 OPERATING EXPENSES							
50530043 85201	.00	2,140.00	2,140.00	.00	1,900.00	2,140.00	.0%
50530043 85213	1,338.48	17,000.00	17,000.00	12,493.96	17,238.00	17,000.00	.0%
50530043 85221	24,727.25	16,000.00	16,000.00	19,889.20	23,478.00	24,000.00	50.0%
50530043 85225	12,400.00	45,000.00	45,000.00	30,617.04	68,077.00	55,000.00	22.2%
50530043 85245	926.07	1,300.00	1,300.00	450.00	1,200.00	1,300.00	.0%
50530043 85290	5,250.00	12,000.00	12,000.00	7,500.00	10,000.00	10,000.00	-16.7%
50530043 85293	.00	.00	.00	245.00	.00	.00	.0%
50530043 85305	8,342.95	6,500.00	6,500.00	6,365.66	8,313.00	8,500.00	30.8%
50530043 85324	2,314.80	9,800.00	9,800.00	992.85	4,958.00	9,800.00	.0%
50530043 85325	15,434.29	35,000.00	35,000.00	23,353.13	34,094.00	35,000.00	.0%
50530043 85330	767.95	1,500.00	1,500.00	.00	1,400.00	1,500.00	.0%
50530043 85335	2,071.94	4,100.00	4,100.00	837.85	3,251.00	4,100.00	.0%
50530043 85336	812.02	4,000.00	4,000.00	.00	4,000.00	4,000.00	.0%

07/17/2006  
14:42 JLM

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PG 7  
bgnrypts

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

	2005 ACTUAL	2006 ORIG BUD	2006 REVISED BUD	2006 ACTUAL	2006 PROJECTION	2007 Finance	PCT CHANGE
50530043 85340	3,855.13	4,200.00	4,200.00	2,613.68	2,011.00	4,000.00	-4.8%
50530043 85390	2,425.81	2,000.00	2,045.00	392.00	1,992.00	2,000.00	-2.2%
50530043 85401	1,217.00	3,808.00	3,808.00	3,808.00	3,808.00	4,439.00	16.6%
50530043 85404	6,200.00	6,400.00	6,400.00	6,400.00	6,400.00	6,400.00	.0%
50530043 85407	4,000.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	.0%
50530043 85410	2,575.91	2,520.00	2,520.00	1,867.88	2,128.00	2,520.00	.0%
50530043 85413	32.17	100.00	100.00	55.26	100.00	100.00	.0%
50530043 85416	921.40	200.00	200.00	176.80	200.00	350.00	75.0%
50530043 85419	.00	200.00	200.00	27.07	200.00	200.00	.0%
50530043 85422	388.75	800.00	800.00	159.50	750.00	750.00	-6.3%
50530043 85424	71,381.76	67,000.00	67,000.00	68,401.77	70,625.00	84,000.00	25.4%
50530043 85428	2,111.73	8,000.00	8,000.00	1,730.51	2,836.00	5,000.00	-37.5%
50530043 85490	8,216.03	3,000.00	3,000.00	11,733.74	11,000.00	4,000.00	33.3%
50530043 85505	1,916.71	2,500.00	3,014.55	1,072.79	2,831.00	2,500.00	-17.1%
50530043 85510	.00	600.00	600.00	.00	500.00	600.00	.0%
50530043 85515	3,617.66	4,800.00	6,100.56	1,300.56	2,824.00	4,800.00	-21.3%
50530043 85520	70,031.45	50,500.00	73,400.00	68,033.00	80,213.00	81,000.00	10.4%
50530043 85530	784.55	4,200.00	4,200.00	2,676.05	4,134.00	4,200.00	.0%
50530043 85540	3,149.00	6,650.00	6,650.00	.00	5,000.00	5,500.00	-17.3%
50530043 85545	35,453.34	36,000.00	36,000.00	3,849.69	27,854.00	36,000.00	.0%
50530043 85547	42,565.12	80,000.00	80,000.00	.00	49,000.00	75,000.00	-6.3%
50530043 85550	5,186.70	5,000.00	9,706.67	5,631.67	9,932.00	5,500.00	-43.3%
50530043 85555	.00	2,000.00	2,000.00	37,601.90	37,602.00	3,000.00	50.0%

07/17/2006  
14:42 JLM

PG 8  
bgnyrpts

CITY OF GRAND ISLAND  
NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS

PROJECTION: 20071 2007 CITY OF GRAND ISLAND BUDGET

FOR PERIOD 12

ACCOUNTS FOR:  
SOLID WASTE

2005  
ACTUAL

2006  
PROJECTION

2006  
ACTUAL

2006  
REVISED BUD

2006  
ORIG BUD

2006  
ACTUAL

2007  
Finance

PCT  
CHANGE

50530043 85590	SUPP	8,052.70	7,900.00	7,941.94	8,695.72	9,661.00	9,000.00	13.3%
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TOTAL OPERATING EXPENSES		348,468.67	457,218.00	486,726.72	333,472.28	514,010.00	517,699.00	6.4%
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95 DEBT SERVICE

50530043 85705	BONDPRINC	280,000.00	285,000.00	285,000.00	.00	285,000.00	295,000.00	3.5%
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50530043 85715	BONDINT	84,318.16	70,235.00	70,235.00	35,117.50	70,235.00	63,823.00	-9.1%
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50530043 85725	FISAGFEE	800.00	500.00	500.00	400.00	400.00	500.00	.0%
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TOTAL DEBT SERVICE		365,118.16	355,735.00	355,735.00	35,517.50	355,635.00	359,323.00	1.0%
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96 CAPITAL OUTLAY

50530043 85608	LAND IMPR	.00	12,000.00	12,000.00	.00	12,000.00	12,000.00	.0%
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50530043 85615	M & E	391,000.00	.00	.00	.00	.00	1,155,000.00	.0%
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TOTAL CAPITAL OUTLAY

TOTAL LANDFILL	1,409,615.40	1,177,283.00	12,000.00	12,000.00	.00	12,000.00	1,167,000.00	9625.0%
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TOTAL SOLID WASTE	2,018,222.68	2,188,924.00	2,235,004.13	1,362,199.49	2,138,922.00	2,998,427.00	34.2%
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GRAND TOTAL	2,018,222.68	2,188,924.00	2,235,004.13	1,362,199.49	2,138,922.00	2,998,427.00	34.2%
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\*\* END OF REPORT - GENERATED BY JAYE MONTER \*\*

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# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item C.2

**#2006-SWA-1 - Approving Adoption of Fiscal Year 2006-2007  
Annual Budget for the Grand Island Area Solid Waste Agency**

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2006-SWA-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, acting as the governing body of the Grand Island Area Solid Waste Agency, that the Agency's 2006-2007 budget in the form presented is hereby approved and adopted.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 25, 2006.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	?
July 21, 2006	? City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item E1

**Public Hearing on Change of Zoning for Land Proposed for  
Platting as Francis Subdivision Located East of Carleton Avenue  
and South of Curran Avenue from B2 General Business & RO  
Residential Office to RD Residential Development**

Staff Contact: Chad Nabity



# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** July 25, 2006  
**Subject:** Change of Zoning (C-20-2006GI)  
**Item #'s:** E-1 & F-1  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This application proposes to change the zoning on a tract of land located east of Carleton Avenue and south of Curran Avenue in Grand Island from B2 General Business and RO Residential Office to RD Residential Development.

## **Discussion**

Raymond J. O'Connor is requesting that the City change the zoning on approximately 3.697 acres of land east of Carleton Avenue and south of Curran Avenue, Lots 3, 4, 5, and 6, Bosselman Second Subdivision proposed for platting as Francis Subdivision. The stated purpose of this rezoning is to develop 12 duplex units on the site. A private street Brennan Court will be built similar to the streets in the North Pointe Development to provide access to the lots.

The Planning Commission held a hearing on this application at their meeting on July 12, 2006. The owner of the property to the south asked if this change would change the zoning on his property. He was assured that this change would not change his zoning or allowable uses. No other members of the public testified at the meeting.

## **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

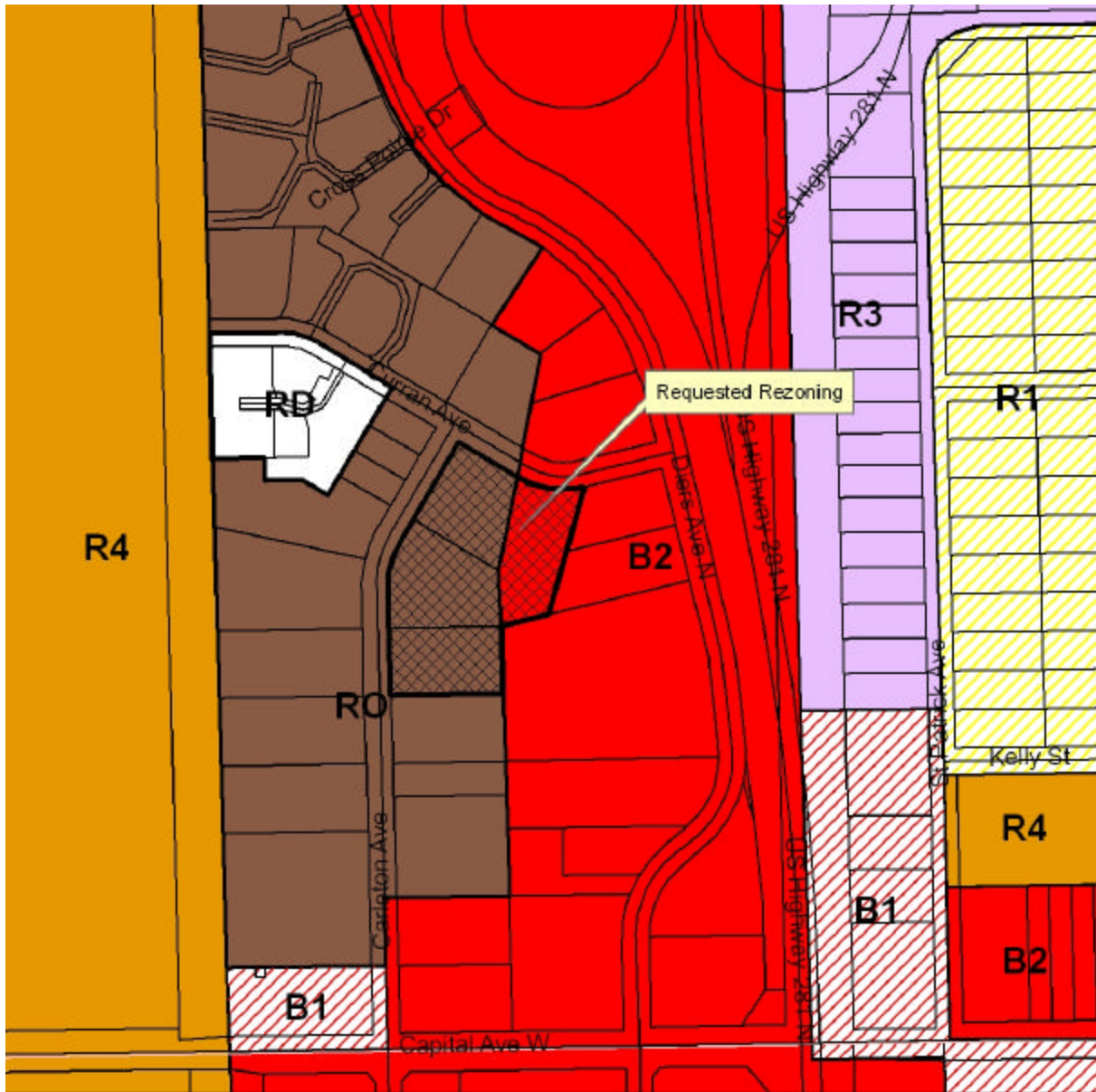
### **Recommendation**

A motion was made by Eriksen and seconded by Hayes as presented.




A roll call vote was taken and the motion passed with 9 members present (Miller, Amick, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Snodgrass) voting in favor.

### **Sample Motion**

Motion to approve the rezoning for Francis subdivision as recommended.



# Requested Zoning

-  From RO : Residential Office Zone
-  & B2: General Business Zone
-  To RD : Residential Development Zone



Scale : NONE  
C-20-2006GI



THE TEXAS CITY PLANNING COMMISSION, A PART  
OF THE CITY OF AUSTIN, TEXAS, HAS  
APPROVED THIS ZONING MAP.



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item E2

**Public Hearing Concerning Acquisition of Utility Easement -  
Along the South Right-of-Way Line of Lillie Drive, West of North  
Road - Bredthauer**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director  
**Meeting:** July 25, 2006  
**Subject:** Acquisition of Utility Easement – Along the South Right-of-Way line of Lillie Drive, West of North Road - Bredthauer  
**Item #'s:** E-2 & G-15  
**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 Karen J. Bredthauer, located along the south right-of-way line of Lillie Drive, west of North Road, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to place underground cables and pad-mounted transformers to serve the new Springdale Subdivision. The current right-of-way has existing paving and a ditch for drainage. Placing electric utility lines in the right-of-way would result in blocking the drainage. The cables may be placed in the new easement without adversely affecting the new homes.

## **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**

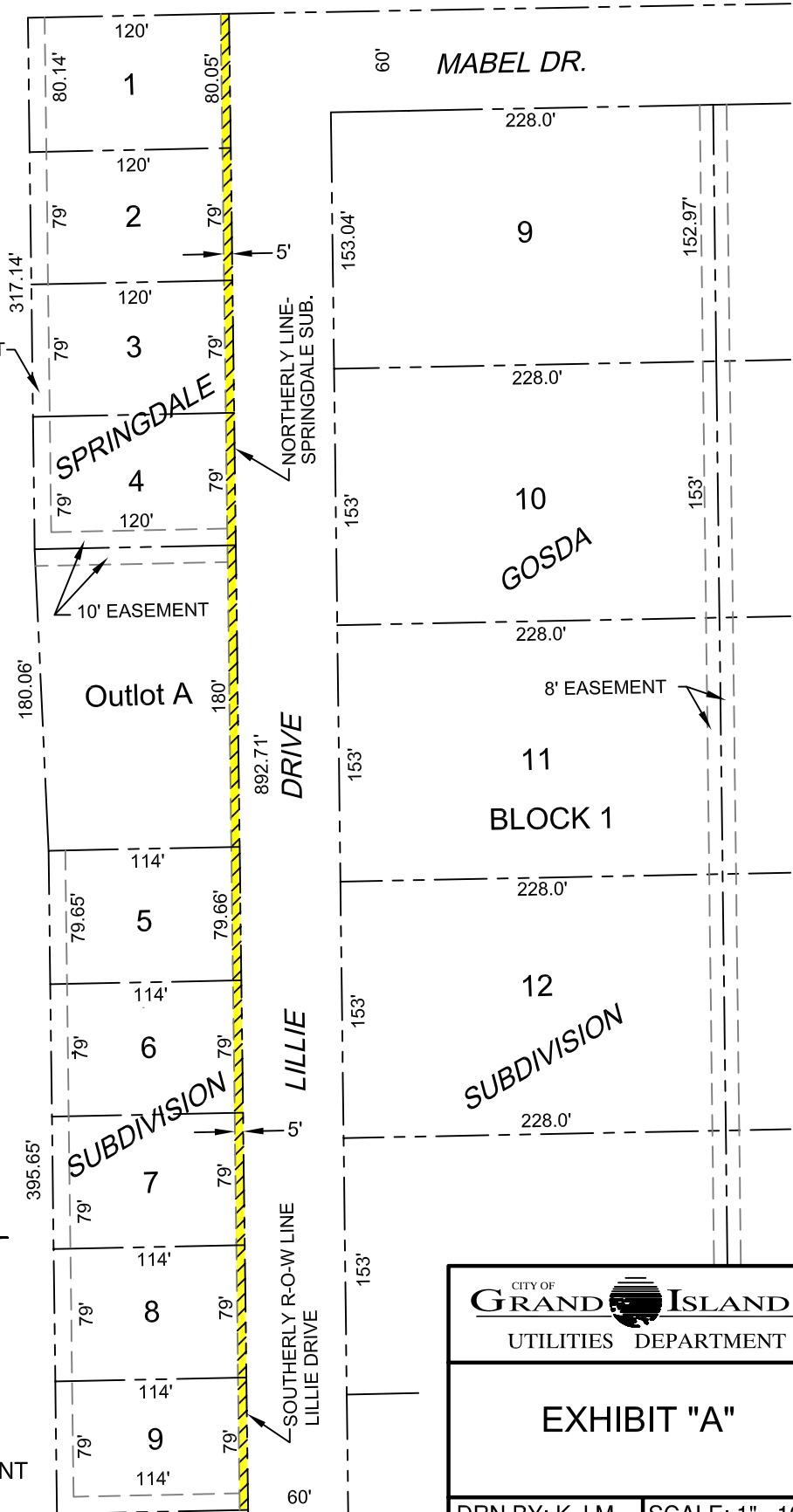
Motion to approve acquisition of the Utility Easement.


PART OF  
SE 1/4, NE 1/4  
SEC. 23, T-11-N, R-10-W



**LEGEND**

 INDICATES 5'  
UTILITY EASEMENT



 <b>CITY OF GRAND ISLAND</b> UTILITIES DEPARTMENT	
<h2>EXHIBIT "A"</h2>	
DRN BY: K.J.M.	SCALE: 1" = 100'
DATE: 7/13/2006	FILE: SPRINGDALE



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item E3

**Public Hearing on Request of Edwin D. Bolanos dba La Zona Rosa, 613 East 4th Street for a Change of Location for Class "C-70104" Liquor License to 611 East 4th Street**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** July 25, 2006

**Subject:** Public Hearing on Request of Edwin D. Bolanos dba La Zona Rosa, 613 East 4<sup>th</sup> Street for a Change of Location for Class “C-70104” Liquor License to 611 East 4<sup>th</sup> Street

**Item #'s:** E-3 & I-1

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

## **Background**

Edwin D. Bolanos dba La Zona Rosa, 613 East 4<sup>th</sup> Street has submitted an application for a Change of Location for his Class “C-70104” Liquor License to 611 East 4<sup>th</sup> Street.

## **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.

Based on information received from the Police, Building, and Fire Departments, Mr. Bolanos has not submitted the appropriate documents/plans or acquired the proper permits for converting a metal building to a public assembly located at 611 East 4<sup>th</sup> Street. There are also concerns with the parking lot.

## **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**

City Administration recommends that the Council deny the application for a change of location requested by Edwin D. Bolanos dba La Zona Rosa from 613 East 4<sup>th</sup> Street to 611 East 4<sup>th</sup> Street for his Class “C-70104” Liquor License.

### **Sample Motion**

Move to deny the application for a change of location requested by Edwin D. Bolanos dba La Zona Rosa from 613 East 4<sup>th</sup> Street to 611 East 4<sup>th</sup> Street for his Class “C-70104” Liquor License.



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

## NEBRASKA LIQUOR CONTROL COMMISSION

**Hobert B. Rupe**

*Executive Director*

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>



June 28, 2006

**Grand Island City Clerk**  
**PO Box 1968**  
**Grand Island, NE 68802**

**RE: Bolanos, Edwin D. DBA La Zona Rosa, Liquor License #C-70104.**

The above referenced licensee has submitted a request for a change of location from 613 East 4<sup>th</sup> Street, Grand Island, NE 68801, Hall County, known as La Zona Rosa. New address 611 E. 4<sup>th</sup> Street, Grand Island, NE 68801, Hall County – One story building approx. 47' x 70'.

Please present this request to your board and send us the results of that action.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Katie Lanning  
Licensing Division

kl

cc: file

**Rhonda R. Flower**  
Commissioner

**Bob Logsdon**  
Chairman

**R.L. (Dick) Coyne**  
Commissioner

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper

**APPLICATION FOR ADDITION,  
DELETION, CHANGE OF LOCATION,  
RECONSTRUCTION**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814

Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)

FEE \$45.00

06-28-2006 RCVD

**COPY**

kl

LICENSEE'S NAME Edwin D Bolanos

TRADE NAME La Zona Restauraunt

PREMISE ADDRESS 613 East Fourth Street

CITY/COUNTY Grand Island / Hall

68801

LICENSE NUMBER 70104 -C PHONE NUMBER (308) 379-3627

**PLEASE CHECK ONE OF THE FOLLOWING**

☐ ADDITION ☐ RECONSTRUCTION ☐ DELETION

☒ CHANGE OF LOCATION (this application will not be accepted if the license is moving into another jurisdiction)

Address From: 613 East Fourth Street Grand Island NE 68801

Address To: 611 East Fourth Street Grand Island NE 68801

- 1) Include a sketch of the proposed area to be licensed (8 1/2 x 11 paper - no blueprints) indicate the dimensions of the area to be licensed and the direction "north" on the sketch
- 2) Submit a copy of your lease or deed demonstrating ownership
- 3) If you do not know what jurisdiction you are located in, call the city or county clerk
- 4) In order to clarify your changes, an attached explanation is always welcome

**AFFIDAVIT**

The above reference request, as filed, will comply with the rules and regulations of the Nebraska Liquor Control Act.

Edwin D Bolanos  
Signature of licensee

Subscribed in my presence and first duly sworn to before me on this 22 day of

June 23, 2006

Joyce E. Holman  
Notary Public signature and seal



FORM 35-4179

Buo ck 644  
45-he

06-28-2006 RCVD

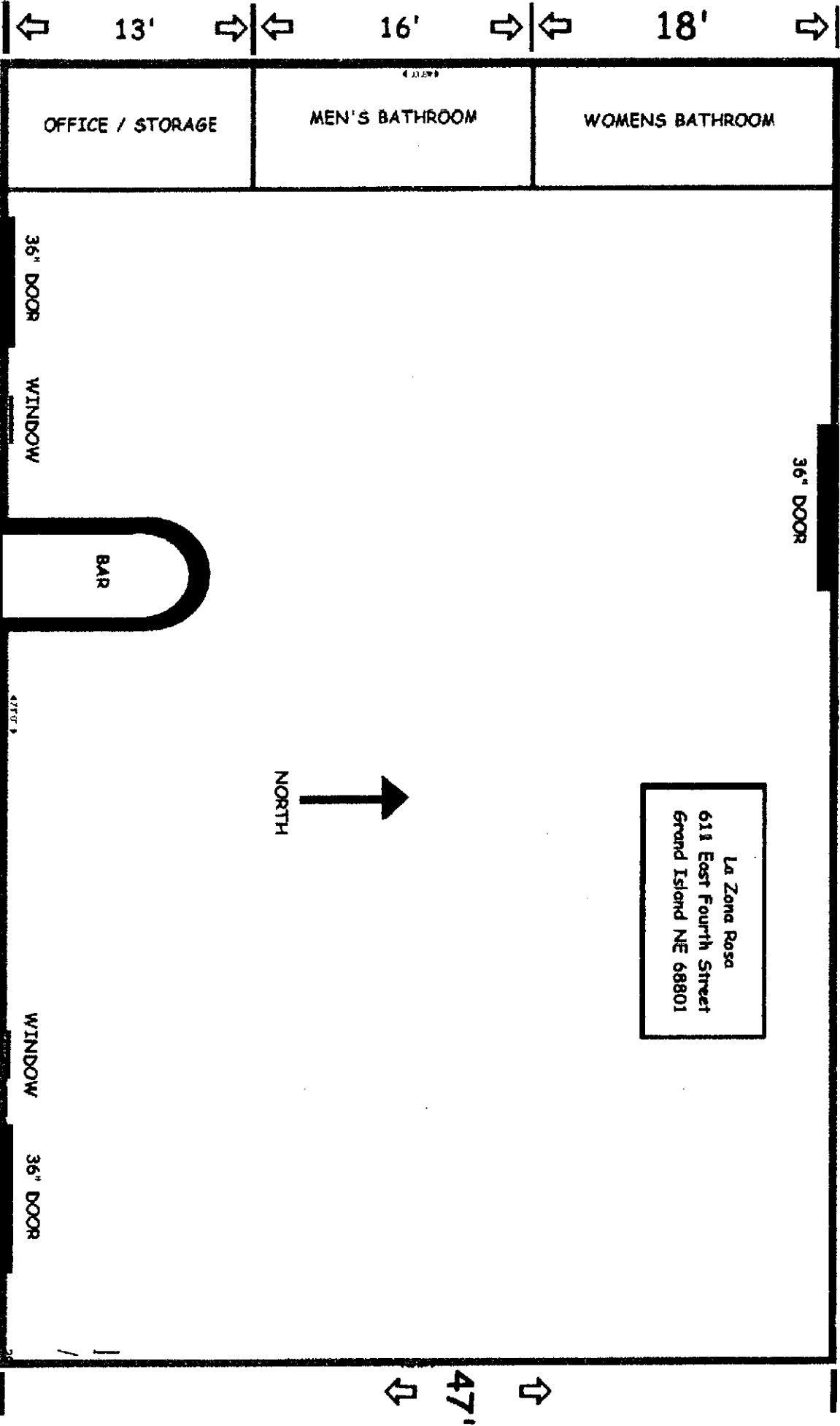
7'

36" DOOR

La Zona Rosa  
611 East Fourth Street  
Grand Island NE 68801



NORTH



One story bldg. approx. 47' x 70'



**INTEROFFICE  
MEMORANDUM**  
*Building Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 19, 2006

TO: RaNae Edwards – City Clerk

FROM: Craig Lewis -- Building Dept. Director

RE: Liquor license for La Zona Rosa 611 E. 4<sup>th</sup> Street.

The above referenced location submitted a plan for building renovations on July 18, 2006, building permits have been issued to enlarge the restrooms and modify the electrical lighting but a permit renovate the facility into a public assembly has not at this time been issued. Additional information and revised plans showing compliance with local code regulations are needed before a permit will be issued to continue construction and renovations.

As no approved plans or permits have been issued as of this writing I could not recommend the Council approve any license for this location.

In the past the department has recommended approvals contingent upon final inspections and a certificate of occupancy being issued. Those recommendations were without exception made after a permit was issued based upon an approved plan for construction.

Again in this case no approved plan and no permits for a public assembly have been completed.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 19, 2006

TO: RaNae Edwards, City Clerk

FROM: Bradley Brush, Lieutenant, Police Department

RE: Application for Liquor License Change of Location  
from 613 E 4<sup>th</sup> Street known as La Zona Rosa to  
611 E 4<sup>th</sup> Street

The Grand Island Police Department received an application from 613 E 4<sup>th</sup> Street known as La Zona Rosa to the location of 611 E 4<sup>th</sup> Street, a change for the license from the restaurant to a night club/bar with alcohol no longer to be served in the restaurant.

There are partially open, as well as completely open, out buildings on the property or adjacent to the proposed night club that would make it difficult for law enforcement to monitor. The buildings appear rather inviting for inappropriate and/or illegal activity of minors as well as adult patrons, during night time hours. The buildings are located on the property of the La Pasadita Auto Sales lot, also owned by Bolanos and the present La Zona Rosa Restaurant owned by Bolanos.

A possible remedy for law enforcement's monitoring problems of these buildings would be to fence the buildings in, or the patrons of the night club and their vehicles out of the area of the buildings. I would suggest a solid-8-foot fence surrounding an area of sufficient size to park a reasonable number of vehicles. Bolanos mentioned that the maximum capacity of his night club is 350 people. This officer doesn't believe there is sufficient designated parking for vehicles for that number of people at this time. This officer would also advise, at the present time, there is no designated-handicap parking near the buildings at 611 or 613 E 4<sup>th</sup> Street.

If and when these concerns are addressed and/or met in fair and impartial manner, The assessment and a possible recommendation could be addressed.

BB/rk

A handwritten signature in cursive script, appearing to read "J. Brush", written in black ink.

07/17/06  
15:13

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 1

City : Grand Island  
Occurred after : 15:41:18 07/11/2006  
Occurred before : 15:41:18 07/11/2006  
When reported : 15:41:18 07/11/2006  
Date disposition declared : 07/12/2006  
Incident number : L06071688  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 611 E 4th  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller : RaNae Edwards  
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	27648		Bolanos, Edwin D	mentioned
NM	108974		LaZona Rosa Restaurant,	mentioned

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor License Location Transfer

The Liquor License for LaZona Rosa, 613 E 4th, requested to be transferred to 611 E 4th, GI NE 68801, by Edwin Bolanos.

Bolanos wants to transfer his liquor license #C-70104 from his restaurant to a building directly west of the restaurant to create a night club & bar and will no longer serve alcohol at the restaurant. In order to accomplish this goal, this officer believes that there are law enforcement concerns that need to be addressed.

Bolanos has ideas of having "Teen Nights", so as to provide a place to dance and drink for all ages. Bolanos has ideas of duplicating the activity at "PJ's in Hastings, NE", which is now closed. A copy of the Grand Island city code was discussed and given to Bolanos. It was understood that a "Teen Only Night" would require all alcoholic beverages be placed in storage and no sales

07/17/06  
15:13

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 2

of alcoholic beverages be made during that time.

"4-20. Minors Not Permitted After 9 P.M.

It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises where alcoholic liquor is being sold or consumed after 9 p.m. of any day; provided, that this section shall not apply to any minor who is accompanied by his or her parent or adult guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor."

I discussed with Bolanos that the above city code which restricts those under 21 years of age from being in a bar after 9PM without parent or "Guardian" accompanying them. It is Bolanos' belief that a minor just has to be accompanied by an adult.

It is Bolanos' plans to have the minor sign a paper indicating whom they are with when they come in to his night club. Bolanos intends to place a band on the wrist of the adult as an identifier. This officer obtained a definition of "Guardian" from a legal dictionary on the internet and gave it to Bolanos. See copy attached.

Bolanos also had questions as to what hours on what days he could sell alcohol. I obtained an e-mail address and sent as an attachment a printout of the city ordinance that addresses his questions. Also see attached.

↓  
There are partially open as well as completely open out buildings on the property or adjacent to the proposed night club that would make it difficult for law enforcement to monitor. The buildings appear rather inviting for inappropriate and or illegal activity of minors as well as adult patrons, during night time hours. The buildings are located on the property of the La Pasadita Auto Sales lot also owned by Bolanos and the present LaZona Rosa Restaurant owned by Bolanos.

A possible remedy for law enforcement's monitoring problems of these buildings, would be to fence the buildings in or the patrons of the night club and their vehicles out of the area of the buildings. I would suggest a solid, 8 foot fence surrounding an area of sufficient size to park a reasonable number of vehicles. Bolanos mentioned that the maximum capacity of his night club is 350 people. This officer doesn't believe there is sufficient designated parking for vehicles for that number of people at this time. This officer would also advise at the present time there is no designated handicap parking near the buildings at 611 or 613 E 4th street.

See attached photographs of the buildings.

If and when these concerns are addressed and or met in fair and impartial manner, the assessment & a possible recommendation could be addressed.









New Location for  
Liquor License



















# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item E4

**Public Hearing Pursuant to the Nebraska Liquor Control  
Commission Rules and Regulations 53-134.04 Regarding  
Complaints Filed Against OK Liquor, 305 West Koenig Street,  
Liquor License "D-15914"**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** July 25, 2006

**Subject:** Public Hearing Pursuant to the Nebraska Liquor Control Commission Rules and Regulations §53-134.04 Regarding Complains Filed Against OK Liquor, 305 West Koenig Street Liquor License “D-15914”

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

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

## **Background**

Nebraska Liquor Control Commission Rules and Regulations §53-134.04 states that:

*Any five residents of the city or village shall have the right to file a complaint with the local governing body of such city or village stating that any retail licensee subject to the jurisdiction of such local governing body has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the local governing body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the local governing body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the local governing body within thirty days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the commission as provided in section 53-1,115.*

## **Discussion**

The City Clerk’s Office received five (5) written, signed, and sworn complaints on June 27, 2006 relating to OK Liquor located at 305 West Koenig Street. On July 3, 2006 the City Clerk notified OK Liquor of the hearing date set for July 25, 2006.



The five complaints list the sale of alcohol to a minor on several occasions by OK Liquor as the violation and basis for the Public Hearing.

Nebraska Liquor Control Commission Rules and Regulations §53-180 – Sale to minors and incompetents; prohibited states:

*No person shall sell, give away, dispose of, exchange, or deliver, or permit the sale, gift, or procuring of any alcoholic liquors, to or for any minor or to any person who is mentally incompetent.*

The Public Hearing will be held to allow for the testimony regarding these complaints. City Council will need to take action on one of the following options:

1. Take no action – means to continue all rights and privileges of this license
2. Cancel – means to discontinue all rights and privileges of this license
3. Revoke – means to permanently void and recall all rights and privileges of this license

### **Alternatives**

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

1. Take no action
2. Cancel Liquor License “D-15914” held by OK Liquor
3. Revoke Liquor License “D-15914” held by OK Liquor

### **Recommendation**

City Administration recommends that the Council hear all testimony offered based on the Nebraska Liquor Control Commission Rules and Regulation criteria for revocation of a Liquor License and render a decision after all testimony has been received.

May 26, 2006

President Margaret Hornady  
Grand Island City Council  
Grand Island City Hall  
100 East First Street  
Grand Island, NE 68801



Dear President Hornady and Council Members:

I am writing to you regarding the liquor license of OK Liquor.

OK Liquor, 305 West Koenig, Grand Island, has been cited for the sale of alcohol to a minor on five occasions. Even after modifications of Nebraska driver's license and identification cards in 2003, OK Liquor has been cited on three separate occasions.

Furthermore, Harold Carmichael has expressed (in the enclosed copy of an article in the Grand Island Independent) an attitude of disregard - even defiance - of the law.

Aside from citing documented facts and violations, I have a personal interest in this issue. I have lost a young family member as a direct result of a retail sale to a minor and can tell you what **can** happen when a retailer decides to sell to kids. My nephew, Todd Becker, was killed in an automobile accident in Kearney on Feb. 6, 2005, after purchasing alcohol at a Kearney liquor store. Todd, barely 18, was looking forward to graduating from Kearney High School in May and anticipating beginning college. He was an outstanding athlete and an involved and opinionated student. He was a nephew, cousin, brother, a son ---invincible as many teenagers view themselves. We continue to deal with the devastation and pain this has created in his family. Things will never be the same.

The only positive thing that can come from this tragedy is a commitment to **change** things for other youngsters and **stop** what could have and **should have** been prevented that February night. Youngsters do not always make wise decisions and/or fully understand or weigh the consequences of their actions. Youngsters across Nebraska - and the United States - continue to make poor choices regarding the consumption of alcohol - just as Todd did. It is the responsibility of the people we give the power to **enforce** the laws we have in place to protect minors - even when they make choices which are not in their own best interest. Todd's parents had every right to believe that the clerk at the liquor establishment would, and should have, not only asked for but **required** identification for the purchase of alcohol. That one small act - required by law - could have prevented this tragedy. Two young lives have been

forever changed. Todd is dead. The driver of the car has served a jail sentence after pleading guilty to motor vehicle homicide and will forever live with his conscience knowing the part he played in the death of his friend.

We, as responsible citizens, must do what we can to stop underage drinking and prevent another tragedy from occurring. It is time to hold those adults involved accountable for providing alcohol to minors. We must trust and depend on the people in power to make wise decisions and take action against parties who fail to follow the laws and provide alcohol to minors. All parties involved must be held accountable and prosecuted to the fullest extent. Penalties need to be severe enough to send the message that providing alcohol to minors is not acceptable and will not be tolerated.

We can't change the fact that a promising life ended on that awful morning last February, but we can and must change the attitudes that allow tragedies, like Todd's and others, to happen. Businesses that do not operate responsibly and fail to comply with the laws should not be allowed to continue to operate.

The Nebraska Liquor Control Act gives local municipalities the ability to revoke a liquor license in their community when it seems warranted. **There is no excuse for a retailer to access alcohol to minors.** The history of OK Liquor shows they have made that decision. Harold and Kathy Carmichael have repeatedly sold to minors and continue to do so. **It is now time for Grand Island to decide what our community will do about this.** I urge you to revoke the license of OK Liquor.

I am proud to say that the community of Grand Island has taken a leadership role in the education and prevention of underage drinking. Law enforcement agencies, the City Council, Project Extra Mile, and the schools have been instrumental in creating an awareness and demonstrating the importance of prevention efforts of underage alcohol consumption.

Thank you for valuing the health and safety of our youth and all citizens of our community. You can make a difference!

Sincerely,

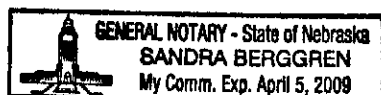
*Connie Conner*

Connie Conner

STATE OF NEBRASKA  
COUNTY OF HALL

Before me, a Notary Public, qualified for said state and county, personally came Connie Conner, known to me to be the identical person who signed the above letter and acknowledged the execution thereof to be her voluntary act and deed.

Witneww my hand and notary seal on May 26, 2006.



*Sandra Berggren*  
NOTARY PUBLIC

# 'You have to look out for yourself'

Liquor store owner who shot at shoplifters says he'd do it again

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Last modified at 6:20 a.m. on Wednesday, July 26, 2000

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By **Kris Epley**  
The Independent

More than a year after he fired two pistol rounds at a pair of teen-age shoplifters, liquor store owner Harold Carmichael is more convinced than ever that he took clear, decisive and prudent action that night.

He's equally convinced that vigilante justice could be the wave of the future as the judicial system continues to turn a blind eye to the growing number of crimes and the light sentences handed down.

"The justice system lets us down, so people are deciding that they have to take care of themselves and their property and not depend on the legal system to help them," said Carmichael, 47, who was fined for firing two shots at fleeing shoplifters on Feb. 12, 1999.

"If the justice system isn't going to help you, and if it's there to protect the criminals, then you have to look out for yourself," he said. "That's what I was doing, and I think that's what a lot more people will be doing."

Carmichael has owned OK Liquor on West Koenig Street for about 11 years. He said the decline in shoplifting at his shop since the incident shows that his actions produced a more substantive deterrent to an ongoing problem than the legal system has offered.

"Before that (night), I had three or so shopliftings a month, but since then, in all this time, I've had just one," Carmichael said. "I was never able to get results like that with the judicial system."

"Criminals aren't afraid of the courts, but they'll think twice before messing with someone who is willing to take care of themselves and their property," he said. "This sent the message that, if you mess with the bull, you get the horns."

Others argue that Carmichael overstepped societal and legal bounds.

"In my opinion, it is never right to engage in vigilantism. That's why we have laws, police and courts," said former Hall County Attorney Ellen Totzke, who made the



Independent/Scott Kingsley

**Harold Carmichael, owner of OK Liquor, defended his property from shoplifters last year.**

---

decision to prosecute Carmichael. "In his mind, I'm sure there's a direct correlation to his actions and what he thinks are the results. But is it right to point a gun at someone, to shoot at someone?"

Actions such as Carmichael's, Totzke said, are not acceptable in today's society.

"We can't revert to the days in the later 1800s when vigilante justice was acceptable," she said. "It is no more acceptable to chase people with a gun than it is to lynch someone on the courthouse steps. We're more civilized than that now."

Carmichael's doubts about the legal system were cemented after he was charged for shooting at the shoplifters, who were fleeing in a car after stealing two bottles of Hennessy, an expensive cognac.

Within about seven seconds of entering the store, the teens had grabbed the bottles and were out the door, Carmichael said. He followed them outside, carrying a .380-caliber handgun.

The teens got into a waiting vehicle. As they drove away, Carmichael said, the car swerved toward him. Carmichael jumped out of the way and fired two shots at the car, hitting the right rear tire.

Carmichael insists that he feared for his life and fired in self-defense.

"The car was headed straight for me," he said. "I was trying to protect my property, and I was trying to protect myself. It was self-defense."

He said he first tried to shoot out the car's radiator but found he had not taken the gun off safety. He said he then tried to shoot out a rear tire to stop the car.

Carmichael had fired weapons, including the .380 pistol, on firing ranges and does not consider himself a firearms novice. But the shooting that night was a new experience for him.

"That was the first time I ever fired at someone," he said.

David J. Riehle and Billy J. Claudio, both 18 at the time, were located a short time later at a local party, and each admitted to police that they had gone to Carmichael's store to steal alcohol.

Both were subsequently charged with theft by shoplifting, a misdemeanor.

Riehle pleaded guilty and paid a \$200 fine.

But Claudio -- who had compiled a litany of past crimes including disturbing the peace,

theft by receiving stolen property, possessing drug paraphernalia and contributing to the delinquency of a minor -- failed to enter a plea by the designated date.

An arrest warrant was issued, and Claudio subsequently pleaded guilty to misdemeanor minor in possession of alcohol for a Sept. 4, 1999, incident in exchange for dismissing the shoplifting charge.

Claudio was fined \$150.

Carmichael, on the other hand, did not escape so cheaply. He initially was charged with unlawful discharge of a gun and using a handgun to commit a felony.

He later pleaded no contest to two misdemeanors and was fined \$1,000. Also, the Nebraska Liquor Control Commission ordered him to pay a \$1,000 fine or close his store for 10 days.

He chose to close up rather than pay a fine.

"I'm not going to go to work every day just to pay an unfair fine," Carmichael said. "So I closed the doors."

Carmichael said his attorney fees cost him about \$10,000.

"So the criminals get away with it, with just a slap on the wrist, and I'm the one who pays the price," Carmichael said. "Nobody seems to care what the criminals are doing."

Totzke argued that, when he followed the teens outside, Carmichael was no longer protecting his property but willingly placed himself in a dangerous situation he could have easily avoided.

"He left his building, he went outside and went after those people, and that certainly takes it beyond the scope of protecting your property," Totzke said. "He should have stayed inside and immediately called the police."

That sounds good in theory, Carmichael said. But in the past, police response time has frequently been slow, even though his liquor store is just two blocks from the Police Department.

"When they get there, they're (shoplifters) gone," Carmichael said. "And if they do catch them, nothing comes of it."

Carmichael said he does not fault the Police Department, which does its best to arrest criminals only to see the courts "turn them loose."

"I have a positive view of the Police Department," Carmichael said. "They're between a

rock and a hard place."

In the days after the shooting, Carmichael's business fell off slightly. After his 10-day shutdown, however, it was a different story.

"Business picked up quite a bit," he said. "People would come in to express concern and support. They let me know they understood and supported what I did."

Supporters included Gwen Bonczynski, who works at Ski's Pawn and Gun in Columbus. Bonczynski contacted Carmichael after the shooting to lend a sympathetic ear and to offer encouragement on behalf of several Columbus business owners.

"I talked to some business owners around here, and everybody thought it was unfair," Bonczynski said. "They feel very strongly about protecting their property and about the criminals getting away with more and more with maybe just a slap on the wrist."

Bonczynski proposed taking up a collection from Columbus business owners to help defray Carmichael's legal expenses.

So far, that financial support has not materialized. People were first waiting to see the outcome of the case and then waiting for more information before deciding how they wanted to respond to Carmichael's plight, Bonczynski said.

"We didn't get too much information in the papers here about it, so it was kind of hard to keep up with what was going on," she said. "So they wanted to find out more first."

In the meantime, Carmichael has moved on. He's taking care of his business and family, working hard to pay off the legal bills and trying to forget the mental anguish he said the whole episode caused him.

He still plans to vigorously protect his business, and he still keeps his pistol handy, just in case. If faced with a similar scenario in the future, Carmichael said, he wouldn't hesitate to repeat his actions.

Ditto for Totzke.

"If he did the same thing and I were the county attorney, I'd do the same thing again, too," Totzke said. "I would prosecute him."

May 23, 2006

President Margaret Hornady  
Grand Island City Council  
Grand Island City Hall  
100 East First Street  
Grand Island, NE 68801



RE: Liquor license, OK Liquor of 305 West Koenig, Grand Island,

Dear President Hornady and Council Members:

OK Liquor of 305 West Koenig, Grand Island, has been cited for the sale of alcohol to a minor on five occasions.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997
- 5/9/2003
- 9/30/2005
- 1/14/2006

Despite the penalties levied by the Nebraska Liquor Control Commission and the fines sentenced by the Hall County court, Harold and Kathy Carmichael have continued to sell alcohol to minors.

Harold and Kathy Carmichael demonstrate a lack of willingness to comply with the Nebraska Liquor Control Act and do not operate their business in such a way to protect the health and safety of this community.

Grand Island is one of the most progressive communities in the state of Nebraska regarding the regulation of the legal sale of alcohol. The community of Grand Island has placed an appropriate expectation on all alcohol retailers to conduct business legally and responsibly; therefore I believe OK Liquor's disrespect for the law continues to endanger the youth and citizens of Grand Island and I urge the City Council to move to revoke their license.

Sincerely,

Robert Bonk  
Concerned Citizen

I certify that Robert Bonk appeared before me on the 23rd day of May, 2006.  
This is his signature.





# Project Extra Mile

Underage Drinking Prevention Project

## MISSION STATEMENT

To create a

June 21, 2006

community

consensus that

President Margaret Hornady

clearly states

Grand Island City Council

that underage

Grand Island City Hall

100 East First Street

Grand Island, NE 68801

alcohol use

Dear President Hornady and Council Members:

is illegal,

OK Liquor of 305 West Koenig, Grand Island, liquor license D-15914, has been cited for the sale of alcohol to a minor on five occasions. The majority of these citations were due to the actions of the business owners, Harold and Kathy Carmichael.

unhealthy, and

unacceptable.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997 – for this citation Harold Carmichael was fined in Hall County court \$500
- 5/9/2003 – for this citation Harold Carmichael was fined in Hall County court \$100
- 9/30/2005 – for this citation Harold Carmichael was fined in Hall County court \$300 (the Nebraska Liquor Control Commission penalized the business with two days no sale of alcohol and 34 additional days of either no sale or a \$3400 fine)
- June 22, 2006 – OK Liquor is scheduled to appear before the Nebraska Liquor Control Commission regarding another sale to a minor.

Despite the penalties levied by the Nebraska Liquor Control Commission and the fines sentenced by the Hall County court, Harold and Kathy Carmichael have continued to sell alcohol to minors.

As of April 1, 2003, the Nebraska Department of Motor Vehicles began issuing digitally produced driver's license and identification cards in Hall County. As a result of this innovation, state issued driver's license and identification cards have different formats depending on whether or not individuals were over the age of 21:



This format denotes over the age of 21.



This format denotes under the age of 21.



President Margaret Hornady  
Grand Island City Council

Page 2  
June 20, 2006

Since the date of April 1, 2003, and the reformatting of the Nebraska driver's license and identification cards, OK Liquor has been cited on three separate occasions.

Further, on February 18, 1999, Harold Carmichael was cited by the Nebraska Liquor Control Commission for "illegal acts" and fined in Hall County court \$500 for those acts.

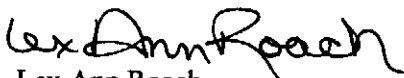
Harold and Kathy Carmichael demonstrate a lack of willingness to comply with the Nebraska Liquor Control Act and do not operate their business in such a way to protect the health and safety of this community.

Under Nebraska Liquor Control Act statute 53-116.02, local municipalities have the ability to revoke a liquor license in their community when it seems warranted.

Grand Island stands as one of the most progressive communities in the state of Nebraska regarding the regulation of the legal sale of alcohol. From 2001 through 2005, the three law enforcement agencies of Hall County have collaborated to conduct 10 alcohol retail compliance checks. On February 7, 2006, the Grand Island City Council hosted the Central Nebraska Liquor Summit. The community of Grand Island has placed an appropriate expectation on all alcohol retailers to conduct business legally and responsibly; therefore we believe OK Liquor's lack of adherence to the law continues to endanger the citizens of Grand Island and we urge the City Council to move to revoke their license.

On behalf of our local community coalition we thank you for your leadership on this issue.

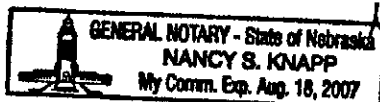
Sincerely,



Lex Ann Roach  
Project Coordinator

Enclosure: Grand Island Independent

Signature witnessed  
This 21st day of  
June, 2006.

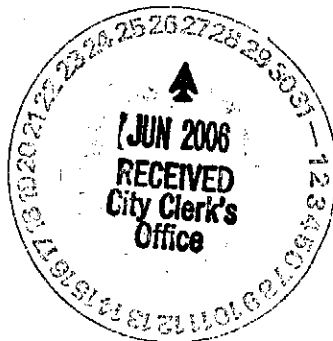


Nancy S. Knapp  
Notary Public



# BIG BROTHER BIG SISTERS

*of Grand Island*



502 West 2<sup>nd</sup> Street  
Grand Island, NE 68801  
(308) 384-3456 Phone  
(888) 656-3637  
(308) 385-5517 Fax  
bbbsofgied@qwest.net  
www.bbbsgi.org

June 21, 2006

President Margaret Hornady  
Grand Island City Council  
Grand Island City Hall  
100 East First Street  
Grand Island, NE 68801

Dear President Hornady and Council Members:

Harold and Kathy Carmichael own and operate OK Liquor of 305 West Koenig, Grand Island. This business has been cited for the sale of alcohol to a minor on several occasions as well as other involvements with local law enforcement.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997 – for this citation Harold Carmichael was fined in Hall County court \$500
- 5/9/2003 – for this citation Harold Carmichael was fined in Hall County court \$100
- 9/30/2005 – for this citation Harold Carmichael was fined in Hall County court \$300 (the Nebraska Liquor Control Commission penalized the business with two days no sale of alcohol and 34 additional days of either no sale or a \$3400 fine)

On June 22, 2006, OK Liquor and Harold Carmichael is scheduled to appear before the Nebraska Liquor Control Commission regarding another sale to a minor; this will be OK Liquor's third such citation in the last three years.

On February 18, 1999, Harold Carmichael was cited by the Nebraska Liquor Control Commission for "illegal acts" and fined in Hall County court \$500 for those acts. As reported by the Grand Island Independent, this incident also involved minors.

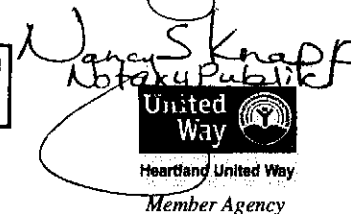
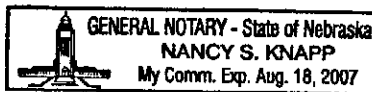
Despite citations, penalties, and the re-design of Nebraska driver's licenses and identification cards to clarify age verification; OK Liquor continues unsafe business practices.

The Nebraska Liquor Control Act allows local municipalities to revoke a liquor license in order to protect the health and safety of their community. Your attention to this matter is needed and appreciated.

Sincerely,

Heather Sikyta  
Partnership Development Coordinator

Signature witnessed  
this 21st day of  
June, 2006.



*An Affiliate of Big Brothers Big Sisters of America*  
*"Little Moments...Big Magic"*

# Central Nebraska Council on Alcoholism, Inc.

219 West 2<sup>nd</sup> Street, Grand Island, NE 68801  
(308) 385-5520 Phone ~ (308) 385-5522 Fax  
[cnca@kdsi.net](mailto:cnca@kdsi.net)

May 23, 2006

President Margaret Hornady  
Grand Island City Council  
Grand Island City Hall  
100 East First Street  
Grand Island, NE 68801



Dear Council President Hornady and City Council Members,

I am writing to you first of all, to inform you of these facts on the issue of underage drinking and second of all, as policy makers, to enlist your assistance in this matter in effecting change to help elevate the problem of underage drinking in our community.

As the Prevention Educator for the Central Nebraska Council on Alcoholism, one of my jobs is to facilitate alcohol education classes for clients that are referred to our office via court, probation, evaluation, self-referral, etc. One alcohol education class a month is geared toward individuals who are under the age of 21.

During one part of the class, discussion takes place with the participants about what exactly happened to get them referred to the alcohol education class. Lately the information that I have received from the participants has been shocking to me. Adolescent participants openly and freely tell about their ability to purchase alcohol from OK Liquor here in Grand Island. The following are actual quotes from minor clients that participated in alcohol education classes held in our office. I would like to pass a few of these statements along to you:

**"I can purchase at OK Liquor. The owner guy tells us to come in there on Friday nights. That is when the store isn't as busy and he lets us buy enough for the whole weekend. We never get carded"**

**"I go to OK Liquor when I know the lady is working. We always watch for her vehicle in the parking lot. If she is there she will sell to us."**

**"I buy alcohol at OK Liquor all the time. I have to make sure that I go in there when no one else is in there though. Otherwise he won't sell to me."**

**"They will sell to me at OK Liquor. They usually mark it up a bit, but who cares. At least they sell to us."**

The Central Nebraska Council on Alcoholism is a non-profit corporation affiliated with the National Council on Alcoholism and Drug Dependence, Inc. This organization, its programs, activities and services are supported in whole, or in part, with funds provided by the State of Nebraska Department of Health and Human Services Tobacco Free Nebraska Program, Region III Behavioral Health Services, and the Substance Abuse Prevention and Treatment Block Grant administered by the Office of Mental Health, Substance Abuse and Addiction Services in the Department of Health and Human Services. Additional financial support is provided by Hall County, Heartland United Way, and tax-deductible donations.



President Margaret Hornady  
Grand Island City Council

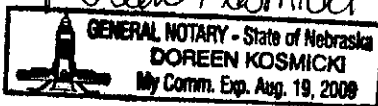
As a Prevention Educator, I contact law enforcement immediately with this information, however, it's after the fact and is not admissible in court. It is very frustrating to me that not only my time, but also that of several other people in the community is spent on the subject of preventing the accessibility of alcohol to minors only to have a business establishment freely provide alcohol.

I am asking that the Grand Island City Council please make a critical review of the facts pertaining to OK Liquor's license and that a recommendation of revocation be submitted to the Grand Island City Clerk's Office and the Nebraska Liquor Commission on behalf our community. We need your help. Your efforts on this matter would be a step in the right direction and would significantly improve the prevention of underage drinking in our community.

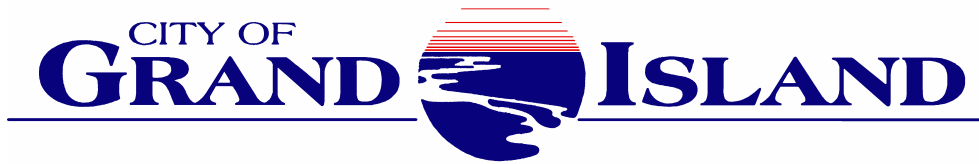
Sincerely,

*Heather Tjaden*

Heather Tjaden  
Prevention Educator  
Central Nebraska Council on Alcoholism  
308-385-5520  
[htjaden@kdsi.net](mailto:htjaden@kdsi.net)



***Criminal Division***



<b>Captain Kerry Mehlin</b>	<b>Lt. Brad Brush</b>
<b>Inv. Jim Duering</b>	<b>Inv. Dean Kottwitz</b>
<b>Inv. Mike Nelson</b>	<b>Inv. Sara Mann</b>
<b>Inv. Craig Dvorak</b>	<b>Inv. Mark Wiegert</b>
<b>Inv. Ben Arrants</b>	
<b>Evidence Officer Mike Vasey</b>	

Contacts with OK Liquor and owners Harold & Kathy Carmichael

11-15-86 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$200+costs.

08-25-89 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$200+costs.

11-26-94 Harold Carmichael charged w/ Selling cigarettes to Minor. Fined \$100+costs.

08-06-97 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$500+costs.

02-16-99 Harold Carmichael charged w/;  
Discharging of Firearm at Occupied Vehicle. Fined \$500+costs.  
Use of Firearm to Commit Felony. Fined \$500+costs.

05-09-03 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$100+costs.

12-30-03 Harold Carmichael charged w/ Selling cigarettes to Minor. Fined \$25+costs.

05-21-04 Harold reported minor attempting to purchase alcohol. Minor cited.  
County Attorney dismissed the charge 07-02-04

10-30-04 Harold Carmichael reported minors attempting to purchase alcohol.  
County Attorney dismissed the charge 10/04.

03-19-05 Kathy Carmichael charged w/ Selling cigarettes to Minor. Fined \$50+costs.

09-30-05 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$300+costs.

***Criminal Division***

<b>Captain Kerry Mehlin</b>	<b>Lt. Brad Brush</b>
<b>Inv. Jim Duerig</b>	<b>Inv. Dean Kottwitz</b>
<b>Inv. Mike Nelson</b>	<b>Inv. Sara Mann</b>
<b>Inv. Craig Dvorak</b>	<b>Inv. Mark Wiegert</b>
<b>Inv. Ben Arrants</b>	
<b>Evidence Officer Mike Vasey</b>	

01-23-06 Kathy Carmichael charged w/ Selling alcohol to Minor, who was arrested for DUI at W. South Front & Eddy, on 01-14-06. Pending.

06-18-06 Harold Carmichael contacted by GIPD Officer reference 26 year old male who made the alcohol just purchased by the 26 year old male at OK Liquor available to a Minor while still on OK Liquor property. 26 year old male who made the alcohol available to the Minor was arrested for;

Possession of Controlled Substance (meth) [28-416] Class IV FO

Procuring Alcohol to a Minor [53-180] Class III MO

Driving During Suspension [60-4,108] Class II MO

The 26 year old male was ultimately charged w/ Possession of Controlled Substance (meth) [28-416] Class IV FO

Respectfully submitted by

Lieutenant Brad Brush

## NSP Contacts with OK Liquor

Harold and Kathy Carmichael are the partners for the Class D liquor license, #15914, DBA OK Liquor, 305 West Koenig. The license was issued on September 8, 1988. Upon reviewing case files, Inv. Rogers compiled this summary of the contacts that NSP officers have had with the Carmichaels at the establishment.

Prior to the NLCC issuing the license for the Carmichaels, Inv. Hruza conducted a background investigation for the NLCC. The interview report indicates that Harold is a High School graduate, who attended Kearney State College for 2 years. Included in his report is information that Harold Carmichael had been employed as a night sales clerk for Fine Liquor, from November 1979 to September 1986. From May 1986 to August of 1988, Harold was employed as a night sales clerk at OK Liquor, for the previous owner. Harold was convicted of a procuring (selling) alcohol for a minor charge while working at the store, on November 15, 1986. He plead guilty to the charge, and was fined \$200.00 and court costs. Carmichael then began to lease the store in 1988, with a purchase agreement worked out.

On August 30, 1994, Harold sold alcohol to a minor CI during an alcohol compliance check that was conducted by Inv. Jones. Harold was found guilty, and was fined \$100.00 and court costs by the Hall County Court. The NLCC suspended his liquor license for 5 days.

On May 20, 1995, Harold sold Tobacco to a minor CI during a tobacco compliance check that was conducted by Inv. Barnason. Harold pleads guilty, and was fined \$50.00 and court costs by the Hall County Court.

On August 6, 1997, Harold sold alcohol to a minor, and was cited by the Grand Island PD. (It is unknown if this was a compliance check.) Harold pleads guilty, and was fined \$500.00 and court costs by the Hall County court. The NLCC suspended his liquor license for both selling alcohol to a minor, and failure to use the ID book.

On February 12, 1999, the Grand Island PD and Inv. Adams investigated an incident where Harold was involved with a discharge of a firearm. Harold was originally charged with Firing a Weapon, a felony, and Use of a Weapon to Commit a Felony. The Hall County court amended the charges, and Harold was convicted of Attempt of a Class I misdemeanor, and Criminal Mischief in excess of \$100. Harold was fined \$500.00 for each count. The NLCC suspended his liquor license.

On May 9, 2003, Harold sold alcohol to a minor CI during an alcohol compliance check that was conducted by Inv. Zeleski and GIPD. He was fined \$100.00 and court costs, and the NLCC suspended his liquor license.



On March 19, 2005, Kathy Carmichael sold tobacco to a 15 year old minor CI during a tobacco compliance check, which was conducted by Inv. Rogers, GIPD, and Hall County SO. Kathy checked the minors new Nebraska Learners Permit, entered information into a calculator, and sold the tobacco to the minor. Kathy was cited by the SO.

On September 30, 2005, Harold sold alcohol to a 17 year old minor CI during an alcohol compliance check conducted by Inv. Rogers, GIPD, and the Hall County SO. The CI was extremely young looking, and Harold did not check her identification. The liquor license was suspended by the NLCC for 36 days.

Inv. Lorri J. Rogers  
Alcohol Tobacco Enforcement  
Nebraska State Patrol



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item F1

**#9054 - Consideration of Change of Zoning for Land Proposed for Platting as Francis Subdivision Located East of Carleton Avenue and South of Curran Avenue from B2 General Business & RO Residential Office to RD Residential Development**

Staff Contact: Chad Nabity

ORDINANCE NO. 9054

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising of Lot Three (3), Bosselman Second Subdivision in the City of Grand Island, Hall County, Nebraska, from B2-General Business Zone to RD-Residential Development Zone; changing the land use classification of a tract of land comprising all of Lots Four (4), Five (5) and Six (6), Bosselman Second Subdivision in the City of Grand Island, Hall County, Nebraska, from RO-Residential Office Zone to RD-Residential Development Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-44; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on July 12, 2006, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on July 25, 2006, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. Lot Three (3), Bosselman Second Subdivision in the City of Grand Island, Hall County, Nebraska, is hereby rezoned, reclassified and changed from B2-General Business Zone to RD-Residential Development Zone.

ORDINANCE NO. 9054 (Cont.)

SECTION 2. Lots Four (4), Five (5), and Six (6), Bosselman Second Subdivision in the City of Grand Island, Hall County, Nebraska, is hereby rezoned, reclassified and changed from RO-Residential Office Zone to RD-Residential Development Zone.

SECTION 3. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

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

Enacted: July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item F2

**#9055 - Consideration of Amending Ordinance #9015 - Creation of  
Water Main District No. 452**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Dale Shotkoski, Interim City Attorney  
Gary R. Mader, Utilities Director

**Meeting:** July 25, 2006

**Subject:** Ordinance No. 9055 - Amending Ordinance #9015 –  
Creation of Water Main District 452

**Item #'s:** F-2

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

## **Background**

City Council created Water Main District 452 on November 8, 2005. The district is located south of U.S. Hwy. 34 and west of Locust Street along Knott Avenue, Lake Street and Tri Streets. A map of the district is attached. Notification of all property owners in the district was provided by mail describing the process and means to protest. There was only 3.3% protest. Council continued the district on January 10, 2006.

It has since been discovered than an incorrect legal description was included in the original ordinance. The plot which was attached to the ordinance and all correspondence with property owners was correct. Construction of the district is essentially complete.

## **Discussion**

The Legal Department has conducted a review of the error. There has been no harm to any of the property owners due to the incorrect legal description. None of the properties have changed ownership, all property owners were notified of the creation of the district; and all owners were afforded the opportunity to protest the district.

The administrative record of this District may be corrected by a new ordinance amending the legal description of the original ordinance.

## **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date

### **Recommendation**

City Administration recommends that the Council approve the correction for the District administrative record by correcting original Ordinance #9015 by passing the ordinance of amendment.

### **Sample Motion**

Make a motion to approve the Ordinance No. 9055 to correct Ordinance #9015.

**U.S. HIGHWAY 34**

SECTION LINE

NORTHEAST CORNER-  
SECTION 33, T11N, R9W

POINT OF  
BEGINNING

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

**LOCUST STREET**

**PALU**

**SUB.**

**TRI STREET**

**LAKE STREET**

**LAKE STREET**

**LAKE STREET**

**ARLENE AVE.**

**KNOTT**

**KNOTT AVENUE**

**SUBDIVISION**

**VALENTINE  
MOTEL SUB.**

**WATER MAIN  
DISTRICT 452  
BOUNDARY**

**EXHIBIT "A"**

CITY OF  
**GRAND ISLAND**  
UTILITIES DEPARTMENT

**PLAT TO ACCOMPANY  
ORDINANCE NO. 9015**

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



## ORDINANCE NO. 9055

An ordinance to amend Ordinance No. 9015 to correct the legal description identified for Water Main District No. 452; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, Ordinance No. 9015 was approved by the Grand Island City Council on November 8, 2005, creating Water Main District No. 452; and

WHEREAS, Ordinance No. 9015 correctly stated that Water Main District No. 452 would be located in Lake Street, Tri Street and Knott Avenue in Knott Subdivision in the City of Grand Island, Hall County, Nebraska, however the legal description identifying the boundaries of the district was incorrect; and

WHEREAS, it is necessary to amend Ordinance No. 9015 to correct the legal description identifying the boundaries of Water Main District No. 452.

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

SECTION 1. Ordinance No. 9015 is hereby amended to correct the legal description in Section 2 of such ordinance to read as follows:

Beginning at the northeast corner of Lot Seven (7) Palu Subdivision in the City of Grand Island, Hall County, Nebraska; thence southerly along the easterly line of said Lot Seven (7), a distance of one hundred one (101.0) feet to the southeast corner of said Lot Seven (7); thence westerly along the southerly line of said Lot Seven (7), a distance of seventeen and four tenths (17.4) feet to the northeast corner of Lot Ten (10) said Palu Subdivision; thence southerly along the easterly line of Lot Ten (10) and Lot Eleven (11) and the extension of said lots, said Palu Subdivision, a distance of two hundred twenty three and five tenths (223.5) feet; thence easterly along the extension of the northerly line of Knott Subdivision, a distance of five hundred seventy three and twelve hundredths (573.12) feet to a point on the easterly line of Section Thirty Three (33), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of said Section Thirty Three (33), a distance of one hundred ninety five and seventy one hundredths (195.71) feet; thence westerly along the northerly line of Lot Two (2)

ORDINANCE NO. 9055 (Cont.)

and its extension, Valentine Motel Subdivision, a distance of two hundred seven and ninety one hundredths (207.91) feet to the northeast corner of Lot One (1) said Valentine Motel Subdivision; thence southerly along the easterly line of said Lot one (1), a distance of one hundred fifty (150.0) feet to the southeast corner of said Lot One (1); thence westerly along the southerly line of said Lot One (1), a distance of one hundred twenty five (125.0) feet to the southwest corner of said Lot One (1); thence southerly along the easterly line of Lot Two (2) and Lot Three (3) Block Two (2) said Knott Subdivision, a distance of two hundred fifty two (252.0) feet to the southeast corner of said Lot Three (3); thence westerly along the southerly line of Lot Three (3), Lot Four (4), and Lot Five (5) Block Two (2) said Knott Subdivision, a distance of three hundred eighty (380.0) feet to the southwest corner of said Lot Five (5); thence northerly along the westerly line of said Lot Five (5), a distance of one hundred sixty (160.0) feet to the northwest corner of said Lot Five (5); thence easterly along the northerly line of said Lot Five (5), a distance of fifty two and two tenths (52.2) feet; thence northerly along the westerly line of Lot Nine (9) Block One (1) and its extension, said Knott Subdivision, a distance of two hundred twenty five (225.0) feet to the northwest corner of said Lot Nine (9); thence westerly along the southerly line of Lot One (1) and Lot Two (2) Block One (1) said Knott Subdivision, a distance of one hundred eighty (180.0) feet to the southwest corner of said Lot Two (2); thence northerly along the westerly line of said Lot Two (2) and its extension, a distance of two hundred twenty six and eighty six hundredths (226.86) feet to a point on the southerly line of Lot Twelve (12) said Palu Subdivision; thence westerly along the southerly line of said Lot Twelve (12), a distance of ninety and ninety seven hundredths (90.97) feet to the southwest corner of said Lot Twelve (12); thence northerly along the westerly line of Lot Twelve (12), Lot Nine (9), and Lot Eight (8) said Palu Subdivision, a distance of two hundred fifty seven and three tenths (257.3) feet; thence northeasterly a distance of sixty seven and thirty five hundredths (67.35) feet to a point on the northerly line of said Lot Eight (8), being fifty (50.0) feet easterly of the northwest corner of said Lot Eight (8); thence easterly along the northerly line of Lot Eight (8) and Lot Seven (7) and the extension of said lots, said Palu Subdivision, a distance of three hundred twenty three (323.0) feet to the northeast corner of said Lot Seven (7), being the said point of beginning.

SECTION 2. All remaining portions of Ordinance No. 9015 shall remain in full force and effect.

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. 9055 (Cont.)

SECTION 4. This ordinance shall be recorded with the Hall County Register of Deeds.

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item F3**

**#9056 - Consideration of Creating Sidewalk District No. 1, 2006 -  
Various Locations within Grand Island**

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

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Consideration of Creation of Sidewalk District No. 1, 2006

**Item #'s:** F-3

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

## **Background**

Council action is required to create Sidewalk Districts. On May 10, 2005, the City Council passed a Resolution authorizing City staff to notify property owners to install sidewalk.

On June 15, 2005, letters were sent out to property owners outlined in year one of the One and Five Year Sidewalk Plan. The deadline for the sidewalks to be installed was June 30, 2006.

## **Discussion**

The owners of the following properties were notified to install sidewalk and have not taken action:

- \* 2519 Pioneer Avenue
- \* 645 South Locust (along Bismark Road)
- \* 2324-2410-2426 North Wheeler Ave. (U.S. Veterans Hospital)
- \* 4060 West Capital Ave.
- \* 2323 Kruse St.
- \* 1003 East Oklahoma
- \* 914 South Cherry St.

Per the Resolution passed on May 10, 2005 it is recommended that a Sidewalk District be created with the costs for sidewalk installation being assessed to the property owner.

## **Alternatives**

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

1. Move to approve an ordinance creating Sidewalk District No. 1, 2006 to provide authorization to hire a contractor to construct the sidewalks.
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 an ordinance creating Sidewalk District No. 1, 2006.

## **Sample Motion**

Motion to approve creation of Sidewalk District No. 1, 2006.

## ORDINANCE NO. 9056

An ordinance to create Sidewalk District No. 1, 2006; to define the district where sidewalks are to be constructed; to provide for the construction or repair of such sidewalks within the district by paving and all incidental work in connection therewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, the Mayor and Council of the City of Grand Island have heretofore by Resolution 2002-323 determined the necessity for certain sidewalk improvements, pursuant to Section 19-2417, R.R.S., 1943, and Section 32-58 of the Grand Island City Code; and

WHEREAS, a number of property owners have failed to construct sidewalks within the time specified; and

WHEREAS, it is the determination of this Council that such sidewalks should be constructed by the district method.

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

SECTION 1. Sidewalk District No. 1, 2006, of the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The district where sidewalks shall be constructed shall include the following lots and parcels of ground:

- 2519 Pioneer Avenue
- 645 South Locust (along Bismark Road)
- 2324-2410-2426 North Wheeler Ave. (U.S. Veterans Hospital)
- 4060 West Capital Avenue
- 2323 Kruse Street

ORDINANCE NO. 9056 (Cont.)

- 1003 East Oklahoma
- 914 South Cherry Street

SECTION 3. The sidewalks in the district shall be constructed or repaired by paving and all incidental work in connection therewith; said improvements shall be made in accordance with plans and specifications prepared by the Public Works Department for the City.

SECTION 4. The 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 Section 19-2418, R.R.S. 1943.

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

Enacted: July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item F4

**#9057 - Consideration of Ordinance Authorizing \$7,975,000 Public Safety Tax Anticipation Bonds Series 2006**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director

**Meeting:** July 25, 2006

**Subject:** Approval of the Ordinance Authorizing the Issuance of Public Safety Tax Anticipation Bonds for the City of Grand Island

**Item #'s:** F-4

**Presenter(s):** David Springer, Finance Director

## **Background**

The 2005-2006 budget included provision for a new Law Enforcement Center to be jointly operated by the City and County. It was planned that this capital project would be funded through the issuance of Public Safety Bonds and the ensuing debt service would be paid from additional one-half cent sales tax revenues authorized by the 2004 voter referendum.

## **Discussion**

Design and engineering have proceeded to the point where substantial construction costs will soon be incurred and appropriate funds need. While short-term borrowing rates have increased considerably in the last year, long term rates have moved much slower. We are anticipating an interest cost of about 4.7%. The bond issue is sized at \$7,975,000 which would net approximately \$7.8 million for the construction fund. The Intent to Issue Bonds that Council approved on June 27, 2006, will allow the City to go back 60 days and reimburse the General Fund for expenditures in that period also.

## **Alternatives**

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

1. Approve the issuance of Public Safety Tax Anticipation Bonds.
2. Disapprove or /Deny the refinancing

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

### **Recommendation**

City Administration recommends that the Council approve the issuance of \$7,975,000 in bonds to finance the construction of the Law Enforcement Center.

### **Sample Motion**

Approve the issuance of \$7,975,000 in Public Safety Anticipation Bonds.

ORDINANCE NO. 9057

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION BONDS OF THE CITY OF GRAND ISLAND, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SEVEN MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$7,975,000) FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A NEW LAW ENFORCEMENT CENTER AND FOR THE PAYMENT OF MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of Grand Island, Nebraska, hereby find and determine: That it is necessary for the City to provide funds for the purpose of constructing a new law enforcement center and for the payment of miscellaneous costs associated therewith; that in order to pay the cost of the foregoing, it is necessary and advisable for the City to issue its Public Safety Tax Anticipation Bonds in the amount of \$7,975,000; that the taxable valuation of all taxable property within the City as most recently determined, is \$2,084,825,444; that the City has no outstanding bonds outstanding under the provisions of Section 18-1202 R.R.S. Neb. 1997, as amended; that pursuant to Section 18-1201 Reissue Revised Statutes of Nebraska, 1997, as amended, the Mayor and Council of the City of Grand Island do hereby provide for the levying of a special tax, all as more specifically described in Section 10 hereof; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Public Safety Tax Anticipation Bonds in the amount of \$7,975,000 pursuant to Section 18-1202 R.R.S. Neb. 1997, as amended, do exist and have been done as required by law.

Section 2. To pay the costs specified in Section 1 hereof, there shall be and there are hereby ordered issued Public Safety Tax Anticipation Bonds, Series 2006, of the City of Grand Island, Nebraska, in the principal amount of Seven Million Nine Hundred Seventy-five Thousand Dollars (\$7,975,000) (the "Bonds") with said bonds bearing interest at the rates per annum (said interest to be computed on the basis of a 360-day year consisting of twelve 30-day months) and maturing on September 1 of each year in the principal amounts as follows:

<i><u>Principal Amount</u></i>	<i><u>Date of Maturity</u></i>	<i><u>Interest Rate</u></i>
\$520,000	September 1, 2007	
550,000	September 1, 2008	
570,000	September 1, 2009	
595,000	September 1, 2010	
620,000	September 1, 2011	
645,000	September 1, 2012	
670,000	September 1, 2013	
700,000	September 1, 2014	
725,000	September 1, 2015	
760,000	September 1, 2016	
790,000	September 1, 2017	
830,000	September 1, 2018	

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 2007 (each of said dates an "Interest Payment Date") and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the City's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or date of redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and accrued interest thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute

owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Cornerstone Bank, National Association, York, Nebraska is hereby designated as the Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its principal corporate trust office in York, Nebraska. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the principal corporate trust office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing

the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. Bonds maturing September 1, 2011 and thereafter shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed,

such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. The Bonds shall be in substantially the following form:



**UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF HALL  
PUBLIC SAFETY TAX ANTICIPATION BOND OF  
THE CITY OF GRAND ISLAND, NEBRASKA  
SERIES 2006**

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate \_\_\_\_\_ Maturity Date \_\_\_\_\_ Date of Original Issue \_\_\_\_\_ CUSIP No. \_\_\_\_\_  
September 1, \_\_\_\_\_, 2006

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ )

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Grand Island, in the County of Hall, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on March 1 and September 1 of each year, commencing March 1, 2007 (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the principal corporate trust office of Cornerstone Bank, National Association, the Paying Agent and Registrar, in York, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Seven Million Nine Hundred Seventy-five Thousand Dollars (\$7,975,000), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of providing funds for the construction and equipping of a law enforcement center and miscellaneous costs associated therewith, in strict compliance with and in pursuance of Sections 18-1201 and 18-1202 R.R.S. Neb. 1997, as amended. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed, approved and published by the Mayor and Council of said City.

Bonds of this issue maturing September 1, 2011 and thereafter are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner's address in the manner specified in the ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City has agreed to make a special levy of taxes as permitted by Section 18-1201 R.R.S. Neb., 1997, as amended, of not more than 5¢ per \$100 of taxable value on all the taxable property within the City, which tax shall be sufficient in rate and amount to fully pay the principal and interest of this bond and the other bonds of this issue as the same become due. The City agrees that said bonds shall be secured by such tax so assessed and levied and shall be payable out of the funds derived from such tax. The City reserves the right to appropriate and apply monies available from the levy of a local option sales tax pursuant to Sections 77-27,141 through 77-27,148, R.R.S. Neb. 2003, to the payment of the principal and interest on this bond and the other bonds of this issue.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of Grand Island, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF GRAND ISLAND, NEBRASKA

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Mayor

ATTEST:

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City Clerk

(SEAL)

Certificate of Authentication

This bond is one of the bonds authorized by ordinance of the Mayor and Council of the City of Grand Island, in the County of Hall, in the State of Nebraska, described in the foregoing bond.

Cornerstone Bank, National Association  
York, Nebraska  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

(Form of Assignment)

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ (Social Security or Taxpayer I.D. No. \_\_\_\_\_) the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Dated: \_\_\_\_\_

Registered Owner(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Guaranteed

By \_\_\_\_\_

Authorized Officer(s)

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

INSURANCE PROVISION

Financial Guaranty Insurance Policy No. \_\_\_\_\_ (the "Policy") with respect to payments due for principal of and interest on this Bond has been issued by Ambac Assurance Corporation ("Ambac Assurance"). The Policy has been delivered to The Bank of New York, New York, New York, as the Insurance Trustee under said Policy and will be held by such Insurance Trustee or any successor insurance trustee. The Policy is on file and available for inspection at the principal office of the Insurance Trustee and a copy thereof may be secured from Ambac Assurance or the Insurance Trustee. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of Ambac Assurance as more fully set forth in the Policy.

Section 8. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter, including any such letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. With respect to the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in

whatever name or names as the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate beneficial owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such

facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. Thereafter the Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Ameritas Investment Corp., as initial purchaser thereof. The Bonds are hereby sold to said purchaser for the sum of \$\_\_\_\_\_, which sum represents a discount to the stated principal amount in the sum of \$\_\_\_\_\_, of which \$\_\_\_\_\_ is attributable to underwriter=s discount and \$\_\_\_\_\_ in aggregate is attributable to original issue discount, allocated to the specific maturities of principal as follows:

Date Principal <u>Maturing</u>	Total Principal <u>Amount Maturing</u>	Total Original Issue Discount <u>per Maturity</u>	Price for each \$100 of <u>Principal</u>
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The officers of the City (or any one of them) are hereby authorized to execute and deliver the Bond Purchase Agreement for and on behalf of the City. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to said purchaser.

Section 9. The proceeds of the Bonds shall be applied to the payment of the costs as described in Section 1 hereof upon order of the Mayor and Council. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest falling due on said Bonds on March 1, 2007. Bond insurance premium for bond insurance as described in Section 14 of this Ordinance shall be paid from the proceeds of the sale of the Bonds and the Underwriter is hereby authorized to make payment of such premium on behalf of the City directly to the insurer in connection with its purchase of the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 10. The City agrees that it shall, pursuant to Section 18-1201 R.R.S. Neb. 1997, as amended, levy a special tax so long as any of said Bonds remain outstanding of not more than 5¢ per \$100 of taxable value on all the taxable property within the City. The City further agrees that such tax shall be levied in such amount so that in each calendar year in which payments of principal and interest fall due on the Bonds of this issue, the anticipated amount to be collected from such tax shall be an amount of not less than 112% of the total amount of principal and interest payable on the Bonds of this issue in such calendar year. Said Bonds shall be secured by such tax and shall be payable out of the funds derived from such tax. On receipt of such taxes, the City Treasurer shall hold such tax in a separate fund for the purpose of paying the Bonds of this issue or making redemptions as provided in Section 6 of this ordinance. The City reserves the right to appropriate and apply monies available from the levy of a local option sales tax pursuant to Sections 77-27,141 through 77-27,148, R.R.S. Neb. 2003, to the payment of the principal and interest on the Bonds.

Section 11. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said Bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds.



Section 12. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof or (b) shall have been provided for by depositing with the Paying Agent and Registrar, or with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with a bank or trust company or the Paying Agent and Registrar may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company or Paying Agent and Registrar in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Notwithstanding anything in this Ordinance to the contrary, in the event that the principal and/or interest due on the Bonds shall be paid by Ambac Assurance (as defined in Section 14 below) pursuant to the Financial Guaranty Insurance Policy (as defined in Section 14 below), the Bonds shall remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the City, and all covenants, agreements and other obligations of the City to the registered owners shall continue to exist and shall run to the benefit of Ambac Assurance, and Ambac Assurance shall be

subrogated to the rights of such registered owners. Ambac Assurance will allow the following obligations to be used as Permitted Investments for defeasance purposes in refunding escrow accounts: (1) cash (insured at all times by the Federal Deposit Insurance Corporation); (2) direct obligations of the United States of America; or (3) senior debt obligations of other Government Sponsored Agencies approved by Ambac Assurance.

Section 13. In accordance with the requirements of Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission, the City hereby agrees that it will provide the following continuing disclosure information:

(a) to each nationally recognized municipal securities information repository (a “NRMSIR”) and to the Underwriter, the City shall provide annual financial and operating information generally consistent with the information set forth under the heading **“SUMMARY FINANCIAL STATEMENT AND OPERATING STATISTICS”** in the Official Statement for said bonds and its audited financial statements; such information is expected to be available not later than seven months after the end of each fiscal year for the City. Audited financial information shall be provided in accordance with generally accepted accounting principles;

(b) in a timely manner to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), notice of the occurrence of any of the following events with respect to the Bonds, if in the judgment of the City, such event is material:

- (1) principal and interest payment delinquencies,
- (2) non-payment related defaults,
- (3) unscheduled draws on debt service reserves reflecting financial difficulties (there are no debt service reserves established for the Bonds under the terms of this Ordinance),
- (4) unscheduled draws on credit enhancements reflecting financial difficulties,
- (5) substitution of credit or liquidity providers, or their failure to perform,
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds,
- (7) modifications to rights of the Bondholders,
- (8) bond calls,
- (9) defeasances,

- (10) release, substitution, or sale of property securing repayment of the Bonds, and
- (11) rating changes.

The City has not undertaken to provide notice of the occurrence of any other material event, except the events listed above.

- (c) in a timely manner to each NRMSIR or to the MSRB notice of any failure on the part of the City to provide required annual financial information not later than seven months from the close of the City's fiscal year.

The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, so long as such modification is consistent with the Rule. The City hereby agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under this Ordinance. The continuing disclosure obligations of the City under this Ordinance, as described above, shall cease when none of the Bonds remain outstanding.

Section 14. Financial Guaranty Insurance. The Bonds have been sold to the Underwriter on the basis of bond insurance to be obtained on behalf of the City. For such purposes the following terms shall apply with respect to the Bonds:

Definitions

“Ambac Assurance” shall mean Ambac Assurance Corporation, a Wisconsin-domiciled stock insurance company.

“Financial Guaranty Insurance Policy” shall mean the financial guaranty insurance policy issued by Ambac Assurance insuring the payment when due of the principal of and interest on the Bonds as provided therein.

Consent of Ambac Assurance

Any provision of this Ordinance expressly recognizing or granting rights in or to Ambac Assurance may not be amended in any manner which affects the rights of Ambac Assurance hereunder without the prior written consent of Ambac Assurance. Ambac Assurance reserves the right to charge the City a fee for any consent or amendment to this Ordinance while the Financial Guaranty Insurance Policy is outstanding.

#### Consent of Ambac Assurance in lieu of Bondholder Consent

Unless otherwise provided in this Section, Ambac Assurance=s consent shall be required in lieu of bondholder consent, when required, for the following purposes: (i) execution and delivery of any supplemental ordinance, (ii) removal of the Paying Agent and Registrar and selection and appointment of any successor Paying Agent and Registrar; and (iii) initiation or approval of any action not described in (i) or (ii) above which requires bondholder consent.

#### Consent of Ambac Assurance in the Event of Insolvency

Any reorganization or liquidation plan with respect to the City must be acceptable to Ambac Assurance. In the event of any reorganization or liquidation, Ambac Assurance shall have the right to vote on behalf of all bondholders who hold Ambac Assurance-insured Bonds absent a default by Ambac Assurance under the applicable Financial Guaranty Insurance Policy insuring such Bonds.

#### Consent of Ambac Assurance Upon Default

Anything in this Ordinance to the contrary notwithstanding, upon the occurrence and continuance of an event of default as defined herein, Ambac Assurance shall be entitled to control and direct the enforcement of all rights and remedies granted to the bondholders under this Ordinance pursuant to state law. For such purposes an event of default shall constitute any failure on the part of the City to pay principal and interest on the Bonds as the same fall due.

#### Notices to be sent to the attention of the SURVEILLANCE DEPARTMENT:

- A. While the Financial Guaranty Insurance Policy is in effect, the City shall furnish to Ambac Assurance:
  - (a) as soon as practicable after the filing thereof, a copy of any financial statement of the City and a copy of any audit and annual report of the City;
  - (b) such additional information Ambac Assurance may reasonably request.

Upon request by Ambac Assurance, such information shall be delivered at the City=s expense to the attention of the Surveillance Department, unless otherwise indicated.

- B. A copy of any notice to be given to the registered owners of the Bonds, including, without limitation, notice of any redemption of or defeasance of Bonds, and any certificate rendered pursuant to this Ordinance relating to the security for the Bonds, at no cost to Ambac Assurance.
- C. To the extent that the City has entered into a continuing disclosure agreement with respect to the Bonds, Ambac Assurance shall be included as party to be notified.

#### Notices to be sent to the attention of the GENERAL COUNSEL OFFICE:

The City shall notify Ambac Assurance of any failure of the City to provide relevant notices, certificates, etc.

Notwithstanding any other provision of this Ordinance, the City shall immediately notify Ambac Assurance if at any time there are insufficient moneys to make any payments of principal and/or interest as required and immediately upon the occurrence of any event of default hereunder.

Other Information to be given to Ambac Assurance:

The City will permit Ambac Assurance to discuss the affairs, finances and accounts of the City or any information Ambac Assurance may reasonably request regarding the security for the Bonds with appropriate officers of the City. The City will permit Ambac Assurance to have access to the project financed by the Bonds and have access to and to make copies of all books and records relating to the Bonds at any reasonable time.

Ambac Assurance shall have the right to direct an accounting at the City=s expense, and the City=s failure to comply with such direction within thirty (30) days after receipt of written notice of the direction from Ambac Assurance shall be deemed a default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any registered owner of the Bonds.

Payment Procedure Pursuant to the Financial Guaranty Insurance Policy

As long as the bond insurance shall be in full force and effect, the City and the Paying Agent and Registrar agree to comply with the following provisions:

- (a) At least one (1) day prior to all Interest Payment Dates the Paying Agent and Registrar will determine whether there will be sufficient funds available to pay the principal of or interest on the Bonds on such Interest Payment Date. If the Paying Agent and Registrar determines that there will be insufficient funds available, the Paying Agent and Registrar shall so notify Ambac Assurance. Such notice shall specify the amount of the anticipated deficiency, the Bonds to which such deficiency is applicable and whether such Bonds will be deficient as to principal or interest, or both. If the Paying Agent and Registrar has not so notified Ambac Assurance at least one (1) day prior to an Interest Payment Date, Ambac Assurance will make payments of principal or interest due on the Bonds on or before the first (1st) day next following the date on which Ambac Assurance shall have received notice of nonpayment from the Paying Agent and Registrar.
- (b) The Paying Agent and Registrar shall, after giving notice to Ambac Assurance as provided in (a) above, make available to Ambac Assurance and, at Ambac Assurance=s direction, to The Bank of New York, as insurance trustee for Ambac Assurance or any successor insurance trustee (the “Insurance Trustee”), the registration books of the City maintained by the Paying Agent and Registrar and all records relating to any funds and accounts maintained under this Ordinance by the Paying Agent and Registrar.
- (c) The Paying Agent and Registrar shall provide Ambac Assurance and the Insurance Trustee with a list of registered owners of the Bonds entitled to receive principal or interest payments from Ambac Assurance under the terms of the Financial Guaranty Insurance Policy, and shall make arrangements with the Insurance Trustee (i) to mail checks or drafts to the registered owners of Bonds entitled to receive full or partial interest payments from Ambac Assurance and (ii) to pay principal upon Bonds surrendered to the Insurance Trustee by the registered owners of Bonds entitled to receive full or partial principal payments from Ambac Assurance.
- (d) The Paying Agent and Registrar shall, at the time it provides notice to Ambac Assurance pursuant to (a) above, notify registered owners of Bonds entitled to receive

the payment of principal or interest thereon from Ambac Assurance (i) as to the fact of such entitlement, (ii) that Ambac Assurance will remit to them all or a part of the interest payments next coming due upon proof of bondholder entitlement to interest payments and delivery to the Insurance Trustee, in form satisfactory to the Insurance Trustee, of an appropriate assignment of the registered owner=s right to payment, (iii) that should they be entitled to receive full payment of principal from Ambac Assurance, they must surrender their Bonds (along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee to permit ownership of such Bonds to be registered in the name of Ambac Assurance) for payment to the Insurance Trustee, and not the Paying Agent and Registrar, and (iv) that should they be entitled to receive partial payment of principal from Ambac Assurance, they must surrender their Bonds for payment thereon first to the Paying Agent and Registrar, who shall note on such Bonds the portion of the principal paid by the Paying Agent and Registrar and then, along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee, to the Insurance Trustee, which will then pay the unpaid portion of principal.

(e) In the event that the Paying Agent and Registrar has notice that any payment of principal of or interest on a Bond which has become Due for Payment (as defined in the Financial Guaranty Insurance Policy) and which is made to a bondholder by or on behalf of the City has been deemed a preferential transfer and theretofore recovered from its registered owner pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the Paying Agent and Registrar shall, at the time Ambac Assurance is notified pursuant to (a) above, notify all registered owners that in the event that any registered owner=s payment is so recovered, such registered owner will be entitled to payment from Ambac Assurance to the extent of such recovery if sufficient funds are not otherwise available, and the Paying Agent and Registrar shall furnish to Ambac Assurance its records evidencing the payments of principal of and interest on the Bonds which have been made by the Paying Agent and Registrar and subsequently recovered from registered owners and the dates on which such payments were made.

(f) In addition to those rights granted Ambac Assurance under this Ordinance, Ambac Assurance shall, to the extent it makes payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Financial Guaranty Insurance Policy, and to evidence such subrogation (i) in the case of subrogation as to claims for past due interest, the Paying Agent and Registrar shall note Ambac Assurance=s rights as subrogee on the registration books of the City maintained by the Paying Agent and Registrar upon receipt from Ambac Assurance of proof of the payment of interest thereon to the registered owners of the Bonds, and (ii) in the case of subrogation as to claims for past due principal, the Paying Agent and Registrar shall note Ambac Assurance=s rights as subrogee on the registration books of the City maintained by the Paying Agent and Registrar upon surrender of the Bonds by the registered owners thereof together with proof of the payment of principal thereof.

#### Ambac as Third Party Beneficiary

To the extent that this Ordinance confers upon or gives or grants to Ambac Assurance any right, remedy or claim under or by reason of this Ordinance, Ambac Assurance is hereby



explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right remedy or claim conferred, given or granted hereunder.

Section 15. The Preliminary Official Statement is hereby approved and the Mayor and City Clerk are hereby authorized to approve on behalf of the City a final Official Statement with any changes deemed appropriate by them.

Section 16. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

(SEAL)



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G1**

**Approving Minutes of July 11, 2006 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL REGULAR MEETING

July 11, 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 July 11, 2006. Notice of the meeting was given in *The Grand Island Independent* on July 5, 2006.

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

INVOCATION was given by Youth Pastor Micah Salmon, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the Railroad Corridor Study to be presented at the July 18, 2006 City Council Study Session.

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of City Employees in the Armed Forces Who Have Been Called to Duty Since 9/11. The Mayor and City Council recognized the following city employees who had served in active duty since 9/11:

Loren "Jeff" McConnell, Police Officer  
Joel Hestermann, Police Officer  
Bill Luft, Police Officer  
Rick Ehlers, Police Officer  
Jerry Atwell, Police Sergeant  
Danelle Collins, Public Works Administrative Assistant  
Mike Wagner, Public Works Street Maintenance Worker

These employees were thanked for their dedicated service to our nation followed by a standing ovation. Joel Hestermann and Danelle Collins were not present.

#### PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 555 S. Stuhr Road. (Swift Beef Plant) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 555 S. Stuhr Road was needed in order to have access to install, upgrade, maintain, and repair

power appurtenances, including lines and transformers. The purpose of the easement would be to add anew transformer to facilitate increased electrical load at the Swift Plant. No public testimony was heard.

### ORDINANCES:

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

#9053 - Consideration of Deleting Chapter 11 of the Grand Island City Code Relative to Civil Rights

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

Dale Shotkoski, Interim City Attorney explained that Ordinance #9053 would be deleted if approved by Council and that the Nebraska Equal Opportunity Commission handled the Civil Rights complaints.

Motion by Gilbert, second by Cornelius to approve Ordinance #9053.

City Clerk: Ordinances #9053 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9053 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9053 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-6, G-8, and G-11 were pulled for further discussion. Motion by Pielstick, second by Hornady to approve the Consent Agenda excluding items G-6, G-8, and G-11. Upon roll call vote, all voted aye. Motion adopted.

### Approving Minutes of June 27, 2006 City Council Regular Meeting.

#2006-186 – Approving Acquisition of Utility Easement Located at 555 S. Stuhr Road. (Swift Beef Plant)

#2006-187 – Approving Natural Gas Supply Contract Six Month Extension for Power Plants with ONEOK Energy Marketing and Trading Company, L.P.

#2006-188 – Approving Bid Award for Railroad Track Repair at Platte Generating Station with Railworks Track Systems, Inc. of Fremont, Nebraska in an Amount of \$65,129.00.

#2006-189 – Approving Certificate of Final Completion for Water Main District No. 450 and Water Main District No. 451 with The Diamond Engineering Company of Grand Island, Nebraska and Setting August 8, 2006 for the Board of Equalization.

#2006-191 – Approving Bid Award for Street Improvement District No. 1254; Dale Roush and Dale Roush 2<sup>nd</sup> Subdivisions (Indian Acres) with Gary Smith Construction Co. of Grand Island, Nebraska in an Amount of \$311,543.16.

#2006-193 – Approving Subordination Request for 622 West 7<sup>th</sup> Street (Brenda Hack).

#2006-194 – Approving Change Order No. 1 with Chief Construction of Grand Island, Nebraska for Law Enforcement Center for a Decrease in the Amount of \$7,605.00.

#2006-190 – Approving Nebraska City II Transmission Facilities Cost Agreement between the City of Grand Island and Omaha Public Power District (OPPD). Gary Mader, Utilities Department Director answered questions regarding the costs, deregulation, tariffs, capital costs, and the transmission service fund which would be credited back to the city.

Motion by Gilbert, second by Cornelius to approve Resolution #2006-190. Upon roll call vote, all voted aye. Motion adopted.

#2006-192 – Approving Proposal for Lead Based Paint Service Provider for CDBG Funds with Community Development Services, LLC of Plainview, Nebraska in an Amount of \$11,500.00. Marsha Kaslon, Community Development Administrator answered questions regarding guidelines and regulations for Community Development Services, LLC to conduct the lead based paint services. Councilmember Pielstick stated some concerns with this company referring to problems of past performance. Ms. Kaslon assured the Council that she would oversee the work as the Housing Administrator.

Motion by Hornady, second by Nickerson to approve Resolution #2006-192. Upon roll call vote, Councilmember's Meyer, Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase vote aye. Councilmember Pielstick vote no. Motion adopted.

#2006-195 – Approving FY 2006-2007 User Fee Schedule. David Springer, Finance Director explained that the FY 2006-2007 User Fee Schedule included a listing of the utility rates which could only be changed through an Ordinance. These rate would be brought before Council at a later date.

Motion by Meyer, second by Cornelius to approve Resolution #2006-19. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2006-196 - Consideration of Full Time Equivalents. David Springer, Finance Director reported that this item related to the discussion held at the June 20, 2006, City Council Study Session. The

recommendation by Administration was to streamline the operations of the City by a reduction in force of three personnel. The net result was a reduction of 1.45 FTE's and \$97,377 city-wide.

A lengthy discussion was held regarding other available positions within the City for these three people, reduction through attrition, severance pay, the need for a parks maintenance position at this time, the last time the City reduced its work force, and the tightening of the budget.

Brenda Sutherland, Human Resources Director explained the severance pay portion of the Employee Handbook. Stated was that the Mayor may grant severance pay greater than one month's pay upon a determination that such action is in the best interest of the City.

Mayor Vavricek stated he felt we should not exceed what was in the policy, but would take it under consideration.

Police Chief Steve Lamken explained the purpose of a full-time Evidence Technician versus the part-time position of a Community Service Officer (CSO). Also discussed was the part-time position of a Library Secretary to full-time.

Lewis Kent, 624 E. Meves spoke in opposition.

Motion by Hornady, second by Nickerson to approve Resolution #2006-196. Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, and Hornady voted aye. Councilmember's Meyer, Walker, and Haase voted no. Motion adopted.

#2006-197 – Consideration of Funding Outside Agencies. David Springer, Finance Director reported that this item related to the discussion held at the June 20, 2006, City Council Study Session. Added was \$2,000 for the Fishing Derby. Direction was requested from Council to facilitate the advancement of the budget process.

Louise Miller, 1104 West Charles Street spoke in opposition.

Discussion was held regarding policies and procedures for funding.

Motion by Walker, second by Whitesides to approve Resolution #2006-197.

Motion by Nickerson, second by Meyer to increase the amount to the Central Nebraska Humane Society by \$7,500 for a total amount of \$167,500. Upon roll call vote, Councilmember's Meyer, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember's Whitesides and Walker voted no. Motion adopted.

Upon roll Call vote on the main motion with the amendment, Councilmember's Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember's Meyer, Whitesides, and Walker voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Nickerson to approve the Claims for the period of June 28, 2006 through July 11, 2006, for a total amount of \$2,389,556.90. Motion adopted unanimously. Councilmember Haase voted no on Claims #130696 and #130697.

Motion by Cornelius, second by Hornady to approve the following Claims for the Library Expansion for the Period of May 14, 2006 through July 11, 2006:

#30     \$232.00

#31     \$221,857.92

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G2**

**Approving Minutes of July 13, 2006 City Council Joint Meeting**

**Staff Contact: RaNae Edwards**



## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF JOINT CITY/COUNTY SPECIAL MEETING

July 13, 2006

Pursuant to due call and notice thereof, a Special Joint Meeting of the City Council of the City of Grand Island, Nebraska, the Hall County Board of Supervisors, the Hamilton County Board of Commissioners, the Merrick County Board of Commissioners, and the Central District Health Department was conducted in the Community Meeting Room of City Hall, 100 East First Street, on July 13, 2006. Notice of the meeting was given in *The Grand Island Independent* on July 6, 2006.

Teresa Anderson, Executive Director of the Central District Health Department called the meeting to order at 8:10 p.m. The following people were present: Health Board member Anne Buettner; County Representative Jim Eriksen; City Representative Mitch Nickerson; Hall County Supervisor Jim Eriksen; Councilmember's Margaret Hornady, Mitch Nickerson, Jackie Pielstick, Joyce Haase, Carole Cornelius, Peg Gilbert, Mayor Jay Vavricek, City Clerk RaNae Edwards, and Finance Director David Springer.

PRESENTATION BY TERESA ANDERSON EXECUTIVE DIRECTOR: Ms. Anderson presented a PowerPoint presentation highlighting the core functions of the Health Department. Mentioned were the 2005/2006 accomplishments, strategic planning, mission statement, community assessment, ongoing programs, financial considerations, staffing changes, and special projects. Board and staff strategic plans were presented.

The following goals of the Central District Health Department were presented:

- Improve the quality of life of our community
- Promote visibility and viability
- Support professional and organizational growth

The following ongoing programs were presented: WIC, Immunization, Child Care Solution, Kids Connection/PHN Program, School Nursing, Safe Kids, Environmental, Water Testing, and West Nile Virus Surveillance.

Reviewed were the financial considerations, revenue sources, and expenses. Additional staff had been added including: an Environmental Health Specialist and Community Health Educator funded by LB 1060 funds; Administrative Secretaries (1.5) funded by Pandemic and/or Existing Funds; and Peer Counselors for Breast Feeding Program fund by WIC Grant.

The following Special Projects were presented:

- Automated External Defibrillators
- Promotora Program
- Breastfeeding Peer Counselor Program
- Mom (Mission of Mercy)
- Epidemiology and Surveillance NEDSS (National Electronic Disease Surveillance System)
- Pandemic Flu Preparation – PPCC (Pandemic Preparedness Coordinating Committee)

DISCUSSION: David Springer, Finance Director stated it was recommended that the Health Department would do better if they had their own health insurance and not go through the city.

ADJOURNMENT: The meeting was adjourned at 9:15 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G3**

**Approving Minutes of July 18, 2006 City Council Study Session**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL STUDY SESSION

July 18, 2006

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on July 18, 2006. Notice of the meeting was given in the *Grand Island Independent* on July 12, 2005.

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

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

Presentation of Final Railroad Corridor Safety Study 2006 Report. Steve Riehle, Public Works Director reported that on September 28, 2004, the City Council approved a Consulting Engineering Agreement with Kirkham Michael to prepare a comprehensive Railroad Corridor Study for the City of Grand Island. Several public meetings were held to gather input from the citizens of Grand Island. The purpose of the study was the railroad noise, safety, and delays at the crossings.

Mr. Riehle introduced Randy ElDorado and Rick Haden representing Kirkham Michael who presented the Project Overview; Study Goals & Objectives; Project Approach; Public Involvement; and Recommendations.

#### Study Goals & Objectives:

- Develop a comprehensive plan for reducing railroad/road user conflicts across the community
- Determine feasibility of relocating UPRR around Grand Island
- Identify locations for future grade separations
- Identify improvements to at-grade crossings to reduce crash risks and train noise

Mr. ElDorado stated the number of trains per day was 60 for Burlington Northern Santa Fe (BNSF) Railroad and 75 for Union Pacific Railroad (UNRR).

#### Project Approach:

##### Consider All Options

- Feasibility of UPRR track relocation
- Alternative grade separations

- Quiet zones – at-grade crossing improvements

Feasibility of UPRR Track Relocation

- Grade Separation Bridges  
South (Hwy. 281, Locust, Hwy. 34, BNSF & Hwy. 30)  
North (Hwy. 30, Hwy. 2, BNSF, Hwy. 281)
- Maintain UPRR Service to Grand Island Customers

Mr. Rick Haden presented the following information:

UPRR Relocation Analyses – Route A North:

Benefits:

- Less delay and exposure at existing crossings
- Reduction in train noise
- Reduced exposure to hazardous materials
- Remove underpasses at Eddy and Sycamore Street
- Abandon 1/2 – 1 mile of current mainline corridor
- Close 3 crossings
- Pedestrian safety/comfort improved

Impacts:

- New viaducts/bridges (8-9)  
U.S. highway 30  
NE Hwy 2  
U.S. Hwy 281  
BNSP  
4-5 County Roads
- Increase of 5.5 miles to UPRR corridor
- Impacts to Silver Creek, Prairie Creek, and Moores Creek Floodplains
- Severances of farmland
- Groundwater depletion issues – fill from borrow pits
- Right-of-Way acquisition of 395 acres, prime farmland
- Creates new railroad crossings on county road (Estimated 7)

UPRR Relocation Analyses – Route B South:

Benefits:

- Less delay and exposure at existing crossings
- Reductions in train noise
- Reduced exposure to hazardous materials
- Remove underpasses at Eddy and Sycamore
- Abandon 2 miles of current mainline corridor
- Close 4 crossings
- Pedestrian safety/comfort improved

Impacts:

- New viaducts/bridges (6)  
South Locust  
U.S. Hwy 34/2

U.S. Hwy 281

BNSF

70<sup>th</sup> Road L40C

Wood River Diversion Channel

- Increase of 2.5 miles to UPRR corridor
- Impacts to Wood River Floodplain
- Severances of farmland
- Groundwater depletion issues fill from borrow pits
- Right-of-Way acquisition of 375 acres, prime farmland
- Creates new railroad crossings on county roads (Estimated 5)

#### UPRR Relocation Analyses – Route C Current:

##### Benefits:

- Less delay and exposure at existing crossings
- Elimination of train whistles
- Little, if any, ROW acquisition for Railroad
- Closes 5-6 crossings
- Pedestrian safety improved
- Significant portion of funding from State and UPRR

##### Impacts:

- 4-6 new grade separations
- Rebuild 2 existing underpasses
- Acquisitions/Relocations caused by new grade separations
- Access and circulation impacted by grade separations and closures of at-grade crossings
- Potential flooding issues with underpasses

##### Conclusions:

1. Route C, (current UPRR Corridor) was recommended for improvements. Current route accomplished the major objective of eliminating railroad-crossing conflicts at the least cost to the City.
2. Establishing a new corridor would result in higher grade separation costs now and similar impacts in the future as the community continues to grow.
3. Funding sources for improvements to existing corridor available from State, Federal, and Railroad sources.

Mr. Haden presented the following Quiet Zone Evaluation:

- Diagnostic Team Review – City of Grand Island, Railroads, Hall County, and Federal Railroad Administration. (NDOR Invited)
- Long Range Improvements – Grade Separations
- Interim Improvements – Supplemental Safety Measures: Closures, 5 Quadrant Gates, Raised Medians, One-way Streets, Wayside Horns

The cost of wayside horns were \$50,000 and quadrant gates were \$150,000 with a cost to the City to maintain them.

Mr. ElDorado reported on the Public Involvement and recommendations. Reported was that for every viaduct built two crossings would have to be closed.

Recommendations:

1. Establish a Railroad Transportation Safety District (RTSD)
2. Initiate Improvements in Existing UPRR Railroad Corridor
3. Initiate Quiet Zone Improvements
4. Pursue Construction of Grade Separations

Next Steps:

- Presentation on RTSD to Joint City-County Officials Meeting
- Notice to UPRR of Intent to establish Quiet Zone (Provide Engineering Funds)
- Initiate Non-Railroad Improvements for Quiet Zones
- Pursue Grade Separation Funding Agreements with Nebraska Department of Roads (NDOR) and Railroads
- Begin Design of Initial Grade Separation(s)

Discussion was held regarding the Railroad Transportation Safety District (RTSD) which would be a funding mechanism county wide. Three county supervisors and three city council members would comprise the board and would be able to levy tax dollars to be used specifically for railroad crossing issues.

Councilmember Meyer and Walker recommended the City pursue work on the quiet zones. Councilmember Whitesides and Hornady stated we needed to wait on this due to other major projects the City was funding. Councilmember Hornady and Gilbert commented on looking into a RTSD.

Mayor Vavricek mentioned the Hall County Board needed to be informed of the RTSD and the importance of their support.

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

Respectfully submitted,

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G4

### **Approving Re-Appointment of Doug Jensen to the Animal Advisory Board**

*The Mayor has submitted the re-appointment of Doug Jensen to the Animal Advisory Board. This appointment would become effective August 15, 2006, upon approval by City Council and would expire on August 14, 2009. Approval is recommended.*

Staff Contact: Dale Shotkoski





# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G5

### **Approving Re-Appointments of Al Avery, Dianne Miller, Joanne Holmes, and Mike Nolan and New Appointment of Karen Bredthauer to the Zoning Board of Adjustment**

*The Mayor has submitted the re-appointments of Al Avery, Dianne Miller, Joanne Holmes, and Mike Nolan to the Zoning Board of Adjustment. These appointments would become effective September 1, 2006, upon approval by City Council and would expire on August 31, 2009.*

*The Mayor has also submitted the new appointment of Karen Bredthauer to the Zoning Board of Adjustment. Ms. Bredthauer would replace the vacancy of Beckie Bixby. This appointment would become effective immediately upon approval by City Council and would expire on August 31, 2009.*

*Approval is recommended.*

Staff Contact: Craig Lewis



INTEROFFICE  
MEMORANDUM  
*Building Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: June 29, 2006  
TO: Mayor Vavricek  
FROM: Craig A. Lewis – Building Dept. Director *CA*  
RE: Appointment to Zoning Board of Adjustment

The following person has expressed an interest and desire to serve on the Grand Island Zoning Board of Adjustment. The board consists of five regular members and one designated alternate, each appointed to a three-year term. The Board acts on appeals by aggrieved person pertaining to zoning regulations as defined in Chapter 36 of the Grand Island Code.

Karen Bredthauer  
940 S. North Road.  
Grand Island, NE.

The above recommendation is made in conformance with the Grand Island City Code and is submitted for the review and approval of the Mayor and City Council.



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G6

### **Approving Re-Appointments of John O'Meara, Donald Skeen, and Steve Grubbs to the Building Code Advisory Board**

*The Mayor has submitted the re-appointments of John O'Meara, Donald Skeen, and Steve Grubbs to the Building Code Advisory Board. These appointments would become effective August 1, 2006, upon approval by City Council and would expire on August 1, 2008.*

*The Mayor has also submitted the new appointment of Todd Enck to the Building Code Advisory Board. Mr. Enck would fill the unexpired term of Holger Honore. This appointment would become effective immediately upon approval by City Council and would expire on August 1, 2007.*

*Approval is recommended.*

Staff Contact: Craig Lewis



**INTEROFFICE  
MEMORANDUM**  
*Building Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 7, 2006  
TO: Mayor Vavricek  
FROM: Craig A. Lewis, Building Department Director *CA*  
RE: Appointments to the Building Code Advisory Board

The following people have expressed their willingness to serve on the Building Code Advisory Board.

John O'Meara, Engineer	Chief Construction PO Box 2078 Grand Island NE 68802-2078	8/1/06-8/1/08
Donald Skeen, Contractor	Tri Valley Builders PO Box 2341 Grand Island NE 68802-2341	8/1/06-8/1/08
Steve Grubbs, Estimator	Lacy Construction PO Box 188 Grand Island NE 68802-0188	8/1/06-8/1/08
Todd Enck	T.C. Enck Construction 511 Fleetwood Cr Grand Island NE 68803	8/1/06-8/1/08

These individuals will complete a seven-member board of knowledgeable professionals empowered to rule on appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the building code. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of the code, nor shall the Board be empowered to waive requirements of the building code.

I would request your appointment and the Councils' approval of these qualified individuals as I feel they have and will continue to provide a valuable service to the city.



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G7

### **Approving Re-Appointments of Mike McElroy and Loran Peterson and New Appointments of Russ Shaw, Scott Hilligas, Mike Myers, Todd Bredthauer, and Armondo Perez to the Gas Fitter Examining Board**

*Section 18-6 of the Grand Island City Code establishes the duties of the Gas Fitters and Appliance Installers Board. City Council approved Ordinance No. 9034 on March 7, 2006 to increase the number of members from five to seven.*

*The Mayor has submitted the re-appointments of Loran Peterson and Mike McElroy to the Gas Fitters & Appliance Installers Board. These appointments would become effective immediately, upon approval by City Council and would expire on December 31, 2006.*

*The Mayor has also submitted the new appointments of Russ Shaw, Scott Hilligas, Mike Myers, Todd Bredthauer, and Armondo Perez to the Gas Fitters and Appliance Installers Board. These appointments would become effective immediately upon approval by City Council and would expire on December 31, 2006.*

*Approval is recommended.*

Staff Contact: Craig Lewis



# INTEROFFICE MEMORANDUM

*Working Together for a  
Better Tomorrow. Today.*

DATE: June 29, 2006

TO: Mayor Vavricek & City Council

FROM: Craig A. Lewis, Building Department Director *CA*

RE: Appointment to the Gas Fitters Examining Board

The following men have been contacted and have indicated their willingness to serve on the Gas Fitters Examining Board of the City of Grand Island for the remainder of the year 2006

<u>Representing</u>	<u>Name/Address</u>	<u>Employed</u>
Building Department	Russ Shaw	Plumbing Inspector
Local Gas Company	Loran Peterson PO Box 220 Grand Island NE 68802	Northwestern
Contracting Master Gas Fitter	Scott Hilligas 2304 W Lincoln Hwy Grand Island NE 68801	Midwest Heating & Air
Master Gas Fitter	Mike McElroy 807 Claude Rd Grand Island NE 68803	McElroy Service Co
Master Gas Fitter	Mike Myers 318 E Capital Ave Grand Island NE 68801	Myers Heating & Air
Journeyman Gas Fitter	Todd Bredthauer 907 W Oklahoma Grand Island NE 68801	Jerrys Sheet Metal
Community Member	Armondo Perez 812 E 5 <sup>th</sup> Street Grand Island NE 68801	



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G8

**Approving Request of Dustin Smith, 2642 N. Carleton Avenue #9  
for Liquor Manager Designation for Pizza Hut, 1608 South Locust  
Street**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** July 25, 2006

**Subject:** Request of Dustin Smith, 2642 N. Carleton Avenue #9  
for Liquor Manager Designation for Pizza Hut, 1608  
South Locust Street

**Item #'s:** G-8

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

## **Background**

Dustin Smith, 2642 N. Carleton Avenue #9 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "A-31060" Liquor License for Pizza Hut, 1608 South Locust Street. This application has been reviewed by the Police Department and City Clerk's Office.

## **Discussion**

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

## **Alternatives**

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

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

## **Recommendation**

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



### **Sample Motion**

Move to approve the request of Dustin Smith, 2642 N. Carleton Avenue #9 for Liquor Manager Designation in conjunction with the Class “A-31060” Liquor License for Pizza Hut, 1608 South Locust Street with the stipulation that Mr. Smith complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 10, 2006  
TO: RaNae Edwards, City Clerk  
FROM: Bradley Brush, Lieutenant, Police Department  
RE: Manager Application for Dustin Smith – Pizza Hut, 1608 S Locust

The application for the Liquor Manager is technically inaccurate, thus a false application. However, even if the convictions had been declared, they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Dustin Smith for the Pizza Hut, 1608 S Locust, Grand Island, NE 68801.

BB/rk

A handwritten signature in black ink, appearing to read "B. Brush", with a stylized flourish at the end.

07/06/06  
15:32

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 1

City : Grand Island  
Occurred after : 11:47:23 07/06/2006  
Occurred before : 11:47:23 07/06/2006  
When reported : 11:47:23 07/06/2006  
Date disposition declared : \*\*/\*\*/\*\*\*\*  
Incident number : L06070846  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 1608 S Locust  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller : RaNae Edwards  
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	68472		Smith, Dustin M	liq mgr designee
NM	98211		Pizza Hut,	mentioned

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application.

The Liquor Manager Designation Applicant's name is Dustin M Smith  
Business-Pizza Hut, 1608 S Locust, GI, NE 68801

A check of the Nebraska Criminal Justice Information System (NCJIS) found the following convictions not declared by Smith were found;

- \*Minor in Possession, Howard county,  
Infraction date 10/16/1999, Probation successfully completed
- \*Speeding 21+ MPH Municipal; Washington county,  
Infraction date 05/05/2002, Plea is Guilty/Admit, Finding is Guilty
- \*Possess/consume open alcohol container, Howard county;  
Infraction date 11/28/2002, Plea is Plea Changed to Guilty

Failure to declare the above convictions causes the application to be false.

07/06/06  
15:32

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 2

A National Crime Intelligence Center (NCIC) search reflected no other convictions.

In summation;

The application for the Liquor manager is technically inaccurate, thus a false application. However, even if the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Dustin M Smith for Pizza Hut, 1608 S Locust, GI, NE 68801.



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G9

**Approving Request of Daniel Albert, 509 Grant Street, Holdrege,  
Nebraska for Liquor Manager Designation for Sunmart #768,  
3420 West State Street**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** July 25, 2006

**Subject:** Request of Daniel Albert, 509 Grant Street, Holdrege, Nebraska for Liquor Manager Designation for Sunmart #768, 3420 West State Street

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

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

## **Background**

Daniel Albert, 509 Grant Street, Holdrege, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D-30046" Liquor License for Sunmart #768, 3420 West State Street. This application has been reviewed by the Police Department and City Clerk's Office.

## **Discussion**

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

## **Alternatives**

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

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

## **Recommendation**

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

### **Sample Motion**

Move to approve the request of Daniel Albert, 409 Grant Street, Holdrege, Nebraska for Liquor Manager Designation in conjunction with the Class "D-30046" Liquor License for Sunmart #768, 3420 West State Street with the stipulation that Mr. Albert complete a state approved alcohol server/seller training program.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 10, 2006  
TO: RaNae Edwards, City Clerk  
FROM: Bradley Brush, Lieutenant, Police Department  
RE: Manager Application for Daniel Albert – Sunmart , 3420 W State St.

The Liquor Manager Designation Applicant's name is Daniel Albert, business is Sunmart, 3420 W State Street, Grand Island, NE 68803.

The application for the Liquor Manager is technically inaccurate, thus a false application, however, even if the convictions had been declared, they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the Name of Daniel Shawn Albert for Sunmart, 3420 W State, Grand Island, NE 68803

BB/rk

A handwritten signature in cursive script, appearing to read "St. Brush", is written below the typed name.



07/07/06  
16:19

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 1

City : Grand Island  
Occurred after : 13:55:26 07/06/2006  
Occurred before : 13:55:26 07/06/2006  
When reported : 13:55:26 07/06/2006  
Date disposition declared : 07/06/2006  
Incident number : L06070872  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 3420 W State  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller : RaNae Edwards  
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	59975		Sunmart (DUP #52874),	mentioned
NM	104622		Albert, Daniel Shawn	liq mgr designee

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application.

The Liquor Manager Designation Applicant's name is Daniel S Albert,  
Business-Sunmart, 3420 W State, GI, NE 68803

A check of the Nebraska Criminal Justice Information System (NCJIS) found the  
following convictions not declared by Albert;

- \*Speeding 16-20 MPH County/State, Kearney county;  
Infraction date is 08/03/1998, Plea is Guilty/Admit
- \*Speeding 11-15 MPH Municipal; Red Willow county,  
Infraction date is 01/30/2000, Plea is Guilty/Admit
- \*Speeding 6-10 MPH County/State; Phelps county,  
Infraction date is 03/28/2002, Plea is Guilty/Admit
- \*Speeding 6-10 MPH County/State, Kearney county;  
Infraction date 04/24/2001, Plea is Guilty/Admit
- \*No valid registration ; Class 3 Misdemeanor, Phelps county,

07/07/06  
16:19

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 2

Offense Date is 09/03/2003, Plea is Guilty/Admit

Failure to declare the above convictions causes the application to be false.

A National Crime Intelligence Center (NCIC) search reflected a conviction in the state of Missouri for misdemeanor passing a bad check, fined \$250.00 and placed on probation for 1 year. In attempting to determine if this conviction would meet the threshold of the level of seriousness of a class I misdemeanor in Nebraska, I conferred w/ Missouri Highway Patrol and was advised that the applicant had been convicted of a Class A Misdemeanor, which is the most serious of misdemeanors in Missouri and is punishable up 1 year in the County Jail. This is applicable to Nebraska's Class I Misdemeanor.

The Nebraska Liquor Control Act prohibits people from having involvement if;  
\* (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state.  
Passing a bad check is referred to in Article 6 in Nebraska Statutes.

In summation;  
The application for the Liquor manager is technically inaccurate, thus a false application. However, even if the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Daniel Shawn Albert for Sunmart, 3420 W State, GI, NE 68803.



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G10

**Approving Request of Daryl Werth, 320 Nelson, St. Paul,  
Nebraska for Liquor Manager Designation for Pizza Hut, 707 N.  
Diers Avenue**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** July 25, 2006

**Subject:** Request of Daryl Werth, 320 Nelson, St. Paul, Nebraska  
for Liquor Manager Designation for Pizza Hut, 707 N.  
Diers Avenue

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

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

## **Background**

Daryl Werth, 320 Nelson, St. Paul, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "A-31062" Liquor License for Pizza Hut, 707 N. Diers Avenue. This application has been reviewed by the Police Department and City Clerk's Office.

## **Discussion**

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

## **Alternatives**

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

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

## **Recommendation**

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

### **Sample Motion**

Move to approve the request of Daryl Werth, 320 Nelson, St. Paul, Nebraska for Liquor Manager Designation in conjunction with the Class "A-31062" Liquor License for Pizza Hut, 707 N. Diers Avenue with the stipulation that Mr. Werth complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: July 10, 2006  
TO: RaNae Edwards, City Clerk  
FROM: Bradley Brush, Lieutenant, Police Department  
RE: Manager Application for Daryl Werth – Pizza Hut, 707 N Diers Ave.

The Liquor Manager Designation Applicant's name is Daryl K. Werth Jr.; business is Pizza Hut, 707 N Diers Ave, Grand Island, NE 68803.

It is the police department's recommendation to accept this Liquor Manager Designation Application In the name of Daryl K. Werth Jr. for Pizza Hut, 707 N Diers Ave., Grand Island, NE 68803.

BB/rk

A handwritten signature in cursive script that reads "Lt. Brush".

07/06/06  
15:33

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 1

City : Grand Island  
Occurred after : 13:20:20 07/06/2006  
Occurred before : 13:20:20 07/06/2006  
When reported : 13:20:20 07/06/2006  
Date disposition declared : \*\*/\*\*/\*\*\*\*  
Incident number : L06070863  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 707 N Diers Ave  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller : RaNae Edwards  
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	49412		Werth, Daryl K Jr	liq mgr designee
NM	100768		Pizza Hut,	mentioned

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application.

The Liquor Manager Designation Applicant's name is Daryl K Werth Jr,  
Business-Pizza Hut, 707 N Diers Ave, GI, NE 68803

A check of the Nebraska Criminal Justice Information System (NCJIS) found no  
convictions.

It is the police department's recommendation to accept this Liquor Manager  
Designation Application in the name of Daryl K Werth Jr for Pizza Hut, 707  
Diers Ave, GI, NE 68803.



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G11**

**Approving Preliminary Plat for Francis Subdivision**

**Staff Contact: Chad Nabity**



# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** July 25, 2006  
**Subject:** Francis Subdivision – Preliminary and Final Plat  
**Item #'s:** G-11 & G-12  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This final plat proposes to create 12 lots on a tract of land in Lots 3, 4, 5, and 6, Bosselman Second Subdivision in the City of Grand Island, Nebraska. This land consists of approximately 3.697 acres. This plat is developing lots along an existing right of way. The developer is proposing a private street similar to others in the area to provide driveway access to the properties. Approval of this plat is contingent upon approval of the rezoning request on this property.

## **Discussion**

The final plat for Francis Subdivision was considered under the consent agenda. A motion was made by Reynolds and seconded by Haskins to approve the consent agenda as presented. A roll call vote was taken and the motion carried with 8 members present voting in favor (Miller, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Snodgrass) and 1 member abstaining (Amick).

## **Alternatives**

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

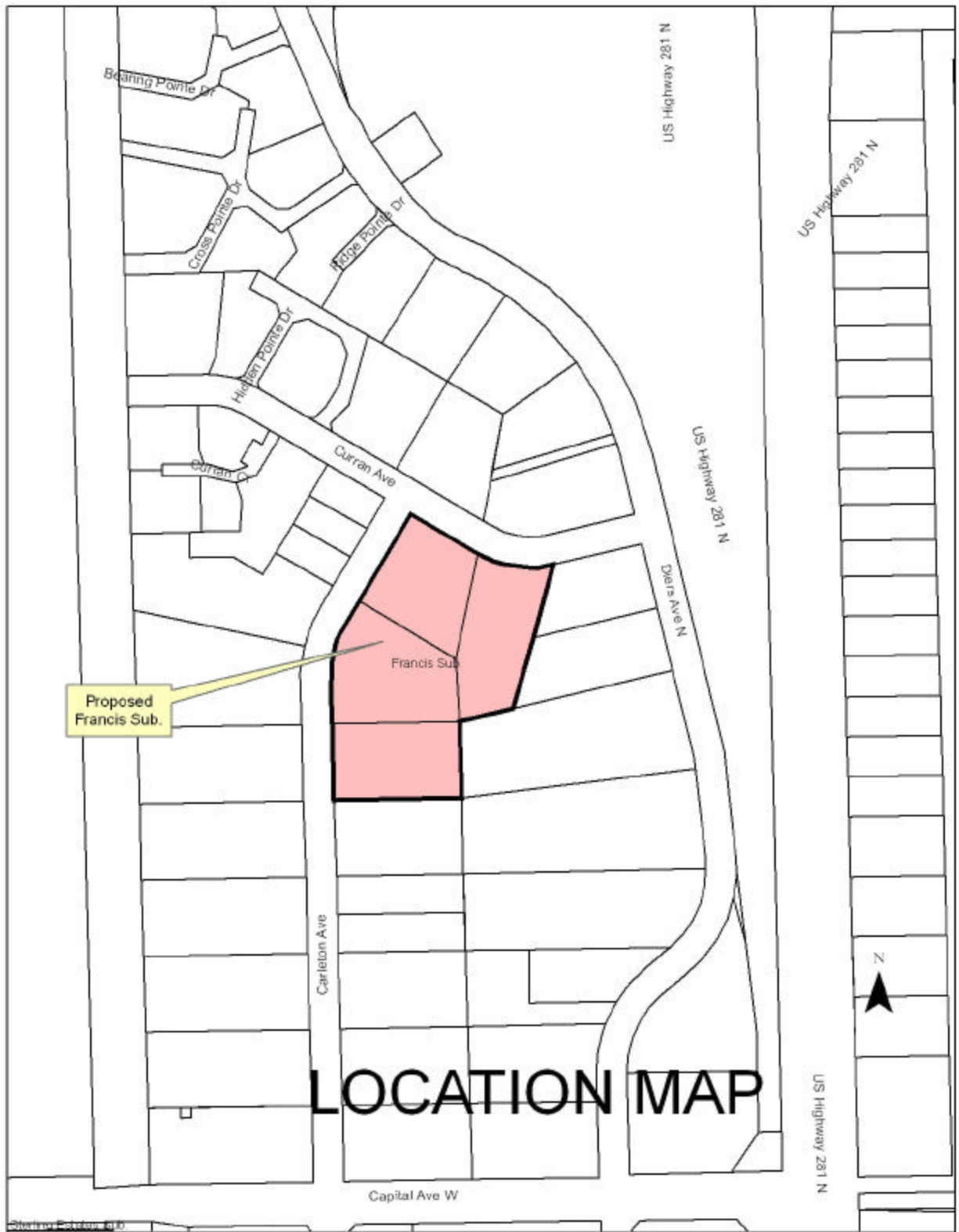
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

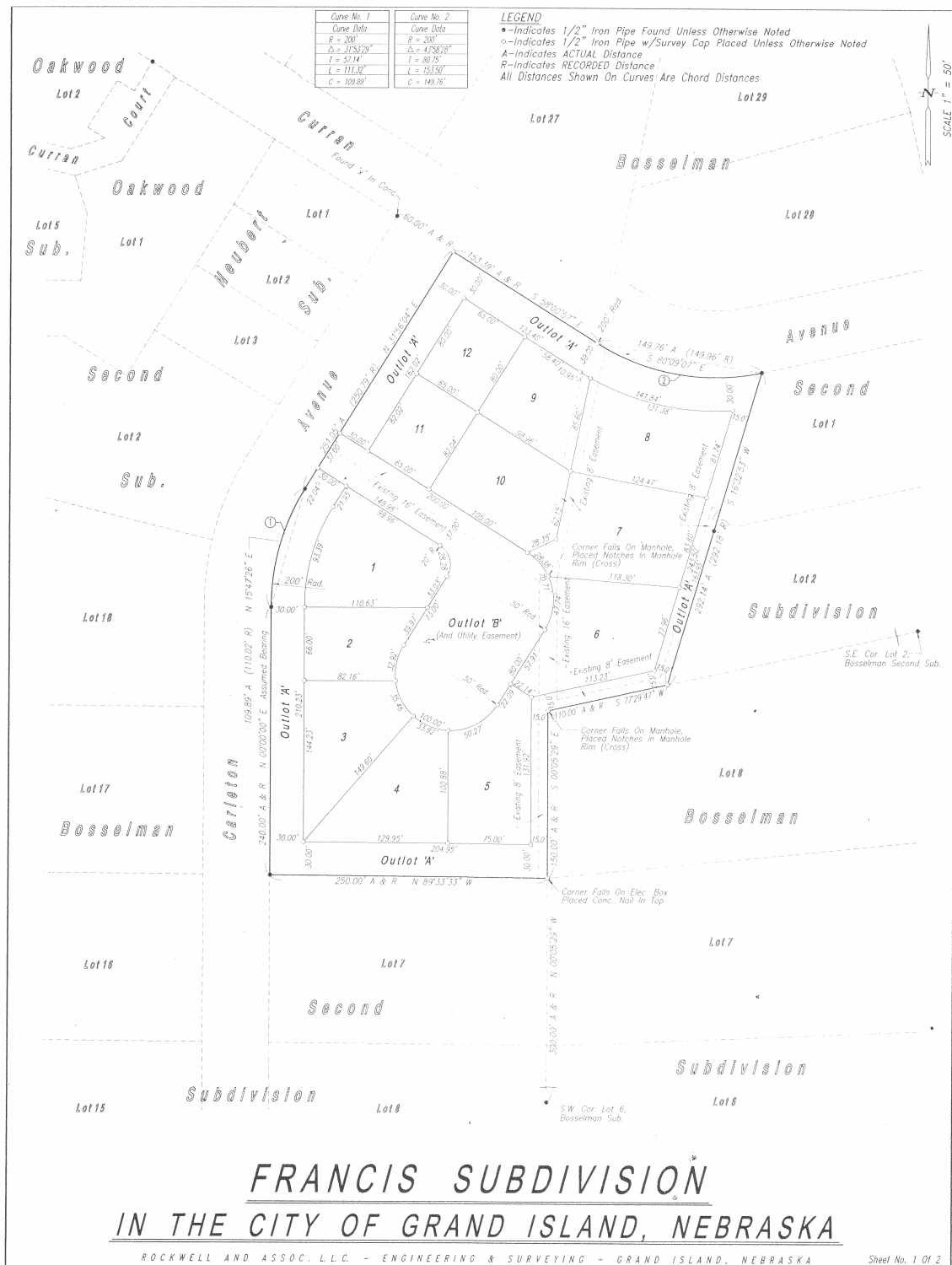
## **Recommendation**

City Administration recommends that the Council approve the preliminary and final plats as presented

## **Sample Motion**

Motion to approve as recommended.







# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G12**

**#2006-198 - Approving Final Plat and Subdivision Agreement for Francis Subdivision**

**Staff Contact: Chad Nabity**

RESOLUTION 2006-198

WHEREAS, Raymond J. O'Connor and Jennifer S. O'Connor, husband and wife, as owners, have caused to be laid out into lots, a tract of land comprising all of Lots Three (3), Four (4), Five (5), and Six (6), Bosselman Second Subdivision in the City of Grand Island, Hall County, Nebraska, under the name of FRANCIS 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 FRANCIS 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, July 25, 2006.

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

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G13**

**#2006-199 - Approving Final Plat and Subdivision Agreement for  
Gilbert Acres Subdivision**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** July 25, 2006

**Subject:** Gilbert Acres Subdivision – Final Plat

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

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

## **Background**

This final plat proposes to create 1 lot on a tract of land comprising a part of the West Half of the Southeast Quarter (W1/2SE1/4) of Section 35, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M., Hall County Nebraska. This land consists of approximately 1.93 acres. This subdivision splits an existing farmstead from a tract of 20 acres or more.

## **Discussion**

The final plat for Gilbert Subdivision was considered under the consent agenda. A motion was made by Reynolds and seconded by Haskins to approve the consent agenda as presented. A roll call vote was taken and the motion carried with 8 members present voting in favor (Miller, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Snodgrass) and 1 member abstaining (Amick).

## **Alternatives**

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

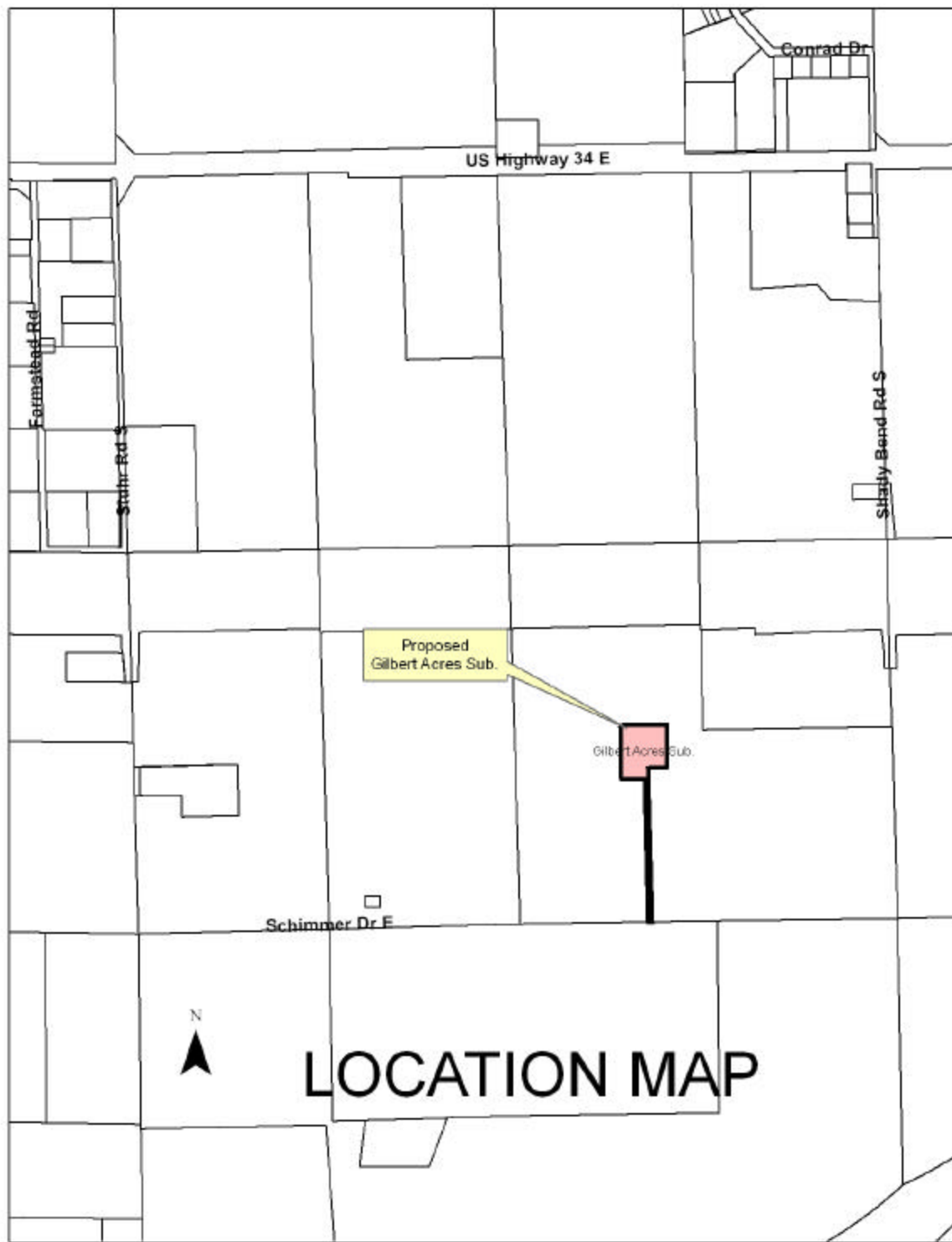
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the preliminary and final plats as presented.

## **Sample Motion**

Motion to approve as recommended.







RESOLUTION 2006-199

WHEREAS, Francie Niedfelt Ballou, a single person, and Elizabeth Gilbert (formerly Elizabeth Falmien) and Gene Gilbert, wife and husband, as owners, have caused to be laid out into a lot, a tract of land comprising a part of the West Half of the Southeast Quarter (W1/2, SE1/4) of Section Thirty Five (35), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Hall County, Nebraska, under the name of GILBERT ACRES 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 GILBERT ACRES 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, July 25, 2006.

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

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G14**

**#2006-200 - Approving Final Plat and Subdivision Agreement for  
Stoltenberg Second Subdivision**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** July 25, 2006  
**Subject:** Stoltenberg Subdivision – Final Plat  
**Item #'s:** G-14  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

This final plat proposes to create 1 lot on a parcel of land in part of the SE 1/4 24-11N-10W. This land consists of approximately 1.850 acres. This plat is developing lots along an existing right of way. This plat is combining 2 existing lots into a single lot and dedicating additional street right-of-way along Webb Road and Lester Street.

## **Discussion**

The final plat for Stoltenberg Subdivision was considered under the consent agenda. A motion was made by Reynolds and seconded by Haskins to approve the consent agenda as presented. A roll call vote was taken and the motion carried with 8 members present voting in favor (Miller, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Snodgrass) and 1 member present abstaining (Amick).

## **Alternatives**

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

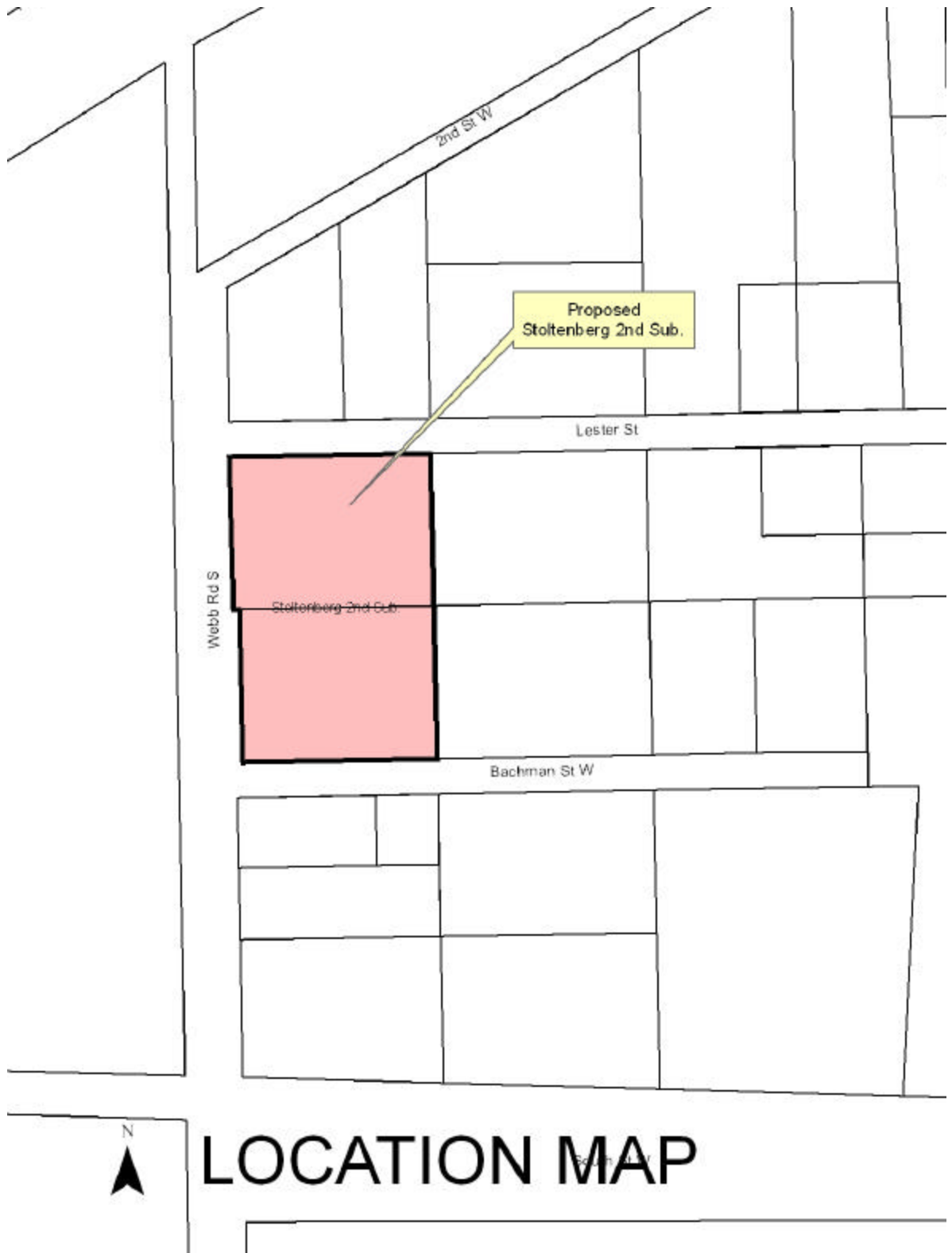
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

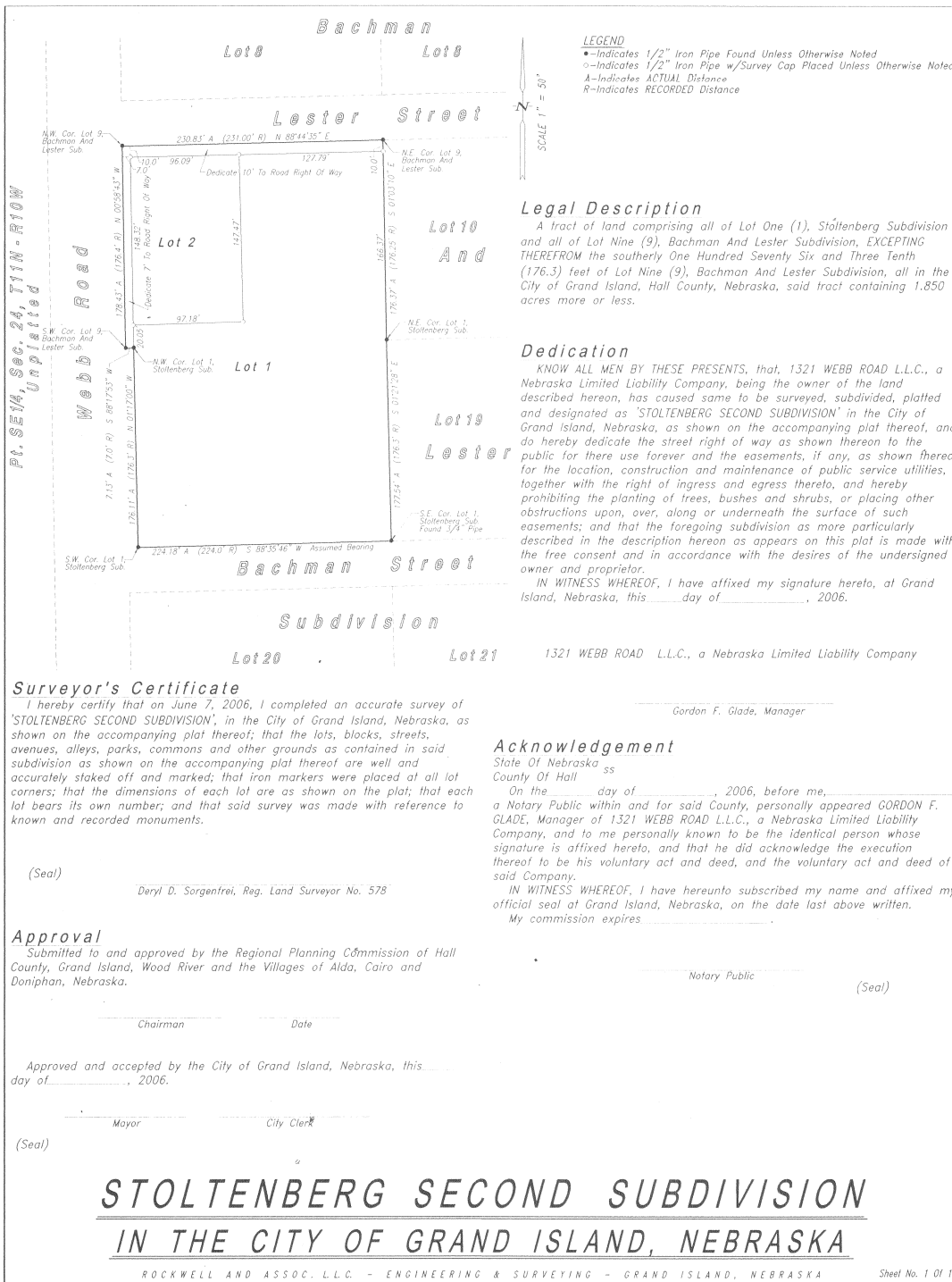
## **Recommendation**

City Administration recommends that the Council approve the final plat as presented

## **Sample Motion**

Motion to approve as recommended.





RESOLUTION 2006-200

WHEREAS, 1321 Webb Road L.L.C., a Nebraska limited liability company, as owner, has caused to be laid out into a lot, a tract of land comprising all of Lot One (1), Stoltenberg Subdivision and all of Lot Nine (9), Bachman and Lester Subdivision, excepting therefrom the southerly One Hundred Seventy Six and Three Tenths (176.3) feet of Lot Nine (9), Bachman and Lester Subdivision, all in the City of Grand Island, Hall County, Nebraska, under the name of STOLTENBERG 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 STOLTENBERG 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, July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G15

**#2006-201 - Approving Acquisition of Utility Easement - Along the South Right-of-Way Line of Lillie Drive, West of North Road - Bredthauer**

Staff Contact: Gary R. Mader



RESOLUTION 2006-201

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

WHEREAS, a public hearing was held on July 25, 2006, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Springdale Subdivision located in the city of Grand Island, Hall County, Nebraska, the five (5.0) foot wide utility easement and right-of-way being more particularly described as follows:

The northerly five (5.0) feet of Lot One (1), Lot Two (2), Lot Three (3), Lot Four (4), Lot Five (5), Lot Six (6), Lot Seven (7), Lot Eight (8), Lot Nine (9), and Outlot "A", Springdale Subdivision.

The above-described easement and right-of-way containing a total of 0.102 acres, more or less, as shown on the plat dated July 13, 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 Karen J. Bredthauer, a single person, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G16

**#2006-202 - Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control - Utilities Department**

Staff Contact: Gary R. Mader;DaleShotkoski

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Dale Shotkoski, Interim City Attorney

**Meeting:** July 25, 2006

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

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

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

## **Background**

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

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

## **Discussion**

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

Bidder	Price/gal	Treatment \$/Million gal.	Est. annual cost
Simply Aquatics, Inc.	\$5.38	\$20.72	\$ 93,240.00
CalciQuest, Inc., Belmont, NC	\$4.83	\$19.32	\$ 86,940.00

Department engineering staff has reviewed the bids for compliance with the City's detailed specifications. Both bids are compliant.

### **Alternatives**

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

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

### **Recommendation:**

City Administration recommends that the purchase of liquid ortho-polyphosphate be awarded to CalciQuest, Inc. from Belmont, North Carolina, as the low responsive bidder, for a firm price of \$19.32 per million gallons of water treated in an annual amount estimated at \$86,940.00. The actual annual amount will depend on City water usage.

### **Sample Motion**

Move to approve the award for the purchase of Liquid Ortho-Polyphosphate for Corrosion Control in the amount of \$19.32 per million gallons of treated water to CalciQuest, Inc. of Belmont, North Carolina.

*Purchasing Division of Legal Department*  
**INTEROFFICE MEMORANDUM**



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** July 18, 2006 at 11:00 a.m.

**FOR:** Liquid Ortho-Polyphosphate for Corrosion Control

**DEPARTMENT:** Utilities

**ESTIMATE:** \$175,000.00

**FUND/ACCOUNT:** E525

**PUBLICATION DATE:** June 30, 2006

**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

<b>Bidder:</b>	<b><u>Simply Aquatics, Inc.</u></b> Kirbyville, TX	<b><u>CalciQuest, Inc.</u></b> Belmont, NC
<b>Bid Security:</b>	<b>\$4,662.00</b>	<b>Aegis Security Insurance Co.</b>
<b>Exceptions:</b>	<b>None</b>	<b>None</b>
<b>Bid Price:</b>	<b>\$93,240.00</b>	<b>\$86,940.00</b>

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

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

**P1097**

RESOLUTION 2006-202

WHEREAS, the City of Grand Island invited sealed bids for a Liquid Ortho-Polyphosphate for Corrosion Control for the Utilities Department, according to specifications on file; and

WHEREAS, on July 18, 2006, bids were received, opened and reviewed; and

WHEREAS, CalciQuest, Inc. of Belmont, North Carolina, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$86,940.00; and

WHEREAS, such bid is below the estimate.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of CalciQuest, Inc. of Belmont, North Carolina, in the amount of \$86,940.00 for Liquid Ortho-Polyphosphate for Corrosion Control is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G17

**#2006-203 - Approving FY 2006-2007 Annual Budget for Business Improvement District #3, South Locust Street from Stolley Park Road to Highway 34, and Setting Date for Board of Equalization**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director

**Meeting:** July 25, 2006

**Subject:** Approving FY 2006-2007 Annual Budget for Business Improvement District #3, South Locust Street from Stolley Park Road to Highway 34, and setting Date for Board of Equalization

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

**Presenter(s):** David Springer, Finance Director

## **Background**

In March, 1999, the City Council adopted Ordinance #8452 creating business Improvement District (BID) #3, South Locust Street from Stolley Park Road to Highway 34. The ordinance established the purpose of the District, described the boundaries, and established that real property in the area would be subject to a special assessment to support the purposes of the District. The creating Ordinance requires that a proposed budget for the District be approved by the BID Board and forwarded to the City Council for consideration at the second meeting in July (July, 25, 2006). On June 15, 2006, the BIB #3 Board met and approved the 2006-2007 Budget which provides for special assessments in the amount of \$3.50 per front footage for a total of \$34,731 for the 9,923 front footage.

## **Discussion**

The majority of the proposed budget of \$34,275 is to be used for the maintenance of frontage areas along the South Locust Street portion of their district. The appropriations for 2006-2007 also include a City fee of \$875 for accounting services. A copy of the proposed 2006-2007 budget is attached for review.

## **Alternatives**

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



1. Approve the 2006-2007 Budget for BID #3 and set the date for the Board of Equalization.
2. Modify the budget and/or reschedule the Board of Equalization.

### **Recommendation**

City Administration recommends that the Council approve the 2006-2007 Budget for BID #3 and set the date of September 12, 2006 for the Board of Equalization. Notice of the Hearing and proposed assessments will be published according to State Statutes.

### **Sample Motion**

Approve the 2006-2007 Budget for BID #3 and set the date of September 12, 2006 for the Board of Equalization.

**BUSINESS IMPROVEMENT BOARD #3**  
**FY 2006-2007 BUDGET**

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	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2006</b>	<b>2007</b>
	<b>Actual</b>	<b>Actual</b>	<b>Budget</b>	<b>Projected</b>	<b>Budget</b>
<b>REVENUE</b>					
Account					
74140 Special Aseessments	35,543	35,051	34,314	33,401	34,314
74787 Interest Revenue	0	0	0	0	0
74795 Other Revenue	5,000	7,820	10,000	3,000	0
<b>TOTAL REVENUE</b>	<b>40,543</b>	<b>42,871</b>	<b>44,314</b>	<b>36,401</b>	<b>34,314</b>
<b>APPROPRIATIONS</b>					
Account					
85213 Contract Services	19,654	18,194	22,875	22,875	20,675
85245 Printing & Binding Servic	379	174	0	60	0
85249 Snow & Ice Removal	1,775	765	2,000	1,235	3,000
85290 Other Professional & Tecl	2,203	2,870	0		
85305 Utility Services	2,487	6,974	4,500	3,000	5,000
85325 Repair & Maint - M&E	0	637	2,000	1,000	2,000
85390 Other Property Services	1,883	0	0	0	0
85413 Postage	130	213	250	150	250
85416 Advertising	378	0	0	0	0
85419 Legal Notices	113	203	750	450	750
85490 Other Expenditures	1,643	6,599	0	0	0
85505 Office Supplies	9	0	100	100	100
85560 Trees & Shrubs	5,061	0	0	0	1,000
85590 Other General Supplies	4,076	5,873	1,400	400	1,500
85608 Land Improvements		45,873	10,000	3,000	0
<b>TOTAL OPERATING EXPENS</b>	<b>39,791</b>	<b>88,375</b>	<b>43,875</b>	<b>32,270</b>	<b>34,275</b>
<b>ANNUAL EXCESS/(LOSS)</b>	<b>752</b>	<b>(45,504)</b>	<b>439</b>	<b>4,131</b>	<b>39</b>
Beginning Cash Balance	44,160	44,912	(592)	(592)	3,539
Revenues	40,543	42,871	44,314	36,401	34,314
Expenditures	39,791	88,375	43,875	32,270	34,275
<b>Ending Cash Balance</b>	<b>44,912</b>	<b>(592)</b>	<b>(153)</b>	<b>3,539</b>	<b>3,578</b>

RESOLUTION 2006-203

WHEREAS, the City Council has considered the proposed budget of the Business Improvement District No. 3 for the fiscal year 2006-2007; and

WHEREAS, the City has received the assessed values of the individual properties within Business Improvement District No. 3 as shown in the office of the Hall County Assessor in effect on the first day of January, 2006.

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

1. The budget for Business Improvement District No. 3 is hereby considered.
2. A proposed assessment schedule shall be prepared.
3. A hearing before the City Council sitting as a board of equalization on the proposed assessments shall be held on September 12, 2006 at 7:00 p.m. in the City Council chambers of City Hall, 100 East First Street, Grand Island, Nebraska.
4. Notice of hearing shall be published once each week for three consecutive weeks in accordance with the Business Improvement District Act.
5. Notice of hearing shall be mailed to all property owners of Business Improvement District No. 3 by U.S. mail, postage prepaid.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G18

**#2006-204 - Approving FY 2006-2007 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and Setting Date for Board of Equalization**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director

**Meeting:** July 25, 2006

**Subject:** Approving FY 2006-2007 Annual Budget for Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road, and setting Date for Board of Equalization

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

**Presenter(s):** David Springer, Finance Director

## **Background**

In July, 2002, the City Council adopted Ordinance #8751 creating Business Improvement District (BID) #4, South Locust Street from Stolley Park Road to Fonner Park Road. The ordinance established the purpose of the District, described the boundaries, and established that real property in the area would be subject to a special assessment to support the purposes of the District. The creating Ordinance requires that a proposed budget for the District be approved by the BID Board and forwarded to the City Council for consideration at the second meeting in July (July, 25, 2006). On June 6, 2006, the BIB #4 Board met and approved the 2006-2007 Budget which provides for special assessments in the amount of \$3.50 per front footage for a total of \$17,349 for the 4,957 front footage.

## **Discussion**

Nearly half of the appropriations in the proposed budget of \$29,500 are for the upkeep of sprinkler systems, maintenance of green spaces, and snow removal along their portion of the South Locust corridor. The appropriations for 2006-2007 also include a City fee of \$1,500 for accounting services. A copy of the proposed 2006-2007 budget is attached for review.

## **Alternatives**

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

1. Approve the 2006-2007 Budget for BID #4 and set the date for the Board of Equalization.
2. Modify the budget and/or reschedule the Board of Equalization.

### **Recommendation**

City Administration recommends that the Council approve the 2006-2007 Budget for BID #4 and set the date of September 12, 2006 for the Board of Equalization. Notice of the Hearing and proposed assessments will be published according to State Statutes.

### **Sample Motion**

Approve the 2006-2007 Budget for BID #4 and set the date of September 12, 2006 for the Board of Equalization.

**BUSINESS IMPROVEMENT BOARD #4**  
**FY 2006-2007 BUDGET**

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	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2006</b>	<b>2007</b>
	<b>Actual</b>	<b>Actual</b>	<b>Budget</b>	<b>Projected</b>	<b>Budget</b>
<b>REVENUE</b>					
Account					
74140 Special Asessments	17,278	17,248	17,248	17,390	17,248
74787 Interest Revenue	-	-	-	-	-
74795 Other Revenue	-	-	-	-	-
<b>TOTAL REVENUE</b>	<b>17,278</b>	<b>17,248</b>	<b>17,248</b>	<b>17,390</b>	<b>17,248</b>
<b>APPROPRIATIONS</b>					
Account					
85213 Contract Services	3,500	13,500	13,500	14,500	13,500
85245 Printing & Binding Services	302	250	250	50	250
85249 Snow & Ice Removal		-	-		-
85305 Utility Services	-	1,000	1,000	2,000	3,500
85319 Repair & Maint - Irrigation	-	500	2,000	1,000	2,000
85413 Postage	92	250	250	80	250
85416 Advertising	-	3,500	3,500	500	3,500
85419 Legal Notices	108	500	500	300	500
85490 Other Expenditures	3	500	500	200	500
85505 Office Supplies	-	500	500	50	500
85590 Other General Supplies	-	5,000	5,000	1,500	5,000
<b>TOTAL OPERATING EXPENSE</b>	<b>4,005</b>	<b>25,500</b>	<b>27,000</b>	<b>20,180</b>	<b>29,500</b>
<b>ANNUAL EXCESS/(LOSS)</b>	<b>13,273</b>	<b>(8,252)</b>	<b>(9,752)</b>	<b>(2,790)</b>	<b>12,607</b>
Beginning Cash Balance	11,876	25,149	25,149	15,397	12,607
Revenues	17,278	17,248	17,248	17,390	17,248
Expenditures	4,005	25,500	27,000	20,180	29,500
<b>Ending Cash Balance</b>	<b>25,149</b>	<b>16,897</b>	<b>15,397</b>	<b>12,607</b>	<b>355</b>

RESOLUTION 2006-204

WHEREAS, the City Council has considered the proposed budget of the Business Improvement District No. 4 for the fiscal year 2006-2007; and

WHEREAS, the City has received the assessed values of the individual properties within Business Improvement District No. 4 as shown in the office of the Hall County Assessor in effect on the first day of January, 2006.

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

1. The budget for Business Improvement District No. 4 is hereby considered.
2. A proposed assessment schedule shall be prepared.
3. A hearing before the City Council sitting as a board of equalization on the proposed assessments shall be held on September 12, 2006 at 7:00 p.m. in the City Council chambers of City Hall, 100 East First Street, Grand Island, Nebraska.
4. Notice of hearing shall be published once each week for three consecutive weeks in accordance with the Business Improvement District Act.
5. Notice of hearing shall be mailed to all property owners of Business Improvement District No. 4 by U.S. mail, postage prepaid.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney





# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G19

**#2006-205 - Approving FY 2006-2007 Annual Budget for Business Improvement District #5, Downtown, and Setting Date for Board of Equalization**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director

**Meeting:** July 25, 2006

**Subject:** Approving FY 2006-2007 Annual Budget for Business Improvement District #5, Downtown, and setting Date for Board of Equalization

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

**Presenter(s):** David Springer, Finance Director

## **Background**

In May, 2003, the City Council adopted Ordinance #8812 creating Business Improvement District (BID) #5, Downtown. The ordinance established the purpose of the District, described the boundaries, and established that real property in the area would be subject to a special assessment to support the purposes of the District. The creating Ordinance requires that a proposed budget for the District be approved by the BID Board and forwarded to the City Council for consideration at the second meeting in July (July, 25, 2006). On June 15, 2006, the BID #5 Board met and approved the 2006-2007 budget which provides for special assessments in the amount of \$80,000.

## **Discussion**

In this district, assessments are paid by property owners based on the valuation of land and real property in the district as of January 1 of the current year. No personal property is figured into the assessment. Owners are billed for the assessment on October 1 of each fiscal year. The total taxable value for the district as of January 1, 2006 was \$25,052,161 which for budgeted assessments of \$80,000 gives a levy of .31933 per \$100 of real property. Contract Services and Advertising, account for 80% of the appropriations in the proposed budget of \$92,400. The appropriations for 2006-2007 also include a City fee of \$5,000 for accounting services. A copy of the proposed 2006-2007 budget is attached for review.

## **Alternatives**

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

1. Approve the 2006-2007 Budget for BID #5 and set the date for the Board of Equalization.
2. Modify the budget and/or reschedule the Board of Equalization.

## **Recommendation**

City Administration recommends that the Council approve the 2006-2007 Budget for BID #5 and set the date of September 12, 2006 for the Board of Equalization. Notice of the Hearing and proposed assessments will be published according to State Statutes.

## **Sample Motion**

Approve the 2006-2007 Budget for BID #5 and set the date of September 12, 2006 for the Board of Equalization.

**BUISNESS IMPROVEMENT DISTRICT #5**  
**FY 2006-2007 BUDGET**

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2006</b>	<b>2007</b>
	<b>Actual</b>	<b>Actual</b>	<b>Budget</b>	<b>Projected</b>	<b>Budget</b>
<b>REVENUE</b>					
Account					
74140 Special Asessments	80,000.00	78,870.00	80,000.00	80,125.00	80,000.00
74787 Interest Revenue	-	-	-	-	-
74795 Other Revenue	3,000.00	2,935.00	3,000.00	990.00	3,000.00
<b>TOTAL REVENUE</b>	<b>83,000.00</b>	<b>81,805.00</b>	<b>83,000.00</b>	<b>81,115.00</b>	<b>83,000.00</b>
<b>APPROPRIATIONS</b>					
Account					
85213 Contract Services	47,500.00	44,427.00	49,500.00	49,500.00	53,500.00
85241 Computer Services	-	-	-	-	-
85245 Printing & Binding Services	1,000.00	1,593.00	1,000.00	2,500.00	1,000.00
85249 Snow & Ice Removal	-	553.00	-	550.00	-
85290 Other Professional Services	1,500.00	819.00	1,500.00	4,300.00	1,500.00
85305 Utility Services	2,000.00	1,141.00	2,000.00	1,500.00	2,000.00
85330 Repair & Maint - Furniture	-	-	-	-	-
85390 Other Property Services	-	-	-	-	-
85413 Postage	1,500.00	1,492.00	1,500.00	1,200.00	1,500.00
85416 Advertising	20,000.00	19,299.00	20,000.00	12,000.00	20,000.00
85419 Legal Notices	1,900.00	165.00	1,500.00	1,200.00	1,900.00
85422 Dues & Subscriptions		314.00	-		
85428 Travel & Training		1,566.00	-	2,100.00	
85490 Other Expenditures	3,000.00	7,839.00	3,000.00	4,000.00	3,000.00
85505 Office Supplies	1,000.00	1,878.00	1,000.00	800.00	1,000.00
85560 Trees & Shrubs	1,000.00	-	1,000.00	500.00	1,000.00
85590 Other General Supplies	1,000.00	251.00	1,000.00	2,500.00	1,000.00
Kaufman Cummings Park Update					5,000.00
<b>TOTAL OPERATING EXPENSE</b>	<b>81,400.00</b>	<b>81,337.00</b>	<b>83,000.00</b>	<b>82,650.00</b>	<b>92,400.00</b>
<b>ANNUAL EXCESS/(LOSS)</b>	<b>1,600.00</b>	<b>468.00</b>	<b>0.00</b>	<b>(1,535.00)</b>	<b>(9,400.00)</b>
Beginning Cash Balance	14,638.00	14,638.00	15,106.00	15,106.00	13,571.00
Revenues	83,000.00	81,805.00	83,000.00	81,115.00	83,000.00
Expenditures	81,400.00	81,337.00	83,000.00	82,650.00	92,400.00
<b>Ending Cash Balance</b>	<b>16,238.00</b>	<b>15,106.00</b>	<b>15,106.00</b>	<b>13,571.00</b>	<b>4,171.00</b>

RESOLUTION 2006-205

WHEREAS, the City Council has considered the proposed budget of the Business Improvement District No. 5 for the fiscal year 2006-2007; and

WHEREAS, the City has received the assessed values of the individual properties within Business Improvement District No. 5 as shown in the office of the Hall County Assessor in effect on the first day of January, 2006.

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

1. The budget for Business Improvement District No. 5 is hereby considered.
2. A proposed assessment schedule shall be prepared.
3. A hearing before the City Council sitting as a board of equalization on the proposed assessments shall be held on September 12, 2006 at 7:00 p.m. in the City Council chambers of City Hall, 100 East First Street, Grand Island, Nebraska.
4. Notice of hearing shall be published once each week for three consecutive weeks in accordance with the Business Improvement District Act.
5. Notice of hearing shall be mailed to all property owners of Business Improvement District No. 5 by U.S. mail, postage prepaid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G20

**#2006-206 - Approving Installation of Protected Left Turn Arrows  
for the Traffic Signal on Stolley Park Road at the Intersection with  
Blaine Street**

Staff Contact: Steven P. Riehle, Public Works Director

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Approving Installation of Protected Left Turn Arrows for the Traffic Signal on Stolley Park Road at the Intersection with Blaine Street

**Item #'s:** G-20

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

## **Background**

Council approval is needed for the installation of left turn arrows on traffic signals. Installation of protected left turn arrows on traffic signals is based on meeting warrants outlined in the United States Department of Transportation Traffic Control Devices Handbook. The following five (5) intersections were checked against the warrants:

- Faidley Avenue at US HWY 281
- Faidley Avenue at Webb Road
- Stolley Park Road at Blaine Street
- Custer Avenue at Faidley Avenue
- Faidley Avenue at Custer Avenue

## **Discussion**

During this study the only intersection that met the warrants for a left turn arrow was on Stolley Park Road at Blaine Street. The intersection currently has video detection and will be set up to minimize delay that sometimes happens with the installation of protected left turn lanes. The left turn arrow will appear at the beginning of the cycle. The left turn arrow will only be activated by a vehicle on Stolley Park Road that approaches the intersection and prompts the signal to turn left onto Blaine Street. If approved, the video detection will be set to give a left turn arrow only when there are two (2) or more vehicles in the left turn storage bay.

## **Alternatives**

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

1. Move to approve the installation of left turn arrows for the traffic signal on Stolley Park Road at the intersection with Blaine Street.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council approve the installation of the left turn arrow.

## **Sample Motion**

Move to approve the installation of left turn arrows for the traffic signal on Stolley Park Road at the intersection with Blaine Street.



RESOLUTION 2006-206

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

WHEREAS, it is necessary to improve traffic safety where Stolley Park Road and Blaine Street intersect; and

WHEREAS, there is currently a traffic signal in place at the intersection of Stolley Park Road and Blaine Street; and

WHEREAS, a traffic study was conducted pursuant to the United States Department of Transportation Traffic Control Devices Handbook, which study showed the need for the traffic control device; and

WHEREAS, it is recommended that a left turn arrow signal head be installed for traffic on Stolley Park Road at Blaine Street; and

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

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

1. A left turn arrow be installed on Stolley Park Road at Blaine Street.
2. The Street Department is hereby directed to install such signals to regulate traffic as outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G21

**#2006-207 - Approving Designation of Bert Gurney and Associates, Inc. as the Sole Source Provider for 10 Inch Fairbanks Morse Pump (Waste Water Division)**

Staff Contact: Steven P. Riehle, Public Works Director

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Designating Bert Gurney and Associates, Inc. as the Sole Source Provider for the 10 Inch Fairbanks Morse Pump (Waste Water Division)

**Item #'s:** G-21

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

## **Background**

There are two (2) 10 inch and three (3) 16 inch Fairbanks Morse pumps in the raw wastewater pump station at the Wastewater Treatment Plant. The pumps were installed with the original construction in 1964. The pumps have been repaired several times over the years. In this instance, the cost of repairs needed for the 10 inch pump exceeds the cost to replace the pump. A separate request for bids will be needed if repairs or a replacement becomes necessary for the 16 inch pumps in the future.

On July 7, 2006 the Waste Water Division of the Public Works Department advertised for one (1) 10 inch Fairbanks Morse replacement pump from authorized providers.

## **Discussion**

One bid was received on July 17, 2006 from Bert Gurney and Associates, Inc in the amount of \$22,572.00. The bid was submitted in compliance with all specifications with no exceptions. The estimate for the replacement pump was \$25,000.00.

To streamline the process for future pump replacement and repair parts, administration is requesting that Bert Gurney and Associates, Inc. be designated as the sole source provider for Fairbanks Morse 10 inch pumps. This would allow the WWTP to acquire parts for future repairs from Bert Gurney and Associates, Inc. Grand Island is located within the Fairbanks Morse secured sales territory represented by Bert Gurney and Associates.

## **Alternatives**

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

1. Move to approve designating Bert Gurney and Associates, Inc. as the sole source provider for the 10 inch Fairbanks Morse Pumps and authorize the mayor to execute a contract.
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 pass a resolution designating Bert Gurney and Associates, Inc. of Omaha, NE as the sole source provider for the 10 inch Fairbanks Morse Pumps.

## **Sample Motion**

Motion to approve the designation of Bert Gurney and Associates, Inc. as the sole source provider of the 10 inch Fairbanks Morse pumps and entering into a contract.

*Purchasing Division of Legal Department*  
**INTEROFFICE MEMORANDUM**



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** July 17, 2006 at 11:00 a.m.

**FOR:** (1) 10" Fairbanks Morse Pump

**DEPARTMENT:** Public Works

**ESTIMATE:** \$25,000.00

**FUND/ACCOUNT:** 53030051-85325

**PUBLICATION DATE:** July 7, 2006

**NO. POTENTIAL BIDDERS:** 2

**SUMMARY**

**Bidder:** Bert Gurney and Associates, Inc.  
Omaha, NE

**Exceptions:** None

**Bid Price:** \$22,572.00

cc: Steve Riehle, Public Works Director  
Ben Thayer, Supt. WWTP  
Gary Greer, City Administrator  
Laura Berthelsen, Legal Assistant

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

**P1098**

RESOLUTION 2006-207

WHEREAS, the Waste Water Treatment Plant (WWTP) has two 10 inch and three 16 inch Fairbanks Morse pumps in the raw wastewater pump station ; and

WHEREAS, said pumps were installed with the original construction in 1964; and

WHEREAS, one of the pumps is in need of repairs and the cost of repair of the 10 inch pump exceeds the cost of replacement; and

WHEREAS, the City of Grand Island invited bids for one 10" Fairbanks Morse Pump, a copy of which is on file with the Public Works Department; and

WHEREAS, on July 17, 2006, one bid was received from Bert Gurney and Associates, Inc. in the amount of \$22,572.00; and

WHEREAS, Bert Gurney and Associates, Inc. is the manufacturer of the pump; and

WHEREAS, to streamline the process for future repairs, it is requested that Bert Gurney and Associates, Inc. be designated as the sole source provider for such pump replacement and repair parts; and

WHEREAS, it is recommended that Bert Gurney and Associates, Inc. be authorized to provide the 10 inch Fairbanks Morse pump for the Waste Water Treatment Plant in the amount of \$22,572.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Bert Burney and Associates, Inc. of is hereby designated as the sole source provider for the pump replacement and repair parts 10" Fairbanks Morse Pump at the Waste Water Treatment Plant.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G22**

**#2006-208 - Approving Notification to Property Owners to Install  
Sidewalk by July 31, 2007 - Various Locations within Grand Island**

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

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Approving Notification to Property Owners to Install Sidewalk; Various Locations within Grand Island

**Item #'s:** G-22

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

## **Background**

Council action is required to send notification to property owners to install sidewalk. City staff presented a Five Year Sidewalk Plan to the council on November 16, 2004. On May 10, 2005 the city council approved the 1<sup>st</sup> year sidewalk plan with installation to be completed by June 30, 2006.

The schedule for the Five Year Plan is as follows:

<u>Year</u>	<u>Council Meeting</u>	<u>Installation Deadline</u>
1	May 10, 2005	June 30, 2006
2	July 25, 2006	July 31, 2007
3	July 2007	July 2008
4	July 2008	July 2009
5	July 2009	July 2010

## **Discussion**

A list of the areas for sidewalks to be installed by July 31, 2007 is summarized below.

- South side of Capital Avenue from Independence Avenue to North Road
- West side of Mansfield Road from Cannon Road to Manchester Road
- South side of Manchester Road from Independence Avenue to Mansfield Road
- North side of Husker HWY from Schroeder Avenue to Buckingham Drive
- West side of Webb Road from 18<sup>th</sup> Street to State Street
- South side of 10<sup>th</sup> Street from Hancock Avenue to Howard Avenue
- North side of 4<sup>th</sup> Street from Orleans Avenue to Sheridan Avenue



- East side of Kennedy Drive from Faidley Avenue to Orleans Drive
- West side of Kennedy Drive from Faidley Avenue to Memphis Place
- North side of West North Front Street from Grace Avenue to Carey Avenue
- South side of West North Front Street from Ruby Avenue to Darr Avenue
- North side of West North Front Street from Ruby Avenue to White Avenue
- North side of Woodridge Blvd from Woodridge Place to Brentwood Blvd
- West side of Brentwood Blvd from Woodridge Place to Stolley Park Road
- Both sides of Blaine Street from Pioneer Blvd to Stolley Park Road
- Both sides of Church Road from Adams Street to Hedde Street
- East side of Adams Street from Stolley Park Road to Church Road
- Both sides of Cherry Street from Bismark Road to Sutherland Street
- Both sides of Ashton Avenue from Plum Street to Memorial Drive
- South side of Memorial Drive from Vine Street to Ashton Avenue
- East side of Pine Street from 16<sup>th</sup> Street to 17<sup>th</sup> Street
- East side of Kimball Avenue from 16<sup>th</sup> Street to 17<sup>th</sup> Street
- West side of Kimball Avenue from 15<sup>th</sup> Street to 16<sup>th</sup> Street
- Both sides of 15<sup>th</sup> Street from Oak Street to Vine Street
- South side of 15<sup>th</sup> Street from Vine Street to Plum Street
- Both sides of 14<sup>th</sup> Street from Oak Street to Plum Street
- South side of 13<sup>th</sup> Street from Vine Street to Plum Street
- East side of Vine Street from 12<sup>th</sup> Street to 13<sup>th</sup> Street
- Both sides of 12<sup>th</sup> Street from Vine Street to Plum Street
- South side of 9<sup>th</sup> Street from Oak Street to Vine Street
- Both sides of 9<sup>th</sup> Street from Vine Street to Plum Street
- South side of 8<sup>th</sup> Street from Oak Street to Vine Street
- Both sides of 8<sup>th</sup> Street from Vine Street to Plum Street
- Both sides of 7<sup>th</sup> Street from Vine Street to Plum Street
- West side of Plum Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street
- Both sides of 6<sup>th</sup> Street from Vine Street to Plum Street
- West side of Vine Street from 5<sup>th</sup> Street to 6<sup>th</sup> Street
- West side of Plum Street from 4<sup>th</sup> Street to 6<sup>th</sup> Street
- South side of 5<sup>th</sup> Street from Vine Street to Plum Street
- Both sides of Vine Street from East North Front Street to 4<sup>th</sup> Street
- West side of Oak Street from 4<sup>th</sup> Street to 5<sup>th</sup> Street
- Both sides of Kimball Avenue from East North Front Street to 4<sup>th</sup> Street
- West side of St. Paul Road from 4<sup>th</sup> Street to 11<sup>th</sup> Street

**\*\*All locations for sidewalk installation apply except where sidewalks already exist\*\***

When generating the mailing list for notices the system did not match the proper street address with sidewalk location; therefore, the following properties were not sent notices in year one and need to be added to year two:

- West side of N Webb Road along 2012 N Webb Road
- West side of Brentwood Blvd along 3108 Woodridge Blvd
- East side of Adams Street from the bike trail to the alley south of Anna Street

- East side of Kruse Avenue along 2311 North Kruse Avenue
- East side of Kruse Avenue along 2222 Forest

The sidewalk committee recommends the following changes to Year Two of the five year plan:

- Both sides of Blaine Street from Stagecoach Road to Pioneer Blvd (due to a drainage issue move from being installed by 2007 to be installed by 2008)
- South side of Capital Avenue from Gateway Blvd to Independence Avenue (due to a drainage issue move to a future year to be determined)

City staff will send letters to all impacted owners listed in year Two of the plan asking them to install sidewalk along their property. If the sidewalks are not installed by July 31, 2007, a sidewalk district will be created allowing the city to hire a contractor to install the sidewalks and assess the cost to the property.

### **Alternatives**

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

1. Move to approve Year Two of the Sidewalk Plan and authorize City Staff to send letters of notification to install sidewalk.
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 Year Two of the Sidewalk Plan and authorize City Staff to send letters of notification to install sidewalk by July 31, 2007.

### **Sample Motion**

Motion to approve Year Two of the Sidewalk Plan and authorize city staff to send letters of notification.

RESOLUTION 2006-208

WHEREAS, Section 32-58 of the Grand Island City Code authorizes the City Council to give notice to property owners to construct sidewalks contiguous to the street side boundary lines of any lot, tract or parcel of land within the city; and

WHEREAS, at the November 16, 2004 City Council Study Session, it was suggested that a 5-year Sidewalk Plan be implemented to encourage property owners to install sidewalks in various priority areas; and

WHEREAS, in accordance with year two of the Five-Year Sidewalk Plan, it is recommended that the City contact the property owners of the property identified on the attached Exhibit "A", giving them notice to construct such sidewalk according to the provisions set out in Section 32-58 of the Grand Island City Code by July 31, 2007; and

WHEREAS, if the sidewalks are not installed on such property by July 31, 2007, a Sidewalk District shall be created for the installation of sidewalks, with the costs assessed to the property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to give notice to the owners of the property identified on Exhibit "A" attached hereto, to install sidewalks by July 31, 2007.

BE IT FURTHER RESOLVED, that if such sidewalks have not been installed by July 31, 2007, the City shall create a Sidewalk District for the installation of such sidewalk, with the costs to be assessed to the property owner.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

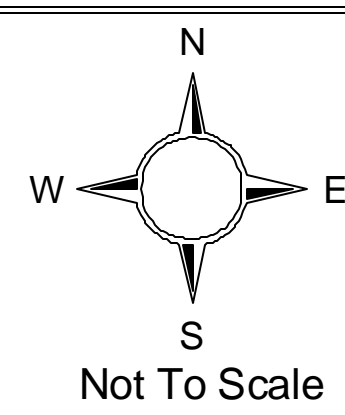
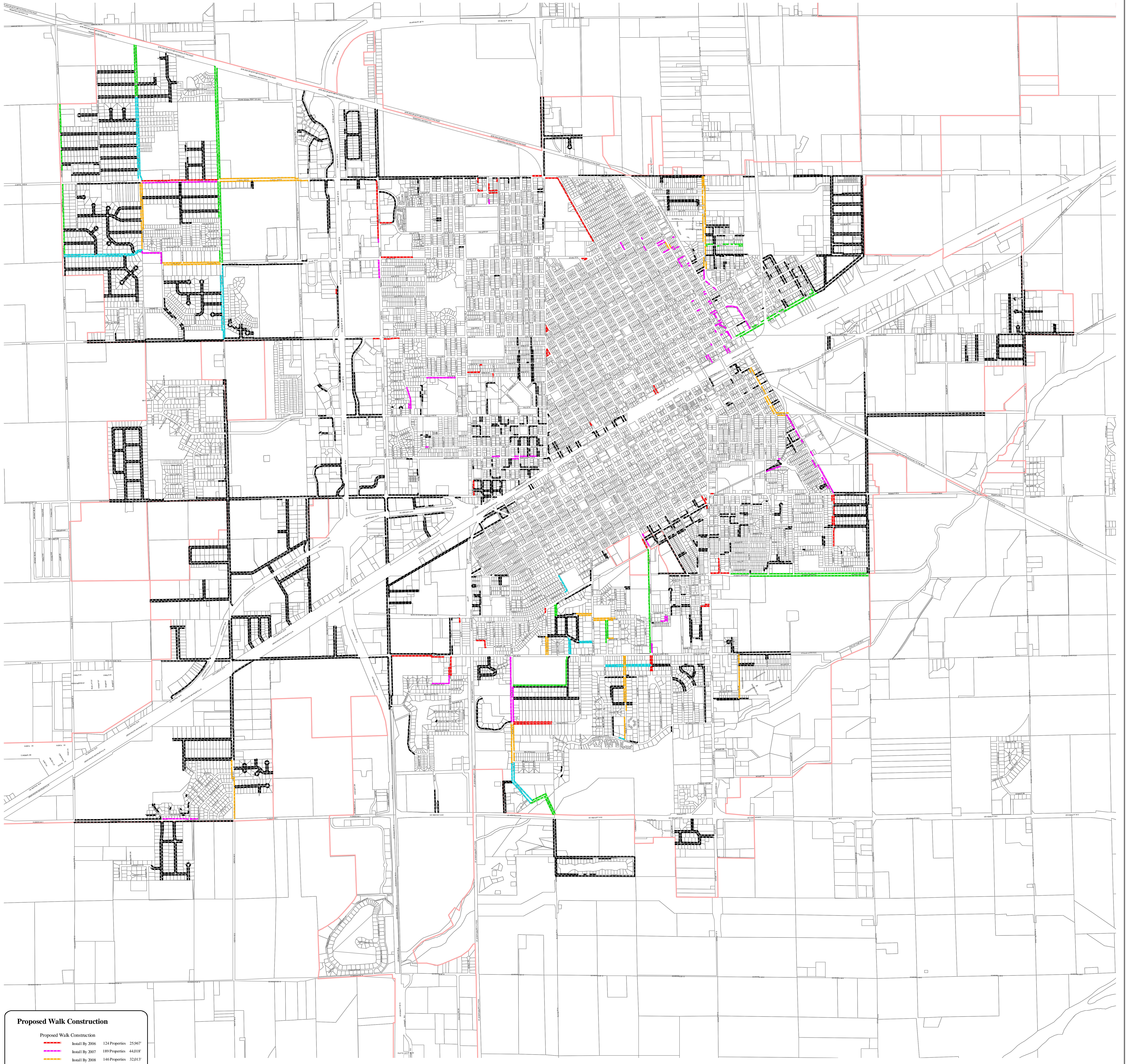
\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney







## **Sidewalk Installation Area**

### **Year Two of the Five Year Sidewalk Plan to be Installed by July 31, 2006**

- South side of Capital Avenue from Independence Avenue to North Road
- West side of Mansfield Road from Cannon Road to Manchester Road
- South side of Manchester Road from Independence Avenue to Mansfield Road
- North side of Husker HWY from Schroeder Avenue to Buckingham Drive
- West side of Webb Road from 18<sup>th</sup> Street to State Street
- South side of 10<sup>th</sup> Street from Hancock Avenue to Howard Avenue
- North side of 4<sup>th</sup> Street from Orleans Avenue to Sheridan Avenue
- East side of Kennedy Drive from Faidley Avenue to Orleans Drive
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- Both sides of Blaine Street from Pioneer Blvd to Stolley Park Road
- Both sides of Church Road from Adams Street to Hedde Street
- East side of Adams Street from Stolley Park Road to Church Road
- Both sides of Cherry Street from Bismark Road to Sutherland Street
- Both sides of Ashton Avenue from Plum Street to Memorial Drive
- South side of Memorial Drive from Vine Street to Ashton Avenue
- East side of Pine Street from 16<sup>th</sup> Street to 17<sup>th</sup> Street
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- South side of 8<sup>th</sup> Street from Oak Street to Vine Street
- Both sides of 8<sup>th</sup> Street from Vine Street to Plum Street
- Both sides of 7<sup>th</sup> Street from Vine Street to Plum Street
- West side of Plum Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street
- Both sides of 6<sup>th</sup> Street from Vine Street to Plum Street

**Exhibit A**  
**Resolution 2006-208**

- West side of Vine Street from 5<sup>th</sup> Street to 6<sup>th</sup> Street
- West side of Plum Street from 4<sup>th</sup> Street to 6<sup>th</sup> Street
- South side of 5<sup>th</sup> Street from Vine Street to Plum Street
- Both sides of Vine Street from East North Front Street to 4<sup>th</sup> Street
- West side of Oak Street from 4<sup>th</sup> Street to 5<sup>th</sup> Street
- Both sides of Kimball Avenue from East North Front Street to 4<sup>th</sup> Street
- West side of St. Paul Road from 4<sup>th</sup> Street to 11<sup>th</sup> Street
  
- West side of N Webb Road along 2012 N Webb Road
- West side of Brentwood Blvd along 3108 Woodridge Blvd
- East side of Adams Street from the bike trail to the alley south of Anna Street
- East side of Kruse Avenue along 2311 North Kruse Avenue
- East side of Kruse Avenue along 2222 Forest

**\*\*All locations for sidewalk installation apply except where sidewalks already exist\*\***



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G23

**#2006-209 - Approving Agreement with Kirkham Michael & Associates, Inc. for Engineering Consulting Services for Storm Sewer Design Relative to the Wasmer Detention Cell**

Staff Contact: Steven P. Riehle, Public Works Director

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Approving Agreement with Kirkham Michael & Associates, Inc. for Engineering Consulting Services for Storm Sewer Design Relative to the Wasmer Detention Cell

**Item #'s:** G-23

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

## **Background**

The City of Grand Island is working with the Nebraska Department of Roads (NDOR) on a project to widen U.S. HWY 30 (2<sup>nd</sup> Street) from Grant Street to Greenwich Street. The widening project includes replacing a water main, new concrete pavement, storm sewers, roadway illuminating, and sidewalks. The Wasmer Detention Cell is being built to accommodate runoff from the section of 2<sup>nd</sup> Street from Logan Street thru the Broadwell Avenue intersection to Monroe Street as well as improve drainage at the Broadwell Avenue and 3<sup>rd</sup> Street intersection. .

The request for proposals was advertised in the Grand Island Independent on June 15, 2006. Two (2) proposals were received on June 30, 2006 from Miller & Associates of Kearney Nebraska and Kirkham Michael of Omaha Nebraska with JEO Consulting Group, Inc. of Grand Island as a sub consultant.

## **Discussion**

The proposals were reviewed by Public Works Staff. It is recommended to hire Kirkham Michael for the consulting services as they are performing the design work for the NDOR project to widen US HWY 30. Hiring Kirkham Michael for the services for the Wasmer Detention cell would reduce duplication and provide for better coordination. An agreement for the services has been negotiated for the work to be performed at actual costs with a maximum dollar amount of \$66,874.44.



## **Alternatives**

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

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

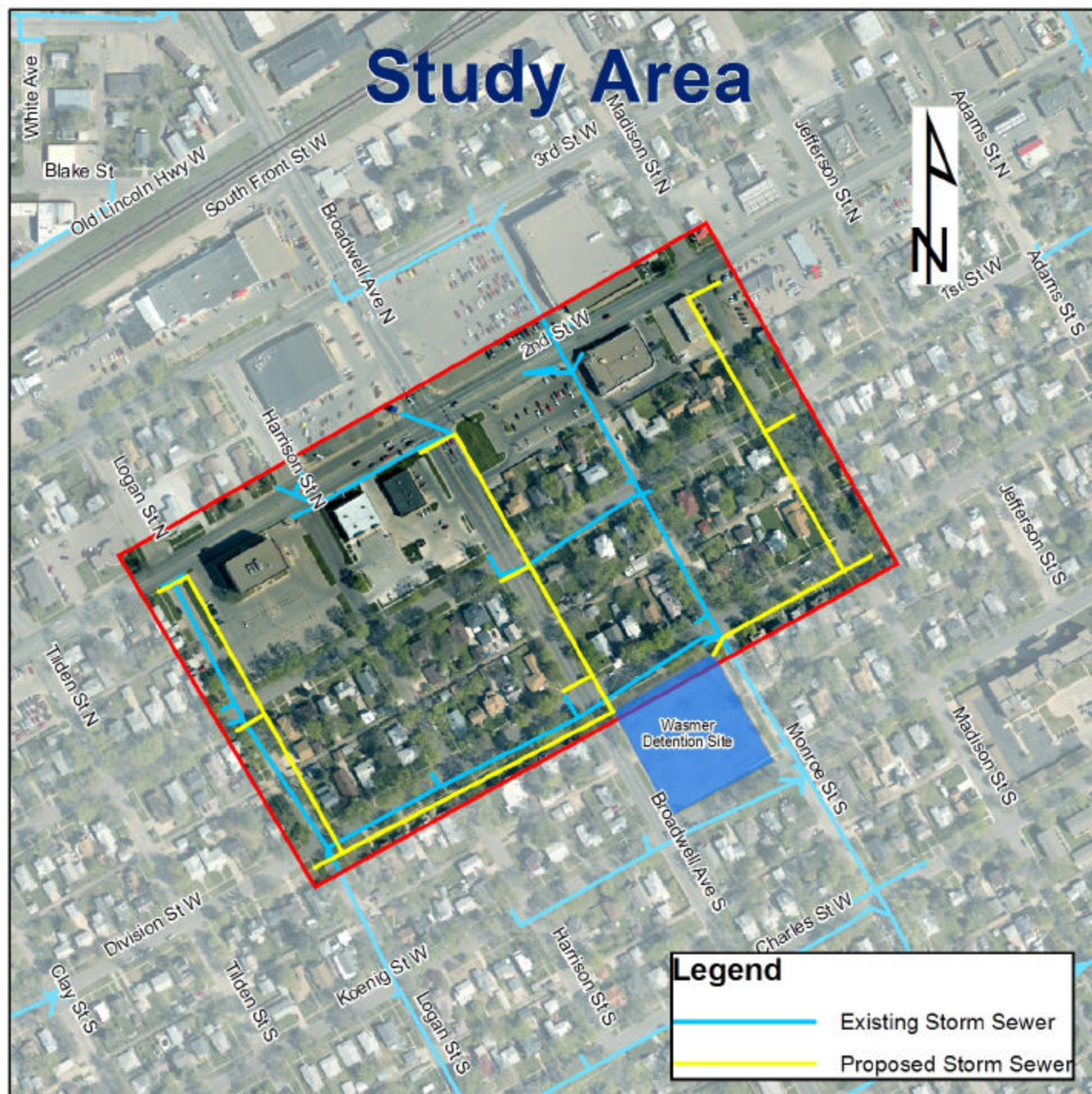
## **Recommendation**

City Administration recommends that the Council approve a Resolution allowing the Mayor to sign the agreement for actual costs with a maximum amount of \$66,874.44.

## **Sample Motion**

Motion to approve the agreement with Kirkham Michael to perform consulting engineering services for storm sewer design relative to the Wasmer Detention Cell.

# Study Area



**AGREEMENT FOR ENGINEERING SERVICES  
BETWEEN OWNER AND ENGINEER**

**Drainage Design  
Grand Island, Nebraska**

THIS AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, between the **City of Grand Island, Nebraska** (the "Owner") and **Kirkham, Michael and Associates, Inc.** (the "Engineer"). The Owner and the Engineer, in consideration of their mutual promises herein set forth, agree as follows:

**I. DEFINITIONS**

The following words and terms shall have the following meanings in this Agreement:

"Project" shall mean the project for which the Owner desires to engage the Services of the Engineer, which is described as follows:

**Design of the drainage improvements identified within the Drainage Study undertaken in 2003, using the old Wasmer School site as a detention area. The area of improvement lies within Grand Island generally bounded by 3<sup>rd</sup> Street on the north, Logan Street on the west, Madison Street on the east, and Koenig Street on the south (see Attachment A – Proposed Improvements).**

"Additional Services" shall mean the additional services of the Engineer described in Paragraph IV below.

"Construction Cost" means the total cost to Owner of those portions of the entire project designed or specified by Engineer. Construction Cost is one of the items comprising Total Project Costs.

"Engineer" shall mean the firm of:

**Kirkham, Michael and Associates, Inc.  
12700 West Dodge Road, P.O. Box 542030  
Omaha, Nebraska 68154-8030**

"Engineer's opinions of probable Construction Cost" if required under this Agreement represents Engineer's best judgment. However, since Engineer has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer.

"Owner" shall mean:

**City of Grand Island, Nebraska  
P.O. Box 1968  
Grand Island, Nebraska 68802-1968**

"Owner's Representative" shall mean the Owner's authorized representative designated as such in writing to act on behalf of the Owner for the purpose of coordinating and administering the work under this Agreement.

"Project Manager" shall mean the principal project manager designated as such in writing assigned to the Project and employed by and working directly under the authority of the Engineer.

"Services" shall mean the services of the Engineer described in Paragraph II below.

## II. BASIC SERVICES OF THE ENGINEER

A. The Engineer shall perform the following Basic Services with respect to the Project in accordance with the Scope of Services and General Terms and Conditions set forth in Paragraph V.

## III. OWNER'S RESPONSIBILITIES

The Owner shall provide all criteria and full and timely information with respect to the Owner's requirements for the Project to be included in the study, drawings and standard plans, in order to assist the Engineer in the performance of the Services, including placing at the Engineer's disposal all information available to the Owner which is pertinent to the Project.

The Owner will prepare technical specifications for this project to be part of the contract documents.

The Owner shall furnish approvals and permits from all governmental authorities having jurisdiction of the Project and any budgetary constraints.

Owner will promptly review and submit comments to Engineer at the time of each submittal of documents prepared under Paragraphs II and IV and Owner will promptly advise Engineer of other consultants including scope of services, working in connection with the project.

Engineer is entitled to rely on criteria and information furnished by Owner.

The Owner shall designate its Owner's Representative who shall have complete authority to transmit instructions, receive information, interpret and define Owner's policies and make decisions with respect to the Project.

#### IV. ADDITIONAL SERVICES OF ENGINEER

These services are not included as part of this agreement, but may be added by amendment if requested by the Owner following scope and contract negotiations and agreement between the Owner and the Engineer:

- A. Bidding Assistance
- B. Construction Administration, Inspection, Testing and Staking

#### V. GENERAL TERMS AND CONDITIONS

- A. Time of Beginning and Completion of Design Services

The Services to be performed under this Agreement shall commence immediately upon receipt by the Project Manager of the Owner's written Notice to Proceed. The intent of the Owner and the Engineer is to complete the design phase within 150 days of the Notice to Proceed. It is recognized, however, by both the Owner and the Engineer that the timing of any necessary reviews by the Owner and others may affect the final completion date.

- B. Payment to Engineer

##### Fees:

The City shall pay the Engineer for engineering services rendered under this Contract an amount based on the Engineer's direct labor cost plus payroll burden and overhead (based on most recent audit factors), plus a fixed fee. Attachment A-2 indicates the man-hour and fee estimates for the project to establish the contract fee maximum.

In addition, the Engineer will provide the City with an itemized list of reimbursable expenses incurred in completing this work. These reimbursable expenses include transportation and subsistence, reproduction, photography and printing for reports and plans, telephone, postage, and miscellaneous costs.

The fee to be paid by the City to the Engineer for the Scope of Services as detailed in Section II - Basic Services of the Engineer shall be a cost plus fixed fee up to a maximum amount of Sixty-Six Thousand Eight Hundred Seventy Four Dollars and Forty Four Cents (\$66,874.44) including reimbursable expenses.

- C. Invoices

Invoices will be submitted by the Engineer approximately on a monthly basis, and are due and payable by the Owner on receipt. The Engineer may, if payment is not received within

60 days of billing date, after giving seven days written notice to the Owner, suspend Services without liability until the Owner has paid in full all amounts due the Engineer.

#### D. Insurance

The Engineer agrees to purchase at its own expense Worker's Compensation insurance, Professional Liability insurance and Commercial General Liability insurance and will furnish insurance certificates to the Owner. The Engineer agrees to purchase whatever additional insurance is requested by the Owner (presuming such insurance is available), provided the premiums for additional insurance are reimbursed by the Owner.

#### E. Indemnification

It is understood and agreed that, in providing the Services and Additional Services, if any, the Engineer shall indemnify the Owner for any loss or damage solely caused by its negligent act, error or omissions in performance of the Services (except for Uninsurable Activities).

Uninsurable Activities shall be defined as undertaking uninsurable obligations for the Owner's benefit which may involve the presence or potential presence of hazardous substances, including, but not limited to, activities relating to hazardous waste disposal and cleanup of environmental pollutants ("pollutants" meaning any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor soot, fumes, acids, alkalis, chemicals, waste and waste materials to be recycled, reconditioned or reclaimed); liability relating to asbestos including specification of a product, material or process containing asbestos; failure to detect the existence or proportion of asbestos in a product, material or process; the abatement, replacement or removal of a product, material or process containing asbestos, and activities resulting in the actual, alleged or threatened discharge, dispersal, release or escape of pollutants and any other similar activity for which insurance is reasonably unavailable.

#### F. Gratuities

The Engineer represents that no gratuities (in the form of the entertainment, gifts or otherwise) were offered or given to any officer, agent, employee or representative of the Owner with a view towards securing a contract or securing favorable treatment with respect to the wording, amending or the making of any determination with respect to the performance of this Agreement.

#### G. Confidentiality

The Engineer shall maintain as confidential and not disclose to others without Owner's prior written consent, all information obtained from Owner, not otherwise previously known to the Engineer or in the public domain, as owner expressly designates in writing to be "CONFIDENTIAL". The provisions of this paragraph shall not apply to information in



whatever form which is published or comes into the public domain through no fault of the Engineer, is furnished by or obtained from a third party who is under no obligation to keep the information confidential, or is required to be disclosed by law on order of a court, administrative agency or other authority with proper jurisdiction.

Owner agrees that Engineer may use and publish Owner's name and general description of the Engineer's services with respect to the Project in describing the Engineer's experience and qualifications to other clients or potential clients.

#### H. Use of Documents

All documents, including drawings, specifications, and electronic media prepared or furnished by Engineer (and Engineer's subsidiaries, independent professional associates, consultants and subcontractors) pursuant to this Agreement are instruments of service in respect of the Project and Engineer shall retain an ownership and property interest therein whether or not the Project is completed. Engineer shall furnish one set of Mylar drawings, two sets of blueline prints and electronic media disc in AutoCadd 2000 Version. Owner may make and retain copies for information and reference in connection with the Project; however, such documents are not intended or represented to be suitable for use or reuse by owner or others to complete the project or for extensions of the Project or on any other project. Any use or reuse without written verification or adaptation by the Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer or to the Engineer's subsidiaries, independent professional associates, consultants and subcontractors. Owner agrees to defend, indemnify and hold harmless the Engineer from any and all costs, expenses (including reasonable litigation costs), fees, losses, claims, demands, liabilities, suits, actions and damages whatsoever arising out of such reuse or alteration by the Owner or acting through the Owner. Any such verification or adaptation will entitle the Engineer to further compensation at rates to be agreed upon by Owner and the Engineer.

#### I. Termination

The Owner and/or Engineer shall have the right to terminate this contract at any time by giving at least 10 days notice in writing. The notice shall specify the effective date of such termination. Upon cancellation, the Owner will be responsible only for those costs incurred by Engineer to the date of termination.

In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this Contract shall, at the option of the City, become its property and the Engineer shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

#### J. Governing Law - Miscellaneous

This Agreement is to be governed by and construed in accordance with the law of the State

of Nebraska.

The Agreement expresses the entire Agreement between the parties, and no representations, promises or warranties have been made by either of the parties that are not fully expressed herein.

This Agreement is binding on successors and assigns of either party, and neither party shall assign any rights under or interest in this Agreement without the consent of the other party, except that the Engineer may without such consent employ consultants and others in the performance of the Services.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officials as of the first day and year above written:

ENGINEER:     **KIRKHAM, MICHAEL & ASSOCIATES, INC.**

---

Dale Miller, P.E., L.S.  
President, CEO

ATTEST:

---

Randall J. ElDorado, P.E.  
Transportation Department Manager

OWNER:        **CITY OF GRAND ISLAND, NEBRASKA**

---

Jay Vavricek, Mayor  
City of Grand Island, Nebraska

ATTEST:

---

RaNae Edwards, City Clerk  
City of Grand Island, Nebraska

APPROVED AS TO FORM:

---

Dale Shotkoski, Acting City Attorney  
City of Grand Island, Nebraska

R E S O L U T I O N   2006-209

WHEREAS, on January 13, 1997, by Resolution 97-16, the City Council for the City of Grand Island approved an agreement with the Nebraska Department of Roads to improve U.S. Highway 30 from Grant Street to Greenwich Street; and

WHEREAS, such work includes replacing a water main, new concrete pavement, storm sewers, street lighting and sidewalks; and

WHEREAS, the Wasmer Detention Cell is being built to accommodate runoff from the section of 2<sup>nd</sup> Street from Logan Street through the Broadwell Avenue intersection to Monroe Street as well as improve drainage at the Broadwell Avenue and 3<sup>rd</sup> Street intersection; and

WHEREAS, the Nebraska Department of Roads has requested that the City proceed with the storm sewer piping improvements upstream of Wasmer Detention Cell; and

WHEREAS, on June 30, 2006, proposals were received, opened and reviewed; and

WHEREAS, Kirkham Michael of Omaha, Nebraska, submitted a proposal in accordance with the terms of the advertisement of proposals and specifications and all other statutory requirements contained therein, such proposal being in the amount of \$66,874.44; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Kirkham Michael of Omaha, Nebraska, in the amount of \$66,874.44 for engineering consulting services for storm sewer design for the Wasmer Detention Cell is hereby approved.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute the agreement for Engineering Services between the City of Grand Island and Kirkham Michael of Omaha, Nebraska, to provide engineering consulting services for storm sewer design relative to the Wasmer Detention Cell for an amount not to exceed \$66,874.44.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 25, 2006.

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

Attest:

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G24

**#2006-210 - Approving Extension to Interlocal Agreement with  
Hall County School District #40-0002 Relative to the School  
Resource Officers and School Crossing Guards**

Staff Contact: Steve Lamken

# **Council Agenda Memo**

**From:** Captain Robert Falldorf, Police Department

**Meeting:** July 25, 2006

**Subject:** Extension of Interlocal Cooperation Agreement between the City of Grand Island and Hall County School District #40-0002 Pertaining to School Resource Officers and School Crossing Guards for Five Years Commencing October 1, 2006 through September 30, 2011

**Item #'s:** G-24

**Presenter(s):** Steve Lamken, Chief of Police

## **Background**

The City of Grand Island and the Hall County School District #40-0002 entered into a five year Interlocal Agreement on November 13, 2000 to place five School Resource Officers at assigned facilities within the school district. The original agreement allowed for five one-year extensions under the same terms of the original agreement, with salaries adjusted accordingly, and the agreement was extended for one year on September 13, 2005. The City and the School District agree to waive any additional one year term extensions of the original Interlocal Agreement in favor of extending the Agreement for an additional five year term. There is a 50% cost share between the City of Grand Island and Hall County School District for net direct and indirect personnel costs, including benefits, for the five School Resource Officers. There is also a termination clause in the initial agreement allowing either party the option to terminate on a yearly basis with advanced notice.

Additionally, the City of Grand Island and Hall County School District had a verbal agreement in place to cost share at 50% each the placement of School Crossing Guards at assigned facilities within the school district. The terms and conditions of this verbal agreement were added to the previous one year extension of the Interlocal Agreement involving the School Resource Officers. The City and School District also agree to waive any additional one year term extensions of the original Interlocal Agreement in favor of extending the Agreement for Crossing Guard's to an additional five year term.

The five year term for the new agreement for School Resource Officer's and Crossing Guard's will run from October 1, 2006 through September 30, 2011.

## **Alternatives**

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

1. Move to approve the five-year extension of the Interlocal Agreement.
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 five-year extension of the Interlocal Agreement.

## **Sample Motion**

Approve the five-year extension of the Interlocal Agreement between the City of Grand Island and Hall County School District #40-0002 with relation to the School Resource Officers and School Crossing Guards, commencing October 1, 2006 through September 30, 2011.

**EXTENSION  
OF  
INTERLOCAL COOPERATION AGREEMENT  
WITH INCLUSION OF SCHOOL CROSSING GUARDS  
BY AND BETWEEN  
THE CITY OF GRAND ISLAND  
AND  
HALL COUNTY SCHOOL DISTRICT NO. 40-0002  
FOR THE YEAR COMMENCING  
OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2011**

THE PARTIES to the original Interlocal Cooperation Agreement entered into on November 13, 2000 and extended on October 12, 2005, said parties being the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation (City) and HALL COUNTY SCHOOL DISTRICT NO. 40-0002, a Political Subdivision (School District), find that pursuant to paragraph 5 of the original Interlocal Cooperation Agreement, that the City and the School District have reviewed the beneficial effects of the Interlocal Cooperation Agreement.

Pursuant to paragraph 5 of the original Interlocal Cooperation Agreement, whereby after the expiration of the first five years of the Agreement, that the Agreement can be extended for five additional one year terms, the City and the School District agree to waive the additional one year extensions in favor of extending the Agreement for an additional five year term. The City and the School District hereby mutually agree that the assignment of School Resource Officer's to the School District facilities and/or activities, is beneficial to the parties and the public, therefore, the parties mutually agree to extend the original Agreement with its standard terms and conditions reflecting the rates of pay to be in effect for October 1, 2006 through September 30, 2011, and both parties agree that the extension of the Agreement for five additional years is in both parties and the

public's best interest.

The terms and conditions of this Agreement shall also apply to the School Crossing Guards.

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

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

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

Attest:\_\_\_\_\_  
RaNae Edwards, City Clerk

HALL COUNTY SCHOOL DISTRICT  
NO. 40-0002, A Political Subdivision,

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

By:\_\_\_\_\_  
School Board President

Attest:\_\_\_\_\_  
Secretary



**Projected Estimated Personnel Costs for Fiscal Year 2006-2007 through Fiscal Year  
2010-2011 (five years total).**

06-07 FY 5 officers @ Step H with estimated 3.5% wage increase: \$45,003.75 each.  
07-08 FY 5 officers @ Step H with estimated 3.5% wage increase: \$46,578.88 each.  
08-09 FY 5 officers @ Step H with estimated 3.5% wage increase: \$48,209.14 each.  
09-10 FY 5 officers @ Step H with estimated 3.5% wage increase: \$49,896.46 each.  
10-11 FY 5 officers @ Step H with estimated 3.5% wage increase: \$51,642.84 each.

<u>06-07 Budget</u>	<u>\$45,003.75</u>
(.0026) Disability	117.01
(.06) Pension	2,700.23
(.0765) Soc. Sec.	3,442.79
(.024) Work. Comp.	1,080.09
Avg. Health Ins.	9,642.11
Clothing Allowance	600.00
Life Insurance	<u>138.00</u>
	<u>\$62,723.98</u>

5 officers @ \$62,723.98 Ea. = \$313,619.90  
Less Great Reimbursement = \$ 19,428.40  
\$294,191.50  
Less 50% GIPD Share = \$147,095.75\*

**Total Request From School District: \$147,095.75\***

<u>07-08 Budget</u>	<u>\$46,578.88</u>
(.0026) Disability	121.05
(.06) Pension	2,794.73
(.0765) Soc. Sec.	3,563.28
(.024) Work. Comp.	1,117.89
Avg. Health Ins.	9,931.93
Clothing Allowance	600.00
Life Insurance	<u>138.00</u>
	<u>\$64,845.76</u>

5 officers @ \$64,845.76 Ea. = \$324,228.80  
Less Great Reimbursement = \$ 19,000.00?\*  
\$305,228.80\*  
Less 50% GIPD Share = \$152,614.40\*

**Total Request From School District: \$152,614.40\***

<u>08-09 Budget</u>	<u>\$48,209.14</u>
(.0026) Disability	125.34
(.06) Pension	2,892.55
(.0765) Soc. Sec.	3,688.00
(.024) Work. Comp.	1,157.02
Avg. Health Ins.	10,229.31
Clothing Allowance	600.00
Life Insurance	<u>138.00</u>
	\$67,039.36

5 officers @ \$67,039.36 Ea. = \$335,196.80  
Less Great Reimbursement = \$ 19,000.00?\*  
\$316,196.80\*  
Less 50% GIPD Share = \$158,098.40\*

**Total Request From School District: \$159,420.35\***

<u>09-10 Budget</u>	<u>\$49,896.46</u>
(.0026) Disability	129.73
(.06) Pension	2,993.79
(.0765) Soc. Sec.	3,817.08
(.024) Work. Comp.	1,197.52
Avg. Health Ins.	10,536.19
Clothing Allowance	600.00
Life Insurance	<u>138.00</u>
	\$69,308.77

5 officers @ \$69,308.77 Ea. = \$346,543.85  
Less Great Reimbursement = \$ 19,000.00?\*  
\$327,543.85\*  
Less 50% GIPD Share = \$163,771.92\*

**Total Request From School District: \$163,771.92\***

<u>10-11 Budget</u>	<u>\$51,642.84</u>
(.0026) Disability	134.27
(.06) Pension	3,098.57
(.0765) Soc. Sec.	3,950.68
(.024) Work. Comp.	1,293.43
Avg. Health Ins.	10,852.28
Clothing Allowance	600.00
Life Insurance	<u>138.00</u>
	\$71,656.07

5 officers @ \$63,768.14 Ea. = \$358,280.35  
Less Great Reimbursement = \$ 19,000.00?\*  
\$339,280.35\*  
Less 50% GIPD Share = \$169,640.17\*

**Total Request From School District: \$169,640.17\***

**\*Possible G.R.E.A.T. grant funding could lower/raise some of this expense, not knowing the awarded amount from year to year. These figures are also close estimates, not knowing what the exact negotiated wages will be for the officers from year to year.**

RESOLUTION 2006-210

WHEREAS, on September 12, 2000, by Resolution 2000-272, the City Council of the City of Grand Island approved an Interlocal Cooperation Agreement with the Hall County School District No. 40-0002 for the provision and funding of five (5) Youth Services School Resource Officers; and

WHEREAS, such five-year agreement allows five one-year extensions under the same terms of the original agreement, with salaries adjusted accordingly; and

WHEREAS, it is recommended that such agreement be extended through September 30, 2006; and

WHEREAS, the parties have indicated an interest in applying the same terms and conditions for the placement of School Crossing Guards at assigned facilities within the school district; and

WHEREAS, the City Attorney's office has prepared an Extension of Interlocal Cooperation Agreement with the Addition of School Crossing Guards for the period October 1, 2005 through September 30, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Interlocal Cooperation Agreement with the Hall County School District No. 40-0002 for the provision and funding of five (5) Youth Services School Resource Officers is hereby extended through September 30, 2006 as allowed in such agreement.

BE IT FURTHER RESOLVED, that the addition to such agreement of School Crossing Guards, is hereby approved with the same terms and conditions as set out in the agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G25**

**#2006-211 - Approving Subordination Request for 1208 East 5th Street (Galen and Rebecca Williams)**

**Staff Contact: Marsha Kaslon**

# **Council Agenda Memo**

**From:** Marsha Kaslon, Community Development

**Council Meeting:** July 25, 2006

**Subject:** Subordination Request for 1208 East 5<sup>th</sup> Street  
(Galen and Rebecca J. Williams)

**Item #'s:** G-25

**Presenter(s):** Marsha Kaslon, Community Development

## **Background**

The City of Grand Island has a Deed of Trust filed on property owned by Galen Williams and Rebecca J. Williams at 1208 East 5<sup>th</sup> Street, in the amount of \$13,500.00. On January 14, 2005, Community Development Block Grant funds in the amount of \$13,500.00 were loaned to Galen Williams and Rebecca J. Williams, married persons, to assist in the purchase of a home in the Community Development Block Grant program. The legal description is:

Fractional Lot Six (6), Block Fifteen (15), Lambert's Addition to the City of Grand Island, Hall County, Nebraska and Fractional Lot Seven (7), except the Westerly Thirteen and Two Tenths (13.2) feet thereof, and all of Fractional Lot Eight (8), Block Eight (8), Evans Addition to the City of Grand Island, Hall County, Nebraska.

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 Competitive Mortgage, Inc., in the amount of \$13,500.00. A new lien in the amount of \$66,400.00 with New Century Mortgage would replace the senior Deed of Trust. By law, the new Deed of Trust would be junior in priority to the City's lien, however, the new lender,

New Century Mortgage, has asked the City to subordinate its Deed of Trust to the new Deed of Trust.

The new appraised value of the property is \$83,000 and is sufficient to secure the first mortgage of \$66,400.00 and the City's mortgage of \$13,500.00. The City's loan of \$13,500.00 will be forgiven if the original owner of the property (Galen Williams and Rebecca J. Williams) resides in the house for a period of 10 years from the date the lien was filed which was January 14, 2006. The lien amount decreases 10% per year.

### **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**

Motion to approve the Subordination Agreement with New Century Mortgage, placing the City in the junior position to the new Deed of Trust.

## SUBORDINATION AGREEMENT

NOTICE; THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made this 25th day of July, 2006, by Galen Williams and Rebecca J. Williams, husband and wife, owners of the land hereinafter described and hereinafter referred to as "Owner", and Competitive Mortgage, present owner and holder of the Deed of Trust and Note first and hereinafter described and hereinafter referred to as "Beneficiary".

### WITNESSETH:

THAT, WHEREAS, Galen Williams and Rebecca J. Williams, a married persons, DID EXECUTE a Deed of Trust dated January 14, 2005 to the City of Grand Island, covering:

Fractional Lot Six (6), Block Fifteen (15), Lambert's Addition to the City Of Grand Island, Hall County, Nebraska and Fractional Lot Seven (7), except the Westerly Thirteen and Two Tenths (13.2) feet thereof, and all of Fractional Lot Eight (8), Block Eight (8), Evans Addition to the City Of Grand Island, Hall County, Nebraska.

To secure a Note in the sum of \$13,500.00 dated January 14, 2005 in favor of the City of Grand Island, which Deed of Trust was recorded January 14, 2005 as Document No. 200500390 in the Official Register of Deeds Office of Hall County (remaining amount owed as of July 25, 2006 is \$11,475.00); and

WHEREAS, Owner has executed, or are about to execute, a Deed of Trust and Note in the sum of \$66,400.00 dated July 25, 2006 in favor of New Century Mortgage, hereinafter referred to as "Beneficiary" payable with interest and upon the terms and conditions described therein, which Deed of Trust is to be recorded concurrently herewith; and

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

WHEREAS, it is a condition precedent to obtaining said loan that said Deed of Trust last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the Deed of Trust first above mentioned; and

WHEREAS, Beneficiary is willing to make said loan, provided the Deed of Trust securing the same is a lien or charge upon the above-described property prior and superior to the lien or charge of the Deed of Trust first above mentioned and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the Deed of Trust first above mentioned to the lien or charge of the Deed of Trust in favor of Beneficiary; and



WHEREAS, it is to the mutual benefit of the parties hereto that Beneficiary make such loan to Owners; and Beneficiary is willing that the Deed of Trust securing the same shall, when recorded constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the Deed of Trust first above mentioned.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Beneficiary to make the loan above referred to, it is hereby declared, understood, and agreed as follows:

- 1) That said Deed of Trust securing said Note in favor of Beneficiary, and any renewals or extensions thereof shall unconditionally be and remaining all times a lien or charge on the property therein described, prior and superior to the lien or charge of the Deed of Trust first above mentioned.
- 2) That Beneficiary would not make its loan above described without this Subordination Agreement.
- 3) That this Agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the Deed of Trust first above to the lien or charge of the Deed of Trust in favor of Beneficiary above referred to and shall supersede and cancel, but only insofar as would affect the priority between the Deeds of Trust hereinbefore specifically described, any prior agreement as to such subordination including, but not limited to, those provisions, if any, contained in the Deed of Trust first above mentioned, which provide for the subordination of the lien or charge thereof to another Deed or Deeds of Trust or to another mortgage or mortgages.

Beneficiary declares, agrees and acknowledges that:

- 1) He consents to and approves (i) of all provisions of the Note and Deed of Trust in favor of Beneficiary above referred to, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Beneficiary for the disbursement of the proceeds of Beneficiary's loan;
- 2) Beneficiary in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Beneficiary represented that it will, see to the application of such proceeds by the person or persons to whom Beneficiary disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;
- 3) He intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the Deed of Trust first above mentioned in favor of the lien or charge upon said land of the Deed of Trust in favor of Beneficiary above referred to and understands that in reliance upon, and in consideration of this waiver, relinquishment and subordination specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and
- 4) An endorsement has been placed upon the Note secured by the Deed of Trust first above mentioned that said Deed of Trust has by this instrument been subordinated to the lien or charge of the Deed of Trust in favor of Beneficiary above referred to.

**NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN, A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.**

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

STATE OF NEBRASKA) ) SS  
COUNTY OF HALL )

**Sworn and Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

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

RESOLUTION 2006-211

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated January 14, 2005 and recorded on January 14, 2005 as Instrument No. 020050390, in the amount of \$13,500.00, secured by property located at 1208 E. 5<sup>th</sup> Street and owned by Galen Williams and Rebecca Williams, husband and wife, said property being described as follows:

Fractional Lot Six (6), Block Fifteen (15), Lambert's Addition to the City of Grand Island, Hall County, Nebraska and Fractional Lot Seven (7), except the westerly Thirteen and Two Tenths (13.2) feet thereof, and all of Fractional Lot Eight (8), Block Eight (8), Evans Addition to the City of Grand Island, Hall County, Nebraska.

WHEREAS, Galen and Rebecca Williams wish to execute a Deed of Trust and Note in the amount of \$66,400 with New Century Mortgage 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 Galen Williams and Rebecca Williams, husband and wife, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of New Century Mortgage, Beneficiary, as more particularly set out in the subordination agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item G26**

**#2006-212 - Approving Subordination Request for 715 North  
White Avenue (Ronald R. Aguilar)**

**Staff Contact: Marsha Kaslon**

# **Council Agenda Memo**

**From:** Marsha Kaslon, Community Development

**Council Meeting:** July 25, 2006

**Subject:** Subordination Request for 715 North White Avenue (Ronald R. Aguilar)

**Item #'s:** G-26

**Presenter(s):** Marsha Kaslon, Community Development

## **Background**

The City of Grand Island has a Deed of Trust filed on property owned by Ronald R. Aguilar at 715 North White Avenue in the amount of \$17,400.00. On January 1, 1994, Community Development Block Grant funds in the amount of \$17,400.00 were loaned to Ronald R. Aguilar, a single person, to assist in the purchase of a home in the Community Development Block Grant program. The legal description is:

Lot 11 and the south 5 feet of Lot 12, Block 3, Lambert's 2<sup>nd</sup> Subdivision to the City of Grand Island, Hall County, Nebraska.

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 Mountain West Financial, in the amount of \$17,400.00. A new lien in the amount of \$64,520.00 with Argent Mortgage would replace the senior Deed of Trust. By law, the new Deed of Trust would be junior in priority to the City's lien, however, the new lender, Argent Mortgage, has asked the City to subordinate its Deed of Trust to the new Deed of Trust.

The new appraised value of the property is \$68,000 and is sufficient to secure the first mortgage of \$64,520.00 and the City's original mortgage of \$17,400.00. The City's loan of \$17,400.00 will be forgiven if the original owner of the property (Ronald R. Aguilar)

resides in the house for a period of 15 years from the date the lien was filed which was July 1, 1994. The lien amount decreases 10% per year. (There is \$3,480 left on the loan balance.)

### **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**

Motion to approve the Subordination Agreement with Argent Mortgage, placing the City in the junior position to the new Deed of Trust.

## SUBORDINATION AGREEMENT

NOTICE; THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made this 25th day of July, 2006, by Ronald R. Aguilar, a single person, owners of the land hereinafter described and hereinafter referred to as "Owner", and Mountain West Financial, present owner and holder of the Deed of Trust and Note first and hereinafter described and hereinafter referred to as "Beneficiary".

### WITNESSETH:

THAT, WHEREAS, Ronald R. Aguilar, a single person, DID EXECUTE a Deed of Trust dated July 1, 1994 to the City of Grand Island, covering:

Lot Eleven (11) and the south five (5) feet of Lot Twelve (12), Block Three (3), Lambert's Second Addition to the City of Grand Island, Hall County, Nebraska.

To secure a Note in the sum of \$17,400.00 dated July 1, 1994 in favor of the City of Grand Island, which Deed of Trust was recorded July 5, 1994 as Document No. 94-105774 in the Official Register of Deeds Office of Hall County (remaining amount owed as of July 25, 2006 is \$3,480.00); and

WHEREAS, Owner has executed, or are about to execute, a Deed of Trust and Note in the sum of \$64,520.00 dated July 25, 2006 in favor of Argent Mortgage, hereinafter referred to as "Beneficiary" payable with interest and upon the terms and conditions described therein, which Deed of Trust is to be recorded concurrently herewith; and

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

WHEREAS, it is a condition precedent to obtaining said loan that said Deed of Trust last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the Deed of Trust first above mentioned; and

WHEREAS, Beneficiary is willing to make said loan, provided the Deed of Trust securing the same is a lien or charge upon the above-described property prior and superior to the lien or charge of the Deed of Trust first above mentioned and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the Deed of Trust first above mentioned to the lien or charge of the Deed of Trust in favor of Beneficiary; and

WHEREAS, it is to the mutual benefit of the parties hereto that Beneficiary make such loan to Owners; and Beneficiary is willing that the Deed of Trust securing the same shall, when recorded constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the Deed of Trust first above mentioned.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Beneficiary to make the loan above referred to, it is hereby declared, understood, and agreed as follows:

- 1) That said Deed of Trust securing said Note in favor of Beneficiary, and any renewals of extensions thereof shall unconditionally be and remaining all times a lien or charge on the property therein described, prior and superior to the lien or charge of the Deed of Trust first above mentioned.
- 2) That Beneficiary would not make its loan above described without this Subordination Agreement.
- 3) That this Agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the Deed of Trust first above to the lien or charge of the Deed of Trust in favor of Beneficiary above referred to and shall supersede and cancel, but only insofar as would affect the priority between the Deeds of Trust hereinbefore specifically described, any prior agreement as to such subordination including, but not limited to, those provisions, if any, contained in the Deed of Trust first above mentioned, which provide for the subordination of the lien or charge thereof to another Deed or Deeds of Trust or to another mortgage or mortgages.

Beneficiary declares, agrees and acknowledges that:

- 1) He consents to and approves (i) of all provisions of the Note and Deed of Trust in favor of Beneficiary above referred to, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Beneficiary for the disbursement of the proceeds of Beneficiary's loan;
- 2) Beneficiary in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Beneficiary represented that it will, see to the application of such proceeds by the person or persons to whom Beneficiary disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;
- 3) He intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the Deed of Trust first above mentioned in favor of the lien or charge upon said land of the Deed of Trust in favor of Beneficiary above referred to and understands that in reliance upon, and in consideration of this waiver, relinquishment and subordination specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and
- 4) An endorsement has been placed upon the Note secured by the Deed of Trust first above mentioned that said Deed of Trust has by this instrument been subordinated to the lien or charge of the Deed of Trust in favor of Beneficiary above referred to.

**NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY**



**SECURITY TO OBTAIN A LOAN, A PORTION OF WHICH MAY BE  
EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.**

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

STATE OF NEBRASKA) ) ss  
COUNTY OF HALL )

Sworn and Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

Notary Public

RESOLUTION 2006-212

WHEREAS, the City of Grand Island, is the lender and secured party of a Deed of Trust dated July 1, 1994, and recorded on July 5, 1994, as Instrument No. 94-105774, in the amount of \$17,400.00, with a remaining balance owed of \$3,480.00 as of July 25, 2006, secured by property located at 715 North White Avenue and owned by Ronald R. Aguilar, said property being described as follows:

Lot Eleven (11) and the south five (5) feet of Lot Twelve (12), Block Three (3), Lambert's Second Addition to the City of Grand Island, Hall County, Nebraska.

WHEREAS, Ronald R. Aguilar wishes to execute a Deed of Trust and Note in the amount of \$64,520.00 with Argent Mortgage to be secured by the above-described real estate conditioned upon the City subordinating its Deed of Trust to his 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 Ronald R. Aguilar, to the City of Grand Island, as beneficiary to that of the new loan and Deed of Trust of Argent Mortgage, Beneficiary, as more particularly set out in the subordination agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G27

**#2006-213 - Approving Submittal of Grant Application to the  
Nebraska Department of Economic Development Under the  
Building Entrepreneurial Communities Act**

Staff Contact: Gary Greer

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Building Entrepreneurial Communities Grant

**Item #'s:** G-27

**Presenter(s):** Cindy Johnson, Grand Island Chamber of Commerce  
Don Smith, Chamber Board Member

## **Background**

The State of Nebraska passed LB 90 on May 25<sup>th</sup>, 2005 which makes \$250,000 available per year to Nebraska Communities to help fund programs aimed at building entrepreneurial activities. The Grand Island Chamber of Commerce has prepared an application for funding and is asking for community support as required to receive the grant.

## **Discussion**

Attached is the application prepared by the Chamber of Commerce that will be submitted to the State of Nebraska. The application is very well written and fully explains the program. Additionally, representatives of the Chamber will be on hand to answer any questions about the proposal. The Grand Island Chamber of Commerce is applying for \$25,000 over two years to create training sessions and a business development series for minority businesses in our community, primarily Hispanic businesses. The City is not being asked for any funding concerning the project, only approval of the concept and authorization for the Mayor to sign a letter of support to accompany the application

## **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee

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

### **Recommendation**

City Administration recommends that the Council approve the request of the Grand Island Chamber of Commerce to support their application to the State of Nebraska for a Building Entrepreneurial Communities Grant.

### **Sample Motion**

Motion to approve the request of the Grand Island Chamber of Commerce to support their application to the State of Nebraska for a Building Entrepreneurial Communities Grant and give the Mayor authorization to sign all documents.

**State of Nebraska**

**Building  
Entrepreneurial  
Communities  
Act**

**Application Guidelines**

# STATE OF NEBRASKA BUILDING ENTREPRENEURIAL COMMUNITIES ACT APPLICATION GUIDELINES 2006

## Introduction

LB 90 was passed by the Nebraska Legislature on May 25, 2005 and signed into law by Governor Dave Heineman. LB 90 makes \$250,000 available per year for two fiscal years (FY 2006-2007 and FY 2007-2008) for building entrepreneurial communities. This document provides for the implementation of LB 90, Building Entrepreneurial Communities Act.

This publication consists of three parts, which provides information concerning the submission of an application, project selection process, and granting procedure for the Building Entrepreneurial Communities Act (BECA).

## Contents

**Part I. Overview of General Requirements.** This information includes definitions, eligible applicants, eligible activities, match requirements, funding levels, and application deadline.

**Part II. Application Instructions.** This section includes official application format, instruction for completing an application, and project review criteria.

**Part III. Supplemental Information.** This supplemental information includes a copy of LB 90, Building Entrepreneurial Communities Act, a list of qualifying communities and counties, and other information related to the purpose of this Act.

## For More Information

Please review the application materials carefully. For more information, contact:

Linda Fettig  
Rural Development Commission  
308-749-2291 (phone and cell)  
308-749-2223 (fax)  
[linda.fettig@ded.ne.gov](mailto:linda.fettig@ded.ne.gov)

# Part I. General Overview of Requirements

## **Purpose of the Building Entrepreneurial Communities Act (BECA)**

The purpose of the Building Entrepreneurial Communities Program is to support economically depressed rural areas of Nebraska in building entrepreneurial communities through grants that will create community capacity to build and sustain programs to generate and retain wealth in the community and region.

The Department of Economic Development (DED), with assistance provided by the Rural Development Commission (RDC), shall establish and administer a grant process to provide grants to two or more municipalities or counties that are collaborating on a project related to the purpose of the Building Entrepreneurial Communities Program with priority given to projects that best alleviate chronic economic distress.

### **Eligible Applicants**

Eligible applicants include every local government (municipality or county). At least two local governments must collaborate on the project. At least one of the local governments must have chronic economic distress as indicated by:

1. An unemployment rate which exceeds the statewide average unemployment rate;
2. A per capita income below the statewide average per capita income; or



3. A population loss between the two most recent federal decennial censuses.

### **Eligible Activities**

Eligible activities must be projects that address one of the following:

1. Provide education and technical assistance to energize small business development and entrepreneurship;
2. Provide technical assistance to facilitate small business transfer;
3. Build community business capacity and leadership programs;
4. Generate opportunities that will attract and retain young people and families;
5. Provide education about philanthropy and intergenerational transfer of wealth; and
6. Build community endowments to support these activities.

### **Match Requirements**

Grant recipients shall provide a dollar-for-dollar cash match. Matching funds shall be from sources other than state and federal programs.

### **Funding Levels**

The maximum amount for an award per collaboration project is \$75,000. A total of \$250,000 has been allocated for each program year. There are approximately \$350,000 available for the August cycle due to funds unallocated in the first cycle. Grant recipients have two years to expend the grant funds. No municipality or county shall receive funding for more than one project.

### **Application Deadline**

All applications must be **received** at either the Nebraska Department of Economic Development Lincoln office **or** the Nebraska Rural Development Commission North Platte office by 12:00 p.m. (noon) (CDT) Tuesday, August 1, 2006. One (1) original application and seven (7) complete copies must be submitted. Staple sets in the upper left corner; do not bind. You do not need to include copies of the application guidelines or distress criteria spreadsheet in your application. No faxes or email copies will be accepted. NO EXCEPTIONS.

Nebraska Department of Economic Development

Fourth Floor, State Office Building

P.O. Box 94666

Lincoln, NE 68509-4666

OR

Nebraska Rural Development Commission

402 East State Farm Road

P.O. Box 310

North Platte, NE 69103

## Part II. Building Entrepreneurial Communities Act Application Process

The following grant application process will be followed:

- Step 1. **Complete attached Application Form. Substitute forms are not acceptable. Application must be typed. Additional pages may be added to the application. Please limit total application to no more than 10 pages (letters of match commitment do not count in page total).**
- Step 2. **Applications will be reviewed for completeness and eligibility.**  
Incomplete and/or ineligible applications will not be considered for funding.
- Step 3. **Applicants may be asked to provide additional information by requiring**  
more detail on the project, budget, benefits, match, etc.
- Step 4. **All applications must be received either at the Nebraska Department of**  
Economic Development office or the Nebraska Rural Development Commission North Platte office by 12:00 p.m.  
(noon) (CDT) Tuesday, August 1, 2006. One (1) original application and seven (7) complete copies must be submitted.  
Staple sets in the upper left corner; do not bind. You do not need to include copies of the application guidelines or  
distress criteria spreadsheet in your applications. No faxed or email copies will be accepted. NO EXCEPTIONS.
- Step 5. **An evaluation panel will review the application and recommend funding.**
- Step 6. **DED Director will make final funding decision.**
- Step 7. **A public announcement of funding decisions will be made.**

### Project Review Criteria

Eligible applications will be evaluated using the following criteria:

Match amount and commitment of match

Project sustainability

Specification of measurable goals and expected outcomes

Specification of an evaluation and impact assessment process

Extent of which the project responds to the purpose of the Act

Ability of the project to be completed within a two year period

### **Part III. Supplemental Information**

Legislative Bill 90 – Approved by Governor Heineman May 26, 2005

**Be it enacted by the people of the State of Nebraska,**

Section 1. Sections 1 to 3 of this act shall be known and may be cited as the Building Entrepreneurial Communities Act. The act terminates on January 1, 2011.

Section 2. The purpose of the Building Entrepreneurial Communities Act is to support economically depressed rural areas of Nebraska in building entrepreneurial communities through grants that will create community capacity to build and sustain programs to generate and retain wealth in the community and region. Specifically, the act will:

- (1) Provide education and technical assistance to energize small business development and entrepreneurship;
- (2) Provide technical assistance to facilitate small business transfer;
- (3) Build community business capacity and leadership programs;
- (4) Generate opportunities that will attract and retain young people and families;
- (5) Provide education about philanthropy and intergenerational transfer of wealth; and
- (6) Build community endowments to support these activities.

Sec. 3. (1) The Department of Economic Development, with assistance provided by the Rural Development Commission, shall establish and administer a grant process to provide grants to two or more municipalities or counties that are collaborating on a project related to the purpose of the Building Entrepreneurial Communities Act with priority given to projects that best alleviate chronic economic distress. At least one of the collaborating municipalities or counties shall have chronic economic distress as indicated by:

- (a) An unemployment rate which exceeds the statewide average unemployment rate;
- (b) A per capita income below the statewide average per capita income; or
- (c) A population loss between the two most recent federal decennial censuses

(2) Grants shall not exceed seventy-five thousand dollars per collaborative project. Grant recipients shall have two years to expend the grant funds. No municipality or county shall receive funding for more than one project. Grant recipients shall provide a dollar-for-dollar match in money for grant funds. Grants shall be awarded directly to one of the municipalities or counties representing the collaborative project. The department shall act as the fiduciary agent for the grants.

Note: see spreadsheet following the Application Form for the distress criteria information.

## Building Entrepreneurial Communities Act Application Form

*\*\* Proposals must be kept to 10 or fewer typed pages (including attachments  
with the exception of cash match support letters) \*\**

Project name: **Latino Business Partnership**

**Applicant Names(s)/Organization(s):** Describe the partnership that will support this project: *names of communities, organizations, agencies (public and private)*. A signed letter of commitment from each partner detailing their cash match support is required with the application, and is not in the 10-page maximum.

The City of Grand Island and the City of Omaha are supportive of efforts to provide education and technical assistance to assist small businesses and emerging entrepreneurs. To this end, the City of Grand Island, on behalf of the Grand Island Chamber of Commerce, and the City of Omaha, in conjunction with the Juan Diego Center in Omaha, are submitting a grant application under the Building Entrepreneurial Communities Act to assist small businesses.

The Grand Island Chamber of Commerce, Grand Island, Nebraska, will facilitate the programs in collaboration with the Juan Diego Center. The Juan Diego Center has a successful history of providing services to entrepreneurs and has developed a Latino Business Partnership to assist this emerging business population. As a partner, the Grand Island Chamber has received permission from the University of Nebraska – Omaha, Nebraska Business Development Center, to utilize the prepared curriculum and to obtain materials (books, flyers, etc.) for use in the Grand Island program.

**Administrating Agency/Entity:** *(This will be the entity receiving the funds and responsible for the monitoring and reporting.)*

The Grand Island Area Chamber of Commerce  
Post Office Box 1486  
Grand Island, NE 68802

<b>Contact Person from Administrating Agency/Entity: Cindy K. Johnson</b>			
Mailing Address: Post Office Box 1486 Grand Island, NE 68802			
<b>Phone:</b>		<b>308-382-9210</b>	<b>Fax: 308-382-1154</b>
<b>Email:</b> <a href="mailto:cjohnson@gichamber.com">cjohnson@gichamber.com</a>			
<b>Grant Amount Requested:</b> \$25,000 (\$12,500 for 2006-2007 and \$12,500 for 2007-2008)			
<b>Project Summary:</b> <i>(Please provide a concise summary - approximately 25 words or less - of your project suitable for use in news releases.)</i>  <b>The development of training sessions and a business development series for minority businesses in our community, primarily Hispanic businesses.</b>			
<b>List measurable project goals. Describe how they will be documented and measured. (Use precise measurements, not general terms.)</b>  <b>GOAL : The development of training sessions and a business development series for minority businesses in our community, primarily Hispanic businesses.</b>			
Objective	Activity	Outcome	Who/When
1. Enhance business practices, including technology capabilities, of at least 90 percent of the Latino businesses who participate in the project	Provide educational/informational mini-sessions to Latino business owners and staff 1a. Develop a series of 10 sessions based on identified needs of Latino businesses	Latino businesses will successfully pass a business knowledge test upon completion of the training session.	Training instructors will administer the tests and staff will compile results by December 2008.

	Develop and provide hands on learning sessions involving computers, software usage, etc.	Latino business owners will increase their use of technology in running their businesses.	Chamber staff will monitor technology use and report by December 2008
2. Increase dialogue between minority and Anglo business owners by representation of at least one minority representative to each chamber committee.	Develop program to include minority business owners in the chamber. Increase number of bilingual communication materials such as signage, brochures, and newsletters. Initiate coaching opportunities between successful business owners and new business owners	Increased communication, increased business and cultural knowledge.	Chamber board will identify candidates and make appointments for fiscal 2007-2008.
3. Increase Anglo traffic in Latino businesses from an estimated 10-15% currently to 30% by completion of the grant.	Publicize new Chamber partnerships in advertisements Print Spanish business directory Conduct a minority business survey to measure Anglo customer percentage.	Increased awareness of product value in new cultures.	Chamber staff will publicize partnerships via web site, newsletter, weekly updates, and hold ribbon cuttings or grand opening promotional event. Chamber committee will plan the survey by December 2007. Staff will complete survey by August 2008.
5. Increase number of Latino business owners involved in Chamber training programs from 1 to 5 by the end of the grant period.	1a. Identify and successfully engage 6-10 individuals to develop Chamber programs 1b. Establish protocols for participation, leadership opportunities	Programs would be developed by minority business owners for their peers	Chamber committee will plan by July 2007 and staff will complete by December 2008.

### How will the project address program purposes?

The Grand Island Chamber of Commerce is committed to ensuring an adequately trained and prepared workforce exists for its business community. To this end, the Chamber has developed, in partnership with Economic Development Corporation, Central Community College, Workforce Development, and key manufacturing companies, a welders training program designed to increase the number of trained welders in the workforce. Additionally, the Chamber is coordinating the development of a drafting/detailing pathways program that will be implemented in Grand Island Public High School and Central Community College. This program will address the concern of a primary employer on the shortage of drafters necessary for their business growth. This

workforce focus continues to expand as needs are identified by the business community.

The Latino Business Partnership specifically is geared towards addressing the informational and educational gaps in the minority business community. These gaps are hindering business growth and development. The program will assist business owners with long term goals of remaining in the community, are here legally, and are interested in growing their business.

Ultimately, a relationship between the Chamber and the minority business community will be beneficial in a multitude of other fashions. For example, we believe there are a number of underemployed minority employees who are good candidates for the welding or drafting program but who have not yet realized there are employment opportunities outside of the food processing plant. Given that employers are experiencing worker shortages, it would behoove the community as a whole to maximize the earning potential of this population.

**How will the project demonstrate sustainability, or how will the project build economic development capacity?**

The project will develop sustainability by educating the Hispanic business owners on the importance of following good business practices and the resulting positive impact on their net profits. Once a trust baseline is established, these business owners will then become the best promoters of services available through the Chamber. Over time, the membership fees from this business segment, as well as program fees, will provide a significant amount of the funding for this effort.

Of special note is the impact having a successful project with this current generation of business owners will have on future generations. As businesses become more successful and a trusting relationship is developed, the next generation of entrepreneurs seeking assistance will be more comfortable contacting the Chamber. This will result in a "rising tide lifts all ships" scenario.

**Our current timeline:**

Activity	Oct-December, 2006	January 2007 – December 2007	January 2008- December 2008
Finalize Program Criteria	X		



Finalize Curriculum with Juan Diego Center	X		
Advertise/hire/train part-time bi lingual staff person	X		
Translate general business information re: permits, licenses	X		
Continue contacts/communication with minority business community	X		
Formalize the training session logistics		X	
Advertise in Spanish newspaper and on Spanish radio		X	
Classes begin		X	
Tests administered to determine increased business knowledge		X	
Measure increased technology skills		X	X
Measure Anglo traffic in Latino businesses			X
Determine increase in # of Latino business owners involved in Chamber			X
Identify and encourage Latino representation on Chamber committees		X	X
Compile summary of impact of program			X

**Has this any portion of this project ever received a grant? If yes, state grant amount, purpose and source:**

No

**Is this project an existing project? If so, discuss how the grant will not be used for replacement funding, and discuss how the grant will expand the project.**

The project is in the development stages. The grant funds would facilitate the hiring of a contractor or part-time staff person to conduct the program. If grant funds are not received, it is unlikely the program will go forward in its current form, due to limited and competing resources of the Chamber.

**All applicant partners must sign grant application:**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**BUDGET WORKSHEET - Prepare line item budget for all funds requested. Include copies of cost estimates for expenses and signed letters of commitment for cash match**

<b>Activity</b>	<b>Grant Amount Requested</b>	<b>Cash Match (Amt &amp; Source)</b>	<b>Source &amp; Description of Other Activity Funds</b>	<b>Total Funds</b>
Lease	\$1,200	Space available at Chamber	Chamber provides	\$1,200
Telephone	\$350	Grant	Chamber provides	\$350
DSL	\$50	Chamber	Chamber provides	\$50
Materials	\$800	Grant	Chamber/grant	\$800
Insurance	\$0	Chamber supplies	Chamber provides	\$0
Printing	\$1,500	Grant	Chamber/grant	\$1,500
Office Supplies	\$500	Grant	Chamber/grant	\$500
Postage	\$500	Chamber	Chamber/grant	\$500
Dues and Subscriptions	\$200	Grant	Chamber/grant	\$200
Furniture & Equipment	0	Chamber provides	Chamber provides	0
Training/workshops/conferences	\$500	Grant	Chamber/grant	\$500
Contract services OR				
Staff (20 hours/week)	\$15,000	Grant/Match	Chamber/grant	\$15,000
Benefits	\$3,000	Grant/Match	Chamber/grant	\$3,000
Survey Tool(s)	\$900	Grant/Match	Chamber/grant	\$900
Miscellaneous	\$500	Grant	Chamber/grant	\$500
<b>Total</b>	<b>\$25,000</b>			<b>\$25,000</b>

RESOLUTION 2006-213

WHEREAS, on May 25, 2005, the State of Nebraska passed LB 90 which makes \$250,00.00 available per year to Nebraska communities to fund programs to build entrepreneurial activities; and

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to file an application through the Nebraska Department of Economic Development Under the Building Entrepreneurial Communities Act; and

WHEREAS, a grant application has been prepared by the Grand Island Area Chamber of Commerce to request funding in the amount of \$25,000.00 over a period of two years, which will create training sessions and a business development series for minority business in the City of Grand Island, which will focus mainly on Hispanic businesses; and

WHEREAS, the City of Grand Island will not be responsible for funding this project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that: the City of Grand Island, Nebraska hereby approves the request of the Grand Island Area Chamber of Commerce to support its application to the State of Nebraska for a Building Entrepreneurial Communities Grant.

BE IT FURTHER RESOLVED THAT the Mayor is hereby authorized and directed to sign all documents to accompany said application.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item G28

**#2006-214 - Approving Funding of Economic Development Corporation Request for Heartland Events Center (NWPS Rate Agreement Funds)**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** David Springer, Finance Director

**Meeting:** July 25, 2006

**Subject:** Approving Funding of Economic Development Corporation Request for Heartland Events Center Gas Equipment (NWPS Rate Agreement Funds)

**Item #'s:** G-28

**Presenter(s):** David Springer, Finance Director

## **Background**

On September 26, 2000, the City Council approved Resolution #2000-291 establishing an Economic Development Policy for the annual contribution from Northwestern Public Service (NWPS). A request has been received for funding and recommended for approval by the NWPS Funds Review Committee.

## **Discussion**

The Grand Island Area Economic Development Corporation (GIAEDC) requests \$50,000 to be used towards the purchase of natural gas equipment consisting of a high efficiency boiler, water heaters, piping, and vent material. The total cost of the gas equipment is expected to exceed \$249,500. The request is for a payment of \$25,000 this quarter and for the balance of \$25,000 to be paid in the fourth quarter of this calendar year. These funds represent direct cash contributions previously made by NWPS to the City of Grand Island and the usage of these funds for this purpose falls within the guidelines of the economic development policy set forth in the rate agreement. There are adequate funds in Account #10011102-85454.

## **Alternatives**

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

1. Approve the request for funds
2. Disapprove or /Deny the request for funds

3. Table the issue

### **Recommendation**

City Administration recommends that the Council approve the request for funds.

### **Sample Motion**

Approve the request for funds to allow payment to the Heartland Events Center.



GRAND ISLAND AREA  
ECONOMIC  
DEVELOPMENT CORPORATION

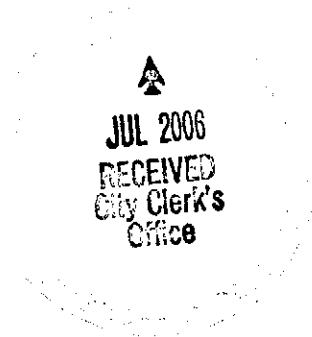
308-381-7500 • 800-658-4283 • Fax 308-398-7205 • [www.grandisland.org](http://www.grandisland.org)

P.O. Box 1151

GRAND ISLAND, NE 68802-1151

July 17, 2006

Gary Greer, City Administrator  
City of Grand Island  
100 E 1<sup>st</sup> St  
PO Box 1968  
Grand Island, NE 68802-1968



RE: Applications for NWPS Economic Development Rate Agreement Funds

Dear Gary,

Our local review committee made up of the GIAEDC Executive Committee and Jim Hartman of NorthWestern Energy as spelled out in the rate agreement policy have reviewed the following project and recommends to the City Council for their review and approval.

Project: Heartland Events Center is requesting funds from the NorthWestern account to help offset the high gas usage and equipment purchased.

After review by the committee, the committee unanimously approved to obligate \$25,000 now and an additional \$25,000 in the 4<sup>th</sup> quarter of this year. No further requests shall be considered.

Attached is the request letter for your reference. If you have any questions, or would need any additional information, please give me a call.

Sincerely,

Marlan Ferguson  
President

Enclosure





July 7, 2006

Grand Island Area Economic Development Corp.  
Executive Committee & Mr. Jim Hartman  
Acting as Northwestern Energy Review Committee  
The Downtown Center  
308 N. Locust Street, Ste. 400  
Grand Island, NE 68801

Re: Request for Funding

Dear Review Committee Members:

On behalf of the Heartland Events Center, I am requesting funds from the Northwestern Public Service rate agreement to assist the Events Center with the natural gas equipment purchased and the proposed usage to exceed 2,200 ncf annually. The natural gas equipment consists of five high efficiency boiler and water heaters, piping, and vent material with costs exceeding \$249,500.00.

The Heartland Events Center is a \$35 million facility that is multipurpose in nature and scheduled to open this fall serving over 500,000 people in Central and Western Nebraska and surrounding regions. The project is the culmination of many years of planning, developing, fundraising, and hard work by a core group of community-minded citizens who never lost sight of the vision and dared to achieve this goal. Over 1,100 contributors supported the project's fundraising efforts over the past six years. This facility truly is a shining example of what can be accomplished with cooperation, dedication, focus and determination. The Heartland Events Center will have a positive economic impact on this region of Nebraska and provide many opportunities to the business sector, the citizens, organizations, and others through its array of offerings that are enumerated on the attached flyer.

I believe this request is consistent with and falls within the guidelines of the economic development policy set forth in the rate agreement and would prove to be a prudent use of the funds, as this newly developing center should directly benefit Northwestern Energy.

Thank you for your consideration. Please give me a call if you have any questions or need any additional information. Also, if it would be helpful to your committee, we can arrange a walk-through tour of the facility some lunch hour or after 4:30 p.m.

Sincerely,

FONNER PARK EXPOSITION AND EVENTS CENTER, INC.  
d/b/a HEARTLAND EVENTS CENTER

A handwritten signature in black ink, appearing to read 'Hugh M. Miner, Jr.', is written over the printed name.

HUGH M. MINER, JR.  
Executive Vice President & CEO

HMM/dss/enc.



R E S O L U T I O N   2006-214

WHEREAS, Northwestern Public Service (NWPS) makes an annual contribution for economic development purposes to the City of Grand Island in the amount of \$86,000; and

WHEREAS, on September 26, 2000, the Mayor and City Council approved Resolution 2000-291 establishing an economic development policy for receiving, considering and making recommendations regarding requests for disbursement of said funds; and

WHEREAS, the office of the City Administrator received a recommendation for funding from the local economic development committee for \$50,000 payable to the Grand Island Area Economic Development Corporation on behalf of Fonner Park Exposition and Event Center, Inc. to assist with the installation cost of natural gas equipment for the new Heartland Events Center; and

WHEREAS, said request is consistent with the intent of NWPS in making its annual economic development contribution, and the policy established by the Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the request for disbursement in the amount of \$50,000 to fund a portion of the installation costs of natural gas equipment for the new Heartland Event Center is hereby approved, and a payment is authorized to be made to the Grand Island Area Economic Development Corporation on behalf of Fonner Park Exposition and Event Center, Inc. for such purpose.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on July 25, 2006.

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

Attest:

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

Approved as to Form	<input type="checkbox"/> _____
July 21, 2006	<input type="checkbox"/> City Attorney



# **City of Grand Island**

**Tuesday, July 25, 2006**

**Council Session**

## **Item H1**

**Request of USA Outdoor Advertising to Amend Chapter 31 of the  
Grand Island City Code Relative to Off Premise (Billboard) Signs**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

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

**Meeting:** July 25, 2006

**Subject:** Request of Holly Eckhout of USA Outdoor for  
Modification of City Code to Allow Expansion of  
Allowable Square Footages for Grandfathered 12' X 24'  
Double Stacked Billboards

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

**Presenter(s):** Craig Lewis, Building Department Director

## **Background**

This is a request to amend the City Code to allow for an increase to the square footages of off-premise signs, (billboards). The city code was revised in November of 2003 and established specific regulations and limits for off premise signage.

Article III. Off-premise Outdoor advertising Signs.

Two of the pertinent sections are identified below.

Section 31-42 Legal Nonconforming Signs,

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

Section 31-44. Size of Signs,

(A) The maximum sign area for any one facing of an off-premise sign shall not exceed three hundred seventy eight (378) square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed twenty percent (20%) of the maximum sign area allowed.

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

## **Discussion**

The City Building Department was contacted on July 7, 2006 by the State of Nebraska Department of Roads about the recent alterations to the existing billboard at 2724 N. Diers Ave. basically a bump-out or embellishment had been constructed onto the existing sign and the State was questioning if the City had issued a permit for the modifications as the State had not.

The off-premise sign at that location was constructed in June of 2003 and is owned by USA Outdoor. I contacted by telephone USA Outdoor on July 7, 2006 and informed them that a permit was required for the modifications to the existing sign. On July 14, 2006 USA Outdoor questioned their options and I explained that the sign in question was a legal nonconforming sign and that any enlargements would not be allowed by code as it would increase the degree of nonconformity. The sign is 576 square feet in size and the maximum allowable is 378 square feet with a temporary embellishment of 20% or 75 square feet additional bringing the total to 453 square feet maximum allowable at any time. On July 17, 2006 the Department sent a letter to USA Outdoor identifying the code violations, sections, and requesting compliance with the City Code by August 4, 2006.

The City Code recent modifications as they relate to off-premise signage has been in place for a little over two years, within in that time it appears the code regulations are reasonable, workable, and support the industry as well as the general public.

## **Alternatives**

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

1. Approve the request and initiate a code revision
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 deny the request for a revision to the City Code.

## **Sample Motion**

A motion to deny the request for a modification to the City Code as it pertains to off-premise signage.

## RaNae Edwards

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**From:** hollyeckhout@rcom-ne.com  
**Sent:** Friday, July 14, 2006 9:23 AM  
**To:** RaNae Edwards; Kurt Spiehs  
**Subject:** Request for City Council Agenda Item

This E-mail was generated from the On-Line Request for Future Council Agenda Item Form - sent at 7/14/2006 9:23:19 AM

DATE: 7/14/06

FIRST NAME: Holly Eckhout

LAST NAME: USA OUTDOOR

ADDRESS: 409-411 E 25th Street, Suite 5

E-MAIL ADDRESS: hollyeckhout@rcom-ne.com

PHONE: 308-236-1511

PHONE EXTENSION:

ALTERNATE PHONE: 308-440-0077

ALTERNATE PHONE EXTENSION:

DESCRIPTION: Modification of the existence ordinance allowing extensions on existing grandfathered 12x24 double stack billboards up to 30 square feet.

RECEIVED BY CLERK:

DATE:

[mailto:hollyeckhout@rcom-ne.com]

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USA Outdoor  
308-236-1511

07/07/06



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item I1

**#2006-215 - Consideration of Request from Edwin D. Bolanos dba La Zona Rosa, 613 East 4th Street for a Change of Location for Class "C-70104" Liquor License to 611 East 4th Street**

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

Staff Contact: RaNae Edwards



RESOLUTION 2006-215

WHEREAS, an application was filed by Edwin D. Bolanos, doing business as La Zona Rosa located at 613 East 4<sup>th</sup> Street for a Change of Location for Class "C-70104" Liquor License to 611 East 4<sup>th</sup> Street; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on July 15, 2006; such publication cost being \$14.03; and

WHEREAS, a public hearing was held on July 25, 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 for change of location.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application change of location.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application for change of location with the following stipulations: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for change of location for the following reasons: \_\_\_\_\_

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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

Approved as to Form	☐ _____
July 21, 2006	☐ City Attorney



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item I2

**#2006-216 - Consideration of Complaints Filed Pursuant to the Nebraska Liquor Control Commission Rules and Regulations 53-134.04 Regarding OK Liquor, 305 West Koenig Street, Liquor License "D-15914"**

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

Staff Contact: RaNae Edwards

RESOLUTION 2006-216

WHEREAS, the City of Grand Island has received five (5) written complaints relating to Liquor License "D-15914" Harold E. Carmichael, Jr. doing business as OK Liquor located at 305 West Koenig Street; and

WHEREAS, pursuant to the Nebraska Liquor Control Commission Rules and Regulations §53-134.04 a public hearing notice was published in the *Grand Island Independent* as required by state law on July 15, 2006; such publication cost being \$14.47; and

WHEREAS, a public hearing was held on July 25, 2006, for the purpose of discussing such liquor license complaints.

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

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license complaints.

\_\_\_\_\_ The City of Grand Island hereby cancels the above identified liquor license based on the following findings: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby revokes the above identified liquor license based on the following findings: \_\_\_\_\_

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 25, 2006.

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

Attest:

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



# City of Grand Island

Tuesday, July 25, 2006

Council Session

## Item J1

### **Approving Payment of Claims for the Period of July 12, 2006 through July 25, 2006**

*The Claims for the period of July 12, 2006 through July 25, 2006 for a total amount of \$3,079,609.12. A MOTION is in order.*

Staff Contact: RaNae Edwards