

---

# City of Grand Island



**Tuesday, February 13, 2007**

## **Council Session Packet**

---

### **City Council:**

**Tom Brown**  
**Carole Cornelius**  
**John Gericke**  
**Peg Gilbert**  
**Joyce Haase**  
**Robert Meyer**  
**Mitchell Nickerson**  
**Jackie Pielstick**  
**Scott Walker**  
**Fred Whitesides**

### **Mayor:**

**Margaret Hornady**

### **City Administrator:**

**Gary Greer**

### **City Clerk:**

**RaNae Edwards**

---

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

**Call to Order**

---

This is an open meeting of the Grand Island City Council. The City of Grand Island abides by the Open Meetings Act in conducting business. A copy of the Open Meetings Act is displayed in the back of this room as required by state law.

The City Council may vote to go into Closed Session on any agenda item as allowed by state law.

---

**Invocation - Pastor Mike Reiners, Peace Lutheran Church, 4018 Zola Lane**

**Pledge of Allegiance**

**Roll Call**

---

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

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

---

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

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

---

## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item C1

### **Presentation by Shonesy Associates for Fiscal Year 2006 City Single Audit and General Purpose Financial Statements**

*Terry Galloway of Shonsey & Associates will present the City Single Audit and General Purpose Financial Statements for Fiscal Year 2006.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item C2

### **Presentation by BKD, LLP for Fiscal Year 2006 Electric and Water Audit Reports**

*Roger Watton, representing BKD, LLP, will present the Independent Auditors' Report of the Financial Statements relative to the City of Grand Island's Electric Department and Water Department for the year ended September 30, 2006.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item D1

**#2007-BE-3 - Consideration of Determining Benefits for Asphalt Street Improvement District No. 1254; Dale Roush and Dale Roush 2nd Subdivisions (Indian Acres)**

Staff Contact: Steven P. Riehle, Public Works Director

# **Council Agenda Memo**

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

**Meeting:** February 13, 2007

**Subject:** Board of Equalization Hearing to Determine Benefits and Consideration of an Ordinance Levying Assessments for Asphalt Street Improvement District No. 1254; Dale Roush and Dale Roush 2<sup>nd</sup> Subdivisions (Indian Acres)

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

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

## **Background**

The Certificate of Final Completion for Asphalt Street Improvement District 1254 was approved on January 9, 2007 with February 13, 2007 set as the date for Council to sit as the Board of Equalization. All work has been completed and special assessments have been calculated for the District.

## **Discussion**

The contract for Asphalt Street Improvement District 1254 was awarded to Gary Smith Construction Company of Grand Island, NE on July 11, 2006. Work on the project was completed at a construction price of \$325,302.12. Total cost of the project including contract administration is \$357,832.33. Costs for the project break down as follows:

Original Bid	\$ 311,543.16
Overruns	\$ 7,118.96
Gravel Driveways	\$ 6,640.00
<b>Sub Total (Construction Price)</b>	<b>\$ 325,302.12</b>
Additional Costs:	
Contract Administration,	
Engineering, and Publication Costs	\$ 32,530.21
<b>Total Cost</b>	<b>\$ 357,832.33</b>

The estimated cost at the time of creation was \$460,666.10.

## **Alternatives**

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

1. Move to approve a resolution to determine benefits and pass an ordinance levying the assessments.
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 sit as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to individual properties.

## **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution determining benefits for Asphalt Street Improvement District 1254.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for Asphalt Street Improvement District 1254.

WESTWOOD  
PARK FOURTH  
SUB.

WESTWOOD  
PARK SIXTH  
SUB.

FAIDLEY AVENUE  
ROAD

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

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

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

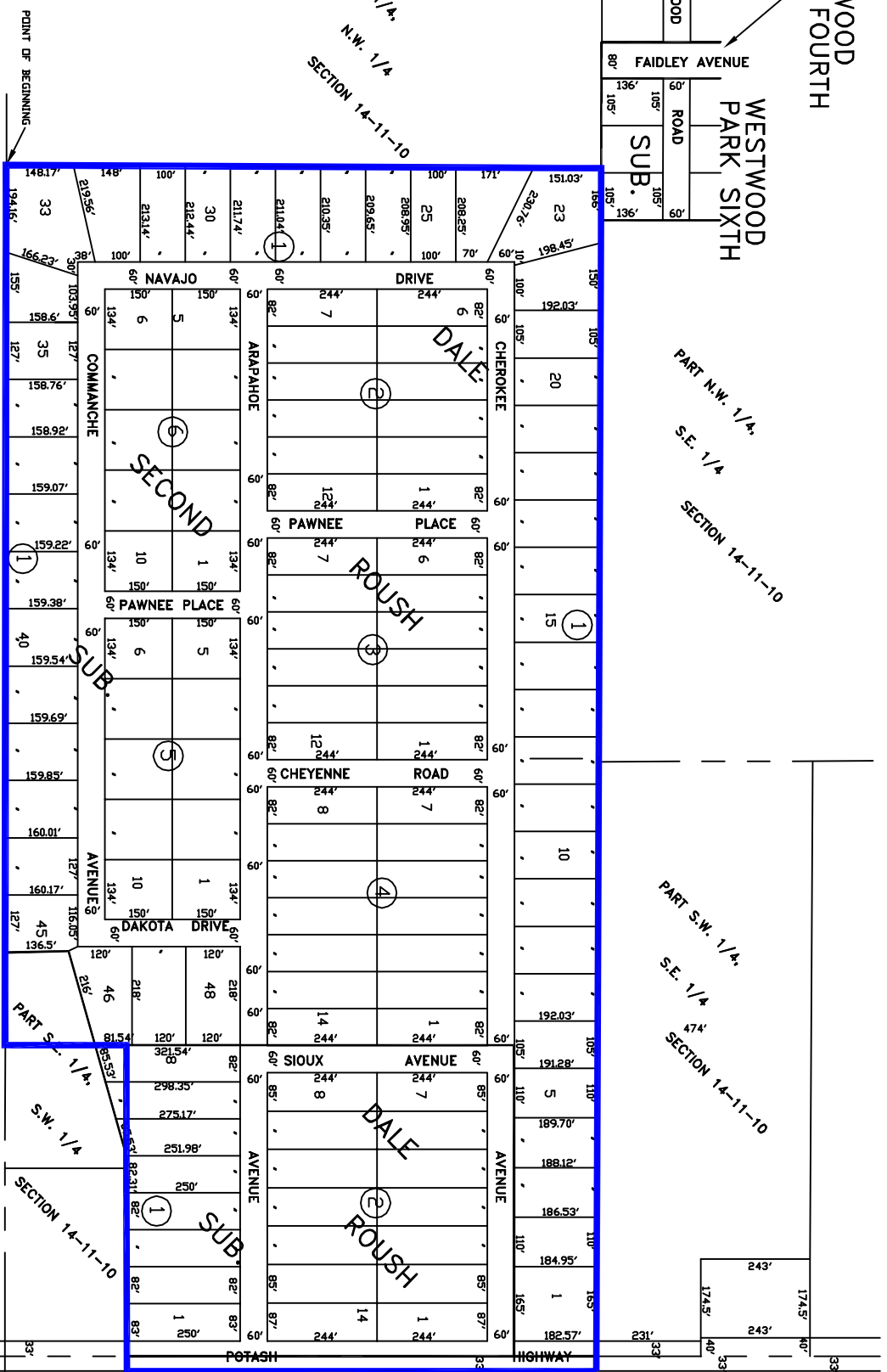


EXHIBIT "A"

DEAN'S LAND  
PLAT TO ACCOMPANY ORDINANCE  
NO. 8915

STREET IMPROVEMENT DISTRICT 1254

SCALE 1" = 200' L.D.C. 4/15/04

## RESOLUTION 2007-BE-3

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Street Improvement District No. 1254, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$317,983.65; and

Such benefits are equal and uniform; and

According to the equivalent frontage of the respective lots, tracts, and real estate within such Street Improvement District No. 1254, such benefits are the sums set opposite the several descriptions as follows:

Name	Description	Assessment
Gaylen Sprague	Lot 1, Block 1, Dale Roush Subdivision	\$1,521.99
Gaylen Sprague	Lot 2, Block 1, Dale Roush Subdivision	\$1,521.99
Todd Gallion	Lot 3, Block 1, Dale Roush Subdivision	\$1,521.99
Todd Gallion	Lot 4, Block 1, Dale Roush Subdivision	\$1,521.99
Bernardo & Norberta Trevino	Lot 5, Block 1, Dale Roush Subdivision	\$1,521.99
Jack W. Rysavy	Lot 6, Block 1, Dale Roush Subdivision	\$1,521.99
Helmuth & Carolyn R. Stahr – Trustees	Lot 7, Block 1, Dale Roush Subdivision	\$1,521.99
Lori Fye, L.M. & N.J. Bixenmann	Lot 8, Block 1, Dale Roush Subdivision	\$1,761.78
Imogene Odom	Lot 1, Block 2, Dale Roush Subdivision	\$1,588.79
Connie Boltz	Lot 2, Block 2, Dale Roush Subdivision	\$1,552.27
Monadine L. Dubas	Lot 3, Block 2, Dale Roush Subdivision	\$1,552.27
Julene J. Kay	Lot 4, Block 2, Dale Roush Subdivision	\$1,648.64
Dallas M. & Betty J. Frohling	Lot 5, Block 2, Dale Roush Subdivision	\$1,969.87
Alferd & Dorothy M. Kincheloe	Lot 6, Block 2, Dale Roush Subdivision	\$2,658.22
Richard Jr. & Carol Blackburn	Lot 7, Block 2, Dale Roush Subdivision	\$4,516.76
William F. & Katherine B. James	Lot 8, Block 2, Dale Roush Subdivision	\$4,516.76
Lincoln C. & Rosa Wing	Lot 9, Block 2, Dale Roush Subdivision	\$2,658.22
Randy Sobotka & Donika Gaston	Lot 10, Block 2, Dale Roush Subdivision	\$1,969.87
Frederick M. Wheeler	Lot 11, Block 2, Dale Roush Subdivision	\$1,648.64
Todd & Colleen Gallion	Lot 12, Block 2, Dale Roush Subdivision	\$1,552.27
C. Ray & Lorna Curry	Lot 13, Block 2, Dale Roush Subdivision	\$1,552.27
Donald Dean & Velma J. Kiser	Lot 14, Block 2, Dale Roush Subdivision	\$1,552.27
School District No. 38	Lot 1, Block 1, Dale Roush Second Subdivision	\$2,815.24
School District No. 38	Lot 2, Block 1, Dale Roush Second Subdivision	\$1,884.07
William W. & Sharee L. Stahn	Lot 3, Block 1, Dale Roush Second Subdivision	\$1,890.07
Bank of New York, Trustee	Lot 4, Block 1, Dale Roush Second Subdivision	\$1,894.83
Dustin & DeeAnn Weekley	Lot 5, Block 1, Dale Roush Second Subdivision	\$1,900.20
Deborah Sue Tjaden	Lot 6, Block 1, Dale Roush Second Subdivision	\$1,816.20
Kenneth Edward Luschei	Lot 7, Block 1, Dale Roush Second Subdivision	\$1,817.39
Francisco & Angelina Domingo Miguel	Lot 8, Block 1, Dale Roush Second Subdivision	\$1,817.39
Francisco & Angelina Domingo Miguel	Lot 9, Block 1, Dale Roush Second Subdivision	\$1,817.39
William E. & Marla L. Slatter	Lot 10, Block 1, Dale Roush Second Subdivision	\$1,817.39
Jerome J. & Delores Kuta	Lot 11, Block 1, Dale Roush Second Subdivision	\$1,817.39
Merle E. & Cheryl D. Mendenhall	Lot 12, Block 1, Dale Roush Second Subdivision	\$1,817.39
Paul E. & Judy A.K. Hamilton	Lot 13, Block 1, Dale Roush Second Subdivision	\$1,817.39

Approved as to Form    ☐ \_\_\_\_\_  
February 8, 2007        ☐ City Attorney

# RESOLUTION 2007-BE-3

Name	Description	Assessment
Lou Eva Brandt	Lot 14, Block 1, Dale Roush Second Subdivision	\$1,817.39
Gus Salpas	Lot 15, Block 1, Dale Roush Second Subdivision	\$1,817.39
Russell Larsen	Lot 16, Block 1, Dale Roush Second Subdivision	\$1,817.39
William R. & Michelle I. Sis	Lot 17, Block 1, Dale Roush Second Subdivision	\$1,817.39
George S. Beyersdorf	Lot 18, Block 1, Dale Roush Second Subdivision	\$1,817.39
Larry D. Ogden	Lot 19, Block 1, Dale Roush Second Subdivision	\$1,817.39
Floyd A. & Della E. Treffer	Lot 20, Block 1, Dale Roush Second Subdivision	\$1,817.39
Larry J. & Laurie A. VanMark	Lot 21, Block 1, Dale Roush Second Subdivision	\$1,817.39
Alfred & Joy Kuszak	Lot 22, Block 1, Dale Roush Second Subdivision	\$2,019.32
James E. & Pauline L. Thornton	Lot 23, Block 1, Dale Roush Second Subdivision	\$2,101.24
City of Grand Island	Lot 1, Dale Roush Third Subdivision	\$1,236.60
Todd Pearson	Lot 25, Block 1, Dale Roush Second Subdivision	\$1,767.14
Ralph E. & Linda L. Cure	Lot 26, Block 1, Dale Roush Second Subdivision	\$1,768.46
Mikel D. & Penny Wagner	Lot 27, Block 1, Dale Roush Second Subdivision	\$1,769.77
John Wenzel	Lot 28, Block 1, Dale Roush Second Subdivision	\$1,771.09
Jerry L. Draves	Lot 29, Block 1, Dale Roush Second Subdivision	\$1,772.41
Bob Stahla Mobile Homes, Inc.	Lot 30, Block 1, Dale Roush Second Subdivision	\$1,773.72
Frances M. Bartunek	Lot 31, Block 1, Dale Roush Second Subdivision	\$1,775.04
Francis V. & Sally Mae Hawkins	Lot 32, Block 1, Dale Roush Second Subdivision	\$2,060.14
Gale & Donna Kuhlmann	Lot 33, Block 1, Dale Roush Second Subdivision	\$2,708.84
Steven E. & Marilyn L. Arnold	Lot 34, Block 1, Dale Roush Second Subdivision	\$1,972.94
Terry C. & Rita Muir	Lot 35, Block 1, Dale Roush Second Subdivision	\$2,071.82
Paul A. Welsh	Lot 36, Block 1, Dale Roush Second Subdivision	\$2,072.53
Kenneth A. & Bonnie J. Smaha	Lot 37, Block 1, Dale Roush Second Subdivision	\$2,073.25
Barbara M. Rozmiarek	Lot 38, Block 1, Dale Roush Second Subdivision	\$2,073.97
Robert L. Lilienthal	Lot 39, Block 1, Dale Roush Second Subdivision	\$2,074.68
James D. & Bette J. McComb	Lot 40, Block 1, Dale Roush Second Subdivision	\$2,075.40
Terry G. & Rita E. Muir	Lot 41, Block 1, Dale Roush Second Subdivision	\$2,076.12
Albert & Dianne Benaivdz	Lot 42, Block 1, Dale Roush Second Subdivision	\$2,076.83
Michael F. & Roswitha Wieck	Lot 43, Block 1, Dale Roush Second Subdivision	\$2,077.79
Brian L. & Raejean L. Wieck	Lot 44, Block 1, Dale Roush Second Subdivision	\$2,080.18
Robert C. Evans	Lot 45, Block 1, Dale Roush Second Subdivision	\$2,044.64
Joel B. & Janelle K. Shafer	Lot 46, Block 1, Dale Roush Second Subdivision	\$1,889.17
Paul Robert & Kristina Lynn Reimers	Lot 47, Block 1, Dale Roush Second Subdivision	\$2,670.69
Brian L. & Tammy Verba	Lot 48, Block 1, Dale Roush Second Subdivision	\$5,315.19
Roy K. Patterson	Lot 1, Block 2, Dale Roush Second Subdivision	\$4,397.73
Leland D. & Barbara Jean Brunt	Lot 2, Block 2, Dale Roush Second Subdivision	\$2,621.79
James R. & Laura G. Smith	Lot 3, Block 2, Dale Roush Second Subdivision	\$1,933.44
Kent A. Schroeder – Trustee	Lot 4, Block 2, Dale Roush Second Subdivision	\$1,933.44
Edward D. & Carol A. Rawlings	Lot 5, Block 2, Dale Roush Second Subdivision	\$2,621.79
Mark & Mary Warford	Lot 6, Block 2, Dale Roush Second Subdivision	\$4,397.73
Steven R. & Belinda K. Chrisp Wessels	Lot 7, Block 2, Dale Roush Second Subdivision	\$4,397.73
Loren & Delores Denning	Lot 8, Block 2, Dale Roush Second Subdivision	\$2,621.79
Terry I. & Mary Ann Westwood	Lot 9, Block 2, Dale Roush Second Subdivision	\$1,933.44
Myrtle A. Schulz & Melody Bumgardner	Lot 10, Block 2, Dale Roush Second Subdivision	\$1,933.44
Jimmy Sleeper	Lot 11, Block 2, Dale Roush Second Subdivision	\$2,621.79
Gary W. Schwieger	Lot 12, Block 2, Dale Roush Second Subdivision	\$4,397.73
Loren R. & Delores D. Denning	Lot 1, Block 3, Dale Roush Second Subdivision	\$4,397.73
Dennis J. & Lois L. Beran	Lot 2, Block 3, Dale Roush Second Subdivision	\$2,621.79
Miguel & Andrea N. Rodriguez	Lot 3, Block 3, Dale Roush Second Subdivision	\$1,933.44

# RESOLUTION 2007-BE-3

Name	Description	Assessment
Leon Stanczyk	Lot 4, Block 3, Dale Roush Second Subdivision	\$1,933.44
Terry L. & Melissa R. Stamm	Lot 5, Block 3, Dale Roush Second Subdivision	\$2,621.79
John W. Lazendorf	Lot 6, Block 3, Dale Roush Second Subdivision	\$4,397.73
Don R. Richards	Lot 7, Block 3, Dale Roush Second Subdivision	\$4,397.73
Cindy A. Schaffer (Brown)	Lot 8, Block 3, Dale Roush Second Subdivision	\$2,621.79
Douglas W. & Arlene J. Brockman	Lot 9, Block 3, Dale Roush Second Subdivision	\$1,933.44
Monte R. & Jodi A. Knapp	Lot 10, Block 3, Dale Roush Second Subdivision	\$1,933.44
Arnold C. & Linda C. Wenn	Lot 11, Block 3, Dale Roush Second Subdivision	\$2,621.79
Paul L. & Helen F. Wheeler	Lot 12, Block 3, Dale Roush Second Subdivision	\$4,397.73
James J. & Janet Rae Kuta	Lot 1, Block 4, Dale Roush Second Subdivision	\$4,397.73
Janice M. & Sam Ortega	Lot 2, Block 4, Dale Roush Second Subdivision	\$2,621.79
Elaine A. Rauch	Lot 3, Block 4, Dale Roush Second Subdivision	\$1,933.44
Roy L. & Lucinda S. Bethune	Lot 4, Block 4, Dale Roush Second Subdivision	\$1,708.58
Barton C. Bennetzen	Lot 5, Block 4, Dale Roush Second Subdivision	\$1,933.44
Nis N. Jr. & Sharon K. Bennetzen	Lot 6, Block 4, Dale Roush Second Subdivision	\$2,621.79
Allen D. & Nancy L. Petzoldt	Lot 7, Block 4, Dale Roush Second Subdivision	\$4,397.73
Phyllis L. Goc	Lot 8, Block 4, Dale Roush Second Subdivision	\$4,397.73
Berdena M., Duane & Scott Leitschuck	Lot 9, Block 4, Dale Roush Second Subdivision	\$2,621.79
Larry D. & Cindy L. Addison	Lot 10, Block 4, Dale Roush Second Subdivision	\$1,933.44
Richard J. & Susan M. Kowalski	Lot 11, Block 4, Dale Roush Second Subdivision	\$1,708.58
Arnold C. & Linda C. Wenn	Lot 12, Block 4, Dale Roush Second Subdivision	\$1,933.44
William F. & Katherine Betty James	Lot 13, Block 4, Dale Roush Second Subdivision	\$2,621.79
William F. & Katherine Betty James	Lot 14, Block 4, Dale Roush Second Subdivision	\$4,397.73
Vermaine T. & Jeanie L. Verba	Lot 1, Block 5, Dale Roush Second Subdivision	\$4,435.72
Danny R. & Pamela S. Miller	Lot 2, Block 5, Dale Roush Second Subdivision	\$2,630.21
Duane L. & Gerald L. & Berdena M. Leitschuck	Lot 3, Block 5, Dale Roush Second Subdivision	\$2,221.15
Scott & Jackie D. Leitschuck	Lot 4, Block 5, Dale Roush Second Subdivision	\$2,630.21
Rodney & Barb Hammond	Lot 5, Block 5, Dale Roush Second Subdivision	\$4,435.72
Timothy D. & Catherine M. Bartlett	Lot 6, Block 5, Dale Roush Second Subdivision	\$4,435.72
Carl E. Jr. & Linda Fricke	Lot 7, Block 5, Dale Roush Second Subdivision	\$2,630.21
Jessie M. Campbell	Lot 8, Block 5, Dale Roush Second Subdivision	\$2,221.15
Paul W. Wengler	Lot 9, Block 5, Dale Roush Second Subdivision	\$2,630.21
Ronald A. & Susan E. Rustman	Lot 10, Block 5, Dale Roush Second Subdivision	\$4,435.72
Timothy E. Koehn	Lot 1, Block 6, Dale Roush Second Subdivision	\$4,435.72
John M. Hillis	Lot 2, Block 6, Dale Roush Second Subdivision	\$2,630.21
Berdena Woodward Leitschuck	Lot 3, Block 6, Dale Roush Second Subdivision	\$2,221.15
Etta R. & James W. Vetter	Lot 4, Block 6, Dale Roush Second Subdivision	\$2,630.21
Cynthia L. McCarthy	Lot 5, Block 6, Dale Roush Second Subdivision	\$4,435.72
James G. & Ila M. Dramse	Lot 6, Block 6, Dale Roush Second Subdivision	\$4,435.72
Jeanette & Terry Wampole	Lot 7, Block 6, Dale Roush Second Subdivision	\$2,630.21
Jorge R. & Mayra Q. Romo	Lot 8, Block 6, Dale Roush Second Subdivision	\$2,221.15
Clyde C. & Charlotte A. Kraft	Lot 9, Block 6, Dale Roush Second Subdivision	\$2,630.21
Patricia A. Skinner	Lot 10, Block 6, Dale Roush Second Subdivision	\$4,435.72
Earle R. & Laura E. KleeB	Part of the Southeast Quarter of the Southwest Quarter of Section 14, Township 11, Range 10 in the City of Grand Island, Hall County, Nebraska; North 207.05 feet of a tract described in Instrument No. 93-104413 at the Hall County Register of Deeds Office	\$1,735.67

RESOLUTION 2007-BE-3

-----

Adopted by the City Council of the City of Grand Island, Nebraska, on February 13, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

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



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item E1**

**Public Hearing on Annexation of Property Located Between the  
East Side of the Platte Valley Industrial park and South Locust  
Street and Between Wildwood Drive and Schimmer Drive**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission  
**Meeting:** February 13, 2007  
**Subject:** Annexation First Reading  
**Item #'s:** E-1 & F-2  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## **Background**

A request has been received to consider annexation of property located east of the Platte Valley Industrial Park in the E 1/2 of Section 5, Township 10 North, Range 9 West of the 6<sup>th</sup> PM and in the SW 1/2 of Section 4, Township 10 North, Range 9 West of the 6<sup>th</sup> PM located between Wildwood Drive and Schimmer Drive on both sides of Blaine Street. The Grand Island Area Economic Development Corporation has secured options on or owns the property in the E 1/2 of 5-10-9; Tom and Carlotta Hartman own the SW 1/4 of 4-10-9; together they are requesting this annexation in anticipation of industrial development. This property is contiguous with the Grand Island Municipal limits on its western border. City Administration is also suggest that the Platte Generating Station located south of Wildwood Drive between Blaine Street and South Locust Street also be annexed at this time. Annexation of these properties will allow the extension of the zoning jurisdiction of the city as shown on the attached map.

## **Discussion**

This property is contiguous with the Grand Island City Limits. The owner has requested this annexation.

This property is within the Grand Island Utilities Electrical Service District. This property appears to be in the Consolidated District 272 (Northwest and Cedar Hollow). This annexation will impact the two-mile extraterritorial jurisdiction of Grand Island. The attached map shows the impact this will have on the jurisdiction of the City of Grand Island. The increased jurisdiction gives the City more control over uses that could impact the well fields. A revised zoning map with the proposed zoning for areas not currently in the City jurisdiction will be considered by the Planning Commission at the February meeting and should be available for adoption by Council at the same time as the final annexation reading for this property.

The public hearing was set and the annexation plan presented to the City Council at the January 23, 2007 City Council Meeting.

## **Alternatives**

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

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

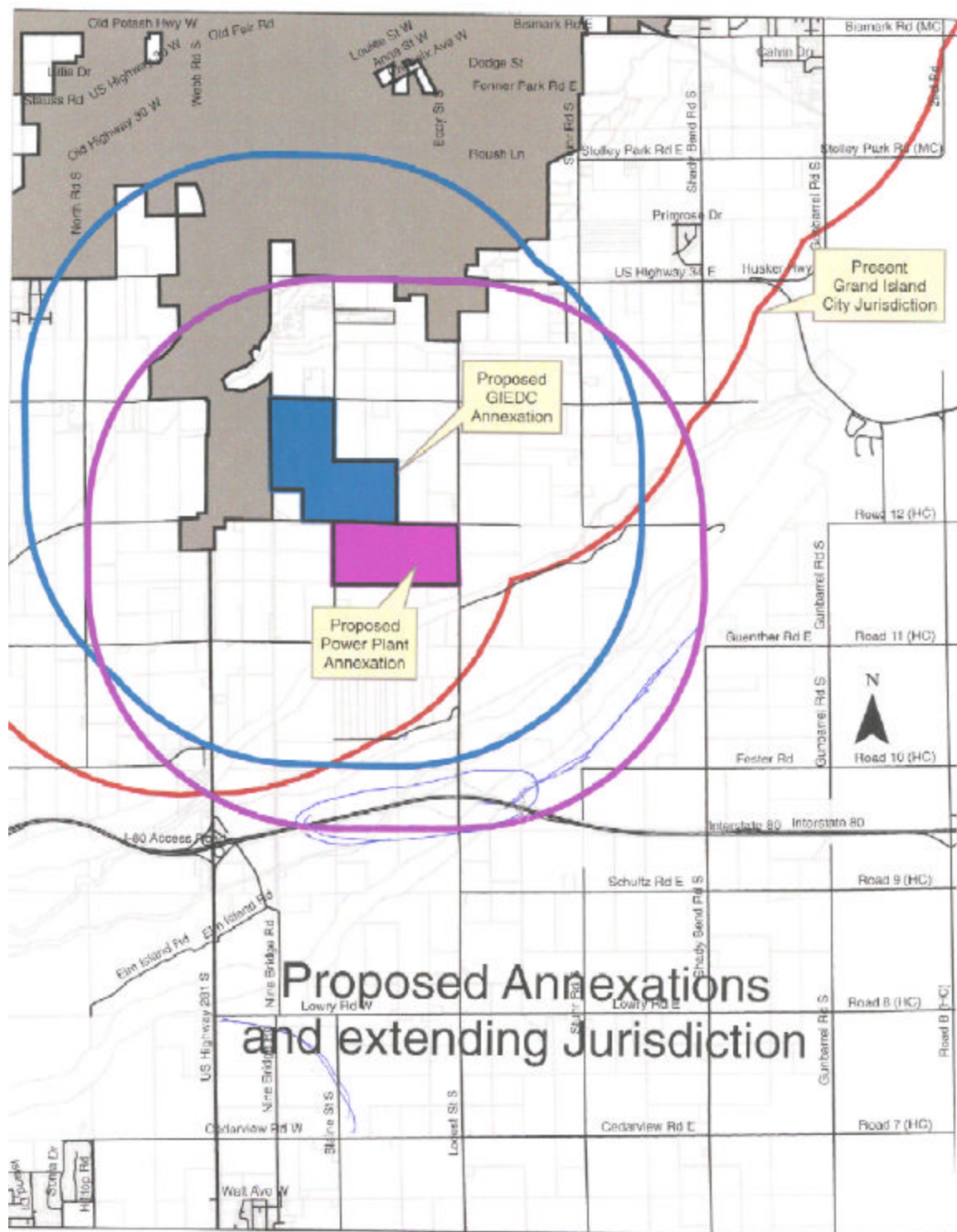
## **Recommendation**

A motion was made by Haskins, and seconded by Brown, to recommend the annexation of the above mentioned property as presented.

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

## **Sample Motion**

Motion to approve the annexation as submitted.





# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item E2**

### **Public Hearing on the One and Six Year Street Improvement Program**

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

# **Council Agenda Memo**

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

**Meeting:** February 13, 2007

**Subject:** Approving One & Six Year Street Improvement Program

**Item #'s:** E-2 & I-1

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

## **Background**

Adoption of a One and Six Year Street Improvement Program is required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. The Public Works department goes through a process to prioritize street projects taking into consideration many factors such as:

- Availability of funds
- Condition of the street
- Traffic counts
- Eligibility for state/federal funds
- Redevelopment patterns
- Public/council input

## **Discussion**

The City engages in a public process to assure input into the policy making process. Following are steps which have gone into bringing about the proposed One and Six Year Street Improvement program:

- Tuesday, January 23, 2007 - City Council referred Plan to Regional Planning Commission.
- Wednesday, February 7, 2007 - Regional Planning Commission conducted a Public Hearing and forwarded the recommendation to the City Council.
- Tuesday, February 13, 2007 - City Council hears presentation from staff, conducts Public Hearing and passes a Resolution adopting the Plan.

There are no changes to the original plan as published for the January 23, 2007 meeting and as presented to the Regional Planning Commission. Attached is staff's recommended One and Six Year Street Improvement Program.

### **Alternatives**

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

1. Move to approve the One and Six Year Street Improvement Program.
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 conduct a public hearing and approve the One and Six Year Street Improvement Program.

### **Sample Motion**

Motion to approve the One and Six Year Street Improvement Program.

2007 CONSTRUCTION SEASON							
				(All Costs in \$1,000's)			
	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
<b>Street Construction</b>							
M310-	475	2007 Paving Petition Program	\$200			\$200	
M310-	500	Widen Capital Avenue - Moores Creek Drainway to Webb Road - Construction	\$4,500		\$3,375		\$1,125
M310-	351	Hwy 30 - Grant to Greenwich - NDOR Project (FY 2007)	\$3,749	\$2,999	\$750		
M310-	508	Wasmer Cell Construction	\$315				\$315
M310-	537	Realign Walnut Middle School entrance with 15th St. & install traffic signal	\$232	\$232			
M310-	407	S. Locust - HWY 34 to I-80 - Additional Landscaping	\$60	\$48			\$12
<b>Street Resurfacing</b>							
M310-	476	Annual Resurfacing Program (2007)	\$450				\$450
<b>Drainage &amp; Flood Control</b>							
M310-	461	Moores, Prairie, & Silver Creek Flood Control for Northwest Grand Island - Construction	\$780	\$530			\$250
M310-	512	Detention Cell/Ditch Restoration	\$50				\$50
<b>Other</b>							
M310-	389	Hike/Bike Trail Const. along Floodway - Hall County Park to S. Locust	\$435	\$348			\$87
M310-	385	Geographic Information System (Continued Development & Maintenance)	\$25				\$25
M310-	513	Misc. Safety Enhancements	\$50				\$50
<b>TOTALS:</b>							
			<b>\$10,846</b>	<b>\$4,157</b>	<b>\$4,125</b>	<b>\$200</b>	<b>\$2,364</b>

2008 Construction Season						
(All costs in \$1,000s)						
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
<b>Street Construction</b>						
M310- 409	S. Locust Grading and Median Drains for New Lanes	\$720		\$576		\$144
M310- 341	S. Locust I-80 to Floodway, Surfacing New Lanes	\$2,750		\$2,200		\$550
M310- 490	Annual Paving Petition Program (2008)	\$600			\$600	
M310-	Traffic Signal @ Rea Road/HWY 281	\$135				\$135
M310- 353	Faidley Ave. - Moores Creek Ditch to North Rd.	\$1,250			\$1,250	
M310- 538	Round-a-bout - Capital Ave/North Rd Intersection	\$360				\$360
M310- 267	Two Bridge Replacements - Blaine @ Wood River (Engineering Design)	\$45				\$45
M310- 458	Traffic Signal - HWY 281/Wildwood Dr.	\$170	\$85			\$85
<b>Street Resurfacing</b>						
M310- 491	Annual Resurfacing Program (2008)	\$500				\$500
<b>Drainage &amp; Flood Control</b>						
M310- 493	Concrete Lining of Drainage Ditches(2008) Moores,Prairie, & Silver Creek Flood Control - Construction for Northwest Grand Island	\$50				\$50
M310- 461	Detention Cell/Ditch Restoration	\$780	\$420			\$360
M310- 514	PVIP Cells & Drainage	\$50				\$50
M310- 485	Independence Avenue	\$127				\$127
M310- 507	Drainage(Design/ROW)	\$80				\$80
M310- 382	Moores Creek Drainage - along North Road from Rogers Well to S. of Old Potash HWY	\$209				\$209
<b>Other</b>						
M310- 414	Hike/Bike Trail Construction, S. Locust to Morman Island. (Parallel to I-80)	\$600	\$600			
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 515	Misc. Safety Enhancements	\$150				\$150
M310- 408	Hike/Bike Bridge Superstructure over two Platte River Channels	\$390	\$312			\$78
M310- 431	Hike/Bike Trail Construction, S. Locust - Floodway to I-80	\$600	\$480			\$120
<b>TOTALS</b>		<b>\$9,591</b>	<b>\$1,897</b>	<b>\$2,776</b>	<b>\$1,850</b>	<b>\$3,068</b>

		2009 Construction Season					
			(All costs in \$1,000s)				
	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	501	Annual Paving Petition Program (2009)	\$750			\$750	
M310-	540	Intersection Improvements @ 13th & North Road	\$300				\$300
M310-	528	State St/Diers Ave - Intersection Improvements	\$390				\$390
M310-	535	Realign Barr Mid. School entrance with Riverside Dr & signal @ Stolley/Adams	\$360	\$306			\$54
M310-	536	Traffic Signal - Locust St./Fonner Park Heartland Event Center Center Entrance	\$150				\$150
M310-	487A	Stolley Park Rd widening, Locust to Fonner Park Ent. (Eng Design & ROW)	\$150			\$150	
M310-	539	3rd Street Widening - Adams to Eddy St.	\$90				\$90
M310-	267	Two Bridge Replacements - Blaine @ Wood River (Construction)	\$250	\$120			\$130
Street Resurfacing							
M310-	503	Annual Resurfacing Program (2009)	\$500				\$500
Drainage & Flood Control							
M310-	505	Concrete Lining of Drainage Ditches(2009) Moores,Prairie, & Silver Creek Flood Control - Construction	\$50				\$50
M310-	461	Detention Cell/Ditch Restoration	\$780	\$420			\$360
M310-	516	PVIP Cells & Drainage	\$50				\$50
M310-	485	Construct Drainway from CCC area to Wood River	\$272				\$272
M310-	459	Moores Creek Drainage - along North Road from Old Potash HWY to Edna Dr.	\$425				\$425
M310-	511	Independence Ave. Drainage (Construction)	\$150				\$150
M310-	507		\$350				\$350
Other							
M310-	497	Illuminating Lighting - HWY 281, Stolley to Old Potash	\$250				\$250
M310-	385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310-	518	Misc. Safety Enhancements	\$150				\$150
M310-	447	Hike/Bike Trail Construction - State St. to Veterans Home	\$600	\$480			\$120
TOTALS			\$6,042	\$1,326	\$0	\$900	\$3,816

		<b>2010 Construction Season</b>					
			(All costs in \$1,000s)				
	<b>No.</b>	<b>Project Description</b>	<b>Total Project</b>	<b>State Federal Other</b>	<b>City STP</b>	<b>City G.O. Bond</b>	<b>City Cap. Impr. Fund</b>
<b>Street Construction</b>							
M310-	519	Annual Paving Petition Program (2010)	\$750			\$750	
M310-	533	Husker Highway Widening - from 1/4 Mi. west of HWY 281 easterly to Highway 281	\$1,200		\$900		\$300
M310-	480	Independence Avenue Paving - Shanna St. to Manchester Ave.	\$1,050			\$1,050	
M310-	334	Widen Eddy Street Underpass to 5-lanes on south end	\$175				\$175
M310-	487	Stolley Park Rd widening, Locust to Fonner Park Entrance (Construction)	\$1,200			\$1,200	
<b>Street Resurfacing</b>							
M310-	522	Annual Resurfacing Program (2010)	\$500				\$500
<b>Drainage &amp; Flood Control</b>							
M310-	523	Annual Major Drainage Development (2010)	\$500				\$500
M310-	524	Concrete Lining of Drainage Ditches(2010)	\$50				\$50
M310-	461	Moore's, Prairie, & Silver Creek Flood Control - Construction	\$780	\$420			\$360
M310-	525	Detention Cell/Ditch Restoration	\$50				\$50
<b>Other</b>							
M310-	385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310-	527	Misc. Safety Enhancements	\$150				\$150
M310-	517	Hike/Bike Trail Const. - Veterans Home to Eagle Scout Park	\$600	\$480			\$120
<b>TOTALS:</b>			<b>\$7,030</b>	<b>\$900</b>	<b>\$900</b>	<b>\$3,000</b>	<b>\$2,230</b>

2011 Construction Season						
			(All costs in \$1,000s)			
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
<b>Street Construction</b>						
M310- 541	Annual Paving Petition Program (2011)	\$750			\$750	
M310- 89	Capital Ave - Webb to Broadwell Ave	\$1,000			\$1,000	
M310- 498	S. Locust - Illumination Lighting S. City Limits to I-80	\$1,000				\$1,000
M310- 521	Swift Road - WWTP to Shady Bend Rd	\$450				\$450
M310- 352	Hwy 30 - Hwy 281 to west City Limits - NDOR Project	\$9,449	\$7,559		\$1,890	
<b>Street Resurfacing</b>						
M310- 542	Annual Resurfacing Program (2011)	\$500				\$500
<b>Drainage &amp; Flood Control</b>						
M310- 543	Annual Major Drainage Development (2011)	\$500				\$500
M310- 544	Concrete Lining of Drainage Ditches(2011)	\$50				\$50
M310- 461	Moore's, Prairie, & Silver Creek Flood Control - Construction	\$780	\$420			\$360
M310- 525	Detention Cell/Ditch Restoration	\$50				\$50
<b>Other</b>						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 416	BLDG Improvements at West Yard	\$375				\$375
M310- 526	Hike/Bike Trail Const. along Floodway - S. Locust to Platte River	\$600	\$480			\$120
M310- 527	Misc. Safety Enhancements	\$150				\$150
<b>TOTALS</b>		<b>\$15,679</b>	<b>\$8,459</b>	<b>\$0</b>	<b>\$3,640</b>	<b>\$3,580</b>

2012 and After Construction						
			(All costs in \$1,000s)			
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
<b>Street Construction</b>						
M310-	Annual Paving Petition Program (2012)	\$750			\$750	
M310- 520	Capital Ave - Broadwell to St. Paul Road	\$1,000			\$1,000	
M310- 499	Grade Separation Broadwell @ UPRR	\$12,000	\$600		\$11,400	
M310- 502	East Bypass Grade Separation @ UPRR	\$16,000	\$800		\$15,200	
M310- 411	Hwy 34 - Locust to Hwy 281 - NDOR Project	\$6,679	\$5,343		\$1,336	
<b>Street Resurfacing</b>						
M310-	Annual Resurfacing Program (2012)	\$500				\$500
<b>Drainage &amp; Flood Control</b>						
M310-	Annual Major Drainage Development (2012)	\$500				\$500
M310-	Concrete Lining of Drainage Ditches(2012)	\$50				\$50
M310- 461	Moore's, Prairie, & Silver Creek Flood Control - Construction (Due remainder of Project)	\$4,680	\$2,520			\$2,160
M310- 525	Detention Cell/Ditch Restoration	\$50				\$50
<b>Other</b>						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 416	BLDG Improvements at West Yard	\$375				\$375
M310- 527	Misc. Safety Enhancements	\$150				\$150
<b>TOTALS</b>		<b>\$42,759</b>	<b>\$9,263</b>	<b>\$0</b>	<b>\$29,686</b>	<b>\$3,810</b>

# 2007 Construction Season

Northwest Grand Island  
Moore's, Prairie  
& Silver Creek  
Flood Control Construction

Annual Paving Petition Program  
Annual Asphalt Resurfacing Program  
Detention Cell & Ditch Restoration  
GIS Continued Maintenance

Widen Capital Avenue  
Moore's Creek Drainway  
To Webb Road

10<sup>th</sup> Street & Adams / Broadwell  
Safety Improvement

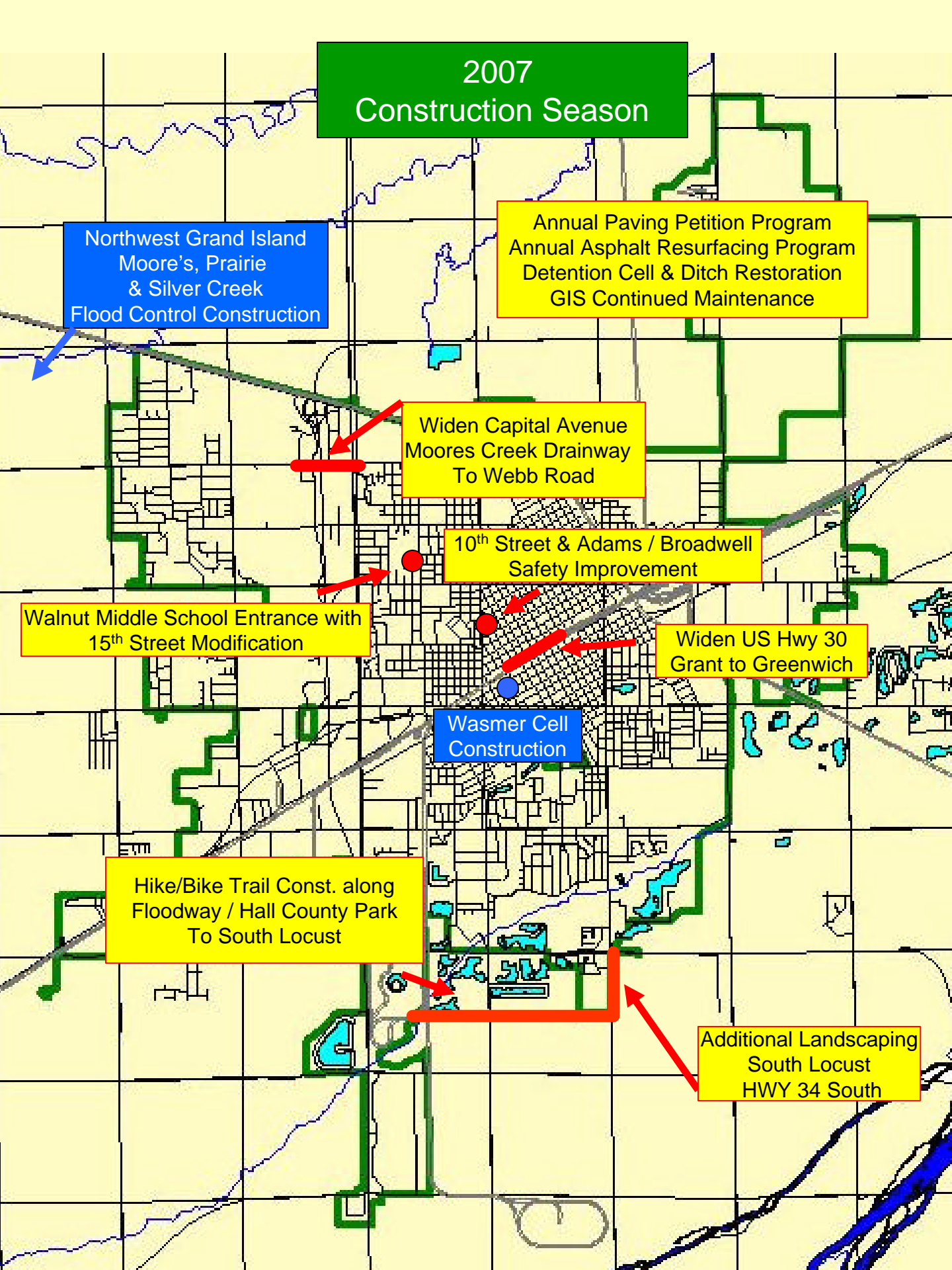
Walnut Middle School Entrance with  
15<sup>th</sup> Street Modification

Widen US Hwy 30  
Grant to Greenwich

Wasmer Cell  
Construction

Hike/Bike Trail Const. along  
Floodway / Hall County Park  
To South Locust

Additional Landscaping  
South Locust  
HWY 34 South



# 2008 Construction Season

Annual Paving Petition Program  
Annual Asphalt Resurfacing Program  
Concrete Ditch Lining  
GIS Continued Maintenance  
Detention Cell & Ditch Restoration  
Misc. Safety Enhancements

Northwest Grand Island  
Moore's, Prairie  
& Silver Creek  
Flood Control Construction

Capital Avenue &  
North Road  
Round-a-bout

Independence Ave Ditch  
Manchester to Capital

Extend Faidley Avenue to  
North Road

Extend Moore's Creek  
Drain to South of Old Pot Ash

Two (2) Bridge  
Replacements  
Blaine @ Wood River

South Locust  
Grading & Median  
Drains and New Lane  
Construction

Traffic Signal –  
Rea Road & US HWY 281

PVIP Drainage

Traffic Signal –  
US HWY 281  
& Wildood Dr.

Hike/Bike Trail  
\* South Locust from the  
Floodway to I-80  
\* Bridge over the Platte River  
\* South Locust to Mormon Island



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item E3**

**Public Hearing on Acquisition of Utility Easement - East Hwy. 30 -  
Hall County Corrections Facility**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

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

**Meeting:** February 13, 2007

**Subject:** Acquisition of Utility Easement – Hall County (East Hwy 30 – Corrections Facility)

**Item #'s:** E-3 & G-7

**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 Hall County, located at the Hall County Corrections Facility on East Highway 30, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair electric and water utilities.

## **Discussion**

This easement will be used to locate electric underground power lines and water mains to serve the Hall County Correction Facilities. This includes only the public portion of those lines, not the service.

## **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

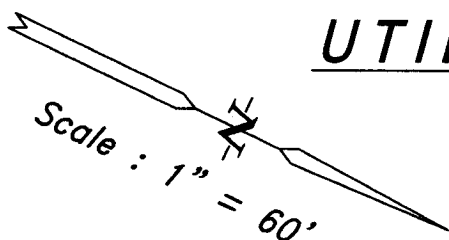
## **Recommendation**

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.

# UTILITY EASEMENT



L u z e n a c

Lot 2

F o u r t h

Existing 35' Utility Easement

S.W. Cor. Lot 1,  
Luzenac Fourth Sub.

43.40' N 00°00'00" E  
Assumed Bearing

98.42' N 25°34'01" W

101.20' S 25°34'01" E

23.17' S 00°00'00" W

ACTUAL Point Of Beginning

Lot 1

Existing 30' Ingress, Egress  
And Utility Easement

S u b d i v i s i o n

## DESCRIPTION

A tract of land comprising a part of Lot Two (2), Luzenac Fourth Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot One (1), Luzenac Fourth Subdivision; thence running northerly along the westerly line of Lot One (1), Luzenac Fourth Subdivision, on an Assumed Bearing of N00°00'00"E, a distance of Forty Three and Forty Hundredths (43.40) feet, to the ACTUAL point of beginning; thence running N25°34'01"W, a distance of Ninety Eight and Forty Two Hundredths (98.42) feet; thence running S64°25'02"W, a distance of Three Hundred Thirty Three and Six Hundredths (333.06) feet; thence running N25°27'01"W, a distance of Ninety and Ninety Nine Hundredths (90.99) feet; thence running N64°27'51"E, a distance of Twenty (20.00) feet; thence running S25°27'01"E, a distance of Seventy and Ninety Eight Hundredths (70.98) feet; thence running N64°25'02"E, a distance of One Hundred Eighteen and Four Hundredths (118.04) feet; thence running N25°36'41"W, a distance of Twenty Five (25.00) feet; thence running N64°25'02"E, a distance of One Hundred Seventy Five (175.00) feet; thence running S25°34'01"E, a distance of Twenty One and Thirty One Hundredths (21.31) feet; thence running N64°25'59"E, a distance of Thirty (30.00) feet, to a point on the westerly line of Lot One (1), Luzenac Fourth Subdivision; thence running S25°34'01"E, along the westerly line of Lot One (1), Luzenac Fourth Subdivision, a distance of One Hundred One and Twenty Hundredths (101.20) feet; thence running S00°00'00"W, along the westerly line of Lot One (1), Luzenac Fourth Subdivision, a distance of Twenty Three and Seventeen Hundredths (23.17) feet, to the ACTUAL point of beginning and containing 0.313 acres more or less.

Date : January 18, 2007

Sheet No. 1 Of 1



2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O. BOX 549  
E-MAIL surveyor@computer-concepts.com PHONE (308) 382-1472 FAX (308) 382-1423



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item F1

**#9107 - Consideration of Assessments for Asphalt Street  
Improvement District No. 1254; Dale Roush and Dale Roush 2nd  
Subdivisions (Indian Acres)**

Staff Contact: Steven P. Riehle, Public Works Director

\* This Space Reserved for Register of Deeds \*

### ORDINANCE NO. 9107

An ordinance to assess and levy a special tax to pay the cost of construction of Street Improvement District No. 1254 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any provision of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said Street Improvement District No. 1254 located in Dale Roush and Dale roush Second Subdivisions (Indian Acres) in the city of Grand Island, Nebraska, as adjudged by the Council of said City, sitting as a Board of Equalization, to the extent of benefits accruing thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

Approved as to Form	☐ _____
February 8, 2007	☐ City Attorney

ORDINANCE NO. 9107 (Cont.)

Name	Description	Assessment
Gaylen Sprague	Lot 1, Block 1, Dale Roush Subdivision	\$1,521.99
Gaylen Sprague	Lot 2, Block 1, Dale Roush Subdivision	\$1,521.99
Todd Gallion	Lot 3, Block 1, Dale Roush Subdivision	\$1,521.99
Todd Gallion	Lot 4, Block 1, Dale Roush Subdivision	\$1,521.99
Bernardo & Norberta Trevino	Lot 5, Block 1, Dale Roush Subdivision	\$1,521.99
Jack W. Rysavy	Lot 6, Block 1, Dale Roush Subdivision	\$1,521.99
Helmuth & Carolyn R. Stahr – Trustees	Lot 7, Block 1, Dale Roush Subdivision	\$1,521.99
Lori Fye, L.M. & N.J. Bixenmann	Lot 8, Block 1, Dale Roush Subdivision	\$1,761.78
Imogene Odom	Lot 1, Block 2, Dale Roush Subdivision	\$1,588.79
Connie Boltz	Lot 2, Block 2, Dale Roush Subdivision	\$1,552.27
Monadine L. Dubas	Lot 3, Block 2, Dale Roush Subdivision	\$1,552.27
Julene J. Kay	Lot 4, Block 2, Dale Roush Subdivision	\$1,648.64
Dallas M. & Betty J. Frohling	Lot 5, Block 2, Dale Roush Subdivision	\$1,969.87
Alferd &. & Dorothy M. Kincheloe	Lot 6, Block 2, Dale Roush Subdivision	\$2,658.22
Richard Jr. & Carol Blackburn	Lot 7, Block 2, Dale Roush Subdivision	\$4,516.76
William F. & Katherine B. James	Lot 8, Block 2, Dale Roush Subdivision	\$4,516.76
Lincoln C. & Rosa Wing	Lot 9, Block 2, Dale Roush Subdivision	\$2,658.22
Randy Sobotka & Donika Gaston	Lot 10, Block 2, Dale Roush Subdivision	\$1,969.87
Frederick M. Wheeler	Lot 11, Block 2, Dale Roush Subdivision	\$1,648.64
Todd & Colleen Gallion	Lot 12, Block 2, Dale Roush Subdivision	\$1,552.27
C. Ray & Lorna Curry	Lot 13, Block 2, Dale Roush Subdivision	\$1,552.27
Donald Dean & Velma J. Kiser	Lot 14, Block 2, Dale Roush Subdivision	\$1,552.27
School District No. 38	Lot 1, Block 1, Dale Roush Second Subdivision	\$2,815.24
School District No. 38	Lot 2, Block 1, Dale Roush Second Subdivision	\$1,884.07
William W. & Sharee L. Stahn	Lot 3, Block 1, Dale Roush Second Subdivision	\$1,890.07
Bank of New York, Trustee	Lot 4, Block 1, Dale Roush Second Subdivision	\$1,894.83
Dustin & DeeAnn Weekley	Lot 5, Block 1, Dale Roush Second Subdivision	\$1,900.20
Deborah Sue Tjaden	Lot 6, Block 1, Dale Roush Second Subdivision	\$1,816.20
Kenneth Edward Luschei	Lot 7, Block 1, Dale Roush Second Subdivision	\$1,817.39
Francisco & Angelina Domingo Miguel	Lot 8, Block 1, Dale Roush Second Subdivision	\$1,817.39
Francisco & Angelina Domingo Miguel	Lot 9, Block 1, Dale Roush Second Subdivision	\$1,817.39
William E. & Marla L. Slatte	Lot 10, Block 1, Dale Roush Second Subdivision	\$1,817.39
Jerome J. & Delores Kuta	Lot 11, Block 1, Dale Roush Second Subdivision	\$1,817.39
Merle E. & Cheryl D. Mendenhall	Lot 12, Block 1, Dale Roush Second Subdivision	\$1,817.39
Paul E. & Judy A.K. Hamilton	Lot 13, Block 1, Dale Roush Second Subdivision	\$1,817.39
Lou Eva Brandt	Lot 14, Block 1, Dale Roush Second Subdivision	\$1,817.39
Gus Salpas	Lot 15, Block 1, Dale Roush Second Subdivision	\$1,817.39
Russell Larsen	Lot 16, Block 1, Dale Roush Second Subdivision	\$1,817.39
William R. & Michelle I. Sis	Lot 17, Block 1, Dale Roush Second Subdivision	\$1,817.39
George S. Beyersdorf	Lot 18, Block 1, Dale Roush Second Subdivision	\$1,817.39
Larry D. Ogden	Lot 19, Block 1, Dale Roush Second Subdivision	\$1,817.39
Floyd A. & Della E. Treffer	Lot 20, Block 1, Dale Roush Second Subdivision	\$1,817.39
Larry J. & Laurie A. VanMark	Lot 21, Block 1, Dale Roush Second Subdivision	\$1,817.39
Alfred & Joy Kuszak	Lot 22, Block 1, Dale Roush Second Subdivision	\$2,019.32
James E. & Pauline L. Thornton	Lot 23, Block 1, Dale Roush Second Subdivision	\$2,101.24
City of Grand Island	Lot 1, Dale Roush Third Subdivision	\$1,236.60
Todd Pearson	Lot 25, Block 1, Dale Roush Second Subdivision	\$1,767.14
Ralph E. & Linda L. Cure	Lot 26, Block 1, Dale Roush Second Subdivision	\$1,768.46
Mikel D. & Penny Wagner	Lot 27, Block 1, Dale Roush Second Subdivision	\$1,769.77
John Wenzel	Lot 28, Block 1, Dale Roush Second Subdivision	\$1,771.09
Jerry L. Draves	Lot 29, Block 1, Dale Roush Second Subdivision	\$1,772.41

# ORDINANCE NO. 9107 (Cont.)

Bob Stahla Mobile Homes, Inc.	Lot 30, Block 1, Dale Roush Second Subdivision	\$1,773.72
Frances M. Bartunek	Lot 31, Block 1, Dale Roush Second Subdivision	\$1,775.04
Francis V. & Sally Mae Hawkins	Lot 32, Block 1, Dale Roush Second Subdivision	\$2,060.14
Gale & Donna Kuhlmann	Lot 33, Block 1, Dale Roush Second Subdivision	\$2,708.84
Steven E. & Marilyn L. Arnold	Lot 34, Block 1, Dale Roush Second Subdivision	\$1,972.94
Terry C. & Rita Muir	Lot 35, Block 1, Dale Roush Second Subdivision	\$2,071.82
Paul A. Welsh	Lot 36, Block 1, Dale Roush Second Subdivision	\$2,072.53
Kenneth A. & Bonnie J. Smaha	Lot 37, Block 1, Dale Roush Second Subdivision	\$2,073.25
Barbara M. Rozmiarek	Lot 38, Block 1, Dale Roush Second Subdivision	\$2,073.97
Robert L. Lilienthal	Lot 39, Block 1, Dale Roush Second Subdivision	\$2,074.68
James D. & Bette J. McComb	Lot 40, Block 1, Dale Roush Second Subdivision	\$2,075.40
Terry G. & Rita E. Muir	Lot 41, Block 1, Dale Roush Second Subdivision	\$2,076.12
Albert & Dianne Benaivdz	Lot 42, Block 1, Dale Roush Second Subdivision	\$2,076.83
Michael F. & Roswitha Wieck	Lot 43, Block 1, Dale Roush Second Subdivision	\$2,077.79
Brian L. & Raejean L. Wieck	Lot 44, Block 1, Dale Roush Second Subdivision	\$2,080.18
Robert C. Evans	Lot 45, Block 1, Dale Roush Second Subdivision	\$2,044.64
Joel B. & Janelle K. Shafer	Lot 46, Block 1, Dale Roush Second Subdivision	\$1,889.17
Paul Robert & Kristina Lynn Reimers	Lot 47, Block 1, Dale Roush Second Subdivision	\$2,670.69
Brian L. & Tammy Verba	Lot 48, Block 1, Dale Roush Second Subdivision	\$5,315.19
Roy K. Patterson	Lot 1, Block 2, Dale Roush Second Subdivision	\$4,397.73
Leland D. & Barbara Jean Brunt	Lot 2, Block 2, Dale Roush Second Subdivision	\$2,621.79
James R. & Laura G. Smith	Lot 3, Block 2, Dale Roush Second Subdivision	\$1,933.44
Kent A. Schroeder – Trustee	Lot 4, Block 2, Dale Roush Second Subdivision	\$1,933.44
Edward D. & Carol A. Rawlings	Lot 5, Block 2, Dale Roush Second Subdivision	\$2,621.79
Mark & Mary Warford	Lot 6, Block 2, Dale Roush Second Subdivision	\$4,397.73
Steven R. & Belinda K. Chrisp Wessels	Lot 7, Block 2, Dale Roush Second Subdivision	\$4,397.73
Loren & Delores Denning	Lot 8, Block 2, Dale Roush Second Subdivision	\$2,621.79
Terry I. & Mary Ann Westwood	Lot 9, Block 2, Dale Roush Second Subdivision	\$1,933.44
Myrtle A. Schulz & Melody Bumgardner	Lot 10, Block 2, Dale Roush Second Subdivision	\$1,933.44
Jimmy Sleeper	Lot 11, Block 2, Dale Roush Second Subdivision	\$2,621.79
Gary W. Schwieger	Lot 12, Block 2, Dale Roush Second Subdivision	\$4,397.73
Loren R. & Delores D. Denning	Lot 1, Block 3, Dale Roush Second Subdivision	\$4,397.73
Dennis J. & Lois L. Beran	Lot 2, Block 3, Dale Roush Second Subdivision	\$2,621.79
Miguel & Andrea N. Rodriguez	Lot 3, Block 3, Dale Roush Second Subdivision	\$1,933.44
Leon Stanczyk	Lot 4, Block 3, Dale Roush Second Subdivision	\$1,933.44
Terry L. & Melissa R. Stamm	Lot 5, Block 3, Dale Roush Second Subdivision	\$2,621.79
John W. Lazendorf	Lot 6, Block 3, Dale Roush Second Subdivision	\$4,397.73
Don R. Richards	Lot 7, Block 3, Dale Roush Second Subdivision	\$4,397.73
Cindy A. Schaffer (Brown)	Lot 8, Block 3, Dale Roush Second Subdivision	\$2,621.79
Douglas W. & Arlene J. Brockman	Lot 9, Block 3, Dale Roush Second Subdivision	\$1,933.44
Monte R. & Jodi A. Knapp	Lot 10, Block 3, Dale Roush Second Subdivision	\$1,933.44
Arnold C. & Linda C. Wenn	Lot 11, Block 3, Dale Roush Second Subdivision	\$2,621.79
Paul L. & Helen F. Wheeler	Lot 12, Block 3, Dale Roush Second Subdivision	\$4,397.73
James J. & Janet Rae Kuta	Lot 1, Block 4, Dale Roush Second Subdivision	\$4,397.73
Janice M. & Sam Ortega	Lot 2, Block 4, Dale Roush Second Subdivision	\$2,621.79
Elaine A. Rauch	Lot 3, Block 4, Dale Roush Second Subdivision	\$1,933.44
Roy L. & Lucinda S. Bethune	Lot 4, Block 4, Dale Roush Second Subdivision	\$1,708.58
Barton C. Bennetzen	Lot 5, Block 4, Dale Roush Second Subdivision	\$1,933.44
Nis N. Jr. & Sharon K. Bennetzen	Lot 6, Block 4, Dale Roush Second Subdivision	\$2,621.79
Allen D. & Nancy L. Petzoldt	Lot 7, Block 4, Dale Roush Second Subdivision	\$4,397.73
Phyllis L. Goc	Lot 8, Block 4, Dale Roush Second Subdivision	\$4,397.73
Berdena M., Duane & Scott Leitschuck	Lot 9, Block 4, Dale Roush Second Subdivision	\$2,621.79

# ORDINANCE NO. 9107 (Cont.)

Larry D. & Cindy L. Addison	Lot 10, Block 4, Dale Roush Second Subdivision	\$1,933.44
Richard J. & Susan M. Kowalski	Lot 11, Block 4, Dale Roush Second Subdivision	\$1,708.58
Arnold C. & Linda C. Wenn	Lot 12, Block 4, Dale Roush Second Subdivision	\$1,933.44
William F. & Katherine Betty James	Lot 13, Block 4, Dale Roush Second Subdivision	\$2,621.79
William F. & Katherine Betty James	Lot 14, Block 4, Dale Roush Second Subdivision	\$4,397.73
Vermaine T. & Jeanie L. Verba	Lot 1, Block 5, Dale Roush Second Subdivision	\$4,435.72
Danny R. & Pamela S. Miller	Lot 2, Block 5, Dale Roush Second Subdivision	\$2,630.21
Duane L. & Gerald L. & Berdena M. Leitschuck	Lot 3, Block 5, Dale Roush Second Subdivision	\$2,221.15
Scott & Jackie D. Leitschuck	Lot 4, Block 5, Dale Roush Second Subdivision	\$2,630.21
Rodney & Barb Hammond	Lot 5, Block 5, Dale Roush Second Subdivision	\$4,435.72
Timothy D. & Catherine M. Bartlett	Lot 6, Block 5, Dale Roush Second Subdivision	\$4,435.72
Carl E. Jr. & Linda Fricke	Lot 7, Block 5, Dale Roush Second Subdivision	\$2,630.21
Jessie M. Campbell	Lot 8, Block 5, Dale Roush Second Subdivision	\$2,221.15
Paul W. Wengler	Lot 9, Block 5, Dale Roush Second Subdivision	\$2,630.21
Ronald A. & Susan E. Rustman	Lot 10, Block 5, Dale Roush Second Subdivision	\$4,435.72
Timothy E. Koehn	Lot 1, Block 6, Dale Roush Second Subdivision	\$4,435.72
John M. Hillis	Lot 2, Block 6, Dale Roush Second Subdivision	\$2,630.21
Berdena Woodward Leitschuck	Lot 3, Block 6, Dale Roush Second Subdivision	\$2,221.15
Etta R. & James W. Vetter	Lot 4, Block 6, Dale Roush Second Subdivision	\$2,630.21
Cynthia L. McCarthy	Lot 5, Block 6, Dale Roush Second Subdivision	\$4,435.72
James G. & Ila M. Dramse	Lot 6, Block 6, Dale Roush Second Subdivision	\$4,435.72
Jeanette & Terry Wampole	Lot 7, Block 6, Dale Roush Second Subdivision	\$2,630.21
Jorge R. & Mayra Q. Romo	Lot 8, Block 6, Dale Roush Second Subdivision	\$2,221.15
Clyde C. & Charlotte A. Kraft	Lot 9, Block 6, Dale Roush Second Subdivision	\$2,630.21
Patricia A. Skinner	Lot 10, Block 6, Dale Roush Second Subdivision	\$4,435.72
Earle R. & Laura E. KleeB	Part of the Southeast Quarter of the Southwest Quarter of Section 14, Township 11, Range 10 in the City of Grand Island, Hall County, Nebraska; North 207.05 feet of a tract described in Instrument No. 93-104413 at the Hall County Register of Deeds Office	\$1,735.67

SECTION 2. The special tax shall become delinquent as follows: One-tenth of the total amount shall become delinquent in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years, one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; and one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time

ORDINANCE NO. 9107 (Cont.)

of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of fourteen percent (14.0%) per annum shall be paid thereon, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska, is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Paving District Assessment Fund" for Street Improvement District No. 1254.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. 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: February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item F2

**#9108 - Consideration of Annexation of Property Located Between the East Side of the Platte Valley Industrial park and South Locust Street and Between Wildwood Drive and Schimmer Drive (First Reading)**

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

Staff Contact: Chad Nabity

\* This Space Reserved For Register of Deeds \*

## ORDINANCE NO. 9108

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land located east of the Platte Valley Industrial Park in the East Half (E 1/2) of Section Five (5), Township Ten (10) North, Range Nine (9), West of the Sixth P.M. and in the Southwest Half (SW 1/2) of Section Four (4), Township Ten (10) North, Range Nine (9), West of the 6<sup>th</sup> P.M. in Hall County, Nebraska; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after public hearing on January 3, 2007, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, the following tracts of land:

### Annexation Area 1:

Beginning at the Southeast Corner of Lot Sixteen (16), Scheel's Subdivision; thence South on an extension of the East Line of Scheel's Subdivision, said line also being the East Line of Platte Valley Industrial Park Third Subdivision to a point being the Southeast Corner of Lot Seven (7), Platte Valley Industrial Park Third Subdivision; thence East on a line being the South Line of the Northwest Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section Five (5), Township Ten

Approved as to Form	<input type="checkbox"/> _____
February 8, 2007	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9108 (Cont.)

(10), Range Nine (9) West of the Sixth P.M.; and a prolongation thereof to the Southeast Corner of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Five (5), Township Ten (10), Range Nine (9) West of the Sixth P.M.; thence South on the West Line of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Five (5), Township Ten (10), Range Nine (9) West of the Sixth P.M.; and a prolongation thereof to a point Thirty Three Feet (33') South of the North Line of Section Eight (8), Township Ten (10), Range Nine (9) West of the Sixth P.M.; Thence East on a line Thirty Three Feet (33') South of and parallel to the North Line of Section Eight (8), Township Ten (10), Range Nine (9) West of the Sixth P.M. to a point on the East Line of Section Eight (8), Township Ten (10), Range Nine (9) West of the Sixth P.M.; said point being Thirty Three Feet (33') South of the Northeast Corner of said Section Eight (8), Township Ten (10), Range Nine (9) West of the Sixth P.M.; thence continuing East on a line Thirty Three Feet (33') South of and parallel to the North Line of Section Nine (9), Township Ten (10), Range Nine (9), West of the Sixth P.M. to a point on the East Line of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Nine (9), Township Ten (10), Range Nine (9), West of the Sixth P.M.; said point being Thirty Three Feet (33') South of the Northeast Corner of the Northwest Quarter (NW $\frac{1}{4}$ ); thence North on the East Line of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Nine (9), Township Ten (10), Range Nine (9), West of the Sixth P.M.; and the East Line of Southwest Quarter (SW $\frac{1}{4}$ ) of Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M.; to the Northeast Corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Four (4), Township Ten (10), Range Nine (9); thence West on the North Line of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M.; to a point Thirty Three Feet (33') East of the Northwest Corner of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M.; thence North on a line Thirty Three Feet (33') East of and parallel to the West Line of Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M.; to a Point Thirty Three Feet (33') North of and Thirty Three Feet (33') East of the Northwest Corner of Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M.; thence West on a Line Thirty Three Feet (33') North of and parallel to the North Line of Sections Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M. and Section Five (5), Township Ten (10), Range Nine (9), West of the Sixth P.M., to the Point of Beginning.

Annexation Area 2:

Beginning at a point Thirty Three Feet (33') West of and Thirty Three Feet (33') North of the Northeast Corner of Section Eight (8), Township Ten (10), Range (9), West of the Sixth P.M.; thence South on a line Thirty Three Feet (33') West of and parallel to the East Line of Section Eight (8), Township Ten (10), Range (9), West of the Sixth P.M. to a point on the South Line of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eight (8), Township Ten (10), Range (9), West of the Sixth P.M.; said point being Thirty Three Feet (33') West of the Southeast Corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eight (8), Township Ten (10), Range Nine (9), West of the Sixth P.M.; thence East on the South Line of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eight (8) and the South Line of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Nine (9), Township Ten (10), Range Nine (9), West of the Sixth P.M.; and a prolongation thereof to a point One Hundred Thirty Two and Fifteen Hundredths Feet (132.15') East of the Southwest Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Ten (10), Township

ORDINANCE NO. 9108 (Cont.)

Ten (10), Range Nine (9), West of the Sixth P.M.; thence Northerly a distance of Two Thousand Sixty Eight and Twenty Two Hundredths Feet (2,068.22') to a point, thence Northerly a distance of One Hundred Ninety Five and Three Hundredths Feet (195.3') to a point; thence Northerly a distance of Three Hundred Forty Five and Ninety Seven Hundredths Feet (345.97') to the South Line of Wildwood Drive; thence continuing North on a line to a Point Thirty Three Feet (33') North of and One Hundred Forty and Eighty Five Hundredths Feet (140.85') East of the Southwest Corner of Section Three (3), Township Ten (10), Range Nine (9), West of the Sixth P.M.; thence West on a Line Thirty Three Feet (33') North of an parallel to the South Line of Section Three (3), Township Ten (10), Range Nine (9), West of the Sixth P.M., and Section Four (4), Township Ten (10), Range Nine (9), West of the Sixth P.M., to the Point of Beginning.

WHEREAS, after public hearing on February 13, 2007, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on February 13, 2007, the City Council of the City of Grand Island approved such annexation on first reading.

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

SECTION 1. It is hereby found and determined that:

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

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

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that the extraterritorial zoning jurisdiction is extended as allowed by law.

ORDINANCE NO. 9108 (Cont.)

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

(E) The plan for extending City services adopted by the City Council by the passage and approval of Resolution No. 2007-26 is hereby approved and ratified as amended.

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

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

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

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

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

ORDINANCE NO. 9108 (Cont.)

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

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

Enacted: February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G1**

**Approving Minutes of January 20, 2007 City Council Special  
Study Session Retreat**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL SPECIAL STUDY SESSION (RETREAT)

January 20, 2007

Pursuant to due call and notice thereof, a Study Session (Retreat) of the City Council of the City of Grand Island, Nebraska was conducted at the Heartland Public Shooting Park, 6788 West Husker Highway on January 20, 2007. Notice of the meeting was given in the *Grand Island Independent* on January 16, 2007.

Mayor Margaret Hornady called the meeting to order at 8:35 a.m. The following members were present: Councilmember's Pielstick, Walker, Cornelius, Nickerson, Gericke, Brown, Gilbert, Whitesides, Haase, and Meyer. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Public Works Director Steve Riehle, City Attorney Dale Shotkoski, Finance Director David Springer, Police Chief Steve Lamken, Utilities Director Gary Mader, Human Resources Director Brenda Sutherland, Building Department Director Craig Lewis, Fire Chief Jim Rowell, Library Director Steve Fosselman, Parks & Recreation Director Steve Paustian, Interim Emergency Management Director Larry Smith, and Regional Planning Director Chad Nabity.

#### INTRODUCTION:

Mayor Hornady welcomed the council, directors and public attending the meeting. City Administrator Gary Greer commented on the work preparing for the Council Retreat and thanked the Department Director's and City Clerk.

#### DISCUSSION TOPICS:

Peg Gilbert recommended we combine all the Parks and Recreation items together for discussion.

**Funding Outside Agencies:** Councilmember Meyer asked how we started funding all of the outside agencies. City Administrator Gary Greer commented that they evolved over time. Some were contract for services and others were the priority of a councilmember or Mayor at the time. Councilmember Pielstick commented that the Retired and Senior Volunteer Program needed to have matching funds from the City in order to receive federal grant funds.

Mayor Hornady recommended that if we eliminate any of these agencies from City funding we needed to let them know now so they could find funding in other areas.

Councilmember Pielstick requested that she would like to see Hope Harbor and the Crisis Center put under the Police Department, G.I. Dive and Rescue Team be put under the Fire Department, and the Fishing Derby be put under the Parks and Recreation budget for funding.

Discussion was held on whether we needed to set some criteria, have an accounting of the money spent by these agencies, and whether they serve a function for the city. City Attorney Dale Shotkoski commented on the role of the council in deciding if these agencies should be funded.

Mr. Greer explained that during the budget process these agencies requested monies through an application and submitted a budget for the use of the monies. Also mentioned was that by funding these agencies there was less money to be used for the city departments. Mayor Hornady mentioned most of these agencies were a partnership. Councilmember Whitesides stated it would cost us more if we had to handle these issues without the outside agencies help and would encourage future funding of each. It was not recommended that we add any more agencies to this list.

Discussion was held whether the City was the best source of funding or if there were other ways of supporting these agencies like the United Way. It was suggested we pare down this list if they were not related to city services and fund only those areas we needed to keep due to matching funds, partnerships, etc. It was suggested that a municipal standard be made in reviewing funding for these agencies. A suggestion was made that if an agency gets funding from the United Way or has other avenues for funding then we should not fund that agency.

Mayor Hornady suggested we do not add any more agencies. Mr. Greer stated we should not evaluate these agencies because of needs because they all are very worthwhile organizations. He suggested that under the Planning Department through grant writing we could come up with criteria and set a dollar limit by prioritizing and using the “but for” test.

**Stolley Park Arboretum:** Councilmember Meyer wanted to know what the status was regarding the arboretum. Parks and Recreation Director Steve Paustian explained the history of the arboretum going back to when the city had the zoo. To date everything had been accomplished except the arboretum and ice rink due to the cost of these projects. Mr. Paustian recommended the city develop the infrastructure and have the community come together to help fund the arboretum as was done with the “Kid’s Kingdom”. Also mentioned was that once this was done there would be a need for an additional FTE to keep up the maintenance of the park.

Discussion was held regarding the log cabin, cave, and Stolley House. The Hall County Historical Society was currently using the house for offices and meetings. Building Department Director Craig Lewis stated there was money from donations for the upkeep of the house.

Councilmember Gilbert recommended we needed to have an overall plan for all Parks and Recreation projects including: swimming pools, shooting park, golf course, parks, softball fields, racket club, etc.

**Competitive Swimming Pool:** Parks and Recreation Director Steve Paustian stated the council needed to make the decision of whether or not the city would move forward with a swimming pool. At the current level of funding in the Parks Department for capital projects none of these projects could be accomplished besides the upkeep of them.

**Golf Course Amenities:** Councilmember Meyer commented on the urgency to get the golf course up and running. Mr. Paustian reviewed the golf course operational plan. The following activities were mentioned:

- Return to the market place to hire a new contractor to serve as the Golf Professional
- Develop an incentive based contract eliminating guarantees found in the previous contract
- Through succession, eliminate one maintenance position by October 1, 2007
- Conduct a comprehensive user survey to receive input regarding the golf courses overall operation, suggested improvements and operational modifications

Mr. Paustian explained the current Golf Pro contract was not renewed and the process that was taking place to hire a new Golf Pro.

**Adequate Facilities for Girls Softball and Ownership of Fields:** Councilmember Pielstick commented on the history of the girls softball fields and all the work Bob Sorenson had put into them and recommended we not change the current arrangement.

Councilmember Gericke commented on calls he received from the public due to not enough fields for girls and boys. It was recommended that teams play during the day. Discussion was held regarding the Webb Road fields used for soccer nine months of the year. Mr. Paustian stated the fields were being overused and there needed to be time for them to rest during the summer season. Maintenance issues were mentioned. Scheduling solutions were being worked on by the teams and Parks and Recreation Department.

Mr. Greer stated the Master Plan would look at the uses of each field and would give a recommendation for future uses. Recreation had changed considerably from the last Master Plan which was created in July 1996.

Mayor Hornady stated we needed to use the facilities we had with less money. By being more efficient and effective could solve some of these problems and save money. Coming up with creative solutions was recommended.

**Smoking Ban:** Councilmember Gilbert commented on the public input she received concerning a smoking ban. Reviewed was the history of what had been done in the past here at the city. She stated she thought we needed to take action on this issue. She recommended that the city take a leadership role on a smoking ban. Mentioned was LB 395 introduced in the state legislature regarding the Nebraska Clean Indoor Air Act.

Discussion was held regarding the decision of the Council in 2005 that the public needed to petition this issue on the ballot. Several Councilmember's spoke in favor and several spoke against a smoking ban and/or restrictions.

Comments were made regarding the council taking the direction on this issue otherwise the public may take this to a ballot issue in which may not be what the council wants. Discussion was held on how far we go with the ban regarding the work place, public place, etc.

Mr. Greer stated the council needed to decide what they wanted to do, deciding whether to pursue this issue or drop it and not spend any more time on it as it had been discussed for several years. It was recommended that the City Attorney draft ballot language for Council review at an upcoming Study Session.

### **LUNCH WITH HALL COUNTY BOARD OF SUPERVISORS:**

The following Hall County Board of Supervisors were present for the Joint City/County Special Study Session: Jim Eriksen, Pam Lancaster, Bud Jeffries, Bob Rye, Daniel Wagoner, Scott Arnold, and Marla Conley County Clerk.

**Heartland Public Shooting Park Presentation:** Bill Starkey, Heartland Public Shooting Park (HPSP) Superintendent presented a PowerPoint presentation explaining the Heartland Public Shooting Park and what it had to offer. Tim O'Connor with the HPSP Advisory Board explained the public/private partnership and history of the shooting park. Questions were answered regarding future development of the park. Mr. O'Connor commented on the tremendous number of volunteer hours and work that had been completed.

Steve Paustian, Parks and Recreation Director commented on the day-to-day operations including many volunteer hours.

**City/County Emergency Management:** Brenda Sutherland, Human Resources Director updated the City Council and County Board regarding the recruitment process for an Emergency Management Director. To date there had been 12 applications. The committee met January 19, 2007 and were in the process of reviewing applications and interviewing candidates.

**City/County Efficiency Committee Update:** Beth Stecker, Chair of the City/County Efficiency Effectiveness Committee explained the creation of this committee and their purpose. Ms. Stecker reported there had been no meetings in 2006. Suggested was a broader scope in what the committee could do. The following areas were presented:

- Purchasing
- Preparedness
- Streets and Roads
- Parks

Mr. Greer asked if the Efficiency Committee could do a complete makeover in revenues to see what areas both the City and County could work together for cost savings. Mentioned was the working relationship between the City and County and positive effects it had.

**Truck Parking in Residential Areas:** Councilmember Cornelius and Walker mentioned current City Code did not allow trucks on residential streets, but could park in residential areas. Inconsistencies were discussed within the code along with penalties. City Attorney Dale Shotkoski commented the City could expand City Code Section 22-141 to include truck parking.

Police Chief Steve Lamken stated he did not want to see us eliminate this code. Increasing the fine would help. Discussion was held concerning semi-truck/trailer and the damage to streets due

to their weight. It was recommended we do not allow trailers on residential streets. Chief Lamken stated they do receive calls and issue parking tickets for tractor/trailer violations which amount to \$10.00. Discussion was held regarding current city code not allowing busses in yards.

Mr. Shotkoski explained the problems with prosecuting these types of violations. It was recommended to change city code to not allow trailers on residential streets and increase the fine. Mr. Shotkoski stated the fines are set by state statutes, but parking tickets are handled administrative. The fine could be increased to \$25.00. It was the consensus of the Council to have the City Attorney change the city code to increase the fine to \$25.00 and not allow trailers on residential streets.

**Parking on Non-Paved Surfaces:** Councilmember Haase wanted to see the City Code changed so no vehicle could park on non-paved surfaces. Discussion was held concerning the number of vehicles, motor homes, trailers, etc parking in back yards and/or side yards. Building Department Craig Lewis commented on Section 36 of the City Code relating to zoning regarding hard surface parking which was in conflict with Section 22. It was the consensus of the Council to address this issue when we do the code revision for this section.

**Auditor Report:** Cancelled.

**Other Items:** Brenda Sutherland, Human Resources Director updated the Council regarding the City Administrator hiring process. Ms. Sutherland stated over the last 20 years the City has had 5 Administrator's. Different processes had been used over the years. Recommended was the following process:

1. Negotiate a contract with a consultant to oversee the recruitment process.
2. Develop a profile of the ideal candidate for the position.
3. Implement an advertising strategy.
4. Recruitment of qualified candidates which includes preliminary screening (Screening may include core competency assessments and written exercises).
5. Background and reference checks.
6. Interview of finalists by Council.
7. Contract with new City Administrator

Estimated turn around time was 90 to 120 days. The approximate budget for consulting fees used for the search of this position would not exceed \$20,000.00. Ms. Sutherland stated the last time took 4 months.

### **GOAL SETTING FOR 2007-2008:**

Mayor Hornady commented that the 2006-2007 Goals were in the packet for council's review. The following were recommended goals for 2007-2008. Mr. Greer briefly explained each of the following proposed goals:

#### Public Safety

1. Seek and secure funding for the development of the Fire Training Facility (Seeking and securing funding was encouraged – long term program which would not be completed this year)
2. Complete construction on Fire Station #1 (Estimated completion date set for first of April)
3. Complete construction of Police/Sheriff Law Enforcement Center (Estimated completion date set for September or October 2007)
4. Secure funding and begin upgrade of Emergency Communications Center (Homeland Security grant funding being looked at)

#### Economic Development

5. Assist in creating and retaining quality jobs through LB 840 program (lend expertise to EDC)
6. Assist CRA in identifying and creating new business redevelopment projects (CRA moving forward with blight and substandard study in the Five Points area)

#### Infrastructure

7. Support infrastructure for sustained housing/commercial development
8. Begin incremental implementation of the Railroad Corridor Study (Railroad looking at putting in quiet zones, implementing Corridor Study a little at a time and working with the Railroad on other issues such as closing crossings, etc.)
9. Prepare a master plan for infrastructure development south of Grand Island

#### Government Efficiency

10. Seek interlocal partnerships that eliminate duplication and promote efficiency (Efficiency Committee)
11. Complete a comprehensive City Code review and update (Ongoing)
12. Develop a budget with no increase in the property tax levy
13. Develop criteria for outside agency funding

#### Quality of Life

14. Complete construction of the Library expansion project (Completion of the new addition set for February 13, 2007 with remodeling old part with completion summer 2007)
15. Construct a children's play area at Island Oasis (Engineering near completion, funding needed for implementation)
16. Continue to support development of the Heartland Public Shooting Park (Ongoing, funding needed)
17. Update Parks and Recreation master plan (Discussed earlier to proceed with plan)
18. Start construction of Aerated Static Pile facility (Design meeting scheduled with targeted completion of construction fall 2007)
19. Implement the Community Appearance Plan (Presentation scheduled for Study Session in spring of 2007)

Public Health

20. Secure funding and begin construction of the Household Hazardous Waste facility (Grant being applied for)
21. Continue to aggressively address environmental issues and advocate for citizens
22. Develop language for smoking restrictions to be considered to be placed on the ballot

Discussion held regarding the budget and tax rate for the upcoming year. Mayor Hornady commented she would like to see no increases in the tax rate for 2007-2008. Requested the Grand Island Independent do an article to educate the public regarding tax statements and what the funds stand for.

Mayor Hornady thanked Council and City staff for their participation.

ADJOURNMENT: The meeting was adjourned at 3:55 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G2**

**Approving Minutes of January 23, 2007 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

# OFFICIAL PROCEEDINGS

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING

January 23, 2007

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 January 23, 2007. Notice of the meeting was given in *The Grand Island Independent* on January 17, 2007.

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

INVOCATION was given by Pastor Scott Friesen, Berean Bible Church, 4116 West Capital Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Ashley Chalupa and Amanda Calhoon along with Adrian Valez, Board Member. Mentioned were the upcoming Youth Council events - Chili Cook Off and Talent Show.

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of Milt Loeb, Senior Engineering Technician with the Public Works Department for 35 Years of Service with the City. Mayor Hornady and City Council recognized Milt Loeb, Senior Engineering Technician with the Public Works Department for 35 years of service with the City. Milt Loeb was present for the presentation.

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

#2007-BE-1 – Consideration of Determining Benefits for Sidewalk District No. 1, 2006. Steve Riehle, Public Works Director reported that work had been completed on Sidewalk District No. 1, 2006. The total cost of construction was \$924.00.

#2007-BE-2 – Consideration of Determining Benefits for Street Improvement District No. 1258; Extending Faidley Avenue West of Diers Avenue an Additional Six Hundred Fifty Feet (650 Feet). Steve Riehle, Public Works Director reported that work had been completed on Street Improvement District No. 1258. The total cost of the project was \$197,147.92

Motion by Pielstick, second by Meyer to approve Resolutions #2007-BE-1 and #2007-BE-2. Upon roll call vote, all voted ayes. Motion adopted.

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

## PUBLIC HEARINGS:

Public Hearing on Request of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 27, 2006; notice to the general public of date, time, and place of hearing published on January 13, 2007; notice to the applicant of date, time, and place of hearing mailed on December 27, 2006; along with Chapter 4 of the City Code. Staff recommended approval. Harry Hoch, 2417 Cottonwood Road spoke in support. No further public testimony was heard.

Public Hearing on Request from Energy Grains Development Group LLC for a Conditional Use Permit for Construction of an Ethanol Production Facility Located at 1730 and 1898 Wildwood Drive. Craig Lewis, Building Department Director reported that Paul Kenney had requested a conditional use permit on behalf of Energy Grains Development Group LLC located at 1730 and 1898 Wildwood Drive for an ethanol production facility. Mr. Lewis presented the following unknowns for this project: 1) amount and source of water for manufacturing process, 2) Odor, 3) air quality due to ethanol process, 4) sewer and process discharges, 5) landscape buffering, 6) location, and time frame for construction. Staff recommendation was either to approve with stipulations or table for further review.

The following people spoke in support:

Marlan Ferguson, President of EDC, 2808 Apache Road  
Dan Lindstrom, Attorney for Energy Grains Development, Kearney, NE  
Kevin Prior, representative of Olsson Associates  
Paul Kenney, President of Energy Grains Development, Kearney, NE  
Stew Jobes, 1818 South Garland Street, Finance Specialist with the Nebraska Department of Economic Development  
Richard Sanne, Nebraska Department of Agriculture  
Casey Macken, 2603 Riverview Drive  
Ken Gnadt, 1610 Gretchen Avenue  
Nadine Oakley, 1381 West Schimmer Drive  
Kay Robbins, 404 Wyandotte Street  
Bill Westering, 2015 West John Street

The following people spoke in opposition:

Tom Haney, 3604 South Blaine Street #6  
Dan Lind, 2111 Bass Road  
Dr. Casey Iverson, 3604 South Blaine Street  
Laura Fox, 1916 Rainbow Road  
Joel Joe Luetkenhaus, 1710 Rainbow Road  
David Bush, 2508 Stagecoach Road  
Lewis Kent, 624 East Meves Road

The following people spoke in a neutral position:

Mike Morledge, 1425 Stagecoach Road

Tom O'Neill, 2017 Barbara Avenue

No further public testimony was heard.

Public Hearing on Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing and R1 Suburban Density Residential to RD Residential Development. Chad Nabity, Regional Planning Director reported that the Evangelical Lutheran Good Samaritan Society of Sioux Falls, South Dakota had submitted an application to rezone approximately 33 acres of land north and east of the Indianhead Golf Course from M1 Light Manufacturing, M2 Heavy Manufacturing and R1 Suburban Density Residential to RD Residential Development.

The following people spoke in support:

Harold Rosenkotter, 3115 Goldenrod Drive  
Rod Hooker, 4525 West Capital Avenue  
Kim Johansen, Executive Director of Good Samaritan facilities  
Marlan Ferguson, President of EDC, 2808 Apache Road  
Jack Henry, 4840 Baker Avenue  
Jason Gunther, Good Samaritan Design Consultant for the State of Nebraska  
Tom Haney, 3604 South Blaine Street

No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located Northeast of 914 Bauman Drive (Hall County Housing Authority and Mid-Plains Center for Behavioral Healthcare Services, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located northeast of 914 Bauman Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to relocate underground power cables and a pad-mounted transformer for the expanded building of Mid-Plains Center. No public testimony was heard.

The council took a recess at 8:55 p.m. and returned to session at 9:05 p.m.

#### 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:

- #9101 – Consideration of Assessments for Sidewalk District No. 1, 2006
- #9102 – Consideration of Assessments for Street Improvement District No. 1258; Extending Faidley Avenue West of Diers Avenue an Additional Six Hundred Fifty Feet (650 Feet)
- #9103 – Consideration of Vacating the West 900 Feet of Enterprise Avenue and Fortune Street between Trust Street and Enterprise Avenue in Grand Island Industrial park West Subdivision
- #9104 – Consideration of Vacating 16' Utility Easements in Grand Island Industrial Park West Subdivision (The Evangelical Lutheran Good Samaritan Society)

#9105 – Consideration of Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing, and R1 Suburban Density Residential to RD Residential Development

#9106 – Consideration of Amendments to Chapter 34 of the Grand Island City Code Relative to Telecommunications Occupation Tax

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.

Steve Riehle, Public Works Director reported Ordinances #9101 and #9102 related to the aforementioned Board of Equalization hearing. Ordinance #9103 was a request by the developer to vacate 900 feet of Enterprise Avenue and Fortune Street between Trust Street and Enterprise Avenue for the purpose of a private street. Ordinance #9104 was a request by the developer to facilitate development in the Grand Island Industrial Park West Subdivision.

Motion by Gilbert, second by Pielstick to approve Ordinances #9101, #9102, #9103, and #9104.

City Clerk: Ordinances #9101, #9102, #9103, and #9104 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9101, #9102, #9103, and #9104 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9101, #9102, #9103, and #9104 are declared to be lawfully adopted upon publication as required by law.

#9105 – Consideration of Change of Zoning for Grand Island Industrial Park West Subdivision Located North and East of Indianhead Golf Course and West of North Road from M1 Light Manufacturing, M2 Heavy Manufacturing, and R1 Suburban Density Residential to RD Residential Development

Chad Nabity, Regional Planning Director reported Ordinance #9105 related to the aforementioned Public Hearing. Discussion was held regarding the proposed plan for 26’ private streets.

Motion by Whitesides, second by Gilbert to approve Ordinance #9105.

City Clerk: Ordinance #9105 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember’s Pielstick, Walker, Nickerson, Gericke, Brown, Gilbert, Whitesides, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

City Clerk: Ordinance #9105 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Pielstick, Walker, Nickerson, Gericke, Brown, Gilbert, Whitesides, and Haase voted aye. Councilmember Meyer voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9105 is declared to be lawfully adopted upon publication as required by law.

#9106 – Consideration of Amendments to Chapter 34 of the Grand Island City Code  
Relative to Telecommunications Occupation Tax

Paul Briseno, Assistant to the City Administrator reported Ordinance #9106 was discussed at the January 16, 2007 City Council Study Session. This would be a change to Chapter 23 of the Grand Island City Code allowing a 3% occupational tax on mobile phones.

Discussion was held regarding the use and/or restrictions of these monies. City Administrator Gary Greer stated the money would go into the general fund and council would have final authority on how to spend these monies through the budget process.

Lewis Kent, 624 East Meves Street spoke in opposition. Mr. Greer explained the reasons for the additional tax and who would be affected by it.

Motion by Pielstick, second by Gilbert to approve Ordinance #9106.

City Clerk: Ordinance #9106 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 #9106 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 Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9106 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-11 was pulled for further discussion. Motion by Gilbert, second by Meyer to approve the Consent Agenda excluding item G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 9, 2007 City Council Regular Meeting.

Approving Minutes of January 16, 2007 City Council Study Session.

Approving Re-Appointment of Kurt Haecker to the City/County Efficiency Effectiveness Committee.

Approving Re-Appointments of Craig Hand, Dean Peg, K.C. Hehnke, Mark Stelk, and Tom Ziller to the Business Improvement District No. 5 Board.

Approving Preliminary Plat for Good Samaritan Subdivision.

#2007-14 – Approving Final Plat and Subdivision Agreement for Good Samaritan Subdivision.  
It was noted that The Evangelical Lutheran Good Samaritan Society, owner had submitted a Final Plat for Good Samaritan Subdivision located on a tract of land in Lots 5-10, Lots 26-29, Lots 42-59 and a part of the SW ¼ of the NE ¼ of Section 26-11-10 consisting of approximately 32.06 acres for the purpose of creating 31 lots and 1 outlot.

#2007-15 – Approving Acquisition of Utility Easement Located Northeast of 914 Bauman Drive. (Hall County Housing Authority and Mid-Plains Center for Behavioral Healthcare Services, Inc.)  
Councilmember Meyer abstained.

#2007-16 – Approving Bid Award for Platte River Well Field Well Enclosures for Wells #5, #9, and #12 with Steel Crafters, Inc. of Grand Island, Nebraska in an Amount of \$67,536.00.

#2007-17 – Approving Bid Award for Front End Loader for the Platte Generating Station with Nebraska Machinery Co., of Grand Island, Nebraska in an Amount of \$48,000.00.

#2007-18 – Approving Bid Award for Fork Lift with Torsen, Inc. of Henderson, Nebraska in an Amount of \$20,877.00.

#2007-20 – Approving Bid Award for 47,000 GVW Dump Truck for Public Works Streets Division with Wick's Sterling Trucks of Omaha, Nebraska in an Amount of \$75,489.50.

#2007-21 – Approving Certificate of Substantial and Final Completion for the Ultra Violet Disinfection System Project 2004-WWTP-1 with Starostka Group Unlimited, Inc. of Grand Island, Nebraska.

#2007-22 – Approving Deferral of Assessments for Agricultural Property Located within the Boundaries of Street Improvement District No. 1258 (T & E Cattle Company).

#2007-23 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads.

#2007-24 – Approving Household Hazardous Waste Construction Grant Application to the Department of Environmental Quality (DEQ).

#2007-25 – Approving Bid Award for Hand Held Meter Reading System with Northrop Grumman of San Diego, California in an Amount of 428,450.00.

#2007-26 – Approving Annexation Plan for Property Located Between the East Side of the Platte Valley Industrial Park and South Locust Street and Between Wildwood Drive and Schimmer Drive and Scheduling Public Hearing.

#2007-27 – Approving Paul Briseno, Assistant to the City Administrator as Authorized Representative for Federal/State Financial Assistance under the President's Disaster Relief Fund for the Ice Storms of December 19, 2006 and January 1, 2007.

#2006-19 – Approving Continuation of Water Main District No. 455 – Park-View Area. Gary Mader, Utilities Department Director reported that Water Main District No. 455 was created at the request of area residents within the Park-View Subdivision. Protests were received representing 49.68% of the front footage of the district so this item was the continuation of that district.

The following people spoke in support:

- Trudi Henke, 2429 Commerce Avenue
- Jody Nelson, 2521 Commerce Avenue
- Keith Pirnie, 2425 Commerce Avenue

Discussion was held regarding other residents in the area hooking up to this water main. Mr. Mader stated they would have to for a district which would hook into this district.

Motion by Pielstick, second by Gilbert to approve Resolution #2007-19. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Approving Referral of the One & Six Year Street Improvement Program to the Regional Planning Commission. Steve Riehle, Public Works Director reported on the process of having the Regional Planning Commission act on the One & Six Year Street Improvement Program and then bring their recommendations to the City Council. The City Council will act on this at their February 13, 2007 Regular meeting.

Motion by Gilbert, second by Pielstick to approve referral of the One & Six Year Street Improvement Program to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from Energy Grains Development Group LLC for a Conditional Use Permit for Construction of an Ethanol Production Facility Located at 1730 and 1898 Wildwood Drive. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Motion by Whitesides, second by Meyer to approve the request from Energy Grains Development Group LLC for a conditional Use Permit for an Ethanol Production Facility located at 1730 and 1898 Wildwood Drive.

Discussion was held regarding trains, the comprehensive plan, and how an ethanol plant at this location would impact the power plant. Mr. Mader stated the power plant would be able to handle this facility. Further discussion was held regarding the location and other questions raised during the public hearing.

Motion by Gilbert, second by Gericke to lay this matter on the table in order to get questions answered and bring it back to a Study Session on February 6, 2007. Upon roll call vote, Councilmember's Pielstick, Walker, Gericke, Brown, Gilbert, and Haase voted aye. Councilmember's Nickerson, Whitesides, and Meyer voted no. Motion adopted.

Consideration of Request from Roxy Clark dba Bronx Pawn, 386 North Pine Street for Pawnbroker's Permit. RaNae Edwards, City Clerk reported an application, fee, and bond had been received as required by Chapter 25 of the Grand Island City Code from Roxy Clark dba Bronx Pawn, 386 North Pine Street for a Pawnbroker's Permit. Staff recommended approval.

Motion by Pielstick, second by Walker to approve the request of Roxy Clark dba Bronx Pawn, 386 North Pine Street for a Pawnbroker's Permit. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2007-28 – Consideration of Request of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License and Liquor Manager Designation for Harry A. Hock, Jr., 2417 Cottonwood Road. RaNae Edwards, City Clerk reported this item related to the aforementioned Public Hearing. Also included was the request from Harry A. Hock, Jr., 2417 Cottonwood Road for a liquor manager designation.

Motion by Pielstick, second by Gericke to approve Resolution #2007-28 contingent upon Harry A. Hoch, Jr. completing a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase to approve the Claims for the period of January 10, 2006 through January 23, 2007, for a total amount of \$2,453,908.93. Motion adopted unanimously. Councilmember Pielstick abstained from voting on claim #146610.

Motion by Whitesides, second by Haase to approve the following Claims for the Library Expansion for the period of January 10, 2007 through January 23, 2007:

#50     \$2,740.00

Motion adopted unanimously.

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

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G3**

**Approving Minutes of February 6, 2007 City Council Study Session**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL STUDY SESSION

February 6, 2007

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 Community Meeting Room of City Hall, 100 East First Street, on February 6, 2007. Notice of the meeting was given in the *Grand Island Independent* on January 31, 2007.

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

INVOCATION was given by Councilmember Jackie Pielstick followed by the PLEDGE OF ALLEGIANCE.

Discussion Concerning Request of Energy Grains Development for Conditional Use Permit for Ethanol Plant Located at 1730 Wildwood Drive. Craig Lewis, Building Department Director reported that at the January 23, 2007 City Council meeting this request was referred to a Study Session for further discussion and to address questions and concerns from the Council and public.

The application for a Conditional Use Permit was submitted by Energy Grains Development Group LLC of Kearney, Nebraska for construction of an ethanol production facility located at 1730 and 1898 Wildwood Drive.

The following conditions were proposed by City staff:

- 1) On-site wells regulated by the Central Platte Natural Resources District shall also be registered with the City as to location, size, and proposed volume to be pumped.
- 2) Odor generated at the plant is proposed to be mitigated with two thermal oxidizers. As this approach appears to be the most recent technology, the operation shall submit, on a two-year cycle, documentation that the Best Available Control Technology (BACT) has been provided or will be provided to control any odors associated with the process.
- 3) Air quality and emissions are regulated by the State of Nebraska Department of Environmental Quality. Additionally, in regard to air quality, BACT shall be provided and documented to the City of Grand Island on a two-year rotational period.
- 4) Waste discharges from the production are regulated by the State Department of Environmental Quality; additionally, the City of Grand Island Public Works Department shall approve the method and destination of the proposed waste.
- 5) Landscaping on the site is proposed in a tree line adjacent to the north boundary of the property. A landscape plan identifying this proposed planting and additional plantings that comply with the provisions in the zoning regulations shall be presented to and approved by the City of Grand Island prior to construction permits. The landscaping shall be maintained for the life of the facility.

- 6) Exterior lighting for the facility shall be predominately down lighting.
- 7) Construction of the proposed facility shall commence within two years of approval and if, for any reason, production ceases for any continuous two-year period the conditional use permit shall become null and void and require subsequent approvals from the City Council.
- 8) An additional item for conditions placed on the proposed use would be a development agreement that identifies the expectations for the development of the tract of land. In the past, subdivision agreements have typically fulfilled this expectation, but, as this property will not need to be subdivided as a requirement for development, an agreement that identifies the responsibilities and expectations is desirable.

The following people spoke regarding the proposed ethanol plant:

Jim Greer, 637 E. McArthur Avenue spoke in opposition.

David Bush, 2508 Stagecoach Road wanted council to research pollutants given off by ethanol plants. Submitted to council were several articles concerning VOC emissions and order.

Diane Haney, 3604 South Blaine Street, Lot 6 wanted to know the details of the 40 jobs and why there was not a local contractor. Mr. Lindstrom stated 40 – 45 full time jobs and approximately 90 indirect jobs would be created. Pay scale would be approximately \$45,000 per year. The following positions would be needed at the plant: grain handlers, technical, laboratories, grain sales & contracting, computer, accounting, and business. There would be local subcontractors as the local contractors do not have the expertise to build a plant like this.

Dr. Casey Iverson, 3604 South Blaine Street asked what would happen if the plant was no longer profitable to make ethanol, what else could it be used for. Dan Lindstrom, Attorney for Energy Grains Development stated it was their intention to make ethanol. It was mentioned that if the use changed at this location a new conditional use permit would be required.

Elaine Deharde, 2815 Lakewood Circle spoke of concerns about the highly toxic chemicals from the plant that would be released into the atmosphere. Mr. Lindstrom stated the state, through the EPA would regulate this. Howard Hohl, Winfield, Illinois commented on emission limits for VOC and hazardous air pollutants. He works for Eisenmann, a company that manufactures thermal oxidizing equipment. All ethanol plants have to go through a certification process through a third party.

Larry Oakley, 1381 West Schimmer Drive spoke in support.

Tom Haney, 3604 South Blaine Street, Lot 6 commented on thermal oxidizers and that every plant had some sort of a smell. He also spoke of concerns about truck traffic.

Kevin Prior, consultant for Olsson Associates was present to answer questions from the council. Presented was a PowerPoint regarding the proposed ethanol plant and groundwater issues. The model results indicated that the impact to the nearby wells would be negligible to city wells, irrigation and domestic wells, and power plant wells. Discussion was held concerning contamination of the aquifer. Mr. Prior stated this would be regulated by the state and permits would be needed from the NRD.

Karen Griffin, 2900 South 31<sup>st</sup> Street, Lincoln, Nebraska geologist with Olsson Associates spoke on permeability of the soils. Ms. Griffin explained the water discharged would be tested and would have to meet EDQ standards. Duane Woodward with the Central Platte Natural Resource District

explained the baseline contours from 1997. Testing though hydrology studies take place continually through the Central Platte NRD. Ms. Griffin stated this was the best site she had seen because of the abundant water supply.

Marlan Ferguson, 2808 Apache Road, President of Economic Development Corporation commented on the importance of environmental issues. He stated the importance of the jobs that would be created, the impact of corn producers, truckers, and others in the community.

Scott McFedders, Gothenberg commented on ethanol experiences as a farmer and supported this plant. Rod Gangwich, Shelton commented on the chemicals used during production of ethanol. Both individuals were a part of Energy Grains Development.

Ken Gnadt, 1610 Gretchen Avenue commented that in order to move this community forward we needed to create more jobs. Mentioned were other ethanol plants in Nebraska that he had visited and noticed very little odor from those plants.

Gary Mader, Utilities Director answered questions with regards to the expansion of the Platte Generating Power Plant and the steam demands of an ethanol plant. He stated it was physically possible but very expensive. Mr. Lindstrom commented on working with the city to work jointly in the future for steam use at the ethanol plant.

Mr. Lewis commented on the development agreement recommended by city staff. Discussion was held on water use and DEQ regulations. Safety issues at the plant were also discussed due to its location being close to PGS.

Mr. Lindstrom answered questions concerning available grain stating there was more than enough corn grown in this area for this size of plant. Comments were made concerning the VOC emission levels. Regulations, permits, and parameters of ethanol plants were mentioned.

Mayor Hornady stated this item would be on the agenda for the February 13, 2007 City Council meeting.

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

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G4**

**Approving Request of Susan McAfee, 1863 7th Avenue,  
Dannebrog, Nebraska for Liquor Manager Designation for Pump  
& Pantry #11, 704 West 2nd Street**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** February 13, 2007

**Subject:** Request of Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, NE for Liquor Manager Designation for Pump & Pantry #11, 704 West 2<sup>nd</sup> Street

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

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

## **Background**

Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-13155" Liquor License for Pump & Pantry #11, 704 West 2<sup>nd</sup> 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. See attached Police Department report.

## **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 Liquor Manager Designation.

## **Sample Motion**

Move to approve the request of Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska for Liquor Manager Designation in conjunction with the Class "B-13155" Liquor License for Pump & Pantry #11, 704 West 2<sup>nd</sup> Street with the stipulation that Ms. McAfee complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: February 6, 2007

TO: RaNae Edwards, City clerk

FROM: Dave Vitera, Sergeant

RE: Application for Liquor Manager Designation for  
Bosselman Inc. dba Pump and Pantry #11,  
704 West 2<sup>nd</sup> St, Grand Island, NE 68801  
Susan McAfee

The Grand Island Police Department is in receipt of a Liquor Manager Designation Application for Bosselman Inc. dba Pump and Pantry #11, 704 West 2<sup>nd</sup> St, Grand Island, Nebraska 68801; Susan McAfee.

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 recommendation to accept this Liquor Manager Designation Application in the name of Susan McAfee for Pump & Pantry, 704 W 2<sup>nd</sup>, Grand Island, Nebraska 68801.

DV/rk

A handwritten signature in cursive script, appearing to read "Dave Vitera".

01/31/07  
12:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 1

City : Grand Island  
Occurred after : 12:21:48 01/31/2007  
Occurred before : 12:21:48 01/31/2007  
When reported : 12:21:48 01/31/2007  
Date disposition declared : 01/31/2007  
Incident number : L07013903  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 704 2nd St W  
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 : 13173  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	22099		McAfee, Larry Scott	husband of 94953
NM	49962		Pump & Pantry, #11	business mentioned
NM	94953		McAfee, Susan R	liq mgr applicant

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application.

The Liquor Manager Designation Applicant's name is Susan McAfee,  
Business-Pump & Pantry, 704 W 2nd, GI, NE 68801.

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

- \*Speeding 11-15 MPH County/State; Hall County Infraction  
Offense Date is 05/16/2000, Plea is Guilty/Admit
- \*Speeding 6-10 MPH County/State; Howard County Infraction  
Offense Date is 09/13/2003, Plea is Guilty/Admit
- \*Speeding 11-15 MPH County/State; Madison County Infraction  
Offense Date is 06/12/2004, Plea is Guilty/Admit
- \*Speeding 11-15 MPH County/State; Howard County, Infraction  
Offense Date is 08/21/2005, Plea is Guilty/Admit

01/31/07  
12:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

333  
Page: 2

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

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

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

- \*Speeding 16-20 MPH Municipal; Grand Island City, Infraction  
Offense Date is 12/05/2000, Plea is Guilty/Admit
- \*Speeding 11-15 MPH County/State; Hall County Infraction  
Offense Date is 04/12/2001, Plea is Guilty/Admit
- \*Speeding 11-15 MPH County/State; Wayne County Infraction  
Offense Date is 07/04/2002, Plea is Guilty/Admit
- \*Speeding 11-15 MPH Municipal; Grand Island City Infraction  
Offense Date is 03/22/2003, Plea is Guilty/Admit

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

A National Crime Intelligence Center (NCIC) search reflected 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 Susan McAfee for Pump & Pantry, 704 W 2nd, GI, NE 68801.



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G5**

**#2007-29 - Approving Final Plat and Subdivision Agreement for  
Westwood Park Tenth Subdivision**

**Staff Contact: Chad Nabitv**

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** February 13, 2007

**Subject:** Westwood Park Tenth Subdivision – Final Plat

**Item #'s:** G-5

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

## **Background**

This final plat proposes to create 30 lots on a tract of land comprising a part of the North Half of the Southeast Quarter (N1/2SE1/4), of Section Fourteen (14), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., in the City of Grand Island, Nebraska. This land consists of approximately 16.822 acres.

## **Discussion**

The final plat for Westwood Park Tenth Subdivision was considered under the Consent Agenda by the Regional Planning Commission at the February 7, 2007 meeting. A motion was made by Hayes and seconded by Reynolds to approve the plat as presented. A roll call vote was taken and the motion carried with 10 members present voting in favor (Miller, Amick, O'Neill, Ruge, Hayes, Reynolds, Niemann, Monter, Eriksen, Snodgrass).

## **Alternatives**

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

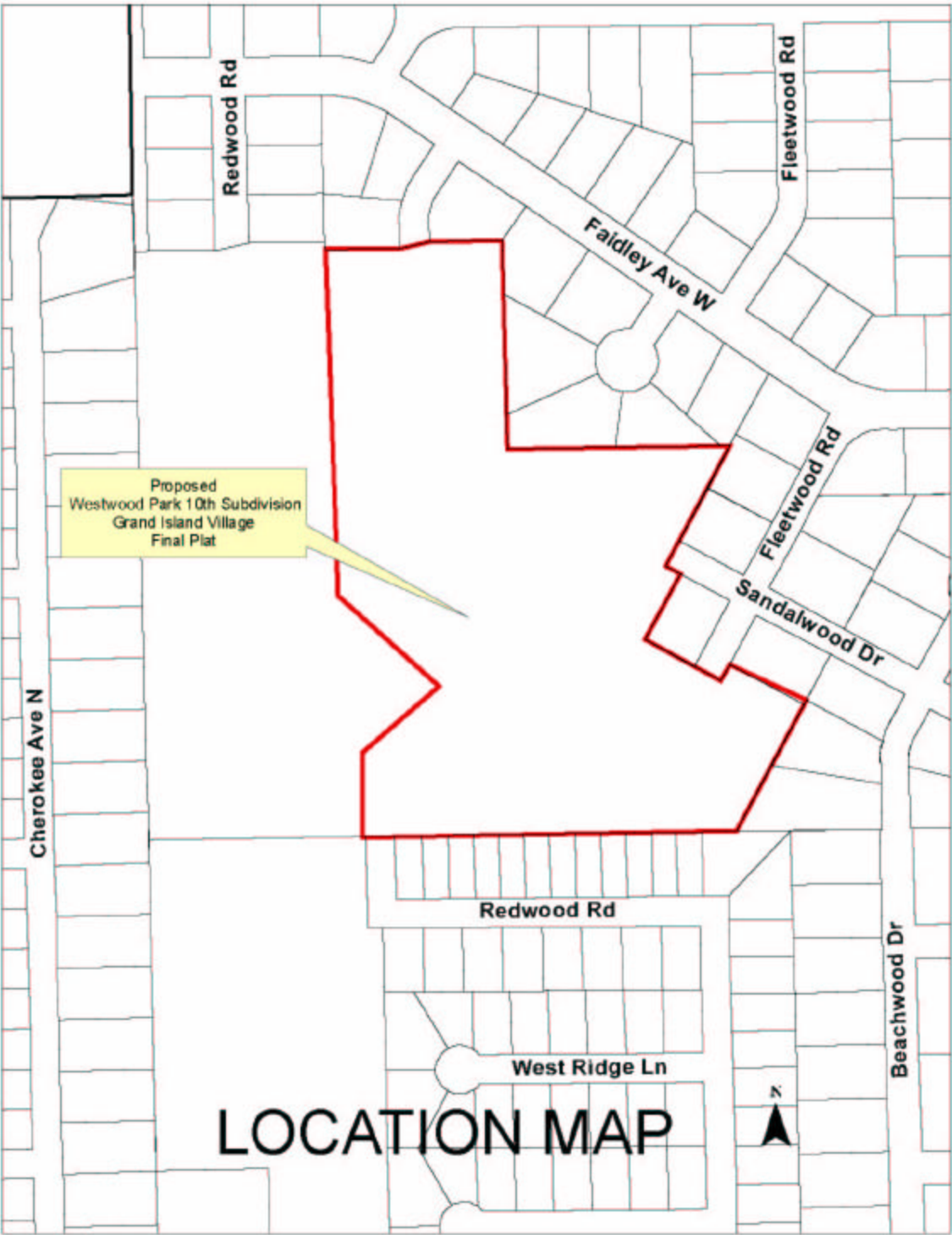
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

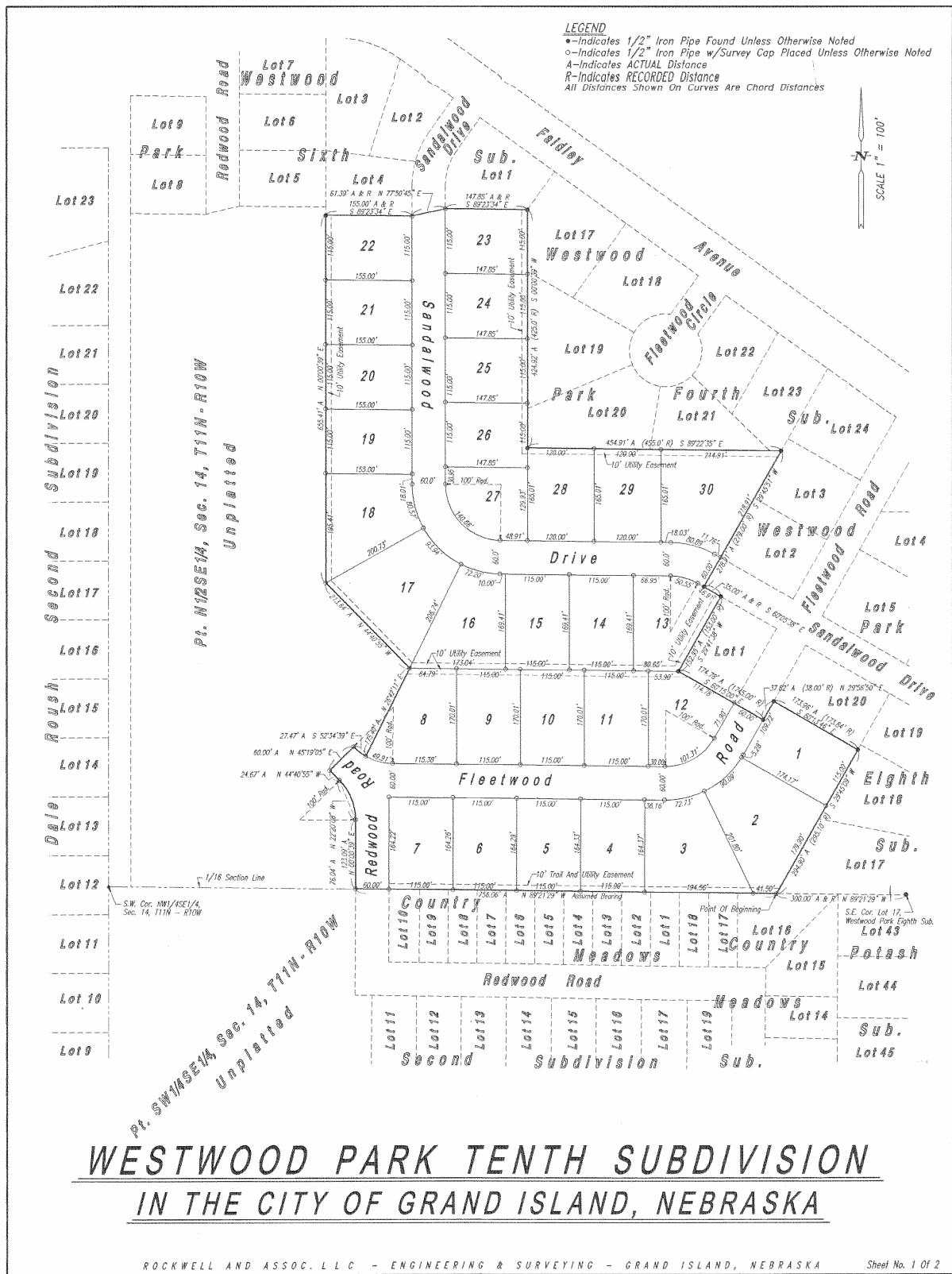
## **Recommendation**

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

**Sample Motion**

Motion to approve as recommended.





## Westwood Park 10th Subdivision Summary

### Developer/Owner

Rudy Plate  
2209 E. Stolley Park Road  
Grand Island, NE 68801

30 Lots south of Faidley Ave. west of North Road

**Size:** 16.822 Acres

**Zoning** R1 Suburban Density Residential

**Road Access:** Public with new 37' City Streets

**Water Public:** City Water

**Sewer Public:** City Sewer



RESOLUTION 2007-29

WHEREAS, Rudolf F. Plate and Jeannice R. Plate, Husband and Wife, and Tim C. Plate, a Single Person, as owners, have caused to be laid out into lots, a tract of land comprising a part of the North Half of the Southeast Quarter (N½ SE¼) of Section Fourteen (14), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska, under the name of WESTWOOD PARK TENTH SUBDIVISION, and have 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 WESTWOOD PARK TENTH 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, February 13, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

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

Approved as to Form	☐ _____
February 8, 2007	☐ City Attorney



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item G6

**#2007-30 - Approving Final Plat and Subdivision Agreement for  
Prairie Acres Subdivision**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** February 13, 2007

**Subject:** Prairie Acres Subdivision - Final Plat

**Item #'s:** G-6

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

## **Background**

This final plat proposes to create 76 lots on a tract of land comprising a part of the East Half of the Southwest Quarter (E1/2 SW1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) west of the 6<sup>th</sup> P.M., in the city of Grand Island, Hall County, Nebraska. This land consists of approximately 28.894 acres.

## **Discussion**

The final plat for Prairie Acres Subdivision was considered by the Regional Planning Commission at the February 7, 2007 meeting under the Consent Agenda. A motion was made by Hayes and seconded by Reynolds to approve the final plat as presented. A roll call vote was taken and the motion carried with 10 members present voting in favor (Miller, Amick, O'Neill, Ruge, Hayes, Reynolds, Monter, Eriksen, Niemann, Snodgrass).

## **Alternatives**

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

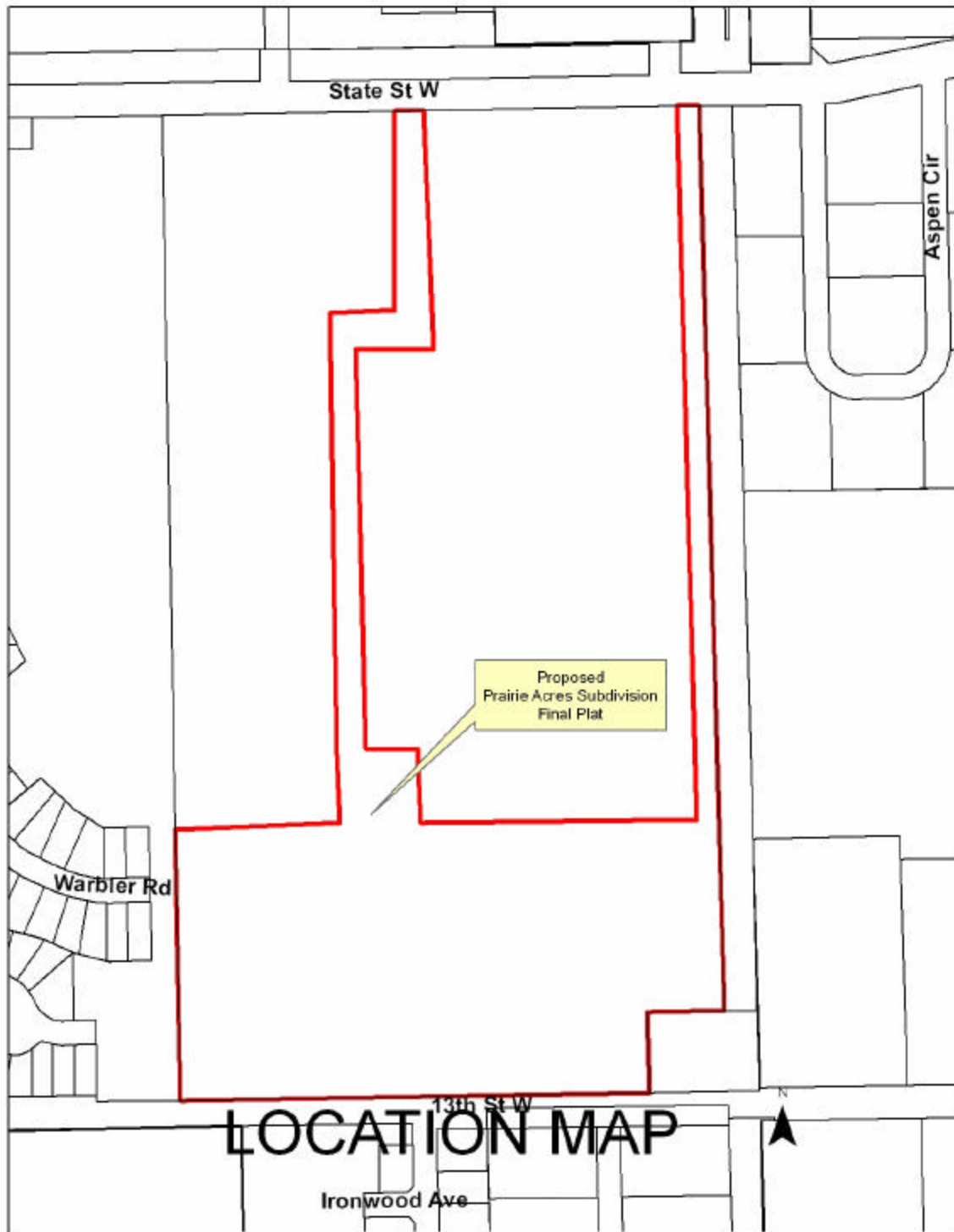
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue
- 5.

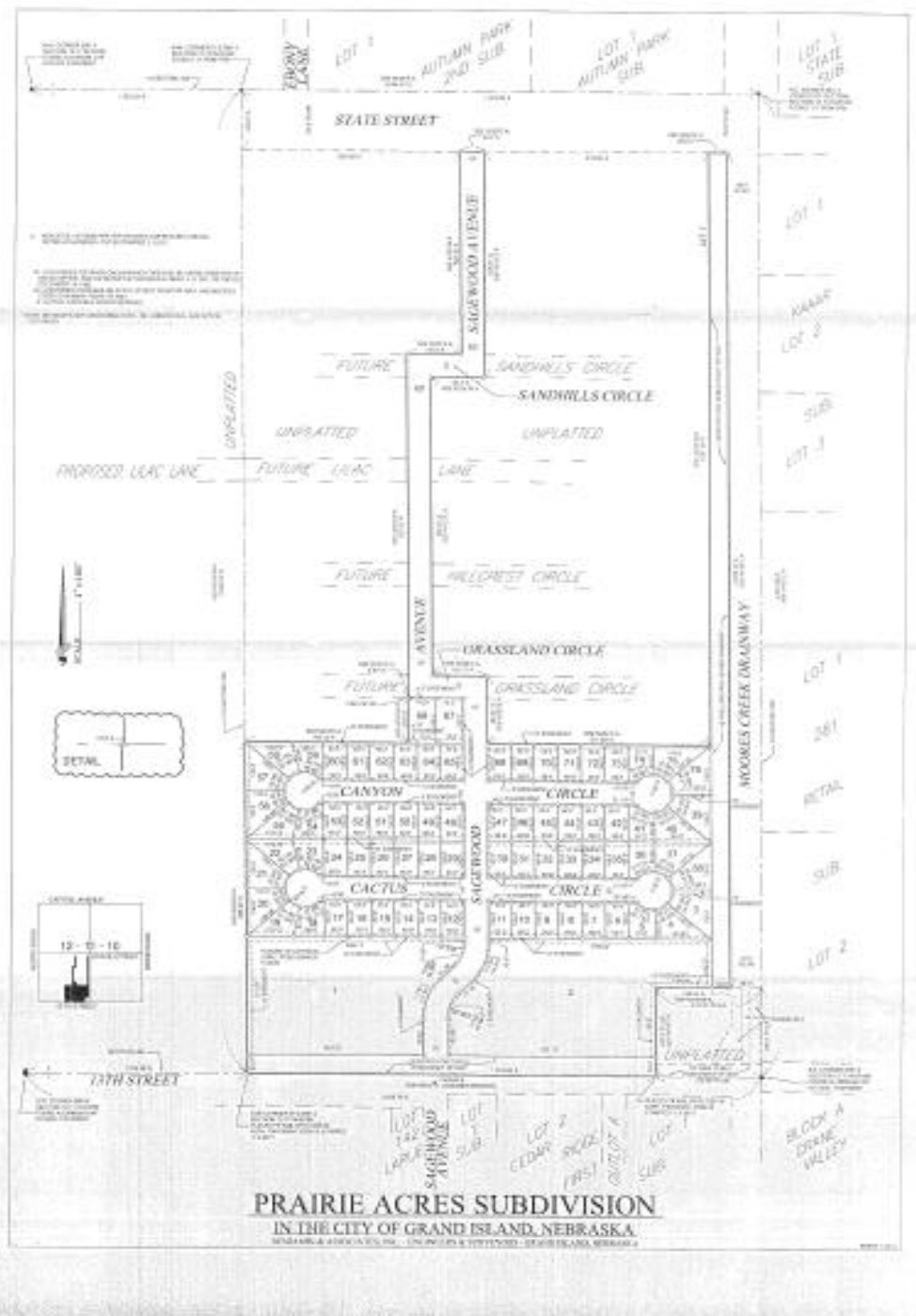
## **Recommendation**

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

## Sample Motion

Motion to approve as recommended.





## Prairie Acres Subdivision Summary

### Developer/Owner

Shafer Commercial Properties LLC  
Joel Shafer, Member Manager  
920 Diers Avenue  
Grand Island, NE 68803  
(308) 398-1722

76 Lots including 74 house or duplex lots and 2 large apartment/office lots.

**Size:** 28.894 Acres

**Zoning** R4 High Density Residential

**Road Access:** Public Streets will be built throughout the subdivision. All proposed streets are 37' wide concrete curb and gutter.

**Water:** City water will be extended throughout the subdivision.

**Sewer:** City sewer will be extended throughout the subdivision.



RESOLUTION 2007-30

WHEREAS, Shafer Commercial Properties, LLC, , as owner, has caused to be laid out into lots, a tract of land comprising a part of the North Half of the East Half of the Southwest Quarter (E½ SW¼) of Section Twelve (12), Township Eleven (11) North, Range Ten (10), West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska, under the name of PRAIRIE ACRES 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 PRAIRIE 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, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 8, 2007	☐ City Attorney



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item G7

**#2007-31 - Approving Acquisition of Utility Easement - East Hwy  
30 - Hall County Corrections Facility**

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

Staff Contact: Gary R. Mader

## RESOLUTION 2007-31

WHEREAS, a public utility easement is required by the City of Grand Island, from the County of Hall, State of Nebraska, a Politic Body and Corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on February 13, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of Lot Two (2), Luzenac Fourth Subdivision, in the City of Grand Island, Hall County, Nebraska, being more particularly described as follows:

Beginning at the southwest corner of Lot One (1), Luzenac Fourth Subdivision; thence running northerly along the westerly line of Lot One (1), Luzenac Fourth Subdivision, on an Assumed Bearing of N00°00'00"E, a distance Forty Three and Forty Hundredths (43.40) feet, to the ACTUAL point of beginning; thence running N25°34'01"W, a distance of Ninety Eight and Forty Two Hundredths (98.42) feet; thence running S64°25'02"W, a distance of Three Hundred Thirty Three and Six Hundredths (333.06) feet; thence running N25°27'01"W, a distance of Ninety and Ninety Nine Hundredths (90.99) feet; thence running N64°27'51"E, a distance of Twenty (20.00) feet; thence running S25°27'01"E, a distance of Seventy and Ninety Eight Hundredths (70.98) feet; thence running N64°25'02"E, a distance of One Hundred Eighteen and Four Hundredths (118.04) feet; thence running N25°36'41"W, a distance of Twenty Five (25.00) feet; thence running N64°25'02"E, a distance of One Hundred Seventy Five (175.00) feet; thence running S25°34'01"E, a distance of Twenty One and Thirty One Hundredths (21.31) feet; thence running N64°25'59"E, a distance of Thirty (30.00) feet, to a point on the westerly line of Lot One (1), Luzenac Fourth Subdivision; thence running S25°34'01"E, along the westerly line of Lot One (1), Luzenac Fourth Subdivision, a distance of One Hundred One and Twenty Hundredths (101.20)feet; thence running S00°00'00"W, along the westerly line of Lot One (1), Luzenac Fourth Subdivision, a distance of Twenty Three and Seventeen Hundredths (23.17) feet, to the ACTUAL point of beginning.

The above-described easement and right-of-way containing a total of 0.313 acres, more or less, as shown on the plat dated January 18, 2007, 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 the County of Hall, State of Nebraska, a Politic Body and Corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G8**

**#2007-32 - Approving Bid Award for Water Main Project 2007-W-1 - East Highway 30**

**Staff Contact: Gary R. Mader;DaleShotkoski**

# **Council Agenda Memo**

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

**Meeting:** February 13, 2007

**Subject:** Bid Award – Water Main Project 2007-W-1  
East Highway 30

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

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

## **Background**

The 10" water main on the north side of East Highway 30, in the area of Willow Street, has experienced an extraordinarily large number of failures over the last 15 years. In the last four months, the Water Department has installed six repair sleeves, and the line is currently out of service due to another leak. When that line was constructed over 25 years ago, the backfill used on the project was not properly sized, and contains large chunks of bricks and mortar, and other junk. The backfill appears to be construction or building materials refuse that was present when the line was built, and which was simply re-used to fill the trench when the line was installed. This rough debris fill material grates on the pipe, causing leaks.

The referenced project will replace the piping and the backfill material. Attached for reference is a map showing the area of reconstruction.

## **Discussion**

The bid package was submitted to five potential contractors. Bids were advertised and publicly opened at 11:00 a.m. on February 1, 2007 in accordance with City Procurement Codes. Three bids were received and have been checked, evaluated, and are tabulated below:

Bidder	Exceptions	Bid Amount	Completion
Diamond Engineering Co. Grand Island, NE	None	\$46,344.36	85 days
General Excavating Lincoln, NE	None	\$57,983.69	30 days
Judds Bros. Construction Co. Lincoln NE	None	\$67,295.00	30 days

The low bid from Diamond Engineering Company is complete, without exceptions and meets contract requirements.

### **Alternatives**

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

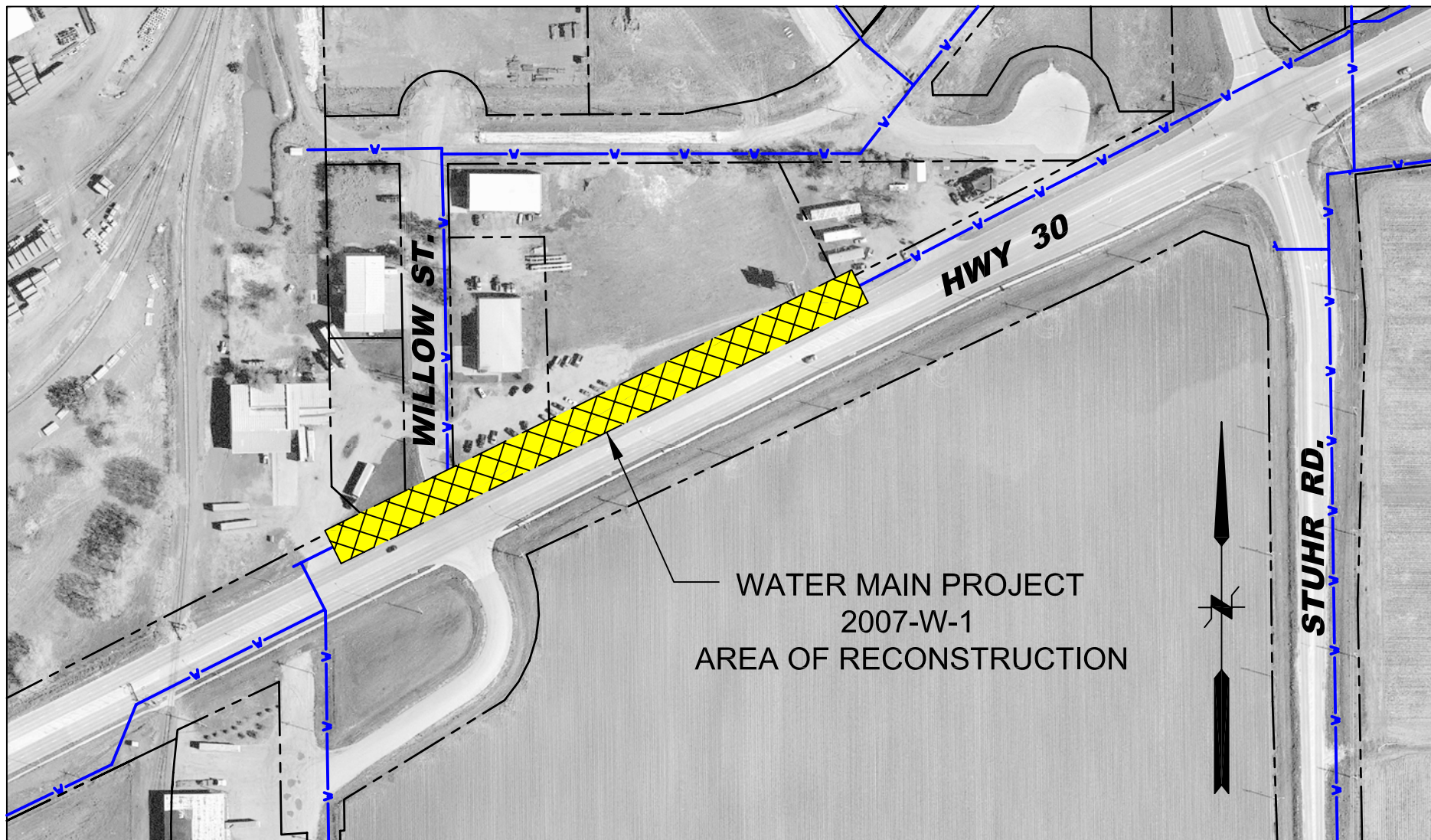
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council award the Contract for Water Main Project 2007-W-1 to the low bidder, Diamond Engineering Company of Grand Island, in the amount of \$46,344.36.

### **Sample Motion**

Motion to approve award of Contract 2007-W-1 to the Diamond Engineering Company of Grand Island, Nebraska in the amount of \$46,344.36.



*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:** February 1, 2007 at 11:00 a.m.

**FOR:** Water Main Project 2007-W-1

**DEPARTMENT:** Utilities

**ENGINEER'S ESTIMATE:** \$69,000.00

**FUND/ACCOUNT:** 525

**PUBLICATION DATE:** January 16, 2007

**NO. POTENTIAL BIDDERS:** 5

**SUMMARY**

<b>Bidder:</b>	<b><u>General Excavating</u></b> Lincoln, NE	<b><u>Diamond Engineering Co.</u></b> Grand Island, NE	<b><u>Judds Bros.</u></b> Lincoln, NE
<b>Bid Security:</b>	Universal Surety Co.	Universal Surety Co.	Inland Ins. Co.
<b>Exceptions:</b>	None	None	None
<b>Bid Price:</b>	<b>\$57,983.69</b>	<b>46,344.36</b>	<b>\$67,295.00</b>

cc: Gary Mader, Utilities Director  
Pat Gericke, Utilities Admin. Assist.  
Dale Shotkoski, Purchasing Agent

Bob Smith, Assist. Utilities Director  
Gary Greer, City Administrator  
Sherry Peters, Legal Secretary

**P1138**

RESOLUTION 2007-32

WHEREAS, the City of Grand Island invited sealed bids for Water Main Project 2007-W-1, (North Side of East Highway 30) according to plans and specifications on file with the City Engineering Office at Phelps Control Center; and

WHEREAS, on February 1, 2007, bids were received, opened and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$46,344.36; and

WHEREAS, The Diamond Engineering Company's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of The Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$46,344.36 for Water Main Project 2007-W-1 is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 8, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G9**

**#2007-33 - Approving Change Order No. 3 with Tri Valley  
Builders, Inc. for Fire Station #1 Construction**

**Staff Contact: Jim Rowell**

# **Council Agenda Memo**

**From:** Jim Rowell, Fire Chief  
**Meeting:** February 13, 2007  
**Subject:** Fire Station Change Order #3  
**Item #'s:** G-9  
**Presenter(s):** Chief Rowell, Fire Chief

## **Background**

City Council approved the Fire Station No. 1 Construction Project April 11, 2006. The construction of this project continues to move along very well with a scheduled completion date of 2007.

There have been two change orders since the beginning of this project.

Change order #1 was approved May 23, 2006. This change order resulted in a reduction of \$125,000.00 in project costs due to the use of alternative materials.

Change order two was approved September 12, 2006. This change order resulted in a cost increase of \$56,541.00, or half of the amount saved in the first change order. The total contingency remained less than the amount originally authorized by council. These changes were not additions to the project but were required by City code or necessitated by the construction processes. The eight items changed included: water lines, sewer line, locating the water line under the street, and dewatering. Also included was the relocation of the electrical connection, door closers, door smoke seals, and the sidewalk along Fonner Park Road.

## **Discussion**

Change order number three provides for the replacement of four acrylic showers with four ceramic tile showers at a cost of \$9,343.00. The showers were originally a one piece acrylic product claimed to be more durable and longer lasting than similar products made of fiberglass. However, these units are only available in a size that will not accommodate anyone over six feet tall. These units also have a high threshold, thus creating a tripping hazard. We have several firefighters that are over six foot tall and their height combined with high thresholds creates a greater likelihood of tripping resulting in personal injuries.

## **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 change order number three.

## **Sample Motion**

Motion to approve change order number three for fire station construction project.



# AIA® Document G701™ – 2001

## Change Order

<b>PROJECT</b> (Name and address):	<b>CHANGE ORDER NUMBER:</b> 003	<b>OWNER:</b> <input checked="" type="checkbox"/>
GRAND ISLAND FIRE STATION #1	<b>DATE:</b> January 18, 2007	<b>ARCHITECT:</b> <input checked="" type="checkbox"/>
GRAND ISLAND, NEBRASKA		<b>CONTRACTOR:</b> <input checked="" type="checkbox"/>
<b>TO CONTRACTOR</b> (Name and address):	<b>ARCHITECT'S PROJECT NUMBER:</b> 05140	<b>FIELD:</b> <input type="checkbox"/>
TRI VALLEY BUILDERS, INC.	<b>CONTRACT DATE:</b> April 04, 2006	<b>OTHER:</b> <input type="checkbox"/>
PO BOX 2341	<b>CONTRACT FOR:</b> General Construction	
GRAND ISLAND, NE 68802-2341		

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Item 1: Change 4 acrylic showers to tile showers. ADD \$9,343.00

TOTAL ADD THIS CHANGE ORDER \$9,343.00

The original Contract Sum was	\$ 2,195,000.00
The net change by previously authorized Change Orders	\$ 192,368.00
The Contract Sum prior to this Change Order was	\$ 2,387,368.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 9,343.00
The new Contract Sum including this Change Order will be	\$ 2,396,711.00

The Contract Time will be increased by Zero ( 0 ) days.

The date of Substantial Completion as of the date of this Change Order therefore is unchanged.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

**CANNON MOSS BRYGGER & ASSOC.**  
**ARCHITECT** (Firm name)

2535 CARLETON AVENUE, SUITE A  
GRAND ISLAND, NE 68803

**ADDRESS**

*Bradley C. Kissler*  
**BY** (Signature)

BRADLEY C. KISSLER

(Typed name)

1/18/07  
**DATE**

**TRI VALLEY BUILDERS, INC.**  
**CONTRACTOR** (Firm name)

PO BOX 2341  
GRAND ISLAND, NE 68802-2341

**ADDRESS**

*Donald L. Skeen*  
**BY** (Signature)

DONALD L. SKEEN

(Typed name)

1-18-07  
**DATE**

**CITY OF GRAND ISLAND**  
**OWNER** (Firm name)

P.O. BOX 1968  
GRAND ISLAND, NE 68802

**ADDRESS**

*Margaret Hornady*  
**BY** (Signature)

MARGARET HORNADY

(Typed name)

**DATE**

RESOLUTION 2007-33

WHEREAS, on April 11, 2006, by Resolution 2006-123, the City Council of the City of Grand Island awarded Tri Valley Builders, Inc. of Grand Island, Nebraska, the bid for the construction of Fire Station No. 1 at a base bid of \$2,195,000 plus four alternates resulting in a total bid cost of \$2,455,500; and

WHEREAS, on September 12, 2006, by Resolution 2006-250, the City of Grand Island approved Change Order #2 for such project resulting in a total bid cost of \$2,387,368.00; and

WHEREAS, it is recommended that modifications to the work to be done by Tri Valley Builders, Inc. are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 3; and

WHEREAS, the result of such modification will increase the contract amount by \$9,343.00 for a revised contract price of \$2,396,711.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 3 between the City of Grand Island and Tri Valley Builders, Inc. of Grand Island, Nebraska to provide the modifications set out as follows:

Remove Acrylic Shower and Install Tile Shower.....\$9,343.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

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

Approved as to Form	☐ _____
February 9, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G10**

**#2007-34 - Approving Memorandum of Understanding with the  
State of Nebraska Relative to Hazmat Team**

**Staff Contact: Jim Rowell**

# **Council Agenda Memo**

**From:** Jim Rowell, Fire Chief  
**Meeting:** February 13, 2007  
**Subject:** Memorandum of Understanding  
**Item #'s:** G-10  
**Presenter(s):** Jim Rowell, Fire Chief

## **Background**

The City entered into an agreement with Nebraska Emergency Management Agency (NEMA) via a memorandum of understanding (MOU) in June of 2002. The MOU provided a means for the city to receive funds for specialized training and equipment in exchange for agreeing to participate in a hazardous materials response group.

## **Discussion**

The state has updated their MOU and asked that the Grand Island Fire Department sign a new document. The primary benefits are consistent with the previous MOU which includes training and equipment in exchange for assistance in a hazardous materials emergency anywhere in the state. This MOU provides for the reimbursement of costs and the replacement of equipment and supplies used during any deployment ordered by NEMA.

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

## **Recommendation**

City Administration recommends that the Council approve.

## **Sample Motion**

Motion to approve entering into the agreement with the Nebraska Emergency Management Agency and signing the Memorandum of Understanding.

Memorandum between the Nebraska Emergency Management Agency and  
City of Grand Island, Nebraska

Whereas: the State of Nebraska is susceptible to large, damaging hazardous material's incidents due to transportation routes both rail road and highway, across the State and at fixed facilities that manufacture, store or use highly hazardous substances;

Whereas: few local political jurisdictions have the personnel trained or equipped to respond to incidents involving these substances with an offensive capability;

Whereas: the State of Nebraska's ability to respond to these incidents with an offensive capability is limited;

Whereas: the Nebraska Emergency Management Act sections 81-829.52 through 81-829.55 gives the Adjutant General the authority to establish state emergency response teams upon orders from the Governor to reinforce emergency management organizations in stricken areas;

City of  
Whereas Grand Island has personnel trained and equipped to respond in an offensive posture to hazardous materials incidents;

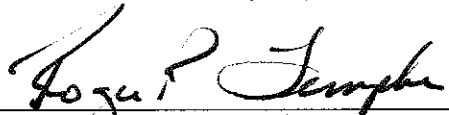
City of  
Now, Therefore the Nebraska Adjutant General names Grand Island as a state emergency response team to support the Nebraska Emergency Management Agency (NEMA) when requested by NEMA following a Proclamation of Disaster by the Governor. In consideration of mutual premises and conditions made, it is agreed as follows:

1. The State agrees to reimburse \_\_\_\_ (the political jurisdiction) \_\_\_\_ for the compensation paid while serving as members of a state emergency response team.
2. The State will pay actual, necessary and reasonable expenses including travel, subsistence and maintenance according to State policies and regulations.
3. The State shall reimburse payments for all payments for death, disability or injury incurred in the course of such duty as provided in the Nebraska Worker's Compensation Act as stated in 81-829.54 (b) of the Nebraska Emergency Management Act.
4. The State shall reimburse losses or damage to supplies and equipment of such political subdivision resulting from the operations of such state emergency response team.
5. The Adjutant General shall appoint a team leader for the team who shall have primary responsibility for the organization, administration and operations of such team.
6. The team leader shall keep and maintain a roster of members of the team, and only such persons whose names appear on the roster shall be deemed members of such team and entitled to benefits provided in paragraphs one through four above. No political subdivision shall be entitled to reimbursement unless the individual on whose behalf reimbursements is sought was duly enrolled on the roster.

Memorandum between the Nebraska Emergency Management Agency and  
City of Grand Island, Nebraska

7. Reimbursement for the State Emergency Response Team will be made available only when the team is deployed at the request of the Nebraska Emergency Management Agency. Any deployment at the request of any entity other than NEMA is the responsibility of the requesting entity as agreed to by the responding entity.
8. The City of Grand Island will maintain the training of team members to the level necessary to respond efficiently and professionally.
9. City of Grand Island - will participate in the Nebraska Homeland Security Planning, Exercise and Training (PET) program as defined by NEMA.
10. All deployments will be accomplished using the National Incident Management System (NIMS) of Incident Command.

For  
The Nebraska Emergency Management Agency

  
MG Roger P Lempke

Dated 17 Jan '07

For  
Grand Island Fire Department

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature

JMS 2-8-07

RESOLUTION 2007-34

WHEREAS, on June 11, 2002, City Council approved a Memorandum of Understanding between the City of Grand Island and the Nebraska Emergency Management Agency, which provided the means for the City to receive funds for specialized training and equipment; and

WHEREAS, under the Memorandum of Understanding city fire personnel participate in a hazardous materials response group and would assist in a hazardous materials emergency statewide; and

WHEREAS, the revised Memorandum of Understanding also provides for reimbursement costs to the City of Grand Island for the replacement of equipment and supplies used during deployment of a hazardous materials emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the revised Memorandum of Understanding between the City of Grand Island and the Nebraska Emergency Management Agency for handling hazardous materials from the Nebraska Emergency Management Agency is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 9, 2007 ? City Attorney
---



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item G11

**#2007-35 - Approving American Legion Baseball Program License Agreement**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

**From:** Steve Paustian, Park and Recreation Director

**Meeting:** February 13, 2007

**Subject:** Approving American Legion Baseball Program License Agreement

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

**Presenter(s):** Steve Paustian, Park and Recreation Director

## **Background**

The American Legion Post No. 53 has sponsored the American Legion Baseball program for over 50 years. The program currently consists of four teams, all playing games at Ryder Park.

## **Discussion**

A license agreement is needed to allow the American Legion Post No. 53 the ability to continue their program at Ryder Park. The agreement allows for a ten year term and spells out the responsibilities of both the City and the American Legion.

## **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 the authorization of the agreement.

## **Sample Motion**

Motion to authorize the license agreement with American Legion Post No. 53.

## **LICENSE AGREEMENT**

THIS LICENSE AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by and between the CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation ("Licensor") and GRAND ISLAND POST NO. 53, THE AMERICAN LEGION, of Grand Island, Hall County, Nebraska, a nonprofit corporation ("Licensee") to establish the terms and conditions under which Licensor shall grant to Licensee a license to occupy and use the following described premises:

The municipal baseball park, known as Ryder Park, located on the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section Seventeen (17), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska ("ball park");

In consideration of the mutual covenants herein, the Licensor hereby grants unto the Licensee a license to use the above-described premises, subject to the following terms and conditions:

1. The Director of the Parks Department of the Licensor, or his or her appointee, shall be the authorized designee of the Licensor for purposes of administering this Agreement.
2. The Licensee's use and occupation of the ball park shall be limited to conducting American Legion Senior and Junior baseball games, tryouts, practices and clinics thereon, and for incidental purposes related thereto. The Licensee shall be given exclusive use of the ball park during its baseball season, but the Licensor shall retain control and authority over the use of the ball park outside of the American Legion baseball season.
3. The Licensee may charge admission to ball games conducted by it and may retain such admission fees for its use.
4. The Licensee shall have all concession rights and the use of the concession stand for any games conducted by the Licensee in consideration of Licensee making improvements to the ball park from time to time at its expense; PROVIDED any permanent or structural improvements shall be authorized and approved by Licensor.
5. Licensee shall provide a comprehensive general liability policy in the name of both the Licensee and Licensor, with limits of not less than \$300,000.00 per occurrence.
6. The Licensor shall prepare the ball field located in the ball park for play, including dragging and lining, two hours before game times during Licensee's baseball season.
7. On game days during its baseball season, the Licensee is responsible for the opening and closing of gates, the turning on and off of lights and all other general maintenance associated with a baseball game.

8. The Licensee is prohibited from the following acts without Licensor's approval:
  - a. Operating motorized or self-propelled vehicles or equipment on the ball field;
  - b. Adding soils or foreign materials to the ball field;
  - c. Using anything other than hand tools for the raking or leveling of the ball field; and
  - d. Using or permitting the use of the hurricane fences located on the premises for backstops during practice drills, unless said fences are protected by padding approved by the Licensor.
8. The Licensor may limit practice areas and practice times due to field conditions, repairs, or other similar circumstances.
9. The Licensee shall appoint one authorized designee of the Licensor as an *ex officio* member of its Legion Baseball Board of Directors.
10. The Licensee shall comply with all rules and regulations as are prescribed by the Licensor for the use of the ball park.
11. The term of this Agreement shall be for a period of ten (10) years from January, 1 2007, to December 31, 2016, and shall automatically renew on a year to year basis thereafter unless this Agreement is terminated by mutual agreement of the parties or as provided herein.
12. In the event either party shall default under the terms or conditions of this Agreement, the non defaulting party may provide thirty (30) days written notice of default to the defaulting party. In the event the default is not cured within said thirty (30) day period the non defaulting party may terminate this Agreement forthwith.
13. Licensee accepts this license and use of the ball park in "AS-IS, WHERE-IS" condition.
14. In the event that the ball park is damaged or destroyed by fire, storm, flood or other casualty to the extent that baseball games cannot be safely played on the ball field and in the event the parties cannot reach agreement as to repair of such damage, this Agreement may be terminated by either party.
15. Upon the termination of this Agreement for any reason provided herein, the Licensee shall quit the premises and shall remove therefrom all property installed in, on, or to the premises by the Licensee, unless such removal would injure the premises or damage the premises for use by the public as a ball park, in which case said property shall become the property of the Licensor.

16. All notices under this agreement shall be in writing and shall be served personally or by first class mail as follows:

- a. Notice to the Licensor by delivery to the City Clerk's Office, City Hall, 100 East First Street, Grand Island, Nebraska 68801.
- b. Notice to the Licensee by delivery to any corporate officer personally, or to its address at 1914 West Capital Avenue, Grand Island, Nebraska 68803.

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

By \_\_\_\_\_  
Mayor

Attest:

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

GRAND ISLAND POST NO. 53 OF THE  
AMERICAN LEGION, a Non-profit  
Corporation

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

Title: \_\_\_\_\_

APPROVED:

GRAND ISLAND POST NO. 53 OF THE  
AMERICAN LEGION BASEBALL PROGRAM

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

RESOLUTION 2007-35

WHEREAS, the American Legion Post No.53 sponsors the American Legion Baseball program; and

WHEREAS, baseball games played by the American Legion Baseball program are played at Ryder Park, located on the Southwest Quarter of the Southwest Quarter (SW¼ SW¼), Section Seventeen (17), Township Eleven (11) North, Range Nine (9), West of the 6<sup>th</sup> P.M., Hall County, Nebraska; and

WHEREAS, a proposed License Agreement between the City of Grand Island and Grand Island Post No. 53, The American Legion, authorizing the use of Ryder Park for such purposes has been reviewed by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the License Agreement by and between the City and Grand Island Post No. 53, The American Legion authorizing the use of Ryder Park is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

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

Approved as to Form	☐ _____
February 9, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G12**

**#2007-36 - Approving State Bid Award for (1) 2007 One Ton  
Regular Cab Pickup Truck with Dump Box**

**Staff Contact: Steve Paustian**

# **Council Agenda Memo**

**From:** Steve Paustian, Parks & Recreation Director

**Meeting:** February 13, 2007

**Subject:** Approving State Bid Award for One Ton Regular Cab Dump Truck

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

**Presenter(s):** Steve Paustian, Parks & Recreation Director

## **Background**

The Parks & Recreation Department, Park Maintenance Division would like to purchase a 2007 One Ton Regular Cab Pickup Truck with Dual Rear Wheels and Dump Box. The item was allowed for in the 2006-07 Budget Document passed by Council. There are sufficient funds for this purchase in Account No. 10044403-85625.

## **Discussion**

The one ton regular cab pickup truck with dump box awarded under State of Nebraska contract #11820-OC meets all of the requirements for the Park Maintenance Division. The following is a summary of the State bid contract.

<i>Bidder</i>	<i>Exceptions</i>	<i>Total Cost</i>
Sid Dillon Chevrolet-Buick-Pontiac Wahoo, NE	None	\$29,997.00

## **Alternatives**

As provided by Council.

## **Recommendation**

City Administration recommends that the Council approve the purchase of the one ton regular cab pickup truck with dump box from Sid Dillon Chevrolet-Buick-Pontiac from Wahoo, Nebraska.

## **Sample Motion**

Move to approve the purchase of the one ton regular cab pickup truck w/dump box under state contract from Sid Dillon Chevrolet of Wahoo, Nebraska in the amount of \$29,997.00.

RESOLUTION 2007-36

WHEREAS, the Parks & Recreation Department, Park Maintenance Division for the City of Grand Island, budgeted for a One Ton Dump Truck in the 2007/2008 fiscal year; and

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

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

WHEREAS, the funding for such vehicle is provided in the 2007/2008 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of a One Ton Dump Truck in the amount of \$29,997.00 from the State contract holder, Sid Dillon Chevrolet of Wahoo, Nebraska, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item G13**

**#2007-37 - Approving Bid Award for Public Library Asbestos  
Removal 2007 at 211 North Washington Street**

Staff Contact: Steve Fosselman

# **Council Agenda Memo**

**From:** Steve Fosselman, Library Director

**Meeting:** February 13, 2007

**Subject:** Public Library Asbestos Removal 2007 at 211 N Washington St

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

**Presenter(s):** Steve Fosselman, Library Director

## **Background**

As the public library expansion project progresses, the new west entrance will open to the public at noon on Wednesday, February 14, 2007. The expansion area will then become library quarters for the next several months as the current east side is renovated. As anticipated, this renovation includes the abatement of asbestos containing ceiling material.

## **Discussion**

The specifications for Public Library Asbestos Removal 2007 at 211 N Washington St were publicly advertised and issued for bid in accordance with the City Purchasing Code. The bid form specified two base bids from which a choice would be made, Base Bid A for complete abatement of approximately 43,000 square feet of asbestos containing ceiling material and Base Bid B for unit price removal of indefinite quantity of asbestos containing ceiling material (approximately 23,000 square feet, representing areas currently designated for ceiling installation of sprinkler system, electrical conduit, and other construction related activities).

Five responses were received;

<u>Bidder</u>	<u>Base Bid A Bid Price</u>	<u>Base Bid B Bid Price</u>
ESA, Inc. N. Sioux City, SD	\$172,799.00	\$7.51/sf \$2,000.00/mobilization
Horsley Specialties, Inc. Rapid City, SD	\$135,151.00	\$4.00/sf \$1,500.00/mobilization

McGill Asbestos Abatement Co. Omaha, NE	\$72,834.00	\$2.49/sf \$500.00/mobilization
Great Plains Asbestos Control, Inc. Kearney, NE	\$94,210.00	\$3.50/sf \$700.00/mobilization
Environmental Direct, Inc. Grand Island, NE	\$90,300.12	\$3.20/sf \$1,500.00/mobilization

Based on a comparison of costs and benefits for each base bid, the low Base Bid A in the amount of \$72,834.00 presented by McGill Asbestos Abatement Co. of Omaha, NE represents the most cost effective and long term benefit to the library and City of Grand Island. This low bid is compliant with the specifications, is below the estimate of \$172,320 and sufficient funds are available in the library's expansion project budget.

### **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 award the bid to McGill Asbestos Abatement Co. of Omaha, NE, as the low responsive bidder, with the bid price of \$72,834.00.

### **Sample Motion**

Motion to approve the bid of \$72,834.00 from McGill Asbestos Abatement Co. of Omaha, NE for Public Library Asbestos Removal 2007 at 211 N Washington St as submitted.

*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:** February 7, 2007 at 11:15 a.m.

**FOR:** Asbestos Removal 2007 for Public Library at 211 N Washington St

**DEPARTMENT:** Library

**ENGINEER'S ESTIMATE:** Base Bid A \$172,320.00  
Base Bid B \$ 70,300.00

**FUND/ACCOUNT:** 40015025-90004

**PUBLICATION DATE:** January 24, 2007

**NO. POTENTIAL BIDDERS:** 10

**SUMMARY**

<b>Bidder:</b>	<b><u>ESA, Inc.</u></b> N. Sioux City, SD	<b><u>Horsley Specialties, Inc.</u></b> Rapid City, SD
<b>Bid Security:</b>	Great American Ins. Co.	American Safety Casualty Ins. Co.
<b>Exceptions:</b>	None	None
<b>Bid Price A:</b>	\$172,799.00	\$135,151.00
<b>Bid Price B:</b>		
<b>1) Unit Price:</b>	\$7.51	\$4.00
<b>2) Mobilizations :</b>	\$2,000.00	\$1,500.00
<b>Bidder:</b>	<b><u>McGill Asbestos Abatement Co.</u></b> Omaha, NE	<b><u>Great Plains Asbestos Control, Inc.</u></b> Kearney, NE
<b>Bid Security:</b>	Arch Insurance Co.	Arch Insurance Co.
<b>Exceptions:</b>	None	None
<b>Bid Price A:</b>	\$72,834.00	\$94,210.00
<b>Bid Price B:</b>		
<b>1) Unit Price:</b>	\$2.49	\$3.50
<b>2) Mobilizations:</b>	\$500.00	\$700.00

**Bidder:** Environmental Direct, Inc.  
**Grand Island, NE**  
**Bid Security:** Arch Insurance Co.  
**Exceptions:** None  
  
**Bid Price A:** \$90,300.12  
**Bid Price B:**  
**1) Unit Price:** \$3.20  
**2) Mobilizations:** \$1,500.00

cc: Steve Fosselman, Library Director  
Dale Shotkoski, Purchasing Agent

Gary Greer, City Administrator  
Sherry Peters, Legal Secretary

**P1137**

RESOLUTION 2007-37

WHEREAS, the City of Grand Island invited sealed bids for Asbestos Removal for the Edith Abbott Memorial Library at 211 North Washington Street, according to plans and specifications on file with the City Clerk's Office; and

WHEREAS, on February 7, 2007, bids were received, opened and reviewed; and

WHEREAS, McGill Asbestos Abatement Co. of Omaha, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$72,834.00; and

WHEREAS, McGill Asbestos Abatement Co. 's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of McGill Asbestos Abatement Co. of Omaha, Nebraska, in the amount of \$72,834.00.00 for the removal of asbestos at the Edith Abbott Memorial Library at 211 North Washington Street is hereby approved as the lowest responsive bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on February 13, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

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

Approved as to Form	☐
February 8, 2007	☐ City Attorney



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item H1**

**Consideration of Request from Energy Grains Development Group LLC for a Conditional Use Permit for Construction of an Ethanol Production Facility Located at 1730 and 1898 Wildwood Drive**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

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

**Meeting:** February 13, 2007

**Subject:** Request of Energy Grains Development Group, LLC for Conditional Use Permit to Operate an Ethanol Plant at 1730 Wildwood Drive, Grand Island, NE

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

**Presenter(s):** Craig Lewis, Building Department Director

## **Background**

This request is for approval of a conditional use permit to allow for the operation of an ethanol facility at 1730 Wildwood Drive. The property is by zoning regulations required to obtain the approval of the City Council in the form of a conditional use permit. The request was brought before the City Council on January 23, 2007 and again at the February 6, 2007 Study Session for further discussion and consideration.

## **Discussion**

The conditional use process allows for a review by the governing authority to determine if the proposal is in the best interest of the City, meets the requirements previously established and allows conditions to be placed on the operation and use of the facility.

The following conditions have been proposed by staff and identified at the City Council study session:

1). On site wells regulated by the Central Platte Natural Resources District shall also be registered with the City as to location, size, and proposed volume of water to be pumped. A copy of the permit issued shall also be filed with the City Of Grand Island.

2). Odor generated at the plant is proposed to be mitigated with thermal oxidizers, these devices shall be operated continually as the plant is in production. Any repair or maintenance of these devices shall occur only when production is halted for such repair and maintenance. As technology advances the Best Available Control Technology (BACT) shall be implemented to control any odors associated with the facility. Documentation of the BACT shall be submitted on a two year cycle to ascertain compliance with these conditions.

3). Air quality and emissions are regulated by the State of Nebraska Department of Environmental Quality. Additionally, in regard to air quality, BACT shall be provided and justified to the City Of Grand Island on a two year rotational period. A copy of the permit issued by the State shall be filed with the City.

4). Waste discharges from the production are regulated by the State Department of Environmental Quality , additionally the City Of Grand Island Public works Department shall approve of the method and destination of the waste. A copy of any permits issued by the State for discharges shall be filed with the City.

5). Landscaping on the site is proposed in a tree line adjacent to the north boundary line. A landscape plan identifying this proposed planting and additional plantings that comply with the provisions in the zoning regulations shall be presented to and approved by the City Of Grand Island prior to issuance of any construction permits.

6). Exterior lighting for the facility shall be predominately down lighting.

7). Construction of the proposed facility shall commence within two years of approval of the conditional use permit. If for any reason, production ceases for any continuous two year period the conditional use permit shall become null and void and require subsequent approvals from the City Of Grand Island.

8). A development agreement that identifies the expectations and responsibilities shall be negotiated and implemented between the Developer and the City Of Grand Island .

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the request with the identified Conditions, if it finds that the application and use promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

## **Sample Motion**

Motion to approve the request of for a conditional use permit to allow for the construction and operation of an “ethanol production facility” with the listed conditions stated in the staff memo and (any other conditions determined by the City Council). The City Council makes the following findings in approving this request:

- 1.)
- 2.)
- 3.)

JACOBSEN,  
ORR, NELSON,  
WRIGHT & LINDSTROM, P.C.  
ATTORNEYS AT LAW

A LIMITED LIABILITY  
ORGANIZATION

DANIEL L. LINDSTROM  
dlindstrom@jonlaw.com



December 28, 2006

Mr. Craig Lewis  
Building Director  
City of Grand Island  
P. O. Box 1968  
Grand Island, NE 68802-1968

Re: Conditional Use Permit Application

Dear Mr. Lewis:

Please find enclosed the Application of Energy Grains Development Group, LLC for a conditional use permit for the construction of an ethanol plant, to be located on the north side of Wildwood Drive, immediately north of the City's electrical generating facility. This application is intended to encompass all phases of the plant construction and operation, including rail and boiler infrastructure.

Energy Grains Development Group, LLC has signed on behalf of the owners of the subject property, after consultation with Chad Nabity, since the subject property is under option from the present owners and will be purchased in the event a conditional use permit is granted and the project moves forward.

I hope that the materials attached are self-explanatory. As always, should you or any other city officials have any questions concerning this application, please feel free to contact me directly.

Thanks for your assistance.

Very truly yours,

JACOBSEN, ORR, NELSON,  
WRIGHT & LINDSTROM, P.C.  
Attorneys at Law

Daniel L. Lindstrom

DLL:rkr

Enc.



Non-Refundable Fee: \$155.00  
Return by: \_\_\_\_\_  
Council Action on: \_\_\_\_\_

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: Construction of an ethanol production facility.
2. The owner(s) of the described property is/are: Thomas L. Hartman and Carlotta Y. Hartman, with option to Energy Grains Development Group, LLC.
3. The legal description of the property is: See Exhibit A attached.
4. The address of the property is: 1730 and 1898 Wildwood Drive, Grand Island, NE
5. The zoning classification of the property is: AG2, a change to M2 is pending at the January 9, 2007 city council meeting.
6. Existing improvements on the property is: A farmstead with home and out buildings, to be removed.
7. The duration of the proposed use is: 20 to 30 years.
8. Plans for construction of permanent facility is: Not applicable. This will be a permanent facility.
9. The character of the immediate neighborhood is: Industrial and suburban agricultural.
10. There is hereby **attached** a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested. See Exhibit B.
11. Explanation of request: See Exhibit C.

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

ENERGY GRAINS DEVELOPMENT GROUP, LLC

December 27, 2006

Date

By

Paul Kenney  
Its President Owners(s)

(308) 234-5579

Phone Number

Aaron Gillespe: 308-293-5366

Paul Kenney: 308-627-7878

P. O. Box 1060

Address

Kearney, NE 68848-1060

City

State

Zip

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

## Conditional Use Permit Application

### Exhibit A

#### Legal Description of Subject Property

A tract of land located in the Southwest Quarter (SW1/4) in Section Four (4), Township Ten (10) North, Range Nine (9) West of the 6<sup>th</sup> P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the Southwest corner of Sec. 4-T10N-R9W, said point also being the point of beginning; thence on an assumed bearing of N01°48'44"W upon and along the West line of said SW ¼ of Sec. 4 a distance of 2592.64 feet to the West ¼ corner; thence N89°25'04"E upon and along the North line of said SW ¼ a distance of 2672.92 feet to the center of said Sec. 4; thence S01°17'35"E upon and along the East line of said SW ¼ a distance of 2615.01 feet to the South ¼ corner of said Sec. 4; thence S89°54'36"W upon and along the South line of said SW ¼ a distance of 2649.81 feet to the point of beginning. Said tract containing 159.046 acres, more or less, of which 7.915 acres is county road right of way.

## Exhibit C

### EXPLANATION OF REQUEST FOR CONDITIONAL USE PERMIT APPLICATION

Energy Grains Development Group, LLC is a company consisting of five individuals who have prior experience in the development and operation of an ethanol production facility. The company was formed for the purpose of developing an ethanol plant at the proposed site near Grand Island, with the prospect of development of other sites in the future.

The Conditional Use Permit Application is being made with the understanding that both the present zoning, and the anticipated change in zoning, would both permit the construction of an ethanol plant within the zoning classification with a conditional use permit. It is our understanding that the AG2 zone is subject to a pending change in zoning to M2 and that the final hearing on the zoning change is scheduled for January 9, 2007 before the Grand Island City Council.

The property that is the subject of this application ("subject property") is roughly a quarter section of land presently owned by Thomas and Carlotta Hartman, who have granted an option for purchase of the property to Energy Grains Development Group, LLC. It is the intention for Energy Grains Development Group, LLC, or its assignee, to purchase the subject property after issuance of the conditional use permit and successful completion of other steps toward completion of the project. The applicant has formed a separate ownership entity for the ownership of the ethanol production facility and this will give local individuals the opportunity to invest in ownership of the ethanol facility.

The applicant views the subject property as an excellent site for the construction of an ethanol facility, given its proximity to the City of Grand Island and the City of Grand Island electrical generation facility, the availability of coal, rail service, and good road access. The applicant is sensitive to the concerns of neighboring land owners and the members of the public in general concerning the potential impacts of such an ethanol production facility, and believes that the design and location, along with buffering, will resolve and mitigate those concerns, as addressed below.

Attached, please find copies of the following drawings:

- A. Aerial photograph showing the corners of the subject property;

- B. An ethanol facility site plan layout prepared by the contractor; and
- C. Eleven (11) different views of the completed facility from various locations surrounding the subject property. Please note that these drawings are preliminary and may be subject to change.

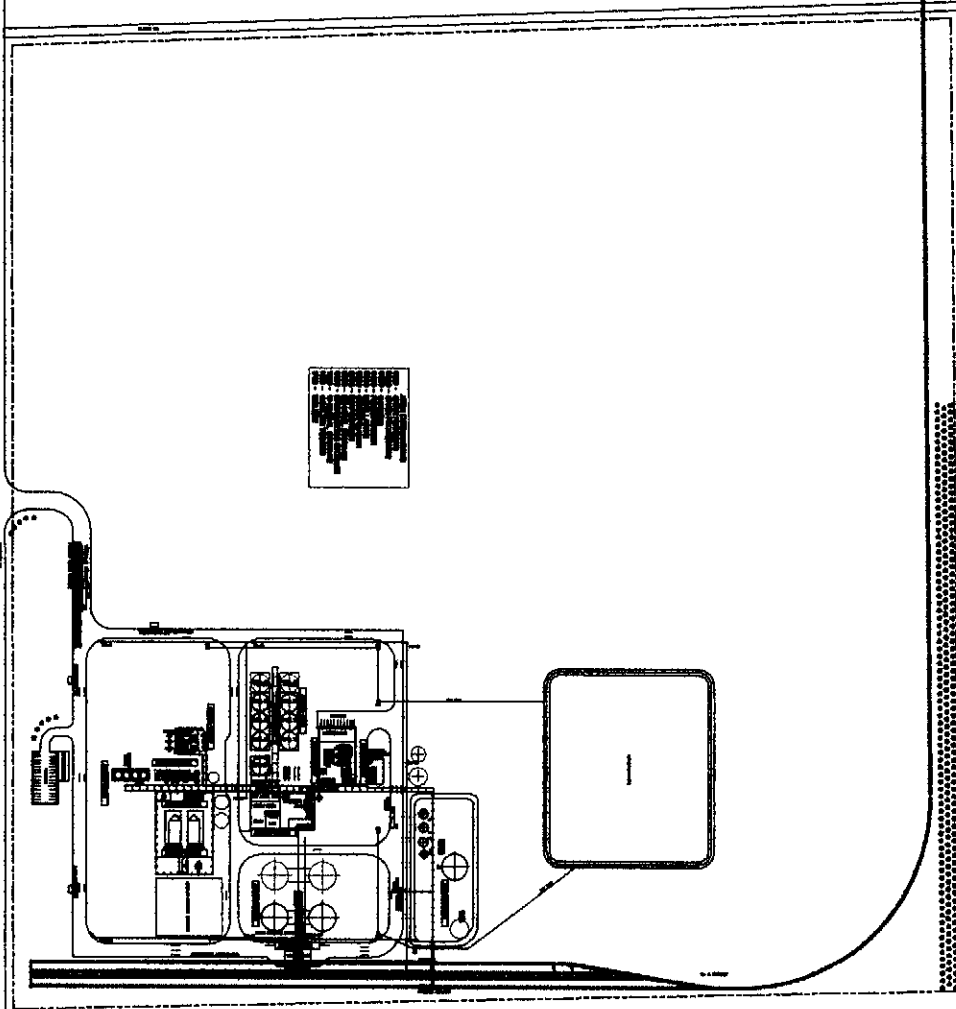
As indicated on these drawings, the proposed ethanol plant site is located immediately north of the electrical generation facility and immediately east of the industrial development park and land proposed for expansion of the industrial development area. Rail infrastructure already exists in the area, and the applicant is currently negotiating with the City of Grand Island concerning the use of existing and proposed coal handling facilities to provide for the energy needs of the ethanol production facility. The City of Grand Island has existing water and other infrastructure in close proximity to the area and the future land use map would indicate that the City has planned for such industrial development to incur in this area. In addition to the fact that this type of development would appear to be appropriate for this area from a planning standpoint, the applicant would also note that it has considered the following factors in siting and design of the plant:

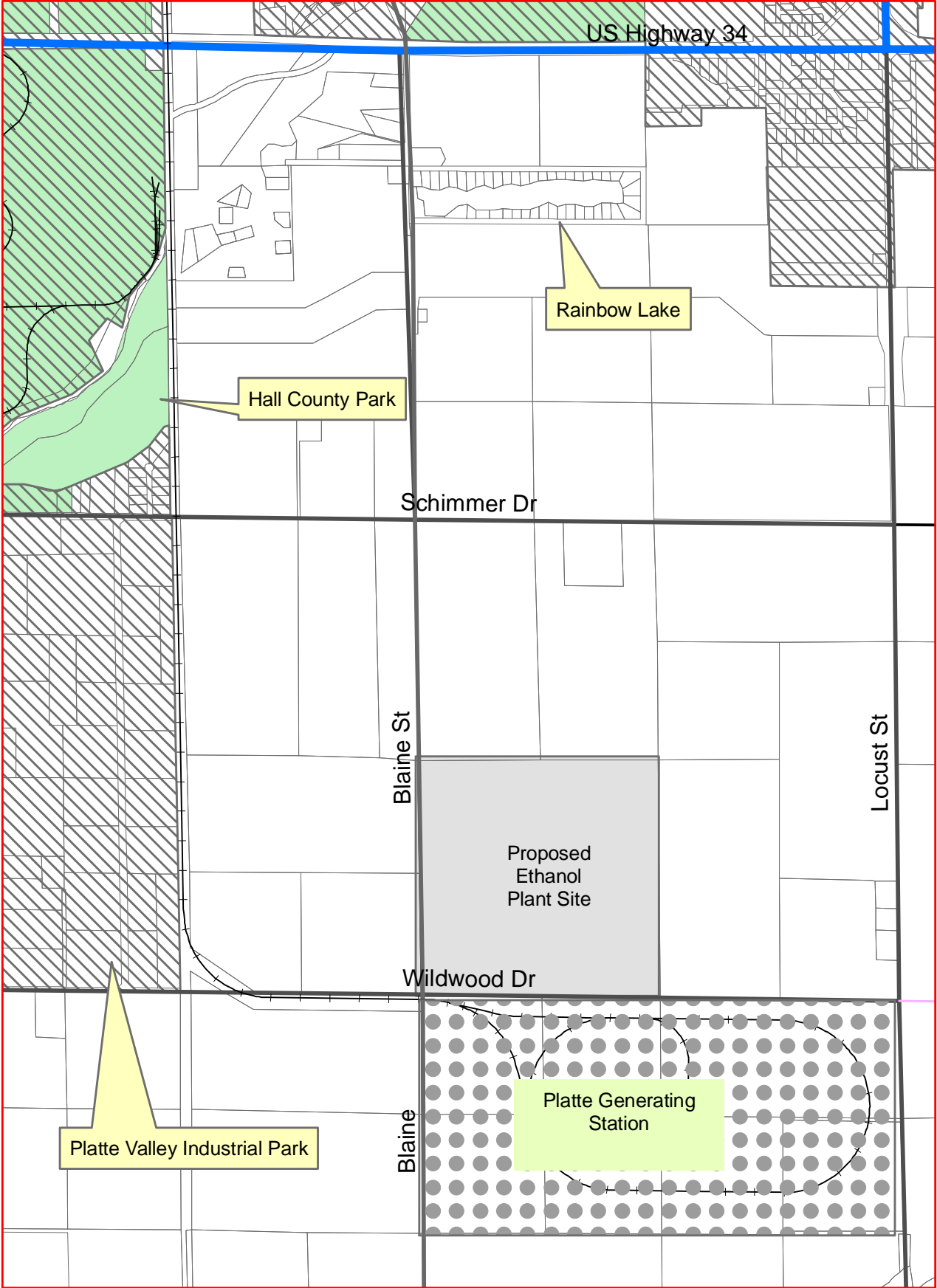
1. Visual Impact: Concentrations of residential development are located north and northwest of the proposed site, varying in distance from approximately one-half mile to one mile from the proposed site. The site is located as far south as possible and it will visually blend in with the electrical general facility. In addition, the applicant proposes that trees be planted along the north border of the subject property as a visual buffer as shown on drawing nos. 1, 2, 6, 9 and 11.
2. Odor and Noise: The proposed ethanol production facility is to be a Katzen process design. The Katzen design utilizes technology that differs from existing ethanol plants in the south central Nebraska region in that it employs two thermal oxidizers. The oxidizers are devices that remove byproducts from the fermentation and processing of alcohol that could otherwise result in odors associated with some ethanol plant designs. Generally, the odors generated from most ethanol plants are not offensive and are minimal in nature, in any event. Similarly, ethanol production facilities generally do not produce much additional noise. The fermentation and distillation process is nearly silent, with the only noise generated resulting from the handling of grain, ethanol and other co-products by truck and rail transport. The applicant does not anticipate noise being an issue.

3. Traffic: The subject property is a large enough site that it permits the applicant to construct extensions of the existing rail spur onto the property with minimal impact upon surrounding properties. It is anticipated that much of the corn used by the processing facility will be delivered by truck and that some of the distillers grain co-product will be removed from the area by truck, resulting in some increase in truck traffic on Wildwood Drive. However, the applicant has designed the site in such a manner so as to move truck traffic off of Wildwood Drive and on to the site with minimal stacking or turning issues and is willing to work with city and county officials to ensure that the design is appropriate. Given the proximity of the site to South Locust Street, the applicant believes that most truck traffic will access the site from the east on Wildwood Drive.

Generally, the applicant is open to discussion about reasonable conditions or issuance of the proposed conditional use permit, including landscaping and other site improvement.

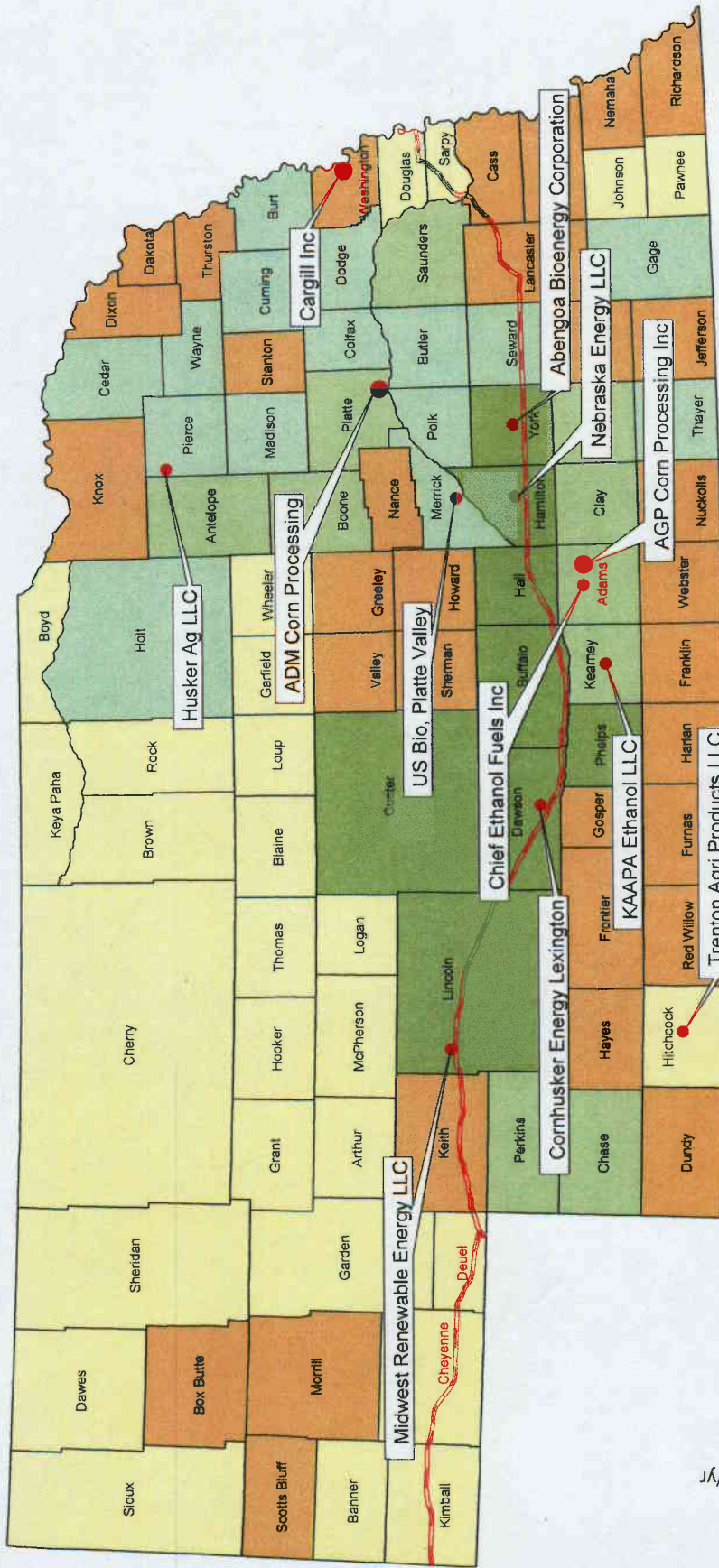
SITE PLAN LAYOUT





# Existing/Operating Ethanol Plants in Nebraska

As of November 2006



**Nebraska Corn Production**  
(per thousand bushels)



Source: Nebraska Agricultural Statistics Service,  
Nebraska Agricultural Statistics 2001-2002,  
Updated August 2002

Existing/Operating Ethanol Plants

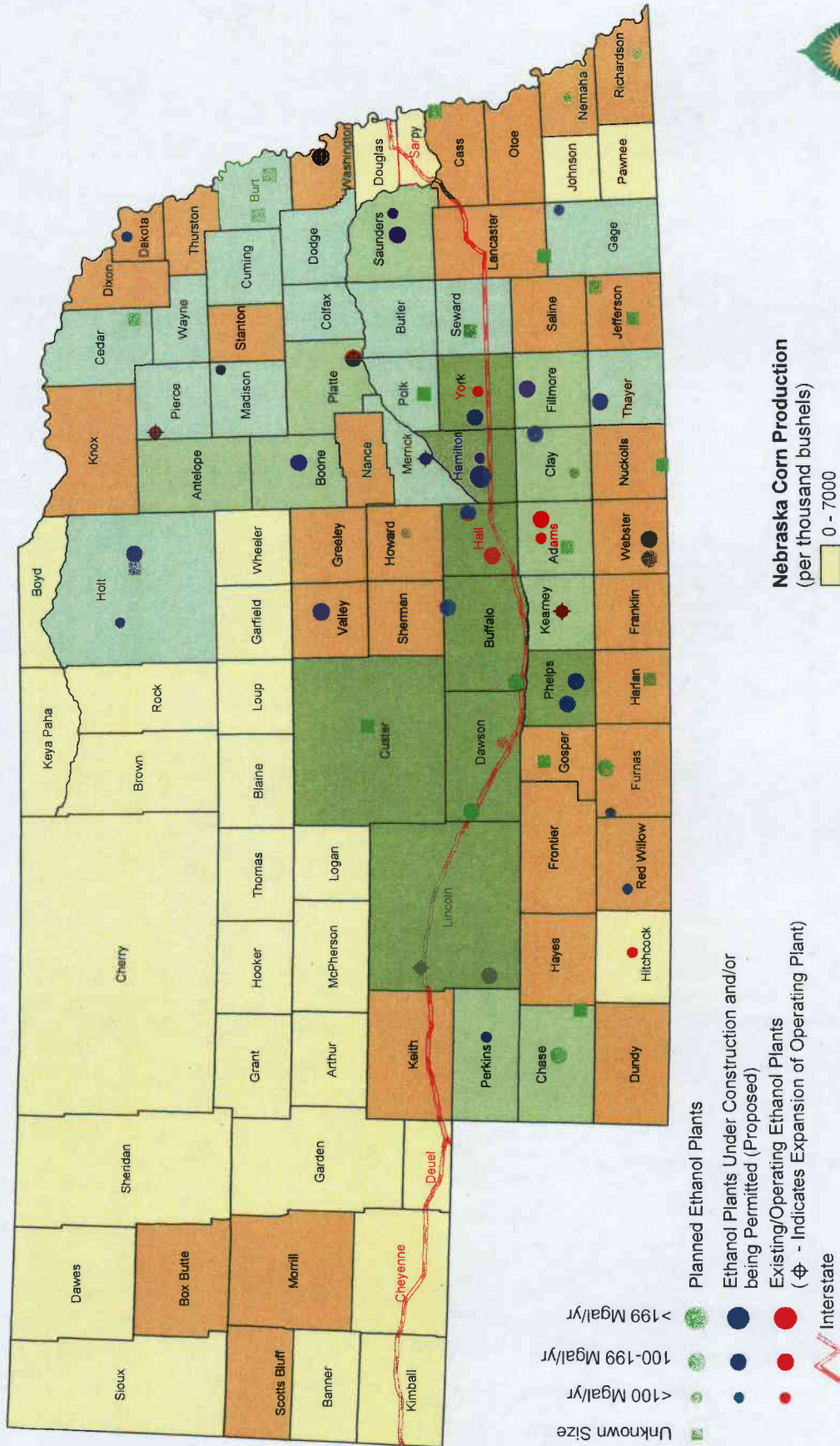


The map is intended for informational purposes only.  
The NDEQ does not guarantee its accuracy or completeness.



# Planned, Proposed, and Operating Ethanol Plants in Nebraska

As of November 2006



Information regarding "Planned" ethanol plants is obtained by the NDEQ through discussions with prospective sources and media accounts.

Receipt of an application or issuance of a permit for a "Proposed" ethanol plant does not necessarily mean an ethanol plant will actually be built at the site.

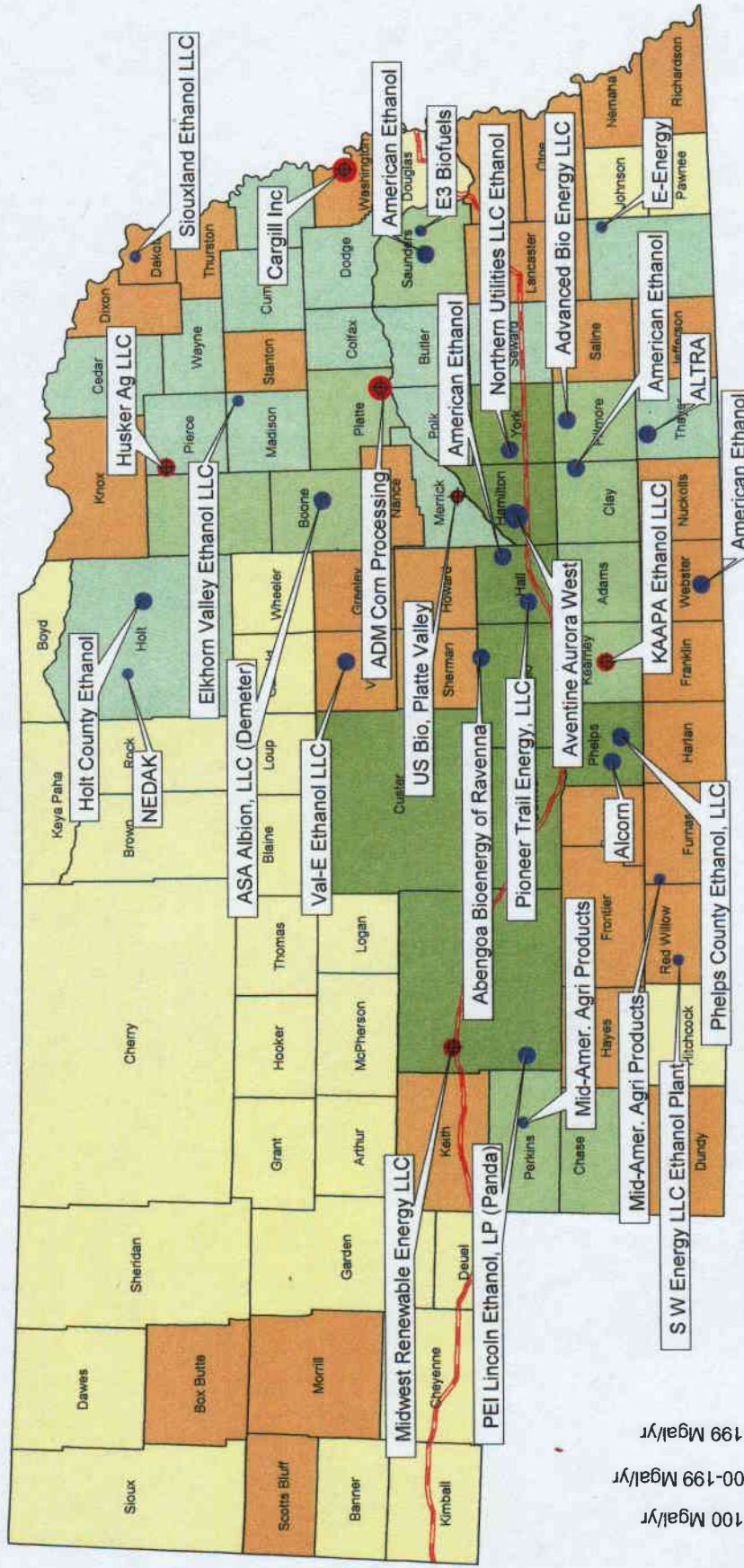
The map is intended for informational purposes only.

The NDEQ does not guarantee its accuracy or completeness.

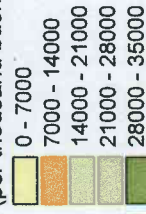


# Ethanol Plants Under Construction or being Permitted in Nebraska

As of November 2006



**Nebraska Corn Production**  
(per thousand bushels)



Source: Nebraska Agricultural Statistics Service,  
Nebraska Agricultural Statistics 2001-2002.  
Updated August 2002

Receipt of an application or issuance of a permit for a "Proposed" ethanol plant does not necessarily mean an ethanol plant will actually be built at the site.

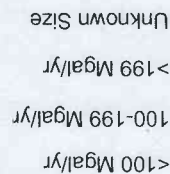
The map is intended for informational purposes only.

The NDEQ does not guarantee its accuracy or completeness.



November 2006

**As of November 2006**



## Interstate

**Nebraska Corn Production**  
(per thousand bushels)



Source: Nebraska Agricultural Statistics Service,  
Nebraska Agricultural Statistics 2001-2002,  
Updated August 2002

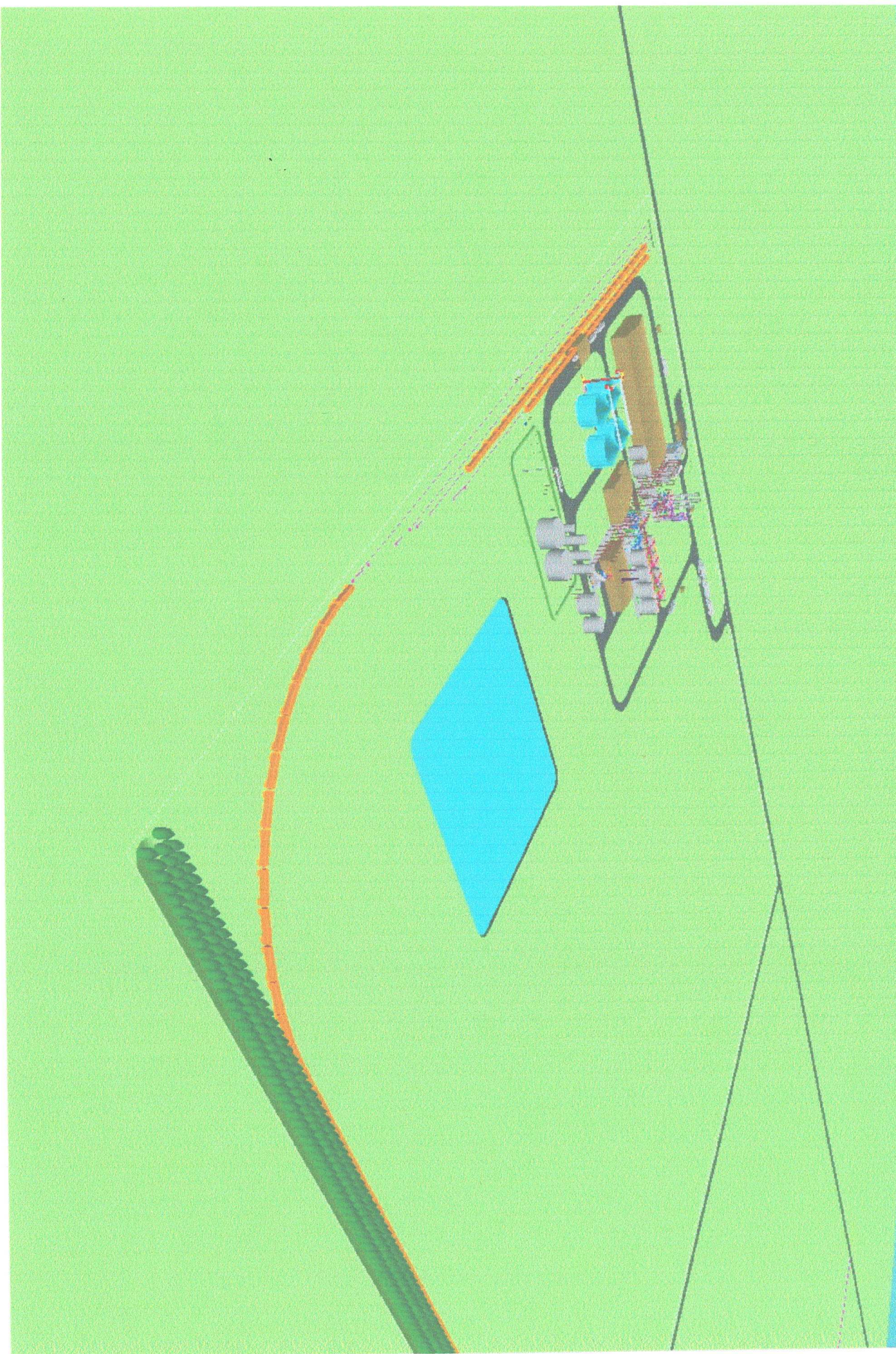
Information regarding "Planned" ethanol plants is obtained by the NDEQ through discussions with prospective sources and media accounts.

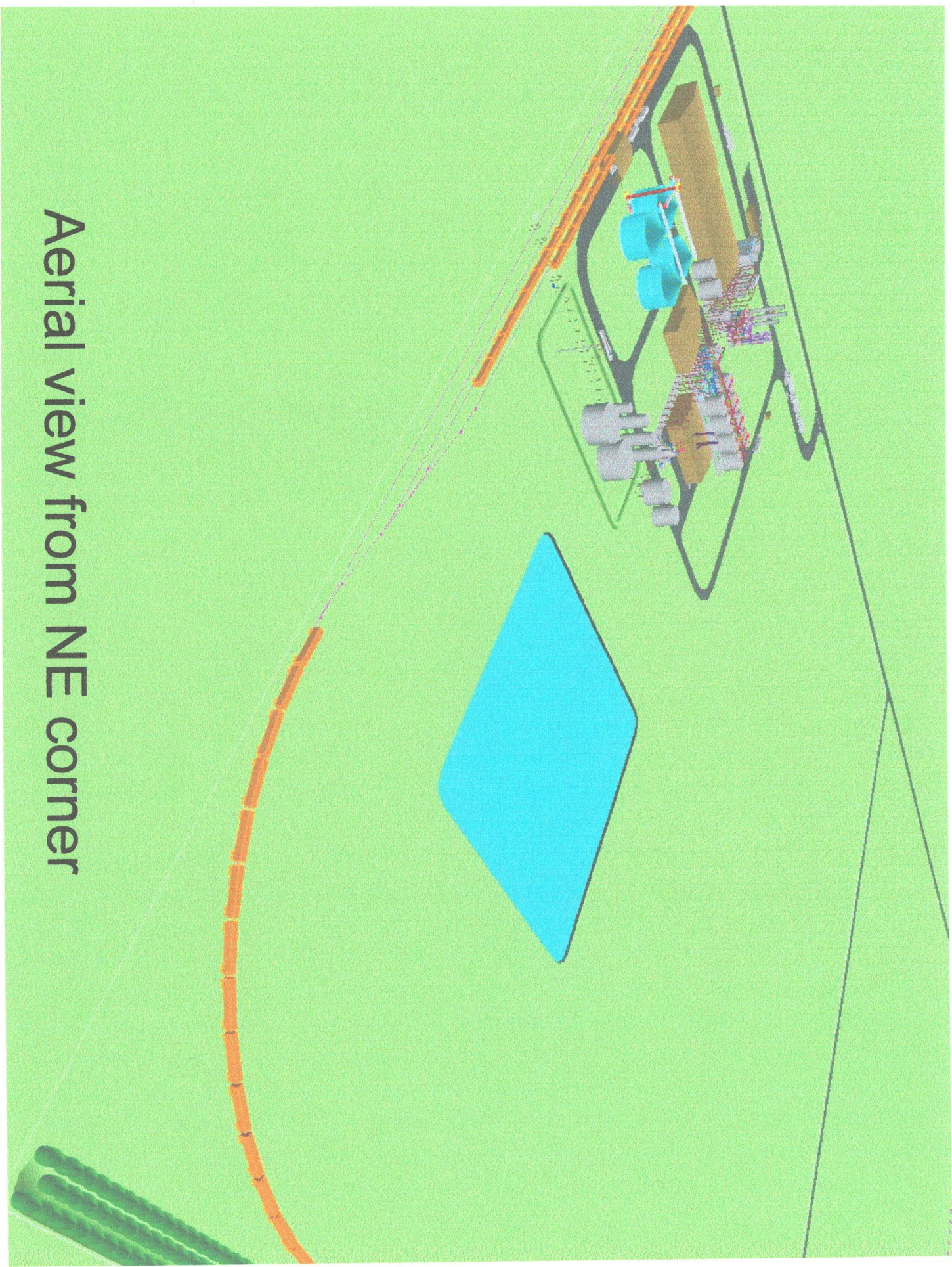
The map is intended for informational purposes only.

The NDEQ does not guarantee it accuracy or completeness.



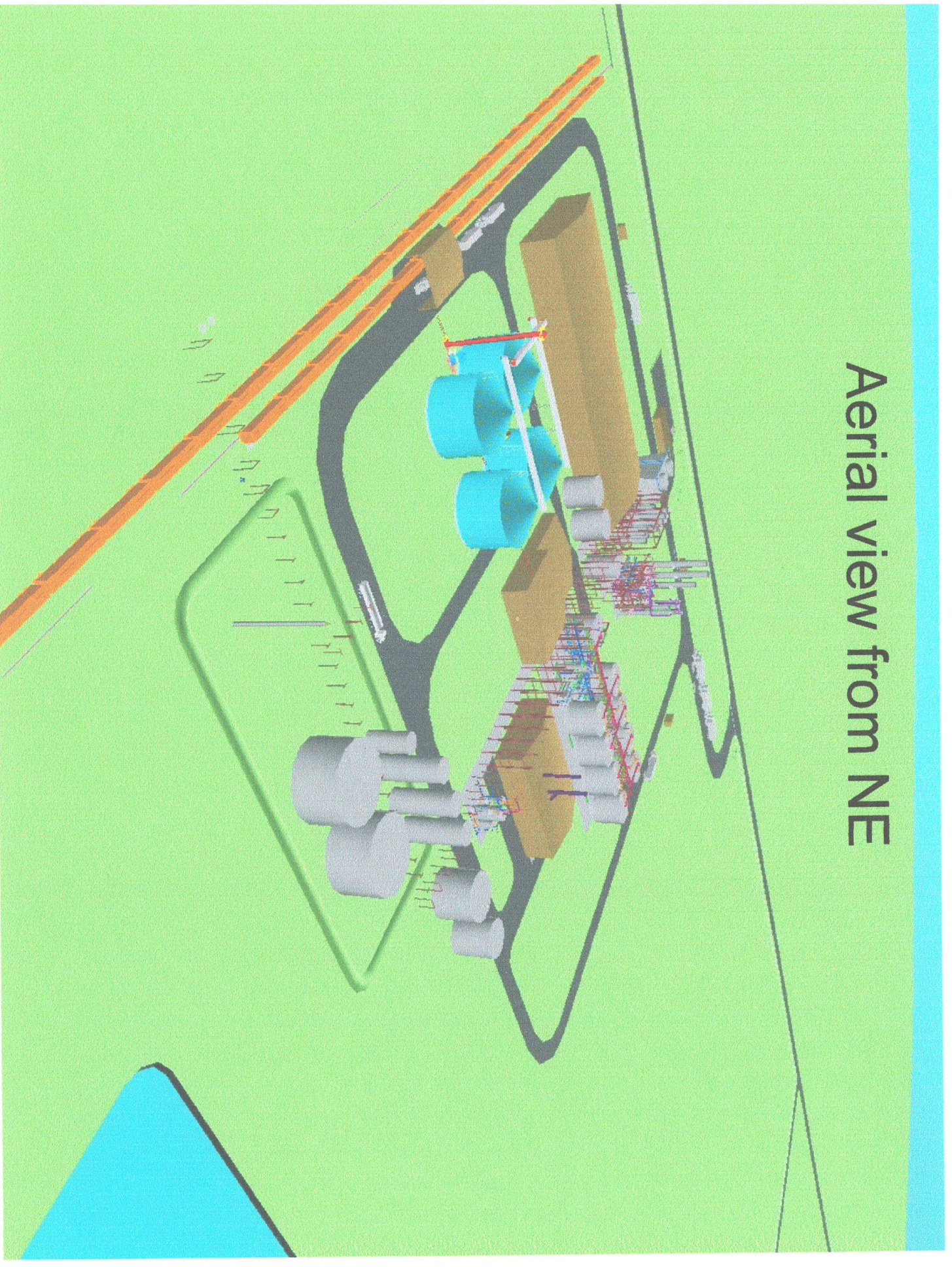
# Aerial view from NE corner



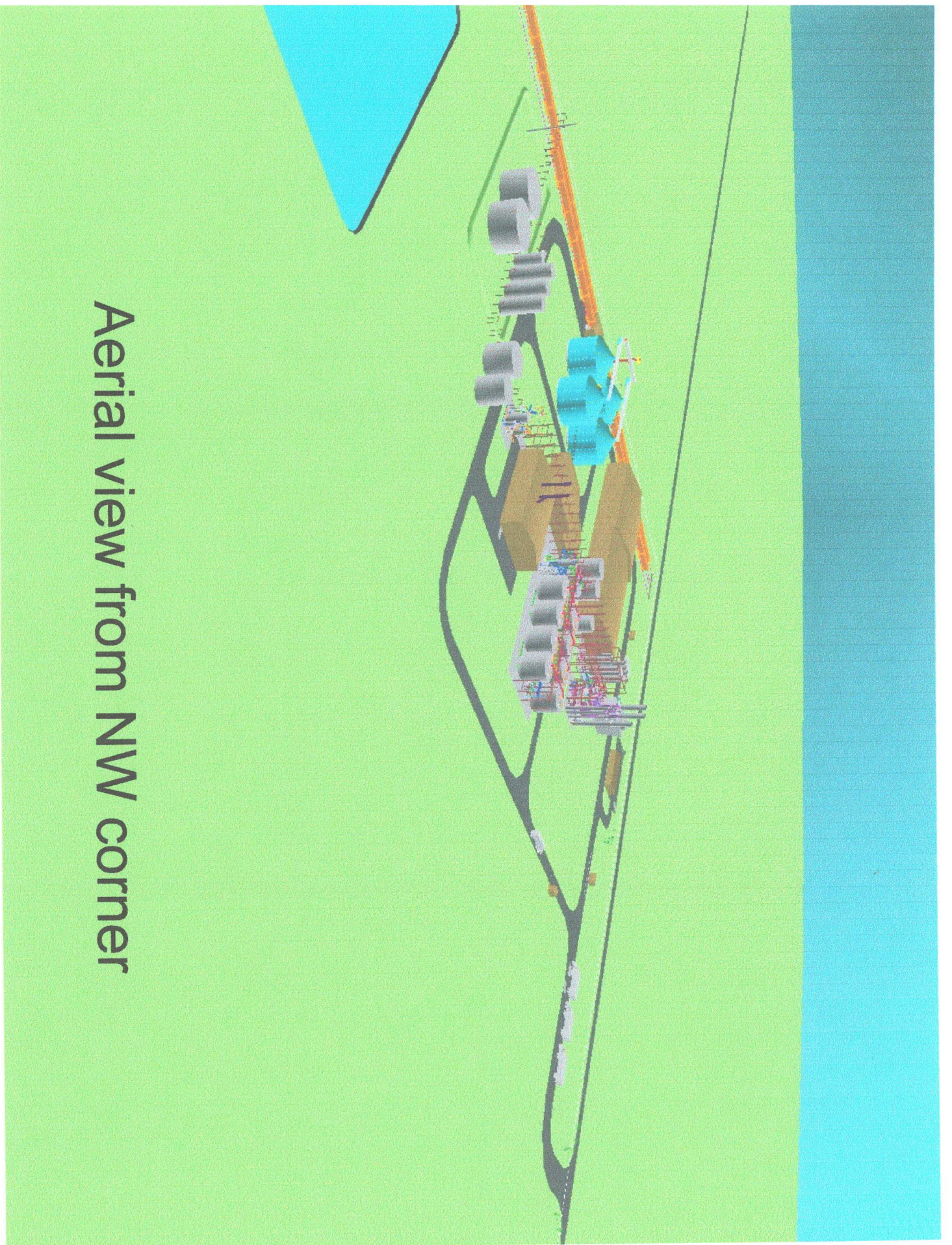


Aerial view from NE corner

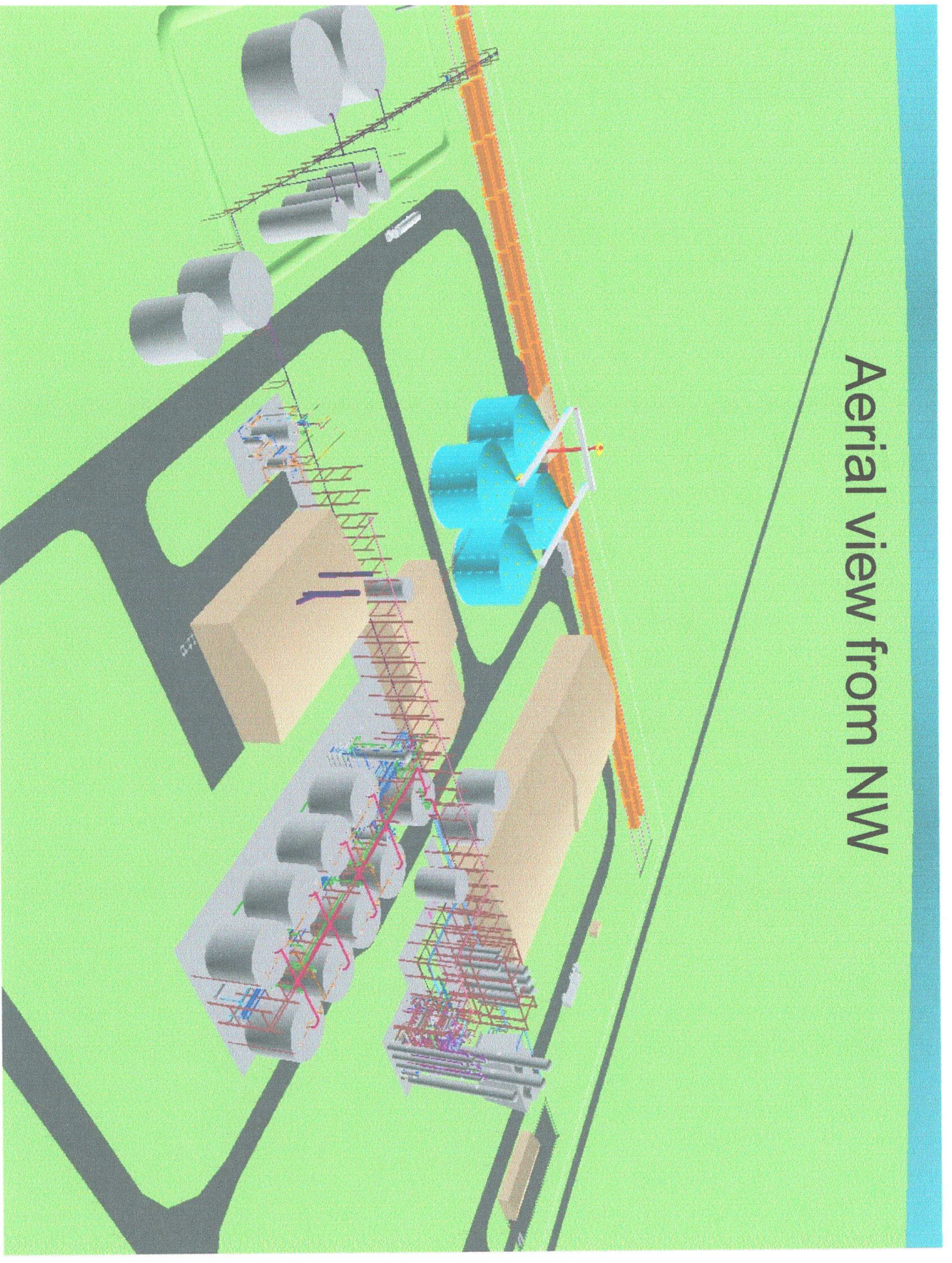
## Aerial view from NE

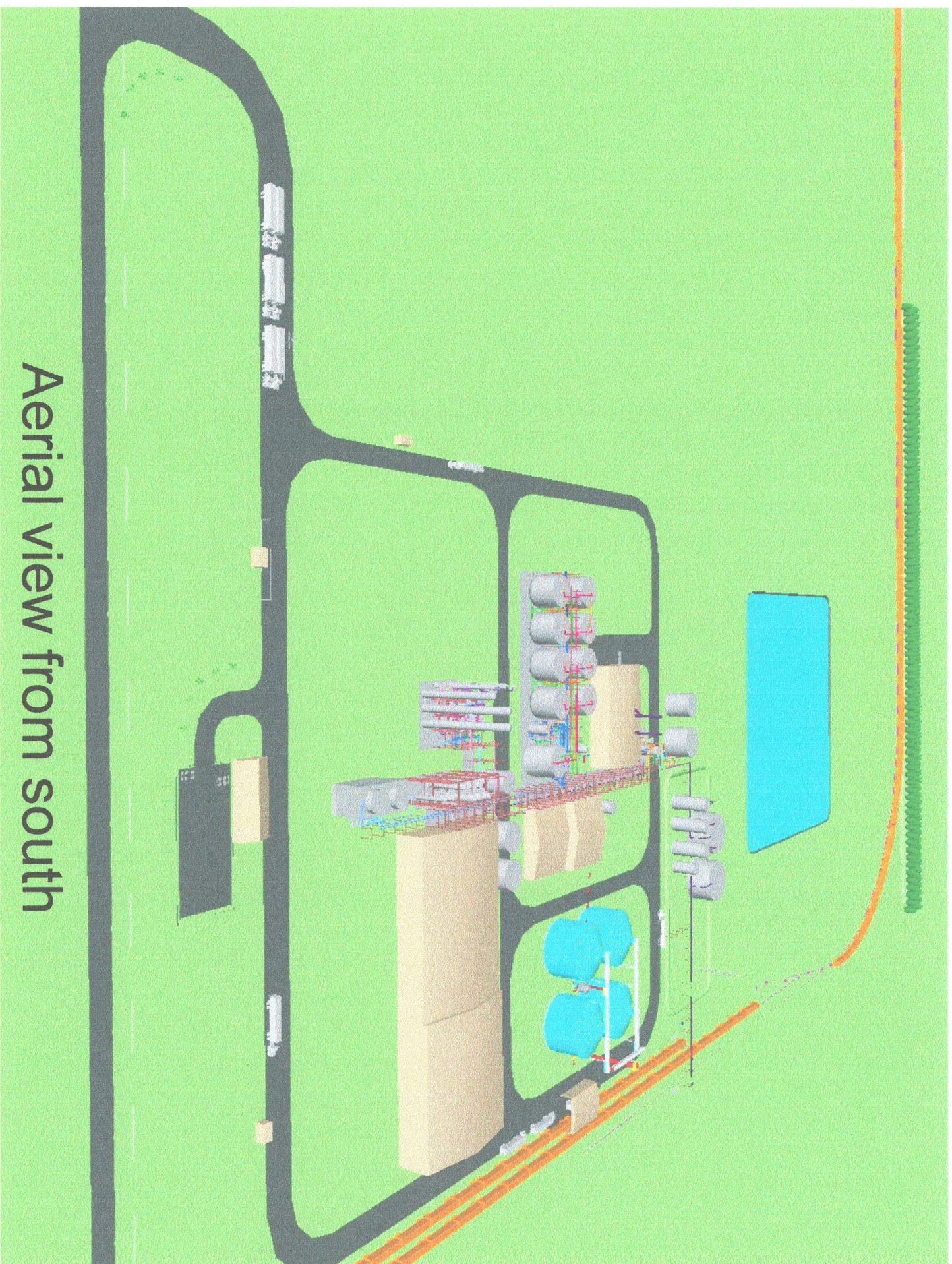


Aerial view from NW corner

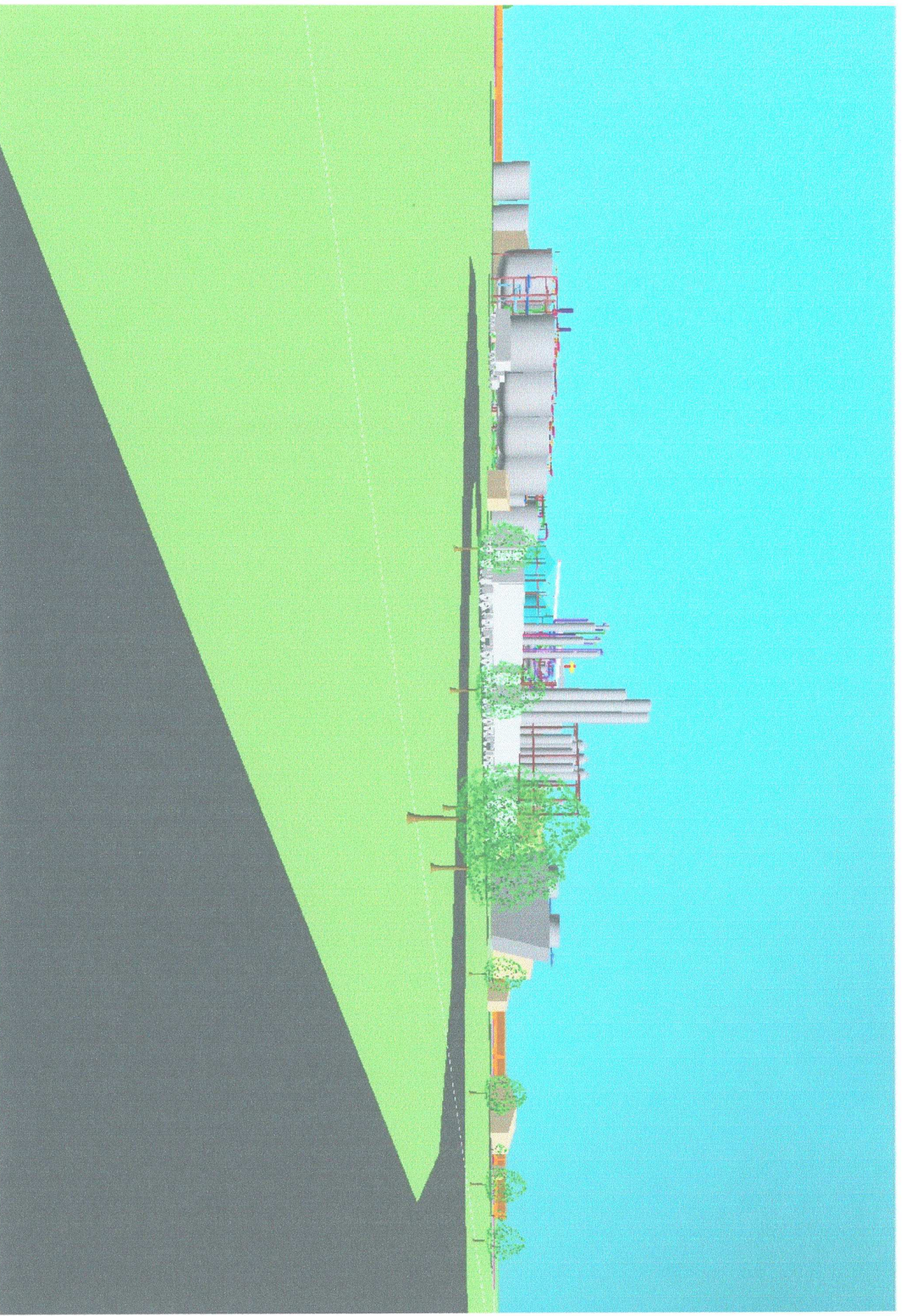


# Aerial view from NW

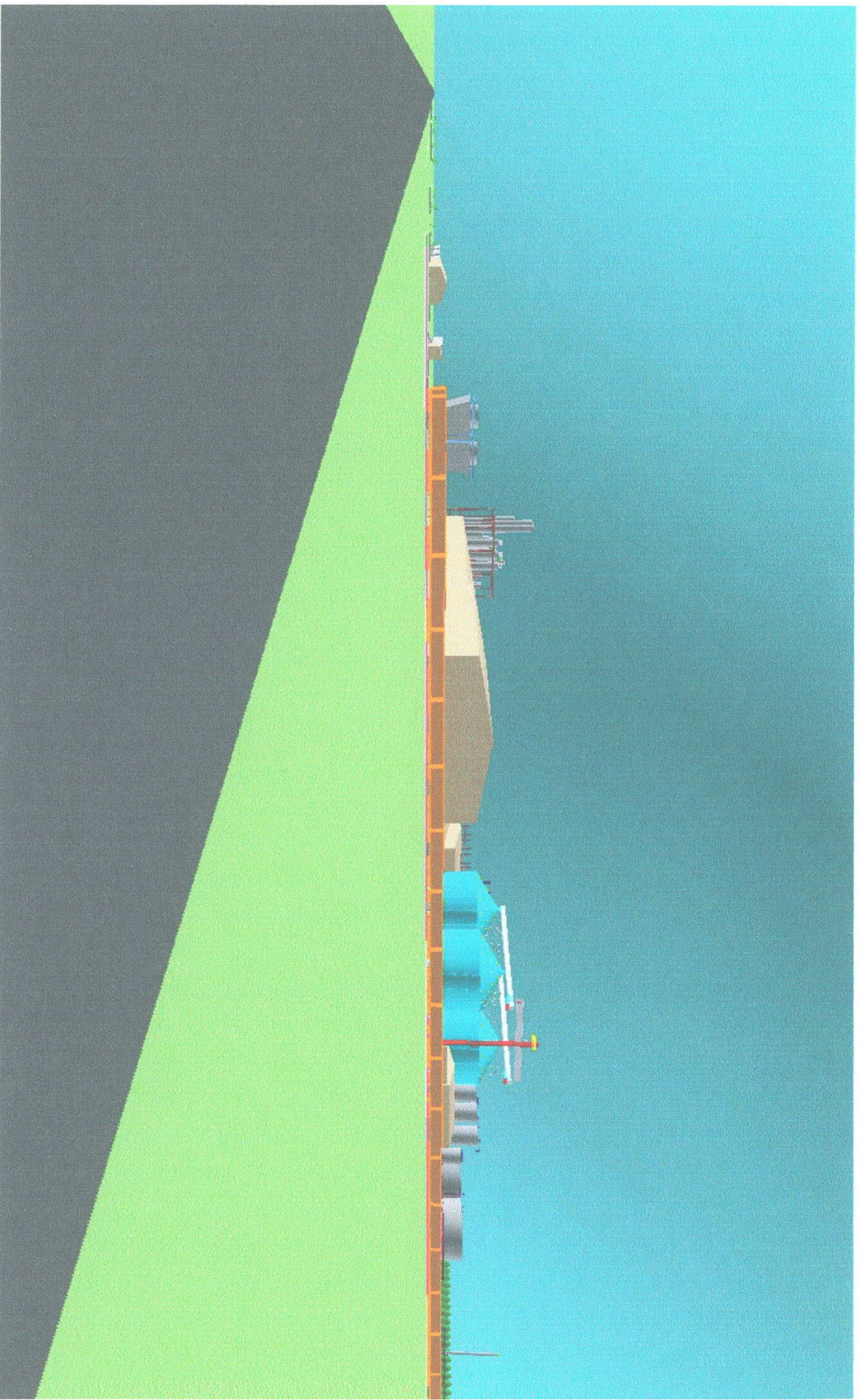




Aerial view from south



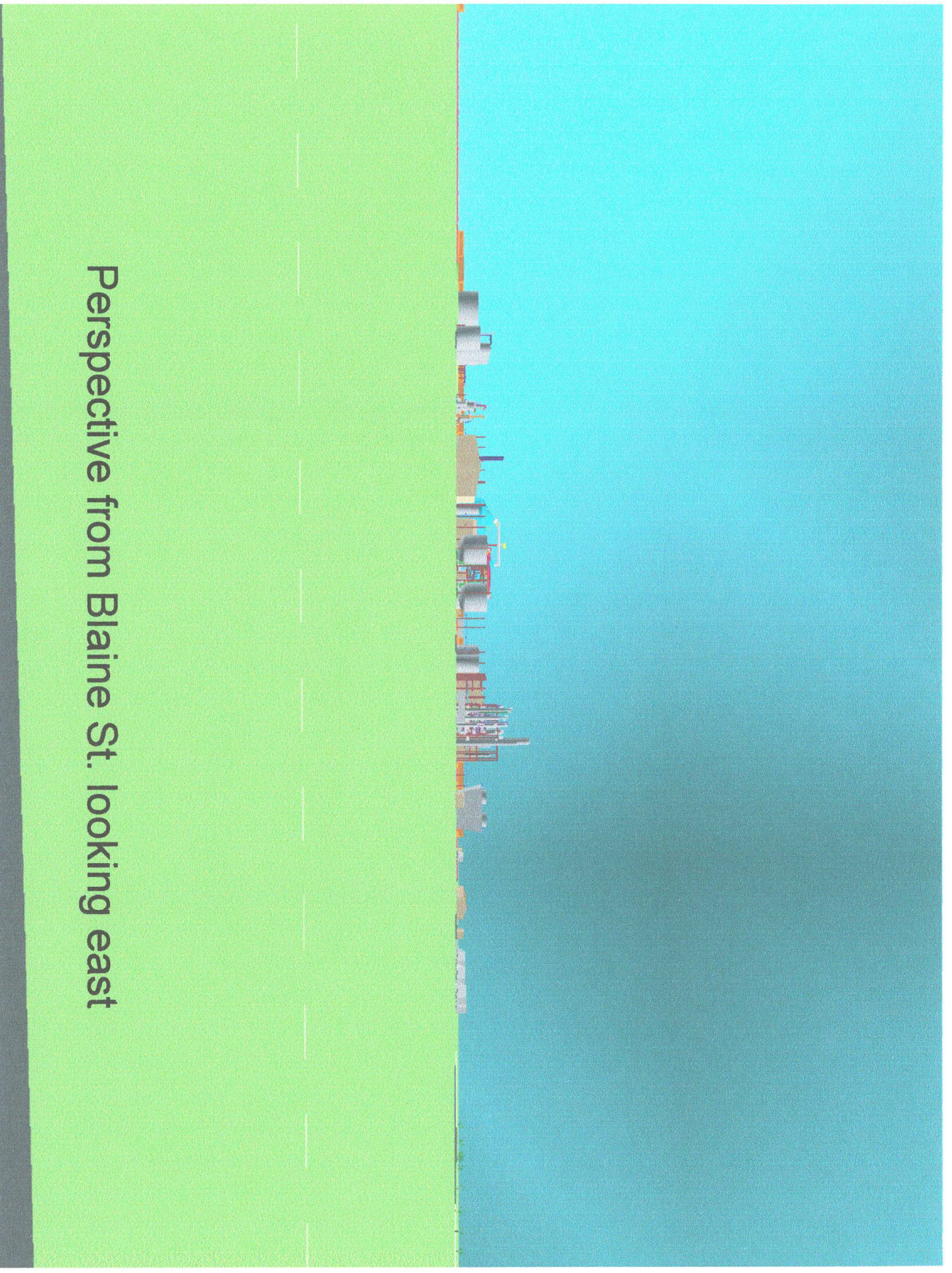
Perspective from Wildwood Dr looking NE



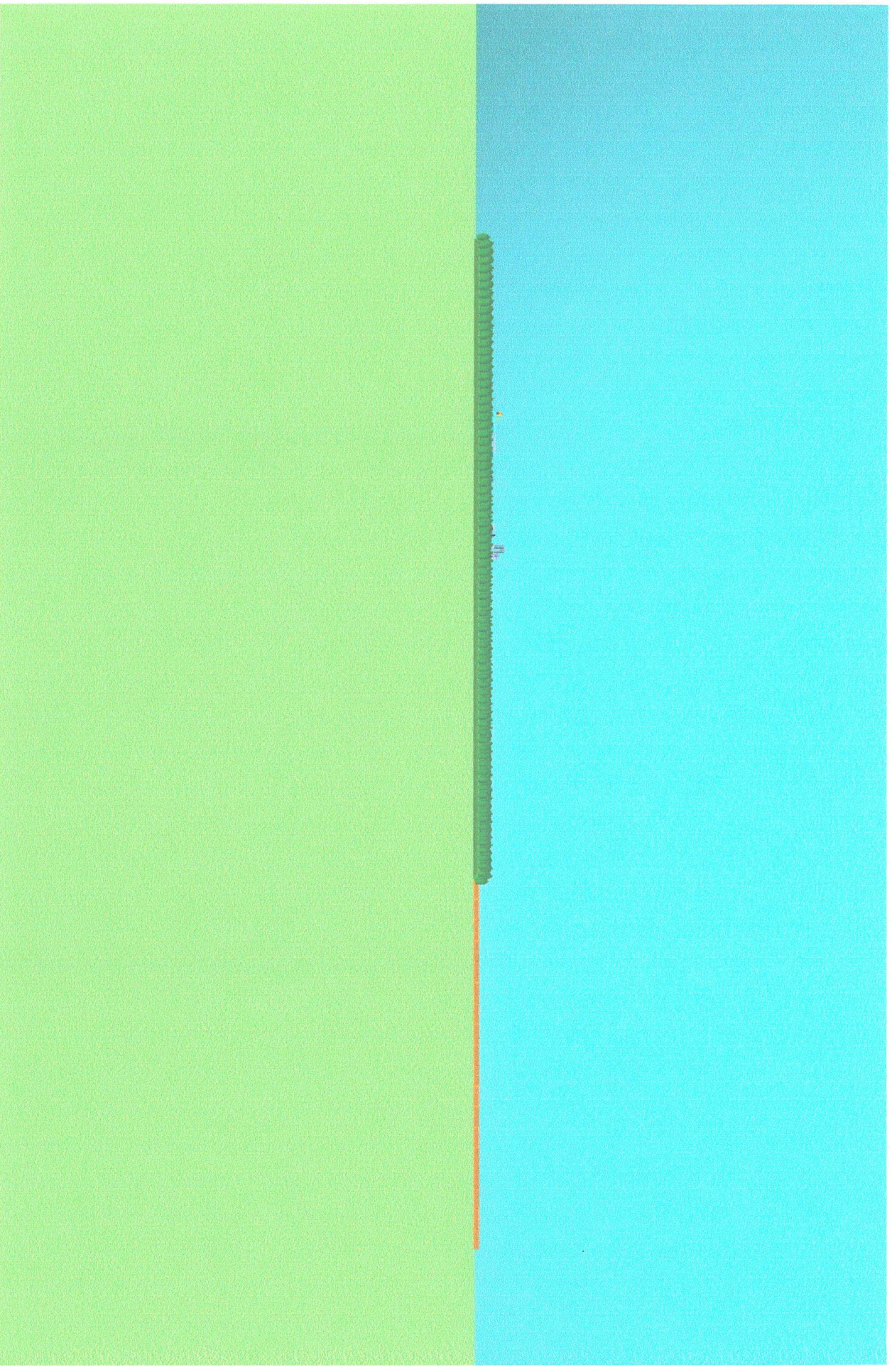
Perspective from Wildwood Dr looking NW



Perspective standing at north end of  
property looking south



Perspective from Blaine St. looking east



Perspective from Schimmer Dr. looking south



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item I1**

**#2007-38 - Approving One and Six Year Street Improvement Program**

**Staff Contact: Steve Riehle**

RESOLUTION 2007-38

WHEREAS, the Regional Planning Commission, after public notice having been published in one issue of the Grand Island Independent, and such notice also having been posted in at least three places in areas where it was likely to attract attention, conducted a public hearing on February 7, 2007, on the One and Six Year Street Improvement Program the City of Grand Island; and

WHEREAS, at the February 7, 2007 public hearing, the Regional Planning Commission approved the One and Six Year Street Improvement Program 2007-2012, and recommended that such program be approved by the City Council; and

WHEREAS, the Grand Island City Council, after public notice having been published in one issue of the Grand Island Independent, and such notice also having been posted in at least three places in areas where it was likely to attract attention, conducted a public hearing on February 13, 2007, on the One and Six Year Street Improvement Program for the City of Grand Island; and

WHEREAS, this Council has determined that the One and Six Year Street Improvement Program as set out in Exhibit "A" should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the One and Six Year Street Improvement Program 2007-2012, based on priorities of needs and calculated to contribute to the orderly development of city streets, and identified as Exhibit "A", is hereby approved and adopted by this Council.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
February 8, 2007	<input type="checkbox"/> City Attorney



# **City of Grand Island**

**Tuesday, February 13, 2007**

**Council Session**

## **Item I2**

**#2007-39 - Approving Support of LB 395 - Nebraska Clean Indoor  
Air Act Relative to Smoking**

**Staff Contact:**

# **Council Agenda Memo**

**From:** Gary D. Greer, City Administrator  
**Meeting:** February 13, 2007  
**Subject:** LB 395 Nebraska Clean Air Act  
**Item #'s:** I-2  
**Presenter(s):** Gary D. Greer, City Administrator

## **Background**

For the last 5 years the city council has debated the possibility of increasing the restrictions on smoking in the city of Grand Island. During the retreat of January 20, 2007 the subject was again discussed and it was decided to have city administration draft language to be presented at study session for council consideration. The city attorney has prepared such language and was planning to present it at the February 20<sup>th</sup> study session.

## **Discussion**

In the mean time we have been contacted by State Senator Ray Aguliar to support a state wide smoking restriction bill (395) that he has proposed to the Unicameral. Attached is a copy of the proposed bill, a statement of intent and a fiscal note concerning implementing the bill. Additionally, a resolution of support that has been prepared by the senator's office is attached for council consideration. The session for the one hundredth legislature runs from January 3, 2007 to May 31, 2007. There will probably be considerable debate and modification to the presented bill over the next few weeks. If a bill is passed it would most likely cover the entire state. This could preempt any legislation established at the local level.

Therefore, if the city council wishes to support LB395, it would be appropriate to hold off on the February 20<sup>th</sup> study session. If a state wide ban passes it would most likely override a local restriction. If the bill incorporates an element of local control it would be appropriate to respond to this at a later time also.

## **Alternatives**

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

1. Move to approve Resolution #2007-39 in support of LB 395.
2. Do not approve Resolution #2007-39 in support of LB 395.
3. Modify the resolution to meet the needs of the city council.
4. Table the issue for further study.

## **Recommendation**

City Administration recommends that the Council approve Resolution #2007-39 in support of LB 395 and postpone discussions concerning local smoking restrictions providing outcome of the bill.

## **Sample Motion**

Motion to approve Resolution #2007-39 in support of LB 395.



**Hundredth Legislature - First Session - 2007**  
**Introducer's Statement of Intent**  
**LB 395**

---

**Chairperson:** Joel Johnson  
**Committee:** Health and Human Services  
**Date of Hearing:** February 1, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 395 amends the Nebraska Clean Indoor Air Act by restricting smoking in any place of employment or public place in the State of Nebraska. The legislation has been modeled after the City of Lincoln's ordinance was implemented in January 1, 2005. LB 395 seeks to protect employees and the public from the hazards of second hand smoke in all indoor worksites, including bars and restaurants.

LB 395 and is designed to protect the public health and implement a uniform law that all citizens follow. A uniform law will improve the health of all Nebraskans and prevent competition between cities and businesses that have different smoking laws.

The U.S. Surgeon General reported this year: "The scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease and respiratory illnesses, is massive and conclusive. There is no risk-free level of exposure to secondhand smoke. Exposure to secondhand smoke has substantial and immediate adverse effects on the cardiovascular system. Establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace."

Any person in violation of the act is guilty of a Class V misdemeanor for first offense and a Class IV misdemeanor for the second and any subsequent offenses.

**Principal Introducer:**

\_\_\_\_\_  
**Senator Joel T. Johnson**

PREPARED BY: Liz Hruska  
DATE PREPARED: January 28, 2007  
PHONE: 471-0053

**LB 395**

Revision: 00

# FISCAL NOTE

## LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2007-08		FY 2008-09	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See below		See below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would prohibit smoking in any place of employment or public place. The act provides for three exemptions. Those are: 1) private residences except when used as for child care, adult day care or a health care facility, 2) guestrooms and suites that are rented and designated as smoking and 3) areas used for research on the health effects of smoking. The Department of Regulation and Licensure is required to adopt rules and regulations for the law. The department is also required to provide information on the purposes and requirements of the law.

The requirement that the department provide a program clarifying the purpose of the law and its requirements may require the addition of a half-time environmental health specialist and half-time staff assistant. Personnel costs would be \$56,021 in FY 08 and \$45,860 in FY 09. A brochure would be made available to comply with this section. The cost would be \$2,100 in FY 08.

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION

LEGISLATIVE BILL 395

Introduced by Johnson, 37; Aguilar, 35; Hansen, 42; Kruse, 13;  
Pankonin, 2; Preister, 5; Schimek, 27; Stuthman, 22;

Read first time January 16, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to repeal the current  
2 Nebraska Clean Indoor Air Act and adopt a new act;  
3 to create penalties; to provide severability; and to  
4 outright repeal sections 71-5701, 71-5702, 71-5703,  
5 71-5704, 71-5706, 71-5708, 71-5709, 71-5710, 71-5711,  
6 71-5712, and 71-5713, Reissue Revised Statutes of  
7 Nebraska, and sections 71-5705 and 71-5707, Revised  
8 Statutes Cumulative Supplement, 2006.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 25 of this act shall be known  
2 and may be cited as the Nebraska Clean Indoor Air Act.

3           Sec. 2. The Legislature declares it to be the public  
4 policy of this state to encourage smoke-free places of employment  
5 and public places to reduce the health and safety risks posed  
6 by smoking in such places. The purposes of the Nebraska Clean  
7 Indoor Air Act are (1) to protect the public health and welfare  
8 by prohibiting smoking in public places and places of employment  
9 and (2) to guarantee the right of nonsmokers to breathe smoke-free  
10 air and to recognize that the need to breathe smoke-free air has  
11 priority over the desire to smoke. The Legislature authorizes the  
12 Director of Regulation and Licensure of the Nebraska Health and  
13 Human Services System, local health departments, and state and  
14 local law enforcement to administer and enforce the act within  
15 the State of Nebraska. Nothing in the act shall be construed to  
16 restrict or prohibit the governing body of a county, city, or  
17 village from establishing and enforcing ordinances at least as  
18 stringent as, or more stringent than the act.

19           Sec. 3. The Nebraska Legislature finds that:

20           (1) The 2006 United States Surgeon General's Report,  
21 The Health Consequences of Involuntary Exposure to Tobacco Smoke,  
22 has concluded that (a) secondhand smoke exposure causes disease  
23 and premature death in children and adults who do not smoke,  
24 (b) children exposed to secondhand smoke are at an increased  
25 risk for sudden infant death syndrome, acute respiratory problems,

1 ear infections, and asthma attacks and that smoking by parents  
2 causes respiratory symptoms and slows lung growth in their  
3 children, (c) exposure of adults to secondhand smoke has immediate  
4 adverse effects on the cardiovascular system and causes coronary  
5 heart disease and lung cancer, (d) there is no risk-free level  
6 of exposure to secondhand smoke, (e) establishing smoke-free  
7 workplaces is the only effective way to ensure that secondhand  
8 smoke exposure does not occur in the workplace, because ventilation  
9 and other air cleaning technologies cannot completely control the  
10 exposure of nonsmokers to secondhand smoke, and (f) evidence from  
11 peer-reviewed studies shows that smoke-free policies and laws do  
12 not have an adverse economic impact on the hospitality industry;

13 (2) Secondhand smoke is particularly hazardous to elderly  
14 people, individuals with cardiovascular disease, and individuals  
15 with impaired respiratory function, including asthmatics and those  
16 with obstructive airway disease;

17 (3) The United States Surgeon General has determined that  
18 the simple separation of smokers and nonsmokers within the same  
19 air space may reduce, but does not eliminate, the exposure of  
20 nonsmokers to secondhand smoke; and

21 (4) Hundreds of communities in the United States,  
22 plus numerous states, including California, Delaware, Florida,  
23 Massachusetts, Montana, New Jersey, New York, and Washington,  
24 have enacted laws requiring workplaces, restaurants, bars, and  
25 other public places to be smoke free, as have numerous countries,

1 including Ireland, New Zealand, Norway, Scotland, Sweden, Uganda,  
2 and Uruguay.

3           Sec. 4. For purposes of the Nebraska Clean Indoor Air  
4 Act, the definitions in sections 5 to 15 of this act shall apply.

5           Sec. 5. Employed means hired, contracted, subcontracted,  
6 or otherwise engaged to furnish goods or services.

7           Sec. 6. Employee means a person who is employed by an  
8 employer in consideration for direct or indirect monetary wages,  
9 profit, or other remuneration.

10           Sec. 7. Employer means a person, nonprofit entity, sole  
11 proprietorship, partnership, joint venture, corporation, limited  
12 partnership, limited liability company, cooperative, firm, trust,  
13 association, organization, or other business entity formed for  
14 profit-making purposes, including retail establishments where goods  
15 or services are sold, who employs one or more employees.

16           Sec. 8. Guestroom or suite means sleeping rooms and  
17 directly associated private areas, such as bathrooms, living  
18 rooms, and kitchen areas, if any, rented to the public for  
19 their exclusive transient occupancy including, but not limited to,  
20 guestrooms or suites in hotels, motels, inns, lodges, or other such  
21 establishments.

22           Sec. 9. Health director includes (1) the state health  
23 officer, the Director of Regulation and Licensure or, if a chief  
24 medical officer is appointed pursuant to section 81-3201, the chief  
25 medical officer, (2) local health officers, the health directors

1 of local public health departments as defined in section 71-1626  
2 or the medical advisor to the board of health of a county, city,  
3 or village, and (3) authorized representatives of the state health  
4 officer and local health officers.

5       Sec. 10. Indoor area means an area enclosed by a  
6 floor, ceiling, and floor-to-ceiling walls on all sides that  
7 are continuous and solid except for closeable entry and exit doors  
8 and windows.

9       Sec. 11. International no-smoking symbol means a  
10 pictorial representation of a burning cigarette enclosed in a red  
11 circle with a red bar across it.

12       Sec. 12. Place of employment means an indoor area under  
13 the control of a proprietor that an employee accesses as part  
14 of the course of employment without regard to whether work is  
15 occurring at any given time. The indoor area shall include, but  
16 is not limited to, work areas, employee breakrooms, restrooms,  
17 conference rooms, meeting rooms, classrooms, employee cafeterias,  
18 and hallways. A private residence is not a place of employment.

19       Sec. 13. Proprietor means any employer, owner, operator,  
20 supervisor, manager or any other person who controls, governs, or  
21 directs the activities in a place of employment or public place.

22       Sec. 14. Public place means an indoor area to which the  
23 public is invited or in which the public is permitted, whether or  
24 not the public is always invited or permitted. A private residence  
25 is not a public place.

1           Sec. 15. Smoke or smoking means the lighting of any  
2 cigarette, cigar, or pipe or the possession of any lighted  
3 cigarette, cigar, or pipe, regardless of its composition.

4           Sec. 16. It is unlawful for any person to smoke in a  
5 place of employment or a public place.

6           Sec. 17. Smoking is prohibited within a distance of  
7 twenty feet outside entrances, operable windows, and ventilation  
8 systems of enclosed areas where smoking is prohibited, to insure  
9 that tobacco smoke does not enter those areas.

10          Sec. 18. Notwithstanding any other provision of the  
11 Nebraska Clean Indoor Air Act, the following areas shall be exempt  
12 from sections 16 and 17 of this act:

13           (1) Private residences, except when used as a childcare,  
14 adult day care, or health care facility;

15           (2) Guestrooms and suites that are rented to guests and  
16 are designated as smoking rooms, except that not more than twenty  
17 percent of rooms rented to guests in an establishment may be  
18 designated as smoking rooms. All smoking rooms on the same floor  
19 shall be contiguous and smoke from these rooms shall not infiltrate  
20 into areas where smoking is prohibited under the act. The status  
21 of rooms as smoking or nonsmoking cannot be changed, except to add  
22 additional nonsmoking rooms; and

23           (3) Areas used as part of a research study on the  
24 health effects of smoking conducted in a scientific or analytical  
25 laboratory either governed by state or federal law or at a

1 college or university approved by the Coordinating Commission for  
2 Postsecondary Education. The proprietor shall post a temporary sign  
3 on all entrances to the laboratory indicating that smoking is being  
4 allowed for research purposes.

5 Sec. 19. A proprietor shall:

6 (1) Post no-smoking signs or the international no-smoking  
7 symbol clearly and conspicuously in every place of employment and  
8 public place where smoking is prohibited by the Nebraska Clean  
9 Indoor Air Act;

10 (2) Post at every entrance a conspicuous sign clearly  
11 stating that smoking is prohibited in every place of employment and  
12 public place where smoking is prohibited by the act; and

13 (3) Remove all ashtrays from any place where smoking is  
14 prohibited by the act.

15 Sec. 20. (1) No person or employer shall discharge,  
16 refuse to hire, or in any manner retaliate against an employee,  
17 applicant for employment, or customer because that employee,  
18 applicant, or customer exercises any rights afforded by the  
19 Nebraska Clean Indoor Air Act or reports or attempts to prosecute  
20 a violation of the act.

21 (2) An employee who works in a place where an employer  
22 allows smoking does not waive or otherwise surrender any legal  
23 rights the employee has against the employer or any other party.

24 Sec. 21. A health director or law enforcement officer may  
25 inspect a place of employment or public place at any reasonable

1 time to determine compliance with the Nebraska Clean Indoor Air  
2 Act.

3           Sec. 22. (1) A person who smokes in a place of employment  
4 or a public place in violation of the Nebraska Clean Indoor Air  
5 Act is guilty of a Class V misdemeanor for the first offense and a  
6 Class IV misdemeanor for the second and any subsequent offenses.

7           (2) A proprietor who fails, neglects, or refuses to  
8 perform a duty under the act is guilty of a Class V misdemeanor for  
9 the first offense and a Class IV misdemeanor for the second and any  
10 subsequent offenses.

11           (3) Each day that a violation continues to exist shall  
12 constitute a separate and distinct offense and shall be punishable  
13 as such.

14           (4) Every act or omission constituting a violation of the  
15 act by an employee or agent of a proprietor is deemed to be the  
16 act or omission of such proprietor, and such proprietor shall be  
17 punished in the same manner as if the act or omission had been  
18 committed by such proprietor.

19           Sec. 23. (1) The Department of Regulation and Licensure  
20 shall engage in a continuing program to explain and clarify the  
21 purposes and requirements of the Nebraska Clean Indoor Air Act  
22 to citizens affected by it, and to guide proprietors in their  
23 compliance with it. The program may include publication of a  
24 brochure for affected persons explaining the provisions of the act.

25           (2) The Department of Regulation and Licensure shall

1 adopt and promulgate rules and regulations necessary and  
2 reasonable to implement the Nebraska Clean Indoor Air Act. The  
3 department shall consult with interested persons and professional  
4 organizations before promulgating such rules and regulations.

5       Sec. 24. The Nebraska Clean Indoor Air Act shall not be  
6 interpreted or construed to permit smoking where it is otherwise  
7 restricted by other applicable law.

8       Sec. 25. The Nebraska Clean Indoor Air Act shall be  
9 liberally construed to further its purposes.

10       Sec. 26. If any section in this act or any part of any  
11 section is declared invalid or unconstitutional, the declaration  
12 shall not affect the validity or constitutionality of the remaining  
13 portions.

14       Sec. 27. The following sections are outright repealed:  
15 Sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708,  
16 71-5709, 71-5710, 71-5711, 71-5712, 71-5713, Reissue Revised  
17 Statutes of Nebraska, and sections 71-5705 and 71-5707, Revised  
18 Statutes Cumulative Supplement, 2006.

RESOLUTION 2007-39

WHEREAS, the City of Grand Island has the duty to provide a healthy atmosphere to individuals and considers the public health and welfare of residents and visitors of vital importance to a thriving community; and

WHEREAS, smoking and second hand smoke are proven to be detrimental to the health of those who smoke and those who breath second-hand smoke as evidenced in higher incidents of heart and lung diseases in both adults and children who are exposed to such smoke; and

WHEREAS, government policy can encourage residents and visitors to engage in behavior that is respectful of their own health and others; and

WHEREAS, the cost of health care for individuals and the community can be reduced by breathing air free from pollution from smoking; and

WHEREAS, a statewide government policy regarding a smoking ban can provide a level playing field for businesses across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that we support Legislative Bill 395, introduced by Senator Johnson in the 100<sup>th</sup> Legislature of Nebraska, and encourage the passage of Legislative Bill 395 this year.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 13, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 8, 2007	☐ City Attorney



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item J1

**Approving Payment of Claims for the Period of January 24, 2007  
through February 13, 2007**

*The Claims for the period of January 24, 2007 through February 13, 2007 for a total amount  
of \$3,433,740.42. A MOTION is in order.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item J2

### **Approving Payment of Claims for the Library Expansion for the Period of January 24, 2007 through February 13, 2007**

*The Claims for the Library Expansion for the period of January 24, 2006 through February 13, 2007 for the following requisition:*

#51 \$358,255.49

#52 \$ 156.95

*A MOTION is in order.*

Staff Contact: Steve Fosselman

EXHIBIT B  
Mortgage, Trust Indenture and Security Agreement

Requisition Form

REQUISITION FOR DISBURSEMENT

Requisition No. 51

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


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

<u>Payee</u>	<u>Dollar Amount</u>	<u>Reason for Payment</u>
Mid Plains Construction Co.	\$358,255.49	Design/Build Contract

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

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

IN WITNESS WHEREOF, the undersigned has caused this disbursement requisition to be executed pursuant to the terms of said Indenture this 5th day of February, 2007.

  
\_\_\_\_\_  
Project Manager

**Mid Plains Construction Co.**  
**1319 W North Front St**  
**Grand Island, NE 68801**  
**(308) 382-2760 Fax (308) 382-2770**

**INVOICE #:** 103126  
**INVOICE DATE:** 01/31/07  
**PERIOD TO:** 01/31/07  
**APPLICATION #:** 16  
**CONTRACT DATE:** 07/01/05  
**DUE DATE:** 02/10/07  
**PAGE:** 2

**BILL TO:** 0001

Grand Island Facilities Corp  
211 N Washington  
Grand Island, NE 68801

**JOB:** 50175

Edith Abbott Memorial Library  
211 N Washington  
Grand Island, NE 68801

**<<<< This Application >>>>**

CODE	DESCRIPTION	SCHEDULED VALUE	PREVIOUS APPLICATIONS	CURRENT COMPLETED	STORED MATERIALS	TOTAL COMPLETED	% COMPL	BALANCE TO FINISH	RETAINAGE
------	-------------	--------------------	--------------------------	----------------------	---------------------	--------------------	------------	----------------------	-----------

PREVIOUS RETAINAGE.....\$ 142,500.00  
CURRENT BILLING.....\$ 358,255.49  
NEW RETAINAGE.....\$ 0.00

ORIGINAL CONTRACT SUM.....\$ 5,700,000.00  
CHANGE BY CHANGE ORDER.....\$ 0.00  
CONTRACT SUM TO DATE.....\$ 5,700,000.00  
TOTAL COMPLETED & STORED TO DATE.....\$ 4,603,962.70  
TOTAL RETAINAGE.....\$ 142,500.00  
TOTAL EARNED LESS RETAINAGE.....\$ 4,461,462.70  
LESS PREVIOUS CERTIFICATES FOR PAYMENT..\$ 4,103,207.21

CONTRACTOR:  DATE: 1-31-07

ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

CURRENT PAYMENT DUE.....\$ 358,255.49

**Thank you for your business!**

EXHIBIT B  
Mortgage, Trust Indenture and Security Agreement

Requisition Form

REQUISITION FOR DISBURSEMENT

Requisition No. 52

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

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

<u>Payee</u>	<u>Dollar Amount</u>	<u>Reason for Payment</u>
Walker Display Incorporated	\$156.95	Art Display Wall

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

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

IN WITNESS WHEREOF, the undersigned has caused this disbursement requisition to be executed pursuant to the terms of said Indenture this 8th day of February, 2007.

  
Project Manager

## INVOICE

## WALKER DISPLAY INCORPORATED

P.O. BOX 18955  
DULUTH, MN 55818-0955  
(218) 824-8880

Date: 02/08/07  
Due Date: 03/10/07

Inv. No.: 26718  
Page No.: 1

688M01  
GRAND ISLAND PUBLIC LIBRARY  
ATTN: ACCOUNTS PAYABLE  
211 NORTH WASHINGTON  
GRAND ISLAND NE 68801

Ship To Remarks  
GRAND ISLAND PUBLIC LIBRARY  
ATTN: STEVE FOSSELMAN  
211 NORTH WASHINGTON  
GRAND ISLAND NE 68801

SHIP VIA		FOB	TERMS	YOUR #	DOB #	SALES REP
AIR		1 PKG.	NET 30	PH: S.F.	0208/01	\$
DESCRIPTION	ITEM NUMBER	ORDERED	UNIT MEASURE	SHIPPED	UNIT PRICE	EXTENDED PRICE
				BACKORDERED	ITEM DISCOUNT	
ALUM/MOLDING/BRONZE PWDR PAINT	Item #: 555	4.0	EA	4.0	29.9500	119.80
END CAPS, PAIR	Item #: 500	3.0	PR	3.0	1.0000	3.00
DELIVERY CHARGES/2ND DAY AIR	Item #: SP	1.0	EA	1.0	34.1500	34.15

YOUR BUSINESS IS VERY MUCH APPRECIATED.  
IF YOU HAVE ANY QUESTIONS PLEASE CONTACT  
US AT .....800.234.7614.....

SUB TOTAL	156.95
TAX	0.00
TOTAL	156.95
NET TO PAY	156.95



# City of Grand Island

Tuesday, February 13, 2007

Council Session

## Item -1

### **Discussion Concerning International Association of Fire Fighters (IAFF) Union Litigation and Fraternal Order of Police (FOP) Upcoming Collective Bargaining**

*The City Council may vote to go into Executive Session as required by State law to discuss the International Association of Fire Fighters (IAFF) union litigation and the Fraternal Order of Police (FOP) upcoming collective bargaining negotiations.*

Staff Contact: Brenda Sutherland