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# City of Grand Island



**Tuesday, March 27, 2007**

## **Council Session Packet**

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### **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:**

**Vacant**

### **City Clerk:**

**RaNae Edwards**

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

**Call to Order**

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**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.**

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**Invocation - Pastor Randy Fett, St. Paul's Lutheran Church, 1515 South Harrison Street**

**Pledge of Allegiance**

**Roll Call**

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

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

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

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

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## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item C1

### Proclamation "Public Health Week" April 2-8, 2007

*Public health services benefit all Nebraskans, regardless of age, culture or race. It is important that we do not take public health for granted and that we recognize the need to maintain and improve our current public health efforts. Mayor Hornady has proclaimed the week of April 2-8, 2007 as "Public Health Week" in the City of Grand Island. See attached PROCLAMATION.*

Staff Contact: Mayor Margaret Hornady

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

PROCLAMATION

- WHEREAS, Nebraskans have achieved almost 30 additional years of life expectancy since 1900; and
- WHEREAS, public health efforts are credited with the majority of improvements in our health status and expanded life expectancy; and
- WHEREAS, public health succeeds by identifying and addressing patterns of disease, illness, and injury in populations; and
- WHEREAS, public health is about ensuring healthy living and working environments; and
- WHEREAS, public health efforts protect against bioterrorism and new and emerging public health threats; and
- WHEREAS, public health measures such as controlling the spread of disease, maintaining safe food and drinking water, and providing maternal and child health services, have prevented countless deaths and improved our quality of life; and
- WHEREAS, public health services benefit all Nebraskans, regardless of age, culture or race; and
- WHEREAS, public health services result in healthy Nebraskans in healthy communities; and
- WHEREAS, it is important that we do not take public health for granted and that we recognize the need to maintain and improve our current public health efforts.

NOW, THEREFORE, I, Margaret Hornady, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the week of April 2-8, 2007 as

***“PUBLIC HEALTH WEEK”***

in the City of Grand Island.

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

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item E1**

**Public Hearing on Request of Valentino's of Lincoln, Inc. dba  
Valentino's, 2245 North Webb Road for a Class "C" Liquor  
License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** March 27, 2007

**Subject:** Public Hearing on Request of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road for a Class "C" Liquor License

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

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

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road has submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk,

Building, Fire, Health, and Police Departments. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from James Scott, 3720 State Street Apt. H9 for a Liquor Manager Designation.

### **Alternatives**

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

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

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application.

### **Sample Motion**

Move to approve the application of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for James Scott, 3720 State Street Apt. H9 with the stipulation that Mr. Scott complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: March 2, 2007  
TO: RaNae Edwards, City Clerk  
FROM: Dave Vitera, Sergeant, Police Department  
RE: Class "C" Liquor License/Liquor Manager Designation Applications  
James Scott/Valentino's, 2245 North Webb Road

The Grand Island Police Department has received application for Liquor Manager Designate and Class "C" Liquor License for Valentino's, 2245 North Webb Road, Grand Island, Nebraska, 68801.

An investigation has been completed. The application for Liquor License is technically inaccurate, thus a false application. If the conviction had been declared it 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 License Application and the Liquor Manager Designation for Valentino's, 2245 North Webb Road, Grand Island, Hall County, Nebraska.

DV/rkk

A handwritten signature in cursive script that reads "Dave Vitera".

02/28/07  
11:26

Grand Island Police Dept.  
LAW INCIDENT TABLE

Page: 450  
1

City : Grand Island  
Occurred after : 14:47:50 02/27/2007  
Occurred before : 14:47:50 02/27/2007  
When reported : 14:47:50 02/27/2007  
Date disposition declared : 02/28/2007  
Incident number : L07023303  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 2245 Webb Rd N  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number :  
Geobase address ID : 4498  
Long-term call ID :  
Clearance Code :  
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	93903		Scott, James E	Criminal History
NM	121814		Messineo, Anthony O Jr	Criminal History
NM	121815		Messineo, Carmen J	Criminal History
NM	121816		Alesio, A. Michael	Criminal History
NM	121817		Alesio, Donna F	Criminal History
NM	26352		Valentinos,	Business
NM	93903		Scott, James E	Proposed manager
NM	121814		Messineo, Anthony O Jr	CEO
NM	121815		Messineo, Carmen J	CEO's wife
NM	121816		Alesio, A. Michael	Vice President
NM	121817		Alesio, Donna F	Vice Pres' wife

LAW INCIDENT NARRATIVE:

Class C Liquor License Application and Liquor Manager Designation Investigation

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
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02/28/07  
11:26

Grand Island Police Dept.  
LAW INCIDENT TABLE

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1 Vitera D 15:52:33 02/27/2007

Grand Island Police Department  
Supplemental Report

Valentino's of Lincoln Inc. dba Valentino's requested a Class C Liquor License for their Valentino's restaurant located at 2245 N. Webb Rd. in Grand Island, NE. The application lists Anthony O. Messineo Jr, Carmen J. Messineo, A. Michael Alesio, and Donna F. Alesio as "officers" in the corporation on the "Application for liquor license corporation/LLC insert- form 3a." James Scott was listed on the "Corporate manager form 3b."

James Scott was listed in Spillman. He had no violations. The Messineo's and the Alesio's were not listed in Spillman. A check of NCJIS revealed that none of the applicants except A. Michael Alesio had any traffic-related charges on their record. A. Michael Alesio had a speeding conviction in Sarpy County on 8/10/05. I also checked the "Patrol Criminal History" in NCJIS. I could not find a criminal history for any of the applicants. My last check was a criminal history check through NCIC. The results were negative for all of the applicants.

The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge?" It further states that a charge includes federal, state, "local law, ordinance, or resolution." The "No" box was checked. A. Michael's speeding conviction should cause the "Yes" box to be checked since it would be a violation of a local law or ordinance. The failure to disclose the traffic violation conviction causes the application to be false, according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). However, the conviction is less than a Class I Misdemeanor and does not automatically disqualify him and the application.

Out of five people, the failure to disclose one speeding ticket doesn't seem to be that significant. A. Michael Alesio should be reminded to carefully read the application in its entirety and answer every question completely. It's the Police Department's recommendation to approve the liquor license for Valentino's and to approve James Scott for the "Liquor Manager Designation."

Date, Time: Wed Feb 28 11:24:24 CST 2007  
Reporting Officer: Vitera  
Unit #: 835



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item E2**

**Public Hearing on Request of La Quscatleca Liquor, Inc. dba La Quscatleca Liquor, 411 North Vine Street for a Class "D" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** March 27, 2007

**Subject:** Public Hearing on Request of La Quscatleca Liquor, Inc. dba La Quscatleca Liquor, 411 North Vine Street for a Class "D" Liquor License

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

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

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

La Quscatleca Liquor, Inc. dba La Quscatleca Liquor, 411 North Vine Street has submitted an application for a Class "D" Liquor License. A Class "D" Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk,

Building, Fire, Health, and Police Departments. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from Jose C. Cruz Mejicano, 1726 Hanover Lane for a Liquor Manager Designation.

### **Alternatives**

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

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

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council deny the application.

### **Sample Motion**

Move to deny the application of La Quscatleca Liquor, Inc. dba La Quscatleca Liquor, 411 North Vine Street for a Class "D" Liquor License and Liquor Manager Designation for Jose C. Cruz Mejicano, 1726 Hanover Lane.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: March 21, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Liquor License Application for Class "D" Liquor License  
for La Quscatleca Liquor, Inc. dba La Quscatleca Liquor,  
411 N Vine Street, Grand Island, Nebraska / Liquor Manager  
Designation for Jose C Cruz Mejicano for La Quscatleca  
Liquor, 411 N Vine, Grand Island, NE 68801

The Grand Island Police Department is in receipt of a Class "D" Liquor License Application for La Quscatleca Liquor, 411 N Vine Street. Grand Island, Nebraska and a Liquor Manager Designation in the name of Jose C. Cruz Mejicano for La La Quscatleca Liquor.

According to the Nebraska Liquor Control Act (Part I, Article I, (D) Licenses, Issuance and Revocation – 53 – 125 "Classes of persons to whom no license issued") Guillermo's conviction would cause La Quscatleca to be automatically disqualified from receiving a liquor license. The statute reads, "No license of any kind shall be issued to (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11 or 12, or any similar offense under a prior criminal statute or in another state..."

The failure of Jose Cruz Mejicano to disclose his multiple violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01. As I stated before, Guillermo's criminal conviction would also automatically exclude them from receiving a liquor license. Further making the application false, is a response of no to the question of, "Are you borrowing any money from any source to establish and/or operate the business?" Attached to the application is a Promissory Note signed by Jose C Cruz Mejicano and Guillermo Claros indicating that they borrowed \$93,000 from Terry Walter Enterprises, Inc. for the property at 411 N Vine in Grand Island, NE.

It is the Police Department's recommendation to deny the liquor license application for La Quscatleca and the Liquor Manager Designation for Jose C. Cruz Mejicano.

DV/rk

03/21/07  
13:48

Grand Island Police Dept.  
LAW INCIDENT TABLE

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Page: 1

City : Grand Island  
Occurred after : 15:33:38 03/05/2007  
Occurred before : 15:33:38 03/05/2007  
When reported : 15:33:38 03/05/2007  
Date disposition declared : 03/21/2007  
Incident number : L07030654  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 411 Vine St N  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number : printed  
Geobase address ID : 10767  
Long-term call ID :  
Clearance Code :  
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	47109	03/13/07	Walter, Terry L	Criminal History
NM	121401	03/13/07	Claros, Guillermo	Criminal History
NM	121975	03/13/07	Cruz Mejicano, Jose C	Criminal History
NM	121978	03/13/07	Cruz, Catalina R	Criminal History
NM	121979	03/13/07	Claros, Rubidia	Criminal History
NM	47109	03/05/07	Walter, Terry L	Mentioned
NM	121401	03/05/07	Claros, Guillermo	Vice President
NM	121974	03/05/07	La Quscatleca Liquor Inc,	Business
NM	121975	03/05/07	Cruz Mejicano, Jose C	CEO/President
NM	121978	03/05/07	Cruz, Catalina R	President
NM	121979	03/05/07	Claros, Rubidia	Vice President

LAW INCIDENT NARRATIVE:

Liquor license investigation for La Quscatleca located at 411 N. Vine and  
Liquor Manager Designation for Jose C. Cruz Mejicano

03/21/07  
13:48

Grand Island Police Dept.  
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	17:32:22 03/05/2007

Grand Island Police Department  
Supplemental Report

I received information on a Liquor License Application for La Quscatleca and a Liquor Manager Designation for Jose C. Cruz Mejicano. La Quscatleca lists four shareholders. They are: Jose C. Cruz Mejicano, Catalina Cruz, Guillermo Claros, and Rubidia Claros. On the application, it asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." The box is checked yes with a comment of a "1999 speeding ticket." It does not say whom of the four is disclosing the speeding ticket.

None of the applicants have any violations listed in Spillman. However, according to NCJIS, Jose Cruz Mejicano has been convicted of a child restraint violation on 12/12/06, a speeding violation on 1/18/06, and a DUI 1st on 8/8/2000. In addition, Catalina Cruz had her license suspended for an accident on 1/20/98. No other traffic violations or criminal offenses were found on any of the applicants using the NCJIS DMV records and the NCJIS "Patrol Criminal History." GIEC ran criminal histories on all of the subjects and found that Guillermo Claros and Jose Cruz each have criminal histories in California.

Guillermo's criminal history shows a "Disorderly Conduct: Prostitution" charge on 5/8/91. He was convicted of a "misdemeanor" and received 12 months probation and an undisclosed fine. A prostitution charge in Nebraska would be a Class I Misdemeanor. The charge in California appears to be similar in statute and classification to the Nebraska Prostitution charge.

On 3/13/07, I spoke to Guillermo at his home located at 112 W. 22nd St. I confronted him about the prostitution charge. He recalled the incident and said that he just gave this woman a ride, and she asked what she could do for him. She was an undercover police officer. The next thing he knew he was cited for prostitution. Guillermo said he plead guilty because his lawyer told him he wouldn't have to keep coming back to court. He said another lawyer later told him that he shouldn't have done that because it could haunt him in the future.

Guillermo said that he's been friends with Jose Cruz for a long time and that Jose also used to live in California. Guillermo's criminal history lists his place of birth as El Salvador.

As of 3/13/07, I haven't spoken to Jose C. Cruz Mejicano. On his application, he lists his DOB as 8/27/57 and his Social Security number as [REDACTED]. He lists his middle name as Christopher on his application as well as his copy of his Certificate of Naturalization. The Certificate of Naturalization lists his country of former origin as El Salvador.

It appears that Jose has a criminal history in California. The criminal history shows a Jose C. Cruz Mejicano with a DOB of 8/27/57. Two Social Security numbers are associated with this criminal history. One of the numbers

03/21/07  
13:48

Grand Island Police Dept.  
LAW INCIDENT TABLE

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is [REDACTED]. With the only discrepancy being the Social Security number on the criminal history is one number different than what Jose listed on his application, it appears that the criminal history belongs to the applicant. The name, DOB, physical description, birth place, and ties to California all match between the application information and the criminal history.

On 3/13/07 at about 1600 hours, I received a phone call from Catalina Cruz. I had tried to contact Jose at his house. She advised that he is in El Salvador and will contact me on 3/15/07. Jose called me on 3/15/07. I asked him about his criminal history in California, and he acknowledged his domestic violence charges and battery conviction.

The criminal history shows that Jose was charged with "Corporal Injury Spouse" in 1982, 1986, and 1991. The '82 charge looks like it was reduced to an infraction. The '86 charge was dismissed. The '91 charge shows a conviction for battery. The charge is a misdemeanor. In looking at California penal codes, battery to a spouse is punishable with up to one year in jail which would be equivalent to Nebraska's Third Degree Domestic Assault (28-323, CL I MO). However, the conviction is just for "Battery." California has several different types of battery with different classifications of misdemeanors. I contacted San Fernando, California PD to determine if Jose's conviction is the equivalent of a Nebraska Class I Misdemeanor. After four phone calls, I still haven't received the information.

According to the Nebraska Liquor Control Act (Part I, Article I, [D] Licenses, Issuance and Revocation- 53-125 "Classes of persons to whom no license issued") Guillermo's conviction would cause LA Quscatleca to be automatically disqualified from receiving a liquor license. The statute reads, "No license of any kind shall be issued to...(5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11 or 12, or any similar offense under a prior criminal statute or in another state..."

The failure of Jose Cruz Mejicano to disclose his multiple violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01. As I stated before, Guillermo's criminal conviction would also automatically exclude them from receiving a liquor license. Further making the application false, is a response of no to the question of, "Are you borrowing any money from any source to establish and/or operate the business?" Attached to the application is a Promissory Note signed by Jose C. Cruz Mejicano and Guillermo Claros indicating that they borrowed \$93,000 from Terry Walter Enterprises, Inc. for the property at 411 N. Vine in Grand Island, NE.

I checked Spillman for Terry Walter. He doesn't have any violations. Terry doesn't have any violations listed in NCJIS and doesn't show a criminal history through NCJIS. All applicants were checked through ICE and found to have legal status.

It's the Police Department's recommendation to deny the liquor license application for La Quscatleca and the liquor manager designation for Jose C. Cruz Mejicano.



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item E3

**Public Hearing on Request of Corrasan, Inc. dba 2nd Street  
Family Market, 1710 West 2nd Street for a Class "D" Liquor  
License**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** March 27, 2007

**Subject:** Public Hearing on Request of Corrasan, Inc. dba 2<sup>nd</sup> Street Family Market, 1710 West 2<sup>nd</sup> Street for a Class “D” Liquor License

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

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

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

Corrasan, Inc. dba 2<sup>nd</sup> Street Family Market, 1710 West 2<sup>nd</sup> Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk,

Building, Fire, Health, and Police Departments. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from Jacinto Corona Jiminez, 119 East 18<sup>th</sup> Street for a Liquor Manager Designation.

### **Alternatives**

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

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

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application.

### **Sample Motion**

Move to approve the application of Corrasan, Inc. dba 2<sup>nd</sup> Street Family Market, 1710 West 2<sup>nd</sup> Street for a Class "D" Liquor License and Liquor Manager Designation for Jacinto Corona Jiminez, 119 East 18<sup>th</sup> Street with the stipulation that Mr. Jiminez complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: March 15, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Class "D" Liquor License Application Corrasan, dba 2<sup>nd</sup> Street Family Market,  
1710 West 2<sup>nd</sup>, Grand Island, Nebraska; Liquor Manager Designation for Jacinto  
Corona Jiminez

The Grand Island Police Department has received applications for Class "D" Liquor License for Corrasan, dba 2<sup>nd</sup> Street Family Market, 1710 West 2<sup>nd</sup>, Grand Island, Nebraska and a Liquor Manager Designation for Jacinto Corona Jiminez.

No record was found with regard to Jacinto Corona Jiminez. Elsy Ramos does have an unreported conviction for No Operator's License 9-30-2003. Filemon Sanchez does have a disclosed speeding conviction from 12-1999 and two undisclosed speeding convictions and an undisclosed DUI conviction. None of the convictions rise to the level of Class I Misdemeanor in a specified crime under the Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

It is therefore the Police Department's recommendation to approve the liquor license for the Corrasan, dba 2<sup>nd</sup> Street Family Market and the Liquor Manager Designation for Jacinto Corona Jiminez.

DV/rk *Dave Vitera*

03/14/07  
17:11

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 10:50:25 03/14/2007  
Occurred before : 10:50:25 03/14/2007  
When reported : 10:50:25 03/14/2007  
Date disposition declared : 03/14/2007  
Incident number : L07031843  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 1710 2nd St W  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number : printed  
Geobase address ID : 18114  
Long-term call ID :  
Clearance Code :  
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	3592	03/14/07	Ramos, Angel Edilberto	Elsy's husband
NM	3592	03/14/07	Ramos, Angel Edilberto	Criminal History
NM	13037	03/14/07	Ramos, Elsy R	Secretary-Treasurer
NM	13037	03/14/07	Ramos, Elsy R	Criminal History
NM	14284	03/14/07	Sanchez, Filemon	President
NM	14284	03/14/07	Sanchez, Filemon	Criminal History
NM	19215	03/14/07	Gonzalez, Anna Bella	Filemon's wife
NM	19215	03/14/07	Gonzalez, Anna Bella	Criminal History
NM	47181	03/14/07	Corona, Jacinto	Vice-President
NM	47181	03/14/07	Corona, Jacinto	Criminal History
NM	88837	03/14/07	Corona, Carmen	Jacinto's wife
NM	88837	03/14/07	Corona, Carmen	Criminal History

LAW INCIDENT NARRATIVE:

Liquor License Investigation for 2nd Street Family Market

03/14/07  
17:11

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:29:59 03/14/2007

Grand Island Police Department  
Supplemental Report

I received information on a liquor license application for the 2nd Street Family Market. Since the application is for a corporation, I also received an application for a Liquor Manager Designation. The person applying for the Liquor Manager Designation is Jacinto Corona Jiminez. The Officers listed on the application are: Filemon Sanchez (President), Jacinto Corona Jiminez (Vice-President), and Elsy Ramos (Secretary-Treasurer).

Ana Gonzalez is Filemon's wife, and she signed a non-participation form. Carmen Corona is Jacinto's wife, and she signed a non-participation form. Angel Ramos is Elsy Ramos' husband, and he signed a non-participation form. It should be noted that Angel's middle name on the application is "Alberto." All documentation I found on Angel states that his middle name is Edilberto.

Mark Spintig is listed on Attachment to Form 35-4013 as an "Employee/Site Manager." Tasha M. Spintig is listed as Mark's spouse. Mark disclosed an infraction in '96. I could not find any other criminal history on him, nor could I find any criminal history on his wife.

Filemon Sanchez disclosed a speeding ticket from 12-6-99. Through NCJIS, I located two additional undisclosed speeding convictions, one on 10/18/02 and one on 5/31/06. I also found that Filemon had an undisclosed DUI conviction on 12/10/88.

I did not find any undisclosed violations for Jacinto Corona.

Elsy Ramos advised that she didn't have any violations. I found that Elsy had a conviction for No Operator's License on 9/30/03.

Filemon's failure to disclose two speeding convictions and a DUI along with Elsy's failure to disclose a No Operator's License conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution."

The speeding would fall under state law or local ordinance. However, the speeding conviction is an infraction. The no license conviction can be either an infraction or Class III Misdemeanor, and the DUI conviction is a Class W Misdemeanor. None of the convictions rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

All of the applicants were checked through ICE and are in the United States lawfully.

It's the Police Department's recommendation to approve the liquor license for

03/14/07  
17:11

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 3

the 2nd Street Family Market and the Liquor Manager Designation for Jacinto Corona Jiminez.

Date, Time: Wed Mar 14 16:40:11 CDT 2007  
Reporting Officer: Vitera  
Unit #: 835



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item E4**

**Public Hearing on Request of Bradley Shearer dba Bogey's, 2848  
South Locust Street for a Class "C" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** March 27, 2007

**Subject:** Public Hearing on Request of Bradley Shearer dba Bogey's, 2848 South Locust Street for a Class "C" Liquor License

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

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

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

Bradley Shearer dba Bogey's, 2848 South Locust Street has submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk,

Building, Fire, Health, and Police Departments. Attached is the Police Department's background investigation and recommendation.

### **Alternatives**

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

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

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application.

### **Sample Motion**

Move to approve the application of Bradley Shearer dba Bogey's, 2848 South Locust Street for a Class "C" Liquor License contingent upon final inspections and with the stipulation that Mr. Shearer complete a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: March 15, 2007  
TO: RaNae Edwards, City Clerk  
FROM: Dave Vitera, Sergeant, Police Department  
RE: Liquor License Application for Bogey's, 2848 South Locust Street  
Grand Island, Nebraska

The Grand Island Police Department has received an application from Bradley Shearer and Christina Shearer for a Liquor License for Bogey's located at 2848 South Locust Street, Grand Island, Nebraska.

A check of records indicated that Christina Shearer had no record of violations. A check of records indicated that Bradley had two DUI and one speeding conviction. The DUI convictions were listed on the application, however, he did not disclose the speeding conviction.

Bradley's failure to disclose his speeding conviction technically makes the application false according to the Nebraska Liquor Control Act. The speeding conviction is an infraction and does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute. With no other discrepancies in the application and the investigation and no criminal history for either applicant that would exclude either of the applicants, it is the Police Department's recommendation to approve the liquor license.

DV/rk

*Dave Vitera*

03/14/07  
10:35

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 09:47:33 03/14/2007  
Occurred before : 09:47:33 03/14/2007  
When reported : 09:47:33 03/14/2007  
Date disposition declared : 03/14/2007  
Incident number : L07031839  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 2848 Locust St S  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Viterra D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Viterra D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number : printed  
Geobase address ID : 14154  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	36725	03/14/07	Shearer, Bradley W	Owner-Bogey's
NM	36725	03/14/07	Shearer, Bradley W	Criminal History
NM	88658	03/14/07	Shearer, Christina L	Owner-Bogey's
NM	88658	03/14/07	Shearer, Christina L	Criminal History

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Bogey's

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Viterra D	10:03:44 03/14/2007

Grand Island Police Department  
Supplemental Report

I received information that Bradley and Christina Shearer are applying for a liquor license dba "Bogey's" which will be located at 2848 S Locust. I checked

03/14/07  
10:35

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 2

Spillman on each one of them, and they don't have any violations. I also checked NCJIS. Christina didn't have any violations listed. Bradley had two DUI's and one speeding conviction. He listed the DUI's on the disclosure portion of the application. However, he did not list the speeding conviction. I also ran criminal histories through NCIC on both of them. The results were negative.

Bradley's failure to disclose his speeding conviction (charge was 7/14/94) technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution." The speeding would fall under state law or local ordinance. However, the speeding conviction is an infraction, and it does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude him from getting a liquor license.

With no other discrepancies in the application and the investigation and no criminal history that would exclude either of the applicants, it's the Police Department's recommendation to approve the liquor license.

Date, Time: Wed Mar 14 10:19:25 CDT 2007  
Reporting Officer: Vitera  
Unit #: 835



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item E5**

**Public Hearing on Change of Zoning for Land Proposed for  
Platting as Woodland Park Fifth Subdivision Located North of  
Capital Avenue and East of Independence Avenue**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** March 27, 2007

**Subject:** Change of Zoning East of Independence Avenue and North of Capital Avenue

**Item #'s:** E-5 & F-1

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

## **Background**

This application proposes to change the zoning on approximately 9.28 acres for a tract of land proposed for platting as Woodland Park Fifth Subdivision located in the West Half of the Southeast Quarter (W1/2SE1/4) of Section 2, Township 11 North, Range 10 West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska from R2 Low Density Residential to R3 Medium Residential. This property is located east of Independence Avenue and north of Capital Avenue.

## **Discussion**

The subject property is designated for low to medium density residential redevelopment, typically R1 to R3, making this zoning change consistent with the City's Comprehensive Land Use Plan. City water and sewer services are available to service the rezoning area. This subdivision will fill in a hole within the existing development along Independence Avenue and north of Capital Avenue. The proposed housing at this location will be age restricted duplex units for elderly individuals. All of the providers of elderly housing in the city have waiting lists. This rezoning would allow the applicant to develop this property in a manner consistent with the application for funding approved by the Nebraska Investment Finance Authority.

The houses surrounding this field will no longer look out over a corn field. Rather than farm ground, these houses will have a view of developed property. Any development along this stretch of road is likely to increase traffic. The proposed houses on this property will generate an average of ten trips per day, per household.

The proposed preliminary plat for this development shows housing densities that would be consistent with the R2 zoning district. The R2 zoning district does not allow for the

construction of public and quasi-public buildings for cultural use, as a permitted or conditional use, but the R3 zone does allow them as permitted use. Staff recommended that the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from R2 Low Density Residential to R3 Suburban Density Residential as requested, and as shown, on the attached map.

The Planning Commission held a hearing on this application at their meeting on March 7, 2007.

Gary Lantzer, 4204 New York Avenue, commented at the public hearing. Mr. Lantzer expressed concerns with drainage issues, stating that even with some reported storm sewer improvements, drainage continues to be an issue. Steve Riehle addressed Mr. Lantzer's concerns.

### **Alternatives**

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

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

### **Recommendation**

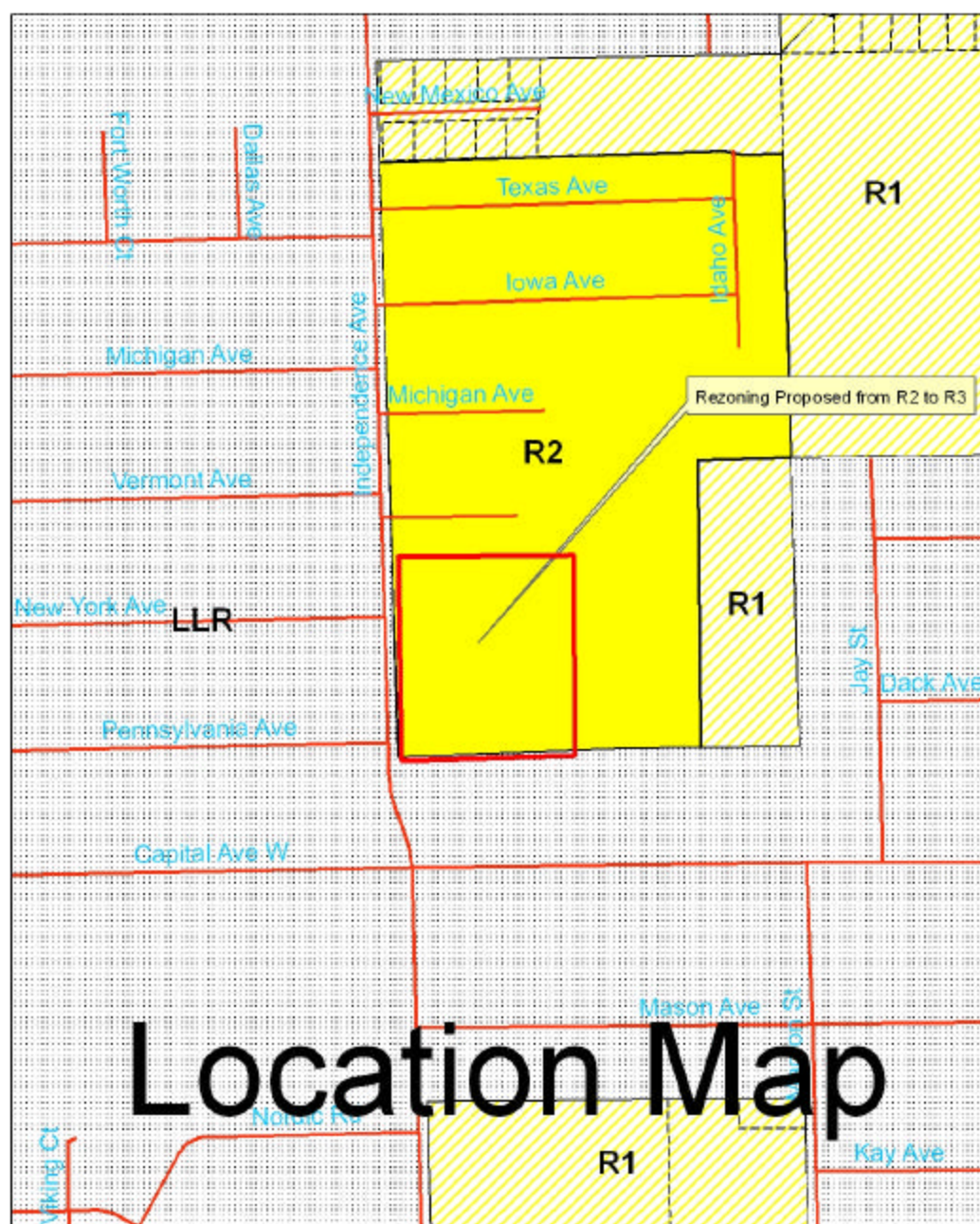
A motion was made by Ruge and seconded by Niemann to approve the change of zoning as proposed finding that such change is consistent with the Comprehensive Plan for the City of Grand Island.

A roll call vote was taken and the motion passed with 8 members present (Miller, O'Neill, Ruge, Reynolds, Eriksen, Niemann, Snodgrass, Monter) voting in favor.

### **Sample Motion**

Motion to approve the rezoning for approximately 9.28 acres of land between east of Independence Avenue and north of Capital Avenue, in the City of Grand Island, Nebraska, from R2 Low Density Residential to R3 Medium Density Residential Zone, as recommended.







# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item E6

**Public Hearing on Request from Lyman-Richey Corp. dba Central Sand and Gravel on Behalf of Garry Williams and Roger Luebbe for a Conditional Use Permit for a Sand and Gravel Mining Operation Located at 1672 South Shady Bend Road and 3116 Stolley Park Road**

Staff Contact: Craig Lewis

## **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Public Hearing on Request of Lyman-Richey Corp. dba Central Sand and Gravel for a Conditional Use Permit to Allow the Operation of a Sand and Gravel Mining Operation at 1672 S. Shady Bend Road. Garry and Jeanne Williams are the Owners of Tract "A" 56 Acres Located within the North One-Half of the Southeast Quarter Section of 23-11-9. Midland Ag. Service, Inc. and Roger Luebke are the Owners of Tract "B" 72 Acres Located within the South One-Half of the Southwest and Southeast Quarter of Section 23-11-9 in Hall County.

**Item #'s:** E-6 & H-1

**Presenter:** Craig Lewis, Building Department Director

### **Background**

This request is for council approval to allow for the operation of a sand and gravel facility at the above referenced location. A conditional use permit is required as the current zoning classification, TA or transitional agriculture does not allow for this type of use as a permitted principal use. The zoning classification does list as a conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved by the City Council.

### **Discussion**

Sand and gravel operations have been a part of Grand Island and the surrounding areas for a long time, as residential development continues to expand and the two uses become closer neighbors more conditions need to be implemented to assure a compatible existence for both uses.

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

**1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate

materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.

**2). CLOSURE:** A drawing of the proposed development of the property after the closing of the sand and gravel operation has been provided along with the application. The finished width of developable property at the time the operation of mining is terminated shall be 300' adjacent to public right of way and 200' adjacent to neighboring property lines.

**3). PRIMARY CONDITIONS:** (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operation.

(c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.

(d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.

(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

(g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

(i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon

any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(I). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

## **ALTERNATIVES**

It appears the Council has the following alternatives concerning the issue.

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

## **RECOMMENDATION**

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

## **SAMPLE MOTION**

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

Carl Roberts  
26106 Shady Lake Road  
COLUMBUS, NEBRASKA 68601

MOBILE: 402 649-3554  
e-mail: [carober@megavision.com](mailto:carober@megavision.com)



February 27, 2007

Grand Island City Clerk  
Grand Island City Hall  
PO Box 1968  
GRAND ISLAND NE 68801

**Regarding: Conditional Use Applications**

The attached Conditional Use Application is for a new sand and gravel mining operation to be conducted by Lyman-Richey Corporation on two separate parcels of land.

Lyman-Richey Corporation, dba Central Sand and Gravel, will be doing the mining.

The contact person for Lyman-Richey Corporation is Carol White, 4315 Cuming Street, Omaha, Nebraska 68131. Carol's office phone is 402 557-4889, cell number is 402 672-9000.

I have been retained by Lyman-Richey Corporation to present the applications for the Conditional Use Permits to the City of Grand Island.

If you have any question about the application please contact me at 402 649-3554.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Carl Roberts".

Carl Roberts

Tract A

Non-Refundable Fee: \$155.00

Return by: \_\_\_\_\_

Council Action on: 3-27-07

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: To allow sand and gravel mining on the described property.
2. The owner(s) of the described property is/are: Garry and Jeanne Williams
3. The legal description of the property is: An approximate 56 acre parcel of land located within the North One-Half of the Southeast Quarter of Section 23, Township 11 North, Range 9 ~~East~~ <sup>West</sup> of the 6<sup>th</sup> P.M., Hall County, NE
4. The address of the property is: 1672 Shady Bend Road South
5. The zoning classification of the property is: Transitional Agriculture
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 2007 to 2030
8. Plans for construction of permanent facility is: To mine the property for gravel removal.
9. The character of the immediate neighborhood is: Rural with the described land presently being farmed.
10. **There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.**
11. Explanation of request: SEE ATTACHED

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

2-4-07 Garry Williams  
Date Owners(s)  
308-381-0794 Jeanne Williams  
Phone Number Address  
610 Midaro DR. GRAND ISLAND NE. 68801  
City State Zip

WILLIAMS

Tract A

99- 102163

EXHIBIT "A"

85- 104724

A tract of land comprising part of the North Half of the Southeast Quarter ( $N\frac{1}{2}SE\frac{1}{4}$ ) of Section Twenty Three (23) Township Eleven (11) North, Range Nine (9), West of the 6th P.M., Hall County, Nebraska and More particularly described as follows:  
First to ascertain the point of beginning, start at the Northeast corner of said  $N\frac{1}{2}SE\frac{1}{4}$ ; thence running westerly along and upon the north line of said  $N\frac{1}{2}SE\frac{1}{4}$ ; a distance of Four Hundred Forty One and Seventy Six Hundredths (441.76) feet to the actual point of beginning; Thence continuing westerly along the last described course a distance of Eight Hundred Seventy Eight and Twenty Four Hundredths (878.24) feet to the Northwest corner of the Northeast quarter of the Southeast quarter ( $N\frac{1}{2}SE\frac{1}{4}$ ); thence deflecting left  $32^{\circ}58'15''$  and running southwesterly a distance of Three Hundred Fifty Three and One Tenth (353.10) feet, thence deflecting left  $15^{\circ}43'45''$  and running southwesterly a distance of Nine Hundred Five and Eighty One Hundredths (905.81) feet; thence deflecting left  $41^{\circ}26'50''$  and running southerly a distance of Twenty Six and Seven Tenths (26.7) feet; thence deflecting right  $32^{\circ}36'00''$  and running southwesterly a distance of Five Hundred Eight and Eight Tenths (508.8) feet; thence deflecting left  $122^{\circ}35'00''$  and running easterly a distance of Two Thousand Four Hundred Ninety Seven and Four Tenths (2,497.4) feet to the Southeast corner of said  $N\frac{1}{2}SE\frac{1}{4}$ ; thence deflecting left  $90^{\circ}20'10''$  and running northerly along and upon the East line of said  $N\frac{1}{2}SE\frac{1}{4}$ ; a distance of Twenty Three (23.0) feet; thence deflecting left  $89^{\circ}39'50''$  and running westerly a distance of One Thousand Two Hundred Thirty Five (1,235.0) feet; thence deflecting left  $90^{\circ}00'$  and running southerly a distance of Three (3.0) feet; thence deflecting right  $90^{\circ}00'$  and running westerly a distance of Nine (9.0) feet; thence deflecting right  $90^{\circ}00'$  and running northerly a distance of Three (3.0) feet; thence deflecting left  $90^{\circ}00'$  and running westerly a distance of Twelve and Three Tenths (12.3) feet; thence deflecting right  $106^{\circ}30'45''$  and running northeasterly a distance of Four Hundred Seventy Eight and Twenty One Hundredths (478.21) feet; thence deflecting right  $7^{\circ}24'45''$  and running northeasterly a distance of Three Hundred Fifty Three and Seventy Eight Hundredths (353.78) feet; thence deflecting right  $14^{\circ}06'45''$  and running northeasterly a distance of Three Hundred Thirty One and Seventy Five Hundredths (331.75) feet; thence deflecting right  $13^{\circ}18'45''$  and running northeasterly a distance of Four Hundred Thirteen and Seventy Three Hundredths (413.73) feet to the actual point of beginning.

Tract B

Non-Refundable Fee: \$155.00

Return by: \_\_\_\_\_

Council Action on: 3-27-07

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: To allow sand and gravel mining on the described property.
2. The owner(s) of the described property is/are: Midland Ag Service, Inc.
3. The legal description of the property is: An approximate 72 acre parcel of land located within the South One-Half of the Southeast Quarter and part of the East one-Half of the Southeast Quarter of Section 23, Township 11 North, Range 9 ~~East~~<sup>West</sup> of the 6<sup>th</sup> P.M., Hall County, NE
4. The address of the property is: 3116 Stolley Park Road
5. The zoning classification of the property is: Transitional Agriculture
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 2007 to 2030
8. Plans for construction of permanent facility is: To mine the property for gravel removal.
9. The character of the immediate neighborhood is: Rural with the described land presently being farmed.
10. **There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.**
11. Explanation of request: SEE ATTACHED

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

2-23-07  
Date

308-382-8185-

Phone Number Address

1012 50 Shady  
Band Rd.

Midland Ag Service, Inc.  
Owners(s)

Roger L. Lenthos Pres.

D. J. Me. 68801  
City State Zip

MIDLAND AG  
TRACT B

94-109386

WARRANTY DEED

RICHARD J. RUSSELL and BARBARA J. RUSSELL, husband and wife, Grantors, in consideration of ----- ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATION ----- receipt of which is hereby acknowledged, convey to MIDLAND AG SERVICE, INC., Grantee, the following described real estate (as defined in Neb. Rev. Stat. section 76-201) in Hall County, Nebraska:

The South Half of the Southeast Quarter (SE1/2 SE1/4) except the easterly 435.6 feet thereof and the East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4) excepting therefrom a certain tract of land more particularly described in Warranty Deed Book 158, Page 114 of the records of the Register of Deeds, Hall County, Nebraska, All in Section Twenty-Three (23), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska,

Excepting a certain tract more particularly described as follows:

A tract of land comprising a part of the East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4) of Section Twenty-Three (23), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Beginning at a point on the south line of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4); said point being One Hundred Ninety-Five and Forty-Five Hundredths (195.45) feet west of the southeast corner of said Southwest Quarter (SW1/4); thence S 90° 00' 00" W (assumed bearing) along and upon the south line of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4), a distance of Thirty (30.0) feet; thence N 00° 46' 39" W, a distance of Five Hundred (500.0) feet; thence N 89° 56' 17" W, a distance of Four Hundred Thirty-Five and Seventy-One Hundredths (435.71) feet to a point on the westerly line of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4); thence N 00° 48' 57" W, along and upon the west line of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4), a distance of Seven Hundred Ninety-Five and Twenty-Three Hundredths (795.23) feet to the northwest corner of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4), thence N 89° 10' 49" E along and upon the north line of said East Half of the Southeast Quarter of the Southwest Quarter (E1/2 SE1/4 SW1/4), a distance of Five Hundred Twenty-Six and Seventy-Seven Hundredths (526.77) feet; thence S 00° 48' 57" E, a distance of Eight Hundred Three and Thirty-Four Hundredths (803.34) feet; thence N 89° 56' 17" W, a distance of Sixty-One and Twelve Hundredths (61.12) feet; thence S 00° 46' 39" E, a distance of Five Hundred (500.0) feet to the point of beginning,

subject to restrictions and easements of record.

Grantors covenant with the Grantee that Grantors:

(1) are lawfully seized of such real estate and that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record;

(2) have legal power and lawful authority to convey the same;

(3) warrant and will defend the title to the real estate against the lawful claims of all persons.

94-109386

EXECUTED: NOVEMBER 14, 1994.

Richard J. Russell  
RICHARD J. RUSSELL  
Barbara J. Russell  
BARBARA J. RUSSELL

STATE OF NEBRASKA )  
COUNTY OF HALL ) ss.

The foregoing instrument was acknowledged before me on November 14, 1994, by RICHARD J. RUSSELL and BARBARA J. RUSSELL, husband and wife, Grantors.



Regina R. Biglow  
Notary Public

Entered as Document No.  
94-109386

STATE OF NEBRASKA ) ss  
COUNTY OF HALL )

94 NOV 22 PM 4 14

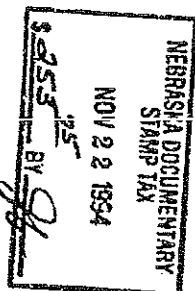
James H. H. H.  
REC. OF DEEDS

CASH 364.25  
CHECK \_\_\_\_\_

REFUND: \_\_\_\_\_

CASH \_\_\_\_\_

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STATEMENT ATTACHED

G. I. ABSTRACT

## **CONDITIONAL USE PERMIT APPLICATION**

**Date:** January 31, 2007

**To:** City of Grand Island Planning Department

**Regarding:** Conditional Use Application for Mining Aggregates

**Requested Action:** To grant Lyman-Richey Corporation a Conditional Use Permit to allow the excavation, processing, stockpiling and selling of aggregates from an approximate 72 acre parcel located within the following legal description:

South One-Half of the Southeast Quarter and part of the East One-Half of the Southeast Quarter of Section 23, Township 11 north, Range 9 West of the 6<sup>th</sup> P.M., Hall County, Nebraska

**Ownership:** Midland Ag Service, Inc.

**1. Estimated Total Time of Mining Operations:** Approximately 15 years

We plan on starting mining operations on the property in 2014 and will continue until approximately 2030, which would also include time for the reclamation of the property. The time period of 25 years will allow the mining of adjacent property owned by Garry and Jeanne Williams previous to mining the above described property.

**2. Processing Plant Location:**

At this time we are considering the processing plant to be located in the middle of the 56 Acre Williams parcel along the south side of the property. The location is shown on the attached exhibits.

The processing plant could be placed on the on the Midland Ag Service, Inc. property at the conclusion of mining on the adjacent Williams property.

The total area of the processing plant shall be approximately 8 acres.

All equipment and vehicles shall be stored on the plant site and a security gate along with security lighting shall be provided to the site.

**3. Ingress and Egress to and from the Plant Site:**

There presently is a driveway to the property off of Shady Bend Road. An improved entrance area will be constructed to allow a locked security Gate to be located at least 75 feet west of Shady Bend Road to allow the full length of a truck and pup to park off of the roadway while unlocking or locking the security gate.

#### **4. Environmental Issues**

At all times the mining operation will be conducted in accordance with the State of Nebraska Department of Environmental Quality permits dealing with air and water quality.

The mining operation will follow all Federal Department of Environmental Quality required permits for diesel fuel, oil and gasoline storage. All fuel storage must and will have secondary containment previous to allowing any fuel or oil on the property.

There is minimal haul road length due to the proximity to Shady Bend Road, therefore there will little or no dust caused by truck traffic. If dust should become a problem there are a number of liquid substances which may be used to control dust from the road surface.

All of Lyman-Richey mining operations operate under the rules and regulations as written and enforced by the Mining Health and Safety Act, MSHA, a set of Federal mandated regulations for all mining operations. The regulations of this Act mandate the maximum noise level of the operation within the bounds of the mining operation at 85 decibels. We strictly abide by these Federal regulations. Special mufflers are fitted to the engines on the dredge. The processing plant is entirely electric and has minimal noise.

There are MSHA required back-up alarms on the loaders working at the plant site. The back-up alarms are required to have a minimum decibel level for safety reasons. We are planning our processing plant to have our stockpiles placed so the stockpiles absorb and deflect as much of the loader alarm noise as possible.

As a result of the mining process ground water shall be exposed in the mine area. The exposure of groundwater has no effect on adjacent groundwater tables or water quality.

#### **5. Mining Process**

Topsoil will be removed from the plant site and stockpiled for later use in reclamation.

During the mining process dredging shall not occur within the areas of at least 100 feet of adjoining properties and in the case of the county roads shall not occur within 150 feet of the property boundaries with the exception of the common property line with the Williams property as Williams and Midland Ag Service, Inc. have agreed to extinguish the common property line.

Topsoil will be stockpiled along the perimeter of the property to provide visual screening to the mine property. The berm of dirt shall be placed at a height necessary to lessen visual contact with the mine site from adjoining property.

To start the mining process a hole will be dug below the present ground water level to create sufficient water to allow the dredge to be floated. The dredge will pump in sand to raise the plant site to a desired elevation to be assured the site has a stable base with all clean sand material providing the base.

Topsoil will be removed in phases from the area which is to be mined each year. Approximately six acres will be exposed at any one time as a result of having the topsoil removed. The entire parcel will not have the topsoil removed all at once.

By phasing the mining process we will reduce the exposure of the underlying sand to wind erosion. The topsoil will be stockpiled on the perimeter of the property with a width of approximately 150 feet at the base of the stockpile. The removed and stockpiled topsoil will be used to cover the waste sand from the mining process at the conclusion of each phase of mining.

On average, the phased reclamation process will cause the distance from the adjoining property line and the edge of the actual water to be at least 300 feet. The water side of the land area shall have approximately 50 feet of exposed sand. The remainder of the land area shall be all covered with soil.

The dredge will continue to work approximately three to five acres of land per year. The number of acres used is entirely dependant on the number of tons of material sold from the excavation. The 55 acre parcel, less the eight acre plant site, will take approximately 15 years to complete the mining. The time period is a reasonable estimate based on present assumptions.

The processing plant will remain on the described Williams parcel during the time it will take to mine the Williams property then the processing plant may be moved to the adjoining Midland Ag Service, Inc. property.

Approximately 70% of all material mined is considered to be waste sand, a product for which there is only a limited market. The sand will be placed against the stockpiled topsoil and will be placed at height conducive to the use of the majority of the property for further development after mining is completed.

It is presently estimated there will be approximately 18-20 acres of open water at the conclusion of mining and after reclamation is completed.

## **6. Closure**

The stockpiled topsoil will be placed over the placed waste sand on the perimeter of the lake area and leveled. The topsoil will be planted periodically throughout the mining time with a grass to prevent wind and water erosion on the soil.

All exposed soil areas shall be seeded with grass to prevent erosion within one year of completion of mining and reclamation of any one area.

All resulting slopes shall be placed at less than 3:1.

The resulting lake and surrounding embankment area will be reasonable level and pleasing to the eye.

The elevations of the finished area around the lake are shown on the attached maps and made a part of this descriptive document.

All stockpiles will be removed and all equipment will be removed within 6 months after the conclusion of mining.

## **7. Drainage**

All stormwater will be retained on the property and the created lake will act as a reservoir for the water storage.

Any drainage of foreign water from adjoining land will be allowed to enter the created lake area for storm water storage.

## **8. Growing crops**

Until such time an area of land is going to be actively mined the land will be farmed and contain growing crops as it has been used in years present and past.



100'

Pumping Restrictions -  
150' R.O.W  
100' Property Line

100'

200'

300'

TRACT "A"  
56 ACRES

7 - 10 YR.  
2007 - 2014

150'

200'

200'

TRACT "B"  
72 ACRES

25 YR.  
2014 - 2030

300'

100'

150'

LOCATION MAP





# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item E7**

**Public Hearing Concerning Acquisition of Utility Easement - 1420  
S. Ada Street - Sunrise Express**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director  
**Meeting:** March 27, 2007  
**Subject:** Acquisition of Utility Easement – 1420 S. Ada Street – Sunrise Express  
**Item #'s:** E-7 & G-4  
**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 Sunrise Express, Inc., located at 1420 S. Ada Street, west of Henry Street and north of South Street, in the City Of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to add underground power lines and a pad-mounted transformer to provide increased electrical capacity to the existing building on the west side of Sunrise Trucking property.

## **Alternatives**

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

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

## **Recommendation**

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

## **Sample Motion**

Motion to approve acquisition of the Utility Easement.





# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item F1**

**#9110 - Consideration of Change of Zoning for Land Proposed for Platting as Woodland Park Fifth Subdivision Located North of Capital Avenue and East of Independence Avenue**

**Staff Contact: Chad Nabity**

ORDINANCE NO. 9110

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land located in the West Half of the Southeast Quarter (W½SE¼) of Section Two (2), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M., Hall County, Nebraska, from R2 Low Density Residential to R3 Medium Density Residential; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-44; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on March 7, 2007, held a public hearing and made a recommendation on the proposed zoning of such area; and

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

WHEREAS, after public hearing on March 27, 2007, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land is hereby rezoned, reclassified and changed from R2 Low Density Residential to R3 Medium Density Residential:

A tract of land located in the West Half of the Southeast Quarter (W½SE¼) of Section Two (2), 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, more particularly described as follows:

Commencing at the Southwest Corner of the West Half of the Southeast Quarter (W½SE¼) of Section Two (2), 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; thence on a record bearing of N00°07'47"E, along the West Line of said West Half of the Southeast Quarter (W½ E¼), a distance of Four Hundred Seven Feet (407.00') to

ORDINANCE NO. 9110 (Cont.)

the point of beginning; thence continuing Northerly along the last described course, to the Southwest Corner of Woodland Park Third Subdivision, a distance of Five Hundred Seventy-Eight and Twenty-Four Hundredths Feet (578.24'), thence S88°28'08"E, along the South line of Woodland Park Third Subdivision, a distance of Three Hundred Fifty and Two Hundredths Feet (350.02'); thence S00°07'47"W a distance of Five Hundred Seventy-Seven and Fifty-One Hundredths Feet (577.51'); thence N88°35'18"W a distance of Three Hundred Fifty Feet (350.00') to the West Line of said West Half of the Southeast Quarter (W½SE¼), said point being the point of beginning.

Said tract contains Two Hundred Two Thousand Two Hundred Four and Fourteen Hundredths Square Feet (202,204.14') or Four and Sixty-Four Hundredths Acres (4.64), subject to easements and restrictions of record.

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 27, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item F2**

**#9111 - Consideration of Amendment to Salary Ordinance**

**Staff Contact: Brenda Sutherland**

# **Council Agenda Memo**

**From:** Brenda Sutherland, Human Resources Director

**Meeting:** March 27, 2007

**Subject:** Salary Ordinance Amendment

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

**Presenter(s):** Brenda Sutherland

## **Background**

City Administration has the ability to pay employees based on the approved salary ranges found in the City's Salary Ordinance. These ranges are tied to job classifications. Typically, salary ordinances come before the City Council for approval in the late summer as part of the budget process. However, from time to time, it is necessary to update the Ordinance with the addition or removal of positions or due to labor negotiations.

## **Discussion**

City Administration has been given the charge in recent years to take a look at every job as it comes open to evaluate the continued need for the position or the duties assigned should there be a more efficient way to provide the same service to the citizens of Grand Island. Recently, the Administrative Assistant position assigned to Administration has become vacant. Evaluation of the position has led to the conclusion that an Administrative Assistant skill set is not needed to handle the work required in that department. Administration is recommending that the position of Administrative Assistant – Administration be eliminated and the position of Receptionist be added in its place.

The change will result in an overall savings of approximately 23% or nearly \$7500. The needs of the department will be more closely met with the new position and the savings to the taxpayer makes it a win-win on both sides.

## **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 Salary Ordinance #9111.

## **Sample Motion**

Motion to approve Salary Ordinance #9111.

## ORDINANCE NO. 9111

An ordinance to amend Ordinance No. 9099 known as the Salary Ordinance which lists the currently occupied classifications of officers and employees of the City of Grand Island, Nebraska and established the ranges of compensation of such officers and employees; to ~~amend the salary range for the Audio Video Technician~~ eliminate the position of Administrative Assistant in the Administration Department and to include the position of Receptionist; to repeal Ordinance No. 9099, and any ordinance or parts of ordinances in conflict herewith; to provide for severability; to provide for the effective date thereof; and to provide for publication of this ordinance in pamphlet form.

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

SECTION 1. The currently occupied classifications of officers and general employees of the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain officers and general employees shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accountant	1505.91/2119.64	Exempt
Accounting Technician – Solid Waste, Streets, WWTP	1018.28/1432.90	40 hrs/week
Administrative Assistant — <del>Administration, Fire,</del> Public Works, Utilities	1099.42/1547.94	40 hrs/week
Assistant to the City Administrator	1433.28/2017.83	Exempt
Assistant Public Works Director	2086.00/2934.85	Exempt
Assistant Utility Director – Administration	2798.73/3938.43	Exempt
Assistant Utility Director – PGS & PCC	3031.68/4266.42	Exempt
Attorney	2003.06/2818.62	Exempt

Approved as to Form	<input checked="" type="checkbox"/> _____
March 22, 2007	<input checked="" type="checkbox"/> City Attorney

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Audio-Video Technician	1038.69/1461.54	40 hrs/week
Biosolids Technician	1185.21/1668.38	40 hrs/week
Building Department Director	2283.50/3211.95	Exempt
Building Inspector	1318.18/1854.63	40 hrs/week
Building Secretary	930.41/1308.76	40 hrs/week
Cemetery Superintendent	1364.25/1920.65	Exempt
City Administrator	3694.74/5199.60	Exempt
City Attorney	2667.93/3754.87	Exempt
City Clerk	1533.36/2157.82	Exempt
Civil Engineering Manager – Public Works Engineering	2032.23/2860.65	Exempt
Civil Engineering Manager – Utility, PCC	2235.14/3146.78	Exempt
Collection System Supervisor	1406.27/1979.02	40 hrs/week
Communications Specialist/EMD	960.06/1354.25	40 hrs/week
Community Development Administrator	1159.73/1631.88	Exempt
Community Service Officer – Police Department	826.58 / 1162.73	40 hrs/week
Custodian	826.10/1165.76	40 hrs/week
Development/Grants Specialist	1159.73/1631.88	Exempt
Electric Distribution Superintendent	2238.54/3149.39	Exempt
Electric Distribution Supervisor	1891.18/2660.18	40 hrs/week
Electric Underground Superintendent	1993.46/2804.93	Exempt
Electrical Engineer I	1828.81/2574.69	Exempt
Electrical Engineer II	2119.69/2983.49	Exempt
Electrical Inspector	1318.18/1854.63	40 hrs/week
Emergency Management Clerk	861.38/1211.86	40 hrs/week
Emergency Management Deputy Director	1472.18/2071.60	Exempt
Emergency Management Director	2095.21/2948.19	Exempt
EMS Division Chief	1780.80/2505.67	Exempt
Engineering Technician	1321.22/1858.91	40 hrs/week
Engineering Technician Supervisor	1510.15/2125.74	Exempt
Equipment Operator, Solid Waste	1126.58/1586.55	40 hrs/week
Equipment Operator, WWTP	1115.42/1570.85	40 hrs/week
Evidence Technician	826.58/1162.73	40 hrs/week

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Finance Director	2658.80/3741.50	Exempt
Finance Secretary	930.41/1308.76	40 hrs/week
Fire Chief	2422.44/3407.86	Exempt
Fire Operations Division Chief	1916.76/2696.98	Exempt
Fire Prevention Division Chief	1780.80/2505.67	Exempt
Fire Training Division Chief	1780.80/2505.67	Exempt
Fleet Services Superintendent	1518.48/2138.12	Exempt
Fleet Services Supervisor	1265.20/1780.43	40 hrs/week
Golf Course Superintendent	1699.29/2391.18	Exempt
Grounds Management Crew Chief – Cemetery	1274.19/1793.14	40 hrs/week
Grounds Management Crew Chief - Parks	1312.42/1846.93	40 hrs/week
Human Resources Director	2337.34/3287.67	Exempt
Human Resources Specialist	1211.46/1704.40	40 hrs/week
Information Technology Manager	2157.10/3035.07	Exempt
Information Technology Supervisor	1809.78/2546.93	Exempt
Legal Secretary	1063.89/1498.93	40 hrs/week
Librarian I	1193.05 / 1678.11	Exempt
Librarian II	1312.53 / 1846.64	Exempt
Library Assistant I	832.39/1170.95	40 hrs/week
Library Assistant II	918.16/1291.93	40 hrs/week
Library Assistant Director	1556.71/2190.42	Exempt
Library Clerk	697.70/983.03	40 hrs/week
Library Director	2106.85/2965.64	Exempt
Library Page	528.02/743.20	40 hrs/week
Library Secretary	930.41/1308.76	40 hrs/week
Maintenance Mechanic I	1087.13/1533.71	40 hrs/week
Maintenance Mechanic II	1220.54/1717.26	40 hrs/week
Maintenance Worker I – Building, , Library	957.65/1347.30	40 hrs/week
Maintenance Worker I – Golf, Shooting Range	986.38/1387.72	40 hrs/week
Maintenance Worker I – WWTP	1038.80/1461.49	40 hrs/week
Maintenance Worker II – Building	1008.48/1422.21	40 hrs/week
Maintenance Worker II – Golf	1038.74/1464.87	40 hrs/week
Maintenance Worker II – WWTP	1093.94/1542.74	40 hrs/week

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Meter Reading Supervisor	1306.49/1839.94	Exempt
Office Manager – Police Department	1113.70/1567.54	40 hrs/week
Parking Monitor	553.72/780.02	40 hrs/week
Parks and Recreation Director	2382.92/3351.66	Exempt
Parks and Recreation Secretary	930.41/1308.76	40 hrs/week
Parks Maintenance Superintendent	1589.78/2236.34	Exempt
Payroll Specialist	1187.70/1670.98	40 hrs/week
Planning Director	2362.77/3324.06	Exempt
Planning Secretary	930.41/1308.76	40 hrs/week
Planning Technician	1416.78/1993.34	40 hrs/week
Plans Examiner	1318.18/1854.63	40 hrs/week
Plumbing Inspector	1318.18/1854.63	40 hrs/week
Police Captain	1807.51/2543.25	Exempt
Police Chief	2537.12/3571.25	Exempt
Police Records Clerk	871.29/1226.77	40 hrs/week
Power Plant Maintenance Supervisor	2089.82/2939.61	Exempt
Power Plant Operations Supervisor	2175.14/3060.41	Exempt
Power Plant Superintendent – Burdick	2382.59/3352.74	Exempt
Power Plant Superintendent – PGS	2746.76/3863.40	Exempt
Public Information Officer	1369.46/1926.70	Exempt
Public Works Director	2669.02/3755.90	Exempt
Purchasing Technician	998.25/1404.18	40 hrs/week
<u>Receptionist</u>	<u>895.68/1260.31</u>	<u>40 hrs/week</u>
Recreation Superintendent	1507.29/2120.18	Exempt
Regulatory and Environmental Specialist	2060.93/2898.97	Exempt
Senior Accountant	1700.63/2392.34	Exempt
Senior Communications Specialist/EMD	1116.24/1570.09	40 hrs/week
Senior Electrical Engineer	2320.75/3265.33	Exempt
Senior Equipment Operator, Solid Waste	1182.93/1664.51	40 hrs/week
Senior Equipment Operator, WWTP	1159.74/1631.87	40 hrs/week
Senior Maintenance Worker	1206.77/1698.62	40 hrs/week
Senior Utility Secretary	933.15/1316.05	40 hrs/week
Shooting Range Superintendent	1507.29/2120.18	Exempt

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Solid Waste Division Clerk	836.78/1177.23	40 hrs/week
Solid Waste Superintendent	1711.93/2409.00	Exempt
Stormwater Technician	1321.22/1858.91	40 hrs/week
Street Superintendent	1637.98/2307.06	Exempt
Street Supervisor	1300.21/1828.62	40 hrs/week
Turf Management Specialist	1317.93/1854.27	40 hrs/week
Utility Director	3628.53/5104.31	Exempt
Utility Production Engineer	2449.49/3447.23	Exempt
Utility Secretary	930.41/1308.76	40 hrs/week
Utility Services Manager	1917.91/2698.95	Exempt
Utility Warehouse Supervisor	1491.57/2097.88	40 hrs/week
Victim Assistance Unit Coordinator	871.29/1226.77	40 hrs/week
Wastewater Clerk	820.37/1154.15	40 hrs/week
Wastewater Engineering/Operations Superintendent	1843.96/2595.64	Exempt
Wastewater Plant Maintenance Supervisor	1411.80/1986.92	40 hrs/week
Wastewater Plant Operator I	1002.93/1411.43	40 hrs/week
Wastewater Plant Operator II	1121.13/1578.63	40 hrs/week
Wastewater Plant Process Supervisor	1464.03/2061.29	40 hrs/week
Wastewater Plant Senior Operator	1185.21/1668.38	40 hrs/week
Water Superintendent	1804.48/2538.25	Exempt
Water Supervisor	1538.58/2166.80	40 hrs/week
Worker / Seasonal	412.00/1600.00	Exempt
Worker / Temporary	412.00	40 hrs/week

SECTION 2. The currently occupied classifications of employees of the City of Grand Island included under the AFSCME labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the AFSCME labor agreement shall work prior to overtime eligibility are as follows:

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Equipment Operator – Streets	984.46/1384.40	40 hrs/week
Fleet Services Attendant/Clerk	894.96/1262.27	40 hrs/week
Fleet Services Inventory Specialist	981.67/1381.61	40 hrs/week
Fleet Services Mechanic	1123.02/1579.46	40 hrs/week
Horticulturist	1039.48/1464.57	40 hrs/week
Maintenance Worker – Cemetery	977.01/1375.08	40 hrs/week
Maintenance Worker – Parks	970.48/1366.69	40 hrs/week
Maintenance Worker – Streets	949.97/1336.86	40 hrs/week
Senior Equipment Operator – Streets	1078.62/1518.66	40 hrs/week
Senior Maintenance Worker – Parks	1078.62/1518.66	40 hrs/week
Senior Maintenance Worker – Streets	1078.62/1518.66	40 hrs/week
Traffic Signal Technician	1078.62/1518.66	40 hrs/week

SECTION 3. The currently occupied classifications of employees of the City of Grand Island included under the IBEW labor agreements, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IBEW labor agreements shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Accounting Clerk	977.01/1377.08	40 hrs/week
Computer Programmer	1513.68/2128.69	40 hrs/week
Computer Technician	1180.80/1661.14	40 hrs/week
Custodian	872.70/1228.05	40 hrs/week
Electric Distribution Crew Chief	1737.62/2444.21	40 hrs/week
Electric Underground Crew Chief	1737.62/2444.21	40 hrs/week
Engineering Technician I	1240.47/1745.26	40 hrs/week
Engineering Technician II	1511.46/2127.79	40 hrs/week
GIS Technician	1628.85/2291.16	40 hrs/week
Instrument Technician	1798.26/2529.78	40 hrs/week
Lineworker Apprentice	1229.67/1730.06	40 hrs/week

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Lineworker First Class	1574.93/2215.29	40 hrs/week
Materials Handler	1465.89/2061.87	40 hrs/week
Meter Reader	992.30/1396.84	40 hrs/week
Meter Technician	1235.44/1738.16	40 hrs/week
Power Dispatcher I	1728.75/2431.52	40 hrs/week
Power Dispatcher II	1815.74/2554.09	40 hrs/week
Power Plant Maintenance Mechanic	1540.86/2167.37	40 hrs/week
Power Plant Operator	1662.33/2338.11	40 hrs/week
Senior Accounting Clerk	1026.27/1445.68	40 hrs/week
Senior Engineering Technician	1628.85/2291.16	40 hrs/week
Senior Materials Handler	1618.58/2276.58	40 hrs/week
Senior Meter Reader	1068.55/1501.93	40 hrs/week
Senior Power Dispatcher	2003.52/2817.99	40 hrs/week
Senior Power Plant Operator	1834.38/2580.48	40 hrs/week
Senior Substation Technician	1798.26/2529.78	40 hrs/week
Senior Water Maintenance Worker	1330.48/1872.17	40 hrs/week
Substation Technician	1670.29/2349.30	40 hrs/week
Systems Technician	1798.26/2529.78	40 hrs/week
Tree Trim Crew Chief	1574.93/2215.29	40 hrs/week
Utilities Electrician	1670.29/2349.30	40 hrs/week
Utility Technician	1745.98/2455.96	40 hrs/week
Utility Warehouse Clerk	1114.27/1568.30	40 hrs/week
Water Maintenance Worker	1175.57/1654.54	40 hrs/week
Wireworker I	1357.38/1909.78	40 hrs/week
Wireworker II	1574.93/2215.29	40 hrs/week

SECTION 4. The currently occupied classifications of employees of the City of Grand Island included under the FOP labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the FOP labor agreement shall work prior to overtime eligibility are as follows:

ORDINANCE NO. 9111(Cont.)

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Police Officer	1238.20/1730.92	40 hrs/week
Police Sergeant	1520.42/2083.33	40 hrs/week

SECTION 5. The currently occupied classifications of employees of the City of Grand Island included under the IAFF labor agreement, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classifications, and the number of hours and work period which certain such employees included under the IAFF labor agreement shall work prior to overtime eligibility are as follows:

<b>Classification</b>	<b>Bi-Weekly Pay Range Min/Max</b>	<b>Overtime Eligibility</b>
Fire Captain	1472.52/2118.93	212 hrs/28 days
Firefighter / EMT	1131.42/1627.96	212 hrs/28 days
Firefighter / Paramedic	1276.52/1836.72	212 hrs/28 days

SECTION 6 The classification of employees included under labor agreements with the City of Grand Island, and the ranges of compensation (salary and wages, excluding shift differential as provided by contract) to be paid for such classification, and the number of hours and work period which certain such employees shall work prior to overtime eligibility area as stated above. All full-time fire fighters and police officers shall be paid a clothing and uniform allowance in addition to regular salary. All full-time fire fighters shall be paid a clothing and uniform allowance in addition to regular salary in the amount of \$80.00 per month. All full-time police officers shall be paid a clothing and uniform allowance in addition to regular salary of \$50.00 per month. Full-time police officers may also receive a reimbursement toward the purchase of body armor, not to exceed \$400. Full-time fire fighters and fire captains may receive a one-time uniform acquisition allowance of up to \$850. Full-time fire fighters and fire captains, may receive an annual stipend for longevity not to exceed \$520. If any such fire fighter or police

ORDINANCE NO. 9111(Cont.)

officer shall resign, or his or her employment be terminated for any reason whatsoever, the clothing allowance shall be paid on a prorata basis, but no allowance shall be made for a fraction of a month.

Non-union employees and employees covered by the AFSCME labor union, the FOP labor union, the IBEW labor union, and IAFF labor union may receive an annual stipend not to exceed \$1,000 for bilingual pay.

Utilities Department personnel in the IBEW bargaining unit and the classifications of Meter Reading Supervisor, Power Plant Superintendent, Power Plant Supervisor, Electric Distribution Superintendent, Electric Distribution Supervisor, Water Superintendent, Water Supervisor, Electric Underground and Substation Superintendent, Electric Underground and Substation Supervisor, and Engineering Technician Supervisor shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18.00 per month. When protective clothing is required for Utilities Department personnel in the IBEW, the City shall pay 60% of the cost of providing and cleaning said clothing and the employees 40% of said cost. Public Works Department personnel in the AFSCME bargaining unit shall be eligible to participate in a voluntary uniform program providing an allowance up to \$18 per month. Full-time Fleet Services personnel shall receive a uniform allowance of \$12 biweekly. Public Works Department personnel in the job classifications Fleet Services Supervisor, Fleet Services Superintendent, and Fleet Services Mechanic shall receive a tool allowance of \$10 biweekly.

SECTION 7. Employees shall be compensated for unused sick leave as follows:

- (A) For all employees except those covered in the IAFF and AFSCME bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 960 hours accrued in the preceding calendar year. The compensation will be at the rate of

ORDINANCE NO. 9111(Cont.)

one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 960 hours accrual of the preceding year.

For those employees covered in the AFSCME bargaining agreement, the City will include in the second paycheck in January of each year, payment for an employee's unused sick leave in excess of 968 hours accrued in the preceding calendar year. The compensation will be at the rate of one-half day's pay based on the employee's current pay rate at the time of such compensation, for each day of unused sick leave which exceeds 968 hours accrual of the preceding year.

For those employees covered in the IAFF bargaining agreement, the City will make a contribution into a VEBA (Voluntary Employees' Beneficiary Association) on behalf of the employee in lieu of payment for an employee's unused sick leave in excess of 2,880 hours accrued in the preceding calendar year. The contribution will be at the rate of one-quarter day's pay based on the employee's current pay rate at the time of such contribution, for each day of unused sick leave which exceeds 2,880 hours accrual of the preceding year.

(B) All employees except non-union and those covered in the fire department bargaining agreement shall be paid for one-half of their accumulated sick leave at the time of their retirement, the rate of compensation to be based on the employee's salary at the time of retirement. Employees covered in the fire department bargaining agreement shall have a contribution to a VEBA made on their behalf in lieu of payment for one quarter of their accumulated medical leave at the time of their retirement, the amount of contribution will be based upon the employee's salary at the time of retirement. Non-union employees shall have a

ORDINANCE NO. 9111(Cont.)

contribution to a VEBA made on their behalf in lieu of payment for one-half of their accumulated medical leave at the time of their retirement. The amount of contribution will be based upon the employee's salary at the time of retirement.

(C) Department heads shall have a contribution made to their VEBA for one-half of their accumulated medical leave, not to exceed 30 days of pay, upon their resignation, the rate of compensation to be based upon the salary at the time of termination. Compensation for unused sick leave at retirement shall be as provided above.

(D) The City Administrator shall have a contribution made to his VEBA for the total hours of accumulated medical leave upon termination, the rate of compensation to be based upon the salary at the time of termination.

(E) The death of an employee shall be treated the same as retirement, and payment shall be made to the employee's beneficiary or estate for one-half of all unused medical leave.

SECTION 8. The city administrator shall receive a vehicle allowance of \$300 per pay period in lieu of mileage for use of personal vehicle travel within Hall County.

SECTION 9. The City Administrator shall receive the maximum annual deferral limit allowable by the Internal Revenue Service deposited in his ICMA-RC 457 Account. The amount will be paid over the course of 26 pay periods.

SECTION 10. Reimbursed expenses which are authorized by Neb. Rev. Stat. §13-2201, et. seq., the Local Government Miscellaneous Expenditure Act and/or which the Internal Revenue Service requires to be reflected on an employee IRS Form W-2 at year end, are hereby authorized as a payroll entry.

ORDINANCE NO. 9111(Cont.)

SECTION 11. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 12. The salary adjustments identified herein shall be effective with the pay period beginning on April 16, 2007.

SECTION 13. Ordinance No. 9099 and all other ordinances and parts of ordinances in conflict herewith be, and the same are, hereby repealed.

SECTION 14. This ordinance shall be in full force and take effect from and after its passage and publication in pamphlet form in one issue of the Grand Island Independent as provided by law.

Enacted: March 27, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item F3**

**#9112 - Consideration of Creation Sanitary Sewer District No. 523,  
Lots 1-8 & Lots 22-31 of Westwood Park 2nd Subdivision**

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

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Consideration of Creation of Sanitary Sewer No. 523,  
Lots 1-8 & Lots 22-31 of Westwood Park 2<sup>nd</sup> Subdivision

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

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

## **Background**

Council action is needed to create a sanitary sewer district. The boundary for the proposed district was selected because these lots would be served by extending a sanitary sewer main from the west along Driftwood Drive stopping just short of Sweetwood Drive. The homes east of the proposed district would be served by a future sanitary sewer main from the south on Sweetwood Drive. See attached sketch. A petition for sanitary sewer with the above district boundary was circulated in the area and signed by seven (7) residents. A resident outside the proposed district boundary at 832 Sweetwood Drive also signed the petition.

## **Discussion**

There are a few property owners on Sweetwood Drive (including 832 Sweetwood Drive) as well as Driftwood Drive that desire to have city sanitary sewer, yet they are outside of the boundary of the sanitary sewer district that was on the petition. Administration recommends that they be included in a separate district if a petition is turned in to the city.

If the district is created, a notice will be mailed to all affected property owners, a 30-day protest period allowed and an open house meeting held to review the project with property owners. The public works department would recommend that the assessments for the district be spread equally across the lots in the district.

## **Alternatives**

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

1. Approve the recommendation to create Sanitary Sewer District 523.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council approve the creation of Sanitary Sewer District 523. A ten (10) year assessment period is recommended.

### **Sample Motion**

Move to approve the creation of Sanitary Sewer District # 523.

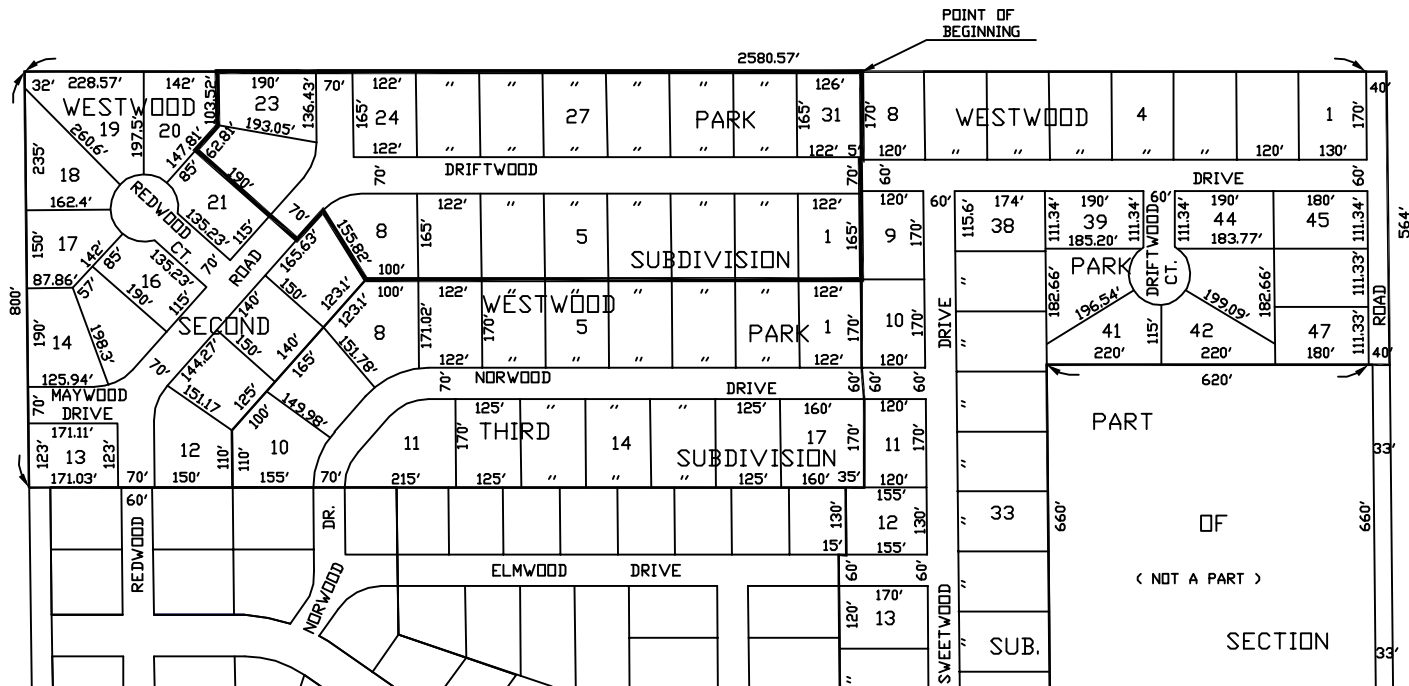


EXHIBIT "A"

CITY OF  
**GRAND ISLAND**  
PUBLIC WORKS DEPARTMENT

PLAT TO ACCOMPANY  
ORDINANCE

SCALE 1"=400' L.D.C. 2-2-07

SANITARY SEWER DISTRICT 523

\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 9112

An ordinance creating Sanitary Sewer District No. 523 of the City of Grand Island, Nebraska; defining the boundaries thereof; providing for the laying of sanitary sewer mains in said district; providing for plans and specifications and securing bids; providing for the assessment of special taxes for constructing such sewer and collection thereof; and providing for publication and the effective date of this ordinance.

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

SECTION 1. Sanitary Sewer District No. 523 is hereby created for the construction of an eight (8.0) inch sanitary sewer main and appurtenances thereto for Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) and Lots Twenty-Two (22), Twenty-Three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-Eight (28), Twenty-Nine (29), Thirty (30) and Thirty-One (31), Westwood Park Second Subdivision in the City of Grand Island, Hall County, Nebraska.

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

Approved as to Form	<input type="checkbox"/> _____
March 22, 2007	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9112 (Cont.)

Beginning at the Northeast Corner, Lot Thirty-One (31), Westwood Park Second Subdivision; thence South on the East Line of Lot Thirty-One (31), Westwood Park Second Subdivision to the North Line of Driftwood Drive; thence West on the North Line of Driftwood Drive for a Distance of Five Feet (5'); thence South on the East Line of Lot One (1), Westwood Park Second Subdivision and a Prolongation thereof to the Southeast Corner of Lot One (1), Westwood Park Second Subdivision; thence West on the South Line of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Westwood Park Second Subdivision to the Southwesterly Corner of Lot Eight (8), Westwood Park Second Subdivision; thence Northwesterly on the Westerly Line of Lot Eight (8), Westwood Park Second Subdivision to the Southerly Line of Redwood Road; thence Southwesterly on the Southerly Line of Redwood Road to a point where the prolongation of the Southerly Line of Lot Twenty-Two (22) of Westwood Park Second Subdivision intersects; thence Northwesterly on the Southerly Line of Lot Twenty-Two (22) of Westwood Park Second Subdivision to the Westerly most corner of Lot Twenty-Two (22) of Westwood Park Second Subdivision; thence Northeasterly on the Westerly Line of Lot Twenty-Two (22) of Westwood Park Second Subdivision to the Southwest Corner of Lot Twenty-Three (23) of Westwood Park Second Subdivision; thence North on the West Line of Lot Twenty-Three (23) of Westwood Park Second Subdivision to the Northwest Corner of Lot Twenty-Three (23) of Westwood Park Second Subdivision; thence East on the North Line of Westwood Park Second Subdivision to the Point of Beginning, all as shown on the plat dated February 2, 2007, attached hereto as Exhibit "A" and incorporated herein by reference.

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

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

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

ORDINANCE NO. 9112 (Cont.)

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

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

Enacted: March 27, 2007.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item G1**

**Approving Minutes of March 13, 2007 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL REGULAR MEETING

March 13, 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 March 13, 2007. Notice of the meeting was given in *The Grand Island Independent* on March 7, 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, Cornelius, Nickerson, Gericke, Brown, Gilbert, and Haase. Councilmember's Whitesides, and Meyer were absent. The following City Officials were present: City Clerk RaNae Edwards, City Attorney Dale Shotkoski, Finance Director David Springer, and Public Works Director Steve Riehle.

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

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Jeff Seim and Allen Buck. Introduced was Jon Rosenlund, new Emergency Management Director and his family. The Mayor also mentioned the Big Brothers/Big Sister's Fund Raiser.

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of Life Saving Efforts by Celine Stahlnecker and Lynne Kelly, Library Employees. Mayor Hornady and the City Council recognized the life saving efforts of Library Employees Celine Stahlnecker and Lynne Kelly for performing the Heimlich maneuver on fellow employee Patsy Arnold who was choking. Ranae Foster with the American Red Cross was present and stated they were making application for a Presidential Life Saving Award for Celine Stahlnecker. Library Director Steve Fosselman, Celine Stahlnecker, Lynne Kelly, and Patsy Arnold were present for the recognition.

#### PUBLIC HEARINGS:

Public Hearing on Re-Adopting the City of Grand Island Official Zoning Map. Chad Nabity, Regional Planning Director reported that this map would be used as the official map to show zoning, the Grand Island City Limit lines and 2 mile extraterritorial jurisdiction incorporating all annexation and zoning actions since the map became official on March 7, 2006. No public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located South of State Street and East of North Road (Little B's Corporation). Gary Mader, Utilities Director reported that acquisition of a utility easement located south of State Street and east of North Road was needed in order to have access to install, upgrade, maintain, and repair water mains. This easement would be used to construct water mains from the existing main in Summerfield Avenue to

complete the loop to State Street and would allow for continued expansion to the north. The easement would be within the future street right-of-way. No public testimony was heard.

ORDINANCES:

#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 (Third Reading)

Chad Nabity, Regional Planning Director reported Ordinance #9108 was the third and final reading.

Motion by Pielstick, second by Walker to approve Ordinance #9108 on third reading. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent items G-3, G-11 and G-13 were pulled for further discussion. Motion by Gilbert, second by Haase to approve the Consent Agenda excluding items G-3, G-11, and G-13. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim Filed by STL Transportation.

Approving Minutes of February 27, 2007 City Council Regular Meeting.

#2007-51 – Approving Re-Adopting the City of Grand Island Official Zoning Map.

#2007-52 – Approving Acquisition of Utility Easement Located South of State Street and East of North Road (Little B's Corporation).

#2007-53 – Approving Bid Award for 2007 Concrete Ready-Mix for the Streets Division of the Public Works Department with Gerhold Concrete Company of Grand Island, Nebraska in an Amount of \$59.00 per cubic yard.

#2007-54 – Approving Bid Award for 2007 Concrete Pavement and Storm Sewer Repair for the Streets Division of the Public Works Department with OK Paving of Hordville, Nebraska in an Amount of \$608,585.00.

#2007-55 – Approving Bid Award for 2007 Hot Mix Asphalt for the Streets Division of the Public Works Department with J.I.L. Asphalt Paving of Grand Island, Nebraska for an Amount of \$35.55 per ton for Type "A", \$28.90 per ton for Type "B" Asphalt Hot-Mix and \$34.65 per ton for Type "C" Asphaltic Concrete Hot-Mix.

#2007-56 – Approving Bid Award for 26,000 GVW Dump Truck for Streets Division of the Public Works Department with Hansen International Truck, Inc. of Grand Island, Nebraska in an Amount of \$57,415.00.

#2007-57 – Approving Bid for Sale of Lot One (1) of Dale Roush Third Subdivision Located at 1 Navajo Drive to Steven A. Manolidis of Grand Island, Nebraska in an Amount of \$3,110.00.

#2007-59 – Approving Contract for Operation and Management Services for Jackrabbit Run Golf Course with Don E. Kruse of Grand Island, Nebraska.

#2007-61 – Approving Lease Agreement with the Hall County Historical Society for the Rental of the Burlington Depot by the Grand Island Police Department in an Amount of \$565.00 per month.

#2007-62 – Approving Interlocal Agreement with Metropolitan Area Planning Agency (MAPA) for Aerial Photography.

#2007-63 – Approving Grant Award from Region III Behavioral Health Services in the Amount of \$900.00 for the Community Youth Council 2007 Family Day in the Park.

#2007-64 – Approving Interlocal Agreement with the Communities of Beatrice, Columbus, Fremont, Hastings, Kearney, Lexington, Norfolk, North Platte, and Scottsbluff for the Nebraska Storm Water Communities Cooperative.

#2007-65 – Approving Program Agreement with the Nebraska Department of Roads Regarding the Wasmer Detention Cell.

Approving Preliminary Plat for Woodland Park Fifth Subdivision. Chad Nabity, Regional Planning Director reported this preliminary plat proposed to create 45 lots on a tract of land located in the W1/2 of the SE1/4 of Section 2-11-10 consisting of approximately 9.28 acres. Gary Lantzer, 4203 New York Avenue spoke in support with concerns about the drainage.

Motion by Gilbert, second by Nickerson to approve the preliminary plat for Woodland Park Fifth Subdivision. Upon roll call vote, all voted aye. Motion adopted.

#2007-58 – Approving Contract for City Administrator Recruitment Services with The Mercer Group, Inc. of Santa Fe, New Mexico in an Amount of \$16,500.00 plus expenses not to exceed \$8,000.00. Human Resources Director Brenda Sutherland explained the process of hiring a new City Administrator. Discussion was held regarding council input, guarantee, and time frame.

Motion by Walker, second by Pielstick to approve Resolution #2007-58. Upon roll call vote, all voted aye. Motion adopted.

#2007-60 – Approving Bid Award for (1) Commercial 72” Turf Mower, Hard Cab and Snow Thrower with TurfWerks of Omaha, Nebraska in an Amount of \$27,654.00. Park and Recreation Director Steve Paustian reported the recommendation of the department was to award this bid to TurfWerks which was not the low bid, but met all specifications. Discussion was held regarding awarding bids to the lowest bidder.

Motion by Nickerson, second by Cornelius to approve Resolution #2007-60. Upon roll call vote, all voted aye. Motion adopted.

Introduced was Don Kruse the new Jackrabbit Run Golf Course Professional and Manager. Mr. Kruse thanked the Mayor, Council, and public for the opportunity to serve.

RESOLUTION:

#2007-66 – Approving Marketing Plan for the Parks and Recreation Department. Steve Paustian, Park and Recreation Director reported the department had formulated a policy to allow for promotions, give-a-ways, and cross marketing promotions to help generate additional revenues and increase public awareness for various Park and Recreation Department facilities such as Island Oasis, Jackrabbit Run Golf Course, and the Heartland Public Shooting Park.

Motion by Pielstick, second by Walker to approve Resolution #2007-66. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Nickerson to approve the Claims for the period of February 28, 2007 through March 13, 2007, for a total amount of \$2,307,448.08. Motion adopted unanimously.

Motion by Cornelius, second by Nickerson to approve the following Claims for the Library Expansion for the period of February 28, 2007 through March 13, 2007:

#54	\$2,261.54
#55	580.66
#56	285,558.05
#57	3,842.69
#58	70.00
#59	1,800.00
#60	455.00
#61	1,234.18
#62	2,407.41

Motion adopted unanimously.

ADJOURNMENT: There being no future business the meeting was adjourned at 7:40 p.m.

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G2

### **Approving Appointment of Karen Bredthauer to the Regional Planning Commission**

*The Mayor has submitted the appointment of Karen Bredthauer to the Regional Planning Commission to fill the unexpired term of Tom Brown. This appointment would become effective immediately upon approval by Council, and would expire on October 31, 2009. Approval is recommended.*

Staff Contact: Mayor Margaret Hornady



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G3

**#2007- 67- Approving Renewal of Farm Leases**

Staff Contact: Dale Shotkoski

# **Council Agenda Memo**

**From:** Dale M. Shotkoski, City Attorney  
**Meeting:** March 27, 2007  
**Subject:** Renewal of Farm Leases  
**Item #'s:** G-3  
**Presenter(s):** Dale M. Shotkoski, City Attorney

## **Background**

The Utilities, Public Works and Parks and Recreation Departments lease lands owned, but not currently required for actual equipment or building installations, for agricultural use. This process reduces department maintenance expense and provides revenue from the farming operations. The leases are for one year terms with access for utility purposes guaranteed at any time. Areas included are: unsold property at Platte Valley Industrial Park, Platte Generating Station, Burdick Station, the Well Field, land north of the Waste Water Treatment Plant, land at the former Cornhusker Army Ammunition Plant and the City Landfill.

## **Discussion**

A summary of the leases for 2007 is listed below:

Farm #5 – Fire Department Training Center	Jeff Johnson	31 +/- acres	\$140/Acre Cash Rent; All Def. Payments
Farm #7 – Platte Generating Station	Mike Lilienthal	255 +/- acres	33% Alfalfa or rotation crops
Farm #8 – City Well Field	Kenneth Clausen	114 +/- acres	50% Prairie Hay
Farm #9 – City Well Field	Larry Knuth	520 +/- acres	50% Prairie Hay
Farm #10 – City Well Field	Jack Webb	650 +/- acres	50% Prairie Hay
Farm #11 – GI Industrial Subdivision	Mike Peters	116.4 +/- acres	\$12,500 Cash Rent
Farm #11A – Burdick-Rough Hay Meadow	Gerald Bremer	16.5 +/- acres	\$50 Cash Rent
Farm #12 – City Landfill	Quaring Farms	170 +/- acres	\$3,500 Cash Rent
			50% Prairie Hay
Farm #16 – CAAP	Robert Nunnenkamp	48 +/- acres	\$3,000 Cash Rent
Farm #16 – CAAP	Matt Turek	51 +/- acres	33% Prairie Hay

Receipt of revenue by the department from the crop share leases depends on success of the farming year.

### **Alternatives**

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

1. Move to approve the annual farm leases.
2. Disapprove the leases.
3. Modify the leases to meet the wishes of the Council.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council approve the farm leases.

### **Sample Motion**

Approve the farm leases.



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G4

**#2007- 68- Approving Acquisition of Utility Easement - 1420 S.  
Ada Street - Sunrise Express**

Staff Contact: Gary R. Mader

RESOLUTION 2007-68

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

WHEREAS, a public hearing was held on March 27, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) Section Twenty (20), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., in the City of Grand Island, Hall County, Nebraska, the twenty (20.0) foot wide utility easement, being more particularly described as follows:

Beginning at the Southeast Corner of Lot One (1) Wilson Concrete Subdivision; thence on an assumed bearing of N0°00'00"E along the Easterly Line of Lot One (1) Wilson Concrete Subdivision, a distance of Six Hundred Sixty Three and Nine Tenths (663.9) feet; thence S89°05'36"E along the Northerly Line of a tract of land described in Document 93-109087 recorded in the office of the Hall County Register of Deeds, a distance of Twenty (20.0) feet; thence S0°00'00"W, a distance of Six Hundred Sixty Four and Three Tenths (664.3) feet; thence N89°05'36"W, a distance of Seventeen and Five Tenths (17.5) feet; thence N87°16'55"W, a distance of Two and Fifty One Hundredths (2.51) feet to the Point of Beginning.

The above-described easement and right-of-way containing a total of 0.305 acres, more or less, as shown on the plat dated 3/12/2007, 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 Sunrise Express, Inc., on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2007.

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

Attest:

\_\_\_\_\_

Approved as to Form	☐ _____
March 22, 2007	☐ City Attorney

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item G5**

**#2007- 69- Approving Bid Award for Project 2007-WWTP-1 Final  
Clarifier Launder Covers**

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

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Approving bid Award for Project 2007-WWTP-1 Final Clarifier Launder Covers

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

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

## **Background**

The Advertisement to Bidders for Project 2007-WWTP-1 (Final Clarifier Launder Covers at the Waste Water Treatment Plant) was published in the Grand Island Independent on Thursday, March 1, 2007.

The project will furnish all materials and appurtenances necessary to install Launder Covers manufactured out of Fiberglass Reinforced Plastic (F.R.P.) on the three (3) existing Final Clarifier Basins. The Launder Covers shall be designed to inhibit the growth of algae on the launder troughs and weirs of the clarifier basin(s) by minimizing incident sunlight on these surfaces.

## **Discussion**

At 11:00 AM on March 16, 2007, two (2) bids were received, opened, and reviewed.

<b><i>Bidder</i></b>	<b><i>Exceptions</i></b>	<b><i>Total Bid</i></b>
MFG Water Treatment Products Company of Union City, Pennsylvania	The bidder submitted an alternate design for attaching the angle bracket to the final clarifier basin. The alternate design is equal to or better then what was shown on the plans.	<b>\$110,205.00</b>
NEFCO Gardens, Florida	Noted	\$120,600.00

## **Alternatives**

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

1. Move to award the bid to MFG Water Treatment Products Company and authorize the mayor to execute the contract.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

## **Recommendation**

Administration recommends that the council approve a resolution awarding the bid to MFG Water Treatment Products Company of Union City, Pennsylvania and authorizing the mayor to execute the contract.

## **Sample Motion**

Motion to approve awarding the bid to MFG Water Treatment Products Company.

*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:** March 16, 2007 at 11:00 a.m.

**FOR:** Final Clarifier Launder Covers – Project 2007-WWTP-1

**DEPARTMENT:** Public Works

**ENGINEER'S ESTIMATE:** \$200,000.00

**FUND/ACCOUNT:** 53030054-85615

**PUBLICATION DATE:** March 1, 2007

**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

<b>Bidder:</b>	<b><u>NEFCO</u></b>	<b><u>MFG Water Treatment Products Co.</u></b>
	<b>Gardens, FL</b>	<b>Union City, PA</b>
<b>Bid Security:</b>	<b>\$6,000.00</b>	<b>\$5,600.00</b>
<b>Exceptions:</b>	<b>Noted</b>	<b>Noted</b>
<b>Bid Price:</b>	<b>\$120,600.00</b>	<b>\$110,205.00</b>

cc: Steve Riehle, Public Works Director  
Ben Thayer, WWTP Supervisor  
Sherry Peters, Legal Secretary

Bud Buettner, Assist. PW Director  
Dale Shotkoski, Purchasing Agent

**P1151**

RESOLUTION 2007-69

WHEREAS, the City of Grand Island invited sealed bids for Project 2007-WWTP-1, Final Clarifier Launder Covers, according to plans and specifications on file at Waste Water Treatment Plant; and

WHEREAS, on March 16, 2007, bids were received, opened and reviewed; and

WHEREAS, MFG Water Treatment Products Company of Union City, Pennsylvania, 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 \$110,205.00; and

WHEREAS, MFG Water Treatment Products 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 MFG Water Treatment Products Company of Union City, Pennsylvania, in the amount of \$110,205.00 for Project 2007-WWTP-1, Final Clarifier Launder Covers 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, March 27, 2007.

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

Attest:

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

Approved as to Form	<input type="checkbox"/>	_____
March 22, 2007	<input type="checkbox"/>	City Attorney



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G6

**#2007- 70- Approving Funding of Economic Development Corporation Request for CNH America, LLC (NWPS Rate Agreement Funds)**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** Dave Springer, Finance Director

**Meeting:** March 27, 2007

**Subject:** Approving Funding of Economic Development Corporation Request for Case IH Plant Expansion (NWPS Rate Agreement Funds)

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

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

## **Background**

On September 26, 2000, the City Council approved Resolution #2000-291 establishing an Economic Development Policy for the annual contribution from Northwestern Public Service (NWPS). A request has been received for funding and recommended for approval by the NWPS Funds Review Committee.

## **Discussion**

The Grand Island Area Economic Development Corporation (GIAEDC) requests \$50,000 to be used towards the expansion of the Case IH plant in Grand Island and increased usage of their paint line. These funds represent direct cash contributions previously made by NWPS to the City of Grand Island and the usage of these funds for this purpose falls within the guidelines of the economic development policy set forth in the rate agreement. Adequate funds will not be in Account #10011102-85454 until the next quarterly contribution from NWPS is received.

## **Alternatives**

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

1. Approve the request for funds
2. Disapprove or /Deny the request for funds
3. Table the issue

## **Recommendation**

City Administration recommends that the Council approve the request for funds.

## **Sample Motion**

Approve the request for funds to allow payment to Case IH.



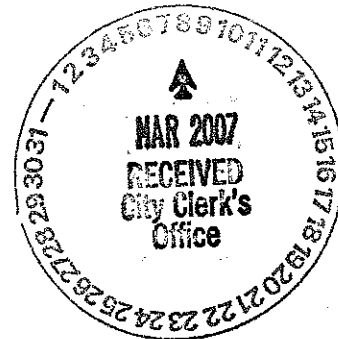
308-381-7500 • 800-658-4283 • Fax 308-398-7205 • [www.grandisland.org](http://www.grandisland.org)

P.O. Box 1151

GRAND ISLAND, NE 68802-1151

March 7, 2007

Mayor Margaret Hornady  
City of Grand Island  
100 E 1<sup>st</sup> St  
PO Box 1968  
Grand Island, NE 68802-1968



RE: Applications for NWPS Economic Development Rate Agreement Funds

Dear Mayor,

Our local review committee made up of the GIAEDC Executive Committee and Jim Hartman of NorthWestern Energy as spelled out in the rate agreement policy have reviewed the following project and recommends to the City Council for their review and approval.

Project: Case IH is requesting funds from the NorthWestern account to help offset the high gas usage and new equipment purchased.

After review by the committee, the committee unanimously approved to obligate \$50,000 now.

Attached is the request letter for your reference. If you have any questions, or would need any additional information, please give me a call.

Sincerely,

L. Denise McGovern  
Executive Assistant

Enclosure



October 20, 2006

Grand Island Area Economic Development Corp.  
Executive Committee & Mr. Jim Hartman  
Acting as NWPS Funds Review Committee  
The Downtown Center  
308 N. Locust Street, Ste. 400  
Grand Island, NE 68801

RE: Request for Funding

Dear Review Committee Members,

I am writing to request that you consider CNH America LLC as a recipient for the NorthWestern Energy Gas Funding program. The Case IH plant of Grand Island will be expanding its current facility an additional 90,000 square feet as well as increasing the use of the current paint line.

This request for \$50,000 is consistent with and falls within the guidelines of the economic development policy set forth in the rate agreement. I feel this is a prudent use of the funds, as our Grand Island Plant continues to expand its facility and create new jobs.

Thank you for your consideration. Please give me a call if you have any questions or need any additional information.

Sincerely,

Steven G. Lee  
Plant Manager  
3445 W. Stolley Park Rd.  
Grand Island, Ne. 68802-4902  
Ph: 308-389-5702  
Cell: 308-379-7199

RESOLUTION 2007-70

WHEREAS, Northwestern Public Service (NWPS) makes an annual contribution for economic development purposes to the City of Grand Island in the amount of \$86,000; and

WHEREAS, on September 26, 2000, the Mayor and City Council approved Resolution 2000-291 establishing an economic development policy for receiving, considering and making recommendations regarding requests for disbursement of said funds; and

WHEREAS, the office of the Mayor of the City of Grand Island received a recommendation for funding from the local economic development committee for \$50,000 payable to the Grand Island Area Economic Development Corporation on behalf of Case IH to assist with the expansion of the plant and increased usage of their paint line; and

WHEREAS, said request is consistent with the intent of NWPS in making its annual economic development contribution, and the policy established by the Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the request for disbursement in the amount of \$50,000 to fund a portion of the expansion of Case IH and their increased usage of their paint line is hereby approved, and a payment is authorized to be made to the Grand Island Area Economic Development Corporation on behalf of Case IH for such purpose.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on March 27, 2007.

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

Attest:

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



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G7

**#2007- 71- Approving Bid Award - Mercury Emissions  
Monitoring Equipment - Platte Generating Station**

Staff Contact: Gary R. Mader;DaleShotkoski

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Approving Bid Award – Mercury Monitoring Equipment  
– Platte Generating Station

**Item #'s:** G-7

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

## **Background**

Power Plants across the country are required to monitor certain emissions resulting from the burning of fuels. Platte Generating Station (PGS) currently monitors, reports and controls sulfur and nitrogen oxide emissions and opacity in accordance with state and federal regulations.

Recent federal law expands monitoring requirements to include emissions of Mercury resulting from burning fossil fuel. The plant is mandated by the federal Clean Air Mercury Rule (CAMR) to have a mercury emissions monitor in service by January 1, 2009. Refinements of the monitor technology and the details of the final regulations are still being worked out, but approximately 2,200 sites will be required to have these monitors in place by 2009.

There are a very limited number of qualified suppliers; therefore, pricing and availability are very volatile. Because of this, the plant staff plans to have the monitor installed during the first quarter of 2008 in order to ensure delivery and reliable operation for the 2009 deadline. In September 2006, the engineering firm of Black & Veatch was awarded a contract for engineering services for the procurement and installation of the required mercury monitor equipment.

## **Discussion**

Black & Veatch developed the specifications for PGS Mercury Emissions Monitoring Equipment. The specifications were advertised and the bids publicly opened in accordance with the City Purchasing Code. Three bids were received, but two were

rejected as the bidders would not provide bid bonds as required by the Purchasing Code. The compliant bid is tabulated below.

<u>Bidder</u>	<u>Bid Price</u>
Sick Maihak, Bloomington, MN	\$149,900.00

The engineers estimate for this contract was \$450,000. The engineers developed this estimate from information provided by the two major domestic manufacturers of this developing technology equipment, Thermo Electron Corporation and Tekran Instruments Corporation.

The only bid received that was compliant with the City's bid requirements was from Sick Maihak, a European manufacturer with a smaller share of the American market. Black & Veatch and the Utility staff have researched the compliant bidder and found that the company is well established in Europe, providing a variety of emission monitoring devices, including Mercury monitors, and now has North American sales outlets and an engineering/services office in Houston, Texas.

### **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 PGS Mercury Emissions Monitoring Equipment to Sick Maihak of Bloomington, MN as the low responsive bidder, at the bid price of \$149,900.00.

### **Sample Motion**

Make a motion to approve the award of the contract to Sick Maihak for PGS Mercury Emissions Monitoring Equipment 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:** March 13, 2007 at 11:00 a.m.

**FOR:** PGS Mercury Emissions Monitoring Equipment

**DEPARTMENT:** Utilities

**ENGINEER'S ESTIMATE:** \$450,000.00

**FUND/ACCOUNT:** 520

**PUBLICATION DATE:** February 9, 2007 & February 24, 2007

**NO. POTENTIAL BIDDERS:** 3

**SUMMARY**

<b>Bidder:</b>	<b><u>Sick Maihak</u></b> Bloomington, MN	<b><u>Altech</u></b> Geneva, IL	<b><u>ThermoFisher</u></b> Franklin, MA
<b>Bid Security:</b>	<b>\$7,500.00</b>	<b>No Bid Security</b>	<b>No Bid Security</b>
<b>Exceptions:</b>	<b>Noted</b>	<b>Submitted</b>	<b>Submitted</b>
<b>Bid Price:</b>	<b>\$149,900.00</b>	<b>Bid Rejected</b>	<b>Bid Rejected</b>

cc: Gary Mader, Utilities Director  
Pat Gericke, Utilities Admin. Assist.  
Sherry Peters, Legal Secretary

Bob Smith, Assist. Utilities Director  
Dale Shotkoski, Purchasing Agent

**P1148**

RESOLUTION 2007-71

WHEREAS, the City of Grand Island invited sealed bids for Mercury Emissions Monitoring Equipment, according to plans and specifications on file with the Utilities Department, Platte Generating Station; and

WHEREAS, on March 13, 2007, bids were received, opened and reviewed; and

WHEREAS, Sick Maihak of Bloomington, Minnesota, 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 \$149,900.00; and

WHEREAS, Sick Maihak'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 Sick Maihak of Bloomington, Minnesota, in the amount of \$149,900.00 for Mercury Emissions Monitoring Equipment is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2007.

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

Attest:

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



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item G8

**#2007-72-Approving Supplemental Agreement #2 with the  
Nebraska Department of Roads for the Grand Island River Way  
Trail**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Approving Supplemental Agreement #2 with the NE  
Dept. of Roads for the Grand Island River Way Trail

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

**Presenter(s):** Steve Paustian

## **Background**

On August 23, 2005 Council authorized the acceptance of a contract to provide funding toward the development of the River Way Hike/Bike Trail. The trail will extend the existing trail from Hall County Park to South Locust and then North to Hwy 34.

## **Discussion**

As the trail is designed to be constructed on top of the south levy of the Wood River Flood Way it is necessary to get Army Corp of Engineer approval. Staff has been in discussions with the Corp for over a year and a half regarding this approval. To date the Corp has not finished its review. Because of this delay, the original contract with the State of Nebraska Department of Roads has expired along with Supplemental Agreement #1. The state is willing to grant a second extension to the contract to allow more time to construct the project.

## **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 authorize they Mayor to sign the extension.

## **Sample Motion**

Motion to approve extension #2 of the existing contract with the Nebraska Department of Roads to construct the River Way hike/bike trail.

## SUPPLEMENTAL AGREEMENT NUMBER 2

PROJECT NO. STPB-40(53) STATE CONTROL NO. 42428  
CITY OF GRAND ISLAND  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
GRAND ISLAND RIVER WAY TRAIL

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Grand Island, hereinafter referred to as the "City", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the parties hereto entered into an agreement executed by the City August 23, 2005, and by the State August 29, 2005, and Supplemental Agreement No. 1 executed by the City January 9, 2007 and by the State January 16, 2007, providing for the construction of Project No. STPB-40(53), and

WHEREAS, it now becomes necessary that said agreement be supplemented to extend the deadline for securing a contract to construct the project.

NOW THEREFORE, in consideration of this fact, the parties hereto agree as follows:

SECTION 1. Both parties agree that all costs of this project shall be the sole responsibility of the City if the proposed project improvements are not under construction contract prior to October 1, 2007. This includes repayment to the State of Federal funds reimbursed for preliminary engineering costs and payment of all other expenses incurred as specified in Section 23 of the original program agreement.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the agreement executed by the City August 23, 2005, and by the State August 29, 2005, and Supplemental Agreement No. 1 executed by the City January 9, 2007 and by the State January 16, 2007, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the CITY this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

City of Grand Island

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

\_\_\_\_\_  
Mayor

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

R. James Pearson

\_\_\_\_\_  
Transportation Enhancement Administrator

RESOLUTION 2007-72

WHEREAS, on August 23, 2005, an agreement with the Nebraska Department of Roads was approved for the development of a ten foot wide hike/bike trail to start at Hall County Park and follow the south Wood River drainage dike one and one-half miles to South Locust Street in Grand Island, Nebraska; and

WHEREAS, because the hike/bike trail is designed to be constructed on top of the south levy of the Wood River Flood Way, it is necessary to obtain the approval of the Army Corp of Engineers; and

WHEREAS, on January 9, 2007, by Resolution No. 2007-11, an extension of the agreement with the Nebraska Department of Roads was approved by Supplemental Agreement #1; and

WHEREAS, the Army Corp of Engineers has not completed its review of the hike/bike trail, and it is therefore necessary to obtain an extension of Supplemental Agreement #1 with the Nebraska Department of Roads for the development of the hike/bike trail; and

WHEREAS, the Nebraska Department of Roads has agreed to Supplemental Agreement #2 of the agreement so that the hike/bike trail can be completed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Supplemental Agreement #2 with the Nebraska Department of Roads for the Grand Island River Way Trail 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, March 27, 2007.

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

Attest:

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

Approved as to Form	<input type="checkbox"/> _____
March 22, 2007	<input type="checkbox"/> City Attorney



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item H1

**Consideration of Request from Lyman-Richey Corp. dba Central Sand and Gravel on Behalf of Garry Williams and Roger Luebbe for a Conditional Use Permit for a Sand and Gravel Mining Operation Located at 1672 South Shady Bend Road and 3116 Stolley Park Road**

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

Staff Contact: Craig Lewis



# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item H2**

**Consideration of Request from Jerry & Teresa Sinner for Non-Conforming Use and Building Permit Located at 1822 East 7th Street**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Request of Jerry & Teresa Sinner of 1822 East 7<sup>th</sup> Street, Grand Island, NE for Approval of an Extension to a Legal Non-Conforming Use

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

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

## **Background**

This request is for Council approval to allow for the expansion of the existing single family dwelling at 1822 East 7<sup>th</sup> Street. The applicant is proposing to construct a 24' x 34' addition onto the approximately 22' x 34' dwelling. The property is currently zoned M-2 (Heavy Manufacturing) zoning classification that does not allow for residential uses and specifically excludes any residential use. The existing dwelling along with others neighboring this property have been in existence for decades as manufacturing entities have grown around this cluster of residential properties. The Grand Island Zoning Code considers these types of residential uses in manufacturing zones as legal non-conforming uses and requires that any expansion of such legal non-conforming uses must first be approved by the City Council.

## **Discussion**

The City code section 36-35 allows for extensions and expansions of such structures in all cases where refusal to do so would bring hardship to the owner or occupants and in all cases where justice requires the granting of the same. The City Council may attach appropriate conditions to the granting of any such relief. The site location is such that expansions would not appear to have any negative impact on the neighboring properties.

As a condition to this request I would suggest that a time limit requiring the exterior be completed within a 12 month period be included in any approvals.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the request and authorize the expansion of the non-conforming use with the condition that the exterior construction be completed within the next 12 month period.

## **Sample Motion**

Motion to approve the request to allow for an expansion of the legal non-conforming use with the condition that the exterior construction be completed within the next 12 months.

Jerry + Teresa Sinner

1822 East 7th  
Grand Island Ne. 68801  
308-381-4693



March 4, 2007

Dear City Counsel Members

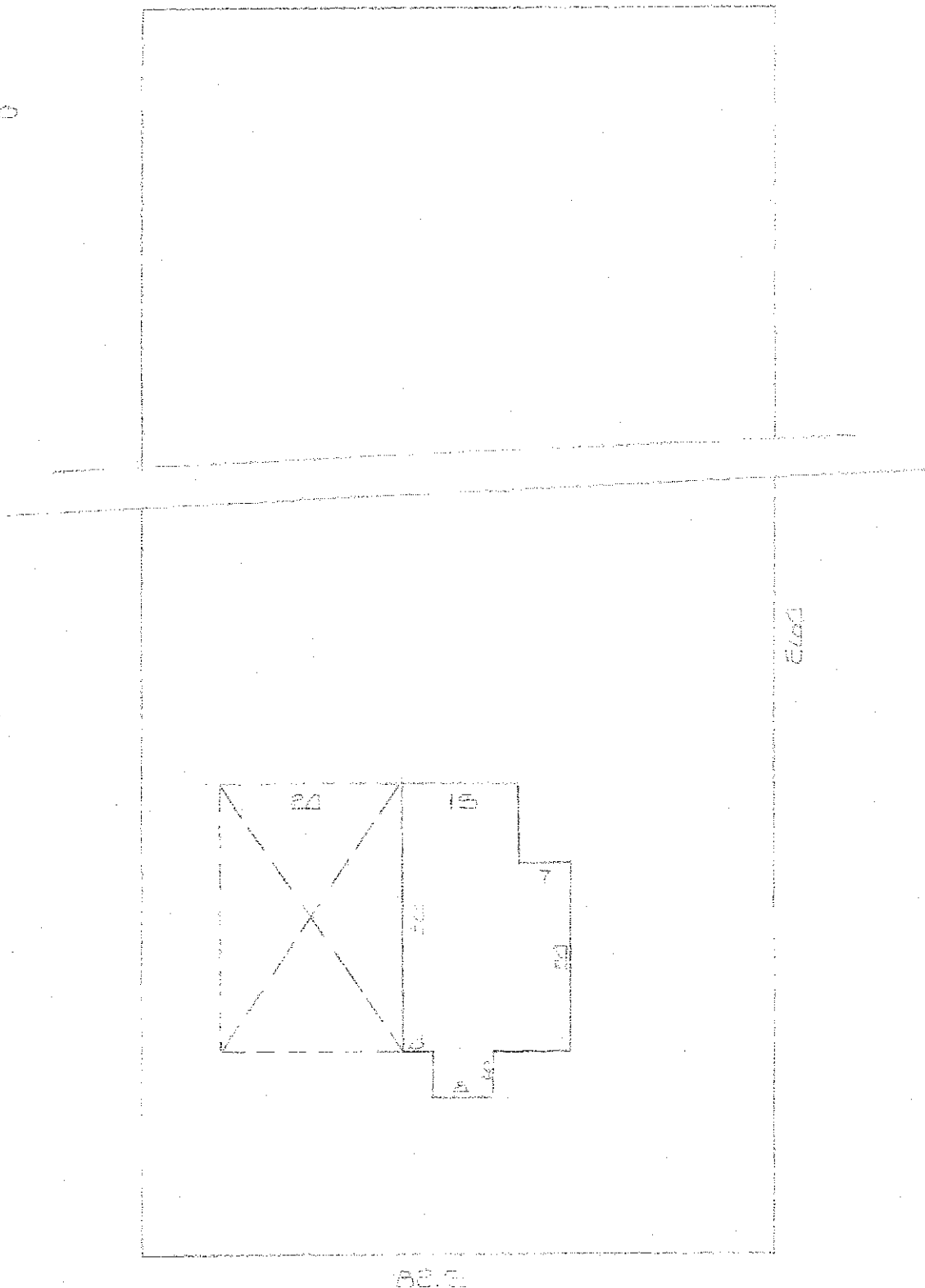
We are writing to request a building permit. We are a family of four and have out grown our home and we need to add an addition. Here lies the problem we are currently zoned M2 Heavy Manufacturing. We are in the process of rezoning to R2 High Density Residential but this is a lengthy process. And we would like to start building as soon as the weather is permitting. Therefore we need an approval for a building permit from City Counsel. Your help would be greatly appreciated.

Sincerely,

Signature

*Jerry + Teresa Sinner*

SCALE 1:20





# **City of Grand Island**

**Tuesday, March 27, 2007**

**Council Session**

## **Item H3**

**Consideration of Request from Wile E. Investment LLC, 210 East  
Stolley Park Road for Extension of Conditional Use Permit**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

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

**Meeting:** March 27, 2007

**Subject:** Request of Wile E. Investment Properties for an Extension to the Time Approved for a Conditional Use Permit to Allow for the Temporary Use of an Existing Single Family Dwelling at 210 E. Stolley Park Road for a Veterinary Clinic during Construction of a Permanent Facility

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

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

## **Background**

The zoning classification for this property is B-2/A-C, General Business Zone with an Arterial Commercial Overlay Zone. That classification specifies only one principal building shall be permitted on any one zoning lot.

The property had an existing single family dwelling on the lot and the applicant received approval from the City Council on March 28, 2006 to renovate that building and utilize that structure as a Veterinary Clinic during the construction of a permanent facility on the site. This request is for an extension of time for an additional six month or until September 28, 2007 at which time it is anticipated the permanent facility will be complete and available for occupancy.

## **Discussion**

A building permit for the construction of a permanent facility was granted on November 2, 2006. The property is currently bounded on the west and south by commercial operations and on the north and east by residential properties. The temporary use of the existing building during construction of the permanent structure and to allow for the operation to commence and then remove the existing building at the completion of the construction does not appear to have any negative impact on the site or the surrounding properties. Approval of an extension of the time appears appropriate.

## **Alternatives**

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

1. Approve the request for an extension of time for the Conditional Use.
2. Disapprove or /Deny the Request.
3. Modify the Conditional Use Permit to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council approve the extension of time for the conditional use permit to allow for the completion of the construction of a permanent facility.

## **Sample Motion**

Motion to approve the requested extension of time for an additional six month period.



**MELISSA GIRARD, D.V.M.**

210 E. Stolley Park Rd.  
Grand Island, NE 68803  
Ph. (308) 382-6330  
Fax (308) 384-4874



March 16, 2007

City of Grand Island  
City Clerk, Renee Edwards

RE: Wile E. Investment LLC, Conditional Use Permit at 210 E. Stolley Park Road

The current conditional use permit is due to expire on March 28, 2007 for the temporary veterinary clinic at 210 E. Stolley Park Road. I am requesting that a modification to the existing permit be granted for an additional six months to allow time for the completion and occupancy permit of the new clinic being built on this property. We are diligently monitoring this process daily, and construction of the facility is progressing as rapidly as weather will permit.

The projected completion of construction is June to July of 2007. I will be frequently communicating with the building department with progress updates. Thank you for considering this request for an extension, and please contact me if you have any questions.

Best regards,

Melissa Girard, DVM  
Member, Wile E. Investment LLC



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item I1

**#2007- 73- Consideration of Request of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road for a Class "C" Liquor License and Liquor Manager Designation for James Scott, 3720 State Street Apt. H9**

Staff Contact: RaNae Edwards

RESOLUTION 2007-73

WHEREAS, an application was filed by Valentino's of Lincoln, Inc., doing business as Valentino's at 2245 North Webb Road for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on March 17, 2007; such publication cost being \$13.60; and

WHEREAS, James Scott has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on March 27, 2007, for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends the application of James Scott as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2006.

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

Attest:

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

Approved as to Form	☐ _____
March 22, 2007	☐ City Attorney



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item I2

**#2007- 74- Consideration of Request of La Quscatleca Liquor, Inc. dba La Quscatleca Liquor, 411 North Vine Street for a Class "D" Liquor License and Liquor Manager Designation for Jose C. Cruz Mejicano, 1726 Hanover Lane**

Staff Contact: RaNae Edwards

RESOLUTION 2007-74

WHEREAS, an application was filed by La Quscatleca Liquor, Inc., doing business as La Quscatleca Liquor, 411 North Vine Street for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on March 17, 2007; such publication cost being \$15.34; and

WHEREAS, Jose C. Cruz Mejicano has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on March 27, 2007, for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends the application of Jose C. Cruz Mejicano as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2006.

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

Attest:

\_\_\_\_\_

Approved as to Form	<input type="checkbox"/>	_____
March 22, 2007	<input type="checkbox"/>	City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item I3

**#2007- 75- Consideration of Request of Corrasan, Inc. dba 2nd Street Family Market, 1710 West 2nd Street for a Class "D" Liquor License and Liquor Manager Designation for Jacinto Corona Jiminez, 119 East 18th Street**

Staff Contact: RaNae Edwards

R E S O L U T I O N    2007-75

WHEREAS, an application was filed by Corrasan, Inc., doing business as 2<sup>nd</sup> Street Family Market, 1710 West 2<sup>nd</sup> Street for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on March 17, 2007; such publication cost being \$13.60; and

WHEREAS, Jacinto Corona Jiminez has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on March 27, 2007, for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends the application of Jacinto Corona Jiminez as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2006.

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

Attest:

\_\_\_\_\_  
Approved as to Form    ☐ \_\_\_\_\_  
March 22, 2007            ☐ City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item I4

**#2007-76- Consideration of Request of Bradley Shearer dba  
Bogey's, 2848 South Locust Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

RESOLUTION 2007-76

WHEREAS, an application was filed by Bradley Shearer doing business as Bogey's, 2848 South Locust Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on March 17, 2007; such publication cost being \$14.03; and

WHEREAS, a public hearing was held on March 27, 2007, for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: \_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2006.

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

Attest:

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

Approved as to Form	<input type="checkbox"/>	_____
March 22, 2007	<input type="checkbox"/>	City Attorney



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item J1

**Approving Payment of Claims for the Period of March 14, 2007  
through March 27, 2007**

*The Claims for the period of March 14, 2007 through March 27, 2007 for a total amount of  
\$3,509,109.95. A MOTION is in order.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, March 27, 2007

Council Session

## Item J2

### **Approving Payment of Claims for the Library Expansion for the Period of March 14, 2007 through March 27, 2007**

*The Claims for the Library Expansion for the period of March 13, 2007 through March 27, 2007 for the following requisitions:*

#63    \$589.48

*Total:*    \$589.48

*A MOTION is in order.*

Staff Contact: Steve Fosselman

EXHIBIT B  
Mortgage, Trust Indenture and Security Agreement

Requisition Form

REQUISITION FOR DISBURSEMENT

Requisition No. 63

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

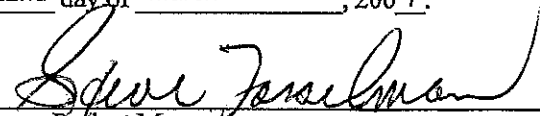
As Trustee under that Mortgage, Trust Indenture and Security Agreement, dated as of October 1, 2005 (the "Indenture"), executed by Grand Island Facilities Corporation, a Nebraska nonprofit corporation (the "Corporation") under which you serve as trustee, you are hereby directed to make payment from the 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>
Ryder	\$258.48	
Ryder	<u>\$331.00</u>	Rented Truck
Total	\$589.48	Rented Truck

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 22nd day of March, 2007.

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



# Invoice

March 14, 2007

Page 1

3036-289446  
GRAND ISLAND PUBLIC LIBRARY  
MR STEVE FOSSELMAN  
211 N WASHINGTON ST  
GRAND ISLAND, NE. 68801

Invoice number: 230880  
Customer number: 00987-289446  
District number: 3036  
DES MOINES

BENEFIT FROM THE  
EASE OF E-BILLS, GET  
YOUR BILL VIA FAX OR  
EMAIL.888-947-0010

**Payment due 03/26/07**

Remit to:  
Ryder Transportation Services  
P.O. Box 96723  
Chicago, IL 60693  
Phone: 800-947-9337  
Please indicate the invoice number 230880 on your remittance

**Total due \$258.48**

## Summary of charges

	Vehicle/Agreement	Fixed Rental	Variable	Total
<b>Rental</b>	471846/00576966	275.00	16.52CR	258.48
<b>Agreements</b>	Agreements total	275.00	16.52CR	258.48
	<b>Total charges</b>	275.00	16.52CR	<b>\$258.48</b>

## News from Ryder

Ryder reports monthly to Dun & Bradstreet,  
CreditExchange and Experian.  
Thank you for your business.



# Invoice

March 7, 2007

Page 1

3036-289446  
GRAND ISLAND PUBLIC LIBRARY  
MR STEVE FOSSELMAN  
211 N WASHINGTON ST  
GRAND ISLAND, NE. 68801

Invoice number: 230601  
Customer number: 00987-289446  
District number: 3036  
DES MOINES

BENEFIT FROM THE  
EASE OF E-BILLS, GET  
YOUR BILL VIA FAX OR  
EMAIL.888-947-0010

**Payment due 03/19/07**

Remit to:  
Ryder Transportation Services  
P.O. Box 96723  
Chicago, IL. 60693  
Phone: 800-947-9337  
Please indicate the invoice number 230601 on your remittance

**Total due \$331.00**

## Summary of charges

	Vehicle/Agreement	Fixed Rental	Variable	Total
<b>Rental</b>	471846/00576966	275.00	56.00	331.00
<b>Agreements</b>	Agreements total	275.00	56.00	331.00
	<b>Total charges</b>	275.00	56.00	<b>\$331.00</b>

## News from Ryder

Ryder reports monthly to Dun & Bradstreet,  
CreditExchange and Experian.  
Thank you for your business.