
City of Grand Island



Tuesday, April 24, 2007

Council Session Packet

City Council:

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

Mayor:

Margaret Hornady

City Administrator:

Vacant

City Clerk:

RaNae Edwards

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

Call to Order

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

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

Invocation - Pastor Todd Bowen, Grace Covenant Church, 418 West 12th Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item C1

Proclamation "Arbor Day" April 27, 2007

In 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees. This holiday was designated "Arbor Day" and is now observed in Nebraska, throughout the nation and the world. In conjunction with Arbor Day, the City of Grand Island is celebrating its 21st year as a "Tree City USA". The Mayor has proclaimed April 27, 2007 as "Arbor Day" in the City of Grand Island and encourages citizens to support efforts to protect our trees and woodlands. See attached PROCLAMATION.

Staff Contact: Mayor Margaret Hornady

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

PROCLAMATION

- WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and
- WHEREAS, Arbor Day is now observed in Nebraska, throughout the nation and the world; and
- WHEREAS, trees can reduce erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and
- WHEREAS, trees are a renewable resource giving us paper, wood for construction, fuel for our fires, and countless other wood products; and
- WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, beautify our community; and
- WHEREAS, the City of Grand Island is celebrating its 21st year as a Tree City;

NOW THEREFORE I, Margaret Hornady, Mayor of Grand Island, Nebraska, do hereby proclaim April 27, 2007 as

"Arbor Day"

in the City of Grand Island and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

Further, I urge all citizens to prune, plant, and care for trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this 24th day of April in the year of our Lord Two Thousand Seven.



Attest:

Margaret Hornady

Mayor of Grand Island, Nebraska

RaNae Edwards

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item C2

Proclamation "Tourism Recognition Month" May 2007

Whereas, travel and tourism is extremely important to the community of Grand Island in terms of revenues generated, and because the travel and tourism industry contributes to the employment, economic prosperity, international trade, and relations and peace, understanding, and goodwill, Mayor Hornady, in conjunction with the Hall County Convention and Visitors Bureau, has proclaimed the month of May as "Tourism Month". See attached PROCLAMATION.

Staff Contact: Mayor Margaret Hornady

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

PROCLAMATION

WHEREAS, the travel and tourism industry in Grand Island is vital to our economic stability and growth and it contributes substantially to Grand Island's employment, economic prosperity, international trade and relations, peace, understanding and goodwill; and

WHEREAS, travel and tourism ranks as one of Grand Island's largest industries in terms of revenue generated contributing over \$135 million in our economy in 2006 with over 1 million people visiting our attractions and staying in our hotels; and

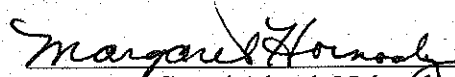
WHEREAS, recognizing travel and tourism can be expected to play an even greater role in the lives of those who live in the Greater Grand Island area.

NOW, THEREFORE, I, Margaret Hornady, Mayor of the City Grand Island, Nebraska, in recognition of the unique significance of the travel and tourism industry in the lives of the citizens of Grand Island, do hereby proclaim, May 2007 as

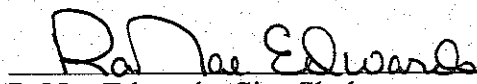
"Tourism Recognition Month"

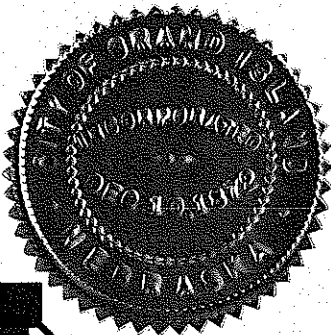
in the City of Grand Island, and urge all citizens to observe tourism with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Grand Island to be affixed this 24th day of April in the year of our Lord Two Thousand and Seven.


Mayor of Grand Island, Nebraska

Attest:


RaNae Edwards, City Clerk





City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E1

**Public Hearing on Request of Casey's Retail Company dba Casey's
General Store #2707, 806 North Eddy Street for a Class "B"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 24, 2007

Subject: Public Hearing on Request of Casey's Retail Company
dba Casey's General Store #2707, 806 North Eddy Street
for a Class "B" 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

Casey's Retail Company dba Casey's General Store #2707, 806 North Eddy Street has submitted an application for a Class "B" Liquor License. A Class "B" Liquor License allows for the sale of beer 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.

Also included with this application is a request from Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska 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 Casey's Retail Company dba Casey's General Store #2707, 806 North Eddy Street for a Class "B" Liquor License contingent upon final inspections and Liquor Manager Designation for Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska with the stipulation that Ms. Krings complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "B" Liquor License Casey's Retail Company
dba Casey's General Store, #2707, 806 N Eddy Street, Grand Island,
Nebraska

The Grand Island Police Department has received an application for Class "B" Liquor License for Casey's Retail Company, dba Casey's General Store, #2707, 806 N Eddy Street, Grand Island, Nebraska.

From looking at the Commission's web site, it appears that the officers listed on this application are listed on the current application which means they've already been checked out. In addition, all of the officers have Iowa addresses. With my inability to run criminal histories through NCIC for liquor license investigations, coupled with the fact that the State will be checking criminal histories from the officers' fingerprint submissions, I did not contact each city in Iowa for further information on the applicants. Also, it doesn't appear that our community has had any major problems with liquor violations at any of the Casey's in Grand Island, NE.

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

DV/rk *Dave Vitera*

04/03/07
14:15

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 12:05:57 04/03/2007
Occurred before : 12:05:57 04/03/2007
When reported : 12:05:57 04/03/2007
Date disposition declared : 04/03/2007
Incident number : L07040328
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 806 Eddy 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 : 2154
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L06021185	04/03/07	Liquor Lic Inv	Related
NM	110778	04/03/07	Caseys General Store,	Business
NM	114448	04/03/07	Krings, Tina M	Liquor Manager

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Casey's Located at 806 N. Eddy and Liquor Manager Designate for Tina Krings

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	12:09:42 04/03/2007

Grand Island Police Department
Supplemental Report

I received a Liquor License application for Casey's General Store located at

04/03/07
14:15

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

1814 N. Eddy. Casey's currently has a Class D License which is for off sale beer, wine, and distilled spirits. They are downgrading to a Class B License which is for off sale beer only. I also received an application for Tina Krings to be the Liquor Manager Designate for Casey's.

I checked Spillman and found that Krings had no violations. I also checked her through NCJIS. She did not have any violations on her driving record, nor did she have any criminal history through Nebraska. Tina did not list any information about her spouse. Where the application asks for a name, it says, "Separated-process of divorce." There is also a handwritten note by the spouse information that says, "Ok'd per Hobie." Hobert "Hobie" Rupe is the Executive Director of the Liquor Control Commission.

From looking at the Commission's web site, it appears that the officers listed on this application are listed on the current application which means they've already been checked out. In addition, all of the officers have Iowa addresses. With my inability to run criminal histories through NCIC for liquor license investigations, coupled with the fact that the State will check criminal histories from the officers fingerprint submissions, I did not contact each city in Iowa for further information on the applicants. Also, it doesn't appear that our community has had any major problems with liquor violations at any of the Casey's in Grand Island.

It is the Police Department's recommendation to approve the liquor license for Casey's and the Liquor Manager Designation for Tina Krings.

Date, Time: Tue Apr 03 14:05:35 CDT 2007
Reporting Officer: Vitera
Unit #: 835



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings,
Casey's Retail Company dba Casey's General Store #2707, located
at 806 N Eddy Street, Grand Island, NE.

The Grand Island Police Department has received an application for Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store #2707, located at 806 N Eddy Street, Grand Island, NE.

No violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store, #2707, located at 806 N Eddy Street, Grand Island, NE.

DV/rk *Dave Vitera*



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E2

**Public Hearing on Request of Casey's Retail Company dba Casey's
General Store #2737, 1814 North Eddy Street for a Class "B"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 24, 2007

Subject: Public Hearing on Request of Casey's Retail Company
dba Casey's General Store #2737, 1814 North Eddy
Street for a Class "B" 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

Casey's Retail Company dba Casey's General Store #2737, 1814 North Eddy Street has submitted an application for a Class "B" Liquor License. A Class "B" Liquor License allows for the sale of beer 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.

Also included with this application is a request from Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska 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 Casey's Retail Company dba Casey's General Store #2737, 1814 North Eddy Street for a Class "B" Liquor License contingent upon final inspections and Liquor Manager Designation for Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska with the stipulation that Ms. Krings complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "B" Liquor License Casey's Retail Company
dba Casey's General Store, #2737, 1814 N Eddy Street, Grand Island,
Nebraska

The Grand Island Police Department has received an application for Class "B" Liquor License for Casey's Retail Company, dba Casey's General Store, #2737, 1814 N Eddy Street, Grand Island, Nebraska.

From looking at the Commission's web site, it appears that the officers listed on this application are listed on the current application which means they've already been checked out. In addition, all of the officers have Iowa addresses. With my inability to run criminal histories through NCIC for liquor license investigations, coupled with the fact that the State will be checking criminal histories from the officers' fingerprint submissions, I did not contact each city in Iowa for further information on the applicants. Also, it doesn't appear that our community has had any major problems with liquor violations at any of the Casey's in Grand Island, NE.

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

DV/rk

A handwritten signature in dark ink, appearing to read "Dave Vitera".

04/03/07
16:01

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 12:02:37 04/03/2007
Occurred before : 12:02:37 04/03/2007
When reported : 12:02:37 04/03/2007
Date disposition declared : 04/03/2007
Incident number : L07040327
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1814 Eddy 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 : 26185
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L06022058	04/03/07	Liquor Lic Inv	Related
NM	110780	04/03/07	Caseys General Store,	Business
NM	114448	04/03/07	Krings, Tina M	Liquor Manager

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Casey's located at 1814 N. Eddy and Liquor Manager Designation for Tina Krings

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:57:52 04/03/2007

Grand Island Police Department
Supplemental Report

I received a Liquor License application for Casey's General Store located at

04/03/07
16:01

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

1814 N. Eddy. Casey's currently has a Class D License which is for off sale beer, wine, and distilled spirits. They are downgrading to a Class B License which is for off sale beer only. I also received an application for Tina Krings to be the Liquor Manager Designate for Casey's.

I checked Spillman and found that Krings had no violations. I also checked her through NCJIS. She did not have any violations on her driving record, nor did she have any criminal history through Nebraska. Tina did not list any information about her spouse. Where the application asks for a name, it says, "Separated-process of divorce." There is also a handwritten note by the spouse information that says, "Ok'd per Hobie." Hobert "Hobie" Rupe is the Executive Director of the Liquor Control Commission.

From looking at the Commission's web site, it appears that the officers listed on this application are listed on the current application which means they've already been checked out. In addition, all of the officers have Iowa addresses. With my inability to run criminal histories through NCIC for liquor license investigations, coupled with the fact that the State will check criminal histories from the officers' fingerprint submissions, I did not contact each city in Iowa for further information on the applicants. Also, it doesn't appear that our community has had any major problems with liquor violations at any of the Casey's in Grand Island.

It is the Police Department's recommendation to approve the liquor license for Casey's and the Liquor Manager Designation for Tina Krings.

Date, Time: Tue Apr 03 15:58:18 CDT 2007
Reporting Officer: Vitera
Unit #: 835



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings
for Casey's General Store, #2737 located at 1814 North
Eddy Street, Grand Island, Nebraska

The Grand Island Police Department has received an application for Liquor Manager Designation for Casey's Retail Company, dba Casey's General Store, #2737, 1814 N Eddy Street, Grand Island, Nebraska.

No Violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's General Store, #2737, located at 1814 North Eddy Street, Grand Island, Nebraska.

DV/rk *Dave Vitera*



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E3

Public Hearing on Request of Don Kruse dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a Class "A" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 24, 2007

Subject: Public Hearing on Request of Don Kruse dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a Class "A" 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

Don Kruse dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road has submitted an application for a Class "A" Liquor License. A Class "A" Liquor License allows for the sale of beer on 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.

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 Don Kruse dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a Class "A" Liquor License contingent upon final inspections and with the stipulation that Mr. Kruse complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 6, 2007

TO: RaNae Edwards City clerk


FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "A" Liquor License for Don Kruse dba Jackrabbit Run
Golf Course, 2800 North Shady Bend Road, Grand Island, Nebraska 68801

The Grand Island Police Department has received an application for a Class "A" Liquor License from Don Kruse dba Jackrabbit Run Golf Course, 2800 North Shady Bend Road, Grand Island, Nebraska 68801.

A check of records for Donald E. Kruse and his wife, Charlene E. Kruse revealed no violations.

Therefore, the Grand Island Police Department has no objections to the issuance of this liquor license to Donald Kruse dba Jackrabbit Run Golf Course.

DV/rk 

04/05/07
16:00

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 15:39:11 04/05/2007
Occurred before : 15:39:11 04/05/2007
When reported : 15:39:11 04/05/2007
Date disposition declared : 04/05/2007
Incident number : L07040659
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 2800 Shady Bend Rd 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 : 14884
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	55014	04/05/07	Jack Rabbit Run,	Business
NM	58411	04/05/07	Kruse, Donald E	Applicant
NM	122893	04/05/07	Kruse, Charlene E	Donald's Wife

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Jackrabbit Run Golf Course

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:53:46 04/05/2007

Grand Island Police Department
Supplemental Report

I received a liquor license application for Donald E. Kruse dba Jackrabbit Run Golf Course. Donald's wife is Charlene E. Kruse. I checked Spillman for Donald and Charlene. Donald didn't have any violations listed, and there was

04/05/07
16:00

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

not an entry for Charlene. I also checked each of them through NCJIS. Neither one of them had any undisclosed violations on their driving record. I also checked for criminal history through NCJIS. Neither one of them had any criminal history.

It is the Police Department's recommendation to approve the liquor license for Donald Kruse dba Jackrabbit Run Golf Course.

Date, Time: Thu Apr 05 15:58:31 CDT 2007
Reporting Officer: Vitera
Unit #: 835



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E4

**Public Hearing on Tax Increment Financing for Pro Con
Handicapped Housing Development**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP CRA Director

Meeting: April 24, 2007

Subject: TIF Application from Procon Development LLC

Item #'s: E-4 & G-6

Presenter(s): Chad Nabity, AICP CRA Director

Background

Procon Development LLC has applied for tax increment financing for the development of 20 handicap accessible apartments on the south side of Capital Avenue east and west of Geddes Street in the City of Grand Island. The property is legally described as Lots 1 and 2 of Sunny Side Second Subdivision and Lots 1, 2 and 3 of Goodrich Second Subdivision. To extend tax increment financing through a redevelopment contract, the developer must obtain the approval of the Community Redevelopment Authority and obtain the approval of the Planning Commission prior to coming before the City Council for final approval. Procon Development LLC has obtained the approval of the Community Redevelopment Authority and has also obtained approval from the Regional Planning Commission at their April 4, 2007 meeting. This project was previously approved for tax increment financing in by the Grand Island City Council in June of 2005. No action was taken on that project and the project is being brought forward for final approval at this time. The developers expect to begin work on the project in the next 90 days. This project now comes before the City Council for final consideration for authorizing tax increment financing.

Discussion

Procon Development LLC, has submitted a redevelopment proposal in a timely manner to the Community Redevelopment Authority for consideration. The Community Redevelopment Authority has prepared the redevelopment contract for use in extending tax increment financing assistance to Procon Development LLC. Procon Development LLC proposes to build 20 handicap accessible apartments (5 building with 4 units in each building each unit approx 960 sq. ft. plus attached garage) This project will be built on a site on the south side of Capital Avenue east and west of Geddes Street. Following the CRA approval, the Hall County Planning Commission reviewed the amendment to the redevelopment plan for blight and substandard area number 5. They determined that the

proposed development is consistent with the existing zoning and future land use planned for the City of Grand Island and recommended approval. This proposed redevelopment contract, which would extend tax increment financing for fifteen years to this project is now before the City Council for consideration. The total tax increment financing allowed for this project may not exceed \$420,000 during this 15 year period.

Alternatives

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

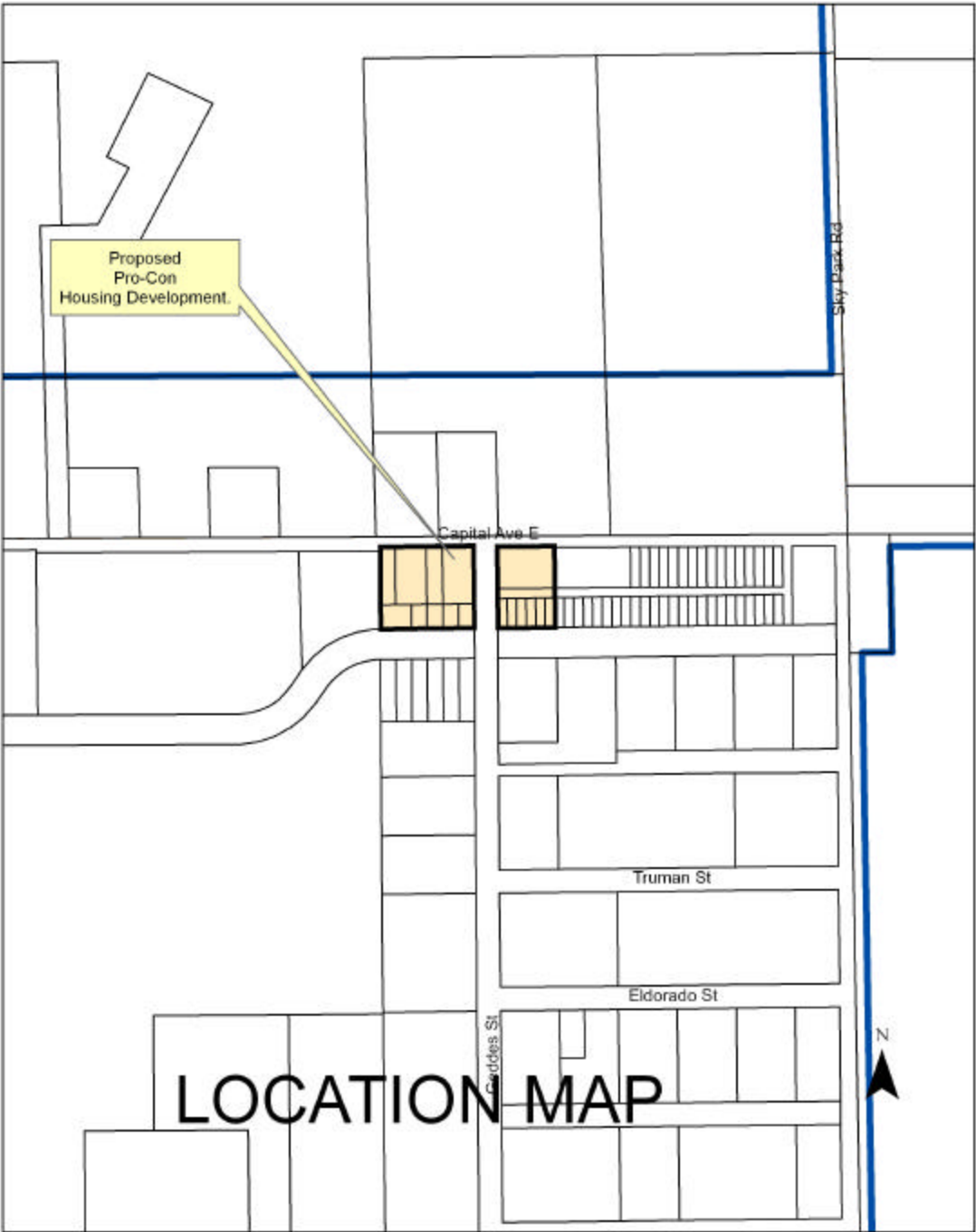
1. Move to approve the resolution authorizing the use of tax increment financing for the proposed project.
2. Not approve the use of tax increment financing for this project.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the use of tax increment financing for this project.

Sample Motion

Motion to approve a resolution to use tax increment financing for the redevelopment project of Procon Development LLC.



REDEVELOPMENT CONTRACT

This Redevelopment Contract is made and entered into as of the ____ day of _____, 2007, by and between the Community Redevelopment Authority of the City of Grand Island, Nebraska (“Authority”) and Procon Development Company, L.L.C., (“Redeveloper”), whether one or more.

WITNESSETH:

WHEREAS, Authority is a duly organized and existing community redevelopment authority, a body politic and corporate under the law of the State of Nebraska, with lawful power and authority to enter into this Redevelopment Contract, acting by and through its Chair or Vice Chair and Members;

WHEREAS, the City of Grand Island, Nebraska (the “City”), in furtherance of the purposes and pursuant to the provisions of Section 2 of Article VIII of the Nebraska Constitution and Sections 18-2101 to 18-2154, Reissue Revised Statutes of Nebraska, 1999, as amended (collectively the “Act”), has adopted a Redevelopment Plan for a blighted and substandard area designated by the City; and

WHEREAS, Authority and Redeveloper desire to enter into this Redevelopment Contract for acquisition and redevelopment of the redevelopment area;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth, Authority and Redeveloper do hereby covenant, agree and bind themselves as follows:

ARTICLE I

DEFINITIONS AND INTREPRETATION

Section 1.01 Terms Defined in this Redevelopment Contract.

Unless the context otherwise requires, the following terms shall have the following meanings for all purposes of this Redevelopment Contract, such definitions to be equally applicable to both the singular and plural forms and masculine, feminine and neuter gender of any of the terms defined:

“Act” means Section 12 of Article VIII of the Nebraska Constitution, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, 1943, as amended, and acts amendatory thereof and supplemental thereto.

“City” means the City of Grand Island, Nebraska.

“Completion” means substantial completion of the Project as described on the attached Exhibit B.

“Governing Body” means the Mayor and City Council of the City, of Grand Island, Nebraska.

“Premises” or “Redevelopment Area” means all that certain real property situated in the City of Grand Island, Hall County, Nebraska, more particularly described as Exhibit A attached hereto and incorporated herein by this reference.

“Project” means the improvements to the Premises, as further described in Exhibit B attached hereto and incorporated herein by reference.

“Project Costs” means only costs or expenses incurred by Redeveloper to acquire, construct and equip the Project pursuant to the Act as identified on Exhibit C.

“Redevelopment Contract” means this redevelopment contract between Authority and Redeveloper dated _____, 2007, with respect to the Project.

“Redevelopment Plan” means the Redevelopment Plan for Area No. 5, prepared by the Authority and approved by the City pursuant to the Act, as amended from time to time.

“Resolution” means the Resolution of the Authority dated April 4, 2007, as supplemented from time to time, approving this Redevelopment Contract.

“TIF” Revenues” means incremental ad valorem taxes generated by the Project which are allocated to and paid to the Authority pursuant to the Act.

ARTICLE II

REPRESENTATIONS

Section 2.01 Representations by Authority.

Authority makes the following representations and findings;

(a) Authority is a duly organized and validly existing community redevelopment authority under the Act.

(b) The Redevelopment Plan has been duly approved and adopted by the City pursuant to Section 18-2116 and 18-2117 of the Act.

(c) The Authority deems it to be in the public interest and in furtherance of the purposes of the Act to accept the proposal submitted by Redeveloper as specified herein.

(d) The Redevelopment Project will achieve the public purposes of the Act by, among other things, increasing employment, improving public infrastructure, increasing the tax base, and lessening conditions of blight and substandard in the Redevelopment Area.

Section 2.02 Representations of Redeveloper.

The Redeveloper makes the following representations:

(a) The Redeveloper is a Nebraska limited liability company having the power to enter into this Redevelopment Contract and perform all obligations contained herein and by proper action has been duly authorized to execute and deliver this Redevelopment Contract.

(b) The execution and delivery of the Redevelopment Contract and the consummation of the transactions therein contemplated will not conflict with or constitute a breach of or default under any bond, debenture, note or other evidence of indebtedness or any contract, loan agreement or lease to which Redeveloper is a party or by which it is bound, or result in the creation or imposition of any lien, charge or encumbrance of any nature upon any of the property or assets of the Redeveloper contrary to the terms of any instrument or agreement.

(c) There is no litigation pending or to the best of its knowledge threatened against Redeveloper affecting its ability to carry out the acquisition, construction, equipping and furnishing of the Project or the carrying into effect of this Redevelopment Contract or, except as disclosed in writing to the Authority, as to any other matter materially affecting the ability of Redeveloper to perform its obligations hereunder.

(d) Any financial statements of the Redeveloper delivered to the Authority prior to the date hereof are true and correct in all respects and fairly present the financial condition of the Redeveloper and the Project as of the dates thereof; no materially adverse change has occurred in the financial condition reflected therein since the respective dates thereof; and no additional borrowings have been made by the Redeveloper since the date thereof except in the ordinary course of business, other than

the borrowing contemplated hereby or borrowings disclosed to or approved by the Authority.

ARTICLE III

OBLIGATIONS OF THE AUTHORITY

Section 3.01 Division of Taxes

In accordance with Section 18-2147 of the Act, the Authority hereby amends the Redevelopment Plan of the Authority by providing that any ad valorem tax on real property in the Project for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as provided in Section 18-2147 of the Act or until \$420,000.00 is provided through TIF, whichever occurs sooner. The effective date of this provision shall be January 1, 2008.

Section 3.02 TIF Pledge of Revenues.

Authority shall not incur TIF indebtedness in the form of a principal amount bearing interest but, rather, hereby pledges to the Redeveloper and its Lender that the Authority will pay, semi-annually, the TIF Revenues to Redeveloper's Lender as additional security for the payment of the indebtedness incurred by Redeveloper for funding the Redevelopment Project.

Section 3.03 Payment.

Authority will pay to Redeveloper's Lender the proceeds of the TIF Revenues derived from Redeveloper's semi-annual payment of ad valorem taxes on the real property included in the Redevelopment Project. If such real estate taxes are not paid by Redeveloper, no TIF Revenues will be generated to enable the Authority to pay TIF Revenues to the Redeveloper.

Section 3.04 Creation of Fund.

Authority will create a special fund to collect and hold the TIF Revenues. Such special fund shall be used for no purpose other than to pay TIF Revenues pursuant to Sections 3.02 and 3.03 above.

ARTICLE IV

OBLIGATIONS OF REDEVELOPER

Section 4.01 Construction of Project; Insurance

(a) Redeveloper will complete the Project and install all equipment necessary to operate the Project. Redeveloper shall be solely responsible for obtaining all permits and approvals necessary to acquire, construct and equip the Project. Until construction of the Project has been completed, Redeveloper shall make reports in such detail and at such times as may be reasonably requested by the Authority as to the actual progress of Redeveloper with respect to construction of the Project. Promptly after completion by the Redeveloper of the Project, the Redeveloper shall furnish to the Authority a Certificate of Completion. The certification by the Redeveloper shall be a conclusive determination of satisfaction of the agreements and covenants in this Redevelopment Contract with respect to the obligations of Redeveloper and its successors and assigns to construct the Project.

(b) Any contractor chosen by the Redeveloper or the Redeveloper itself shall be required to obtain and keep in force at all times until completion of construction, policies of insurance including coverage for contractors' general liability and completed operations and a penal bond as required by the Act. The Authority and the Redeveloper shall be named as additional insureds. Any contractor chosen by the Redeveloper or the Redeveloper itself, as an owner, shall be required to purchase and maintain property insurance upon the Project to the full insurable value thereof. This insurance shall insure against the perils of fire and extended coverage shall include "All Risk" insurance for physical loss or damage. The contractor or the Redeveloper, as the case may be, shall furnish the Authority with a Certificate of Insurance evidencing policies as required above. Such certificates shall state that the insurance companies shall give the Authority prior written notice in the event of cancellation of or material change in any of the policies.

Sections 4.02 Reserved.

Section 4.03 Redeveloper to Operate Project.

Except as provided in Section 4.08 hereof, Redeveloper will operate the Project for not less than 15 years from the effective date of the provision specified in Section 3.01 of this Redevelopment Contract.

Section 4.04 Authority Costs.

Redeveloper shall pay to Authority on the date of execution of this Redevelopment Contract, the sum of \$1,300.00 to reimburse the Authority for its fees incurred in connection with this Redevelopment Contract.

Section 4.05 No Discrimination.

Redeveloper agrees and covenants for itself, its successors and assigns that as long as this Redevelopment Contract is in effect, it will not discriminate against any person or group of persons on account of race, sex, color, religion, national origin, ancestry, disability, marital status or receipt of public assistance in connection with the Project. Redeveloper, for itself and its successors and assigns, agrees that during the construction of the Project, Redeveloper will not discriminate against any employee or applicant for employment because of race, religion, sex, color, national origin, ancestry, disability, marital status or receipt of public assistance. Redeveloper will comply with all applicable federal, state and local laws related to the Project.

Section 4.06 Pay Real Estate Taxes.

Redeveloper intends to create a taxable real property valuation of the Project of \$1,400,000.00 no later than June 1, 2008. During the term of this contract, Redeveloper will (1) not protest a real estate property valuation on the Premises of \$1,400,000.00 or less after substantial completion or occupancy; (2) not convey the Premises or structures thereon to any entity which would be exempt from the payment of real estate taxes or cause the nonpayment of such real estate taxes; and (3) cause all real estate taxes and assessments levied on the Premises to be paid prior to the time such become delinquent.

Section 4.07 Reserved.

Section 4.08 No Assignment or Conveyance.

Redeveloper shall not convey, assign or transfer the Premises, the Project or any interest therein prior to the termination of the 15 year period commencing on the effective date specified in Section 3.01 hereof, without the prior written consent of the Authority, which shall not be unreasonably withheld and which the Authority may make subject to any terms or conditions it deems appropriate, except for the following conveyances, which shall be permitted without consent of Authority:

(a) any conveyance as security for indebtedness (i) previously incurred by Redeveloper or incurred by Redeveloper after the effective date for Project Costs or any subsequent physical improvements to the premises with the outstanding principal amount of all such indebtedness (whether incurred prior to or after the effective date of this Agreement) secured by the Premises (ii) any additional or subsequent conveyance as security for indebtedness incurred by Redeveloper for Project Costs or any subsequent physical improvements to the premises provided that any such conveyance shall be subject to the obligations of the Redeveloper pursuant to this Redevelopment Contract;

(b) if Redeveloper is an individual, any conveyance to Redeveloper's spouse, or to Redeveloper's spouse or issue pursuant to bequest or the laws of intestacy upon the death of Redeveloper;

(c) any conveyance to a limited partnership or limited liability company so long as Redeveloper is general partner or manager of the entity.

ARTICLE V

FINANCING REDEVELOPMENT PROJECT; ENCUMBRANCES

Section 5.01 Financing.

Redeveloper shall pay all Project Costs, and prior to commencing Redeveloper shall provide Authority with evidence satisfactory to the Authority that private funds have been committed to the Redevelopment Project in amounts sufficient to complete the Redevelopment Project.

Section 5.02 Encumbrances.

Redeveloper shall not create any lien, encumbrance or mortgage on the Project or the Premises except encumbrances which secure indebtedness incurred to acquire, construct and equip the Project or for any other physical improvements to the Premises.

ARTICLE VI

DEFAULT, REMEDIES; INDEMNIFICATION

Section 6.01 General Remedies of Authority and Redeveloper.

Subject to the further provisions of this Article VI, in the event of any failure to perform or breach of this Redevelopment Contract or any of its terms or conditions, by either party hereto or any successor such party, such party, or successor,

shall, upon written notice from the other, proceed immediately to commence such actions as may be reasonably designed to cure or remedy such failure to perform or breach which cure or remedy shall be accomplished within a reasonable time by the diligent pursuit of corrective action. In case such action is not taken, or diligently pursued, or the failure to perform or breach shall not be cured or remedied within a reasonable time, this Redevelopment Contract shall be in default and the aggrieved party may institute such proceedings as may be necessary or desirable to enforce its rights under this Redevelopment Contract, including, but not limited to, proceedings to compel specific performance by the party failing to perform or in breach of its obligations.

Section 6.02 Additional Remedies of Authority.

In the event that:

(a) The Redeveloper, or successor in interest, shall fail to complete the construction of the Project on or before September 1, 2008, or shall abandon construction work for any period of 90 days;

(b) The Redeveloper, or successor in interest, shall fail to pay real estate taxes or assessments on the Premises or any part thereof when due, and such taxes or assessments shall not have been paid, or provisions satisfactory to the Authority made for such payment within 30 days following written notice from Authority; or

(c) There is, in violation of Section 4.08 of this Redevelopment Contract, transfer of the Premises or any part thereof, and such failure or action by the Redeveloper has not been cured within 30 days following written notice from Authority, then the Redeveloper shall be in default of this Redevelopment Contract.

In the event of such failure to perform, breach or default occurs and is not cured in the period herein provided, the parties agree that the damages caused to the Authority would be difficult to determine with certainty and that a reasonable estimation of the amount of damages that could be incurred is the amount of the unpaid TIF payment remaining pursuant to Section 3.03 of this Redevelopment Contract plus interest as provided herein (the "Liquidated Damages Amount"). The Liquidated Damages Amount shall be paid by Redeveloper to Authority within 30 days of demand from Authority.

Interest shall accrue on the Liquidated Damages Amount at the rate of one percent (1%) over the prime rate as published and modified in the Wall Street Journal

from time to time and interest shall commence from the date that the Authority gives notice to the Redeveloper demanding payment.

Payment of the Liquidated Damages Amount shall not relieve Redeveloper of its obligation to pay real estate taxes or assessments with respect to the Project.

Section 6.03 Remedies in the Event of Other Redeveloper Defaults.

In the event the Redeveloper fails to perform any other provisions of this Redevelopment Contract (other than those specific provisions contained in Section 6.02), the Redeveloper shall be in default. In such an instance, the Authority may seek to enforce the terms of this Redevelopment Contract or exercise any other remedies that may be provided in this Redevelopment Contract or by applicable law; provided, however, that the default covered by this Section shall not give rise to a right of rescission or termination of this Redevelopment Contract, and shall not be covered by the Liquidated Damages Amount.

Section 6.04 Enforced Delay Beyond Party's Control.

For the purposes of any of the provisions of this Redevelopment Contract, neither the Authority nor the Redeveloper, as the case may be, nor any successor in interest, shall be considered in breach of or default in its obligations with respect to the conveyance or preparation of the Premises for redevelopment, or the beginning and completion of the construction of the Project, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, or of the public enemy, acts of the Government, acts of the other party, fires, flood, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays in subcontractors due to such causes; it being the purpose and intent of this provision that in the event of this occurrence of any such enforced delay, the time or times for performance of the obligations of the Authority or of the Redeveloper with respect to construction of the Project, as the case may be, shall be extended for the period of the enforced delay: Provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay,

have first notified the other party thereof in writing, and of the cause or causes thereof and requested an extension for the period of the enforced delay.

Section 6.05 Limitation of Liability; Indemnification.

Notwithstanding anything in this Article VI or this Redevelopment Contract to the contrary, neither Authority, City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Contract. The obligation of the Authority shall be limited solely to the TIF Revenues pledged as security for the Redeveloper's financing. Specifically, but without limitation, neither City nor Authority shall be liable for any costs, liabilities, actions, demands, or damages for failure of any representations, warranties or obligations hereunder. The Redeveloper releases the Authority and the City from, agrees that the Authority and the City shall not be liable for, and agrees to indemnify and hold the Authority and the City harmless from any liability for any loss or damage to property or any injury to or death of any persons that may be occasioned by any cause whatsoever pertaining to the Project.

The Redeveloper will indemnify and hold each of the Authority and the City and their directors, officers, agents, employees and members of their governing bodies free and harmless from any loss, claim, damage, demand, tax, penalty, liability disbursement, expense, including litigation expenses, attorneys' fees and expenses, or court costs arising out of any damage or injury, actual or claimed, of whatsoever kind or character, to property (including loss of use thereof) or persons, occurring or allegedly occurring in, on or about the Project during the term of this Redevelopment Contract or arising out of any action or inaction of Redeveloper, injury, actual or claimed, of whatsoever kind or character, to property (including loss of use thereof) or persons, occurring or allegedly occurring in, on or about the Project during the term of this Redevelopment Contract or arising out of any action or inaction of Redeveloper, whether or not related to the Project, or resulting from or in any way related to the enforcement of this Redevelopment Contract or any other cause pertaining to the Project.

ARTICLE VII

MISCELLANEOUS

Section 7.01 Notice Recording.

A notice memorandum of this Redevelopment Contract shall be recorded with the County Register of Deeds in which the Premises is located.

Section 7.02 Governing Law.

This Redevelopment Contract shall be governed by the laws of the State of Nebraska, including but not limited to the Act.

Section 7.03 Binding Effect; Amendment.

This Redevelopment Contract shall be binding on the parties hereto and their respective heirs, personal representatives, devisees, successors and assigns. This Redevelopment Contract shall run with the Premises. The Redevelopment Contract shall not be amended except by a writing signed by the party to be bound.

IN WITNESS WHEREOF, Authority and Redeveloper have signed this Redevelopment Contract as of the date and year first above written.

REDEVELOPMENT	COMMUNITY
ATTEST:	AUTHORITY OF THE CITY OF GRAND ISLAND, NEBRASKA

By:_____

Its Chair

COMPANY,

PROCON DEVELOPMENT
L.L.C.

By

K.C. Hehnke

STATE OF NEBRASKA)
)ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Barry G. Sandstrom and Chad Nabity, Chair and Director, respectively, of the Community Redevelopment Authority of the City of Grand Island, Nebraska, on behalf of the Authority.

(SEAL)

Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this _____ day
of _____, 2007 by Procon Development Company, L.L.C. by K.C.
Hehnke, Manager.

(SEAL)

Notary Public

EXHIBIT A

DESCRIPTION OF PREMISES

Lots One (1), Two (2), and Three (3), Goodrich Second Subdivision in the City of Grand Island, Hall County, Nebraska

Known as 1703, 1711 and 1719 E. Capital Avenue

and

Lots One (1) and Two (2), Sunny Side Second Subdivision in the City of Grand Island, Hall County, Nebraska

Known as 1803 and 1809 E. Capital Avenue

EXHIBIT B

DESCRIPTION OF PROJECT

Construction of five separate four-plex handicapped accessible apartments with garages.
Each four-plex shall contain approximately 5,712 square feet of space.

EXHIBIT C

CONSTRUCTION COSTS

Land Cost

Land	\$125,000.00	\$125,000.00
------	--------------	--------------

Sewer & Water

Plumbing Contractor	\$92,000.00	\$92,000.00
---------------------	-------------	-------------

Street Paving

Pave Geddes Street 1 block	\$90,000.00	\$90,000.00
----------------------------	-------------	-------------

Fees

Cannon Moss Brygger	\$12,000.00	
Rockwell & Associates	\$16,000.00	
Financing Fees	\$20,000.00	
Total Fees	\$48,000.00	\$48,000.00

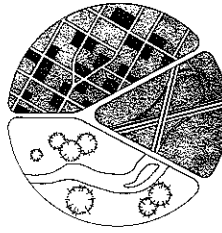
Construction Costs Per 4-plex

General Construction	\$167,000.00
Electrical Contractor	\$18,000.00
Plumbing Contractor	\$16,000.00
Heating & A/C Contractor	\$14,000.00
Painting Contractor	\$6,000.00
Cabinet Allowance	\$8,000.00
Carpet Allowance	\$2,000.00
Appliance Allowance	\$4,000.00
Handicapped Railings	\$4,000.00
Landscaping	\$10,000.00
Misc. Items	\$5,000.00
(Blinds, Mailboxes, etc)	

Total Construction Cost	\$254,000 × 5 units	\$1,270,000.00
-------------------------	---------------------	----------------

Contingency Reserves	\$80,000.00	\$80,000.00
----------------------	-------------	-------------

Estimated Total Cost of Project		\$1,705,000.00
---------------------------------	--	----------------



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Doniphan, Nebraska

April 5, 2007

Honorable Hornady, Mayor
And Members of the Council
City Hall
Grand Island, NE 68801

Dear Mayor and Members of the Council:

RE: Amendment to Redevelopment Plan for Blight & Substandard Area #5

At the regular meeting of the Regional Planning Commission, held April 4, 2005, the above item was considered following a public hearing. This application proposes to use TIF for development of handicapped accessible apartments on properties located along Capital Avenue and Geddes Street in Blight and Substandard Area #5.

Nabity said this is consistent with the existing zoning and future land use plan for the City of Grand Island and recommended approval.

No members of the public were present to comment on the proposed redevelopment plan in blight and substandard area #5.

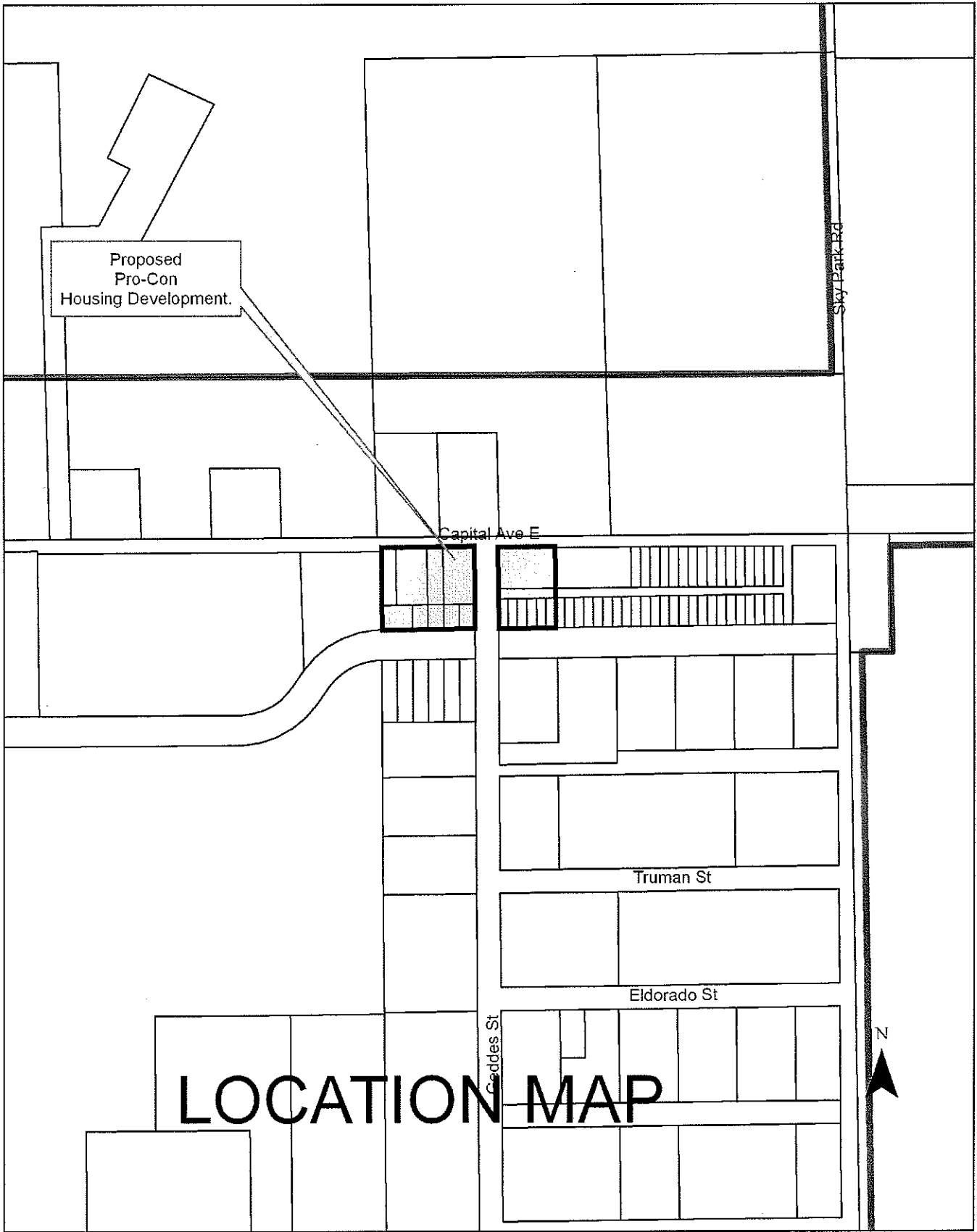
A motion was made by Hayes and seconded by Miller to **approve** and recommend that the Grand Island City Council **approve** the development plan as submitted

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

Yours truly,

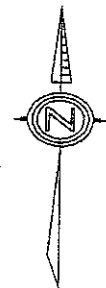
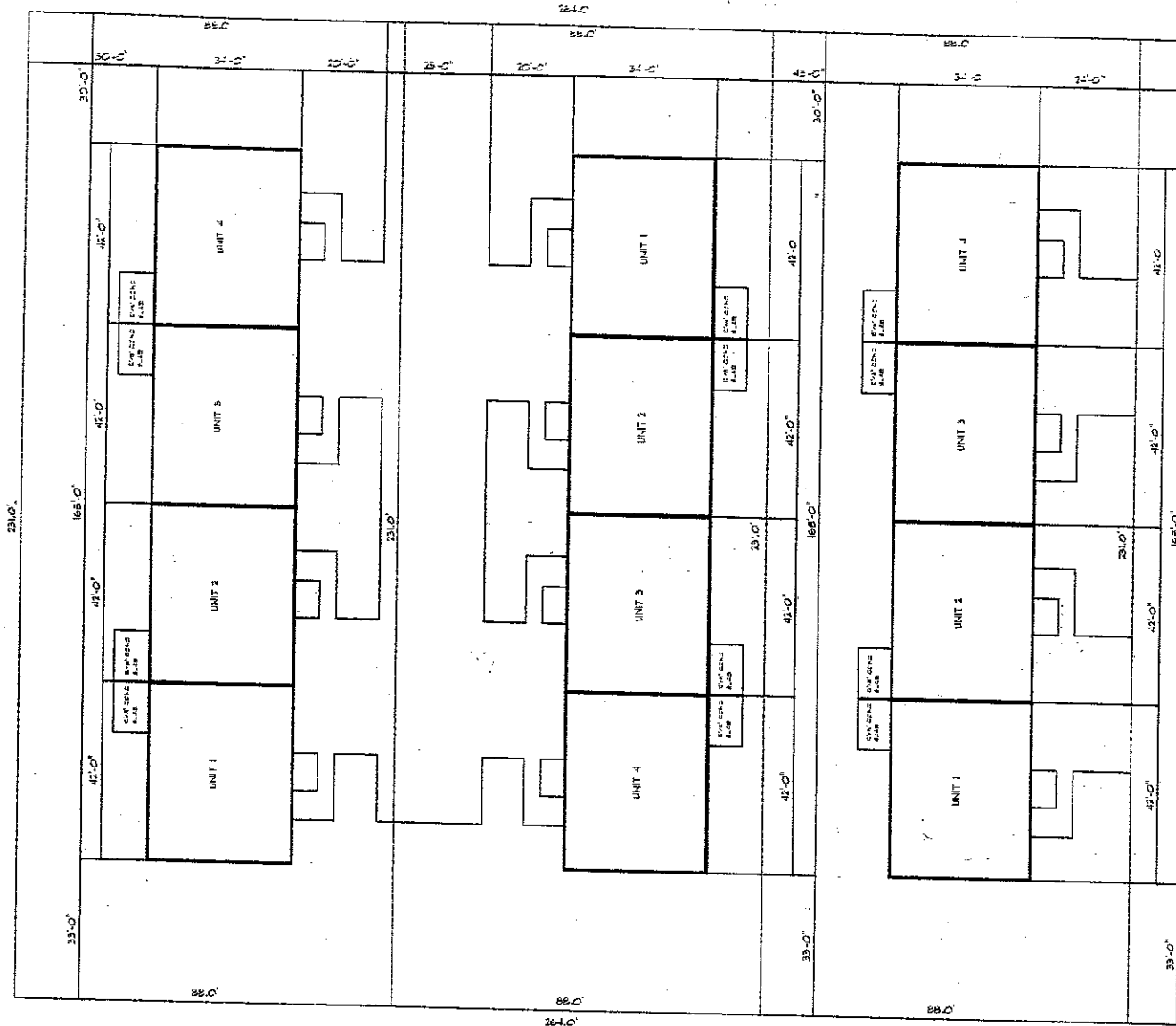
Chad Nabity AICP
Planning Director

cc: Community Redevelopment Authority



LOCATION MAP

CAPITAL AVENUE

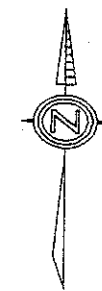
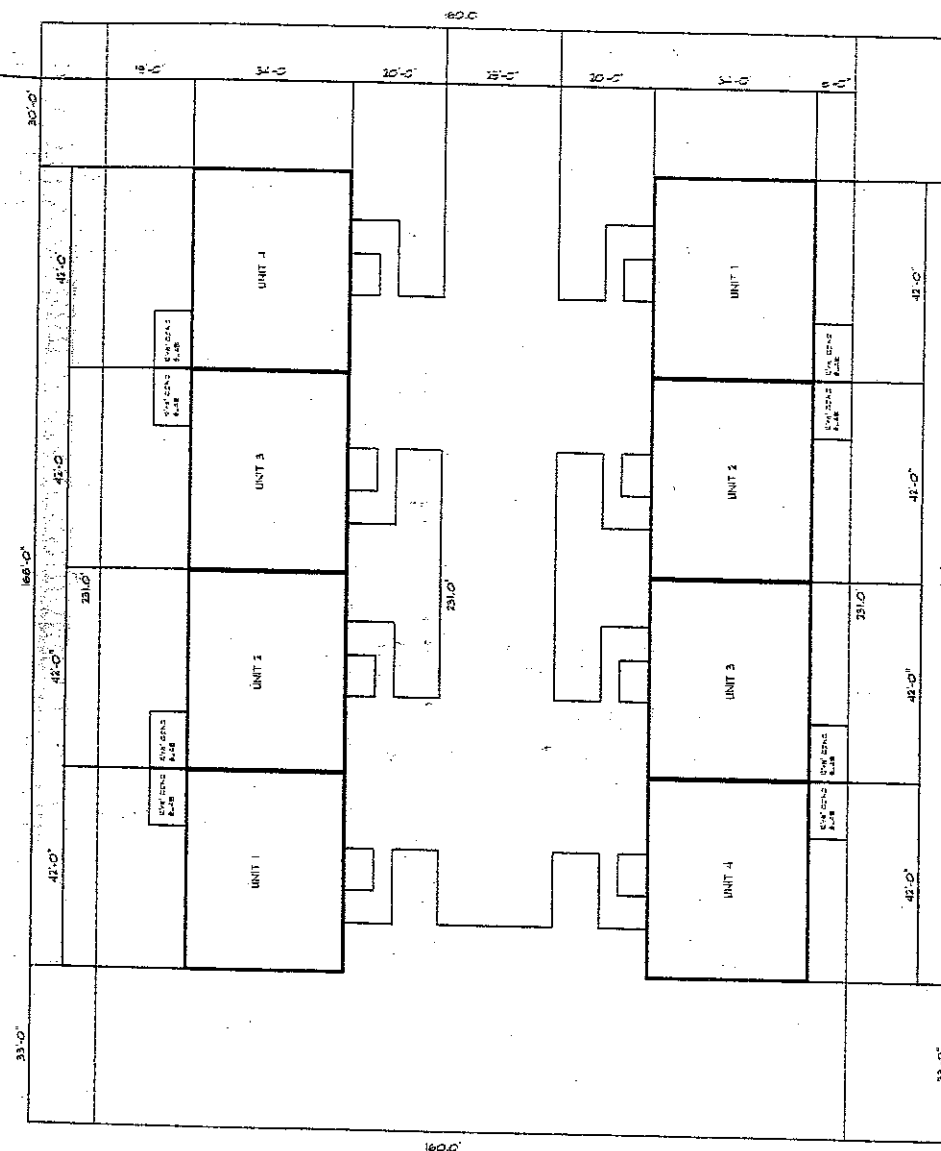


LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
BLOCK 1
GOODRICH SUBDIVISION
CITY OF GRAND ISLAND

PLOT PLAN:
1"=20'

CAPITAL AVENUE

GEDDES STREET



LOT 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
BLOCK 0
SUNNY SIDE SUBDIVISION
CITY OF GRAND ISLAND

PLOT PLAN:
1"=20'



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E5

**Public Hearing on Change of Zoning for Land Located at 1822
and 1824 East 7th Street from M-2 Heavy Manufacturing to R-4
High Density Residential**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 24, 2007

Subject: Change of Zoning for Land Located at 1822 and 1824 East 7th Street

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

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

Background

This application proposes to rezone approximately 1.357 acres of land consisting of Lot 9, Frank P. Barks' Subdivision and lots 5 and 6, Block 3, East Park, in the City of Grand Island, Hall County, Nebraska from M2 Heavy Manufacturing to R4 High Density Residential Zone. This property is located east of Skypark Road and north of 7th Street at 1822 and 1824 East 7th Street.

Discussion

There are currently 2 single family houses on these properties. The houses have been there at least 80 years. The owner of the property is requesting that the property be rezoned to permit the houses to be rebuilt in the case that they are destroyed. The property immediately to the west of this is zoned for residential purposes.

The Planning Commission held a hearing on this application at their meeting on April 4, 2007.

No members of the public spoke at the public hearing.

Planning Commission members asked if the adjoining lots 5 and 6 of East Park would be considered buildable lots if this rezoning is approved. Nabity answered that they are buildable lots now but not for residential uses only for manufacturing uses. Rezoning them would make them buildable for residential uses.

There was no further discussion of this matter.

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 Haskins and seconded by Reynolds recommend the rezoning as presented.

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

Sample Motion

Motion to approve the rezoning for property located on Lot 9, Frank P. Barks' Subdivision and Lots 5 and 6, Block 3 East Park Subdivision, in the City of Grand Island, Hall County, Nebraska (1822 and 1824 East 7th Street) from M2 Heavy Manufacturing to R4 High Density Residential Zone as recommended.



Requested Zoning



- From M2 : Heavy Manufacturing Zone
- R4 : High Density Residential Zone

Scale : NONE
C-16-2007/GI



March 20, 2007
C-15-2007GI

Dear Property Owner:

You are hereby notified that a public hearing will be held at a meeting before the Regional Planning Commission, in the Council Chambers, located in Grand Island's City Hall, 100 E First Street, beginning at 6:00 p.m., Wednesday April 4, 2007 concerning the following changes:

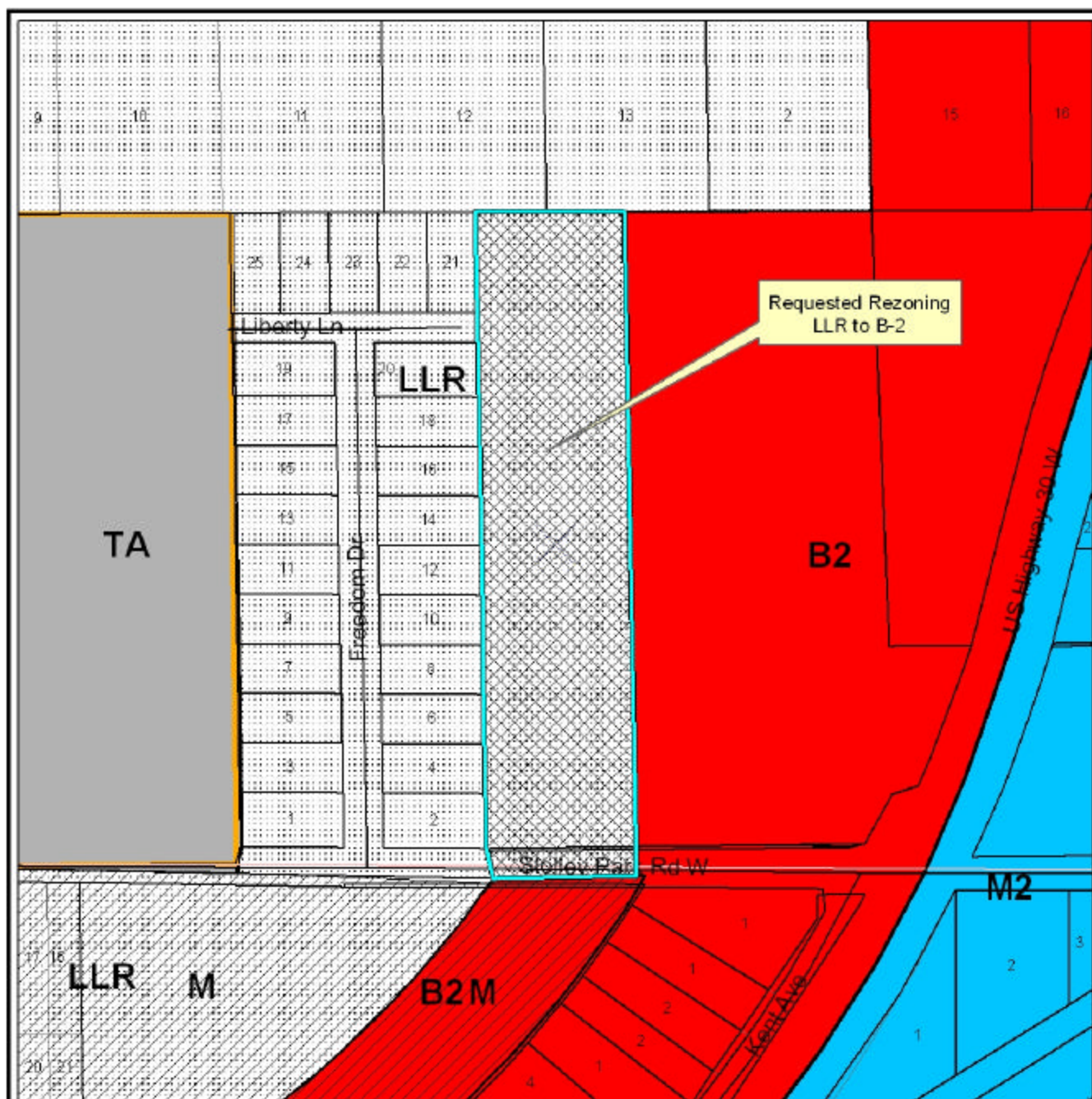
An amendment to the Grand Island Zoning Map from LLR to B2, for a tract of land comprising a part of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 SW1/4 SE1/4), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska. This property is located at 4106 West Stolley Park Road, as shown on the enclosed map.

You, as an owner of property adjacent to or within 300 feet of the proposed zone changes, are invited to attend this hearing and give testimony before the Planning Commission relative to the request. This notice is not a requirement of law, but is being sent to you in the interest of public involvement so that you will be aware of such possible land use changes adjacent to or near your property and have the opportunity to express your views.

If you have any questions concerning this proposal, please call the office of the Regional Planning Commission.



Sincerely,

Chad Nabity, AICP
Planning Director



Requested Zoning



-  From LLR : Large Lot Residential Zone
-  To B-2 : General Business Zone

Scale : NONE
C-15-2007GI



City of Kent, Ohio
Planning Department
1000 Kent Ave., Kent, Ohio 44240
Phone: 330.925.1234
Fax: 330.925.1235

March 20, 2007

Dear Members of the Board:

**RE: Change of Zone – Change of Zoning for land located 1822 and 1824 East 7th St.
(C-16-2007GI)**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a request for an amendment to the Grand Island Zoning Map from M-2 Heavy Manufacturing Zone to R-4 High Density Residential Zone for a tract of land consisting of Lot 9, Frank P. Barks' Subdivision and Lots 5 and 6 of Block 3, East Park Subdivision in the City of Grand Island, Hall County, Nebraska. This property is located at 1822 and 1824 East 7th Street, Grand Island, as shown on the enclosed map.

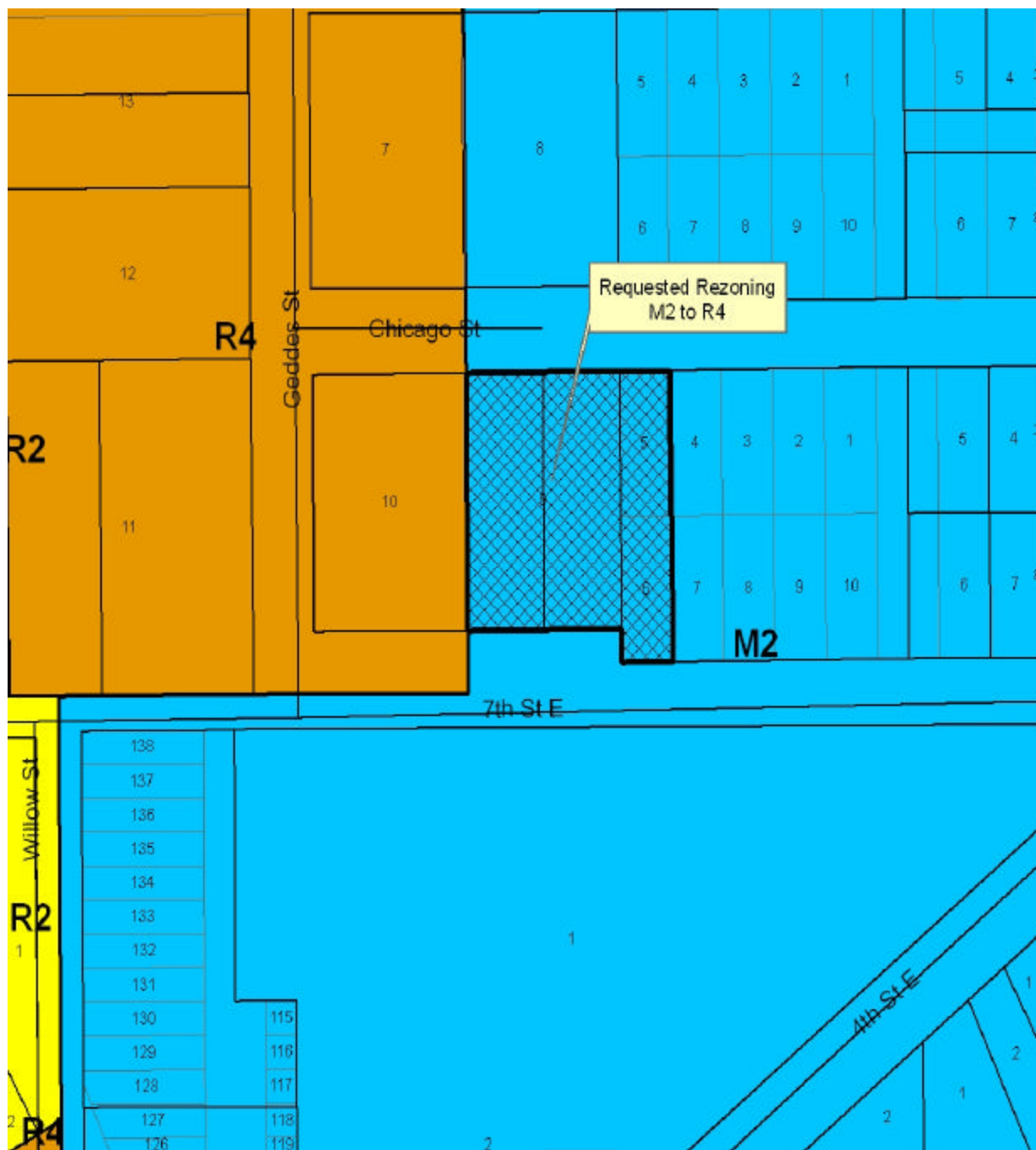
You are hereby notified that the Regional Planning Commission will consider this Change of Zone at the next meeting that will be held at 600 p.m. on April 4, 2007 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

cc: City Clerk
City Attorney
City Building Inspector Director
City Public Works Director
City Utilities Director
Manager of Postal Operations

This letter was sent to the following School Districts 1R, 2, 3, 8, 12, 16, 19, 82, 83, 100, 126.



Requested Zoning



Scale : NONE

C-16-2007GI



- From M2 : Heavy Manufacturing Zone
- R4 : High Density Residential Zone



City of Chicago
Department of Planning and Development
100 North Dearborn Street, 4th Floor
Chicago, IL 60610-4000
312.321.2200
www.chicago.gov



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E6

**Public Hearing on Change of Zoning for Land Located at 4106
West Stolley Park Road from LLR - Large Lot Residential to B-2
General Business**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 24, 2007

Subject: Change of Zoning for Land Located at 4106 West Stolley Park Road

Item #'s: E-6 & F-2

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

Background

This application proposes to change the zoning on a tract of land comprising a part of the East Half of the Southwest Quarter of the Southeast Quarter (E ½ SW ¼ SE ¼), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska from LLR Large Lot Residential to B2 General Business Zone. This property is located at 4106 West Stolley Park Road just west of U.S. Highway 30 and north of Stolley Park Road.

Discussion

Chief Industries own the property in question and intends to build corporate offices at this location. They have an immediate need for an engineering office. This office would be located at the northwest corner of the property.

The State of Nebraska Department of Roads has expressed interest in relocating U.S. Highway 30 across a portion of this property. That project is not scheduled to begin until at least 2013.

Chief is seeking this rezoning so that they can use their property to provide for their immediate corporate need (a new engineering office) without negatively impacting the proposed plans by NDOR to relocate U.S. Highway 30.

The Planning Commission held a hearing on this application at their meeting on April 4, 2007.

Paul Briseno, John Greene and Ray Keeser commented at the public hearing expressing concerns regarding increased traffic, especially construction traffic, on Liberty Lane and Freedom Drive. They stated that these roads are not built to a standard to support more

than the neighborhood traffic. The neighbors were not opposed to Chief placing offices at this location but they were concerned about traffic through their neighborhood.

Bob Eihusen, with Chief, stated that they were unsure where they would access the new building. The closest public street to the new building would be on Liberty Lane. He anticipates between 20 and 30 employees at the building.

Nabity stated that this property does have access to both Liberty Lane and Stolley Park road and that he did not believe that the City could limit access to either road at this time since they are both public streets. Liberty Lane is dedicated up to the Chief property but the improved road does not extend all the way to Chief's property. The road would have to be improved from the end of the black top to Chief's property to provide public access.

Steve Riehle, Grand Island Public Works Director, stated that Liberty Lane and Freedom Drive would not stand up to construction traffic and that Public Works would work with Chief to keep construction vehicles from using those roads.

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

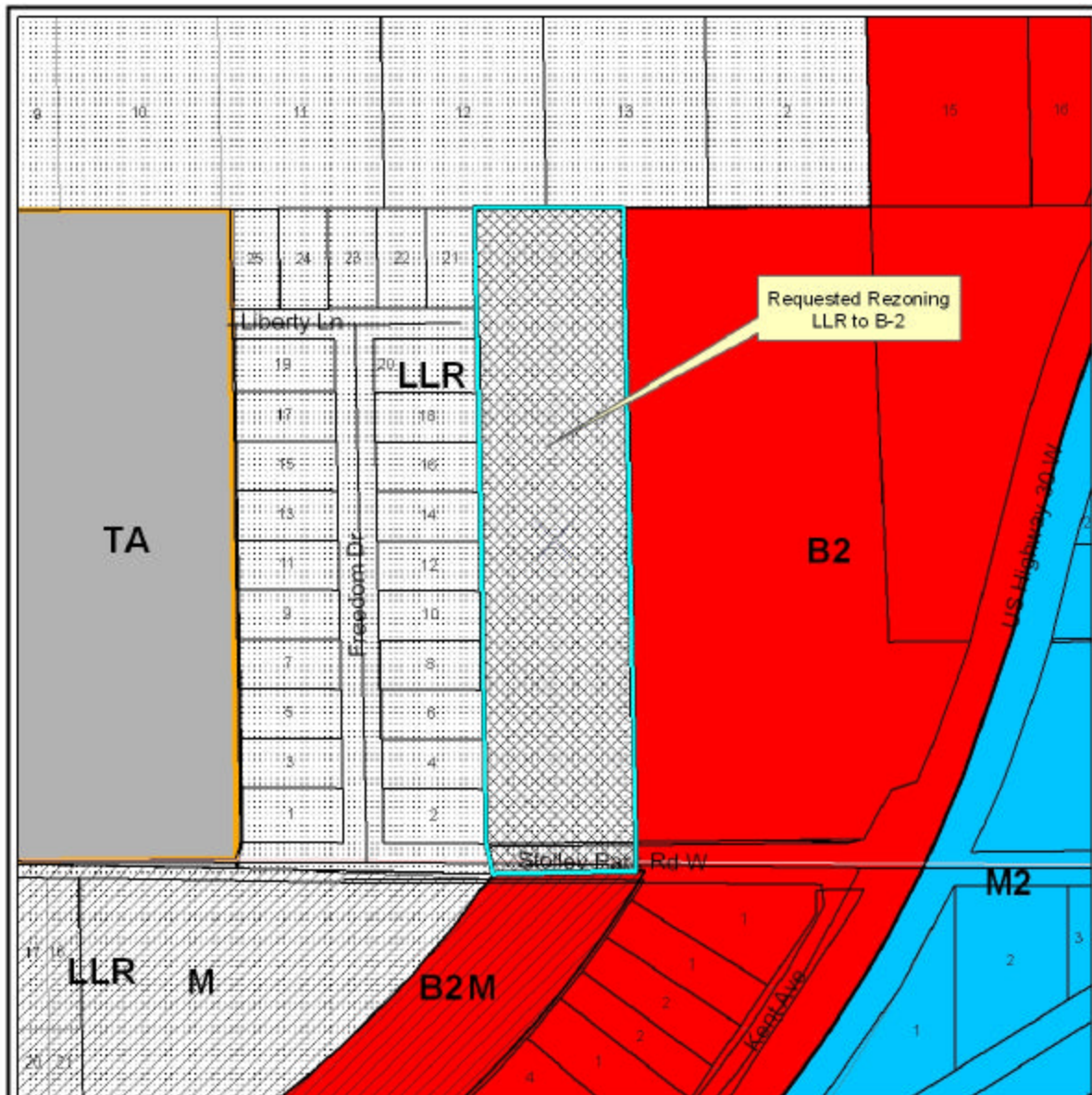
Recommendation

A motion was made by Ruge and seconded by Niemann as presented.

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

Sample Motion

Motion to approve the rezoning for property located in the E1/2 SW1/4 SE1/4 of 23-11N-10 in Grand Island, Hall County, Nebraska from LLR- Large Lot Residential to B2 – General Business Zone as recommended.



Requested Zoning



From LLR : Large Lot Residential Zone

To B-2 : General Business Zone

Scale : NONE

C-15-2007GI



PLANNING AND ZONING COMMISSION
UNINCORPORATED AND BOUNDARY TOWNSHIP
TOWNSHIP OF YORK, PENNSYLVANIA



Aerial View of Freedom Acres and Chief Property

March 20, 2007
C-15-2007GI

Dear Property Owner:

You are hereby notified that a public hearing will be held at a meeting before the Regional Planning Commission, in the Council Chambers, located in Grand Island's City Hall, 100 E First Street, beginning at 6:00 p.m., Wednesday April 4, 2007 concerning the following changes:

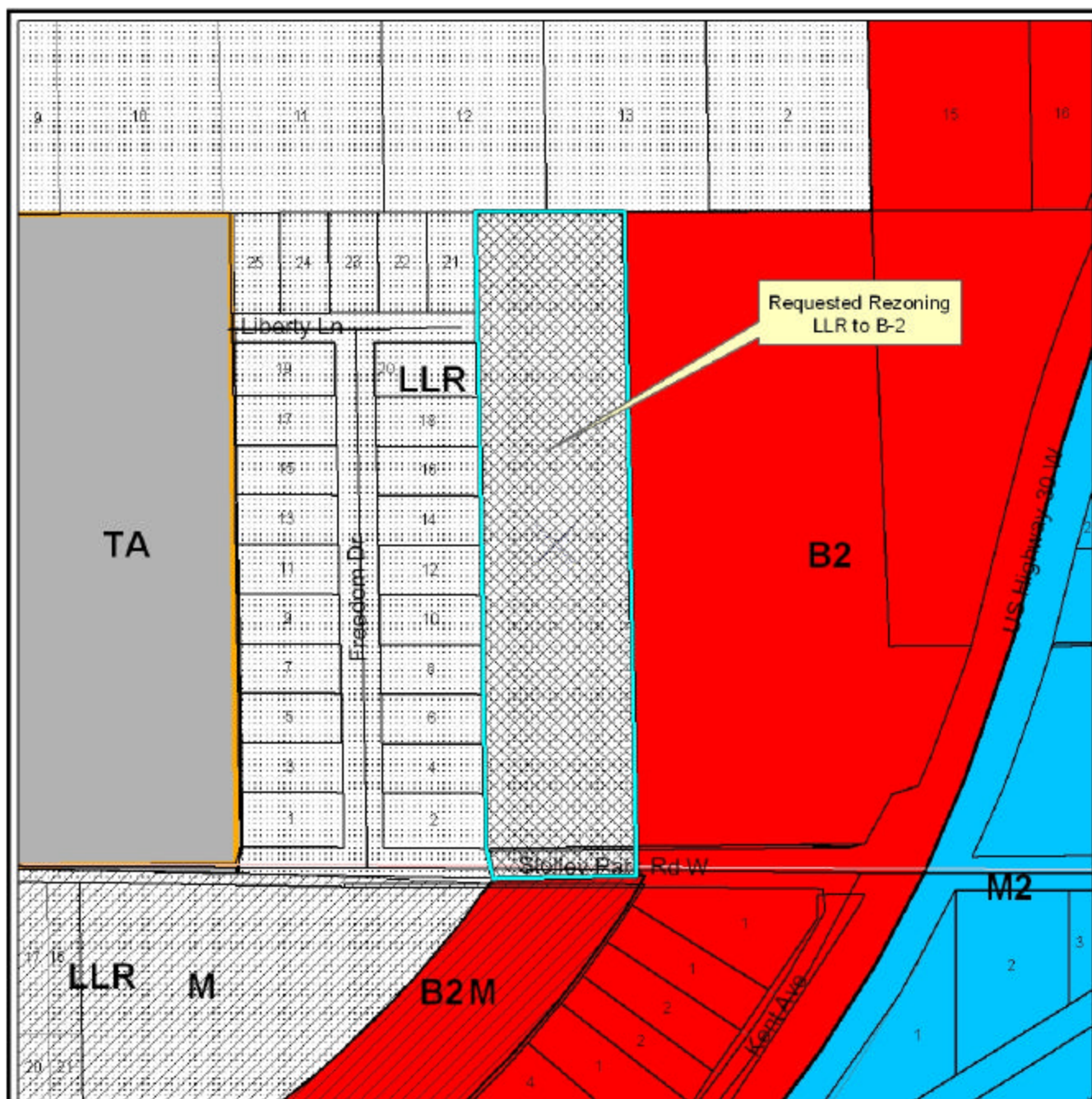
An amendment to the Grand Island Zoning Map from LLR to B2, for a tract of land comprising a part of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 SW1/4 SE1/4), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska. This property is located at 4106 West Stolley Park Road, as shown on the enclosed map.

You, as an owner of property adjacent to or within 300 feet of the proposed zone changes, are invited to attend this hearing and give testimony before the Planning Commission relative to the request. This notice is not a requirement of law, but is being sent to you in the interest of public involvement so that you will be aware of such possible land use changes adjacent to or near your property and have the opportunity to express your views.

If you have any questions concerning this proposal, please call the office of the Regional Planning Commission.

Sincerely,



Chad Nabity, AICP
Planning Director



Requested Zoning



Scale : NONE
C-15-2007GI

-  From LLR : Large Lot Residential Zone
-  To B-2 : General Business Zone



City of Kent, Ohio
Planning Department
1000 Kent Ave., Kent, Ohio 44240
Phone: 330.925.1234
Fax: 330.925.1235

March 20, 2007

Dear Members of the Board:

**RE: Change of Zone – Change of Zoning for land located 4106 West Stolley Park Rd
(C-15-2007GI)**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a request for an amendment to the Grand Island Zoning Map from LLR – Large Lot Residential to B-2 General Business Zone for a tract of land comprising a part of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 SW1/4 SE1/4), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.m., in the City of Grand Island, Hall County, Nebraska. This property is located north 4106 West Stolley Park Road, Grand Island, as shown on the enclosed map.

You are hereby notified that the Regional Planning Commission will consider this Change of Zone at the next meeting that will be held at 6:00 p.m. on April 4, 2007 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

cc: City Clerk
City Attorney
City Building Inspector Director
City Public Works Director
City Utilities Director
Manager of Postal Operations
Rockwell & Associates

This letter was sent to the following School Districts 1R, 2, 3, 8, 12, 16, 19, 82, 83, 100, 126.





City of Grand Island

Tuesday, April 24, 2007

Council Session

Item E7

**Public Hearing Concerning Acquisition of Utility Easement -
North line of Outfall Ditch 30B, Northeast of the Wastewater
Treatment Plant - Midland Ag Services, Inc.**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: April 24, 2007

Subject: Acquisition of Utility Easement – North Line of Outfall Ditch 30B, Northeast of the Wastewater Treatment Plant – Midland Ag Services, Inc.

Item #'s: E-7 & G-8

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 Midland Ag Services, Inc., located along the north line of Outfall Ditch 30B, northeast of the Wastewater Treatment Plant, 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 construct a three phase overhead feeder along the north bank of the outfall ditch. This line will become a feeder from Substation E which is located at Museum Drive, north of the outfall ditch, to the three phase line that currently exists along Shady Bend Road.

Alternatives

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

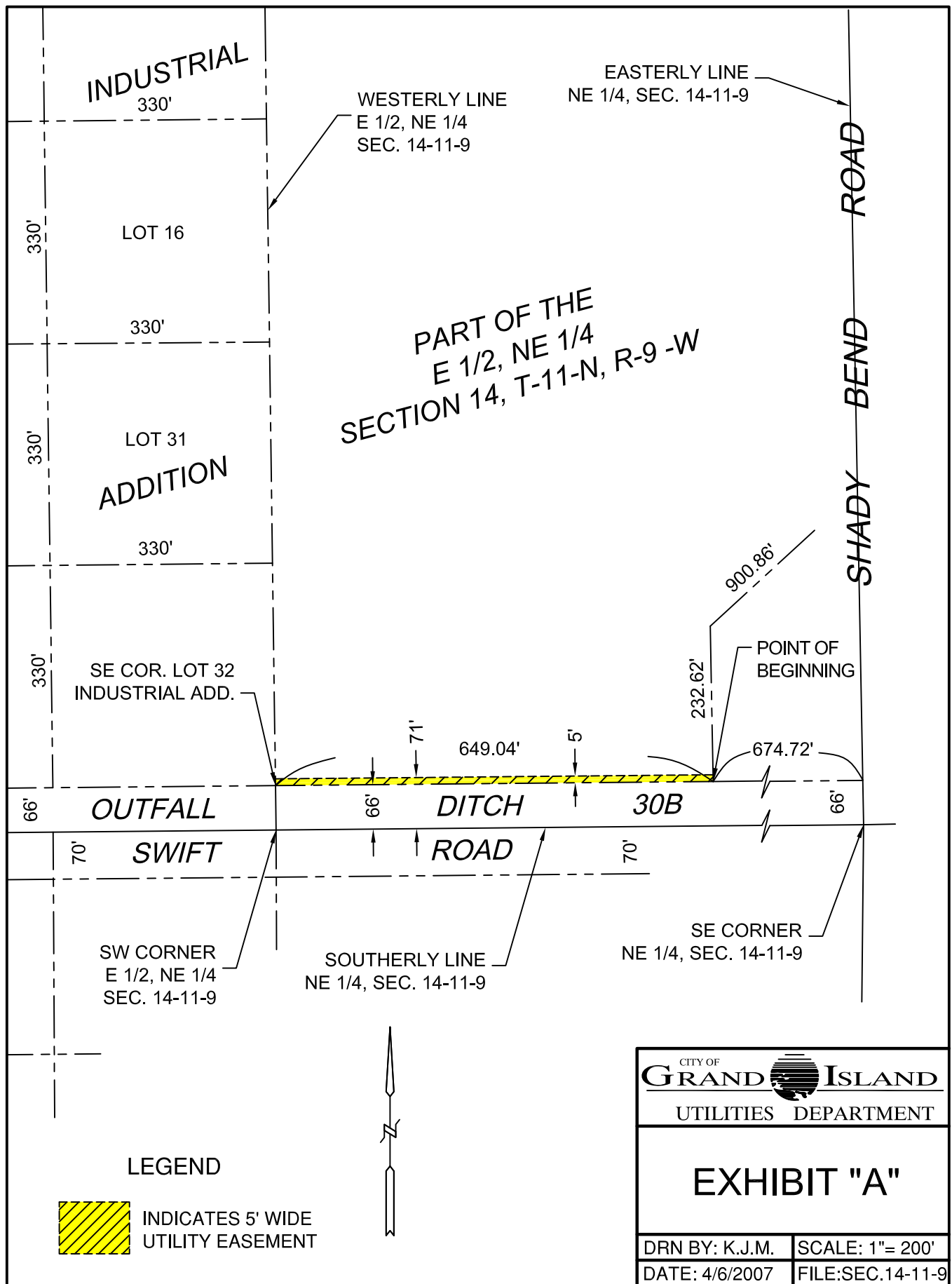
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

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, April 24, 2007

Council Session

Item E8

**Public Hearing on Amendment to Community Development Block
Grant 03-HO-404**

Staff Contact: Marsha Kaslon

Council Agenda Memo

From: Marsha Kaslon, Community Development Administrator

Council Meeting: April 24, 2007

Subject: Amendment for Grant 03-HO-404 for a Community Development Block Grant through the Nebraska Department of Economic Development

Item #'s: E-8 & G-15

Presenter(s): Marsha Kaslon, Community Development Administrator

Background

The Nebraska Department of Economic Development (DED) performed a monitoring visit in December of 2006 for the grant 03-HO-404. This grant was originally written, submitted, and awarded in 2003. The grant 03-HO-404 officially closed out in January, 2006. DED had one finding for the grant when they monitored. Unless otherwise stated, all Reuse of Program Income must be used for that particular grant and be spent during that grant period. There was no set section for Reuse of Program Income, and any mention of Program Income did not delineate that it would be used for the Community Revitalization Grant that was to be submitted in February 2006.

An amendment to the grant must be submitted to DED for approval to resolve the finding from the monitoring visit. The wording shall read:

Reuse of Program Income: All program income the City of Grand Island receives from this program will be placed into an interest bearing account and will be tracked through the MUNIS system that the City Of Grand Island utilizes. Program income from this grant will be used for either owner-occupied rehabilitation or for down payment assistance for the Comprehensive Revitalization Grant as program income and direct one-to-one match.

Discussion

Notice of the public hearing was given April 17, 2007 in the Grand Island Independent and public comment is solicited at this time.

Alternatives

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

1. Approve the amendment to grant 03-HO-404.
2. Disapprove or /Deny the amendment to grant 03-HO-404.
3. Modify the amendment to meet the wishes of the Council
4. Table the issue
5. Refer the issue to a Committee.
6. Postpone the issue to a later date.

Recommendation

City Administration recommends that the Council approve the amendment for grant 03-HO-404.

Sample Motion

Approve the amendment for grant 03-HO-404.



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item F1

**#9115 - Consideration of Change of Zoning for Land Located at
1822 and 1824 East 7th Street from M-2 Heavy Manufacturing to
R-4 High Density Residential**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9115

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 consisting of Lot Nine (9), Frank P. Bark's Subdivision and Lots Five (5) and Six (6), Block Three (3), East Park, in the City of Grand Island, Hall County, Nebraska, from M2 Heavy Manufacturing to R4 High 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 April 4, 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 April 24, 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 M2 Heavy Manufacturing to R4 High Density Residential:

All of Lot Nine (9), Frank P. Barks' Subdivision, and Lots Five (5) and Six (6) of Block Three (3) of East Park Subdivision, in the City of Grand Island, Hall County, Nebraska.

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.

ORDINANCE NO. 9115 (Cont.)

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: April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item F2

**#9116 - Consideration of Change of Zoning for Land Located at
4106 West Stolley Park Road from LLR - Large Lot Residential to
B-2 General Business**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9116

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising a part of the East Half of the Southwest Quarter of the Southeast Quarter (E½ SW¼ SE¼), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, from LLR – Large Lot Residential to B2 General Business; 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 April 4, 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 April 24, 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 LLR – Large Lot Residential to B2 General Business:

A part of the East Half of the Southwest Quarter of the Southeast Quarter (E½ SW¼ SE¼), of Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska.

ORDINANCE NO. 9116 (Cont.)

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: April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item F3

#9117 - Consideration of Amending Chapter 18 of the Grand Island City Code Relative to Gas

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 24, 2007

Subject: Amend Chapter 18 of the Grand Island City Code to Adopt the 2006 Uniform Mechanical Code and Revise Regulations for Gas Fitters to Mechanical Fitters

Item #'s: F-3

Presenter(s): Craig Lewis – Building Department Director

Background

The Grand Island City Code has for decades regulated the installation of gas piping and venting of appliances, this was done with the adoption and enforcement of provisions of a model plumbing code. The City licensed and regulated persons in the profession as gas fitters and appliance installers.

Discussion

This proposed ordinance would adopt the 2006 Uniform Mechanical Code and revise the nomenclature for gas fitters to mechanical fitters. Any person now in the business as a gas fitter would become a mechanical fitter and the installation of mechanical heating, ventilating, or cooling systems would be regulated by the newly adopted code.

An existing business in the heating and cooling profession would no longer be required to carry a gas fitters license but a mechanical license. The required amount of liability insurance required would also increase from \$300,000 to \$1,000,000.

The adoption of the 2006 Uniform Mechanical code is intended to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling systems and other miscellaneous heat-producing appliances within this jurisdiction.

The proposed revisions have been reviewed by the Grand Island Gas Fitters Board and their recommendation is for Council approval.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the ordinance to revise Chapter 18 and adopt the 2006 Uniform Mechanical Code.

Sample Motion

Motion to approve Ordinance #9117 to amend Chapter 18 of the Grand Island City Code.

ORDINANCE NO. 9117

An ordinance to revise Chapter 18 of the Grand Island City Code to adopt the 2006 Uniform Mechanical Code and revise regulations for gas fitters to mechanical fitters; and to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance, said effective date is May 15, 2007.

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

SECTION 1. That Chapter 18 of the Grand Island City Code shall be modified to read as follows:

CHAPTER 18 **GASMECHANICAL**

Article I. Natural Gas

§18-1. Rates

(A) Schedule of Maximum Rates. The rates charged by NorthWestern Public Service, a division of NorthWestern Corporation, a Delaware corporation, doing business in the state of Nebraska as a Domesticated Corporation, for natural gas supplied to customers in the City of Grand Island, Nebraska, unless otherwise approved by the Mayor and City Council, shall not exceed the following, effective August 1, 2001:

<u>Customer Charge Per Month</u>		
Residential Service Rate No. 91	\$ 5.00 per Meter	
General Service Rate No. 92	\$ 6.00 per Meter	
Commercial & Industrial Rate No. 94	\$ 80.00 per Meter	
<u>Usage Charge – Rate No. 91</u>	<u>Non-Gas</u>	<u>Gas</u>
First 30 Therms per month	\$0.26356	\$0.70271 per Therm
Over 30 Therms per month	\$0.09513	\$0.70271 per Therm
<u>Usage Charge – Rate No. 92</u>		
First 400 Therms per month	\$0.12101	\$0.70271 per Therm
Next 1,600 Therms per month	\$0.05343	\$0.70271 per Therm
Over 2,000 Therms per month	\$0.03243	\$0.70271 per Therm
<u>Usage Charge – Rate No. 94</u>		
All Therms per month	\$0.04530	\$0.47232 per Therm
<u>Demand Charge – Rate No. 94</u>		
Standard Service (all Therms)	\$0.21910	\$1.20470 per Therm
Extended Service		

ORDINANCE NO. 9117

First 500 Therms/day	\$0.24590	\$0.33330 per Therm
Over 500 Therms/day	\$0.00000	\$0.33330 per Therm

Minimum Monthly Charge:

Shall equal the customer charge for Rate Nos. 91 and 92.

Shall equal the amount of therms of demand billed and the customer charge for Rate No. 94.

Stand-by Capacity Charge:

For Rate Nos. 91 and 92 customers that use natural gas as a back-up to an alternative fueled heating system, NorthWestern shall charge, in addition to the charges stated above, the following stand-by fee during the months of December through March:

Rate No. 91 - \$12.00 per Meter

Rate No. 92 - \$37.00 per Meter

Bills will be rendered at monthly intervals.

(B) Gas Cost Adjustment. The foregoing rates for gas supplied in the period covered by any bill shall be increased or decreased from the foregoing schedule of rates as follows:

(1) If at any time or from time to time, the rate authorized to be charged NorthWestern for any natural gas purchased by it on a firm supply basis for resale in Nebraska shall be increased or decreased (whether or not charged under bond) resulting in an average cost per therm to NorthWestern in excess of or less than the average cost per therm prior to application of such increase or decrease, the charge per therm, including the amount that is included in the minimum bill, for gas supplied in each subsequent billing period (beginning not earlier than the effective date of such increase or decrease) may be increased or shall be decreased accordingly. In addition, gas cost variances resulting from the purchase of non-traditional supplies will be added or deducted from charges set forth in filed rates included herein.

(2) For the purposes hereof, the amount of any refund, including interest thereon, if any, received by NorthWestern from its supplier of charges paid and applicable to natural gas purchased on a firm basis in Nebraska shall be refunded to the customer as a reduction in billings over the succeeding twelve month period or other period determined appropriate.

(3) Variances in actual gas cost incurred and gas cost recovered through unit sales rates will be measured monthly. Gas supply related costs collected from NorthWestern's Agency Sales Service will be credited to actual gas cost incurred. Resulting under or over cost recoveries will be spread to gas cost component of rates over the succeeding twelve month period following the filing of any gas cost adjustment. All accrued over or under variances shall be assessed a carrying charge which shall be the overall rate of return allowed by the Rate Area in NorthWestern's last general rate filing.

(4) Any increase or decrease in rates because of gas cost adjustment hereinbefore provided for shall become effective immediately upon the filing with the City Clerk of the City of Grand Island of amended rates reflecting such increase or decrease.

§18-2. Basis of Measurement

The rates prescribed by this chapter shall be understood to apply to and be based upon natural gas of the British Thermal Unit heating value of not less than nine hundred British Thermal Units per cubic foot of gas calculated according to standard measurements and in the event that the average total heating value of said gas in any billing period shall fall below said minimum, then the gas to be billed during such billing period shall be decreased proportionately to the deficiency in such heating value.

§18-3. Violations of Article

It shall be unlawful for any person operating a system of natural gas and distributing through the streets and public places and selling natural gas in the City, or for any agent or employee of any such person, to sell or attempt to sell or to collect for or to charge for, any such gas supplied or furnished to any customer, user, or purchaser thereof in the City at any rate or price in excess of the rate or price fixed by this article, and any person violating any of the provisions of this article shall be deemed guilty of an infraction.

Amended by Ordinance No. 9049, effective 6/28/2006

ORDINANCE NO. 9117

§18-4. Filing Fee; Amount

The City shall charge and collect a filing fee from natural gas companies for a rate filing. The fee shall be in accordance with the City of Grand Island Fee Schedule.

§18-5. Uniform Mechanical Code Adopted

The Uniform Mechanical Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted, together with Appendices as set forth hereafter, and any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this chapter of the Grand Island City Code. One copy of the Uniform Mechanical Code, 2006 Edition, and all supplements or amendments thereto shall be filed in the office of the city clerk as provided by law.

The following appendices shall be adopted along with the Uniform Mechanical Code adopted by this section:

1. Appendix A- Uniform Mechanical Code Standard 6-2 Standard for Metal Ducts.

§18-6. UMC - Certain Sections not Adopted

It is especially provided that the following chapters, sections, and tables of the Uniform Mechanical Code are not adopted or approved, and the same shall be of no force and effect:

1. Table 1-1 Mechanical Permit Fees
2. Chapter 11- Refrigeration
3. Chapter 14- Process Piping
4. Chapter 16- Stationary Fuel Cell Power Plants
5. Appendix B- Procedures to be followed to place gas equipment in operation
6. Appendix C – Installation and Testing of oil (liquid) fuel-fired equipment
7. Appendix D- Unit Conversion Tables

§18-7. UMC - Public Copy

Not less than one copy of the Uniform Mechanical Code adopted pursuant to 18-5 shall be kept on file by the city clerk for inspection by and use of the public.

§18-8. UMC - Amendment of Section 101.1

Section 101.1 of the Uniform Mechanical Code is hereby amended to read as follows:

101.1. Title.

This document shall be known as the "Uniform Mechanical Code" together with Appendices and any amendments thereto, and shall be cited as such, and will be referred to when used herein or in Chapter 18 of the Grand Island City Code as "this Code".

§18-9. UMC - Amendment of Subsection 112.1

Subsection 112.1 of the Uniform Mechanical Code is hereby amended to include the following:

112.1. Permits Required.

It shall be unlawful for any person, firm or corporation to make any installation, alteration or repair any mechanical system regulated by this Code except as permitted in Subsections 112.2 of this section, or cause the same to be done without first obtaining a permit to do such work from the Grand Island Building Department.

(A) A permit is required for the installation or replacement of all fuel burning heating equipment, and water heaters together with all chimneys, vents and their connectors.

(B) A permit is required for the installation, repair, or alteration of all fuel gas piping in or in connection with any building or structure or within the property lines of any premises, other than service pipe.

A permit is required for the installation or replacement of all warm-air furnaces and heating systems including all chimneys, vents, and their connectors.

(C) No Commercial Hoods and Kitchen Ventilation equipment shall be installed without a permit.

(D) A separate permit shall be obtained for each building or structure.

No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his or her employ.

(E) A permit is required for the repair, replacement, or installation of a gas piping.

ORDINANCE NO. 9117

(F) No permit shall be issued to any person to do or cause to be done any work regulated by this Code, except to a person holding a valid unexpired and unrevoked mechanical license as required by this chapter, except when and as otherwise hereinafter provided in this section.

(G) Any permit by this code may be issued to do any work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are currently occupied by said owner, provided, that said owner shall personally purchase all material and shall personally perform all labor in connection therein. This, however, shall exclude all gas piping and venting of fuel combustion appliances.

§18-10. UMC - Amendment of Subsection 115.2

Subsection 115.2 of the Uniform Mechanical Code is hereby amended to read as follows:

115.2 Permit Fees.

The fee for each permit identified in this chapter shall be set forth in accordance with the City of Grand Island Fee Schedule.

§18-11. UMC - Amendment of Subsection 1316.4

Subsection 1316.4 of the Uniform Mechanical Code is hereby amended to read as follows: The size of the house supply piping, beginning at the gas meter and continuing to the first supply piping outlet shall not be less than one (1) inch.

Article II. Gas Appliances and Gas Piping

Division 1. Generally

§18-512. Definitions

For the purpose of this article the following definitions shall be used and the terms herein set forth shall be construed to have the meaning set forth in this section:

Mechanical Appliance installation is the act of installing fixtures, equipment, appliances or apparatus, using natural or artificial gas between the outlet of the meter set assembly or outlet of the service regulator, when a meter is not provided, and the inlet connection of fixtures, equipment, appliances or apparatus. Appliance installation shall include the venting of such fixtures, equipment, appliances or apparatus where required.

~~Appliance installation is the act of installing fixtures, equipment, appliances or apparatus, using natural or artificial gas between the outlet of the meter set assembly or outlet of the service regulator, when a meter is not provided, and the inlet connection of fixtures, equipment, appliances or apparatus. Appliance installation shall include the venting of such fixtures, equipment, appliances or apparatus where required.~~

Gas company shall mean the franchised distributor of gas in the City, pursuant to a franchise ordinance granted to such distributor or its successors or assigns and approved by the mayor and city council.

HVAC is Heating, Ventilation, Air Conditioning

Mechanical work is the act of heating, ventilating, air-conditioning, gas piping, miscellaneous heat producing, and energy-utilizing equipment, but also to include regulating and controlling the design, construction installation, quality of material, location, operation and maintenance or use of heating, ventilating, cooling, incinerators, air condition systems and other miscellaneous heat producing appliances within this jurisdiction.

Journeyman mechanical fitter is any person qualified under the ordinances of the City of Grand Island to become a Journeyman mechanical Fitter upon obtaining the required license.

Journeyman plumber is any person qualified under the ordinances of the City of Grand Island to do plumbing work.

Master mechanical fitter is any entity qualified under the ordinances of the City of Grand Island to become a master gas fitting contractor upon obtaining the required license and bond.

Mechanical contractor is any entity engaged in the business of gas fitting and appliance installation in connection with any building or structure or to serve any building or structure with natural or artificial gas.

Master plumber is any person qualified under the ordinances of the City of Grand Island to do plumbing contracting work upon obtaining the required license and bond.

Workmanship shall mean executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work. Cutting, notching and boring of floor joists and studs shall comply and adopted herein.

~~Gas fitting is the act of installing gas piping or any size fixtures, equipment, appliances or apparatus for~~

ORDINANCE NO. 9117

~~transporting and using natural or artificial gas between the outlet of the meter set assembly or the outlet of the service regulator, when a meter is not provided, and the inlet connection of fixtures, equipment, appliances or apparatus using natural or artificial gas. Gas fitting shall include the venting of gas fixtures, equipment, apparatus or appliances where required.~~

~~Journeyman gas fitter is any person qualified under the ordinances of the City of Grand Island to become a Journeyman Gas Fitter upon obtaining the required license.~~

~~Journeyman plumber is any person qualified under the ordinances of the City of Grand Island to do plumbing work. Such person may perform the work of a journeyman gas fitter.~~

~~Master gas fitter is any person qualified under the ordinances of the City of Grand Island to become a master gas fitting contractor upon obtaining the required license and bond.~~

~~Master gas fitting contractor is any person engaged in the business of gas fitting and appliance installation in connection with any building or structure or to serve any building or structure with natural or artificial gas.~~

~~Master plumber is any person qualified under the ordinances of the City of Grand Island to do plumbing contracting work upon obtaining the required license and bond. Such person may perform the work of a master gas fitting contractor. Upon obtaining such license and bond, such person may also perform the work of a master gas fitting contractor.~~

Amended by Ordinance No. , effective 05-15-2007

§18-13. Interfering with Safety Equipment

Any owner of a gas installation which has been provided with automatic safety equipment, any employee or agent of such owner or any other person who shall block open by manual means or by any other manner whatsoever interfere with or defeat the purpose of such devices to function automatically in the interest of safety shall be guilty of an infraction within the terms of this article, and subject to its penalties, as in the base of a violation of any other of its terms or provisions.

§18-14. Unlawful Connection of Gas Line

It shall be unlawful for any person except employees or agents of the gas company to open or make any connection to or do work on any gas main or gas service pipe of the gas company on the upstream side of the gas meter without written authorization of the gas company.

§18-15. Prohibiting Use for Electrical Connection

The gas piping shall not be used for an electrical ground or grounding electrode, nor shall electric circuits utilize gas piping, casing on controls, panels or other metal parts of the gas piping or appliance installations in lieu of wiring.

This provision shall not apply to low voltage control and ignition circuits and to electronic flame detection device circuits incorporated as a part of the gas appliance or equipment.

§18-16. Pilot Burners; Safety Shutoff Devices

(A) All residential and commercial heating equipment with inputs less than 400,000 BTUH shall be equipped with a pilot burner and safety shutoff device. In the event of ignition device failure or pilot outage, complete shutoff of the gas to both the main burner and pilot burner shall take place. The combined time required for the safety shutoff device and the automatic valve to shutoff the gas supply shall not exceed 3 minutes. On heating equipment approved only for outdoor installation, the safety shutoff device need not cause shutoff of the pilot gas.

(B) All heating equipment with rated inputs between 400,000 and 6,000,000 BTUH must have approved electronic type safety shutoff devices. The response time of the primary safety control to de-energize or activate the gas shutoff device shall not be more than four seconds. The pilot flame-establishing period for expanding, intermittent and interrupted pilots shall not be more than 15 seconds. Gas to such pilots shall be automatically shut off if the pilot fails to ignite. Inputs 2,000,000 BTUH or above shall be equipped with both a solenoid valve and a motorized valve.

Amended by Ordinance No. , effective 05-15-2007

Article III. Mechanical Fitters, Contractors, Installers
Division 1 Examining Board

§18-617. Examining Board; Membership

There is hereby created an examining board for gas_mechanical fitters which shall consist of seven members appointed annually by the Mayor and approved by a majority of the city council. The seven members shall consist of the following:

- (1) The Chief Building Official, or his/her designee
- (2) One member from the local gas company
- (3) One contracting master gas_mechanical fitter
- (4) One member from the community
- (5) Three members which shall be either master gas_mechanical fitters or journeyman gas_mechanical fitters

Four members shall constitute a quorum. Duties of the board shall be to establish standards and procedures for the qualifications, examination, and licensing of master and journeymen gas_mechanical fitters and shall issue the appropriate license to each person who meets the qualifications thereof and successfully passes the examination given by the Examining Board.

The duly appointed Examining Board shall act as a Board of Appeals for any appeal arising from actions of the Chief Building Official or his authorized representative as it relates to issues in this chapter of the city code.

Amended by Ordinance No. 9034, effective 03-22-2006

Amended by Ordinance No. , effective 05-15-2007

§18-18 Meetings; Chairman

The Board shall hold its first meeting upon call by the chief building official, and within thirty days following the appointment of its members. The members shall select a chairman from their own number, but not the chief building official. Such chairman shall hold office until the December 31 following, or until his or her successor has been selected. The Board shall meet upon call by the chief building official at such intervals as may be necessary for the proper performance of its duties, but in any case not less than twice a year.

§18-19 Duties; Examinations; Licenses

The Board shall establish standards and procedures for the qualification, examination and licensing of master mechanical fitter and journeyman mechanical fitter, and shall issue an appropriate license to each person who meets the qualifications therefore and successfully passes the examination given by the Board.

§18-20 Board of Appeals

The duly appointed Board shall act as a Board of Appeals in making a correct determination of any appeal arising from actions of the chief building official or his authorized representative.

§18-21 Quorum for Board

Four (4) members of the Board of Appeals shall constitute a quorum.

§18-22 Records

The Board of Appeals shall keep an accurate record of all their official transactions and shall submit a copy to the office of the city clerk.

§18-23 Procedures

Appeals shall be made within thirty (30) calendar days from date of the chief building official's decision. Decisions of the Board shall be made within thirty (30) days of receipt of appeal. Decisions of the Board shall be in writing. A copy of the Board's decision shall be delivered to the appellant within 30 calendar days after receipt of original appeal.

§18-24 Filing Fee

Any person who is aggrieved by any decision of the chief building official or his authorized representative relating to the suitability of alternate materials or type of installation or interpretation of any provision of this Code may obtain review of such decision upon filing a written request for review by the Board in the office of the chief

ORDINANCE NO. 9117

building official or his authorized representative within thirty (30) days from the date of such decision and payment of a filing fee as provided below:

(1) A \$50.00 fee for review of a decision of the chief building official or his authorized representative interpreting any provision or provisions of this Code.

(2) A \$50.00 fee for review of a decision of the chief building official or his authorized representative concerning the suitability of an alternate material or type of installation.

Enforcement of any decision, notice or order of the chief building official or his authorized representative issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

§18-25 General Rules

(1) All mechanical apprentices actively engaged under a master mechanical fitter will be required to register with the City Building Department. Experience accrued towards taking the journeyman mechanical test will only be accepted as a registered apprentice. Time accrued previous to registration will be noted.

(2) Time required for an apprentice to be actively engaged in the trade under the supervision of a master, journeyman, or qualified shop will be a minimum of two years. Proof of qualifications will be submitted to the Board in writing for consideration and approval for the journeyman examination. Any academical time to be considered by the Board in place of actual apprenticeship time in the trade must be from a State accredited college or Technical school.

(3) Applicants must hold a journeyman license for a minimum of two years before taking the Master exam, and be actively engaged in the trade for the full two years.

(4) The minimum age limit for a Journeyman examination will be Twenty (20) years of age unless approved by the Board.

(5) The allotted time for the Master and Journeyman examination will be four hours (two hours open book and two hours closed book).

(6) Request for Master and Journeyman examination will be filed in the City of Grand Island Building Department Office prior to the examination date for the consideration of the Board. Examination fee will be paid with the application. No exam fee will be refunded after taking the examination.

(7) All applicants will submit, along with their request for examination, letters of proof of the required apprenticeship time actively engaged in the trade.

(8) In the event that an applicant fails to pass the examination given, he may make application for a subsequent exam after eighty-five (85) days have passed.

(9) At the discretion of the Board, experience gained at a industrial plant or outside the tri-city jurisdiction may be considered as apprenticeship time to qualify for a Journeyman examination. Information considered by the Board shall include written proof of previous experience record and oral examination.

(10) All examination papers are the property of the examining Board. Applicants will not be permitted to remain during grading or to review examination papers after they have been submitted for grading. Test results will be sent by mail.

(11) Applicant must obtain a passing score on each part of the exam (written as well as drawing).

(12) An applicant with a passing score will have a 30 day grace period to pick up a new license dated from the test date.

(13) An applicant must supply his own copy of this Code; the Grand Island Building Department will not supply copies to anyone during the test. Photocopies, reference books, or any other reference materials will not be allowed in the testing area during the test.

Division 2. Gas-Mechanical Inspector

§18-26. Office Created; Authority; Assistants

There is hereby created and established the office of the mechanical inspector, who shall be the chief building official, and who shall have supervision of all gas piping, gas appliance installations and mechanical work in the city and the two mile area adjacent thereto. The mechanical inspector shall have such assistance as may be necessary. Assistants shall be hired only after being examined and recommended by the chief building official. Any such assistant shall have the same power as the mechanical inspector.

ORDINANCE NO. 9117

§18-27. Duties

It shall be the duty of the mechanical inspector to issue permits and inspect all mechanical work and gas distribution from the outlet side of the meter and all gas installations, but to exclude gas mains, within the City and the two mile area adjacent thereto and to investigate all reported cases of the use of imperfect materials or workmanship on any job of mechanical work or the violation of any of the provisions of this article by a plumber, mechanical fitter or builder.

§18-28. Inspections

It shall be the duty of the mechanical inspector to make inspections of any mechanical work, gas piping, appliance installation or connections at the request of the installer, department head, owner, agent, tenant, or occupant of any building or the premises where such gas piping or mechanical work is located in order to ascertain whether or not the mechanical work, gas piping or appliances in such building or premises are in a safe condition. The inspector shall have the authority to enter any building or upon any premises at all reasonable hours to ascertain if the provisions of this article, or any ordinances relating to mechanical work, gas piping or appliance installations have been or are being violated or being complied with, and should the inspector, upon making such an inspection as requested by the installer, owner, agent, tenant, or department head, find an unsafe or unsatisfactory installation, the inspector shall have the authority to request the gas company to shut off the appliance or service at the meter (depending upon the seriousness of the conditions as determined by the inspector), tag same, and shall notify the installer immediately if the job is a new installation, or the owner, agent, tenant, or one in charge of the property to cause the same to be remedied within a specified time, not exceeding ten days if the same is not a new installation. Should the installer, owner, agent, tenant, or one in charge of the premises fail to make such corrections, changes or repairs, or fail to notify the inspector to make a reinspection within the specified time after receiving such notification to comply therewith, said owner, agent, tenant, installer or person in charge, shall be considered maintaining an unsafe mechanical installation and violating the requirements hereof, and the inspector shall make a reinspection of the premises and report the findings to the chief building official, who shall in turn cause action to be taken in the proper court to secure compliance, and the penalties as set forth in this chapter shall apply. It shall be the duty and the responsibility of the installer or one making such correction, changes or repairs to notify the inspector within forty-eight hours after completion of such correction, changes or repairs, and request for reinspection.

§18-29. Inspection Prior to Covering Installation

Before any part of any installation is covered from sight, a notification shall be given the mechanical inspector who shall, within forty-eight hours, inspect such part of the installation.

§18-30. Reserved

§18-31. Procedure for Reinspection

If, by reason of noncompliance with the provisions of this article or through the use of defective material or inferior workmanship, the approval of the mechanical inspector is not given and subsequent inspections become necessary, the installer shall notify the mechanical inspector when such work shall be ready for such subsequent inspection, which shall be made in the same manner as is hereinbefore provided. The fees for reinspection shall be provided in the fee schedule.

§18-32. Inspector May Require Testing

When permits have been issued for additional fixtures or piping or alterations to any existing system, the mechanical inspector may, if in his or her discretion it is deemed necessary, require the installer to make a complete test of the whole system as is required for new systems.

§18-33. Authority to Condemn; Penalty

Authority is hereby granted to the mechanical inspector to condemn any existing gas or mechanical installations which, in his discretion, is hazardous or dangerous to human life. It shall be the duty of the property owner to immediately eliminate the hazardous conditions by removal or repair of these conditions. Failure to do so will be a violation of the provisions of this article.

§18-34. Reserved

ORDINANCE NO. 9117

~~§18-11. Office Created; Authority; Assistants~~

~~There is hereby created and established the office of the gas inspector, who shall be the chief building official, and who shall have supervision of all gas installation work in the city and the two mile area adjacent thereto. The gas inspector shall have such assistance as may be necessary. Assistants shall be hired only after being examined and recommended by the chief building official. Any such assistant shall have the same power as the gas inspector.~~

~~Rules and regulations of Chapter 18, *Gas*, of the Grand Island City Code shall be reference to §26-5 and §26-6 of Chapter 26, *Plumbing*, of the Grand Island City Code.~~

~~§18-12. Duties~~

~~It shall be the duty of the gas inspector to issue permits and inspect all gas distribution from the outlet side of the meter and all gas installations, but to exclude gas mains, within the City and the two mile area adjacent thereto and to investigate all reported cases of the use of imperfect materials or workmanship on any job of gas work or the violation of any of the provisions of this article by a plumber, gas fitter or builder.~~

~~§18-13. Inspections~~

~~It shall be the duty of the gas inspector to make inspections of any gas piping, appliance installation or connections at the request of the installer, department head, owner, agent, tenant, or occupant of any building or the premises where such gas piping work is located in order to ascertain whether or not the gas piping or appliances in such building or premises are in a safe condition. The inspector shall have the authority to enter any building or upon any premises at all reasonable hours to ascertain if the provisions of this article, or any ordinances relating to gas piping or appliance installations have been or are being violated or being complied with, and should the inspector, upon making such an inspection as requested by the installer, owner, agent, tenant, or department head, find an unsafe or unsatisfactory installation, the inspector shall have the authority to request the gas company to shut off the appliance or service at the meter (depending upon the seriousness of the conditions as determined by the inspector), tag same, and shall notify the installer immediately if the job is a new installation, or the owner, agent, tenant, or one in charge of the property to cause the same to be remedied within a specified time, not exceeding ten days if the same is not a new installation. Should the installer, owner, agent, tenant, or one in charge of the premises fail to make such corrections, changes or repairs, or fail to notify the inspector to make a reinspection within the specified time after receiving such notification to comply therewith, said owner, agent, tenant, installer or person in charge, shall be considered maintaining an unsafe gas installation and violating the requirements hereof, and the inspector shall make a reinspection of the premises and report the findings to the chief building official, who shall in turn cause action to be taken in the proper court to secure compliance, and the penalties as set forth in this chapter shall apply. It shall be the duty and the responsibility of the installer or one making such correction, changes or repairs to notify the inspector within forty-eight hours after completion of such correction, changes or repairs, and request a reinspection.~~

~~§18-14. Inspection Prior to Covering Installation~~

~~Before any part of any installation is covered from sight, a notification shall be given the gas inspector who shall, within forty-eight hours, inspect such part of the installation.~~

~~§18-15. Reserved~~

Deleted by Ordinance No. 9049, effective 6/28/2006

~~§18-16. Procedure for Reinspection~~

~~If, by reason of noncompliance with the provisions of this article or through the use of defective material or inferior workmanship, the approval of the gas inspector is not given and subsequent inspections become necessary, the installer shall notify the gas inspector when such work shall be ready for such subsequent inspection, which shall be made in the same manner as is hereinbefore provided. The fees for such reinspection shall be the same as provided for the issuance of a permit for gas fitting and appliance installation, with the exception that there shall be no minimum charge.~~

~~§18-17. Inspector May Require Testing~~

~~When permits have been issued for additional fixtures or piping or alterations to any existing system, the gas inspector may, if in his or her discretion it is deemed necessary, require the installer to make a complete test of~~

ORDINANCE NO. 9117

~~the whole system as is required for new systems.~~

§18-18. Authority to Condemn; Penalty

~~Authority is hereby granted to the gas inspector to condemn any existing gas installation which, in his discretion, is hazardous or dangerous to human life. It shall be the duty of the property owner to immediately eliminate the hazardous conditions by removal or repair of these conditions. Failure to do so will be a violation of the provisions of this article.~~

§18-19. Reserved

Deleted by Ordinance No. , effective 05-15-2007

Division 3. Registration of Gas Fitters Contractors

§18-36. Registration Required

No person shall engage in the mechanical fitting business in the City until registered in the office of the chief building official as a mechanical contractor.

§18-37. Registration; Individual

No person shall be registered as a mechanical contractor unless he is licensed as a master mechanical fitter under the provisions of this section and has in force and effect one or more insurance policies as required by other sections of the city code.

§18-38 Registration; Firm, Corporation

No firm, association or corporation shall be registered as a mechanical contractor unless the proper officers of the concern shall certify to the chief building official that an identified master mechanical fitter, licensed under the provisions of this section, is an officer, member or regular employee of such concern, and that such master mechanical fitter will be in direct supervision of all of the mechanical work contracted and done by such concern, and unless such concern has in force and effect one or more insurance policies as required by other sections of the city code.

§18-39. Registration; Fee

The fees to be collected by the chief building official for the registration of a mechanical contractor shall be in accordance with the City of Grand Island Fee Schedule.

§18-40. Registration; Certificate

The chief building official shall issue a certificate of registration to any mechanical contractor applying for such and qualifying under the provisions of this section, for a period beginning on the date thereof and expiring on December 31 of the same year. The holder of the certificate shall display same at the regular place of business of the holder.

Renewal of a registration certificate may be obtained upon showing of qualifications as provided for in this section and payment of the proper fee.

§18-41. Certificate; Revocation

The Board may revoke any certificate of registration of any mechanical contractor after hearing by the Board for any of the following reasons:

- (1) Lack of competency or lack of knowledge in matters relevant to the certificate of registration;
- (2) Certificate of registration being obtained by fraud;
- (3) The lending of any certificate of registration or the obtaining of permits there under for any other person;
- (4) Failure to comply with this Code and any rules issued by the chief building official or Board;
- (5) Abandonment of any contract or undertaking without good cause or fraudulent departure from plans or specifications;
- (6) Failure to obtain or cause to be obtained permits when the same are required by this code.

The chief building official shall serve notice of such action by registered mail to the holder of the certificate.

ORDINANCE NO. 9117

§18-42. Mechanical Contractors

Every mechanical contractor shall be required at all times to have a licensed journeyman mechanical fitter in charge of all work as a condition for the issuance and maintenance of such license.

§18-43. Insurance

(1) Every licensee shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, with the following coverages and amounts.

(a) Comprehensive General Liability Insurance covering the operations of the licensee, including completed operations, with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage.

(b) A provision making the City of Grand Island an additional insured for any third party claims for bodily injury or property damage based upon occurrences in connection with the licensee's business operations, including completed operations, within the City's zoning jurisdiction.

(2) The licensee shall furnish the City of Grand Island with a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.

§18-44. Use of Licensee's Name by Another

No person or concern who has obtained a mechanical contractor registration pursuant to this chapter shall allow his or her name to be used by another person or concern, either for the purpose of obtaining permits, or for doing business or work under such registration or license. Every person licensed pursuant to this section shall notify the Board of any change of street address.

Division 4. Master & Journeyman Mechanical Fitters

§18-45. Examinations; Fee; Exemptions

Any person desiring to be licensed as a master mechanical fitter or as a journeyman mechanical fitter pursuant to this chapter shall make written application for an examination to the Board. Examination fees shall be in accordance with the City of Grand Island Fee Schedule.

Examination fees shall accompany such application. Examination fees are not returned but shall be forfeited in the event the applicant fails the examination.

§18-46. Eligibility Requirements

All mechanical fitter apprentices engaged under a master mechanical fitter will be required to register with the City Building Department. Experience accrued towards taking the test journeyman mechanical fitters test will only be accepted as a registered apprentice. Time accrued previous to registration requirement will be approved and noted.

An applicant for examination must have worked under supervision of a licensed master mechanical fitter, for a period of two years before being eligible to take a journeyman mechanical fitter's examination. No person shall be eligible to take a master mechanical fitter's examination until two years after registration as a journeyman mechanical fitter.

§18-47. Re-Examination

Any person desiring to become a master mechanical fitter or a journeyman mechanical fitter who fails to pass an examination pursuant to this chapter as prescribed by the Board may make written application for a subsequent examination 85 days after taking the examination.

§18-48. Licenses; Term; Renewal; Fees

(1) All licenses issued by the Board pursuant to this article shall expire on December 31 of the year in which issued, but may be renewed within thirty days thereafter upon application and payment of fees in accordance with the City of Grand Island Fee Schedule. Any license holder who does not renew his license within this thirty-day grace period shall automatically forfeit such license. In the event of forfeiture of a license in this manner, the holder may apply for and qualify to recover the lapsed license by passing an examination as required under the provisions of this code.

(2) The annual fee for master and journeyman mechanical fitters shall be in accordance with the City of Grand Island Fee Schedule.

ORDINANCE NO. 9117

(3) After January 1, 2008 journeyman and master gasfitter licenses will not be issued. Journeyman and master licenses will be issued as journeyman mechanical fitter and master mechanical fitter.

(4) Any person holding a valid master or journeyman plumbing license, will be eligible to obtain an equivalent mechanical license from April 1, 2007 to January 31, 2008. Any person after January 31, 2008 applying for application to test for journeyman or master mechanical license will be required to have appropriate time, experience or qualifications for the level of license applying for.

§18-49. License; Revocation

The city council by a majority vote shall have the power to revoke the license of any journeyman mechanical fitter or master mechanical fitter upon the recommendation of the Board, if the license was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent, or has a second time willfully violated any of the provisions of this article or any other provisions of City of Grand Island Code related to gas piping, Heating, Venting, Air Conditioning systems (HVAC) or mechanical work. This penalty shall be cumulative and in addition to the penalties prescribed for the violation of the provisions of this article.

Before a license may be revoked, the licensee shall have notice in writing, enumerating the charges alleged, and shall be entitled to a hearing before the city council not sooner than five days from receipt of the notice. The licensee shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All testimony before the city council shall be given under oath. The city council shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the city council shall be based upon the evidence produced at the hearing, and such decision shall be final. A person whose license has been revoked shall not be permitted to reapply for another such license within one year from the date of such revocation.

§18-50. Temporary Journeyman Mechanical Fitter License

The chief building official may issue a temporary journeyman mechanical fitters license pending examination; provided that the applicant therefore holds a similar license from an equivalent board. Such permit shall be valid until the next examination by the Board.

§18-51. Use of Licensee's Name by Another

No person or concern who has obtained a mechanical fitter's license pursuant to this article, shall allow his or her name to be used by another person or concern, either for the purpose of obtaining permits, or for doing business or work under such registration or license. Every person licensed pursuant to this section shall notify the Board of any change of street address.

§18-52. Renewal of License

Any person licensed under the provisions of this article as a master mechanical fitter or a journeyman, who does not renew his license for a period of thirty days after the expiration of same, shall pay the examination fee required by this article, and shall submit himself to an examination by the Board for mechanical fitters before such person can be again licensed hereunder.

Division 5. General

§18-2053. Application

Application for registration shall be made in writing to the building department which shall show the name, residence and business location of the applicant and such other information as may be required.

Amended by Ordinance No. 9049, effective 06-28-2006

Amended by Ordinance No. , effective 05-15-2007

§18-21. Fees

Fees in accordance with the City of Grand Island Fee Schedule shall be charged for registration and examination as follows:

- New master gas fitting contractor's license fee issued between January 1 and June 30
- New master gas fitting contractor's license fee issued between July 1 and December 31
- Renewal of master gas fitting contractor's license
- Master gas fitter's license registration card
- Journeyman gas fitter's registration card
- Master gas fitter's examination

ORDINANCE NO. 9117

Journeyman gas fitter's examination

§18-22. Examination; Prerequisites; Exemptions

~~—(A) Before the applicant shall be registered as a master gas fitter, contractor or journeyman, as the case may be, he or she shall submit to an examination to determine fitness and competency to engage in the business, trade, or calling of gas fitting or appliance installation work, as the case may be, which examination shall be given by the examining board for gas fitters as hereinbefore set forth, such applicant after having by such examination been shown to be fit, competent and qualified to engage in the business, trade, or calling of a master or journeyman gas fitter, as the case may be, shall be registered by the chief building official, who shall deliver to such applicant a certificate of registration, signed by the chief building official.~~

~~—(B) An applicant failing to pass an examination shall not be eligible for re-examination until eighty five days shall have elapsed after the previous examination. Each applicant shall pay an examination fee for each re-examination required.~~

~~—(C) Any applicant validly registered or licensed as a master gas fitter, contractor or journeyman, or equivalent capacity by the city of Hastings or the city of Kearney, shall be exempt from taking the foregoing examination, and provided the applicant is otherwise qualified pursuant to this code, shall be issued an equivalent license upon application and payment of fees.~~

§18-23. Eligibility Requirements

~~—All plumbing apprentices and gas fitter apprentices engaged under a master plumber or a master gas fitter will be required to register with the City Building Department. Experience accrued towards taking the journeyman plumbers test or journeyman gas fitters test will only be accepted as a registered apprentice. Time accrued previous to registration requirement will be approved and noted.~~

~~—An applicant for examination must have worked under supervision of a licensed master plumber, or master gas fitter, for a period of two years before being eligible to take a journeyman gas fitter's examination. No person shall be eligible to take a master gas fitter's examination until two years after registration as a journeyman gas fitter.~~

§18-24. Insurance

~~—(A) Every master gas fitting contractor shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, with the following coverages and amounts.~~

~~—(1) Comprehensive General Liability Insurance covering the operations of the licensee, including coverage for completed operations, with limits of not less than \$300,000 per occurrence for bodily injury and property damage.~~

~~—(2) A provision making the City of Grand Island an additional insured for any third party claims for bodily injury or property damage based upon occurrences in connection with the licensee's business operations, including completed operations, within the City's zoning jurisdiction.~~

~~—(B) Said contractors shall furnish the City Building Department a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.~~

Amended by Ordinance No. 9049, effective 6/28/2006

§18-54. Fees

Fees in accordance with the City of Grand Island Fee Schedule shall be charged for registration and examination as follows:

New mechanical contractor's license fee issued between January 1 and June 30

New mechanical contractor's license fee issued between July 1 and December 31

Renewal of mechanical contractor's license

Master mechanical fitter's license registration card

Journeyman mechanical fitter's registration card

Master mechanical fitter's examination

Journeyman mechanical fitter's examination

§18-55. Examination; Prerequisites; Exemptions

—(A) Before the applicant shall be registered as a master mechanical fitter, contractor or journeyman, as the case may be, he or she shall submit to an examination to determine fitness and competency to engage in the business, trade, or calling of gas fitting, mechanical work or appliance installation work, as the case may be, which

ORDINANCE NO. 9117

examination shall be given by the examining board for mechanical fitters as hereinbefore set forth, such applicant after having by such examination been shown to be fit, competent and qualified to engage in the business, trade, or calling of a master or journeyman mechanical fitter, as the case may be, shall be registered by the chief building official, who shall deliver to such applicant a certificate of registration, signed by the chief building official.

(B) An applicant failing to pass an examination shall not be eligible for re-examination until eighty five days shall have elapsed after the previous examination. Each applicant shall pay an examination fee for each re-examination required.

(C) Any applicant validly registered or licensed as a master mechanical fitter, contractor or journeyman, or equivalent capacity by the city of Hastings or the city of Kearney, shall be exempt from taking the foregoing examination, and provided the applicant is otherwise qualified pursuant to this code, shall be issued an equivalent license upon application and payment of fees.

§18-56. Eligibility Requirements

All mechanical fitter apprentices engaged under a master mechanical fitter will be required to register with the City Building Department. Experience accrued towards taking the test journeyman mechanical fitters test will only be accepted as a registered apprentice. Time accrued previous to registration requirement will be approved and noted.

An applicant for examination must have worked under supervision of a licensed master mechanical fitter, for a period of two years before being eligible to take a journeyman mechanical fitter's examination. No person shall be eligible to take a master mechanical fitter's examination until two years after registration as a journeyman mechanical fitter.

§18-57. Insurance

(A) Every mechanical contractor shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, with the following coverages and amounts.

(1) Comprehensive General Liability Insurance covering the operations of the licensee, including coverage for completed operations, with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage.

(2) A provision making the City of Grand Island an additional insured for any third party claims for bodily injury or property damage based upon occurrences in connection with the licensee's business operations, including completed operations, within the City's zoning jurisdiction.

(B) Said contractors shall furnish the City Building Department a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.

§18-25. Plumber as Gas Fitter; Insurance

Any person licensed as a plumber in the City shall be required to have and maintain insurance as herein required before he or she shall be entitled to operate as a gas fitter under the provisions of this division.

§18-26. Expiration of Insurance

Any registration certificate issued to a master gas fitting contractor under the provisions of this chapter shall be revoked by the mayor and city council should the holder of such registration certificate permit the insurance policy herein required to expire or lapse. Any corporation, firm, or partnership which may be registered hereunder as a gas fitter in the name of such corporation, firm, or partnership, shall have a master gas fitter who has submitted to the examination given by the examining board for gas fitters and has thereby shown himself or herself fit, competent and qualified to engage in the business, trade, or calling of gas fitting and appliance installation as a bona fide officer of such corporation or as a member of such firm or partnership and who shall at all times be in actual charge of and be responsible for the installation, removal, or repair of any gas fitting work or appliance installation work done by such corporation, firm or partnership. Before such corporation, firm, or partnership shall be registered in its corporate, firm, or partnership name as a gas fitter, there shall be filed with the chief building official a certificate from the examining board of gas fitters showing the fitness and competency of such officer of such corporation or such member of such firm or partnership to engage in the business or calling of master gas fitter; provided, if, after a certificate of registration is issued such corporation, such member of such firm or partnership shall withdraw therefrom and cease to be connected therewith, then and in that event, the mayor and city council shall forthwith revoke the certificate of registration of such corporation, firm, or partnership upon the request of the chief building

ORDINANCE NO. 9117

official.

§18-27. Bond and Insurance Exemptions

~~Any applicant for a license who is distributing gas in the City under a franchise from the City or who is an employee of such distributor shall be exempt from furnishing and filing the bonds or certificates of insurance provided for in this division so long as applicant remains a bona fide full time employee, officer, member or partner of a gas fitting contractor who has filed or is exempt from filing the insurance certificates or bonds required by this chapter.~~

§18-28. Gas Fitting Contractors

~~Every gas fitting contractor shall be required at all times to have a licensed journeyman gas fitter in charge of all work as a condition for the issuance and maintenance of such license.~~

§18-29. Corporations; Registration; Revocation

~~Any corporation, firm, or partnership which may be registered hereunder as a gas fitter in the name of such corporation, firm or partnership shall have a master gas fitter who has submitted to the examination given by the examining board for gas fitters and installers and has thereby shown himself or herself fit, competent and qualified to engage in the business, trade, or calling of gas fitting and installing as a bona fide officer of such corporation or as a member of such firm or partnership and who shall at all times be in actual charge of and be responsible for the installation, removal or repair of any gas fitting work done by such corporation, firm, or partnership. Before such corporation, firm or partnership shall be registered in its corporate, firm, or partnership name as a gas fitter, there shall be filed with the chief building official a certificate from the examining board of gas fitters showing the fitness and competency of such officer of such corporation or such member of such firm or partnership to engage in the business or calling of master gas fitters; provided, if, after a certificate of registration is issued such corporation, such member of such firm or partnership shall withdraw therefrom and cease to be connected therewith, then and in that event the city council shall forthwith revoke the certificate of registration of such corporation, firm or partnership upon the request of the chief building official.~~

§18-30. Violations of This Article

~~It shall be unlawful for any person to engage in the business of contracting gas installation and appliance work of any nature without first being registered as a master contracting gas fitter qualified under the provisions of this division; further, master contracting gas fitters shall be bonded and duly authorized as provided for in this division.~~

~~Journeyman gas fitters shall work under the supervision of a master contractor and are prohibited from engaging in the business of contracting gas fitter within the scope of this article.~~

§18-58. Expiration of Insurance

Any registration certificate issued to a mechanical contractor under the provisions of this chapter shall be revoked by the mayor and city council should the holder of such registration certificate permit the insurance policy herein required to expire or lapse. Any corporation, firm, or partnership which may be registered hereunder as a mechanical contractor in the name of such corporation, firm, or partnership, shall have a master mechanical fitter who has submitted to the examination given by the examining board for mechanical fitters and has thereby shown himself or herself fit, competent and qualified to engage in the business, trade, or calling of mechanical work, HVAC installation and gas piping as a bona fide officer of such corporation or as a member of such firm or partnership and who shall at all times be in actual charge of and be responsible for the installation, removal, or repair of any mechanical work or HVAC installation or gas piping work done by such corporation, firm or partnership. Before such corporation, firm, or partnership shall be registered in its corporate, firm, or partnership name as a mechanical contractor, there shall be filed with the chief building official a certificate from the examining board of mechanical fitters showing the fitness and competency of such officer of such corporation or such member of such firm or partnership to engage in the business or calling of master mechanical fitter; provided, if, after a certificate of registration is issued such corporation, such member of such firm or partnership shall withdraw there from and cease to be connected therewith, then and in that event, the mayor and city council shall forthwith revoke the certificate of registration of such corporation, firm, or partnership upon the request of the chief building official.

§18-59. Reserved

ORDINANCE NO. 9117

§18-60. Mechanical Contractors

Every mechanical contractor shall be required at all times to have a licensed journeyman mechanical fitter in charge of all work as a condition for the issuance and maintenance of such license.

§18-61. Corporations; Registration; Revocation

Any corporation, firm, or partnership which may be registered hereunder as a mechanical contractor in the name of such corporation, firm or partnership shall have a master mechanical fitter who has submitted to the examination given by the examining board for mechanical fitters and installers and has thereby shown himself or herself fit, competent and qualified to engage in the business, trade, or calling of mechanical work, HVAC installation and gas piping as a bona fide officer of such corporation or as a member of such firm or partnership and who shall at all times be in actual charge of and be responsible for the mechanical work, HVAC installation, removal or repair of any gas fitting work done by such corporation, firm, or partnership. Before such corporation, firm or partnership shall be registered in its corporate, firm, or partnership name as a mechanical contractor, there shall be filed with the chief building official a certificate from the examining board of mechanical fitters showing the fitness and competency of such officer of such corporation or such member of such firm or partnership to engage in the business or calling of mechanical contractor; provided, if, after a certificate of registration is issued such corporation, such member of such firm or partnership shall withdraw there from and cease to be connected therewith, then and in that event the city council shall forthwith revoke the certificate of registration of such corporation, firm or partnership upon the request of the chief building official.

§18-62. Violations of This Article

It shall be unlawful for any person to engage in the business of contracting mechanical work, HVAC installation and gas piping of any nature without first being registered as a mechanical contractor qualified under the provisions of this division; further, mechanical contracting shall be bonded and duly authorized as provided for in this division.

Journeyman mechanical fitters shall work under the supervision of a master mechanical fitter and are prohibited from engaging in the business of mechanical contractor within the scope of this article.

§18-3463. Expiration of Registration

Such registration shall expire on December 31 following the date thereof and shall not be assignable. If registration and license fees are not paid within thirty days, the license shall automatically be revoked.

Amended by Ordinance No. , effective 05-15-2007

§18-3264. Revocation; Re-Registration

The mayor and council by a majority vote shall have the power to revoke any ~~gas-mechanical fitter's~~ contractor or master ~~gas-mechanical fitter's~~ certificate or registration upon the recommendation of the chief building official and examining board for ~~gas-mechanical~~ fitters if the same was obtained through error or fraud or if the recipient thereof is shown to be grossly incompetent or has willfully violated any of the provisions of this article or the ~~gas-mechanical fitter's~~ code of the City a second time. This penalty shall be cumulative and in addition to the penalties prescribed for the violation of the provisions of this article. If a certificate of registration be revoked, the holder of the same shall not apply for registration until one year from the date of such revocation.

Amended by Ordinance No. , effective 05-15-2007

§18-3365. Renewal

Certificates of registration at the time of their expiration may be renewed upon recommendation of the chief building official for ~~gas-mechanical~~ fitters without an examination upon payment of the required registration and license fees.

Any person licensed under the provisions of this division as a master or journeyman ~~gas-mechanical~~ fitter who does not renew his or her license within a period of one month after the expiration of the same shall pay the examination fees required by this division, and submit to an examination by the examining board before such person can be licensed hereunder.

Amended by Ordinance No. , effective 05-15-2007

ORDINANCE NO. 9117

§18-3466. Persons Not Required to Register

Any person engaged in wholesale or retail sales of plumbing or gas connecting materials or supplies but not engaged in the installation, alteration, repair or removal of gas piping or appliances shall not be required to register hereunder.

Amended by Ordinance No. , effective 05-015-2007

§18-3567. Unlawful Use of Registered Name

No registered ~~gas-mechanical~~ fitter shall allow his or her name to be used by another person directly or indirectly either to obtain a permit for the installation of any ~~gas fitting or appliance installing~~ mechanical and HVAC, or to do any gas fitting work or any appliance installing work, and if any registered ~~gas-mechanical~~ fitter violates this provision, the mayor and city council shall forthwith revoke the certificate of registration issued to such ~~gas-mechanical~~ fitter, and in addition to having such certificate of registration revoked, such ~~gas-mechanical~~ fitter may be prosecuted under ~~§18-41 §18-72~~ for such violation.

Amended by Ordinance No. , effective 05-15-2007

§18-36. Unregistered Gas Fitter

~~It shall be unlawful for any person to cause or permit any job of gas fitting or making any gas connection incident to any property owned, managed, or controlled by such person unless the fitter performing such work has been registered as required by this division and has received a permit from the chief building official for such particular work; and any such person causing or permitting any such work to be done in violation of the provisions hereof shall be guilty of a violation of this division and subject to the penalties hereinafter provided for such violation.~~

§18-68. Unregistered Mechanical Fitter

It shall be unlawful for any person to cause or permit any job of mechanical or HVAC, gas piping or making any gas connection incident to any property owned, managed, or controlled by such person unless the fitter performing such work has been registered as required by this division and has received a permit from the chief building official for such particular work; and any such person causing or permitting any such work to be done in violation of the provisions hereof shall be guilty of a violation of this division and subject to the penalties hereinafter provided for such violation.

Division 4-6. Permit to Perform ~~Gas Fitting~~ Mechanical Work

§18-3769. Required; To Whom Issued; Term

Before any new gas fitting ~~or appliance~~ mechanical work or HVAC installation is started or any repairs are made to existing gas fitting, ~~or appliance installation~~ mechanical, HVAC installation inside any building or structure, except the stoppage of leaks or minor repairs or adjustments, a permit shall be obtained from the chief building official and the required fee paid to the city building department. No permits shall be issued to anyone except a licensed master ~~gas fitting~~ mechanical contractor or authorized journeyman ~~gas-mechanical~~ fitter. All gas fitting ~~or appliance installation work~~ mechanical work or HVAC installation work -shall be inspected by the ~~gas~~ mechanical inspector. All gas fitting ~~or appliance installation~~ mechanical work or HVAC installation permits shall expire and become invalid sixty days after the date of their issuance.

Amended by Ordinance No. , effective 05-15-2007

§18-38. Issuance; Information in Report

~~Upon approval of the application for permit, the gas inspector shall issue a permit to the applicant, stating the name of the owner, agent, or occupant of premises where such work is to be done, the location of premises, lot, block, street, and number and addition, the name and location of the master gas fitting contractor having charge of such work and a description of the work to be done.~~

Amended by Ordinance No. 9049, effective 6/28/2006

§18-3970. Fees

Upon the granting of a permit for gas fitting ~~or appliance installation~~ mechanical work or HVAC

ORDINANCE NO. 9117

installation, the applicant shall pay a fee to the City in accordance with the City of Grand Island Fee Schedule.

Amended by Ordinance No. , effective 05-15-2007

§18-4071. Permit to be Kept on Premises

It shall be the duty of the installer to keep all permits on the premises where the work for which the permit was issued is being done until such time as the work is completed, inspected, tested and accepted by the gas mechanical inspector.

Amended by Ordinance No. , effective 05-15-2007

Division § 7. Penalty

§18-4172. Penalty for Violation of Article

It shall be unlawful for any person upon whom a duty is placed by the provisions of this article to fail or neglect to comply with the provisions thereof, and every person failing or neglecting to comply with or violating any of the provisions of this article, shall be deemed guilty of an infraction and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars; each day's failure or neglect to comply with or the violation of any of the provisions of this article shall be cumulative and deemed a separate and distinct offense and punishable as such. The penalty provided for in this section shall be cumulative and in addition to any other penalty provided for in this article.

Amended by Ordinance No. 9049, effective 6/28/2006

Amended by Ordinance No. , effective 05-15-2007

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, on May 15, 2007.

Enacted: April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item F4

#9118 - Consideration of Amending Chapter 26 of the Grand Island City Code Relative to Plumbing

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 24, 2007

Subject: Amending Chapter 26 of the Grand Island City Code to Adopt the 2006 Uniform Plumbing Code

Item #'s: F-4

Presenter(s): Craig Lewis, Building Department Director

Background

The City of Grand Island has adopted and enforced plumbing regulations for several decades. Currently the 2003 edition of the Uniform Plumbing Code is adopted to provide minimum standards for the protection of the public health, safety, and welfare in regard to plumbing installations and facilities. This proposal is to amend the City code to adopt the latest edition of the Uniform Plumbing code, that being the 2006 edition.

Discussion

The City generally adopts published model codes on a three to six year cycle as model codes are published and revised every three years. This edition and adoption is intended to keep current with the latest model plumbing code and bring the Cities of Hastings, Kearney, and Grand Island together as all three will be enforcing the same model plumbing code. Additional amendments will increase the time in the plumbing trade for journeyman plumbers from two years to four years before being able to take a master plumbing exam and increase the amount of liability insurance a plumbing contractor must carry from \$300,000 to \$1,000,000.

All of these modifications have been before the Grand Island Plumbing Board and received their approval and endorsement.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the ordinance to adopt the 2006 Uniform Plumbing Code and modify chapter 26 of the City Code.

Sample Motion

Motion to approve Ordinance #9118 to amend Chapter 26 of the Grand Island City Code.

ORDINANCE NO. 9118

An ordinance to revise Chapter 26 of the Grand Island City Code to bring it into conformity with the 2006 UPC Code Changes; and to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance, said effective date is May 15, 2007.

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

SECTION 1. That Chapter 26, Sections 1, 2, 5, 34, 41, 42 and 43 of the Grand Island City Code shall be modified to read as follows:

§26-1. Uniform Plumbing Code Adopted

The Uniform Plumbing Code, ~~2006~~2003 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted, together with Appendices as set forth hereafter, and any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this chapter of the Grand Island City Code. One copy of the Uniform Plumbing Code, ~~2006~~2003 Edition, and all supplements or amendments thereto shall be filed in the office of the city clerk as provided by law.

The following appendices shall be used with the Uniform Plumbing Code adopted by this section:

1. Appendix A – Recommended Rules for Sizing the Water Supply System.
2. Appendix B – Explanatory Notes on Combination Waste and Vent Systems.
3. Appendix D – Sizing Stormwater Drainage Systems.
4. ~~Appendix H – Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors.~~
5. ~~Appendix L – Alternate Plumbing Systems.~~

Amended by Ordinance No. 9024, effective 03-01-2006

Amended by Ordinance No. , effective 05-15-2007

§26-2. UPC - Certain Sections not Adopted

It is especially provided that the following chapters, sections, and tables of the Uniform Plumbing Code are not adopted or approved, and the same shall be of no force and effect:

1. Table 1-1 - Plumbing Permit Fees.
2. Chapter 13 – Health Care Facilities and Medical Gas and Vacuum Systems.
3. ~~Appendix E – Manufactured/Mobile Home Parks and Recreational Vehicle Parks.~~ Gray Water Systems
4. ~~Appendix F – Reserved~~ Appendix E – Manufacture/Mobile Home Parks and Recreational Vehicle Parks.
5. ~~Appendix G – Graywater Systems for Single Family Dwellings.~~ F – firefighter Breathing Air Replenishment Systems
6. Appendix I – Installation Standards
7. ~~Appendix J – Reclaimed Water Systems for Non-Residential Buildings.~~ K – Private Sewage Disposal Systems.
8. ~~Appendix K – Private Sewage Disposal Systems.~~

Amended by Ordinance No. 9024, effective 03-01-2006

Amended by Ordinance No. , effective 05-15-2007

Approved as to Form	<input type="checkbox"/>	_____
April 19, 2007	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 9118 (Cont.)

§26-5. UPC - Amendment of Subsection 103.1.1

Subsection 103.1.1 of the Uniform Plumbing Code is hereby amended to include the following:

103.1.1. Permits Required.

It shall be unlawful for any person, firm or corporation to make any installation, alteration or repair any plumbing system regulated by this Code except as permitted in Subsections 103.1.2 of this section, or cause the same to be done without first obtaining a permit to do such work from the Grand Island Building Department.

(A) A permit is required for the installation or replacement of all fuel burning and other water heaters, heating potable water, together with all chimneys, vents and their connectors.

(B) A permit is required for the installation, repair, or alteration of all fuel gas piping in or in connection with any building or structure or within the property lines of any premises, other than service pipe.

~~A permit is required for the installation or replacement of all warm air furnaces and heating systems including all chimneys, vents, and their connectors.~~

(C) No device shall be installed for the prevention of backflow or back-siphonage, or be removed from use, or relocated, or other device substituted without a permit.

A permit is required for lawn irrigation systems.

(D) No water treating or conditioning equipment shall be installed without a permit.

(E) A permit and inspection are required when repairing, replacing, or installing a sewer lateral, sewer tap, or sewer cap within five (5) feet of the City main, and when repairing or replacing fifty (50) percent or more of the sewer lateral.

Any repair, replacement, or installation of a new sewer tap shall be done in compliance with the Grand Island City Code, Chapter 30, Articles IV and V.

(F) A permit is required for the repair, replacement, or installation of a water service. A Plumbing Inspection Fee will be assessed on all water meter installations and replacements.

(G) A separate permit shall be obtained for each building or structure.

No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his or her employ.

Amended by Ordinance No. 8882, effective 01-07-2004

Amended by Ordinance No. 9024, effective 03-01-2006

Amended by Ordinance No. , effective 05-15-2007

§26-34. General Rules

(1) All plumbing apprentices actively engaged under a master plumber will be required to register with the City Building Department. Experience accrued towards taking the journeyman plumbers test will only be accepted as a registered apprentice. Time accrued previous to registration will be approved and noted.

(2) Time required for an apprentice to be actively engaged in the trade under the supervision of a master, journeyman, or qualified shop will be a minimum of three years ~~(two years for gas fitter)~~. Proof of qualifications will be submitted to the Board in writing for consideration and approval for the journeyman examination. Any academical time to be considered by the Board in place of actual apprenticeship time in the trade must be from a State accredited college or Technical school.

(3) Applicants must hold a journeyman license for a minimum of four years ~~(two years for gas fitter)~~ before taking the Master exam, and be actively engaged in the trade for the full four years ~~(two years for gas fitter)~~.

(4) The minimum age limit for a Journeyman examination will be Twenty (20) years of age unless approved by the Board.

(5) The allotted time for the Master and Journeyman examination will be four hours (two hours open book and two hours closed book).

(6) Request for Master and Journeyman examination will be filed in the City of Grand Island Building Department Office prior to the examination date for the consideration of the Board. Examination fee will be paid with the application. No exam fee will be refunded after taking the examination.

(7) All applicants will submit, along with their request for examination, letters of proof of the required apprenticeship time actively engaged in the trade.

(8) In the event that an applicant fails to pass the examination given, he may make application for a subsequent exam after eighty-five (85) days have passed.

ORDINANCE NO. 9118 (Cont.)

(9) At the discretion of the Board, experience gained at a industrial plant or outside the tri-city jurisdiction may be considered as apprenticeship time to qualify for a Journeyman examination. Information considered by the Board shall include written proof of previous experience record and oral examination.

(10) All examination papers are the property of the examining Board. Applicants will not be permitted to remain during grading or to review examination papers after they have been submitted for grading. Test results will be sent by mail.

(11) Applicant must obtain a passing score on each part of the exam (written as well as drawing).

(12) An applicant with a passing score will have a 30 day grace period to pick up a new license dated from the test date.

(13) An applicant must supply his own copy of this Code; the Grand Island Building Department will not supply copies to anyone during the test. Photocopies, reference books, or any other reference materials will not be allowed in the testing area during the test.

Amended by Ordinance No. , effective 05-15-2007

§26-41. Insurance

(1) Every licensee shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, with the following coverages and amounts.

(a) Comprehensive General Liability Insurance covering the operations of the licensee, including completed operations, with limits of not less than ~~\$1,000,000~~~~\$300,000~~ per occurrence for bodily injury and property damage.

(b) A provision making the City of Grand Island an additional insured for any third party claims for bodily injury or property damage based upon occurrences in connection with the licensee's business operations, including completed operations, within the City's zoning jurisdiction.

(2) The licensee shall furnish the City of Grand Island with a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.

Amended by Ordinance No. , effective 05-15-2007

§26-42. Use of Licensee's Name by Another

No person or concern who has obtained a contracting plumber's registration pursuant to this chapter shall allow his or her name to be used by another person or concern, either for the purpose of obtaining permits, or for doing business or work under such registration or license. Every person licensed pursuant to this section shall notify the Board of any change of street address. It shall be unlawful for any person not licensed as a master plumber to use the words "master plumber", "plumber" or "plumbing" in any advertising.

Amended by Ordinance No. , effective 05-15-2007

§26-43. Examinations; Fee; Exemptions

Any person desiring to be licensed as a master plumber or as a journeyman plumber pursuant to this chapter shall make written application for an examination to the Board. Examination fees shall be in accordance with the City of Grand Island Fee Schedule.

Examination fees shall accompany such application and shall be accounted for and turned over to the City Treasurer. Examination fees are not returned but shall be forfeited in the event the applicant fails the examination. ~~Each applicant taking the plumbers examination shall also take the examination for the gas fitters license. Failure to qualify as a gas fitter shall disqualify the applicant for either license. Only one examination fee shall be paid for taking both examinations.~~

Any person validly registered or licensed as a master plumber or journeyman plumber or equivalent capacity by the City of Hastings or the City of Kearney shall be exempt from taking the foregoing examination, and provided the applicant is otherwise qualified pursuant to this code, shall be issued an equivalent license upon application and payment of fees.

ORDINANCE NO. 9118 (Cont.)

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, on May 15, 2007.

Enacted: April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G1

Approving Appointment of Roger McShannon, Mark Tracy, and to the Business Improvement District No. 5 Board

The Mayor has submitted the appointments of Roger McShannon and Mark Tracy to the Business Improvement District #5 Board. These appointments would replace George Bartenbach and Jim Berglund who have resigned. The appointments would become effective immediately upon approval by Council, and would expire on December 31, 2008.

The Mayor has also submitted the appointment of Barbara Clinch to the Business Improvement District #5 Board. This appointment would replace Dean Peg who has resigned. The appointment would become effective immediately upon approval by Council, and would expire on December 31, 2009.

Approval is recommended.

Staff Contact: Mayor Margaret Hornady



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G2

Approving Minutes of April 10, 2007 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 10, 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 April 10, 2007. Notice of the meeting was given in *The Grand Island Independent* on April 4, 2007.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Walker, Cornelius, Nickerson, Gericke, Brown, Whitesides, Haase, and Meyer. Councilmember Gilbert was 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 Reverend Daniel Bremer, Grace Lutheran Church, 545 East Memorial Drive followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council members Liz Koch, Sam Bolton, Theresa Swezey. Carole Ostdiek, board member was also present.

A moment of silence was held in memory of Jackie Pielstick who died Sunday evening April 8, 2007. It was announced that funeral services would be held at the All Faiths Funeral Home on Thursday, April 12, 2007 at 1:00 p.m. and visitation would be Wednesday, April 11, 2007 from 3:00 p.m. to 7:00 p.m.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Child Abuse Prevention Month" April 2007. Mayor Hornady proclaimed the month of April 2007 as "Child Abuse Prevention Month". Dian Muhlbach was present to receive the proclamation and hand out blue ribbons and pin wheels representing the "Winds of Change" in preventing child abuse.

Proclamation "National Library Week" April 15-21, 2007. Mayor Hornady proclaimed the week of April 15-21, 2007 as "National Library Week". Steve Fosselman, Library Director was present to receive the proclamation.

Proclamation "Community Development Week" April 9-14, 2007. Mayor Hornady proclaimed the week of April 9-14, 2007 as "Community Development Week". Joni Kuzma, Development Specialist and Marsha Kaslon, Community Development Administrator were present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located Along the West Side of 1208 North Road (Jacqueline Hanover). Gary Mader, Utilities Director reported that acquisition of a utility easement located along the west side of 1208 North Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to locate a three phase pad-mounted transformer to provide electricity for the new irrigation well and service to an existing barn. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Shady Bend Road, 1/4 Mile North of Schimmer Drive (Frances L. Ballou). Gary Mader, Utilities Director reported that acquisition of a utility easement located west of Shady Bend Road, 1/4 mile north of Schimmer Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to provide the documentation for an existing three phase overhead line which feeds an irrigation well and would be the source for electrical service to a new home along Shady Bend Road. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Northeast Corner of 939 South Locust Street (Southeast Crossings, LLC). Gary Mader, Utilities Director reported that acquisition of a utility easement located at the northeast corner of 939 South Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to provide a location for a new pad-mounted transformer to serve electricity to a new strip mall, Southeast Crossings. No public testimony was heard.

Public Hearing on Grant Status of Community Revitalization, Phase I. Marsha Kaslon, Community Development Administrator reported the Nebraska Department of Economic Development (DED) awarded the City of Grand Island Community Development Block Grant (CDBG) funding to facilitate community revitalization. This was the first phase of a three-phase program. The City received \$296,113 of CDBG funds to be used for direct rehabilitation assistance for homeowners or down payment assistance for first time homebuyers. This public hearing was required to solicit public comment and input into the proposed project and grant application. No public testimony was heard.

Public Hearing on Grant Application to Nebraska Department of Economic Development for Community Revitalization, Phase II. Marsha Kaslon, Community Development Administrator reported this was Phase II of the previous public hearing. The City would be applying for CDBG funds in the amount of \$261,010 of which \$242,740 would be used for direct rehabilitation for homeowners or down payment assistance for first time homebuyers and \$18,270 would be used by Community Development for general administration. No public testimony was heard.

ORDINANCES:

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

#9113 – Consideration of Creating Sanitary Sewer District No. 524, Lots 1-18 and 29-47 of Westwood Park Subdivision

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

Steve Riehle, Public Works Director reported that Ordinance #9113 would create Sanitary Sewer District #524 located in Westwood Park Subdivision. A petition signed by residents representing fourteen (14) properties had been received.

Motion by Meyer, second by Cornelius to approve Ordinances #9113.

City Clerk: Ordinance #9113 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9113 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9113 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda Items G-12 and G-17 were removed for further discussion. Motion by Cornelius, second by Haase to approve the Consent Agenda excluding items G-12 and G-17. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Documents – Pawnbroker’s Official Bonds for Bronx Pawn, 386 North Pine; G.I. Loan Shop, 1004 West 2nd Street; and Wayne’s Pawn Shop, 203 West 3rd Street.

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

Approving Minutes of April 3, 2007 City Council Study Session.

Approving Request of Michelle Martinez, 1420 N. Wheeler Avenue for Liquor Manager Designation for Holiday Station Store #210, 1420 South Locust Street.

Approving Request of Susana Steele, 612 E. ash for Liquor Manager Designation for Holiday Station Store #114, 1404 West 2nd Street.

#2007-77 – Approving Final Plat and Subdivision Agreement for Commonwealth Business Park Sixth Subdivision. It was noted that Southeast Crossings, L.L.C., owner had submitted a Final Plat for Commonwealth Business Park Sixth Subdivision located north of Old Potash Highway and west of US Highway 281. This proposes to create 2 lots on a tract of land comprising all of Lot One (1), Commonwealth Business Park Second Subdivision consisting of approximately 2.770 acres.

#2007-78 – Approving Final Plat and Subdivision Agreement for Woodland Park Fifth Subdivision. It was noted that Woodland Park Townhomes, LLC and Hastings Venture, LLC, owners has submitted a Final Plat for Woodland Park Fifth Subdivision located on a tract of land in the W1/2 of the SE1/4 of Section 2-11-10 for the purpose of creating 15 lots and one outlot and consisting of approximately 9.28 acres.

#2007-79 – Approving Acquisition of Utility Easement Located Along the West Side of 1208 North Road (Jacqueline Hanover).

#2007-80 – Approving Acquisition of Utility Easement Located West of Shady Bend Road, 1/4 Mile North of Schimmer Drive (Frances L. Ballou).

#2007-81 – Approving Acquisition of Utility Easement Located at the Northeast Corner of 939 South Locust Street (Southeast Crossings, LLC).

#2007-82 – Approving Integrated Resources Plan – 2007, Utilities Department.

#2007-84 – Approving Purchase of Two (2) Data911 Mobile Data Systems and Mobile Digital Video Systems from Data911 Mobile Computer Systems of Chesterfield, Missouri in an Amount of \$551.56.

#2007-85 – Approving Phase I of Grant Application for Community Revitalization.

#2007-86 – Approving Grant Application to Nebraska Department of Economic Development for Community Revitalization, Phase II.

#2007-87 – Approving Bid Award for Fiber Optic Cable Installation – Contract 2006-OPGW-III with Kayton Electric, Inc. of Holdrege, Nebraska in an Amount of \$59,733.00.

#2007-83 – Approving Bid Award for Tapping and Line-Stopping Systems with Municipal Pipe Services, Inc. of Hastings, Nebraska in an Amount of \$57,662.30. Gary Mader, Utilities Director explained the purpose of tapping and line stopping systems. Discussion was held regarding the engineers estimate. Mr. Mader stated it was just an estimate and funds had been budgeted. Also mentioned was that this was reviewed by the City Attorney and was within the law.

Motion was made by Whitesides, second by Nickerson to approve Resolution #2007-83. Upon roll call vote, all voted aye. Motion adopted.

#2007-88 – Approving Bid Award for Backhoe/Loader for Cemetery Division with Nebraska Machinery Co., The Cat Rental Store of Doniphan, Nebraska in an Amount of \$51,790.00. Steve Paustian, Parks and Recreation Director explained the purpose of this backhoe/loader. Discussion was held on the weight and size of the machine.

Motion was made by Walker, second by Nickerson to approve Resolution #2007-88. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTION:

#2007-73 – Consideration of Request of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road for a Class 'T' Liquor License and Liquor Manager Designation for James Scott, 3720 State Street Apt H9. RaNae Edwards, City Clerk reported this item had been pulled from the agenda at the request of the applicant.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of March 28, 2007 through April 10, 2007, for a total amount of \$2,725,001.94. Motion adopted unanimously.

Motion by Cornelius, second by Haase to approve the following Claims for the Library Expansion for the period of March 28, 2007 through April 10, 2007:

#64	\$1,000.00
#65	37.17
#66	4,225.00

Motion adopted unanimously.

EXECUTIVE SESSION:

Motion by Meyer second by Brown to go into Executive Session at 7:30 p.m. for the purpose of discussing IBEW, FOP, IAFF, and AFSCME Union Contract Negotiations. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION:

Motion by Cornelius, second by Walker to return to regular session at 8:20 p.m.

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G3

Approving Minutes of April 17, 2007 City Council Study Session

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

April 17, 2007

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Community Meeting Room of City Hall, 100 East First Street, on April 17, 2007. Notice of the meeting was given in the *Grand Island Independent* on April 11, 2007.

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

INVOCATION was given by Evangelist Gary Bennett, Church of Christ, 2822 West Stolley Park Road followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady mentioned that the flags were being flown at half-staff in honor of the victims of the Virginia Tech tragedy.

Multicultural Coalition Presentation of the Movie "The Color of Fear". Paul Briseno, Assistant to the City Administrator introduced Odalys with the Multicultural Coalition. Ms. Perez stated "The Color of Fear" was an internationally acclaimed film about eight men of various ethnicities engaged in dialogue about race and the effects of racism on their lives and families.

Following the film a lengthy discussion was held on diversity and racism.

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

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G4

**Approving Request of Tina Krings, 1005 Village Green Drive #4,
Norfolk, Nebraska for Liquor Manager Designations for Casey's
General Stores #1768, #2727, #2732, and #2742**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 24, 2007

Subject: Request of Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska for Liquor Manager Designation for Casey's General Stores #1768, #2727, #2732, and #2742

Item #'s: G-4

Presenter(s): RaNae Edwards, City Clerk

Background

Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska has submitted applications with the City Clerk's Office for a Liquor Manager Designation in conjunction with the following Casey's General Stores Liquor Licenses:

B-29484	Store #1768, 420 North Broadwell Avenue
B-71406	Store #2727, 1219 West 2 nd Street
B-71404	Store #2732, 4150 West US Highway 30
B-71396	Store #2742, 2223 South Locust Street

These applications have been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

1. Approve the request.

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

Recommendation

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

Sample Motion

Move to approve the request of Tina Krings, 1005 Village Green Drive #4, Norfolk, Nebraska for Liquor Manager Designation in conjunction with Casey's General Stores #1768, #2727, #2732, and #2742 with the stipulation that Ms. Krings complete a state approved alcohol server/seller training program.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings,
Casey's Retail Company dba Casey's General Store #1768, 420 N
Broadwell Ave., Grand Island, NE

The Grand Island Police Department has received an application for Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store #1768, located at 420 N Broadwell Ave., Grand Island, NE..

No violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store, #1768, located at 420 N Broadwell Ave., Grand Island, NE.

DV/rk *Dave Vitera*

INTEROFFICE
MEMORANDUM
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings,
Casey's Retail Company dba Casey's General Store #2727, located at
1219 West 2nd Street, Grand Island, NE.

The Grand Island Police Department has received an application for Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store #2727, located at 1219 West 2nd Street, Grand Island, NE.

No violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store, #2727, located at 1219 West 2nd Street, Grand Island, NE.

DV/rk *Dave Vitera*

INTEROFFICE
MEMORANDUM
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings,
Casey's Retail Company dba Casey's General Store #2732, 4150 West
US Hwy 30, Grand Island, NE.

The Grand Island Police Department has received an application for Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store #2732, located at 4150 W US Hwy 30, Grand Island, NE.

No violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store, #2732, located at 4150 W US Hwy 30, Grand Island, NE.

DV/rk *Dave Vitera*



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Liquor Manager Designation for Tina Krings,
Casey's Retail Company dba Casey's General Store #2742, located at
2223 S Locust Street, Grand Island, NE.

The Grand Island Police Department has received an application for Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store #2742, located at 2223 South Locust Street, Grand Island, NE.

No violations were found for Tina Krings. Therefore, it is the Grand Island Police Department's recommendation to approve the Liquor Manager Designation for Tina Krings in connection with Casey's Retail Company dba Casey's General Store, #2742, located at 2223 South Locust Street, Grand Island, NE.

DV/rk *Dave Vitera*



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G5

**Approving Request of Susan McAfee, 1863 7th Avenue,
Dannebrog, Nebraska for Liquor Manager Designation for Pump
& Pantry #6, 3355 Stolley Park Road and Pump & Pantry #8, 2028
North Broadwell Avenue**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 24, 2007

Subject: Request of Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska for Liquor Manager Designation for Pump & Pantry #6 and Pump & Pantry #8

Item #'s: G-5

Presenter(s): RaNae Edwards, City Clerk

Background

Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-13152" Liquor License for Pump & Pantry #6, 3355 Stolley Park Road and Class "B-13153" Liquor License for Pump & Pantry #8, 2028 North Broadwell Avenue. These applications have been reviewed by the Police Department and City Clerk's Office.

Discussion

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

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the request of Susan McAfee, 1863 7th Avenue, Dannebrog, Nebraska for Liquor Manager Designation in conjunction with the Class “B-13152” Liquor License for Pump & Pantry #6, 3355 Stolley Park Road and Class “B-13153” Liquor License for Pump & Pantry #8, 2028 North Broadwell Avenue with the stipulation that Ms. McAfee complete a state approved alcohol server/seller training program.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 19, 2007

TO: RaNae Edwards, City Clerk

FROM: David Vitera, Sergeant, Police Department

RE: Liquor Manager Designation – Pump and Pantry #6,
3355 Stolley Park Road and Pump and Pantry #8,
2028 North Broadwell, Grand Island, Ne. 68801
“Susan McAfee”

The Grand Island Police Department has received an application for Liquor Manager Designation for Pump and Pantry #6, 3355 Stolley Park Road and Pump and Pantry #8, 2028 North Broadwell, Grand Island, Nebraska in the name of Susan McAfee.

Susan McAfee has 4 speeding convictions which were undisclosed on her application. According to Nebraska Liquor Control Act, McAfee should have reported the violations. However, since McAfee's violations didn't rise to the level of a Class I Misdemeanor, they would not cause her application to be automatically excluded.

Therefore, it is the Police Department's recommendation to approve the Liquor Manager Designation for Susan McAfee.

DV/rk *David Vitera*

04/18/07
14:56

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
1

City : Grand Island
Occurred after : 10:49:31 04/18/2007
Occurred before : 10:49:31 04/18/2007
When reported : 10:49:31 04/18/2007
Date disposition declared : 04/18/2007
Incident number : L07042413
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 3535 Stolley Park Rd 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 : P In Person
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 :
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	54422	04/18/07	Pump & Pantry, #8	Store
NM	60231	04/18/07	Pump & Pantry #6,	Store
NM	94953	04/18/07	McAfee, Susan R	Liquor Manager Inve

LAW INCIDENT NARRATIVE:

Liquor Manager Designation for Pump & Pantry Store # 6 and # 8.

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:46:36 04/18/2007

Grand Island Police Department
Supplemental Report

I received a copy of a request for Susan R. McAfee to be the Liquor Manager at the Pump and Pantry #6 and Pump and Pantry #8. I checked McAfee through Spillman, and she doesn't have any violations. I also checked her through

04/18/07
14:56

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

NCJIS which shows her to have four convictions for speeding.

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.

McAfee's four undisclosed speeding convictions technically makes the application false according to the Nebraska Liquor Control Act Part II Rules and Regulations, Chapter 2 Requirements for Licensees, .010.01 Falsification of Application. It states:

"No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license."

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"

"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..." Since McAfee's violations didn't rise to the level of a Class I Misdemeanor, they would not cause her application to be automatically excluded.

It's the Police Department's recommendation to approve the Liquor Manager Designation for Susan McAfee.

Date, Time: Wed Apr 18 14:54:56 CDT 2007
Reporting Officer: Vitera
Unit #: 835



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G6

#2007-89 - Approving Tax Increment Financing for Pro Con Handicapped Housing Development

This item relates to the aforementioned Public Hearing Item E-4.

Staff Contact: Chad Nabity

RESOLUTION 2007-89

WHEREAS, the City of Grand Island, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1997, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared Redevelopment Area No. 5 of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "Authority"), has prepared a Redevelopment Plan pursuant to Section 18-2111 of the Act, and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, to the City, pursuant to Section 18-2114 of the Act; and

WHEREAS, following consideration of the recommendations of the Authority to the Planning Commission, the recommendations of the Planning Commission to the City, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, such project to be a handicap housing development located upon Lots 1 and 2 of Sunny Side Second Subdivision and Lots 1, 2 and 3 of Goodrich Second Subdivision in Grand Island, Hall County, Nebraska; and

WHEREAS, the City published notices of a public hearing and mailed notices as required pursuant to Section 18-2115 of the Act and has, on the date of the Resolution held a public hearing on the proposal to amend the Redevelopment Plan to include the Redevelopment Project described above.

NOW, THEREFORE, be it resolved by the City Council of the City of Grand Island, Nebraska:

RESOLUTION 2007-89 (Cont.)

1. The Redevelopment Plan of the City approved for Redevelopment Area No. 5 in the city of Grand Island, Hall County, Nebraska, including the Redevelopment Project described above, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Grand Island as a whole and the Redevelopment Plan, including the Redevelopment Project identified above, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the Redevelopment Contract in accordance with Section 18-2119 of the Act and of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Contract.
2. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.
3. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Plan which is described above shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall be January 1, 2008 as follows:
 - a. That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
 - b. That proportion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, such Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such Redevelopment Project shall be paid into the funds of the respective public bodies.

R E S O L U T I O N 2007-89 (Cont.)

- c. The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Hall County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to each Redevelopment Project.
4. The City hereby finds and determines that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, in accordance with the general plan for development of the City, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity; and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of a healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreation and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G7

#2007-90 - Approving Agreement for Consulting Services for Tier II Emission Rate Testing at the Solid Waste Landfill

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 24, 2007

Subject: Approving Proposal to Conduct Tier II Emission Rate Testing at the Grand Island Landfill

Item #'s: G-7

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

Background

Tier II Non-Methane Organic Compounds (NMOC) emission rate testing must be performed at the landfill every 5 years. The testing is an EPA requirement that was included in a 1990 Amendment to the Clean Air Act. The last time testing at the Landfill was performed in 2002.

Requests for proposals for engineering services related to Tier II emission rate testing were sent to seven firms and published in the Grand Island Independent on Wednesday, March 21, 2007.

Discussion

Four (4) proposals were received, opened, and reviewed on April 5, 2007.

<i>Proposer</i>	<i>Exceptions</i>	<i>Proposal Amount</i>
Aquaterra Environmental Solutions, Inc. Omaha, Nebraska	None	\$16,054
HDR Engineering, Inc. Omaha, Nebraska	None	\$25,400
Milco Environmental Services, Inc. Kearney, Nebraska	None	\$18,840
EA Engineering Lincoln, Nebraska	None	\$22,495

Alternatives

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

1. Move to approve an agreement with Aquaterra Environmental Solutions, Inc. and authorize the mayor to execute the agreement.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

Administration recommends that the council approve a resolution approving an agreement with Aquaterra Environmental Solutions, Inc. of Omaha, Nebraska and authorizing the mayor to execute the agreement.

Sample Motion

Motion to approve the agreement with Aquaterra Environmental Solutions, Inc. of Omaha, Nebraska in the amount of \$16,054.00.

**AQUATERRA ENVIRONMENTAL SOLUTIONS, INC. (AQUATERRA) ---
TERMS AND CONDITIONS FOR PROFESSIONAL CONSULTING SERVICES**

1. **SCOPE OF SERVICES:** Aquaterra will perform the services set forth in the proposal for this project, of which these terms and conditions are a part. Initiation of services by Aquaterra will automatically incorporate these terms and conditions into this project.
2. **PAYMENTS:** Aquaterra will submit invoices to client monthly and a final bill upon completion of services. Time is of the essence in payment of invoices and timely payment is a material part of the consideration of this Agreement. Payment is due upon presentation of invoice and is past due 30 days from the date of invoice. Client agrees to pay a finance charge of one and one half percent per month on past due accounts. Client also agrees to pay all costs and expenses, including reasonable attorney fees incurred by Aquaterra relating to collection proceedings on overdue accounts. Failure of client to abide by the provisions of this section will be considered grounds for termination by Aquaterra.
3. **OWNERSHIP OF DOCUMENTS:** All documents prepared by Aquaterra are considered instruments of service, and shall remain the property of Aquaterra. Any reuse by client without written verification or adaptation by Aquaterra for the specific purpose intended will be at client's sole risk and without legal liability or exposure to Aquaterra.
4. **INSURANCE:** Aquaterra will maintain appropriate workers compensation/employers liability; automobile; general liability; and professional liability insurance coverages at all times. An insurance certificate will be provided upon request.
5. **INDEMNITY:** Aquaterra will indemnify client for a loss, damage or injury to the extent a loss, damage or injury is caused by the negligent errors or omissions of Aquaterra or any of its employees.
6. **LIMITATION OF LIABILITY:** Aquaterra and client agree to allocate certain risks so that Aquaterra's total aggregate liability to client is limited to \$50,000 or the fee for services, whichever is greater, and client hereby releases Aquaterra from any liability above such amount. This applies to any loss and all injuries, damages, claims or expenses, including attorneys' fees and expert witness fees, arising out of this Agreement from any cause or causes. Such causes include, but are not limited to, Aquaterra's negligence, errors, omissions, strict liability, statutory liability, breach of contract, breach of warranty, negligent misrepresentation, or other acts giving rise to liability based upon contract, tort or statute.
7. **SAFETY:** Aquaterra is not responsible or liable for injuries or damages incurred by third parties who are not employees of Aquaterra. It is agreed that Aquaterra is not responsible for job or site safety on this project. Job site safety in, on or about the site is the sole and exclusive responsibility of the contractor.
8. **THIRD PARTY RELIANCE:** All documents produced by Aquaterra are for client's use only. At client's request, Aquaterra may provide a letter authorizing limited reliance on certain documents by a third party, but only if the third party agrees to be bound by the terms and conditions in this Agreement between Aquaterra and client.
9. **UTILITIES AND SUBTERRANEAN STRUCTURES:** Aquaterra will take reasonable precautions to avoid causing damage to utilities and subterranean structures. Aquaterra is not responsible for any loss, damage or injury arising from damage to, or contact with, any utilities or subterranean structures that were not properly called to Aquaterra's attention, were not properly located on drawings, or was caused by the providing of inaccurate or incomplete information regarding their location.

10. **CHANGED CONDITIONS:** If, during the performance of this Agreement, unexpected conditions or circumstances are discovered, Aquaterra will notify client and the parties will renegotiate the scope and price. Aquaterra and client will promptly and in good faith enter into a renegotiation process. If renegotiated terms cannot be agreed to, Aquaterra will have the right to terminate this Agreement without penalty.
11. **DISPUTES:** If a dispute arises, Aquaterra and client agree that they will make a reasonable, good faith effort to resolve the dispute prior to either commencing legal action. The parties agree to meet, on multiple occasions if necessary, with senior management who are authorized to act on their behalf participating.
12. **TESTING AND OBSERVATION SERVICES:** This section will apply if Aquaterra is hired by client to provide a site representative for the purpose of testing or observing specific portions of the work. This work will not include supervision or direction of the actual work of any contractors, their employees or agents. We will observe the portion of the work we have been hired for and perform tests, the results being delivered to client, or others if directed by client. Even with very careful field testing and observation, client understands that field testing and observation is conducted to reduce, not eliminate, the risk of problems arising and that providing these services does not create a warranty or guarantee of any type.
13. **SOIL BORING AND TEST LOCATIONS:** The accuracy of test locations and elevations will be commensurate only with pacing and approximate measurements or estimates. Client must hire a professional surveyor if greater accuracy is required or desired. Aquaterra reserves the right to deviate a reasonable distance from the boring and test locations unless this right is specifically revoked in writing.
14. **ON SITE SERVICES:** Project site visits by Aquaterra, or the furnishing of employees to work on the project, will not make Aquaterra responsible for construction means, methods, techniques or procedures; or for any construction contractor's failure to perform its work in accordance with the drawings and specifications.
15. **TERMINATION:** Services may be terminated by Aquaterra or client by providing 7 days written notice in the event of substantial failure to perform in accordance with the terms herein. Client shall pay Aquaterra all amounts due for all services properly rendered and expenses incurred to the date of receipt of notice of termination, plus reasonable costs incurred by Aquaterra in terminating the services.
16. **SEVERABILITY:** If any provision contained in this Agreement is held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired.
17. **GENERAL RESPONSIBILITIES OF CLIENT:** Client will, within a reasonable period of time, so as not to delay the services of Aquaterra: place at Aquaterra's disposal all available information pertinent to the project; Aquaterra may rely on the information provided as being accurate without independent verification; client will provide prompt written notice to Aquaterra whenever client observes or otherwise becomes aware of any defect in Aquaterra's services; and client will arrange for access to public and private property as required for Aquaterra to provide its services.
18. **ENTIRE AGREEMENT—PRECEDENCE:** These terms and conditions and Aquaterra proposal/report contain the entire agreement between Aquaterra and client relative to the scope of services. All previous or contemporaneous agreements, representations, promises and conditions relating to Aquaterra services are superceded. Since terms contained in purchase orders do not generally apply to professional services, in the event client issues to Aquaterra a purchase order, no preprinted terms thereon will become part of this Agreement. Said purchase order document, whether or not signed by Aquaterra, shall be considered a document for client's internal management of its operations.

NOTICE-TO-PROCEED
Engineering Services Related to Emission Rate Testing (Tier II)
at the Solid Waste Landfill
City of Grand Island, Nebraska
Aquaterra Proposal dated
April 3, 2007

I (we) understand and accept the above proposal.

ENGINEER: Aquaterra Environmental Solutions, Inc.	
------------------------------------------------------	--

BY: Douglas L. Doerr, P.E. Principal	
-----------------------------------------	--

CLIENT: City of Grand Island, Nebraska	
-------------------------------------------	--

AGREED TO DATE:	
-----------------	--

PRINTED NAME/TITLE:	SIGNATURE:

4.0 SCOPE OF WORK AND APPROACH

4.1 Prepare Tier II NMOC Sampling and Analysis Plan

Aquaterra will prepare a Tier II NMOC Sampling and Analysis Work Plan for review by the City of Grand Island and the NDEQ. The work plan will include a detailed discussion of the proposed approach to the project including field methods, sampling procedures and protocols, landfill gas sample composite schemes, and sample handling and chain-of-custody procedures.

In preparing the work plan, Aquaterra will coordinate with the landfill personnel to obtain information regarding the actual surface area of the Old landfill and the current Subtitle D landfill in which the waste is older than two (2) years. Aquaterra understands that during the previous Tier II NMOC testing, performed in 2002, samples were collected from approximately 20 acres of the old landfill and 22 acres of the existing Subtitle D facility. Therefore, this proposal and the work plan will be based on a minimum of 42 acres of landfill surface in addition to the landfill surface area that has become applicable to the Tier II testing requirements since 2002. A minimum of 2 sample probes per hectare (4 probes per every 5 acres) as required by 40 CFR 60.754(a)(3) will be installed as part of the sampling plan.

4.2 Install Probes and Collect Landfill Gas Samples

Aquaterra will use our company-owned, direct-push, track-mounted Geoprobe® to drive a regulatory required minimum of 34 monitoring probes (assuming samples collected over 42 acres) to a depth of approximately three (3) feet below the bottom of the landfill cover into the deposited waste. We understand that a total of 50 probes were previously advanced in 2002, and for comparison purposes, please note that Aquaterra is prepared to advance up to a total of 50 probes as part of our proposed work effort. We expect that the total number will be jointly decided by the City of Grand Island and Aquaterra as part of the previous task. Typically, to minimize disturbance to the in-place cover, Aquaterra only collects the regulatory required number of samples.

Probes will be located in a grid pattern over the active and old landfills in a relatively uniform manner in order to collect a statistically representative composite sample. In general accordance with the field sampling protocol outlined in EPA Method 25C – Determination of NMOC in Landfill Gases, a re-useable stainless steel probe will be driven approximately three (3) feet into the waste. The probe is sealed from the surface and a landfill gas sample is extracted through the probe for analytical laboratory testing. Following sample collection, the probe rod will be extracted and a bentonite clay seal will be placed in the probe penetration. An alternative to this is to use a 14-inch long stainless steel probe inserted through a probe rod and attached to Teflon tubing. The probe and tubing is then sealed in place from the surface with hydrated bentonite. The Teflon tubing will extend beyond the ground surface for sampling.

One (1) landfill gas sample will be collected from each of the monitoring probes in general accordance with EPA Method 25C referenced above. Field readings will be recorded at the time of sample collection. These readings will include gas composition using a Landtec GEM 2000 and/or Landtec GEM 500 gas meter (oxygen and nitrogen or balance gas), pressure, and flow rate. Following purging and field screening activities, a minimum of 1 liter of landfill gas will be collected.

Aquaterra anticipates that the landfill gas samples will be field composited between a 3-to-1 and 5-to-1 ratio of equal volumes; depending on the total number of probes. The composite samples will be collected in 6-liter summa canisters and transported via express delivery to a third party accredited laboratory; under contract to Aquaterra. Samples will be submitted to the laboratory following standard Aquaterra chain-of-custody procedures.

4.3 Laboratory Analysis

Composite landfill gas samples will be analyzed for Total Gaseous NMOC using EPA Method 25C (triplicate injection). In addition to the NMOC analysis, the percent oxygen, nitrogen, carbon dioxide and methane will be determined using EPA Method 3C (duplicate injection).

The presence of nitrogen and oxygen indicate infiltration of ambient air into the landfill gas sample. If the concentration of nitrogen and oxygen are greater than 20 percent and 5 percent, respectively, the sample is unacceptable. For this reason, Aquaterra will assure that additional samples are collected at the time of the field activities to avoid the potential need to return to the site should any samples be deemed unacceptable.

4.4 Calculate Emission Rate and Prepare Tier II Report

Following receipt of the laboratory analytical results, an average NMOC concentration reported, as NMOC (as hexane), will be calculated and the NMOC emission rate recalculated using the site specific NMOC concentration data. Aquaterra will use the USEPA Landfill Gas Emissions Model Version 3.02 (LandGEM Model) to model landfill emissions over time and will prepare a Tier II analysis report for the City's submittal to the NDEQ. The Tier II NMOC Emission Rate Report will include a summary of the testing activities, field observations, QA/QC, analytical results, conclusions and recommendations.

5.0 PROPOSED SCHEDULE AND FEE

Aquaterra understands from the RFP that the City of Grand Island is requesting that all scope elements performed under this contract be completed no later than August 1, 2007. Assuming receipt of Notice-to-Proceed by the RFP anticipated date of April 25, 2007, Aquaterra is confident that we can satisfy the work scope on or before the desired deadline. In fact, we would expect, based on similar project experiences, to complete the scope elements in accordance with the following timeline:

Scope Element	Comments	Estimated Completion Time
Prepare Work Plan	This task will be initiated upon notice to proceed and receipt of City provided information.	1 Week
City and NDEQ Review of Work Plan	This not under the control of Aquaterra.	1 Week
Revision of Work Plan (if necessary)	This task can be initiated following receipt of review comments from the City and NDEQ.	1 Week
City and NDEQ Final Review of Work Plan (if necessary)	This is not under the control of Aquaterra.	1 Week
Field Activities	This task can be initiated following approval of work plan by the City and NDEQ.	2 Weeks
Sample Analysis	This task can be initiated following completion of sample collection.	2 Weeks
Report Preparation	This task can be initiated following receipt of laboratory analytical results.	2 Weeks
Total Estimated Completion Time = 10 Weeks		

Aquaterra proposes to perform the scope of services detailed in the proposal for a lump sum fee of **\$16,054**. This fee includes all labor, materials, and analytical costs necessary to complete the scope of services. We have included a detailed cost estimate in **Attachment 2** which fully develops our costing approach and assumptions. Please note that our lump sum fee of **\$16,054** represents a 15% reduction from the detailed cost estimate in **Attachment 2**. This one time reduction in fee is being offered as we recognize that we do not have experience directly with the City of Grand Island. Our hope is that this reduction of fee, combined with our extensive amount of related experience, will overcome the lack of evaluation points received for direct experience with the City of Grand Island. We have also included as **Attachment 3**, as required, an example of our standard Terms and Conditions.

6.0 REFERENCES

Aquaterra is proud of our work and our relationship with our clients. Many of our clients have followed our staff throughout their careers and we strongly encourage you to contact our references for additional information regarding the services provided by Aquaterra. Additional references can be made available if necessary.

City of Lincoln, NE
Ms. Karla Welding
Superintendent of Solid Waste Operations
2400 Theresa Street
Lincoln, NE 68521
(402) 441-7867

City of Springfield, MO
Mr. Doug Durrington
Brownfields / Solid Waste Program Engineer
PO Box 8368
840 Booneville Avenue
Springfield, MO 65801
(417) 864-2004

RESOLUTION 2007-90

WHEREAS, the City of Grand Island invited proposals for Consulting Services for Tier II Emission Rate Testing at the Solid Waste Landfill in accordance with a Request for Proposals on file with the Public Works Department; and

WHEREAS, four proposals were received, reviewed and evaluated in accordance with established criteria on April 5, 2007; and

WHEREAS, Aquaterra Environmental Solutions, Inc., of Omaha, Nebraska, submitted a proposal in accordance with the terms of the request for proposals and all statutory requirements contained therein and the City Procurement Code, such proposal being for costs in the amount of \$16,054.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Aquaterra Environmental Solutions, Inc., of Omaha, Nebraska, for consulting services for Tier II Emission Rate Testing at the Solid Waste Landfill for \$16,054.00 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G8

#2007-91 - Approving Acquisition of Utility Easement - North Line of Outfall Ditch 30B, Northeast of the Wastewater Treatment Plant - Midland Ag Services, Inc.

This item relates to the aforementioned Public Hearing Item E-7.

Staff Contact: Gary R. Mader

RESOLUTION 2007-91

WHEREAS, a public utility easement is required by the City of Grand Island, from Midland Ag Services, Inc., a Nebraska Corporation, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on April 24, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of the East Half of the Northeast Quarter (E $\frac{1}{2}$, NE $\frac{1}{4}$) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9), West of the 6th P.M., Hall County, Nebraska, the five (5.0) foot wide utility easement, being more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West; thence northerly, along the easterly line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of sixty six (66.0) feet; thence westerly, parallel with the southerly line of the said Northeast Quarter (NE $\frac{1}{4}$), a distance of six hundred seventy four and seventy two hundredths (674.72) feet, to the actual point of beginning; thence continuing westerly, parallel with the southerly line of the said Northeast Quarter (NE $\frac{1}{4}$), a distance of six hundred forty nine and four hundredths (649.04) feet, to the southeast corner of Lot Thirty Two (32), Industrial Addition to the City of Grand Island.

The above-described easement and right-of-way containing 0.074 acres, more or less, as shown on the plat dated April 6, 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 Midland Ag Services, Inc., a Nebraska Corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
April 19, 2007	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G9

#2007-92 - Approving Amendment to the 2006/2007 Fee Schedule

Staff Contact: David Springer, Finance Director

Council Agenda Memo

From: Dave Springer, Finance Director

Meeting: April 24, 2007

Subject: Approving User Fee Schedule Changes

Item #'s: G-9

Presenter(s): Dave Springer, Finance Director

Background

The City's user fees are updated during the annual budget process and normally presented for council approval in July. During the course of the year, we have found some fees that should be added to the schedule, corrected, or ones that may have been missed or recommended for change, and it would be beneficial to have them in place before a number of these departments enter their busy season.

Discussion

Landfill/Transfer Station: The current fee schedule does not allow for the disposal of scrap tires under the Landfill or Transfer Station sections. Nor is the disposal of appliances provided for. This is problematic, as commercial haulers and the general public are forced to take these items to other disposal facilities. Although scrap tires and appliances are banned from landfill disposal per NDEQ, solid waste disposal facilities are encouraged to accept these items for recycling purposes. A company in Hastings would provide containers and recycling services. We anticipate this to be budget neutral, with these fees offsetting the Hastings firm's charges and feel that this would be beneficial to the City to do.

Administration: Add Class D liquor/beer sales to fees collected for the schools, as is actually being done.

Police Department: Add a vehicle auction bid fee. These auctions have proven successful, but also draw the curious and gawkers. Better crowd control and auction management would be achieved by culling to serious buyers.

Parks and Recreation Department:

Recreation: Adjust league play rates for volleyball, basketball and flag football teams.

Aquatics: Adjust Lincoln Pool swimming lessons.

Water Park: Adjust group fees.

Golf Course: Make recommended changes per marketing plan. Beer will be the responsibility of the Golf Pro in the future.

Heartland Shooting Park: Various changes and additions as this operation continues to evolve.

Alternatives

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

1. Approve the resolution to amend the Fee Schedule.
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 the resolution to amend the Fee Schedule.

Sample Motion

Motion to approve the resolution to amend the Fee Schedule.

Amended Fee Schedule for 2007				
	2004	2005	2006	2007
LANDFILL SITE				
Passenger tire				3.25/tire
Passenger tire on rim				13.25/tire
Truck tire				10.00/tire
Truck tire on rim				25.00/tire
Implement tire				25.00/tire
Implement tire on rim				50.00/tire
Appliances				10.00
Set pricing for special projects with the approval of the Public Works Director and City Administrator				
TRANSFER STATION				
Passenger tire				3.25/tire
Passenger tire on rim				13.25/tire
Truck tire				10.00/tire
Truck tire on rim				25.00/tire
Implement tire				25.00/tire
Implement tire on rim				50.00/tire
Appliances				10.00
ADMINISTRATION				
Liquor License - School Fees (annual)				
Class D Retail liquor/beer, off sale				200.00
Class D1 Retail liquor/beer, off sale withing zoning jurisdiction				200.00
POLICE DEPARTMENT				
Vehicle Auction Bid Fee (annual)				15.00
RECREATION DIVISION				
The Parks and Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions				
Volleyball Program (per game)				
League Play - Per Team***	16.00	16.00	16.00	17.50
Basketball Program (per game)				
League Play - Per Team***	22.00	22.00	22.00	34.00
League A - Per Team***				
League B - Per Team***				
League C - Per Team***				
Flag Football Program (per game)				
League Play - Per Team***	30.00	30.00	30.00	25.00
AQUATICS				
Lincoln Swimming Lessons per person/per session	18.00	18.00	18.00	20.00
WATER PARK				
Group Fees Age Group				
10-29 people 5 to 15	4.00	4.25	4.50	4.75
10-29 people 16 to 54	5.00	5.25	5.50	5.75
30-59 people 16 to 54	4.75	5.00	5.25	5.50
60+ people 16 to 54	4.50	4.75	5.00	5.25
GOLF COURSE				

Amended Fee Schedule for 2007				
	2004	2005	2006	2007
The Parks and Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions.				
Weekday Golfing				
9 holes	9.50	10.50	11.55	11.55
Additional 9 holes weekdays				3.30
Additional 9 holes weekends				3.30
Junior Golf-9 holes (weekdays & after 1:00 on weekends)				7.00
18 holes	12.50	13.50	14.85	17.30
Junior Golf-18 holes (weekdays & after 1:00 on weekends)				10.00
Junior Pass (18 & under, excludes holidays and weekends before 1:00 pm)	235.00	260.00	285.00	285.00
Senior Pass (55 & older, excludes holidays and weekends before 1:00 pm)	235.00	260.00	285.00	285.00
Cart Rental				
Golf Cart Punch Cards - 9 holes				99.00
Golf Cart Punch Cards - 18 holes				155.00
Can of Beer	2.00	2.25	2.25	DELETE
HEARTLAND PUBLIC SHOOTING PARK				
The Parks & Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions.				
Adult Skeet/trap per round (25 targets/round)			5.00	5.00
Adult Skeet/trap per round (25 targets/round) Consultant				DELETE
Skeet/Trap Punch Card rate - 12 rounds @ 4.34/round			55.00	55.00
Skeet/Trap Punch Card rate - 12 rounds @ 4.34/round Consultant				DELETE
Skeet/Trap - Youth Rate (age 18 & under)			2.50	3.50
Skeet/Trap - Youth Rate (age 18 & under) Consultant				DELETE
Adult Sporting Clays per round (50 targets/round)			15.00	15.00
Adult Sporting Clays per round (50 targets/round)				DELETE
Sporting Clays - Punch Card rate - 5 rounds @ 13.27/round			70.00	70.00
Sporting Clays - Punch Card rate - 5 rounds @ 13.27/round Consultant				DELETE
Sporting Clays - Youth Rate (age 18 & under)			7.50	7.50
Sporting Clays - Youth Rate (age 18 & under) Consultant				DELETE
Counters-trap, skeet and sporting clays				.22 per target
5 Stand Sporting Adult				6.00
5 Stand Sporting Youth				4.00
Daily fee Rifle/Handgun Adult				10.00
Daily fee Rifle/Handgun Youth				5.00
Punch Cards (6 days at \$7.50)				45.00
Family Pass (12 months)				150.00

RESOLUTION 2007-92

WHEREAS, on July 11, 2006, by Resolution 2006-195, the City of Grand Island approved and adopted fees for items and services to be provided during the 2006-2007 fiscal year; and

WHEREAS, it is necessary to amend such fee schedule to implement fees for the Public Works Department, Landfill/Transfer Station; Administration Department; Police Department; and, Parks and Recreation Department, as identified on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, it would be beneficial to the City of Grand Island to implement the amendments to the fee schedule; and

WHEREAS, it is recommended that such amendment be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Fee Schedule is hereby amended to implement the fees identified in Exhibit "A" attached hereto.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney

EXHIBIT "A"

Amended Fee Schedule for 2007				
	2004	2005	2006	2007
LANDFILL SITE				
Passenger tire				3.25/tire
Passenger tire on rim				13.25/tire
Truck tire				10.00/tire
Truck tire on rim				25.00/tire
Implement tire				25.00/tire
Implement tire on rim				50.00/tire
Appliances				10.00
Set pricing for special projects with the approval of the Public Works Director and City Administrator				
TRANSFER STATION				
Passenger tire				3.25/tire
Passenger tire on rim				13.25/tire
Truck tire				10.00/tire
Truck tire on rim				25.00/tire
Implement tire				25.00/tire
Implement tire on rim				50.00/tire
Appliances				10.00
ADMINISTRATION				
Liquor License - School Fees (annual)				
Class D Retail liquor/beer, off sale				200.00
Class D1 Retail liquor/beer, off sale withing zoning jurisdiction				200.00
POLICE DEPARTMENT				
Vehicle Auction Bid Fee (annual)				15.00
RECREATION DIVISION				
The Parks and Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions				
Volleyball Program (per game)				
League Play - Per Team***	16.00	16.00	16.00	17.50
Basketball Program (per game)				
League Play - Per Team***	22.00	22.00	22.00	34.00
League A - Per Team***				
League B - Per Team***				
League C - Per Team***				
Flag Football Program (per game)				
League Play - Per Team***	30.00	30.00	30.00	25.00
AQUATICS				
Lincoln Swimming Lessons per person/per session	18.00	18.00	18.00	20.00
WATER PARK				
Group Fees	Age Group			
10-29 people	5 to 15	4.00	4.25	4.50
10-29 people	16 to 54	5.00	5.25	5.50
30-59 people	16 to 54	4.75	5.00	5.25
60+ people	16 to 54	4.50	4.75	5.00
GOLF COURSE				

Amended Fee Schedule for 2007				
	2004	2005	2006	2007
The Parks and Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions.				
Weekday Golfing				
9 holes	9.50	10.50	11.55	11.55
Additional 9 holes weekdays				3.30
Additional 9 holes weekends				3.30
Junior Golf-9 holes (weekdays & after 1:00 on weekends)				7.00
18 holes	12.50	13.50	14.85	17.30
Junior Golf-18 holes (weekdays & after 1:00 on weekends)				10.00
Junior Pass (18 & under, excludes holidays and weekends before 1:00 pm)	235.00	260.00	285.00	285.00
Senior Pass (55 & older, excludes holidays and weekends before 1:00 pm)	235.00	260.00	285.00	285.00
Cart Rental				
Golf Cart Punch Cards - 9 holes				99.00
Golf Cart Punch Cards - 18 holes				155.00
Can of Beer	2.00	2.25	2.25	DELETE
HEARTLAND PUBLIC SHOOTING PARK				
The Parks & Recreation Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions.				
Adult Skeet/trap per round (25 targets/round)			5.00	5.00
Adult Skeet/trap per round (25 targets/round) Consultant				DELETE
Skeet/Trap Punch Card rate - 12 rounds @ 4.34/round			55.00	55.00
Skeet/Trap Punch Card rate - 12 rounds @ 4.34/round Consultant				DELETE
Skeet/Trap - Youth Rate (age 18 & under)			2.50	3.50
Skeet/Trap - Youth Rate (age 18 & under) Consultant				DELETE
Adult Sporting Clays per round (50 targets/round)			15.00	15.00
Adult Sporting Clays per round (50 targets/round) Consultant				DELETE
Sporting Clays - Punch Card rate - 5 rounds @ 13.27/round			70.00	70.00
Sporting Clays - Punch Card rate - 5 rounds @ 13.27/round Consultant				DELETE
Sporting Clays - Youth Rate (age 18 & under)			7.50	7.50
Sporting Clays - Youth Rate (age 18 & under) Consultant				DELETE
Counters-trap, skeet and sporting clays				.22 per target
5 Stand Sporting Adult				6.00
5 Stand Sporting Youth				4.00
Daily fee Rifle/Handgun Adult				10.00
Daily fee Rifle/Handgun Youth				5.00
Punch Cards (6 days at \$7.50)				45.00
Family Pass (12 months)				150.00



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G10

**#2007-93 - Approving Renewal of Leases at Cornhusker Army
Ammunition Plant for Storage Buildings**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: April 24, 2007

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

Item #'s: G-10

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

Background

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

Discussion

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

Alternatives

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

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

4. Take no action on the issue

Recommendation

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

Sample Motion

Motion to approve the resolution authorizing the city to extend the leases for an additional year to the State of Nebraska, Department of Administrative Services, State Building Division in the amount of \$500.00; Dominion Construction Company in the amount of \$2,500.00; and Jerry Harders in the amount of \$750.00.

R E S O L U T I O N 2007-93

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

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

WHEREAS, the leases will terminate on April 30, 2007; and

WHEREAS, three of the Lessee's of the storage buildings have requested that their lease be renewed.

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

<u>Lessee</u>	<u>Description</u>	<u>Rental</u>
Dominion Construction Company	Storage building	\$2,500/yr.
Jerry Harders	Fire/guard building	\$750/yr.
Nebraska State Patrol	Storage building	\$500/yr.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G11

#2007-94 - Approving Bid Award for Vehicle Exhaust Removal System

Staff Contact: Jim Rowell

Council Agenda Memo

From: Jim Rowell, Fire Chief

Meeting: April 24, 2007

Subject: Approving Bid Award for Vehicle Exhaust Removal System

Item #'s: G-11

Presenter(s): Jim Rowell, Fire Chief

Background

Requests for bids for a vehicle exhaust removal system for the new fire station located at 409 East Fonner Park Road was published on March 20, 2007 and had a closing date of March 29, 2007. Bid requests were sent to four potential bidders.

Discussion

Two bids were received and were within the estimate. Funds are available in the budget account number 40015025-90007.

In May 2006 City Council approved the exhaust system in Change Order #1. This in fact was the preparation or wiring for this system. We are now bringing forth the bid for the installation of the remainder of the system which includes: hoses, controls, fans and ductwork.

One bidder, Clean Air Concepts of Cincinnati, OH submitted a bid of \$35,959.00 and submitted testing references for Magnegrip vs. Plymovent. However no results were available for the Hazvent nozzle vs. Plymovent. Regular adjustments and maintenance are not included in the warranty. According to Clean Air Concepts warranty our department personnel are responsible for maintenance of the system.

Air Cleaning Tech, Inc. of Bonner Springs, KS submitted a bid of \$47,550.00. Their system called Plymovent, has been used since 2004 in Fire Stations 2, 3 and 4 and we have had little trouble and any adjustments were made promptly by Air Cleaning Tech. This would allow all four stations to have the same system and be compatible for parts, service and operation.

We feel the differences in maintenance procedures and the lack of comparison for Hazvent to Plymovent are enough to recommend the Air Cleaning Tech. Inc. vehicle exhaust system.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid for Air Cleaning Tech, Inc. of Bonner Springs, KS

Sample Motion

Motion to approve.

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 29, 2007 at 11:00 a.m.

FOR: Vehicle Exhaust Removal System

DEPARTMENT: Fire

ESTIMATE: \$50,000.00

FUND/ACCOUNT: 40015025-90007

PUBLICATION DATE: March 20, 2007

NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder:	<u>Air Cleaning Tech, Inc.</u> Bonner Springs, KS	<u>Clean Air Concepts</u> Cincinnati, OH
Exceptions:	None	None
Bid Price:	\$47,550.00	\$35,959.00

cc: Jim Rowell, Fire Chief
Curt Rohling, Operations Division Chief
Sherry Peters, Legal Secretary

Chris Hoffman, Public Safety Secretary
Dale Shotkoski, Purchasing Agent

P1156

RESOLUTION 2007-94

WHEREAS, the City of Grand Island invited sealed bids for a Vehicle Exhaust Removal System, according to plans and specifications on file with the Fire Department; and

WHEREAS, on March 29, 2007, bids were received, opened and reviewed; and

WHEREAS, Air Cleaning Tech, Inc., of Bonner Springs, Kansas, 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 \$47,550.00; and

WHEREAS, Air Cleaning Tech, Inc.'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 Air Cleaning Tech, Inc., of Bonner Springs, Kansas, in the amount of \$47,550.00 for a Vehicle Exhaust Removal System is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G12

**#2007-95 - Approving Bid Award for Breathing Air System
Compressor**

Staff Contact: Jim Rowell

Council Agenda Memo

From: Jim Rowell, Fire Chief

Meeting: April 24, 2007

Subject: Approving Bid Award for Breathing Air System Compressor

Item #'s: G-12

Presenter(s): Jim Rowell, Fire Chief

Background

Request for bids for a breathing air system compressor for the new Fire Station located at 409 East Fonner Park Road was published March 28, 2007. Closing date was April 12, 2007. Bid requests were sent to 13 potential bidders.

Discussion

Three bids were within the estimate. Funds are available in the budget account number 40015025-90007. A lower bid of \$31,477.66 was submitted by FireGuard, Omaha, NE, however their compressor was not a single freestanding unit nor did it have certification documents included with the bid as requested in the bid document. The lowest bid meeting the specification was submitted by Midwest Breathing Air, L.L.C. of Wapello, IA for \$36,149.16.

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 and award the bid to Midwest Breathing Air, L.L.C. of Wapello, IA.

Sample Motion

Motion to approve.



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: April 12, 2007 at 11:15 a.m.
FOR: Breathing Air System Compressor
DEPARTMENT: Fire
ESTIMATE: \$40,000.00
FUND/ACCOUNT: 40015025-90007
PUBLICATION DATE: March 28, 2007
NO. POTENTIAL BIDDERS: 13

SUMMARY

Bidder:	<u>Midwest Breathing Air L.L.C.</u> Wapello, IA	<u>Ed M. Feld Equipment Co.</u> Carroll, IA
Exceptions:	None	Noted
Bid Price:	\$36,149.16	\$41,000.00
Bidder:	<u>M & T Fire & Safety, Inc.</u> Volga, SD	<u>Fire Guard</u> Omaha, NE
Exceptions:	Noted	Noted
Bid Price:	\$37,362.00	\$31,477.66
Bidder:	<u>Heiman Fire Equipment</u> Ashton, IA	
	No Bid	

cc: Jim Rowell, Fire Chief
Chris Hoffman, Public Safety Secretary
Sherry Peters, Legal Secretary

Curt Rohling, Operations Division Chief
Dale Shotkoski, Purchasing Agent

RESOLUTION 2007-95

WHEREAS, the City of Grand Island invited sealed bids for a Breathing Air System Compressor, according to plans and specifications on file with the Fire Department; and

WHEREAS, on April 12, 2007, bids were received, opened and reviewed; and

WHEREAS, Midwest Breathing Air, L.L.C., of Wapello, Iowa, 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 \$36,149.16; and

WHEREAS, Midwest Breathing Air, L.L.C.'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 Midwest Breathing Air, L.L.C., of Wapello, Iowa, in the amount of \$36,149.16 for a Breathing Air System Compressor is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G13

**#2007-96 - Approving Bid Award for Handicap Ramp Project No.
2007-1**

Staff Contact: Steve Riehle

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 24, 2007

Subject: Approving Bid Award for Construction of Handicap Ramps, Downtown Grand Island

Item #'s: G-13

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

Background

On March 29, 2007 the Engineering Division of the Public Works Department advertised for bids for the construction of Handicap Ramps in Downtown Grand Island. These ramps are required in accordance with Federal ADA (Americans with Disabilities Act) regulations and are being constructed prior to an asphalt overlay of the downtown streets later this summer.

Discussion

Two bids were received and opened on April 17, 2007. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office have reviewed the bids that were received. A summary of the bids is shown below.

<i>Bidder</i>	<i>Exceptions</i>	<i>Total Bid</i>
Galvan Construction Inc. Grand Island, NE	Completion date as noted.	\$89,308.78
The Diamond Engineering Co., Grand Island, NE	None	\$148,390.29

A completion date of July 1, 2007 was called for in the specifications. The exception by Galvan Construction indicated this date may not be possible. It is necessary to minimize construction activities during the various downtown events being held this summer. We will be able to coordinate construction activities with the contractor to enable completion of construction during July which will be acceptable.

Funds are available in resurfacing Account No's. 10033506-85354 & 85353.

Recommendation

City Administration recommends that the Council approve the award of the bid in the amount of \$89,308.78 to Galvan Construction Inc. of Grand Island, NE.

Alternatives

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

1. Make a motion to approve the bid award to Galvan Construction, Inc of Grand Island, NE in the amount of \$89,308.78.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Sample Motion

Approve the bid award to Galvan Construction Inc. of Grand Island, Nebraska in the amount of \$89,308.78.

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: April 17, 2007 at 11:00 a.m.

FOR: Handicap Ramp Project No. 2007-1

DEPARTMENT: Public Works

ESTIMATE: \$122,748.60

FUND/ACCOUNT: 10033506-85354
10033506-85353

PUBLICATION DATE: April 4, 2007

NO. POTENTIAL BIDDERS: 5

SUMMARY

Bidder:	<u>Galvan Construction Inc.</u> Grand Island, NE	<u>The Diamond Engineering Co.</u> Grand Island, NE
Bid Security:	AMCO Insurance Co.	Universal Surety Co.
Exceptions:	Noted	None
Bid Price:	\$89,308.78	\$148,390.29

cc: Steve Riehle, Public Works Director
Tom Carlson, Eng. Tech. Supervisor
Wes Nespor, Assist. City Attorney

Bud Buettner, Assist. PW Director
Dale Shotkoski, City Attorney
Sherry Peters, Legal Secretary

P1163

RESOLUTION 2007-96

WHEREAS, the City of Grand Island invited sealed bids for Handicap Ramp Project No. 2007-1, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on April 17, 2007, bids were received, opened and reviewed; and

WHEREAS, Galvan Construction, Inc., of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$89,308.78; and

WHEREAS, Galvan Construction, Inc.'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 Galvan Construction, Inc. of Grand Island, Nebraska, in the amount of \$89,308.78 for Handicap Ramp Project No. 2007-1 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G14

#2007-97 - Approving Amendment to Agreement with Olsson Associates for Engineering Consulting Services for the Widening of Capital Avenue

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: April 24, 2006

Subject: Approving Amendment Number 3 to the Agreement with Olsson Associates for the Project to Widen Capital Avenue

Item #'s: G-14

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

Background

Any amendments to the agreement must be approved by council.

Discussion

On November 9, 2004 the City of Grand Island entered into an agreement with Olsson Associates for Engineering Consulting Services to Widen Capital Avenue West from the Moores Creek ditch to just east of Webb Road.

Additional work beyond the scope of the original agreement is needed to complete Right-of-Way acquisition.

Alternatives

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

1. Make a motion to approve the amendment to the agreement.
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 amendment to the agreement.

Sample Motion

Approve the amendment to the agreement.

2nd AMENDMENT TO LETTER AGREEMENT FOR ENGINEERING SERVICES

THIS AMENDMENT TO LETTER AGREEMENT, made as of the 24th day of April 2007, by and between the City of Grand Island, Nebraska ("Client") and Olsson Associates ("OA"), WITNESSETH, That whereas the Client intends to complete the Additional Right of Way Negotiations, Additional Appraiser Review Consulting Services, St. Patrick Avenue Design Changes, and Condemnation Services for which services were provided under the agreement between the City of Grand Island and Olsson Associates dated November 3, 2004, a fee for these services for the Project are hereby added to the agreement in accordance with paragraph 2, Letter of Agreement. Said Additional Services shall be provided as set forth hereafter.

Scope of Services

A. Additional Right of Way Negotiations:

Per Exhibit A, Section E, OA will obtain the services of Midwest Right of Way Services to negotiate deeds, contracts and/or easements needed by the City of Grand Island to be able to complete the project. This includes meetings with the contracting entity, plan review, negotiating for deeds, contracts and/or easements, and submitting the completed necessary documents to OA and Client for each tract. One additional tract is required for the project beyond the estimated 20 tracts in 1st Amendment. Also additional services have been requested assisting the City with determining the next steps with proceeding with negotiations with Sapp Brother's tract and Menard's tracts after the Council approved condemnation.

\$3,000

B. Additional Appraiser Review Consulting Services:

The City requested us to assist the new appraisal reviewer understand our proposed improvements and identify the conflicts. We created concepts removing the center portion of the Sapp Bros building while identifying conflicts and looking at the truck turning movements for each concept.

\$1,400

C. St. Patrick Avenue Design Changes:

We have been requested by the City to widen St. Patrick Avenue to 41' wide to accommodate 3 lanes. This change will facilitate changing the northeast return to flared return to accommodate right turning vehicles. Additional changes will be required in the design for driveways, grades, and storm sewer if the center portion of the Sapp Brother's building is removed.

\$2,000

D. Condemnation Services:

If the City proceeds with condemnation, additional time will be required consulting with lawyers and additional appraisers. This is an estimate and depends on the time commit required by future lawyers, appraisers, and judges involved in the cases. Time will be billed as separate phase plus expenses.

Tracts 16, 17, and 19 (Menard, Inc.)	\$4,000
Tract 5 (Poland Oil, Inc.)	\$4,000

2nd Amendment Total	\$14,400
---------------------------------------	-----------------

Fees are based on our Direct Labor Costs times a factor of 2.5 for services rendered by our principals, and employees engaged directly on the Project, plus the subconsultant fee.

Billings will be submitted and payable monthly in accordance with the original agreement.

Termination Provisions

- A. The termination provisions of Paragraph 5.3 of the General Provisions of the original agreement apply to this contact amendment.

OLSSON ASSOCIATES

By _____
Matthew M. Rief

Accepted this _____ day of
_____, 2007

CITY OF GRAND ISLAND

ATTEST:

By _____
Margaret Hornady

By _____
RaNae Edwards

Title _____
City Clerk

RESOLUTION 2007-97

WHEREAS, on November 9, 2004, by Resolution No. 2004-285, the City Council of the City of Grand Island approved an agreement with Olsson Associates of Grand Island, Nebraska, to perform design services to widen Capital Avenue from the Moores Creek Drainway to Webb Road ; and

WHEREAS, on April 26, 2005, by Resolution No. 2005-131, the City Council of the City of Grand Island approved Amendment #1 to the agreement with Olsson Associates to extend the final design to Webb Road; and

WHEREAS, additional work beyond the scope of the original agreement is needed to complete right-of-way acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the amendment to the agreement with Olsson Associates of Grand Island, Nebraska, is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G15

**#2007-98 - Approving Amendment to Community Development
Block Grant 03-HO-404**

This item relates to the aforementioned Public Hearing Item E-8.

Staff Contact: Marsha Kaslon

RESOLUTION 2007-98

WHEREAS, in 2003 the Nebraska Department of Economic Development awarded Community Development Block Grant 03-HO-404 to the City of Grand Island; and

WHEREAS, the Nebraska Department of Economic Development performed a monitoring visit in December of 2006 for said grant, finding that the wording and description of "Reuse of Program Income" was not implemented in the grant and therefore must be inserted in the grant as an amendment; and

WHEREAS, an amendment to the grant must be submitted to the Nebraska Department of Economic Development to resolve the finding of the monitoring visit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the amendment to Grant 03-HO-404 is hereby approved; and the Mayor is hereby authorized and directed to execute such grant application and other documentation on behalf of the City of Grand Island for such grant process.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item G16

**#2007-99 - Approving Informal and Formal Negotiations with
Charter Communications Relative to the Cable Franchise
Agreement**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, City Attorney

Meeting: April 24, 2007

Subject: Cable Franchise Renewal – Charter Communications

Item #'s: G-16

Presenter(s): Dale M. Shotkoski, City Attorney

Background

The cities of Grand Island and Kearney, Nebraska, have jointly been working on the cable television franchise renewals with Charter Communications as Charter Communications is the company providing cable television service to both communities. The cities in their cooperative efforts have completed various reviews and surveys. Both cities initiated the process of identifying the cable related needs and interests and evaluated existing cable systems in their communities operated by Charter.

In March of 2006, the cities contracted with Moss & Barnett to conduct a review of the financial history and financial qualifications of Charter Communications, a review of the company's financial projections and a review of past franchise fees paid by the company to the cities. The Franchise Fee Payment Desk Review was completed and the results have been turned in to the city.

A Community Needs Assessment was completed for both communities, by contracting with Ms. Susan Bisno Massel to determine the public's future cable related needs and interests as they relate to public, education and governmental programming and facilities, including interviews and site visits with community representatives, focus groups and public meetings. In June of 2006, Ms. Massel completed on site visits to both communities and has issued her report and findings to both cities. Also, the cities conducted a residential needs assessment, which included a telephone survey of randomly selected Charter cable subscribers and non-subscribers. The cities contracted with Dr. Constance Ledoux Book to prepare the telephone survey instrument. Dr. Book reviewed and analyzed the results of this survey and prepared the reports for the cities.

After conducting the above mentioned surveys and reviews, both the cities of Kearney and Grand Island submitted to Charter Communications draft cable television franchise agreements. In March of 2007, Charter responded to the drafts that were submitted to it by the cities back in December, 2006. Charter's response included numerous revisions to the draft franchise agreements that had been submitted, essentially taking out most meaningful items from the draft franchise agreements.

Discussion

The Cable Act, the Federal Law that controls cable franchise agreements, allows for two different ways to renew cable franchise agreements. The first is the informal renewal process, which the cities of Kearney and Grand Island have been pursuing with Charter Communications. The second way is the formal process which includes definite time lines and deadlines. At the current time, the city would still wish to make one more effort to pursue the franchise renewal in an informal fashion but should that effort fail, staff is recommending that council authorize the commencement of the formal process.

Should the cities choose to request a formal proposal from Charter, the Federal Law would permit the cities to establish a deadline for submission of Charter's formal proposal and thereafter the cities would have four months in which to accept or reject Charter's proposal.

Alternatives

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

1. Move to approve the resolution to proceed informally and formally.
2. Table the matter.

Recommendation

It is the recommendation that council authorize staff to submit to Charter a letter serving as a last attempt to reach a mutually acceptable franchise agreement, which, if it is unsuccessful resulting in reaching an agreement by the informal method by the established deadline of May 15, 2007, that the city is then authorized to pursue formal negotiations pursuant to 47 U.S.C., §546(A-G).

Sample Motion

Motion to proceed informally and formally with Charter Communications.

R E S O L U T I O N 2007-99

WHEREAS, on March 7, 2006, by Resolution No. 2006-77, the Grand Island City Council approved an Interlocal Agreement between the cities of Grand Island, Nebraska and Kearney, Nebraska, for joint services of consultant fees for cable franchise renewal; and

WHEREAS, on March 7, 2006, by Resolution No. 2006-78, the Grand Island City Council approved a proposal from Moss & Barnett of Minneapolis, Minnesota, for cable television franchise review and consulting services; and

WHEREAS, a Community Needs Assessment was completed for both the communities of Grand Island, Nebraska, and Kearney, Nebraska, to determine the public's future cable related needs and interests; and

WHEREAS, after completion of the Community Needs Assessment, a proposed cable television franchise agreement was submitted to Charter Communications by both the cities of Kearney and Grand Island; and

WHEREAS, after receipt of the proposed franchise agreement, Charter Communications' response included numerous revisions; and

WHEREAS, under Federal Law, the Cable Act allows renewal of a cable franchise agreement either formally or informally; and

WHEREAS, it is in the best interests of the City of Grand Island that the City Council of authorize the commencement of both the informal and formal processes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that city staff is hereby authorized to proceed ~~informally~~ and formally, if required, in the renewal of the cable franchise agreement with Charter Communications.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

Approved as to Form <input type="checkbox"/> _____	
April 19, 2007	<input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item I1

#2007-100 - Consideration of Request from Casey's Retail Company dba Casey's General Store #2707, 806 North Eddy Street for a Class "B" Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2007-100

WHEREAS, an application was filed by Casey's Retail Company, doing business as Casey's General Store #2707 at 806 North Eddy Street for a Class "B" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 14, 2007; such publication cost being \$18.22; and

WHEREAS, Tina Krings has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on April 24, 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 Tina Krings as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item I2

#2007-101 - Consideration of Request from Casey's Retail Company dba Casey's General Store #2737, 1814 North Eddy Street for a Class "B" Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2007-101

WHEREAS, an application was filed by Casey's Retail Company, doing business as Casey's General Store #2737 at 1814 North Eddy Street for a Class "B" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 14, 2007; such publication cost being \$18.22; and

WHEREAS, Tina Krings has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on April 24, 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 Tina Krings as liquor manager of such business upon the completion of a state approved alcohol server / seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 19, 2007	☐ City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item I3

**#2007-102 - Consideration of Request from Don Kruse dba
Jackrabbit Run Golf Course, 2800 North Shady Bend Road for a
Class "A" Liquor License**

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

Staff Contact: RaNae Edwards

RESOLUTION 2007-102

WHEREAS, an application was filed by Don Kruse doing business as Jackrabbit Run Golf Course, 2800 Shady Bend Road for a Class "A" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on April 14, 2007; such publication cost being \$13.60; and

WHEREAS, a public hearing was held on April 24, 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, April 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
April 19, 2007	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item J1

Approving Payment of Claims for the Period of April 11, 2007 through April 24, 2007

The Claims for the period of April 11, 2007 through April 24, 2007 for a total amount of \$3,891,651.35. A MOTION is in order.

Staff Contact: David Springer



City of Grand Island

Tuesday, April 24, 2007

Council Session

Item J2

Approving Payment of Claims for the Library Expansion for the Period of April 11, 2007 through April 24, 2007

The Claims for the Library Expansion for the period of April 11, 2007 through April 24, 2007 for the following requisitions:

#67 \$3,575.00

A MOTION is in order.

Staff Contact: David Springer

EXHIBIT B
Mortgage, Trust Indenture and Security Agreement

Requisition Form

REQUISITION FOR DISBURSEMENT

Requisition No. 67

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>
Third Party Environmental, Inc.	\$3,575.00	Daily and final clearance air monitoring for phase two.

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 18th day of April, 2007.


Project Manager

Third Party Environmental, Inc.

PO Box 2202
1516 S Gunbarrel Road
Grand Island, NE 68802-2202

Invoice

Date	Invoice #
4/3/2007	896

Bill To
Grand Island Public Library Attn: Steve Fosselman 211 North Washington Street Grand Island, NE 68801

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
9	Daily air monitoring for phase two at Grand Island Library renovation.	325.00	2,925.00
2	Final clearance air monitoring for phase two. First set of samples were ruined by construction dust.	325.00	650.00
		Total	\$3,575.00