

---

# City of Grand Island



**Tuesday, June 26, 2007**

## **Council Session Packet**

---

### **City Council:**

**Tom Brown  
Larry Carney  
John Gericke  
Peg Gilbert  
Joyce Haase  
Robert Meyer  
Mitchell Nickerson  
Scott Walker  
Fred Whitesides  
Jose Zapata**

### **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 - Reverend Alberta Danner, First Church of the Nazarene, 1022 West 6th 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, June 26, 2007

Council Session

## Item C1

### **Presentation of Service Award to Councilmember Scott Walker**

*Mayor Hornady will present a plaque of recognition for the services of Councilmember Scott Walker who will be retiring from the City Council on June 28, 2007. Councilmember Walker was elected to serve Ward 1 in 2000. Councilmember Walker was sworn into office on December 5, 2000 and was then re-elected in 2004. We congratulate Mr. Walker for his dedicated service to the citizen's of Grand Island.*

Staff Contact: Mayor Margaret Hornady



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item E1

**Public Hearing on Request from Mongolian Vietnamese  
Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816  
North Webb Road for Class "A" Liquor License**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** June 26, 2007

**Subject:** Public Hearing on Request of Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for a Class “A” 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**

Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb 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.

Also included with the application was a request from Dua Tran Nguyen, 303 East 18<sup>th</sup> Street for a Liquor Manager Application.

Due to several violations as reported by the Police Department from the background search on the applicant's (see attached Police report) it is recommended that Council deny the Class "A" Liquor License and the Liquor Manager request.

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 deny the application.

### **Sample Motion**

Move to deny the application of Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for a Class "A" Liquor License and the Liquor Manager request from Dua Tran Nguyen, 303 East 18<sup>th</sup> Street.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: June 8, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class A Liquor License and  
Liquor License Management Designation  
Mongolian Vietnamese Restaurant, 1816 N Webb Road,  
Grand Island, Nebraska 68803/Dua Tran Nguyen

The Grand Island Police Department has received applications from the Mongolian Vietnamese Restaurant and Dua Tran Nguyen for Class A Liquor License/Liquor License Management Designation respectively.

On the application Dua Tran Nguyen is listed to be the liquor manager and is also listed as the President of the corporation. Dzung Nguyen is listed on the application as the Vice President/Treasurer/Secretary. Quang Nghiem is listed as the manager.

Dzung Nguyen does not have any violations listed in our sources. However, Dua has a conviction for speeding. Quang Nghiem has a DUI arrest/conviction and a False Reporting arrest/conviction. The failure to Dua Nguyen and Quang Nghiem to disclose their violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01. Because of circumstances involved in the False Reporting incident (see Law Incident Report) it is the Police Department's recommendation to deny the liquor license application for the Mongolian Vietnamese Restaurant.

DV/rk *Dave Vitera*

06/08/07  
08:31

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 11:20:53 06/04/2007  
Occurred before : 11:20:53 06/04/2007  
When reported : 11:20:53 06/04/2007  
Date disposition declared : 06/08/2007  
Incident number : L07060606  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 1816 Webb Rd N  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : 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 : 4734  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	63074	06/04/07	Nguyen, Dzung	VP/Treasurer
NM	104032	06/04/07	Nghiem, Quang Chi	Proposed Manager
NM	124792	06/04/07	Nguyen, Dua Tran	Owner

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Mongolian Vietnamese Restaurant

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:35:28 06/04/2007



06/08/07  
08:31

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 2

Grand Island Police Department  
Supplemental Report

I received an application from the Mongolian Vietnamese Restaurant for a liquor license. I also received a request for Dua Tran Nguyen to be the liquor manager. Dua is listed on the application as the President of the corporation. Dzung Nguyen is listed on the application as the Vice President/Treasurer/Secretary. Quang Nghiem is listed as the manager.

Dzung Nguyen does not have any violations listed in Spillman or NCJIS. Dua Nguyen was not listed in Spillman. However, NCJIS shows that Dua has a conviction for speeding on 11/2/05. Quang Nghiem has a DUI arrest in Spillman. Spillman also shows that Quang was arrested by NSP for False Reporting on 9/16/06. NCJIS confirms that Quang plead guilty to a DUI charge on 6/7/06. NCJIS also confirms that Quang plead guilty to False Reporting on 11/27/06.

Quang's False Reporting arrest is a Class I Misdemeanor. However, this type of Class I Misdemeanor conviction doesn't fall under Chapter 28 Article 3, 4, 7, 8, 10, 11, or 12 which would automatically cause the application to be denied.

The failure of Dua Nguyen and Quang Nghiem to disclose their violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01.

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." The "No" box was checked.

I checked with the Nebraska State Patrol and received information about Nghiem's arrest for False Reporting. It appears that Nghiem gave the Trooper a false date of birth (DOB) and then denied driving a vehicle that was stuck. Nghiem later gave his correct DOB and admitted to driving. He lied because his license was suspended.

The Nebraska Liquor Control Act under Part I, Article I, Section D, 53-125 says that "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides." First of all, Nghiem's DUI and False Reporting and Dua's speeding conviction were not disclosed on the application which makes it a false application. In addition, I don't believe that a person who lies to law enforcement necessarily fits the definition of having a good reputation and character. It's the Police Department's recommendation to deny the liquor license application for the Mongolian Vietnamese Restaurant.

06/08/07  
08:31

Grand Island Police Dept.  
LAW INCIDENT TABLE

Page: 450  
3

Date, Time: Fri Jun 08 08:30:23 CDT 2007  
Reporting Officer: Vitera  
Unit #: 835



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item E2

**Public Hearing on Request from JG & J, Inc. dba Bullwinkle's Bar and Grill, 3235 South Locust Street for a Change of Location for Class "C-23100" Liquor License to 2118 North Webb Road**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** June 26, 2007

**Subject:** Public Hearing on Request of JG & J, Inc. dba  
Bullwinkle's Bar and Grill, 3235 South Locust Street for  
a Change of Location for Class "C-23100" Liquor  
License to 2118 North Webb Road

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

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

## **Background**

JG & J, Inc. dba Bullwinkle's Bar and Grill, 3235 South Locust Street has submitted an application for a Change of Location for their Class "C-23100" Liquor License to 2118 North Webb Road.

## **Discussion**

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

## **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 for a change of location requested by JG & J, Inc. dba Bullwinkle's Bar and Grill from 3235 South Locust Street to 2118 North Webb Road for the Class "C-23100" Liquor License contingent upon final inspections.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: June 14, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Request for Change of Location for  
Class "C"-23100 Liquor License from  
3235 South Locust St to 2118 N Webb Rd,  
Grand Island, Ne (Bullwinkle's Bar & Grill)

The Grand Island Police Department has received a request by Bullwinkle's Bar & Grill for a Change of Location from 3235 South Locust Street, Grand Island, Ne to 2118 North Webb Rd, Grand Island, Ne.

The Grand Island Police Department has no objection to this new location.

DV/rk *Dave Vitera*



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item E3**

**Public Hearing Concerning Acquisition of Utility Easement -  
Southeast Corner of the New HY-VEE Store Location at Webb  
Road and Old Potash Highway**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

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

**Meeting:** June 26, 2007

**Subject:** Acquisition of Utility Easement – Southeast Corner of the New HY-VEE Store at Webb Road and Old Potash Highway

**Item #'s:** E-3 & G-6

**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 HY-VEE, Inc., located at the southeast corner of the new store located at Webb Road and Old Potash Highway, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to place underground electrical cable and a pad-mounted transformer to serve the new HY-VEE store.

## **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

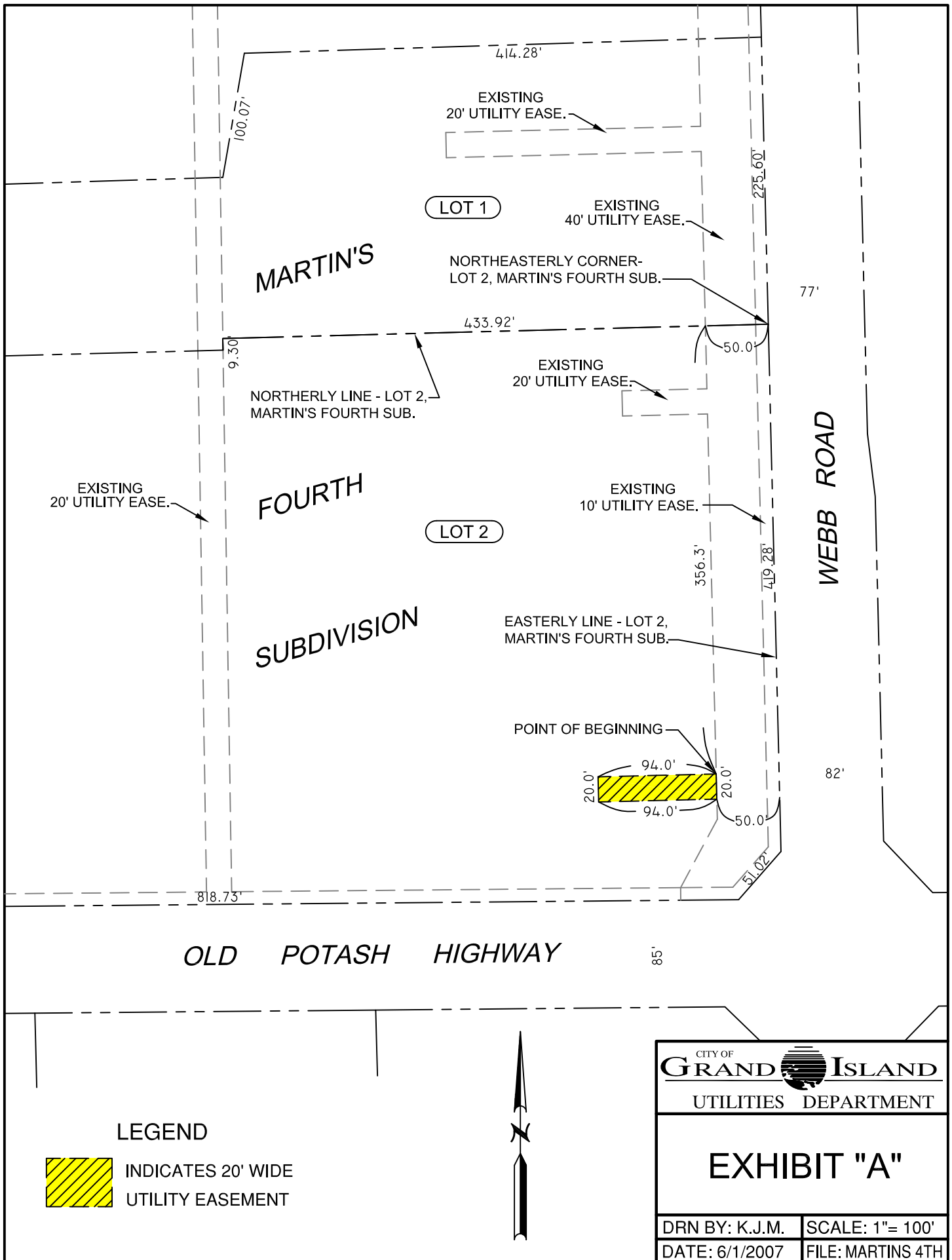
## **Recommendation**

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.





LEGEND



INDICATES 20' WIDE  
UTILITY EASEMENT

CITY OF <b>GRAND ISLAND</b>	
UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRN BY: K.J.M.	SCALE: 1"= 100'
DATE: 6/1/2007	FILE: MARTINS 4TH



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item E4**

**Public Hearing Concerning Acquisition of Utility Easement - 1313  
Johnstown Road Across from Diamond Plastics - Hulse**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

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

**Meeting:** June 26, 2007

**Subject:** Acquisition of Utility Easement – 1313 Johnstown Road,  
across from Diamond Plastics - Hulse

**Item #'s:** E-4 & G-7

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

## **Background**

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Kevin and Tammie Hulse, located at 1313 Johnstown Road, across from Diamond Plastics, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

## **Discussion**

This easement will be used to locate primary underground electrical cable and a three-phase pad-mounted transformer. This will provide electric service to a new building at this address.

## **Alternatives**

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

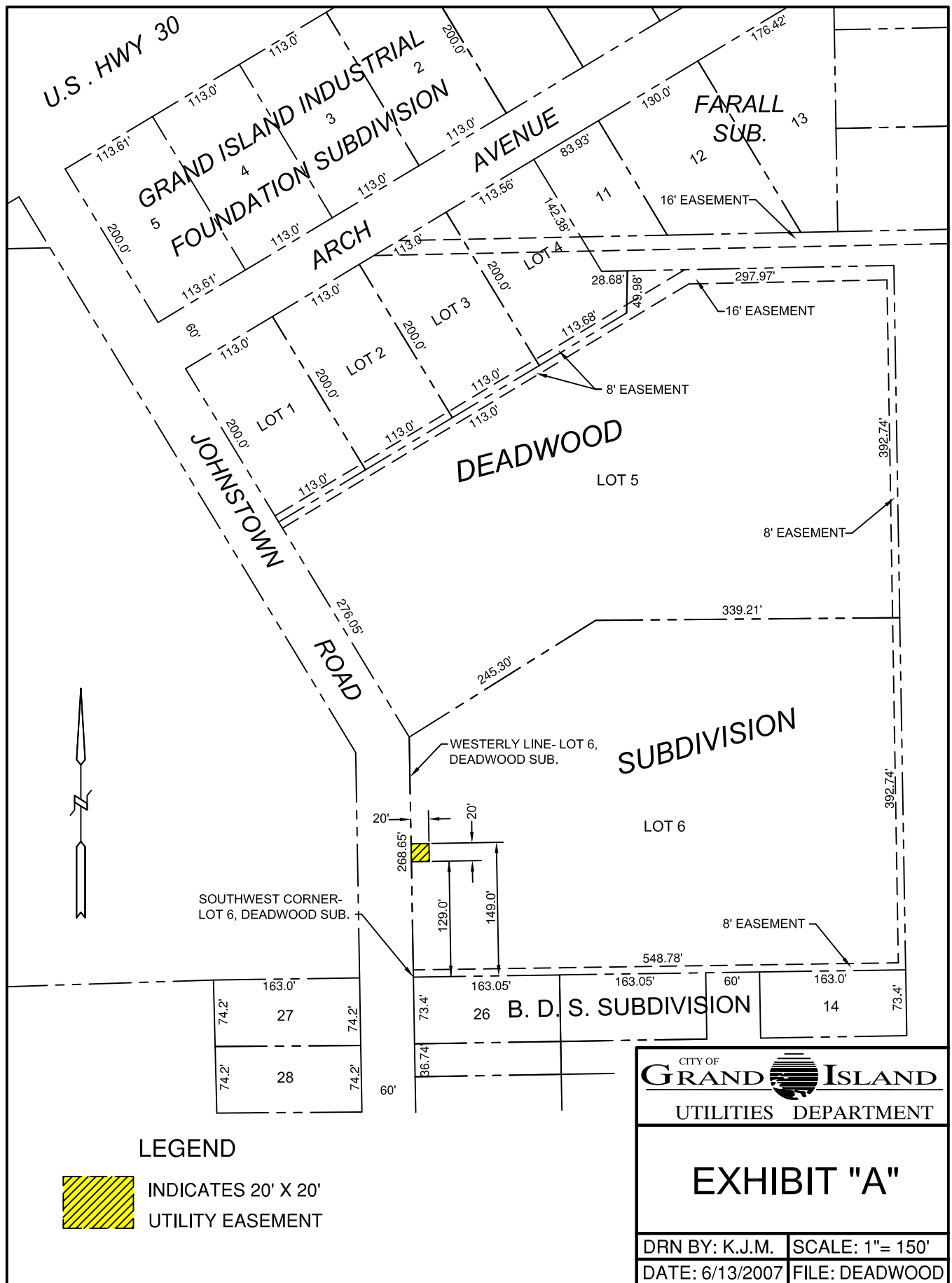
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **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.



**LEGEND**

 INDICATES 20' X 20' UTILITY EASEMENT

 <b>CITY OF GRAND ISLAND</b> UTILITIES DEPARTMENT	
<b>EXHIBIT "A"</b>	
DRN BY: K.J.M.	SCALE: 1"= 150'
DATE: 6/13/2007	FILE: DEADWOOD



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item E5**

**Public Hearing on Amendment to Chapter 36 of the Grand Island  
City Code Relative to Accessory Building and Uses**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Regional Planning Commission

**Meeting:** June 26, 2007

**Subject:** Amendment to Chapter 36 of the Grand Island City Code (C-19-2007GI)

**Item #'s:** E-5 & F-3

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

## **Background**

Portable Storage Units have been used across the United States for the past several years. They inevitably lead to issues with zoning as people leave them on their property too long and the neighbors get annoyed. Omaha dealt with issues of Portable Storage Units last fall. These units are designed to be delivered to a property where the property owner can load them with items; call the company back and have their items hauled off in the container to a warehouse for storage. The storage units can also be used by people moving from one place to another. A person can fill their unit at their old house and have it delivered to their new house. During remodeling/recarpeting projects these can be used to store furniture and other things on site while the work is being done. In general, they do not seem to have caused problems in other communities except when they take up permanent or semi-permanent residence.

The attached regulations are designed to establish a set of operating parameters for portable storage units.

## **Discussion**

The Planning Commission held a hearing on these proposed changes at their meeting on June 6, 2007

No members of the public commented at the public hearing.

Planning commission members discussed the proposed changes and questioned staff about the length of the units that would be allowed and the amount of time that the portable storage units could remain on site. Staff replied that the length is based on the standard size for the PODS brand units. Chairman O'Neill suggested

that 20 feet might be a more appropriate length as that is a standard size for a shipping container and would not limit this business to one company. Staff stated that Omaha allows the units to stay for 30 days but that many communities limit the time to 15 days and that is the number that staff is suggesting as a starting point. Planning commission members discussed the possibility of lengthening that time frame to 21 days and staff agreed that the change would be unlikely to create any issues.

Following the discussion the Planning Commission concluded that the allowable length of the container should be changed from sixteen (16) feet to twenty (20) feet and the allowed length of time the unit may be left at a residence should be changed from fifteen (15) days to twenty-one (21) days.

### **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 Amick and seconded by Ruge to recommend approval of the changes to Chapter 36 Accessory Buildings and Uses as proposed with amendments to the length of the storage unit and the number of days the unit can stay on site.

A roll call vote was taken and the motion passed with 10 members present (Miller, Amick, O'Neill, Ruge, Hayes, Haskins, Bredthauer, Niemann, Snodgrass, Monter) voting in favor.

### **Sample Motion**

Motion to approve the amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction, pertaining to the 36-27 Accessory Building and Uses to incorporate definitions and regulations for portable storage units in the City of Grand Island as recommended.

### **§36-27.01 Portable Storage Units (As amended by the Planning Commission)**

For the purposes of this section the following definitions shall apply:

#### **Definitions:**

Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of residential (single or multi-family) property for their temporary use and which is delivered and removed by truck.

Site means a piece, parcel, tract, lot, or plot of land occupied or to be occupied by one or more residential buildings or uses and their accessory buildings and accessory uses which generally considered to be one unified parcel.

#### **Number, Duration and Removal**

Portable storage units for on-site storage. There shall be no more than one portable storage unit per site no larger than eight (8) feet wide, twenty (20) feet long and eight (8) feet high. No portable storage unit shall remain at a site in a residential district in excess of twenty-one (21) consecutive days.

The building official may permit the placement of a portable storage container on a residential property for more than twenty-one (21) days, subject to the building setback requirements, provided that the property owner has a valid building permit or had demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include but not be limited to: disaster such as tornado; flood, or fire.

#### **Placement**

Portable storage units shall be placed only in the driveway or back yard and be set back a minimum of ten (10) feet from the front property line or five (5) feet from the rear property line.

#### **Signage**

Signs on any portable storage container shall not exceed two (2) in number not more than six (6) square feet each, not to exceed one (1) per side. In the event that an extension of the twenty-one (21) day time limit for placement of a portable storage container on a residential property is granted by the building official, all signs must be removed or covered.





# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item E6

**Public Hearing on Acquisition of Utility Easement Located at 516 and 508 Sandalwood Drive, South of Faidley Avenue (Rudolf and Jeannice Plate)**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Chad Nabity, Planning Director  
**Meeting:** June 26, 2007  
**Subject:** Acquisition of Utility Easement – Sandalwood, South of Faidley Avenue - Plate  
**Item #'s:** E-6 & G-10  
**Presenter(s):** Chad Nabity, Planning 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 Rudolf F. Plate and Jeannice R. Plate Husband and Wife and Tim C. Plate as Single Person, located along the east property line of 516 and 508 Sandalwood Drive in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and telephone lines and switches, cable TV lines and switches and natural gas lines to the property.

## **Discussion**

This easement will be used to facilitate the installation of telephone, cable TV and gas lines to the property.

## **Alternatives**

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

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

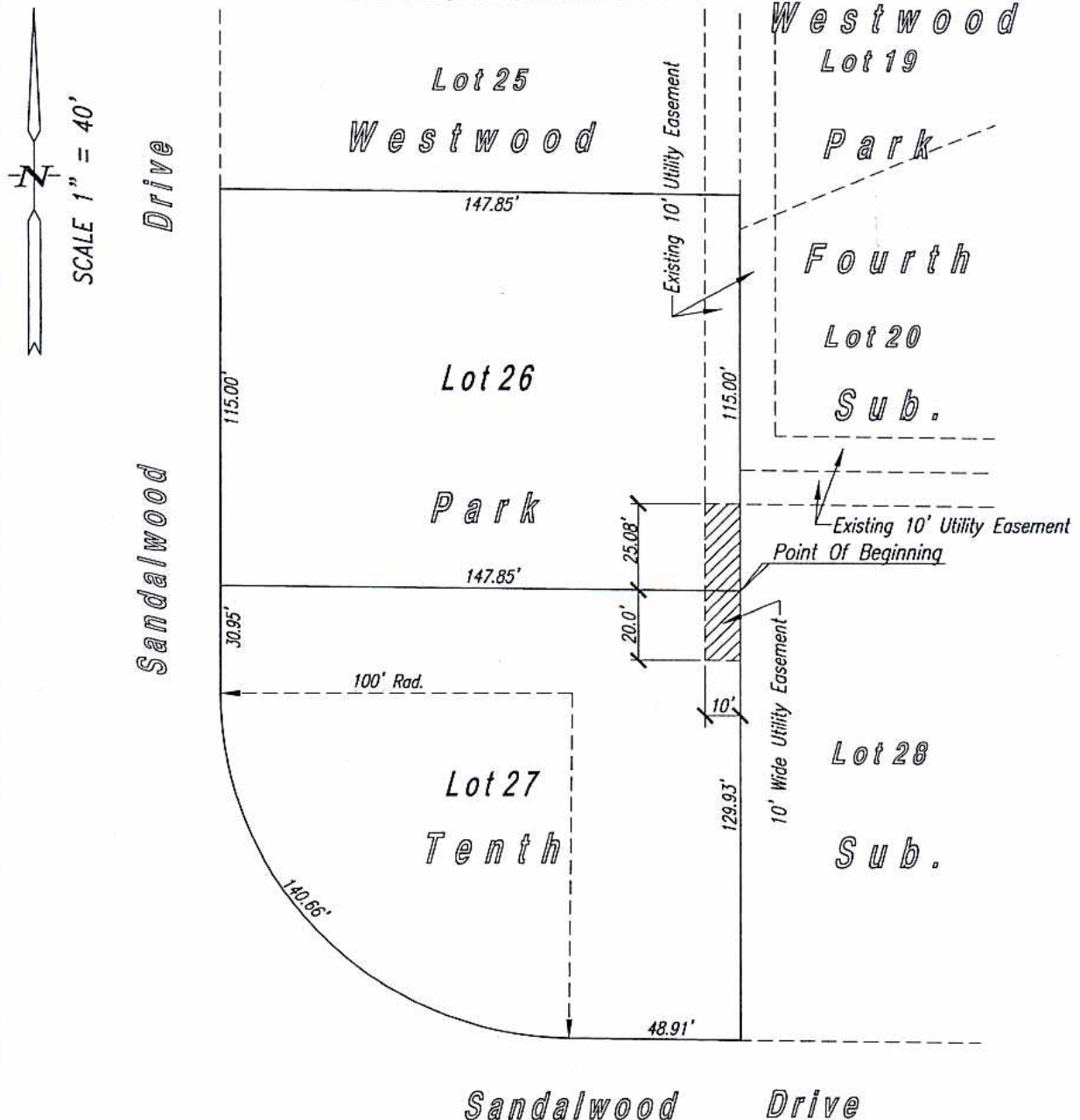
## **Recommendation**

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

## **Sample Motion**

Motion to approve acquisition of the Utility Easement.

# Exhibit 'A' Utility Easement



## Description

A tract of land comprising a part of Lots Twenty Six (26) and Twenty Seven (27), Westwood Park Tenth Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the southeast corner of said Lot Twenty Six (26); thence running northerly along the east line of said Lot Twenty Six (26), a distance of approximately Twenty Five and Eight Hundredths (25.08) feet, to a point on the south line of an existing Ten (10.0) foot wide utility easement; thence running westerly along the south line of an existing Ten (10.0) foot wide utility easement, a distance of Ten (10.0) feet; thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Twenty Six (26), a distance of approximately Twenty Five and Eight Hundredths (25.08) feet, to a point on the north line of said Lot Twenty Seven (27); thence continuing southerly parallel with and Ten (10.0) feet west of the east line of said Lot Twenty Seven (27), a distance of Twenty (20.0) feet; thence running easterly parallel with the north line of said Lot Twenty Seven (27), a distance of Ten (10.0) feet, to a point on the east line of said Lot Twenty Seven (27); thence running northerly along the east line of said Lot Twenty Seven (27), a distance of Twenty (20.0) feet, to the point of beginning and containing 0.02 acres (901.6 Sq. Ft.) more or less.



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item E7**

**Public Hearing on Application for Edward Byrne Memorial  
Justice Assistance Grant (JAG) 2007**

**Staff Contact: Steve Lamken**

# **Council Agenda Memo**

**From:** Captain Robert Falldorf, Police Department

**Meeting:** June 26, 2007

**Subject:** Edward Byrne Memorial Justice Assistance Grant (JAG) 2007

**Item #'s:** E-7 & G-11

**Presenter(s):** Steve Lamken, Chief of Police

## **Background**

The Grand Island Police Department and Hall County Sheriff's Department are eligible to receive Justice Assistance Grant money from the U.S. Department of Justice in 2007. This year, a combined amount for both agencies of \$28,366 has been awarded and can be spent over a four year period. The Grand Island Police Department will serve as the fiscal agency on this grant. The Hall County Sheriff's Department will be a disparate agency and will receive \$7,091.50. An amount of \$7,091.50 will also be provided to the Central Nebraska Drug Court for funding of that program, leaving the Grand Island Police Department with \$14,183.

## **Discussion**

There is a federal mandate that requires a public hearing regarding the application process and disbursement of the JAG funds. \$14,183 from the grant funds awarded to the Grand Island Police Department is tentatively allocated to purchase a back-up server for the Data911 mobile data and video equipment for patrol vehicles and additional Data911 equipment. The remaining \$14,183 is tentatively allocated to be split evenly between the Central Nebraska Drug Court for operational costs and the Hall County Sheriff's Department as the disparate agency for the purchase computer equipment.

## **Alternatives**

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

1. Approve the application and suggested disbursement of JAG funds.

2. Send to committee for further discussion.
3. Table for more discussion.
4. Take no action.

### **Recommendation**

City Administration recommends that the Council approve the application and suggested disbursement as presented.

### **Sample Motion**

Approve the application and suggested disbursement of Justice Assistance Grant funding.

GMS APPLICATION NUMBER 2007-F3881-NE-DJ

THE STATE OF NEBRASKA

COUNTY OF HALL

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF GRAND ISLAND, NEBRASKA  
AND COUNTY OF HALL, NEBRASKA

2007 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This agreement is made and entered into this \_\_\_\_\_ day of June, 2007, by and between The County of Hall, acting by and through its governing body, The Hall County Board of Supervisors, hereinafter referred to as COUNTY, and the CITY of Grand Island, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Hall County, State of Nebraska, witnesseth:

**WHEREAS**, the City and County may apply for a direct award from the Justice Assistance Grant Program of \$28,366 and the City shall act as fiscal agent for this award and file the joint application on behalf of the City and County: and

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

**WHEREAS**, each governing body finds that the performance of this agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS**, the CITY agrees to provide the COUNTY \$7,091.50 from the \$28,366 JAG award: and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

**NOW THEREFORE, the COUNTY and City agree as follows:**

**Section 1.**

CITY agrees to pay COUNTY a total of \$7,091.50 of JAG funds.

GMS APPLICATION NUMBER 2007-F3881-NE-DJ

**Section 2.**

COUNTY agrees to use the \$7,091.50 JAG funds by 9-30-10.

**Section 3.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

CITY OF GRAND ISLAND, NEBRASKA

COUNTY OF HALL, NEBRASKA

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Board Chairperson

ATTEST:      APPROVED AS TO FORM

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

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Deputy County Attorney





# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item F1

**#9114 - Consideration of Vacation of Alley through Wasmer Detention Cell (between Koenig and Division from Broadwell to Monroe)**

Staff Contact: Steve Riehle

# **Council Agenda Memo**

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

**Meeting:** June 26, 2007

**Subject:** Consideration of Vacation of Alley Located by Wasmer Detention Cell Site

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

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

## **Background**

An Ordinance is necessary for the vacation of Street and Alley Right-of-Way. The property where the old Wasmer School was between Koenig Street and Division Street, East of Broadwell to Monroe Street, was excavated for a detention cell. The material from the excavation was used as fill for the new Law Enforcement Center. The Sanitary Sewer main that was in the detention cell area was removed under Project # 2006-S-3.

## **Discussion**

There are no utilities in the alley. The detention cell prevents use of the alley from motor vehicles, therefore it should be vacated. The property will be retained by the City.

## **Alternatives**

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

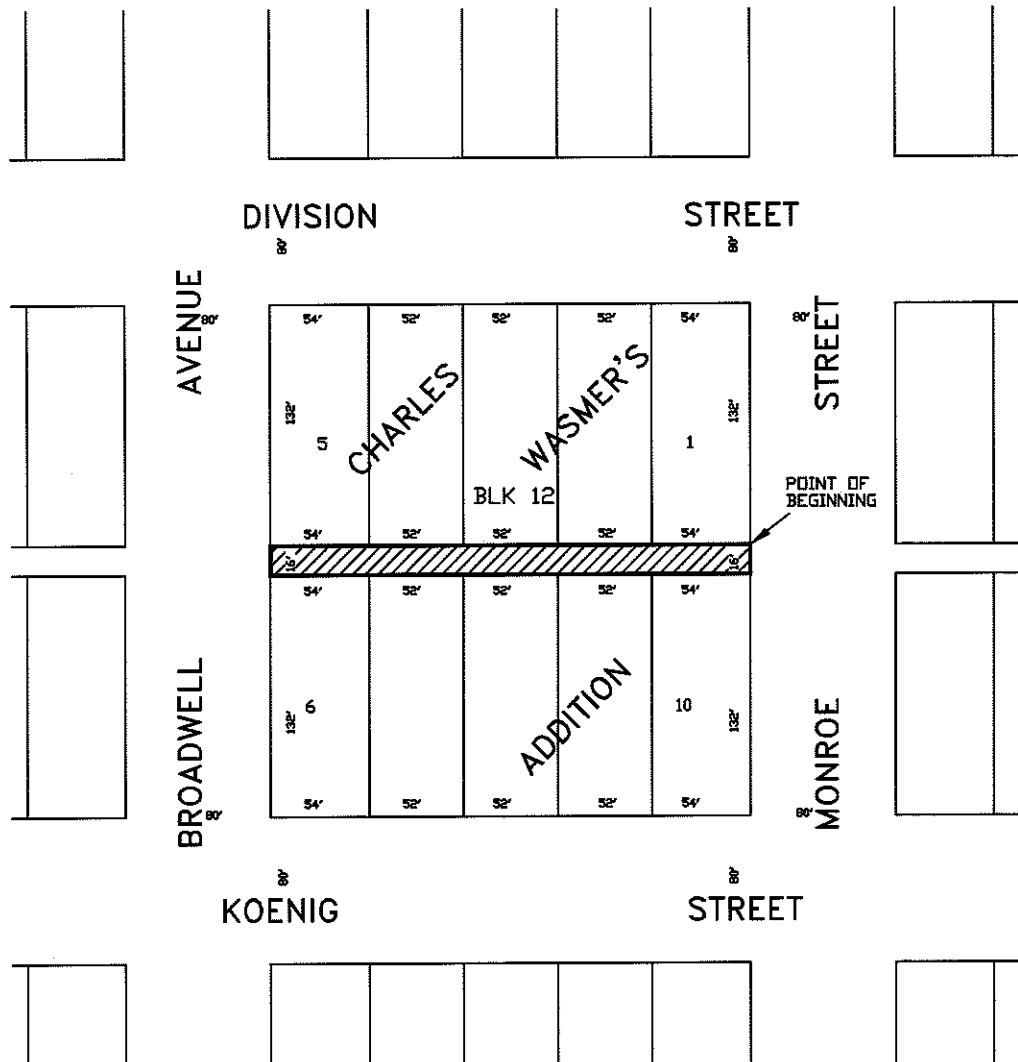
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council vacate the alley located by the Wasmer Detention Cell Site.

## **Sample Motion**

Motion to vacate the alley located by the Wasmer Detention Cell Site.



# LEGEND



ALLEY AREA VACATED

EXHIBIT "A"

CITY OF  
**GRAND ISLAND**  
PUBLIC WORKS DEPARTMENT

DATE: 4/10/07  
DRN BY: L.D.C.  
SCALE: 1"=100'

PLAT TO ACCOMPANY  
ORDINANCE NO. 9114

\* This Space Reserved for Register of Deeds \*

### ORDINANCE NO. 9114

An ordinance to vacate a portion of an alley located between Koenig Street and Division Street, from Broadwell Avenue to Monroe Street in the City of Grand Island, Hall County, Nebraska; to provide for the filing of this ordinance in the office of the Register of Deeds of Hall County, Nebraska; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the portion of the alley located between Koenig Street and Division Street from Broadwell Avenue to Monroe Street in the City of Grand Island, Hall County, Nebraska, is hereby vacated. Such portion of the alley is more particularly described as follows:

Beginning at the Southeast Corner of Lot One (1), Block Twelve (12), Charles Wasmer's Addition; thence Southwesterly along the Southerly Line of Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block Twelve (12), Charles Wasmer's Addition to the East Line of Broadwell Avenue; thence Southeasterly on the Easterly Line of Broadwell Avenue for a distance of Sixteen Feet (16') to the Northwest Corner of Lot Six (6), Block Twelve (12), Charles Wasmer's Addition; thence Northeasterly on the Northerly Line of Lots Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) to the West Line of Monroe Street; thence

Approved as to Form	<input type="checkbox"/> _____
June 21, 2007	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9114 (Cont.)

Northerly on the West Line of Monroe Street for a distance of Sixteen Feet (16') to the Point of Beginning, in the City of Grand Island, Hall County, Nebraska.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

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

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

Enacted: June 26, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item F2

**#9122 - Consideration of Partial Vacation of Utility Easement -  
Principal Financial Group**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director

**Meeting:** June 26, 2007

**Subject:** Partial Vacation of Easement – Principal Financial

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

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

## **Background**

The Principal Financial Group and their contractor, Lacy Construction, are in the process of expanding their Grand Island facilities. A 47' wide easement extends across the property east to west on the south side of their existing building. The new construction, as currently designed, will extend into that easement approximately 8'.

At the request of the developer, the Utilities Department has researched the feasibility of reducing the size of the easement to accommodate the facility expansion. The location of the existing utilities (electric, cable TV, and telephone) in that easement were verified and checked.

A map of the easement area is attached for reference. The north 10' of the easement adjacent to the new construction can be vacated without negatively impacting any of the utilities.

## **Discussion**

The construction project is currently held up pending the vacation of part of the easement, so a building permit can be issued and construction started. If Council concurs in the reduction of the easement width, it is requested that the rules be waived so the ordinance can be approved at a single meeting, allowing construction to begin as soon as possible.



## **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 Ordinance #9122 to vacate part of the easement on Principal Financial property.

## **Sample Motion**

Motion to approve Ordinance #9122 to vacate part of the easement on Principal Financial property.

PRINCIPAL FINANCE  
3025 W COLLEGE ST.

6' SIDEWALK

EDGE OF NEW  
BLD. ADDITION

4.5' BLDG.  
OVERHANG

GRASS AREA

10' SIDEWALK

105.5'

111.0'

EXISTING  
47' EASEMENT

37.0'

9.5'

1.5'

35.5'

26.5'

35'

TELEPHONE  
CABLE TV

TV

TV

TV

TV

TV

TV

TV

TV

TV

TV

TV

TV

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

U

GRASS AREA

6' SIDEWALK

SOUTHERLY LINE OF  
EXISTING 47' WIDE EASEMENT

LEGEND



EASEMENT TO BE VACATED BY ORD 9122



EXISTING BUILDING



NEW ADDITION



CITY OF <b>GRAND ISLAND</b>	
UTILITIES DEPARTMENT	
EXHIBIT "B" PRINCIPAL FINANCE EASEMENT VACATION DETAIL ORDINANCE 9122	
DRN BY: K.J.M.	SCALE: 1"= 30'
DATE: 6/12/2007	FILE: PRINCIPAL



\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 9122

An ordinance to vacate a portion of an existing forty-seven foot (47') wide easement and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That a portion of an existing forty-seven foot (47') wide easement in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the most southeasterly corner of the Replat of Block 3 Continental Gardens; thence northerly along an easterly line of the said Replat of Block 3 Continental Gardens, a distance of two hundred twenty nine and eighty five hundredths (229.85) feet; thence westerly along a line of said Replat of Block 3 Continental Gardens, a distance of twenty four and fifteen hundredths (24.15) feet; thence northerly along an easterly line of said Replat of Block 3 Continental Gardens, a distance of thirty seven (37.0) feet; thence westerly, parallel with the southerly line of a platted forty seven (47.0) foot wide easement, a distance of sixteen (16.0) feet to the ACTUAL Point of Beginning; thence continuing westerly and parallel with the southerly line of said platted existing forty seven (47.0) foot wide easement, a distance of four hundred and forty nine and sixty four hundredths (449.64) feet to a point eight (8.0) foot easterly and thirty seven (37.0) feet northerly of the southeasterly corner of Lot One (1) Block 4 Continental Gardens; thence northerly parallel with a westerly line of said Replat

ORDINANCE NO. 9122

of Block 3 Continental Gardens, a distance of ten (10.0) feet; thence easterly along the northerly line of said seven (47.0) foot wide easement, a distance of 449.64 to a point sixteen (16.0) feet west of an easterly line of said Replat of Block 3 Continental Gardens; thence southerly parallel with an easterly line of said Replat of Block 3 Continental Gardens, a distance ten (10.0) feet to the said point of beginning, containing 0.103 acres more or less, as shown on the plat dated 611/2007, marked Exhibit "A" and attached hereto.

is hereby vacated. Such easement to be vacated is shown and more particularly described on Exhibit A attached hereto.

SECTION 2. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 24, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item F3

**#9123 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Accessory Building and Uses**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9123

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 27 pertaining to portable storage units; to repeal Sections 36-27 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 36-27 of the Grand Island City Code is hereby amended to read as follows:

**§36-27. Accessory Building and Uses**

(A) Accessory buildings shall not be located within the required front yard setback of the lot and or within an easement.

(B) An accessory building on a corner lot shall have a setback from all public streets equal to or greater than the requirement for the existing principal building.

(C) There shall be a minimum setback of six (6) feet between accessory buildings.

(D) If an accessory building has a door opening of over six (6) feet in width on a side parallel to an alley, then such accessory building shall be located not less than eight (8) feet from the lot line abutting the alley.

(E) Detached accessory buildings shall not be allowed on more than 50% of the allowable lot coverage and no single detached accessory building shall exceed 35% of the allowable lot coverage (e.g. A 52.8' x 132' [6969.6 sq. ft.] lot in an R2 zoning district [35% allowable coverage] could cover 2438.31 sq. ft. of the lot with buildings. 1219.155 of that could be devoted to detached accessory buildings with no single building exceeding 853.4085 sq. ft.)

(F) Detached accessory buildings on parcels or lots with less than five (5) buildable acres shall not exceed the height of the principal building by more than 25% (e.g. a house with a peak height of 16 feet could have an accessory building with a peak height of 20 feet.)

(G) Detached accessory buildings on parcels or lots with five (5) or more buildable acres shall be limited by the height regulations that apply to the zoning district.

(H) In Business and Manufacturing Zoning Districts:

(1) Accessory buildings shall comply with all requirements of this code for the principal building.

(I) In Agricultural and Residential Zoning Districts:

(1) Accessory buildings shall be permitted only on the same platted lot as the principal building.

(2) Accessory buildings shall comply with all requirements of this code for the principal building if located within fifteen (15) feet of the principal building or when any part of the accessory building is located in the area between the required front yard setback and a line extending from the back of the principal building to the side lot line.

(3) Accessory buildings on lots with a frontage of 100 feet or more shall have a minimum side and rear yard of five feet.

(4) Accessory buildings on lots with a frontage of less than 100 feet shall have a minimum side and rear yard of two feet.

(J) No accessory building shall be constructed prior to beginning construction of the principal building. No accessory building shall be used unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

(K) Regulation of accessory uses shall be as follows:

## ORDINANCE NO. 9123 (Cont.)

(1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(2) Any accessory building built within fifteen (15) feet of the principal structure shall meet all the requirements for the principal structure.

**§36.27.01 Portable Storage Units** For the purposes of this section, the following definitions shall apply:

### **Definitions**

**Portable storage unit** shall mean any container designed for the storage of personal property which is typically rented to owners or occupants of residential (single or multi-family) property for their temporary use and which is delivered and removed by truck.

**Site** shall mean a piece, parcel, tract, lot, or plot of land occupied or to be occupied by one or more residential buildings or uses and their accessory buildings and accessory uses which generally considered to be one unified parcel.

### **§36.27.02 Number, Duration and Removal of Portable Storage Units for On-Site Storage.**

There shall be no more than one portable storage unit per site no larger than eight (8') feet wide, twenty (20') feet long and eight (8') feet high. No portable storage unit shall remain at a site in a residential district in excess of fifteen (15) consecutive days.

The building official may permit the placement of a portable storage container on a residential property for more than twenty-one (21) days, subject to the building setback requirements, provided that the property owner has a valid building permit or had demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include but not be limited to, disaster such as tornado, flood or fire.

### **§36.27.03 Placement**

Portable storage units shall be placed only in the driveway or back yard and be set back a minimum of ten (10') feet from the front property line or five (5') feet from the rear property line.

### **§36.27.04 Signage**

Signs on any portable storage container shall not exceed two (2) in number not more than six (6') square feet each, not to exceed one (1) per side. In the event that an extension of the twenty-one (21) day time limit for placement of a portable storage container on a residential property is granted by the building official, all signs must be removed or covered.

### **§36.27.05 Placard**

All portable storage containers must include a "placard" not to exceed one (1) square foot in area which is clearly visible from the right-of-way which includes the container identification number, date of its placement on the property, date that removal will be required, and a local or toll free telephone number of the company.

SECTION 2. Section 36-27 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.



ORDINANCE NO. 9123 (Cont.)

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

Enacted: June 26, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item F4**

**#9124 - Consideration of Vacation of a Portion of Midaro Drive  
(East of 610 Midaro Drive)**

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

# **Council Agenda Memo**

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

**Meeting:** June 26, 2007

**Subject:** Consideration of Vacation of a Portion of Midaro Drive;  
East of 610 Midaro Drive in Firethorne Subdivision

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

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

## **Background**

Council action is required for vacation of a public street through the passing of an ordinance. The abutting property owners have requested that the eastern approximately 250 feet of Midaro Drive be vacated.

## **Discussion**

The development plan for the property called for Midaro Drive to circle the lake. The lake is being pumped differently than originally planned. The pumping plan is leaving sufficient room for a road to circle the lake in a different location. The above section of Midaro Drive is no longer needed. A cul-de-sac can be built and the above piece of Midaro Drive can be vacated.

The north half of the vacated street right-of-way will revert to the property owner to the north and the south half will revert to the property owner to the south.

## **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 vacation of a portion of Midaro Drive; East of 610 Midaro Drive in Firethorne Subdivision.

### **Sample Motion**

Motion to approve the vacation of a portion of Midaro Drive; East of 610 Midaro Drive in Firethorne Subdivision.

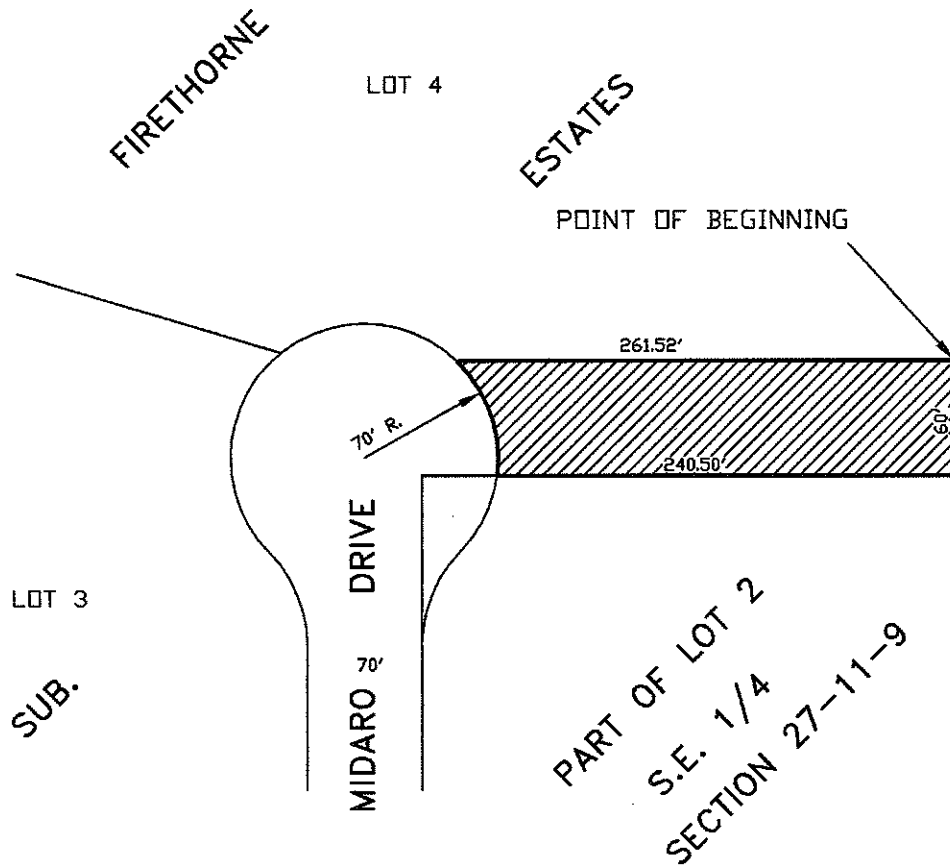
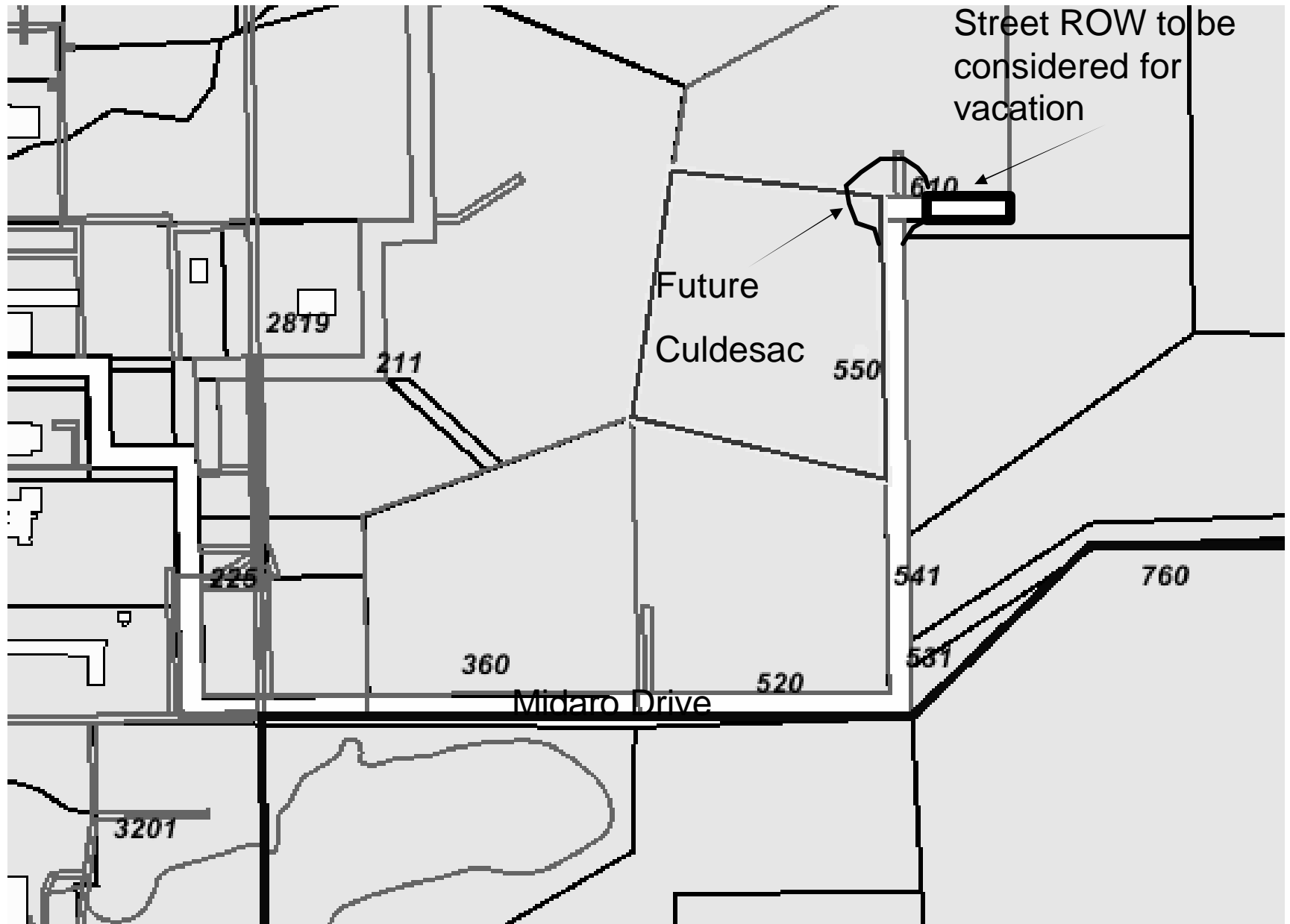


EXHIBIT "A"



Street ROW to be  
considered for  
vacation

Future  
Culdesac

2819

211

225

360

520

550

541

531

610

760

Midaro Drive

3201



\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 9124

An ordinance to vacate a portion of an existing right of way and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That a portion of an existing right of way of Midaro Drive, more particularly described as follows:

Beginning at the Southeast Corner of Lot Four (4), Firethorne Estates Subdivision, thence South Line on a Prolongation of the East Line of Lot Four (4) Firethorne Estates Subdivision for a distance of Sixty Feet (60') to the Southeast Corner of Firethorne Estates Subdivision; thence Westerly on the South Line of Firethorne Estates Subdivision for a distance of Two Hundred Forty and Fifty One Hundredths Feet (240.50'); thence Northwesterly on an arc with a radius of Seventy Feet (70') to a point on the South Line of Lot Four (4), Firethorne Estate Subdivision; thence East on the South Line of Lot Four (4), Firethorn Estates Subdivision, for a distance of Two Hundred Sixty One and Fifty Two Hundredths Feet (261.52'), to the Point of Beginning

is hereby vacated. Such right-of-way to be vacated is shown and more particularly described on Exhibit A attached hereto.

Approved as to Form	<input type="checkbox"/> _____
June 21, 2007	<input type="checkbox"/> City Attorney



ORDINANCE NO. 9124

SECTION 2. The title to the property vacated by Section 1 of this Ordinance shall revert to the City as owner of the real estate abutting the alley.

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

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

Enacted: June 26, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item G1**

**Receipt of Official Document - Pawnbroker Official Bond for  
Stewart's Pawn Shop, 803 West 4th Street**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** June 26, 2007

**Subject:** Approving Renewal of Pawnbroker Official Bond

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

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

## **Background**

Chapter 25 of the Grand Island City Code requires that all persons who shall engage in the business of pawnbroker are required to make application to the Mayor and City Council. Along with the application and fee, a bond is required which is to be approved by the Mayor and City Council. Each license expires on April 30th of each year and must be renewed prior to that date.

## **Discussion**

Stewart's Pawn Shop, 803 West 4<sup>th</sup> Street has submitted their application, fee, and bond for renewal of their pawnbroker's license. (See attached)

## **Alternatives**

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

1. Move to approve the renewals
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 application and bond for renewal of pawnbroker's license.

## **Sample Motion**

Move to approve the renewal application and bond for Stewart's Pawn Shop, 803 West 4<sup>th</sup> Street.



### Pawnbroker's License Application

Business Owner Name: Linda J. Atkins

Business Owner Address: 4323 S. North Rd. GINE 68803

Business Manager Name: Linda J. Atkins / Thomas M. Atkins Sr.

Business Manager Address: Same as above

Business Street Address: 803 W. 4<sup>th</sup> St. GINE 68801

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

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

Offense	Location of Court	Conviction Date
<u>NONE</u>		

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

#### Additional Documents Required:

1. All applicants must include bond to the City of Grand Island in the sum of \$5,000 with the application. you have current one on file since Nov 06 when I rec'd it as paid
2. All corporate applicants must attach a copy of Articles of Incorporation and list of officers/shareholders.

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

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



# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 69818760 briefly described as Pawn Shop City of Grand Island,  
for LINDA J. ATKINS AND HERMAN T. MEYER DBA STEWARTS LOAN & PAWN, as Principal,  
in the sum of \$ FIVE THOUSAND AND NO/100 Dollars, for the term beginning November 29, 2006, and ending November 29, 2007, subject to all the covenants and conditions of the original bond referred to above.

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

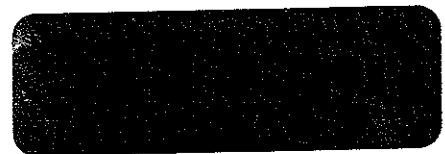
Dated this 09 day of August, 2006.



WESTERN SURETY COMPANY

By

Paul T. Bruflat, Senior Vice President



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

# Western Surety Company

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,  
State of South Dakota, its regularly elected Senior Vice President,  
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Pawn Shop City of Grand Island

bond with bond number 69818760

for Linda J. Atkins and Herman T. Meyer dba Stewarts Loan & Pawn  
as Principal in the penalty amount not to exceed: \$5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its  
Senior Vice President with the corporate seal affixed this 09 day of August, 2006

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

Paul T. Bruflat, Senior Vice President

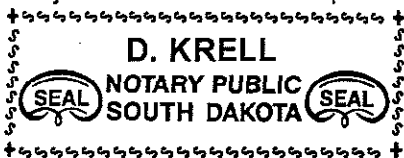
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

} ss

On this 09 day of August, 2006, before me, a Notary Public, personally appeared  
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President  
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to  
be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2006

D. Krell

Notary Public





# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item G2**

**Approving Minutes of June 12, 2007 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL REGULAR MEETING

June 12, 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 June 12, 2007. Notice of the meeting was given in *The Grand Island Independent* on June 6, 2007.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Carney, Walker, Nickerson, Gericke, Brown, Gilbert, Whitesides, Haase, and Meyer. Councilmember Zapata 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 Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady acknowledged Community Youth Council member Derrick Morrison. Mentioned was the Ethnic Festival to be held downtown this week-end, June 15-17, 2007.

#### PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located Along the Right-of-Way Line of State Street from the Outfall Ditch to 1/4 Mile West (Shafer Commercial Properties, LLC). Gary Mader, Utilities Director reported that acquisition of a utility easement located along the right-of-way line of State Street from the Outfall Ditch to 1/4 mile west was needed to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to place three phase underground electrical feeder cable along the south side of State Street to provide electrical power and backup to Summerfield Estates and Prairie Acres Subdivisions. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located Along the South Right-of-Way line of State Street, East of North Road (Little B's Corporation). Gary Mader, Utilities Director reported that acquisition of a utility easement located along the south right-of-way line of State Street, east of North Road was needed to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to place three phase underground electrical feeder cable along the south side of State Street to provide electrical power and backup to Summerfield Estates and Prairie Acres Subdivisions. No public testimony was heard.

#### ORDINANCES:

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



#9120 – Consideration of Creation Sanitary Sewer District No. 525; lots 8 & 9 of Westwood Park Subdivision  
#9121 – Consideration of Amendment to Salary Ordinance

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

Steve Riehle, Public Works Director reported Ordinance #9120 was requested by petition from Richard Sok, 832 Sweetwood Drive to create a sanitary sewer district.

Brenda Sutherland, Human Resources Director reported Ordinance #9121 reflected the Commission of Industrial Relations order regarding the IAFF union salaries.

Motion by Nickerson, second by Walker to approve Ordinances #9120 and #9121.

City Clerk: Ordinances #9120 #9121 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, Councilmember’s Carney, Walker, Nickerson, Gericke, Brown, Gilbert, and Whitesides voted aye. Councilmember’s Meyer and Haase voted no. Motion adopted.

City Clerk: Ordinances #9120 #9121 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, Councilmember’s Carney, Walker, Nickerson, Gericke, Brown, Gilbert, and Whitesides voted aye. Councilmember’s Meyer and Haase voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9120 and #1921 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Gilbert, second by Brown to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 22, 2007 City Council Regular Meeting.

Approving Appointments of Councilmember Tom Brown to the Humane Society Board; Councilmember Jose Zapata to the Business Improvement District #5 Board and the Multicultural Coalition Board; and Councilmember Larry Carney to the Problem Resolution Team, Community Development Advisory Board and the Transportation Committee.

Approving Request of Misty Koperski, 713 West 6<sup>th</sup> Street for Liquor Manager Designation for Coffin’s Corner, 519 North Eddy Street and Snac Shac, 715 South Locust Street.

#2007-131 – Approving Final Plat and Subdivision Agreement for Westgate Ninth Subdivision. It was noted that Copperton, LLC, owners had submitted the final plat for Westgate Ninth Subdivision located on a tract of land comprising of Lot 12, Westgate Subdivision consisting of approximately 8.912 acres for the purpose of creating 9 lots.

#2007-132 – Approving Bid Award for Sanitary Sewer District No. 336 Replacement, Between 18<sup>th</sup> & 19<sup>th</sup> Street, West of Plum Street with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$19,605.00.

#2007-133 – Approving Program Agreement with the Nebraska Department of Roads for South Locust Street, Paving of North Bound Lanes. It was noted that total cost of the Locust Street Interchange project was estimated to be \$4,200,000 with 80% to be paid with federal funds. The City's share was 20% with actual eligible costs of approximately \$840,000.

#2007-134 – Approving Modified Subdivision Agreement for Sterling Estates Subdivision.

#2007-135 – Approving Change Order No. 12 with Chief Construction of Grand Island, Nebraska for Law Enforcement Center in an Amount of \$12,027.22.

#2007-136 – Approving Amendment to Personnel Rules to Include Family Military Leave.

#2007-137 – Approving Acquisition of Utility Easement Located Along the Right-of-Way Line of State Street from the Outfall Ditch to 1/4 Mile West (Shafer Commercial Properties, LLC).

#2007-138 – Approving Acquisition of Utility Easement Located Along the South Right-of-Way Line of State Street, East of North Road (Little B's Corporation).

#2007-139 – Approving Bid Award for Vehicle Exhaust Removal System with Air Cleaning Tech, Inc. of Bonner Springs, Kansas in an Amount of \$47,550.00.

#2007-141 – Approving Increasing Size of Site for the Fire and Rescue and Law Enforcement Memorial at Fire Station No. 1.

#2007-142 – Approving Authorized Provider Agreement with the Heartland Chapter of the American Red Cross.

#### REQUESTS AND REFERRALS:

Review of 2007/2008 Fee Schedules, Outside Agencies and Full Time Equivalent's (FTE's).

#### Full Time Equivalent's (FTE's)

David Springer, Finance Director reported a great deal of effort had been expended in preparation of the City budget so far. The Department Director's had submitted their budgets in detail for review by City Administration and the Mayor. Mentioned were the continued increases in operating expenses and payment for capital projects.

Motion was made by Whitesides, second by Gilbert to approve the FTE request.

Discussion was held regarding the increase of FTE's and what that would do to tax rate. Steve Fosselman, Library Director explained the need for 2 FTE's and mentioned the cost of \$81,828 included benefit's.

Motion was made by Whitesides, second by Gericke to refer the FTE request to a Study Session for further discussion. Upon roll call vote, all voted aye. Motion adopted.

Outside Agencies:

Mayor Hornady explained that City Administration was submitting the same amount for outside agencies as was funded last year. Mentioned was that the Central Nebraska Ethnic Festival request of \$900 had been in the budget under miscellaneous and was moved to outside agencies.

Motion was made by Whitesides to approve the Outside Agency funding as submitted. Motion died due to lack of a second.

Motion was made by Meyer, second by Walker to move the Outside Agency funding request to a Study Session for further discussion. Upon roll call vote, all voted aye. Motion adopted.

2007/2008 Fee Schedule:

Motion was made by Whitesides, second by Walker to approve the 2007/2008 Fee Schedule as presented.

Discussion was held on the paramedic and ambulance rate increases. Jim Rowell, Fire Chief stated the new rates were comparable to other cities.

Motion was made by Gericke, second by Meyer to refer the 2007/2008 Fee Schedule request to a Study Session for further discussion. Upon roll call vote, Councilmember's Gericke and Meyer voted aye. Councilmember's Carney, Walker, Nickerson, Brown, Gilbert, Whitesides, and Haase vote no. Motion failed.

Upon roll call vote of the original motion to approve the 2007/2008 Fee Schedule, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Brown, second by Haase to approve the Claims for the period of May 23, 2007 through June 12, 2007, for a total amount of \$5,822,699.04. Motion adopted unanimously.

Motion by Brown, second by Haase to approve the following Claim for the Library Expansion for the period of May 23, 2007 through June 12, 2007:

#72	\$153,114.50
#73	840.00

Motion adopted unanimously.

SPECIAL ITEMS:

Motion by Meyer, second by Whitesides to adjourn to executive session at 7:55 p.m. for the purpose of discussion concerning Northwestern Gas Rate Negotiations. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION:

Motion by Whitesides, second by Gilbert to return to regular session at 8:20 p.m. Upon roll call vote, all voted aye. Motion adopted.

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

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item G3**

**Approving Minutes of June 19, 2007 City Council Study Session**

**Staff Contact: RaNae Edwards**

## OFFICIAL PROCEEDINGS

### CITY OF GRAND ISLAND, NEBRASKA

#### MINUTES OF CITY COUNCIL STUDY SESSION

June 19, 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 June 19, 2007. Notice of the meeting was given in the *Grand Island Independent* on June 15, 2007.

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

INVOCATION was given by Pastor Charles Gregory, First Baptist Church, 811 West 10<sup>th</sup> Street followed by the PLEDGE OF ALLEGIANCE.

Councilmember Zapata present at 7:05 p.m.

MAYOR COMMUNICATION: Mayor Hornady mentioned that Railroad Days would be held downtown on June 23-24, 2007 in conjunction with the Hall County 150<sup>th</sup> Celebration. Also mentioned was the Celebration of Progress Event at the Heartland Public Shooting Park this Saturday, June 23, 2007.

Review of 2007/2008 Budget Process. David Springer, Finance Director briefed the Council on the Budget Preparation Schedule for 2007/2008. Reviewed was what had been done and what needed to be done to complete the 2007/2008 budget. Mentioned were the dates of upcoming meetings and public hearings that needed to be held before the budget could be finalized. Mr. Springer presented a PowerPoint updating the council on the various funds within the budget.

Review of 2007/2008 Outside Agencies Funding Requests: David Springer, Finance Director reported that at the last regular City Council meeting of June 12, 2007 council requested guidelines for outside funding. Mr. Springer stated City Attorney Dale Shotkoski and Assistant City Attorney Wes Nespor had spent time formulating criteria for funding the outside agencies.

Wes Nespor, Assistant City Attorney reported on the findings as set out by the Nebraska Constitution. (Attached were the suggested guidelines presented.)

Discussion was held regarding those agencies with working relationships with City departments. Grants and matching funds were discussed. Retired and Senior Volunteer Program (RSVP) and Senior Citizens Industries required matching funds otherwise they would not be able to function.

Councilmember Gilbert commented that tax dollars should not be funding these agencies nor could the city afford to fund these except for the Convention and Visitors Bureau. Councilmember Zapata suggested not eliminating them completely but gradually lowering the funds they receive from the city. Councilmember Gericke stated those organizations serving a city function would be more cost effective than if the city had to perform those services.

Lewis Kent, 624 Meves asked the council to hold the line on outside funding and complimented the Finance Department on their presentation.

John Meister, 1417 Piper Street representing the Fishing Derby gave a brief background and requested the council fund their \$2,000 request.

Dianna Meyer representing the Court Appointed Special Advocate (CASA ) explained their request of \$5,000.

Shelly Garlic, 105 Mulberry, Alda, Nebraska representing the Crisis Center explained the services provided by the Crisis Center and those services that would be cut or reduced if not funded in the amount of \$12,000.

Marvin Anderson representing Hope Harbor and Gloriann Modson, Hastings, Nebraska Executive Director explained the services provided by Hope Harbor. Requested was \$5,000.

Terry Galloway representing the Humane Society presented the costs for the nonprofit organization and the services they provide for the City. Requested was \$225,000.

Councilmember Whitesides presented his recommendation for funding the outside agencies as follows:

Hope Harbor	\$4,500
CVB	10,000
International Visitors	1,000
Crisis Center	-----
GI Dive and Rescue	-----
RSVP	10,000
Senior Citizens Ind.	15,000
Multicultural Coalition	-----
Fishing Derby	-----
Ethnic Festival	<u>900</u>
Total	\$41,400

Humane Society	\$170,000
Health Department	100,000
Clean Community	<u>20,000</u>
	\$290,000

Total	\$331,400
-------	-----------

Karen Rathke representing United Way commented that objective criteria were needed for council to make an informed decision. Ms. Rathke offered her services to work with the outside agencies and the council to come up with those objectives. Discussion was held regarding contracts with each agency.

(See attached summary of Outside Agencies funding requests and staff recommendation.)

Council took a 10 minute break.

Review of 2007/2008 Full Time Equivalent's (FTE) Requests: David Springer, Finance Director reported that at the last Regular City Council meeting of June 12, 2007 the City Council requested more information regarding FTE's for each department.

Question was asked concerning the original requests for FTE's which were 28 additional FTE's for 2007/2008. City staff reduced this amount to 12.270.

Steve Paustian, Parks and Recreation Director explained his request for 2.250 FTE's for the Recreation and Heartland Public Shooting Park. Also explained were the hours, maintenance, and events at the Shooting Park. Mr. Paustian stated a business plan was in the process.

Steve Lamken, Police Chief explained the request for 1.000 FTE Custodian at the Law Enforcement Center. Out sourcing was discussed for the maintenance of the new building. Mr. Lamken stated 1/2 of the custodial service would be out sourced. Hall County would be paying rent for the space used by the Sheriff's department.

Jon Rosenlund, Emergency Management Director commented on his request of 1.000 FTE in which the county would pay for half of this position as it pays for half of all costs through the Emergency Management department.

Gary Mader, Utilities Director commented on using consultants for some of the engineering services. Explained were the benefits of having those services in house. Mr. Mader explained the request for 3.000 FTE's in the Utilities Department.

The question was asked if adding the requested FTE's and Outside Agencies would increase the tax rate. Finance Director David Springer stated these would not raise the tax rate but cash reserves would decrease.

Steve Fosselman, Library Director commented on the request of 2.000 FTE's for the Library. Part-time versus full-time was discussed. Mr. Fosselman stated the Library was meeting minimum standards.

Lewis Kent, 624 East Meves spoke in opposition to hiring new employees.

Steve Riehle, Public Works Director explained the revenue projection for the Solid Waste Division with regards to the 1.000 FTE requested.



(See attached summary of FTE requests.)

ADJOURNMENT: The meeting was adjourned at 10:05 p.m.

RaNae Edwards  
City Clerk

---

---

**INTEROFFICE MEMORANDUM**

---

---

**TO:** DAVID SPRINGER  
**FROM:** WESLEY D. NESPOR  
**SUBJECT:** FUNDS TO NON-PROFITS FOR PUBLIC PURPOSES  
**DATE:** 6/21/2007  
**CC:** RANAE EDWARDS

---

The Nebraska Constitution prohibits lending or giving credit in aid of any individual, association, or corporation. Courts have held this to mean lending credit which is not used for a public purpose. What constitutes a public purpose must be decided on a case by case basis focusing on the object sought to be accomplished and the degree and manner in which that object affects the public welfare. *Unsolicited requests* for money should be from non-profit entities because for-profit companies should go through the competitive bid/proposal process.

Suggested guidelines

- 1 Council should prepare a written statement of the public purpose and how the entity will accomplish it. This is absolutely necessary because the Supreme Court has stated repeatedly that "it is for the Legislature (city council) to decide in the first instance what is and what is not a public purpose...". *State v. Cornell*, 53 Neb. 556.
- 2 There should be a contract with the entity setting forth the purposes/services and itemized costs to accomplish those purposes (Humane Society for example).
- 3 There should be an annual accounting of how the funds were used. (see *Chase v County of Douglas*, 195 Neb. 838 regarding contract and accounting as measures to ensure expenditures are being used for a public purpose).
- 4 Some general guidelines to use in determining if the expenditure is for a public purpose.
  - a. Is the general public benefited or only a small group? (e.g. if funds are given to a private entity for buses, the service must be available to the entire public and not just for use by members or patrons of the entity).
  - b. If benefits redound to individuals, are those benefits only incidental to the benefits to the general public. (e.g. funds given to the chamber of commerce to "advertise the city" may benefit the members of the chamber but that is only incidental to the broader purpose of attracting tourists and industry for the benefit of the entire community).
  - c. Is real estate being purchased or improved which will house a private entity? Case law disapproves this practice specifically.
  - d. Are fixed assets being purchased or human resources acquired which will be used by the entity for other purposes? (e.g. Government funds are used to pay 100% of the costs of an employee or equipment but only part of the employee's/equipment's time is spent or used for the public purpose).

<u>ORGANIZATION</u>	<u>2004 FUNDED</u>	<u>2005 FUNDED</u>	<u>2006 FUNDED</u>	<u>2007 FUNDED</u>	<u>2008 REQUESTED</u>	<u>STAFF RECOMMEND</u>
Hope Harbor	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 5,000	\$ 4,500
Convention and Visitors Bureau	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 15,000	\$ 10,000
Council for International Visitors	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Crisis Center	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 13,000	\$ 12,000
G. I. Dive and Rescue Team - Trailer	\$ 2,500	\$ -	\$ 2,000	\$ 2,000	\$ -	\$ -
Retired and Senior Volunteer Program (RSVP)	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Senior Citizens Industries, Inc.	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Multicultural Coalition		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Fishing Derby	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
Central Nebraska Ethnic Festival (Some in kind, postage, etc.)					\$ 900	\$ 900
Third City Community Clinic					\$ 1,000	0
Heartland CASA (Court Appointed Special Advocate)					\$ 5,000	0
Totals	<u>\$ 57,000</u>	<u>\$ 64,500</u>	<u>\$ 66,500</u>	<u>\$ 66,500</u>	<u>\$ 71,000</u>	<u>\$ 65,400</u>

**AGENCIES WITH WORKING RELATIONSHIPS WITH CITY DEPARTMENTS**

<u>ORGANIZATION</u>	<u>2004 FUNDED</u>	<u>2005 FUNDED</u>	<u>2006 FUNDED</u>	<u>2007 FUNDED</u>	<u>2008 REQUESTED</u>	<u>STAFF RECOMMEND</u>
Central Nebraska Humane Society	\$150,000	\$157,500	\$157,500	\$167,500	\$ 225,000	\$ 167,500
Central Nebraska Health Department	\$135,000	\$135,000	\$135,000	\$125,000	\$ 125,000	\$ 125,000
Clean Community Systems	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Totals	<u>\$305,000</u>	<u>\$312,500</u>	<u>\$312,500</u>	<u>\$312,500</u>	<u>\$ 370,000</u>	<u>\$ 312,500</u>
<b>TOTAL OUTSIDE AGENCIES</b>	<u><b>\$362,000</b></u>	<u><b>\$377,000</b></u>	<u><b>\$379,000</b></u>	<u><b>\$379,000</b></u>	<u><b>\$ 441,000</b></u>	<u><b>\$ 377,900</b></u>

## SUMMARY OF REQUESTED FTE'S, FISCAL YEAR 2007-2008

( Five Year Financial Impact )

		PERSONAL COST					
Dept No.	Department Name	FTE Recommended	Changes	2008-9 Estimate	2009-10 Estimate	2010-11 Estimate	2011-12 Estimate
GENERAL GOVERNMENT							
114 Finance							
	Less: Accounting Clerk	(0.580)	(\$16,377)	(\$16,868)	(\$17,374)	(\$17,896)	(\$18,432)
PUBLIC SAFETY							
223 Police							
	Custodian	1.000	\$36,307	\$37,396	\$38,518	\$39,674	\$40,864
	School Crossing Guard	0.350	\$5,242	\$5,399	\$5,561	\$5,728	\$5,900
	Police Officer (Add in December)	1.000	\$44,494	\$58,871	\$60,637	\$62,456	\$64,330
	Total Police Services	2.350	\$86,043	\$101,666	\$104,716	\$107,858	\$111,094
226 Emergency Management							
	Emergency Management Coordinator	1.000	\$31,556	\$32,503	\$33,478	\$34,482	\$35,517
	Emergency Management Clerk	(1.000)	(\$30,459)	(\$31,373)	(\$32,314)	(\$33,283)	(\$34,282)
	Communications Specialist	1.000	\$43,648	\$44,957	\$46,306	\$47,695	\$49,126
	Total Emergency Management	1.000	\$44,745	\$46,087	\$47,470	\$48,894	\$50,361
COMMUNITY ENVIRONMENT & LEISURE							
443 Library							
	Library Assistant - Full Time	2.000	\$81,828	\$84,283	\$86,811	\$89,416	\$92,098
	Total Library	2.000	\$81,828	\$84,283	\$86,811	\$89,416	\$92,098
445 Recreation Administration							
	Recreation Coordinator (Split with Shooting Park)	0.750	\$14,786	\$15,230	\$15,686	\$16,157	\$16,642
448 Heartland Shooting Park							
	Seasonal Worker	2.000	\$33,586	\$34,594	\$35,631	\$36,700	\$37,801
	Recreation Coordinator (Split with Recreation Dept)	0.250	\$6,917	\$7,125	\$7,338	\$7,558	\$7,785
		2.250	40,503	34,594	35,631	36,700	37,801
PROPERTY TAX REQUIREMENT							
	GENERAL GOVERNMENT	(0.580)	(\$16,377)	(\$16,868)	(\$17,374)	(\$17,896)	(\$18,432)
	PUBLIC SAFETY	3.350	\$130,788	\$147,754	\$152,186	\$156,752	\$161,455
	COMMUNITY ENVIRONMENT & LEISURE	5.000	\$137,117	\$134,106	\$138,129	\$142,273	\$146,541
GENERAL FUND PROPERTY TAX REQUIREMENT		7.770	\$251,528	\$264,992	\$272,941	\$281,129	\$289,563

## SUMMARY OF REQUESTED FTE'S, FISCAL YEAR 2007-2008

( Five Year Financial Impact )

		PERSONAL COST					
Dept No.	Department Name	FTE Recommended	Changes	2008-9 Estimate	2009-10 Estimate	2010-11 Estimate	2011-12 Estimate
<b>ENTERPRISE FUNDS</b>							
<b>505 Sanitary Landfill</b>							
	Equipment Operator	1.000	\$33,686	\$34,697	\$35,737	\$36,810	\$37,914
<b>510 Golf Course</b>							
	Seasonal Part-Time	0.500	\$10,140	\$10,444	\$10,758	\$11,080	\$11,413
	Maintenance Worker II	(1.000)	(\$58,881)	(\$60,647)	(\$62,467)	(\$64,341)	(\$66,271)
	<b>Total Golf Course</b>	(0.500)	(\$48,741)	(\$50,203)	(\$51,709)	(\$53,261)	(\$54,858)
<b>520 Electric Utility</b>							
	Electrical Engineer	1.000	\$61,393	\$63,235	\$65,132	\$67,086	\$69,098
	Wireworker II	1.000	\$58,893	\$60,660	\$62,480	\$64,354	\$66,285
	Lineman Apprentice	1.000	\$53,540	\$55,146	\$56,801	\$58,505	\$60,260
	<b>Total Electrical Utility</b>	3.000	\$173,826	\$179,041	\$184,412	\$189,944	\$195,643
<b>53+A Sewer Utility</b>							
	Maintenance Mechanic I or II	1.000	\$48,950	\$50,419	\$51,931	\$53,489	\$55,094
	<b>Total Sewer Utility</b>	1.000	\$48,950	\$50,419	\$51,931	\$53,489	\$55,094
<b>TOTAL ENTERPRISE FUNDS</b>		4.500	\$207,721	\$213,953	\$220,371	\$226,982	\$233,792
<b>TOTAL CITY</b>		12.270	\$459,249	\$478,944	\$493,312	\$508,112	\$523,355



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G4

### **Approving Re-Appointment of Ann Marsh to the Central District Health Department**

*The Mayor has submitted the re-appointment of Ann Marsh to the Central District Health Department Board. This appointment would become effective July 1, 2007 upon approval by Council, and would expire on June 30, 2010. Approval is recommended.*

Staff Contact: Mayor Margaret Hornady



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G5

### **Approving Appointment of John Schultz to the Zoning Board of Adjustment**

*The Mayor has submitted the appointment of John Schultz to the Zoning Board of Adjustment board. This appointment would become effective immediately upon approval by Council, and would expire on August 31, 2009. Mr. Schultz will be finishing the term of Karen Bredthauer who resigned to serve on the Regional Planning Commission. Approval is recommended.*

Staff Contact: Mayor Margaret Hornady



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G6

**#2007-143 - Approving Acquisition of Utility Easement - Southeast Corner of the New HY-VEE Store Location at Webb Road and Old Potash Highway**

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

Staff Contact: Gary R. Mader



RESOLUTION 2007-143

WHEREAS, a public utility easement is required by the City of Grand Island, from Hy-Vee, Inc., an Iowa Corporation, to install, upgrade, maintain and repair public utilities and appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on June 26, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of Lot Two (2), Martin's Fourth Subdivision in the City of Grand Island, Hall County, Nebraska, the said Twenty (20.0) foot wide easement being more particularly described as follows:

Commencing at the northeasterly corner of Lot Two (2), Martin's Fourth Subdivision; thence westerly along the northerly line of said Lot Two (2), a distance of fifty (50.0) feet; thence southerly, parallel with the easterly line of said Lot Two (2), a distance of three hundred fifty six and three tenths (356.3) feet to the ACTUAL point of beginning; thence westerly, parallel with the northerly line of said Lot Two (2), a distance of ninety four (94.0) feet; thence southerly, parallel with the easterly line of said Lot Two (2), a distance of twenty (20.0) feet; thence easterly, parallel with the northerly line of said Lot Two (2), a distance of ninety four (94.0) feet; thence northerly, parallel with the easterly line of said Lot Two (2), a distance of twenty (20.0) feet to the said point of beginning.

The above-described easement and right-of-way containing 0.043 acres, more or less, as shown on the plat dated 6/1/2007, 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 Hy-Vee, Inc., an Iowa Corporation, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G7

**#2007-144 - Approving Acquisition of Utility Easement - 1313  
Johnstown Road Across from Diamond Plastics - Hulse**

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

Staff Contact: Gary R. Mader

RESOLUTION 2007-144

WHEREAS, a public utility easement is required by the City of Grand Island, from Kevin Hulse and Tammie Hulse, husband and wife, to install, upgrade, maintain and repair public utilities and appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on June 26, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of Lot Six (6), Deadwood Subdivision in the City of Grand Island, Hall County, Nebraska, the said Twenty (20.0) foot wide easement being more particularly described as follows:

The westerly twenty (20.0) feet of the northerly twenty (20.0) feet of the southerly one hundred forty nine (149.0) feet of Lot Six (6) Deadwood Subdivision.

The above-described easement and right-of-way containing a total of 400 square feet, more or less, as shown on the plat dated 6/13/2007, 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 Kevin Hulse and Tammie Hulse, husband and wife, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G8

**#2007-145 - Approving Bid Award for Cooling Tower Rebuild -  
Platte Generating Station**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Wesley Nespor, Asst. City Attorney/Purchasing

**Meeting:** June 26, 2007

**Subject:** Cooling Tower Rebuild – Platte Generating Station

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

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

## **Background**

The cooling tower at the Platte Generating Station was constructed as part of the original plant nearly 30 years ago. It is a wooden structure with asbestos, fiberglass, and PVC components. It is regularly inspected to monitor its structural integrity. The asbestos louvers and casing panels were replaced with new fiberglass components in 1998. Recent inspections by consultants and the plant staff indicate that the wooden fan and hot water distribution decks have deteriorated due to exposure to the severe environment in the cooling tower and the weather. These components are in need of replacement. The current industry standard for the deck material is a fiberglass product, designed to provide extended life. Included in this replacement are associated structural support and mechanical components. Specifications for the replacement decks were developed by plant staff and issued for bid in accordance with City procurement requirements.

## **Discussion**

Responses were received from the following bidders. The engineer's estimate for this project was \$700,000.00.

<u>Bidder</u>	<u>Base Bid Price</u>
Midwest Towers, Inc.	\$409,094.00
EvapTech, Inc.	\$423,052.00
International Cooling Tower	\$548,910.00

An irregularity in the "as read" low bid from Midwest Towers regarding the bid bond was determined to be acceptable by the Legal Department. All bids were otherwise compliant with the specifications.

## **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 award the Cooling Tower Rebuild Contract to Midwest Towers from Blue Springs, MO, as the low responsive bidder, in the amount of \$409,094.00.

## **Sample Motion**

Motion to award the bid of \$409,094.00 from Midwest Towers for the Cooling Tower Rebuild as submitted.



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

Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** June 5, 2007 at 11:00 a.m.

**FOR:** Cooling Tower Rebuild

**DEPARTMENT:** Utilities

**ESTIMATE:** \$700,000.00

**FUND/ACCOUNT:** 520

**PUBLICATION DATE:** April 30, 2007

**NO. POTENTIAL BIDDERS:** 5

**SUMMARY**

<b>Bidder:</b>	<u>EvapTech, Inc.</u>	<u>International Cooling Tower</u>
	Lenesa, KS	Edmonton Alberta, Canada
<b>Bid Security:</b>	Western Surety Company	Hartford Fire Insurance Co.
<b>Exceptions:</b>	Noted	None
<b>Total Base Bid:</b>	\$423,052.00	\$548,910.00
<b>Option #1</b>	33,615.00	31,500.00 (16") 33,390.00 (18")
<b>Option #2</b>	19,645.00	19,684.00 (16") 21,098.00 (18")

<b>Bidder:</b>	<u>Midwest Towers, Inc.</u>	<u>Tower Performance of Texas</u>
	Blue Springs, MO	Houston, TX
<b>Bid Security:</b>	Mid-Continent Casualty Co.	
<b>Exceptions:</b>	None	
<b>Total Base Bid:</b>	\$409,094.00	Rejected Bid – No Bid Bond
<b>Option #1</b>	32,814.00	
<b>Option #2</b>	No Bid	

cc: Gary Mader, Utilities Director  
Karen Nagel, Utilities Secretary  
Wes Nespor, Assistant City Attorney

Bob Smith, Assist. Utilities Director  
Dale Shotkoski, Purchasing Agent  
Sherry Peters, Legal Secretary

RESOLUTION 2007-145

WHEREAS, the City of Grand Island invited sealed bids for a Cooling Tower Rebuild, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 5, 2007, bids were received, opened and reviewed; and

WHEREAS, Midwest Towers, of Blue Springs, Missouri, 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 \$409,094.00; and

WHEREAS, Midwest Towers' 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 Towers, of Blue Springs, Missouri, in the amount of \$409,094.00 for a Cooling Tower Rebuild is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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





# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G9

**#2007-146 - Approving Bid Award for Boiler Inspection and Repair - Platte Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor

# **Council Agenda Memo**

**From:** Gary R. Mader, Utilities Director  
Wesley Nespor, Asst. City Attorney/Purchasing

**Meeting:** June 26, 2007

**Subject:** Boiler Inspection & Repair – Platte Generating Station

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

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

## **Background**

The Utilities Department plans major overhauls and inspections at the Platte Generating Power Plant every five years to allow inspection and repair of the turbine-generator, boiler, and other major Power Plant systems. The next major outage is scheduled for fall, 2007. Inspection of the boiler includes inspection, testing and repair of the internal boiler parts such as; wall thickness testing of boiler tubes and pressure parts, non-destructive examination of ductwork and gas path components for cracking and fatigue failure, and alignment of sootblowers and fuel burner components. The boiler is 160 feet tall and there is no access to most of these internal areas. To prepare for the inspections, scaffolding is erected and surfaces are cleaned by using high-pressure water sprays and explosive blasting. Also included in the scope of this year's repair is the replacement of the air heater transfer baskets and a high-pressure feedwater heater. Specifications for these inspections and repairs were developed by plant staff and issued for bids to qualified contractors specializing in this type of work.

## **Discussion**

The specifications were advertised and bids received in accordance with the City Purchasing Code. Responses were received from the following bidders. The engineer's estimate for this project was \$1,000,000.

<u>Bidder</u>	<u>Bid Price</u>
W-S Mechanical Group	\$ 579,337.00
Moorhead Machinery & Boiler	\$ 1,197,700.00

The low bid from W-S Mechanical Group is compliant with the specifications.

## **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 award the Boiler Inspection and Repair Contract to W-S Mechanical Group from Council Bluffs, Iowa, as the low responsive bidder, with the bid price of \$579,337.11.

## **Sample Motion**

Motion to approve the bid of \$579,337.11 from W-S Mechanical Group for the Boiler Inspection & Repair as submitted.

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



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** June 5, 2007 at 11:15 a.m.

**FOR:** Boiler Inspection & Repair

**DEPARTMENT:** Utilities

**ESTIMATE:** \$1,000,000.00

**FUND/ACCOUNT:** 520

**PUBLICATION DATE:** April 30, 2007

**NO. POTENTIAL BIDDERS:** 10

**SUMMARY**

<b>Bidder:</b>	<u>W-S Mechanical Group, LLC</u> Council Bluffs, IA	<u>Moorhead Machinery &amp; Boiler Co.</u> Minneapolis, MN
<b>Bid Security:</b>	Merchants Bonding Company	Westchester Fire Insurance Co.
<b>Exceptions:</b>	None	None
<b>Bid Price:</b>	\$579,337.11	\$1,197,700.00

cc: Gary Mader, Utilities Director  
Karen Nagel, Utilities Secretary  
Wes Nespor, Assistant City Attorney

Bob Smith, Assist. Utilities Director  
Dale Shotkoski, Purchasing Agent  
Sherry Peters, Legal Secretary

**P1161**

RESOLUTION 2007-146

WHEREAS, the City of Grand Island invited sealed bids for Boiler Inspection and Repair, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 5, 2007, bids were received, opened and reviewed; and

WHEREAS, W-S Mechanical Group, LLC, of Council Bluffs, 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 \$579,337.11; and

WHEREAS, W-S Mechanical Group'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 W-S Mechanical Group, LLC, of Council Bluffs, Iowa, in the amount of \$579,337.11 for Boiler Inspection and Repair is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G10

**#2007-147 - Approving Acquisition of Utility Easement Located at 516 and 508 Sandalwood Drive, South of Faidley Avenue (Rudolf and Jeannice Plate)**

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

Staff Contact: Chad Nabity

RESOLUTION 2007-147

WHEREAS, a public utility easement is required by the City of Grand Island, from Rudolf F. Plate and Jeannice R. Plate, husband and wife, and Tim C. Plate, a single person, to install, upgrade, maintain and repair public utilities and appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on June 26, 2007, for the purpose of discussing the proposed acquisition of an easement located in a part of Lots Twenty Six (26) and Twenty Seven (27), Westwood Park Tenth Subdivision in the City of Grand Island, Hall County, Nebraska, the said Ten (10.0) foot wide easement being more particularly described as follows:

Beginning at the southeast corner of said Lot Twenty Six (26); thence running northerly along the east line of said Lot Twenty Six (26); a distance of approximately Twenty Five and Eight Hundredths (25.08) feet; to a point on the south line of an existing Ten (10.0) foot wide utility easement; thence running westerly along the south line of an existing Ten (10.0) foot wide utility easement, a distance of Ten (10.0) feet; thence running southerly parallel with and Ten (10.0) feet west of the east line of said Lot Twenty Six (26), a distance of approximately Twenty Five and Eight Hundredths (25.08) feet, to a point on the north line of said Lot Twenty Seven (27); thence continuing southerly parallel with and Ten (10.0) feet west of the east line of said Lot Twenty Seven (27), a distance of Twenty (20.0) feet; thence running easterly parallel with the north line of said Lot Twenty Seven (27), a distance of Ten (10.0) feet, to a point on the east line of said Lot Twenty Seven (27); thence running northerly along the east line of said Lot Twenty Seven (27), a distance of Twenty (20.0) feet, to the point of beginning and containing 0.02 acres (901.6 Sq. Ft.) more or less.

The above-described easement and right-of-way containing 0.02 acres (901.6 Sq. Ft.), more or less, as shown on the plat dated April 26, 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 Rudolf F. Plate and Jeannice R. Plate, husband and wife, and Tim C. Plate, a single person, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G11

**#2007-148 - Approving Application for Edward Byrne Memorial  
Justice Assistance Grant (JAG) 2007**

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

Staff Contact: Steve Lamken



RESOLUTION 2007-148

WHEREAS, the Grand Island Police Department has received notification that they and the Hall County Sheriff's Department have been awarded \$28,366.00 in grant funds from the Justice Assistance Grant (JAG) program; and

WHEREAS, the Grand Island Police Department will be allocated \$14,183.00 of such funds; and

WHEREAS, a public hearing was held on June 26, 2007, as required to discuss the proposed use of such funds; and

WHEREAS, it is proposed that the grant funds allocated to the Grand Island Police Department be used to purchase a back-up server for the Data911 mobile data and video equipment for patrol vehicles. The remaining \$14,183.00 is tentatively allocated to be split evenly between the Central Nebraska Drug Court and the Hall County Sheriff's Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that approval is hereby granted to use grant funds received from the Justice Assistance Grant program to purchase a back-up server for the Data911 mobile data and video equipment for patrol vehicles, and to provide approximately \$14,183.00 to the Central Nebraska Drug Court and the Hall County Sheriff's Department.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G12

**#2007-149 - Approving Release and Rescission of Bid Award for Backhoe/Loader with Nebraska Machinery Co. and Approving Bid Award to Ditch Witch of Nebraska**

Staff Contact: Steve Paustian

# **Council Agenda Memo**

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

**Meeting:** June 26, 2007

**Subject:** Approving Release and Rescission of Bid Award for Backhoe/Loader with Nebraska Machinery Co. and Approving Bid Award to Ditch Witch of Nebraska

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

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

## **Background**

On April 10 2007 Nebraska Machinery Co., the Cat Rental Store of Doniphan was awarded a bid to provide the Park and Recreation Department a backhoe/Loader in the amount of \$51,490.00. See attached memo from Cemetery Supervisor Mick Leth as to the purchase of this equipment. Since the award, it has come to the attention of Nebraska Machinery Co. that they are not authorized to sell the Ditch Witch unit they bid.

## **Discussion**

Nebraska Machinery Co. has showed a willingness to pay the difference between the bid they provided the City and the bid provided by Ditch Witch of Nebraska. Ditch Witch of Nebraska has agreed to honor the original bid price of \$59,360.01. The difference of \$7,870.61 will be paid to the City by Nebraska Machinery Co.

## **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 enter into an agreement with Ditch Witch of Nebraska to purchase the Backhoe/Loader and accept the reimbursement from Nebraska Machinery Co.

### **Sample Motion**

Motion to Release and Rescind the bid Award of Backhoe/Loader with Nebraska Machinery Co. and approve the bid award to Ditch Witch of Nebraska.

# INTEROFFICE MEMORANDUM



From the  
**Parks & Recreation Department**

*Working Together for a  
Better Tomorrow, Today.*

DATE: March 12, 2007

TO: Steve Paustian, Parks & Recreation Director  
Dale Shotkoski, City Attorney

FROM: Mick Leth, Cemetery Supervisor

RE: Backhoe/Loader bid purchase

-----

In researching a new backhoe/loader to replace our 1982 unit we have discovered that the "Class" of equipment we have now is no longer made. In February of 1983 we had six bidders that met our specs. Today, it is a different story.

The weight of the backhoe/loader is by far the number one criteria for our cemetery's operation. (This unit must be operated on and over graves constantly, often in very wet turf conditions.)

Size is a secondary factor, as our shop door must be enlarged to allow room for any machine purchased. Also, the bigger sized units may not fit in our shop even with door height modifications. (See photos)

Here is a recap of our research:

		<u>Weight</u>	<u>Height</u>
Our unit -	1982 Case 480D	9670 lbs	8'6"
New units -	2007 New Holland B95	15,223 lbs	9'6" **
	2007 CAT 420	17,196 lbs	9'3" **
	2007 CASE 580M	14,996 lbs	8'11" *
	2007 John Deere 310SJ	15,495 lbs	9'2" **
	2007 Komatsu WB146	16,090 lbs	9'8" **
	2007 JCB 2CX	14,008 lbs	8'11" *
	2007 TEREEX 760B	15,151 lbs	9'6" **
	2007 Ditch Witch XT1600	9420 lbs	8'11" *

\*Requires \$3,300 door

\*\* Requires \$9,000 door

The Ditch Witch is the only unit we can realistically consider. The next lightest machine weighs over two tons more than our current unit.

As for smaller or "mini" units, none meet our criteria in digging depth, horse power, reach, loader capability etc.

In summary, we feel a 10,000 lb maximum weight specification is justified. We hope a new unit will last 25+ years as the last one did, and we do not want to constantly deal with repairing turf and fixing crushed graves that a heavier unit would cause. Also, we don't want to have to move stones to allow room for the backhoe on almost every grave dug. This summary is based on researching and viewing other cemeteries units all across the Midwest.

ML:pb

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 28, 2007 at 11:00 a.m.

**FOR:** Backhoe/Loader

**DEPARTMENT:** Park and Recreation

**ENGINEER'S ESTIMATE:** \$68,000.00

**FUND/ACCOUNT:** 10044405-85615

**PUBLICATION DATE:** March 17, 2007

**NO. POTENTIAL BIDDERS:** 8

**SUMMARY**

<b>Bidder:</b>	<b><u>Mid Land Equipment</u></b> Lincoln, NE	<b><u>Mid Land Equipment</u></b> Lincoln, NE
<b>Exceptions:</b>	Noted	Noted
<b>Model:</b>	Case CX 50B	Case 580M
<b>Base Bid Price:</b>	\$44,233.00	\$56,083.78
<b>Trade-In:</b>	<u>8,500.00</u>	<u>8,500.00</u>
<b>Total:</b>	\$35,733.00	\$47,583.78
<b>Bidder:</b>	<b><u>NMC The Cat Rental Store</u></b> Doniphan, NE	<b><u>Murphy Tractor</u></b> Grand Island, NE
<b>Exceptions:</b>	None	Noted
<b>Model:</b>	Ditch Witch XT1600	John Deere 110
<b>Base Bid Price:</b>	\$59,990.00	\$45,170.00
<b>Trade-In:</b>	<u>8,500.00</u>	<u>8,250.00</u>
<b>Total:</b>	\$51,490.00	\$36,920.00

**Bidder:** Ditch Witch of Nebraska  
Grand Island, NE

**Exceptions:** None

**Model:** Ditch Witch XT1600

Rueter's  
Johnston, IA

No Bid

**Base Bid Price:** \$67,248.69

**Trade-In:** 7,888.08

**Total:** \$59,360.61

cc: Steve Paustian, Park and Recreation Director  
Patti Buettner, Park and Recreation Secretary  
Sherry Peters, Legal Secretary

Mick Leth, Cemetery Supervisor  
Dale Shotkoski, Purchasing Agent

**P1155**



## **RELEASE AND RESCISSION OF BID**

On April 10, 2007, by Resolution No. 2007-88, Nebraska Machinery Co., the Cat Rental Store of Doniphan, Nebraska, was awarded a bid of the City of Grand Island for a backhoe/loader in the amount of \$51,490.00.

Nebraska Machinery Co., the Cat Rental Store of Doniphan, Nebraska, is unable to comply with the bid.

By authorization of the City Council of the City of Grand Island, Nebraska Machinery Co., the Cat Rental Store of Doniphan, Nebraska, is hereby released of its obligation for the backhoe/loader and the bid is hereby rescinded.

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

ATTEST:

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

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

The Release and Rescission of Bid is in due form according to law and are hereby approved.

\_\_\_\_\_  
Attorney for the City

Date: \_\_\_\_\_

RESOLUTION 2007-149

WHEREAS, on April 10, 2007, by Resolution No. 2007-88, the City of Grand Island awarded a bid for a backhoe/loader to Nebraska Machinery Co., the Cat Rental Store of Doniphan, Nebraska, in the amount of \$51,490; and

WHEREAS, the Nebraska Machinery Co., the Cat Rental Store of Doniphan, Nebraska, is contractually unable to comply with the bid; and

WHEREAS, the next lowest bidder for equipment with the same specifications is Ditch Witch of Nebraska, such bid being in the amount of \$67,248.69 minus a trade-in of \$7,888.08 for a total bid of \$59,360.61; and

WHEREAS, the Nebraska Machinery Co., the Cat Rental Store, has agreed to reimburse the difference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Ditch Witch of Nebraska in the amount of \$59,360.61, is hereby approved as the lowest responsible bid and that the previous low bidder, Nebraska Machinery Co., the Cat Rental Store, is discharged from its bid upon payment to the City of Grand Island for the difference in price and that the Mayor is hereby authorized to sign a release and rescission of Nebraska Machinery Co.'s bid upon receipt of the funds.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G13

**#2007-150 - Approving Setting Board of Equalization Date for  
Annual Mowing Assessments**

Staff Contact: David Springer

# **Council Agenda Memo**

**From:** Dave Springer, Finance Director

**Meeting:** June 26, 2007

**Subject:** Approving Setting the Board of Equalization Date for Annual Mowing Assessments

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

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

## **Background**

State Statutes required that First Class Cities shall meet in June annually to address any special assessments that have not otherwise been provided for by setting a date for a Board of Equalization and subsequent levies.

## **Discussion**

The only assessments we are aware of that need action are for mowing and weed control on properties wherein the owners, after proper notification, failed to act and the City was forced to have mowing and weed control services done at the City's expense. The Council is asked to assess those expenses back to the property owners and to sit as a Board of Equalization to determine the benefits of these actions on July 24, 2007.

## **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 sit as a Board of Equalization on July 24, 2007 to determine the benefits of mowing and weed control actions undertaken by the City. .

## **Sample Motion**

Motion to approve July 24, 2007 for Council to sit as a Board of Equalization for mowing and weed control assessments.

RESOLUTION 2007-150

WHEREAS, pursuant to Article III of Chapter 17 of the Grand Island City Code, for reason of the failure of the owners, agents, occupants, or persons in possession, charge, or control of lots, tracts, or parcels of land in the City to comply with the notices of the City Council in regard to the cutting and removing of weeds and other rank growth of vegetation, such weeds and other rank growth of vegetation were caused to be removed by the City, and the actual expenses thereof have been audited and paid by the City; and

WHEREAS, the owners, agents, occupants, or persons in possession, charge or control of lots, tracts or parcels of land whereon such weeds and other rank growth of vegetation were caused to be cut by the City and are in default of payment of the expenses and costs incurred by the City therefore; and

WHEREAS, the Finance Department for the City has reported the expenses and costs of such weed cutting to the City Council and recommends that the City Council sit as a Board of Equalization to assess the expenses and costs thereof to the respective lots, tracts, or parcels of land.

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

1. The report of the Finance Department for the City pertaining to the cutting of weeds and other rank growth of vegetation is hereby accepted.
2. The City Council shall sit as a Board of Equalization to determine the benefits of such weed cutting on July 24, 2007 at 7:00 p.m.
3. The City Clerk shall give notice, as required by Section 16-707, R.R.S. 1943, as amended, by one publication in the Grand Island Independent that the City Council will sit as a Board of Equalization on the date and time set forth above, at least ten (10) days prior thereto; and further, that the City Clerk, within five (5) days after the date of publication of the above notice and 10 days prior to the meeting, shall send by U.S. mail, a copy of the published notice to each and every party appearing to have a direct legal interest in such proceeding whose name and post office addresses are known, in accordance with the provisions of Section 25-520.01, R.R.S. 1943, as amended.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

\_\_\_\_\_

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G14

**#2007-151 - Approving Change Order No.1 for Fiber Optic Cable  
Installation Project 2006-OPGW-III with Kayton Electric**

Staff Contact: David Springer



# **Council Agenda Memo**

**From:** Carl Hurd, Information Technology Manager

**Meeting:** June 26, 2007

**Subject:** Approving Change Order No. 1 for Contract 2006-OPGW-III. Installation of 48 Strand ADSS Fiber Optic Cable to Provide Network Connection Between City Hall, County Offices, New Safety Center and New Jail

**Item #'s:** G-14

**Presenter(s):** David Springer, Finance Director  
Carl Hurd, Information Technology Manager

## **Background**

On April 10, 2007 the City entered into an agreement with Kayton Electric for the installation of 48 fiber ADSS from Phelps Control Center to the New Safety Center (Resolution 2007-87). The original specifications included installing 2-4" conduits from a pole along Highway 30 to the Safety Center Building. These are not needed as there are currently 5-4" conduits that run from the building to the ditch along Highway 30 near the pole. These are currently open ended, in the ditch, and need to be terminated in an enclosure to allow for proper install of Fiber, Phone and Cable.

This change order will allow for the installation of a 4'x 6' enclosure, with all fittings, to allow for the proper use of the 5 existing conduits. It will also allow for the installation of a fiber optic splice enclosure on the pole.

The original contract included labor to run the conduit from the pole to the building. That amount will cover the labor costs of this change order. This change order is for material costs only.

## **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 Change Order in the amount of \$5,120.00 to complete the project.
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 Change Order with Kayton Electric, Inc. of Holdrege, Nebraska in the amount of \$5,120.00 to complete the project.

### **Sample Motion**

Approve the Change Order to complete the project.

*Working Together for a  
Better Tomorrow, Today.*

**CHANGE ORDER**

**TO:** Kayton Electric, Inc.  
120 S. Lincoln St., P.O. Box 27  
Holdrege, Ne. 68949

**Change Order No. 1**

**PROJECT:** Fiber Optic Cable to Safety Center/Jail (2006 -OPGW-III)

You are hereby directed to make the following change in your contract.

1. Install the Quazite Enclosure including an 18" rock base and needed fittings to connect to five existing conduits running into the Safety Center. Cost \$3,745.00

2. Set a new Splice enclosure and splice all strands of the ADSS fiber on pole "J" as shown on the route map. Install two – 2" conduits from pole "J" to the Quazite enclosure. Cost \$1,375.00  
Reference Quote from Kayton emailed June 13, 2007.

**The Original Contract Amount** **\$59,733.00**

**Previous Change Order Amounts** **0**

**The Contract Sum is increased by this Change Order** **\$5,120.00**

**The Contract duration remains unchanged.**

Approval and Acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described herein. Additional claims will not be considered.

**APPROVED: CITY OF GRAND ISLAND**

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

Date \_\_\_\_\_

Attest \_\_\_\_\_

\_\_\_\_\_  
Approved as to Form, City Attorney

**ACCEPTED: Patrick Pfeifer**

By \_\_\_\_\_

Date \_\_\_\_\_

RESOLUTION 2007-151

WHEREAS, on April 10, 2007, by Resolution 2007-87, the City Council of the City of Grand Island awarded Kayton Electric, Inc. of Holdrege, Nebraska, the bid for Fiber Optic Cable installation Project 2006-OPGW-III; and

WHEREAS, it has been determined that modifications to the work to be performed by Kayton Electric, Inc. are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, it is recommended that modifications to the work to be done by Kayton Electric, Inc. are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modification will increase the contract amount by \$5,120.00 for a revised contract price of \$64,853.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Kayton Electric, Inc. of Holdrege, Nebraska to provide the modifications set out as follows:

Install the Quazite Enclosure.....	\$3,745.00
Set New Splice Enclosure and Splice all Strands of the ADSS Fiber .....	\$1,375.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item G15

**#2007-152 - Approving Agreement with Randy Hartmann of  
Farmers National Company for Land Management Services**

Staff Contact: Dale Shotkoski

# **Council Agenda Memo**

**From:** Wesley D. Nespor, Assistant City Attorney

**Meeting:** June 26, 2007

**Subject:** Approving Agreement for Farm Management Services

**Item #'s:** G-15

**Presenter(s):** Wesley D. Nespor, Assistant City Attorney

## **Background**

The city owns several farm properties that are rented each year to farm tenants. The properties were professionally managed by Bob Thomazin of the Thomazin Company, who recently retired from the farm management business.

Proposals were solicited for performing farm management services and one proposal was received from the Farmers National Company.

## **Discussion**

The proposed fees are 7% of the gross farm income. This is consistent with fees customary charged for this type of service in Nebraska.

## **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 agreement.

## **Sample Motion**

Motion to approve the agreement with Farmers National Company to perform farm management services for the City of Grand Island.

RESOLUTION 2007-152

WHEREAS, the City of Grand Island invited quotes for Farm Management Services for the City of Grand Island Farm Real Estate, on file with the Legal Department; and

WHEREAS, on June 12, 2007, one quote was received, reviewed and evaluated in accordance with established criteria; and

WHEREAS, Farmers National Company of Grand Island, Nebraska, submitted a quote in accordance with the terms of the request for proposals and all statutory requirements contained therein and the City Procurement Code, such quote being for 7% of the gross farm income.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the quote of Farmers National Company of Grand Island, Nebraska, for Farm Management Services for the City of Grand Island Farm Real Estate for 7% of the gross farm income 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, June 26, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item I1

**#2007-153 - Consideration of Request from Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for Class "A" Liquor License and Liquor Manager Designation**

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

Staff Contact: RaNae Edwards



RESOLUTION 2007-153

WHEREAS, an application was filed by Mongolian Vietnamese Restaurant, LLC, doing business as Mongolian Vietnamese Restaurant at 1816 North Webb Road, Grand Island, Nebraska, 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 June 16, 2007; such publication cost being \$13.60; and

WHEREAS, Dua Tran Nguyen, 303 East 8<sup>th</sup> Street, Grand Island, Nebraska, has applied for a liquor manager designation for the business; and

WHEREAS, a public hearing was held on June 26, 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/denies the application of Dua Tran Nguyen, 303 East 8<sup>th</sup> Street, 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, June 26, 2007.

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

Attest:

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



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item I2

**#2007-154 - Consideration of Request from JG & J, Inc. dba Bullwinkle's Bar and Grill, 3235 South Locust Street for a Change of Location for Class "C-23100" Liquor License to 2118 North Webb Road**

*This item relates to the aforementioned Public Hearing Item E-2.*

Staff Contact: RaNae Edwards

RESOLUTION 2007-154

WHEREAS, an application was filed by JG&J, Inc., doing business as Bullwinkle's Bar and Grill located at 3235 South Locust Street for a Change of Location for Class "C-23100" Liquor License to 2118 North Webb Road; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on June 16, 2007; such publication cost being \$14.91; and

WHEREAS, a public hearing was held on June 26, 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 for change of location.

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

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

Attest:

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

Approved as to Form	☐ _____
July 25, 2006	☐ City Attorney



# **City of Grand Island**

**Tuesday, June 26, 2007**

**Council Session**

## **Item I3**

**#2007-155 - Consideration of Northwestern Gas Rate  
Negotiation/Increase**

**Staff Contact: Dale Shotkoski**

# **Council Agenda Memo**

**From:** Dale M. Shotkoski, City Attorney

**Meeting:** June 26, 2007

**Subject:** Northwestern Corporation's Application for Natural Gas Rate Increase to the Nebraska Public Service Commission and Its Request to Negotiate with the Local Municipalities

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

**Presenter(s):** Dale M. Shotkoski, City Attorney

## **Background**

The cities of Grand Island, Alda, Kearney and North Platte, Nebraska, receive natural gas service from the Northwestern Corporation. In the state of Nebraska, the Public Service Commission has authority over natural gas rate increases and by statute has defined the procedures for negotiations between local municipalities and natural gas providers. Neb. Rev. Stat., §66-1838 authorizes jurisdictional utilities to negotiate with the effected municipalities with respect to a proposed general rate change provided that the municipalities representing more than 50% of the rate payers within the effected municipalities adopt resolutions evidencing their intent to negotiate with the jurisdictional utility, in this case Northwestern Corporation.

The effected cities are not obligated to such negotiations, and if they choose not to, they can provide notice of rejection of the resolution to negotiate locally and provide to the Public Service Commission and Northwestern within seven days of its adoption fee the notice thereof.

If more than 50% of the rate payers of the affected cities choose not to negotiate locally, the Public Service Commission, after receiving notice thereof, shall proceed immediately to conduct the rate change review. In Nebraska, there has been created the position of the public advocate who has the power to investigate the legality and reasonableness of rates, charges and practices of jurisdictional utilities. The public advocate further has the power to petition for relief and request, initiate and intervene in any proceeding before the Commission concerning such utilities and furthermore may represent and appear for rate payers and the public in proceedings before the Public Service Commission and in any negotiations or other measure to resolve disputes that give rise to such proceedings. There

are additional powers provided to the public advocate by statute, essentially granting the public advocate the power and authority to act in rate cases such as this to conduct the negotiation and if necessary, the formal hearing. The public advocate is prohibited from advocating on behalf of any single individual, organization or entity, and statutorily it is recognized that this area of the law is a “highly technical environment” and the use of the public advocate was created to help minimize the cost of the regulations.

The public advocate is a relatively new office, created in 2003, to assist in dealing with the utility issues before the Public Service Commission. It was recognized that this area of law is highly technical. The office of the public advocate was created to represent the interest of Nebraska citizens in all cases of jurisdictional utility rate payers, other than high volume rate payers, in matters involving jurisdictional utilities and furthermore acts as trial staff before the Public Service Commission. The public advocate has been given a responsibility to help in the provision of safe, efficient and reliable utility services at just and reasonable rates. The public advocate for the Public Service Commission in the state of Nebraska is Roger Cox, an attorney in Lincoln, Nebraska.

If the city chooses to negotiate locally, as provided in Neb. Rev. Stat., §66-1838, there is also available through the Public Service Commission a revolving loan fund. An application for loan funds could be made to the Public Service Commission to help cover the cost that would be incurred and to properly conduct the negotiations. The loan from the revolving fund would allow the city to expend money for the retention of attorneys, accountants or other necessary experts and consultants. If applications for the loan funds are made and granted, there are restrictions on what the loan funds can be used for and detailed invoicing is necessary in the application for the funds. Upon conclusion of the negotiations, if loan funds are applied for and granted, the jurisdictional utility, in this case, Northwestern Corporation, would be required to repay the loan within thirty days of it being billed by the Public Service Commission. Northwestern Corporation is then allowed to recover the loan amount from its customers by a special surcharge billed on monthly statements for not more than twelve months and may be shown as a charge for rate negotiation expenses.

## **Discussion**

Representatives from Northwestern Corporation wish to address council on its desire to negotiate locally. The public advocate has also been invited to address council on the role and services which could be provided to the citizens and rate payers of Grand Island if public advocate services are used.

This item is presented the City Council to carefully consider its option in response to the rate increase applied for by Northwestern Corporation.

## **Alternatives**

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

1. Move to approve or reject the resolution of Northwestern Corporation for local municipal negotiations.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

## **Sample Motion**

Motion to approve or reject the resolution of Northwestern Corporation for local municipal negotiations.

## RESOLUTION 2007-155

A Resolution evidencing the intent of the City of Grand Island, Nebraska, to participate in negotiations with Northwestern Corporation pursuant to Neb. Rev. Stat., §66-1838(4) with respect to Northwestern's application for natural gas rate increase and to avail itself of the municipal rate negotiations revolving loan fund.

WHEREAS, on June 1, 2007, NorthWestern Corporation, doing business as NorthWestern Energy ("NorthWestern"), filed an Application for Natural Gas Rate Increase ("Application") with the Nebraska Public Service Commission ("PSC"); and

WHEREAS, Section 66-1838 of the Nebraska revised Statutes authorizes jurisdictional utilities such as NorthWestern to negotiate directly with affected municipalities such as the City with respect to a proposed general rate change provide, among other things, municipalities representing more than fifty percent (50%) of the ratepayers within the affected municipalities adopt resolutions evidencing their intent to negotiate with the jurisdictional utility; and

WHEREAS, NorthWestern desires to negotiate directly with the City as permitted by Neb. Rev. Stat., §66-1838; and

WHEREAS, the City desires to negotiate directly with NorthWestern as permitted by Neb. Rev. Stat., §66-1838; and

WHEREAS, in the event a sufficient number of affected municipalities adopt resolutions expressing a desire to negotiate directly with NorthWestern with respect to the Application, the City desires to work cooperatively with the other affected municipalities in negotiating with NorthWestern and to jointly apply for a loan from the Nebraska Municipal Rate Negotiations Revolving Loan Fund ("Fund") as permitted by Neb. Rev. Stat., §66-1839.

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

1. The City desires to negotiate directly with NorthWestern with respect to the Application as permitted by Neb. Rev. Stat., §66-1838;
2. The City Attorney and other City staff are directed to work cooperatively with the other affected municipalities and, in the event a sufficient number of affected municipalities adopt resolutions expressing a desire to negotiate directly with NorthWestern, to commence joint negotiations with NorthWestern and to take appropriate steps to apply for a loan from the Fund; and
3. A copy of this Resolution is to be provided to the PSC and NorthWestern within seven (7) days after its adoption.

Approved as to Form	☐ _____
June 21, 2007	☐ City Attorney



- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2007.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item J1

### **Approving Payment of Claims for the Period of June 13, 2007 through June 26, 2007**

*The Claims for the period of June 13, 2007 through June 26, 2007 for a total amount of \$2,080,427.18. A MOTION is in order.*

Staff Contact: David Springer



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item J2

### Approving Payment of Claim Submitted by Howard Maxon

*Vincent Valentino, Attorney for Howard Maxon has submitted a claim in the amount of approximately \$216,000.00 for past and current salary, benefits, and reimbursements.*

Staff Contact: Dale Shotkoski

# ANGLE, MURPHY, VALENTINO & CAMPBELL, P.C.

ATTORNEYS AT LAW  
617 GRANT AVENUE  
P.O. BOX 584  
YORK, NEBRASKA 68467

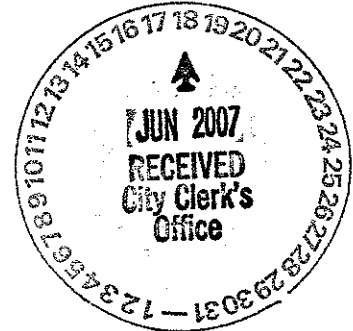
MICHAEL J. MURPHY  
VINCENT VALENTINO  
CHARLES W. CAMPBELL

TELEPHONE (402) 362-7725  
FAX NO. (402) 362-3875  
E-mail amvc@alltel.net

WALLACE W. ANGLE  
(1921-2001)

June 14, 2007

City of Grand Island  
Ranae Edwards, City Clerk  
100 East First Street  
P.O. Box 1968  
Grand Island, NE 68802-1968



RE: Maxon v. City of Grand Island Claim

Dear Ms. Edwards:

Our office represents Howard Maxon regarding his termination from employment claim on March 29, 2005 against the City of Grand Island, and the subsequent ruling of the Supreme Court on May 25, 2007. At the time of the hearing before the City Council, Mr. Maxon was making \$32.7706 per hour, \$5,680.24 per month, or \$68,162.95 per year, plus benefits. Those benefits included family health coverage that was provided to him at an approximate monthly cost of \$139.70. Further, he had a 6% pension accrual benefits match of approximately \$8,179.60 per year and a savings bond deduction of \$25.00 every two weeks, at interest. There was also a supplemental pension benefit contribution made of \$16.00 per month by the City plus the increased pay in 2003.

As a result of his termination, he was forced to purchase his family coverage on a COBRA basis from April 1, 2005 through September 30, 2005 at a cost of \$1,075.00 per month. The price of this coverage increased to \$1,150.00 per month from October 30, 2005 through September 30, 2006. When the 18 months on COBRA eligibility ended, Mr. Maxon procured alternative family health coverage from October 1, 2006 through May 31, 2007, the cost of health coverage was \$7,541.96, or an average cost of \$873.99 per month health insurance cost.

One must assume an interest factor on the sums owed to Maxon by his employer for the wage amounts and other losses. As of April 21, 2005, the Nebraska Supreme Court had a published interest rate of 5.125%; as of July 21, 2005 of 5.429%; and as of October 20, 2005 of 6.420%. One would assume some type of cost of living increase to his base salary of 2.5% to 3% of each fiscal year. Certainly, the pay of his successors in office might provide a guide since Mr. Maxon had over twenty-five years in emergency management.

cc: Mayor  
Legal  
Finance  
HR  
6-18-07

Lost Wages (Without interest or cost-of-living increase)

April 1, 2005 through December 31, 2005	\$ 51,122.15
January 1, 2006 through December 31, 2006	\$ 68,162.95
January 1, 2007 through June 1, 2007	<u>\$ 34,081.44</u>
(Assumes no annual increase in salary for Maxon)	\$153,366.55

Annual interest lost on \$51,122.16  
@ 5.125% = \$3,147.79 per year or \$8.62 per day  
Annual interest lost on \$68,162.95  
@ 6.420% = \$4,376.06 per year or \$11.98 per day  
Annual interest lost on \$34,081.44  
@ 6.420% = \$2,188.02 per year or \$5.99 per day

Health Insurance Loss

\$1,075 per month (April 1, 2005 to September 30, 2005)	\$ 6,450.00
\$1,150 per month (October 1, 2005 to September 30, 2005)	\$14,950.00
\$873.99 per month (October 1, 2006 to present)	<u>\$ 7,865.91</u>
	\$29,265.91

These expenses on an out-of-pocket basis are subject to an interest factor as well as they were incurred monthly.

Lost Retirement/Pension Benefits

Mr. Maxon's contribution plus employer match annually was approximately \$8,179.60. He lost earned interest on his contribution and the match in his account from April 1, 2005 to present or \$8,861.23, without interest, on his accounts. The additional amount of contribution to the 2005 supplemental program is unknown, but the current account statement shows an approximate balance of \$800.00. This would have started in 2003.

Lost Pension Contributions:

Assumes 6%/match with no salary increases \$ 8,179.60

Current Wage and benefits losses without interest  
or cost-of-living increases \$190,812.06

Howard Maxon believes a reasonable interest factor applied to these sums would yield approximately \$8,000.00. Additionally, he incurred other expenses for his appeal, including the cost of the transcript of \$2,341.80. Further, each day he is not allowed to work he accrues lost pay, which increases the total amount of lost pay, retirement, and other benefits.

As a result of the recent Supreme Court decision regarding Mr. Maxon on May 25, 2007, Mr. Maxon believes his claims for past and current salary, benefits, and

reimbursements have accrued, and hereby makes demand for payments of said amounts. Further, he should be entitled to those increases paid to his successors in office, and the above amounts calculated and adjusted accordingly, which may be as high as \$216,000.00. Thank you.

Sincerely,

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

Vincent Valentino  
For the Firm

VV/mde

CC: Howard Maxon



# City of Grand Island

Tuesday, June 26, 2007

Council Session

## Item X1

### **Update Concerning FOP and IBEW (Wastewater Treatment Plant) Union Contract Negotiations**

*City Attorney Dale Shotkoski will update the Mayor and Council on IBEW (Wastewater Treatment Plant) and FOP Union Contract Negotiations.*

Staff Contact: Dale Shotkoski