
City of Grand Island



Tuesday, January 27, 2009

Council Session Packet

City Council:

Larry Carney
Scott Dugan
John Gericke
Peg Gilbert
Chuck Haase
Robert Meyer
Mitchell Nickerson
Bob Niemann
Kirk Ramsey
Jose Zapata

Mayor:

Margaret Hornady

City Administrator:

Jeff Pederson

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

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, January 27, 2009

Council Session

Item C1

Recognition of StormReady Community

The Grand Island/Hall County Emergency Management Department is proud to announce it has completed necessary steps to recertify as a StormReady community through the National Weather Service in Hastings.

To help Americans guard against the ravages of severe weather, NOAA's National Weather Service has designed StormReady, a program aimed at preparing cities, counties and towns across the nation with the communication and safety tools necessary to save lives and property. To qualify, communities must complete a series of preparations that help educate, inform, warn, and collect information from the public regarding severe weather. No community is storm proof, but StormReady can help communities save lives.

Communities like Grand Island that successfully complete this evaluation are designated StormReady for three years. Other StormReady communities in South Central Nebraska include Cairo, Axtell, Ravenna, Kearney County, and Adams County.

Staff Contact: Jon Rosenlund



Grand Island Receives StormReady Recertification

The Grand Island/Hall County Emergency Management Department is proud to announce it has completed necessary steps to recertify as a **StormReady** community through the National Weather Service in Hastings.

To help Americans guard against the ravages of severe weather, NOAA's National Weather Service has designed **StormReady**, a program aimed at preparing cities, counties and towns across the nation with the communication and safety tools necessary to save lives and property. To qualify, communities must complete a series of preparations that help educate, inform, warn, and collect information from the public regarding severe weather. No community is storm proof, but **StormReady** can help communities save lives.

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City of Grand Island

Tuesday, January 27, 2009

Council Session

Item C2

Proclamation "Census 2010"

The next Dicennial Census will be taken in the Year 2010. The City of Grand Island recognizes the importance of each resident being counted in the census, as political representation will be determined. The formulation of a Complete Count Committee will assist in getting the information out to the citizen's of Grand Island of the importance of participating in the 2010 Census. The Mayor proclaims full support of and participation in the overwhelming success of "Census 2010". See attached PROCLAMATION.

Staff Contact: Mayor Hornady

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

PROCLAMATION

- WHEREAS, the next *Dicennial Census* will be taken in the Year 2010; and political representation to the United States House of Representatives, state legislatures, and local governments is determined by the *Dicennial Census*, and the City of Grand Island recognizes the equal importance of each resident in the 2010 Census Count; and
- WHEREAS, the City of Grand Island has agreed to be one of 39,000 government entities in partnerships with the United States Bureau of the Census; and
- WHEREAS, the City of Grand Island understands that its primary role in this partnership is to formulate a *Complete Count Committee* that should include, but is not limited to the following subcommittees: *Government, Education, Media, Religion, Community-based Organizations, Business, Recruiting, and Special Housing*; and
- WHEREAS, the role of the *Government* subcommittee is to bridge all gaps between the community and the Census Bureau on geographic matters, outreach activities, and information centers; and
- WHEREAS, the role of the *Education* subcommittee is to create census awareness programs for pre-kindergarten to college age students, coalesce with educational institutions, distribute Census Bureau Educational Programs, and to encourage parents and college students to apply for Census jobs; and
- WHEREAS, the role of the *Media* subcommittee is to utilize all aspects (print and electronic) of its industry to inform, motivate, and educate the City's residents in the necessity and importance of their rapid response and 100% participation in Census 2010; and
- WHEREAS, the role of the *Religion* subcommittee is to form a cross-denominational coalition for the dissemination of Census information, inclusion of special announcements in church bulletins and sermons, hosting of Census awareness activities, and circulation of Census job opening bulletins; and
- WHEREAS, the role of the *Community-based Organizations* subcommittee is to make the community aware of the many ways Census data are used to obtain funding for essential services and programs; and

WHEREAS,

the role of the *Business* subcommittee is to encourage all area businesses to advertise the Census message in sales advertisements, promotional materials and displays, and to sponsor Census 2010 community awareness activities; and

WHEREAS,

the role of the *Recruiting* subcommittee is to receive and disseminate to all segments of the community information regarding the availability of Census jobs in the local area; and

WHEREAS,

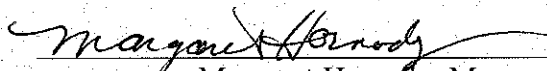
the role of the *Special Housing* subcommittee is to assist in the location of shelters, soup kitchens, non-sheltered outdoor locations, group quarters, and other non-conventional housing facilities.

NOW, THEREFORE, I, Margaret Hornady, Mayor of the City of Grand Island, Nebraska, do hereby proclaim full support of and participation in the overwhelming success of


“CENSUS 2010”

in the City of Grand Island through the formulation of a *Complete Count Committee*.

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


Margaret Hornady, Mayor

Attest:


RaNae Edwards, City Clerk





City of Grand Island

Tuesday, January 27, 2009

Council Session

Item E1

**Public Hearing on Request from Vientiane Restaurant, LLC dba
Vientiane Restaurant, 523 West 4th Street for a Class “C” Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 27, 2009

Subject: Public Hearing on Request from Vientiane Restaurant LLC dba Vientiane Restaurant, 523 West 4th Street for a Class “C” Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

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

Declared Legislative Intent

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

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

Discussion

Vientiane Restaurant, LLC dba Vientiane Restaurant, 523 West 4th Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale only inside the corporate limits of the city.

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

Also submitted was a request from for Chanh Bandasack, 510 North White Street for a Liquor Manager Designation.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the application of Vientiane Restaurant, LLC dba Vientiane Restaurant, 523 West 4th Street for a Class "C" Liquor License contingent upon final inspections and the request from Chanh Bandasack, 510 North White Street for a Liquor Manager Designation contingent upon Mr. Bandasack completing a state approved alcohol server/seller training program.



*Working Together for a
Better Tomorrow. Today*

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

SUBJECT: Liquor License Application for Vientiane Restaurant, 523
West 4th Street and Liquor Manager Designation for
Chanh Bandasack

The Grand Island Police Department has received an application from Vientiane Restaurant, 523 West 4th Street, Grand Island, Nebraska for a Liquor Manager Designation in the name of Chanh Bandasack.

A copy of the liquor license application for the Vientiane Restaurant and a copy of a liquor manager application for Chanh Bandasack. Chanh and his wife, Siphanh are listed as the owners of the restaurant. A spousal affidavit of non participation is not included in the application.

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 Spillman for Chanh and Siphanh. I found an entry for each of them, and there are no violations listed. I also checked NCJIS. Each one of them has a driver's license but no criminal history of any kind through Nebraska.

Based solely on Grand Island and Nebraska criminal justice records, I see no reason why a liquor license shouldn't be issued to the Vientiane Restaurant with Chanh Bandasack being the liquor manager.

DV/rk *Dave Vitera*



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item E2

**Public Hearing on Acquisition of Utility Easement - 1804 S. Eddy,
Goodwill Industries**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: January 27, 2009

Subject: Acquisition of Utility Easement – 1804 S. Eddy Street
Goodwill Industries of Greater Nebraska, Inc.

Item #'s: E-2 & 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 Goodwill Industries of Greater Nebraska, Inc., located north of the Goodwill building located at 1804 South Eddy Street, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to place high voltage underground cable and a pad-mounted transformer to serve the increased load of Goodwill Industries.

Alternatives

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

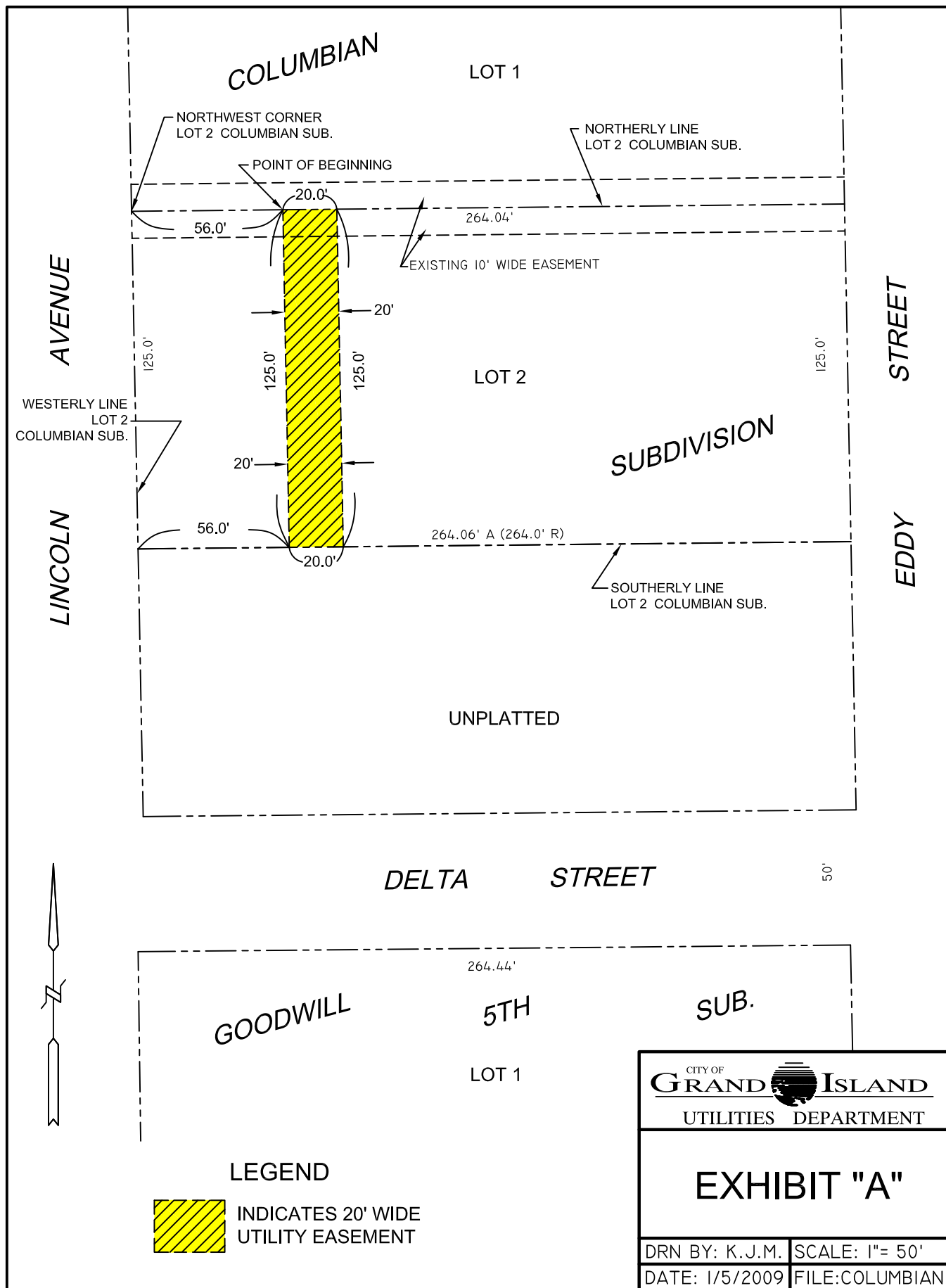
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, January 27, 2009

Council Session

Item E3

**Public Hearing on Acquisition of Utility Easement - 3625 Old
Potash Hwy. - Hall County, Nebraska/Hornady Family Limited
Partnership**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: January 27, 2009

Subject: Acquisition of Utility Easement – 3625 Old Potash Hwy.
County of Hall, Nebraska/Hornady Family Limited
Partnership

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

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

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Hall County/Hornady Family Limited Partnership, located on the east side of Hornady Manufacturing Company at 3625 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 cable and a pad-mounted transformer to serve the increased electrical load at the east building of Hornady Manufacturing.

Alternatives

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

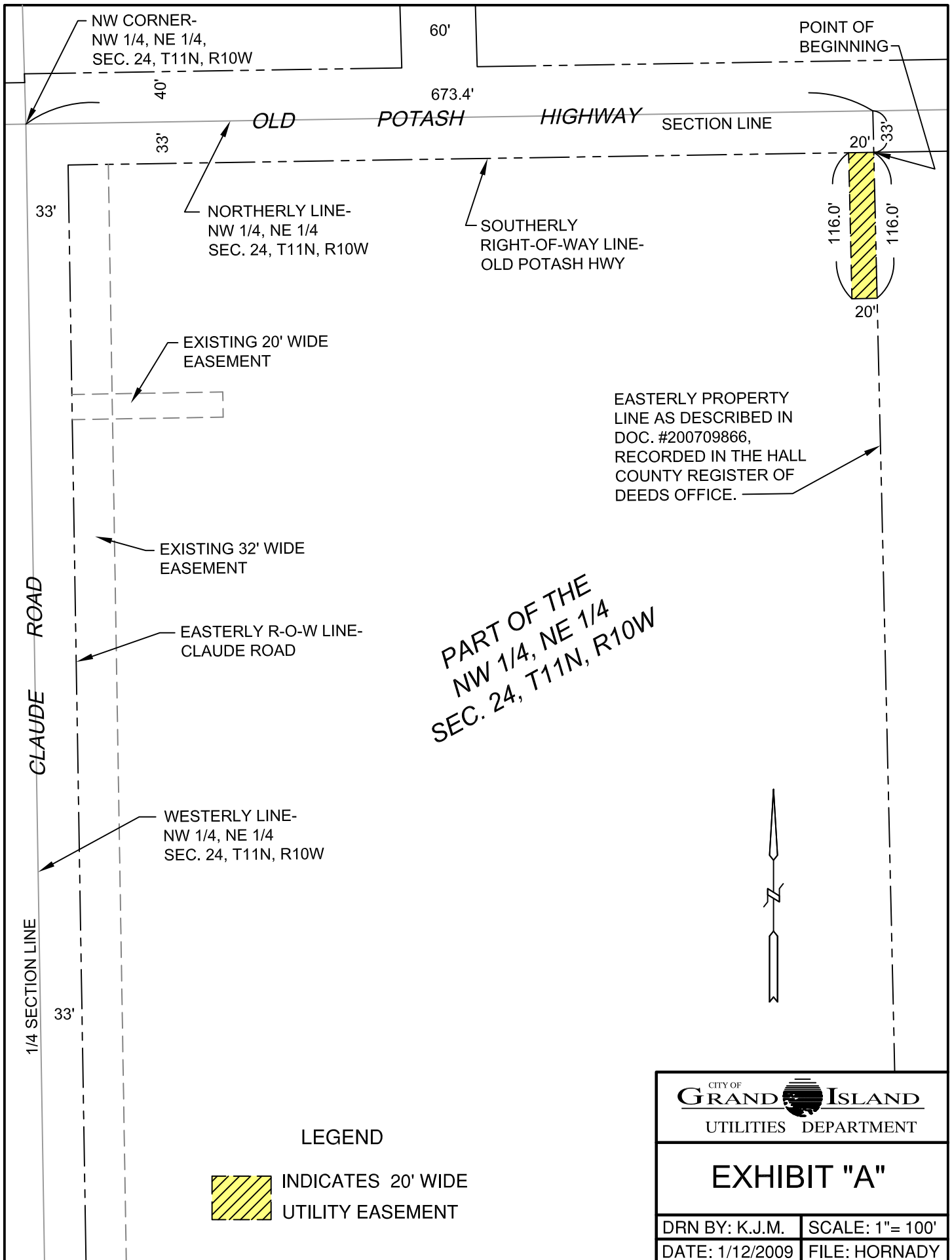
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue


Recommendation

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

Sample Motion

Move to approve acquisition of the Utility Easement.



 CITY OF GRAND ISLAND UTILITIES DEPARTMENT	
EXHIBIT "A"	
DRN BY: K.J.M.	SCALE: 1"= 100'
DATE: 1/12/2009	FILE: HORNADY



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item E4

Public Hearing on Amendments to Chapter 36 of the City Code to the B2 General Business Zone and AC Arterial Commercial Overlay Zone Regarding Recreation Vehicle Campgrounds and Changes to Section 36-26 Projections from Buildings

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity AICP, CRA Director

Meeting: January 27, 2009

Subject: Zoning Ordinance Amendments

Item #'s: E-4 & F-1

Presenter(s): Chad Nabity AICP

Background

Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the §36-69 AC-Arterial Commercial Overlay Zone Conditional Uses to allow campgrounds in this district and, §36-26 Projections from Buildings (C-4-2009GI).

Discussion

Rick Milton with the Rodeway Inn on South Locust Street has requested that Council consider allowing campgrounds in the AC overlay district by conditional use permit. Staff and Planning Commission are recommending in favor of these proposed changes with the conditions as outlined in the text amendment shown below. The AC overlay district is located on both sides of South Locust between Fonner Park Road and U.S. Highway 34.

All areas with changes are **highlighted**. Additions are ***Italicized and underlined*** and deletions are in **~~strike-out~~**.

§36-69. (AC) Arterial Commercial Overlay Zone

Intent: The intent of this zoning district is to provide an overlay of the (B-2) General Business Zoning District in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

(A) **Permitted Principal Uses:** The following principal uses are permitted in the (AC) Arterial Commercial Overlay District

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units

- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (11) Nonprofit community buildings and social welfare establishments
- (12) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (13) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Specific uses such as: archery range, drive-in theatre, golf driving range
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix (Attachment A hereto)
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (23) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (24) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (25) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (26) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) **Conditional Uses:** The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (AC) Arterial Commercial Overlay District as approved by City Council.

(1) Towers

(2) Campgrounds including those serving recreational vehicles subject to following conditions:

a) Developer shall submit a diagram of the proposed camp ground including a plot plan of the pads, landscaping plan, utility plan and interior street plan with the application for a conditional use permit

b) A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof.

c) All RV pads shall be provided with a landscape buffer yard or street yard as identified in the landscaping section of this code.

d) Pads shall not be accessible from any public way.

(C) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses
- (2) Automotive body repair may be accessory to new or used automotive sales or rental, provided, no outside storage of parts shall be permitted.

(D) Space Limitations:

Uses		A	Minimum Setbacks					
			B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	5,000	50	20	0 ¹	0 ²	10	80%	55
Conditional Uses	5,000	50	20	0 ¹	0 ²	10	80%	55

¹ No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

² No side yard setback is required, but if provided, not less than 5 feet, or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet.

(E) Procedure:

(1) An application for an amendment to the arterial commercial zone on the Official Zoning Map shall follow all procedural requirements as set forth in this Section.

(F) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein.

(2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.

(3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.

(4) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.

Amended by Ordinance No. 8947, effective 1-5-2005

The other change recommend by Staff and the Planning Commission for approval is a change to the language dealing with covered porches that project into the required yard setbacks. The Grand Island Building Department has requested that the Planning Commission and Council consider reverting back to the language that covered this issue prior to the 2004 Zoning Regulation Changes. The older language accomplishes the same end as the new language but is easier to explain, implement and enforce. These proposed changes are shown below.

All areas with changes are highlighted. Additions are *Italicized and underlined* and deletions are in ~~strike out~~.

§36-26. Projections from Buildings

(A) Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than one (1) foot into any required yard or into any required open space, except that eaves may encroach three (3) feet into a yard when such yard is ten (10) feet or more in width, provided that such required yard or open space meets the current minimum yard standards.

~~(B) As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:~~

~~———— (1) Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all~~

~~separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.~~

~~———— (2) Six (6) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further: (a) that in no event may such porch or deck cover more than 60 square feet of the required front yard or extend beyond the side walls of the building structure, and (b) front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Department, and (c) covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.~~

~~———— (4) Safety railings shall be installed as per the City's Building Code and as approved by the Building Department.~~

~~———— (5) One half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.~~

(B) Open, uncovered porches or terraces may extend three feet into any required side yard, ten feet into any required front yard, and any distance into any required rear yard. No railing or other barrier higher than 42 inches shall be placed on such porch or terrace within five feet of any property line except as provided within this ordinance. Any such porch or terrace located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges. A covered porch or terrace, not exceeding sixty square feet, may extend a maximum of six feet into the required front or rear yard, provided, such porch or terrace shall not be enclosed except by a railing or other barrier as previously mentioned.

The Planning Commission discussed these proposed changes thoroughly and chose not to forward other changes that were requested by staff at this time but did recommend approval of the changes identified above. Planning Commission agreed that with the advent of the State Fair coming to Grand Island we should be looking at changes that would encourage the development of campgrounds.

Alternatives

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

1. Approve the amendments to Zoning Ordinance in Chapter 36 as presented
2. Modify the amendments to the Zoning Ordinance to meet the wishes of the Council
3. Table the issue
4. Kill the Ordinance to change the regulations by not approving it.

Recommendation

A motion was made by Ruge to approve the proposed changes to the AC zoning district regarding campgrounds as a conditional use and the section dealing with projections from buildings, and seconded by Haskins.

The motion carried with 10 members present and all voting in favor (Aguilar, Amick, O'Neill, Ruge, Reynolds, Haskins, Bredthauer, Heineman, Snodgrass and Eriksen).

Sample Motion

Move to approve the zoning code amendments as presented.



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item E5

Public Hearing Concerning Budget Amendment

Staff Contact: David Springer

Council Agenda Memo

From: Dave Springer, Finance Director

Meeting: January 27, 2009

Subject: Consideration of Amendment to FY2008-2009 Annual Budget

Item #'s: E-5 & F-2

Presenter(s): Dave Springer, Finance Director

Background

The City Council approved the FY2009 Annual Budget with Addendum #1 by Ordinance #9184 on September 9, 2008. At this time, after discussions with the State Auditor's office, it has been determined that a long standing procedure used in the budgeted appropriations calculation was not the preferred method, and that it would be appropriate to amend the current year's budget and revise the process for future state budget submittals.

Discussion

In the past, at fiscal year end, departments were asked to submit to finance open purchase orders and contracts on which services have not been completed. These future expenses, previously budgeted for, were then added onto the new year budget and titled "Revised Budget". The State prefers that these encumbrances be estimated and included in the appropriations at the time new budgets are submitted to the State, in September. The effect on our budgets will be to increase the expenditure or appropriation line. This in effect becomes a worst case scenario if every new appropriation and carry over encumbrance were totally spent, which has never happened. However, that is what the State wishes municipalities to be prepared for.

It is necessary to have adequate appropriations in order to let a contract or purchase order. As large projects may cross over two or more years, it will be necessary going forward, to rebudget any remaining work into the new budget for that year. Last year was unusual, as the contract for Capital widening and the engineering for at the Wastewater Treatment Plant was awarded to vendors, but only minimal work was completed, leaving nearly \$5.5 million to be encumbered. Total encumbrances for the proposed budget amendment are \$6,664,527. **These encumbrances were already provided for in the 2008**

Projected Disbursements column as it affects fund cash balances. Of that, \$715,994 is in the General Fund and reduces that fund's cash balance from \$ 6,001,104 to \$5,906,553.

Alternatives

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

1. Approve the budget amendment.
2. Disapprove or deny the amendment.
3. Do nothing currently, but amend the budget later in the year if needed.

Recommendation

City Administration recommends that the Council approve the amendment to include those encumbrances as of September 30, 2008.

Sample Motion

Move to approve the ordinance providing for Amendment #1 to the 2008-2009 Adopted Budget as recommended.



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item F1

#9202 - Consideration of Amendments to Chapter 36 and 26 of the Grand Island City Code to the B2 General Business Zone, AC Arterial Commercial Overlay Zone Regarding Recreation Vehicle Campgrounds and Changes to Section 36-26 Projections from Buildings

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9202

An ordinance to amend Grand Island City Code Chapter 36 Sections 36-26 and 36-69 regarding projections into required yard or open spaces and campgrounds as a conditional use in Arterial Commercial Overlay Zones; to repeal sections 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 36-26 and 36-69 of the Grand Island City Code are amended to read as follows:

§36-26. Projections from Buildings

(A) Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than one (1) foot into any required yard or into any required open space, except that eaves may encroach three (3) feet into a yard when such yard is ten (10) feet or more in width, provided that such required yard or open space meets the current minimum yard standards.

~~(B) As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:~~

~~———— (1) Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.~~

~~———— (2) Six (6) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further: (a) that in no event may such porch or deck cover more than 60 square feet of the required front yard or extend beyond the side walls of the building structure, and (b) front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Department, and (c) covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.~~

~~———— (4) Safety railings shall be installed as per the City's Building Code and as approved by the Building Department.~~

~~———— (5) One half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.~~

Approved as to Form	<input type="checkbox"/>	_____
January 21, 2009	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 9202 (Cont.)

(B) Open, uncovered porches or terraces may extend three feet into any required side yard, ten feet into any required front yard, and any distance into any required rear yard. No railing or other barrier higher than 42 inches shall be placed on such porch or terrace within five feet of any property line except as provided within this ordinance. Any such porch or terrace located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges. A covered porch or terrace, not exceeding sixty square feet, may extend a maximum of six feet into the required front or rear yard, provided, such porch or terrace shall not be enclosed except by a railing or other barrier as previously mentioned.

(C) Provided further, that no railing or other barrier shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably (more than twenty-five (25) percent) with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side or rear yard lot line. Any such deck or porch when located on a lot at the intersection of two (2) streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this code for fences and hedges. Any side yard on a corner lot when such yard is twenty (20) feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

(D) Vertical supports shall meet the City's Building Code.

§36-69. (AC) Arterial Commercial Overlay Zone

Intent: The intent of this zoning district is to provide an overlay of the (B-2) General Business Zoning District in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

(A) Permitted Principal Uses: The following principal uses are permitted in the (AC) Arterial Commercial Overlay District

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (11) Nonprofit community buildings and social welfare establishments
- (12) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (13) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Specific uses such as: archery range, drive-in theatre, golf driving range
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix (Attachment A hereto)

ORDINANCE NO. 9202 (Cont.)

(22) Stores and shops for the conduct of wholesale business, including sale of used merchandise.

(23) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises

(24) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties

(25) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses

(26) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) **Conditional Uses:** The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (AC) Arterial Commercial Overlay District as approved by City Council.

(1) Towers

(2) **Campgrounds including those serving recreational vehicles subject to following conditions:**

a) **Developer shall submit a diagram of the proposed camp ground including a plot plan of the pads, landscaping plan, utility plan and interior street plan with the application for a conditional use permit**

b) **A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof.**

c) **All RV pads shall be provided with a landscape buffer yard or street yard as identified in the landscaping section of this code.**

d) **Pads shall not be accessible from any public way.**

A)

(C) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal uses

(2) Automotive body repair may be accessory to new or used automotive sales or rental, provided, no outside storage of parts shall be permitted.

(D) Space Limitations:

Uses			Minimum Setbacks					
			A	B	C	D	E	
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	5,000	50	20	0 ¹	0 ²	10	80%	55
Conditional Uses	5,000	50	20	0 ¹	0 ²	10	80%	55

¹ No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

² No side yard setback is required, but if provided, not less than 5 feet, or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet.

(E) Procedure:

(1) An application for an amendment to the arterial commercial zone on the Official Zoning Map shall follow all procedural requirements as set forth in this Section.

(F) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein.

(2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.

ORDINANCE NO. 9202 (Cont.)

(3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.

(4) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.

SECTION 2. Sections 36-26 and 36-69 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, 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.

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: January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item F2

#9203 - Consideration of Budget Amendment

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

Staff Contact: David Springer

ORDINANCE NO. 9203

An ordinance to amend "The Annual Appropriation Bill" of the City of Grand Island, Nebraska, to revise the budget statement pursuant to the Nebraska Budget Act for the fiscal year commencing October 1, 2008 and ending September 1, 2009; to provide for severability; 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. An amended appropriation is hereby made for the ensuing fiscal year to defray all necessary expenses and liabilities of City departments, funds, and operations. The object and purpose of the appropriation shall be to pay for any and all necessary expenses and liabilities for the following departments, funds, and operations.

Funds	Total Appropriation	Amendment	Revised Appropriation
General	36,980,821	718,994	37,699,815
Permanent Funds	0	0	0
Special Revenue	10,682,022	42,195	10,724,217
Debt Service	3,599,462	0	3,599,462
Capital Projects	4,786,697	3,783,132	8,569,829
Special Assessments	400,000	0	400,000
Enterprise	88,126,953	2,020,166	90,147,119
Internal Service	10,104,161	100,040	10,204,201
Agency	940,650	0	940,650
Trust	2,072,608	0	2,072,608
Total appropriation			
All Funds	<u>157,693,374</u>	<u>6,664,527</u>	<u>164,357,901</u>

SECTION 2. The foregoing amendment is necessary and prudent to address circumstances which could not have been reasonably anticipated at the time of the enactment of

ORDINANCE NO. 9203 (Cont.)

The Annual Appropriation Bill, Ordinance No. 9184. Appropriations and fund transfers as provided above shall increase the appropriation for the General Fund by \$718,994, the Special Revenue Fund by \$42,195, the Capital Projects Funds by \$3,783,132, the Enterprise Fund by \$2,020,166, and the Internal Service Fund by \$100,040. Such increased appropriations are necessary to include fiscal year-end encumbrances of those portions of previously appropriated contracts and purchase orders which were not fulfilled at fiscal year-end, September 30, 2008.

SECTION 3. The foregoing appropriate amendments and expenditures will increase the previously adopted total budgeted expenditures beyond that initially adopted in the amount of \$6,664,527.

SECTION 4. If any section, subsection, or any other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent, and such holding shall not affect the validity of the remaining portions thereof.

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

Enacted: January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G1

Approving Minutes of January 13, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 13, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on January 13, 2009. Notice of the meeting was given in *The Grand Island Independent* on January 7, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Meyer, Nickerson, Zapata, Ramsey, Dugan, Carney, Haase, Gilbert, Gericke, and Niemann. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, Finance Director David Springer, City Attorney Dale Shotkoski, and Public Works Director Steve Riehle.

INVOCATION was given by Mayor Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Michael Rivera, Malorie Meier, and Emily Michael.

PUBLIC HEARINGS:

Public Hearing on Request from Timothy Stueben dba Stueby's Alibi, 908 North Broadwell Avenue for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Timothy Stueben dba Stueby's Alibi, 908 North Broadwell Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 12, 2008; notice to the general public of date, time, and place of hearing published on January 3, 2009; notice to the applicant of date, time, and place of hearing mailed on December 12, 2008; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Timothy Stueben, 1325 North Huston spoke in support. No further public testimony was heard.

CONSENT AGENDA: Consent agenda item G-2 was pulled for further discussion. Motion by Zapata, second by Ramsey to approve the Consent Agenda excluding item G. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 30, 2008 City Council Special Meeting.

Approving the Following Councilmember Appointments to Boards and Commissions:

- Building Code Advisory Board:
- Business Improvement District #4:
- Business Improvement District #6:
- Business Improvement District #7:
- Business Improvement District #8:
- Central District Health board (Term of 3 years)
- City/County Communications/Civil
- Defense Committee:

City/County Efficiency Effectiveness:
Committee

Community Development Advisory Board:

Community Redevelopment Authority:

GI Area Economic Development Corp.

Humane Society:

Law Enforcement Co-Location:

Library Board:

Multi-Cultural Coalition:

Problem Resolution Team:

Regional Planning Commission:

Systems Information Advisory Committee
(City/County)

Transportation Committee:

Approving Appointments of Larry Seney, Brady Blauhorn, Bob Bennett, Don Metcalf, Craig Lewis, and Dean Mathis to the Electrical Board.

Approving Appointments of Russ Shaw, Loren Peterson, Scott Hilligas, Mike McElroy, Mike Myers, Todd Bredthauer, and Tom O'Neill to the Mechanical Examining Board.

Approving Appointments of Doug Houtgh, Eric Rose, Jeremy Collinson and, David Scoggins and Craig Lewis to the Plumbers Examining Board.

#2009-1 – Approving Bid Award for Railroad Track Repair at Platte Generating Station with Atlas Company of Lincoln, Nebraska in an Amount of \$55,975.00.

#2009-2 – Approving Bid Award for Cooling Tower Riser Repair at Platte Generating Station with Judds Brothers Construction Company of Lincoln, Nebraska in an Amount of \$43,873.00.

#2009-3 – Approving Bid Award for Burdick Station Cooling Tower Piping Modifications with Judds Brothers Construction Company of Lincoln, Nebraska in an Amount of \$266,125.00.

#2009-4 – Approving Certificate of Final Completion for Water main District 453T, Sanitary Sewer District 522T, and Lift Station 22 with The Diamond Engineering Company of Grand Island, Nebraska.

#2009-5 – Approving Rescission of Resolution 3008-92; Designation of 1st Street as Stop Sign Protected from Cleveland Street to Washington Street.

#2009-6 – Approving Rescission of Resolution 2008-244; No Parking Zones for Westbound US Highway 30 Detour.

#2009-7 – Approving Award of Proposal for Equipment and Services Related to Fully Integrated Global Navigation Satellite System for the Solid Waste Division with NMC of Omaha, Nebraska in an Amount not to exceed \$79,999.00.

#2009-8 – Approving the Certificate of Compliance with the Nebraska Department of Roads for Maintenance Agreement No. 12; Calendar Year 2008.

#2009-9 – Approving Bid Award for Storm Drainage Project No. 2009-D-1; Cottonwood Lake Silt Structures with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$25,673.32.

#2009-10 – Approving Agreement for CDBG 08-ED-009 Grant with the Grand Island Area Economic Development Corporation.

#2009-11 – Approving Certificate of Final Completion for Riverway Hike/Bike Trail Construction Observation with Olsson Associates of Grand Island, Nebraska.

#2009-12 – Approving Lease Addendum for Storage Space at CAAP with the Nebraska State Patrol.

Approving Minutes of January 6, 2009 City Council Study Session. Discussion was held concerning what should be included in the minutes of the January 6, 2009 Study Session.

Motion by Carney, second by Gericke to approve the Minutes of January 6, 2009 City Council Study Session. Upon roll call vote, Councilmember's Meyer, Nickerson, Zapata, Ramsey, Dugan, Carney, Gilbert, Gericke, and Niemann voted aye. Councilmember Haase voted no. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Referring Blighted and Substandard Study for Proposed CRA Area #8 to the Regional Planning Commission. Chad Nabity, Regional Planning Director reported that the Study for proposed CRA Area #8 included the area of Indian Acres Subdivision and Copper Creek Estates west and south of Shoemaker School in northwest Grand Island. The study was prepared for 234.4 acres of land within the Grand Island City Limits. The first step in declaring property as blighted and substandard is for the City Council to refer the study to the Regional Planning Commission.

The following people spoke in support:

David Ostdiek, 4057 Craig Drive

Marlan Ferguson, EDC President, 2808 Apache

Robert Baker, 4310 Lovegrass Street

A lengthy discussion was held concerning the process and guidance of TIF projects to the Regional Planning Commission. Chad Nabity stated a variety of projects had been brought forward. Discussion was held on blighted and substandard designation to agricultural ground and Indian Acres benefit being designated a blighted and substandard area. Mr. Nabity stated if Indian Acres area was not included in the blighted and substandard designation it would not hold up.

Mike Bacon, Attorney, 2217 Lake Avenue, Gothenburg, Nebraska spoke concerning the School District funding due to TIF. Mr. Bacon stated more money would be gained by having more students in the school system than would be lost due to TIF. He stated the history of TIF was to be used for housing. He also explained the process of buying down the price of a house.

Virgil Harden, 4111 Hartford Street representing the Grand Island Schools spoke concerning a shift of resources.

Robert Baker, 4310 Lovegrass Street spoke of the importance of TIF financing for them to be able to offer affordable housing.

Motion by Meyer, second by Gilbert to not refer the Blighted and Substandard Study for Proposed CRA Area #8 to the Regional Planning Commission. Upon roll call vote, Councilmember's Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, and Meyer voted aye. Councilmember's Niemann, Gericke, and Nickerson voted no. Motion adopted.

RESOLUTIONS:

#2009-13 – Approving Request from Timothy Stueben dba Stueby's Alibi, 908 North Broadwell Avenue for a Class "C" Liquor License. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Haase to approve Resolution #2009-13 contingent upon final inspections and upon Mr. Stueben completing a state approved alcohol server/seller training program. Upon roll call vote, Councilmember's Gericke, Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, Nickerson, and Meyer voted aye. Councilmember Niemann voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Zapata to approve the Claims for the period of December 31, 2008 through January 13, 2009, for a total amount of \$2,330,247.23. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G2

Approving Minutes of January 20, 2009 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

January 20, 2009

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on January 20, 2009. Notice of the meeting was given in the *Grand Island Independent* on January 14, 2009.

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

INVOCATION was given by Mayor Margaret Hornady followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Hornady commented on the historical event of the inauguration of our first African American President, Barak Obama.

Presentation of Financial Trend Monitoring System. Jeff Pederson, City Administrator gave a PowerPoint presentation on the fiscal health of the City focusing on the General Fund. Using the ICMA model for Financial Trend Monitoring System, the Council looked at the following ten-year trends for areas including community resources, city revenue, city expenditures, and city debt.

Community Resources includes economic and demographic characteristics including population, personal income, property value, employment, and construction activity.

- Population continues to increase in Grand Island at a somewhat faster rate than do most cities in Nebraska and nationally
- Local personal income per capita in constant dollars has increased in all but one of the last seven years
- Assessed valuation per capita in constant dollars has experienced a steady, but modest increase in the last decade
- Unemployment rate has averaged 3% with the exception of the years 2002-2005
- Residential construction in constant dollars has been very constant from year to year
- Commercial construction reflects a significant increase from 2004-2006
- A drop in new construction, both residential and commercial in the last two years was due to economic factors

Revenues determine the capacity to provide services. Issues to consider are growth, diversity, reliability, flexibility and administration.

- Revenue per capita reveals changes in revenue relative to changes in population
- City's per capita revenue declined annually from 2000-2006

- Intergovernmental revenue is intended to fund a specific activity
- Intergovernmental revenue may be eliminated with little notice due to changes in Federal/State funding priorities and/or decisions
- Property tax revenue per capita in constant dollars has decreased significantly as a result of the 1/2 cent sales tax levy in 2004
- Franchise tax revenue has had a steady increase over the last nine years
- Sales tax receipts per capita in constant dollars have been flat for the decade with increases from 2004 to 2005 due to the 1/2 cent sales tax
- Sales tax as a percentage of operating revenue grew by nearly one half with the additional 1/2 cent increase in 2004, but has leveled off in the last four years

Expenditures are a rough measure of service output.

- Operating expenditures per capita indicates a gradual increase over the last nine years
- Employees per thousand citizens have remained constant over the last decade
- Average Employee salary have averaged about 0.7% ahead of the CPI over the last nine years
- Employee benefits have had an upward trend over the decade, but have leveled the last four years

Operating position refers to the ability to 1) balance the budget on a current basis, 2) maintain reserves for emergencies, and 3) maintain sufficient liquidity to pay bills on a timely basis.

- Operating surplus as a percentage of operating revenue in the General Fund has had a downward trend in operating surplus as a percentage of operating revenue for the last decade
- Unrestricted balance as a percentage of operating revenue in the General Fund is in a downward trend
- City continues to maintain a healthy General fund Reserve
- Cash transfers from General Fund to Capital Projects Fund is money mainly from state or federal grants which require a local match, normally 20%
- Capital projects fund expenditures were major expenditures from 2000 – 2002 because of the South Locust widening/Wood River Flood Control projects and 2007 with the construction of the Law Enforcement Center and Fire Station #1
- Jack Rabbit Run Golf Course incurred a loss in two thirds of the last nine years, but has been profitable in 2008

Debt is an effective method of financing capital improvements.

- Net direct debt has increased from 1999 to a high in 2006, this has been paid down to 11.08% in 2008
- Direct debt per capita has increased
- Net direct debt service has increased

Mr. Pederson concluded that the trends clearly evidence the fact that current operations of the General Fund, combined with a program of capital improvements, cannot be sustained without shifts in current fiscal policy. On the revenue side, the focus going forward needs to be with the declining ability of sales tax revenue to meet operational and capital funding requirements.

Comments were made on capital projects, debt, operating surplus, unrestricted balance in the General Fund, sales tax, property tax, and the Jackrabbit Run Golf Course debt.

It was suggested that at the next meeting the budget amendment include monies to be transferred to the golf course to eliminate the deficit for FY 2008/2009. Fiscal policy, budget policy, and a balanced budget were mentioned. Comments were made on prioritizing city services.

Discussion of Need for Budget Amendment to FY 2008/2009 Budget. David Springer, Finance Director reported that the State Auditor directed the City to review the use of year-end encumbrances. In the past, at fiscal year end, departments had been required to submit to the Finance Department open purchase orders and contracts on which services had not been completed. Those future expenses, previously budgeted for, were then added onto the new years budget and titled "Revised Budget". The State preferred that those encumbrances be estimated and included in the appropriations at the time new budgets were submitted to the State in September. The effect would be to increase the appropriation or expenditure line and reduce cash balances.

Total encumbrances for the proposed budget amendment were \$6,664,527 of which \$718,994 was in the General Fund. As the 2008 General Fund cash balance came in \$340,770 higher than projected, the 2009 budget balance of \$6,284,777 would become \$5,906,553 after factoring in the encumbrances.

Discussion was held concerning year-end fund balances and encumbrances.

Mr. Springer stated this item would be brought back to council at the January 27, 2009 Regular meeting.

ADJOURNMENT: The meeting was adjourned at 8:40 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G3

Approving Appointments of John Mayer, Todd Morgan, Scott Kuehl, and Tom Cox to the Firefighters Pension Committee

The Mayor has submitted the appointments of John Mayer, Todd Morgan, Scott Kuehl and Tom Cox to the Firefighters Pension Committee. These appointments would become effective immediately upon approval by City Council and would expire on December 31, 2012.

Approval is recommended.

Staff Contact: Mayor Hornady



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G4

Approving Appointments of Kelly Mossman, Danny Dubbs, Michael Nelson, and Janet Mead to the Police Pension Committee

The Mayor has submitted the appointments of Kelly Mossman, Danny Dubbs, Michael Nelson and Janet Mead to the Police Pension Committee. These appointments would become effective immediately upon approval by City Council and would expire on December 31, 2012. Approval is recommended.

Staff Contact: Mayor Hornady



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G5

**#2009-14 - Approving Final Plat and Subdivision Agreement for
Pirnie First Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: January 27, 2009

Subject: Pirnie First Subdivision – Final Plat

Item #'s: G-5

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

Background

This final plat proposes to create 2 lots located east of Stuhr Road and north of Bismarck Road. Two lots are 1.581 acres in size. The property is zoned M2 - Heavy Manufacturing Zone.

Discussion

The final plat for Pirnie First Subdivision was considered by the Regional Planning Commission at the January 7, 2009 meeting. A motion was made by Amick, and seconded by Eriksen, to approve the plat as presented. A roll call vote was taken and the motion carried with 10 members present voting in favor (Aguilar, Amick, O'Neill, Ruge, Reynolds, Haskins, Eriksen, Bredthauer, Heineman, and Snodgrass).

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve as recommended.

MA
Miller & Associates
2700 CENTRAL EXPRESS
SUITE 100, WILSONVILLE, OR 97150
TEL: 503-234-5400
FAX: 503-234-1146

Pirnie First Subdivision Final Plat Summary

Developer/Owner

Tom & Sue Pirnie
T & S Land Development, LLC.
P.O. Box 2122
Grand Island, NE 68802-2122

2 Lots east of Stuhr Road and north of Bismarck Road., Section 14, Township 11N,
Range 9W, in Grand Island, in Hall County, Nebraska.

Size: 1.581 Acres

Zoning M2 – Heavy Manufacturing

Road Access: Public City Streets, no new streets

Water Public:

Sewer Public:



RESOLUTION 2009-14

WHEREAS, Tom and Sue Pirnie Husband and Wife, d/b/a T & S Land Development, LLC., as owners, have caused to be laid out into 2 lots, a tract of land being part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, under the name of PIRNIE FIRST SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement hereinbefore described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of PIRNIE FIRST SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G6

**#2009-15 - Approving Acquisition of Utility Easement - 1804 S.
Eddy, Goodwill Industries**

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-15

WHEREAS, a public utility easement is required by the City of Grand Island, from Goodwill Industries of Greater Nebraska, Inc., a Nebraska corporation, to survey, construct, inspect, maintain, repair or replace public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on January 27, 2009, for the purpose of discussing the proposed acquisition of an easement located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

Commencing at the northwest corner of Lot Two (2) Columbian Subdivision; thence easterly along the northerly line of said Lot Two (2), a distance of fifty six (56.0) feet to the ACTUAL Point of Beginning; thence continuing easterly along the northerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence southerly, parallel with the westerly line of said Lot Two (2), a distance of one hundred twenty five (125.0) feet to a point on the southerly line of said Lot Two (2); thence westerly along the southerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence northerly, parallel with the westerly line of said Lot Two (2), a distance of one hundred twenty five (125.0) feet to a point on the northerly line of said Lot Two (2), being the Point of Beginning.

The above-described easement and right-of-way containing a total of 0.057 acres, more or less, as shown on the plat dated 1/5/2009, 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 Goodwill Industries of Greater Nebraska, Inc., on the above-described tract of land.

- - -

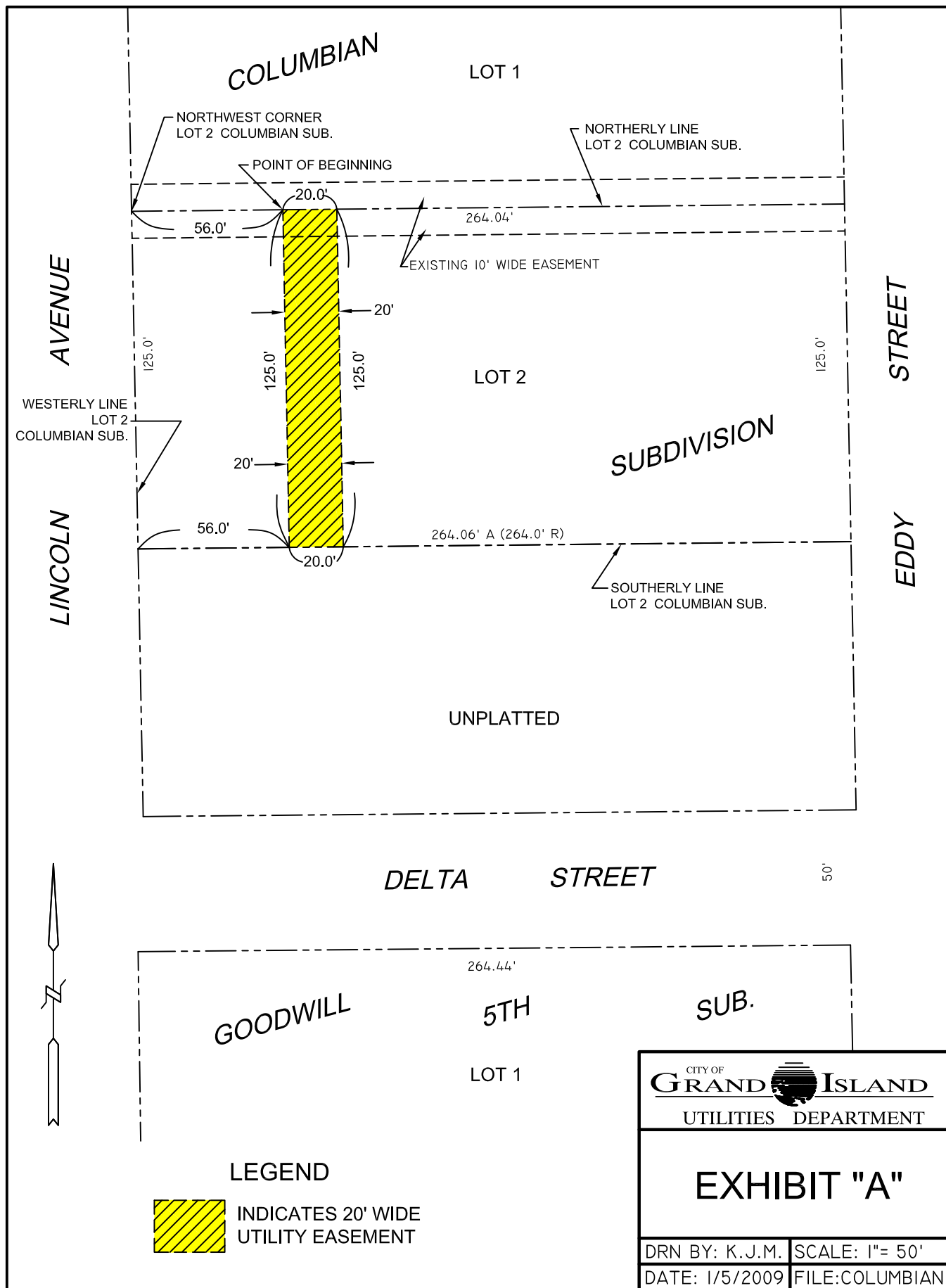
Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney





City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G7

#2009-16 - Approving Acquisition of Utility Easement - 3625 Old Potash Hwy. - Hall County, Nebraska/ Hornady Family Limited Partnership

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-16

WHEREAS, a public utility easement is required by the City of Grand Island, from the County of Hall, Nebraska, to survey, construct, inspect, maintain, repair or replace public utilities and appurtenances; and

WHEREAS, a public hearing was held on January 27, 2009, for the purpose of discussing the proposed acquisition of an easement located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) of Section Twenty Four (24), Township Eleven (11) North, Range Ten (10) West; thence easterly along the northerly line of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) said Section Twenty Four (24), a distance of six hundred seventy three and four tenths (673.4) feet; thence southerly parallel with the westerly line of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) of said Section Twenty Four (24), a distance of thirty three (33.0) feet to a point on the southerly right-of-way line of Old Potash Highway being the ACTUAL point of beginning; thence continuing southerly along Grantor's easterly property line as described in Document #200709866 recorded in the Register of Deeds Office, Hall County, Nebraska, and being parallel with the westerly line of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) said Section Twenty Four (24), a distance of one hundred sixteen (116.0) feet; thence westerly parallel with the northerly line of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) said Section Twenty Four (24), a distance of twenty (20.0) feet; thence northerly parallel with the westerly line of the Northwest Quarter of the Northeast Quarter (NW1/4, NE1/4) said Section Twenty Four (24), a distance of one hundred sixteen (116.0) feet to a point on the southerly right-of-way line of said Old Potash Highway; thence easterly along the southerly right-of-way line of said Old Potash Highway, a distance of twenty (20.0) feet to the said point of beginning.

The above-described easement and right-of-way containing 0.053 acres, more or less, as shown on the plat dated 1/12/2009, marked Exhibit "A", attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from the County of Hall, Nebraska, on the above-described tract of land.

- - -

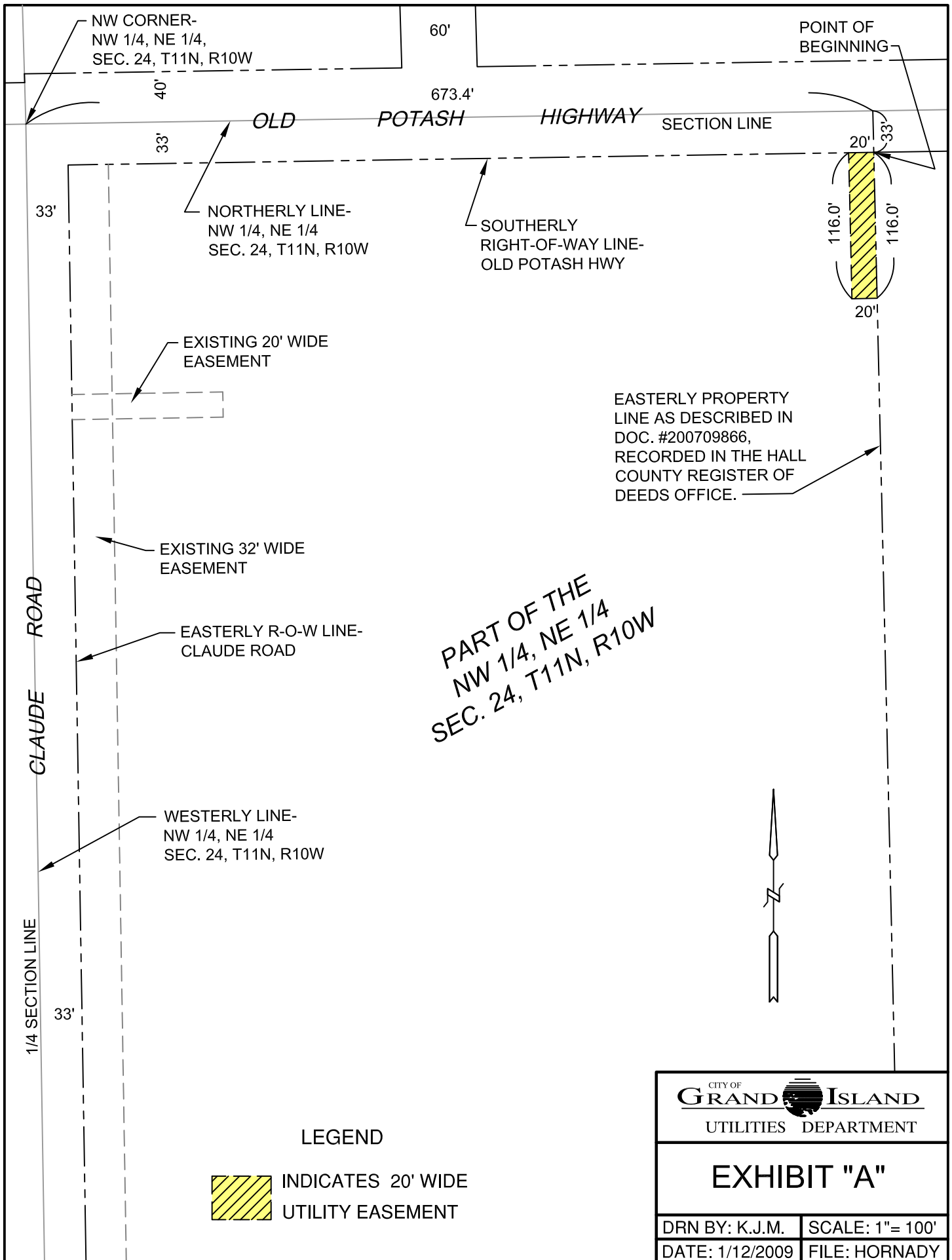
Approved as to Form	by _____
January 21, 2009	City Attorney


Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



 CITY OF GRAND ISLAND UTILITIES DEPARTMENT	
EXHIBIT "A"	
DRN BY: K.J.M.	SCALE: 1"= 100'
DATE: 1/12/2009	FILE: HORNADY



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G8

**#2009-17 - Approving Agreement with the Nebraska Dept. of
Roads and Grand Island Utilities Department**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

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

Meeting: January 27, 2009

Subject: Utility and Department of Roads Agreement

Item #'s: G-8

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

Background

In 2009, the Nebraska State Department of Roads will be re-constructing the north bound lanes of U.S. Hwy. 281 from I-80 to Nebraska Hwy. 2, north of Capital Avenue. The plan includes extending left turn lanes and creating right turn lanes at some intersections in locations along the route.

The Electric Department has overhead and underground electric lines in the existing City right-of-way and utility easements that will be affected by the construction. The Electric Department is required to relocate any of its facilities which may be in conflict with the new construction. The only conflict known at this time is the pole and underground take-off located at the southeast corner quadrant of the intersection of U.S. Hwy. 281 and 13th Street.

Discussion

The State of Nebraska will pay for 80% of those relocation costs but requires an agreement to be signed prior to the start of construction. The agreement sets forth the parameters of bidding, construction, and payment for the work performed. The estimated cost to perform the power pole relocation is \$15,500. Nebraska Department of Roads will pay 80% of the actual cost. The agreement has been reviewed by the Legal Department.

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, and authorize the Mayor to sign it on behalf of the City.

Sample Motion

Move to approve the agreement with the Nebraska Department of Roads and authorize the Mayor to sign it on behalf of the City of Grand Island.

AGREEMENT

PROJECT NO. NH-34-4(131)
STATE CONTROL NO. 42433
CITY OF GRAND ISLAND
STATE OF NEBRASKA, DEPARTMENT OF ROADS
GRAND ISLAND SOUTH

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

WITNESSETH:

WHEREAS, the State has plans for the improvement of Highway US-34 beginning 2.1 miles south Grand Island, north 4.1 miles to the north junction with US-281 and then North 4.3 miles on US-281, and

WHEREAS, said construction will be undertaken under the project designation NH-34-4(131), and

WHEREAS, the City owns and operates the power poles along and adjacent to a portion of this project, some of which is resting outside of the limits of the old highway right-of-way and on private property, and

WHEREAS, because of the widened right of way which the State has acquired for the new construction, and because of the construction itself, it becomes necessary for the City to adjust some, if not all, of its facility along this project, and

WHEREAS, the City is willing to rehabilitate its facility where necessary in accordance with the conditions hereinafter provided in this agreement, and

WHEREAS, the State is willing to reimburse the City for its nonbetterment costs to rehabilitate its facilities when the Cities facility is presently located outside of the old public right-of-way and on private property, and

WHEREAS, the State is willing to pay the City for eligible nonbetterment expenses incurred in connection with the rehabilitation of its facilities as provided by Federal-Aid Policy Guide 23 CFR 645A, "Utility Relocations, Adjustments and Reimbursement", and Federal-Aid Policy Guide, 23 CFR 645B, "Accommodation of Utilities" issued by the Federal Highway Administration.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The City hereby agrees to furnish, or cause to be furnished, all of the tools, labor, equipment and materials necessary for the rehabilitation of its facility as made necessary by construction.

SECTION 2. The State has prepared a tabulation of all the poles belonging to the City along and adjacent to this project, showing the poles which will have to be moved and indicating in the Remarks column by means of the word "Pay" that the moving of such poles will be eligible for payment from the State.

SECTION 3. Prints of the construction plans for this project, showing the location of the poles referred in the above tabular form, have been forwarded to the City and are by this reference hereby made a part of this agreement.

SECTION 4. The description of work to be performed and the estimate of costs prepared by the City have been approved by the State and are hereby made a part of this agreement. These items are attached as Exhibit "B". The total amount of this estimate is \$15,515.00 of which \$12,412.00 is the 80 percent share of the cost chargeable to the State. It is expressly understood that notwithstanding this estimate the State will reimburse the City for all of its actual nonbetterment expenses less any credits for salvaged or junked materials.

SECTION 5. The City agrees, as a part of the above described estimate to advise the State as to the method which will be used in accumulating the actual costs. If this method is prescribed by a Federal or State regulatory body, a statement to that effect shall be made by the City. If the accounting method is not prescribed by an agency of the State or Federal Government, it shall be described in the City's estimate and be approved as a part of this agreement.

SECTION 6. The City may submit progress billings for the portions of its rehabilitation that have been completed. The City agrees not to submit progress billings for amounts less than \$2,500.00. The State will make progress payments, based upon satisfactory prosecution of work, for 95 percent of the amount billed. The State will limit its payments to 95 percent of the approved estimate referenced in Section 4 of this agreement pending the results of the final cost audit. The State will make every effort to pay the City within thirty days of receipt of the City's invoice.

SECTION 7. If the City wants to let a construction contract, the City shall do the following:

- A. Comply with State public bidding statutes. If the City solicits bids from a list of known Contractors, the list must be submitted to the State for concurrence prior to the soliciting of bids.
- B. Submit the bid proposal, plans and construction schedule to the State for approval prior to letting a contract.
- C. Require the Contractor to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb.Rev.Stat. §48-1101 through 48-1126 as amended, and all regulations relative to nondiscrimination in

federally assisted programs of the Department of Transportation, Title 49 CFR, Parts 21 and 27 as set forth in Exhibit "A" attached hereto and made a part of this agreement.

- D. Submit a copy of the bids received and the City's recommendation of award to the State for concurrence prior to any award.
- E. Require any Contractor or subcontractor engaged under this agreement to fully comply with the provisions of the Nebraska Employment Security Law as provided by Neb.Rev.Stat. §48-610 through 48-671 as amended, and the same are incorporated herein by this reference.

SECTION 8. It is agreed and understood by the parties hereto that Federal-Aid Policy Guide 23 CFR 645A, "Utility Relocations, Adjustments and Reimbursement", and Federal-Aid Policy Guide, 23 CFR 645B, "Accommodation of Utilities" issued by the U.S. Department of Transportation, Federal Highway Administration, as supplemented, revised or updated heretofore, is hereby expressly made a part of and incorporated into this agreement by this reference.

SECTION 9. In consideration of the payment as mentioned in Section 4 of this agreement the City agrees to relinquish or subordinate sufficient property rights or interests that it may have in property upon which it has an easement or similar right that will be occupied by the proposed highway improvement as are necessary for the construction, operation and maintenance of the highway facility.

SECTION 10. All traffic controls must comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). If the State furnishes the City a traffic control plan, the City must comply with the plan. The State has the right to shut down the City's work area not in compliance with the Manual on Uniform Traffic Control Devices.

SECTION 11. The City shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49 CFR, Part 21 and 27, as set forth in Exhibit "A" attached hereto and hereby made a part of this agreement.

SECTION 12 The City agrees that it and any Contractor or subcontractor engaged under this agreement will fully comply with the provisions of the Nebraska Employment Security Law as provided by Neb.Rev.Stat. §48-601 through 48-671.

SECTION 13. The City agrees that the billing will be prepared and submitted in a manner to allow comparison with the approved estimate.

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

EXECUTED by the City this _____ day of _____, 2009.

ATTEST: CITY OF GRAND ISLAND

City Clerk

Mayor

EXECUTED by the State this _____ day of _____, 2009.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Randall D. Peters, P.E.

Utilities Engineer

Planning and Project Development Engineer

AGRC5-SB

NONDISCRIMINATION CLAUSES

During the performance of this contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

- (1) Compliance with Regulations: The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Parts 21 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The Contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the basis of disability, race, color, sex, religion or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A," "B," and "C" of Part 21 of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of disability, race, color, sex, religion or national origin.
- (4) Information and Reports: The Contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to,
 - a) withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The Contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Contractor will take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the State to enter into such litigation to protect the interests of the State, and in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

EXHIBIT "A"



Working Together for a
Better Tomorrow. Today.

December 8, 2008

State of Nebraska
Department of Roads
Sandy Wojtasek, Utilities Coordinator
Planning & Project Development Division
PO Box 94759
Lincoln NE 68509-4759

RE: Project No. NH-34-4(131)
Control No. 42433
Location: Grand Island South

Dear Ms. Wojtasek:

The following is a detailed estimate of relocating the power pole at U.S. Highway 281 and 13th street here in Grand Island:

Material:	Overhead	\$ 931.60	
	Underground	\$4,264.00	
<u>Total Material</u>			\$ 5,195.60
Labor:	Overhead	\$2,600.00	
	Underground	\$3,000.00	
<u>Total Labor</u>			\$ 5,600.00
Equipment:	Overhead	\$2,920.00	
	Underground	\$1,800.00	
<u>Total Equipment</u>			\$ 4,720.00
TOTAL			\$15,515.00

20/80 Split State pays \$12,412.00

Please note Charter Communications is also attached to the old pole. The estimate does not include any of the work required to relocate their system. Please contact them directly.

Sincerely,

Robert H. Smith

Robert H. Smith
Asst. Utilities Director

RHS/pag

pc: Steve Rishie, Public Works Director
Tom Barnes, Civil Engineering Manager, Utilities

RECEIVED BY
UTILITIES DEPARTMENT

DEC 09 2008

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444, Ext. 280 • FAX: 385-5488 • Emergency: 385-5461 • www.grand-island.com

Exec. *[Signature]*
Date *12-15-08*
Approved *[Signature]*
Date *1/7/09*

Project No. NH-34-4(131)
Control No. 42433
Grand Island South

EXHIBIT "B"

RESOLUTION 2009-17

WHEREAS, the City of Grand Island and the Nebraska Department of Roads (the Parties) desire to enter into an agreement for relocation of a power pole and underground take-off at the southeast corner quadrant of the intersection of U.S. Hwy. 281 and 13th Street; and

WHEREAS, the Parties agree and acknowledge the State of Nebraska will pay for 80% of those relocations costs, estimated to be \$15,500, but requires an agreement to be signed prior to the start of construction; and

WHEREAS, the Parties agree and acknowledge that the relocation of said pole and underground take-off at the southeast corner of U.S. Hwy. 281 and 13th Street needs to be done to complete the re-construction of the north bound lanes of U.S. Hwy. 281 from I-80 to Nebraska Hwy. 2, north of Capital Avenue; and

WHEREAS, the Parties desire to enter into an Agreement to facilitate the moving of the power pole and underground take-off at the corner of U.S. Hwy. 281 and 13th Streets.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized to, on behalf of the City, execute the Agreement between the City of Grand Island and the Nebraska Dept. of Roads, in accordance with the terms and conditions generally described above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G9

**#2009-18 - Approving Bid Award - Twelve (12) Substation
Communication Processors**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

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

Meeting: January 27, 2009

Subject: Twelve (12) Substation Communication Processors

Item #'s: G-9

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

Background

The Grand Island Electric System utilizes distribution substations interconnected with a 115,000 volt transmission loop. Monitoring and control of these substations is accomplished primarily from a personal computer (PC) located at Phelps Control Center communicating, via a secure network, with PCs located within each substation.

The PC located at each substation is used to communicate with the various devices installed there and transmit data back to Phelps Control Center. The Utilities Department is planning to replace the substation PCs with a communications processor that will essentially do the same functions with a much greater reliability and simplicity. The PCs have experienced problems of reliability, sometimes shutting down unexpectedly. In addition, these processors will incorporate security features that have become industry standards.

Discussion

Specifications were prepared by Utility engineering staff and were advertised in accordance with City procurement requirements. Specifications were sent to nine local and regional vendors. Bids were publicly opened at 11:00 am on December 29, 2008. Four bids were received. The following table summarizes the bid results:

Company	Exceptions	Price w/ Tax
Schweitzer Engineering Laboratories, Inc. – Pullman, WA	Yes	\$87,192.16
Kriz-Davis Company – Grand Island, NE	Minor	\$110,937.60
Novatech, LLC – Lenexa, KS	No	\$113,248.80
Wesco – Sioux City, IA	Yes	\$149,653.41

Bid Evaluations:

The “as read” low bid submitted by Schweitzer Engineering Laboratories, Inc. (SEL) contained several exceptions. Of these exceptions, one was significant regarding the requirement to provide a built-in information server. The specifications require the processors to possess the ability to display data in a web page format and have it available to any PC connected to the secure network. This function is extremely informative and allows extensive, remote troubleshooting. SEL’s device does not possess this function.

The next low bid was from Kriz-Davis Company. The exceptions that were taken are minor in nature and do not impact the overall function of the unit. The two exceptions include a front panel serial port for configuration purposes in lieu of a USB port as specified. In addition, Kriz-Davis will not provide a serial cable with each unit as specified. Both of these exceptions are easily rectified, and do not hamper the designed unit functions. This product was evaluated extensively using a company provided demonstration unit. All tests confirm that the unit performs satisfactorily, in accordance with the specifications. In addition, several references were contacted. All references spoke very positively of the product and of the technical support provided.

The third low bid was from Novatech, LLC. No exceptions were taken in their bid. This product appears to meet all specifications and would, most likely, perform satisfactorily. Grand Island Utilities Department has some limited, but satisfactory, experience with Novatech products.

The final bid was not evaluated for performance due to the high bid price in comparison to the other three bids.

The Kriz-Davis and Novatech devices do not come standard with the built-in information server. Kriz-Davis and Novatech added this option to their bid in order to meet the specifications. Without this option, their bid prices would have been much closer to SEL who did not include the required information server.

Alternatives

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

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

Recommendation

City Administration recommends that the Council award the contract for Twelve (12) Substation Communication Processors to Kriz-Davis Company of Grand Island in the amount of \$110,937.60, which includes all applicable sales tax. Kriz-Davis Company submitted the lowest compliant bid with only minor exceptions.

Sample Motion

Move to approve the contract for Twelve (12) Substation Communication Processors to Kriz-Davis Company for \$110,937.60.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: December 29, 2008 at 11:00 a.m.

FOR: Substation Communication Processors

DEPARTMENT: Utilities

ESTIMATE: \$100,000.00

FUND/ACCOUNT: 520

PUBLICATION DATE: November 22, 2008

NO. POTENTIAL BIDDERS: 9

SUMMARY

Bidder:	<u>Novatech, LLC</u>	<u>Wesco</u>
	Lenexa, KS	Sioux City, IA
Bid Security:	\$5,292.00	Liberty Mutual Ins. Co.
Exceptions:	None	Noted

Base Bid Price:	\$105,840.00	\$139,863.00
Sales Tax	---- -	<u>9,790.41</u>
Total Bid Price:	\$105,840.00	\$149,653.41

Bidder:	<u>Schweitzer Eng. Laboratories, Inc.</u>	<u>Kriz-Davis Company</u>
	Pullman, WA	Grand Island, NE
Bid Security:	Federal Insurance Company	The Cincinnati Ins. Co.
Exceptions:	Noted	Noted

Base Bid Price:	\$81,488.00	\$103,680.00
Sales Tax	<u>5,704.16</u>	<u>7,257.60</u>
Total Bid Price:	\$87,192.16	\$110,937.60

cc: Gary Mader, Utilities Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Bob Smith, Assist. Utilities Director
Wes Nespor, Purchasing Agent
Pat Gericke, Utilities Admin. Assist.

RESOLUTION 2009-18

WHEREAS, the City Electric Department invited sealed bids for Twelve (12) Substation Communication Processors; and

WHEREAS, on December 29, 2008, bids were received, opened and reviewed; and:

WHEREAS, Kriz-Davis Company of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$110,937.60; and;

WHEREAS, the bid of Kriz-Davis Company, submitted the lowest compliant bid.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Kriz-Davis Company of Grand Island, Nebraska, in the amount of \$110,937.60 for Twelve (12) Substation Communication Processors is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G10

**#2009-19 - Approving Bid Award - Water Main Project 2009-W-2 -
Wellfield Well Header Modifications (Materials Only)**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

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

Meeting: January 27, 2009

Subject: Wellfield Well Header Modifications
Project 2009-W-2 Material Bids

Item #'s: G-10

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

Background

The materials recommended for purchase under this contract are part of a project to increase the ability to mix waters from the 21 wells at the City's Wellfield. The need is driven by new EPA regulation of uranium as detailed below.

In 2003, the new regulation placing a Maximum Contaminate Level (MCL) on uranium in drinking water became effective. Uranium is a naturally occurring element in the aquifers of Nebraska and other states across the nation. Implementation of the new MCL began with the sampling of the state's municipal water systems in accordance with the EPA specified testing protocol. Samples of the Grand Island water supply for regulatory compliance were first taken in 2004. The sampling protocol requires testing for four consecutive quarters, with the average of the year long sampling results being the level by which system compliance is established. Sampling is done at the points at which the supply waters enter the water distribution system, referred to as "Points of Entry". Sampling and testing of the Grand Island water system showed full compliance with the new regulation.

Uranium is not an acute concern but rather is a concern over a lifetime of exposure. According the *Neb-Guide from the University of Nebraska*, "...uranium in water supplies produces very little radioactivity, the health effects from exposure to uranium are primarily thought to be associated with the chemical properties of soluble uranium. Studies suggest that ingestion of high levels of uranium may be associated with an increased risk of kidney damage...Exposure to soluble uranium in drinking water has not been shown to increase the risk of developing cancer."

The Utilities Department has monitored the presence of uranium in the naturally occurring aquifer in Central Nebraska for many years. In a five year study, conducted from 1978 to 1983, sponsored by the Central Platte Natural Resources District and conducted by Dr. Roy Spalding of the University of Nebraska, the uranium levels in the Central Platte Valley were tested and mapped. From that study, it is known that levels of uranium can vary substantially over relatively short distances. Additionally, Nebraska Health and Human Services (HHS) has worked very closely with several cities in the state where test results showed area water supplies exceeded the newly promulgated MCL. Because of the known variability from the 1983 report and the confirmation of that variability by the more recent HHS work, the Utilities Department established a regular testing regimen of each of the 21 wells at the Wellfield. The testing confirmed that the levels of uranium vary from well to well and generally increase from east to west along the length of the island upon which the wells are located. Several of the individual wells on the westerly end of the island exceeded the newly established MCL. Because the sampling is from a composite of supply waters, the overall contaminate levels at the Points of Entry to the water distribution system meet the new standard. As a result of the Utilities Department's sampling, the staging of operation among the Wellfield wells has been modified to prioritize supply from the easterly, lower uranium wells. That also requires modification of the operation of the pumping station there.

At present, the collector piping at the Wellfield, which brings the water from each well to the central pumping station, is generally configured from two separate directions, east and west. In order to increase the ability to blend water from the wells, cross ties of the collector piping headers at the pumping station are required, which requires tapping the existing headers, one of which is 36" in diameter. Utility engineering staff is working on the detailed design of the cross ties. That design has progressed to the point that some of the larger piping and fittings required can be purchased. Therefore, in order to provide the materials needed to increase the redundancy and flexibility of the operation of the Wellfield, specifications were prepared and bids solicited for Water Main Project 2009-W-2 – Wellfield Well Header Modifications Materials.

Discussion

The specifications and Notice to Bidders were advertised in accordance with the City Procurement Code, and bids were publicly opened on January 15, 2009 at 11:00 a.m. Two bids were received as tabulated below.

Item	Bid	Exceptions	Delivery	Bidder
C.1.01, Pipe, etc.	\$ 29,986.67	None	2-4 weeks	Municipal Supply, Inc. Hastings, NE
C.1.02, Valves, etc.	\$ 98,601.97	None	4-8 weeks	
C.1.03, All Materials	\$128,588.64	None	2-8 weeks	
C.1.01, Pipe, etc.	\$ 35,458.46	None	2-4 weeks	HD Supply, Omaha, NE
C.1.02, Valves, etc.	\$ 82,273.41	None	4-6 weeks	
C.1.03, All Materials	\$117,731.87	None	2-6 weeks	

A list of materials included in each bid item is attached.

The specifications were prepared to allow the City to select, accept, and award any or all items to the low bidder on each bid item, whichever combination provides the best and lowest overall cost. The combination of the bid price of Item C.1.01 from Municipal Supply in the amount of \$29,986.67; and Item C.1.02 from HD Supply in the amount of \$82,273.41; results in an overall total of \$112,260.08. Construction funds are available in the FY 2008-2009 Budget.

Alternatives

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

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

Recommendation

City Administration recommends that the Council accept and award Item C.1.01 to Municipal Supply of Hastings, Nebraska in the amount of \$29,986.67; and accept and award Item C.1.02 to HD Supply of Omaha, Nebraska in the amount of \$82,273.41

Sample Motion

Move to approve award of Item C.1.01 to Municipal Supply of Hastings, Nebraska in the amount of \$29,986.67, and award Item C.1.02 to HD Supply of Omaha, Nebraska in the amount of \$82,273.41.

CITY OF GRAND ISLAND, NEBRASKA

UTILITIES DEPARTMENT

Bid: 1/15/2009

WMP 2009-W-2, Wellfield Well Header Modifications, MATERIALS

			Municipal Supply, Inc Hastings, NE		HD Supply Omaha, Ne	
ITEM	DESCRIPTION	QUANTITY	Bid \$	Delivery	Bid \$	Delivery
C.1.01	18" D.I.. Pipe (sj)	18.00 LF	\$29,986.67	2-4 weeks	* \$34,670.76	2-4 weeks
	6" D.I.. Pipe (sj)	36.00 LF				
	20"x20"x6" Tee (mj)	2.00 EA				
	20"x18" Reducer (mj)	2.00 EA				
	20"x45 Ell (mj)	3.00 EA				
	20" Retainer Gland	12.00 EA				
	18" Retainer Gland	2.00 EA				
	6" Retainer Gland	8.00 EA				
	6"x90° Ell (mj)	2.00 EA				
ITEM	DESCRIPTION	QUANTITY	Bid \$	Delivery	Bid \$	Delivery
C.1.02	36"x20" Tapping Sleeve	1.00 EA	\$98,601.97	4-8 weeks	\$82,273.41	4-6 weeks
	20"x20" Tapping Sleeve	1.00 EA				
	18"x18" Tapping Sleeve	2.00 EA				
	20" Tapping Valve	2.00 EA				
	18" Tapping Valve	2.00 EA				
	6" RW Gate Valve	2.00 EA				
	Valve Box	2.00 EA				
ITEM	DESCRIPTION	QUANTITY	Bid \$	Delivery	Bid \$	Delivery
C1.03	All Materials		\$128,588.64	2-8 weeks	* \$116,944.17	2-6 weeks

* Evaluated price

Low Item C.1.01	\$29,986.67	Municipal Supply, Inc
Low Item C.1.02	<u>\$82,273.41</u>	HD Supply
Total Low	\$112,260.08	

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: January 15, 2009 at 11:00 a.m.

FOR: Water Main Project 2009-W-2
Wellfield Well Header Modifications (Materials Only)

DEPARTMENT: Utilities

ESTIMATE: \$98,000.00

FUND/ACCOUNT: 525

PUBLICATION DATE: January 2, 2009

NO. POTENTIAL BIDDERS: 8

SUMMARY

Bidder:	<u>Municipal Supply, Inc.</u>	<u>HD Supply Waterworks</u>
	Hastings, NE	Omaha, NE
Bid Security:	\$6,500.00	RLI Insurance Company
Exceptions:	None	None
Bid Price:		
C.1.01:	\$ 29,986.67	\$ 35,458.46
C-1.02:	\$ 98,601.97	\$ 82,273.41
Total:	\$128,588.64	\$117,731.87

cc: Gary Mader, Utilities Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator
Tom Barnes, Utilities Engineering Manager

Bob Smith, Assist. Utilities Director
Wes Nespor, Purchasing Agent
Pat Gericke, Utilities Admin. Assist.

P1317

RESOLUTION 2009-19

WHEREAS, the City Electric Department invited sealed bids for Wellfield Well Header Modifications; and

WHEREAS, on January 15, 2009 bids were received, opened and reviewed; and

WHEREAS, Municipal Supply, Inc. of Hastings, Nebraska submitted a bid for Item C.1.01 in the amount of \$29,986.67, and HD Supply of Omaha, Nebraska submitted a bid for Item C.1.02 in the amount of \$82,273.41, in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein; and

WHEREAS, the combined bids of Municipal Supply of Hastings, Nebraska and HD Supply of Omaha, Nebraska are less than the estimate for Wellfield Well Header Modifications.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bids of Municipal Supply of Hastings, Nebraska, in the amount of \$29,986.67 and HD Supply of Omaha, Nebraska, in the amount of \$82,273.41, for a total cost of \$112,260.08, for Wellfield Well Header Modifications are hereby approved as the lowest responsible bids.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G11

**#2000-20 - Approving Household Hazardous Waste Grant with
Nebraska Department of Environmental Quality**

Staff Contact: Paul Briseno

Council Agenda Memo

From: Paul M. Briseno, Assistant to the City Administrator

Meeting: January 27, 2009

Subject: Household Hazardous Waste Grant with the Nebraska Department of Environmental Quality

Item #'s: G - 11

Presenter(s): Paul M. Briseno, Assistant to the City Administrator

Background

In February 2004, the Grand Island City Council identified the development of a permanent regional Household Hazardous Waste Facility as a community goal. In 2007 a construction grant was submitted to the Nebraska Environmental Trust. This grant was denied as the project had no established working relationship with Keep Nebraska Beautiful, no interlocals identifying the service area, and the proposed facility was designed with unnecessary elements.

The original design was paid by a Department of Environmental Quality grant.

Discussion

In February 2008 an interlocal was created. The Legal Department, Nebraska Department of Environmental Quality, Nebraska Department of Environmental Trust and municipalities with established collection facilities assisted in the creation of the interlocal. The interlocal includes fourteen communities and three counties. Council approved the interlocal agreement August 26, 2008.

In July 2008, Council approved an amendment to the original contract with Milco and Associates for \$12,500. This cost was expensed out of the Solid Waste Division. The redesign incorporate requests of the Nebraska Environmental Trust, Nebraska Department of Environmental Quality and added cost savings efficiencies that reduced the size of the facility. An increase of recycling/educational elements was also realized. These modifications will offer citizens greater opportunities to conserve resources and provide a single location for many environmental needs.

The proposed facility size is 7,650 sq ft which provides space for household hazardous waste processing, computer decommissioning, aluminum recycling, swap shop for reuse of materials, and administrative areas. Construction costs have been estimated at \$784,000. Staff has added a 7% contingency for a total cost of \$836,360.

Cost effective green elements are incorporated into the design of this facility and include materials of high content of recycled materials that include liner panels for interior walls, skylights or translucent wall panels in the processing area for day lighting to reduce energy consumption, ceiling fans in processing areas and offices to reduce cooling loads, ground source heat pump HVAC system for offices and low maintenance landscaping. Building materials that have the capability of being recycled will be utilized when ever possible.

Local retailers that sell many of the products accepted at the complex have been contacted to establish a working relationship. Once the Central Nebraska Environmental Complex is constructed, local retailers will provide educational materials to customers. This information will include the site, hours of operation and materials accepted. Grand Island has a large retail pull from central Nebraska.

The City of Grand Island will submit a five year operational grant to the Nebraska Department of Environmental Quality. The submitted grant covers operation expenses and additional capital. The household hazardous waste portion of the facility will require two full time equivalents. Good Will Industries of Greater Nebraska will cover operating expenses for the aluminum and computer recycling elements of the facility. This project is dependent upon approval of the Nebraska Department of Environmental Trust construction dollars and Nebraska Department of Environmental Quality operational funds. The operational grant is due February 1, 2009 and will be available in the administration.

Alternatives

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

1. Move to approve the grant application and authorize the Mayor to sign all related documents.
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 Council approve a grant application for five year operational funds from the Nebraska Department of Environmental Quality and authorize the Mayor to sign all related documents.

Sample Motion

Move to approve a grant application for construction funds from the Nebraska Department of Environmental Quality and authorize the Mayor to sign all related documents.

R E S O L U T I O N 2009-20

WHEREAS, in February 2004, the Grand Island City Council identified development of a permanent, regional Household Hazardous Waste Facility as a community goal; and

WHEREAS, the current City Council have selected the following 2008-09 City Council Goals:

- Secure funding and begin construction of the Household Hazardous Waste facility.
- Continue to aggressively address environmental issues and advocate for citizens.

; and

WHEREAS, in July 2008, Grand Island City Council approved \$12,500 redesign with MILCO and Associates from the Solid Waste Fund; and

WHEREAS, the building and site plan was prepared by MILCO Environmental services; and

WHEREAS, City Council approved an interlocal agreement with fourteen communities and three counties August 26, 2008; and

WHEREAS, City Council authorized a Nebraska Environmental Trust construction Grant August 26, 2008; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island is hereby authorized to submit a grant application to the Nebraska Department of Environmental Quality for the operation of a Household Hazardous Waste Facility for five years at an estimated cost of \$200,000 per year..

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

Approved as to Form <input type="checkbox"/> _____ January 22, 2009 <input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G12

**#2009-21 - Approving Maintenance Agreement No. 12 Renewal
with the Nebraska Department of Roads**

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 27, 2009

Subject: Approving Maintenance Agreement No. 12 Renewal
with the Nebraska Department of Roads

Item #'s: G-12

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

Background

Each year the City and the Nebraska Department of Roads enter into an agreement for the maintenance of Highways within the City Limits. The certification that calendar year 2008 work was performed by the City was approved at the January 13, 2009 council meeting. The agreement for 2009 has been prepared. The content and scope of the agreement is the same as that of previous years.

Discussion

The maintenance responsibilities by statute are detailed in Exhibit A of the agreement. Calculations for payments are detailed in Exhibit B. Surface maintenance and snow removal responsibilities from an operational efficiency stand point are detailed in Exhibit C. The net result of this exchange of services for 2009 will be a payment to the City of \$36,198.30.

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

Public Works Administration recommends that the Council pass a Resolution approving Maintenance Agreement No. 12.

Sample Motion

Move to approve Maintenance Agreement No. 12 for 2009.

MAINTENANCE AGREEMENT NO. 12

Maintenance Agreement Between the
Nebraska Department of Roads and the
Municipality of GRAND ISLAND
Municipal Extensions of GRAND ISLAND

A G R E E M E N T R E N E W A L

We hereby agree that Maintenance Agreement No. 12, as described
above, be renewed for the period JANUARY 1, 2009 to
DECEMBER 31 , 2009

All figures, terms, and exhibits to remain in effect as per the original agreement
dated JANUARY 1, 2006. and as per revised Exhibit B attached.

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

EXECUTED BY THE City this _____ day of _____, _____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

DISTRICT ENGINEER

ATTEST: CITY OF _____

CITY CLERK

MAYOR

MAINTENANCE OPERATION AND RESPONSIBILITY
Municipal extensions and connecting links
(Streets Designated Part of the State Highway System excluding Freeways)

Maintenance Responsibility

Neb. Rev. Stat. § 39-2105

<u>Maintenance Operation</u>	<u>Metropolitan</u>	<u>Primary</u>	1st Class	2nd Class
Neb. Rev. Stat. § 39-1339	<u>Cities</u> (Omaha)	<u>Cities</u> (Lincoln)	Cities	Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Dept.	Dept.	Dept.
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Dept.
Maintenance of roadway appurtenances (including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Dept.	Dept.	Dept.

Maintenance Responsibility

Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121

<u>Maintenance Operation</u>	<u>Metropolitan</u>	<u>Primary</u>	1st Class	1st Class	2nd Class
Neb. Rev. Stat. § 39-1339	<u>Cities</u> (Omaha)	<u>Cities</u> (Lincoln)	Cities > 40,000	Cities < 40,000	Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edgelines on all connecting links except state maintained freeways	City	City	City	Dept.	Dept.
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.	City	City	City	City	City
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Dept.	Dept.
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Dept.	Dept.

EXHIBIT "B"
City of GRAND ISLAND

Pursuant to Sections 1a, 1b, 1c, 8a, 8b, 8c and 8d of the Agreement and to Exhibit "C" made a part of this Agreement through reference, the STATE agrees to pay to the CITY the sum of \$1,900.00 per lane mile for performing the surface maintenance on those lanes listed on the attached copy of Exhibit "C".

From Exhibit "C" it is determined that the STATE'S responsibility for surface maintenance within the City Limits is 32.42 lane miles.

$32.42 \text{ lane miles} \times \$1900.00 \text{ per lane mile} = \$61,598.00$ due the CITY for surface maintenance.

From Exhibit "A" it is determined that snow removal within City Limits is the responsibility of the CITY. The CITY agrees to pay the STATE the sum of \$375.00 per lane mile for snow removal on those sections of highway within City Limits as listed on the attached copy of Exhibit "C".

From Exhibit "C" it is determined that the CITY'S responsibility for snow removal within the City Limits is 43.06 lane miles.

$43.06 \text{ lane miles} \times \$375.00 = \$16,147.50$ due the STATE for snow removal.

$\$61,598.00 - \$16,147.50 = \$45,450.50$ due the CITY and payable as per Section 8d.

EXHIBIT "C"

City of GRAND ISLAND

STATE OF NEBRASKA
DEPARTMENT OF ROADS

RESPONSIBILITY FOR SURFACE MAINTENANCE
OF MUNICIPAL EXTENSIONS

NEB. REV. STAT. 39-1339
and NEB. REV. STAT. 39-2105

DESCRIPTION	HWY. NO.	REF POST		LENGTH IN MILES	TOTAL DRIVING LANES	TOTAL LANE MILES	RESPONSIBILITY	
		FROM	TO				STATE	CITY
West City Limits Jct. W/ US281	N-2	354.45	356.06	1.61	4	6.44	*3.22	*3.22
West City Limits W/ Johnstown Rd	US-30	310.04	312.47	2.43	2	4.86	*4.86	
Johnstown Rd./Greenwich St	US-30	312.47	314.85	2.38	4	9.52	**4.76	4.76
Greenwich St/end of 1-Way	EB 30	314.85	316.07	1.22	4	4.88	**2.44	2.44
Greenwich St/end of 1-way	WB 30	314.85	316.07	1.22	4	4.88	**2.44	2.44
End 1-Way NE Corporate limits	US-30	316.07	317.68	1.61	4	6.44	**3.22	3.22
SW City Limits/Wildwood Dr/No. Jct. W/281/Husker Hw	US-34	228.89	231.16	2.27	4	9.08	*9.08	
US-281 Jct. 50'W of UPRR/ Leave Corp Limits	US-34	231.16	231.49	0.33	2	0.66	*0.66	
Re-enter Corp Limits-Begin Channelized Int. for Locust St	US-34	232.53	232.77	0.24	2	0.48	*0.48	
Begin To End Channelized Intersection for Locust St.	US-34	232.77	233.25	0.48	4	1.92	*0.96	*0.96
End Channelized Intersection for Locust St to East City Limits	US-34	233.25	233.28	0.03	2	0.06	*0.06	
Jct. 34 & 281 No. Corporate Limits	US 281	67.45	67.94	.49	4	1.96	*1.96**	
		68.20	72.60	4.40	4	17.60	*17.60**	
TOTALS						68.78	51.74	17.04

**32.42 MILES WHERE NDOR PAYS THE CITY FOR SURFACE MAINTENANCE

*43.06 MILES WHERE NDOR PERFORMS SNOW REMOVAL—CITY PAYS NDOR

RESOLUTION 2009-21

WHEREAS, on December 22, 1992, the City of Grand Island approved and entered into Maintenance Agreement No. 12 with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, this agreement requires annual renewal by both parties thereto; and

WHEREAS, it is in the best interest of the City of Grand Island to approve Maintenance Agreement No. 12 to be effective January 1, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Maintenance Agreement No. 12 between the City and the State of Nebraska Department of Roads for the term January 1, 2009 through December 31, 2009 is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
January 21, 2009	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G13

#2009-22 - Approving Update to Resolution 2008-201; Repairs and Rental of Electrical Switch Gear at the Waste Water Treatment Plant

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 27, 2009

Subject: Approving Update to Resolution 2008-201; Repairs and Rental of Electrical Switch Gear from Electrical Reliability for the Waste Water Division

Item #'s: G-13

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

Background

On August 12, 2008 the City Council passed Resolution 2008-201 approving the repairs and rental of electrical switch gear from Electrical Reliability for the Waste Water Division of the Public Works Department.

Discussion

Resolution 2008-201 stated Electrical Reliability would perform major repairs to the electrical switch gear for a total cost of \$17,800.00, which included repairs, rental and freight.

Several attempts have been made to correctly repair the charging mechanism on the GE Type WPS-40, 4000A main breaker, however the existing parts do not work. It has been discovered that too many parts with the assembly are warped, bent and mis-shaped. The only way to repair the breaker correctly is to replace the charge handle and the charge handle mechanism. This is above the original scope of repair work. The additional repair work shall not exceed a total of \$8,526.50.

By not being able to use the existing parts in the repair of the breaker this has caused a setback in getting the breaker back in operation at the Waste Water Treatment Plant, thus adding another month the rental equipment must be in place. The monthly rate for the rental breaker is \$4,000, making the total cost for the additional repair work plus rental \$12,526.50.

Waste water maintenance staff did not request quotes from other companies to perform the additional repairs because the switch gear would have to be boxed up and sent to them for the necessary inspection to prepare a quote. A quote from another company would be higher because of the increased shipping and also add another month rental. The quoted price for the repair is based on material costs from the manufacturer plus labor for installation and therefore is deemed fair and reasonable.

The request at this time is to update the resolution to reflect the increase in price.

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 update to Resolution 2008-201 to reflect the increase in price.

Sample Motion

Move to approve update to Resolution 2008-201.

RESOLUTION 2009-22

WHEREAS, on July 11, 2008 informal bids were received for testing the electrical switch gear for the Waste Water Division; and

WHEREAS, Electrical Reliability submitted the lowest responsible quote for the testing; and

WHEREAS, it was determined major repairs were needed to the electrical switch gear and to be cost effective it is recommended Electrical Reliability perform the necessary repairs; and

WHEREAS, on August 12, 2008 City Council approved the necessary repairs to be performed by Electrical Reliability for a total cost of \$17,800.00, which included repairs, rental and freight; and

WHEREAS, several attempts to correctly repair the charging mechanism on the GE Type WPS-40, 4000A main breaker have been unsuccessful due to worn out parts.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the necessary additional repairs plus one additional months rent are hereby approved to be performed by Electrical Reliability for a cost of \$12,526.50, with an overall total cost not to exceed \$30,326.50.

BE IT FURTHER RESOLVED, that Resolution No. 2008-201 is rescinded.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 22, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item G14

#2009-23 - Approving Updates to Sections 3.11, 3.17, 3.23, 4.01, 4.11, and 4.12 of the Personnel Rules

Staff Contact: Brenda Sutherland

Council Agenda Memo

From: Brenda Sutherland, Human Resources Director

Meeting: January 27, 2009

Subject: Update the Following Sections of the Personnel Rules:
3.11, 3.17, 3.23, 4.01, 4.11, and 4.12

Item #'s: G-14

Presenter(s): Brenda Sutherland, Human Resources Director

Background

The City's Personnel Rules are a Council approved set of rules that define the working conditions for employees at the City of Grand Island. The Personnel Rules outline the working conditions for all non-union employees and are followed in part as they relate to the labor agreements with the AFSCME, IBEW, IAFF, and FOP bargaining units.

Discussion

The changes that are proposed for Council consideration include the following:

Sec. 3.11 Worker's Compensation – Adding the sentence that states that leave taken in conjunction with worker's comp. is counted towards an employee's 12 week FMLA entitlement. This is and has been the practice at the City and the change is merely a housekeeping measure intended to provide written definition of our practice in the Rules.

Sec. 3.17 Family and Medical Leave Act - The majority of changes are required as a compliance measure with the new FMLA law update. The most noticeable change is the addition of the leave entitlement for an employee who has a spouse, parent, or child called to active duty and the addition of the military caregiver leave which entitles an employee up to 26 weeks to care for a spouse, parent, child, or next of kin who has been injured while on active duty. Worker's comp. was added to the section on concurrent leave stated in the same manner as the change noted above in Sec. 3.11. The last change is language to further define the employee's responsibility to make arrangements for their contributions to health insurance and any other voluntary benefit deductions. This is recommended to help employees not get so far behind on their contributions that they are difficult to make up and it also helps the City not to be put in a "collections" role with the employee should they decide not to return from their FMLA leave.

Sec. 3.23 Hours of Work – A sentence was added to note that overtime hours shall not be paid more than once for the same hours worked. This is language that is found in the various labor agreements as well and again is a housekeeping measure.

Compensatory Time – the phrase “in a calendar year” was added to define the accumulation of compensatory time so as to give supervisors better control over scheduling as it refers to the amount of time an employee may be away from work.

Sec. 4.01 Leave – A sentence was added to expressly state that once an employee has exhausted all of their accumulated banks and is in a “no pay” status, they will not accumulate additional leave hours. This is also found in most if not all labor agreements. It is already stated in the FMLA policy and would then be the policy for a situation that did not fall under FMLA.

Sec. 4.11 Personal Leave – The word “days” was removed as it can be used in hourly increments. There is also a deadline to use the personal days so that payroll is not overwhelmed at the end of the year with a barrage of manual entries.

Sec. 4.12 – Convenience Day – A deadline of December 15th was also added to this language for the same reasons as mentioned above in Personal Leave.

To recap, the changes to FMLA are primarily done for compliance reasons. The other changes are proposed to further define current policies or to state in writing the practice that is already in place.

Alternatives

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

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

Recommendation

The Human Resources Director recommends that the Council approve the proposed changes to the City Personnel Rules.

Sample Motion

Move to approve the proposed changes to the City Personnel Rules.

RESOLUTION 2009-23

WHEREAS, the City provides Personnel Rules for its employees as authorized by the City of Grand Island; and

WHEREAS, the following sections of the City Personnel Rules, namely Sec. 3.11, Sec. 3.17, Sec. 3.23, Sec. 4.01, Sec. 4.11, and Sec. 4.12 are amended as attached.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the sections as set forth above are amended.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 23, 2009	☐ City Attorney

Sec. 3.11 WORKER'S COMPENSATION

The City of Grand Island will comply fully with the Worker's Compensation Program that has been established under State statute.

When accidents occur at work, they must be reported immediately to the supervisor and the appropriate paperwork filled out at that time and sent in to the office. A supervisor must have prior knowledge and approve a doctor's visit. A doctor's report may be required to substantiate the injury.

The City may provide light duty work when possible for a defined period of time for employees that are injured due to a work related situation.

Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's 12 week FMLA entitlement.

Sec. 3.17 FAMILY and MEDICAL LEAVE ACT

This policy establishes the rights and obligations of the City of Grand Island and its employees with respect to leave necessary for medical care of employees and their families pursuant to the ~~1993~~ Family and Medical Leave Act more commonly referred to as FMLA.

An employee must be employed by the City for at least 12 months (the 12 months need not be consecutive) to be eligible to receive leave under this policy. Additionally, the employee must have worked at least 1,250 hours in the year ~~proceeding~~ preceding the date the employee seeks to start the leave.

Eligible employees are entitled to take up to 12 weeks of unpaid leave during a 12-month period for the following purposes:

- ~~- childbirth~~ Childbirth, adoption or placement of a foster child within the first twelve months after birth or placement;
- ~~- or to~~ To care for a child, spouse, or parent with a serious health condition
- ~~;- or -~~ One's own serious health condition that make the employee unable to perform the functions of his/her position
- If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty as a member of the National Guard or military reserves.

~~-~~ A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. The City will observe a rolling 12-month period for purposes of tracking leave.

NOTICE OF LEAVE: When requesting leave, the employee must:

- Supply sufficient information for the City to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of leave;
- Provide the notice of the need for leave at least 30 days in advance or as soon as practicable;
- Cooperate with all requests for information regarding whether absences are FMLA-qualifying. Failure to comply may result in leave being delayed or denied.

~~Employees requesting leave due to the birth, adoption, or placement of a foster child are required to provide written notice at least 30 days prior to the date that leave is anticipated to begin or as soon as is possible if the event would occur earlier than anticipated.~~

MEDICAL AND OTHER CERTIFICATIONS: Employees requesting family leave related to the serious health condition of themselves or a child, spouse, ~~or~~ parent, or military caregiver leave may will be required to submit a health care provider's statement verifying the need for such leave, the beginning and ending dates, and the estimated time required. Failure to provide required certifications may result in the denial of the leave or request for leave on an intermittent basis.

The City, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, the City may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

When both spouses are employed by the City, they are jointly entitled to a combined total of 12 weeks of leave if the leave is for the birth, adoption, or placement of a foster child or to care for a parent with a serious health condition. Each spouse is entitled to 12 weeks of leave if the leave is due to his/her own serious health condition or to care for a son, daughter, or spouse with a serious health condition.

MILITARY CAREGIVER LEAVE: An employee who is the spouse, parent, child, or next of kin of a current member of the armed forces who was injured while on active duty may be eligible for up to 26 weeks of FMLA leave in a 12-month period.

When both spouses are employed by the City, they are jointly entitled to a combined total of 26 weeks of leave in a 12-month period, including the types of aforementioned leave listed.

CONCURRENT LEAVE: An eligible employee that is taking FMLA leave is required to use all accrued medical leave before going on unpaid status. The employee may choose, but is not required, to use accrued vacation and personal leave prior to taking leave on unpaid status. Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's 12 week FMLA entitlement.

INTERMITTENT LEAVE: When medically necessary, employees may take FMLA intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, or for military caregiver leave. Employees are required to cooperate with the City to arrange reduced work schedules or intermittent leave so as to minimize disruption of business operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Leave because of the birth or adoption of a child may not be taken intermittently and must be completed within the 12-month period beginning on the date of birth or placement of the child.

BENEFITS WHILE ON LEAVE: During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. Employees who normally made a contribution toward their health insurance coverage must continue to do so. If the employee has leave banks accrued and is using them, the employee's contribution will be collected in the same manner as if the employee were reporting to work. However, if the employee's leave banks have been exhausted, the employee must arrange with the Finance Department prior to the start of their leave, for the payment of the employee's share of the premiums and other voluntary deductions to be made during their absence. Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days.

RETURN TO DUTY: An employee who has taken leave for his/her own serious health condition, will be required to present certification of fitness for duty from a health care provider prior to returning to work. Failure to provide certification may cause denial of reinstatement.

Upon return to duty, an employee is entitled to restoration of the former position or an equivalent position with equivalent pay and benefits.

Sec. 3.23 HOURS OF WORK

The 40-hour workweek shall be the standard workweek unless otherwise provided. All employees may be required to work over 40 hours per week. Employees in non-exempt classifications shall be compensated at a rate of time and one half of their regular rate of pay for all hours worked over 40 in the work week. Exempt employees are not eligible for overtime for hours worked in excess of 40 during the workweek. For purposes of calculating overtime, hours worked shall include actual hours worked. Any payment for time not actually worked (leave time) shall not count towards the calculation of overtime. Overtime shall not be paid more than once for the same hours worked.

Department Directors may establish work periods and hours of work, which differ from the standard to meet special department needs or workloads with the approval of the City Administrator.

COMPENSATORY TIME: Compensatory time may be taken in lieu of time and half pay for overtime worked if approved by the Department Director. Each hour of overtime worked will be credited at one and one-half hours of time that can be taken off at a later date. The use of Compensatory time must be permitted by the Department policies and meet the Departments needs. These hours need to be recorded in the payroll system at the time of accrual and use.

When allowed by the Department Director, an employee may accrue no more than 60 hours of compensatory time in a calendar year. Any exceptions to this provision must have the written authorization of the Human Resources Director.

Sec. 4.01 LEAVE

The following types of leave are established and shall apply to all employees covered by these rules and regulations:

- | | |
|-------------------|--------------------------|
| 1. Paid Holidays | 7. Administrative Leave |
| 2. Vacation Leave | 8. Leave of Absence |
| 3. Medical Leave | 9. Funeral Leave |
| 4. Accident Leave | 10. Family Medical Leave |
| 5. Military Leave | 11. Personal Leave |
| 6. Court Leave | 12. Compensatory Time |
| | 13. Convenience Day |

All departments shall maintain a record of each employee accounting for time worked. All types of leave used must be documented on an Absence Report form as provided by the Human Resources Department. Each department is responsible for keeping track of vacation and medical leave for the employees within the department. The records should reflect hours earned, used, and unused.

Once an employee has exhausted all leave banks, they will not accrue any other benefits. This includes vacation time, medical leave time, holidays and personal days.

Sec. 4.11 PERSONAL LEAVE DAYS

Personal leave must be used in not less than one-hour increments.

The City provides two non-cumulative personal leave days each calendar year to all full-time regular status employees. Personal leave days are provided to employees to use in lieu of medical days for routine medical visits and to allow employees to take care of other personal business.

One personal leave day must be taken ~~by within the first six months of the calendar year~~ June 15th and one personal leave day must be taken ~~by within the last six months of the calendar year~~ December 15th. Prior approval of the Department Director is required for the days that are requested off.

In addition to two personal leave days, the City will provide one annual personal leave day that will be granted at the beginning of the calendar year and must be taken by ~~the end of the calendar year~~ December 15th. Annual personal leave may not be taken in less than one hour increments.

Sec. 4.12 CONVENIENCE DAY

One convenience day will be granted each calendar year to all exempt employees. This leave must be used in a full-day increment by December 15th and the date of leave approved by the employee's supervisor.



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item H1

**Approving Referral of the One & Six Year Street Improvement
Plan to the Regional Planning Commission**

Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 27, 2009

Subject: Approving Referral of the One & Six Year Street Improvement Plan to the Regional Planning Commission

Item #'s: H-1

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

Background

Attached is staff's recommended One and Six Year Street Improvement Plan. Adoption of a One and Six Year Street Improvement Plan is required by State law as part of the requirements to receive approximately three million dollars of gas tax funds each year.

Discussion

The attached draft One and Six Year Street Improvement Plan will be reviewed by the Regional Planning Commission and come back to the City Council for discussion, modification, and adoption in February. Administration recommends that the draft be referred to the Regional Planning Commission.

Our recommendation for the review of the proposed plan is as follows:

- Tuesday, January 27, 2009 - City Council refers the plan to the Regional Planning Commission
- Wednesday, February 4, 2009 – Regional Planning Commission conducts a Public Hearing and forwards a recommendation to the City Council
- Tuesday, February 10, 2009 – City Council hears a presentation from staff, conducts a Public Hearing, and passes a Resolution adopting the plan
- Prepare and submit the report to the Nebraska Department of Roads by March 1, 2009

The projects listed in the 1 & 6 generally follow along the items that are in the approved budget for capital items. The differences are noted as follows:

1. US Highway 281: The Nebraska Department of Roads (NDOR) is planning a construction project for US Highway 281 that will replace the northbound lanes of the highway from Old Potash Highway to State Street. The project will also lengthen the left turn lanes to increase safety. Both driving lanes at a total width of 25' will be removed and replaced. Sections of the roadway that were repaired at 25' width under the city's patching projects will remain in-place. The city's 20% share of the project cost will be paid for using STP funds administered by the NDOR and will not flow through the city's budget. The project was added to the 1 & 6 for 2009.
2. Stolley Drainage west of Blaine Street / Drainway from CCC to Wood River: The 2009 budget includes \$250,000 under the line item "Construct Drainway from CCC to Wood River". If the storm drainage system downstream of Blaine Street has adequate capacity, a project will be brought forward for council consideration to add an additional 24" storm drainage pipe along Stolley Park Road west of Blaine Street. If there is not adequate capacity, the budgeted funds will be used to get the Drainway started from the Central Community College to the Wood River.
3. Integrated and Comprehensive Drainage Plan: The need for an integrated and comprehensive drainage plan for the community became evident in summer of 2008. The funds for a study were added to the 1 & 6 for calendar year 2010.
4. Update Moores Creek Drainage plan: Public Works Engineering staff recommends that the integrated drainage plan be broken into drainage areas for study and grouped together into the comprehensive plan. The Moores Creek Drainage is one of the basins.

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 refer the One and Six Year Street Improvement Plan to the Regional Planning Commission.

Sample Motion

Move to approve referral of the One and Six Year Street Improvement Plan.

2009 Construction Season						
			(All costs in \$1,000s)			
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction						
M310- 501	Annual Paving Petition Program (2009)	\$300			\$300	
M310- 500	Widen Capital Avenue - Moores Creek Drainway to Webb Road - Construction	\$4,500	\$3,375			\$1,125
M310- 351	Hwy 30 - Grant to Greenwich - NDOR Project (FY 2007) - Pull Boxes for Roadway Lighting	\$20				\$20
M310- 508	Wasmer Cell Construction	\$873	\$698			\$175
M310- 537	Realign Walnut Middle School entrance with 15th St. & install traffic signal	\$270	\$270			
M310- 409A	S. Locust - Engineering for Completion of Paving to make 4 lanes	\$470		\$380		\$90
M310- 487A	Stolley Park Rd widening, Locust to Fonner Park Ent. (Eng Design & ROW)	\$150				\$150
M310- 550	Construct Left Turn Lane on North Road @ NW High School	\$56				\$56
M310- 566	Highway 281 Resurfacing	\$2,350	\$1,880	\$470		
M310- 499A	Broadwell/UPRR Grade Separation (Preliminary Engineering and Environmental)	\$640	\$512			\$128
Street Resurfacing						
M310- 503	Annual Resurfacing Program (2009)	\$600				\$600
Drainage & Flood Control						
M310- 505	Concrete Lining of Drainage Ditches (2009)	\$50				\$50
M310- 461	Moores,Prairie, & Silver Creek Flood Control - Construction for Northwest Grand Island *City Capital shows in budget book - NRD is handling contract	\$825	\$450			\$375
M310- 525	Storm Cell Improvements	\$10				\$10
M310- 459	Construct Drainway from CCC area to Wood River or Build Additional 24" Storm Drainage culvert along Stolley Park Road west of Blaine Street	\$250				\$250
M310- 382	Moores Creek Drainage - along North Road from Rogers Well to S. of Old Potash HWY	\$209				\$209
Other						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 515	Railroad Quiet Zone	\$194				\$194
M310- 389	Hike/Bike Trail Const. along Floodway - Hall County Park to S. Locust	\$408	\$326			\$82
Totals:		\$12,200	\$7,511	\$850	\$300	\$3,539

2010 Construction Season						
(All costs in \$1,000s)						
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction						
M310- 519	Annual Paving Petition Program (2010)	\$750			\$750	
M310- 409	S. Locust, I-80 to Floodway, Grading and Surfacing New Lanes	\$4,000		\$3,200		\$800
M310- 487	Stolley Park Rd widening, Locust to Fonner Park Entrance (Construction)	\$1,200				\$1,200
M310- 564	Stolley Park Rd widening, Fonner Park Entrance to Sthur Road (Construction)	\$920				\$920
M310- 545	Traffic Signal @ Rae Road/HWY 281	\$135				\$135
M310- 538	Round-a-bout - Capital Ave/North Rd Intersection	\$360				\$360
M310- 540	Intersection Improvements @ 13th & North Road	\$300				\$300
M310- 458	Traffic Signal - HWY 281/Wildwood Dr.	\$170	\$85			\$85
M310- 551	Intersection Improvements @ North Rd & Stolley Park Rd near UPRR	\$146				\$146
Street Resurfacing						
M310- 522	Annual Resurfacing Program (2010)	\$500				\$500
Drainage & Flood Control						
M310- 485	PVIP Cells & Drainage	\$127				\$127
M310- 507	Independence Avenue Drainage(Design/ROW)	\$80				\$80
M310- 505	Concrete Lining of Drainage Ditches (2010)	\$50				\$50
M310- 461	Moore's, Prairie, & Silver Creek Flood Control - Construction *City Capital shows in budget book, NRD is handling contract	\$825	\$450			\$375
M310- 567	Integrated and Comprehensive Drainage Plan	\$230				\$230
M310- 525	Storm Cell Improvements	\$10				\$10
Other						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 408	Hike/Bike Bridge Superstructure over two Platte River Channels	\$390	\$312			\$78
M310- 518	Railroad Quiet Zone	\$150				\$150
M310- 447	Hike/Bike Trail Construction - State St. to Veterans Home	\$292	\$234			\$58
Totals:		\$10,660	\$1,081	\$3,200	\$750	\$5,629

2011 Construction Season						
(All costs in \$1,000s)						
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction						
M310- 541	Annual Paving Petition Program (2011)	\$750			\$750	
M310- 533	Husker Highway Widening - from 1/4 Mi. west of HWY 281 easterly to Highway 281	\$1,200		\$900		\$300
M310- 353	Faidley Ave. - From North Road east towards Ridgewood Ave	\$1,250			\$1,250	
M310- 521	Swift Road - WWTP to Shady Bend Rd	\$450				\$450
M310- 528	State St/Diers Ave - Intersection Improvements	\$390				\$390
M310- 89	Capital Ave - Webb to Broadwell Ave	\$1,200				\$1,200
M310- 499A	Broadwell/UPRR Grade Separation (Engineering)	\$560	\$448			\$112
M310- 535	Realign Barr Mid. School entrance with Riverside Dr & signal @ Stolley/Adams	\$360	\$306			\$54
Street Resurfacing						
M310- 542	Annual Resurfacing Program (2011)	\$500				\$500
Drainage & Flood Control						
M310- 544	Concrete Lining of Drainage Ditches (2011)	\$50				\$50
M310- 461	Moore's, Prairie, & Silver Creek Flood Control - Construction *City Capital shows in budget book, NRD is handling contract	\$825	\$450			\$375
M310- 525	Storm Cell Improvements	\$10				\$10
M310- 485	PVIP Cells & Drainage	\$272				\$272
M310- 507	Independence Ave. Drainage (Construction)	\$350		\$280		\$70
Other						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 527	Misc. Safety Enhancements	\$150				\$150
M310- 565	Hike/Bike Trail Construction, S. Locust - Hwy 34 to Super 8 Motel	\$600	\$480			\$120
Totals:		\$8,942	\$1,684	\$1,180	\$2,000	\$4,078

2012 Construction Season						
			(All costs in \$1,000s)			
No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction						
M310- 546	Annual Paving Petition Program (2012)	\$750			\$750	
M310- 539	3rd Street Widening - Adams to Eddy St.	\$90				\$90
M310- 267	Two Bridge Replacements - Blaine @ Wood River (Engineering Design)	\$45				\$45
M310- 553	13th Street - Intersection Improvements @ Mansfield Rd/Redwood Rd	\$62				\$62
M310- 554	Resurface Wildwood Rd - U.S. HWY 281 to Locust St.	\$876	\$701			\$175
M310- 499A	Broadwell/UPRR Grade Separation (Right of Way)	\$1,000	\$800			\$200
M310- 552	Left Turn Lane on Husker HWY @ Heartland Lutheran High School	\$62				\$62
Street Resurfacing						
M310- 547	Annual Resurfacing Program (2012)	\$500				\$500
Drainage & Flood Control						
M310- 548	Annual Major Drainage Development (2012)	\$500				\$500
M310- 549	Concrete Lining of Drainage Ditches (2012)	\$50				\$50
M310- 461	Moore's, Prairie, & Silver Creek Flood Control - Construction *City Capital shows in budget book, NRD is handling contract	\$825	\$450			\$375
M310- 525	Storm Cell Improvements	\$10				\$10
M310- 511	Moore's Creek Drainage - along North Road from Old Potash HWY to Edna Dr.	\$150				\$150
Other						
M310- 385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310- 431	Hike/Bike Trail Construction, S. Locust Floodway to I-80	\$600	\$480			
M310- 527	Misc. Safety Enhancements	\$150				\$150
Totals:		\$5,695	\$2,431	\$0	\$750	\$2,394

		2013 Construction Season					
		(All costs in \$1,000s)					
	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
		Street Resurfacing					
M310-	555	Annual Paving Petition Program	\$750			\$750	
M310-	411	Highway 34 - Highway 281 to Locust - NDOR Project	\$1,336	\$1,069	\$267		
M310-	267	Two Bridge Replacements - Blaine @ Wood River (Construction)	\$250	\$120			\$130
M310-	499	Grade Separation Broadwell @ UPRR	\$10,800	\$9,720	\$1,080		
		Street Resurfacing					
M310-	557	Annual Resurfacing Program (2013)	\$500				\$500
		Drainage & Flood Control					
M310-	558	Annual Major Drainage Development (2013)	\$500				\$500
M310-	559	Concrete Lining of Drainage Ditches (2013)	\$50				\$50
M310-	461	Moore's, Prairie, & Silver Creek Flood Control - Construction (Due remainder of Project) *City Capital shows in budget book, NRD is handling contract	\$825	\$450			\$375
M310-	568	Update of Moore's Creek Drainage Plan	\$78				\$78
M310-	525	Storm Cell Improvements	\$10				\$10
		Other					
M310-	414	Hike/Bike Trail Const. - S Locust to Mormon Island (Parallel to I-80)	\$600	\$600			
M310-	385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310-	527	Misc. Safety Enhancements	\$150				\$150
		Totals:	\$15,874	\$11,959	\$1,347	\$750	\$1,818

		2014 and After Construction					
		(All costs in \$1,000s)					
	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
		Street Construction					
M310-	334	Widen Eddy Street Underpass to 5-lanes on south end	\$175				\$175
M310-	498	S. Locust - Illumination Lighting S. City Limits to I-80	\$1,000		\$800		\$200
M310-	352	Hwy 30 - Hwy 281 to west City Limits - NDOR Project *NDOR handling contract, using STP Funds which won't be reflected in budget book	\$13,000	\$11,110	\$1,890		
M310-	560	Annual Paving Petition Program (2014)	\$750			\$750	
M310-	502	Grade Separation Shady Bend Road @ UPRR	\$16,000	\$14,400	\$1,600		
M310-	536	Traffic Signal - Locust St./Fonner Park Heartland Event Center Center Entrance	\$150				\$150
M310-	556	Grade Separation North Road @ UPRR	\$7,600	\$6,840	\$760		
M310-	480	Independence Avenue Paving - Shanna St. to Manchester Ave.	\$1,050			\$1,050	
M310-	520	Capital Ave - Broadwell to St. Paul Road	\$1,000			\$1,000	
		Street Resurfacing					
M310-	561	Annual Resurfacing Program (2014)	\$500				\$500
		Drainage & Flood Control					
M310-	562	Annual Major Drainage Development (2014)	\$500				\$500
M310-	563	Concrete Lining of Drainage Ditches (2014)	\$50				\$50
M310-	461	Moore's, Prairie, & Silver Creek Flood Control - Construction (Due remainder of Project)	\$2,450	\$1,336			\$1,114
M310-	525	Storm Cell Improvements	\$10				\$10
		Other					
M310-	526	Hike/Bike Trail Const. along Floodway - S. Locust to Platte River	\$600	\$480			\$120
M310-	517	Hike/Bike Trail Const. - Veterans Home to Eagle Scout Park	\$600	\$480			
M310-	385	Geographic Information System (Continued development and maintenance)	\$25				\$25
M310-	416	BLDG Improvements at West Yard	\$375				\$375
M310-	527	Misc. Safety Enhancements	\$150				\$150
M310-	497	Illuminating Lighting - HWY 281, Stolley to Old Potash	\$250				\$250
		Totals:	\$46,235	\$34,646	\$5,050	\$2,800	\$3,619



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item I1

**#2009-24 - Approving Request from Vientiane Restaurant, LLC
dba Vientiane Restaurant, 523 West 4th Street for a Class “C”
Liquor License and Liquor Manager Designation for Chanh
Bandasack, 510 North White Street**

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-24

WHEREAS, an application was filed by Vientiane Restaurant, LLC, doing business as Vientiane Restaurant, 523 West 4th Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on January 17, 2009; such publication cost being \$14.91; and

WHEREAS, a public hearing was held on January 27, 2009 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 contingent upon final inspections.

_____ 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 approval of Chanh Bandasack, 510 North White 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, January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2009	☐ City Attorney



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item J1

Approving Payment of Claims for the Period of January 14, 2009 through January 27, 2009

The Claims for the period of January 14, 2009 through January 27, 2009 for a total amount of \$2,167,683.42. A MOTION is in order.

Staff Contact: David Springer