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# City of Grand Island



**Tuesday, February 24, 2009**

## **Council Session Packet**

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### **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**

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**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.

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### **Invocation**

### **Pledge of Allegiance**

### **Roll Call**

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

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

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

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

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## **MAYOR COMMUNICATION**

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



# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item E1**

### **Public Hearing on Walk to Walnut Safe Routes to School**

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

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Public Hearing on Walk to Walnut Safe Routes to School

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

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

## **Background**

A permanent easement is needed from the nearby park to allow for the driveway to Walnut Middle School to be re-aligned with the 15<sup>th</sup> Street and Custer Avenue intersection in connection with the Walk to Walnut Safe Routes to School project. The easement crosses park land and therefore falls under 4(f) regulations. The easement also displaces improvements that fall under 6(f) regulations.

The U.S. Department of Transportation's Section 4(f) law (49 USC 303) states that federal funds may not be approved for projects that use land from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless it is determined that there is no feasible and prudent alternative to the use of land from such properties and the action includes all possible planning to minimize harm to the property resulting from such use.

Section 6(f) of the Land and Water Conservation Fund (L&WCF) Act states that property purchased or developed with funds under the act may not be converted to other than outdoor public recreation uses. The Act also states that land required from such properties must be replaced with property of at least equal fair market value and of reasonably equivalent usefulness and location, or be compensated through other means in consultation with DNR, the agency responsible for administering L&WCF funds and other aspects of the Act.

## **Discussion**

The playground equipment and improvements at the detention cells that were built both south and north of Walnut Middle School were partially paid for with federal 6(f) funds. The easement for the proposed driveway to Walnut Middle School displaces some of the detention cell land. The displaced land will have to be replaced. Federal regulations

require a public process with public notice to convert the 4(f) and 6(f) park land to other uses.

### **Alternatives**

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

1. Conduct a public hearing
2. No action would result in stopping the project

### **Recommendation**

Public Works Administration recommends that the Council conduct a Public Hearing to gather public comments.

### **Sample Motion**

Not applicable.



# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item E2**

**Public Hearing on Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located in the 1900 Block on North Huston Avenue**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Request of Chris Riha, Representing, Viaero Wireless for Approval of a Condition Use Permit to Construct a Telecommunication Tower at 1817 Waugh Street

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

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

## **Background**

This is a request to allow for the construction of a 100 foot monopole telecommunication tower at 1817 Waugh Street to facilitate their cellular service area. The property is currently zoned R-3, medium density residential, the Grand Island Zoning Code requires that all telecommunication towers receive the approval of City Council in the form of a conditional use permit prior to construction.

The intent of the tower and telecommunication facilities and antenna regulations are to protect residential areas and land uses from the potential adverse impact of the installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers, and to ensure that towers and antennas are compatible with the surrounding land uses.

## **Discussion**

The City code specifies eight items to be submitted with the application for a tower development permit, all of those items have been submitted, with the exception of; 1). the engineering of the tower and foundation design, and, 2). a building permit application for the proposed tower. It appears reasonable to delay the submittal of these two items until after the City Council has approved the location. At the time of a request for a building permit then the engineering for the construction of the tower and improvements will need to be submitted before a building permit would be issued.

Information attesting to a diligent effort to collocate with any towers within a one mile radius has been submitted by the applicant. There were two towers identified within the

one mile radius of the proposed site, neither tower would facilitate the applicants proposed needs.

There were two deficiencies noted in the application, one was the exact location of the tower, to verify the required setbacks from adjacent property lines and the second is a landscaping plan. A landscaping plan is required as the proposal is to purchase the property and create an independent lot for the tower requiring landscaping to be installed adjacent to the streets in compliance with the City zoning regulation. The applicant has acknowledged the requirement and will include installation of street yard landscaping along with the development of the site.

The proposed tower location will be within the airport turning zone but appears to be 33' below the 150' height restriction imposed by the approach zone, a memorandum was sent to the Central Nebraska Regional Airport requesting their review and comment on February 6, 2009, as of this writing no concerns has been received.

### **Alternatives**

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

1. Approve the conditional use permit finding that the proposed use is a listed conditional use in the zoning code and that it will not be detrimental to public health, safety, and the general welfare of the community.
2. Disapprove or /Deny the conditional use permit, finding that the proposal does not conform to the purpose of the zoning regulations.
3. Modify the conditional use to meet the wishes of the Council
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the issue.

### **Recommendation**

City Staff recommends that the Council approve the request for a conditional use permit to construct this telecommunication tower, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

### **Sample Motion**

Move to approve the request for a conditional use permit as specified in the staff recommendation published in the Council packet and presented at the City Council meeting and finding that the application will conform with the purpose of the zoning regulations.





Non-Refundable Fee: \$200.00  
Return by: \_\_\_\_\_  
Council Action on: \_\_\_\_\_

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: Wireless Telecommunication Monopole Site.
  2. The owner(s) of the described property is/are: NE COLORADO CELLULAR, INC.  
d/b/a VIAERO WIRELESS  
**\*See Enclosed 6-Page Purchase Agreement - EXHIBIT A.**
  3. The legal description of the property is: Lots 2, 4 & 6, Blk. 29, Gilberts 3rd Add.,  
**\*See Enclosed Survey - EXHIBIT B.** to the City of Grand Island, Hall County, NE.
  4. The address of the property is: 1900 Block on N. Huston Avenue.
  5. The zoning classification of the property is: R3 Medium Density Residential Zone.  
**\*See Enclosed Zoning Map - EXHIBIT C.**
  6. Existing improvements on the property is: Playground Equipment.
  7. The duration of the proposed use is: Unforeseen.
  8. Plans for construction of permanent facility is: Mid to Late-2009.
  9. The character of the immediate neighborhood is: Commercial & Residential.  
**\*See Enclosed 2 Pages of 4 Pictures - EXHIBITS D & E.**
  10. There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.  
**\*See Enclosed 16-Page Property Owners Report - EXHIBIT F.**
  11. Explanation of request: VIAERO WIRELESS is proposing to construct a 100-FT Monopole, 9'W x 17'L x 9'H Aggregate Building for housing supporting Electronic Equipment, Backup Generator & 1,000 GA buried Propane Tank - all enclosed by a Padlocked Oriental Cedar Wood Fence. Purpose of Site is to improve Frequency Strength in immediate Proposed Area.  
**\*See Enclosed Color Photo - Simulation Photo - EXHIBIT G.**
- I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.  
**\*See Enclosed Supporting Material for Justification of Site - EXHIBIT H.**

2/3/09

Date

(970) 867-6767

Phone Number

Chris R. Riha  
Chris R. Riha, Owners(s) Site Acquisition Manager  
for VIAERO WIRELESS.

1224 W. Platte Avenue

Address

Fort Morgan, CO 80701

City

State

Zip

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



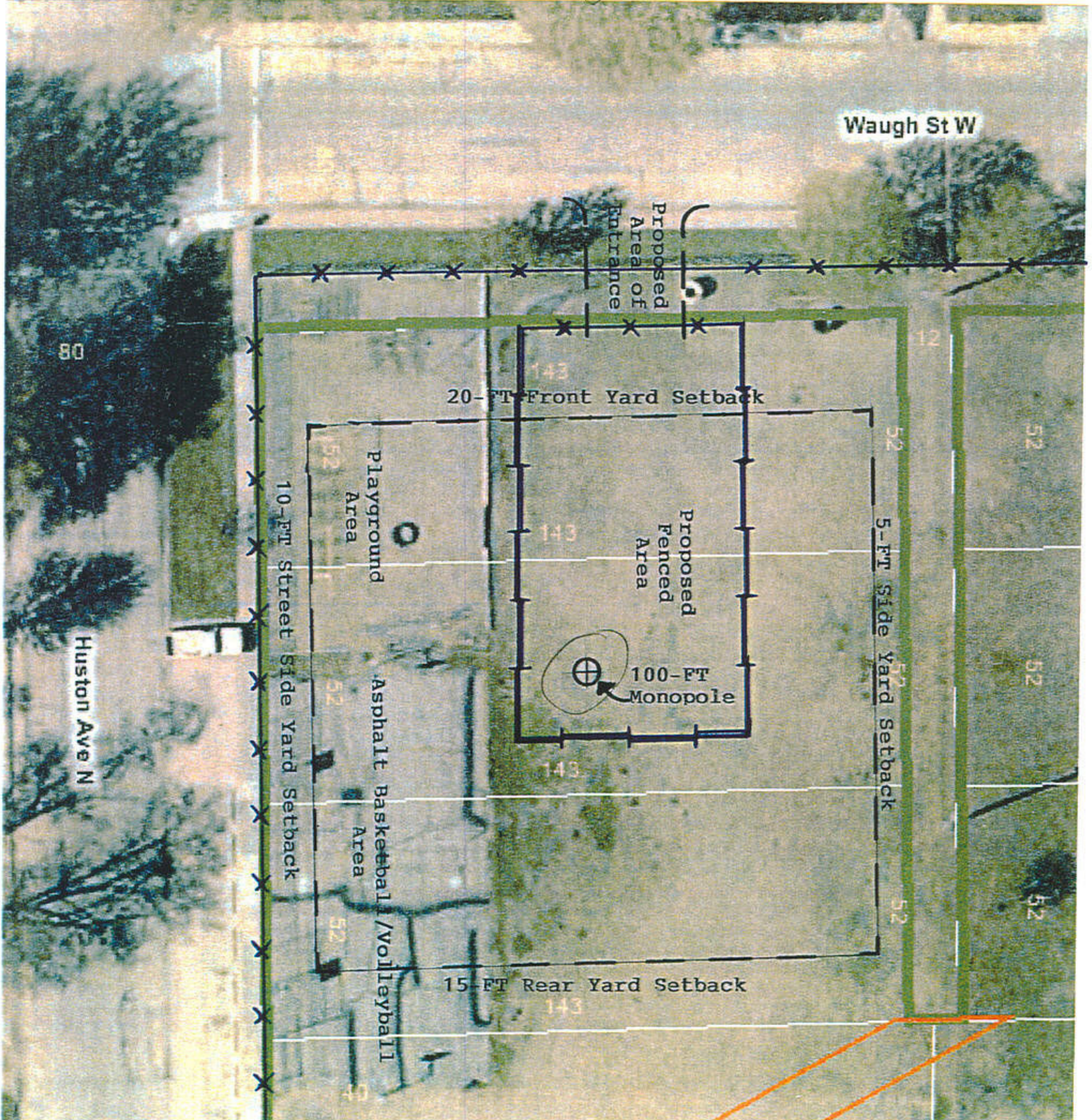


GRAND ISLAND, NE 5-PTS SITE

EXHIBIT A  
Page 6 of 6  
EXHIBIT C

*[Handwritten signature]*

Scale: 1/16th Inch = 1.84+/- Feet







# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item E3**

**Public Hearing Concerning Community Revitalization Grant,  
Phase II and Contract Amendment**

**Staff Contact: Barbara Quandt**

# **Council Agenda Memo**

**From:** Barbara Quandt, Community Development

**Meeting:** February 24, 2009

**Subject:** Public Hearing #2 Concerning Community Revitalization Grant, Phase II and Contract Amendment

**Item #'s:** E-3 & G-8

**Presenter(s):** Barbara Quandt, Community Development Administrator

## **Background**

In 2007, the Nebraska Department of Economic Development (DED) awarded a \$261,010 Community Development Block Grant (CDBG) to the City of Grand Island for Phase II of the Community Revitalization program. Grant funds were allocated for rehabilitation assistance for 7 homeowners and/or down payment assistance for 2 first time homebuyers. This public hearing combines two requirements into one hearing. A public hearing is required during the grant project period to solicit public comment and input into the proposed project and for a contract amendment request to the Nebraska Department of Economic Development. The contract amendment would allow the City to reallocate forty-four thousand seven hundred forty nine dollars (\$44,749.00) from Down Payment Assistance for first-time home buyers with minor rehabilitation to Owner-occupied Rehabilitation.

## **Discussion**

Notice of the public hearing was given February 11, 2009 in the Grand Island Independent and public comment is solicited at this time regarding 1) progress of the Phase II Community Revitalization Grant and 2) a proposed contract amendment budget request. A contract amendment is needed because of challenges in recruiting qualified applicants for the Down Payment Assistance program. There have been far more requests for homeowner rehabilitation than down payment assistance. There is a waiting list for the rehabilitation program. The Department of Economic Development requires a public hearing and Council approval for contract amendment requests.

## **Alternatives**

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

1. Move to approve the Community Revitalization Phase II contract amendment request 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 the Council approve the Community Revitalization Phase II contract amendment request and authorize the Mayor to sign all related documents.

## **Sample Motion**

Move to approve the Community Revitalization Phase II contract amendment request and authorize the Mayor to sign all related documents.

## CDBG CONTRACT AMENDMENT REQUEST FORM

This is not a required form to be submitted with a contract amendment request, however all items listed on the form are requirements of the Nebraska CDBG program to be considered for your contract amendment

CDBG Grant # 07-CR-002

CDBG Grantee City of Grand Island

DED Program Representative Steve Charleston

Person Completing this form Name Barbara Quandt

Contact Number: (308) 385-5444 Ext. 246

Please complete for each type of amendment requested

☐ Extension of Contract End Date – request for DED approval

Original Contract End Date \_\_\_\_\_

Current Contract End Date including any previously approved extensions \_\_\_\_\_

Proposed Contract End Date \_\_\_\_\_

### Required Attachments

Attachment 1: A letter from the Chief Elected Official stating the following

1. Certification that the local governing body has approved the extension;
2. Identification and reasons for the proposed amendment; including
  - a. Changes to the nature of the project requiring the amendment;
  - b. Steps being taken to avoid any future amendment requests for the same reasons
3. If additional local matching funds are required as a result of this extension, certification that such funds are available.

Attachment 2: A revised implementation schedule showing when major milestones will be completed for each activity

☐ Decrease in proposed accomplishments – request for DED approval

Original Proposed Accomplishments \_\_\_\_\_ Current Proposed Accomplishments \_\_\_\_\_

### Required Attachments

Attachment 1: A letter from the Chief Elected Official stating the following

1. Certification that the local governing body has approved the decrease in proposed accomplishments;
2. Identification and reasons for the proposed amendment; including
  - a. Changes to the nature of the project requiring the amendment;
  - b. Steps being taken to avoid any future amendment requests for the same reasons
3. If additional local matching funds are required as a result of this decrease, certification that such funds are available.

Attachment 2: A revised implementation schedule showing when major milestones will be completed for each activity

☐ Amendment to Housing Program Guidelines – request for DED approval

### Required Attachments

Attachment 1: Letter from the Chief Elected Official stating the following:

1. Certification that the local governing body has approved the amendment to the housing program guidelines;
2. Identification and reasons for the proposed amendment;
3. If additional local matching funds are required as a result of this amendment, certification that such funds are available.

Attachment 2: If the housing program guidelines amendment will affect major milestones, a revised implementation schedule showing when major milestones will be completed for each activity

Attachment 3: A complete copy of the proposed revised housing program guidelines

☐ **Budget Amendment - Notification to DED only**

Includes reallocating less than 10% of total original grant amount and does not include a new activity, deletion of an approved activity or an increase to General Administration or Housing Administration (no attachments required, however please complete the budgets below)

☒ **Budget Amendment -- request for DED approval**

Original Contract Budget Approved

		CDBG Funds	Other Funds	Total Funds
Activity Code	Activity Number			
0520		\$44,748		\$44,748

Proposed Budget After Amendment

		CDBG Funds	Other Funds	Total Funds
Activity Code	Activity Number			
0530		\$219,748		\$219,748

Required Attachments if the request includes reallocating more than 10% of total original grant amount and/or includes a new activity, deletion of an approved activity and/or an increase to General Administration and/or Housing Administration:

Attachment 1: Letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the budget amendment;
2. Identification and reasons for the proposed budget amendment; including
  - a. Changes to the nature of the project requiring the amendment
  - b. Steps being taken to avoid any future amendment requests for the same reasons
3. If additional local matching funds are required as a result of this amendment, certification that such funds are available.
4. If the amendment includes a new activity, certification that the activity meets the national objective

Attachment 2: Minutes from the public hearing held on the proposed amendment

Attachment 3: If the budget amendment will affect major milestones, a revised implementation schedule showing when major milestones will be completed for each activity

Attachment 4: Certification of re-evaluation of the environmental assessment (this form is included in the CDBG Administration Manual Chapter 7: Environmental Review Attachment 14)

DED Use Only	
Date amendment request received	
Date amendment approved/denied	



**CERTIFICATION OF CONTINUED ENVIRONMENTAL COMPLIANCE**

Nebraska Department of Economic Development  
 Community Development Block Grant Program  
 Or  
 HOME Investment Partnerships

Grantee Name: City of Grand Island Grant Number: 07-CR-002

Original Level of Finding: Categorically Excluded Subject to 58.5

Date of Determination: March 28, 2008

Date Notice of Intent Published: March 31, 2008

Date Request to Release Funds Submitted to DED: April 7, 2008

Date Cleared by DED: April 24, 2008

"In accordance with the provisions of 24 C.F.R. Part 58.47, it is the finding of the Certifying Officer of the above referenced grantee that [check one of the following]:

1. ☒ The scope, scale, nature, magnitude and location of the project are substantially unchanged from that as originally reviewed and approved; further, no new circumstances or environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions, have been discovered; and the selection of an alternative not in the original finding is not proposed. Re-evaluation of the project under §58.47 is therefore not required. The same conditions that previously applied to the project remain unchanged and are summarized below.

OR

2. ☐ The scope, scale, nature, magnitude and/or location of the project have substantially changed from that as originally reviewed and approved; or, new circumstances or environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions, have been discovered; or, the selection of an alternative not in the original finding is now proposed. Re-evaluation of the project under §58.47 is required; the findings in the ERR have been updated per §58.47(b) and are described below.

I certify that the above statements accurately reflect the revisions to the project scope of work and that such revisions do not alter the basis under which the project received its original environmental status determination.

Signature of Environmental Certifying Officer:

Address:

Title: Mayor

P.O. Box 1968

Date: February 24, 2009

Grand Island NE 68802



# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item E4**

**Public Hearing Concerning Acquisition of Utility Easement - 610  
West Division Street - Hope Harbor**

**Staff Contact: Gary R. Mader**

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Acquisition of Utility Easement – 610 West Division Street  
Hope Harbor

**Item #'s:** E-4 & G-9

**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 Hope Harbor located at 610 West Division 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**

Hope Harbor is totally remodeling their building. As part of the remodel, they will be replacing their electrical service and increasing the size to handle their electrical load. This easement will be used to place primary underground conduit, cable, and a pad-mounted transformer. Their service will go from the transformer to the building.

## **Alternatives**

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

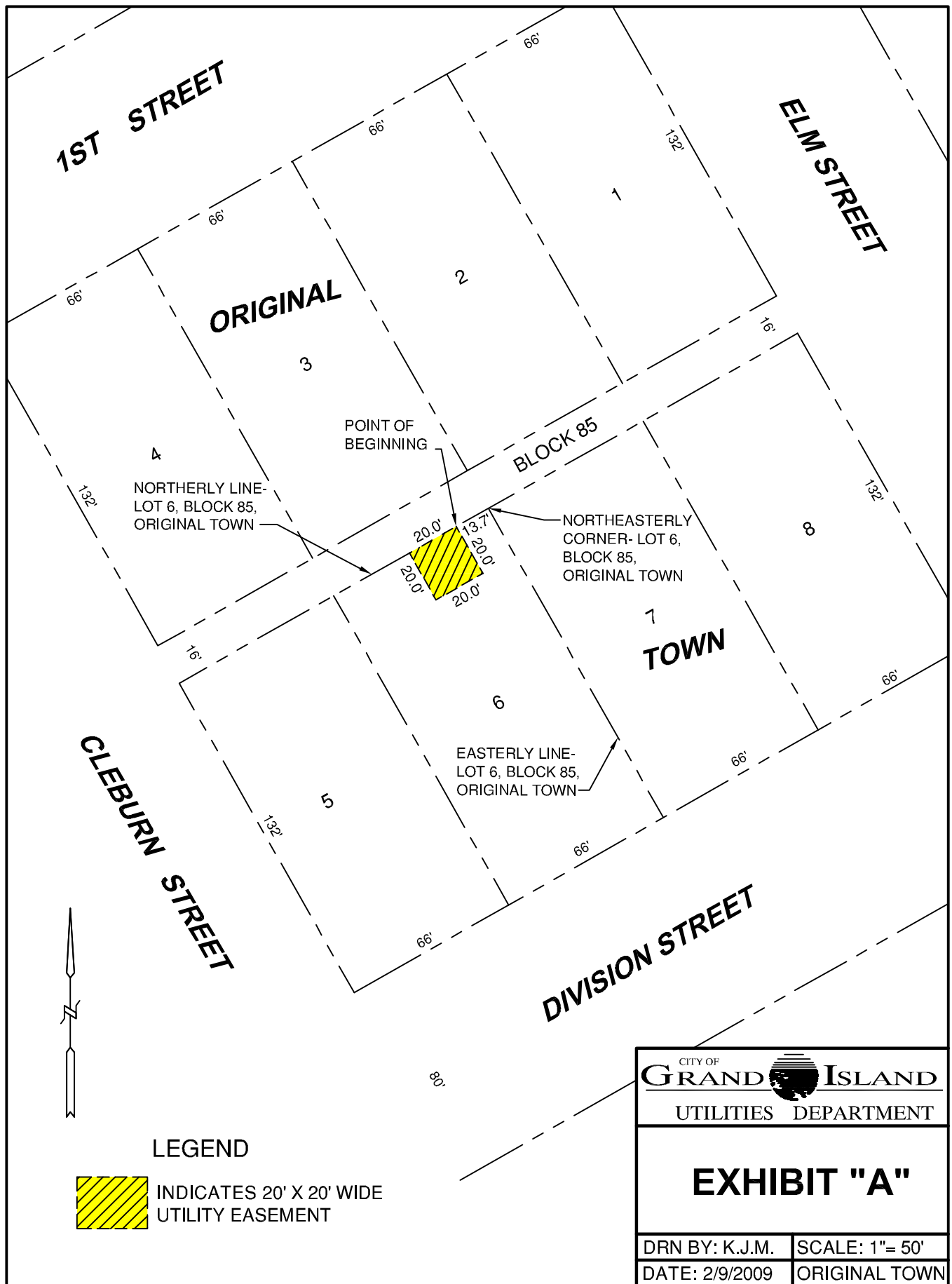
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **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, February 24, 2009**

**Council Session**

## **Item G1**

**Approving Minutes of February 10, 2009 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING

February 10, 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 February 10, 2009. Notice of the meeting was given in *The Grand Island Independent* on February 4, 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, and Gericke. Councilmember Niemann was absent. 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 Zach Shultz, Sam Schneider and Danielle Jim.

#### PUBLIC HEARINGS:

Public Hearing on One & Six Year Street Improvement Program. Steve Riehle, Public Works Director reported that adoption of a One and Six Year Street Improvement Program was required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. This item was referred to the Regional Planning Commission by Council at their January 27, 2009 Regular Meeting. The Regional Planning Commission conducted a Public Hearing at their February 4, 2009 meeting. Mr. Riehle presented a PowerPoint explaining the recommendations. No public testimony was heard.

#### ORDINANCES:

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

#9204 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Motor Vehicles and Traffic

#9205 – Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

#9206 – Consideration of Vacation of a Public Utility Easement in Part of Lot One (1) Mainland of Section 27, Range 11 West, Township 9 North – 2707 & 2709 South Locust Street (South Pointe Development, LLC)

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

Public Works Director Steve Riehle explained Ordinances #9204 and #9205 were updates to Chapter 22 and 32 of the Grand Island City Code. Mr. Riehle stated a correction needed to be made to Ordinance #9204 under §22-86 Parking Near Intersections. The following needed to be added to the last sentence “unless designated as parking stalls painted on the roadway.” Discussion was held regarding handicapped parking pavement markings and/or signs, asphalt/hot mix/concrete driveways, and sidewalk districts.

Mr. Riehle reported Ordinance #9206 was needed to vacate a public utility easement at 2707 & 2709 South Locust Street.

Motion by Meyer, second by Carney to approve Ordinances #9204, #9205 and #9206.

City Clerk: Ordinances #9204, #9205 and #9206 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9204, #9205 and #9206 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9204, #9205 and #9206 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda items G-2, G-6, G-9 and G-13 were pulled for further discussion. Motion by Carney, second by Zapata to approve the Consent Agenda excluding items G-2, G-6, G-9 and G-13. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 27, 2009 City Council Regular Meeting.

#2009-25 – Approving Final Plat and Subdivision Agreement for Fairway Crossings at Indianhead Golf Club First Subdivision. It was noted that Indianhead Golf Club, Inc. owner had submitted the Final Plat and Subdivision Agreement for Fairway Crossings at Indianhead Golf Club First Subdivision for the purpose of creating 77 lots located north of Husker Highway east of Engleman Road comprising of approximately 31.94 acres.

#2009-26 – Approving Final Plat and Subdivision Agreement for South Pointe Subdivision. It was noted that South Pointe Development LLC, owner and Raymond J. O’Connor Managing Member had submitted the Final Plat and Subdivision Agreement for South Point Subdivision for the purpose of creating 1 lot located north of Highway 34 and east of South Locust Street comprising of approximately 1.966 acres.

#2009-27 – Approving Safe Havens: Supervised Visitation and Safe Exchange Grant.

#2009-29 – Approving Interlocal Agreement with Hall County for Improvements to Shady Bend Road between Bismark Road and Gregory Avenue.

#2009-30 – Approving Update to Resolution 2006-103; Designated Truck Routes Within the City of Grand Island.

#2009-32 – Approving Contract for Business Continuity and Recovery Services with IBM in an Amount of \$282.00 per month.

#2009-33 – Approving Bid Award for (2) Tricycle Design Triplex Greens Mowers with Van Wall Equipment of Omaha, Nebraska in an Amount of \$43,691.22.

#2009-34 – Approving Bid Award for New Commercial 126” Cut Rotary Turf Mower with Midwest Turf and Irrigation of Omaha, Nebraska in an Amount of \$46,510.00.

Approving Appointments of Roger Bullington, John Hoggatt, Denzel Rasmussen, and Jack Henry to the Grand Island Facilities Corporation. City Attorney Dale Shotkoski answered questions concerning the purpose of this committee.

Motion by Haase, second by Gilbert to approve the appointments to the Grand Island Facilities Corporation. Upon roll call vote, all voted aye. Motion adopted.

#2009-28 – Approving Bid Award for Application of a Corrosive Resistant Coating System to Concrete Surfaces of Odorous Air Scrubbing Filter Number 2 (Bio-Filter) at the Waste Water Treatment Plant with the Mongan Painting Company, Inc. of Cherokee, Iowa in an Amount of \$35,230.00. Public Works Director Steve Riehle answered questions regarding the use of out-of-town bidders versus local bidders. It was mentioned that the local bidder did not meet the specifications.

Motion by Gilbert, second by Nickerson to approve Resolution #2009-28. Upon roll call vote, all voted aye. Motion adopted.

#2009-31 – Approving Agreement for Engineering Consulting Services Regarding Industrial Waste Water Permitting with HDR Engineering, Inc. of Omaha, Nebraska in an Amount not-to-exceed \$42,550.00. Public Works Director Steve Riehle answered questions concerning previous consulting services.

Motion by Zapata, second by Nickerson to approve Resolution #2009-31. Upon roll call vote, Councilmember’s Meyer, Haase, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

#2009-35 – Approving Interlocal Agreement between the City of Grand Island, the Village of Alda, and the U.S. Department of Agriculture, Rural Development to Provide Water to the Village of Alda, Nebraska.

Motion by Gilbert, second by Carney to refer Resolution #2009-35 to a Study Session. Upon roll call vote, Councilmember’s Gilbert, Haase, and Dugan voted aye. Councilmember’s Meyer, Carney, Ramsey, Zapata, Nickerson, and Gericke voted no. Motion failed.

Discussion was held regarding annexation of property in order to supply water. Kuester’s Lake was mentioned. Marlan Ferguson, 2808 Apache Road commented on the issues surrounding



Kuester's Lake when he was City Administrator. Water was not provided due to the costs and because the property owners protested the annexation.

Utilities Director Gary Mader provided background information and answered questions regarding the Interlocal Agreement.

Motion by Meyer, second by Gericke to approve Resolution #2009-35. Upon roll call vote, Councilmember's Meyer, Haase, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke voted aye. Councilmember Gilbert voted no. Motion adopted.

#### REQUESTS AND REFERRALS:

Consideration of Annexation for Property Located South of Case New Holland and West of US Highway 281 and Refer to the Regional Planning Commission. Chad Nabity, Regional Planning Director reported that a request from CNH America LLC had been received to annex property located south of Case New Holland and west of US Highway 281, north of the Riverview Apartments for the purpose of having all their property within the City limits.

Motion by Meyer, second by Gericke to approve the referral of the Annexation for property located south of Case New Holland and west of US Highway 281 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2009-36 – Consideration of the One & Six Year Street Improvement Program. This item related to the aforementioned Public Hearing. It was recommended that staff use the word funded or approved projects instead of definite projects. Discussed were costs, traffic light on 2<sup>nd</sup> Street, Broadwell grade separation, time lines for projects, and GIS system.

Motion by Zapata, second by Meyer to approve Resolution #2009-36. Upon roll call vote, all voted aye. Motion adopted.

#2009-37 – Consideration of Economic Development Incentive Agreement with Ace Machine Shop & Sales, Inc. Mark Stelk representing the Citizens' Review Committee reported that Ace Machine Shop & Sales, Inc. had submitted an application for LB840 funding to develop a start-up business and the hiring of approximately 7 new full time jobs. Requested was \$17,500 for job creations and \$15,000 for upgrade to infrastructure for a total of \$32,500.

Motion by Haase, second by Meyer to approve Resolution #2008-37. Upon roll call vote, all vote aye. Motion adopted.

#2009-38 – Consideration of Approving Contract for Website Rebuild with Vision Internet of Santa Monica, California in an Amount of \$47,945.00. Public Information Officer Wendy Meyer-Jerke and Assistant to the City Administrator Paul Briseno presented a PowerPoint presentation showing how a dynamic website would better showcase the City of Grand Island. Discussion was held regarding staff time, decentralization and operating costs.

Motion by Meyer, second by Dugan to approve Resolution #2009-38. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of January 28, 2009 through February 10, 2009, for a total amount of \$2,222,320.45. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item G2**

**Approving Minutes of February 17, 2009 City Council Study Session**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

February 17, 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 Community Meeting Room of City Hall, 100 East First Street, on February 17, 2009. Notice of the meeting was given in the *Grand Island Independent* on February 11, 2009.

Mayor Margaret Hornady called the meeting to order at 7:00 p.m. The following Councilmember's were present: Gericke, Nickerson, Ramsey, Dugan, Haase, Gilbert, Niemann, and Meyer. Councilmember's Carney and Zapata were 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.

Discussion Concerning Budget Amendment. David Springer, Finance Director reported this item was brought back to a Study Session at the request of Council. A discussion with the State Auditor's office had determined that a long standing procedure used in the budgeted appropriations calculation was not the preferred method and it would be appropriate to amend the current year's budget and revise the process for future state budget submittals. After speaking with the Auditor's office last week, Mr. Springer stated an amendment would probably not be necessary.

Discussion was held concerning carry-over projects in the 2010 budget. A budget amendment could be approved if needed later on in this fiscal year. Exceeding line item budgets were mentioned.

Discussion Concerning Balanced Budget. Councilmember Haase requested that the City Council amend the City Fiscal Policies to include a Balanced Operating Budget definition.

Councilmember Haase recommended the following definition to the Fiscal Policies: A Balanced Operating Budget is defined when current year operating revenues equal or exceed the current year operating expenses.

Mentioned was the financial trend monitoring system presented to the Council at their January 20, 2009 meeting. Mr. Haase wanted to see a balanced budget that does not include reserves.

Comments were made concerning fiscal responsibility, acceptable industry definitions for a balanced budget, current-year operating expenses, debt, cash reserves, and expenditures approved by council.

City Administrator Jeff Pederson commented on one-time revenues or unsustainable revenues, financial trend monitoring system which gives indicators to act on warnings signs and for council to take appropriate action steps. This will be discussed further at the Council Retreat on Saturday, February 21, 2009.

Finance Director David Springer clarified General Fund allocated revenues. The decrease was due to Capital expenditures. To increase revenues, an increase in property taxes was mentioned.

Several comments were made about the good things happening in Grand Island and not to be tied down to a specific definition.

Mayor Hornady commented on all the positive things that have happened to improve the quality of life in Grand Island.

ADJOURNMENT: The meeting was adjourned at 7:35 p.m.

RaNae Edwards  
City Clerk



# **City of Grand Island**

**Tuesday, February 24, 2009**

**Council Session**

## **Item G3**

**#2009-39 - Approving 2009 High Intensity Drug Trafficking Area  
(HIDTA) Grant**

**Staff Contact: Steve Lamken**

# **Council Agenda Memo**

**From:** Steven Lamken, Police Chief

**Meeting:** February 24, 2009

**Subject:** Drug Task Force HIDTA Funding

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

**Presenter(s):** Steven Lamken, Police Chief

## **Background**

The Tri City Drug Task Force has been supported with Federal High Intensity Drug Trafficking Areas (HIDTA) funding for several years. The Grand Island Police Department has been awarded HIDTA funds for several years that support the operations of the Task Force. The Police Department has been awarded \$54,892 for the 2009 fiscal year.

## **Discussion**

The Police Department has been the recipient of Federal HIDTA funding used to support the Tri City Drug Task Force. The funding awards are used to support the Task Force operations. The funds support costs and utilities for the off site offices and investigative operations funds. The funding is provided by the Federal Government and does not require any matching funds from the City. The 2009 fiscal award to the Police Department is \$54,892. Acceptance of the award will provide funding for the continued operation of the Drug Task Force.

## **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 2009 HIDTA funding award of \$54,892 and have the Mayor sign the contract agreement.

### **Sample Motion**

Move to approve the 2009 HIDTA funding award of \$54,892 and have the Mayor sign the contract agreement.



RESOLUTION 2009-39

WHEREAS, the Police Department has received High Intensity Drug Trafficking Areas (HIDTA) funding awards for many years, and

WHEREAS, the HIDTA funding awards support the operations of the Tri City Drug Task Force, and

WHEREAS, the Tri City Drug Task Force is an effective law enforcement operation contributing to the suppression of the sale and distribution of illegal drugs in Grand Island and surrounding areas, and

WHEREAS, the Police Department has been awarded \$54,892 of funding for the 2009 fiscal year for the continued operations of the Tri City Drug Task Force.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute the HIDTA Contract Agreement for the acceptance of the 2009 fiscal year funding award to the Grand Island Police Department.

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G4

**#2009-40 - Approving Agreement with Nebraska Department of  
Roads for Repairs to a Portion of US Highway 34/US Highway 281**

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

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Approving Agreement with NDOR for Repairs to a Portion of US Highway 34/US Highway 281

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

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

## **Background**

All agreements must be approved by the City Council. The Nebraska Department of Roads (NDOR) is preparing plans for repair work on US Highway 34 and US Highway 281.

## **Discussion**

The repair work on US Highway 34 and US Highway 281 will consist of the following:

- Hot mix asphalt resurfacing of the northbound lanes of US Highway 34/281 from north of Interstate 80 to the US Highway 34/281 intersection
- Hot mix asphalt resurfacing of the northbound lanes of US Highway 281 from the US Highway 34/281 intersection to the viaduct over the Union Pacific Railroad & Old Highway 30
- Concrete pavement removal and replacement on the northbound lanes of US Highway 281 from Old Potash Hwy to Capital Avenue
- Concrete pavement repair
- Culvert extensions
- Grading
- Guardrail
- Adding north bound right-turn lanes at Faidley Ave, 13<sup>th</sup> Street & State Street
- Lengthening northbound left-turn lanes at Old Potash Hwy, Faidley Avenue, 13<sup>th</sup> Street & State Street
- Relocating roadway lighting units
- And crack sealing

The City of Grand Island will pay 20% of the preliminary engineering, utilities, construction and construction engineering costs for the portions of the project that are within the City's corporate limits. The City's share is currently estimated to be \$1,075,520.31.

### **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 approve a resolution authorizing the Mayor to sign the agreement.

### **Sample Motion**

Move to approve authorization for the Mayor to sign the agreement.

## A G R E E M E N T

PROJECT NO. NH-34-4(131), STATE CONTROL NO. 42433  
CITY OF GRAND ISLAND  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
IMPROVE US-34/US-281 IN GRAND ISLAND

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

WITNESSETH:

WHEREAS, it is the desire of the parties that a portion of US-34/US-281 be improved at the location as shown in Exhibit "A" attached, which is hereby made a part of this agreement, and

WHEREAS, said improvement is located within the designated urban area of Grand Island, Nebraska, and funds administered by the State, hereinafter known as "State Funds," have been made available for the construction of improvements such as this, and

WHEREAS, Federal Regulations provide that the City shall not profit or otherwise gain from local property assessments that exceed the City's share of project costs, and

WHEREAS, it is the further desire of the City that the proposed urban construction be included in a project under the designation of NH-34-4(131), as evidenced by the Resolution of the City Council dated the \_\_\_\_ day of \_\_\_\_\_, 2009, attached hereto, identified as Exhibit "B," and hereby made a part of this agreement, and

WHEREAS, the description of the project is as follows:

This project will consist of new concrete pavement, concrete repair, and asphaltic concrete overlay at the locations as shown in Exhibit "C" attached, and hereby made a part of this agreement. The project will also include culvert extensions, grading, guardrail, adding right-turn lanes, lengthening left-turn lanes, relocating lighting units, and asphaltic concrete crack sealing.

NOW THEREFORE, in consideration of these facts and the mutual promises of the parties hereto, it is hereby agreed that the construction or reconstruction of the aforesaid highway between construction limits described in Exhibit "C" attached hereto, denoting Project No. NH-34-4(131), shall be accomplished according to and in the manner provided by plans and specifications to be prepared by the State, which are to be, by this reference, made a part of this agreement.

And the parties agree further as follows:

SECTION 1. The City agrees for the portion of the project within its corporate limits:

- (a) To pass and enforce an ordinance as required to effect the following restrictions within the project limits: No parking.
- (b) To prohibit business establishments being located in such a way that vehicles being served will be required to stand on said public highway right of way.
- (c) To require that all future entrances from private property to the public right of way within the limits of this project receive prior approval of the Director or his authorized representative.
- (d) To clear, at no cost to the State, the present right of way of this project of all advertising signs. The City also agrees, at no cost to the State, to clear any other privately owned facility or thing that may interfere with the construction, maintenance and operation of the improvement planned in this project, and to keep the old and new right of way free of future encroachments, except those authorized by permit from the City and approved by the State and Federal Highway Administration.
- (e) If the City performs any part of the work on this project itself, the City agrees to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb. Rev. Stat. §48-1101 through 48-1126, 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 "D" attached hereto and hereby made a part of this agreement. The reference to "Contractor" in this exhibit shall mean the "City."

(f) **DISADVANTAGED BUSINESS ENTERPRISES**

(1) **Policy**

The City and State further agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the disadvantaged business requirements of 49 CFR Part 26 are hereby made a part of and incorporated by this reference into this agreement.

(2) **Disadvantaged Business Enterprises Obligation**

The City and State further agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed

in whole or in part with Federal funds provided under this agreement. In this regard, the City shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of FHWA assisted contracts.

The City acting as a subrecipient of Federal-aid funds on this project agrees to adopt the disadvantaged business enterprise program of the State for the Federal-aid contracts the City enters into on this project.

On any work performed by the City, failure of the City to carry out the requirements set forth above shall constitute breach of contract and, after the notification of the FHWA, may result in termination of the agreement or contract by the State or such remedy as the State deems appropriate.

- (g) Any changes in the roadway geometrics, either during project construction or after the project is completed, including but not limited to access control, driveways, median breaks, parking restrictions or any other traffic control items shall require prior approval of the State with Federal Highway Administration concurrence.
- (h) To provide, where the proposed construction involves a change in the grades established by City ordinance, that an amendment to said ordinance be passed, reestablishing said grades as shown in the plans without cost to the State.
- (i) That the State may use Old Potash Highway, Webb Road, and State Street, as shown on Exhibit "E" hereto and hereby made a part of this agreement, as a detour for highway traffic during construction of the project from Old Potash Highway to State Street. The State agrees, at no cost to the City, to maintain these said City streets during their use as a detour and return said streets to the City at the conclusion of their use as a detour in the condition as they existed prior to their use as a detour.
- (j) That the State may use Old Potash Highway, Webb Road and Capital Avenue, as shown on Exhibit "F" hereto and hereby made a part of this agreement, as a detour for highway traffic during construction of the project between State Street and Capital Avenue. The State agrees, at no cost to the City, to maintain these

said City streets during their use as a detour and return said streets to the City at the conclusion of their use as a detour in the condition as they existed prior to their use as a detour.

- (k) To reduce the posted speed limit on US-281 from 50 miles per hour to 45 miles per hour from north of Husker Highway (approximate US-281 R.P. 68+20) to north of the Burlington Northern Santa Fe Railroad viaduct (approximate US-281 R.P. 72+20) before construction of said segment of the project has been completed and opened to traffic.

SECTION 2. 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. By signing this agreement, the City agrees to adopt, on the improvement contemplated in this agreement, the Nebraska Department of Roads' Policy for Accommodating Utilities on State Highway Right of Way issued by the State August, 1998, and its subsequent revisions or additions.

The City further agrees:

- (a) To comply with Neb.Rev.Stat. §39-1361, and the rules and regulations of the Department of Roads before making or allowing to be made, any utility excavation, pavement cuts or performing other activity upon said highway, and shall be responsible to see that all such work is performed according to the rules and regulations of, and by authority of a permit granted by the Department of Roads of the State of Nebraska.
- (b) To furnish or cause to be furnished all of the labor, tools, equipment and materials for the rehabilitation of its municipally owned utilities as made necessary by the construction of this project.
- (c) To prepare and submit to the State upon receipt of preliminary construction plans for this project a plan and estimate detailing anticipated location and nonbetterment costs for the rehabilitation of all municipally owned utilities as made necessary by this project. It is mutually understood that all nonbetterment municipal utility rehabilitation costs within the corporate limits of the City will become a project cost, but that outside said City limits only the nonbetterment portion of the rehabilitation costs of facilities currently occupying private right of way will be reimbursed. The cost of nonbetterment rehabilitation of municipally



owned and operated utilities within the corporate limits is currently unknown. Should this project necessitate the nonbetterment rehabilitation of any municipally owned and operated utilities, the parties hereto agree to enter into an agreement to provide for the design and construction of the nonbetterment utilities and the reimbursement to the City for the State's share of the costs of the rehabilitation of municipally owned and operated utilities. Said agreement shall be entered into prior to utility work beginning.

SECTION 3. The City agrees to pay 20% of the preliminary engineering, utilities, construction and construction engineering costs for the project that are located within the City's corporate limits. The City's share is currently estimated to be \$1,075,520.31. Both parties recognize this is a preliminary estimate and the final cost may well be higher or lower. Thirty days after the project has been awarded, the State will invoice the City for \$137,500.00, which is approximately one month's advance of the City's share of the construction costs, and will bill the City thereafter in the amount of the City's share of the contractor's progress estimates. The State will, at its discretion, invoice the City for the preliminary engineering, utilities and construction engineering costs incurred by the State prior to letting and during the progression of the project. The City agrees to pay the State within thirty days after receipt of an invoice from the State. The final settlement between the State and the City will be made following final audits and when the final costs have been determined by the State. The City and State agree the City's final total cost share for the project shall be determined in accordance to the terms and conditions set forth as follows:

- (a) Construction. The City's share of the construction costs shall be determined by the State from bid prices and plan quantities, and any construction credits or additional charges due as determined by the State during the construction of the project. Construction credits or additional charges due will be made via change orders, changed quantities and plan revisions, which are hereinafter referred to collectively as "Changes". The State will have sole authority to allow any Change required for construction of this project, including any change that is located within the City's corporate limits. When said Change is approved by the State, the City's share of the cost shall be adjusted in an amount equal to 20 percent of the additional costs or savings that result from said Change. Prior to the issuing of a Change, the State will notify the City of any change in participation.
- (b) Preliminary Engineering. The State will determine the City's preliminary

engineering cost share by dividing the project's total preliminary engineering cost

by the project's total construction cost and then multiplying the resulting percentage times the City's construction cost share.

- (c) Utilities. The City's utility cost share shall be 20% of the project eligible utility relocation costs based on all costs necessary to relocate project eligible utilities that are necessary to construct the project that are located within the City's corporate limits. The State shall determine what utility work is eligible to be a project cost.

- (d) Construction Engineering. The State will determine the City's construction engineering cost share by dividing the project's total construction engineering cost by the project's total construction cost and then multiplying the resulting percentage times the City's construction cost share.

SECTION 4. The Federal share of this project shall be reduced by any project specific local property assessments that exceed the appropriate local share on this project. This is subject to State review.

SECTION 5. All traffic control devices will conform to the latest approved edition of the Manual on Uniform Traffic Control Devices. If the City is to perform or contract for any work, they will develop a traffic control plan. The plan will be provided to the State's Project Manager for approval and acceptance. It will be the City's responsibility for the operation and maintenance of the approved traffic control plan.

SECTION 6. The City agrees that it will, without any cost to the State, provide and pay for the electrical energy for all of the luminaires of the roadway lighting system which may be constructed as a part of this project, including the electrical energy which may be required during the construction period of the project for lamp stabilization, luminaire adjustment, and system testing. Electrical energy shall be provided for dusk to dawn lighting, and the lighting level shall be uniform and constant through the hours of darkness. The City shall not knowingly permit any of the luminaires to remain inoperative for any unreasonable length of time. The City shall also provide all required maintenance for the said lighting system at no expense to the State. Such required maintenance will include but not be limited to the repair or replacement of all defective and burned out lamps as may be discovered or reported or as may be revealed by at least monthly routine maintenance patrols, the routine cleaning of luminaires annually and also for repair or replacement of any part of the roadway lighting system which might be necessary as a result of material deterioration, pole knockdown, mechanical or electrical failure. In the event any part of the lighting system is damaged, the City will be responsible for furnishing replacements for any equipment which is so damaged and will furnish all labor and other material necessary and will complete the repairs at no cost to the State. It is

further understood that the City shall be entitled to all damages collected from any wrongdoer who may have put the City to the expense of having to repair the damaged lighting installation. SECTION 7. The State hereby grants to the City a permit to use State highway right of way in the vicinity in which such roadway lighting will be constructed, for ingress and egress for the purpose of operating and maintaining the said roadway lighting in accordance with this agreement.

SECTION 8. The City further agrees to comply with all traffic safety regulations, including those prescribed in the latest approved edition of the Manual of Uniform Traffic Control Devices and to use extreme caution when working in the State right of way and not block or encroach upon any traffic lane without first providing appropriate traffic control to direct traffic.

SECTION 9. It is hereby agreed that plans and specifications for the above mentioned project will be on file in the office of the Department of Roads, Lincoln, Nebraska.

SECTION 10. The City and State will fully cooperate to cause the removal from public right of way, or correction or alteration in the public right of way, as necessary for the construction of the aforesaid project, of all pipe lines, poles or other underground or overhead services not owned by the City and are located within the corporate limits.

SECTION 11. The State hereby agrees:

- (a) To prepare and convey to the City, prior to construction, plans for the proposed subject project.
- (b) To advertise and conduct a letting and receive bids on the contemplated improvement. The City agrees that the State will award the contract to the lowest responsible bidder and that said contract shall be signed only by the State.
- (c) To supervise and cause completion of the construction of the improvement as shown in the plans.
- (d) To acquire all additional right of way and do all things, in pursuance of the aforesaid project, not specifically assumed by the City.
- (e) To reimburse the City for the nonbetterment rehabilitation of municipally owned utility facilities as provided in Section 2(c).
- (f) To construct that portion of the project located outside the City limits without cost to the City, except as provided in Section 2(c).

SECTION 12. The parties hereto agree that the State shall make sole determination as to the scheduling of the construction for this project.

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  
James J. Knott, P.E.

Roadway Design Engineer

RECOMMENDED:  
Wesley Wahlgren, P.E.

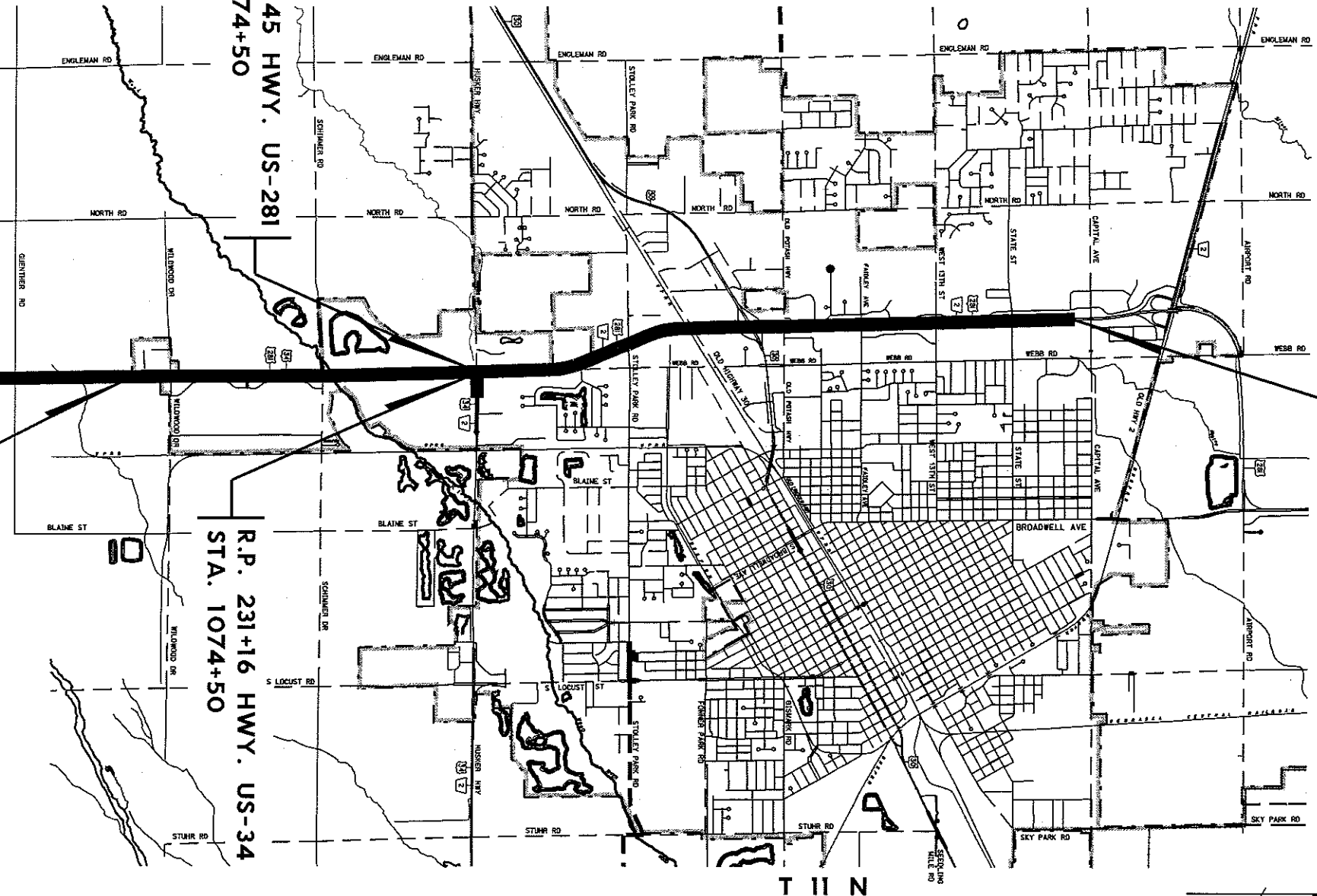
District 4 Engineer

AGRC5-ZF

# GRAND ISLAND

HALL COUNTY  
NEBRASKA

R.P. 71+40 HWY. US-281  
STA. 1282+78.70  
END PROJECT  
R 9 W



R.P. 67+45 HWY. US-281  
STA. 1074+50

R.P. 231+16 HWY. US-34  
STA. 1074+50

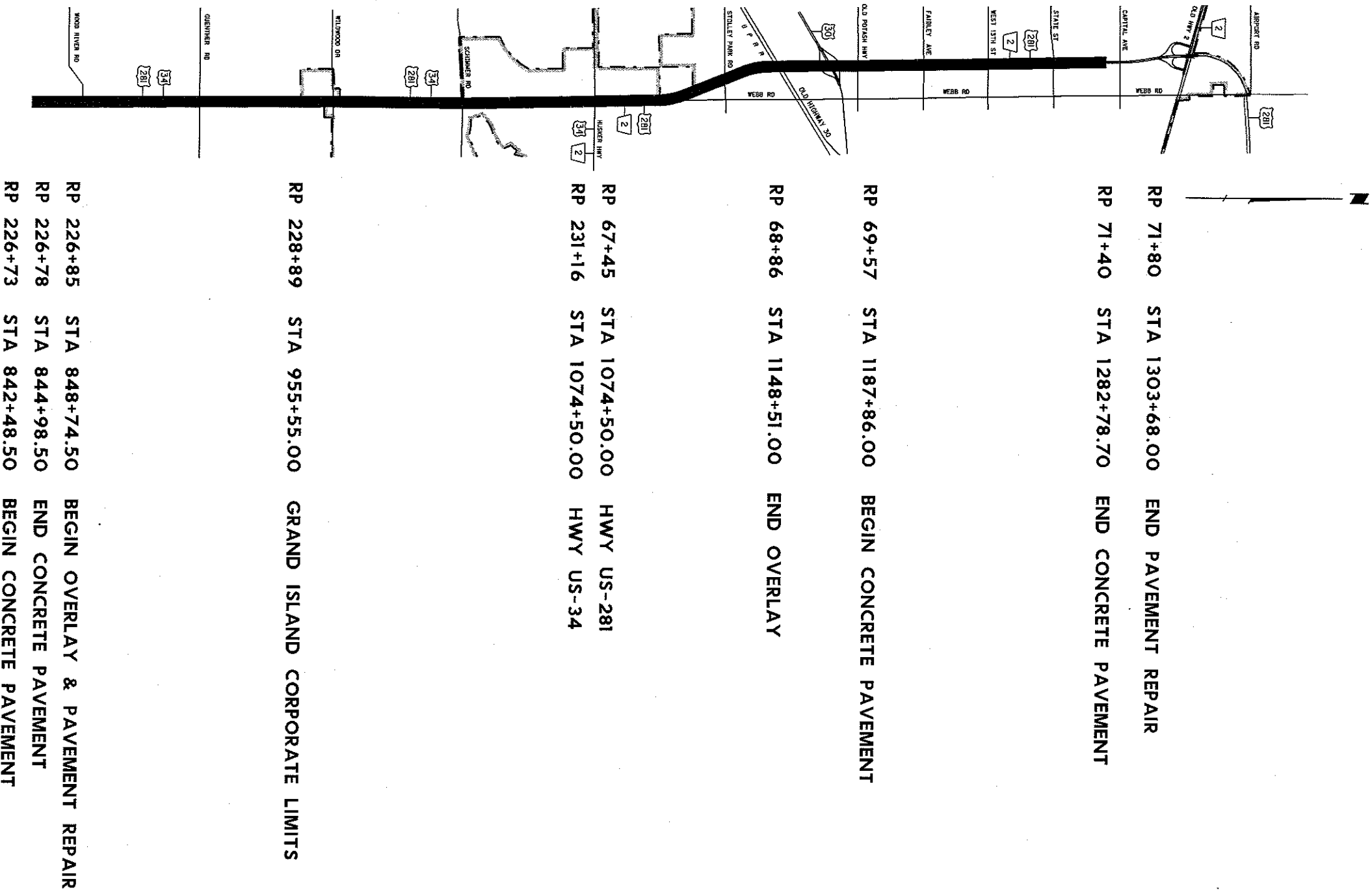
R.P. 226+73 HWY. US-34  
STA. 842+48.50  
BEGIN PROJECT

R.P. 228+89 HWY. US-34  
CORPORATE LIMIT

34-4 (131)  
C.N. 42433

EXHIBIT "A"

GRAND ISLAND  
HALL COUNTY  
NEBRASKA



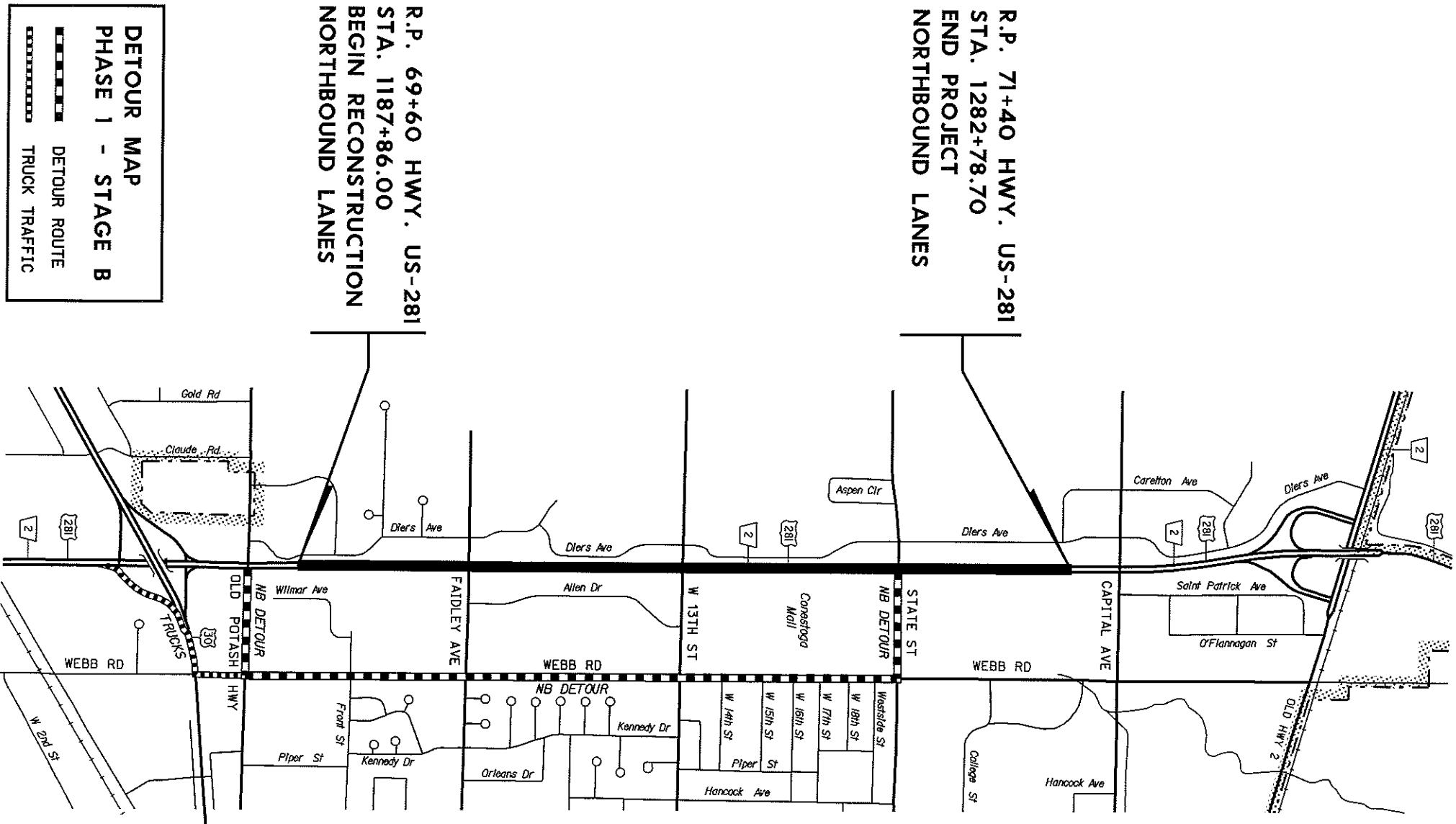
## NONDISCRIMINATION CLAUSES

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 "D"

GRAND ISLAND  
HALL COUNTY  
NEBRASKA

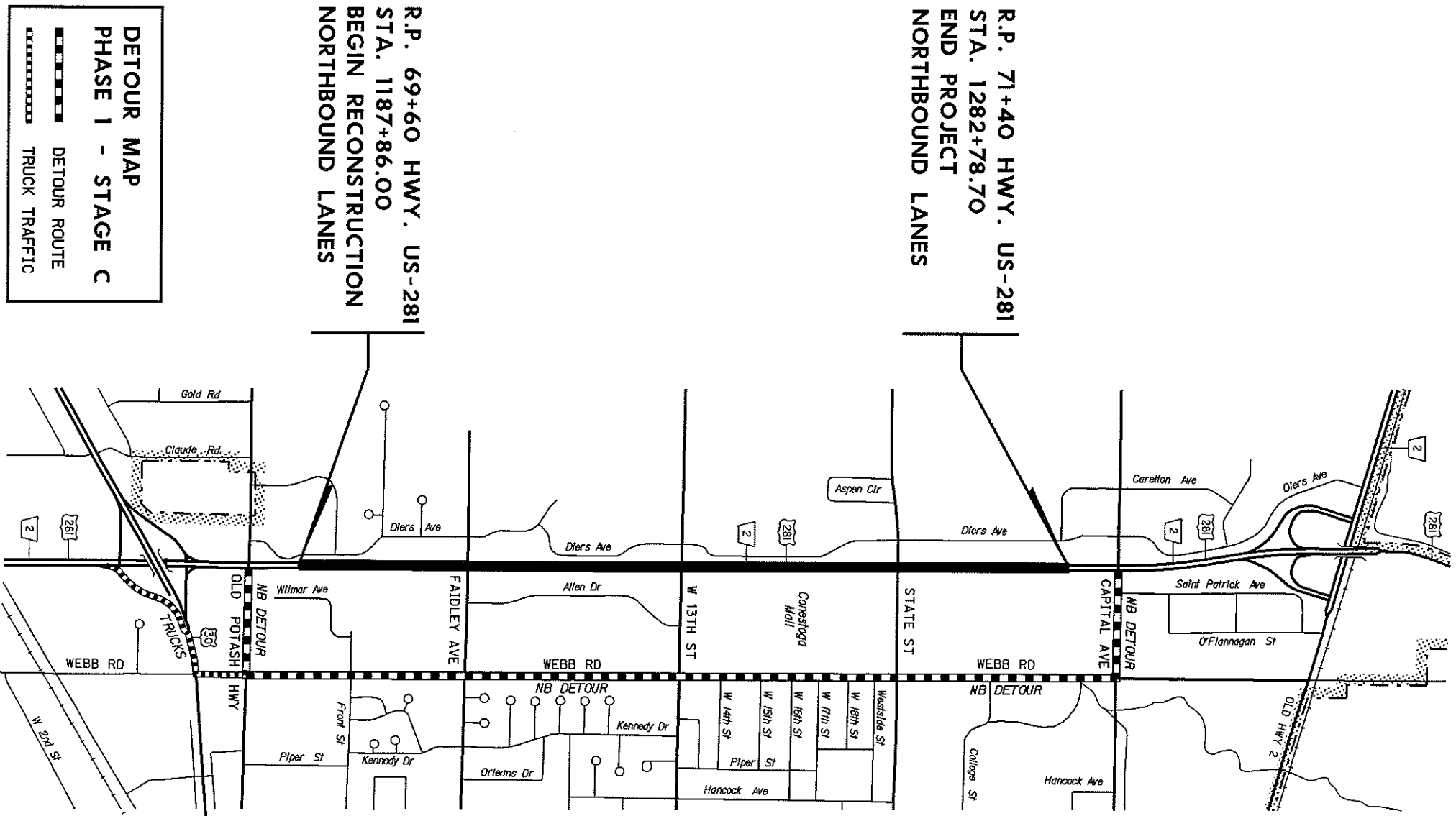


34-4 (131)  
C.N. 42433

EXHIBIT "E"



GRAND ISLAND  
HALL COUNTY  
NEBRASKA



34-4 (131)  
C.N. 42433

EXHIBIT "F"

RESOLUTION 2009-40

WHEREAS, the Nebraska Department of Roads is repairing and resurfacing US Highways 34 and 281 due to increased traffic and general deterioration of the roadway; and

WHEREAS, such resurfacing shall consist of hot mix asphalt resurfacing on the northbound lanes of US Highway 34/281 from north of Interstate 80 to the US Highway 34/281 intersection, hot mix asphalt resurfacing on US Highway 281 from the US Highway 34/281 intersection to the viaduct over the Union Pacific Railroad & Old Highway 30; concrete removal and replacement on the northbound lanes of US Highway 281 from Old Potash Highway to Capital Avenue; culvert extensions; grading; guardrail; adding north bound right-turn lanes at Faidley Ave, 13<sup>th</sup> Street & State Street; lengthening northbound left-turn lanes at Old Potash Hwy, Faidley Avenue, 13<sup>th</sup> Street & State Street; relocating roadway lighting units; and crack sealing; and

WHEREAS, the City's share is estimated to be \$1,075,520.31; and

WHEREAS, an agreement with the Nebraska Department of Roads is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement with the Nebraska Department of Roads for the repair and resurfacing improvements of US Highway 34 and US Highway 281 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

---

Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 19, 2009	☐ City Attorney



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G5

**#2009-41 - Approving Agreement with Nebraska Department of Roads for Repairs to the Westbound lane of 3rd Street from Lincoln Avenue to Tilden Street**

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

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Approving Agreement with Nebraska Department of Roads for Repairs to the Westbound lane of 3<sup>rd</sup> Street from Tilden Street to Lincoln Avenue

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

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

## **Background**

All agreements must be approved by the City Council. The City of Grand Island is preparing plans for a hot mix asphalt resurfacing project to repair 3<sup>rd</sup> Street.

## **Discussion**

Third Street was used as the designated detour route for westbound traffic during the US Highway 30 (2<sup>nd</sup> Street) widening project. The increased traffic on 3<sup>rd</sup> Street accelerated the need for asphalt resurfacing on 3<sup>rd</sup> Street from Tilden Street to Lincoln Avenue. The Nebraska Department of Roads (NDOR) will share in 80% of the repair costs to the westbound lane, for an estimated amount of \$78,064.00.

## **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 approve a resolution authorizing the Mayor to sign the agreement.

## **Sample Motion**

Move to approve a resolution authorizing the Mayor to sign the agreement.

## AGREEMENT

PROJECT NO. NH-30-4(103)  
CONTROL NO. 40352  
CITY OF GRAND ISLAND  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
MAINTENANCE AGREEMENT  
GRANT STREET – GREENWICH STREET

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

WITNESSETH:

WHEREAS, the City allowed the State to use the westbound lane of 3<sup>rd</sup> street as a detour for the above referenced project. See Exhibit "A" for the location of detour, and

WHEREAS, repairs are necessary on the detour route and will become a project cost, and

WHEREAS, the City has plans to repair the detour on the westbound lane of Third Street, and

WHEREAS, the City agrees to the terms of this agreement as evidenced by the Resolution of the City Council dated the \_\_\_\_ day of \_\_\_\_\_ 2009, attached hereto, identified as Exhibit "B" and hereby made a part of this agreement, and

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

as follows:

SECTION 1. The City agrees to the following:

- A. To prepare plans, specifications and estimates and acquire any or all permits, including environmental, for the project. The City will determine if its forces or a contractor will complete the work.
- B. The scope of the repair work shall be approved by the State.
- C. To cause the work associated with the detour repair to happen.
- D. To invoice the State for 80% of the cost associated with the repair of the westbound lane for the length shown in exhibit "A". All other work shall be completed at no cost to the State.
- E. To invoice the State on a monthly basis once the repair work has started.
- F. To complete the repair in 2009.
- G. To be responsible for all traffic control devices and comply with all traffic control safety regulations, including those prescribed in the latest approved edition of the

Manual on Uniform Traffic Control Devices and the current edition of the Nebraska Supplement of the Manual on Uniform Traffic control devices; and,

SECTION 2. The State agrees to the following:

- A. Pay for 80% of the costs for the detour repair work for the westbound lane of 3<sup>rd</sup> street as shown on exhibit "A".
- B. The States cost is currently estimated to cost \$78,064.00.
- C. To pay the monthly invoice in a timely manner.

SECTION 3. The City shall indemnify, save and hold harmless the State and all of its departments, agents and employees of and from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reason of the design, planning, or performance of the work provided by the City or its agents and anyone contracting under or for the City. The City shall indemnify, save and hold harmless the State and all of its departments, agents and employees of and from an and all claims, demands, actions, or causes of action of whatsoever nature or character arising out of the operation of these intersections as designed by the City or its assigns.

IN WITNESS WHEREOF, the City and State 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  
James J. Knott, P.E.

\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:  
Wesley Wahlgren, P.E.

\_\_\_\_\_  
District 4 Engineer

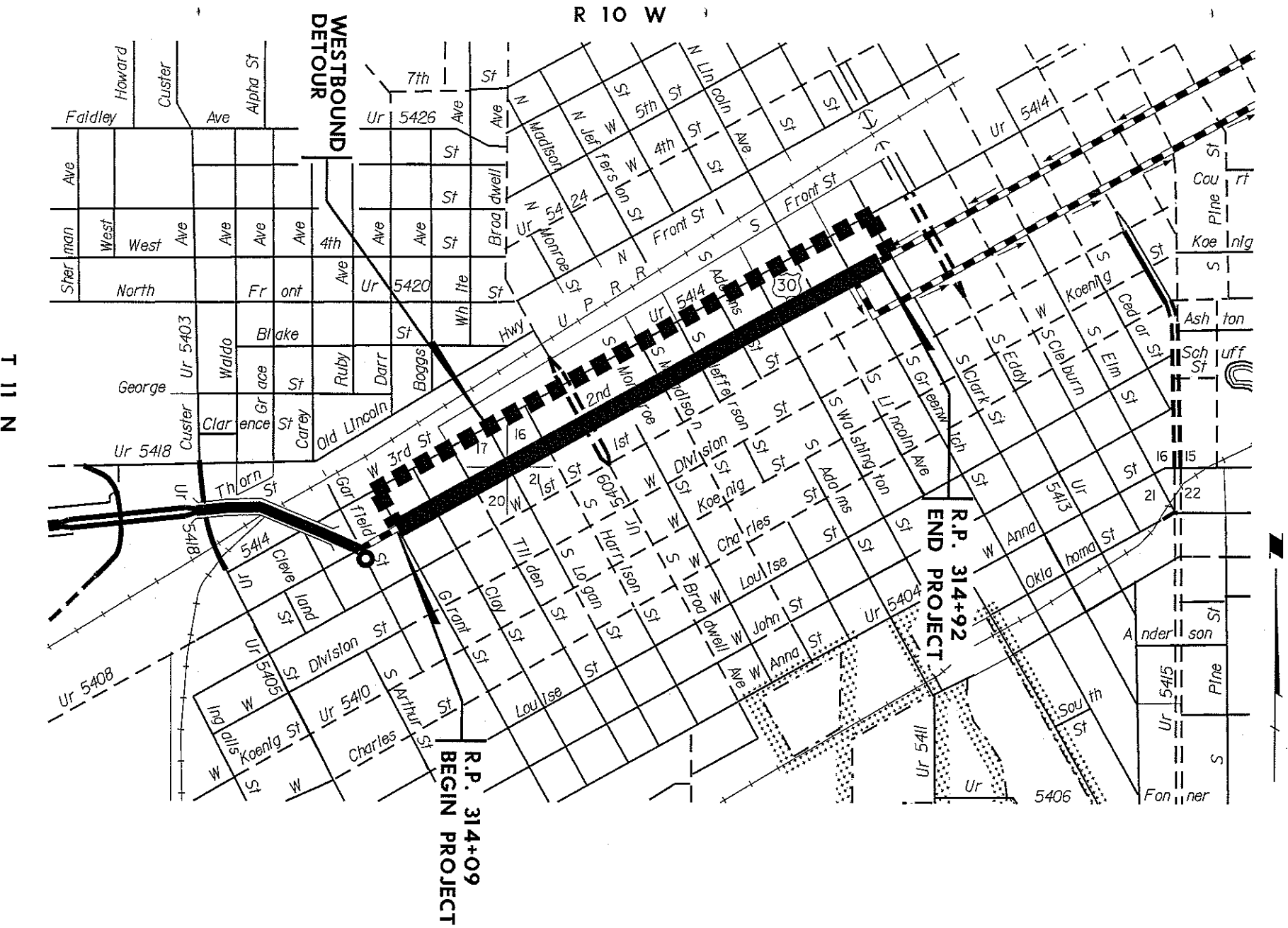
CQ/AGRC3-NW



# GRAND ISLAND

## HALL COUNTY

### NEBRASKA



30-4(103)

C.N. 40352

EXHIBIT "A"

RESOLUTION 2009-41

WHEREAS, the Nebraska Department of Roads needs to repair and resurface the westbound lane of 3<sup>rd</sup> Street between Grant Street and Greenwich Street due to this area being used as the detour route for the 2<sup>nd</sup> Street (US Highway 30) widening project; and

WHEREAS, such resurfacing shall consist of an asphalt overlay; and

WHEREAS, 80% of the total project construction costs are anticipated to be \$78,064.00;  
and

WHEREAS, the State agrees to participate in eighty percent of the actual construction cost;  
and

WHEREAS, an agreement with the Nebraska Department of Roads is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement with the Nebraska Department of Roads for the repair and resurfacing improvement of the westbound lane of 3<sup>rd</sup> Street between Grant Street to Greenwich Street is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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

Approved as to Form	☐ _____
February 19, 2009	☐ City Attorney



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G6

**#2009-42 - Approving State Bid Award for (1) 2009 1/2 Ton  
Chevrolet Silverado 1500 LT 4x4 Extended Cab Pickup for the  
Wastewater Division of the Public Works Department**

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

# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Approving State Bid Award for (1) 2009 1/2 Ton Chevrolet Silverado 1500 LT 4x4 Extended Cab Pickup for the Wastewater Division of the Public Works Department

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

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

## **Background**

The Wastewater Division of the Public Works Department budgeted for a pickup to be used in daily operations. This new pickup will replace a 1995 pickup which has 115,000 miles.

## **Discussion**

The vehicle specifications awarded under State of Nebraska Contract # 12310 OC meets all of the requirements for the Wastewater Division vehicle. Husker Auto Group, Inc. of Lincoln, Nebraska submitted a bid with no exceptions in the amount of \$21,358.00. There are sufficient funds for this purchase in Account No. 53030054.85625.

## **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 approve the State Bid Award to Husker Auto Group, Inc. of Lincoln, Nebraska in the amount of \$21,358.00 for the pickup for the Wastewater Division of the Public Works Department.

### **Sample Motion**

Move to approve the State Bid Award to Husker Auto Group, Inc. of Lincoln, Nebraska in the amount of \$21,358.00 for the pickup for the Wastewater Division of the Public Works Department.

RESOLUTION 2009-42

WHEREAS, the Wastewater Division of the Public Works Department for the City of Grand Island, budgeted for a vehicle in the 2008/2009 fiscal year; and

WHEREAS, said vehicle, a 2009 Chevrolet Silverado 1500 4x4 Extended Cab , can be obtained from the State Contract holder; and

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

WHEREAS, the funding for such vehicle is provided in the 2008/2009 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of a 2009 Chevrolet Silverado 1500 4x4 Extended Cab in the amount of \$21,358.00 from the State Contract holder, Husker Auto Group, Inc. of Lincoln, Nebraska, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G7

**#2009-43 - Approving Nebraska Community Improvement  
Program Intent to Enter Resolution**

Staff Contact: Joni Kuzma

# **Council Agenda Memo**

**From:** Joni Kuzma, Community Development Administrator

**Meeting:** February 24, 2009

**Subject:** Nebraska Community Improvement Program Intent to Enter & Resolution

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

**Presenter(s):** Joni Kuzma, Community Development Administrator

## **Background**

The Nebraska Department of Economic Development, through the Nebraska Community Improvement Program, recognizes and awards Nebraska communities for outstanding activities and projects they have done to enhance leadership, community and economic development. Grand Island has consistently entered a nomination during the past five years and would like to enter notable projects again this year. An updated nomination form and resolution are required to enter the 2009 competition.

Awards received the past few years: Kids Kingdom won a Special Award in 2003. In 2004, the Downtown Alleyway and the South Locust Renewal Projects were nominated and each won a Public Works, Facilities, Services and Planning Award. In 2007, the Community Youth Council "Family Day in the Park" received a Special Award.

## **Discussion**

The Nebraska Department of Economic Development is inviting nominations for 2009 activities and projects that enhance leadership, community and economic development in Nebraska communities. Grand Island has numerous projects that occurred between September 2008 and August 2009 and/or are on-going and notable events. The City of Grand Island may nominate projects in three categories 1) Leadership Development, 2) Economic Development, and/or 3) Community Development. Outstanding youth and/or adult volunteer who demonstrate leadership in the community may also be nominated.

Nominations include narrative, photos, news articles, and/or other documentation that highlights each project. If the City enters in the "Community Notebook" category, NCIP site judges will visit Grand Island to review each of the nominated projects/activities.



The deadline for submission of the NCIP Intent to Enter application to the Nebraska Department of Economic Development is generally in August or September each year. This Intent to Enter and Resolution encompasses the next five (5) years 2009, 2010, 2011, 2012, and 2013 to consolidate annual duplication of paperwork. The previous resolution covered the years 2003 through 2008. This time frame in resolution form is allowable by the Nebraska Department of Economic Development.

### **Alternatives**

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

1. Approve the 2009 NCIP Intent to Enter and five-year Resolution
2. Disapprove the 2009 NCIP Intent to Enter and five-year Resolution
3. Modify the 2009 NCIP Intent to Enter to meet the wishes of the Council
4. Table the issue

### **Recommendation**

City Administration recommends that the Council approve the 2009 NCIP Intent to Enter and five-year Resolution.

### **Sample Motion**

Move to approve the 2009 Nebraska Community Improvement Program (NCIP) Intent to Enter and five-year Resolution.

RESOLUTION 2009-43

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, since 1963, the Nebraska Community Improvement Program has helped communities build on their strong heritage and form a vision for their future through community recognition awards, grants, and improvement programs; and

WHEREAS, the City of Grand Island is interested in participating in the Nebraska Community Improvement Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor and City Council hereby pledge their full support, endorsement and cooperation in carrying out the requirements of the Nebraska Community Improvement Program for the years 2009, 2010, 2011, 2012, and 2013.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G8

**#2009-44 - Approving Community Revitalization Grant #07CR002  
Contract Amendment**

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

Staff Contact: Barbara Quandt

RESOLUTION 2009-44

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to receive Community Development Block Grant funds through the Nebraska Department of Economic Development; and

WHEREAS, the Nebraska Department of Economic Development presently requires a public hearing to accept comments and inform the public on the status of the grant for Community Revitalization; and

WHEREAS, the Nebraska Department of Economic Development also requires a public hearing to accept comments and inform the public about a proposed grant contract amendment; and

WHEREAS, the public hearing on February 24, 2009, offers the public opportunity to make such comments to the City Council about the program and proposed contract amendment for Community Revitalization.

WHEREAS, Council approval is required in order to submit the contract amended request to the Department of Economic Development; and

WHEREAS, Council approval is given for the Phase II Community Revitalization Contract Amendment Request to reallocate forty-four thousand seven hundred and forty-nine dollars (\$44,749) from Down Payment Assistance with minor rehabilitation to Owner-occupied rehabilitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute such proceedings on behalf of the City of Grand Island for such grant programs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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

Approved as to Form	☐ _____
February 19, 2009	☐ City Attorney



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G9

**#2009-45 - Approving Acquisition of Utility Easement - 610 West Division Street - Hope Harbor**

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-45

WHEREAS, a public utility easement is required by the City of Grand Island, from Hope Harbor, to install, upgrade, maintain and repair public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on February 24, 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 northeasterly corner of Lot Six (6) Block Eighty Five (85) Original Town, now city of Grand Island; thence southwesterly along the northerly line of said Lot Six (6), a distance of thirteen and seven tenths (13.7) feet to the ACTUAL Point of Beginning; thence southeasterly, parallel with the easterly line of said Lot Six (6), a distance of twenty (20.0) feet; thence southwesterly, parallel with the northerly line of said Lot Six (6), a distance of twenty (20.0) feet; thence northwesterly, parallel with the easterly line of said Lot Six (6), a distance of twenty (20.0) feet to a point on the northerly line of said Lot Six (6); thence northeasterly along the northerly line of said Lot Six (6), a distance of twenty (20.0) feet to the said Point of Beginning.

The above-described easement and right-of-way containing a total of 400 square feet, more or less, as shown on the plat dated 2/9/2009, 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 Hope Harbor, on the above-described tract of land.

- - -

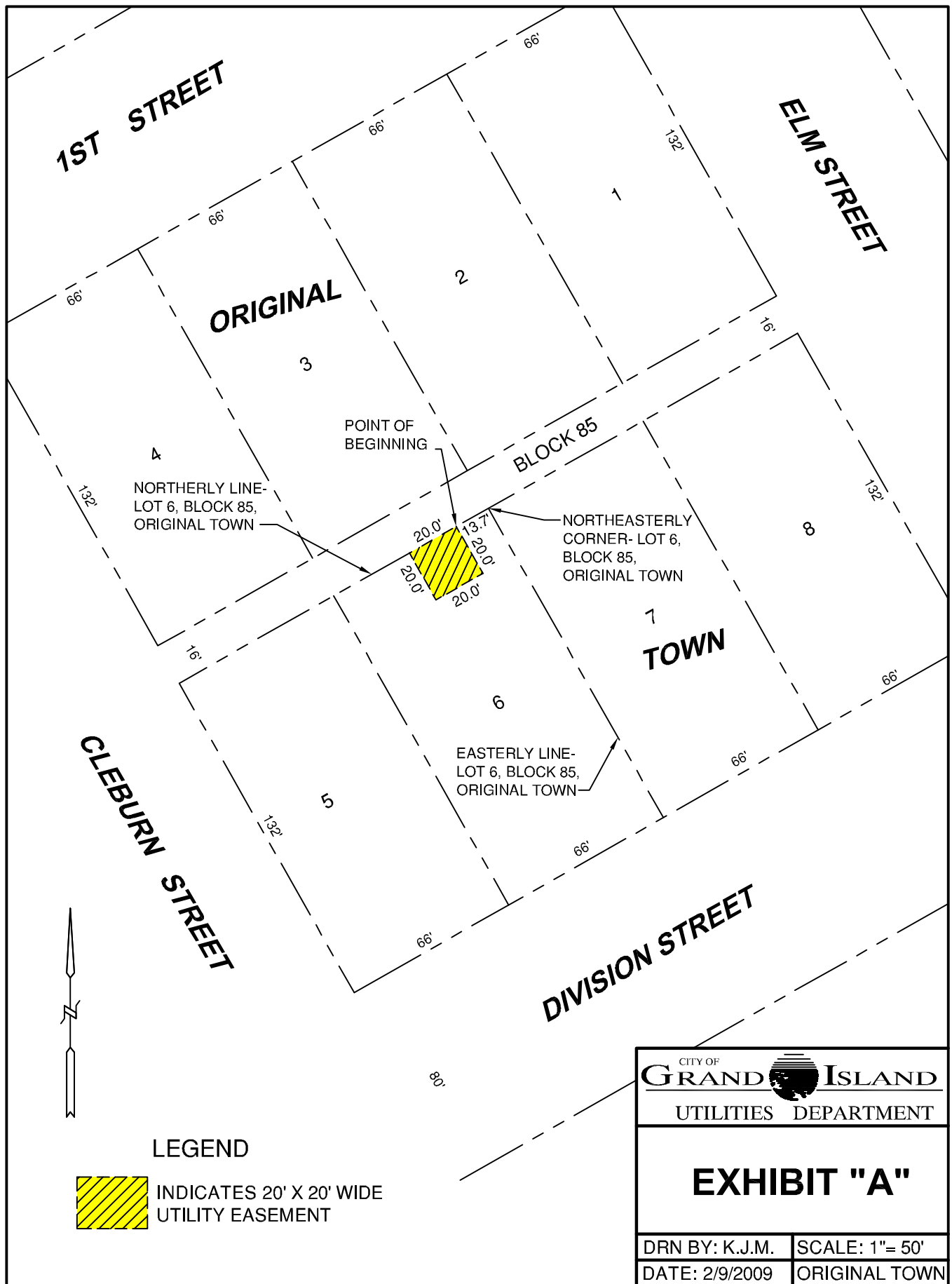
Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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

Approved as to Form	☐ _____
February 19, 2009	☐ City Attorney





# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G10

**#2009-46 - Approving Setting Board of Equalization Date for  
Water Main District 453T**

Staff Contact: Gary R. Mader; Wesley Nespor



# **Council Agenda Memo**

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

**Meeting:** February 24, 2009

**Subject:** Water Main District 453T – Board of Equalization Date

**Item #'s:** G-10

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

## **Background**

City water infrastructure was extended to support the development of the new Grand Island Army Aviation Support Facility. A 12" water main was installed across part of the Central Nebraska Regional Airport, commencing at Sky Park Road, approximately one half (1/2) mile north of Capital Avenue, and running northeasterly to the westerly side of the GIAASF at the northeast corner of Shady Bend Road and Airport Road.

Attached for reference is a map showing the district's boundary.

## **Discussion**

The project has been completed in accordance with the terms, conditions, and stipulations of the contract plans and specifications. The total for all water main construction was \$343,818.69.

According to the Interlocal Agreement for Infrastructure Construction by and between the Hall County Airport Authority and the City of Grand Island, dated August 8, 2007, the Airport Authority agreed to pay a portion of the project's cost as a connection fee for the water service to the GIAASF. That amount is \$103,145.61.

The remaining \$240,673.08 is the eligible amount used to calculate the connection fees for other properties within the district. Those fees become due when a property "taps" the main for service. This is the standard method used by the City to recoup costs when water mains are installed across undeveloped lands.

The connection (tap) fee for the properties included within the district's boundary is \$61.1542640 per front foot. Attached for reference are copies of the district's costs, ownership records, and calculated assessments.

### **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 Council sit as the Board of Equalization on March 24, 2009, to set the connection fee amount for the properties within the boundaries of Water Main District 453T as tabulated on the attached listing.

### **Sample Motion**

Move to approve the date for the Board of Equalization hearing for Water Main District 453T to be set as March 24, 2009.

PLAT TO ACCOMPANY  
ORDINANCE NO. 9083

DRN BY: K.J.M.	SCALE: 1"= 1000'
DATE: 10/24/2006	FILE: WMD 453T

Connection Fee per Front Foot = \$61.1542640

			FRONTAGE	CONNECTION FEE
1	Owner:	Central Nebraska Regional Airport	per Agreement for service to GIAASF	\$103,145.61
		c/o Hall Co Airport Authority	3010 Airport Rd	
	Address:	3743 Sky Park Rd		
	City, State:	Grand Island, NE		
	Zipcode:	68801		
2	Owner:	Central Nebraska Regional Airport	3,662.88	\$224,000.74
		c/o Hall Co Airport Authority	Part of SE 1/4 of Sec 35, T12N, R9W	
	Address:	3743 Sky Park Rd	and Part of Sec 2, T11N, R9W	
	City, State:	Grand Island, NE		
	Zipcode:	68801		
			Commencing at the southeast corner of Section 35, T12N, R9W of the 6th P.M., Hall County, Nebraska; thence N1°17'28"W along the easterly line of said Section 35, a distance 552.48 feet; thence S88°17'20"W, a distance of 190.01 feet to the ACTUAL POINT OF BEGINNING; thence S44°10'13"W, a distance 3,804.84 feet, thence N31°01'21"W, a distance of 446.51 feet; thence N44°10'13"E, a distance of 3,662.88 feet; thence S54°20'52"E a distance of 444.91 feet; to the said Point of Beginning.	
3	Owner:	Central Nebraska Regional Airport	Connection Fee	\$4,077.15
		c/o Hall Co Airport Authority	plus cost of 1" service	\$669.44
		Special Benefit to Tenant	TOTAL AMOUNT	\$4,746.59
		City of Grand Island, NE	Special Benefit to owner of	
		c/o Public Works Dept - Waste Water Div	improvements on leased ground,	
	Address:	PO Box 1968	namely City of Grand Island, Public	
	City, State:	Grand Island, NE	Works Dept., Sanitary Sewer	
			Lift Station #22	
	Zipcode:	68802	Part of SE 1/4 of Sec 35, T12N, R9W	
4	Owner:	Central Nebraska Regional Airport	Connection Fee	\$4,077.15
		c/o Hall Co Airport Authority	plus cost of 6" service	\$7,848.60
		Special Benefit to Tenant	TOTAL AMOUNT	\$11,925.75
		City of Grand Island, NE	Special Benefit to owner of	
		c/o Parks and Recreation Division	improvements on leased ground,	
	Address:	PO Box 1968	namely City of Grand Island, Jack	
	City, State:	Grand Island, NE	Rabbit Run Golf Course	
	Zipcode:	68802	Part of NE 1/4 Sec 2, T11N, R9W	

**CITY OF GRAND ISLAND UTILITIES DEPT**  
**Water Main District 453T**  
 CNRA - GIAASF Helicopter Facility

Tap Fees, 12/12/2008

ITEM	DESCRIPTION	QUANTITIES	BID UNIT \$	TOTAL \$	1" Service	6" Service
C. 1.01	12" D.I.. Pipe (sj)	6,599.00 LF	30.57	201,731.43		
C. 1.02	6" D.I.. Pipe (sj)	179.00 LF	21.57	3,861.03		3,861.03
C. 1.03	6" R.S. Gate Valve	1.00 EA	606.56	606.56		606.56
C. 1.04	16"x16"x12" Tapping Sleeve	1.00 EA	3,236.98	3,236.98		
C. 1.05	12"x12"x 6" Tee (mj)	7.00 EA	333.24	2,332.68		2,332.68
C. 1.06	12"x45° Ell (mj)	3.00 EA	269.17	807.51		
C. 1.07	12"x22-1/2° Ell (mj)	2.00 EA	272.31	544.62		
C. 1.08	12"x11-1/4° Ell (mj)	0.00 EA	271.65	0.00		
C. 1.09	12" R.S. Gate Valve	2.00 EA	1,710.46	3,420.92		
C. 1.10	12" RS Tapping Valve	1.00 EA	2,485.51	2,485.51		
C. 1.11	Valve Box	5.00 EA	235.21	1,176.05		235.21
C. 1.12	Fire Hydrant Assembly	6.00 EA	1,266.74	7,600.44		
C. 1.13	Bell Joint Block	1.00 EA	522.03	522.03		
C. 1.14	Thrust Block	13.00 EA	179.04	2,327.52		358.08
C. 1.15	24"x 0.438" Steel Casing	110.00 LF	365.81	40,239.10		
C. 1.16	8 Mil Polyethylene	6,848.00 LF	1.54	10,545.92		275.66
C. 1.17	6" Cap	1.00 EA	133.33	133.33		133.33
C. 1.18	6" Retainer Gland	1.00 EA	46.05	46.05		46.05
C. 1.19	12" Cap w/ 2" Tap	0.00 EA	201.29	0.00		
C. 1.20	12" Retainer Gland	0.00 EA	91.04	0.00		
C. 1.21	1" Water Service Complete	1.00 EA	669.44	669.44	669.44	
C. 1.22	Remove & Replace Permanent Fence	LS LF	1,223.11	1,223.11		
C. 1.23	Temp. Construction Site Fence	LS LF	6,915.97	6,915.97		
C. 1.24	Regrade and Regravel Roadway	LS LF	1,741.28	1,741.28		
C. 1.25	R & R Unsuitable Backfill Material	200.00 CY	11.44	2,288.00		
C. 1.26	<b>Contract Total</b>			<b>\$294,455.48</b>		
	Labor - Install Slv Cplg - PO 304921			\$125.00		
	Labor - Installation Valve - PO 305014			\$597.00		
	Water Dept Supplier Materials			\$8,711.98		
	Water Dept Labor / OH			\$1,346.55		
	<b>Construction Amount</b>			<b>\$305,236.01</b>		
	GIS Soil Report - PO 304517			\$930.00		
	BWP - Office Suppiles - PO 304577			\$186.52		
	BWP - Office Suppiles - PO 304580			\$275.58		
	Infrastructure Markers - PO 305028			\$85.60		
	Mailings / Postage / Shipping			\$34.47		
	Survey Supplies			\$51.96		
	Engineering / Admin / Labor / OH			\$37,018.55		
	<b>Engineering Amount</b>			<b>\$38,582.68</b>		
	<b>PROJECT TOTAL</b>			<b>\$343,818.69</b>		

Tap Fee Per Front Foot = \$61.1542640

PROPERTY	FOOTAGE	TAP FEE \$	1" SERVICE \$	6" SERVICE \$	TOTAL FEE \$
GIAASF	per Agreement	\$103,145.61			\$103,145.61
CNRA	3,662.88	\$224,000.74			\$224,000.74
Jackrabbit Run Golf Course	66.67	\$4,077.15		\$7,848.60	\$11,925.75
WWTP - Lift Sta #22	66.67	\$4,077.15	\$669.44		\$4,746.59
	3,796.22	<b>\$335,300.65</b>	<b>\$669.44</b>	<b>\$7,848.60</b>	<b>\$343,818.69</b>

RESOLUTION 2009-46

WHEREAS, the Public Works Director of the City of Grand Island issued his Certificate of Final Completion for Water Main District 453T for the Central Nebraska Regional Airport and Grand Island Army Aviation Support Facility on January 13, 2009, certifying that Diamond Engineering Company of Grand Island, Nebraska, under contract dated October 23, 2007, completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Public Works Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Public Works Director's recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Council will sit as a Board of Equalization on March 24, 2009 to determine benefits and set connections fees for Water Main District 453T.

Adopted by the City Council of the City of Grand Island, Nebraska, February 24, 2009.

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

Attest:

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



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item H1

**Consideration of Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located in the 1900 Block on North Huston Avenue**

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

Staff Contact: Craig Lewis



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item J1

### **Approving Payment of Claims for the Period of February 11, 2009 through February 24, 2009**

*The Claims for the period of February 11, 2009 through February 24, 2009 for a total amount of \$2,561,480.84. A MOTION is in order.*

Staff Contact: David Springer