
City of Grand Island



Tuesday, March 10, 2009

Council Session Packet

City Council:

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

Mayor:

Margaret Hornady

City Administrator:

Jeff Pederson

City Clerk:

RaNae Edwards

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

Call to Order

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

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

Invocation

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item C1

Presentation by Almquist, Maltzahn, Galloway & Luth for Fiscal Year 2008 City Single Audit and General Purpose Financial Statements and Electric and Water Audit Reports

Terry Galloway from Almquist, Maltzahn, Galloway & Luth will present the Fiscal Year 2008 City Single Audit and General Purpose Financial Statements and Electric and Water Audit Reports.

Staff Contact: David Springer



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item C2

Proclamation "Abbott Sisters Day" March 20, 2009

Edith and Grace Abbott "The Abbott Sisters of Nebraska" were born in the City of Grand Island. These two American women were important for their achievements to influence policy for the rights of children, immigrants, and women. To raise public awareness of the lives and achievements of Edith and Grace Abbott, the Mayor has proclaimed March 20, 2009 as "Abbott Sisters Day". See attached PROCLAMATION.

Staff Contact: Steve Fosselman

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

PROCLAMATION

WHEREAS, Edith Abbott was the first female dean of a major American university graduate school, at the University of Chicago's School of Social Service Administration; and

WHEREAS, Grace Abbott was, as Chief of the United States Children's Bureau, the most powerful woman in the federal government at the time when the Great Depression hit, and her work provided the first major effort to combat the economic crisis; and

WHEREAS, Edith Abbott helped to establish the first graduate program of social work in a major university, and has been recognized as "the chief architect of America's social work educational system"; and

WHEREAS, Grace Abbott is known as "the great American champion of children's rights" and is recognized as having led the early twentieth century fights to end child labor and to establish child health care; and

WHEREAS, Grace and Edith Abbott were born and bred in the city of Grand Island in the state of Nebraska and were the children of O.A. Abbott, who was the state of Nebraska's first Lt. Governor, and of Elizabeth Abbott, who was a leader in the early days of the women's suffrage movement in Nebraska; and

WHEREAS, Grace and Edith Abbott, to the ends of their lives, wished to be known as "the Abbott Sisters of Nebraska; and

WHEREAS, "The Abbott Sisters of Nebraska" are great American women who – despite their important achievements for the rights of children, immigrants, and women – remain virtually unknown to many Nebraskans; and

WHEREAS, the Grand Island Public Library Foundation, Inc. is the founding and ongoing sponsor of the Abbott Sisters Project; and

WHEREAS, the goal of the Abbott Sister Project is to raise public awareness of the lives and achievements of Edith and Grace Abbott, so that these important women may continue to influence policy on children's and immigrants' issues and so that their story may serve as an inspiration to future generations.

WHEREAS,

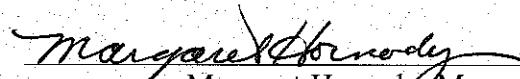
Abbott Sisters Day is being celebrated in Grand Island with a special program on Sunday, March 22, 2009 at the Edith Abbott Memorial Library to honor the public unveiling of a mural story-quilt featuring the fabric artwork of a group of local Sudanese-American girls, created under the supervision of noted quilt-artist Peggie Hartwell.

NOW, THEREFORE, I, Margaret Hornady, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the 20th day of March, 2009 as


"ABBOTT SISTERS DAY"

in the City of Grand Island, and I do hereby urge all citizens to recognize the remarkable contributions and selfless dedication of Edith and Grace Abbott to the citizens of Nebraska and the nation.

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


Margaret Hornady, Mayor

Attest:


RaNae Edwards, City Clerk





City of Grand Island

Tuesday, March 10, 2009

Council Session

Item E1

**Public Hearing on Acquisition of Trail and Public Utility Easement
in a Part of Lot 25, Matthews Subdivision (McCloud Super 8
Motel)**

Staff Contact: steve

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Public Hearing on Acquisition of Trail and Public Utility Easement in a Part of Lot 25, Matthews Subdivision (McCloud Super 8 Motel)

Item #'s: E-1 & G-3

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

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. A trail and public utility easement is needed in Lot 25 of Matthews Subdivision to accommodate a hike/bike trail and public utilities. The easement will allow for the construction, operation, maintenance, extension, repair and replacement of the trail and public utilities within the easement.

Discussion

The City plans to develop a hike/bike trail in the new easement sometime in the future. The proposed 15' wide easement is located along the south line of Lot 25, Matthews Subdivision.

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 conduct a Public Hearing and approve acquisition of the Easement.

Sample Motion

Move to approve the acquisition of the Easement.



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item E2

**Public Hearing on Redevelopment Plan (CRA Area #6) for
Property Located at 1721 North Broadwell (Casey's)**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP

Meeting: February 23, 2009

Subject: Amendment to Redevelopment Plan for CRA Area #6

Item #'s: E-2 & G-11

Presenter(s): Chad Nabity, AICP CRA Director

Background

In January of 2008, the Grand Island City Council declared property referred to as CRA Area #6 as blighted and substandard and approved a generalized redevelopment plan for the property. The generalized redevelopment plan authorized the use of Tax Increment Financing (TIF) for improvements to and expansion of existing infrastructure including but not limited to: streets, water, sewer, drainage. TIF can also be used for the acquisition of property, redevelopment of property, site preparation, landscaping and parking.

Casey's General Stores, Inc. proposes to conduct the following activities in CRA Area #6 Acquire real estate in the 1700 block North Eddy and North Broadwell (Five Points area); demolish the existing Casey's General Store at 1814 N. Eddy and construct a new 3950 sq. ft. one story building and related structures and site improvements for a Casey's Convenience Store with the sale of gasoline and other petroleum products. The developer will also be responsible for replacing an existing water line that crosses the properties connecting mains in Broadwell Avenue and Eddy Street.

The CRA reviewed the proposed development plan and forwarded it to the Hall County Regional Planning Commission for recommendation at their meeting in January of 2009.

The Hall County Regional Planning Commission held a public hearing on the plan amendment at a meeting on February 4, 2009. The Planning Commission approved Resolution 2009-03 in support of the proposed amendment, declaring the proposed amendment to be consistent with the Comprehensive Development Plan for the City of Grand Island.

On February 20th 2009, after having received a recommendation from the RPC, the CRA approved and recommended Council the plan amendment and forward it to Council for review, approval. A copy of the TIF contract for this project is attached.

Discussion

Tonight, Council will hold a public hearing to take testimony on the proposed plan amendment and to enter into the record a copy of the plan amendment, the TIF contract under consideration by the CRA, and a copy of the cost benefit analysis that was performed regarding this proposed project.

Council is being asked to approve a resolution approving the cost benefit analysis as presented along with the amended redevelopment plan for CRA Area #6 and authorizes the CRA to execute a contract for TIF based on the plan amendment. The redevelopment plan for amendment permits the development of a hotel at this site and the use of Tax Increment Financing to pay for the cost of acquisition of the property, demolition and site preparation, reconstruction of a new building, a hike/bike trail on or adjacent to the property, parking and landscaping. The cost benefit analysis as attached finds that this project meets the statutory requirements for as eligible TIF project and that it will not negatively impact existing services within the community or shift additional costs onto the current residents of Grand Island and the impacted school districts. The total tax increment financing allowed for this project may not exceed \$383,450 during this 15 year period. This project will remove an old convenience store and replace it occupying this property and adjacent vacant properties a new convenience store.

Alternatives

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

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

Recommendation

The CRA and Hall County Regional Planning Commission recommend that the Council approve the Resolution necessary for the adoption and implementation of this plan.

Sample Motion

Move to approve the resolution as submitted.

**Redevelopment Plan Amendment
Grand Island CRA Area #6
January 2009**

Property Description

This property is located at the south point of 5-Points between Broadwell Avenue and Eddy Street (Lots 1, 2 and 12 of Gilbert's Subdivision of Block 1 of Gilbert's Second Addition and all of Park Reserve of the Resubdivision of Block 1 of Gilbert's Second Addition to the City of Grand Island, Hall County, Nebraska except a triangle tract thereto deeded to the City of Grand Island, in Quit Claim Deed filed in Book 89 at Page 644). Property addresses include 1721 N. Broadwell; 1720, 1724 and 1814 N Eddy in Grand Island Nebraska.

Future Land Use Plan

See the attached map from the 2004 Grand Island Comprehensive Plan

Site Coverage and Intensity of Use

The developer is proposing to purchase 1721 N. Broadwell, 1720 and 1724 N. Eddy and build a 3950 square foot convenience store on the property. The developer will demolish the existing structure at 1814 N. Eddy. The developer will also be responsible for replacing an existing water line that crosses the properties connecting mains in Broadwell and Eddy.

The anticipated value of this development at the time of completion is \$1,400,000.

Changes to zoning, street layouts and grades or building codes or ordinances

The proposed use is permitted in the current zoning district. No changes are anticipated in street layouts or grades. No changes are anticipated in building codes or ordinances.

Additional Public Facilities or Utilities

Sewer and water are available to support this development. The existing services will be replaced with new services. A water main connecting the mains in Broadwell and Eddy will have to be replaced. This will be done at the developer's expense and is a TIF eligible expense.

No other utilities would be impacted by the development.

Time Frame for Development

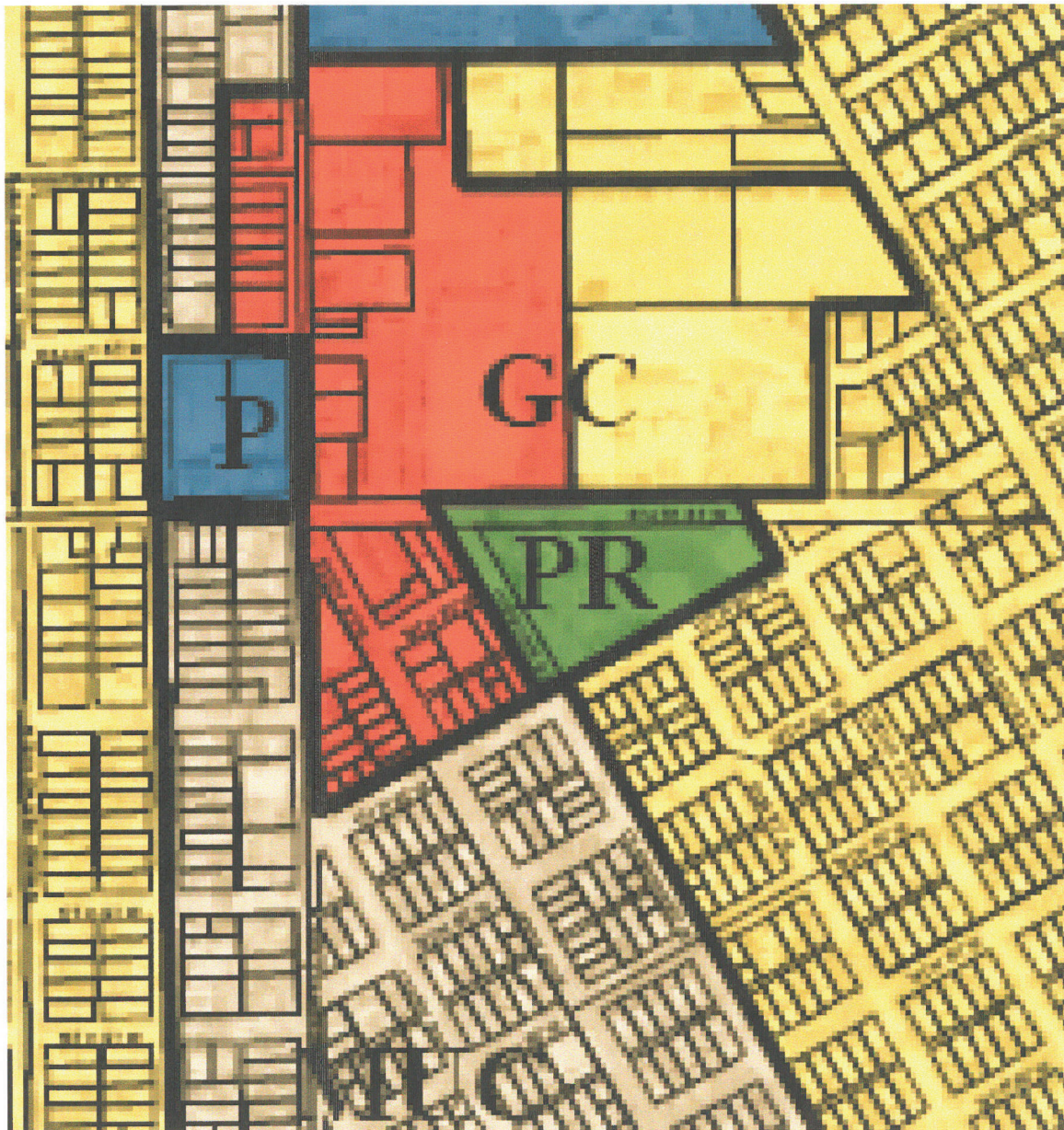
Development of this project is anticipated to be mostly complete during the 2009 calendar year. The base tax year should be calculated on the value of the property as of January 1, 2009. Excess valuation should be available for this project for 15 years beginning with the 2010 tax year. Excess valuation will be paid to the developer's lender per the contract between the CRA and the developer for a period not to exceed 15 years or \$383,459.

Figure 3
EXISTING LAND USE





Future Land Use Map



Future Land Use Map from 2004 Comprehensive Plan adopted by the City of Grand Island for the area near 5-Points the proposed redevelopment site.

COMMUNITY REDEVELOPMENT AUTHORITY
CITY OF GRAND ISLAND, NEBRASKA

AREA #6

Casey's Retail Company

January 2009

COST-BENEFIT ANALYSIS

(Pursuant to Neb. Rev. Stat Section 18-2113)

The cost-benefit analysis for the above referenced project, as described on the attached Exhibit A which will utilize funds authorized by Neb. Rev. Stat. Section 18-2147, can be summarized as follows:

Casey's Retail Company is requesting tax increment financing to assist with acquisition of property and the construction and redevelopment of a convenience store at 1814 N. Eddy Street. Casey's is proposing to build a 3,950 square foot store on this site. This project renews and expands the commercial use of this property. The property is currently occupied by a smaller convenience store and 3 of the lots are vacant. It is zoned for commercial use. The proposed use is consistent with the current zoning on the property.

The estimated project costs are \$1,400,000 including the cost of acquisition of the property, necessary site improvements and utilities and construction of the new building. A water line that crosses the property connecting water lines in Eddy Street and Broadwell Avenue will have to be replaced. The amount of tax increment financing the project will generate over a 15 year period at the current tax levy rate is 2.082963 is \$383,459. The developer is requesting \$383,459 of assistance. The amount of TIF would be limited to \$383,459 by the contract so if the property appreciates in value the term of the TIF would be reduced.

A. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

| | | |
|----|--|-------------|
| a. | Redevelopment Project Valuation | \$172,713 |
| b. | Projected Completed Project Assessed Valuation | \$1,400,000 |
| c. | Projected Tax Increment Base (b. minus a.) | \$1,227,287 |
| d. | City Tax Levy (2008) | |
| e. | County Tax Levy (2008) | |
| f. | School District Tax Levy (2008) | |
| g. | Community College Tax Levy (2008) | |
| h. | Educational Service Unit Tax Levy (2008) | |
| i. | Natural Resource District Tax Levy (2008) | |
| j. | Other applicable real estate tax levies (2008) | |
| k. | Total levy | \$2.082963 |
| l. | Annual Projected Tax Shift (Max of 15 years) | \$25,564 |
| m. | Total Projected Tax Shift | \$383,459 |

Note: The property tax shift is based on assumed values and levy rates; actual amounts and rates will vary from these assumptions, and it is understood that the actual tax shift may vary materially from the projected amount.

The developer is requesting assistance with the cost of acquisition of the property; demolition of the existing structure; site preparation costs and expenses for professional services such as architecture and engineering. The developer has a contract to purchase the vacant lots to the south of the existing store that is contingent on the award of TIF by the city. The developer will also have to replace a public water main across the property between Eddy Street and Broadwell Avenue. These improvements will be paid for by the developer. If approved, TIF, will be used to pay those costs.

B. Public infrastructure and community public service impacts and local tax impacts arising from the approval of the redevelopment project.

Necessary Public Infrastructure Improvements:

- New Water Line
- Reconstruction of sidewalks

These improvements will be made at the developer's expense to be covered by TIF. Utilities are available to this location. No utility improvements on the site will be completed at rate payer or tax payer expense.

No street improvements are anticipated. Minimal additional traffic will be created with this project.

There will be a no impact on neighborhood schools. It is anticipated that no new students would result from the reconstruction of a convenience store at this site.

This site does generate sales tax but it is not anticipated that a substantial increase or decrease would occur as a result of this development. Some additional sales tax will be generated with the construction. Utilities are also subject to sales tax.

All utilities are city utilities, including electrical, sewer, water. Gas is provided through Northwestern Energy.

C. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project

The property is currently being used for a convenience store. It is anticipated that no jobs will be displaced by this development within the redevelopment area.

- D. Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project

It is anticipated that this project will have no significant impact on other employers within the immediate area or in the community at large.

- E. Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project

The Five Points area was declared blighted and substandard in the hopes that new development would occur. This is the first project at Five Points and hopefully will encourage others to move forward with redevelopment plans.

This neighborhood has not had a great deal of new development in many years and some newer buildings, especially ones that replace older buildings are likely to raise all of the property values.

REDEVELOPMENT CONTRACT

This Redevelopment Contract is made and entered into as of the ____ day of _____, 2009, by and between the Community Redevelopment Authority of the City of Grand Island, Nebraska (“Authority”) and Casey’s General Stores, Inc. (“Redeveloper”), whether one or more.

WITNESSETH:

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

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

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

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

ARTICLE I

DEFINITIONS AND INTREPRETATION

Section 1.01 Terms Defined in this Redevelopment Contract.

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

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

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

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

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

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

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

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

“Redevelopment Contract” means this redevelopment contract between Authority and Redeveloper dated _____, 2009, with respect to the Project.

“Redevelopment Plan” means the Redevelopment Plan for Area No. 6, prepared by the Authority and approved by the City pursuant to the Act, as amended from time to time.

“Resolution” means the Resolution of the Authority dated _____, 2009, as supplemented from time to time, approving this Redevelopment Contract.

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

ARTICLE II REPRESENTATIONS

Section 2.01 Representations by Authority.

Authority makes the following representations and findings;

- (a) Authority is a duly organized and validly existing community redevelopment authority under the Act.
- (b) The Redevelopment Plan has been duly approved and adopted by the City pursuant to Section 18-2116 and 18-2117 of the Act.
- (c) The Authority deems it to be in the public interest and in furtherance of the purposes of the Act to accept the proposal submitted by Redeveloper as specified herein.

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

Section 2.02 Representations of Redeveloper.

The Redeveloper makes the following representations:

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

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

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

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

ARTICLE III

OBLIGATIONS OF THE AUTHORITY

Section 3.01 Division of Taxes

In accordance with Section 18-2147 of the Act, the Authority hereby amends the Redevelopment Plan of the Authority by providing that any ad valorem tax on real property in

the Project for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as provided in Section 18-2147 of the Act or until \$383,450.00 is provided through TIF, whichever occurs sooner. The effective date of this provision shall be March 31, 2009.

Section 3.02 TIF Pledge of Revenues.

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

Section 3.03 Payment.

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

Section 3.04 Creation of Fund.

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

ARTICLE IV

OBLIGATIONS OF REDEVELOPER

Section 4.01 Construction of Project; Insurance

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

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

Sections 4.02 Reserved.

Section 4.03 Redeveloper to Operate Project.

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

Section 4.04 Authority Costs.

Redeveloper shall pay to Authority on the date of execution of this Redevelopment Contract, the sum of \$1,000.00 to reimburse the Authority for its fees and expenses incurred in connection with this Redevelopment Contract.

Section 4.05 No Discrimination.

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

assistance. Redeveloper will comply with all applicable federal, state and local laws related to the Project.

Section 4.06 Pay Real Estate Taxes.

Redeveloper intends to create a taxable real property valuation of the Project of \$1,400,000.00 no later than as of December 31, 2009. During the term of this contract, Redeveloper will (1) not protest a real estate property valuation on the Premises of \$1,400,000.00 or less after substantial completion or occupancy; (2) not convey the Premises or structures thereon to any entity which would be exempt from the payment of real estate taxes or cause the nonpayment of such real estate taxes; and (3) cause all real estate taxes and assessments levied on the Premises to be paid prior to the time such become delinquent.

Section 4.07 Reserved.

Section 4.08 No Assignment or Conveyance.

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

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

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

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

ARTICLE V

FINANCING REDEVELOPMENT PROJECT; ENCUMBRANCES

Section 5.01 Financing.

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

Section 5.02 Encumbrances.

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

ARTICLE VI

DEFAULT, REMEDIES; INDEMNIFICATION

Section 6.01 General Remedies of Authority and Redeveloper.

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

Section 6.02 Additional Remedies of Authority.

In the event that:

- (a) The Redeveloper, or successor in interest, shall fail to complete the construction of the Project on or before March 31, 2010, or shall abandon construction work for any period of 90 days;
- (b) The Redeveloper, or successor in interest, shall fail to pay real estate taxes or assessments on the Premises or any part thereof when due, and such taxes or assessments shall not have been paid, or provisions satisfactory to the Authority made for such payment within 30 days following written notice from Authority; or
- (c) There is, in violation of Section 4.08 of this Redevelopment Contract, transfer of the Premises or any part thereof, and such failure or action by the Redeveloper has not been cured within 30 days following written notice from Authority, then the Redeveloper shall be in default of this Redevelopment Contract.

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

Interest shall accrue on the Liquidated Damages Amount at the rate of one percent (1%) over the prime rate as published and modified in the Wall Street Journal from time to time and interest shall commence from the date that the Authority gives notice to the Redeveloper demanding payment.

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

Section 6.03 Remedies in the Event of Other Redeveloper Defaults.

In the event the Redeveloper fails to perform any other provisions of this Redevelopment Contract (other than those specific provisions contained in Section 6.02), the Redeveloper shall be in default. In such an instance, the Authority may seek to enforce the terms

of this Redevelopment Contract or exercise any other remedies that may be provided in this Redevelopment Contract or by applicable law; provided, however, that the default covered by this Section shall not give rise to a right of rescission or termination of this Redevelopment Contract, and shall not be covered by the Liquidated Damages Amount.

Section 6.04 Enforced Delay Beyond Party's Control.

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

Section 6.05 Limitation of Liability; Indemnification.

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

from any liability for any loss or damage to property or any injury to or death of any persons that may be occasioned by any cause whatsoever pertaining to the Project.

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

ARTICLE VII MISCELLANEOUS

Section 7.01 Notice Recording.

A notice memorandum of this Redevelopment Contract shall be recorded with the Register of Deeds of Hall County, Nebraska.

Section 7.02 Governing Law.

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

Section 7.03 Binding Effect; Amendment.

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

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

COMMUNITY REDEVELOPMENT
AUTHORITY OF THE CITY OF
GRAND ISLAND, NEBRASKA

ATTEST:

Secretary

By: _____
Its Chair

STATE OF NEBRASKA)
)ss.
COUNTY OF HALL)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Barry G. Sandstrom and Chad Nabity, Chair and Secretary, respectively, of the Community Redevelopment Authority of the City of Grand Island, Nebraska, on behalf of the Authority.

(SEAL)

Notary Public

CASEY'S GENERAL STORES, INC.

By _____

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, President of Casey's General Stores, Inc., an Iowa Corporation, on behalf of the Corporation.

(SEAL)

Notary Public

EXHIBIT A

DESCRIPTION OF PREMISES

Lots One (1), Two (2) and Twelve (12), Gilbert's Subdivision of Block One (1) of Gilbert's Second Addition and all of Park Reserve of the Resubdivision of Block One (1), Gilbert's Second Addition all to the City of Grand Island, Hall County, Nebraska, except a triangle tract deeded to the City of Grand Island in Quitclaim Deed filed in Book 89, Page 644.

EXHIBIT B

DESCRIPTION OF PROJECT

Acquisition of real estate in the 1700 block North Eddy and North Broadwell (Five Points area); demolition of the existing Casey's General Store at 1814 N. Eddy and construction of a new 3950 sq. ft. one story building and related structures and site improvements for a Casey's Convenience Store with the sale of gasoline and other petroleum products. The developer will also be responsible for replacing an existing water line that crosses the properties connecting mains in Broadwell Avenue and Eddy Street.

EXHIBIT
C
(Estimated)

| | | |
|----|--------------------------------------|---------------------|
| 1. | <u>Acquisition Costs:</u> | |
| | A. Land | \$400,000.00 |
| | B. Building - Included in Land Cost | -0- |
| 2. | <u>Construction Costs:</u> | |
| | A. Renovation or Building Costs: | \$550,000.00 |
| | B. On-Site Improvements: | \$434,000.00 |
| | C. Off-Site Improvements: | N/A |
| 3. | <u>Soft Costs:</u> | |
| | A. Architectural & Engineering Fees: | \$75,000.00 |
| | B. Financing Fees: | -0- |
| | C. Legal/Developer/Audit Fees: | -0- |
| | D. Contingency Reserves: | \$75,000.00 |
| | E. Other (Please Specify) | N/A |
| | TOTAL | 1,534,000.00 |

Resolution Number 2009-03

HALL COUNTY REGIONAL PLANNING COMMISSION

**A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT
PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF
RELATED ACTIONS**

WHEREAS, the Chairman and Board of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "**Authority**"), referred that certain Redevelopment Plan to the Hall County Regional Planning Commission, (the "**Commission**") a copy of which is attached hereto as Exhibit "A" for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to Section 18-2112 of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "**Act**"); and

WHEREAS, the Commission has reviewed said Redevelopment Plan as to its conformity with the general plan for the development of the City of Grand Island, Hall County;

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:

Section 1. The Commission hereby recommends approval of the Redevelopment Plan.

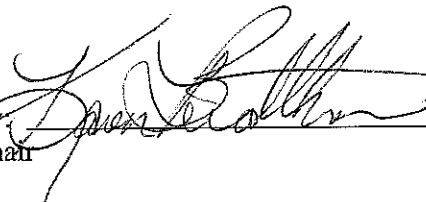
Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

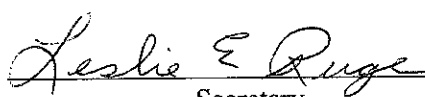
Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: 4th, February 2009.

HALL COUNTY REGIONAL PLANNING
COMMISSION

ATTEST:

By: 
Vice-Chair

By: 
Secretary



BACKGROUND INFORMATION RELATIVE TO TAX INCREMENT FINANCING REQUEST

Project Redeveloper Information

Business Name:

Casey's Retail Company

Address:

1 SE Convenience Blvd., Ankeny, IA 50021

Telephone No.: 515-965-6501 Fax No.: 515-965-6160

Contact:

Eli J. Wirtz, Corporate Counsel

Brief Description of Applicant's

Business: Establishment and operation of convenience stores with gasoline sale facilities in a multi-state area of the midwest, including Nebraska.

Present Ownership Proposed Project Site: Richard L. Snyder and Connie J. Snyder;

Casey's Retail Company

Proposed Project: Building square footage, size of property, description of
 buildings – materials, etc. Please attach site plan, if
available.

Project includes combining four parcels known as 1721 N Broadwell, 1720 N
Eddy, 1724 N Eddy and 1814 N Eddy into a single site for redevelopment;
demolition of existing Casey's General Store and related improvements and
construction of a new "O" style Casey's General Store with fuel dispensers,
underground storage tanks and canopy over fueling islands per plan approved by
City. Also includes relocation of a city water main. See attachment 1, site plan
approved by the City, showing size of property to be 0.864 acre, more or less, and
attachment 2, showing building construction materials and dimensions of
building, which contains 3,950 square feet.

If Property is to be Subdivided, Show Division Planned:

An administrative replat of the four (4) properties combined to create the store
site will be undertaken. See attachment 3, a survey of the proposed store site,
identifying and showing the four constituent parcels.

VI. Estimated Project Costs:

Acquisition Costs:

| | |
|-------------|------------|
| A. Land | \$ 400,000 |
| B. Building | \$ -0- |

Construction Costs:

| | |
|----------------------------------|------------|
| A. Renovation or Building Costs: | \$ 550,000 |
|----------------------------------|------------|

B. On-Site Improvements: \$ 434,000

Soft Costs:

A. Architectural & Engineering Fees: \$ 75,000

B. Financing Fees: \$ -0-

C. Legal/Developer/Audit Fees: \$ -0-

D. Contingency Reserves: \$ 75,000

E. Other (Please Specify) \$ -0-

TOTAL \$ 1,534,000

Total Estimated Market Value at Completion: \$ 1,400,000

Source of Financing:

A. Developer Equity: \$ 1,149,000

B. Commercial Bank Loan: \$ -0-

Tax Credits:

1. N.I.F.A. \$ -0-

2. Historic Tax Credits \$ -0-

D. Industrial Revenue Bonds: \$ -0-

E. Tax Increment Assistance: (est.) \$ 385,000
F. Other \$ -0-

Name, Address, Phone & Fax Numbers of Architect, Engineer and General Contractor:

Architect: Miller & Associates,
1111 Central Ave., Kearney, NE
Phone: 308-234-6456; Fax: 308-234-1146
Engineer: Tagge Engineering Consultants, Inc.
515 West Ave., Holdrege, NE 68949
Phone: 308-995-6677; Fax 308-995-6164
Contractor: To Be Selected

Estimated Real Estate Taxes on Project Site Upon Completion of Project:

(Please Show Calculations)

\$1,400,000 x \$2.082963 (current millage rate) = \$29,161.48

(appraisal after planned improvements x expected annual mil levy)

Project Construction Schedule:

Construction Start Date:

April 1, 2009

Construction Completion Date:

August 15, 2009

If Phased Project: N/A

| | |
|------------|---------|
| _____ Year | _____ % |
| Complete | |
| _____ Year | _____ % |
| Complete | |

XII. Please Attach Construction Pro Forma

XIII. Please Attach Annual Income & Expense Pro Forma

(With Appropriate Schedules)

TAX INCREMENT FINANCING REQUEST INFORMATION

Describe Amount and Purpose for Which Tax Increment Financing is Requested:

The amount of Incremental Prospective Annual Real Estate Taxes over the 2008
Real Estate Taxes (payable in 2009) on the subject property for 15 years will be
used to finance funds required for redevelopment of the Property.

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing

for Proposed Project: TIF is an integral and essential component in the overall
financing of the project in order to make the finished facility economically viable
and thus justify redevelopment of the property with a new facility as proposed,
within the subject blighted area. The project includes construction of a new water
line to be owned by the City, using TIF funds. Purchase of the additional land
essential to this project is contingent on the availability of TIF funds.

Municipal and Corporate References (if applicable). Please identify all other
Municipalities, and other Corporations the Applicant has been involved with, or
has completed developments in, within the last five (5) years, providing contact
person, telephone and fax numbers for each:

The Company has constructed over 100 new or replacement convenience stores in
numerous cities over the past five (5) years. Information concerning particular
stores or cities will be made available upon request.

- IV. Please Attach Applicant's Corporate/Business Annual Financial Statements for the Last Three Years.

See attached Annual Reports of Casey's General Stores, Inc. for the fiscal years ended 4/1/2008 and 4/1/2007, each of which includes balance sheets and income statements for the current year and one previous year. Casey's Retail Company is a wholly-owned subsidiary of Casey's General Stores, Inc.

Post Office Box 1968
Grand Island, Nebraska 68802-1968
Phone: 308 385-5240
Fax: 308 385-5423
Email: cnabity@grand-island.com



CASEY'S GENERAL STORES, INC.

P.O. Box 3001 • One Convenience Blvd., Ankeny, Iowa 50021-8045 • 515-965-6100

Sender's Direct-Dial Telephone Number: 515-965-6501

Fax Number: 515-965-6160

E-mail Address: eli.wirtz@caseys.com

December 22, 2008

Sent via Email to: ChadN@grand-island.com

Mr. Chad Nabity
Regional Planning Director
City Hall
100 E 1st St.
Grand Island, NE 68801

RE: TIF Application of Casey's Retail Company

Dear Chad:

Attached is the Application of Casey's Retail Company, an Iowa corporation, for Tax Increment Financing (TIF) with respect to a project the Company proposes to undertake involving the redevelopment of four properties in the Five-Points area of Grand Island, the addresses of which are: 1814 N. Eddy, 1720 N. Eddy, 1724 N. Eddy and 1721 N. Broadwell. The Company currently owns and operates a Casey's General Store on the property known as 1814 N. Eddy. The other properties are owned by Richard L. Snyder and Connie J. Snyder, from whom Casey's proposes to purchase the aforementioned properties for inclusion in the project. The project includes demolition of the existing Casey's store and construction of a new, much larger facility on the Snyder property lying to the South, with improvements that also incorporate the current Casey's store site.

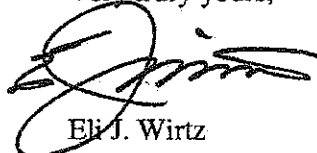
I believe the enclosed Application responds satisfactory to all of the questions posed. However, if there are questions, or if additional information is needed, please contact me and I will provide it immediately. I understand you have received the supporting attachments to this Application, which were sent to you by Federal Express last Thursday. Please attach those attachments to the enclosed Application.

One of the items requested in the Application is a Pro Forma Operating Statement for the new store to be constructed. The Company is hesitant to attempt to project a probable operating statement for the store as constructed and opened, as many factors can influence the level of success of a new store. Moreover, the Company is hesitant to reveal individual store performance in documents which become public, as such information is considered proprietary and highly confidential. However, I have attached a copy of page 18 of the Company's Annual Report for the fiscal year ended April 30, 2008 that is among the attachments already in your possession, which reflects average sales and profit data for Company-owned stores for the last three fiscal years. I trust this information will be sufficient for your purposes. However, if not, please contact me.

Mr. Chad Nabity
Grand Island TIF
December 22, 2008
Page 2

My direct dial telephone number is 515-965-6501 and my email address is eli.wirtz@caseys.com. My fax number, should you need it, is 515-965-6160. Thank you for your attention to this matter.

Very truly yours,



Eli J. Wirtz
Corporate Counsel

EJW/mmww

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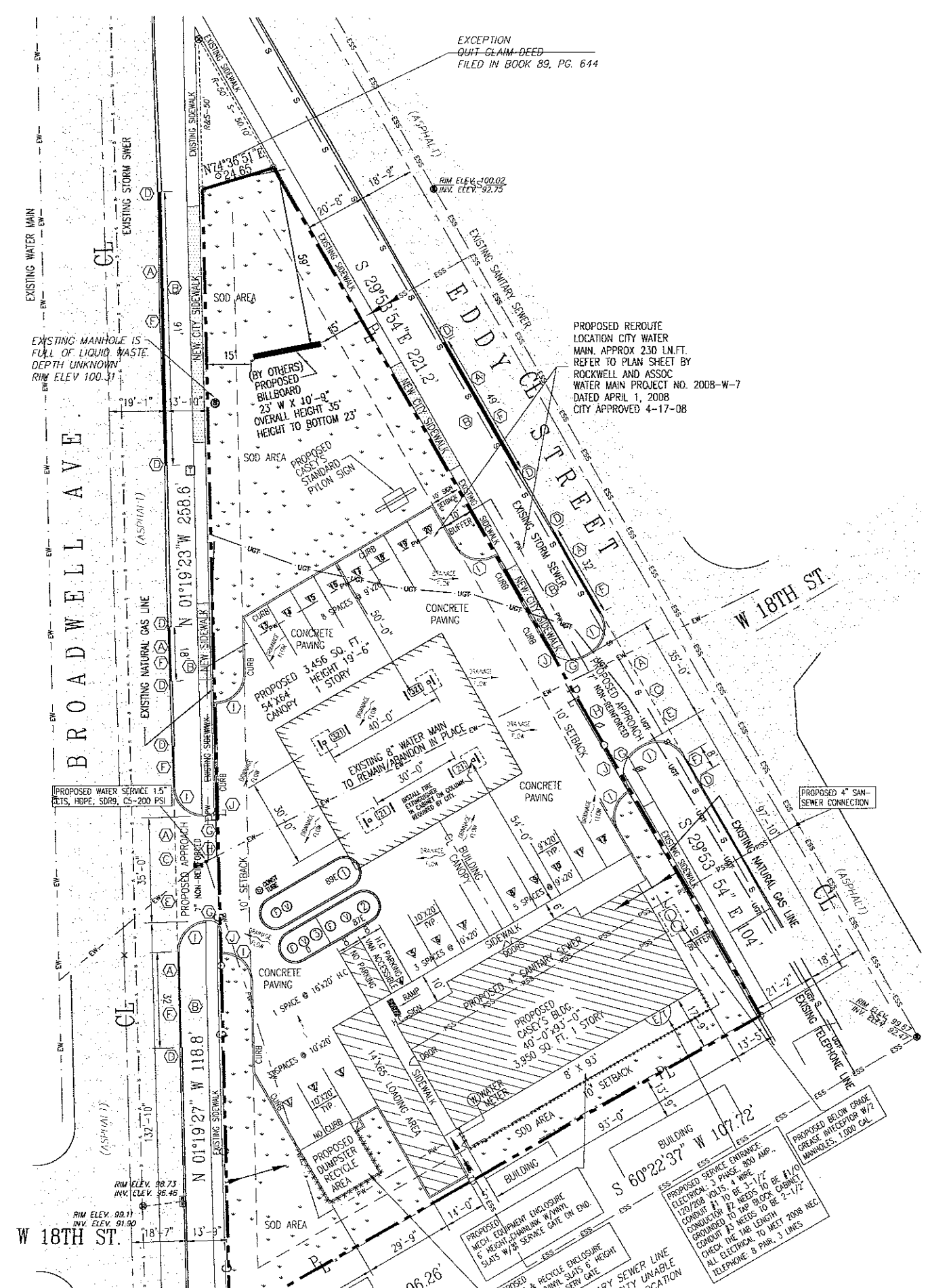
COMPANY NET SALES AND GROSS PROFITS

| Years ended April 30, | 2008 | 2007 | 2006 |
|-----------------------------|---------------------|---------------------|---------------------|
| Total revenue | | | |
| Gasoline | \$ 3,558,108 | \$ 2,881,054 | \$ 2,478,734 |
| Grocery & other merchandise | 942,659 | 852,812 | 767,474 |
| Prepared food & fountain | 301,598 | 267,273 | 228,525 |
| Other | 24,722 | 22,871 | 17,743 |
| | <u>\$ 4,827,087</u> | <u>\$ 4,024,010</u> | <u>\$ 3,492,476</u> |
| Gross profits (1) | | | |
| Gasoline | \$ 168,859 | \$ 124,094 | \$ 125,443 |
| Grocery & other merchandise | 311,863 | 278,650 | 247,024 |
| Prepared food & fountain | 187,947 | 165,764 | 144,036 |
| Other | 17,340 | 14,777 | 9,719 |
| | <u>\$ 686,009</u> | <u>\$ 583,285</u> | <u>\$ 526,222</u> |

INDIVIDUAL STORE COMPARISONS (2)

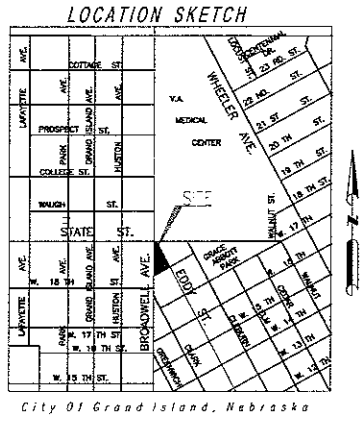
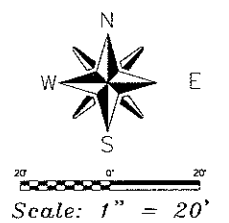
| Years ended April 30, | 2008 | 2007 | 2006 |
|--------------------------------------|----------|----------|----------|
| Corporate Stores | | | |
| Average retail sales | \$ 3,305 | \$ 2,763 | \$ 2,568 |
| Average retail inside sales | 856 | 778 | 742 |
| Average gross profit on inside items | 340 | 302 | 284 |
| Average retail sales of gasoline | 2,449 | 1,985 | 1,826 |
| Average gross profit on gasoline (3) | 115 | 84 | 91 |
| Average operating income (4) | 136 | 102 | 107 |
| Average number of gallons sold | 836 | 821 | 806 |
| Franchise Stores | | | |
| Average franchise revenue (5) | \$ 41 | \$ 38 | \$ 36 |

- (1) Gross profits represent total revenue less cost of goods sold. Gross profit is given before charge for depreciation and amortization.
- (2) Individual store comparisons include only those stores that had been in operation for at least one full year on April 30 of the fiscal year indicated.
- (3) Retail gasoline profit margins have a substantial impact on our net income. Profit margins on gasoline sales can be adversely affected by factors beyond our control, including oversupply in the retail gasoline market, uncertainty or volatility in the wholesale gasoline market, and price competition from other gasoline marketers. Any substantial decrease in profit margins on retail gasoline sales or the number of gallons sold could have a material adverse effect on our earnings.
- (4) Average operating income represents retail sales less cost of goods sold, including cost of merchandise, financing costs, and operating expenses attributable to a particular store; it excludes federal and state income taxes, Company's operating expenses not attributable to a particular store, and our payments to the Company's benefit plans.
- (5) Average franchise revenue includes a royalty fee equal to 3% of gross receipts derived from store sales of nongasoline items, a royalty fee of \$0.018 per gallon on gasoline sales, and sign and façade rental fees.



RECORDED LEGAL DESCRIPTION

Lots 1,2, & 12 of Gilbert's Subdivision of Block 1 of Gilbert's Second Addition and all of Park Reserve of the Resubdivision of Block One(1), Gilbert's Second Addition all to the City of Grand Island, Hall County, Nebraska, Except for a triangular piece of ground deeded to the City of Grand Island, in Quit Claim Deed filed in Book 89 at Page 644, described as follows: Beginning at the intersection of the East line of Broadwell Avenue and the West line of Eddy Street, going South along the East line of Broadwell Avenue, a distance of 50 feet, thence Easterly to the West line of Eddy Street, thence Northerly a distance of 50 feet along the westerly line of Eddy Street to the Point of Beginning.



- GENERAL CONSTRUCTION NOTES:**
- 2 - 20,000 GALLON DOUBLE WALL FIBERGLASS TANK 10'-6" x 37'-5" TANK 1-20,000 GALLON, TANK 2-20,000 GALLON SPLIT 12,000 & 8,000 GALLON TANK 1-89E, TANK 2-87E, TANK 3- DIESEL
 - ISLAND SIZE - 3'X5' W/DUAL GUARD PIPE
 - 4 GILBARCO (ENCORE) 500 S DISPENSERS W/CRIND
2 @ 3+0 WITH 2 NOZZLES, 4 METERS EACH = TOTAL 4 NOZZLES, 8 METERS
2 @ 3+1 WITH 4 NOZZLES, 6 METERS EACH = TOTAL 8 NOZZLES, 12 METERS
 - DRIVEWAY JOINTS TO BE PACKED & CAULKED
 - CONCRETE DRIVE TROWELED WITH LIGHT BROOM FINISH
 - CONTROL JOINTS - MIN. 100 sq.ft. - MAX. 125 sq.ft. - 25% DEEP
 - CONSTRUCTION JOINTS - PINNED 4" O.C. 12" EACH WAY WITH 1/2" REBAR #4
 - APPROACHES TO BE 7" NONREINFORCED OR AS PER STATE/CITY SPEC.
 - SLOPE RAMPS FOR BUILDING SIDEWALK 1:12; H.C. PARKING 1:50 ALL DIRECTIONS
 - ALL NO PARKING/ACCESS AISLE STRIPING @45° ANGLE.
 - RUN VENT LINES UP SEPARATE CANOPY COLUMN.
 - VERIFY ALL UTILITY LOCATIONS & DIMENSIONS
 - PARKING SPACES (PAINT LINES)
 - EXISTING GROUND SPOT ELEVATION.....REFER TO GRADING PLAN AL-104.
 - PROPOSED TOP OF PAVEMENT ELEVATIONS REFER TO GRADING PLAN AL-104
 - INTERCOM SYSTEM AT EACH ISLAND
 - DUMPSTER/RECYCLE ENCLOSURE
 - CONCRETE.....
 - SOD AREA.....

- SURVEYORS LEGEND**
- FOUND MONUMENT
 - SET 1/2"x24" REBAR W/PLASTIC CAP STAMPED R.L.S. 546
 - ACTUAL DISTANCE
 - PLATTED DISTANCE
 - DERIV. SORCENFREL L.S. 578 (Jan 2000)
 - RECORDED DISTANCE
 - POWER POLE
 - GUY ANCHOR
 - BOLLARD
 - SIGN
 - PILLAR UNDER CANOPY
 - UNDERGROUND GAS TANK
 - MANHOLE
 - DECIDUOUS TREE
 - STUMP
 - SHRUB
 - WATER HYDRANT
 - CURB STOP
 - GATE VALVE
 - STORM SEWER MANHOLE
 - CURB INLET
 - ELECTRICAL PEDESTAL
 - TELEPHONE PEDESTAL
 - EXISTING WATER LINE
 - OVERHEAD POWERLINE
 - FENCE
 - GAS LINE
 - TELEPHONE LINE
 - STORM SEWER
 - EXISTING SANITARY SEWER

U.G.S.T. NOTES: DOUBLEWALL FLEX PRODUCT PIPING REQUIRED

- FILL CATCH BASIN W/ OVERSPILL PROTECTION(TYP.) WITH DROP TUBE W/FLAP FOR OVER FILL PROTECTION
 - TURBINE ENCLOSURE TYP. CONTAINS: SUM-PUMP W/LINE DETECTION TANK PROBE MONITORING, INCLUDING THE INTERSTITIAL SENSOR
 - VENT EXTRACTORS NO BALL FLOAT ALLOWED IN NEBRASKA
- NOTICE: INSTALL SUMPS SENSORS AT EACH DISPENSER.

NOTICE: ALL WORK IN/ON THE R.O.W. AREA IS SUBJECT TO THE CITY OF GRAND ISLAND APPROVAL AND SPECIFICATIONS.

| | |
|-----|--|
| (A) | SAW CUT AND REMOVE EXISTING CURB, AND OR (CURB AND GUTTER) |
| (B) | REMOVE EXISTING ACCESS APPROACH. |
| (C) | MATCH EXISTING PAVEMENT ELEVATION |
| (D) | TIE INTO AND MATCH EXISTING CURB HEIGHT AND GUTTER FLOW LINE |
| (E) | PROPOSED NEW DEPRESSED CURB AND GUTTER. |
| (F) | PROPOSED NEW CURB AND GUTTER. |
| (G) | TAPER CURB TO SIDEWALK TYP. RAMP SIDEWALK TO MEET ADA CODE. |
| (H) | MAX 2% CROSS SLOPE IN AREA OF SIDEWALK |
| (I) | PROPOSED 10 FT. RADIUS. |
| (J) | PROPOSED 5 FT. RADIUS. |

NOTE: SYMBOL INDICATES EXISTING UTILITY TO EXISTING STRUCTURE TO BE REMOVED OR DISCONNECTED BY APPROPRIATE CONTRACTOR. VERIFY WITH UTILITY COMPANY REPRESENTATIVE

CODES USED BY THE CITY OF GRAND ISLAND
2006 IBC International Building Code
2006 UPC Uniform Plumbing Code
2006 UMC Uniform Mechanical Code
2008 NEC National Electrical Code

ZONING

ZONED - B2 GENERAL BUSINESS

FLOOD PLAIN

As Determined By the Hall County Planning and Zoning Department This Property is located in Flood Zone C. According to F.I.R.M. Map No. 310103 0005B, Dated March 2, 1983

SETBACKS

FRONT - 10'
SIDE - NONE, BUT IF PROVIDED, NOT LESS THEN 5', OR UNLESS ADJACENT TO A PARCEL WHOSE ZONE REQUIRES A SIDE YARD SETBACK, THEN FIVE FEET. IN THE CASE OF A CORNER LOT ADJACENT TO THE SIDE STREET, THE SETBACK SHALL BE 10'. WHEN ADJACENT TO A PUBLIC ALLEY, THE SETBACK IS OPTIONAL AND MAY RANGE FROM 0 TO 5 FEET.
REAR - NONE IF BOUNDED BY AN ALLEY; OTHERWISE 10'

SPEED LIMITS

EDDY STREET 30 M.P.H.
BROADWELL AVENUE 30 M.P.H.

BASIS OF BEARINGS

EAST LINE OF PARK RESERVE S 29°53'54" E - BEARING TAKEN FROM DERYL SORCENFREL L.S. 578 PLAT DATED JANUARY, 2006

PLAT REFERENCE

LYLE W. DAVIS L.S. 411
DATED OCTOBER 26, 1984

BENCHMARK

TBM #1 SE COR. LOT 2 TOP OF 1/2" PIPE IMBEDDED IN CONCRETE
ELEVATION - 99.82

TBM #2 CHAIR NAILS IN POWER POLE AT SW COR. OF LOT 2
ELEVATION - 100.79

REQUIRED CITY INSPECTIONS: 308-385-5325 AT LEAST 24 HR NOTICE
FOOTINGS: WHEN FORMED & READY TO POUR
FOUNDATION: WHEN WATER PROOFING IS COMPLETED & READY FOR BACKFILLING
FRAMING: WHEN ALL FRAMING, WIRING, PLUMBING, & VENTING IS DONE AND WALLS ARE READY FOR COVERING
PLUMBING: OPEN ROUGH-IN & FINAL. SAME FOR MECHANICAL WORK.
ELECTRICAL: OPEN ROUGH-IN, SERVICE, AND FINAL
FINAL: PROJECT IS COMPLETED AND READY FOR OCCUPANCY.
CONCRETE: SIDEWALKS, CURBS, AND DRIVEWAYS INSPECTED BY STREET & ALLY DIVISION 308-385-5322

CASEY'S SERVICE UTILITIES

SANITARY SEWER 4" SCH 40 PVC CONNECTION AT MAIN LOCATED IN EDDY STREET
WATER 1.5" CTS, HDPE, SD99, CS-200 PSI CONNECTION AT MAIN ON BROADWELL AVENUE
ELECTRIC 3 PHASE, 120/208, 800 AMP. CONNECTION VERIFY WITH POWER COMPANY
TELEPHONE 8 PAIR, 3 LINES CONNECTION VERIFY WITH TELEPHONE COMPANY
NATURAL GAS...NOT NEEDED (ALL ELECTRIC)

CITY COMMENTS AFTER PLAN REVIEW OF BUILDING SET OF PLANS 11-25-08

- SHEET C-101: CODES USED WERE SHOWN INCORRECT THE CODES THE CITY FOLLOWS ARE: 2006 IBC, 2006 UPC, 2006 UMC, AND 2008 NEC
- PROVIDE ONE PORTABLE FIRE EXTINGUISHER WITHIN 30' OF KITCHEN COOKING AREA.
PROVIDE PORTABLE FIRE EXTINGUISHER WITHIN 75' TRAVEL DISTANCE FROM ANY POINT IN THE ESTABLISHMENT PER 2006 IBC SECTION 906
- SHEET A-111: THERE MUST BE 3" NON-COMBUSTIBLE BUFFER BETWEEN THE EXHAUST HOOD SYSTEM & THE ACOUSTICAL CEILING.
CONCRETE: SIDEWALKS, CURBS, AND DRIVEWAYS INSPECTED BY STREET & ALLY DIVISION 308-385-5322
- SHEET A-601: DOOR #100.1 SHALL HAVE SAFETY GLAZING INSTALLED
- SHEET P-101: FOOD PREP SINK MUST HAVE AN INDIRECT WASTE.
- SHEET E-601:
a. NOTE 2602 CABINET NEEDS TO BE 800 AMP
b. CONDUIT SCHEDULE
1. CONDUIT #1 NEEDS TO BE 3-1/2"
2. CONDUCTOR #2 NEEDS TO BE #1/0 GROUND TO TAP BLOCK CABINET
3. CONDUIT #3 NEEDS TO BE 2-1/2". CHECK THE TAP LENGTH
c. ALL ELECTRICAL MUST MEET 2008 NEC REQUIREMENTS.

CASEY'S General Store

CASEY'S CONSTRUCTION DIVISION
One Convenience Blvd., P.O. Box 3001, Arapahoe, IA 50021 515-965-6100

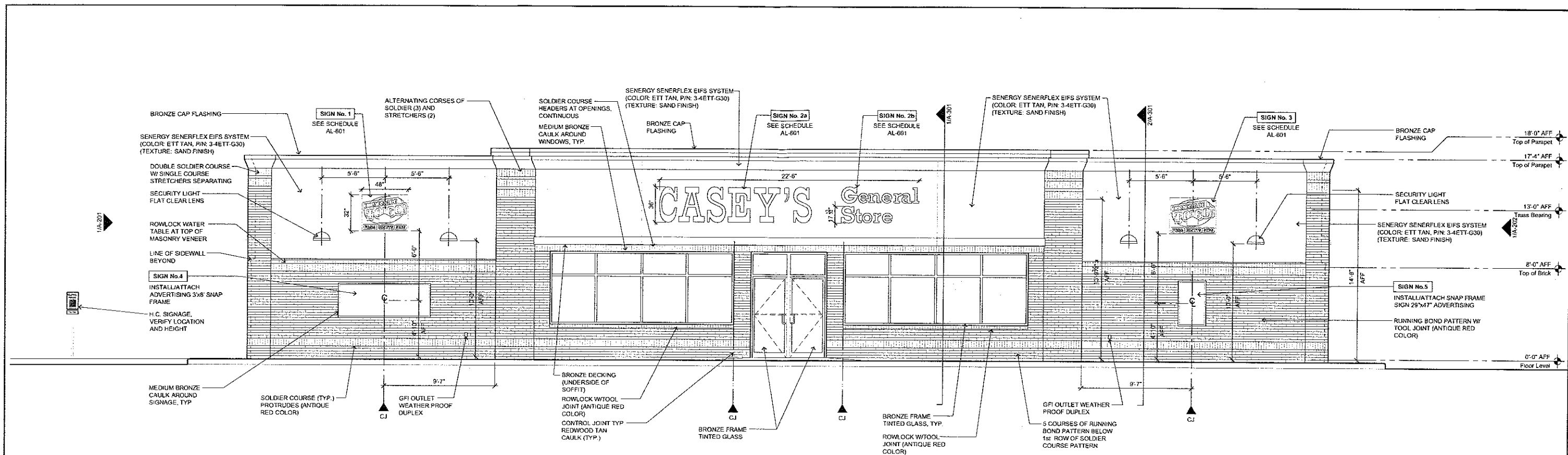
PROJECT: GRAND ISLAND, NE #2737
1814 N EDDY STREET
"O"-STYLE STORE
(WOOD FRAME)

DATE: 02-20-08
03-13-08
09-02-08
11-25-08

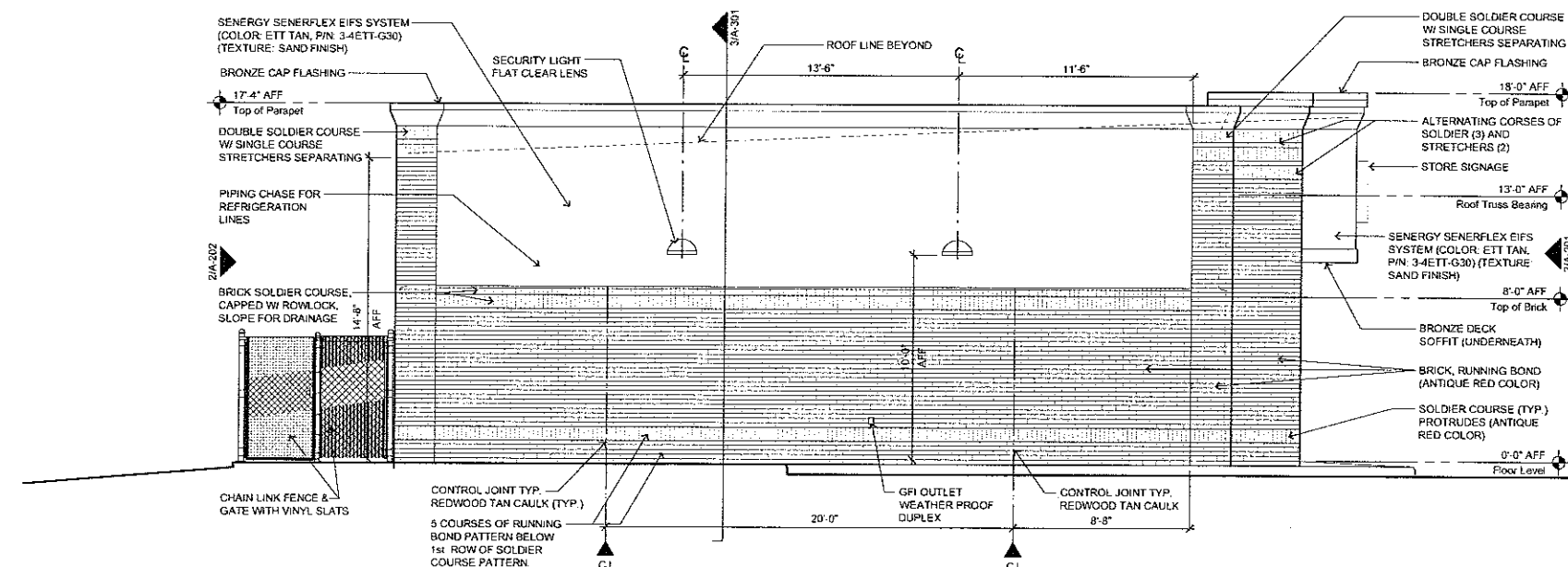
CONSTRUCTION DIVISION
T GRUBER

SITE PLAN

C-101



2 Front Elevation
1/4" = 1'-0"



1 Left Side Elevation
1/4" = 1'-0"

General Notes

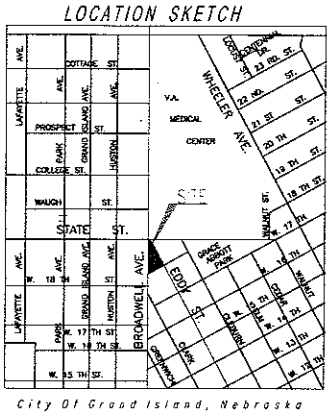
1. GENERAL CONTRACTOR TO INSTALL BOTH PIPING CHASE FOR REFG. LINES
2. REFER TO AL-601 FOR SIGNAGE SCHEDULE, INCLUDING SIZE AND AREA OF SIGNS SHOWN ON ELEVATIONS.

| | |
|---|--|
| | |
| CASEY'S CONSTRUCTION DIVISION One Convenience Blvd., P.O. Box 3001, Ankeny, IA 50021 515-965-6100 | |
| PROJECT: "O"-STYLE STORE | REVISED: 07-30-08 10-15-08 11-18-08 |
| CONSTRUCTION DIVISION | EXTERIOR ELEVATIONS A-201 |

ATTACHMENT #2

AN ALTA/ACSM OF LOTS 1, 2 & 12, GILBERT'S SUBDIVISION OF BLOCK 1 OF GILBERT'S SECOND ADDITION AND ALL OF PARK RESERVE OF THE RESUBDIVISION OF BLOCK 1, GILBERT'S SECOND ADDITION ALL TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA EXCEPT A TRIANGLE TRACT THERETO

(1721 N. BROADWELL, 1720 N. EDDY, 1724 N. EDDY, AND 1814 N. EDDY)



- LEGEND
- FOUND MONUMENT
 - SET 1/2"x24" REBAR W/PLASTIC CAP STAMPED R.L.S. 546
 - A ACTUAL DISTANCE
 - P PLATTED DISTANCE
 - S DERYL SORGENFEL L.S. 578 (JULY 2006)
 - R RECORDED DISTANCE
 - ✕ POWER POLE
 - ⊕ GUY ANCHOR
 - ⊙ BOLLARD
 - ⊙ SIGN
 - PILLAR UNDER CANOPY
 - UNDERGROUND GAS TANK MANHOLE
 - DECIDUOUS TREE
 - ✕ STUMP
 - SHRUB
 - WATER HYDRANT
 - CURB STOP
 - ⊕ GATE VALVE
 - ⊕ STORM SEWER MANHOLE
 - ⊕ CURB INLET
 - ⊕ ELECTRICAL PEDESTAL
 - ⊕ TELEPHONE PEDESTAL
 - WATER LINE
 - OVERHEAD POWERLINE
 - FENCE
 - GAS LINE
 - TELEPHONE LINE

UTILITY LEGEND

| | |
|---|----------------------|
| SEWER, WATER, AND POWER - CITY OF GRAND ISLAND | 308-385-5444 Ext.280 |
| GAS - NORTHWESTERN PUBLIC SERVICE COMPANY, GRAND ISLAND, NE | 308-382-9545 |
| TELEPHONE - QWEST, CALL CABLE LOCATE | 800-642-8434 |
| DIGGERS HOTLINE | 800-331-5666 |

ZONING
ZONED - B2 GENERAL BUSINESS

FLOOD PLAIN
As Determined By the Hall County Planning and Zoning Department This Property is located in Flood Zone C. According to F.L.R.M. Map No. 310103 000579, Dated March 2, 1993.

SETBACKS
FRONT - 10'
SIDE - NONE, BUT IF PROVIDED, NOT LESS THAN 5', OR UNLESS ADJACENT TO A PARCEL WHOSE ZONE REQUIRES A SIDE YARD SETBACK, THEN FIVE FEET. IN THE CASE OF A CORNER LOT ADJACENT TO THE SIDE STREET, THE SETBACK SHALL BE 10'. WHEN ADJACENT TO A PUBLIC ALLEY, THE SETBACK IS OPTIONAL AND MAY RANGE FROM 0 TO 5 FEET.
REAR - NONE IF BOUNDED BY AN ALLEY, OTHERWISE 10'

SPEED LIMITS

| | |
|------------------|-----------|
| EDDY STREET | 30 M.P.H. |
| BROADWELL AVENUE | 30 M.P.H. |

BASIS OF BEARINGS
EAST LINE OF PARK RESERVE S 29°53'54" E. BEARING TAKEN FROM DERYL SORGENFEL L.S. 578 PLAT DATED JANUARY, 2006

PLAT REFERENCE
LYLE W. DAVIS L.S. 411
DATED OCTOBER 26, 1984

BENCHMARK
TBM #1 SE COR. LOT 2 TOP OF 1/2" PIPE IMBEDDED IN CONCRETE
ELEVATION - 99.82
TBM #2 CHAIR NAILS IN POWER POLE AT SW COR. OF LOT 2
ELEVATION - 100.79

SURVEYOR'S CERTIFICATE
To Casey's General Stores, Inc.:
This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 3, 5, 6, 10 & 11 of Table A thereof, and (ii) pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification), undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Nebraska, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

I do hereby certify that, under my personal supervision, this plat was prepared from an actual survey completed this 16th day of February, 2007, and is correct to the best of my knowledge.

Dylan L. Langenberg, Registered Land Surveyor
Nebraska Reg. No. 546

RECORDED LEGAL DESCRIPTION
Lots 1, 2, & 12 of Gilbert's Subdivision of Block 1 of Gilbert's Second Addition and all of Park Reserve of the Resubdivision of Block 1, Gilbert's Second Addition all to the City of Grand Island, Hall County, Nebraska, Except for a triangular piece of ground deeded to the City of Grand Island, in Quit Claim Deed filed in Book 89 at Page 641, described as follows: Beginning at the intersection of the East line of Broadwell Avenue and the West line of Eddy Street, going South along the East line of Broadwell Avenue, a distance of 50 feet, thence Easterly to the West line of Eddy Street, thence Northerly a distance of 50 feet along the westerly line of Eddy Street to the Point of Beginning.



CASEY'S General Store

CASEY'S CONSTRUCTION DIVISION
One Convenience Blvd., P.O. Box 3091, Ankeny, IA 50021 515-965-6100

| | | |
|---|------------------------------|----------------------|
| PROJECT GRAND ISLAND, NE #2737 1814 N. EDDY STREET "O"-STYLE STORE (WOOD FRAME) | DATE 02-20-08 09-02-08 | SITE SURVEY G-101 |
|---|------------------------------|----------------------|

CONSTRUCTION DIVISION
T. GRUBER

ATTACHMENT # 4

STORE "O" CONSTRUCTION COST ESTIMATE

COST BREAKDOWN

| | |
|---|---------------------|
| SITE WORK | \$145,400.00 |
| CONCRETE | \$191,400.00 |
| BUILDING (STEEL/MASONRY) | \$105,000.00 |
| CARPENTRY | \$52,000.00 |
| INTERIOR FINISHES | \$35,800.00 |
| PETROLEUM (TANKS/PUMPS) | \$106,700.00 |
| GASOLINE CANOPY | \$125,000.00 |
| HVAC & EQUIPMENT | \$124,000.00 |
| TOTAL FOR EVERYTHING ABOVE THIS LINE | \$885,300.00 |

PLUS (SEPARATE PERMITS OBTAINED)

| | |
|---|---------------------|
| PLUMBING | \$34,000.00 |
| ELECTRICAL | \$75,000.00 |
| TOTAL PLUMBING & ELECTRICAL: | \$109,000.00 |

SIGNAGE COSTS:

| | |
|----------------------------|--------------------|
| STANDARD SIGNAGE | \$7,500.00 |
| MONUMENT SIGN | \$10,000.00 |
| TOTAL SIGNAGE COST: | \$17,500.00 |

| | |
|------------------------------|-----------------------|
| TOTAL COSTS FOR SITE: | \$1,138,300.00 |
|------------------------------|-----------------------|



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item E3

**Public Hearing Concerning Acquisition of Utility Easement - 3648
South Blaine Street - Meyer**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: March 10, 2009

Subject: Acquisition of Utility Easement – 3648 South Blaine Street - Scott and Leslie Meyer

Item #'s: E-3 & G-10

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 Scott and Leslie Meyer, located along the southerly property line of 3648 South Blaine Street, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

This easement will be used to place an underground cable and a pad-mounted transformer to serve a new home that is being built on the property.

Alternatives

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

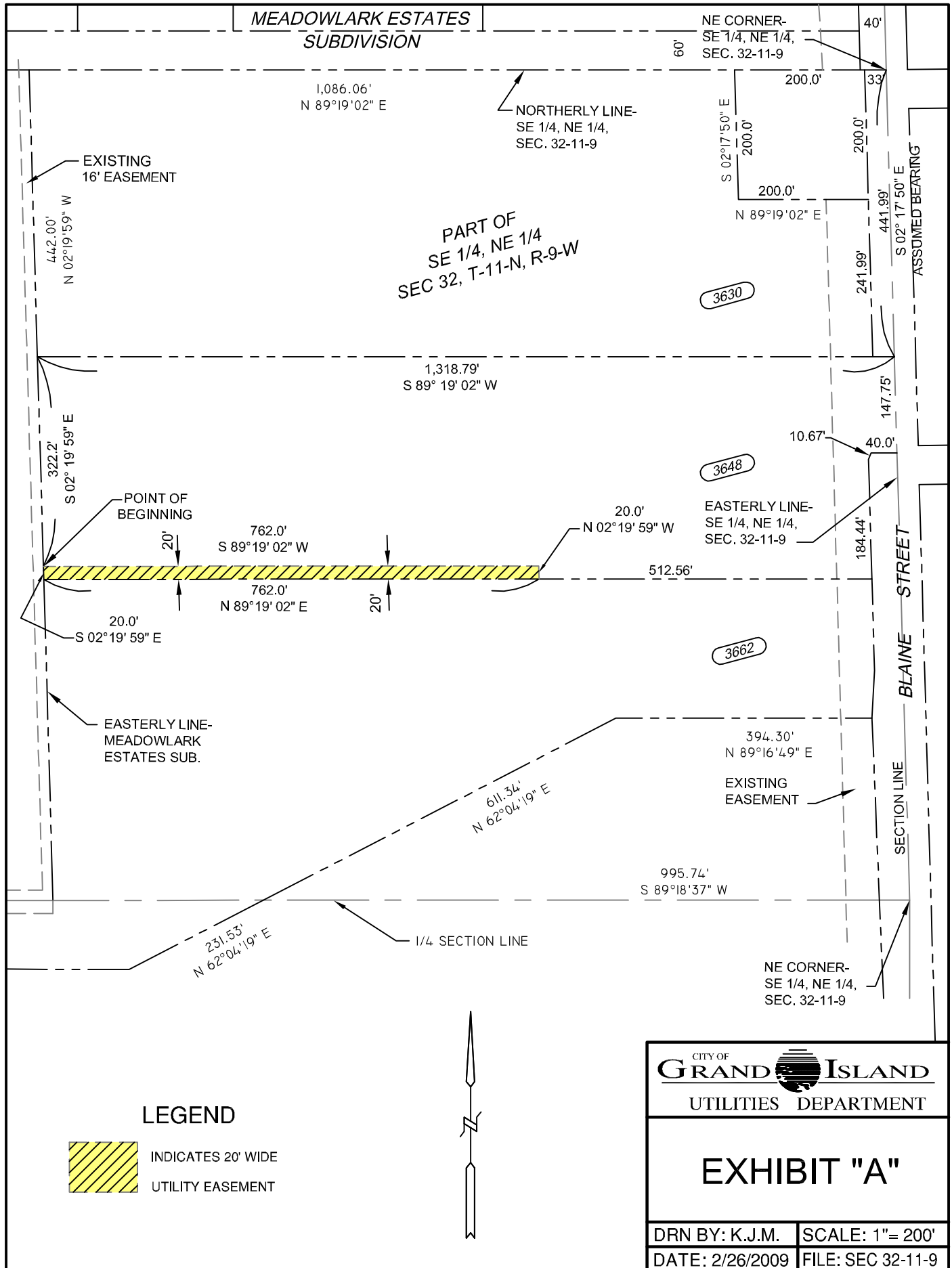
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, March 10, 2009

Council Session

Item F1

#9207 - Consideration of Amending Chapter 20-8 of the Grand Island City Code Relative to Fire Arms

Staff Contact: Steve Lamken

Council Agenda Memo

From: Steven Lamken, Police Chief

Meeting: March 10, 2009

Subject: Amendment to Grand Island City Code 20-8 – Fire Arms

Item #'s: F-1

Presenter(s): Steven Lamken, Police Chief

Background

There are frequent occurrences of multiple criminal mischief crimes in the City where the damage is being caused by the use of a gun or similar item that shoots a projectile such as a bb, pellet or paintball. Police Department investigations show that these crimes are being committed by persons driving or riding in vehicles and shooting at other vehicles or buildings causing damage. Police Officers have contact with persons carrying loaded bb guns or similar guns in their cars. City Code 20-8 prohibits the discharge of such items in the City but does not prohibit persons from carrying them while loaded in their vehicles.

Discussion

The residents and businesses of our City are frequently victims of vandalisms to their property caused by persons shooting bb, pellet, paintball or similar type guns. The cumulative damage of these vandalisms is in the tens of thousands of dollars. Police investigations determine the overwhelming majority of these offenses are committed by persons who are driving or riding in vehicles.

Police Officers have contact with persons driving or riding around in the City who have loaded bb, pellet, or similar guns in their cars. Most persons lack a legitimate purpose to be driving in the City with a loaded bb or pellet gun in their car as it is unlawful to discharge such guns inside the City limits.

Officers have made arrests for criminal mischief by observing such guns in vehicles they have stopped and conducting further investigations. While officers have been able to clear some cases and make some arrests; this is not the norm for what takes place during most traffic stops when a bb or pellet gun is found in the vehicle. Most of the time officers cannot take any action or enforcement when they find a loaded bb, pellet, or paintball gun in a vehicle. These items are not firearms or dangerous weapon under the

statutes of the State. There is no prohibition for carrying a loaded bb, pellet, paintball, or similar gun in a vehicle.

We do not find legitimate purposed for having a loaded bb, pellet, paintball or similar gun, transported in the passenger compartment of a vehicle. We recommend the adoption of the changes to City Code 20-8 that requires that such guns be unloaded and properly encased when being transported in the passenger compartment of a vehicle.

Alternatives

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

1. Move to Approve
2. Take no action on the issue
3. Postpone the issue to a future date
- 4.

Recommendation

City Administration recommends that the Council approve the amendments to City Code 20-8, Discharge Firearms, Air Rifles, etc.

Sample Motion

Motion to approve the amendments to City Code 20-8, Discharge Firearms, Air Rifles, etc.

ORDINANCE NO. 9207

An ordinance to amend Grand Island City Code Section 20-8 relating to restrictions for carrying air guns and similar items in the passenger compartment of motor vehicles; to repeal sections in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 20-8 of the Grand Island City Code is amended to read as follows:

§20-8. Discharging Fire Arms, Air Rifles, etc.

(A) It shall be unlawful for any person, except a law enforcement officer in the course of his or her duties, to discharge or fire a gun, pistol, fire arm, cannon, air rifle, sling shot, or other item designed for the discharge of bullets, missiles, rocks, or other dangerous items by the operation thereof, anywhere within the City.

(B) The above prohibition shall not apply to a location designed and utilized for the safe usage of such items, whether established or constructed on a temporary or permanent basis.

(C) It shall be unlawful for any person to possess in the passenger compartment of a motor vehicle off his or her own premises, an air rifle, bb or pellet gun, airsoft gun, paintball gun or any other such item designed to discharge a projectile, unless the item is unloaded and encased in a closed container that is secured by means of latches, zipper, or similar method. Any item found in violation of this section shall be seized as evidence and held by the Grand Island Police Department for a minimum period of sixty (60) days. If at the end of the sixty-day period the item is no longer required to be held as evidence for the prosecution of any violation of this section, any other city ordinance, or violation of any federal or state statute, the item will be returned to the rightful owner. If the rightful owner is under eighteen (18) years of age at the time the item is eligible for release, the item will be released to the rightful owner's parent or legal guardian.

SECTION 2. Section 20-8 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

ORDINANCE NO. 9207 (Cont.)

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

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

Enacted: March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G1

**Approving Minutes of February 21, 2009 City Council Special
Study Session Council Retreat**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL STUDY SESSION (RETREAT)

February 21, 2009

Pursuant to due call and notice thereof, a Special Study Session (Retreat) of the City Council of the City of Grand Island, Nebraska was conducted at the Law Enforcement Center, 111 Public Safety Drive on February 21, 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 8:40 a.m. The following members were present: Councilmember's Gericke, Nickerson, Zapata, Ramsey, Dugan, Haase, Gilbert, Niemann, and Meyer. Councilmember Carney was absent. The following City Officials were present: City Administrator Jeff Pederson, City Clerk RaNae Edwards, and Assistant to the City Administrator Paul Briseno.

INVOCATION was given by Mayor Hornady followed by the pledge of allegiance.

INTRODUCTION:

Mayor Hornady welcomed the council and gave a brief outline of the day's activities and purpose.

Councilmember Carney was present at 8:45 a.m.

BUDGET OVERVIEW:

City Administrator Jeff Pederson commented on the fiscal health of the general fund. Finance Director David Springer gave an overview of the budget. Mentioned was the declining amount in the general fund. Reviewed was the general fund revenues with property tax being the only item council had control over. Sales tax was the number one source of revenue for the city. Mr. Springer reviewed the top 25 revenue sources. Mentioned were the possibility of receiving grants and stimulus monies to increase revenues. Discussion was held concerning the ambulance fees with collection around 60%. Medicare was part of the 40% not received by the city.

Mr. Springer reviewed the general fund operating expenses. Questions were answered regarding the Spillman contract and connectivity. Police Chief Lamken stated this system had led to better efficiency within the Police Department. Personnel expenses were reviewed with the majority of expenses related to union contacts. Mr. Springer stated with the cash balance declining there was no money to fund capital projects in the upcoming budget. Other sources of revenue such as the gas tax could be used in the capital projects fund. Keno and special assessments were currently going to the capital projects fund.

Discussion was held regarding possible stimulus package monies which could be used for capital projects. Police and Fire pension funds were mentioned. Mr. Pederson commented on programs versus infrastructure. Mr. Springer commented that the council needed to look at capital projects,

revenues and expenses including personnel costs. City Attorney Dale Shotkoski commented on options to raise revenue regarding personnel costs. Human Resources Director Brenda Sutherland explained the process of Court of Industrial Relations (CIR). Also mentioned was when the City of Grand Island reaches the 50,000 population mark, this would put the city in an Metropolitan Statistical Area (MSA) which would increase personnel costs regarding arrays.

DEPARTMENT PRESENTATIONS:

Department Director's were asked to list two areas/activities that were high priority for their departments that had been handled effectively. They were also asked to list one area that was important to their department but was not as effective due to lack of resources.

The following Department Directors briefly presented areas/activities for their departments:

Building Department, Craig Lewis – 1) continue to facilitate the construction and completion of major projects; Good Samaritan Village – mechanical system; Grand Island Public Schools – Shoemaker; Global Industries; Walgreens; Case New Holland; St. Francis Hospital and State Fair buildings review and construction; 2) complete building permit, inspection reporting and posting electronic conversion; 3) substandard housing demolition.

Emergency Management, Jon Rosenlund – 1) alternate 911 Center; 2) community preparedness – Citizen Corps; 3) capital replacement – narrow band upgrades for 2013 and warning systems.

Finance, David Springer – 1) the reading of metered usage and the billing, collection, and customer service for electric, water, and wastewater utilities; 2) self insurance program for the City's commercial insurances, particularly the Worker's Comp large deductible plan, which has saved the City over \$1.5 million during the last four years alone versus a full premium plan; 3) upgrading of wireless communications between city departments and locations and expanded Spillman and IT support for the Police Department.

Fire, Troy Hughes – 1) regional collaboration with other fire departments, emergency management, and support agencies; 2) staff professionalism, readiness to respond, wellness and fitness; 3) emergency response vehicle replacement schedule.

Human Resources, Brenda Sutherland – 1) risk management; 2) compliance; 3) automation.

Legal, Dale Shotkoski – 1) revenues – feasibility and legality of new revenue streams, protecting and preserving existing revenue streams, and shifting revenue streams to other purposes; 2) assets – acquisition of assets including both real and personal property; disposition or sale of assets; and property use and expenditure of reserve funds; 3) expenditures – union negotiation strategies may need to be revisited and grievances and other forms of opposition to changes in working conditions or employment.

Library, Steve Fosselman – 1) general customer use functions; 2) basic literacy/learning enrichment programming functions; 3) specific customer service functions.

Parks & Recreation, Steve Paustian – 1) maintenance of existing facilities and grounds; 2) recreational programming; 3) capital improvement funding, i.e. Lincoln pool replacement, children's wet play area at Island Oasis and potentially insufficient funding for relocation of athletic fields slated to be eliminated for the State Fair.

Police, Steve Lamken – 1) self evaluation of services, systems, and tasks to identify efficiencies and increase productivity; 2) target known criminal offenders to stop their criminal activity; 3) implement a proactive, problem oriented policing approach in the department.

Public Works, Steve Riehle – 1) managing design and construction project – from funding, through design to managing the construction; 2) maintenance of expanding infrastructure and increasing regulations; 3) funds for an aging infrastructure.

Regional Planning, Chad Nabity – 1) respond to citizen concerns and requests; 2) combine funding sources for department funding and projects; 3) proactive planning for development, neighborhoods and redevelopment areas.

Utilities, Gary Mader – 1) reliability; 2) cost; 3) issues pending: future electric volatility, regulations, future water supply, and customer outreach.

Administration, Jeff Pederson – technological improvements and performance measurements.

CAPITAL IMPROVEMENTS PLAN/FUNDING:

City Administrator, Jeff Pederson stated he had staff put together a priority list of Capital Improvement Projects (CIP) for the next three years. Regional Planning Director, Chad Nabity explained the process of scoring each project. Public Works Director Steve Riehle presented the following projects that were prioritized for the next three years:

2010

- Resurfacing US Hwy 34/281 from north of I-80 to UPRR/Old Hwy 30 Overpass, Remove and Replace NB lanes of US 281 from Old Potash to Capital
- Construction of NW GI Flood Control Project
- Quiet Zone – UPRR Corridor – Lincoln, Broadwell & Blaine/Custer
- Nebraska Veteran's Home Property – Athletic Field Development
- Miscellaneous Parks Projects
- Stolley – Locust to Fonner/HEC/Fair Entrance
- Stolley – Fonner/HEC/Fair Entrance to Stuhr Road

2011

- Construction of NW GI Flood Control Project
- Integrated/Comprehensive Drainage Plan
- Miscellaneous Parks Projects
- Lincoln Park Pool

2012

- Construction of NW GI Flood Control Project
- Miscellaneous Parks Projects
- Independence Avenue Ditch – Design
- Blaine Bridges over WR – Design and ROW
- Trail West of Locust – US Hwy 34 to Stagecoach
- Broadwell Avenue/UPRR – Final Design & ROW Appraisal
- Locust Trail – Superstructure over 2 Platte River Bridges
- PVIP North Drainage Project
- Update Moores Creek Drainage Plan
- Round-A-Bout at Capital Avenue & North Road
- Build Drainway from CCC to Wood River
- Wet Play Area at Island Oasis

A lengthy discussion was held regarding the State Fair move to Grand Island and the \$5 million funding obligation the City was responsible for. Concerns were mentioned regarding the next \$2.5 million due by July 1, 2009 and who would pay it. Mayor Hornady explained the background of the State Fair move. Dale Shotkoski updated the council on events surrounding the State Fair and stated further action would need to be taken by the council in the near future. Lottery match funds for the State Fair were mentioned.

Mr. Pederson stated Council needed to give staff direction on the Lincoln Park Pool. Steve Paustian, Parks & Recreation Director stated they were looking into what could be done with the Lincoln Park Pool. State Health Department codes would need to be met once any remodeling begins. Mr. Paustian wanted council direction and stated \$1.6 million would build a new pool. He would look into renovation costs of the current pool.

GOAL SETTING:

City Administrator Jeff Pederson asked that council take a look at goal headings which would identify areas of major priorities from each councilmember. The following areas were identified:

- Citizen Participation – Transparent
- Sanitary/Storm Water
- CIP Funding – Adequacy
- Financial Stability to Sustain City Programs
- Groundwater Mitigation/Maintenance/Expansion
- Technology for Efficiency
- State Fair Resource Needs/Management
- Quality of Life Programs/Facilities – Build Out & Expansion
- No Cash Deficits in Funds
- Public Safety - Posture
- Code Compliance Mission/ Adequacy
- Community Beautification
- Operational Funding for Programs/Facilities

- Energy Efficiency/Environment Stewardship
- Infrastructure Growth/Strategic & Sustainable
- Affordable Housing/Impact Costs
- Customer Improved Government
- Prioritizing Resources
- Long Range Focus/Planning
- Integrated Solid Waste Management

Mr. Pederson thanked the council and stated further meetings would be held to further prioritize these goals.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G2

Approving Minutes of February 24, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 24, 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 24, 2009. Notice of the meeting was given in *The Grand Island Independent* on February 18, 2009.

Mayor Hornady called the meeting to order at 7:00 p.m. The following City Council members were present: Councilmember's Meyer, Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, Zapata, Nickerson and Gericke. 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 mentioned several councilmember's and staff attended the League of Nebraska Municipalities Midwinter Conference in Lincoln on Monday and Tuesday. Introduced were Community Youth Council members Kayla Harris and Sammy Sayavongsa. CYC was seeking teams and individuals to volunteer as part of the city wide "Leave-a-Mark, Adopt-a-Park" program to be held on Saturday, March 28, 2009.

PUBLIC HEARINGS:

Public Hearing on Walk to Walnut Safe Routes to School. Steve Riehle, Public Works Director reported that a permanent easement was needed from a nearby park to allow for the driveway to Walnut Middle School to be re-aligned with the 15th 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 and displaces improvements that fall under 6(f) regulations. Federal regulations require a public notice to convert the 4(f) and 6(f) park land to other uses. No Council action was required at this meeting. No public testimony was heard.

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. Craig Lewis, Building Department Director reported that Chris Riha representing Viaero Wireless had applied for a Conditional Use Permit for construction of a wireless telecommunications tower located at 1817 Waugh Street. It was recommended council approve the conditional use permit with the condition that the required setbacks from adjacent property lines be verified and that a landscaping plan be required. Chris Riha, 3560 Hillside Drive spoke in support. Carrol Eveland, 1915 N. Grand Island Avenue mentioned several concerns of the location of the tower. No further public testimony was heard.

Public Hearing Concerning Community Revitalization Grant, Phase II and Contract Amendment. Barbara Quandt, Community Development Administrator reported that in 2007, the Nebraska Department of Economic Development (DED) awarded a \$261,010 Community Development Block Grant (CDBG) to the City for Phase II of the Community Revitalization program. The contract amendment would allow the City to reallocate \$44,749.00 from Down Payment

Assistance for first-time home buyers with minor rehabilitation to Owner-occupied Rehabilitation. No public testimony was heard.

Public Hearing Concerning Acquisition of Utility Easement Located at 610 West Division Street (Hope Harbor, Inc.). Gary Mader, Utilities Director reported that a utility easement was needed at 610 West Division Street in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place primary underground conduit, cable, and a pad-mounted transformer to increase the size to handle the electrical load at Hope Harbor. No public testimony was heard.

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

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

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

#2009-39 – Approving 2009 High Intensity Drug Trafficking Area (HIDTA) Grant in the Amount of \$54,892.00.

#2009-30 – Approving Agreement with Nebraska Department of Roads for Repairs to a Portion of US Highway 34/US Highway 281.

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

#2009-42 – Approving State Bid Award for (1) 2009 1/2 Ton Chevrolet Silverado 1500 LT 4x4 Extended Cap Pickup for the Wastewater Division of the Public Works Department with Husker Auto Group, Inc. of Lincoln, Nebraska in an Amount of \$21,358.00.

#2009-43 – Approving Nebraska Community Improvement Program Intent to Enter and Five-Year Resolution.

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

#2009-45 – Approving Acquisition of Utility Easement Located at 610 West Division Street (Hope Harbor, Inc.).

#2009-46 – Approving Setting Board of Equalization Date of March 24, 2009 for Water Main District 453T.

REQUESTS AND REFERRALS:

Consideration of Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located at 1817 Waugh Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Ramsey to approve the request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower located at 1817 Waugh Street with the conditions that the required setbacks from adjacent property lines be verified and that a landscaping plan be required.

Several Councilmember's had received calls from neighbors in the area and wanted to give them and council more time to get their questions answered.

Motion by Gericke, second by Nickerson to refer this matter to the March 10, 2009 City Council meeting. Upon roll call vote, Councilmember's Meyer, Niemann, Carney, Dugan, Ramsey, Zapata, Nickerson, and Gericke vote aye. Councilmember's Gilbert and Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gilbert to approve the Claims for the period of February 11, 2009 through February 24, 2009, for a total amount of \$2,561,480.84. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 7:25 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G3

#2009-47 - Approving Acquisition of Trail and Public Utility Easement in a Part of Lot 25, Matthews Subdivision (McCloud Super 8 Motel)

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

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

RESOLUTION 2009-47

WHEREAS, a trail and public utility easement is required by the City of Grand Island, from McCloud Super 8 Motel, to construct and maintain a hike/bike trail and utilities at the south portion of Lot 25 in Matthews Subdivision; and

WHEREAS, a public hearing was held on March 10, 2009, for the purpose of discussing the proposed acquisition of an easement through a tract of land comprising a part of Lot Twenty Five (25), Matthews Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot One (1), South Pointe Subdivision; thence running easterly along the north line of Lot One (1), South Pointe Subdivision, on an Assumed Bearing of N89°36'46"E, a distance of Three Hundred Fifty Two and Ninety Six Hundredths (352.96) feet, to the northeast corner of Lot One (1), South Pointe Subdivision; thence running N00°11'40"W, a distance of Fifteen (15.00) feet; thence running S89°36'46"W, a distance of Three Hundred Fifty Two and Ninety Seven Hundredths (352.97) feet, to a point on the easterly right of way line of South Locust Street; thence running S00°13'54"E, along the easterly right of way line of South Locust Street, a distance of Fifteen (15.00) feet, to the point of beginning and containing 0.122 acres more or less.

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 trail and public utility easement from McCloud Super 8 Motel, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G4

**#2009-48 - Approving Change Order #2 for Capital Avenue
Widening, Street Improvement District Number 1256**

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Approving Change Order #2 for Capital Avenue
Widening, Street Improvement District Number 1256

Item #'s: G-4

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

Background

Bids were opened for the Capital Avenue Widening Project on March 27, 2008. The council awarded the bid on May 13, 2008 and the contract was fully executed on May 20, 2008. Approximately 80% of the Capital Avenue Widening Project is being paid for using Federal and Surface Transportation Program dollars.

City Council approved Change Order #1 for the Capital Avenue Widening Project on August 12, 2008 in the amount of \$351,219.24, for a revised contract price of \$3,730,547.49.

Discussion

Due to unforeseen work required by relocation of a fire hydrant at the Carleton Avenue intersection, the lowering of the Grand Island Mall water main, storm sewer modifications, sanitary force main tie-in restraints, existing power line clearance requirements and sanitary sewer manhole concrete inverts a second change order is being brought forward for council approval.

The approval of Change Order #2 for an amount of \$32,077.94 will result in a revised contract price of \$3,762,625.43.

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 Change Order #2 for Capital Avenue Widening, Street Improvement District Number 1256.

Sample Motion

Move to approve Change Order #2.

City of Grand Island
100 East 1st Street
Grand Island, Nebraska 68801

CHANGE ORDER NUMBER 2

Date of Issuance: March 10, 2009

PROJECT: Capital Avenue Widening, Street Improvement District 1256

CONTRACTOR: The Diamond Engineering Company

CONTRACT DATE: May 20, 2008

Item #1 & #2 -

The fire hydrant in the northwest corner of Carleton Avenue was relocated and required some additional work to be done, which consists of a 30" fire hydrant extension and installation of 6" D.I. pipe.

Item #3, #4, #5 & #6 -

The lowering of the Grand Island Mall water main for the proposed storm sewer and sanitary force main required additional work to complete the water main reconstruction. A shoo-fly was constructed to maintain eastbound and westbound traffic on Capital Avenue. Since the existing valves leaked north and south of section of main to be lowered, a linestop was installed to make the connection to the south and then additional gate valves were installed to isolate the main for testing. Additional couplings were needed to tie back to the existing water main.

Item #7 & #8 -

At Diers Avenue detention cell, a proposed manhole was eliminated and a reinforced concrete pipe precast 45° bend was placed. This allowed for additional room for the construction of the future lift station.

Item #9 -

A flared end section is needed for the outlet pipe which drains the west side of Dairy Queen.

Item #10 -

Additional 12" bell joint restraints were added at the tie-in to the existing force main on the east end of the project.

Item # 11 & #12 -

The national electrical code requires an 8 foot clearance from existing power lines to street light poles. Some of the light poles will be buried an additional 4 feet in the ground to provide adequate clearance from the power lines. Some of the signal pole light extensions will be cut off, apply cold galvanizing & install larger pole cap and new luminaire arms to provide 8 foot clearance from the existing power line.

Item #13 -

The concrete inverts for the lift station bypass manholes 2, 3, and 4 will be completed as part of the construction. There were constructability concerns if the construction was completed later with the future lift station.

The list of quantity's in Change Order No. 2 are:

| <u>Item #</u> | <u>Description</u> | <u>Qty</u> | <u>Unit</u> | <u>Bid</u> | <u>Total</u> |
|---------------|------------------------------------|------------|-------------|--------------|--------------------|
| 1. | 30" Fire Hydrant Extension | 1.00 | each | \$1,271.21 | \$ 1,271.21 |
| 2. | 6" D.I. Pipe | 18.00 | l.f. | \$ 76.00 | \$ 1,368.00 |
| 3. | 8" Gate Valve & Box | 2.00 | each | \$1,721.60 | \$ 3,443.20 |
| 4. | 8" Ductile Iron Coupling | 3.00 | each | \$ 401.32 | \$ 1,203.96 |
| 5. | Construct Shoo-fly | 1.00 | l.s. | \$2,538.83 | \$ 2,538.83 |
| 6. | Install Linestop | 1.00 | l.s. | \$4,804.32 | \$ 4,804.32 |
| 7. | Build Storm Sewer Manhole | 1.00 | each | (\$3,270.00) | (\$3,270.00) |
| 8. | 36" RCP Precast 45° Bend | 1.00 | each | \$1,732.03 | \$ 1,732.03 |
| 9. | 24" RCP Flared End Section | 1.00 | each | \$ 998.84 | \$ 998.84 |
| 10. | 12" Bell Joint Restraint | 3.00 | each | \$ 505.85 | \$ 1,517.55 |
| 11. | Additional Light Pole Bury | 10.00 | each | \$ 185.00 | \$ 1,850.00 |
| 12. | Signal Pole Extension Modification | 6.00 | each | \$1,070.00 | \$ 6,420.00 |
| 13. | Concrete for Manhole Inverts | 20.0 | c.y | \$ 410.00 | \$ 8,200.00 |
| Total | | | | | \$32,077.94 |

The changes result in the following adjustment to the Contract Amount:

Contract Price Prior to This Change Order\$3,730,547.49
Net Increase/~~Decrease~~ Resulting from this Change Order\$ 32,077.94
Revised Contract Price Including this Change Order\$3,762,625.43

Approval Recommended:

By _____
Steven P. Riehle, Public Works Director

Date _____

The Above Change Order Accepted:

The Diamond Engineering Company
Contractor

By _____

Date _____

Approved for the City of Grand Island:

By _____
Margaret Hornady, Mayor

Attest: _____
RaNae Edwards, City Clerk

Date _____

RESOLUTION 2009-48

WHEREAS, on May 13, 2008, by Resolution 2008-122, the City Council of the City of Grand Island awarded The Diamond Engineering Company of Grand Island, Nebraska, the bid in the amount of \$3,379,328.25 for Street Improvement District 1256 for widening of Capital Avenue from the Moores Creek Drain to Webb Road; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska is the general contractor for such Street Improvement District 1256; and

WHEREAS, on August 12, 2008, by Resolution 2008-206, the City of Grand Island approved Change Order No. 1 which resolved conflicts with new and existing sanitary sewer infrastructure and increased the contract price by \$351,219.24; and

WHEREAS, Change Order No. 2 to the Street Improvement District 1256 has been reviewed and negotiated for such work by the general contractor; and

WHEREAS, the work for Change Order No. 2 to Street Improvement District 1256 is necessary to complete the Capital Avenue Widening Project, Street Improvement District 1256; and

WHEREAS, it is recommended that Change Order No. 2 to the work for Street Improvement District 1256 be completed by the general contractor, The Diamond Engineering Company of Grand Island, Nebraska; and

WHEREAS, such work is incorporated into Change Order No. 2; and

WHEREAS, the result of Change Order No. 2 will increase the contract amount by \$32,077.94 for a revised contract price of \$3,762,625.43; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order Number 2 between the City of Grand Island and The Diamond Engineering Company of Grand Island, Nebraska on Street Improvement District 1256.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form
March 5, 2009

☐ _____
☐ City Attorney



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G5

**#2009-49 - Approving Bid Award for Sanitary Sewer Project No.
2009-S-2; St. Patrick Avenue - Manhole and Valve**

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Approving Bid Award for Sanitary Sewer Project No. 2009-S-2; St. Patrick Avenue - Manhole and Valve

Item #'s: G-5

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

Background

On February 14, 2009 the Engineering Division of the Public Works Department advertised for bids for the installation of a sanitary sewer manhole and valve for Lift Station #19.

In May of 2005 and June of 2008 Lift Station #19 at Diers and Capital Avenue was overwhelmed by infiltration and inflow into the sanitary sewer system. The homes in the O'Flannagan, O'Grady, Kelly and St. Patrick area (commonly referred to as Irish Acres) experienced sanitary sewer backups.

Lift Station #19 is scheduled to be replaced with a new and larger station in the future. To protect the Irish Acres neighborhood against future sanitary sewer backups, an isolation valve and manhole was designed to be installed along St. Patrick Avenue just south of Kelly Street. If Lift Station #19 becomes overloaded the valve will be shut and a pump installed to pump around the valve. The system is temporary and will provide significant protection to homes in the Irish Acres area.

Discussion

Two (2) bids were received, reviewed and opened on February 25, 2009. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office reviewed both bids. A summary of the bids is shown below.

| <i>Vendor</i> | <i>Exceptions</i> | <i>Total Bid</i> |
|--|--------------------------|-------------------------|
| General Excavating Company of Lincoln, NE | None | \$43,250.50 |
| The Diamond Engineering Co, Inc. of Grand Island, NE | None | \$48,431.38 |

The bid of \$43,250.50 from General Excavating Company of Lincoln, Nebraska is under the Engineer's estimate of \$63,153.75.

Funds are available in account number 53030055-85213.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid award to General Excavating Company of Lincoln, Nebraska in the amount of \$43,250.50.

Sample Motion

Move to award the bid to General Excavating Company of Lincoln, Nebraska in the amount of \$43,250.50.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: February 25, 2009 at 11:00 a.m.

FOR: Sanitary Sewer Project 2009-S-2
St. Patrick Avenue – Manhole and Valve

DEPARTMENT: Public Works

ESTIMATE: \$63,153.75

FUND/ACCOUNT: 53030055-85213

PUBLICATION DATE: February 14, 2009

NO. POTENTIAL BIDDERS: 8

SUMMARY

| | | |
|----------------------|--|--|
| Bidder: | <u>Diamond Engineering Co.</u> Grand Island, NE | <u>General Excavating</u> Lincoln, NE |
| Bid Security: | Universal Surety Company | Universal Surety Company |
| Exceptions: | None | None |
| Bid Price: | \$48,431.37 | \$43,250.50 |

cc: Steve Riehle, Public Works Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Paul Schwaderer, PW Eng.

P1324

RESOLUTION 2009-49

WHEREAS, the City of Grand Island invited sealed bids for Sanitary Sewer Project No. 2009-S-2; St. Patrick Avenue – Manhole & Valve, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on February 25, 2009 bids were received, opened and reviewed; and

WHEREAS, General Excavating Company of Lincoln, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$43,250.50; and

WHEREAS, the bid of General Excavating Company is less than the estimate for Sanitary Sewer Project No. 2009-S-2.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of General Excavating Company of Lincoln, Nebraska in the amount of \$43,250.50 for Sanitary Sewer Project No. 2009-S-2 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G6

#2009-50 - Approving Bid Award for Concrete Ready-Mix for 2009

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Approving Bid Award for Concrete Ready-Mix for 2009

Item #'s: G-6

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

Background

On February 19, 2009 the Streets Division of the Public Works Department advertised for bids for the purchase of portland cement concrete ready-mix to be used in conjunction with in-house concrete repairs throughout the calendar year 2009.

Discussion

Two (2) bids were received and opened on March 4, 2009. Each bid was submitted in compliance with the contract and specifications with no exceptions. A summary of the bids is shown below.

| Vendor | Exceptions | Unit Prices |
|---|-------------------|------------------------|
| Gerhold Concrete Co., Inc. of Grand Island, NE | None | \$73.00 per cubic yard |
| Consolidated Concrete of Grand Island, NE | None | \$74.00 per cubic yard |

The estimated quantity of portland cement concrete ready-mix is 1,500 cubic yards; for an estimated total of \$109,500.00.

There are sufficient funds in Account No. 10033503-85547 to purchase this material.

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 awarding the contract for the purchase of the Portland cement concrete ready-mix to Gerhold Concrete Co., Inc. of Grand Island, Nebraska in the amount of \$73.00 per cubic yard.

Sample Motion

Move to approve the award of the contract to Gerhold Concrete Co., Inc. of Grand Island, Nebraska.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 4, 2009 at 11:00 a.m.

FOR: Concrete Ready-Mix for 2009

DEPARTMENT: Public Works

ESTIMATE: \$80.00 per cubic yard

FUND/ACCOUNT: 10033503-85547

PUBLICATION DATE: February 19, 2009

NO. POTENTIAL BIDDERS: 2

SUMMARY

| | | |
|--------------------|---|--|
| Bidder: | <u>Gerhold Concrete Co., Inc.</u> Grand Island, NE | <u>Consolidated Concrete</u> Grand Island, NE |
| Exceptions: | None | None |
| Bid Price: | \$73.00 per cubic yard | \$74.00 per cubic yard |

cc: Steve Riehle, Public Works Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Scott Johnson, Street Superintendent

P1325

RESOLUTION 2009-50

WHEREAS, the City of Grand Island invited sealed bids for furnishing Portland Cement Concrete Ready-Mix for 2009 for the Streets Division of the Public Works Department, according to specifications on file with the Streets Division of the Public Works Department; and

WHEREAS, on March 4, 2009, bids were received, opened and reviewed; and

WHEREAS, Gerhold Concrete Co., Inc. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$73.00 per cubic yard; and

WHEREAS, the total cost based on the estimated usage of 1, 500 cubic yards for the 2009 construction season at the above-identified price, is estimated at \$109,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Gerhold Concrete Co., Inc. of Grand Island, Nebraska, in the amount of \$73.00 per cubic yard for Portland cement concrete ready-mix is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that the contract for such project between the City and such contractor be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G7

#2009-51 - Approving Bid Award for Asphalt Hot-Mix for 2009

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Approving Bid Award for Hot-Mix Asphalt for 2009

Item #'s: G-7

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

Background

On February 19, 2009 the Streets Division of the Public Works Department advertised for bids for the purchase of hot-mix asphalt to be used in conjunction with in-house asphalt work throughout the calendar year 2009.

Discussion

Two (2) bids were received and opened on March 4, 2009. Each bid was submitted in compliance with the contract, plans, and specifications with no exceptions. A summary of the bids is shown below.

| Vendor | Exceptions | Unit Prices |
|--|-------------------|--|
| J.I.L. Asphalt Paving Co. of Grand Island, NE | None | Type "A" - \$53.45/ton Type "B" - \$43.30/ton Type "C" - \$52.25/ton |
| Gary Smith Construction Co., Inc. of Grand Island, NE | None | Type "A" - \$56.00/ton Type "B" - \$56.00/ton Type "C" - \$56.00/ton |

The estimated quantities are as follows:

| Type of Asphaltic Concrete | Estimated Quantities | Unit Price | Total Dollar Amount |
|---------------------------------------|---------------------------------|-------------------|--------------------------------|
| "A" | 500 tons | \$53.45/ton | \$26,725.00 |
| "B" | 1000 tons | \$43.30/ton | \$43,300.00 |
| "C" | 500 tons | \$52.25/ton | \$26,125.00 |

There are sufficient funds in Account No. 10033503-85547 to purchase this material.

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 awarding the purchase of the hot-mix asphalt to J.I.L. Asphalt Paving Co. of Grand Island, Nebraska.

Sample Motion

Move to approve the award of the contract to J.I.L. Asphalt Paving Co. of Grand Island, Nebraska.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 4, 2009 at 11:15 a.m.
FOR: Asphalt Hot-Mix for 2009
DEPARTMENT: Public Works
ESTIMATE: \$55.00 per ton average
FUND/ACCOUNT: 10033503-85547
PUBLICATION DATE: February 19, 2009
NO. POTENTIAL BIDDERS: 2

SUMMARY

| | | |
|--------------------|---|---|
| Bidder: | <u>J.I.L. Asphalt Paving Co.</u> Grand Island, NE | <u>Gary Smith Construction Co., Inc.</u> Grand Island, NE |
| Exceptions: | None | Noted |
| Bid Price: | | |
| Type "A": | \$53.45 per ton | \$56.00 per ton |
| Type "B": | \$43.30 per ton | \$56.00 per ton |
| Type "C": | \$52.25 per ton | \$56.00 per ton |

cc: Steve Riehle, Public Works Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Scott Johnson, Street Superintendent

P1326

RESOLUTION 2009-51

WHEREAS, the City of Grand Island invited sealed bids for furnishing Hot-Mix Asphalt for 2009, according to plans and specifications on file with the Streets Division of the Public Works Department; and

WHEREAS, on March 4, 2009 bids were received, opened and reviewed; and

WHEREAS, J.I.L. Asphalt Paving Co. of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$53.45 per ton for Type "A" asphaltic concrete, \$43.30 per ton for Type "B" asphaltic concrete and \$52.25 per ton for Type "C" asphaltic concrete.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the bid of J.I.L. Asphalt Paving Co. of Grand Island, Nebraska in the amount of \$53.45 per ton for Type "A" asphaltic concrete, \$43.30 per ton for Type "B" asphaltic concrete and \$52.25 per ton for Type "C" asphaltic concrete is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a contract for such project between the City and such contractor be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G8

#2009-52 - Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2009

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

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 10, 2009

Subject: Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2009

Item #'s: G-8

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

Background

On February 19, 2009 the Streets Division of the Public Works Department advertised for bids for concrete pavement and storm sewer repair for the calendar year 2009.

Discussion

Three (3) bids were received and opened on March 4, 2009. All bids were submitted in compliance with the contract, plans, and specifications with no exceptions. A summary of the bids is shown below.

| Vendor | Exceptions | Total Bid |
|---|-------------------|------------------|
| O.K. Paving of Hordville, NE | None | \$524,230.00 |
| The Diamond Engineering Co. of Grand Island, NE | None | \$567,430.00 |
| Starostka Group Unlimited of Grand Island, NE | None | \$754,977.00 |

There are sufficient funds in Account No. 10033506-85351 (Concrete Repair), 10033504-85318 (Storm Sewer Repair), 10033503-85318 (Curb & Gutter), and 10033503-85547 (Materials) to fund this contract. This is a calendar year contract that extends beyond the current fiscal year. In the event that funds become unavailable in the fiscal year 2008/2009, the scope of work for this contract will be scaled down accordingly.

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 awarding the contract to O.K. Paving, Inc. of Hordville, Nebraska for the amount of \$524,230.00.

Sample Motion

Move to approve the bid award.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 4, 2009 at 11:30 a.m.

FOR: Concrete Pavement & Storm Sewer Repair 2009

DEPARTMENT: Public Works

ESTIMATE: \$750,000.00

FUND/ACCOUNT: 10033506-85351, 10033504-85318, 10033503-85318, 10033503-85547

PUBLICATION DATE: February 19, 2009

NO. POTENTIAL BIDDERS: 4

SUMMARY

| | | |
|----------------------|--|--|
| Bidder: | <u>The Diamond Engineering Co.</u> Grand Island, NE | <u>Starostka Group Unlimited</u> Grand Island, NE |
| Bid Security: | Universal Surety Company | Universal Surety Company |
| Exceptions: | None | None |
| Bid Price: | \$567,430.00 | \$754,977.00 |

| | |
|----------------------|-----------------------------------|
| Bidder: | <u>OK Paving</u> Hordville, NE |
| Bid Security: | \$26,211.50 |
| Exceptions: | None |
| Bid Price: | \$524,230.00 |

cc: Steve Riehle, Public Works Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Scott Johnson, Street Superintendent

RESOLUTION 2009-52

WHEREAS, the City of Grand Island invited sealed bids for Concrete Pavement and Storm Sewer Repairs 2009, according to plans and specifications on file with the Streets Division of the Public Works Department; and

WHEREAS, on March 4, 2009, bids were received, opened and reviewed; and

WHEREAS, OK Paving of Hordville, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$524,230.00; and

WHEREAS, OK Paving's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of OK Paving of Hordville, Nebraska, in the amount of \$524,230.00 for Concrete Pavement and Storm Sewer Repairs 2009 is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a contract for such project between the City and such contractor be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G9

**#2009-53 - Approving Bid Award for Substation Equipment
Painting Services**

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: March 10, 2009

Subject: Substation Equipment Painting Services

Item #'s: G-9

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

Background

The Grand Island Electric System utilizes distribution substations interconnected with a transmission loop. Each substation contains large distribution transformers to lower the voltage from the transmission level of 115,000 volts (115 kV) to the distribution level of 13,800 volts (13.8 kV). These transformers are the most expensive single component within a substation. A new substation transformer costs over \$750,000. Several transformers are forty years old and have been painted multiple times. A large substation equipment maintenance and painting project took place approximately thirteen years ago. Seventeen transformers, eleven breakers and some other miscellaneous equipment painted at that time are now requiring re-painting due to developing surface rust. In order to achieve the maximum life span of this equipment, routine painting is necessary. Therefore, specifications were developed by Department Engineering Staff for Substation Equipment Painting Services.

Discussion

The bid solicitation was advertised in accordance with City procurement requirements. Specifications were sent to seven regional contractors. Bids were publicly opened at 11:00 am on February 19, 2009. Four bids were received. The following table summarizes the bid results:

| Company | Exceptions | Materials w/tax | Labor | Mobilization | Total |
|--|-------------------|------------------------|--------------|---------------------|--------------|
| J & A Specialties, Inc. | Yes | \$22,604.94 | \$11,392.50 | \$2,805.00 | \$36,802.44 |
| The Parpart Corporation | No | \$6,896.00 | \$36,507.00 | \$2,000.00 | \$45,403.00 |
| Preventive Power and Maintenance, Inc. | Noted | \$23,219.00 | \$98,450.00 | \$4,000.00 | \$125,669.00 |
| Seacor Painting Co. | No | \$24,636.75 | \$123,900.00 | \$1,400.00 | \$149,936.75 |

Maintenance in high voltage electrical substations is somewhat different from standard commercial painting. The power equipment is unique to the industry and there are serious safety concerns when working in close proximity to energized equipment with voltages up to 115,000 volts. While the equipment being painted will be removed from service and de-energized when the work is being performed, adjacent equipment in the substation will remain energized to continue to provide service. Additionally, large power transformers, as are included in this contract, present some concerns for protection of the equipment and difficulty in applying paint. For example, transformer radiators are oil filled and provide cooling to the transformer similar to an automobile radiator. The radiators require a special "Flowcoat" painting technique to properly coat all of the inner surfaces on the radiator without reducing the cooling efficiency of the radiator due to excessive paint thickness. Also, the radiator metal is very thin to allow for proper heat transfer. Excessive sand blasting or scraping can easily damage this thin metal and cause oil leaks.

Because of the unique nature of the equipment and the safety concerns, the specifications for this project required that the contractor be experienced in this type of work and have done at least three projects of similar scope and complexity associated with high voltage electrical equipment.

The "as read" low bid by J & A Specialties, Inc., did not contain any noted exceptions. However, detailed review of the bid indicates that the contractor does not meet the experience requirements of the specifications. The required reference list of similar projects was commercial in nature with no electrical substation experience. In addition, J & A Specialties, Inc., required an explanation of the "Flowcoat" painting technique. It is the evaluation of the Utilities Department that J & A Specialties does not meet the experience requirements of the specifications.

The Parpart Corporation submitted the next lowest bid with no exceptions. Their reference list contained numerous substation equipment painting projects for Lincoln Electric System (LES). In addition, an on-site visit with a Parpart representative displayed a definite familiarity with substations and the equipment requiring painting. A call to LES indicated a positive experience with The Parpart Corporation.

The remaining two bids both meet the specifications and have experience in painting substation equipment. However, due to their high bid prices in comparison to the other two bids, their bids were not evaluated in detail. The Utilities Department evaluates the bid from Parpart as the lowest bid complying with the specifications.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee

3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council award the contract for Substation Equipment Painting Services to the lowest compliant bidder, the Parpart Corporation of Lincoln, Nebraska in the amount of \$45,403.00.

Sample Motion

Move to approve the award of the contract for Substation Equipment Painting Services to the Parpart Corporation for \$45,403.00.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: February 19, 2009 at 11:00 a.m.

FOR: Substation Equipment Painting Services

DEPARTMENT: Utilities

ESTIMATE: \$350,000.00

FUND/ACCOUNT: 520

PUBLICATION DATE: January 23, 2009

NO. POTENTIAL BIDDERS: 7

SUMMARY

| | | |
|--------------------------|---|---|
| Bidder: | <u>J and A Specialties</u> Grand Island, NE | <u>Seacor Painting Co.</u> Campbell, OH |
| Bid Security: | \$1,845.00 | The Hanover Ins. Group |
| Exceptions: | None | None |
| Bid Price: | | |
| Material: | \$21,759.67 | \$ 23,025.00 |
| Labor: | 11,392.50 | 123,900.00 |
| Mobilization (4): | 2,805.00 | 1,400.00 |
| Sales Tax: | 845.27 | 1,611.75 |
| Total Bid: | \$36,802.44 | \$149,936.75 |

| | | |
|--------------------------|--|---|
| Bidder: | <u>Preventive Power & Maintenance</u> Uniontown, OH | <u>Parpart Corporation</u> Lincoln, NE |
| Bid Security: | \$6,283.45 | Universal Surety Co. |
| Exceptions: | Noted | None |
| Bid Price: | | |
| Material: | \$ 21,700.00 | \$ 6,445.00 |
| Labor: | 98,450.00 | 36,507.00 |
| Mobilization (4): | 4,000.00 | 2,000.00 |
| Sales Tax: | <u>1,519.00</u> | <u>451.00</u> |
| Total Bid: | \$125,669.00 | \$45,403.00 |

cc: Gary Mader, Utilities Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator
Travis Burdett, Assist. Utilities Director

Bob Smith, Assist. Utilities Director
Wes Nespor, Purchasing Agent
Pat Gericke, Utilities Admin. Assist.
Larry Keown, Burdick Station

P1320

RESOLUTION 2009-53

WHEREAS, the City Electric Department invited sealed bids for Substation Equipment Painting Services; and

WHEREAS, on February 19, 2009, bids were received, opened and reviewed; and

WHEREAS, the Parpart Corporation of Lincoln, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$45,403.00; and

WHEREAS, the bid of Parpart Corporation of Lincoln, Nebraska is less than the estimate for Substation Equipment Painting Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Parpart Corporation of Lincoln, Nebraska, in the amount of \$45,403.00 for Substation Equipment Painting Services is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G10

**#2009-54 - Approving Acquisition of Utility Easement - 3648 S.
Blaine Street - Meyer**

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-54

WHEREAS, a public utility easement is required by the City of Grand Island, from Scott Joseph Meyer and Leslie Anne Meyer, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances; and

WHEREAS, a public hearing was held on March 10, 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 northeast corner of the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section Thirty Two(32), Township Eleven (11) North, Range Nine (9) West; thence southerly along the easterly line of said Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) on an assumed bearing of S02°17'50"E, a distance of four hundred forty one and ninety nine hundredths (441.99) feet; thence S89°19'02"W, a distance of one thousand three hundred eighteen and seventy nine hundredths (1,318.79) feet to a point on the easterly line of Meadowlark Estates Subdivision; thence S02°19'59"E along the easterly line of said Meadowlark Estates Subdivision, a distance of three hundred twenty two and two tenths (322.2) feet to the ACTUAL Point of Beginning; thence continuing S02°19'59"E along the easterly line of said Meadowlark Estates Subdivision, a distance of twenty (20.0) feet to the southwesterly corner of Grantor's property; thence N89°19'02"E along the southerly line of Grantor's property, a distance of seven hundred sixty two (762.0) feet; thence N02°19'59"W, a distance of twenty (20.0) feet; thence S89°19'02"W parallel with the southerly line of Grantor's property, a distance of seven hundred sixty two (762.0) feet to a point on the easterly line of said Meadowlark Estates Subdivision being the said Point of Beginning.

The above-described easement and right-of-way containing a total of 0.349 acres, more or less, as shown on the plat dated 2/26/2009, 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 Scott Joseph Meyer and Leslie Anne Meyer, on the above-described tract of land.

- - -

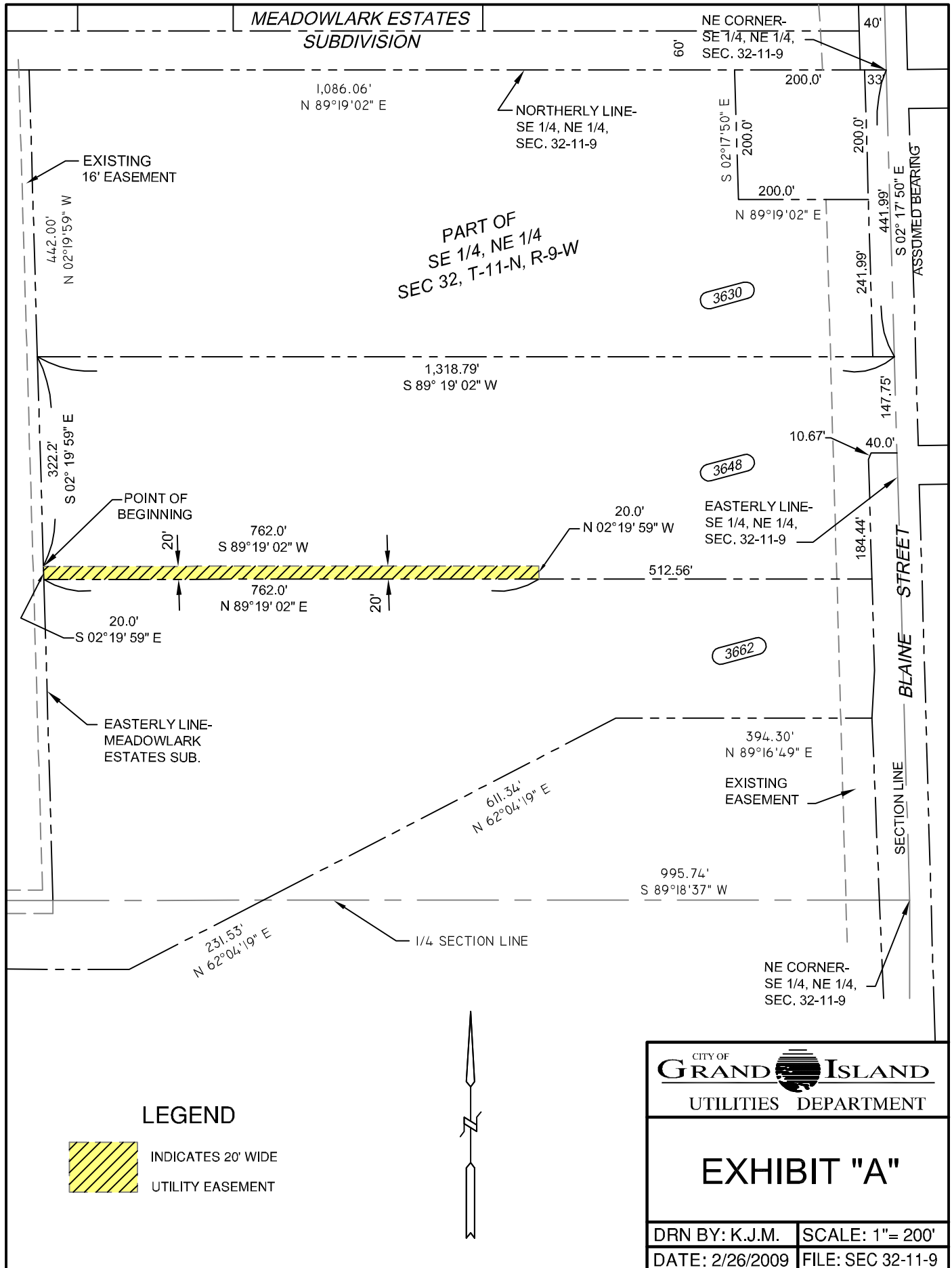
Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|--|
| Approved as to Form | <input type="checkbox"/> _____ |
| March 5, 2009 | <input type="checkbox"/> City Attorney |





City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G11

**#2009-55 - Approving Redevelopment Plan (CRA Area #6) for
Property Located at 1720, 1724, and 1814 North Eddy Street and
1721 North Broadwell Avenue (Casey's)**

Staff Contact: Chad Nabity

RESOLUTION 2009-55

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

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

WHEREAS, the City has previously declared Redevelopment Area No. 6 of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, such project to be as follows: Acquire real estate in the 1700 block North Eddy and North Broadwell (Five Points area); demolish the existing Casey's General Store at 1814 N. Eddy and construct a new 3950 sq. ft. one story building and related structures and site improvements for a Casey's Convenience Store with the sale of gasoline and other petroleum products. (see legal description as show on Exhibit A) All redevelopment activities will occur in Grand Island, Hall County, Nebraska; and

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

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

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |

1. The Redevelopment Plan of the City approved for Redevelopment Area No.6 in the city of Grand Island, Hall County, Nebraska, including the Redevelopment Project described above, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Grand Island as a whole and the Redevelopment Plan, including the Redevelopment Project identified above, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the Redevelopment Contract in accordance with Section 18-2119 of the Act and of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Contract.
2. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.
3. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Plan which is described above shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall be January 1, 2010 as follows:
 - a. That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
 - b. That proportion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, such Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such Redevelopment Project shall be paid into the funds of the respective public bodies.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

EXHIBIT A

DESCRIPTION OF PREMISES

Lots One (1), Two (2) and Twelve (12), Gilbert's Subdivision of Block One (1) of Gilbert's Second Addition and all of Park Reserve of the Resubdivision of Block One (1), Gilbert's Second Addition all to the City of Grand Island, Hall County, Nebraska, except a triangle tract deeded to the City of Grand Island in Quitclaim Deed filed in Book 89, Page 644.



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G12

**#2009-56 - Approving Final Plat and Subdivision Agreement for
Knuth Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: March 10, 2009
Subject: Knuth Subdivision – Final Plat
Item #'s: G-12
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This final plat proposes to create 1 lot located north of Wildwood Drive and east of North Road. This property is zoned TA transitional agriculture. Sewer and water are not available to the site. This is a one time split from a tract of 80 acres or more. This is approximately 5.120 acres.

Discussion

The final plat for Knuth Subdivision was considered by the Regional Planning Commission at the March 4, 2009 meeting. A motion was made by Aguilar and seconded by Bredthauer, to approve the plat as presented on the Consent Agenda. A roll call vote was taken and the motion carried with 8 members present voting in favor (Aguilar, Amick, O'Neill, Ruge, Hayes, Haskins, Bredthauer, Snodgrass).

Alternatives

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

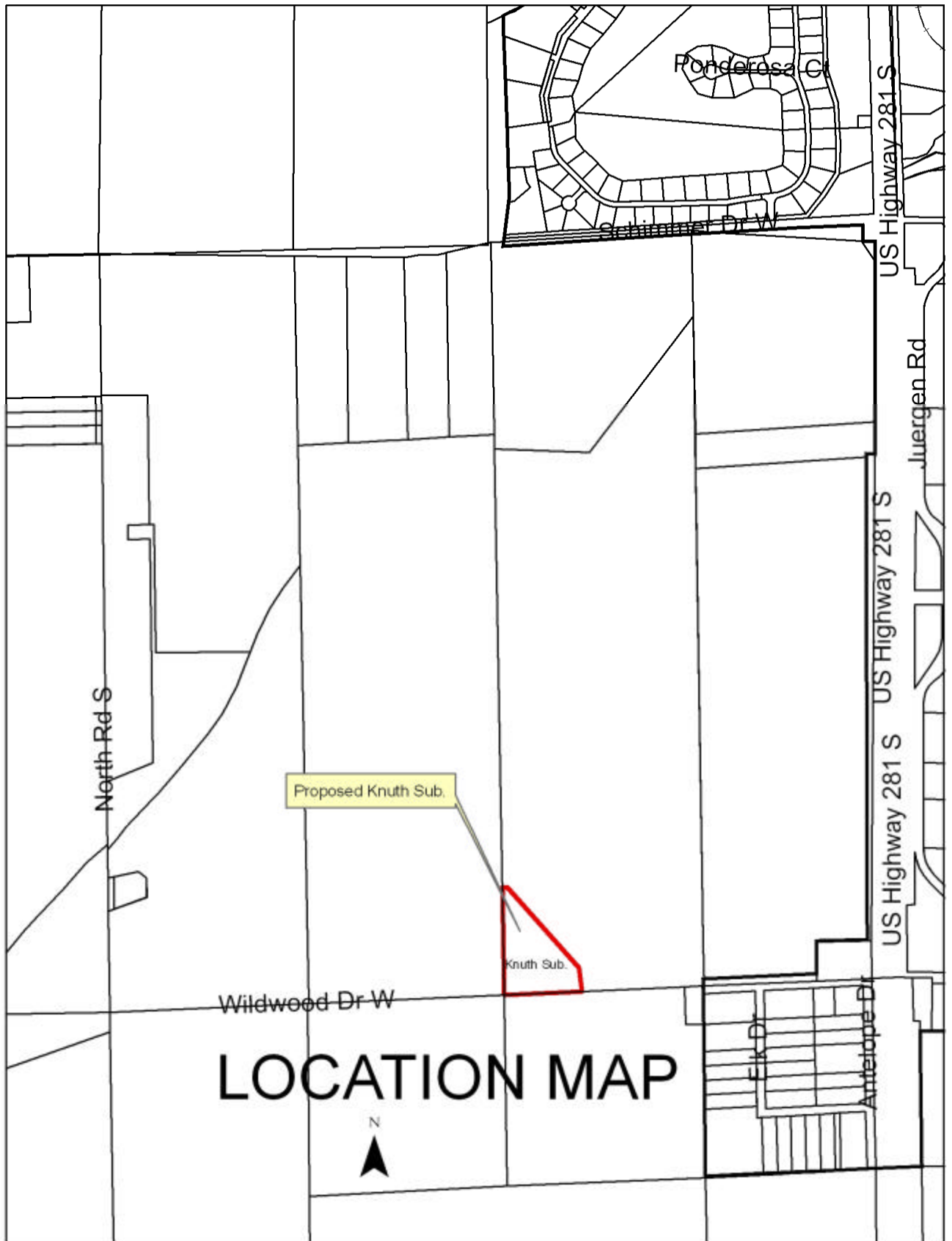
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



Knuth Subdivision Final Plat Summary

Developer/Owner

Larry J. Knuth
3554 W Wildwood Drive
Grand Island NE 68803

To create on lot north of Wildwood Drive and east of North Rd , in Grand Island, in Hall County, Nebraska.

Size: 5.120 acres

Zoning: TA – Transitional Agricultural Zone

Road Access: Public County Road

Water Public: Public water is not available

Sewer Public: Public sewer is not available



RESOLUTION 2009-56

WHEREAS, Larry J. Knuth and Karen L. Knuth, husband and wife, being the owners of the land described heron have caused to be laid out into 1 lot, a tract of land comprising a part of the West Half of the Southeast Quarter (1/2SE1/4) of Section One (1), Township Ten (10) North, Range Ten (10) West of the 6th P.M., in the 2- mile extraterritorial of Grand Island, in Hall County, Nebraska, under the name of KNUTH SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| March 5, 2009 | ☐ City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item G13

#2009-57 - Approving Changes to Operation of Stolley Park Train

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: December 5, 2006

Subject: Approving Changes to Operation of Stolley Train

Item #'s: G-13

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

Background

With the inception of the Heritage Zoo in the early 1980's a train was included as one of the features. This train operated for many years under the guidance of the Zoological Society. When the Zoo closed it was determined that the train would remain as a feature of Stolley Park. At that time proposals were solicited for the operation of the train. One proposal was received to operate the train and a 5 year contract was entered into between the City and Mr. James Culver dba the Stolley Park Line. The contract included the operation of the train and Sweet Tooth Shoppe (concession operation) at the Park. Under the current contract Mr. Culver was obligated to repair and upgrade the tracks and the train itself. These items have been completed and the rail and train are in much better condition than they were 5 years ago. This contract paid Mr. Culver \$30,000.00 annually to operate the train and Sweet Shoppe and is set to terminate March 31, 2009.

Discussion

A request for proposals was released several months ago to see if there was any interest in operating the train once Mr. Culver's contract expired. Once again Mr. Culver submitted the only proposal. That proposal called for \$35,400.00 per year, an increase of \$5,400.00 annually and all revenues generated by the train and Sweet Shoppe would be his. After much research Park and Recreation staff has come to the conclusion that the City can effectively operate the train at Stolley Park at a greatly reduced cost to the citizens of Grand Island. We anticipate that after all expenses and revenues are compiled for the operating year the City will be able to operate the train and Sweet Shoppe for less than half the cost of the \$36,000.00 proposal provided by Mr. Culver. One item required to take over train operation is to add 3/4 of a Full Time Equivalent (FTE) to the current Recreation Department staffing level. These employees would be seasonal and receive no benefits. They would be used to operate the concession, sell tickets and operate the train.

Existing staffing would provide all oversight and the Park Maintenance Division would be involved in the maintenance associated with the operation.

Alternatives

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

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

Recommendation

City Administration recommends that the Council authorize the addition 3/4 FTE and direct staff to operate the train and Sweet Tooth Shoppe in Stolley Park.

Sample Motion

Move to add an additional 3/4 FTE to the Park and Recreation Department, Recreation Division.

RESOLUTION 2009-57

WHEREAS, the budget process requires a projection of the personnel costs; and

WHEREAS, because of the city's expansion of city services and operations, additional staffing is necessary; and

WHEREAS, the net result would be an increase of .75 Full Time Equivalent Employees (FTE).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the budget be prepared to include the .75 FTE's in the general fund and the same city wide.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item H1

Consideration of Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located at 1817 Waugh Street

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: March 10, 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: H-1

Presenter(s): Craig Lewis, Building Department Director

Background

This item was referred to this meeting from the February 24, 2009 City Council meeting.

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

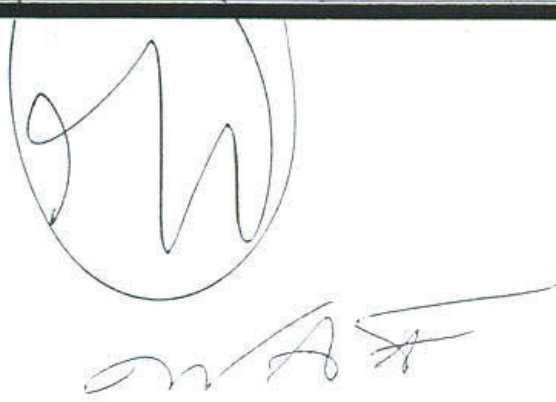
Fort Morgan, CO 80701

City

State

Zip

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

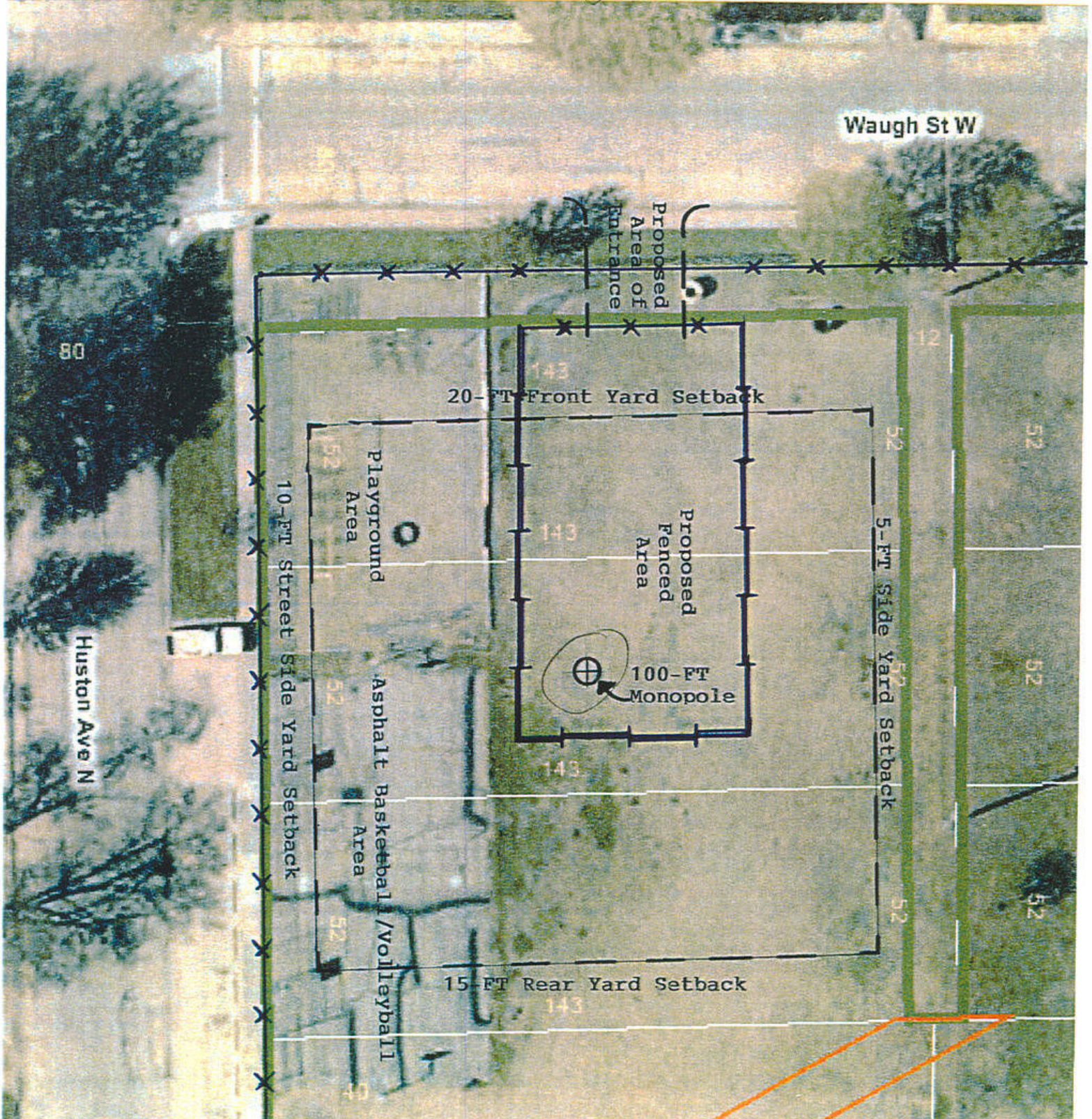


GRAND ISLAND, NE 5-PTS SITE

EXHIBIT A
Page 6 of 6
EXHIBIT C

[Handwritten signature]

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





City of Grand Island

Tuesday, March 10, 2009

Council Session

Item I1

**#2009-58 - Consideration of Intent to Annex Property Located
South of Case New Holland and West of Highway 281**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Hall County Regional Planning Department

Meeting: March 10, 2009

Subject: Annexation of Property Located in the SE ¼ of the NE ¼
Section 25, Township 11, and Range 10 west of U.S.
Highway 281 and South of Case New Holland

Item #'s: I-1

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

Background

A request has been received to consider annexation of property located in SE 1/4 of the NE 1/4, Section 25, Township 11, Range 10, located west of U.S. Highway 281 and south of Case New Holland. City sewer and water are available.

Discussion

Nebraska Revised Statute §16-117 provides for the process of annexation. In following the schedule set out when this matter was referred to the Regional Planning Commission for recommendation. The second action in this process for Council is to pass a resolution stating their intent to annex, approve an annexation plan and set public hearing for comment on the annexation request before council.

Alternatives

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

1. Approve the resolution of intent to annex, the attached annexation plan, and set public hearings on annexation.
2. Choose not to approve the resolution of intent to annex, the attached annexation plan, and set public hearings on annexation.
3. Modify the resolution of intent to annex, the attached annexation plan, and/or the public hearing date.

4. Postpone the issue

Recommendation

At the March 4, 2009 meeting of the Hall County Regional Planning Commission a public hearing was held to take comment on this request for annexation and no members of the public presented testimony. A motion was made by Haskins to approve the annexation request and seconded by Aguilar. A roll call vote was taken and the motion passed with 7 members present (Ruge, Hayes, Haskins, Bredthauer, Snodgrass, Aguilar, and Amick) all voting in favor.

City staff also recommends that the Council approve the resolution of intent to annex, the attached annexation plan, and set a public hearing on annexation for April 14, 2009.

Sample Motion

Move to approve the resolution of intent to annex, the attached annexation plan, and set a public hearing on annexation request for April 14, 2009.

ANNEXATION PLAN –February 2009

February 13, 2009

OVERVIEW

Section 16-117 of The Nebraska State Statute allows municipalities of the first class to annex any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character and in such direction as may be deemed proper.

Regulations governing municipal annexation were implemented in order to develop an equitable system for adding to and increasing city boundaries as urban growth occurs. Areas of the community that are urban in nature, and are contiguous to existing boundaries, are appropriate for consideration of annexation.

Annexation of urban areas adjacent to existing city boundaries can be driven by many factors. The following are reasons annexation should be considered:

1. Governing urban areas with the statutorily created urban form of government, municipalities have historically been charged with meeting the needs of the expanded community.
2. Provide municipal services. Municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and well being of residents in areas that are used primarily for residential, industrial, and commercial purposes.
3. Ensure orderly growth pursuant to land use, building, street, sidewalk, sanitary sewer, storm sewer, water, and electrical services.
4. Provide more equitable taxation to existing property owners for the urban services and facilities that non-city residents in proposed annexation areas use on a regular basis such as parks, streets, public infrastructure, emergency services, retail businesses and associated support.
5. Ensure ability to impose and consistently enforce planning processes and policies.
6. Address housing standards and code compliance to positively impact quality of life for residents.
7. Enable residents of urban areas adjacent to city to participate in municipal issues, including elections that either do or will have an impact on their properties.
8. Anticipate and allocate resources for infrastructure improvements.
9. Increase number of street or lane miles while increasing gas tax dollars received from the Nebraska Department of Roads.
10. Provide long term visioning abilities as it relates to growth and provision of services.

Other Factors

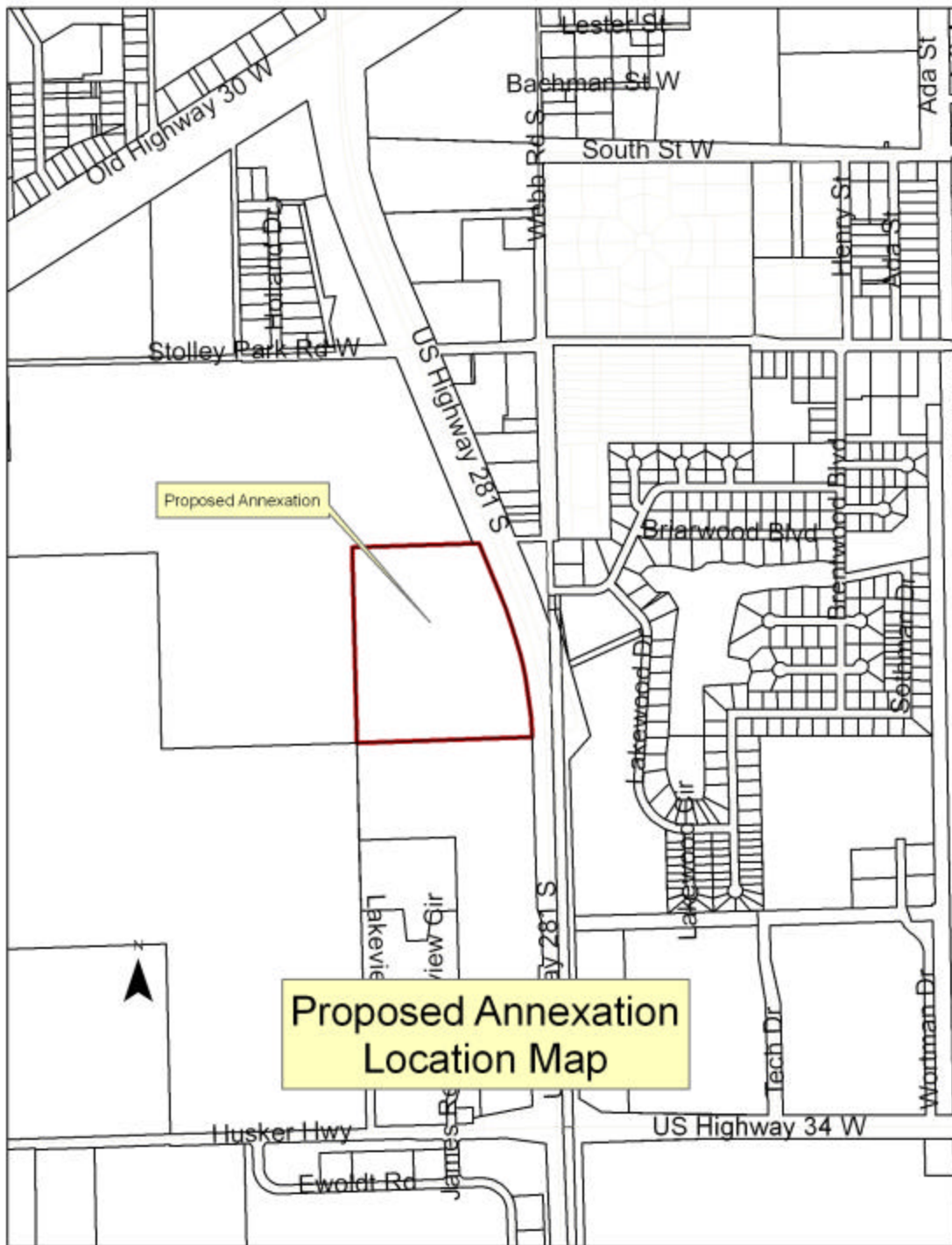
Annexation of adjacent properties can also be considered upon the request of the owner(s) of the property. Case New Holland has requested that the City annex its property in the SE ¼ of the NE ¼ of 25-11-10. They have also requested that this property be rezoned from TA Transitional Agriculture to M1 Light Manufacturing.

A comprehensive inventory of services and facilities, relative to the types and level of services currently being provided as well as the types of level of services anticipated as a result of annexation, has been developed.

The inventory includes general information concerning:

- Existing infrastructure in affected area(s)
- Summary of expenditures to extend existing infrastructure
- Summary of operating expenditures associated with increased services
- Emergency services

The service plan incorporates detailed elements of the inventory. The inventory and resulting service plan should be the basis for discussions concerning each specific area identified for potential annexation. ***It should be noted that the capital improvements to existing infrastructure and extending services will take place over a period of time in order to ensure adequate time for planning, designing, funding and constructing such a sizable number of projects while protecting the financial integrity of the City's enterprise funds. The service plan provides for extending the trunk water and sanitary sewer lines to the annexed area. Individual property owners will be responsible for the cost of extending services through neighborhoods and for connecting their properties to the public systems.***



Case New Holland Property

The Case New Holland property is located in the southwest part of the community. It is west of US. Highway 281 and south of Case New Holland building. The City of Grand Island provides electric services to the area. Sewer and water are both available to this property

INVENTORY OF SERVICES

1. **Police Protection.** The City of Grand Island Police Department will provide protection and law enforcement services in the annexation area. These services include:

- Normal patrols and responses
- Handling of complaints and incident reports
- Investigation of crimes
- Standard speed and traffic enforcement
- Special units such as traffic enforcement, criminal investigations, narcotics, and gang suppression

These services are provided, on a city-wide basis, by over 89.75 employees. The Police Department is staffed at a rate of 1.72 officers per one thousand population. No additional officers will be necessary to maintain this ratio if all proposed area is annexed.

2. **Fire Protection.** The City of Grand Island Fire Department will provide emergency and fire prevention services in the annexation area. These services include:

- Fire suppression and rescue
- Hazardous materials incident response
- Periodic inspections of commercial properties
- Public safety education

These services are provided, on a city-wide basis, by 69 employees operating from four fire stations. The nearest fire station is Station #3 located on Webb Road, across U.S. 281 from the nearest part of the proposed annexation area.

3. **Emergency Medical Services.** The City of Grand Island is the current provider of local emergency medical services in the city and will provide this service in the annexed area.

- Emergency medical and ambulance services
- Emergency dispatch (provided by the City/County Emergency Management Department)

The City of Grand Island Fire Department provides these services, on a city-wide basis. Fire personnel are emergency medical technicians and 27 are certified paramedics.

4. Wastewater (Sanitary Sewer). The City of Grand Island will provide sanitary sewer services in the area through existing sewer lines. No city costs would be anticipated.

5. Maintenance of Roads and Streets. The City of Grand Island, Public Works Department, will maintain public streets over which the City has jurisdiction. These services include:

- Snow and ice removal
- Emergency pavement repair
- Preventative street maintenance
- Asphalt resurfacing
- Ditch and drainage maintenance
- Sign and signal maintenance
- Asphalt resurfacing

U.S. Highway 281 is maintained by the State of Nebraska.

6. Electric Utilities. This Annexation area is currently provided electrical services by the City of Grand Island. The services appear adequate to meet the needs of the area. These services include:

- Electric utility services
- Street lights

7. Water Utilities. The City of Grand Island, Utilities Department, currently maintains the water utilities services for the proposed annexation area.

8. Maintenance of Parks, Playgrounds, and Swimming Pools No impact is anticipated as a result of annexation. Recreation facilities and area amenities, including parks and pools, that are privately owned and operated, or operated and maintained by another governmental entity, will be unaffected by the annexation.

9. Building Regulations. The City of Grand Island, Building Department, will oversee services associated with building regulations, including:

- Commercial Building Plan Review
- Residential Building Plan Review
- Building Permit Inspections and Issuance
- Investigation of complaints relative to Minimum Housing Standards
- Regulation of Manufactured Home Parks
- Investigation of Illegal Business Complaints
- Investigation and Enforcement of Zoning Violations

10. Code Compliance. The City of Grand Island's Legal Department and Code Compliance division will continue to provide the following services associated with enforcing compliance with the City Code:

- Enforcement Proceedings for Liquor and Food Establishment Violations
- Investigation and Enforcement of Complaints Regarding Junked Vehicles and Vehicle Parts, Garbage, Refuse and Litter
- Investigation of Enforcement of Complaints Regarding Weed and Animal Violations
Providing Enforcement Support to Other Departments for City Code and Regulatory Violations

11. Other City Services. All other City Departments with jurisdiction in the area will provide services according to city policies and procedures.

| Summary of Impacts | |
|---------------------------------------|---|
| Police Protection | No Impact |
| Fire Protection | No Impact |
| Emergency Medical Services | No Impact |
| Wastewater | Available |
| Roads and Streets | No Impact |
| Electric Service | Already in GI Service Area |
| Water Service | Available |
| Parks, Playgrounds and Swimming Pools | No Impact |
| Building Regulations | Already Subject to GI Regulations |
| Code Compliance | Already Subject to GI Regulations |
| Other | No Impact |
| School District | In Cedar Hollow/Northwest School District |

Financial Impacts of Case New Holland Properties Annexation

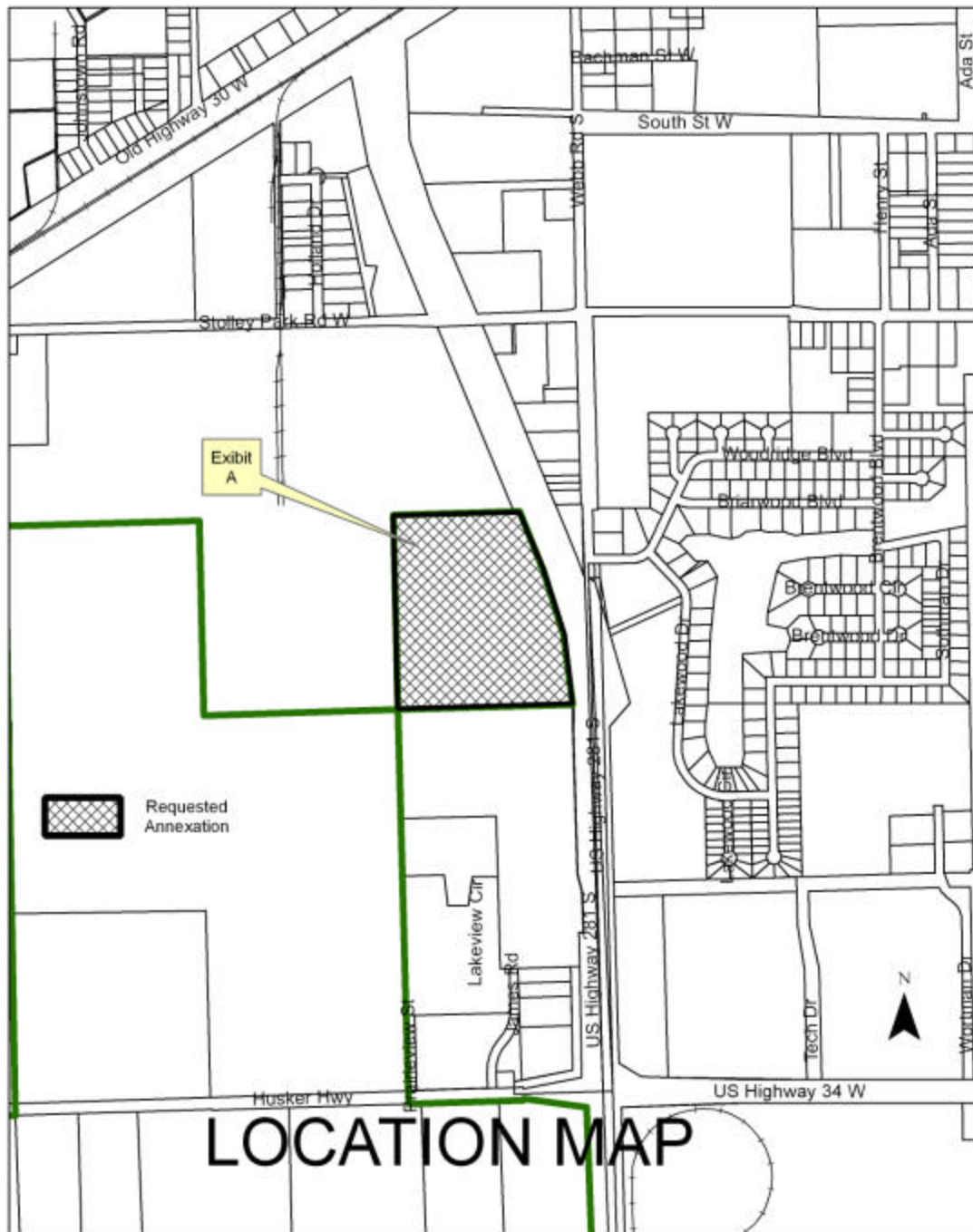
| Financial Impact | Before Annex | After Annex |
|-----------------------------------|------------------|--------------------|
| Property Valuation | \$73,382 | \$73,382 |
| City sales tax now applicable | | |
| Assume \$73,382 Value | | |
| 2008 City property taxes | 0 | 0.250000/\$183.46. |
| Community Redevelopment Authority | 0 | 0.020790/\$15.26 |
| Rural fire services | 0.056115/\$41.18 | 0/\$0 |
| Fire Bond | 0.0111665/\$8.56 | 0.0111665/\$8.56* |
| Northwest to GIPS | 1.09358/\$802.49 | 1.071196/\$786.65 |
| CH Bond | 0.057563/\$42.24 | 0.057563/\$42.24* |
| NW Bond | 0.059063/\$43.34 | 0.059063/\$43.34* |

Hall County, ESU, Community College, NRD and other levies will not change.

| | | |
|-------------------------|--------------------|--------------------|
| Total property tax levy | 1.892471/\$1388.73 | 2.092073/\$1535.21 |
|-------------------------|--------------------|--------------------|

Depending on development these properties will connect to city water and sewer services and generate revenue for those enterprise funds based on the rate structure and usage.

*previously approved bonds will remain with property until paid off



RESOLUTION 2009-58

WHEREAS, the City of Grand Island, in accordance with Neb. Rev. Stat. §16-117, et seq., is considering the annexation of the land and a plan for extending city services to the adjacent and contiguous land which is urban or suburban in character and legally described as follows and shown on Exhibit "A" attached hereto and incorporated herein by this reference:

A tract of land located in part of the southeast quarter of the northeast quarter (se1/4, ne1/4) of section twenty-five (25), township eleven (11), north, range ten (10) west of the 6th p.m., in Hall County, Nebraska, except a certain tract more particularly described in quit claim deed recorded to the state of Nebraska in book 141, page 258, and except a certain tract more particularly described in appraiser's report recorded in book 9, page 67, and more particularly described as follows:

Commencing at the east quarter corner section 25-T11N-R10W; thence on an assumed bearing of S88°08'57"W upon and along the south line of the SE1/4, NE1/4 a distance of 132.51 feet to the northeast corner of Lot 2, Pedcor Second Subdivision, an addition to the City of Grand Island, Nebraska, said point also being the westerly right-of-way (ROW) line of US Highway #281 and the point of beginning; thence S88°09'55"W upon and along the south line of SE1/4, NE1/4, said line also being the north line of said Lot 2 a distance of 1189.55 feet to the southwest corner of said SE1/4, NE1/4, said point also being the northwest corner of said Lot 2; thence N01°24'18"W upon and along the west line of said SE1/4, NE1/4 a distance of 1322.52 feet to the northwest corner of said SE1/4, NE1/4; thence N88°18'32"E upon and along the north line of said SE1/4, NE1/4 a distance of 860.86 feet to said westerly row line of US Highway #281; thence S21°57'28"E along and upon said west row line a distance of 398.06 feet to a point of curvature; thence upon and along said westerly row line around a curve in a clockwise direction having a delta angle 20°00'15", an arc length 968.79 feet, a radius 2774.79, a chord bearing S12°42'30"E with a chord distance of 963.87 feet to the point of beginning. Said tract contains a calculated area of 1,412,514.37 square feet or 32.427 acres more or less

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a plan outlining the city services available to the above-described land and showing or including: (a) the estimated cost impact of providing the services to such land, (b) the method by which the city is financing the extension of services to the land and how services already provided will be maintained, (c) a map drawn to scale clearly delineating the land proposed for annexation, (d) a map showing the current boundaries of the city, (e) a map showing the proposed boundaries of the City after the annexation, and (f) a map showing the general land-use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED, that a public hearing before the Mayor and City Council on the proposed annexation shall be held at 7:00 p.m. on April 14, 2009, or as soon thereafter as the matter may be heard, in the Council Chambers at City Hall, 100 East First Street, Grand Island, Nebraska, to receive testimony from interested persons.

BE IT FURTHER RESOLVED, that the City Clerk be, and hereby is, authorized and directed to publish in the *Grand Island Independent* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED, that the City Clerk be, and hereby is, authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school boards of the school districts including the lands proposed for annexation.

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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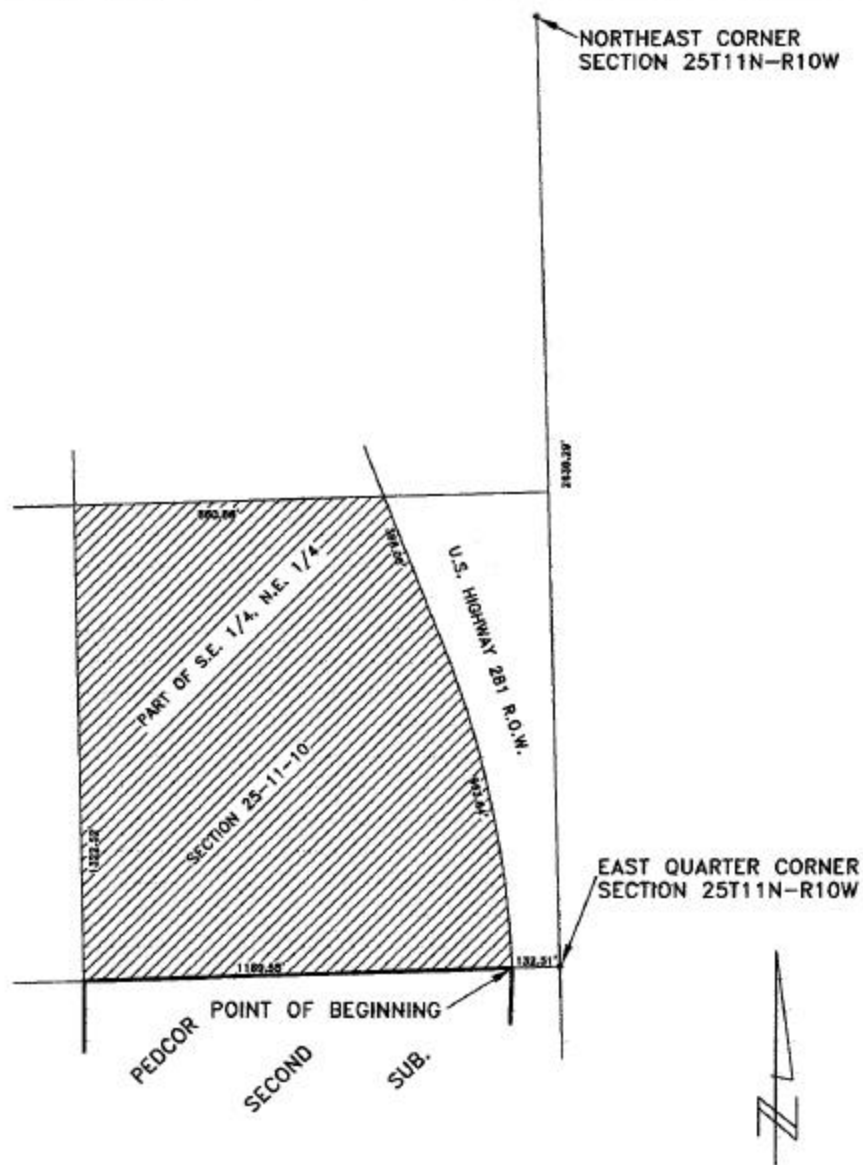


EXHIBIT "A"

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 2/26/09
DRN BY: L.D.C.
SCALE: 1" = 400'

AREA ANNEXED



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item I2

**#2009-59 - Consideration of City Council Meeting Agenda
Preparation Timetable**

Staff Contact: Jeff Pederson

Council Agenda Memo

From: Jeff Pederson, City Administrator

Meeting: March 10, 2009

Subject: City Council Meeting Agenda Preparation Timetable

Item #'s: I-2

Presenter(s): Jeff Pederson, City Administrator

Background

City Code Chapter 2-6 The Agenda for Meetings states “All matters for consideration at any regular meeting or study session of the city council shall be submitted in writing and filed in the office of the city clerk pursuant to the timetable established by resolution”.

Discussion

In an effort to streamline the assembly and distribution of the Council Meeting Agenda packets, a formal resolution detailing the timetable for submission of Agenda items is presented. In years past an administrative policy governed the timeline and is now brought before council for consideration.

It should be noted that the deadline for submission of Agenda item requests by Elected Officials is Tuesday at 5:00 p.m. This will allow staff time to review and address each Agenda item at the Wednesday, 8:30 a.m. weekly Staff Meetings. As always, members of the City council are encouraged to discuss with the Mayor and/or City Administrator any items that might be under consideration for placement on the agenda.

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 Council approve the resolution detailing City Council Meeting Agenda Preparation Timetable.

Sample Motion

Move to approve the City Council Meeting Agenda Preparation Timetable.

R E S O L U T I O N 2009-59

WHEREAS, The following Regular Meeting Agenda Timetable and Study Session Agenda Timetable provide a sequential description of Agenda related actions; and

WHEREAS, The following shall be the timetable to be adhered to by Electeds, City Department Directors, and staff relative to the preparation of the Agenda and related materials for meetings of the City Council.

| <u>DAY</u> | <u>TIME</u> | <u>ACTIVITY</u> |
|------------|-------------|--|
| Monday | 5:00 p.m. | Deadline for submission of Agenda item requests by those other than staff to City Clerk. |
| Tuesday | 5:00 p.m. | Deadline for submission of Agenda items requests by elected officials. a written request shall include topic title, meeting date requested, and shall be accompanied by any supporting material. |
| Wednesday | 8:30 a.m. | Department Director meeting, including review of draft Agenda and discussion of additional items. Final submission of all Agenda items by staff. Unforeseen or emergency items may be added at the discretion of administration. |

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island abides to this timeline.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|--|
| Approved as to Form | <input type="checkbox"/> _____ |
| March 5, 2009 | <input type="checkbox"/> City Attorney |



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item J1

Approving Payment of Claims for the Period of February 25, 2009 through March 10, 2009

The Claims for the period of February 25, 2009 through March 10, 2009 for a total amount of \$2,757,767.24. A MOTION is in order.

Staff Contact: David Springer



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item X1

Update Regarding State Fair Litigation

The City Council may vote to go into Executive Session as required by State law for an update regarding State Fair litigation.

Staff Contact: Jeff Pederson