
City of Grand Island



Tuesday, July 14, 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, July 14, 2009

Council Session

Item C.1

**Public Hearing on Proposed Fiscal Year 2009-2010 Annual Budget
for the Grand Island Area Solid Waste Agency**

Staff Contact: Steve Riehle

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Public Hearing and Approval of FY 2009-2010 Grand Island Area Solid Waste Agency Budget

Item #'s: C.-1

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

Background

The Solid Waste Agency is required to hold a budget hearing separate from that of the City and approve the budget by passing a resolution.

Discussion

A copy of the budget that has been developed for the Agency is attached. The Agency budget is the same as the City Solid Waste Division budget (Fund 505) and appears in the City's Annual Budget Document for Fiscal Year 2009-2010.

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 budget for the Solid Waste Agency for the FY 2009-2010.

Sample Motion

Move to approve the budget for the Solid Waste Agency.

SOLID WASTE DIVISION

FY 2010 BUDGET




Landfill on Husker Hwy &
Hall / Buffalo County Line



GRAND ISLAND AREA SOLID WASTE AGENCY

- ◆ Formed August 1992 by Interlocal Agreement
 - Hall County
 - City of Grand Island
- ◆ Created under State Law
- ◆ Provides budget review
- ◆ Facilities operate under NDEQ Title 132 regulations

ENTERPRISE FUND

- ◆ Manage “own check book” – Funds are separate from all other Divisions
 - ◆ Receives no support from General Fund
 - ◆ All revenues generated from tipping fees
 - ◆ One of the few Divisions with competition
- 

TRANSFER STATION

- ◆ Located at the northwest corner of Old Potash Hwy & Monitor Road
- ◆ Built by Hall County as a baler station
- ◆ 1993 - Converted to Transfer Station
- ◆ Utilized by most packer trucks and all small customers
- ◆ Re-Permitting of facility completed this year.
- ◆ New permit expires August 2017.



LANDFILL

- ◆ Located on Husker Highway at the Hall/Buffalo County line
- ◆ Phase I consists of three cells
 - Cell 1 (1993)
 - ◆ 20 year bond of \$4.5 million for original construction
 - ◆ Bond will be fully paid in October 2012
 - Cell 2 (1998)
 - ◆ Paid cash for construction
 - Cell 3 (Future)
- ◆ Utilized by some packer trucks and all large roll off containers
- ◆ Vehicles must be hydraulic unloading to utilize landfill



LANDFILL (CONTINUED)

- ◆ Current Permitted Phase I consists of three cells
 - Cell Three will be constructed in FY 2012.
 - Anticipated that Cell Three construction will be paid with cash from unrestricted reserves.

- ◆ Major Permit Modification (Currently in progress)
 - Increase side slopes from 6.5H:1V to 4H:1V
 - Greatly increased the size of future Cell 3
 - ◆ Will now be constructed in two sections (Cell 3 and Cell 4)
 - Phase 1 is now 4 cells
 - Additional cubic yards of airspace will be gained.
 - Additional revenue for the Division
 - With minimal additional expense

FACILITY HOURS OF OPERATION

- ◆ Landfill
 - Monday thru Friday 7:30 – 4:00
 - Saturday 7:30 – 12:00
- ◆ Transfer Station
 - Monday thru Friday 7:00 – 4:00
 - Saturday 7:00 – 12:00
- ◆ Yard Waste Site (March thru November)
 - Mon., Tues., Thurs., Fri. 10:00 – 6:00
 - Saturday 8:00 – 4:00
 - Free disposal of grass and leaves to residents (not free to contractors)

RESIDENTIAL CLEAN-UP CARD

- ◆ For Grand Island residents and residents within 2-mile zoning jurisdiction
 - Two free loads per year up to 800 lbs. per load
 - 2008
 - ◆ 3,148 cards issued
 - ◆ 2,856 loads
 - ◆ 1,140 tons disposed of
 - FY 2008 cost was \$42,000

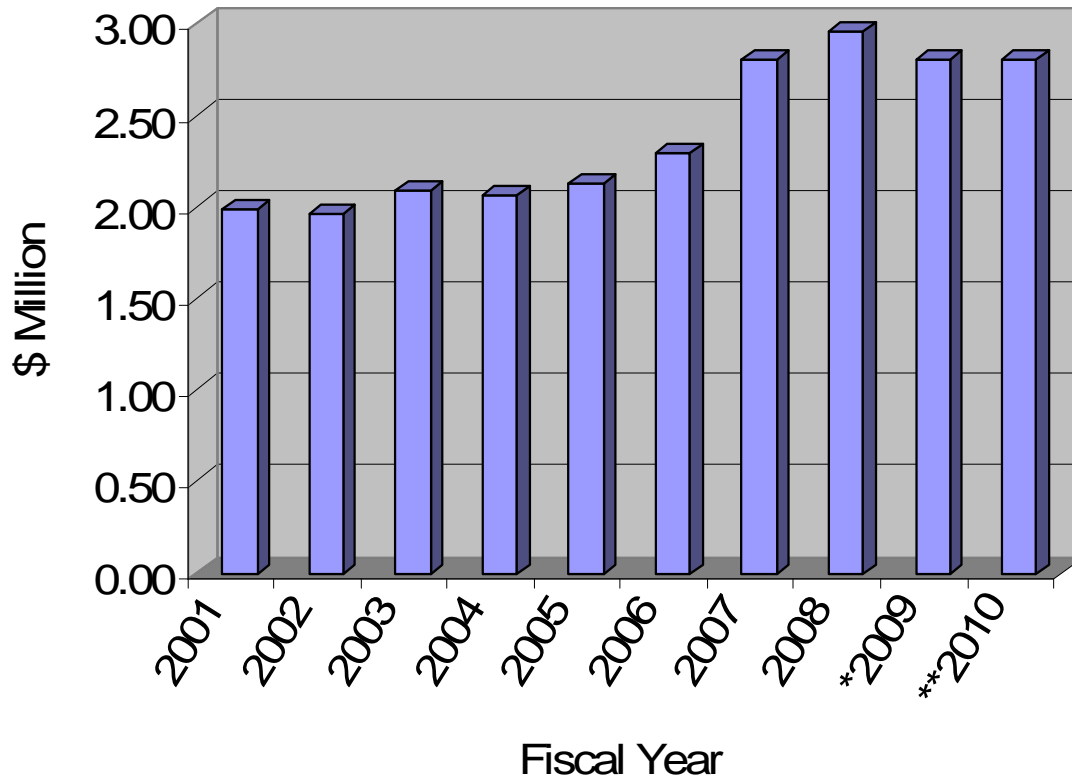
<div><div>Clerk's Signature <input type="checkbox"/></div><div>_____ Date _____</div><div>Clerk's Signature <input type="checkbox"/></div><div>_____ Date _____</div><div>_____ Address _____</div><div>_____ Name _____</div></div>	<div>Restrictions<ul style="list-style-type: none">• No lead acid batteries• No tires• No appliances or white goods• No liquids• No hazardous wastes• One card per address, Resident only• Must be a resident of Grand Island• May be required to show identification• Truck or trailers must be tarped or netted to prevent loss of materials\$10 Fee on Uncovered Loads</div>
<div><div>Residential Clean up Card</div><div>Valid January 1 to December 31, 2008</div><div>\$10 Fee on Uncovered Loads</div><div></div><div>Transfer Station 5050 Old Potash Highway (308) 385-5433 Mon.-Fri. 7-4 Sat. 7-12</div></div>	<div>RESIDENTIAL CUSTOMERS ONLY</div> <div><div>Lost Cards will not be replaced.</div><div>Good for two free standard pick-up loads. <small>(up to 800 lbs per load)</small></div></div> <div></div>

HHW UPDATE

◆ Grant Funding

- 2006 NDEQ funded architectural design
 - ◆ Environmental Trust denied grant funding for construction of facility
- 2008 Environmental Trust again denied grant funding for construction
- Project shelved
 - ◆ May re-think for future grant application

REVENUE FROM TIPPING FEES



FY 2001 \$1.98M

FY 2002 \$1.96M

FY 2003 \$2.09M

FY 2004 \$2.06M

FY 2005 \$2.12M

FY 2006 \$2.29M

FY 2007 \$2.80M

FY 2008 \$2.96M

*FY 2009 \$2.80M

*FY 2010 \$2.80M

*2009 is projected revenue
**2010 is revenue from proposed budget

FY 2010 BUDGET

SOLID WASTE

	<u>2007 Actual</u>	<u>2008 Actual</u>	<u>2009 Revised</u>	<u>2009 Projected</u>	<u>2010 Budget</u>
Beginning Cash Balance	5,291,308	5,995,801	7,171,603	7,171,603	7,431,997
Revenue	3,569,919	3,502,824	3,034,916	3,058,666	3,060,826
Transfers In	-	-	-	-	-
Total Resources Available	<u>8,861,227</u>	<u>9,498,625</u>	<u>10,206,519</u>	<u>10,230,269</u>	<u>10,492,823</u>
Expenditures	2,865,426	2,327,022	3,021,210	2,798,272	2,976,216
Transfers Out	-	-	-	-	-
Total Requirements	<u>2,865,426</u>	<u>2,327,022</u>	<u>3,021,210</u>	<u>2,798,272</u>	<u>2,976,216</u>
Ending Cash Balance	<u>5,995,801</u>	<u>7,171,603</u>	<u>7,185,309</u>	<u>7,431,997</u>	<u>7,516,607</u>
Unrestricted Cash	3,429,673	4,224,372	4,269,181	4,484,766	4,219,376
Restricted Cash	2,566,128	2,947,231	2,916,128	2,947,231	3,297,231
(Closure Costs)	<u>5,995,801</u>	<u>7,171,603</u>	<u>7,185,309</u>	<u>7,431,997</u>	<u>7,516,607</u>



UNRESTRICTED & RESTRICTED CASH RESERVES

◆ Unrestricted Cash

- Pay for future Cell 3 construction
- Eliminates the need for additional bonding

◆ Restricted Cash

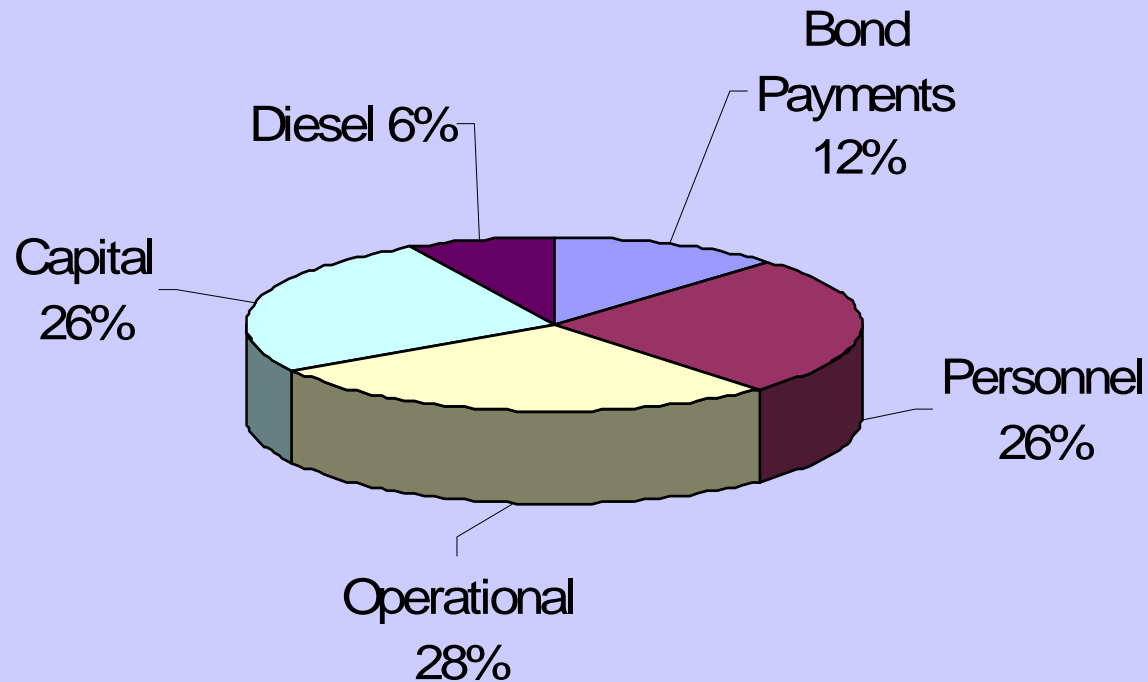
-Set aside for

- ◆ Closure activities (final cover)
- ◆ Post-Closure activities (environmental monitoring services for 30 years after closure)

-Required per NDEQ Title 132

FY 2010 BUDGET

Breakdown of Expenses



BUDGET CHANGES FOR 2010

- ◆ Moved Clean Community System from General Fund to Solid Waste budget
-\$20,000 per year
- ◆ General Fund no longer reimburses Solid Waste for RCC card.
 - ◆ Estimated savings of \$40,000 per year to General Fund
 - ◆ Reduced revenues of \$40,000 per year for Solid Waste Division

2010 BUDGET CONCLUSION

- ◆ Price is the best way to maintain solid waste flows
- ◆ No rate increase proposed for FY 2010
 - Last rate increase was October 1, 2004.
- ◆ What we're working on
 - Landfill Major Permit Modification should be completed and approved by the NDEQ within the next several months.
 - Engineer/Consultant will need to be selected late this fiscal year for Landfill re-permitting in order to have the process completed and approved by the NDEQ by April 2011.
- ◆ Any Questions?



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item C.2

**2009-SWA-1 - Approving Adoption of Fiscal Year 2009-2010
Annual Budget for the Grand Island Area Solid Waste Agency**

This item relates to the aforementioned Solid Waste Agency Public Hearing Item C.-1.

Staff Contact: Steve Riehle

RESOLUTION 2009-SWA-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, acting as the governing body of the Grand Island Area Solid Waste Agency, that the Agency's 2009-2010 budget in the form presented is hereby approved and adopted.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E1

**Public Hearing on Request from Firehouse Bar, LLC dba
Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 14, 2009

Subject: Public Hearing on Request from Firehouse Bar, LLC dba
Firehouse Bar, 418 West 4th Street for a Class "C"
Liquor License

Item #'s: E-1 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

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

Declared Legislative Intent

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

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

Discussion

Firehouse Bar, LLC dba Firehouse Bar 418 West 4th Street has submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

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

Also submitted was a Liquor Manager Designation for Michelle Sheehan, 317 South Plum Street.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the application of Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License contingent upon final inspections and the request from Michelle Sheehan, 317 South Plum Street for a Liquor Manager Designation contingent upon Mr. Sheehan completing a state approved alcohol server/seller training program.

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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1

City : Grand Island
Occurred after : 14:45:01 06/26/2009
Occurred before : 14:45:01 06/26/2009
When reported : 14:45:01 06/26/2009
Date disposition declared : 07/05/2009
Incident number : L09063944
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 418 4th St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Viterra D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Viterra D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number :
Geobase address ID : 12876
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	17866	06/26/09	Sheehan, Mitchelle M	Liquor Manager
NM	40763	06/26/09	Cargill, Ruby Mae	Owner
NM	137332	06/26/09	Firehouse Bar,	Bar

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Liquor License Investigation for a New Liquor License at the Firehouse Bar and Liquor Manager Investigation on Mitchelle Sheehan.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Viterra D	318	Viterra D

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:11:26 06/26/2009

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

I received a copy of a liquor license application for the Firehouse Bar. Sarah and John Spencer are the current owners, and they are selling the bar to Ruby Cargill. Mitchelle Sheehan is listed as the proposed liquor manager under Cargill's ownership.

On 6/5/09, I received a copy of a liquor license application where Sarah and John Spencer were trying to sell the Firehouse Bar to Mitchelle Sheehan. I called Sheehan, and he said that he couldn't come up with the funds to buy the bar. During that investigation, I checked on Sheehan through Spillman and NCJIS. I found that he has two traffic citations listed in Spillman. NCJIS shows the following convictions: 1. stop sign or traffic signal in '97 2. speeding in '98 3. speeding in '99 4. speeding in 2000 5. speeding in 2004 6. speeding in 2008.

Sheehan listed all of the convictions listed in NCJIS with the lone exception of a speeding conviction in 2000. At the bottom of Sheehan's disclosure statement, he added "various traffic violations over 20 years ago." It appears that he attempted to be accurate.

But at the same time, Mitchelle's failure to disclose his speeding conviction in 2000 technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic conviction would fall under state law or local ordinance

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution."

However, either way, the conviction is either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude him from being the liquor manager.

Cargill disclosed a DUI conviction in 1976 and a DUI arrest in May of this year. I could not find any additional convictions through Spillman or NCJIS.

On 6/25/09 at 1548 hours, I called the number listed for Ruby and got her voicemail. I asked her to call me and set up a time next week Wednesday through Friday when she would be able to meet with me.

I met with Ruby at the Firehouse Bar on 7/3/09. We discussed expectations of her business from a law enforcement perspective. I stressed to her that cooperation with law enforcement personnel is vital to her business. I also shared with her some common problems we've had with other bars. I suggested that she check the Nebraska Liquor Control Commission's web site for information on liquor laws and regulations.

I told Ruby that I didn't see any law enforcement problems with her obtaining a liquor license at this time. I told her that I would most likely recommend that the City Council recommend an approval of the license.

All in all, the Grand Island Police Department doesn't object to Ruby Cargill obtaining a liquor license for the Firehouse Bar and to Mitchelle Sheehan being

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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the liquor manager.

Date, Time: Fri Jul 03 15:11:19 CDT 2009
Reporting Officer: Vitera



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E2

**Public Hearing Concerning Change of Zoning for Land Located at
3204 West 14th Street from R2 Low Density Residential to R4
High Density Residential**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: July 14, 2009

Subject: Rezone Request for 3204 W 14th St., from R2 to R4. (C-19-2009GI)

Item #'s: E-2 & F-1

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

Background

Concerning rezone request of 3204 W 14th St. from R2 to R4 located north of 14th St., and east of Webb Rd., in the City of Grand Island.

Discussion

At the regular meeting of the Regional Planning Commission, held June 3rd, 2009, the above item was considered following a public hearing, there was some discussion regarding whether property owners within 300 ft. of the rezone were notified of the requested zoning change. Letters were sent to all property owners and a sign was placed on the property declaring that the property was subject to a request for a zoning change. Planning commission discussed the proposed plans for the area including the number of units planned for the site. Eight condominium units are proposed on two lots at the site. This would be the same number of units that are located immediately to the east on a slightly larger piece of property.

Attached you will find the Planning Directors report to the Planning Commission on this item with a summary of the changes.

Alternatives

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

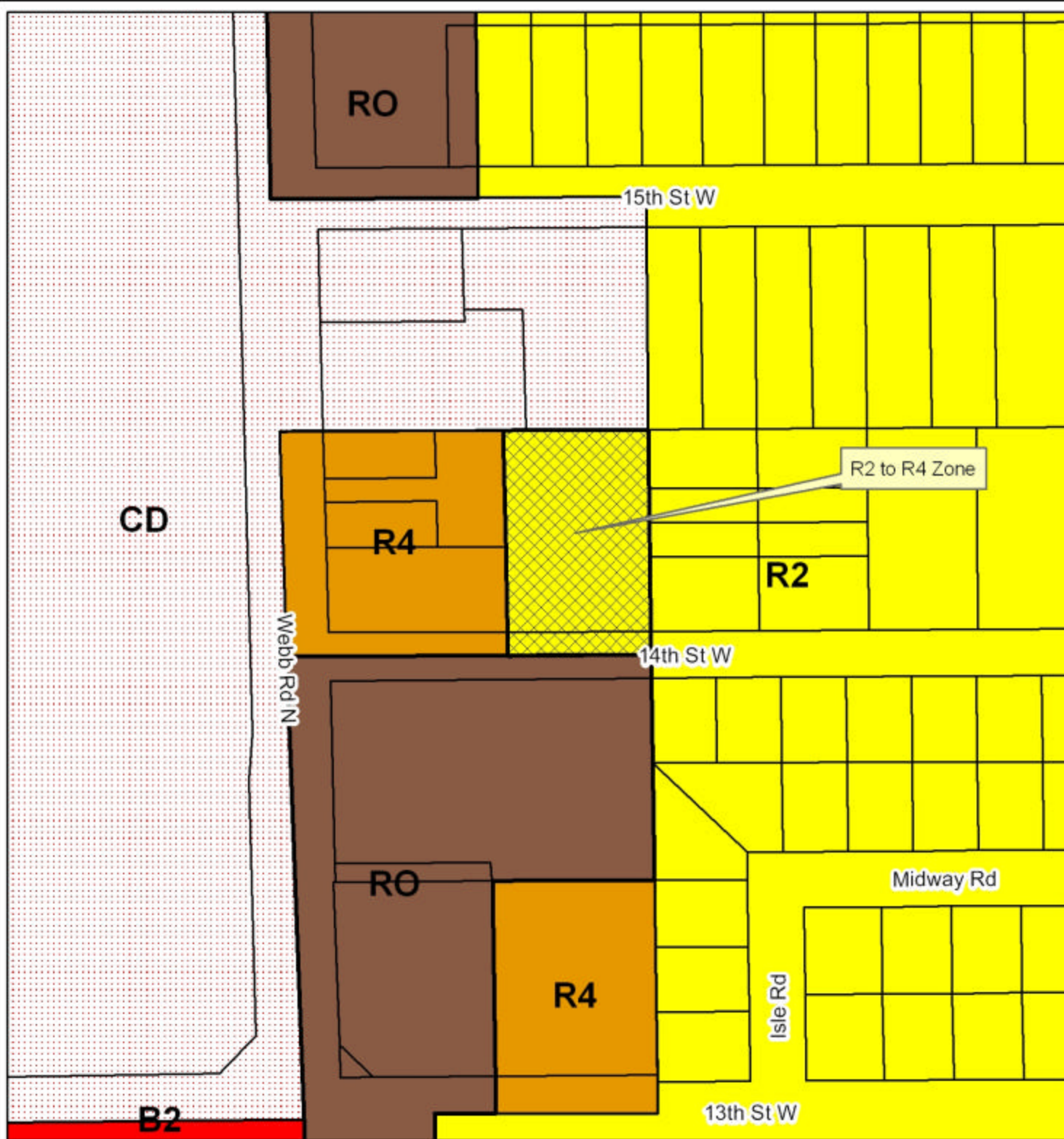
1. Approve the rezoning request as presented
2. Modify the rezoning request to meet the wishes of the Council
3. Postpone the issue

Recommendation

A motion was made by Bredthauer, seconded by Amick to approve the rezone request of 3204 W 14th St., as presented. A roll call vote was taken and the motion passed with 8 members present voting in favor. (Amick, O'Neill, Ruge, Hayes, Reynolds, Haskins, Bredthauer Heineman).

Sample Motion

Move to approve the rezone request for 3204 W 14th St.



Requested Zoning



Scale : NONE
C-19-2009GI



- From R2 : Low Density Residential Zone
- to R4 : High Density Residential Zone



THE OFFICIAL PLANNING COMMISSION OF THE
COUNTY, ISLAND COUNTY, FLORIDA AND THE CITY OF
ORLANDO, FLORIDA

Agenda Item # 4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

May 22, 2009

SUBJECT: *Zoning Change (C-19-2009GI)*

PROPOSAL: To rezone approximately 0.773 acres of land north of 14th Street east of Webb Road from R2 Low Density Residential to R4 High Density Residential. This property is currently vacant or being cleared. The applicant intends to build 8 condominium units similar to those immediately to the east of this property at this location. The adjacent property is large enough to accommodate 8 units without the zoning change.

OVERVIEW:

Site Analysis

Current zoning designation:

R2 – Low Density Residential

Permitted and conditional uses:

R2- Low Density Residential, Residential uses at a density of 6 dwelling units per acre with 35% coverage, non-profit uses, recreational uses and agricultural uses. Minimum lot size of 6000 square feet.

Comprehensive Plan Designation:

Designated for future development as a medium density residential to office uses.

Existing land uses.

Vacant

Proposed Zoning Designation

R4 — High Density Residential, Residential uses at a density of 42 dwelling units per acre with 60% coverage, non-profit uses, recreational uses and agricultural uses.

Adjacent Properties Analysis

Current zoning designations:

North: CD- Commercial Development

South RO- Residential Office

East: R2- Low Density Residential,

West: R4-High Density Residential

Permitted and conditional uses:

CD –Commercial Development Zone - A planned unit development for commercial purposes. This was permitted by Council with a limitation that commercial uses would be limited to those allowed in the RO zoning district. Lot sizes and set backs approved with the development plan. **RO-** Residential Office Residential uses with no density limitation, professional offices, retail limited to prescription services, personal services, medical

services, churches, non-profits, recreation and agricultural uses, **R2-** Low Density Residential, Residential uses at a density of 6 dwelling units per acre with 35% coverage, non-profit uses, recreational uses and agricultural uses. **R4** — High Density Residential, Residential uses at a density of 42 dwelling units per acre with 60% coverage, non-profit uses, recreational uses and agricultural uses.

Comprehensive Plan Designation: **North South and West:** Designated for Medium Density Residential to Office uses.
East: Designated for Low to Medium Density Residential.

Existing land uses: **North:** Commercial Development with offices and personal services establishments
South: Bank
East: Condominium Dwelling Units
West: Apartments and Daycare Center

EVALUATION:

Positive Implications:

- *Consistent with the City's Comprehensive Land Use Plan:* The area around the subject property is designated for medium density residential to office uses (typically R3 to RO zoning).
- *Would allow for expansion residential development:* This would allow apartments to be built at this location similar to those between this property and the single family residential further to the east.
- *Is infill development:* This site has all of the required municipal infrastructure. It has been in the city limits and is being redeveloped.
- *Allows for efficient development of a small site:* This zoning change would allow development of the site in a manner consistent with the surrounding properties and would maximize the benefits to both the developer and the city.

Negative Implications:

- *None Foreseen*

Other Considerations

The stated intent for this rezoning would allow the owner to develop housing similar to that located immediately east of this site. This type of housing would fill in with a nice transition between the uses fronting onto Webb Road and the single family detached residential east on 14th Street.

The Future Land Use Map for the City of Grand Island for this area is shown below.



Future Land Use Map of the Area as approved in the Grand Island Comprehensive Plan

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from R2-Low Density Residential to R4- High Density Residential as requested and shown on the attached map.

_____ Chad Nabity AICP, Planning Director



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E3

**Public Hearing on Changes to Future Land Use Map of the GI
Comp. Plan to Shift the Boundaries of Property Planned for GC
General Commercial & Properties Planned for LM Low to
Medium Density Residential in an Area East of So. Locust & So. of
Wood River**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: July 14, 2009

Subject: Rezoning Request for 2819 South Locust, from R2 and LLR to B2 Zone. (C-20-2009GI)

Item #'s: E-3, E-4, F-2, & I-1

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

Background

Concerning rezone request of 2819 South Locust from R2 and LLR to B2 Zone. Rezoning of land proposed for changing located east of South Locust Street and north of Midaro Drive, in the City of Grand Island.

Discussion

At the regular meeting of the Regional Planning Commission, held July 1st, 2009, the above item was considered following a public hearing, there was some discussion about property owners within 300 ft. of the rezone were notified of the requested zoning change.

From the Planning Commission Meeting:

Nabity explained that this application includes approximately 12 acres of land north of Midaro Drive and east of Locust Street. This property is owned by Lyman Richey Corporation and was the business location for the sand and gravel pit that operated out of this location since the mid 1970's. The property is located within the Grand Island municipal limits.

The applicant is asking that the zoning on this property be changed from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business. The stated purpose of this rezoning is to allow the applicant to continue to store mining equipment and materials in the building.

Planning staff is including an amendment to the Grand Island Comprehensive Plan and Future Land Use map to change the proposed future use of this property

from low to medium density residential use to general commercial use as part of this application. A portion of the property is already planned for commercial use but the entire piece is not included in the general commercial area.

O'Neill entered into record the petition signed by 12 surrounding property owners, June 15, 2009, given to Grand Island Planning Department supporting the zoning request. *(A copy of this is attached for the Council Meeting)*

Entered into record was the protest for Central Sand & Gravel, 2819 S Locust by James and Bev Hatch.

The Hatch's protest the rezoning of 2819 S Locust, a part of Lot 34, Matthews Subdivision from R2 Low Density Residential Zone and LLR Large Lot Residential Zone to B2 General Business Zone contending that the following:

- a. The covenants prohibit anything but residential lots.
- b. This is a lake property for homes and should remain residential.
- c. The business does not abut a dedicated road.
- d. License agreement states when mining finished property will be sold.
- e. When 211 Midaro was purchased in 2003 Carl Roberts assured the Hatch's Central Sand and Gravel would clean up and leave after the Conditional Use Permit expired.
- f. Central Sand and Gravel has a history of not playing by the rules.
- g. Central Sand and Gravel has a new location on Shady Bend Road in Grand Island, it is time they finished moving.

Another concern presented by the Hatch's is the equipment that is lying around the location site is not appealing, they have future plans to build a new home on their property and the current view is obstructed by mining equipment. The Hatch's also stated the City is not taking action to enforce the clean up of the property now that the conditional use permit has expired.

The Hatches presented their testimony and evidence to the commission. A copy of their written and printed material was entered into the record of the case. *(A copy of this is attached for the Council Meeting)*

Mr. Don Razey, 520 Midaro Dr., stated Lyman Richey has never been a bad neighbor; they have followed through on every request he has made to them, working with him to improve area conditions. He stated there are some misstatements made by the Hatch's. Razey also commented on the Commercial building located to the west of Lyman Richey.

Carol White, 4315 Cremings St, Omaha NE, noted the scale house has been sold and removed as of July 1, 2009; all that remains is the metal building. Lyman Richey is currently mining in a separate location, they were hoping to keep the building on the property they own vs. moving to a new location that is just leased.

Snodgrass asked about all the excess unused equipment that is lying around, White stated they would like to move that equipment to their new location but at the time had not spoke to Mr. Williams.

Mr. Gary Williams, 610 Midaro Dr, stated there is not as much trash located around the area, he mowed the area last year and never had any issues. He stated this is a mining facility and you expect to find mining equipment on the site.

The Planning Commission asked if the city is responsible for enforcing or abiding by covenants. Nabity stated that covenants on the property are a private civil matter and do not apply to actions taken by the City with regard to zoning. The City can rezone the property as they feel appropriate regardless of what the private restrictions require.

There was further discussion regarding the roadway. A roadway easement has been dedicated when the property was platted. This easement appears to have been acquired to provide legal access to these properties from Midaro Drive. The City has enforced the easement and required that gates across the easement be removed to allow access.

Nabity stated the conditional use permit allowed the building to be used as a warehouse/shop for operation for as long as they were still operating or mining. Now they are no longer operating in the area, the building can stay, in LLR zone the building could be used as a house; this is a permitted use in the LLR zone. Lyman Richey would like to rezone the area to be used the building for commercial uses.

O'Neill closed the Public Hearing and asked for motions regarding the proposed changes.

Attached you will find the Planning Directors report to the Planning Commission on this item with a summary of the changes.

Alternatives

Council should consider the change to the Comprehensive Plan and Future Land Use Map prior to considering the rezoning request.

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

1. Approve the changes to the Future Land Use Map as presented
2. Modify the changes to the Future Land Use Map to meet the wishes of the Council
3. Postpone the issue

If Council approves the changes to the Future Land Use Map they may:

1. Approve the changes to the Zoning Map as presented
2. Modify the changes to the Zoning Map to meet the wishes of the Council
3. Postpone the issue

If Council does not approve the changes to the Future Land Use Map they may choose to take no action on the ordinance to change the zoning map.

Recommendation

A motion was made by Bredthauer and seconded by Reynolds, to recommend the approval of the changes to the Future Land Use Map of the Grand Island Comprehensive Plan finding that a portion of this property is already planned for General Commercial Use; the remainder of the property is adjacent to property planned for general commercial use and the future land use map is a general guideline not a strict.

A roll call vote was taken and the motion passed with 9 members present, 7 voting in favor (Aguilar, O'Neill, Ruge, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and 2 members against (Hayes, Reynolds).

A motion was made by Ruge and seconded by Aguilar to recommend the approval of the zoning change for 2819 S Locust, a Part of Lot 34, Matthews Subdivision as presented from R2 and LLR to B2 Zone findings that the City is not bound by covenants and deed restrictions CCR or any private license agreements; that the existing use is consistent with the rezoning and that the zoning changes is consistent with the Grand Island Comprehensive Plan.

A roll call vote was taken and the motion passed with 9 members present, 7 voting in favor (Aguilar, O'Neill, Ruge, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and 2 members against (Hayes, Reynolds).

Sample Motion

Approve the resolution to amend the future land use map in the Grand Island Comprehensive Plan.

Move to approve the ordinance to the zoning change for 2819 S Locust St.

Agenda Item #4 & #5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

June 22, 2009

SUBJECT: *Future Land Use Map and Zoning Change (C-20-2009GI)*

PROPOSAL: This application includes approximately 12 acres of land north of Midaro Drive and east of Locust Street. This property is owned by Lyman Richie Corporation and was the business location for the sand and gravel pit that operated out of this location since the mid 1970's. The property is located within the Grand Island municipal limits.

The applicant is asking that the zoning on this property be changed from R2 Low Density Residential and LLR-Large Lot Residential to B2 General Business. The stated purpose of this rezoning is to allow the applicant to continue to store mining equipment and materials in the building. A map of the proposed changes is attached.

It would be prudent to amend the Grand Island Comprehensive Plan and Future Land Use map to change the proposed future use of this property from low to medium density residential use to general commercial use as part of this application. A portion of the property is already planned for commercial use but the entire piece is not included in the general commercial area. A map of the proposed changes is attached.

OVERVIEW:

Site Analysis

Current zoning designation:

LLR-Large Lot Residential and R2- Low Density Residential

Permitted and conditional uses:

LLR- Agricultural uses, recreational uses and residential uses at a density of 1 unit per 20,000 square feet. R2- Low Density Residential, Residential uses at a density of 6 dwelling units per acre with 35% coverage, non-profit uses, recreational uses and agricultural uses. Minimum lot size of 6000 square feet.

Comprehensive Plan Designation:

Designated for General Commercial and Low to Medium Density Residential.

Existing land uses.

Warehouse used for storage mining equipment and materials.

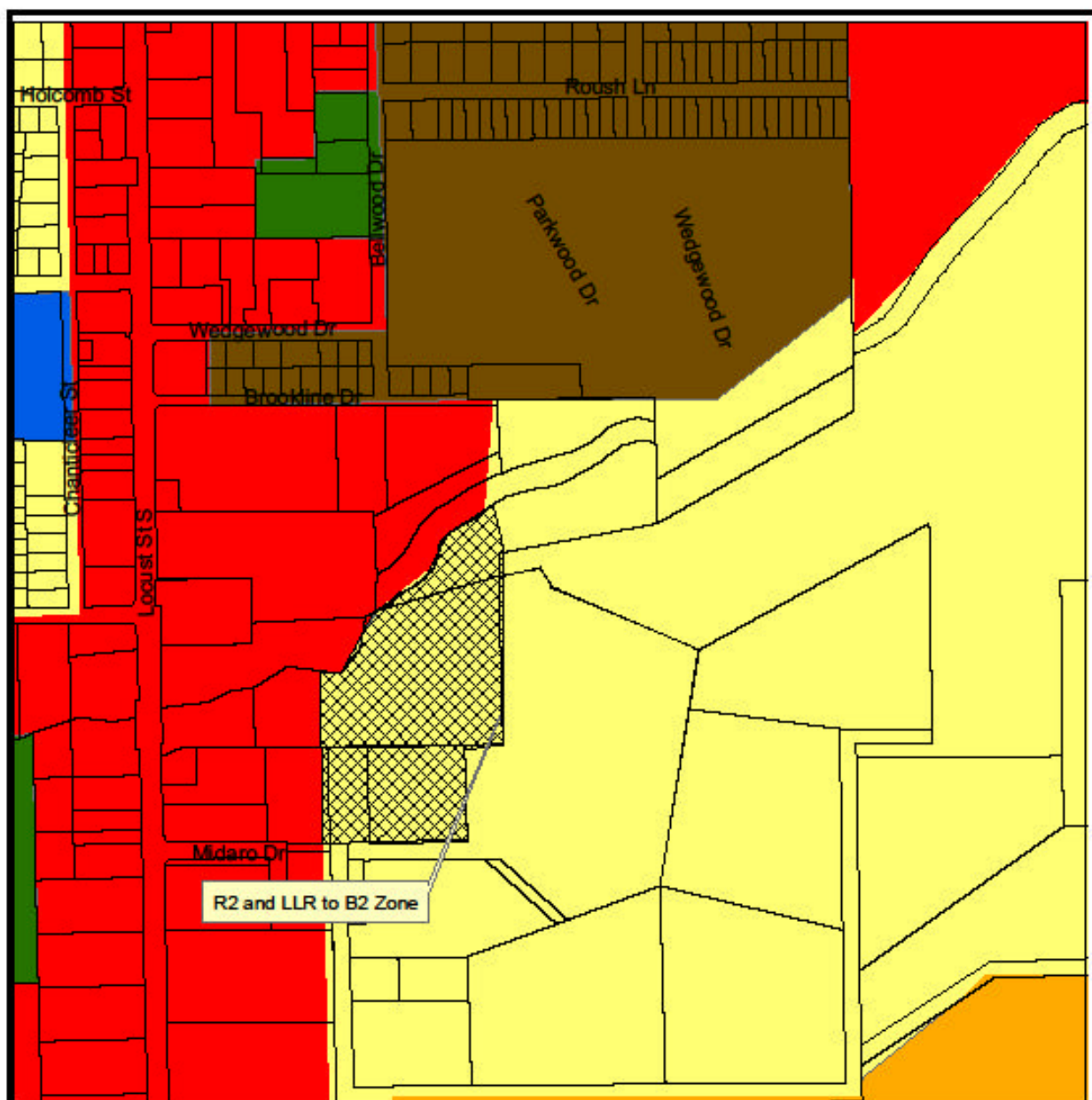
Adjacent Properties Analysis

Current zoning designations:

South and East: LLR- Large Lot Residential

North: R2-Medium Density Residential

West: LLR-Large Lot Residential and B2-AC General Business with an Arterial Commercial Overlay Zone



Proposed Changes to Future Land Use Map



Scale : NONE

C-20-2009GI



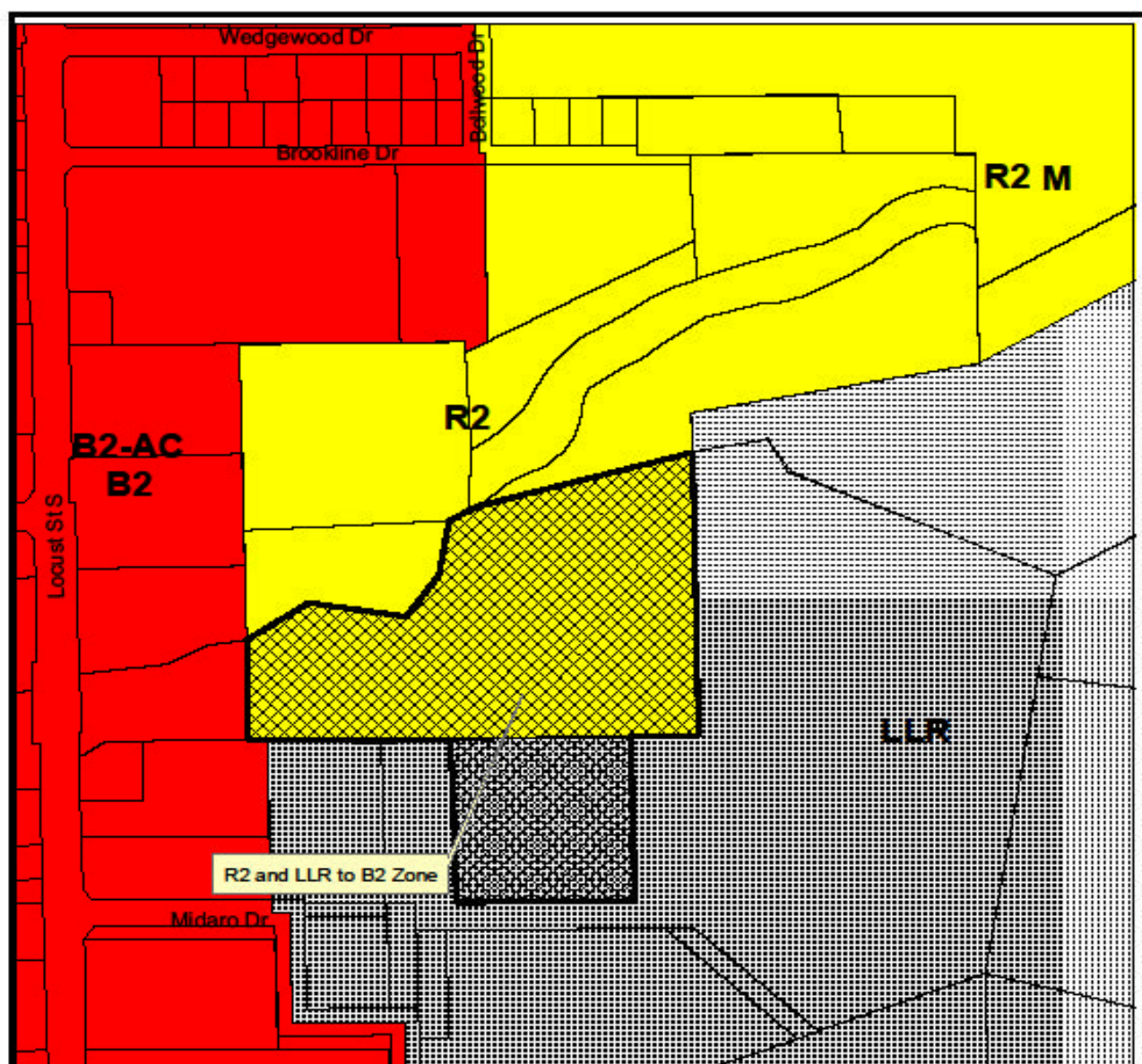
From LM: Low to Medium Density Residential



to GC General Commercial



SUMMIT COUNTY
PLANNING DEPARTMENT



Requested Zoning

-  From LLR: Large Lot Residential
-  From R2: Low Density Residential Zone
-  to B2 General Business Zone



Scale : NONE
C-20-2009/GI



CITY OF SPRINGFIELD

Protest Zoning Change

Central Sand & Gravel
2819 S. Locust St

Please return to: James Hatch
Will need to be sent to City Council
for July 14-09 meeting. Thank you.

Adjacent Property Address: 211 Midaro Dr.
(Deed Attached)

Adjacent Property Owners: James & Beverly Hatch
360 Midaro Dr.
Grand Island NE 68801

211 Midaro Dr.

Entered As Instrument No
0200312595

STATE OF NEBRASKA)
COUNTY OF HALL) SS

2003 SEP 19 PM 3 29

Kathy Brand
REC OF REEDS

CASH 115.50

CHECK

REFUNDS:

CASH

CHECK

NEBRASKA DOCUMENTARY	
Date	9-19-2003
Stamp Tax	105.00
By	AT

JOINT TENANCY WARRANTY DEED

MICHAEL D. ROUSH, a single person, MARLENE C. ROUSH, a single person and DANA JELINEK AKA DANA L JELINEK AND RONALD V JELINEK, wife and husband GRANTORS, in consideration of One Dollar (\$1.00) and Other Valuable Consideration received from GRANTEE,

C
10.50

JAMES R. HATCH AND BEVERLY J. HATCH, HUSBAND AND WIFE

conveys to GRANTEE, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

LOT TWO (2), FIRETHORNE ESTATES SECOND SUBDIVISION,
IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

211 Midaro

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances except easements, reservations, covenants and restrictions of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: September 16, 2003

Michael D. Roush
MICHAEL D ROUSH

Marlene C. Roush
MARLENE C ROUSH

Dana Jelinek
DANA JELINEK AKA DANA L JELINEK

Ronald V. Jelinek
RONALD V JELINEK

STATE OF NEBRASKA

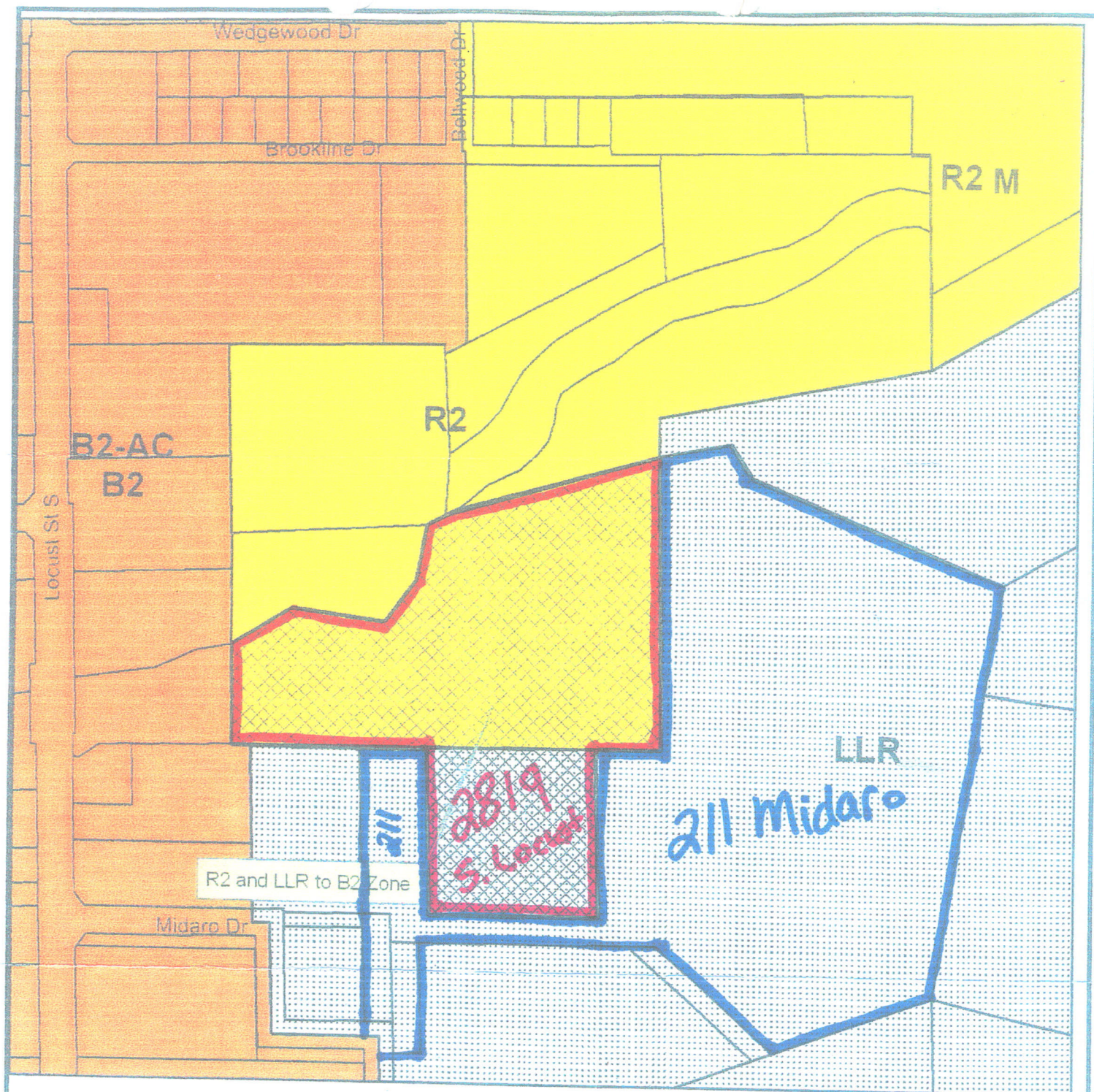
COUNTY OF HALL

G.I.ABSTRACT

2

Central Sand & Gravel
2819 S. Locust St
Grand Island NE

Requested rezone 2819 S. Locust a part of Lot 34,
Mathews Subdivision from R2 Low Density Residential
Zone and LLR Large Lot Residential Zone to B2
General Business Zone, located east of South Locust
Street and north of Midaro Dr. in the City of Grand
Island.



Requested Zoning

- From LLR: Large Lot Residential
- From R2: Low Density Residential Zone
- to B2 General Business Zone

2819 S. Locust Scale : NONE
C-20-2009-G1



2819 S. Locust

Current Zoning Map

Large Lot Residential & Low Density Residential

R2

Central Sand Gravel

2819 S Locust

LLR

211 Midway

Hatch

B2-AC H2

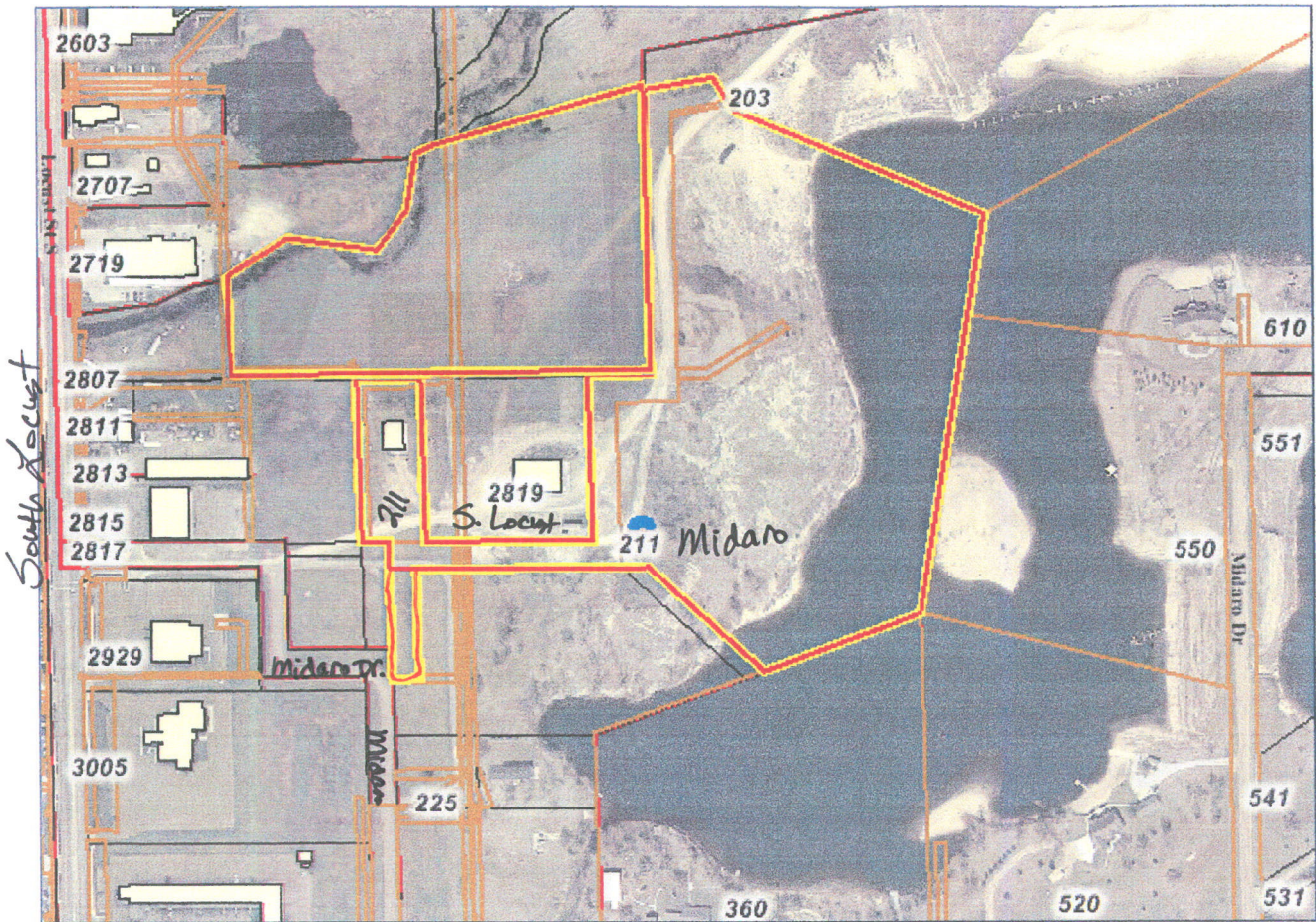
Midway 211

Midway 211

RR - low density Residential
 LLR - Large Lot Residential

**Aerial Map: 2819 S. Locust
211 Midaro Dr.**

City of Grand Island Mapsifter



Terrascan, Inc.



Current Conditions at 2819 S. Locust St

Pictures Attached

Driveway View and Front View from 211 Midaro

I am standing on 211 Midaro property for all the attached pictures









06/24/2009



06/24/2009



05/04/2009

15



05/04/2009



05/06/2009

Back view of 211 Midaro Dr



Covenants

Firethorne Subdivision

2819 S. Locust included in legal description of covenants signed by Thomas L. Anderson (Developer) September 30, 1994. Document # 94-108191

#1. All lots shall be zoned and used as residential lots.

EXHIBIT A

104-108191

A tract of land comprising parts of Lots Two (2), Three (3) and Four (4), Island, together with the accretion land thereto; part of the Lot Eleven (11) Birch Subdivision; and all of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), all of the above being situated in part of the North Half of the Southwest Quarter (NW1/4SW1/4); part of the East Half of the Northwest Quarter (E1/2NW1/4); and part of the West Half of the Northeast Quarter (W1/2NE1/4), all in Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of the West Half of the Northeast Quarter (W1/2NE1/4), said point being Three Hundred Twenty One and Twenty Five Hundredths (321.25) feet south of the northeast corner of said West Half of the Northeast Quarter (W1/2NE1/4); thence southerly along said east line of the West Half of the Northeast Quarter (W1/2NE1/4), a distance of Two Thousand Five Hundred Forty and Seventy Two Hundredths (2,540.72) feet, to the southeast corner of said West Half of the Northeast Quarter (W1/2NE1/4); thence westerly along the south line of said West Half of the Northeast Quarter (W1/2NE1/4), a distance of One Thousand Three Hundred Twelve and Eighty Two Hundredths (1,312.82) feet, to the center of said Section Twenty Seven (27); thence southerly along the east line of said Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), a distance of One Thousand Three Hundred Twenty Two and Forty Two Hundredths (1,322.42) feet, to the southeast corner of said Northeast Quarter of the Southwest Quarter (NE1/4SW1/4); thence westerly along the south line of the North Half of the Southwest Quarter (NW1/2SW1/4), a distance of One Thousand Nine Hundred Forty Four and Eighty Three Hundredths (1,944.83) feet, to a point Six Hundred Sixty (660.0) feet east of the southwest corner of said North Half of the Southwest Quarter (NW1/2SW1/4); thence deflecting right 88° 40' 40" and running northerly, a distance of Six Hundred Sixty One (661.0) feet; thence deflecting left 88° 49' 30" and running westerly, a distance of Two Hundred Twenty Seven and Four Tenths (227.4) feet; thence running northerly along a line Four Hundred Thirty Three (433.0) feet east of and parallel to the west line of said Section Twenty Seven (27), a distance of Six Hundred Fifty Three and Fifteen Hundredths (653.15) feet, to a point on the north line of said Southwest Quarter (SW1/4); thence easterly along said north line of the Southwest Quarter (SW1/4), a distance of Eight Hundred Seventy Three and Fifty Two Hundredths (873.52) feet, to the southeast corner of Lot Thirty Four (34), Matthews Subdivision; thence northerly along the east line of said Lot Thirty Four (34), a distance of Six Hundred Twenty Six and Three Hundredths (626.03) feet; thence deflecting right 76° 06' 20" and running northeasterly, a distance of Eight and Five Tenths (8.5) feet; thence deflecting right 05° 21' and running northeasterly, a distance of One Hundred Forty Two and Nine Tenths (142.9) feet; thence deflecting left 44° 31' and running northeasterly a distance of Three Hundred Seventy Eight and Eighty Three Hundredths (378.83) feet; thence deflecting right 31° 34' and running northeasterly, a distance of Two Hundred Eighteen and Eighty Five Hundredths (218.85) feet, to a point on a westerly line of Lot Eleven (11), Birch Subdivision; thence southerly along said westerly line of Lot Eleven (11), a distance of Twenty Four and Twenty Six Hundredths (24.26) feet, to a point One Hundred Sixty Five (165.0) feet north of a southwesterly corner of said Lot Eleven (11); thence running northeasterly parallel to the southeasterly line of said Lot Eleven (11), a distance of Eight Hundred Thirty Eight and Sixty Three Hundredths (838.63) feet, to the east line of said Lot Eleven (11), also being the westerly line of said Northeast Quarter (NE1/4); thence northerly along said westerly line of the Northeast Quarter (NE1/4), a distance of Thirty and Thirty Four Hundredths (30.34) feet, to a point on the centerline of the North Channel of the Platte River, said point being One Thousand Three Hundred Sixty Five and Sixteen Hundredths (1,365.16) feet south of the northwest corner of said Northeast Quarter (NE1/4); thence deflecting right 53° 30' 40" and running northeasterly along said centerline, a distance of Two Hundred Forty Six (246.0) feet; thence deflecting left 12° 26' 40" and running northeasterly along said centerline a distance of Eight Hundred Ninety Nine and Seventy Nine Hundredths (899.79) feet; thence deflecting right 30° 16' 20" and running northeasterly along said centerline, a distance of Seventy Two and Eighty Five Hundredths (72.85) feet; thence deflecting right 19° 35' 50" and running northeasterly along said centerline, a distance of One Hundred Sixty Six and Twenty Four Hundredths (166.24) feet; thence deflecting left 21° 10' 20" and running northeasterly along said centerline, a distance of Two Hundred Fifty One and Eighty Four Hundredths (251.84) feet; thence deflecting left 41° 03' 40" and running northeasterly along said centerline a distance of One Hundred Sixteen and Thirteen Hundredths (116.13) feet, to the place of beginning.

STATE OF NEBRASKA)
COUNTY OF HALL

OCT 3 PM 2 04

R.F. OF DEEDS

CASH ———
CHECK ———

REFRINDS:

CASH ———
CHECK ———

ATTI TITLE CO.

104-108191 Entered as Document, No.

104-108191

21

RESTRICTIVE COVENANTS

94-108191

WHEREAS, THOMAS L. ANDERSON, a single person; DONALD S. ROUSH and MARLENE C. ROUSH, husband and wife; and MICHAEL D. ROUSH, a single person, hereinafter referred to as "Owners", are the owners of property located in Section Twenty-seven (27), Township Eleven (11) North, Range Nine (9), West of the 6th P.M., Hall County, Nebraska more particularly described on Exhibit A attached hereto; and

WHEREAS, the Owners are developing the property described above without platting the property into a subdivision or addition to the City of Grand Island, Nebraska. The Owners intend to sell tracts of land containing more than ten (10) acres for residential development. In these covenants the tracts shall also be referred to as "lots".

WHEREAS, it is the desire of the owners to improve the property by encouraging the sale of lots and construction of modern and desirable dwelling houses;

NOW, THEREFORE, in consideration thereof, and of the mutual benefits to be derived by the Owners of said property, and any purchaser or purchasers of lots therein, their heirs, successors, personal representatives and assigns, the owners hereby stipulate and agree that any and all property sold, given, devised, transferred and conveyed shall be and the same are subject to the following restrictive covenants, all of which shall run with the land as follows:

1. All lots shall be zoned and used as residential lots. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached modern single family dwelling not to exceed two stories in height with not less than a two car attached garage. Only one additional accessory building shall be permitted on a lot and such building shall have the same exterior design, roof and finish as the dwelling house. Lots may not be split or divided to create additional lots. Only one family may occupy a dwelling. No multi-family dwellings shall be allowed.

2. The owner of each lot shall keep the house, garage, and any accessory building in good repair and appearance. The owner of each lot shall also properly maintain the yard, fences, lawn, shore line, bushes, trees and all other portions of the lot in such a manner as will be aesthetically attractive and not degrade the appearance of the property.

3. For purposes of front yard and side yard set back requirements, the zoning and building regulations of the City of Grand Island, Nebraska shall apply. For the purpose of determining the front lot line, it shall be conclusively presumed that the front of the lot is the side which faces away from the lake. The back of the lot shall be presumed to front upon the lake.

4. A one story dwelling shall have not less than 1200 square feet of ground floor area. A story and a half or two story dwelling shall have not less than 1200 square feet of ground floor area. No split level or basement houses shall be permitted. In determining the amount of square footage, all open porches and attached garages shall be excluded from such computation. All dwellings shall have an exterior appearance and elevation in keeping with the native and natural surroundings. All construction shall comply with the building codes of the City of Grand Island.

5. No trailer, mobile home, recreational vehicle, travel trailer, camper, basement, tent, shack, garage, barn, accessory building or other out building shall be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

History of Central Sand & Gravel

- a.) Continued conducting business at 2819 S. locust to date even though their Conditional Use Permit expired 3-31-08. 16 months expired.
- b.) Company refused to smooth entire Conditional Use Permit area to a pleasing appearance as indicated in permit and License Agreement.
- c.) Company pumped gravel within 60 feet of property lines next to golf course and Midaro Drive. Agreement stipulates 100 from adjacent properties and 150 from the road.
- d.) Currently mining equipment remains on site.
Scale and scale house remains on site.
- e.) They continue to pile dead trees, rubbish and debris on residential property without removal.
- g.) 2007 Central Sand attempted to remove gravel from 211 Midaro without reimbursement to owners.
- h.) We hate to even mention this but due to the company piling sand too high on a utility easement a boy lost his life. Stockpiling on a utility easement is also prohibited in the permit.

Attached: Conditional Use Permit

1 pg from License Agreement

Map of Permit Area

2 Maps of Pumped Area

Letter from Central Sand indicating they would be "finished" April 2008

February 8, 2005

Council Agenda Memo from Craig Lewis
regarding Conditional Use Permit. (Item E1)

Approval for Conditional Use Permit at 2819 S.
Locust St (Item G5)

Approved for additional 3 years with the proposed
Memo conditions.



City of Grand Island

Tuesday, February 08, 2005

Council Session

Item E1

**Public Hearing on Request of Amy Anderson, Personal
Representative of the Estate of Thomas Anderson for Conditional
Use Permit for Sand and Gravel Operation Located at 2819 South
Locust Street**

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: February 8, 2005

Subject: Public Hearing on Request of Lyman-Richey Corp. & Amy Anderson of A & L Farms, Inc for conditional use permit to continue to operate a sand and gravel pumping facility at 2819 S. Locust St.

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

Presenter: Craig Lewis, Building Department Director

Background

This request is for council approval to allow for the continued operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, LLR or large lot residential does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved by the City Council. The original request was presented to and approved by the City Council in 1972, and has received subsequent approvals for the past 33 years.

Discussion

Sand and gravel operations have been a part of Grand Island and the surrounding areas for a long time, as residential development continues to expand and the two uses become closer neighbors more conditions need to be implemented to assure a compatible existence for both uses.

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

- 1). **USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). **CLOSURE:** A statement of the proposed use of the property after the closing of the sand and gravel operation has been provided along with the application.

3). PRIMARY CONDITIONS:

- (a). The permit shall be granted for a period not to exceed 3 years with the possibility of renewal for an additional time at the end of the 3 year period.
- (b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained.
- (c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. One exception to this condition shall be in the months of March, April, October, and November activities may operate from 6:00 a.m. to 10:00 p.m. to allow for winter condition.
- (d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
- (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within an easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.
- (f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
- (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
- (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
- (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- (j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
- (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.
- (l). Applicant shall continue the mining operation but if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Grand Island Pit

1. **Time for completing mining-** We anticipate mining to be completed on the property during the year of 2005. The only remaining virgin land to be mined is located in the northeast corner of the property. There is approximately five acres yet to be mined.
2. **Permit time-** We are asking for three years on the extension of the permit to be sure and have enough time to complete mining and time to remove the equipment and replace dirt over placed sand. We also need some time to remove stockpiles of mined material from the property.
3. **Adjoining Lyman-Richey property-** Lyman-Richey Corporation does own property adjacent to the property being mined under the conditional use permit. In 2004 we cleaned accumulated material from the property, disk and seeded the area to grass to give a pleasing appearance to the property.
4. **Anderson property reclamation-** At the completion of mining we will accomplish the following items:
 - A. Remove mining equipment
 - B. Remove stockpiles of screened products
 - C. Smooth waste sand areas to a pleasing appearance.
 - D. Cover the waste sand with available topsoil.
 - E. Remove electrical service from the mine area.
 - F. Remove scale and scale house from the permitted property.
5. **Environmental Issues**

At all times the mining operation will be conducted in accordance with the State of Nebraska Department of Environmental Quality permits dealing with air and water quality.

The mining operation will follow all Federal Department of Environmental Quality required permits for diesel fuel, oil and gasoline storage. All fuel storage must and will have secondary containment previous to allowing any fuel or oil on the property.

There is minimal haul road length due to the proximity to Blaine Street, therefore there will little or no dust caused by truck traffic.

All of Lyman-Richey mining operations operate under the rules and regulations as written and enforced by the Mining Health and Safety Act, MSHA, a set of Federal mandated regulations for all mining operations. The regulations of this Act mandate the maximum noise level of the operation within the bounds of the mining operation at 85 decibels. We strictly abide by these Federal regulations. Special mufflers are fitted to the engines on the dredge. The processing plant is entirely electric and has minimal noise.

ALTERNATIVES

It appears the Council has the following alternatives concerning the issue.

1. Approve the request with the proposed conditions.
2. Deny the request.
3. Approve the request with additional or revised conditions.

RECOMMENDATION

Approve the request with the identified conditions presented by City Administration

SAMPLE MOTION

Motion to approve the conditional use with the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting.



City of Grand Island

Tuesday, February 08, 2005

Council Session

Item G5

Approving Request of Amy Anderson, Personal Representative of the Estate of Thomas Anderson for Conditional Use Permit for Sand and Gravel Operation Located at 2819 South Locust Street

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

Staff Contact: Craig Lewis

Page from License Agreement

6. Pursuant to this Extension Agreement, the Licensee agrees to place sand along the north shore of the Owner's property to enhance residential development in exchange for the Owner allowing the Licensee to use four (4) acres of the Owner's property located adjacent to property owned by the Licensee to process and stockpile mined sand and gravel products. The use of the Owner's property for stockpiling will extend beyond June 6, 2006, which is the year of termination of all other items in this Extension of License Agreement. The use of Owner's property will terminate and all stockpiles and processing equipment shall be removed by November 30, 2010 or before.

The Licensee shall mine the Owner's property previous to mining the Licensee's property.

7. Pursuant to this Extension Agreement, the Licensee grants an option to the Owner for the Owner to purchase the metal shop building and approximately three acres of land upon which the building is located. The option to purchase the property shall extend for a period of 90 days after the gravel mining operation ceases due to Licensee having completed the gravel mining operations on the Owner's and the Lincensee's property. After the 90 day option period the Owner shall indefinitely have a first right of refusal on any written offer made to purchase the property on the same terms and conditions in the written offer, until the property is sold. The Owner shall have 10 days after receipt of the offer to accept or decline.

The three acre parcel of real estate is owned by the Licensee and adjoins the Owner's property on the west side as per attached Exhibit B and made a part of this agreement.

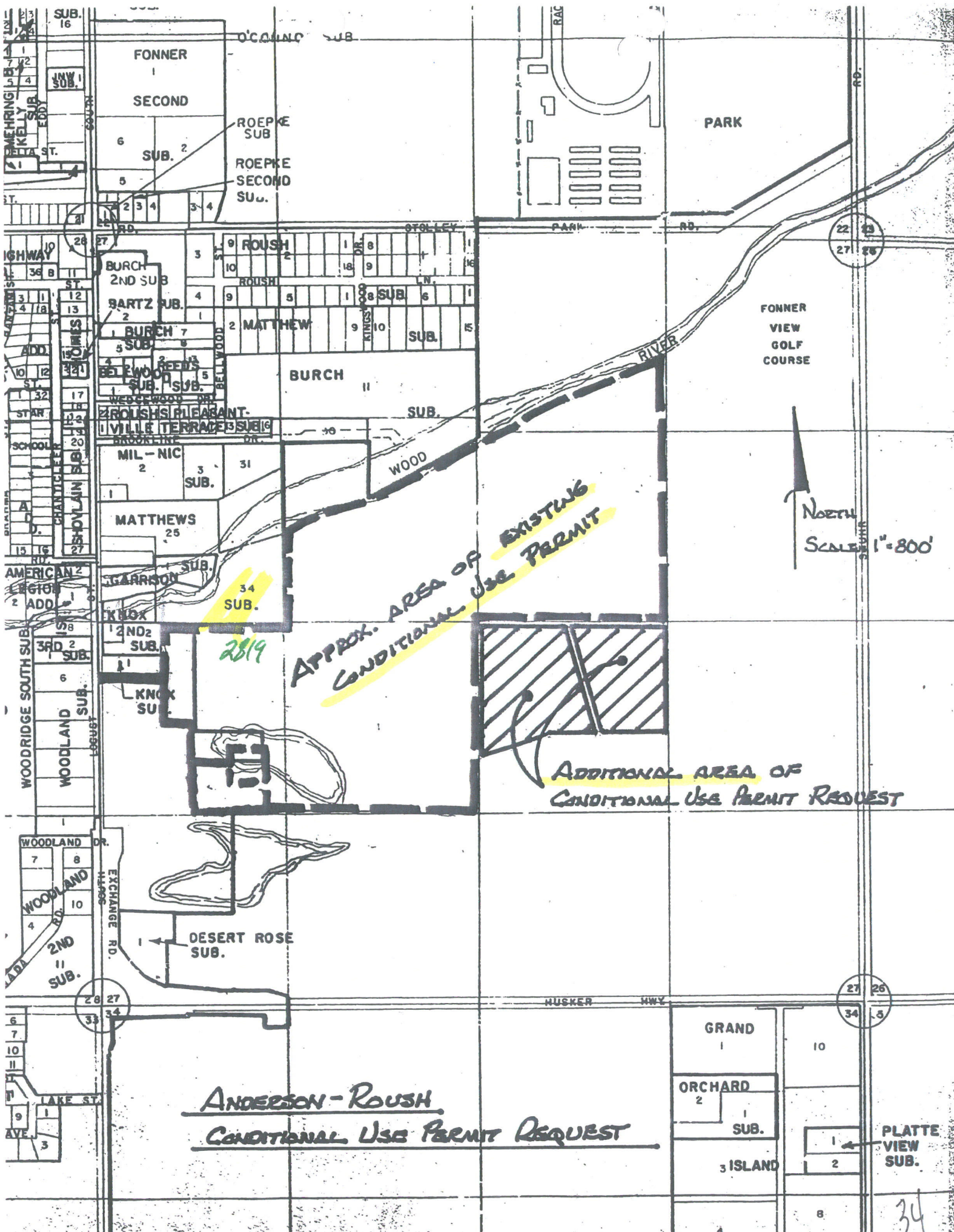
The sale of the three acre parcel and attached metal building shall be when all mining operations are terminated due to the depletion of sand and gravel on both the Licensee's property and the Owner's property.

The option price of the three acres and attached metal building shall be determined by a

10. 1. 2. 3.

Map of Conditional Use Permit Area

(Map submitted to City Council at Feb 8, 2005 session by Craig Lewis.)



PARK

FONNER
VIEW
GOLF
COURSE

North
Scale 1"=800'

APPROX. AREA OF EXISTING
CONDITIONAL USE PERMIT

ADDITIONAL AREA OF
CONDITIONAL USE PERMIT REQUEST

ANDERSON - ROUSH
CONDITIONAL USE PERMIT REQUEST

PLATTE
VIEW
SUB.

34

2 Maps of Pumped Area

Maps indicate a violation of the permit

Setback 100 ft from adjacent property

150 ft from public road

City of Grand Island Mapsifter



Terrascan, Inc.

City of Grand Island Mapsifter



Terrascan, Inc.

March 5, 2008 Letter from Central Sand & Gravel

Letter states work will be finished in April 2008

3-7-08
CA

CENTRAL SAND AND GRAVEL COMPANY

SUBSIDIARY OF LYMAN-RICHEY CORPORATION
POST OFFICE BOX 626
COLUMBUS, NE 68602-0626
(402) 564-7141

March 5, 2008

Jim
Hatch
(could not find letter)
Craig Lewis sent

Craig Lewis
Building Director
City of Grand Island
100 E. First Street
Grand Island, NE 68801

Re: Conditional Use Permit - 2819 S. Locust Street

Dear Craig:

As you know, our conditional use permit is set to expire March 27, 2008. We toured the property with you in late December of last year and at that time we had moved the mining equipment to our new mining site on the Williams property on Shady Bend Road. We have removed the electrical service we were utilizing at the mine site and the scale and scale house are located on our property which is properly zoned.

We are in the process of removing the remaining stockpiles at the Locust Street location and we will smooth the remaining waste sand areas to a pleasing appearance and cover it with any available topsoil once the weather allows us to do so. Because of the harsh winter we've had this year, we may not be completely done with these final steps by the end of March. We are committed to completing the work as soon as the weather allows.

We simply wanted to make you aware of the fact it may be necessary for us to be on the site a few days or a week or two in April to completely finish up.

Enclosed for your files is a copy of the survey Gilmore & Associates prepared for us showing the staking layout for the north end of the property.

Should you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely,

Carol White

Carol White
Real Estate Administrator

cc: Gene Bichlmeier
Mel Kucera

39

Summary

We protest the rezoning of 2819 S. Locust a part of Lot 34, Mathews Subdivision from R2 low density residential zone and LLR large lot residential zone to B2 general business zone for the following reasons:

1. The covenants prohibit anything but residential lots.
2. This is lake property for homes and should remain residential.
3. The business does not abut a dedicated road.
4. License agreement states when mining finished property will be sold.
5. When we purchased 211 Midaro in 2003 Carl Roberts assured us Central Sand would clean up and leave after the Conditional Use Permit expired.
6. Central Sand and Gravel has a history of not playing by the rules.
7. Central Sand & Gravel has a new location on Shady Bend Road in Grand Island, it is time they finished moving.

LAW OFFICES

MATTSON, RICKETTS, DAVIES, STEWART & CALKINS

KELLY R. HOFFSCHNEIDER °
REGINALD S. KUHN
STEPHEN D. MOSSMAN °
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134 SOUTH 13TH STREET, SUITE 1200

LINCOLN, NEBRASKA 68508-1901

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C. RUSSELL MATTSON (1905-1988)
LEWIS R. RICKETTS (1910-1990)
RAYMOND K. CALKINS, RETIRED

THOMAS M. DAVIES, OF COUNSEL
LAWAYNE L. FEIT, OF COUNSEL
JOHN W. STEWART, OF COUNSEL
DANIEL E. WHERRY, OF COUNSEL

° ALSO ADMITTED IN COLORADO
° ALSO ADMITTED IN IOWA
° ALSO ADMITTED IN SOUTH DAKOTA

July 1, 2009

Mr. and Mrs. James Hatch
360 Midaro Drive
Grand Island, NE 68801

RE: Easements attached to 211 Midaro Drive

Dear James and Beverly:

This letter is to set forth my legal position regarding access to the property that you own at 211 Midaro Drive and in particular, the right to ingress and egress over that property.

There are three instruments filed of record that impact the ingress and egress to the property. The first instrument is an Easement from Ruth E. Roush to Hartford Sand and Gravel Company filed in 1978. The second instrument is an Easement from Donald S. Roush and Marlene C. Roush, husband and wife, and Michael D. Roush, a single person to Thomas L. Anderson filed in 1999. The third instrument is the Dedication of the Firethorne Estates Second Subdivision Plat filed in 2003. Copies of each of these instruments are attached hereto.

The Hartford Sand and Gravel Company Easement grants only Hartford Sand and Gravel and its successors including Lyman-Richey, the right to ingress and egress to the property on which Lyman-Richey is currently located.

Similarly, the Easement to Thomas L. Anderson grants only ingress and egress to Thomas L. Anderson and his successors to the specific property referenced in the Easement.

Finally, the language in the Dedication is very specific. The Dedication is clearly not for a street. The Dedication simply grants to the City of Grand Island, Nebraska and "dedicates the easements, if any, as shown thereon for the location, construction and maintenance of public service utilities forever, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstruction upon, over, along or underneath the surface of such easement".

Under this Dedication, the City of Grand Island and its public service utilities also have the right of ingress and egress. However, it is my legal opinion that the right of ingress

James and Bev Hatch
July 1, 2009
Page 2

and egress does not run to the public at large. Therefore, the only entities granted ingress and egress over the property would be those specifically identified in the two Easements or their successors and assigns as well as the City of Grand Island public utilities under the Dedication.

In summary, my legal opinion is that the public at large has no right of ingress or egress over your 211 Midaro Drive property.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen D. Mossman', followed by a long horizontal line extending to the right.

Stephen D. Mossman
sdm@mattsonricketts.com

SDM/cdb

June 15, 2009

City of Grand Island Planning Department
100 East First Street
Box 1968
Grand Island, NE 68802-1968
ATTN: Chad Nabity

Re: Lyman-Richey Corporation Application for Rezoning

To Whom It May Concern:

The undersigned reside within 300' of the two properties owned by Lyman-Richey Corporation located at 2819 S. Locust in Grand Island, NE.

We understand Lyman-Richey is requesting a rezoning of their two parcels of real estate from R2 and LLR to a B-2 classification which would allow for the properties to be used in a commercial nature.

The purpose of this letter is to express our support for the rezoning of the two properties from a residential use to a commercial use.

Don Razez

Printed Name: DON RAZEY

Deb Razez

Printed Name: Deb Razez

William Lawrence

Printed Name: WILLIAM LAWREY

Rich S Johnson

Printed Name: Rich S Johnson

Daniel D Naranjo

Printed Name: Daniel D. Naranjo

Scott Sahling

Printed Name: SCOTT Sahling

Garry Williams

Printed Name: GARRY Williams

Jeanne Williams

Printed Name: Jeanne Williams

Ryan Crouch

Printed Name: Ryan Crouch

Lisa Crouch

Printed Name: Lisa Crouch

Mason Probst

Printed Name: MASON PROBST

Mary Sahling

Printed Name: MARY Sahling



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E4

**Public Hearing Concerning Change of Zoning for Land Located at
2819 South Locust Street from R2 Low Density Residential and
LLR Large Lot Residential to B2 General Business**

This item relates to the aforementioned Public Hearing Item E-3, F-2 & I-1.

Staff Contact: Chad Nabity



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E5

Public Hearing on Acquisition of Utility Easement Located on the East Side of 589 Stuhr Road (Nebraska Colorado Cellular, Inc. dba Viaero Wireless)

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: July 14, 2009

Subject: Acquisition of Utility Easement – East Side of 589 Stuhr Road – NE Colorado Cellular, Inc. dba Viaero Wireless

Item #'s: E-5 & G-5

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 NE Colorado Cellular, Inc., dba Viaero Wireless, located on the east side of 589 Stuhr Road between Bismark Road and the Burlington Northern Railroad tracks, 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 for a pad-mount transformer and underground cable to provide electrical service to a new antenna at that location.

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, July 14, 2009

Council Session

Item E6

**Public Hearing on Acquisition of Utility Easement Located at 1814
North Eddy Street - Five Points Area (Casey's Retail Company)**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: July 14, 2009

Subject: Acquisition of Utility Easement – 1814 North Eddy Street - Casey's Convenience Store at Five Points

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

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

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Casey's Retail Company located at 1814 North Eddy Street (Five Points area), 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 for a pad-mount transformer and underground cable to provide service to the new Casey's being constructed at that location.

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, July 14, 2009

Council Session

Item E7

**Public Hearing on Acquisition of Public Utility Easement in Lot 1
of Meadowlark West Sixth Subdivision at 1204 North Webb Road
(Village Development - Grand Island, LLC.)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Public Hearing on Acquisition of Public Utility Easement in Lot 1 of Meadowlark West Sixth Subdivision at 1204 North Webb Road (Village Development - Grand Island, LLC.)

Item #'s: E-7 & G-16

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 public utility easement is needed on Lot 1 of Meadowlark West Sixth Subdivision to accommodate public utilities. The easement will allow for the construction, operation, maintenance, extension, repair, replacement and removal of public utilities within the easement.

Discussion

The new easement covers all of Lot 1 and provides for water service to the new Walgreens at 1230 North Webb Road. Please see attached sheet 1 of 1 that shows the easement.

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

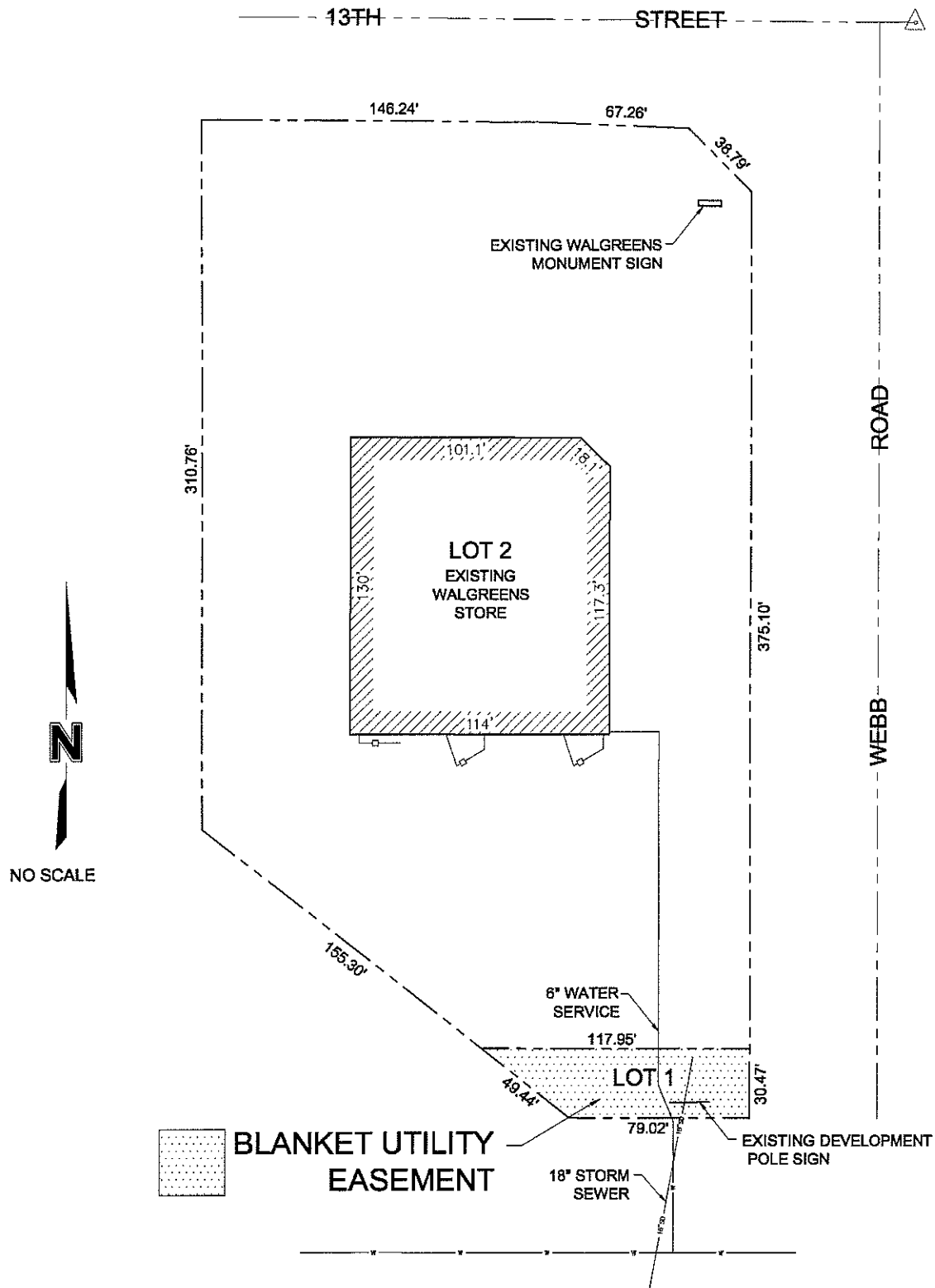
Public Works Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Easement.

Sample Motion

Move to approve the acquisition of the Easement.

MEADOWLARK WEST SIXTH SUBDIVISION

IN THE CITY OF GRAND ISLAND, NEBRASKA
EASEMENT EXHIBIT





City of Grand Island

Tuesday, July 14, 2009

Council Session

Item F1

**#9225 - Consideration of Change of Zoning for Land Located at
3204 West 14th Street from R2 Low Density Residential to R4
High Density Residential**

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9225

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of Lot Nine 9 of Island Acres being a Subdivision in the City of Grand Island, Hall County Nebraska except a certain tract more particularly described in a Warranty Deed recorded as Document No 77-005932 from R2 Low Density Residential to R4 High Density Residential; directing that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island pursuant to the provisions of Sections 36-44 and 36-51; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on July 1, 2009, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on July 14, 2009, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tracts of land are hereby rezoned, reclassified and changed from R2 Low Density Residential to R4 High Density Residential:

Lot Nine 9 of Island Acres being a Subdivision in the City of Grand Island, Hall County, Nebraska except a certain tract more particularly described in a Warranty Deed recorded as Document No 77-005932

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Sections 36-44 and 36-51 of the Grand Island City Code be, and the

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney

ORDINANCE NO. 9225 (Cont.)

same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item F2

**#9226 - Consideration of Change of Zoning for Land Located at
2819 South Locust Street from R2 Low Density Residential and
LLR Large Lot Residential to B2 General Business**

This item relates to the aforementioned Public Hearing Item E-3 & E4.

Staff Contact: Chad Nabity

ORDINANCE NO. 9226

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of part of Lot Thirty Four (34), Matthews Subdivision in the City of Grand Island, Nebraska and a part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in Hall County, Nebraska, more particularly described as hereafter from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business Zone; directing that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island pursuant to the provisions of Sections 36-44 and 36-51; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on July 1, 2009, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on July 14, 2009, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tracts of land are hereby rezoned, reclassified and changed from R2 Low Density Residential and LLR Large Lot Residential to B2 General Business Zone:

A tract of land comprising a part of Lot Thirty Four (34), Matthews Subdivision in the City of Grand Island, Nebraska, more particularly described as follows:

Approved as to Form	<input checked="" type="checkbox"/> _____
July 9, 2009	<input checked="" type="checkbox"/> City Attorney

ORDINANCE NO. 9226 (Cont.)

Beginning at the Southwest corner of said Lot Thirty Four (34); thence Northerly along the West line of said Lot Thirty Four (34), a distance of Two Hundred Twenty (220.0) feet to a point in the centerline of Wood River; thence deflecting right $58^{\circ}36'20''$ and running Northeasterly along said centerline, a distance of One Hundred Fifty and Two Tenths (150.2) feet; thence deflecting right $40^{\circ}24'$ and running Southeasterly along said centerline a distance of Two Hundred and Seven Tenths (200.7) feet; thence deflecting left $61^{\circ}12'30''$ and running Northeasterly along said centerline, a distance of One Hundred Eleven and One Tenth (111.1) feet; thence deflecting left $27^{\circ}14'$ and running Northeasterly along said centerline, a distance of One Hundred Twenty Three and Two Tenths (123.2) feet; thence deflecting right $13^{\circ}54'$ and running Northeasterly along said centerline a distance of Ninety Eight and Four Tenths (98.4) feet; thence deflecting right $157^{\circ}26'40''$ and running Southerly, a distance of Eighty Six and Fifty Six Hundredths (86.56) feet; thence deflecting left $106^{\circ}23'30''$ and running Northeasterly, a distance of Four Hundred Seventy Six and Nineteen Hundredths (476.19) feet; thence deflecting right $104^{\circ}55'10''$ and running Southerly, a distance of Six Hundred Seven and Three Hundredths (607.03) feet, to the Southeast corner of said Lot Thirty Four (34); thence Westerly along the South line of said Lot Thirty Four (34), a distance of Nine Hundred Twelve and Two Hundredths (912.02) feet to the place of beginning and containing 8.965 acres more or less.

A tract of land comprising a part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in Hall County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said Southwest Quarter (SW1/4); thence Southerly along the West line of said Southwest Quarter (SW1/4) a distance of three hundred forty eight and seventy seven hundredths (348.77) feet; thence deflecting left $88^{\circ}32'$ and running Easterly a distance of eight hundred three (803) feet to the actual place of beginning; thence continuing Easterly along the last described course, a distance of three hundred sixty four and six tenths (364.6) feet; thence deflecting left $91^{\circ}29'$ and running Northerly, a distance of three hundred sixty and twelve hundredths (360.12) feet; thence deflecting left $89^{\circ}04'20''$ and running Westerly, a distance of three hundred sixty four and six tenths (364.6) feet; thence deflecting left $90^{\circ}55'40''$ and running Southerly, a distance of three hundred fifty six and sixty six hundredths (356.66) feet to the actual place of beginning, and containing 3.015 acres more or less.

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Sections 36-44 and 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

ORDINANCE NO. 9226 (Cont.)

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item F3

#9227 - Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Item #'s: F-3

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

Background

A few proposed revisions to Chapter 32 of the City Code have been drafted for City Council consideration. Applicable sections of the existing city code with markups are shown in this memo. The sections to the code that are being added are underlined and the sections that are being eliminated have a line drawn through the text. A clean version of the proposed city code is attached as an ordinance.

- Section 32-55, Sidewalks: If a property owner wants to replace a conventional sidewalk with a curb sidewalk, the requirements of the current code are cumbersome.
- Section 32-74, Spreading Snow in Streets: Many communities across Nebraska and in the Midwest have laws against pushing, shoveling or blowing snow into the streets.
- Section 32-74.2, Mailboxes: The city is sometimes held accountable for damage to a mailbox that was not caused by negligence.

Discussion

The changes and additions that are being proposed to Chapter 32 are as follows:

- Section 32-55, Sidewalks: If a property owner wants to replace a conventional sidewalk with curb sidewalk, the current city code requires 10 days notice by certified mail to all property owners, council to conduct a public hearing and special permission from the city council. Public Works Administration is recommending that the code be changed to remove the certified mail requirement, eliminate the need for a public hearing & allow the Public Works Director to give the special permission to replace a conventional sidewalk with a curb sidewalk.

§32-55. Sidewalks

Sidewalks built within one foot or less of property lines shall be known as "conventional" sidewalks. Conventional sidewalks shall be at least four feet wide. Only conventional sidewalks may be constructed on arterial, collector, and other protected streets, except as hereinafter provided.

Sidewalks constructed immediately adjacent to any curb and gutter shall be known as "curb" sidewalks. Curb sidewalks shall be at least four feet wide. No curb sidewalk may be constructed unless curb and gutter is constructed immediately prior to or is in place at the time of the sidewalk construction.

No curb sidewalks may be constructed unless there is constructed a continuous curb sidewalk between successive streets or between a street and an alley. The intent of this section is to provide for uniform sidewalk construction between successive streets or streets and alleys. In some instances, intersections or alleys are not in existence in newly platted areas, or blocks in earlier platted areas are excessive in length, in which case curb sidewalk may be constructed only if it will be continuous for approximately one block and there remains a continuous distance of the same length for construction of conventional sidewalk. For the purpose of this section, one block is defined as 300 feet, more or less. The purpose of this requirement is to provide for continuous sidewalk, either curb or conventional, for a reasonable distance without change. No conventional sidewalk may be replaced with curb sidewalk without special permission from the Public Works Director ~~city council. At least ten days advance notice by certified mail of such hearing must be given to all property owners and occupants between successive streets or between a street and an alley.~~

~~If a majority of the property owners on a block petition the City for a curb sidewalk, then a new sidewalk may be installed as curb sidewalk. Such curb sidewalk shall comply with the other provisions of this section.~~

Where buildings, improved parking lots, or other improvements extend to the property line, the sidewalk must be at least five feet in width and extend to the property line.

In areas classified as rural routes by the U.S. Postal Service, properties will be allowed curb sidewalk only if the following conditions exist:

- (1) If curb exists or is being constructed immediately prior to installation of the sidewalk; and
- (2) If all property owners installing curb sidewalk agree to neighborhood box units which are approved and installed by the U.S. Postal Service; and
- (3) If the section of sidewalk will be consistent between successive streets or from a street to an alley.

§32-73. Snow and Ice Removal from Sidewalks

It shall be unlawful for the occupant or owner of any lot, tract, or parcel of real estate within the City to fail to clear or have cleared the sidewalks contiguous thereto of all snow and ice within twenty-four hours after the cessation of any storm or snow fall; provided, that if such lot, tract, or parcel of real estate is located within the Central Business District of the City of Grand Island, then it shall be unlawful for the occupant owner of such lot, tract, or parcel of real estate to fail to clear the sidewalks contiguous thereto of all snow and ice within six hours after the cessation of any storm or snow fall, or by 12:00 Noon should the cessation of any storm or snow fall occur during night-time hours.

It shall be unlawful for the occupant or owner of any lot, tract, or parcel of real estate within the City to fail to clear or have cleared the sidewalks contiguous thereto of all ice accumulated from natural or artificial drainage of water within twenty-four hours

after the commencement of accumulation; provided, that if such lot, tract, or parcel of real estate is located within the Central Business District of the City of Grand Island, then it shall be unlawful for the occupant or owner of such lot, tract, or parcel of real estate to fail to clear the sidewalks contiguous of all ice accumulated from natural or artificial drainage of water within six hours after the commencement of accumulation, or by 12:00 noon should the accumulation of ice occur during night-time hours.

The violation of this section shall give rise to a cause of action for damages in favor of any person who is injured by the failure or neglect of the owner or occupant of the real estate to comply with the provisions of this section.

- Section 32-74, Spreading Snow in Streets: Putting snow on to city streets creates a traffic hazard and is counter productive to the snow removal work being performed by crews trying to clear city streets of snow. Putting snow onto city property can cause damage to city property. City property should not be considered a dumping ground for property owners looking for a disposal place for snow. Public Works Administration is recommending that the city code be changed to make it unlawful to put snow on city streets or city property.

§32-74. ~~Spreading Snow In Streets~~ Shoveling, plowing or blowing snow onto the street or city property

~~If any snow and ice is removed pursuant to the provisions of §32-73 and deposited in the traveled portion of any street, such snow and ice shall be spread over the surface of such street in such a manner as to cause the least interference to traffic and drainage upon such street.~~

It is hereby declared unlawful for any property owner or any lessee or occupant of any property or contractor to shovel, plow or blow any snow from sidewalks, driveways or private property onto any city street or other city property. The only exception is in the Central Business District where snow from sidewalks only may be placed in the street in such a manner as to cause the least interference to traffic upon such street.

- Section 32-74.2, Mailboxes: This section is being added to eliminate city responsibility for clearing snow from mailboxes for mail delivery, and also eliminating city liability for mailboxes that are damaged by the weight of moving snow and not by actual contact by a snowplow.

§ 32-74.2 Mailboxes

(1) Where mailboxes are placed adjacent to the street it shall be the policy of the City that snow shall be plowed as close a practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered. The City will not assume responsibility for clearing mailboxes for mail delivery.

(2) If damage to a mailbox occurs, such damage shall be investigated by the Streets Division of the Public Works Department. If it is determined that the weight of the snow caused the damage, the City will not assume responsibility for repair of the mailbox. Where evidence indicates that physical contact between the plow and the mailbox occurred, the City will assume responsibility for repair, provided the mailbox was properly placed.

Alternatives

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

1. Adopt the ordinance as presented.
2. Adopt the ordinance with amendments.
3. Take no action on the issue.

Recommendation

Public Works Administration recommends that the Council approve the changes to Chapter 32 of the City Code.

Sample Motion

Move to approve Ordinance No. 9227 revising code sections in Chapter 32 of the Grand Island City Code.

ORDINANCE NO. 9227

An ordinance to amend Chapter 32 of the Grand Island City Code; to amend Section 32-55 pertaining to Sidewalks, Section 32-74 pertaining to Spreading Snow in Streets and add Section 32-74.2 pertaining to Mailboxes; to repeal Sections 32-55 and 32-74 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Sections 32-55, 32-74 and 32-74.2 of the Grand Island City Code are hereby amended to read as follows:

§32-55. Sidewalks

Sidewalks built within one foot or less of property lines shall be known as "conventional" sidewalks. Conventional sidewalks shall be at least four feet wide. Only conventional sidewalks may be constructed on arterial, collector, and other protected streets, except as hereinafter provided.

Sidewalks constructed immediately adjacent to any curb and gutter shall be known as "curb" sidewalks. Curb sidewalks shall be at least four feet wide. No curb sidewalk may be constructed unless curb and gutter is constructed immediately prior to or is in place at the time of the sidewalk construction.

No curb sidewalks may be constructed unless there is constructed a continuous curb sidewalk between successive streets or between a street and an alley. The intent of this section is to provide for uniform sidewalk construction between successive streets or streets and alleys. In some instances, intersections or alleys are not in existence in newly platted areas, or blocks in earlier platted areas are excessive in length, in which case curb sidewalk may be constructed only if it will be continuous for approximately one block and there remains a continuous distance of the same length for construction of conventional sidewalk. For the purpose of this section, one block is defined as 300 feet, more or less. The purpose of this requirement is to provide for continuous sidewalk, either curb or conventional, for a reasonable distance without change. No conventional sidewalk may be replaced with curb sidewalk without special permission from the Public Works Director.

Where buildings, improved parking lots, or other improvements extend to the property line, the sidewalk must be at least five feet in width and extend to the property line.

In areas classified as rural routes by the U.S. Postal Service, properties will be allowed curb sidewalk only if the following conditions exist:

- (1) If curb exists or is being constructed immediately prior to installation of the sidewalk; and
- (2) If all property owners installing curb sidewalk agree to neighborhood box units which are approved and installed by the U.S. Postal Service; and
- (3) If the section of sidewalk will be consistent between successive streets or from a street to an alley.

§32-74. Shoveling, plowing or blowing snow onto the street or city property

It is hereby declared unlawful for any property owner or any lessee or occupant of any property or contractor to shovel, plow or blow any snow from sidewalks, driveways or private property onto any

ORDINANCE NO. 9227 (Cont.)

city street or other city property. The only exception is in the Central Business District where snow from sidewalks only may be placed in the street in such a manner as to cause the least interference to traffic upon such street.

§ 32-74.2 Mailboxes

(1) Where mailboxes are placed adjacent to the street it shall be the policy of the City that snow shall be plowed as close a practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered. The City will not assume responsibility for clearing mailboxes for mail delivery.

(2) If damage to a mailbox occurs, such damage shall be investigated by the Streets Division of the Public Works Department. If it is determined that the weight of the snow caused the damage, the City will not assume responsibility for repair of the mailbox. Where evidence indicates that physical contact between the plow and the mailbox occurred, the City will assume responsibility for repair, provided the mailbox was properly placed.

SECTION 2. Sections 32-55 and 32-74 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G1

Approving Minutes of June 30, 2009 City Council Special Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

June 30, 2009

Pursuant to due call and notice thereof, a Special Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on June 30, 2009. Notice of the meeting was given in *The Grand Island Independent* on June 24, 2009.

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

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

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Audie Aguilar and Miranda Baxter. Also introduced were Northwest FFA members Kendall Hostler, Matt Hall-Haughton, Miranda Baxter and Jessica Hermansen – Advisor. Mayor Hornady mentioned the National 4-H Shooting Competition which was a huge success with 480 participants.

Mayor Hornady stated she received from Don Dunn, a copy of a Letter of Credit from Five Points Bank in the amount of \$1,500,000 and \$500,000 wire transfer from the Community Foundation. Since this needs to be received by July 1, 2009 at the offices of Department of Administrative Services, this is considered an emergency Under the Open Meetings Law. Mayor Hornady stated we would need to amend the agenda to add this item.

Motion by Meyer, second by Dugan to amend the agenda to add the following item under Requests and Referrals:

- H-1. Consideration of Request from Hall County Livestock Improvement Association, Nebraska State Fair Board, Grand Island Community Foundation and Five Points Bank for Financial Documents to be Referred to the Department of Administrative Services.

Upon roll call vote, all voted aye. Motion adopted.

PUBLIC HEARINGS:

Public Hearing Concerning Ground Lease to the Nebraska State Fair for Land Located Near Fire Station 1, Grand Island, Nebraska. This item was pulled from the agenda at the request of the Nebraska State Fair Board.

ORDINANCES:

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

#9223 – Consideration of Assessment for 2008 Weed and Nuisance Abatement Program (Second and Final Reading)

#9224 – Consideration of Amendments to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax (Second and Final Reading)

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

Wes Nespor, Assistant City Attorney reported Ordinance #9223 on second and final reading would assess properties for the 2008 Weed and Nuisance Abatement Program. Mr. Nespor stated the ordinance had been amended from the first reading to omit two of the properties because of change in ownership.

Motion by Meyer, second by Zapata to approve Ordinance #9223 on second and final reading.

City Clerk: Ordinance #9223 on second reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9223 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady: By reason of the roll call votes on second reading and then upon final passage, Ordinance #9223 is declared to be lawfully adopted upon publication as required by law.

#9224 – Consideration of Amendments to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax (Second and Final Reading)

City Administrator Jeff Pederson reported that Ordinance #9224 on second and final reading would amend Chapter 23-79 of the Grand Island City Code to allow up to \$1.6 million of revenue from the Occupation Tax to be utilized for the athletic fields development on the Veterans Home land that is under lease from the State of Nebraska.

Motion by Meyer, second by Nickerson to approve Ordinances #9224 on second and final reading.

Councilmember Gilbert spoke against raising the amount to \$1.6 million and encouraged the Council to vote no. Councilmember Nickerson commented on the need to include the fourth ball field at this time.

City Clerk: Ordinance #9224 on second reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Niemann, Dugan, Zapata, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Haase, and Carney voted no. Motion adopted.

City Clerk: Ordinance #9224 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Niemann, Dugan, Zapata, Nickerson, and Gericke voted aye. Councilmember's Gilbert, Haase, and Carney voted no. Motion adopted.

Mayor Hornady: By reason of the roll call votes on second reading and then upon final passage, Ordinance #9224 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of June 23, 2009 City Council Regular Meeting.

REQUESTS AND REFERRALS:

Consideration of Request from Hall County Livestock Improvement Association, Nebraska State Fair Board, Grand Island Community Foundation and Five Points Bank for Financial Documents to be Referred to Department of Administrative Services. Mayor Hornady reported this item needed to be sent to the Department of Administrative Services by July 1, 2009 in order to meet the deadline for the State Fair Relocation.

Motion by Meyer, second by Nickerson to approve the Request from Hall County Livestock Improvement Association, Nebraska State Fair Board, Grand Island Community Foundation and Five Points Bank for Financial Documents to be Referred to Department of Administrative Services. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-153 – Consideration of Ground Lease to the Nebraska State Fair for Land Located Near Fire Station 1, Grand Island, Nebraska. This item was pulled from the agenda at the request of the Nebraska State Fair Board.

#2009-154 – Consideration of Accepting Appraisal for Lease Purchasing Financing for Recreational Facility at Fonner Park. City Administrator Jeff Pederson reported that in conjunction with the decision of the City Council to contribute \$5 million to the relocation of the Nebraska State Fair to Grand Island, a recreational building was required to be built in order to borrow the funds through a Lease-Purchase Agreement with Wells Fargo. State Statutes required a certified appraisal for real property improvements valued in excess of \$100,000. The appraisal for the 70,000 sq. ft. recreation building had been conducted by Robin Hendrickson.

Motion by Meyer, second by Haase to approve Resolution #2009-154. Upon roll call vote, all voted aye. Motion adopted.

#2009-155 – Consideration of Approving Lease Agreement with Fonner Park Exposition & Events Center. Hall County Livestock Improvement Association, City of Grand Island and the Nebraska State Fair for Recreational Facility at Fonner Park. City Administrator Jeff Pederson reported that the Nebraska State Fair Board had expressed the desire to relocate the Nebraska State Fair to Grand Island on property owned by the Hall County Livestock Improvement Association. A Lease purchase agreement between the Nebraska State Fair Board, Wells Fargo, the City of Grand Island, and the Hall County Livestock Improvement Association for the City improvement was required.

Questions were answered concerning the dates of use of the City owned facility, naming rights, and maintenance during the State Fair. City Attorney Dale Shotkoski explained the State Fair would use the City owned facility from August 1 through September 29. Also explained was that all monetary donations generated from the sale of naming rights with respect to the Improvements on the City Property would be retained by the City. No sale or commercial use of naming rights by the City would be made as long as the Wells Fargo Agreement remained in effect. Maintenance during the State Fair would be provided by the State Fair.

Councilmember Carney mentioned a typo on page 10 of the Lease Agreement under Section 7b Lessors' Insurance changing the word "care" to "carry".

Motion by Gilbert, second by Haase to approve Resolution #2009-155. Upon roll call vote, all voted aye. Motion adopted.

Mayor Hornady thanked all those involved regarding the State Fair relocation.

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

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G2

Approving Appointments of Hugh Miner, Roy Neneman, and Byron Wheeler to Business Improvement District #4

The Mayor has submitted the re-appointments of Hugh Miner, Roy Neneman, and Byron Wheeler to the Business Improvement District #4 Board. These appointments would become effective immediately upon approval by the City Council and would expire on May 31, 2012.

Staff Contact: Mayor Hornady



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G3

**#2009-156 - Approving Final Plat and Subdivision Agreement for
Voltaire Villas Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: July 14, 2009

Subject: Voltaire Villas Subdivision – Final Plat

Item #'s: G-3

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

Background

This final plat proposes to create 2 lots on a tract of land comprising all of Lot Nine (9), except the westerly Two Hundred (200.00) feet thereof , in Island Acres, a subdivision in the City of Grand Island, Hall County, Nebraska and said tract containing .773 acres. This property is zoned R4 High Density Residential Zone. Sewer and water are available to the site.

Discussion

The final plat for Voltaire Villas Subdivision was considered by the Regional Planning Commission at the June 3, 2009 meeting. A motion was made by Hayes and seconded by Heineman 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 (Amick, O'Neill, Heineman, Ruge, Hayes, Reynolds, Haskins, Bredthauer).

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.



LOCATION MAP

Voltaire Villas Subdivision Final Plat Summary

Developer/Owner

Daniel Thayer
2604 Cottonwood
Grand Island NE 68801

To create 2 lots north of 14th St., and east of Webb Rd., in the City of Grand Island, in Hall County, Nebraska.

Size: .0773 acres

Zoning: R4 – High Density Residential Zone

Road Access: Public City Roads

Water Public: Public water is available

Sewer Public: Public sewer is available



RESOLUTION 2009-156

WHEREAS, Daniel J. Thayer and Lisa R. Thayer husband and wife, being the owners of the land described hereon have caused to be laid out into 2 lots, a tract of land comprising all of Lot Nine (9), except the westerly Two Hundred (200.00) feet thereof, in Island Acres a Subdivision in the City of Grand Island, in Hall County, Nebraska, under the name of VOLTAIRE VILLAS 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 VOLTAIRE VILLAS 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, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G4

#2009-157 - Approving Final Plat and Subdivision Agreement for Journeys End Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: July 14, 2009

Subject: Journeys End Subdivision – Final Plat

Item #'s: G-4

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

Background

This property is located north of Wildwood Drive and east of Stuhr Rd., final plat proposes to create 1 lot on a tract of land comprising a part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Two (2), Township Ten (10) North, Range Nine (9) West of the 6th P.M. in the 2-mile extraterritorial of Grand Island in Hall County Nebraska. This is approximately 1.692 acres.

Discussion

The final plat for Journeys End Subdivision was considered by the Regional Planning Commission at the July 1, 2009 meeting. A motion was made by Eriksen and seconded by Hayes to approve the plat as presented on the Consent Agenda. A roll call vote was taken and the motion passed with 9 members present (Aguilar, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and no member present abstaining.

Alternatives

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

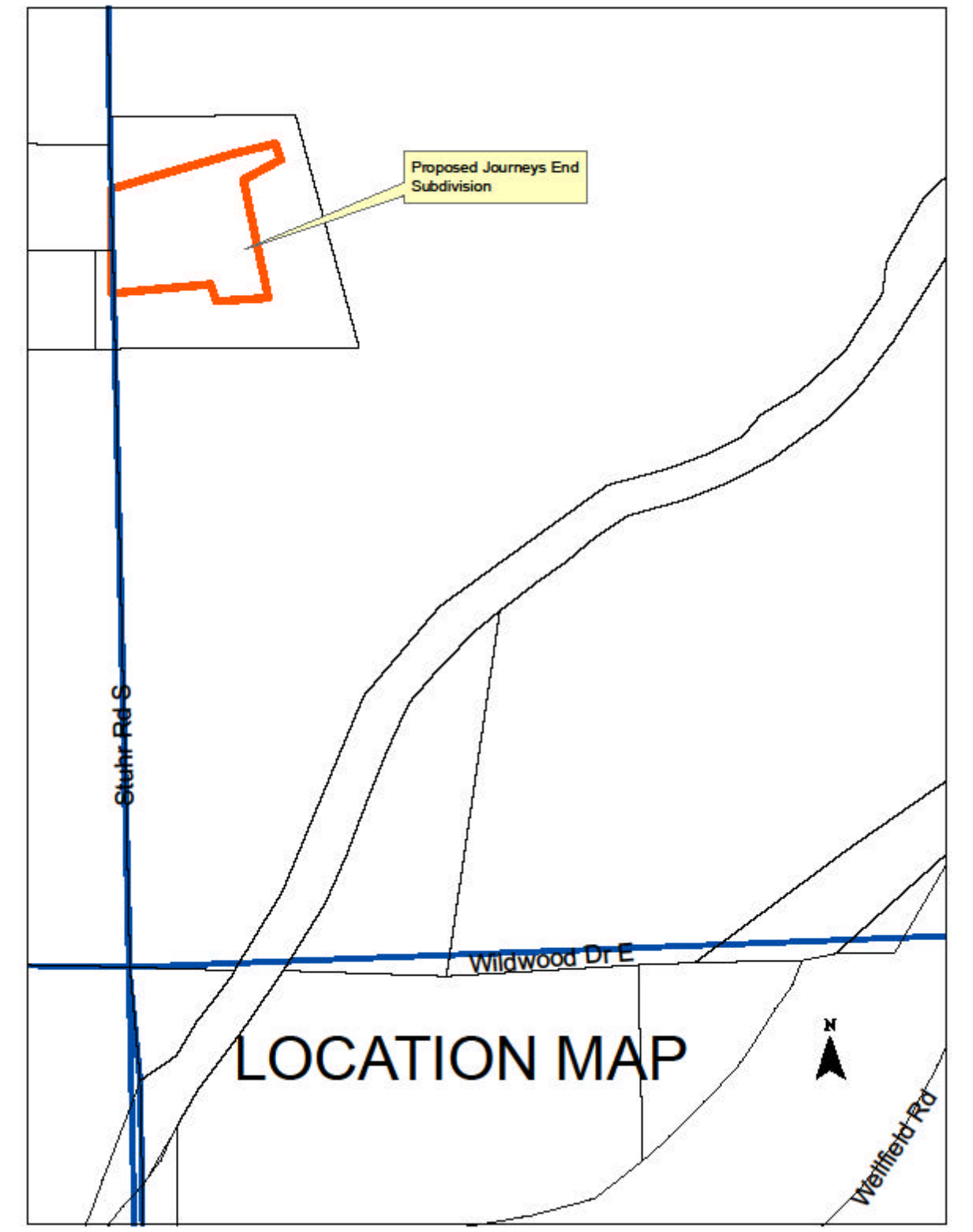
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



Journeys End Final Plat Summary

Developer/Owner

Mae Hein O'Nele Trust

James O'Nele – Successor Trustee
41220 N Majesty Way
104 E Kansas St
Anthem AZ 85086

Mick O'Nele – Successor Trustee
130 White Ash Drive East
Asheville NC 28803

To create 1 lot north of Wildwood Drive and east of Stuhr Rd., in the 2-mile extraterritorial jurisdiction of Grand Island, in Hall County, Nebraska.

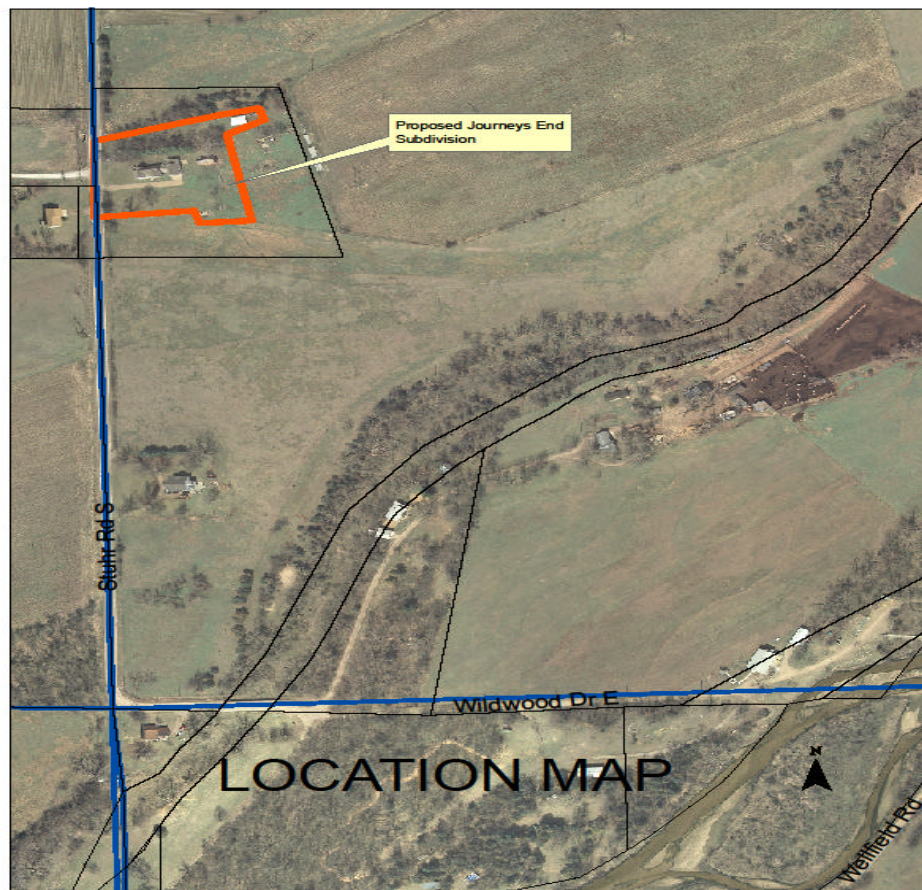
Size: 1.692 acres

Zoning: LLR – Large Lot Residential Zone

Road Access: Public City Roads

Water Public: Public water is not available

Sewer Public: Public sewer is not available



R E S O L U T I O N 2009-157

WHEREAS, James O'Nele, Successor Trustee of Mae Hein O'Nele Trust and Mick O'Nele, Successor Trustee of Mae Hein O'Nele being the said owners of the land described hereon have caused to be laid out into 1 lot, a tract of land comprising a part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Two (2), Township Ten (10), North, Range Nine (9) West of the 6th P.M., in the 2-mile extraterritorial jurisdiction of the City of Grand Island, in Hall County, Nebraska, under the name of JOURNEYS END 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 JOURNEYS END 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, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form <input type="checkbox"/> _____ July 9, 2009 <input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G5

#2009-158 - Approving Acquisition of Utility Easement Located on the East Side of 589 Stuhr Road (Nebraska Colorado Cellular, Inc. dba Viaero Wireless)

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-158

WHEREAS, a public utility easement is required by the City of Grand Island, from NE Colorado Cellular, Inc., dba Viaero Wireless, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on July 14, 2009, for the purpose of discussing the proposed acquisition of an easement located in Hall County, Nebraska; and more particularly described as follows:

Commencing at the southwest corner of Lot Two (2) Pirmie First Subdivision in the City of Grand Island, Hall County, Nebraska; thence northerly along the westerly line of said Lot Two (2), a distance of twenty (20.0) feet to the ACTUAL Point of Beginning; thence continuing northerly along the westerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence easterly, parallel with the southerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence southerly, parallel with the westerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence westerly, parallel with the southerly line of said Lot Two (2), a distance of twenty (20.0) feet to a point on the westerly line of said Lot Two (2) being the said Point of Beginning.

The above-described easement and right-of-way containing 400 square feet, more or less, as shown on the plat dated 6/19/2009, 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 NE Colorado Cellular, Inc., dba Viaero Wireless, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G6

**#2009-159 - Approving Acquisition of Utility Easement Located at
1814 North Eddy Street - Five Points Area (Casey's Retail
Company)**

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-159

WHEREAS, a public utility easement is required by the City of Grand Island, from Casey's Retail Company, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on July 14, 2009, for the purpose of discussing the proposed acquisition of an easement located in Hall County, Nebraska; and more particularly described as follows:

Beginning at the southeast corner of Lot Two (2) Gilbert's Subdivision of Block One (1) Gilbert's 2nd Addition in the City of Grand Island, Hall County, Nebraska; thence southwesterly along the southerly line of said Lot Two (2), a distance of twenty (20.0) feet; thence northwesterly, parallel with the easterly line of said Lot Two (2), a distance of seventeen (17.0) feet; thence northeasterly, parallel with the southerly line of said Lot Two (2), a distance of twenty (20.0) feet to a point on the easterly line of said Lot Two (2); thence southeasterly along the easterly line of said Lot Two (2), a distance of seventeen (17.0) feet to the southeast corner of said Lot Two (2) being the said Point of Beginning.

The above-described easement and right-of-way containing a total of 0.340 square feet, more or less, as shown on the plat dated 6/22/2009, 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 Casey's Retail Company, on the above-described tract of land.

- - -

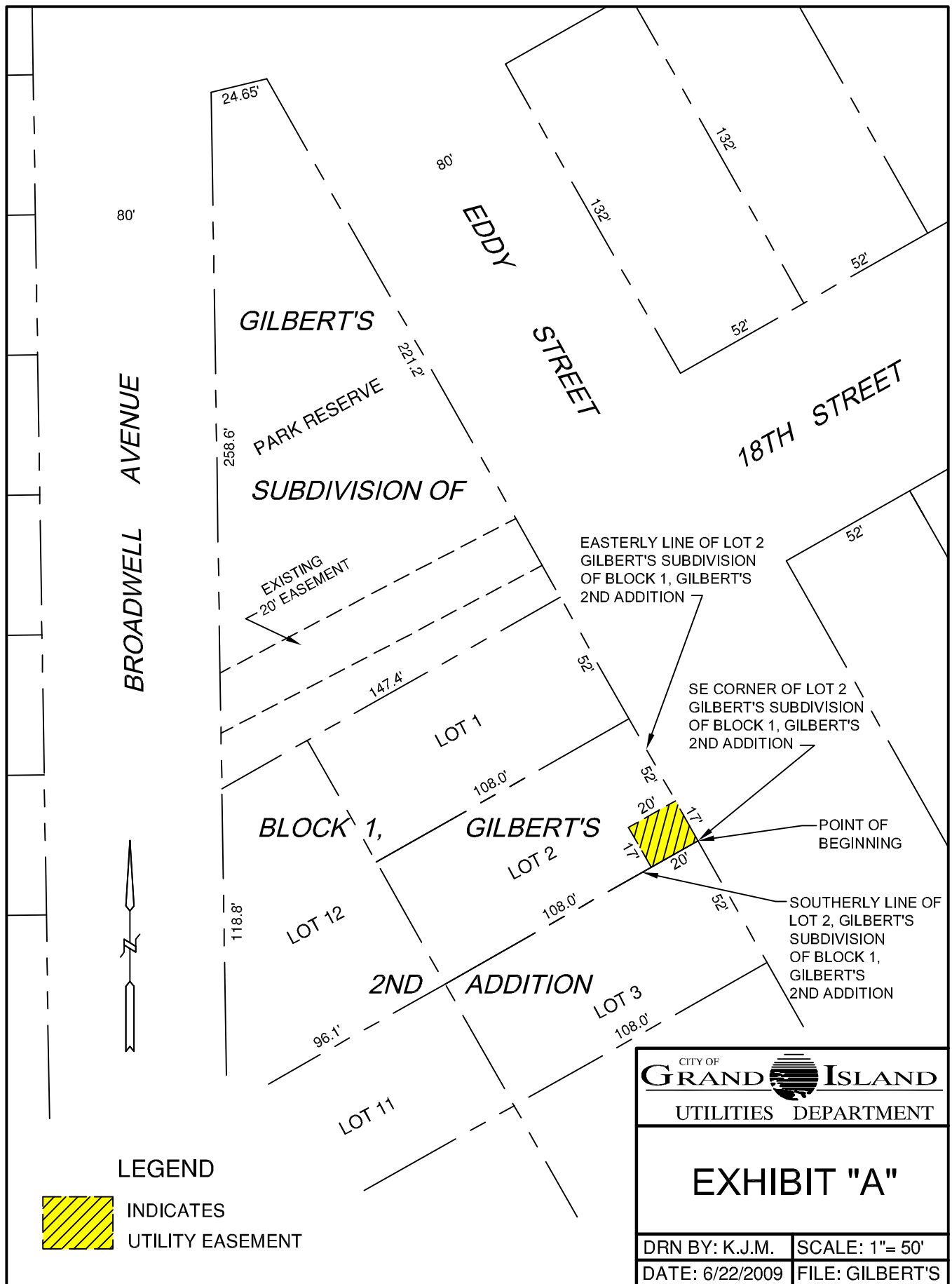
Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

Approved as to Form	<input type="checkbox"/> _____
July 9, 2009	<input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk





City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G7

**#2009-160 - Approving Bid Award for Boiler Draft Fan Motors -
Platte Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Boiler Draft Fan Motors

Item #'s: G-7

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

Background

The boiler at Platte Generating Station requires a controlled supply of air in its combustion process. The forced draft fan (moves air into the boiler) works along with the induced draft fan (draws exhaust gases out of the boiler) to accomplish this goal. These are large fans which require unique electric motors (1250 and 3000 horsepower, respectively) to drive each of them individually. The current motors are original to plant construction and have been in constant service for 29 years. Should either of these motors fail, operation of the plant would not be possible. Delivery times for new motors are six months. Due to the age and condition of the existing motors, plant staff recommends that replacement motors be obtained with the intent of installing the new motors and refurbishing the existing motors for use as spares. The plant engineering staff developed specifications for the replacement motors.

Discussion

The specifications for the Boiler Draft Fan Motors were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on June 2, 2009. Specifications were sent to eight potential bidders and responses were received as listed below. The engineer's estimate for this project was \$420,000.00.

Bidder	Bid Price	Adjusted Bid Price
Hupp Electric, Inc. (Tatung Motor)	\$337,345.00	\$349,230.15*
Malloy Electric, Inc.	\$378,081.39	\$379,856.42*
Applied Industrial Technologies, Inc.	\$399,827.71	\$399,827.71
Hupp Electric, Inc. (WEG Motor)	\$398,720.00	\$426,000.40*

*Bid price adjusted for sales tax

The bids were reviewed by plant engineering staff. All bids meet the technical requirements of the detailed specifications. The Hupp Electric bid, Tatung Motor Option, was the “as read” low bid. During bid evaluation for sales tax computations, plant staff found the low Hupp bid contained a math error which added labor into the base bid twice. This error was confirmed by using the unit prices included in the bid. The Hupp bid price has been corrected and Nebraska sales tax added for bid comparison purposes. It is compliant with specifications and less than the engineer’s estimate.

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 Boiler Draft Fan Motors to Hupp Electric, Inc. of Cedar Rapids, IA, as the low responsive bidder, in a contract amount of \$349,230.15.

Sample Motion

Move to approve award the contract for Boiler Draft Fan Motors in the amount of \$349,230.15 from Hupp Electric, Inc., for the Boiler Draft Fan Motors as submitted.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 2, 2009 at 11:00 a.m.
FOR: Boiler Draft Fan Motors
DEPARTMENT: Utilities
ESTIMATE: \$420,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: May 9, 2009
NO. POTENTIAL BIDDERS: 8

SUMMARY

Bidder:	<u>Applied Industrial Technologies</u> Grand Island, NE	<u>Malloy Electric & Bearing Supply</u> Sioux Falls, SD
Bid Security:	\$20,000.00	\$17,800.00
Exceptions:	None	Noted
Bid Price:		
Material:	\$373,670.76	\$355,006.00
Labor:		
Sales Tax:	26,156.95	23,075.39
Total:	<u>\$399,827.71</u>	<u>\$378,081.39</u>
Price Deduct for Test Reports/ Witness Testing	\$ 23,200.00	\$ 16,520.00
Bidder:	<u>Hupp Electric Motors, Inc.</u> Cedar Rapids, IA	<u>Hupp Electric Motors, Inc.</u> Cedar Rapids, IA
Bid Security:	Developers Surety & Indemnity Co.	Developers Surety & Indemnity Co.
Exceptions:	Noted	Noted
Bid Price:		
Material:	\$328,345.00	\$389,720.00

Labor:	9,000.00	9,000.00
Sales Tax:		
Total:	<u>\$337,345.00</u>	<u>\$398,720.00</u>
Price Deduct for		
Test Reports/		
Witness Testing	\$ 5,700.00	\$ 17,270.00

cc: Gary Mader, Utilities Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator
Rodger Zawodniak, Utilities Dept.

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

P1339

RESOLUTION 2009-160

WHEREAS, the City Electric Department invited sealed bids for Boiler Draft Fan Motors at Platte Generating Station; and

WHEREAS, on June 2, 2009, bids were received, opened and reviewed; and

WHEREAS, Hupp Electric, Inc., of Cedar Rapids, Iowa, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$337,345.00; and

WHEREAS, the Hupp Electric bid did not include sales tax, which amount is \$11,885.15; and

WHEREAS, the bid of Hupp Electric, Inc., is less than the estimate for Boiler Draft Fan Motors at Platte Generating Station.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hupp Electric, Inc., of Cedar Rapids, Iowa, in the amount of \$349,230.15 for Boiler Draft Fan Motors is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
July 9, 2009	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G8

**#2009-161 - Approving Bid Award for Water Main Project 2009-
W-3 - Water Main Extension - Husker Highway and 60th Road
(Alda Water Line)**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Dale Shotkoski, City Attorney

Meeting: July 14, 2009

Subject: Water Main Project 2009-W-3 – Husker Hwy. and 60th Road

Item #'s: G-8

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

Background

In 2006, the Village of Alda contacted the Utilities Department regarding the possibility of the City of Grand Island providing water supply to the Village. At that time, the Village was beginning the processes of evaluating options to replace their current wells being used for water supply. The Village is under an Administrative Order from the Nebraska Department of Health and Human Services because the current wells do not meet the recently implemented regulations regarding uranium, a naturally occurring contaminate common in central Nebraska.

At that time, Utilities Department staff and the Village's engineering consultant (JEO, Inc.) began the work of determining the feasibility of providing the water supply to Alda. JEO's evaluation concluded that the project was feasible for extending a pipeline from Grand Island to a metering location on the east side of the Village. At that point, a new pumping station would connect to Alda's system and supply their needs. Concurrently, the Utilities Engineering Division evaluated several different combinations of routing and pipe sizes for the project. The selected route recommended the extension of 16" main commencing at Engleman Road and running westerly within the Husker Highway right-of-way to 60th Road; then extending a 12" main southerly in 60th Road, to U. S. Highway 30. A map showing the planned routing is attached for reference.

In February of this year, the Council approved the Interlocal Agreement between the City of Grand Island, the Village of Alda, and the U.S. Department of Agriculture – Rural Development, for construction of the water main. The Agreement provides for the City to construct the water line, and for the Village to pay the City a connection fee of \$1,060,000 from the federal grant funds for the project.

Discussion

Contract specifications and plans were prepared for the project by Utility Engineering staff. Bid documents were advertised in accordance with City Procurement Codes. Fourteen construction firms received copies of the bid documents. Ten bids were received and publicly opened at 11:00 a.m. on July 1, 2009.

The “as-read” bid information is tabulated below:

Bidder	Bid Security	Exceptions	Bid Price	Completion Time
Van Kirk Bros. Contracting Sutton, NE	Fidelity & Deposit Co.	None	\$ 795,409.95	185 days
Diamond Engineering Co. Grand Island, NE	Universal Surety Co.	None	\$ 808,077.65	155 days
Pat Thomas Const., Inc. Lincoln, NE	International Fidelity Insurance Company	None	\$ 853,453.33	65 days
Midlands Contracting, Inc. Kearney, NE	Travelers Casualty & Surety Company	None	\$ 876,115.70	120 days
Judds Bros. Const. Co. Lincoln, NE	Inland Insurance Company	None	\$ 896,128.80	150 days
D.A. Davis Company, Inc. South Sioux City, NE	Fidelity & Deposit Company	None	\$ 945,959.95	125 days
Starostka Group Unlimited Grand Island, NE	International Fidelity Insurance Company	None	\$1,031,854.19	205 days
General Excavating Lincoln, NE	Universal Surety Company	As Noted	\$1,080,779.75	240 days
Rutjens Construction, Inc. Tilden, NE	Universal Surety Company	None	\$1,112,074.68	180 days
K2 Construction Lincoln, NE	International Fidelity Insurance Company	None	\$1,197,979.57	120 days

The received bids have been reviewed and evaluated. Through that process, the following is noted:

- The “as read” low bidder for the project, Van Kirk Brothers Contracting, had no errors in their bid and took no exceptions to the specifications. Their bid is below the total project estimate of \$1,060,000.00, and meets all City contract requirements.
- The bid tabulation from Pat Thomas Construction contained errors. (1) The total price for item C.1.33 – Re-grade and re-gravel roadways is \$300, not \$1,300 as listed; and (2) The sum for all project units is \$860,522.83, not \$853,453.33, as listed for their bid. This difference in price still makes them the third highest bidder.
- The Contract documents require the bidder to provide a breakdown of their bid for sales tax, material costs, and service cost. This information is for use by the Grand Island Finance Department. The bid from the Starostka Group Unlimited contained an error in listing the total cost for services. The actual cost is \$515,403.71, not \$515,409.71 as listed on their bid form.

- General Excavating took an exception to the part of the specifications relating to dewatering, listing that their bid “does not include dewatering as the bore logs indicate it will not be required.”
- As part of the project’s planning process, the Division hired Geotechnical Services, Inc., to do soil analysis along the project route. Per their investigations conducted April 17, 2009, it was anticipated that groundwater would not be an issue for installing the project. However, as circumstances change, the sub-soil conditions may require the project to be dewatered in order to install the pipeline. At that point, the Contractor would be responsible for providing the means to accomplish that work.

The other bids are without errors or exceptions.

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 Water Main Project 2009-W-3, Water Main Extension – Husker Highway and 60th Road, to the lowest responsive bidder, Van Kirk Brothers Contracting, of Sutton, Nebraska, in the amount of \$795,409.95.

Sample Motion

Move to approve award of the contract for Water Main Project 2009-W-3, Water Main Extension – Husker Highway and 60th Road, to Van Kirk Brothers Contracting, of Sutton, Nebraska, in the amount of \$795,409.95.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: July 1, 2009 at 11:00 a.m.

FOR: Water Main Project 2009-W-3
Water Main Extension; Husker Highway and 60th Road

DEPARTMENT: Utilities

ESTIMATE: \$1,060,000.00

FUND/ACCOUNT: 525

PUBLICATION DATE: June 9, 2009

NO. POTENTIAL BIDDERS: 14

SUMMARY

Bidder:	<u>Van Kirk Bros. Contracting</u> Sutton, NE	<u>Rutjens Construction, Inc.</u> Tilden, NE
Bid Security:	Fidelity & Deposit Company	Universal Surety Company
Exceptions:	None	None
Bid Price:	\$795,409.95	\$1,112,074.68
Completion:	185 days	180 days
Bidder:	<u>Starostka Group Unlimited</u> Grand Island, NE	<u>Midlands Contracting, Inc.</u> Kearney, NE
Bid Security:	International Fidelity Ins. Co.	Travelers Casualty & Surety Co.
Exceptions:	None	None
Bid Price:	\$1,031,854.19	\$876,115.70
Completion:	205 days	120 days

Bidder:	<u>K2 Construction</u> Lincoln, NE	<u>General Excavating</u> Lincoln, NE
Bid Security:	International Fidelity Ins. Co.	Universal Surety Company
Exceptions:	None	Noted
Bid Price:	\$1,197,979.57	\$1,080,779.75
Completion:	120 days	240 days
Bidder:	<u>The Diamond Engineering Co.</u> Grand Island, NE	<u>Pat Thomas Construction, Inc.</u> Lincoln, NE
Bid Security:	Universal Surety Company	International Fidelity Ins. Co.
Exceptions:	None	None
Bid Price:	\$808,077.65	\$853,453.33
Completion:	155 days	65 days
Bidder:	<u>Judds Bros. Construction Co.</u> Lincoln, NE	<u>D. A. Davis Co., Inc.</u> South Sioux City, NE
Bid Security:	Inland Insurance Company	Fidelity & Deposit Co.
Exceptions:	None	None
Bid Price:	\$896,128.80	\$945,959.95
Completion:	150 days	125 days
cc:	Gary Mader, Utilities Director Dale Shotkoski, City Attorney Jeff Pederson, City Administrator Tom Barnes, Utilities Eng. Mgr.	Bob Smith, Assist. Utilities Director Wes Nespor, Purchasing Agent Pat Gericke, Utilities Admin. Assist.

RESOLUTION 2009-161

WHEREAS, the City Water Department invited sealed bids for Water Main Project 2009-W-3, Husker Hwy. and 60th Road; and

WHEREAS, on July 1, 2009, bids were received, opened and reviewed; and

WHEREAS, Van Kirk Brothers Contracting of Sutton, 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, in the amount of \$795,409.95; and

WHEREAS, the bid of Van Kirk Brothers Contracting of Sutton, Nebraska, is less than the estimate for Water Main Project 2009-W-3, Husker Hwy. and 60th Road.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Van Kirk Brothers Contracting, of Sutton, Nebraska, in the amount of \$795,409.95 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G9

#2009-162 - Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Liquid Ortho-Polyphosphate for Corrosion Control

Item #'s: G-9

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

Background

The City was issued an Administrative Order by the Nebraska Health and Human Services on March 24, 1998, requiring compliance with the Lead and Copper Rule. Because City water was corrosive enough to leach copper from household plumbing and fixtures in excess of EPA limits, the order required the preparation of an Optimum Corrosion Control Treatment program (OCCT).

The OCCT program includes the addition of liquid ortho-polyphosphate solution to the source water to reduce the corrosiveness of the naturally occurring source water. The addition was implemented in May 2003. Subsequent testing of the water system indicates that the goal of reducing corrosiveness, and thus copper levels, to comply with the regulatory order has been achieved.

Discussion

The Utilities Department solicits bids annually for the treatment solution. The current contract to provide the additive for this year is completed. Therefore, specifications for the purchase of Liquid Ortho-Polyphosphate for Corrosion Control for another year were prepared and issued for bid. The specifications require a firm price for the product to maintain the guaranteed dose rate. Three bids were received as listed below. The bids were evaluated based upon the total cost to treat 4.5 billion gallons of water (a high estimate of annual treatment needed).

Bidder	Unit Price/gal	Price/mil gal	Annual cost
Carus Phosphates, Inc.	\$ 6.156	\$24.624	\$110,808.00
Sterling Water Technologies LLC	\$ 6.61	\$26.44	\$118,980.00
Shannon Chemical Corporation	\$ 7.78	\$31.12	\$140,040.00

Department staff has reviewed the bids for compliance with the City's detailed specifications. The products proposed by the suppliers are similar in chemical composition, as well as with another product successfully used in the past. The current dosage rate has been approved as part of the OCCT and has proven to achieve compliance with State Health Department regulations. Based on using the same dosage rates, the current supplier, Carus Phosphates, is recommended as the low evaluated bidder.

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 purchase of Liquid Ortho-Polyphosphate for Corrosion Control be awarded to Carus Phosphates, Inc. from Belmont, NC, as the low responsive bidder, for a not-to-exceed price of \$24.624 per million gallons of water treated in an annual amount estimated at \$110,808.00. The actual annual amount will depend on City water usage.

Sample Motion

Move to approve award for the purchase of Liquid Ortho-Polyphosphate for Corrosion Control in the amount of \$24.624 per million gallons of treated water be awarded to Carus Phosphates, Inc. from Belmont, NC.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 30, 2009 at 11:15 a.m.

FOR: Liquid Ortho-Polyphosphate for Corrosion Control

DEPARTMENT: Utilities

ESTIMATE: \$175,000.00

FUND/ACCOUNT: 525

PUBLICATION DATE: June 13, 2009

NO. POTENTIAL BIDDERS: 8

SUMMARY

Bidder:	<u>Carus Phosphates, Inc.</u>	<u>Shannon Chemical</u>
	Belmont, NC	Exton, PA
Bid Security:	International Fidelity Ins. Co.	\$7,002.00
Exceptions:	None	None

Unit Bid Price:	\$6.156	\$7.78
Unit Treatment:	24.624	31.12
Total Cost:	\$110,808.00	\$140,040.00

Bidder:	<u>Sterling Water Technologies</u>
	Croydon, PA
Bid Security:	Travelers Casualty & Surety Co.
Exceptions:	None

Unit Bid Price:	\$6.61
Unit Treatment:	26.44
Total Cost:	\$118,980.00

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

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

Karen Nagel, Utilities Secretary

Emily Muth, PGS

P1345

RESOLUTION 2009-162

WHEREAS, the City Water Department invited sealed bids for Liquid Ortho-Polyphosphate for Corrosion Control; and

WHEREAS, on June 30, 2009, bids were received, opened and reviewed; and

WHEREAS, Carus Phosphates, Inc., of Belmont, North Carolina, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, for a not to exceed price of \$24.624 per million gallons of water treated, at an annual amount estimated at \$110,808.00 (the actual annual amount will depend on City water usage); and

WHEREAS, the bid of Carus Phosphates, Inc., is less than the estimate for Liquid Ortho-Polyphosphate for Corrosion Control.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Carus Phosphates, Inc., of Belmont, North Carolina, for a not to exceed price of \$24.624 per million gallons of water treated, in an annual amount estimated at \$110,808.00, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G10

**#2009-163 - Approving Contract Agreement for Easement
Appraisal Services for the 115 kV Interconnection Line with NPPD
at St. Libory**

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Contract Agreement for Easement Appraisal Services

Item #'s: G-10

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

Background

On April 21, 2009, a presentation was made during a Council Study Session summarizing a 115 kV Transmission Line Route Study for a new transmission line to be constructed northwest of the City. During the following City Council meeting on April 28, 2009, Council authorized the Utilities Department to proceed with the necessary engineering, permits and other services required to construct the new transmission line. Easements and landowners have been identified for the new line. Obtaining accurate appraisals of the identified easements is the next step in the process.

Additionally, the Water Department Budget includes funding for the construction of a trunk line to close a loop section on the west edge of the City Water Distribution System; on Engleman Road, from Old Potash Highway to 13th Street. The project involves three temporary construction easement appraisals and one permanent easement appraisal for that water main extension on the west side of Grand Island. These appraisals were also included in the scope of this Request for Proposals.

Discussion

The Request for Proposals was issued in June, 2009, with a requested completion date of August 31, 2009. An advertisement was published in the Grand Island Independent and sent to all of the local appraisers. Three specification packages were sent to Nebraska appraisers with known experience in utility easement appraisals.

Only one proposal was received; that, from Johnson Appraisal, LLC, in Lincoln, Nebraska. Johnson Appraisal, LLC has extensive experience and references, including the City of Grand Island. Johnson Appraisal, LLC submitted a proposal with a "Not to

Exceed” amount of \$13,800 for the 115 kV transmission line and \$3,000 for the water main extension. A copy of the proposed Contract Agreement is attached.

Alternatives

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

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

Recommendation

City Administration recommends that the Council enter into a contract with Johnson Appraisal, LLC for easement appraisal services, in accordance with the July, 2009 proposal.

Sample Motion

Move to approve the Contract Agreement for Appraisal Services with Johnson Appraisal, LLC, of Lincoln, Nebraska.



Wes Nespor, Purchasing Agent

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Better Tomorrow, Today*

**REQUEST FOR PROPOSAL
FOR
EASEMENT APPRAISAL SERVICES**

RFP DUE DATE: July 6, 2009 at 11:00 a.m.

DEPARTMENT: Utilities

PUBLICATION DATE: June 16, 2009

NO. POTENTIAL BIDDERS: 3

SUMMARY OF PROPOSALS RECEIVED

Johnson Appraisal LLC
Lincoln, NE

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

Pat Gericke, Utilities Admin. Assist.
David Springer, Finance Director
Wes Nespor, Purchasing Agent

P1349

CONTRACT AGREEMENT

THIS AGREEMENT made and entered into by and between _____
hereinafter called the Contractor, and the City of Grand Island, Nebraska, hereinafter called the City.

WITNESSETH:

THAT, WHEREAS, in accordance with law, the City has caused contract documents to be prepared and an advertisement calling for proposals to be published, for EASEMENT APPRAISAL SERVICES; and

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined, and canvassed the proposals submitted, and has determined the aforesaid Contractor to be the lowest responsive and responsible proponent, and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, a copy thereof being attached to and made a part of this contract;

NOW, THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreements herein contained, the parties have agreed and hereby agree, the City for itself and its successors, and the Contractor for itself, himself, or themselves, and its, his, or their successors, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, superintendence, transportation, and other construction materials, services and facilities; (b) furnish, as agent for the City, all materials, supplies and equipment specified and required to be incorporated in and form a permanent part of the completed work; (c) provide and perform all necessary labor; and (d) in a good substantial and workmanlike manner and in accordance with the requirements, stipulations, provisions, and conditions of the contract documents as listed in the attached General Specifications, said documents forming the contract and being as fully a part thereof as if repeated verbatim herein, perform, execute, construct and complete all work included in and covered by the City's official award of this contract to the said Contractor, such award being based on the acceptance by the City of the Contractor's proposal;

ARTICLE II. That the City shall pay to the contractor for the performance of the work embraced in this contract and the contractor will accept as full compensation therefore the sum (subject to adjustment as provided by the contract) of _____ Dollars \$

_____ for all services, materials, and work covered by and included in the contract award and designated in the foregoing Article I; payments thereof to be made in cash or its equivalent in the manner provided in the General Specifications.

ARTICLE III. The contractor hereby agrees to act as agent for the City in purchasing materials and supplies for the City for this project. The City shall be obligated to the vendor of the materials and supplies for the purchase price, but the contractor shall handle all payments hereunder on behalf of the City. The vendor shall make demand or claim for payment of the purchase price from the City by submitting an invoice to the contractor. Title to all materials and supplies purchased hereunder shall vest in the City directly from the vendor. Regardless of the method of payment, title shall vest immediately in the City. The contractor shall not acquire title to any materials and supplies incorporated into the project. All invoices shall bear the contractor's name as agent for the City. This paragraph will apply only to these materials and supplies actually incorporated into and becoming a part of the finished product of EASEMENT APPRAISAL SERVICES.

ARTICLE IV. That the contractor shall start work as soon as possible after the contract is signed and the required bonds and insurance are approved, and that the Contractor shall complete the work on or before August 31st, 2009. It is understood and agreed that time is the essence of the contract.

CONTRACT AGREEMENT (Continued)

ARTICLE V. The Contractor agrees to comply with all applicable State fair labor standards in the execution of this contract as required by Section 73-102, R.R.S. 1943. The Contractor further agrees to comply with the provisions of Section 48-657, R.R.S. 1943, pertaining to contributions to the Unemployment Compensation Fund of the State of Nebraska. During the performance of this contract, the contractor and all subcontractors agree not to discriminate in hiring or any other employment practice on the basis of race, color, religion, sex, national origin, age or disability. The Contractor agrees to comply with all applicable Local, State and Federal rules and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Contract Agreement.

Contractor _____

By _____

Date _____

Title _____

CITY OF GRAND ISLAND, NEBRASKA,

By _____

Mayor

Date _____

Attest: _____

City Clerk

The contract, insurance, and any required bonds are in due form according to law and are hereby approved.

Attorney for the City

Date _____

RESOLUTION 2009-163

WHEREAS, at the April 28, 2009 Council meeting, the Utilities Department was authorized to proceed with the necessary engineering, permits and other services required to construct a new 115 kV transmission line northwest of the City; and

WHEREAS, easements and landowners have been identified for the new line; and

WHEREAS; the Utility Department Budget also includes funding for the construction of a water trunk line to close a loop section on the west edge of the City Water Distribution System on Engleman Road, from Old Potash Highway to 13th Street; and

WHEREAS; the project involves three temporary construction easement appraisals and one permanent easement appraisal for that water extension on the west side of Grand Island; and

WHEREAS; appraisal services for both the water line and the transmission line were included in the scope of this Request for Proposals; and

WHEREAS; only one proposal was received from Johnson Appraisal, LLC from Lincoln Nebraska in the amount not to exceed \$13,800 for the 115 kV transmission line and \$3,000 for the water main extension.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the Mayor is hereby authorized to, on behalf of the City, to execute the Agreement between the City of Grand Island and Johnson Appraisal, LLC, for appraisal services.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
July 9, 2009	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G11

**#2009-164 - Approving Public Right-of-Way Access Agreement
with EPA (Parkview Superfund)**

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Public Right-of-Way Agreement with Environmental Protection Agency - Parkview Superfund

Item #'s: G-11

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

Background

The Environmental Protection Agency (EPA) is nearing completion of the design and awarding of contracts to install the wells, buildings and pipelines necessary for the remediation of the groundwater contamination in the Parkview area of the City of Grand Island. The installation of the necessary infrastructure to operate the remediation system will require the use of the public rights-of-way in the area for collector pipeline construction and the installation of monitoring and extraction wells. The remediation system is also designed to use the old Parkview III well site for the installation of a treatment plant which will remove the volatile organic compounds from the contaminated groundwater extracted from the area.

Discussion

The EPA requests that the City execute an access agreement to permit the use of City owned and controlled properties required for use for this project. Staff members from the City's Legal, Public Works and Utilities Departments have worked with EPA in the development of the requested access agreement. A copy of the proposed agreement is attached.

Alternatives

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

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

Recommendation

City Administration recommends that Council approve the Access Agreement with EPA to allow use of the public right-of-way and City owned property to allow installation of the remediation system in the Parkview Subdivision area.

Sample Motion

Move to approve the Access Agreement with the Environmental Protection Agency to allow installation of the groundwater remediation system.

**CONSENT TO ACCESS FOR EPA
ENVIRONMENTAL RESPONSE ACTION ("AGREEMENT")**

RIGHT of ENTRY

The City of Grand Island, Nebraska ("Grantor"), pursuant to the terms of this Agreement, hereby knowingly consents to and permits the United States Environmental Protection Agency ("EPA") and its employees, authorized representatives, agents and contractors to enter upon and perform environmental response actions upon certain properties owned by the City as generally set forth in Attachment A ("Property"). The Property that is the subject of this Agreement are within the Parkview Well Superfund Site ("Site") located in Grand Island, Hall County, Nebraska. Grantor understands that this grant of consent does not limit EPA's right of access under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675, or any other law.

PURPOSE OF ACCESS

Pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R Part 300, EPA has requested that Grantor allow EPA and its employees and representatives access to the Property for the purpose of investigating and/or responding to a release of hazardous substances, pollutants and/or contaminants at and from the Site.

ENVIRONMENTAL RESPONSE ACTIONS TO BE TAKEN

The planned environmental response actions to be taken at the Property include, but are not limited to, the following:

- Perform geoprobe sampling involving the installation of temporary boreholes into the subsurface to allow collection of environmental samples;
- Install new groundwater monitoring wells, and monitor and maintain new and existing monitoring wells, including the periodic collection of groundwater samples from those wells (generally depicted on Drawings C-16, C-19, and Figures 3-2, and 3-3);
- Perform chemical oxidation injections to subsurface areas using geoprobe equipment along North Road South (generally depicted on Figure 3-2). Injections to be performed using temporary boreholes that will be grouted after completion.
- Construct, operate and maintain one groundwater extraction well (EX-10) and associated well house, piping to convey contaminated groundwater to groundwater treatment plant, pipeline provision in anticipation of future City water main expansion, protective barricade around well house, and associated electrical lines (generally depicted on Drawings A-8, C-2, C-6 through C-10, and E-4).

- Construct, operate and maintain groundwater treatment plant and associated discharge piping and discharge control features, including necessary connection to the City's storm sewer inlet (generally depicted on Drawings A-4 through A-6, C-3 through C-5, and C-15).
- General access for vehicles and support equipment to perform the activities identified above.

TERM OF AGREEMENT

This Consent to Access will be effective on the date signed by EPA, and will extend until the completion of all environmental response actions at the Site.

AGREEMENT NOT TO INTERFERE

Grantor agrees not to interfere with any of the activities undertaken by EPA at the Property, tamper with any property that EPA may bring on to or add to the Site, which includes the Property, or take any actions regarding the use of the Property which may endanger human or welfare or the environment, or allow others to use the Property in such manner during the term of this Consent. Grantor agrees to provide notice and a copy of this agreement to prospective purchasers, lessee, assigns, or grantees of the Property or any portion of it. Grantor agrees to provide 30 day notice to EPA prior to any transfer of ownership rights to the Property.

Grantor agrees to notify EPA of any existing easement or license granted with respect to the Property prior to the date of the Agreement. EPA agrees not to interfere with said easement or license without the consent of the party who granted the easement or license.

RESTORATION OF PROPERTY. Upon the completion of the activities authorized by this Consent to Access, EPA agrees that reasonable measures will be taken to leave the Property in a condition reasonably similar to the condition the Property was in immediately prior to entry.

LIMITATION OF LIABILITY. EPA shall be liable for damages to the Property or injuries to persons which result from or are caused by the activities on the Property only to the extent provided under the Federal Tort Claims Act, and the Federal Employees Compensation Act (28 U.S.C. Section 2671, et seq., 5 U.S.C. Section 8101, et seq., and 31 U.S.C. Section 3701, et seq.). Nothing in this Agreement shall be construed to transfer title of any Property interest at the Site from Grantor to EPA. In addition, nothing in this Agreement is intended nor shall it be construed to absolve Grantor of any claims or rights that EPA or any other governmental entity may have against Grantor with respect to the Site.

The undersigned Grantor has read this Agreement and understands that it grants permission to the EPA, its employees, authorized representatives, agents and contractors to enter the above-described Property and perform certain activities for purposes of conducting the aforementioned environmental response actions and agrees to its terms and conditions. The undersigned Grantor certifies that he or she is fully authorized to enter into this Agreement, and legally bind Grantor to all terms and conditions of this Agreement.

GRANTOR:

SIGNATURE

DATE

NAME (type or print)

TITLE (type or print)



SIGNATURE

7/2/09

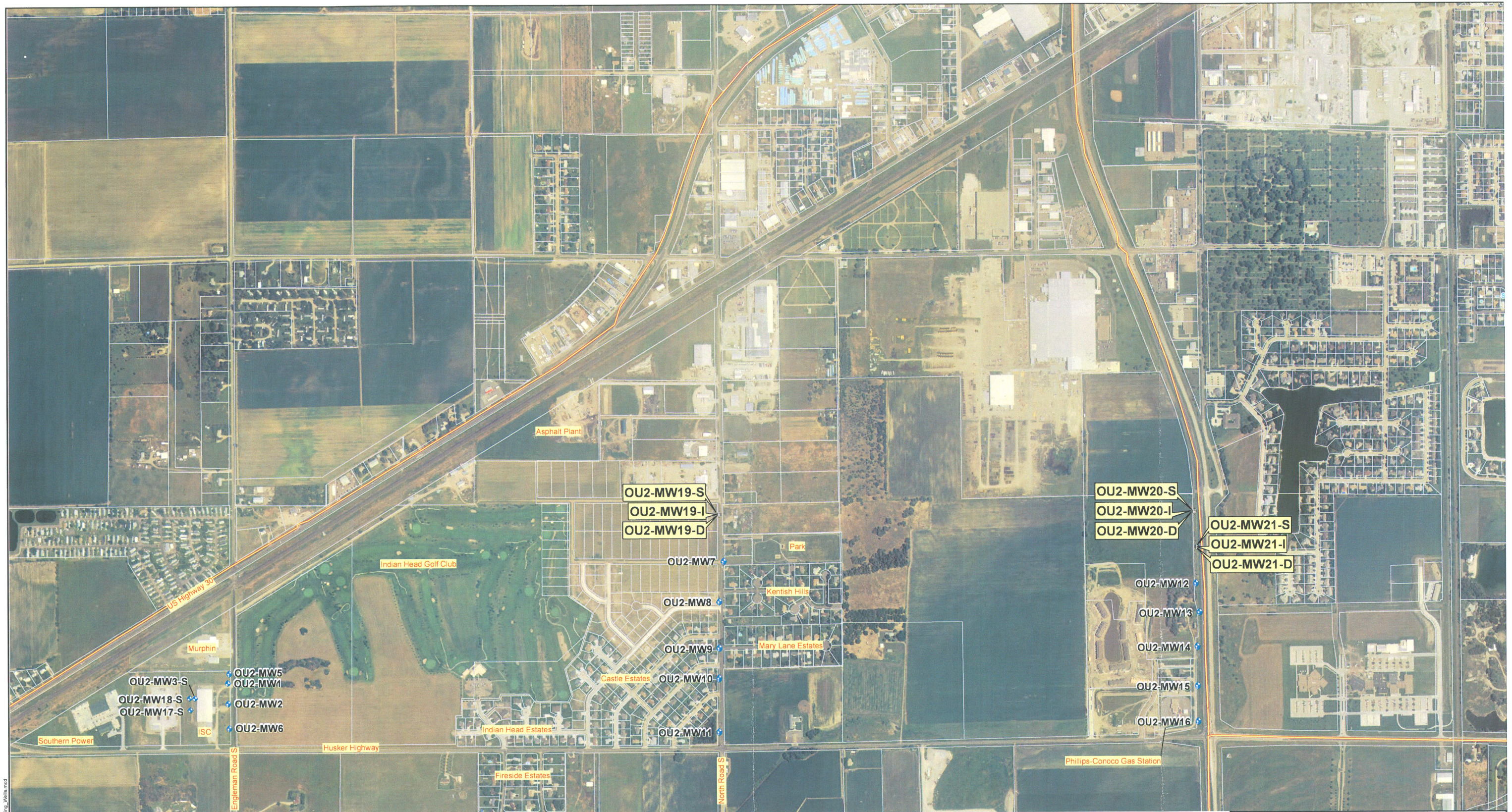
DATE

Bradley W. Vann

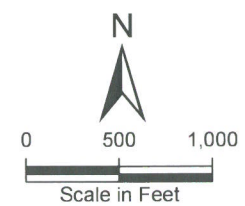
NAME (type or print)

Remedial Project Manager

TITLE (type or print)



- Legend
- ◆ Existing Monitoring Well
 - ⬢ Proposed Monitoring Well
 - Municipal Well
 - Highways
 - Lot boundary

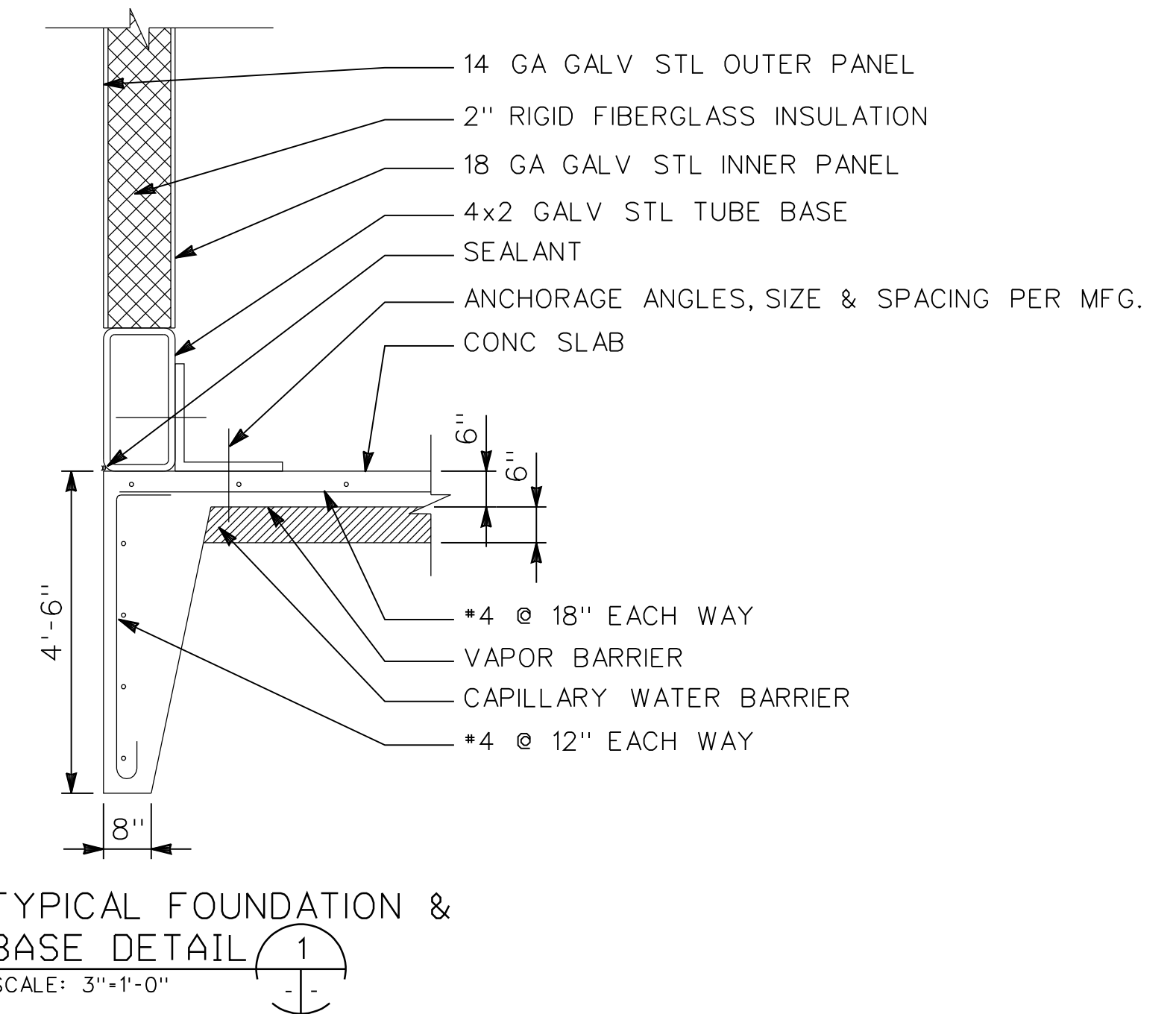
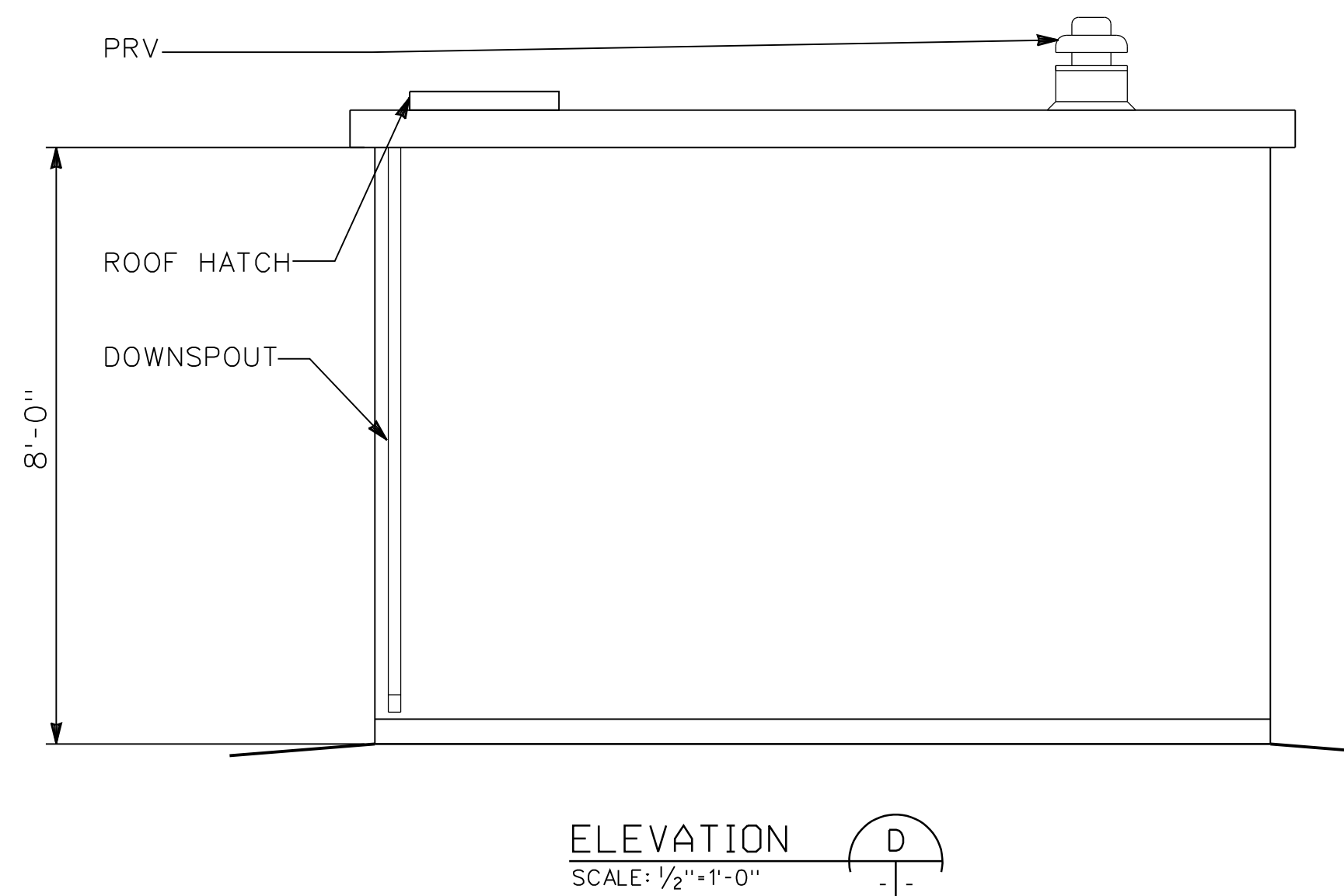
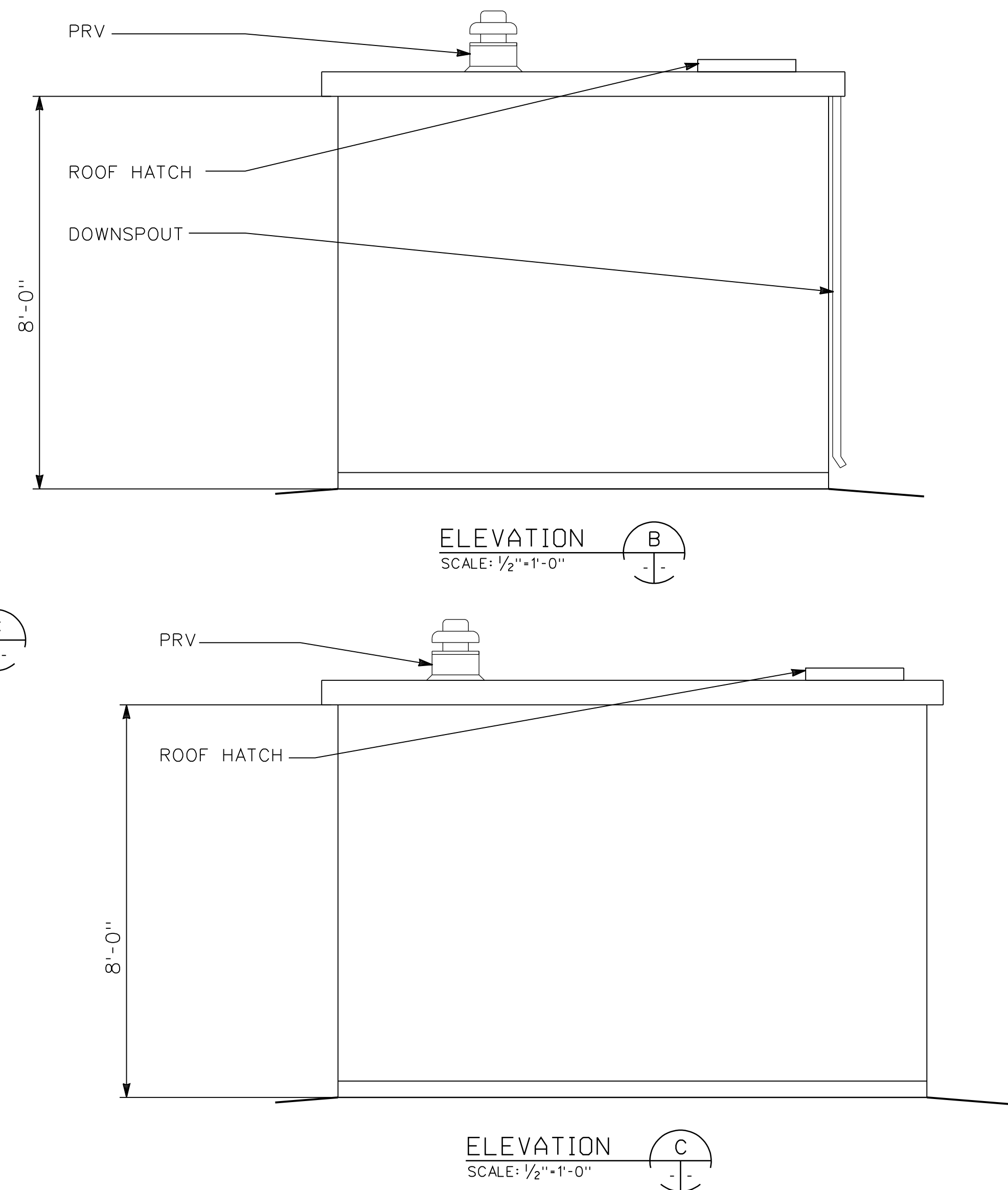
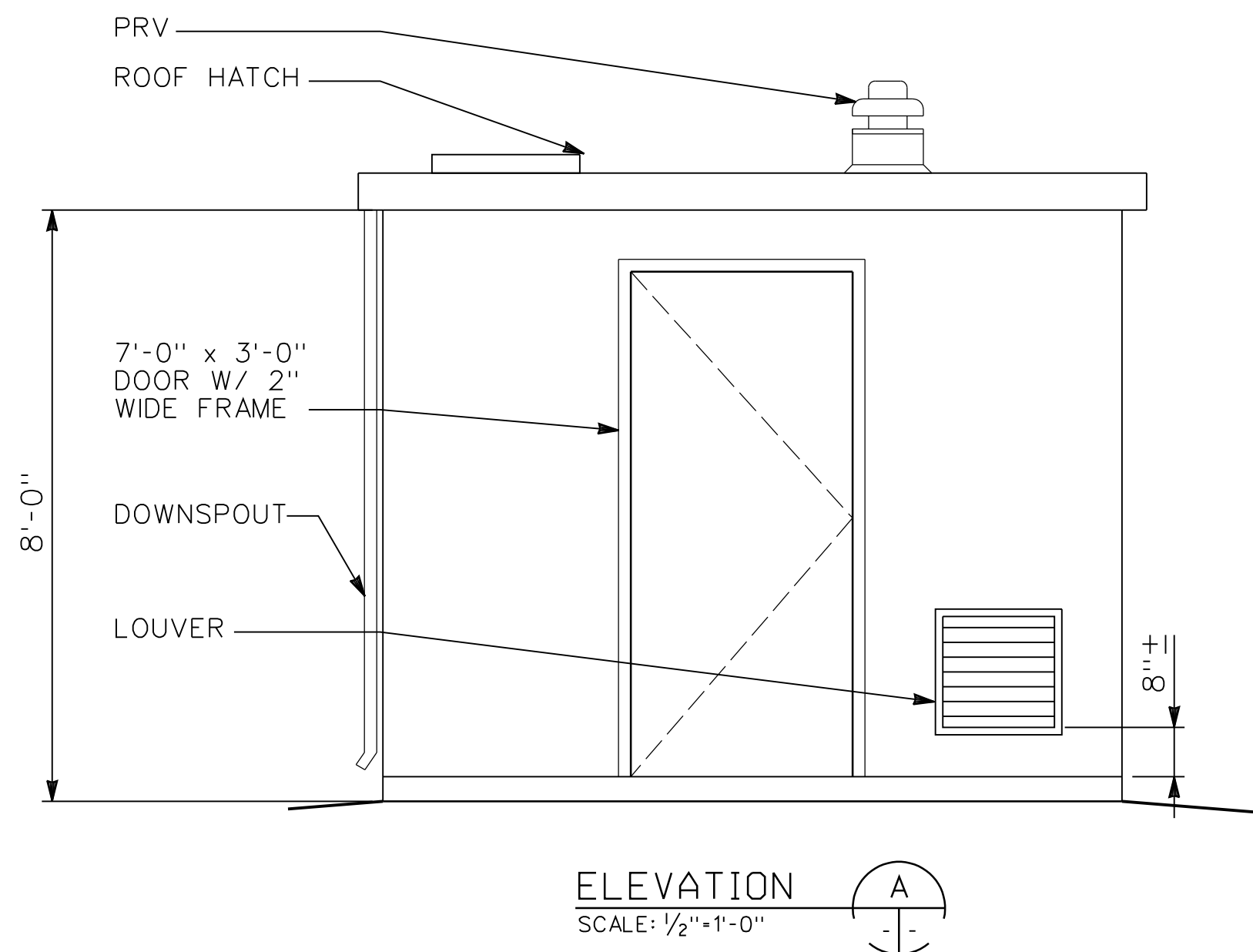
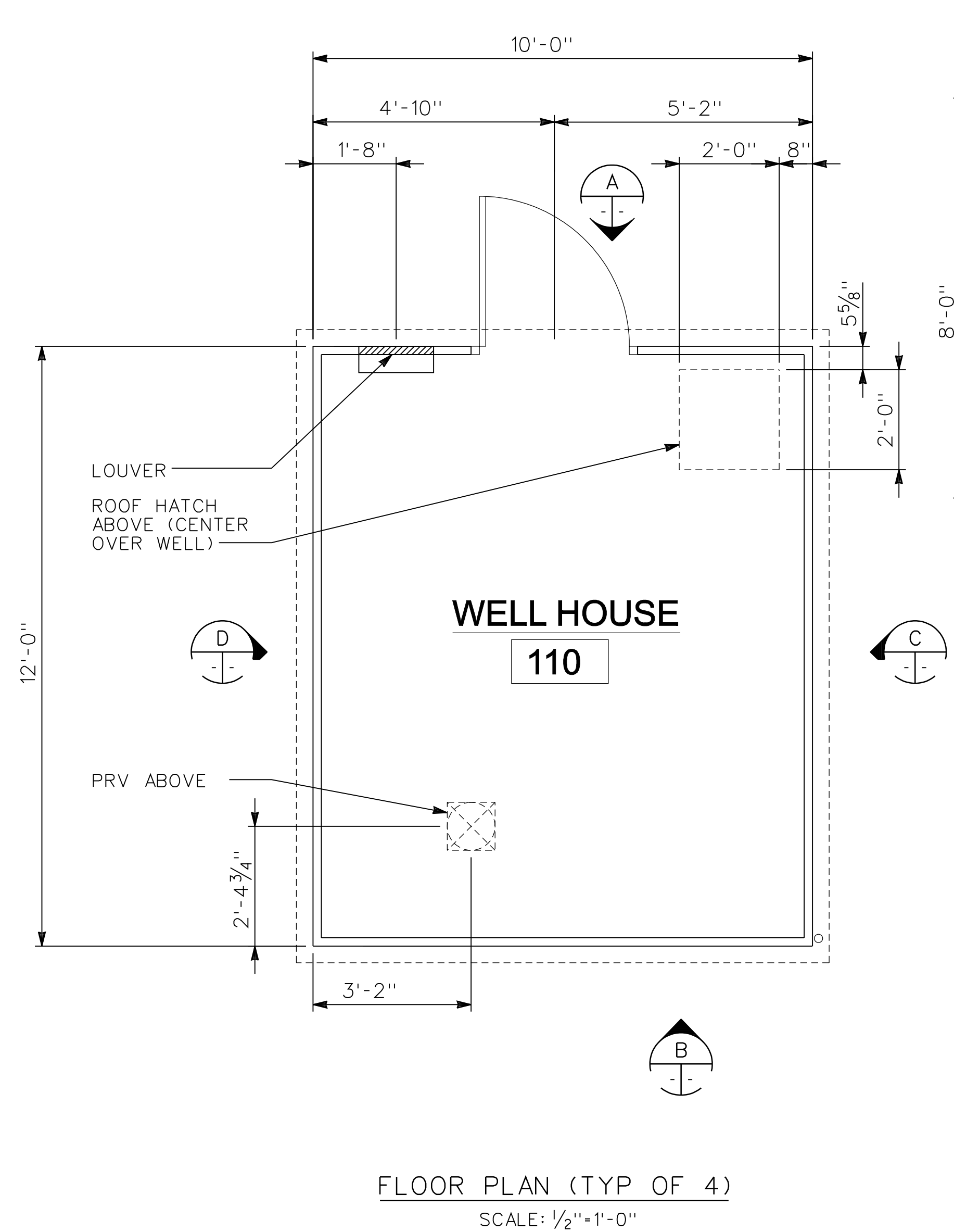


Parkview Well Site
Grand Island, Nebraska

Figure 1A-5
Proposed Monitoring Wells

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ENERGY WATER INFORMATION GOVERNMENT

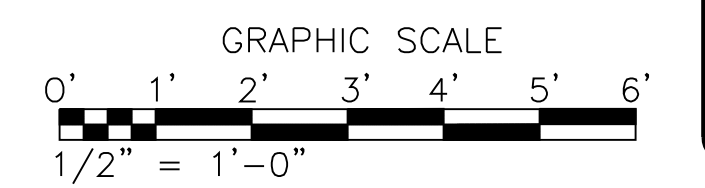


- NOTES:**
1. FOR DRAWING INDEX, SEE SHEET G-1.
 2. VERIFY LOCATION OF FRAMED DUCT OPENINGS BASED ON ACTUAL STRIPPER EQUIPMENT TO BE INSTALLED.
 3. WELL HOUSE BUILDINGS TO BE PREMANUFACTURED UNITS TO ARRIVE ON SITE AND ATTACHED TO NEW SLABS. ALL WALL PANELS TO BE FABRICATED WITH 14 GAUGE INTERIOR PANELS AND FINISHED WITH ACRYLIC EPOXY PAINT OVER A RUST INHIBITIVE EPOXY PRIMER. PROVIDE WALL AND ROOF INSULATION ACCORDING TO SPECIFICATIONS AND MECHANICAL DRAWINGS.
 4. (4) WELL HOUSES REQUIRED. SEE CIVIL SHEETS FOR LOCATIONS AND ORIENTATIONS OF WELL HOUSES.
 5. SEE MECH DWGS FOR SIZES & LOCATIONS OF PRV AND LOUVER SHOWN.

**PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1
WELL HOUSE BUILDINGS
(TYPICAL OF 4)
PLANS, ELEVATIONS, AND DETAILS**

REVISOR: **1**

DATE OF ISSUE: **03/17/09**



Revised	Issued	For	Construction	Date	Appr
				3/17/09	KWW

Designed by:	Date:	Checked by:	File name:	Approved by:
S. DUSSELER	05/05/08	R. SWANSON	A008.DGN	K.L. HEER
Drawn by:	Submitted by:			
S. DUSSELER				

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

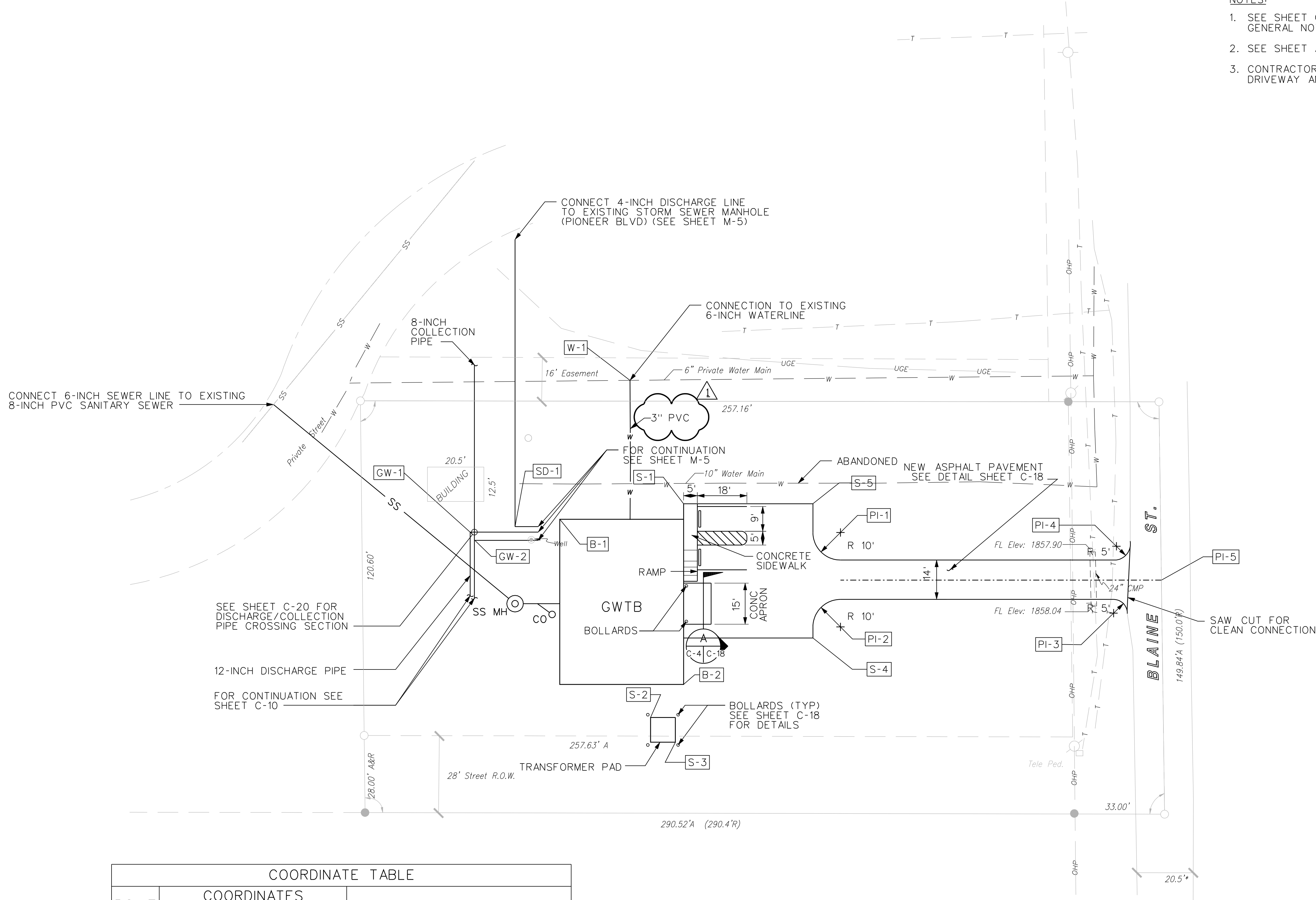
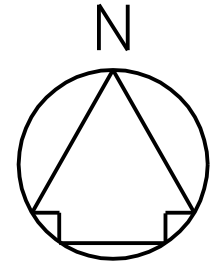
BLACK & VEATCH
Special Projects Corp.

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1
WELL HOUSE BUILDINGS
(TYPICAL OF 4)
PLANS, ELEVATIONS, AND DETAILS

Sheet Number:
A-8

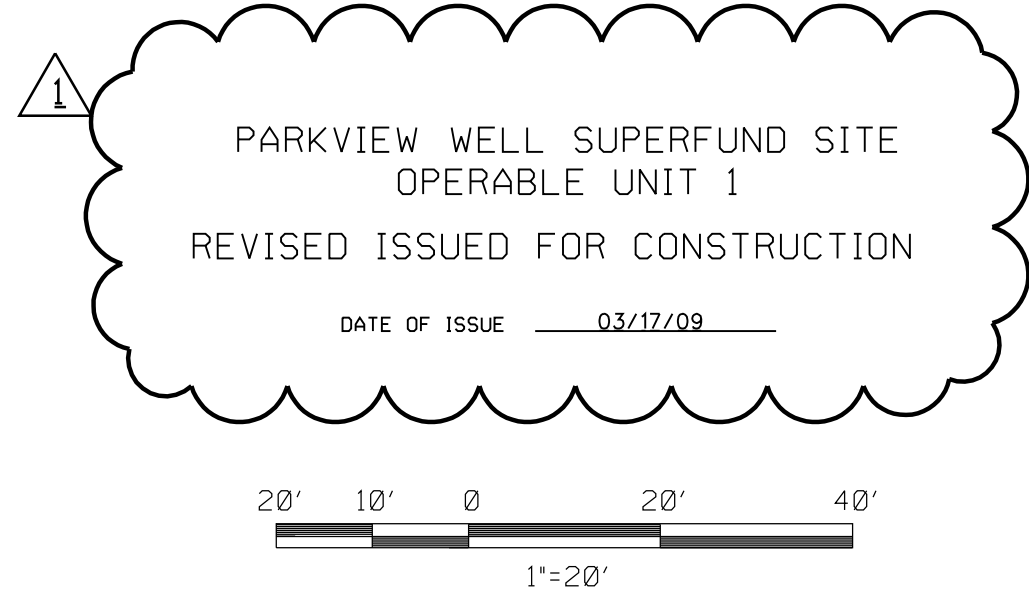
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Drawing: z:\projects\044740 - PARKVIEW\Graphics\DWG\C004.dwg Date: 3/17/2009 Time: 7:10:30 AM
Scale: 1"=20'



- NOTES:
1. SEE SHEET C-1 FOR LEGEND, ABBREVIATIONS AND GENERAL NOTES. SEE SHEET G-1 FOR DRAWING INDEX.
 2. SEE SHEET A-2 FOR TREATMENT BUILDING DIMENSIONS.
 3. CONTRACTOR SHALL REMOVE THE EXISTING ASPHALT DRIVEWAY AND LEAVE THE EXISTING BUILDING INTACT.

POINT	COORDINATES		DESCRIPTION
	NORTHING	EASTING	
B-1	391226.13	2092405.63	BLDG. CORNER
B-2	391166.13	2092450.63	BLDG. CORNER
S-1	391231.75	2092450.63	SIDEWALK CORNER
S-2	391154.11	2092438.64	TRANSFORMER PAD
S-3	391144.88	2092448.05	TRANSFORMER PAD
S-4	391183.00	2092497.63	PAVEMENT CORNER
S-5	391231.75	2092497.63	PAVEMENT CORNER
PI-1	391221.32	2092507.63	RADIUS POINT
PI-2	391187.00	2092507.63	RADIUS POINT
PI-3	391192.00	2092606.86	RADIUS POINT
PI-4	391216.32	2092607.92	RADIUS POINT
PI-5	391204.00	2092624.23	Q OF ACCESS ROAD
SD-1	391223.46	2092389.40	90° BEND STORM SEWER
GW-1	391221.46	2092373.09	90° 12-DISCHARGE GW PIPE
GW-2	391218.46	2092374.63	TEE CONNECTION GW PIPE



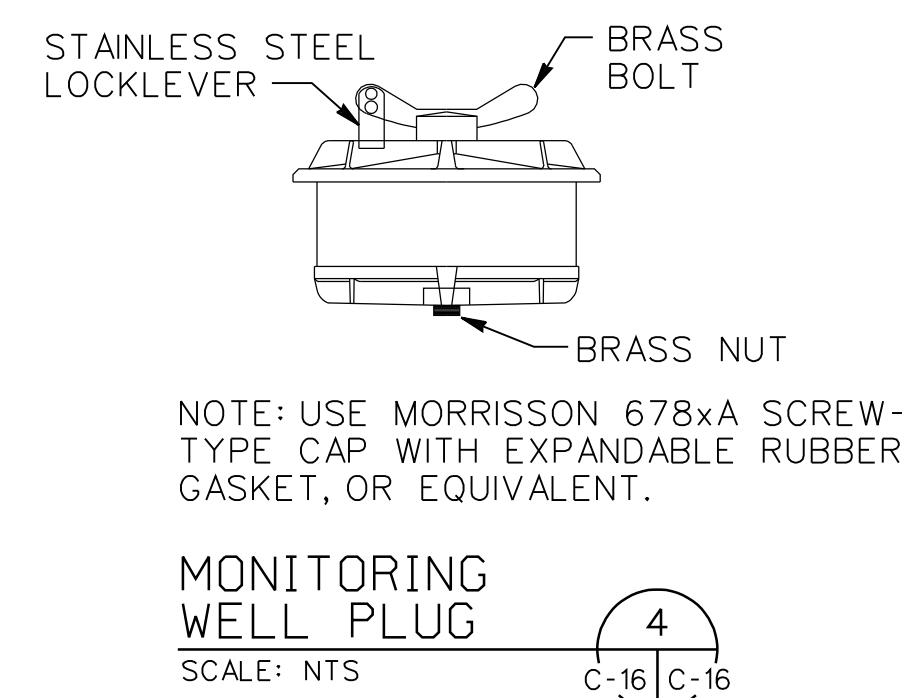
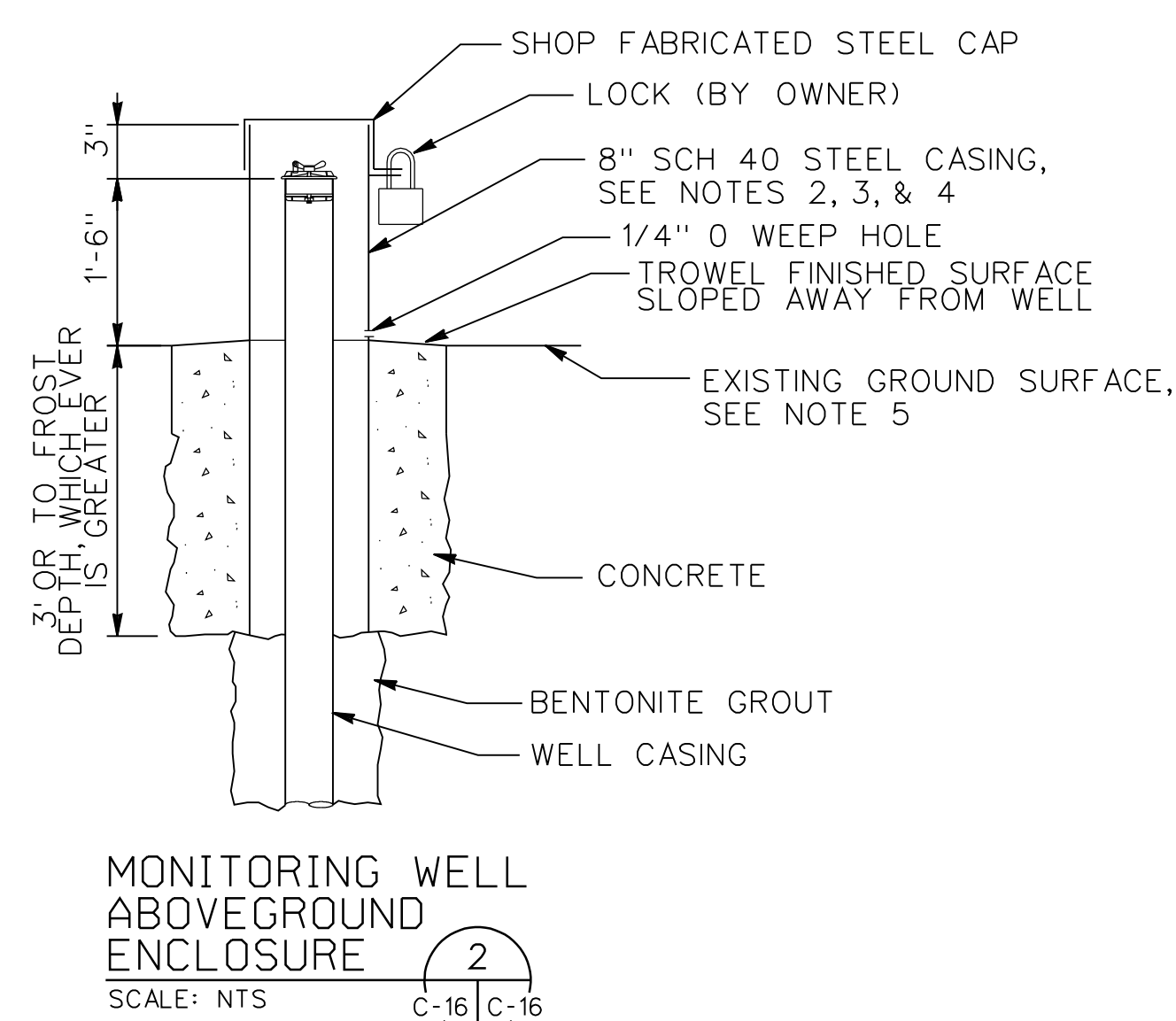
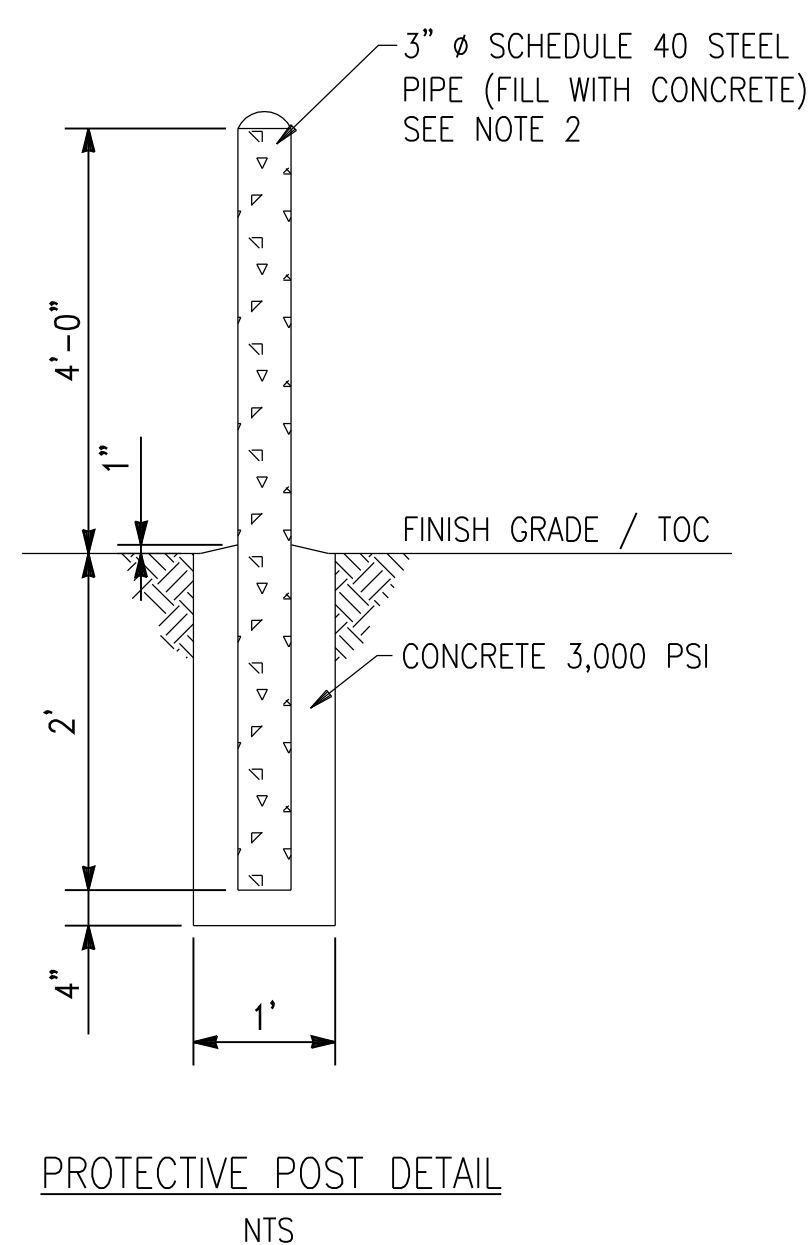
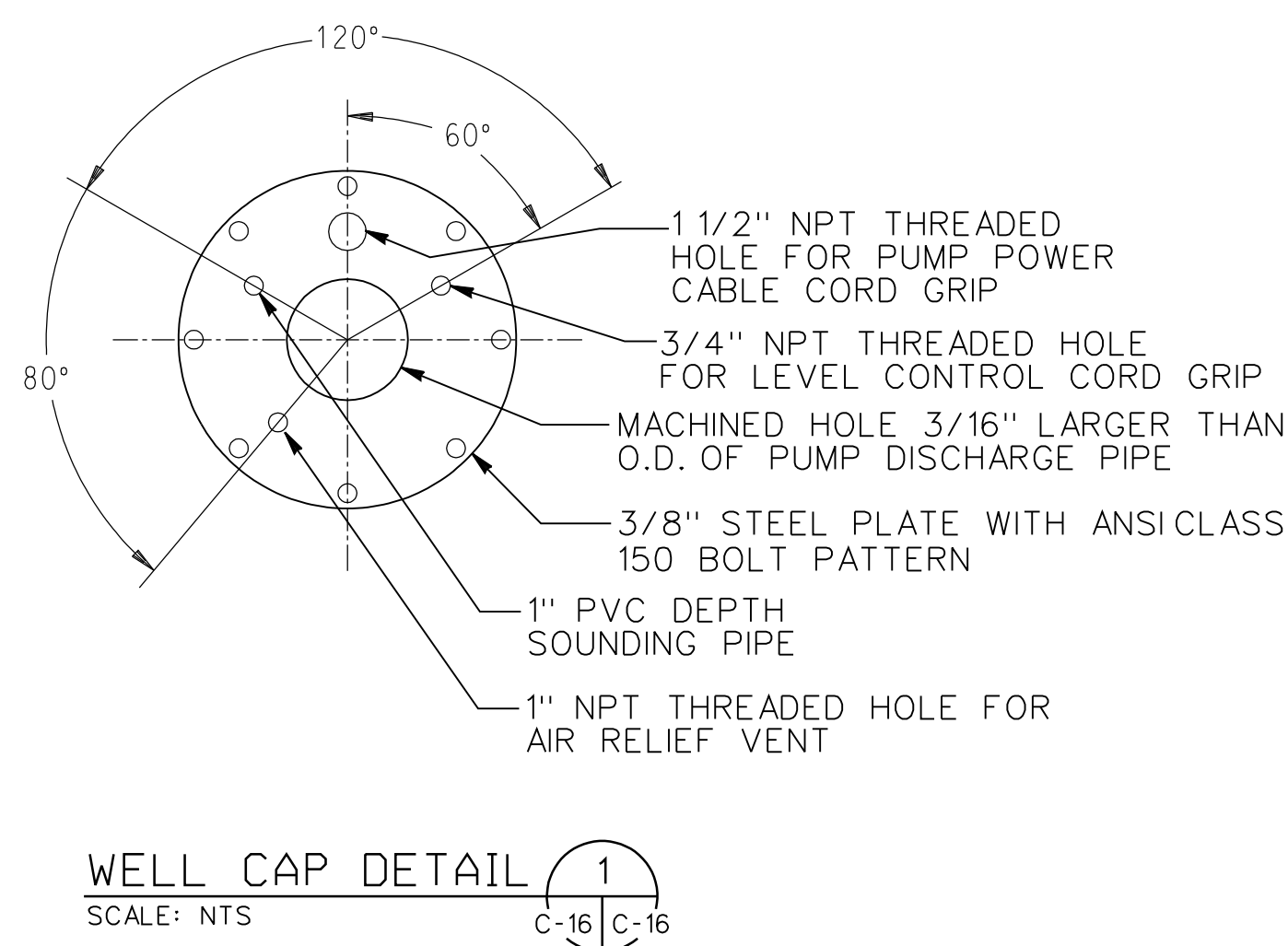
Symbol	Revised	Issued	For Construction	Date	Appr
				3/17/09	KWW

Designed by: R.E. FILARDI	Date: 05/05/08
Drawn by: M.D. MARNARO	Checked by: D.E. RENSING
Submitted by: K.L. HEER	File name: C004.DGN
Approved by: K.L. HEER	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BLACK & VEATCH
Special Projects Corp.

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1
GWTB SITE AND UTILITY
PLAN

Sheet
Number:
C-4
Revision:



* SEE SHEETS C-6, C-11 AND C-12 FOR WELL HOUSE COORDINATES.

** OU1-MW-1, OU1-MW-2, OU1-MW-3 AND OU1-OB3 ARE EXISTING MONITORING WELLS AND THE COORDINATES ARE APPROXIMATE.

MONITORING WELL LOCATIONS ARE SHOWN ON SHEET C-19.

FINAL LOCATIONS FOR WELLS SHALL BE APPROVED BY EPA CONTRACTING OFFICER.


2

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1
REVISED ISSUED FOR CONSTRUCTION

DATE OF ISSUE 03/17/09

- ## NOTES
1. FOR DRAWING INDEX SEE SHEET G-1. FOR LEGEND, ABBREVIATIONS AND GENERAL NOTES SEE SHEET C-1.
 2. CONCRETE SHALL NOT BE PRESENT ON EXPOSED PORTION OF STEEL CASING AFTER INSTALLATION.
 3. ALL RUST SHALL BE REMOVED FROM THE EXPOSED PORTION OF THE STEEL CASING AND CAP PRIOR TO PAINTING.
 4. THE EXPOSED PORTION OF THE STEEL CASING AND CAP SHALL BE PRIMED AND PAINTED WITH TWO COATS OF RUST INHIBITING SAFETY YELLOW PAINT.
 5. GAPS BETWEEN FINISHED CONCRETE AND SURROUNDING SURFACE SHALL BE BACKFILLED WITH MATERIAL SIMILAR TO SURROUNDING SURFACE (I.E., SOIL, ASPHALT, CONCRETE).
 6. CENTRALIZERS SHALL BE INSTALLED EVERY 20 FEET.
 7. LOCATE SUBMERSIBLE PRESSURE TRANSDUCER 1'0" ABOVE PUMP DISCHARGE. SECURE TRANSDUCER CABLE AND PUMP CABLE AT EVERY PIPE JOINT. USE CLIPS PROVIDED BY TRANSDUCER MANUFACTURER TO SECURE TRANSDUCERS.
 8. EXTRACTION WELL EX-10 SHALL BE 12-INCH CASING IN 18-INCH DIAMETER BORING. EX-20, EX-30, AND EX-40 SHALL BE 10-INCH CASING IN 16-INCH DIAMETER BORING.

[illegible]

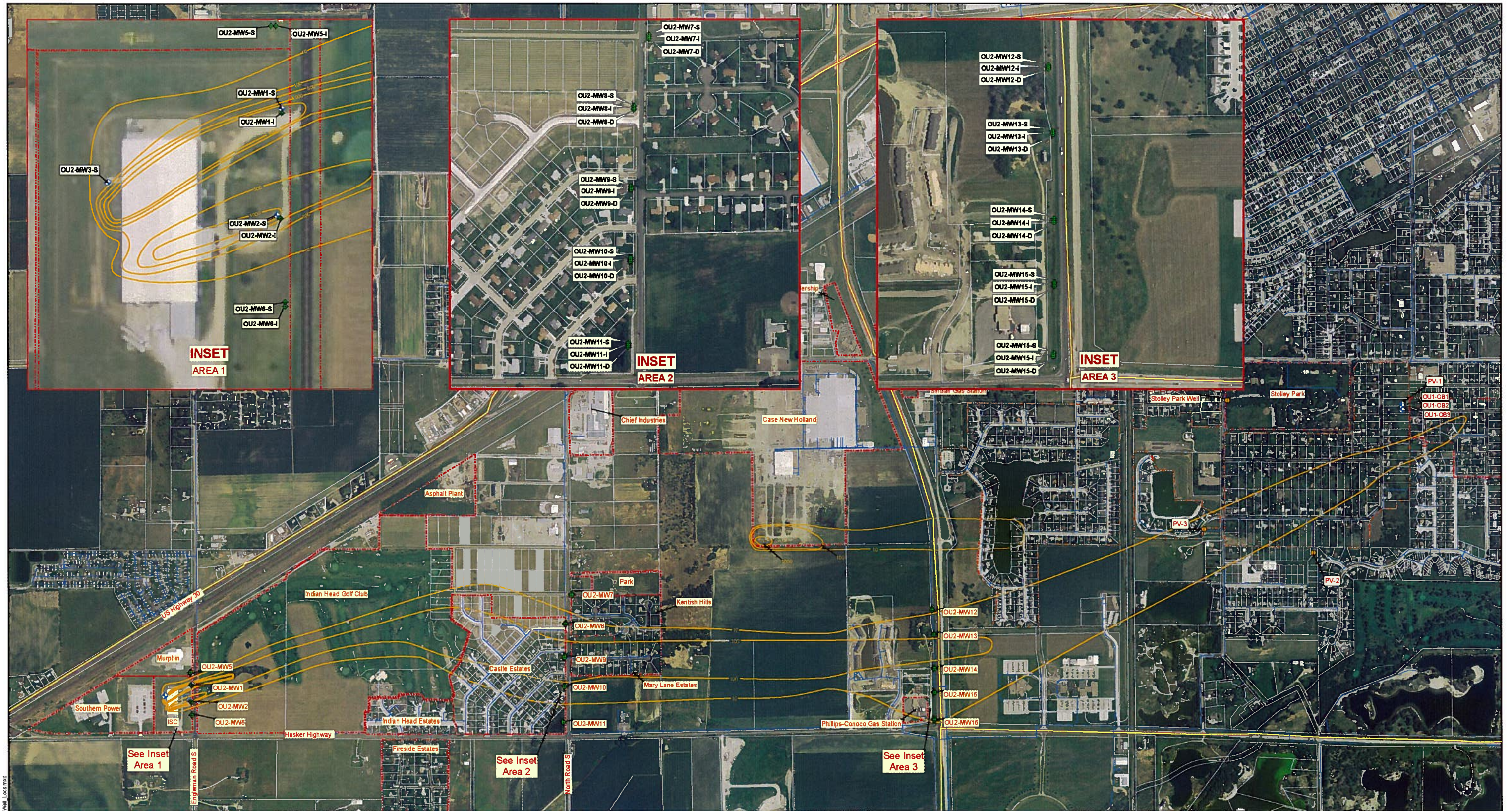
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY	Designed by:	Date: / /
	Drawn by:	Checked by:
	M.D. MARINARO	D.E. REMISING
	Submitted by:	File name:
K.L. HEER		C016.DGN
Approved by:		K. L. HEER

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1

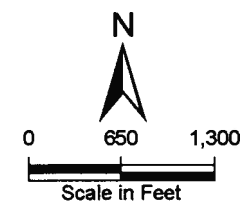
EXTRACTION & MONITORING
WELL DETAILS

Sheet
Number:
C-16

Revision:



- Legend**
- Existing Monitoring Well
 - Proposed New Monitoring Wells
 - Municipal Well
 - Approximate Total CVOC contour (micrograms per liter) (Tetra Tech, 2007a)
 - Water line
 - Highways
 - Lot boundary
 - Subdivision/property boundary



Sources: Abbott, NE SE DOQQ, 2003 FSA Imagery
TetraTech EM Inc., Remedial Investigation Report,
Parkview Well Superfund Site OU2, June 2007

Parkview Well Site
Grand Island, Nebraska

Figure 3-3
Proposed New Monitor Well Locations

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ENERGY WATER INFORMATION GOVERNMENT

Date: 07/30/08

Drawn By: Kyle Gallagher

Project No: 044758

RESOLUTION 2009-164

WHEREAS, the Environmental Protection Agency (EPA) is nearing completion of the design and awarding of contracts to install the wells, buildings and pipelines necessary for the remediation of the groundwater contamination in the Parkview area of the City; and

WHEREAS, the installation of the necessary infrastructure to operate the remediation system will require the use of the public rights-of-way in the area for collector pipeline construction and the installation of monitoring and extraction wells; and

WHEREAS; the EPA requests that the City execute an access agreement to permit the use of City owned and controlled properties required for use for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the Mayor is hereby authorized to, on behalf of the City, to execute the Agreement between the City of Grand Island and the Environmental Protection Agency for consent to access for EPA Environmental Response Action.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G12

#2009-165 - Approving Contract Termination - Platte Generating Station Mercury Control System

Staff Contact: Gary R. Mader; Wes Nespor

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Contract Termination - PGS Mercury Control System

Item #'s: G-12

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

Background

The federally issued Clean Air Mercury Rule (CAMR) capped mercury emissions of all of the nation's power plants by mandating states to implement plans to meet a specified national budget limit of emissions. The City was required by this rule to reduce the annual mercury emissions from the Platte Generating Station in 2010 and make further reductions in 2018, by either installing mercury emission control equipment or purchasing mercury emission allowances. In September 2006, the City authorized Black & Veatch to perform engineering and consulting services regarding this mercury rule. Black & Veatch recommended the addition of mercury control equipment to Platte Generating Station. The Council awarded the bid for the purchase of the required mercury control equipment at the January 22, 2008 Council meeting to SPE-Amerex from Batavia, IL, for \$6,262,839.00.

Two months later, in March, 2008, the Federal District of Columbia Circuit Court of Appeals vacated the CAMR. As a result, EPA's previously promulgated regulatory action was voided, and EPA was tasked with developing new regulation. Because of the court's action, the contract for purchase of the previously required mercury control equipment was placed on hold.

Discussion

At the time of the court's ruling, it was anticipated that EPA would rapidly revisit their rule making process and develop a revised CAMR in accordance with the court's directions. The Mercury Control System contract was placed on hold. Expedient revision of the CAMR has not occurred. As yet, no replacement regulation has been developed, and there are no indications that the EPA is focused on working on a revised regulation.

It is expected that a revised regulation will not be promulgated for several years. Because of changes in the power plant equipment markets and the economy in general over the last year, it would be very difficult to establish an equitable, adjusted contract price to resume the project at this time. And as time passes, that contract price setting becomes increasingly difficult. Rebidding the project would be the preferred method of equipment acquisition after the lapse of significant time from the original award. Therefore, Utilities Department staff, representatives from Black & Veatch and representatives from SPE Amerex have met to discuss methods to cancel the project, and mutually agreed that cancellation is an appropriate course of action.

The original contract includes specific provisions for mutually agreed contract cancellation. Total expenditures completed to the point of project suspension on this contract were \$437,559.36. The Utilities Department and SPE-Amerex recommend terminating the Platte Generation Station Mercury Control System contract pursuant to Article 00512.18 of the original contract. The full contract is a 487 page document and is available in the office of the City Clerk or the Utilities Department.

Alternatives

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

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

Recommendation

City Administration recommends that the Council authorize termination the contract for the PGS Mercury Control System with SPE-Amerex of Batavia, IL, with no further liability with respect to claims for reimbursement from SPE-Amerex.

Sample Motion

Move to authorize termination of the contract with SPE-Amerex for the PGS Mercury Control System.



BLACK & VEATCH

City of Grand Island (CGI)
Platte Station Unit 1
Specification 62.0201 Mercury Control System

B&V Project 145805.62.0201
June 22, 2009

Attention:

Subject: Contract Termination

The City of Grand Island is terminating the Platte Station Unit 1 Mercury Control Project. Pursuant to Article 00512.18 Termination Without Cause, we are advising you that the contract for Specification 62.0201 Mercury Control System is terminated.

The final contract value for work performed, excluding the cost of the performance and payment bonds, shall be \$437,559.36. SPE Amerex is released from all further liability for meeting the contract requirements. The City of Grand Island shall have no further liability with respect to claims for reimbursement from SPE Amerex.

SPE Amerex should promptly cancel the performance and payment bonds. The City of Grand Island previously reimbursed SPE Amerex for the full amount of the bonds in the amount of \$204,006.00. The refund amount received by SPE Amerex for cancellation of the bonds shall be belong to The City of Grand Island.

Please provide written acknowledgment of receipt of this letter by signing in the space provided below and return immediately. If you have any questions, please call me at (913) 458-4318.

Very truly yours,

Black & Veatch

Curt Brown
Project Manager

PURCHASER ACKNOWLEDGEMENT:

Name

Title

Date

SUPPLIER ACKNOWLEDGEMENT:

Name

Title

Date

RESOLUTION 2009-165

WHEREAS, in 2008, the federally issued Clean Air Mercury Rule (CAMR) capped mercury emissions of all of the nation's power plants by mandating states to implement plans to meet a specified national budget limit of emissions; and

WHEREAS, the City was required by this rule to reduce the annual mercury emissions from the Platte Generating Station in 2010 and make further reductions in 2018; and

WHEREAS; the City authorized Black & Veatch to perform engineering and consulting services regarding this mercury rule, and it was their recommendation to add mercury control equipment to Platte Generating Station; and

WHEREAS, the City of Grand Island, Utilities Department awarded the bid for the purchase of the required mercury control equipment at the January 22, 2008 Council meeting to SPE-Amerex of Batavia, Illinois for \$6,262,839.00; and

WHEREAS, two months later, in March, 2008, the Federal District of Columbia Circuit Court of Appeals vacated the CAMR, voiding the previously promulgated regulatory action; and the contract for purchase of the previously required mercury control equipment was placed on hold; and

WHEREAS, no replacement regulation has been developed, and there are no indications that the EPA is focused on working on a revised regulation and;

WHEREAS, Utilities Department staff, representatives from Black & Veatch and representatives from SPE Amerex met to discuss methods to cancel the project, and mutually agreed that cancellation is an appropriate course of action pursuant to Article 00512.18 of the original contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the Mayor is hereby authorized to, on behalf of the City, to terminate the contract with SPE-Amerex of Batavia, Illinois, for the PGS Mercury Control System with no further liability with respect to claims for reimbursement from SPE-Amerex.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/> _____
July 9, 2009	<input checked="" type="checkbox"/> City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G13

**#2009-166 - Approving Bid Award for One (1) Submersible Pump
for the Wastewater Division of the Public Works Department**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Approving Bid Award for One (1) Submersible Pump for the Wastewater Division of the Public Works Department

Item #'s: G-13

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

Background

On May 28, 2009 the Wastewater Division of the Public Works Department advertised for bids for one (1) submersible pump to help control the excess groundwater in lift stations.

Discussion

Two (2) bids were received and opened on June 11, 2009. The Wastewater Division of the Public Works Department and the Purchasing Division of the City's Attorney's Office have reviewed the bids that were received. A summary of the bids is shown below.

Bidder	Exceptions	Bid Price
Electric Pump of Des Moines, IA	None	\$30,630.00
HTM Sales, Inc of Omaha, NE	Noted	\$22,308.00

The Wastewater Division is recommending the bid be awarded to Electric Pump of Des Moines, Iowa, as HTM Sales, Inc. of Omaha, Nebraska did not meet the specifications on impeller and volute wear ring material. Due to the high amounts of grit received at the Wastewater Treatment Plant a high chrome impeller and volute wear ring were specified. HTM Sales bid a stainless steel option, which is not as hard of a material as high chrome steel and would not last as long. The pump mounting configuration did not meet the specifications, as it has a gasket discharge flange which was not sought in 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 approve the bid award to Electric Pump of Des Moines, Iowa in the amount of \$30,630.00.

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: June 11, 2009 at 11:00 a.m.

FOR: One (1) Submersible Pump for Waste Water Treatment Plant

DEPARTMENT: Public Works

ESTIMATE: \$35,000.00

FUND/ACCOUNT: 53030054-85615

PUBLICATION DATE: May 28, 2009

NO. POTENTIAL BIDDERS: 5

SUMMARY

Bidder:	<u>HTM Sales, Inc.</u>	<u>Electric Pump</u>
	Omaha, NE	Des Moines, IA
Exceptions:	Noted	None

Bid Price:

(1) Submersible Sewage Pump	\$22,308.00	\$30,630.00
(1) Add Alternate Control Panel	\$ 6,129.00	\$10,055.00

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

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
John Rundle, Maintenance Supervisor

P1341

RESOLUTION 2009-166

WHEREAS, the City Of Grand Island invited sealed bids for one (1) submersible pump for the Wastewater Division of the Public Works Department, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on June 11, 2009 bids were received, opened and reviewed; and

WHEREAS, Electric Pump of Des Moines, Iowa submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$30,630.00; and

WHEREAS, Electric Pump's bid is less than the estimate for such item.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Electric Pump of Des Moines, Iowa in the amount of \$30,630.00 for one (1) submersible pump is hereby approved as the lowest responsive and responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G14

**#2009-167 - Approving Authorization for Emergency Sanitary
Sewer Repairs North of Stolley Park Road, Between Arthur Street
and Stolley Park Circle**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Approving Authorization for Emergency Sanitary Sewer Repairs North of Stolley Park Road, Between Arthur Street and Stolley Park Circle

Item #'s: G-14

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

Background

Emergency sanitary sewer repairs are needed for a collapsing sanitary sewer line north of Stolley Park Road, between Arthur Street and Stolley Park Circle.

Discussion

The Diamond Engineering Company of Grand Island, Nebraska was hired at a maximum amount of \$19,500.00 to effect the necessary repairs. Contact was made with two other contractors, O'Hara Plumbing Company and Starostka Group, both of Grand Island, Nebraska, and neither was available to do the job.

In performing the work it was discovered that dewatering needed to be done, which has an additional cost of \$1,750.00, moving the repair cost to a total of \$21,250.00. Since the total is over \$20,000.00 council approval is necessary.

The Diamond Engineering Company will be paid based on actual time and materials incorporated into the repair work, with a maximum of \$21,250.00. We are requesting permission to use the emergency procurement procedures as outlined in Section 27-13 of the City Code.

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 usage of the City's Emergency Procurement Procedures and pass a resolution authorizing The Diamond Engineering Company of Grand Island, Nebraska to perform the necessary sanitary sewer main repairs, including necessary dewatering.

Sample Motion

Move to approve the usage of the City's Emergency Procurement Procedures and authorize The Diamond Engineering Company of Grand Island, Nebraska to perform the repairs.

RESOLUTION 2009-167

WHEREAS, the Wastewater Division of the Public Works Department needed to perform an emergency sanitary sewer repair with dewatering north of Stolley Park Road between Arthur Street and Stolley Park Circle; and

WHEREAS, the estimated cost is \$21,250.00 (based on time and materials); and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska has been requisitioned to do said repairs; and

WHEREAS, two other contractors were contacted for quotes and they were unavailable to perform the work in a timely manner.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the sanitary sewer repair north of Stolley Park Road between Arthur Street and Stolley Park Circle by The Diamond Engineering Company of Grand Island, Nebraska, at a maximum cost of \$21,250.00 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/> _____
July 9, 2009	<input type="checkbox"/> City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G15

#2009-168 - Approving State Bid Award for (1) 2010 1/2 Ton Ford F150 SC XLT 4x4 Pickup for the Engineering Division of the Public Works Department

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Approving State Bid Award for (1) 2010 1/2 Ton Ford F150 SC XLT 4x4 Pickup for the Engineering Division of the Public Works Department

Item #'s: G-15

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

Background

The Engineering Division of the Public Works Department budgeted for a pickup to be used in field operations for sanitary sewer construction inspection and surveying for the division. The approved FY 2009 budget included \$29,000.00 in funds for the purchase. During budget discussions with Administration, the dollar amount was lowered to \$24,000.00.

Discussion

The proposed vehicle was scaled back to stay under budget.

The vehicle specifications awarded under State of Nebraska Contract # 12311 OC meet all of the requirements for the Engineering Division vehicle. Anderson Ford Lincoln Mercury of Lincoln, Nebraska submitted a bid with no exceptions in the amount of \$22,731.00. There are sufficient funds for this purchase in Account No. 10033001-85625.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council approve the State Bid Award to Anderson Ford Lincoln Mercury in the amount of \$22,731.00 for the 2010 Model Ford F150 SC XLT 4x4 pickup for the Engineering Division of the Public Works Department.

Sample Motion

Move to approve the State Bid Award to Anderson Ford Lincoln Mercury in the amount of \$22,731.00 for the 2010 Model Ford F150 SC XLT 4x4 pickup for the Engineering Division of the Public Works Department.

RESOLUTION 2009-168

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

WHEREAS, said vehicle, a 2010 Model Ford F150 SC XLT 4x4, can be obtained from the State Contract holder; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of a 2010 Model Ford F150 SC XLT 4x4 in the amount of \$22,731.00 from the State Contract holder, Anderson Ford Lincoln Mercury of Lincoln, Nebraska, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G16

#2009-169 - Approving Acquisition of Public Utility Easement in Lot 1 of Meadowlark West Sixth Subdivision at 1204 North Webb Road (Village Development - Grand Island, LLC.)

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

Staff Contact: Steven P. Riehle, Public Works Director

RESOLUTION 2009-169

WHEREAS, a public utility easement is required by the City of Grand Island, from Village Development – Grand Island, LLC., to install, upgrade, maintain and repair public utilities and appurtenances, including lines and transformers; and

WHEREAS, a public hearing was held on July 14, 2009, for the purpose of discussing the proposed acquisition of an easement located in Lot One (1), Meadowlark West 6th Subdivision, in the City of Grand Island, Hall County, Nebraska.

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 Village Development – Grand Island, LLC., on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

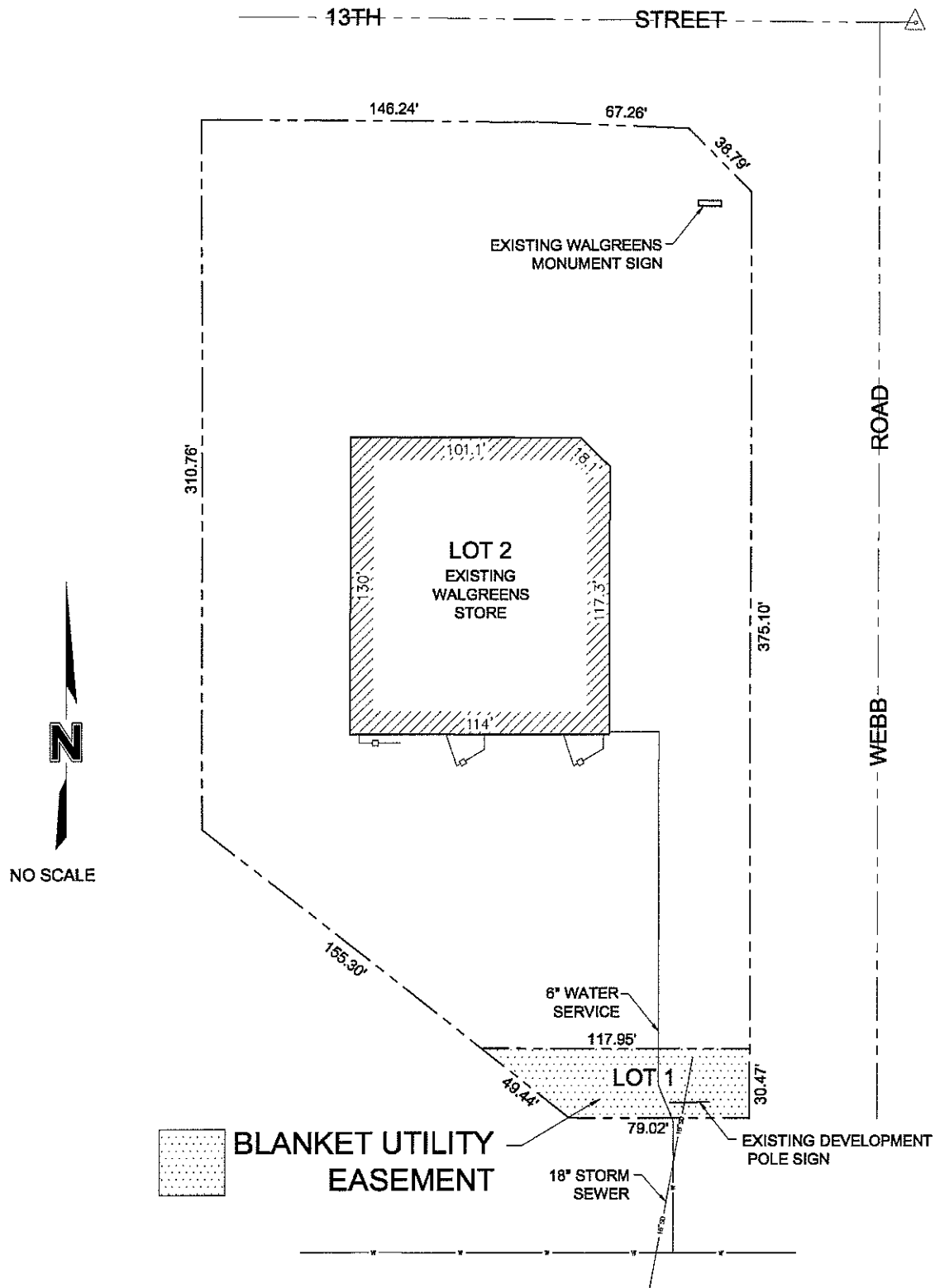
Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

MEADOWLARK WEST SIXTH SUBDIVISION

IN THE CITY OF GRAND ISLAND, NEBRASKA
EASEMENT EXHIBIT





City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G17

**#2009-170 - Approving Bid Award for One (1) Positive
Displacement Trailer Mounted Sewer Vacuum for the Wastewater
Division of the Public Works Department**

Staff Contact: Steven P. Riehle, Public Work Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Approving Bid Award for One (1) Positive Displacement Trailer Mounted Sewer Vacuum for the Wastewater Division of the Public Works Department

Item #'s: G-17

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

Background

On June 24, 2009 the Wastewater Division of the Public Works Department advertised for bids for one (1) Positive Displacement Trailer Mounted Sewer Vacuum. The sewer vacuum is used to clean sanitary sewer lines within the City.

Discussion

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

<i>Bidder</i>	<i>Exceptions</i>	<i>Bid Price</i>
Elliott Sanitation Co. of Lincoln, Nebraska	None	\$103,960.00
Municipal Pipe Tool Co. LLC of Hudson, Iowa	None	\$108,292.00

The bids were higher than the estimate of \$100,000.00, but are considered fair, reasonable and competitive.

Sufficient Funds are available in Account No. 53030054.85615 and 53030054.85625.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid award to Elliott Sanitation Co. of Lincoln, Nebraska in the amount of \$103,960.00.

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: July 2, 2009 at 11:15 a.m.

FOR: (1) Positive Displacement Trailer Mounted Sewer Vacuum

DEPARTMENT: Public Works

ESTIMATE: \$100,000.00

FUND/ACCOUNT: 53030054-85615

PUBLICATION DATE: June 24, 2009

NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>Municipal Pipe Tool Co. LLC</u> Hudson, IA	<u>Elliott Sanitation Co.</u> Lincoln, NE
Exceptions:	None	None
Bid Price:	\$108,292.00	\$103,960.00

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

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Fred Tustin, WWTP

P1347

RESOLUTION 2009-170

WHEREAS, the City of Grand Island invited sealed bids for one (1) Positive Displacement Trailer Mounted Sewer Vacuum for the Wastewater Division of the Public Works Department, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on July 2, 2009 bids were received, opened and reviewed; and

WHEREAS, Elliott Sanitation Co. 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 \$103,960.00; and

WHEREAS, Elliott Sanitation Co.'s bid is fair and reasonable for such item.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Elliott Sanitation Co. of Lincoln, Nebraska in the amount of \$103,960.00 for one (1) Positive Displacement Trailer Mounted Sewer Vacuum is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G18

**#2009-171 - Approving Bid Award for Grand Generation Center
Kitchen Addition and Renovation**

Staff Contact: Paul Briseno

Council Agenda Memo

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

Meeting: July 14, 2009

Subject: Bid Award to Chief Construction Company for the Grand Generation Center Kitchen Addition & Renovation

Item #'s: G-18

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

Background

On July 22, 2008 City Council gave budget authority for the Grand Generation Center Kitchen Remodel and Expansion Project. The proposed area will be utilized for meals on wheels and in-house lunch program. The expansion will allow for walk in cooler and freezer, storage, preparation area, safer loading and increased efficiency of the food processing area. City staff estimated \$140,000 for the construction/remodel and kitchen equipment. The estimate was obtained from architect and engineering documents.

October 21, 2008 Tri Valley Builders submitted the only Bid at \$234,000. The bid was rejected as it exceeded budget authority. The Grand Generation Center Board requested a re-bid in 2009. A re-bid would provide the Grand Generation Center time to raise donations as well as allow for decreased construction cost from a more competitive construction market.

Discussion

On June 16, 2009 three bids were received for the Grand Generation Center Kitchen Addition and Renovation Project. The bid was written so the City could accept the lowest base bid or total bid. All base bids came in over the estimated construction budget of \$140,000. Chief Construction Company provided the lowest base bid at \$195,100.

Staff is recommending the bid awarded to Chief Construction for \$195,100. If approved the City of Grand Island will provide \$140,000 and the Grand Generation Center will provide the remainder of the funding.

City staff will oversee and administer the project management with guidance of the Grand Generation Center Board.

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 bid award to Chief Construction.

Sample Motion

Move to approve the Grand Generation Center Kitchen Renovation and Remodel project to Chief Construction.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 16, 2009 at 11:00 a.m.

FOR: Grand Generation Center Kitchen Addition & Renovation

DEPARTMENT: Administration

ESTIMATE: \$140,000.00

FUND/ACCOUNT: 40015025-90003

PUBLICATION DATE: May 18, 2009

NO. POTENTIAL BIDDERS: 7

SUMMARY

Bidder:	<u>Baker Development</u> Grand Island, NE	<u>Chief Construction Company</u> Grand Island, NE
Bid Security:	Union Insurance Company	Fidelity & Deposit Company
Exceptions:	None	None

Bid Price:		
Base Bid:	\$198,472.00	\$195,100.00
Alternate No. 1:	<u>86,346.00</u>	<u>104,000.00</u>
Total Bid:	\$284,818.00	\$299,100.00

Bidder:	<u>Tri Valley Builders, Inc.</u> Grand Island, NE
Bid Security:	Universal Surety Company
Exceptions:	None

Bid Price:	
Base Bid:	\$232,000.00
Alternate No. 1:	<u>97,000.00</u>
Total Bid:	\$329,000.00

cc: Paul Briseno, Assist. to Admin.

Jeff Pederson, City Administrator

Dale Shotkoski, City Attorney

Wes Nespor, Purchasing Agent

P1340

RESOLUTION 2009-171

WHEREAS, the City of Grand Island invited sealed bids for the Grand Generation Center Kitchen Addition and Renovation, according to plans and specifications on file with the Administration Department; and

WHEREAS, on June 16, 2009, bids were received, opened and reviewed; and

WHEREAS, Chief Construction Company of Grand Island, 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 \$195,100; and

WHEREAS, the bid of \$195,100 is more than the estimate for the Grand Generation Center Kitchen Addition and Renovation; and

WHEREAS, the City of Grand Island will provide \$140,000 for the Kitchen Addition and Renovation; and

WHEREAS, the Grand Generation Center will provide the remaining construction cost for the Kitchen Addition and Renovation; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Chief Construction Company of Grand Island, Nebraska in the amount of \$195,100 for Grand Generation Center Kitchen Addition and Renovation is hereby approved as the lowest responsible bid and the Mayor will sign the contract upon donation of the remaining funds by the Grand Generation Center.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G19

**#2009-172 - Approving Amendment to Library Personnel FTE
Budget Allocation**

Staff Contact: Steve Fosselman

Council Agenda Memo

From: Steve Fosselman, Library Director

Meeting: July 14, 2009

Subject: Approving Amendment to Library Personnel FTE Budget Allocation

Item #'s: G-19

Presenter(s): Steve Fosselman, Library Director

Background

Upon the resignation of an employee in the Library Assistant II classification this spring, the Grand Island Public Library has undertaken a review of the best means to fill this opening. The library has concluded that due to internal operational changes underway to help handle significant increases in general use of the library, filling this full-time opening with lower-pay-level part-time employees will be more cost-effective and better suits our service needs at this time. This change doesn't increase the library's total FTE's, but involves slight changes to classification allocations within the library's FTE budget. Since the city Human Resources Department derives its authority in advertising positions from the City Council-approved budget which includes specific allocations for library personnel classifications, an amendment to the Library Personnel FTE Budget Allocation is necessary.

Discussion

Rather than hire 1.0 FTE Library Assistant II employee, the Library would be hiring .60 FTE Library Assistant I (24 hours/week) and .40 FTE Library Page (16 hours/week). This changes the Library Personnel FTE Budget Allocation as follows:

<u>Personnel Classification</u>	<u>Budgeted</u>	<u>Revised</u>	<u>Net Change</u>
Library Assistant I & II	14.7595 FTE	14.3595 FTE	- .40 FTE
Library Page	2.2135 FTE	2.6135 FTE	+ .40 FTE

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 this amendment to the Library Personnel FTE Budget Allocation.

Sample Motion

Move to approve this amendment to the Library Personnel FTE Budget Allocation.

R E S O L U T I O N 2009-172

WHEREAS, the Grand Island Public Library has undertaken a review of the best means to fill a current employment opening and has concluded that due to internal operational changes underway to help handle significant increases in general use of the library, filling this full-time opening with lower-pay-level part-time employees will be more cost-effective and better suits its service needs at this time; and

WHEREAS, this change doesn't increase the library's total FTE's, but involves changes to classification allocations within the library's FTE budget; and

WHEREAS. the city Human Resources Department derives its authority in advertising positions from the City Council-approved budget which includes specific allocations for library personnel classifications; and

WHEREAS, an amendment to the Library Personnel FTE Budget Allocation is necessary to allow for a net reduction of .40 FTE in the Library Assistant I and II classifications and a net increase of .40 FTE in the Library Page classification.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Council approve this amendment to the Library Personnel FTE Budget Allocation.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item I1

#2009-173 - Consideration of Changes to Future Land Use Map of GI Comp. Plan to Shift Boundaries of Property Planned for GC General Commercial & Properties Planned for LM Low to Medium Density Residential in an Area East of So. Locust & So. of Wood River

This item relates to the aforementioned Public Hearing Item E-3, E-4, and F-2.

Staff Contact: Chad Nabity

RESOLUTION 2009-173

WHEREAS, the Mayor and City Council of the City of Grand Island are committed to the orderly plan necessary to accommodate future growth and transportation needs; and

WHEREAS, on July 13, 2004, by Resolution 2004-154-215, the City of Grand Island approved and adopted the Comprehensive Development Plan and associated figures and maps as prepared by the firm of JEO Consulting Group, Inc. of Wahoo, Nebraska; and

WHEREAS, an amendment to such plan is requested to change the future land use designation from "Low to Medium Density Residential" to "General Commercial Use" as shown on the attached map; and

WHEREAS, such amendment was reviewed by the Regional Planning Commission on July 1, 2009, and a recommendation was forwarded to the City of Grand Island; and

WHEREAS, a public hearing was held on July 14, 2009 for the purpose of discussing such amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island hereby approves and adopts an amendment to the Comprehensive Plan to change the intended future use of the property as shown on the attached map from "Low to Medium Density Residential" to "General Commercial Use".

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item I2

#2009-174 - Consideration of Request from Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License and Liquor Manager Designation Request from Michelle Sheehan, 317 South Plum Street

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-174

WHEREAS, an application was filed by Firehouse Bar, LLC, doing business as Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on July 4, 2009; such publication cost being \$14.73; and

WHEREAS, a public hearing was held on July 14, 2009 for the purpose of discussing such liquor license application.

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

_____ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

_____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: _____

_____ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: _____

_____ The City of Grand Island hereby recommends approval of Mitchell Sheehan, 317 South Plum Street as liquor manager of such business upon the completion of a state approved alcohol server/seller training program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item J1

Approving Payment of Claims for the Period of June 24 2009 through July 14, 2009

The Claims for the period of June 24, 2009 through July 14, 2009 for a total amount of \$3,852,901.56. A MOTION is in order.

Staff Contact: David Springer