
City of Grand Island



Tuesday, November 10, 2009

Council Session Packet

City Council:

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

Mayor:

Margaret Hornady

City Administrator:

Jeff Pederson

City Clerk:

RaNae Edwards

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

Call to Order

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

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

Invocation

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item C1

Proclamation "National Adoption Month" November, 2009

There are an estimated 130,000 children in the United States in the foster care system, some of which live in Grand Island. By December 2009, twenty-four children in Grand Island, Hall County who are in foster care will finalize adoption. Mayor Hornady has proclaimed the month of November, 2009 as "National Adoption Month" and would encourage citizens to help secure permanent, loving homes for each and every child in Grand Island, See attached PROCLAMATION.

Staff Contact: Mayor Hornady

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

PROCLAMATION

- WHEREAS, this November marks the 19th annual National Adoption Month; and
- WHEREAS, there are an estimated 130,000 children across the United States waiting for adoptive homes or for that moment of finalization of their adoptions; and
- WHEREAS, every child in the Grand Island Area, across the State, and even across the Nation deserves a loving, caring, permanent family; and
- WHEREAS in Nebraska there are approximately 100 children in care of the State, for whom adoptive homes are needed; and
- WHEREAS, it is our goal to find families for these children, no matter where they might live; and
- WHEREAS, many of these children have physical, emotional and/or behavioral challenges; and
- WHEREAS, many of these children are brothers and sisters who want to grow up together; and
- WHEREAS, in 2008, a record 572 children in care of the State found permanency through adoption; and
- WHEREAS, in 2008, thirty-four children in care of the State in the Grand Island area were adopted; and
- WHEREAS, by the end of December 2009, 24 children in care of the State from the Grand Island area, will finalize adoptions; and
- WHEREAS, every child deserves a place to call home, not only now but into adulthood;

NOW, THEREFORE, I, Margaret Hornady, Mayor of the City of Grand Island, Nebraska, do hereby proclaim the month of November, 2009 as

“NATIONAL ADOPTION MONTH”

in the City of Grand Island, and encourage all citizens to help secure permanent, loving homes for each and every child in Grand Island, and the State of Nebraska, regardless of race, age, gender, health, emotional or behavioral challenge or past distress.

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

Margaret Hornady
Margaret Hornady, Mayor

Attest:

RaNae Edwards
RaNae Edwards, City Clerk





City of Grand Island

Tuesday, November 10, 2009

Council Session

Item C2

Presentation of the Law Enforcement Memorial to the City of Grand Island

The Nebraska Law Enforcement memorial was built and dedicated in Grand Island on May 11, 2009 on city property near Fire Station #1. The memorial was in the planning and fundraising stages for over 14 years. At the dedication, led by Governor Heineman and Attorney General Bruning, the names of 130 officers from across Nebraska were read onto the wall for the family members and officers present. The memorial was designed by Davis Design of Lincoln, led by Lynn Jones and constructed by Kingery Construction led by Ed Zastera. The memorial cost over \$400,000 to construct and is a fitting tribute to our fallen officers and the families that lost loved ones.

Today, we are proud that the memorial is 100% paid off and debt free. With that in mind, we are living up to our end of the initial agreement and donating the memorial to the City of Grand Island. The memorial will also be a part of the new State Fair.

Staff Contact:



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item E1

Public Hearing on Request from Firehouse Bar, Inc. dba The Firehouse Bar, 418 West 4th Street for an Addition of a Beer Garden to Class “C-86044” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 11, 2009

Subject: Public Hearing on Request from Firehouse Bar, Inc. dba The Firehouse Bar, 418 West 4th Street for an Addition of a Beer Garden to Class "C-86044" Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Firehouse Bar, Inc. dba The Firehouse Bar, 418 West 4th Street has submitted an application for a Beer Garden, an addition to their Class "C-86044" Liquor License. The request includes an area of approximately 11' x 77' to be added to the east side of the existing building. (See attached drawing.)

Discussion

Chapter 2, Section 012.07 of the Nebraska Liquor Control Commission Rules and Regulations define "Beer garden" as "an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors, and which is contained by a fence or wall preventing the uncontrolled entrance or exit of persons from the premises, and preventing the passing of alcoholic liquors to persons outside the premises" 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, and Health Departments.

Alternatives

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

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.

3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

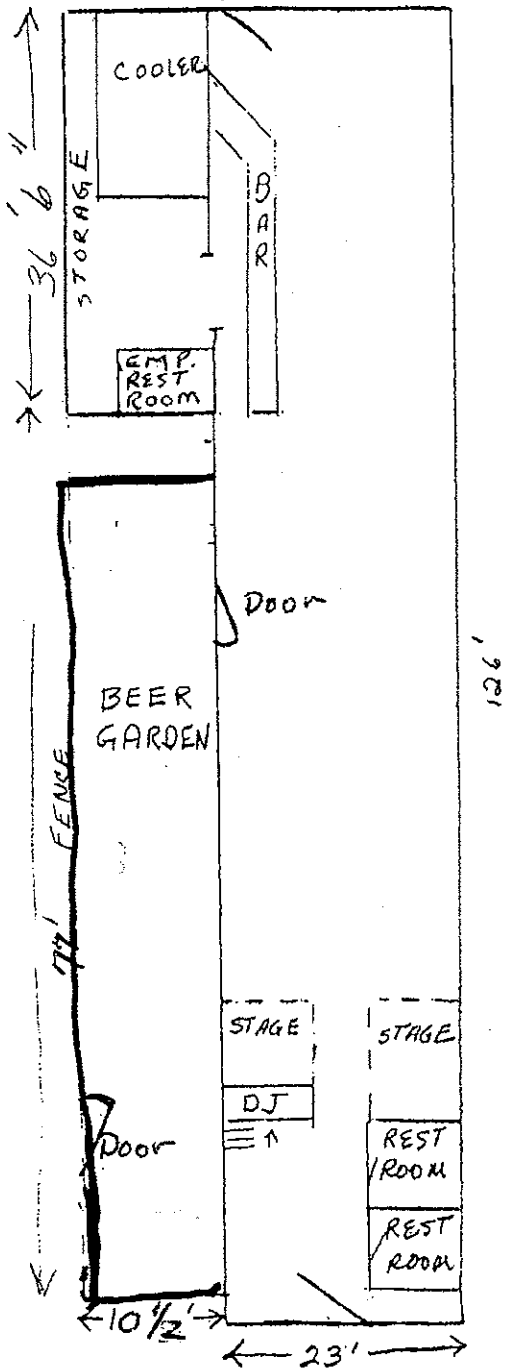
Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve the application.

Sample Motion

Move to approve the request for an 11' x 77' Beer Garden addition to Firehouse Bar, Inc. dba The Firehouse Bar, 418 West 4th Street, Liquor License "C-86044" contingent upon final inspections.

MAIN FLOOR

FRONT
36' 6"

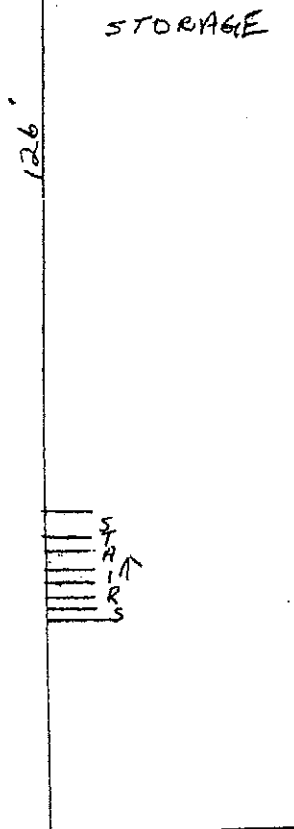


BASEMENT

23'
RECEIVED

OCT 21 2009

NEBRASKA LIQUOR
CONTROL COMMISSION





City of Grand Island

Tuesday, November 10, 2009

Council Session

Item E2

**Public Hearing on Request from Skagway Discount Dept. Stores,
Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street
for a Catering Addition to Class “C-60081” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 10, 2009

Subject: Public Hearing on Request from Skagway Discount Dept. Stores, Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street for a Catering Designation to Class "C-60081" Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Skagway Discount Dept. Stores, Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street has submitted an application for a catering designation to their Class "C-60081" Liquor License. This request would allow Skagway Discount Dept. Store to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated License (SDL). A Special Designated Liquor license is used for special one-day events to cater and serve alcohol at a different location than the original license.

Discussion

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

Alternatives

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

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

4. Deny the application.

Recommendation

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

Sample Motion

Move to approve the application for a catering designation from Skagway Discount Dept. Stores, Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street Liquor License "C-60081".



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item E3

**Public Hearing on Request from James Fox dba Husker Hut, 1403
South Eddy Street for a Class "I" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 10, 2009

Subject: Public Hearing on Request from James Fox dba Husker Hut, 1403 South Eddy Street for a Class "T" Liquor License

Item #'s: E-3 & I-3

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

James Fox dba Husker Hut, 1403 South Eddy Street has submitted an application for a Class "T" Liquor License. A Class "T" Liquor License allows for the sale of alcohol on sale only inside the corporate limits of the city.

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

The Police Department report (see attached) recommends Council deny this application based on the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application and Section 53-125 for a person who is not of good character and reputation in the community in which he or she resides.

The City Clerk was informed no inspections have been requested by Mr. Fox as required in a letter mailed on October 23, 2009 (see attached). Based on the Grand Island City Code Chapter 4 for failure to request inspections and/or complete interviews it is the recommendation of the City Clerk that Council deny this application.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to deny the application of James Fox dba Husker Hut, 1403 South Eddy Street for a Class 'I' Liquor License based on the following:

1. False application – Nebraska Liquor Control Act (Part II Chapter 2, Section 010.01)
2. Not of good character and reputation in the community – Nebraska Liquor Control Rules and Regulations Section 53-125
3. Failure to request inspections and/or complete interviews – Grand Island City Code Chapter 4

11/04/09
16:24

Grand Island Police Department
LAW INCIDENT TABLE

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1

City : Grand Island
Occurred after : 16:07:26 10/29/2009
Occurred before : 16:07:26 10/29/2009
When reported : 16:07:26 10/29/2009
Date disposition declared : 10/29/2009
Incident number : L09103696
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1403 Eddy St S
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitara D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitara D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number :
Geobase address ID : 13842
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
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LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
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1	LT03	Bar/Night Club	
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LAW INCIDENT NARRATIVE:

Liquor License Investigation on "The Hut"

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
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1	Vitara D	318	Vitara D
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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
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1	Vitara D	10:10:03 11/04/2009
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Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

In reviewing James Fox's application, I found that he disclosed three traffic violations. One in 2003, one in 2006, and one in 2009. I checked James through Spillman and did not find an entry. When I checked James through NCJIS, I found numerous undisclosed traffic convictions: 1. 5/11/00- traffic control device. 2. 6/9/00- speeding and no operator's license. 3. 11/14/00- no registration and violation of motor carrier safety regulations (misuse Farm Local "A" plate). 4. 2/28/01- speeding. 5. 5/12/01- no registration 6. 8/2/01- violate motor carrier safety regulations 7. 1/26/05- muffler violation 8. 3/15/05- Noise/smoke violation. James does not have any warrants for his arrest, and his license is valid.

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."

James' failure to disclose his traffic convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions would fall under state law or local ordinance. Either way, the convictions are 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 nullify the liquor license.

James has a Husker Hut in Atlanta, NE which is in Phelps County. On 11/3/09, I spoke to a deputy with the Phelps County Sheriff's Office. I was told that James is not what you would call "law enforcement friendly." He has come running out of his bar and yelled at deputies on traffic stops accusing them of harassing his customers. One person also came forward and told Phelps County authorities that James was using meth. It was never proven. Other than his attitude towards law enforcement and the possibility of drug use, I was told that they don't really have any problems at his bar. However, keep in mind that according to the 2000 census, the Village of Atlanta, NE had only 130 people.

James also used to have a liquor license in Harlan County. I spoke to two deputies there and was given a similar report from what I learned from Phelps County. I was told of an incident where James went to another man's house, kicked his door in and assaulted him. All parties involved later agreed that it was a misunderstanding and no charges were ever filed. I was told that James' rapport with law enforcement is not good, but they had very few problems at his business.

I checked the NLCC web site and found that James has had the Husker Hut in Atlanta for over twelve years. I could only find one violation of selling to a minor where the license was suspended for ten days.

On 11/4/09, I tried calling James three times using the number he provided on the application. Each time, I got a fax machine.

All in all, the Grand Island Police Department recommends that the City of Grand Island deny the liquor license for the Husker Hut. The application is technically false since James didn't disclose all of his traffic convictions. In addition, the phone number is not valid, he lives in a different county, and isn't readily available to me for this investigation. Finally, I received

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Grand Island Police Department
LAW INCIDENT TABLE

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unfavorable reports from law enforcement in two counties about his character and standing in the community where he was living at the time. 53-125 of the Nebraska Liquor Control Act states in part that, "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides."

Date, Time: Wed Nov 04 12:05:53 CST 2009
Reporting Officer: Vitera
Unit #: 865



*Working Together for a
Better Tomorrow. Today.*

October 23, 2009

**Husker Hut
Attn: Jim Fox
PO Box 35
Atlanta NE 68923**

RE: Request from James Fox dba Husker Hut, 1403 South Eddy Street, Grand Island, Nebraska for a Class "I" Liquor License

Dear Mr. Fox:

A public hearing for the application of your request for a Class "I" Liquor License has been set before the City Council at **7:00 p.m., Tuesday, November 10, 2009 at City Hall, 100 East First Street**, during the regular City Council session. Chapter 4, Section 4 of City Code states, "It shall be the duty of every applicant for an alcoholic liquor license, whose application is pending before the Council, to appear before the Council personally (if a partnership, at least one of the partners; and if a corporation at least one managing officer thereof) on the date of the hearing upon the propriety of granting or recommending such license, provided for by Section 53-134, R.R.S. 1943, of said Liquor Control Act, to answer such questions as may be asked him or her in determining the facts required by law and this chapter, concerning the propriety of granting such license, and a failure to so appear without reasonable excuse, shall be grounds for denying such application". During the Public Hearing, the City Clerk will ask if the applicant has any exhibits he/she would like to offer for the record. The City Clerk will then ask if there are any members of the audience who would like to speak in support of the application and any who would like to speak in opposition to the application. When there are no further comments, the Public Hearing will close. The Council will vote to approve or reject the application during the "Resolution" segment of the Council Meeting.

A copy of Chapter 4, City Code is enclosed for your reference. **You need to contact the following departments and personnel for inspections and interviews two weeks prior to the hearing:**

Building Department
Fire Department
Health Department

Craig Lewis
Fred Hotz
Jeremy Collinson

385-5325
385-5444, ext 228
385-5175, ext 127

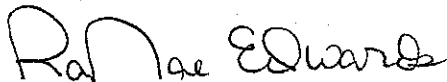
Failure to request inspections and/or complete interviews will result in a recommendation of denial from the staff to the City Council.

I also might note that should your license be approved by the City Council it will be your responsibility to take and pass a state approved alcohol server/seller training course before we can issue the license. Courses are offered through the Nebraska State Patrol or on-line through the Nebraska Liquor Control Commission located at www.lcc.ne.gov. Click on "Legal" and then "Training". You will need to have your liquor license number to sign in. The Central Nebraska Council on Alcoholism and Addiction located at 219 West 2nd Street also offers training. Contact Randy See or Rod Felton at (308) 385-5520 to schedule an appointment. If you should have any questions feel free to contact me at (308) 385-5444 Ext. 111.

If you should have any questions feel free to contact me at (308) 385-5444 Ext. 111.

Sincerely,

CITY OF GRAND ISLAND

A handwritten signature in cursive script that reads "RaNae Edwards".

RaNae Edwards
City Clerk

Enc.

cc: Building Department
Fire Department
Health Department



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item E4

**Public Hearing on Request from Julio Melesio dba Copas De Oro,
413 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 10, 2009

Subject: Public Hearing on Request from Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class “C” Liquor License

Item #'s: E-4 & I-4

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

Julio Melesio dba copas De Oro, 413 West 4th Street has submitted an application for a Class “C” Liquor License. A Class “I” 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.

The Police Department report (see attached) through its background investigation and interviews are giving no recommendation for this application.

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 make no recommendation with stipulations of the application.

Sample Motion

Move to make no recommendation of the application for Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class "C" Liquor License with the stipulation that Mr. Melesio completes a state approved alcohol server/seller training program before a license is issued.

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16:28

Grand Island Police Department
LAW INCIDENT TABLE

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1

City : Grand Island
Occurred after : 10:40:48 10/15/2009
Occurred before : 10:40:48 10/15/2009
When reported : 10:40:48 10/15/2009
Date disposition declared : 10/15/2009
Incident number : L09101725
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 413 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 : ACT Active
Misc. number : RaNae Email
Geobase address ID : 18196
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	25133	11/03/09	Lucero, Pablo Zuniga	Previous Owner
NM	107609	11/02/09	Copas de Oro,	Bar Involved
NM	117470	11/02/09	Melesio, Julio	Proposed Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Received a Liquor License Application from Julio Melesio for Copas De Oro

LAW INCIDENT RESPONDERS DETAIL:

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

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Grand Island Police Department
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	11:21:24 11/03/2009

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Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

I received a copy of a liquor license application from Julio Melesio who bought Copas De Oro. Julio disclosed that he has been convicted of possessing less than an ounce of marijuana on two separate occasions. Information in Spillman shows a third contact where Julio had been smoking marijuana before a disturbance at his house which was one week before his first citation for possession of marijuana. He also disclosed a willful reckless driving conviction that occurred at the same time as one of the marijuana charges. NCJIS revealed that the willful reckless conviction was the result of a plea agreement stemming from a DUI charge.

I checked Spillman and found that he had been cited for driving during suspension but did not see in NCJIS that he was convicted of it. I did not find any undisclosed convictions in the State of Nebraska. Julio disclosed some traffic convictions in Illinois, but I did not check his criminal history outside of Nebraska because I'm not able to run criminal history reports on liquor license investigations unless the application is false. NSP should have that information, but I have not been able to get ahold of Lorri Rogers. Julio has a valid Nebraska license and does not have any warrants for his arrest. He is a U.S. citizen.

On 11/2/09, I spoke to Pablo Lucero who sold the bar to Julio. Pablo said that he wants out of the business. He advised that his brother-in-law, Pedro "Peter" Garcia had been running the business and taking the profits. Pedro is a documented gang member. Pablo said he was lucky to see a hundred or two hundred dollars every couple of months. Pablo originally bought the bar for \$13,000. He said he sold it to Julio for \$2,000 which covers the material items in the bar. Pablo did not own the building. He was paying \$1,400 a month on a lease agreement. Pablo said he thinks Pedro is wanted and probably left town for California. Pablo hasn't seen him and doesn't know how to get ahold of him. I checked Spillman and confirmed that Pedro has two active arrest warrants. Pablo said if Julio's liquor license application isn't approved, he will probably just close the business.

On 11/3/09, I went to 120 W. 6th St. and spoke to Julio. Julio said that he grew up in Chicago, Illinois and moved here a few years ago because his girlfriend is from Grand Island. He wanted to move to a smaller, less violent town where he could raise his children. He said that he has never been affiliated with any gangs and doesn't smoke marijuana anymore. However, when I first ask him if he is still using marijuana and when he last used, he asked me if his response was "off the record." I told him no and didn't get anymore information on that subject.

Julio advised that the guys involved in the latest drive-by shooting tried to get into Copas De Oro the night before the shooting, but one of them didn't look old enough and didn't present identification, so he didn't let them in. Julio said he doesn't know the men but knows of them.

I asked Julio why he would want to take a chance on a business that the seller wanted out of so badly. After expenses, I wondered if he would make enough money to support his family. Julio said the bar brings in about \$5,000 a week. I then asked why Pablo wanted out if the bar was doing that well. The only explanation Julio could think of was that Pablo was still paying fines and would also have to invest some money for bar renovations.

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16:28

Grand Island Police Department
LAW INCIDENT TABLE

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All in all, the Grand Island Police Department will remain neutral on the approval of the liquor license. However, it will be brought to the attention of the Council that 53-125 of the Nebraska Liquor Control Act states in part that, "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides." Julio has two marijuana convictions and a third contact for marijuana use all within the last three years. It seems like the question at hand is, "Is this type of criminal behavior conducive to running a business that sells liquor?"

Date, Time: Tue Nov 03 12:02:43 CST 2009
Reporting Officer: Vitera
Unit #: 865



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item E5

**Public Hearing Concerning Acquisition of Utility Easement - Hall
County Livestock Improvement Association - State Fair Buildings
at Fonner Park**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: November 10, 2009

Subject: Acquisition of Utility Easement – Hall County Livestock Improvement Association – New State Fair Buildings at Fonner Park

Item #'s: E-5 & 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 Hall County Livestock Improvement Association, located at Fonner Park, in the City of Grand Island, Hall County, in order to have access to install, maintain, repair and replace water mains, storm drains, sanitary sewers, public utilities and appurtenances and other utility facilities over and across and operate thereon. Acquisition of easements for electrical utilities will be brought forth at a future time.

Discussion

This easement will be used to place public water and sewer lines to serve the new State Fair buildings.

Alternatives

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

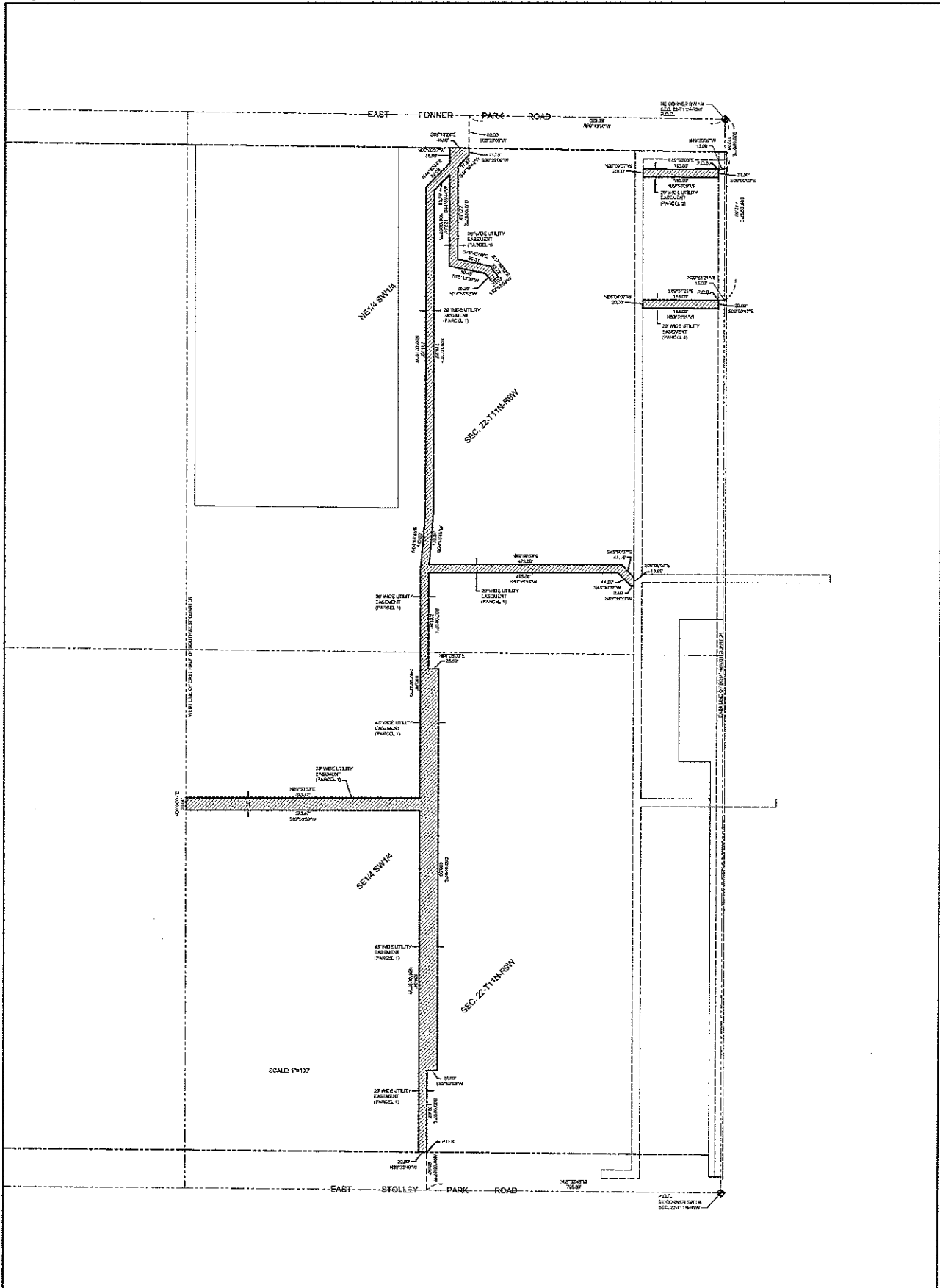
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the resolution for the acquisition of the easement.

Sample Motion

Move to approve acquisition of the Utility Easement.





City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G1

Approving Minutes of October 27, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 27, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on October 27, 2009. Notice of the meeting was given in *The Grand Island Independent* on October 21, 2009.

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

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

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Zach Stauffer, Garrett Coble, Jessica Wiens, and Board Member Darren Sanchez. Also mentioned was the CYC 2nd Annual "Create Your Community" Art Contest on November 21 and 22. Mayor Hornady commented that the City of Grand Island recently received from Governor Heineman the "Governor's Award of Excellence in Wellness". Human Resources Director Brenda Sutherland and Human Resources Specialist Tami Herald were recognized for their efforts in the City receiving this award.

PUBLIC HEARINGS:

Public Hearing Concerning Change of Zoning for Land Located South of Capital Avenue, East of Geddes Street and West of Sky Park Road from M2 Heavy Manufacturing to R3 Medium Density Residential. Chad Nabity, Regional Planning Director reported that Josh Rhoades of Horizon Builders had made a request to rezone properties south of Capital Avenue and west of Sky Park Road from M2 Heavy Manufacturing to R3 Medium Density Residential. Mr. Nabity mentioned the airport was planning on extending the runway to the south. Staff recommended approval. Curtis Griess, Hall County Airport Authority Chairman, 26 Kuester Lake spoke in opposition. James Truell representing Procon Properties spoke in support. Mike Olson, Executive Director presented a PowerPoint in opposition showing the future runway extension and grant assurance. Mr. Olson read letters from AOPA and the Federal Aviation Administration opposing this zoning change. Lynne Werner, 717 South Harrison spoke in opposition. No further public testimony was heard.

ORDINANCES:

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

#9241 – Consideration of Change of Zoning for Land Located South of Capital Avenue, East of Geddes Street and West of Sky Park Road from M2 Heavy Manufacturing to R3 Medium Density Residential

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 Ramsey second the motion. Upon roll call vote, all voted aye. Motion adopted.

Ordinance #9241 related to the aforementioned Public Hearings. Discussion was held regarding surrounding zoning, noise, covenants, and safety concerns.

Motion by Gilbert, second by Dugan to approve Ordinance #9241. Upon roll call vote, Councilmember’s Nickerson and Gericke voted aye. Councilmember’s Niemann, Gilbert, Haase, Carney, Dugan, Ramsey, and Zapata voted no. Motion failed.

CONSENT AGENDA: Consent Agenda item G-8 was removed for further discussion and a correction to Resolution #2009-283. Motion by Zapata, second by Gilbert to approve the Consent Agenda excluding item G-8 and the correction to Resolution #2009-283. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 13, 2009 City Council Regular Meeting.

#2009-273 – Approving EMS Field Training Agreements with McCook Community College, Southeast Community College, Northeast Community College, and Central Community College.

#2009-274 – Approving Bid Award for One (1) 2010 Model 90,000 GVW Conventional Truck-Tractor for the Solid Waste Division of the Public Works Department with Nebraska Peterbilt of Grand Island, Nebraska in an Amount of \$90,737.00.

#2009-275 – Approving Bid Award for Downtown Parking Lot Snow Removal Operations for the 2009/2010 Winter Season with A-1 Snow Removal of Grand Island Nebraska for the following Amounts: Trucks - \$50.00 per load; Front End Loaders/Tractors - \$132.00 per hour; and Tractor with Pull Blade - \$330.00 per hour.

#2009-276 – Approving Changes to the 2009/2010 Fee Schedule.

#2009-277 – Approving Engineering Services for Uranium Removal Methods Evaluation with HDR Engineering, Inc. of Lincoln, Nebraska in an Amount not to exceed \$79,704.00.

#2009-278 – Approving Bid Award for Tree Trimming Contract 2010-TT-1 with the following: Leetch Tree Service of Grand Island, Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, & 14 in an Amount of \$102,327.00; Asplundh Tree Experts of Fairfax, Iowa, Section 9 in an Amount of \$3,649.00; Sheffield Tree Service of Grand Island, Nebraska, Section 13 in an Amount of \$4,500.00; and Tom’s Tree Service of Grand Island, Nebraska, Section 15 in an Amount of \$1,400.00.

#2009-280 – Approving Disbursement of Donated Items for the Heartland Public Shooting Park from Hornady Manufacturing in an Amount of \$1,913.58.

#2009-281 – Approving Contract Extension with Olsson Associates for the Design of the River Way Hike/Bike Trail.

#2009-282 – Approving Change Order #1 for Grading Improvements at the Veterans Field Athletic Complex with Slepicka Construction of Dorchester, Nebraska for an Increase of \$4,416.00 and a Revised Contract Amount of \$87,942.25.

#2009-283 – Approving Hazard Mitigation Grant Application for Outdoor Sirens.

#2009-279 – Approving Confidentiality Agreement Between the City of Grand Island, Utilities Department and Midwest Wind Energy Development Group. Discussion was held concerning future wind energy and cost.

Motion by Gilbert, second by Carney to approve Resolution #2009-279. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2009-284 – Approving the Adoption of the Resolution to Comply with Local Public Agency Guidelines Manual. Steve Riehle, Public Works Director reported that federal transportation funds are presently being utilized by the City and the City is required by the Nebraska Department of Roads to adopt a resolution agreeing to comply with the requirements of the Local Public Agency Guidelines Manual.

Motion by Gilbert, second by Carney to approve Resolution #2009-284. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of October 14, 2009 through October 27, 2009, for a total amount of \$4,489,994.92. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of October 14, 2009 through October 27, 2009 for the Veterans Athletic Field Complex for a total amount of \$25,504.00. Unanimously approved.

Motion by Dugan, second by Ramsey to approve the Claims for the Period of October 14, 2009 through October 27, 2009 for the State Fair Recreation Building for a total amount of \$146,134.41. Unanimously approved.

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

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G2

Approving Minutes of November 3, 2009 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

November 3, 2009

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 3, 2009. Notice of the meeting was given in the *Grand Island Independent* on October 28, 2009.

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

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

Presentation of Web Site Conversion Wendy Meyer-Jerke, Public Information Officer and Paul Briseno, Assistant to the City Administrator reported that over the past year the city had undertaken measures to increase communication and responsiveness to residents through expanded use of technology. A new web-site had been developed through Vision Internet which would streamline the internal updating process.

Recognized were Kurt Spiehs, Pat Larson, Paul Briseno, and Wendy Meyer-Jerke who worked on the web-site rebuild committee.

Presented were new capabilities of the site such as: e-notification tools, ability to produce forms and surveys that citizens could submit online, online polling, an "In the Spotlight" feature on the front page, Emergency Notification, a Document Central location, and a city-all calendar with search options according to departments and categories.

It was mentioned that several third party vendors had been incorporated into the new site. The Citizen Request Management System would allow City officials to better analyze needs and trends while increasing the amount of work accomplished by staff. Other features included: automatic reports, customer satisfaction surveys, follow-up communications to citizens, and the Grand Island Video TourBook. The Human Resources Department and Police Department both had interactive new tools in place to help better meet the needs of residents.

A demonstration was given of the new website showing easily-accessible online services, timely information updates, and the fresh vibrant look of the new website.

Compliments were made by several councilmember's concerning the great job the committee did and the look of the new site. Discussion was held regarding making this site available on mobile phones. Currently the site does not have this capability, but may in the future.

Discussion Concerning Downtown Metered Parking Program. Police Chief Steve Lamken reported that the Police Department does not believe there is a need for metered parking monitoring in downtown Grand Island. The Police Department recommended discontinuing the Metered Parking Program.

Chief Lamken stated the need for metered parking was more critical when downtown was the primary retail shopping area in the City. The purpose was to turn over the availability of parking stalls for customers of businesses. The metered parking was based upon parking congestion or the lack of available parking.

The current metered parking program was a parking stall rental program and regulation was conducted by monitoring. Currently there is not a problem with congestion of retail customer parking in the Downtown area based upon the Police Department's study of parking in the area.

A PowerPoint presentation was given of the study conducted between September 2008 and January 2009.

The following people spoke in opposition of discontinuing the metered parking monitoring in downtown:

- Craig Hand, 4220 Calvin Drive
- Ray Evans, 4701 West Schimmer Drive
- Michael Morledge, 2207 Stagecoach Road
- Maudie Walters, #14 Chantilly
- Ed Walker, 224 East 19th Street

Discussion was held concerning (selective) enforcement, cost, resident/customer/employee-employer parking, fines, rental fees, and where those fees/fines go to.

City Attorney Dale Shotkoski explained the fine structure associated with congested parking. Since there was no congestion in the downtown area there was no statutory authority to collect a fee. Mentioned was the difference between on-street parking and off-street parking. Also explained was that fines by law were to be paid to the school district. City Administrator Jeff Pederson commented on the \$20.00 parking fee and the possibility of using part of that fee for administration. This was a monitoring program in which costs would increase.

Discussion was held on what the BID was doing to help alleviate the problems of employees and employers parking in front of businesses downtown. It was suggested we reassess the parking boundaries and fees and possibly partnership with BID.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G3

#2009-285 - Approving Special City Council Meeting on December 29, 2009

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 10, 2009

Subject: Approving Addition of City Council Meeting on December 29, 2009

Item #'s: G-3

Presenter(s): RaNae Edwards, City Clerk

Background

On October 14, 2008 the City Council approved Resolution #2008-296 setting the City Council Regular Meeting schedule for 2009. Any changes to this schedule need to be approved by the City Council.

Discussion

The City Council meetings scheduled for December 2009 are scheduled to be held on the 1st and 15th. The first City Council meeting scheduled for 2010 is January 12th. This is almost a month between meetings where no claims can be paid. City Staff recommends the City Council meet in regular session on Tuesday, December 29, 2009 at 5:30 p.m. for the purpose of paying claims.

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 a Regular City Council meeting on Tuesday, December 29, 2009 at 5:30 p.m.

Sample Motion

Move to approve the addition of December 29, 2009 City Council Regular meeting beginning at 5:30 p.m.

RESOLUTION 2009-285

WHEREAS, on October 14, 2008, by Resolution 2008-296, the City Council approved the meeting dates for city council meetings for calendar year 2008; and

WHEREAS, due to length of time from the last meeting scheduled in December 2009 and the first meeting scheduled in 2010, it is necessary to schedule a regular city council meeting on December 29, 2009 at 5:30 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that an additional regular City Council meeting be scheduled for Tuesday, December 29, 2009 at 5:30 p.m.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G4

**#2009-286 - Approving Final Plat and Subdivision Agreement for
Springdale Third Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: November 10, 2009

Subject: Springdale Third Subdivision – Preliminary Plat/Final Plat

Item #'s: G-4

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

Background

This property is located west of North Road and east of Centre Road, this Preliminary and Final Plat proposes to create 17 lots on a tract of land comprising a part of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), and a part of Lot One (1), Jeanette Subdivision, all in Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Nebraska. This is approximately 5.886 acres.

Discussion

The revised preliminary and final plats for Springdale Third Subdivision were considered by the Regional Planning Commission at the November 2, 2009 meeting. A motion was made by Aguilar and seconded by Hayes to approve the plats as presented on the Consent Agenda. A roll call vote was taken and the motion passed with 11 members present (Aguilar, Amick, O'Neill, Ruge, Hayes, Reynolds, Monter, Haskins, Eriksen, and Snodgrass) voting in favor and one member recused herself prior to discussion, from voting and out of the room, due to conflict of interest (Bredthauer) 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

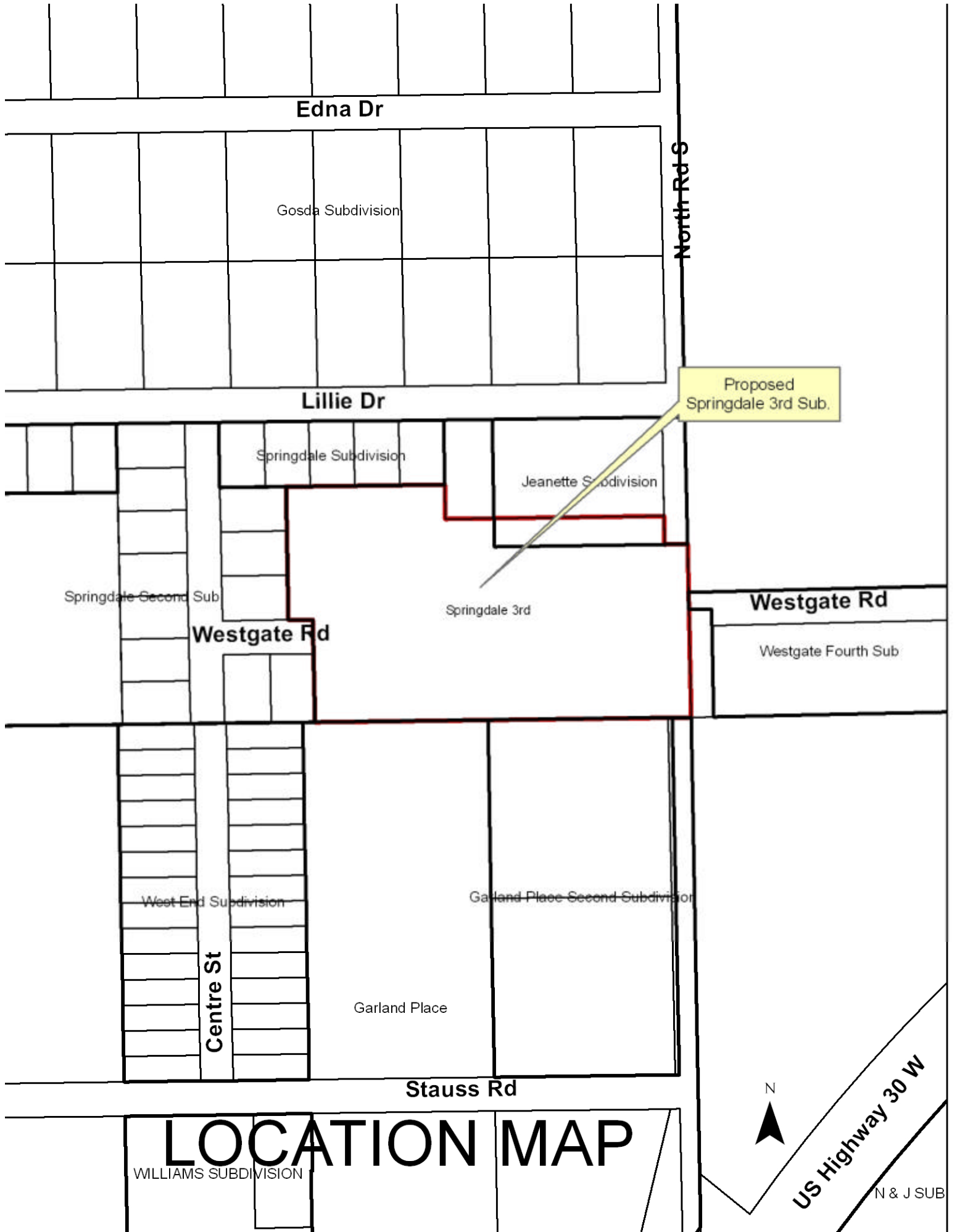
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



LOCATION MAP



US Highway 30 W
N & J SUB

Springdale Third Final Plat Summary

Developer/Owner

Karen J. Bredthauer

940 S North Road

Grand Island NE 68801

To create 17 lots west of North Road and east of Centre Road, in the city of Grand Island, in Hall County, Nebraska.

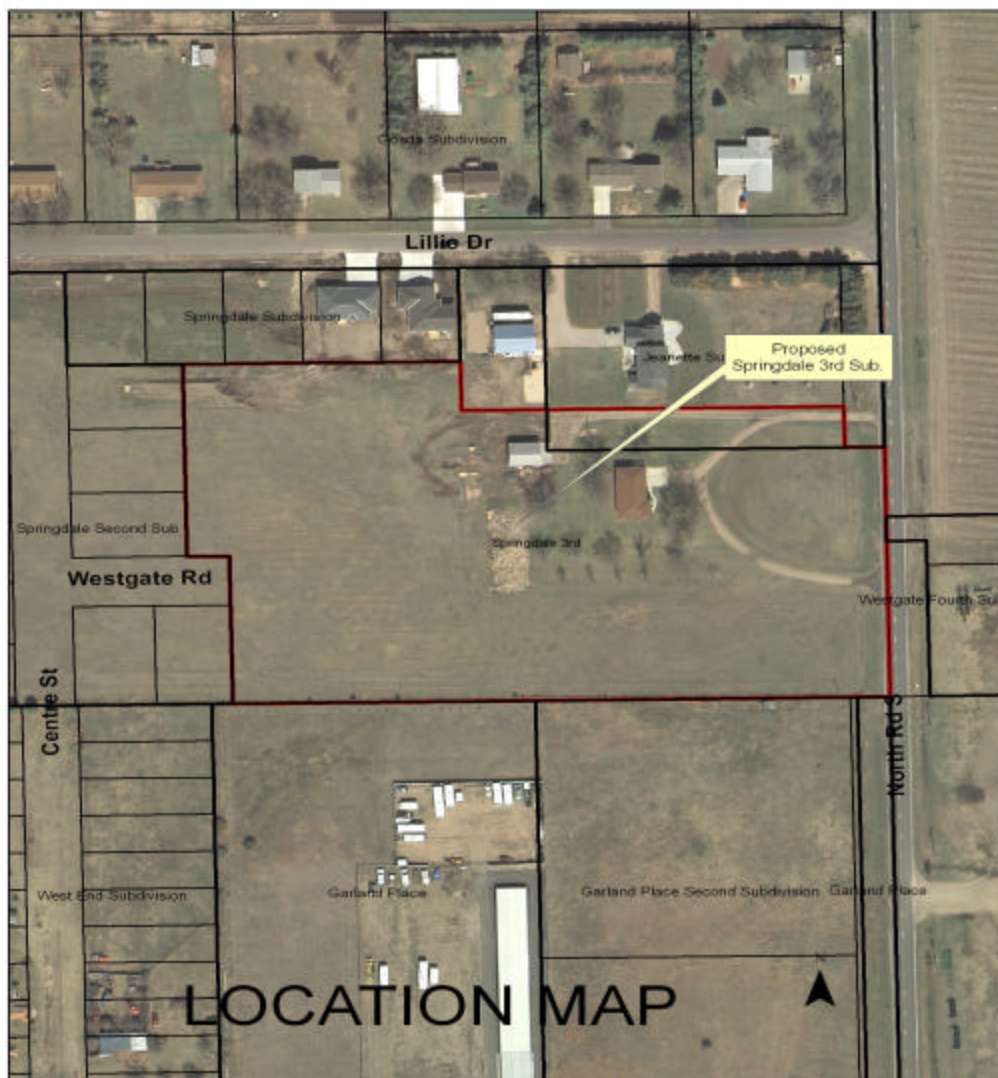
Size: 5.886 acres

Zoning: R1 Suburban Residential

Road Access: City Roads

Water Public: City water is available

Sewer Public: City sewer is available



RESOLUTION 2009-286

WHEREAS, Karen J. Bredthauer, a single person being the owner of the land described hereon has caused to be laid out into 17 lots, a tract of land comprising a part of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), and a part of Lot One (1), Jeanette Subdivision, all in Section Twenty Three (23), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, in Hall County, Nebraska, under the name of SPRINGDALE THIRD SUBDIVISION, and has caused a plat thereof to be acknowledged by her; 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 SPRINGDALE THIRD 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, November 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G5

**#2009-287 - Approving Final Plat and Subdivision Agreement for
Hehnke Acres Subdivision**

Staff Contact: Chad Nabitv

Council Agenda Memo

From: Regional Planning Commission

Meeting: November 10, 2009

Subject: Hehnke Acres Subdivision – Final Plat

Item #'s: G-5

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

Background

This property is located east of Stuhr Road and south of Seedling Mile Road, this final plat proposes to create 4 lots on a tract of land comprising a part of Lot One (1), Windolph's Subdivision in the City of Grand Island, Hall County, Nebraska, and a part of the East Half of the Northwest Quarter (E1/2 NW1/4) and a part of the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Nebraska. This is approximately 13.967 acres.

Discussion

The final plat for Hehnke Acres Subdivision was considered by the Regional Planning Commission at the November 2, 2009 meeting. A motion was made by Bredthauer and seconded by Reynolds to approve the plat as presented on the Consent Agenda. A roll call vote was taken and the motion passed with 11 members present (Aguilar, Amick, O'Neill, Ruge, Hayes, Reynolds, Monter, Haskins, Eriksen, Bredthauer, and 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.

Seedling Mile Rd E

Lueth Dr

Hehnke Acres

Proposed
Hehnke Acres Sub.

LOCATION MAP



Hehnke Acres Final Plat Summary

Developer/Owner

Michael S. Murphy
2415 E Seedling Mile Road
Grand Island NE 68801

Jay L. & Julie Hehnke
2505 E Seedling Mile Road
Grand Island NE 68801

Jeanne Williams
2415 E Seedling Mile Road
Grand Island NE 68801

Horacio D. Vazquez
2503 E Seedling Mile Road
Grand Island NE 68801

To create 4 lots west of Stuhr Road and south of Seedling Mile Road, in the city of Grand Island, in Hall County, Nebraska.

Size: 13.967 acres

Zoning: R1 Suburban Residential

Road Access: Existing City Streets

Water Public: City water is available

Sewer Public: City sewer is available



RESOLUTION 2009-287

WHEREAS, Jeanne E Williams (a.k.a. Jeanne Williams) a single person, Jay L. Hehnke and Julie Hehnke, husband and wife, Horacio D. Vazquez, a single person, and Michael S. Murphy, a single person, being the owners of the land described hereon have caused to be laid out into 4 lots, a tract of land comprising a part of Lot One (1), Windolph's Subdivision in the City of Grand Island, Hall County, Nebraska, and a part of the East Half of the Northwest Quarter (E1/2 NW1/4) and a part of the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, in Hall County, Nebraska, under the name of HEHNKE ACRES SUBDIVISION, and has caused a plat thereof to be acknowledged by them; 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 owners 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 HEHNKE ACRES 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, November 10, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G6

**#2009-288 - Approving Acquisition of Utility Easement - Hall
County Livestock Improvement Association - State Fair Buildings
at Fonner Park**

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

Staff Contact: Gary R. Mader

RESOLUTION 2009-288

WHEREAS, a public utility easement is required by the City of Grand Island, from Hall County Livestock Improvement Association, to install, maintain, repair and replace water mains, storm drains, sanitary sewers, and other utility facilities over and across and operate thereon, public utilities and appurtenances; and

WHEREAS, a public hearing was held on November 10, 2009, for the purpose of discussing the proposed acquisition of an easement composed of a portion of the East half of the Southwest quarter (E ½ SW ¼) of Section Twenty-two (22), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Commencing at the Southeast corner of said Southwest quarter; thence westerly along the South line of said Southwest quarter on an assumed bearing of North 89°33'49" West, a distance of 725.39 feet to a point; thence North 00°00'07" West a distance of 93.00 feet to a point of intersection with the North right-of-way line of East Stolley Park Road, said point being the True Point of Beginning; thence North 89°33'49" West along a North line of said right-of-way, a distance of 20.00 feet to a point; thence North 00°00'07" West, a distance of 834.34 feet to a point, thence South 89°59'53" West, a distance of 575.47 feet to a point of intersection with the West line of the East half of said Southwest quarter; thence North 00°00'01" East along the West line of the East half of said Southwest quarter, a distance of 30.00 feet to a point; thence North 89°59'53" East, a distance of 575.47 feet to a point; thence North 00°00'07" West, a distance of 560.66 feet to a point; thence North 04°48'45" East, a distance of 140.00 feet to a point; thence North 00°00'16" west, a distance of 793.72 feet to a point; thence north 44°59'44" East, a distance of 82.08 feet to a point; thence North 00°00'07" West, a distance of 36.88 feet to a point of intersection with the South right-of-way line of East Fonner Park Road; thence South 89°13'28" East along the South line of said right-of-way, a distance of 46.93 feet to a point; thence South 00°28'09" West, a distance of 17.75 feet to a point; thence South 44°59'44" West, a distance of 37.87 feet to a point, thence South 00°00'07" East, a distance of 227.10 feet to a point, thence South 78°45'00" East, a distance of 80.51 feet to a point; thence South 37°56'52" East, a distance of 33.72 feet to a point; thence South 52°03'08" West, a distance of 20.00 feet to a point; thence North 37°56'52" West, a distance of 26.28 feet to a point; thence North 78°45'00" West, a distance of 89.49 feet to a point; thence North 00°00'07" West, a distance of 223.51 feet to a point; thence South 44°59'44" west a distance of 53.79 feet to a point; thence South 00°00'16" East, a distance of 786.28 feet to a point; thence South 04°48'45" West, a distance of 129.54 feet to a point, thence North 89°59'53" East, a distance of 473.26 feet to a point; thence South 45°00'07" East, a distance of 44.16 feet to a point 220.00 feet West of the East line of said Southwest quarter, thence South 00°00'07" east along a line 220.00 feet West of and parallel with the East line of said Southwest quarter, a distance of 19.89 feet to a point; thence South 89°59'53" West, a distance of 8.40 feet to a point; thence North 45°00'07"

West, a distance of 44.00 feet to a point; thence South 89°59'53" West, a distance of 465.86 feet to a point, thence South 00°00'07" East, a distance of 235.24 feet to a point; thence North 89°59'53" East, a distance of 25.00 feet to a point; thence South 00°00'07" East, a distance of 25.00 feet to a point; thence South 00°00'07" East, a distance of 199.49 feet to the point of beginning. Said tract contains a calculated area of 109,323.34 square feet or 2.51 acres, more or less.

TOGETHER WITH:

(PARCEL 2)

A legal description for a tract of land composed of a portion of the Northeast Quarter of the Southwest Quarter of Section Twenty-two (22), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Commencing at the Northeast corner of the Northeast quarter of said Southwest quarter; thence southerly along the East line of the Northeast quarter of said Southwest quarter on an assumed bearing of South 00°00'07" East, a distance of 122.36 feet to a point; thence North 89°50'09" West, a distance of 15.00 feet to a point, said point being the True Point of Beginning; thence South 00°00'07" East along a line 15.00 feet West of and parallel with the East line of the Northeast quarter of said Southwest quarter, a distance of 20.00 feet to a point; thence North 89°50'09" West, a distance of 185.00 feet to a point 200.00 feet West of the East line of the Northeast quarter of said Southwest quarter; thence North 00°00'07" West along a line 200.00 feet West of and parallel with the East line of the Northeast quarter of said Southwest quarter, a distance of 20.00 feet to a point; thence South 89°50'09" East a distance of 185.00 feet to the point of beginning. Said tract contains a calculated area of 3,700.00 square feet or 0.08 acres, more or less.

(PARCEL 3)

A legal description for a tract of land composed of a portion of the Northeast Quarter of the Southwest quarter of Section Twenty-two (22), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Commencing at the Northeast corner of the Northeast quarter of said Southwest quarter; thence southerly along the East line of the Northeast quarter of said Southwest quarter on an assumed bearing of South 00°00'07" East, a distance of 442.55 feet to a point; thence North 89°51'21" West, a distance of 15.00 feet to the True Point of Beginning; thence South 00°00'07" East along a line 15.00 feet West of the parallel with the East line of the Northeast quarter of said Southwest quarter, a distance of 20.00 feet to a point; thence North 89°51'21" West, a distance of 185.00 feet to a point 200.00 feet West of the East

line of the Northeast quarter of said Southwest quarter; thence North 00°00'07" West along a line 200.00 feet West of and parallel with the East line of the Northeast quarter of said Southwest quarter, a distance of 20.00 feet to a point, thence South 89°51'21" East, a distance of 185.00 feet to the point of beginning. Said tract contains a calculated area of 3,700.00 square feet or 0.08 acres, more or less.

The above-described easement and right-of-way containing a total of 116,723.34 square feet, more or less, as shown on the attached plat by Olsson Associates, dated 2009, attached hereto and incorporated herein by reference,

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

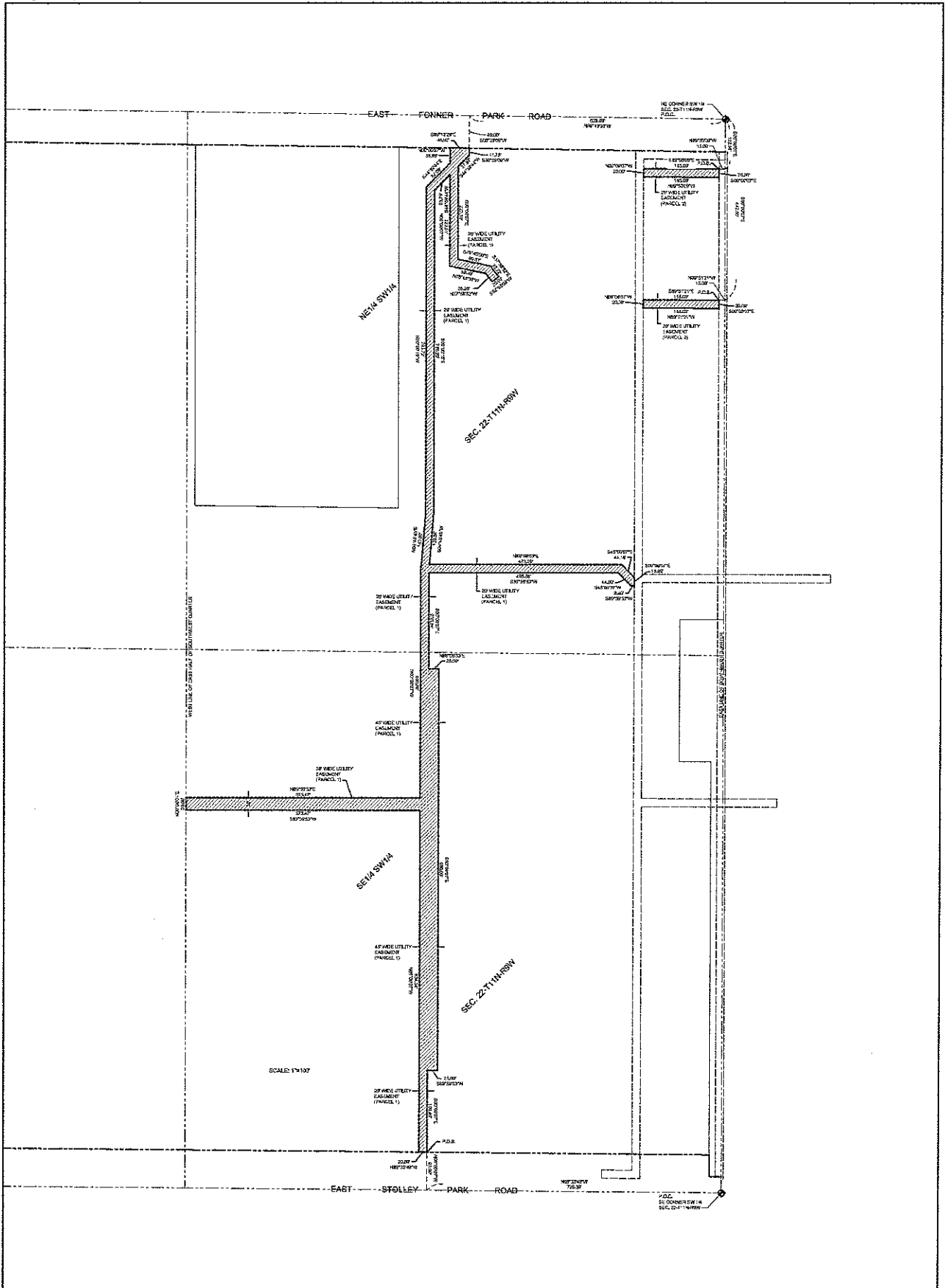
- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk





City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G7

**#2009-289 - Approving Construction Agreement with NPPD for St.
Libory Substation**

Staff Contact: Gary R. Mader

Council Agenda Memo

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

Meeting: November 10, 2009

Subject: Transmission Facilities Construction Agreement with
Nebraska Public Power District

Item #'s: G-7

Presenter(s): Gary Mader, Utilities Director

Background

In 2006, Advantage Engineering (AE) was contracted to perform a Transmission and Substation System Study for the City of Grand Island Utilities Department (GIUD). Various alternatives and solutions were analyzed for the logical and economic expansion of the GIUD's 115 kV transmission loop, power interconnections with Nebraska Public Power District (NPPD), substations, distribution, and communications. The system study period was ten (10) years (2006-2016) taking into account projected City expansion and load growth. When fully implemented, the major substation and transmission requirements should be satisfied through 2027.

The Transmission and Substation System Study was completed in 2007 and contained a detailed analysis of previous studies and reports; surrounding area power provider plans; State wide planned improvements; Contractual obligations; the City's comprehensive development plans; system capabilities and capacities; land use issues; and schedule related items. The study resulted in recommendations to expand the GIUD's transmission system to serve load growth and assure reliability. The results of the Transmission and Substation System Study were presented to the Grand Island City Council on January 8, 2008.

One of the system improvements identified in the Transmission and Substation System Study was the need for providing a second 115 kV power supply to GIUD's Substation F. In the study it was recommended that a new 115 kV line be constructed to connect the open 115 kV transmission bay at GIUD's Substation F to the Nebraska Public Power District (NPPD) St. Libory Junction northwest of the City. The new 115 kV line would be approximately 7 miles in length and would require that GIUD select a route for the new line and obtain new transmission line easements necessary to construct the line. This

new transmission line would improve the reliability of the entire GIUD transmission system by providing an additional connection to the regional electric grid, to the north. A map of the proposed project is attached for reference.

On April 21, 2009, a presentation was made during a Council Study Session summarizing a 115 kV Transmission line route study for the new transmission line mentioned above. 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. The new transmission line will connect Grand Island's Substation F located along Capital Avenue to Nebraska Public Power District's (NPPD) St. Libory Junction located along Engleman Road between Chapman and Prairie Roads. In order to connect this new transmission line, NPPD will need to construct a new substation adjacent to the current location. Since this is a joint project with NPPD, Grand Island Utilities Department has agreed to finance half of this new substation.

Discussion

Discussions with NPPD have taken place to determine timing, location and cost of this substation. In order to protect both parties during the joint financing of this project, Grand Island is required to enter into a construction agreement with NPPD. The preliminary estimated total cost to design and construct this substation is \$4,000,000. Upon approval of this agreement, NPPD's governing board will authorize the design, procurement and construction of this substation. A more detailed and accurate estimate shall be developed and an invoice for half of that estimate shall be sent to Grand Island. Grand Island will be responsible for half of any costs over and above the final estimate as the project progresses.

Alternatives

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

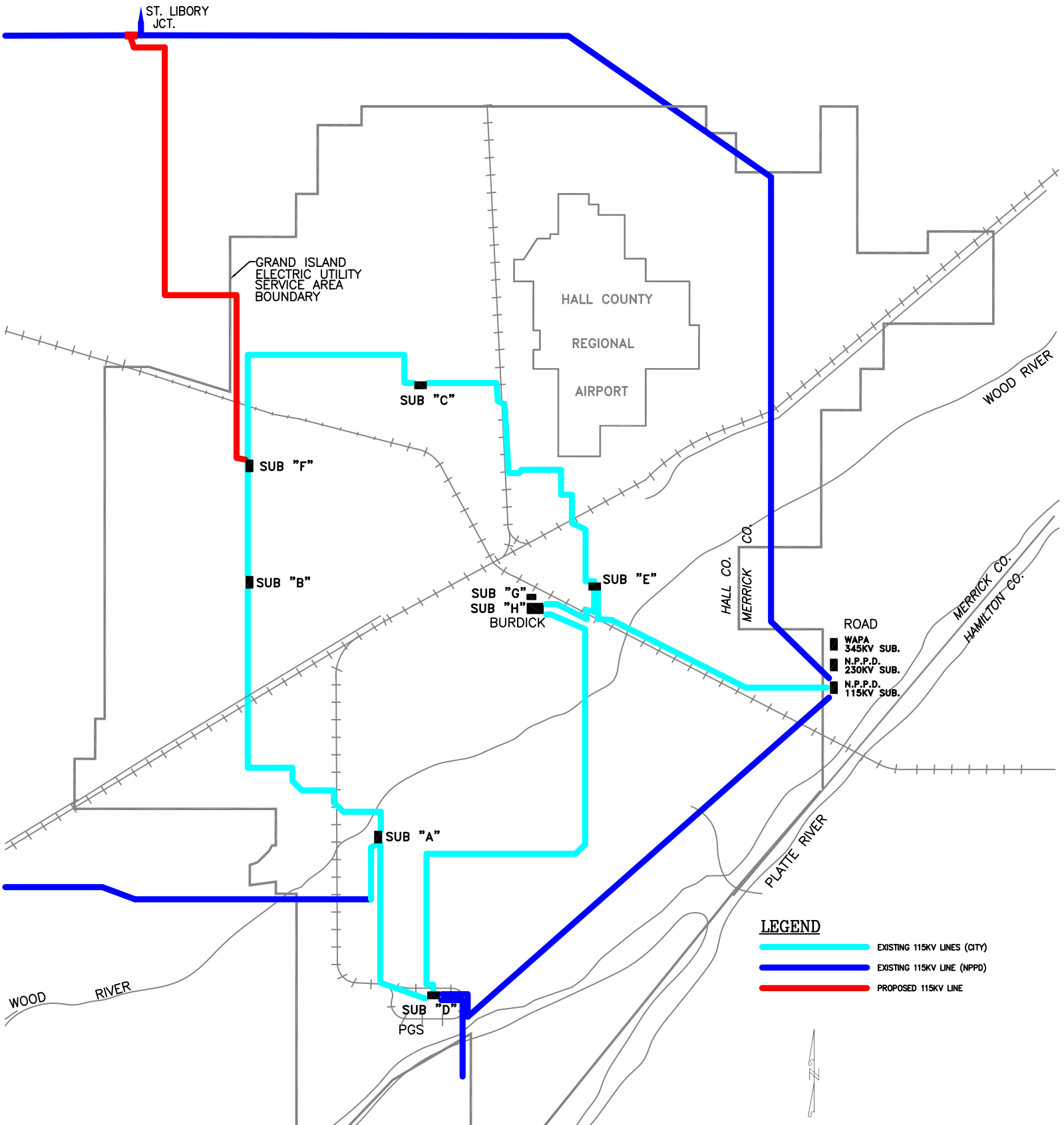
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council enter into an agreement with Nebraska Public Power District for the construction of the St. Libory Substation.

Sample Motion

Move to approve the Transmission Facilities Construction Agreement with Nebraska Public Power District.



LEGEND

- EXISTING 115KV LINES (CITY)
- EXISTING 115KV LINE (NPPD)
- PROPOSED 115KV LINE



TRANSMISSION FACILITIES CONSTRUCTION AGREEMENT

between

NEBRASKA PUBLIC POWER DISTRICT

and

CITY OF GRAND ISLAND, NEBRASKA

This Transmission Facilities Construction Agreement ("Agreement") is made and entered into this tenth (10th) day of November, 2009 by and between NEBRASKA PUBLIC POWER DISTRICT (hereinafter referred to as "NPPD"), a public corporation and political subdivision of the State of Nebraska, and THE CITY OF GRAND ISLAND, NEBRASKA (hereinafter referred to as "City"), a municipal corporation and political subdivision of the State of Nebraska, each referred to herein individually as a "Party" and collectively, the "Parties".

WITNESSETH:

WHEREAS, the Parties have agreed to construct a new 115kV substation near the present St. Libory Junction switching station to accommodate transmission additions at this location, and

WHEREAS, the Parties wish to set forth the terms and conditions governing the design, construction, payment and ownership of the transmission facilities to be constructed.

NOW, THEREFORE, in consideration of the mutual benefits to the Parties, the Parties hereby agree as follows:

SECTION 1

Work Scope

- 1.1 NPPD shall be responsible for the design, procurement, acquisition of land and easements, construction, and commissioning of a new NPPD owned 115kV St. Libory Substation (Substation) along with the re-routing and

connection of existing 115kV lines to this Substation, as illustrated on Exhibit 1, attached hereto and made a part of this Agreement. If NPPD is unsuccessful in negotiating the land purchase for the preliminary site, said Exhibit 1 shall be revised and replaced with a new Exhibit 1 depicting the actual site and construction details of the said Substation.

1.2 NPPD shall be responsible for all costs associated with the procurement and installation of the revenue metering equipment at the Substation.

1.3 City shall be responsible for the design, procurement, acquisition of easements, construction, and commissioning of a new City owned 115kV transmission line, approximately 6.5 miles in length, between the City's Substation F and NPPD's steel dead-end structure located inside the Substation,

1.3.1 NPPD will make the connection from the steel dead-end structure to the 115kV Substation bus.

1.3.2 NPPD shall grant to the City the right of ingress and egress to the Substation identified in Section 1.1 for the purpose of construction, inspection and testing of the new City owned line section.

1.4 The above mentioned transmission facilities shall be installed in accordance with Good Utility Practice and shall be subject to final inspection and coordination testing by the Parties before energizing the transmission facilities. The transmission facilities shall be energized upon the sole determination and approval of NPPD.

SECTION II

Term and Termination of Agreement

2.1. This Agreement shall become effective on the date first above written and shall remain in effect until all obligations of this Agreement, including but not limited to, the payment obligations of the Parties, have been fully satisfied as determined by NPPD.

SECTION III

Schedule

- 3.1 The City shall determine when NPPD is authorized to proceed with the construction of the Substation, and shall authorize NPPD to proceed with the work in writing.
- 3.2 Subject to the provisions of Section 3.3 herein, and provided that the City has notified NPPD in writing to proceed with the construction of the Substation by January 1, 2011, NPPD and the City will use every effort and practice to energize the transmission facilities described herein by April 1, 2012. Subject to the provisions of Section 3.3 herein, in the event the City notifies NPPD in writing after January 1, 2011 to proceed with the construction of the Substation, NPPD and the City will use every effort and practice to energize the transmission facilities described herein fifteen (15) months from the date of written notification from the City to proceed with the construction of the Substation.
- 3.3 It is understood by the Parties that the completion date may be affected by delays in the acquisition of permits and easements, and other uncontrollable circumstances, such as electric system demands, unavailability of labor and materials, governmental actions, weather, and other Acts of God that may delay the schedule or performance of this Agreement.

SECTION IV **Funding**

- 4.1 The Parties agree to share funding of the work identified in Section 1.1 for the construction of the Substation, including the re-routing and connection of the existing 115kV lines to the Substation.
- 4.2 The preliminary estimated cost of the work identified in Section 1.1 is Four Million Dollars (\$4,000,000.00). Each Party shall be responsible for one-half of the total actual costs associated with completion of the work identified in Section 1.1, and the actual costs shall be determined in accordance with Section 4.4.
- 4.3 After NPPD receives Board authorization/approval of the project, and the preliminary estimated cost of the project as identified in Section 4.2 has been more closely revised into the final estimated project cost, the City shall pay NPPD for one-half of the final estimated project cost. Payment of the City's portion of the final estimated project cost shall be due within

thirty (30) days of receipt of the invoice from NPPD. NPPD will begin construction of the facilities identified in Section 1.1 after receipt of the City's portion of the final estimated project cost.

- 4.4 NPPD will keep records of the actual costs that are incurred for the work identified in Section 1.1. Actual costs will be determined by using NPPD standard charge rates. Actual costs shall include, but not be limited to, labor costs, material costs, equipment costs, land and easement costs, costs of obtaining approvals and permits, design and engineering costs, construction costs, costs incurred by contractors, field investigation costs, and payroll and general administration costs. Any applicable taxes will be paid by NPPD and included in the calculation of the actual costs.
- 4.5 After the work for which NPPD is responsible under Section 1.1 begins, NPPD will track actual costs in accordance with Section 4.4. If the actual project cost for the work under Section 1.1 exceeds the final estimated project cost identified in Section 4.3, NPPD will begin issuing quarterly billing(s) to the City for its remaining one-half share of the actual costs for work under Section 1.1. Said billings shall be due within thirty (30) days of receipt of the invoice from NPPD.
- 4.6 Upon completion of the work for which NPPD is responsible under Section 1.1, NPPD will determine final actual costs in accordance with Section 4.4 and provide to the City an itemized report identifying actual costs for the project, and issue to the City a final billing which shall be due within thirty (30) days of the receipt of the invoice from NPPD. The final billing will reflect credit for the pre-payment identified in Section 4.3, and all quarterly payments previously made to NPPD by the City as identified in Section 4.5.
- 4.7 If the City disputes any portion of the billing provided by NPPD, the City shall nevertheless pay the full amount of said billing when due within thirty (30) days of receipt of the invoice from NPPD. The City shall notify NPPD in writing of the amount of the billing dispute and the basis for the dispute. If settlement of the dispute results in a refund to the City, the amount refunded shall not exceed the amount identified as being in dispute.
- 4.8 The City shall be responsible for all costs associated with the work identified in Section 1.3.

- 4.9 After NPPD has initiated the work for the design, procurement, and acquisition of land and easements for the Substation as described in Section 1.1, if for any reason, the City is unable or unwilling to proceed with the construction of the Substation or the connection of the 115 kV lines to the Substation, then the City shall be responsible for One Hundred Percent (100%) of all of the costs incurred by NPPD.
- 4.10 After the City has notified NPPD in writing to proceed with the construction of the Substation, if for any reason, the City is unable or unwilling to proceed with the construction of the Substation or the connection of the 115 kV lines to the Substation, then the City shall be responsible for One Hundred Percent (100%) of all of the construction costs incurred by NPPD.
- 4.11 If NPPD proceeds with the construction of the Substation without the written authorization to proceed from the City, then NPPD shall be responsible for One Hundred Percent (100%) of all of the construction costs incurred by NPPD.
- 4.12 Following completion of the Substation described in Section 1.1, all future changes to the Substation facilities shall be funded by the requesting Party, unless otherwise agreed to by the Parties. This provision shall be included in the Electric Interconnection and Interchange Agreement between the Parties.

SECTION V

Indemnification

- 5.1 NPPD agrees to indemnify and hold harmless the City or its representatives, agents, or employees from all claims, demands, suits, actions, payments, and judgments arising from any negligent act or omission of NPPD, its agents, servants, or employees, during the construction of the facilities covered in this Agreement.
- 5.2 The City agrees to indemnify and hold harmless NPPD or its representatives, agents, or employees from all claims, demands, suits, actions, payments, and judgments arising from any negligent act or omission of the City, its agents, servants, or employees, during the construction of the facilities covered in this Agreement

SECTION VI
Good Utility Practice

- 6.1 Good Utility Practice shall mean any of the practices, methods, and acts at a particular time, which, in the exercise of reasonable judgment in the light of the facts, including but not limited to the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result at the lowest reasonable cost, consistent with the reliability, safety and expediency of the action. In applying a Good Utility Practice standard to any matter under this Agreement, equitable consideration should be given to the circumstances, requirements, and obligations of each of the Parties. It is recognized that a Good Utility Practice is not intended to be limited to a single best practice, method, or act, to the exclusion of all others, but rather can be within a spectrum of possible practices, methods, or acts which could reasonably have been expected to accomplish the action.

SECTION VII
Governing Law

- 7.1 This Agreement is deemed to have been effectively entered into in the State of Nebraska and it shall be interpreted and controlled by the laws of said State. The Parties agree that any action arising out of or related to this Agreement brought by either Party shall be brought only in the federal or state courts of the State of Nebraska.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their authorized representatives as of the date first above written.

Nebraska Public Power District

City of Grand Island, Nebraska

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

RESOLUTION 2009-289

WHEREAS, in 2006, Advantage Engineering (AE) was contracted to perform a Transmission and Substation System Study for the City of Grand Island Utilities Department (GIUD); and

WHEREAS, various alternatives and solutions were analyzed for the logical and economic expansion of GIUD's 115 kV transmission loop, power interconnections with Nebraska Public Power District (NPPD), substations, distribution and communications; and

WHEREAS, the Transmission and Substation System Study was completed in 2007 and presented to the City Council on January 8, 2008, recommending expansion of GIUD's transmission system to serve load growth and assure reliability; and

WHEREAS, one of the recommendations was that a new 115 kV line be constructed to connect the open 115 kV transmission bay at GIUD's Substation F to the NPPD St. Libory Junction northwest of the City; and

WHEREAS, the new transmission line would improve the reliability of the entire GIUD transmission system by providing an additional connection to the regional electric grid, to the north; and

WHEREAS, in order to connect this new transmission line, NPPD will need to construct a new substation adjacent to their current location, and since this is a joint project with NPPD, Grand Island Utilities Department has agreed to finance half of this new substation; and

WHEREAS, in order to protect both parties during the joint financing of this project, Grand Island is required to enter into a construction agreement with NPPD; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Construction Agreement between the City of Grand Island and Nebraska Public Power District is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island; and the Utilities Director is hereby authorized and directed to provide notice to proceed to NPPD at the appropriate time, in accordance with the contract terms and conditions.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G8

**#2009-290 - Approving Bid Award - Locomotive Repair - Platte
Generating Station**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

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

Meeting: November 10, 2009

Subject: Locomotive Repair – Platte Generating Station

Item #'s: G-8

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

Background

The Platte Generating Station utilizes a locomotive to move the coal cars onsite during the coal unloading process. The locomotive is an EMD SW1200 built in 1959 and purchased by the City in 1982. It is periodically inspected by contractors specializing in locomotive maintenance. A recent inspection indicated that an overhaul of some of the major components is required. These include rebuilding the main generator, auxiliary generator drives, engine blowers and drive gears, and replacing the main crankshaft and traction motor blower bearings. Plant staff developed specifications for these repairs.

Discussion

The specifications for the Locomotive Repair were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on October 13, 2009. Specifications were sent to four potential bidders and responses were received as listed below. The engineer's estimate for this project was \$130,000.00.

<u>Bidder</u>	<u>Bid Price</u>
National Railway Equipment Mt. Vernon, Illinois	\$ 87,424.65

The bid was reviewed by plant staff. It is compliant with specifications and less than the engineer's estimate. Informal price estimates to replace the locomotive with a similar used locomotive in good condition were \$550,000 to \$675,000.

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 Locomotive Repair to National Railway Equipment of Mt. Vernon, Illinois, as the low responsive bidder, with the bid price of \$87,424.65.

Sample Motion

Move to approve award of the bid of \$87,424.65 from National Railway Equipment for the Locomotive Repair 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: October 13, 2009 at 11:00 a.m.
FOR: Locomotive Repair 2009
DEPARTMENT: Utilities
ESTIMATE: \$130,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: September 22, 2009
NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder: National Railway Equipment
Mt. Vernon, IL
Bid Security: Washington International Inc. Co.
Exceptions: Noted

Bid Price:
Material: \$49,917.42
Labor: 33,750.00
Sales Tax: 3,757.23
Total: \$87,424.65

cc: Gary Mader, Utilities Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator
Pat Gericke, Utilities Admin. Assist.

Bob Smith, Assist. Utilities Director
Wes Nespor, Purchasing Agent
Rodger Zawodniak, Utilities Dept.
Karen Nagel, Utilities Secretary

P1373

RESOLUTION 2009-290

WHEREAS, the City Electric Department invited sealed bids for Locomotive Repair at Platte Generating Station; and

WHEREAS, on October 13, 2009, bids were received, opened and reviewed; and

WHEREAS, National Railway Equipment of Mt. Vernon, Illinois, submitted the only 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 \$87,424.65; and

WHEREAS, the bid of National Railway Equipment, is less than the estimate for Locomotive Repair.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of National Equipment, of Mt. Vernon, Illinois, in the amount of \$87,424.65, is hereby approved as the lowest responsible bid.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G9

**#2009-291 - Approving Certificate of Final Completion for
Handicap Ramp Project No. 2009-1**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 10, 2009

Subject: Approving Certificate of Final Completion for Handicap Ramp Project No. 2009-1

Item #'s: G-9

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

Background

Galvan Construction, Inc. of Grand Island, Nebraska was awarded a \$128,002.90 contract for the above project on June 23, 2009. The contract was for the installation of handicap ramps, in conjunction with asphalt street resurfacing in accordance with Federal ADA (Americans with Disabilities Act) regulations. Work commenced on July 7, 2009 and was completed on October 15, 2009.

Discussion

The project was completed in accordance with the terms, conditions, and stipulations of the contract, plans, and specifications. It was completed with an overrun of \$14,459.10, for a total cost of \$142,462.00.

The project plans were prepared with estimated quantities at each curb ramp area. Any required changes are made in the field as the project is being built because of the condition of the sidewalks. At times more pavement is removed to accommodate drainage, or additional sidewalk is removed to make a slope that conforms to ADA regulations. Approximately \$2,000.00 of the overrun was in the area of saw cutting to avoid an overrun in the removal and replacement bid items. Approximately \$12,000.00 was in curb and gutter to maintain or improve drainage.

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 Certificate of Final Completion for Handicap Ramp Project No. 2009-1.

Sample Motion

Move to approve the Certificate of Final Completion for Handicap Ramp Project No. 2009-1.

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

Handicap Ramp Project No. 2009-1
CITY OF GRAND ISLAND, NEBRASKA
November 10, 2009

TO THE MEMBERS OF THE COUNCIL
CITY OF GRAND ISLAND
GRAND ISLAND, NEBRASKA

This is to certify that Handicap Ramp Project No. 2009-1 has been fully completed by Galvan Construction, Inc. of Grand Island, Nebraska under the contract dated June 23, 2009. The work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans and specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by me as Public Works Director in accordance with the provisions of Section 16-650 R.R.S., 1943.

Handicap Ramp Project No. 2009-1

<u>No.</u>	<u>Description</u>	<u>Unit</u> <u>Price</u>	<u>Unit</u>	<u>Total</u> <u>Quantity</u>	<u>Total</u> <u>Cost</u>
1.	Remove 4" Walk	\$ 1.75	s.f.	9910.60	\$ 17,343.55
2.	Remove Brick Walk	\$ 2.25	s.f.	220.50	\$ 496.13
3.	Remove 5" Drive	\$ 2.50	s.f.	54.03	\$ 135.08
4.	Remove 6" Pavement	\$ 3.00	s.f.	1133.27	\$ 3,399.81
5.	Remove 8" Pavement	\$ 3.25	s.f.	738.00	\$ 2,398.50
6.	Remove 9" Pavement	\$ 3.50	s.f.	0.00	\$ 0.00
7.	Remove 24" Curb & Gutter	\$ 5.50	l.f.	860.45	\$ 4,732.48
8.	Remove 30" Curb & Gutter	\$ 6.00	l.f.	23.90	\$ 143.40
9.	Remove Integral Curb	\$ 1.00	l.f.	1102.25	\$ 1,102.25
10.	Remove Retaining Wall	\$ 10.00	l.f.	3.00	\$ 30.00
11.	Saw Cut	\$ 2.50	l.f.	3294.12	\$ 8,235.30
12.	Place 4" Walk	\$ 3.00	s.f.	11564.38	\$ 34,693.14
13.	Place 5" Drive	\$ 3.50	s.f.	54.03	\$ 189.11
14.	Place 6" Pavement	\$ 31.50	s.y.	16.00	\$ 504.00
15.	Place 8" Pavement	\$ 35.00	s.y.	7.62	\$ 266.70
16.	Place 9" Pavement	\$ 40.00	s.y.	0.00	\$ 0.00
17.	Build 24" Curb & Gutter	\$ 15.00	l.f.	1665.15	\$ 24,977.25
18.	Build 30" Curb & Gutter	\$ 18.00	l.f.	31.60	\$ 568.80
19.	Build Integral Curb	\$ 2.00	l.f.	353.25	\$ 706.50
20.	Adjust Water Valve	\$100.00	ea.	2.00	\$ 200.00
21.	Adjust Pull Box	\$100.00	ea.	2.00	\$ 200.00
22.	Landscaping/Sprinkler Repair	\$500.00	l.s.	1.00	\$ 500.00
23.	Furnish & Place 2x2 Detectable Warning Plates	\$120.00	ea.	347.00	\$41,640.00

Original Project Total

\$142,462.00

I hereby recommend that the Engineer's Certificate of Final Completion for Handicap Ramp Project No. 2009-1 be approved.

Steven P. Riehle – City Engineer/Public Works Director

Margaret Hornady – Mayor

RESOLUTION 2009-291

WHEREAS, the City Engineer/Public Works Director for the City of Grand Island issued a Certificate of Completion for Project No. 2009-1, installation of Handicap Ramps, certifying that Galvan Construction, Inc. of Grand Island, Nebraska, under contract, has completed the handicap ramp installation; and

WHEREAS, the City Engineer/Public Works Director recommends the acceptance of the project; and

WHEREAS, the Mayor concurs with the recommendation of the City Engineer/Public Works Director; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for Project No. 2009-1, installation of Handicap Ramps, is hereby confirmed.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G10

#2009-292 - Approving Bid Award for One (1) Used Excavator for the Solid Waste 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: November 10, 2009

Subject: Approving Bid Award for One (1) Used Excavator for the Solid Waste Division of the Public Works Department

Item #'s: G-10

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

Background

The Solid Waste Division of the Public Works Department advertised for a used excavator on October 8, 2009. Page 231 of the approved 2009/2010 budget shows \$90,000.00 for the excavator.

Discussion

Bids were received and opened on October 20, 2009. The Solid Waste Division of the Public Works Department and the Purchasing Division reviewed the bids that were received.

Bidder	Bid Price	Make
NCS Equipment of Grand Island, NE	\$74,900	Terex
NMC of Doniphan, NE	\$83,000	Caterpillar
Murphy Tractor & Equip. of Grand Island, NE	\$84,700	John Deere
Roadbuilders Machinery of Grand Island, NE	\$97,000 \$89,500	Komatsu Komatsu
Fairbanks of Grand Island, NE	\$132,208	New Holland

The Solid Waste Division rented an excavator for use during the winter months at a cost of \$8,700 in FY 2008 and \$8,900 in FY 2009. This enables Solid Waste Division staff to have the capability of digging out frozen and/or sticky loads received at the landfill from commercial haulers' roll-off containers, end-dump trailers, etc. Without this capability, dangerous and extremely time-consuming situations arise when staff attempts to use equipment that is not suited for digging out frozen loads.

The Solid Waste Division also has additional needs and uses for an excavator during warmer weather to be able to excavate soil and silt from ditches, drainage structures, and storm water containment areas that cannot be accessed with any other equipment currently on hand.

Division staff requested a demonstration of the Terex excavator from NCS Equipment because they were unfamiliar with Terex equipment. The demonstration conformed to the requirements set forth in the bid 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 purchase of the Terex excavator from NCS Equipment of Grand Island, Nebraska in the amount of \$74,900.

Sample Motion

Move to approve purchase of the Terex excavator from NCS Equipment of Grand Island, Nebraska.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: October 20, 2009 at 11:00 a.m.

FOR: (1) Used Hydraulic Excavator

DEPARTMENT: Public Works

ESTIMATE: \$90,000.00

FUND/ACCOUNT: 5053343-85615

PUBLICATION DATE: October 8, 2009

NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>Murphy Tractor & Equipment Co.</u> Grand Island, NE	<u>RoadBuilders Machinery & Supply</u> Grand Island, NE	
Bid Security:	Sentry Select Ins. Co.	Fidelity & Deposit Co.	
Exceptions:	None	None	
Model:	2008 John Deere 160D	2007 Komatsu	2006 Komatsu
Bid Price:	\$84,700.00	\$97,000.00	\$89,500.00
Delivery Date:	2-3 weeks	1-2 weeks	1-2 weeks
Bidder:	<u>Fairbanks Grand Island</u> Grand Island, NE	<u>NCS Equipment, Inc.</u> Grand Island, NE	
Bid Security:	\$6,610.00	\$3,745.00	
Exceptions:	Noted	Noted	
Model:	2005 New Holland EH215 LC	TEREX TXC 175LC-1	
Bid Price:	\$132,208.00	\$74,900.00	
Delivery Date:	ASAP	10-23-09	

Bidder: NMC, Inc.
Grand Island, NE
Bid Security: Travelers Casualty & Surety Co.
Exceptions: None
Model: 2007 Caterpillar 315CL

Bid Price: \$83,000.00
Delivery Date: 11-15-09

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

Catrina DeLosh, PW Admin. Assist.
Wes Nespor, Purchasing Agent
Jeff Wattier, Solid Waste Supt.

P1376

RESOLUTION 2009-292

WHEREAS, the City of Grand Island invited sealed bids for one (1) used hydraulic excavator for the Solid Waste Division, according to specifications on file with the Public Works Department; and

WHEREAS, on October 20, 2009 bids were received, opened and reviewed; and

WHEREAS, NCS Equipment of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$74,900.00; and

WHEREAS, the bid of NCS Equipment of Grand Island, Nebraska is less than the estimate for the one (1) used hydraulic excavator.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of NCS Equipment of Grand Island, Nebraska in the amount of \$74,900.00 for one (1) used hydraulic excavator for the Solid Waste Division of the Public Works Department is hereby approved as the lowest responsible bid.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item G11

#2009-293 - Approving Award of Contract on Project WWTP-2010-2 for Primary Clarifier Mechanism Replacement at the Waste Water Treatment Plant

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 10, 2009

Subject: Approving Award of Contract on Project WWTP-2010-2 for Primary Clarifier Mechanism Replacement at the Waste Water Treatment Plant

Item #'s: G-11

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

Background

The City Council approved an agreement with Black & Veatch of Kansas City, Missouri on May 12, 2009 for professional consulting engineering services on the Primary Clarifier Mechanism Replacement for the Waste Water Treatment Plant.

Design work was completed with construction plans and specifications approved by the Nebraska Department of Environmental Quality (NDEQ) and the Public Works Division of the City of Grand Island in September of 2009. The advertisement to bidders for the project was published in the Grand Island Daily Independent on September 28, 2009.

Discussion

Five (5) bids were received on October 27, 2009 and reviewed by the Black & Veatch and the Waste Water Division of the Public Works Department.

Bidder	Oakview Construction Inc.	JS Haren Company	Eriksen Construction	BRB Contractors Inc.	Diamond Engineering Co
<u>Lump Sum</u> Including Work for bid alternatives A, B, C, and D	\$ 602,400.00	\$ 607,000.00	\$ 618,400.00	\$ 679,000.00	\$ 833,505.59
<u>Deductive</u> <u>Alternative A</u> Peripheral Inclined Baffles in Primary Clarifier No. 1	\$ 17,500.00	\$ 12,000.00	\$ 13,400.00	\$ 19,000.00	\$ 23,023.30
<u>Deductive</u> <u>Alternative B</u> Peripheral Inclined Baffles in Primary Clarifier No. 2	\$ 20,800.00	\$ 12,000.00	\$ 17,000.00	\$ 22,000.00	\$ 28,061.56
<u>Deductive</u> <u>Alternative C</u> Energy Dissipating Inlets	\$ 6,000.00	\$ 5,000.00	\$ 6,700.00	\$ 8,000.00	\$ 18,217.12
<u>Deductive</u> <u>Alternative D</u> Epoxy Coating and Crack Repair of Effluent Troughs	\$ 11,326.00	\$ 10,000.00	\$ 8,500.00	\$ 20,000.00	\$ 23,298.00
<u>Additional Items</u>					
<u>Crack Repair</u> Above 300 L.F.	\$ 12.00 L.F.	\$ 18.00 L.F.	\$ 9.00 L.F.	\$ 10.00 L.F.	\$ 55.00 L.F.
<u>Crack Repair</u> Above 5 L. F.	\$ 500.00 Cu. Ft.	\$ 1,200.00 Cu. Ft.	\$ 108.00 Cu. Ft.	\$ 500.00 Cu. Ft.	\$ 239.70 Cu. Ft.

There were no exceptions. The bids for the project were below the estimate because of the timing of the bid opening and significant competition in today's construction market.

Oakview Construction, Inc. of Red Oak, 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.

Alternatives

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

1. Move to approve a resolution awarding the bid and authorizing the Mayor to execute a contract with Oakview Construction, Inc. of Red Oak, Iowa.
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 and the engineering firm Black & Veatch recommend that the Council approve a Resolution awarding the bid to Oakview Construction, Inc. of Red Oak, Iowa and authorize the mayor to sign the contract that includes all of the deductive alternatives. Funding for this project will be drawn from cash reserves in the wastewater utility.

Sample Motion

Move to award the bid to Oakview Construction, Inc. of Red Oak, Iowa for Primary Clarifier Mechanism Replacement at the Waste Water Treatment Plant.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: October 27, 2009 at 11:00 a.m.

FOR: Primary Clarifier Mechanism Replacement
Project WWTP-2010-2

DEPARTMENT: Public Works

ESTIMATE: \$1,008,800.00

FUND/ACCOUNT: 53030054-85213-53007

PUBLICATION DATE: September 28, 2009

NO. POTENTIAL BIDDERS: 11

SUMMARY

Bidder:	<u>Eriksen Construction</u>	<u>Diamond Engineering Co.</u>
	Blair, NE	Grand Island, NE
Bid Security:	Travelers Casualty & Surety	Universal Surety Company
Exceptions:	None	None
Base Bid Price:	\$618,400.00	\$833,505.59
Alternative A:	\$ 13,400.00	\$ 23,023.30
Alternative B:	\$ 17,000.00	\$ 28,061.56
Alternative C:	\$ 6,700.00	\$ 18,217.12
Alternative D:	\$ 8,500.00	\$ 23,298.00
Crack Repair 300:	\$ 9.00 per linear ft	\$ 55.00 per linear ft.
Crack Repair 5 cu. ft.:	\$ 108.00 per cubic ft	\$ 239.70 per cubic ft.

Bidder:	<u>BRB Contractors, Inc.</u>	<u>J. S. Haren Company</u>
	Topeka, KS	Athens, TN
Bid Security:	Hartford Fire Ins. Co.	Ullico Casualty Co.
Exceptions:	None	None
Base Bid Price:	\$679,000.00	\$607,000.00
Alternative A:	\$ 19,000.00	\$ 12,000.00

Alternative B:	\$ 22,000.00		\$ 12,000.00	
Alternative C:	\$ 8,000.00		\$ 5,000.00	
Alternative D:	\$ 20,000.00		\$ 10,000.00	
Crack Repair 300:	\$ 10.00	per linear ft.	\$ 18.00	per linear ft.
Crack Repair 5 cu. ft.	\$ 500.00	per cubic ft.	\$ 1,200.00	per cubic ft.

Bidder: Oakview Construction, Inc.
 Red Oak, IA
Bid Security: Liberty Mutual Ins. Co.
Exceptions: None

Base Bid Price: \$602,400.00
Alternative A: \$ 17,500.00
Alternative B: \$ 20,800.00
Alternative C: \$ 6,000.00
Alternative D: \$ 11,326.00
Crack Repair 300: \$ 12.00 per linear ft.
Crack Repair 5 cu. ft.: \$ 500.00 per cubic ft.

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

Catrina DeLosh, PW Admin. Assist.
 Wes Nespor, Purchasing Agent
 John Henderson, WWTP

P1375

RESOLUTION 2009-293

WHEREAS, Advertisement to Bidders for Project WWTP-2010-2 Primary Clarifier Mechanism Replacement for City of Grand Island, Wastewater Division was published in the Grand Island Daily Independent on September 28, 2009; and

WHEREAS, the City of Grand Island invited sealed bids for the furnishing of materials and services for the Project WWTP-2010-2 Primary Clarifier Mechanism Replacement according to plans and specifications on file with the City Clerk; and

WHEREAS, on October 27, 2009, bids were received, opened and reviewed; and

WHEREAS, Oakview Construction, Inc., of Red Oak, 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 lump sum bid price in the amount of \$602,400.00; includes Deductive Alternate A; Peripheral Inclined Baffles in Primary Clarifier No. 1 of \$17,500.00, Deductive Alternate B; Peripheral Inclined Baffles in Primary Clarifier No. 2 of \$20,800.00, Deductive Alternate C; Energy Dissipating inlets of \$6,000.00, and Deductive Alternate D; Epoxy Coating and Crack Repair of Effluent Troughs of \$11,326.00.

WHEREAS, the bid for project is below the estimate of such project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Oakview Construction, Inc. of Red Oak, Iowa, in the amount of \$602,400.00 for furnishing materials and services for WWTP-2010-2 Primary Clarifier Mechanism Replacement is hereby approved as the lowest responsible bid.

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

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item I1

**#2009-294 - Consideration of Request from Firehouse Bar, Inc.
dba The Firehouse Bar, 418 West 4th Street for an Addition of a
Beer Garden to Class “C-86044” Liquor License**

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-294

WHEREAS, an application was filed by Firehouse Bar, Inc., doing business as The Firehouse Bar, 418 West 4th Street for an addition of a Beer Garden to their Class "C-86044" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on October 31, 2009; such publication cost being \$15.63; and

WHEREAS, a public hearing was held on November 11, 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: _____

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item I2

#2009-295 - Consideration of Request from Skagway Discount Dept. Stores, Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street for a Catering Addition to Class “C-60081” Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-295

WHEREAS, an application was filed by Skagway Discount Dept. Stores, Inc. doing business as Skagway Discount Dept. Stores, 1607 South Locust Street for a Catering Designation to Class "C-60081" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on October 31, 2009; such publication cost being \$16.08; and

WHEREAS, a public hearing was held on November 10, 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.

_____ 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: _____

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item I3

#2009-296 - Consideration of Request from James Fox dba Husker Hut, 1403 South Eddy Street for a Class “T” Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-296

WHEREAS, an application was filed by James Fox, doing business as Husker Hut, 1403 South Eddy Street for a Class "T" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on October 31, 2009; such publication cost being \$14.73; and

WHEREAS, a public hearing was held on November 10, 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: _____

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 11, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item I4

**#2009-297 - Consideration of Request from Julio Melesio dba
Copas De Oro, 413 West 4th Street for a Class “C” Liquor License**

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-297

WHEREAS, an application was filed by Julio Melesio, doing business as Copas De Oro, 413 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 October 31, 2009; such publication cost being \$14.73; and

WHEREAS, a public hearing was held on November 10, 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: _____

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 11, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 5, 2009	☐ City Attorney



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item J1

Approving Payment of Claims for the Period of October 28, 2009 through November 10, 2009

*The Claims for the period of October 28, 2009 through November 10, 2009 for a total
amount of \$2,461,980.68. A MOTION is in order.*

Staff Contact: Mary Lou Brown



City of Grand Island

Tuesday, November 10, 2009

Council Session

Item J2

**Approving Payment of Claims for the Period of October 28, 2009
through November 10, 2009 for the Veterans Athletic Field
Complex**

*The Claims for the Veterans Athletic Field Complex for the period of October 28, 2009
through November 10, 2009 for the following requisitions.*

#6 \$6,250.01

A MOTION is in order.

Staff Contact: Mary Lou Brown

FORM OF REQUISITION

REQUISITION NO. 6

Wells Fargo Bank, National Association, as Escrow Agent ("Agent") under the Escrow Agreement, dated as of June 29, 2009 (the "Agreement"), between the City of Grand Island, NE as Owner ("Owner"), and Agent is hereby requested to disburse from the Escrow Fund created by the Agreement to the person, firm or corporation designated below as Payee the sum set forth below such designation, in payment of the cost of the Project or portion thereof constructed, equipped or installed

<i>Payee</i>	<i>Address</i>	<i>Amount To Be Paid</i>	<i>Cost of Issuance or Project Description</i>
Olsson Associates Inc	1111 Lincoln Mall PO Box 84608 Lincoln, NE 68501- 4608	\$6,250.01	Finalization of soils report and design work of grading, paving, drainage and utilities

The undersigned hereby certifies that:

(a) The amount requested for payment is for payment or reimbursement for a cost or costs of said Project, has not formed the basis of a previous request for payment and is now due and owing;

(b) A bill or bills or other evidence of each obligation of Lessee is attached herewith; and

(c) Owner will indemnify and hold Agent harmless from and against all claims, losses and damages, including legal fees and expenses that may be incurred in connection with the disbursement requested hereby.

In the event that the Payee named on this Requisition is a person, firm or corporation to which reimbursement is due for payment previously paid by such person, firm or corporation for the cost of the Project or portion thereof, written evidence of such prior payment and the amount thereof is also attached to this Requisition.

Executed this 30 day of Oct,
2009.

CITY OF GRAND ISLAND,
NEBRASKA, as Owner

By Mary Jo Brown
Owner Representative

<u>Org</u>	<u>Object</u>	<u>Vendor Name/Number</u>	<u>Description</u>	<u>Invoice</u>	<u>PO #</u>	<u>WO#</u>	<u>Check #</u>	<u>Amount</u>
40044450	90122	PARKS & RECREATION						
		ATHLETIC COMPLEX						
1		190 OLSSON ASSOCIATES INC	PMT # 2 DESIGN SERVICE PER RES 2009-187	134395			152293	6,250.01
							40044450 Org Total	6,250.01

Invoice

1111 Lincoln Mall
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5160

October 21, 2009
Invoice No: 134395

Steve Paustian
Parks and Recreation Director
City of Grand Island NE
100 E First St
PO Box 1968
Grand Island, NE 68802-1968

OA Project No. 009-1423

GI Phase 1 Sports Complex

Professional services rendered from September 13, 2009 through October 10, 2009 for finalization of soils report and design work of grading, paving, drainage and utilities for the sports complex.

Phase 500 Phase 1 Design

Services performed in accordance with Letter Agreement dated August 5, 2009.

Fee

Billing Phase	Fee	Percent Complete	Billed To Date	Previous Billing	Current Billing
Phase I Design	29,800.00	93.97	28,004.01	21,754.00	6,250.01
Subtotal	29,800.00		28,004.01	21,754.00	6,250.01
	Subtotal				6,250.01

Total this Phase \$6,250.01

AMOUNT DUE THIS INVOICE \$6,250.01

Authorized By: Terry Brown

Voucher #

PO #	Contract - Resolution 2009-187	
Vendor #	190	
Invoice #	134395	
Description	Payment #2 Design Services	
Approved by		Date 10/23/09
Org-obj#	40044450-90122	Amount 6,250.00

RESOLUTION 2009-187

WHEREAS, the City of Grand Island is in the process of developing a new athletic complex; and

WHEREAS, such project will require an engineering consultant to prepare plans and specifications for the construction of the athletic complex; and

WHEREAS, the City of Grand Island issued a Request for Proposals (RFP) for engineering services for such project; and

WHEREAS, two proposals were received and the proposal from Olsson Associates ranked the highest; and

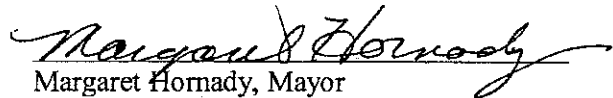
WHEREAS, Olsson Associates of Grand Island, Nebraska, submitted a proposal for such project in accordance with the Request for Proposals in the amount of \$29,800.00; and

WHEREAS, a Consultant Agreement with Olsson Associates to perform engineering work for such project has been reviewed and approved by the City Attorney.

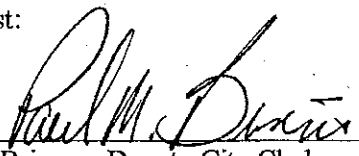
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Consultant Agreement with Olsson Associates of Grand Island and Lincoln, Nebraska for engineering consulting work for the design of an athletic complex is hereby approved at a cost of \$29,800.00.

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

Adopted by the City Council of the City of Grand Island, Nebraska, July 28, 2009.


Margaret Hornady, Mayor

Attest:


Paul Briseno, Deputy City Clerk

Approved as to Form ☒ 
July 27, 2009 ☒ City Attorney