
City of Grand Island



Tuesday, November 24, 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 24, 2009

Council Session

Item E1

**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 24, 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-1 & I-1

Presenter(s): RaNae Edwards, City Clerk

Background

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

Declared Legislative Intent

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

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

Discussion

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 and supplemental (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.

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

11/04/09
16:24

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
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
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Liquor License Investigation on "The Hut"

LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitara D	10:10:03 11/04/2009

11/04/09
16:24

Grand Island Police Department
LAW INCIDENT TABLE

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2

11/04/09
16:24

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 3

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

11/04/09
16:24

Grand Island Police Department
LAW INCIDENT TABLE

450
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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

11/16/09
10:39

Grand Island Police Department
LAW SUPPLEMENTAL NARRATIVE

450
Page: 1

Incident number : L09103696
Sequence number : 2
Name : Vitera D
Date : 14:24:09 11/12/2009
Narrative : (see below)
Grand Island Police Department
Supplemental Report

On 11/12/09, James Fox called me. He gave me his cell phone number. He denied ever having anything to do with illegal drugs. He said the instance where he was accused of running out and shouting at a deputy during a traffic stop happened differently. James advised that a woman who had been in a domestic disturbance showed up at his bar. Her significant other found her there. Law enforcement arrived to handle the situation. James said he asked the deputies to take the two people involved in the domestic disturbance and leave since the bar was not involved.

James also explained the incident where he "kicked" down the door of another man's house. James said the man owed money. James had tried calling "50" times and knocking on his door "20" times. Since he couldn't get ahold of the man, he tried the door knob one day and walked in. He admitted that he shouldn't have done that. No charges were filed.

James also admitted that he has had numerous traffic convictions in the past that he didn't put on the application. He asked a lawyer to help him fill out the application, but the lawyer said it would cost him \$500. James filled out the application and probably didn't read it as carefully as he should have.

In reviewing the application, under the section where it asks for the name of the person or firm helping with the application, Michael C. Klein with Anderson, Klein, Swan, and Brewster is filled in.

I spoke to Michael Klein on 11/16/09. After introducing myself, I asked Michael if he helped James Fox fill out a liquor license application. Michael said something similar to, "What's your question officer?" I explained to him that James told me that he approached an attorney who is a friend of his for help in filling out the application but was told it would cost him \$500. James said he filled the application out himself. The application states that Michael Klein assisted. I asked Michael again who filled out the application. He said, "What's your question officer?" I told him that someone was being dishonest, and if Michael didn't help with the application, the application was false. Michael said he was going to end the conversation with me and hung up the phone.

If James Fox continues with the application, the Grand Island Police Department recommends that the City Council deny the application. With unfavorable reports from law enforcement in the communities where James has had liquor licenses, a false application, and his and his attorney's character coming into question, there are too many red flags with this application.

Date, Time: Mon Nov 16 10:35:21 CST 2009
Reporting Officer: Vitera
Unit #: 865

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City of Grand Island

Tuesday, November 24, 2009

Council Session

Item F1

#9242 - Consideration of Vacation of a Utility Easement Located at 805 Allen Drive in Meadowlark West Fifth Subdivision (Paul Younes)

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Consideration of Vacation of a Utility Easement Located at 805 Allen Drive in Meadowlark West Fifth Subdivision (Paul Younes)

Item #'s: F-1

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

Background

A twenty foot (20') wide utility easement was filed with Hall County on June 10, 1999. The easement does not currently have any utilities within it, nor is there a need anticipated in the future. The easement cuts through the middle of Lot 1 of Meadowlark West Fifth Subdivision and restricts the potential for the property to develop. The twenty foot that was originally dedicated for the utility easement was along a property line that has since been moved south, thus creating the easement down the center of the lot.

Discussion

The developer of the property is requesting that the existing 20' wide utility easement be vacated. All work related to the vacation will be performed at the developers cost to allow for development of the property as planned.

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 the passing of an ordinance vacating the utility easement in Lot 1 of Meadowlark West Fifth Subdivision.

Sample Motion

Move to pass an ordinance vacating the utility easement in Lot 1 of Meadowlark West Fifth Subdivision.

ORDINANCE NO. 9242

An ordinance to vacate a portion of an existing utility easement and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith, and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing utilities easement at 805 Allen Drive in Grand Island, Hall County, Nebraska, more particularly described as follows:

A TWENTY (20) FOOT WIDE EASEMENT DESCRIBED AS LYING TEN (10) FEET EITHER SIDE OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF LOT ONE (1), MEADOWLARK WEST FIFTH SUBDIVISION, SAID POINT BEING 94.87' NORTH OF THE SOUTHWEST CORNER OF SAID LOT ONE (1), THENCE EAST TO A POINT 51.46' WEST OF THE EAST LINE OF SAID LOT ONE (1), MEADOWLARK WEST FIFTH SUBDIVISION, RECORDED AS DOCUMENT NO. 99-105894 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

is hereby vacated. Such easement to be vacated is shown and more particularly described on Exhibit A attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

ORDINANCE NO.9242 (Cont.)

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

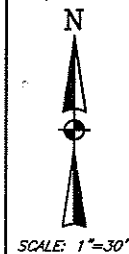
SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 24, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



SCALE: 1"=30'

ST
ON

ALLEN DRIVE

10.0 BUILDING
SETBACK

10.0 LANDSCAPE
BUFFER

10.0 LANDSCAPE
BUFFER

10.0 BUILDING
SETBACK

10.0 LANDSCAPE
BUFFER

10.0 LANDSCAPE
BUFFER

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10.0 BUILDING
SETBACK

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BUFFER

10.0 LANDSCAPE
BUFFER

LOT 9

MEADOWLARK WEST
FOURTH SUBDIVISION

S 89°51'45" E (P)
487.33' P & M / 487.31' R

20' UTILITY EASEMENT
FILED AT INST. No. 200208245
ON JUNE 11, 2002

15' UTILITY EASEMENT
FILED AT INST. No. 200208605
ON JUNE 21, 2002

25' UTILITY/DRAINAGE EASEMENT
FILED AT INST. No. 200800587
ON JANUARY 24, 2008

20' UTILITY EASEMENT
FILED AT INST. No. 98-105894
ON JUNE 10, 1999

LOT 14

MEADOWLARK WEST
FOURTH SUBDIVISION

10' REAR YARD
BUILDING SETBACK

UNPLATTED

26.44' UTILITY EASEMENT
FILED AT INST. No. 200801182
ON FEBRUARY 13, 2008

20.0' UTILITY EASEMENT
FILED AT INST. No. 98-105894
ON JUNE 10, 1999

EXISTING 20.0' EASEMENT
TO BE VACATED

PROPOSED FAIRFIELD INN
& SUITES BUILDING

HOLIDAY INN
EXPRESS

LOT 2
MEADOWLARK WEST
FOURTH SUBDIVISION

S 89°57'52" E (P)
440.53' P / 440.50' M



EASEMENT VACATION - LOT 1

SCALE: 1"=30'

EASEMENT VACATION-LOT 1
MEADOWLARK WEST
FIFTH SUBDIVISION
FAIRFIELD INN
805 ALLEN DRIVE
GRAND ISLAND, NEBRASKA

LEGAL DESCRIPTION

LOT ONE (1), MEADOWLARK WEST FIFTH
SUBDIVISION, IN THE CITY OF GRAND ISLAND,
HALL COUNTY, NEBRASKA.

BENCHMARK INFORMATION:

SPOT ELEVATIONS TAKEN AS SHOWN, ADD 1800.0 FEET TO ALL
SPOT ELEVATIONS FOR TRUE DATUM.

BENCHMARK = 1872.49 FEET OF ELEVATION ON A CHISELED "X"
IN CONCRETE NEAR THE NORTHWEST CORNER OF THE SIGN
BASE FOR THE "EAGLE RUN" SIGN LOCATED AT THE NORTHWEST
QUADRANT OF FAIDLEY AVENUE AND ALLEN DRIVE

BENCHMARK = 1875.52 FEET OF ELEVATION ON THE TAIL OF
ARROW ON A FIRE HYDRANT ON THE NORTH SIDE OF FAIDLEY
AVENUE APPROXIMATELY 300' EAST OF ALLEN DRIVE

BENCHMARK = 1872.37 FEET OF ELEVATION ON A CHISELED "X"
LOCATED ON TOP OF THE SIDE OF THE CONCRETE AROUND THE
STORM SEWER MANHOLE LOCATED 99 FEET NORTH AND 18 FEET
WEST OF THE SOUTHEAST CORNER OF LOT 1, MEADOWLARK
WEST FIFTH SUBDIVISION.

PROJECT NO.
2009-080
DATE OF
J. MARSHALL
10/21/2009

BRUNGARDT
ENGINEERING

FAIRFIELD INN & SUITES
805 ALLEN DRIVE
GRAND ISLAND, NEBRASKA

EASEMENT VACATION-LOT 1

VERIFY SCALE
LINE = 0.1"

SHEET NO.

C1

PROJECT NO.
2009-080



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item F2

**#9243 - Consideration of Vacation of a Utility Easement Located at
1808 & 1810 South Locust Street (Goodwill Industries)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Consideration of Vacation of a Utility Easement Located at 1808 & 1810 South Locust Street (Goodwill Industries)

Item #'s: F-2

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

Background

Three (3) twenty foot (20') wide utility easements were filed with Hall County on November 26, 2003 as part of the platting & filing of Goodwill Fifth Subdivision. Lots One (1), Two (2), and Three (3) of Goodwill Fifth Subdivision are being combined into one lot for development and the three (3) easements are located where the proposed building is to be built. These easements do not have any utilities within them, nor is there a need anticipated in the future.

Discussion

The developer of the property is requesting that the three (3) existing 20' wide utility easements be vacated. All work related to the vacation will be performed at the developers cost to allow for improvement of the property as planned.

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 the passing of an ordinance vacating the three (3) utility easements in Lot One (1), Lot Two (2), and Lot Three (3) of Goodwill Fifth Subdivision.

Sample Motion

Move to pass an ordinance vacating the three (3) utility easements in Lot One (1), Lot Two (2), and Lot Three (3) of Goodwill Fifth Subdivision.

ORDINANCE NO. 9243

An ordinance to vacate a portion of an existing utility easement and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith, and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing utilities easements at 1808 & 1810 South Locust Street in Grand Island, Hall County, Nebraska, more particularly described as follows:

A TWENTY (20.0) FOOT WIDE EASEMENT LOCATED IN LOT ONE (1), GOODWILL FIFTH SUBDIVISION IN THE CITY OF GRAND ISLAND, NEBRASKA, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT TWO (2), GOODWILL FIFTH SUBDIVISION AND SIXTY EIGHT (68.0) FEET SOUTH OF THE NORTHWEST CORNER OF LOT TWO (2), GOODWILL FIFTH SUBDIVISION; THENCE RUNNING WESTERLY TO A POINT SIXTY NINE AND FOUR TENTHS (69.4) FEET SOUTH OF AND ONE HUNDRED AND FOUR TENTHS (100.4) FEET WEST OF THE NORTHWEST CORNER OF LOT TWO (2), GOODWILL FIFTH SUBDIVISION, RECORDED AS DOCUMENT NO. 0200315419 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA; AND

A TWENTY (20.0) FOOT WIDE EASEMENT LOCATED IN LOT ONE (1), GOODWILL FIFTH SUBDIVISION IN THE CITY OF GRAND ISLAND, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT THREE (3), GOODWILL FIFTH SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT THREE (3), GOODWILL FIFTH

ORDINANCE NO. 9243 (Cont.)

SUBDIVISION, IF EXTENDED A DISTANCE OF FIFTY TWO (52.0) FEET; THENCE RUNNING NORTHERLY PARALLEL TO THE WEST LINE OF LOT THREE (3), GOODWILL FIFTH SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING EASTERLY A DISTANCE OF FIFTY TWO (52.0) FEET, TO A POINT ON THE WEST LINE OF LOT THREE (3), GOODWILL FIFTH SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT THREE (3), GOODWILL FIFTH SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO THE POINT OF BEGINNING, RECORDED AS DOCUMENT NO. 0200315419 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA; AND

A TWENTY (20.0) FOOT WIDE EASEMENT COMPRISING THE WESTERLY TWENTY (20.0) FEET OF LOTS TWO (2) AND THREE (3), GOODWILL FIFTH SUBDIVISION, IN THE CITY OF GRAND ISLAND, NEBRASKA, RECORDED AS DOCUMENT NO. 0200315419 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA.

are hereby vacated. Such easements to be vacated is shown and more particularly described on Exhibit A attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easements are located.

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

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

Enacted: November 24, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item F3

**#9244 - Consideration of Vacation of Lueth Drive South of
Seedling Mile Road**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Consideration of Vacation of Lueth Drive South of Seedling Mile Road

Item #'s: F-3

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

Background

In 1953 a portion of a public street right-of-way at 16.5' was dedicated. The 16.5' wide right-of-way is currently known as Lueth Drive and lies just south of Seedling Mile Road, between 2415 and 2505 E Seedling Mile Road, and extends to Gregory Avenue. The vacation of this public right-of-way is necessary to accommodate the replatting of Windolph Subdivision, as Hehnke Subdivision.

Discussion

The developer of the property is requesting that the existing Lueth Drive be vacated. All work related to the vacation will be performed at the developers cost to allow for development of the property as planned. There is no anticipated future need for this section of Lueth Drive. The vacated right-of-way will revert to the abutting property owners on each side of the vacated street.

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 the passing of an ordinance vacating Lueth Drive in Windolph's Subdivision.

Sample Motion

Move to pass an ordinance vacating Lueth Drive in Windolph's Subdivision.

This Space Reserved for Register of Deeds

ORDINANCE NO. 9244

An ordinance to vacate a portion of an existing public roadway to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith, and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the existing public roadway, known as Lueth Drive, south of Seedling Mile Road and north of Gregory Avenue, adjacent to Lot One (1) of Windolph's Subdivision in Grand Island, Hall County, Nebraska, more particularly described as follows:

THE WEST 16.5' OF WINDOLPH'S SUBDIVISION, EXCEPT THE SOUTH 16.5' OF WINDOLPH'S SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA;

is hereby vacated. Such public roadway to be vacated is shown and more particularly described on

Exhibit A attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the abutting owner or owners according to law.

Approved as to Form	☐ _____
November 20, 2009	☐ City Attorney

ORDINANCE NO. 9244 (Cont.)

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

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

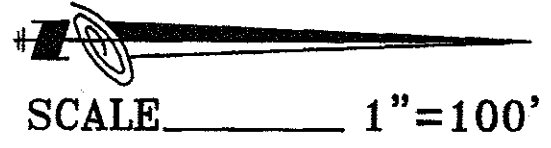
Enacted: November 24, 2009.

Margaret Hornady, Mayor

Attest:

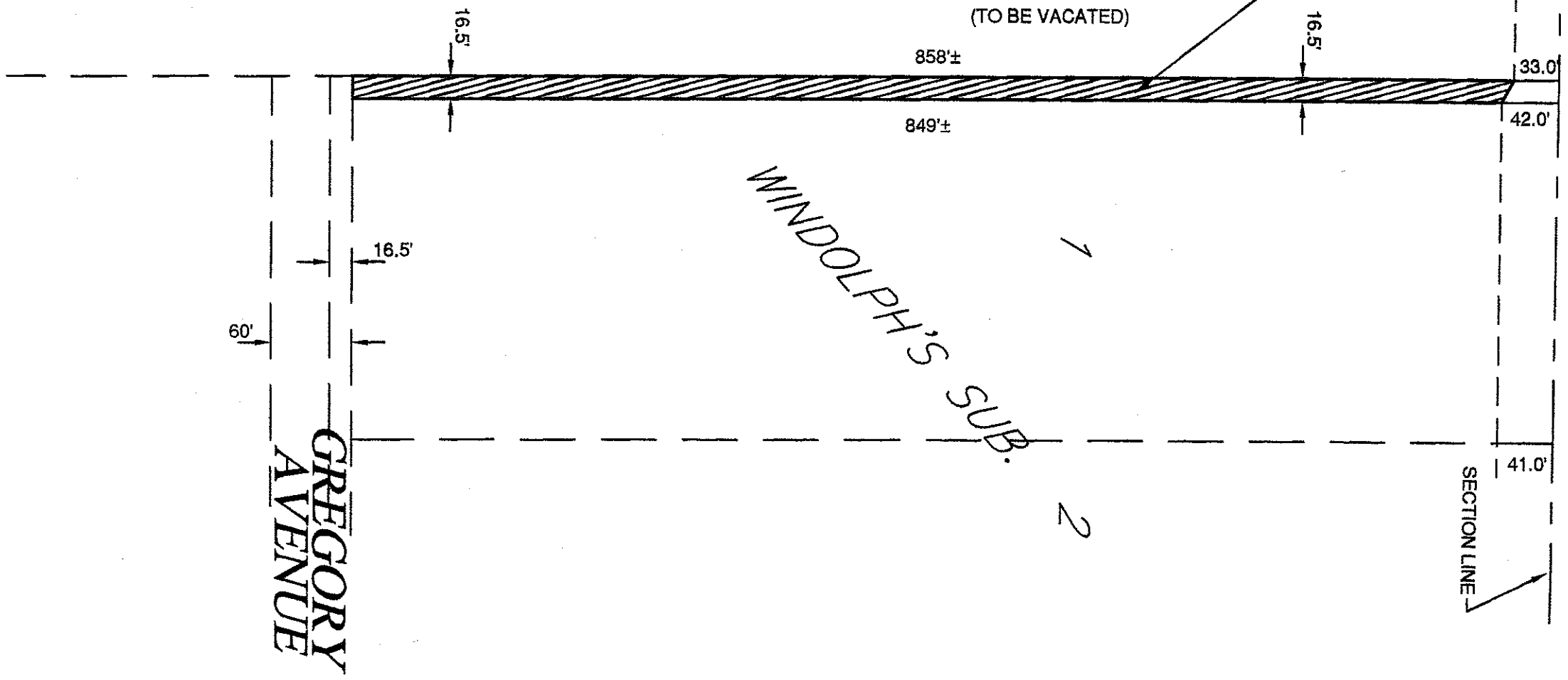
RaNae Edwards, City Clerk

PT. E1/2 NW1/4
SECTION 14-T11N-R9W



SEEDLING MILE ROAD

LUETH DRIVE
(TO BE VACATED)





City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G1

Approving Minutes of November 10, 2009 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 10, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 10, 2009. Notice of the meeting was given in *The Grand Island Independent* on November 4, 2009.

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

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

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Audie Aguilar, Andres Gamboa, Kiara Solorzano along with Board member Carole Ostdiek. Also mentioned was the "Create Your Community" Art Contest for grades K-12 which would be held at the Conestoga Mall on November 21st and 22nd.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "National Adoption Month" November, 2009. Mayor Hornady proclaimed the month of November 2009 as "National Adoption Month". Present to receive the proclamation were Yolanda Nuncio and Marge Creason.

Presentation of the Law Enforcement Memorial to the City of Grand Island. Russ Zeeb, Chairman of the Law Enforcement Memorial Committee thanked the City of Grand Island for its support with the new Law Enforcement Memorial. Recognized were Police Chief Steve Lamken, Sgt. Dale Hilderbrand of the Grand Island Police Department, Fire Chief Troy Hughes of the Grand Island Fire Department, and Councilmember John Gericke for all their help on the committee. Not present but recognized was Captain Mark Bonsar of the Grand Island Fire Department.

PUBLIC HEARINGS:

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. RaNae Edwards, City Clerk reported that an application for an addition of a beer garden to Class "C-86044" Liquor License had been received from Firehouse Bar, Inc. dba The Firehouse Bar, 418 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 22, 2009; notice to the general public of date, time, and place of hearing published on October 31, 2009; notice to the applicant of date, time, and place of hearing mailed on October 22, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Ruby Cargill, 418 West 4th Street spoke in support. No further public testimony was heard.

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. RaNae Edwards, City Clerk reported that an application for a catering addition to Class "C-60081" Liquor License had been received from Skagway Discount Dept. Stores, Inc. dba Skagway Discount Dept. Stores, 1607 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 22, 2009; notice to the general public of date, time, and place of hearing published on October 31, 2009; notice to the applicant of date, time, and place of hearing mailed on October 22, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from James Fox dba Husker Hut, 1403 South Eddy Street for a Class "T" Liquor License. This item was pulled at the request of the applicant.

Public Hearing on Request from Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Julio Melesio dba Copas De Oro, 413 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 13, 2009; notice to the general public of date, time, and place of hearing published on October 31, 2009; notice to the applicant of date, time, and place of hearing mailed on October 13, 2009; along with Chapter 4 of the City Code. Staff made no recommendation. Julio Melesio, 120 West 6th Street and his attorney John Placke spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement for New State Fair Buildings Located at Fonner Park (Hall County Livestock Improvement Association). Gary Mader, Utilities Director reported that a utility easement was needed at Fonner Park 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. The easement would be used to place public water and sewer lines to serve the new State Fair buildings. Staff recommended approval. No public testimony was heard.

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

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

Approving Minutes of November 3, 2009 City Council Study Session.

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

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

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

#2009-288 – Approving Acquisition of Utility Easement for New State Fair Buildings Located at Fonner Park (Hall County Livestock Improvement Association).

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

#2009-290 – Approving Bid Award for Locomotive Repair at Platte Generating Station with National Equipment of Mt. Vernon, Illinois in an Amount of \$87,424.65.

#2009-291 – Approving Certificate of Final Completion for Handicap Ramp Project No. 2009-1 with Galvan Construction, Inc. of Grand Island, Nebraska.

#2009-292 – Approving Bid Award for One (1) Used Excavator for the Solid Waste Division of the Public Works Department with NCS Equipment of Grand Island, Nebraska in an Amount of \$74,900.00.

#2009-293 – Approving Award of Contract on Project WWTP-2010-2 for Primary Clarifier Mechanism Replacement at the Waste Water Treatment Plant with Oakview Construction, Inc. of Red Oak, Iowa in an Amount of \$602,400.00.

RESOLUTIONS:

#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 is related to the aforementioned Public Hearing.

Motion by Ramsey, second by Nickerson to approve Resolution #2009-294 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

#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 is related to the aforementioned Public Hearing.

Motion by Gilbert, second by Haase to approve Resolution #2009-295. Upon roll call vote, all voted aye. Motion adopted.

#2009-296 – Consideration of Request from James Fox dba Husker Hut, 1403 South Eddy Street for a Class “I” Liquor License. This item was pulled at the request of the applicant.

#2009-297 – Consideration of Request from Julio Melesio dba Copas De Oro, 413 West 4th Street for a Class “C” Liquor License. This item is related to the aforementioned Public Hearing.

Mr. Melesio answered questions from Council concerning his character and use of marijuana.

Motion by Gilbert, second by Ramsey to make no recommendation to the Liquor Control Commission. Upon roll call vote, Councilmember’s Meyer, Gilbert, Haase, Carney, Ramsey, Zapata, and Nickerson voted aye. Councilmember’s Niemann, Dugan, and Gericke voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Zapata to approve the Claims for the period of October 28, 2009 through November 10, 2009, for a total amount of \$2,441,980.68. Unanimously approved.

Motion by Dugan, second by Zapata to approve the Claims for the Period of October 28, 2009 through November 10, 2009 for the Veterans Athletic Field Complex for a total amount of \$6,250.01. Unanimously approved.

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

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G2

Approving Minutes of November 17, 2009 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

November 17, 2009

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 17, 2009. Notice of the meeting was given in the *Grand Island Independent* on November 11, 2009.

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

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

MAYOR COMMUNICATION: Mayor Hornady mentioned there was not a quorum and therefore we could not hold a meeting. Also mentioned was the Community Youth Council "Create Your Community" Art Contest which was to be held this week-end at the Conestoga Mall and a Pie Fund Raiser to be held at Hy-Vee.

ADJOURNMENT: The meeting was adjourned at 7:05 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G3

Approving Appointment of Rob Czaplewski to the Library Board

The Mayor has submitted the appointment of Rob Czaplewski to the Library board to replace Michelle Oldham. This appointment would become effective immediately upon approval by the City Council and would expire on June 30, 2012. Approval is recommended.

Staff Contact: Mayor Hornady



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G4

**Approving Request from Carl Mayhew, 507 Plum Road for Liquor
Manager Designation for the Liederkrantz, 403 West 1st Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 24, 2009

Subject: Request from Carl Mayhew, 507 Plum Road for Liquor Manager Designation for the Liederkrantz, 403 West 1st Street

Item #'s: G-4

Presenter(s): RaNae Edwards, City Clerk

Background

Carl Mayhew, 507 Plum Road has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-01467" Liquor License for the Liederkrantz, 403 West 1st Street.

This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. See attached Police Department report.

Alternatives

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

1. Approve the request.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve the request for Liquor Manager Designation.

Sample Motion

Move to approve the request from Carl Mayhew, 507 Plum Road for Liquor Manager Designation in conjunction with the Class “C-01467” Liquor License for the Liederkrantz, 403 West 1st Street with the stipulation that Mr. Mayhew complete a state approved alcohol server/seller training program.

11/19/09
16:20

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

City : Grand Island
Occurred after : 13:58:44 11/06/2009
Occurred before : 13:58:44 11/06/2009
When reported : 13:58:44 11/06/2009
Date disposition declared : 11/06/2009
Incident number : L09110710
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 403 1st St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : E-mail RaNae
Geobase address ID : 11389
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	54672	11/19/09	Mayhew, Carl L	Liquor Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Request for a Liquor Manager Designation for Carl Mayhew at the Liederkrantz

LAW INCIDENT RESPONDERS DETAIL:

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

11/19/09
16:20

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	16:07:46 11/19/2009

Grand Island Police Department
Supplemental Report

I received a copy of a liquor manager application from Carl Mayhew for the Liederkrantz. I checked Carl in Spillman and did not find any convictions. I also checked Carl through NCJIS and found one speeding conviction on 11/16/98.

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." Carl checked the "no" box.

Carl's failure to disclose his speeding conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed conviction would fall under state law or local ordinance. Either way, the conviction is either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

Carl advised on the application that he has lived in Grand Island since 1973. Carl listed his employer as Mayhew Signs in Grand Island where he has worked since 1970. His supervisor is listed as Carl Mayhew (owner).

All in all, it would appear that Carl Mayhew has no criminal record in the State of Nebraska, and he is a long time resident of Grand Island. The Grand Island Police Department has no objection to Carl Mayhew being the liquor manager for the Liederkrantz.

Date, Time: Thu Nov 19 16:19:12 CST 2009
Reporting Officer: Vitera
Unit #: 865



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G5

**#2009-298 - Approving Natural Gas Sales Agreement with
Northwestern Energy for the Wastewater Treatment Plant**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Approving Natural Gas Sales Agreement with
Northwestern Engery for the Wastewater Treatment Plant

Item #'s: G-5

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

Background

The City of Grand Island's Wastewater Treatment Plant is served by Northwestern Energy for natural gas.

Northwestern Representatives indicate that the City's Wastewater Treatment Plant is an existing gas customer that entered into an agreement for interruptible natural gas service quite some time ago (probably in the 1980's). The current rates paid by the Wastewater Division are interruptible rates that significantly reduce the cost to purchase natural gas.

Discussion

Northwestern Energy is requesting that the City's Wastewater Treatment Plant sign a new natural gas sales agreement. The agreement with Northwestern is appropriate, as they maintain the natural gas franchise for the City. To summarize, this agreement states that the Wastewater Treatment Plant agrees to retain Northwestern Energy as the natural gas supplier for at least five (5) years and that the plant will not go over 810 therms/day during a curtailment period. There haven't been any curtailments issued in over 10 years. The 810 therms/day allocated to the Wastewater Treatment Plant is adequate to keep the offices warm and equipment buildings above freezing. The forecast for available natural gas is also stable for the future.

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 signing of the agreement, by the Mayor, with Northwestern Energy to provide natural gas for at least five (5) years to the Wastewater Treatment Plant.

Sample Motion

Move to approve the Mayor signing the agreement with Northwestern Energy.



NorthWestern Corporation
d/b/a NorthWestern Energy
P.O. Box 1318
Huron, SD 57350-1318
Telephone: (800) 245-6977
Facsimile: (605) 353-7514
www.northwesternenergy.com

October 14, 2009

WASTEWATER TREATMENT PLANT
PO BOX 1968
GRAND ISLAND NE 68802-1968

Dear Customer

As winter approaches, NorthWestern Energy is updating its interruptible customer information list. According to the company's records, you are served under rate 94E, extended service. Extended Service is defined as service contracted for a period of 5 years or more. In signing the attached agreement, you are agreeing to retain NorthWestern as your natural gas service provider for at least 5 years.

Rate 94E is a contract demand rate. This means that NorthWestern may contact you and require that you limit – or curtail -- your natural gas consumption to no more than your contract demand for a short time period. These requests may be in response to situations such as pipeline constraints or supply interruptions during times of extreme cold weather. Please note, that it has been more than 10 years since NorthWestern has requested curtailment.

If you use a standby or alternate fuel system, this is a good time to make certain that your optional system is in good running order. If your operations have changed and your natural gas contract demand amount needs to be updated, please contact one of the names at the bottom of the letter. NorthWestern Energy will work with you to make the necessary changes to your account.

In the event of a service curtailment, NorthWestern will need contact information for your company. Please provide us with the name and phone number of the first and second contact representatives of your company. Note also that during a curtailment, customers may incur substantial penalties for using more natural gas than their contract demand amount. We ask that you have the contact personnel and procedures in place to assist us in the event of a future curtailment.

Please sign and date the enclosed agreement and complete the contact information. Return both items in the postage paid envelope provided. If you have any questions, please contact Jeff Decker or me at the numbers listed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Clyde J. Gross".

Clyde Gross
Manager-Gas Management Services
1-800-347-2991, extension 8203

A handwritten signature in cursive script, appearing to read "Jeff J. Decker".

Jeff Decker
Manager-Financial Services
1-800-347-2991, extension 8315

Enclosures (2)

NORTHWESTERN ENERGY
NATURAL GAS SALES AGREEMENT

CUSTOMER NAME: WASTEWATER TREATMENT PLANT

ADDRESS: S OF KUESTER LAKE, GRAND ISLAND, NE

NorthWestern agrees to deliver and sell natural gas to the Customer, and the Customer agrees to receive and purchase natural gas from NorthWestern according to the following terms:

- (1) The provisions of NorthWestern's Rate No. **94E** and General Terms and Conditions, as approved by the appropriate regulatory authority. A copy of these tariff sheets may be obtained from NorthWestern.
- (2) Customer's firm natural gas requirements are **810**, therms/day. All natural gas delivered by NorthWestern to Customer in excess of such firm gas is interruptible gas. Such interruptible gas shall not be used during periods for which notice of curtailment has been given. Use of unauthorized gas during curtailment is subject to application of appropriate penalty provisions.
- (3) The terms of this Agreement shall be five years, beginning this date, and shall continue for additional one-year terms beyond such initial term unless 90 days' written notice is provided by either party.

Dated this _____ day of _____, 20_____.

CUSTOMER

NORTHWESTERN ENERGY

By _____

By _____

Title _____

Title _____

Account No. **225867-1**

**NorthWestern Energy
Natural Gas Interruption
Contact Information - 2009**

Account Name: WASTEWATER TREATMENT PLANT

Account Number: 225867-1

Contact Person (Please print)

Direct Phone Number

Cell Phone Number

1. John Henderson

308-385-5430

308-390-0603

2. Steve Riehle

308-385-5444, xt. 260

308-379-9236

3. _____

4. _____

RESOLUTION 2009-298

WHEREAS, the City of Grand Island's Wastewater Treatment Plant receives natural gas from Northwestern Energy; and

WHEREAS, Northwestern Energy has requested an agreement be signed stating the City will retain Northwestern Energy as the natural gas provider for at least five (5) years; and

WHEREAS, as Northwestern Energy is the only option for supplying natural gas, it is recommended the agreement be entered into; and

WHEREAS, the agreement provided by Northwestern Energy has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Natural Gas Sales Agreement between the City of Grand Island and Northwestern Energy is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City Of Grand Island.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G6

**#2009-299 - Approving Change Order No. 2 for Grading
Improvements at the Veterans Athletic Field Complex**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 24, 2009

Subject: Change Order #2 Grading Improvements-Veterans Athletic Complex

Item #'s: G-6

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

Background

A contract was entered into with Slepicka Construction in the amount of \$87,942.25 to provide grading serviced for the new Veterans Athletic Complex. Three additional acres were added to the project to provide additional soccer ground.

Discussion

It has been determined that the proposed parking lot took away approximately 2.5 acres from the original plan to provide 12 acres for soccer fields. It was determined the acres need to be added to equal the amount of acres being lost at Fonner Park. The original bid by Slepicka Construction was well below the next low bid and the contractor was willing to add the additional acres to his contract at the same unit price. Because of these two factors Seplika Construction was told to proceed with the work.

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

Recommendation

City Administration recommends that the Council approve the change order in the amount of \$10,127.44.

Sample Motion

Move to increase the amount of the contract to Slepicka Construction in the amount of \$10,127.44.

Parks & Recreation Department



*Working Together for a
Better Tomorrow, Today.*

CHANGE ORDER

TO: **Slepicka Construction**
3408 Rokeby Road
Dorchester, NE 68343

CHANGE ORDER NO. 2

PROJECT: **Grading Improvements – Veterans Athletic Field Complex**

You are hereby directed to make the following change in your contract.

1. Additional grading for the development of additional soccer acres increase \$ 10,127.44

The original Contract Sum **\$ 83,526.25**

Previous Change Order Amounts **\$ 4,416.00**

The Contract Sum is increased by this Change Order **\$ 10,127.44**

The total modified Contract Sum to date **\$ 98,069.69**

The Contract Time is unchanged.

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described herein. Additional claims will not be considered.

APPROVED: **CITY OF GRAND ISLAND**

By _____ Date _____
Mayor

Attest _____

Approved as to Form, City Attorney

ACCEPTED: **Slepicka Construction**

By _____ Date _____

RESOLUTION 2009 -299

WHEREAS, on September 8, 2009 by Resolution 2009-221 and October 27, 2009 by Resolution 2009-282, the City Council of the City of Grand Island awarded the Slepicka Construction Co. from Dorchester, Nebraska, the bid in the amount of \$87,942.25, for the Grading Improvements at the new Veterans Athletic Field Complex; and

WHEREAS, it has been determined that additional grading for the development of additional soccer acres to be performed by Slepicka Construction Co. are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 2; and

WHEREAS, the result of such modifications will increase the contract amount by \$10,127.44 for a revised contract price of \$98,069.69.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 2 between the City of Grand Island and the Slepicka Construction Co. from Dorchester, Nebraska to provide the modifications set out as follows:

Additional grading for the development of additional soccer acres\$10,127.44

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G7

**#2009-300 - Approving Certificate of Final Completion for
Grading Improvements at the Veterans Athletic Field Complex**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 24, 2009

Subject: Certificate of Final Completion-Grading Improvements
Veterans Athletic Field Complex

Item #'s: G-7

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

Background

A contract was entered into with Slepicka Construction on September 8, 2009 for the grading improvements at the Veterans Athletic Field Complex.

Discussion

All work associated with this contract has been completed and it is appropriate at this time to close out the contract.

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 and make final payment to Slepicka Construction in the amount of \$10,127.44.

Sample Motion

Move to close out the contract with Slepicka Construction and make final payment in the amount of \$38,611.27 to Slepicka Construction for the grading improvements at the Veterans Athletic Field Complex.

CERTIFICATE OF FINAL COMPLETION AND ACCEPTANCE


**GRADING IMPROVEMENTS
VETERANS ATHLETIC FIELD COMPLEX**

**CITY OF GRAND ISLAND, NEBRASKA
NOVEMBER 24, 2009**

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

This is to certify that the Grading Improvements at the new Veterans Athletic Field Complex has been fully completed by **Slepicka Construction Co. from Dorchester, Nebraska** under contract dated **September 8, 2009**. The scope of the project was increased by \$14,543.44 as per change orders #1 and #2. All other work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by the Parks and Recreation Director in accordance with the provisions of the terms of the above said contract.

Respectfully submitted,



Steve Paustian
Parks and Recreation Director

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

I hereby recommend that the Certificate of Final Completion and Acceptance be approved and warrants issued from Account No. 40044450-90122 to **Slepicka Construction Co.** in the final payment amount of **\$10,127.44**.

Respectfully submitted,

Margaret Hornady
Mayor

RESOLUTION 2009 -300

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for the Grading Improvements at the new Veterans Athletic Field Complex, certifying that Slepicka Construction Co., of Dorchester, Nebraska, under contract dated September 8, 2009, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs in the Parks and Recreation Director's recommendation.

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

1. The Parks and Recreation Director's Certificate of Final Completion for Grading Improvements at the new Veterans Athletic Field Complex is hereby confirmed.
2. That a warrant be issued from Account No. 40044450-90122 in the total amount of \$10,127.44 payable to Slepicka Construction Co. for the final amount due the contractor.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G8

**#2009-301 - Approving Bid Award for (1) New 2009 4 Wheel Drive
43 HP Industrial Grade Tractor/Loader with Cab**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 24, 2009

Subject: Approving Bid Award for (1) 2009-4-Wheel Drive Tractor

Item #'s: G-8

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

Background

On November 3, 2009 the Park and Recreation Department, Maintenance Division advertised for bids for the purchase of 1 new 4-wheel drive 43 HP Industrial Grade Tractor/Loader with cab. See attached bid summary for details of the bid process.

Discussion

The new tractor will be used for many park activities including snow removal, grading, fertilizing and material handling as examples. The new equipment will provide many years of service and meets the requirements of the Park maintenance operation. The low bid was provided by Central Nebraska Bobcat, of Grand Island in the amount of \$28,717.00. \$42,000.00 was budgeted for this purchase.

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 tractor from Cental Nebraska Bobcat.

Sample Motion

Move to purchase one 2009 4 Wheel Drive Tractor from Central Nebraska Bobcat for the amount of \$28,717.00.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: November 3, 2009 at 11:00 a.m.

FOR: (1) New 2009 4 Wheel Drive 43 HP Industrial Grade
Tractor/Loader with Cab

DEPARTMENT: Parks & Recreation

ESTIMATE: \$42,000.00

FUND/ACCOUNT: 10044403-85615

PUBLICATION DATE: October 21, 2009

NO. POTENTIAL BIDDERS: 11

SUMMARY

Bidder:	<u>Nebraska Equipment, Inc.</u>	<u>Toners, Inc.</u>
	Seward, NE	Grand Island, NE
Exceptions:	Noted	Noted
Make & Model:	2008 Kubota L4240 HSTC-1	Farmall 45
Bid Price:	\$31,658.00	\$29,100.00
Options:		
Detachable Loader Mount Forks:	\$1,095.00	\$ 750.00
Front Mount 72" Snow Blower:	\$4,107.00	\$ 4,525.00
Front Mount Rotary Broom 68" Min.:	\$3,387.00	\$ 4,525.00
(Front Quick Hitch & PTO Drive)	\$2,259.00	
Bidder:	<u>Green Line Equipment</u>	<u>Fairbanks Grand Island</u>
	Grand Island, NE	Grand Island, NE
Exceptions:	None	Noted
Make & Model:	John Deere 110	New Holland Boomer 3045
Bid Price:	\$39,500.00	\$32,491.00
Options:		
Detachable Loader Mount Forks:	\$ 775.00	\$ 889.00

Front Mount 72" Snow Blower:	\$5,750.00	\$ 6,095.00
Front Mount Rotary Broom 68" Min.:	\$4,100.00	\$ 3,702.00

Bidder: Central Nebraska Bobcat
Grand Island, NE

Exceptions: None

Make & Model: Bobcat CT 445

Bid Price: \$28,717.00

Options:

Detachable Loader Mount Forks: \$609.00

Front Mount 72" Snow Blower: N/A

Front Mount Rotary Broom 68" Min.: N/A

cc: Steve Paustian, Park & Recreation Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Gregg Bostelman, Park Main. Sup.
Wes Nespor, Purchasing Agent
Patti Buettner, Parks Secretary

P1379

RESOLUTION 2009-301

WHEREAS, the City of Grand Island invited sealed bids for a New 2009 4-Wheel Drive 43 HP Industrial Grade Tractor/Loader with Cab, according to plans and specifications on file with the Parks and Recreation Department, Park Maintenance Division; and

WHEREAS, on November 3, 2009, bids were received, opened and reviewed; and

WHEREAS, Central Nebraska Bobcat from Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids, plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$28,717.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Central Nebraska Bobcat from Grand Island, Nebraska, in the amount of \$28,717.00 for a New 2009 4-Wheel Drive 43 HP Industrial Grade Tractor/Loader with Cab is hereby approved as the lowest responsible bid.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G9

**#2009-302 - Approving Bid Award for Paving Improvements for
New Veterans Athletic Field Complex**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 24, 2009

Subject: Approving Bid Award for Paving Improvements for Veterans Athletic Field Complex

Item #'s: G-9

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

Background

On November 6, 2009 the Parks and Recreation Department, advertised for bids for paving improvements at the Veterans Athletic Field Complex. Six firms provided bids for this work. The bid was broken down into parts A, A and B and A-B-and C for Portland Cement Concrete (see attached Bid Opening Memo). An allowance was made for an alternate bid for Asphaltic Concrete. The bid provided by Gary Smith Construction was the low bid for sections A and B at \$341,338.50. This is the actual low bid, and is \$23,326.30 less than the Portland Cement Concrete bid provided by Diamond Engineering for sections A and B at \$364,664.80. It is the opinion of the Engineer and the Parks and Recreation Director that the Portland Cement Concrete bid provided by Diamond Engineering will be more cost effective long term.

At this time budgetary constraints allow for the award of the bid for parts A and B only. As the project develops it is the hope of the Parks and Recreation Department that section C can be added to the contract later next spring. (See attached drawing).

Discussion

Because of the relocation of the State Fair to Grand Island it is necessary to move the athletic field complex currently located at Fonner Park to a new site. The new site is located just south of Eagle Scout Park. The paving work is necessary to provide a parking lot for participants and fans to park in. Fund number 40044450-0122 Veterans Home Athletic Complex has funds budgeted for this purpose.

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 award of a contract to Diamond Engineering in the amount of \$364,664.80.

Sample Motion

Move to award contract to Diamond Engineering for the paving improvements at the Veterans Athletic Field Complex.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: November 18, 2009 at 11:00 a.m.

FOR: Paving Improvements for New Veterans Athletic Field Complex

DEPARTMENT: Park & Recreation

ESTIMATE: \$605,000.00

FUND/ACCOUNT: 40044450-90122

PUBLICATION DATE: November 6, 2009

NO. POTENTIAL BIDDERS: 21

SUMMARY

Bidder:	<u>The Diamond Engineering Co.</u> Grand Island, NE	<u>Gary Smith Const. Co., Inc.</u> Grand Island, NE
Bid Security:	Universal Surety Company	Inland Insurance Company
Exceptions:	None	None

Bid Price:		Alternate Bid Price:
Section A – Paving:	\$306,067.20	\$289,053.50
Section B – Paving:	\$ 58,597.60	\$ 52,285.00
Section C – Paving:	\$ 57,226.75	\$ 52,941.00

Total Cost by Sections:

Section A:	\$306,067.20	\$289,053.50
Section A + B:	\$364,664.80	\$341,338.50
Section A + B + C:	\$421,891.55	\$394,279.50

Bidder:	<u>Stephens & Smith Construction Co.</u>	<u>J.I.L. Asphalt Paving Co.</u>
	Lincoln, NE	Grand Island, NE
Bid Security:	Granite RE, Inc.	Inland Insurance Company
Exceptions:	None	None

Bid Price:		Alternate Bid Price:
Section A – Paving:	\$411,461.00	\$315,519.35
Section B – Paving:	\$ 80,805.00	\$ 58,058.05
Section C – Paving:	\$ 79,446.00	\$ 57,843.20

Total Cost by Sections:

Section A:	\$411,461.00	\$315,519.35
Section A + B:	\$492,266.00	\$373,577.40
Section A + B + C:	\$571,712.00	\$431,420.60

Bidder:	<u>Platte Valley Precast, Inc.</u>	<u>Chief Construction Co.</u>
	Columbus, NE	Grand Island, NE
Bid Security:	Old Republic Surety Company	Fidelity & Deposit Company
Exceptions:	None	None

Bid Price:		
Section A – Paving:	\$377,071.00	\$342,005.80
Section B – Paving:	\$ 65,102.00	\$ 62,560.80
Section C – Paving:	\$ 63,766.00	\$ 61,199.75

Total Cost by Sections:

Section A:	\$377,017.00	\$342,005.80
Section A + B:	\$442,173.00	\$404,566.60
Section A + B + C:	\$505,939.00	\$465,766.35

cc: Steve Paustian, Parks & Recreation Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Patti Buetter, Parks Secretary
Wes Nespor, Purchasing Agent

RESOLUTION 2009 -302

WHEREAS, the City of Grand Island invited sealed bids for Paving Improvements at the new Veterans Athletic Field Complex, according to plans and specifications on file with the Parks and Recreation Department; and

WHEREAS, on November 18, 2009, bids were received, opened and reviewed; and

WHEREAS, Diamond Engineering from Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids, plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$364,664.80 for sections A and B.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Diamond Engineering from Grand Island, Nebraska in the amount of \$364,664.80 for Paving Improvements at the new Veterans Athletic Field Complex is hereby approved as the lowest responsible bid.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G10

**#2009-303 - Approving Bid Award for Utility Improvements at
Veterans Athletic Field Complex**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: November 24, 2009

Subject: Approving Bid Award for Utility Improvements for Veterans Athletic Field Complex

Item #'s: G-10

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

Background

On November 6, 2009 the Parks and Recreation Department, advertised for bids for utility improvements at the Veterans Athletic Field Complex. Seven firms provided bids for this work (see attached Bid Opening Memo). The low responsible bid was provided by Diamond Engineering of Grand Island, NE in the amount of \$191,335.18 for sections D - Storm Sewer, E - Water Main, F - Sanitary Sewer and G - Electrical Conduit. It was determined that section G - Electrical Conduit would not be let separately because of potential coordination issues and additions that are going to be made to the amount of 2" conduit required. By unit pricing Diamond Engineering will become the low bid for section G as well.

Discussion

Because of the relocation of the State Fair to Grand Island it is necessary to move the athletic field complex currently located at Fonner Park to a new site. The new site is located just south of Eagle Scout Park. The utility work is necessary to provide for the development of the complex. Fund number 40044450-90122 Veterans Home Athletic Complex has funds budgeted for this purpose.

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 award of a contract to Diamond Engineering in the amount of \$191,335.18.

Sample Motion

Move to award contract to Diamond Engineering for the utility improvements at the Veterans Athletic Field Complex.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Wes Nespor, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: November 18, 2009 at 11:15 a.m.

FOR: Utility Improvements at Veterans Athletic Field Complex

DEPARTMENT: Parks & Recreation

ESTIMATE: \$225,000.00

FUND/ACCOUNT: 40044450-90122

PUBLICATION DATE: November 6, 2009

NO. POTENTIAL BIDDERS: 27

SUMMARY

Bidder:	<u>Myers Construction Inc.</u> Broken Bow, NE	<u>Ensley Electrical Services, Inc.</u> Grand Island, NE
Bid Security:	Merchants Bonding Company	Inland Insurance Company
Exceptions:	None	None
Bid Price:		
Section D:	\$ 47,768.00	No Bid
Section E:	\$110,313.00	No Bid
Section F:	\$106,124.00	No Bid
Section G:	\$ 22,283.50	\$10,077.80
Sec. D + E + F:	\$264,205.00	----
Sec. D + E + F + G:	\$286,488.50	----
Sec. G	\$ 22,283.50	\$10,077.80

Bidder:	<u>K2 Construction</u> Lincoln, NE	<u>The Diamond Engineering Co.</u> Grand Island, NE
Bid Security:	International Fidelity Ins. Co.	Universal Surety Company
Exceptions:	None	None

Bid Price:

Section D:	\$ 61,468.68	\$ 37,764.20
Section E:	\$106,024.30	\$ 84,434.50
Section F:	\$ 89,376.33	\$ 57,853.20
Section G:	\$ 13,495.10	\$ 11,283.28

Sec. D + E + F:	\$256,869.31	\$180,051.90
Sec. D + E + F + G:	\$270,364.41	\$191,335.18
Sec. G	\$ 13,495.10	\$ 11,283.28

Bidder:	<u>Middleton Electric Inc.</u> Grand Island, NE	<u>General Excavating</u> Lincoln, NE
Bid Security:	Merchants Bonding Company	Universal Surety Company
Exceptions:	None	None

Bid Price:		
Section D:	No Bid	\$ 52,949.00
Section E:	No Bid	\$111,789.00
Section F:	No Bid	\$ 83,192.00
Section G:	\$ 11,740.48	\$ 16,363.30

Sec. D + E + F:	No Bid	\$247,930.00
Sec. D + E + F + G:	No Bid	\$264,293.30
Sec. G	\$ 11,740.48	\$ 16,363.30

Bidder:	<u>Judds Bros. Construction co.</u> Lincoln, NE
Bid Security:	Inland Insurance Company
Exceptions:	None

Bid Price:	
Section D:	\$ 63,920.00
Section E:	\$100,106.00
Section F:	\$ 93,900.00
Section G:	\$ 12,029.00

Sec. D + E + F:	\$257,926.00
Sec. D + E + F + G:	\$269,955.00
Sec. G	\$ 12,029.00

cc: Steve Paustian, Parks Director
Dale Shotkoski, City Attorney
Jeff Pederson, City Administrator

Patti Buettner, Parks Secretary
Wes Nespor, Purchasing Agent

RESOLUTION 2009-303

WHEREAS, the City of Grand Island invited sealed bids for Utility Improvements at the new Veterans Athletic Field Complex, according to plans and specifications on file with the Parks and Recreation Department; and

WHEREAS, on November 18, 2009, bids were received, opened and reviewed; and

WHEREAS, Diamond Engineering from Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids, plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$191,335.18 for sections D – Storm Sewer, E – Water Main, F – Sanitary Sewer and G – Electrical Conduit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Diamond Engineering from Grand Island, Nebraska in the amount of \$191,335.18 for Utility Improvements at the new Veterans Athletic Field Complex is hereby approved as the lowest responsible bid.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item G11

**#2009-304 - Approving Medicare Enrollment Revalidation and
Appointing an Authorized Official and a Designated Official**

Staff Contact: Mary Lou Brown

Council Agenda Memo

From: Mary Lou Brown, Finance Director

Meeting: November 24, 2009

Subject: Authorization of Signer and Delegated Official for Medicare Program

Item #'s: G-11

Presenter(s): Mary Lou Brown, Finance Director

Background

The City of Grand Island, through its ambulance billing function, bills Medicare and is required to periodically revalidate its enrollment in the Medicare program. The application for revalidation is currently due to be completed by December 12, 2009.

Discussion

Council is being asked to make several authorizations related to the revalidation process. These authorizations are as follows:

- Authorize the revalidation of the City's enrollment in the Medicare program
- Authorize Mary Lou Brown, Finance Director, as the Authorized Official
- Authorize Karen Schneider, Accounting Clerk, as the Delegated Official
- Authorize Mary Lou Brown to sign any documents necessary for the revalidation process, in particular, a Letter of Financial Responsibility that indicates that if there are any monies owed to Medicare from Ambulance Service, that the City will be responsible
- Authorize Karen Schneider to execute those forms related to the Medicare program that would typically be given to a delegate to sign.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the authorizations as follows:

- Authorize the revalidation of the City's enrollment in the Medicare program
- Authorize Mary Lou Brown, Finance Director, as the Authorized Official
- Authorize Karen Schneider, Accounting Clerk, as the Delegated Official
- Authorize Mary Lou Brown to sign any documents necessary for the revalidation process, including, but not limited to, a Letter of Financial Responsibility that indicates that if there are any monies owed to Medicare from Ambulance Service, that the City will be responsible
- Authorize Karen Schneider to execute those forms related to the Medicare program that would typically be given to a delegate to sign.

Sample Motion

Move to authorize the revalidation of the City's enrollment in the Medicare program, authorize Mary Lou Brown as the Authorized Official, authorize Karen Schneider as the Delegated Official, authorize Mary Lou Brown to sign documents related to the revalidation process and authorize Karen Schneider as the delegate to sign documents.

RESOLUTION 2009-304

WHEREAS, Medicare requires the periodic revalidation of the City of Grand Island's enrollment in the Medicare program through the completion of a CMS-855B; and

WHEREAS, the revalidation is due to Medicare on December 12, 2009

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

1. The City of Grand Island shall revalidate its enrollment in the Medicare program.
2. The Finance Director, Mary Lou Brown, is named as the Authorized Official.
3. The Accounting Clerk, Karen Schneider, is named as the Delegated Official.
4. Mary Lou Brown is authorized to sign those documents necessary for the revalidation process, including, but not limited to, a Letter of Financial Responsibility that indicates that if there are any monies owed to Medicare from Ambulance Service, that the City will be responsible.
5. Karen Schneider is authorized to execute those forms related to the Medicare program that would typically be given to a delegate to sign.

- - -

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

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

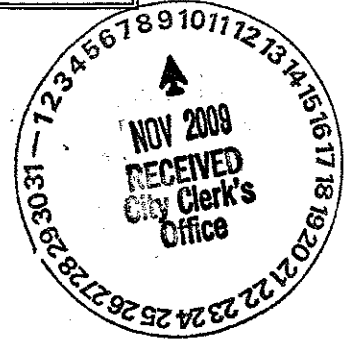
Item H1

**Consideration of Request from Wayne E. Vian for Ashlar Lodge
No. 33 A.F. & A.M. for Permission to Dedicate the Cornerstone at
the City Owned State Fair Recreational Building**

Staff Contact: Steve Paustian



REQUEST FOR FUTURE AGENDA ITEM



If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Name: Ashlar Lodge No. 33 A.F. & A.M. by Wayne E. Vian

Address: 417 W 3rd St, P.O. Box 524
Grand Island, NE 68802

Telephone #: 308-382-4714-Ashlar 308-379-5173-Wayne

Date of Request: 5 November 2009

Description of Requested Topic: Ashlar Lodge is requesting
permission to lay a cornerstone at the new city
owned state fair building presently under construction.



Dr. Wayne E. Vian
1207 S. Harrison St.
Grand Island, NE 68803
308-384-4717 Home
308-379-5173 Cell
swvian@kdsi.net



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item I1

#2009-305 - Consideration of Request from James Fox dba Husker Hut, 1403 South Eddy Street for a Class "I" Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2009-305

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 November 14, 2009; such publication cost being \$14.73; and

WHEREAS, a public hearing was held on November 24, 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 24, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

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



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item I2

#2009-306 - Approving the Adoption of the Resolution to Comply with Local Public Agency Guidelines Manual by Designating a Responsible Charge

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Approving the Adoption of the Resolution to Comply with Local Public Agency Guidelines Manual by Designating a Responsible Charge

Item #'s: I-2

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

Background

Grand Island is a Local Public Agency (LPA) in the State of Nebraska receiving federal transportation funding from the Federal Highway Administration (FHWA). FHWA federal transportation funds are limited to Roadway, Bridge, and Trail Projects. As a sub-recipient of federal transportation funding, the City of Grand Island is charged with the responsibility of spending these funds in accordance with Federal and State law. The Nebraska Department of Roads (NDOR) administers these funds under guidelines in the NDOR's Local Projects Agency (LPA) Manual.

Discussion

There are a number of requirements to comply with the NDOR's LPA Manual. The City completed one of the steps by agreeing to comply with the requirements of the Nebraska Department of Road's (NDOR's) LPA Manual by passing a resolution at the October 27, 2009 council meeting. One of the next steps is to designate a Responsible Charge (RC) individual to oversee the federal aid transportation projects. The RC must be a full-time employee of a governmental entity. If a community doesn't have such an employee they can contract through another government entity by an interlocal agreement. Prior to designation as an RC, an individual has to participate in approximately three (3) weeks of on-line training and two (2) separate weeks of classroom training. There will also be a requirement of annual training in order to maintain certification as an RC.

Manager of Engineering Services, David Goedeken, has completed the training and is certified by the NDOR as a Responsible Charge individual. Passing the resolution will

designate David as the City's Responsible Charge individual for all projects that are currently active and using federal aid transportation funds.

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 resolution, designating David Goedeken, Manager of Engineering Services, as the Responsible Charge individual for all currently active federal aid transportation projects.

Sample Motion

Move to approve the resolution designating David Goedeken as the City's Responsible Charge individual.

**RESOLUTION
(DESIGNATING RC)**

City of Grand Island

Resolution No. _____

Whereas: The CITY OF GRAND ISLAND has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

Whereas: the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

Full-time public employee means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

Public employee means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

Responsible charge means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA’s point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner’s interests in the delegated technical tasks.

Be It Resolved: by the City Council of the CITY OF GRAND ISLAND that:

DAVID GOEDEKEN is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation projects:

NDOR Project Number [URB-2235(5)],

NDOR Control Number [42519],

Northbound Lanes of South Locust Street, North of Interstate 80

NDOR Project Number [SRTS-40(57)],

NDOR Control Number [42521],

Walk to Walnut Safe Routes to School Project at 15th Street and Custer Avenue

NDOR Project Number [STPAA-5436(4)],

NDOR Control Number [42427],

Capital Avenue Widening from west of Carleton Avenue to Webb Road

NDOR Project Number [URB-30-4(151)],

NDOR Control Number [42477],

Storm Sewer from US Highway 30 to Wasmer Detention Cell

NDOR Project Number [ENH-40(59)],

NDOR Control Number [42650],

Bike Trail along Moore's Creek Drainway; State Street to Capital Avenue

The City of Grand Island assures and agrees that:

- 1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 2) The RC is a full-time public employee.
- 3) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
- 5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 6) It will provide necessary office space, materials and administrative support for the RC.
- 7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.

- 8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
- 9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
- 12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

The CITY OF GRAND ISLAND understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- f) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

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

The City Council of the CITY OF GRAND ISLAND

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

Council Member _____
Moved the adoption of said resolution
Member _____ Seconded the motion
Roll Call: ___Yes ___No ___Abstained ___Absent
Resolution adopted, signed and billed as adopted

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item J1

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

*The Claims for the period of November 11, 2009 through November 24, 2009 for a total
amount of \$3,521,396.45. A MOTION is in order.*

Staff Contact: Mary Lou Brown



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item J2

Approving Payment of Claims for the Period of November 11, 2009 through November 24, 2009 for the Veterans Athletic Field Complex

The Claims for the Veterans Athletic Field Complex for the period of November 11, 2009 through November 24, 2009 for the following requisitions.

#7 \$126,103.42

A MOTION is in order.

Staff Contact: Mary Lou Brown

FORM OF REQUISITION

REQUISITION NO. 7

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	\$1,697.17	Construction administration and observation
Nature's Helper Sprinkler Systems	2129 South 156 th Circle Omaha, NE 68130	\$73,392.00	Irrigation, parts, bid bond and work completed on soccer field
Slepicka Construction	3408 Rokeby Road Dorchester, NE 68343	\$51,014.25	Earthmoving, fence, culvert work

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 17 day of Nov,
2009

CITY OF GRAND ISLAND,
NEBRASKA, as Owner

By Mary Jane Brown
Owner Representative

Vendor							
Org	Object	Name/Number	Description	Invoice	PO #	WO#	Check # Amount
40044450		PARKS & RECREATION					
	90122	ATHLETIC COMPLEX					
1	8080	NATURE'S HELPER	INSTALL IRRIGATION SYSTEM	4066	21434		152579 73,392.00
1	190	OLSSON ASSOCIATES INC	CONSTRUCTION OBSERVATION	134835	21414		152595 1,697.17
1	8081	SLEPICKA CONSTRUCTION	GRADING IMPROVEMENTS - PMT #1	102009	21435		152634 51,014.25
						40044450	Org Total 126,103.42



BUS: 402-334-2625
FAX: 402-334-2656

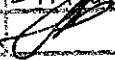
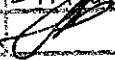
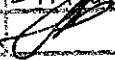
COPY

Invoice

BILL TO
City of Grand Island PO Box 1968 Grand Island, NE 68802-1968

DATE	INVOICE #
11/2/2009	4066

TERMS	PROJECT
Net 30	

QTY	DESCRIPTION	RATE	AMOUNT																								
	For Irrigation on the Grand Island Athletic Complex: Parts ordered & delivered as of 10/30/09	62,336.00	62,336.00																								
	Bid Bond	1,856.00	1,856.00																								
	Portion of work completed on Soccer Field	9,200.00	9,200.00																								
<p style="text-align: center;"><i>Partial Payment</i></p> <p>Voucher #</p> <table border="1"> <tr> <td>PO #</td> <td colspan="3">21434 - Per Res. 2009-220</td> </tr> <tr> <td>Vendor #</td> <td colspan="3">8080</td> </tr> <tr> <td>Invoice #</td> <td colspan="3">4066</td> </tr> <tr> <td>Description</td> <td colspan="3">Irrigation Installation Payment #1</td> </tr> <tr> <td>Approved by</td> <td></td> <td>Date</td> <td>11-3-09</td> </tr> <tr> <td>Org-obj#</td> <td>40044450-90122</td> <td>Amount</td> <td>73,392.00</td> </tr> </table>				PO #	21434 - Per Res. 2009-220			Vendor #	8080			Invoice #	4066			Description	Irrigation Installation Payment #1			Approved by		Date	11-3-09	Org-obj#	40044450-90122	Amount	73,392.00
PO #	21434 - Per Res. 2009-220																										
Vendor #	8080																										
Invoice #	4066																										
Description	Irrigation Installation Payment #1																										
Approved by		Date	11-3-09																								
Org-obj#	40044450-90122	Amount	73,392.00																								

Thank you for your business!	Total \$73,392.00
We accept MasterCard, Visa & American Express.	Payments/Credits \$0.00
A Service Charge of 1.33% per month, 16% APR, with a minimum of \$3.00 will be added to all overdue accounts. A late fee of \$20.00 will be added to all accounts unpaid for 90 days. Customers are also liable for all legal and collection fees.	Balance Due \$73,392.00

Sprinkler Systems • Holiday Lighting •

2129 S. 156TH CIR. • OMAHA, NE 68130

natureshelperinc.com • info@natureshelperinc.com

Invoice

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

October 28, 2009
Invoice No: 134835

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

COPY

OA Project No. 009-1973 GI New Vets Athletic Field Complex

PO #21414-00 dated 9/10/09

Professional services rendered through October 10, 2009. Services this period include part-time construction administration and observation of the grading improvements which included utility coordination with AT&T and checking final grade of soccer field.

Phase 600 Construction Observation

Professional Personnel

	Hours	Rate	Amount	
Hurt, Jesse	6.25	61.70	385.63	
Kolbet, Timothy	9.50	50.90	483.55	
Loomis, Zack	3.75	62.01	232.54	
Rief, Matthew	4.50	123.10	553.95	
Totals	24.00		1,655.67	
Total Labor				1,655.67

Reimbursable Expenses

Personal Vehicle Mileage	4.40	
Total Reimbursables	4.40	4.40

Internal Unit Billing

Construction Vehicle	18.0 Miles @ 0.68	12.24	
Survey Vehicle	13.0 Miles @ 0.68	8.84	
Survey Supplies		15.58	
Postage		0.44	
Total Internal Units		37.10	37.10

Total this Phase \$1,697.17

Billing Limits

	Current	Prior	To-Date
Total Billings	1,697.17	0.00	1,697.17
Limit			7,500.00
Balance Remaining			5,802.83

OA Project No. 009-1973

GI New Vets Athletic Field Complex

Invoice 134835

AMOUNT DUE THIS INVOICE

\$1,697.17

Authorized By: Matthew Rief

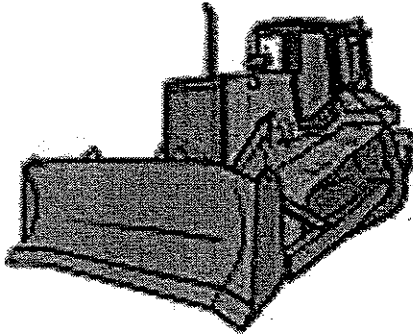
*Partial
Payment*

Voucher #

PO #	21414
Vendor #	190
Invoice #	134835
Description	Const. Observation payment #1
Approved by	<i>MP</i> Date 10/30/09
Org-obj#	Amount
40044450-90122	1,697.17

Slepicka Construction

3408 Rokeby Road
Dorchester, NE 68343
402-440-2839



COPY

Invoice: 102009

In Account With:

City of Grand Island
For New Veterans
Athletic Field Complex

Date: 10/20/2009

Qty	Description	Unit Price	Total
240.00 ft	60" Culvert	\$72.00 \$	17,280.00
4.00	60" Flared ends	\$735.00 \$	2,940.00
1,255.00 ft	Silt Fence	\$1.75 \$	2,196.25
0.50 yd	Earthmoving	\$57,196.00 \$	28,598.00
		\$	-
		\$	-
		\$	-
		\$	-
		\$	-
		\$	-
		\$	51,014.25

Please return this portion with payment

240.00 ft 60" Culvert
4.00 60" Flared ends
1,255.00 ft Silt Fence
0.50 yd Earthmoving

Invoice: 102009

\$72.00 \$ 17,280.00
\$735.00 \$ 2,940.00
\$1.75 \$ 2,196.25
\$57,196.00 \$ 28,598.00
\$ -
\$ -
Total \$ 51,014.25

Amount enclosed

A finance charge of 1.5% per month (18% annual rate) computed from date of invoice will be charged on unpaid accounts

Voucher #

PO #	21435
Vendor #	8081
Invoice #	102009
Description	payment #1 Grading Improvements
Approved by	[Signature]
Org-obj#	40044450-90122
Date	10/29/09
Amount	51,014.25

partial
payment

RESOLUTION 2009-221

COPY

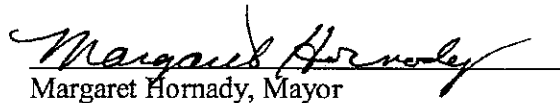
WHEREAS, the City of Grand Island invited sealed bids for Grading Improvements at the new Veterans Athletic Field Complex, according to plans and specifications on file with the Parks and Recreation Department; and

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

WHEREAS, Slepicka Construction from Dorchester, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids, plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$83,526.25.

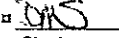
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Slepicka Construction from Dorchester, Nebraska in the amount of \$83,526.25 for Grading Improvements at the new Veterans Athletic Field Complex is hereby approved as the lowest responsible bid.

Adopted by the City Council of the City of Grand Island, Nebraska, September 8, 2009.


Margaret Hornady, Mayor

Attest:


RaNae Edwards, City Clerk

Approved as to Form 
September 8, 2009 ☒ City Attorney



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item J3

Approving Payment of Claims for the Period of October 28, 2009 through November 24, 2009 for the State Fair Recreation Building

The Claims for the Period of October 28, 2009 through November 24, 2009 for the State Fair Recreational Building for the following requisitions.

#7 \$2,826.62

A MOTION is in order.

Staff Contact: Mary Lou Brown

Exhibit A to Escrow Agreement
(FORM OF PAYMENT REQUEST)

Payment Request No. 007

The City of Grand Island, Nebraska, as lessee (the "Lessee") under that Lease-Purchase Agreement dated as of July 1, 2009 (the "Lease") between Lessee and Wells Fargo Brokerage Services, LLC, (the "Lessor"), hereby requests Wells Fargo Bank, National Association, as escrow agent (the "Escrow Agent") under the Escrow Agreement dated as of July 1, 2009 (the "Escrow Agreement") among the Escrow Agent, the Lessor and the Lessee, to make payment from the Escrow Fund (as defined in the Escrow Agreement) to the following party or parties, at the addresses set forth below:

<i>Payee</i>	<i>Address</i>	<i>Amount To Be Paid</i>	<i>Cost of Issuance or Project Description</i>
Davis Design	211 North 14 th Street Lincoln, NE 68508	\$2,826.62	Bidding/construction administration and film and film processing

In connection therewith, the undersigned officer of the Lessee hereby certifies as follows:

1. All of the provisions of the Lease and the Escrow Agreement are incorporated herein by reference and capitalized terms used herein and not defined shall have the meanings assigned to them in the Loan Agreement and the Escrow Agreement.
2. The payments to be made to the payees set forth above are for costs of construction and/or acquisition of the Project (as defined in the Escrow Agreement) described above, or reimbursement to Lessee therefor, and the payments have not been the basis for a prior request which has been paid. Any amounts to be reimbursed to the Lessee are for advances made by the Lessee from its own funds not earlier than May 1, 2009.
3. All of Lessee's representations, covenants and warranties contained in the Lease and the Certificate with Respect to Tax Matters (the "Tax Certificate") were true and accurate in all material respects as of the date made, and remain true and accurate in all material respects as of the date of this Payment Request, and the Lessee has fully and satisfactorily performed all of its covenants, representations and obligations to date required under the Lease, the Escrow Agreement and the Tax Certificate. No Default Event has occurred under the Lease.
4. The Lessee understands that the Lessor is relying on the certifications herein with regard to and in connection with approving the disbursement requested hereby.

5. Please indicate if this Payment Request relates to the final disbursement from the Escrow Fund: Yes X No.

If this Payment Request relates to the final disbursement from the Escrow Fund, the Lessee and the Lessor hereby instruct Escrow Agent to disburse to Lessor the remaining moneys held in the Escrow Fund to be applied to make a partial prepayment on the Rental Payments as set forth in the Lease.

6. Please indicate if this Payment Request reimburses Lessee for any payment or payments previously made by Lessee: Yes X No.

If this Payment Request requests such a reimbursement, the payment or payments for any obligations originally paid by Lessee, for federal income tax purposes, was after May 1, 2009.

7. Lessee attaches hereto the following items:

(a) invoices and/or bills of sale and/or contractor's payment certifications relating to the Project and, if such invoices have been paid by Lessee, evidence of payment thereof;

(b) an insurance certificate showing coverages as required by the Lease if such insurance certificate has not been previously provided by Lessee to the Lessor.

LESSEE:

THE CITY OF GRAND
ISLAND, NEBRASKA

By: Gregory Brown
Title: Finance Director
Date: 11/6/09

REQUEST APPROVED BY WELLS FARGO BANK, NATIONAL ASSOCIATION (Grand Island Branch, as assignee)


Authorized Officer

Attachments: 1. Invoices/Certificates for Payment
2. Insurance Certificate (if not previously provided)



NEBRASKA STATE FAIR PARK
P.O. BOX 81223
LINCOLN, NE 68501

received 11/6/09
MLB



Thursday November 5, 2009

Mary Lou Brown
100 East First Street
PO Box 1968
Grand Island, NE 68802

Dear Ms. Brown,

Enclosed you will find invoices that have been approved by Davis Design and myself. I am forwarding these on to you for your approval and payment.

Please do not hesitate to contact myself with any questions you might have regarding these invoices.

Thank you,

Joseph McDermott
Executive Director



NOV 04 2009

Invoice number 13388
October 30, 2009ARCHITECTURE
ENGINEERING
INTERIOR DESIGNSTATE FAIR PARK
GRAND ISLAND, NEBRASKA
70,000 S.F. EXHIBITION BUILDING
PROJECT NO.: 08-0192

Principals:

JON P. DALTON, PE
WYNN E. MEHLHAFF, AIA
MATTHEW C. METCALF, AIA
WADE W. STANGE, AIA
MICHAEL A. WACHAL, PEMR. JOSEPH MCDERMOTT
STATE FAIR PARK BOARD OFFICE
P.O. BOX 81223
LINCOLN, NE 68501

Associate Principal:

MICHAEL D. MARSH, AIA

Senior Associates:

J. EDWARD BUKACEK, AIA
RONALD G. HACKETT, AIA
DAN L. HEMSATH
BRYCE G. JOHNSON, MS PE
JAMES K. LUEDKE, PE
RENEE M. SHEIL
GREGORY T. SMITH, AIA
LEROY P. SVATORA, AIAEstimated Construction Cost: \$ 3,855,000.00
Percent of Construction Cost: 4.00

Fee: \$ 154,200.00

Phase	Contract Amount	Percent Complete	Total Billed
Schematic Design	15,420.00	100.00 %	15,420.00
Design Development	38,550.00	100.00 %	38,550.00
Contract Documents	69,390.00	100.00 %	69,390.00
Bidding/Construction Admin.	30,840.00	18.18 %	5,607.26
Total Billed			128,967.26
Fee previously billed			126,163.63
Current fee billing			2,803.63

Reimbursable	Cost	Mult	Amount
Film and Film Processing	20.90	1.10	22.99
Reimbursable subtotal			22.99

PLEASE PAY THIS AMOUNT

2,826.62

Lincoln:

211 NORTH 14TH STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 476-9700
FAX: (402) 476-9722

Omaha:

4245 SOUTH 143RD STREET
SUITE 5
OMAHA, NEBRASKA 68137
PHONE: (402) 341-6600
FAX: (402) 341-6611

FOR THE FIRM

MATTHEW C. METCALF
DAVIS DESIGN

www.davisdesign.com



211 North 14th Street
Lincoln, Nebraska 68508
(402) 476-9700

REIMBURSABLE EXPENSES WORKSHEET

Project Information

Owner: State Fair Park Board Office
Project Name: State Fair Park, Grand Island, 70,000 S.F. Exhibition Building
Project No: 08-0192

SUMMARY OF EXPENSES

Travel Expenses	\$	-
Print Log Expenses	\$	-
Film Processing Expenses	\$	20.90
In-House Copy Expenses	\$	-
US Postal Service Expenses	\$	-
Express Shipping Expenses	\$	-
Total Expenses	\$	20.90

Travel Expenses

Date	Person(s) Traveling	# of Trips	Cost per trip	Total Cost
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			Total	\$ -

Print Log Expenses

Date	Purpose	By	Size	Quantity	Cost per sheet	Total Cost
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					Total	\$ -

Film Processing Expenses

Date	Place of Processing	By	Quantity	Cost per picture	Total Cost
10/09/09	DD Photo Processing	CV	19	\$ 1.10	\$ 20.90
				\$ -	\$ -
				\$ -	\$ -
				Total	\$ 20.90

In-House Copy Expenses

Date	# of pages	Purpose	Type	Size	Quantity	Cost per page	Total Cost
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						Total	\$ -

US Postal Service Expenses

Date	Description	# of pieces	Cost per piece	Total Cost
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			Total	\$ -

Express Shipping Expenses

Date	Carrier	Destination	Charge	Total Cost
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			Total	\$ -