

Tuesday, January 11, 2011 Council Session Packet

City Council:

Larry Carney

Linna Dee Donaldson

Scott Dugan

Randy Gard

John Gericke

Peg Gilbert

Chuck Haase

Mitchell Nickerson

Bob Niemann

Kirk Ramsey

Mayor:

Jay Vavricek

Interim City Administrator:

Mary Lou Brown

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 - Pastor Bev Lanzendorf, First United Methodist Church, 4190 West Capital Avenue

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.



Tuesday, January 11, 2011 Council Session

Item C1

Recognition of Dale Shotkoski, City Attorney for Service with the City of Grand Island

Mayor Vavricek and the City Council will recognize Dale Shotkoski, City Attorney for his years of dedicated service to the City of Grand Island. Mr. Shotkoski started with the City on August 1, 1996. During his tenure he held the positions of Interim City Attorney, Interim Personnel Director and Interim City Administrator. His last day with the City of Grand Island will be Friday, January 14, 2011. We thank Dale for his service to the City of Grand Island and wish him the best.

Staff Contact: Mayor Vavricek



Tuesday, January 11, 2011 Council Session

Item C2

Recognition of Mike Kearney and Brye Jensen with the Grand Island Fire Department's Citizen's Citation Award

Staff Contact: Troy Hughes

From: EMS Division Chief Russ Blackburn

Meeting: January 11, 2011

Subject: Citizen's Citation to Mike Kearney and Brye Jensen

Item #'s: C-2

Presenter(s): Fire Chief Troy Hughes

Russ Blackburn, EMS Division Chief Ranae Foster, of the American Red Cross

Background

Sudden Cardiac Arrest is a leading cause of death in the United States, claiming nearly 300,000 lives each year. During a sudden cardiac arrest, heart function ceases – abruptly and without warning. When this occurs, the heart is no longer able to pump blood to the rest of the body, and in some 95 percent of victims, death occurs.

While Sudden Cardiac Arrest (SCA) is a significant public health crisis, it is often misunderstood. SCA is not a heart attack. A heart attack occurs when a blood vessel becomes blocked and interrupts blood flow to the heart, causing heart muscle to die. Sudden cardiac arrest occurs when the heart's electrical system malfunctions and the heart stops beating. Most of these deaths occur with little or no warning, from a syndrome called sudden cardiac arrest. The most common cause of sudden cardiac arrest is a disturbance in the heart rhythm called ventricular fibrillation.

Once a cardiac arrest occurs, cardiopulmonary resuscitation (CPR) and defibrillation is required within the first several minutes to restore electrical activity to the heart and revive the heart's pumping function. Availability of Automated External Defibrillators (AEDs) is critical for rapid response to cardiac arrest.

Discussion

On November 11, 2010 Mike Kearney, a Yard Supervisor at JBS, was told a truck driver was down in the office. Mr. Kearney found the driver not breathing with no pulse. Mr. Kearney started CPR and called for help. Responding to the call for help, Brye Jensen, Occupational Health Nurse with JBS, grabbed an Automated External Defibrillator and

went to help Mr. Kearney. Ms. Jensen applied the AED and shocked the patient when advised. The two of them then performed CPR until the Fire Department paramedics arrived. This patient was defibrillated once more en route to the hospital, but was conscious and talking to the Emergency Department doctors shortly after arrival at Saint Francis Medical Center.

This incident shows the importance of having as many people as possible in the community trained in CPR. Even though help from the Fire Department is usually less than five minutes away, immediate care provided by people already at the scene can have the greatest affect on the outcome of these medical emergencies, and increase survival rates. Mr. Kearney took his CPR training with the Red Cross "years ago." Ms. Jensen is a Red Cross CPR Instructor.

The Grand Island Fire Department would like to present Mike Kearney and Brye Jensen with the Citizen's Citation Award for their display of heroism shown on November 11, 2010 in which they saved the life of this patient.

Recommendation

It is recommended that Mike Kearney and Brye Jensen be presented with the Grand Island Fire Department's Citizen's Citation for their life saving efforts on November 11, 2010.



Tuesday, January 11, 2011 Council Session

Item C3

Recognition of Leroy Becker with the Grand Island Fire Department's Citizen's Citation Award

Staff Contact: Troy Hughes

From: EMS Division Chief Russ Blackburn

Meeting: January 11, 2011

Subject: Citizen's Citation to Leroy Becker

Item #'s: C-3

Presente r(s): Fire Chief Troy Hughes

Russ Blackburn, EMS Division Chief Ranae Foster, of the American Red Cross

Background

Sudden Cardiac Arrest is a leading cause of death in the United States, claiming nearly 300,000 lives each year. During a sudden cardiac arrest, heart function ceases – abruptly and without warning. When this occurs, the heart is no longer able to pump blood to the rest of the body, and in some 95 percent of victims, death occurs.

While Sudden Cardiac Arrest (SCA) is a significant public health crisis, it is often misunderstood. SCA is not a heart attack. A heart attack occurs when a blood vessel becomes blocked and interrupts blood flow to the heart, causing heart muscle to die. Sudden cardiac arrest occurs when the heart's electrical system malfunctions and the heart stops beating. Most of these deaths occur with little or no warning, from a syndrome called sudden cardiac arrest. The most common cause of sudden cardiac arrest is a disturbance in the heart rhythm called ventricular fibrillation.

Once a cardiac arrest occurs, cardiopulmonary resuscitation (CPR) and defibrillation is required within the first several minutes to restore electrical activity to the heart and revive the heart's pumping function. Availability of Automated External Defibrillators (AEDs) is critical for rapid response to cardiac arrest.

Discussion

On August 27, 2010 Leroy Becker and Vern Nadrchal were at Leroy's warehouse, here in Grand Island, when Mr. Nadrchal experienced Sudden Cardiac Arrest. Leroy Becker performed CPR on his co-worker for 4 to 5 minutes before Mr. Nadrchal's heart started again and he regained consciousness.

This incident shows the importance of having as many people as possible in the community trained in CPR. Even though help from the Fire Department is usually less than five minutes away, immediate care provided by people already at the scene can have the greatest affect on the outcome of these medical emergencies, and increase survival rates. Mr. Becker received his CPR training approximately 20 years ago from the Red Cross.

The Grand Island Fire Department would like to present Leroy Becker with the Citizen's Citation Award for his display of heroism shown on August 27, 2010 in which he saved the life of Vern Nadrchal.

Recommendation

It is recommended that Leroy Becker be presented with the Grand Island Fire Department's Citizen's Citation for his life saving efforts on August 27, 2010.



Tuesday, January 11, 2011 Council Session

Item D1

2011-BE-1 - Consideration of Determining Benefits and Levy Special Assessments for Sidewalk Repairs at 503 E Yund Street & 2025 N Lafayette Avenue

Staff Contact: Gary R. Mader, Interim Public Works Director

From: Gary R. Mader, Interim Public Works Director

Meeting: January 11, 2011

Subject: Consideration of Determining Benefits and Levy Special

Assessments for Sidewalk Repairs at 503 E Yund Street

& 2025 N Lafayette Avenue

Item #'s: D-1

Presente r(s): Gary R. Mader, Interim Public Works Director

Background

The Certificate of Final Completion for sidewalk repairs at 503 E Yund Street & 2025 N Lafayette Avenue was approved by the council on November 9, 2010, with January 11, 2011 set as the date for Council to sit as the Board of Equalization. Through informal bids Galvan Construction, Inc. of Grand Island, Nebraska was hired to make the necessary reparis at each location. Work was completed at a construction price of \$2,552.00. Total cost of the repairs, including engineering services of \$255.20, was \$2,807.20. All work has been completed and special assessments have been calculated for the repairs.

Discussion

The costs for this project will be assessed to the adjacent properties. The payments are spread over seven (7) years at 7% simple interest. The first payment of principle only at $1/7^{th}$ of the assessment is due 25 days after the Board of Equalization. The City has had multiple correspondences with the property owners and sent a reminder letter advising them that the BOE is scheduled for January 11, 2011 and the first payment will be due shortly after.

The attached spreadsheet shows the assessment per property.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council meet as the Board of Equalization to determine benefits and pass an ordinance to levy Special Assessments to individual properties.

Sample Motion

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for sidewalk repairs at 503 E Yund Street & 2025 N Lafayette Avenue.

(Sample Motion for the Ordinance)

Move to approve the ordinance levying the assessments for sidewalk repairs at 503 E Yund Street & 2025 N Lafayette Avenue.

Sidewalk Repairs @ 503 E Yund St & 2025 N Lafayette Ave-Final Assessments

12/16/2010

Owner & Address	Legal	Mailing Address	Lump Sum	Total Assessment w/ 10% Engineering
Helen A Yocum 503 E Yund St	Fractional Lot Four (4), Fractional Block 151, Union Pacific Railway Co's Second Addition to the City of Grand Island, Hall County, Nebraska		\$2,002.00	\$ 2,202.20
William L & Bonnie Lou Morrow 2025 N Lafayette Ave	Lots Two (2) and Four (4), in Block Eight (8), in Scarff's Addition to the City of Grand Island, Hall County, Nebraska		\$ 550.00	\$ 605.00

Total-Sidewalk Repairs @ 503 E Yund St & 2025 N Lafayette Ave

\$ 2,552.00 \$

2,807.20

RESOLUTION 2011-BE-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for sidewalk repairs at 503 E Yund Street & 2025 N Lafayette Avenue, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$2,807.20; and

Such benefits are based on length of sidewalk installed at the adjacent property; and

According to the actual frontage of sidewalk installed adjacent to the respective lots, tracts, and real estate within such sidewalk repair area, such benefits are the sums set opposite the several descriptions as follows:

Name	<u>Description</u>	<u>Assessment</u>
Sidewalk District No. 1, 2007 Helen A. Yocum	Fractional Lot Four (4), Fractional Block 151, Union Pacific Railway Co's Second Addition to the City of Grand Island, Hall County, Nebraska	\$2,202.20
William L & Bonnie Lou Morrow	Lots Two (2) and Four (4), in Block Eight (8), in Scarff's Addition to West Lawn, and Addition to the City of Grand Island, Hall County, Nebraska.	\$ 605.00
TOTAL		\$2,807.20
Adopted by the City Council of the Cit	 ty of Grand Island, Nebraska, January 11, 2011.	
	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		

Approved as to Form

Graph Display

January 7, 2011

Graph City Attorney



Tuesday, January 11, 2011 Council Session

Item E1

Public Hearing on Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street for a Class "I" Liquor License

Staff Contact: RaNae Edwards

From: RaNae Edwards, City Clerk

Meeting: January 11, 2011

Subject: Public Hearing on Request from The Chocolate Bar, Inc.

dba The Chocolate Bar. 116 West 3rd Street for a Class

"I" Liquor License

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

Presente r(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

The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street has submitted an application for a Class "I" Liquor License. A Class "I" 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.

Also submitted with this application was a Liquor Manger Designation request from Sharena Anson, 4234 Arizona Avenue.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the application for The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street for a Class "I" Liquor License contingent upon final inspections and Liquor Manager designation for Sharena Anson, 4234 Arizona Avenue contingent upon Ms. Anson completing a state approved alcohol server/seller training program.

12/31/10 Grand Island Police Department 450 Page: 1 11:04 LAW INCIDENT TABLE

City : Grand Island

Occurred after : 16:07:15 12/21/2010 Occurred before : 16:07:15 12/21/2010 : 16:07:15 12/21/2010 When reported

Date disposition declared : 12/21/2010 Incident number : L10122636 Primary incident number

Incident nature : Liquor Lic Inv Liquor License Investigation

Incident address : 116 3rd 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 Agency code : T Telephone

: GIPD Grand Island Police Department

: Vitera D Responsible officer

Offense as Taken Offense as Observed

: ACT Active Disposition Misc. number : RaNae Geobase address ID

Long-term call ID

Clearance Code : CL Case Closed

Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	35658	12/24/10	Anson, Amos C	Sharena's Spouse
NM	111396	12/24/10	Anson, Sharena D	Owner/Manager
NM	162517	12/24/10	The Chocolate Bar,	Business

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance	code	Miscellaneous
1	LT21	Restaurant		

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for the Chocolate Bar and a Copy of a Liquor Manager Application from Sharena Anson for the Chocolate Bar.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

-- ------ ----- -----

1 Vitera D 318 Vitera D

12/31/10 Grand Island Police Department 450 11:04 LAW INCIDENT TABLE Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date	
1	Vitera D	15:24:37	12/24/2010

318

Grand Island Police Department
Supplemental Report

Date, Time: Fri Dec 24 15:24:52 CST 2010

Reporting Officer: Vitera

Unit- CID

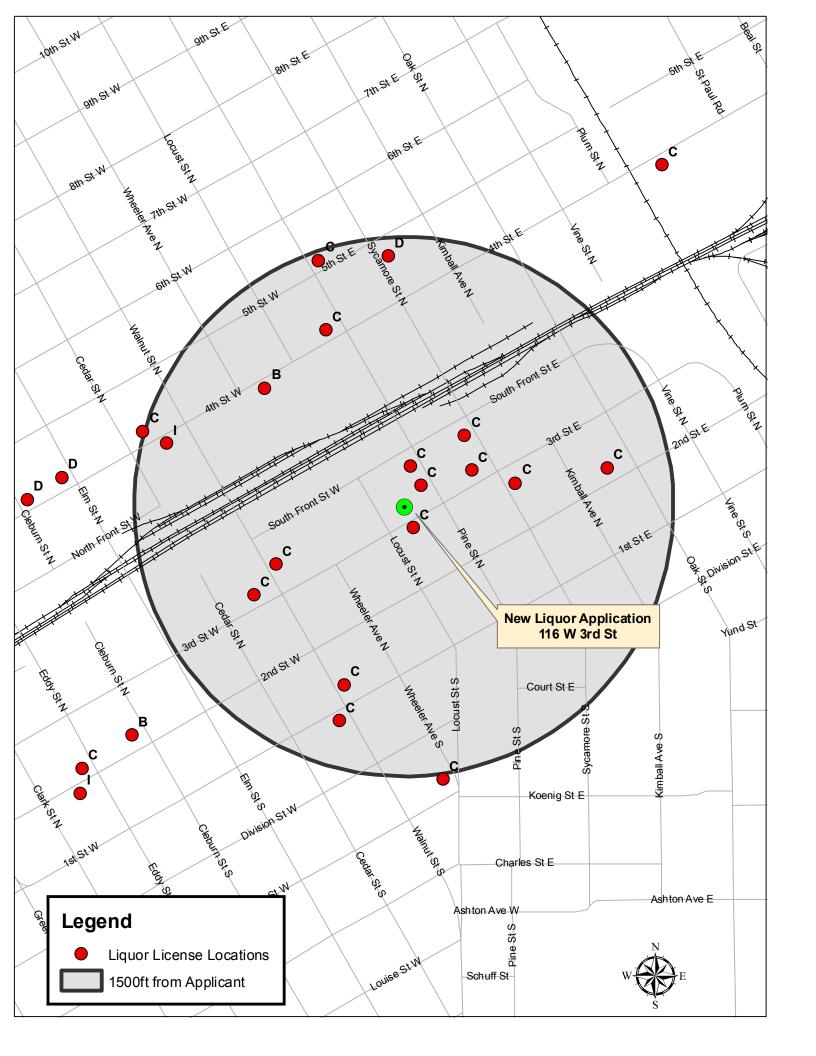
According to the application, The Chocolate Bar's "main nature of business" is "food service" with hours of operation between 0700 and 2300 hours. They are requesting a Class I Liquor License which is for beer, wine, and distilled spirits on sale only. Sharena Anson is listed as the president of the corporation. She is also requesting to be the liquor manager for the business. Sharena's husband is not listed as a member of the corporation, but he did not sign an Spousal Affidavit of Non-Participation.

It appears that Sharena has lived in Nebraska for about 10 out of the last 20 years. Amos has lived in Nebraska for the last 20 years. Sharena didn't disclose any convictions. Amos disclosed some traffic related convictions. I checked them both through Spillman and NCJIS. They didn't have any undisclosed convictions, nor would any of Amos' convictions automatically disqualify Sharena from getting a liquor license.

On 12/31/10, I spoke to Sharena and Amos in person at their home. Sharena advised that the business will serve breakfast and lunch but will not have a full dinner menu to start out with. They plan on being open until 9:00 PM on weekdays and midnight on weekends. They will try to occasionally have entertainment. Sharena and Amos stressed that the Chocolate Bar will not be a "club scene." It will be more like a piano bar. They envision more of an upscale establishment. They plan on having five full time employees (including them) and three part time employees. Amos plans on being the bartender during the evening and nighttime hours.

I stressed cooperation with law enforcement and discussed some of the common problems that I've seen with liquor license holders. They asked a few questions. I left them my contact information and encouraged them to call if they have more questions or concerns. Amos said that he would call me in advance when they plan on opening if they get their liquor license.

The Grand Island Police Department has no objection to the Chocolate Bar receiving a liquor license and to Sharena Anson being the liquor manager.





Tuesday, January 11, 2011 Council Session

Item E2

Public Hearing on Request from Riverside Golf Club dba Riverside Golf Club, 2820 Riverside Drive for an Addition/Reconstruction to Class "C-07703" Liquor License

Staff Contact: RaNae Edwards

From: RaNae Edwards, City Clerk

Meeting: January 11, 2011

Subject: Public Hearing on Request from Riverside Golf Club dba

Riverside Golf Club, 2820 Riverside Drive for an Addition/Reconstruction to Class "C-07703" Liquor

License

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

Presente r(s): RaNae Edwards, City Clerk

Background

Riverside Golf Club dba Riverside Golf Club, 2820 Riverside Drive has submitted an application for an addition/reconstruction to their Class "C-07703" Liquor License. The request includes the entire one and a half story building comprising of approximately 190' x 180'.

Discussion

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

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the application for an addition/reconstruction to Riverside Golf Club, 2820 Riverside Drive Liquor License "C-07703" contingent upon final inspections.



Tuesday, January 11, 2011 Council Session

Item E3

Public Hearing on Request from Consolidated Concrete Co. for a Conditional Use Permit for Two Conex Containers to Store Concrete located at 3440 West Old Highway 30

Staff Contact: Craig Lewis

From: Craig Lewis, Building Department Director

Meeting: January 11, 2011

Subject: Request from Consolidated Concrete Company for

Renewal of a Conditional Use Permit to Allow for the Use of Two Shipping Containers as Temporary Buildings

at 3440 W. Old Hwy #30

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

Presenter(s): Craig Lewis, Building Department Director

Background

This request is for renewal of a conditional use permit to allow for the continued use of two shipping containers for temporary buildings at the above referenced site. Approval was received from the City Council on August 12, 2008 for an 18 month period and again on January 12, 2010 for a one year period expiring on December 31, 2010.

Section 36-89 of the Grand Island Zoning Code provides for temporary buildings and uses not to exceed two years in undeveloped areas. Staff believes the intent of this section is to allow for temporary buildings and uses while permanent facilities are under construction or in this case while a determination is made as to a process or location.

Discussion

This request is for renewal for an additional one year to continue the use of two shipping containers to house admixtures and equipment (pumps and motors) to facilitate the mixing of concrete at the existing batch plant. The containers have been located on the site since June of 2007. Consolidated Concrete has been evaluating the location of these containers for permanent placement and requests an additional year to finalize a location as existing utility easements have been identified and need to be addressed.

These containers are different from typical shipping containers used for storage as these have electrical wiring supplying the equipment located within.

The application states the request is for one additional year, past discussions with Mr. Sallinger of Consolidated Concrete had revealed that permanent facilities could be planned for construction in 2010, but that appears to have been postponed and they are now looking into 2011 for a cost effective solution.

As the containers have already been in place for 3-1/2 years and received consideration from the City Council twice in the past to accommodate a permanent resolution, staff would recommend a limited amount of time be given to bring these structures into compliance with a permanent solution not taking undue advantage of the City Code that allows for temporary buildings and uses.

The site location is such that it would not appear this request will have any negative impact on the neighboring properties.

Alternatives

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

- 1. Approve the request for the conditional Use Permit finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
- 2. Disapprove or /Deny the request, finding that the proposed application does not conform to the purpose of the zoning regulations.
- 3. Approve the request with additional or revised conditions and a finding of fact.
- 4. Refer the matter to a special committee for a determination of a finding of fact.

Recommendation

City Administration recommends that the Council approve the request for an additional 12 month period expiring on December 31, 2011, finding that 4-1/2 years is a reasonable amount of time to evaluate the viability of the systems housed within these temporary structures and design a permanent solution in conformance with Grand Island City Code regulations.

Sample Motion

Move to approve the request for a conditional use permit including the staff recommendations, finding that the application conforms with the purpose of the zoning regulations.



Non-Refundable Fee:

Return by: Council Action on:

pc:

Building, Legal, Utilities

Conditional Use Permit Application

come up with a cost effective solution.

acknowledgement of that fact.

		Planning, Public Work
1.	The specific use/construction requested is: To use two Conex Containers to stor	re concrete.
2.	The owner(s) of the described property is/are:	Consolidated Concrete Co.
3.	The legal description of the property is:	Lot l Spelts-Schultz Industrial Sub.
4.	The address of the property is:	3440 West Old Hwy 30
5.	The zoning classification of the property is:	Industrial
6.	Existing improvements on the property is:	Redi Mix Concrete Plant
7.	The duration of the proposed use is:	One Year
8.	Plans for construction of permanent facility is:	Winter of 2011 / 2012
9.	The character of the immediate neighborhood is:	Industrial
10.	There is hereby <u>attached</u> a list of the names property upon which the Conditional Use Pern	and addresses of all property owners within 200' of the nit is requested.
11.	slab beside our plant. According to t	two Conex containers sitting on an 8" concrete he Grand Island code, they need to be on a with an engineer and a contractor trying to

December 17, 2010 Date Owners(s) 3440 West Old Hwy 30 (308) 384-2003Address Phone Number Grand Island Zip City State

I/We do hereby certify that the above statements are true and correct and this application is signed as an



Tuesday, January 11, 2011 Council Session

Item E4

Public Hearing on Program Income Reuse Funds Application

Staff Contact: Joni Kuzma

From: Joni Kuzma, Community Development Administrator

Meeting: January 11, 2011

Subject: Approving Program Income Reuse Funds Application

Item #'s: E-4 & G-7

Presente r(s): Joni Kuzma, Community Development Administrator

Background

The City of Grand Island maintains a revolving loan (program income reuse) fund comprised of recaptured monies from Community Development Block Grant (CDBG) Economic Development loans. The Community Development Division manages the funds and submits semi-annual program income reports to the Nebraska Department of Economic Development regarding the fund status and projects proposed and/or completed. The City adopted a CDBG Reuse Plan in 1994 that serves as the guideline for qualifying projects.

The Grand Island Area Economic Development Corporation submitted an application to the Reuse Committee on November 17, 2010 requesting \$7,000.00 of Revolving Loan funds. The forgivable loan would update an April 2010 Environmental Review of Platte Valley Industrial Park East, with the exception of the southwest corner of the southeast corner of section 5-10-9.

The Program Income Reuse Committee met on December 20, 2010 and voted to refer the loan request to the City Council and recommend that the Council approve use of \$7,000.00 of Reuse funds for the proposed project. The request meets the Community Development Block Grant State and National objective of job creation. A qualifying business will be required to create 37 full-time equivalent positions, 51% of which must be held by or made available to low-to-moderate income persons. The loan will be forgivable when a business meets those job requirements.

A public hearing is required to invite public comment regarding the recommendation for obligation of Reuse Funds. A legal notice was published January 1, 2011 in the Grand Island Independent for a public hearing at the January 11, 2011 Council meeting.

Discussion

The project meets all of the requirements for use of Revolving Loan funds. A qualifying project must:

- 1. Be used for Economic Development. The Platte Valley Industrial Park is targeted for business and industrial development.
- 2. Meet a National Objective as identified by the Department of Economic Development. This project meets the National Objective of "job creation."
- 3. Be located in a qualifying area. This project is within the city limits of Grand Island.
- 4. Meet a local objective: "job creation."

At this time the Council is requested to approve the use of Revolving Loan funds for an environmental review update at Platte Valley Industrial Park East.

Alternatives

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

- 1. Move to approve the item.
- 2. Refer the issue to a Committee
- 3. Postpone the issue to future date

Recommendation

City Administration recommends that the Council approve the use of Revolving Loan funds for an Environmental Review update at Platte Valley Industrial Park East and authorize the Mayor to sign all related documents.

Sample Motion

Move to approve the use of Revolving Loan funds for an Environmental Review update at Platte Valley Industrial Park East and authorize the Mayor to sign all related documents.

City of Grand Island Program Income Reuse Committee December 20, 2010 Meeting Minutes

The City of Grand Island Program Income Reuse Committee met Monday, December 20, 2010, 9:00 a.m. in the Legal library at City Hall, 100 E. 1st St.

Those present: John Hoggatt, Platte Valley State Bank

Jason Eley, Assistant City Attorney

Mary Lou Brown, Interim City Administrator/Finance Director

Joni Kuzma, Community Development Administrator Marlan Ferguson, Economic Development Corporation

Denise McGovern-Gallagher, Economic Development Corporation

The City received an application from the Grand Island Area Economic Development Corporation for up to \$7,000 in Reuse Funds to update an existing Environmental Review of Platte Valley Industrial Park East (PVIP East). The project is tied to a Community Development Block Grant that has been submitted to the Nebraska Department of Economic Development for water and sewer infrastructure improvements at PVIP East.

The request meets the Community Development Block Grant State and National objective of job creation. A qualifying business will be required to create 37 full-time equivalent positions, 51% of which must be held by or made available to low-to-moderate income persons. The loan will be forgivable when a business meets those job requirements.

J. Hoggatt moved to recommend approval of the application for \$7,000 for the project to the Grand Island City Council. M. Brown seconded the motion. Discussion of project time frame and potential took place. Motion carried with M. Brown, J. Kuzma, J. Hoggatt, and J. Eley voting yes. M. Ferguson and D. McGovern-Gallagher abstained. A public hearing will occur at the January 11, 2011 Council Meeting and the item recommended for approval.

Meeting adjourned 9:35 a.m.

Minutes recorded by Joni Kuzma, Community Development Administrator

11:30 a.m.

A motion was made by J. Hoggatt via email to award an additional \$1,000 for a total of \$8,000 to allow for expenses related to a required Wetlands Determination.



Tuesday, January 11, 2011 Council Session

Item F1

#9285 - Consideration of Assessments for Sidewalk Repairs at 503 E Yund Street & 2025 N Lafayette Avenue

This item relates to the aforementioned Board of Equalization Item D-1.

Staff Contact: Gary R. Mader, Interim Public Works Director

ORDINANCE NO. 9285

An ordinance assessing and levying a special tax to pay the cost of construction of Sidewalk Repairs at 503 E Yund Street & 2025 N Lafayette Avenue of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and 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. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sidewalk repairs at 503 E Yund Street & 2025 N Lafayette Avenue, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

ORDINANCE NO. 9285 (Cont.)

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Sidewalk District No. 1, 2007	-	
Helen A. Yocum	Fractional Lot Four (4), Fractional Block 151, Union Pacific Railway Co's Second Addition to the City of Grand Island, Hall County, Nebraska	\$2,202.20
William L & Bonnie Lou Morrow	Lots Two (2) and Four (4), in Block Eight (8), in Scarff's Addition to West Lawn, and Addition to the City of Grand Island, Hall County, Nebraska	\$ 605.00
TOTAL		\$2,807.20

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in ten days; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; one-seventh in six years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

ORDINANCE NO. 9285 (Cont.)

SECTION 6. 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.

provided by law.		
Enacted: January 11, 2011.		
	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



Tuesday, January 11, 2011 Council Session

Item G1

Approving Minutes of December 21, 2010 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING December 21, 2010

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 December 21, 2010. Notice of the meeting was given in *The Grand Island Independent* on December 15, 2010.

Mayor Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard and Gericke. The following City Officials were present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, Assistant City Attorney Jason Eley, and Public Works Director Steve Riehle.

<u>INVOCATION</u> was given by Mayor Vavricek in memory of former Councilmember Jackie Pielstick followed by the <u>PLEDGE OF ALLEGIANCE</u>.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Steven Bartz and Stephanie Chandler. Mayor Vavricek commented on increased impalenments at the Regional Airport, redevelopment at Skagway, United Way fund raising of \$1.2 million, and an open search done in house for the position of a new City Administrator.

Finance Director Mary Lou Brown gave the Financial Report for November and stated compared to last year we were doing better. Explained were changes in the expense charges for department funds from yearly expenses to monthly. There was a drop in the interest income. Strong numbers were received for October and November in sales tax, gas tax and food & beverage receipts. Expense side was on track with the budget.

PRESENTATIONS AND PROCLAMATIONS:

<u>Presentation to Grand Island Senior High School Volleyball Team for Qualifying at State Volleyball Tournament.</u> Mayor Vavricek and the City Council recognized the Grand Island Senior High School Volleyball Team and Coach Bill Root for qualifying for the Class A State Volleyball Competition on November 11, 2010. Coach Bill Root and three members of the volleyball team were present for the recognition.

<u>Presentation to Grand Island Northwest High School Volleyball Team for Runner-Up at State Volleyball Tournament.</u> Mayor Vavricek and the City Council recognized the Grand Island Northwest High School Volleyball Team and Coach Diane Rouzee for runner-up for the Class B State Volleyball Competition on November 13, 2010. Coach Diane Rouzee, Assistant Coach Ann Purdy and nine members of the volleyball team were present for the recognition.

Presentation to Grand Island Central Catholic High School Volleyball Team for State Championship at State Volleyball Tournament. Mayor Vavricek and the City Council recognized the Grand Island Central Catholic High School Volleyball Team and Coach Sharon Zavala for the Class C-1 State Championship at the State Volleyball Competition on November 13, 2010. Coach Sharon Zavala was present for the recognition.

Recognition of the Grand Island Police Department for Operation Pier Pressure. Mayor Vavricek and the City Council recognized the Grand Island Police Department for their outstanding work on criminal gang suppression and efforts relating to Operation Pier Pressure. Present for the recognition was Police Chief Steve Lamken.

PUBLIC HEARINGS:

Mayor Vavricek recused himself from the Council meeting due to a conflict of interest regarding item E-1.

Public Hearing on Request from Gordon Glade and Island Landhandlers, Inc. for a Conditional Use Permit for a Sand and Gravel Operation Located at 3812 South Blaine Street. Craig Lewis, Building Department Director reported that Gordon Glade, owner and Island Landhandlers, Inc. had submitted an application for a conditional use permit for a Sand and Gravel Operation located at 3812 South Blaine Street. Staff recommended approval with the following conditions:

- 1). USE: The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stock piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants. Neither of these operations has been requested in this application.
- **2). CLOSURE**: A statement on the application identifies the proposed use of the property after the closing of the sand and gravel operation as a single family dwelling.
- 3). **PRIMARY CONDITIONS**: (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period. (b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be a minimum 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet from the Central Platte Natural Resources District Wood River Diversion Channel Levee property shall be maintained between the pumping operations.
- (c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. One exception to this condition shall be in the months of March, April, October, and November; activities may operate from 6:00a.m. to 7:00p.m.to allow for winter condition.
- (d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
- (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. There is currently along the east edge of the property a 45' electrical easement and an existing transmission line, no product, material or equipment shall be stored within that easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code, nor shall the existing grade elevations be altered.

- **(f).** All dead trees, rubbish, and debris, if any, must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
- (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
- (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
- (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- (j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is completely dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
- (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.
- (1). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fails to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally, if at anytime during the life of the permit issued, the operation shall cease for a period of a continuous 18 months, the permit shall become void and a renewal shall be obtained before becoming once again operational.

The following people spoke in opposition:

- Bill Hanssen, 6301 Oakridge Drive, Lincoln, Nebraska spoke on behalf of his father, Norman Hanssen, 2548 W. Schimmer Drive
- Casey Iverson, 3604 S. Blaine Street
- Kevin Placzek, 4024 W. Faidley Avenue
- John Hanssen, 3715 S. Blaine Street
- Vi Sheeks, 3623 S. Blaine Street
- Scott Leisinger, 2119 Bass Road
- Leslie Meyer, 3648 S. Blaine Street
- Susan Springer, 3624 Schroeder Avenue

The following people spoke in support:

- Richard Fruehling, 3604 S. Blaine Street
- Jackie Beltzer read a letter by Sadie Bohnenkamp, 1615 Bass Road
- Gordon Glade, 122 S. Gunbarrel Road
- Gerald Williams, 1505 S. Newcastle Road representing Island Landhandlers, Inc.
- Brian McMahon, 3481 Schimmer Drive

Matt Rief, 201 East 2nd Street representing Olsson Associates spoke in a neutral position. No further public testimony was heard.

Mayor Vavricek returned to the Council meeting.

Public Hearing on Acquisition of Utility Easement Located at 1140 Allen Drive (Custard Cats, LLC). Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1140 Allen Drive was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing a three phase pad-mounted transformer along with associated conduit and cable to provide electrical service to the new restaurant. Staff recommended approval. No public testimony was heard.

<u>Public Hearing on Acquisition of Utility Easement Located at 2820 Riverside Drive (Country Club Holding Association).</u> This item was pulled from the agenda at the request of the Utilities Department.

<u>Public Hearing on Acquisition of Landscape Easements Located in Business Improvement District No. 6 (Second Street).</u> Steve Riehle, Public Works Director reported that acquisition of 31 landscape easements located in Business Improvement District No. 6 along 2nd Street from Garfield Street to Clark Street was needed for the following:

North

- Five Points Bank 1704 W 2nd Street
- J.J.A. Holding LLC 1016 W 2nd Street
- Overland National Bank 920 W 2nd Street
- Millennium Mangement Group 1020 W 2nd Street
- Real Estate Group of Grand Island Inc. 1824 W 2nd Street
- Grand Island Properties 1600 W 2nd Street
- RSI Inc. 2114 W 2nd Street
- Victoria Land Partners LP 2010 W 2nd Street
- Merleen Johnson & Robert A Johnson 1808 W 2nd Street
- Bonna Barton Wanek 802 W 2nd Street
- Mary Story 816 W 2nd Street
- Cleo E. Albright 1424 W 2nd Street

South

- Walgreen Co. 1521 W 2nd Street
- Raile Properties 823 W 2nd Street
- Autozone Development Corp. 1717 W 2nd Street
- Daffodil LLC 113 N Clay Street
- Robert V & Bonnie Clark 2017 W 2nd Street
- J & B Rentals LLC 1919 W 2nd Street
- GIPH Restaurants LLC 1015 W 2nd Street
- Kelly Samson Trustee / Brandy K. Wright 1915 W 2nd Street
- Apfel Funeral Home Inc. 1123 W 2nd Street
- Tina M. Royle 1909 W 2nd Street
- Video Kingdom of Grand Island Inc. 1723 W 2nd Street
- High Road LLC 805 W 2nd Street
- Grand Island Woman's Club Inc. 1109 W 2nd Street
- First Federal Savings & Loan Assoc. of Lincoln 1811 W 2nd Street
- Meme Saycocie 1903 W 2nd Street

- C & A Proeprties LLC 915 W 2nd Street
- Rafael & Rita C. Orozco 815 W 2nd Street
- McDonald's Corporation 1317 W 2nd Street

Staff recommended approval. No public testimony was heard.

RESOLUTIONS:

#2010-371 – Consideration of Approving Appointment of Interim Public Works Director Gary Mader. Mayor Vavricek reported he was submitting the appointment of Gary Mader as Interim Public Works Director starting January 10, 2011 and until a new Public Works Director was hired. Mentioned was since there was not a step in the Public Works Director pay scale to place Mr. Mader in a stipend of \$900 per month was recommended.

Motion by Nickerson, second by Haase to approve Resolution #2010-371. Upon roll call vote, all voted aye. Motion adopted.

#2010-372 – Consideration of Approving Appointment of Interim City Engineer Terry Brown. Mayor Vavricek reported he was submitting the appointment of Terry Brown as Interim City Engineer starting January 10, 2011.

Motion by Nickerson, second by Haase to approve Resolution #2010-372. Upon roll call vote, all voted aye. Motion adopted.

#2010-373 – Consideration of Approving Appointment of Interim City Attorney Jason Eley. Mayor Vavricek reported he was submitting the appointment Jason Eley as Interim City Attorney starting January 17, 2011.

Motion by Nickerson, second by Haase to approve Resolution #2010-374. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

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

#9282 - Consideration of Amending Ordinance No. 9280 for Sidewalk District No. 1, 2007

#9283 - Consideration of Amending Ordinance No. 9281 Creating Sanitary Sewer Connection District No. 527T for Platte Valley Industrial Park East

#9284 – Consideration of Amending Salary Ordinance

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

Public Works Director Steve Riehle reported Ordinance #9282 would correct the legal description of 520 N Darr Avenue and Ordinance #9283 would correct the pipe size for the sanitary sewer main to 18".

Human Resources Director Brenda Sutherland reported Ordinance #9284 would compensate the Interim Public Works Director.

Motion by Ramsey, second by Dugan to approve Ordinances #9282, #9283 and #9284.

City Clerk: Ordinances #9282, #9283 and #9284 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9282, #9283 and #9284 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9282, #9283 and #9284 are declared to be lawfully adopted upon publication as required by law.

<u>CONSENT AGENDA</u>: Item G-4 (Resolution #2010-357) was pulled from the agenda. Consent Agenda item G-16 was removed for further discussion. Motion by Dugan, second by Nickerson to approve the Consent Agenda excluding items G-4 and G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 7, 2010 City Council Regular Meeting.

Approving Request from Susan McAfee, 1863 7th Avenue, Dannebrog for Liquor Manager Designation for Pump & Pantry #10, 3200 South Locust Street.

#2010-356 – Approving Acquisition of Utility Easement Located at 1140 Allen Drive (Custard Cats, LLC)

#2010-357 – Approving Acquisition of Utility Easement Located at 2820 Riverside Drive (Country Club Holding Association). This item was pulled from the agenda at the request of the Utilities Department.

#2010- 358 – Accepting Certificate of Final Completion for Water main Project 2009-W-8 – with Diamond Engineering Company of Grand Island, Nebraska.

#2010-359 – Approving Change Order Number 1 for Addition to Transfer Station Storage Building with Rathman & Manning Corporation of Chapman, Nebraska for an Increase of \$200.00 and a Revised Contract Amount of \$80,950.00 and Extend the Completion Date from November 19, 2010 to December 29, 2010.

#2010- 360 – Approving Designation of Sole Source Provider for Flyght Equipment and Repairs at the Wastewater Treatment Plant with Electric Pump, Inc. of Des Moines, Iowa.

#2010-361 – Approving Acquisition of the Following Landscape Easements Located in Business Improvement District No. 6 (Second Street):

North

- Five Points Bank 1704 W 2nd Street
- J.J.A. Holding LLC 1016 W 2nd Street
- Overland National Bank 920 W 2nd Street
- Millennium Mangement Group 1020 W 2nd Street
- Real Estate Group of Grand Island Inc. 1824 W 2nd Street
- Grand Island Properties 1600 W 2nd Street
- RSI Inc. 2114 W 2nd Street
- Victoria Land Partners LP 2010 W 2nd Street
- Merleen Johnson & Robert A Johnson 1808 W 2nd Street
- Bonna Barton Wanek 802 W 2nd Street
- Mary Story 816 W 2nd Street
- Cleo E. Albright 1424 W 2nd Street

South

- Walgreen Co. 1521 W 2nd Street
- Raile Properties 823 W 2nd Street
- Autozone Development Corp. 1717 W 2nd Street
- Daffodil LLC 113 N Clay Street
- Robert V & Bonnie Clark 2017 W 2nd Street
- J & B Rentals LLC 1919 W 2nd Street
- GIPH Restaurants LLC 1015 W 2nd Street
- Kelly Samson Trustee / Brandy K. Wright 1915 W 2nd Street
- Apfel Funeral Home Inc. 1123 W 2nd Street
- Tina M. Royle 1909 W 2nd Street
- Video Kingdom of Grand Island Inc. 1723 W 2nd Street
- High Road LLC 805 W 2nd Street
- Grand Island Woman's Club Inc. 1109 W 2nd Street
- First Federal Savings & Loan Assoc. of Lincoln 1811 W 2nd Street
- Meme Savcocie 1903 W 2nd Street
- C & A Proeprties LLC 915 W 2nd Street
- Rafael & Rita C. Orozco 815 W 2nd Street
- McDonald's Corporation 1317 W 2nd Street

#2010-362 – Approving the Adoption of a Resolution Designating Scott Griepenstroh as Responsible Charge Individual for Federal Aid Transportation Projects

#2010-363 – Approving Change Order Number 2 for Asphalt Maintenance Project 2010-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, Nebraska for an Increase of \$96,313.43 and a Revised Contract Amount of \$940,184.00.

#2010-364 – Approving Certificate of Final Completion for the 2010 Asphalt Resurfacing Project No. 2010-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, Nebraska.

#2010-365 – Approving Contract for EMS Medical Services Director with Dr. Michael McGahan of Grand Island, Nebraska.

#2010-366 – Approving Certificate of Final Completion for Utility Improvements at the Veterans Athletic Field Complex with Diamond Engineering Company of Grand Island, Nebraska.

#2010-367 – Approving Supplemental Agreement #2 for Construction Engineering Services on the Capital Avenue Widening Project with Olsson Associates of Grand Island, Nebraska in an Amount not to exceed \$77,234.00.

#2010-368 – Approving Pioneer Consortium Joint Entity Agreement for Library Services with the City of Grand Island, City of Holdrege, City of Lincoln, and City of St. Paul through January 1, 2016.

#2010-369 – Approving State Bid Contract No. 12879 OC for Two (2) Ford Expeditions for the Police Department with Anderson Ford of Lincoln, Nebraska in an Amount of \$59,330.00. Police Chief Steve Lamken answered questions concerning the budget and purchase of five police marked vehicles.

Motion by Gilbert, second by Nickerson to approve Resolution #2010-369. Upon roll call vote, Councilmember's Haase, Carney, Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Nickerson did not vote. Motion adopted.

REQUEST S AND REFERRALS:

Mayor Vavricek recused himself from the Council meeting due to a conflict of interest regarding item H-1.

Consideration of Request from Gordon Glade and Island Landhandlers, Inc. for a Conditional Use Permit for a Sand and Gravel Operation Located at 3812 South Blaine Street. This item related to the aforementioned Public Hearing.

Discussion was held regarding setbacks, pumping depth, zoning requirements, and other operations that could be placed on this property without a conditional use permit. Truck traffic on Schimmer was discussed. Public Works Director Steve Riehle reported Schimmer Drive would not be shut down for sanitary sewer construction, but the water main construction would possibly shut Schimmer Drive down for one week.

Discussion was held regarding the 10 year length of the permit. Mr. Gordon stated the lake would be 20 acres when finished and they planned to build a single family house on the property. This property would not be subdivided. Building Department Director Craig Lewis answered questions concerning drainage.

Motion by Dugan, second by Gard to approve the request from Gordon Glade and Island Landhandlers, Inc. for a Conditional Use Permit for a Sand and Gravel Operation Located at 3812 South Blaine Street with the following conditions:

- 1). USE: The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stock piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants. Neither of these operations has been requested in this application.
- **2). CLOSURE**: A statement on the application identifies the proposed use of the property after the closing of the sand and gravel operation as a single family dwelling.
- **3). PRIMARY CONDITIONS**: (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.
- **(b).**Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be a minimum 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet from the Central Platte Natural Resources District Wood River Diversion Channel Levee property shall be maintained between the pumping operations.
- (c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. One exception to this condition shall be in the months of March, April, October, and November; activities may operate from 6:00a.m. to 7:00p.m.to allow for winter condition.
- (d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
- (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. There is currently along the east edge of the property a 45' electrical easement and an existing transmission line, no product, material or equipment shall be stored within that easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code, nor shall the existing grade elevations be altered.
- **(f).** All dead trees, rubbish, and debris, if any, must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
- (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
- **(h).** Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
- (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- (j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is completely dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

- (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.
- (I). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fails to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally, if at anytime during the life of the permit issued, the operation shall cease for a period of a continuous 18 months, the permit shall become void and a renewal shall be obtained before becoming once again operational.

Finding of facts were: the proposed use and application promotes the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Upon roll call vote, Councilmember's Haase, Carney, Gilbert, Donaldson, Dugan, and Gard voted aye. Councilmember's Niemann, Ramsey, Nickerson, and Gericke voted no. Motion adopted.

Consideration of Request from Riverside Golf Club for a Temporary Liquor License Located at 644 South Locust Street. City Clerk RaNae Edwards reported that Riverside Golf Club located at 2820 Riverside Drive was in the process of expanding and remodeling their facility. They requested permission to use their current liquor license at a temporary location at 644 South Locust Street for approximately 4 to 6 months.

Motion by Carney, second by Haase to approve the request from Riverside Golf Club for a Temporary liquor License located at 644 South Locust Street for 4 to 6 months. Upon roll call vote, all voted aye. Councilmember Gard abstained from voting due to a conflict of interest. Motion adopted.

RESOLUTIONS:

#2010-370 – Consideration of Approving Funding of Economic Development Request for Rogue Manufacturing, Inc. Interim City Administrator Mary Lou Brown reported that Grand Island Area Economic Development Corporation had submitted an application for LB840 funding in the amount of \$50,000.00 to be used for job incentive and infrastructure by Rogue Manufacturing, Inc. for expanding it business in Grand Island.

Mark Stelk, 3117 Brentwood Drive, Chairman of the Citizens' Review Committee and Mike Olson, 3741 Sky Park Drive, Executive Director of the Central Nebraska Regional Airport spoke in support.

Motion by Haase, second by Gericke to approve Resolution #2010-370. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of December 8, 2010 through December 21, 2010, for a total amount of \$3,985,046.55. Unanimously approved. Finance Director Mary Lou Brown answered a question concerning the worker's comp. bond.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of December 8, 2010 through December 21, 2010 for the Veterans Athletic Field Complex for a total amount of \$111,808.98. Unanimously approved.

Each councilmember gave a brief Christmas greeting.

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

RaNae Edwards City Clerk



Tuesday, January 11, 2011 Council Session

Item G2

Approving Minutes of December 28, 2010 City Council Special Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING December 28, 2010

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 December 28, 2010. Notice of the meeting was given in the *Grand Island Independent* on December 22, 2010.

Mayor Vavricek called the meeting to order at 5:30 p.m. The following Councilmember's were present: Haase, Niemann, Gilbert, Donaldson, Gard, and Gericke. Councilmember's Nickerson, Ramsey, Carney, and Dugan were absent. The following City Officials were present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Dale Shotkoski, and Public Works Director Steve Riehle.

<u>INVOCATION</u> was given by Council President Peg Gilbert followed by the <u>PLEDGE OF</u> ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on a reception to be held on Tuesday, January 4, 2011 from 2:00 p.m. to 4:00 p.m. in honor of City Attorney Dale Shotkoski and City Engineer/Public Works Director Steve Riehle.

RESOLUTIONS:

#2010-374 – Approving Letter of Support for Essential Air Service (EAS) to the Department of Transportation (DOT). Mike Olson, Executive Director for the Central Nebraska Regional Airport reported that the Hall County Airport Authority was recommending American Eagle Airlines to the Department of Transportation (DOT) for air service for the Central Nebraska Regional Airport under the Essential Air Service (EAS) program. American Eagle Airlines would provide thirteen (13) weekly round trip nonstop flights to DFW (Dallas/Fort Worth) Texas.

A PowerPoint presentation was given. Mr. Olson stated a request for a letter of support from the Mayor and City Council to the U.S. Department of Transportation was needed in order to seek Essential Air Service (EAS) funding. EAS was a program providing subsidy to rural areas for commercial airlines flights who would otherwise not be able to support air service.

Mr. Olson stated 5 bids were received from 4 airlines. The Hall County Airport Authority voted unanimously on December 20, 2010 in favor of American Eagle Airlines to Dallas/Fort Worth. The following reasons were given for that decision:

- Competitive bid
- 750 departures to 160 destinations (Including non-stops to Asia, Europe, South America and Mexico)
- Connections to 19 of our top 20 destinations
- Regional Jet Service

- An option that Kearney & Lincoln do not have
- American Eagle's success at Manhattan, KS and Roswell, NM has re-energized air service and now subsidy-free
- Weather related issues
- DFW is a good Omni-directional hub to East, West and Internationally
- If DFW performs as expected, potential for Chicago O'Hare service in future
- Passengers Enplane/Deplane on jet bridge
- DFW Skylink service makes connections to other terminals easy
- One World alliance seamless connections to partner airlines across the world

Discussion was held regarding the approval process. Mr. Olson stated DOT would probably make a decision the second week in January and it would take approximately 3 to 4 months to implement.

Motion by Haase, second by Gilbert to approve Resolution #2010-374. Upon roll call vote, Councilmember's Haase, Niemann, Gilbert, Donaldson, and Gericke voted aye. Councilmember Gard abstained due to a conflict of interest. Mayor Vavricek voted aye to make the deciding vote. Motion adopted.

#2010-375 – Approving Bid Award for Heavy Duty Rescue Pumper. This item was pulled from the agenda.

PAYMENT OF CLAIMS:

Motion by Gilbert, second by Gard to approve the Claims for the period of December 22, 2010 through December 28, 2010, for a total amount of \$399,402.70. Unanimously approved.

Motion by Gilbert, second by Niemann to approve the Claims for the Period of December 22, 2010 through December 28, 2010 for the Veterans Athletic Field Complex for a total amount of \$43,985.39. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 6:10 p.m.

RaNae Edwards City Clerk



Tuesday, January 11, 2011 Council Session

Item G3

Approving Minutes of January 4, 2011 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION January 4, 2011

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 January 4, 2011. Notice of the meeting was given in the *Grand Island Independent* on December 29, 2010.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following Councilmember's were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. The following City Officials were present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Dale Shotkoski, Assistant City Attorney Jason Eley and Public Works Director Steve Riehle.

<u>INVOCATION</u> was given by Councilmember Nickerson followed by the <u>PLEDGE OF ALLEGIANCE</u>.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council members Ashley Bykerk, Reyna Raymundo, and Kaitlin Hehnke. Mentioned was to remember those serving in the National Guard to be deployed to Kosovo. Mayor pointed out the important services supplied by the City of Grand Island especially when there was no electricity this evening at 5:15 p.m. along Webb Road.

Recognition of Steve Riehle, City Engineer/Public Works Director for Service with the City of Grand Island. Mayor Vavricek and the City Council recognized Steve Riehle for his years of dedicated service to the City of Grand Island. Mr. Riehle started with the City on May 10, 1999 and his last day with the City would be January 7, 2011. A plaque was presented to Mr. Riehle thanking him for his service.

<u>Discussion Concerning Financial Guarantee Bond Related to Worker's Compensation Insurance.</u> Finance Director Mary Lou Brown reported that a payment in the amount of \$16,500.00 to Ryder Rosacker McCue and Huston for a financial guarantee bond annual premium was included in the past Schedule of Bills which was related to the City's worker's comp coverage.

Ms. Brown stated the insurance company required that security or collateral be provided for payments that extend for long periods of time which provided the company assurance they would be reimbursed. This would be similar to a letter of credit provided by private industry. An alternative would be to use an escrow account where the City would put aside funds for this purpose. The \$730,000 limit was based on the total dollars of outstanding claims. The fund had a current balance of \$5.3 million which included Worker's Comp, Health/Dental, and General Liability Insurance.

Mark McCue from Ryder Rosacker McCue and Huston was present to answer questions from Council. Mr. McCue explained the City's Work Comp Insurance was through EMC with a large deductible of the first \$100,000 of every work comp claim to be paid by the City which lowered the premium. By having a large deductible it had saved the City over \$3 million. Mr. McCue stated governmental entities could not use a letter of credit but were required to use a surety bond.

Councilmember Haase questioned the \$16,500 claim for administrative cost for a financial guarantee bond annual premium, which was not used towards actual claims. Mentioned was that the City was self insured and he would like to see if an escrow agreement could be worked out. Mr. McCue stated he didn't know if it was legal but would investigate it. The bond, escrow account, etc. was a necessity in order to have this plan in place. Discussion was held regarding a higher deductible.

Mr. McCue stated the City had not exceeded the \$100,000 deductible very many times over the last few years. Human Resources Director Brenda Sutherland stated there was only one employee this last year that might reach the \$100,000 deductible. Back claims were the most expensive. Impairment ratings were explained as well as the City's health wellness program. Mr. McCue stated the current modifier for the City was .94 which was better than most cities.

Ms. Brown stated she would work with Mr. McCue to analyze an escrow account.

<u>Discussion Concerning Potential Bond Refinancing.</u> Finance Director Mary Lou Brown reported that Ameritas Investment Corp was the City's bond underwriter approved by Council on September 28, 2010. A review of the City's outstanding bond issues was recommended.

Bruce Lefler representing Ameritas was present to make recommendations for refinancing current bonds. On December 7, 2010 the City Council approved redemption of the Solid Waste Bonds Series 2004. Mr. Lefler reviewed the outstanding bond issues the City currently had. The following bonds were recommended to refinance first:

- Public Safety Bond Series 2006
- GI Facilities Corp. Library Bond Series 2005
- Refunding Various Purpose Bond Series 2004

Mr. Lefler stated these bonds would have to be brought to council individually with 15 days between bonds. Ameritas was looking at the Heartland Events Center which was more complicated. Discussion was held concerning paying these off earlier. Bonds were sold in \$5,000 incremental amounts made available to the public through local bonding agents or Ameritas. Refinancing expenses were mentioned. Mayor Vavricek stated a revenue stream for the Library and Public Safety was in place with the $1/2\phi$ sales tax.

<u>Discussion Concerning Sanitary Sewer Extension along Highway 281 to 8-80.</u> Public Works Director Steve Riehle reported that the City had been approached by businesses along US Highway 281 near the Interstate 80 interchange about the possibility of extending city sanitary sewer to serve their property.

Mr. Riehle gave a PowerPoint presentation. Reviewed were maps of the existing Sanitary Sewer Collection System.

The following areas remained to be completed with sanitary sewer within the City Limits:

- Webb Road north of BNSF tracks
- West Park Plaza trailer court
- Platte Valley Industrial Park East

The following areas were studied outside the City Limits to extend sanitary sewer:

- CAAP
- East Lakes
- South Locust and US Hwy 281

Sanitary Sewer needs along South US Hwy 281 were:

- Bosselman Travel Center
- Quality Inn & Day's Inn (Including Arby's and Sinclair Gas Station)
- USA Inn (Includes Sapp Brothers Convenience Center)

Estimate of Costs:

- \$2,196,739 Total Estimated Project Cost
- Initial split between Public & Private appears close to 60/40
- Final split dependent on benefit calculations and negotiations

Financing:

- \$250,000 FY11 Budget for Sewer Districts
- \$250,000 Proposed FY 12 Budget for Sewer Districts
- \$800,000 Bond Financing
- \$1,300,000 Estimated 60% city project share

Marlan Ferguson, 2808 Apache Road on behalf of Economic Development Corporation (EDC) spoke in support. Robert Meyer, 648 E. Memorial Drive spoke in opposition.

Kevin Prior, 1320 Windsor Road representing Olsson Associates explained the reasons for planning the sanitary sewer line along the west side of Hwy. 281 was to minimize crossing Hwy. 281 and potential development was most likely to occur. Mr. Prior answered questions regarding a timeline to implement this plan. He stated it would take approximately 18 months.

Questions made by Council were: how would this be paid for; where was the revenue source coming from; shouldn't we finish sanitary sewer lines within the City first and maintain current lines; this area was not in the City limits and don't pay City taxes; how big do we want the City to be; and in which direction do we want to grow.

Lift stations were discussed which were not a part of the total cost of this project. Environmental issues, annexation, and additional rate payers were mentioned. Tap district financed by the private sector was brought forward. Regional Planning Director Chad Nabity answered questions

regarding development along Hwy 281. He stated if sewer line was in place it would lend itself to development.

Mr. Riehle explained the letter of intent could be brought before Council at the January 11, 2011 City Council meeting. City Attorney Dale Shotkoski explained the Department of Environmental Quality (DEQ) was on a timeline regarding the businesses at the I-80 interchange to improve their sewer issues. The letter of intent would start the negotiation process.

Utilities Director Gary Mader explained the process to provide municipal infrastructure to the entire City. Trunk lines for water and sewer were available in all areas of the City so if anyone wanted to tap into it they could. Citizens would petition the City to add a district at which time the residents could protest the district if they did not want it. Mr. Mader answered questions concerning water and electricity south to Interstate 80 along Hwy 281 which currently was not serviced by the City.

Marlan Ferguson, EDC President answered questions concerning the Platte Valley Industrial Park East regarding sewer and water infrastructure to that area and how it would be funded. A study showed most development would more likely be along Hwy 281 instead of South Locust Street south of the Wood River Diversion Channel. LB 840 funds were discussed which would not qualify for this project.

Mr. Nabity explained the issues and problems of annexation to this area. School districts and utility districts were mentioned as potential problems.

Greg Epp representing Sapp Petroleum spoke in support.

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

RaNae Edwards City Clerk



Tuesday, January 11, 2011 Council Session

Item G4

Approving Appointments to the Electrical Board

The following individuals have expressed their willingness to serve on the City of Grand Island Electrical Board for the year 2011. Denise Kozel, Master Electrician; Mike Rivera, Journeyman Electrician; Brady Blauhorn, Utility Department Representative; Terry Klanecky, General Public Representative; and Craig Lewis and Dean Mathis, Building Department as Ex-Officio members. The above recommendations are made in compliance with the Grand Island City Code. These appointments would become effective immediately upon approval by the City Council and would expire on December 31, 2011. Approval is recommended.

Staff Contact: Mayor Vavricek

Employed



- Working Together for a Better Tomorrow. Today.

DATE:

December 13, 2010

TO:

Jay Vavricek and City Council

FROM:

Representing

Craig A. Lewis, Building Department Director

RE:

Appointments to the Electrical Board

The following individuals have been contacted and have indicated their willingness to serve on the Electrical Board of the City of Grand Island for the year 2011.

Name/Address

Master Electrician	Denise Kozel PO Box 2271 Grand Island, NE 68802	Tri-City Electric
Journeyman Electrician	Mike Rivera 4635 Abbott Rd Grand Island, NE 68803	Ensley Electric
Utility Department	Brady Blauhorn 4004 Kay Ave Grand Island, NE 68803	City of G. I.
General Public	Terry Klanecky 2116 Topeka Circle Grand Island, NE 68803	Kriz Davis Co.
Building Inspection (Ex-Officio)	Craig Lewis 2321 W. Koenig Grand Island, NE 68803	City of Grand Island Building Department
Building Inspection (Ex-Officio)	Dean Mathis 2309 W. 14 th St. Grand Island, NE 68803	City of Grand Island Building Department

The above recommendations are made in compliance with the Grand Island Electrical Code and are contingent upon approval of the Mayor and the City Council.



Tuesday, January 11, 2011 Council Session

Item G5

Approving Appointments to the Mechanical Examining Board

The following individuals have expressed their willingness to serve on the City of Grand Island Mechanical Board for the year 2011. Mike McElroy, Master Mechanical; Loren Peterson, Gas Company Representative; Scott Hilligas, Contracting Mechanical; Mike Myers, Master Mechanical; Todd Bredthauer, Journeyman Mechanical; Tom O'Neill, Community Member; and Russ Shaw, Plumbing Inspector for the Building Department. The above recommendation is made in compliance with the Grand Island City Code and approval is requested. These appointments would become effective immediately upon approval by the City Council and would expire on December 31, 2011. Approval is recommended.

Staff Contact: Mayor Vavricek



Working Together for a Better Tomorrow, Today.

DATE: December 15, 2010

TO: Mayor Vavricek and City Council

FROM: Craig A. Lewis, Building Department Director

RE: Appointment to the Mechanical Examining Board

The following men have been contacted and have indicated their willingness to serve on the Mechanical Examining Board of the City of Grand Island for the year 2011.

Representing	Name/Address	<u>Employed</u>
Building Department	Russ Shaw	Plumbing Inspector
Local Gas Company	Loran Peterson 515 W 3 rd St Grand Island NE 68801	Northwestern
Contracting Mechanical	Scott Hilligas 2304 W Lincoln Hwy Grand Island NE 68801	Midwest Heating & Air
Master Mechanical	Mike McElroy 807 Claude Rd Grand Island NE 68803	McElroy Service Co
Master Mechanical	Mike Myers 318 E Capital Ave Grand Island NE 68801	Myers Heating & Air
Journeyman Mechanical	Todd Bredthauer PO Box 484 Grand Island NE 68802	Jerry's Sheet Metal
Community Member	Tom O'Neill 2017 W Barbara Ave	

Grand Island NE 68801



Tuesday, January 11, 2011 Council Session

Item G6

Approving Appointments to the Plumbers Examining Board

The following individuals have expressed their willingness to serve on the City of Grand Island Plumbing Board for a two year term 2011/2012. Rick Eberl and Eric Rose, Master Plumbers; Jeremy Collinson, Health Department Representative, and Craig Lewis and David Scoggins, Building Department Ex-Officio's. The above recommendation is made in compliance with the Grand Island City Code and approval is requested. These appointments would become effective immediately upon approval by the City Council and would expire on December 31, 2012. Approval is recommended.

Staff Contact: Mayor Vavricek



Working Together for a Better Tomorrow, Today.

DATE: December 8, 2010

TO: Mayor Vavricek and City Council

FROM: Craig A. Lewis, Building Department Director

RE: Appointments to the Plumbing Board

The following people have been contacted and have indicated their willingness to serve on the Plumbing Board of the City Of Grand Island for a two-year term.

Term	Representing	Name/Address	<u>Employed</u>
2 yr 11-12	Master Plumber	Rick Eberl 215 Ft. Kearney Rd Grand Island, NE 68801	Mr. Rooter
2 yr 11-12	Master Plumber	Eric Rose 3821 Arch Ave Grand Island, NE 68803	Husker Plumbing
2 yr 11-12	Health Department	Jeremy Collinson 1137 S Locust St Grand Island, NE 68801	Central District Health Department
	Building Inspection (Ex-Officio)	David Scoggins 103 W. 22 nd St. Grand Island, NE 68801	City of G. I. Building Department
	Building Inspection (Ex-Officio)	Craig Lewis 2321 W. Koenig Grand Island, NE 68803	City of G. I. Building Department

The above recommendations are made in compliance with the Grand Island Plumbing Code and are contingent upon approval of the Mayor and the City Council.



Tuesday, January 11, 2011 Council Session

Item G7

#2011-1 - Approving Program Income Reuse Funds Application

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

Staff Contact: Joni Kuzma

RESOLUTION 2011-1

WHEREAS, the City of Grand Island maintains a Revolving Loan Fund of recaptured Community Development Block Grant (CDBG) Economic Development grant monies; and

WHEREAS, a request has been made from the Grand Island Area Economic Development Corporation for use of \$7,000.00 of the funds to update an April 2010 Environmental Review of Platte Valley Industrial Park East; and

WHEREAS, the proposed project is an eligible use according to the 1994 City Reuse Plan and generally meets the Nebraska State Economic Development Objective, meets the Local Objective, is located in a qualifying area, and is a precursor to additional economic development impacting infrastructure improvements within the city; and

WHEREAS, the Reuse Committee met on December 20, 2010 and voted to refer the application request to the City Council with a recommendation for approval of a total of \$7,000.00 in reuse funds for the project; and

WHEREAS, a Public Hearing was held at the January 11, 2011 Council meeting and legal notice published at least 10 days prior to said meeting; and

WHEREAS, Council action is required to commit revolving loan funds to this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island commits reuse funds for the purpose of updating an Environment Review of Platte Valley Industrial Park East and authorizes the Mayor to sign all related documents on behalf of the City of Grand Island for this reuse project.

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Adopted by the	City Council	of the City of	Grand Island,	Nebraska,	January	11, 2011.
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	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



Tuesday, January 11, 2011 Council Session

Item G8

#2011-2 - Approving Three Year Contract between the City of Grand Island and Union Pacific Railroad for Coal Transportation to Platte Generating Station

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Dale Shotkoski, City Attorney

Meeting: January 11, 2011

Subject: Coal Freight Transportation Contract between Union

Pacific Railroad and the City of Grand Island Utilities

Item #'s: G-8

Presente r(s): Gary R. Mader, Utilities Director

Background

The coal contract with the Union Pacific Railroad (UP) expired on December 31, 2010. That contract was for a three year term. UP was asked to provide price quotations for continued service to move coal from the Wyoming coal fields to the Platte Generating Station Power Plant at Grand Island.

As requested by the Utilities Department, UP provided initial proposals for continued freight service by contract and by Common Carrier Tariff in May of 2010. The initial UP proposals included a number of changes to the conditions car loading along with revised pricing for continued service, resulting in a number of offers and counter offers being made and evaluated over the course of the ensuing months.

Discussion

Union Pacific considers its proposals for continued freight service to be confidential. In order to meet that confidentiality, a report on the negotiations with the railroad and copies of the offers and counter offers exchanged during the last half of 2010 are included under separate cover for each Council Member. Also included in the Council Member packages are copies of two documents referred to as UP Circular 113 and UP Circular 6603. Those two documents contain UP's standard conditions for rail service. They are not confidential and can be accessed on the internet. But since these documents are incorporated by reference in the contract and Common Carrier tariff proposals provided by Union Pacific, a copy of each is included in the Council's package for ease of reference.

If the City Council wishes to discuss the details of the confidential proposal received from Union Pacific, it is recommended that they adjourn to closed session for the protection of the public interest.

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

- 1. Move to approve the contract offer
- 2. Move to request a Common Carrier Tariff
- 3. Refer the issue to a Committee
- 4. Postpone the issue to future date
- 5. Take no action on the issue

Recommendation

City Administration's recommends that the Council accept the three year term contract offer from Union Pacific.

Sample Motion

Move to approve the three year contract offer from Union Pacific.

RESOLUTION 2011-2

WHEREAS, the City's current coal transportation contract with the Union Pacific Railroad Company expired on December 31, 2010; and

WHEREAS, Electric Department Staff has negotiated with Union Pacific Railroad to continue coal freight service to Platte Generating Station; and

WHEREAS, Union Pacific Railroad has offered a contract proposal for freight service to Platte Generating Station; and

WHEREAS, the City Attorney has reviewed the Union Pacific Railroad contract proposal and UP Circular 113 and Circular 6603.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a three year contract with the Union Pacific Railroad is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the final negotiated agreement with the Union Pacific Railroad Company on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 11, 2011.

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



Tuesday, January 11, 2011 Council Session

Item G9

#2011-3 - Approving the Certificate of Compliance with the Nebraska Department of Roads for Maintenance Agreement No. 12; Calendar Year 2010

Staff Contact: Gary R. Mader, Interim Public Works Director

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: January 11, 2011

Subject: Approving the Certificate of Compliance with the

Nebraska Department of Roads for Maintenance

Agreement No. 12; Calendar Year 2010

Item #'s: G-9

Presente r(s): Gary R. Mader, Interim Public Works Director

Background

The City of Grand Island and the Nebraska Department of Roads have an agreement for the maintenance of state highways within the city limits. Maintenance responsibilities for state highways within the corporate city limits are defined by state statue.

The Nebraska Department of Roads (NDOR) is responsible for the cost of the maintenance of the highway lanes through a community and the City is responsible for the cost of the maintenance of any highway widening including parking, additional thru lanes or left turn lanes. The statutes provide that the NDOR is to reimburse the City for work the City performs on NDOR's highway lanes.

Discussion

The agreement requires the City to certify that it has completed the maintenance work required by the agreement for the 2010 calendar year.

The NDOR performs snow removal on NE Highway 2, US Highway 281, US Highway 34, and a portion of US Highway 30 from the west city limits to Johnstown Road. The City performs snow removal on US Highway 30 from Johnstown Road through town to the east city limits at Shady Bend Road. The City performs the surface maintenance on all state highways within the city limts. The net result of this exchange of services is a payment by the Nebraska Department of Roads to the City of Grand Island in the amount of \$36,198.30.

Alternative Motions

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

- 1. Move to approve a resolution authorizing the Mayor to sign the Certificate of Compliance.
- 2. Refer the issue to a Committee
- 3. Postpone the issue to future date
- 4. Take no action on the issue

Recommendation

Public Works Administration recommends that the Council pass a resolution authorizing the Mayor to sign the Certificate of Compliance.

Sample Motion

Move to approve the Certificate of Compliance for Maintenance Agreement No. 12.



CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 12

Maintenance Agreement between the Nebraska Department of Roads and the Municipality of Name of GRAND ISLAND

Municipal Extensions in GRAND ISLAND

We hereby certify that all roadway snow removal and/or surface maintenance has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Wesley Wahlgren, Department of Roads, Grand Island, Nebraska.

ATTEST:	day of	,·
City	Clerk	Mayor
		removal and/or surface maintenance was payment for the same should be made.
4.4	District Engineer, Dep	artment of Roads
	For Office l	Jse Only
Agreement No.:		
Pay/Bill Code:		
Contractor No.:		
Amount:	\$	

RESOLUTION 2011-3

WHEREAS, each year the City of Grand Island enters into a maintenance agreement with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, the City has complied with all surface maintenance work for the calendar year 2010 in accordance with the agreement; and

WHEREAS, upon receiving the City's Certificate of Compliance, the State will reimburse the City for maintenance work performed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island has complied with the terms of Maintenance Agreement No. 12 for calendar year 2010; and the Mayor is hereby authorized and directed to execute the Certificate of Compliance for such agreement on behalf of the City of Grand Island.

- - -

Adopted l	by the	City (Council	of the	City of	Grand	Island,	Nebraska,	January	11, 2011	
1	_				_		,	,		,	

	·
	Jay Vavricek, Mayor
Attest:	
RaNae Edwards City Clerk	



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G10

#2011-4 - Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads

Staff Contact: Gary R. Mader, Interim Public Works Director

City of Grand Island City Council

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: January 11, 2011

Subject: Approving Maintenance Agreement No. 12 Renewal

with the Nebraska Department of Roads

Item #'s: G-10

Presente r(s): Gary R. Mader, Interim Public Works Director

Background

Each year the City and the Nebraska Department of Roads enter into an agreement for the maintenance of Highways within the City Limits. The certification that calendar year 2010 work was performed by the City is being approved at tonight's meeting. The agreement for 2011 has been prepared. The content and scope of the agreement is the same as that of previous years, because the highways and city limits have not changed.

Discussion

The maintenance responsibilities by statute are detailed in Exhibit A of the agreement. Calculations for payments are detailed in Exhibit B. Surface maintenance and snow removal responsibilities from an operational efficiency stand point are detailed in Exhibit C. The net result of this exchange of services for 2011 will be a payment to the City of \$36,198.30.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council pass a Resolution approving Maintenance Agreement No. 12 for calendar year 2011.

Sample Motion

Move to approve Maintenance Agreement No. 12 for calendar year 2011.



AGREEMENT RENEWAL

Maintenance Agreement No. 12

Maintenance Agreement between the Nebraska Department of Roads and the Municipality of GRAND ISLAND

Municipal Extensions in GRAND ISLAND

We hereby agree that Maintenance Agreement No. 12 described above be renewed for the period January 1, 2011 to December 31, 2011.

All figures, terms and exhibits to remain in effect as per the original agreement dated January 1, 2006 and revisions in 2008.

In witness whereof, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this	day of	_ ··
ATTEST: City of	_	
City Clerk		Mayor
Executed by the State this	_ day of	_ ,,
ATTEST: State of Nebraska		
Dietric	et Engineer, Department of Roads	

MAINTENANCE OPERATION AND RESPONSIBILITY Municipal extensions and connecting links (Streets Designated Part of the State Highway System excluding Freeways)

Maintenance Responsibility Neb. Rev. Stat. § 39-2105

Maintenance Operation Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities	2 nd Cla Cities	ass & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Dept.	Dept.	Dept.	
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City	
Surface maintenance on parking lanes.	City	City	City	Dept.	
Maintenance of roadway appurtenances (including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)	City	City	City	City or	· Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or	r Village
Bridges from abutment to abutment, except appurtenances.	Department	Dept.	Dept.	Dept.	
			***************************************	***************************************	
	Maintenance Respon Neb. Rev. Stat. § 60-6, 120				
Maintenance Operation Neb. Rev. Stat. § 39-1339			1 st Class Cities > 40,000	1 st Class Cities < 40,000	2 nd Class Cities
	Neb. Rev. Stat. § 60-6, 120 Metropolitan Cities	& § 60-6, 121 Primary Cities	Cities	Cities	
Neb. Rev. Stat. § 39-1339 Pavement markings limited to lane lines, centerline, No passing lines, and edgelines on all connecting links	Metropolitan Cities (Omaha) City	& § 60-6, 121 Primary Cities (Lincoln)	Cities > 40,000	Cities < 40,000	Cities
Neb. Rev. Stat. § 39-1339 Pavement markings limited to lane lines, centerline, No passing lines, and edgelines on all connecting links except state maintained freeways Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalk	Metropolitan Cities (Omaha) City	& § 60-6, 121 Primary Cities (Lincoln) City	Cities > 40,000 City	Cities < 40,000 Dept.	Cities Dept.
Neb. Rev. Stat. § 39-1339 Pavement markings limited to lane lines, centerline, No passing lines, and edgelines on all connecting links except state maintained freeways Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalk school crossings, etc. Maintenance and associated power costs of traffic signals and roadway lighting as referred to	Neb. Rev. Stat. § 60-6, 120 Metropolitan Cities (Omaha) City City S,	& § 60-6, 121 Primary Cities (Lincoln) City City	Cities > 40,000 City	Cities < 40,000 Dept. City	Cities Dept. City

EXHIBIT "B" City of GRAND ISLAND

Pursuant to Sections 1a, 1b, 1c, 8a, 8b, 8c and 8d of the Agreement and to Exhibit "C" made a part of this Agreement through reference, the STATE agrees to pay to the CITY the sum of \$1,900.00 per lane mile for performing the surface maintenance on those lanes listed on the attached copy of Exhibit "C".

From Exhibit "C" it is determined that the STATE'S responsibility for surface maintenance within the City Limits is 32.42 lane miles.

32.42 lane miles X \$1900.00 per lane mile = \$61,598.00 due the CITY for surface maintenance.

From Exhibit "A" it is determined that snow removal within City Limits is the responsibility of the CITY. The CITY agrees to pay the STATE the sum of \$375.00 per lane mile for snow removal on those sections of highway within City Limits as listed on the attached copy of Exhibit. "C".

From Exhibit "C" it is determined that the CITY'S responsibility for snow removal within the City Limits is 43.06 lane miles.

43.06 lane miles X \$375.00 = \$16,147.50 due the STATE for snow removal.

\$61,598.00 - \$16,147.50 = \$45,450.50 due the CITY and payable as per Section 8d.

EXHIBIT "C"

City of GRAND ISLAND

STATE OF NEBRASKA DEPARTMENT OF ROADS

RESPONSIBILITY FOR SURFACE MAINTENANCE OF MUNICIPAL EXTENSIONS

NEB. REV. STAT. 39-1339 and NEB. REV. STAT. 39-2105

DESCRIPTION	HWY. NO.	REF FROM	POST TO	LENGTH IN MILES	TOTAL DRIVING LANES	TOTAL LANE MILES	RESPONSIBILITY STATE	CITY
West City Limits Jct. W/ US281	N-2	354.45	356,06.	1.61	4	6.44	*3.22	*3.22
West City Limits W/ Johnstown Rd	US-30	310.04	312.47	2.43	2	4.86	*4.86	
Johnstown Rd./Greenwich St	US-30	312.47	314.85	2.38	4	9.52	**4.76	4.76
Greenwich St/end of 1-Way	EB 30	314.85	316.07	1.22	4	4.88	**2.44	2.44
Greenwich St/end of 1-way	WB 30	314.85	316.07	1.22	4	4.88	**2.44	2.44
End 1-Way NE Corporate limits	US-30	316.07	317.68	1.61	4	6.44	**3.22 ·	3.22
SW City Limits/Wildwood Dr/No. Jct. W/281/Husker Hw	US-34	228.89	231,16	2.27	4	9,08	*9.08	
US-281 Jct. 50'W of UPRR/ Leave Corp Limits	US-34	231.16	231.49	0.33	2	0.66	*0.66	
Re-enter Corp Limits-Begin Channelized Int. for Locust St	US-34	232.53	232.77	0.24	2	C.48	*0.48	
Begin To End Channelized Intersection for Locust St.	US-34	232.77	233.25	0.48	4	1.92	* 0.96	*0.96
End Channelized intersection for Locust St to East City Limits	US-34	233.25	233.28	0.03	2 .	0.06	*0.06	
Jct. 34 & 281 No. Corporate Limits	US 281	67.45	67.94	.49	4	1.96	*1.96**	
TOTALS		68.20	72,60	4.40	4	17.60 68.78	*17.60** 51.74	17.04

^{**32.42} MILES WHERE NDOR PAYS THE CITY FOR SURFACE MAINTENANCE

^{*43.06} MILES WHERE NDOR PERFORMS SNOW REMOVAL—CITY PAYS NDOR

RESOLUTION 2011-4

WHEREAS, on December 22, 1992, the City of Grand Island approved and entered into Maintenance Agreement No. 12 with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, this agreement requires annual renewal by both parties thereto; and

WHEREAS, it is in the best interest of the City of Grand Island to approve Maintenance Agreement No. 12 to be effective January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Maintenance Agreement No. 12 between the City and the State of Nebraska Department of Roads for the term January 1, 2011 through December 31, 2011 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, January 11, 2011.
	Jay Vavricek, Mayor
Attest:	
RaNae Edwards City Clerk	_



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G11

#2011-5 - Approving 2010 Local Emergency Operations Plan

Staff Contact: Jon Rosenlund

City of Grand Island City Council

Council Agenda Memo

From: Jon Rosenlund, Emergency Management Director

Meeting: January 11, 2011

Subject: 2010 Local Emergency Operations Plan

Item #'s: G-11

Presenter(s): Jon Rosenlund, Emergency Management Director

Background

The Nebraska Emergency Management Act (RRS 81-829.46 (9)) states "Each city, village, county or interjurisdictional emergency management organization shall prepare and keep current a city, village, county, or interjurisdictional emergency operations plan for its jurisdiction. Such plans shall be in conformance with the requirements established in the act."

The Emergency Management Department has completed a 2010 rewrite of the Hall County Local Emergency Operations Plan (LEOP), which contains planning information for the County and all its cities and villages. This LEOP is presented for formal adoption by the City of Grand Island.

Discussion

The Nebraska Emergency Management Act (RRS 81-829.46 (9)) requires 'Each city, village, county or interjurisdictional emergency management organization shall prepare and keep current a city, village, county, or interjurisdictional emergency operations plan for its jurisdiction. Such plans shall be in conformance with the requirements established in the act."

Hall County and her subsequent cities and villages completed this requirement through the Local Emergency Operations Plan (LEOP) maintained by the Hall County/Grand Island Emergency Management Department.

While minor details in the LEOP are updated annually, the Emergency Management Department coordinates with the State of Nebraska on formal "rewrites" every 5 years. The draft constitutes the 2010 "rewrite" draft of the Hall County Local Emergency

Operations Plan and is on file in the City Clerk's Office and the Emergency Management Office.

Rewriting this plan is a year-long process of updating information in the plan, collaborating with local agencies and departments which are listed in the plan, and participating in a planning process to ensure that each department is satisfied with its role, as defined in the plan.

By adopting the 2010 Local Emergency Operations Plan by resolution, the City of Grand Island will complete its requirement to "prepare and keep current a city... emergency operations plan."

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 adopt the 2010 Local Emergency Operations Plan.

Sample Motion

Move to approve the 2010 Local Emergency Operations Plan.

RESOLUTION 2011-5

WHEREAS, the City Council of Grand Island, Nebraska, pursuant to Nebraska Statute, is vested with authority of administering the affairs of Grand Island, Nebraska; and

WHEREAS, it has been determined that a Hall County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Hall County, the City of Grand Island and other cities and villages in Hall County; and

WHEREAS, the City Council of Grand Island, deems it advisable and in the best interest of Grand Island to approve said Local Emergency Operations plan, and

WHEREAS, the acceptance of this 2010 Local Emergency Operations Plan supersedes all previous approved Hall County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to execute the 2010 Local Emergency Operations Plan on behalf of the City of Grand Island.

- - -

Ado	pted b	y the	City	Council	of the	City o	f Grand	l Island,	, Nebraska	, Januar	y 11	, 20)11	
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	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G12

#2011-6 - Approving Bid Award for Ball Field Fencing at Veteran's Athletic Field Complex

Staff Contact: Steve Paustian

City of Grand Island City Council

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: January 11, 2011

Subject: Approving Bid Award for Furnishing and Installation of

Ball Field Fencing at Veterans Athletic Field Complex

Item #'s: G-12

Presente r(s): Steve Paustian, Parks and Recreation Director

Background

On December 15, 2010 the Park and Recreation Department, advertised for bids for the Furnishing and Installation of Ball Field Fencing at the Veterans Athletic Field Complex. Two bids were received. The low responsible bid was provided by Elkhorn Fence Company of Elkhorn, NE in the amount of \$26,052.00.

Discussion

Because of the relocation of the State Fair to Grand Island it is necessary to move the athletic complex currently located at Fonner Park to a new site. The new site is located just south of Eagle Scout Park. As part of the project, chain link fencing must be installed to insure game integrity and safety for people using the facility. Bids were requested to provide new fencing for the four fields and an alternate bid was requested to use the existing fencing salvaged from the Fonner Fields. The existing fencing was for three fields so new fencing materials are still required for the fourth field in the alternate bid.

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 Elkhorn Fence Company for the alternate bid in the amount of \$26,052.00.

Sample Motion

Move to award contract to Elkhorn Fence Company to purchase and install ball field fencing for the Veterans Athletic Field Complex.

Purchasing Division of Legal Department INTEROFFICE MEMORANDUM



Jason Eley, Purchasing Agent

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE: December 28, 2010 at 2:00 p.m.

FOR: Ball Field Fencing at Veteran's Athletic Field Complex

DEPARTMENT: Parks & Recreation

ESTIMATE: \$60,000.00

FUND/ACCOUNT: 40044450-90122

PUBLICATION DATE: December 15, 2010

NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder: Elkhorn Fence Co. American Fence Company

Elkhorn, NE Grand Island, NE

Exceptions: Noted Noted

 Bid Price:
 \$42,816.00
 \$43,820.00

 Alternate Bid:
 \$26,052.00
 \$29,405.00

cc: Steve Paustian, Parks & Rec. Director

Dale Shotkoski, City Attorney

Mary Lou Brown, Interim City Administrator

Patti Buettner, Parks & Rec. Secretary

Jason Eley, Purchasing Agent

P1448

RESOLUTION 2011-6

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

WHEREAS, on December 28, 2010, bids were received, opened and reviewed; and

WHEREAS, Elkhorn Fence Co. from Elkhorn, 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 \$26,052.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Elkhorn Fence Co. from Elkhorn, Nebraska in the amount of \$26,052.00 for Furnishing and Installation of Ball Field Fencing 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, January 11, 2011

1 5 5	J	, , ,	
		Jay Vavricek, Mayor	
Attest:			
RaNae Edwards, City Clerk			



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G13

#2011-7 - Approving Amendment No. 2 to the Agreement with Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements

Staff Contact: Gary R. Mader, Interim Public Works Director

City of Grand Island City Council

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: January 11, 2011

Subject: Approving Amendment No. 2 to the Agreement with

Felsburg, Holt and Ullevig for Engineering Consulting Services for the Grand Island Quiet Zone Improvements.

Item #'s: G-13

Presente r(s): Gary R. Mader, Interim Public Works Director

Background

The purpose of the Grand Island Quiet Zone Improvement Project is to develop improvements at the Union Pacific Railroad (UPRR) crossings at Oak Street, Pine Street, Walnut Street and Elm Street so that train horns will not need to be activated for these crossings. Wayside Horns will be installed at Walnut Street and Elm Street. Concrete curb will also be installed at Walnut and Elm Street to narrow the road at the crossings to direct pedestrians on the pre-fabricated concrete crossing panels. Oak Street and Pine Street will be "silent" crossings; this will be accomplished by constructing concrete medians and concrete curb to narrow the streets at the crossing approaches.

Any amendments to an agreement must be approved by the City Council. On May 13, 2008 the City Council approved a resolution to enter into an agreement with Felsburg, Holt and Ullevig (FHU) for Engineering Consulting Services on the Grand Island Quiet Zone Improvements Project. The \$28,600 agreement provided for development of plans and specifications for the project, and preparation of notifications for the establishment of a quiet zone.

On October 13, 2009 the City Council approved Amendment No. 1 to the original agreement for \$12,600. Amendment No. 1 provided for additional survey and design work that was required to narrow the pavement in the areas of UPRR's and Peavey's tracks. These changes were a result of decisions arising from the July 21, 2009 diagnostic on-site meeting with UPRR, FHU and the City Of Grand Island

Discussion

Final plans, which incorporated the required changes from the July 21, 2009 diagnostic on-site meeting, were submitted to the UPRR for their review and approval on January 13, 2010. On December 27, 2010, UPRR submitted their Technical Response to the final plans. The Technical Response included a number of specific comments that were not presented in two previous on-site diagnostic meetings and their formal response to the City's Notice of Intent to establish a Quiet Zone.

The Technical Response will require plan revisions involving extension of the proposed medians at the Oak Street and Pine Street crossings to a length of 100 feet to discourage drivers from circumventing the crossing gate arms as trains approach and installing additional barricades to close the east alley north of the Oak Street crossing. Other items in the Technical Response include installation of stop signs for Peavey's tracks, signage for traffic approaching the crossings, and a request to educate the public on the limitations of this quiet zone.

It is necessary to amend the agreement for consulting services with Felsburg, Holt and Ullevig to incorporate plan revisions as required by the UPRR Technical Response. The services associated with this amendment are as follow:

- Oak Street crossing plan: extend the north median to 100';
- Oak Street crossing plan: install second row of barricades to close north alley;
- Pine Street crossing plan: extend the medians to 100';
- Pine Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702 and 703;
- Walnut Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702; and
- Elm Street crossing: submit request to Federal Railroad Administration to gain exception to Constant Warning Time circuits for Track 702.

The work covered by Amendment No. 2 will be performed based on actual costs with a maximum of \$5200.00, for a revised contract total of \$46,400.00.

Original Agreement	\$28,600.00
Amendment No. 1	\$12,600.00
Amendment No. 2	\$5,200.00
Total Revised Agreement	\$46,400.00

Alternatives

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

- 1. Move to approve
- 2. Refer the issue to a Committee
- 3. Postpone the issue to future date
- 4. Take no action on the issue If the work proposed in the amendment is not performed, the project cannot move forward.

Recommendation

Public Works Administration recommends that the Council approve the amendment to the agreement.

Sample Motion

Move to approve the amendment.

Amendment #2 Authorizing a Change in Scope of Services

In accordance with the Agreement Terms and Conditions between the **City of Grand Island**, Nebraska and **Felsburg**, **Holt & Ullevig** dated May 13, 2008, this Amendment describes change(s) to the Scope of Services, Project Schedule and/or Engineering Fees for Felsburg, Holt & Ullevig's services on the project known as:

Grand Island Quiet Zone Improvements

<u>TOPIC:</u> Provide engineering services in order to revise project plans and coordinate

Constant Warning Time exceptions as per Union Pacific Railroad Technical

Response dated December 27, 2010.

SCOPE: See Appendix "A"

ENGINEERING FEES: See Appendix "A"

TOTAL CHANGE IN PROJECT'S ESTIMATED FEES: \$5,200.00



engineering paths to transportation solutions

December 30, 2010

RE: Grand Island Quiet Zone Improvements

Mr. Scott Griepenstroh Project Manager City Of Grand Island – Engineering Division 100 East First Street Grand Island, NE 68802

Dear Scott,

Enclosed please find Supplemental Agreement #2 -Modified Scope of Services for the above referenced project. The Introduction outlines the reasons for our Supplemental request for additional services and fees of \$5,200 associated with the Grand Island Quiet Zone Final Design. The delay in receiving responses from UPRR and their requested revisions beyond those previously received in our on-site diagnostic reviews and UPRR's formal response to the Notice of Intent issued by the City of Grand Island. We recognize the City's need to incorporate the UPRR's requested revisions in order to obtain their cooperation in executing the wayside horn agreements and associated interface work. The proposed median plan revisions will impact some adjacent businesses but not significantly increase the cost.

We will submit plans for formal review within three weeks of the approval of this Supplemental Agreement. We will also prepare a request to the Federal Railroad Administration (FRA) for a waiver of the Constant Warning Circuitry on the siding tracks identified by UPRR and draft the Notice of Quiet Zone Establishment (NQZE) to establish the Quiet Zone after completion of the construction of the safety measures.

After addressing any comments that your staff might have on the final plan submittals and special provisions we will have completed our assignment on the initial Grand Island Quiet Zone contract.

If you have any questions regarding this supplemental request, please give Rick a call at (402) 430-4947.

Sincerely,

FELSBURG HOLT & ULLEVIG

Kyle a. anderson

Kyle A. Anderson, PE, PTOE

Principal

Rick Haden Project Manager Scott Griepenstroh December 30, 2010 Page 2 of 2

Appendix "A" SUPPLEMENTAL AGREEMENT # 2 MODIFIED SCOPE OF SERVICES for Grand Island Quiet Zone Final Plans

INTRODUCTION

On December 27, 2010 following the City's submittal of final plans on January 13, 2010, the Union Pacific Railroad (UPRR) responded with a number of specific comments not presented in two previous on-site diagnostic team meetings and their formal response to the City's Notice of Intent (NOI). The City and UPRR had previously executed an Agreement for Preliminary Engineering on July 23, 2009 with the City providing a \$10,000 check to cover the estimated UPRR engineering costs.

The most recent plan revisions involve an extension of the proposed medians at the Oak Street and Pine Street crossings to a length of 100 feet to discourage drivers from circumventing the crossing gate arms as trains approach. This will also necessitate closing off driveway access to a number of commercial drives within 60-100 feet of the crossings. The diligence in pursuing an acceptable raised median option avoids the need to install more extensive railroad grade crossing supplementary safety improvements at these two crossings such as wayside horns or four quadrant gates.

DESCRIPTION OF FEES ASSOCIATED WITH TASKS

The scope of services for the Original Agreement will also apply to this Supplemental Agreement with the exception of the modified tasks and man-hours listed in this proposal representing the additional effort to complete each of the tasks identified in the Original Agreement.

No additional topographic surveys will be completed for the modifications to the crossings.

Grand Island Quiet Zone- Final Plans City of Grand Island, NE

Supplemental # 2

Appendix A 12/30/2010

	Δ.	Person Hours By Task	Bv Task				
TASKS	PR	PM	Sr. Engr.	Engineer 1	Admin.	Total	Fee
Project Management	-	2				က	\$494
Topographic Surveys						0	\$0
Roadway Design		4	∞	16		28	\$2,861
Permits/ Agency Coordination	4	4		7		10	\$1,498
TOTAL HOURS	5	10	∞	18	0	41	\$4,853
LABOR COSTS / HR RATE	\$67.50	\$53.00	\$54.75	\$22.21	\$28.86	1 11	
TOTAL LABOR COSTS OVERHEAD COSTS (1.6667)	\$338	\$530	\$438	\$400	0\$		
TOTAL LABOR & OVERHEAD COSTS	006\$	\$1,413	\$1,168	\$1,066	0\$	\$4,547	
FIXED FEE (12%)						\$546	\$5,093
DIRECT PROJECT EXPENSES ITEM							
Mileage Printing (11x17) Postage/Shipping		160 Miles 50 Shee	60 Miles 50 Sheets	\$0.500		80 10 17	
TOTAL DIRECT PROJECT EXPENSES						\$107	
MAXIMUM AMOUNT PAYABLE	3 1					\$5,200	



engineering paths to transportation solutions

December 30, 2010

Mr. Scott Griepenstroh Project Manager City Of Grand Island – Engineering Division 100 East First Street Grand Island, NE 68802

RE: Grand Island Quiet Zone UPRR Technical Response

Dear Scott,

This letter addresses the December 27, 2010 Technical Response from Mike Blackley of UPRR regarding the City of Grand Island's plan submittal of January 13, 2010 (Plans dated 11/02/09).

OAK STREET

The north median length was reduced to provide access to the commercial drive leading to an overhead door on the east side of the street. Commercial drives are considered an "intersection" under the Federal Railroad Administration's (FRA) previous interpretations of the Final Rule and therefore fall under the 60-foot minimum distance for a raised median Supplementary Safety Measure (SSM) rather than an ASM. We understand that your preference is to extend the medians to 100 feet and close off the driveway access in order show a good faith effort to UPRR. We are revising the plans accordingly, but requested an updated interpretation from FRA on December 20, 2010 on the 60-100' commercial drive question just in case it becomes an issue.

The Type 3 barricades show on the plans are intended to prevent <u>westbound</u> vehicles from approaching Oak Street from the alley while still maintaining access to the business's storage yard. The plans also show curb and gutter on the east side of Oak Street just north of the crossing to the end of the median with W14-6 (9 button) signs behind the curbs to provide nighttime delineation of the curbs. If you wish, we can replace the W14-6 signs (OM4-2 in the 2009 MUTCD) with a second row of Type 3 barricades facing west.

PINE STREET

The median lengths were reduced to provide access to the US Post Office's south drive on the south side of the crossing and the commercial drives on the north side of the crossing. As mentioned above, commercial drives are considered an "intersection" under the Federal Railroad Administration's (FRA) previous interpretations of the Final Rule and therefore fall under the 60-foot minimum distance for a raised median Supplementary Safety Measure (SSM) rather than an ASM. We understand that your preference is to extend the medians to 100 feet and close off the driveway access in order show a good faith effort to UPRR. We will revise the plans accordingly.

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 and Track 703 since UPRR indicated that CWT is not reasonably practicable for these tracks.

WALNUT STREET

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 since UPRR indicated that CWT is not reasonably practicable for these tracks.

ELM STREET

We will submit a request to FRA to gain an exception to the CWT circuits for the Track 702 since UPRR indicated that CWT is not reasonably practicable for these tracks.

GENERAL

The Guidance in the 2009 MUTCD indicates that the W10-2, W10-3, or W10-4 signs should not be used when the distance between the edge of the tracks and the edge of the roadway is 100 feet or more. All cross roadways are greater than 100 feet and therefore the W10-1 sign is used with the W10-9P below.

We would agree with UPRR that in any City news releases regarding the establishment of the quiet zone should let citizens know that there will still be occasional locomotive horn sounding due to the siding tracks not covered by the quiet zone, adjacent crossings, and engineer's discretion to alert observed trespassers near the tracks, maintenance personnel or vehicles afoul of the tracks.

If you have any questions regarding this invoice, please give me a call.

Sincerely,

FELSBURG HOLT & ULLEVIG

Rick Haden Project Manager <u>TERMS AND CONDITIONS:</u> The terms and conditions of the Agreement referenced above shall apply to this Amendment except to the extent expressly modified by this Amendment. In the event of any such modification, the modification shall be set forth on pages attached to this Amendment and signed on the last page by the Authorized Representatives. The Article of the Agreement to be modified shall be specifically referenced in the modification, and the modification shall be precisely described.

The following signatures of the Authorized Representatives acknowledge acceptance of the terms of this Amendment.

APPROVAL AND ACCEPTANCE:

City of Grand Island, Nebraska	Felsburg, Holt and Ullevig
MAYOR, JAY VAVRICEK	Kyle A. Anderson, Principal
DATE	DATE
ATTEST:	
CITY CLERK, RaNAE EDWARDS	
	Approved as to Form ¤

January 6, 2011

¤ City Attorney

RESOLUTION 2011-7

WHEREAS, on May 13, 2008, by Resolution 2008-132, the City Council for the City of Grand Island approved the \$28,600.00 proposal of Felsburg, Holt and Ullevig to provide engineering services for Quiet Zone Improvements in the Downtown area; and

WHEREAS, on May 13, 2008, by Resolution 2009-262, the City Council for the City of Grand Island approved Amendment No. 1, in the amount of \$12,600.00, to the original agreement for consulting services to address issues presented at the July 21, 2009 diagnostic onsite meeting; and

WHEREAS, it is necessary to amend the agreement for consulting services to provide for design revisions and coordination with the Federal Railroad Administration (FRA) to address issues presented in the Union Pacific Railroads Technical Response to the Final Plans that were submitted January 13, 2010; and

WHEREAS, due to Felsburg, Holt and Ullevig's knowledge and experience working on this project, it is recommended that they continue providing engineering work for the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 2, for the total amount of \$5,200, to the Agreement with Felsburg, Holt and Ullevig for engineering consulting services for plan revisions and FRA Coordination for the Grand Island Quiet Zone Improvements project is hereby approved, with a revised total agreement price of \$46,400.00.

BE IT FURTHER RESOLVED, that the Mayor be, and hereby is, 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, January 11, 2011.

	Jay Vavricek, Mayor
Attest:	
RaNae Edwards, City Clerk	

Approved as to Form

Graph Display 2

January 7, 2011

Graph City Attorney



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G14

#2011-8 - Approving Nebraska Children and Families Foundation Contract for Coalition for Children Development Grant

Staff Contact: Joni Kuzma

City of Grand Island City Council

Council Agenda Memo

From: Joni Kuzma, Community Development

Meeting: January 11, 2011

Subject: Approve Demonstration Grant Contract with Nebraska

Children & Families Foundation

Item #'s: G-14

Presente r(s): Joni Kuzma, Community Development Administrator

Background

The *Coalition for Children* was formed in September 2004 by a small group of human service professionals who shared a concern about youth in Hall County. In 2007, the Nebraska Children and Families Foundation (NCFF) committed five (5) years of funding for the Coalition for Children to build community collaboration to improve the local service system to children. The NCFF Board of Directors has awarded funds for the fifth year of this project.

Grand Island was one of three Nebraska communities chosen to pilot this collaboration-building project. Ogallala and Valentine are also Demonstration grant recipients. The City received grant awards in 2007, 2008, 2009 and 2010. This grant has allowed the community to form a Coalition that monitors community policies, decisions, and programs that impact children and families; hire an Administrative Assistant; create a year-long collaboration building curriculum to train a Leadership Team; and given the Steering Committee an opportunity to meet with NCFF staff, state Health and Human Services staff, and others at the state level who work with or fund programs that affect children and families.

Discussion

The Nebraska Children and Families Foundation (NCFF) has awarded \$13,244.70 to the City of Grand Island to support the activities of the Coalition for Children. The grant contract period is 1/1/2011 - 12/31/2011. The City will serve as fiscal agent. An award letter and contract have been received by the City and need to be signed by the Mayor to accept the grant award.

Alternatives

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

- 1. Approve the 2011 Demonstration grant contract with the Nebraska Children and Families Foundation and authorize the Mayor to sign all related documents
- 2. Refer the issue to a Committee
- 3. Postpone the issue to future date

Recommendation

City administration recommends that Council approve the 2011 Demonstration grant contract.

Sample Motion

Move to approve the 2011 Demonstration grant contract with the Nebraska Children and Families Foundation and authorize the Mayor to sign all related documents.

RESOLUTION 2011-8

WHEREAS, the Coalition for Children was formed to create a community climate where children are valued, safe, and healthy; and

WHEREAS, in 2007, the Nebraska Children and Families Foundation committed five years of funding to the City of Grand Island for the Coalition for Children to build community collaboration to improve the local service system to children.

WHEREAS, Grand Island was one of three Nebraska communities chosen to pilot this collaboration building project and has received four years of funding;

WHEREAS, the Nebraska Children and Families Foundation (NCFF) has awarded \$13,244.70 to the City of Grand Island to support 2011 collaboration-building activities of the Coalition for Children for the fifth year of a five year grant cycle; and

WHEREAS, the City of Grand Island will serve as fiscal agent for the grant period which runs January 1, 2011 through December 31, 2011; and

WHEREAS, an award letter and contract have been received by the City and must be signed by the Mayor in order to accept the grant award.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the contract for the Nebraska Children and Families Foundation Demonstration Grant is approved and that the Mayor is hereby authorized and directed to execute any related documents on behalf of the City of Grand Island for such grant program.

- - -

Adopted by the Cit	ty Council of the	City of Grand Island,	Nebraska, January	11, 2011.
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	Jay Vavricek, Mayor	
	•	
ttest:		



City of Grand Island

Tuesday, January 11, 2011 Council Session

Item G15

#2011-9 - Approving Amendment to HVAC Energy Efficiency Improvement Upgrades

Staff Contact: Joni Kuzma

City of Grand Island City Council

Council Agenda Memo

From: Joni Kuzma, Community Development

Meeting: January 11, 2011

Subject: Approving amendment to HVAC Energy Efficiency

Improvement Upgrades

Item #'s: G-15

Presente r(s): Joni Kuzma, Community Development Administrator

Background

In June 2009, the City of Grand Island was awarded a \$199,000 Energy Efficiency and Conservation Block Grant (EECBG) from the Department of Energy and The American Recovery and Reinvestment Act of 2009 appropriation. The purpose of the EECBG program is to assist eligible entities in creating and implementing strategies to:

- Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practical, maximizes benefits for local and regional communities;
- Reduce the total energy use of the eligible entities; and
- Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors

In November, Council awarded bids to Myer's Heating and Air: Fire Station 3 - \$7,500 and Fire Station 4 - \$16,500; Midwest Sheet Metal Co Inc. Fire Station 2 - \$18,450; and Overhead Door, Fire Stations 2 - \$2,255, Fire Station 3 - \$144.20, and Fire Station 4 - \$144.20. This action would amend Resolution 2010-337 that awarded energy efficiency upgrades for both Fire Stations 3 and 4 to Myer's Heating and Air.

Discussion

The award for both Fire Stations 3 and 4 had originally been given to Myer's Heating and Air. After reviewing a third party evaluation of the systems proposed, it was determined that the efficiency of the system Jerry's Sheet Metal proposed was greater than what had been determined from the proposals. The award for energy efficiency upgrades at Fire Station 4 is recommended to Myer's for \$16,500 and at Fire Station 3 to Jerry's Sheet Metal for \$8,056.

Upon review, a half point SEER rating difference in the A/C unit and a 3% difference in heating unit efficiency proposed by Jerry's Sheet Metal for the Fire Station 3 appears to provide slightly more efficiency than that of Myer's. Greater efficiency may be gained in the heating unit, which makes sense in Grand Island where heat is used for a longer period of the year than air conditioning. If gas and electrical cost remain constant, the cost difference in the proposals could be made up within 15 years (calculated based upon units of energy used for heating and air the last two years).

Another factor that was used in determining the most efficient proposal is the priority of the federal government to reduce use of fossil fuels. Since this project is funded with an Energy Efficiency and Conservation Block Grant from the Department of Energy, this goal was given priority consideration.

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 energy efficiency upgrade award amendment as recommended.

Sample Motion

Move to approve the energy efficiency upgrade award amendment as recommended.

RESOLUTION 2011-9

WHEREAS, in June 2009, the City of Grand Island was awarded a \$199,000 Energy Efficiency and Conservation Block Grant (EECBG) from the Department of Energy and The American Recovery and Reinvestment Act of 2009 appropriation; and

WHEREAS, qualified energy efficiency projects were awarded by Council in November to Myer's Heating and Air: Fire Station 3 - \$7,500 and Fire Station 4 - \$16,500; Midwest Sheet Metal Co Inc. Fire Station 2 - \$18,450; and Overhead Door, Fire Stations 2 - \$2,255, Fire Station 3 - \$144.20, and Fire Station 4 - \$144.20.; and

WHEREAS, after reviewing a third party evaluation of the systems proposed, it was determined that the efficiency of the heating unit Jerry's Sheet Metal proposed was greater than what had previously been determined from the proposals; and

WHEREAS, an amended award for energy efficiency upgrades at Fire Station 4 is recommended to Myer's for \$16,500 and at Fire Station 3 to Jerry's Sheet Metal for \$8,056.; and

WHEREAS, this resolution amends Resolution 2010-337 with regard to this portion of the project only; and

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

The Grand Island City Council approves the amended energy efficiency upgrade awards.

Adopted by the City Council of the City of Grand Island, Nebraska, January 11, 2011.

	Jay Vavricek, Mayor						
Attest:							
RaNae Edwards, City Clerk							



Tuesday, January 11, 2011 Council Session

Item G16

#2011-10 - Approving Contract Extension with Midwest Floor Covering at the Field House

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: January 11, 2011

Subject: Approving Contact Extension with Midwest Floor

Covering at the Field House

Item #'s: G-16

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

Background

On June 22, 2010 the City of Grand Island entered into an agreement with Midwest Floor Covering for Furnishing and Installation of Synthetic Floor Covering at the Field House located at the Fonner Complex. The installation of the flooring system was to be completed by October 29, 2010. Because of the moisture level in the concrete floor at the Field House it has not been possible to install the floor.

Discussion

The basketball/volleyball courts designed for the Field House are not finished as of now. All equipment for the courts has been procured and in some cases installed. Midwest Flooring has informed us that the flooring can not be installed on the concrete until the relative humidity of the concrete is under 70%. On going testing has shown a humidity level at 99% ever since the City took possession of the building. It was, and still is the hope that the floor will "dry up" enough to allow for the installation of the flooring as originally bid. To this end a contract extension with Midwest Flooring with a completion date of July 1, 2011 is being requested. If the humidity level does not reach 70% by April 1, 2011 staff will return to Council with a recommendation to apply a sealer over the concrete to allow for the installation of the synthetic court floor.

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 resolution authorizing the extension of the installation contract.

Sample Motion

Move to approve the resolution authorizing the City to extend the completion date for the installation of the synthetic court flooring with Midwest Floor Covering Inc. to July 1, 2011.

RESOLUTION 2011-10

WHEREAS, on May 24, 2010, by Resolution 2010-144, the City Council of the City of Grand Island approved the bid to Midwest Floor Covering from Lincoln, Nebraska for the Furnishing and Installation of Synthetic Floor Covering at the new Community Fieldhouse; and

WHEREAS, the completion of such project has been delayed due to the high moisture level in the concrete floor; and

WHEREAS, Midwest Floor Covering has agreed to a contract time extension from October 29, 2010 to July 1, 2011 for the Furnishing and Installation of Synthetic Floor Covering in order to complete this project; and

WHEREAS, the Parks & Recreation Department supports such contract time extension.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the completion date for the Furnishing and Installation of Synthetic Floor Covering for the new Community Fieldhouse is hereby extended to July 1, 2011.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 11, 2011.

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



Tuesday, January 11, 2011 Council Session

Item H1

Consideration of Request from Consolidated Concrete Co. for a Conditional Use Permit for Two Conex Containers to Store Concrete located at 3440 West Old Highway 30

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

Staff Contact: Craig Lewis



Tuesday, January 11, 2011 Council Session

Item I1

#2011-11 - Consideration of Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3rd Street for a Class "I" Liquor License and Liquor Manager Designation for Sharena Anson, 4234 Arizona Avenue

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

Staff Contact: RaNae Edwards

RESOLUTION 2011-11

WHEREAS, an application was filed by The Chocolate Bar, Inc. doing business as The Chocolate Bar, 116 West 3rd Street for a Class 'I' Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on January 1, 2011; such publication cost being \$15.18; and

WHEREAS, a public hearing was held on January 11, 2011 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 liquor license application c	•	approval of the above-identified spections.
	The City of Grand Island identified liquor license app	•	commendation as to the above-
	•	•	commendation as to the above- wing stipulations:
	<u> </u>		nial of the above-identified liquor
	•	nanager of such busine	oproval of Sharena Anson, 4234 ss upon the completion of a state
Adopted by the City (Council of the City of Grand	Island, Nebraska, Jan	uary 11, 2011.
		Jay Vavricek, M	layor
Attest:			
RaNae Edwards, City	y Clerk	_	Approved as to Form ¤
			January 6, 2011



Tuesday, January 11, 2011 Council Session

Item I2

#2011-12 - Consideration of Request from Riverside Golf Club dba Riverside Golf Club, 2820 Riverside Drive for an Addition/Reconstruction to Class "C-07703" Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2011-12

WHEREAS, an application was filed by Riverside Golf Club, doing business as Riverside Golf Club, 2820 Riverside Drive for an addition/reconstruction to their Class "C-07703" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on January 1, 2011; such publication cost being \$15.63; and

WHEREAS, a public hearing was held on January 11, 2011, 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 for addition/reconstruction to their Class "C-07703". The City of Grand Island hereby makes no recommendation as to the aboveidentified liquor license application. The City of Grand Island hereby makes no recommendation as to the aboveidentified 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, January 11, 2011. Jay Vavricek, Mayor Attest:

RaNae Edwards, City Clerk



Tuesday, January 11, 2011 Council Session

Item I3

#2011-13 - Consideration of Annexation for Right-of-Way along a Portion of South Locust Street between the Grand Island City Limits and the Northernmost Terminus of the Exit Ramps to the Interstate 80 Interchange (County of Hall, Nebraska)

Staff Contact: Gary R. Mader, Interim Public Works Director

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Chad Nabity, Regional Planning Director

Meeting: January 11, 2011

Subject: Consideration of Annexation for Right-of-Way along a

Portion of South Locust Street between the Grand Island City Limits and the Northernmost Terminus of the Exit Ramps to the Interstate 80 Interchange (County of Hall,

Nebraska)

Item #'s: I-3

Presenter(s): Chad Nabity, Regional Planning Director

Background

An April 6, 1992 Inter-local agreement between the City of Grand Island, Hall County, the Nebraska Department of Roads and the Federal Highway Administration detailed obligations of the State, County and City regarding the construction of a new Locust Street I-80 Interchange and upgrading Locust Street to a 4-lane roadway. The agreement provided that upon completion of Hall County's improvements and construction obligations, the County shall transfer to the City of Grand Island that portion of South Locust Street between the Grand Island City limits and the northernmost terminus of the exit ramps at the Interstate 80 interchange. The agreement provides that the City will accept the rights and obligations to the road including operation and maintenance.

The City of Grand Island as the owner of the property in question may request that the right-of-way along a portion of South Locust Street between the Grand Island City Limits and the northernmost terminus of the exit ramps to the Interstate 80 interchange be considered for annexation by ordinance. At the October 26, 2010 meeting City Council approved acquisition of this property and was advised that Public Works Administration would bring forward a resolution for council consideration for the possible annexation of the Locust Street Right-Of-Way into city limits.

Discussion

Nebraska Revised Statute §16-117 provides for the process of annexation. Since the City is the owner of this property and as the owner is requesting this annexation, the City can consider an ordinance to annex this property at a future meeting. With the documents on file with the Hall County Register of Deeds showing the City's ownership for this section of right-of-way it is now time for this matter to be considered by ordinance if that is the wishes of the City Council.

Alternatives

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

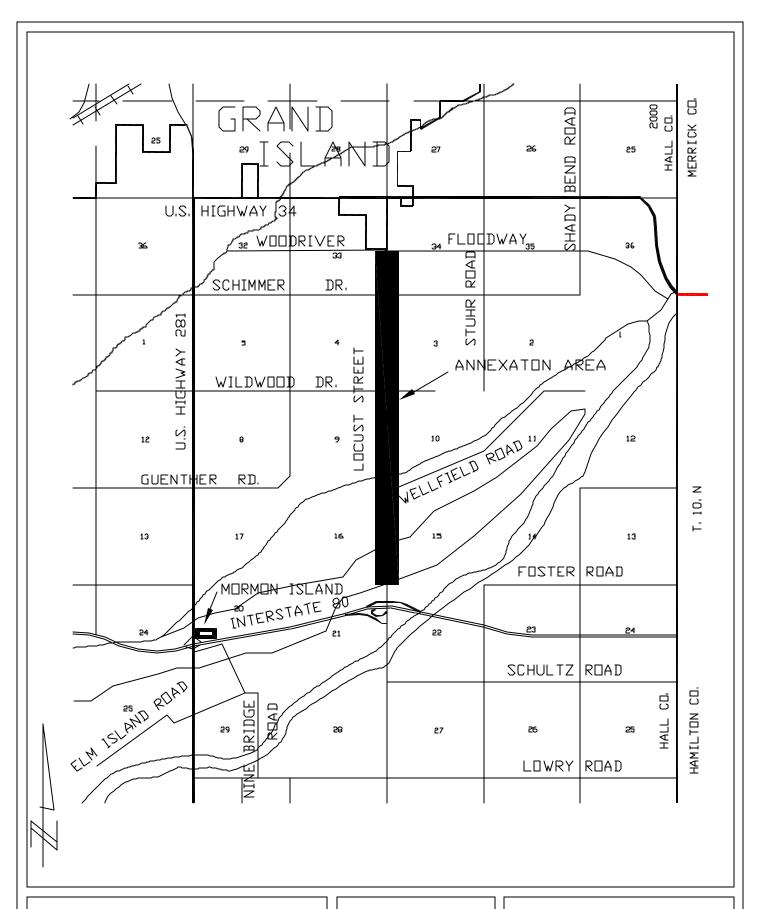
- 1. Move to approve
- 2. Refer the issue to a Committee
- 3. Postpone the issue to future date
- 4. Take no action on the issue

Recommendation

Public Works Administration recommends that the City, as owner of the property, petition for annexation of the right-of-way owned by the City and that the Council direct staff to bring forward an annexation ordinance for this property following the procedures outlined in Nebraska Revised Statute §16-117.

Sample Motion

Move to petition for annexation and direct Staff to prepare an ordinance to that effect.





DATE: 12/20/10 DRN BY: L.D.C. SCALE: NONE

ANNEXATION LOCATION MAP

RESOLUTION 2011-13

WHEREAS, by Resolution 2010-284 City Council approved the acquisition of right-ofway along a portion of South Locust Street between the Grand Island City Limits and the northernmost terminus of the exit ramps to the Interstate 80 interchange; and

WHEREAS, Nebraska State Statute §16-117 provides for the process of annexation; and

WHEREAS, given that the City is the current owner of the property and is requesting annexation, the City can consider an ordinance to annex this property at a future meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the annexation request is hereby approved, with an annexation ordinance to be brought forward at a future council meeting.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January
--

	Jay Vavricek, Mayor	
Attest:		
RaNae Edwards, City Clerk		



Tuesday, January 11, 2011 Council Session

Item I4

#2011-14 - Consideration of a Resolution Authorizing the Mayor to Sign a Letter of Intent on a Public/Private Project to Extend City Sanitary Sewer South Along US Highway 281

Staff Contact: Gary R. Mader, Interim Public Works Director

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Jason Eley, Interim City Attorney

Meeting: January 11, 2011

Subject: Consideration of a Resolution Authorizing the Mayor to

Sign a Letter of Intent on a Public/Private Project to extend City Sanitary Sewer South Along US Highway

281

Item #'s: I-4

Presente r(s): Gary R. Mader, Interim Public Works Director

Background

A number of businesses along US Highway 281 in the vicinity of Interstate 80 are scheduled to spend significant dollars upgrading their private waste water treatment systems in 2011. The improvements are to address Nebraska Department of Environmental Quality (NDEQ) National Pollutant Discharge Elimination System (NPDES) permit issues.

As an alternative, the dollars that the businesses would spend upgrading their private systems could be put towards a public/private project to extend city sanitary sewer to serve their properties. A number of steps need to occur for a public/private extension of city sanitary sewer to replace the need for upgrades to the private treatment systems.

- 1. Provide a "Letter of Intent" to the NDEQ notifying them that the city is working with businesses on a public/ private project to extend city sanitary sewer to serve the properties. The letter would allow the city and businesses time to attempt to negotiate an agreement for the extension of city sanitary sewer.
- 2. Negotiation of project agreements between the city and the businesses. The details of the agreement are not yet fully known, but would include items such as:
- a. Cost sharing
- b. Operation and Maintenance responsibilities
- c. Schedule

The Department made a presentation of this possible project and the city council discussed the possibility of extending sanitary sewer south along US Hwy 281 at the January 4, 2011 City Council Study Session.

Discussion

If the council desires to pursue a potential project that would extend sanitary sewer south of Grand Island along US Hwy 281, an agreement between the City of Grand Island and the businesses would have to be negotiated before a project could move forward. In order to allow time for negotiation of the agreement, a "Letter of Intent" would need to be sent to the NDEQ advising them that the city is entering into negotiations with the businesses on a public/ private project that extends city sanitary sewer that would replace the private sanitary sewer systems. If negotiations do not conclude in an agreement, the businesses would re-schedule upgrades to their private waste water treatment systems in coordination with the NDEQ. A draft of the proposed letter to NDEQ is attached. The letter of intent is only an agreement to initiate negotiations, and approval of the Mayor signing such letter would not bind the City to anything other than to take part in negotiations and discuss details of how the project may proceed with the involved businesses.

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. Take no action on the issue

Recommendation

Public Works Administration recommends that the Council approve the resolution authorizing the Mayor to sign a letter of intent to extend City sanitary sewer south along US Highway 281.

Sample Motion

Move to approve resolution.

Nebraska Department of Environmental Quality Suite 400, The Atrium Post Office Box 98922 Lincoln, Nebraska 68509-8922

Re: "Letter of Intent" to work towards extending city sanitary sewer along US Hwy 281

It is our understanding that businesses along US Highway 281 near Interstate 80 are on a timetable with the Nebraska Department of Environmental Quality to improve their private waste water treatment systems. The City of Grand Island is willing to negotiate with those businesses towards a public/private project to extend city sanitary sewer mains to serve their properties.

The city would be lead entity in the project that would carry sanitary sewerage from their properties to the city's sanitary sewer collections system with construction of sanitary sewer force and gravity mains along US Highway 281. Upon completion, the project would have the businesses discharging sewerage into the city's system and allow the businesses to abandon their private waste water collection systems.

The city is beginning negotiations on an agreement with benefiting property owners on details of the project. The negotiated agreement will include items such as cost, ownership and maintenance responsibilities for the sanitary sewer lift stations, ownership and maintenance responsibilities on the sanitary sewer force main, etc. We anticipate the design, permitting and right-of-way acquisition work on the project will occur in 2011 with construction occurring in 2012. If for some reason the negotiations do not conclude in an agreement between the city and the businesses, the project will not commence.

Please feel free to call Interim Public Works Director- Gary Mader Manager of Engineering Services – Terry Brown if you have any questions about the sanitary sewer project.

Sincerely,

Mayor Jay Vavricek

RESOLUTION 2011-14

WHEREAS, a Study Session was held on January 4, 2011 to discuss the possibility of extending city sanitary sewer south along US Highway 281; and

WHEREAS, several businesses along US Highway 281 near Interstate 80 would have the option to connect to such sanitary sewer; and

WHEREAS, a letter of intent was requested addressed to the Nebraska Department of Environmental Quality notifying them that the City is willing to take part in negotiations with businesses along US Highway 281 regarding extending City sanitary sewer to serve the properties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized to sign a letter of intent to the Nebraska Department of Environmental Quality for possible extension of city sanitary sewer south along US Highway 281.

- - -

Ador	nted by	the !	City	Council	of the	City	of C	Frand	Island.	Nebraska.	January	v 11.	2011.

1 3	J	, ,	
		Jay Vavricek, Mayor	
Attest:			
RaNae Edwards, City Clerk			



Tuesday, January 11, 2011 Council Session

Item J1

Approving Payment of Claims for the Period of December 29, 2010 through January 11, 2011

The Claims for the period of December 29, 2010 through January 11, 2011 for a total amount of \$3,006,237.47. A MOTION is in order.

Staff Contact: Mary Lou Brown



Tuesday, January 11, 2011 Council Session

Item J2

Approving Payment of Claims for the Period of December 29, 2010 through January 11, 2011 for the Veterans Athletic Field Complex

The Claims for the Veterans Athletic Field Complex for the period of December 29, 2010 through January 11, 2011 in the amount of \$14,670.75.

A MOTION is in order.

Staff Contact: Mary Lou Brown

Amount to be Spent

100,000.00

			Amount	Total by Council
Council Date	Vendor Name	Description	Submitted	Meeting
2011	Ensley Electric Services Inc	Ball field lighting	5 970 75	
2011	1/11/2011 Middleton Electric Inc	Parking lot light installation	8 000 00	
2011	1/11/2011 Olsson Associates Inc	Staking for light poles	700.00	
			Subtotal	14.670.75
				•

Amount Remaining to be Spent

85,329.25

paragraph 23-79 that the food and beverage "... occupation tax imposed by this Article shall terminate \$100,000.00 of payments related to the Veteran's Athletic Complex will be funded directly by the food and collection of the tax shall cease upon the completion of the following: ...(B) Recreational field \$1,500,000.00. That money has been depleted. The City Code Chapter 23, Article VII states in development in the amount of \$1.6 million on the property described as follows:..." The next The escrow account with Wells Fargo for the Veteran's Athletic Complex was funded with and beverage occupation tax. This log will provide the record of the expenses.

il Meeting	aber 28, 2010
Council]	Decembe

PARKS & RECREATION Name/Number Vendor Org Object 40044450

1 3475 FRY & ASSOCIATES INC 90027

MISCELLANEOUS PARK PROJECTS Description

ATHLETIC COMPLEX 180 ENSLEY ELECTRIC SERVICES INC 1686 MIDDLETON ELECTRIC INC

90122

PARKING LOT LIGHT INSTALLATION BALL FIELD LIGHTING VETS FIELD

SURVEY BALL FIELDS

190 OLSSON ASSOCIATES INC

GRACE ABBOTT PLAY STRUCTURE

Schedule of Bills

Page 35

Check# 161163 161159 #O.₩ 22119 23761 # Od 9-12/21/10 Invoice 24009

8,593.29

Amount

5,970.75 8,000.00 700.00

161210

161194

23092 23421

150876

25237

40044450 Org Total

23,264.04

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5,970,75+ 8 * 000 * 00 + 700.007

14,670.75*

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\$ (11,313.85) \$ 226,277.00 231,277.00 \$(208,992.40) 8,370.00 \$ 214,963.15 \$ 239,647.00 \$ 5,970.75 24,683.85 2010 and acceptance of payment are without prejudice to any rights of payable only to the Contractor named herein. Issuance, payment This certificate is not negotiable. The AMOUNT CERTIFIED is County of: Hall (Attach explanation if amount certified differs from the amount Project: Vet's Athletic Field Complex day of Page 1 of 2 Pages the owner or Contractor under this contract. % of completed work (column D & E on next page) Balance To Finish, Plus Retainage Total Earned Less Retainage
 Less Previous Certs. For Payment % of stored material Subcribed and sworn to before me this Total Complete & Stored to Date Net Change by Change Orders Contract Sum To Date (Line 1+2) (column F from next page) column G on next page Current Payment Due
 Balance To Finish. Plus Re Original Contract Sum (line 3 less 6) My Commission expires: Nebraska ؿ Retainage ARCHITECT: By: Notary Public: applied for) State of: 9-12/21 Ball Full 22119 42106-05hhh00h Ö က ທໍ \$ 8,370,00 Approved by Description Ensley Electrical Services, Inc. Voucher # APPLICATION AND CERTIFICATE FOR PAYMENT n accordance with the Contract Documents, based on on-sion-site ractor's knowledge and belief the work covered by this Application Deductions documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and Parks & Recreation Dept---Steve Paustian, Director for Payment has been completed in accordance with the contract Org-obj# Vendor# he undersigned Contractor certifies that to the best of the Conobservations and the date comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief, the work has progressed as Contract Documents, and the Contractor is entitled to payment payments received from the owner, and that current payment CONTRACTOR'S APPLICATION FOR PAYMENT # Oct ndicated, the quality of the Work is in accordance with the 8,370.00 8,370.00 Architect's Certificate For Payment Grand Island, Nebraska, 68802 Ensley Electrical Services, Inc. Additions ÷ Grand Island, NE 68802 City of Grand Island of the AMOUNT CERTIFIED. Change Order Summary Secretary Treasurer shown herein is now due. **NET CHANGE ORDERS** PO Box 1968 PO Box 5822 9/21/2010 Approved This Month Date Contractor: 00#1 From: otals ö

Ensley Electrical Services, Inc. PO Box 5822

Page 2 of 2

Grand Island, NE 68802

308-382-8432

CONTINUATION SHEET

Project: City of GI Parks & Recreation Dept.

8-9 Veteran's Athletic Field Complex

App.#

App. Date 10/28/2010

Period To: 11/1/2010

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MIDDLETON ELECTRIC, INC.

2716 W OLD HWY 30 P O BOX 447 GRAND ISLAND, NE 68802-0447

Invoice

DATE	INVOICE#
12/21/2010	25237

BILL TO	-
PARKS ADMINISTRATION PO BOX 1968	
GRAND ISLAND, NE 68802	

SERVICE ADDRESS	
PO #23092-00	
GI SPORTS COMPLEX	
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TERMS

Due On Receipt

QTY	DESCRIPTION	AMOUNT	TOTAL
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	Approved by A Date 12/	22/10	
	Dig-obj# Amount		
	40044450-90122 8,000.	00	
	101000		

Thank you for your business!		
Finance Charges 2% per month on unpaid balance	Total	** ***
		\$8,000.00



Purchase Order

PO 8ox 1968 * Grand Island NE 68802-1968 (308) 385-5444 Ext 193

Fiscal Year 2010

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES.
PACKAGES AND SHIPPING PAPERS. Purchase Order #

23092-00

PARKS ADMINISTRATION 100 E 1ST ST PO BOX 1968 GRAND ISLAND, NE 68802 308-385-5444 EXT 290 308-385-5488 FAX

MIDDLETON ELECTRIC INC 2716 W OLD HWY 30 PO BOX 447 GRAND ISLAND NE 68802-0447

PARKS ADMINISTRATION 100 E 1ST ST PO BOX 1968 GRAND ISLAND, NE 68802 308-385-5444 EXT 290 308-385-5488 FAX

Federal Tax ID #47-6006205 State Tax ID # 21-0244767

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V	endor Phone	Number	1		Red		ber	Delivery Reference			nce
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The City of Grand Island is an Affirmative Action/Equal Opportunity Employer

PO Total

\$8,000.00

Invoice



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

December 15, 2010 Invoice No: 150876

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

OA Project No.

009-1973

GI New Vets Athletic Field Complex

Professional services rendered from October 10, 2010 through December 4, 2010.

This invoice replaces Invoice #150298 in its entirety.

Phase

700

Light Pole Staking

PO #23421-00

Services this period include staking for light poles for future ballfield.

Fee

Billing Phase	Fee	Percent Complete	Billed To Date	Previous Fee Billing	Current Fee Billing
Light Pole Staking	700.00	100.00	700.00	0.00	700.00
Total Fee	700.00		700.00	0.00	700.00
		Subtotal			700.00
			Total this	s Phase	\$700.00
· · · · · · · · · · · · · · · · · · ·		AMOUNT	DUE THIS IN	VOICE	\$700.00

Authorized By: Matthew Rief

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Ong-obj# Amount	

40044450-90122

700.00



Purchase Order

100 E 1st St * PO Box 1968 * Grand Island NE 68802-1968 (308) 385-5444 Ext 193

Fiscal Year 2010

Page 1

of 1

THIS NUMBER MUST APPEAR ON ALL INVOICES.
PACKAGES AND SHIPPING PAPERS

Purchase Order #

23421-00

PARKS ADMINISTRATION 100 E 1ST ST PO BOX 1968 GRAND ISLAND, NE 68802 308-385-5444 EXT 290 308-385-5488 FAX

OLSSON ASSOCIATES INC 1111 LINCOLN MALL PO BOX 84608 LINCOLN NE 68501-4608

PARKS ADMINISTRATION 100 E 1ST ST PO BOX 1968 GRAND ISLAND, NE 68802 308-385-5444 EXT 290 308-385-5488 FAX

Federal Tax ID #47-6006205 State Tax ID # 21-0244767

Vendor Phone	Number Vendo	r Fax Number	Requisition Numb 23066	er		Delivery Referen	2.e
Date Ordered	Vendor Number	Entered By	Requ	ested By	1	Departme	ent/Location
09/10/2010	190	pattib		Buettner		PARKS & F	RECREATION
ltem# last not be the		on/Part No.		Qty	UOM	Unit Price	
SURVEY	BALL FIELDS AT	VETERANS AT	HLETIC FIELD	1.0	Each	\$700.000	\$700.00
	50 - 90122		\$700.00				
40044450	- 90122	,	\$700.00				
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The City of Grand Island is an Affirmative Action/Equal Opportunity Employer

PO Total

\$700.00



Tuesday, January 11, 2011 Council Session

Item J3

Approving Payment of Claims for the Period of November 24, 2010 through January 11, 2011 for the State Fair Recreation Building

The Claims for the Period of November 24, 2010 through January 11, 2011 for the State Fair Recreational Building for the following requisition:

#35 \$100,826.00 #36 \$ 63,585.62

TOTAL: \$164,411.62

A MOTION is in order.

Staff Contact: Mary Lou Brown

Exhibit A to Escrow Agreement

(FORM OF PAYMENT REQUEST)

Payment Request No. __035__

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:

Payee	Address	Amount To Be Paid	Cost of Issuance or Project Description
Sampson Contraction Co., Inc.	3730 So. 14 th Street Lincoln, NE 68502	\$100,826.00	Final construction payment

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 Lesse.

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.

- 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: May You Brown
Title: Kunne Die Ton
Date: 12/30/10

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

Authorized Officer

Attachments:

Invoices/Certificates for Payment

Insurance Certificate (if not previously provided)



Architecture Engineering Interior Design

Principals:

Jon P. Dalton, PE Matthew C. Metcalf, AIA Wade W. Stange, AIA Michael A. Wachal, PE

Associate Principal:

Michael D. Marsh, AlA

Senior Associates:

J. Edward Bukacek, AIA
RONAID G. HACKETT, AIA
DAN L. HEMSATH
BRYCE G. JOHNSON, MS PE
JAMES K. LUEDKE, PE
RENEE M. SHEIL
GREGORY T. ŚMITH, AIA
LEROY P. SVATORA, AIA

Lincoln

211 North 14th Street Lincoln, Nebraska 68508 Phone: (402) 476-9700 Fax: (402) 476-9722

Other Locations:

Omaha, Nebraska Vermillion, South Dakota

www.davisdesign.com

printed on recycled paper

December 15, 2010

Nebraska State Fair Park Attn: Joseph McDermott P.O. Box 81223 Lincoln, NE 68501

RE: State Fair Park – Fonner Park Exhibition Building 3 Grand Island, Nebraska Davis Design Project 08-0192

Joseph,

Enclosed is Sampson Construction Co., Inc's. <u>Application and Certification for Payment No.14</u> dated October 4, 2010.

To the best of our knowledge, the work has progressed to the point indicated and the quality of the work is in accordance with the contract documents. Therefore, we recommend that payment be made to Sampson Construction Co., Inc. in the amount of \$100,826.00. Please review the attached email noting the non completed punch list items, which have since been completed according to Sampson.

Please retain the "Owner" copy for your files and forward the "Contractor" copy together with your payment to Sampson Construction Co., Inc.

Please call **me** at our Lincoln office if you have any questions or concerns regarding this application for payment.

Sincerely,

DAVIS DESIGN

Chad Vogel

Construction Administrator

Enclosure

cc: Chad Vogel, Construction Administrator Files - Davis Design, Inc.
Leroy Savarta, Project Architect - Davis Design, Inc
Nate Kastens, Project Manager - Sampson Construction Co., Inc.
Craig Gies, Executive Team - Sampson Construction Co., Inc.
Jon Thomas - Village Development

Vogel, Chad

From:

Vogel, Chad

Sent:

Tuesday, November 23, 2010 1:42 PM

To:

'ion thomas'

Subject:

RE: State Fair Park - Pay Applications

I will wait until I hear back from you before processing.

Thanks,

Chad

From: jon thomas [mailto:jon@villagedevelopmentlic.com]

Sent: Tuesday, November 23, 2010 12:49 PM

To: Vogel, Chad

Subject: Re: State Fair Park - Pay Applications

| will forward this on to Tam for his attention.

Thanks

On 11/23/10 10:22 AM, "Chad Vogel" < chad.vogel@davisdesign.com> wrote:

Jon,

I wanted to check and see if you have had time to review the pay applications I previously sent you? I reviewed the punch list items, and feel that we should not pay 100% at this time. Below I have listed my items, but I won't redline the pay applications. However, I will email Joseph my comments and let him do as he wishes with that information. Please let me know if you have additional comments.

C/S/A

- 1. Paint Columns = \$1,600.00
- 2. Provide Sealant at the frost stoops = \$1,300
- 3. Complete tile in Social Area = \$1,100.00
- 4. Seal around the columns in the wash bays = \$4,000.00
- 5. General Carpenter (install door silencers, casework modifications, etc.) = \$1,000
- 6. Ceiling pads = \$400.00
- 7. Interior Painting = \$1,500.00
- 8. Upsizing the motors in the Arena as previously indicated = \$7,000.00

Total Cost doubled = \$36,000.00

EB-1

- 1. Painting = \$1,000.00
- 2. Total Cost Doubled = \$2,000.00

Swine Building

- 1. Sealant around the perimeter of the building and at Frost Stoops = \$6,500.00
- 2. General Labor for installing door silencers, sealing penetrations, cleaning, etc. = \$2,000.00
- 3. Total Cost Doubled = \$17,000.00

Total amount of money to withhold until the punch list is complete = \$46,500.00

EB-3

- 1. Loose Bollards = \$1,000.00
- 2. Stains on Floor in Lounge 117 = \$3,000.00 (to paint floor)
- 3. Seal around interior and exterior penetrations \$2,000.00
- 4. Total Costs Doubled = \$12,000.00

Please note, I have not included any costs for installing floor sealer as indicated in the drawings. This is due to the fact that Sampson claims that did not bid it, and installed "Cure and Seal." I would suggest contacting Olsson's onsite person doing the special inspections to verify that the Cure and Seal was actually installed. I would assume this would have shown up in their reports. Again, please let me know if you have anything else.

Thanks,

Chad Vogel

Construction Administrator | chad.vogel@davisdesign.com < mailto:ron.larson@davisdesign.com >

211 North 14th street | Lincoln, Ne. 68508

Direct: 402.476.9700 ext: 259 | Mobile: 402.440.5000

APPLICATION AND CERTIFICATION FOR	FICATION FOR PAYMENT	AIA DOCUMENT G702 PAGE ONE OF	E OF PAGES
TO OWNER: Nebraska State Fair Board P.O. Box 1387	PROJECT: Nebraska State Fair Park	APPLICATION NO 15	Distribution to:
Grand Island, NE 68802	Exhibition Building 3	Neoraska PERIOD TO: 10/31/2010	OWNER A D CENTECT
FROM CONTRACTOR:	VIA: Chad Vogel		CONTRACTOR
Sampson Construction Co., Inc.	Davis Design, Inc.		
3730 So. 14th St. Lincoln, NE 68502	211 North 14th Street Uncoln NF 68508	PROJECT NOS: 09028	
CONTRACT FOR: General	, 111, 00,000	CONTRACT DATE: 7/10/09	
CONTRACTOR'S APPLICATION FOR PAYMENT Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.	TION FOR PAYMENT , in connection with the Contract. ched.	The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and	Contractor's knowledge, on for Payment has been at all amounts have been paid by r Payment were issued and
		payments received from the Owner, and that current payment shown herein is now due.	ent shown herein is now due.
 ORIGINAL CONTRACT SUM Net change by Change Orders CONTRACT SIM TO DATE (Line 1 + 2) 		CONTRACTOR: Sampson Construction Co., Inc.	
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) 5. RETAINAGE:	\$ 4,610,360.00	Ву:	Date: 11-5-10
a. % of Completed Work (Column D + E on G703) b. % of Stored Material (Column F on G703) Total Retainage (Lines 5a + 5b or	00.00	State of: Nebraska Subscribed and swom to before me this 5th day of November Notary Public: My Commission expires: 5-142012	mber 2010 GENERAL NOTARY - State of Nebraska JULIE A. SCHIEELE My Comm. Exp. May 14, 2012
Total in Column I of G703)		ARCHITECT'S CERTIFICATE FOR PAYMEN	OR PAYMENT
0. TOTAL EAKNED LESS KETAINAGE (Line 4 Less Line 5 Total) 7. LESS PREVIOUS CERTIFICATIS ROD	\$ 4,610,360.00	In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the	site observations and the data wner that to the best of the
PAYMENT Cline 6 from prior Certificate) 8. CURRENT PAYMENT DUE 9. RAI ANCE TO RINISH INC. IDEM C. DETAINS CO.	\$ 4,509,53	Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.	as progressed as indicated, Documents, and the Contractor
(Line 3 less Line 6)		AMOUNT CERTIFIED\$ 100 87.	a)
CHANGE ORDER SUMMARY	ADDITIONS DEDUCTIONS	(4) the partition is an amount of the property of	
Total changes approved in previous months by Owner	4:00	Application and onthe Continuation Sheet that are changed to conform with the amount certified. ARCHITECT Davis Desire The	own appuea. Initial all figures on this d to conform with the amount certified.)
Total approved this Month #8	\$826.00	7	Date: (7 - 16-2)
TOTALS	\$638,360.00	This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the	TED is navable only to the
NET CHANGES by Change Order	\$638,360.00	Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.	se of payment are without his Contract.
AIA DOCUMENT 6702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - & 1	R PAYMENT - 1892 EDITION - AIA - @1892	THE AMERICAN INSTITUTE OF ARCHITECTS, 1736 NEW YORK AVE, N.W., WASHINGTON, DC 20008-5282	, WASHINGTON, DC 20008-5282

100%

CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Confractor's signed certification is attached.

11/5/2010

APPLICATION DATE: APPLICATION NO:

PAGE OF PAGES

AIA DOCUMENT G703

In tah	In tahulations helow amounts are stated to the nearest dollar	ollar				ř	00000		
Use (Use Column I on Contracts where variable retainage for line items may apply	line items may apply			Ą	FERIOD 10: ARCHITECT'S PROJECT NO:	PERIOD 10: ROJECT NO:	10/31/2010 09028	
		NEBRASKA STA	A STATE FAIR PARK, FONNER PARK, GRAND ISLAND, NEBRASKA	FONNER PARI	K, GRAND ISL	AND, NEBRASK	¥		
٨	В	ပ	Q	Э	Ι×	Ö		д	_
LIFE		SCHEDOLED	WORK COMPLETED	MPLETED	MATERIALS	TOTAL	%	BALANCE	RETAINAGE
<u>.</u>		VALUE	FROM PREVIOUS APPLICATION	THIS PERIOD	PRESENTLY STORED	COMPLETED AND STORED	(O + D)	TO FINISH	(IF VARIABLE
	· · · · · · · · · · · · · · · · · · ·		(D+E)		NOT NOT	TO DATE		2	(giwi E)
	EXHIBITION BUILDING #3				7	(1,4,4)			
	FOUNDATIONS	220,000	220.000			220 000	100%		
7	SLABS	245,000	245,000			245.000	100%		
m	PRECAST	000'09	000'09			60.000	100%		
4		000'08E ·	380,000			380,000	%001		•
	STEEL	75,000	75,000			75,000	%001		
9		45,000	45,000	-		45,000	100%		
·	SEALANTS	15,000	15,000		•	15,000	100%		
œ	HM/DOORS/HARDWARE	125,000	125,000			125,000	100%		
6	ALUMINUM & GLASS	140,000	140,000		•	140,000	%001		
2 -	OVERHEAD DOORS	15,000	15,000	•		15,000	100%		
=	METAL STUDS/DRYWALL	65,000	65,000			65.000	%001		
27	ACT	18,000	18,000			18.000	100%		
13	PAINTING	52,000	52,000			52,000	100%		
4		24,000	24,000		-	24,000	100%		
15		34,000	34,000			34,000	300%		-
9.	METAL BUILDING-MATERIAL	610,000.	610,000			610.000	100%		
17	METAL BUILDING-INSULATION	85,000	85,000			85.000	100%		
≈	₽.	340,000	340,000	,		340,000	%001 100%		
<u>6</u>		130,000	130,000	,	•	130,000	100%		
22	·	290,000	290,000			290,000	100%		
21	PIPING	300,000	300,000			300,000	100%		
22		399,000	399,000			399,000	%001		
23		25,000	25,000			25.000	100%		
24	_	280,000	280,000	•		280,000	100%		
25		342,893	342,893	The second secon		342,893			
56		239,337	239,337			239,337	100%		
27	_	4,313	4,313			4,313	100%		
		28,372	28,372			28,372	100%		
53		3,666	3,666			3,666	100%		
99		11,397	11,397			11.397	100%		
31		7,556	7,556			7,556	100%		
3.7	CHANGE ORDER #8	826		760		, ,	7,000		-

AIA DOCUMENT G703 · CONTINUATION SHEET FOR G702 · 1892 EDITION · AIA · @1992 THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W. WASHINGTON, D.C. 20006-5232

CONTINUATION SHEET

AIA DOCUMENT G703 AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

PERIOD TO:

09028 10/31/2010 11/5/2010

PAGE OF PAGES

APPLICATION NO: APPLICATION DATE:

RETAINAGE (IF VARIABLE RATE) H BALANCE TO FINISH (C-G) 100% (0 + C) NEBRASKA STATE FAIR PARK, FONNER PARK, GRAND ISLAND, NEBRASKA 4,610,360 COMPLETED AND STORED TO DATE TOTAL (D+E+F) MATERIALS PRESENTLY (NOT IN D OR E) STORED 826 THIS PERIOD ARK, FONN

D

WORK COMPLETED

WORK COMPLETED

FROM PREVIOUS

APPLICATION
(D+E) 4,609,534 4,610,360 SCHEDULED VALUE DESCRIPTION OF WORK GRAND TOTALS NO.



CONSENT OF SURETY TO FINAL PAYMENT

To: Nebraska State Fair Board	
PO Box 81223	
Lincoln, NE 68501	
RE: Nebraska State Fair Park Fonner Park Exhibition Bui	Iding 3
Principal: Sampson Construction Company	
Obligee: Nebraska State Fair Board	
Contract Number:	Contract Date: July 10, 2009
Contract/Project Description:	
Nebraska State Fair Park Fonner Park Exhibition Building	3
In accordance with the provisions of the contract between LIBERTY MUTUAL INSURANCE COMPANY, a Massac "Surety), on the Principal's bond number 012-015-051 (the Principal by the Obligee and agrees that final payment to to obligations to Obligee as set forth in the Bond.	chusetts stock insurance company, as Surety (the "Bond") hereby consents to the final payment to the
IN WITNESS WHEREOF, the Surety has hereunto set its h	and and seal this <u>5th day of November 2010</u> .
. Li	BERTY MUTUAL INSURANCE COMPANY (Surety)

LMIC-3100

Rev. 03/04

Carol A. Dorn, Attorney-in-Fact

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY BOSTON, MASSACHUSETTS POWER OF ATTORNEY

						'), a Mass		
						istitute and		

KEVIN D. MCCARVILLE, CAROL A. DORN, ROHN P. LOYD, EDITH SUE STROMBERG, ALL OF THE CITY OF LINCOLN STATE OF NEBRASKA each individually if there be more than one named, its true and lawful attorney in fact to make, execute, seal, acknowledge and deliver, for and on its

behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding EIGHTY MILLION AND 00/100********) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Suirety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys in-fact, as may be necessary to act in behalf of the Company to make, To confirm the validity of this Power of Attorney call execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys in fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys in fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this __7th__day of _ 2010

LIBERTY MUTUAL INSURANCE COMPANY



Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA COUNTY OF MONTGOMERY

On this 7th day of _ <u>, 2010</u> , before me, a Notary Public, personally came <u>Gamet W. Elliott,</u> to me known, and acknowledged April that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation:

thave hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year IN TESTIMONY WHE first above written.

COMMONWEALTH OF PENNSYLVANIA Notarlai Seal Teress Pastella, Notary Public ymouth Nep., Mantgameny Count Commission Expires March 28, 2013

Terésa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy; is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys in fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this day of November 2010.

David M. Carey, Assistant Secretary

AIA° Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

6.0	1			
PROJECT: (Name o Nebraska State Fai		ARCHITECT'S PROJEC	T NUMBER:	OWNER: ARCHITECT:
Fonner Park		•	·	CONTRACTOR:
Exhibition Buildin				SURETY:
Grand Island, Nebi		CONTRACT FOR: Gene		OTHER:
TO OWNER: (Name		CONTRACT DATED: Jul	y 10, 2009	
Nebraska State Fai	r Board			•
P.O. Box 81223				
Lincoln, Nebraska				
STATE OF: Nebrasl	ca		•	
COUNTY OF: Lanca	ster		•	
			payment has been made in full and	
			shed, för all work, labor, and service	
			for damages arising in any manner i	
		enced above for which the	e Owner or Owner's property migh	t in any way be
held responsible or	ėncumbered.			
EXCEPTIONS:				
		· ·	0007040700 07 1 17	· ·
SUPPORTING DO			CONTRACTOR: (Name and addr	ess)
		syment. Whenever	Sampson Construction Co., Inc. 3730 S. 14 th Street	
	nvolved, Consent of			
	AIA Document G7		Lincoln, Nebraska 68502	
Surety, ma Indicate Attachmen	y be used for this i		. <i> </i>	
moicate Attacumen		es [] No	الانج	
			BY:	1
The following supp	orting documents s	hould be attached	(Signature of authorized)	epresentative)
hereto if required b				
······································	1		//(/4)}	1715114
I. Contractor	s Release or Waiv	er of Liens.	(Printed name and title)	
	upon receipt of fi		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	7
4 7 7 7 7 7 7		<u>F</u> J		
2. Separate R	eleases or Waivers	of Liens from	Subscribed and sworn to before r	ne on this date: $11/5/i$
	tors and material a		The state of the s	
	o the extent requir		GENERAL NOTARY - State of Neb	
	ed by a list thereof		JULIE A. SCHEEL	
			Notary Public: My Comm. Exp. May 14, 2	the el
3. Contractor	s Affidavit of Rele	ease of Liens	70,000,000,000	1-2012
	ment G706A).		5 546	f-2012
, — 				•

MATA° Document G706A™ – 1994

Contractor's Affidavit of Release of Liens

PROJECT: (Name		ARCHITECT'S PROJ	ECT NUMBER:	OWNER:
Nebraska State Fa Fonner Park	ir Park	CONTRACT FOR: G		ARCHITECT:
Exhibition Buildin	g #3	Construction	aierai	CONTRACTOR:
Grand Island, Neb	raska			SURETY:
TO OWNER: (Name	and address)	CONTRACT DATED:	July 10, 2009	
Nebraska State Fai P.O. Box 81223	r Board			OTHER:
Lincoln, NE 68501				·
	1			***************************************
STATE OF: Nebrasi				
COUNTY OF: Lanca	ister			
The undersigned he	reby certifies that to the	ne best of the undersi	gned's knowledge, information an	d belief; except as
listed below, the Re	eleases or Waivers of I	ien attached hereto i	nclude the Contractor, all Subconti	ractors, all suppliers
of materials and eq	uipment, and all perfor	mers of Work, labor	or services who have or may have	liens or
out of the performa	nce of the Contract ref	r encumbrances agai	nst any property of the Owner aris	ing in any manner
	loo or are continue for	cronced above.		
EXCEPTIONS:				
SUPPORTING DO	CUMENTS ATTACH	ED HERETO.	CONTRACTOR: (Name and add	wara l
	s Release or Waiver of		Sampson Construction Co., Inc.	ress)
conditiona	l upon receipt of final p	payment.	3730 S. 14 th Street	
		-	Lincoln, Nebraska 68502	
				L
2. Separate R	eleases or Waivers of I	Liens from	BY:	
	tors and material and e		(Signature of autilia	rized 1
	o the extent required b	y the Owner,	representative)	C) (21/-
accompani	ed by a list thereof.	•		(A4 (1)5 1)1
40 3 44	1		(Printed name and	title
	·		Subscribed and sworn to before r	ne on this date: 11/5/10
	-			
			Notary Public:	¢
	-		My Commission Expires:	Cheele
			5-14-	-2017
			GENERAL NOTARY - State of N	ebraska
			JULIE A. SCHEE My Comm. Exp. May 14	1 E .
Ç.			14,	2012
·				

Exhibit A to Escrow Agreement

(FORM OF PAYMENT REQUEST)

Payment Request No. ___036__

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:

Payee	Address	Amount To Be Paid	Cost of Issuance or Project Description
Nebraska State Fair	1043 So. Locust St.	\$63,585.62	Reimbursement related
Board	Grand Island, NE 68801		to Brandt Excavating work

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: Many Jone Dwarn
Title: Function During

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

Authorized Officer

Attachments:

1. Invoices/Certificates for Payment

2. Insurance Certificate (if not previously provided)

State Fair Building Log of Payments

Payment			
Request No.	Paid To	Type of Expense	Amount Paid
-		Application and certification for	
005	Sampson Construction Co., Inc.	payment number 1	22,500.00
005	Davis Design	Current fee billing	3,528.80
	·	Application and certification for	
006	Sampson Construction Co., Inc.	payment number 2	117,000.00
006	Davis Design	Current fee billing	3,105.61
007	Davis Design	Current fee billing	2,826.62
		Primarily foundation, masonry	
008	Sampson Construction Co., Inc.	and building material	715,500.00
		Materials, erection, HVAC, piping	
009	Sampson Construction Co., Inc.	and electrical	540,000.00
010	Davis Design	Construction administration	30,436.21
		Primarily metal building material,	
011	Sampson Construction Co., Inc.	insulation, erection	427,500.00
		Building erection, masonry and	,
012	Sampson Construction Co., Inc.	general	234,000.00
013	Davis Design	Construction administration	3,230.68
014	Davis Design	Electrical, masonry and other	189,000.00
015	Davis Design	Construction administration	3,474.99
<u> </u>	David Doolgit	Primarily fire sprinkler, piping and	5, //55
016	Sampson Construction Co., Inc.	electrical	252,000.00
017	Davis Design	Construction administration	3,367.12
<u> </u>	Davio Design	Bid affidavit in The Grand Island	0,007.12
		Independent for installation of	
		new turf and sythetic court	
017	City of Grand Island	flooring	65.27
018	Sampson Construction Co., Inc.	Primarily masonry and HVAC	306,000.00
019	Davis Design	Construction administration	4,677.04
019	Davis Design	Annual charge for private fire	4,017.04
020	City of Grand Island	protection	100.51
020	City of Grand Island	Primarily slabs, HVAC and	100.01
021	Sampson Construction Co., Inc.	change orders	360,000.00
022	Davis Design	Construction administration	2,666.47
UZZ	Davis Design	Electrical usage and service	2,000.41
000	City of Crond Island	charge for 5/14 - 6/15	117.05
023	City of Grand Island	Electrical usage and service	117.00
004	Oite of Overal Johand		050.70
024	City of Grand Island	charge for 6/15 - 7/19/2010	852.78
025	Davis Design	Construction administration	2,797.05
000	0	Primarily slabs, HVAC and	300,000,00
026	Sampson Construction Co., Inc.	change orders	396,900.00
027	Davis Design	Construction administration	2,394.71
		Electrical usage and service	00404=
028	City of Grand Island	charge for 7/19 - 8/17/2010	2,042.47

State Fair Building Log of Payments

Payment			1
Request No.	Paid To	Type of Expense	Amount Paid
029	Sampson Construction Co., Inc.	Inside finish work	390,523.00
030	Sampson Construction Co., Inc.	Inside finish work	420,956.00
		Set 14 RH moisture tests in the	
		concrete floor and retrieve	
031	Midwest Floor Covering, Inc.	readings	1,050.00
032	All Sports Enterprises, Inc.	Installation of artificial turf	211,030.00
033	Sampson Construction Co., Inc.	Completion of final construction	137,655.00
034	Midwest Floor Covering, Inc.	Materials delivered to site	48,291.00
035	Sampson Construction Co., Inc.	Final payment	100,826.00
		Overexcavate, fill, grade, backfill	
036	State Fair Board	performed by Brandt Excavating	63,585.62

Total

5,000,000.00

Mary Lou Brown

From:

Joseph McDermott [jmcdermott@statefair.org]

Sent:

Monday, December 13, 2010 11:27 AM

To:

Mary Lou Brown

Cc:

Tam Allan (tra@navix.net); Sallie Atkins

Attachments: 01 - EB3 Excavation Invoice NSF.pdf

Mary Lou,

Attached please find an invoice from Brandt Excavating for the work that was done in developing the building pad at Fonner Park for the EB3 building, otherwise known as the city owned building. At the time the work was done (June 2009), the process had not been set up to submit bills to the city, therefore the State Fair Board paid for the work.

I am requesting you reimburse the Nebraska State Fair Board with funds available from the Wells Fargo loan. From the information you provided, there is in excess of \$42,000 left to draw on the loan with no outstanding invoices or further expenditures necessary with the exception of the cover for the floor, which the State Fair Board has agreed to provide prior to the 2011 Fair.

Please let me know when we can expect payment.

Thanks.

Joseph McDermott Executive Director Nebraska State Fair Phone (308) 382-1685 Fax (308) 384-1555



December 8, 2010

Nebraska State Fair

Description

Line No.

EB3 Building – Nebraska State Fair

1 Overexcavate and fill to subgrade elevations

2 Grade and backfill curbs and green areas

Billing \$ 96,320.00

Amount residuing in escourt \$ 63,585.62

Unit

Unit Price

<u>Amount</u>

Quantity

Mary Lou Brown

From:

Joseph McDermott [imcdermott@statefair.org] Wednesday, December 22, 2010 1:42 PM

Sent: To:

Mary Lou Brown

Subject:

FW: Emailing: EB3 Billing.pdf

Attachments:

EB3 Billing.pdf; Brandt pay app 2.pdf





EB3 Billing.pdf (113 Brandt pay app 2.pdf (2 MB)

Mary Lou,

I am forwarding you the response from Angie at Brandt Construction in regards to the Brandt invoice I submitted to you a couple of weeks ago. Angie has highlighted on the bill the areas where the work was performed and we were billed.

I have also attached the invoice we received from Brandt by way of Olsson Associates and a copy of the check for payment of the invoice.

I will also be forwarding you the final pay application from Sampson. Once you pay the \$100,826 in this pay app and reimburse the State Fair Board for the Brandt invoice, it appears though the entire \$5 million LOC will have been drawn upon. The State Fair Board will be responsible for the additional \$6,000 identified in the pay app and the floor covering next year.

Please let me know if you have any questions.

Thanks.

----Original Message----

From: Angie Miller [mailto:angie@brandtexcavating.com]

Sent: Monday, December 20, 2010 9:04 AM

To: Joseph McDermott

Subject: Emailing: EB3 Billing.pdf

Joseph,

This should be what you are looking for. Let me know if you need anything else.

Angie Miller Brandt Excavating 402-474-4113

The message is ready to be sent with the following file or link attachments:

EB3 Billing.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

BRANDT

To:

Nebraska State Fair

Billing for EB3 Included in Pay Request 2, dated August 31, 2009

Α	Stripping	3,460 cy @ 2.03	7,023.80
С	Off Site Borrow	10,990 cy @ 6.67	73,303.30
E	Overexcavation	6,600 cy @ 2.00	13,200.00
F	Silt Fence	930 If @2.89	<u>2,687.70</u>

\$ 96,214.80

BRANDT EXCAVATING

PAY REQUEST SUMMARY FORM

ESTIMATE NO# 2 (REVISED)

PROJECT NEBRASKA STATE FAIR

	DATE: AI	AUGUST 31, 2009	600		PROJECT NUMBER:	(BER:	vien in terret er interpretation total en estation en estation en estation en estation en estation en estation	09.638	***************************************	
	WEEK ENDING: AT	AUGUST 28, 2009	600		PROJECT MANAGER:	(AGER:		DARREN H	DARREN HELLBUSCH	
	PAY REQUEST NOTES: DI	DELIVERED TO BRANDT	TO BR	ANDT	PROJECT BILLING TO:	ING TO:		BRANDTE	BRANDT EXCAVATING	Ů
ITTEM GOST	DESCRIPTION	Вгроту	I IND	INII	TOTAL	QTY. THIS	AMOUNT	@rv. ro	AMOUNT PAID	TPAID
CODE				PRICE	AMOUNT	EST	THIS EST.	DATE	TODATE	ATE
<	STRIPPING SITE	30,000	5	\$ 2.03	00 006.09	14 000 CV	38 420 00	9,000 PV	S	1.6 270 00.
ρά	CLEARING & GRUBBING	1	r.S.	\$ 22,500.00		, %0 %0		100%	9 69	22.500.00
O.	OFF SITE BORROW	009*89	ਨੂੰ	\$ 6.67	\$ 457,562.00	45,000 CY	\$ \7 300,150.00	22,000 CY	€-	146,740.00
Ω	EXCAVATION	20,150	Ç	\$ 2.30	\$ 46,345.00	15,000 CY	\$ 34,500.00	4,000 CY	69	9,200.00
ш	OVER-EXCAVATION	39,400	CY		1	15,000 CY	\$ 30,000.00	21,000 CY	só	42,000.00
Jř.	SILT FENCE	2,830	ĽĿ	\$ 2.89	\$ 8,178.70	1930 LF	\$ 5,577.70	900 LF	64	2,601.00
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H .	SHIT FENCE INLET	7,	EA		\$ 700.00	%0	·)	100%	67	700.00
	STRAW BALE CHECKS	47	EA		\$ 16,685.00	0 EA	r SA	0 EA	↔	ì
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×	REMOVE CONCRETE	1,000	SF	\$ 0.60	\$ 600.00	%0	69	100%	€9	00.009
<u>1</u>	REMOVE / SALVAGE FENCE	3,100	LF	\$ 1.15	\$ 3,565.00	0 LF	- 5-9	3,100 LF	69	3,565.00
×	REMOVE / RELOCATE TREES	31	ΕA	\$ 375.00	\$ 11,625.00	0 EA	· • 5	16 EA	€9.	00.000,9
	ORIGINAL CONTRACT				\$ 718,600.70					
CO #1	EXCAVATION UNSUITABLE	1283 CY	ζ	\$ 2.30	\$ 2,950.90	0 CY	· ·	1,283 CY	°54	2,950.90
	REVISED CONTRACT #1				\$ 721,551.60					
CO#2	OFF SITE BORROW	10,100	દુ		\$ 67,367.00					
	EXCAVALION	12,250	7 1		C)					<u> </u>
	CONSTRICTION BATE ANCE	4,000	<u>ئ</u> ري	\$ 2.00	8,000.00	9 -				
	STRAW BATE CHECKS	· &	ζ γ μ	00.010.00 84.4 00	9 6		4,510,00	<u></u>		
	REVISED CONTRACT #2	5	Š		(0.67/7)					
			مورونة تتخديك ومدووها							
		Ç,		SUBTOTAL			\$ 403,157.70		69	259,636.90
ADDRESS 10:		Z) II		REIANAGE		· · · · · · · · · · · · · · · · · · ·	\$ (40,315.77)		\$/3	(25,963,69)
	LINCOLN, NE 68501-4608	608				-de				
	ALIN: IIM GEKGEN	Ž.		GRAND TOTAL	AL.		\$ 362,841.93		6/3	233,673.21

BRANDT EXCAVATING

PAY REQUEST SUMMARY FORM

ESTIMATE NO# 2 (REVISED)

NEBRASKA STATE FAIR PROJECT

BRANDT EXCAVATING DARREN HELLBUSCH 09.638 PROJECT BILLING TO: PROJECT MANAGER: PROJECT NUMBER: DELIVERED TO BRANDT AUGUST 31, 2009 AUGUST 28, 2009 PAY REQUEST NOTES: WEEK ENDING: DATE:

Westername	AMOUNT PAID TO DATE	18,270.00	22,500.00	146,740.00	9,200.00	42,000.00	2,601.00	4,510.00	700.00	ι	•	00'009	3,565.00	00.000,9		2,950.90		<u></u>		259,636.90	(25,963.69)	-
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			S	-	69	強強	7	643	64	643	64	6/3	(A)	5 4)		64			-	€3	€3	
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	COST	100 to 10		NAME AND DESCRIPTION OF THE PERSON OF THE PE			のである。													!	Ö. 22. 23. 13.	
	MELL	- 1	æ	S. C. S.	Д	秦山	(Appendigues	Ö	Ħ	I	١-,	M	٦	Z		90.12	•] ;	ADDRESS TO:	
				*		_															•	

233,673,21

59

362,841.93

GRAMBITOTAL

ATTN: TIM GERGEN



CERTIFICATE OF PAYMENT NO. 2

1111 Lincoln Mall, Lincoln, Nebraska 68508

Date of Issuance: September 24, 2009

Project: Nebraska State Fair Park and Fonner Park - Mass Grading

Project No. 008-1564

Contractor: Brandt Excavating, 404 Hill Street, PO Box 23014, Lincoln, NE 68542

	AILED ESTIMATE		
Description		Unit Prices	Extension
See Attached CO#1 – Core out and placed unsuitable material outside limits of building pad. Core out was within limits of cattle/sheep/arena. CO#2 – Additional work for the State Fair Admin Building.		-	
PLEASE REMIT PAYMENT TO: BRANDT EXCAVA	ATING		
	V	alue of Work Comp	leted: \$662,794.
	Original Contract Cost: Approved Change Orders: No. 1 – Excavation of	\$718,600.70	
	Unsuitable materials No. <u>2</u> – Additional wor		
	for Admin Bldg	\$106,277.00	
	Total Contract Cost:	\$827,827.70	
/alue of completed work and materials stored		\$662,794.60	
_ess retained percentage (<u>10</u> %)		\$ 66,279.46	
Net amount due including this estimate Less: Estimates previously approved:		\$596,515.14	
No. 1 \$233,673.21 No. 2 \$ No. 3 \$ No. 4 \$ No. 5 \$ No. 6 \$			
Total Previous Estimates		\$233,673.21	
NET AMOUNT DUE THIS ESTIMATE		\$362,841.93	

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

cc:

Nebraska State Fair Board Brandt Excavating Project File

By ...

F.\PROJECTS\008-1564\DOCUMENTS\PAYCERT2_MASSGRADING_909.DOC

Nebrask	Nebraska State Fair P.O. Box 81223/Lincoln, NE 68501					
AVOICE NUMBER	= INVOICE DATE 	DESCRIPTION	GROSS AMOUNT	DISCOUNT	046615 NET AMOUNT	
	10/01/09	PROJECT NO. 008-1564	\$362,841.93			
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	·				V-00-00-00-00-00-00-00-00-00-00-00-00-00	
				L		
				[

PLEASE DETACH THIS PORTION BEFORE DEPOSITING



Nebraska State Board of Agriculture 402-474-5371

46615

Pinnacle Bank Lincoln, Nebraska 68507

76-1391 1049

046615

\$362,841.93

DATE 10/01/09

46615

THREE HUNDRED SIXTY TWO THOUSAND EIGHT HUNDRED FORTY ONE DOLLARS AND 93/100

Selectory (

TO THE ORDER OF

HECK NUMBER

BRANDT EXCAVATING 404 HILL STREET PO BOX 23014 LINCOLN, NE 68542

244mO42#

AUTHORIZED SIGNATURE