City of Grand Island

Tuesday, February 08, 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 Scott Taylor, First Christian Church, 2400 West 14th Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item E1

Public Hearing Concerning Acquisition of Utility Easement - 2820 Riverside Drive - Country Club Holding Association

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Robert H. Smith, Asst. Utilities Director

Meeting: February 8, 2011

Subject: Acquisition of Utility Easement – 2820 Riverside Drive – Country Club Holding Association

Item #'s: E-1 & G-4

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

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of Country Club Holding Association (Riverside Golf Club), located at 2820 Riverside Drive, in the City of Grand Island, Hall County, in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

The expansion of the Clubhouse and the subsequent request to increase the amount of power available prompted an examination of the easements for the various transformers and electrical lines serving all of the golf course.

In reviewing the records of easements on the property, it was found that there are not documented easements covering the existing utility installations. In order to accurately document the utility easement layout for the entire Riverside Country Club, including those required for the expanded clubhouse, it is recommended that easements for utility installations serving the entire property be acquired at this time. A map of the easements to serve the property is attached for reference.

Alternatives

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

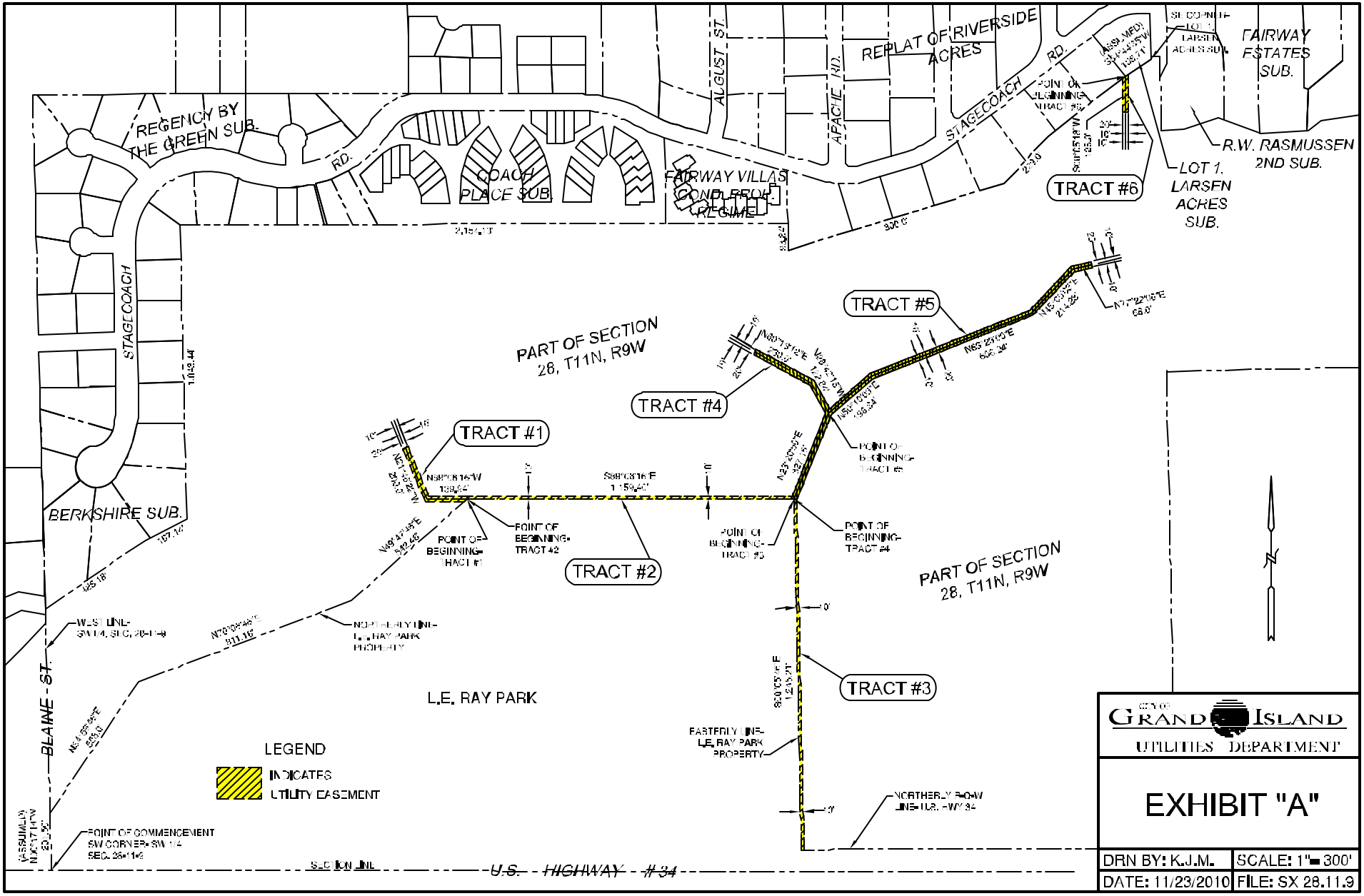
1. Make a motion to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve acquisition of the Utility Easement.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STAGECOACH RD.
COACH PLACE SUB.
FAIRWAY VILLAS COND. PROP. REGIME
AUGUST ST.
APACHE RD.
REPLAT OF RIVERSIDE ACRES
STAGECOACH RD.
FAIRWAY ESTATES SUB.
R.W. RASMUSSEN 2ND SUB.
LOT 1, LARSEN ACRES SUB.
TRACT #6
TRACT #5
TRACT #4
TRACT #1
TRACT #2
TRACT #3
PART OF SECTION 28, T11N, R9W
PART OF SECTION 28, T11N, R9W
BERKSHIRE SUB.
BLAINE ST.
L.E. RAY PARK
POINT OF BEGINNING-TRACT #1
POINT OF BEGINNING-TRACT #2
POINT OF BEGINNING-TRACT #3
POINT OF BEGINNING-TRACT #4
POINT OF BEGINNING-TRACT #5
POINT OF COMMENCEMENT SW CORNER SW 1/4 SEC. 28-T11N
SECTION LINE
U.S. HIGHWAY #34
NORTHERLY R-O-W LINE-U.S. HWY 34
EASTERLY LINE-L.E. RAY PARK PROPERTY
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CITY OF GRAND ISLAND
UTILITIES DEPARTMENT
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City of Grand Island

Tuesday, February 08, 2011
Council Session

Item E2

Public Hearing on the One & Six Year Street Improvement Plan

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

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

Subject: Public Hearing on the One & Six Year Street Improvement Plan

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

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

Background

Adoption of a One and Six Year Street Improvement Program is mandatory by State Law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. The Public Works Department develops this program through a process to prioritize street projects taking into consideration many factors such as:

- Availability of funds
- Condition of the street
- Traffic Counts
- Eligibility for State/Federal funds
- Redevelopment patterns
- Public/Council input

The process this year was expanded to include the 400 Capital Improvement Program (CIP) scoring and ranking system that was first presented at the February 2009 City Council Retreat.

The City engages in a public process to assure input into the policy making process. The proposed One & Six Year Street Improvement Program is a result of the following steps:

- Tuesday, January 25, 2011 - City Council referred plan to Regional Planning Commission
- Wednesday, February 2, 2011 - Regional Planning Commission conducted a Public Hearing and forwarded the recommendation to the City Council
- Tuesday, February 8, 2011 - City Council hears presentation from staff, conducts Public Hearing and passes a Resolution adopting the plan
- February 26th – 1 & 6 year Street Improvement Program due at the Nebraska Department of Roads

Discussion

A public hearing was conducted, testimony received and discussion held on the One & Six Year Street Improvement Program at the Grand Island/Hall County Regional Planning Commission meeting on February 2, 2011. The commission forwarded the 1 & 6 Year Street Improvement Program to the council with a recommendation for approval.

The projects listed in the 1 & 6 Year Plan for calendar year 2011 are considered definite projects. These projects were in the approved fiscal year 2011 budget. Many of the projects listed in the 1 & 6 Plan for 2012 through 2016 are included in the City's budget, but are subject to schedule changes depending upon coordination and approval of state and federal funding.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council conduct a Public Hearing and approve the One and Six Year Street Improvement Program.

Sample Motion

Move to approve the One and Six Year Street Improvement Program.

2011 Construction Season

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	577	Hwy 281 Striping	$ 180	$ 90	$ 90		
M310-	537	Realign Walnut Ent. @ Custer / 15th St w/ Signal	$ 27				$ 27
M310-	508	Build Pipes from US Hwy 30 to Wasmer Cell	$ 32				$ 32
M310-	459	Build Drainway from CCC to Wood River	$ 350				$ 350
M310-	515	Quiet Zone - UPRR Corridor - Oak, Pine, Elm & Walnut	$ 7				$ 7
M310-	571	Signal @ Front St & Webb Rd	$ 80				$ 80
Street Resurfacing							
M310-	541	Annual Paving Program (Assessment Districts)	$ 532				$ 532
Drainage & Flood Control							
M310-	544	Concrete Lining of Drainage Ditches	$ 50				$ 50
M310-	461	Construction of NW GI Flood Control Project	$ 850	$ 450			$ 400
M310-	485	PVIP Drainage Project - Phase 1	$ 508	$ 381			$ 127
M310-	382	Moores Creek Drain - Rogers Well to South of Old Potash	$ 220				$ 220
Other							
M310-	447	Trail along Moores Creek Drain - State to Capital Connector	$ 12				$ 12
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
Totals:			**$ 2,873**	**$ 921**	**$ 90**	**$ -**	**$ 1,862**

2012 Construction Season

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	537	Realign Walnut Ent @ Custer/15th St w/ Signal	$ 270	$ 270			
M310-	515	Quiet Zone - UPRR Corridor - Oak, Pine, Elm & Walnut	$ 590	$ 140			$ 450
M310-	578	Hwy 30 Concrete Repair (Grant to Claude Rd)	$ 1,200	$ 600	$ 600		
M310-	508	Build Pipes from US Hwy 30 to Wasmer Cell	$ 1,075	$ 645			$ 430
M310-	267	Blaine St bridges over Wood River	$ 100				$ 100
M310-	411	Husker Hwy from US Hwy 281 to Locust	$ 1,140	$ 940	$ 200		
Street Resurfacing							
M310-	546	Annual Paving Program (Assessment Districts)	$ 750				$ 750
Drainage & Flood Control							
M310-	461	Construction of NW GI Flood Control Project	$ 850	$ 450			$ 400
M310-	549	Concrete Lining of Drainage Ditches	$ 50				$ 50
Other							
M310-	590	Third & Wheeler Downtown Historical Lighting Project	$ 118	$ 118			
M310-	408	Mormon Island Trail Bridges	$ 502	$ 401			$ 101
M310-	447	Trail along Moores Creek Drain - State to Capital Connector	$ 288	$ 230			$ 58
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
Totals:			**$ 6,958**	**$ 3,794**	**$ 800**	**$ -**	**$ 2,364**

2013 Construction Season

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	518	Quiet Zone - UPRR Corridor - Lincoln, Broadwell & Blaine/Custer	$ 370				$ 370
M310-	569	Signal @ US Hwy 30 (2nd Street) and Lincoln Ave	$ 55				$ 55
Street Resurfacing							
M310-	579	Misc Federal Aid Resurfacing - Various Locations	$ 2,700		$ 2,150		$ 550
M310-	555	Annual Paving Program (Assessment Districts)	$ 750				$ 750
Drainage & Flood Control							
M310-	567	Integrated Comprehensive Drainage Plan	$ 80				$ 80
M310-	507	Independence Ave Ditch - Design	$ 80				$ 80
M310-	461	Construction of NW GI Flood Control Project	$ 850	$ 450			$ 400
M310-	568	Update Moores Creek Drainage Plan	$ 78	$ 39			$ 39
M310-	559	Concrete Lining of Drainage Ditches	$ 50				$ 50
M310-	485	PVIP Drianage Project - Phase 2	$ 272	$ 172			$ 100
M310-	507	Independence - Construct Culverts & Fill in West Ditch	$ 350		$ 280		$ 70
Other							
M310-	517	Trail along Veteran's Home from Capital & Webb to Eagle Scout Park	$ 600	$ 480			$ 120
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
Totals:			**$ 6,260**	**$ 1,141**	**$ 2,430**	**$ -**	**$ 2,689**

2014 Construction Season

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	89	Capital Ave - Webb Rd to Broadwell Ave	$ 3,200		$ 2,560		$ 640
M310-	580	Hwy 281 Southbound Repair	$ 200	$ 100	$ 100		
M310-	353	Faidley Ave - North Rd east to Irongate Ave (approx 2,000')	$ 1,250		$ 1,138		$ 112
M310-	581	US 30 Resurfacing - West City Limits to Hwy 281	$ 4,360	$ 4,360			
Street Resurfacing							
M310-	560	Annual Paving Program (Assessment Districts)	$ 750				$ 750
Drainage & Flood Control							
M310-	461	Construction of NW GI Flood Control Project	$ 850	$ 450			$ 400
M310-	563	Concrete Lining of Drainage Ditches	$ 50				$ 50
Other							
M310-	431	Trail along Locust from I-80 to WR Floodway	$ 600	$ 480			$ 120
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
Totals:			**$ 11,285**	**$ 5,390**	**$ 3,798**	**$ -**	**$ 2,097**

2015 Construction Season

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Resurfacing							
M310-	458	Signal @ US Hwy 34/281 and Wildwood Rd	$ 150				$ 150
Street Resurfacing							
M310-	575	Annual Paving Program (Assessment Districts)	$ 750				$ 750
Drainage & Flood Control							
M310-	461	Construction of NW GI Flood Control Project	$ 850	$ 450			$ 400
M310-	573	Concrete Lining of Drainage Ditches	$ 50				$ 50
Other							
M310-	414	Trail along I-80 from Mormon Island to Locust	$ 600	$ 480			$ 120
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
M310-	497	Lighting on US Hwy 281 from Stolley Park to Old Potash	$ 250				$ 250
Totals:			**$ 2,675**	**$ 930**	**$ -**	**$ -**	**$ 1,745**

2016 and After Construction

(All costs in $1,000s)

	No.	Project Description	Total Project	State Federal Other	City STP	City G.O. Bond	City Cap. Impr. Fund
Street Construction							
M310-	352	Hwy 30 Relocation - US 281 West	$ 18,000	$ 9,000	$ 9,000		
M310-	499	Broadwell Ave/UPRR - Construction	$ 10,800	$ 8,640			$ 2,160
M310-	499A	Broadwell Ave/UPRR - Environmental Study/Preliminary Engineering	$ 640		$ 512		$ 128
M310-	499A	Broadwell Ave/UPRR - Final Design & ROW Appraisal	$ 128				$ 128
M310-	499A	Broadwell Ave/UPRR - ROW	$ 1,000		$ 800		$ 200
M310-	564	Stolley - Fonner/HEC/Fair Entrance to Stuhr Rd	$ 920	$ 736	$ 184		
M310-	533	Husker Hwy W of US Hwy 34/281 Intersection	$ 1,200		$ 960		$ 240
M310-	545	Signal @ US Hwy 34/281 and Rae Rd	$ 135	$ 68			$ 67
M310-	556	North Rd over UPRR	$ 7,600	$ 6,080			$ 1,520
M310-	551	Stolley Park Rd & North Rd Intersection	$ 146				$ 146
M310-	553	Left Turn Lane on 13th @ Redwood/Mansfield	$ 62				$ 62
M310-	528	State/Diers Intersection Improvements	$ 390				$ 390
M310-	552	Left Turn Lane on Husker Hwy @ HLHS	$ 62				$ 62
M310-	502	Shady Bend Rd @ UPRR -E Bypass	$ 16,000	$ 12,800			$ 3,200
M310-	550	Left Turn Lane - North Rd @ NWHS	$ 56				$ 56
M310-	574	Misc. Signals - TBD	$ 112				$ 112
M310-	540	North Rd & 13th St Intersection Improvements	$ 300				$ 300
M310-	583	North Rd & Old Potash Intersection Improvements	$ 300				$ 300
M310-	538	Capital Ave & North Rd Intersection Improvement	$ 360				$ 360
M310-	535	Realign Barr Entrance @ Stolley/Adams w/ Signal	$ 360				$ 360
M310-	584	Stolley Park Rd - Locust St to Webb Rd Safety Improvement	$ 1,000	$ 900			$ 100
M310-	585	State Street - Webb Rd to Broadwell Ave Safety Improvement	$ 1,500	$ 1,350			$ 150
M310-	521	Swift Rd - WWTP to Stuhr Rd	$ 450				$ 450
M310-	554	Resurface Wildwood from US Hwy 281 to Locust St	$ 876				$ 876
M310-	539	3rd St Widening - Adams to Eddy	$ 90				$ 90
M310-	586	Broadwell Ave - Capital to Airport Rd	$ 1,200		$ 960		$ 240
M310-	587	Webb Rd - UPRR to south of Stolley Park Rd	$ 1,500		$ 1,200		$ 300
M310-	588	Blaine St - Schimmer Dr to Wildwood Dr	$ 1,000				$ 1,000
M310-	520	Capital Ave - Broadwell Ave to St Paul Rd	$ 1,000		$ 800		$ 200
Street Resurfacing							
M310-	582	Annual Paving Program (Assessment Districts)	$ 750				$ 750
Drainage & Flood Control							
M310-	589	Concrete Lining of Drainage Ditches	$ 50				$ 50
M310-	576	Misc. Major Drainage Development	$ 500	$ 250			$ 250
M310-	511	Moores Creek - Old Potash to Edna	$ 150				$ 150
Other							
M310-	565	Trail along Locust from US Hwy 34 to Stagecoach	$ 600	$ 480			$ 120
M310-	572	Annual Sidewalk Projects	$ 25				$ 25
M310-	527	Misc. Safety Projects - TBD	$ 150				$ 150
Totals:			**$ 69,412**	**$ 40,304**	**$ 14,416**	**$ -**	**$ 14,692**

THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska

February 3, 2011

Honorable Jay Vavricek, Mayor
And Members of the Council
City Hall 100 E. 1st Street
Grand Island, NE 68801

Dear Members of the Council:

RE: ADOPTION OF THE 1 & 6 YEAR STREET IMPROVEMENT PLANS FOR THE CITY OF GRAND ISLAND.

At the meeting of the Regional Planning Commission, held February 2, 2011, the above item was considered following a public hearing. This item is to adopt the new 1 & 6 year street improvement plan for the City Of Grand Island.

Terry Brown, Public Works Manager of Engineering Services and Interim City Engineer, discussed the Grand Island 1 & 6 Year Street Improvement Plan.

Brown briefed members on: 2011 Projects, which included construction of NW GI flood control project; Realign Walnut entrance at Custer/15th w/signal; build pipes from US Hwy 30 to Wasmer Cell; build drainway from CCC to Wood River; Signal @ N Front St. & Webb Rd. – Phase 1; Quiet Zone – UPRR Corridor – Oak, Pine, Elm & Walnut; Platte Valley Industrial Park Drainage Project – Phase 1; Misc Parks Projects (Annual); Trail along Moores Creek Drain – State to Capital Connector; Moores Creek Drain – Rogers Well to South of Old Potash and annual sidewalk projects, and concrete lining of ditches. Brown emphasized these projects were in the beginning stages, there is a process that has to be followed and hoops to be jumped through. For each project there could be a minimum of three years before the project may be started, especially with State and Federal dollars to help fund the project.

Ericksen asked how the 2011 Drainway from CCC to Wood River would affect Stolley Park and Brentwood area. Brown stated this was the overall solution that will help divert the water to the Wood River.

A motion was made by Ruge and seconded by Reynolds, to recommend approval of the Grand Island 1 & 6 Year Street Improvement Plan as submitted.

Phone (308) 385-5240 P.O. BOX 1968 - CITY HALL GRAND ISLAND, NEBRASKA 68802-1968 Fax (308) 385-5423

A roll call vote was taken and the motion passed with 8 members present and all voting in favor (Aguilar, Amick, O'Neill, Ruge, Eriksen, Haskins, Bredthauer, Reynolds) and no member present voting against.

Yours truly,

Chad Nabity AICP
Planning Director

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item E3

Public Hearing #2 Concerning Status of Community Revitalization Grants, 08-CR-002, 09-CR-102 and 09-CR-002

Staff Contact: Barbara Quandt

Council Agenda Memo

From: Barbara Quandt, Community Development

Council Meeting: February 8, 2011

Subject: Public Hearing #2 concerning status of Community Revitalization Grants, 08-CR-002, 09-CR-102 and 09-CR-002

Item #'s: E-3

Presenter(s): Barbara Quandt, Community Development Administrator

Background

In 2008, 2009 and 2010, the Community Development Division of the City of Grand Island received three Community Revitalization grants from the Nebraska Department of Economic Development for housing and infrastructure projects in qualifying low-to-moderate income block groups in the city.

The awards were as follows:

1) $254,230 for 08-CR-002 ($236,434 project funds, $17,796 administration) to complete a four block water main replacement project and four homeowner rehabilitation projects,

2) $257,794 for 09-CR-102 ($239,748 project funds, $18,045 administration)to replace five blocks of water main and complete one homeowner rehabilitation project,

3) $12,840 for a 2009-2012 Community Needs Assessment (09-CR-002) of 14 low-to-moderate income block groups in the city ($8,055 administration).

General administration from all 3 grants totaled $43,897 and was applied to Community Development staff salaries in lieu of general funds.

The Department of Economic Development requires the City to hold two public hearings to solicit public comment and update the public on the status of these grants. This public hearing fulfills this requirement for each of these three grants.

Discussion

The 08-CR-002 grant enabled the City to do two projects. The first project was to replace 4 blocks of 100-year old 4" water mains with 8" water mains along First St. from Pine St. to Plum St. expanding water capacity and improving fire suppression. The total project cost was $163,185. The grant paid 74% of the project, leaving the City with only 26% in matching funds.

Two single-family homes are in the process of being rehabilitated. Two other home rehabilitation projects have been completed. One family received first-time homebuyer down payment assistance with minor rehab to purchase a home. This project received one contract extension and is projected to close out by March 31, 2011. General Administration of $17,796 was awarded to assist with the cost of administering this grant.

The 09-CR-002 grant enabled the City to complete a community revitalization needs assessment of 14 low-to-moderate income block groups in the city limits for housing, infrastructure and neighborhood needs. Data collected was used to create a 3-year action plan for a 2009-2012 Community Revitalization project area. Two block groups of greatest need (Block Groups 11 and 12) were combined as the 2009-2012 selected project area. Based on the Needs Assessment, the Department of Economic Development awarded funding for Year 1 (09-CR-102) of the action plan. This planning project has been completed and the grant closed out.

The 09-CR-102 grant enabled the City to replace five blocks of 4" cast iron water main with 8" of ductile iron water main pipes in West 6th St. from Elm to Pine Streets and replace 7 Ludlow fire hydrants dating back to 1890. Rehabilitation is nearing completion on one single-family home using Program Income Reuse funds. This grant will close out on March 1, 2011. The total project cost was $293,902. The grant paid 79% of the project, leaving the City with only 21% in matching funds.

Notice of the public hearing was given January 31, 2011 in the Grand Island Independent and public comment is solicited at this time regarding progress of the three above described Community Revitalization Grants.

ALTERNATIVES

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

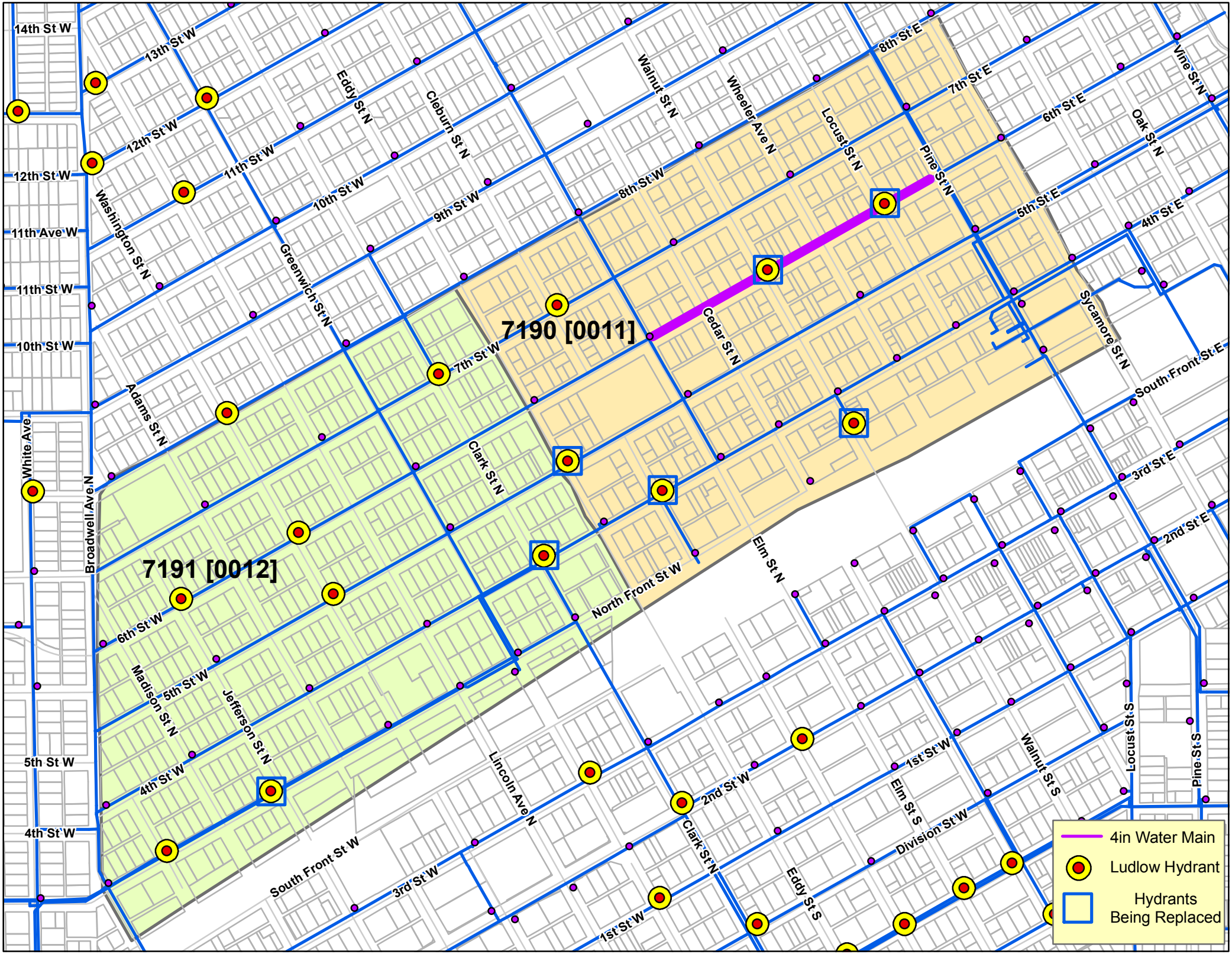
1. No action is required on the issue

Recommendation

No recommendation required.

Sample Motion

Motion not required.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North Front St W
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Ludlow Hydrant
Hydrants Being Replaced

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item F1

#9286 - Consideration of Annexation 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. (Second Reading)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, Regional Planning Director

Meeting: February 8, 2011

Subject: An Ordinance to Annex 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: F-1

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, passed resolution #2011-13 on January 11, 2011 requesting annexation of the property and directing staff to prepare an ordinance for annexation. This ordinance was passed on first reading on January 25, 2011.

Discussion

Staff has prepared an ordinance in accordance with the requirements of Nebraska Revised Statute §16-117. Annexation ordinances must be read on three separate occasions. This is the first reading of the ordinance. This ordinance includes exhibits showing the property to be considered for annexation and the legal descriptions of those properties.

City staff is not suggesting extension of the zoning jurisdiction as a result of this annexation. Council could request that planning commission consider extension of the zoning jurisdiction. Changes to the zoning jurisdiction cannot be made without a recommendation from the Regional Planning Commission.

No utilities are necessary to support the property included in this annexation.

The city is already responsible for the maintenance of the roads contained in this annexation whether they are in the municipal limits or not.

No new residences or businesses would be added to the City as a result of this annexation.

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 pass the annexation ordinance.

Sample Motion

Move to approve the annexation ordinance on second reading.

* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9286

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land comprised of the Right-Of-Way for South Locust Street from the Wood River Diversion Channel south to a point north of the Interstate 80 interchange at South Locust in Hall County, Nebraska as more particularly described hereinafter and as shown on Exhibit "A and B" attached hereto; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, after the Grand Island City Council as owners of the property passed Resolution 2011-13 January 11, 2011 petitioning for the annexation of said property; and

WHEREAS, the City of Grand Island accepted ownership and maintenance of said property in accordance with prior agreements with the County of Hall and State of Nebraska on October 26, 2010; and

WHEREAS, according to NRSS §16-177 the City of Grand Island can upon petition of the property owner(s) of property contiguous and adjacent to the City Limits annex said property by ordinance; and

WHEREAS, on January 25, 2011, the City Council of the City of Grand Island approved such annexation on first reading.

Approved as to Form ¤ _____
February 4, 2011 ¤ City Attorney

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

SECTION 1. It is hereby found and determined that:

(A) The above-described tracts of land are urban or suburban in character, and that the subject properties are contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that this annexation does not extend the extraterritorial zoning jurisdiction.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject

to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: February 8, 2011.

_____
Jay Vavricek, Mayor

Attest:

_____
RaNae Edwards, City Clerk

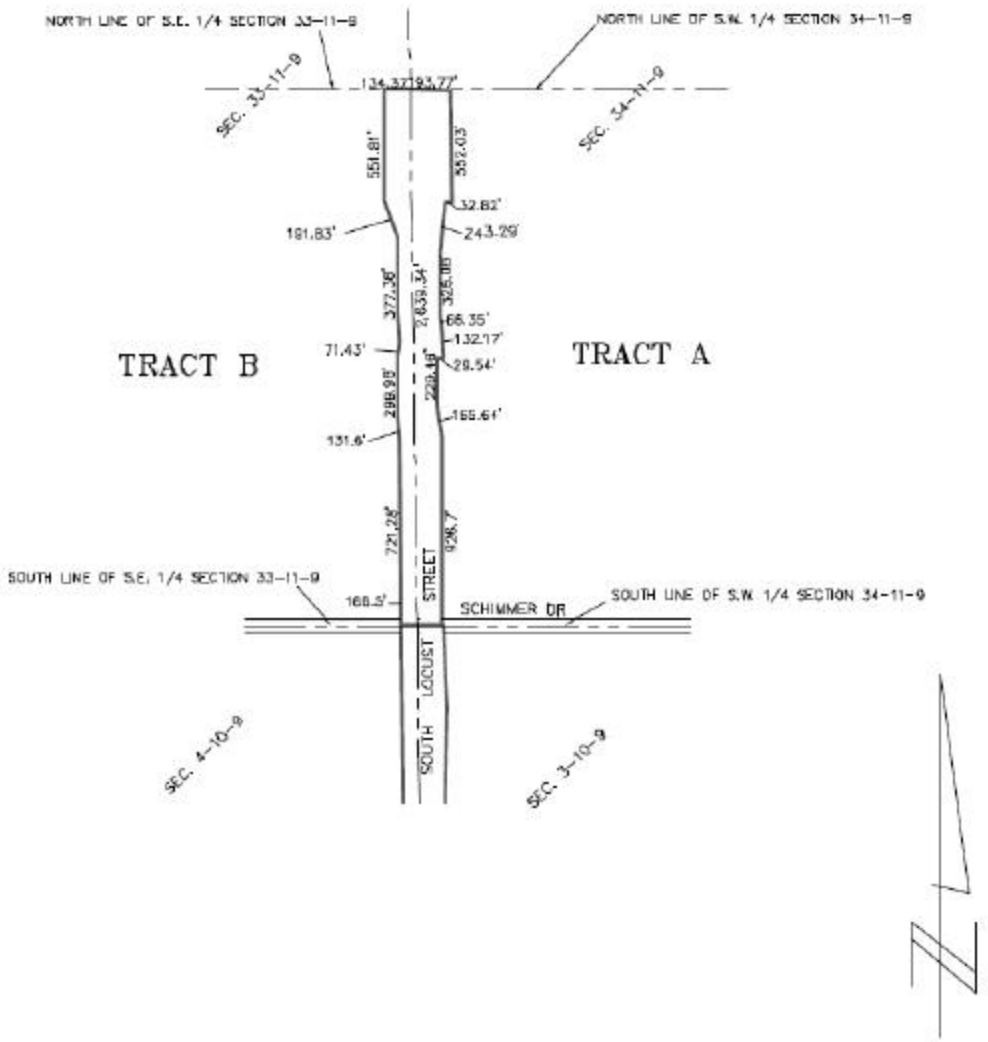


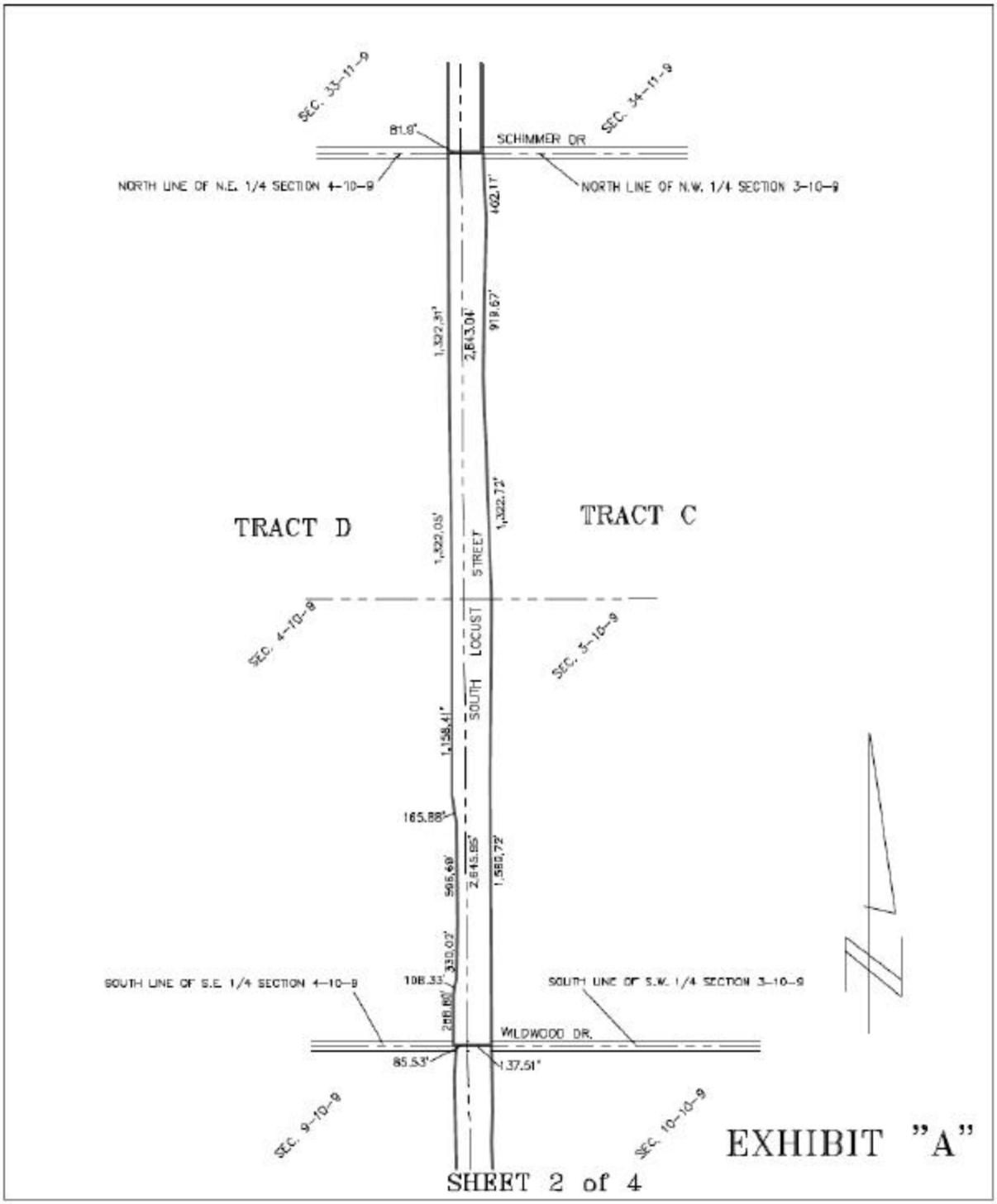
EXHIBIT "A"

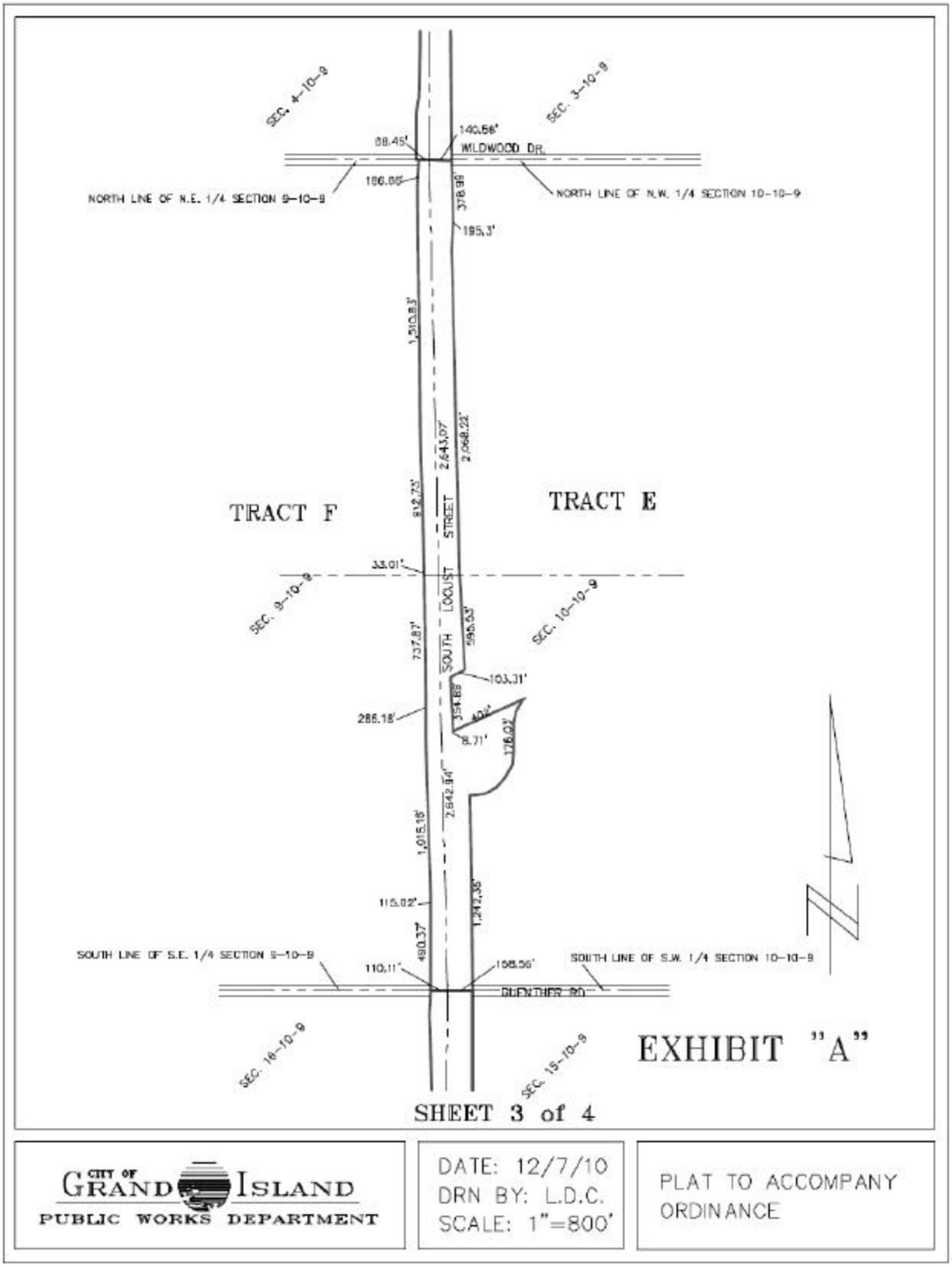
SHEET 1 of 4

CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 12/7/10
DRN BY: L.D.C.
SCALE: 1"=800'

PLAT TO ACCOMPANY ORDINANCE


SEC. 33-11-9
SEC. 34-11-9
81.9'
SCHIMMER DR.
NORTH LINE OF N.E. 1/4 SECTION 4-10-9
NORTH LINE OF N.W. 1/4 SECTION 3-10-9
402.17'
1,322.31'
2,643.04'
919.67'
TRACT D
TRACT C
1,322.05'
1,322.72'
SOUTH LOCUST STREET
SEC. 4-10-9
SEC. 3-10-9
1,158.41'
165.88'
595.69'
2,645.85'
1,580.72'
330.07'
108.33'
SOUTH LINE OF S.E. 1/4 SECTION 4-10-9
SOUTH LINE OF S.W. 1/4 SECTION 3-10-9
WILDWOOD DR.
85.53'
137.51'
SEC. 9-10-9
SEC. 10-10-9
EXHIBIT "A"
SHEET 2 of 4
CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT
DATE: 12/7/10
DRN BY: L.D.C.
SCALE: 1"=800'
PLAT TO ACCOMPANY ORDINANCE


SEC. 4-10-9
SEC. 3-10-9
88.45'
140.56'
WILDWOOD DR.
186.66'
378.98'
NORTH LINE OF N.E. 1/4 SECTION 9-10-9
NORTH LINE OF N.W. 1/4 SECTION 10-10-9
195.3'
1,510.83'
2,643.07'
2,068.22'
TRACT F
TRACT E
812.73'
SOUTH LOCUST STREET
33.01'
SEC. 9-10-9
SEC. 10-10-9
737.87'
595.53'
103.31'
354.88'
40.0'
286.18'
8.71'
176.02'
2,642.94'
1,015.18'
115.02'
1,247.35'
490.37'
SOUTH LINE OF S.E. 1/4 SECTION 9-10-9
110.11'
158.56'
SOUTH LINE OF S.W. 1/4 SECTION 10-10-9
GUENTHER RD.
SEC. 16-10-9
SEC. 15-10-9
EXHIBIT "A"
SHEET 3 of 4
CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT
DATE: 12/7/10
DRN BY: L.D.C.
SCALE: 1"=800'
PLAT TO ACCOMPANY ORDINANCE

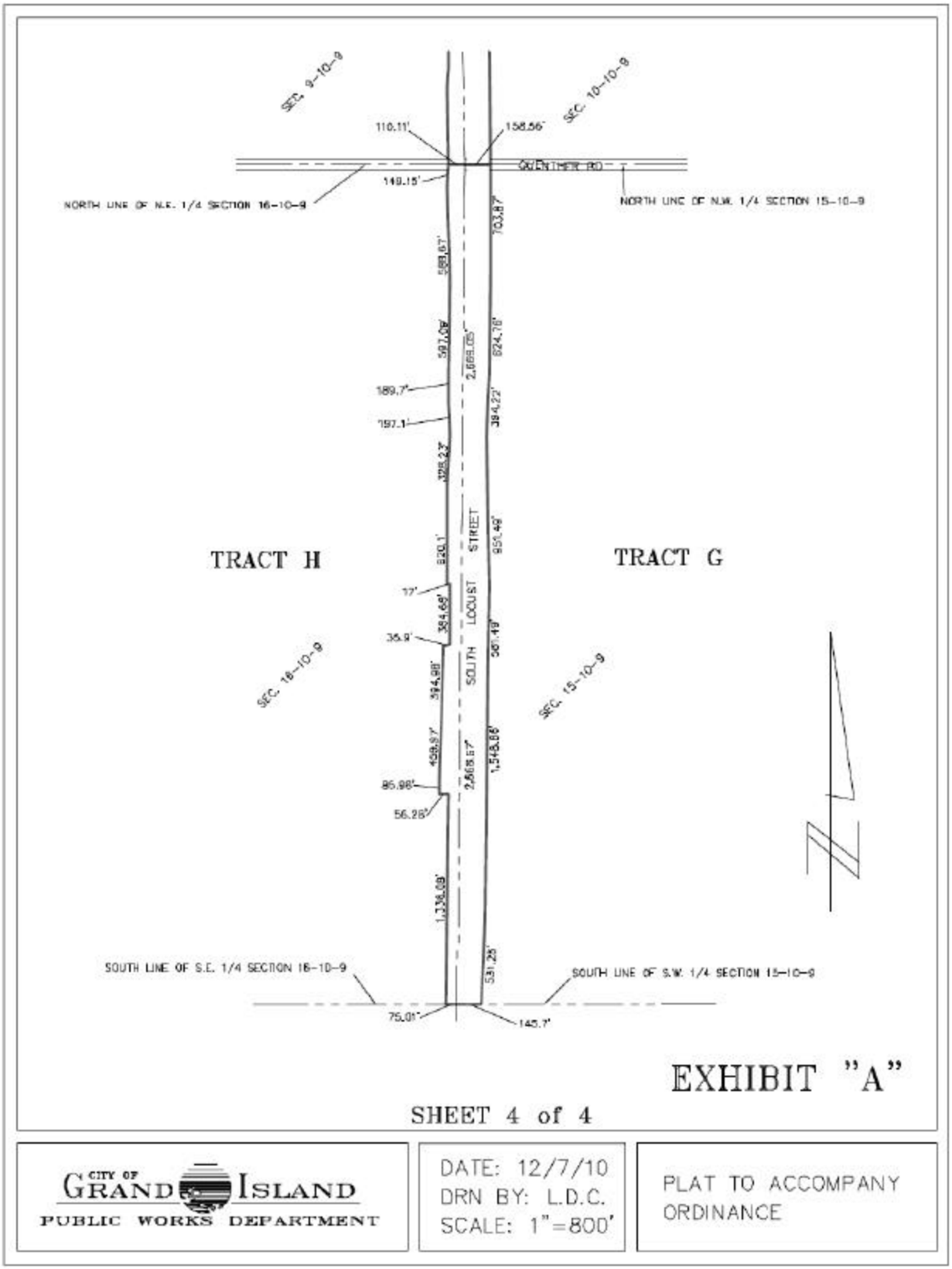

SEC. 9-10-9
SEC. 10-10-9
110.11'
158.56'
GWENTHER RD
149.15'
NORTH LINE OF N.E. 1/4 SECTION 16-10-9
NORTH LINE OF N.W. 1/4 SECTION 15-10-9
703.87'
599.67'
597.09'
624.76'
2,669.05'
189.7'
197.1'
394.22'
328.23'
955.49'
TRACT H
TRACT G
SOUTH LOCUST STREET
220.1'
17'
384.68'
35.9'
561.49'
SEC. 16-10-9
SEC. 15-10-9
394.98'
439.97'
2,568.67'
1,548.88'
85.98'
56.28'
1,338.09'
531.25'
SOUTH LINE OF S.E. 1/4 SECTION 16-10-9
SOUTH LINE OF S.W. 1/4 SECTION 15-10-9
75.01'
145.7'
EXHIBIT "A"
SHEET 4 of 4
CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT
DATE: 12/7/10
DRN BY: L.D.C.
SCALE: 1"=800'
PLAT TO ACCOMPANY ORDINANCE

Exhibit B

Real property known as South Locust Street situated in Hall County, Nebraska:

TRACT A

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 193.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, SOUTHERLY DEFLECTING 88°36’52” RIGHT A DISTANCE OF 552.03 FEET; THENCE WESTERLY DEFLECTING 91°17’24” RIGHT A DISTANCE OF 32.82 FEET; THENCE SOUTHWESTERLY DEFLECTING 84°19’09” LEFT A DISTANCE OF 243.29 FEET; THENCE SOUTHERLY DEFLECTING 6°58’15” LEFT A DISTANCE OF 328.08 FEET; THENCE SOUTHEASTERLY DEFLECTING 8°31’52” LEFT A DISTANCE OF 66.35 FEET; THENCE SOUTHERLY DEFLECTING 8°31’52” RIGHT A DISTANCE OF 132.17 FEET; THENCE WESTERLY DEFLECTING 91°26’01” RIGHT A DISTANCE OF 29.54 FEET; THENCE SOUTHERLY DEFLECTING 91°26’01” LEFT A DISTANCE OF 229.46 FEET; THENCE SOUTHEASTERLY DEFLECTING 7°58’07” LEFT A DISTANCE OF 165.64 FEET; THENCE SOUTHERLY DEFLECTING 9°01’13” RIGHT A DISTANCE OF 926.70 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, WESTERLY DEFLECTING 90°25’45” RIGHT ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 117.70 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE NORTHERLY DEFLECTING 88°31’11” RIGHT ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 2,639.34 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 8.61 ACRES MORE OR LESS.

TOGETHER WITH TRACT B:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 2,639.34 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE WESTERLY DEFLECTING 91°47’14” RIGHT A DISTANCE OF 79.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, NORTHERLY DEFLECTING 89°37’17” RIGHT A DISTANCE OF 166.50 FEET; THENCE

NORTHERLY DEFLECTING 1°24’30” LEFT A DISTANCE OF 721.78 FEET; THENCE NORTHWESTERLY DEFLECTING 4°17’21” LEFT A DISTANCE OF 131.60 FEET; THENCE NORTHERLY DEFLECTING 4°17’21” RIGHT A DISTANCE OF 299.98 FEET; THENCE NORTHEASTERLY DEFLECTING 7°55’15” RIGHT A DISTANCE OF 71.43 FEET; THENCE NORTHERLY DEFLECTING 7°55’15” LEFT A DISTANCE OF 137.71 FEET; THENCE CONTINUING NORTHERLY DEFLECTING 0°00’00” RIGHT A DISTANCE OF 377.38 FEET; THENCE NORTHWESTERLY DEFLECTING 17°55’46” LEFT A DISTANCE OF 191.83 FEET; THENCE NORTHERLY DEFLECTING 17°55’46” RIGHT A DISTANCE OF 551.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, EASTERLY DEFLECTING 91°03’18” RIGHT ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 134.37 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 5.53 ACRES MORE OR LESS.

TOGETHER WITH TRACT C:

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 3, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 A DISTANCE OF 130.71 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, SOUTHERLY DEFLECTING 87°03’39” RIGHT A DISTANCE OF 402.17 FEET; THENCE SOUTHERLY DEFLECTING 2°57’32” RIGHT A DISTANCE OF 919.67 FEET; THENCE SOUTHERLY DEFLECTING 2°51’05” LEFT A DISTANCE OF 1,322.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, SAID POINT ALSO BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTHERLY DEFLECTING 2°32’33” RIGHT A DISTANCE OF 1,056.50 FEET; THENCE SOUTHERLY DEFLECTING 0°42’42” LEFT A DISTANCE OF 1589.72 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, WESTERLY DEFLECTING 91°15’19” RIGHT ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 A DISTANCE OF 137.51 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTHERLY DEFLECTING 88°44’10” RIGHT ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 A DISTANCE OF 2,645.95 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE NORTHERLY DEFLECTING 0°24’13” LEFT ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 A DISTANCE OF 2,643.04 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 16.61 ACRES MORE OR LESS.

TOGETHER WITH TRACT D:

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 A DISTANCE OF 2,643.04 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE SOUTHERLY DEFLECTING 0°24’13” RIGHT ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4 A DISTANCE OF 2,645.95 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE WESTERLY DEFLECTING 91°12’27” RIGHT ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4 A DISTANCE OF 85.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, NORTHERLY DEFLECTING 88°48’07” RIGHT A DISTANCE OF 288.80 FEET; THENCE NORTHEASTERLY DEFLECTING 10°28’12” RIGHT A DISTANCE OF 108.33 FEET; THENCE NORTHERLY DEFLECTING 9°54’52” LEFT A DISTANCE OF 330.02 FEET; THENCE NORTHERLY DEFLECTING 0°33’40” LEFT A DISTANCE OF 596.69 FEET; THENCE NORTHWESTERLY DEFLECTING 7°56’35” LEFT A DISTANCE OF 165.88 FEET; THENCE NORTHERLY DEFLECTING 8°06’19” RIGHT A DISTANCE OF 1,158.41 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE NORTHERLY DEFLECTING 0°34’19” LEFT A DISTANCE OF 1,322.05 FEET; THENCE CONTINUING NORTHERLY DEFLECTING 0°0’00” RIGHT A DISTANCE OF 1,322.31 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, EASTERLY DEFLECTING 91°42’40” RIGHT ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 A DISTANCE OF 81.90 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 9.56 ACRES MORE OR LESS.

TOGETHER WITH TRACT E:

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 140.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, SOUTHERLY DEFLECTING 88°14’10” RIGHT A DISTANCE OF 378.99 FEET; THENCE SOUTHERLY DEFLECTING 2°24’38” RIGHT A DISTANCE OF 195.30 FEET; THENCE SOUTHERLY DEFLECTING 2°59’57” LEFT A DISTANCE OF 2,068.22 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, SAID POINT ALSO BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER

OF SAID SECTION 10; THENCE SOUTHERLY DEFLECTING 2°02’55” LEFT A DISTANCE OF 595.53 FEET; THENCE SOUTHWESTERLY DEFLECTING 64°15’00” RIGHT A DISTANCE OF 103.31 FEET; THENCE SOUTHERLY DEFLECTING 62°24’44” LEFT A DISTANCE OF 354.89 FEET; THENCE NORTHEASTERLY DEFLECTING 140°40’08” LEFT A DISTANCE OF 8.71 FEET; THENCE NORTHEASTERLY DEFLECTING 27°45’06” RIGHT A DISTANCE OF 402.00 FEET; THENCE NORTHEASTERLY DEFLECTING 2°45’00” LEFT A DISTANCE OF 99.44 FEET; THENCE SOUTHWESTERLY DEFLECTING 161°22’06” RIGHT A DISTANCE OF 15.01 FEET TO A POINT OF CURVATURE; THENCE ON A 213.06 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 166.49 FEET SUBTENDING A CENTRAL ANGLE OF 44°46’21” TO A POINT OF TANGENCY; THENCE TANGENT SOUTHERLY DEFLECTING 0°00’00” RIGHT A DISTANCE OF 176.03 FEET TO A POINT OF CURVATURE; THENCE ON A 279.06 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 438.35 FEET SUBTENDING A CENTRAL ANGLE OF 90°00’00”; THENCE SOUTHERLY DEFLECTION TO THE INITIAL TANGENT OF 90°00’00” LEFT A DISTANCE OF 1,242.35 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, WESTERLY DEFLECTING 91°21’39” RIGHT ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 158.56 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE NORTHERLY DEFLECTING 88°01’56” RIGHT ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 2,642.94 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10; THENCE NORTHERLY DEFLECTING 00°00’50” RIGHT ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 2,643.07 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 19.94 ACRES MORE OR LESS.

TOGETHER WITH TRACT F:

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 2,643.07 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 9, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTHERLY DEFLECTING 0°00’50” LEFT ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 2,642.94 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY DEFLECTING 91°00’03” RIGHT ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 110.11 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, NORTHERLY DEFLECTING 90°04’21” RIGHT A DISTANCE

OF 490.37 FEET; THENCE NORTHERLY DEFLECTING 2°10’03” RIGHT A DISTANCE OF 115.02 FEET; THENCE NORTHERLY DEFLECTING 3°54’27” LEFT A DISTANCE OF 1,015.16 FEET; THENCE NORTHERLY DEFLECTING 1°14’11” RIGHT A DISTANCE OF 286.18 FEET; THENCE CONTINUING NORTHERLY DEFLECTING 0°00’00” RIGHT A DISTANCE OF 737.87 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE NORTHERLY DEFLECTING 2°07’45” RIGHT A DISTANCE OF 33.01 FEET; THENCE NORTHERLY DEFLECTING 2°54’38” LEFT A DISTANCE OF 912.73 FEET; THENCE NORTHERLY DEFLECTING 0°57’04” RIGHT A DISTANCE OF 1,510.83 FEET; THENCE NORTHERLY DEFLECTING 2°43’47” RIGHT A DISTANCE OF 186.66 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, EASTERLY DEFLECTING 88°42’54” RIGHT ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 68.45 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 11.64 ACRES MORE OR LESS.

TOGETHER WITH TRACT G:

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 15 A DISTANCE OF 158.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE ON AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, SOUTHERLY DEFLECTING 88°47’55” RIGHT A DISTANCE OF 703.87 FEET; THENCE SOUTHERLY DEFLECTING 1°33’03” RIGHT A DISTANCE OF 624.76 FEET; THENCE SOUTHERLY DEFLECTING 1°00’46” RIGHT A DISTANCE OF 394.22 FEET; THENCE SOUTHERLY DEFLECTING 2°48’45” LEFT A DISTANCE OF 951.49 FEET; THENCE SOUTHERLY DEFLECTING 1°37’30” RIGHT A DISTANCE OF 581.49 FEET; THENCE SOUTHERLY DEFLECTING 0°33’08” LEFT A DISTANCE OF 1,548.66 FEET; THENCE SOUTHERLY DEFLECTING 3°06’10” RIGHT A DISTANCE OF 531.25 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, WESTERLY DEFLECTING 86°04’29” RIGHT ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 145.70 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTHERLY DEFLECTING 90°57’55” RIGHT ALONG THE WEST LINE OF SAID SECTION 15 A DISTANCE OF 2,668.57 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15; THENCE CONTINUING NORTHERLY DEFLECTING 0°00’11” RIGHT ALONG THE WEST LINE OF SAID SECTION 15 A DISTANCE OF 2,669.05 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 20.38 ACRES MORE OR LESS.

TOGETHER WITH TRACT H:

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 16, TOWNSHIP 10 NORTH, RANGE 9 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 16 A DISTANCE OF 2,669.05 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 16; THENCE CONTINUING SOUTHERLY DEFLECTING 0°00’11” RIGHT ALONG THE EAST LINE OF SAID SECTION 16 A DISTANCE OF 2,668.57 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY DEFLECTING 89°01’42” RIGHT ALONG THE SOUTH LINE OF SAID SECTION 16 A DISTANCE OF 75.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET; THENCE NORTHERLY DEFLECTING 90°58’18” RIGHT AND PARALLEL WITH AND 75.00 FEET DISTANT FROM THE EAST LINE OF SAID SECTION 16 A DISTANCE OF 1,336.08 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE WESTERLY DEFLECTING 91°06’15” LEFT ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 56.28 FEET; THENCE NORTHERLY DEFLECTING 91°37’29” RIGHT A DISTANCE OF 85.96 FEET; THENCE NORTHERLY DEFLECTING 0°52’03” RIGHT A DISTANCE OF 459.97 FEET; THENCE CONTINUING NORTHERLY DEFLECTING 0°00’00” RIGHT A DISTANCE OF 394.98 FEET; THENCE NORTHEASTERLY DEFLECTING 73°36’05” RIGHT A DISTANCE OF 35.90 FEET; THENCE NORTHERLY DEFLECTING 74°59’35” LEFT A DISTANCE OF 384.68 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE WESTERLY DEFLECTING 91°13’30” LEFT ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 17.00 FEET; THENCE NORTHERLY DEFLECTING 91°04’54” RIGHT A DISTANCE OF 620.10 FEET; THENCE NORTHERLY DEFLECTING 2°01’18” RIGHT A DISTANCE OF 328.23 FEET; THENCE NORTHERLY DEFLECTING 4°34’51” LEFT A DISTANCE OF 197.10 FEET; THENCE NORTHERLY DEFLECTING 1°52’18” RIGHT A DISTANCE OF 189.70 FEET; THENCE NORTHERLY DEFLECTING 1°07’58” RIGHT A DISTANCE OF 597.09 FEET; THENCE NORTHERLY DEFLECTING 2°09’07” LEFT A DISTANCE OF 588.67 FEET; THENCE NORTHERLY DEFLECTING 2°08’05” RIGHT A DISTANCE OF 149.15 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH LOCUST STREET, EASTERLY DEFLECTING 88°59’27” RIGHT ALONG THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 110.11 FEET TO THE PLACE OF BEGINNING. CONTAINING AN AREA OF 11.41 ACRES MORE OR LESS.

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item F2

#9289 - Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

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

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

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

Item #'s: F-2

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

Background

The Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. Part 6 of the MUTCD provides guidance for the proper installation and maintenance of Temporary Traffic Control (TTC) in zones for construction, maintenance, utility and incident activities.

The primary benefit of uniformity and compliance with MUTCD standards for TTC is safety; both for workers within the TTC zone and for road users traveling through or around TTC zones. A properly designed and installed TTC plan has four components; Advance Warning Area (warn of upcoming activity), Transition Area (redirection from the normal driving path), Activity Area (where the activity is taking place) and Termination Area (return road user to the normal driving path).

Paragraph 10 of Section 6A.01 of the MUTCD states: "TTC plans and devices shall be the responsibility of the authority of a public body or official having jurisdiction for guiding road users. There shall be adequate statutory authority for the implementation and enforcement of needed road user regulations, parking controls, speed zoning, and the management of traffic incidents. Such statutes shall provide sufficient flexibility in the application of TTC to meet the needs of changing conditions in the TTC zone."

One of the key messages on the Federal Highway Administration's (FHWA) MUTCD Knowledge Overview website (http://mutcd.fhwa.dot.gov/kno-overview.htm) is "Non-compliance of the MUTCD ultimately can result in loss of federal-aid funds as well as significant increase in tort liability." The City has received a formal written notification from FHWA confirming the penalties for non-compliance.

Discussion

Requiring contractors, utility companies, or any other person, firm or corporation performing work within the right of way to comply with the standards of the MUTCD will improve safety for motorists and workers. The ability of City officials to withhold approval of permits for working within the right of way unless evidence that TTC will be properly installed and maintained will prompt companies and individuals to initiate efforts to understand and comply with the standards described in Chapter 6 of the MUTCD TTC standards.

By providing authority to the Public Works Director or their representative to direct corrective actions for non-compliant TTC, enforcing the standards of Chapter 6 of the MUTCD can be achieved. The authority to direct corrective actions is imperative for public safety.

This proposed code includes a requirement for providing contact information of the individuals responsible for installing and maintaining the TTC. This will simplify occurrences when city officials (including law enforcement) are requested to address non-compliant TTC.

This proposed code requires inspection of TTC when work zones are left in place for an extended period of time. This will obligate the individuals responsible for installing the TTC to ensure devices that have been damaged or moved will be replaced or corrected within a reasonable time.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the ordinance revising Section 32-31 of the Grand Island City Code.

§32-31. ~~Barricades~~ Temporary Traffic Control

~~Any person making excavations in any street, alley or other public grounds in the City shall, at all times after such work is commenced and up to its completion and acceptance by the public works director, maintain proper barricades for the protection of the traveling public. Amended by Ord. No. 9205, effective 02/25/09~~

Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. The current version shall be followed.

Any contractor, utility company, or any other person, firm or corporation performing work within the right of way of any public street, public way, or alley in the City of Grand Island shall install and maintain Temporary Traffic Control (TTC) in accordance with the standards of the MUTCD.

Approval of permits to work within public right of way may be contingent upon evidence of capability to provide, install and maintain TTC devices in accordance with the MUTCD and these provisions.

The Director of Public Works or their representative shall have the authority to direct corrective actions for TTC not in compliance with the MUTCD and these provisions. These actions include suspending operations and requiring removal of all equipment and materials from the right of way.

If the TTC is left in place longer than 4 hours and no personnel are on the site, the individual responsible for installing the TTC shall provide telephone numbers of personnel who will be available on 24 hours per day, seven days per week basis to the Director of Public Works. These people shall be responsible for repair, correction, replacement and maintenance of the traffic control devices. These people shall perform inspections of the TTC at the site twice during the day and once during the night every 24 hours until the work is completed and the right of way is cleared.

ORDINANCE NO. 9289

An ordinance to amend Chapter 32 of the Grand Island City Code; to repeal Section 32-31 pertaining to Barricades as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 32-31 of the Grand Island City Code is hereby amended to read as follows:

§32-31.Temporary Traffic Control

Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. The current version shall be followed.

Any contractor, utility company, or any other person, firm or corporation performing work within the right of way of any public street, public way, or alley in the City of Grand Island shall install and maintain Temporary Traffic Control (TTC) in accordance with the standards of the MUTCD.

Approval of permits to work within public right of way may be contingent upon evidence of capability to provide, install and maintain TTC devices in accordance with the MUTCD and these provisions.

The Director of Public Works or their representative shall have the authority to direct corrective actions for TTC not in compliance with the MUTCD and these provisions. These actions include suspending operations and requiring removal of all equipment and materials from the right of way.

If the TTC is left in place longer than 4 hours and no personnel are on the site, the individual responsible for installing the TTC shall provide telephone numbers of personnel who will be available on 24 hours per day, seven days per week basis to the Director of Public Works. These people shall be responsible for repair, correction, replacement and maintenance of the traffic control devices. These people shall perform inspections of the TTC at the site twice during the day and once during the night every 24 hours until the work is completed and the right of way is cleared.

SECTION 2. Section 32-31as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

Enacted: February 8, 2011.

_____
Jay Vavricek, Mayor

Attest:

_____
RaNae Edwards, City Clerk

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G1

Approving Minutes of January 22, 2011 City Council Special Study Session (Retreat)

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL STUDY SESSION (RETREAT)
January 22, 2011

Pursuant to due call and notice thereof, a Special Study Session (Retreat) of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chamber at City Hall, 100 East First Street on January 22, 2011. Notice of the meeting was given in the *Grand Island Independent* on January 17, 2011.

Mayor Jay Vavricek called the meeting to order at 7:47 a.m. The following members were present: Councilmembers John Gericke, Mitch Nickerson, Linna Dee Donaldson, Kirk Ramsey, Scott Dugan, Larry Carney, Chuck Haase, Peg Gilbert, and Randy Gard. Councilmember Bob Niemann was absent. The following City staff was present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, Interim City Attorney Jason Eley, Former City Attorney Dale Shotkoski, Interim Public Works/Utilities Director Gary Mader, Parks & Recreation Director Steve Paustian, Regional Planning Director Chad Nabity, Building Department Director Craig Lewis, Emergency Management Director Jon Rosenlund, Library Director Steve Fosselman, Fire Chief Troy Hughes, Police Captain Pete Kortum, Human Resources Director Brenda Sutherland, Public Works Engineer Terry Brown, Public Works Project Manager Scott Griepenstroh, Public Information Officer Wendy Meyer-Jerke, and Assistant to the City Administrator Shannon Oster.

INVOCATION was given by Dan Naranjo followed by the pledge of allegiance.

INTRODUCTION:

Interim City Administrator/Finance Director Mary Lou Brown stated that today we would focus on strategic planning. The focus of Council was policy making to stand the test of time. Ms. Brown stated for the City of Grand Island – Strategic Planning was a science and art of planning and directing the political, economic, financial and employee forces into the most advantageous position prior to taking action, in other words "getting your ducks in a row". Mentioned were the Platte Generating Power Plant, Heartland Events Center, and Island Oasis as decisions Council made years ago that had benefited the City.

The Goal for 2011 was "Financial sustainability of City policies and services to best serve the people of Grand Island".

OPENING COMMENTS:

Mayor Vavricek commented on the uniqueness of this Council Retreat reflective in "Taking Flight". The reason for having this retreat in the Council Chambers was the use of technology and GITV to have this meeting aired live. Change, life, a call of service, prepare for the future, dedication, and openness was the reason we were here. No decisions would be made at this meeting, as this was a Study Session.

Mayor commented that this was a team effort and listed the number of years of experience of each department director and the make-up of the current Councilmembers. Mentioned was the importance of the citizens of Grand Island when Council makes decisions.

Covered were the following predetermined projects:

- Progress on quiet zone with a 2012 completion date
- Create a plan that addresses the future of the Lincoln Park Pool
- Completion of the Veteran's athletic Complex
- Progress on the Wasmer Detention Cell
- Drainage construction from Central Community College to Wood River
- Northwest drainage
- Development of a plan that addresses aging sewer infrastructure
- Negotiation of seven union contracts for four unions

Covered were the numerous projected 2011 Study Sessions.

STRATEGIC PLANNING:

Mary Lou Brown introduced Public Works Project Manager Scott Griepenstroh (Grip) who presented the process for Federally Funded Projects through the Nebraska Department of Roads and the importance of money available. The current funding sources were presented:

- Surface Transportation Funds (STP) – Federal Aid Routes (80-20 Match)
- Transportation Enhancement (TE) – Trails, Historic Preservation (80-20 Match, max $500,000)
- Highway Safety Improvement Program (HSIP) – Transportation Safety Issues (Up to 90-10 Match)
- Highway Bridge Program – Replacement or Rehabilitation of Bridges (80-20 Match)
- Rail Safety Program – address safety for rail/roadway crossings (match varies 0% to 100%)
- Safe Routes to Schools (SRTS) – enable and encourage K-8 students to walk/bike to school (no match, max $250,000)
- Emergency Relief Program (ER) – restore eligible roads/bridges to "pre-disaster" condition 80-20 match)

Federal aid requirements, project delivery – initiation to letting and National Environmental Policy Act of 1969 were reviewed. Grip mentioned a Responsible Charge (RC) was required to apply for federal aid projects. He currently serves in that position for the City and stated part of the costs for the RC was reimbursable. The goal was to capture federal dollars for the City.

Discussion was held concerning matching funds and the amount received from federal funding on projects planned within the City. The amount of extra time for City staff to apply for these funds was mentioned.

The following projects were currently on schedule for federal funds:

- Wasmer Detention Cell Storm Sewer Improvements

- Walk to Walnut Safe Routes to Schools
- State to Capital Connector Trail Transportation Enhancement
- Morman Island Trail Bridges Transportation Enhancement
- Downtown Historical Lighting Transportation Enhancement
- Grand Island Quiet Zone Improvements (Phase I)
- Lift Station #7 Disaster Recovery

Interim Public Works Engineer Terry Brown reviewed the 1 & 6 Year Street Improvement Plan. Projects scheduled for 2011 construction year totaled $1,657,000. Several projects previously planned were being moved to the 2012 construction year, which totaled $3,121,000. The 2013 construction year totaled $3,052,250; 2014 construction year totaled $1,585,000, 2015 construction year totaled $1,745,000 and 2016 and after construction years totaled $25,176,000.

Discussion was held regarding continuing the Transportation Committee to work with the Public Works Department to review projects that would qualify for federal funding. Mr. Brown stated additional RC's were needed for the City of Grand Island to accomplish getting the most federal funding possible. He would be taking the test in May 2011 to become a RC.

Interim Public Works/Utilities Department Director Gary Mader reported on other Capital Projects: Wastewater, Water, and Electric and amounts budgeted for the next three years. Discussion was held regarding additional capital projects such as treating nitrate in the water from JBS and who should pay for this. Mr. Mader stated a rate study was being done. Renewable Portfolio Standard was explained. Dale Shotkoski explained the licensing permits for JBS and past issues.

Break: a.m. to 10:03 a.m. to 10:18 a.m.

<u>Stewardship of City Owned Property:</u>
Building Department Director Craig Lewis reported on the following 3 to 10 year needs:

- Council – Chamber lighting up-dates
- City Hall (CIRCA 1992) – replace roof, hearing and air conditioning, parking lot, building annex
- Fire – New fire station in NE area, expand existing stations to accommodate genders, exercise rooms, training facilities
- Finance – customer service center
- Library – HVAC renovations, automation
- Security – evaluate security in all City buildings
- Parks – Lincoln Pool, build-out for Vet's complex, updated Island Oasis & park restrooms and equipment
- Emergency Management – Alternate 911 site, new expanded center
- Public Works – shop garage
- Old City Hall
- New City Hall
    - 911 alternative site
    - Customer service

- One Stop Building and Lease

Parks and Recreation Director Steve Paustian reviewed the following existing Park Facilities that needed updates:

- Lincoln Pool – 1975
- Jack Rabbit Run Golf Course – 1977
- Stolley Restrooms – 1981
- Ryder Restrooms – 1984
- Island Oasis - 1993

Discussion was held concerning future planning for each of these projects. Mr. Paustian stated he was notified this week that the Lincoln Pool permit was granted for this year's operation with some requirements to be met. Mr. Lewis answered questions concerning the One Stop Building. Mr. Paustian answered questions concerning a north/south Hike Bike trail that was in the Parks Plan and whether the Racquet Club which had been leased was meeting their agreement.

Privatization:

Human Resources Director Brenda Sutherland gave a presentation on the viability of privatization. Current services that were privatized in Grand Island were Garbage Collection, Animal Control, Forestry, Economic Development, and Little League and Softball Programs.

The following were presented as viable alternatives to privatization:

- Expertise is not available with current staff
- Task is not a regular occurrence
- Expediency
- Need for specialized equipment
- Liability
- $$$ - can be done for less than if the duties were handled internally

Reasons privatization is not a viable alternative:

- Loss of control
- Loss of quality
- Less flexibility
- Loss of other duties performed
- $$$ - may not be less expensive when all things are considered
- Loss of transparency
- Loss of political responsiveness
- Public accountability

The following were services the City outsourced now:

- Heating and Cooling Repairs
- Turf maintenance – fertilizing, aeration, etc. (excluding Parks Dept.)
- Mechanical maintenance
- Specialized services such as legal counsel, surveys, etc.
- Snow removal

- Construction projects
- Engineering

Discussion was held regarding the responsibility of providing government services. It was suggested that a committee be formed and a policy framework form be created that the City would follow in deciding to privatize. Comments were made that some things currently outsourced needed to be brought back into the City such as Economic Development.

Annexation:
Regional Planning Director Chad Nabity reported on annexation. The following were reasons to Annex: to bring property that is developed near the City into the City limits; to allow the City to grow beyond the suburban development; to provide for the extension of City Utilities (increase customer base); and to increase the sales and property tax base of the City.

Mr. Nabity reported that when the City annexes if looks at the following: proximity to City limits, is it adjacent?; population, opportunities for growth, extension of services, and tax base – property tax revenue.

Break: 11:50 a.m. to 12:00 noon.

LUNCH WITH THE HALL COUNTY BOARD OF SUPERVISORS:
The meeting reconvened at 12:00 noon. The following Hall County Board of Supervisors were present: Pam Lancaster, Gary Quandt, W.P. Bud Jefferies, Dan Purdy, Stephen Schuppun, and David Ziola and County Clerk Marla Conley.

State Fair Overview and Update:
Joseph McDermott gave a PowerPoint presentation on the 2010 State Fair. Reviewed were attendance numbers for the Fair along with plans for 2011. State Fair RV Park was mentioned with 211 permanent pads. More signage along South Locust Street, parking, traffic, sidewalks along the entrance, and stop lights were a few of the items brought up to improve the 2011 State Fair. The food and beverage occupation tax would be required for the concession vendors at the 2011 State Fair. More Public/Private relationships would be focused on in the future.

Emergency Management Strategic Planning:
Emergency Management Director Jon Rosenlund presented the various programs shared by Hall County.

Recent Accomplishments were:

- Completed first phase of Alternate 911
- Completed 2010 Local Emergency Operations Plan
- 80% of Narrowbanding Infrastructure Complete - $122,868.00 in Homeland Security Grant dollars
- Warning & notification systems – CodeRED & Sirens through grants
- Public Awareness & Involvement – CERT – 318 Training & Volunteer Hours and $6,630.00 in benefits to the County

The following items were on the horizon:

- Complete Narrowbanding Upgrade & Migration
- Continue Warning Siren Replacement
- Alternate 911 Center Phase II
- Exercise of Emergency Operations Center
- 911 Phone System Replacement
- Next Generation E911 (text, SMS)
- Facility Needs

Discussion was held concerning joint Emergency Management services with other counties. Efficiency and effectiveness were mentioned as important issues to look at if the City was looking at adding or working with multiple counties. Consolidated dispatch through technology was mentioned.

Break: 1:11 p.m. to 1:21 p.m.

BARNSTORMING:

Mary Lou Brown presented additional revenue streams would either be Council enacted or voter approved.

The following were revenue generation ideas:

- Expansion of Emergency Management Interlocal Agreement
  - Provide emergency management services to additional counties
  - Results in lower fixed costs
- Convention center turnback tax
  - Recovers state revenue to offset potential state revenue reductions
  - Several issues to be researched
- Increase existing telephone and mobile telecommunications occupation tax
  - Increase the current rate 1%
  - Up to $200,000 of additional revenue
- Naming Rights
  - Develop a policy related to naming rights and charge a fee for those rights
- Surcharge on State Fair Admission tickets
- Facility use fee
  - Fieldhouse
  - Tickets
- Public/Private cost sharing
- Impound and storage fee
- Airline enplanements surcharge
- Get our share of Federal dollars
- Grant writing expectations for each department
- Food and Beverage Occupation Tax
  - Level the playing field by including State Fair Vendors

  - Allowance to defray related costs associated with hosting the State Fair
- Odor occupation tax
- Payment of fines to schools
  - Encourage legislation that allows cities to retain some portion of fines for citations
- Increase charge for City owned recreational facilities
  - Renegotiate usage revenue with education partners

Comments were made concerning the Odor Committee, which was an example of a public/private partnership. Dale Shotkoski answered a question concerning sales tax within the State Fair. This was being collected on items sold. Assistant City Attorney Jason Eley stated the current City Code allowed for the occupation tax and would be collected at the 2011 State Fair.

Discussion was held concerning allowing cities to retain a portion of fines for citations. Comments by council brought forward for increased revenues were leasing fiber optic space, gaming events, fees to cover actual cost for recreational facilities, ambulance fees for lift assists and patient transfers. Police Captain Pete Kortum commented on impound fees at the Police Department.

COUNCIL RULES OF ENGAGEMENT:

Roberts Rules of Order:
Sandy Olson, PRP presented a PowerPoint presentation concerning Parliamentary Procedure and "How to be an Effective Member". Ms. Olson stated elected council members represent the citizens in deliberation and vote. Covered were deliberation, voting, decorum, debate, addressing remarks only to the Presiding Officer, and division of the question.

Rights of majority, minority, individual members, absentees and all of these together were explained. The following motions were explained in depth: amendment, commit, postpone definitely, previous question, lay on the table, reconsider, rescind, recess, and question of privilege.

Role of Council, Open Meeting Law, Executive Sessions, Conflict of Interest, and Census Redistricting:
Interim City Attorney Jason Eley reported the City Council was responsible for setting the policies that shape Grand Island. City Departments were responsible for carrying out the day-to-day operations of the City and implement the policies of the City Council. The Nebraska Open Meetings Act, Closed Sessions, Conflict of Interest, and Census Redistricting were presented and discussed. Discussion was held regarding the use of electronic media during Council meetings and the confidentiality of Executive Sessions.

Committee Liaisons:
Mayor Vavricek stated he wanted to have a discussion regarding the Boards and Commissions where City Councilmembers served as liaisons. He commented on those Boards and Commissions that were not required by City Code or Interlocal Agreements.

Discussion was held regarding which Boards and Commissions were not necessary. Comments were made regarding the BID Boards and the importance to have City representation. Regional Planning Director Chad Nabity encouraged a City representative on the Regional Planning Commission.

Mayor Vavricek commented on the Heartland Events Center board. Scott Zana is currently representing the City, which was appointed by the Mayor and approved by City Council. Discussion was held concerning Council representation on this board.

Mayor stated other boards that might have validity of Council representation were the State Fair Board and the Odor Committee. Council made comments that it was important to have Council, the Mayor or City Administrator representation on the State Fair Board. Comments were made that the Odor Committee was needed.

Council/Staff Communications, Study Sessions/Council Meetings, General Requests:
Mayor commented that Study Session packets would not have the detailed information that the Regular Meetings have. He stated we would have more Study Sessions in the future. Information for Regular Meetings would be provided to Council as in the past.

SUMMARIZATION:
Mary Lou Brown stated there would be one more retreat in a more typical retreat format to discuss in more detail the 2011/2012 budget. Ms. Brown thanked the staff for putting together the retreat and Council for attending.

CONCLUDING COMMENTS:
Mayor Vavricek commented on the teamwork and the foundation that were laid today. Looking at the big picture, using creative minds, and dedication were important. Mayor thanked everyone for attending and stated another Retreat was planned for March.

ADJOURNMENT: The meeting was adjourned at 4:40 p.m.

RaNae Edwards
City Clerk

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G2

Approving Minutes of January 25, 2011 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
January 25, 2011

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 January 25, 2011. Notice of the meeting was given in *The Grand Island Independent* on January 19, 2011.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Larry Carney, Randy Gard, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, and John Gericke. Councilmember Bob Niemann was absent. The following City Officials were present: Interim City Administrator/Finance Director Mary Lou Brown, City Clerk RaNae Edwards, Interim City Attorney Jason Eley, Interim Public Works Engineer Terry Brown, and Interim Public Works/Utilities Director Gary Mader.

INVOCATION was given by Pastor Caroline Price-Gibson, First Presbyterian Church, 2103 West Anna Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Community Youth Council member Evan Dexter and Board Member Jennifer Cramer. Mayor commented on the Council Retreat and participation of the Council for long range planning. Mentioned was a hearing at the legislature to be held tomorrow that could impact the City regarding revenues.

Finance Director Mary Lou Brown gave the December 2010 Financial Report. Mentioned was the December financials were holding strong from a cash perspective. Food and Beverage tax were coming in strong as well as other taxes. Reduced level of expenditures helped to balance the budget at this time.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Bob Sorensen former City Councilmember for 24 Years of Service with the City of Grand Island. The Mayor and City Council recognized Bob Sorensen, one of the longest serving City Councilmember's to the City of Grand Island. Mr. Sorensen was thanked for his dedication, knowledge and service to the City. Mr. Sorensen was present for the recognition and said a few words regarding the years he served.

Recognition of Ray Micek, Electric Distribution Superintendent with the Utilities Department for 45 Years of Service to the City of Grand Island. The Mayor and City Council recognized Ray Micek, Electric Distribution Superintendent for 45 years of service with the City of Grand Island. Mr. Micek will be retiring on February 4, 2011. Utilities Department Director Gary Mader made a few comments concerning Mr. Micek's service. He was thanked for his dedication and service to the City. Mr. Micek was present for the presentation and said a few words of thanks to the Utilities Department and their employees.

Recognition of Katie Wichman and Suzanne Swantek with the Grand Island Fire Department's Citizen's Citation Award. The Mayor and City Council recognized Katie Wichman and Suzanne

Swantek for their life saving efforts on July 4, 2010. Fire Chief Troy Hughes and Russ Blackburn, EMS Division Chief presented Ms. Wichman and Ms. Swantek with the Citizen Citation Award and thanked them for their outstanding efforts.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 805 Allen Drive (GI Hospitality, Inc.). Gary Mader, Utilities Director reported that acquisition of a utility easement located at 805 Allen Drive was needed in order to have access to install, upgrade, maintain, and repair public water lines and fire hydrants for the purpose of retain public ownership and public maintenance of a fire hydrant . Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 809 Allen Drive (Paul and Linda Younes). Gary Mader, Utilities Director reported that acquisition of a utility easement located at 809 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 underground conduit, cable and a pad-mounted transformer to supply electric service to the new Buffalo Wild Wings building. Staff recommended approval. No public testimony was heard.

ORDINANCES:

> #9286 – Consideration of Annexation 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 (First Reading)

Regional Planning Director Chad Nabity reported this was the first of three readings and was not suggesting extension of the zoning jurisdiction as a result of this annexation. Discussion was held regarding sewer and electrical services for this annexation. Mr. Nabity stated no utilities were necessary to support the property included in this annexation and no new residences or businesses would be added to the City as a result of this annexation. Staff recommended approval.

Motion by Dugan, second by Ramsey to approve Ordinance #9286 on first reading. Upon roll call vote, all voted aye. Motion adopted.

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

> #9287 – Consideration of Amending Chapter 4 of the Grand Island City Code Relative to Alcohol Sales
> #9288 – Consideration of Amending the 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 this ordinance on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage." Councilmember Nickerson second the motion. Upon roll call vote, all voted aye. Motion adopted.

#9287 – Consideration of Amending Chapter 4 of the Grand Island City Code Relative to Alcohol Sales

Parks and Recreation Director Steve Paustian reported Ordinance #9287 would allow alcohol sales for concession operations at the Veterans Athletic Field Complex as was discussed at the January 18, 2011 City Council Study Session.

The following people spoke in opposition:

- Adam Lunes, 1317 West 6th Street
- Sandy Yager, 1007 S. Plum Street
- Manny Lopez, 408 W. Koenig Street
- Eric Eckstrom, 304 S. Plum Street
- Donald Bass Sr., 307 E. Nebraska Avenue
- Cory (could not understand last name or address)

Eric Buckner, 310 E. 21st Street spoke in a neutral position.

Motion by Gilbert, second by Ramsey to approve Ordinance #9287.

Comments were made by Council regarding the response from the community who were against the sale of alcohol at the Veteran's Field Athletic Complex. Mentioned were enforcement, safety, and image of Grand Island, losing teams, revenue, and other City owned property.

City Clerk: Ordinance #9287 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Gilbert and Ramsey voted aye. Councilmember's Haase, Carney, Nickerson, Donaldson, Dugan, Gard, and Gericke voted no. Motion failed.

#9288 – Consideration of Amending the Salary Ordinance

Human Resources Director Brenda Sutherland reported that Ordinance #9288 was in response to items pointed out by the auditors during the last audit and were housekeeping issues.

Motion by Donaldson, second by Nickerson to approve Ordinance #9288.

Discussion was held regarding the $30.00 VEBA for non-union employees. Ms. Sutherland stated this had been in effect for 6 or 7 years and explained it was a health related benefit after the employee was no longer employed with the City. Uniform allowance and stand-by pay were discussed. Interim City Administrator/Finance Director Mary Lou Brown commented on the budget process that included these items.

City Clerk: Ordinance #9288 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9288 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Carney, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9288 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-9 was removed for further discussion. Motion by Ramsey, second by Gard to approve the Consent Agenda excluding item G-9. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 11, 2011 City Council Regular Meeting.

Approving Minutes of January 18, 2011 City Council Study Session.

#2011-15 – Approving Acquisition of Utility Easement Located at 805 Allen Drive (GI Hospitality, Inc.).

#2011-16 – Approving Acquisition of Utility Easement Located at 809 Allen Drive (Paul and Linda Younes).

#2011-17 – Approving Bid Award for Water Main Project 2009-W-1, Cedar Street and Union Pacific Railroad with Van Kirk Brothers Contracting of Sutton, Nebraska in an Amount of $178,172.30.

#2011-18 – Approving Bid Award for Water Treatment System Replacement with Eco-Tec, Inc. of Pickering, Ontario in an Amount of $427,956.13.

#2011-19 – Approving Bid Award for Vista Switchgear with Kriz Davis Company of Grand Island, Nebraska in an Amount of $142,183.74.

#2011-20 – Approving Change Order No. 3 for Primary Clarifier Mechanisms at the Wastewater Treatment Plant with Oakview Construction, Inc. of Red Oak, Iowa for a reduction of $3,100.00 and a Revised Contract Amount of $633,217.00.

#2011-22 – Approving Physio-Control Monitors Maintenance Contract Addendum with Medtronic Emergency Response Systems for an Increase in an Amount of $5,668.65 and a Revised Contract Amount of $42,368.65 per year.

#2011-23 – Approving Consent and Waiver for Baird Holm LLP to Represent the City of Grand Island.

#2011-24 – Approving Required Interim Amendment for the City of Grand Island's 457(b) Retirement Plan Document.

#2011-21 – Approving Bid Award for (1) 2011 Ford Crown Victoria RWD Full Size Police Sedans with Anderson Ford, Grand Island, Nebraska in an Amount of $22,163.84. Police

Captain Pete Kortum reported due to uncertain budget cuts by the State of Nebraska that may affect the City; they were requesting one cruiser instead of four to replace a totaled cruiser. Questioned was if the price for one cruiser would change since we were not getting four. Police Captain Kortum stated the price would stay the same.

Motion by Gilbert, second by Gericke to approve Resolution #2011-21. Upon roll call vote, all voted aye. Motion adopted.

REQUEST S AND REFERRALS:

Approving Referral of the One & Six Year Street Improvement Plan to the Regional Planning Commission. Interim Public Works Engineer Terry Brown reported that adoption of a One and Six Year Street Improvement Plan was required by State law as part of the requirements to receive approximately three million dollars of gas tax funds each year. If approved for referral, the Regional Planning Commission would conduct a Public Hearing at their February 2, 2011 meeting and would forward their recommendations to the City Council at their February 8, 2011 regular meeting. The report would then be submitted to the Nebraska Department of Roads by March 1, 2011. A PowerPoint presentation was given showing the 2011, 2012, 2013, 2014, 2015, and 2016 and beyond Construction projects and amounts.

Discussion was held regarding adding to the list Webb Road between Highway 30 and Stolley Park Road and Broadwell Avenue from 281 Airport Road to Capital Avenue. Mr. Brown commented on round-a-bouts and the Broadwell Crossing remaining on the list.

Motion by Gilbert, second by Haase to approve referring the One & Six Year Street Improvement Plan to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2011-25 – Consideration of Approving Lease/Purchase for Heavy Duty Rescue Pumper. Mayor Vavricek stated due to budgetary concerns raised by potential State legislature bills, this item was pulled from the agenda.

#2011-26 – Consideration of Approving Purchase of Heavy Duty Rescue Pumper. Mayor Vavricek stated due to budgetary concerns raised by potential State legislature bills, this item was pulled from the agenda.

#2011-27 – Consideration of Amending the Lease Agreement for the One Stop Building. Building Department Director Craig Lewis reported that the Department of Administrative Services, State Building Division and Agency of the State of Nebraska had requested an amendment to the lease agreement for property they were leasing located at 1306 West 3rd Street. They currently lease 9,572 square feet at a monthly rate of $6,947.68 and want to reduce that to 7,590 square feet at a monthly rate of $5,509.08 for the remaining term of the lease. The current lease agreement expires on June 30, 2011.

Discussion was held regarding the lease, future use of this building, and the price per square foot for rent currently being received. Ms. Brown commented on options for the building. Mr. Lewis recommended that the City write the new lease if it's renewed.

Motion by Gericke, second by Nickerson to deny Resolution #2011-27 and negotiate a new lease agreement for the property with the State Building Division. 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 January 12, 2010 through January 25, 2011, for a total amount of $2,811,738.64. Unanimously approved. Ms. Brown answered a question concerning a claim paid to EMC from the General Insurance Fund for property damage.

Motion by Dugan, second by Nickerson to approve the Claims for the Period of January 12, 2010 through January 25, 2011 for the Veterans Athletic Field Complex for a total amount of $2,247.54. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:33 p.m.

RaNae Edwards
City Clerk

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G3

Approving Councilmember Appointments to Boards and Commissions

Staff Contact: Mayor Vavricek

Council Agenda Memo

From: Mayor Jay Vavricek

Meeting: February 8, 2011

Subject: Approving Councilmember Appointments to Boards and Commissions

Item #'s: G-3

Presenter(s): Mayor Jay Vavricek

Background

It is customary in December of each year for the Mayor to recommend appointments of Councilmember's to represent the City on various Boards and Commissions. After a thorough review Mayor Vavricek has submitted the following appointments for 2011.

Discussion

The following appointments have been submitted by the Mayor for approval. These appointments will become effective immediately and will expire on December 31, 2011:

Building Code Advisory Board:	Larry Carney
Business Improvement District #4: (*So. Locust – Stolley to Fonner)*	Kirk Ramsey
Business Improvement District #6: *(2nd Street)*	Bob Niemann
Business Improvement District #7: *(So. Locust – Hwy 34 to Stolley)*	Scott Dugan
Business Improvement District #8: *(Downtown)*	Randy Gard
Central District Health Board (*Term of 3 years*):	Chuck Haase
Emergency Management/Communications:	John Gericke & Mitch Nickerson

Community Development Advisory Board:	Linna Dee Donaldson
Community Redevelopment Authority:	Randy Gard
GI Area Economic Development Corp.:	Peg Gilbert
Humane Society:	Scott Dugan & Chuck Haase
Law Enforcement Co-Location:	Bob Niemann
Library Board:	Peg Gilbert
Odor Committee :	Larry Carney, John Gericke, Bob Niemann & Kirk Ramsey
Problem Resolution Team:	Larry Carney & John Gericke
Regional Planning Commission:	Mitch Nickerson
Systems Information Advisory Committee (Spillman): (City/County)	Scott Dugan
Transportation Committee:	Randy Gard, Peg Gilbert & Kirk Ramsey

Alternatives

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

1. Move to approve the appointments of Councilmember's to Board and Commissions
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 recommendation of the Mayor.

Sample Motion

Move to approve the appointments of Councilmember's to the Boards and Commissions for 2011 as recommended by the Mayor.

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G4

#2011-28 - Approving Acquisition of Utility Easement - 2820 Riverside Drive - Country Club Holding Association

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

Staff Contact: Gary R. Mader

R E S O L U T I O N 2011-28

WHEREAS, a public utility easement is required by the City of Grand Island, from Country Club Holding Association, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including lines and transformers; and;

WHEREAS, a public hearing was held on February 8, 2011, for the purpose of discussing the proposed acquisition of an easement located in the City of Grand Island, Hall County, Nebraska; and more particularly described as follows:

TRACT #1

The centerline of a twenty (20.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter (SW ¼) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West; thence northerly along the west line of the Southwest Quarter (SW ¼) of said Section Twenty Eight (28) on an assumed bearing of N00º17'14"W, a distance of two hundred one and fifty hundredths (201.50) feet; thence N34º59'46"E, along the northerly line of present L.E. Ray Park property, a distance of five hundred fifty eight (558.0) feet; thence N70º06'46"E, along the northerly line of the said present L.E. Ray Park property, a distance of eight hundred eleven and sixteen hundredths (811.16) feet; thence N49º47'46"E, along the northerly line of said present L.E. Ray Park property, a distance of five hundred forty two and forty eight hundredths (542.48) feet to the ACTUAL Point of Beginning of Tract #1; thence N89º06'16"W, a distance of one hundred thirty nine and ninety four hundredths (139.94) feet; thence N21º48'22"W, a distance of two hundred (200.0) feet.

TRACT #2

The southerly line of a ten (10.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter (SW ¼) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West; thence northerly along the west line of the Southwest Quarter (SW ¼) of said Section Twenty Eight (28) on an assumed bearing of N00º17'14"W, a distance of two hundred one and fifty hundredths (201.50) feet; thence N34º59'46"E, along the northerly line of present L.E. Ray Park property, a distance of five hundred fifty eight (558.0) feet; thence N70º06'46"E, along the northerly line of the said present L.E. Ray Park property, a distance of eight hundred eleven and sixteen hundredths (811.16) feet; thence N49º47'46"E, along the northerly line of said present L.E. Ray Park property, a distance of five hundred forty two and forty eight hundredths (542.48) feet to the ACTUAL Point of Beginning of Tract #2; thence S89º06'16"E, along the northerly line

Approved as to Form ¤ _____
February 4, 2011 ¤ City Attorney

of the said present L.E. Ray Park property, a distance of one thousand one hundred fifty nine and forty hundredths (1,159.40) feet.

TRACT #3

The westerly line of a ten (10.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter (SW ¼) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West; thence northerly along the west line of the Southwest Quarter (SW ¼) of said Section Twenty Eight (28) on an assumed bearing of N00º17'14"W, a distance of two hundred one and fifty hundredths (201.50) feet; thence N34º59'46"E, along the northerly line of present L.E. Ray Park property, a distance of five hundred fifty eight (558.0) feet; thence N70º06'46"E, along the northerly line of the said present L.E. Ray Park property, a distance of eight hundred eleven and sixteen hundredths (811.16) feet; thence N49º47'46"E, along the northerly line of said present L.E. Ray Park property, a distance of five hundred forty two and forty eight hundredths (542.48); thence S89º06'16"E, along the northerly line of the said present L.E. Ray Park property, a distance of one thousand one hundred fifty nine and forty hundredths (1,159.40) feet to the ACTUAL Point of Beginning of Tract #3; thence S00º05'46"E, along the easterly line of the said present L.E. Ray Park property, a distance of one thousand two hundred forty five and twenty one hundredths (1,245.21) feet to a point on the northerly right-of-way line of U.S. Highway 34.

TRACT #4

The centerline of a twenty (20.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter (SW ¼) of Section Twenty Eight (28), Township Eleven (11) North, Range Nine (9) West; thence northerly along the west line of the Southwest Quarter (SW ¼) of said Section Twenty Eight (28) on an assumed bearing of N00º17'14"W, a distance of two hundred one and fifty hundredths (201.50) feet; thence N34º59'46"E, along the northerly line of present L.E. Ray Park property, a distance of five hundred fifty eight (558.0) feet; thence N70º06'46"E, along the northerly line of the said present L.E. Ray Park property, a distance of eight hundred eleven and sixteen hundredths (811.16) feet; thence N49º47'46"E, along the northerly line of said present L.E. Ray Park property, a distance of five hundred forty two and forty eight hundredths (542.48) feet; thence S89º06'16"E, along the northerly line of the said present L.E. Ray Park property, a distance of one thousand one hundred fifty nine and forty hundredths (1,159.40) feet to the ACTUAL Point of Beginning of Tract #4; thence N23º20'50"E, a distance of three hundred twenty seven and sixteen hundredths (327.16) feet; thence N28º42'15"W, a distance of one hundred twenty two and eighty four hundredths (122.84) feet; thence

N60º13’12”E, a distance of two hundred thirty (230.0) feet.

TRACT #5

The centerline of a twenty (20.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter (SW ¼) of Section Twenty Eight (28,) Township Eleven (11) North, Range Nine (9) West; thence northerly along the west line of the Southwest Quarter (SW ¼) of said Section Twenty Eight (28) on an assumed bearing of N00º17’14”W, a distance of two hundred one and fifty hundredths (201.50) feet; thence N34º59’46”E, along the northerly line of present L.E. Ray Park property, a distance of five hundred fifty eight (558.0) feet; thence N70º06’46”E, along the northerly line of the said present L.E. Ray Park property, a distance of eight hundred eleven and sixteen hundredths (811.16) feet; thence N49º47’46”E, along the northerly line of said present L.E. Ray Park property, a distance of five hundred forty two and forty eight hundredths (542.48) feet; thence S89º06’16”E, along the northerly line of the said present L.E. Ray Park property, a distance of one thousand one hundred fifty nine and forty hundredths (1,159.40) feet; thence N23º20’50”E, a distance of three hundred twenty seven and sixteen hundredths (327.16) feet to the ACTUAL Point of Beginning of Tract #5; thence N50º10’03”E, a distance of one hundred ninety eight and thirty four (198.34) feet; thence N69º23’00”E, a distance of six hundred eight and twenty four hundredths (608.24) feet; thence N45º00’03”E, a distance of two hundred fourteen and twenty eight hundredths (214.28) feet; thence N77º22’06”E, a distance of sixty eight (68.0) feet.

TRACT #6

The centerline of a twenty (20.0) foot wide utility easement and right-of way tract being more particularly described as follows:

Commencing at the southeast corner of Lot One (1), Larsen Acres Subdivision; thence southwesterly along the southerly line of said Lot One (1), on an assumed bearing of S54º44’35”W, a distance of one hundred eight and seventy one hundredths (108.71) feet to the southwest corner of said Lot One (1), being the ACTUAL Point of Beginning of Tract #6; thence S00º05’18”W, a distance of one hundred twenty five (125.0) feet.

The side lines of the above described tracts shall be prolonged or shortened as required to terminate on the boundary of Grantor’s property.

The above-described easement and right-of-way tracts containing a combined total of 1.57 acres more or less, as shown on the plat dated 11/23/2010, marked Exhibit “A” attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is,

authorized to acquire a public utility easement from Country Club Holding Association, on the above-described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

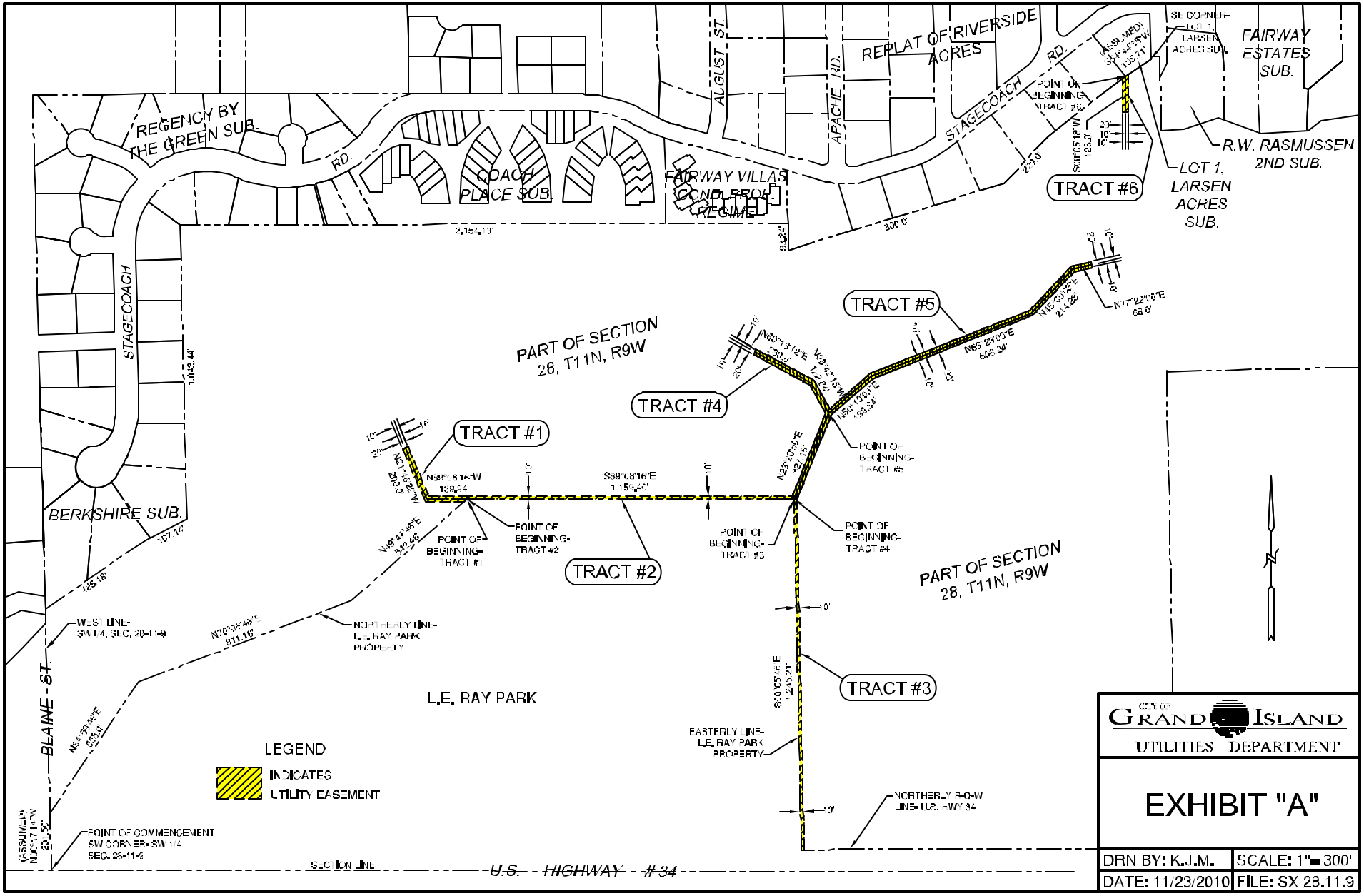
_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk


REGENCY BY THE GREEN SUB.
STAGECOACH RD.
COACH PLACE SUB.
FAIRWAY VILLAS COND. PROP. REGIME
AUGUST ST.
APACHE RD.
REPLAT OF RIVERSIDE ACRES
STAGECOACH RD.
FAIRWAY ESTATES SUB.
R.W. RASMUSSEN 2ND SUB.
LOT 1, LARSEN ACRES SUB.
TRACT #6
TRACT #5
TRACT #4
TRACT #1
TRACT #2
TRACT #3
PART OF SECTION 28, T11N, R9W
PART OF SECTION 28, T11N, R9W
BERKSHIRE SUB.
BLAINE ST.
L.E. RAY PARK
POINT OF BEGINNING-TRACT #1
POINT OF BEGINNING-TRACT #2
POINT OF BEGINNING-TRACT #3
POINT OF BEGINNING-TRACT #4
POINT OF BEGINNING-TRACT #5
POINT OF COMMENCEMENT SW CORNER SW 1/4 SEC. 28-T11N
SECTION LINE
U.S. HIGHWAY #34
NORTHERLY R-O-W LINE-U.S. HWY 34
EASTERLY LINE-L.E. RAY PARK PROPERTY
LEGEND
INDICATES UTILITY EASEMENT
N
CITY OF GRAND ISLAND
UTILITIES DEPARTMENT
EXHIBIT "A"
DRN BY: K.J.M.
SCALE: 1" = 300'
DATE: 11/23/2010
FILE: SX 28.11.9

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G5

#2011-29 - Approving Change Order #1 - Water Main Project 2009-W-6 6th Street from Pine Street to Elm Street

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: February 8, 2011

Subject: Water Main Project 2009-W-6 – Sixth Street; from Elm Street to Pine Street – Change Order #1

Item #'s: G-5

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

Background

The project area is located in part of the Original Town of Grand Island and is designated for revitalization as defined by the Nebraska Department of Economic Development. A location site map is attached.

The construction contract, for the referenced project, was awarded to K2 Construction of Lincoln, Nebraska. The work involved replacement of the 100 year old 4" diameter water main in the project area, with a new 8" diameter ductile-iron water main and service lines. The project's funding is being provided by the Utilities Department and a Community Development Block Grant. Grant funding for this project totals $239,748.

The original contract amount was $293,911.47 and needs to be modified to reflect required changes in the installation of the water line. The proposed change order would increase the amount of the contract by $11,065.33. The new contract amount would be $304,976.80.

Discussion

Upon contract completion, the complete quantities list of the project was reviewed for both increases and decreases, with the changed amounts reflecting a net increase in the contract amount of $11,065.33. A detailed listing of quantity changes is attached.

Connecting the new water main into the existing water lines in the 6th and Pine Streets intersection is where most of the changes occurred. The encountered configuration and size of the existing piping was not as reflected in historical records. The scope and difficulty in installing the new main, and the abandonment of the 100 year old main,

resulted in additional fittings and restraints needing to be used. There was also increased work associated with the paving removal and replacement. The existing brick road surface was laid on top of 12" of concrete. This resulted in additional removal and replacement quantities.

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

Utility Engineering staff has reviewed all changes and recommends that the Council approve Change Order #1 in the amount of $11,065.33, which would make the new contract amount $304,976.80.

Sample Motion

Move to approve Change Order #1 to the contract for Water Main Project 2009-W-6 with K-2 Construction.

WMP 2009-W-6
Walnut St N
Cedar St N
Elm St N
Clark St N
Greenwich St N
Washington St N
Adams St N
Jefferson St N
Madison St N
Monroe St N

Water Mian Project 2009-W-6 Contractor: K2 Construction **Final Quantities - 1/27/11**

6th Street water main replacement from Elm St. to Pine St.

Item	Description	Quant. Est.	Unit	Bid Unit $	Bid Total $	Quant. Placed	Unit	Total $ Placed	$$ Differnce
1.01	12" d.i. pipe (s.j.)	18.50	l.f.	53.92	997.52	17.40	l.f.	$938.21	($59.31)
1.02	8" d.i. pipe (r.j.) - trenchless installation	1,641.00	l.f.	49.87	81,836.67	1,580.60	l.f.	$78,824.52	($3,012.15)
1.03	8" d.i. pipe (s.j.)	90.50	l.f.	35.30	3,194.65	152.20	l.f.	$5,372.66	$2,178.01
1.04	6" d.i. pipe (s.j.)	31.30	l.f.	31.77	994.40	31.37	l.f.	$996.62	$2.22
1.05	12"x8" m.j. wye	2.00	ea.	441.49	882.98	2.00	ea.	$882.98	$0.00
1.06	12"x8" m.j. tee	1.00	ea.	302.85	302.85	1.00	ea.	$302.85	$0.00
1.07	12"x6" m.j. tee	1.00	ea.	278.60	278.60	1.00	ea.	$278.60	$0.00
1.08	12"x8" m.j. reducer	2.00	ea.	182.54	365.08	2.00	ea.	$365.08	$0.00
1.09	12" retainer gland	0.00	ea.	165.00	0.00	12.00	ea.	$1,980.00	$1,980.00
1.10	8"x6" m.j. tee	6.00	ea.	174.27	1,045.62	6.00	ea.	$1,045.62	$0.00
1.11	8"x45° m.j. bend	2.00	ea.	127.01	254.02	2.00	ea.	$254.02	$0.00
1.12	8"x6" m.j. reducer	1.00	ea.	113.65	113.65	2.00	ea.	$227.30	$113.65
1.13	8" retainer gland	2.00	ea.	67.32	134.64	14.00	ea.	$942.48	$807.84
1.14	8" sleeve coupling	4.00	ea.	125.77	503.08	6.00	ea.	$754.62	$251.54
1.15	8" plug	1.00	ea.	80.53	80.53	1.00	ea.	$80.53	$0.00
1.16	6"x6" m.j. tee	2.00	ea.	150.97	301.94	2.00	ea.	$301.94	$0.00
1.17	6" retainer gland	2.00	ea.	55.77	111.54	14.00	ea.	$780.78	$669.24
1.18	6" sleeve coupling	3.00	ea.	107.44	322.32	5.00	ea.	$537.20	$214.88
1.19	12" r.s. gate valve	1.00	ea.	1,826.60	1,826.60	1.00	ea.	$1,826.60	$0.00
1.20	8" r.s. gate valve	2.00	ea.	1,100.61	2,201.22	2.00	ea.	$2,201.22	$0.00
1.21	6" r.s. gate valve	2.00	ea.	836.05	1,672.10	1.00	ea.	$836.05	($836.05)
1.22	valve box	5.00	ea.	429.98	2,149.90	4.00	ea.	$1,719.92	($429.98)
1.23	fire hydrant assembly	6.00	ea.	1,811.96	10,871.76	6.00	ea.	$10,871.76	$0.00
1.24	duc-lugs & redi-rod	3.00	ea.	220.70	662.10	12.00	ea.	$2,648.40	$1,986.30
1.25	thrust block	14.00	ea.	193.05	2,702.70	17.00	ea.	$3,281.85	$579.15
1.26	I-beam block	1.00	ea.	850.68	850.68	1.00	ea.	$850.68	$0.00
1.27	linestopper installation	5.00	ea.	700.00	3,500.00	5.00	ea.	$3,500.00	$0.00
1.28	1" copper water service complete	48.00	ea.	2,113.69	101,457.12	48.00	ea.	$101,457.12	$0.00
1.29	8 mil polywrap	1,781.30	l.f.	1.10	1,959.43	1,781.57	l.f.	$1,959.73	$0.30
1.30	remove and salvage existing water main	79.00	l.f.	14.00	1,106.00	81.00	l.f.	$1,134.00	$28.00
1.31	remove and salvage existing fire hydrant	3.00	ea.	350.00	1,050.00	3.00	ea.	$1,050.00	$0.00
1.32	remove existing roadway	390.50	s.y.	14.00	5,467.00	380.20	s.y.	$5,322.80	($144.20)
1.33	replace concrete roadway	408.50	s.y.	48.12	19,657.02	400.88	s.y.	$19,290.35	($366.67)
1.34	remove asph./conc. Driveway	129.40	s.y.	14.00	1,811.60	141.04	s.y.	$1,974.56	$162.96
1.35	replace asph./conc. Driveway	129.40	s.y.	35.75	4,626.05	146.74	s.y.	$5,245.96	$619.91
1.36	remove concrete curb & gutter section	140.80	l.f.	18.50	2,604.80	127.50	l.f.	$2,358.75	($246.05)
1.37	replace concrete curb & gutter section	0.00	l.f.	15.00	0.00	55.00	l.f.	$825.00	$825.00
1.38	6" conc. Integral curb	140.30	l.f.	22.05	3,093.62	90.50	l.f.	$1,995.53	($1,098.09)
1.39	remove, replace and regrade gravel drivewa	2.00	ea.	700.00	1,400.00	3.00	ea.	$2,100.00	$700.00
1.40	remove concrete sidewalk	1,778.80	s.f.	1.40	2,490.32	1,571.54	s.f.	$2,200.16	($290.16)
1.41	replace concrete sidewalk	2,103.50	s.f.	4.78	10,054.73	2,068.00	s.f.	$9,885.04	($169.69)
1.42	remove brick sidewalk	1,105.40	s.f.	2.80	3,095.12	663.70	s.f.	$1,858.36	($1,236.76)
1.43	replace brick sidewalk	780.70	s.f.	2.80	2,185.96	306.10	s.f.	$857.08	($1,328.88)
1.44	saw cut	100.90	l.f.	4.17	420.75	336.60	l.f.	$1,403.62	$982.87
1.45	residential seeding	11,620.00	s.f.	0.54	6,274.80	19,614.00	s.f.	$10,591.56	$4,316.76
1.46	traffic control	1.00	l.s.	7,000.00	7,000.00	1.00	l.s.	$7,000.00	$0.00
	CONTRACT TOTAL				**$293,911.47**			$301,112.10	$7,200.63
	Additional non-contract Items								
	Remove Existing Valve	0.00	ea	370.00		1.00	ea	$370.00	$370.00
	Extra Depth Concrete	0.00	cy	138.90		23.00	cy	$3,194.70	$3,194.70
	6"x11 1/4° Ell	0.00	ea	95.00		2.00	ea	$190.00	$190.00
	6"x45° Ell	0.00	ea	110.00		1.00	ea	$110.00	$110.00
								$3,864.70	$3,864.70

Total Amount of Project	**$304,976.80**	
Total Amount of Change Order 1		**$11,065.33**

CITY OF GRAND ISLAND

CHANGE ORDER #1

TO: K2 Construction
7701 Cornhusker Highway
Lincoln, NE 68507

PROJECT: Water Main Project 2009-W-6
Water Main Replacement – Sixth Street, from Elm to Pine Street

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

1. Amend the original contract price of $293,911.47 to $304,976.80, an increase of $11,065.33, due to necessary addition and deletion of project materials.

Amount of Original Contract Price	**$ 293,911.47**
Addition / Deletion of Project Materials (see attached)	**11,065.33**
Final Contract Price	**$ 304,976.80**
Change Order #1	**$ 11,065.33**

Approval and acceptance of this Change Order acknowledges understanding and agreement that no additional claims will be considered.

APPROVED: **CITY OF GRAND ISLAND**

By: _____ Date: _____
Mayor

Attest: _____ _____
Approved as to Form, City Attorney

ACCEPTED: **K2 CONSTRUCTION**

By: _____ Date: _____

R E S O L U T I O N 2011-29

WHEREAS, K2 Construction of Lincoln, Nebraska, was awarded the contract for Water Main Project 2009-W-6, Sixth Street; from Elm Street to Pine Street, at the July 13, 2010 City Council meeting; and

WHEREAS, upon completion of the contract work, the unit quantities were totaled for both contract price reductions and contract price additions; and

WHEREAS, the adjustment of the contract unit quantities resulted in a net contract price addition of $11,065.33; and

WHEAREAS, Change Order #1 was prepared for the final construction contract adjustment, resulting in a final contract amount of $304,976.80.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 with K2 Construction of Lincoln, Nebraska resulting in an additional cost of $11,065.33, for a final contract price of $304,976.80, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 4, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G6

#2011-30 - Approving One-Call Member Services Agreement (Digger's Hotline)

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Jason Eley, Interim City Attorney

Meeting: February 8, 2011

Subject: One Call Member Services Agreement

Item #'s: G-6

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

Background

In 1994, the Diggers hotline and One Call center was established under the one-call notification system act, Nebraska Statutes 76-2301 to 76-2330. This act requires all Nebraska utilities to be members of Diggers Hotline for the protection of citizens and utility workers alike. This service enables customers to have the location of all existing underground utilities within a property identified by simply calling one phone number. On March 11th, 1996, City Council approved a Member Services Agreement to comply with state law.

Discussion

Diggers Hotline is in the process of updating the agreements with Nebraska utilities with current information. This includes updated information such as telephone and fax numbers as well as instructions related to various methods of electronic transmittal. The procedural requirements and terms and conditions are unchanged from the original contract. The 2011 contract would replace the original 1994 agreement.

Alternatives

It appears that the Council that 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 a future date

4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the updated One Call Member Services Agreement.

Sample Motion

Move to approve the updated One Call Member Services Agreement.

` **ONE CALL MEMBER SERVICES AGREEMENT**
Background:

The Revised Statutes of Nebraska, Section 76-2301 to 76-2330, codified procedures for notifying underground utility owners and operators of impending excavation which may impact such facilities. This codification is officially known as the "One-Call Notification Act" with the purpose identified by the Legislature as:

(1) It is the intent of the Legislature to establish a means by which excavators may notify operators of underground facilities in an excavation area so that operators have the opportunity to identify and locate the underground facilities prior to excavation and so that the excavators may then observe proper precautions to safeguard the underground facilities from damage.
(2) It is the purpose of the One-Call Notification System Act to aid the public by preventing injury to persons and damage to property and the interruption of utility services resulting from accidents caused by damage to underground facilities.

Pursuant to the One-Call Notification Act a statewide one-call notification center (hereinafter referred to as "the Center") has been established and the governing board of directors (hereinafter referred to as "the Board") has solicited bids from various entities for the daily operation of the Center. Great Plains One Call Service, Inc, d/b/a Digger's Hotline of Nebraska was selected by the Board to operate the Center and to administer the statutory requirements that

"Operators of underground facilities shall become members of and participate in the statewide one-call notification center."

Terms and Conditions

Therefore, pursuant to the directions of the Board, this Agreement is made this 8th day of February, 2011 by and between City of Grand Island (hereinafter referred to as "Member"), and Great Plains One Call Service, Inc. d/b/a Digger's Hotline of Nebraska (hereinafter referred to as "Vendor").

For and in consideration as set forth herein Vendor hereby agrees to provide and operate and Member agrees to subscribe to and utilize Vendor's Nebraska Statewide One Call Center for the notification of operators with underground facilities pursuant to the One-Call Notification System Act and the terms and conditions as follows:

Vendor Services

1. Vendor will establish telephone numbers 811 for statewide use as well as 402-344-3565 in the Omaha calling area and 1-800-331-5666 in all other areas to allow all excavators within the State of Nebraska to call the One-Call Center free of charge to request location of underground facilities.

2. Vendor will provide for services through the center 24 hours per day, 365 days each year in the following manner:

a. The normal business day will be 7:00 am to 6:00 pm Central time Monday through Friday (hereinafter referred to as "normal business hours").
b. From 6:00 pm to 7:00 am, including Saturdays, Sundays and all State or Nationally observed legal holidays (hereinafter referred to as "after hours").

3. Vendor will accept grids by section, range, township, and quarter section or polygon. All information provided by Member will be incorporated into a database by Vendor. Each Member grid system and database shall be confidential between the Member and Vendor unless they are of public record or common public usage. The database will be provided to each Member upon request. It is the Member's responsibility to notify the Vendor of any discrepancies, changes or additions of the location of any buried facilities of the Member.

4. Vendor will receive all Member notifications pursuant to the requirements of the One-Call Notification System Act. All incoming calls and outgoing manual notification calls, if applicable, will be transmitted on a recorded phone line. The voice recordings will be maintained by the Vendor for a period of five (5) years and during that time will be made available to the Member for any clarification, claim, or disputed liability purposes.

5. Vendor will advise all callers requesting location of underground facilities of the statutory requirement of two working days notice before digging. If the caller indicates that they will be excavating prior to expiration of the two working day, Vendor will notify Members as soon as practicable in order to assist in preventing damage to Member's facilities, but will advise caller of the statutory requirement for a two day waiting period and that failure to comply with the statute could subject caller to additional liability.

6. Vendor shall inform all callers of all facility operators to whom notice of intent to excavate will be transmitted. Vendor shall also advise callers that if there are any other utilities in the area other than those specifically listed, or any privately owned facilities, that the caller is responsible to notify the owners or operators of those facilities as to the impending excavation.

7. Vendor shall assign an identification number to each notice received for tracking and record keeping purposes.

8. Notification of intent to excavate received during normal business hours will be sent to Members by fax or computer the same day received. A recap of all tickets sent each day will be sent to the Member the following business day. Voice transmitted notification will be called out during the business day however a recap call will not be made.

9. If an electronically transmitted notification of intent to excavate is received after hours, the notification of intent to excavate will be received in the same manner as normal business hour notices, but the notification ticket will be held in the computer and will be sent out or called out the next business day.

10. Calls received during normal business hours that are of an emergency nature will be sent immediately and a follow-up telephone call will be made to alert Member of the emergency ticket. All emergency calls received after hours will be immediately called out to each Member affected and the confirmation ticket will be sent the next business day.

11. Notification of requests will be sent to Member at the email address, fax or telephone number as shown on Exhibit "A". It is Member's responsibility to

advise Vendor of any change in email addresses, fax numbers or telephone numbers.

Member Duties

12. Member shall comply with all requirements of the Nebraska One-Call Notification System Act.

13. Member shall furnish Vendor information concerning the location of its underground facilities. Member shall notify the Vendor of any discrepancies, changes or additions of the location of any buried facilities during the term of this agreement.

14. Member shall immediately advise Vendor of any change in telephone numbers or email addresses as currently shown in Exhibit "A".

15. Member shall upon receipt of a notice of intent to excavate from Vendor, make the necessary arrangements to mark or identify the location of its underground facilities as required by statute.

16. After Vendor notifies Member of a locate request, it shall be the Member's responsibility to mark its underground facilities within two business days or alternatively to advise caller there are no Member underground facilities in the specified area or to schedule a time for Member's locator to meet with the Caller. The Vendor shall have no responsibility to coordinate individual Member's locators meeting with the Caller (meets) or advising caller that Members have no underground facilities (clears) unless specifically agreed to by Member and Vendor and charges shown on Exhibit "C" Enhanced Services are charged.

Pricing

17. The basic price for service specified on Exhibit "C" attached hereto has been set as the minimum fees for services as established by the Nebraska State One-Call Board of Directors. Any other service requested by Member will be negotiated as to procedure used and price charged to the mutual satisfaction of Member and Vendor.

18. The charges on Exhibit "C" shall prevail and remain in effect until changed by action of the Nebraska State One-Call Board of Directors.

19. Vendor shall bill Member monthly for services and the Member shall remit payment in full within thirty (30) days of the billing date. Member shall remit and pay vendor one and one-half percent (1.5%) per month interest on any balance which is unpaid more than thirty (30) days following the billing date.

20. In the event that Member fails to pay charges billed, Vendor shall notify the Nebraska State One-Call Board of Directors and the Nebraska Attorney General that Member is in default in regard to payment for services provided.

21. The cost of all communications equipment with a minimum 2400 Baud rate together with all necessary telephone and internet lines for such notification shall be paid by Member.

Insurance and Indemnity

22. Vendor agrees to indemnify and save harmless the Member from and against all liability, claim, loss, or expense for any claim of loss or damage including but not limited to death, personal injury, real or personal property damage which may arise from the negligence of the Vendor, its agents, servants or employees.

23. Member agrees to indemnify and save harmless the Vendor from and against all liability, claim, loss or expense for any claim of loss or damage which may arise from the negligence of the Member, its agents, servants or employees.

24. Vendor shall obtain and keep in force a policy of comprehensive public liability insurance insuring Vendor against any liability arising out of the performance required under this agreement. The policy shall provide a minimum of five million dollars ($5,000,000.00) for each accident or occurrence and in the aggregate for bodily injury, property damage, and legal defense coverage.

Miscellaneous

25. Vendor shall be an independent contractor under the terms of this agreement. The Vendor shall comply with all applicable federal, state, county and local laws or ordinances.

26. In the event either party defaults under any of the terms and conditions of this agreement, the other party may give ten (10) days notice in writing of the alleged default or breach during which time the defaulting party may cure same. If the defaulting party fails to provide notice within said ten (10) day time the alleged default or breach shall be submitted to the Nebraska Safe One-Call Board for resolution.

27. This agreement shall commence February 8, 2011, and shall continue thereafter unless modified by State Law or action by the Nebraska State One-Call Board of Directors.

28. Any notices under this agreement shall be given in writing to the Vendor as follows:

Great Plains One Call, Inc.,
4141 N. 156th Street, Suite 200
Omaha, NE 68116
Phone 402-330-1866

29. Any notices under this agreement shall be given in writing to the Member as follows:

Mailing Address:
City of Grand Island
700 E Bischeld St.
Grand Island, NE 68801
Attn: Travis Burdett
Email Address: tburdett@grand-island.com
Phone Number: (308) 385-5466

30. Billing for services shall be mailed to Member as follows:

Mailing Address:
City of Grand Island
700 E Bischeld St.
Grand Island, NE 68801
Attn: Travis Burdett
Email Address: tburdett@grand-island.com
Phone Number: (308) 385-5466

31. Member may not assign or transfer any of its rights or duties under this agreement without prior written approval of the vendor except any assignments to any entity in which the Member owns or holds a majority interest.

32. Neither Vendor nor Member shall be held responsible for any delays or failure to perform any of its responsibilities or obligations under this agreement provided such delay or failure is caused by an act of God, natural disaster, strike, declaration of war or any other causes over which such party has no control.

33. This agreement shall be binding upon the successors or assigned of all parties hereto.

_____	_____
Representative of Great Plains One Call, Inc.	Member Company authorized officer or agent
Date:_____	Date:_____

One Call Member Services Agreement
Instructions and General Information:

Please fill out the enclosed agreement completely and ensure that all contact information is current and updated as needed throughout the life of the Member Agreement. It is extremely important that Digger's Hotline be able to contact your organization at all times in case of an emergency situation in your area.

Members Open Hours:

Tell us your normal hours of business operations. Please indicate time zone.

Members will receive requests during open hours at :

Please list the telephone number, fax number or email/computer account where you wish to receive the notifications of excavation.

If your Company has several field offices or a large service area in which a specific area or office will need to receive notices for their geographical service area, you must complete a separate copy of Exhibit A for each service area that will be receiving specified geographical/service area notices. All receiving and contact information for that specific service area must be designated. When registering your facilities on our database maps, you will be required to designate each separate service area for notification purposes.

Fax Notices: If you choose to receive excavation notifications by fax, you must have a "dedicated fax line or splitter" on your line. Our automated system delivers fax notifications, and is not capable of delivering a fax notification if a voice verification is first required on the receiving end. Therefore, if your fax machine requires someone to call and say they are sending a fax first, it will not work with our system.

Member Emergency Number during open hours:

In conjunction with all Emergency Locate notifications received by your company, Digger's Hotline will also call your company 24x7, to include weekends and holidays, every time you have been sent an Emergency Locate notification. Please provide a direct line telephone or cell number where you wish to receive those calls during the normal business day. This number must go to a direct line or extension and cannot be Company phone number that connects to a menu option. This number must be current at all times. If you elect to not receive a follow-up phone call for Emergency notices during regular business hours, please document on Exhibit A as "No Emergency Call Out during regular business hours".

Emergency number during closed hours:

As stated above, please provide a direct line telephone or cell number where you wish to receive Emergency Locate notifications outside of your companies normal business hours to include evenings, weekends and holidays. This number must go to a direct line or extension and cannot be Company phone number that connects to a menu option. This number must be kept current at all times.

Exhibit "A"

One Call Member Agreement
Administrative Information

1. Member Normal Business Hours, Monday-Friday

_____8:00_____ a.m. to_____5:00_____p.m.(Central Time)

2. Locate Notifications to be sent to Member during Normal Business Hours via one of the following methods – only 1 option may be selected.

Fax: (____)_____( ) Phone: (___) _____

Email: pcc.locates@gmail.com
Computer:_____

3. Phone/Cell number for emergency locate notifications during Member Normal Business Hours

(308) 385-5461 Please provide name if applicable_____

(____)_____Alternate number if applicable

4. Phone/Cell number for emergency locate notifications outside of Normal Business Hours to include all evenings/weekends/holidays.

(308) 385-5461 Please provide name if applicable_____

(____)_____Alternate number if applicable

Exhibit "B"
One Call Member Services Agreement
Definition of Terms

STANDARD SERVICES

A. **Notification** is defined as the transmission of a ticket to an established member code for determining if an excavation is in conflict with the buried service where such transmission is provided via electronic Fax or computer to computer communications. Each incoming excavation request can generate notifications to multiple facility members.

B. **Voice Transmitted Notification** is defined as the transmission of a ticket to an established member code for determining if an excavation is in conflict with the buried service where such transmission is provided via a person to person call and the ticket information is verbally provided to the facility member.

C. **Emergency Notification** is defined as the transmission of a ticket to an established member code for determining if an excavation is in conflict with the buried service where such transmission is provided via electronic Fax or computer to computer communications and the facility owner must respond on a priority basis as established by law. Such transmissions are also confirmed via phone call by the One Call operations staff.

D. **Emergency Notification (Voice Transmitted)** is defined as the transmission of a ticket to an established member code for determining if an excavation is in conflict with the buried service where such transmission is provided via a person to person call and the ticket information is verbally provided to the facility member and the facility owner must respond on a priority basis as established by law.

ENHANCED SERVICES (Charged in addition to Standard Service Fees)

E. **Meet Notification** is defined as the scheduling of a meeting between multiple facility owners in combination with a notification transmission where the facility members agree to a joint meeting time to determine if an excavation is in conflict with the buried services. This is an optional service that only applies to facility members that agree in advance to utilize the common scheduling software module hosted by the One Call operations. Fees for this service are in addition to standard notification fees.

F. **Free-Form Polygon Notification** is defined as the transmission of a ticket to an established member code for determining if an excavation is in conflict with the buried service where such transmission is provided via electronic Fax or computer to computer communications and the facility member has registered their buried facilities under the advanced polygon mapping solution. Fees for this service are in addition to standard notification fees.

SURCHARGES (Surcharge is in addition to all Standard Service Fees)

G. **State One Call Notification Center Board Surcharge** is defined as additional applied to each service defined above to fund the expenses for supporting the One Call Board meetings and activities.

EXHIBIT "C"

One Call Member Services Agreement
Per Notification Fee Schedule

STANDARD SERVICES:

Per Notification via Email or Computer---------- $0.97
Per Notification via Fax---------- $1.00

Voice Transmitted Notification

25 and under per month---------- $1.95
26 and over per month---------- $3.05

Emergency Notification via Email or Computer-------- $1.80
(Followed by Telephone Call)
Emergency Notification via Fax---------- $1.83
(Followed by Telephone Call)
Emergency Notification (Voice Transmitted)---------- $3.05

OPTIONAL ENHANCED SERVICES: (Charged in addition to fees for Standard Services)

"Meet" Notification[1]---------- $0.35

Free-Form Polygon Notification[2]----------$0.75

SURCHAGES: (Charged in addition to Standard and Enhanced Fees)

State One Call Notification Center Board Surcharge------- $0.04

PAYMENT TERMS: A late payment charge of 1.5% may apply if amount due is not received within 30 days of the invoice date.

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[1] A "Meet" notification requires the Vendor to set a meet time between the member and the excavator based upon a predetermined "meet" schedule.

[2] Free-Form Polygons allow a member to define service areas by drawing or importing polygon shapes into a mapping system. The polygon shapes represent coordinate-based geographical coverage of the location, size and shape of the member's service area. Any dig requests that affect the member's polygon registrations will create a notification to that member. Free-form polygon registrations have been proven, is some cases, to reduce notification volumes by eliminating over-notifications associated with the older TRSQ grid registration method. This fee is charged by service area. A member is allowed to have a mixture of TRSQ-based service areas and free-form polygon service areas. The additional fee will only be applied to notifications sent from the free-form polygon service areas. If a service area is defined solely by TRSQ grids, the Free-Form Polygon fee will not apply. Price change will become effective upon the date a new contract is executed between GPOC and the Nebraska State One Call Board, or on January 1, 2004, whichever date is later.

R E S O L U T I O N 2011-30

WHEREAS, in 1994, the Diggers Hotline and One Call Center was established under the One-Call Notification System Act, Nebraska Statutes §76-2301 to §76-2330; and

WHEREAS, this Act requires all Nebraska utilities to be members of Diggers Hotline and the City Council approved a Member Services Agreement to comply with state law on March 11, 1996; and

WHEREAS, Diggers Hotline is updating the agreements with current information.

WHEAREAS, the City Attorney's office has reviewed and approved the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Updated One Call Diggers Hotline Contract be, and hereby is, approved in accordance with the terms of the agreement.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____
Jay Vavricek, Mayor

Attest:

_____
RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G7

#2011-31 - Approving Agreements for Temporary Construction Easements in the Lift Station #7 Disaster Recovery Project Area (Grant Street to Arthur Street, between Oklahoma Avenue and Phoenix Avenue)

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

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

Subject: Approving Agreements for Temporary Construction Easements in the Lift Station #7 Disaster Recovery Project Area (Grant Street to Arthur Street, between Oklahoma Avenue and Phoenix Avenue)

Item #'s: G-7

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

Background

The Lift Station #7 Disaster Recovery project is for work to update the pumping capacity of the lift station located on Grant Street near Oklahoma Avenue and to repair or replace broken and leaking sewer mains within the Lift Station #7 collection area. Lift Station #7 serves the general area from John Street to Stolley Park Road and from Ada Street to Harrison Street.

The project is mostly funded by Community Development Block Grant Disaster Recovery funds. These funds are administered by the State of Nebraska Department of Economic Development and are being used for disaster recovery activities for damages that occurred during the incident period from May 22, 2008 and June 24, 2008. During that period, Grand Island received over 22" of rainfall. The combination of a high water table and surface waters caused overloading of the sanitary sewer system, resulting in backups of 139 homes/businesses in this area.

The estimate of the work is $1,003,675. Of the total project cost, $160,000 will be funded through Grand Island Wastewater funds. Public Works plans to let the project to contract in the spring of 2011. Actual work may start in the summer or fall. The entire project may take up to ten weeks to complete.

Discussion

The planned work includes replacing or repairing sanitary sewer pipe in the alley from Grant Street to Arthur Street between Oklahoma Avenue and Phoenix Avenue. A ten foot

temporary construction easement will be needed on each side of the alley from Grant Street to Arthur Street.

In November 2010, brochures and maps describing the project were mailed to residents from whom the easements are to be acquired. A public informational meeting was held at the First Presbyterian Church, 2103 West Anna Street, on December 2, 2010, to explain the project and the need for temporary easements during project construction. Citizens were allowed the opportunity to ask questions and provide comments.

All easement documents have been signed and returned by the property owners. Authorization of the easement documents is contingent upon City Council approval.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council approve the Agreements for Temporary Construction Easement between the City of Grand Island, Public Works Department and the involved property owners.

Sample Motion

Move to approve the Temporary Construction Easements.

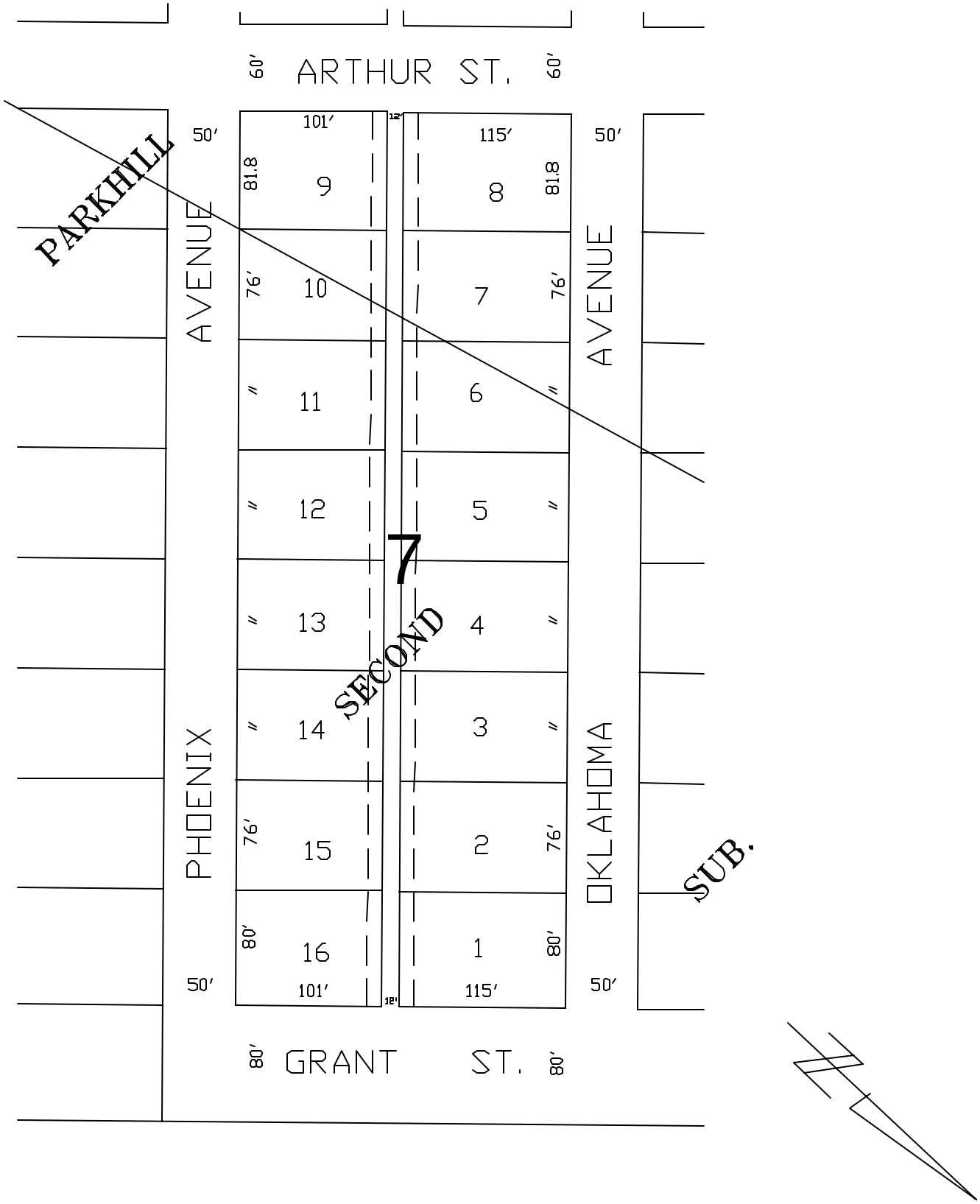

EXHIBIT "A"

CITY OF GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 11/2/10
DRN BY: L.D.C.
SCALE: NONE

PLAT TO ACCOMPANY
TEMPORARY EASEMENT

R E S O L U T I O N 2011-31

WHEREAS, temporary construction easements are required by the City of Grand Island, from property owners on each side of the alley from Grant Street to Arthur Street, in the Lift Station #7 Disaster Recovery project area, and are as follows:

- Mary N. Reitan, Revocable Living Trust - The south ten (10) feet of Lot One (1), Block Seven (7) in Parkhill Second Subdivision
- Randal K. Gunn and Carla J. Gunn – The south ten (10) feet of Lot Two (2), Block Seven (7) in Parkhill Second Subdivision
- Patricia A. Moeller – The south ten (10) feet of Lot Three (3), Block Seven (7) in Parkhill Second Subdivision
- Miguel & Raquel Flores – The south ten (10) feet of Lot Four (4), Block Seven (7) in Parkhill Second Subdivision
- Brad R. Wentzlaff and Mary E. Wentzlaff – The south ten (10) feet of Lot Five (5), Block Seven (7) in Parkhill Second Subdivision
- Trinh Nguyen and Trung Nguyen – The south ten (10) feet of Lot Six (6), Block Seven (7) in Parkhill Second Subdivision
- Danny E. Davis – The south ten (10) feet of Lot Seven (7), Block Seven (7) in Parkhill Second Subdivision
- John W. Schultz III – The south ten (10) feet of Lot Eight (8), Block Seven (7) in Parkhill Second Subdivision
- Leland D. Bredthauer – The north ten (10) feet of Lot Nine (9), Block Seven (7) in Parkhill Second Subdivision
- Sharon R. Wert – The north ten (10) feet of Lot Ten (10), Block Seven (7) in Parkhill Second Subdivision
- Peggy Taylor, Elizabeth Zwink, Dorthy C. Strehle Life Estate – The north ten (10) feet of Lot Eleven (11), Block Seven (7) in Parkhill Second Subdivision
- Robert H. Failing, Sue Anderson & Maxine A. Failing – The north ten (10) feet of Lot Twelve (12), Block Seven (7) in Parkhill Second Subdivision
- Marilyn J. Rank – The north ten (10) feet of Lot Thirteen (13), Block Seven (7) in Parkhill Second Subdivision
- James Demler – The north ten (10) feet of Lot Fourteen (14), Block Seven (7) in Parkhill Second Subdivision
- Jesus G. Galvan and Victoria Galvan – The north ten (10) feet of Lot Fifteen (15), Block Seven (7) in Parkhill Second Subdivision
- Madelene M. Rose – The north ten (10) feet of Lot Sixteen (16), Block Seven (7) in Parkhill Second Subdivision

WHEREAS, an Agreement for Temporary Construction Easements has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreements for Temporary Construction Easement on the above described tracts of land.

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G8

#2011-32 - Approving Certificate of Final Completion for the Addition to the Transfer Station Storage Building

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

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

Subject: Approving Certificate of Final Completion for the Addition to the Transfer Station Storage Building

Item #'s: G-8

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

Background

Rathman & Manning Corporation of Chapman, Nebraska was awarded an $80,750.00 contract by the City Council on July 13, 2010 for the Transfer Station Storage Building addition. Work on the project commenced on September 3, 2010 and was completed on December 28, 2010.

Council approved Change Order Number 1 on December 21, 2010, which allowed for a minor change to the interior 8' x 8' overhead door track from a standard lift to a vertical lift. A standard lift track would have unnecessarily used space in the building. By changing to a vertical lift overhead door track, the door and track will not interfere with space between the original building and the new addition. The project completion date was also extended by five weeks from the original date of November 19, 2010. Change Order Number 1 was for $200.00 resulting in a revised contract amount of $80,950.00.

Discussion

The project was completed in accordance with the terms, conditions and stipulations of the contract, plans and specifications. Work was completed at a total cost of $80,950.00.

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

Recommendation

Public Works Administration recommends that the Council approve the Certificate of Final Completion for the Addition to the Transfer Station Storage Building.

Sample Motion

Move to approve the Certificate of Final Completion for the Addition to the Transfer Station Storage Building.

CERTIFICATE OF FINAL COMPLETION

Addition to the Transfer Station Storage Building
CITY OF GRAND ISLAND, NEBRASKA
February 8, 2011

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

This is to certify that the Addition to the Transfer Station Storage Building has been fully completed by Rathman & Manning Corporation of Chapman, Nebraska under the contract dated July 13, 2010. The work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans and specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by me as Public Works Director in accordance with the provisions of Section 16-650 R.R.S., 1943.

Addition to the Transfer Station Storage Building

Lump Sum	$80,750.00
Change Order No. 1	$200.00
Original Project Total	**$80,950.00**

I hereby recommend that the Certificate of Final Completion for the Addition to the Transfer Station Storage Building be approved.

Gary R. Mader – Interim Public Works Director

Jay Vavricek – Mayor

R E S O L U T I O N 2011-32

WHEREAS, the Public Works Director for the City of Grand Island has issued a Certificate of Completion for Addition to the Transfer Station Storage Building, certifying that Rathman & Manning Corporation, of Chapman, Nebraska, under contract, has completed the building addition; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for the Addition to the Transfer Station Storage Building, is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____
Jay Vavricek, Mayor

Attest:

_____
RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G9

#2011-33 - Approving Bid Award for Handicap Ramp Project No. 2010-1

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

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

Subject: Approving Bid Award for Handicap Ramp Project No. 2010-1

Item #'s: G-9

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

Background

On January 11, 2011 the Engineering Division of the Public Works Department advertised for bids for the construction of handicap ramps along various streets in the City.

The ramps are required in conjunction with street resurfacing in accordance with Federal ADA (Americans with Disabilities Act) regulations. The ADA compliant curb ramps in the 2010 project are adjacent to the streets in the 2010 Asphalt Resurfacing program. If the ramps are not completed this calendar year, the City will not be in compliance with the ADA act.

The City is also required to have a planned schedule for upgrading public sidewalks to conform to ADA requirements. The current schedule and budget will bring the City into compliance in approximately 25 years.

Discussion

Two (2) bids were received and opened on January 25, 2011. The Engineering Division of the Public Works Department and the Purchasing Division of the City's Attorney's Office have reviewed the bids that were received. A summary of the bids is shown below.

Bidder	Exceptions	Bid Price
The Diamond Engineering Co. of Grand Island, NE	None	$169,331.42
Galvan Construction, Inc. of Grand Island, NE	None	$175,010.50

Funds are available in Account No. 10033503.85318 & 10033503.85547.

Alternatives

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

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

Recommendation

Public Works Administration recommends that the Council approve the bid award to the low compliant bidder, The Diamond Engineering Company of Grand Island, Nebraska in the amount of $169,331.42.

Sample Motion

Move to approve the bid award.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM

CITY OF GRAND ISLAND

Jason Eley, Purchasing Agent

Working Together for a Better Tomorrow, Today

BID OPENING

BID OPENING DATE:	**January 25, 2011 at 2:15 p.m.**
FOR:	**Handicap Ramp Project No. 2010-1**
DEPARTMENT:	**Public Works**
ESTIMATE:	**$213,919.93**
FUND/ACCOUNT:	**10033506-85351**
PUBLICATION DATE:	**January 11, 2011**
NO. POTENTIAL BIDDERS:	**10**

SUMMARY

Bidder:	**The Diamond Engineering Co.** **Grand Island, NE**	**Galvan Construction** **Grand Island, NE**
Bid Security:	**Universal Surety Co.**	**Western Surety Co.**
Exceptions:	**None**	**None**
Bid Price:		
Section A:	**$63,399.44**	**$66,255.00**
Section B:	**$15,336.93**	**$15,130.00**
Section C:	**$90,595.05**	**$93,655.50**
Grand Total:	**$169,331.42**	**$175,040.50**

cc: Gary Mader, Interim Public Works Director
Dale Shotkoski, City Attorney
Mary Lou Brown, Interim City Administrator
Catrina DeLosh, PW Admin. Assist.
Jason Eley, Purchasing Agent

P1454

R E S O L U T I O N 2011-33

WHEREAS, the City of Grand Island invited sealed bids for Handicap Ramp Project Number 2010-1, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on January 25, 2011 bids were received, opened, and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of $169,331.42; and

WHEREAS, The Diamond Engineering Company's bid is less than the estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of The Diamond Engineering Company of Grand Island, Nebraska in the amount of $169,331.42 for Handicap Ramp Project No. 2010-1 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item G10

#2011-34 - Approving Image Trend Contract for the Fire Department

Staff Contact: Troy Hughes

Council Agenda Memo

From: Troy Hughes, Fire Chief

Meeting: February 8, 2011

Subject: Approving Image Trend Contract

Item #'s: G-10

Presenter(s): Division Chief Fred Hotz

Background

The Fire Department responded to 4813 calls for service in 2010. Each and every one of these calls needs to be accurately recorded into a record keeping database. The department is currently utilizing Firehouse Software to record these calls. Firehouse is not capable of reporting our medical calls to the State Department of Health as required by statute and does not interface with our dispatching software. The fire department is recommending moving all fire and emergency medical record keeping away from Firehouse Software and over to Image Trend.

Discussion

Firehouse Software yearly maintenance fees are $3750. The Firehouse maintenance fee is now due, so this decision is timely. Image Trend has proposed a maintenance contract of $3,280 for the first four years and then $1280 (maintenance) annually thereafter. Moving to Image Trend will provide the fire department a savings of $515 per year for the first four years and $2515 for year five of the contract. Savings over five years will be $4575. In addition, Image Trend will directly interface with our emergency center dispatching software and transfer call times directly from the dispatching software to the Image Trend record keeping database.

Alternatives

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

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

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

Recommendation

City Administration recommends that the Council approve a five year contract with Image Trend to provide recording keeping software to the fire department.

Sample Motion

Move to approve a five year contract with Image Trend to provide record keeping software to the fire department.

To: Russ Blackburn
Grand Island Fire
101 E. First St
Grand Island, NE 68801
308-385-5444 x227
rblackburn@grand-island.com

Bill To: Same as Ship To

IMAGETREND INC.
Making the web work for business.

PROPOSAL

Salesperson	Proposal Number	Date
Pete Knutson	PK-091	January 19, 2011

Description	Qty	Unit Price	Total
Software			
CAD Integration Spillman	1	$8,000.00	$8,000.00
CAD Annual Support	1	$1,280.00	$1,280.00
Payments will be divided equally over 4 years as follows: Year 1 = $2000 CAD Integration + $1280 Support = $3280 Year 2 = $2000 CAD Integration + $1280 Support = $3280 Year 3 = $2000 CAD Integration + $1280 Support = $3280 Year 4 = $2000 CAD Integration + $1280 Support = $3280 Year 5 = $1280 Support = $1280			
		TOTAL Year 1	**$3,280.00**
		Fees after Year 1	**See Notes**

Terms of Agreement

- The first payment will be invoiced upon receipt of signed contract.
- The recurring Annual Fees will be billed annually in advance.
- Project completion occurs upon receipt of the product.

Agreed to and accepted by:
ImageTrend, Inc.

Grand Island Fire

Signature *Date*

If you have any questions regarding this proposal, contact:
Pete Knutson at 952-469-6210 or pknutson@imagetrend.com
or Julie Kaufman-Boom at 952-469-1589 or jkaufman-boom@imagetrend.com

Thank you for your business!

R E S O L U T I O N 2011-34

WHEREAS, the City Of Grand Island has received a proposal from Image Trend Inc. to provide web based software interface with the City/County Emergency Dispatch CAD system for recording and documenting EMS and Fire Incident Runs; and

WHEREAS, the proposal from Image Trend Inc. for five years is for $3,280 the first four years and $1,280 annually thereafter. And this proposal realizes $515 in less expenditures for five years and anticipates $2,515 less expenditures annually thereafter; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Image Trend Inc. of $3280 for the first 4 years and 1280 the 5th year is hereby approved

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, on February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 4, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item I1

#2011-35 - Consideration of Requesting the Nebraska Liquor Control Commission to Require El Diamante Night Club, 1600 South Eddy Street to Complete a Long Renewal Form

Staff Contact: RaNae Edwards

Council Agenda Memo

From: Captain Pete Kortum

Meeting: February 8, 2011

Subject: El Diamante Liquor License Renewal

Item #'s: I-1

Presenter(s): Captain Pete Kortum

Background

Liquor licenses are generally automatically renewed each year for licensees within the State of Nebraska. However, local governing bodies may request the Nebraska Liquor Control Commission to have a licensee submit a full application (commonly referred to as a long form). The police department is asking council to make this request to the Nebraska Liquor Control Commission.

El Diamante's owner, Rafael Orozco, has been licensed as a Class I since March 22, 2005. Since that time the police department has found several violations of our local ordinances and state regulations. Many of these incidents involve minors who have consumed alcohol. According to the Nebraska Liquor Control Commission's public web site, the El Diamante has had their license suspended for a total of 32 days in 2008 (fine paid).

According to the Nebraska Liquor Control Commission public web site, Rafael Orozco is the registered agent for a liquor license issue to Rafa's Tacos, 811 West 2nd, Grand Island. This business has been suspended for 56 days in 2005.

Certain portions of City Code do NOT apply if the business "derives its principal business from the sale of services or commodities other than alcoholic liquor." This has not been the case, however. On many occasions Mr. Orozco has told officers that he is not in violation since he serves food. While discussing the upcoming renewal process, Mr. Orozco informed Sergeant Dave Vitera that the El Diamante is contemplating a change to become primarily a restaurant. Also, an attorney representing Mr. Orozco informed the City's legal department that the El Diamante plans to become primarily a restaurant. In our view, this information supports the police department's past enforcement of City Code regarding unattended minors in the bar and non employees in the bar after closing.

The Grand Island Police Department's liquor license investigation is provided. The discussion will detail past violations.

Discussion

The El Diamante is usually open only on weekend dates. The number of violations is high when considered against a seven day a week business. Within the past 12 months, our department has issued (7) seven citations or made referrals for various violations. Past instances include:

January 15, 2006 at 12:00 A.M. officers responded to El Diamante regarding a possible assault. Club security pointed out an individual who had been caught drinking twice. The individual was cited for Minor in Consumption of Alcohol. The minor said he had been in the bar drinking for a couple of hours.

February 26, 2006 at 12:59 A.M. The emergency center received a call about a physical fight at the El Diamante. An intoxicated 19 year old reported she was assaulted inside the club. The minor reported that various persons inside provided her with alcohol. The minor was cited for Minor in Consumption of Alcohol. Mr. Orozco was cited under City Code 4-20 for allowing an unattended minor in the bar after 9:00 P.M. Mr. Orozco claimed the minors could be in his club since he served food.

March 11, 2006 at 11:37 P.M. officer performed a routine bar check. Officers contacted a 17 year old who was not with his parent or legal guardian. Mr. Orozco was cited for City Code 4-20. Orozco said he was under the impression the juvenile was there with his parents.

April 9, 2006 at 12:44 A.M. officers responded to a noise complaint. Officers found three individuals standing in club entrance. As the persons left officers contacted them outside. One subject was jailed for Minor in Consumption of Alcohol. A second minor was referred for a probation violation for consuming alcohol. The parties denied drinking inside the El Diamante.

September 17, 2006 at 12:51 A.M. officers responded to El Diamante on a report of an assault. Officers found the victim bleeding after being struck with a beer bottle. Two individuals were arrested for felony assault. Two minors were arrested for misdemeanor assault and Minor in Consumption of Alcohol.

September 23, 2006 at 11:19 P.M. officers from Grand Island Police and the Hall County Sheriff's Department performed a compliance check at El Diamante. Three minors were cited for Minor in Possession. Two of the three did not have any identification. One individual was removed after officers documented evidence of service to an intoxicated person. Also, three minors ages 17, 16, and 12 were removed who were not accompanied by parents or guardians.

June 10, 2007 at 1:20 A.M. officers responded to the El Diamante on a report of a loud vehicle. Two subjects were in the lot yelling and were in possession of alcohol. One was a minor and was arrested for Minor in Possession of Alcohol.

December 2, 2007 at 12:11 A.M. officers arrived at El Diamante on a report of loud music. Upon arrival the officer found security personnel breaking up a fight in a restroom. The officers jailed one of the participants for Minor in Consumption and Prohibited Acts for a false I.D. card.

April 6, 2008 at 1:56 A.M. officers responded to an anonymous tip that persons were still drinking inside the bar after hours. Officers arrived to find 10-15 parked vehicles and other vehicles entering and leaving the lot. In addition, a person tried to enter the club but the doors were locked.

Officer contacted an employee identifying themselves as officer requesting admittance. After five minutes, the officers were allowed entry. When asked why he didn't let the officers in, the employee said he was new and wanted to get permission from Mr. Orozco.

Officers discovered about 28 customers and two employees. Mr. Orozco said he was only serving food. The incident was referred to the Nebraska Liquor Commission.

June 6, 2008 at 9:15 P.M. a compliance check was made at the El Diamante. Deputies reported two C.I.'s were sent in to attempt a purchase of alcohol. It was reported that Mr. Orozco sold to the minors. He was cited for two counts of selling to minors. Orozco denied selling to the minors.

November 6, 2009 at 10:50 P.M. officers conducted a bar check and discovered approximately 22 unattended minors. Officers found that alcohol was still being served. Employees claimed the minors were there for a fundraiser and were brought by parents, although officers determined they were unaccompanied at this time. The juveniles were removed.

March 13, 2010 at 12:00 A.M. officer conducted a bar check. Officers observed an individual running from the El Diamante parking lot. The individual was jailed for Minor in Consumption of Alcohol. The individual denied being in the bar but was wearing a wrist band given by the El Diamante to those 21 years and older. He later admitted he was given to wrist band by security and he may have been drinking in the bar, but other people bought for him.

September 12, 2010 at 1:25 A.M. officers performed an afterhour's bar check. The front door was locked and officers entered through the back door. Officers observed an individual drinking one beer and having a bucket of additional unopened beer in front of him. Orozco was cited for the sale and dispensing of alcohol after hours. Orozco said the person must have been hiding the beer from him.

October 24, 2010 at 1:35 A.M. officers entered the El Diamante and discovered alcoholic beverages in front of several patrons. Mr. Orozco was cited for the offense.

December 5, 2010 at 12:04 A.M. officers conducted a bar check. Two individuals were found under age and unaccompanied by parent or guardian. There was no evidence of alcohol, and they left. While officers were there, four individuals that officers described as obviously underage entered without being checked. Officers referred Orozco for violation of City Code 4-20.

December 5, 2010 at 1:37 A.M. officers observed persons leaving the bar. Officers made entry and found patrons inside the bar eating. Mr. Orozco was referred for City Code 4-23. Unlawful Presence.

December 19, 2010 at 1:26 A.M. officers discovered numerous people who were not employees inside the bar. Mr. Orozco was referred for violation of City Code 4-23 Unlawful Presence.

January 15, 2011 at 1:25 A.M. officers observed approximately 20 people inside the bar after 1:25 A.M. Officers contacted several persons who identified themselves as minors and admitted they were accompanied by parent or guardian. A situation arose where officer had to tend to a potentially dangerous person, and the minors left without officers able to complete the documentation. Mr. Orozco was referred for violation of Section 4-23.

On December 12, 2010 a shooting took place on the El Diamante premises. The El Diamante rented a room within the building but not connected to the main bar area. Officers found evidence of alcohol inside and outside of the rented room. Most attendees were minors. Officers did not find any employees of the El Diamante supervising the room or other grounds covered by the liquor license. The shooting remains under investigation.

The pattern of violations demonstrates non-compliance to City Code and rules of the Nebraska Liquor Control Commission. The El Diamante presents potential danger for minors within the community and disruption to the neighborhood.

The police department supports a request to the Nebraska Liquor Control Commission requiring a new application from El Diamante.

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 pass a resolution that a written request be sent to the Nebraska Liquor Control Commission that the owner of El Diamante make application for a new license.

Sample Motion

Move to approve a resolution whereby the City of Grand Island makes a written request to the Nebraska Liquor Control Commission that requires the owner of El Diamante to make application for a new license.

City	: Grand Island
Occurred after	: 13:08:31 12/31/2010
Occurred before	: 13:08:31 12/31/2010
When reported	: 13:08:31 12/31/2010
Date disposition declared	: 12/31/2010
Incident number	: L10123811
Primary incident number	:
Incident nature	: Liquor Lic Inv Liquor License Investigation
Incident address	: 1600 Eddy St S
State abbreviation	: NE
ZIP Code	: 68801
Contact or caller	:
Complainant name number	:
Area location code	: PCID Police - CID
Received by	: Vitera D
How received	: T Telephone
Agency code	: GIPD Grand Island Police Department
Responsible officer	: Vitera D
Offense as Taken	:
Offense as Observed	:
Disposition	: ACT Active
Misc. number	: RaNae
Geobase address ID	: 18419
Long-term call ID	:
Clearance Code	: CL Case Closed
Judicial Status	: NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	76296	12/31/10	Orozco, Rafael Barraza	Owner-El Diamante
NM	100491	12/31/10	El Diamante Night Club,	Seeking Renewal

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:25:19 12/31/2010

318- Renewal Investigation

Grand Island Police Department
Supplemental Report

Date, Time: Fri Dec 31 13:25:47 CST 2010
Reporting Officer: Vitera
Unit- CID

El Diamante Night Club is having its fair share of problems in adhering to the Nebraska Liquor Control Act. Consequently, the Grand Island Police Department is spending an inordinate amount of time at the club even though it's only open on weekends. The GIPD is asking the council to send a letter to the Nebraska Liquor Control Commission (NLCC) requesting that they require El Diamante to fill out a new application.

According to the NLCC's web site, El Diamante received their liquor license on 03/22/05. Since then, their license has been suspended for a total of 32 days. The following is a list of calls to the club accompanied by a brief description of the complaint, investigation, and outcome.

3/27/05 at 1729 hours-noise complaint-unfounded
3/27/05 at 1744 hours-noise complaint-unfounded
3/27/05 at 2248 hours-noise complaint-unfounded
4/3/05 at 0113 hours-noise complaint-nothing typed
4/3/05 at 2202 hours-Loud music complaint-unfounded
11/26/05-trespassing-male arrested after refusing to leave and fighting with employees
12/4/05-criminal mischief and theft from car in club lot
12/17/05-trespassing-male arrested after not providing ID to employee and refusing to leave
1/15/06-minor- club called about a minor drinking in bar who refused to leave-minor was cited for MIC
1/29/06-two men were cited for assault at a different location after arguing at El Diamante
2/4/06-bar check-no problems
2/11/06-minors in bar & over capacity-staff told officer they had 230 patrons & capacity is 275-officer didn't see anyone obviously under 21
2/26/06-fight outside bar-19 year old female had been in bar drinking-cited for MIC-owner was cited for allowing an unaccompanied minor in bar after 2100 hours- owner argued that he served food so the city code didn't apply- officer said the establishment was a club first and commented that he observed a sign that read "Now serving food."-owner cited
3/11/06-bar check-found several minors inside the bar after 2100 hours without parents-one was 17 & another was 19 with no ID-he said the guy at the door just let him in-Officers observed sign on door that said no one under 19 in the bar after 2100 hours-owner cited
4/9/06-noise complaint-male arrested in the bar for MIC
6/18/06-alcohol offense-nothing typed
7/3/06-DUI arrest of a 20 year old who advised he'd been drinking at El Diamante and was never carded
8/19/06-criminal mischief to vehicle at El Diamante
9/2/06-hit & run accident at El Diamante
9/17/06-assault complaint-two males arrested for felony assault-2 males referred for misdemeanor assault and MIC

9/23/06-compliance check-several people cited for MIP or MIC, a 12 & 16 year old female were inside the bar with no parents after 2100, one male served after he tested .200, another male was cited for having fake ID, others had improper ID
10/14/06-hit & run accident to car in El Diamante parking lot
11/11/06-criminal mischief to car in parking lot
02/9/07-warrant arrest after assault at club
2/11/07-large fight at bar-one arrested for obstruction after pushing an officer in the chest and being shot with a Taser
2/14/07-general complaint originating from above complaint of out of control fights at bar-it was determined that the establishment had fights, but they tried to control them and/or called police-unfounded
2/17/07-noise complaint- nothing typed
3/4/07-disturbance-not found
3/18/07-assault complaint-exceptionally cleared
4/7/07-minor arrested for trespassing after employee asked him to leave because he was a minor-subject returned
4/8/07-disturbance in bar-broken up prior to police arrival
5/13/07-noise complaint-not loud when officer arrived
6/3/07-juveniles entering south side of bar were for food orders
6/10/07-theft from vehicle in the parking lot
6/10/07-male arrested in club parking lot for MIP after a noise complaint
6/17/10-noise complaint-not happening when officer arrived
6/24/07-domestic inside the club-female was given ride
7/1/07-noise complaint-not when officers got there
7/8/07-request officer-nothing typed
7/15/07-theft from patron's purse while inside the bar
7/15/07-noise complaint-everyone leaving at bar closing time-no action taken
7/20/07-juvenile assaulted in club lot with attempted robbery-subject referred
7/28/07-report of accident in club lot-parties left prior to officer arrival
7/29/07-assault-neither party made report
9/2/07-while investigating an assault-another fight broke out-one of those subjects had a warrant-he was arrested
9/2/07-accident-nothing typed
10/28/07-noise-not observed by officer
12/1/07-noise-warning issued
12/2/07-fight-minor arrested for MIC-later found she had fake ID
1/12/08- club customer was victim of hit and run accident
2/24/08-criminal mischief-two car windows broken out in club lot
3/2/08-purses stolen out of car in parking lot
4/6/08-26 customers in the bar at 0200 hours
5/11/08- criminal mischief and theft from car in club lot
6/6/08-owner cited for selling to minor during compliance check
6/22/08-criminal mischief to car in club lot-unable to locate owner
6/23/08-criminal mischief to car in club lot
8/31/08-criminal mischief to vehicle in club lot
8/31/08-people from El Diamante were involved in a disturbance/threats a couple of blocks away
9/13/08-loud music complaint-nothing typed
9/28/08-stolen cell phone
11/28/08-male was cited for assaulting another inside the club
1/11/09-Club security called after observing a drug deal and detaining a male
2/14/09-DUI in club parking lot
4/12/09-disturbance-not found
8/22/09-noise complaint-nothing typed
10/27/09-suspicious vehicle-nothing typed
11/6/09-bar check-22 minors under age 17 in bar without parent while alcohol

was served-also escorted 2 males out of club who didn't have proper I.D.
2/26/10-male jailed for domestic assault and protection order violation that occurred at the club
3/13/10-a minor was cited outside the club for MIC-he had on wrist band on from El Diamante
3/21/10-disturbance-no fight-bar was closed down prior to officer arrival
3/21/10-assault-victim didn't wish to file charges
5/2/10-gunshots-undetermined
5/29/10-hit and run accident in the club lot
8/8/10-suspicious-nothing typed
8/15/10-disturbance-one male arrested on a warrant
9/12/10-owner cited for having alcohol on tables at 0125
10/16/10-theft-nothing typed
10/24/10-report from customer of lost or stolen keys
10/24/10-owner cited for having alcohol on tables at 0135
10/24/10-customer had window broken out of his car
10/30/10-nothing typed
10/30/10-bar check-nothing noted
12/4/10-suspicious vehicle-nothing typed
12/5/10-owner cited for having people in the bar other than employees after 0115
12/5/10-owner referred for allowing unaccompanied minors in bar after 2100
12/11/10-vehicle window broken out in club lot
12/12/10-one person shot at 0400 during large party where evidence of alcohol was located with no supervision from El Diamante
12/18/10-attention units-vehicle northbound from club
12/19/10-owner cited for having non-employees in club after 0115
12/31/10-bar check-nothing noted
1/15/11-bar check at 0125-several customers inside including unaccompanied minors- owner referred for "Unlawful Presence in Establishment 4-23"

From reviewing all of the calls, it appears that the El Diamante is failing to adhere to the rules and regulations of the Nebraska Liquor Control Act. Their liquor license will soon be up for automatic renewal (expires on 4/30/11). Nebraska State Statute 53-135 states in part that, "The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body." The Grand Island Police Department is requesting that the city council vote to draft a letter to the NLCC requesting them to have El Diamante fill out a new application.

Nebraska State Statute 53-132 states that a "retail license...may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city... where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

The Grand Island Police Department feels that El Diamante has failed to uphold the requirements of 53-132 sections a-d as supported by the list of calls for service. Numerous violations of the Nebraska Liquor Control Act have been documented and repeated over and over again. For example, they are continually

staying open for business after 0115 hours under the guise of being a restaurant. They frequently have unaccompanied minors inside the bar after 9:00 PM, and instances have been documented where the owner or his employees will not let law enforcement into the establishment in a timely manner.

The following information was taken directly from the NLCC Rules and Regulations Chapter 6 (Licensee Operations) "Illegal Conduct: All Licensees-
019.01Q Other Illegal Activities: The Commission finds that certain illegal activities may induce individuals to enter licensed premises and that the Commission has an interest in insuring that licensees do not use illegal means to promote the sale and consumption of alcohol. The Commission also believes the consumption of alcohol could impair judgement and could lessen inhibitions, causing some consumers to engage in illegal activities or to be victims of illegal activities on or about licensed premises, endangering the health, safety and welfare of individuals. The Commission, therefore, finds there is a nexus between the consumption of alcohol and certain illegal activities that occur within licensed premises or in adjacent related outdoor areas.

Such activities are: drug-related offenses, prostitution or pandering, assaults, sexual assaults, homicide, gambling, vandalism, weapons-related offenses, theft, disturbing the peace, violations of statutes or local ordinances relating to entertainment, acceptance of food stamps for the sale of alcohol or otherwise in violation of federal laws or regulations, and any offense referred to in Section 53-125 (4) or (5), whether or not there has been a plea of guilty or a conviction in criminal court.

Once again, the GIPD feels that the documented list of calls to El Diamante illustrates the disregard by the owner for the nexus of alcohol consumption and illegal activities in and around a licensed premises that is spelled out above in 019.01Q. El Diamante should not be allowed to go through the automatic renewal process. The GIPD urges the council to vote to draft a letter to the NLCC requesting them to require El Diamante to fill out a new application.

Official Nebraska Government Website

NEBRASKA LIQUOR CONTROL COMMISSION

Home

Result: Corporation License

License Information

Number: 65760
Category: Retail
Ownership: Corporation
Class: I

Suspended Date: 01/19/2008
Suspended Days: 32
Expiration Date: 04/30/2011

Trade Information

Trade Name EL DIAMANTE NIGHT CLUB
Trade Address 1 1600 S EDDY STREET
City, State, Zip Code GRAND ISLAND, NE 68801
Phone Number (308)382-7098
County 08

Manager Information

Name: OROZCO, RAFAEL

Corporate Applicant Information

Corporation: OROZCO'S CORPORATION
Address 1: 2105 N NASHVILLE ST
City, State, Zip Code GRAND ISLAND, NE 68803
Troop ID Troop C
Registered Agent BOEHM, JOHN M

Office/Stockholder/Member

Member 1

Name: OROZCO, RAFAEL

Title: PRESIDENT

Shares: 0000000500

Member 2

Name: OROZCO, RITA C

Title: VP

Shares: 0000000500

Description

ONE STORY BUILDING APPROX 99 X 166

History

Description:	NEW APPLICATION	Date Effective:	09/10/2004
Description:	STATUTORY TIME	Date Effective:	09/20/2004
Description:	NO LOC DECISION	Date Effective:	10/14/2004
Description:	AG. APPROVE	Date Effective:	10/18/2004
Description:	INV. REV. FINAL	Date Effective:	10/19/2004
Description:	TO COMM. AGENDA	Date Effective:	12/13/2004
Description:	SHOW CAUSE	Date Effective:	12/13/2004
Description:	MISC. DOCUMENT	Date Effective:	12/01/2004
Description:	COMM. APPROVE	Date Effective:	12/16/2004
Description:	MISC. DOCUMENT	Date Effective:	12/17/2004
Description:	FIRE APPROVE	Date Effective:	03/21/2005 *
Description:	ISSUE LICENSE	Date Effective:	03/22/2005
Description:	RENEW APP.	Date Effective:	04/22/2005
Description:	APP. TO REPL.	Date Effective:	04/26/2005
Description:	RENEW APP.	Date Effective:	04/03/2006
Description:	DUP. LICENSE	Date Effective:	05/01/2006
Description:	CITE	Date Effective:	05/12/2006 ✓
Description:	MINOR CONS/POSS	Date Effective:	02/26/2006
Description:	SERVE SALE INTX	Date Effective:	02/26/2006
Description:	MISC. DOCUMENT	Date Effective:	05/12/2006

Description:	MISC. DOCUMENT	Date Effective: 05/12/2006
Description:	MISC. DOCUMENT	Date Effective: 05/08/2006
Description:	SUSPEND LICENSE	Date Effective: 05/22/2006
Description:	PAY FINE	Date Effective: 06/14/2006
Description:	LEGAL MISC DOC	Date Effective: 05/22/2006
Description:	ENF. INSPEC.	Date Effective: 09/29/2006
Description:	ENF. WARNING	Date Effective: 09/29/2006
* Description:	MINOR CONS/POSS	Date Effective: 09/23/2006 ✓
Description:	SERVE SALE INTX	Date Effective: 09/23/2006
* Description:	MINOR CONS/POSS	Date Effective: 09/17/2006 ✓
Description:	RENEW APP.	Date Effective: 04/30/2007
Description:	CLK LTR LIC PKP	Date Effective: 05/02/2007
Description:	MEETING	Date Effective: 02/19/2008
* Description:	MINOR CONS/POSS	Date Effective: 12/02/2007 ✓
Description:	LEGAL MISC DOC	Date Effective: 02/25/2008
Description:	LETTER	Date Effective: 04/01/2008
Description:	RENEW APP.	Date Effective: 04/24/2008
* Description:	SELL ALC/MINORS	Date Effective: 06/06/2008 ✓
Description:	MEETING	Date Effective: 09/17/2008
Description:	CITE	Date Effective: 10/24/2008
Description:	SUBPOENA	Date Effective: 10/10/2008
Description:	RETURNED MAIL	Date Effective: 10/14/2008
Description:	PLEA OF GUILTY	Date Effective: 10/22/2008
Description:	SUBPOENA RELEAS	Date Effective: 10/22/2008
Description:	HEARING COSTS	Date Effective: 10/24/2008
Description:	SUSPEND LICENSE	Date Effective: 12/08/2008

Description:	RETURNED MAIL	Date Effective: 01/08/2009
Description:	PAY FINE	Date Effective: 01/13/2009
Description:	LEGAL MISC DOC	Date Effective: 04/07/2009
Description:	LEASE	Date Effective: 04/29/2009
Description:	RENEW APP.	Date Effective: 04/27/2009
Description:	DUP. LICENSE	Date Effective: 05/01/2009
Description:	CLK LTR LIC PKP	Date Effective: 05/01/2009
Description:	SHOW CAUSE	Date Effective: 07/02/2009
Description:	CERTIFIED TRAIN	Date Effective: 06/26/2009
Description:	DISMISS	Date Effective: 06/30/2009
Description:	RETURNED MAIL	Date Effective: 07/06/2009
Description:	ILLEGAL ACT	Date Effective: 11/06/2009
* Description:	MINOR CONS/POSS	Date Effective: 03/13/2010
Description:	RENEW APP.	Date Effective: 04/23/2010
Description:	CITE	Date Effective: 07/28/2010
Description:	SUBPOENA	Date Effective: 07/16/2010
Description:	HEARING COSTS	Date Effective: 07/28/2010
Description:	MEETING	Date Effective: 07/28/2010
* Description:	OPN CTN AFTR HR	Date Effective: 09/12/2010
* Description:	OPN CTN AFTR HR	Date Effective: 10/24/2010

Change Criteria

Nebraska Liquor Control Commission
301 Centennial Mall South
PO Box 95046
Lincoln, NE 68509-5046
Phone: (402) 471-2571
Fax: (402) 471-2814
General E-mail: mary.messman@nebraska.gov
Online Comment Form

(019) - Illegal Conduct

019.01F2 Unless there is reason to believe that a licensee or partner, principal, agent or employee of any licensee would endanger himself/herself or others, such person shall take such action as is reasonably necessary to terminate the disturbance. Physical force should be exercised only in extreme circumstances and should be limited to the force reasonably required to terminate the disturbance and remove the individual from the licensed premise, without endangering any patron or other person.

019.01F3 In the event efforts taken in accordance with the preceding subparagraph are not successful or if there is reason to believe that the licensee, partner, principal, agent or employee of any licensee may create a danger to himself/herself or others, than in such event, such person should immediately contact law enforcement personnel to assist in properly handling the disturbance. In the event law enforcement and/or medical personnel are summoned, the directions and/or orders given by such law enforcement or medical personnel shall be followed.

019.01F4A licensee who has conformed with the procedure as set forth in this section shall be deemed to have not permitted a disturbance to occur and continue.

019.01G Entry Into Premise by Law Enforcement Officer: No licensee or partner, principal, agent or employee of any licensee shall refuse to permit or unreasonably delay in permitting any law enforcement officers, duly appointed investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission entry onto the licensed premises at any time demand for such entry is made by such law enforcement officer, investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission.

019.01H Removal of Alcoholic Liquors From Premise: No licensee or partner, principal, agent or employee of any licensee shall allow any alcoholic liquor to be removed from a licensed premises except where a license is held permitting off-premises sales and then only in original unopened containers.

019.01I Sale For Resale: No licensee or partner, principal, agent or employee other than provided for in 53-175, shall engage,

licensed premises. (53-148) The warning to minors and adults sign and the pregnancy poster must also be on display in a prominent place. (53-180.04 and 53-103.04)

019.01P No retail licensee may deliver alcoholic liquor to a consumer, except:

019.01P1 A holder of a special designated license or a caterer's license used in conjunction with a special designated license may deliver to the licensed location or to a location expressly authorized by the Commission in writing pursuant to Chapter 4 of the Rules and Regulations of the Commission.

019.01P2 A retail licensee may deliver or cause to be delivered by it's agent to a consumer alcoholic beverages provided that the consumer has paid the licensee for the alcoholic liquors prior to delivery by cash, credit or debit card, and that the licensee has verified that the sale has not been made to a minor, nor that delivery will be made to a minor.

019.01P3 The retail licensee is responsible for any violations of the Nebraska Liquor Control Act and/or the Rules and Regulations of the Nebraska Liquor Control Commission which occur as a result of the delivery of alcoholic liquors, including, but not limited to, sales to minors.

019.01P4 The driver for the agent must be 21 years of age.

019.01Q Illegal Activities: The Commission finds that certain illegal activities may induce individuals to enter licensed premises and that the Commission has an interest in insuring that licensees do not use illegal means to promote the sale and consumption of alcohol. The Commission also believes the consumption of alcohol could impair judgment and could lessen inhibitions, causing some consumers to engage in illegal activities or to be victims of illegal activities on or about licensed premises, endangering the health, safety and welfare of individuals. The Commission, therefore, finds there is a nexus between the consumption of alcohol and certain illegal activities that occur within licensed premises or in adjacent related outdoor areas.

Such activities are: drug-related offenses, prostitution or pandering, assaults, sexual assaults, homicide, gambling, vandalism, weapons-related offenses, theft, disturbing the peace, violations of statutes or local ordinances relating to entertainment, acceptance of food stamps for the sale of alcohol or otherwise in violation of federal laws or regulations, and any offense referred to in Section 53-125 (4) or (5), whether or not there has been a plea of guilty or a conviction in criminal court.

If the Commission finds by a preponderance of the evidence that a licensee or employee or agent of a licensee has committed any of the foregoing illegal activities or has knowingly allowed such offense to be committed by others on the licensed premises or adjacent related outdoor areas, the Commission may suspend, cancel or revoke such license.

019.01R Penalties: Upon a determination by the Nebraska Liquor Control Commission that any licensee licensed by it has violated any of the provisions of the Nebraska Liquor Control Act (53-101 through 53-1,200) or the rules and regulations of the Nebraska Liquor Control Commission that license may be subjected to revocation or suspension or other administrative sanction such as the Commission may order.

019.01S SANITATION

019.01S1 Sanitary conditions, conducive to public health and welfare, must be maintained at all times, in, on or about licensed premises, by meeting minimum sanitary standards as set forth in the Nebraska Food Service Code. The minimum standards shall require at least two restrooms for establishments that provide on-premise consumption of alcoholic beverages.

019.01T QUANTITATIVE SALES

019.01T1 All licensees shall maintain on their licensed premises records presently required by federal regulation concerning sales of alcoholic liquor, in an amount of twenty wine gallons or more (27 CFR 194) Such records shall include a record of the name and driver's license number or other identification of the person making the purchase. All licensees shall make such records available to any Nebraska Liquor Control per-

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Holidays and Observances:

Jan 1	New Year's Day	May 30	Memorial Day	Nov 11	Veterans Day
Jan 17	Martin Luther King Day	Jun 19	Father's Day	Nov 24	Thanksgiving Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Feb 21	Presidents' Day	Sep 5	Labor Day	Dec 25	Christmas Day
Mar 27	Easter Sunday	Oct 10	Columbus Day (Most regions)	Dec 26	'Christmas Day' observed
May 8	Mother's Day	Oct 31	Halloween		

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Calendar for year 2006 (United States)

January

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Calendar for year 2007 (United States)

January

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 28	Memorial Day	Nov 11	Veterans Day
Jan 15	Martin Luther King Day	Jun 17	Father's Day	Nov 12	'Veterans Day' observed
Feb 14	Valentine's Day	Jul 4	Independence Day	Nov 22	Thanksgiving Day
Feb 19	Presidents' Day	Sep 3	Labor Day	Dec 24	Christmas Eve
Apr 8	Easter Sunday	Oct 8	Columbus Day (Most regions)	Dec 25	Christmas Day
May 13	Mother's Day	Oct 31	Halloween		

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Calendar for year 2008 (United States)

January

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February

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March

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April

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May

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 26	Memorial Day	Nov 4	Election Day
Jan 21	Martin Luther King Day	Jun 15	Father's Day	Nov 11	Veterans Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Nov 27	Thanksgiving Day
Feb 18	Presidents' Day	Sep 1	Labor Day	Dec 24	Christmas Eve
Mar 23	Easter Sunday	Oct 13	Columbus Day (Most regions)	Dec 25	Christmas Day
May 11	Mother's Day	Oct 31	Halloween		

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Calendar for year 2009 (United States)

January

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February

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March

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April

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May

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 25	Memorial Day	Oct 31	Halloween
Jan 19	Martin Luther King Day	Jun 21	Father's Day	Nov 11	Veterans Day
Feb 14	Valentine's Day	Jul 3	'Independence Day' observed	Nov 26	Thanksgiving Day
Feb 16	Presidents' Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Apr 12	Easter Sunday	Sep 7	Labor Day	Dec 25	Christmas Day
May 10	Mother's Day	Oct 12	Columbus Day (Most regions)		

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Calendar for year 2010 (United States)

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March

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April

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	Jun 20	Father's Day	Nov 11	Veterans Day
Jan 18	Martin Luther King Day	Jul 4	Independence Day	Nov 25	Thanksgiving Day
Feb 14	Valentine's Day	Jul 5	'Independence Day' observed	Dec 24	'Christmas Day' observed
Feb 15	Presidents' Day	Sep 6	Labor Day	Dec 24	Christmas Eve
Apr 4	Easter Sunday	Oct 11	Columbus Day (Most regions)	Dec 25	Christmas Day
May 9	Mother's Day	Oct 31	Halloween	Dec 31	'New Year's Day' observed
May 31	Memorial Day	Nov 2	Election Day		

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Calendar for year 2011 (United States)

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March

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April

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May

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 30	Memorial Day	Nov 11	Veterans Day
Jan 17	Martin Luther King Day	Jun 19	Father's Day	Nov 24	Thanksgiving Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Feb 21	Presidents' Day	Sep 5	Labor Day	Dec 25	Christmas Day
Apr 24	Easter Sunday	Oct 10	Columbus Day (Most regions)	Dec 26	'Christmas Day' observed
May 8	Mother's Day	Oct 31	Halloween		

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Court Case Details

WARNING:

The following is Nebraska Courts case information as provided by the Courts. Do not Search, Detain or Arrest based on solely on this record. Contact the entering agency to confirm the status and the terms of the Courts Case.

Case Summary

In the County Court of Hall County
The Case ID is CR 06 0000971
Citation No.: A 1656561
State v.*Rafael B Orozco
Classification: Misdemeanor
Filed on 03/06/2006 by City Prosecutor of Grand Island
This case is Closed as of 03/15/2006
It was disposed as Guilty Plea by Waiver
Original appearance date 03/15/2006 at 11:00

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Dale M Shotkoski 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

Defendant Rafael B Orozco
2105 Nashville
Grand Island NE 68801
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor in Bar After 9:00 P.M. Offense Date is 02/26/2006 Plea is Guilty/Admit Finding is Guilty Sentence includes: City Fine of $25.00	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Phoukhong Manivong

Court Costs Information

Incurred By	Account	Date	Amount
Defendant	Filing Fees	03/06/2006	$18.00
Defendant	NSC Education Fee	03/06/2006	$1.00
Defendant	Dispute Resolution Fee	03/06/2006	$0.75
Defendant	Indigent Defense Fee	03/06/2006	$3.00
Defendant	Uniform Data Analysis Fee	03/06/2006	$1.00
Defendant	J.R.F.	03/06/2006	$5.00
Defendant	Filing Fee/JRF	03/06/2006	$2.00
Defendant	L.E.I.F.	03/06/2006	$2.00
Defendant	LASF/Non-waivable	03/06/2006	$2.00
Defendant	Legal Aid/Services Fund	03/06/2006	$3.25
Defendant	Automation Fee	03/06/2006	$6.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
217014	Cash	03/15/2006	Orozco,Rafael,B	$69.00
			Filing Fees	$18.00
			NSC Education Fee	$1.00
			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			Filing Fee/JRF	$2.00
			L.E.I.F.	$2.00
			LASF/Non-waivable	$2.00

			Legal Aid/Services Fun	$3.25
			Automation Fee	$6.00
			City Fines	$25.00

Register of Actions

03/15/2006 Appearance Date

03/06/2006 Complaint
This action initiated by party State of Nebraska

Data Provided by NE courts as of 02/02/2011

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Court Case Details

WARNING:

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Case Summary

In the County Court of Hall County
The Case ID is CR 06 0001183
Citation No.: 0000000
State v.*Rafael Orozco
Classification: Misdemeanor
Filed on 03/17/2006 by City Prosecutor of Grand Island
This case is Closed as of 10/30/2006
It was disposed as Dismissed by Court
Original appearance date 03/29/2006 at 09:30

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Dale M Shotkoski 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

Defendant Rafael B Orozco
2108 Nashville
Grand Island NE 68803
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor In Bar After 9:00 P.M. Offense Date is 03/08/2006	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Scott Arnold
Grand Island	Wesley Tjaden

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	03/17/2006	$18.00
Plaintiff	NSC Education Fee	03/17/2006	$1.00
Plaintiff	Dispute Resolution Fee	03/17/2006	$0.75
Plaintiff	Indigent Defense Fee	03/17/2006	$3.00
Plaintiff	Uniform Data Analysis Fee	03/17/2006	$1.00
Plaintiff	J.R.F.	03/17/2006	$5.00
Plaintiff	Filing Fee/JRF	03/17/2006	$2.00
Plaintiff	L.E.I.F.	03/17/2006	$2.00
Plaintiff	LASF/Non-waivable	03/17/2006	$2.00
Plaintiff	Legal Aid/Services Fund	03/17/2006	$3.25
Plaintiff	Automation Fee	03/17/2006	$6.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
244843	Check	12/21/2006	State of Nebraska	$14.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			LASF/Non-waivable	$2.00
			Automation Fee	$6.00
9119282	Waived Fee	10/30/2006	State of Nebraska	$30.00
			Filing Fees	$18.00
			NSC Education Fee	$1.00
			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Filing Fee/JRF	$2.00
			L.E.I.F.	$2.00

			Legal Aid/Services Fun	$3.25

Register of Actions

10/30/2006 Dismissal

This action initiated by Clerk Magistrate

10/13/2006 Motion-Dismissal
This action initiated by Clerk Magistrate

03/17/2006 Complaint
This action initiated by party State of Nebraska

Data Provided by NE courts as of 02/02/2011

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NCJIS

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02/02/2011 1:09:11 PM

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Criminal | Non-Criminal | Tools

Court Case Details

WARNING:

The following is Nebraska Courts case information as provided by the Courts. Do not Search, Detain or Arrest based on solely on this record. Contact the entering agency to confirm the status and the terms of the Courts Case.

Case Summary

In the County Court of Hall County
The Case ID is CR 08 0002420
Citation No.: 0000000
State v. Rafael B Orozco
The Honorable Philip M Martin Jr., presiding.
Classification: Misdemeanor
Filed on 06/30/2008 by the County Prosecutor
This case is Closed as of 12/11/2008
It was disposed as Tried to Court
Original appearance date 07/09/2008 at 14:00

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Gail VerMaas 231 South Locust PO Box 367 Grand Island NE 68802 308-385-5150
Defendant Rafael B Orozco 2105 Nashville Rd Grand Island NE 68803	William A Francis 222 North Cedar P O Box 2280 Grand Island NE 68802 308-384-2636

Date of Birth is 09/07/1953 Drivers License is CA E0753679

Offense Information

Count	Charge	Offense Class
01	Procure/sell alcohol to minor	; Class 1 Misdemeanor

Offense Date is 06/06/2008
Plea is Not Guilty
Finding is Guilty
Sentence includes:
State Fine of $100.00

Arresting Officers

Agency	Officer
Hall County Sheriff	David D Waskowiak

Court Costs Information

Incurred By	Account	Date	Amount
Defendant	Filing Fees	06/30/2008	$18.00
Defendant	NSC Education Fee	06/30/2008	$1.00
Defendant	Dispute Resolution Fee	06/30/2008	$0.75
Defendant	Indigent Defense Fee	06/30/2008	$3.00
Defendant	Uniform Data Analysis Fee	06/30/2008	$1.00
Defendant	J.R.F.	06/30/2008	$5.00
Defendant	Filing Fee/JRF	06/30/2008	$2.00
Defendant	Civil Legal Services Fund	06/30/2008	$1.00
Defendant	L.E.I.F.	06/30/2008	$1.00
Defendant	LASF/Non-waivable	06/30/2008	$2.00
Defendant	Legal Aid/Services Fund	06/30/2008	$3.25
Defendant	Automation Fee	06/30/2008	$6.00
Defendant	Sheriff/Service Fees Due	09/09/2008	$21.15
Defendant	Sheriff/Service Fees Due	09/09/2008	$10.54
Defendant	CR/TR/JV Witness Fees	09/22/2008	$20.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
311409	Check	12/11/2008	Orozco,Rafael,B	$195.69
			Filing Fees	$18.00
			NSC Education Fee	$1.00

			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			Filing Fee/JRF	$2.00
			Civil Legal Services F	$1.00
			L.E.I.F.	$1.00
			LASF/Non-waivable	$2.00
			Legal Aid/Services Fun	$3.25
			Automation Fee	$6.00
			State Fines	$100.00
			Sheriff/Service Fees D	$21.15
			Sheriff/Service Fees D	$10.54
			CR/TR/JV Witness Fees	$20.00

Register of Actions

12/11/2008 Journal Entry & Order
This action initiated by Judge Philip M Martin Jr.

12/11/2008 Sentencing

10/27/2008 Case/Motion Decided

10/27/2008 Verdict for Plaintiff
This action initiated by Judge Philip M Martin Jr.

09/22/2008 Journal Entry & Order
This action initiated by Judge Philip M Martin Jr.

09/22/2008 Case Under Advisement

09/22/2008 Hearing

09/22/2008 Witness Fees (CR/TR/JV)
Subpoena for Tiffany Waskowiak #242200

09/09/2008 Return-Subpoena/Criminal Type
The document number is 00242201
Served Dt Unknown, Hall County Sheriff
No Service on Marti Gartner

09/09/2008 Return-Subpoena/Criminal Type
The document number is 00242200
Served 09/08/2008, Hall County Sheriff
Personal Service on Tiffany Waskowiak

09/04/2008 Issue Subpoena on Marti Gartner
The document number is 00242201

09/04/2008 Issue Subpoena on Tiffany Waskowiak
The document number is 00242200

09/04/2008 Praecipe-Subpoena
This action initiated by party State of Nebraska

07/30/2008 Miscellaneous Document
This action initiated by party State of Nebraska
Supplemental notice of compliance w/discovery

07/21/2008 Notice Issued on Gail VerMaas
The document number is 00238464
Document Number 238464

07/21/2008 Notice Issued on William A Francis
The document number is 00238463
Document Number 238463

07/03/2008 Notice

This action initiated by party State of Nebraska

of compliance w/discovery

07/03/2008 Miscellaneous Document
This action initiated by attorney William A Francis
Reciprocal Discovery

07/01/2008 Waiver of Appearance
This action initiated by attorney William A Francis
and written not guilty plea

06/30/2008 Complaint
This action initiated by party State of Nebraska

Data Provided by NE courts as of 02/02/2011

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Court Case Details

WARNING:

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Case Summary

In the County Court of Hall County
The Case ID is CR 10 0004247
Citation No.: 0000000
State v.*Rafael B Orozco
The Honorable Philip M Martin Jr., presiding.
Classification: Misdemeanor
Filed on 12/15/2010 by City Prosecutor of Grand Island
This case is Open as of 12/15/2010
Original appearance date 01/12/2011 at 09:30

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Jason Eley 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

State of Nebraska owes $48.00
Defendant Rafael B Orozco
2105 Nashville St
Grand Island NE 68803
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor in Bar After 9:00 P.M. Offense Date is 12/05/2010 Plea is Not Guilty	; Infraction
02	Unlawful Presence in Establishment Offense Date is 12/05/2010 Plea is Not Guilty	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Brandon Riley

Case Schedule Information

City trial is scheduled
for 03/22/2011 at 15:30 in room Hall County Crt. Crtrm. #2

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	12/15/2010	$18.00
Plaintiff	NSC Education Fee	12/15/2010	$1.00
Plaintiff	Dispute Resolution Fee	12/15/2010	$0.75
Plaintiff	Indigent Defense Fee	12/15/2010	$3.00
Plaintiff	Uniform Data Analysis Fee	12/15/2010	$1.00
Plaintiff	J.R.F.	12/15/2010	$6.00
Plaintiff	Filing Fee/JRF	12/15/2010	$2.00
Plaintiff	Civil Legal Services Fund	12/15/2010	$1.00
Plaintiff	L.E.I.F.	12/15/2010	$2.00
Plaintiff	LASF/Non-waivable	12/15/2010	$2.00
Plaintiff	Legal Aid/Services Fund	12/15/2010	$3.25
Plaintiff	Automation Fee	12/15/2010	$8.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Register of Actions

02/02/2011 Order-Continuance
This action initiated by Judge Philip M Martin Jr.
TRIAL continued from 02/01/2011

02/01/2011 Motion-Continuance

This action initiated by party State of Nebraska
Image ID A00011456C08

01/12/2011 Notice Issued on Jason Eley
The document number is 00348135
Document Number 348135 E-MAILED
Image ID D00348135C08

01/12/2011 Notice Issued on Rafael B Orozco
The document number is 00348134
Document Number 348134
Image ID D00348134C08

01/12/2011 Appearance Date

12/15/2010 Complaint

This action initiated by party State of Nebraska
Image ID A00008611C08

Data Provided by NE courts as of 02/02/2011

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Court Case Details

WARNING:

The following is Nebraska Courts case information as provided by the Courts. Do not Search, Detain or Arrest based on solely on this record. Contact the entering agency to confirm the status and the terms of the Courts Case.

Case Summary

In the County Court of Hall County
The Case ID is CR 11 0000116
Citation No.: 0000000
State v.'Rafael B Orozco
The Honorable David A Bush, presiding.
Classification: Misdemeanor
Filed on 01/13/2011 by City Prosecutor of Grand Island
This case is Open as of 01/13/2011
Original appearance date 02/02/2011 at 09:30

Parties/Attorneys to the Case

	Party	Attorney
Plaintiff	State of Nebraska	Jason Eley 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444
	State of Nebraska owes $48.00	
Defendant	Rafael B Orozco 2105 Nashville Street Grand Island NE 68803	William A Francis 222 North Cedar P O Box 2280 Grand Island NE 68802 308-384-2636

Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Unlawful Presence in Establishment	; Infraction

Offense Date is 12/19/2010
Plea is Not Guilty

Arresting Officers

Agency	Officer
Grand Island	Brandon Riley

Case Schedule Information

City Trial is scheduled
for 03/22/2011 at 15:30 in room Hall County Crt. Crtrm. #1

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	01/13/2011	$18.00
Plaintiff	NSC Education Fee	01/13/2011	$1.00
Plaintiff	Dispute Resolution Fee	01/13/2011	$0.75
Plaintiff	Indigent Defense Fee	01/13/2011	$3.00
Plaintiff	Uniform Data Analysis Fee	01/13/2011	$1.00
Plaintiff	J.R.F.	01/13/2011	$6.00
Plaintiff	Filing Fee/JRF	01/13/2011	$2.00
Plaintiff	Civil Legal Services Fund	01/13/2011	$1.00
Plaintiff	L.E.I.F.	01/13/2011	$2.00
Plaintiff	LASF/Non-waivable	01/13/2011	$2.00
Plaintiff	Legal Aid/Services Fund	01/13/2011	$3.25
Plaintiff	Automation Fee	01/13/2011	$8.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Register of Actions

02/02/2011 Order-Continuance
This action initiated by Judge Philip M Martin Jr.
TRIAL continued from 02/28/2011

02/01/2011 Motion-Continuance
This action initiated by party State of Nebraska
Image ID A00011459C08

01/28/2011 Appearance Date

01/28/2011 Notice Issued on Jason Eley
The document number is 00351648
Document Number 351648 E-MAILED
Image ID D00351648C08

01/28/2011 Notice Issued on William A Francis
The document number is 00351647
Document Number 351647 E-MAILED
Image ID D00351647C08

01/28/2011 Appearance of Counsel
This action initiated by attorney William A Francis
and Written Not Guilty Plea

Image ID A00011542C08

01/13/2011 Complaint
This action initiated by party State of Nebraska
Image ID A00010058C08

Data Provided by NE courts as of 02/02/2011

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SNSP MSG 01580065A6 NLETS 28D9FC GIP1 01580D 20110202 13:09:18
NB0400101

KR.CAOLN0000
12:12 02/02/2011 09744
12:12 02/02/2011 29635 NB0400101
*01580065A6
TXT
DATE:02-02-11*TIME:11:12*
MATCHED ON:*L/N*F/N* BD
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DL/NO:E0753679*B/D:09-07-1953*NAME:OROZCO RAFAEL BARRAZA*
MAIL ADDR AS OF 08-01-02:8162 BELLINGHAM AVE N HOLLYWOOD 91605*
IDENTIFYING INFORMATION:
SEX:MALE*HAIR:BLACK*EYES:BRN*HT:5-10*WT:185*
LIC/ISS:08-20-99*EXPIRES:09-07-09*RBM1*CLASS:C NON-COMMERCIAL*
ENDORSEMENTS:NONE*
LATEST APP:

DL TYPE:HEADQUARTERS RBM/RBI*ISS/DATE: 07-28-04*OFFICE: RBM*BATES:POL*

LICENSE STATUS:
EXPIRED*
SURRENDERED BY SUBJECT TO:NEBR*
DEPARTMENTAL ACTIONS:
NONE
CONVICTIONS:
NONE
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END

R E S O L U T I O N 2011-36

WHEREAS, El Diamante is located at 1600 South Eddy Street and has obtained a Class I Liquor License No. 65760 on March 22, 2005 which will expire on April 30, 2011; and

WHEREAS, the Nebraska Liquor Control Act **53-135**. **Retail licenses; automatic renewal; conditions; licensed premises within annexed area; effect**. States in part: "The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body"; and

WHEREAS, the Nebraska Liquor Act **53-117.08. License; suspend, cancel, or revoke; hearing; conviction; court; duty.** States in part: "If any licensee violates the regulations adopted and promulgated by the commission or any lawful ordinance of the local governing body, the commission may, after a proper hearing, suspend, cancel, or revoke the license" and

WHEREAS, the City of Grand Island Code 4-20 and 4-23 are lawful ordinances governing licensed liquor establishments; and

WHEREAS, evidence was presented through police reports demonstrating El Diamante's violations of the above City Code; and

WHEREAS, police records show the Grand Island Police Department has responded to 92 calls for service at this location since March 27, 2005, where numerous incidents involve other violations of State of Nebraska liquor laws; and

WHEREAS: the owner, Rafael Orozco, has not demonstrated the type of management and control sufficient to insure the licensed business conforms to the provisions of the license.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a written request be sent to the Nebraska Liquor Control Commission requiring the owner of El Diamante liquor license to make application for a new license.

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

Approved as to Form ¤ _____
February 4, 2011 ¤ City Attorney

_____

RaNae Edwards, City Clerk

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item I2

#2011-36 - Consideration of One & Six Year Street Improvement Plan

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

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

R E S O L U T I O N 2011-36

WHEREAS, the Regional Planning Commission, after public notice having been published in one issue of the Grand Island Independent, and such notice also having been posted in at least three places in areas where it was likely to attract attention, conducted a public hearing on February 2, 2011, on the One and Six Year Street Improvement Program for the City of Grand Island; and

WHEREAS, at the February 2, 2011 public hearing, the Regional Planning Commission approved the One and Six Year Street Improvement Program 2011-2016, and recommended that such program be approved by the City Council; and

WHEREAS, the Grand Island City Council, after public notice having been published in one issue of the Grand Island Independent, and such notice also having been posted in at least three places in areas where it was likely to attract attention, conducted a public hearing on February 8, 2011, on the One and Six Year Street Improvement Program for the City of Grand Island; and

WHEREAS, this Council has determined that the One and Six Year Street Improvement Program as set out in Exhibit "A" should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the One and Six Year Street Improvement Program 2011-2016, based on priorities of needs and calculated to contribute to the orderly development of city streets, and identified as Exhibit "A", is hereby approved and adopted by this Council.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, February 8, 2011.

_____

Jay Vavricek, Mayor

Attest:

_____

RaNae Edwards, City Clerk

Approved as to Form ¤ _____
February 3, 2011 ¤ City Attorney

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item J1

Approving Payment of Claims for the Period of January 26, 2011 through February 8, 2011

The Claims for the period of January 26, 2011 through February 8, 2011 for a total amount of $1,511,408.03. A MOTION is in order.

Staff Contact: Mary Lou Brown

City of Grand Island

Tuesday, February 08, 2011
Council Session

Item J2

Approving Payment of Claims for the Period of January 26, 2011 through February 8, 2011 for the Veterans Athletic Field Complex

The Claims for the Veterans Athletic Field Complex for the period of January 26, 2011 through February 8, 2011 in the amount of $2,381.15.

A MOTION is in order.

Staff Contact: Mary Lou Brown

Veteran's Athletic Complex Appropriations

Amount to be Spent 100,000.00

Council Date	Vendor Name	Description		Amount Submitted	Total by Council Meeting
1/11/2011	Ensley Electric Services Inc	Ball field lighting		5,970.75	
1/11/2011	Middleton Electric Inc	Parking lot light installation		8,000.00	
1/11/2011	Olsson Associates Inc	Staking for light poles		700.00	
				Subtotal	14,670.75
1/25/2011	Heartland Electric	Well repair		359.42	
1/25/2011	The Grand Island Independent	Legal filing		43.12	
1/25/2011	Nature's Helper	Consultation with well company		1,192.50	
1/25/2011	Nature's Helper	Winterization of irrigation system		652.50	
				Subtotal	2,247.54
2/8/2011	American Fence Co	Provide and install gates and posts		880.00	
2/8/2011	Echo Group Inc	Training for well computer		500.00	
2/8/2011	Ensley Electric Services Inc			1,001.15	
				Subtotal	2,381.15

Amount Remaining to be Spent 80,700.56

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

Schedule of Bills

Org	Object	Vendor Name/Number	Description	Invoice	PO #	WO#	Check #	Amount
40044450		PARKS & RECREATION						
90122		ATHLETIC COMPLEX						
1	7800	AMERICAN FENCE CO	GATE INSTALLTION	3294	23588		161505	880.00
1	4413	ECHO GROUP INC	TRAINING FOR WELL COMPUTER	S4666658.001	24096		161575	500.00
1	180	ENSLEY ELECTRIC SERVICES INC	BALL FIELD LIGHTING VETS FIELD	PMT #10	22119		161581	1,001.15

40044450 Org Total 2,381.15

COPY

AMERICAN FENCE COMPANY

American Fence Company of Western Nebraska
2205 E HWY 30
Grand Island NE 68802
308-395-0793
www.TheAmericanFenceCompany.com

INVOICE DATE	INVOICE NO	PAGE
01/17/11	3294	1

** I N V O I C E **

TERMS: NET 30

REMIT TO: 14803 Frontier RD, Omaha NE 68138-3835 402-896-6722

Sold to:

PARKS ADMINISTRATION
100 E. 1ST ST
PO BOX 1968
GRAND ISLAND, NE 68802

Ship to:

PURCHASE ORDER #23588-00
PARKS ADMINISTRATION
100 EAST 1ST STREET
GRAND ISLAND, NE 68802

ORDER NO	ORDER DATE	CUSTOMER NO	SALES REP	PURCHASE ORDER NO	SHIP DATE	SHIP VIA
3294	01/17/11	PARKS	MNI	GC10-0267	ASAP	DEL OUR TRUCK

QUANTITY ORDERED / QUANTITY SHIPPED	UNIT	ITEM NO / QUANTITY BACK ORD	ITEM DESCRIPTION	PRICE UNIT / ITEM DISCOUNT	UNIT PRICE / EXTENDED PRICE
1	EACH	*10001	PROVIDE AND INSTALL	EACH	880.00
1		0	GATES AND POSTS AS PER BID - PORTION PREVIOUSLY BILLED ON INV #3056	0.00	880.00

Voucher #

PO #	23588
Vendor #	7800
Invoice #	3294
Description	Install gates
Approved by	CP
Date	1-20-11
Org-obj#	40044450-90122
Amount	880.00

DUE UPON TERMS STATED. DELINQUENT ACCOUNTS CHARGED 5 % SERVICE CHARGE.

SALES AMOUNT	880.00
MISC CHARGES	0.00
FREIGHT	0.00
SALES TAX	0.00
TOTAL	880.00
PAYMENT REC'D	0.00
BALANCE DUE	880.00

THANK YOU FOR YOUR BUSINESS!!!

CUSTOMER

CITY OF GRAND ISLAND

Purchase Order

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

Fiscal Year 2011 Page 1 of 1

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

Purchase Order # 23588-00

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

VENDOR
AMERICAN FENCE CO
OF WESTERN NEBRASKA
14803 FRONTIER RD
OMAHA NE 68138-3835

SHIP TO
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	Vendor Fax Number	Requisition Number	Delivery Reference
402-896-6722		18	-

Date Ordered	Vendor Number	Entered By	Requested By	Department/Location
10/04/2010	7800	pattib	Patti Buettner	PARKS & RECREATION

Item#	Description/Part No.	Qty	UOM	Unit Price	Extended Price
-	LABOR AND MATERIAL TO INSTALL GATES AND VARIOUS LINE POSTS. NOT-TO-EXCEED $4,000.00 *40044450 - 90122* *$4,000.00* *40044450 - 90122* *$4,000.00* Pd $ 3,090.00 11-9-10	1.0	JOB	$4,000.000	$4,000.00

The City of Grand Island is an Affirmative Action/Equal Opportunity Employer

PO Total $4,000.00

INVOICE S4666658.001

Page # 1

ECHO ELECTRIC SUPPLY * BR 07 *
1502 PARK WEST DRIVE
INDUSTRIAL PARK WEST
HASTINGS, NE 68901-6705
402-463-6859 Fax:402-463-6850

Remit To:
Echo Group, Inc.
PO Box 336
Council Bluffs, IA 51502

Bill To:
CITY OF GRAND ISLAND
PO BOX 1968
GRAND ISLAND, NE 68802

Ship To:
CITY OF GRAND ISLAND
C/O PARKS AND REC
GRAND ISLAND, NE 68801

Order-Date	Ship-Date	Writer	Terms	Ship Via	Tax Jur
01/05/11	01/06/11	STOMIT	NET DUE ON 25TH	BESTWAY	NE-GRANDIS

Purchase Order#------Release #----------Ordered By----------
GI VETS BALLFIELD STEVE PAUSTIAN

Ord Qty	Shp Qty	Description	Unit	Ext
1	1	misc CHARGE ^^ SERVICES OF ABB FACTORY SERVICE REP TO MAKE UNPLANNED EXTRA TRIP TO ADVISE ON OPERATIONS AND SETTING OF DRIVE AT GI VETS BALLFIELD ^^	500.000EA	500.00

Voucher #

PO #	24096		
Vendor #	4413		
Invoice #	S4666658.001		
Description	Training for Well Computer		
Approved by		Date	1-6-11
Org-obj#		Amount	
40044450-90122			500.00

Total Net Amount	500.00
Sales Tax	0.00
Invoice Amount	500.00

THIS INVOICE IS PAYABLE IN FULL BY 02/25/11
NOTIFY AT ONCE OF SHORTAGE OR DAMAGE, RETURNS REQUIRE AUTHORIZATION AND ARE SUBJECT TO RESTOCK FEES. SPECIAL ORDERS ARE NON-RETURNABLE.
PAST DUE INVOICES MAY BE SUBJECT TO 1.30% LATE CHARGE.

Go Green!!!! Receive your invoices via e-mail or fax! Contact Maribeth at 712-322-4120 or maribeth.mohatt@echogroupinc.com

CITY OF GRAND ISLAND

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

Purchase Order

Fiscal Year 2011

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

Purchase Order # 24096-00

BILL TO

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

VENDOR

ECHO ELECTRIC SUPPLY
1502 PARK W DR
INDUSTRIAL PARK WEST
HASTINGS NE 68901-6705

SHIP TO

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	Vendor Fax Number	Requisition Number	Delivery Reference
(402) 463-6859	(402) 463-6850	23830	

Date Ordered	Vendor Number	Entered By	Requested By	Department/Location
01/07/2011	4413	pattib	Patti Buettner	PARKS & RECREATION

Item#	Description/Part No	Qty	UOM	Unit Price	Extended Price
-	TRAINING FOR WELL COMPUTER SYSTEM *40044450 - 90122* *$500.00*	1.0	Each	$500.000	$500.00

The City of Grand Island is an Affirmative Action/Equal Opportunity Employer

PO Total $500.00

APPLICATION AND CERTIFICATE FOR PAYMENT

Partial Payment

PO #	22119 - Contract
Vendor #	180
Invoice #	10
Description	ball field lights
Approved by	
Org-obj#	40044450-90122

To: City of Grand Island
Parks & Recreation Dept---Steve Paustian, Director
PO Box 1968
Grand Island, NE 68802

From: Ensley Electrical Services, Inc.
PO Box 5822
Grand Island, Nebraska, 68802

Project: Vet's Athletic Field Complex
PO #
App. # 10
Period To: 2/1/2011
Date 1/18/11
Amount 1,001.15

CONTRACTOR'S APPLICATION FOR PAYMENT

Change Order Summary

Approved This Month #	Date	Additions	Deductions
CO#1	9/21/2010	$ 8,370.00	
Totals		$ 8,370.00	$ -
NET CHANGE ORDERS			$ 8,370.00

1. Original Contract Sum	$ 231,277.00
2. Net Change by Change Orders	$ 8,370.00
3. Contract Sum To Date (Line 1+2)	$ 239,647.00
4. Total Complete & Stored to Date column G on next page	$ 227,277.00
5. Retainage a. % of completed work (column D & E on next page) b. % of stored material (column F from next page)	$ (11,313.85)
6. Total Earned Less Retainage	$ 215,963.15
7. Less Previous Certs. For Payment	$(214,962.00)
8. Current Payment Due *	$ 1,001.15
9. Balance To Finish, Plus Retainage (line 3 less 6)	$ 23,683.85

The undersigned Contractor certifies that to the best of the Contractor's knowledge 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 payments received from the owner, and that current payment shown herein is now due.

Contractor: Ensley Electrical Services, Inc.

By: Kristi Schmitz Date: 1-14-11
ADMIN ASSISTANT

State of: Nebraska County of: Hall
Subcribed and sworn to before me this 14th day of Jan, 2011
Notary Public:

GENERAL NOTARY-State of Nebraska
CAROL A. NELSON
My Comm. Exp. May 5, 2013

My Commission expires:
Carol A. Nelson

(Attach explanation if amount certified differs from the amount applied for)

Architect's Certificate For Payment

In accordance with the Contract Documents, based on on-si on-site observations 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 indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

ARCHITECT:

By: Date:

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the owner or Contractor under this contract.

Ensley Electrical Services, Inc.
PO Box 5822
Grand Island, NE 68802
308-382-8432

Project: City of GI Parks & Recreation Dept.
App. # 10 Veteran's Athletic Field Complex
App. Date 1/14/2011
Period To: 2/1/2011

CONTINUATION SHEET

A	B	C	D	E	F	G		H	I	
Item #	Description of Work	Scheduled Value	Work Completed		Materials Presently Stored (not in D or E)	Total Completed And Stored To Date (D + E + F)	% (G:C)	Balance To Finish (C-G)	Retainage 10%	Retainage 5%
			From Prev. Application (D + E)	This Period					**********	**********
1	Mobilization	$ 5,000.00	$ 5,000.00	$ -	$ -	$ 5,000.00	100%	$ -	$ -	$ 250.00
2	Electrical Service	$ 8,997.00	$ 8,997.00		$ -	$ 8,997.00	100%	$ -	$ -	$ 449.85
3	Conduit	$ 24,150.00	$ 24,150.00		$ -	$ 24,150.00	100%	$ -	$ -	$ 1,207.50
4	Wire	$ 21,165.00	$ 21,165.00		$ -	$ 21,165.00	100%	$ -	$ -	$ 1,058.25
5	Lighting	$ 82,775.00	$ 82,775.00		$ -	$ 82,775.00	100%	$ -	$ -	$ 4,138.75
6	Poles (new)	$ 74,190.00	$ 74,190.00	$ -	$ -	$ 74,190.00	100%	$ -	$ -	$ 3,709.50
7	Re-locate Fonner Lts & Poles	$ 15,000.00	$ 7,500.00	$ -	$ -	$ 7,500.00	50%	$ 7,500.00	$ -	$ 375.00
CO #1	Re-configure light poles from	$ -	$ -	$ -	$ -	$ -	0%	$ -	$ -	$ -
	three-field layout	$ 8,370.00	$ 1,000.00	$ 2,500.00	$ -	$ 3,500.00	42%	$ 4,870.00	$ -	$ 125.00
	TOTALS	**$ 239,647.00**	**$ 224,777.00**	**$ 2,500.00**	**$ -**	**$ 227,277.00**		**$ 12,370.00**	**$ -**	**$ 11,313.85**
								Grand Total Retainage		**$ 11,313.85**