
City of Grand Island



Tuesday, March 13, 2012

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

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 Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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

MAYOR COMMUNICATION

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



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item C1

Recognition of Hall County WWII Hero Flights to Washington, DC

The Mayor and City Council will recognize the outstanding work of those people who made the Hall County WWII Hero Flight a success. Their efforts have sent World War II veterans to Washington, D.C. to visit the World War II Memorial. One flight has taken place with flights two and three scheduled for May 4, 2012. Funds for flight three are currently being raised with the goal of giving all World War II veterans from our community a chance to attend. We thank these veterans for their service to our country.

Staff Contact: Mayor Vavricek

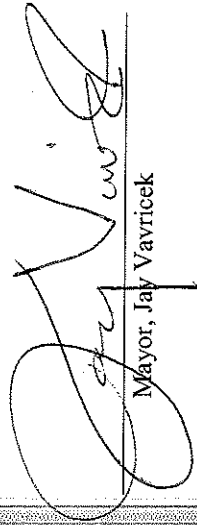


Certificate of Recognition

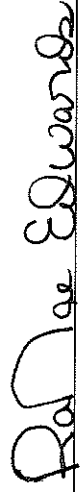
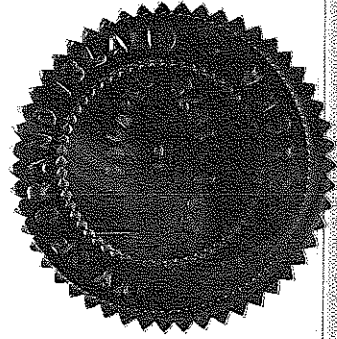
Awarded to

“Hall County WWII Hero Flight”

for organizing the opportunity for veterans to see the World War II Memorial in
Washington, D.C.



Mayor, Jay Vavricek



City Clerk, RaNae Edwards



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item C2

Proclamation "National Agricultural Day" March 8, 2012

Americans rely on agriculture for the necessities of everyday life such as food, fiber, clothing and fuel. The Agriculture Council of America, organizers of National Ag Day, believe that every American should understand how food, fiber and renewable resource products are produced and should value the essential role of agriculture in maintaining a strong economy. The Mayor has proclaimed March 8, 2012 as "National Agricultural Day". See attached PROCLAMATION.

Staff Contact: Mayor Vavricek

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

PROCLAMATION

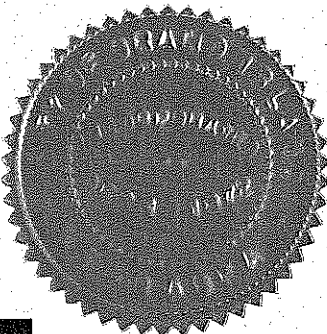
- WHEREAS, American agriculture is responsible for providing the necessities of everyday life...food, fiber, clothing and even fuel; and
- WHEREAS, National Ag Day, which is celebrated March 8, 2012, will gather producers, agricultural associations, corporations, universities, government agencies and countless others across America to increase public awareness about American agriculture; and
- WHEREAS, every American should understand how food, fiber and renewable resource products are produced and should value the essential role of agriculture in maintaining a strong economy; and
- WHEREAS, agriculture provides almost everything we eat, use and wear on a daily basis; and
- WHEREAS, Americans should appreciate the role agriculture plays in providing safe, abundant and affordable products.

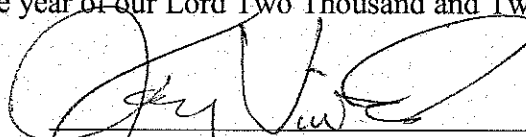
NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim March 8, 2012 as

"NATIONAL AGRICULTURAL DAY"

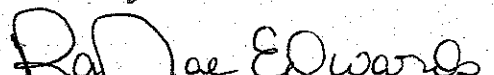
in the City of Grand Island, and encourage all citizens to value agriculture in our daily lives.

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




Jay Vavricek, Mayor

Attest:


RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item E1

**Public Hearing on Request from Napoli, LLC dba Napoli's Italian,
3421 Conestoga Drive for a Class "T" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 13, 2012

Subject: Public Hearing on Request from Napoli, LLC dba
Napoli's Italian, 3421 Conestoga Drive for a Class "T"
Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

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

Declared Legislative Intent

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

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

Discussion

Napoli, LLC dba Napoli's Italian, 3421 Conestoga Drive has submitted an application for a Class "T" Liquor License. A Class "T" Liquor License allows for the sale of alcohol on sale only inside the corporate limits of the city.

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

Also submitted with the application was a Liquor Manager Designation request from Florim Ramadani, 3111 College, #354.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the application for Napoli, LLC dba Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License contingent upon final inspections and Liquor Manager Designation for Florim Ramadani, 3111 College, #354 contingent upon completion of a state approve alcohol server/seller training program.

03/05/12

Grand Island Police Department

450

16:03

LAW INCIDENT TABLE

Page: 1

City	: Grand Island
Occurred after	: 10:20:25 02/14/2012
Occurred before	: 10:20:25 02/14/2012
When reported	: 10:20:25 02/14/2012
Date disposition declared	: 02/14/2012
Incident number	: L12021676
Primary incident number	:
Incident nature Investigation	: Liquor Lic Inv Liquor License
Incident address	: 3421 Conestoga Dr
State abbreviation	: NE
ZIP Code	: 68803
Contact or caller	:
Complainant name number	:
Area location code	: PCID Police - CID
Received by	: Viterra D
How received	: T Telephone
Agency code	: GIPD Grand Island Police Department
Responsible officer	: Viterra D
Offense as Taken	:
Offense as Observed	:
Disposition	: ACT Active
Misc. number	: RaNae

Geobase address ID : 18361
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L11042688	03/02/12	Liquor Lic Inv	Prior
Investigation				
NM	165762	03/05/12	Mehmeti, Syzane	Florim's Wife
NM	174193	03/05/12	Plaku, George	Owner
NM	164546	02/14/12	Ramadani, Florim	Manager
NM	167890	02/14/12	Napoli's,	Business

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code Miscellaneous

1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

Napoli's is Changing Ownership.

LAW INCIDENT OFFENSES DETAIL:

Se Offe Offense code Arson Dama

1 AOFF Alcohol Offense 0.00

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 15:05:09 03/02/2012

Grand Island Police Department

Supplemental Report

Date, Time: Fri Mar 02 15:05:23 CST 2012

Reporting Officer: Vitera

Unit- CID

George Plaku is buying Napoli's from Genti Memaj. George plans on having Florim

Ramadani be his manager. Florim is married to Syzane Mehmeti (Spousal Affidavit

of Non Participation), and he is currently the manager at Napoli's. George did

not list any convictions. He doesn't have a wife, and he is not borrowing any

money to buy the restaurant. George lived in Bayside, New York between 1996 and 2011. In 2011, he moved to Grand Island.

I checked Spillman and NCJIS on George. George was not listed in Spillman. He

has a driver's license entry in NCJIS. I checked Spillman and NCJIS on Florim

and Syzane. According to NCJIS, Florim had a speeding ticket in December of

last year. He has no new entries in Spillman. Syzane only had a driver's

license entry in NCJIS and no new entries in Spillman.

I investigated the original Napoli's request for a liquor license about one

year ago. I checked on Florim and Syzane at that time and didn't find any problems through my limited checks. Apparently, there were no criminal problems

uncovered through their fingerprint submissions because the liquor license was

issued. With it being less than a year later and no new issues at the local

level with Florim (other than 1 speeding ticket) or Syzane, I won't be doing any additional checks on them.

I checked George through a police only Internet database and found nothing of

interest. I checked George for warrants and driver's history. He has a valid

Nebraska driver's license, and no warrants for his arrest. He became a Naturalized U.S. Citizen in 2005.

I spoke to George at Napoli's on 3/5/12. George said he is related to Florim

and Genti. Genti met a woman in New Jersey, didn't care much for the restaurant

business, and decided to go back to New Jersey and return to the furniture

business. George also assured me that Florim does not have any ownership in the

Napoli's in Grand Island. George advised when he lived in New York, he didn't

have any problems with the law. George also showed me his TOP which was

prominently displayed behind the bar. After a fairly lengthy conversation about his business, George didn't have any questions for me.

In summary, the Grand Island Police Department (GIPD) hasn't had any issues with

Napoli's since they originally obtained their liquor license. Napoli's will

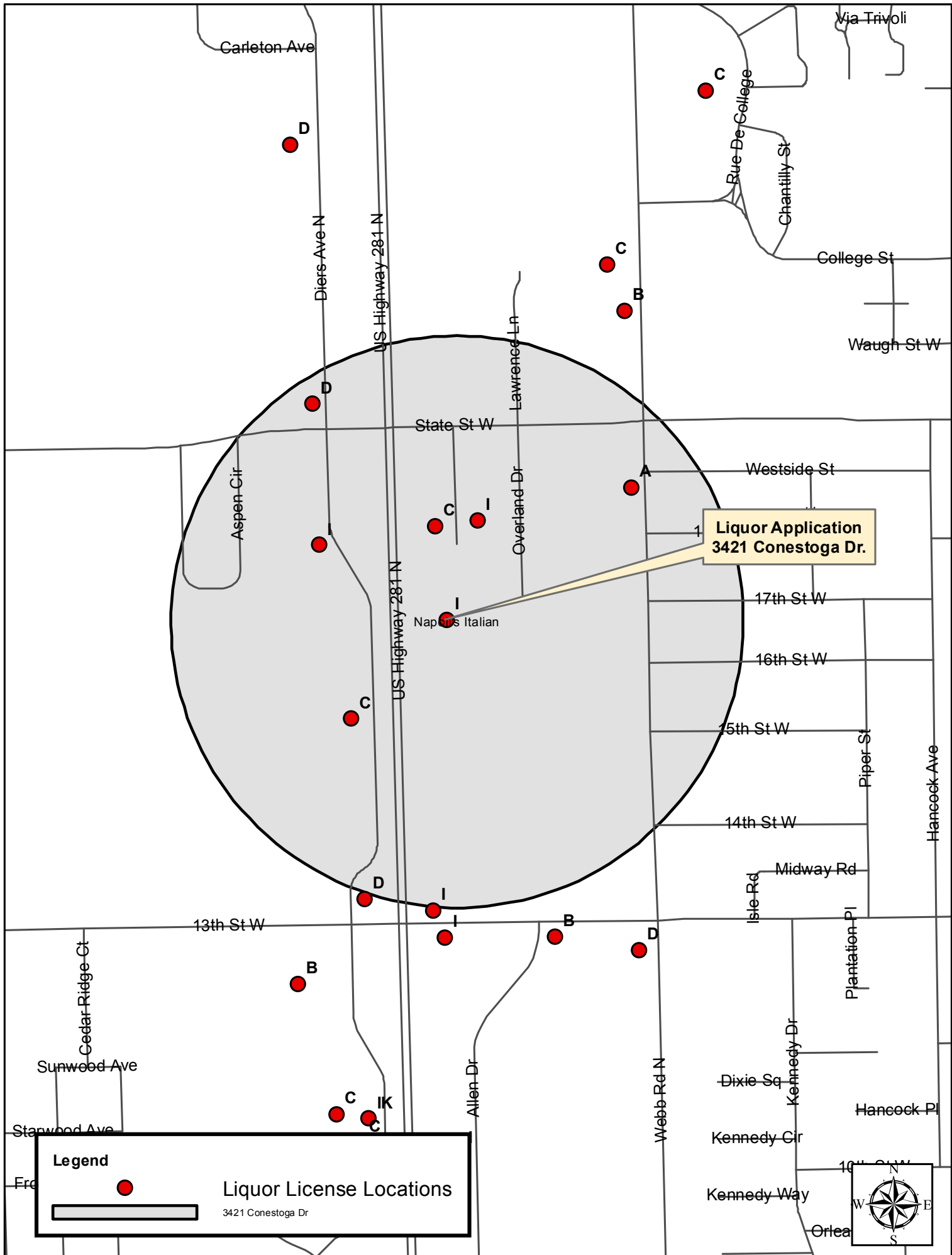
have the same manager. The new owner has been working at Napoli's, and he has

no local (Grand Island & State of Nebraska) criminal history. Assuming there

are no issues with criminal history uncovered by his fingerprint submission, the

GIPD has no objection to George Plaku getting a liquor license for Napoli's or

to Florim Ramadani continuing to be the liquor manager.





City of Grand Island

Tuesday, March 13, 2012

Council Session

Item E2

Public Hearing on the Proposal for Use of Program Income Reuse Funds

Staff Contact: Marco Floeani

Council Agenda Memo

From: Marco Floreani, Community Development Administrator

Meeting: March 13, 2012

Subject: Approving Program Income Reuse Funds Application

Item #'s: E-2 & G-6

Presenter(s): Marco Floreani, Community Development Administrator

Background

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

The City of Grand Island submitted an application on behalf of the Grand Island Business Improvement District # 8 to the Reuse Committee on February 28, 2012 requesting \$12,500 of Revolving Loan funds. These funds would provide a portion of the required match for a 2012 Phase 1 Downtown Revitalization Grant from the Nebraska Department of Economic Development. The \$12,500 will only be allocated as matching funds if the Nebraska Department of Economic Development approves the Phase 1 grant application for funding.

The Program Income Reuse Committee met on February 28, 2012 and voted to refer the loan request to the City Council and recommend that the Council approve use of the \$12,500 of reuse funds for the proposed project. The request meets the community Development Block Grant State and National objectives. The objectives are identifies as: Benefiting Low- and Moderate Income Persons; Preventing or Eliminating Slums or Blight; and Meeting Urgent Needs.

A public hearing is required to invite public comment regarding the recommendation for allocation of Reuse Funds. A legal notice was published March 3, 2012 in the Grand Island Independent for a public hearing at the March 13, 2012 City Council Meeting.

Discussion

At this time the Council is requested to approve the \$12,500 of Revolving Loan funds that would provide a portion of the required match for a 2012 Phase 1 Downtown Revitalization Grant from the Nebraska Department of Economic Development.

Alternatives

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

1. Move to approve the \$12,500 of Revolving Loan funds Development Grant application
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 \$12,500 of Revolving Loan funds.

Sample Motion

Move to approve \$12,500 of Revolving Loan funds and authorize the Mayor to sign all related documents.



Downtown *Grand Island*

February 20, 2012

Mayor Jay Vavricek
City of Grand Island
P.O. Box 1968
Grand Island, NE 68802

RE: Program Income Reuse Application

Mayor Vavricek,

Attached please find an application from Business Improvement District #8 for a City of Grand Island Program Income Reuse grant in the amount of \$12,500. These funds would provide a portion of the required match for a 2012 Phase 1 Downtown Revitalization Initiative grant from the Nebraska Department of Economic Development.

The Phase 1 Planning grant, for which BID #8 is requesting Reuse Funds, would enable the Downtown BID to complete a three - five year Downtown plan for 1) revitalizing and redeveloping downtown infrastructure, 2) addressing health and safety concerns, and 3) developing a capacity for greater growth. BID #8 proposes a \$50,000 project to encompass comprehensive planning for Infrastructure Improvements, Business Assistance, Individual Building Development, Marketing, and Future Planning and Development. The plan would include short-range, intermediate and long-range goals. The maximum grant award is \$30,000 with a 25% required match. The City of Grand Island is required to be the applicant for Community Development Block Grants. The BID will prepare the grant application for approval by the Grand Island City Council.

The BID is requesting \$12,500 from the CDBG Program Income Reuse fund for a portion of the grant match. The remaining \$7,500 will come from other cash and in-kind sources. The recently completed Building Evaluation Study will provide valuable supporting documentation to guide business assistance and individual building development portions of the plan. Reuse funds will only be accessed by the BID for this project if the grant is awarded.

**City of Grand Island
Program Income Reuse Committee
February 28, 2012 Meeting Minutes**

The City of Grand Island Program Income Reuse Committee met Tuesday, February 28, 2012, 4:30 p.m. in Conference Room 1 at City Hall, 100 E 1st St.

Members Present: Marco Floreani, Community Development Administrator
 Marlan Ferguson, Economic Development Corporation
 Jason Eley, Assistant City Attorney

Other Members: Mary Lou Brown, City Administrator
 John Hoggatt, Platte Valley State Bank

Others Present: Jaye Monter, Finance Director
 Chad Nabity, Planning Director
 Curt Haecker, Business Improvement District # 8 representative
 Cathy Ewoldt, Senior Account Clerk

The City had received an application from Business Improvement District #8, requesting \$12,500.00 in matching funds for a Community Development Block Grant. The purpose of this grant is to complete a Phase 1 Downtown Revitalization Plan for Downtown Grand Island.

Marco outlined the request, and indicated that the grant meets the Community Development Block Grant National, State, and Local objective. Those three objectives are identified as: Benefitting Low-and Moderate Income Person; Preventing or Eliminating Slums or Bligh; and Meeting urgent Needs. Chad outlined that the funds, if approved would not actually be spent until such time that the State awards the grant to the City of Grand Island on behalf of the Business Improvement District #8.

Marlan Ferguson moved to recommend approval of the application for \$12,500.00 for the project. Marco Floreani seconded. There was no discussion needed. The three members present voted in favor of the application. John Hoggatt had indicated a vote in favor of the motion at the time of notification that he would be unable to attend. A public hearing will occur at the March 13, 2012 Council Meeting and the item recommended for approval.

Meeting adjourned at 4:45 p.m.

Minutes recorded by Cathy Ewoldt.



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item E3

**Public Hearing on Application for Community Development Block
Grant Program**

Staff Contact: Marco Floreani

Council Agenda Memo

From: Marco Floreani, Community Development Administrator

Meeting: March 13, 2012

Subject: Approving Community Development Block Grant
Downtown Revitalization Phase 1 Predevelopment Grant
Application

Item #'s: E-3 & G-7

Presenter(s): Marco Floreani, Community Development Administrator

Background

The City of Grand Island is eligible for a Downtown Revitalization Phase 1 Pre-Development Planning Grant from the Nebraska Department of Economic Development for a planning project that meets the CDBG national objective of aiding in the elimination of conditions related to slum and blight.

A Community Development Block Grant has been prepared for \$30,000 to fund the Downtown Revitalization Phase 1 Planning Grant and general administration of the grant (\$27,900 project cost/\$2,100 general administration) to develop a revitalization plan for downtown infrastructure and growth. A combination of matching funds and in-kind services of \$20,000 has been committed from City of Grand Island Program Income Reuse Funds (\$12,500) and from Business Improvement District #8 (\$7,500) for a projected project cost of \$50,000, including general administration.

A legal notice was published March 3, 2012 in the Grand Island Independent for a public hearing at the March 13, 2012 Council meeting.

Discussion

At this time the Council is requested to approve the Downtown Revitalization Phase 1 Pre-Development Planning Grant application to develop a revitalization/redevelopment plan for downtown infrastructure and growth.

Alternatives

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

1. Move to approve the Downtown Revitalization Phase 1 Pre-Development Planning Grant application
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 Downtown Revitalization Phase 1 Pre-Development Planning Grant application.

Sample Motion

Move to approve the Downtown Revitalization Phase 1 Pre-Development Planning Grant application and authorize the Mayor to sign all related documents.

2012 Downtown Revitalization Initiative Overview Phase 1 Pre-Development

Objective	<ul style="list-style-type: none"> • Revitalization or redevelopment of downtown infrastructure, • Address health and safety concerns • Develop a capacity for greater growth
Due Date	March 30, 2012
Grant Funding	\$30,000 maximum CDBG
Match	25% (of which 12.5% may be in-kind) Potential sources for match: <ul style="list-style-type: none"> • Business Improvement District #8 • Program Income Reuse Funds
Applicant	City of Grand Island
Public Hearing	March 13, 2012 (Publication date – Sat., March 3, 2012)
Time Frame for Strategic Planning	June 2012 – March 2013
Scoring Categories	<ul style="list-style-type: none"> • Problem Statement - 50 to 175 points • Leverage/Financial Support - 50 to 150 points • Business Community Support – 50 to 150 points • Capacity/Commitment – 75 to 225 points • On-Site Review - 50 to 150 points • Bonus Points – 30 maximum (Nebraska Community Improvement Program, Main Street Community, Redevelopment Authority)
Projected Budget	\$50,000 (\$30,000 CDBG + \$20,000 local contribution)(60%/40%)

Phase II Application

Objective	Implement Downtown Revitalization Plan (short-term, intermediate, long term goals)
Due Date	March 29, 2013
Grant Funding	\$350,000 maximum
Match	25% (of which 12.5% may be in-kind) Potential sources for match: <ul style="list-style-type: none"> • Business Improvement District #8 • Program Income Reuse Funds • Community Redevelopment Authority • Economic Development Corporation • Transportation Enhancement Grants • Rural Business Enterprise Grant Program • Private Investments/Partnerships • Other grants
Applicant	City of Grand Island
Time Frame for Phase II	Contract Negotiations – February/March 2013 2-year Grant Award beginning – April 2013

Joni Kuzma, CSW (updated 2/20/12)





City of Grand Island

Tuesday, March 13, 2012

Council Session

Item E4

**Public Hearing on Acquisition of Public Street Right-of-Way in
Oak Pointe Subdivision (R.B.O., L.L.C.)**

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, Manager of Engineering Services

Meeting: March 13, 2012

Subject: Public Hearing on Acquisition of Public Street Right-of-Way in Oak Pointe Subdivision (R.B.O., L.L.C.)

Item #'s: E-4 & G-10

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. A public street right-of-way acquisition is needed in the Oak Pointe Subdivision to accommodate redevelopment of the area into a cul-de-sac.

Discussion

To allow for redesign of the development area it is requested that the existing Starwood Avenue and Cedar Ridge Court public street right-of-way be vacated. The new public street right-of-way will be sixty (60) foot wide running north and south through the subdivision. The proposed public street right-of-way will allow for development of a cul-de-sac at the south end of Lot One (1).

Alternatives

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

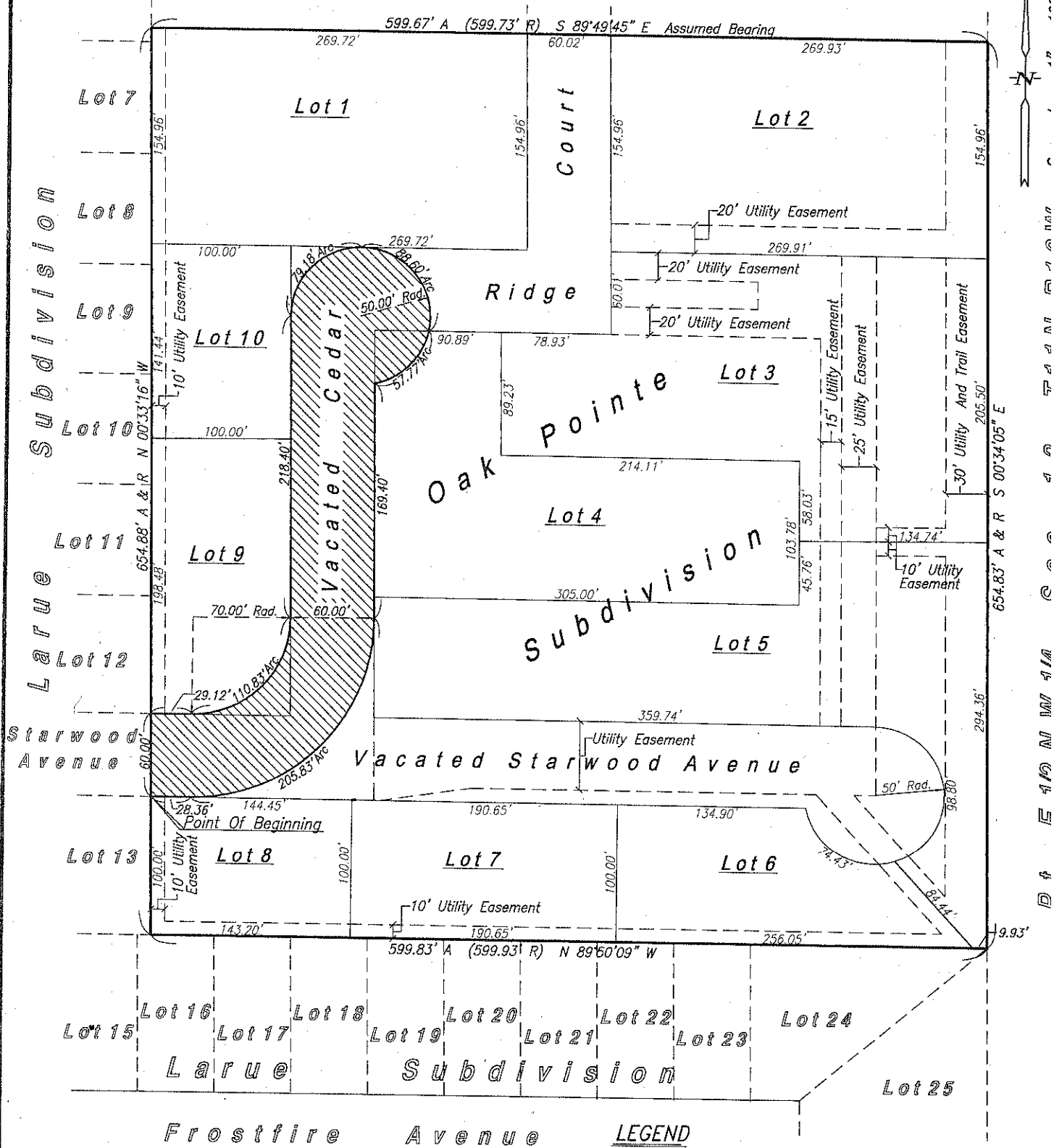
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the public street right-of-way.

Sample Motion

Move to approve the acquisition of the public street right-of-way.



described as follows:

Beginning at the northwest corner of Lot Eight (8), Oak Pointe Subdivision, said point also being the southwest corner of Vacated Starwood Avenue; thence running northerly on the west line of Vacated Starwood Avenue, a distance of Sixty (60.00) feet, to the northwest corner of Vacated Starwood Avenue and the southwest corner of said Lot Nine (9); thence running easterly on the south line of said Lot Nine (9) and the northerly right of way line of Starwood Avenue, a distance of Twenty Nine and Twelve Hundredths (29.12) feet, to a point of curvature; thence running northwesterly on the arc of a curve to the left whose radius is Seventy (70.00) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the east line of said Lot Nine (9) and to a point on the west line of said Vacated Cedar Ridge Court; thence running northerly on the west line of said Vacated Cedar Ridge Court and the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision and to a point on the north line of said Vacated Cedar Ridge Court; thence continuing southeasterly along the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the north line of said Lot Four (4) and the south line of said Vacated Cedar Ridge Court; thence continuing southwesterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Fifty Seven and Seventy Seven Hundredths (57.77) feet, to a point on the west line of said Lot Four (4) and to a point on the east line of said Vacated Cedar Ridge Court; thence running southerly on the east line of said Vacated Cedar Ridge Court and the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is One Hundred Thirty (130.00) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the south line of said Vacated Starwood Avenue and to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running westerly on the south line of said Vacated Starwood Avenue and the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Twenty Eight and Thirty Six Hundredths (28.36) feet, to the point of beginning and containing 0.682 acres more or less.



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item E5

**Public Hearing on Acquisition of Public Utility Easement in Oak
Pointe Subdivision (R.B.O., L.L.C.)**

Staff Contact: Terry Brown, Public Manager of Engineering Service

Council Agenda Memo

From: Terry Brown, PW Manager of Engineering Services

Meeting: March 13, 2012

Subject: Public Hearing on Acquisition of Public Utility Easement in Oak Pointe Subdivision (R.B.O., L.L.C.)

Item #'s: E-5 & G-11

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. A public utility easement is needed in the Oak Pointe Subdivision to accommodate public utilities. The easement will allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement.

Discussion

To allow for redesign of the development area it is requested that the existing five (5) foot utility easement be vacated. This new easement will be adjusted, per the attached sketch, to allow for this area to be redeveloped as a cul-de-sac. The proposed easement will allow sufficient access to existing utilities within the area.

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 conduct a Public Hearing and approve acquisition of the Easement.

Sample Motion

Move to approve the acquisition of the Easement.

of Lot One (1), Oak Pointe Subdivision, a distance of Ninety Six and Seventeen Hundredths (96.17) feet, to the southeast corner of Lot One (1), Oak Pointe Subdivision; thence running northerly on the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Fifty Four and Ninety Six Hundredths (154.96) feet, to the northeast corner of Lot One (1), Oak Pointe Subdivision; thence running easterly on the north line of said Oak Pointe Subdivision, a distance of Forty (40.0) feet; thence running southerly parallel with the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Thirty Four and Ninety Six Hundredths (134.96) feet; thence running easterly parallel with the north line of said Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the west line of Lot Two (2), Oak Pointe Subdivision; thence running southerly on the west line of Lots Two (2) and Three (3), Oak Pointe Subdivision, a distance of Eighty (80.0) feet, to a point on the north line of Lot Three (3), Oak Pointe Subdivision; thence running westerly on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of Eighty Four and Eighty Two Hundredths (84.82) feet; thence running southerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running westerly parallel with the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running northerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence running westerly on the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty One and Five Hundredths (21.05) feet, to a point on a curve; thence running southwesterly on the arc of a curve to the right whose radius is Fifty Five (55.0) feet, an arc distance of Sixty and Forty Five Hundredths (60.45) feet; thence running southerly parallel with the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of Two Hundred Thirty Seven and Eighteen Hundredths (237.18) feet, to a point on the south line of Lot Five (5), Oak Pointe Subdivision; thence running westerly on the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running southerly on the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Sixty (60.0) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running easterly on the north line of Lot Seven (7), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Five (5.0) feet; thence running westerly parallel with the north line of Lots Seven (7) and Eight (8), Oak Pointe Subdivision, a distance of One Hundred Fifty Five (155.00) feet, to a point Ten (10.0) feet east of the west line of Lot Eight (8), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Eight (8), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running easterly on the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Eighteen and Thirty Six Hundredths (18.36) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the left whose radius is One Hundred Thirty (130.0) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the west line of Lot Five (5), Oak Pointe Subdivision; thence running northerly on the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point on a curve; thence running northeasterly on an arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Fifty Five and Seventy Seven Hundredths (55.77) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence continuing northwesterly on the arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision; thence continuing southwesterly on an arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the east line of Lot Ten (10), Oak Pointe Subdivision; thence running southerly on the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is Seventy (70.0) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the north line of Lot Nine (9), Oak Pointe Subdivision; thence running westerly on the north line of Lot Nine (9), Oak Pointe Subdivision, a distance of Nineteen and Twelve Hundredths (19.12) feet, to the point of beginning and containing 0.540 acres more or less.



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F1

#9363 - Consideration of Annexation of Property Located South of US Highway 34 and West of South Blaine Street - Annexation Area 8b (includes Rainbow Lake Area) (Final Reading)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Hall County Regional Planning Department

Meeting: March 13, 2012

Subject: Annexation Area Identified as 8b (Final Reading)

Item #'s: F-1

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

Background

At the March 22, 2011 meeting of the Grand Island City Council a resolution was passed that directed the planning department and other city staff as follows:

- to proceed with preparing annexation plans (as required and defined by statute),
- to notify property owners and school districts as required by law, and
- to forward the annexation plans to the Regional Planning Commission for review.

Eight areas were identified as eligible for annexation into the Grand Island municipal limits. Council has acted on 6 of the 8 areas. An annexation plan is available for annexation area 8b, the seventh of 8 areas.

The annexation plan for area 8b (Rainbow Lake) is complete and was considered by the Regional Planning Commission after a public hearing at their meeting held January 4, 2012. The annexation plans for the area identified as 8b are available from the Grand Island City Clerk, the Hall County Regional Planning Department and on the Grand Island Website at www.grand-island.com.

Council approved Resolution #2012-13 on January 10, 2012. This resolution set a public hearing date for annexation of this area and approved the annexation plan. Council held a public hearing and approved this annexation on first reading on February 14, 2012 and second reading on February 28, 2012.

Discussion

Nebraska Revised Statute §16-117 provides for the process of annexation. In following the process approved by Council on March 22nd, 2011 annexation plans have been

prepared by staff and referred to the Regional Planning Commission for recommendation. The second action in this process is for Council to pass a resolution stating their intent to annex, approve annexation plans and set public hearings for comment on the annexations before council.

Alternatives

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

1. Approve the ordinance to annex on first reading,
2. Choose not to approve the ordinance to annex,
3. Modify the ordinance to annex, or
4. Postpone the issue

Recommendation

At the January 4, 2012 meeting of the Hall County Regional Planning Commission a public hearing was held to take comment on the annexation plans for area 8b. Two members of the public spoke in opposition to the annexation of area 8b. One was a resident of Rainbow Lake and the other represented the owner of a 40+ acre parcel with a single house located between Rainbow Lake and U.S. Highway 34. The minutes of the Planning Commission Meeting pertaining to this item are attached. Planning Commission took separate votes on each area and recommended approval of all of the areas.

City staff also recommends that the Council approve the ordinance to annex this area on final reading.

Sample Motion

Move to approve the Ordinance to annex Area 8b on final reading.

From the January 4, 2012 Planning Commission Minutes

4. Public Hearing – Public Hearing – Annexation - (C-04-2012GI)

Annexation Area 8b - This property is located in the southwest part of the city. It is south of US Hwy 34 and east of south Blaine Street. This property includes the Rainbow Lake area. Part of the SW ¼ of Section 28, Township 11 North, Range 9 and Part of the NW ¼ of Section 33, Township 11 North, Range 9 West of the 6th P.M.

O'Neill opened the Public Hearing.

Nabity explained to the Planning Commission and to the members of the audience that annexation was first talked about back in January of 2011 at the City Council retreat. Council then decided on potential area for Annexation and how this is part of the Comprehensive Plan for Grand Island. The Comprehensive Plan was adopted in 2004. On March 22, 2011, Council gave the go ahead to Planning to state the annexation process. Last fall there were five areas annexed into the City of Grand Island.

The City provides police, EMS and Fire protection. This area is also within the city's two mile jurisdiction and is subject to the current City building codes. With the annexation this would allow access to the City library without having to pay the Hall County fee.

Nabity noted that privately owned lakes within the City limits would still be privately owned lakes with no public access.

Vi Sheeks, 3623 S Blaine spoke against the annexation, she commented a few years ago when the Rainbow Lake area had issues with the sewer and came to the City for help they were refused. Homeowners then gathered together and paid to fix the issue themselves. She asked about Northwest High School and how they would be affected? She noted that those wanting sewer and water should be the ones to pay for this not the homeowner who already has functioning service and like the way things are now.

John Niedfelt, 1515 W Husker Hwy., spoke against the annexation. His mother owns 40+ acres and this would be an extreme expense to install sewer and water to the house. Niedfelt said this property will not become a developed property. He also questioned the upfront costs or future costs.

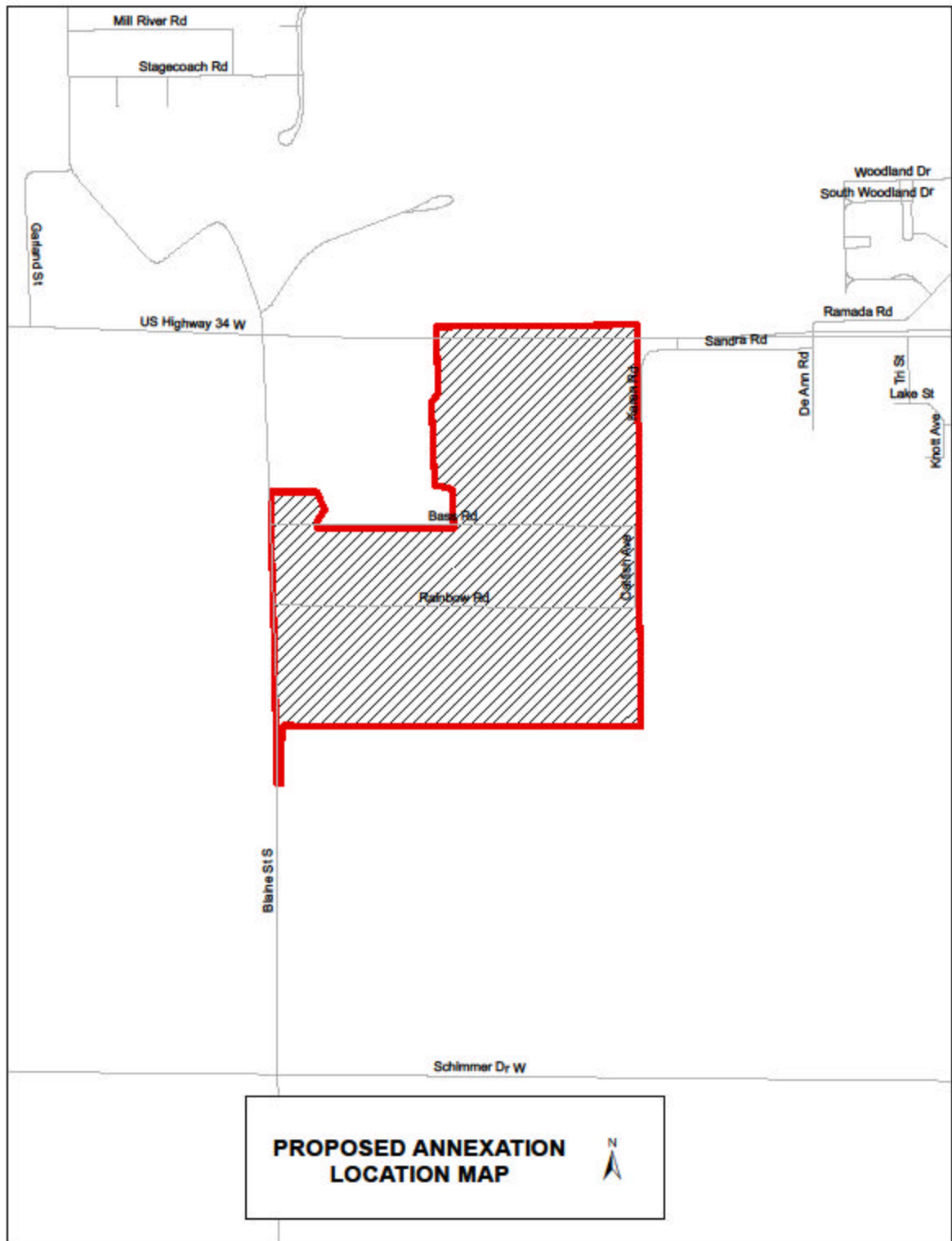
Nabity stated public works has formulated a plan to eliminate the lift station that is currently serving Rainbow Lake. A gravity main could be extended from the Knot subdivision northeast of Rainbow across the Robb property east of Catfish Avenue. The cost to run a gravity sewer line to the Rainbow Lake area is estimated at \$410,000.

O'Neill closed the Public Hearing.

A motion was made by Eriksen to not recommend Annexation of Area 8b, Rainbow Lakes to City Council and was seconded by Connelly. The motion failed with 5 members present voting in favor of not recommending Annexation to City Council (Hayes, Reynolds, Eriksen, Connelly and Snodgrass) and 6 voting against (McCarty, O'Neill, Ruge, Monter, Haskins and Bredthauer).

O'Neill looked for a new motion.

A motion was made by Bredthauer to approve the Annexation of Area 8b, Rainbow Lakes and recommend Annexation to City Council. Bredthauer noted some findings of facts were the City will assume the sewer responsibility, city sewer and water could be readily available and this area is surrounded by the City Limits and this does meet the guidelines as set forth in the Grand Island Comprehensive Plan. This was seconded by Haskins. The motion carried with 7 members present voting in favor of recommending the Annexation of Area 8b to City Council (McCarty, O'Neill, Ruge, Monter, Haskins, Bredthauer, and Snodgrass) and 4 voting no (Hayes, Reynolds, Eriksen and Connelly).



* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9363

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, tracts of land east of Blaine Street and south of U.S. Highway 34 along with all adjoining public Right-of-Way in Hall County, Nebraska referenced as annexation area “8b” as more particularly described hereinafter and as shown on Exhibit “A” 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 public hearing on January 4, 2012, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, the following tract of land in Hall County, Nebraska:

Beginning At A Point On The East Line Of The Southwest Quarter Section 28-11-9 Where It Intersects The North Right Of Way Line Of Nebraska Hwy 34, Husker Highway Said Point Being 92.4’ North Of The Quarter Corner Common To The Southwest Quarter Section 28-11-9 And The Northwest Quarter Section 33-11-9 Thence Southerly On The Easterly Line Of Southwest Quarter Of Section 28-11-9 For A Distance Of 92.4’ To The Southeast Corner Of Southwest Quarter Section 28-11-9 Thence Continuing Southerly On The East Line Of Northwest Quarter Section 33-11-9 To The Southeast Corner Of Said Northwest Quarter Section 33-11-9 Thence Continuing Southerly On The East Line Of The Southwest Quarter Section 33-11-9 For A Distance

Approved as to Form	<input type="checkbox"/> _____
March 9, 2012	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9363 (Cont.)

Of 153.29' Thence Westerly On A Line 153.29' South Of And Parallel To The North Line Of Said Southwest Quarter Section 33-11-9 To A Point On The West Line Of Section 33-11-9 Thence Northerly On The West Line Of Section 33-11-9 To The Southwest Corner Of Rainbow Lake Third Subdivision Thence Continuing North On The West Line Of Rainbow Lake Third Subdivision, Rainbow Lake Subdivision To The Northwest Corner Of Rainbow Lake Subdivision, Said Point Also Being The Northwest Corner Of North Half Of South Half Of Northwest Quarter Section 33-11-9 Thence Continuing Northerly On The West Line Of Section 33-11-9 To The Northwest Corner Lake Heritage Subdivision Thence Easterly On The North Line Of Lake Heritage Subdivision For A Distance Of 357' Thence Southeasterly On A Line For A Distance Of 136.52' Thence Southwesterly On A Line For A Distance Of 91.01' To The North Line Of Bass Road Thence South On A Line Perpendicular To The North Line Of Bass Road To The South Line Of Bass Road Thence Easterly On The South Line Of Bass Road To A Point Being An Extension Of The East Line Of Lake Heritage Second Subdivision Thence Northerly On The Line Of Lake Heritage Second Subdivision And Said Extension To A Point 223.81' North Of The North Line Of Bass Road Thence Northeasterly On A Line For A Distance Of 128.88' Thence Northerly On A Line For A Distance Of 588.44' To A Point On The South Line Of Lot 5 Lake Heritage Second Subdivision Thence Northeasterly On A Line For A Distance Of 74.74' Thence Northerly On The East Line Of Lot 5 Lake Heritage Second Subdivision And An Extension There Of To The North Line Of Nebraska State Highway No. 34 Thence Easterly On The North Line Of Nebraska Highway 34, Husker Highway To the Point Of Being.

WHEREAS, after public hearing on February 14, 2012, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on February 14, 2012, the City Council of the City of Grand Island approved such annexation on first reading and on February 28, 2012 the City Council of the City of Grand Island approved such annexation on second reading.

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.

ORDINANCE NO. 9363 (Cont.)

(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 will have no impact on 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.

(E) The plan for extending City services is hereby approved and ratified as amended.

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,

ORDINANCE NO. 9363 (Cont.)

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: March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. 9363 (Cont.)

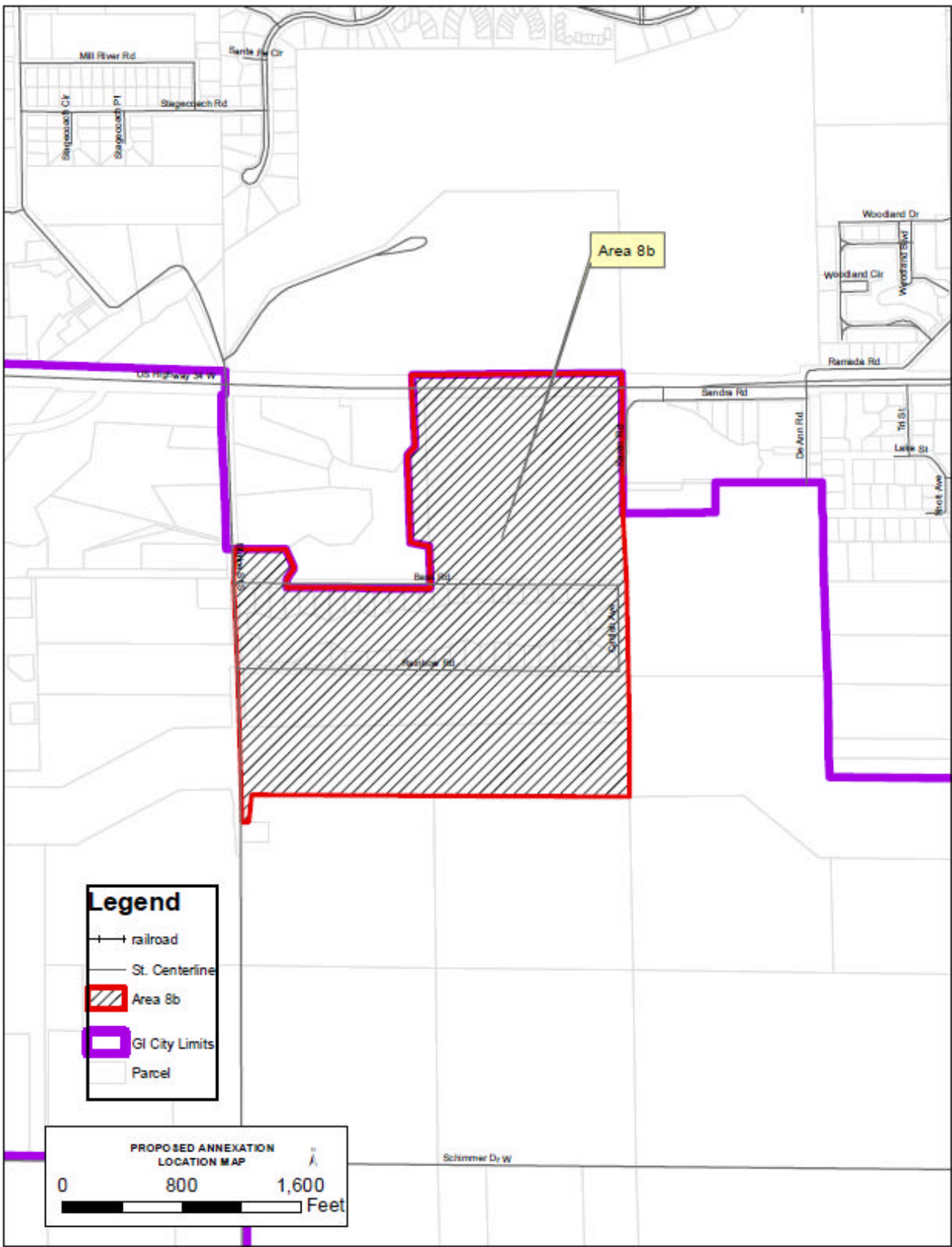


Exhibit A



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F2

#9370 - Consideration of Amendment to Chapter 35 of the Grand Island City Code Relative to Groundwater Control Area #4 - Nebraska Solvents Company Site on the Eastern Side of the City of Grand Island, and a Portion of Western Merrick County

Staff Contact: Tim Luchsinger

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: March 13, 2012

Subject: Consideration of Groundwater Control Area #4 on the Eastern Side of the City of Grand Island and a Portion of Western Merrick County (NE Solvents Site)

Item #'s: F-2

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The former Nebraska Solvents Company operated a facility located at Stuhr Road and Highway 30 on property owned by the Union Pacific Railroad. The operation of that facility resulted in the release of tetrachloroethylene, commonly used in dry cleaning or as a degreaser, to the area groundwater. The tetrachloroethylene has now migrated several miles to the east into Merrick County, and contaminated private wells in several subdivisions around the Gunbarrel and Fort Kearney Road area. Union Pacific has enrolled in a voluntary remediation program administered by the Nebraska Department of Environmental Quality to develop a corrective plan. The remediation action is to replace the private wells in that area by extending the City's water system. The Union Pacific will reimburse the City for the engineering, material, and construction costs associated with that extension. An agreement was negotiated with the UP by staff from the City's Utilities and Legal Departments and approved by Council on September 13, 2011. The structure of the agreement is that the Utilities Department will proceed with the design and construction of the water main in accordance with their normal procedures and standards with reimbursement by the UP as costs are incurred. The UP is provided the following approval points in the process.

- Selection of design firm
- Completion of design and cost estimate
- Selection of installation contractor

Approval at these points by the UP is required for the project to continue. Upon completion of the project, the water mains become the property of the City and the operation and maintenance are the responsibility of the City. Property owners in this area have six months after the installation of the mains to be connected at the expense of the

UP, after which it will be done at the property owners' expense. Water usage will be paid by the property owners in accordance with the City's water rates.

Discussion

Union Pacific would like to create a groundwater control area restricting development and use of new water sources by property owners in the contaminated area. Similar areas were created in other contamination zones in the City in the Northwest and Parkview areas.

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 Ordinance #9370 amending Chapter 35 of the Grand Island City Code relative to Groundwater Control Area No. 4 on the eastern side of the City of Grand Island, and a portion of western Merrick County. In addition this Ordinance has a housekeeping function of clearly delineating the provisions of the Code relative to Groundwater Control Area No. 3 which was previously approved by the Council.

Sample Motion

Move to approve Ordinance #9370 amending Chapter 35 of the Grand Island City Code relative to Groundwater Control Area #4 and delineating Sections 35-84 to 35-92 as Article VIII. Groundwater Control Area #3.

ORDINANCE NO. 9370

An ordinance to amend Chapter 35 of the Grand Island City Code to designate §§35-84 to 35-92 as Article VIII. Groundwater Control Area No. 3 and to designate §§35-93 to 35-102 as Article IX. Groundwater Control Area No. 4 and to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 35-84 through 35-92 of the Grand Island City Code is hereby designated as Article VIII. Groundwater Area No. 3.

SECTION 2. Section 35-93 through 35-102 of the Grand Island City Code is hereby added to read as follows:

Article IX. Groundwater Control Area No. 4

§ 35-93 Purpose

- (A) The Nebraska Solvents Company Site (“Site”) is located in the eastern portion of the City of Grand Island in Hall County, Nebraska, and in a portion of western Merrick County. The Site consists of one area of groundwater contamination and an associated source area which resulted from the historical mismanagement of industrial solvents.
- (B) The Nebraska Department of Environmental Quality (NDEQ) approved on March 21, 2011 a Remedial Action Plan (RAP) dated February 1, 2010. The RAP identified one contaminant source area located at a facility at 1200 Highway 30 East that has resulted in contamination in the groundwater which trend to the east and then northeast.
- (C) The RAP presented the selected remedies for the source area and the plume. A component of the selected remedies in the approved RAP is the enactment by the City of Grand Island of an institutional control ordinance designating a Groundwater Control Area through which groundwater use would be restricted to prevent human exposure and consumption of contaminated groundwater and prohibit the installation of new wells supplying water for human consumption in the plume area. This institutional control ordinance is to remain in full force and effect until the groundwater contamination identified in the RAP is reduced to a level making the groundwater safe to be used as a

ORDINANCE NO. 9370 (Cont.)

source of drinking water pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f – 300j-26, or its successor legislation.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-94. Definitions

As used in this Article, the following terms mean:

City means the City of Grand Island, Nebraska.

Domestic use means human consumption and any use of groundwater for human health and sanitation including, but not limited to, drinking, cooking, washing, bathing, showering, and other similar household uses.

EPA means the United States Environmental Protection Agency.

Groundwater contamination means the chemicals of interest described in the RAP for the Site.

Groundwater Control Area No. 4 means a defined area within the jurisdictional limits of the City of Grand Island subject to the institutional controls provided for in this Article which are intended to prohibit human exposures to contaminated groundwater from wells.

NDEQ means the Nebraska Department of Environmental Quality, and any successor departments of agencies of the State of Nebraska.

NDNR means the Nebraska Department of Natural Resources, and any successor departments of agencies of the State of Nebraska.

RAP means the Remedial action Plan submitted to NDEQ and approved March 22, 2011.

Well means a hole or shaft sunk into the earth in order to obtain water from a natural subterranean supply or aquifer.

The definitions found in Neb. Rev. Stat., Chapter 46 – Irrigation and Regulation of Water – are adopted herein by reference, except where such definitions are in conflict with those provided herein.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-95. Groundwater Control Area Boundaries

The boundaries of Groundwater Control Area No. 4 are described as follows and are shown on the attached map. Commencing 135 feet to the west of the intersection of Museum Drive and East Seedling Mile Road; thence running westerly to the western lease boundary of the 1200 Highway 30 East Site; thence running southerly to the intersection of the lease boundary and Highway 30 East; thence running east-southeasterly to the intersection of Stuhr Road and an extension of East Gregory Street; thence running easterly along Gregory Street to Shady Bend Road, thence running east-northeasterly to East Seedling Mile Road; thence following East Seedling Mile Road to the intersection with Gunbarrel Road; thence southerly to the Wood River; thence east-northeasterly along a path 350 feet south of and parallel to Fort Kearney Road to the intersection with a southerly extension of Beck Road; thence running northerly along Beck Road to the farm access road 2,270 feet south of Highway 30 East, thence running westerly for 1,000 feet; thence running southwesterly along a path 1,130 feet south of and parallel to Highway 30 East to the point of beginning. A map of the boundaries of Groundwater Control Area No. 4 shall be maintained in the City's Geographical Information System Mapsifter (or any successor application, if any).

Added by Ordinance No. 9370, effective April 3, 2012.

§35-96. Duration of Institutional Control Ordinance

- (A) This Article shall remain in full force and effect as long as there remains groundwater contaminated at levels that exceed the residential use cleanup levels provided for in the RAP making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act of its successor legislation.
- (B) Following NDEQ notifying the City that the groundwater contamination within the Groundwater Control Area No. 4 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, or its successor legislation, the City's Mayor and City Council may proceed to repeal this Article forthwith.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-97. Duration of Institutional Control Ordinance

- (A) This Article shall remain in full force and effect as long as there remains groundwater contaminated at levels that exceed the residential use cleanup levels provided for in the RAP making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act or its successor legislation.
- (B) Following NDEQ notifying the City that the groundwater contamination within the Groundwater Control Area No. 4 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act,

or its successor legislation, the City's Mayor and City Council may proceed to repeal this Article forthwith.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-98. Prohibited Groundwater Uses

- (A) Groundwater pumped from wells within Groundwater Control Area No. 4 shall not be used for any domestic use which may result in human exposures. Such uses include drinking, food preparation, washing, bathing, showering, and other household uses which result in human exposures to contaminated groundwater. Because groundwater from wells within Groundwater Control Area No. 4 may be contaminated and presents a hazard to the health, safety, and welfare of persons exposed to such water, any human consumption or prohibited use of groundwater from wells within Groundwater Control Area No. 4 is a violation of this Article and is declared to be a public nuisance subject to abatement as provided in §§35-101 to 35-102 of this Article.
- (B) No new well with a design capacity of more than 50 gallons per minute (gpm) may be drilled or installed in Groundwater Control Area No. 4 unless and until the party proposing the well installation has demonstrated, by a hydrogeological study performed by a competent environmental consulting firm, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RAP for the Site. Any such hydrogeological study shall be submitted to NDEQ for review and approval prior to well installation.
- (C) This Section on Prohibited Groundwater Uses shall not prohibit uses of groundwater pumped from wells within Groundwater Control Area No. 4 which do not result in human exposure to contaminated groundwater, including, but not limited to, groundwater monitoring wells, EPA, NDNR, or NDEQ remediation wells, wells that produce 50 gpm or less for dewatering purposes, for non-contact cooling water for industrial, commercial, or residential uses, or wells used for irrigation. Discharges from dewatering wells must be appropriately handled and disposed of in accordance with applicable City, State and Federal laws including National Pollution Discharge Elimination System permits under the Clean Water Act.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-99. Well Installation

- (A) No person shall drill or install a well with a design capacity of more than 50 gallons per minute within Groundwater Control Area No. 4 prior to applying for and obtaining a well permit from the Central Platte Natural Resources District.

ORDINANCE NO. 9370 (Cont.)

- (B) No person may install a well within Groundwater Control Area No. 4 which penetrates two or more water-bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D – Contaminated Water-Bearing Zones).

Added by Ordinance No. 9370, effective April 3, 2012.

§35-100. New Well Registration, Application for Well Permit

The following information shall be submitted to the City's Building Department prior to drilling a new well in groundwater Control Area No. 4:

- (1) A copy of the well permit obtained from the Central Platte Natural Resources District.
- (2) The address and legal description of the property on which the proposed well is to be located.
- (3) The address of all properties to be served by groundwater pumped from the proposed well.
- (4) A description of the uses to be made of water pumped from the proposed well, if any; including a certification that such groundwater will not be used for domestic use which may result in human exposures.
- (5) Whether City water is available to the property to be served by the proposed well.
- (6) The depth of the proposed well and pump intake.
- (7) A diagram showing the location of the proposed well.
- (8) An application for any dewatering well will include a plan for the appropriate handling and disposal of the discharge water in accordance with applicable City, State and Federal laws including NPDES permits.
- (9) A statement as to whether the design capacity of the proposed well exceeds 50 gpm. If the design capacity of the well exceeds 50 gpm, the owner of the well shall demonstrate, by a hydrogeological study performed by a competent environmental consulting firm in accordance with §35-98(B) of this Article, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RAP for the Site.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-101. Violations of Institutional Control Ordinance; Abatement of Public Nuisance.

Whenever the City's Building Department Director, or his/her designee, has inspected any well within Groundwater Control Area No. 4 and determined that such well is being operated, or that the groundwater pumped from the well is being used, in violation of this Article, he/she will send a written notice to the owner of record of the real property where the well is located, or the owner's agent, or the occupant of the property, by certified mail, return

ORDINANCE NO. 9370 (Cont.)

receipt requested, notifying such party of the violation. The written notice will contain the following:

- (1) The street address and/or a legal description sufficient for identification of the property where the well is located.
- (2) A description of the acts or circumstances constituting a violation of this Article.
- (3) A description of the corrective action required to be taken to render the well and groundwater uses in compliance with this Article.
- (4) A statement advising the addressee that if the well and groundwater uses are not brought into compliance with this Article within the time specified, the City's Building Department Director, or his/her designee, may order electrical power to the well disconnected and may request the City Attorney, with the consent of the City's Mayor, to file an action to charge the costs thereof against the real estate, the owner of record and the addressee. The charge shall constitute a lien against said property.

Added by Ordinance No. 9370, effective April 3, 2012.

§35-102. Procedure for Abatement of Public Nuisance

- (A) If the addressee of the notice described in §35-101 of this Article fails to abate said nuisance within the time specified, the City of Grand Island, at the written request of the City's Building Department Director, or his/her designee, directed to the City Attorney, and with the consent of the Mayor, may abate said public nuisance pursuant to §20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the well is located and the addressee of the notice.
- (B) If the City, in its sole discretion, determines that the use of the groundwater in violation of this Article might cause irreparable harm or poses a threat to public health, safety or welfare, or the health, safety or welfare of the persons using the groundwater, the written notice to abate pursuant to §20-15 of the Grand Island City Code shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance. The City, with the consent of the Mayor, may immediately file an action requesting such temporary and permanent orders as are appropriate to expeditiously and permanently abate such public nuisances and protect the public health, safety or welfare of the health, safety or welfare of persons using the groundwater in violation of this Article.

Added by Ordinance No. 9370, effective April 3, 2012.

SECTION 2. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

ORDINANCE NO. 9370 (Cont.)

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within fifteen (15) days according to law.

Enacted March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F3

#9371 - Consideration of Amendments to Chapter 35 of the Grand Island City Code Relative to Revisions of the Water Rate Schedule

Staff Contact: Tim Luchsinger

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: March 13, 2012

Subject: Ordinance # 9371 - Consideration of Revision of Water Rate Schedule

Item #'s: F-3

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The City's municipal water system is supplied primarily from its Platte River Well Field. This well field is comprised of 21 wells and a pumping station. Testing for State regulatory requirements indicated composite uranium levels to be approaching the Maximum Containment Level (MCL) established by the EPA. Uranium is not an acute concern but rather is a chronic concern over a lifetime of exposure, and sampling and testing of the Grand Island water system thus far show full compliance with the EPA regulation. Testing of individual wells for uranium has indicated most wells exceed this MCL. To allow use of these wells during high water system demand periods, additional piping was installed in the past year for blending with lower uranium concentration wells. Recent testing of uranium concentrations in the wells indicated a trend towards increasing levels, reducing the effectiveness of well blending to reduce overall levels, therefore, based on Department recommendations, the Utilities Department was authorized by Council on February 22, 2011, to proceed with the procurement and installation of the large-scale pilot uranium removal system. Based on the multiple phase structure of the uranium engineering services RFP, HDR, the City's consultant on this project, was requested to provide a proposal for preparing specifications to issue for bids for an adsorptive media pilot plant. On June 28, 2011, Council awarded the contract for the Uranium Removal System – Equipment Procurement to Water Remediation Technology.

On August 23, 2011, Council approved the proposal of HDR Engineering, Inc., of Lincoln, Nebraska, for Uranium Removal Water Plant – Task Order No. 2. This task order authorized the detailed engineering services which included preparation of specifications for bidding of a new building and foundations, underground piping, well modifications, and installation of the uranium removal equipment. As part of these engineering services, HDR developed the specifications for the pump modifications of well field wells and installation of the uranium removal system equipment. Contracts

have been awarded for the construction of the uranium removal equipment building and for the installation of the equipment. The system is planned to be operational in May of this year. Methods to fund the capital cost and annual operating costs are now required to be finalized to support completion of the uranium removal system project.

Discussion

Possible funding methods for the capital cost and annual operating costs have been previously discussed with Council, and preference during the Study Session of March 6, 2012 included the revision of the Water Rate Schedule by either creating a Meter Fee Schedule or increasing each billing unit rate (100 cubic feet), to fund the uranium removal system's annual operating expense of \$800,000. The proposed Water Rate Schedule indicated in Ordinance A establishes a monthly fee charged based on the size of customer's water meter. The proposed Water Rate Schedule indicated in Ordinance B adds \$0.16 to each rate per 100 cubic feet in the current Schedule of Rates.

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 Ordinance #9371, version "A" adding a Meter Fee Schedule, or version "B", increasing the Water Rate Schedule by \$0.16 per 100 cubic feet rate (750 gallons).

Sample Motion

Move to approve Ordinance #9371, revising the Water Rate Schedule, (version "A" or version "B").

ORDINANCE NO. 9371 (A)

An ordinance to amend Chapter 35 of the Grand Island City Code specifically, to amend Section 35-30 pertaining to water rates; to repeal Sections 35-30 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 35-30 of the Grand Island City Code is hereby amended to read as follows:

§35-30. Schedule of Rates

The rate to be charged for water furnished shall be as follows:

§35-30. Schedule of Rates

The rate to be charged for water furnished shall be as follows:

Monthly Billings	
Cubic feet per month	Rate per 100 cubic feet
First 500.....	\$1.496
Next 500.....	0.700
Next 500.....	0.692
Next 2,500.....	0.767
Next 6,000.....	0.713
Next 90,000.....	0.654
Next 100,000.....	0.574
Over 200,000.....	0.535
Monthly Minimum (500 cu.ft.).....	7.480*

*Plus a customer charge of \$0.35 per month for unfunded federal mandates for the Clean Water Act and the City's backflow program, in addition to the regular rates charged for water furnished to the customer.

Amended by Ordinance No. 8935, effective 10-1-2004
Amended by Ordinance No. 8987, effective 7-27-2005
Amended by Ordinance No. 9181, effective 10-1-2008
Amended by Ordinance No. 9371, effective 04-1-2012

In addition to consumption, a monthly fee would be charged according to the meter size supplying water to the property:

ORDINANCE NO. 9371 (A) (Cont.)

Meter Size	Monthly Fee
<= 1"	\$2.50
1 1/2"	\$8.00
2"	\$22.50
3"	\$40.00
4"	\$55.00
6"	\$225.00
8"	\$1,250.00
10"	\$4,000.00

SECTION 2. Section 35-30 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That is ordinance shall be in force and take effect April 1, 2012.

Enacted: March 13, 2010.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. 9371 (B)

An ordinance to amend Chapter 35 of the Grand Island City Code specifically, to amend Section 35-30 pertaining to water rates; to repeal Sections 35-30 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 35-30 of the Grand Island City Code is hereby amended to read as follows:

§35-30. Schedule of Rates

The rate to be charged for water furnished shall be as follows:

§35-30. Schedule of Rates

The rate to be charged for water furnished shall be as follows:

Monthly Billings	
Cubic feet per month	Rate per 100 cubic feet
First 500.....	\$1.656
Next 500.....	0.860
Next 500.....	0.852
Next 2,500.....	0.927
Next 6,000.....	0.873
Next 90,000.....	0.814
Next 100,000.....	0.734
Over 200,000.....	0.695
Monthly Minimum (500 cu.ft.).....	8.280*

*Plus a customer charge of \$0.35 per month for unfunded federal mandates for the Clean Water Act and the City's backflow program, in addition to the regular rates charged for water furnished to the customer.

Amended by Ordinance No. 8935, effective 10-1-2004
Amended by Ordinance No. 8987, effective 7-27-2005
Amended by Ordinance No. 9181, effective 10-1-2008
Amended by Ordinance No. 9371, effective 04-1-2012

ORDINANCE NO. 9371 (B) (Cont.)

SECTION 2. Section 35-30 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That is ordinance shall be in force and take effect April 1, 2012.

Enacted: March 13, 2010.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F4

#9372 - Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: March 13, 2012

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

Item #'s: F-4

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

All agreements with the Nebraska Department of Roads (NDOR) for Federal-aid Transportation projects include the following requirements for encroachments in the public Right-of-Way.

The Local Public Agency (LPA), at no cost to the project, shall clear the entire existing Right-of-Way of this project of any private or non-LPA uses or occupancy of the area above, below, or on the existing Right-of-Way. Also, the LPA agrees to keep the old and new Right-of-Way free of future encroachments, except those specifically authorized by permit.

The LPA must have all encroachments cleared from the Right-of-Way before requesting a Right-of-Way Certificate and must attest to said clearance.

NDOR provided the following specific guidance for addressing encroachments on public Right of Way on Federal-aid Transportation projects.

- A. Encroachments that are potential safety hazards (obstacle, sight distance interference) located within the clear zone MUST be removed immediately.
- B. Encroachments that are potential safety hazards located outside the clear zone may be decided case-by-case; work with NDOR's District office for assistance.
- C. Encroachments that are not potential safety hazards located within project lateral obstacle clearances must be moved, or considered to be abandoned, with the understanding that any damage caused by construction is not reimbursable, i.e. will not be paid for with Federal, State or Local funds (and if it remains after construction must be permitted by the local agency).

- D. Encroachments not included in any of the above categories – must be permitted (LPA governing body letter).

Through guidance from NDOR, underground lawn sprinkling systems on the public Right-of-Way are considered encroachments on Federal-aid Transportation projects. As per item C. above, underground lawn sprinkling systems can be allowed to remain in public Right-of-Way by permit or license agreement. However, Local funds can be used to pay for damage caused by construction.

The City of Grand Island currently has the following projects that receive Federal-aid Transportation Funds.

Walk to Walnut (Safe Routes to Schools)
State Street and Capital Avenue Connector Trail (Transportation Enhancement)
Third and Wheeler Historical Lighting (Transportation Enhancement)
US-30 Drainage Improvement (Surface Transportation Program)
Various Locations in Grand Island – Resurfacing (Surface Transportation Program)
Capital Avenue – Webb Road to Broadwell Avenue (Surface Transportation Program)

Discussion

In order to comply with the encroachment requirements specified in the agreements for the above-mentioned projects, Grand Island City Code is being revised to specifically address underground lawn sprinkling systems located in public Right-of-Way on projects that receive Federal-aid Transportation funds. This type of encroachment shall be documented through execution of a license agreement in accordance with City Code, Article VII. Occupancy of Public Right of Way.

Items that are permitted in the public Right-of-Way by license agreements are subject to the requirements of Section 32-71 Indemnification Required.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve the ordinance amending Section 32-69 of the Grand Island City Code.

ORDINANCE NO. 9372

An ordinance to amend Chapter 32 of the Grand Island City Code; 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. Article VII. Occupancy of Public Right of Way, Section 32-69 of the Grand Island City Code is hereby amended by adding paragraphs (5) and (5)(i):

§32-69. General

(5) An owner of an underground lawn sprinkling system encroaching into public Right-of-Way on any improvement project that is to receive Federal Transportation Funds shall obtain a license agreement subject to the requirements pursuant to this article.

(i) A processing fee is not required for a license agreement for underground sprinkling systems encroaching into public Right-of-Way, so long as it is in connection with Federal Transportation Funded projects.

SECTION 2. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 13, 2012

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 9, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F5

**#9373 - Consideration of Vacation of a Utility Easement Located in
Oak Pointe Subdivision (R.B.O., L.L.C.)**

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, PW Manager of Engineering Services

Meeting: March 13, 2012

Subject: Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

Item #'s: F-5

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

A five (5) foot wide utility easement was filed with Hall County on September 14, 2011. There are no conflicts with utilities.

Discussion

The developer of the Oak Pointe Subdivision has requested that the five (5) foot wide utility easement be vacated to allow for redesign of the development.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the passing of an ordinance vacating the utility easement in Oak Pointe Subdivision.

Sample Motion

Move to approve the passing of an ordinance vacating the utility easement in Oak Pointe Subdivision.

ORDINANCE NO. 9373

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

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

SECTION 1. That the existing utilities easement located in a tract of land comprising that portion of Oak Pointe Subdivision, more particularly described as follows:

DESCRIPTION (EXHIBIT 'A' EASEMENT VACATION PARCEL 'A')

BEGINNING AT THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND SEVENTY TWO HUNDREDTHS (169.72) FEET, TO THE NORTHEAST CORNER OF LOT TEN (10), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF THREE HUNDRED THIRTY NINE AND NINETY TWO HUNDREDTHS (339.92) FEET, TO THE SOUTHEAST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETY (90.00) FEET, TO A POINT TEN (10.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT NINE (9), OAK

ORDINANCE NO. 9373 (Cont.)

POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY FIVE (85.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF THREE HUNDRED THIRTY NINE AND NINETY TWO HUNDREDTHS (339.92) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND SEVENTY TWO HUNDREDTHS (169.72) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FORTY NINE AND NINETY SIX HUNDREDTHS (149.96) FEET, TO A POINT ON THE NORTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.086 ACRES MORE OR LESS.

DESCRIPTION (EXHIBIT 'A' EASEMENT VACATION PARCEL 'B')

BEGINNING AT THE NORTHWEST CORNER OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED THIRTY FOUR AND NINETY SIX HUNDREDTHS (134.96) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF FORTY (40.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE WEST LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND EIGHTY TWO HUNDREDTHS (169.82) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOTS FOUR (4) AND

ORDINANCE NO. 9373 (Cont.)

FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED SEVENTY NINE AND NINETY HUNDREDTHS (279.90) FEET, TO A POINT ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY (60.0) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOTS SEVEN (7) AND EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FIVE (155.0) FEET, TO A POINT TEN (10.0) FEET EAST OF THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY (150.0) FEET, TO A POINT ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED; THENCE RUNNING NORTHERLY ON THE WEST LINE LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, AND ITS EXTENSION, A DISTANCE OF THREE HUNDRED THIRTY NINE AND NINETY HUNDREDTHS (339.90) FEET, TO THE NORTHWEST CORNER OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND EIGHTY TWO HUNDREDTHS (169.82) FEET, TO A POINT ON THE WEST LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED FOURTEEN AND NINETY SIX HUNDREDTHS (214.96) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.087 ACRES MORE OR LESS.

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

Exhibit A attached hereto.

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

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

ORDINANCE NO. 9373 (Cont.)

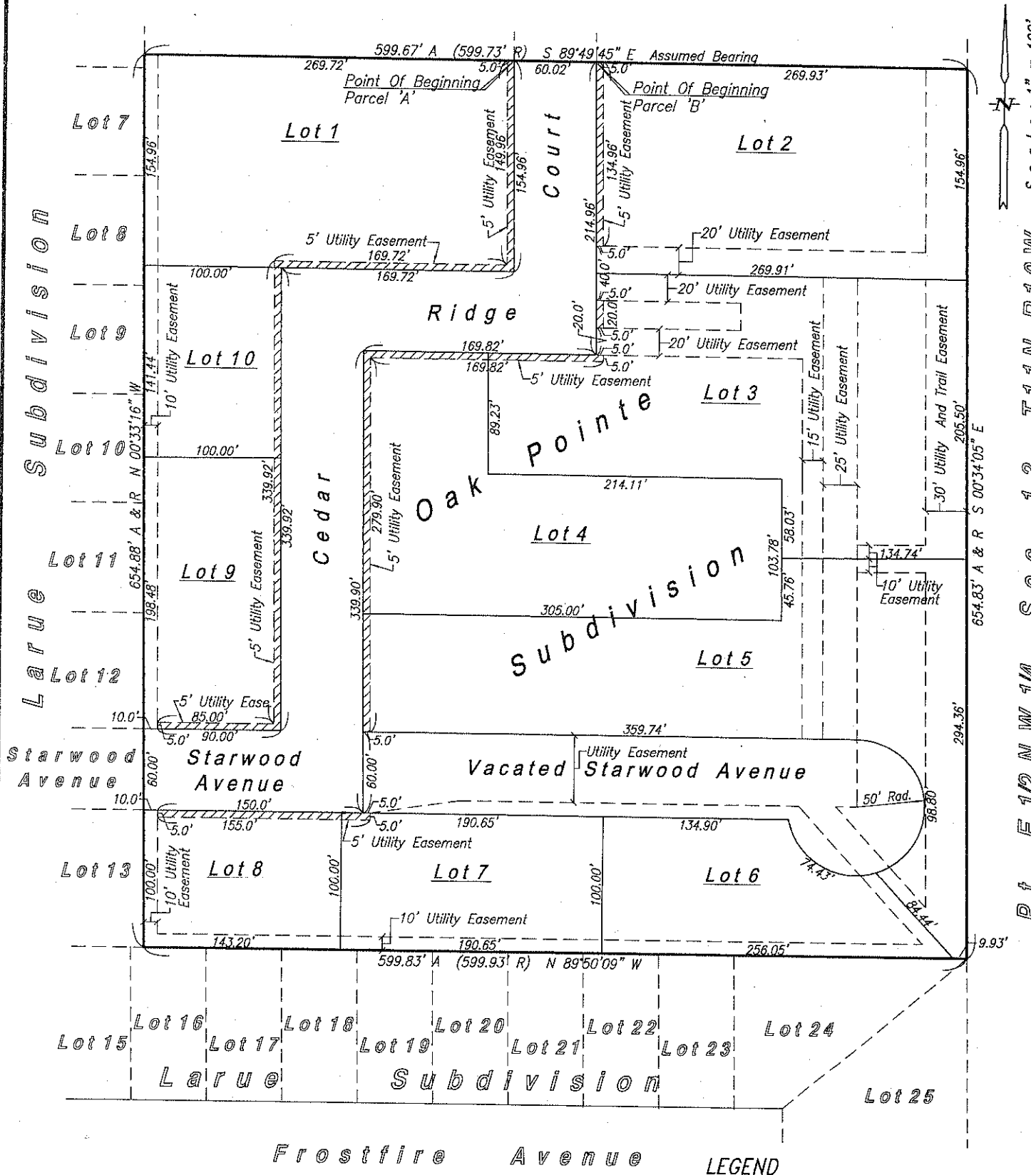
SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 13, 2012.


Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



LEGEND

 -Indicates Easements To Be Vacated

Hundredths (154.96) feet, to the southeast corner of Lot One (1), Oak Pointe Subdivision; thence running westerly on the south line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Seventy Two Hundredths (169.72) feet, to the northeast corner of Lot Ten (10), Oak Pointe Subdivision; the running southerly on the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Three Hundred Thirty Nine and Ninety Two Hundredths (339.92) feet, to the southeast corner of Lot Nine (9), Oak Pointe Subdivision; thence running westerly on the south line of Lot Nine (9), Oak Pointe Subdivision, a distance of Ninety (90.00) feet, to a point Ten (10.0) feet east of the southwest corner of Lot Nine (9), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Nine (9), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running easterly parallel with the south line of Lot Nine (9), Oak Pointe Subdivision, a distance of Eighty Five (85.0) feet; thence running northerly parallel with the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Three Hundred Thirty Nine and Ninety Two Hundredths (339.92) feet; thence running easterly parallel with the south line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Seventy Two Hundredths (169.72) feet; thence running northerly parallel with the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Forty Nine and Ninety Six Hundredths (149.96) feet, to a point on the north line of Lot One (1), Oak Pointe Subdivision; thence running easterly on the north line of Lot One (1), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the point of beginning and containing 0.086 acres more or less.

Description Parcel 'B'

A tract of land comprising a part of Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot Two (2), Oak Pointe Subdivision; thence running easterly on the north line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Two (2), Oak Pointe Subdivision, a distance of One Hundred Thirty Four and Ninety Six Hundredths (134.96) feet; thence running westerly parallel with the north line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the west line of Lot Two (2), Oak Pointe Subdivision; thence running southerly on the west line of Lots Two (2) and Three (3), Oak Pointe Subdivision a distance of Forty (40.0) feet; thence running easterly parallel with the north line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Three (3), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running westerly parallel with the north line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the west line of Lot Three (3), Oak Pointe Subdivision; thence running southerly on the west line of Lot Three (3), Oak Pointe Subdivision a distance of Twenty (20.0) feet, to a point on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision; thence running easterly parallel with the north line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Three (3), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running westerly parallel with the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Eighty Two Hundredths (169.82) feet; thence running southerly parallel with the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of Two Hundred Seventy Nine and Ninety Hundredths (279.90) feet, to a point on the south line of Lot Five (5), Oak Pointe Subdivision; thence running westerly on the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running southerly on the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Sixty (60.0) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running easterly on the north line of Lot Seven (7), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running westerly parallel with the north line of Lots Seven (7) and Eight (8), Oak Pointe Subdivision, a distance of One Hundred Fifty Five (155.0) feet, to a point Ten (10.0) feet east of the west line of Lot Eight (8), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Eight (8), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running easterly on the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of One Hundred Fifty (150.0) feet, to a point on the west line of Lot Five (5), Oak Pointe Subdivision, if extended; thence running northerly on the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, and its extension, a distance of Three Hundred Thirty Nine and Ninety Hundredths (339.90) feet, to the northwest corner of Lot Four (4), Oak Pointe Subdivision; thence running easterly on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Eighty Two Hundredths (169.82) feet, to a point on the west line of Lot Three (3), Oak Pointe Subdivision; thence running northerly on the west line of Lot Two (2), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the point of beginning and containing 0.086 acres more or less.



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F6

#9374 - Consideration of Vacation of Starwood Avenue and Cedar Ridge Court in Oak Pointe Subdivision (R.B.O., L.L.C. a Nebraska Limited Liability Company)

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, Manager of Engineering Services

Meeting: March 13, 2012

Subject: Consideration of Vacation of Starwood Avenue and Cedar Ridge Court in Oak Pointe Subdivision (R.B.O., L.L.C. a Nebraska Limited Liability Company)

Item #'s: F-6

Presenter(s): John Collins, Public Works Director

Background

Council action is required for vacation of a public street.

Discussion

R.B.O., L.L.C. is considering redesigning the Oak Pointe Subdivision area and wishes to vacate Starwood Avenue and Cedar Ridge Court.

The vacated portion of Starwood Avenue and Cedar Ridge Court is on tonight's council agenda for dedication as street right-of-way.

Alternatives

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

1. Move to approve or deny.
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 request for the vacation of Starwood Avenue and Cedar Ridge Court.

Sample Motion

Move to approve the Ordinance.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

ORDINANCE NO. 9374

An ordinance to vacate a portion of the public street from the northwest corner of Lot Eight (8) to the northwest corner of Lot Two (2), in Oak Pointe Subdivision to Grand Island, Hall County, Nebraska and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That a portion of the public street consisting of a tract of land comprising that portion of Starwood Avenue lying west of the west line of Lot Five (5), Oak Pointe Subdivision, if Extended, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision, to the west line of Oak Pointe Subdivision and all of Cedar Ridge Court located within Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Approved as to Form	☐ _____
March 9, 2012	☐ City Attorney

ORDINANCE NO. 9374 (Cont.)

BEGINNING AT THE NORTHWEST CORNER OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE WEST LINE OF OAK POINTE SUBDIVISION, A DISTANCE OF SIXTY (60.00) FEET, TO THE SOUTHWEST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED (100.00) FEET, TO THE SOUTHEAST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF THREE HUNDRED THIRTY NINE AND NINETY TWO (339.92) FEET, TO THE NORTHEAST CORNER OF LOT TEN (10), OAK POINTE SUBDIVISION, AND TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND SEVENTY TWO HUNDREDTHS (169.72) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION, AND TO A POINT ON THE NORTH LINE OF OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF OAK POINTE SUBDIVISION, A DISTANCE OF SIXTY AND TWO HUNDREDTHS (60.02) FEET, TO THE NORTHWEST CORNER OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED FOURTEEN AND NINETY SEVEN HUNDREDTHS (214.97) FEET, TO A POINT ON THE NORTH LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND EIGHTY TWO HUNDREDTHS (169.82) FEET, TO THE NORTHWEST CORNER OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, AND ITS EXTENSION, A DISTANCE OF THREE HUNDRED THIRTY NINE AND NINETY HUNDREDTHS (339.90) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS SEVEN (7) AND EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY (160.00) FEET, TO THE POINT OF BEGINNING AND CONTAINING 1.136 ACRES MORE OR LESS.

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

SECTION 2. The title to the property vacated by Section 1 of this Ordinance shall revert to the abutting properties.

SECTION 3. This Ordinance is directed to be filed in the office of the Register of

ORDINANCE NO. 9374 (Cont.)

Deeds of Hall County, Nebraska.

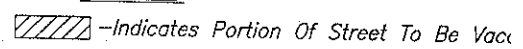
SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 13, 2012

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



...ing that portion of Starwood Avenue lying west of the west line of Lot Five (5), Oak Pointe Subdivision, if Extended, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision, to the west line of Oak Pointe Subdivision and all of Cedar Ridge Court located within Oak Pointe Subdivision, in the City of Grand Island, Ha County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot Eight (8), Oak Pointe Subdivision; thence running northerly on the west line of Oak Pointe Subdivision, a distance of Sixty (60.00) feet, to the southwest corner of Lot Nine (9), Oak Pointe Subdivision; thence running easterly on the south line of Lot Nine (9), Oak Pointe Subdivision, a distance of One Hundred (100.00) feet, to the southeast corner of Lot Nine (9), Oak Pointe Subdivision; thence running northerly on the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Three Hundred Thirty Nine and Ninety Two (339.92) feet, to the northeast corner of Lot Ten (10), Oak Pointe Subdivision, and to a point on the south line of Lot One (1), Oak Pointe Subdivision; thence running easterly on the south line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Seventy Two Hundredths (169.72) feet, to the southeast corner of Lot One (1), Oak Pointe Subdivision; thence running northerly on the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Fifty Four and Ninety Six Hundredths (154.96) feet, to the northeast corner of Lot One (1), Oak Pointe Subdivision, and to a point on the north line of Oak Pointe Subdivision; thence running westerly on the north line of Oak Pointe Subdivision, a distance of Sixty and Two Hundredths (60.02) feet, to the northwest corner of Lot Two (2), Oak Pointe Subdivision; thence running southerly on the west line of Lot Two (2), Oak Pointe Subdivision, a distance of Two Hundred Fourteen and Ninety Seven Hundredths (214.97) feet, to a point on the north line of Lot Three (3), Oak Pointe Subdivision; thence running westerly on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Eighty Two Hundredths (169.82) feet, to the northwest corner of Lot Four (4), Oak Pointe Subdivision; thence running southerly on the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, and its extension, a distance of Three Hundred Thirty Nine and Ninety Hundredths (339.90) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running westerly on the north line of Lots Seven (7) and Eight (8), Oak Pointe Subdivision, a distance of One Hundred Sixty (160.00) feet, to the point of beginning and containing 1.136 acres more or less..



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item F7

#9375 - Consideration of Amendment to Chapter 16 of the Grand Island City Code or Proposals for Ballot Measures Relative to Open Burning

Staff Contact: Tim Hiemer

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: March 13, 2012

Subject: Open Burning

Item #'s: F-7

Presenter(s): Tim Hiemer, Fire Operations Division Chief

Background

The first restriction on open burning in the City of Grand Island (City) was Ordinance 437 approved on July 21, 1909. This ordinance prohibited the burning of paper or refuse in the streets and alleys of the City.

On October 3, 1951 Ordinance 2540 was approved which regulated the burning of garbage and other refuse. This ordinance restricted burning to certain hours on Sunday, Tuesday, Thursday, and Saturday.

Ordinance 5216 approved on June 1, 1972 reduced the days open burning was permitted to Wednesday and Saturday. This ordinance also empowered the Fire Chief to ban open burning when otherwise permitted if warranted by weather conditions or other circumstances.

On July 8, 1991 Ordinance 7729 was approved which essentially banned open burning in the City with very narrow exceptions.

In May, 1994 the citizens of Grand Island overturned the ban on open burning through their approval of a ballot referendum. This was memorialized in Ordinance 7993, approved on May 23, 1994. This ordinance permitted the open burning of leaves and brush for two week periods in the Spring and Autumn.

Discussion

Open Burning was the subject of a Grand Island City Council (Council) Study Session meeting on January 31, 2012 at the request of Councilmember Gericke. At that meeting it was suggested this issue was one to be decided by the electorate.

On February 14, 2012 the matter was brought back before the Council in the form of two resolutions containing separate ballot referenda offering the electorate the opportunity to ban open burning in the City. The Council rejected both proposals and directed City staff to bring the matter back in the form of an Ordinance for Council consideration.

On February 28, 2012 the matter was again brought back before the Council in the form of an Ordinance for Council consideration. The Council took no action and Councilmember Gericke requested staff review the matter and bring it back for Council consideration.

City staff is presenting three separate options for Council consideration. The first is a revised Ordinance addressing the concerns of Councilmembers. The second and third are the resolutions previously presented to the Council at the February 14, 2012 meeting.

Because the present ordinance was a result of a referendum election in May, 1994 Neb. Rev. Stat. §18-2531 sets forth the conditions for repealing or amending the ordinance. That statute requires passage of the proposed ordinance “by a two-thirds majority of the members of the governing body” and no attempt to do so may be made “within one year of the repeal or amendment of the measure by the electors.” Far more than a year has passed since the referendum election of May, 1994 which means the only requirement for passage is a two-thirds majority or seven votes of the Council.

Alternatives

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

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

ORDINANCE NO. 9375

WHEREAS, the City of Grand Island finds it necessary to amend Grand Island City Code §16-11, its laws regulating open fires, to reflect modern fire safety and health standards,

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

I. That Grand Island City Code §16-11 be amended to read as follows:

§16-11. Open Fires; ~~When Allowed; Permit; Fire Locations; Hours of Burning~~

(1) For purposes of this section, Open Fire shall mean burning under such conditions that the products of combustion are emitted directly into the ambient air ~~and are not conducted thereto through a stack, chimney, duct, or pipe.~~

(2) No person shall cause or permit any open fire within the limits of the City.

(3) Exceptions:

(a) Fires set solely for the outdoor cooking of food for human consumption ~~on other than commercial premises~~ where no nuisance or hazard is created;

(b) Fires set with the written permission of the Fire Chief of the City of Grand Island or his or her designated representative and upon receipt of a permit from the Nebraska Department of Environmental Quality:

(i) for the purpose of training public or industrial fire fighting personnel.

(ii) for essential agricultural operation in the growing of crops where no nuisance or hazard is created.

(iii) for the purpose of destroying dangerous materials or diseased trees.

(iv) for the purpose of clearing land for roads or other construction activity.

(c) ~~(v)~~ for ceremonial, educational, or recreational purposes by a legally established and recognized non-profit organization or governmental entity.

~~(vi) for the purpose of burning leaves and brush where no nuisance or hazard is created~~

(d) ~~(e)~~ Fires set in operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of the Nebraska Department of Environmental ~~Control~~ Quality.

(e) ~~(d)~~ For ~~opening burning of leaves and brush where no nuisance or hazard is created during the following periods: (1) A fourteen (14) day period beginning the third Sunday in April, and (2) A fourteen (14) day period beginning the second Sunday in October or as the Fire Chief may designate due to inclement weather during the foregoing specified periods~~ the private, residential use of outdoor fireplaces as defined below and with the following restrictions:

(i) portable fire pits which are designed and commercially sold to confine outdoor wood fires;

(ii) chimineas, constructed of clay or some other fire safe material which are designed and commercially sold to confine outdoor wood fires;

ORDINANCE NO. 9375 (Cont.)

(iii) fire rings which are designed to enclose an outdoor fire with a metal tube, poured concrete, stones, or some other fire safe material partially buried in the ground;

(iv) all outdoor fireplaces must be at a minimum of fifteen (15) feet distance from any structure, including fences and sheds and placed on a stable, non-combustible surface such as a concrete pad;

(v) the fuel area for all outdoor fireplaces shall be no more than three (3) feet in diameter and completely enclosed by a non-combustible screening material;

(vi) fuel for outdoor fireplaces shall be limited to untreated wood;

(vii) while in operation, all outdoor fireplaces shall be continuously monitored by at least one (1) person eighteen (18) years of age or older and an operable garden hose connected to a water supply shall be available for extinguishing flames; and

(viii) outdoor fireplaces shall not be operated when local average wind speed is twenty miles per hour (20 mph) or greater.

~~(4) Open fires shall be constantly attended by a competent person until the fire is extinguished. The person so attending shall have a water supply or other fire extinguishing equipment readily available for use, and no such fire shall be abandoned until it has been completely extinguished~~
A fee of ten dollars (\$10.00) per day shall be paid by any person or organization before receiving a permit for any of the activities listed in paragraph (3)(b) above.

~~(5) Permits to burn leaves and brush shall only be issued to the owner or occupant of private residential property fire locations. Permits may be issued during each open burning period and the week prior thereto. A separate permit shall be required for each open burning period and shall be maintained in the possession of a person tending the fire at all times.~~

~~-(6) Fire locations for leaf and brush piles greater than three (3.0) feet in diameter or two (2.0) feet in height must be at least fifty (50.0) feet away from any structure or other combustible material. Fire locations for leaf and brush piles less than three (3.0) feet in diameter and two (2.0) feet in height must be at least twenty five (25.0) feet from any structure or other combustible material unless the fire is contained within an approved burning appliance or barrel with one half (1/2") inch wire mesh screen covering the entire opening and such container or barrel is located not less than fifteen (15.0) feet from any structure or other combustible material.~~

~~-(7) Leaf and brush fires may only be burned between the hours of 8:00 a.m. and 8:00 p.m. of the open burning periods.~~

~~-(8) The Fire Chief of the Grand Island Fire Department may prohibit any and all open burning when he or she determines atmospheric conditions or local circumstances make such fires hazardous.~~

II. Any ordinances or parts of ordinances in conflict are hereby repealed.

III. This ordinance shall be in full force and will take effect from and after its passage and publication pursuant to law.

ORDINANCE NO. 9375 (Cont.)

Enacted: March 13, 2012.

Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G1

**Approving Minutes of February 25, 2012 City Council Study
Session (Retreat)**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL STUDY SESSION (RETREAT)

February 25, 2012

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 at the Nebraska Nature & Visitor Center (Crane Meadows), 9325 South Alda Road, Alda, Nebraska on February 25, 2012. Notice of the meeting was given in the *Grand Island Independent* on February 4, 2012.

Mayor Jay Vavricek called the meeting to order at 9:00 a.m. The following members were present: Councilmember's John Gericke, Mitch Nickerson, Linna Dee Donaldson, Kirk Ramsey, Bob Niemann, Larry Carney, Chuck Haase, Peg Gilbert, and Randy Gard. Councilmember Scott Dugan was absent. The following City staff was present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Public Works Director John Collins, Utility Director Tim Luchsinger, 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 Captain Tim Hiemer, Police Chief Steve Lamken, Human Resources Director Brenda Sutherland, Finance Director Jaye Monter, and Public Information Officer Wendy Meyer-Jerke.

Brad Mellema welcomed everyone to the Nebraska Nature & Visitor Center and explained upcoming events. Mayor Vavricek read a passage from Philippians 4:8 followed by the pledge of allegiance.

INTRODUCTION:

Mayor Vavricek commented on all the services provided by the City since the last Council Retreat. City Administrator Mary Lou Brown introduced Andy Greenberg from Omaha. Mr. Greenberg had 35 years' experience with national companies as a sales and marketing expert whose main strength was motivating associates and friends to visualize and attain success.

VISIONING:

Mr. Greenberg commented on bonding and commonality with the people in the room with regards to visioning for the future in the year 2020. Mentioned was we are like snowflakes, each individual and separate but when we come together we bond. Comfort zones and potential were explained.

Presented were 3 Types of People in the World:

- There are those that make things happen (Success)
- Those that watch things happen (follower)
- Those that do not know what is happening (mizzery-victim)

3 Types of Governments:

- Those that make things happen (Invent the Future)

- Those that watch things happen (Copy other towns and cities)
- Those that have no idea what is happening (Population, business tax loss)

An exercise was conducted around the room as to who we are. We know who we are but need to understand who the other person is. We need to honor people for who they are. Leadership was the power to influence other people. A demonstration was given regarding thinking outside the box.

2 Types of Goals:

- Negative Goal Setting (I just want to pass, get by, meet her/him, not embarrass myself, don't get fired, put a roof over my head) Survive
- Positive Goal Setting (be the best, do my best then do better, advance my business or career, have a great house)

An exercise was conducted on creative visioning for Grand Island by 2020.

WORKING POTLUCK LUNCH:

Council Packet Development:

Council President Peg Gilbert presented Council packet development. Discussion was held regarding Council placing an item on the agenda, whether they should go to a Study Session or a Regular meeting and who makes that decision. City Code was mentioned as to the process currently. Consistency was mentioned as important to this process.

1. All City Councilmembers can place an item on agenda of good faith, goes through City Administrator – if questions are answered it can be dropped, if not it goes forward
2. Item initially goes to a Study Session or Councilmember knows it's ready for a Regular meeting
3. Discuss time frame
4. Ordinance supporting - City Attorney

Councilmember Haase was absent at 12:30 p.m.

Boards and Commissions:

Discussion was held regarding which boards needed representations by Council. Mentioned was the Community Development Advisory board which did not meet very often. Finance Director Jaye Monter stated this committee would be active again with the new personnel in that department. BID's were discussed as to whether there needed to be two Councilmembers on the BID boards and whether an alternate could attend.

Committee reports were mentioned with the consensus of using e-mail to inform the rest of the Council.

Study Session Topics:

Discussion of Study Session topics was presented as to which items could be grouped together. Annexation and Utility rates outside city limits would be combined as well as Parks and Recreation topics.

Decorum for Councilmember Agenda Requests:

Mentioned was the process during the meeting with regards to Roberts Rules & Order. Requested was the author of the item having more ability to discuss which was currently the case during Study Sessions. Presentations by the Councilmembers were discussed. Mayor indicated the desire of treating everyone fair during Council meetings.

HISTORY AND REVIEW OF LB 840 ECONOMIC DEVELOPMENT PLAN:

City Administrator Mary Lou Brown gave the following history of LB 840 Economic Development Plan:

- LB 840 was approved by the Legislature – Effective September 6, 1991
- On November 26, 2002 Council approved:
 - * Economic Development Program
 - * Ballot language
- Special Election approved by Council
 - * Election held May 6, 2003
- EDC initiated a City wide campaign
- Voters approved plan inclusive of \$750,000 annual funding
- Citizen Review Committee established and committee members appointed
- \$750,000 annual funding
 - * \$350,000 for EDC operations
 - * \$377,500 for business incentives
 - * \$ 22,500 for 3% admin fee to City
- Four layers of administration/accountability
 - * EDC application review
 - * CRC public review
 - * Council's public consideration
 - * Mayor's public consideration
- Council has awarded \$350,000 annually from 2003 through 2012
- One remaining year of support – 2013

Going Forward:

- Council will need to decide if it wants to move forward with discussing a plan beyond 2013
- Plan agreement approved by Council
- Ballot language approved by Council
- Potential special election approved by Council

Future election dates were mentioned.

Marlan Ferguson, EDC President gave a presentation of the projects under the current LB 840 plan. Eighteen projects had been completed with Standard Iron being the first since October 2003. 3,274 new jobs had been created in 8 years with 1,188 direct jobs created with an estimated payroll of \$36,048,313 per year.

Impact of LB 840 investment was \$3,911,284.46 in accumulative new real estate taxes from 2003-2011 and \$26,092,264 in new real estate valuations. Total amount forgiven under the LB 840 projects was \$1,455,332.

Mr. Ferguson explained what the EDC does to bring jobs to the City. Targeted were metal fabrication, ag industry, wind energy manufacturing companies, food processing, and telecommunications. Marketing was an important part of their job as well as promotional activities. Industrial Parks were mentioned as being very important to bringing businesses to the City. Three Industrial Parks were mentioned: Platte Valley Industrial Park, Former Cornhusker Ammunition, and Airport Industrial Park.

Discussion was held concerning the failure of Structured Solutions and what changes would occur in the future to avoid another situation like that. Mr. Ferguson stated the process would be slowed down and there were always risks involved. The processes would be looked at.

Ms. Brown stated Council would need to look at a new plan to continue the LB 840 program. Commented was not only bringing in new people for these jobs but keeping the people here employed.

FUTURE GROWTH CONSIDERATIONS:

Northeast Interceptor and Road Classifications:

Public Works Director John Collins presented a PowerPoint on the Northeast Interceptor and Road Classifications. Roads were grouped into classes based on the service they provided. The Nebraska Board of Public Roads Classification and Standards classified all roads. Explained were the Local Road Network roads which included: Interstate, Expressway, Major Arterials, Other Arterials, Collectors, and Local.

Growth and Redevelopment Issues:

Regional Planning Director Chad Nabity presented a PowerPoint on: Annexation/City Residency, County Industrial Tracts, development along I-80 entrances, and redevelopment of worn out properties.

Discussion was held regarding annexation of the well field and how that related to the two mile zoning jurisdiction. Future development along Hwy 281 would be annexed at the time of development. Mentioned was City owned property to be annexed.

County industrial tracts would be reviewed by the County in March of this year to compare existing uses with the permitted uses. The County would then determine if the existing uses still complied with the permitted uses. They would either allow the Industrial Tracts to continue or start procedures to remove properties from the County Industrial Tract. The County did remove properties on Old Potash Hwy and 281 in 1982 under this process.

South Locust Street and Highway 281 were covered by the Gateway Corridor Overlay District. The City had established basic site and building development criteria to be implemented within the boundaries of this overlay district for a cohesive and properly developed entrance into the

City. These criteria included: landscaping, building material selection, lighting, and interior street development.

Discussion was held regarding tools that could be used outside of City limits to promote development.

Presented were pictures of properties that had been redeveloped in the City. Mentioned was the idea of doing micro-blight and substandard districts for half a block.

Out of County EMS Response:

Fire Division Chief Tim Hiemer gave the following history of EMS response:

- In the late 1960s the City entered into agreements with Hamilton and Howard Counties and the Chapman Rural Fire District to provide EMS services to those areas, with no additional cost to the counties
- This agreement set ambulance rates based on location of call
 - * Charge for all in city calls \$15
 - * Charge for calls outside of the city \$20 plus \$.50 per mile
- Hall County and the City had a separate agreement that had the county agreeing to pay 40% of operating cost on the ambulance services
- In 1990 the agreement with Hall County was modified and a set dollar amount is charged
- The last agreement with Hamilton and Howard Counties and Chapman Rural Fire District was in 1979. Rates are \$40 per call plus \$1.00 per mile
 - * This agreement is technically still in effect, since there was no termination date
- Out of county response account for 18% of all calls that occur outside of Grand Island
 - * The City and Hall County are subsidizing EMS coverage for these areas
- Howard County Medical Center and Litzenberg Memorial County Hospital want the option to call on GIFD to transport critical patients to St. Francis Medical Center

Discussion was held regarding the GIFD having the available resources to cover the additional volume. Mr. Hiemer stated this would not be an everyday occurrence. Costs were discussed.

SUMMARY:

Mayor Vavricek asked for input and the value to this Retreat. Councilmember Gilbert wished the Community could have seen this meeting. Mayor stated we could look back with pride on the efforts that had taken place over the last year. He stated he was proud and confident looking forward to next year.

ADJOURNMENT: The meeting was adjourned at 3:15 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G2

Approving Minutes of February 28, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 28, 2012

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 February 28, 2012. Notice of the meeting was given in *The Grand Island Independent* on February 22, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Scott Dugan, Randy Gard, and John Gericke. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Public Works Director John Collins and Finance Director Jaye Monter.

INVOCATION was given by Pastor Bill Pabuk, St. Paul's Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Kuulei Hose.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "City Employee Appreciation Month" March, 2012. Mayor Vavricek proclaimed the month of March, 2012 as "City Employee Appreciation Month". Marco Floriani, Community Development Department (newest employee), Brian Sands, Public Works Street Department (employee with the most service), and Catrina DeLosh, Public Works Administrative Assistant (first ABCD – Above and Beyond the Call of Duty award winner for the quarter for October – December 2011) were present for the presentation.

State Championship Wrestling Recognition for Northwest High School. The Mayor and City Council recognized Northwest High School Wrestler Blake Fruchtl and Coach Brian Sybrandts for the Class "B" State Wrestling Championship. Mr. Fruchtl and Coach Sybrandts were present for the recognition.

Recognition of Ken Gnadt former Mayor of Grand Island for the Distinguished Nebraskalander Award. The Mayor and Council recognized former Mayor Ken Gnadt who will receive the Distinguished Nebraskalander Award at the annual Statehood Day Dinner on March 3, 2012. Ken Gnadt was present for the recognition.

State Championship Wrestling Recognition for Grand Island Senior High School. The Mayor and City Council recognized the Grand Island Senior High School Wrestling Team and Coach Mike Schadwinkel for the fourth straight Class "A" State Wrestling Championship. Coach Schadwinkel and thirteen members of the wrestling team were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Javier Rodriguez dba El Trancaso, 415 West 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Javier Rodriguez dba El Trancaso, 415 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 30, 2012; notice to the general public of date, time, and place of hearing published on February 18, 2012; notice to the applicant of date, time, and place of hearing mailed on January 30, 2012; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Blaine Street and North of Wildwood Drive (Grand Island Area Economic Development Corporation). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of Blaine Street and north of Wildwood Drive was needed in order to have access to install, upgrade, maintain, and repair water and sewer appurtenances, including pipes, valves, and manholes for the purpose of constructing water and sewer main lines to serve the east section of the Platte Valley Industrial Park. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Salvador and Sandra Juarez and the Grand Island Public Schools for a Conditional Use Permit for a Parking Lot Located at 2108 North Custer and Lot 9, Block 16, University Place. Building Department Craig Lewis reported that the Grand Island Public Schools were requesting a conditional use permit for property located at 2108 North Custer and Lot 9, Block 16, University Place for the purpose of constructing a parking lot. Staff recommended approval with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood. Mary Lanfear, 2128 North Custer Avenue and Jim O'Neill, 2426 North Custer Avenue spoke in opposition. No further public testimony was heard.

RESOLUTIONS:

#2012-53 – Consideration of FTE Amendment for the Wastewater Treatment Plant. Human Resources Director Brenda Sutherland reported that City Council approved Resolution #2012-41 (B) at the February 14, 2012 Council meeting allowing the addition of two new positions at the City Wastewater Treatment Plant. An FTE Amendment was needed to approve the changes in the 2011/2012 budget FTE schedule.

Mike Paulick, 307 East 20th Street spoke in opposition. Comments were made regarding other positions in the City that needed to be filled first and whether two were needed at the WWTP at this time. Discussion was held regarding pay range and time to recruit.

Motion by Dugan, second by Gard to approve Resolution #2012-53. Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Gilbert, Nickerson, Donaldson, Dugan, and Gard voted aye. Councilmember Gericke voted no. Motion adopted.

#2012-54 – Consideration of Redemption of Series 2001 Electric System Revenue Bonds.

Utilities Director Tim Luchsinger reported in 2001 the City issued bonds for two gas turbines with a 15 year term. Additional debt would be needed in the future for air omission controls. Introduced was Bond Council Bruce Lefler with Ameritas Investment Corp. from Omaha who explained the redemption of the Series 2001 Electric System Revenue Bonds and refinancing with the Series 2012 Electric System Revenue Bonds. Mentioned was Refinancing the 2001 \$25,000,000 bond at a lower interest rate and extending the bonds an additional five years. This would reduce the debt service for the bond. Current interest rate would be 2.25% over the ten year life of the bond with a net present value benefit of \$1.25 million.

Discussion was held regarding the use of cash on hand to lower the bond debt. Mr. Luchsinger stated targets of minimum cash on hand were between \$20 to \$22 million. Also mentioned were upcoming projects for this year.

Motion by Gilbert, second by Ramsey to approve Resolution #2012-54. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

#9363 – Consideration of Annexation of Property Located South of US Highway 34 and West of South Blaine Street – Annexation Area 8b (included Rainbow Lake Area)
(Second Reading)

Motion by Gard, second by Donaldson to approve Ordinance #9363 on second reading only. 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 ordinances numbered:

#9365 – Consideration of Amending Chapter 8 of the Grand Island City Code Relative of Adopting the 2009 International Building and Residential Code

#9366 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to adopting the 2011 National Electrical Code

#9367 – Consideration of Amending Salary Ordinance

#9368 – Consideration of Changes to Chapter 16-11 of the Grand Island City Code Relative to Open Burning

#9369 – Consideration of Authorizing Series 2012 Electric System Revenue Refunding Bonds

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

#9369 – Consideration of Authorizing Series 2012 Electric System Revenue Refunding Bonds

This item related to the aforementioned Resolution #2012-54.

Motion by Haase, second by Carney to approve Ordinance #9369.

City Clerk: Ordinance #9369 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9369 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9369 is declared to be lawfully adopted upon publication as required by law.

#9365 – Consideration of Amending Chapter 8 of the Grand Island City Code Relative of Adopting the 2009 International Building and Residential Code

#9366 – Consideration of Amending Chapter 15 of the Grand Island City Code Relative to adopting the 2011 National Electrical Code

Building Department Director Craig Lewis reported that Ordinance #9365 would amend Chapter 8 of the Grand Island City Code to adopt the 2009 International building and Residential Code. Several changes related to occupancy and sprinkler systems. Ordinance #9366 would change Chapter 15 of the City Code to adopt the 2011 National Electrical Code. Tamper proof and water proof receptacles were mentioned.

Discussion was held regarding the National Codes on the city's web-site. Mr. Lewis stated because of copy write laws we were unable to do that but they were available at the Library.

Motion by Donaldson, second by Gericke to approve Ordinances #9365 and #9366.

City Clerk: Ordinances #9365 and #9366 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9365 and #9366 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9365 and #9366 are declared to be lawfully adopted upon publication as required by law.

#9367 – Consideration of Amending Salary Ordinance

Human Resources Director Brenda Sutherland reported that this item related to Resolution #2012-53 approved earlier in the meeting to put in place the salaries for the two positions at the Wastewater Treatment Plant.

Motion by Gard, second by Ramsey to approve Ordinance #9367.

City Clerk: Ordinance #9367 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9367 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9367 is declared to be lawfully adopted upon publication as required by law.

#9368 – Consideration of Change to Chapter 16-11 of the Grand Island City Code
Relative to Open Burning

Fire Division Chief Tim Hiemer reported that Ordinance #9368 was to amend the City Code banning Open Burning.

Motion by Gericke, second by Carney to approve Ordinance #9368.

Jerry Rapp, 802 East 15th Street and Barry Niedfelt, 1015 E. Oklahoma Avenue spoke in opposition.

Discussion was held concerning wording in the Ordinance with respect to exceptions, hazard, and nuisance. Mr. Hiemer explained permits and DEQ requirements. Council recommended further work be done on this Ordinance before a vote is taken.

Councilmember Gericke withdrew his motion and Councilmember Carney withdrew his second.

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

Approving Minutes of February 14, 2012 City Council Regular Meeting.

Approving Minutes of February 21, 2012 City Council Study Session.

Approving Request from Wayne Gappa, 11 East 48th Street, Kearney, Nebraska for Liquor Manager Designation for Nebraskaland Distributors, LLC.

#2012-42 – Approving Acquisition of Utility Easement – West of Blaine Street and North of Wildwood Drive (Grand Island Economic Development Corporation).

#2012-43 – Approving Supplemental Agreements to Utilities Relocation Agreement with Burlington Northern Santa Fe Railroad – Double Track Project – Electric MP 94.70 & Sewer MP 94.56.

#2012-44 – Approving Bid Award for Precipitator & Duct Cleaning at Platte Generating Station with Meylan Enterprises, Inc. of Omaha, Nebraska in an Amount of \$65,950.00.

#2012-45 – Approving Bid Award for Uranium Removal Water Treatment Plant Equipment Installation and Pump Modifications with Judds Brothers Construction of Lincoln, Nebraska in an Amount of \$309,250.00.

#2012-46 – Approving Lease Agreement with the Hall County Historical Society Regarding the Stolley Campus.

#2012-47 – Approving Amendment and Activity Approval to the 2010 Storm Water Management Plan Program Grant.

#2012-48 – Approving Agreement with NDOR for US Highway 34 Improvements from US Highway 281 to South Locust Street.

#2012-49 – Approving Amendment #2 to the Consent to Access for EPA Environmental Response Action Agreement.

#2012-50 – Approving Agreement with NDOR for 2012 Fracture Critical Bridge Inspections.

#2012-51 – Approving Bid Award for One (1) 2012 Solid Waste Transfer Trailer (Solid Waste Division) from STECO Trailer of Morris, Minnesota in an Amount of \$51,2120.00.

REQUESTS AND REFERRALS:

Consideration of Request from Salvador and Sandra Juarez and the Grand Island Public Schools for a Conditional Use Permit for a Parking Lot Located at 2108 North Custer and Lot 9, Block 16, University Place. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Ramsey to approve the request with the following conditions:

1. that landscaping is provided in compliance with section 36-102 of the zoning regulations
2. that vehicle access be restricted and accomplished from the existing drive location at 2108 N. Custer
3. a curb barrier is installed adjacent to the alley to restrict access from the parking lot
4. that the lot be designated non-student parking, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Discussion was held regarding lighting and privacy fence. Mr. Lewis stated there were no City regulations required.

Motion by Gilbert, second by Haase to amend the motion to add a privacy fence along the west and north side of the lot. Upon roll call vote, Councilmembers Haase, Carney, Niemann, Ramsey, Gilbert, Donaldson, Dugan, Gard, and Gericke voted aye. Councilmember Nickerson voted no. Motion adopted.

Dan Petsch, 1734 Ingalls Street commented on the long term plan for this property and that the property would be fenced and locked.

Upon roll call vote on the main motion, all vote aye. Motion adopted.

RESOLUTIONS:

#2012-52 – Consideration of Request from Javier Rodriguez dba El Trancaso, 415 West 4th Street for a Class “C” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Ramsey, second by Niemann to approve Resolution #2012-52 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Donaldson to approve the Claims for the period of February 15, 2012 through February 28, 2012, for a total amount of \$2,447,517.64. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Dugan to adjourn to Executive Session at 8:46 p.m. for the purpose of the following:

1. Strategy session with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body
2. Strategy session with respect to collective bargaining (IBEW Local 1507 – Wastewater, Service/Clerical, Finance, Utilities)
3. Strategy session with respect to collective bargaining (IAFF Local 647)
4. Strategy session with respect to pending litigation

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

RETURN TO REGULAR SESSION: Motion by Haase, second by Ramsey to return to Regular Session at 11:00 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 11:00 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G3

Approving Minutes of March 6, 2012 City Council Study Session

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

March 6, 2012

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on March 6, 2012. Notice of the meeting was given in the *Grand Island Independent* on February 29, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following Councilmember's were present: Chuck Haase, Larry Carney, Bob Niemann, Kirk Ramsey, Peg Gilbert, Mitch Nickerson, Linna Dee Donaldson, Randy Gard, and John Gericke. Councilmember Dugan was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Bob Sivick, Public Works Director John Collins, and Finance Director Jaye Monter.

INVOCATION was given by Community Youth Council member Kerrigan Anspauch followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council members Kerrigan Anspauch and Jordyn Barnett.

OTHER ITEMS:

Presentation of Audit Report – Pages 100-101 – Budgetary Comparison Schedule – General Fund. City Administrator Mary Lou Brown introduced Terry Galloway from Almquist, Maltzahn, Galloway & Luth who gave an explanation of the Budgetary Comparison Schedule. Mr. Galloway stated the audit report showed the General Fund Total Appropriations were over budget by \$2,633,647. After researching the 2011 Actual amounts in the Audit Report, they found amounts for depreciation expense and an ambulance bad debt expense included in the 2011 Actual amounts. The total appropriations for 2011 Actuals were \$34,571,217 which was under budget by \$1,216,938 in the General Fund for budget year 2011.

Presentation of the Report for Inspection, Structural Analysis and Evaluation of the Eddy Street and Sycamore Street Underpasses. Public Works Director John Collins reported that Statements of Qualification were solicited for performing inspection, structural analysis and evaluation of the Eddy Street and Sycamore Street Underpasses. Kirkham Michael & Associates, Inc. of Omaha, Nebraska was selected to perform the work at actual costs with a maximum amount of \$42,932.20.

Vice-President Eric Johnson and Bridge Department Manager Steven Kneip representing Kirkham Michael presented a PowerPoint of their study which included retaining walls, sidewalk tunnels, bridges carrying vehicular traffic, roadway pavement, drainage systems adequacy, inspection routines and maintenance for the Eddy Street and Sycamore Street underpasses.

Mr. Kneip covered background information and existing conditions of the underpasses. Goals of the study were to evaluate the structural integrity, evaluate drainage and pavement and restore aesthetic components. The general conclusion from the field work was that the underpasses were in good condition and, structurally sound, but in need of repairs to assure continued service.

Discussion was held regarding the three bridges over the Union Pacific Railroad track instead of two. Mr. Collins stated the railroad inspects and maintains these structures twice a year.

Presented were proposed repairs for both the Eddy Street and Sycamore Street underpasses. The following repair schedule was presented:

2012

- Eddy Street

- Pavement repairs – full depth

- Sycamore Street

- Pavement replacement
- Retaining wall/walkway repairs
- S. Front Street bridge repairs

2013

- Eddy Street

- Retaining wall/walkway repairs
- Mill Drive Bridge repairs
- N. Front Street bridge repairs

- Sycamore Street

- Industry overpass bridge repairs

2013-2017

- Eddy Street

- Miscellaneous adjacent pavement repairs
- Walkway drain repair

- Sycamore Street

- S. Front Street pavement repairs
- Miscellaneous adjacent pavement repairs
- Walkway repairs/abandon inlets

2022

- Eddy Street Pavement Replacement

The Eddy Street and Sycamore Street underpasses were structurally sound, but repairs were needed to provide safe passage for the traveling public, prevent further deterioration, extend the life of the underpasses, and restore the aesthetic appeal.

Mr. Collins stated they were looking into the costs of the bridges. This study was to look at the structural issues of the underpasses. Time for repairs was approximately 2 to 3 months for rehab.

No more than one road would be closed at one time. Drainage in the underpasses was mentioned. Mr. Kneip stated that if the City made these repairs over the next six years we could get 20 to 30 more years out of these structures. Comments were made concerning the cost of the repairs versus new structures.

Presentation on Uranium Removal Project Cost/Revenue Analysis. Utilities Director Tim Luchsinger recapped the Uranium Removal Project. The 2000 Uranium Rule was established by EPA and the Safe Water Drinking Water Act with a maximum contaminant Level (MCL) – 30 ug/L (ppb) based on a rolling average of 4 quarterly samples. Samples were taken at each Point of Entry (POE) to the water distribution system. The City had 21 wells and was treating three wells to blend treated water to lower the overall uranium concentrations.

Capital cost was \$3,000,000 with annual operating costs of \$800,000 to treat up to 1.5 billion gallons per year. The annual water demand was 3.75 billion gallons with annual water sales of \$4,100,000. Long-term bonding would be looked at. Mr. Luchsinger stated the additional annual operating cost would require a rate increase. Rate structures were reviewed relative to a flat rate increase, percentage rate increase, and meter fees. Water rate comparison showed that with the increase in fees the City was still below other cities rates in Nebraska. The proposed revised rate schedule would be effective April 1, 2012 with the customer rate increase to begin on May 1, 2012.

Comments were made by Council with regards to which rate structure to use. Mr. Luchsinger stated the department came up with three reasonable options, the meter fee would be the recommendation the department would bring forward if council didn't direct differently. Mentioned was the meter fee would be the most predictable with regards to bringing in revenue.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G4

Approving Councilmember Appointments to Boards and Commissions

Staff Contact: RaNae Edwards

Council Agenda Memo

From: Mayor Jay Vavricek

Meeting: March 13, 2012

Subject: Approving Councilmember Appointments to Boards and Commissions

Item #'s: G-4

Presenter(s): Mayor Jay Vavricek

Background

It is customary each year for the Mayor to recommend appointments of Councilmembers to represent the City on various Boards and Commissions.

Discussion

The following appointments have been submitted by the Mayor for approval. These appointments will become effective immediately and will expire on December 31, 2012:

Business Improvement District #4: <i>(So. Locust – Stolley to Fonner)</i>	Kirk Ramsey
Business Improvement District #7: <i>(So. Locust – Hwy 34 to Stolley)</i>	Scott Dugan
Central District Health Board <i>(Term of 3 years)</i>	Chuck Haase
Central NE Humane Society:	Mitch Nickerson & Robert Niemann
Community Development Advisory Board:	Linna Dee Donaldson
Community Redevelopment Authority:	Randy Gard
Emergency Management/Communications:	John Gericke & Robert Niemann
GI Area Economic Development Corp.	Peg Gilbert

Heartland Events Center Board:	Peg Gilbert
Library Board:	Larry Carney
Odor Committee:	John Gericke & Kirk Ramsey
Problem Resolution Team:	John Gericke & Linna Dee Donaldson
Regional Planning Commission:	Mitch Nickerson
Systems Information Advisory Committee (City/County)	Scott Dugan

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 Councilmembers to Boards 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 Councilmembers to the Boards and Commissions for 2012 as recommended by the Mayor.



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G5

**#2012-55 - Approving Final Plat and Subdivision Agreement for
Chief Fab Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: March 13, 2012
Subject: Chief Fab Second Subdivision – Final Plat
Item #'s: G-5
Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

This property is located north of Fonner Park Road and west of Adams Street, this final plat proposes to create 2 lots, in the city of Grand Island in Hall County, Nebraska, said tract containing 15.448 acres.

Discussion

The revised final plat for Chief Fab Second Subdivision was considered by the Regional Planning Commission at the March 7, 2012 meeting. A motion was made by Bredthauer and seconded by Haskins to approve the plat as presented. A roll call vote was taken and the motion passed with 11 members present (Amick, O'Neill, Ruge, Hayes, Reynolds, Monter, Haskins, Eriksen, Bredthauer, Connelly, Snodgrass) voting in favor and no member present abstaining.

Alternatives

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

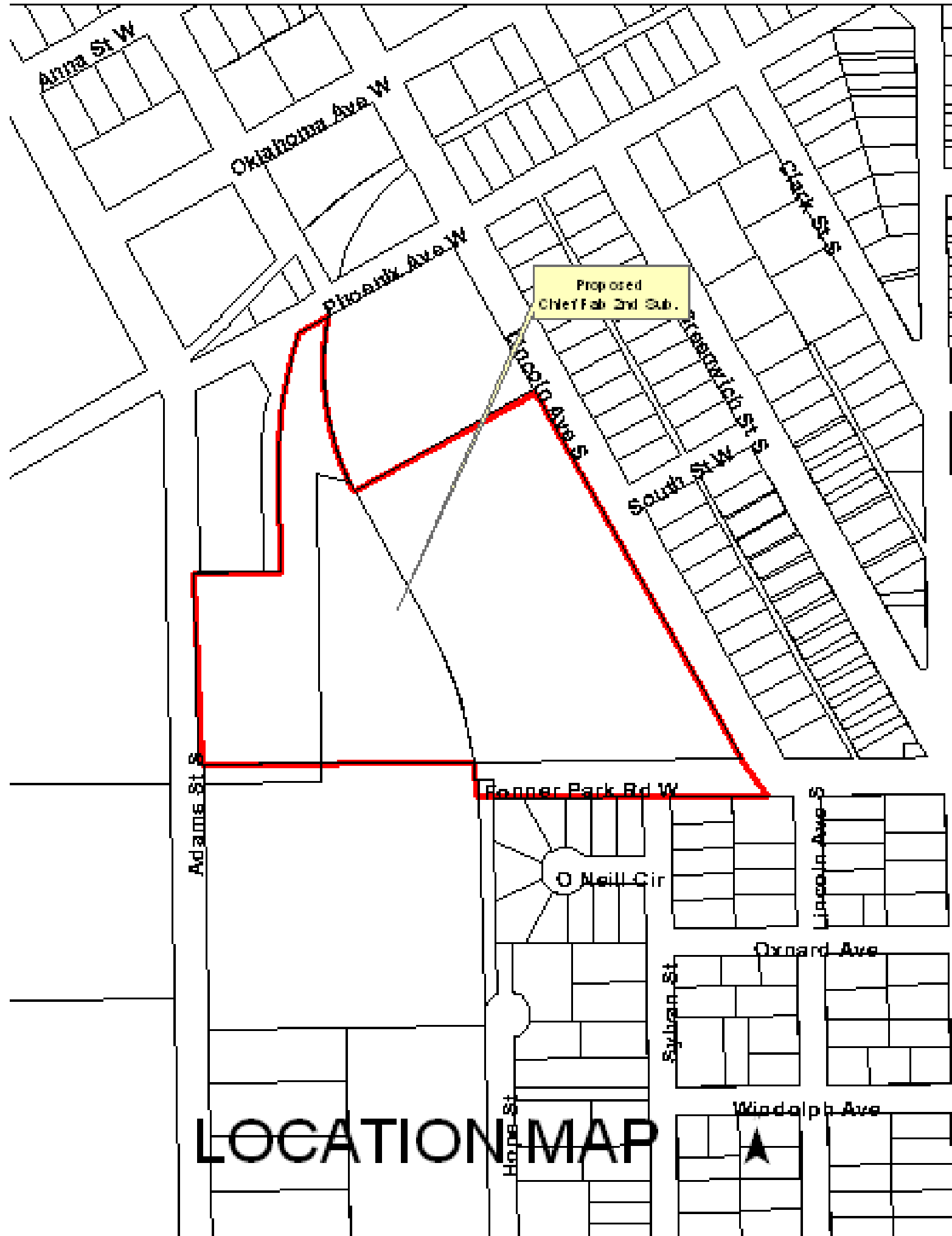
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.



Anna St W

Oklahoma Ave W

Phoenix Ave W

Proposed
CH2FPA 2nd Sub.

Lincoln Ave S

South St W S

Clark St S

Adams St S

Bonner Park Rd W

O'Neill Cir

Lincoln Ave S

Oxnard Ave

Sylvan St

Windolph Ave

LOCATION MAP



Chief Fab Second Final Plat Summary

Developer/Owner

Chief Industries Inc.

PO Box 2078

Grand Island NE 68802-2078

To create 2 lots north of Fonner Park Road and east of Adams Street, in the City of Grand Island, in Hall County, Nebraska.

Size: 15.448 acres

Zoning: M2 – Heavy Manufacturing Zone

Road Access: City Roads

Water Public: City water is available

Sewer Public: City sewer is available



RESOLUTION 2012-55

WHEREAS, Chief Industries INC., being the said owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "CHIEF FAB SECOND SUBDIVISION", to be laid out into 2 lots, a tract of land consisting of all of Lot 1 and Lot 2 Chief Fab Subdivision and a tract of Land Located in Part of the South Half of the Northeast Quarter (S1/2, NE1/4) of Section Twenty-One (21), Township Eleven (11) North, Range Nine (9), West of the 6th P.M., in the City of Grand Island, Hall County Nebraska, under the name of CHIEF FAB SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement herein before described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of CHIEF FAB SECOND SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/> _____
March 9, 2012	<input checked="" type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G6

#2012-56 - Approving Proposal for Use of Program Income Reuse Funds

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

Staff Contact: Marco Floreani

R E S O L U T I O N 2012-56

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to receive Community Development Block Grant (CDBG) funds through the Nebraska Department of Economic Development; and

WHEREAS, the Nebraska Department of Economic Development is offering a CDBG Downtown Revitalization Grant for activities that meet the CDBG national objective to aid in the elimination of conditions related to slum and blight; and

WHEREAS, a combination of matching funds and in-kind services of \$20,000 have been committed from City of Grand Island Program Income Reuse Funds and from Business Improvement District #8 for a projected project cost of \$50,000, including general administration; and

WHEREAS, the Grand Island Business Improvement District # 8 have committed matching funds of \$7,5000 for a projected project cost of \$20,000; and

WHEREAS, the City of Grand Island presently requires a public hearing to accept comments and inform the public on the status of the use of Program Income Reuse funds and grant application; and

WHEREAS, the public hearing on March 13, 2012, offers the public opportunity to make such comments to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island, Nebraska Business Improvement District # 8 is hereby authorized to apply for \$12,500 of Program Reuse Income funds for a 2012 Phase 1 Downtown Revitalization Grant from the Nebraska Department of Economic Development and the Mayor is hereby authorized and directed to execute such proceedings on behalf of the City of Grand Island for such grant programs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 8, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G7

#2012-57 - Approving Application for Community Development Block Grant Program

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

Staff Contact: Marco Floreani

RESOLUTION 2012-57

WHEREAS, the City of Grand Island, Nebraska, is an eligible unit of a general local government authorized to receive Community Development Block Grant (CDBG) funds through the Nebraska Department of Economic Development; and

WHEREAS, the Nebraska Department of Economic Development is offering a CDBG Downtown Revitalization Phase 1 Planning Grant for a planning project that meets the CDBG national objective to aid in the elimination of conditions related to slum and blight; and

WHEREAS, the City will apply for and administer a \$30,000 Downtown Revitalization Phase 1 Planning Grant (\$27,900 project cost/\$2,100 general administration) to develop a revitalization/redevelopment plan for downtown infrastructure and growth; and

WHEREAS, a combination of matching funds and in-kind services of \$20,000 have been committed from City of Grand Island Program Income Reuse Funds and from Business Improvement District #8 for a projected project cost of \$50,000, including general administration; and

WHEREAS, the Nebraska Department of Economic Development presently requires a public hearing to accept comments and inform the public on the status of the proposed project and grant application; and

WHEREAS, the public hearing on March 13, 2012, offers the public opportunity to make such comments to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island, Nebraska is hereby authorized to apply for a Downtown Revitalization Phase 1 Planning Grant from the Nebraska Department of Economic Development to develop a revitalization/redevelopment plan for downtown infrastructure and growth and the Mayor is hereby authorized and directed to execute such proceedings on behalf of the City of Grand Island for such grant programs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 8, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G8

#2012-58 - Approving Grant Spending for the Nebraska Children and Families Foundation and Nebraska Dept of Health and Human Services Grants

Staff Contact: Jaye Monter

Council Agenda Memo

From: Jaye Monter, Finance Director

Meeting: March 13, 2012

Subject: Approving Grant Spending for the Nebraska Children and Families Foundation and Nebraska Department of Health and Human Services Grants

Item #'s: G-8

Presenter(s): Jaye Monter, Finance Director

Background

In 2010 and 2011, the City of Grand Island was awarded a total of \$80,000 in grants from the Nebraska Children and Families Foundation (NCFF) and the Nebraska Department of Health and Human Services. The grant funds were awarded to the City to work with the Coalition for Children now called the Child Well Being Collaboration. The purpose is to build collaboration and implement a community Strategic Plan for a Child Well-being Initiative. At the end of the first grant year, the unspent grant funds were \$58,177.31. An additional \$30,000 was received on August 9, 2011 from the Nebraska Department of Health and Human Services. The Child Well Being Collaboration is an inclusive group of individuals and agencies interested in improving the lives of children, youth and their families in Grand island. On January 12, 2012 the Child Well Being Collaboration group met to approve the spending categories of the \$58,177.31 carry over balance of grant funds and the new \$30,000.

Discussion

On January 12, 2012 the Child Well Being Collaboration group approved to enter into a collaborative relationship with the Multicultural Coalition of Grand Island.

Purpose of Contract:

The purpose of this collaborative contract is to:

- Enhance the capacity of leaders in racial and ethnic communities, especially around the needs and hopes of children, youth and families.
- To increase the engagement of racial and ethnic communities in the dialogue and efforts for children, youth and families.
- To assure a culturally relevant community assessment for Child Well Being.

See agreement for additional details. In order to follow the City's Procurement Code, Council will need to approve the payment of \$12,000 for the agreement between the Child Well Being Collaboration and the Multicultural Coalition of Grand Island. The grant monies have already been received by the City of Grand Island. There will be no cost to the City.

Alternatives

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

1. Approve the payment of \$12,000 for the agreement between the Child Well Being Collaboration and the Multicultural Coalition of Grand Island.
2. Disapprove or deny the contract payment.
3. Take no action on the contract.

Recommendation

City Administration recommends that the Council approve the payment of \$12,000 for the agreement between the Child Well Being Collaboration and the Multicultural Coalition of Grand Island and authorize the Mayor to sign all related documents.

Sample Motion

Move to approve the payment of \$12,000 for the agreement between the Child Well Being Collaboration and the Multicultural Coalition of Grand Island and authorize the Mayor to sign all related documents.

Child Well Being Collaboration
Contract for Collaboration
With
Multicultural Coalition of Grand Island

Background

The Child Well Being Collaboration desires to enter into a collaborative relationship with the Multicultural Coalition of Grand Island.

The Child Well Being Initiative is funded through the Nebraska Children and Families Foundation and the Nebraska Child Abuse Prevention Fund Board. The Child Well Being initiative focuses on ways in which communities can work together to improve areas such as: Low Birth Weight Babies, Infant Mortality, High school Completion, Juvenile Justice Rates, Adolescent Pregnancy, and Substance Use by working together and engaging parents.

The Child Well Being Collaborative is an inclusive group of individuals and agencies interested in improving the lives of children, youth and their families in Grand Island through shared assessment, planning and implementation of systems and resources. The CWB Collaboration does not provide programs but works to improve service systems and relationships in Grand Island.

If we are to make significant change all community members are needed. In order to accomplish this goal the CWB Collaboration recognizes that we need to have more than one table, more than one dialogue. We need many circles working together.

Purpose of Contract:

The purpose of this collaborative contract is to:

- Enhance the capacity of leaders in racial and ethnic communities, especially around the needs and hopes of children, youth and families.
- To increase the engagement of racial and ethnic communities in the dialogue and efforts for children, youth and families.
- To assure a culturally relevant community assessment for Child Well Being.

Proposal of Scope of Work

CWB Collaboration proposes to enter into two contracts with Multicultural Coalition of Grand Island as follows:

Outcome 1: Community Engagement

January 1, 2012 – June 30, 2012

\$8000.00

Multicultural Coalition of Grand Island would support and plan with four racial/ethnic to hold regular community gatherings for the purpose of encouraging community cohesiveness and enhancing community engagement in assessment, planning and implementation of services for children and families as follows:

1. Hold monthly community gatherings in each of four communities for five months for the purpose of building community trust and inclusion.
Deliverable: Record of dates, times and attendance at meetings.
2. As part of dialogue in each community provide information on and receive information from community on children, youth and family concerns in Grand Island.
Deliverable: Provide a short, 1-2 page report which includes a list of topics discussed and areas of community strength, interest and concern.
3. Assess with the community the value of the meetings and determine desire to continue.
Deliverable: Written report of the community assessment and the desire to continue to provide leadership for children, youth and families.
4. Multicultural Coalition of Grand Island Director and representatives from the Board of Directors dialogue with the CWB Collaboration Community Context Task Force to determine an ongoing culturally relevant structure for shared leadership within the newly forming CWB 501(c) 3.

Reporting:

- Verbal status reports will be provided monthly to the Child Well Being Community Context Task Force and recorded in the minutes of such meetings.
- Written reports as defined above will be provided by July 15, 2012.

Payment Schedule:

The CWB Collaboration agrees to pay the Multicultural Coalition as follows:

- \$1000 start up fees upon signing the contract
- \$1500 per month for February, March, April, and May
- \$1000 upon submission of the final report by July 15, 2012

Payment Process:

- Multicultural Coalition of Grand Island will invoice CWB Collaboration for payments as above.
- Invoices will be processed within a two week time frame

Outcome 2: Community Assessment

January 2012- June 30, 2012

\$4000.00

Multicultural Coalition of Grand Island will support the development of the on going child Well Being Assessment by facilitating four community focus groups.. The focus group process will include:

1. Consensus with the CWB Collaboration on the focus group focus group tool to be used..
2. Multicultural Coalition of Grand Island may revise such a tool to be culturally relevant.
 - The CWB Collaboration Community Context Task Force will assist in revising the tool for cultural relevance and to assure fidelity to a core group of questions among all communities.
3. Multicultural Coalition of Grand Island will provide a written report which summarizes all focus groups in themes. The CWB Local Evaluator and the temporary coordinator will be available to assist in summarizing information if needed.
4. Community members who participated in the focus groups will review and approve the summary findings before the report is submitted to Child Well Being Collaboration.
5. The names of all participants will be kept confidential.

Reporting:

- Verbal status reports will be provided monthly to the Child Well Being Community Context Task Force and recorded in the minutes of such meetings.
- A written report as defined above will be provided by July 15, 2012.

Payment Schedule:

The CWB Collaboration agrees to pay the Multicultural Coalition as follows:

- \$1000 upon completion of each of three focus groups.
- \$1000 upon submission of the written report by July 15, 2012.

Payment Process:

- Multicultural Coalition of Grand Island will invoice CWB Collaboration for payments as above.
- Invoices will be processed within a two week time frame

_____	_____	<u>Carl Borcenas</u>	<u>2/27/12</u>
For City of Grand Island	Date	for Multicultural Coalition	Date

38-368-3695
Tax ID#

Child Well Being Collaboration Budget Jan 2012 - June 2012		
January 12, 2012	NCFF Carry Over Budget	2011-2012 Dept of Health & Human Services
	Beginning Balance	Beginning Balance
Collaborative Administration:		
Coordination/Facilitation		
Administrative Support	4,000.00	
Fiscal Management	2,337.00	1,200.00
Local Evaluation – Schmeeckle Research	6,600.00	3,000.00
ODSS	2,000.00	1,000.00
Incorporation	3,000.00	
Travel:		
Facilitator Travel and Lodging	4,400.00	
Office Expenses:	807.31	
Collaborative Leadership Capacity and Infrastructure:		
Collaborative Leadership Capacity Training	7,000.00	
Project Everlast Youth Leadership Inclusion	2,608.00	
Leadership Team and Retreat	2,000.00	
CWB Meeting Expenses	1,400.00	
Task Forces and Work Groups	1,875.00	
Training Coordination	600.00	
Equipment: \$0		

Outreach: Child Well Being Plan Implementation:		
2010-2014 CWB Comm. Context and Positive Parent Action Plan		
Collaborative Positive Parent Child Interaction Initiative:	7,550.00	20,800.00
Healthy Family Practices and Healthy Family Life Objective 1		
Healthy Family Practices and Healthy Family Life Objective 2		
Access to Community Information and Resources Objective 3	4,000.00	
Family and Community Engagement Objective 5		
Children and Families Supported within a Safe and Nurturing Environment Objective 6		
Children and Families Supported Within the Context Community Objective 7 – Multi Cultural Coalition of Grand Island	8,000.00	4,000.00
Totals	58,177.31	30,000.00

Budget Notes:

Collaborative Capacity Plan

Project Administration

1. Coordination and Facilitation: Joan Frances provided through NCFF
2. Administrative Support \$4000.00 : Contract with partner to provide meeting set up, processing of receipts and contract invoices for payment, forwarded to the Management Team, Coordinating Trainings and Events, record minutes form meetings and task forces,.
 - 25 hours per month @\$20.00/hour x 6 months. \$3000.00 (\$20/hour includes wages and portion of office space, internet, minor supplies.)
 - Additional 50 hours @ \$20.00 for special projects and events
3. Fiscal Management 4%
 - Carry Over budget \$2350
 - DHHS \$1200
4. Local Evaluation Contract \$9600.00
 - Carry Over \$6600.00
 - DHHS \$3000.00
5. ODSS Entry Contract \$3000
 - Carry Over \$2000 (80 hours @ \$25.00)
 - DHHS \$1000 (40 hours @\$25.00)

6. Incorporation Fees \$3000
 - Carry Over Budget: Projected Lawyer and Filing fees.

Travel

7. Travel Carry Over Budget \$4400
 - Facilitator Travel and Lodging for Grand Island Meetings (1000 miles/monthx6 months @ .50) \$3000.00
 - Lodging in Grand Island 12 nights @ \$120./night= \$1440

Office Expenses \$1068.15

- Photocopying 10000 copies @ .05 =\$500.00
- Supplies \$50.00/month x6 \$300.00
- Postage \$100.00
- Misc. Supplies \$68.15

Collaborative Leadership Capacity and Infrastructure

8. Skills Training \$7000
 - Carry Over Budget Skills training such as Basic Mediation Skills for members and staff.
 - Includes Contract for Trainers, materials, meals, facilities.
9. Project Everlast Carry Over Budget Contract \$2608.
 - Additional support for 2011 as requested \$1308.05 Consider doubling to ensure continued involvement in the coming year. Determine with youth mechanism for inclusion. Breakdown of 1308.05 (Staff Salary: \$1012, Volunteer Stipends: \$28.05. Youth Leader Stipend: \$83, Food for Meetings \$72, Postage: \$29 ,7% Administration: \$84)
10. Leadership Team Retreat \$2000 Carry Over Budget
 - Initial Budget included continuation of some leadership activities.
 - By May hold a leadership retreat for 2012- 2013 Strategic Plan based on activities to date.
 - Expenses included but not limited to: travel, materials, meals, facilities.
11. CWB Meeting Expenses \$1400.00 Carry Over Budget
 - Meals and Facilities for 7 meetings at \$200/meeting
12. Task Forces and Work Groups \$1875.00
 - Meeting Expenses for work groups of CWB including Task Forces, Juvenile Justice, Out of School Time, and other special projects as may arise.
13. Training Coordination Contract \$600.00
 - Contracted cost to set up, register and enroll trainings @ \$300/training

Child Well Being Plan Implementation

14. Collaborative Positive Parent Child Interaction Initiative \$28,350.00

- Evidence Based Training, program, policy or practice enhancement, parenting inclusion as per a completed logic model and further to Home Visitation Planning.
- DHHS Funds \$20800 DHHS
- Carry Over Budget : \$7550

Access to Community information and Resources Carry Over Budget \$4000

Objective 3: 211 and other system enhancement and utilization

Children and Families Supported within Context of Community \$12,000.00

1. Carry Over Budget :Contract with diverse groups to create own community inclusion/leadership. Link with common information collection. 4 groups of approx 12 at \$2000 per group for 6 months. Total \$8000.00
2. DHHS Budget \$4000.00(\$1000/group) to complete an internally facilitated process on access to health and teaching of parenting resources/skills. Summary report to be returned to CWB Collaboration.

RESOLUTION 2012-58

WHEREAS, in 2010 and 2011 the Nebraska Children and Families Foundation awarded \$80,000 to the City of Grand Island to work with the Coalition for Children now known as the Child Well Being Coalition to implement a community Strategic Plan for Child Well-being; and

WHEREAS, at the end of the first grant year unspent grant funds were \$58,177.31 and an additional \$30,000 was received on August 9, 2011 from the Nebraska Department of Health and Human Services; and

WHEREAS, On January 12, 2012 the Child Well Being Collaboration approved to enter into a collaborative relationship with the Multicultural Coalition of Grand Island for contracted services of \$12,000; and

WHEREAS, the grant monies have already been received by the City of Grand Island therefore there is no cost to the City; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that contract between the Child Well Being Collaboration and the Multicultural Coalition of Grand Island is hereby approved; and the Mayor is hereby authorized and directed to execute such agreements on behalf of the City of Grand Island.

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, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 9, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G9

**#2012-59 - Approving Grant Evaluation Agreement for the NE
Children and Families Foundation and Nebraska Dept of Health
and Human Services Grants**

Staff Contact: Jaye Monter

Council Agenda Memo

From: Jaye Monter, Finance Director

Meeting: March 13, 2012

Subject: Approving Grant Evaluation Agreement for Nebraska Children and Families Foundation and Nebraska Department of Health and Human Services Grants

Item #'s: G-9

Presenter(s): Jaye Monter, Finance Director

Background

In 2010 and 2011, the City of Grand Island was awarded a total of \$80,000 in grants from the Nebraska Children and Families Foundation (NCFF) and the Nebraska Department of Health and Human Services. The grant funds were awarded to the City to work with the Coalition for Children now called the Child Well Being Collaboration to build collaboration and implement a community Strategic Plan for a Child Well-being Initiative. At the end of the first grant year, the unspent grant funds were \$58,177.31. An additional \$30,000 was received on August 9, 2011 from the Nebraska Department of Health and Human Services. The Child Well Being Collaborative is an inclusive group of individuals and agencies interested in improving the lives of children, youth and their families in Grand island. On January 12, 2012 the Child Well Being Collaboration met to approve the spending categories of the \$58,177.31 carry over balance of grant funds and the new \$30,000.

Discussion

The funders (NCFF) require each grantee (the City of Grand Island) to complete a grant evaluation component for the initiative each year. The Child Well Being Collaboration had selected Schmeeckle Research, Inc. as the grant evaluator at the beginning of the grant period for a period of two years, July 2010-June 2012 at a cost of \$9,600.00 per year. Council approved the contract on May 10, 2011 with Resolution 2011-117 for \$9,600.00. The original contract approved by Council was for two years July 2010-June 2012 at \$9,600.00 per year. Since Resolution 2011-117 only approved the first annual payment, and to follow the City's Procurement Code, Council will need to approve the second year payment to Schmeeckle Research Inc. for \$9,600.00. The grant monies have already been received by the City of Grand Island. There will be no cost to the City.

Alternatives

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

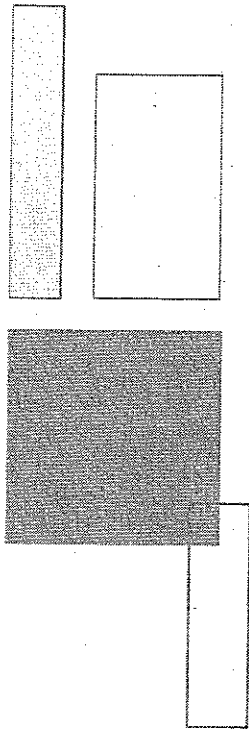
1. Approve the second year payment of \$9,600.00 for the two year contract July 2010-June 2012 with Schmeeckle Research, Inc.
2. Disapprove or deny the contract payment.
3. Take no action on the contract payment.

Recommendation

City Administration recommends that the Council approve the second year payment of \$9,600.00 for the two year contract July 2010-June 2012 with Schmeeckle Research Inc.

Sample Motion

Move to approve the second year payment of \$9,600.00 for the two year contract July 2010-June 2012 with Schmeeckle Research Inc.



City of Grand Island

Coalition with Children

Evaluation Contract

July 2010 – June 2012

COPY



Schmeeckle Research Inc.

Joyce Schmeckle, Ph.D.
1701 S. 17th, Suite 2A
Lincoln, NE 68502
402.477.5407
joyce@schmecklerresearch.com

ORIGINAL

Evaluation Purpose: To provide evaluation services for the Grand Island Coalition for Children (receiving funding from the Nebraska Children's Foundation) as listed below.

Evaluation Services

1. In conjunction with the Coordinator develop the framework and plan for the local evaluation based on the CWB work plan.
2. Implement the local evaluation plan.
3. Participate in the implementation of the ODSS system including evaluation criteria and data to be entered and monthly oversight checks of entries.
4. In conjunction with Nebraska Children and Families Foundation (NCFF) evaluation team participate in the design and implementation of requirements for all Child Well Being grant activities including but not limited to focus groups and key informant interviews.
5. Communicate and respond to evaluation requirements as requested by NCFF.
6. Maintain regular communication with CWB Coordinator.
7. In conjunction with Panhandle contracts coordinate work in the region wherever possible to reduce duplication and costs.
8. Other reasonable evaluation services as requested by the staff
9. Serve as a linkage with the Nebraska Children and Families Child Well Being state wide evaluation team

Annual Evaluation Cost

\$9,600

Travel Expenses. Travel expenses are included in the above cost.

Contract Terms

The evaluation costs will be billed semi-annually during the contract period. The contract is effective beginning July 1, 2010 and will end on June 30, 2012. The contract will be renewable for an additional year with potential adjustment to the contract amount. Contract terms and conditions are reflected in the attached consulting agreement.

Project Evaluator

Joyce Schmeeckle, Ph.D., is President of Schmeeckle Research Inc. and will be the lead evaluator for the project but other staff may also participate in completing the evaluation services outlined.

Acceptance

Your signature below indicates your acceptance of the proposal and your authorization for the outlined project work by the evaluator. The statement of work will be performed according to the terms and conditions agreed to in the consulting agreement between Schmeeckle Research Inc. and City of Grand Island in Partnership with Coalition for Children, which is attached to this proposal.

Schmeeckle Research Inc.

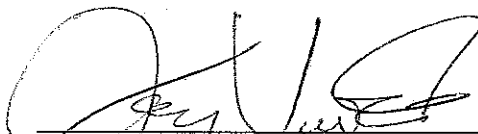
Tax ID: 20-272250



Joyce Schmeeckle, PhD

Date: 5/3/2011

**City of Grand Island in Partnership with
Coalition for Children**



Jay Vavricek, Mayor

Date 5/10/11

Consulting Agreement

AGREEMENT, made this 10th day of May, 2011 between Schmeeckle Research Inc., located in Lincoln, Nebraska and City of Grand Island in Partnership with Coalition for Children ("Client"), located in Grand Island, Nebraska.

1. **Services.** Client desires to purchase, and Schmeeckle Research Inc. desires to provide, professional research and evaluation consulting services. This Agreement between the parties shall constitute a basic agreement, the terms and conditions of which shall apply to each work assignment proposed by the Client which is accepted by Schmeeckle Research Inc.
2. **Termination.** Either party may at any time terminate the performance of all or any portion of the services or any work assignment upon (30) days prior written notice to the other party stating its intention to terminate and specifying the services or work assignment to be terminated and the date upon which such termination shall be effective.
3. **Compensation.** All services performed by Schmeeckle Research Inc. shall be rendered in accordance to the attached Statement of Work. Schmeeckle Research Inc. may invoice Client quarterly for services rendered during the preceding quarterly period or will invoice at the end of the contract period. Payment by Client will be made within thirty (30) days after the date of invoice. Invoices unpaid by Client within thirty (30) days of the date of receipt of invoice shall be subject to a late charge of 1.5% per month or fraction thereof.
4. **Schmeeckle Research Inc. Staff.** Schmeeckle Research Inc.' staff is not, nor shall they be deemed to be, at any time during the term of this Agreement the employees of Client. Schmeeckle Research Inc. shall have the sole right to designate which of its staff, whether permanent or temporary, shall perform any of the services required under this Agreement.
5. **Client Confidential Information.** Schmeeckle Research Inc. agrees to treat as confidential any confidential information relating to Client's business, employees and customers to which Schmeeckle Research Inc. may be exposed in performing services for Client. Confidential Information shall include, but not be limited to, all employee data files, interview questions, research results, and any reports by Schmeeckle Research Inc. to the extent unique to Client.
6. **Rights in Work Product.** Any client-unique work product resulting from Schmeeckle Research Inc.' services under this Agreement shall belong to Client, but Schmeeckle Research Inc. reserves the unrestricted right to any ideas, concepts, methodologies, and techniques.
7. **General Liability Insurance.** Schmeeckle Research Inc. will maintain general liability insurance during the term of the contract.

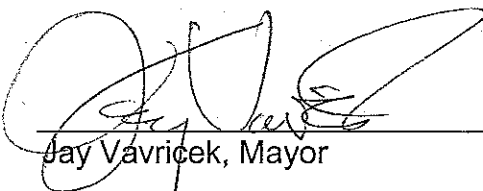
The parties have read this Agreement, understand it, and agree to be bound by all its terms and conditions.

Schmeeckle Research Inc.
Tax ID: 20-272250

**City of Grand Island in Partnership with
Coalition for Children**



Joyce Schmeckle, Ph.D.



Jay Vavricek, Mayor

Date: 5/3/2011

Date 5/10/2011

RESOLUTION 2011-117

WHEREAS, in 2010 and 2011 the Nebraska Children and Families Foundation, on behalf of the Nebraska Child Abuse Prevention Fund Board, awarded \$80,000 to the City of Grand Island to work with the Coalition for Children to build collaboration and implement a community Strategic Plan for Child Well-being; and

WHEREAS, the grantors require that a grant evaluator be utilized for program evaluation;

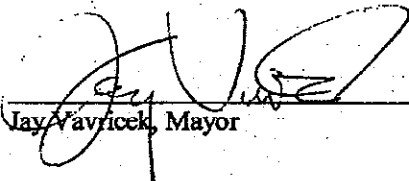
WHEREAS, the Coalition for Children has selected Schmeeckle Research, Inc. as the grant evaluator; and

WHEREAS, the Coalition for Children will work with Community Development to carry out the scope of services as outlined in the contract; and

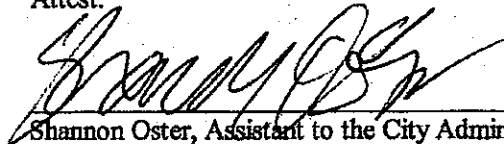
WHEREAS, the grant will fund the cost of grant evaluation services in an amount not to exceed \$9,600 through June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the contract with Schmeeckle Research, Inc. is approved and the Mayor is authorized to sign associated documents.

Adopted by the City Council of the City of Grand Island, Nebraska, May 10, 2011.


Jay Vavricek, Mayor

Attest:


Shannon Oster, Assistant to the City Administrator

COPY


Approved as to Form
May 8, 2011
City Attorney

Child Well Being Collaboration Budget Jan 2012 - June 2012		
January 12, 2012	NCFF Carry Over Budget	2011-2012 Dept of Health & Human Services
	Beginning Balance	Beginning Balance
Collaborative Administration:		
Coordination/Facilitation		
Administrative Support	4,000.00	
Fiscal Management	2,337.00	1,200.00
Local Evaluation – Schmeeckle Research	6,600.00	3,000.00
ODSS	2,000.00	1,000.00
Incorporation	3,000.00	
Travel:		
Facilitator Travel and Lodging	4,400.00	
Office Expenses:	807.31	
Collaborative Leadership Capacity and Infrastructure:		
Collaborative Leadership Capacity Training	7,000.00	
Project Everlast Youth Leadership Inclusion	2,608.00	
Leadership Team and Retreat	2,000.00	
CWB Meeting Expenses	1,400.00	
Task Forces and Work Groups	1,875.00	
Training Coordination	600.00	
Equipment: \$0		

Outreach: Child Well Being Plan Implementation:		
2010-2014 CWB Comm. Context and Positive Parent Action Plan		
Collaborative Positive Parent Child Interaction Initiative:	7,550.00	20,800.00
Healthy Family Practices and Healthy Family Life Objective 1		
Healthy Family Practices and Healthy Family Life Objective 2		
Access to Community Information and Resources Objective 3	4,000.00	
Family and Community Engagement Objective 5		
Children and Families Supported within a Safe and Nurturing Environment Objective 6		
Children and Families Supported Within the Context Community Objective 7 – Multi Cultural Coalition of Grand Island	8,000.00	4,000.00
Totals	58,177.31	30,000.00

Budget Notes:

Collaborative Capacity Plan

Project Administration

1. Coordination and Facilitation: Joan Frances provided through NCFF
2. Administrative Support \$4000.00 : Contract with partner to provide meeting set up, processing of receipts and contract invoices for payment, forwarded to the Management Team, Coordinating Trainings and Events, record minutes form meetings and task forces,.
 - 25 hours per month @\$20.00/hour x 6 months. \$3000.00 (\$20/hour includes wages and portion of office space, internet, minor supplies.)
 - Additional 50 hours @ \$20.00 for special projects and events
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 - DHHS \$3000.00
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 - Carry Over \$2000 (80 hours @ \$25.00)
 - DHHS \$1000 (40 hours @\$25.00)

6. Incorporation Fees \$3000
 - Carry Over Budget: Projected Lawyer and Filing fees.

Travel

7. Travel Carry Over Budget \$4400
 - Facilitator Travel and Lodging for Grand Island Meetings (1000 miles/monthx6 months @ .50) \$3000.00
 - Lodging in Grand Island 12 nights @ \$120./night= \$1440

Office Expenses \$1068.15

- Photocopying 10000 copies @ .05 =\$500.00
- Supplies \$50.00/month x6 \$300.00
- Postage \$100.00
- Misc. Supplies \$68.15

Collaborative Leadership Capacity and Infrastructure

8. Skills Training \$7000
 - Carry Over Budget Skills training such as Basic Mediation Skills for members and staff.
 - Includes Contract for Trainers, materials, meals, facilities.
9. Project Everlast Carry Over Budget Contract \$2608.
 - Additional support for 2011 as requested \$1308.05 Consider doubling to ensure continued involvement in the coming year. Determine with youth mechanism for inclusion. Breakdown of 1308.05 (Staff Salary: \$1012, Volunteer Stipends: \$28.05. Youth Leader Stipend: \$83, Food for Meetings \$72, Postage: \$29 ,7% Administration: \$84)
10. Leadership Team Retreat \$2000 Carry Over Budget
 - Initial Budget included continuation of some leadership activities.
 - By May hold a leadership retreat for 2012- 2013 Strategic Plan based on activities to date.
 - Expenses included but not limited to: travel, materials, meals, facilities.
11. CWB Meeting Expenses \$1400.00 Carry Over Budget
 - Meals and Facilities for 7 meetings at \$200/meeting
12. Task Forces and Work Groups \$1875.00
 - Meeting Expenses for work groups of CWB including Task Forces, Juvenile Justice, Out of School Time, and other special projects as may arise.
13. Training Coordination Contract \$600.00
 - Contracted cost to set up, register and enroll trainings @ \$300/training

Child Well Being Plan Implementation

14. Collaborative Positive Parent Child Interaction Initiative \$28,350.00

- Evidence Based Training, program, policy or practice enhancement, parenting inclusion as per a completed logic model and further to Home Visitation Planning.
- DHHS Funds \$20800 DHHS
- Carry Over Budget : \$7550

Access to Community information and Resources Carry Over Budget \$4000

Objective 3: 211 and other system enhancement and utilization

Children and Families Supported within Context of Community \$12,000.00

1. Carry Over Budget :Contract with diverse groups to create own community inclusion/leadership. Link with common information collection. 4 groups of approx 12 at \$2000 per group for 6 months. Total \$8000.00
2. DHHS Budget \$4000.00(\$1000/group) to complete an internally facilitated process on access to health and teaching of parenting resources/skills. Summary report to be returned to CWB Collaboration.

RESOLUTION 2012-59

WHEREAS, in 2010 and 2011 the Nebraska Children and Families Foundation awarded \$80,000 to the City of Grand Island to work with the Coalition for Children now known as the Child Well Being Coalition to implement a community Strategic Plan for Child Well-being; and

WHEREAS, at the end of the first grant year unspent grant funds were \$58,177.31 and an additional \$30,000 was received on August 9, 2011 from the Nebraska Department of Health and Human Services; and

WHEREAS, Nebraska Children and Families Foundation requires the grantee of funds to complete a yearly evaluation; and

WHEREAS, the Council approved the two year contract July 2010-June 2012 to Schmeeckle Research, Inc. for \$9,600.00 in May 2011 with resolution 2011-117; and

WHEREAS, the two year contract to Schmeeckle Research, Inc. was for \$9,600.00 per year and Council only approved the first year payment with resolution 2011-117; and

WHEREAS, the City Attorney's office has reviewed the original contract and Resolution 2011-117 and approves the additional second year payment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the second year payment of \$9,600.00 for the two year contract July 2010-June 2012 with Schmeeckle Research Inc. is hereby approved; and the Mayor is hereby authorized and directed to execute such agreements on behalf of the City of Grand Island.

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, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 9, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G10

#2012-60 - Approving Acquisition of Public Street Right-of-Way in Oak Pointe Subdivision (R.B.O., L.L.C.)

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

Staff Contact: Terry Brown, Public Works Manager of Engineering S

RESOLUTION 2012-60

WHEREAS, public street right-of-way is required by the City of Grand Island, from R.B.O., L.L.C., in the Oak Pointe Subdivision, Hall County, Nebraska and more particularly described as follows:

A TRACT OF LAND COMPRISING A PART OF VACATED STARWOOD AVENUE, A PART OF VACATED CEDAR RIDGE COURT, A PART OF LOT FOUR (4) AND A PART OF LOT NINE (9), ALL LOCATED IN OAK POINTE SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT EIGHT (8), OAK POINTE SUBDIVISION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF VACATED STARWOOD AVENUE; THENCE RUNNING NORTHERLY ON THE WEST LINE OF VACATED STARWOOD AVENUE, A DISTANCE OF SIXTY (60.00) FEET, TO THE NORTHWEST CORNER OF VACATED STARWOOD AVENUE AND THE SOUTHWEST CORNER OF SAID LOT NINE (9); THENCE RUNNING EASTERLY ON THE SOUTH LINE OF SAID LOT NINE (9) AND THE NORTHERLY RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWENTY NINE AND TWELVE HUNDREDTHS (29.12) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SEVENTY (70.00) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE EAST LINE OF SAID LOT NINE (9) AND TO A POINT ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING NORTHERLY ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION AND TO A POINT ON THE NORTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE NORTH LINE OF SAID LOT FOUR (4) AND THE SOUTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF FIFTY SEVEN AND SEVENTY SEVEN HUNDREDTHS (57.77) FEET, TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4) AND TO A POINT ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.00) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE SOUTH LINE OF SAID

VACATED STARWOOD AVENUE AND TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY EIGHT AND THIRTY SIX HUNDREDTHS (28.36) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.682 ACRES MORE OR LESS.

WHEREAS, an Agreement for the public street right-of-way has been reviewed and approved by the City Legal Department.

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 Agreement for the public street right-of-way on the above described tract of land.

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

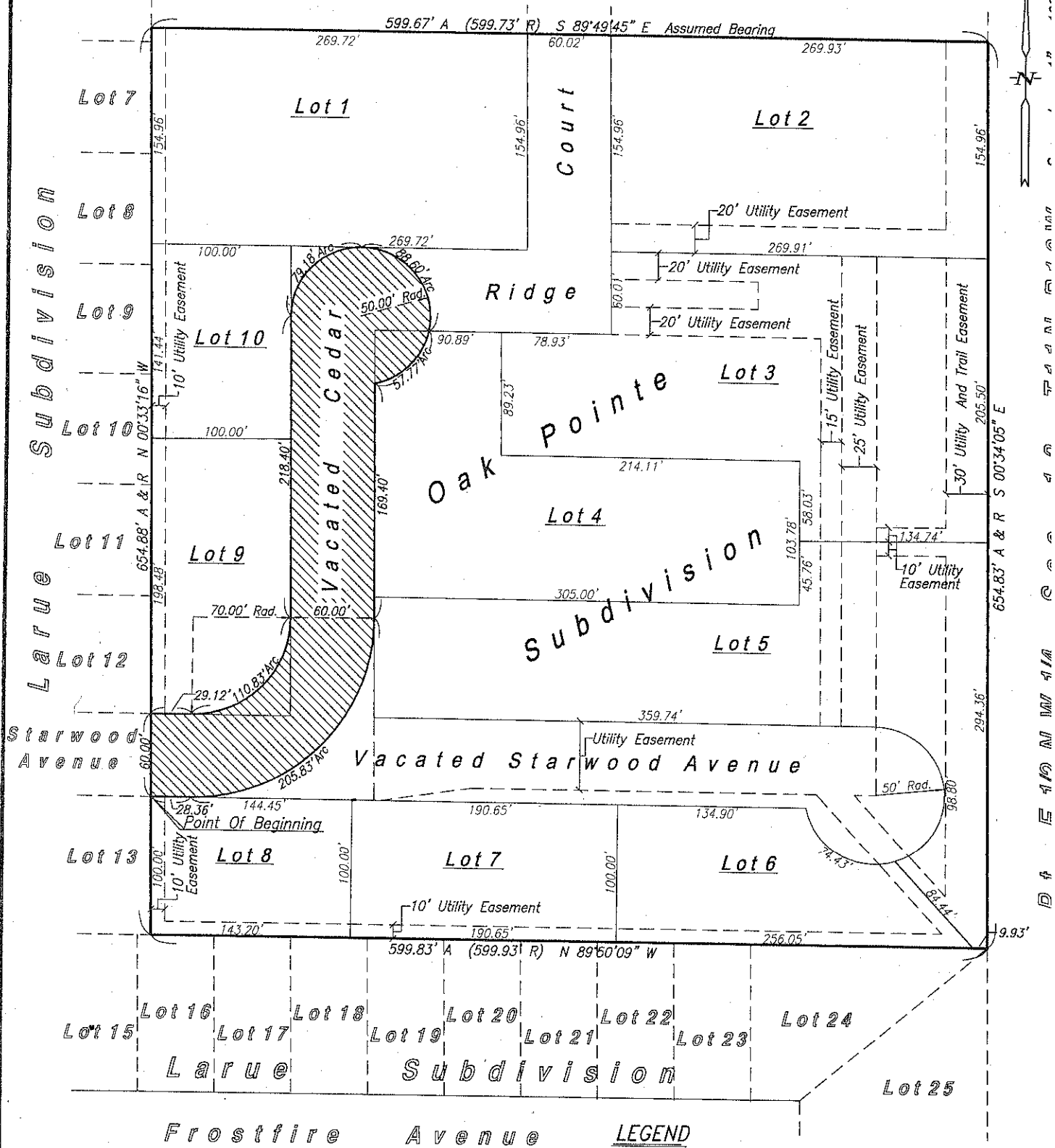
- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



described as follows:

Beginning at the northwest corner of Lot Eight (8), Oak Pointe Subdivision, said point also being the southwest corner of Vacated Starwood Avenue; thence running northerly on the west line of Vacated Starwood Avenue, a distance of Sixty (60.00) feet, to the northwest corner of Vacated Starwood Avenue and the southwest corner of said Lot Nine (9); thence running easterly on the south line of said Lot Nine (9) and the northerly right of way line of Starwood Avenue, a distance of Twenty Nine and Twelve Hundredths (29.12) feet, to a point of curvature; thence running northwesterly on the arc of a curve to the left whose radius is Seventy (70.00) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the east line of said Lot Nine (9) and to a point on the west line of said Vacated Cedar Ridge Court; thence running northerly on the west line of said Vacated Cedar Ridge Court and the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision and to a point on the north line of said Vacated Cedar Ridge Court; thence continuing southeasterly along the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the north line of said Lot Four (4) and the south line of said Vacated Cedar Ridge Court; thence continuing southwesterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Fifty Seven and Seventy Seven Hundredths (57.77) feet, to a point on the west line of said Lot Four (4) and to a point on the east line of said Vacated Cedar Ridge Court; thence running southerly on the east line of said Vacated Cedar Ridge Court and the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is One Hundred Thirty (130.00) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the south line of said Vacated Starwood Avenue and to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running westerly on the south line of said Vacated Starwood Avenue and the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Twenty Eight and Thirty Six Hundredths (28.36) feet, to the point of beginning and containing 0.682 acres more or less.

PUBLIC STREET RIGHT-OF-WAY

R.B.O., L.L.C., a Nebraska Limited Liability Company, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual public street right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land comprising a part of Vacated Starwood Avenue, a part of Vacated Cedar Ridge Court, a part of Lot Four (4) and a part of Lot Nine (9), all located in Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT EIGHT (8), OAK POINTE SUBDIVISION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF VACATED

STARWOOD AVENUE; THENCE RUNNING NORTHERLY ON THE WEST LINE OF VACATED STARWOOD AVENUE, A DISTANCE OF SIXTY (60.00) FEET, TO THE NORTHWEST CORNER OF VACATED STARWOOD AVENUE AND THE SOUTHWEST CORNER OF SAID LOT NINE (9); THENCE RUNNING EASTERLY ON THE SOUTH LINE OF SAID LOT NINE (9) AND THE NORTHERLY RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWENTY NINE AND TWELVE HUNDREDTHS (29.12) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SEVENTY (70.00) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE EAST LINE OF SAID LOT NINE (9) AND TO A POINT ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING NORTHERLY ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION AND TO A POINT ON THE NORTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE NORTH LINE OF SAID LOT FOUR (4) AND THE SOUTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF FIFTY SEVEN AND SEVENTY SEVEN HUNDREDTHS (57.77) FEET, TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4) AND TO A POINT ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.00) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY EIGHT AND THIRTY SIX HUNDREDTHS (28.36) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.682 ACRES MORE OR LESS.

together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, and the right to clear and keep clear

of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection, repair, replacement, removal, and maintenance of such public street right-of-way. Any such public street right-of-way and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted on said tract and that the public street right-of-way herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2012

GRANTOR:

R.B.O., L.L.C.,
A Nebraska Limited Liability Company

BY _____
Ryan B. O'Connor, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RYAN B. O'CONNOR, MANAGING MEMBER, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G11

**#2012-61 - Approving Acquisition of Public Utility Easement in
Oak Pointe Subdivision (R.B.O., L.L.C.)**

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

Staff Contact: Terry Brown, Public Works Manager of Engineering S

RESOLUTION 2012-61

WHEREAS, a public utility easement is required by the City of Grand Island, from R.B.O., L.L.C., in the Oak Pointe Subdivision, Hall County, Nebraska and more particularly described as follows:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, SAID POINT BEING TEN (10.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND EIGHTEEN HUNDREDTHS (19.18) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SIXTY FIVE (65.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TWO AND NINETY TWO HUNDREDTHS (102.92) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND SEVENTY TWO HUNDREDTHS (110.72) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF NINETY SIX AND SEVENTEEN HUNDREDTHS (96.17) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF FORTY (40.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED THIRTY FOUR AND NINETY SIX HUNDREDTHS (134.96) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY (80.0) FEET, TO A POINT ON THE NORTH LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY FOUR AND EIGHTY TWO HUNDREDTHS (84.82) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4),

OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY ONE AND FIVE HUNDREDTHS (21.05) FEET, TO A POINT ON A CURVE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF SIXTY AND FORTY FIVE HUNDREDTHS (60.45) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED THIRTY SEVEN AND EIGHTEEN HUNDREDTHS (237.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY (60.0) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOTS SEVEN (7) AND EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FIVE (155.00) FEET, TO A POINT TEN (10.0) FEET EAST OF THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTEEN AND THIRTY SIX HUNDREDTHS (18.36) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.0) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT ON A CURVE; THENCE RUNNING NORTHEASTERLY ON AN ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS FIFTY (50.0) FEET, AN ARC DISTANCE OF FIFTY FIVE AND SEVENTY SEVEN HUNDREDTHS (55.77) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE CONTINUING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS FIFTY (50.0) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE CONTINUING SOUTHWESTERLY ON AN ARC OF A CURVE TO THE LEFT WHOSE RADIUS FIFTY (50.0) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE EAST LINE OF LOT TEN (10), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A

CURVE TO THE RIGHT WHOSE RADIUS IS SEVENTY (70.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND TWELVE HUNDREDTHS (19.12) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.540 ACRES MORE OR LESS.

WHEREAS, an Agreement for the public utility easement has been reviewed and approved by the City Legal Department.

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 Agreement for the public utility Easement on the above described tract of land.

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

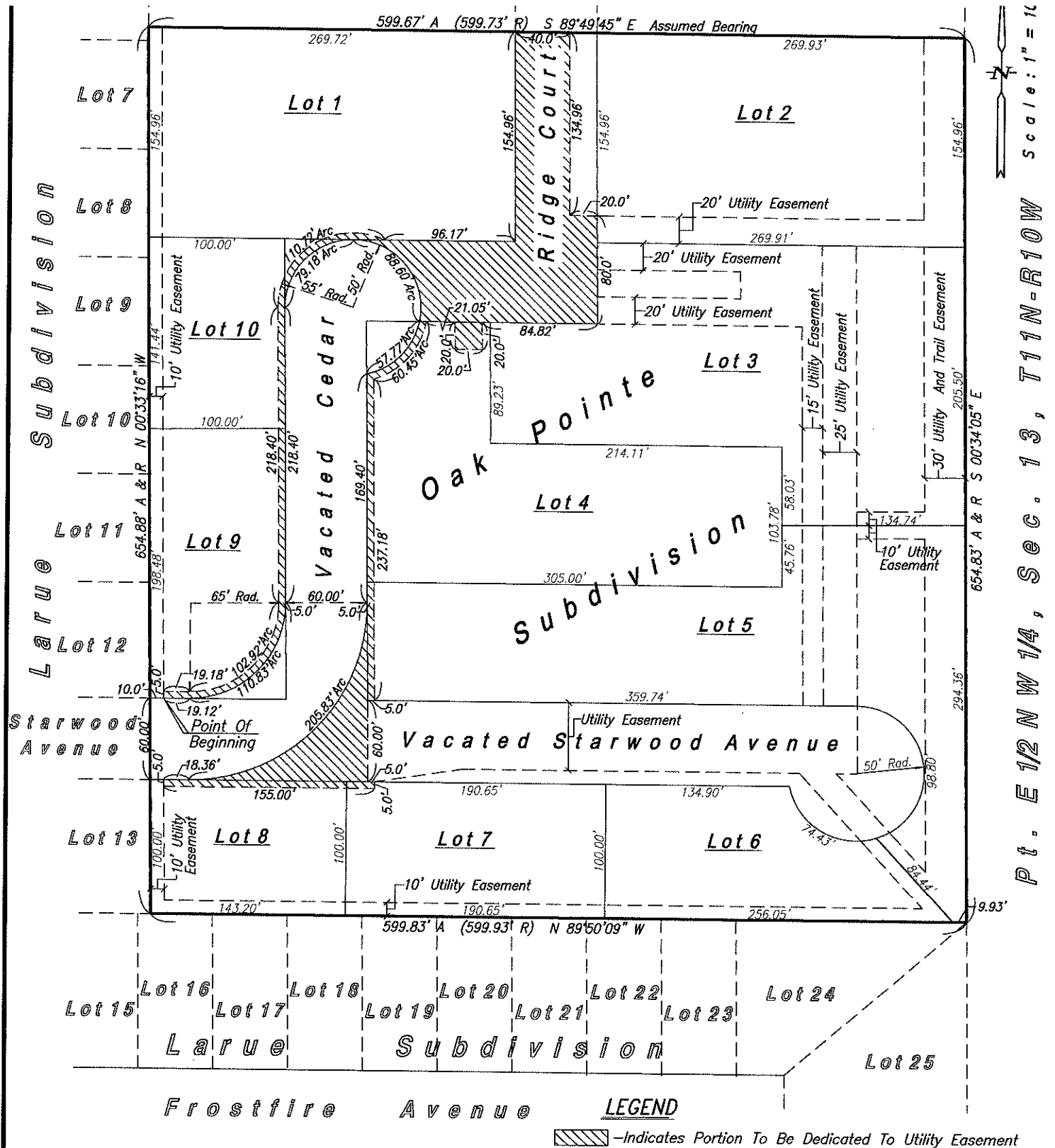
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Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



Description

A tract of land comprising a part of Oak Pointe Subdivision, located in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at a point on the south line of Lot Nine (9), Oak Pointe Subdivision, said point being Ten (10.0) feet east of the southwest corner of Lot Nine (9), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Nine (9), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running easterly parallel with the south line of Lot Nine (9), Oak Pointe Subdivision, a distance of Nineteen and Eighteen Hundredths (19.18) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the left whose radius is Sixty Five (65.0) feet, an arc distance of One Hundred Two and Ninety Two Hundredths (102.92) feet; thence running northerly parallel with the east line of Lots Nine (9) and Ten (10),

of Lot One (1), Oak Pointe Subdivision, a distance of Ninety Six and Seventeen Hundredths (96.17) feet, to the southeast corner of Lot One (1), Oak Pointe Subdivision; thence running northerly on the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Fifty Four and Ninety Six Hundredths (154.96) feet, to the northeast corner of Lot One (1), Oak Pointe Subdivision; thence running easterly on the north line of said Oak Pointe Subdivision, a distance of Forty (40.0) feet; thence running southerly parallel with the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Thirty Four and Ninety Six Hundredths (134.96) feet; thence running easterly parallel with the north line of said Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the west line of Lot Two (2), Oak Pointe Subdivision; thence running southerly on the west line of Lots Two (2) and Three (3), Oak Pointe Subdivision, a distance of Eighty (80.0) feet, to a point on the north line of Lot Three (3), Oak Pointe Subdivision; thence running westerly on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of Eighty Four and Eighty Two Hundredths (84.82) feet; thence running southerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running westerly parallel with the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running northerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence running westerly on the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty One and Five Hundredths (21.05) feet, to a point on a curve; thence running southwesterly on the arc of a curve to the right whose radius is Fifty Five (55.0) feet, an arc distance of Sixty and Forty Five Hundredths (60.45) feet; thence running southerly parallel with the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of Two Hundred Thirty Seven and Eighteen Hundredths (237.18) feet, to a point on the south line of Lot Five (5), Oak Pointe Subdivision; thence running westerly on the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running southerly on the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Sixty (60.0) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running easterly on the north line of Lot Seven (7), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Five (5.0) feet; thence running westerly parallel with the north line of Lots Seven (7) and Eight (8), Oak Pointe Subdivision, a distance of One Hundred Fifty Five (155.00) feet, to a point Ten (10.0) feet east of the west line of Lot Eight (8), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Eight (8), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running easterly on the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Eighteen and Thirty Six Hundredths (18.36) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the left whose radius is One Hundred Thirty (130.0) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the west line of Lot Five (5), Oak Pointe Subdivision; thence running northerly on the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point on a curve; thence running northeasterly on an arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Fifty Five and Seventy Seven Hundredths (55.77) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence continuing northwesterly on the arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision; thence continuing southwesterly on an arc of a curve to the left whose radius Fifty (50.0) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the east line of Lot Ten (10), Oak Pointe Subdivision; thence running southerly on the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is Seventy (70.0) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the north line of Lot Nine (9), Oak Pointe Subdivision; thence running westerly on the north line of Lot Nine (9), Oak Pointe Subdivision, a distance of Nineteen and Twelve Hundredths (19.12) feet, to the point of beginning and containing 0.540 acres more or less.

PUBLIC UTILITIES EASEMENT

R.B.O., L.L.C., a Nebraska Limited Liability Company, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual easement and right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land comprising a part of Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, SAID POINT BEING TEN (10.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND EIGHTEEN HUNDREDTHS (19.18) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SIXTY FIVE (65.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TWO AND NINETY TWO HUNDREDTHS (102.92) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND SEVENTY TWO HUNDREDTHS (110.72) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF NINETY SIX AND SEVENTEEN HUNDREDTHS (96.17) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF FORTY (40.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED THIRTY FOUR AND NINETY SIX HUNDREDTHS (134.96) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY (80.0) FEET, TO A POINT ON THE NORTH LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY FOUR AND EIGHTY TWO HUNDREDTHS (84.82) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY ONE AND FIVE HUNDREDTHS (21.05) FEET, TO A POINT ON A CURVE; THENCE RUNNING

SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF SIXTY AND FORTY FIVE HUNDREDTHS (60.45) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED THIRTY SEVEN AND EIGHTEEN HUNDREDTHS (237.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY (60.0) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOTS SEVEN (7) AND EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FIVE (155.00) FEET, TO A POINT TEN (10.0) FEET EAST OF THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTEEN AND THIRTY SIX HUNDREDTHS (18.36) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.0) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT ON A CURVE; THENCE RUNNING NORTHEASTERLY ON AN ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS FIFTY (50.0) FEET, AN ARC DISTANCE OF FIFTY FIVE AND SEVENTY SEVEN HUNDREDTHS (55.77) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE CONTINUING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS FIFTY (50.0) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE CONTINUING SOUTHWESTERLY ON AN ARC OF A CURVE TO THE LEFT WHOSE RADIUS FIFTY (50.0) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE EAST LINE OF LOT TEN (10), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A

CURVE TO THE RIGHT WHOSE RADIUS IS SEVENTY (70.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND TWELVE HUNDREDTHS (19.12) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.540 ACRES MORE OR LESS.

together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, to excavate and refill ditches and trenches, and the right to clear and keep clear of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection, repair, replacement, removal, and maintenance of such utilities. Any such utilities and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted on said tract and that the easement herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2012

GRANTOR:

R.B.O., L.L.C.,
A Nebraska Limited Liability Company

BY _____
Ryan B. O'Connor, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RYAN B. O'CONNOR, MANAGING MEMBER, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G12

**#2012-62 - Approving Certificate of Final Completion for
Broadwell Avenue Shoulder Improvement - Capital Avenue to
Veteran's Athletic Fields**

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: March 13, 2012

Subject: Approving Certificate of Final Completion for Broadwell Avenue Shoulder Improvement - Capital Avenue to Veteran's Athletic Fields

Item #'s: G-12

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

J.I.L. Asphalt Paving Company of Grand Island, Nebraska was awarded a \$119,193.70 contract on October 11, 2011. Work on the project commenced on October 28, 2011 and was completed on November 23, 2011.

City Council approved Change Order No. 1 on December 6, 2011 in the amount of \$6,506.20, for work related to placement of asphalt concrete to overlay driveways north of Roberts Driveway on the east side of Broadwell Avenue.

Change Order No. 2 was approved by City Council on December 20, 2011 and addressed additional work for removal, hauling and disposing of roadway material as directed due to existing paved shoulder that was in poor condition. The item "Erosion Control" was also added to this change order to provide compensation for providing and placing erosion control blanket as directed. Change Order No. 2 resulted in a contract increase of \$1,243.77, resulting in a revised contract price of \$126,943.67.

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 \$116,641.64.

The project was underrun by a total of \$10,302.03.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the Certificate of Final Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields.

Sample Motion

Move to approve the Certificate of Final Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields.

ENGINEER'S CERTIFICATE OF FINAL COMPLETION

Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields
CITY OF GRAND ISLAND, NEBRASKA
March 13, 2012

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

This is to certify that Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields has been fully completed by J.I.L. Asphalt Paving Company of Grand Island, Nebraska under the contract dated October 11, 2011. 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.

Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields

Item No.	Description	Total Quantity	Unit	Unit Price	Total Cost
Bid Section					
1	Asphaltic Concrete, Type "B"	1,404.98	ton	\$30.95	\$43,484.13
2	Asphalt Cement	15,081.28	gal	\$2.05	\$30,916.62
3	Tack Coat	465.00	gal	\$1.10	\$511.50
4	Earthwork Measure in Embankment	1,160.00	c.y.	\$9.30	\$10,788.00
5	Shoulder Subgrade Preparation	4,315.00	s.y.	\$0.80	\$3,452.00
6	Earth Shoulder Constreuction	60.00	sta	\$60.00	\$3,600.00
7	Fabric Silt Fence - Low Profile Low Porosity	1,892.00	l.f.	\$3.00	\$5,676.00
8	Seeding, Type "B"	2.20	acre	\$920.00	\$2,024.00
9	Mulch	5.41	ton	\$210.00	\$1,136.10
10	Temporary Mulch	0.00	ton	\$165.00	\$0.00
11	Temporary Sign Day	99.00	ea.	\$2.50	\$247.50
12	Barricade, Type III	339.00	bday	\$1.00	\$339.00
13	Flagging	10.50	day	\$260.00	\$2,730.00
14	Mobilization	1.00	l.s.	\$4,420.00	\$4,420.00
Total Bid Section =					\$109,324.86

Change Order No. 1

CO - 1A	Placement of Asphaltic Concrete for Intersections and Driveways	310	s.y.	\$4.90	\$1,519.00
CO - 1B	Asphaltic Concrete, Type "B"	89.62	ton	\$30.95	\$2,773.74
CO - 1C	Asphaltic Cement	868.32	gal	\$2.05	\$1,780.06
Total Bid Change Order No. 1 =					\$6,072.80

Change Order No. 2

CO-2A	Rental of Loader, Fully Operated	5.00	hr.	\$86.22	\$431.10
CO-2B	Rental of Dump Truck, Fully Operated	6.00	hr.	\$69.41	\$416.46
CO-2C	Erosion Control	141.00	s.y.	\$2.81	\$396.21
Total Bid Change Order No. 2 =					\$1,243.77

Grand Total =	\$116,641.42
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I hereby recommend that the Engineer's Certificate of Final Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran's Athletic Fields be approved.

John Collins – City Engineer/Public Works Director

Jay Vavricek – Mayor

RESOLUTION 2012-62

WHEREAS, the City Engineer/Public Works Director for the City Of Grand Island has issued a Certificate of Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran’s Athletic Fields, certifying that J.I.L. Asphalt Paving Company of Grand Island, Nebraska, under contract, has completed the improvement project; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for Broadwell Avenue Shoulder Improvement – Capital Avenue to Veteran’s Athletic Fields, is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G13

#2012-63 - Approving Change Order No. 3 on Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, Public Works Manager of Engineering Services

Meeting: March 13, 2012

Subject: Approving Change Order No. 3 on Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant

Item #'s: G-13

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

The City Council awarded the contract for construction to Oakview dck, LLC of Red Oak, Iowa for the Aeration Basin Improvements for the Wastewater Treatment Plant on December 7, 2010.

The primary purpose of the Aeration Basin Improvements project is to replace existing aeration equipment that is at or near the end of its useful life. Two existing blowers will be replaced with two high efficiency units that will improve reliability and reduce energy usage and operating costs. The two new blowers will operate with the two existing blowers which are planned to remain in service.

In addition to the blowers, the aeration basin piping and aeration equipment is being modified or replaced to optimize process controls and replace aged equipment.

The existing aeration diffusers currently require annual cleaning to prevent high pressure loss and increased energy consumption leading to high operation and maintenance costs. The new diffusers will reduce both operation and maintenance costs. The new diffusers, along with automated valves and instrumentation, will allow staff to optimize aeration basin operations based on the current aeration basin configuration.

Discussion

Change Order No. 3 covers miscellaneous changes to the work as described below and in the attached change order summary.

Item CO3-1. Delete Field Painting of New Steel Frame in Blower Building

This change involves deletion of the field painting for the new steel frame located in the blower building. The frame (to be used for thrust restraint of the blower discharge piping) will be

galvanized at the factory. The specified field painting is not warranted for additional protection or aesthetics.

Item CO3-2. Paint Existing Basin Aeration Pipe Supports

This change involves field painting the existing galvanized aeration pipe supports located on the basins that will be re-used in conjunction with the new pipe supports. New supports were specified to be factory galvanized with field coats of epoxy and aliphatic polyurethane for additional protection. The existing supports will be painted with the same coating system as the new supports.

Item CO3-3. Repair Existing Welds on Screw Pump No. 3

Under Change Order No. 2, sandblasting and re-painting the existing screws for Pumps 1, 2, and 3 was included. Following sandblasting of Screw Pump No. 3, some welds required minor repair prior to field painting. This change covers compensation for the repairs performed.

Item CO3-4. Relocate New Dissolved Oxygen Probes in Basins

The new dissolved oxygen probes in Oxidic Zones 2 and 3 were shown to be located at the mid-point of these zones. To allow for better control of the mixers in Zone 3 and of the mixed liquor recycle, the probes will be relocated near the end of Zones 2 and 3. This change covers the compensation for the additional conduit and wiring required.

Item CO3-5. Change Mounting of New Disconnects for Basin Mixers and Valves

This change involves mounting the new disconnects for the basin mixers and valves on new aluminum stands in lieu of mounting the disconnects on the existing aluminum handrail. Mounting the disconnects on the stands will allow them to be located farther from the center of the walkways and be consistent with mounting of other equipment on the basins.

Item CO3-6. Relocate New Blower Local Control Panels

This change involves relocating the blower local control panels on the south wall of the blower building, instead of next to the blowers, to allow for easier access for maintenance on and around the blowers. This change also covers the following related items:

- A credit from the blower supplier for not having to mount the panels on the blower skids at the factory.
- A credit for not replacing the under-slab drain piping. The bid documents showed replacement of the under-slab drain piping adjacent to the new blower foundation pads in the event that demolition of the existing pads damaged the piping or installation of the new pads required its replacement. Installation of the new equipment pads did not require replacement of the drain piping.

- The cost included in the bid for sawcutting the existing concrete floor for the under-slab drain piping will be re-allocated to relocating the blower local control panels to the south wall.

Item CO3-7. Add Power Monitoring of New Blowers

This change involves transmitting kilowatt and amperage signals from the existing power monitoring devices located in the motor control center to the new blower local control panels. Spare analog inputs in the panels will be used. Existing spare conduits will be used and will be extended to the local control panels. This change covers compensation for the additional wiring required. There is no additional cost for extending the conduits nor the related programming work by the blower supplier.

Item CO3-8. Blower Power Penalty

The bid documents required the blower suppliers to provide guaranteed power consumption values for six operating points. If in the event the power draw (as tested in the factory) is in excess of the guaranteed power draw provided on the bid form, the blowers either had to be reworked and re-tested at no additional cost to the City, or the City could accept the blowers by imposing a power penalty of \$4,885 per horsepower, per blower in excess of the difference between the tested and guaranteed power draw. Review of the factory test report concluded that the blowers exceeded the guaranteed power draw by a total of twelve (12) horsepower. The supplier elected not to re-work and re-test the blowers and accepted the penalty of \$58,620. This item covers the credit to the Contract Price for the blowers not meeting the power guarantee.

SUMMARY

CHANGE ORDER NO. 3

The Contract Price shall be modified as follows as a result of the changes described by this modification request. Additions to the Contract Price are indicated by a "+" in front of the amount, deductions by a "-".

<u>Effect on Contract Price</u>		Increase/Decrease In Contract Price (+/-)
<u>Item</u>	<u>Description</u>	
CO3-1	Delete Field Painting of New Steel Frame in Blower Building	-\$2,533.00
CO3-2	Paint Existing Basin Aeration Pipe Supports	+\$2,500.00
CO3-3	Repair Existing Welds on Screw Pump No. 3	+\$749.00
CO3-4	Re-locate New Dissolved Oxygen Probes in Basins	+\$4,953.00
CO3-5	Change Mounting of New Disconnects for Basin Mixers and Valves	+\$12,935.00
CO3-6	Re-locate New Blower Local Control Panels	+\$9,517.00
CO3-7	Add Power Monitoring of New Blowers	+\$375.00
CO3-8	Blower Power Penalty	-\$58,620.00
NET CHANGE IN CONTRACT PRICE		-\$30,124.00
BID AMOUNT OF ORIGINAL CONTRACT		\$3,487,000.00
PREVIOUS CHANGE ORDER ADJUSTMENTS		<u>+487,149.00</u>
CURRENT CONTRACT AMOUNT		\$3,974,149.00
CHANGE ORDER NO. 3		<u>-30,124.00</u>
ADJUSTED CONTRACT AMOUNT		\$3,944,025.00

Alternatives

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

1. Move to approve a resolution authorizing the Mayor to execute Change Order No. 3 with Oakview dck, LLC of Red Oak, Iowa.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve Change Order No. 3 to Oakview dck, LLC, of Red Oak, Iowa on the Aeration Basin Improvements Project. The net change in cost of the contract is (\$30,124.00), revising the total contract to \$3,944,025.00.

Sample Motion

Move to approve Change Order Number 3 for Aeration Basin Improvements at the Wastewater Treatment Plant.

RESOLUTION 2012-63

WHEREAS, on December 7, 2010, by Resolution 2010-342, the City of Grand Island awarded Oakview dck, LLC of Red Oak, Iowa the bid in the amount of \$3,487,000 for furnishing materials and services for WWTP-2010-3 Aeration Basin Improvements project at the Wastewater Treatment Plant; and

WHEREAS, on August 9, 2011, by Resolution 2011-207, City Council approved a unit cost Change Order No. 1 for structural concrete sealing in joint work, in the amount of \$89,252.00, for a revised contract is \$3,576,252.00; and

WHEREAS, on September 13, 2011, by Resolution 2011-243, City Council approved a unit cost Change Order No. 2 for Spiral Screw Pump modifications, in the amount of \$397,897.00, for a revised contract is \$3,974,149.00; and

WHEREAS, it has been determined by City Staff and engineer Black & Veatch that modification to the work to be performed by Oakview dck, LLC of Red Oak, Iowa, is necessary; and

WHEREAS, such modifications have been negotiated as fair and reasonable, and incorporated into Change Order No. 3; and

WHEREAS, the result of such modification will decrease the contract amount by \$(30,124.00) for a revised contract is \$3,944,025.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order No. 3 with the contracting firm, Oakview dck, LLC of Red Oak, Iowa, in the amount of \$(30,124.00) for WWTP-2010-3 Aeration Basin Improvements project at the Wastewater Treatment Plant is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/> _____
March 13, 2012	<input checked="" type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G14

**#2012-64 - Approving Supplementing Inter-Departmental Fund
Transfer for Project WWTP-2010-3 for Aeration Basin
Improvements at the Wastewater Treatment Plant**

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, Public Works Manager of Engineering Services

Meeting: March 13, 2012

Subject: Approving Supplementing Inter-Departmental Fund Transfer for Project WWTP-2010-3 for Aeration Basin Improvements at the Wastewater Treatment Plant

Item #'s: G-14

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

The City of Grand Island Utilities Department operates and services the City's primary electrical distribution (14.2 kv) system.

The Aeration Basin Improvement Project requires the addition of a 500 kva transformer into the City's primary electrical distribution system.

The Public Works Department, Wastewater Division is requesting the City of Grand Island Utilities Department provide labor services, electrical equipment, primary service conductors, and terminations for a functional primary electrical distribution system 500 kva transformer addition.

The addition in the primary electrical distribution system transformer to the northeast area of the Wastewater Treatment Plant shall provide for the current power requirements for aeration basin improvements. The transformer sizing and plant location placement incorporates capacity for future planned projects referenced as internal mixed liquor recycle pumping, and fourth final clarification distribution mechanical building.

Additionally, Public Work staff and the Utilities Department have reviewed recommendations that will allow for primary service conductors, and respective termination locations be transposed in a manner in providing redundant loop distribution within the facility.

On September 13, 2011 resolution 2011-305 established an inter-departmental transfer of \$45,000.00 for the work.

Discussion

Wastewater staff is requesting an additional fund allocation of \$39,358.72 for a total inter-departmental transfer of \$84,358.72 to the City of Grand Island Utilities Department for their labor services, material expenditure and equipment charges. The services are complete and the inter-departmental transfer is ready to be completed.

Alternatives

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

1. Move to approve a resolution authorizing an inter-departmental transfer in the amount of \$84,358.72 to the City of Grand Island Utilities Department for their labor services, material expenditure, and equipment charges.
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 approving the additional supplemental transfer of \$39,358.72 for a total inter-departmental transfer of \$84,358.72 for labor services, material expenditure and equipment charges provided by the City of Grand Island Utilities Department in a primary electrical distribution system 500 kva transformer addition.

Sample Motion

Move to approve supplementing funds to the inter-departmental transfer account for labor services, material expenditure and equipment charges provided by the City of Grand Island Utilities Department in a primary electrical distribution system 500 kva transformer addition.

CITY OF GRAND ISLAND

Utilities Department 100 E 1st St, PO Box 1968
Grand Island NE 68802-1968 (308) 385-5480

Pay your bill on-line.

www.grand-island.com/utilitybillpay

SERVICE ADDRESS:

3013 SWIFT RD - WWTP

ACCOUNT NUMBER: 202-67820-7

BILLING DATE: 2/29/2012

** MERCHANDISE BILL **

AMOUNT DUE

54,238.87

CITY OF GRAND ISLAND PUBLIC WORKS
CITY HALL
PO BOX 1968
GRAND ISLAND NE 68802

PO BOX 1968
GRAND ISLAND NE 68802-1968

AMOUNT PAID _____

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT.

CITY OF GRAND ISLAND UTILITIES DEPARTMENT 100 E 1st ST, PO BOX 1968
GRAND ISLAND NE 68802-1968 (308) 385-5480 www.grand-island.com

MERCHANDISE BILLING:

ACCOUNT NUMBER: 202-67820-7
BILLING DATE: 2/29/2012
SERVICE DATE: 2/06/2012

CITY OF GRAND ISLAND PUBLIC WORKS
3013 SWIFT RD - WWTP
CITY HALL
PO BOX 1968
GRAND ISLAND NE 68802

WORK ORDER # 6746

509.5 HRS LABOR @ 23,058.11, 341.5 HRS
EQUIPMENT CHARGE @ 8,857 PLUS MATERIALS @
22,323.76 TO INSTALL CABLE & TRANSFORMER AT
DISINFECTION BUILDING AT THE WASTE WATER
TREATMENT PLANT - 3013 SWIFT RD FROM OCT. 11-
FEB. 12

MATERIAL NON TAXABLE AMOUNT
LABOR AND OVERHEAD NON TAXABLE AMOUNT

22,323.76
31,915.11

If you pay by check, we may process as
an electronic fund transfer. You will
not get your check back from your bank.
Funds may be debited from your bank
account the same day you pay your bill.

TOTAL AMOUNT DUE

54,238.87

RESOLUTION 2012-64

WHEREAS, the City of Grand Island Utilities Department operates and services the City's primary electrical distribution (14.2 kv) system; and

WHEREAS, The Aeration Basin Improvements Project requires the addition of a 500 KVA transformer into the City's primary electrical distribution system; and

WHEREAS, Resolution 2011-305 was passed to allocate funding in the estimated amount of \$45,000.00 to the City of Grand Island Utilities Department for their labor services, material and equipment as required by procurement code;

WHEREAS, an invoice amount of \$30,119.85 was paid in September 2011 for sale of materials for new electric service, and

WHEREAS, a second invoice amount of \$54,238.87 for extra material, labor, and equipment charges has overrun the original estimated allocation by \$39,358.72.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a total project allocation for interdepartmental transfer of \$84,358.72 for the Public Works Department, Wastewater Division, to the City of Grand Island Utilities Department for their labor services, material and equipment for the Aeration Basin Improvements; Project WWTP-2010-3 at the Wastewater Treatment Plant is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/> _____
March 9, 2012	<input checked="" type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G15

#2012-65 - Approving Support of the Hall County Historical Society Pursuing Placement of the Seedling Mile Site on the National Registry of Historic Places

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, PW Manager of Engineering Services

Meeting: March 13, 2012

Subject: Approval and Support of the Hall County Historical Society Pursuing Placement of the Seedling Mile Site on the National Registry of Historic Places

Item #'s: G-15

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

The Lincoln Highway Association was formed in 1913 to establish the Country's first coast-to-coast highway and to promote "good roads". The route chosen for the Lincoln Highway went from New York City to San Francisco through Nebraska using existing roads and lanes. Grand Island had its own Lincoln Highway Booster Club which chose the route through town on Second Street.

In 1914 the Association realized the gravel roads in the Midwest were impassable much of the year because of mud and set up the Seedling Mile program to promote paved roads. The idea was that if the public experienced the joy of driving on a cement road, they would demand that the government fund more paved roads. Portland Cement donated the concrete for the Seedling Miles and the Association supplied the designs and specifications. The first Seedling Mile was built in DeKalb County, Illinois in December of 1914. It was a mile long and 10 feet wide. The second Seedling Mile was built in Hall County, Nebraska in December of 1915. It was over a mile long and 16 feet wide. The Seedling Mile program was a great success. By 1930, the entire Lincoln Highway was paved and by 1935 there were 60,000 miles of paved road in the country.

Today most of the Hall County Seedling Mile is still in use as Seedling Mile Road. It ceased to be part of the Lincoln Highway in approximately 1925 when the Union Pacific Rail Road consented to lease some of its land for the Highway. The Lincoln Highway was then changed to the route of the present-day Highway 30. After Highway 30 was built, a small section of the Seedling Mile was no longer part of a road network. It wasn't used much and never paved over. It is now the **only** remaining original concrete Seedling Mile in the USA. The Historical Society has worked with the City to get a historical marker erected at the site and a parking pad and signs to inform travelers how to get to

the site. The Hall County Historical Society would now like the Seedling Mile to be placed on the National Register of Historic Places and seeks the City's consent.

Resolution No. 2002-207, which was approved by City Council on July 9, 2001, provided for the closure of Seedling Mile Road from Willow Street east for approximately 450 feet.

Discussion

The section of undisturbed concrete on Seedling Mile Road east of Willow Road and north of US Highway 30 is eligible for listing with the National Register of Historic Places.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve a resolution approving and supporting the Hall County Historical Society in pursuing placement of the Seedling Mile Site on the National Registry of Historic Places.

Sample Motion

Move to approve the resolution.

RESOLUTION 2012-65

WHEREAS, the Lincoln Highway Association was formed in 1913 to establish the Country's first coast-to-coast highway; and

WHEREAS, the route chosen for the Lincoln Highway went from New York City to San Francisco through Nebraska using existing roads and lanes; and

WHEREAS, the second Seedling Mile for the Country was built in Hall County, Nebraska in December, 1915 and was over a mile long and 16 feet wide, and

WHEREAS, this section of roadway is the only remaining original concrete Seedling Mile in the USA; and

WHEREAS, the Hall County Historical Society has worked with the City to get a historical marker erected at the site and a parking pad and signs to inform travelers how to get to the site; and

WHEREAS, the Hall County Historical Society would now like the Seedling Mile to be placed on the National Register of Historic Places and seeks the City's consent.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island does approve and support the pursuit of placing the Seedling Mile on the National Register of Historic Places.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 9, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G16

**#2012-66 - Approving Bid Award for Handicap Ramp Project No.
2012-1**

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Terry Brown, PW Manager of Engineering Services

Meeting: March 13, 2012

Subject: Approving Bid Award for Handicap Ramp Project No. 2012-1

Item #'s: G-16

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

On February 16, 2012 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.

Bid Section A is for reconstructing sidewalk curb ramps to be in compliance with ADA standards at street intersections near the Howard Elementary School. Bid Section B is for constructing ADA compliant sidewalk to provide safe access for pedestrians to cross the Highway US-34 and South Locust Street intersection, and for constructing two ADA accessible ramps in the downtown area. The ADA compliant curb ramps in Bid Section C are adjacent to the streets in the 2011 Asphalt Resurfacing program. If the ramps of Bid Section C 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 24 years.

Discussion

Two (2) bids were received and opened on March 6, 2012. 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	\$98,370.30
Galvan Construction, Inc. of Grand Island, NE	None	\$107,909.00

Funds are available in Account No. 10033503.85318 & 10033506.85351.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid award to the low compliant bidder, The Diamond Engineering Company of Grand Island, Nebraska in the amount of \$98,370.30.

Sample Motion

Move to approve the bid award.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Jason Eley, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 6, 2012 at 2:00 p.m.
FOR: Handicap Ramp Project 2012-1
DEPARTMENT: Public Works
ESTIMATE: \$135,685.18
FUND/ACCOUNT: 10033503-85318 & 10033506-85351
PUBLICATION DATE: February 16, 2012
NO. POTENTIAL BIDDERS: 10

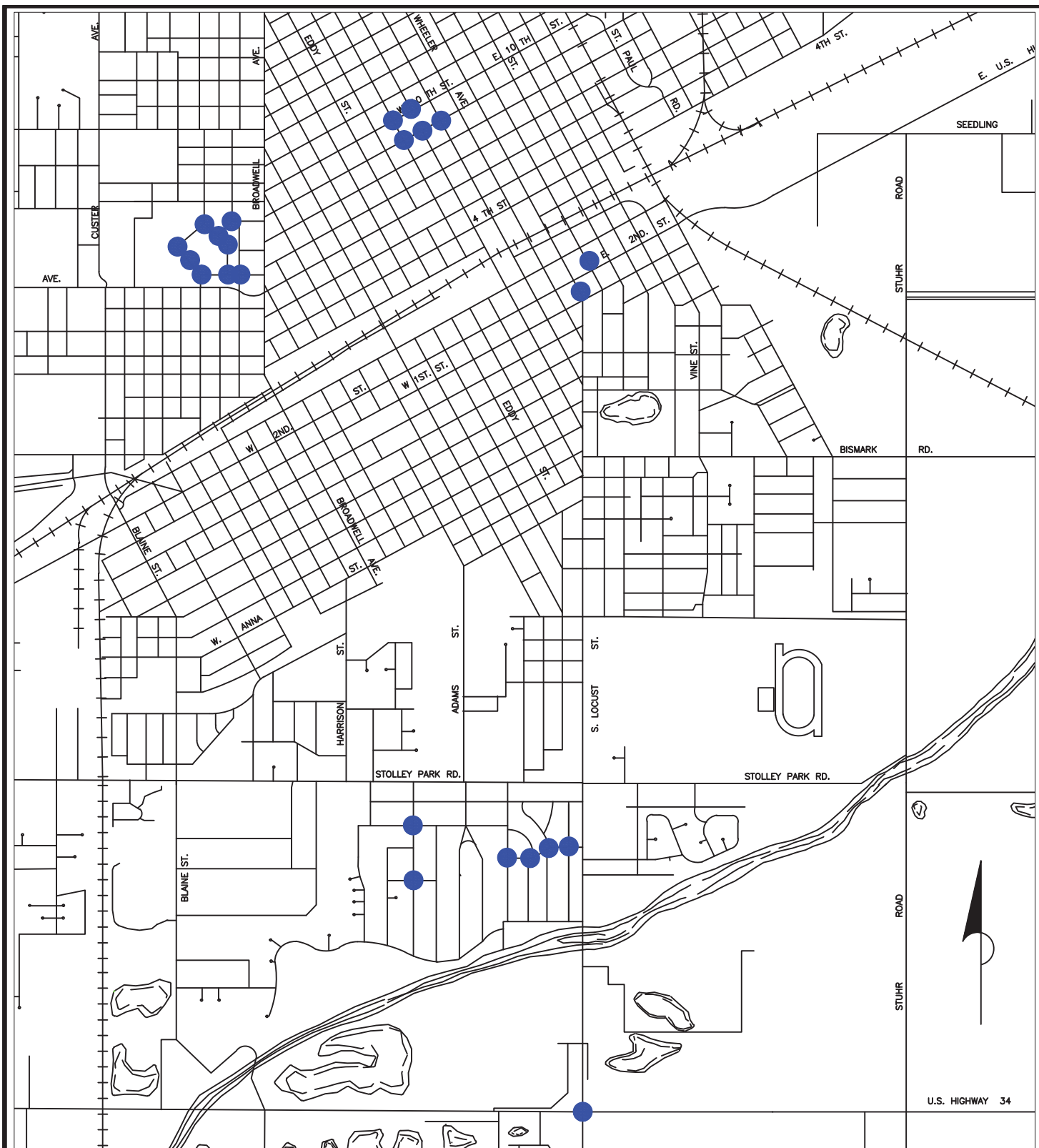
SUMMARY

Bidder:	<u>Galvan Construction, Inc.</u> Grand Island, NE	<u>Diamond Engineering co.</u> Grand Island, NE
Bid Security:	Western Surety Company	Universal Surety Company
Exceptions:	None	None
Bid Price:		
Section A:	\$35,792.00	\$32,685.30
Section B:	\$15,894.00	\$14,215.80
Section C:	<u>\$56,223.00</u>	<u>\$51,469.20</u>
Total:	\$107,909.00	\$98,370.30

cc: John Collins, Public Works Director
Jason Eley, Purchasing Agent
Mary Lou Brown, City Administrator

Catrina DeLosh, PW Admin. Assist.
Scott Gripenstroh, PW Project Mgr.

P1537



● DQIFDS & 5 D S RHYV

CITY OF
GRAND ISLAND
PUBLIC WORKS DEPARTMENT

DATE: 02-07-2012
DRAWN BY: ○ : /
APPVD. BY: GRIP
SCALE NOT TO SCALE

DQIFDS
5 DP S 3 URHFW

PLAN
1
/ 1

CONTRACT AGREEMENT

CONTRACT AGREEMENT

THIS AGREEMENT made and entered into this 13th day of March, 2012, by and between The Diamond Engineering Company, hereinafter called the Contractor, and the City of Grand Island, Nebraska, hereinafter called the City.

WITNESSETH:

THAT, WHEREAS, in accordance with law, the City has caused contract documents to be prepared and an advertisement calling for bids to be published, for construction of **Grand Island Handicap Ramp Project No. 2012-1, VARIOUS LOCATIONS**; and

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

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

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

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

- A. **Thirty Two Thousand Six Hundred Eighty Five & 30/100 (\$32,685.30)**
- B. **Fourteen Thousand Two Hundred Fifteen & 80/100 (\$14,215.80)**
- C. **Fifty One Thousand Four Hundred Sixty Nine & 20/100 (\$51,469.20)**

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

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

paragraph will apply only to these materials and supplies actually incorporated into and becoming a part of the finished product of **Grand Island Handicap Ramp Project No. 2012-1, VARIOUS LOCATIONS.**

ARTICLE IV. That the contractor shall start work as soon as possible after the contract is signed and the required bond is approved, and that the work in this contract shall be completed no later than **August 10, 2012.**

ARTICLE V. The City of Grand Island, Nebraska operates on a fiscal year beginning October 1st and ending on the following September 30th. It is understood and agreed that any portion of this agreement which will be performed in a future fiscal year is contingent upon the City Council adopting budget statements and appropriations sufficient to fund such performance.

ARTICLE VI. The Contractor agrees to comply with all applicable State fair labor standards in the execution of this contract as required by Section 73-102, R.R.S. 1943. The Contractor further agrees to comply with the provisions of Section 48-657, R.R.S. 1943, pertaining to contributions to the Unemployment Compensation Fund of the State of Nebraska.

ARTICLE VII. During the performance of this contract, the Contractor and all subcontractors agree not to discriminate in hiring or any other employment practice on the basis of race, color, religion, sex, national origin, age or disability and to comply at all times with all applicable state and federal civil rights acts and executive orders of the President of the United States.

ARTICLE VIII. Every public contractor and their subcontractors who are awarded a contract by the City for the physical performance of services within the State of Nebraska shall register with and use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

ARTICLE IX. City Code states that it is unethical for any person to offer, give or agree to give any City employee or former City employee, or for any City employee or former City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

ARTICLE X. The City reserves the right to terminate this contract at any time upon 60 days notice. If the contract is terminated, the contractor will be compensated for any services rendered to date of termination.

ARTICLE XI. FAIR EMPLOYMENT PRACTICES: Each proposer agrees that they will not discriminate against any employee or applicant for employment because of age, race, color, religious creed, ancestry, handicap, sex or political affiliation.

ARTICLE XII. LB 403: Every public consultant and his, her or its subconsultants who are awarded an agreement by the City for the physical performance of services within the State of Nebraska shall register with and use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

IN WITNESS WHEREOF, the parties hereto have executed this Contract Agreement as of the date and year first above written.

Contractor

By _____ Date _____

Title _____

CITY OF GRAND ISLAND, NEBRASKA,

By _____ Date _____
Mayor

Attest: _____
City Clerk

The contract and bond are in due form according to law and are hereby approved.

Attorney for the City

Date _____

APPENDIX A – TITLE VI NON-DISCRIMINATION -

During the performance of this agreement, the consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "consultant") agrees as follows:

- (1) **Compliance with Regulations:** The consultant shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.
- (2) **Nondiscrimination:** The Consultant, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The consultant shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the agreement covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subconsultants, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the consultant for work to be performed under a subagreement, including procurements of materials or leases of equipment, each potential subconsultant or supplier shall be notified by the consultant of the consultant's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The consultant shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Grand Island or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information the consultant shall so certify to the City of Grand Island, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the consultant's noncompliance with the nondiscrimination provisions of this agreement, the City of Grand Island shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the consultant under the agreement until the consultant complies, and/or
 - (b.) cancellation, termination or suspension of the agreement, in whole or in part.
- (6) **Incorporation of Provisions:** The consultant shall include the provisions of paragraphs (1) through (6) in every subagreement, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The consultant shall take such action with respect to any subagreement or procurement as the City of Grand Island or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a consultant becomes involved in, or is threatened with, litigation with a subconsultant or supplier as a result of such direction, the consultant may request the City of Grand Island to enter into such litigation to protect the interests of the City of Grand Island, and, in addition, the consultant may request the United States to enter into such litigation to protect the interests of the United States.

RESOLUTION 2012-66

WHEREAS, the City of Grand Island invited sealed bids for Handicap Ramp Project Number 2012-1, according to plans and specifications on file with the Public Works Department; and

WHEREAS, on March 6, 2012 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 \$98,370.30; 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 \$98,370.30 for Handicap Ramp Project No. 2012-1 is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G17

#2012-67 - Approving Bid Award for Concrete Ready-Mix for 2012

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Shannon Callahan, Streets Superintendent

Meeting: March 13, 2012

Subject: Approving Bid Award for Concrete Ready-Mix for 2012

Item #'s: G-17

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

On February 28, 2012 the Streets Division of the Public Works Department advertised for bids for the purchase of portland cement concrete ready-mix to be used in conjunction with in-house concrete repairs throughout the calendar year 2012. The concrete ready mix is used by the City's concrete patching crew.

Discussion

One (1) bid was received and opened on March 7, 2012. The bid was submitted in compliance with the contract and specifications with no exceptions. A summary of the bid is shown below.

Vendor	Exceptions	Unit Prices
Gerhold Concrete Co., Inc. of Grand Island, NE	None	\$77.00 per cubic yard

The estimated quantity of portland cement concrete ready-mix required for 2012 is 1,500 cubic yards; for an estimated total cost of \$115,500.00 for the 2012 year.

There are sufficient funds in Account No. 10033503-85547 to purchase this material.

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 awarding the contract for the purchase of the Portland cement concrete ready-mix to Gerhold Concrete Co., Inc. of Grand Island, Nebraska in the amount of \$77.00 per cubic yard.

Sample Motion

Move to approve the award of the contract to Gerhold Concrete Co., Inc. of Grand Island, Nebraska.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Jason Eley, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: March 7, 2012 at 2:30 p.m.
FOR: Concrete Ready-Mix for 2012
DEPARTMENT: Public Works
ESTIMATE: \$80.00 per cubic yard
FUND/ACCOUNT: 10033503-85547
PUBLICATION DATE: February 28, 2012
NO. POTENTIAL BIDDERS: 2

SUMMARY

Bidder: Gerhold Concrete Co., Inc.
Grand Island, NE
Exceptions: None
Bid Price: \$77.00 per cubic yard

cc: John Collins, Public Works Director
Jason Eley, Purchasing Agent
Mary Lou Brown, City Administrator

Catrina DeLosh, PW Admin. Assist.
Shannon Callahan, Street Supt.

P1540

RESOLUTION 2012-67

WHEREAS, the City of Grand Island invited sealed bids for furnishing Portland Cement Concrete Ready-Mix for 2012 for the Streets Division of the Public Works Department, according to specifications on file with the Streets Division of the Public Works Department; and

WHEREAS, on March 7, 2012, bids were received, opened and reviewed; and

WHEREAS, Gerhold Concrete Co., Inc. of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and specifications and all other statutory requirements contained therein, such bid being in the amount of \$77.00 per cubic yard; and

WHEREAS, the total cost based on the estimated usage of 1,500 cubic yards for the 2012 construction season at the above-identified price, is estimated at \$115,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Gerhold Concrete Co., Inc. of Grand Island, Nebraska, in the amount of \$77.00 per cubic yard for Portland cement concrete ready-mix is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G18

#2012-68 - Approving Bid Award for Hot-Mix Asphalt for 2012

Staff Contact: Terry Brown, Public Works Manager of Engineering S

Council Agenda Memo

From: Shannon Callahan, Streets Superintendent

Meeting: March 13, 2012

Subject: Approving Bid Award for Hot-Mix Asphalt for 2012

Item #'s: G-18

Presenter(s): Terry Brown, Public Works Manager of Engineering Services

Background

On February 28, 2012 the Streets Division of the Public Works Department advertised for bids for the purchase of hot-mix asphalt to be used in conjunction with in-house asphalt work throughout the calendar year 2012. The hot-mix asphalt is used by the City's asphalt patching crew.

Discussion

Two (2) bids were received and opened on March 7, 2012. Each bid was submitted in compliance with the contract, plans, and specifications with no exceptions. A summary of the bids is shown below.

Vendor	Exceptions	Unit Prices
Gary Smith Construction Co., Inc. of Grand Island, NE	None	Type "A" - \$48.50/ton Type "BC" - \$44.27/ton Type "C" - \$54.60/ton Type "SPL" - \$51.50/ton
J.I.L. Asphalt Paving Co. of Grand Island, NE	None	Type "A" - \$54.25/ton Type "BC" - \$47.90/ton Type "C" - \$55.15/ton Type "SPL" - \$56.55

Gary Smith Construction Co. provided the lowest bid.

The type of asphalt used for patching each day from the plant will be the type they are making for that particular day. The average cost of the four types of asphalt bid is \$49.72.

The estimated amount of asphalt to be used is 1,600 tons which equates to an estimated total cost of \$79,552.00 for the 2012 year.

There are sufficient funds in Account No. 10033503.85547 to purchase this material.

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 awarding the purchase of the hot-mix asphalt to Gary Smith Construction Co. of Grand Island, Nebraska.

Sample Motion

Move to approve the award of the contract to Gary Smith Construction Co. of Grand Island, Nebraska.

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Jason Eley, Purchasing Agent

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BID OPENING

BID OPENING DATE: March 7, 2012 at 2:15 p.m.
FOR: Asphalt Hot-Mix for 2012
DEPARTMENT: Public Works
ESTIMATE: \$55.00 per ton average
FUND/ACCOUNT: 10033503-85547
PUBLICATION DATE: February 28, 2012
NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>J.I.L. Asphalt Paving Co.</u> Grand Island, NE	<u>Gary Smith Const. Co., Inc.</u> Grand Island, NE
Exceptions:	Noted	Noted
Bid Price:		
Type "A":	\$54.25 per ton	\$48.50
Type "BC":	\$47.90 per ton	\$44.27
Type "C":	\$55.15 per ton	\$54.60
Type "SPL":	\$56.55 per ton	\$51.50

cc: John Collins, Public Works Director
Jason Eley, Purchasing Agent
Mary Lou Brown, City Administrator

Catrina DeLosh, PW Admin. Assist.
Shannon Callahan, Street Supt.

P1539

RESOLUTION 2012-68

WHEREAS, the City of Grand Island invited sealed bids for furnishing Hot-Mix Asphalt for 2012, according to plans and specifications on file with the Streets Division of the Public Works Department; and

WHEREAS, on March 7, 2012 bids were received, opened and reviewed; and

WHEREAS, Gary Smith Construction Co. 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 \$48.50 per ton for Type "A" asphaltic concrete, \$44.27 per ton for Type "BC" asphaltic concrete, \$54.60 per ton for Type "C" asphaltic concrete, and \$51.50 per ton for Type "SPL" asphaltic concrete.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the bid of Gary Smith Construction Co. of Grand Island, Nebraska in the amount of \$48.50 per ton for Type "A" asphaltic concrete, \$44.27 per ton for Type "BC" asphaltic concrete, \$54.60 per ton for Type "C" asphaltic concrete, and \$51.50 per ton for Type "SPL" asphaltic concrete is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	<input checked="" type="checkbox"/> _____
March 8, 2012	<input checked="" type="checkbox"/> City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G19

#2012-69 - Approving Change Order #1 for Additional Infield Soil Conditioner at the Veterans Athletic Field Complex

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: March 13, 2012

Subject: Change Order # 1, Additional Infield Soil Conditioner at the Veterans Athletic Field Complex

Item #'s: G-19

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

Background

On October 11, 2012 a contract was entered into with Dakota transport, Inc. for \$96,000.00 to provide infield soil conditioner for the four Softball Fields at the Veterans Athletic Complex. An additional four loads of field conditioner was required to finish the project.

Discussion

A change order in the amount of \$936.80 is being requested to finish the infields at the Veterans Athletic Field Complex..

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the change order in the amount of \$936.80 for the additional field conditioner.

Sample Motion

Move to increase the amount of the contract to Dakota Transport, Inc. in the amount of \$936.80.

Parks & Recreation Department



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CONTRACT MODIFICATION

TO: **Dakota Transport, Inc.**
6445 220th St E
Hampton, MN 55031

PROJECT: **Delivery of Infield Soil Conditioner to the Veterans Athletic Field Complex**

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

1. Additional infield soil conditioner increase \$936.80

The original Contract Sum \$ 96,000.00

Previous Modification Change Amount \$ 0.00

The Contract Sum is increased by this Contract Modification \$ 936.80

The total modified Contract Sum to date \$ 96,936.80

The Contract Time is unchanged.

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

APPROVED: **CITY OF GRAND ISLAND**

By _____ Date _____
Mayor

Attest _____

Approved as to Form, City Attorney

ACCEPTED: **Dakota Transport, Inc.**

By _____ Date 3-1-12

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444 ext. 290 • Fax: 385-5488

R E S O L U T I O N 2012-69

WHEREAS, on October 11, 2011 by Resolution 2011-306, the City Council of the City of Grand Island awarded the Dakota Transport, Inc. from Hampton, Minnesota, the bid in the amount of \$96,000.00, to deliver infield soil conditioner to the Veterans Athletic Field Complex; and

WHEREAS, it has been determined that additional infield soil conditioner is necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modifications will increase the contract amount by \$936.80 for a revised contract price of \$96,936.80.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and the Dakota Transport, Inc. from Hampton, Minnesota to provide for the additional infield soil conditioner:

Additional Infield Soil Conditioner.....\$936.80

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G20

**#2012-70 - Approving Certificate of Final Completion for Infield
Soil Conditioner at the Veterans Athletic Field Complex**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director

Meeting: March 13, 2012

Subject: Certificate of Final Completion – Infield Soil Conditioner at the Veterans Athletic Field Complex

Item #'s: G-20

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

Background

A contract was entered into with Dakota Transport, Inc. on October 25, 2011 for furnishing of infield soil conditioner at the Veterans Athletic Field Complex.

Discussion

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

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the Certificate of Final Completion and make final payment to Dakota Transport, Inc. in the amount of \$7,664.00.

Sample Motion

Move to close out the contract with Dakota Transport, Inc. and make final payment in the amount of \$7,664.00 to Dakota Transport, Inc.

CERTIFICATE OF FINAL COMPLETION AND ACCEPTANCE

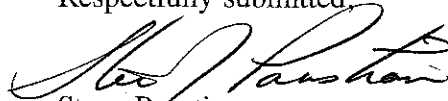
**INFIELD SOIL CONDITIONER
VETERANS ATHLETIC FIELD COMPLEX**

**CITY OF GRAND ISLAND, NEBRASKA
MARCH 13, 2012**

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

This is to certify that the Infield Soil Conditioner for the Veterans Athletic Field Complex has been fully completed by **Dakota Transport, Inc. from Hampton, Minnesota** under contract dated **October 25, 2011**. The scope of the project was increased by \$936.80. All other work has been completed in accordance with the terms, conditions, and stipulations of said contract and complies with the contract, the plans, and the specifications. The work is hereby accepted for the City of Grand Island, Nebraska, by the Parks and Recreation Director in accordance with the provisions of the terms of the above said contract.

Respectfully submitted,



Steve Paustian
Parks and Recreation Director

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

I hereby recommend that the Certificate of Final Completion and Acceptance be approved and warrants issued from Account No. 40044450-90027 to **Dakota Transport, Inc.** in the final payment amount of **\$7,664.00**.

Respectfully submitted,

Jay Vavricek
Mayor

RESOLUTION 2012-70

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for delivery of Infield Soil Conditioner at the new Veterans Athletic Field Complex, certifying that Dakota Transport, Inc. from Hampton, Minnesota, under contract dated October 25, 2011, has completed such project according to the terms, conditions, and stipulations for such improvements; and

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

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

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

1. The Parks and Recreation Director's Certificate of Final Completion for delivery of Infield Soil Conditioner at the new Veterans Athletic Field Complex is hereby confirmed.
2. That a warrant be issued from account no. 40044450-90027 in the total amount of \$7,664.00 payable to Dakota Transport, Inc. from Hampton, Minnesota for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item I1

#2012-71 - Consideration of Request from Napoli, LLC dba Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License and Liquor Manager Designation for Florim Ramadani, 3111 College, #354

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

Staff Contact: RaNae Edwards

RESOLUTION 2012-71

WHEREAS, an application was filed by Napoli, LLC doing business as Napoli's Italian, 3421 Conestoga Drive for a Class "I" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on March 3, 2012; such publication cost being \$15.78; and

WHEREAS, a public hearing was held on March 13, 2012 for the purpose of discussing such liquor license application.

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

- _____ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.
- _____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.
- _____ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: _____

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

- _____ The City of Grand Island hereby recommends approval of Florim Ramadani, 3111 College, #354 as liquor manager of such business contingent upon completing a state approved alcohol server/seller program.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 8, 2012	☐ City Attorney



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item I2

#2012-72 - Consideration of Letter of Support for VA Homeless Veterans Housing Project

Staff Contact: Mayor Vavricek

Council Agenda Memo

From: Craig Lewis, Building Department Director

Meeting: March 13, 2012

Subject: Approving Letter of Support for VA Homeless Veterans Housing Project

Item #'s: I-2

Presenter(s): Craig Lewis, Building Department Director

Background

Our nation has more than 75,000 homeless veterans. The Department of Housing and Urban Development and the Department of Veterans Affairs Supportive Housing (HUD-VASH) have put together a strategic plan to end homelessness among Veterans by 2015. The VA recognizes they must create situations where Veterans have access to Housing Assistance, Supportive Services, Treatment Programs and other benefits.

Discussion

Pridon a national developer – specializing in homes for military families and veterans was recently selected as the developer for a Grand Island area homeless Veterans supportive housing project. By using funding mechanisms specifically targeted to alleviate the problems returning Veterans must overcome, Pridon proposes to develop 58 new housing units in Grand Island.

A letter of support from the City of Grand Island is requested from Pridon in support of their application for Low Income Housing Tax Credits (LIHTC) from NIFA. Over the course of construction, compliance with the City of Grand Island rules and regulations regarding building codes, permits, and inspections will be required.

Alternatives

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

1. Move to approve the letter of support

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 letter of support for Pridon's application for Low Income Housing Tax Credits (LIHTC) from NIFA.

Sample Motion

Move to approve the letter of support for Pridon's application for Low Income Housing Tax Credits (LIHTC) from NIFA.

RESOLUTION 2012-72

WHEREAS, our nation has more than 75,000 homeless veterans; and

WHEREAS, the Department of Housing and Urban Development and the Department of Veterans Affairs Supportive Housing have put together a strategic plan to end homelessness among Veterans by 2015; and

WHEREAS, Pridon, a national developer plans to develop 58 new housing units in Grand Island, and

WHEREAS, a letter of support from the City of Grand Island for Pridon's application for Low Income Housing Tax Credits from NIFA is requested; and

WHEREAS, over the course of construction, compliance with the City of Grand Island rules and regulations regarding building codes, permits, and inspections will be required.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the mayor is hereby authorized and directed to send a letter of support for Pridon's application for Low Income Housing Tax Credits from NIFA.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item J1

Approving Payment of Claims for the Period of February 29, 2012 through March 13, 2012

The Claims for the period of February 29, 2012 through March 13, 2012 for a total amount of \$4,202,309.40. A MOTION is in order.

Staff Contact: Jaye Monter