
City of Grand Island



Tuesday, November 26, 2002

Joint Mtg/Council Session Packet

City Council:

Joyce Haase
Margaret Hornady
Gale Larson
Glen Murray
Jackie Pielstick
Larry Seifert
Robert Sorensen
Scott Walker
Tom Ward
Fred Whitesides

Mayor:

Ken Gnadt

City Administrator:

Marlan Ferguson

City Clerk:

RaNae Edwards

6:00:00 PM
Council Chambers - City Hall
100 East First Street

Call to Order

**Pledge of Allegiance /Associate Pastor Gary Schulte, Evangelical Free Church, 2609
South Blaine Street**

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.



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item -1

Review, Discussion, and Consideration of Proposed Memorandum of Understanding Regarding Joint City/County Facilities

For over two years, the City and County have been working collaboratively on the development of a long term city-county facilities plan. This comprehensive assessment and the resulting plan were the result of many meetings with city and county staff, the joint city county facilities committee, and updates to the City Council and County Boards. We believe the Strategic Plan addresses current and future space needs for the next 5-10 years. The effort was predicated on a belief by both the city and county that efficiencies can be realized, and public funding best utilized when government entities work cooperatively to identify ways of saving dollars. Building and maintaining buildings is expensive. Both the City and County identified early on, the importance of co-location for services that “make sense”.

During the course of the last two years, the Joint City and County Facilities committee has analyzed the current facility needs and uses and developed projections. The results of the Plan indicate that, for the most part, the City is in relatively good shape when it comes to sufficient space. Of noticeable exception are the Police Department and Fire Station #1. The City and County discussed at great length the potential of relocating the joint Police/Sheriff facilities to a property outside of the downtown area. Ultimately the City and County agreed that collocation of these services was more important than locating outside the governmental center area. The issue of relocating Fire Station #1 is a city issue only and has not been solved at this time.

Another cooperative effort of the City and County is the Health Department. The placement of the Health Department has been a source of great concern to the County, City and Health Department. The City and County agree that public health is critical to the well being of the community and are working toward an acceptable solution for all.

A memorandum of understanding supporting the work of the Joint City and County Facility Committee has been prepared and reviewed by the City and County Attorneys.

It is expected that the Strategic Facilities Plan will be available for presentation at the special City Council/County Board meeting on November 26 at 6 p.m.

Staff Contact: Marlan Ferguson

Memorandum of Understanding
between
The Board of Supervisors of the County of Hall
&
The Council of the City of Grand Island

WHEREAS, representatives of the Board of Supervisors of Hall County and the City Council of Grand Island and their respective staffs have worked over the last two years to develop a comprehensive needs assessment and facilities program for their respective governmental jurisdictions; and

WHEREAS, the needs of the constituents of both the city and county are most economically and appropriately met through efficient use, including cooperative use, of appropriate facilities; and

WHEREAS, a significant area of cooperation in the public interest rests in the area of public safety facilities; and

WHEREAS, the well-being of the county's and city's constituents increasingly depends upon combined efforts to provide high quality and efficient public safety services to the county and its communities; and

WHEREAS, joint location of offices of the Grand Island Police Department and Hall County Sheriff promotes cooperative work between the two agencies, maximizing the quality, effectiveness, and efficiency of safety services; and

WHEREAS, Hall County and the City of Grand Island further recognize the importance of public health functions to their citizens and, as a result, cooperate to maintain the operations of the Health Department; and

WHEREAS, the Board of Supervisors and the Grand Island City Council are charged with fiduciary responsibility to their respective taxpaying constituencies; and

WHEREAS, the Board of Supervisors and the City Council find that the Hall County/Grand Island Joint Strategic Facilities Plan, developed with the efforts of public employees and elected officials and ably assisted and benefiting from advice and counsel offered by the planning consultants and by the members of individual Strategic Facilities Planning Subcommittees, does provide the foundation for achieving these purposes;

We the undersigned hereby accept the said Strategic Facilities Plan and, inasmuch as it affects our mutual facilities planning direction, join together through this Memorandum of Understanding to initiate those steps necessary to the further planning and development of an expanded Joint Public Safety Facility, which will provide additional operating facilities for our Police and Sheriffs departments, while taking advantage of cost- and resource-sharing opportunities.

We further agree that the successful implementation of our plans will require strong, visible, and effective leadership and cooperation between us and also between our Public Safety Organizations to ensure a continued positive environment through construction of a new Public Safety Facility and beyond to its operation.

In furtherance thereof, we the undersigned understand the following:

1. The County, as owner of the current and future building desires to provide space for operations of the City Police Department. The space for the Police Department shall be determined through the cooperative efforts of the county and the city with the assistance of subsequent architectural programming and design.
2. The City and the County will cooperate towards the development of a campus plan based generally on the recommendations of the Strategic Facilities Plan and designed to provide additional parking, improve traffic circulation and public convenience, and enhance the aesthetic appearance of the County/City government complex.

3. The County, as lessor to the City of office space currently used by the Grand Island Police Department, desires to continue to work with the City in order to lease adequate space in a new facility based upon a cooperatively determined lease rate. The City desires to work cooperatively with the County in arriving at a suitable, long term arrangement for space in the building.
4. The City and County desire to cooperate in determining the space needs of both agencies in order to allow for a more accurate estimate of the size and cost of the new facility.
5. The City and the County together will cause to be established an oversight committee formed of an equal number of representatives from both city and county. Such committee shall be responsible for reporting to the City Council and Hall County Board of Supervisors, initial plans for facility design, progress of the construction, ongoing operations, maintenance, and other issues concerning the facility.
6. The City and County will actively participate in and support the development of any Interlocal Cooperation Agreements that may be necessary for the parties to reach its desired goals along the guidelines of the plan, anticipating that changes in the Plan may be necessary from time to time.
7. The City and the county recognize the importance of public health functions to the well-being of their constituencies and shall work cooperatively to promote the relocation of the Health Department to suitable accommodations.

Agreed to by each of us as set forth below on this the ____ day of _____ in the year 2002.

Mayor of Grand Island

Chairperson of the Hall County Board of Supervisors

Hall County Supervisor

Hall County Supervisor

Hall County Supervisor

Hall County Supervisor

Hall County Supervisor

Hall County Supervisor



City of Grand Island

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Joint Mtg/Council Session

Item C1

"Its About Kids!" Presentations by Angela Raynolds and Emily Griess

Youth Leadership Tomorrow, "It's About Kids!" assets will be presented by Angela Raynolds and Emily Griess.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item E1

Public Hearing on Proposed Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Business, Sign Regulations along South Locust and Self Storage Facilities.

Amendments are proposed to Chapter 36 of the Grand Island City Code to address vehicle sales and rental business. This amendment will revise code to set performance standards for Automobile Sales and Rental business, define and allow self-storage facilities in the B2 and M1 zoning districts, and amend the AC Arterial Commercial Overlay district regulations relative to billboards. It is appropriate to solicit public comment. The action item is contained under Ordinances.

Staff Contact: Chad Nabity

Agenda Item #5

SUBJECT: Changes to the Grand Island Zoning Ordinance to define and allow self-storage facilities within the B2 General Business and M1 Light Manufacturing zoning districts as presented. To eliminate all references to billboards from the AC-Arterial Commercial Overlay district. To establish performance standards for Automobile dealerships within the jurisdiction of the City of Grand Island.

Storage Facilities

PROPOSAL: To amend the Grand Island Zoning Regulations by adding the following:

Proposed Changes

§36-23 Definitions

Add the following:

Self-Service Storage Facility: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or small businesses for self-service storage of personal property.

§36-30. B2 - General Business Zone

(A) Permitted Principal Uses:

(4) Specific uses within a building such as

Add the Following:

Self Service Storage

§36-34. M1 - Light Manufacturing Zone

(A) Permitted Principal Uses:

(6) Specific uses such as:

Add the Following:

Self Service Storage

EVALUATION:

This change defines Self-Storage facilities as a specific use allowed within the jurisdiction of the City Of Grand Island. Currently self-storage facilities are allowed in all zones that allow storage or warehousing. Defining self-storage would make one minor change to self-storage facilities within those districts (B2, M1 and M2). It would allow for multiple buildings on a single lot in the case of unattended self-storage facilities. Newer facilities in these zones with multiple

buildings all provide some kind of attachments between the buildings or each building is on its own lot.

These are the same changes that were presented in conjunction with allowing Self-Storage Facilities in the TA zone. Those were rejected by the Grand Island City Council. These changes would not allow storage facilities in any district that does not currently allow them but would define those facilities as an entity different from commercial warehousing and storage.

RECOMMENDATION

That the Regional Planning Commission recommend that the Grand Island City Council **approve** amendments to the Grand Island Zoning Ordinance relative to Self-Storage Facilities as presented.

Billboards

PROPOSAL: To amend the AC Arterial Commercial Overlay district regulations relative to billboards.

OVERVIEW:

The AC district was created shortly after the 1980 tornadoes. The intent of the district is:

To provide an overlay of the B2 Zone in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

In June of 2001 the AC zoning district was amended to limit the number of billboards allowed in the area between Stolley Park Road and Highway 34. At that time changes were not made to the remainder of the district because the business improvement district had not been formed. BID 4 has now been formed and the BID is supporting these proposed changes.

PROPOSED CHANGES:

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with procedures set forth in Article VIII and X of this chapter:

~~(1) Billboards for a four-year time period, except for the area between Stolley Park Road and U.S. Highway 34 where billboards are a permitted use if in accordance with the Grand Island Sign Code regulations.~~

(2) Towers

(F) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein.

(2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.

(3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.

~~(4) All free standing on site ground signs shall be limited to four square feet of sign area per side of each one foot of frontage with a maximum of 400 square feet per side. The maximum height of the~~

~~sign shall be 30 feet. A free standing sign shall be no closer than 25% of the total frontage to the adjacent property, except at the street side of a corner lot where they may be within that 25% of lot frontage, except in the AC zone between Stolley Park Road and U.S. Highway 34 where all signs shall meet the Grand Island Sign Code regulations.~~

~~(5) No billboards shall be permitted to be stacked one above the other. A billboard shall not receive existing rights status or "grandfather" rights unless structurally complete at the date of adoption of this section. A billboard that does receive existing rights at the date of adoption of this section shall be subject to conditional use approval for continued use four calendar years after the date of adoption of this section or shall be considered to be fully amortized and shall be removed, except in the AC zone between Stolley Park Road and U.S. Highway 34 where all signs shall meet the Grand Island Sign Code regulations.~~

(6) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.

EVALUATION:

This is a continuation of the process we began last year. The BID is requesting this change and I believe that it is in the best interest of South Locust business owners and the City of Grand Island to limit the development of billboards along this space. Grand Island allows billboards in almost all of the other commercial or industrial zoned areas of the community. Signs in the AC zone would be subject to the restrictions of Chapter 31 of the Grand Island City Code. Chapter 31 is the sign ordinance. The proposed changes to the sign ordinance would prohibit billboards in the AC zone between Stolley Park Road and Fonner Park Road. There are currently no billboards along this stretch of South Locust. I have attached a copy of the proposed sign regulations.

RECOMMENDATION:

That the Regional Planning Commission recommend that City Council **approve** the suggested amendments to the AC-Arterial Commercial Overlay district.

Performance Standards for Automobile Dealers

PROPOSAL: To amend the §36-49 of the Grand Island City Code to set performance standards for Automobile Sales and Rental businesses.

OVERVIEW:

These standards were referred to the Regional Planning Commission by the Grand Island City Council at their meeting on September 24, 2002. It is the intent of the Grand Island City Council to consider the adoption of performance standard for businesses involved in the sale or rent of automobiles in Grand Island. These regulations are intended to apply to businesses selling or renting passenger vehicles/trucks and recreational vehicles. These regulations would not apply to those businesses whose primary business is the sale or rent of heavy equipment, farm implements or mobile/manufactured homes.

It is the intent of the Grand Island City Council to require all businesses involved the sale or rent of passenger vehicles/trucks and recreational vehicles to meet these requirements by April 1, 2004. This would allow business that do not meet the minimum standards over 12 months to comply with the new regulations.

Proposed Changes: as presented to the Grand Island City Council and referred to the Regional Planning Commission.

§36-49. Storage and Display Requirements

~~All storage and display areas associated with automotive/truck/recreational vehicle sales or rentals shall be hardsurfaced in accordance with the requirements of §36-48.~~

§36-49. Vehicle Sales and Rental Businesses; Minimum Improvement Requirements

All businesses engaged in automotive/truck/recreational vehicle sales and/or rentals shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick.

(B) Any business engaged in vehicles sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

(E) Any business engaged in vehicle sales and/or rentals shall comply with the Grand Island City Code landscaping and screening regulations and minimum off-street parking and loading space requirements prior to commencing operations.

Proposed Changes: Recommendation from Planning Director

§36-49. Storage and Display Requirements

~~All storage and display areas associated with automotive/truck/recreational vehicle sales or rentals shall be hardsurfaced in accordance with the requirements of §36-48.~~

Applies to all existing passenger and recreational vehicle sales and rental establishments that continue to do business at their current location.

§36-49. Vehicle Sales and Rental Businesses in existence as of November 1, 2002; Minimum Improvement Requirements

All businesses engaged in automotive/truck/recreational vehicle sales and/or rentals as of November 1, 2002 shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick. The Grand Island City Council may upon application for and approval of a conditional use permit waive this requirement for businesses that were operating at the same location prior to March 9, 1999.

(B) Any business engaged in vehicles sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

§36-49.1 Vehicle Sales and Rental Businesses; new businesses and businesses relocating or expanding Minimum Improvement Requirements

All new, relocating or expanding businesses engaged in automotive/truck/recreational vehicle sales and/or rentals shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick.

(B) Any business engaged in vehicles sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

(E) Any business engaged in vehicle sales and/or rentals shall comply with the Grand Island City Code landscaping and screening regulations and minimum off-street parking and loading space requirements prior to commencing operations.

EVALUATION:

Automobile sales businesses generate a substantial number of code compliance complaints in Grand Island. These regulations are designed to create measurable performance criteria for automobile and recreational sales and rental facilities. These regulations will preserve and enhance the health, safety and welfare of the community by limiting exposure to and from automotive chemicals. They limit the storage of tires, parts and batteries to within buildings. Parts, tires and batteries present opportunities for stagnating water and chemical hazards. The regulations preserve and enhance the visual amenities of the community.

The original set of recommendations forwarded by Council would apply to all lots across the city. The proposed timeframe for compliance would be April 1, 2004. These would require paved lots, permanent office buildings on site, a secure place to store parts and automotive chemicals, and compliance with the landscaping regulations by April 1, 2004.

The second set of recommendation (those from me) would require the same level of compliance for all new, relocating or expanding businesses as the first set. They would not, however, require existing operations that are exempt because they existed prior to the landscaping regulations to comply with the current landscaping regulations and would give existing operations that do not have paved lots the option of applying for a conditional use permit to continue operating without paving.

RECOMMENDATION:

That the Regional Planning Commission recommend that City Council **approve** one of the suggested sets of amendments to §36-49 of the Grand Island City Ordinance.

_____ Chad Nabity, AICP, Planning Director



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item E2

Public Hearing on Changes to the Grand Island Zoning Map for Property located in the NW 1/4 of Section 13-11-10

Joel Shafer, as the owner is requesting a change of zoning for property located in the NW 1/4 of Section 13, Township 11, Range 10, in the City of Grand Island. This application proposes to change the zoning from TA Transitional Agricultural to RO Residential Office and RD Residential Development. This change is in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held November 6, 2002 voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map. It is appropriate to solicit public comment. The action item is contained under Ordinances.

Staff Contact: Chad Nability

Agenda Items #8 - 11

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

October 25, 2002

SUBJECT: *Zoning Change (C-23-2002GI)*

PROPOSAL: To rezone 16 acres in the NW ¼ of 13-10-10 in Grand Island from TA- Transitional Agriculture to RO-Residential Office and RD-Residential Development Zone. This property is located at the west of 281 and the Moore's Creek Drainage project on the south side 13th Street the City of Grand Island.

OVERVIEW:

Site Analysis

Current zoning designation:

TA- Light Manufacturing

Permitted and conditional uses:

TA – Agricultural uses, recreational uses and residential uses at a density of 2 dwelling units per acre.

Comprehensive Plan Designation:

Medium Residential to Office

Existing land uses.

Agriculture

Adjacent Properties Analysis

Current zoning designations:

North: RO-Residential Office

East: B2- General Business

South and West: - TA Transitional Agriculture

Permitted and conditional uses:

RO- High density residential uses (no maximum density) and commercial office uses that are not primarily retail in nature, medical offices and facilities. TA – Agricultural uses, recreational uses and residential uses at a density of 2 dwelling units per acre. B2- General commercial uses, office uses, residential uses at maximum density of 42 units per acre.

Comprehensive Plan Designation:

North, and West: Designated for future Medium Density Residential to Office Development

East: Designated for Public/Semi-Public and Commercial Development

South: Designated for Medium Density Residential to Office Development

Existing land uses:

North: Agriculture and Child Care

West: Agriculture

South: Agriculture

East: Vacant property and Big Box Commercial

EVALUATION:

Positive Implications:

- *Accessible to Existing Municipal Infrastructure:* City water and sewer services are available to service the rezoning area.
- *Monetary Benefit to Applicant:* Would allow the applicant to sell this property for development into office uses. Given the size of the property it has limited potential for residential development.
- *Existing RO immediately to the North:* This change would be an extension of the existing RO from the North.
- *Consistent with the comprehensive plan:* This change is consistent with the existing comprehensive plan and future land use map for Grand Island.
- *May spur development west of the Moore's Creek Drainage:* Eventually this area will develop. The City of Grand Island has had infrastructure to support this development in place for several years. Infill development between Hwy. 281 and North Road would be beneficial for the community.

Negative Implications:

- *Increased in Traffic along 13th Street.* This development will increase traffic along 13th street.
- *Increased enrollment in schools:* This development may result in increased enrollment in schools in the area. Currently the Grand Island Public School system districts sends kids west of North Road to Shoemaker School for elementary and Westridge for middle school.

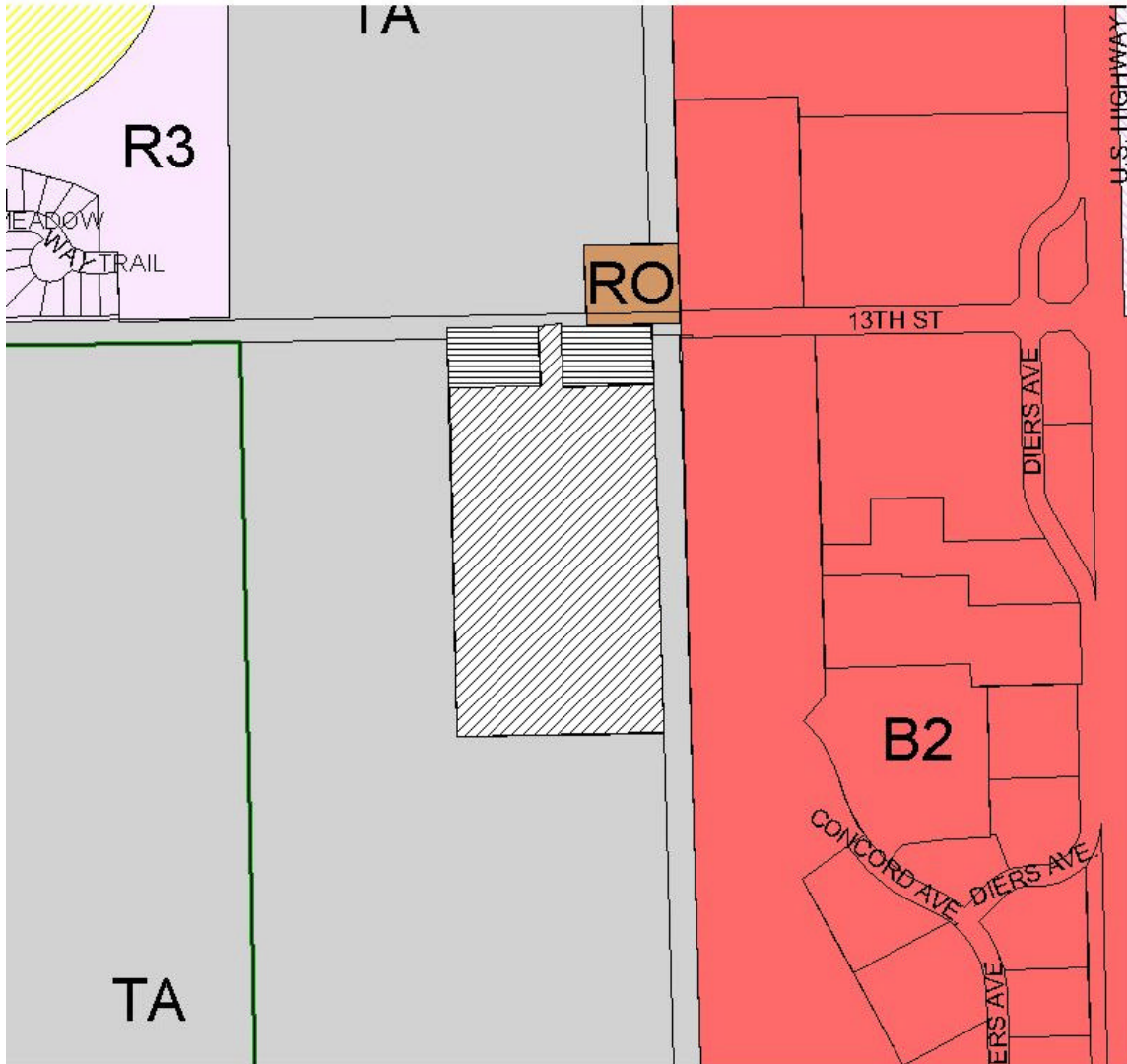
Other Considerations:

This property has been rezoned to an RD zone on two previous occasions. An RD zone is good for up to 18 months from the time of rezoning if the site does not develop. If a building permit is issued and the site is developed the RD zone is good indefinitely. In 1994 an RD zone with apartments was planned for this site. In 1996 an RD zone with apartments in the back and commercial development (CD zone) was approved. In both cases the property reverted to TA zone when no construction or development occurred on the property.


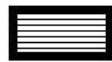

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on the this site from TA-Transitional Agriculture to RO-Residential Office and RD-Residential Development Zone.

Chad Nabity AICP, Planning Director

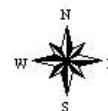


Requested Zoning

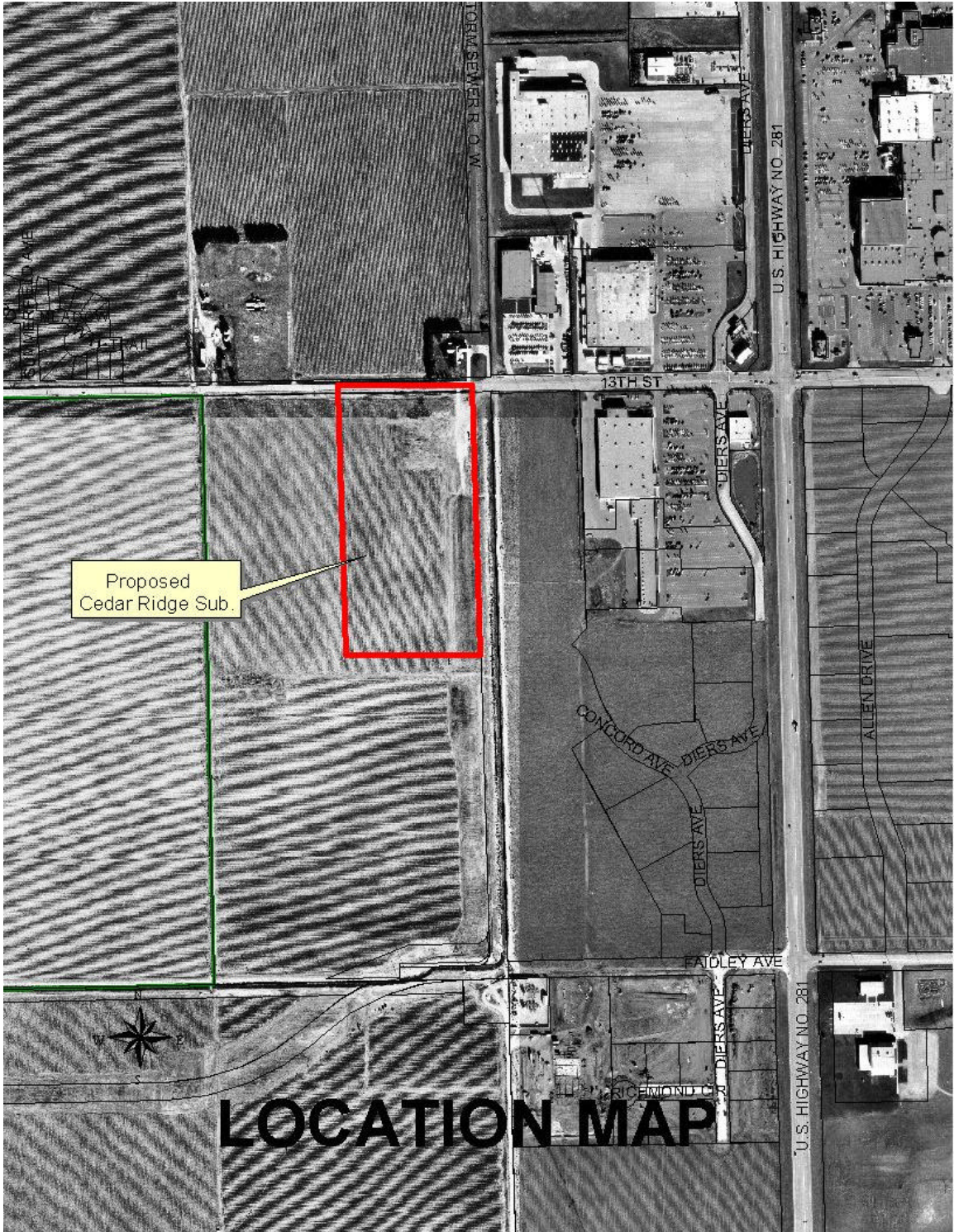
-  From TA: Transitional Agriculture Zone
-  To RO: Residential Office Zone
-  And RD: Residential Development Zone

Scale: 1" = 400'

C-23-2002G1



Regional Planning Commission
 100 East 1st St
 Grand Island, NE 68801
 308-385-5444 Ext 210



Proposed
Cedar Ridge Sub.

LOCATION MAP



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item E3

Public Hearing on Request of Perez Brothers, Inc. dba Guitarron, 413 West 4th Street, for Class "C" Liquor License

Perez Brothers, Inc., 413 West 4th Street, have submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. This application has been reviewed by the Building, Fire, Health, and Police Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item E4

Public Hearing on Proposed Economic Development Program

On Tuesday evening, the City Council heard a presentation by the Progress for Grand Island Committee on their request for the Council to consider placing the issue of community adoption of an economic development program on a special election in May, 2003. Economic Development Programs were authorized by the Nebraska Legislature in 1991. Each and every community in Nebraska has the opportunity to assess their economic development needs and develop a specialized program to meet those needs. City staff has been working closely with the Progress for Grand Island Committee on development of the Economic Development Program. We believe the Program addresses the City Council's priorities of creating more good paying jobs in the community, diversifying the economy for greater economic strength and assisting all residents with the opportunity to have a high standard of living.

The Program includes many safeguards. This was the Legislature's intent. Because the Program is a community program (voted on by the electorate), it is important that the checks and balances are firmly in place. The three step approval process has been developed to ensure that each request for assistance is reviewed thoroughly by people who are intimately familiar with the project, the finances, and the process and yet maintains an appropriate level of confidentiality for the applicants.

Minor modifications have been made to more clearly delineate the roles and responsibilities of the City and the Economic Development Corporation. Because this is a City program, the City bears the ultimate responsibility. The combined expertise of City staff in the Finance Department, Community Projects Department and City Attorney's office will ensure that the obligations of the City are met.

The action before the City Council will be to forward the proposed Economic Development Program to the voters at a special election set for May 6, 2003. The action item is contained under Resolutions.

Staff Contact: Marlan Ferguson

**CITY OF GRAND ISLAND, NEBRASKA
ECONOMIC DEVELOPMENT PROGRAM
General Community and Economic Development Strategy
November 20, 2002**

In order for Grand Island to continue to grow and prosper, we need to broaden our wealth producing economic base by bringing to our community new employers and helping our existing companies to grow. Unfortunately, communities all across the nation are faced with potential loss of jobs due to mergers, corporate takeovers, and changing economic events. It is becoming increasingly difficult for our community to absorb the loss of this type of employment.

Faced with this challenge, it is the intent of the City to save the existing job opportunities within the community and secure future additional jobs for Grand Island's residents. The formation of an economic development program will provide a mechanism for assisting businesses interested in locating in Grand Island or those interested in expanding their existing businesses. It will take local participation in a financial partnership to develop this new program. Our only means for acquiring the needed funds to carry on an economic development program is through an affirmative vote of the citizens of Grand Island to support this project.

Need and Purpose

An economic development program is a community tool that encourages and stimulates the growth of quality jobs, attracts permanent investment, broadens the tax base, and diversifies the region's economic base that will lead to new opportunities and options for all citizens, ultimately improving the quality of life for all taxpayers in Grand Island and the surrounding region.

Grand Island's best chance of long term growth and prosperity will come with increased diversification with an overall goal of increasing per capita and median household incomes throughout Grand Island and Hall County. Taking into consideration the very low unemployment rates that Hall County has experienced in the 1990's, our focus will be on attracting capital intensive instead of labor intensive businesses – businesses that hire skilled laborers to complement million-dollar production equipment and machinery. In addition, we will be targeting businesses that will provide employment opportunities for those who are underemployed in Hall County and those seeking professional positions.

**SECTION I. GENERAL COMMUNITY AND ECONOMIC DEVELOPMENT
STRATEGY**

The Nebraska Legislature, in the Local Option Municipal Economic Development Act Neb. Rev. Statutes 18-2701, et seq., has made the following legislative findings: (1) there is a high degree of competition among states and municipalities in our nation in their efforts to provide incentives for businesses to expand or locate in their respective jurisdictions; (2) municipalities in Nebraska are hampered in their efforts to effectively compete because of their inability under Nebraska law to respond quickly to opportunities or to raise sufficient capital from local sources to provide incentives for business location and expansion decisions which are tailored to meet the needs of the local community; (3) the ability of a municipality to encourage business location and

expansion has a direct impact not only upon the economic well-being of the community and its residents but upon the whole State as well; and (4) there is a need to provide Nebraska municipalities with the opportunity of providing assistance to business enterprises in their communities, whether for expansion of existing operations or creation of new businesses, by the use of funds raised by local taxation when the voters of the municipality determine that it is in the best interests of their community to do so.

The City of Grand Island faces stiff competition to recruit businesses to the community and to retain businesses that not only are presently operating in the community but also are considered anchors of the economic vitality of the City.

The City, through the Economic Development Corporation, has competed as best it could to bring new business and new well paying jobs to the community, but frankly has less ability to compete by not having available the tools granted by the Local Option Municipal Economic Development Act. The City believes that not having the ability to directly fund economic development activities in the past may have cost jobs and capital investment which otherwise would have been realized. The effect is to hamper growth of the tax base of the City.

Only by adoption of an economic development program can the City of Grand Island directly contribute to economic development projects and thereby compete successfully for location of manufacturing facilities and other businesses to our community and retain those excellent employers currently within our community. The well paying jobs and talented employees employed in these fields are critical to Grand Island. Those jobs are among the highest paying in the community and they attract the most capable and talented people in the work force. Absent approval of the program by the voters, other communities and states could become more attractive as the potential site for business and industry. Grand Island becomes less competitive. The foregoing is a practical example of the underlying basis for the legislative findings set out in the Local Option Municipal Economic Development Act.

The Local Option Municipal Economic Development Act became effective June 3, 1991, and authorizes cities and villages to appropriate and spend local sales tax and property tax revenues for certain economic development purposes. An economic development program formulated by the City to implement this legislation is subject to the vote of the people.

The core of the process involves the formulation of a proposed plan for a local economic development program. The program forms the foundation for the expenditure of local tax revenues for economic development. Because the development and utilization of an economic development program is truly a plan for the community, the Economic Development Fund will be administered by a Citizens' Review Committee appointed by the Mayor and approved by the City Council. The Committee would be comprised of seven members from the community. Three at large members would be recommended for appointment by the Grand Island Area Economic Development Corporation. All members must be registered voters in the city of Grand Island. It is recommended that professionals in the fields of accounting and banking and finance, small business owners, and business professionals be included on the Citizens' Review Committee. At least one member of the Committee shall have expertise or experience in business finance and accounting as a banker or accountant, at least one member of the

Committee shall be a business owner. No member shall be an elected or appointed City Official, an employee of the City, an official or employee of any qualifying business receiving financial assistance under the Program or an official or employee of any financial institution participating directly in the Program. The City Administrator or designee will serve as Liaison to the Economic Development Corporation.

The City has prepared the Program for submission, first to the City Council and, upon Council approval, to the voters of Grand Island. The Legislature of the State of Nebraska has made available through the Act an invaluable tool to recruit new businesses and to retain and expand businesses presently located in a community. The City intends to use this tool to spur further economic development within the City. The City seeks, through the Economic Development Program, to be more competitive or at least as competitive in the economic development area as any other community in this or any other State of comparative size. With voter approval, the provisions of the Program become the basis for funding the economic development program and thereby expanding job opportunities and the tax base in our community.

Through voter approval of the Economic Development Program, the City would be in a position to operate a low-interest, performance based revolving loan fund, provide job creation incentives, equity participation, interest buy downs, acquire commercial and industrial sites, promote their development, and bond the costs of economic development pending sufficient general fund revenues. The City proposes that funding from the City's general fund be dedicated for the economic development program.

SECTION II. STATEMENT OF PURPOSE DESCRIBING GENERAL INTENT AND PROPOSED GOALS

The general intent and goal of the Grand Island Economic Development Program is to provide well paying jobs to the citizens of Grand Island, Nebraska, by encouraging and assisting local businesses to expand as regards job creation and capital investment and to recruit new qualified businesses which results in creation of jobs and expansion of the tax base. The success of the Program will be measured by the number of jobs created and retained for the length of the Program, the total dollars invested in fixed assets, i.e., buildings, new commercial real estate and business equipment and finally, the growth in total valuation in the City. Each project will be considered on its merits, but priority will be given to jobs created and/or retained at or above average wage and benefits for the community.

SECTION III. TYPES OF ECONOMIC ACTIVITIES THAT WILL BE ELIGIBLE FOR ASSISTANCE

A. Definition of Program

Economic Development shall mean any project or program utilizing funds derived from the City's General Fund, which funds will be expended primarily for the purpose of providing direct or indirect financial assistance to a qualifying non-retail business, the payment of related costs and expenses, and/or through a revolving loan fund. The purpose of the Program is to increase job opportunities and business investment within the community.

B. Eligible Activities

The Economic Development Program may include, but shall not be limited to, the following activities:

- 1) A revolving loan fund from which performance based loans will be made to non-retail qualifying businesses on a match basis from the grantee business and based upon job creation and/or retention, said jobs to be above the average wage scale for the community.
- 2) Public works improvements and/or purchase of fixed assets, including potential land grants or real estate options essential to the location or expansion of a qualifying business or for capital improvements when tied to job creation criteria or when critical to retention of jobs of a major employer within the community, which equity investment may be secured by a Deed of Trust, Promissory Note, UCC filing, personal and/or corporate guarantees or other financial instrument.
- 3) The provision of technical assistance to businesses, such as preparation of financial packages, survey, engineering, legal, architectural or other similar assistance and payment of relocation or initial location expenses.
- 4) The authority to issue bonds pursuant to the Act.
- 5) Grants or agreements for job training.
- 6) Interest buy down agreements or loan guarantees.
- 7) Other creative and flexible initiatives to stimulate the economic growth in the Grand Island area (activities which may be funded through the Economic Development Program or General Fund as authorized by Section 13-315 R.R.S.).
- 8) Commercial/industrial recruitment and promotional activities.
- 9) Payments for salaries and support of City staff or the contracting of an outside entity to implement any part of the Program.
- 10) End Destination Tourism Related Activities.
- 11) Reduction of real estate property taxes for City of Grand Island to stimulate local economy.
- 12) Development of low to moderate income housing.

SECTION IV. DESCRIPTION OF TYPES OF BUSINESSES THAT WILL BE ELIGIBLE

- A. A qualifying business shall mean any corporation, partnership, limited liability company or sole proprietorship that derives its principal source of income from any of the following:
 - 1. The manufacturer of articles of commerce;
 - 2. The conduct of research and development;
 - 3. The processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce as distinguished from goods offered for sale at retail locally;
 - 4. The sale of services in interstate commerce as distinguished from services offered on a local or area basis;
 - 5. Headquarters facilities relating to eligible activities as listed in this section;
 - 6. Telecommunications activities; or
 - 7. End Destination Tourism-Related Activities.

- B. A qualifying business must be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances.

- C. Any other business deemed a qualifying business through future action of the Legislature.

SECTION V. REVOLVING LOAN FUND

- A. The amount of funds available for any single project shall not exceed the amount of funds available under the Economic Development Program during the project term, nor shall it provide for more than fifty percent (50%) of total project costs. An applicant must provide participation and evidence of participation through private funding as distinguished from federal, state, or local funding in the minimum amount of fifteen percent (15%) equity investment. The right is reserved to negotiate the terms and conditions of the loan with each applicant, which terms and conditions may differ substantially from applicant to applicant.

- B. The interest rate shall be negotiated on an individual basis. The term shall not exceed fifteen (15) years for loans used for real estate and building assets and not to exceed seven (7) years for loans involving any other asset category such as furniture, fixtures, equipment or working capital. Security for loans will include, but will not be limited to, Promissory Notes, a Deed of Trust, UCC filings and personal and/or corporate guarantees as appropriate and may be in a subordinate position to the primary commercial or government lender.

- C. If the loan is approved as performance based, a qualifying business may be approved to recapture on a grant basis a portion of the loan amount to be determined by the Economic Development Corporation based upon job creation or retention and economic impact of the project to the community.

- D. A loan repayment schedule providing for monthly, quarterly or annual payments will be approved in conjunction with project approval. Repayments will be held in a revolving reuse loan fund for future projects as approved.
- E. The City Administrator or his designee is responsible for auditing and verifying job creation and retention and determines grant credits toward any loans made. No grant credits are available unless pre-approved in the initial application and project approval and no grant credits are available beyond the level initially approved.
- F. The Revolving Loan Fund and its portfolio of loan funds will be audited annually by a selected firm of certified public accountants. The audits will be funded by the Economic Development Fund and the findings will be presented to the Citizens' Review Committee.
- G. It is anticipated that the Program can be fully administered by the Community Projects Director. Financial assistance will be provided by the Finance Department.

SECTION VI. SOURCE OF FUNDING

The Program will be funded from local sources of revenue, including property taxes and/or sales taxes, contained in the City's general fund. The City shall not appropriate from these funds for approved Economic Programs, in any year during which such programs are in existence, an amount in excess of four-tenths of one percent of actual valuation of the City of Grand Island in the year in which the funds are collected, and further, will be subject to the limitation that no city of the First Class shall appropriate more than two million dollars in any one year. The City of Grand Island shall appropriate \$750,000 annually for the Economic Development Program. The restrictions on the appropriation of funds from local sources of revenue shall not apply to the re-appropriation of funds that were appropriated but not expended during the previous fiscal years. If, after five full budget years following initiation of the approved Economic Development Program, less than fifty percent of the money collected from local sources of revenue is spent or committed by contract for the Economic Development Program, the governing body of the City shall place the question of the continuation of the City's Economic Development Program on the ballot at the next regular election.

A. Time Period for Collection of Funds

Annual funding for the program, \$750,000 per year, will come from the City's General Fund. These funds will be allocated commencing with the FY 2003-2004 budget year, beginning October 1, 2003 and will continue for 10 years.

B. Time Period for Existence of the Program

The Economic Development Program will be in effect beginning October 1, 2003 and will continue for 10 years.

C. Proposed Total Collections from Local Sources

<u>Fiscal Year</u>	<u>Estimated Collections</u>
2003-2004	\$750,000 (General Fund revenues)
Every year for 9 years thereafter	\$750,000 (General Fund revenues)

The total amount of City General Fund revenues to be committed to the Economic Development Fund Program for 10 years is \$7,500,000.

D. Basic Preliminary Proposed Budget

It is anticipated that the proposed annual total budget of \$750,000 will be allocated to the Economic Development Fund. Any funds not expended in the revolving loan category will be used to fund the other eligible activities as set out in Section III above.

SECTION VII. APPLICATION PROCESS FOR FINANCIAL ASSISTANCE TO BUSINESSES

A. Application Process and Selection of Participants:

Businesses seeking assistance will be required to:

1. Complete an application which may be obtained from the Grand Island Area Economic Development Corporation or the City of Grand Island.
2. Submit the completed application together with all information as set out below to the Grand Island Area Economic Development Corporation or the City of Grand Island. Following review by the Economic Development Corporation Executive Board and Citizens' Advisory Review Committee, an overview of the proposed application for assistance will be forwarded by the Citizens' Advisory Review Committee to the Mayor and City Council. The overview shall contain sufficient information in order for the elected officials to make an informed decision yet maintain confidentiality of information that, if released, could cause harm to such business or give unfair advantage to competitors. The City Council will approve or deny the application.
3. The Community Projects Director, as Program Administrator, will coordinate with the Economic Development President to notify any applicant whose application is not approved. Such applicant may request in writing that the application, with the recommendation not to approve, be forwarded to the City Council for re-consideration.

B. Information Required:

The qualifying business shall provide the following information before any application is considered by the Economic Development Executive Board and the Citizens' Advisory Review Committee:

Sole Proprietorship:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Current Year to Date Profit and Loss Statement
- 5). Recent Balance Sheet (signed)
- 6). Other information as requested

“S” Corporation:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns, if over 25% ownership (signed)
- 4). Two years complete Corporate Tax Returns (signed)
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

“C” Corporation:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed), if over 25% ownership
- 4). Two years complete Corporate Tax Returns (signed)
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

General Partnership:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns, if over 25% partnership (signed)
- 4). Two years complete Partnership Tax Returns (signed) and K-1s for all partners
- 5). Current year to Date Profit and Loss Statement (signed)
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

Limited Partnerships:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed) and K-1s for all partners
- 4). Complete copy of Partnership Agreement for Partnership
- 5). Other information as requested

Limited Liability Companies:

- 1). Submit a Grand Island Economic Development Loan Fund Application
- 2). Business Plan
- 3). Two years complete Individual Federal Tax Returns (signed)
- 4). Two years complete Entity Tax Returns (signed) and K-1s for all partners
- 5). Current Year to Date Profit and Loss Statement
- 6). Recent Balance Sheet (signed)
- 7). Other information as requested

C. Verification Process:

- 1). Credit check
- 2). Dun and Bradstreet Credit Report
- 3). Examine information required
- 4). Examine internal records
- 5). Obtain oral and written verification of application information
- 6). Other investigations as may be deemed necessary

SECTION VIII. PROCESS TO ENSURE CONFIDENTIALITY OF BUSINESS INFORMATION RECEIVED

In the process of gathering information about a qualifying business, the Economic Development Corporation and City may receive information about the business that is confidential and, if released, could cause harm to such business or give unfair advantage to competitors. The Economic Development Corporation and City shall endeavor to maintain the confidentiality of business records that come into its possession.

To protect businesses applying for assistance and to encourage them to make full and frank disclosure of business information relevant to their application, the Economic Development Corporation and City will take the following steps to ensure confidentiality of the information it receives:

- 1) The adoption of a City ordinance that makes such information confidential and punishes disclosure.
- 2) A restriction of the number of people with access to the files which files will be maintained in the Economic Development Corporation Office, who shall be primarily responsible for their safekeeping and any distribution of information contained therein, and
- 3) Require personnel involved in the Program Review, including Economic Development President, secretarial staff assisting the President, Citizens' Advisory Committee, and City staff, to sign statements of confidentiality regarding all personal and private submittals by qualified businesses.

SECTION IX. ADMINISTRATION SYSTEM FOR ECONOMIC DEVELOPMENT PROGRAM

- A. Program Administration
 - 1). The Community Projects Director will administer the Economic Development Plan and Program.
 - 2). The City Administrator and Community Projects Director will also serve as ex-officio members of the Citizens’ Advisory Review Committee hereinafter established, which Committee will hold regular meetings to review the functioning and process of the Economic Development Program and advise the governing body of the City with regard to the Program.
 - 3). The Community Projects Director, in cooperation with the Economic Development President, will review on a regular basis the progress of ongoing projects to ensure the qualifying businesses are complying with the terms of any approved project.
 - 4). The Economic Development President and the City Administrator or designee will advise the Mayor and City Council as regards the status of ongoing projects in the Economic Development Program.
 - 5). A 3% fee will be retained by the City of Grand Island for program administration. The 3% fee will be retained in the City’s general fund.

SECTION X. PROCESS TO ASSURE LAWS, REGULATIONS AND REQUIREMENTS ARE MET BY THE CITY AND QUALIFYING BUSINESSES

The City will assure that all applicable laws, regulations, and requirements are met by the City and the qualifying businesses that will receive assistance as follows:

- A. Program Review
 - The Ordinance establishing the Program shall provide for the creation of a Citizens’ Advisory Committee to:
 - 1). Review the functioning and progress of the Economic Development Program at regular meetings as set forth by ordinance and to advise the governing body of the City with regard to the Program, and
 - 2). Report to the City Council on its findings and suggestions at a public hearing called for that purpose at least once in every six-month period after the effective date of the ordinance.
- B. Monitor Participating Businesses

The Community Projects Director in cooperation with the Economic Development President or appointed contract loan administrator will conduct reviews on a regular basis to ensure that qualifying businesses are following the appropriate laws and regulations and meeting the terms and conditions of assistance.

C. Monitor Regulatory Changes

The City Attorney will be responsible for keeping the City informed of relevant changes in the law that could affect the Economic Development Program and will review Agreements, Deeds, Leases, Deeds of Trust, Promissory notes, security documents, personal and/or corporate guarantees and other documents relating to specific projects or to the Program as a whole.

D. The City shall provide for an annual, outside, independent audit of its Economic Development Program by a qualified private auditing business.

SECTION XI. PURCHASE OF REAL ESTATE OR OPTION TO PURCHASE

If and when real estate is to be purchased or optioned by the City under the Program, it should meet the following general criteria:

- 1). Be properly zoned with no excessive easements, covenants, or other encumbrances, and
- 2). Should conform and be able to be re-zoned to comply with the City's or County's Comprehensive Plan.
- 3). Can be located either within or outside of the City limits.

The proceeds from the future sale of such land would be returned to the Economic Development Program Fund for reuse for any activities eligible in the Program or for additional land purchases.

SECTION XII. INVESTMENT OF ECONOMIC DEVELOPMENT FUND

The City will establish a separate Economic Development Program Fund. All funds derived from local sources of revenue for the Economic Development Program, any earnings from the investment of such funds, any loan payments, any proceeds from the sale by the City of assets purchased by the City under its Economic Development Program, or other money received by the City by reason of the Economic Development Program shall be deposited into the Economic Development Fund. No money in the Economic Development Program Fund shall be deposited in the General Fund of the City except as provided by statute. A 3% administrative fee will be retained by the City for program administration. This fee will be retained in the General Fund. The City shall not transfer or remove funds from the Economic Development Fund other than for the purposes prescribed in the Act and this Program, and the money in the Economic Development Fund shall not be co-mingled with any other City funds. Any money in the Economic Development Fund not currently required or committed for the purposes of Economic Development shall be invested as provided in Section 77-2341 R.R.S. Nebraska. In the event the Economic Development Program is terminated, any funds remaining will be transferred as provided by statute to the General Fund of the City and will be used on an installment basis to reduce the property tax levy of the City as provided by the Act.



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item E5

Public Hearing on Acquisition of a Temporary Access Easement Located West of Freedom Drive.

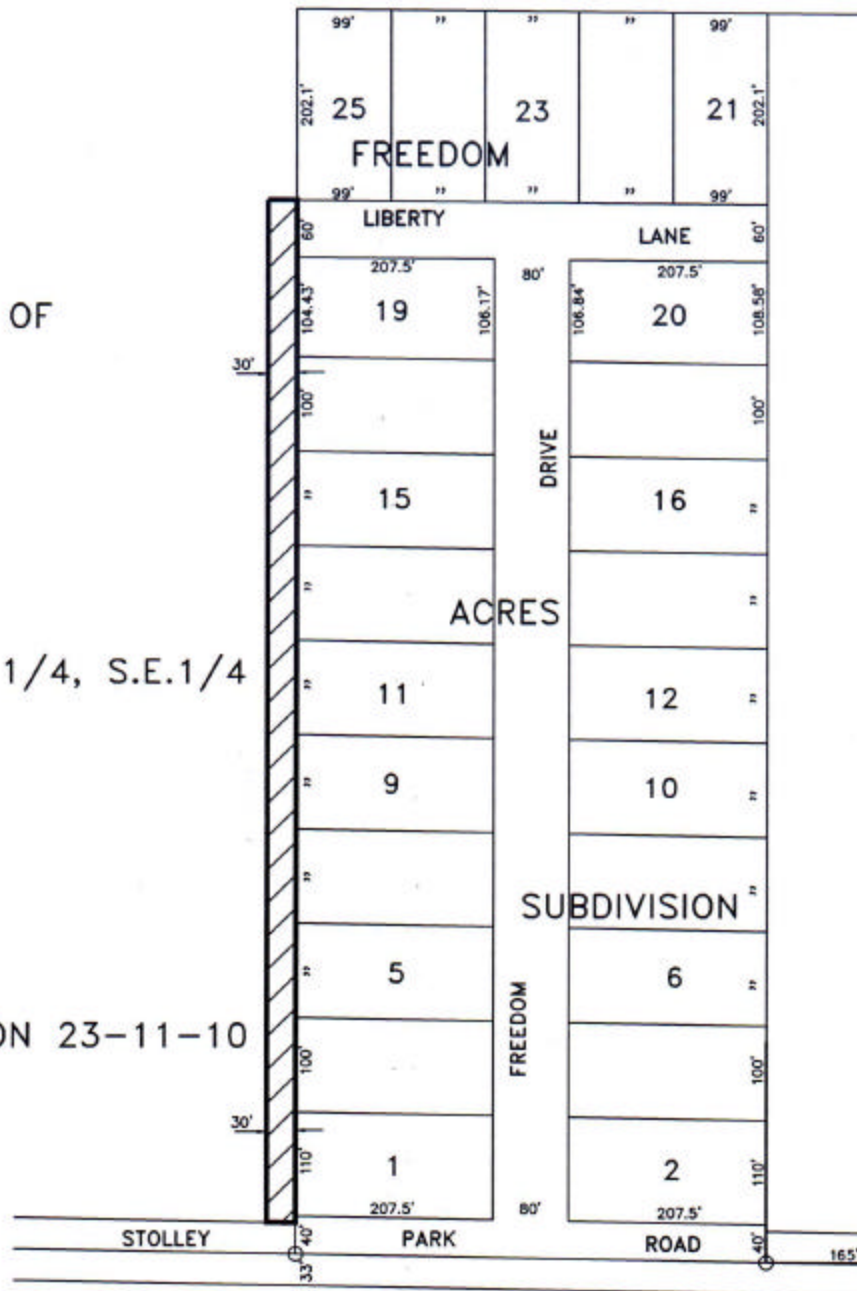
Sanitary Sewer District 501 was created by the City Council on August 28, 2001 and was continued at the October 23, 2001 Council meeting. A construction contract was awarded to The Diamond Engineering Company at the July 9, 2002 Council meeting. Construction commenced in fall 2002. Sanitary Sewer District 501 will serve properties on both sides of Freedom Drive as well as Liberty Lane. In order to reduce costs for the district and avoid relocation expenses for other utilities, the plans for the project involved laying the sewer main down the existing dirt median of the divided street. When construction started on the sanitary sewer main, it became evident we could not save enough of the existing asphalt road to maintain access to the homes for property owners. To alleviate the problem, an agreement has been negotiated with Hooker Brothers Construction Company for a temporary road to be built across their property located west of the homes on the west side of Freedom Drive. This road will be constructed from asphalt millings and will be in place through the construction to provide access to homeowners. When construction has been completed, the land will be restored to its previous condition as a cornfield. It is recommended that Council hold a Public Hearing and approve the temporary access easement with the Hooker Brothers Construction Company. The cost for the easement is minimal. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

PART OF

S.W. 1/4, S.E.1/4

SECTION 23-11-10





City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item F1

#8766 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Self Storage Facilities

This item relates to the aforementioned Public Hearing. Consideration of changes to Grand Island City Code Chapter 36 relative to Self Storage Facilities. This amendment would define and allow self-storage facilities in the B2 and M1 zoning districts. The Regional Planning Commission at their regular meeting on November 6, 2002 approved, and recommend the City Council approve the amendment to the Grand Island zoning ordinance relative to Self Storage Facilities as presented.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
And Members of the Council
100 E. 1st Street
Grand Island, NE 68801

Dear Members of the Council:

RE: Changes to the Grand Island Zoning Ordinance Chapter 36-12, 36-30, 36-34 concerning Self Storage Facilities.

At the regular meeting of the Regional Planning Commission, held November 6, 2002, the above items were considered following a public hearing. This change to the zoning ordinance would define and allow self-storage facilities in the B2 and M1 zoning districts.

No members of the public spoke in opposition of this item.

No members of the public spoke in support of this item.

Following further consideration and discussion, a motion was made by Miller, and 2nd by Lechner to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as presented.

A roll call vote was taken and the motion passed by a unanimous vote of the 9 members present (Haskins, Amick, Miller, Eriksen, Hooker, Wagoner, O'Neill, Obst and Lechner).

Yours truly,

Chad Naby AICP
Planning Director

cc: City Clerk
City Attorney
Director Utilities
Director Public Works
Director Building Inspections

ORDINANCE NO. 8766

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Sections 36-12, 36-30, and 36-34 pertaining to self-storage facilities; to repeal Sections 36-12, 36-30, and 36-34 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 36-12 of the Grand Island City Code is hereby amended to read as follows:

§36-12. Definitions

Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future tense; the word "*building*" includes the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive; the word "*person*" includes a firm, association, corporation, partnership, or natural person; the word "*used*" includes the words "*designed*", "*arranged*", or "*intended to be used*". Words not defined herein but which are defined in the Building Code of the City of Grand Island are to be construed as defined therein.

The following definitions apply:

Accessory Building. A subordinate building, on the same lot as the principal building, the use of which is incidental to the principal building and not connected to the principal building in any manner whatsoever.

Accessory Use. A subordinate use of land, which is incidental in area, extent, or purpose to the principal building or to the principal use of land.

Adjacent Land. Any land or portion of land that is contiguous to a parcel or lot, or that would be contiguous if not for a public roadway or alley.

Alley. A tract of land, dedicated to public use, which affords a secondary means of the vehicular access to the back or the side of properties otherwise abutting on a street, and which is not generally used as a thoroughfare by both pedestrians and vehicles.

Automobile Service Station. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oils or grease, tires, batteries, or automobile accessories. Services offered may include the installation of tires, batteries, and automobile accessories, automobile repairs, and greasing or washing of automobiles. Automobile service stations shall not include premises offering automobile wrecking or automobile body repair.

Automobile Wrecking Yard. The dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

Basement. The portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

Billboard. An outdoor advertisement sign which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Board. The Board of Adjustment.

Boarding House (Lodging House, Fraternity, Sorority). A building, other than a hotel or motel, where lodging and meals are provided for three or more guests for compensation.

Approved as to Form	<input type="checkbox"/>	_____
November 21, 2002	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 8766 (Cont.)

Building. Any structure built for the support, shelter, or enclosure of persons, animals, or chattels, or property of any kind, including a modular home, but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Building, Height. The vertical distance measured from the curb level to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building, Nonconforming. (See "Nonconforming Building or Use")

Building, Principal. A nonaccessory building in which is conducted a principal use of the zoning lot on which it is located.

Building, Setback. The minimum horizontal distance between the property line and the nearest portion of a building on the property.

Club. A voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization of premises the chief activity of which is a service or activity customarily carried on as a business.

Conditional Use. A use which is not allowed in a zone as a matter of right but which is permitted upon approval of the city council as provided for in Article VIII of this chapter.

Country Club. This shall include golf courses, par 3 golf courses, swimming pools, tennis clubs, and neighborhood clubhouses. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated solely as restaurants, cocktail lounges, card rooms, taverns, bowling alleys, pool and billiard parlors, and similar activities normally carried on as a business shall be excluded from the definition of a country club.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

Drive-in. May be used as a noun or adjective and shall refer to a business designed to serve patrons while they are within an automobile by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office dropboxes, or laundry or cleaning drop boxes.

Dwelling Unit. One or more habitable rooms that are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating purposes, including a modular home. It does not include a manufactured home unless such manufactured home is a factory-built manufactured home that bears the seal that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, et. seq., promulgated by the United States Department of Housing and Urban Development (H.U.D.), and meets the following standards:

- (1) The home shall have no less than nine hundred square feet of floor area;
- (2) The home shall have no less than an eighteen-foot exterior width;
- (3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built single family construction;
- (5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (6) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed; and
- (7) The home shall be attached to a permanent foundation system and utility connections.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who need not be related in any manner, living together in a dwelling unit; provided further, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Garage. A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

Ground Coverage. The area of a zoning lot occupied by principal and accessory buildings expressed as a percentage of the gross area of the zoning lot.

Guest Building. A structure occupying an accessory position on a lot, which contains no cooking facilities, and is used exclusively for housing members of a single family or their nonpaying guests.

ORDINANCE NO. 8766 (Cont.)

Home Occupations, Customary. A business, occupation, or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

- (a) there shall be no external or externally visible evidence of the occupation, business or profession whatsoever;
- (b) there shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line;
- (c) the activity shall employ only members of the immediate family of the resident of the dwelling;
- (d) there shall be no machinery other than that normally found in a home;
- (e) there shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four pupils at one time;
- (f) said occupation may include the caring of children for hire, provided:
 - (1) the total number of children in the home at one time shall not exceed eight children of mixed ages (infant, preschool, and/or school age), including the caregiver's own children under eight years of age. No more than two children may be under the age of 18 months. The caregiver may overlap two (2) more school age children beyond the eight (8) for specified periods during the day if the total time does not exceed four (4) hours. The caregiver may continue overlapping care during school breaks and holidays.
 - (2) the premises must be suitable and meet all applicable codes for day care facilities.
 - (3) the facility must have all licenses, permits, and registrations required by law.
- (g) there shall be no signs, radio, television, newspaper, handbill, or similar types of advertising linking the address of the premises with the home occupation;
- (h) room or board, but not for more than two persons;
- (i) further, shall not utilize more than twenty-five (25) percent of the actual floor area of any one story of any structure.

The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce.

Any business, occupation, or profession, the operation of which does not meet the aforesaid characteristics of a home occupation shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

Hotel. Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, with provisions for individual bath facilities for each guest room and no provisions made for cooking in any individual room.

Junk Yard. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used cars or trucks in operable condition, boats, or trailers in operable condition, and used furniture and household equipment in usable condition, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Lot. A recorded piece, tract, or parcel of land occupied or to be occupied by a single principal building and accessory buildings, together with such open spaces as required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot, Corner. A lot at the junction of two or more streets.

Lot, Interior. A lot other than a corner lot with frontage on one street only.

Lot, Through. An interior lot having frontage on two streets. Such lots may be referred to as "double frontage" lots.

Lot, Depth. The distance between the front and rear lot lines measured in a mean direction of the side lot lines.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The boundary line between a lot and a street. For a corner lot, it is the boundary line between the lot and a street with the least dimension. For a through lot, it is the boundary line between the lot and a street which is so designated by the property owner at the time he takes out his building permit for the principal building.

ORDINANCE NO. 8766 (Cont.)

Lot Line, Rear. The boundary line which is opposite and most distant from the front lot line.

Lot Line, Side. The boundary line or lines connecting the front lot line and rear lot line.

Lot, Minimum Area. The minimum square foot of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lines.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and forty body feet or more in length, or when erected on site is three hundred twenty or more square feet in size and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Manufactured Home Park. Any plot of ground zoned and licensed as such by the City within which two or more manufactured home spaces are located.

Modular Home. A structure whose construction consists entirely of, or the major portions of its construction consists of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. A modular home shall meet all codes applicable to a site-built home. The term modular home shall not include a manufactured home.

Motel. A group of attached or detached rooms with individual bath facilities operated for transient occupants and so constructed that occupants' automobiles may be parked at or near the room.

Nonconforming Building or Use. A building or portion thereof or use of building or land, lawfully existing at the time of the adoption of this ordinance that does not conform to the use regulations of the zone in which it is located.

Planning Commission. The Commission empowered to recommend for and on behalf of the City of Grand Island in accordance with state and local laws.

Self-Service Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or small businesses for self-service storage of personal property.

Stock or Feed Yard. The confined feeding of food, fur, or pleasure animals in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this chapter, confined feeding would mean the feeding of more animals on the property than normally associated with a farming operation on the property involved.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street. A tract of land, dedicated to public use, which affords a primary means of access to the abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil, including a modular home but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

Yard. An open space unoccupied and unobstructed from the ground to the sky except as provided herein on a zoning lot which a building, or manufactured home, if permitted, is situated.

Yard, Front. A yard across the full width of a zoning lot extending from the front lot line to a principal building, or manufactured home, if permitted.

Yard, Rear. A yard across the full width of a zoning lot extending from the rear line of the lot to the rear line of a principal building, or manufactured home, if permitted.

Yard, Side. A yard extending from the front yard to the rear yard of a zoning lot, extending from the side line of the lot to the side of a principal building, or manufactured home, if permitted.

Zoning, Lot. A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building, or structure, for which the building permit and certificate of occupancy are issued, and including such area of land as may be required by the provisions of this chapter for such use, building, or structure.

ORDINANCE NO. 8766 (Cont.)

Zoning Official. The zoning official shall be the director of the Planning Commission of the City of Grand Island who shall administer this chapter.

SECTION 2. Section 36-30 of the Grand Island City Code is hereby amended to read as follows:

§36-30. B2 - General Business Zone

Purpose: To provide for the service, retail and wholesale needs of the general community. This zone will contain uses that have users and traffic from all areas of the community and trade areas, and therefor will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the R4 Zone.

(A) Permitted Principal Uses:

- (1) Uses as listed under permitted principal uses of the B1 Zone.
- (2) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (3) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (4) Specific uses within a building such as: Animal hospital area, aquarium, auction house or store, automobile repair (no body repair), automobile sales and rental, aviary, bath house, blueprinting, book bindery, bottling plant (juices and soft drinks), building supply, canvas shop, carpet cleaning, chickens (sale of chicks), dance hall, dyeing of yarns, engraver, express office, extermination, fumigation and sterilization services, feed and grain retail sales, film exchange, food lockers, furniture storage and repair, glass cutting and staining (with retail sales), gymnasium, laboratory (experimental or scientific), lapidary, leather goods (sale and incidental manufacture), lithographer, laundry, dry cleaning and dyeing plant, massage parlor, medical appliances retail sales, motel and/or hotel, newspaper printing office, office machines sales and service, optical glass grinding, pawn shop, photo finishing, plumbing shop, poultry hatchery, printer or publisher, sign painting shop, service enterprises of all kinds, sports arena, storage garage, tavern, bar or cocktail lounge, taxidermist, tire shop (repair and vulcanizing only), towel and linen service, trade or vocational school, upholstery shops, self-service storage.
- (5) Specific uses such as: Archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking).
- (6) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used.

(B) Permitted Accessory Uses:

- (1) Building and uses accessory to the permitted principal use.

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Recycling business
- (2) Towers

(D) Space Limitations:

- (1) Minimum lot area: 3,000 square feet
- (2) Minimum lot width: 30 feet
- (3) Maximum height of building: 55 feet
- (4) Minimum front yard: 10 feet
- (5) Minimum rear yard: None, if bounded by an alley, otherwise 10 feet.
- (6) Minimum side yard: None, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. In the case of a corner lot adjacent to the side street, the setback shall be 10 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.
- (7) Maximum ground coverage: 100%

(D) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

ORDINANCE NO. 8766 (Cont.)

SECTION 3. Section 36-34 of the Grand Island City Code is hereby amended to

read as follows:

§36-34. M1 - Light Manufacturing Zone

Purpose: To provide for light fabrication, service, warehousing, administrative and research uses within a zone having generally limited public contact and requiring some minimal landscaping standards.

(A) Permitted Principal Uses:

- (1) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agriculture, including the raising of field crops, tree and bush crops, animals and fowls, but not including feed lots, poultry farms, fur farms, and kennels
- (3) Buildings and installations for public utilities; facilities shall observe yard space requirements but shall not be subject to minimum area or width requirements
- (4) Railway right-of-way, but not including railway yards or facilities
- (5) Radio and television stations, private clubs, and meeting halls
- (6) Specific uses such as: animal hospital, automobile service station, bakery, bottling plant, blueprinting, brewery or distillery, cafe or restaurant, cannery, carpenter or woodworking shop, carpet cleaning, casting of lightweight or nonferrous metals, cemetery, dairy products distribution, dry cleaning and laundry plant, enameling, japanning, lacquering, galvanizing or plating of metals, feed and seed processing and storage, furniture repair and warehousing, garage, glass manufacture, laboratories, lapidary, printer, publisher or lithographer, pulp paper, cardboard or building board manufacture, sign painting, or manufacture, signs or billboards, stone and monument works, synthetics and plastic manufacture, tire recapping or retreading, trade or vocational school, vitreous ware, pottery and porcelain manufacture, warehouse, self-service storage.
- (7) Manufacture, processing, assembly, fabrication or storage of products and materials similar to the above
- (8) Other uses which are, in the opinion of the Board of Adjustment, similar to the above

(B) Permitted Accessory Uses:

- (1) Sales of new merchandise when same is manufactured, processed, assembled, fabricated or stored on the premises
- (2) Buildings and uses accessory to the permitted principal use

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Gravel, sand, or dirt removal, stockpiling, processing or distribution, and batching plant
- (2) Concrete or cement products manufacturing and batching plant.
- (3) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (4) Contractor's storage yard or plant
- (5) Motels and hotels
- (6) Towers

(D) Specifically Excluded Uses:

- (1) Any residential use
- (2) Manufactured homes and manufactured home parks
- (3) Churches, schools, institutions and other public and semi -public uses except for trade and vocational schools

(E) Space Limitations:

- (1) Minimum lot area: 20,000 square feet
- (2) Minimum lot width: 100 feet
- (3) Maximum height of buildings: 50 feet
- (4) Minimum front yard: 35 feet, with 15 feet adjacent to a street landscaped to satisfaction of the zoning official
- (5) Minimum rear yard: 20 feet
- (6) Minimum side yard: 10 feet
- (7) Maximum ground coverage: 50%

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein

ORDINANCE NO. 8766 (Cont.)

- (2) Landscaping shall be provided and maintained by the owner or developer within the 15 feet adjacent to a street; landscaping shall include but is not limited to, screen planting, lawn area, trees, shrubs, fences and walls; all landscaping shall be planned and maintained to the satisfaction of the zoning official.
- (3) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 4. Sections 36-12, 36-30, and 36-34 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item F2

#8783 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Business

This item relates to the aforementioned Public Hearing. Consideration of changes to Grand Island City Code Chapter 36 relative to Vehicle Sales and Rental Business. This amendment would set performance standards for Automobile Sales and Rental Business. The Regional Planning Commission at their regular meeting on November 6, 2002 approved, and recommend the City Council approve the amendment to the Grand Island zoning ordinance as recommended by the Planning Director that would allow business in operation before March 9, 1999 to continue operating without a hard surface lot if they get a conditional use permit, with the suggestion that council waive the conditional use permit fee if they apply before December 31, 2003.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
And Members of the Council
100 E. 1st Street
Grand Island, NE 68801

Dear Members of the Council:

RE: Changes to the Grand Island Zoning Ordinance Chapter 36-49 concerning vehicle sales and rental businesses.

At the regular meeting of the Regional Planning Commission, held November 6, 2002, the above items were considered following a public hearing. This change to the zoning ordinance would set performance standards for Automobile Sales and Rental business.

No members of the public spoke in support of this item.

Carl Mettenbrink spoke against this item. He expressed concern with the paving requirements. He said he has looked into paving is lot and has been told that it would never stand up the weight of the delivery trucks that would have to drive on it. He feels this is more of a junk issue than a paving issue.

Mert Nietfeld spoke against this item. He expressed concern with the hard surface requirement. He feels that it is more of a junk issue, and that people will put junk on any surface if they want to. He does not feel that having a hard surface will clean up the junk.

Randy Rapien spoke against this item. He feels this issue was brought up because of the junk on some lots. He provided pictures for the commission members to look at, and had examples of well kept lots not paved, and some junky lots that would meet the requirements the city want to put in place. He feels that if the city is going to require car dealers to pave their lots, they need to make the implement dealers do the same.

Roger Roscoe spoke against this item. He said he has a repair shop in town and does not sell cars on a regular basis. He has to comply with all the environmental issues now because of his repair business. He does not see what difference a hard surface will make.

Following further consideration and discussion, a motion was made by Hayes, and 2nd by Hooker to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as recommended by the Planning Director that would allow business in operation before March 9, 1999 to continue operating without a hard surface lot if they get a conditional use permit, with the

suggestion that council waive the conditional use permit fee if they apply before December 31, 2003.

A roll call vote was taken and the motion passed with 8 members present voting in favor (Haskins, Amick, Miller, Hooker, Wagoner, O'Neill, Obst and Lechner) and 1 member voting against (Eriksen).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Clerk
City Attorney
Director Utilities
Director Public Works
Director Building Inspections

ORDINANCE NO. 8783

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-49 pertaining to minimum improvement requirements for vehicle sales and rental businesses in existence as of November 1, 2002; to add Section 36-49.1 pertaining to minimum improvement requirements for new, relocating, or expanding vehicle sales and rental businesses ; to repeal Section 36-49 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. The Mayor and City Council do hereby find that the public interest will be served by the following amendments to the Grand Island City Code, that no business existing on the effective date of this ordinance shall have or retain rights of any nature to operate an automotive/truck/recreational vehicle sales and/or rental business based on the prior provisions of the code and that all such businesses within the City of Grand Island and its extra-territorial jurisdiction shall comply with this ordinance by April 1, 2004 or cease operation. It is further suggested that the Conditional Use Permit fee as referenced below be waived if such permit is applied for by such vehicle sales and rental businesses prior to December 31, 2003.

SECTION 2. Section 36-49 of the Grand Island City Code is hereby amended to read as follows:

§36-49. Vehicle Sales and Rental Businesses In Existence as of December 15, 2002; Minimum Improvement Requirements

All businesses engaged in automotive/truck/recreational vehicle sales and/or rentals on or after December 15, 2002 shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick. The Grand Island City Council may, upon application for and approval of a conditional use permit, waive this requirement for businesses that were operating at the same location prior to March 9, 1999.

Approved as to Form ? _____
November 21, 2002 ? City Attorney

ORDINANCE NO. 8783 (Cont.)

(B) Any business engaged in vehicles sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

§36-49. Storage and Display Requirements

All storage and display areas associated with automotive/truck/recreational vehicle sales or rentals shall be hardsurfaced in accordance with the requirements of §36-48.

SECTION 3. Section 36-49.1 is hereby added to read as follows:

§36-49.1 Vehicle Sales and Rental Businesses; New Businesses and Businesses Relocating or Expanding; Minimum Improvement Requirements

Beginning December 15, 2002, all new, relocating or expanding businesses engaged in automotive/truck/recreational vehicle sales and/or rentals shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick.

(B) Any business engaged in vehicle sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

(E) Any business engaged in vehicle sales and/or rentals shall comply with the Grand Island City Code landscaping and screening regulations and minimum off-street parking and loading space requirements prior to commencing operations.

SECTION 4. Section 36-49 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. That 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.

ORDINANCE NO. 8783 (Cont.)

Enacted: November 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item F3

#8784 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Sign Regulations Along South Locust Street

This item relates to the aforementioned Public Hearing. Consideration of changes to Grand Island City Code Chapter 36 relative to Sign Regulations along South Locust Street. This amendment would amend the AC Arterial Commercial Overlay district regulations relative to billboards. The Regional Planning Commission at their regular meeting on November 6, 2002 approved, and recommend the City Council approve the amendment to the Grand Island zoning ordinance relative to Sign Regulations along South Locust Street as presented.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
And Members of the Council
100 E. 1st Street
Grand Island, NE 68801

Dear Members of the Council:

RE: Changes to the Grand Island Zoning Ordinance Chapter 36-31, concerning sign regulations along South Locust.

At the regular meeting of the Regional Planning Commission, held November 6, 2002, the above items were considered following a public hearing. This change to the zoning ordinance would amend the AC Arterial Commercial Overlay district regulations relative to billboards.

No members of the public spoke in support of this item.

June O'Neill spoke in opposition of this item. She said she feels businesses need billboards. She feels we have a new exit coming into Grand Island, but now billboards to show people where to go. She asked that billboards be regulated, but not banned.

Following further consideration and discussion, a motion was made by Haskins, and 2nd by Miller to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as presented.

A roll call vote was taken 5 members voted in favor (Miller, Amick, Eriksen, Hooker, Haskins), 3 members abstained (Hayes, Lechner, O'Neill), and 1 member voted against (Wagoner).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Clerk
City Attorney
Director Utilities
Director Public Works
Director Building Inspections

ORDINANCE NO. 8784

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-31 pertaining to sign regulations along South Locust Street; to repeal Section 36-31 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 36-31 of the Grand Island City Code is hereby amended to read as follows:

§36-31. AC - Arterial Commercial Zone

Purpose: To provide an overlay of the B2 Zone in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

(A) Permitted Principal Uses:

(1) Uses as listed under permitted principal uses in the B2-General Business Zone underlying the Arterial Commercial Zone indication with the following exceptions: animal hospital with outside pens, auction house or retail store with outside display of used merchandise or outside storage, aviary with outside display or sales, billboards, bottling plant (juices and soft drinks), chickens (sale of chicks), feed and grain retail sales, massage parlor, plumbing shop with outside storage, poultry hatchery, storage yard.

(B) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal uses.
(2) Automotive body repair may be accessory to new or used automotive sales or rental, provided, no outside storage of parts shall be permitted.

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with procedures set forth in Article VIII and X of this chapter:

~~(1) Billboards for a four year time period, except for the area between Stolley Park Road and U.S. Highway 43 where billboards are a permitted use if in accordance with the Grand Island Sign Code regulations.~~

~~(1)(2) Towers~~

(D) Space Limitations:

(1) Minimum lot area: 5,000 square feet
(2) Minimum lot width: 50 feet
(3) Maximum height of building: 55 feet
(4) Minimum front yard: 20 feet
(5) Minimum rear yard: None, if bounded by an alley, otherwise 10 feet
(6) Minimum side yard: None, but if provided, not less than 5 feet, or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet. In the case of a corner lot adjacent to the side street, the setback shall be 10 feet.
(7) Maximum ground coverage: 80%

(E) Procedure:

(1) An application for an amendment to the arterial commercial zone on the Official Zoning Map shall follow all procedural requirements as set forth in this chapter.

(F) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein.

Approved as to Form ? _____
November 21, 2002 ? City Attorney

ORDINANCE NO. 8784 (Cont.)

(2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.

(3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.

~~(4) All free-standing on-site ground signs shall be limited to four square feet of sign area per side of each one foot of frontage with a maximum of 400 square feet per side. The maximum height of the sign shall be 30 feet. A free-standing sign shall be no closer than 25% of the total frontage to the adjacent property, except at the street side of a corner lot where they may be within that 25% of lot frontage, except in the AC zone between Stolley Park Road and U.S. Highway 34 where all signs shall meet the Grand Island Sign Code regulations.~~

~~(5) No billboards shall be permitted to be stacked one above the other. A billboard shall not receive existing rights status or "grandfather" rights unless structurally complete at the date of adoption of this section. A billboard that does receive existing rights at the date of adoption of this section shall be subject to conditional use approval for continued use four calendar years after the date of adoption of this section or shall be considered to be fully amortized and shall be removed, except in the AC zone between Stolley Park Road and U.S. Highway 34 where all signs shall meet the Grand Island Sign Code regulations.~~

~~(4)(6) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.~~

SECTION 2. Section 36-31 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: November 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item F4

#8785 - Consideration of Changes to Zoning for Property Located in the NW 1/4 of Section 13-11-10

This item relates to the aforementioned Public Hearing. Joel Shafer, as the owner is requesting a change of zoning for property located at in the NW 1/4 of Section 13, Township 11, Range 10, in the City of Grand Island. This application proposes to change the zoning from TA Transitional Agricultural to RO Residential Office and RD Residential Development. This change is in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held November 6, 2002 voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnat, Mayor
and Members of the Council
100 E. 1st Street
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: An amendment to the Zoning Map for properties located in the NW ¼ of Section 13, Township 11, Range 10, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held November 6, 2002 the above item was considered following a public hearing. This application proposes to rezone property comprising part of the NW ¼ section 13, township 11, range 10 from TA Transitional Agricultural to RO Residential Office, and RD Residential Development.

Nobody from the public spoke for this item.

Floyd Leiser spoke in opposition of this item. He said he represents the property owners to the West of this property. He said there is an old dump site on this property and he expressed concern with who would clean this up, and he also does not think there needs to be apartments on this property.

Following further discussion a motion was made by Hayes 2nd by Miller to approve and recommend that the City of Grand Island approve this amendment to the Grand Island Zoning Map.

The Planning Commission passed this motion with 9 members voting in favor (Amick, Haskins, Lechner, O'Neill, Hooker, Eriksen, Miller, Hayes, Wagoner).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Attorney
Director of Public Works
Director of Utilities
Director of Building Inspections
Manager of Postal Operations
Olsson Associates

ORDINANCE NO. 8785

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land located in the Northwest Quarter (NW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the city of Grand Island, Hall County, Nebraska, from TA-Transitional Agricultural Zone to RO-Residential Office Zone and RD-Residential Development Zone; directing the such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-7; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on November 6, 2002, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Board of Education of School District No. 2 in Hall County, Nebraska; and

WHEREAS, after public hearing on November 26, 2002, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tracts of land located in the Northwest Quarter (NW1/4) of Section 13, Township 11 North, Range 10 West of the 6th P.M., Grand Island, Hall County, Nebraska, more particularly described as follows are hereby rezoned and reclassified and changed from TA-Transitional Agricultural Zone to R0-Residential Office Zone:

Approved as to Form ? _____
November 21, 2002 ? City Attorney

ORDINANCE NO. 8785 (Cont.)

Tract No. 1:

Commencing at the northeast corner of said NW1/4; thence on an assumed bearing of N89°16'10"W along and upon the north line of said NW1/4 a distance of 80.10 feet; thence departing said north line S00°00'12"E a distance of 49.96 feet to the Point of Beginning; thence continuing S00°00'12"E a distance of 175.00 feet; thence N89°16'47"W a distance of 269.98 feet; thence N00°00'06"W a distance of 175.00 feet; thence S89°16'50"E a distance of 269.97 feet to the point of beginning. Said tract contains 1.08 acres more or less, as shown on the map dated 10/02 attached hereto and incorporated herein by reference; AND

Tract No. 2:

Commencing at the northeast corner of said NW1/4; thence on an assumed bearing of N89°16'10"W along and upon the north line of said NW1/4 a distance of 80.10 feet; thence departing said north line S00°00'12"E a distance of 49.96 feet; thence N89°16'50"W a distance of 269.97 feet; thence continuing N89°16'50"W a distance of 60.00 feet to the Point of Beginning; thence S00°00'06"E a distance of 174.99 feet; thence S89°16'47"W a distance of 269.98 feet; thence N00°00'00"E a distance of 174.99 feet; thence S89°16'50"E a distance of 269.97 feet to the point of beginning. Said tract contains 1.08 acres more or less, as shown on the map dated 10/02 attached hereto and incorporated herein by reference.

SECTION 2. The following tract of land located in the Northwest Quarter (NW1/4) of Section 13, Township 11 North, Range 10 West of the 6th P.M. in Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby rezoned and reclassified and changed from TA-Transitional Agricultural Zone to RD-Residential Development Zone:

Commencing at the northeast corner of said NW1/4; thence on an assumed bearing of N89°16'10"W along and upon the north line of said NW1/4 a distance of 80.10 feet; thence departing said north line S00°00'12"E a distance of 49.96 feet; thence continuing S00°00'12"E a distance of 175.00 feet to the Point of Beginning; thence continuing S00°00'12"E a distance of 975.02 feet; thence N89°16'18"W a distance of 600.02 feet; thence N00°00'00"E a distance of 974.94 feet; thence S89°16'47"E a distance of 269.98 feet; thence N00°00'06"W a distance of 174.99 feet; thence S89°16'50"E a distance of 60.00 feet; thence S00°00'06"E a distance of 175.00 feet; thence S89°16'47"E a distance of 269.98 feet to the point of

ORDINANCE NO. 8785 (Cont.)

beginning. Said tract contains 13.67 acres more or less, as shown on the map dated 10/02 attached hereto and incorporated herein by reference.

SECTION 3. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-7 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

SECTION 4. The plat for Cedar Ridge Second Subdivision shall serve as the development plan for the RD-Residential Development Zone.

SECTION 5. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item F5

#8786 - Consideration of Conveyance of Former City Hall

At the City Council meeting of November 12, CRA Chairman John Brownell presented the CRA's recommendation for redevelopment of the former City Hall. As you will recall, last spring, the City Council requested assistance from the CRA with redevelopment efforts of the former City Hall and, as a result, the CRA marketed and solicited proposals from interested developers. Two entities expressed an interest in the redevelopment project and both were interviewed by the Former City Hall Redevelopment Selection Committee. Councilmembers Murray and Hornady, as well as Marlan Ferguson, City Administrator, and Cindy Johnson, Community Projects Director, served on the Redevelopment Selection Committee. After the interviews, the Selection Committee forwarded both proposals to the CRA and, at the same time, requested additional information from both entities as a next step in the selection process and that this additional information had been received.

The CRA reviewed both proposals and forwarded the proposal submitted by ProCon to the City Council for consideration.

Procon is a partnership of Rick Johnson, K.C. Hehnke, and Russ Giesenhagen of Grand Island. Although ProCon is a new partnership, the principals are well versed in the construction field in Grand Island and central Nebraska, with over 60 years of combined experience. The group has an experience in historic property renovation, including the Yancey Hotel, Francis Villas and the York State Bank in York. Procon proposes to redevelop the former City Hall into an office complex. Their proposal is to purchase the building for \$1,001. Project costs are anticipated to be \$1,940,000. Financing sources are as follows:

Principal Investment \$1,280,000

City \$275,000 (investment of what would otherwise be expended for demolition if building not redeveloped)

CRA Façade Development Program \$150,000 (over 3 years)

Tax Increment Financing \$232,800 (estimated)

ProCon proposes to immediately begin redevelopment of the property, with an emphasis on the exterior this winter. This could occur as soon as the asbestos is removed from the property. ProCon has determined there is sufficient parking in the proximate area to serve their proposed needs.

Bruce Schreiner, representing ProCon, stressed to the CRA that the ProCon offer was not contingent upon acquisition of other properties or other funding sources, the redevelopment

could collectively be accomplished by the community, and the proposal allowed for a fairly rapid schedule for redevelopment of the property.

The Community Redevelopment Authority was unanimous in its support of the proposal by ProCon (Authority member Barry Sandstrom abstained from the vote). The CRA committed \$150,000 in façade development funds over three years with the understanding that the developers would be pursuing tax increment finance assistance also.

A purchase agreement has been prepared by attorney Ron Depue, representing ProCon, and has been reviewed by the Assistant City Attorney. Approval is recommended. In addition, an ordinance providing for the conveyance of the property to ProcCon has been prepared by the City Attorney's office. Approval of this Ordinance is also recommended. The Purchase Agreement is contained under Resolutions.

Staff Contact: Marlan Ferguson

ORDINANCE NO. 8786

An ordinance to direct and authorize the conveyance of a tract of land comprising of Lot Eight (8), Block Sixty Six (66), Original Town to the City of Grand Island, Hall County, Nebraska; to provide for the giving of notice of such conveyance and the terms thereof; to provide for the right to file a remonstrance against such conveyance; 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. The conveyance to Procon Development Company, L.L.C., a limited liability company, of a tract of land comprising of Lot Eight (8), Block Sixty Six (66), Original Town to the City of Grand Island, Hall County, Nebraska; is hereby authorized and directed pursuant to the terms and conditions of an Agreement for Warranty Deed.

SECTION 2. The consideration for such conveyance shall be One Thousand One Hundred Dollars (\$1,001.00). Conveyance of the real estate above described shall be by Warranty Deed, upon delivery of the consideration. Such conveyance shall be conditioned upon the terms and conditions of an Agreement for Warranty Deed. A title insurance policy is not required to be furnished by the City.

SECTION 3. As provided by law, notice of such conveyance and the terms thereof shall be published for three consecutive weeks in the *Grand Island Independent*, a newspaper published for general circulation in the City of Grand Island. Immediately after the passage and publication of this ordinance, the City Clerk is hereby directed and instructed to prepare and publish such notice.

ORDINANCE NO. 8786 (Cont.)

SECTION 4. Authority is hereby granted to the electors of the City of Grand Island to file a remonstrance against the conveyance of such within described real estate; and if a remonstrance against such conveyance signed by legal electors of the City of Grand Island equal in number to thirty percent of the electors of the City of Grand Island voting at the last regular municipal election held in such City be filed with the city council within thirty days of passage and publication of such ordinance, said property shall not then, nor within one year thereafter, be conveyed.

SECTION 5. The conveyance of said real estate is hereby authorized, directed and confirmed; and if no remonstrance be filed against such conveyance, the Mayor and City Clerk shall make, execute and deliver to Procon Development Company, L.L.C., in accordance with the terms and conditions of the Agreement for Warranty Deed, a Warranty Deed for said real estate, and the execution of such deed is hereby authorized without further action on behalf of the City Council.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 26, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G1

Approving Minutes of November 12, 2002 City Council Special Meeting

*The Minutes of November 12, 2002 City Council Special Meeting are submitted for approval.
See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

November 12, 2002

Pursuant to due call and notice thereof, a Special Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 12, 2002. Notice of the meeting was given in the Grand Island Independent on November 8, 2002.

Mayor Ken Gnadt called the meeting to order at 5:30 p.m. The following members were present: Councilmembers Pielstick, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Councilmember Ward was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director David Springer and Interim City Attorney Dale Shotkoski.

EXECUTIVE SESSION:

Motion by Hornady, second by Pielstick, carried unanimously to adjourn to executive session at 5:30 p.m. for the purpose of discussing FOP union negotiations.

RETURN TO REGULAR SESSION:

Motion by Hornady, second by Pielstick, carried unanimously to reconvene in regular session at 7:05 p.m.

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

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G2

Approving Minutes of November 12, 2002 City Council Regular Meeting

The Minutes of November 12, 2002 City Council Regular Meeting are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 12, 2002

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 12, 2002. Notice of the meeting was given in the Grand Island Independent on November 6, 2002.

Mayor Ken Gnadt called the meeting to order at 7:05 p.m. The following members were present: Councilmembers Pielstick, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker, and Sorensen. Councilmemeber Ward was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Assistant City Attorney Dale Shotkoski, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by a spiritual musical number presented by Maria Lozoya.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: Four individuals reserved time to speak on agenda items.

PRESENTATIONS AND PROCLAMATIONS:

"It's About Kids!" Presentations by Megan Bartlett and Lindsey Mustion. Youth Leadership Tomorrow, "Its About Kids!" assets were presented by Megan Bartlett and Lindsey Mustion.

Proclamation "Homeless Awareness Week", November 10-16, 2002. Mayor Gnadt proclaimed November 10-16, 2002 as "Homeless Awareness Week" and encouraged citizens to recognize and support the efforts of homeless shelters..

Proclamation "American Education Week" November 17-23, 2002. Mayor Gnadt proclaimed November 17-23, 2002 as "American Education Week" and encouraged citizens to observe this week by supporting our public schools, its young people and education employees. Glenda Fraiser and two students were present for the presentation.

Proclamation "National Children's Book Week" November 18-24, 2002. Mayor Gnadt proclaimed November 18-24, 2002 as "National Children's Book Week" and encouraged citizens to "book time" at the public library and join in the celebration. Luris Calero from the Library was present to receive the proclamation.

Proclamation "Grand Island, The City of Kindness". Mayor Gnadt proclaimed Grand Island as "The City of Kindness" and encouraged citizens to adopt the philosophy of kindness to others in their daily lives. Gloria Wolbach and several A.O.K. Lady's were present for the presentation.

Proclamation “Adoption Month” November 2002. Mayor Gnadt proclaimed the month of November, 2002 as “Adoption Month”.

Proclamation “National Philanthropy Day” November 14, 2002. Mayor Gnadt proclaimed November 14, 2002 as “National Philanthropy Day”.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Easement for Bike Trail in Lot 9, Sussex Place Subdivision Near Westridge Middle School. Steve Riehle, Public Works Director, reported that in conjunction with the acquisition of Right of Way for the extension of Independence Avenue, it was appropriate to acquire easement for future installation of the Shoemaker Bike Trail. This easement would allow the Shoemaker Bike Trail to be connected to trails that would be installed with the extension of Independence south to 13th Street. No public testimony was heard.

Public Hearing on Acquisition of Public Right of Way for the Extension of Independence Avenue. Steve Riehle, Public Works Director, reported that City Council approved a contract for engineering services for the extension of Independence Avenue at their June 11, 2002 City Council meeting. Right of Way must be acquired for the road as the construction plans were in the development stage. Property owners would be contacted to negotiate the purchase of the Right of Way after Council approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lot 16, Block 14, Scarff’s Addition to West Lawn, Located at 2322 18th Street. (Robert & Loucille Riessland) Steve Riehle, Public Works Director, reported that the house built on Lot 16 runs north and south. The owners would like to resubdivide so a second home could be built on a north /south orientation. The easement was needed to provide sanitary sewer access for both properties. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lot 37, Bosselman Second Subdivision, Located at 2938 Diers Avenue. (Elizabeth Bosselman) Steve Riehle, Public Works Director, reported that the owners of Lot 37, Bosselman Second Subdivision were planning to resubdivide lots. The original plans for the sanitary sewer in the area showed a Public Utility Easement on the lot for sanitary sewer. After researching the area, City staff had found no evidence that an easement was acquired to accommodate the sewer. It was appropriate to remedy the oversight. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lot 1, Bosselman Third Subdivision, Located at 2946, 2952, and 2960 Diers Avenue. (Elizabeth Bosselman) Steve Riehle, Public Works Director, reported that the owners of Lot 1, Bosselman Third Subdivision were planning to resubdivide lots. The original plans for the sanitary sewer in the area showed a Public Utility Easement on the lot for sanitary sewer. After researching the area, City staff had found no evidence that an easement was acquired to accommodate the sewer. It was appropriate to remedy the oversight. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1704 West 3rd Street. (Ace Hardware) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 1704 West 3rd Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to relocate an overhead power line to facilitate the new addition to the existing Ace Hardware building. No public testimony was heard.

Public Hearing on Acquisition of a Utility Easement Located at 911 Diers Avenue. (Home Depot) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 911 Diers Avenue, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground cables and a pad mounted transformer to serve electricity to the new Home Depot store. No public testimony was heard.

Public Hearing to Amend the future Land Use Map for the City of Grand Island for Lots 21-25 Grand Island Industrial Park West Subdivision. Chad Nabity, Regional Planning Director, reported that adoption of an amendment to the Future Land Use Map for the City of Grand Island for lots 21-25 Grand Island Industrial Park West Subdivision from Manufacturing to Low to Medium Density Residential was required. The Regional Planning Commission approved this request unanimously, following a public hearing, at their November 6, 2002 meeting. No public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map. Chad Nabity, Regional Planning Director, reported that Virgil Eihusen, as the owner requested a change of zoning for property consisting of lots 21-25 Grand Island Industrial Park West Subdivision. This application proposed to change the zoning from M1 Light Manufacturing to R1 Suburban Residential. The Regional Planning Commission at their regular meeting, following a public hearing, held November 6, 2002 unanimously voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map. No public testimony was heard.

ORDINANCES:

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

- #8779 - Consideration of Assessments for Street Improvement District #1240, Grand West Third Subdivision
- #8780 – Consideration of Establishing Snow Routes in Annexed Areas
- #8781 – Consideration of Vacating Easements in Lots 21, 22, 23, 24, and 25, Grand Island Industrial Park West
- #8782 – Consideration of Changing Zoning from M1 Light Manufacturing to R1 Suburban Residential for Lots 21-25 Grand Island Industrial Park West Subdivision, Located West of North Road and South of Trust Street

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 their first reading and then upon final

passage and call for a roll call vote on each reading and then upon final passage. Councilmember Walker seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these ordinances? No public testimony was heard.

City Clerk: Ordinances #8779, #8780, #8781, and #8782 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: Ordinance #8779, #8780, #8781, and #8782 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: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8779, #8780, #8781, and #8782 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Councilmember Seifert requested item G-24 be removed from the Consent Agenda. Councilmember Pielstick requested item G-23 be removed from the Consent Agenda. Motion by Pielstick, second by Hornady, carried unanimously to approve the Consent Agenda.

Receipt of Official Document – Civil Service Minutes of October 11, 2002.

Approving Minutes of October 22, 2002 City Council Regular Meeting.

#2002-331 – Approving Acquisition of Easement for Bike Trail in Lot 9, Sussex Place Subdivision Near Westridge Middle School.

#2002-332 – Approving Acquisition of Public Right of Way for the Extension of Independence Avenue.

#2002-340 – Approving Acquisition of Public Utility Easement in Lot 16, Block 14, Scraff's Addition to West Lawn, Located at 2322 West 18th Street. (Robert & Loucille Riessland)

#2002-341 – Approving Acquisition of Public Utility Easement in Lot 37, Bosselman Second Subdivision, Located at 2938 Diers Avenue. (Elizabeth Bosselman)

#2002-342 – Approving Acquisition of Public Utility Easement in Lot 1, Bosselman Third Subdivision, Located at 2946, 2952, and 2960 Diers Avenue. (Elizabeth Bosselman)

#2002-343 – Approving Acquisition of Utility Easement Located at 1704 West 3rd Street. (Ace Hardware)

#2002-329 – Approving Acquisition of Utility Easement Located at 911 Allen Drive. (Home Depot)

#2002-344 – Approving Certificate of Final Completion for Painting and Sandblasting at Island Oasis Water Park with HEG Painting of Cherokee, Iowa.

#2002-345 – Approving Bid Award for Stolley park Arboretum Design with Clark Enersen Partners of Lincoln, Nebraska in an Amount not to Exceed \$20,000.00.

#2002-346 – Approving Purchase of New Truck for Utilities Department for Engineering Division through State Contract No. CA-5868A with Husker Automotive Group, Inc. of Lincoln, Nebraska in an Amount of \$20,911.77.

#2002-347 – Approving Bid Award for Grand Island Power Plant Security System for Platte Generating Station and Burdick Station with Electronic Contracting, Inc. of Lincoln, Nebraska in an Amount of \$128,100.00.

#2002-348 – Approving Bid Award for Sanitary Sewer Project 2002-S-4 Sewer Modifications near Capital Avenue and Oak Street with The Diamond Engineering Company, Inc. of Grand Island, Nebraska in an Amount of \$102,441.23.

#2002-349 – Approving Designation of a Handicap Parking Stall on the North Side of First Street East of Wheeler Avenue.

#2002-350 – Approving Agreement with Olsson Associates, Grand Island, Nebraska for Business Improvement District #4 for Professional Engineering and Landscape Architecture Services in an Amount of \$156,866.00.

#2002-351 – Approving Change Order #1 with Galvan Construction for Shoemaker Hike/Bike Trail for an Increase of \$3,570.50 and an Revised Contract Amount of \$278,061.50.

#2002-352 – Approving Certificate of Final Completion for Engineering Services for Shoemaker Hike/Bike Trail with Olsson Associates of Grand Island, Nebraska.

#2002-353 – Approving Certificate of Final Completion for Construction for Shoemaker Hike/Bike Trail with Galvan Construction of Grand Island, Nebraska.

#2002-354 – Approving Bid Award for Golf Cars for Jack Rabbit Run Golf Course with Nebraska Golf & Turf of Lincoln, Nebraska in an Amount of \$63,400.00 including Trade-in.

#2002-355 – Approving Change Order #1 for Precipitator Duct/Inlet Modifications for Platte Generating Station with The Industrial Company of Grand Island, Nebraska for an Increase of \$66,545.00 and a Revised Contract Amount of \$339,395.00.

#2002-356 – Approving Renewal of Interlocal Agreement with Hall County Relative to Juvenile Accountability Program.

#2002-359 – Approving Change to the Comprehensive Plan and Future Land Use Map from Manufacturing to Low to Medium Density Residential for Lots 21-25 Grand Island Industrial Park West Subdivision, Located West of North Road and South Trust Street.

#2002-357 – Approving Bid Award for Lawn Care, Mowing, Irrigation and Maintenance, BID #3 Area, South Locust Street with Cloudburst Lawn and Sprinkler of Grand Island, Nebraska in an Amount of \$43,846.00. Motion by Pielstick, second by Whitesides to approve Resolution #2002-357. Councilmember Pielstick stated concerns about having the same party do all the work when their bid was higher than the others. Cindy Johnson, Community Projects Director explained that the BID #3 Board was interested in having only one company do all the work. Ms. Johnson explained the difference in the bids and that overall, Cloudburst Lawn and Sprinkler was the low bidder.

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

#2002-358 – Approving Bid Award for Sanitary Sewer District #506, Lillie Drive with Ke-Beck Company of Kearney, Nebraska in an Amount of \$16,020.25. Motion was made by Hornady, second by Whitesides to approve Resolution #2002-358. Councilmember Seifert questioned staff's concerns with the recommendation of awarding this bid to Ke-Beck. Steve Riehle, Public Works Director stated that the low bidder had been in business only 3 or 4 years. After visiting with references he had concerns with this bid award.

Councilmember Larson stated that the low bidder was not always the best bid and would be voting no. Councilmember Hornady and Whitesides withdrew their motion and second.

Motion was made by Councilmember Larson, second by Seifert that the bid award for Sanitary Sewer District #506 be awarded to The Diamond Engineering Company of Grand Island. Upon roll call vote, all voted aye. Motion was adopted.

REQUESTS AND REFERRALS:

Request of Elrod-Woolworth Company, Inc. to Amend Subdivision Agreement for Lot 2, Hamilton-Kinman Subdivision by Eliminating Requirement to Connect to Public Water and Sanitary Sewer. Steve Riehle, Public Works Director, reported that Homer Elrod, President of the Elrod-Woolworth Company, Inc. had requested that the City allow an amendment to the Hamilton-Kinman Subdivision. The company would like to use the area as a retail sales lot and install a sales office. They asked that Council allow them to use the lot for this purpose without hooking to City water and sewer main.

Motion was made by Councilmember Larson, second by Walker to deny the request of Elrod Woolworth Co.

Homer Elrod, 4215 Husker Highway spoke in support of the request. Mr. Elrod stated that if a Tee was put to his property line, he would hook up to it. Lewis Kent, 624 East Meves Avenue wanted to see the sanitary sewer put in right.

Councilmember Hornady asked about tearing up Webb Road. Steve Riehle, Public Works Director stated a small portion would be tore up to put in the sanitary sewer. Councilmember Larson asked what the cost would be to put in a Tee at this location. Mr. Riehle stated around \$10,000. Councilmember Pielstick voiced concerns of giving a temporary service, when she felt we should do it right the first time. Councilmember Walker asked if the City should have put the Tee in years ago. Mr. Riehle stated "yes".

Councilmember Larson amended his motion to the effect that the City would put in a Tee at the City's expense and extend the service to the property line. Councilmember Walker agreed to the amendment. Upon roll call vote, all voted aye. Motion adopted.

Request to Donate Wooden Glider and Push Lawn Mower to Stuhr Museum. Motion was made by Councilmember Whitesides, second by Hornady, to approve this request. Motion carried unanimously.

Receiving Recommendation from the Community Redevelopment Authority Relative to Redevelopment of Former City Hall. John Brownell, 4309 Quail Lane, Chairman of the CRA Committee, reported that last spring, the City Council requested assistance from the CRA with redevelopment efforts of the former City Hall and, as a result, the CRA marketed and solicited proposals from interested developers.

Two entities expressed an interest in the redevelopment project and both were interviewed by the Former City Hall Redevelopment Selection Committee. After the interviews, the Selection Committee forwarded both proposals to the CRA and, at the same time, requested additional information from both entities as a next step in the selection process and that this additional information had been received.

The CRA reviewed both proposals and had forwarded the proposal submitted by ProCon. Procon is a partnership of Rick Johnson, K.C. Hehnke, and Russ Giesenhagen of Grand Island. Although Procon was a new partnership, the principals were well versed in the construction field in Grand Island and central Nebraska, with over 60 years of combined experience. The group had experience in historic property renovation, including the Yancey Hotel, Francis Villas and the York State Bank in York. Procon proposed to redevelop the former City Hall into an office complex. Their proposal was to purchase the building for \$1,001. Project costs were anticipated to be \$1,940,000. Financing sources were as follows: Principal Investment \$1,280,000 City \$275,000 (investment of what would otherwise be expended for demolition if building not redeveloped) CRA Façade Development Program \$150,000 (over 3 years) Tax Increment Financing \$232,800 (estimated)

Procon proposed to immediately begin redevelopment of the property, with an emphasis on the exterior this winter. This could occur as soon as the asbestos was removed from the property. Procon was also requesting that the CRA act as an intermediary in order to facilitate leasing with other government agencies. Procon had determined there was sufficient parking in the proximate area to serve their proposed needs.

Bruce Schreiner, representing ProCon, stressed to the CRA that the ProCon offer was not contingent upon acquisition of other properties or other funding sources, the redevelopment could collectively be accomplished by the community, and the proposal allowed for a fairly rapid schedule for redevelopment of the property. The Community Redevelopment Authority was unanimous in its support of the proposal by ProCon (Authority member Barry Sandstrom abstained from the vote). The CRA committed \$150,000 in façade development funds over three years with the understanding that the developers would be pursuing tax increment finance assistance also.

A lengthy discussion was had concerning property taxes, increment financing, demolition expenses, contaminants, and current budget requirements. David Springer, Finance Director stated that \$200,000 had been budgeted for this year and the cost of the asbestos removal was taken out of last years budget.

Bruce Schreiner, 2535 Carleton Avenue, Jim Cannon, 3121 Brentwood Circle, and Tom O'Neill, 804 West Stolley Park spoke in support. Lewis Kent, 624 East Meves Avenue questioned the cost.

Motion was made by Councilmember Whitesides, second by Seifert, to approve the request of the Community Redevelopment Authority relative to Redevelopment of Former City Hall. Upon roll call vote, Councilmembers Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Pielstick voted no. Motion was adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of October 23, 2002 through November 12, 2002, for a total amount of \$4,432,913.50.

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G3

Approving Minutes of November 19, 2002 City Council Study Session

The Minutes of the November 19, 2002 City Council Study Session are submitted for approval. See attached MINUTES.

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

November 19, 2002

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on November 19, 2002. Notice of the meeting was given in the Grand Island Independent on November 13, 2002.

Council President Larry Seifert called the meeting to order at 7:10 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Mayor Gnadt was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Interim City Attorney Dale Shotkoski, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said.

Presentation by Progress for Grand Island Regarding Economic Development Program. City Administrator Marlan Ferguson stated that for the past several years, economic development had emerged as a priority for the City Council at their annual Retreats. LB840 – Local Option Municipal Economic Development Act was explained including the process of a ballot issue and guidelines on how the funds could be used. Mr. Ferguson introduced Monty Montgomery, President of Economic Development Corporation (EDC) who then turned the presentation over to John Brownell, Chairman of Progress for Grand Island.

Discussed was the importance of economic development. Presented was the request to hold a special election on May 6, 2003 to consider implementing an economic development program. A video was presented explaining economic development for Grand Island.

Councilmember Murray asked what could be done under the new plan that could not be done now. Curtis Greiss, Secretary/Treasurer for EDC stated that currently funds could only be used for economic development administration, overhead, and publicity. Kurt Haecker, EDC Chairman stated LB840 could be used for incentives to attract businesses and workers to Grand Island. Councilmember Walker asked about the \$750,000 for 10 years. Councilmember Larson asked if the county could be a part of this plan. Mr. Greiss stated that LB840 only allows cities and villages.

Councilmember Pielstick requested that this issue be put on the City Council agenda for November 26, 2002 for a vote. Councilmember Murray questioned whether the budget could afford this. City Administrator Marlan Ferguson stated that the capital improvement projects fund budget would be the appropriate place to look at. Completed capital improvement projects were discussed whereby funds would be available.

Jim Werth, 2306 Apache Road, spoke in support.

Presentation by Central Nebraska Humane Society for Use of Stolley Park for Holiday Lighting Display Fundraiser. Steve Paustian, Parks and Recreation Director reported as per Council request, representatives of the Central Nebraska Humane Society would present a plan for the use of Stolley Park for the Holiday Lighting Display Fundraiser. It was the goal of the Central Nebraska Humane Society to develop an agreement with the City for the use of Stolley Park for the fundraising activity.

Charla Miller, 1523 Statgecoach Road, requested a 5-year agreement for a light display to be used for an annual fundraiser. Proposed were opening the display from 6:00 p.m. to 9:00 p.m. through the holiday season starting in December 2003 and charging an admission fee. Also requested was the use of the Sweet Shoppe for educational materials, refreshments, and pet pictures with Santa. Volunteers would erect, maintain and dismantle the displays. Electrical needs and insurance would be taken care of by the Humane Society.

Councilmember Larson stated it was a good idea, but that traffic concerns would need to be studied. Ms. Miller stated that these concerns had been looked at. Councilmember Whitesides expressed concerns about allowing a private entity to raise money in a public park and the 5-year agreement. Also mentioned was vandalism concerns. Discussion was had on the future changes of Stolley Park and how this would affect the light display.

Councilmember Larson requested that this issue be brought up at the November 26, 2002 regular meeting for a vote. Councilmember Whitesides requested that a contract be presented before a vote is taken.

ADJOURNMENT: The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G4

Approving Appointments to Business Improvement District #2

The following individuals have agreed to serve another three-year term on the BID #2 Board. Their new terms will begin in January, 2003, and expire in December, 2005.

*Vic Aufdemberge
Aufdemberge Architecture
207 W. Third Street*

*Helen Pohl
Heartland Antique Mall
216 W. Third Street*

*George Bartenbach
Bartenbach Galleries
219 N. Locust Street*

*Steve Rasmussen
Rasmussen & Associates
215 E. Third Street*

*Steve Poppe
Wells Fargo Bank
PO Box 1688*

Staff Contact: Mayor



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G5

Approving Correction to Term of Office for Sharon Walsh to Business Improvement District #2 Board

Last December, when Sharon Walsh was approved for appointment to the BID #2 Board, an incorrect expiration date of her term was given; December 31, of 2002. Terms for the BID #2 are for 3 years. Her expiration date would actually be December 31 of 2004. This item is a housekeeping measure to correct the oversight.

Staff Contact: Mayor



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G6

Approving Appointment to the Community Redevelopment Authority

Barry Sandstrom has agreed to serving another term on the CRA. This 3-year term would begin immediately and expire in 3 years.

Staff Contact: Mayor



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G7

Approving Request of Perez Brothers, Inc. dba El Guitarron, 413 West 4th Street, for Class "C" Liquor License

This item relates to the aforementioned Public Hearing. Perez Brothers, Inc., 413 West 4th Street, have submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. This application has been reviewed by the Building, Fire, Health, and Police Departments. Approval is recommended.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G8

**Approving Request of Laurencio Carrillo, 810 North Pine Street,
for Liquor Manager Designation for Perez Brothers, Inc. dba El
Guitarron, 413 West 4th Street**

Laurencio Carrillo, 810 North Pine Street, has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C" Liquor License of Perez Brothers, Inc. dba El Guitarron, 413 West 4th Street. This application has been reviewed by the Police Department and City Clerk's Office. Approval is recommended.

Staff Contact: RaNae Edwards



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G9

Approving Preliminary Plat for Cedar Ridge Subdivision

Joel Shafer, owner, has submitted the preliminary plat for Cedar Ridge Subdivision, located South of 13th Street, and West of Hwy 281, in the City of Grand Island. This plat proposes to develop 25 lots on a tract of land in the NW 1/4 of Section 13-11-10. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of November 6, voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
and Members of the Council
100 E 1st Street
Grand Island NE 68801

Dear Mayor and Members of the Council:

**RE: PRELIMINARY PLAT – Cedar Ridge Subdivision located South of 13th Street,
and West of Hwy 281, in the City of Grand Island.**

At the regular meeting of the Regional Planning Commission, held November 6, 2002 the above item was considered. This preliminary plat proposes to create 25 lots on a tract of land comprising of part of NW ¼ of Section 13, Township 11, Range 10. This property consists of 16.53 acres more or less.

A motion was made by Hooker and seconded by Haskins to **approve** and recommend that the City Council **approve** the preliminary plat of Cedar Ridge Subdivision.

The Planning Commission passed this motion with 8 members present voting in favor (Eriksen, O'Neill, Lechner, Haskins, Miller, Hooker, Obermeier, Hayes) and 1 member voting against (Wagoner).

Yours truly,

Chad Naby AICP
Planning Director

cc: City Attorney
Director of Utilities
Director of Public Works
Director of Building Inspections
Manager of Postal Operations
Olsson Associates



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G10

#2002-360 - Approving Final Plat and Subdivision Agreement for Cedar Ridge First Subdivision

Joel Shafer, owner, has submitted the final plat for Cedar Ridge First Subdivision, located South of 13th Street, and West of Hwy 281, in the City of Grand Island. This plat proposes to develop 3 lots on a tract of land located in the NW 1/4 of Section 13-11-10. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of November 6, 2002, voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
and Members of the Council
100 E 1st Street
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: FINAL PLAT – Cedar Ridge First Subdivision located South of 13th Street, and West of Hwy 281, in the City of Grand Island.

At the regular meeting of the Regional Planning Commission, held November 6, 2002 the above item was considered. This final plat proposes to create 3 lots on a tract of land comprising of part of NW ¼ of Section 13, Township 11, Range 10. This property consists of 16.53 acres more or less.

A motion was made by Hayes and seconded by O'Neill to **approve** and recommend that the City Council **approve** the final plat of Cedar Ridge First Subdivision.

The Planning Commission passed this motion with 9 members present voting in favor (Eriksen, O'Neill, Lechner, Haskins, Miller, Amick, Wagoner, Hooker, Hayes).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Attorney
Director of Utilities
Director of Public Works
Director of Building Inspections
Manager of Postal Operations
Olsson Associates

RESOLUTION 2002-360

WHEREAS, Shafer Properties L.L.C., a limited liability company, as owner, has caused to be laid out into lots, a tract of land located in the Northwest Quarter (NW1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in the City of Grand Island, Hall County, Nebraska, under the name of CEDAR RIDGE FIRST SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on November 6, 2002; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Board of Education of School District No. 2 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 and the City of Grand Island.

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

BE IT FURTHER RESOLVED that the final plat of CEDAR RIDGE FIRST 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 on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G11

#2002-361 - Approving Final Plat and Subdivision Agreement for Cedar Ridge Second Subdivision

Joel Shafer, owner, has submitted the final plat for Cedar Ridge Second Subdivision, located South of 13th Street, and West of Hwy 281, in the City of Grand Island. This plat proposes to resubdivide lot 3 Cedar Ridge First Subdivision into 7. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of November 6, 2002, voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor
and Members of the Council
100 E 1st Street
Grand Island NE 68801

Dear Mayor and Members of the Council:

**RE: FINAL PLAT – Cedar Ridge Second Subdivision located South of 13th Street,
and West of Hwy 281, in the City of Grand Island.**

At the regular meeting of the Regional Planning Commission, held November 6, 2002 the above item was considered. This final plat proposes to resubdivide lot 3 Cedar Ridge First Subdivision into 7 lots. This property consists of 13.67 acres more or less. This plat is the final Development Plan for the RD zone that was recommended for approval.

A motion was made by Hayes and seconded by Hooker to **approve** and recommend that the City Council **approve** the final plat of Cedar Ridge Second Subdivision.

The Planning Commission passed this motion with 12 members present voting in favor (Eriksen, O'Neill, Lechner, Haskins, Miller, Amick, Wagoner, Hooker, Hayes).

Yours truly,

Chad Nabity AICP
Planning Director

cc: City Attorney
Director of Utilities
Director of Public Works
Director of Building Inspections
Manager of Postal Operations
Olsson Associates

RESOLUTION 2002-361

WHEREAS, Shafer Properties L.L.C., a limited liability company, as owner, has caused to be laid out into lots, a tract of land consisting of a replat of Lot Three (3), Cedar Ridge First Subdivision in the City of Grand Island, Hall County, Nebraska, under the name of CEDAR RIDGE SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

WHEREAS, such subdivision was approved by the Regional Planning Commission on November 6, 2002; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Board of Education of School District No. 2 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 and the City of Grand Island.

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

BE IT FURTHER RESOLVED that the final plat of CEDAR RIDGE 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 on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G12

#2002-362- Approving Speed Limits in Annexed Areas

State statute sets the speed limit for residential streets at 25 miles per hour (mph) and 20 mph for streets within the Central Business District. All other speed limits are established by the City Council. Due to the annexation of new areas in the summer of 2002, it is necessary to set City speed limits in those areas. The speed limit for Husker Highway in the area of Indianhead Subdivision was also reviewed. The Public Works, Engineering Division and the Grand Island Police Department have reviewed the areas and make recommendations for speed limits as shown in the attached resolution. There will be minimal costs for signs and installation. The speed limits in the newly annexed areas must be approved to allow realistic speed limits for the areas. The speed limit in the Indianhead Subdivision area should be lowered to 40 mph to improve safety.

Staff Contact: Steve Riehle

R E S O L U T I O N 2002-362

WHEREAS, the City Council, by authority of Section 22-51 of the Grand Island City Code, may by resolution, establish speed limits upon the streets of the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that speed limits within the City of Grand Island are established as follows:

Street	From	To	Limit
Adams Street	Stolley Park Road	County Industrial Area	30
<u>Airport Road</u>	<u>Shady Bend Road east</u> <u>approximately 1/2 mile</u>	<u>East city limits</u>	<u>50</u>
Anna Street	Blaine Street	Locust Street	30
Blaine Street	U.S. Highway 34	Stolley Park Road	35
Broadwell Avenue	Anna Street	Prospect Avenue	30
Broadwell Avenue	Prospect Street	BNRR	35
Broadwell Avenue	BNRR	North City Limits	45
Capital Avenue	Engleman Road	North Road	35
Capital Avenue	North Road	U.S. Highway 281	45
Capital Avenue	U.S. Highway 281	St. Paul Road	35
<u>Capital Avenue</u>	<u>St. Paul Road</u>	<u>1/2 mile east of Sky Park Road</u>	<u>45</u>
Cherry Street	Bismark Road	Sutherland Street	35
Concord Street	Diers Avenue	North of Diers Avenue for 370 feet to the dead end	30
Custer Avenue	Old Lincoln Highway/ Old Potash Highway	Capital Avenue	30
Diers Avenue	The dead end south of Faidley	Capital Avenue	30

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Street	From	To	Limit
	Avenue		
Eddy Street	Fourth Street	State Street	30
Eleventh Street	Custer Street	Ruby Street	20
Engleman Road	Husker Highway	350 feet north of Stolley Park Road	45
Engleman Road	400 feet south of Lariat Lane	Capital Avenue	45
Engleman Road	Capital Avenue	400 feet north of Michigan Avenue	40
Faidley Avenue	U.S. Highway 281	Webb Road	35
Faidley Avenue	Webb Road	Custer Avenue	30
Fonner Road	South Locust Street	Stuhr Road	35
Fourth Street	Sycamore Street	BNRR	25
Fourth Street	BNRR	UPRR	30
Fourth Street	UPRR	Taft Street	35
Fourth Street	Taft Street	Seventh Street	45
<u>Husker Highway</u>	<u>West city limits</u>	<u>North Road</u>	<u>50</u>
<u>Husker Highway</u>	<u>West city limits</u>	<u>Schroeder Avenue</u>	<u>50</u>
<u>Husker Highway</u>	<u>Schroeder Avenue</u>	<u>North Road</u>	<u>40</u>
<u>Husker Highway</u>	<u>North Road</u>	<u>U.S. Highway 281</u>	<u>50</u>
Independence Avenue	Capital Avenue	Nebraska Highway 2	40
<u>Juergen Road</u>	<u>Wildwood Drive</u>	<u>Schimmer Drive</u>	<u>30</u>
Locust Street	South City Limits	U.S. Highway 34	50
Locust Street	U.S. Highway 34	Stagecoach Road	40

Street	From	To	Limit
Locust Street	Stagecoach Road	Stolley Park Road	35
Locust Street	Stolley Park Road	Charles Street	30
Locust Street	Charles Street	First Street	25
Nebraska Highway 2	Northwest Avenue extended (west city limits)	1200' west of Diers Avenue	55
Nebraska Highway 2	1200' west of Diers Avenue	100' west of O'Flannagan's Street	50
Nebraska Highway 2 – City Route	100' west of O'Flannagan's Street	Broadwell Avenue	50
North Road	Husker Highway	U.S. Highway 30	35
North Road	U.S. Highway 30	Old Potash Highway	50
North Road	Old Potash Highway	Nebraska Highway 2	40
Old Lincoln Highway	Garfield Street	Broadwell Avenue	30
Old Highway 30	West intersection with U.S. Highway 30	Webb Road	45
Old Highway 30	Webb Road	East intersection with U.S. Highway 30	35
Old Potash Highway	West City Limits	U.S. Highway 281	45
Old Potash Highway	U.S. Highway 281	Custer Avenue	35
<u>Schimmer Drive</u>	<u>West city limits</u>	<u>Ponderosa Drive</u>	<u>40</u>
<u>Schimmer Drive</u>	<u>U.S. Highway 281</u>	<u>East city limits</u>	<u>40</u>
Second Street	Webb Road	St. Joseph RR	35
Seedling Mile Road	U.S. Highway 30	Shady Bend Road	35
Seedling Mile Road	Shady Bend Road	East City Limits	45

Street	From	To	Limit
Shady Bend Road	South City Limits	North City Limits	35
<u>Shady Bend Road</u>	<u>231' south of Gregory Avenue</u>	<u>300' north of Shady Bend Way</u>	<u>35</u>

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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<u>Shady Bend Road</u>	<u>U.S. Highway 30 (north)</u>	<u>Union Pacific Railroad Right-of-Way</u>	<u>35</u>
<u>Shady Bend Road</u>	<u>1/4 mile north of Capital Avenue</u>	<u>Airport Road</u>	<u>55</u>
Sky Park Road	Seventh Street	Capital Avenue	45
<u>Sky Park Road</u>	<u>Capital Avenue</u>	<u>Twin Star Lane</u>	<u>55</u>
<u>Sky Park Road</u>	<u>Twin Star Lane</u>	<u>Gulf Stream Drive</u>	<u>45</u>
<u>Sky Park Road</u>	<u>Gulf Stream Drive</u>	<u>White Cloud Road</u>	<u>55</u>
State Street	North Road	Moore's Creek Floodway	45
State Street	Moore's Creek Floodway	U.S. Highway 281	35
Stolley Park Road	West City Limits	U.S. Highway 30	50
Stolley Park Road	U.S. Highway 30 / North Road	U.S. Highway 281	45
Stolley Park Road	U.S. Highway 281	South Locust Street	35
Stolley Park Road	South Locust Street	East City Limits	45
Stuhr Road	South City Limits	U.S. Highway 30	35
Sycamore Street	Fourth Street	Capital Avenue	30
Thirteenth Street	West City Limits	1/4 mile West of U.S. Highway 281	50
Thirteenth Street	1/4 mile West of U.S. Highway 281	U.S. Highway 281	35
U.S. Highway 30	West City Limits	Johnstown Road	55
U.S. Highway 30	Johnstown Road	East Intersection with Old Highway 30	45
U.S. Highway 30	East Intersection with Old Highway 30	Grant Street	35

U.S. Highway 30 (2 nd Street)	Grant Street	Broadwell Avenue	35
U.S. Highway 30 (2 nd Street)	Broadwell Avenue	Greenwich Street	30
U.S. Highway 30 (eastbound) / Greenwich Street	First Street	Second Street	30
U.S. Highway 30 (1 st Street and 2 nd Street)	Greenwich Street	Eddy Street	30
U.S. Highway 30 (1 st Street and 2 nd Street)	Eddy Street	Sycamore Street	25
U.S. Highway 30 (1 st Street and 2 nd Street)	Sycamore Street	300 feet East of the BNRR	35
U.S. Highway 30	300 feet East of the BNRR	1300 feet East of Stuhr Road	40
U.S. Highway 30	1300 feet East of Stuhr Road	Shady Bend Road	45
U.S. Highway 34	U.S. Highway 281	Blaine Street	50
U.S. Highway 34	Blaine Street	¼ mile West of Locust Street	55
U.S. Highway 34	¼ mile West of Locust Street	¼ mile East of Locust Street (east city limits)	45
U.S. Highway 34/281	Milepost No. 229.16 (Wildwood Drive)	Milepost No. 231.16 (Husker Highway)	55
U.S. Highway 281	Milepost No. 67.6 (Husker Highway)	Milepost No. 68.1 (south intersection with Webb Road)	55
U.S. Highway 281	Milepost No. 68.1 (south intersection with Webb Road)	Milepost No. 72 (NE Highway 2)	50
Walnut Street	Charles Street	First Street	30
Webb Road	South Intersection with U.S. Highway 281	Nebraska Highway 2 (city route)	35

<u>Wildwood Drive</u>	<u>West city limits</u>	<u>U.S. Highway 281</u>	<u>45</u>
<u>Wildwood Drive</u>	<u>U.S. Highway 281</u>	<u>East city limits</u>	<u>45</u>

OTHER SPEED ZONES:

The speed limit for all alleys within the downtown Congested Parking Area as defined in Section 13-17 of the Grand Island City Code shall be 10 miles per hour.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G13

#2002-363 - Approving Continuation of Sanitary Sewer District 508, Desch 1st and 2nd Subdivisions Located at the Northwest Corner of the Intersection of US Highway 281 and Husker Highway

Sanitary Sewer District 508 was created by the City Council on October 8, 2002. Legal Notice of the creation of the District was published in the Grand Island Independent on October 15, 2002. A letter with a copy of the Ordinance and Notice was also mailed to all property owners on October 15, 2002. Council action is required to continue the District. Sanitary Sewer District 508 completed the 30-day protest period at 5:00 p.m. Thursday, November 14, 2002. There were no valid protests filed against this District. There were protests filed by two owners whose right of protest had been waived by Subdivision Agreement, representing 42.74% of the frontage. Accordingly, this District may be continued and constructed. It is recommended that the Council continue the District. All of the costs of the District will be assessed to the benefiting properties.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

RESOLUTION 2002-363

WHEREAS, Sanitary Sewer District No. 508 was created by Ordinance No. 8778 on October 8, 2002; and

WHEREAS, notice of the creation of such sewer district was published in the Grand Island Independent in accordance with the provisions of Section 16-667.01, R.R.S. 1943; and

WHEREAS, Section 16-667.01, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within thirty days from the first publication of said notice written objections to such district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on November 14, 2002, and no valid protests have been filed against the creation of such district.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that no valid protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 508, therefore such district shall be continued and constructed according to law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 21, 2002	☐ City Attorney



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G14

#2002-364 - Approving Acquisition of a Temporary Access Easement Located West of Freedom Drive

This item relates to the aforementioned Public Hearing. Acquisition of a Temporary Access Easement along the west side of the homes on the west side of Freedom Drive is required in order to allow access to homeowners during construction of Sanitary Sewer District 501. See attached RESOLUTION.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

R E S O L U T I O N 2002-364

WHEREAS, the City of Grand Island is in the process of constructing Sanitary Sewer District 501 along Freedom Drive; and

WHEREAS, it was anticipated that access to adjoining property owners' property would be unaffected by the construction work, however after commencing construction, it became apparent that temporary access would be necessary for property owners to have access to their property; and

WHEREAS, it is necessary to obtain thirty (30.0) foot wide easement from Hooker Brothers Construction Company for such temporary access; and

WHEREAS, the cost to be paid to Hooker Brothers Construction Company for the use of such property is \$365.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement for Temporary Access Easement by and between the City of Grand Island and Hooker Brothers Construction Company is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____
November 21, 2002 ? City Attorney



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item G15

#2002-365 - Approving Renewal of Police Service Contract with Hall County Housing Authority

The Grand Island Police Department has been requested to renew the police services contract initiated in the year 2000 to provide additional police services to the Hall County Housing Authority through a grant from the U.S. Housing and Urban Development (HUD) agency. The process of continuing the contract between Hall County Housing Authority is reflected in the one year addendum to the existing contract to be extended to December 12, 2003. The only change to the existing contract is an increase in the grant award from \$37,500 to \$40,000. This grant pays 100% of the benefits and salary for a police officer.

Staff Contact: Kyle Hetrick

Addendum to
Police Service Contract

The purpose of this addendum is to amend the Police Service Contract executed on December 19, 2000, by and between the Hall County Housing Authority and the City of Grand Island, Nebraska, a municipal corporation. This agreement shall become effective upon signing and amends the previously executed agreement only as set forth below:

1. ARTICLE IV. Term of Contract. The term of the contract shall be extended for one year, and shall expire on December 12, 2003.

2. ARTICLE V. Compensation to the City.
 - A. All compensation to the City will be made on a cost reimbursement basis. The HCHA will reimburse the City for services specified in this Contract in a total amount not to exceed \$40,000 per year.

All other provisions of the Police Service Contract except those specifically set forth herein shall remain in full force and effect.

Dated: _____, 2002

CITY OF GRAND ISLAND, NEBRASKA,
A municipal corporation,

By: _____
Ken Gnadt, Mayor

Attest: _____
RaNae Edwards, City Clerk

Dated: _____, 2002

HALL COUNTY HOUSING AUTHORITY

By: _____
Sharon R. Meier, Executive Director

RESOLUTION 2002-365

WHEREAS, on December 19, 2000, by Resolution 2000-397, the City of Grand Island approved a Police Services Contract between the City and the Hall County Housing Authority to provide specific police services associated with the Hall County Housing Authority's security programs; and

WHEREAS, such agreement is scheduled to expire on December 12, 2002; and

WHEREAS, the City and the Hall County Housing Authority are interested in continuing the provision of such police services; and

WHEREAS, it is recommended that such agreement be extended for one additional year; and

WHEREAS, the amount paid by the Hall County Housing Authority to the City of Grand Island to provide such police service will increase from \$37,500 to \$40,000 per year; and

WHEREAS, a proposed Addendum to the Police Service Contract has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Addendum to the Police Service Contract between the City and the Hall County Housing Authority to extend the contract for one additional year and to increase the cost for providing such service is hereby approved; and the Mayor is hereby authorized and directed to execute such Addendum on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item I1

#2002-366 - Approving Special Election for an Economic Development Program

This item relates to the aforementioned Public Hearing. The action before the City Council will be to forward the proposed Economic Development Program to the voters at a special election set for May 6, 2003. A MOTION is in order.

Staff Contact: Marlan Ferguson

RESOLUTION 2002-366

WHEREAS, the City of Grand Island is proposing adoption of an Economic Development Program to bring new employers to our community and to help existing companies to grow; and

WHEREAS, a proposed Economic Development Program has been prepared in conformity with Neb. Rev. Stat. § 18-2710; and

WHEREAS, following a public hearing conducted on November 26, 2002, the Mayor and City Council have decided to adopt the Economic Development Program attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, the Mayor and City Council proposed to present said Economic Development Program to the voters of the City of Grand Island for their approval at a special election on May 6, 2003.

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

- (1) The Mayor and City Council do hereby approve and adopt the Economic Development Program attached hereto as Exhibit "A" and made a part hereof by reference.
- (2) The following ballot shall be submitted at a special election on May 6, 2003:

**(OFFICIAL SAMPLE BALLOT)
OFFICIAL MUNICIPAL ELECTION BALLOT**

CITY OF GRAND ISLAND, NEBRASKA

Tuesday, May 6, 2003

Economic Development Program:

Shall the City of Grand Island, Nebraska establish an economic development program as described here by appropriating \$750,000 annually from local sources of revenue for ten (10) years?

Vote for or against the foregoing proposal.

- FOR the proposal
- AGAINST the proposal

ECONOMIC DEVELOPMENT PROGRAM SUMMARY

The City of Grand Island is proposing adoption of an Economic Development Program to bring new employers to our community and to help our existing companies to grow. The program will use \$750,000 from the general fund as the sole source of local funds for the program. The total amount will not exceed an annual amount as is authorized by the Local Option Municipal Economic Development Plan. The program will be in existence for 10 years commencing October 1, 2003. The City may issue bonds pursuant to the Local Option Municipal Economic Development Act to carry out the economic development program.

(3) The City Clerk is directed to certify the above issue to the Election Commissioner by March 18, 2003 in the manner and form provided in Neb. Rev. Stat. §§18-2713 and 32-559.

(4) Further, the City Clerk is directed to receive a copy of this resolution, including the proposed Economic Development Program into the records of the City of Grand Island and shall make the same available for public review at City Hall during regular business hours, and to send copies of the same to the Edith Abbott Memorial Library and Grand Island Area Economic Development Corporation to be made available for public review also.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item I2

#2002-367 - Approving Purchase Agreement with ProCon for the Former City Hall Building Renovation

This item relates to the aforementioned Ordinance. A purchase agreement has been prepared by attorney Ron Depue, representing ProCon, and has been reviewed by the Assistant City Attorney. Approval is recommended. A MOTION is in order.

Staff Contact: Marlan Ferguson

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT made and entered into _____, 2002, by and between the City of Grand Island, Nebraska, a municipal corporation ("Seller") and Procon Development Company, L.L.C., a Nebraska limited liability company ("Buyer").

RECITALS:

WHEREAS, Seller is the owner of the real estate, building and improvements generally known as the Old City Hall Building, legally described as Lot Eight (8), Block Sixty-six (66), Original Town, an Addition to the City of Grand Island, Hall County, Nebraska, together with all appurtenances and fixtures thereon, collectively referred to as "the Real Estate"; and

WHEREAS, Seller agrees to sell the Real Estate to Buyer and Buyer agrees to purchase the Real Estate from Seller.

IT IS THEREFORE AGREED by and between Seller and Buyer as follows:

1. The purchase price for the Real Estate is One Thousand One Dollars (\$1,001.00).
2. The purchase price shall be paid in full at closing.
3. The obligation of Buyer to close the purchase of the Real Estate is subject to the satisfaction of all of the following conditions:

- A. The binding agreement of Seller to pay Buyer Two Hundred Seventy-five Thousand Dollars (\$275,000.00) which shall be payable as follows:

- (i) One Hundred Thirty Seven Thousand Five Hundred Dollars (\$137,500.00) within thirty (30) days after Buyer completes the exterior of the Building PROVIDED the exterior is completed within eighteen (18) months after date of closing. For purposes of this paragraph "completion of the exterior of the Building" shall mean replacement of all exterior windows on the south and east sides of the Building and refurbishment of the exterior facade on the south and east sides

of the Building.

(ii) One Hundred Thirty Seven Thousand Five Hundred Dollars (\$137,500.00) within thirty (30) days after Buyer completes the interior of the Building PROVIDED the interior is completed within thirty six (36) months after date of closing. For purposes of this paragraph, "completion of the interior of the Building" shall mean electrical wiring to an electrical panel on each floor of the Building and an air tempering system on each floor and plumbing roughed in to each floor suitable to be finished to specific tenant needs.

- B. The binding agreement of Grand Island Community Redevelopment Authority ("CRA") to provide funding to Buyer for facade redevelopment of the building in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) payable as follows: (i) Fifty Thousand Dollars (\$50,000.00) payable within thirty (30) days after Buyer completes the exterior of the Building; and (ii) Fifty Thousand Dollars (\$50,000.00) payable as soon as possible in the current CRA fiscal year or at the beginning of the 2003/2004 CRA fiscal year provided Buyer has completed the exterior of the Building; and (iii) Fifty Thousand Dollars (\$50,000.00) payable as soon as possible in the 2003/2004 CRA fiscal year or at the beginning of the 2004/2005 CRA fiscal year provided Buyer has completed the exterior of the Building. For purposes of the paragraph "completion of the exterior of the Building" is defined as set forth in preceding Paragraph 3.A.
- C. Buyer entering into a redevelopment plan with CRA upon terms and conditions satisfactory to Buyer, which shall include a provision for the use of ad valorem tax for financing the redevelopment of the Real Estate consistent with the Community Development Law (Nebr. Rev. Stat. Sec. 18-2101, et seq.).
- D. Buyer shall be satisfied in Buyer's sole discretion as to the condition of the Real Estate.

- E. Seller shall provided licensed certification by a properly licensed authority at Seller's expense that the interior of the Building is in "asbestos safe condition" no later than February 28, 2003.
- F. In addition, Buyer may have the Real Estate inspected by a party or parties who are qualified to render environmental assessment services and surveys in order to perform a Phase I and/or Phase II environmental audit or other environmental audit or inspection in the discretion of Buyer to disclose contamination. Any such additional assessment or investigative costs shall be at Buyer's sole expense. Seller shall provide to Buyer copies of Seller's environmental and structural assessments, reports and inspections.
- G. The downtown parking variance currently in place for the Real Estate must always remain available for the Real Estate, regardless of its use. This warranty shall survive closing of the sale of the Real Estate.

4. Buyer may obtain a title insurance binder which shall show marketable title in Seller as defined in the Marketable Title Act. Buyer agrees to furnish Seller a written opinion from its attorney showing any objection to the Seller's title which the Buyer claims to exist. If there are defects in title which can be corrected, Seller shall have a reasonable time in which to cure said defects at Seller's expense. If there are defects in title which cannot be corrected to Buyer's satisfaction, this agreement shall become null and void and both parties shall be released from their covenants and obligations hereunder. The cost of the owner's title insurance policy, a lender's endorsement or any other requirements imposed by the Buyer's lender including any surveying costs, loan origination fees, discount points or related costs shall be paid by the Buyer.

5. Seller shall pay all general real estate taxes (if any) for the year 2001 and shall pay 2002 taxes to date of closing. Taxes for 2002 shall be prorated to the date of closing based on the 2002 assessed valuation of the County Assessor's office. Buyer shall be responsible for payment of remaining taxes for the year 2002 and all subsequent years. Seller agrees to pay all special assessments levied against

the Real Estate prior to closing.

6. The closing of this transaction shall occur on the earlier of March 15, 2003 or upon fourteen (14) days written notice from Buyer to Seller that all of the conditions of closing have been fulfilled to Buyer's satisfaction.

7. Seller agrees to convey the Real Estate to Buyer by general warranty deed, free and clear of all liens, encumbrances and special assessments of record and subject to all easements and restrictions now of record against the property as may be accepted by Buyer. Buyer shall pay the Nebraska Documentary Transfer Tax at time of closing.

8. Subject to the terms and conditions set forth herein, Buyer is purchasing the Real Estate in "As Is/Where Is" condition.

9. Risk of loss to the Real Estate shall be upon the Seller until the time of closing and thereafter shall be upon the Buyer. Seller shall continue in force until closing all insurance now in force on the Real Estate. In the event that prior to closing the improvements located upon the Real Estate are burned or otherwise damaged to such an extent that they cannot reasonably be repaired and replaced in substantially the condition that they are now in, the Buyer shall have the right prior to closing to cancel this agreement.

10. Time is an essential element of this agreement.

11. In the event Buyer shall fail to consummate the closing of this transaction for any reason except as provided herein, Seller may pursue such equitable and legal remedies as may be available to the Seller. In the event that Seller fails to consummate the closing of this transaction for any reason, the Buyer shall be permitted to utilize such equitable and legal remedies as are available to the Buyer by reason of such failure including remedies of specific performance.

12. This agreement is not assignable by Buyer without the prior written consent of the Seller. Buyer may negotiate lease terms with prospective tenants upon execution of this Agreement, which leases shall be conditional upon Buyer purchasing the Real Estate.

13. All covenants and conditions herein contained shall survive closing and shall extend to and be binding upon the parties, their assigns, successors in interest and legal

representatives.

IN WITNESS WHEREOF, the parties have hereto set their respective hands the day and year first above written.

SELLER:
CITY OF GRAND ISLAND

BUYER:
PROCON DEVELOPMENT COMPANY,
L.L.C.

BY _____
BY _____

MEMBER

STATE OF NEBRASKA
SS:
COUNTY OF HALL

The foregoing was acknowledged before me on _____, 2002, by _____, of the City of Grand Island, Nebraska, a municipal corporation.

Notary Public

STATE OF NEBRASKA
SS:
COUNTY OF HALL

The foregoing was acknowledged before me on _____, by _____, member of Procon

Development Company, L.L.C., a Nebraska limited liability company, on behalf of the company.

Notary Public

RESOLUTION 2002-367

WHEREAS, the Community Redevelopment Authority of the City of Grand Island invited proposals for Renovations and Modifications to the Existing Former City Hall Building located at 208 North Pine Street, according to Request for Proposals on file with the Director of the Community Redevelopment Authority; and

WHEREAS, proposals were due on June 20, 2002; and

WHEREAS, Procon Development Company, L.L.C. of Grand Island, Nebraska, submitted a proposal in accordance with the terms of the Request for Proposals, such proposal being for the acquisition of the property for the amount of \$1,001, with a total redevelopment cost of \$1,941,001.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Procon Development Company, L.L.C. of Grand Island, Nebraska for acquisition of the existing former City Hall building located at 208 North Pine Street for the amount of \$1,001, with a total redevelopment cost of such building to be \$1,941,001 is hereby approved as the best proposal received.

BE IT FURTHER RESOLVED, that an Agreement by and between the city and Procon Development Company, L.L.C. be entered into for such project; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item I3

#2002-368 - Approving Memorandum of Understanding Between Hall County and the City of Grand Island Regarding Facilities Needs

This item relates to the memorandum of understanding discussed at the Joint City/County Special Meeting held at 6:00 p.m. The memorandum of understanding supporting the work of the Joint City and County Facility Committee has been prepared and reviewed by the City and County Attorneys. A MOTION is in order.

Staff Contact: Marlan Ferguson

RESOLUTION 2002-368

WHEREAS, representatives of the City of Grand Island and the County of Hall have worked together over the past two years to develop a comprehensive needs assessment and facilities program for their respective governmental jurisdictions; and

WHEREAS, the needs of both the city and the county can most economically and appropriately be met through efficient use, including cooperative use, of appropriate facilities; and

WHEREAS, a Hall County/Grand Island Joint Strategic Facilities Plan has been prepared provides the foundation for achieving these purposes; and

WHEREAS, that such Strategic Facilities Plan is on file with the City Clerk of the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island acknowledges receipt of the Hall County/Grand Island Joint Strategic Facilities Plan and recognizes the need to work with the County of Hall to determine the needs to effectively and adequately plan for the future needs of government offices, including cooperative use of appropriate facilities.

BE IT FURTHER RESOLVED, that a Memorandum of Understanding be entered into between the City of Grand Island and the County of Hall to express each parties' respective intent to commit to further cooperative efforts to outline specific plans and commitments for future development of government offices to best meet the needs of the departments, the public, and each respective political body.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item I4

#2002-369 - Approving Contract with Central Nebraska Humane Society for Stolley Park Holiday Lighting Display

The City Attorney's office has prepared a contract for use of Stolley Park by the Central Nebraska Humane Society. Contract verbiage was developed based on Council input at the November 19th study session. The contract allows for the Society to use Stolley Park for its Holiday Lighting fund raiser. Approval is recommended.

Staff Contact: Steve Paustian

DISPLAY AGREEMENT

On the terms and subject to the conditions of this Agreement, the Central Nebraska Humane Society shall have permission to use the drive through Stolley Park, owned by the City of Grand Island from the date of November _____, through December 23, of each year beginning in 2003 through the year 2008, for the purpose of displaying holiday lights.

The City of Grand Island agrees to allow the Central Nebraska Humane Society to use the holiday light display for fund raising purposes. From the hours of 6:00 p.m. to 9:00 p.m., the Central Nebraska Humane Society shall be allowed to charge an admission fee of \$5.00 per vehicle to drive through the light display and also shall allow free pedestrian access to view the light display during these hours.

The Central Nebraska Humane Society shall furnish the display materials and all electrical junction boxes and equipment necessary to hook up the displays to the electrical power available at Stolley Park, said junction boxes and all electrical displays, shall satisfactorily pass the city requirements for displays of this type.

The Central Nebraska Humane Society shall be responsible for payment of all electricity used by the lighting displays.

The Central Nebraska Humane Society shall be granted permission to use the Sweet Shop currently located at Stolley Park, for purposes of having in it displays, educational and informational material concerning the mission of the Central Nebraska Humane Society as well as providing Santa Claus pictures to be taken in the Sweet Shop. Refreshments are also allowed to be served at the Sweet Shop, with the Central Nebraska Humane Society being responsible for all clean up of the Sweet Shop daily during the use of the Sweet Shop for the display presentation.

The City shall make no claim to ownership or interest in any of the lighting displays that will be erected by the Central Nebraska Humane Society at Stolley Park.

The Central Nebraska Humane Society shall make arrangements for traffic control with the City of Grand Island prior to commencing the display.

The Central Nebraska Humane Society shall have on site a sufficient number of volunteers to safely allow for the flow of traffic through the lighting display during the lighting display hours and a sufficient number of volunteers to provide for safety of the display during the daytime hours.

Any loss of or damage to the displays, or use of the displays, shall be at the sole risk of the Central Nebraska Humane Society.

The Central Nebraska Humane Society during the periods of time in which the display material shall be at Stolley Park, shall provide to the City of Grand Island proof of having

insurance in place, which insures the display against fire, theft, damage or destruction and against such other risks and in such amounts as the City may reasonably require. The Central Nebraska Humane Society shall also have in force at all times a public liability insurance at its own cost and expense, giving protection to the extent of a minimum of \$500,000.00 in the event of death or injury to any one individual, and \$3,000,000.00 in the event of injury or death to more than one individual, if such death or injury arises in connection with the program or events at which the displays are used, and the Central Nebraska Humane Society shall include as an additional insured, the City of Grand Island on all such insurance. Such insurance shall be placed with an insurance company approved by the City of Grand Island and shall provide that the insurance company will give the City of Grand Island thirty (30) days written notice before the policy may be altered or canceled. The Central Nebraska Humane Society shall deliver a proof of insurance policy or certificate of insurance to the City of Grand Island prior to the erection of any lighting display. The Central Nebraska Humane Society shall indemnify, defend and hold the City of Grand Island harmless from and against any and all loss, damage, cost or expense to the displays or for any other liability not compensated for by insurance.

During the entire term of the display, for which the Central Nebraska Humane Society shall be allowed use of the park, the Central Nebraska Humane Society shall maintain and keep in good repair, all of the lighting displays.

The lighting displays to be used by the Central Nebraska Humane Society shall not be of a religious nature.

This Agreement or any rights hereunder may not be assigned or otherwise transferred by the Central Nebraska Humane Society and shall not inure to the benefit of any other party without prior written consent of the City of Grand Island.

This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

Should either party desire to end this lighting display agreement, either party shall have the absolute right upon six (6) months notification prior to November 1st of each year, to cancel said agreement.

CENTRAL NEBRASKA HUMANE SOCIETY

By _____

Date _____

Title _____

CITY OF GRAND ISLAND, NEBRASKA

By _____
Mayor

Date _____

Attest: _____
City Clerk

The contract is in due form according to law and hereby approved.

Attorney for the City

Date _____

RESOLUTION 2002-369

WHEREAS, the Central Nebraska Humane Society has requested the use of a portion of Stolley Park to provide a light display as an annual fund raiser for the organization; and

WHEREAS, it is intended that the light display would be from 6 to 9 p.m. each evening beginning the weekend after Thanksgiving and would continue until December 23 each year starting next year; and

WHEREAS, the Humane Society would charge for vehicular traffic to view the light display, would sell concessions and would offer pet photo sittings with Santa; and

WHEREAS, the Humane Society will pay for electrical junction boxes to hook into existing park transformers, and will pay for all electricity to run the light display; and

WHEREAS, an agreement for the use of Stolley Park for such light display fund raiser has been reviewed and approved by the City Attorney's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Central Nebraska Humane Society is hereby authorized to use a portion of Stolley Park to provide a light display as an annual fund raiser for the organization.

BE IT FURTHER RESOLVED, that the Agreement by and between the City and the Central Nebraska Humane Society for such project is hereby approved; and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ November 21, 2002 ? City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item I5

#2002-370 - Approving Resolution Directing Staff to Require Installation of Public Sidewalks on Harrison Street by Fall 2003.

At the August 20, 2002 City Council Study Session, the Sidewalk Committee presented a list of areas which were recommended for sidewalk installation. At the October 9, 2002 regular City Council meeting, the Council voted to table the installation of sidewalks on the west side of Harrison Street because of resident's concerns about ditch drainage, damage to sprinklers and landscaping, the potential of future street widening projects to tear up any newly installed sidewalks, and a speeding problem in the area.

The Sidewalk Committee had reviewed their concerns and addressed them as follows:

Ditch Drainage - There will be some areas where fill material will be needed. The City will be responsible for the costs of placing the fill. The Sidewalk Committee walked the entire area to confirm that the sidewalks and associated fill can be constructed without causing drainage problems.

Sprinklers and Landscaping - The location of the sidewalks can be adjusted to minimize the impact to sprinklers and landscaping. Some bushes will either have to be trimmed or removed.

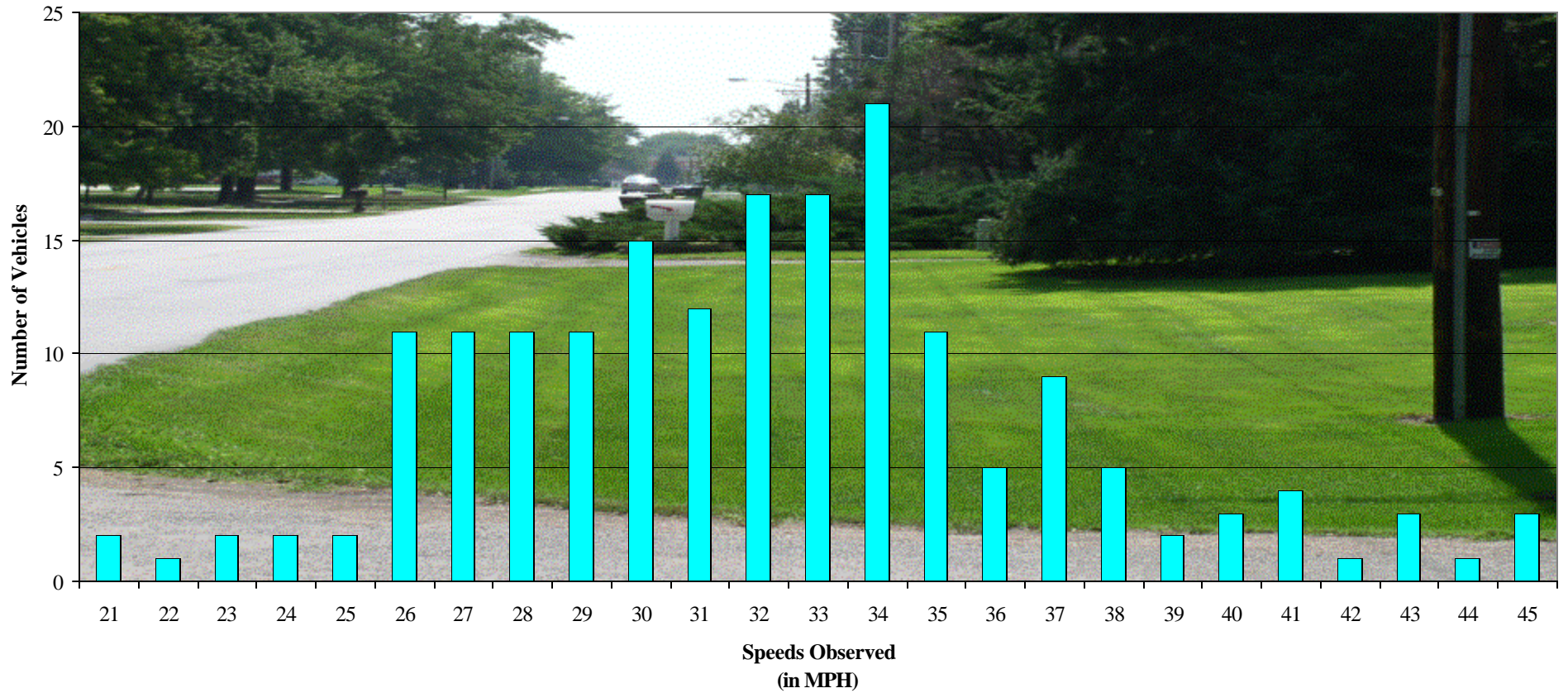
Road Projects - The existing road is wide enough to carry a substantial volume of traffic and we do not anticipate widening it for quite some time. If the street were widened it would only exacerbate the speeding issue.

Speeding - The Public Works, Engineering Division conducted a speed study. Although the results showed vehicles traveling above the posted 25 mph speed, the numbers were not that different from other residential streets.

It is recommended that Council approve a Resolution directing staff to require installation of sidewalks on Harrison Street before school starts in the Fall of 2003. City costs would be minimal for placing fill in needed areas.

Staff Contact: Steve Riehle, City Engineer/Public Works Director

Speed Study - 1500 Block of Harrison Street



Number of Vehicles Observed:	182 vehicles
Median Speed:	32 MPH
Average Speed:	32.2 MPH
85%ile Speed	37 MPH
Bottom of 10 mph pace speed:	26 MPH
Top of 10 mph pace speed:	35 MPH
Percentage of Vehicles in the Pace	75.3 Percent

RESOLUTION 2002-370

WHEREAS, Section 32-58 of the Grand Island City Code authorizes the City Council to give notice to property owners to construct sidewalks contiguous to the street side boundary lines of any lot, tract or parcel of land within the city; and

WHEREAS, it is recommended that the City contact the property owners on the west side of Harrison Street from Stolley Park Road to the bike trail north of LaMar Avenue, giving them notice to construct such sidewalk according to the provisions set out in Section 32-58 of the Grand Island City Code.

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 give the property owners of the above-listed property, notice to install sidewalks in the areas identified above by the time school resumes in the fall of 2003.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska on November 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ♦ _____ November 21, 2002 ♦ City Attorney
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City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

Item J1

Payment of Claims for the Period of November 13, 2002 through November 26, 2002

The Claims for the Period of November 13, 2002 through November 26, 2002 for a total amount of \$2,100,600.34. A MOTION is in order.

Staff Contact: RaNae Edwards