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# City of Grand Island



**Tuesday, June 30, 2009**

**Special Meeting Packet**

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**City Council:**

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

**Mayor:**

Margaret Hornady

**City Administrator:**

Jeff Pederson

**City Clerk:**

RaNae Edwards

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**7:00:00 PM**

**Council Chambers - City Hall  
100 East First Street**

## **Call to Order**

This is an open meeting of the Grand Island City Council. The City of Grand Island abides by the Open Meetings Act in conducting business. A copy of the Open Meetings Act is displayed in the back of this room as required by state law.

The City Council may vote to go into Closed Session on any agenda item as allowed by state law.

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### **Pledge of Allegiance**

### **Roll Call**

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## **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.

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## **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.

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## **MAYOR COMMUNICATION**

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



# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item E1

**Public Hearing Concerning Ground Lease to the Nebraska State  
Fair for Land Located Near Fire Station 1, Grand Island, Nebraska**

Staff Contact: Jeff Pederson

# Council Agenda Memo

**From:** Jeff Pederson, City Administrator

**Meeting:** June 30, 2009

**Subject:** Public Hearing Concerning Ground Lease to the  
Nebraska State Fair for Land Located Near Fire Station  
1, Grand Island, Nebraska

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

**Presenter(s):** Jeff Pederson, City Administrator

## Background

On May 12, State Fair Board Vice-Chairman appeared before the City Council requesting access to City land located South of Fire Station No.1 for construction of an approximately 30,000 sq. ft. building to be used for offices and exposition space for the Nebraska State Fair.

The City and the State Fair Board have undertaken a process to negotiate a Ground Lease for the purpose of accommodating the request of the Fair Board. The Lease includes area sufficient for both a building and an adjacent parking lot.

## Discussion

It is believed that this development will enhance the future location of the Nebraska Firefighters Memorial to be located to the South of the Building. The Memorial Committee and the State Fair Board have had an initial meeting to discuss the co-location, and it is expected that the parties will meet again and reach formal accord prior to this meeting.

A Resolution to approve the Ground Lease is included on the Agenda.

## Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue
- 5.

### **Recommendation**

City Administration recommends that the Council approve the Ground Lease.

### **Sample Motion**

Move to approve the Ground Lease between the Nebraska State Fair Board and the City of Grand Island, Nebraska.



# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item F1

**#9223 - Consideration of Assessments for 2008 Weed and Nuisance Abatement Program (Second and Final Reading)**

Staff Contact: Wes Nespor

# Council Agenda Memo

**From:** Wesley D. Nespor, Attorney  
**Meeting:** June 30, 2009  
**Subject:** Assessment Ordinance for  
2008 Weed Abatement Program  
**Item #'s:** F-1  
**Presenter(s):** Wesley D. Nespor, Attorney

## Background

At the last Council meeting a Board of Equalization Resolution was passed finding the amount of special benefits to certain properties for weed and nuisance abatement. Because there were not eight members present, the rule requiring three readings of the Ordinance assessing costs could not be suspended. The matter now comes before Council for further reading or passage if Council decides to suspend the rules.

## Discussion

The Ordinance has been amended from first reading to omit two of the properties. It has been discovered that those two parcels changed ownership by trust deed sale prior to the beginning of the assessment process.

## Alternatives

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

1. Adopt the Ordinance as amended.
2. Take no action.

## Recommendation

City Administration recommends that the Council suspend the rules and adopt the Ordinance as amended.

## **Sample Motion**

Move to adopt the Ordinance as amended levying special assessments for year 2008 nuisance and weed abatements.



\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 9223

An ordinance levying a special tax to pay the cost to the City of removing nuisances, cutting, destroying, and removing weeds, grasses, or worthless vegetation, pursuant to the Grand Island City Code upon certain lots and pieces of ground; providing for the collection thereof; and providing for the publication and effective date of this ordinance.

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

SECTION 1. A special tax is hereby levied for the cost of removing nuisances, cutting, destroying, and removing weeds, grasses, or worthless vegetation upon the hereinafter described lots and pieces of ground during the 2008 season in proportion to the special benefits to such real estate as determined and assessed by the City Council sitting as a Board of Equalization after due notice thereof, in the following amounts:

<u>Name/Address</u>	<u>Location</u>	<u>Description</u>	<u>Assessment</u>
Juanita Roman Life Estate Robert S. and Frank S. Roman 808 E. 5 <sup>th</sup> Street Grand Island, NE 68801	808 E. 5 <sup>th</sup> Street	Lot 7, Block 4, Evans Addition, City of Grand Island, Hall County, Nebraska	\$115.00

Approved as to Form  \_\_\_\_\_  
June 26, 2009  City Attorney

ORDINANCE NO. 9223 (Cont.)

Ronald L. Hulme PO Box 33 Miller, NE 68858	616 E. Yund	Lot 7, Block 145, Union Pacific Railway 2 <sup>nd</sup> Addition, City of Grand Island, Hall County, Nebraska	\$240.00
Liobardo Rivera & Efrain Lazarin c/o MGC Mortgage Inc. 7195 Dallas Parkway Plano, TX 75024	1213 N. Cherry	Lot 4, Block 2, George's Loan Subdivision, City of Grand Island, Hall County, Nebraska	\$125.00
Warren G & Ruth Alleen Bosley c/o Matthew M. Bosley Cons 1212 15 <sup>th</sup> Street Lincoln, NE 68502	1515 W. 1 <sup>st</sup> Street	Lot 3, Block 20, Kernohan & Decker's Addition, City of Grand Island, Hall County, Nebraska	\$100.00
Franklin Credit Management 101 Hudson St., Fl 6 Jersey City, NY 073021	331 E. Hall Street	Lot 126, Buena Vista Subdivision, City of Grand Island, Hall County, Nebraska	\$115.00
M & L Investments LLC 1819 N. Custer Avenue Grand Island, NE 68803	917½ W. 12 <sup>th</sup> Street	S52' of Lot 4, Block 49, Russell Wheeler's Addition, City of Grand Island, Hall County, Nebraska	\$105.00

SECTION 2. Such special tax shall be due and payable to the City thirty (30) days after such levy and shall become delinquent fifty (50) days after such levy. After the same shall become delinquent, interest at the rate of 14 percent (14%) per annum shall be paid thereon. The same shall be collected in the same manner as other city taxes.

SECTION 3. Such special taxes shall be collected by the Finance Director of the City of Grand Island, Nebraska, as provided by law.

SECTION 4. Such special taxes, if not previously paid, shall be certified to the County Clerk at the same time as the next certification for general revenue purposes.

SECTION 5. Such special taxes, when received, shall be applied to reimburse the general fund.

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.

ORDINANCE NO. 9223 (Cont.)

Enacted: June 30, 2009.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item F2

**#9224 - Consideration of Amendment to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax (Second and Final Reading)**

Staff Contact: Jeff Pederson

# Council Agenda Memo

**From:** Jeff Pederson, City Administrator

**Meeting:** June 30, 2009

**Subject:** Amendment to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax

**Item #'s:** F-2

**Presenter(s):** Jeff Pederson, City Administrator

## Background

On September 9, 2008, the City Council passed Ordinance No. 9189, instituting a 1.5% occupation tax on prepared food and non-alcoholic beverages. The Ordinance contains a Sunset provision that limits the duration of the tax to the collection of \$5,062,500. The money will be used to service a Lease Purchase Agreement with Wells Fargo whereby the City of Grand Island will own a recreational building on the grounds of Fonner Park that will serve as an Exposition Building during the annual run of the Nebraska State Fair.

With the revelation in October of 2008 that athletic fields presently located at Fonner Park would be lost due to parking needs for the State Fair, the City began a planning process to replace/relocate the softball and soccer facilities from that site. Subsequently, a long-term Lease was approved with the State of Nebraska for 78 acres of land associated with the State Veterans Home that is located North of HW-2 and West of Broadwell Street. The Parks & Recreation Department, in cooperation with the State Fair Board, formulated a Master Plan for athletic facilities on the site that includes a Phase 1 component for replacement of existing facilities at a projected cash cost of \$1.5m. The City Council has participated in two Study Sessions in review of the site development Plan.

## Discussion

This Ordinance was presented to the City Council on June 23, and was passed on first reading following an amendment that set the amount of money to be generated for athletic fields at \$1.6m. The purpose of the additional \$100,000 is to provide additional

funds to insure the construction of a fourth softball field and an additional full-size soccer field as part of Phase 1 of the Athletic Complex project. The Sunset provision of the Ordinance will now be expanded to add \$1.6m to the amount of \$5,062,500 that is now in place.

This proposed Ordinance amending Ordinance No. 9189 to allow up to \$1.6 of revenue from the Occupation Tax to be utilized for athletic fields development is now before the Grand Island City Council on Second Reading. Should a minimum of eight City Councilmembers be present at the meeting, the Rules can be suspended to allow passage on third and final reading at this meeting.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council pass Ordinance No. 9224, amending Ordinance No. 9189 to provide revenue for the funding of replacement athletic fields on the Veterans Home site. It is further recommended that the Rules be suspended and the measure be passed on third and final reading.

### **Sample Motion**

Move to approve Ordinance No. 9224 on second reading and suspend the Rules to approve it on Third and Final reading.

ORDINANCE NO. 9224

An ordinance to amend Grand Island City Code Chapter 23, Section 23-79, pertaining to food services, drinking places and restaurant tax, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 23-79 of the Grand Island City Code is hereby amended to read as follows:

**Article VII.**

**FOOD SERVICES, DRINKING PLACES, AND RESTAURANT TAX**

**§23-79. Sunset Provision.**

The occupation tax imposed by this Article shall terminate and collection of the tax shall cease upon the completion of the following:

(A) The City meeting all of its financing obligations with Wells Fargo Brokerage Services, L.L.C. and all debt obligations in the principal amount of Five Million Sixty-Two Thousand Five Hundred and No/100 Dollars (\$5,062,500.00) and releases from Wells Fargo Brokerage Services, L.L.C. are obtained; and

(B) Recreational field development in the amount of \$1.6 million on the property described as follows:

A TRACT OF LAND LOCATED IN PART OF THE EAST HALF (E1/2) OF SECTION FIVE (5), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER (E1/4) CORNER OF SECTION 5-T11N-R9W; THENCE ON AN ASSUMED BEARING OF N88°50'06"W UPON THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 5 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY (ROW) LINE OF BROADWELL AVENUE; THENCE S00°51'43"W UPON AND ALONG SAID WESTERLY ROW LINE A DISTANCE OF 179.46 FEET; THENCE N88°10'08"W A DISTANCE OF 254.75 FEET; THENCE S29°09'23"W A DISTANCE OF 250.49 FEET; THENCE N88°50'06"W PARALLEL WITH SAID SOUTH LINE

ORDINANCE NO. 9224 (Cont.)

OF NE1/4 A DISTANCE OF 1,748.67 FEET; THENCE N00°37'43"E A DISTANCE OF 397.71 FEET TO SAID SOUTH LINE OF THE NE1/4; THENCE N00°37'43"E A DISTANCE OF 1,233.17 FEET; THENCE S88°25'59"E A DISTANCE OF 69.05 FEET; THENCE N00°43'20"E A DISTANCE OF 59.94 FEET; THENCE S88°21'19"E A DISTANCE OF 259.64 FEET; THENCE S88°20'18"E A DISTANCE OF 498.58 FEET; THENCE S88°24'58"E A DISTANCE OF 1,150.41 FEET TO A POINT BEING ON SAID WESTERLY ROW LINE OF BROADWELL AVENUE, SAID POINT ALSO BEING THE WESTERLY LINE OF NEBRASKA STATE ROW DESCRIBED IN STATE OF NEBRASKA DEPARTMENT OF ROADS DOCUMENT NO. 93-104239, RECORDED MAY 26, 1993, REGISTER OF DEEDS, HALL COUNTY, NEBRASKA; THENCE S11°16'37"E UPON AND ALONG SAID WESTERLY ROW LINES OF BROADWELL AVENUE AND STATE DEED A DISTANCE OF 212.80 FEET; THENCE S00°38'41"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 489.24 FEET; THENCE S20°27'26"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 243.20 FEET; THENCE S00°00'05"E UPON AND ALONG SAID WESTERLY ROW LINES A DISTANCE OF 354.81 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,414,493.776 SQUARE FEET OR 78.39 ACRES MORE OR LESS.

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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

Enacted: June 30, 2009.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk





# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item G1

**Approving Minutes of June 23, 2009 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 23, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on June 23, 2009. Notice of the meeting was given in *The Grand Island Independent* on June 17, 2009.

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

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

MAYOR COMMUNICATION: Mayor Hornady introduced Community Youth Council members Ava Mackey and Zach Stauffer, along with Board Member Celine Stahlnecker.

ADJOURN TO BOARD OF EQUALIZATION: Motion by Meyer, second by Ramsey, carried unanimously to adjourn to the Board of Equalization.

#2009-BE-2 – Consideration of Determining Benefits for 2008 Weed and Nuisance Special Assessments. Wes Nespor, Assistant City Attorney reported that under Chapter 17 of the Grand Island City Code, the City had several properties which were not mowed of which the City contracted to have taken care of. The City also removed rotted foodstuffs from a garage pursuant to Court order. The City Council in its' capacity as the Board of Equalization was required to determine the benefits for the 2008 Weed Abatement Program and nuisance abatement.

Motion by Meyer, second by Nickerson to approve Resolutions #2009-BE-2. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Meyer, second by Ramsey, carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request from Alm, LLC dba Senor Lucky's, 115 West 3<sup>rd</sup> Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application for a Class "C" Liquor License had been received from Alm, LLC dba Senor Lucky's, 115 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 3, 2009; notice to the general public of date, time, and place of hearing published on June 13, 2009; notice to the applicant of date, time, and place of hearing mailed on June 3, 2009; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from Mama Ines, Inc. dba Mama Ines, 384 North Walnut Street for a Class "T" Liquor License. Pulled at request of applicant's attorney.

Public Hearing on Request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a Sand and Gravel Operation Located at 3947 South Locust Street. Craig Lewis, Building Department Director reported that Hooker Bros. Sand & Gravel had submitted a request for a conditional use permit to allow for a sand and gravel operation at 3947 South Locust Street. Staff recommended approval with the following conditions:

- 1). **USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). **CLOSURE:** A closure statement identifying improvements to the property after the closing of the sand and gravel operation has been provided along with the application.
- 3). **PRIMARY CONDITIONS:**
  - (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.
  - (b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations and a finished developable width of 150' shall be provided.
  - (c). Pumping and other activities (including lighting) at the site shall be limited to 6:00am to 10:00pm Monday through Saturday, no Sunday operation.
  - (d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
  - (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.
  - (f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
  - (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
  - (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
  - (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
  - (j). Applicant shall not permit the hauling of sand and gravel from the premises over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
  - (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(I). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Jeff Hooker, 3615 Palomino Place spoke in support. No further public testimony was heard.

Public Hearing for Program Income Reuse Funds Application. Joni Kuzma, Community Development Administrator reported that the City of Grand Island maintains a revolving loan fund comprised of recaptured monies from Community Development Block Grant (CDBG) Economic Development loans. The Grand Island Area Economic Development Corporation submitted an application to the Reuse Committee requesting \$4,995.00 of Revolving Loan funds to update a previously completed Storm Sewer Drainage study for the Platte Valley Industrial Park. Staff recommended approval. No public testimony was heard.

Public Hearing for a Disaster Recovery Program Community Development Block Grant. Joni Kuzma, Community Development Administrator reported that the City of Grand Island was requesting a Disaster Recovery Grant for \$803,500.00, plus \$40,175.00 in General Administration, for installation of a sanitary sewer interceptor and sewer main collection system upgrade to address an urgent community development need that occurred as a result of high ground water levels and flooding between May 22 and June 24, 2008. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9223 – Consideration of Assessment for 2008 Weed and Nuisance Abatement Program (First Reading)

#9234 – Consideration of Amendments to Chapter 23-79 of the Grand Island City Code Relative to Food Services, Drinking Places, and Restaurant Tax (First Reading)

Ordinance #9223 related to the aforementioned Board of Equalization item.

Motion by Meyer, second by Nickerson to approve Ordinance #9223 on first reading. Upon roll call vote, all voted aye. Motion adopted.

City Administrator Jeff Pederson reported that Ordinance #9232 would amend Chapter 23-79 of the Grand Island City Code to allow up to \$1.5 million of revenue from the Occupation Tax to be utilized for the athletic fields development on the Veterans Home land that is under lease from the State of Nebraska.

Motion by Ramsey, second by Gericke to approve Ordinances #9224 on first reading.

Motion was made by Carney to insert under Section (B) an “s” to the word “follow” and to insert “for a total of \$6,562,500” after \$1.5 million. Motion died due to a lack of a second.

Discussion was held concerning the costs of Phase I for the fourth ball field and soccer fields’ relocation at the Veterans Home property. Parks and Recreation Director Steve Paustian stated

the ball fields shown in Phase I should be completed for the \$1.5 million amount. Also mentioned was a redesign of the parking lots. Comments were made about extending the occupation tax in order to generate \$100,000 more to cover expenses of the relocation. City Attorney Dale Shotkoski answered questions from Council and stated the extra \$100,000 would not be applied towards the \$1.5 million required to be certified by the City to the State of Nebraska.

Motion by Nickerson, second by Dugan to amend the original motion to increase the amount to \$1.6 million. Upon roll call vote, Councilmember's Meyer, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember's Gilbert and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

Upon roll call of the original motion, Councilmember's Meyer, Dugan, Ramsey, Nickerson, and Gericke voted aye. Councilmember's Gilbert and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

CONSENT AGENDA: Consent Agenda item G-12 was pulled for further discussion. Motion by Ramsey, second by Carney to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 9, 2009 City Council Regular Meeting.

Approving Minutes of June 16, 2009 City council Study Session.

#2009-138 – Approving Program Income Reuse Funds Application.

#2009-139 – Approving Disaster Recovery Program Community Development Block Grant Application.

#2009-140 – Approving Recovery Act – Energy Efficiency and Conservation Block Grant Application in the Amount of \$199,000.

#2009-141 – Approving Bid Award for Handicap Ramp Project No. 2009-1 with Galvan Construction Inc. of Grand Island, Nebraska in an Amount of \$128,002.90.

#2009-142 – Approving Bid Award for Sanitary Sewer District No. 76 Replacement; Vine Street, between Ashton Avenue and Koenig Street with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$211,322.19.

#2009-143 – Approving Agreement with Union Pacific Railroad for Preliminary Engineering Services Related to Quiet Zone Improvements in an Amount of \$10,000.

#2009-144 – Approving Change Order #1 for Cooling Tower Piping Modifications at Burdick Power Plant with Judds Brothers Construction Company of Lincoln, Nebraska in an Amount of \$14,910.02 and a Revised Contract Amount of \$281,035.02.

#2009-145 – Approving 2009/2010 Fee Schedule.

#2009-146 – Approving 2009/2010 FTE's.

#2009-147 – Approving 2009/2010 Outside Agencies Funding. The following people spoke against the decrease in funding proposed:

- Annette Schimmer, 4287 Monitor Road – Crisis Center
- Dennis Leonard, 3828 Rochdale Circle – Crisis Center
- Cindy Hoffman, 913 West Anna Street – Crisis Center
- Lori Knippelmeyer, 519 East 16<sup>th</sup> Street – Crisis Center
- Thokozile Gurganious, 3033 West Capital Avenue – Crisis Center
- Kelly Pederson, 4350 West Highway 30 – Crisis Center
- Alexis Larsen, Ravenna, Assistant Executive Director for the Crisis Center
- Melissa Delay, 610 West Division – Hope Harbor
- Paul Briseno, 1725 Freedom Drive – Multicultural Coalition
- Karen Rathke, 109 Ingalls Road, Cairo – President of United Way

Discussion was held regarding how this list came about. Comments were made by Council concerning other agencies that were not included but were of value to the community. Concerns were mentioned regarding the Health Department and Clean Community Systems which had no reduction.

Motion by Dugan, second by Carney to approve Resolution #2009-147. Upon roll call vote, Councilmember's Gilbert, Dugan, Ramsey, Nickerson, and Gericke vote aye. Councilmember's Meyer and Carney voted no. Mayor Hornady cast the deciding vote to approve. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a Sand and Gravel Operation Located at 3947 South Locust Street. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Meyer to approve the request from Hooker Bros. Sand & Gravel for a Conditional Use Permit for a sand and gravel operation located at 3947 South Locust Street with the following conditions:

- 1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). CLOSURE:** A closure statement identifying improvements to the property after the closing of the sand and gravel operation has been provided along with the application.
- 3). PRIMARY CONDITIONS:** **(a).** The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.  
**(b).** Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations and a finished developable width of 150' shall be provided.

- (c). Pumping and other activities (including lighting) at the site shall be limited to 6:00am to 10:00pm Monday through Saturday, no Sunday operation.
- (d). Any internal combustion pump motors utilized shall be equipped with a functioning “hospital grade muffler” designed to reduce exhaust noise by 32 to 40 decibels.
- (e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.
- (f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
- (g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.
- (h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.
- (i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- (j). Applicant shall not permit the hauling of sand and gravel from the premises over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
- (k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.
- (l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Upon roll call vote all voted aye. Motion adopted.

RESOLUTIONS:

#2009-148 – Approving Request from Alm, LLC dba Senor Lucky’s, 115 West 3<sup>rd</sup> Street for a Class “C” Liquor License and Liquor Manager Designation for Abbigal Meyer, 328 South Plum Street. This item related to the aforementioned Public Hearing.

Motion by Meyer, second by Carney to approve Resolution #2009-148. Upon roll call vote, Councilmember’s Meyer, Gilbert, Carney, Dugan, Ramsey, and Nickerson voted aye. Councilmember Gericke voted no. Motion adopted.

#2009-149 – Approving Request from mama Ines, Inc. dba Mama Ines, 384 North Walnut Street for a Class “I” Liquor License and Liquor Manager Designation for Iliana Garcia, 517 North Ruby Avenue. Pulled at request of applicant’s attorney.

#2009-150 – Approving Appointment of Mary Lou Brown as Finance Director. Mayor Hornady submitted the name of Mary Lou Brown for appointment as Finance Director to replace David Springer who would be retiring on August 7, 2009.

Motion by Meyer, second by Gilbert to approve Resolution #2009-150. Upon roll call vote, all voted aye. Motion adopted.

#2009-151 – Approving Project for Athletic Field Complex at Veterans Home. City Administrator Jeff Pederson reported that in order to authorize the Athletic Fields Replacement Project for expenditure authority, the City Council needed to take formal action to designate \$1.5 million in the budget.

Motion by Ramsey, second by Nickerson to approve Resolution #2009-151.

Motion by Dugan, second by Meyer to amend Resolution #2009-151 by adding a period right after “2009-2010 budget capital fund” in the last paragraph and striking the last part of the sentence “which project shall have sufficient appropriations by making the following adjustments to the Capital Fund”. Upon roll call vote, all voted aye. Motion adopted.

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

#2009-152 – Approving Certifying \$1.5 Million to State of Nebraska for Veteran Home Athletic Field Complex. City Administrator Jeff Pederson reported that with the passage of LB 224 by the Nebraska Unicameral, replacement of capital facilities lost at Fonner Park due to the relocation of the Nebraska State Fair in the amount of \$1.5 million may be counted towards the required city contribution of \$8.5 million. Resolution #2009-152 would allow \$1.5 million to be placed in a Trust Account by the July 1, 2009 deadline. Finance Director David Springer stated approving Resolution #2009-152 would allow the \$1.5 million project to move forward and would authorize payment for the project.

Motion by Meyer, second by Nickerson to approve Resolution #2009-152. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Ramsey to approve the Claims for the period of June 10, 2009 through June 23, 2009, for a total amount of \$3,210,859.63. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards  
City Clerk





# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item I1

**#2009-153 - Consideration of Ground Lease to the Nebraska State Fair for Land Located Near Fire Station 1, Grand Island, Nebraska**

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

Staff Contact: Jeff Pederson

RESOLUTION 2009-153

WHEREAS, the Nebraska Unicameral has passed a statute which allows for the relocation of the Nebraska State Fair from its current location in Lincoln, Lancaster County, Nebraska to property owned by the Hall County Livestock Improvement Association located in Grand Island, Hall County, Nebraska; and

WHEREAS, the City Council has expressed its desire to participate in the relocation of the Nebraska State Fair; and

WHEREAS, the Nebraska State Fair Board has expressed the desire to construct a facility on City land near Fire Station No. 1 and has proposed a lease for the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the Mayor is hereby authorized to execute the Ground Lease Agreement with the Nebraska State Fair Board for the future use of the land and improvement by the Nebraska State Fair Board.

Adopted by the City Council of the City of Grand Island, Nebraska, June 30, 2009.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item I2

**#2009-154 - Consideration of Accepting Appraisal for Lease  
Purchasing Financing for Recreational Facility at Fonner Park**

Staff Contact: Jeff Pederson

# **Council Agenda Memo**

**From:** Jeff Pederson, City Administrator

**Meeting:** June 30, 2009

**Subject:** Consideration of Accepting Appraisal for Lease  
Purchasing Financing for Recreational Facility at Fonner  
Park

**Item #'s:** I-2

**Presenter(s):** Jeff Pederson, City Administrator

## **Background**

In conjunction with the decision of the City Council to contribute \$5m to the location of the Nebraska State Fair to Grand Island, it became necessary to structure a borrowing of funds in order that the money be available to construct a building on the new State Fair site. That building has been determined to be a recreational building that will also function as an exposition building during the run of the State Fair. A Lease-Purchase Agreement has been approved between the City of Grand Island and Wells Fargo that constitutes a borrowing on the part of the City of \$5m.

## **Discussion**

Nebraska Code Section 13-403 requires a certified appraisal for a borrowing by a City for real property improvements valued in excess \$100,000. Upon receiving the required building documents from the Nebraska State Fair, the City commissioned an appraisal for the purpose of complying with Code Section 13-403. This Resolution certifies that the City has had the required appraisal conducted.

While this Resolution accepts the Appraisal, the appraisal will not be completed until June 29. The completed appraisal will be brought forward and explained at the meeting.

## **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue
- 5.

### **Recommendation**

City Administration recommends that the Council accept the appraisal for the 70,000 sq. ft. recreational building that has been completed by Robin Hendrickson.

### **Sample Motion**

Approve the appraisal for the 70,000 sq. ft. recreational building which has been conducted by Robin Hendrickson.

RESOLUTION 2009-154

WHEREAS, the Nebraska State Legislature has adopted Legislation which allows for the relocation of the Nebraska State Fair from the City of Lincoln to property located at the Hall County Livestock Improvement Association in Grand Island, Hall County, Nebraska; and

WHEREAS, the City intends to construct upon property leased from the Hall County Livestock Improvement Association an improvement to be utilized by the City as a recreational facility and also anticipates said facility will be utilized by the Nebraska State Fair; and

WHEREAS, the City has approved a lease purchase financing arrangement with Wells Fargo for the improvements, which have an estimated value over One Hundred Thousand and No/100 Dollars (\$100,000.00); therefore, the improvements according to Nebraska Revised Statutes Section 13-403 must be appraised by a certified real property appraiser.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Robin Hendricksen, a certified real property appraiser in the State of Nebraska, has issued an appraisal for the city improvements on the property leased from the Hall County Livestock Improvement Association, said appraisal which is attached hereto and accepted by this Council.

Adopted by the City Council of the City of Grand Island, Nebraska, June 30, 2009.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 26, 2009	☐ City Attorney



# City of Grand Island

Tuesday, June 30, 2009

Special Meeting

## Item I3

**#2009-155 - Consideration of Approving Lease Agreement with  
Fonner Park Expo & Events Center, Hall Co. Livestock  
Improvement Assoc. City of GI and the Nebraska State Fair for  
Recreational Facility at Fonner Park**

Staff Contact: Jeff Pederson

# Council Agenda Memo

**From:** Jeff Pederson, City Administrator

**Meeting:** June 30, 2009

**Subject:** Consideration of Approving Lease Agreement with the Fonner Park Exposition and Events Center, Hall County Livestock Improvement Association, City of Grand Island and the Nebraska State Fair Board

**Item #'s:** I-3

**Presenter(s):** Jeff Pederson, City Administrator

## Background

The Nebraska State Fair use of proposed site and buildings in Grand Island requires a lease agreement between Fonner Park Exposition and Events Center, Hall County Livestock Improvement Association, City of Grand Island and the Nebraska State Fair Board.

## Discussion

The lease agreement provides guidelines for the use of facilities and land during the time period of the State Fair amongst all parties. Notable items within the agreement include:

- The Preliminary Term shall commence on July 1, 2009 and continue until July 31, 2010.
- Initial Term shall be for fifty years beginning June 1, 2010.
- The premises shall be leased for sixty consecutive days between June 15 and September 30 excluding the Heartland Events Center which will commence fifteen days prior to the Nebraska State Fair and five days after.
- Areas not included within this agreement are outlined.
- The Lessee's permitted use, revenue, and security requirements are detailed.
- Improvements on the City Property shall not be named without the prior written approval of the City.



## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the lease agreement

## **Sample Motion**

Move to approve the lease agreement.

RESOLUTION 2009-155

WHEREAS, the Nebraska Unicameral has passed a statute which allows for the relocation of the Nebraska State Fair from its current location in Lincoln, Lancaster County, Nebraska to property owned by the Hall County Livestock Improvement Association located in Grand Island, Hall County, Nebraska; and

WHEREAS, the City Council has expressed its desire to participate in the relocation of the Nebraska State Fair and has adopted a resolution to lease purchase an improvement on property leased from the Hall County Livestock Improvement Association; and

WHEREAS, the Nebraska State Fair Board has expressed the desire to construct the City improvement and use it for State Fair purposes and has proposed a lease for the same; and

WHEREAS, the Nebraska State Fair Board has expressed the desire to utilize the City facilities on land the City is leasing from the Hall County Livestock Improvement Association.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, the Mayor is hereby authorized to execute the Lease Agreement with the Nebraska State Fair Board, Wells Fargo, and the Hall County Livestock Improvement Association to further the efforts of the City improvement and the future use of the improvement by the Nebraska State Fair Board.

Adopted by the City Council of the City of Grand Island, Nebraska, June 30, 2009.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk