
City of Grand Island



Tuesday, July 08, 2003

Special Mtg/Council Session Packet

City Council:

Joyce Haase
Margaret Hornady
Robert Meyer
Mitchell Nickerson
Don Pauly
Jackie Pielstick
Larry Seifert
Scott Walker
Fred Whitesides

Mayor:

Jay Vavricek

City Administrator:

Marlan Ferguson

City Clerk:

RaNae Edwards

7:00:00 PM
Council Chambers - City Hall
100 East First Street

Call to Order

Pledge of Allegiance /Invocation - Associate Pastor Allan Davis, Independent Bethel Baptist Church, 1223 East 6th 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, July 08, 2003
Special Mtg/Council Session**

Item .X1

Discussion Concerning Personnel Issues

ADJOURN TO EXECUTIVE SESSION:

Discussion Concerning Personnel Issues.

RETURN TO REGULAR SESSION:

Staff Contact: Marlan Ferguson



City of Grand Island

Tuesday, July 08, 2003
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Item C1

Proclamation "Push America Day" July 14, 2003

"Push America" was founded with the intention of providing service and education to promote a greater understanding of persons with disabilities. The Journey of Hope Team will be traveling by bicycle from San Francisco to Washington, D.C. to carry their message of acceptance and understanding. The Mayor has proclaimed July 14, 2003 as "Push America Day" and encourages citizens to recognize the accomplishments of the members of the Journey of Hope team who have given of their time, energy, and resources for the creation of greater understanding of Americans with disabilities. See attached PROCLAMATION.

Staff Contact: RaNae Edwards

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

PROCLAMATION

WHEREAS, the Pi Kappa Phi Fraternity founded "Push America" with the intention of providing service and education to promote a greater understanding of persons with disabilities; and

WHEREAS, Push America's Journey of Hope Team, consisting of members of Pi Kappa Phi Fraternity, is going the extra mile for people with disabilities; and

WHEREAS, the Journey of Hope Team began a bicycle trip on June 15, 2003, leaving San Francisco, and plans to arrive in Washington, D.C. on August 15, 2003, traveling over 4,000 miles; and

WHEREAS, the Team will be cycling from city to city carrying their message of acceptance and understanding to the hearts and home of people across the United States; and

WHEREAS, upon the completion of their cross-country journey, the team will have raised more than \$300,000 which will further the cause of Push America.

NOW, THEREFORE, I, Jay Vavricek, Mayor of the City of Grand Island, Nebraska, do hereby proclaim July 14, 2003 as

"PUSH AMERICA DAY"

in the City of Grand Island, and urge all citizens to join me in recognizing the accomplishments of the members of the Journey of Hope team who have given so much of their time, energy, and resources for the creation of greater understanding of Americans with disabilities.

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

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item E1

Public Hearing on Request of Central Nebraska Humane Society for a Conditional Use Permit for a Mobile Office Located at 1312 Sky Park Road

Pat Devine, Executive Director of the Central Nebraska Humane Society has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for temporary placement of a mobile office located at 1312 Sky Park Road. Section 36-119 of the City Code provides for temporary buildings and uses for periods not to exceed two years in undeveloped areas if approved by the City Council. This request has been reviewed by the Building, Legal, Utilities, Planning and Public Works Departments. It is appropriate at this time to solicit public comment. The action item is contained under the Consent Agenda.

Staff Contact: Craig Lewis



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item E2

Public Hearing on Request of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street for a Class "C" Liquor License

William Martin, President of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street has submitted an application with the City Clerk's Office 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, July 08, 2003
Special Mtg/Council Session

Item E3

Public Hearing on Acquisition of Utility Easement Located in Lot 2, Lasonde Subdivision

Council action is necessary for the City of Grand Island to acquire public easements. Fred Hoppe, developer with Orchard Development LLC, has requested that the City acquire an easement from the R&M Lasonde Family Trust. The Public Utility Easement will provide access for the installation and maintenance of the sanitary sewer mains to serve this area. The easement will be located on the west side of the Lasonde property. The property owner has agreed to the terms of the acquisition. It is recommended that Council conduct a Public Hearing and approve acquisition of the easements by Resolution. The cost of the easement is a minimal fee. It is appropriate to solicit public comment. The action item is contained under the Consent Agenda.

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



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item F1

#8819 - Consideration of Annexation of Property Being Platted as Secundino Subdivision (2nd Reading)

This item relates to action taken by Council at their June 24, 2003 meeting which included a Public Hearing and First Reading of Ordinance #8819. Property being annexed into the City require three readings. This will be the second reading for annexation of property being platted as Secundino Subdivision, an addition to the City of Grand Island. The property is located north of 13th Street and west of Sky Park Road in the E 1/2 SE 1/4 Section 4, Township 11, Range 9. The Regional Planning Commission at their meeting of June 4, 2003, voted to approve and recommend the city council approve this annexation. Approval is recommended

Staff Contact: Chad Nabity

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8819

An ordinance to annex Secundino Subdivision into the City of Grand Island; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, Timothy Burke and Julia M. Burke, f/k/a Julia M. Woolley, husband and wife, as owners, have caused to be laid out into lots, a tract of land comprising a part of the East Half of the Southeast Quarter (E1/2, SE1/4) of Section Four (4), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, under the name of SECUNDINO SUBDIVISION, which is proposed to be an addition to the City of Grand Island; and

WHEREAS, after public hearing on June 4, 2003, the Regional Planning Commission recommended the approval of annexing such addition into the City of Grand Island; and

WHEREAS, after public hearing on June 24, 2003, the City Council found and determined that such annexation be approved.

Approved as to Form	<input type="checkbox"/>	_____
July 3, 2003	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 8819 (Cont.)

WHEREAS, on June 24, 2003, the City Council approved such annexation on first reading of the title of such ordinance.

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

SECTION 1. That Secundino Subdivision is hereby annexed into the City of Grand Island, and shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the City of Grand Island

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: July 8, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item F2

#8823 - Consideration of Change to the Grand Island City Code Relative to Dog Ordinances

The Animal Advisory Board has been working on making proposals to the City Council to revise the Grand Island Dog and Animal Control Ordinances. The changes that are being recommended are to help protect the public by expediting the process of removing dangerous animals from the community. The proposed revisions would strengthen the code section for dogs running at large. The changes also include speeding up the process of declaring potentially dangerous dogs vicious in the event that these dogs are not controlled by their owners and are running at large and committing repetitive violations.

Staff Contact: Doug Walker

ORDINANCE NO. 8823

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Section 5-1 pertaining to the definition of potentially dangerous dog and the definition of running at large; to amend Section 5-34 pertaining to animal restraint requirements; to amend Section 5-36 pertaining to the confinement of potentially dangerous dogs; to amend Section 5-37 pertaining to impoundment of potentially dangerous dogs; to amend Section 5-47 pertaining to the appeal procedure for dogs declared potentially dangerous; to repeal Sections 5-1, 5-34, 5-36, 5-37, and 5-47 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 5-1 of the Grand Island City Code is hereby amended to read as follows:

§5-1. Definitions

As used in this chapter, the following terms mean:

Animal. Any live, vertebrate creature other than human beings.

Animal Shelter. Any facility operated by the City or the contracting agency for the purpose of impounding or caring for animals held under the authority of this chapter.

Auctions. Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.

Birds. Any feathered vertebrate, including pigeons, but excluding poultry.

Bite. Any seizure with the teeth by an animal ~~which causes an abrasion, puncture or wound of the skin.~~

Circus. A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel (this term shall not include a veterinary hospital or veterinary clinic).

Contracting Agency. The person, association, corporation, or partnership with which the City has contracted to enforce the provisions of this chapter.

Dangerous Animal. Any animal that (a) has killed or inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the animal was off the owner's property; or (c) has been previously determined to be a potentially dangerous animal according to this chapter and such animal subsequently and aggressively bites, attacks, or endangers the safety of humans or domestic animals. Under (a) and (c) herein, the animal shall not be considered a dangerous animal if the conduct of the animal in question is directed at a person:

- (1) Who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal;
- (2) Who, at the time, was tormenting, abusing, or assaulting the animal;
- (3) Who, in the past, has been observed or reported to have tormented, abused, or assaulted the animal; or

ORDINANCE NO. 8823 (Cont.)

(4) Who, at the time, was committing or attempting to commit a crime against the person, against public peace, or relating to the property.

Enclosure. Any tract of land intended to restrain or contain an animal by means of a building, fence, or any other means.

Fowl. Any poultry, other than pigeons.

Grooming Shop. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Health Department. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society Officer. Any police officer, Health Department employee, or employee of the contracting agency who is performing the duty of enforcing the provisions of this chapter.

Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock. Any hoofed animal commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, and miniature pot belly pigs.

Owner. Any person, partnership, or corporation owning, keeping, harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing Animal Exhibition. Any spectacle, display, act, or event other than circuses in which performing animals are used.

Pet. Any animal kept for pleasure rather than utility.

Pet Shop. Any person, partnership, or corporation, whether operated separately or in connection with another business except for a licensed kennel, that buys, sells, or boards any species of animal.

Potentially Dangerous Animal~~Dog~~. (a) Any ~~animal dog that when provoked~~ (1) bites or inflicts a wound ~~that is not severe~~ on a human or injures a domestic animal either on public or private property, or (2) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude or attack; or (b) any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Restraint. Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Residence. The structure used as a domicile by a person or a family.

Riding School or Stable. Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

Running at large. Running at large shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is unattended and out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises.

Scratch. Any scraping with the claws by an animal which causes an abrasion, puncture or wound of the skin.

Severe Injury. Any physical injury to a person that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery, or one or more broken bones, or that creates a potential danger to the life or health of a victim.

Shelter. Any structure with a roof and walls designed and/or intended to house one or more animals.

Veterinary Hospital or Veterinary Clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseased and injured animals.

Vicious Animal. Any animal that conforms to the definition of a dangerous animal and that could not be controlled or restrained by its owner at the time of any occurrence underlying the animal's declaration as a dangerous animal or which cannot be sufficiently controlled or restrained by the animal's owner to prevent any such occurrence in the future.

Wild Animal. Any live animal normally found living in a state of nature and not normally subjected to domestication, including but not limited to: monkeys, raccoons, skunks, snakes, and lions, but excluding birds.

ORDINANCE NO. 8823 (Cont.)

Zoological Park. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

SECTION 2. Section 5-34 of the Grand Island City Code is hereby amended to read as follows:

§5-34. Running at Large; Restraint Required

~~No owner shall permit his or her animals to run at large off the premises of such owner unless such animal is under effective control of such owner or responsible person.~~

It shall be unlawful for any owner to suffer or permit any dog or other animal to run at large within the corporate limits of the City of Grand Island. "Running at Large" shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is unattended and out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises. It shall be the duty of the city animal control officer or other appropriate city law enforcement officer to impound any dog found running at large within the City of Grand Island. Every dog found running at large in violation of this or any other section of the Grand Island City Code is declared to be a public nuisance and may be impounded.

SECTION 3. Section 5-36 of the Grand Island City Code is hereby amended to read as follows:

§5-36. Dangerous Animals or Potentially Dangerous Animals on Owner's Property

(A) While unattended on the owner's property, a dangerous animal or potentially dangerous animal shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed ~~to prevent the entry of young children and~~ to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the animal from the elements. The owner of a dangerous animal shall post a warning sign on the property where the animal is kept that is clearly visible and that informs persons that a dangerous animal is on the property.

(B) All pens or structures for confining dangerous animals or potentially dangerous animals constructed after May 1, 1997 shall be at least five (5.0) feet from any privately-owned property abutting the animal owners' property.

SECTION 4. Section 5-37 of the Grand Island City Code is hereby amended to read as follows:

§5-37. Dangerous Animals; Restraint; Impoundment; Confiscation

(A) No owner of a dangerous or potentially dangerous animal shall fail to keep such animal securely muzzled and restrained by a leash or chain whenever off the owner's property.

(B) Any dangerous animal or potentially dangerous animal in violation of §5-36 or §5-37 of the Grand Island City Code may be impounded by humane society officers pending the owner paying the costs of confinement, licensing and vaccination, if applicable, and demonstrating the ability of complying with said sections thereafter.

(C) In the event an animal previously declared dangerous or potentially dangerous has been cited for running at large on two separate occasions subsequent to service of written notice on the animal's owner pursuant to

ORDINANCE NO. 8823 (Cont.)

§5-47 of this code, such animal shall be declared a vicious animal and ownership of such animal shall be relinquished to the Humane Society in accordance with §5-47(C).

(D) Disposition of any dangerous animal or potentially dangerous animal impounded for violation of §5-36 or §5-37 shall be governed by §5-44.

SECTION 5. Section 5-47 of the Grand Island City Code is hereby amended to read as follows:

§5-47. Dangerous, Potentially Dangerous, and Vicious Animals; Declaration; Appeal; Disposition

(A) If it shall appear to the Director of the Humane Society that any animal conforms to the definition of a dangerous animal, potentially dangerous animal, or vicious animal, written notice declaring the animal a dangerous, potentially dangerous, or vicious animal shall be delivered to the animal's owner either by personal service or by mail addressed to the last known address of said owner.

(B) In the case of a dangerous animal or potentially dangerous animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall either provide reasonable proof of compliance with §5-36 and §5-37 of the Grand Island City Code or shall deliver said animal to the Humane Society for impoundment and disposition pursuant to §5-37(B). Refusal or failure by the owner of any animal declared a dangerous animal or potentially dangerous animal to comply with this subsection shall be a violation of the Grand Island City Code and shall be subject to abatement as a public nuisance pursuant to §5-46.

(C) In the case of a vicious animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall surrender the animal to the Humane Society for humane euthanization. Refusal or failure by the owner of any animal declared a vicious animal to comply with this subsection shall be a violation of the Grand Island City Code and shall be subject to abatement as a public nuisance pursuant to §5-46.

(D) The owner of any animal declared a potentially dangerous animal, dangerous animal or vicious animal by the Director of the Humane Society may appeal the Director's decision to the Animal Advisory Board by submitting a letter of appeal to the Director within 72 hours of either receiving personal service or mailing of the written notice of declaration. At the time of submitting the letter of appeal to the Director, any animal declared a vicious animal shall be surrendered to and impounded by the Humane Society pending a hearing of the appeal by the Animal Advisory Board. The Animal Advisory Board shall hold a hearing within ten (10) days of delivery of the letter of appeal to the Director. The hearing shall be conducted informally. The animal's owner and Director of the Humane Society shall present oral or written statements or reasons supporting or opposing the declaration to the Animal Advisory Board. Statements by each participant shall be limited to a total time of one hour or less. Upon conclusion of the hearing the Animal Advisory Board may reverse, modify or affirm the declaration of the Director. Notice of the determination of the Animal Advisory Board shall be given to the animal's owner and the Director of the Humane Society, either personally or by United States Mail.

SECTION 6. Sections 5-1, 5-34, 5-36, 5-37, and 5-47 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 7. 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. 8823 (Cont.)

Enacted: July 8, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item F3

#8824 - Consideration of Amendment to Grand Island City Code Relative to Nuisance Garbage

A committee with representation from the Central Nebraska Health District, City Legal, City Council, Public Works, Police, Clean Community System, and refuse haulers is in the process of making suggestions to the Council to tighten up city ordinances regarding household trash. Approximately 20 residences per year are negligent in having their trash picked up on a routine basis. Household trash in plastic bags accumulates by their residence or in alleys where it creates problems for the whole neighborhood. Current regulations and restrictions allow the problem to exist for almost a month before a response can be made by the City or Health District.

The proposed changes will greatly speed up the corrective process and increase fines for violations. If the Council approves the changes, the Health District will notify the offender that they have 24 hours to correct the problem. If the trash is not cleaned up within 5 days, a refuse hauler will be called to clean up the area. The responsible party will be fined and costs will be assessed to the offender. The Police Department will be present to minimize any interference.

The code is also being revised to require bagging of garbage from residential/non-residential premises and construction debris that is prone to being swept out of the roll off containers by winds.

It is recommended that Council approve an Ordinance amending the City Code relative to Nuisance Garbage. It is anticipated that the annual costs will be between \$1,000 and \$2,000.

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

ORDINANCE NO. 8824

An ordinance to amend Chapter 17 of the Grand Island City Code; to amend Section 17-1 pertaining to the definition of junk; to amend Section 17-4 prohibiting offensive substances; to amend Section 17-4.2 pertaining to noncompliance; to add Section 17-4.3 pertaining to the procedure for removal for noncompliance; to add Section 17-7.1 pertaining to bagging construction waste; to add Section 17-9.1 pertaining to bagging garbage and refuse; to repeal Sections 17-1, 17-4, 17-4.2 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 17-1 of the Grand Island City Code is hereby amended to read as follows:

§17-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the following meanings:

City Solid Waste Disposal System. The City solid waste disposal system shall mean and include the City-operated sanitary landfill, the City-operated transfer station, and the City-operated compost site.

Compost. Compost shall mean the end product of an aerobic degradation process of yard and garden waste. Approved backyard composting site shall mean one which uses only composting materials as defined herein.

Construction and demolition waste. This shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums and fuel tanks.

Dead Animals. These words shall mean all small animals such as cats, dogs, and rabbits, which die from any cause. They shall in no way mean large animals such as goats, horses, mules and cows which shall die from any cause.

Detachable container. A detachable container is a container of the size approved by the Department of Health that can be lifted and dumped by a collection truck mechanism.

Garbage. This word shall be held to include every accumulation of animal, fruit or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation or handling of any animal and vegetable matter in any place or at any point where food is prepared for human consumption, including all kitchen and dining room refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, schools, stores, warehouses, cold storage plants, creameries, bakeries, or any other source whatsoever existing in the City.

Junk. Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, dismantled or wrecked automobiles, trucks, tractors, and farm machinery or parts thereof, iron, steel, and other old or scrap ferrous or non-

ORDINANCE NO. 8824 (Cont.)

ferrous material, which are not held for remelting purposes by an establishment having facilities for remelting material.

Litter. Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

Minimum Service Collection. A minimum service collection in a residential district shall mean not more than one full 32 gallon garbage can or any number of full baskets, boxes, sacks, or bundles equal in volume to but not exceeding one 32-gallon garbage can. The weight of such collection shall not exceed 50 pounds. Such minimum service collection shall be on a once-a-week basis.

Refuse. This word shall be held to include the waste material from normal households or living conditions and business operations other than garbage, but the term shall not include waste materials from building construction or repair, factory wastes, or refuse from industrial plants of any character. In general, the kinds of materials classified as refuse are paper, rags, bottles, tin cans, bottle caps, cardboard, wornout clothing or furniture, household appliances, excelsior, garden or tree trimmings, and similar materials.

Regular Collection. A collection in a residential district shall mean not more than three full thirty-two gallon garbage cans, or two full thirty-two gallon cans and any number of full baskets, boxes, sacks, or bundles equal in volume to not exceeding one thirty-two gallon garbage can. A regular collection shall be on a twice-a-week basis.

Salvage Yard. Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing, or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.

Special Waste. A solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

Waste material. This word shall be held to include all items, objects, or material not included within the definition of garbage, litter, dead animals, yard waste, or refuse as well as petroleum oils, greases, solvents, and fuels, insecticides, herbicides, chemical waste, hazardous materials, or any materials similar to those listed herein.

Yard Waste. Yard waste shall mean grass and leaves and shall not include other yard debris such as tree limbs and brush.

SECTION 2. Section 17-4 of the Grand Island City Code is hereby amended to

read as follows:

§17-4. Litter and Offensive Substances Prohibited; Removal Public Nuisance

~~It shall be unlawful and hereby declared a public nuisance to litter or cause litter to be deposited or remain on any lot or piece of ground within the city or within two miles of the corporate limits of the city except in proper receptacles.~~

It shall be the duty of every owner, lessee, tenant, or occupant of any lot or parcel of ground within the city or within two miles of the corporate limits thereof to keep said premises owned, leased, or occupied by such person free from garbage, litter, refuse, rubbish, brush, trash, junk, old building material, offal, manure, and any other offensive or unwholesome matter, and it shall be unlawful for such owner, lessee, tenant, or occupant of such lot or parcel of ground to permit, keep, or maintain thereon any such condition liable to become putrid or injurious to the public health, or any such condition liable to produce disease, or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodents or insects. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance and shall constitute a misdemeanor punishable as hereinafter provided in this code.

ORDINANCE NO. 8824 (Cont.)

SECTION 3. Section 17-4.2 of the Grand Island City Code is hereby amended to read as follows:

§17-4.2. Notice to Remove; Noncompliance with Notice; Procedure

~~It shall be the duty of the Department of Health or the Code Compliance Officer in any case where garbage, litter, refuse, or waste material has been permitted to accumulate at a premise, to deliver or send a notice to abate and remove such nuisance to the owner or owner's duly authorized agent, or person in possession, charge or control, and to the occupant, if any, by personal service or ordinary first class mail. Within five days after delivery or mailing of such notice, if the owner, agent, or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance, or if such owner, agent or occupant cannot be notified by personal service or mail upon written request from the Director of the Department of Health or the Code Compliance Officer to the City Attorney, the City of Grand Island may proceed to abate said public nuisance pursuant to §20-15 of the Grand Island City Code.~~

Whenever it shall come to the knowledge of the Health Director that there exists upon such lot or parcel of ground such nuisance, the Health Director shall cause a notice to abate and remove said nuisance within five (5) days to be served upon the owner or the owner's authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either in person or by mailing such notice by certified or registered mail. If such owner, lessee, tenant, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the date fixed in such notice, the Director of Health may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon.

SECTION 4. Section 17-4.3 is hereby added to the Grand Island City Code to read as follows:

§17-4.3. Procedure for Removal for Noncompliance

If the Health Director determines that there exists upon any lot or parcel of ground the conditions described in Section 17-4.2 above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, the director shall request the Mayor to declare that such an immediate public nuisance exists, and after any such declaration, the Health Director shall cause to be issued a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four (24) hours. Said notice shall be served by personal service upon the owner or the owner's authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the twenty-four (24) hours from delivery of notice, the Health Director shall cause such nuisance to be removed from such parcel or lot and from any roads, streets, or alleys abutting thereon.

SECTION 5. Section 17-7.1 is hereby added to the Grand Island City Code to read as follows:

§17-7.1. Bagging Construction Waste

All accumulation of waste occasioned by repairing and/or demolition of buildings or structures which is susceptible to being blown by the wind, such as paper, plastic and foil, and is temporarily stored at the construction site prior to removal by the owner or contractor shall be kept in plastic bags or in a sealed container so that construction waste will be contained to avoid littering the area.

ORDINANCE NO. 8824 (Cont.)

SECTION 6. Section 17-9.1 is hereby added to the Grand Island City Code to read as follows:

§17-9.1. Bagging Garbage and Refuse

All garbage and refuse placed in garbage receptacles as set forth in Section 17-8 and Section 17-9 of this code shall be in a plastic bag that is securely sealed so as to avoid littering.

SECTION 7. Sections 17-1, 17-4, and 17-4.2 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 8. 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: July 8, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item F4

#8825 - Consideration of Vacation of Lot 1, North Fork Subdivision

Sheri Chandler, owner, has submitted an application to vacate Lot 1, North Fork Subdivision, located north of Capital Avenue and east of Monitor Road. The Regional Planning Commission, at their meeting of July 2, 2003, unanimously voted to recommend approval.

Staff Contact: Chad Nabity

July 3, 2003

Honorable Jay Vavricek, Mayor
and Members of the Council
City Hall
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: Vacation Subdivision – Lot 1 North Fork Subdivision, located North of Capital Avenue, and East of Monitor Road, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held July 2, 2003 the above item was considered. This application proposes to vacate lot 1 of North Fork Subdivision, located North of Capital Avenue, and East of Monitor Road.

A motion was made by Hayes and seconded by Hooker to **approve** and recommend that the City Council **approve** the Vacation of Lot 1 North Fork Subdivision.

A roll call vote was taken and the motion passed by a unanimous vote of the 8 members present (Amick, O'Neill, Hooker, Eriksen, Miller, Obst, Ruge, 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
Rockwell & Associates

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8825

An ordinance to vacate the plat for North Fork Subdivision except for all dedicated right-of-way for Capital Avenue; to provide for the recording of this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That the plat dated April 18, 1986 and approved by the City of Grand Island, Nebraska, on May 19, 1986 for North Fork Subdivision (Lot 1) is hereby vacated, provided and conditioned that the City of Grand Island hereby retains all dedicated public right-of-way for Capital Avenue.

SECTION 2. That the title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

Approved as to Form	<input type="checkbox"/>	_____
July 3, 2003	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 8825 (Cont.)

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

SECTION 4. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. 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: July 8, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G1

Approving Minutes of June 24, 2003 City Council Regular Meeting

The Minutes of June 24, 2003 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

June 24, 2003

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 24, 2003. Notice of the meeting was given in the Grand Island Independent on June 18, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Larson, Nickerson, Seifert, Pauly, Hornady, Walker and Haase. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Public Works Director Steve Riehle, City Attorney Doug Walker and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Youth Pastor Matt Whitman, Evangelical Free Church, 2609 South Blaine Street.

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

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Husker Nation Tour" June 26, 2003. Mayor Vavricek proclaimed June 26, 2003 as "Husker Nation Tour" day. Orv Qualsett was present to receive the proclamation

ELECTION OF CITY COUNCIL PRESIDENT:

City Clerk RaNae Edwards reported that the City Council was required to elect one Councilmember to the office of Council President to replace Councilmember Gale Larson who resigned at the June 17, 2003 City Council Meeting. The term would be through December 9, 2003. The Council President automatically assumes the duties of the Mayor in the event that the Mayor was absent or otherwise unable to fulfill his duties.

Councilmember Pauly nominated Mitch Nickerson. Councilmember Whitesides nominated Jackie Pielstick. Motion by Seifert, second by Hornady, carried unanimously to cease nominations.

City Clerk RaNae Edwards called for the first ballot. It was reported that Councilmember Pielstick had received 5 votes and Councilmember Nickerson had received 4 votes. Councilmember Jackie Pielstick was elected as City Council President.

ADJOURNED TO BOARD OF EQUALIZATION: Motion by Hornady, second by Walker, carried unanimously to adjourn to the Board of Equalization.

#2003-BE-5 – Determining Benefits for Water Main District 434T – Platte Valley Industrial Park 3rd Subdivision. Motion by Pielstick, second by Whitesides, to approve Resolution #2003-BE-5, carried unanimously.

#2003-BE-6 – Determining Benefits for Water Main District 437 – Platte Valley Industrial Park 3rd Subdivision. Motion by Pielstick, second by Whitesides, to approve Resolution #2003-BE-5, carried unanimously.

#2003-BE-7 – Determining Benefits for Water Main District 438T – Platte Valley Industrial Park 3rd Subdivision. Motion by Pielstick, second by Whitesides, to approve Resolution #2003-BE-5, carried unanimously.

#2003-BE-8 – Determining Benefits for Water Main District 439T – Platte Valley Industrial Park 3rd Division. Motion by Pielstick, second by Whitesides, to approve Resolution #2003-BE-5, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing Concerning Annexation of Property Being Platted as Secundino Subdivision. Chad Nabity, Regional Planning Director reported that the property was located north of Capital Avenue and west of Sky Park Road, in the E 1/2 SE 1/4 Section 4, Township 11, Range 9. The Regional Planning Commission at their meeting of June 4, 2003, voted to approve and recommend the city council approve this annexation. No public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map for Land Proposed for Platting as American Independence Subdivision. Chad Nabity, Regional Planning Director reported that Gary Valasek, owner was requesting a change of zoning for property located in the SE 1/4 SW 1/4 Section 11, Township 11, Range 10, proposed for platting as American Independence Subdivision. This application proposed to change the zoning from TA Transitional Agricultural to R1 Suburban Residential. This change was in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held June 4, 2003 voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map. Gary Valasek, 4226 Lariat Lane spoke in support. Ray Harmon representing Third City Christian Church noted that if a paving district would go in, he felt the church property should not be assessed. No further public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map for Property Being Platted as Richmond Third Subdivision. Chad Nabity, Regional Planning Director reported that Dave Albers, owner was requesting a change of zoning for property located along Diers Avenue south of Faidley Avenue and west of Highway 281, being platted as Richmond Third Subdivision. This

application proposed to change the zoning from TA Transitional Agricultural to B2 General Business. This change was in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held June 4, 2003 unanimously voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map. Dave Albers, owner was present to answer questions. No public testimony was heard.

Public Hearing on Request of Nathan Detroit's, Inc. dba Nathan Detroit's, 316 North Pine Street for Addition to Class "C-31274" Liquor License. City Clerk RaNae Edwards reported that Robert Mahood representing Nathan Detroit's, 316 North Pine Street had submitted an application with the City Clerk's Office for an addition to their Class "C-31274" Liquor License. The request was for an addition of sidewalk area approximately 110' x 9' on the east side of their building located at 316 North Pine Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 10, 2003; notice to applicant of date, time and place of hearing mailed on June 10, 2003; notice to the general public of date, time and place of hearing published on June 14, 2003; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 4604 Stoneridge Path. (Donald and Donna Willnerd) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 4604 Stoneridge Path, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary cable to be placed between two existing transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 608 Ravenwood Drive. (Scott and Terri Bilsend) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 608 Ravenwood Drive, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary cable to be placed between two existing transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 546 Ravenwood Court. (Steven and Jurita Anschutz) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 546 Ravenwood Court, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary cable to be placed between two existing transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 607 Hermitage Place. (Jon and Vergeanne Baker) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 607 Hermitage Place, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary cable to be placed between two existing transformers. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 208 West 13th Street. (Trinity Lutheran Church) Gary Mader, Utilities Director reported that acquisition of a utility easement

located in the southeast corner of the parking lot located northeast of Trinity Lutheran School, 208 West 13th Street, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used for a new transformer. No public testimony was heard.

ORDINANCES:

Ordinance #8818 was pulled from the Agenda indefinitely.

#8818 – Consideration of Creating Sanitary Sewer District #509, Lincoln Heights Subdivision, Lassonde Subdivision, and Unsubdivided Land in Section 10-11-9

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

#8815 – Consideration of Creation of Water Main District No. 441 – Faidley Avenue from Diers Avenue to Claude Road, Extended

#8816 – Consideration of Creation of Water Main District No. 442T – Faidley Avenue to Claude Road, Extended

#8817 – Consideration of Creating Street Improvement District #1249, Cannon Road from North Road to Mansfield Road

#8820 – Consideration of change of Land Use Designation for Property Proposed for Platting as American Independence Subdivision from TA Transitional Agricultural to R1 Suburban Residential

#8821 – Consideration of Change of Land Use Designation for Property being Platted as Richmond Third Subdivision from TA Transitional Agricultural to B2 General Business

#8822 – Consideration of Assessments for Water Main District No. 437, Platte Valley Industrial Park 3rd Subdivision

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 #8815, #8816, #8817, #8820, #8821, and #8822 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #8815, #8816, #8817, #8820, #8821, and #8822 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 #8815, #8816, #8817, #8820, #8821, and #8822 are declared to be lawfully passed and adopted upon publication as required by law.

#8819 – Consideration of Annexation of Property Being Platted as Secundino Subdivision (First Reading)

Motion was made by Whitesides, to approve Ordinance #8819 on First Reading only, second by Pielstick. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent agenda item G-26 was pulled for further discussion. Councilmember Pielstick noted correction to the June 10, 2003 minutes, Resolution #2003-154 that was not approved and pulled from the agenda. Motion by Seifert, second by Whitesides, carried unanimously to approve the Consent Agenda excluding item G-26.

Receipt of Official Document – Resignation Letter of Councilmember Gale Larson (Ward 2).

Receipt of Official Document – Community Redevelopment Authority Resolution No 48.

Approving Appointment of Mark Stelk and Brent Linder to Business Improvement District #2 Board.

Approving Minutes of June 10, 2003 City Council Regular Meeting. Councilmembers Pauly and Meyer abstained.

Approving Minutes of June 17, 2003 City Council Study Session. Councilmembers Haase, Seifert and Pauly abstained.

Approving Request of Nathan Detroit's, Inc. dba Nathan Detroit's, 316 North Pine Street for Addition to Class "C-31274" Liquor License.

Approving Preliminary Plat for American Independence Subdivision.

Approving Preliminary Plat for Richmond Third Subdivision.

#2003-154 – Approving Cooperative Service Field Agreement with the United States Department of Agriculture, Wildlife Services for Wildlife Damage Control in the Amount of \$2,500.00. Councilmember Meyer voted no.

#2003-172 – Approving Final Plat and Subdivision Agreement for Richmond Third Subdivision.

#2003-173 – Approving Acquisition of Utility Easement Located at 4604 Stoneridge Path. (Donald and Donna Willnerd)

#2003-174 – Approving Acquisition of Utility Easement Located at 608 Ravenwood Drive. (Scott and Terri Bilsend)

#2003-175 – Approving Acquisition of Utility Easement Located at 546 Ravenwood Court. (Steven and Jurita Anschutz)

#2003-176 – Approving Acquisition of Utility Easement Located at 607 Hermitage Place. (Jon and Vergeanne Baker)

#2003-177 – Approving Acquisition of Utility Easement Located at 208 West 13th Street. (Trinity Lutheran Church)

#2003-178 – Approving Connection fees for Water Main District No. 434T, Platte Valley Industrial Park 3rd Subdivision.

#2003-179 – Approving Connection Fees for Water Main District No. 438T, Platte Valley Industrial Park 3rd Subdivision.

#2003-180 – Approving Connection Fees for Water Main District No. 439T, Platte Valley Industrial Park 3rd Subdivision.

#2003-181 – Approving Bid Award for Well Field Wells #13-16 Enclosures with Steel Crafters of Grand Island, Nebraska in an Amount of \$49,770.00.

#2003-182 – Approving Contract for Medical Physical Fitness for the Fire Department with Internal Medical Associates of Grand Island, Nebraska in an Amount of \$21,759.00.

#2003-183 – Approving Interlocal Cooperation Agreement with Community Redevelopment Authority for Pedestrian Lighting Along South Locust Street Between Stolley Park Road and Fonner Park Road in the Amount of \$150,000.00.

#2003-184 – Approving Bid Award for Audit Services with LLP of Lincoln, Nebraska in an Amount of \$158,000.00 for Five Years of Audit Services of the Electric and Water Financial Statements for the Fiscal Years Ending September 30, 2003 through September 30, 2007.

#2003-185 – Approving License Agreement with Hall County Regarding Antenna Installation, Operation and Maintenance at the Platte Generating Station and Burdick Station.

#2003-186 – Approving Bid Award for 2003-D-1 Concrete Ditch Lining Between Allen Avenue and the Ditch South of Cannon Road with The Diamond Engineering Company of Grand Island in the Amount of \$30,485.20.

#2003-187 – Approving Amendment to Contract for Consulting Services Related to Remediation of Lead Impacted oil at the CAAP with Jacobson Helgoth Consultants, Inc. of Omaha, Nebraska in an Amount not to Exceed \$68,232.00.

#2003-189 – Approving Interlocal Agreement with Hall County Regarding Ambulance Services. Councilmember Pielstick questioned if the County had signed this agreement. They had not but were planning to.

#2003-188 – Approving User Fee Schedule for FY 2003-2004. Motion by Seifert, second by Whitesides to approve Resolution #2003-188 with the exception of raising the rates at the water park.

Discussion was had regarding the water park fees, expenses, comparable rates with other water parks, and this not being an enterprise fund. Steve Paustian, Parks and Recreation Director answered questions with regards to revenues and expenses.

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

RESOLUTIONS:

#2003-190 – Approving Bid Award for Credit Card Service Provider. David Springer, Finance Director reported that the decision was made to have Departmental credit cards. A request for proposals (RFP) was sent out to local banks and other credit card companies that expressed an interest in providing this service to The City of Grand Island. Six responses were received. One from a credit card company. One from Wells Fargo and four from banks that serve as a local provider for the ELAN credit card company. These banks were Equitable, USBanc, Heritage Bank, and Home Federal. The responses were scored and ELAN was the recommended choice to provide credit card services for the City. The recommended choice had four providers in Grand Island and there was no difference between the four providers. Since there was no discernable difference in the ELAN providers, the Finance Department deferred the selection of the credit card provider to Administration or Council.

Mr. Springer stated there would be approximately \$500 in start up costs. No annual fee was expected based on anticipated volume.

Motion was made by Pielstick, second by Whitesides, to approve Heritage Bank as the Credit Card Provider for the City of Grand Island. Upon roll call vote, all voted aye. Motion adopted.

Craig Moyer representing Heritage Bank was present.

#2003-191 – Approving Operation Agreement for Stolley park Lines with James A. Culver dba Chippewa Northwestern Railway Company. Steve Paustian, Parks and Recreation Director reported that a proposal to operate the Stolley Park train had been received from Jim Culver, President of Chippewa Northwestern Railroad Company of Lincoln, Nebraska. Mr. Culver was awarded the contract to rebuild the existing railroad line at the former zoo site. That project had been completed and the train track had been inspected and was ready for operation. Mr. Culver proposes to operate the line for the next seven months, to maintain and repair the train and passenger cars, to market and promote the attraction and to hire and train all staff.

Discussion was had concerning liability insurance, length of contract, and fees.

Motion by Whitesides, second by Seifert, to approve Resolution #2003-191. Upon roll call vote, all voted aye. Motion adopted.

#2003-192 – Approving Central Nebraska Air Service Development Statement. City Administrator Marlan Ferguson, reported that local citizens formed an Air Service Task Force to review the Air Service at the Central Nebraska Regional Airport. The Task Force had developed an Air Service Development Statement which was being adopted by Central Nebraska Communities and other entities.

Motion by Seifert, second by Whitesides, to approve Resolution #2003-192. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Seifert, second by Walker, carried unanimously to approve the Claims for the period of June 11, 2003 through June 24, 2003, for a total amount of \$2,207,893.39. Councilmember Pielstick abstained from claim #543053.

ADJOURN TO EXECUTIVE SESSION: Motion by Hornady, second by Walker, to adjourn to Executive Session for the purpose of discussing personnel issues at 8:10 p.m. Upon roll call voted, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Pielstick, second by Hornady, to return to Regular Session at 10:00 p.m. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G2

Approving Minutes of June 25, 2003 Joint City Council, Hall County Board, and Central District Health Department Meeting

*The Minutes of June 25, 2003 Joint City Council, Hall County Board, and Central District
Health Department Meeting are submitted for approval. See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF JOINT CITY/COUNTY SPECIAL MEETING

June 25, 2003

Pursuant to due call and notice thereof, a Special Joint Meeting of the City Council of the City of Grand Island, Nebraska, the Hall County Board of Supervisors, and the Central District Health Department was conducted in the Community Meeting Room of City Hall, 100 East First Street, on June 25, 2003. Notice of the meeting was given in the Grand Island Independent on June 18, 2003.

Dr. Jorgensen, Central District Health Board called the meeting to order at 5:30 p.m. The following members were present: Health Board Members Diane Keller, Paul Kemling, Anne Buettner, Dr. Jorgensen, Jim Reed, Jim Ericksen – County Representative, and Mitch Nickerson – City Representative. The following Hall County Supervisors were present: Bud Jeffries, Robert Humisten, Scott Arnold, Robert Rye, and Jim Ericksen. Also present was County Clerk Marla Conley. The following City Officials were present: Councilmembers Margaret Hornady, Scott Walker, Mitch Nickerson and Bob Meyer. Mayor Jay Vavricek, City Clerk RaNae Edwards, and Finance Director David Springer.

PRESENTATION BY SHIRLEY TERRY, INTERIM EXECUTIVE DIRECTOR: Ms. Terry presented a power point explaining the services offered by the Central District Health Department. Growth charts were reviewed along with current programs and staffing needs.

DISCUSSION: A lengthy discussion was had concerning the services provided to Hamilton and Merrick County compared to the services provided in Hall County and how those services were paid for. Mentioned were states funds, grants and local funding through the City and County.

Staffing increases were mentioned due to the creation of the Central District Health Department, which includes Hall, Hamilton and Merrick counties. Ms. Terry explained the extra demands due to bioterrorism, West Nile virus, tuberculosis and the clean air programs had increased the expenditures in the proposed budget. The Health Department was requesting \$150,000.00 from the City and County which was a 21 percent increase over the FY 2002-2003 request of \$124,440.00.

Discussion was had concerning grants and tobacco monies from the state which were not a guarantee from year to year. Dr. Jorgensen stated there had not been an increase from the City or County in the last 6 years. Mentioned were increased costs associated with the new building.

Budget timelines were briefly mentioned. The City and County would review the request of the Health Department at their upcoming budget meetings.

ADJOURNMENT: The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G3

Approving Minutes of July 1, 2003 City Council Study Session

The Minutes of July 1, 2003 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

July 1, 2003

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 July 1, 2003. Notice of the meeting was given in the Grand Island Independent on June 25, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Whitesides, Pielstick, Nickerson, Seifert, Pauly, Hornady, Walker, and Haase. Councilmember Meyer was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Public Works Director Steve Riehle, City Attorney Doug Walker and Finance Director David Springer.

RESERVES TIME TO SPEAK ON AGENDA ITEMS: One individual reserved time to speak on agenda items.

Presentation Regarding Public Access to Defibrillation. Chad Bluschke with the Grand Island Fire Department presented a power point presentation concerning automated external defibrillators and explained the programs in place to make defibrillators accessible to the public. Mr. Bluschke demonstrated an automated external defibrillator. Currently there were approximately 20 defibrillators in the City. The ultimate goal was to have automated external defibrillators at all businesses in town. Early defibrillation saves lives. Each defibrillator costs between \$1,500 and \$3,000.

Discussion Concerning Parking in Front Yards. City Attorney Doug Walker reported that the City Council previously expressed interest in developing an ordinance to deal with the problem of people parking in their front yards. The proposed ordinance deals directly with this problem as a parking restriction without revising the zoning ordinances. The interaction between the zoning ordinance and the new parking ordinance was in relation to the zoning code's restriction on the location of driveways and improved parking areas in the front yard of a premises.

An ordinance of this type presented drafting challenges to try and make provisions that would work for the entire community and be enforceable.

Councilmember Pielstick commented on the Community Development Board survey with regards to parking in the front yards. Councilmember Nickerson stated it was a shame that we had to monitor decent judgment, but was glad we were taking a stand. Back yards and side yards were discussed. Councilmember Whitesides stated concerns about telling home owners what they can and cannot do with their property, but also felt it was needed. Councilmember Haase questioned if a property owner would be able to come to the City and request parking in those areas where there was not adequate parking. Mr. Walker stated this ordinance would not change locations for parking currently in code.

Craig Lewis, Building Department Director commented on parking in front of apartment complexes. Current gravel, concrete, asphalt, brick, stone or crushed rock would still be allowed. This ordinance addressed the problem of people parking on their front lawns. Discussion was held concerning the definition of front yards. Mr. Lewis stated the zoning regulations covered the definition adequately.

Randy Schoensten, 1132 South Greenwich, spoke regards to limiting the citizens' rights of doing what they want to do with their own property. Discussed was "where do you draw the line?"

Councilmember Pielstick requested that this item be brought before Council at the July 22, 2003 City Council Regular Meeting.

Update Concerning City Directional Signage. Public Works Director Steve Riehle reported that in April of 2000, RDG Crose Gardner Shukert completed a study on creating an identity for Downtown Grand Island. The Consultant recommended that the City institute a Wayfinding sign program. Wayfinding signs could be used to direct people around the City, lead them to their destination, and announce their arrival at a defined district or area of the community such as South Locust, the Mall area, or Downtown. The City had constructed "Gateway" signs at the Blackstone Island and Pioneer Park to establish an entrance to Downtown, but directional signs were needed to lead visitors to this area and other community attractions.

The Street Division of the Public Works Department had created a layout for signs at the intersection of US Highway 34 and South Locust Street for review. A list of signs proposed for the first phase of the project were presented. The cost of each sign was approximately \$800. Sixteen total signs were recommended in phase one. Maintenance would be minimal.

Councilmember Pielstick recommended meeting with the Downtown Businesses to see what they were doing.

Discussion Concerning Advance Warning on US Highway 281 for Signalized Intersections. Public Works Director Steve Riehle reported that when drivers enter a community, they expected to be stopped by a traffic signal. Sometimes drivers failed to see the first signal. In urban areas, the pedestrian signal would flash "Don't Walk" prior to a signal change. Many motorists use this "Don't Walk" signal to anticipate the need to stop.

The City of Grand Island had worked with the Nebraska Department of Roads to add flashing yellow lights and signs to warn motorists that a signal is red or going to turn red. The flashing yellow lights and signs were in place at intersections on the perimeter of the City. The Transportation Subcommittee of the Comprehensive Plan recommended adding flashing yellow advance signal lights where speeds were at or above 45 MPH approaching a signalized intersection.

Two alternatives for improvements were available. The first was re-working the current pedestrian signals for auto recall. This allowed the flashing "Don't Walk" to warn the motorist of the impending signal change. The cost for this change was minimal. The second alternative was

proceeding with installation of lights and signs at designated intersections. The estimated cost for one set of flashing signals and signs was \$15,000 per direction on a multi-lane roadway like US Highway 281.

Discussion was had concerning the reduction in traffic accidents when flashing lights were installed. Left turn arrows were also discussed. Cost sharing was discussed as a possibility.

Tom Purnie representing the Transportation Subcommittee spoke in support of the flashing lights.

Discussion Concerning Change Orders by the Public Works Department. Public Works Director Steve Riehle presented a power point presentation regarding the reasons for change orders. Reviewed were Contractor's Bid, Specifications, Reasons for Change Orders, and the Change Order Process.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G4

Approving Appointments of Jacalyn Ayoub and Roy Anderson to the Community Development Advisory Board

Jacalyn Ayoub and Roy Anderson have expressed interest in serving on the Community Development Advisory Board. They would be replacing the expired terms of Beverly Biggs and Alicia Haussler who have served 3-year terms which will expire on June 30, 2003. The 3-year terms for Jacalyn Ayoub and Roy Anderson would become effective July 1, 2003 and expire on June 30, 2006. With Council approval, the Mayor will appoint Jacalyn Ayoub and Roy Anderson to serve on this Board.

Staff Contact: Marlan Ferguson



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G5

Approving Appointments of David Bartz and Daniel Naranjo to Business Improvement District #3 Board

Business Improvement District 3 Board members Don Vance and Jerry Duering will complete their terms on July 13, 2003. Board members must be property owners or business owners or operators or residents within the boundaries of the District and are appointed by the Mayor with Council approval. Members are limited to two consecutive 3-year terms, nonconsecutive reappointments are allowed. David Bartz and Daniel Naranjo have expressed interest in serving on the Board. David Bartz is the owner of Bartz Floral located at 2224 South Locust Street. Daniel Naranjo is the Funeral Director and Owner of All Faiths Funeral Home located at 2929 South Locust Street. With Council approval, the Mayor will appoint David Bartz and Daniel Naranjo to serve on this Board. Following these appointments, the terms of board would be as follows:

Jack "Bud" Rasmussen 10/09/01 - 07/13/04

Gene McCloud 07/23/02 – 07/14/05 (2nd Term)

Rhonda Saalfeld 07/23/02 – 07/14/05 (2nd Term)

David Bartz 07/14/03 - 07/13/06

Daniel Naranjo 07/14/03 - 07/13/06

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



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G6

Approving Request of Pamela K. Cooper, 1313 West Louise Street for Liquor Manager Designation for Pump & Pantry #15, 2028 East Highway 30

Pamela K. Cooper, 1313 West Louise Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-16782" Liquor License for Pump & Pantry #15, 2028 East Highway 30. 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, July 08, 2003
Special Mtg/Council Session**

Item G7

Approving Request of Gary Ebel, 4088 Nevada Avenue for Liquor Manager Designation for Skagway Discount Department Stores, 1607 South Locust Street

Gary Ebel, 4088 Nevada Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C" Liquor License acted upon earlier for Skagway Discount Department Stores, 1607 South Locust 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, July 08, 2003
Special Mtg/Council Session**

Item G8

Approving Request of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street for a Class "C" Liquor License

This item relates to the aforementioned Public Hearing. William Martin, President of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street has submitted an application with the City Clerk's Office 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, July 08, 2003
Special Mtg/Council Session**

Item G9

Approving Request of Central Nebraska Humane Society for a Conditional Use Permit for a Mobile Office Located at 1312 Sky Park Road

This item relates to the aforementioned Public Hearing. Pat Devine, Executive Director of the Central Nebraska Humane Society has submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for temporary placement of a mobile office located at 1312 Sky Park Road. The City Code provides for temporary buildings and uses if approved by the City Council in the form of a conditional use permit. This request has been reviewed by the Building, Legal, Utilities, Planning and Public Works Departments. Approval is recommended.

Staff Contact: Craig Lewis



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G10

Approving Preliminary Plat for Livengood Second Subdivision

Livengood Properties, L.L.C., owners, have submitted the preliminary plat for Livengood Second Subdivision, located west of Stuhr Road and north of Seedling Mile Road. This plat proposes to create 7 lots on a currently unplatted parcel of land in the E 1/2 of the SE 1/4 of Section 10-11-9. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of July 2, 2003, unanimously voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

July 3, 2003

Honorable Jay Vavricek, Mayor
and Members of the Council
City Hall
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: PRELIMINARY PLAT – Livengood Second Subdivision, located West of Stuhr Road, and North of Seedling Mile Road, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held July 2, 2003 the above item was considered. This preliminary plat proposes to create 7 lots on a currently unplatted parcel of land in the E ½ of the SE ¼ Section 10, Township 11, Range 9.

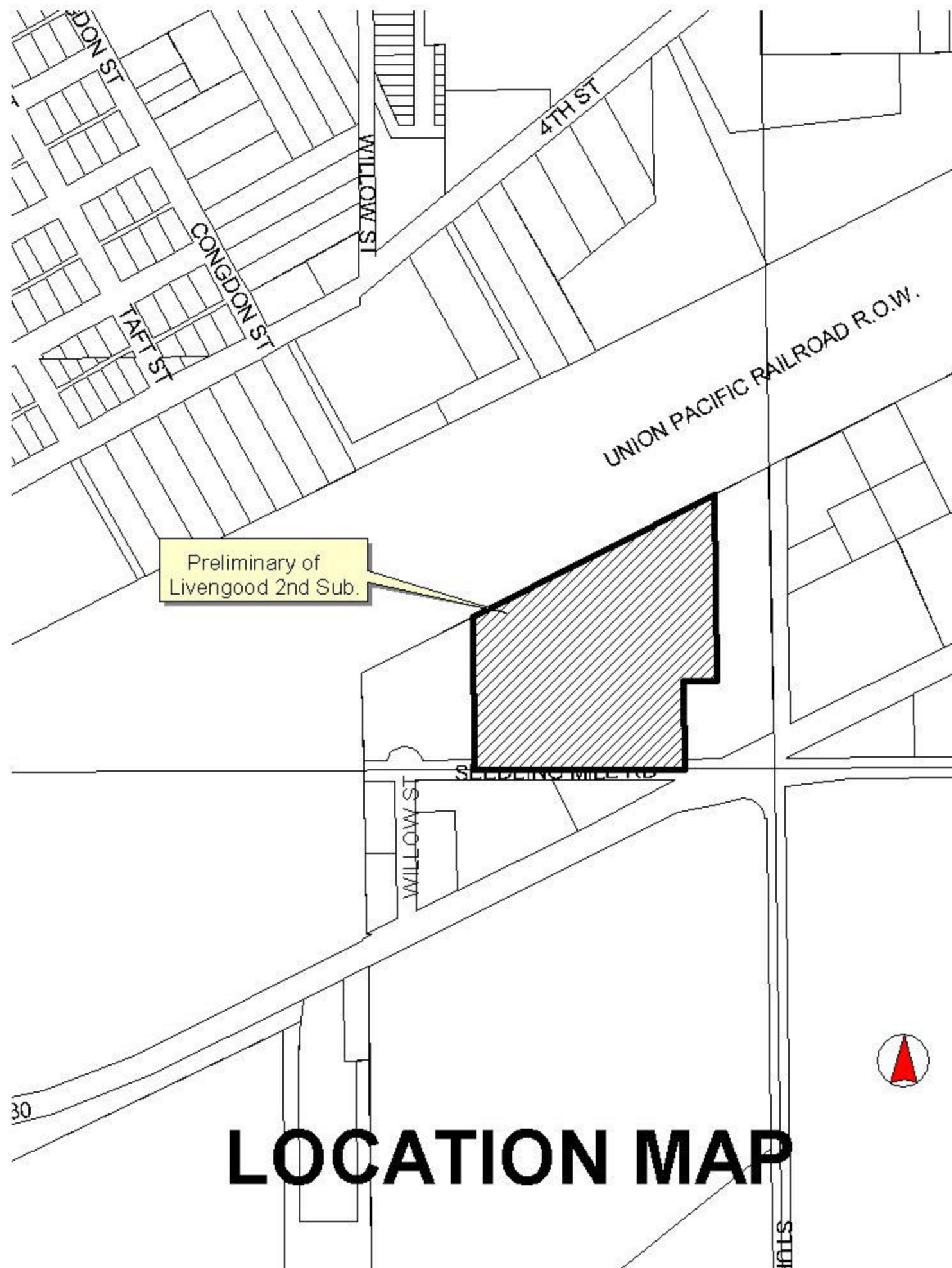
A motion was made by Eriksen and seconded by Miller to **approve** and recommend that the City Council **approve** the preliminary plat of Livengood Second Subdivision.

A roll call vote was taken and the motion passed by a unanimous vote of the 8 members present (Amick, O'Neill, Hooker, Eriksen, Miller, Obst, Ruge, 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
JEO Consulting Group





City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G11

Approving Preliminary Plat for Summerfield Estates Subdivision

Little B's Corporation, owners, have submitted the preliminary plat for Summerfield Estates Subdivision, located north of 13th Road, and east of North Road. This plat proposes to create 27 lots on a currently unplatted parcel of land in the SE 1/4 of Section 12-11-10. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of July 2, 2003, unanimously voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

July 3, 2003

Honorable Jay Vavricek, Mayor
and Members of the Council
City Hall
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: PRELIMINARY PLAT – Summerfield Estates Subdivision located North of 13th Street, and East of North Road, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held July 2, 2003 the above item was considered. This preliminary plat proposes to create 27 lots on a currently unplatted parcel of land in the SE ¼ Section 12, Township 11, Range 10.

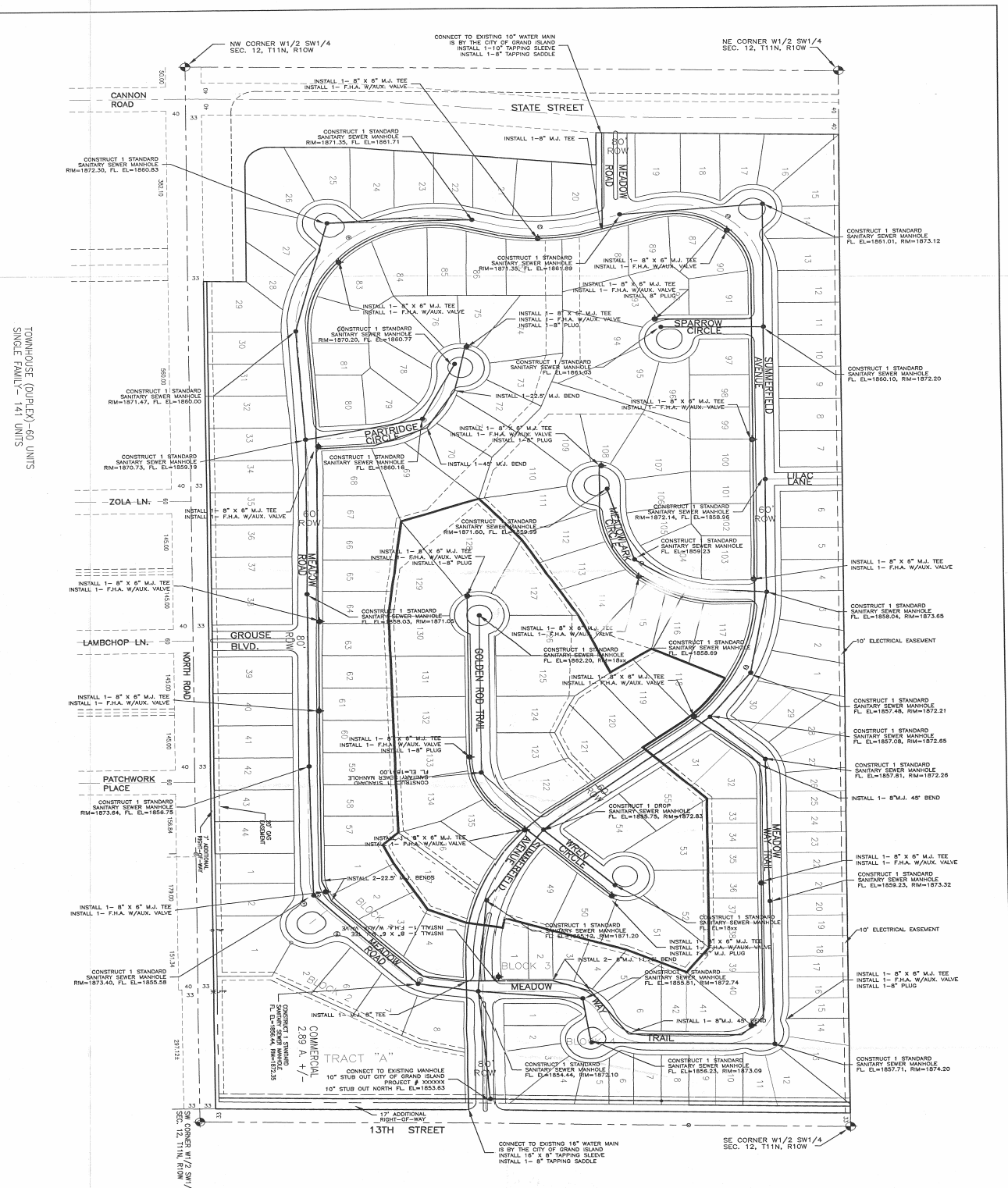
A motion was made by Ruge and seconded by O'Neill to **approve** and recommend that the City Council **approve** the preliminary plat of Summerfield Estates Subdivision.

A roll call vote was taken and the motion passed by a unanimous vote of the 8 members present (Amick, O'Neill, Hooker, Eriksen, Miller, Obst, Ruge, 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





City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G12

#2003-140 - Approving Certificate of Final Completion for Installation of Irrigation System South Side of the Grand Island Cemetery

The Park and Recreation Department has recommended that the Certificate of Final Completion be issued for Installation of Irrigation-South Side Grand Island Cemetery. The contract was awarded to Tilley Sprinkler Systems of Grand Island in the fall of 2002. The work commenced in late October, 2002 and was completed in May, 2003. The performance of the contract was supervised by the Cemetery Superintendent and a Certificate of Final Completion has been issued by the Park and Recreation Director, subject to City Council approval. Approval is recommended. See attached RESOLUTION.

Staff Contact: Steve Paustian

RESOLUTION 2003-140

WHEREAS, the Parks and Recreation Director of the City of Grand Island has issued his Certificate of Final Completion for Installation of Irrigation System for the South Side of the Grand Island Cemetery, certifying that Tilley Sprinkler Systems, Inc. of Grand Island, Nebraska, under contract approved October 21, 2002, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Parks and Recreation Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Parks and Recreation Director's recommendations.

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

1. The Parks and Recreation Director's Certificate of Final Completion for Installation of Irrigation System at the Grand Island Cemetery is hereby confirmed.
2. A warrant be issued from Account No. 40044450-90033 in the amount of \$10,400.00 payable to Tilley Sprinkler Systems, Inc. for the final amount due the contractor.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item G13

#2003-193 - Approving Acquisition of Public Utility Easement in Lot 2, Lassonde Subdivision

This item relates to the aforementioned Public Hearing. Acquisition of Utility Easement is required in order to install and maintain sanitary sewer mains. See attached RESOLUTION.

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

RESOLUTION 2003-193

WHEREAS, a public utility easement is required by the City of Grand Island, from R&M Lassonde Family Trust, to install, upgrade, maintain, and repair public utilities and appurtenances; and

WHEREAS, a public hearing was held on July 8, 2003, for the purpose of discussing the proposed acquisition of an easement and right-of-way through a part of Lot Two (2) Lassonde Subdivision in Hall County, Nebraska, the utility easement and right-of-way being more particularly described as follows:

The west Twenty (20.0) feet of Lot Two (2) Lassonde Subdivision, as shown on the plat dated June 20, 2003, marked Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from R&M Lassonde Family Trust on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G14

#2003-194 - Approving Final Plat and Subdivision Agreement for North Fork Second Subdivision

Gary Mettenbrink, owner, has submitted the final plat for North Fork Second Subdivision, located north of Capital Avenue and east of Monitor Road. This plat proposes to create 2 lots on a parcel of land in the E 1/2 SE 1/4 of Section 10-11-9. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of July 2, 2003, unanimously voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

July 3, 2003

Honorable Jay Vavricek, Mayor
and Members of the Council
City Hall
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: FINAL PLAT – North Fork Second Subdivision, located North of Capital Avenue, and East of Monitor Road, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held July 2, 2003 the above item was considered. This final plat proposes to create 2 lots on a currently unplatted parcel of land in the S ½ Section 3, Township 11, Range 10.

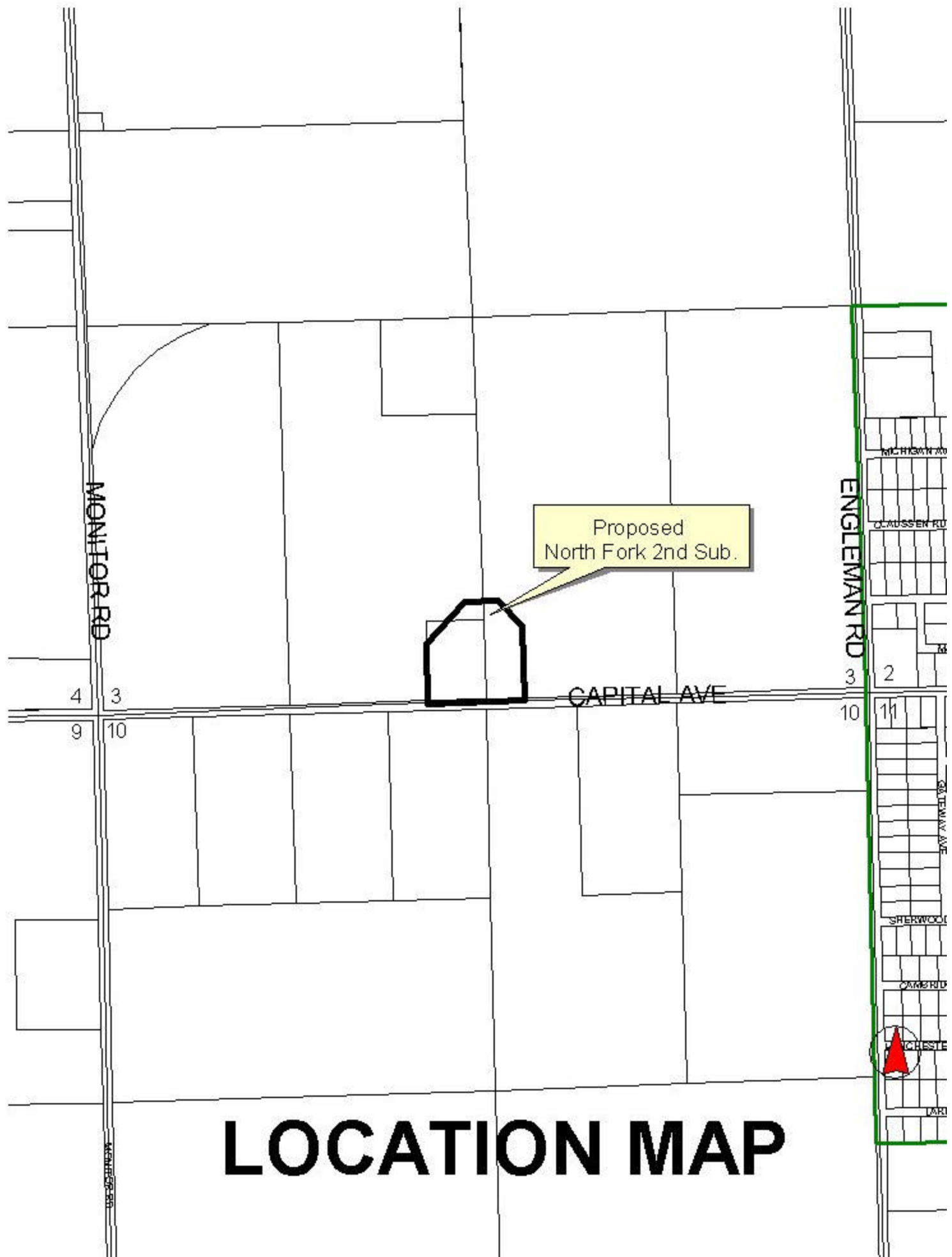
A motion was made by Ruge and seconded by Hooker to **approve** and recommend that the City Council **approve** the final plat and subdivision agreement of North Fork Second Subdivision.

A roll call vote was taken and the motion passed by a unanimous vote of the 8 members present (Amick, O'Neill, Hooker, Eriksen, Miller, Obst, Ruge, 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
Rockwell & Associates



RESOLUTION 2003-194

WHEREAS, Carol Mettenbrink Heide, an unmarried individual, as owner, has caused to be laid out into lots, a tract of comprising a part of Lot One (1), North Fork Subdivision, a part of the Southwest Quarter (SW1/4) and a part of the Southeast Quarter (SE1/4), all in Section Three (3), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, under the name of NORTH FORK SECOND SUBDIVISION, and has caused a plat thereof to be acknowledged by her; and

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

WHEREAS, a form of subdivision agreement has been agreed to between the owner 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 NORTH FORK 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, July 8, 2003.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 3, 2003	☐ City Attorney



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G15

#2003-195 - Approving Final Plat and Subdivision Agreement for Summerfield Estates 3rd Subdivision

Little B's Corporation, owners, have submitted the final plat for Summerfield Estates 3rd Subdivision, located north of 13th Street and east of North Road. This plat proposes to develop 16 lots on a parcel of land in the SE 1/4 of Section 12-11-10. This plat has been reviewed by the Planning, Public Works and Utilities Departments. The Regional Planning Commission, at their meeting of July 2, 2003, unanimously voted to recommend approval. See attached RESOLUTION.

Staff Contact: Chad Nabity

July 3, 2003

Honorable Jay Vavricek, Mayor
and Members of the Council
City Hall
Grand Island NE 68801

Dear Mayor and Members of the Council:

RE: FINAL PLAT – Summerfield Estates Third Subdivision located North of 13th Street, and East of North Road, Grand Island, Nebraska.

At the regular meeting of the Regional Planning Commission, held July 2, 2003 the above item was considered. This final plat proposes to create 16 lots on a currently unplatted parcel of land in the SE ¼ Section 12, Township 11, Range 10.

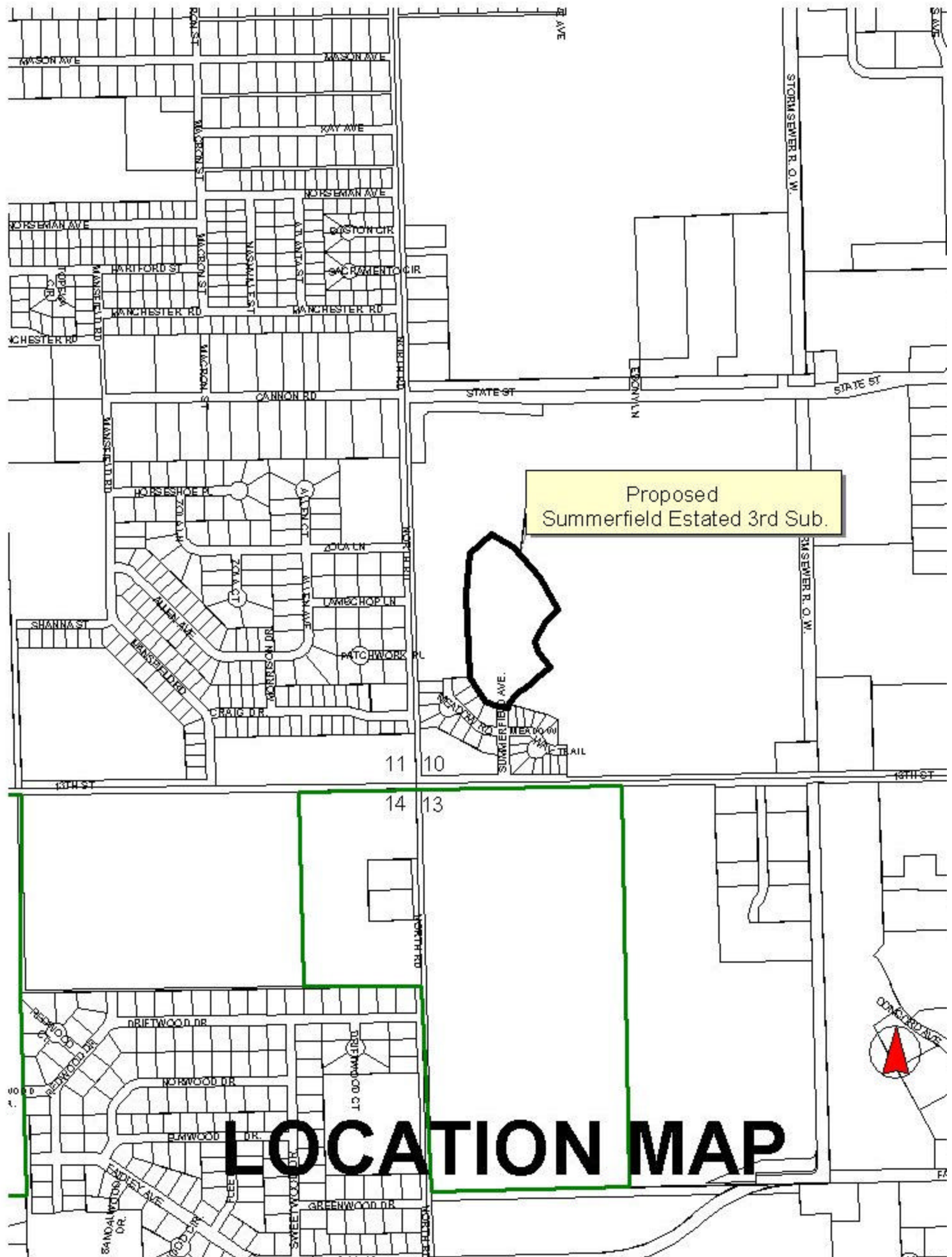
A motion was made by Hooker and seconded by Hayes to **approve** and recommend that the City Council **approve** the final plat and subdivision agreement of Summerfield Estates Third Subdivision.

A roll call vote was taken and the motion passed by a unanimous vote of the 8 members present (Amick, O'Neill, Hooker, Eriksen, Miller, Obst, Ruge, 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 2003-195

WHEREAS, Little B's Corporation, a Nebraska corporation, as owner, has caused to be laid out into lots, a tract of land located in the West Half of the Southwest Quarter (W1/2, SW1/4) of Section Twelve (12), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, under the name of SUMMERFIELD ESTATES THIRD SUBDIVISION, and has caused a plat thereof to be acknowledged by it; and

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

WHEREAS, a form of subdivision agreement has been agreed to between the owner 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 SUMMERFIELD ESTATES THIRD 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, July 8, 2003.

RaNae Edwards, City Clerk

RESOLUTION 2003-196

WHEREAS, on November 12, 2002, by Resolution 2002-348, the City Council for the City of Grand Island awarded the bid for Sanitary Sewer Project 2002-S-4 to The Diamond Engineering Company of Grand Island, Nebraska; and

WHEREAS, it has been determined that modifications to the work to be performed by the Diamond Engineering Company are necessary; and

WHEREAS, such modifications have been incorporated into Change Order No. 1; and

WHEREAS, the result of such modifications will increase the contract amount by \$3,238.00 for a revised contract price of \$105,679.23.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1, between the City of Grand Island and The Diamond Engineering Company of Grand Island, Nebraska to provide the following modifications:

	<u>Amount</u>
Remove abandoned water main line.....	\$ 418.00
Replace asphaltic pavement with concrete pavement.....	2,820.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
July 3, 2003	<input type="checkbox"/>	City Attorney



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G17

#2003-197- Approving Certificate of Final Completion for Sanitary Sewer Project 2002-S-4, Lift Station 19 Modifications

The contract for Sanitary Sewer Project 2002-S-4 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on November 12, 2002. The project was completed in May, 2003. The project was completed at a construction price of \$108,655.47. Total cost of the project, including engineering, is \$113,693.40. The engineer's estimate prior to construction was \$174,471.60.

Original Bid \$ 102,441.23

Overruns \$ 2,976.24

Change Orders \$ 3,238.00

Engineering, Publication \$ 5,037.93

No Easements \$ 0

Total Cost \$ 113,693.40

It is recommended that Council accept the Certificate of Final Completion. The costs for the project were paid from account no. 53030050-85213.

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

RESOLUTION 2003-197

WHEREAS, the Public Works Director of the City of Grand Island has issued a Certificate of Final Completion for Sanitary Sewer Project 2002-S-4, certifying that the Diamond Engineering Company of Grand Island, Nebraska, under contract dated November 26, 2002, has completed such project according to the terms, conditions, and stipulations for such improvements; and

WHEREAS, the Public Works Director recommends the acceptance of the final completion; and

WHEREAS, the Mayor concurs with the Public Works Director's recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Public Works Director's Certificate of Final Completion for Sanitary Sewer Project 2002-S-4 is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G18

#2003-198- Approving Installation of Four Way Stop at the Intersection of Broadwell Avenue and Anna Street

Council action is required for the installation of stop signs. The Public Works Department has received calls from several concerned citizens and business owners regarding traffic safety at Broadwell and Anna. The Engineering Division took traffic counts at the intersection in mid June and found that the intersection does meet the warrants for a four way stop based on traffic volumes and delays. The Street Division placed signs indicating that a four way stop would be installed following the July 8 Council meeting to familiarize drivers with the change. The Department has received only positive feedback from motorists.

It is recommended that Council pass a Resolution to install a four way stop at the intersection of Broadwell Avenue and Anna Street. The cost of the stop sign installation is minimal. Alternatives are to leave the intersection as currently marked with stop signs on Broadwell and no stop for through traffic on Anna.

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

RESOLUTION 2003-198

WHEREAS, the City Council, by authority of Section 22-27 of the Grand Island City Code, may by resolution regulate motor vehicle traffic upon the streets of the City of Grand Island; and

WHEREAS, concerns have been expressed regarding the safety of the Broadwell Avenue and Anna Street intersection;

WHEREAS, after a review of the traffic flow and accident history of the intersection, it is recommended that a four-way stop be implemented at such intersection; and

WHEREAS, it is in the city's best interests to effectuate such changes.

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

1. Stop signs be installed on Anna Street where it intersects with Broadwell Avenue, requiring all traffic to stop prior to entering such intersection.
2. The Street Department is hereby directed to install such signs to regulate traffic as outlined above.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G19

#2003-199 - Approving Bid Award for Water Main Project 2003-W-4

Background:

The work to be performed under the contract provides for water mains to be extended across the intersections of: 1) Faidley Avenue and Waldo Avenue; 2) Faidley Avenue and Grace Avenue; and 3) Faidley Avenue, from Boggs Avenue to White Avenue. The construction will eliminate dead-end mains that were installed in the 1950's.

Additionally, the project provides for lowering the existing water main located northwest of the East Highway 30 and Shady Bend Road intersection. The work is being done to accommodate the widening of Highway 30 to five lanes and related storm water drainage. The costs associated with this part of the contract will be reimbursed by the NE Department of Roads.

A location map for the work areas is attached.

Discussion:

Plans and specifications were sent to five potential bidders and four plan service companies. Bids were publicly opened at 11:00 am on June 26 in accordance with City Procurement Codes. Three bids were received and have been checked and evaluated for completeness and accuracy. A tabulation of those bids is listed below. 1) Bidder: Diamond Engineering Co., Grand Island, NE - Exceptions: None - Total Bid: \$57,677.04 2) Bidder: Starostka Group Co., Grand Island, NE - Exceptions: None - Total Bid: \$58,384.71 and 3) Bidder: Judds Bros. Construction Co., Lincoln, NE - Exceptions: None - Total Bid: \$105,094.65.

Recommendation:

The bid from Diamond Engineering Co. is complete and without exceptions. It is recommended the Council award the contract for Water Main Project 2003-W-4 to the low responsive bidder in the amount of \$57,677.04. Their bid is below the engineer's estimate of \$82,000.00 and meets all City contract requirements.

Fiscal Effects:

Construction funds are available in Enterprise Fund 525 for the FY 2002-03 budget.

Alternatives:

Award to an alternate contractor or re-bid the construction. See attached RESOLUTION.

Staff Contact: Gary Mader, Dale Shotkoski

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 26, 2003

FOR: Water Main Project 2003-W-4

DEPARTMENT: Utilities – Phelps Control

ENGINEER’S ESTIMATE: \$82,000.00

FUND/ACCOUNT: Enterprise Fund 525

PUBLICATION DATE: June 9, 2003

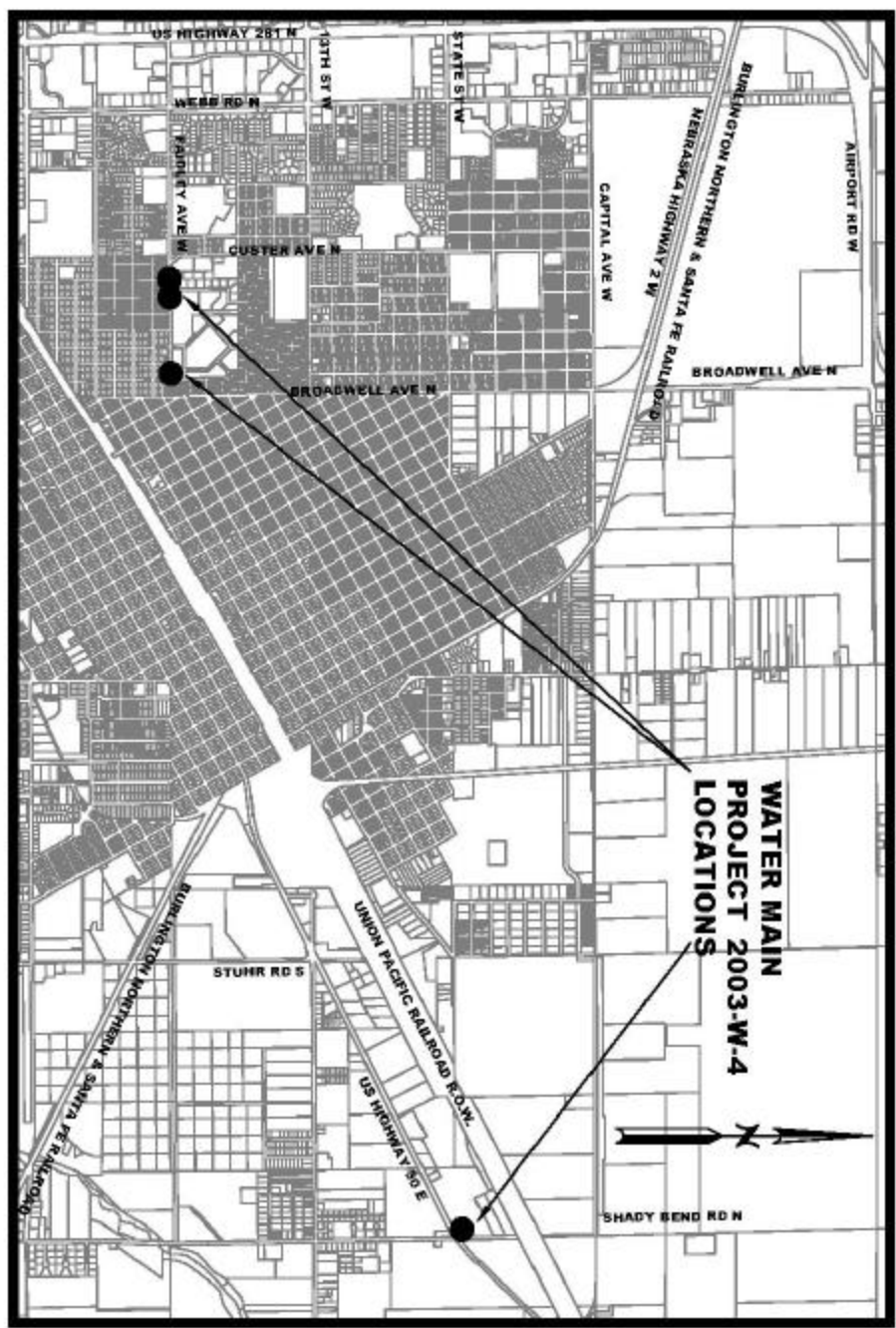
NO. POTENTIAL BIDDERS: 5

SUMMARY

Bidder:	<u>Starostka Group</u> Grand Island, NE	<u>Diamond Engineering</u> Grand Island, NE	<u>Judds Bros. Const.</u> Grand Island, NE
Bid Security:	Merchants Bonding Co.	Travelers Casualty	Travelers Casualty
Exceptions:	None	None	None
Bid Price:	\$58,384.71	\$57,677.04	\$105,094.65

cc: Gary Mader, Utilities Director
Bob Smith, Assistant Utilities Director
Tom Barnes, Senior Civil Engineer
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

P836



R E S O L U T I O N 2003-199

WHEREAS, the City of Grand Island invited sealed bids for Water Main Project 2003-W-4, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on June 24, 2003, bids were received, opened and reviewed; and

WHEREAS, the Diamond Engineering Company of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$57,677.04; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of the Diamond Engineering Company of Grand Island, Nebraska, in the amount of \$57,677.04 for Water Main Project 2003-W-4 is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a contract for such project between the City and such contractor be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 24, 2003.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 3, 2003	☐ City Attorney



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G20

#2003-200- Approving Bid Award for Cooling Tower Fan Motor Control Equipment - Platte Generating Station - Utilities Department

Background:

The current cooling tower fan motor switchgear at the Platte Generating Station was originally purchased in 1977. The switchgear controls the operation of the fan motors, allows operation at two fan speeds, and also allows reverse fan operation. The performance of this switchgear has been marginal since installation, with recurrent relay failures due to unknown overload conditions. Over the years, a number of modifications, including soft-start controls, have been tried, but failures still occur. The plant staff has recommended replacing the existing switchgear with an electronic system. The electronic system does not use mechanical contacts or relays and allows variable speed operation of the fans, which will improve plant efficiency at reduced plant loads and non-summer ambient conditions. The scheduled outage to inspect the boiler this fall allows an opportunity to replace the system in a planned manner. Specifications were developed for replacing the cooling tower fan motor switchgear with variable frequency drives (VFD's) by our consultant for this project, Black & Veatch. The specifications were issued in accordance with City purchasing procedures.

Discussion:

The specifications for cooling tower fan VFD's were issued for bid and responses were received from the following bidders. The engineer's estimate for this project was \$165,000.

Bidder - 1)Crescent Electric, Grand Island - Bid Price:\$121,285.40 - Adjusted Bid Price: Non-compliant 2)Hupp Electric, Cedar Rapids, IA - Bid Price: \$133,409 - Adjusted Bid Price: \$133,409 3)Kriz-Davis, Grand Island, NE - Bid Price: \$123,435 - Adjusted Bid Price: \$143,541 and 4)Northwest Electric, Columbus, NE - Bid Price: \$291,400 - Adjusted Bid Price: \$291,400.

City staff and B&V reviewed the bids for compliance with the City's detailed specifications. The bid from Crescent did not include necessary engineering information requested in the specifications, they took exception to all of the City terms and conditions, and they did not respond to subsequent requests for information, therefore, their bid was determined to be non-compliant. The base bid from Kriz-Davis did not include a spare VFD or instruction manuals, and was adjusted using unit prices provided in their bid. The other bids did not require any adjustments and were compliant with the specifications

Recommendation:

It is the recommendation of the Utilities Department that the contract be awarded to the lowest compliant bidder, Hupp Electric, in the amount of \$133,409.

Fiscal Effects:

Expenditure of \$133,409 from Electric Enterprise Fund 520.

Alternatives:

None recommended. See attached RESOLUTION.

Staff Contact: Gary Mader, Dale Shotkoski

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 19, 2003 at 11:15 a.m.

FOR: Motor Control Equipment

DEPARTMENT: Utilities - PGS

ENGINEER'S ESTIMATE: \$170,000.00

FUND/ACCOUNT: E520

PUBLICATION DATE: June 6, 2003

NO. POTENTIAL BIDDERS: 6

SUMMARY

Bidder:	<u>Crescent Electric</u> Grand Island, NE	<u>Kriz-Davis Co.</u> Grand Island, NE
Bid Security:	American Institute of Architects	St. Paul Fire & Marine Ins.
Exceptions:	Noted	Noted
Bid Price:	<u>\$121,285.40</u>	<u>\$123,435.00</u>
Bidder:	<u>Northwest Electric, Inc.</u> Columbus, NE	<u>Hupp Electric Motors</u> Cedar Rapids, IA
Bid Security:	\$14,570.00	\$6,675.00
Exceptions:	Noted	Noted
Bid Price:	<u>\$291,400.00</u>	<u>\$133,409.00</u>

cc: Gary Mader, Utilities Director
Tim Luchsinger, Assistant Utilities Director

Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

P838

RESOLUTION 2003-200

WHEREAS, the City of Grand Island invited sealed bids for Motor Control Equipment, according to plans and specifications on file with the Purchasing Division of the Legal Department; and

WHEREAS, on June 19, 2003, bids were received, opened and reviewed; and

WHEREAS, Hupp Electric of Cedar Rapids, Iowa, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$133,409; and

WHEREAS, Hupp Electric's bid is less than the engineer's estimate for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Hupp Electric of Cedar Rapids, Iowa, in the amount of \$133,409 for Motor Control Equipment is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a contract for such project between the City and such contractor be entered into, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G21

#2003-201- Approving Bid Award for Burdick Generating Station Gas Turbine Exhaust Replacement - Utilities Department

Background:

The combustion turbine at the Burdick Station was installed in 1967, and, since that time, has lost the inner liner and insulation in its exhaust stack to corrosion. Continued operation of the unit will ultimately lead to failure of the external casing from stress fractures caused by high temperature gradients. Specifications were prepared for a replacement exhaust plenum and transition and issued in accordance with City purchasing procedures to contractors specializing in this work. The scope of the work includes removing the existing stack and installation of the replacement.

Discussion:

*Specifications for one gas turbine steel exhaust plenum and transition were sent to three potential bidders specializing in this type of work. A response was received from only one, Braden Manufacturing, L.L.C. of Tulsa, OK, as follows: Materials: \$68,880 - Sales tax on materials: \$4,477 - Total materials: \$73,357. Installation: \$57,811
Total bid: \$131,168.*

Plant staff reviewed the bid for compliance with the City's detailed specifications and found it to be compliant. The engineers estimate for this project was \$250,000.

Recommendation:

Braden has requested separate contracts for the material and installation portions of the work. Therefore, the Utilities Department recommends contracts be issued to Braden Manufacturing, L.L.C. for \$73,357 and to Braden Construction Service, Inc. for \$57,811, for a total project cost of \$131,168.

Fiscal Effects:

Expenditure of \$ 131,168 from Enterprise Fund 520.

Alternatives:

None recommended. See attached RESOLUTION.

Staff Contact: Gary Mader, Dale Shotkoski

Purchasing Division of Legal Department
INTEROFFICE MEMORANDUM



Dale M. Shotkoski, Assistant City Attorney

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: June 19, 2003 at 11:00 a.m.

FOR: Burdick Generating Station Gas Turbine Exhaust Replacement

DEPARTMENT: Utilities - PGS

ENGINEER'S ESTIMATE: \$250,000.00

FUND/ACCOUNT: Enterprise 520

PUBLICATION DATE: June 6, 2003

NO. POTENTIAL BIDDERS: 2

SUMMARY

Bidder: Braden Manufacturing
Tulsa, OK

Bid Security: American Institute of Architects

Exceptions: Noted

Bid Price: \$131,168.00

cc: Gary Mader, Utilities Director
Tim Luchsinger, Assistant Utilities Director
Dale Shotkoski, Purchasing Agent
Laura Berthelsen, Legal Assistant

P837

RESOLUTION 2003-201

WHEREAS, the City of Grand Island invited sealed bids for Burdick Generating Station Gas Turbine Exhaust Replacement, according to plans and specifications on file at the Platte Generating Station; and

WHEREAS, on June 19, 2003, one bid was received, opened and reviewed; and

WHEREAS, Braden Manufacturing of Tulsa, Oklahoma, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$131,168.00; and

WHEREAS, Braden Manufacturing's bid is less than the engineer's estimate for such project; and

WHEREAS, Braden Manufacturing has requested separate contracts for the material and installation portions of the work.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Braden Manufacturing of Tulsa, Oklahoma, in the amount of \$131,168.00 for Burdick Generating Station gas turbine exhaust replacement is hereby approved as the lowest responsible bid.

BE IT FURTHER RESOLVED, that a contract in the amount of \$73,357 with Braden Manufacturing, L.L.C. and a contract in the amount of \$57,811 with Braden Construction Services, Inc. be entered into for such project; and the Mayor is hereby authorized and directed to execute such contracts on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2003.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 3, 2003	☐ City Attorney



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item G22

#2003-202 - Approving Contract Agreement with Grand Island Soccer Amistad for Use of Webb Road Soccer Fields

An agreement has been prepared between the City of Grand Island and the Grand Island Soccer Amistad Club. This agreement outlines both the Park and Recreation Departments responsibilities as well as the Soccer Clubs responsibilities in regards to the use of the Webb Road Soccer Fields. This agreement is modeled closely to the current agreement the City currently has with the Grand Island Softball Association. It is the intent of the Park and Recreation Department to have the Soccer Club start using the Webb Road Soccer Fields Sunday, July 20th. A copy of the agreement is on file and available for inspection in the office of the City Clerk.

Staff Contact: Steve Paustian

RESOLUTION 2003-202

WHEREAS, Grand Island Soccer Amistad, has accepted responsibility for organizing and supervising the soccer program at the Webb Road Soccer Fields; and

WHEREAS, the City of Grand Island has agreed to provide maintenance of the playing fields; and

WHEREAS, the proposed agreement 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 agreement between the City and Grand Island Soccer Amistad is hereby approved to allow Grand Island Soccer Amistad to organize and supervise the soccer program at the Webb Road Soccer Fields in accordance with the terms and conditions of the agreement.

BE IT FURTHER RESOLVED, that 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, July 8, 2003.

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, July 08, 2003
Special Mtg/Council Session

Item H1

Request of Brett and Cindy Pier for License Agreement at 703 South Kimball

The owners of the property asked the Building Department about the location of the property corners in March. A building inspector visited the property to locate and flag the property pins. A subsequent inquiry was made in May about the installation of a fence. A sketch of the property was prepared and given to the property owners. The sketch showed the proper location for a fence to be installed on their property.

The Right of Way on Kimball is 80' wide. The Street is a 37' wide concrete curb and gutter roadway with curb sidewalk. The distance from the back side of the sidewalk to their property line is approximately 17 1/2'. The distance from their Property line to the house is 10' to 12'. The owners did not want to install a fence that far away from the sidewalk only 10' to 12' from the house.

The property owners thought they could install the fence on City Right of Way along Kimball by receiving a License Agreement from the City. They proceeded with installation of the fence posts and stopped at Public Works to get a License Agreement application. They were told that their application would probably be denied by staff and they would have to appeal the License Agreement to Council.

The Piers believe their License Agreement should be approved because other fences, some in their neighborhood, are located in the Right of Way. Staff recommends against the License Agreement because the Right-of-Way should be clear of obstructions.

A motion is in order. If Council passes a motion to approve the License Agreement, staff will prepare and file the Agreement at the Register of Deeds. If Council passes a motion to deny the License Agreement, staff will work with the Piers to move the fence off of city Right-of-Way.

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



City of Grand Island

**Tuesday, July 08, 2003
Special Mtg/Council Session**

Item J1

Payment of Claims for the Period of June 25, 2003 through July 8, 2003

The Claims for the period of June 25, 2003 through July 8, 2003 for a total amount of \$2,095,452.96. A MOTION is in order.

Staff Contact: RaNae Edwards