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# City of Grand Island



**Tuesday, June 27, 2017**  
**Council Session Packet**

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**City Council:**

**Linna Dee Donaldson**  
**Michelle Fitzke**  
**Chuck Haase**  
**Julie Hehnke**  
**Jeremy Jones**  
**Vaughn Minton**  
**Mitchell Nickerson**  
**Mike Paulick**  
**Roger Steele**  
**Mark Stelk**

**Mayor:**

**Jeremy L. Jensen**

**City Administrator:**

**Marlan Ferguson**

**City Clerk:**

**RaNae Edwards**

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**7:00 PM**  
**Council Chambers - City Hall**  
**100 East 1st Street**

### **Call to Order**

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

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

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**Invocation - Pastor Bob Kipper, First Christian Church, 2400 West 14th Street**

**Pledge of Allegiance**

**Roll Call**

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### **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

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

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### **B - RESERVE TIME TO SPEAK ON AGENDA ITEMS**

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



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-1

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.  
dba Pump & Pantry #42, 1235 Allen Drive for a Class “D” Liquor  
License**

*Council action will take place under Consent Agenda item G-4.*

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 27, 2017

**Subject:** Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #42, 1235 Allen Drive for a Class “D” Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## Background

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

### **Declared Legislative Intent**

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

## Discussion

Bosselman Pump & Pantry, Inc. dba Pump & Pantry #42, 1235 Allen Drive has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city. They currently have a Class “B” Liquor License at this location which is for beer only off sale.

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

Also submitted was a request for Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. Mr. Fausch has completed a state approved alcohol server/seller training program. Staff recommends approval contingent upon final inspections.

### **Alternatives**

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

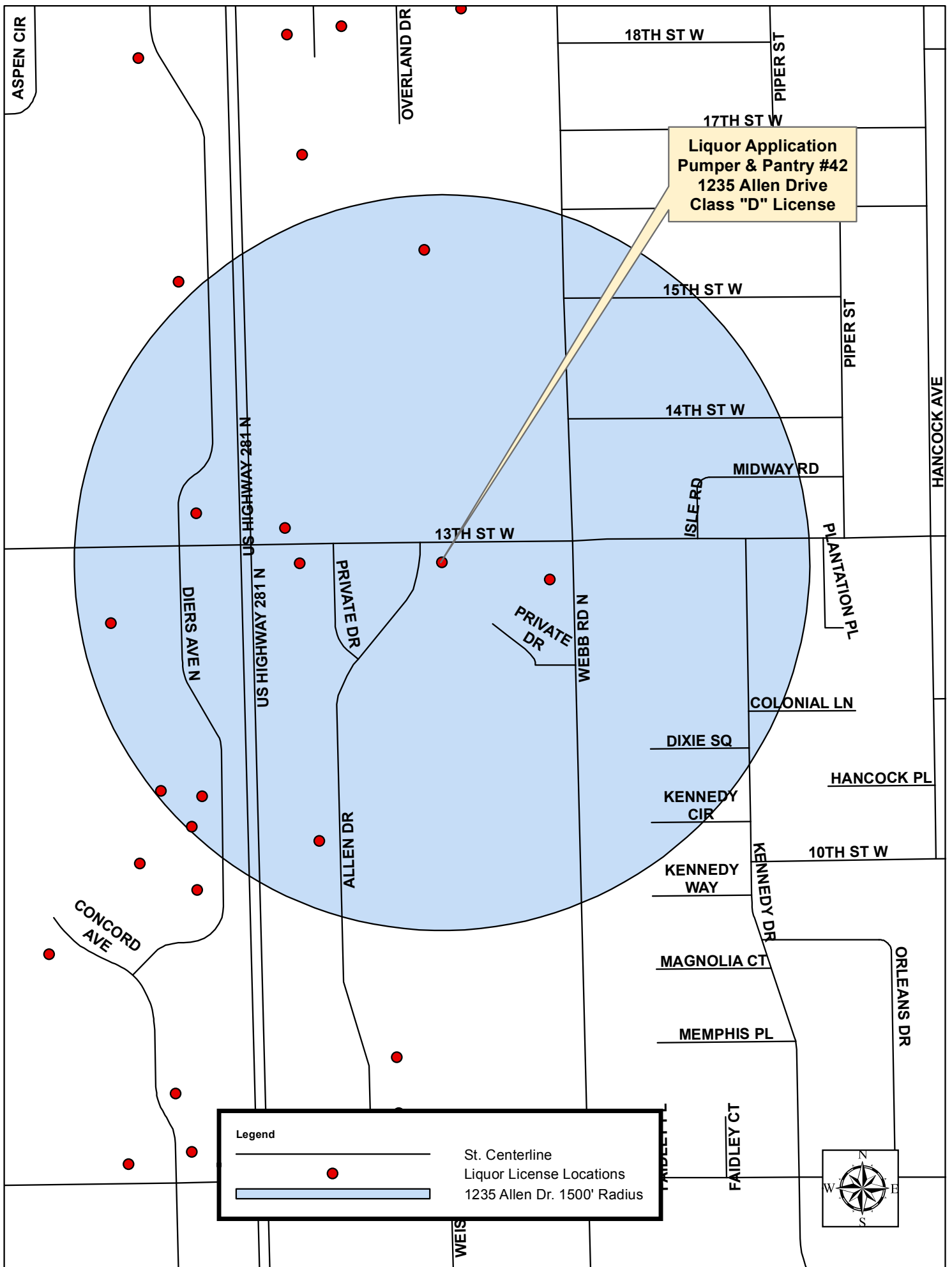
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **Recommendation**

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

### **Sample Motion**

Move to approve the application for Bosselman Pump & Pantry dba Pump & Pantry #42, 1235 Allen Drive for a Class "D" Liquor License contingent upon final inspections and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34.





# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-2

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.  
dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607  
South Locust Street, Suite B for a Class “CK” Liquor License**

*Council action will take place under Consent Agenda item G-5.*

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 27, 2017

**Subject:** Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class “CK” Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## Background

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

### **Declared Legislative Intent**

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

## Discussion

Bosselman Pump & Pantry, Inc. dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B has submitted an application for a Class “CK” Liquor License. A Class “CK” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city and a catering designation.

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



Also submitted was a request for Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. Mr. Fausch has completed a state approved alcohol server/seller training program. Staff recommends approval contingent upon final inspections.

### **Alternatives**

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

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

### **Recommendation**

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

### **Sample Motion**

Move to approve the application for Bosselman Pump & Pantry dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34.

06/14/17  
09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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1

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City : Grand Island
Occurred after : 00:00:00 06/02/2017
Occurred before : 00:00:00 06/02/2017
When reported : 00:00:00 06/02/2017
Date disposition declared : 06/05/2017
Incident number : L17060198
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 1607 LOCUST ST S
State abbreviation : NE
ZIP Code : 68801
Contact or caller : RaNae
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received :
Agency code : GIPD GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number :
Geobase address ID : 15032
Long-term call ID :
Clearance Code : O O Open Case
Judicial Status : OPEN Active-Open investigation

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L15072342	06/02/17	Liquor Lic Inv	Related
NM	43928	06/12/17	Lutz-Sukraw, Ann L	Contacted
NM	43709	06/06/17	Fausch, Brian T	Liquor Manager
NM	5453	06/02/17	Bosselman-Lofing, Brandi K	VP
NM	17868	06/02/17	Bosselman, Charles D Jr	Corporate President
NM	80208	06/02/17	Lofing, Dustin	Owner/Applicant
NM	219623	06/02/17	Tommy Gunz Bistro,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT21  LT21 Restaurant

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INCIDENT M.O. DETAIL:

Seq	M.O. Factor	M.O. Factor	M.O. Method
1	Crime Class	Crime Class	Civil

LAW INCIDENT NARRATIVE:

06/14/17  
09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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2

Grand Island Police Department

Date, Time: Fri Jun 02 12:58:56 CDT 2017  
Reporting Officer: Vitera  
Unit #: CID

Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse is applying for a Class C (beer, wine, distilled spirits, on and off sale) and Class K (Catering) Corporate Retail Liquor license. Brian Fausch is applying to become the liquor manager.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

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1 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:38:58 06/02/2017

06/14/17  
09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

Date, Time: Fri Jun 02 13:39:11 CDT 2017  
Reporting Officer: Vitera  
Unit- CID

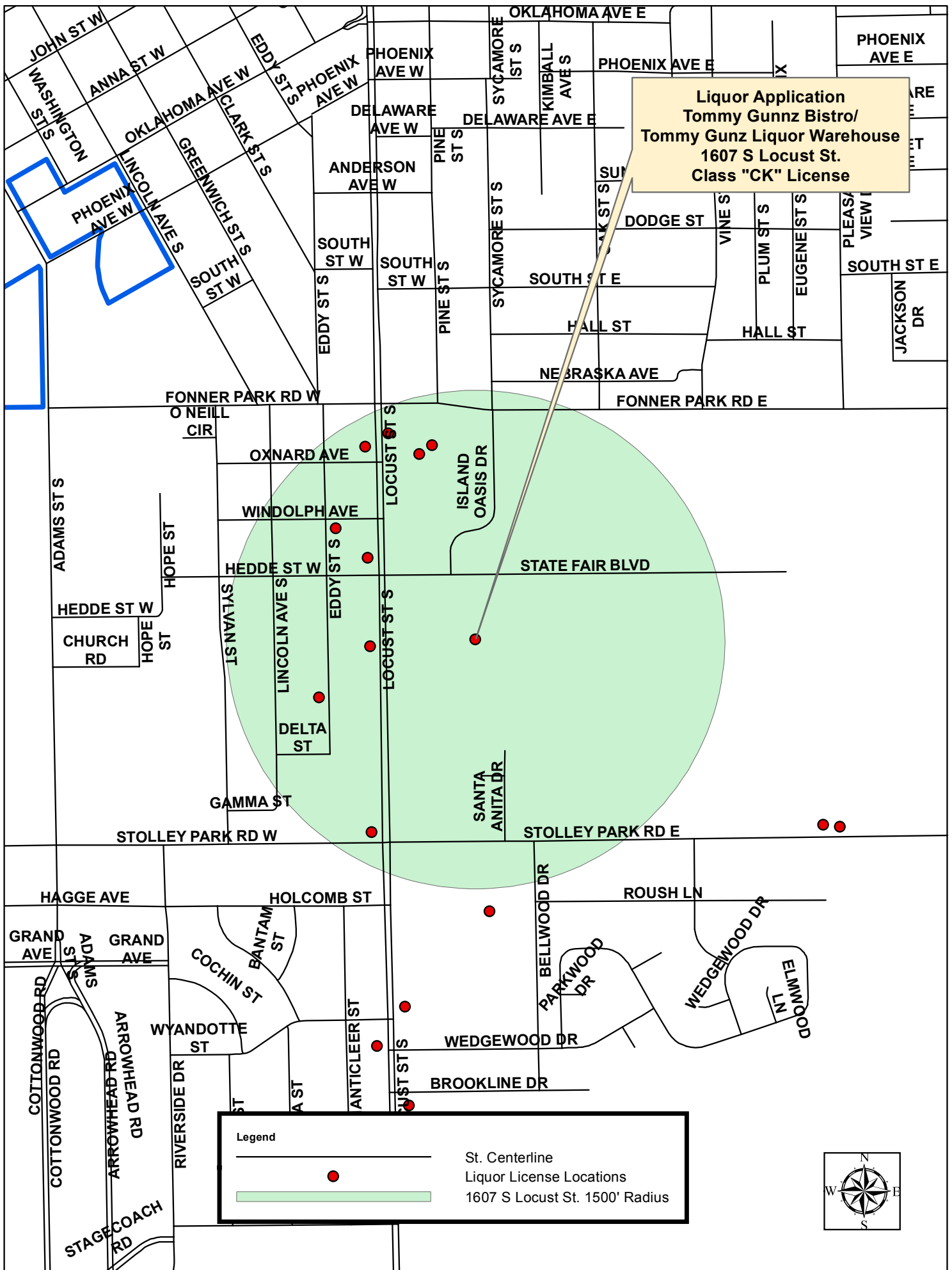
Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse is applying for a Class C (beer, wine, distilled spirits, on and off sale) and Class K (Catering) Corporate Retail Liquor license. The controlling corporation is Bosselman Pump & Pantry, Inc. Brian Fausch is applying to become the liquor manager. Members of the corporation are listed as: Charles D. Bosselman Jr., Laura L. Bosselman, Brandi K. Bosselman, and James D. Lofing. Laura signed a Spousal Affidavit of Non-Participation form. Brian Fausch's wife, Lori Fausch, also signed a Spousal Affidavit of Non Participation form.

Bosselman Pump & Pantry Inc. have several liquor licenses in Grand Island and many more within the State of Nebraska and the Midwest. Brian Fausch is currently the liquor manager for all of the liquor licenses in the State of Nebraska. I did the last liquor license investigation involving Bosselman Pump & Pantry Inc. and the above listed applicants about two years ago. They received a positive recommendation.

On 6/6/17, I checked all of the applicants listed in the "Involvements" of this report through Spillman and NCJIS. I could not find any new criminal convictions between the timeframe of the last investigation two years ago and the present time.

Nebraska State Patrol Investigator Joe Hansen and I met with Ann Sukraw-Lutz and Matthew Krieser on 6/8/17 at 1607 S. Locust. Ann filled out the liquor license application for Tommy Gunz Bistro/Liquor Warehouse. Matthew is in charge of the construction of the facility. After the meeting was completed, I didn't note any concerns.

In summary, Bosselman Pump & Pantry Inc. is the controlling corporation for Tommy Gunz Bistro/Liquor Warehouse. Bosselman Pump & Pantry Inc. has numerous liquor licenses. I checked on the people involved in this application two years ago for a different application. They received a positive recommendation at that time. I checked on those same people for this application and saw that none of them have any new criminal convictions since the last investigation. With the number of licenses held by this corporation and finding very few law enforcement-related problems, the Grand Island Police Department has no objection to Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse receiving a liquor license or to Brian Fausch becoming the liquor manager.





# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-3

### **Public Hearing on Declaration of Intent to Use Clean Water State Revolving Fund (CWSRF) Loan Proceeds for Sanitary Sewer Collection System Improvements**

*Council action will take place under Resolution item I-1.*

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Marvin Strong PE, Wastewater Treatment Plant Engineer

**Meeting:** June 27, 2017

**Subject:** Public Hearing on Declaration of Intent to Use Clean Water State Revolving Fund (CWSRF) Loan Proceeds for Sanitary Sewer Collection System Improvements

**Presenter(s):** John Collins PE, Public Works Director

## Background

Public Works staff is working to complete the Wastewater Capital Rehabilitation Plan and develop projects to ensure the collection system and treatment plant continues to function and meet the needs of our growing community.

Projects completed or nearing completion include:

- Plant – Headworks
- Sanitary Sewer Collection System Rehabilitation
  - South and West Interceptor Rehabilitation
  - 4<sup>th</sup> and 5<sup>th</sup>; Eddy to Vine Rehabilitation
  - North Interceptor Phase I
  - North Interceptor Phase II
  - Lift Station No. 20 Force Main Rehabilitation
  - 281 sanitary sewer improvements including:
    - SID#2
    - 281 sewer extension to Bosselman's (530T)
    - Wildwood Industrial Subdivision (528)

Public Works representatives requested Clean Water State Revolving Loan Funds (CWSRF) from the Nebraska Department of Environmental Quality (NDEQ) in December 2013. The NDEQ subsequently approved various collection system improvement projects in CWSRF funds at 2 ¼ - 2 ½ %. Projects classified as “Green” receive a ¼% lower interest rate.

On July 29, 2014, via Ordinance No. 9493, City Council approved authorizing up to \$40,000,000 in financing from the CWSRF Loan Program administered by NDEQ.

## Discussion

With the favorable interest rates and staff dedication in overseeing Wastewater projects there is approximately \$6,500,000 available from the approved CWSRF Loan Program. At this time Public Works staff has identified additional projects beneficial to the City, which include:

- **Lift Station #11 Upgrade and Force Main Re-route:** The City's existing lift station is in disrepair and will be abandoned at 8<sup>th</sup> Street and Howard Avenue. A new lift station will be constructed within the boundaries of the City owned detention cell located at the southeast corner of 10<sup>th</sup> Street and Howard Avenue. A new submersible, duplex style lift station, with a grinder pump on the influent, and a stand-by generator will be installed. A new 6-inch force main will be directionally drilled from the new lift station north along Custer Avenue in order to connect into an existing 15-inch gravity line located approximately fourteen (14) blocks to the north at Custer Avenue and Forrest Street. The majority of the installation will be directional drill in order to avoid disruptive and costly pavement removal and replacement.
- **West Stolley Park Road Sanitary Sewer Extension:** The intent of this project is to extend sanitary sewer from West Stolley Park Road to the south and west in order to reduce disruption and cost by constructing infrastructure prior to the NDOR Highway 30 Realignment Project. The proposed project would provide sewer to Westpark Plaza and along the existing Highway 30 corridor via the south pipeline installation. Currently Westpark Plaza Trailer community is within City of Grand Island limits and served by a private lagoon. Businesses along existing Highway 30 are served by septic tanks and leach fields. The pipe laid to the west along Stolley Park Road will be positioned to serve existing residential lots and future development to the north and further to the west in this area.
- **Grand Island Airport Sanitary Sewer Rehabilitation:** The City of Grand Island is working with the Grand Island Airport (GRI) to combine the Airport's private sanitary sewer infrastructure with the City's. The Hall County Airport collection system originated with the Army Air Corp Base built during World War II. The majority of infrastructure is in failure, and in need of rehabilitation and repair. This project aims to investigate, and plan for repairs and or replacement of most of the sanitary infrastructure. Sanitary sewer rehab would begin at the north lift station and end at Skypark Road and Capital Avenue.

After tonight's public hearing and NDEQ's 30-day comment period, it is anticipated that an ordinance will be presented to the City Council on August 22, 2017 to give formal approval to include Lift Station No. 11 Upgrade and Force Main Re-route, West Stolley Park Road Sanitary Sewer Extension, and Grand Island Airport Sanitary Sewer Rehabilitation in a new SRF loan of \$6,473,500. Assuming SRF funding is approved, each project will follow the normal process which includes Council approval for any contracts or expenditures. With the above mentioned interest rates this will be within the constraints of the approved rates.



Of the approved loan contracts, in the amount of \$40,000,000, the City is expecting a total maximum reimbursement amount of \$31,436,436 for the existing loans in place. Of the remaining \$8,563,564; there is currently \$6,473,500 to facilitate a new loan that will include new projects and a new three (3) year construction window of interest only payments.

To date the City currently has received and spent \$35,111,862 in bond proceeds, and has made loan payments of \$8,444,164 (including principal & interest).

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the resolution to include Lift Station No. 11 Upgrade and Force Main Re-route, West Stolley Park Road Sewer Extension, and Grand Island Airport Sanitary Sewer Rehabilitation in the available Clean Water State Revolving Loan Fund Program administered by the Nebraska Department of Environmental Quality.

### **Sample Motion**

Move to approve the resolution.



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-4

**Public Hearing on an Amendment to the Redevelopment Plan for CRA Area #1 for Site Specific Redevelopment Plan located at 201-205 West 3rd Street (Hedde Building)**

*Council action will take place under Resolution item I-2.*

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Nabity, AICP  
**Meeting:** June 20, 2017  
**Subject:** Amendment to Redevelopment Plan for CRA Area #1  
**Presenter(s):** Chad Nabity, AICP CRA Director

## Background

In 2000, the Grand Island City Council declared property referred to as CRA Area #1 as blighted and substandard and approved a generalized redevelopment plan for the property. The generalized redevelopment plan authorized the use of Tax Increment Financing (TIF) for the acquisition of property, redevelopment of property, site preparation including demolition, landscaping and parking. TIF can also be used for improvements to and expansion of existing infrastructure including but not limited to: streets, water, sewer, drainage.

Hedde Building LLC, the owner of the Hedde Building has submitted a proposed amendment to the redevelopment plan that would provide for renovation and redevelopment of this property for commercial and residential uses at 201-205 W 3<sup>rd</sup> Street in Grand Island, Nebraska.

The CRA reviewed the proposed development plan on May 17, 2017 and forwarded it to the Hall County Regional Planning Commission for recommendation at their meeting on June 7, 2017. The CRA also sent notification to the City Clerk of their intent to enter into a redevelopment contract for this project pending Council approval of the plan amendment.

The Hall County Regional Planning Commission held a public hearing on the plan amendment at a meeting on June 7, 2017. The Planning Commission approved Resolution 2017-09 in support of the proposed amendment, declaring the proposed amendment to be consistent with the Comprehensive Development Plan for the City of Grand Island. The CRA forwarded the redevelopment plan along with the recommendation of the Planning Commission to the City Council for consideration by motion at its meeting on June 14, 2017.

## **Discussion**

Tonight, Council will hold a public hearing to take testimony on the proposed plan amendment (including the cost benefit analysis that was performed regarding this proposed project) and to enter into the record a copy of the plan amendment that would authorize a redevelopment contract under consideration by the CRA.

Council is being asked to approve a resolution approving the cost benefit analysis as presented in the redevelopment plan along with the amended redevelopment plan for CRA Area #1 and authorizes the CRA to execute a contract for TIF based on the plan amendment. The redevelopment plan amendment specifies that the TIF will be used to offset allowed costs for renovation and rehabilitation of this property for commercial office uses. The cost benefit analysis included in the plan finds that this project meets the statutory requirements for as eligible TIF project and that it will not negatively impact existing services within the community or shift additional costs onto the current residents of Grand Island and the impacted school districts. There is more than \$2,400,000 of identified expenses eligible for tax increment financing associated with the proposed redevelopment plan amendment. The bond for this project will be issued for a period of 15 years and will end upon final payment of the bond principal and any associated interest. The proposed bond for this project will be issued for the expected TIF proceeds for the 15 year period of \$603,425.

## **Alternatives**

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

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

## **Recommendation**

The CRA and Hall County Regional Planning Commission recommend that the Council approve the Resolution necessary for the adoption and implementation of this plan.

## **Sample Motion**

Move to approve the resolution as submitted.

**Redevelopment Plan Amendment  
Grand Island CRA Area 1  
May 2017**

**The Community Redevelopment Authority (CRA) of the City of Grand Island intends to amend the Redevelopment Plan for Area 1 within the city, pursuant to the Nebraska Community Development Law (the “Act”) and provide for the financing of a specific infrastructure related project in Area 1.**

**Executive Summary:**

**Project Description**

THE REDEVELOPMENT OF THE BUILDING LOCATED AT 201-205 W 3<sup>rd</sup> STREET FOR COMMERCIAL AND RESIDENTIAL USES, INCLUDING FIRE/LIFE SAFETY IMPROVEMENTS AND BUILDING REHABILITATION AND REMODELING.

The use of Tax Increment Financing to aid in rehabilitation expenses associated with redevelopment of the Hedde Building located at 201-205 W 3<sup>rd</sup> Street into a mixed use building containing 16 one bedroom apartments on the second and third floors and commercial space on the first floor and the basement. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in renovating this historic building into a combination of commercial space and market rate residential units. The addition of the residential units is consistent with the downtown redevelopment plan and priorities to add 50 residential units downtown by 2019. With these units, 31 new residential units have been proposed since 2015. This project would not be possible without the use of TIF.

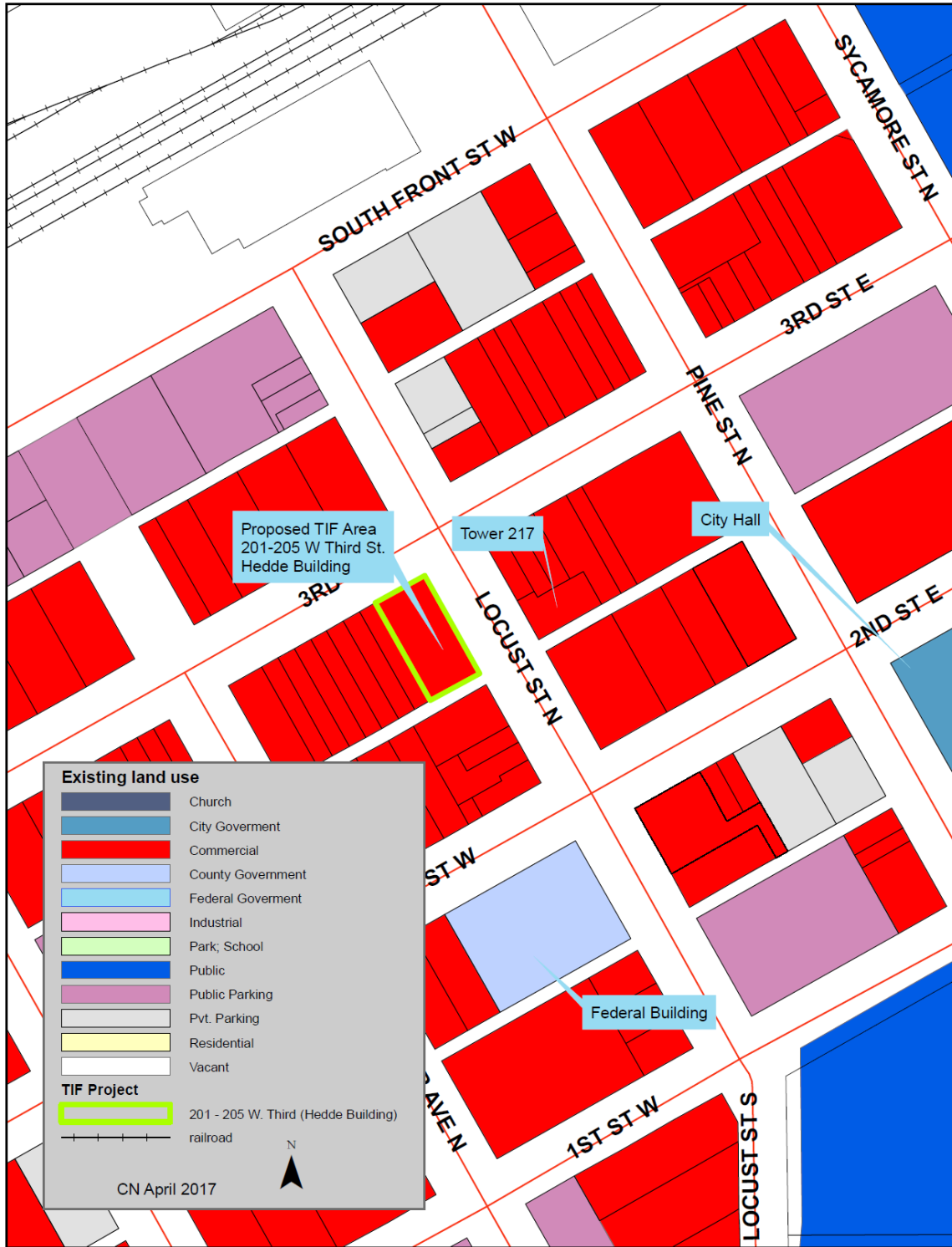
Hedde Building LLC is the owner of the property. Hedde Building LLC purchased this property in 2016. The purchase price is not included as an eligible TIF activity. The building is currently vacant. The developer is responsible for and has provided evidence that they can secure adequate debt-financing to cover the costs associated with the remodeling and rehabilitation of this building. The Grand Island Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15- year period beginning January 1, 2019 towards the allowable costs and associated financing for the renovation of this building.

TAX INCREMENT FINANCING TO PAY FOR THE REHABILITATION OF THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the “Redevelopment Project Area”)

201-205 W 3<sup>rd</sup> Street in Grand Island Nebraska (Hedde Building)

**Legal Descriptions:** Lot One (1) in Block Sixty -Five (65) Original Town, Grand Island, Hall County, Nebraska



**Existing Land Use and Subject Property**

**The tax increment will be captured for the tax years for which the payments become delinquent in years 2019 through 2033 inclusive.**

**The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase will come from rehabilitation of this vacant historic building for commercial and residential uses as permitted in the B3 Heavy Business Zoning District.**

**Statutory Pledge of Taxes.**

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan. Said taxes shall be divided as follows:

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

**1. The Redevelopment Project Area has been declared blighted and substandard by action of the Grand Island City Council on December 19, 2000.[§18-2109] Such**

**declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**

**2. Conformation to the General Plan for the Municipality as a whole. [§18-2103 (13) (a) and §18-2110]**

Grand Island adopted a Comprehensive Plan on July 13, 2004. This redevelopment plan amendment and project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended. This plan merely provides funding for the developer to rehabilitate the building for permitted uses on this property as defined by the current and effective zoning regulations. The Hall County Regional Planning Commission held a public hearing at their meeting on June 7, 2017 and passed Resolution 2017-09 confirming that this project is consistent with the Comprehensive Plan for the City of Grand Island.

**3. The Redevelopment Plan must be sufficiently complete to address the following items: [§18-2103(13) (b)]**

***a. Land Acquisition:***

The Redevelopment Plan for Area 1 provides for real property acquisition and this plan amendment does not prohibit such acquisition. There is no proposed acquisition by the authority.

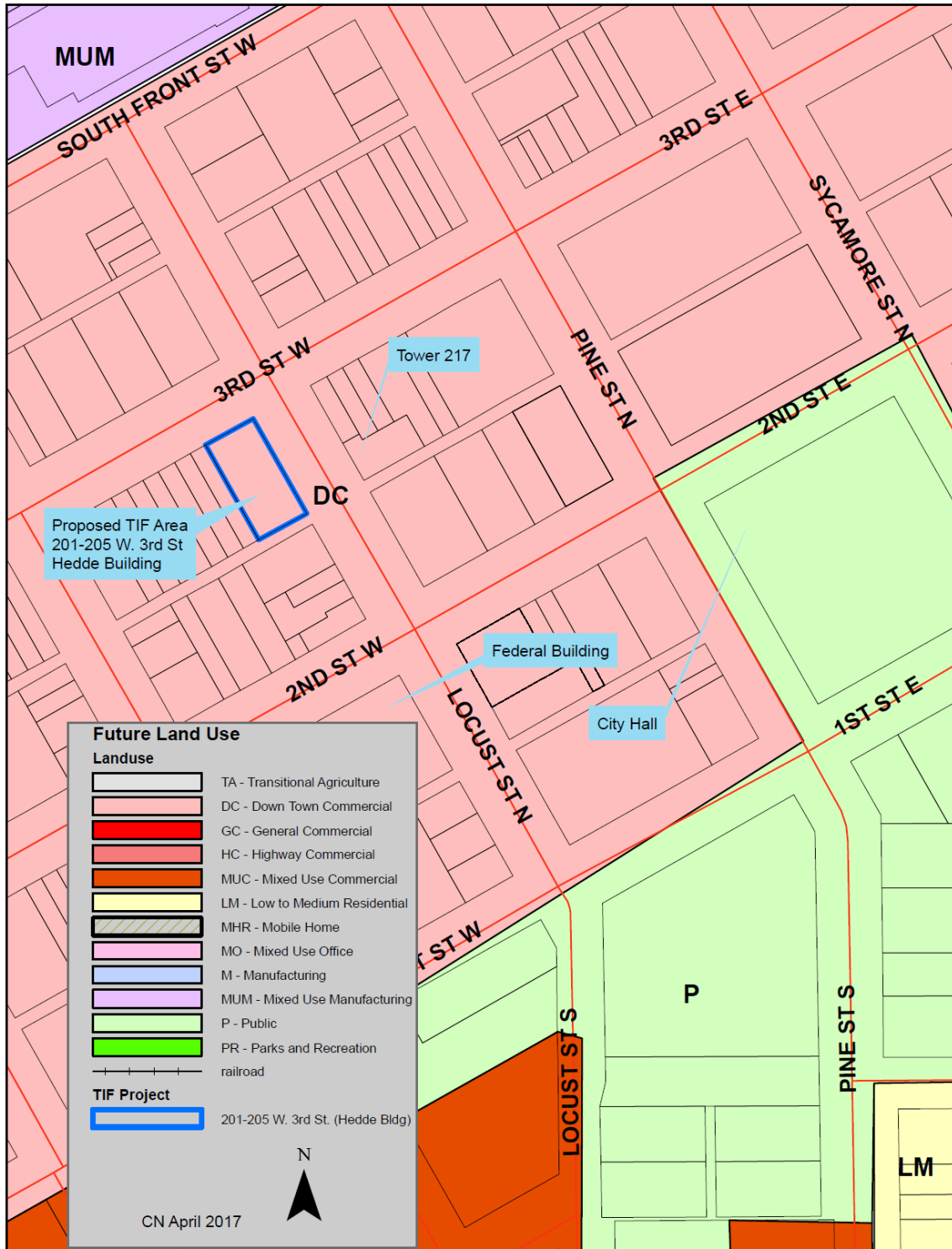
***b. Demolition and Removal of Structures:***

The project to be implemented with this plan does not provide for the demolition and removal any structures on this property.

***c. Future Land Use Plan***

See the attached map from the 2004 Grand Island Comprehensive Plan. All of the area around the site in private ownership is planned for Downtown Commercial development; this includes housing and commercial uses within the same structure. This property is in private ownership. [§18-2103(b) and §18-2111] The attached map also is an accurate site plan of the area after redevelopment. [§18-2111(5)]





City of Grand Island Future Land Use Map

***d. Changes to zoning, street layouts and grades or building codes or ordinances or other Planning changes.***

The area is zoned B3-Heavy Business zone. No zoning changes are anticipated with this project. No changes are anticipated in street layouts or grades. No changes are anticipated in building codes or ordinances. Nor are any other planning changes contemplated. [§18-2103(b) and §18-2111]

***e. Site Coverage and Intensity of Use***

The developer is rehabilitating the existing building. The developer is not proposing to increase the size of the building and current building meets the applicable regulations regarding site coverage and intensity of use. [§18-2103(b) and §18-2111]

***f. Additional Public Facilities or Utilities***

Sewer and water are available to support this development. The developer will be required to extend a water line capable of providing sufficient water for the sprinkler system required to convert this building in a multifamily apartment building.

Electric utilities are sufficient for the proposed use of this building.

No other utilities would be impacted by the development.

The developer will be responsible for replacing any sidewalks damaged during construction of the project.

No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]

**4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property, owned by the developer, is vacant and has been vacant for more than 1 year; no relocation is contemplated or necessary. [§18-2103.02]**

**5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106]** Sue Pirnie a member of the Authority is an investor in Hedde Building LLC. As an investor in the project she will recuse herself from any decisions regarding this project. No other members of the authority or staff of the CRA have any interest in this property.

**6. Section 18-2114 of the Act requires that the Authority consider:**

***a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.***

The developer owns this property and acquisition is not part of the request for tax increment financing. The estimated costs of rehabilitation of this property is \$2,840,322 along with \$295,000 for site improvement and planning related expenses for Architectural and Engineering services of \$250,400 and are included as a TIF eligible expense. Legal, Developer and Audit Fees including a reimbursement to the City and the CRA of \$124,373 are included as TIF eligible expense. The total of eligible expenses for this project is \$3,510,095. The CRA has been asked to grant \$240,000 to this project to offset the cost of life safety improvements and \$300,000 for façade improvements. The total eligible expenses for this project less other grant funds by the CRA is \$2,970,095.

No property will be transferred to redevelopers by the Authority. The developer will provide and secure all necessary financing.

***b. Statement of proposed method of financing the redevelopment project.***

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$603,425 from the proceeds of the TIF it is anticipated that this will generate a loan of \$420,000. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2019 through December 2033.

***c. Statement of feasible method of relocating displaced families.***

No families will be displaced as a result of this plan.

**7. Section 18-2113 of the Act requires:**

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Comprehensive Plan. This will have the intended result of preventing recurring elements of unsafe buildings and

blighting conditions. This will accomplish the goal of both the Downtown Business Improvement District and the Grand Island City Council of increasing the number of residential units available in the Downtown area.

### **8. Time Frame for Development**

Development of this project is anticipated to be completed between July 2017 and December of 2018. Excess valuation should be available for this project for 15 years beginning with the 2019 tax year.

### **9. Justification of Project**

This is a historic building in downtown Grand Island that will be preserved with this project. The addition of a new upper-story residential unit is consistent with goals to build 50 new residential units in downtown Grand Island by 2019 and with the goals of the 2014 Grand Island housing study and Grow Grand Island. The main floor and basement will be used for commercial tenant space.

**10. Cost Benefit Analysis** Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that tax increment financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Grand Island has analyzed the costs and benefits of the proposed Redevelopment Project, including:

**Project Sources and Uses.** Approximately \$603,000 in public funds from tax increment financing provided by the Grand Island Community Redevelopment Authority will be required to complete the project. This property has requested a life/safety grant of \$240,000 and an additional façade improvement grant of \$300,000. This investment by the Authority will leverage \$2,803,493 in private sector financing; a private investment of \$2.45 for every TIF and grant dollar investment.

Use of Funds.				
Description	TIF Funds	Other Grants	Private Funds	Total
Site Acquisition			\$150,000	\$150,000
Legal and Plan*			\$124,373	\$124,373
Engineering/Arch			\$250,400	\$250,400
Tenant Buildout/Furnishings			\$295,000	\$295,000
Renovation	\$603,425		\$1,696,897 <sup>1i</sup>	\$2,300,322
Life Safety		\$240,000		\$240,000
Façade		\$300,000		\$300,000
Financing Fees			\$88,000	\$88,000
Contingency			\$198,823	\$198,823
<b>TOTALS</b>	\$603,425	\$540,000	\$2,803,493	\$3,946,918

**Tax Revenue.** The property to be redeveloped is anticipated to have a January 1, 2018, valuation of approximately \$101,218. Based on the 2016 levy this would result in a real property tax of approximately \$2,200. It is anticipated that the assessed value will increase by \$1,851,184 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$40,228 annually. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2018 assessed value:	\$ 101,218
Estimated taxable value after completion	\$ 1,952,402
Increment value	\$ 1,851,184
Annual TIF generated (estimated)	\$ 40,228
TIF bond issue	\$ 603,425

***(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;***

The redevelopment project area currently has an estimated valuation of \$101,218. The proposed redevelopment will create additional valuation of \$1,851,184. No tax shifts are anticipated from the project. The project creates additional valuation that will support taxing entities long after the project is paid off.

***(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;***

---

<sup>1</sup> This includes \$1,122,186 of Historic Tax Credits

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. It is not anticipated that this will impact schools in any significant way as these are one bedroom units located downtown. Fire and police protection are available and should not be negatively impacted by this development. The addition of life safety elements to this building including fire sprinklers, reduce the chances of negative impacts to the fire department.

***(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project;***

This will provide additional housing options in the downtown area consistent with the planned development in Downtown Grand Island.

***(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and***

This project will not have a negative impact on other employers in any manner different from any other expanding business within the Grand Island area. This will provide housing options for employees of Downtown businesses that wish to live Downtown.

***(e) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.***

This project is consistent the goals of the Council, the Downtown BID, the CRA, and Grow Grand Island to create additional housing units in downtown Grand Island.

### **Time Frame for Development**

Development of this project is anticipated to be completed during between July of 2017 and December 31 of 2018. The base tax year should be calculated on the value of the property as of January 1, 2018. Excess valuation should be available for this project for 15 years beginning in 2019 with taxes due in 2020. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years or an amount not to exceed \$603,425 the projected amount of increment based upon the anticipated value of the project and current tax rate. Based on the estimates of the expenses of the rehabilitation the developer will spend at least \$2,430,095 on TIF eligible activities in excess of other grants given. The CRA will reserve the right to issue additional debt for this project upon notification by the developer of sufficient expenses and valuation to support such debt in the form of a second or third bond issuance.

RECEIVED  
3-30-17



## BACKGROUND INFORMATION RELATIVE TO TAX INCREMENT FINANCING REQUEST

### Project Redeveloper Information

Business Name: Hedde Building LLC

Address: 432 South Stuhr Rd, Grand Island NE 68801

Telephone No.: 308-390-2455

Fax No.: NA

Contact: Amos Anson

Brief Description of Applicant's Business:

Historic, mixed use real estate developer

Present Ownership Proposed Project Site: Hedde Building LLC

Proposed Project: Building square footage, size of property, description of buildings – materials, etc. Please attach site plan, if available.

Former Wayne's Pawn Shop building located at 201-205 W 3<sup>rd</sup>. Approximately 28,000 s.f, three story brick and wood framed structure on a 44'x132' lot in the downtown Railside district. The building is proposed to be renovated into a mixed use, historic property consisting of commercial on the main floor & basement, & sixteen apartments on the second and third floors.

If Property is to be Subdivided, Show Division Planned:

VI. Estimated Project Costs:

Acquisition Costs:

A. Land	\$ -
B. Building	\$ 150,000

Construction Costs:

A. Renovation or Building Costs:	\$ 2,840,322
B. On-Site Improvements: re-platting, demo, asbestos removal, tree removal, etc.	\$ 295,000

Soft Costs:

A. Architectural & Engineering Fees:	\$ 250,400
B. Financing Fees: Closing costs, filing fees	\$ 88,000
C. Legal/Developer/Audit Fees:	\$ 124,373
D. Contingency Reserves:	\$ 198,823
E. Other (Please Specify) TIF fees	\$ -
	TOTAL \$ 3,946,918

Total Estimated Market Value at Completion: \$ 2,380,000

Source of Financing:

A. Developer Equity:	\$ 83,480
B. Commercial Bank Loan:	\$ 1,781,251
Tax Credits:	
1. N.I.F.A.	\$ -
2. Historic Tax Credits	\$ 1,122,186



D. Industrial Revenue Bonds:	\$ -
E. Tax Increment Assistance:	\$ 420,000
F. Other (Life Safety, Façade)	\$ 540,000

Name, Address, Phone & Fax Numbers of Architect, Engineer and General Contractor:

Architect: **ALLEY POYNER MACCHIETTO, 1516 Cuming Street**

**Omaha, NE 68102 402-341-1544 Jennifer Honebrink**

Engineer: Olsson Associates, 201 E 2<sup>nd</sup> Grand Island, NE 68801 308-384-8750 Mike Spilinek

GC: FAmos Construction PO Box 1665 Grand Island, NE 68802 308-390-2455 Amos Anson

Estimated Real Estate Taxes on Project Site Upon Completion of Project:  
(Please Show Calculations)

\_\_\_\_\_  
See Attached  
\_\_\_\_\_

Project Construction Schedule:

Construction Start Date: Q2 2017

Construction Completion Date: Q3 2018

If Phased Project:

\_\_\_\_\_ Year \_\_\_ % Complete

\_\_\_\_\_ Year \_\_\_ % Complete

XII. Please Attach Construction Pro Forma

XIII. Please Attach Annual Income & Expense Pro Forma

(With Appropriate Schedules)

## TAX INCREMENT FINANCING REQUEST INFORMATION

Describe Amount and Purpose for Which Tax Increment Financing is Requested:

Hedde Building LLC is requesting \$603,425 in TIF. The TIF will allow the project to cash flow and therefore be a success. The difference from item E and the amount requested stems from the expenses involved with borrowing money against the TIF note (closing costs, interest, fees, etc.)

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for Proposed Project:

Without TIF assistance the project will not cash flow and therefore will not be a successful business venture. See attached proforma

Municipal and Corporate References (if applicable). Please identify all other Municipalities, and other Corporations the Applicant has been involved with, or has completed developments in, within the last five (5) years, providing contact person, telephone and fax numbers for each:

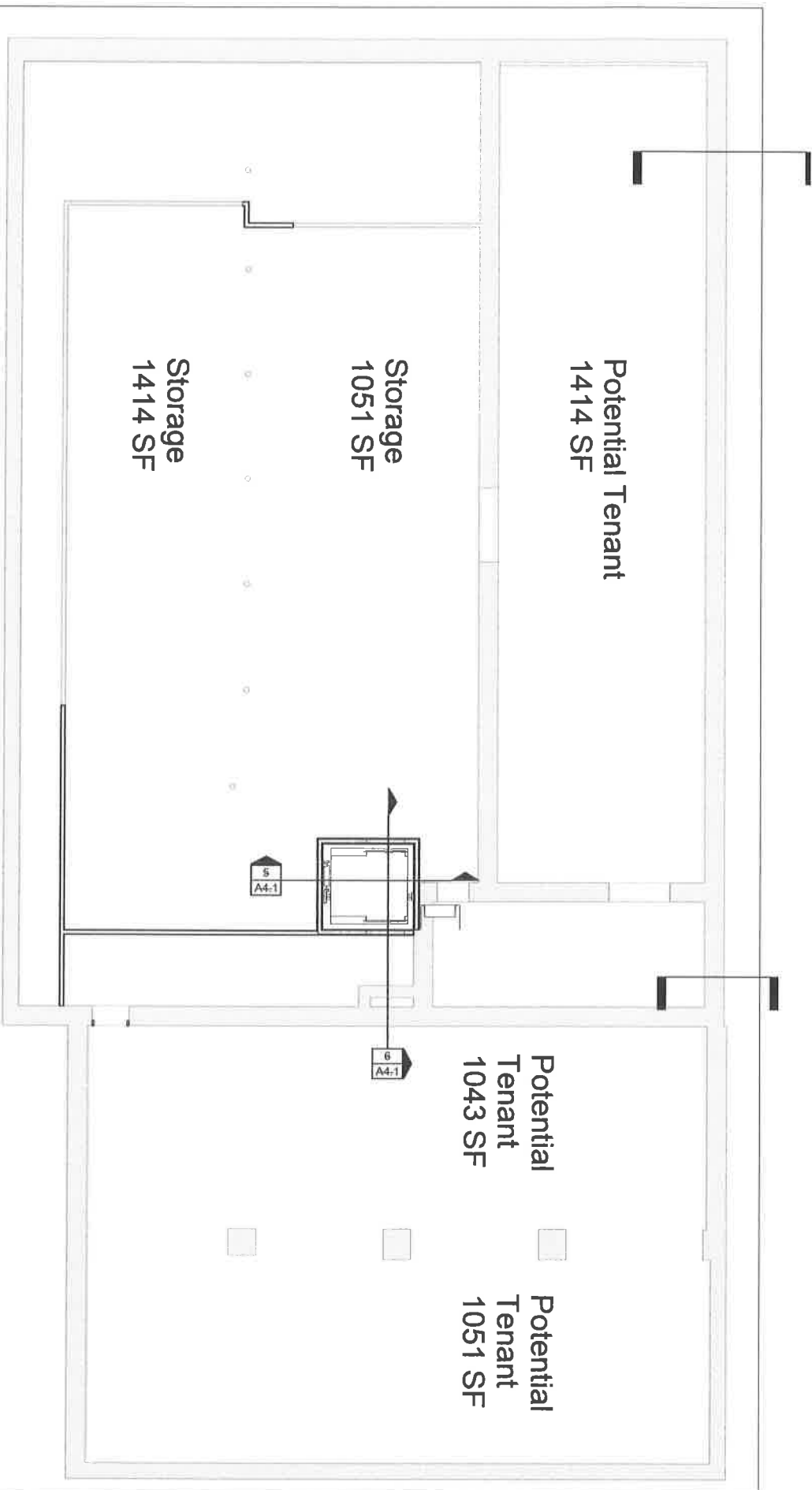
Tower 217 LLC: Charles Anson 308-850-2399

Peaceful Root: John Anson 308-227-2647

Wing Properties: Dean Pegg 308-398-2500

IV. Please Attach Applicant's Corporate/Business Annual Financial Statements for the Last Three Years. NA

Post Office Box 1968  
Grand Island, Nebraska 68802-1968  
Phone: 308 385-5240  
Fax: 308 385-5423  
Email: cnabity@grand-island.com

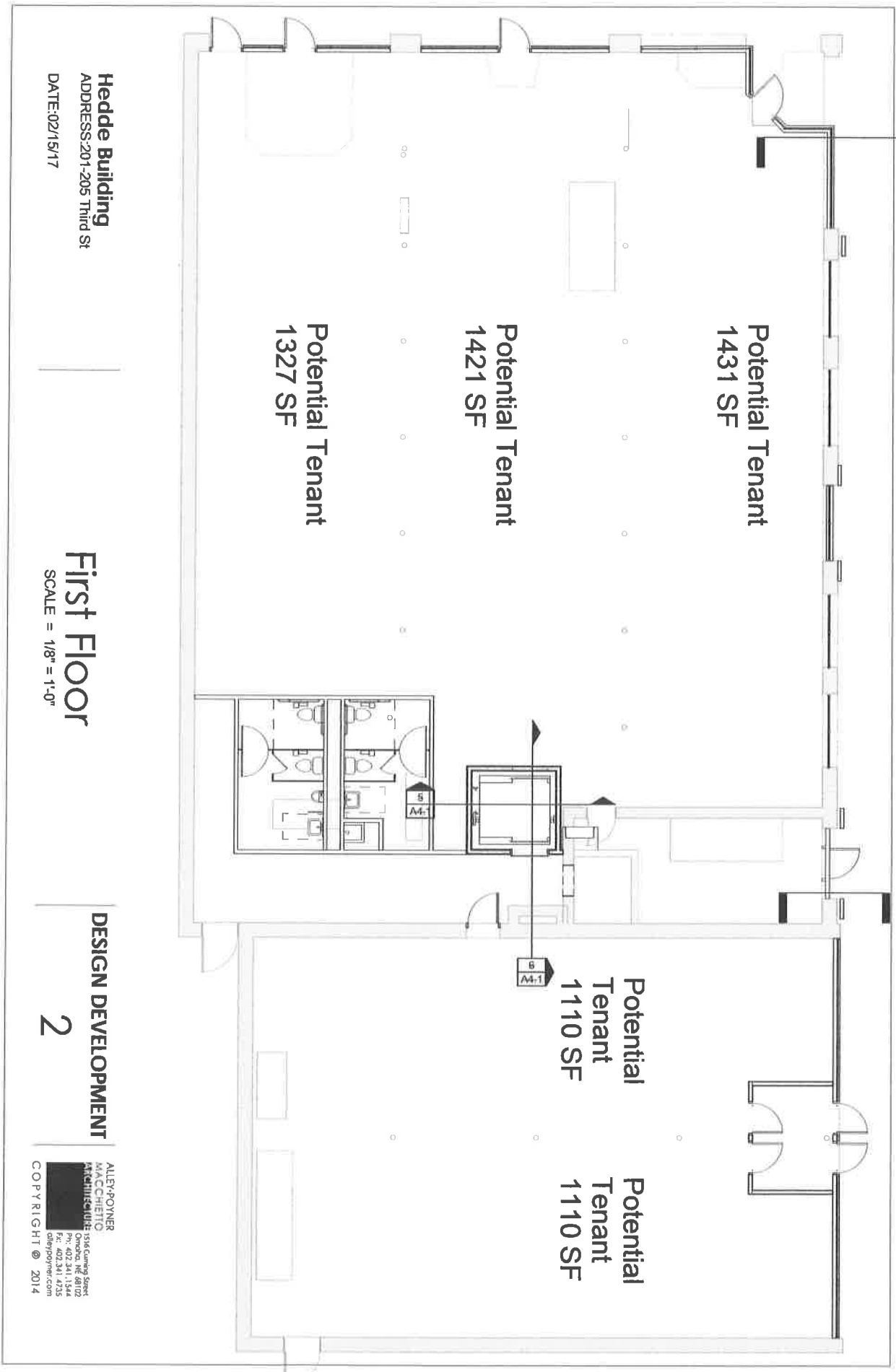


**Hedde Building**  
 ADDRESS: 201-205 Third St  
 DATE: 02/15/17

**Basement Floor**  
 SCALE = 1/8" = 1'-0"

**DESIGN DEVELOPMENT**  
 1

AILEY-POYNER  
 MACCHIETTO  
**Architects**  
 1515 Cumby Street  
 Omaha, NE 68102  
 Ph: 402.341.1544  
 Fx: 402.341.4735  
 design@apn.com  
 COPYRIGHT © 2014

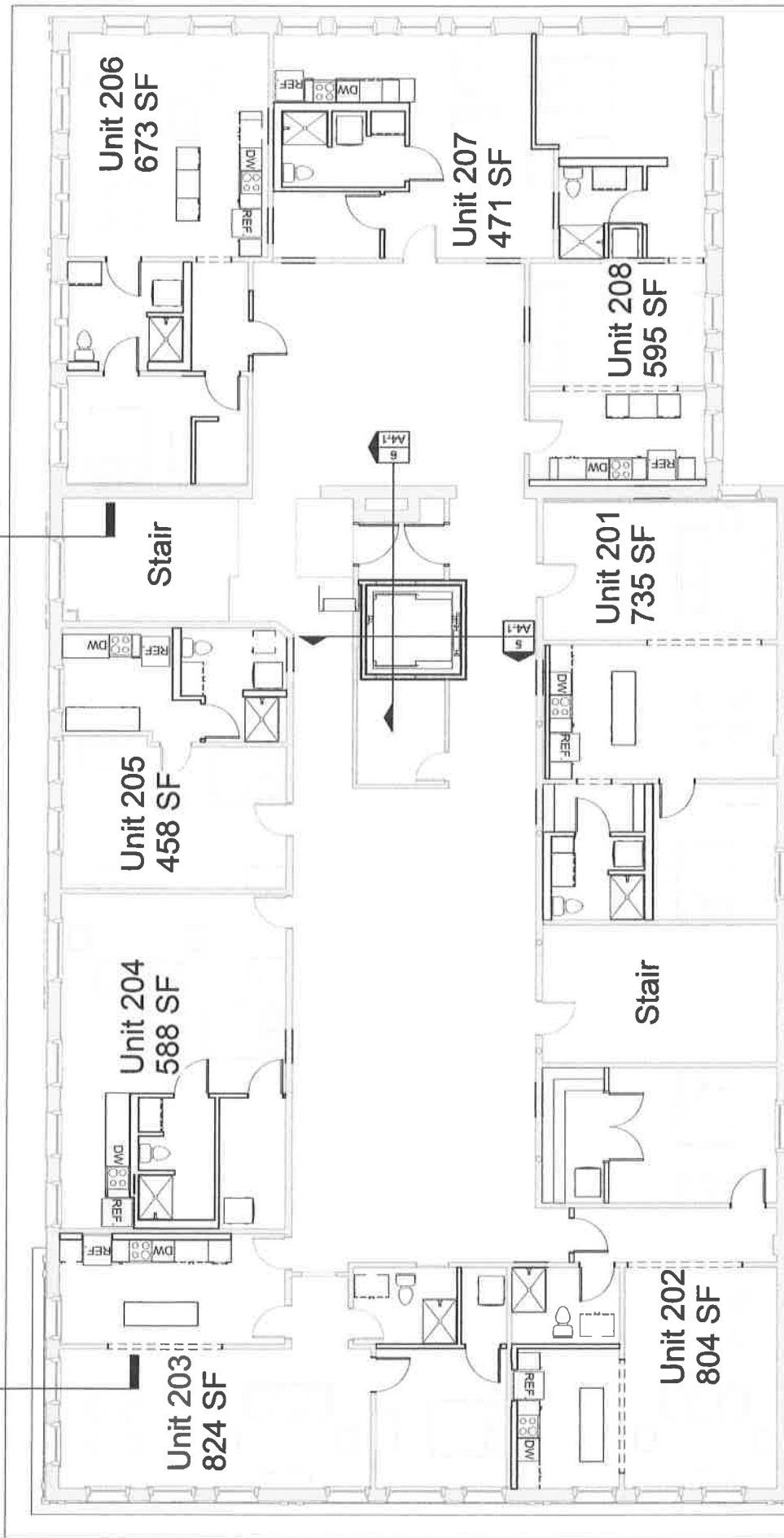


**Hedde Building**  
 ADDRESS: 201-205 Third St  
 DATE: 02/15/17

**First Floor**  
 SCALE = 1/8" = 1'-0"

**DESIGN DEVELOPMENT**  
 2

ALLEY-POYNER  
 MACCHIETTO  
 ARCHITECTS  
 1516 Cuming Street  
 Omaha, NE 68102  
 Ph: 402.341.1544  
 Fx: 402.341.4235  
 info@apn.com  
 COPYRIGHT © 2014



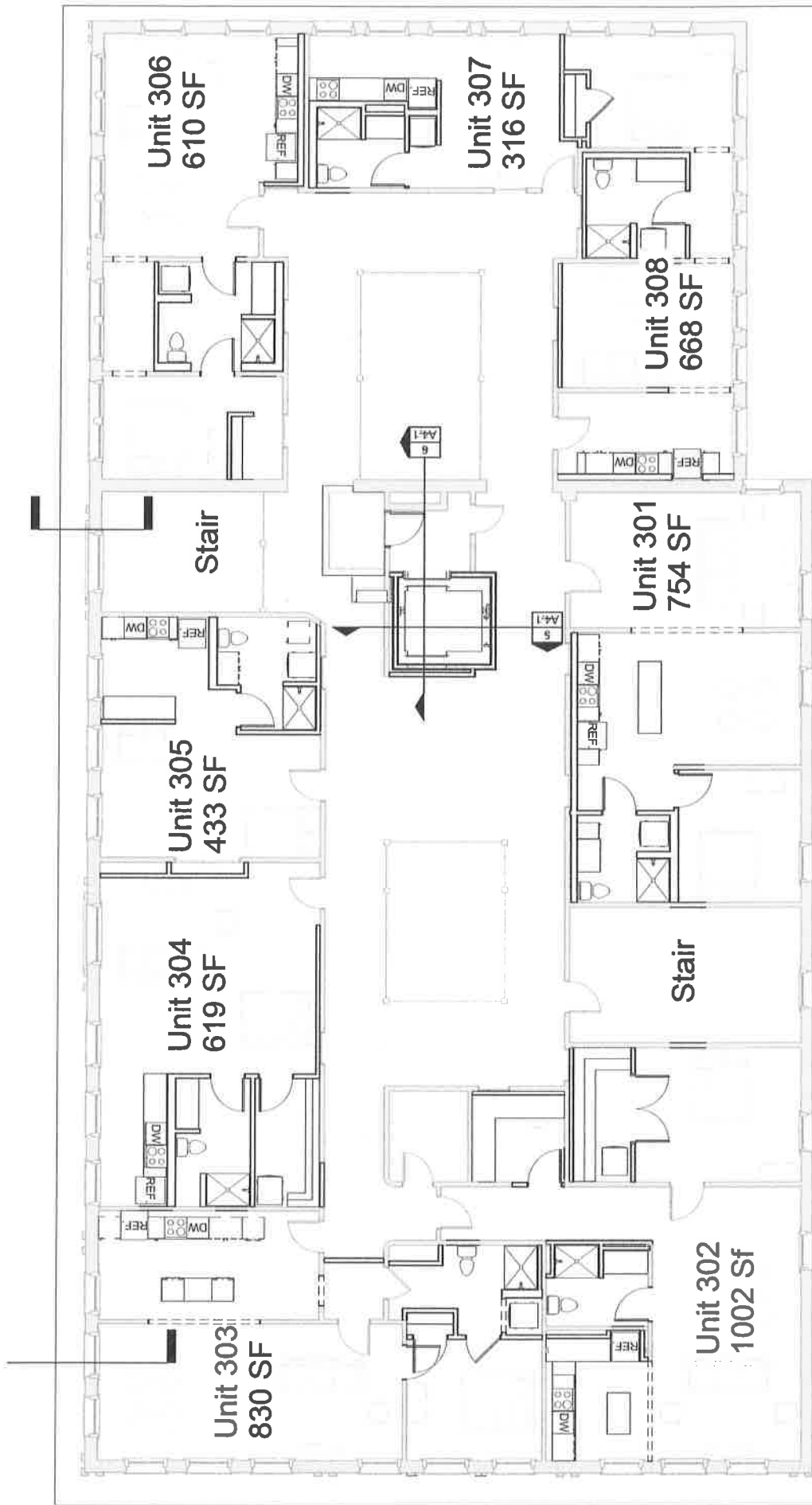
ALLEY-POYNER  
 MACCHIETTO  
 ARCHITECTURE  
 1516 Cumby Street  
 Omaha, NE 68102  
 PH: 402.341.1344  
 FAX: 402.341.4725  
 www.apmarch.com  
 COPYRIGHT © 2014

DESIGN DEVELOPMENT  
 3

Second Floor  
 SCALE = 1/8" = 1'-0"

Hedde Building  
 ADDRESS: 201-205 Third St  
 DATE: 02/15/17

12



ALLEY-POYNER  
 MACCHIETTO  
 ARCHITECTURE  
 1516 Curving Street  
 Omaha, NE 68102  
 P: 402.341.1214  
 F: 402.341.1215  
 alleyponer.com  
 COPYRIGHT © 2014

DESIGN DEVELOPMENT

4

Third Floor

SCALE = 1/8" = 1'-0"



Hedde Building  
 ADDRESS: 201-205 Third St  
 DATE: 02/15/17



## HEDDE BUILDING FINANCIAL SUMMARY - ALL COSTS

### USE OF FUNDS

### TOTAL

PURCHASE OF BUILDING		150,000
CONSTRUCTION		2,840,322
CONTINGENCY		198,823
TENANT BUILDOUT		231,000
FURNISHINGS	Construction Costs: C	64,000
SURVEY		2,500
A & E		250,400
LEGAL		25,000
CONSULTING		60,000
ENVIRONMENTAL		2,000
COST CERTIFICATION		12,000
ACCOUNTING	Financing fees	10,000
CONSTRUCTION LOAN INTEREST		46,000
LOAN FEE		20,000
APPRAISAL		5,000
TITLE & RECORDING	Soft Costs: C	3,000
TAX CREDIT APPLICATION FEES		11,873
MARKETING		5,000
INSURANCE		10,000
	TOTAL	3,946,918

### SOURCE OF FUNDS

BANK LOAN	1,781,251
TAX INCREMENT FINANCING LOAN	420,000
FEDERAL HISTORIC TAX CREDITS- 20%*	594,508
STATE HISTORIC TAX CREDITS- 20%*	527,678
OTHER GRANTS (FAÇADE, CRA)	540,000
OWNER EQUITY - INCLUDING CURRENT LOAN (\$200K)	83,480
	TOTAL
	3,946,918

\*NET AFTER SALE



**HEDDE BUILDING  
FINANCIAL SUMMARY - ALL COSTS**

<b>USE OF FUNDS</b>	<b>TOTAL</b>
PURCHASE OF BUILDING	150,000
CONSTRUCTION	2,840,322
CONTINGENCY	198,823
TENANT BUILDOUT	231,000
FURNISHINGS	64,000
SURVEY	2,500
A & E	250,400
LEGAL	25,000
CONSULTING	60,000
ENVIRONMENTAL	2,000
COST CERTIFICATION	12,000
ACCOUNTING	10,000
CONSTRUCTION LOAN INTEREST	46,000
LOAN FEE	20,000
APPRAISAL	5,000
TITLE & RECORDING	3,000
TAX CREDIT APPLICATION FEES	11,873
MARKETING	5,000
INSURANCE	10,000
	TOTAL 3,946,918

<b>SOURCE OF FUNDS</b>	
BANK LOAN	1,781,251
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OTHER GRANTS (FAÇADE, CRA)	540,000
OWNER EQUITY - INCLUDING CURRENT LOAN (\$200K)	83,480
	TOTAL 3,946,918

\*NET AFTER SALE



Base Value \$ 101,218  
 Finished Value 1,952,402.00

Increment \$ 1,851,184

Tax Entity	Bond	2016 Levy	2016 Base Taxes
City Levy	City Bond	0.295283	\$299
CRA		0.0249	\$25
Hall County		0.026	\$26
Rural Fire	Fire Bond*	0.390572	\$395
			\$0
			\$0
GIPS School	2nd Bond	1.066267	\$1,079
	4th Bond	0.069541	\$70
	5th Bond	0.035164	\$36
ESU 10		0.084434	\$85
CCC		0.012743	\$13
CPNRD		0.095112	\$96
Ag Society		0.035817	\$36
Airport		0.002844	\$3
		0.00962	\$10
	Airport Bond	0.024821	\$25
<b>Total Combined</b>		<b>2.173116</b>	<b>\$2,200</b>

Years 15 Total Incr \$603,425.64

Tax Entity	Bond	2016 Levy	2016 Taxes
City Levy	City Bond	0.295283	\$5,466
CRA		0.0249	\$461
Hall County		0.026	\$481
Rural Fire	Fire Bond*	0.390572	\$7,230
			\$0
			\$0
GIPS School	2nd Bond	1.066267	\$19,739
	4th Bond	0.069541	\$1,287
	5th Bond	0.035164	\$651
ESU 10		0.084434	\$1,563
CCC		0.012743	\$236
CPNRD		0.095112	\$1,761
Ag Society		0.035817	\$663
Airport		0.002844	\$53
		0.009618	\$178
	Airport Bond	0.024821	\$459
<b>Total Combined</b>		<b>2.173116</b>	<b>\$40,228</b>

\$42,428  
 19.28907902

## Construction Proforma

<b>Permit</b>	\$ 5,000.00
<b>Building cost</b>	\$ -
<b>Demo/windows/elevator pit</b>	\$ 200,000.00
<b>Carpentry Labor</b>	\$ 43,680.00
<b>Materials</b>	\$ 316,994.85
<b>Roof</b>	\$ 79,750.00
<b>Plumbing</b>	\$ 275,000.00
<b>HVAC</b>	\$ 225,000.00
<b>Electric</b>	\$ 300,000.00
<b>Insulation</b>	\$ 31,000.00
<b>Drywall Hang</b>	\$ 48,268.80
<b>Drywall Finish</b>	\$ 48,268.80
<b>Paint</b>	\$ 129,600.00
<b>Trim Labor</b>	\$ 49,920.00
<b>Cabinets</b>	\$ 112,000.00
<b>Countertops</b>	\$ 32,000.00
<b>Flooring Allowance</b>	\$ 99,840.00
<b>Lighting Allowance</b>	\$ 32,000.00
<b>Electronics</b>	\$ 150,000.00
<b>Fire Sprinklers</b>	\$ 76,000.00
<b>Concrete</b>	\$ 20,000.00
<b>Cornace- Top</b>	\$ -
<b>Cornace- Mid</b>	\$ 10,000.00
<b>Millwork/Tin ceiling</b>	\$ 50,000.00
<b>Elevator</b>	\$ 160,000.00
<b>Stairs to basement (outdoor)</b>	\$ 26,000.00
<b>Fire Alarm</b>	\$ 20,000.00
<b>Window repair</b>	\$ 50,000.00
<b>Sub Total</b>	\$ 2,590,322.45
<b>O&amp;P, Developer fee</b>	\$ 250,000.00
<b>Total</b>	\$ 2,840,322.45

**OPERATING PROFORMA**

ANNUAL RENTAL INC AVG/RENT		
1-Beds	\$908	\$54,465
Studios	\$632	\$22,755
1st Floor	14	\$89,586
Basement- full rent	14	\$20,034
Basement	4	\$19,872
		<hr/>
	GROSS INCOME	\$206,712

VACANCY	\$12,403
EXPENSES	\$46,303
	<hr/>
	\$58,706

NET OPERATING INCOME	\$148,006
DEBT SERVICE	\$116,150
	<hr/>
CASH FLOW	\$31,856

**COMMUNITY REDEVELOPMENT AUTHORITY  
OF THE CITY OF GRAND ISLAND, NEBRASKA**

**RESOLUTION NO. 238**

**RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY  
OF GRAND ISLAND, NEBRASKA, SUBMITTING A PROPOSED  
REDEVELOPMENT PLAN TO THE HALL COUNTY REGIONAL PLANNING  
COMMISSION FOR ITS RECOMMENDATION**

WHEREAS, this Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority"), pursuant to the Nebraska Community Development Law (the "Act"), prepared a proposed redevelopment plan (the "Plan") a copy of which is attached hereto as Exhibit 1, for redevelopment of an area within the city limits of the City of Grand Island, Hall County, Nebraska; and

WHEREAS, the Authority is required by Section 18-2112 of the Act to submit said Plan to the planning board having jurisdiction of the area proposed for redevelopment for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Authority submits to the Hall County Regional Planning Commission the proposed Plan attached to this Resolution, for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska.

Passed and approved this 17th day of May, 2017.

COMMUNITY REDEVELOPMENT  
AUTHORITY OF THE CITY OF  
GRAND ISLAND, NEBRASKA.

By   
Chairperson

ATTEST:

  
Secretary

201-205 W. Third, Hedde Building LLC

**COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY  
OF GRAND ISLAND, NEBRASKA**

**RESOLUTION NO. 239**

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF GRAND ISLAND, NEBRASKA, PROVIDING NOTICE OF INTENT TO ENTER INTO A REDEVELOPMENT AFTER THE PASSAGE OF 30 DAYS AND OTHER MATTERS

WHEREAS, this Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority"), has received an Application for Tax Increment Financing under the Nebraska Community Development Law (the "Act") on a project within Redevelopment Area 1, from Hedde Building LLC for 201-205 W. Third St. (The "Developer") for redevelopment of an area within the city limits of the City of Grand Island as set forth in Exhibit 1 attached hereto area; and

WHEREAS, this Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority"), is proposing to use Tax Increment Financing on a project within Redevelopment Area 1;


NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

**Section 1.** In compliance with section 18-2114 of the Act, the Authority hereby gives the governing body of the City notice that it intends to enter into the Redevelopment Contract, attached as Exhibit 1, with such changes as are deemed appropriate by the Authority, after approval of the redevelopment plan amendment related to the redevelopment project described in the Redevelopment Contract, and after the passage of 30 days from the date hereof.

**Section 2.** The Secretary of the Authority is directed to file a copy of this resolution with the City Clerk of the City of Grand Island, forthwith.

Passed and approved this 17<sup>th</sup> day of May, 2017.

COMMUNITY REDEVELOPMENT  
AUTHORITY OF THE CITY OF  
GRAND ISLAND, NEBRASKA.

By   
Chairperson

ATTEST:

  
Secretary

201-205 W. Third St., Hedde Building LLC

HALL COUNTY REGIONAL PLANNING COMMISSION

A RESOLUTION RECOMMENDING APPROVAL OF A SITE SPECIFIC REDEVELOPMENT PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

WHEREAS, the Chairman and Board of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "Authority"), referred the **Redevelopment Plan for 201-205 W. Third St. by Hedde Building LLC** to the Hall County Regional Planning Commission, (the "Commission") for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to Section 18-2112 of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"); and

WHEREAS, the Commission has reviewed said Redevelopment Plan as to its conformity with the general plan for the development of the City of Grand Island, Hall County finding;

The proposed use as described in this plan is in compliance with the Comprehensive Plan for the City of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:

**Section 1.** The Commission hereby recommends approval of the Redevelopment Plan.

**Section 2.** All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 3.** This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: June 7, 2017

HALL COUNTY REGIONAL PLANNING COMMISSION

ATTEST:

By:   
Chair

By:   
Secretary



May 3, 2017

Virgil D. Harden, RSBA, SFO  
Chief Financial Officer  
Grand Island Public Schools  
123 S. Webb Road  
P.O. Box 4904  
Grand Island, NE 68802-4904

Dear Virgil,

This letter is to inform you that the Community Redevelopment Authority (CRA) of the City of Grand Island has received an application requesting Tax Increment Financing (TIF) for an apartment complex in downtown Grand Island.

The application seeks \$420,000 in TIF assistance for the development of 16 one-bedroom apartments in the Hedde Building at 201-205 W. Third Street.

At present, the proposed timeline for approval would be as follows:

- CRA receives initial application, 4 p.m., May 17.
- Regional Planning Commission holds public hearing 6 p.m., June 7.
- CRA reviews Planning Commission recommendation, 4 p.m., June 14.
- Grand Island City Council holds public hearing and takes action, 7 p.m., June 27.
- CRA considers redevelopment contract, 4 p.m. July 12.

Additional notification will be provided to you prior to the public hearings. Should you have any questions or comments, please call me at (308) 385-5240.

Sincerely,

Chad Nabity, AICP  
Director

## Kneale Administration Building



December 22, 2016

Mr. Chad Nabity, AICP  
Director, Hall County Regional Planning Department  
100 E 1st Street  
P.O. Box 1968  
Grand Island, NE 68802

Virgil D. Harden, RSBA, SFO  
Chief Financial Officer  
123 South Webb Road  
P.O. Box 4904  
Grand Island, NE 68802-4904

Phone: (308) 385-5900 x 1144  
Fax: (308) 385-5949  
Email: [vharden@gips.org](mailto:vharden@gips.org)  
Web: [www.gips.org](http://www.gips.org)

Dear Chad:

Please accept this letter as Grand Island Public Schools official request to be notified in advance concerning Tax Increment Financing (TIF) projects that deal in any way with either a housing subdivision and/or apartment complex. After meeting with you and City of Grand Island officials we believe the best time to notify us would be when a TIF project application is received.

Grand Island Public Schools believes that used correctly TIF is an important and valuable long term economic development tool. However, the near term impact on the local school system must be balanced against the long term benefits of TIF projects. Especially those related to housing subdivisions and/or apartment complexes.

Grand Island Public Schools supports TIF projects for commercial purposes including, but not limited to, downtown and general redevelopment projects, retail space, manufacturing plants, production facilities, etc. Additionally, we support TIF projects for most residential projects. Our concerns are in part tempered by the realities of the poor quality of low income housing many of our patrons and their children currently occupy. We believe improving the housing quality for our lowest income families will have an ancillary positive impact on the children in the household and their educational endeavours with Grand Island Public Schools.

Please feel free to contact me should you have any comments, questions, or issues concerning this request or Grand Island Public Schools concerns with TIF projects that deal with housing subdivisions and/or apartment complexes.

Sincerely,

A handwritten signature in black ink that reads "Virgil D. Harden". The signature is fluid and cursive, with the first name being the most prominent.

Virgil D. Harden, RSBA, SFO  
Chief Financial Officer





# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-5

**Public Hearing on CRA Area #24 Blighted and Substandard Study for 0.74 Acres located at 701, 711 and 715 N. Howard (TAM, LLC)**

*Council action will take place under Resolution item I-3.*

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** June 27, 2017  
**Subject:** TAM LLC Blight Study (Proposed Area 24)  
C-23-2017GI  
**Presenter(s):** Chad Nabity

## Background

TAM LLC commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 24. The study was prepared by Marvin Planning Associates of David City, Nebraska. The study area includes approximately 0.74 acres referred to as CRA Area No. 24. The study focused on property located north of Faidley Avenue and east of Howard Avenue. (See the attached map) On May 23, 2017, Council referred the attached study to the Planning Commission for its review and recommendation.

The decision on whether to declare an area substandard and blighted is entirely within the jurisdiction of the City Council.

## Discussion

The Statutory authority and direction to the Planning Commission is referenced below to explain the Planning Commission purpose in reviewing the study:

**Section 18-2109**

*Redevelopment plan; preparation; requirements.*

An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the city in which such area is located has, by resolution adopted after a public hearing with notice provided as specified in section 18-2115, declared such area to be a substandard and blighted area in need of redevelopment. The governing body of the city shall submit the question of whether an area is substandard and blighted to the planning commission or board of the city for its review and recommendation prior to making its declaration. The planning commission or board shall submit its written recommendations within thirty days after receipt of the request. Upon receipt of the recommendations or after thirty days if no recommendation is received, the governing body may make its declaration.

A flow chart of the blight declaration process is shown in Figure 2.

At this time, the Council is only concerned with determining if the property is blighted and substandard. Figure 3 is an overview of the differences between the blight and substandard declaration and the redevelopment plan. If a declaration as blighted and substandard is made by Council then the Community Redevelopment Authority (CRA) can consider appropriate redevelopment plans. The redevelopment plans must also be reviewed by the Planning Commission and approved by Council prior to final approval.

The city of Grand Island, as a City of the First Class, is permitted to designate an area of up to 35% of the municipal limits as blighted and substandard. As of June 1, 2017, 19.99% of the City has been declared blighted and substandard. Area 24 would not add enough property to the area declared blighted and substandard to cause an increase 19.99%. The CRA commissioned a study of the Veteran's Home property (Proposed Area 16) that covered 530 acres and would, if approved, add 2.76% to the total area declared blighted and substandard. If both areas were to be approved and there are no changes in the city limits or areas declared blighted and substandard, 22.75% of the city would be declared blighted and substandard. It does not appear that the declaration of Area 24 would significantly impact the City's ability to declare other areas blighted and substandard.

### Redevelopment Area 23

Figure 1: Study Area Map



Source: Hall County GIS and Marvin Planning Consultants 2017  
Note: Lines and Aerial may not match.

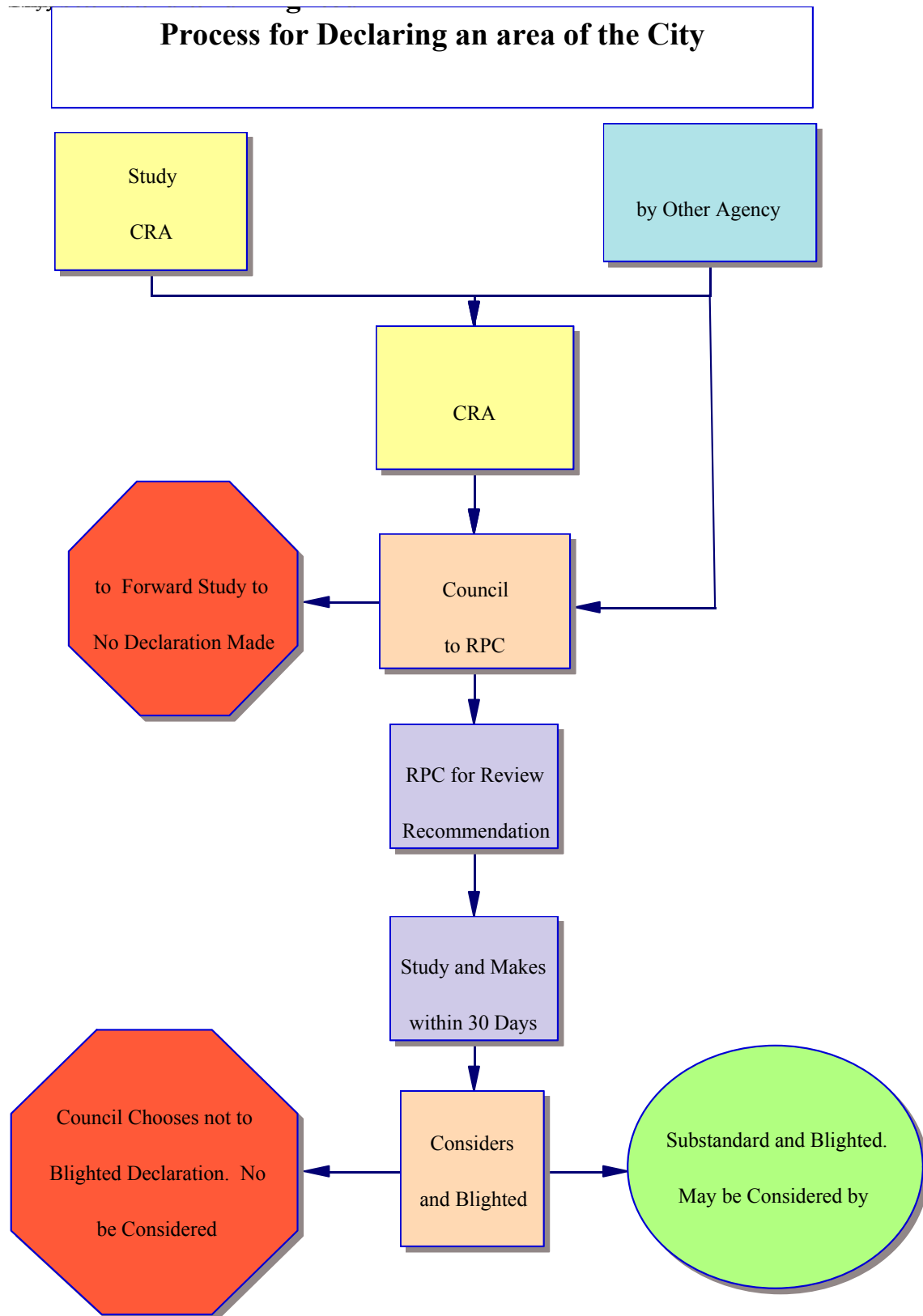


Figure 2 Blight Declaration Process (Planning Commission Recommendation is the second purple box).

# Substandard and Blighted Declaration vs. Redevelopment Plan



- **Substandard and Blighted Declaration**
  - A Study of the Existing Conditions of the Property in Question
  - Does the property meet one or more Statutory Conditions of Blight?
  - Does the Property meet one or more Statutory Conditions of Substandard Property?
  - Is the declaration in the best interest of the City?
- **Redevelopment Plan**
  - What kinds of activities and improvements are necessary to alleviate the conditions that make the property blighted and substandard?
  - How should those activities and improvements be paid for?
  - Will those activities and improvements further the implementation of the general plan for the City?

Figure 3 Blight and Substandard Declaration compared to a Redevelopment Plan

It is appropriate for the Council in conducting its review and considering its decision regarding the substandard and blighted designation to:

1. Review the study,
2. Take testimony from interested parties,
3. Review the recommendation and findings of fact identified by the Planning Commission (Planning Commission did not identify any findings with their motion so none are available.)
4. Make findings of fact, and
5. Include those findings of fact as part of its motion to approve or deny the request to declare this area blighted and substandard. Council can make any findings they choose regarding the study and the information presented during the public hearing to support the decision of the Council members regarding this matter.

### **Blighted and Substandard Defined**

The terms blighted and substandard have very specific meanings within the context of the Community Redevelopment Statutes. Those terms as defined by Statute are included below:

#### **Section 18-2103**

*Terms, defined.*

For purposes of the Community Development Law, unless the context otherwise requires:

(10) ***Substandard areas*** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

(11) ***Blighted area*** shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially

impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted;

~Reissue Revised Statutes of Nebraska

### **ANALYSIS-Blight and Substandard Study**

The following findings are copied directly from the Study. The analysis of the substandard and blighted factors is conducted on page 8 of the study.

#### **FINDINGS FOR GRAND ISLAND BLIGHT STUDY AREA #24**

Blight Study Area #24 has several items contributing to the Blight and Substandard Conditions. These conditions include:

#### **Blighted Conditions**

- Average age of structures is over 40 years of age
- Substantial number of deteriorated or deteriorating structures
- Deterioration of site or other improvements
- One-half of unimproved property is over 40 years old.

#### **Substandard Conditions**

- Average age of the structures in the area is at least forty years

Based on the study these areas meet the thresholds to qualify as blighted and substandard.

Tax increment financing would potentially be available for redevelopment projects on any of the property included in the study.

## **Recommendation**

Staff recommends considering the following questions as a starting point in the analysis of this Study and in making a determination. The City Council is ultimately responsible for answering the question of whether the property included in the study is blighted and substandard **and** whether making such a designation is in the **best interest** of the City.

### **Recommend Questions for City Council**

- Does this property meet the statutory requirements to be considered blighted and substandard? (See the prior statutory references.)
- Are the blighted and substandard factors distributed throughout the Redevelopment Area, so basically good areas are not arbitrarily found to be substandard and blighted simply because of proximity to areas which are substandard and blighted? Is development of adjacent property necessary to eliminate blighted and substandard conditions in the area?
- Is public intervention appropriate and/or necessary for the redevelopment of the area?
- Will a blight declaration increase the likelihood of development/redevelopment in the near future and is that in the best interest of the City?
- What is the policy of the City toward increasing development and redevelopment in this area of the City?

Findings of fact must be based on the study and testimony presented including all written material and staff reports. The recommendation must be based on the declaration, not based on any proposed uses of the site. All of the testimony, a copy of the study and this memo along with any other information presented at the hearing should be entered into the record of the hearing.

## **Planning Commission Recommendation**

The Regional Planning Commission held a public hearing and took action on the blight and substandard study proposed Area 24 during its meeting on June 21, 2017. The area considered covers 0.74 (Lot 1, 2 and 3 of West View Subdivision, plus the ½ of the Howard Avenue right-of-way (to the centerline of Howard Avenue, and ½ of the alley right-of-way) north of Faidley Avenue and east of Howard Avenue across from St. Francis Medical Center in the City of Grand Island, Nebraska. (C-23-2017GI)

O'Neill opened the public hearing.

Nabity explained the microblight project for proposed Area 24, which is immediately east of St. Francis Medical Center. The three lots have one house and



two vacant lots that have gone undeveloped in the city limits. Nabity said the owner, Jerry Huismann of TAM, would likely submit a request for tax increment financing if the area is found to be blighted and substandard. In response to questions, Nabity said the TIF could be used toward the cost of demolishing the house and adding additional services to serve single-family homes or duplexes. Sears commented that he lives on the east side of this same block and knows that 7<sup>th</sup> Street was vacated more than 40 years ago and storm sewer was located in the vacated street. Nabity said that storm sewer may be expensive to move. Huismann thanked Sears for the past history on the vacant lot.

O'Neill closed the public hearing.

A motion was made by Ruge and seconded by Sears to recommend approval of the blight and substandard study for Area 24 and Resolution No. 2017-11.

The motion carried with nine members in favor (Allan, O'Neill, Ruge, Maurer, Robb, Rainforth, Rubio, Sears and Kjar) and no members voting no or abstaining.

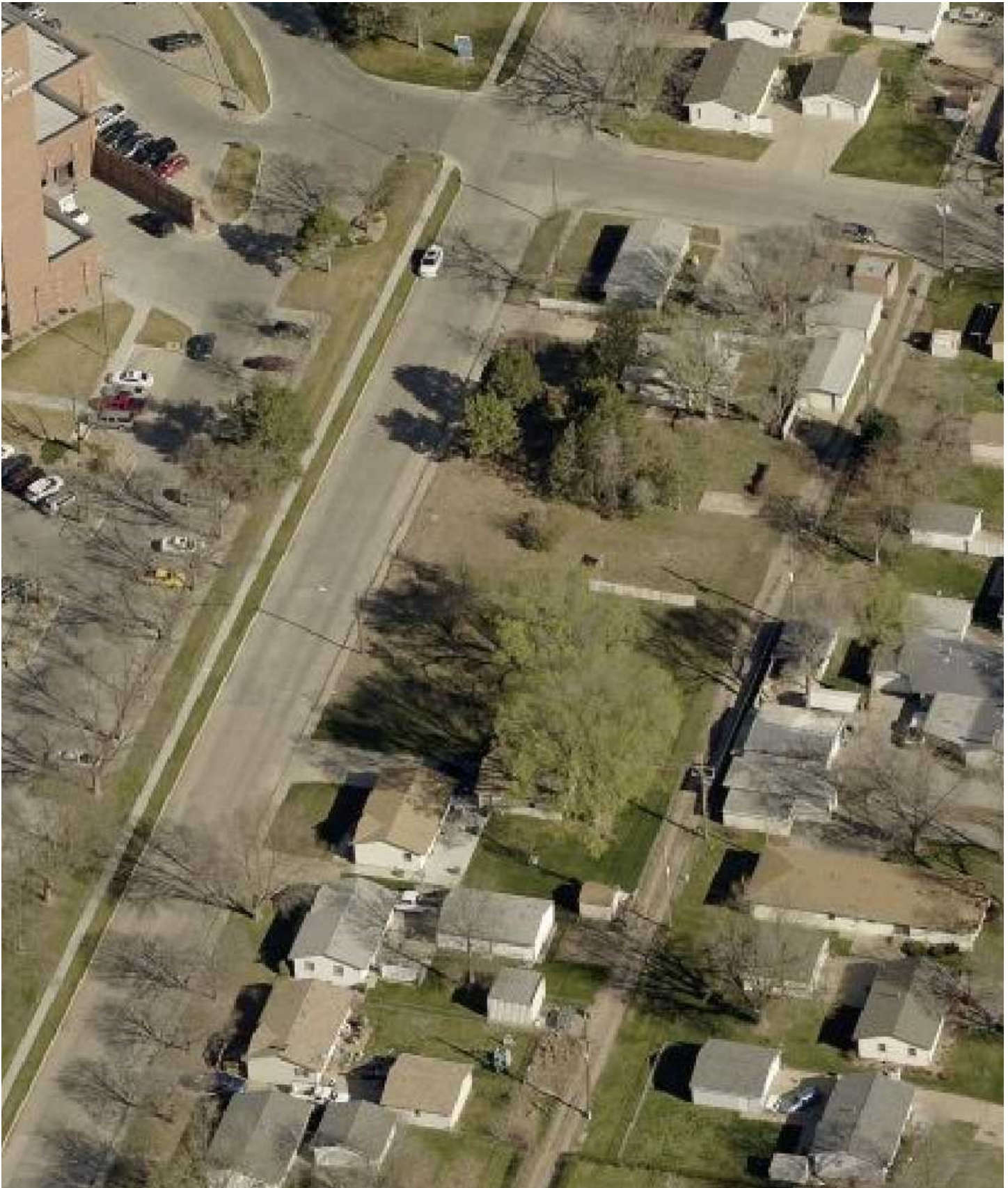
### **Alternatives**

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

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

### **Sample Motion**

If Council wishes to approve the designation of this property as blighted and substandard, an action required if Tax Increment Financing is to be used for the redevelopment of properties in this area, a motion should be made to approve the Substandard and Blight Designation for Redevelopment Area No. 24 in Grand Island, Hall County, Nebraska finding the information in the study to be factual and supporting such designation. A resolution authorizing the approval of this study has been prepared for Council consideration.



**Grand Island, Nebraska**  
**Blight and Substandard Study - Area 24**  
Completed on behalf of: TAM LLC





### PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Grand Island. This study has been commissioned by TAM LLC in order to analyze the possibility of declaring the area as blighted and substandard.

The City of Grand Island, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements".*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program. The statute reads,

*"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."*

Blight and Substandard are defined as the following:

*"Substandard areas means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"*

*"Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which*

*endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a shall not designate an area larger than one hundred percent of the as blighted;"*

This Blight and Substandard Study is being considered a "micro-blight" area under the definition established by the City of Grand Island. The Study is intended to give the Grand Island Community Redevelopment Authority, Hall County Regional Planning Commission and Grand Island City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future containing, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present which qualify the area as blighted and substandard.

### **BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY**

This study targets a specific area within an established part of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses in this Micro-blight include residential uses including accessory uses within the corporate limits of Grand Island.

Through the redevelopment process the City of Grand Island can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Grand Island is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City of Grand Island can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within Grand Island.

Lot 1, 2 and 3 of West View Subdivision, plus the ½ of the Howard Avenue right-of-way (to the centerline of Howard Avenue), and ½ of the alley right-of-way.

**Study Area**

**Figure 1: Study Area Map**



Source: Hall County GIS and Marvin Planning Consultants 2017  
 Note: Lines and Aerial may not match.

**EXISTING LAND USES**

The term “Land Use” refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community, and produce a number of impacts either benefitting or detracting from the community. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

**Existing Land Use Analysis within Study Area**

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Hall County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs.

**TABLE 1: EXISTING LAND USE, GRAND ISLAND - 2017**

Type of Use	Acres	Percent of Developed land within the Study Area	Percent of Study Area
Residential	0.16	100.0%	21.6%
Single-family	0.16	0.0%	21.6%
Multi-family	0	100.0%	0.0%
Manufactured Housing	0	0.0%	0.0%
Commercial	0	0.0%	0.0%
Industrial	0	0.0%	0.0%
Quasi-Public/Public	0	0.0%	0.0%
Parks/Recreation	0	0.0%	0.0%
Transportation	0	0.0%	0.0%
Total Developed Land	0.16	100.0%	
Vacant/Agriculture	0.58		78.4%
<b>Total Area</b>	<b>0.74</b>		<b>100.0%</b>

Source: Marvin Planning Consultants 2017

Table 1 includes the existing land uses for the entire study area. The table contains the total acres determined per land use from the survey; next is the percentage of those areas compared to the total developed land; and finally, the third set of data compare the all land uses to the total area within the Study Area. The Study Area is made up of single-family (21.6%) and land considered vacant accounts for only 78.4% of the total area.

**Figure 2**  
**Existing Land Use Map**



Source: Marvin Planning Consultants, 2017  
Note: Lines and Aerial may not match.

**FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY**

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

**CONTRIBUTING FACTORS**

There were a number of conditions examined and evaluated in the field and online. There are a number of conditions that will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

***Structural Conditions***

Structural conditions were evaluated, structures were either rated as: Very Good, Good, Fair, Average, or badly worn. The data and rating system comes from the Hall County Assessor's database and is the same database used to value properties in the area.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 0 ( 0.0%) structures rated as very good
- 0 ( 0.0%) structures rated as good
- 0 ( 0.0%) structure rated as fair
- 2 (50.0%) structures rated as average
- 3 (50.0%) structure rated as badly worn

Figure 3: Structural Conditions

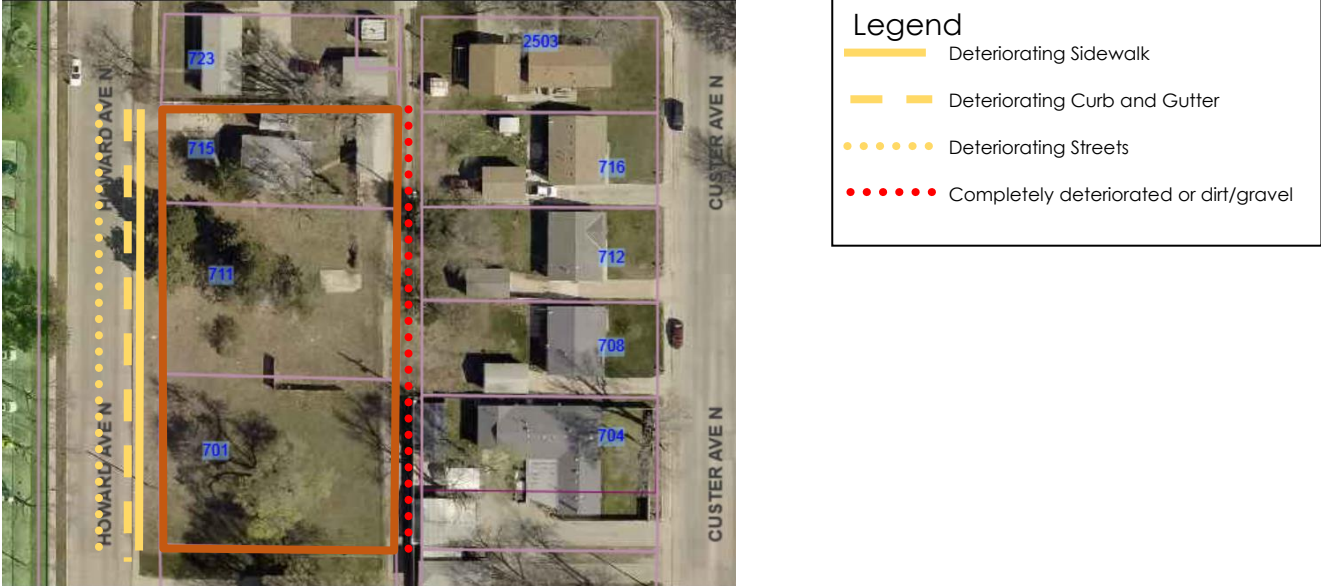


Source: Hall County Assessor and Marvin Planning Consultants 2017  
Note: Lines and Aerial may not match.

Based upon these data, an assumption has been made that average condition and less would constitute less than desirable conditions due to age and conditions. It is common for older structures to get more maintenance and upkeep in order to maintain a good or higher condition. Even an average structure will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 100.0% of the structures in this study area are average condition or worse.

Due to the stated conditions found in the Hall County Assessor's data, the condition of the structure is a contributing factor.

Figure 4: Deterioration of Site or Other Improvements



Source: Hall County GIS, Google Earth and Marvin Planning Consultants 2017  
Note: Lines and Aerial may not match.



**Deterioration of Site or Other Improvements**

**Site Improvements Conditions**

The properties within the study area are accessed via Howard Avenue and an alley in the rear. In addition, the study area is served by a sidewalk located immediately behind the curb along Howard Avenue.



Based upon review of images of the study area, Figure 4 was created. The Figure indicates:

- 100% of the road surfaces serving this study area are deteriorating
- 100% of alley way is dirt/gravel
- 100% of the curb and gutter are in a deteriorating state
- 100% of the sidewalk is in a deteriorating state

Based upon the field analysis, there are sufficient elements present to meet the definition of deterioration of site and other improvements in the Study Area.

**Age of Structure**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Hall County Assessor's website data.

**TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD - 2017**

	Number of Structures	Construction date	Age	Cumulative Age
	1	1931	86	86
	1	1984	33	33
	0			
<b>Total Cummulative</b>	<b>2</b>			<b>119</b>
<b>Average Age</b>				<b>59.5</b>

Source: Hall County Assessor's and Marvin Planning Consultants 2017

Within the study area there are two primary structures. After researching the structural age on the Hall County Assessor's and Treasurer's websites, the following breakdown was determined:

- 1 (50.0%) unit was determined to be 40 years of age or older
- 1 (50.0%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 59.5 years; thus, meeting the requirements of the statutes.

The age of the structures would be a direct contributing factor.

Figure 5: Unit Age Map



Source: Hall County GIS, Hall County Assessor and Marvin Planning Consultants 2017

Note: Lines and Aerial may not match.

## Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

### Criteria under Part A of the Blight Definition

- **Substantial number of deteriorating structures**
  - Within the study are 100.0% of the structures were deemed to be in either average or badly worn condition.
- **Deterioration of site or other improvements**
  - 100% of sidewalks are in a deteriorating condition
  - 100% of the curb and gutter along Howard Avenue is in a deteriorating condition
  - 100% of Howard Avenue is in a deteriorating condition
  - 100% of the alley is unpaved and is dirt/gravel
- **One-half of unimproved property is over 40 years old.**
  - The southern portion of the study has been within the corporate limits for over 40 years and is undeveloped.

### Criteria under Part B of the Blight Definition

- **The average age of the residential or commercial units in the area is at least forty years**
  - 1 (50.0%) buildings or improvements were determined to be 40 years of age or older
  - 1 (50.0%) buildings or improvements were determined to be less than 40 years of age
  - The average age based upon a cumulative age calculation is 59.5 years.

**The other criteria for Blight were not present in the area, these included:**

- Combination of factors which are impairing and/or arresting sound growth
- Stable or decreasing population based upon the last two decennial census
- Insanitary and Unsafe Conditions
- Dangerous conditions to life or property due to fire or other causes

- Faulty Lot Layout
- Improper Subdivision or Obsolete Platting
- Defective/Inadequate street layouts
- Diversity of Ownership
- Tax or special assessment delinquency exceeding fair value of the land.
- Defective or unusual condition of title,
- Unemployment in the designated area is at least 120% of the state or national average.
- 
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

**Substandard Conditions**

**Average age of the residential/commercial units in the area is at least 40 years**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Hall County Assessor's website data.

**TABLE 3: AVERAGE STRUCTURAL AGE, BY CUMMULATIVE METHOD - 2017**

	Number of Structures	Construction date	Age	Cumulative Age
	1	1931	86	86
	1	1984	33	33
	0			
<b>Total Cumulative</b>	<b>2</b>			<b>119</b>
<b>Average Age</b>				<b>59.5</b>

Source: Hall County Assessor's and Marvin Planning Consultants 2017

Within the study area there is a total of two primary structures. After researching the structural age on the Hall County Assessor's and Treasurer's websites, the following breakdown was determined:

- 1 (50.0%) unit was determined to be 40 years of age or older
- 1 (50.0%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 59.5 years; thus, meeting the requirements of the statutes.

The age of the structures would be a direct contributing factor.

**Figure 6: Unit Age Map**



Source: Hall County GIS, Hall County Assessor and Marvin Planning Consultants 2017

Note: Lines and Aerial may not match.

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## **Substandard Summary**

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, **age** or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or **the existence of conditions which endanger life or property by fire and other causes**, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

This Study Area in Grand Island meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

## **FINDINGS FOR GRAND ISLAND BLIGHT STUDY AREA #24**

Blight Study Area #24 has several items contributing to the Blight and Substandard Conditions. These conditions include:

### **Blighted Conditions**

- **Average age of structures is over 40 years of age**
- **Substantial number of deteriorated or deteriorating structures**
- **Deterioration of site or other improvements**
- **One-half of unimproved property is over 40 years old.**

### **Substandard Conditions**

- **Average age of the structures in the area is at least forty years**

**Resolution Number 2017-11**

**HALL COUNTY REGIONAL PLANNING COMMISSION**

**A RESOLUTION RECOMMENDING APPROVAL OF A BLIGHT AND SUBSTANDARD STUDY BY THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF RELATED ACTIONS**

**WHEREAS**, the Grand Island City Council at its May 23, 2017 meeting, referred **the Blight and Substandard Study commissioned by TAM LLC** to the Hall County Regional Planning Commission, (the “**Commission**”) for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to the Nebraska Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”); and

**WHEREAS**, the Commission has reviewed said Blight and Substandard Study and confirmed the following findings:

- This property as presented in the study meets the requirements to be declared substandard,
- This property as presented in the study meets the requirements to be declared blighted,
- The factors are necessary to declare the property blighted and substandard are sufficiently distributed to impact development across the entire site,
- This property despite its potential for economic development has not experience significant development in large part because of the lack of public infrastructure in and around the site,
- That development of this property to its full potential is in the best interest of the City of Grand Island and the entire region,
- That there are projects ready to develop at this site if they can meet the financial goals of the developers,

**NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:**

**Section 1.** The Commission hereby recommends approval of the Blight and Substandard Study.

**Section 2.** All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 3.** This resolution shall be in full force and effect from and after its passage as provided by law.

**DATED:** June 21, 2017.

**HALL COUNTY REGIONAL PLANNING  
COMMISSION**

ATTEST:

By: Leslie E Ruge  
Secretary

By: Patricia Conner  
Chair



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item F-1

**#9634 - Consideration of Vacation of a Portion of College Street;  
Lafayette Avenue to Custer Avenue**

Staff Contact: John Collins, P.E. - Public Works Director



# Council Agenda Memo

**From:** Keith Kurz PE, Assistant Public Works Director

**Meeting:** June 27, 2017

**Subject:** Consideration of Vacation of a Portion of College Street;  
Lafayette Avenue to Custer Avenue

**Presenter(s):** John Collins PE, Public Works Director

## Background

Scarff's Addition to West Lawn Subdivision was platted in October 1888, with College Street as a public street within such subdivision.

The City has received a request from Grand Island Public Schools (GIPS) to vacate the portion of College Street within the borders of Grand Island High School. The vacation is needed at this time so that the school can fully develop plans for their new stadium.

## Discussion

With a large investment being made for upgrades and improvements in Memorial Stadium, as well as to provide a safe atmosphere for Grand Island Senior High students walking to and from the school building to the stadium regularly it has been requested to close a portion of College Street, from Lafayette Avenue to Custer Avenue.

In September 2010, GIPS hired a local engineering consultant to study (attached) the effects of the closure of College between Custer and Lafayette. The street was closed for a period of one month from September to October 2010. Traffic turning movement counts as well as Average Daily Traffic (ADT) counts were observed at surrounding intersections and streets around the high school. The real-life closure allowed for actual shifts in travel patterns instead of relying solely on projections to redistribute College Street traffic to surrounding streets. Results of the study are consistent with what would be expected.

Seven (7) years have passed since data was collected with some network changes and some increase in traffic; this is expected to have little impact on the report's conclusions other than to add support for segregating traffic between arterials and local streets. One factor that was not included in the study is the anticipated 2021 5-Points intersection improvements that should have a positive impact on this area.

Upon review of this data, it was clear that some local streets in the area experienced higher traffic volumes. It was also determined that the operational performance of the streets and intersections studied, wasn't greatly improved or lowered due to the closure. Most traffic from College Street shifted south to State Street. It is possible with the recent expansion and improvements of Capital Avenue, more traffic would shift north to Capital Avenue than south to State Street. A more detailed study would be necessary to confirm this. There are no plans for such a study as moving traffic to Capital Avenue and State Street (the most accessible arterials) is desirable as it improves network safety and efficiency. Future effort may be needed to improve traffic on State Street as traffic volumes grow. While it may shift patterns, the closure of this single block of street that runs through the campus of GIPS is not anticipated to cause harm to the system of travel in this area.

Land use and traffic volume, have the greatest effect on determining a streets configuration. College Street is a local road passing through the Grand Island Senior High campus. The portion passing through the campus currently functions largely like a drive passing through a parking lot with pedestrians crossing from one part of the campus to another. This effect, along with pedestrian traffic, is anticipated to increase with the planned improvements. Public Works agrees that vacating the street would improve safety and is in the best interest of the community, provided the resulting pavement configuration does not permit vehicles to continue move through the campus from Custer Avenue to Lafayette Avenue.

With the continued development of Grand Island, the high school is experiencing growth in student population. With this, more students are crossing this street for parking and athletic facilities on the opposite side of the street from the main school building. The closure of this street will make for a safer campus environment for not only the students, but the faculty and general public that attends events at the high school.

An easement will be retained to allow for access to existing City utilities within this section of College Street.

Comments/concerns from City Police and Fire Departments regarding this requested closure are attached for reference.

## **Alternatives**

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

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

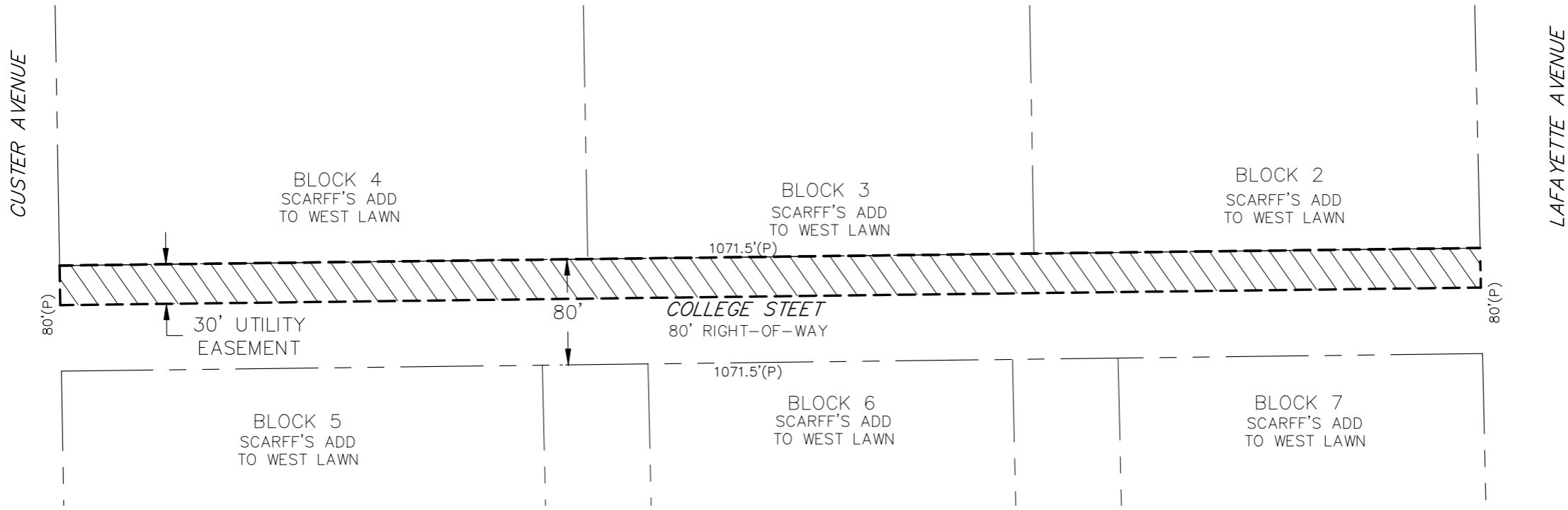
## **Recommendation**

City Administration recommends that the Council approve vacating College Street from Lafayette Avenue to Custer Avenue as requested.

## **Sample Motion**

Move to approve the ordinance.

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 DATE: Jun 19, 2017 8:55am  
 USER: jjimenez  
 XREFS: 0130631\_xbase  
 0120669\_xbase combined  
 topo-track  
 081395\_xtopo-GISH  
 0101279\_xbase



**30' UTILITY EASEMENT DESCRIPTION**

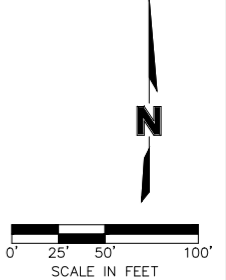
A TRACT OF LAND LOCATED IN PART OF SCARFF'S ADDITION TO WEST LAWN, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH THIRTY (30) FEET OF COLLEGE STREET BETWEEN THE EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE AND THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE.

SAID EASEMENT CONTAINS A CALCULATED AREA OF 32,280 SQUARE FEET OR 0.74 ACRES MORE OR LESS.

**LEGEND**

-  UTILITY EASEMENT AREA
-  EXIST. PROPERTY LINE
-  UTILITY EASEMENT LINE
-  PLATTED DISTANCE



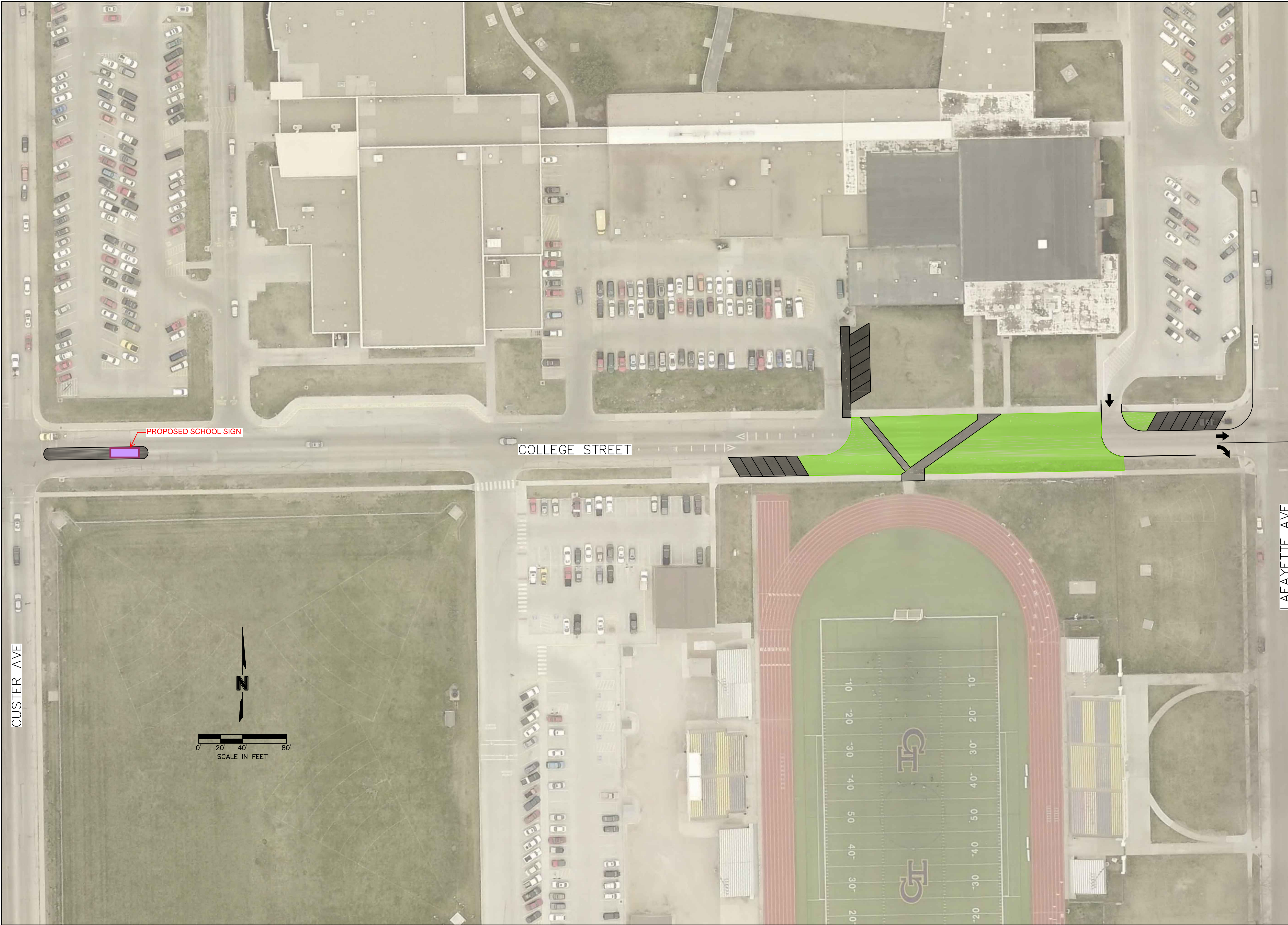
PROJECT NO:	2017-1626
DRAWN BY:	JMJ
DATE:	06-19-2017

Council Session - 6/27/2017



201 East 2nd Street  
 P.O. Box 1072  
 Grand Island, NE 68802-1072  
 TEL 308.384.8750  
 FAX 308.384.8752

EXHIBIT
2

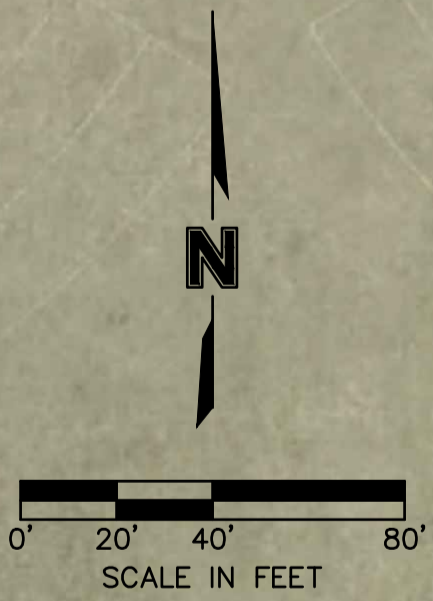


LAFAYETTE AVE

COLLEGE STREET

CUSTER AVE

PROPOSED SCHOOL SIGN



DRAWN BY:			
CHECKED BY:			
QA/QC BY:			
PROJECT NO.:			
DRAWING NO.:			
DATE:		2017	

REV. NO.	DATE	REVISIONS DESCRIPTION

LAYOUT	
GIPS COLLEGE STREET	
GRAND ISLAND, NEBRASKA	2017

SHEET	
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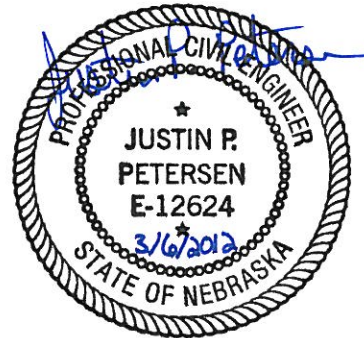
**COLLEGE STREET CLOSURE ANALYSIS  
GRAND ISLAND, NEBRASKA**

**TRAFFIC IMPACT STUDY**

**PREPARED FOR**

**GRAND ISLAND PUBLIC SCHOOLS**

---



**MARCH 2012**

**OA PROJECT No. 009-0622**

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**COLLEGE STREET CLOSURE ANALYSIS  
GRAND ISLAND, NEBRASKA**

**TRAFFIC IMPACT STUDY**

**PREPARED FOR**

**GRAND ISLAND PUBLIC SCHOOLS**

---

**MARCH 2012**

**OA PROJECT No. 009-0622**

## 1.0 INTRODUCTION AND OBJECTIVE

This report documents results of traffic analyses conducted to identify changes in driving patterns and impacts to the surrounding roadway network that would be associated with a potential closure of College Street from just east of the existing Grand Island Senior High faculty parking lot west access to Lafayette Avenue. In order to reduce the use of engineering assumptions in the analysis, the City of Grand Island replicated the limits of this potential closure from September 12, 2010 to October 17, 2010 using approved traffic control devices. College Street is an east/west collector roadway in Grand Island, Nebraska.

Two separate traffic conditions were analyzed as part of this study: Existing Traffic Conditions and Closure Conditions. A map showing the general location of the potential roadway closure and the study intersections for this analysis is illustrated in **Figure 1**.

## 2.0 DATA COLLECTION

The data collection effort included conducting peak hour turning movement counts, average daily traffic (ADT) counts, and documentation of current roadway geometrics and traffic control. The traffic data was collected from September through November of 2010.

### 2.1 Peak Hour Turning Movement Counts


Olsson Associates (OA) supervised the data collection effort of intersection turning movement counts conducted by individuals who had previously participated in a traffic count training session led by OA. Peak hour traffic counts were conducted at the following intersections:

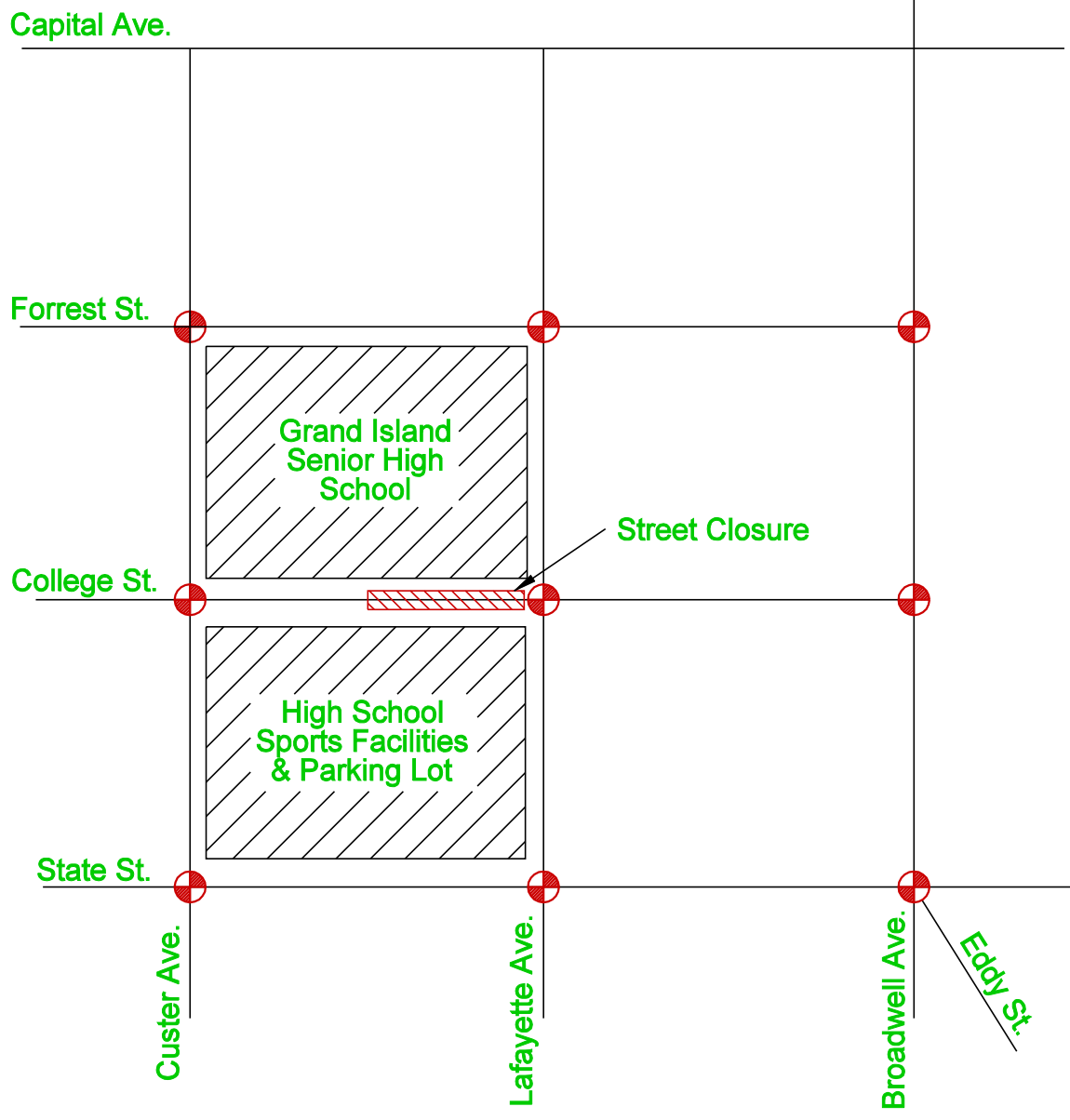
- Forrest Street & Custer Avenue
- Forrest Street & Lafayette Avenue
- Forrest Street & Broadwell Avenue
- College Street & Custer Avenue
- College Street & Lafayette Avenue
- College Street & Broadwell Avenue
- State Street & Custer Avenue
- State Street & Lafayette Avenue
- State Street & Broadwell Avenue/Eddy Street (Five Points)

Existing turning movement counts were collected on September 8, 2010. Turning movement counts under Closure Conditions were collected on October 13, 2010, several weeks after the start of the closure to allow for new driving patterns to become established. The counts were conducted during the AM and PM peak periods of school traffic and adjacent street traffic flow (7:00am – 9:00am and 3:00pm – 6:00pm). The peak hour counts included heavy vehicle and pedestrian volume documentation at all count locations.

The City of Grand Island collected ADT counts at a combination of arterial, collector and neighborhood streets in the vicinity of the school while College Street was under temporary closure in October 2010 and again after College Street had been re-opened in November 2010. The ADT counts were collected on Capital Avenue, Forrest Street, Waugh Street, State Street, Sherman Boulevard, and Howard Avenue. In both cases, the ADT data was collected over a period of one week.

**LEGEND**

 - Study Intersection



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## 2.2 Field Review of Street Geometrics

A complete review of the existing roadway network including roadway type, general roadway geometrics, and traffic control device locations was completed as part of the data collection effort. Cross-section measurements and turn bay storage lengths were collected on each leg of the study intersections. To aid in the development of recommendations, a photographic inventory and field sketches of each intersection were included as part of the data collection task. Existing traffic signal timings for the intersections of State Street & Custer Avenue and the Five Points intersection were obtained from the City of Grand Island for use in the capacity analysis.

## 3.0 EXISTING TRAFFIC CONDITIONS

Existing traffic conditions were evaluated to identify any existing deficiencies and to provide a baseline for comparison purposes.

### 3.1 Existing Network Characteristics

Within the study area, Broadwell Avenue is currently a five-lane roadway with a two-way-left-turn-lane north of State Street. Broadwell Avenue has a posted speed limit of 35 mph north of College Street and 30 mph south of College Street. Forrest Street, College Street, State Street, Custer Avenue, and Lafayette Avenue are two-lane roadways with a posted speed limit of 25 mph in the study area. The intersection of State Street & Custer Avenue and the Five Points intersection are signalized. The remaining study intersections are unsignalized. The intersection of College Street & Custer Avenue currently operates as a four-way stop control intersection.

Existing lane configurations and traffic control measures for the study network are illustrated in **Figure 2**. The existing peak hour turn-movement volumes are illustrated in **Figure 3**.

### 3.2 Existing Conditions Capacity Analysis

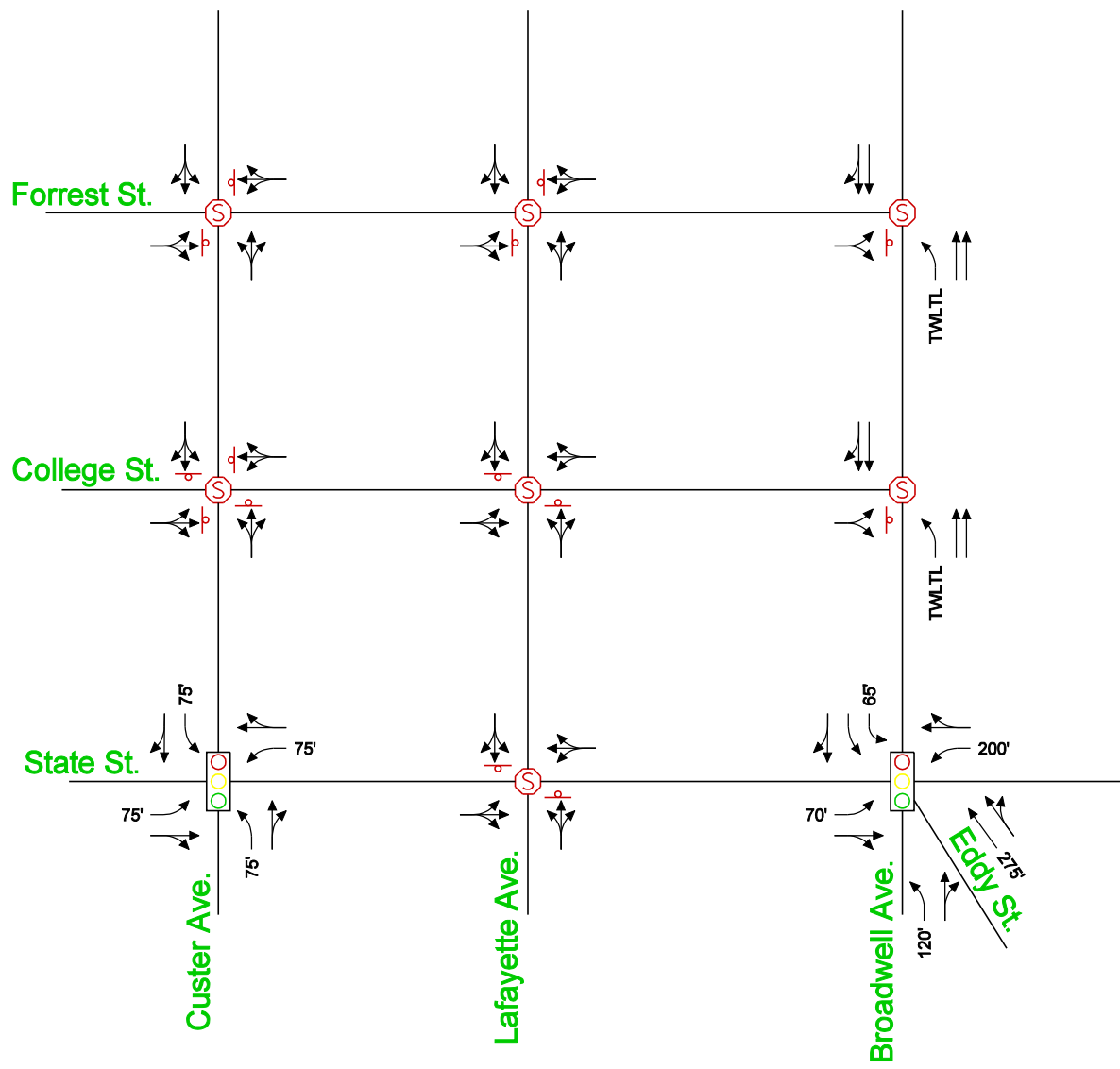
Capacity analyses were performed for all of the study intersections utilizing the existing lane configurations and traffic control. Analyses were conducted using Synchro, Version 7.0 which is based on the Highway Capacity Manual delay methodologies. For simplicity, the amount of control delay is equated to a grade or Level of Service (LOS) based on thresholds of driver acceptance. The amount of delay is assigned a letter grade A through F, LOS A representing little or no delay and LOS F representing very high delay. Table 1 and Table 2 show the delays associated with each LOS grade for unsignalized and signalized intersections, respectively.

TABLE 1: UNSIGNALIZED INTERSECTION LOS CRITERIA

Level-of-Service	Average Control Delay (sec)
A	$\leq 10$
B	> 10-15
C	> 15-25
D	> 25-35
E	> 35-50
F	>50
Highway Capacity Manual (HCM 2000)	

**LEGEND**

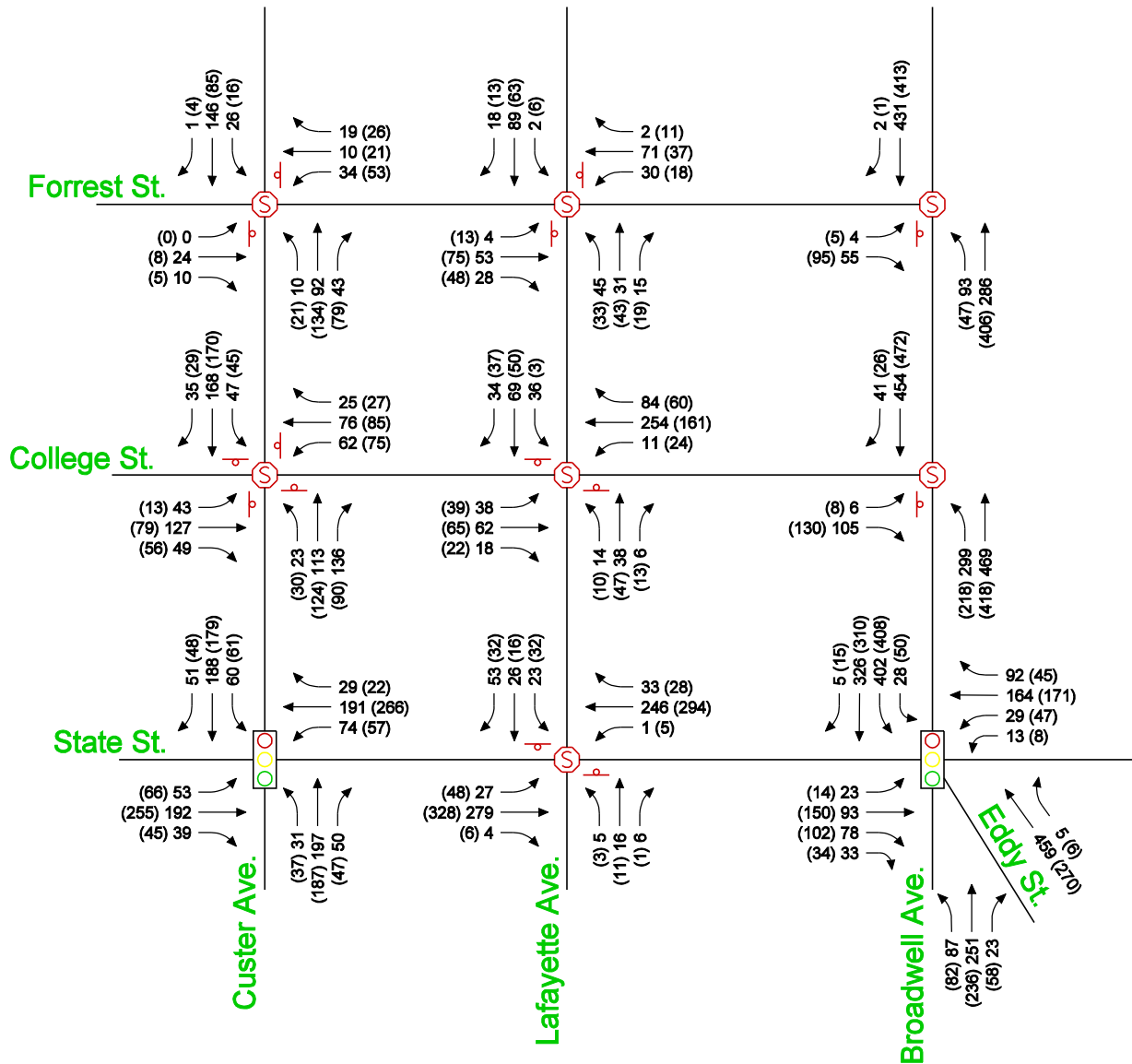
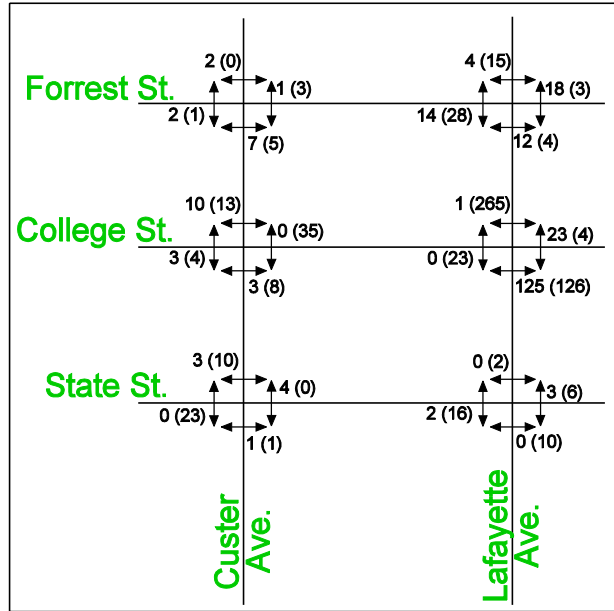
- Lane Configuration and Storage Length
- Signalized Intersection
- Stop Control Intersection
- Stop Sign
- Two Way Left Turn Lane



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**LEGEND**

- ↔ AM (PM) - Peak Hour Volume
- ⬤⬤⬤ - Signalized Intersection
- ⊙ - Stop Control Intersection
- ⊥ - Stop Sign



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TABLE 2: SIGNALIZED INTERSECTION LOS CRITERIA

Level-of-Service	Average Control Delay (sec)
A	≤ 10
B	> 10-20
C	> 20-35
D	> 35-55
E	> 55-80
F	> 80
Highway Capacity Manual (HCM 2000)	

Results of the analyses indicate that the existing signalized intersection of State Street & Custer Avenue operates at LOS B during both peak periods. All individual movements at this intersection also operate at LOS B during the peak hours of operation. The Five Points intersection operates at LOS E and LOS D during the AM and PM peak hour periods, respectively. The southbound movement from Broadwell Avenue to Eddy Street operates at LOS F during both peak periods. The southbound through/right movement operates at LOS E during the AM peak hour. All other movements at this intersection operate at LOS D or better. In general, the fifth leg at this intersection results in non-typical geometrics and additional traffic movements that must compete for green time. As a result, when volumes increase during the peak hours of operation, individual movements may begin to experience breakdowns. This is most evident for southbound movements on Broadwell Avenue.

At the unsignalized intersection of Lafayette Avenue & College Street, northbound movements operate at LOS E during both peak periods. The southbound movements operate at LOS F during the AM peak hour and LOS E during the PM peak hour. The vehicle delays during the peak hours at this intersection are increased due to the east/west pedestrian volumes at this intersection. All other individual movements operate at LOS D or better during both peak periods.

No unsignalized intersections are expected to warrant signalization based on Manual on Uniform Traffic Control Devices (MUTCD) criteria. The Existing Conditions capacity analysis summary is illustrated in **Figure 4**. Detailed results may be found in Appendix A.

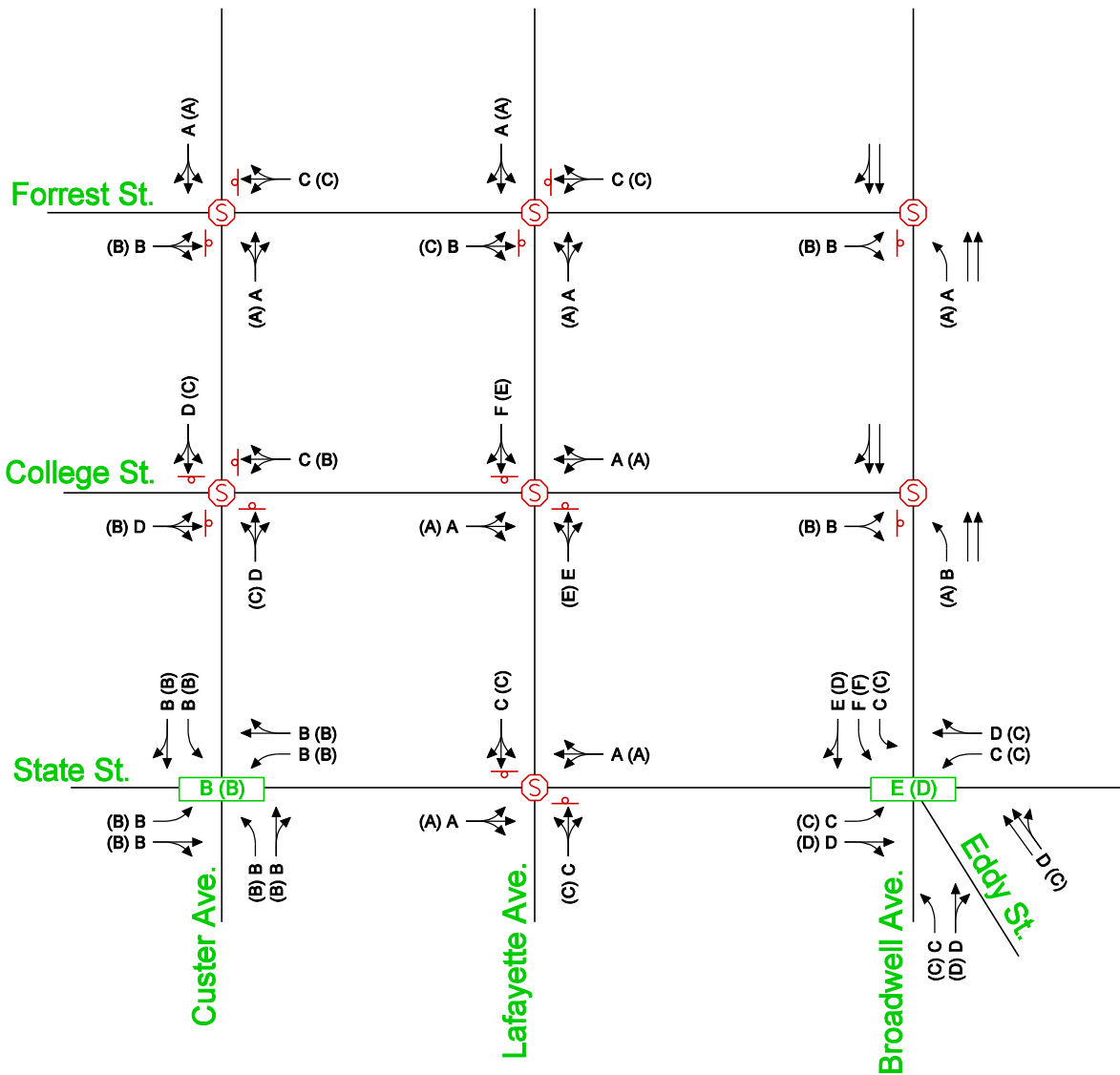
### **3.3 Existing Geometric Improvement Evaluation**

Outside of capacity analysis results, the need for improvements at study intersections utilizing existing traffic volumes was evaluated further using two separate criteria. The first geometric improvement evaluation utilized the procedures of The National Cooperative Highway Research Program (NCHRP) Report 457 on evaluating intersection improvements. Using NCHRP 457 methods, the need for left-turn and right-turn lanes on the major road or a two-lane approach on the minor road was evaluated at all study intersections. No warrants for geometric improvement were satisfied at any of the study intersections based on NCHRP 457.

Storage lengths of existing turning lanes were also evaluated based on Nebraska Department of Roads (NDOR) Roadway Design Manual Chapter 4 methodologies. Based on this evaluation and queue reports from the capacity analysis software, storage length increases are recommended for several turning lanes at the intersection of State Street & Custer Avenue. These recommendations are for storage lengths only and do not include any taper or deceleration lengths.

**LEGEND**

-  - Movement LOS
-  - Stop Control Intersection
-  - Stop Sign
-  - Signalized Intersection LOS



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The following details each traffic improvement recommended for the study area. These recommended improvements to the existing roadway network are illustrated in **Figure 5**.

#### College Street & Lafayette Avenue

The delay currently being experienced by traffic at this intersection is primarily associated with the large east/west pedestrian volumes during the peak hours of operation. Pedestrian volumes at this intersection are larger than at any other intersection within the study area. Although a detailed crash history was not referenced for this intersection, in the interest of pedestrian safety, it is recommended that this intersection be converted to an all-way stop intersection by adding a stop sign on the eastbound and westbound approaches. This recommendation is based upon guidelines provided in the MUTCD that allow for consideration of all-way stop control at intersections near large pedestrian generators where entering vehicle volumes are relatively balanced on all approaches. The implementation of this improvement is expected to simplify the decision making process for both drivers and pedestrians, and a corresponding reduction in overall delay is anticipated.

#### State Street & Custer Avenue







Traffic currently operates at an acceptable level-of-service at this intersection during the peak hours. However, increases in turn lane storage lengths are proposed to provide sufficient storage and allow for thru vehicle spillback during the peak hours of operation.

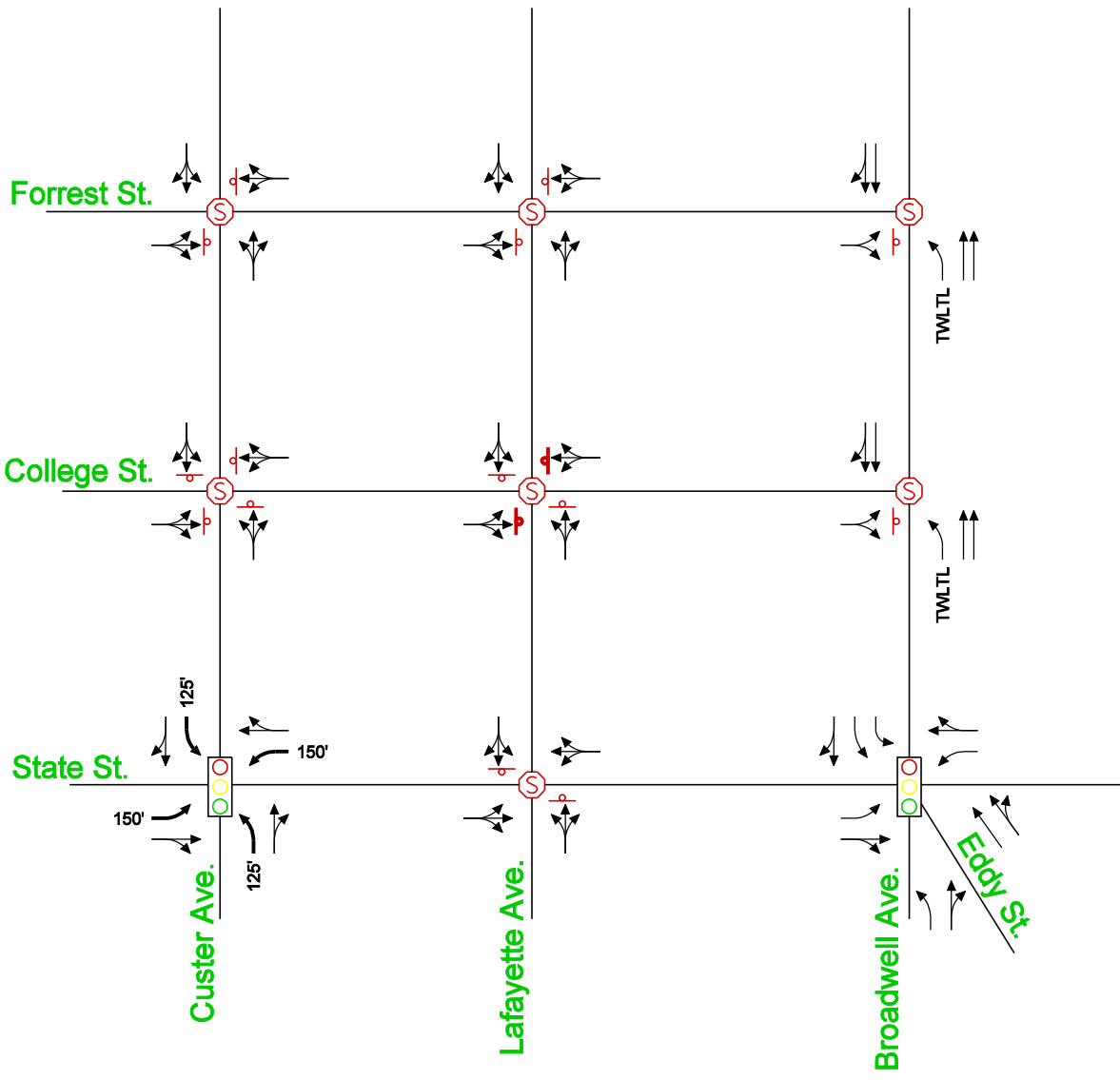
- Extend the eastbound left-turn lane from 75' to **150'**
- Extend the westbound left-turn lane from 75' to **150'**
- Extend the southbound left-turn lane from 75' to **125'**
- Extend the northbound left-turn lane from 75' to **125'**

#### Five Points intersection

Traffic operations at this intersection are currently undesirable during the peak hours of operation, specifically the southbound movements. Although large scale intersection geometric improvements would be required to correct many of the issues with this intersection, recommendations of that type would require additional analysis outside the scope of this traffic study. These improvements would likely include the addition of median, access control recommendations and possibly an alternate form of traffic control or elimination of movements at this intersection. However, a short term improvement that may result in improved operations would include adjustments to existing signal timings at this intersection.

**LEGEND**

-  - Recommended Modification
-  - Signalized Intersection
-  - Stop Control Intersection
-  - Existing Stop Sign
-  - Recommended Stop Sign
-  - Two Way Left Turn Lane



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## 4.0 CLOSURE CONDITIONS

Intersection turning movement counts were conducted again after the temporary closure of College Street was in place for several weeks in order to identify changes in driving patterns throughout the study area.

### 4.1 Closure Conditions Network Characteristics

College Street was temporarily closed from east of the existing Grand Island Senior High faculty parking lot west access to Lafayette Avenue. Temporary signs were placed on College Street near Custer Avenue during the closure to inform drivers that College Street was closed to through traffic.

Closure Conditions peak hour volumes are illustrated in **Figure 6**.

### 4.2 Closure Conditions Capacity Analysis

The closure of College Street had a noticeable impact to driving patterns throughout the study area. These changes will be discussed in greater detail in Section 5.0 of this report. However, the changing traffic patterns resulted in improved operations for many movements when compared to Existing Conditions. Notably, the intersection of College Street & Custer Avenue and the Five Points intersection which currently have undesirable operations in the peak hour, improved significantly under the Closure Conditions. There were also many minimal improvements of one letter grade throughout the study network. Individual movements throughout the network are also expected to see increased delays under the Closure Conditions, most notably at the intersections of Forest Street & Lafayette Avenue and State Street & Lafayette Avenue.

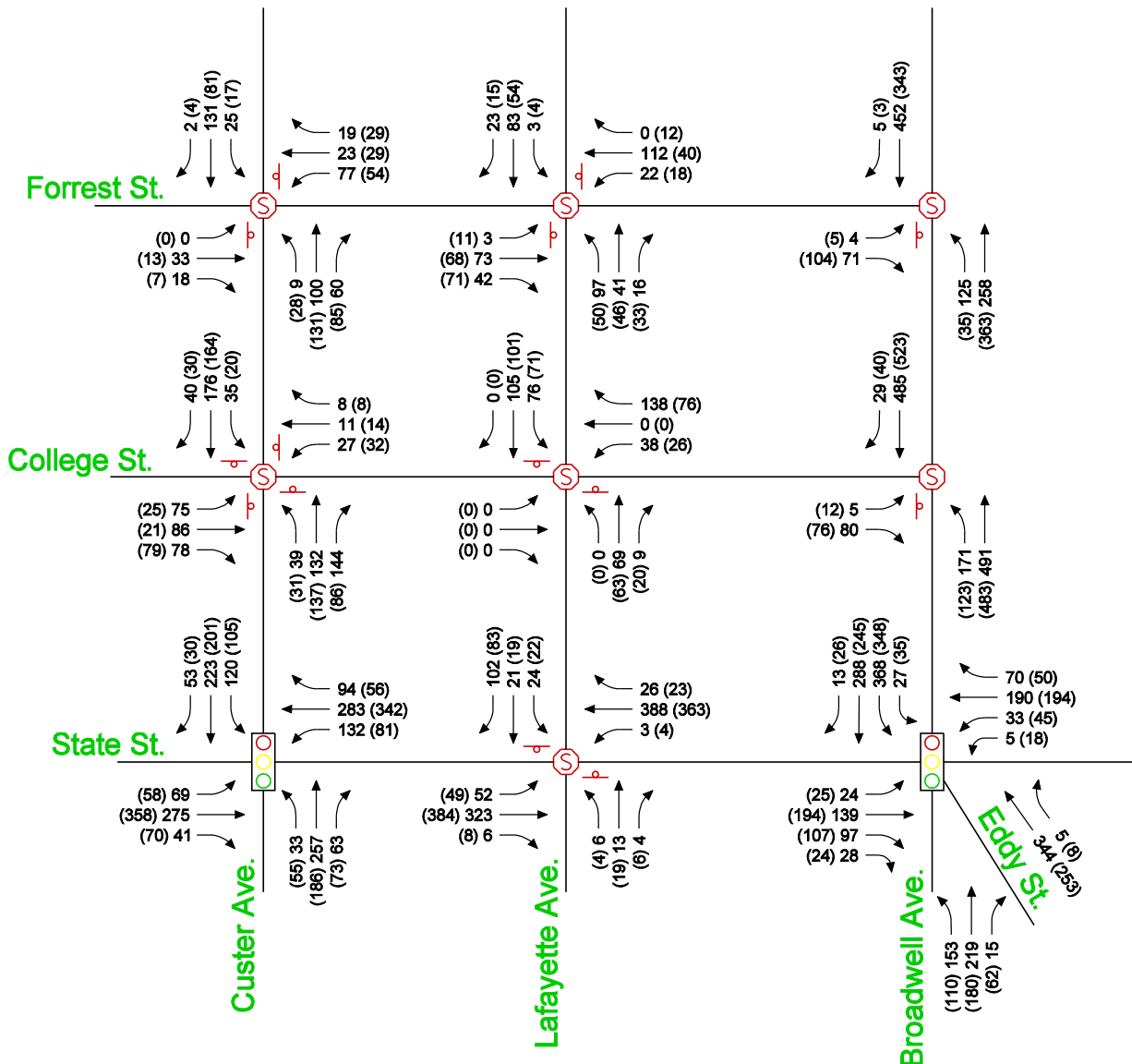
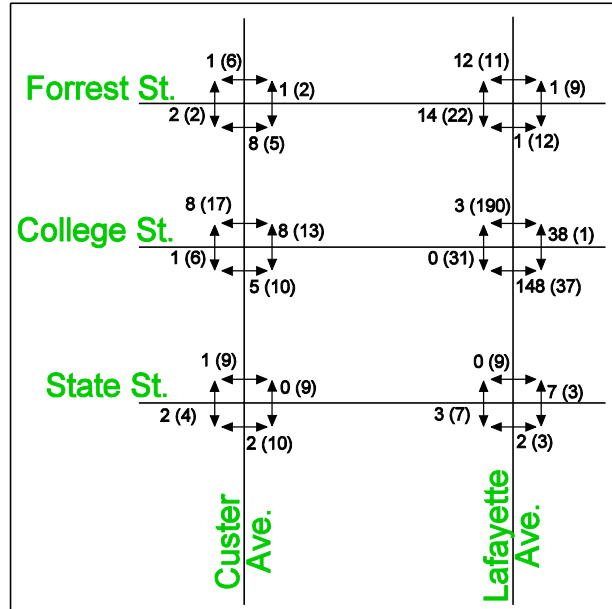
Results of the signalized intersection analysis indicate that both signalized intersections are expected to operate at LOS D or better during both peak periods. The only individual movement to experience increased delays at the Five Points intersection, when compared to Existing Conditions, is the northbound left-turn movement which is expected to operate at LOS E and D during the AM and PM peak hours, respectively. Overall delay at this intersection is expected to decrease under Closure Conditions, most notably on the southbound approach. Although increases in traffic volumes at the intersection of State Street & Custer Avenue under Closure Conditions are expected to increase delays for several movements when compared to Existing Conditions, the overall operations at this intersection are anticipated to be desirable.

Unsignalized intersection analysis results show increased delays on the minor legs of the intersections of Forrest Street & Lafayette Avenue and State Street & Lafayette Avenue. The westbound movement at Forrest Street & Lafayette Avenue is anticipated to operate at LOS E during the AM peak period. The northbound and southbound movements at State Street & Lafayette Avenue operate at LOS F during the AM peak period. The southbound movement at this intersection is expected to operate at LOS E during the PM peak period. Improvements in operations are expected under Closure Conditions for multiple approaches of the intersections of College Street & Custer Avenue and College Street & Lafayette Avenue.

No unsignalized intersections are expected to warrant signalization based on MUTCD criteria. The Closure Conditions capacity analysis summary is illustrated in **Figure 7**. Detailed results may be found in Appendix B.


**LEGEND**

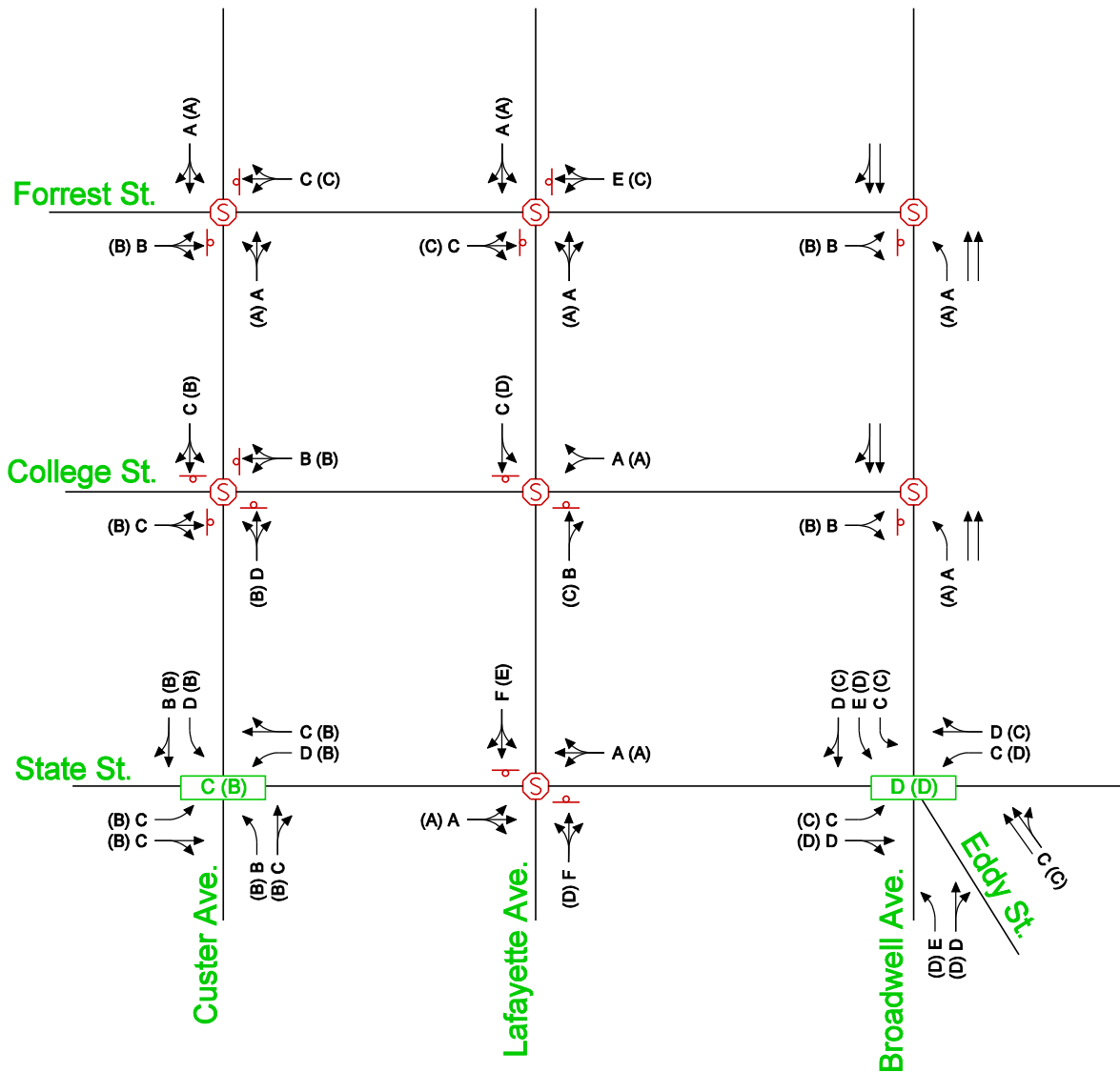
- ↔ AM (PM) - Peak Hour Volume
- 🚦 - Signalized Intersection
- Ⓢ - Stop Control Intersection
- Ⓣ - Stop Sign



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**LEGEND**

-  - Movement LOS
-  - Stop Control Intersection
-  - Stop Sign
-  - Signalized Intersection LOS



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### **4.3 Closure Conditions Geometric Improvement Evaluation**

Beyond the capacity analysis output, the need for improvements at study intersections was evaluated utilizing the Closure Conditions volumes and the same methodologies as Existing Conditions. Using NCHRP 457 methods, the need for left-turn and right-turn lanes on the major road or a two-lane approach on the minor road was evaluated at all study intersections. An eastbound left-turn lane is warranted at the intersection of State Street & Lafayette Avenue based upon this methodology.

Storage lengths for turning lanes were evaluated based on NDOR Roadway Design Manual Chapter 4 methodologies. Based on this evaluation and queue reports from the capacity analysis software, storage length increases are recommended for several turning lanes at the intersections of State Street & Custer Avenue. The recommended storage length for the new turn lane at State Street & Lafayette Avenue was also determined using the NDOR methodology. These recommendations are for storage lengths only and do not include any taper or deceleration lengths.

The following details each traffic improvement recommended for the study area under the Closure Conditions Scenario. These recommended improvements to the existing roadway network are illustrated in **Figure 8**.

#### College Street & Lafayette Avenue

Traffic operations improvements can be expected at this intersection with the closure of College Street west of Lafayette Avenue. However, upon closing College Street to through traffic, it is also recommended that this intersection be converted to an all-way stop intersection by adding a stop sign on the westbound approach. Similar to Existing Conditions, this recommendation is based upon guidelines provided in the MUTCD that allow for consideration of all-way stop control at intersections near large pedestrian generators where entering vehicle volumes are relatively balanced on all approaches.

#### State Street & Custer Avenue

Traffic currently operates at an acceptable level-of-service at this intersection during the peak hours. However, increases in turn lane storage lengths are proposed to provide sufficient storage and allow for thru vehicle spillback during the peak hours of operation.

- Extend the eastbound left-turn lane from 75' to **175'**
- Extend the westbound left-turn lane from 75' to **200'**
- Extend the southbound left-turn lane from 75' to **175'**
- Extend the northbound left-turn lane from 75' to **175'**

#### State Street & Lafayette Avenue

Although the addition of turn lanes on the minor approaches may reduce delay for specific movements, due to the magnitude of volume on State Street, finding gaps in traffic will be difficult during the peak hours. This delay is typical at minor street approaches to arterial roadways. However, per NCHRP methodology, new turn lanes are proposed to provide sufficient storage during the peak hours of operation.

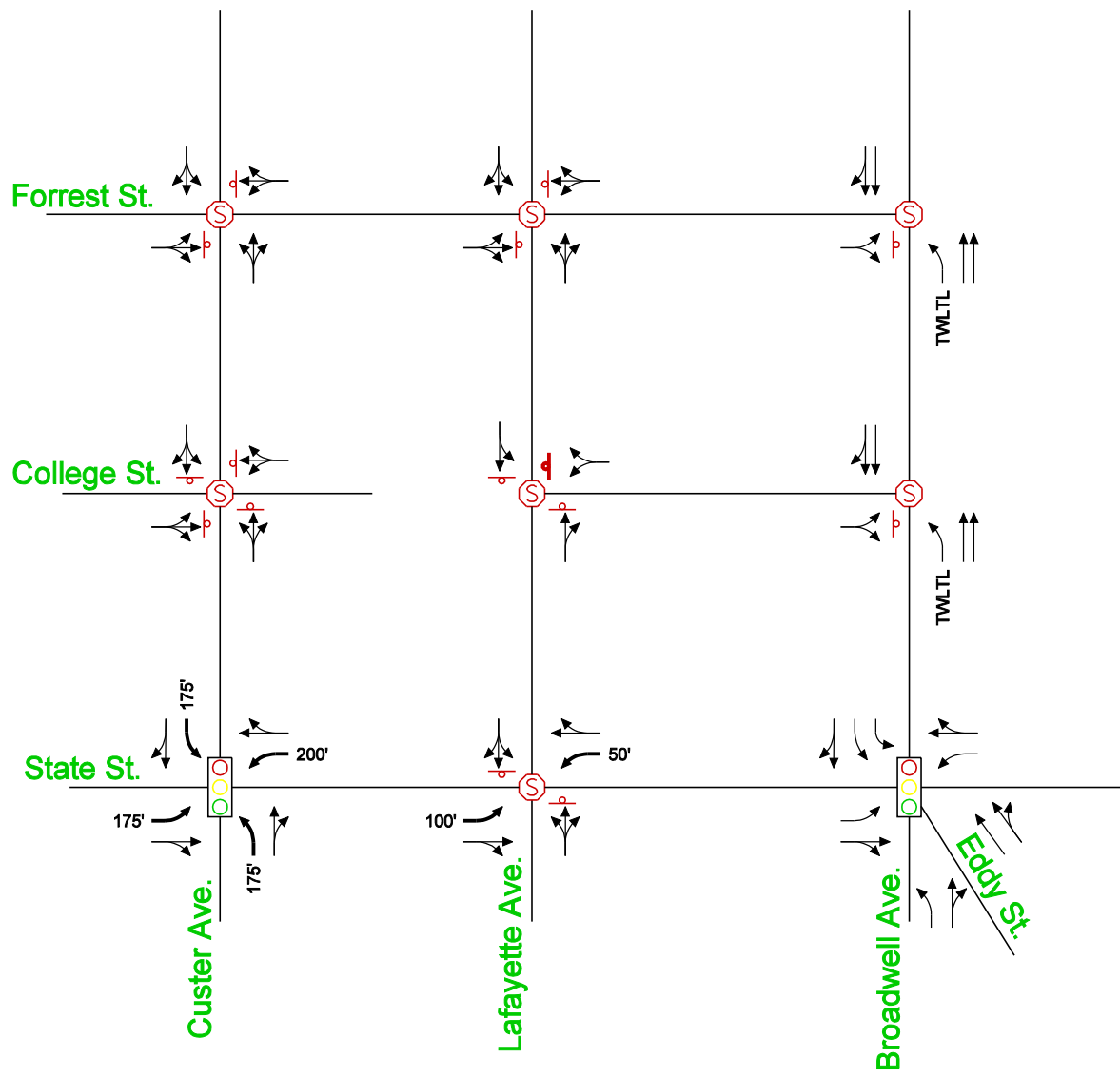
- Construct eastbound left-turn lane (**100'**)
- Construct westbound left-turn lane for geometric alignment (**50'**)

#### Five Points intersection

Traffic operations at this intersection are expected to improve due to the shift in driving patterns with the closure of College Street. Further in depth analysis of this intersection should be still be considered as traffic volumes continue to increase in the future. It is recommended to continue monitoring traffic operations at this intersection and make adjustments to signal timings as needed.

**LEGEND**

- Recommended Modification
- Signalized Intersection
- Stop Control Intersection
- Existing Stop Sign
- Recommended Stop Sign
- Two Way Left Turn Lane



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 11:32:03 AM

## 5.0 SCENARIO COMPARISON

Existing volumes were compared with Closure Conditions volumes to illustrate the volume increases or decreases on roadways within the study area roadway network. In addition to tracking the trends of peak hour turning movement volumes, ADT counts were also compared to identify trends and evaluate the impact the closure of College Street had on traffic volumes of neighborhood streets such as Sherman Boulevard, Howard Boulevard and Waugh Street.

### **5.1 Peak Hour Volume Trends**

**Figure 9** illustrates peak hour volume changes from Existing Conditions to Closure Conditions. Changes are visible for almost every turning movement within the study area. Although efforts were made to select two similar days for conducting counts, minor variations are expected between the two periods due to variables outside the control of this study such as environmental differences, school activity schedules, and student absences for illness. Therefore, changes in volume of plus or minus 10 vehicles between the two counts should be considered insignificant. The more noticeable driving pattern changes are discussed in greater detail below.

The most obvious trend to discern from the comparison is that the majority of traffic that currently uses College Street as a through corridor from Broadwell Avenue west shifted south to State Street rather than north to Capital Avenue or Forest Street. As a result, peak hour volumes increase significantly for several movements at the intersection of State Street & Custer Avenue under Closure Conditions

During Closure Conditions, as expected there is a decrease in vehicles turning onto College Street from Broadwell Avenue. A significant decrease in the northbound left-turning movement at Broadwell Avenue & College Street can be seen in the volume trend. Many of these vehicles use State Street as an alternate route, either making a northbound left-turn from Broadwell Avenue onto State Street or traveling westbound through the intersection. This volume trend results in a decrease in peak hour volumes for the northbound and southbound through movements on Broadwell Avenue and Eddy Street.

Traffic volumes on Lafayette Avenue increase between Forrest Street and State Street during Closure Conditions. Vehicles traveling westbound on College Street reach the road closure and turn onto Lafayette to reach Forrest Street or State Street. The volume of southbound right-turning vehicles at Lafayette Avenue & State Street increases by approximately 50 vehicles in both the AM and PM peak hours. The increase in volumes on State Street results in higher delay for the northbound and southbound approaches at the intersection of Lafayette Street & State Street.




### **5.2 ADT Volume Trends**

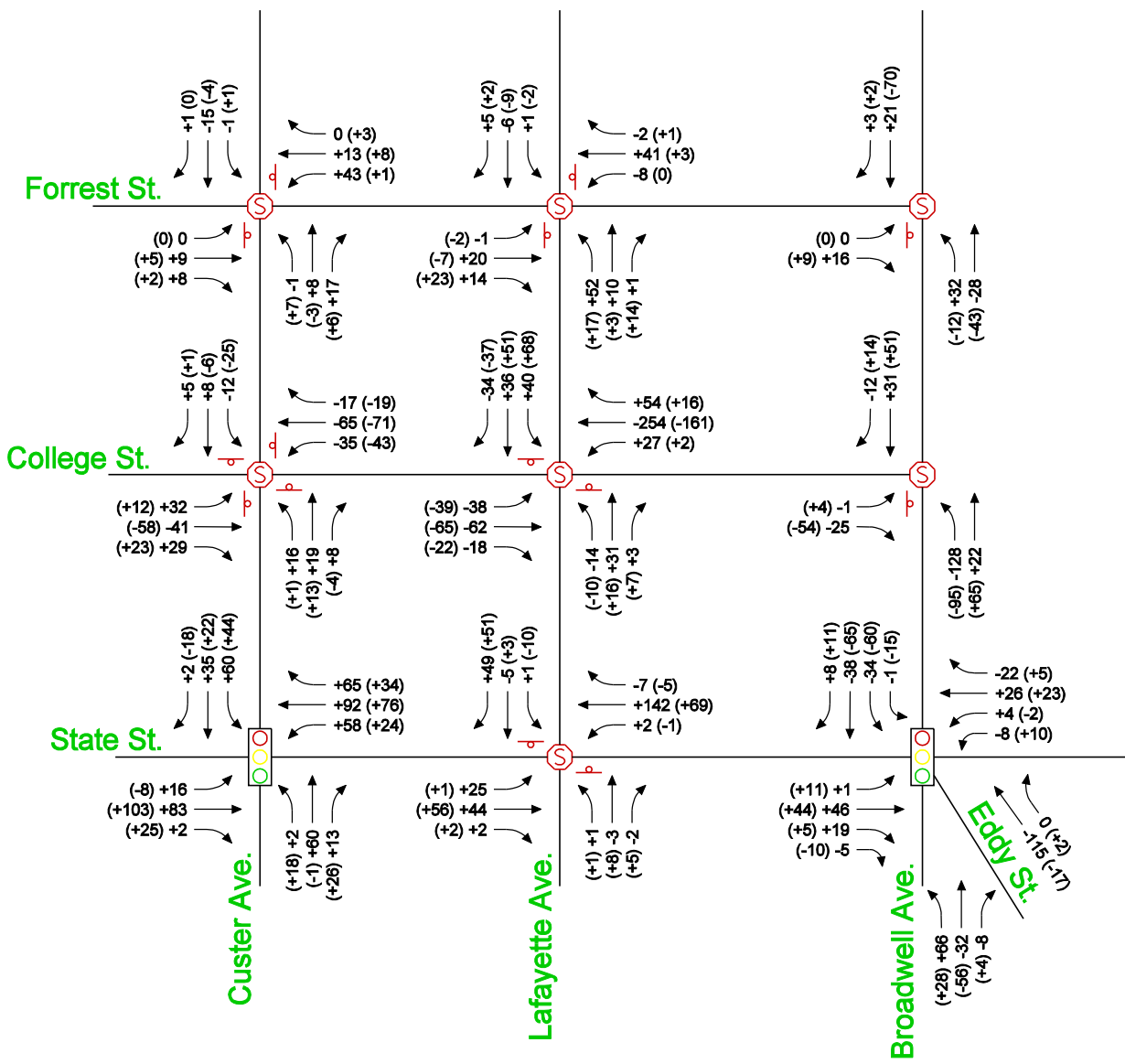
**Figure 10** illustrates the ADT volume changes from Existing Conditions to Closure Conditions. As stated earlier, the location of the ADT counts was primarily selected in residential areas although some counters were placed on arterial roadways as well. Minor variations due to outside variables again are expected between the two count periods. Therefore, for the purposes of this report, only an ADT volume change of 10 percent or more is considered to be significant. All significant changes are discussed in greater detail below.

Similar to what was identified in the peak hour trend analysis, the ADT trends show an increase in daily traffic of 17 percent on State Street under Closure Conditions. Between Custer Avenue and Broadwell Avenue, the ADT on State Street increased from 7,697 vehicles per day (vpd) to 9,021 vpd. This increased volume on State Street results in higher delays for vehicles traveling on State Street, crossing State Street, or turning onto State Street. Additionally, with this increase, State Street is beginning to approach capacity for a two lane undivided roadway.



**LEGEND**

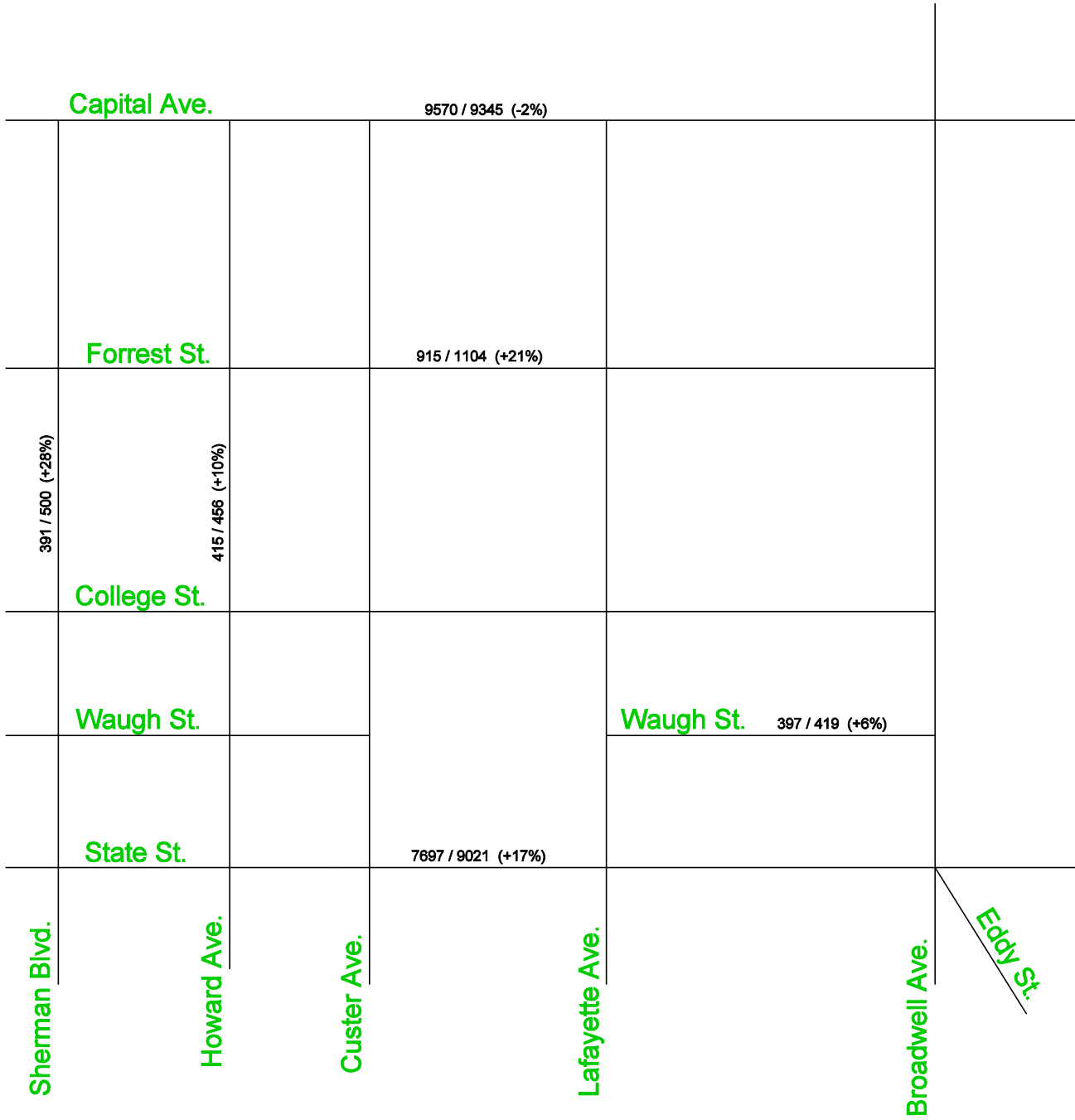
- ↖ AM (PM) - Peak Hour Volume Increase/Decrease
-  - Signalized Intersection
-  - Stop Control Intersection
-  - Stop Sign



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**LEGEND**

Pre-Closure ADT / Closure ADT (% ADT Change)



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A much more significant increase in traffic volumes on Forrest Street is evident when studying the ADT trend versus the peak hour volume trend. The ADT on Forrest Street increased 21 percent from 915 vpd to 1,104 vpd between Custer Avenue and Broadwell Avenue under Closure Conditions. Although this is a significant increase, the volume on Forrest Street does not approach the capacity of the roadway.

The impact that major street changes, such as a closure of College Street, have on residential street traffic is always a top priority for municipalities to take into consideration. The ADT on Howard Avenue from State Street to Capital Avenue increased by 41 vpd, or 10 percent. The ADT on Sherman Boulevard between State Street & Capital Avenue increased from 391 vpd to 500 vpd, or 28%. These increases are likely due to drivers using Sherman Boulevard and Howard Avenue to travel between State Street or Forrest Street in order to avoid the College Street closure.

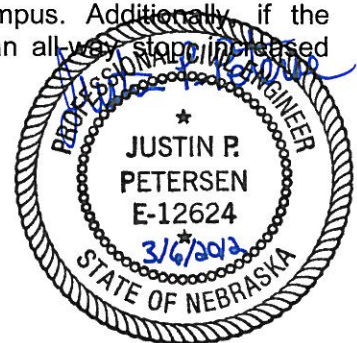
## 6.0 CONCLUSIONS

The purpose of this traffic study was to identify the traffic impacts associated with a closure of College Street from just east of the existing Grand Island Senior High faculty parking lot west access to Lafayette Avenue. By replicating this closure with traffic barricades and performing before and after traffic counts, a majority of the engineering assumptions in regards to driver reaction could be removed from the analysis. As anticipated, by studying the traffic volume trends between the Existing Conditions and Closure Conditions counts, the driving patterns in the area changed and roadways adjacent to College Street experienced increases in traffic.

In addition to recommending roadway improvements to mitigate the impacts of the adjusted traffic patterns under Closure Conditions, this study also evaluated the existing roadway network and recommended potential changes. The improvements recommended in this traffic study range from construction of new turn lanes, extensions of existing turn lanes, modifications to intersection traffic control for pedestrian safety and identification of intersections where more in-depth traffic analysis is required. These recommendations are discussed in detail under Sections 3.3 and 4.3 of this report.

A study of pedestrian safety along College Street between Custer Avenue and Lafayette Avenue was not included with this study. While this study focused mainly on the impact of a potential College Street closure to traffic operations, there are potential benefits to pedestrian safety as well. Currently, pedestrians must cross College Street to travel between the high school and the athletic facilities and parking lots south of College Street. Due to the routing of buses, the need for drop off areas and the need for access to the student and faculty parking lots vehicle traffic cannot be removed from College Street between Custer Avenue and the faculty parking lot entrance. However, the proposed closure of College Street will reduce the amount of through traffic within the Grand Island Senior High School campus and result in reduced pedestrian exposure to vehicle conflicts within the campus. Additionally, if the intersection of College Street & Lafayette Avenue is modified to an all-way stop, increased pedestrian safety at this intersection would be expected.

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June 13, 2017

Grand Island City Council  
City Hall  
100 East First Street  
Box 1968  
Grand Island NE 68802-1968

Re: Vacating College Street between Custer Avenue and Lafayette Avenue

Dear Members of the City Council:

We are writing on behalf of Grand Island Public Schools concerning its request that the City Council vacate the portion of College Street that separates the campus of Grand Island Senior High School. This request is being made in order to enhance the safety of our students, and to better utilize the land owned by the school district on both sides of College Street. Our reasons for making this request are stated below.

1. College Street divides the Grand Island Senior High campus and creates a safety hazard for students, staff and parents. Traffic on College Street impedes the operation of the school. As an example, Senior High School has eight periods of physical education classes which often use Memorial Stadium when weather permits. With eight physical education classes, students are crossing College Street sixteen times during the course of a school day. The mixture of traffic and students is an obvious safety hazard. Additionally, sports teams may cross College Street several times a day to access the track and sports fields on the other side.
2. Students park on Stadium Drive, which is located by Memorial Stadium, and cross College Street numerous times a day to reach their cars for various reasons such as going to lunch, going to work or going to attend Career Pathways Institute. At noon, it is common for School Resource Officers to park on College Street in order to protect students from traffic.
3. At least two to three times a month the staff at Grand Island Senior High School receive complaints from parents about the danger caused by mixing traffic on College Street with students who cross back and forth.

123 South Webb Road • P.O. Box 4904, Grand Island, NE 68802  
308 385-5900 • Fax 308 385-5716 • [tgrover@gips.org](mailto:tgrover@gips.org) • [www.gips.org](http://www.gips.org)

Every Student, Every Day, a Success

4. The greatest danger to the approximate 2,500 students at Senior High School is when they are dismissed at the end of the school day and many will enter College Street to get a ride, to walk home or to access their own vehicles. At dismissal, the concentration of students, car traffic and buses on College Street is heavy and dangerous.
5. Closing College Street will enhance the campus of Grand Island Senior High School and give it a sense of unity and cohesion. It will be easier and safer for students and staff to access the entire campus without constantly being concerned about mixing students with traffic.
6. Vacating College Street will allow Grand Island Public Schools to develop safe pedestrian walkways and parking limited to school purposes.
7. College Street has lost its character as a through-street which increases the danger of pedestrian accidents because drivers may not realize that the street no longer has the movement of traffic as its primary function.
8. Last, but equally important, vacating College Street will contribute to and enhance the planned renovations and expansion of Memorial Stadium using funds from the community and a generous donation to the Grand Island Public Schools Foundation of five million dollars from J. Landis Martin.

Thank you for your consideration of this matter.

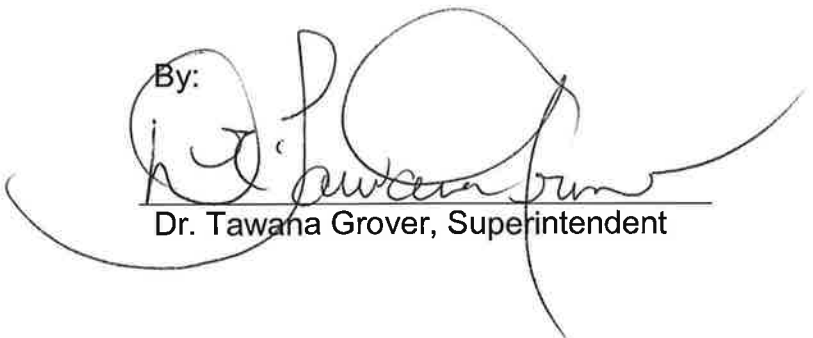
Sincerely,

GRAND ISLAND PUBLIC SCHOOLS

By:

  
Mrs. Bonnie Hinkle, President  
Board of Education

By:

  
Dr. Tawana Grover, Superintendent

123 South Webb Road • P.O. Box 4904, Grand Island, NE 68802  
308 385-5900 • Fax 308 385-5716 • www.gips.org

Every Student, Every Day, a Success

TO: John Collins  
FROM: Cory Schmidt, Fire Chief  
DATE: 06-19-17  
RE: Closure of College Street

On behalf of the Grand Island Fire Department (GIFD), I'm writing to express my opinion in regards to the closure of College Street between Lafayette Avenue and Custer Avenue. The GIFD routinely utilizes College Street when responding to both emergency and nonemergency calls for service in the area of Grand Island Senior High. Should City Council vote to approve the closure of College Street, we will find an alternative response route with minimal change in our response times.

An area we would have concern with relates to responses to Senior High itself. Due to the size of the campus, the reporting party will need to specify which door the fire department should use for quickest access. Relocating vehicles and personnel from one side of Senior High to another may cause further delay without the use of College Street. This same clarification will also be needed for responses to outside areas such as the football field.

Overall, the proposed closure of College Street between Lafayette and Custer will have little impact on the operations of the GIFD.

**From:** Robert Falldorf [mailto:rfalldorf@gipolice.org]  
**Sent:** Wednesday, June 21, 2017 2:49 PM  
**To:** Catrina DeLosh  
**Cc:** Virgil Harden; John Collins  
**Subject:** RE: GIPS Request to Close College Street

We discussed the Grand Island Public School's request to close W. College between Lafayette and Custer at our Police Department command staff meeting (Police Chief and Captains) this afternoon. We were all of the opinion that the closing of this section of College Street wouldn't have any negative effects on our operations. Knowing that there may be some development or improvements of the sports complex area at the High School we all agreed that it only made sense to close this portion of College Street for the safety of students and patrons in the area. There are other arterial streets in this same area (newly improved Capital Avenue and State Street) that provide adequate east/west travel options.

Thanks,

Chief Falldorf

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

ORDINANCE NO. 9634

An ordinance to vacate existing right of way and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That a portion of an existing right-of-way within Scarff's Addition to West Lawn, City of Grand Island, Hall County, Nebraska more particularly described as follows:

*COMMENCING AT THE SOUTHWEST CORNER OF LOT 4, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF COLLEGE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE EAST, ALONG THE SOUTH LINE OF BLOCK 4, BLOCK 3, AND BLOCK 2, SCARFF'S ADDITION TO WEST LAWN, TO A POINT BEING THE SOUTHEAST CORNER OF SAID BLOCK 2, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE AND SAID NORTH RIGHT-OF-WAY LINE OF COLLEGE STREET; THENCE SOUTH, TO THE NORTHEAST CORNER OF BLOCK 7, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF SAID COLLEGE STREET; THENCE WEST, ALONG THE NORTH LINE OF BLOCK 7, BLOCK 6, AND BLOCK 5, SCARFF'S ADDITION TO WEST LAWN, TO THE NORTHWEST CORNER OF SAID BLOCK 5, SCARFF'S ADDITION TO WEST LAWN, POINT ALSO BEING A POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF CUSTER AVNEUE AND SAID SOUTH RIGHT-OF-WAY LINE OF SAID COLLEGE STREET; THENCE NORTH, ALONG SAID EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 86,087 SQUARE FEET OR 1.98 ACRES MORE OR LESS. SHOWN IN ATTACHED EXHIBIT "1".*

Approved as to Form    ☐ \_\_\_\_\_  
June 23, 2017            ☐ City Attorney



ORDINANCE NO. 9634 (Cont.)

Be, and hereby is, vacated.

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

SECTION 3. The City shall retain a utility easement through the vacated portion to line up with the existing easement through this area, a tract of land located in part of Scarff's Addition to West Lawn, City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

*THE SOUTH THIRTY (30) FEET OF COLLEGE STREET BETWEEN THE EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE AND THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE. SAID EASEMENT CONTAINS A CALCULATED AREA OF 32,280 SQUARE FEET OR 0.74 ACRES MORE OR LESS. SHOWN IN ATTACHED EXHIBIT "2".*

SECTION 4. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

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

Enacted: June 27, 2017.

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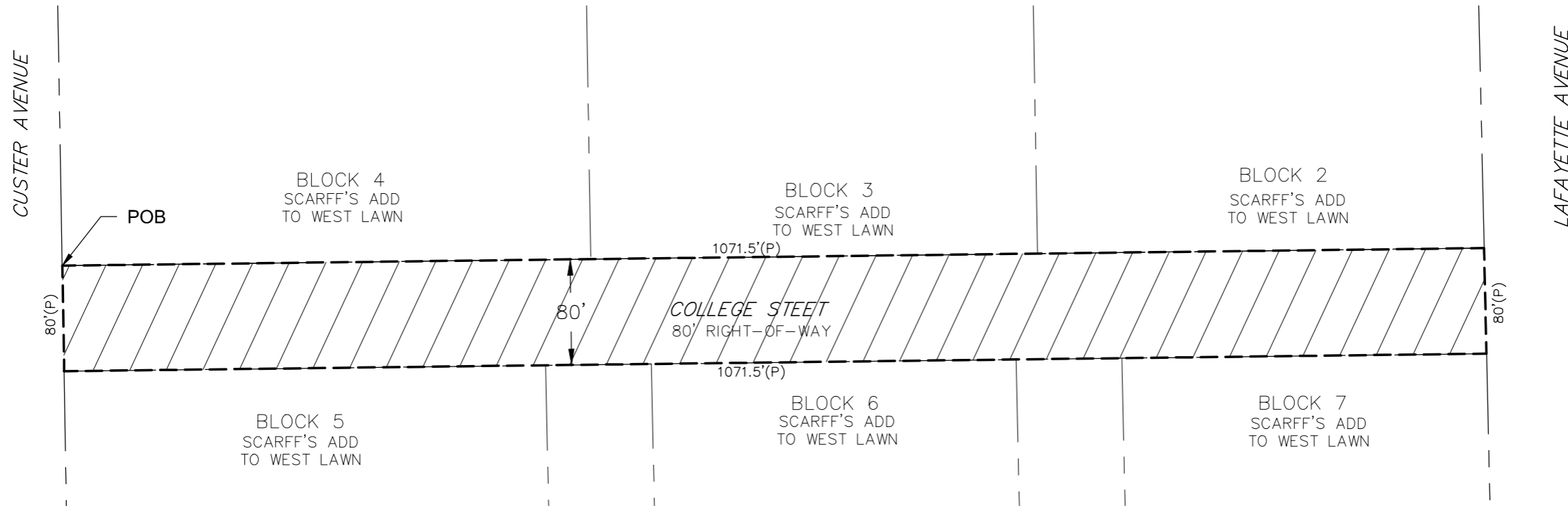
Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

DWG: G:\Grand Island\Teams\SURVEY\Misc Project\2017\College st. Vac\40-Design\SURVEY\REF\XREF\1\XTP0\_7.dwg USER: jjimenez 0101279\_xbase  
 DATE: Jun 13, 2017 11:40am XREFS: 0130631\_xbase 0120669\_xbase combined 0122514\_xbase topo-track 081395\_xbase GISH 0101279\_xbase



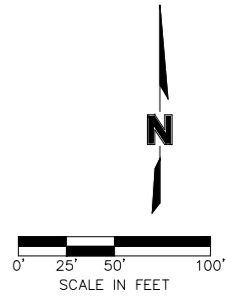
**80' RIGHT-OF-WAY VACATION DESCRIPTION**

A TRACT OF LAND LOCATED IN PART OF SCARFF'S ADDITION TO WEST LAWN, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF COLLEGE STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE EAST, ALONG THE SOUTH LINE OF BLOCK 4, BLOCK 3, AND BLOCK 2, SCARFF'S ADDITION TO WEST LAWN, TO A POINT BEING THE SOUTHEAST CORNER OF SAID BLOCK 2, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE AND SAID NORTH RIGHT-OF-WAY LINE OF COLLEGE STREET; THENCE SOUTH, TO THE NORTHEAST CORNER OF BLOCK 7, SCARFF'S ADDITION TO WEST LAWN, SAID POINT ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF LAFAYETTE AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF SAID COLLEGE STREET; THENCE WEST, ALONG THE NORTH LINE OF BLOCK 7, BLOCK 6, AND BLOCK 5, SCARFF'S ADDITION TO WEST LAWN, TO THE NORTHWEST CORNER OF SAID BLOCK 5, SCARFF'S ADDITION TO WEST LAWN, POINT ALSO BEING A POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE AND SAID SOUTH RIGHT-OF-WAY LINE OF SAID COLLEGE STREET; THENCE NORTH, ALONG SAID EAST RIGHT-OF-WAY LINE OF CUSTER AVENUE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 86,087 SQUARE FEET OR 1.98 ACRES MORE OR LESS.

- LEGEND**
- R.O.W. VACATE AREA
  - EXIST. PROPERTY LINE
  - VACATED R.O.W. LINE
  - P PLATTED DISTANCE



PROJECT NO: 2017-	
DRAWN BY: JMJ	
DATE: 06-13-2017	

**80' RIGHT-OF-WAY VACATE**

PLATTED DISTANCE 1071.5' / 2017

201 East 2nd Street  
 P.O. Box 1072  
 Grand Island, NE 68802-1072  
 TEL 308.384.8750  
 FAX 308.384.8752

EXHIBIT
1 Page 106 / 284



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item F-2

**#9635 - Consideration of Vacation of Alley within Wallichs  
Addition – West of Jefferson Elementary School**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Keith Kurz PE, Assistant Public Works Director

**Meeting:** June 27, 2017

**Subject:** Consideration of Vacation of Alley within Wallichs Addition – West of Jefferson Elementary School

**Presenter(s):** John Collins PE, Public Works Director

## Background

Wallichs Addition was platted in June 1886, with an alley running east and west between present day 7<sup>th</sup> and 8<sup>th</sup> Streets, from Broadwell Avenue to Adams Street.

The City has received a request from Grand Island Public Schools (GIPS) to vacate the western portion of the alley referenced previously, as described on the attached Exhibit “1”. The vacation is needed at this time to allow for the replatting of this area, as well as the rebuilding of Jefferson Elementary School.

## Discussion

Upon the appropriate City Department (Public Works, Building, Utilities, Fire, and Planning) reviews it has been determined there is no need for this alley to remain as public right of way. Title to the property vacated shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

The public utilities currently located within the subject area will be relocated as part of the subdivision replatting and rebuilding of Jefferson Elementary School.

## Alternatives

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

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

## **Recommendation**

City Administration recommends that the Council approve vacating a portion of the alley running east and west between present day 7<sup>th</sup> and 8<sup>th</sup> Streets, from Broadwell Avenue to Adams Street.

## **Sample Motion**

Move to approve the ordinance.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

### ORDINANCE NO. 9635

An ordinance to vacate existing right of way and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That a portion of an existing right-of-way within Wallichs Addition, City of Grand Island, Hall County, Nebraska more particularly described as follows:

*A 16 foot alley located in Block 11, Wallichs Addition in part of the Southwest Quarter of the Northeast Quarter (SW ¼, NE ¼) of Section Sixteen (16), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., Hall County, Nebraska;*

*Commencing at the Southwesterly corner of Lot 7, Block 11, Wallichs Addition; thence on an assumed bearing of N01°03'15"W, along the westerly line of Block 11, a distance of 150.08 feet to a point being a northerly lot corner of Lot 8, said Block 11 and also being the point of beginning; thence continuing N01°03'15"W, along said Block 11, a distance of 18.18 feet; thence N60°36'33"E, along the southerly line of Lots 3, 2, 1, said Block 11, a distance of 124.00 feet to a point on the easterly line of Block 11 and westerly line of vacated Jefferson Street right-of-way as described in Ordinance No. 4872, Book 21, Page 73; Thence S29°59'42"E, along said easterly line of said Block 11, a distance of 16.00 feet; thence S60°69'33"W, along the northerly line of Lots 10, 9, 8, said Block 11, a distance of 132.65 feet to the point of beginning. Said tract contains a calculated area of 2,053.57 square feet or 0.047 acres more or less.*

Be, and hereby is, vacated.

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

Approved as to Form	▣ _____
June 23, 2017	▣ City Attorney

ORDINANCE NO. 9635 (Cont.)

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

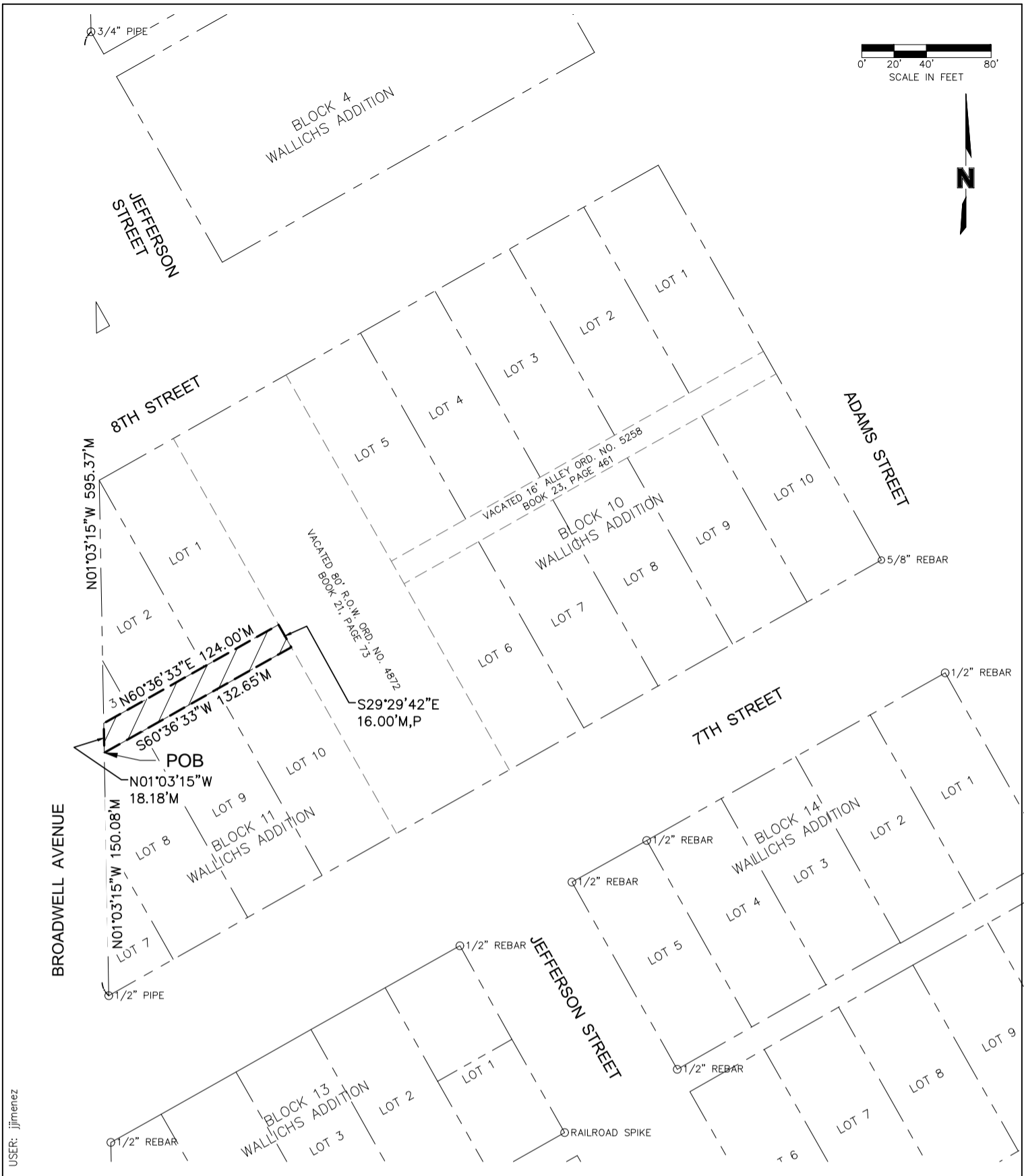
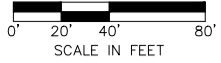
SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the plate, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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



**LEGEND**

- FOUND CORNER (AS NOTED)
- ALLEY R.O.W. VACATE AREA
- EXIST. PROPERTY LINE
- - - EXIST. VACATED R.O.W. LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE

**16' ALLEY RIGHT-OF-WAY VACATION DESCRIPTION**

A 16 FT. ALLEY LOCATED IN BLOCK 11, WALLICHS ADDITION IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4, NE1/4) OF SECTION SIXTEEN (16), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 7, BLOCK 11, WALLICHS ADDITION; THENCE ON AN ASSUMED BEARING OF N01°03'15"W, ALONG THE WESTERLY LINE OF BLOCK 11, A DISTANCE OF 150.08 FEET TO A POINT BEING A NORTHERLY LOT CORNER OF LOT 8, SAID BLOCK 11 AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N01°03'15"W, ALONG SAID BLOCK 11, A DISTANCE OF 18.18 FEET; THENCE N60°36'33"E, ALONG THE SOUTHERLY LINE OF LOTS 3, 2, 1, SAID BLOCK 11, A DISTANCE OF 124.00 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 11 AND WESTERLY LINE OF VACATED JEFFERSON STREET RIGHT-OF-WAY AS DESCRIBED IN ORDINANCE NUMBER 4872, BOOK 21, PAGE 73; THENCE S29°29'42"E, ALONG SAID EASTERLY LINE OF SAID BLOCK 11, A DISTANCE OF 16.00 FEET; THENCE S60°36'33"W, ALONG THE NORTHERLY LINE OF LOTS 10, 9, 8, SAID BLOCK 11, A DISTANCE OF 132.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 2,053.57 SQUARE FEET OR 0.047 ACRES MORE OR LESS.

USER: jjimenez  
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PROJECT NO: 2016-3186	<b>16' ALLEY VACATE</b>		201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.384.8750 FAX 308.384.8752	EXHIBIT <b>1</b>
DRAWN BY: JMJ				
DATE: 06.15.2017				





# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item F-3

**#9636 - Consideration of Adopting Updates to Chapter 40 of the Grand Island City Code Related to Storm Water Regulations**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Jeremy Rogers, Storm Water Program Manager

**Meeting:** June 27, 2017

**Subject:** Consideration of Adopting Updates to Chapter 40 of the Grand Island City Code Related to Storm Water Regulations

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

On December 15, 2009, via Ordinance No. 9246, Grand Island City Council adopted Chapter 40 to Grand Island City Code. Such ordinance addressed Illicit Discharge and Storm Water Management practices.

An illicit discharge ordinance is a requirement of the National Pollutant Discharge Elimination System (NPDES) permit for small Municipal Separate Storm Sewer Systems (SMS4). The ordinance empowers the City to track, identify, and eliminate illicit discharges to the storm drainage system.

## **Discussion**

The City of Grand Island is obligated to conform to the Environmental Protection Agency (EPA) post construction requirements. In order for the City to meet this responsibility updates are necessary to Chapter 40, which will address the following.

- Designate individuals to enforce such ordinance
- Geothermal Water Source Heat Pump Systems
- Post Construction Storm Water Management
- Land Redevelopment Activities
- Storm Water Treatment Facilities
- Permitted vs. Prohibited Discharges
- Site plan review
- Inspection and Maintenance of Best Management Practices / Storm Water Treatment Facilities

For reference a marked copy of Chapter 40 is attached to note updates being made to this section of City Code.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the adoption of updates to Chapter 40 of the Grand Island City Code related to Storm Water Regulations.

## **Sample Motion**

Move to approve the ordinance.

# ORDINANCE NO. 9XXX

## CHAPTER 40

### STORM WATER MANAGEMENT

#### §40-1. Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Grand Island, Nebraska through the regulation of stormwater and non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. In addition, the purpose is to control land disturbances, or to reduce or eliminate soil erosion and sedimentation within the City of Grand Island, NE. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by discharges by any person.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To prevent non-storm water discharges generated as a result of spills, inappropriate dumping, or disposal to the City of Grand Island separate storm drainage system.
- (4) To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land.
- (5) To require the construction of locally-approved, permanent stormwater runoff controls to protect water quality and maintain non-erosive hydrologic conditions downstream of construction activity and development.
- (6) To require responsibility for and long-term maintenance of structural stormwater control facilities and nonstructural stormwater management.
- (7) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- (8) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by geothermal water source heating and cooling system discharges by any user.
- (9) To limit the connection and discharges of spent groundwater from geothermal heat pump systems to the MS4

#### §40-2. Definitions

For the purposes of this ordinance, the following shall mean:

*Authorized Enforcement Agency:* The City of Grand Island, its employees, or third parties designated by the Public Works Director which enforce this ordinance.

Best Management Practices(BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge disposal, water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, an announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activity: Activities subject to National Pollutant Discharge Elimination System Construction Permits. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, demolition and other land disturbing actions.

Construction Site: Any location where construction activity occurs.

Contractor: Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipework, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

Clearing: Any activity that removes the vegetative surface cover.

Director: The City Engineer or the Public Works Director

Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including but not limited to grading, excavating, stockpiling soil, fill, or other materials, clearing, vegetation removal, removal or deposit of any rock, soil, or other materials, or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

Drainage Plan: A schematic of the proposed area and how it connects to city's storm sewer system. Include proposed location, grade, direction of flow, elevations, drainage structures and drainage areas.

Earthwork: The disturbance of soil on a site associated with construction activities.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion Control: Measures that prevent soil erosion to the maximum extent practicable.

Erosion and Sediment Control Plan: A plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved standards, specification, and guidance.

Final Stabilization: When all soil disturbing activities at the site have been completed, and vegetative cover has been established with a uniform density of at least 70 percent of predisturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this Ordinance, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site is considered final stabilization.

Financial Security: A surety bond, performance bond, maintenance bond, irrevocable letter of credit, or similar guarantees provided to the City of Grand Island to assure that a construction Stormwater Pollution Prevention Plan is carried out in compliance with requirements of this Ordinance.

Geothermal Water Source Heat Pump System – A geothermal system uses the Earth’s thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

Geothermal System (Closed Loop) – A mechanism for heat exchange, which consists of the following basic elements: Underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a “closed loop” and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of well or surface water.

Geothermal System (Open Loop) – Water is pumped from a well or surface water into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the aquifer through a different well or in some cases the same well, otherwise known as re-injection. Alternatively, the ground water could be discharged the Earth’s surface or a surface water body, also known as pump & dump. In the heating mode, cooler water is returned to the Earth’s surface or surface water body, while in the cooling mode warmer water is returned to the Earth’s surface or surface water body.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge: Any unauthorized direct or indirect non-storm water discharge to the storm drainage system.

Illicit Connections:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows any illicit discharge to enter the storm drainage system including, but not limited to, any conveyance which allows any non-storm water discharge including sewage, process wastewater, or wash water to enter the storm drainage system.
- (b) Any connections to the storm drainage system from indoor drains and sinks regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency.
- (c) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

- (d) An Illicit Connection does not include connections that are allowed under section 40-8 of this code.

Industrial Activity: Activities subject to National Pollutant Discharge Elimination System Industrial Permits.

Low Impact Development (LID): means de-centralized management of precipitation that would otherwise be stormwater runoff, utilizing design techniques that infiltrate, filter, store, evaporate, or temporarily detain stormwater.

Municipal Separate Storm Sewer System (MS4): Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: Means a permit issued by Environmental Protection Agency (or by the State of Nebraska under authority delegated to it) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NDEQ: Nebraska Department of Environmental Quality.

N.O.I (Notice of Intent): is a formal announcement of intent to disturb the earth surface and is used to request a City, State, or Federal permit to discharge stormwater for a variety of activities primarily for construction and development.

N.O.T. (Notice of Termination): is a formal announcement that all construction and ground disturbance activities are no longer authorized to discharge stormwater associated with any City, State, or Federal permitted activity under the NPDES program.

Outfall: The point of discharge to any watercourse from a public or private stormwater drainage system.

Non-Storm Water Discharge: Any discharge to the storm drainage system that is not composed entirely of storm water.

Operator: The individual who has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties. It is anticipated that at different phases of a construction project, different types of parties will satisfy the definition of 'operator' and the pertinent portions of any applicable permit authorization from the State of Nebraska will be transferred as the roles change.

Owner: The person who owns a facility, development, part of a facility, or land.

Permittee: The applicant in whose name a valid permit is issued.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant: Anything which causes or contributes to pollution. Pollutants include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Post-Construction: The general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Post-Construction Stormwater Management: The management of stormwater for a period of time in perpetuity from approval for final acceptance of the construction phase of any construction activity. The management of stormwater includes the use of STFs that meet minimum site performance standards in accordance with a community's MS4 permit. STFs are intended to provide stormwater treatment during this time period and are considered functional after vegetation has been established.

Post-Construction Stormwater Management Plan (PCSWMP): Documentation supporting analysis, design, maintenance and inspection of STFs installed on a site in order to meet minimum site performance standards in accordance with a community's MS4 permit.

Receiving Water: Is any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska. These include all watercourses, even if they are usually dry, irrigation ditches that receive municipal stormwater, and storm sewer systems owned by other entities.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Redevelopment: Any land-disturbing activity that results in the creation, addition or replacement of at least five thousand (5,000) square feet of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

- (1) The expansion of a building footprint;
- (2) Addition or replacement of a structure;
- (3) Replacement of impervious surface that that is not part of a routine maintenance activity;
- (4) Land disturbing activities related to structural or impervious surfaces.

Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety

Sediment: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Site: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.



Site plan: A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings and landscaping.

Spill: A release of solid or liquid material, which may cause pollution of the Municipal Separate Storm Sewer System or waters of the State.

Stabilization: The use of practices that prevent exposed soil from eroding.

Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to; any roads with drainage systems; municipal streets; gutters; curbs; inlets; piped storm drains; pumping facilities; retention and detention basins; natural and human-made or altered drainage channels; reservoirs; and other drainage structures. The storm drainage system in Grand Island is a municipal separate storm sewer system as defined by applicable federal regulations.

Storm Water: Any water that occurs in surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater Treatment Facilities (STFs): Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction activity for land development is complete. These facilities are physical in nature and sometimes referred to as “structural” BMPs and can include Low Impact Development Techniques.

Subdivision Development: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

Utility Agency/Contractor: Private utility companies, public utility departments, or other utility providers, contractors working for such private utility companies, or public entity utility departments, or other utility providers engaged in the construction or maintenance of utility lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater: Means any water or other liquid, other than uncontaminated stormwater, discharged from any premises or facility. Wastewater includes sewage that is treated at the City’s Waste Water Treatment Plant.

Waters of the State: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.

### **§40-3. Applicability**

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

#### **§40-4. Responsibility for Administration**

The City of Grand Island shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Grand Island may be delegated by the **Public Works Director** to persons or entities acting in the beneficial interest of, or in the employ of the City.

#### **§40-5. Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

#### **§40-6. Ultimate Responsibility**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Compliance with this ordinance does not act as a waiver or defense to any person for contamination, pollution, or unauthorized discharge of pollutants. Ultimate responsibility for prohibited acts rests with persons who own or are in possession or control of premises from which the discharge of contaminants or pollutants emanates.

#### **§40-7. Illicit Discharge**

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illicit discharge to the storm drainage system is prohibited except as allowed under section 40-8 of this code.

#### **§40-8. Discharges to the Municipal Storm Sewer System MS4**

##### **1. Permitted Discharges**

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wet-land flows; swimming pools (if dechlorinated - typically less than one PPM chlorine); **firefighting** activities; and any other water source not containing Pollutants.
- (b) Discharges determined by the City to be necessary to protect public health and safety.
- (c) Dye testing if the City is notified in writing prior to the time of the test.
- (d) Any non-storm water discharge permitted under an National Pollutant Discharge Elimination system permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

## 2. Prohibited Discharges

- (a) The following discharges are strictly prohibited from entering the City Storm Sewer Conveyance System established by this ordinance: wastewater from the washout of concrete, wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, other construction materials, fuels, oils, other pollutants used in vehicle and equipment operation and maintenance, soaps, and solvents used in vehicle and equipment washing.
- (b) Any other discharge that is not permitted by this ordinance.

### §40-9. Illicit Connection

The Construction, Use, Maintenance or continued existence of illicit connections to the storm drainage system are prohibited.

- (a) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (b) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage or pollutants to the Municipal Separate Storm Sewer System or allows such a connection to continue.

### §40-10. Suspension of Storm Drainage System Access

#### Suspension due to Illicit Discharges in Emergency Situations

The City of Grand Island may, without prior notice, suspend storm drainage system discharge access to a person when the City deems it necessary to prevent an actual or threatened discharge which presents or may present imminent and substantial danger to: the environment; to the health or welfare of persons or to the storm drainage system; or to waters of the United States of America. If the person fails to comply with a suspension order issued in an emergency, the City of Grand Island may take such steps as deemed necessary to prevent or minimize damage to persons, the storm drainage system, waters of the United States of America.

#### Suspension due to the Detection of Illicit Discharge

Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a person of the proposed termination of storm drainage system access by personal delivery or by United States Mail. The person may request a hearing before the City Director of Public Works by delivering such request in writing to the City Clerk. The person is not entitled to a stay of the termination pending any such hearing.

A person commits an offense if the person accesses or attempts to access the storm drainage system from premises terminated pursuant to this Section, without the prior approval of the City.

### §40-11. Construction.

#### (A) GENERAL REQUIREMENTS FOR CONSTRUCTION ACTIVITIES.

- (1) Except for construction activity relating to the Building Phase of Development, the City of Grand Island shall require proof of coverage by a NDEQ general permit authorization for Storm Water Discharges from

Construction Sites before providing approval for construction activity and land developments requiring – including but not limited to: site plan applications, subdivision applications, building applications, and right-of-way applications from the City of Grand Island, unless exempt pursuant to Subsection (a) below. These provisions apply to all portions of any plan for land disturbing activity which would cause the disturbance of at least one acre of soil even though multiple, separate and distinct land development activities within the overall development may take place at different times on different schedules.

(a) The following activities are exempt from this Ordinance:

- (i) Any emergency activity that is necessary for the immediate protection of life, property, or natural resources; and
  - (ii) Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.
- (2) The city shall be invited to the pre-construction meeting to review the installation of all temporary erosion and sediment control BMPs included on the approved erosion and sediment control plan at least two (2) business days before any construction activities are scheduled to start.
  - (3) Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited. Sanitary waste facilities shall be provided and maintained in a secured manner.
  - (4) Ready- mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing such materials or used in transporting or applying ready-mixed concrete, shall not be allowed to discharge from any construction site. Concrete wasted on site must be disposed in a manner consistent with locally approved standards and generally require establishment of a designated wash-out area.
  - (5) Cover or perimeter control shall be applied within **seven (7)** days to any soil stockpiles, which will remain undisturbed for longer than **14** calendar days.
  - (6) Disturbed soil shall be managed with BMPs that are adequately designed, installed, and maintained according to locally-approved technical standards, specifications and guidance for the duration of the construction activity to minimize erosion and contain sediment within the construction limits.
  - (7) Sediment tracked or discharged onto public right-of-way shall be removed immediately.
  - (8) Bulk storage structures for petroleum products and other chemicals shall have adequate protection to contain all spills and prevent any spilled material from entering the MS4 or waters of the State.
  - (9) Temporary BMPs shall be removed and disturbed areas shall be stabilized with permanent BMPs at the conclusion of construction activity.

**(B) REQUIREMENTS FOR THE BUILDING PHASE OF DEVELOPMENT.**

- (1) Any person who engages in construction activity is responsible for compliance with this Ordinance and all applicable terms and conditions of the approved construction activity and SWPPP as it relates to the building phase of development. The following information shall be included with the application for a building permit and be submitted to the Public Works Department:

- (2) Either the legal description and NPDES permit number for the Larger Common Plan of Development; OR
- (3) The location of the property where the building phase of development is to occur; AND
- (4) Contractor acknowledgement that the building phase of development for the property described on the application for a building permit will be conducted in conformance with Chapter 40 of the Municipal Code and the Construction Activity SWPPP.
- (5) Site plans shall be submitted to the Public Works Director for the purpose of review and approval prior to issuance of a building permit and the beginning of the construction phase of development. This is to ensure compliance with EPA directives and with section 40-12 of this ordinance as it pertains to the Post-Construction Management of Stormwater run-off.

**(C) CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN.**

- (1) A SWPPP shall be prepared and updated in accordance with locally-approved technical standards, specification, and guidance for construction activity within the City of Grand Island and shall include an erosion and sediment control plan for land disturbance.
- (2) The SWPPP shall include a description of all potential pollution sources, temporary and permanent BMPs that will be implemented at the site. BMPs used will be approved by the Public Works Director.
- (3) The erosion and sediment control plan shall be submitted to the Public Works Director for review with any application covered in 40-11 (a) (1) of this Ordinance.
- (4) Land disturbing activities may not proceed until approval of the erosion and sediment control plan is provided by the Public Works Director.
- (5) The owner or operator is required to have a copy of the SWPPP readily available or on site for review with content that reflects the current condition of the construction activity and all records that demonstrate compliance and are required by this Ordinance.
- (6) The SWPPP shall include a description of routine site inspections.
  - (a) The owner or their representative shall inspect all BMPs at intervals of no greater than 14 calendar days and within 24-hours after any precipitation event of at least one half inch.
  - (b) Inspections of BMPs shall be conducted by an individual knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of stormwater discharges from the construction activity.
  - (c) Inspection reports shall provide the name and qualification of the inspector, date of the evaluation, risks to stormwater quality identified, and all corrective actions necessary to prevent stormwater pollution.
  - (d) The owner or operator of a construction activity may be requested to submit copies of inspection reports for review on a periodic basis by the Public Works Director.
- (7) Based on inspections performed by the owner, operator, authorized City of Grand Island personnel, State or Federal regulators, modifications to the SWPPP will be necessary if at any time the specified BMPs do not meet the objectives of this Ordinance. In this case, the owner shall meet with an appointed official of the

City of Grand Island to determine the appropriate modifications. All required modifications shall be completed within seven (7) calendar days of receiving notice of inspection findings, and shall be recorded in the SWPPP.

- (8) The owner or operator of a construction site shall be responsible for amending the SWPPP whenever there is a significant change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to the MS4 or receiving waters, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with land disturbance.
- (9) Records of inspection are to be maintained with the SWPPP for the life of the project. Inspection records are to be available to City of Grand Island inspectors upon request. Delay in providing a copy of the SWPPP or any requested records shall constitute a violation of this Ordinance.

**(D) REQUIREMENTS FOR UTILITY CONSTRUCTION.**

- (1) Utility agencies or their representatives shall develop and implement BMPs to prevent the discharge of pollutants on any site of utility construction within the City of Grand Island. The City of Grand Island may require additional BMPs on utility construction activity. If the utility construction disturbs greater than one (1) acre, the utility agency must comply with the requirements of Section 40-11 (a) & (b) of this Ordinance.
- (2) Utility agencies or their representative shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site exits shall be managed to prevent sediment tracking. Sediment tracked onto public right-of-way shall be removed immediately.
- (3) Prior to entering a construction site or subdivision development, utility agencies or their representatives shall obtain and comply with any approved erosion and sediment control plans for the project. Any impact to construction and post-construction BMP's resulting from utility construction shall be evaluated prior to disturbance by the developer and utility company. Repairs to the disturbed BMPs must be completed within forty eight (48) hours, by individuals agreed upon during the design phase or at a preconstruction meeting.

**§40-12. Post-Construction.**

The purpose of this section is to provide requirements and criteria to prevent and manage stormwater pollution and to diminish adverse impacts to health, safety, property, and the general welfare of the citizens of the City of Grand Island through regulating stormwater runoff from areas of development and redevelopment to the maximum extent practicable as required by the Federal Clean Water Act, 33.U.S.C. § 1251 et seq. (as amended to date), the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (as amended to date) and the rules and regulations promulgated under such Acts. This chapter will also promote the public welfare by guiding and regulating the design, construction, and maintenance of areas of development and redevelopment. Additional criteria can be found in the City of Grand Island Post-Construction Stormwater Guidance Manual.

**(A) POST-CONSTRUCTION REQUIREMENT OF PERMANENT BMPs/STFs.**

- (1) Land development that meets the requirements of Section 40-11 (a) (1) must address stormwater runoff quality through the use of permanent BMPs/STFs. Permanent BMPs/STFs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.
- (2) Structural BMPs/STFs located on private property shall be owned and operated by the owner(s) of the property on which the BMP is located; unless the City of Grand Island agrees in writing that a person or entity other than the owner shall own or operate such BMP/STF. As a condition of

approval of the BMP/STFs, the owner shall also agree to maintain the BMP/STF in perpetuity to its design capacity unless or until the City of Grand Island shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP/STF shall be memorialized on the subdivision plat, annexation plat, development agreement, subdivision agreement or other form acceptable to the City of Grand Island and shall be recorded with the City of Grand Island Public Works Department.

- (3) The preferred Structural BMPs/STFs that are acceptable in the City of Grand Island and its 2 mile jurisdictional boundary without additional review by the Public Works Director are: Bioswales, Rain Gardens, Permeable Pavement, Green Roofs, Retention Ponds, and Detention Ponds (Provided the detention Ponds include treatment areas to improve water quality; i.e. a treatment forebay and filtration strip). If there are other stormwater treatment measures a developer would like to use, plans for those measures will need to be submitted to and approved in writing by the Director of Public Works, prior to construction and development.
- (4) A Post Construction Stormwater Management Plan (PCSWMP) shall be submitted to the planning department for transmittal to the Public Works Director on a form or format specified by the director, as part of any preliminary plat application required under Sec.33-7; if not already submitted as part of a preliminary plat process. For any significant redevelopment, a post-construction stormwater management plan shall be submitted along with the permit application for any activity requiring a building permit under Sec.33-6.
  - a. For all developments that have not had a preliminary plat approved prior to January 1, 2019, the post-construction stormwater management plan, at a minimum, shall include Low Impact Development (LID) STFs to provide for water quality control of the first one-half inch of runoff from the site. The director may also require this minimum control level for replats that significantly increase the amount of impervious area in a preliminarily platted subdivision, which was approved prior to July 1, 2018.
  - b. For all developments with plats preliminarily approved after July 1, 2018 and for significant redevelopment projects, the post-construction stormwater management plan, at a minimum shall include the STF or STFs selected, the STF design, schedules and procedures for inspection and maintenance of the STFs, and where it is reasonably practicable, include STFs for water quality control of the first one-half inch of runoff from the site. Provisions for STFs are set forth in the Grand Island Post-Construction Stormwater Management Guide. For significant redevelopment projects that involve replacement of building structures without significant disturbance of existing parking or other pervious areas, BMPs for water quality control of the first one-half inch of runoff from the site shall not be required. For significant redevelopment projects involving an outlot parcel that is part of a greater existing development, the calculation of the area requiring control of the first one-half inch of runoff shall be based only on the impervious area of the project site that is being added or disturbed within the out lot parcel.

#### **(B) Exemptions from the Post-Construction Storm Water Management Plan**

Systems designed to accommodate only one single family dwelling unit, duplex, triplex, or quadraplex, provided the single unit **is not** part of a larger common plan of development or sale, are exempt from the requirements in this Ordinance to submit a Post-Construction Storm Water Management Plan.

Additional policies and procedures for the development and implementation requirements for BMPs/STFs can be found in the City of Grand Island Post-Construction Stormwater Management Guide.

**(C) COMPLETION OF PERMANENT BMPs/STFs.**

Upon completion of a project, the City of Grand Island shall be provided a written certification stating that the completed project is in compliance with the approved Final Drainage Plan. All applicants are required to submit “as built” plans for any permanent BMPs once final construction is completed and must be signed by a professional engineer licensed in the State of Nebraska.

**(D) ONGOING INSPECTION AND MAINTENANCE OF PERMANENT BMPs/STFs.**

- (1) The owner of site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Grand Island, execute an inspection and maintenance agreement, that shall be binding on all subsequent owners of the permanent BMPs/STFs.
- (2) Permanent BMPs/STFs included in a Drainage Plan which is subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this Ordinance.
  - a. All BMPs/STFs must be inspected by the owner, using an approved inspection form,(Appendix B of the Grand Island Post-Construction Guidance Manual), for maintenance and repair requirements at a minimum, once per quarter.
  - b. All BMPs/STFs shall be inspected, by a qualified employee of the City of Grand Island, twice per year to ensure owner compliance with the design of the BMP/STF and to ensure maintenance and repair actions are adequately monitored.
- (3) The maintenance agreement shall also provide that if, after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or occupant within a reasonable period of time (30 days maximum), and the City may perform all necessary work to place the facility in proper working condition. The owner(s) or occupant of the facility shall be assessed the cost of the work and any lawful penalties.

**§40-13. Technical Standards, Specifications, And Guidance.**

All BMPs/STFs designed to meet the requirements of this Ordinance shall reference the appropriate technical standards, specifications and guidance as follows:

- (1) City of Grand Island Standards and Specifications for Construction.
- (2) Nebraska Department of Roads Drainage Design and Erosion Control Standards, Specifications and Guidance.
- (3) Any other alternative methodology approved by the City of Grand Island, which is demonstrated to be effective.

**§40-14. Monitoring of Discharges**

- (a) Applicability.

This section applies to all premises that have storm water discharges associated with industrial activity, including construction activity.



- (b) Access to premises.
- (1) The City of Grand Island's designees shall be permitted to enter and inspect premises and facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
  - (2) The City's designees shall be given access to all parts of the premises for the purposes of: inspection; sampling; examination and copying of records that must be kept under the conditions of the National Pollutant Discharge Elimination System permit to discharge storm water; and the performance of any additional duties as defined by state and federal law.
  - (3) The City may place upon the premises such devices as deemed necessary to conduct monitoring and/or sampling of discharges from the premises.
  - (4) The City of Grand Island may require a person to install monitoring equipment as necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at no expense to the City. All devices used to measure storm water flow and quality shall be calibrated to ensure accuracy.
  - (5) Any obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed at the request of the City and shall not be replaced. The costs of clearing such access shall not be paid by the City.
  - (6) Unreasonable delays in allowing Grand Island City designees access to premises is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility or premises with a National Pollutant Discharge Elimination System permit to discharge storm water associated with industrial activity commits an offense if the person denies the City reasonable access for the purpose of conducting any activity authorized or required by this ordinance.
  - (7) If a City of Grand Island designee has been refused access to any part of the premises from which storm water is discharged, the City of Grand Island may seek issuance of a search warrant from any court of competent jurisdiction.

#### **§40-15. Best Management Practices**

The City of Grand Island may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the United States of America. The owner or operator of a commercial or industrial establishment shall provide, at the owner or operator's expense, reasonable protection from discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural Best Management Practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural Best Management Practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. These Best Management Practices shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of any National Pollutant Discharge Elimination System permit.

#### **§40-16. Watercourse Protection**

Every person owning property through which a watercourse passes, and such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other

obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **§40-17. Notification of Discharges and Spills**

**Notwithstanding** other requirements of law, as soon as any person responsible for a facility, premises, or operation, has information of any known or suspected release of materials which result or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system, or waters of the United States of America, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials, said person shall immediately notify emergency response agencies and the City of Grand Island of the occurrence via emergency dispatch services. In the event of a release of non- hazardous materials, said person shall notify the City of Grand Island in person or by phone or facsimile no later than the next business day. Notifications in person, by phone, or by facsimile shall be confirmed by written notice addressed and mailed to the City of Grand Island within three business days of the prior notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **§40-18. Geothermal Water Source Heat Pump Systems.**

Geothermal Water Source Heat Pump Systems may be installed and operated within the City of Grand Island, and its two mile extraterritorial jurisdiction, subject to permitting and other applicable requirements of the Grand Island City Code provided that any discharge of the spent water from any such system shall be dedicated to a beneficial use (**ie. Maintaining the water level of a private pond**), and shall not include chemical additives for cleaning or descaling, nor shall it create a threat to public health or safety, a nuisance, or unlawful pollution of waters of the state. In no event shall the spent water from any Geothermal Water Source Heat Pump System be directed toward or allowed to enter into or onto any publicly maintained street right of way, road right of way, ditch, storm sewer system, or sanitary sewer system.

**Closed Loop Systems are permitted to be installed and must follow Federal, State, and Local guidelines (whichever are most restrictive). New Open Loop Systems are prohibited in the City of Grand Island and its 2 mile jurisdictional boundary. Any Open Loop System that was previously installed, prior to the implementation of this ordinance, are exempt from these restrictions until the system requires overhaul and/or replacement. It is at that time the new guidelines must be met.**

##### **A. Material Requirements.**

- (1) Geothermal piping shall have a 50-year warranty.
- (2) All piping shall be installed with tracer wire from the structure over all pipes to alert future owners and excavators to the presence and location of the system.
- (3) Heat transfer fluid used in exchanger lines must be a USP or food grade propylene glycol or calcium chloride solution. Ethylene Glycol **will not** be accepted.
- (4) The system shall include a pressure-based leak detector that will stop the system circulating pumps, should a leak occur.

##### **B. Prohibited Acts.**

- (1) It shall be unlawful for any person to install a well to be used for geothermal heat transfer purposes within the City of Grand Island or its two mile extraterritorial jurisdiction without obtaining a permit for said well.
- (2) It shall be unlawful to fail to register any well as required by this Article.
- (3) It shall be unlawful to connect or discharge any water from said well, provided it maintains a beneficial use to the city and/or community, to the city stormwater conveyance system without first obtaining a permit for the connection.
- (4) It shall be unlawful for a person to operate or maintain a Geothermal Water Source Heat Pump System in any manner contrary to the provisions of Grand Island City Code.

#### **§40-19 thru 40-29 Reserved**

#### **§40-30. Notice of Violation**

Whenever the City of Grand Island finds that a person has violated or failed to meet a requirement of this Ordinance, the City's designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of costs to cover administrative and remediation expenses;
- (f) The implementation of source control, treatment, and prevention practices. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and may be assessed against the real estate or collected by civil action.

#### **§40-31. Appeal of a Notice of Violation**

Any person receiving a notice of violation may appeal the determination. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the Director of Public Works or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Director shall be final.

#### **§40-32. Enforcement Measures**

If the violation has not been corrected as set forth in the notice of violation, or, in the event of an appeal, within 25 days of the original deadline if the Director upholds the notice of violation, then representatives of the City of Grand Island may enter upon the subject private property and are authorized to take any and all measures necessary to

abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City's designees or agents to enter upon the premises for the purposes set forth above.

#### **§40-33. Cost Of Abatement Of The Violation**

After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within 30 days, the City of Grand Island may sue to recover the costs through a civil action or levy and assess the costs against the real estate in the manner of special assessments.

#### **§40-34. Injunctive Relief**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Grand Island may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Injunctive relief shall be in addition to any other remedy available under this ordinance or any other federal or state law.

#### **§40-35. Violations Deemed A Public Nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored at the violator's expense, in the same manner as other nuisances under the Grand Island Municipal Code.

#### **§40-36. Criminal Prosecution**

Any person violating any provision of this ordinance shall, upon conviction, be guilty of an infraction. Each day shall constitute a separate offense and be punishable by a fine of \$100.00. Criminal fines shall be in addition to any civil remedies available under Grand Island Municipal Code.

#### **§40-37. Remedies Not Exclusive**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-1

### Approving Minutes of June 13, 2017 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 13, 2017

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 13, 2017. Notice of the meeting was given in *The Grand Island Independent* on June 7, 2017.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mitch Nickerson, Mark Stelk, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director Renae Jimenez, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council member Hanadi Isa.

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

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement - 2819 Engleman Road (Skarka & Janicek-Skarka). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 2819 Engleman Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would allow the Utilities Department to extend, operate and maintain the new underground power lines and transformer for a new residence. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Christine Stimple for a Conditional Use Permit to Allow for the Storage of Wrecked Cars at 1321 East 4th Street. Building Department Director Craig Lewis reported that a request had been received from Christine Stimple to allow for the construction and operation of a vehicle storage and salvage yard at 1321 East 4<sup>th</sup> Street. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

#9633 - Consideration of Vacation of Sidewalk Easement in Westwood Park Twelfth and Thirteenth Subdivisions; 620 Redwood Road (Schulte) & 626 Redwood Road (Ratliff)

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of this ordinance on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.”

Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Public Works Director John Collins reported that the Public Works Department had received a street vacation request from property owners at 620 and 626 Redwood Road. After review it was determined there were no streets or sidewalks running east and west that feed into the subject sidewalk easement. Staff recommended approval.

Discussion was held regarding the number of changes in easements after the property had been platted.

Motion by Donaldson, second by Stelk to approve Ordinance #9633.

City Clerk: Ordinance #9633 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Fitzke, Donaldson, Jones, Stelk, and Nickerson voted aye. Councilmembers Paulick, Steele, Hehnke, and Haase voted no. Motion adopted.

City Clerk: Ordinance #9633 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Fitzke, Donaldson, Jones, Stelk, and Nickerson voted aye. Councilmembers Paulick, Steele, Hehnke, and Haase voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9633 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-9, G-10, and G-12 (Resolutions #2017-163, #2017-164, and #2017-166 respectively) were removed for further discussion. Motion by Paulick, second by Minton to approve the Consent Agenda excluding items G-9, G-10, and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 23, 2017 City Council Regular Meeting.

#2017-156 - Approving Final Plat and Subdivision Agreement for Leifeld Subdivision. It was noted that the Lawrence Leifeld Estate, owners, had submitted the Final Plat and Subdivision Agreement for Leifeld Subdivision located north of D Road and west of Worms Road in the two-mile extraterritorial jurisdiction of Grand Island, in Merrick County, Nebraska for the purpose of creating 1 lot and 7.51 acres.

#2017-157 - Approving Acquisition of Utility Easement - 2819 Engleman Road - Skarka & Janicek-Skarka.

#2017-158 - Approving Bid Award - Bottom Ash Conveyor System Controls Upgrade at Platte Generating Station with Huffman Engineering, Inc. of Lincoln, Nebraska in an Amount of \$159,644.00.

#2017-159 - Approving Bid Award - Water Distribution System Improvements – 2017 with Myers Construction, Inc. of Broken Bow, Nebraska in an Amount of \$678,685.23.

#2017-160 - Approving Cloud Peak Energy as the Coal Supplier for 2018 - 2019 at Platte Generating Station.

#2017-161 - Approving Certificate of Final Completion for Water Main Project 2015-W-2 - Logan Street at the Union Pacific Railroad with The Diamond Engineering Company of Grand Island, Nebraska.

#2017-162 - Approving Change Order #1 for the Utilities Vehicle Storage Building Construction with Rathman Manning Corp. of Chapman, Nebraska for an Increase of \$18,486.00 and a Revised Contract Amount of \$921,101.00.

#2017-163 - Approving Mutual Nondisclosure Agreement with Sol Systems. Utilities Director Tim Luchsinger answered questions regarding the investment of this project. He stated there would be no upfront cost. He was looking at a 25 year agreement similar to the wind projects we were currently involved in. Solar could be opened up for property owners to buy shares. Mentioned were the Federal regulations, renewable energy prices and economics of solar energy.

Motion by Fitzke, second by Minton to approve Resolution #2017-163. Upon roll call vote, all voted aye. Motion adopted.

#2017-164 - Approving Payment of Utility Relocation Services performed by CenturyLink for the Capital Avenue – Webb Road to Broadwell Avenue Project in an Amount of \$86,543.19. Discussion was held concerning private right-of-way easements.

Motion by Stelk, second by Donaldson to approve Resolution #2017-164. Upon roll call vote, all voted aye. Motion adopted.

#2017-165 - Approving Request from the YMCA for Permission to Use City Streets, Hike/Bike Trail, and State Highway for the 2017 State Fair Marathons.

#2017-166 - Approving Supplemental Agreement with NDOR for Stolley Park Road Reconfiguration. Public Works Director John Collins commented on the cost of the project and stated construction was scheduled for the summer of 2018. This would be a three lane road with a turning lane in the middle. This was originally planned as a striping project.

Motion by Nickerson, second by Hehnke to approve Resolution #2017-166. Upon roll call vote, all voted aye. Motion adopted.

#2017-167 - Approving Award of Proposal for Consulting Services for Architectural Services; Project No. 2017-WWTP-2 with HDR of Omaha, Nebraska in an Amount not-to-exceed \$57,000.00.



#2017-168 - Approving Amendment No. 1 for Engineering Services Related to Cell 3 Liner Construction at the Grand Island Regional Landfill with HDR Engineering, Inc. of Omaha, Nebraska for a Decrease of \$17,160.00 and a Revised Contract Amount of \$109,410.00.

#2017-169 - Approving Unified Planning Work Program (UPWP) for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2018 Fiscal Year Transportation Planning Program.

#2017-170 - Approving Change Order No. 3 for Community Development Block Grant Handicap Ramps 4th to 5th Streets; Sycamore Street to Eddy Street; Project No. 2014-2G with Saul Ramos Construction, Inc. of Shelton, Nebraska for an Extension to Complete the Project from June 1, 2017 to June 30, 2017.

#2017-171 - Approving Bid Award for Fire Station 1 Training Tower Paving with Bigzby's Inc. of Grand Island, Nebraska in an Amount of \$38,157.97.

#2017-172 - Approving Purchase of Hydraulic Rescue Equipment from Hiemen Fire Equipment in an Amount of \$37,717.00.

#2017-173 - Approving Architectural Services for Design and Construction of Public Library Renovations with The Clark Enersen Partners of Lincoln, Nebraska in an Amount of \$99,910.00 plus Reimbursable Expenses Estimated to be \$5,000.00 and an Option for Video Rendering Estimated to be \$4,000.00.

#### REQUESTS AND REFERRALS:

Consideration of Request from Christine Stimple for a Conditional Use Permit to Allow for the Storage of Wrecked Cars at 1321 East 4th Street. This item was related to the aforementioned Public Hearing. Discussion was held concerning the landscaping requirements.

Motion by Paulick, second by Stelk to approve the Conditional Use Permit. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2017-174 - Consideration of Approving Resolution of Intent to Authorize Staff to Continue Work with Farm Progress Regarding Husker Harvest Days Show Site. City Administrator Marlan Ferguson reported that Farm Progress produces the annual Husker Harvest Days show on property that was a part of the Cornhusker Army Ammunition Plant (CAAP). Farm Progress had determined the site needed substantial infrastructure improvements. The estimated cost was approximately \$9,000,000.00. Farm Progress was seeking the City's participation in the project through a forgivable loan not-to-exceed \$2,000,000.00 from the Community Redevelopment Authority (CRA).

A study was in progress to determine whether the CAAP site may be declared a blighted and substandard area. City administration and staff are seeking input and direction from the City

Council whether staff was to continue to work with Farm Progress on a proposed redevelopment plan and redevelopment contract.

The following people spoke in support:

- Cindy Johnson, representing the Chamber of Commerce
- Ray O'Connor, representing Grow Grand Island Executive Committee
- Jane Richardson, 47 Kuester Lake

City Attorney Jerry Janulewicz, answered questions concerning the wording in the Resolution and the requirements of the City. The proposed revenue source would be from the Food & Beverage Tax. Mr. Janulewicz stated they were looking at the CRA issuing a \$2,000,000.00 bond with the City providing funds from the Food & Beverage Tax to pay bonds over 20 years. This would be a forgivable loan to Farm Progress. Mayor Jensen commented that the Food & Beverage funds could not be used for the city budget. Finance Director Renae Jimenez stated on an annual basis we were getting \$2.1 million currently.

Motion by Donaldson, second by Nickerson to approve Resolution #2017-174. Upon roll call vote, Councilmembers Paulick, Steele, Minton, Fitzke, Donaldson, Hehnke, Jones, Stelk, and Nickerson voted aye. Councilmember Haase voted no. Motion adopted.

#2017-175 - Consideration of Rejecting All Bids for the Emergency Operations and 911 Center.

City Attorney Jerry Janulewicz reported that the City went out for bids for the construction of an Emergency Operations and 911 Center Building having an estimated project cost of \$3,400,000.00. The cost of the project were to be paid utilizing proceeds from the sale of a bond or bonds to be repaid utilizing funds from the City's occupation tax on telecommunications. Five firms submitted bids, which were opened June 1, 2017. The lowest bid received exceeded the estimated project cost by more than 25%.

Because of the unanticipated cost of the project as specified in the bid request and associated documents, City Administration is recommending that Council reject all bids received. The department director and city staff propose working with the architect to revise the design, scope and/or specifications to bring the estimated project costs in line with budget targets, allowing the project to be rebid.

Emergency Management Director Jon Rosenlund stated they were working with the architect to scale down the plans so they could re-bid the project.

Motion by Nickerson, second by Hehenke to approve Resolution #2017-175. Upon roll call vote, all voted aye. Motion adopted.

#2017-176 - Consideration of Support for Livestock Friendly County.

Regional Planning Director Chad Nabity reported that at their meeting on May 16, 2017, the Hall County Board of Supervisors held a public hearing and passed Resolution 2017-23 indicating their intent to apply to the Nebraska Department of Agriculture to be designated as a Livestock Friendly County (LFC). As part of the application they intended to submit, the county board was seeking support from all five municipalities in the form of a letter or resolution of support for the application.

The LFC designation would enable the Nebraska Department of Agriculture and local entities involved in economic development activities and recruiting to better position Hall County and the communities in Hall County to businesses involved in livestock agriculture.

Motion by Minton, second by Fitzke to approve Resolution #2017-176. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the Claims for the period of May 24, 2017 through June 13, 2017 for a total amount of \$6,714,412.69. Upon roll call vote, Councilmembers Steele, Minton, Donaldson, Fitzke, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Motion adopted. Councilmember Paulick abstained.

Councilmember Haase questioned claims concerning the Police Pension and Food & Beverage Tax funds.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

RaNae Edwards  
City Clerk



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-2

### **Approving Re-Appointment of Karl Kostbahn to the Occupation Tax Oversight (Food & Beverage) Committee**

*Mayor Jensen has submitted the re-appointment of Karl Kostbahn to the Occupation Tax Oversight (Food & Beverage) Committee. The appointment would become effective July 1, 2017 upon approval by the City Council and would expire on June 30, 2021.*

Staff Contact: Mayor Jeremy Jensen



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-3

### **Approving Appointment of Tony Randone to the Regional Planning Commission**

*Mayor Jensen has submitted the appointment of Tony Randone to the Regional Planning Commission. Mr. Randone will replace John Hoggatt who has moved from Grand Island and is not eligible to serve on the commission. This appointment would become effective immediately upon approval by the City Council and would expire on October 31, 2018.*

Staff Contact: Mayor Jeremy Jensen



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-4

**#2017-177 - Approving Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #42, 1235 Allen Drive for a Class “D” Liquor License and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34**

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

Staff Contact: RaNae Edwards

RESOLUTION 2017-177

WHEREAS, an application was filed by Bosselman Pump & Pantry, Inc. doing business as Pump & Pantry #42, 1235 Allen Drive for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on June 17, 2017; such publication cost being \$18.00; and

WHEREAS, a public hearing was held on June 27, 2017 for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations:

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends approval of Brian Fausch, 2009 W Hwy 34 as liquor manager of such business.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☐ _____
June 23, 2017	☐ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-5

**#2017-178 - Approving Request from Bosselman Pump & Pantry, Inc. dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class “CK” Liquor license and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34**

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

Staff Contact: RaNae Edwards



RESOLUTION 2017-178

WHEREAS, an application was filed by Bosselman Pump & Pantry, Inc. doing business as Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class "CK" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on June 17, 2017; such publication cost being \$18.99; and

WHEREAS, a public hearing was held on June 27, 2017 for the purpose of discussing such liquor license application.

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

\_\_\_\_\_ The City of Grand Island hereby recommends approval of the above-identified liquor license application contingent upon final inspections.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations:

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ The City of Grand Island hereby recommends approval of Brian Fausch, 2009 W Hwy 34 as liquor manager of such business.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form    ☒ \_\_\_\_\_  
June 23, 2017            ☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-6

**#2017-179 - Approving Renewal of Coal Marketing Services with Western Fuels Association**

Staff Contact: Tim Luchsinger, Jerry Janulewicz

# Council Agenda Memo

**From:** Timothy Luchsinger, Utilities Director  
Jerome Janulewicz, City Attorney

**Meeting:** June 12, 2012

**Subject:** Approving Renewal of Coal Marketing Services with  
Western Fuels Association

**Presenter(s):** Timothy Luchsinger, Utilities Director

## Background

On June 12, 2012, Council approved an agreement with Western Fuels Association (WFA), a not-for-profit cooperative formed by public power utilities to provide coal and freight management services. Nebraska members include Nebraska Public Power District, Lincoln Electric System, and Fremont Utilities.

To provide fuel management services, WFA requires Grand Island to become a Class “C”, or non-voting member, and pay an annual fee as provided for in the separately attached confidential agreement. This fee is approximately 0.15% of the delivered coal cost to Platte Generating Station. The fuel management services includes soliciting coal that meets Platte Generating Station’s requirements as part of their bulk solicitation for their other members, and providing a recommended purchase agreement meeting the procurement policies of the City. The final agreement is a contract negotiated between the City and the coal supplier and presented for consideration by Council. Upon approval of the coal supply contract, WFA also manages scheduling of coal deliveries with plant staff, the coal supplier, and the railroad.

## Discussion

Western Fuels Association has a full-time professional staff that monitors coal market conditions and tests the market several times a year with multi-million ton solicitations. The Utilities Department requires around 350,000 tons of coal per year and can be in a position to obtain more favorable coal pricing by being included in these large transactions, which would allow our electric rates to remain competitive with regional power producers.

The current agreement expired on June 11, 2017 and the Utilities Department recommends that the Mayor be authorized to execute the First Amendment to the

Services Agreement with Western Fuels Association of Denver, Colorado, for fuel management services, which renews the existing agreement to June 11, 2022, at a reduced annual fee.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council authorize the Mayor to execute the First Amendment to Services Agreement with Western Fuels Association of Denver, Colorado, for fuel management services.

### **Sample Motion**

Move to authorize the Mayor to execute the First Amendment to Services Agreement with Western Fuels Association of Denver, Colorado, for fuel management services.

RESOLUTION 2017-179

WHEREAS, on June 12, 2012, Council approved an agreement with Western Fuels Association to provide fuel management services; and

WHEREAS, their services include soliciting coal that meets Platte Generating Station's requirements and provides a recommended purchase agreement meeting the procurement policies of the City and managing the scheduling of coal deliveries with plant staff, the coal supplier and the railroad; and

WHEREAS, Western Fuels Association has a full-time professional staff that monitors coal market conditions and tests the market several times a year with multi-million ton solicitations which provides favorable coal pricing for the City of Grand Island allowing our electric rates to remain competitive with regional power producers; and

WHEREAS, the current agreement expired on June 11, 2017 and the Utilities Department recommends that the First Amendment to the Services Agreement with Western Fuels Association of Denver, Colorado, for fuel management services be approved, and the Legal Department concurs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the First Amendment to the Services Agreement with Western Fuels Association be approved, and that the Mayor is hereby authorized to sign the Amendment on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-7

**#2017-180 - Approving Bid Award - Boiler Inspection & Repair -  
Fall 2017**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# Council Agenda Memo

**From:** Timothy G. Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting Date:** June 27, 2017

**Subject:** Boiler Inspection and Repair – Fall 2017

**Presenter(s):** Timothy G. Luchsinger, Utilities Director

## Background

Every five years an extended outage is conducted at Platte Generating Station to perform a major overhaul of the turbine generator. The fall 2017 outage is currently scheduled for September 14 through October 31, 2017, during which time inspection and maintenance on the boiler will be performed.

This package of work on the boiler includes scaffolding the entire boiler, inspection, testing and repair of the internal boiler tubing and components, replacement of burner tips and removal of tube samples. Plant engineering staff developed the specifications issued for bids covering this scope of work.

## Discussion

The specifications for the Boiler Inspection and Repair – Fall 2017, were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on June 6, 2017. The engineer's estimate for this project was \$500,000.00.

Bidder	Base Bid
Hayes Mechanical LaVista, Nebraska	\$484,090.00
Associated Mechanical Olathe, Kansas	\$496,492.00
TEI Construction Services, Inc. Duncan, South Carolina	\$544,181.00
PIC Group, Inc. Atlanta, Georgia	\$725,307.00

The bids were reviewed by Utility Engineering staff. The bid from Hayes Mechanical of LaVista, Nebraska, in the amount of \$484,090.00 was found to be compliant with the specification and less than the engineer's estimate.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that Council award the Contract for Boiler Inspection and Repair - Fall 2017 to Hayes Mechanical of LaVista, Nebraska, as the low responsive bidder, with the bid in the amount of \$484,090.00.

### **Sample Motion**

Move to approve the bid of \$484,090.00 from Hayes Mechanical for the Boiler Inspection and Repair - Fall 2017 at Platte Generating Station.





Stacy Nonhof, Purchasing Agent

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** June 6, 2017 at 2:00 p.m.  
**FOR:** Boiler Inspection and Repair Fall 2017  
**DEPARTMENT:** Utilities  
**ESTIMATE:** \$500,000  
**FUND/ACCOUNT:** 520  
**PUBLICATION DATE:** May 20, 2017  
**NO. POTENTIAL BIDDERS:** 8

**SUMMARY**

**Bidder:** TEI Construction Services, Inc.  
Duncan, SC  
**Bid Security:** Atlantic Specialty Insurance Co.  
**Exceptions:** Noted

<b>Bid Price:</b>	<b><u>Materials</u></b>	<b><u>Labor</u></b>	<b><u>Taxes</u></b>	<b><u>Total Bid</u></b>
<b>Mobilization/ Demobilization:</b>	----	\$65,358.00	\$4,575.00	\$69,933.00
<b>Scaffolding/ Inspection:</b>	----	\$253,226.00	\$17,726.00	\$270,952.00
<b>Non-Pressure Component Repairs:</b>	----	\$46,899.00	\$3,283.00	\$50,182.00
<b>Pressure Component Repairs: \$300.00</b>		\$47,199.00	\$3,304.00	\$50,503.00
<b>Burner Corner Equipment:</b>	-----	\$62,532.00	\$4,377.00	\$66,909.00
<b>Tube Samples:</b>	\$400.00	\$33,366.00	\$2,336.00	\$35,702.00
<b>Total Base Bid</b>	<b>\$544,181.00</b>			

**Bidder:** PIC Group, Inc.  
Atlanta, GA  
**Bid Security:** Arch Insurance Co.  
**Exceptions:** Noted

<b>Bid Price:</b>	<u>Materials</u>	<u>Labor</u>	<u>Taxes</u>	<u>Total Bid</u>
<b>Mobilization/ Demobilization:</b>	\$2,500.00	\$95,266.00	\$7,359.00	\$105,124.00
<b>Scaffolding/ Inspection:</b>	\$35,540.00	\$273,208.00	\$23,239.00	\$331,987.00
<b>Non-Pressure Component Repairs:</b>	----	\$44,860.00	\$3,377.00	\$48,236.00
<b>Pressure Component Repairs:</b>	----	\$44,860.00	\$3,377.00	\$48,236.00
<b>Burner Corner Equipment:</b>	----	\$110,619.00	\$8,326.00	\$118,945.00
<b>Tube Samples:</b>	----	\$67,684.00	\$5,095.00	\$72,779.00
<b>Total Base Bid</b>	<b>\$725,307.00</b>			

**Bidder:** Associated Mechanical, Inc.  
Olathe, KS  
**Bid Security:** Mid-Continent Casualty Co.  
**Exceptions:** None

<b>Bid Price:</b>	<u>Materials</u>	<u>Labor</u>	<u>Taxes</u>	<u>Total Bid</u>
<b>Mobilization/ Demobilization:</b>	\$22,891.00	\$97,065.00	\$1,603.00	\$121,559.00
<b>Scaffolding/ Inspection:</b>	----	\$133,944.00	----	\$133,944.00
<b>Non-Pressure Component Repairs:</b>	----	\$55,465.00	----	\$55,465.00
<b>Pressure Component Repairs:</b>	----	\$55,465.00	----	\$55,465.00
<b>Burner Corner Equipment:</b>	----	\$75,433.00	----	\$75,433.00
<b>Tube Samples:</b>	\$660.00	\$49,919.00	47.00	\$50,626.00
<b>Bond</b>				4,000.00
<b>Total Base Bid</b>	<b>\$496,492.00</b>			

**Bidder:** Hayes Mechanical

**Bid Security:** La Vista, NE  
**Exceptions:** Great American Ins. Co.  
 Noted

<b>Bid Price:</b>	<b><u>Materials</u></b>	<b><u>Labor</u></b>	<b><u>Taxes</u></b>	<b><u>Total Bid</u></b>
<b>Mobilization/ Demobilization:</b>	<b>\$2,238.00</b>	<b>\$111,450.00</b>	<b>\$902.00</b>	<b>\$114,590.00</b>
<b>Scaffolding/ Inspection:</b>	----	<b>\$191,200.00</b>	----	<b>\$191,200.00</b>
<b>Non-Pressure Component Repairs:</b>	----	<b>\$47,000.00</b>	----	<b>\$47,000.00</b>
<b>Pressure Component Repairs:</b>	----	<b>\$47,000.00</b>	----	<b>\$47,000.00</b>
<b>Burner Corner Equipment:</b>	----	<b>\$64,000.00</b>	----	<b>\$64,000.00</b>
<b>Tube Samples:</b>	----	<b>\$20,300.00</b>	----	<b>\$20,300.00</b>
<b>Total Base Bid</b>	<b>\$484,090.00</b>			

cc: Tim Luchsinger, Utilities Director  
 Marlan Ferguson, City Administrator  
 Pat Gericke, Utilities

Darrell Dorsey, PGS Plant Superintendent  
 Renae Griffiths, Finance Director  
 Karen Nagel, Utilities

**P1976**

RESOLUTION 2017-180

WHEREAS, the City of Grand Island invited sealed bids for Boiler Inspection and Repair – Fall 2017, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 6, 2017, bids were received, opened and reviewed; and

WHEREAS, Hayes Mechanical of LaVista, 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 \$484,090.00; and

WHEREAS, the bid of Hayes Mechanical is less than the estimate for Boiler Inspection and Repair – Fall 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid Hayes Mechanical, in the amount of \$484,090.00, for Boiler Inspection and Repair – Fall 2017, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-8

**#2017-181 - Approving Bid Award - Turbine Generator Inspection  
& Repair - Technical Representative**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# Council Agenda Memo

**From:** Timothy G. Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting:** June 27, 2017

**Subject:** Turbine Generator Inspection and Repair – Technical Representative

**Presenter(s):** Timothy G. Luchsinger, Utilities Director

## Background

A major inspection and overhaul of the turbine generator at the Platte Generating Station is performed every five years. The next overhaul is scheduled for the fall of this year. During this inspection, the turbine generator is completely disassembled and all components are cleaned, inspected, repaired or replaced as necessary.

Specifications were developed by the plant engineering staff to hire a technical representative to monitor, record, report, and recommend repairs directly to engineering staff. The technical representative will continuously monitor all turbine generator work as engineering staff oversee all other outage and maintenance items.

## Discussion

The specification for the Turbine Generator Inspection and Repair-Technical Advisor was issued for bid to seven potential bidders and five bids were received on June 6, 2017. The engineer's estimate for this service is \$150,000.00.

Bidder	Bid Price
HPI, LLC Houston, Texas	\$ 66,560.00
S.T. Cotter Turbine Services, Inc. Clearwater, Minnesota	\$ 87,330.40
Sulzer Turbo Services LaPorte, Texas	\$ 94,641.50
Power Services Group Anderson, South Carolina	\$104,000.00
Reliable Turbine Services Sullivan Missouri	\$127,500.00
General Electric Power Services Schenectady, New York	\$213,872.00

Engineering staff reviewed the bids for compliance with the City's detailed specifications. The bid from HPI, LLC, is compliant with the specifications and less than the engineer's estimate.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council award the bid to HPI, LLC, of Houston, Texas as the low bidder, with the bid in the amount of \$66,560.00.

### **Sample Motion**

Move to approve the bid of \$66,560.00 from HPI, LLC, of Houston, Texas, as the low bidder for the Turbine Generator Inspection and Repair – Technical Advisor.



Stacy Nonhof, Purchasing Agent

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** June 6, 2017 at 2:15 p.m.  
**FOR:** Turbine Generator Inspection and Repair – Technical Representative  
**DEPARTMENT:** Utilities  
**ESTIMATE:** \$150,000.00  
**FUND/ACCOUNT:** 520  
**PUBLICATION DATE:** May 20, 2017  
**NO. POTENTIAL BIDDERS:** 7

**SUMMARY**

<b>Bidder:</b>	<u>Sulzer Turbo Services Houston, Inc.</u> La Porte, TX	<u>HPI</u> Houston, TX
<b>Bid Security:</b>	Federal Insurance Co.	SureTec Insurance Co.
<b>Exceptions:</b>	Noted	None

<b>Bid Price:</b>		
<b>Labor:</b>	\$88,450.00	\$66,560.00
<b>Sales Tax:</b>	\$ 6,191.50	----
<b>Total Bid:</b>	\$94,641.50	\$66,560.00

<b>Bidder:</b>	<u>Reliable Turbine Services, LLC</u> Sullivan, MO	<u>Power Services Group</u> Anderson, SC
<b>Bid Security:</b>	Cashier's Check	SureTec Insurance Co.
<b>Exceptions:</b>	Noted	None

<b>Bid Price:</b>		
<b>Labor:</b>	\$127,500.00	\$104,000.00
<b>Sales Tax:</b>	----	----
<b>Total Bid:</b>	\$127,500.00	\$104,000.00

<b>Bidder:</b>	<u>General Electric Power Services</u>	<u>S.T. Cotter Turbine Services, Inc.</u>
----------------	--	---



**Bid Security:** Schenectady, NY  
**Exceptions:** Fidelity & Deposit Co.  
Noted

**Clearwater, MN**  
**The Guarantee Co.**  
Noted

**Bid Price:**

**Labor:** \$199,880.00

**Sales Tax:** \$ 13,992.00

**Total Bid:** \$213,872.00

\$87,330.40

----

\$87,330.40

cc: Tim Luchsinger, Utilities Director  
Marlan Ferguson, City Administrator  
Pat Gericke, Utilities Department

Darrell Dorsey, PGS Plant Superintendent  
Renae Griffiths, Finance Director  
Karen Nagel, Utilities Department

**P1975**

RESOLUTION 2017-181

WHEREAS, the City of Grand Island invited sealed bids for Turbine Generator Inspection and Repair – Technical Representative, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on June 6, 2017, bids were received, opened and reviewed; and

WHEREAS, HPI, LLC, of Houston, Texas, 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 \$66,560.00; and

WHEREAS, the bid of HPI, LLC, is less than the estimate for turbine Generator Inspection and Repair – Technical Representative.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of HPI, LLC, in the amount of \$66,560.00, for Turbine Generator Inspection and Repair – Technical Representative, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-9

**#2017-182 - Approving Trade-In and Purchase of Equipment for the Wastewater Division of the Public Works Department**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Marvin Strong PE, Wastewater Treatment Plant Engineer  
**Meeting:** June 27, 2017  
**Subject:** Approving Trade-In and Purchase of Equipment for the Wastewater Division of the Public Works Department  
**Presenter(s):** John Collins PE, Public Works Director

## Background

The yard tractor used for mowing, snow removal, maintenance, and landscaping projects around the Wastewater Treatment Plant is in need of replacement. This unit has an older engine that is not in compliance with today's air pollution control requirements, is more labor intensive to change attachments, and is increasing in maintenance costs. The Wastewater Division also has an unused backhoe to dispose of.

The Wastewater staff use this mower to maintain 14.5 acers of finished lawn and 10 acers of native grass area which is equal to approximately 40 home lots.

The backhoe is no longer needed due to its size. Using this back hoe to do repairs at the plant makes extra work for the temporary summer help as it digs into the finished lawn areas which then need to be repaired also. We can rent a mini excavator to do the same work and not have the overhead of owning a machine that is not used.

## Discussion

Utilizing the Houston-Galveston Area Council (HGAC) buying group, which was approved by City Council via Resolution No. 2013-193, Wastewater staff is able to trade the current lawn tractor and an unused backhoe to Landmark Implement of Shelton, Nebraska and purchase a new tractor with a loader attachment and mower deck. Which are faster to change as they are a new quick attach design. The new equipment will reduce maintenance costs of the equipment and allow the City to capitalize on the value of the unused equipment.

Trade-In Equipment	Trade-In Allowance
1998 John Deere 955	\$ 6,760.00
1975 John Deere 500c	\$13,800.00
<b>Total Trade-In Allowance =</b>	<b>\$20,560.00</b>



- 955 Tractor - 1998
- Being updated due to age
  - New model has features (loader, mower & rake) that make it more time efficient with easier change out of ancillary equipment



- John Deere 500c Backhoe - 1975
- No longer in use

New Equipment	Purchase Price
2016 John Deere 2032R Compact Utility Tractor	\$17,051.00
2016 John Deere H130 Loader	\$2,720.00
John Deere 72" Mid-Mount Side Discharge Mower	\$2,885.00
<b>Total New Equipment Cost =</b>	<b>\$22,656.00</b>



2016 John Deere 2032R Compact Utility Tractor with loader

Mid-Mount Side Discharge Mower



After trade in of the current equipment there will be a balance due Landmark Implement of Shelton, Nebraska of \$2,096.00 from the Wastewater Division.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the trade-in and purchase of equipment from Landmark Implement of Shelton, Nebraska in the net amount of \$2,096.00 from the Wastewater Division.

### **Sample Motion**

Move to approve the resolution.

R E S O L U T I O N    2017-182

WHEREAS, the Wastewater Division of the Public Works Department currently has a yard tractor in need of replacement and an unused backhoe; and

WHEREAS, through the Houston-Galveston Area Council (HGAC) buying group such pieces of equipment can be traded for new equipment, which will allow for air pollution compliance and make functions more efficient within the Wastewater Division, equipment summary follows:

Trade-In Equipment	Trade-In Allowance
John Deere 500c	\$13,800.00
1998 John Deere 955	\$ 6,760.00
<b><i>Total Trade-In Allowance =</i></b>	
	<b><i>\$20,560.00</i></b>

New Equipment	Purchase Price
2016 John Deere 2032R Compact Utility Tractor	\$17,051.00
2016 John Deere H130 Loader	\$2,720.00
John Deere 72" Mid-Mount Side Discharge Mower	\$2,885.00
<b><i>Total New Equipment Cost =</i></b>	
	<b><i>\$22,656.00</i></b>

WHEREAS, after trade in of the current equipment there will be a balance due Landmark Implement of Shelton, Nebraska of \$2,096.00 from the Wastewater Division.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the trade-in and purchase of equipment with Landmark Implement of Shelton, Nebraska in the amount of \$2,096.00 for the Wastewater Division is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form    ✕ _____ June 23, 2017                    ✕ City Attorney
--



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-10

### **#2017-183 - Approving Disadvantaged Business Enterprise Fund Plan**

Staff Contact: John Collins, P.E. - Public Works Director



# **Council Agenda Memo**

**From:** Charley Falmlen, Transit Program Manager  
**Meeting:** June 27, 2017  
**Subject:** Disadvantaged Business Enterprise Fund Plan  
**Presenter(s):** John Collins, Public Works

## **Background**

The City of Grand Island is the recipient of the United States Department of Transportation's Federal Transit Authority (FTA) Section 5307 Urbanized Area Formula Program funds authorized as part of 49 U.S.C. 5307, and FTA Section 5303 Metropolitan and Statewide Planning Funds under 49 U.S.C. 5303. The FTA requires that all communities which receive these funds adopt a Disadvantaged Business Enterprise (DBE) Plan. This plan sets forth how the City of Grand Island will ensure that DBE's have an equal opportunity to receive and participate in Department of Transportation-assisted contracts.

## **Discussion**

The City of Grand Island's DBE Plan was created in partnership with the State of Nebraska and the University of Nebraska at Omaha and was reviewed by the FTA in May 2017. As required by the FTA, the City has submitted the DBE for public comment for 30 days. The public comment period ended on June 23, 2017.

Since only the Policy Statement has been included with this memo, the full 160-page document remains available for review in the City Clerk's office. All comments received will be reviewed by Administration and submitted to the FTA along with the approved plan.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the Disadvantaged Business Enterprise Plan.

## **Sample Motion**

Move to approve the Disadvantaged Business Enterprise Plan and authorize the Mayor to sign all related documents.



# The City of Grand Island, Nebraska

## Disadvantaged Business Enterprise Program

### 2017

Approved by: \_\_\_\_\_  
on this \_\_ day of \_\_\_\_, 2017



## Section 1. Policy Statement

The City of Grand Island, Nebraska has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Grand Island has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Grand Island has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Grand Island to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program.

The City of Grand Island Human Resources Director, Mr. Aaron Schmid, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Schmid is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Grand Island in its financial assistance agreements with the Department of Transportation.

Grand Island has disseminated this policy statement throughout the Grand Island Area Metropolitan Planning Organization and the Engineering Division of the City of Grand Island Public Works Department. We will also distribute this statement to DBE and non- DBE business communities that seek to perform work on our DOT-assisted contracts. Distribution of this policy statement will be included in bid specifications.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2017

By: \_\_\_\_\_

RESOLUTION 2017-183

WHEREAS, The City of Grand Island is the recipient of the United States Department of Transportation's Federal Transit Authority Section 5307 Urbanized Area Formula Program funds authorized as part of 49 U.S.C. 5307, and FTA Section 5303 Metropolitan and Statewide Planning Funds under 49 U.S.C. 5303; and

WHEREAS, the Federal Transit Authority requires that all communities which receive these funds adopt a Disadvantaged Business Enterprise Plan; and

WHEREAS, the Transit Program created a new Disadvantaged Business Enterprise Plan to satisfy said requirements; and

WHEREAS, the public comment period which ended on June 23, 2017 offered the public an opportunity to make comments on the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the City of Grand Island, Nebraska is hereby approves and adopts the revised Disadvantaged Business Enterprise Plan; and the Mayor is hereby authorized and such plan on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

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\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-11

### **#2017-184 - Approving Application for the Nebraska Public Transportation Assistance Program**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Charley Falmlen, Transit Program Manager

**Meeting:** June 27, 2017

**Subject:** Approving Application for the Nebraska Public Transportation Assistance Program

**Presenter(s):** John Collins PE, Public Works Director

## Background

On June 14, 2016 via Resolution No. 2016-138 City Council approved the agreement between the City and Senior Citizens Industries, Inc. of Grand Island, Nebraska for public transit services. Such approval consisted of an agreement providing compensation to Senior Citizens Industries, Inc (SCI.) in the total amount of \$638,430 for the period of July 1, 2016 to June 30, 2017. The City has opted to renew the agreement beyond June 30, 2017 in increments of two months, as noted in the original resolution. Compensation for the extended service is at the following monthly rates: July 1, 2017 through June 30, 2018 - \$54,798.64 per month and July 1, 2018 through June 30, 2019 – \$56,442.60. Service will be provided both in the City of Grand Island and County of Hall via a unified system operated by Senior Citizens Industries, Inc.

The Federal Transit Authority's (FTA) 5307 Urban Transit Funds pay for portions of the City of Grand Island's contract with SCI, and the remainder is the City's responsibility. Some activities are covered at a ratio of 80/20, and others are covered at a ratio of 50/50.

Funds are available through the State of Nebraska Public Transportation Assistance Program to aid the City in meeting the required matching funds. Last year, the City of Grand Island was awarded Nebraska Public Transportation Assistance in the amount \$152,385.00 for the period of July 1, 201 to June 30, 2017. The state funds will be used towards the City's local matching obligation for 5307 Urban Transit funds.

Funds from the Nebraska Public Transportation Assistance Program are competitive, and the City must complete a new application every year.

## Discussion

Public Works Transit Division is requesting a resolution to move forward with the annual application for matching funds under the Nebraska Public Transportation Assistance program in the amount of \$157,205.00 or 25% of overall eligible operating costs,

whichever is greater. Upon the State's review of all submitted requests the City will be notified of the exact amount they are to receive, based on funds available vs. funds requested.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the Application for the Nebraska Public Transportation Assistance Program to aid the City in providing public transit services.

### **Sample Motion**

Move to approve the Application for the Nebraska Public Transportation Assistance Program.



RESOLUTION 2017-184

WHEREAS, funds are available through the State of Nebraska Public Transportation Assistance Program to aid the City financially in providing public transit services; and

WHEREAS, the City of Grand Island is in contract with Senior Citizens Industries, Inc, for implementation of a Transit Program using 5307 Urban Transit funds, and thereby eligible for State of Nebraska Public Transportation Assistance Program funds; and

WHEREAS, such State funds will be used towards the City's local matching obligation for 5307 Urban Transit funds to Senior Citizens Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to sign the application to the Nebraska Public Transportation Assistance Program in an amount not to exceed \$157,205.00 or 25% of eligible operating costs, whichever is greater.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form    ✕ \_\_\_\_\_  
June 23, 2017            ✕ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-12

**#2017-185 - Approving Change Order No. 1 for Asphalt Resurfacing Project 2017-AC-1**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Keith Kurz PE, Assistant Public Works Director

**Meeting:** June 27, 2017

**Subject:** Approving Change Order No. 1 for Asphalt Resurfacing Project 2017-AC-1

**Presenter(s):** John Collins PE, Public Works Director

## Background

Vontz Paving, Inc. of Hastings, Nebraska was awarded a \$874,083.59 contract by the City Council on February 28, 2017, via Resolution No. 2017-52, for the 2017 Annual Asphalt Resurfacing project, with an original estimate of \$1,173,000. This year's work involves asphalt resurfacing on the following City streets.

**Section #1A.** Capital Avenue; Locust Street to Sky Park Road

**Section #1B.** North Road; Husker Highway to Stolley Park Road

**Section #1C.** Wildwood Drive; US Highway 281 to Locust Street

**Section #1D.** Shady Bend Road; Burlington Northern Santa Fe Rail line to Gregory Avenue

## Discussion

It has been discovered that the mix design bid with the project did not allow for the proper amount of binder oil to perform as desired. The binder addition accounts for a majority of this request. Also, manholes need to be lowered in the Capital Avenue and North Road sections of work. This work is usually performed by internal staff, but due to staff working on other projects and the condensed time schedule for this year's work, it is logistically ideal to have the contractor lower the manholes at this time.

In order to complete this work Change Order No. 1 is necessary, in the amount of \$133,225.00, resulting in a revised contract agreement of \$1,007,308.59.

## Alternatives

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

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

### **Recommendation**

City Administration recommends that the Council approve Change Order No. 1 for Asphalt Maintenance Project 2017-AC-1.

### **Sample Motion**

Move to approve the resolution.

City of Grand Island  
100 East 1st Street  
Grand Island, Nebraska 68801

**CHANGE ORDER NUMBER 1**

Date of Issuance: June 27, 2017

**PROJECT:** Asphalt Maintenance Project 2017-AC-1

**CONTRACTOR:** Vontz Paving, Inc.

**CONTRACT DATE:** February 28, 2017

It has been discovered that the mix design bid with the project did not allow for the proper amount of binder oil to perform as desired. The binder addition accounts for a majority of this request. Also, manholes need to be lowered in the Capital Avenue and North Road sections of work. This work is usually performed by internal staff, but due to staff working on other projects and the condensed time schedule for this year's work, it is logistically ideal to have the contractor lower the manholes at this time.

	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
1. Additional PG Binder	235.00 TON	\$475.00/Ton	\$111,625.00
2. Lower Manhole	36.00 EA.	\$600.00/EA.	\$ 21,600.00

**TOTAL OF CHANGE ORDER NO. 1** **\$133,225.00**

Contract Price Prior to This Change Order .....\$ 874,083.59

Net Increase/Decrease Resulting from this Change Order .....\$ 133,225.00

**Revised Contract Price Including this Change Order.....\$1,007,308.59**

**Approval Recommended:**

By \_\_\_\_\_  
John Collins PE, Public Works Director

Date \_\_\_\_\_

**The Above Change Order Accepted:**

\_\_\_\_\_  
Vontz Paving, Inc.  
Contractor

By \_\_\_\_\_

Date \_\_\_\_\_

**Approved for the City of Grand Island:**

By \_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest: \_\_\_\_\_  
RaNae Edwards, City Clerk

Date \_\_\_\_\_

RESOLUTION 2017-185

WHEREAS, on February 28, 2017, via Resolution 2017-52, the City of Grand Island awarded Vontz Paving, Inc. of Hastings, Nebraska the bid in the amount of \$874,083.59 for Asphalt Resurfacing Project No. 2017-AC-1; and

WHEREAS, it has been determined that modifications need to be made to allow for lowering of manholes in the Capital Avenue section of this project; 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 \$133,225.00 for a revised contract price of \$1,007,308.59.

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 Vontz Paving, Inc. of Hastings, Nebraska to provide the modifications.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-13

**#2017-186 - Approving Purchase of Two (2) Hydraulic Bulk Salt Spreaders for the Streets Division of the Public Works Department**

Staff Contact: John Collins, P.E. - Public Works Director

# Council Agenda Memo

**From:** Shannon Callahan, Street Superintendent

**Meeting:** June 27, 2017

**Subject:** Approving Purchase of Two (2) Hydraulic Bulk Salt Spreaders for the Streets Division of the Public Works Department

**Presenter(s):** John Collins PE, Public Works Director

## Background

On March 28, 2017 the purchase of a new 5 CY dump truck was approved by Resolution No. 2017-89 with the plan to re-purpose the existing cab/chassis as a full time salt truck detailed in the Council Memo (Agenda Item G-10). The new dump truck is scheduled to be delivered in mid-June so the next step is the purchase and installation of a hydraulic salt spreader body.

The recently purchased dump truck will be outfitted with a slide-in hydraulic salt spreader body for use during the winter months. The existing slide-in spreader also needs replaced; the slide-in spreader box did not need to be formally bid but in an effort to receive better prices both two spreader bodies were bid together.

The new frame-mounted hydraulic salt spreader body was planned to be budgeted next fiscal year but due to the mild winter, the Streets Division’s Snow and Ice control operating budget has sufficient funds available to purchase both salt spreader bodies this fiscal year.

## Discussion

Bids were advertised on June 5, 2017 and sent to four (4) potential bidders. One (1) bid was received and opened on June 20, 2017. Below is the bid summary:

LCL Truck Equipment of Hastings, NE	One (1) Frame Mounted Hydraulic Bulk Salt Spreader	= \$24,130.00
	One (1) Slide-In Hydraulic Bulk Salt Spreader Box	= \$17,950.00
	Total Purchase Price =	



Public Works staff is recommending purchase approval of Hydraulic Spreader Bodies from LCL Truck Equipment of Hastings, Nebraska in the total amount of \$42,080.00.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the purchase of Hydraulic Spreader Bodies from LCL Truck Equipment of Hastings, Nebraska in the total amount of \$42,080.00.

### **Sample Motion**

Move to approve the purchase of Hydraulic Spreader Bodies from LCL Truck Equipment of Hastings, Nebraska in the total amount of \$42,080.00.



Stacy Nonhof, Purchasing Agent

*Working Together for a  
Better Tomorrow, Today*

**BID OPENING**

**BID OPENING DATE:** June 20, 2017 at 2:15 p.m.  
**FOR:** Hydraulic Bulk Salt Spreaders  
**DEPARTMENT:** Public Works  
**ESTIMATE:** \$37,000.00  
**FUND/ACCOUNT:** 21033502-85335 (Repair & Maint. Vehicles)  
21033502-85312 (Snow Removal)  
21033501-85612 (Machine4ry & Equipment)  
**PUBLICATION DATE:** June 3, 2017  
**NO. POTENTIAL BIDDERS:** 4

**SUMMARY**

**Bidder:** LCL Truck Equipment  
Hastings, NE  
**Bid Security:** Cashier's Check  
**Exceptions:** Noted

**Bid Price:**  
**Part A Price:** \$17,205.00  
**Parts & Labor:** \$ 6,925.00  
**Total Price (A):** \$24,130.00  
**Make/Model:** FSH-3 by Henderson

**Part B Price:** \$14,500.00  
**Parts & Labor:** \$ 3,450.00  
**Total Price (B):** \$17,950.00  
**Make/Model:** FSH-3 by Henderson

**Total Bid A & B: \$42,080.00**

cc: John Collins, Public Works Director  
Marlan Ferguson, City Administrator  
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Assist.  
Renae Griffiths, Finance Director  
Shannon Callahan, Street Supt.

**P1980**





RESOLUTION 2017-186

WHEREAS, the City of Grand Island invited proposals for Two (2) Hydraulic Bulk Salt Spreaders according to the bid solicitation on file with the Public Works Department; and

WHEREAS, on June 20, 2017 bids were received, opened, and reviewed; and

WHEREAS, LCL Truck Equipment of Hastings, Nebraska submitted a bid in accordance with the terms of the bid solicitation; and

WHEREAS, the total purchase price for Two (2) Hydraulic Bulk Salt Spreaders is \$42,080.00; and

WHEREAS, such funds are available in the approved Fiscal Year 2016/2017 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of Two (2) Hydraulic Bulk Salt Spreaders, in the total amount of \$42,080.00, from LCL Truck Equipment of Hastings, Nebraska is hereby approved.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-14

**#2017-187 – Approving Application for the 2017 Cops Hiring Grant**

Staff Contact: Robert Falldorf, Police Chief

# Council Agenda Memo

**From:** Robert Falldorf, Police Chief  
**Meeting:** June 27<sup>th</sup>, 2017  
**Subject:** COP Hiring Grant Application  
**Presenter(s):** Robert Falldorf, Police Chief

## Background

The U.S. Department of Justice has opened applications for 2017 COPs Hiring grants that if awarded could be used to assist in paying for the costs of up to four new Police Officer positions. The Police Department just recently received City Administration approval to move forward with completing this grant application. The grant application isn't available to attach to this memo at this time as we are currently working on it. Deadline for the grant application is July 10, 2017. The complete application will be on file at the Police Department after completion. The Police Department is seeking permission to submit the application. The application does not commit the City until such time as the City would accept an award if granted.

## Discussion

The U.S. Department of Justice has opened applications for COPs Hiring Grants that if awarded could be used to assist in paying for the costs of up to four new Police Officer positions. The grant funding will support paying for the salaries and benefits of a new hire Police Officer for three years up to \$125,000 per officer. This would include salary, social security, pension, and health care benefits. It does not include overtime or uniforms and equipment.

The City would be responsible for a match of at least twenty five percent of the grant award which we would pay for the rest of the officers' salaries and benefits. The grant would require the City to maintain any officers hired under the grant for a minimum of one year after the grant ended. Grant funds are limited and there is no assurance that the City would receive an award.

The 2012 ICMA Public Safety Study identified the need to increase the Police Department strength by ten sworn officer positions. The Police Department developed an implementation plan that identified hiring five new officer positions in the 2012/2013 fiscal year and five additional new officers in the 2013/2014 fiscal year, which was done.

Due to recent budget constraints it has been necessary to freeze three police officer positions over the last two fiscal years through attrition as officers have resigned or retired. There is the potential that one additional police officer position could be frozen in July, 2017. The Police Department would like to maintain our sworn officer strength as identified through the ICMA Study to continue successful application of Strategic Policing and continue to address a rising violent crime issue within the community. This would mean replacing the four frozen police officer positions.

The Police Department has prepared a grant application seeking grant funding for up to four new hire officers to further enhance our strategic policing initiative. The Department is seeking Council approval to submit the grant application. The application does not commit the City to hiring any officers until such time as the City would accept an award.

### **Alternatives**

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

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

### **Recommendation**

City Administration recommends that the Council approve the submission of the 2017 COP Hiring Grant for up to four new Police Officer positions in the Police Department.

### **Sample Motion**

Move to approve the submission of the 2017 COP Hiring Grant for up to four new Police Officer positions in the Police Department.



RESOLUTION 2017-187

WHEREAS, The U.S. Department of Justice has opened applications for 2017 COPS Hiring grant funding that the Police Department is eligible to apply for; and

WHEREAS, the COPS Hiring grant would assist in paying for the salary and benefits of four new Police Officers if so awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, to approve the submission of the Police Department 2017 COPS Hiring grant application for four new hire Police Officer positions in the Police Department.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item G-15

**#2017-172 (Amended) – Approving Correction to Resolution  
#2017-172 Regarding Fire Rescue Equipment**

Staff Contact: Cory Schmidt, Fire Chief

# Council Agenda Memo

**From:** Fire Chief Cory Schmidt  
**Meeting:** June 27, 2017  
**Subject:** Hydraulic Rescue Tools  
**Presenter(s):** Cory Schmidt and Tim Hiemer

## Background

The use of high tension steel in vehicle manufacturing has become very common. As a result of the change in vehicle design many of the older extrication tools are unable to meet the challenges fire departments face. The Grand Island Fire Department (GIFD) requested and was authorized by Council \$40,000 in FY 2016-17 to replace their ageing hydraulic rescue equipment. On June 13, 2017, Council approved Resolution 2017-172 authorizing the purchase of hydraulic rescue equipment manufactured by Equipment Management Company, DBA Genesis Rescue Systems, through a contract available through the HGAC buying group, at a total cost of \$37,717. It was subsequently learned that the telescoping ram, a part of the purchase authorized by Resolution 2017-172, is not available through the HGAC purchasing contract but must be purchased from Heiman Fire Equipment, the exclusive distributor in Nebraska.

## Discussion

GIFD administration coordinated four vendors to conduct a hands-on demonstration of hydraulic rescue tools. The various products were tested by GIFD personnel. The designated committee chose the Genesis brand of rescue equipment. The Genesis equipment is available through the HGAC buying group which meets City purchasing requirements. The bid price of the Genesis rescue equipment is \$28,830 from Equipment Management Company, DBA Genesis Rescue Systems. In addition to the equipment available through the HGAC, a telescoping ram made by Genesis is also requested. The price of the ram is \$8,887. The telescoping ram is not available through the HGAC buying group because it is a relatively new product. The ram is proprietary to the other equipment and is designed to be used with the Genesis system. Heiman Fire Equipment is the sole source vendor of the Genesis brand in Nebraska. Therefore, the telescoping ram must be purchased through Heiman Fire Equipment. Total price of the requested hydraulic rescue tools including the telescoping ram is \$37,717. The proposed resolution, if adopted, would correct the prior council action by authorizing the separate purchases, one with Equipment Management Company through the HGAC buyers group and one with Heiman Fire Equipment.

## **Alternatives**

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

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

## **Recommendation**

City Administration recommends that the Council approve the purchase of the Genesis telescoping ram from Heiman Fire Equipment for \$8,887 and the spreaders, cutters, short ram, as accessories from Equipment Management Company for \$28,830, for a total of \$37,717.

## **Sample Motion**

Move to approve the resolution.

RESOLUTION 2017-172 (Amended)

WHEREAS, on June 13, 2017, Resolution 2017-172 was adopted authorizing the purchase of Genesis fire rescue equipment from Heiman Fire Equipment at a cost of \$37,717.00 through a purchase contract available through the HGAC buyers group; and

WHEREAS, included with the proposed purchase authorized by Resolution 2017-172 was a telescoping ram which is not available for purchase directly from Equipment Management Company; and

WHEREAS, Heiman Fire Equipment is the sole source vendor in Nebraska for Genesis rescue equipment telescoping ram at a cost of \$8,887.00; and

WHEREAS, Equipment Management Company will supply the spreaders, cutters, short ram, and accessories at a cost of \$28,830.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Resolution 2017-172 is hereby amended to approve the purchase of the Genesis rescue equipment from Equipment Management Company, through the HGAC buyers group, at a cost of \$28,830.00 and from Heiman Fire Equipment at a cost of \$8,887.00.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# **City of Grand Island**

**Tuesday, June 27, 2017**

**Council Session**

## **Item H-1**

**Consideration of Forwarding Blighted and Substandard Area #25  
(Cornhusker Army Ammunition Plant - CAAP) to the Hall County  
Regional Planning Commission**

**Staff Contact: Chad Nabity**

# Council Agenda Memo

**From:** Chad Nabity, AICP  
**Meeting:** June 27, 2017  
**Subject:** Proposed Blighted and Substandard Area #25  
**Presenter(s):** Chad Nabity, Director Grand Island CRA

## Background

Included within the Council Meeting Packet is a copy of a Blight and Substandard Study prepared for the Central Nebraska Growth Foundation by Marvin Planning Consultants. This study pertains to 12,230 acres more or less of property at the former Cornhusker Army Ammunition Plant (CAAP) west of Grand Island located between Husker Highway and Airport Road and between of 60<sup>th</sup> Road and Schauppsville Road. Areas 20 and 22 that were previously declared blighted and substandard and are not included in the present study. The study indicates that this property could be considered substandard and blighted.

The Central Nebraska Growth Foundation submitted this study for the review and consideration of the Grand Island City Council as permitted by Nebraska law. The Central Nebraska Growth Foundation is a not-for-profit organization with the mission of providing a sustainable source of long-term support for the economic development of Hall County by creating sources of funding for viable prospective and existing industries that are creating new and higher-paying jobs for low to moderately paid individuals. The decision on whether to declare an area blighted and substandard is entirely within the jurisdiction of the City Council following receipt of a recommendation from the Planning Commission.

The question before Council will be whether to send the Study to the Planning Commission for their review and recommendation. If the item is not sent to the Planning Commission, the Council cannot declare the area blighted and substandard. The Planning Commission will meet July 5 and would have a recommendation ready following that meeting.

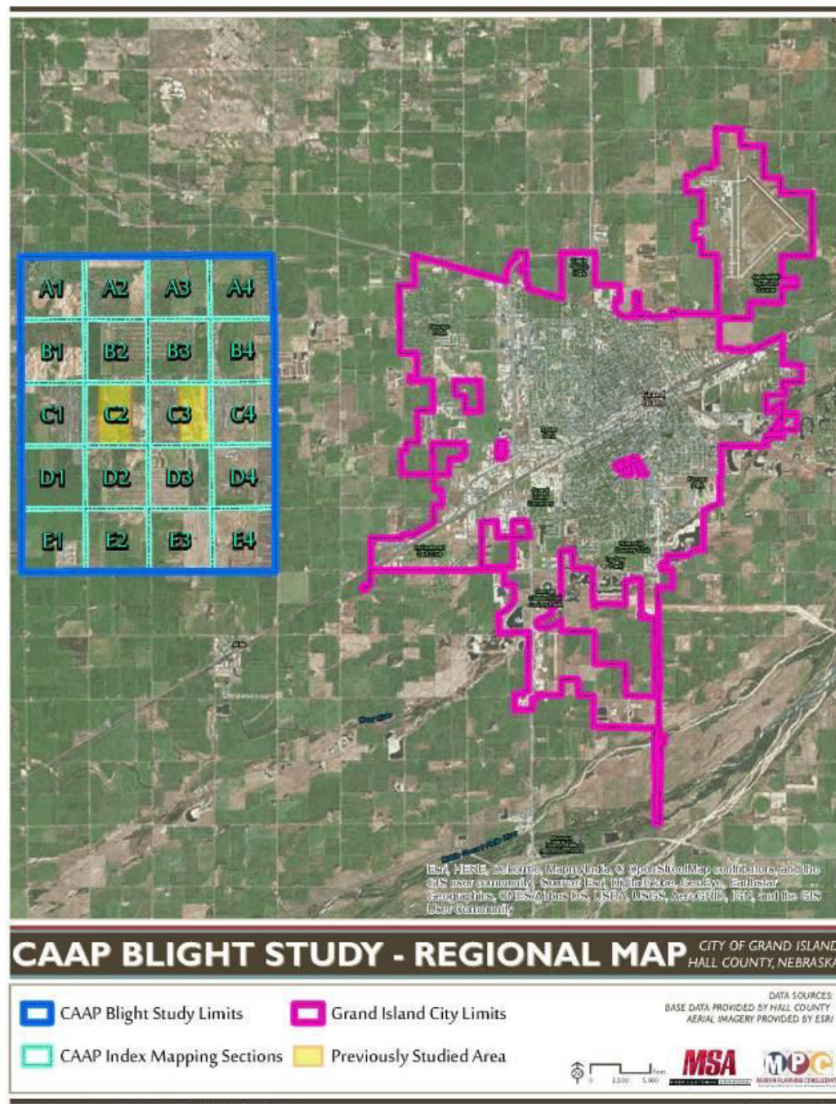
Once an area has been declared substandard and blighted the CRA can accept redevelopment proposals for the area. The redevelopment proposals might or might not include an application for Tax Increment Financing. It is anticipated that a redevelopment plan for the Husker Harvest Days site will be submitted if this study and designation are approved. At this time TIF is not proposed for the improvements at the Husker Harvest

Days site. It is anticipated that TIF projects may come forward for other locations covered by this designation including but not limited to the property owned by Southern Public Power District. The CAAP site has been identified as a mega site for industrial development because of its proximity to mainline line rail and highways, and the deed restrictions on residential uses.

## Discussion

The action item tonight relates to the Study for proposed CRA Area No. 25 west of Grand Island including the balance of Cornhusker Army Ammunition Plant as shown below. The study was prepared for 19.11 square miles, of all of which are located in a formerly used defense site.

**Study Area**  
**Figure 2: Study Area Map**



Source: Marvin Planning Consultants and MSA 2017



Jerry Janulewicz City Attorney has reviewed the Nebraska Statutes and case law pertaining to the declaration of property as blighted and substandard. His comments on this application are as follows:

The statutes which provide for the creation of a redevelopment area or redevelopment project within a redevelopment area require the following procedure:

- A request is made to the city council to declare an area to be substandard and blighted and in need of development for purposes of enabling the creation of a redevelopment area or a redevelopment project within a redevelopment area.
- The city council submits the question of whether an area is substandard and blighted to the planning commission for its review and recommendation prior to making its declaration that an area is substandard and blighted.
- The planning commission must submit its written recommendations within thirty days after receipt of the request.
- Upon receipt of the recommendations from the planning commission or after thirty days if no recommendation is received, the city council may make its findings and declaration with respect to the property within an area.
- Unless the city council of the city in which such area is located has, by resolution adopted after a public hearing with notice, declared such area to be a substandard and blighted area in need of redevelopment, the Community Redevelopment Agency cannot prepare a redevelopment plan for a redevelopment project area.
- Following a declaration that an area is substandard and blighted, the Community Redevelopment Agency is authorized to prepare or cause to be prepared and recommend redevelopment plans to the governing body of the city and to undertake and carry out redevelopment projects within its area of operation and may enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the authority may deem necessary to prevent a recurrence of substandard and blighted areas or to effectuate the purposes of the Community Development Law, and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. Within the area of operation of the Community Redevelopment Authority, the authority may exercise its statutory powers with respect to the redevelopment project.

Neb. Rev. Stat. §§ 18-2107; 18-2109.

As stated in Fitzke v. City of Hastings, 582 N.W.2d 301 (Neb. 1998):

A CRA is not authorized to prepare a redevelopment plan for a redevelopment project area unless the governing body of the city first enacts a resolution declaring such area to be “a substandard or blighted area in need of redevelopment.” § 18–2109. After such a declaration has been made and a redevelopment plan has been prepared and approved, a CRA is authorized to

enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the [CRA] may deem necessary to prevent a recurrence of substandard or blighted areas ... and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. § 18-2107(4). The CRA may utilize tax increment financing to pay for redevelopment projects undertaken pursuant to the CDL. § 18-2124.

“Under this statutory scheme, a private development project would be eligible for tax increment financing only if it is included within an area which has previously been declared blighted or substandard and is in furtherance of an existing redevelopment plan for that area. The declaration of property as blighted or substandard is not simply a formality which must be met in order to assist a private developer with tax increment financing; it is the recognition of a specific public purpose which justifies the expenditure of public funds for redevelopment.” *Fitzke, id.*, citing *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 277 N.W.2d 423 (1979). The legislative intent underlying the Community Development Law is the elimination of blighted and substandard areas and to prevent the reoccurrence of blight through a cooperative effort of the public and private sectors, not to aid private developers. *Fitzke, id.*

At this point, Council is only making a decision about whether to forward the study to the Planning Commission for their recommendation or not. According to NRSS §18-2109, it is clear that the Planning Commission must have the opportunity to review the Blight Study prior to Council declaring the property substandard and blighted. If Council wishes to consider a declaration of substandard and blight, State Statute requires that the question of whether an area is substandard and blighted is submitted to the Planning Commission for its review and recommendation.

The Planning Commission recommendation should be done at the first available opportunity, as the Planning Commission has 30 days to respond to Council’s request for a recommendation.

## **Blighted Area of the Community**

This area is located outside the City Limits in at CAAP and as such any declaration as blighted and substandard is exempt from the 35% limit imposed by statute.

NRSS §18-2103 (11) Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health,

safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. **A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;**

The declaration of Area 25 would not impact the City's ability to declare other areas substandard and blighted.

### **Alternatives**

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

1. Move to forward the Study to the Planning Commission for its recommendation.
2. Refer the issue to a committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council Move to forward the Study to the Planning Commission.

### **Sample Motion**

Motion to adopt resolution to forward the Study to the Planning Commission for their review and recommendation.

## **PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY**

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Hall County. This study has been commissioned by the Central Nebraska Growth Foundation to analyze the possibility of declaring the area as blighted and substandard.

The City of Grand Island, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements".*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program. The statute reads,

*"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."*

Blight and Substandard are defined as the following:

*"Substandard areas mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"*

*"Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least*

forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a shall not designate an area larger than one hundred percent of the as blighted;"

Furthermore, Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes:

**Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.**

- (1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:
  - (a) The real property located outside the corporate limits of the city is a formerly used defense site;
  - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
  - (c) The formerly used defense site is located within a sanitary and improvement district;
  - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
  - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.
- (2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- (3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:
  - (a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or
  - (b) Any change in the service area of any communications company as defined in section [77-2734.04](#) unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections [86-135](#) to [86-138](#).
- (4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

This Blight and Substandard Study is intended to give the Community Redevelopment Authority, Hall County Regional Planning Commission and Grand Island City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present, which qualify the area as blighted and substandard.

## STUDY AREA HISTORY

The Study Area was originally ...constructed and became fully operational in 1942 and was intermittently active until 1973. Between wars and after 1973, it was kept on standby status. Activities conducted at CAAP resulted in soil and groundwater contamination from explosives wastes and residues associated with munitions loading, assembly, and packing (LAP) operations during World War II (WWII), Korea, and Vietnam, during which bombs, artillery shells, boosters, mines, and rockets were produced. CAAP was placed on the Superfund National Priorities List (NFL) in 1987. In 1989, CAAP was declared excess property, and most maintenance ceased. An interagency agreement (TAG) between DoD, EPA, and the Nebraska Department of Environmental Quality (NDEQ) was signed in 1990, under which the Army has identified, investigated, remediated, and placed institutional controls/land use controls on tracts for disposal in accordance with the Hall County reuse plan.

CAAP was determined to be excess real property prior to the requirements of BRAC. However, the activities at CAAP have been conducted following BRAC guidance in disposing of CAAP Real Property. Since this time, the Army has conducted investigations and remediation activities at CAAP with this goal in mind.

In 1993, the Hall County Board of Supervisors established the CAAP Reuse Committee, which was given the task of developing a reuse plan for the installation. The Reuse Committee undertook a planning and a public participation process to identify a land use plan and development strategy for the site. In 1994, the U.S. Congress passed a special legislation (Public Law [PL] 103-337) dealing with the disposal of real property at CAAP. PL 103-337 stated that "... [The] Secretary of the Army may convey to Hall County, Nebraska, Board of Supervisors or the designee of the Board, all rights, title, and interest of the United States in and to the real property, together with any improvements thereon, in Hall County, Nebraska, that is the site of the Cornhusker Army Ammunition Plant." The act stated furthermore that "The Board [of Supervisors] or its designee... shall utilize the real property conveyed... in a manner consistent with the Cornhusker Army Ammunition Plant Reuse Committee Comprehensive Reuse Plan." The Comprehensive Reuse Plan was finalized in December 1997.

The first sale of CAAP property took place with a General Services Administration (GSA) public auction in September 1999 that sold 1,410 acres for \$2.93 million. The Omaha District of the United States Army Corps of Engineers (USACE) became the Army's Real Property Administrator in December 2001, taking over this function from the U.S. Army Materiel Command/Operation Support Command (AMC/OSC). As of March 2004, 8,401 acres of CAAP, or 70 percent of its original area, have been sold. AMC/OSC completed Environmental Assessments (EAs) for all of their previous disposal actions, each of which concluded in a Finding of No Significant Impact (FONSI). Most of the rest of the property has been leased to farmers and several other lessees, including an annual agricultural fair and a railroad car repair company.

Several requirements of the property transfer or lease require the issue of an Environmental Impact Statement (EIS) and/or an EBS. A Draft EIS was issued in September 2004, and an EBS is currently being completed through USACE.

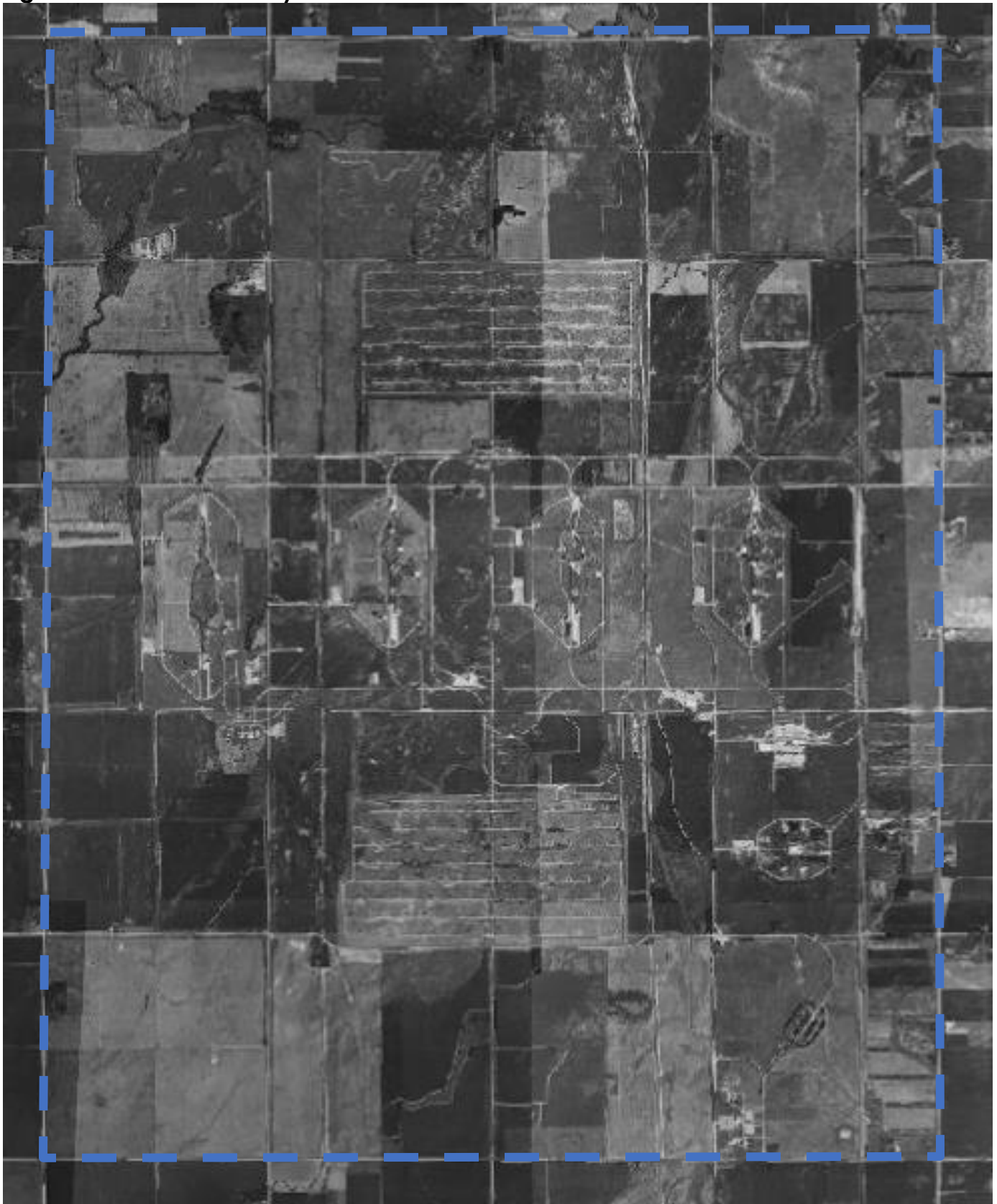
**Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plan; HDR; 2008**

During the 2013-2014 Legislative sessions, the Nebraska Legislature passed LB 66 and LB 1012 which provided for a means to use Tax Increment Financing on projects located in a former defense site. LB 66 gave Cities of the First Class (5,000 to 100,000 population) the authority to approve Redevelopment Plans and use Ad Valorem Taxes (TIF) generated by the project(s) approved in the plan to pay for eligible expenses under certain proscribed conditions on formerly used defense sites outside of the corporate limits of and within the same County as the City. LB 1012 states that "A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision." (which is 35%).

LB 66 and LB 1012 did not remove the need for a Blight and Substandard designation.

This specific study includes the entire Cornhusker Army Ammunition Plant site, approximately 20 square miles; less the areas previously declared blighted and substandard on the O'Neill (Area 20) and GI EDC site and the Platte River Industrial Site (Area 22).

**Figure 1: Cornhusker Army Ammunition Plant in 1975**



Source: City of Grand Island GIS System

## **BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY**

This study targets a specific area within an established part of the community for evaluation. The area is indicated in Figure 2 of this report. The existing uses in this area include industrial, recreation and agricultural uses within the old Cornhusker Army Ammunition Plant and are outside the corporate limits of Grand Island. Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes authorizes redevelopment projects outside of the city limits under certain conditions.

Through the redevelopment process, the City of Grand Island can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Grand Island is intended to redevelop and improve the area. By using the Community Redevelopment Act, the City of Grand Island can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area.

The Study area is the Cornhusker Army Ammunition Plant and described as follows:

Point of beginning is the intersection of Schaupsville Road N and Airport Road W; thence, easterly along the centerline of Airport Road W to the intersection of Airport Road W and 60<sup>th</sup> Road N; thence, southerly along the centerline of 60<sup>th</sup> Road N to the intersection of 60<sup>th</sup> Road N and Husker Highway; thence, westerly along the centerline of Husker Highway to the intersection of Husker Highway and Schaupsville Road N; thence, northerly along the centerline of Schaupsville Road N to the POB; then less the areas previously studied as follows:

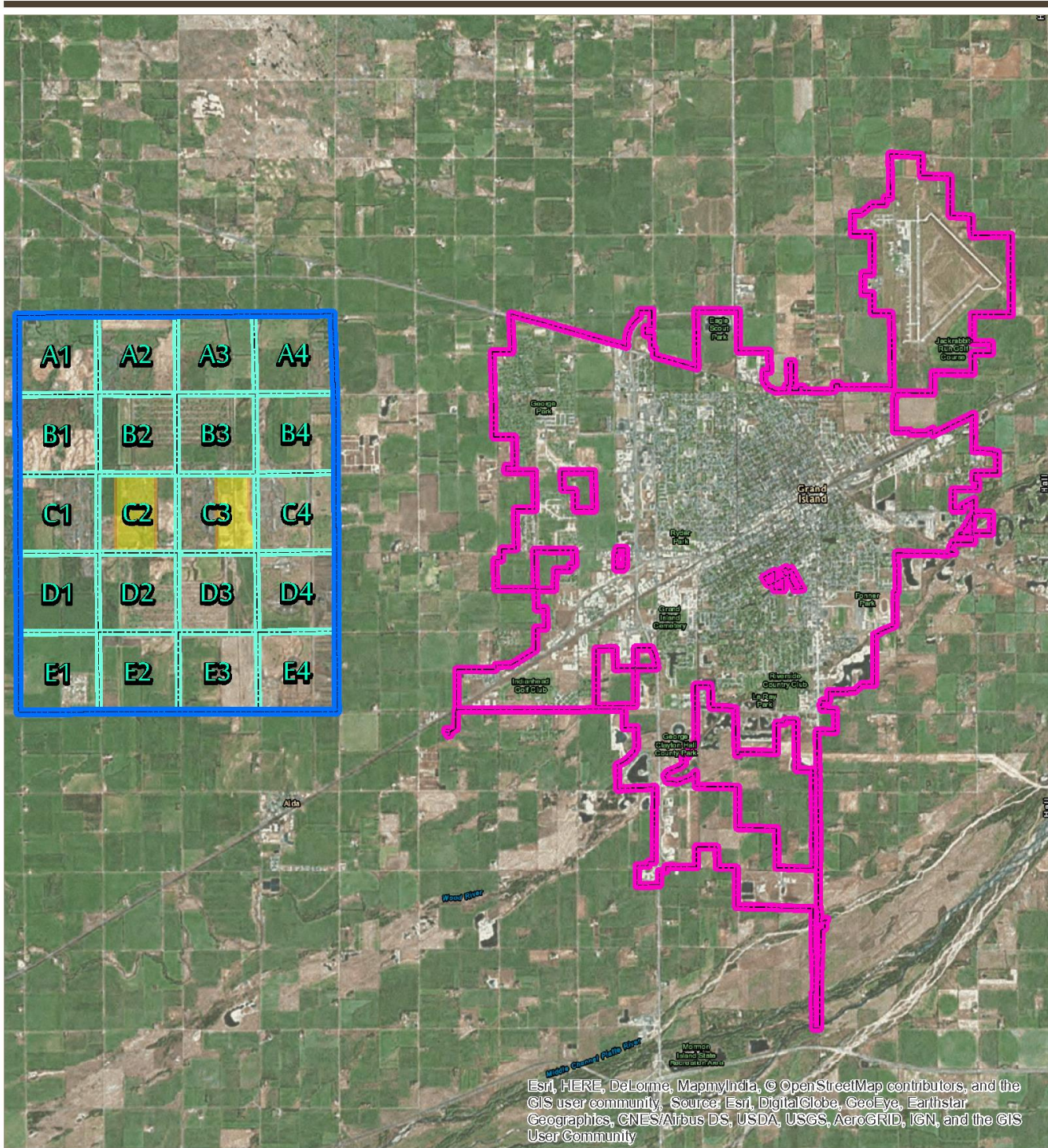
- Harrison TWP PT E1/2 of NW1/4 & NW1/4 NE1/4 PT W1/2 SE1/4 13-11-11 - Total acres are 281.80 acres.
- The Study consists of area described as follows: The Point of Beginning is the intersection of West Old Potash Road and North 70<sup>th</sup> Road (Alda Road); thence, northeasterly along the centerline of North 70<sup>th</sup> Road to the intersection with the centerline of West 13<sup>th</sup> Street (County Road 33); thence westerly along the centerline of West 13<sup>th</sup> Street (County Road 33) to the extended west property line of a parcel described as Center Township PT E 1/2N of RR 18-11-10 231.28 AC; thence southerly along said west property line to the intersection with the centerline of West Old Potash Road; thence easterly to the POB. Total acres are 285.26 acres.

The total area is approximately 19.11 square miles.



**Study Area**

**Figure 2: Study Area Map**



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**CAAP BLIGHT STUDY - REGIONAL MAP** CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

CAAP Blight Study Limits	Grand Island City Limits	DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI
CAAP Index Mapping Sections	Previously Studied Area	

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 Source: Marvin Planning Consultants and MSA 2017  
 Print Date: 2:00:06 PM 6/16/2017

## EXISTING LAND USES

The term "Land Use" refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community, and produce several impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community are directly contingent upon available resources utilized in the best manner given the constraints the City faces during the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

### Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Hall County Assessors website. This survey noted the use of the parcel within the study area.

The existing land uses are predominately agricultural, commercial, industrial, public and parks/recreation/wildlife management.

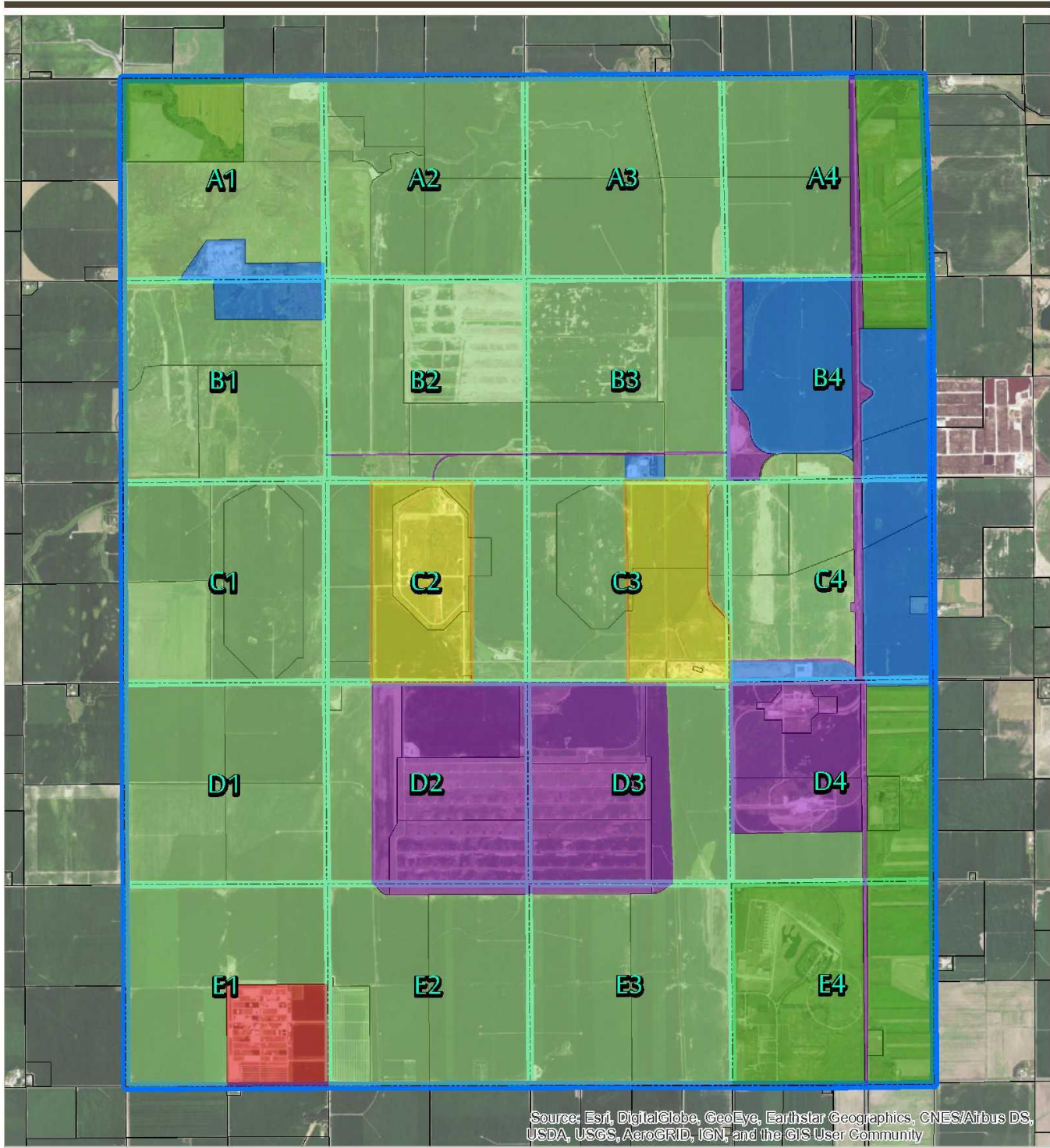


Examples of Existing Land Uses in the Study Area



**Examples of Existing Land Uses in the Study Area**

Figure 3: Existing Land Use Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - EXISTING LAND USE

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

Previously Studied Areas	Hall County Parcels	Industrial
CAAP Blight Study Limits	Agricultural	Parks & Rec
CAAP Index Mapping Sections	Commercial	Public

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI

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Source: Marvin Planning Consultants And MSA, 2017

## **FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY**

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

### **FORMER DEFENSE SITE**

Based on Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in the §§18-2103 and 18-2123.01:

1. The real property located outside the corporate limits of the city is a formerly used defense site;
2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

Based on the site meeting the criteria found in §§18-2103 and 18-2123.01, this area is eligible for declaring it Blighted and Substandard.

### **OTHER CONTRIBUTING FACTORS**

There were many other conditions examined and evaluated in the field and online. There are several conditions that will be reviewed in detail, on the following pages, which add to the overall condition of Blight and Substandard on the proposed site.

### **Substantial Number of Deteriorating Structures**

The team went through every property record on-line, via the Hall County Assessor's site to identify structures in good or bad condition. Also, a site visit examined many existing structures throughout the Study Area. In addition, the use of aerial photography and a drone flight were utilized in gaining a better view and more insight on the structural conditions of certain areas of the former Army Reservation.

Through the team's observations and analysis, the following was determined:

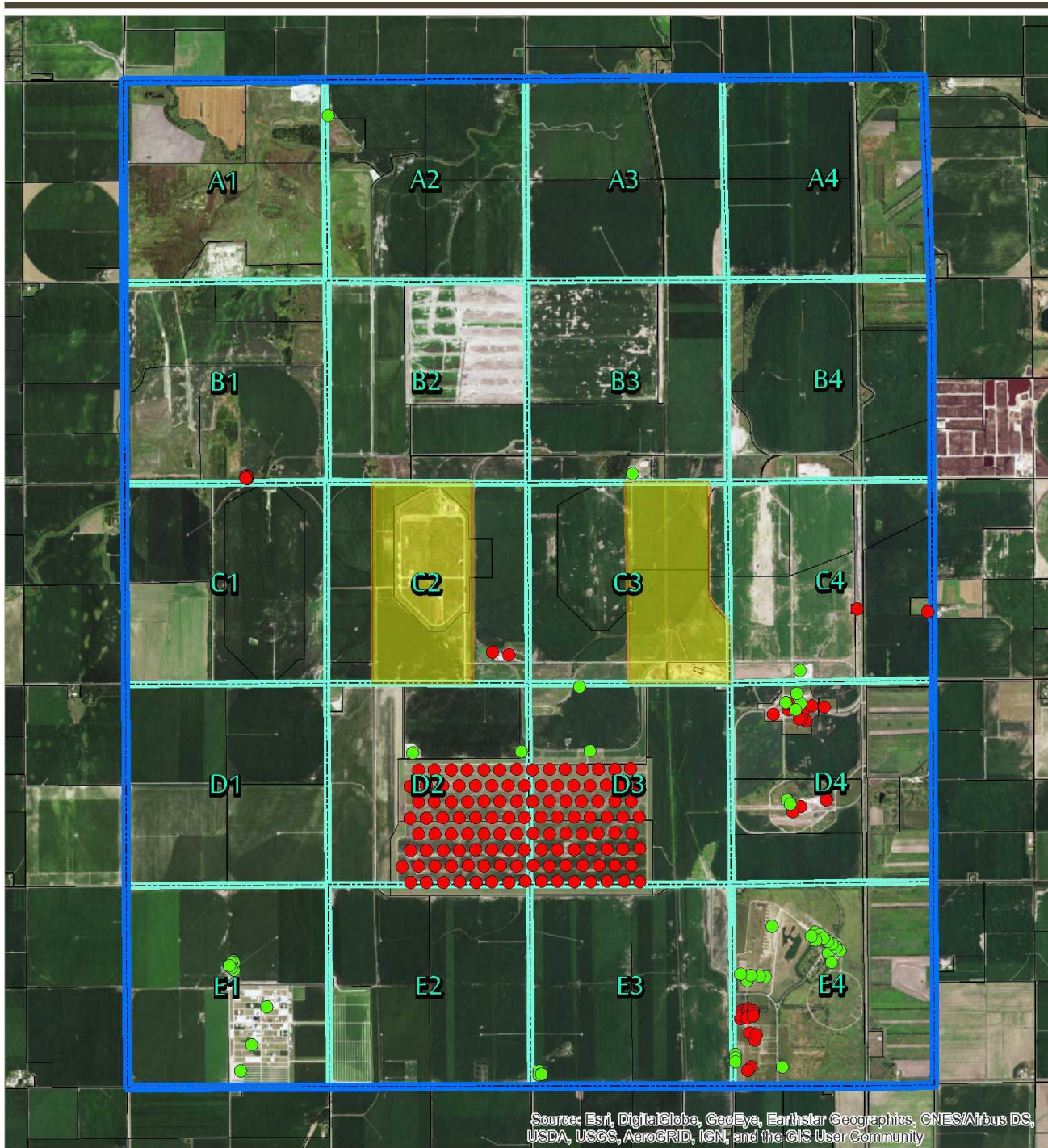
- 155 structures were in bad or deteriorating condition
- 46 structures were in good condition
- 1 structure burned down

Almost everything constructed during the Army's occupation of the area fits within the category of deteriorated and dilapidated and is in poor condition. The structures deemed to be in good condition have been constructed by the new property owners, including the area around Husker Harvest Days and the actual range at the Heartland Shooting Park.

Besides the actual standing structures, there are several concrete slabs and footings still visible on the old administration area. The above ground portions have been torn down slabs and footings were left behind.

Based upon the review of this issue, it is found that deteriorating structures is a contributing factor in declaring this area blighted.

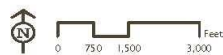
**Figure 4**  
**Deterioration of Structures**



# CAAP - STRUCTURE CONDITIONS

CITY OF GRAND ISLAND  
 HALL COUNTY, NEBRASKA

- Previously Studied Areas
- Hall County Parcels
- CAAP Blight Study Limits
- CAAP Index Mapping Sections
- Good - 46 Structures
- Deteriorated-Dilapidated - 156 Structures



DATA SOURCES:  
 BASE DATA PROVIDED BY HALL COUNTY  
 AERIAL IMAGERY PROVIDED BY ESRI

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Source: Hall County Assessor, Marvin Planning Consultants and MSA 2017



Deterioration of Structures – Old Sewage Treatment Plant circa 1970



Deterioration of Structures – Old Administrative Area (left), burned down Base Fire Station (right)



Deterioration of Structures – Old Administrative Area

**Deterioration of Site or Other Improvements**

**Drainage Conditions**

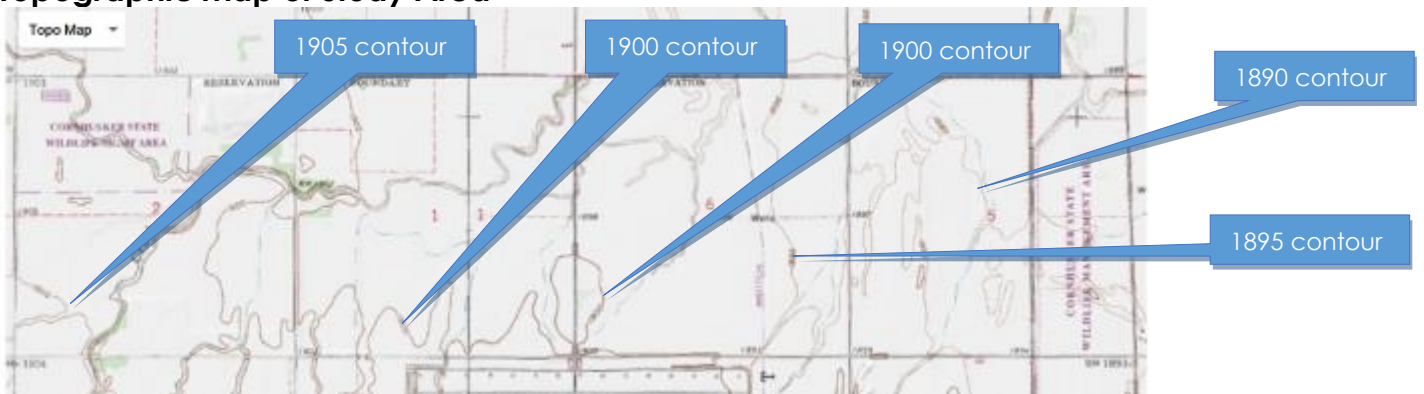
The Grand Island and Hall County area has a long history of drainage issues due to the extreme flatness of the area, as well as the high-water table. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope. The areas with the greatest slopes in the study area are:

- old landfill sites
- berm constructed to defray explosive blasts and
- the old storage bunkers south of Old Potash Road.

The field survey examined the entire area for potential drainage problems.

Figures 5.A through 5.E are existing topographic maps from MyTopo.com showing the study area. The maps confirm the flatness of the area. The following Figures are divided north to south and show a one-mile set of sections at a time. The contours are relatively flat along each set of the topographic areas. The contours range from a low of 1890 feet to 1925 feet.

**Figure 5.A  
Topographic Map of Study Area**



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

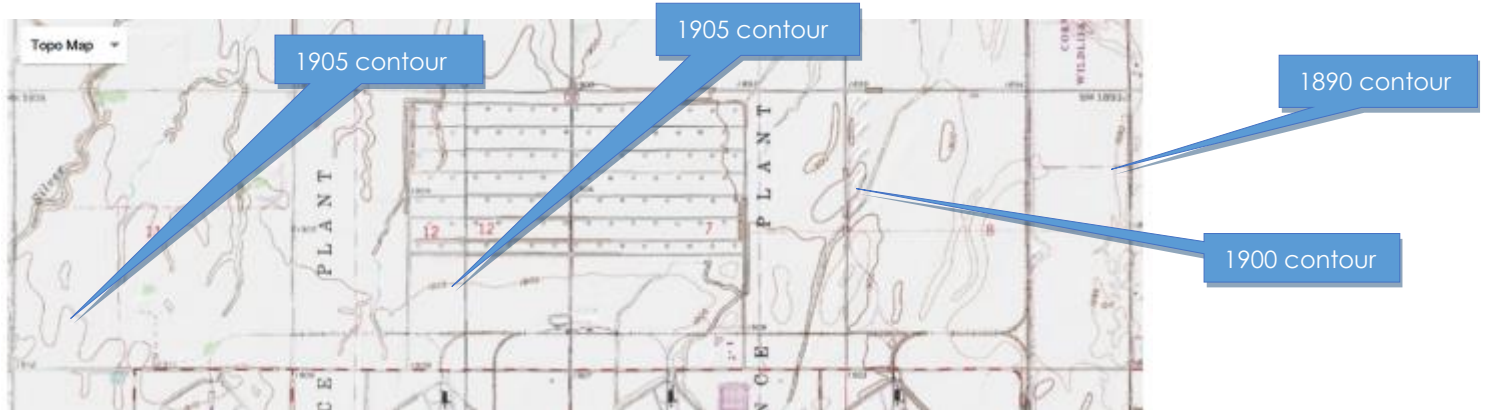
The area shown in Figure 5.A indicates contours as low as 1890 feet on the east side and 1905 on the far west edge of the area. The cross slope of this entire four-mile area is less than 1% slope (0.07%). However, there is a creek flowing through this four-mile area which likely draws some of the drainage on the west edge. Also, this very slight slope is across four sections of land. Therefore, the slopes within each section are likely considerably less than the 0.07%.



**Example of the Existing Topography within the Study Area**



**Figure 5.B**  
**Topographic Map of Study Area**



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.B indicates, again, contours as low as 1890 feet on the east side and 1905 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.07%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.

**Figure 5.C**  
**Topographic Map of Study Area**



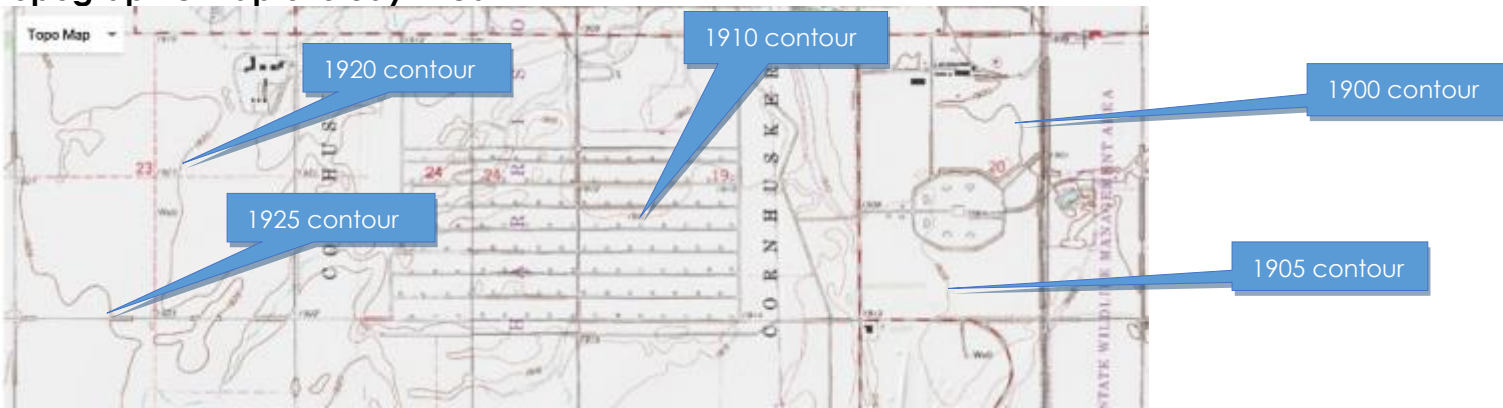
Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.C is a bit more difficult to quantify since some of the old bomb line sites have been regraded since the removal of the structures. Specifically, there is new construction occurring in Section 13 (old bomb line 3 at present) (However, this area is not part of this study). However, after driving around these sections, as well as flying some of these sections with a drone, it is safe to presume similar slopes are within this area.



**Example of the Existing Roadside Ditches**

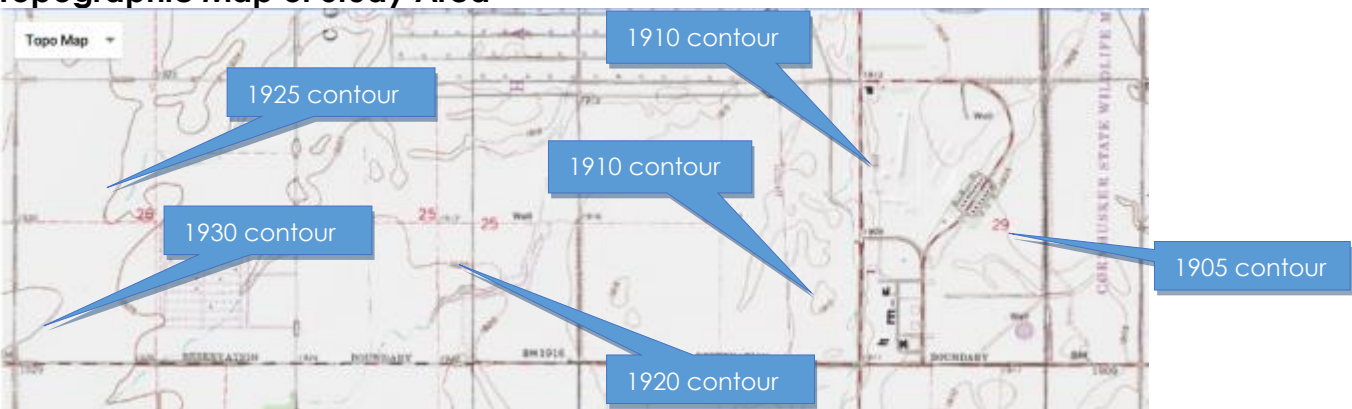
**Figure 5.D**  
**Topographic Map of Study Area**



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.D indicates contours as low as 1900 feet on the east side and 1925 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.12%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.

**Figure 5.E**  
**Topographic Map of Study Area**



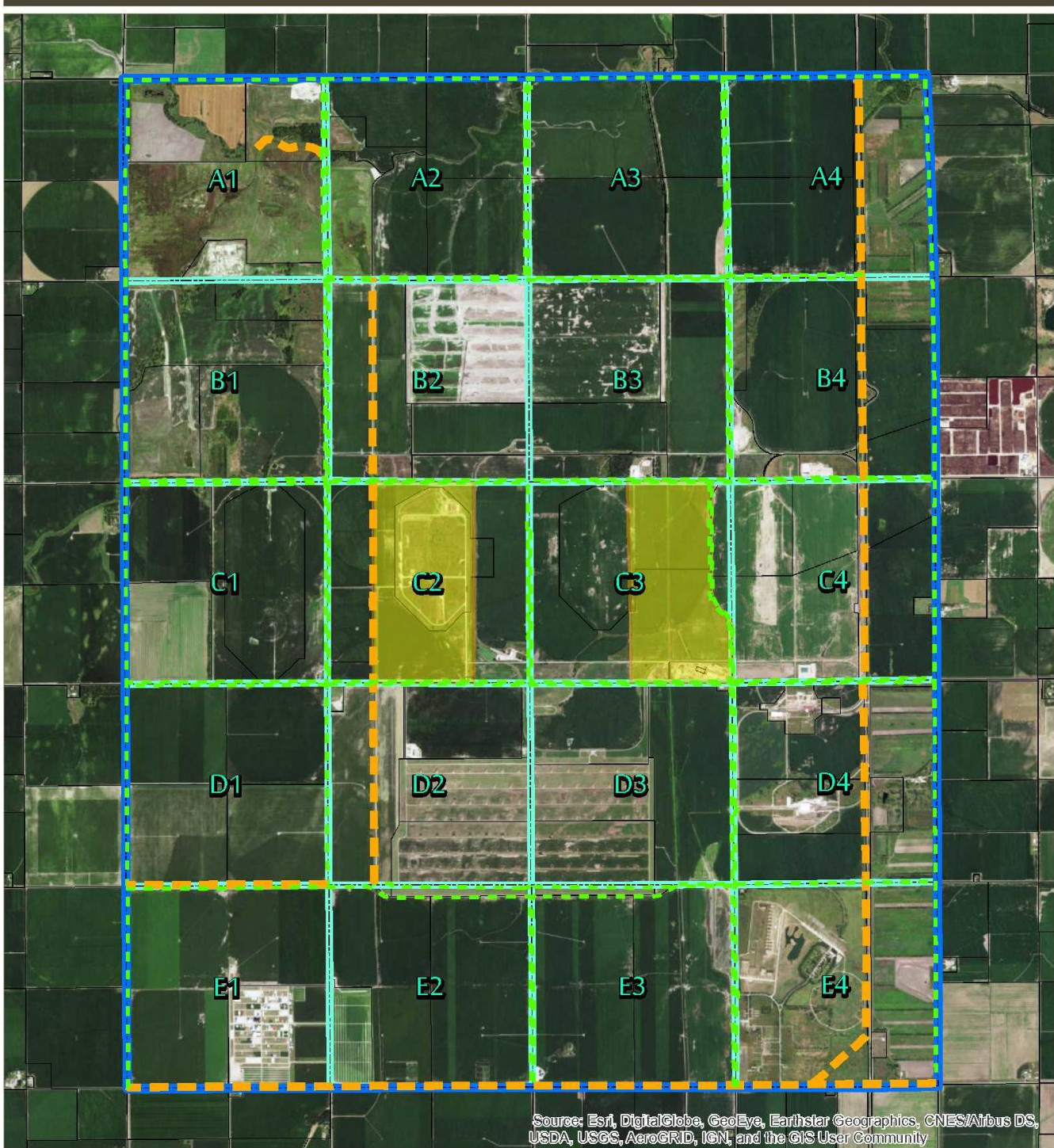
Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.E indicates contours as low as 1905 feet on the east side and 1930 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.12%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.



**Example of the Existing Topography within the Study Area**

**Figure 6**  
**Drainage Conditions**



**CAAP - DRAINAGE** CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

Previously Studied Areas	Hall County Parcels
CAAP Blight Study Limits	Drainage Ditch
CAAP Index Mapping Sections	Rural Sections Ditches

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI

Printed by: djanson, File: P:\11 750081 75 7081 75 701 75 700081\GIS\MAPS\CAAP\_Drainage.mxd Print Date: 3:28:00 PM 6/19/2017

Source: Marvin Planning Consultants and MSA, 2017

In addition to the flatness of the study area, the entire study area is designed to drain using "rural section" ditches along all of the county roads in the area, See Figure 6. The flatness of the study area, seen in Figure 5.A through 5.E would indicate the drainage ditches will also have a minimal amount of slope to sufficiently drain the area. Also, a lot of these ditches have not recently been mowed or cleaned which will slow drainage and encourage ponding of water.

Another drainage system employed in this study area is a pair of drainage ditches running north and south with one located on the east side of the area and one on the west side, see Figure 6. These ditches were constructed during the early years of the Army Reservation and may be in need of cleaning and scouring.

All of the conditions discussed above will create the potential for standing water within this study area. Standing water from poor drainage can be a catalyst for health issues like West Nile and other mosquito-borne diseases due to the potential mosquito breeding during the summer months.

Drainage is a contributing factor to the area being declared Blighted and Substandard.

### **County Road Conditions**

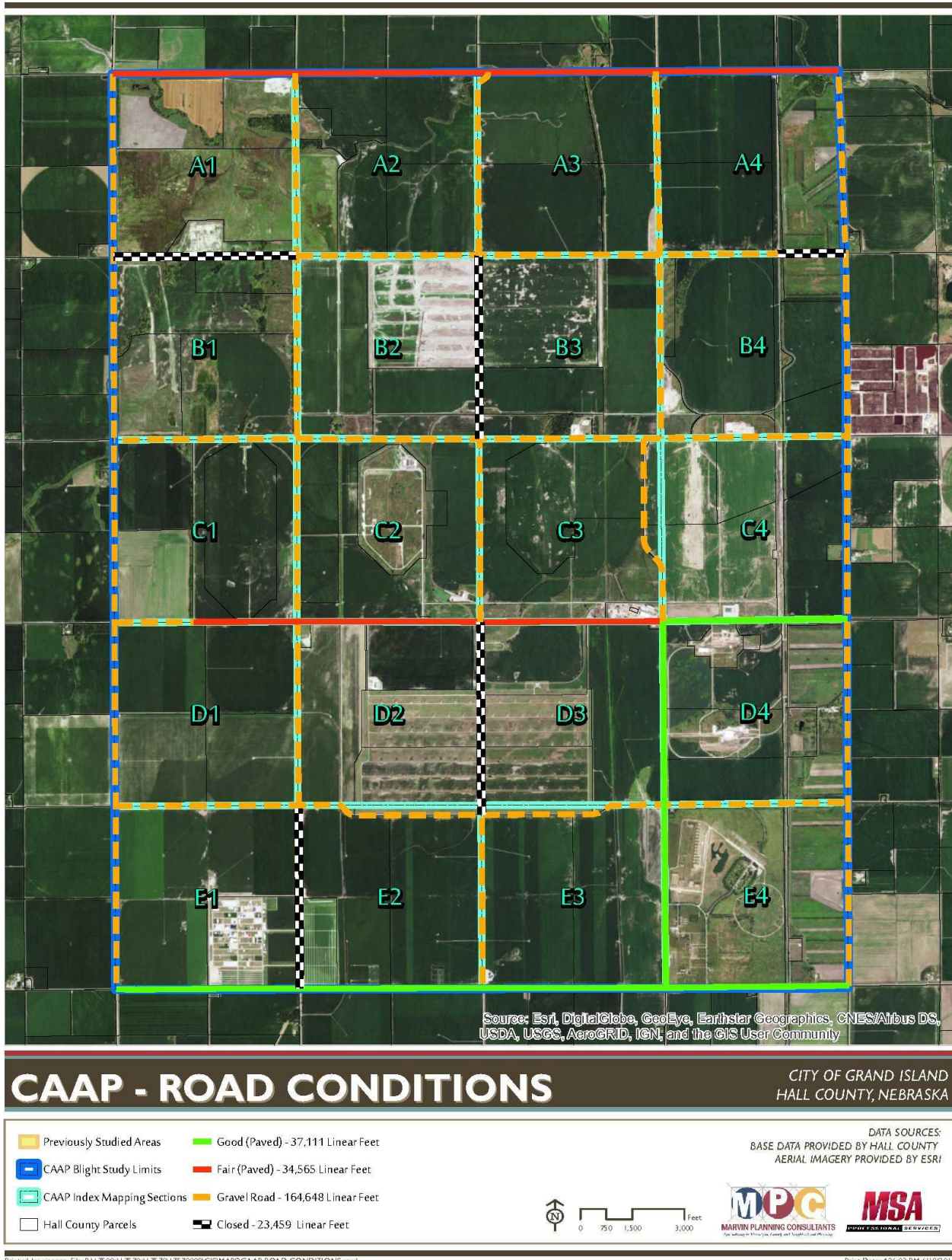
The study area contains approximately 44.5 miles of roadways; plus, 4.5 miles of closed roadways along section lines. Of the 44.5 miles of existing roadway, the following conditions exist:

- 7.0 miles are paved and considered in Good condition
- 6.5 miles are paved and considered in Fair condition
- 31.5 miles are gravel and depending upon maintenance and weather conditions, may be in Good or Poor conditions.
- These calculations do not include internal roads within specific sites of the study area, such as the Husker Harvest Days site or the Heartland Public Shooting Park.



**Example of the Existing County Roads within the Study Area**

**Figure 7**  
**County Road Conditions**



Source: Marvin Planning Consultants and MSA, 2017

The existing road conditions are a contributing factor to the deterioration of site or other improvement within the area.

**Stormwater management**

The study area is surrounded by rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. This flatness is typically true throughout the entire Hall County area.

The stormwater management system is a contributing factor to the deterioration of site or other improvement within the area.

**Internal Infrastructure**

The on-site area surrounding CAAP location is made up primarily of gravel roads. The area may need to upgrade these roads if anything substantial is constructed on the site.

The internal infrastructure is a contributing factor to the deterioration of site or other improvement within the area.

**Old Cornhusker Army Ammunition Plant Infrastructure and Contamination**

**Groundwater Contamination**

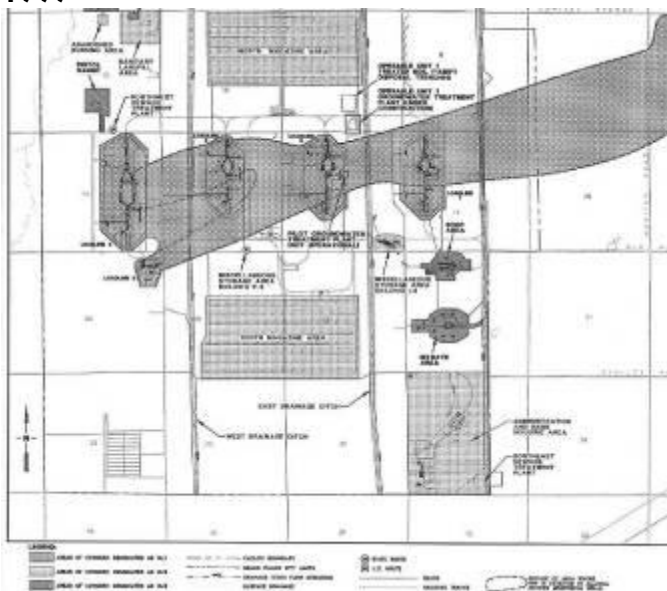
Examining the Blight and Substandard Study Area from the context of the Cornhusker Army Ammunition Plant's 1997 Reuse Plan, the study area contains an area referred to as an "Area of Concern." Figure 8 indicates an area referred to as "Operable Unit 1", which is within the study area. Based upon the report, when cesspools under the old load lines were examined and tested, it was determined:

- The cesspools were found contaminated with explosive residues and heavy metals;
- The groundwater was found contaminated with dissolved explosives, heavy metals, and organic solvents.
- The plume indicated in Figure 8 has decreased since 1997 and is reviewed periodically;
- The deed restrictions for residential development continue and are enforced.

The groundwater contamination is currently in the process of mitigating the contamination through a water treatment plant/process on site.

The entire Cornhusker Army Ammunition Plant site is considered a potentially hazardous area regarding groundwater contamination from explosive residue, heavy metals, and organic solvents. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

**Figure 8**  
**Groundwater Contamination**  
**1997**

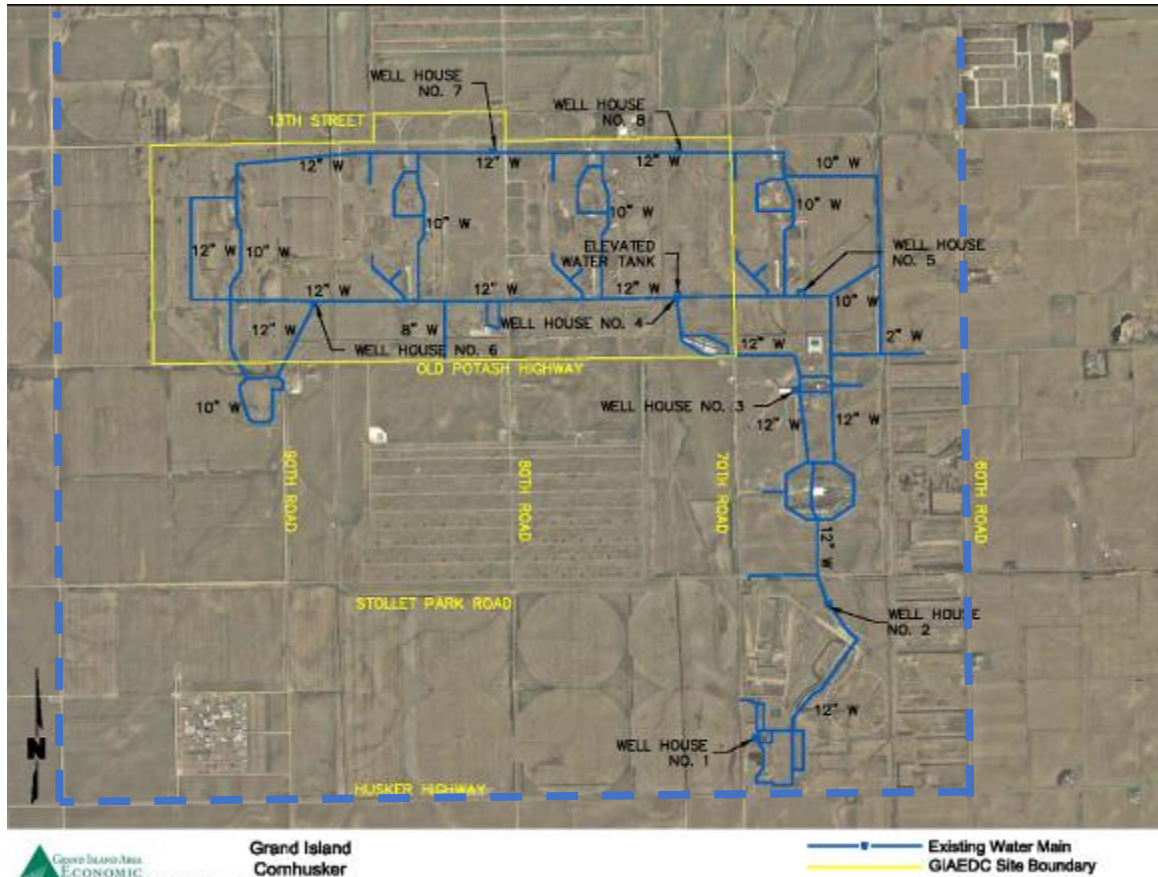


Source: CAAP Reuse Plan 1997

**Water System**

Also, there is older wood and asbestos covered water pipes underground that once connected the old water system to the site. Figure 9 indicates the primary water lines throughout the entire CAAP area; the area outlined in red is the actual study site. Any development within this study will likely require the complete or partial removal of these asbestos pipes during demolition and construction, thus exposing the asbestos hazard if not controlled properly.

**Figure 9  
Cornhusker Army Ammunition Plant Water System**



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008

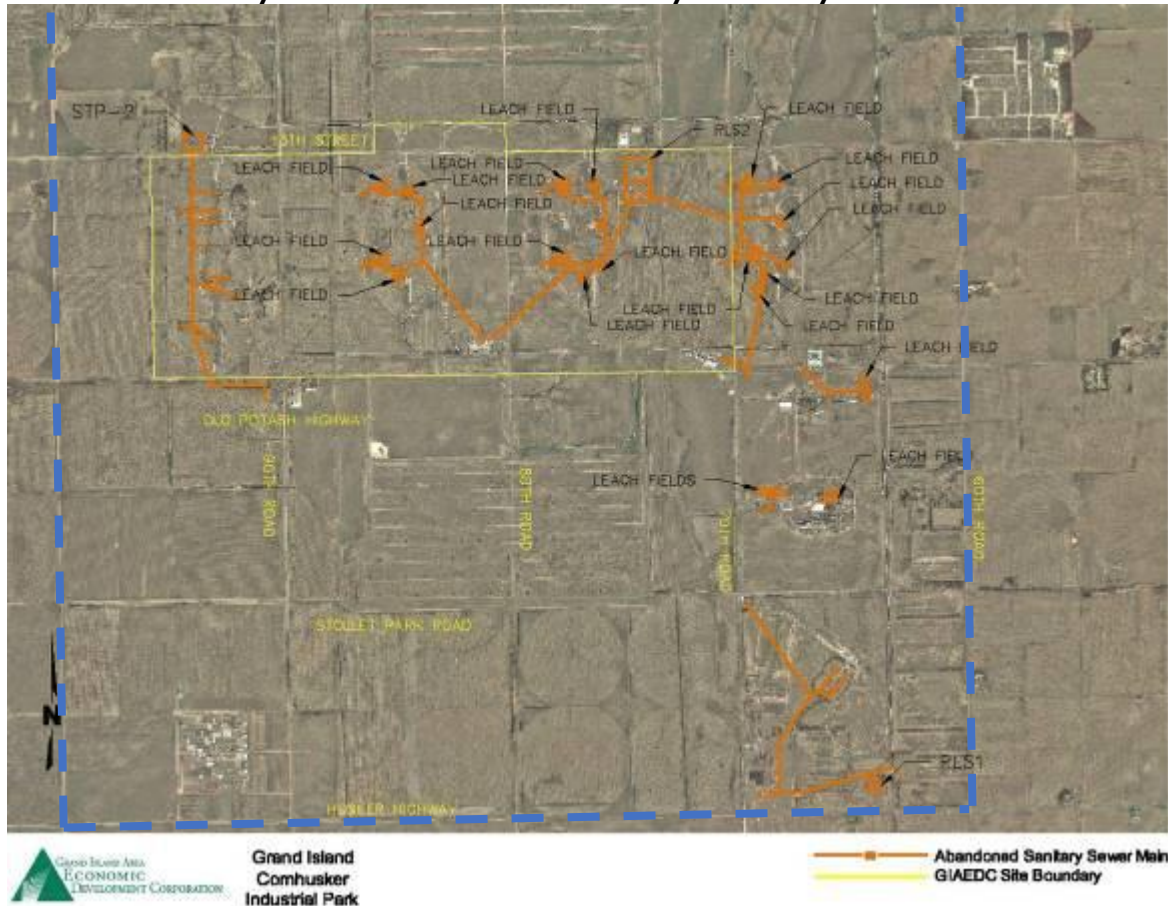


Old Water Tower located on a previously declared property (O'Neill Study)

**Sanitary Sewer System**

The existing sanitary sewer lines within the study area are constructed of similar hazardous materials. Similar to the water lines, these lines will likely need to be disturbed during any future development/redevelopment of the property, thus exposing the asbestos hazard if not controlled properly. See Figure 9 for an approximate location of these sanitary sewer lines.

**Figure 10  
Cornhusker Army Ammunition Plant Sanitary Sewer System**



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008



**Abandoned Sewage Treatment Plant**



**Abandoned Sewage Treatment Plant –  
Aerial View**



The internal infrastructure, as well as, the former Cornhusker Army Ammunition Plant contamination plume are contributing factors to the deterioration of site or other improvement within the area.

### **Insanitary or Unsafe Conditions**

There are several factors tending to fall under this category. The study area was found to have several factors falling into insanitary and unsafe. The following will outline the conditions found. The following are some of the more critical elements; however, refer to Figure 10 for additional findings.

#### ***Drainage Conditions***

The Grand Island and Hall County area has a long history of drainage issues due to the extreme flatness of the area, as well as the high-water table. Topography and soils can have a major impact on how a given portion of the city drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

Figures 5.A through 5.E show the existing topographic map from MyTopo.com showing the study area. The map confirms the flatness of the area throughout the entire study area, and it varies from one set of sections to the next.

Also, there are two drainage ditches within the Study Area. Both go back to the earlier days of CAAP. These ditches have a minimal slope and need to be cleaned and scoured for water to flow better.

The potential for standing water on this site is great. It is apparent that the lack of adequate drainage will, in fact, create a hazard for mosquito breeding during the summer months.

The drainage conditions are a contributing factor to the Insanitary and Unsafe Conditions within the area.

#### ***Stormwater management***

The study area contains rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. The impact occurs throughout Hall County.

The stormwater management system is a contributing factor to the Insanitary and Unsafe Conditions within the area.

#### ***Old Cornhusker Army Ammunition Plant Infrastructure and Contamination***

See narrative above

The internal infrastructure, as well as, the former Cornhusker Army Ammunition Plant contamination plume are a contributing factor to the Insanitary and Unsafe Conditions within the area.

### **Existence of Conditions endangering life or property due to fire or other causes**

As mentioned earlier, the entire Cornhusker Army Ammunition Plant site is considered a hazardous area regarding ground water contamination. The actual contamination plume is under the study area, see Figure 8. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

The contaminated groundwater has several dangerous materials including RDX, a dangerous carcinogen, which was used in the manufacture of explosive devices during the life of the ammunition plant and is extremely unsafe to humans and other animals. Figure 8 indicates the study area in 1997 was directly over one of the most contaminated areas of CAAP. In addition, the Study Area is within an EPA Superfund Site.

Based on the field analysis there are sufficient elements present to meet the definition of dangerous conditions within the Study Area. Besides groundwater contamination, additional elements contributing to these criteria can be found; however, refer to Figure 10 for additional findings.

**Figure 11**  
**Insanitary and Unsafe Conditions/Existence of Conditions endangering life or property due to fire or other causes/ Combination of factors which are impairing and/or arresting sound growth**



### Key Legend

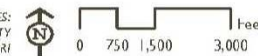
1. Old landfill site: The site contains various materials including concrete, wood, asbestos, and other materials which may be hazardous.
2. Old burning and disposal site. Construction and Debris Disposal site.
3. Asbestos contaminated dirt.
4. Old Loading Dock.
5. 1990 Water Treatment Plant: Used to clean RDX groundwater contamination.
6. Old berms constructed to contain a potential bomb blast from loaded railcars: Berms likely constructed with concrete, wood, and potentially materials containing hazardous materials under the soil layer.
7. Abandoned Sanitary Sewer Treatment Plant from the 1970's.
8. Old barrow pits for soils and clay for Construction and Debris fill. Was filled with dris and covered.
9. Old Base Fire Station burned down and waste still present on site.
10. Buried concrete throughout the old Administration Area.
11. Demolished building sites with old foundations remaining.
12. East Drainage Ditch
13. West Drainage Ditch
14. Buried construction waste.
15. Old railroad track system: Has limited weight capacities and may lead to future derailments.
16. Most of the structure(s) for Bomb Line 4, when demolished were buried on site. Footings and foundations may still be present underground.
17. Old burning and disposal sites

### CAAP BLIGHT STUDY

CITY OF GRAND ISLAND  
 HALL COUNTY, NEBRASKA

- CAAP Blight Study Limits
- Hall County Parces
- CAAP Index Mapping Sections
- Previously Studied Areas

DATA SOURCES:  
 BASE DATA PROVIDED BY HALL COUNTY  
 AERIAL IMAGERY PROVIDED BY ESRI



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008

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**Example of the Existing Conditions Endangering Life or Property**

**Combination of factors which are impairing and/or arresting sound growth**

Within this study area, there are many factors impairing or arresting sound growth. A couple of these include:

- The entire Study Area is within an EPA Superfund Site
- The contamination plume is a major condition factor arresting sound growth in the Grand Island area.
- The condition of the railroad track is a deterrent for any business needing rail service
- The numerous landfill/construction and debris sites within the Study Area create unknowns and extreme costs for future clean-up
- Large berms along 70<sup>th</sup> near Capital Avenue
- The existing water system and sanitary sewer systems are not capable of use; except for, specific prescribe uses as defined by the numerous reports for this site
- Drainage capacity of the area is minimal regarding the ability to handle large amounts of runoff during large storm events.



**Example of Conditions Arresting Growth**

Based on the review of the area, there are sufficient elements present to meet the definition of the combination of factors which are impairing and/or arresting sound growth within the Study Area.

### **Diversity of Ownership**

The diversity of Ownership implies there are multiple landowners in an area. When there are multiple landowners, then the process of development and redevelopment can be hindered due to a vast number of people and corporations needing a say in the process. In these situations, it "may" become necessary for the public sector to become involved through the use of incentives to guide the effort.

Within the CAAP Study Area, there are 26 different property owners. These property owners include:

- The United States government
- The City of Grand Island
- Hall County
- The Nebraska Game and Parks Commission
- Central Platte Natural Resources District
- 21 different private landowners

The Diversity of Ownership is difficult on an area-wide basis, but there are also sections of ground within the Study Area which have multiple landowners. This diversity can add more difficulty to the redevelopment of a smaller area and requires considerable coordination. One example is the recent area owned by O'Neill Wood Products and Grand Island Economic Development Corporation; both parties needed to work together for a possible redevelopment area to be declared Blighted and Substandard, as well as, moving the project forward. Not saying there were problems, but having multiple owners involved can slow and complicate the process in the future.

Due to the Diversity of Ownership within the Study Area, this is a contributing factor to the area being declared Blighted and Substandard.

### **Faulty Lot Layout**

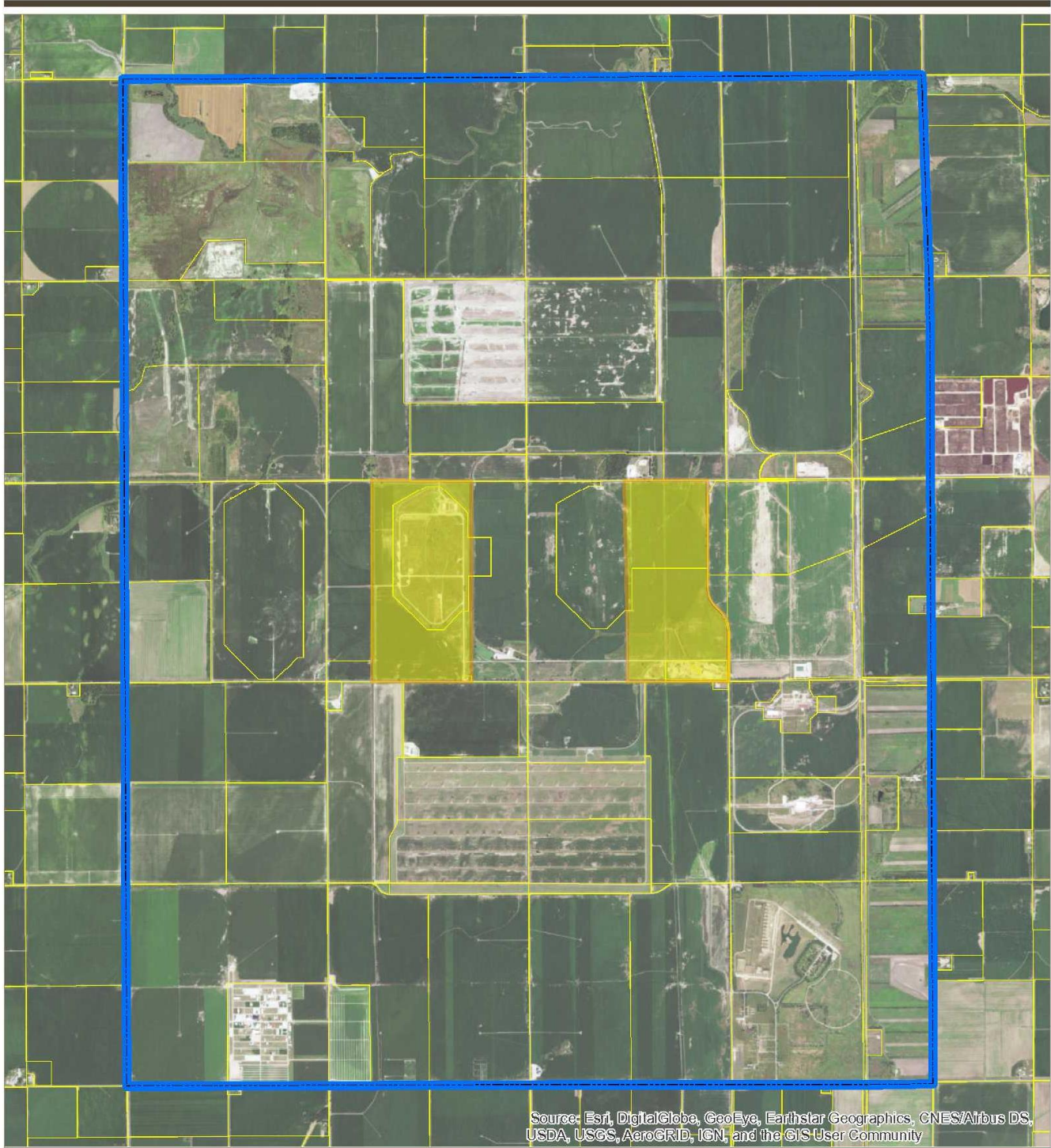
Within the Study Area, there are multiple parcels/lots throughout the 20 square miles. However, when the Department of Defense/US Government began selling off land within the boundaries of the Army Reserve, they were divided into many different configurations.

A large reason for this was likely due to what could be split off and sold at a specific time. Examining Figure 11, it is obvious the sale of the parcels, and the shape of the land did not have a specific plan or rationale. The previous section, Diversity of Ownership, identified 26 different landowners; however, there are 89 parcels owned by those landowners.



Blow-up of Figure 12

**Figure 12**  
**Lot/Parcel Layout**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## CAAP - LOT / PACEL LINES

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

Previously Studied Areas
  CAAP Blight Study Limits
  Hall County Parcels

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI



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Source: Hall County Assessor, Marvin Planning Consultants and MSA 2017

## Part B of the Blight Definition

### Age of Commercial Units

Age of commercial units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of commercial units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the commercial units within the Study Area. Note the age of commercial units came from the Appraisal data within the Hall County Assessor's website data.

Within the study area, there are 202 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Hall County Assessor's and Treasurer's websites and reviewing older documents, as well as, a land survey completed on the entire site.

Considering the older commercial units have no specific dates attached to them since the property was a Federal Military facility, the assumption is the older commercial units were a part of the original installation in 1942. Therefore, the older remaining commercial units and any remaining foundations have been in place since 1942 and are currently 74 years old each. For purposes of this study, older utility poles and concrete culverts were not counted in the age calculation; although they contribute to the general deteriorating condition.

The following breakdown was determined:

- 158 (78.2%) units were determined to be 40 years of age or older
- 44 (21.8%) units were determined to be less than 40 years of age

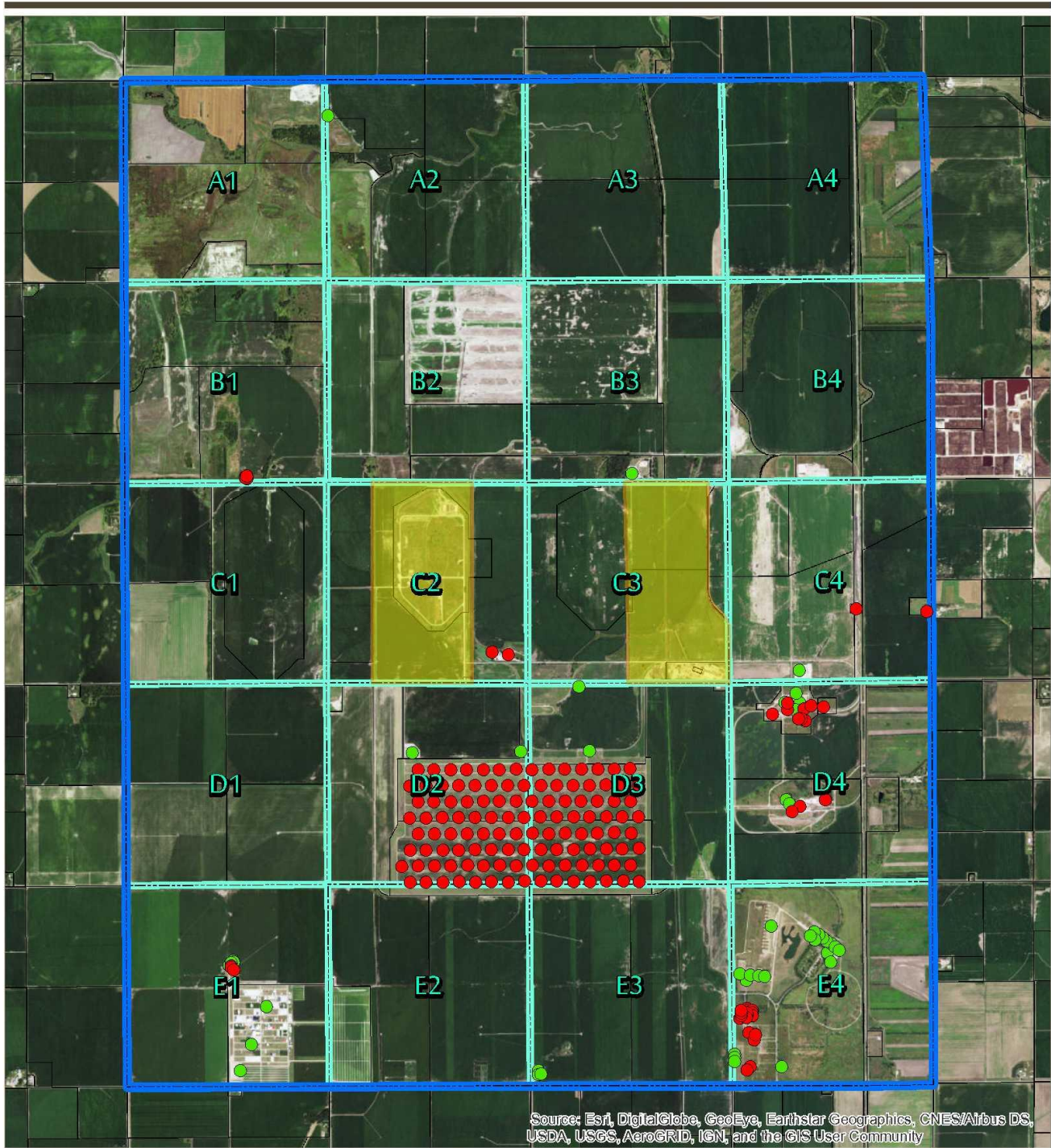
**Table 1:  
Age of Units**

	Number of Units	Construction date	Age of Units	Cummulative Age
	2	1920	97	194
	2	1925	92	184
	1	1940	77	77
	125	1942	75	9375
	12	1945	72	900
	10	1970	47	750
	6	1976	41	450
	5	1990	27	135
	1	1992	25	25
	1	2000	17	17
	9	2003	14	126
	2	2004	13	26
	2	2005	12	24
	2	2006	11	22
	2	2008	9	18
	12	2011	6	72
	1	2012	5	5
	5	2013	4	20
	7	2014	3	21
<b>Total Cummulative</b>	<b>202</b>			<b>11986</b>
<b>Average Age</b>				<b>59.33663366</b>

Source: Hall County Assessor

Also, Table 1, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 59.3 years.

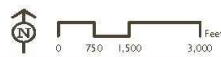
**Figure 12**  
**Age of Commercial Units**



**CAAP - AGE OF STRUCTURE**

CITY OF GRAND ISLAND  
 HALL COUNTY, NEBRASKA

- Previously Studied Areas
- Hall County Parcels
- CAAP Blight Study Limits
- Less Than 40 Years Old - 44 Structures
- CAAP Index Mapping Sections
- 40+ Years Old - 158 Structures



DATA SOURCES:  
 BASE DATA PROVIDED BY HALL COUNTY  
 AERIAL IMAGERY PROVIDED BY ESRI

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Print Date: 10:47:52 PM 6/22/2017

Source: Hall County Assessor



## **Blighting Summary**

These conditions are contributing to the blighted conditions of the study area.

- **Qualifies under the Former Defense Site statute**
  - The real property located outside the corporate limits of the city is a formerly used defense site;
  - The formerly used defense site is located within the same county as the city approving such redevelopment project;
  - Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
  
- **Substantial number of deteriorating structures**
  - Based upon the review of Hall County Assessor data, field observations, drone observations and other aerials there are a substantial number of deteriorating structures within the Study Area:
    - 156 structures deemed to be in a deteriorated state.
    - 46 structures deemed to be in good condition.
  
- **Deterioration of site or other improvements**
  - Drainage of existing site is difficult based upon the existing topography.
  - County Road conditions.
  - Stormwater management.
  - Internal Infrastructure.
  - Old Cornhusker Army Ammunition Plant infrastructure and Contamination.
  - Study area is currently within a EPA Superfund Site
  
- **Insanitary or Unsafe Conditions**
  - Drainage of the existing site is difficult based on the existing topography.
  - Stormwater management.
  - Internal Infrastructure.
  - Old Cornhusker Army Ammunition Plant infrastructure and Contamination.
  - Several other issues including landfills filled with asbestos material and potentially other hazardous substances, see Figure 11.
  
- **Dangerous conditions to life or property due to fire or other causes**
  - Old Cornhusker Army Ammunition Plant Contamination.
  - Several other issues including landfills filled with asbestos material and potentially other hazardous substances, see Figure 11.
  
- **Combination of factors which are impairing and/or arresting sound growth**
  - The contamination plume is a major condition factor arresting sound growth in the Grand Island area.
  - The condition of the railroad track is a deterrent for any business needing rail service
  - The numerous landfill/construction and debris sites within the Study Area create unknowns and extreme costs for future clean-up
  - Large berms along 70<sup>th</sup> near Capital Avenue
  - The existing water system and sanitary sewer systems are not capable of use; except for, specific prescribe uses as defined by the numerous reports for this site
  - Drainage capacity of the area is minimal regarding the ability to handle large amounts of runoff during large storm events.
  - Study area is currently within a EPA Superfund Site
  
- **Diversity of Ownership**
  - The Study Area contains 26 different landowners including six different governmental entities.
  
- **Faulty Lot Layout**
  - The Study Area contains 89 different parcels owned by 26 different landowners.
  - Many these parcels are not square or rectangular in shape but oddly shaped parcels

- **Stable or decreasing population based on the last two decennial censuses**

- The Study Area has had no population over the past two decennial censuses. Based upon the DOD criteria for the Study Area, permanent residential structures and units are not permitted; other than the residence for the Park Superintendent for Heartland Shooting Park.

**Criteria under Part B of the Blight Definition**

- **Average age of commercial units is over 40 years of age**

- Within the Study Area 78.2% of the commercial units meet the criteria of 40 years of age or older.
- Based upon the county assessor's assessment records, the average age of the commercial units within the study area is 59.3 years.

- **Stable or decreasing population based on the last two decennial censuses**

- The population of the Study Area has remained stable over the past two decennial censuses.

**The other criteria for Blight were not present in the area, these include:**

- Improper Subdivision or Obsolete Platting
  - The land was originally laid out by the U. S. Government during and after World War II.
- Defective/Inadequate street layouts
  - The primary layout in this Study Area are section line roads
- Tax or special assessment delinquency exceeding fair value of the land.
  - NA
- Defective or unusual condition of title
  - NA
- Unemployment in the designated area is at least 120% of the state or national average.
  - NA
- Over one-half of the property is unimproved and has been within the City for over 40 years.
  - NA
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.
  - NA

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

## Substandard Conditions

### **FORMER DEFENSE SITE**

Based upon Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in 18-2123.01:

1. The real property located outside the corporate limits of the city is a formerly used defense site;
2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

### **Predominance of Deteriorating Buildings or Improvements**

The team went through every property record on-line, via the Hall County Assessor's site to identify structures in good or bad condition. Also, a site visit examined many existing structures throughout the Study Area. In addition, the use of aerial photography and a drone flight were utilized in gaining a better view and more insight on the structural conditions of certain areas of the former Army Reservation.

Through the team's observations and analysis, the following was determined:

- 155 structures were in bad or deteriorating condition
- 46 structures were in good condition
- 1 structure burned down

Almost everything constructed during the Army's occupation of the area fits within the category of deteriorated and dilapidated and is in poor condition. The structures deemed to be in good condition have been constructed by the new property owners, including the area around Husker Harvest Days and the actual range at the Heartland Shooting Park.

Besides the actual standing structures, there are several concrete slabs and footings still visible on the old administration area. The above ground portions have been torn down slabs and footings were left behind.

Based upon the review of this issue, it is found that deteriorating structures is a contributing factor in declaring this area substandard.

### **Existence of Conditions endangering life or property due to fire or other causes**

As mentioned earlier, the entire Cornhusker Army Ammunition Plant site is considered a hazardous area regarding ground water contamination. The actual contamination plume is under the study area, see Figure 8. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

The contaminated groundwater has several dangerous materials including RDX, a dangerous carcinogen, which was used in the manufacture of explosive devices during the life of the ammunition plant and is extremely unsafe to humans and other animals. Figure 8 indicates the study area in 1997 was directly over one of the most contaminated areas of CAAP.

Based on the field analysis there are sufficient elements present to meet the definition of dangerous conditions within the Study Area. Besides groundwater contamination, additional elements contributing to these criteria can be found; however, refer to Figure 11 for additional findings.

## Substandard Summary

Nebraska State Statute requires that *"...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, **age** or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or **the existence of conditions which endanger life or property by fire and other causes**, or any combination of such factors, is conducive to ill health, transmission of disease,*

*infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"*

This Study Area meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

### **FINDINGS FOR GRAND ISLAND BLIGHT STUDY AREA – CAAP**

This Blight Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

#### **Blighted Conditions**

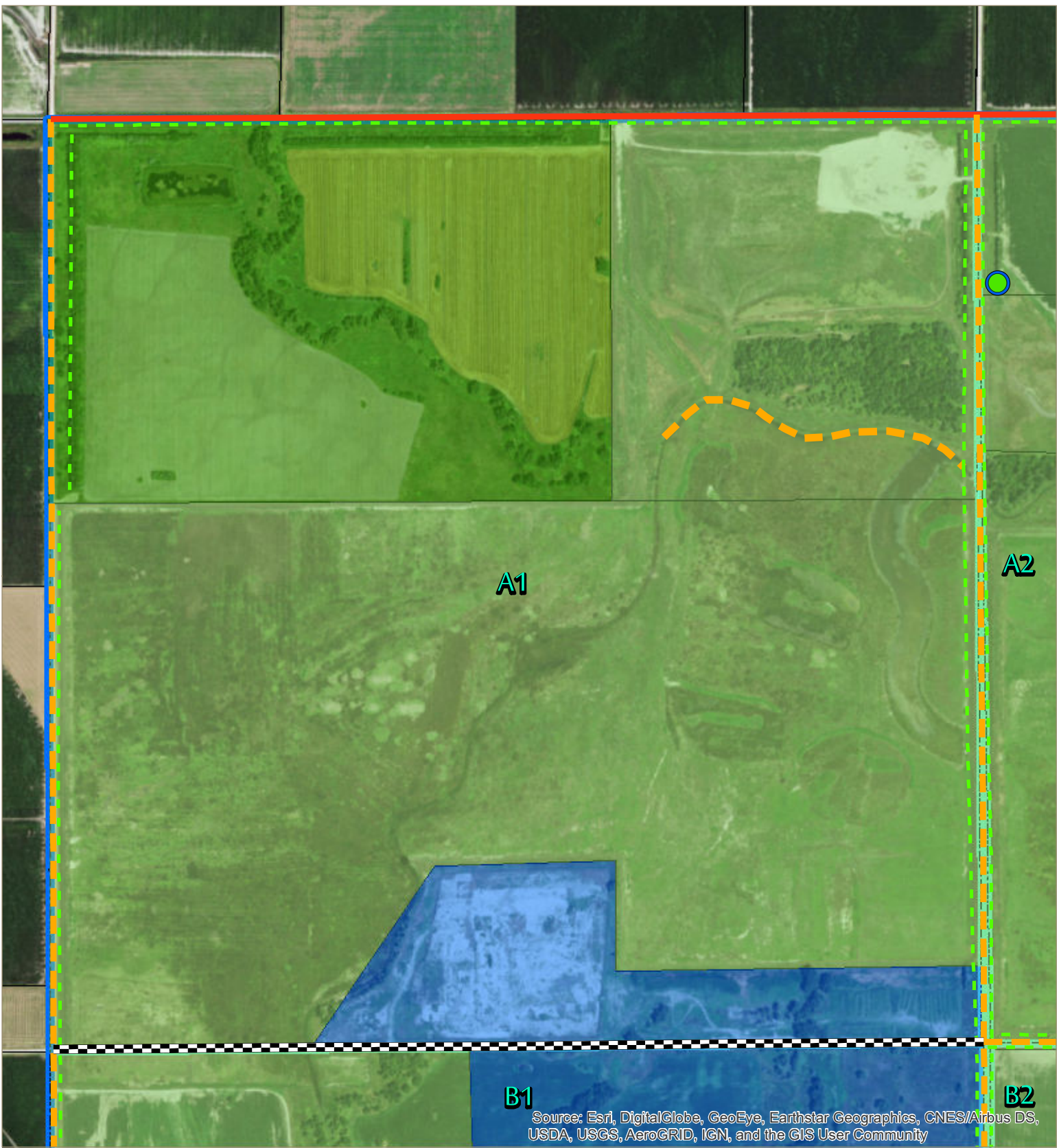
- **Former Defense Site**
- **Existence of commercial units over 40 years of age**
- **Substantial number of Deteriorating Structures**
- **Deterioration of site or other improvements**
- **Insanitary and Unsafe Conditions**
- **Dangerous conditions to life or property due to fire or other causes, including contamination**
- **Combination of factors which are impairing and/or arresting sound growth**
- **Diversity of Ownership**
- **Faulty Lot Layout**
- **Stable or decreasing population based on the last two decennial censuses**

#### **Substandard Conditions**

- **Former Defense Site**
- **Dangerous conditions to life or property due to fire or other causes, including contamination**
- **Predominance of buildings or improvements which by reason of deterioration and age are conducive to ill health and detrimental to the public health**

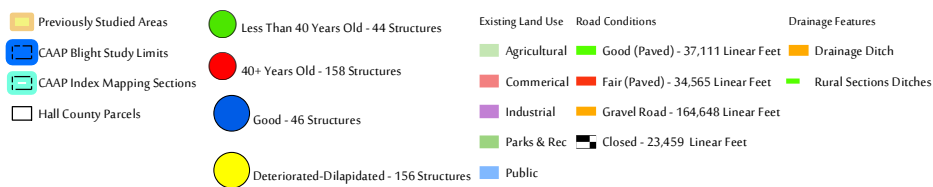
# Appendices

## Section by Section Blow-ups of Conditions



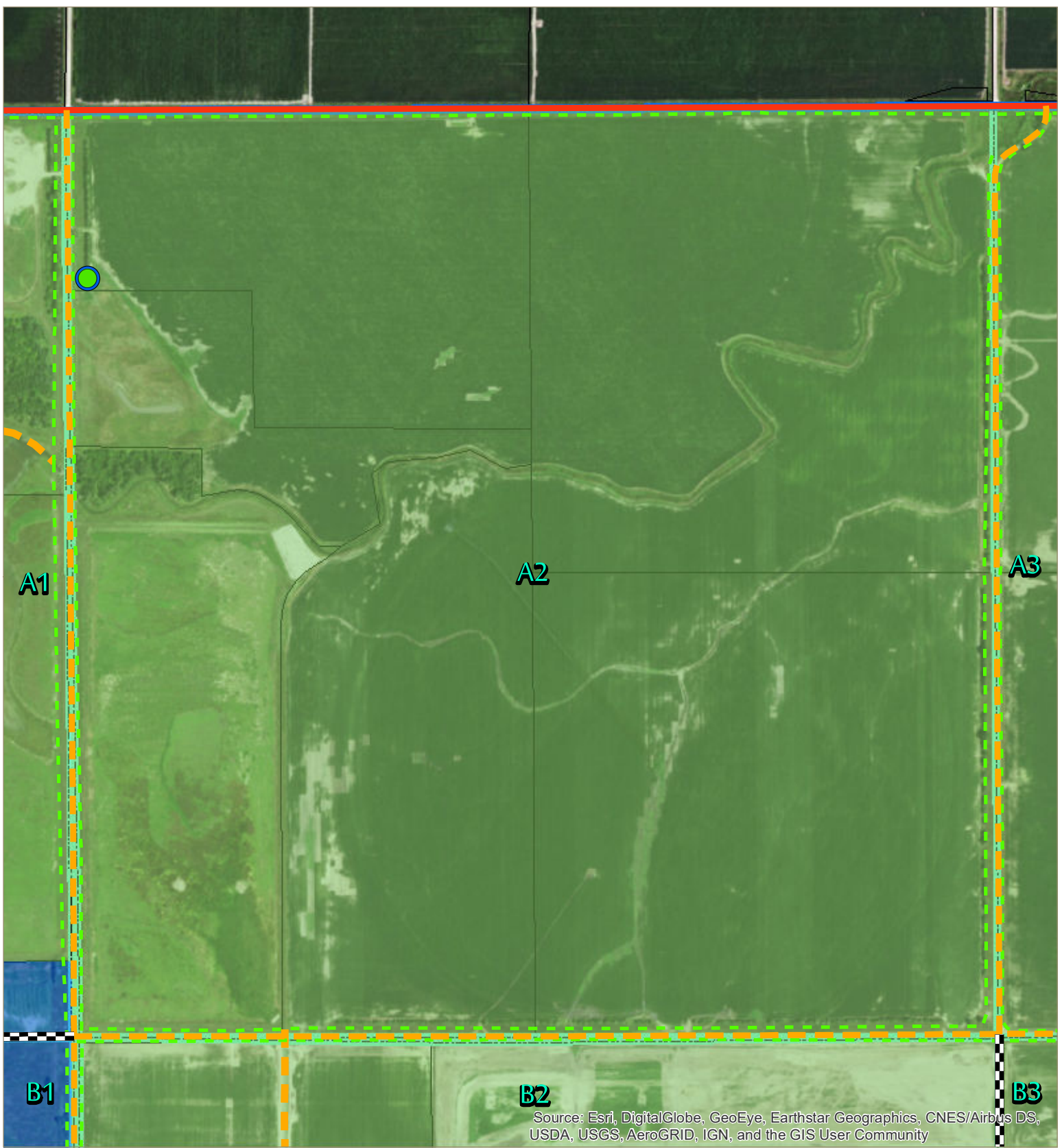
# CAAP - SECTION A1

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI



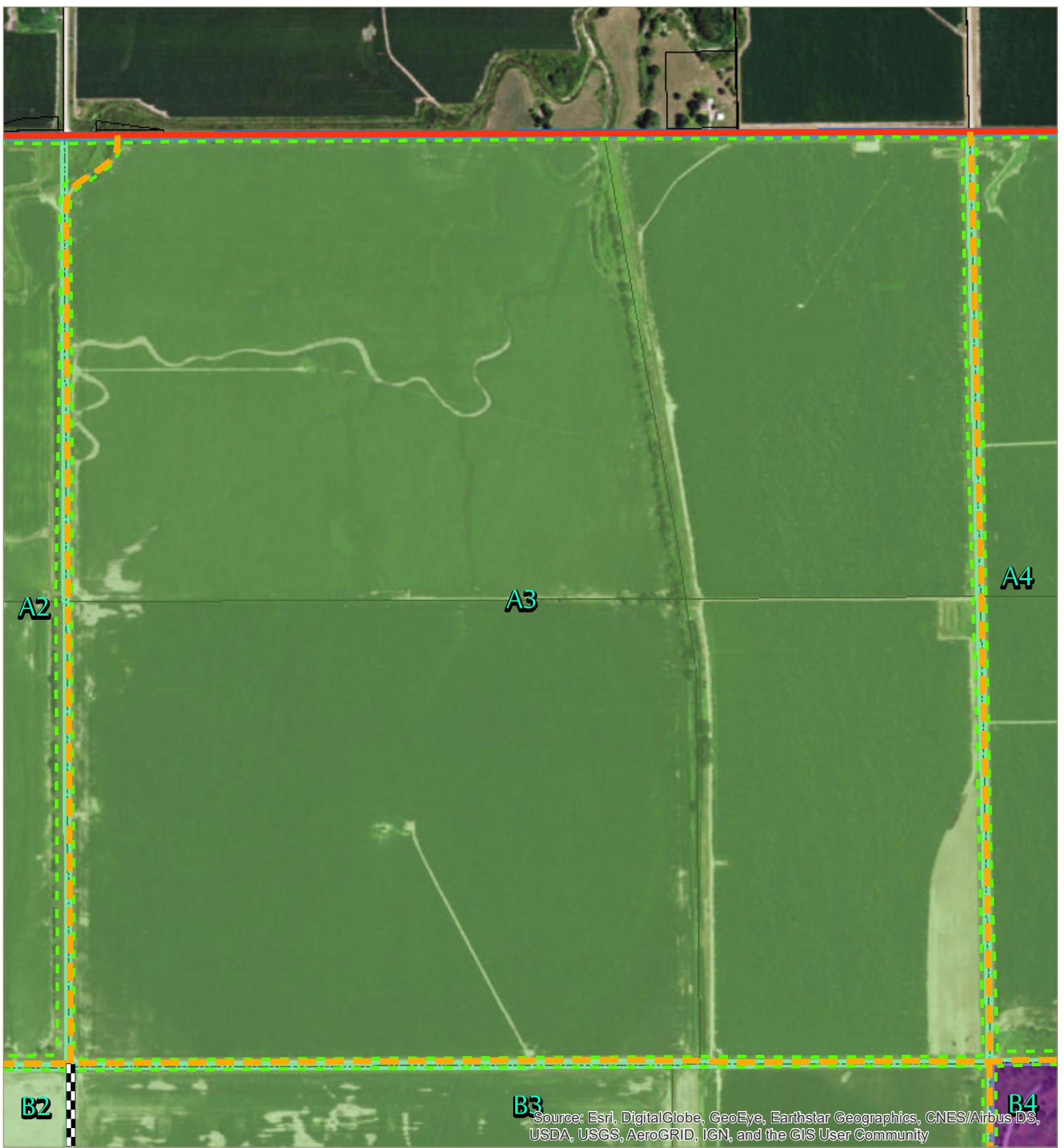


# CAAP - SECTION A2

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

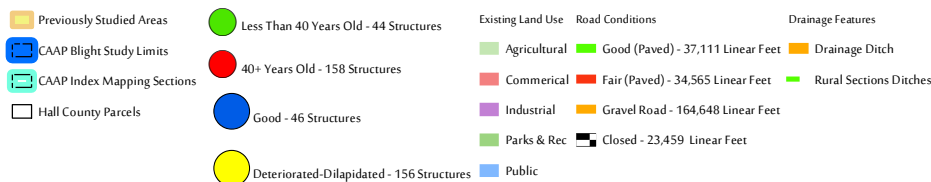
<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<p>Existing Land Use</p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Commercial</li> <li> Industrial</li> <li> Parks &amp; Rec</li> <li> Public</li> </ul>	<p>Road Conditions</p> <ul style="list-style-type: none"> <li> Good (Paved) - 37,111 Linear Feet</li> <li> Fair (Paved) - 34,565 Linear Feet</li> <li> Gravel Road - 164,648 Linear Feet</li> <li> Closed - 23,459 Linear Feet</li> </ul>	<p>Drainage Features</p> <ul style="list-style-type: none"> <li> Drainage Ditch</li> <li> Rural Sections Ditches</li> </ul>	<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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# CAAP - SECTION A3

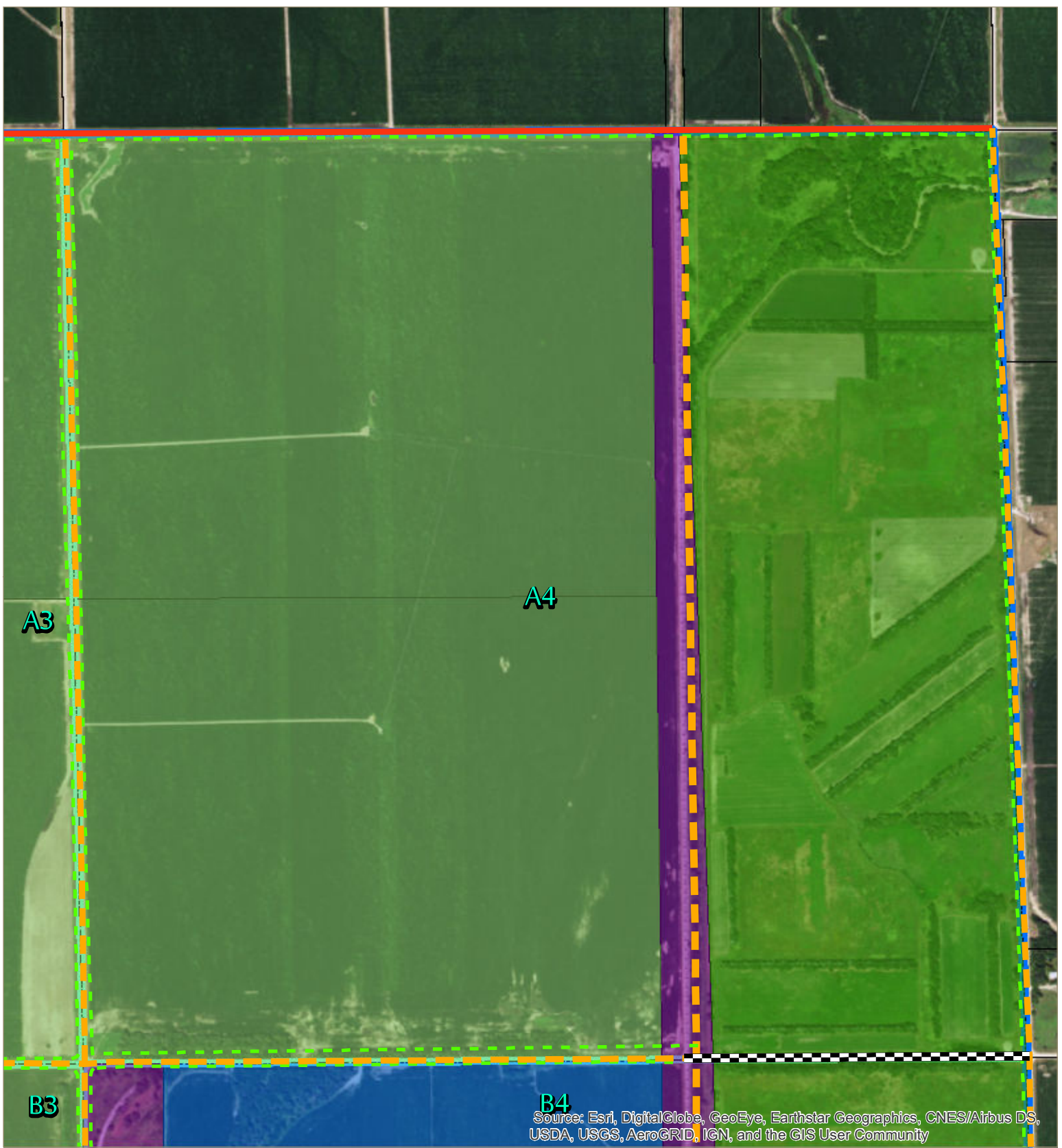
CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

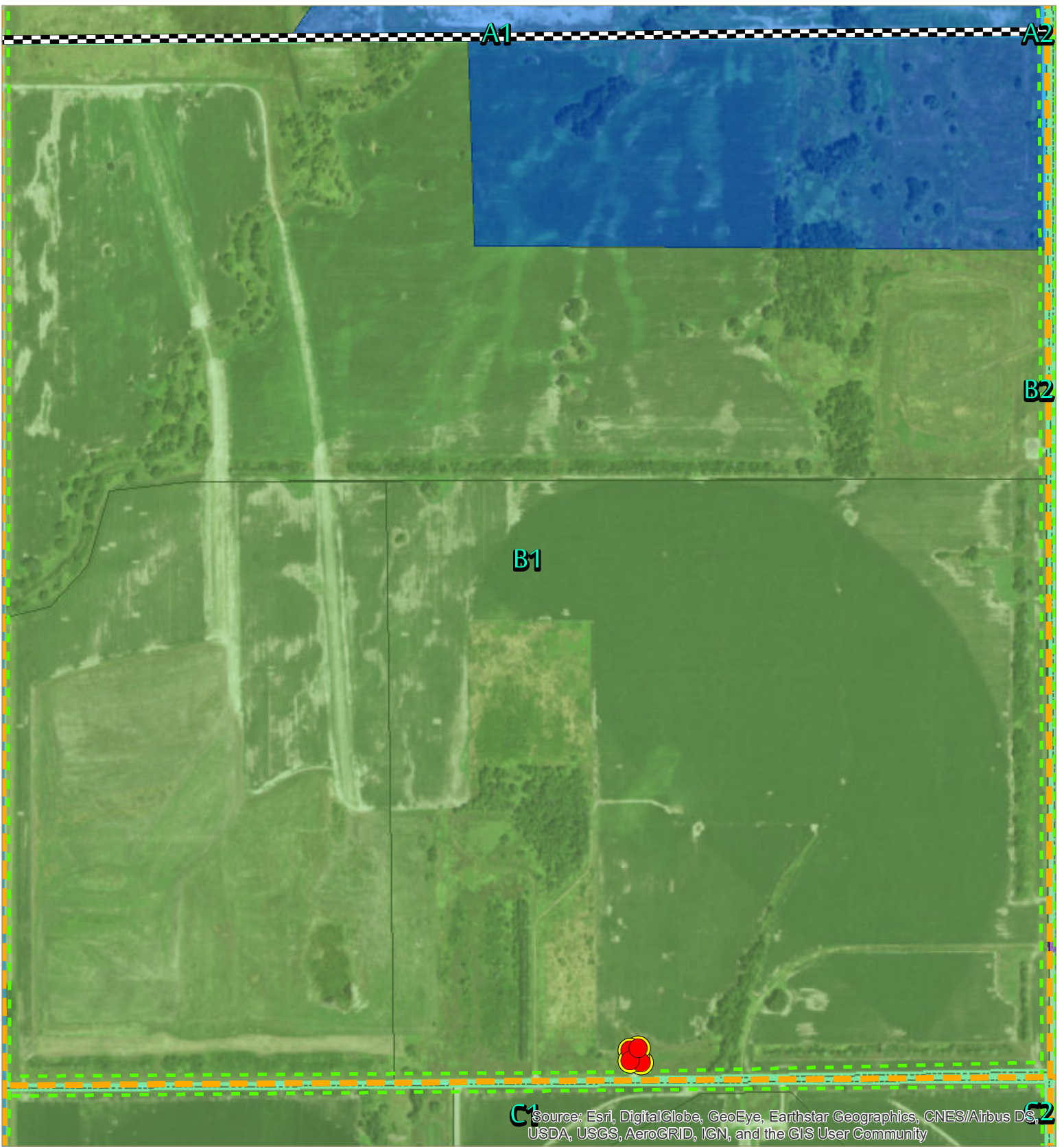
# CAAP - SECTION A4

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

Previously Studied Areas	Less Than 40 Years Old - 44 Structures	<b>Existing Land Use</b>	<b>Road Conditions</b>	<b>Drainage Features</b>
CAAP Blight Study Limits	40+ Years Old - 158 Structures	Agricultural	Good (Paved) - 37,111 Linear Feet	Drainage Ditch
CAAP Index Mapping Sections	Good - 46 Structures	Commercial	Fair (Paved) - 34,565 Linear Feet	Rural Sections Ditches
Hall County Parcels	Deteriorated-Dilapidated - 156 Structures	Industrial	Gravel Road - 164,648 Linear Feet	
		Parks & Rec	Closed - 23,459 Linear Feet	
		Public		

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

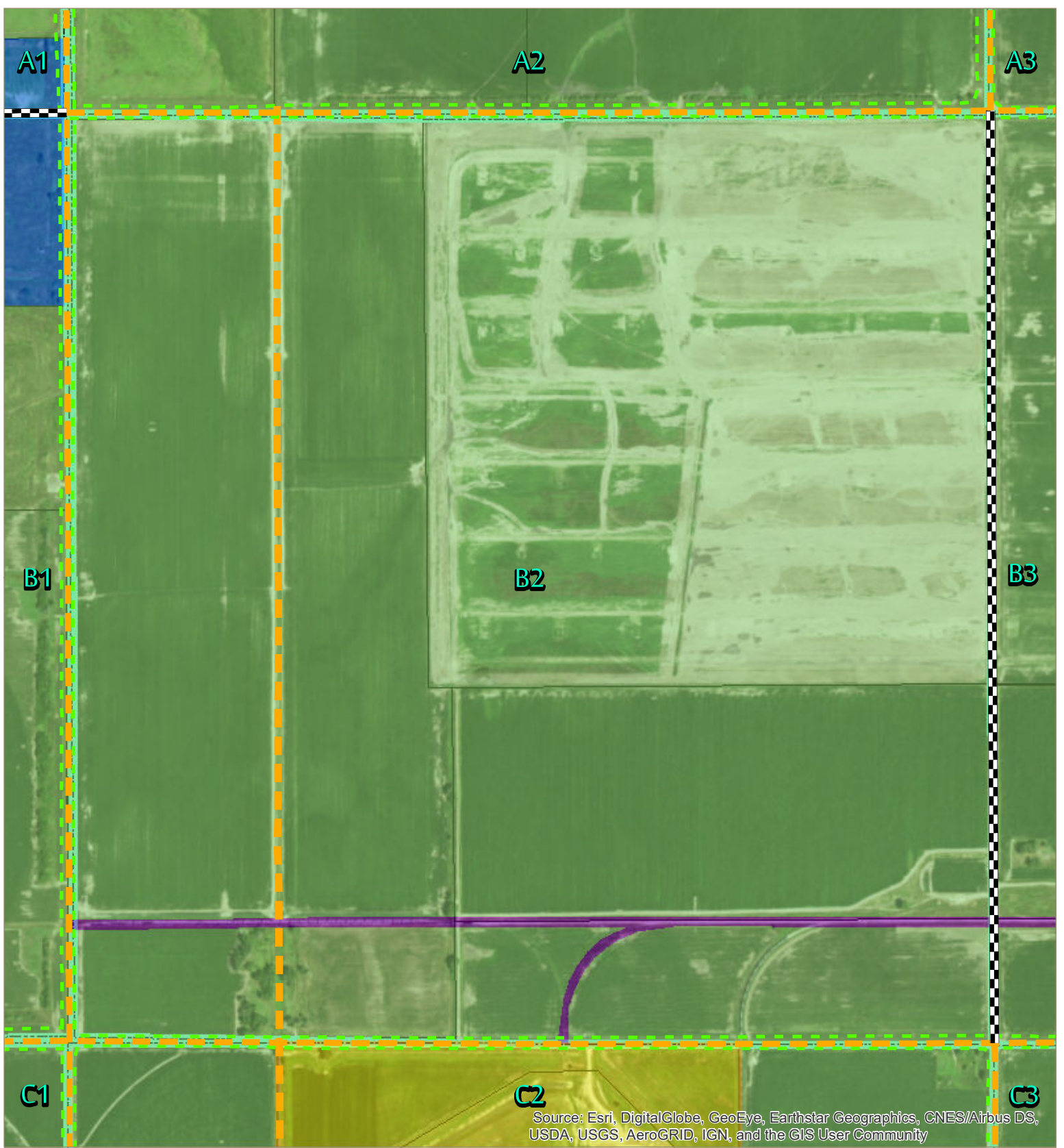
# CAAP - SECTION B1

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

- |                             |   |                          |                                   |                          |
|-----------------------------|---|--------------------------|-----------------------------------|--------------------------|
| Previously Studied Areas    | Less Than 40 Years Old - 44 Structures    | <b>Existing Land Use</b> | <b>Road Conditions</b>            | <b>Drainage Features</b> |
| CAAP Blight Study Limits    | 40+ Years Old - 158 Structures            | Agricultural             | Good (Paved) - 37,111 Linear Feet | Drainage Ditch           |
| CAAP Index Mapping Sections | Good - 46 Structures                      | Commercial               | Fair (Paved) - 34,565 Linear Feet | Rural Sections Ditches   |
| Hall County Parcels         | Deteriorated-Dilapidated - 156 Structures | Industrial               | Gravel Road - 164,648 Linear Feet |                          |
|                             |   | Parks & Rec              | Closed - 23,459 Linear Feet       |                          |
|                             |   | Public                   |                                   |                          |

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI

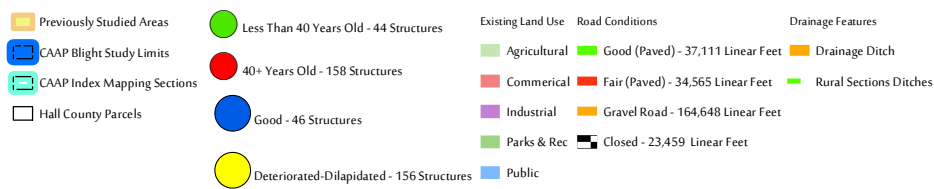




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

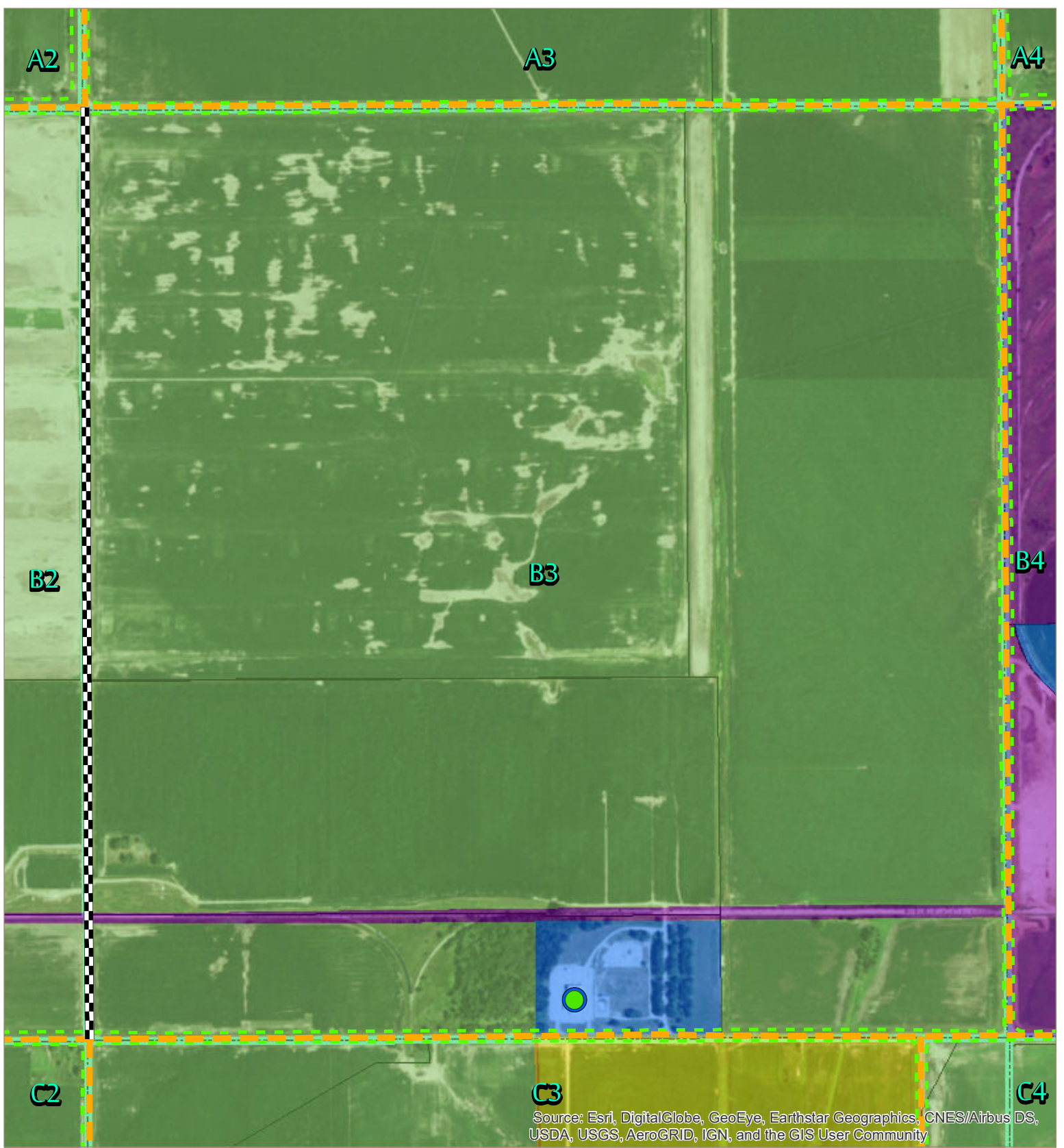
# CAAP - SECTION B2

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI



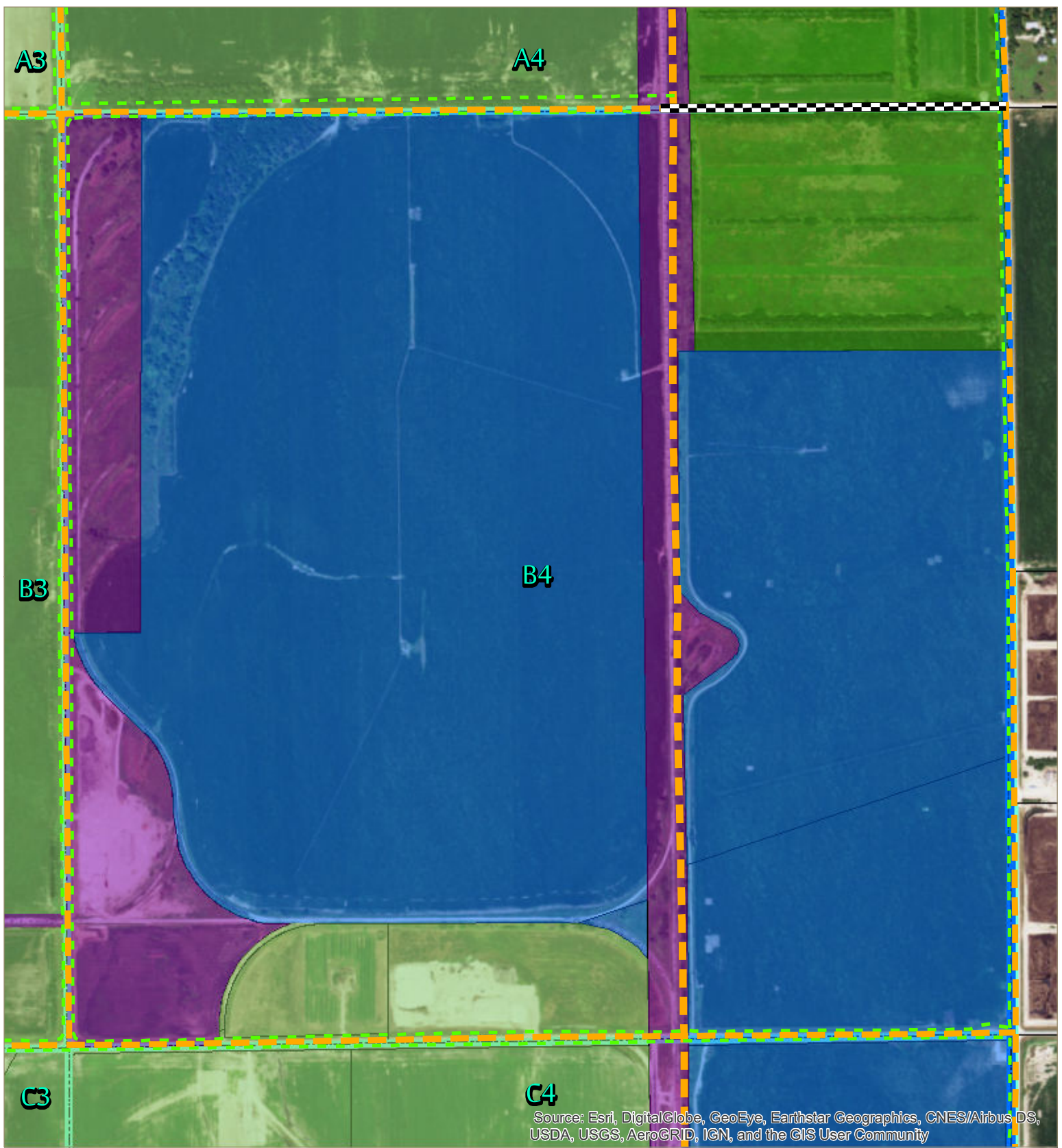


# CAAP - SECTION B3

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<p>Existing Land Use</p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Commercial</li> <li> Industrial</li> <li> Parks &amp; Rec</li> <li> Public</li> </ul>	<p>Road Conditions</p> <ul style="list-style-type: none"> <li> Good (Paved) - 37,111 Linear Feet</li> <li> Fair (Paved) - 34,565 Linear Feet</li> <li> Gravel Road - 164,648 Linear Feet</li> <li> Closed - 23,459 Linear Feet</li> </ul>	<p>Drainage Features</p> <ul style="list-style-type: none"> <li> Drainage Ditch</li> <li> Rural Sections Ditches</li> </ul>	<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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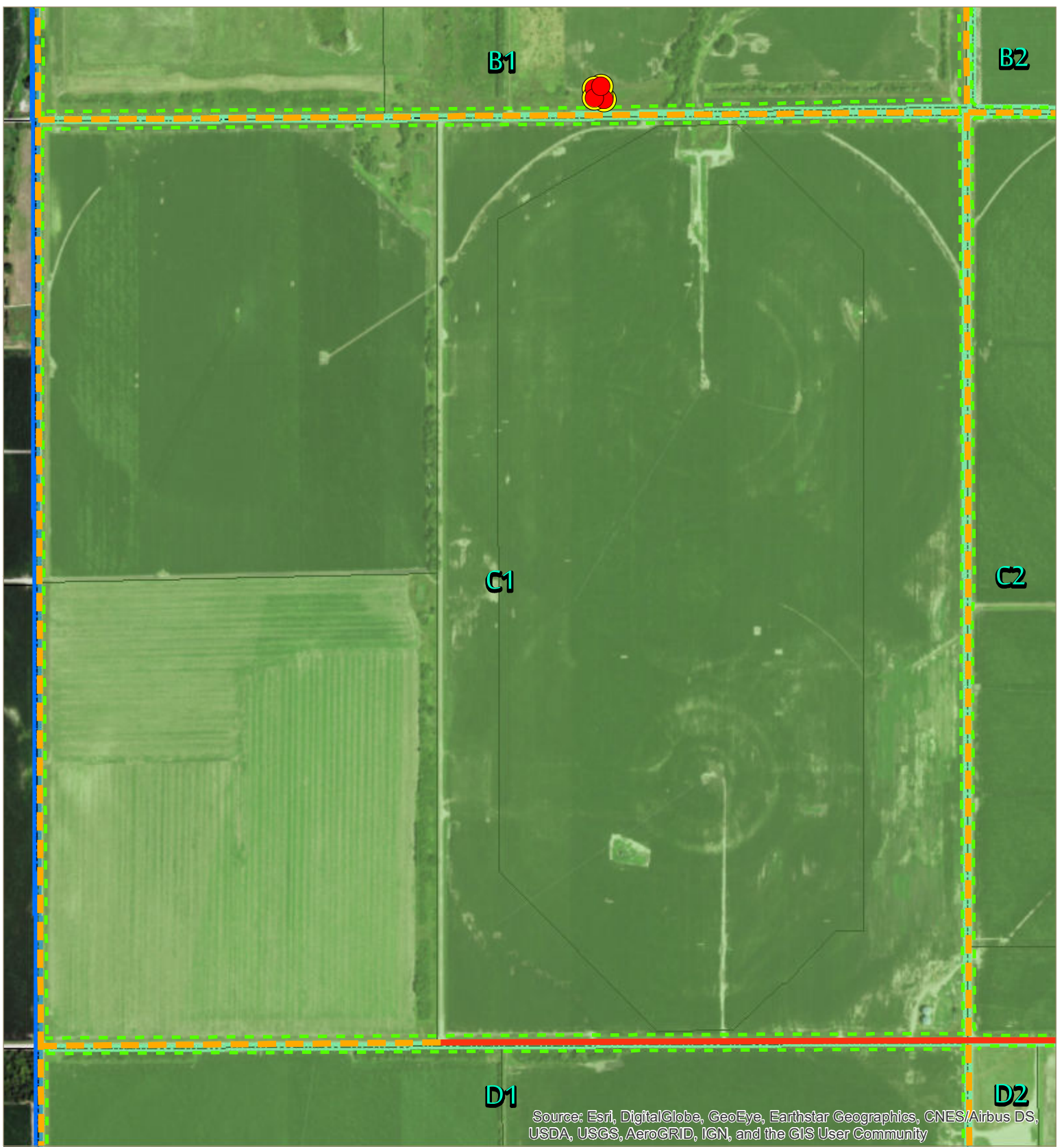
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# CAAP - SECTION B4

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

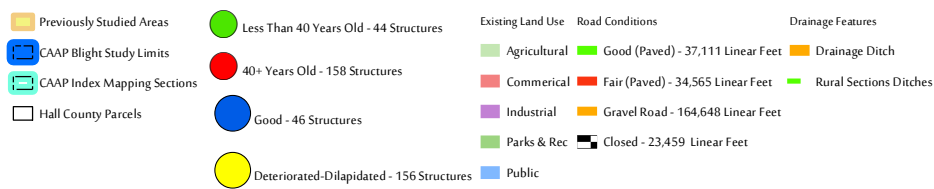
<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<table border="0"> <tr> <th>Existing Land Use</th> <th>Road Conditions</th> <th>Drainage Features</th> </tr> <tr> <td> Agricultural</td> <td> Good (Paved) - 37,111 Linear Feet</td> <td> Drainage Ditch</td> </tr> <tr> <td> Commercial</td> <td> Fair (Paved) - 34,565 Linear Feet</td> <td> Rural Sections Ditches</td> </tr> <tr> <td> Industrial</td> <td> Gravel Road - 164,648 Linear Feet</td> <td></td> </tr> <tr> <td> Parks &amp; Rec</td> <td> Closed - 23,459 Linear Feet</td> <td></td> </tr> <tr> <td> Public</td> <td></td> <td></td> </tr> </table>	Existing Land Use	Road Conditions	Drainage Features	Agricultural	Good (Paved) - 37,111 Linear Feet	Drainage Ditch	Commercial	Fair (Paved) - 34,565 Linear Feet	Rural Sections Ditches	Industrial	Gravel Road - 164,648 Linear Feet		Parks & Rec	Closed - 23,459 Linear Feet		Public			<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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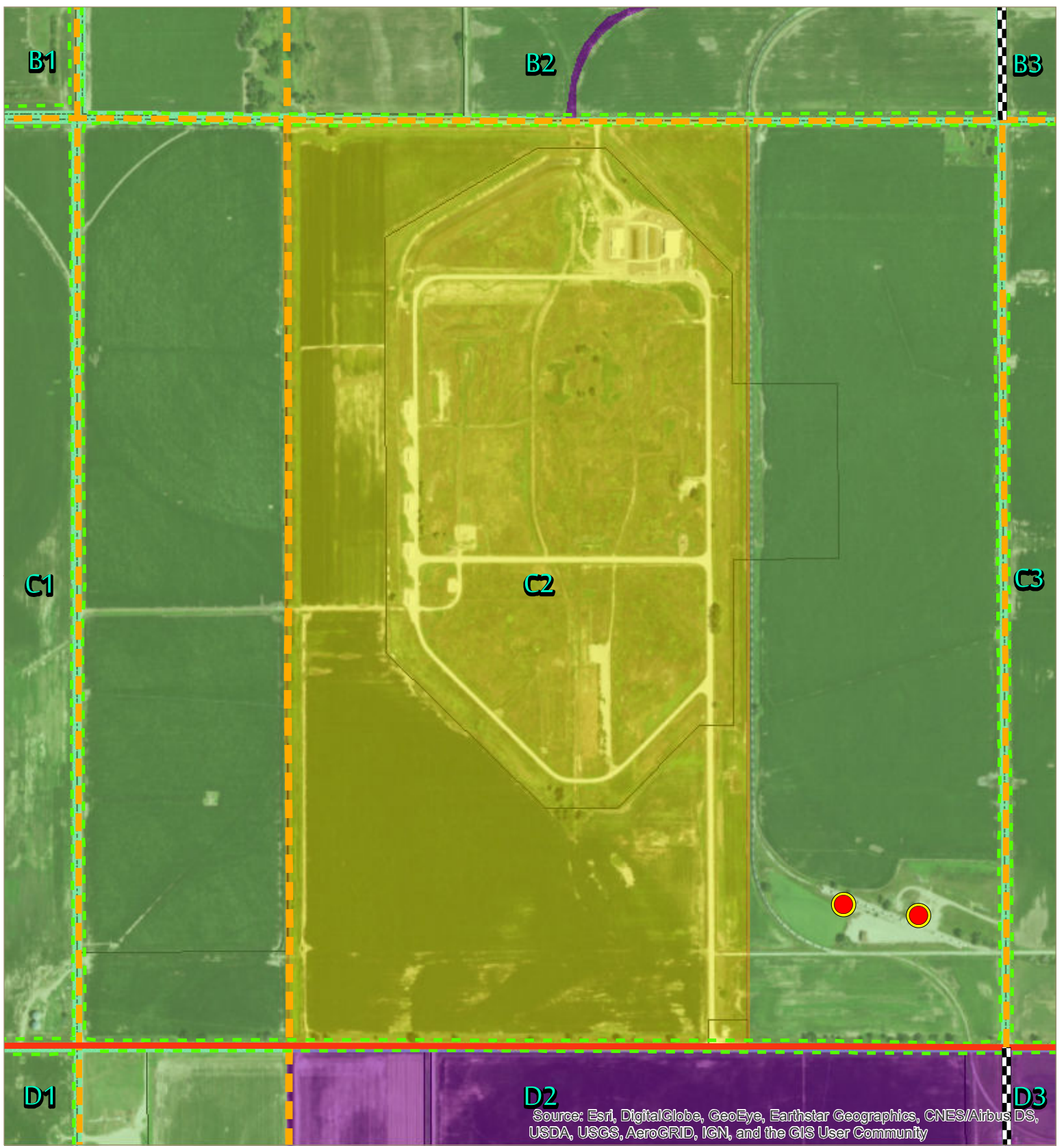
# CAAP - SECTION C1

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI





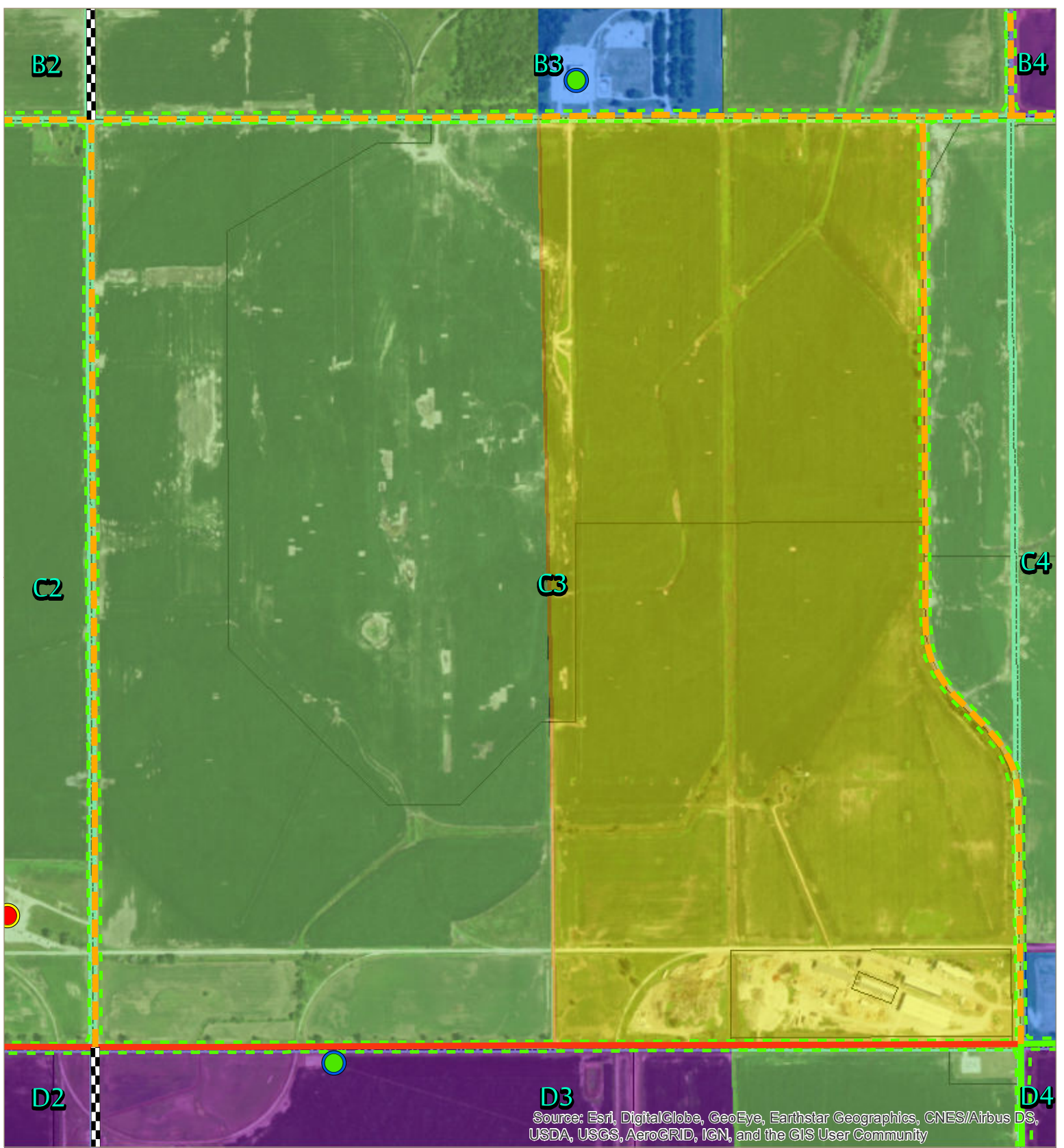
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION C2

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<table border="0"> <tr> <th>Existing Land Use</th> <th>Road Conditions</th> <th>Drainage Features</th> </tr> <tr> <td> Agricultural</td> <td> Good (Paved) - 37,111 Linear Feet</td> <td> Drainage Ditch</td> </tr> <tr> <td> Commercial</td> <td> Fair (Paved) - 34,565 Linear Feet</td> <td> Rural Sections Ditches</td> </tr> <tr> <td> Industrial</td> <td> Gravel Road - 164,648 Linear Feet</td> <td></td> </tr> <tr> <td> Parks &amp; Rec</td> <td> Closed - 23,459 Linear Feet</td> <td></td> </tr> <tr> <td> Public</td> <td></td> <td></td> </tr> </table>	Existing Land Use	Road Conditions	Drainage Features	Agricultural	Good (Paved) - 37,111 Linear Feet	Drainage Ditch	Commercial	Fair (Paved) - 34,565 Linear Feet	Rural Sections Ditches	Industrial	Gravel Road - 164,648 Linear Feet		Parks & Rec	Closed - 23,459 Linear Feet		Public			<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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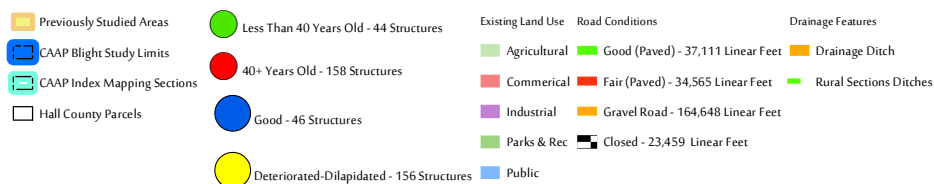




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION C3

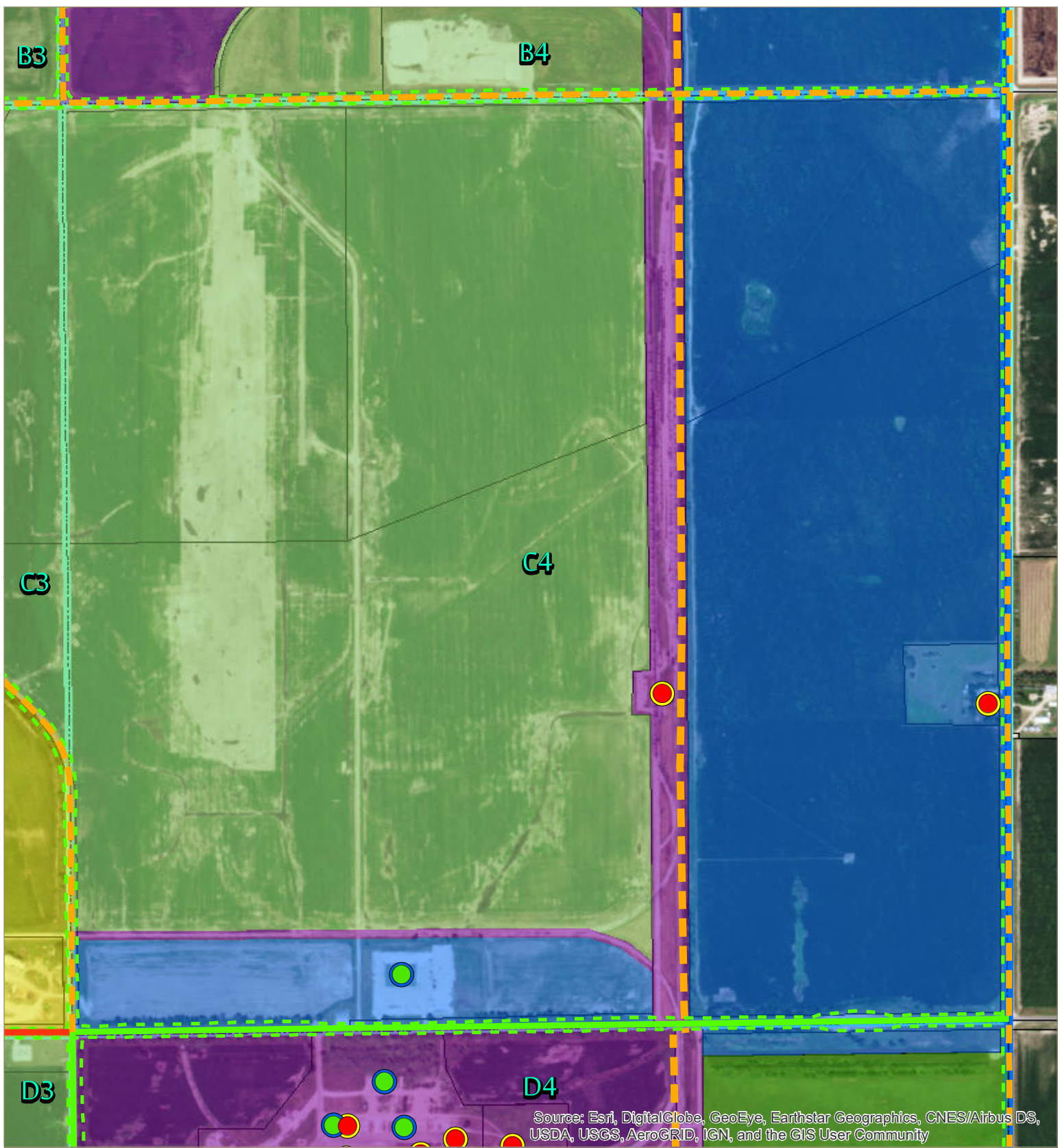
CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI



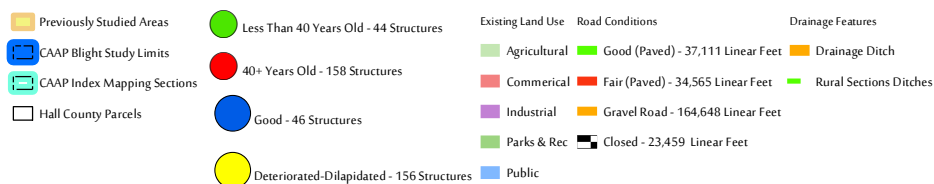


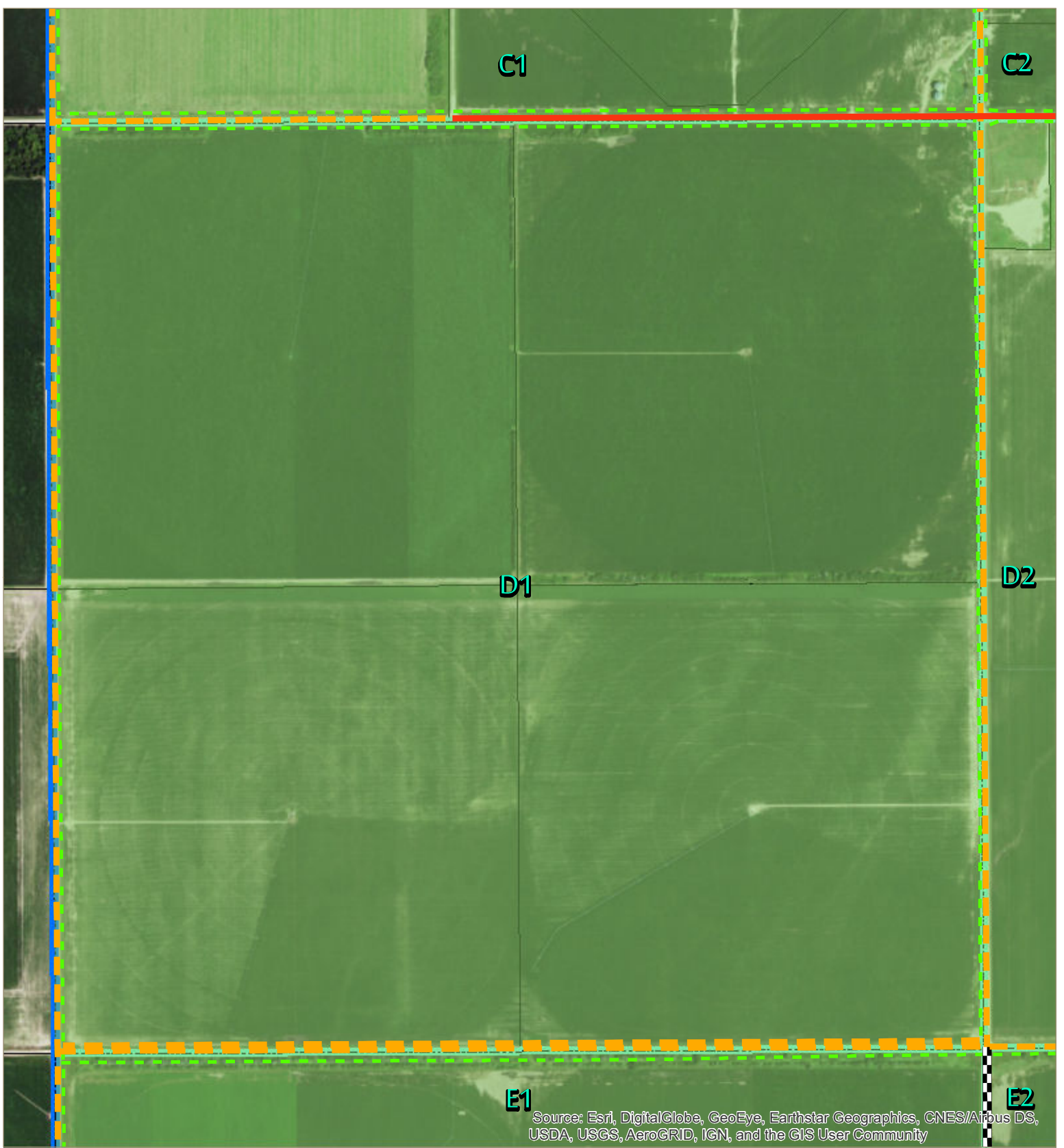


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION C4

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



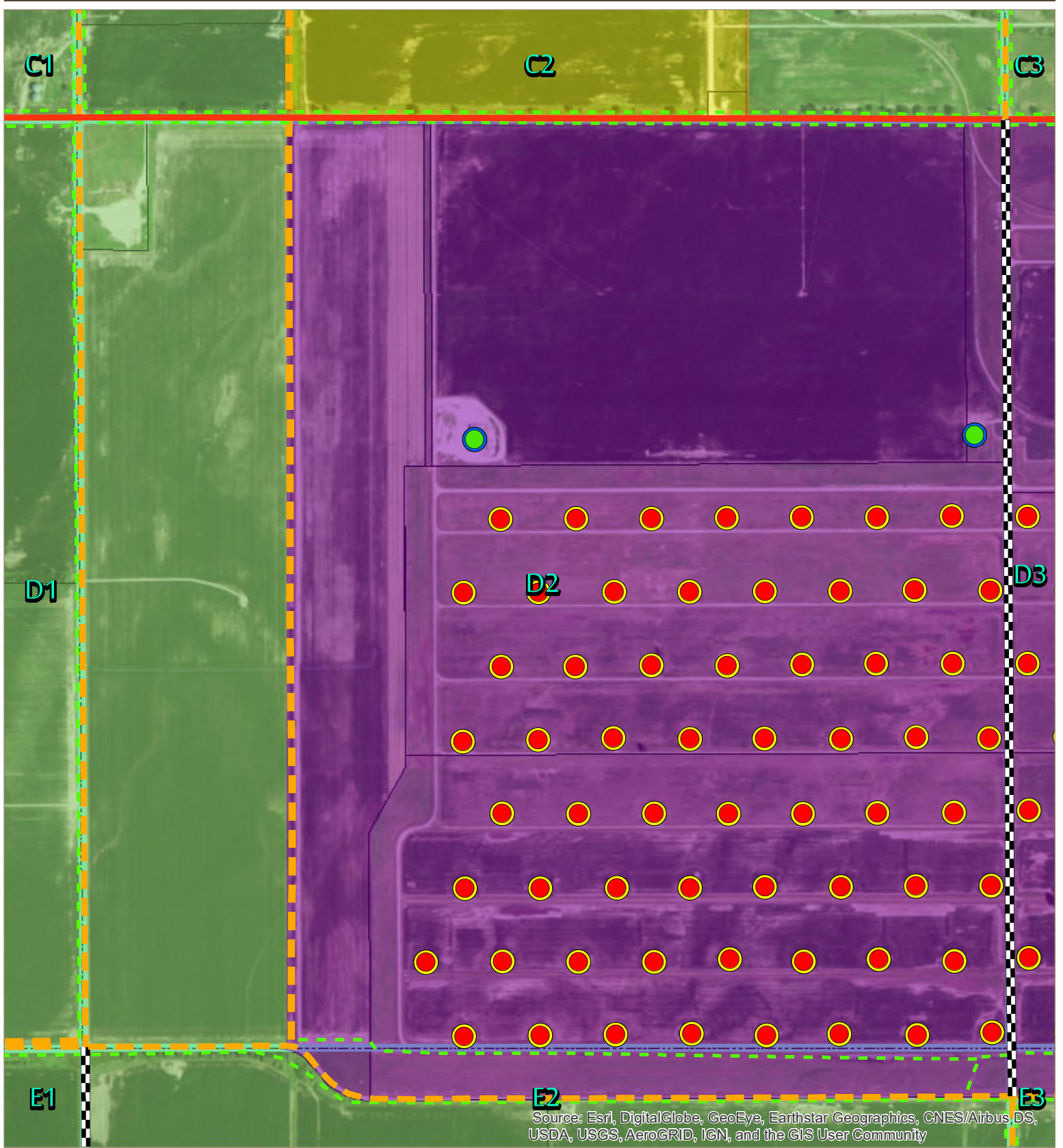


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION D1

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

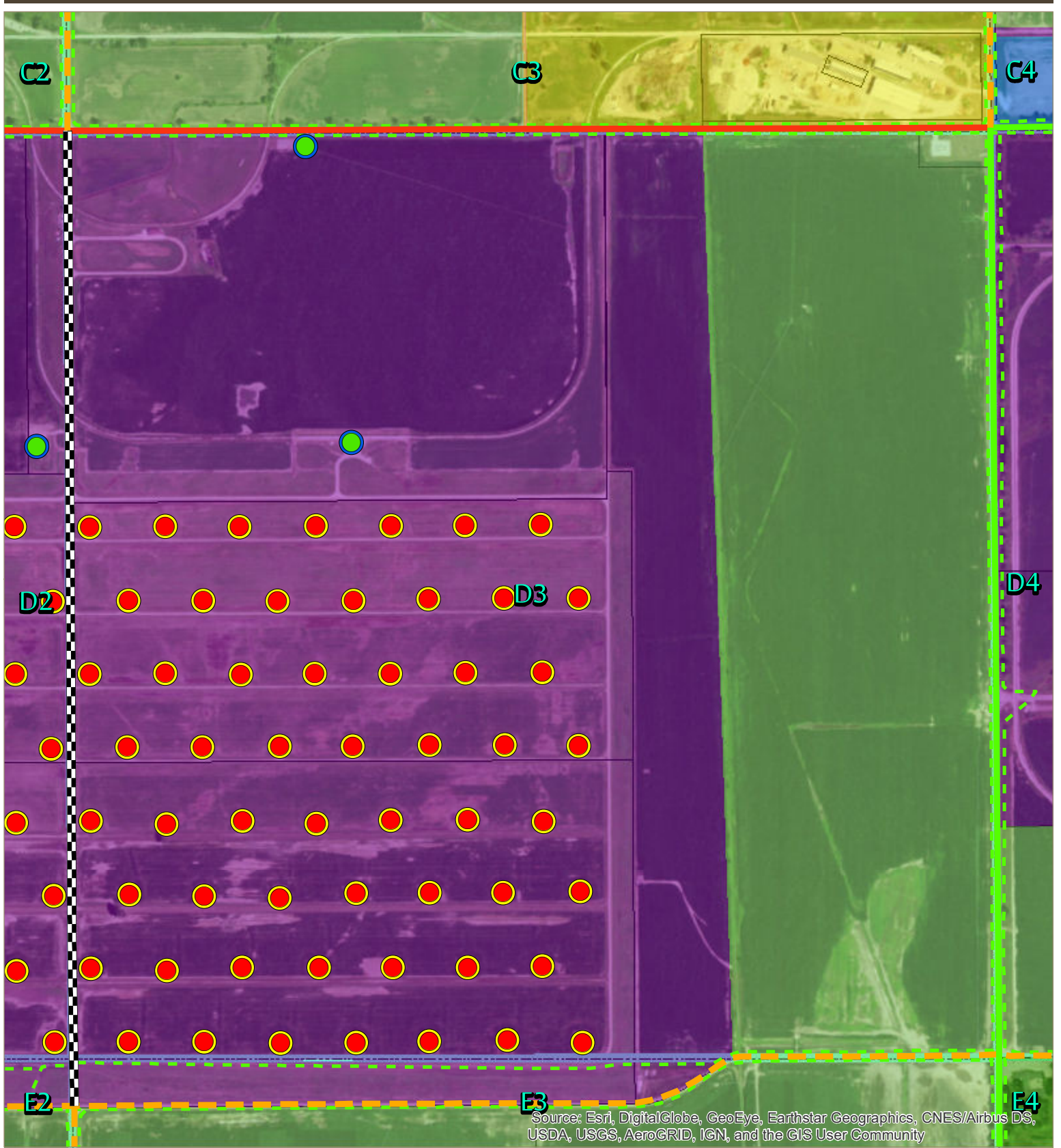
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# CAAP - SECTION D2

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<p>Existing Land Use</p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Commercial</li> <li> Industrial</li> <li> Parks &amp; Rec</li> <li> Public</li> </ul>	<p>Road Conditions</p> <ul style="list-style-type: none"> <li> Good (Paved) - 37,111 Linear Feet</li> <li> Fair (Paved) - 34,565 Linear Feet</li> <li> Gravel Road - 164,648 Linear Feet</li> <li> Closed - 23,459 Linear Feet</li> </ul>	<p>Drainage Features</p> <ul style="list-style-type: none"> <li> Drainage Ditch</li> <li> Rural Sections Ditches</li> </ul>	<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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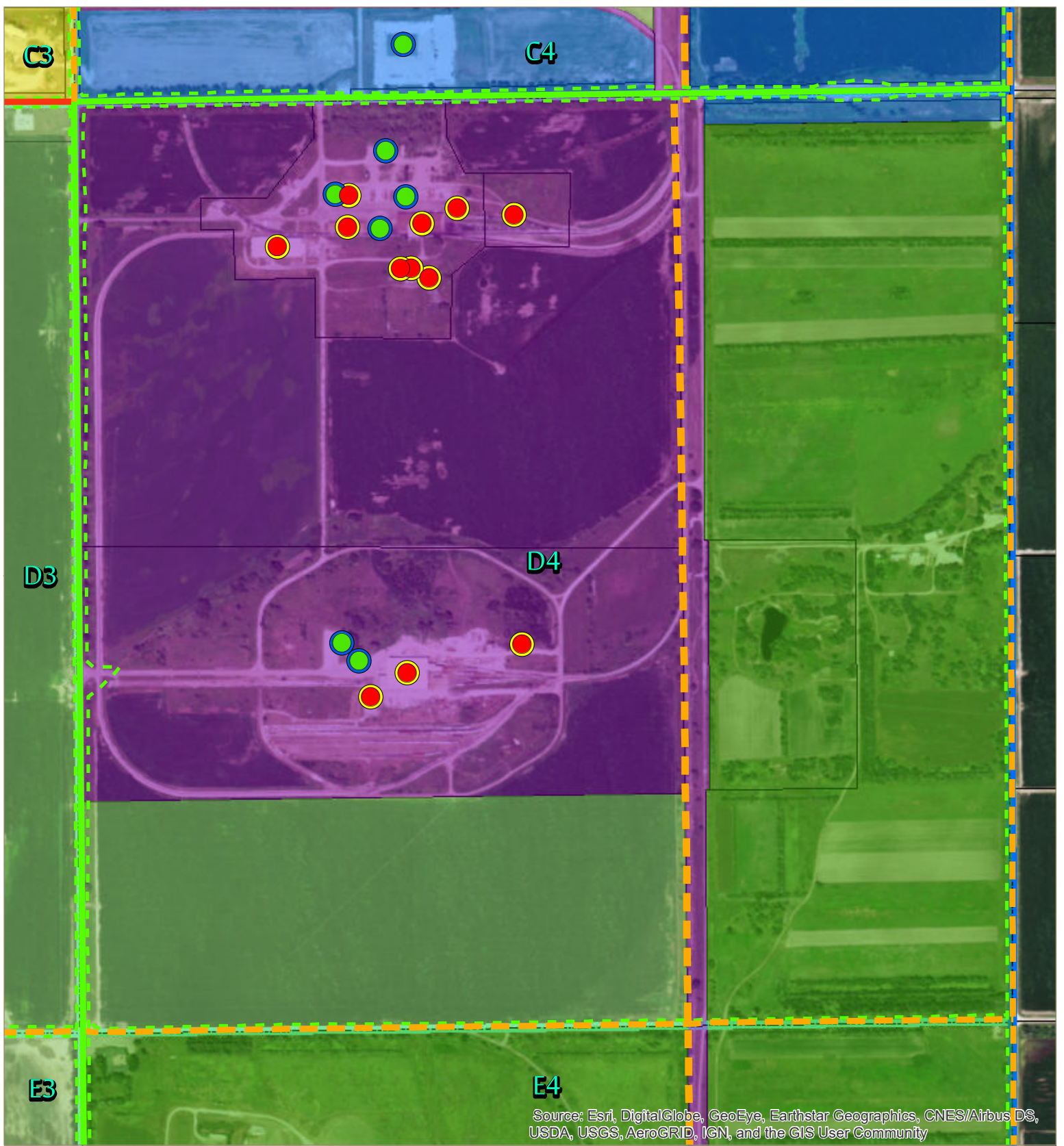


# CAAP - SECTION D3

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<p>Existing Land Use</p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Commercial</li> <li> Industrial</li> <li> Parks &amp; Rec</li> <li> Public</li> </ul>	<p>Road Conditions</p> <ul style="list-style-type: none"> <li> Good (Paved) - 37,111 Linear Feet</li> <li> Fair (Paved) - 34,565 Linear Feet</li> <li> Gravel Road - 164,648 Linear Feet</li> <li> Closed - 23,459 Linear Feet</li> </ul>	<p>Drainage Features</p> <ul style="list-style-type: none"> <li> Drainage Ditch</li> <li> Rural Sections Ditches</li> </ul>	<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION D4

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<table border="0"> <tr> <th>Existing Land Use</th> <th>Road Conditions</th> <th>Drainage Features</th> </tr> <tr> <td> Agricultural</td> <td> Good (Paved) - 37,111 Linear Feet</td> <td> Drainage Ditch</td> </tr> <tr> <td> Commercial</td> <td> Fair (Paved) - 34,565 Linear Feet</td> <td> Rural Sections Ditches</td> </tr> <tr> <td> Industrial</td> <td> Gravel Road - 164,648 Linear Feet</td> <td></td> </tr> <tr> <td> Parks &amp; Rec</td> <td> Closed - 23,459 Linear Feet</td> <td></td> </tr> <tr> <td> Public</td> <td></td> <td></td> </tr> </table>	Existing Land Use	Road Conditions	Drainage Features	Agricultural	Good (Paved) - 37,111 Linear Feet	Drainage Ditch	Commercial	Fair (Paved) - 34,565 Linear Feet	Rural Sections Ditches	Industrial	Gravel Road - 164,648 Linear Feet		Parks & Rec	Closed - 23,459 Linear Feet		Public			<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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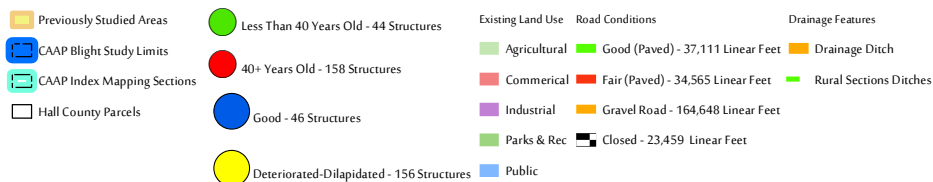




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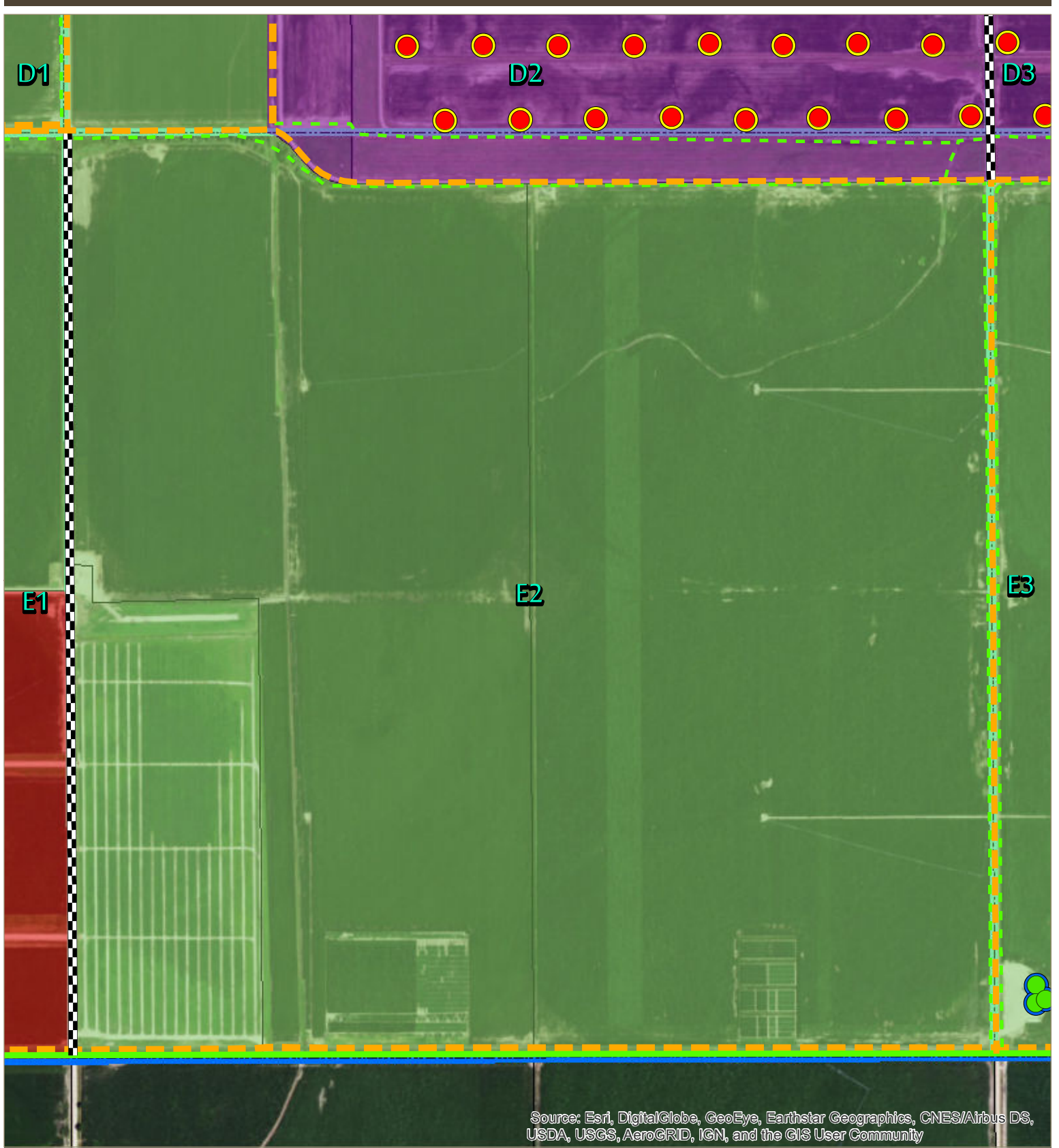
# CAAP - SECTION E1

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA



DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI



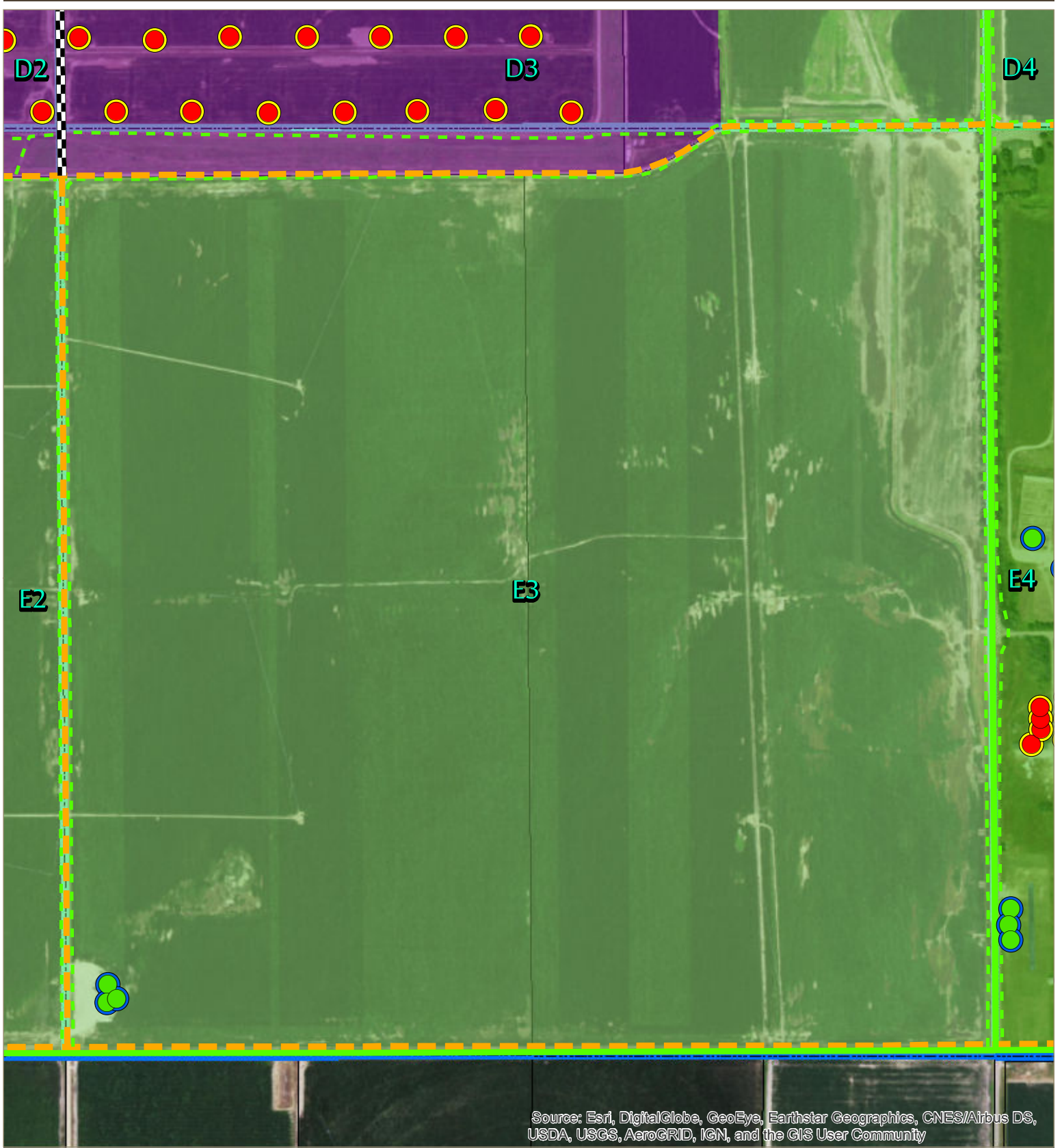


# CAAP - SECTION E2

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<table border="0"> <tr> <th>Existing Land Use</th> <th>Road Conditions</th> <th>Drainage Features</th> </tr> <tr> <td> Agricultural</td> <td> Good (Paved) - 37,111 Linear Feet</td> <td> Drainage Ditch</td> </tr> <tr> <td> Commercial</td> <td> Fair (Paved) - 34,565 Linear Feet</td> <td> Rural Sections Ditches</td> </tr> <tr> <td> Industrial</td> <td> Gravel Road - 164,648 Linear Feet</td> <td></td> </tr> <tr> <td> Parks &amp; Rec</td> <td> Closed - 23,459 Linear Feet</td> <td></td> </tr> <tr> <td> Public</td> <td></td> <td></td> </tr> </table>	Existing Land Use	Road Conditions	Drainage Features	Agricultural	Good (Paved) - 37,111 Linear Feet	Drainage Ditch	Commercial	Fair (Paved) - 34,565 Linear Feet	Rural Sections Ditches	Industrial	Gravel Road - 164,648 Linear Feet		Parks & Rec	Closed - 23,459 Linear Feet		Public			<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# CAAP - SECTION E3

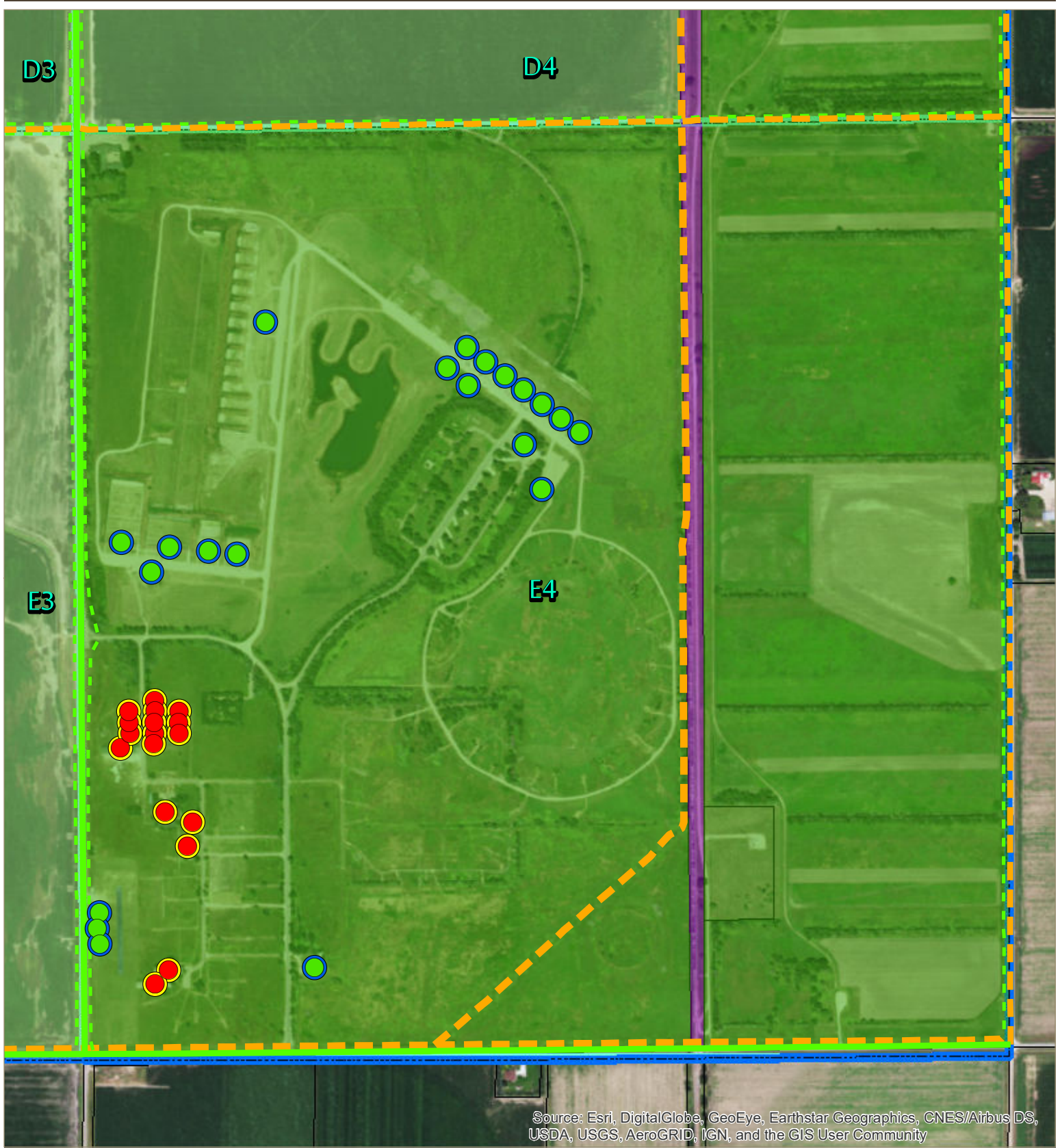
CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

Previously Studied Areas	Less Than 40 Years Old - 44 Structures	<b>Existing Land Use</b>	<b>Road Conditions</b>	<b>Drainage Features</b>
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		Public		

DATA SOURCES:  
BASE DATA PROVIDED BY HALL COUNTY  
AERIAL IMAGERY PROVIDED BY ESRI







# CAAP - SECTION E4

CITY OF GRAND ISLAND  
HALL COUNTY, NEBRASKA

<ul style="list-style-type: none"> <li> Previously Studied Areas</li> <li> CAAP Blight Study Limits</li> <li> CAAP Index Mapping Sections</li> <li> Hall County Parcels</li> </ul>	<ul style="list-style-type: none"> <li> Less Than 40 Years Old - 44 Structures</li> <li> 40+ Years Old - 158 Structures</li> <li> Good - 46 Structures</li> <li> Deteriorated-Dilapidated - 156 Structures</li> </ul>	<p>Existing Land Use</p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Commercial</li> <li> Industrial</li> <li> Parks &amp; Rec</li> <li> Public</li> </ul>	<p>Road Conditions</p> <ul style="list-style-type: none"> <li> Good (Paved) - 37,111 Linear Feet</li> <li> Fair (Paved) - 34,565 Linear Feet</li> <li> Gravel Road - 164,648 Linear Feet</li> <li> Closed - 23,459 Linear Feet</li> </ul>	<p>Drainage Features</p> <ul style="list-style-type: none"> <li> Drainage Ditch</li> <li> Rural Sections Ditches</li> </ul>	<p>DATA SOURCES: BASE DATA PROVIDED BY HALL COUNTY AERIAL IMAGERY PROVIDED BY ESRI</p>
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# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item I-1

### **#2017-188 - Consideration of Approving Intent to Use the Remainder of Clean Water State Revolving Fund (CWSRF) Loan Proceeds for Sanitary Sewer Collection System Improvements**

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

Staff Contact: John Collins, P.E. - Public Works Director

RESOLUTION 2017-188

WHEREAS, the City Council adopted Resolution No. 2013-150 on May 14, 2013, which declared the City's official intent to issue bonds in a maximum principal amount of \$60,000,000 to finance Sanitary Sewer Collection System and Wastewater Treatment Plant Improvements; and

WHEREAS, on June 10, 2014 by Resolution No. 2014-162 City Council modified the official intent made in Resolution No. 2013-150 with respect to the principal amount of debt expected to be issued to a maximum amount of \$74,275,000, which debt is expected to include up to \$40,000,000 in principal amount of loan funds form the Clean Water State Revolving Loan Fund program administered by the Nebraska Department of Environmental Quality; and

WHEREAS, on July 28, 2015, via Resolution No. 2015-203, City Council approved the addition of Westwood Park Residential Subdivision and Lift Station No. 20 Force Main Rehabilitation in the remainder of the of the Clean Water State Revolving Loan Fund Program; and

WHEREAS, the Mayor and City Council of the City of Grand Island hereby find and determine that it is necessary and appropriate to further modify the official intent made in Resolution No. 2013-150 further, to include Lift Station No. 11 Upgrade and Force Main Re-route, West Stolley Park Road Sanitary Sewer Extension, and Grand Island Airport Sanitary Sewer Rehabilitation in the remainder of the Clean Water State Revolving Loan Fund Program administered by the Nebraska Department of Environmental Quality; and

WHEREAS, this Resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and shall modify and not be in addition to the statement made in Resolution No.'s 2013-150, 2014-162, nor 2015-203 and for such purposes the following information is hereby given:

1. A general functional description of the projects for which expenditures may be made and reimbursement from debt proceeds provided is as follows:

- Lift Station No. 11 Upgrade and Force Main Re-route
- West Stolley Park Road Sanitary Sewer Extension
- Grand Island Airport Sanitary Sewer Rehabilitation

2. The maximum principal amount of debt expected to be issued for such projects is \$74,275,000, which debt is expected to include up to \$40,000,000 in principal amount of loan funds form the Clean Water State Revolving Loan Fund program administered by the Nebraska Department of Environmental Quality.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the declaration of intent to issue debt to reimburse expenses resulting from the Wastewater Capital Improvements is hereby approved.

- - -

Approved as to Form	□ _____
June 23, 2017	□ City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item I-2

**#2017-189 - Consideration of Approving Amendment to the Redevelopment Plan for CRA Area #1 for Site Specific Redevelopment Plan located at 201-205 West 3rd Street (Hedde Building)**

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

Staff Contact: Chad Nabity

## RESOLUTION 2017-189

WHEREAS, the City of Grand Island, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2007, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared Redevelopment Area No. 1 of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "Authority"), has prepared a Redevelopment Plan pursuant to Section 18-2111 of the Act, and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, to the City, pursuant to Section 18-2114 of the Act; and

WHEREAS, following consideration of the recommendations of the Authority to the Planning Commission, the recommendations of the Planning Commission to the City, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, such project to be as follows: renovation and rehabilitation, planning activities, public amenities, necessary utility extensions and improvements, and fees associated with the redevelopment project. All redevelopment activities will occur in Grand Island, Hall County, Nebraska; and

WHEREAS, the City published notices of a public hearing and mailed notices as required pursuant to Section 18-2115 of the Act and has, on the date of the Resolution held a public hearing on the proposal to amend the Redevelopment Plan to include the Redevelopment Project described above.

NOW, THEREFORE, be it resolved by the City Council of the City of Grand Island, Nebraska:

Hedde Building – 201-205 W 3rd

1. The Redevelopment Plan of the City approved for Redevelopment Area No. 1 in the city of Grand Island, Hall County, Nebraska, including the Redevelopment Project described above, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Grand Island as a whole and the Redevelopment Plan, including the Redevelopment Project identified above, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the Redevelopment Contract in accordance with Section 18-2119 of the Act and of the recommendations of the Authority and the Planning Commission.
2. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.
3. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Plan which is described above shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall set by the Community Redevelopment Authority in the redevelopment contract as follows:
  - a. That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
  - b. That proportion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, such Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such Redevelopment Project shall be paid into the funds of the respective public bodies.
  - c. The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Hall County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to each Redevelopment Project.

Hedde Building – 201-205 W 3rd

4. The City hereby finds and determines that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, in accordance with the general plan for development of the City, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity; and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of a healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreation and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Hedde Building – 201-205 W 3rd





# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item I-3

**#2017-190 - Consideration of Approving CRA Area #24 Blighted and Substandard Study for 0.74 Acres located at 701, 711 and 715 N. Howard (TAM, LLC)**

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

Staff Contact: Chad Nabity

RESOLUTION 2017-190

WHEREAS, on June 27, 1994, the City of Grand Island enacted Ordinance No. 8021 creating the Community Redevelopment Authority of the City of Grand Island, Nebraska, to address the need for economic development opportunities through the vehicles provided in the Nebraska Community Development law at Neb. Rev. Stat. §18-2101, et seq., as amended; and

WHEREAS, TAM LLC has caused to be prepared a Blight and Substandard Study for an area of referred to as Area No. 24; and

WHEREAS, Marvin Planning Associates completed such Blight and Substandard Study and has determined that the area should be declared as substandard or blighted area in need of redevelopment; and

WHEREAS, such study was presented to the Grand Island City Council on May 23, 2017, and

WHEREAS, on May 23, 2017, the Grand Island City Council referred such study to the Hall County Regional Planning Commission for review and recommendation; and

WHEREAS, the Regional Planning Commission held a public hearing and made a recommendation regarding the study at its June 21, 2017 meeting; and

WHEREAS, a public hearing to consider approval of a Blighted and Substandard designation was held on June 27, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Blight and Substandard Study for Redevelopment Area No. 24 as identified above is hereby approved, and those areas identified in said study are declared to be blighted and substandard and in need of redevelopment as contemplated in the Community Development law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☒ _____
June 23, 2017	☒ City Attorney



# **City of Grand Island**

**Tuesday, June 27, 2017**

**Council Session**

## **Item I-4**

**#2017-191 - Consideration of Approving Economic Development Incentive Agreement with Hendrix ISA, LLC, 621 Stevens Road, Ephrata, Pennsylvania**

**Staff Contact: Marlan Ferguson**

# Council Agenda Memo

**From:** Marlan Ferguson, City Administrator

**Meeting:** June 27, 2017

**Subject:** Approving Economic Development Incentive Agreement with Henrix ISA, LLC

**Presenter(s):** Marlan Ferguson, City Administrator

## Background

At the November 6, 2012 General Election, the voters of the City of Grand Island approved LB840 funding to enable the City to extend economic development incentives through the Grand Island Area Economic Development Corporation (GIAEDC). The Economic Development Corporation has received an application from Hendrix ISA, LLC, 621 Stevens Road, Ephrata, Pennsylvania for a new business located at 2325 Schimmer Drive. The Company is commencing operations in Grand Island and is constructing a world-class chicken hatchery. On March 16, 2017, the Executive Board of the GIEDC approved submission of the attached Economic Development Agreement to the Citizens Advisory Review Committee (CARC) for consideration and recommendation. The CARC met on June 14, 2017 and approved the request and Agreement for recommendation to the City Council for final action and approval.

## Discussion

Hendrix ISA, LLC has submitted the required LB-840 application (see attached) for a forgivable loan in the amount of \$600,000.00. Proposed is the creation of 43 full-time equivalents (FTE) at an average minimum rate of \$13.50 per hour.

Job training totaling \$215,000.00 is to be paid within 60 days of the approval of the agreement and \$71,666.00 per year to be paid over three years. Job creation totaling \$250,000.00 is to be paid within 30 days of the first, second, and third anniversary of the agreement in the amount of \$83,334.00 per year or \$5,813.95 per FTE. A total of \$135,000.00 for infrastructure will be paid within 30 days of the issuance of a certificate of occupancy.

## **Alternatives**

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

1. Move to approve the Economic Development Agreement with Hendrix ISA, LLC.
2. Do not approve the Economic Development Agreement with Hendrix ISA, LLC.
3. Postpone the issue to future date.
4. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council consider the resolution authorizing the City to enter into the Economic Development Agreement with Hendrix ISA, LLC.

## **Sample Motion**

Move to approve the resolution authorizing the City to enter into the Economic Development Agreement with Hendrix ISA, LLC.

Date Application Submitted: 9/26/16



## Grand Island Area Economic Development Corporation LB-840 Application

The Grand Island Area Economic Development Corporation's mission is to facilitate the creation of jobs and economic opportunities for the regional trade area.

### Part I. GENERAL INFORMATION

#### APPLICANT IDENTIFICATION

Company Name: Hendrix ISA, LLC

Mailing Address: 621 Stevens Road

City: Ephrata

State: PA

Zip Code: 17522

Phone: 717-738-0424

Applicant Website: <http://www.hendrix-genetics.com/>

Business Classification (select all that apply):

- |  |   |  |                                |
|--|---|--|--------------------------------|
| <input checked="" type="checkbox"/> New Business | <input type="checkbox"/> Expansion of Existing Business | <input type="checkbox"/> Spec Building | <input type="checkbox"/> Other |
| <input type="checkbox"/> Corporation             | <input checked="" type="checkbox"/> Partnership         | <input type="checkbox"/> Proprietor    | <input type="checkbox"/> Other |

Is this the business's first venture in Grand Island / Hall County? Yes  No

Is this the business's first venture in Nebraska? Yes  No

Does the business have a parent or subsidiaries? Yes  No

If yes, Name of Parent or Subsidiary Company: Hendrix Genetics

Mailing Address: Spoorstaat 69, 5831 CK Boxmeer, Netherlands

#### MAIN CONTACT INFORMATION

Name: Bryan Rathman

Connection to Business: Director of Finance

Mailing Address: 621 Stevens Road

City: Ephrata

State: PA

Zip Code: 17522

Email Address: [Bryan.Rathman@hendrix-genetics.com](mailto:Bryan.Rathman@hendrix-genetics.com) Phone Number: 717-738-0424

Company Name: Hendrix - IS, LLC

Projected Completion

Date: 9/1/2017

Date Application Submitted: 9/26/16

**Part II. PROJECT INFORMATION**

**LOCATION**

Address of proposed project: 2325 Schimmer Drive, Grand Island NE

The proposed project is located:

- Within Grand Island city limits
- Outside of city limits, but within a two (2) mile jurisdiction
- Outside the zoning jurisdiction of Grand Island

Do you currently own the land of proposed project: Yes  No   
Do you currently own the building of the proposed project: Yes  No

**JOB CREATION**

Current number of full time employees at Grand Island location: 0  
Number of new positions being created at Grand Island location: 42

On a separate document, identify the employment positions being added, number of employees per position and wage per position.

Supporting documentation submitted: Yes  No

Describe any benefit packages available to new employees: See attached Benefits flyer.

**PROJECT SUMMARY**

On a separate document, provide a brief narrative describing the project for which LB-840 funds are being requested.

Narrative provided: Yes  No

Company Name: Hendrix – IS, LLC  
Date: 9/1/2017

Projected Completion

Date Application Submitted: 9/26/16

**PROJECT INVESTMENT**

Land purchase price:	\$300,000.00
New facility construction expense:	\$11,681,925.00
Building purchase / renovation expense:	\$0
Other infrastructure improvements: (parking lot, curb & gutter, landscaping, etc.)	\$0
New machinery / equipment expense:	\$4,736,900.00
Other:	\$1,551,175.00

**TOTAL INVESTMENT: \$18,270,000.00**

**SUPPORTING DOCUMENTATION**

Please include the following documents as attachments to the LB-840 application. The documents below must be submitted with your application to be considered complete. These documents will only be viewed by the GIAEDC President, Executive Board, Citizen's Review Authority Chairperson, city Finance Director, and the City Administrator.

- Business plan outlining product supply chain
- Articles/certificate of formation/incorporation
- Bylaws/operating agreement/partnership agreement
- Copies of material contracts, including but not limited to loan/financing documents
- 3 year pro forma
- Profit/ loss summary
- Balance sheet
- Cash flow statement
- Projected sales
- Brief resume of management team to be placed in Grand Island
- Other impacts on the area's economy
- Grand Island Area Economic Development membership application

Company Name: Hendrix – IS, LLC  
Date: 9/1/2017

Projected Completion



Date Application Submitted: 9/26/16

**PART III. SIGNATURES**

I hereby represent, this application and supporting information is accurate, and may be relied upon by representatives of the Grand Island Area Economic Development Corporations and the City of Grand Island.

I further represent that there is no legal action underway or being contemplated that would impact the capacity of this company to effectively proceed with this project.

Dated this 26 day of September, 2016.

By: Bryan J. Rathman

Its: Bryan J. Rathman

As the President of the Grand Island Area Economic Development Corporation, I hereby represent that I have received and reviewed this application and its supporting information requesting the City of Grand Island's LB-840 funds.

Dated this 17 day of October, 2016.

By: Dave Ryan

Its: President

Company Name: Hendrix – IS, LLC  
Date: 9/1/2017

Projected Completion

Date Application Submitted: 9/26/16

**PART IV. APPROVAL OF AREA AGENCIES**

*Reviewed by the Grand Island Area Economic Development Elected Trustees*

Date of review: 3/16/17

Comments:

Approved

Disapproved

Signature of Chairman:



3/16/17

*Reviewed by the Citizen's Review Committee*

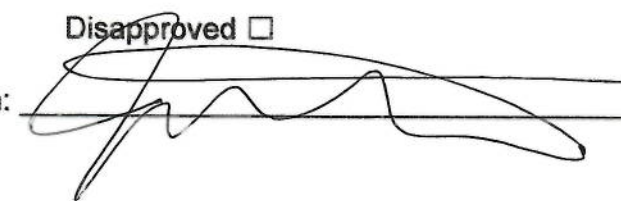
Date of Review: 6/14/17

Comments:

Approved

Disapproved

Signature of Chairman:



*Referred to the Grand Island City Council*

Date of Review:

Comments:

Approved

Disapproved

Signature of Mayor:

Mayor Jeremy Jensen

Company Name: Hendrix – IS, LLC  
Date: 9/1/2017

Projected Completion

## ECONOMIC DEVELOPMENT AGREEMENT

THIS ECONOMIC DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into effective as of the \_\_\_\_ day of \_\_\_\_\_, 2017 (the "Effective Date"), by and among the City of Grand Island, Nebraska (the "City"), the Grand Island Economic Development Corporation ("GIAEDC") and Hendrix ISA, LLC a Delaware limited liability company ("Company") (City, GIAEDC and Company, each a "Party" and collectively, the "Parties").

### WITNESSETH:

WHEREAS, on September 26, 2016, Company filed an Application for Economic Development Incentives (the "Application") with City and GIAEDC;

WHEREAS, Company is commencing operations in Grand Island, will construct a world-class chicken hatchery and create forty-three (43) full-time equivalent additional employees in Grand Island by December 31, 2017;

WHEREAS, Company agrees to continue to employ at least forty-three (43) full-time equivalent employees in Grand Island from December 31, 2017 until at least the third (3<sup>rd</sup>) anniversary of after the Effective Date;

WHEREAS, City and GIAEDC find Company to be a qualifying business under the City's Economic Development Program, that the Company's project qualifies for economic development incentives under the Program, that the Company's project will be of substantial economic benefit to the people of Grand Island and the surrounding area, and the economic development incentive plan set forth in this Agreement constitutes a fulfillment of the major objectives of the City's Economic Development Plan;

WHEREAS, City and GIAEDC are willing to provide Company with up to \$215,000 in job training assistance, up to \$250,000 in job creation incentives and up to \$135,000 in infrastructure support at the times and upon the fulfillment of the conditions set forth in this Agreement provided that Company complies with the terms of this Agreement; and

WHEREAS, in furtherance of the foregoing recitals, the Parties desire to enter into this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained in this Agreement, the Parties agree as follows:

1. Definitions. As used in this Agreement, the following terms shall have the respective meanings ascribed to them in this Section 1:

(a) "Employment Certificate" shall mean a certification for the defined period containing the sworn statement of a duly authorized representative of Company specifically setting forth compliance with the FTE's and Minimum Hourly Rate terms of this Agreement. The Employment Certificate shall contain the following information and adhere to the following terms: (i) the total number of hours which FTE's worked and received compensation at Company's facilities in Grand Island; and (ii) the average hourly rate for all FTE's which shall meet or exceed the Minimum Hourly Rate. Company agrees that upon receipt of written notice pursuant to the terms of this Agreement, Company shall allow the City Administrator or his designee to personally inspect

Company's employment records as confirmation of the statements contained in the Employment Certificate.

(b) "Full-Time Equivalents" or "FTE's" shall mean persons hired by Company as part of its location of operations in Grand Island as detailed in the recitals to this Agreement. The total number of FTE's shall be determined by dividing the total number of hours Company employees worked at its facilities located in Grand Island by two thousand eighty (2,080).

(c) "Minimum Hourly Rate" shall mean an average minimum rate of \$13.50 per hour for each FTE employed as part of Company's location of its operations in Grand Island. The hourly rate shall be determined by dividing the total wages and salaries paid to FTE's by two thousand eighty (2,080).

2. Employment Requirements. Company shall meet each of the following employment requirements:

(a) Company shall have a minimum of forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate as of December 31, 2017;

(b) Company shall have a minimum of forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate as of the first (1<sup>st</sup>) anniversary of the Effective Date;

(c) Company shall have a minimum of forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate as of the second (2<sup>nd</sup>) anniversary of the Effective Date; and

(d) Company shall have a minimum of forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate as of the third (3<sup>rd</sup>) anniversary of the Effective Date.

3. Disbursement of LB 840 Funds for Job Training. Disbursement of the economic incentive funds for job training shall be paid to Company by City in accordance with the following schedule:

(a) A disbursement for training FTE's in the amount of Seventy-One Thousand Six Hundred Sixty-Six and No/100 Dollars (\$71,666.00) shall be paid by City to Company within sixty (60) days of the Effective Date.

(b) A disbursement for training FTE's in the amount of Seventy-One Thousand Six Hundred Sixty-Six and No/100 Dollars (\$71,666.00) shall be paid by City to Company within thirty (30) days of the first (1<sup>st</sup>) anniversary of the Effective Date provided that Company has delivered an Employment Certificate to the City and GIAEDC evidencing that Company has at least forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate.

(c) A disbursement for training FTE's in the amount of Seventy-One Thousand Six Hundred Sixty-Six and No/100 Dollars (\$71,666.00) shall be paid by City to Company within thirty (30) days of the second (2<sup>nd</sup>) anniversary of the Effective Date provided that Company has delivered an Employment Certificate to the City and GIAEDC evidencing

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that Company has at least forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate.

(d) The maximum amount the City shall disburse to Company for job training shall be Two-Hundred Fifteen Thousand and No/100 Dollars (\$215,000.00).

4. Disbursement of LB 840 Funds for Job Creation. Company shall be eligible for disbursements of up to Five Thousand Eight Hundred Thirteen and 95/100 Dollars (\$5,813.95) per FTE for forty-three (43) FTE's for a total disbursement of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00). Disbursement of the economic incentive funds for job creation shall be paid to Company by City in accordance with the following schedule:

(a) A disbursement of Eighty-Three Thousand Three Hundred Forty-Four and No/100 Dollars (\$83,334) shall be paid by City to Company within thirty (30) days of the first (1<sup>st</sup>) anniversary of the Effective Date provided that Company has delivered an Employment Certificate to the City and GIAEDC evidencing that Company has at least forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate.

(b) A disbursement of Eighty-Three Thousand Three Hundred Forty-Four and No/100 Dollars (\$83,334) shall be paid by City to Company within thirty (30) days of the second (2<sup>nd</sup>) anniversary of the Effective Date provided that Company has delivered an Employment Certificate to City and GIAEDC evidencing that Company has at least forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate.

(c) A disbursement of Eighty-Three Thousand Three Hundred Forty-Four and No/100 Dollars (\$83,334) shall be paid by City to Company within thirty (30) days of the third (3<sup>rd</sup>) anniversary of the Effective Date provided that Company has delivered an Employment Certificate to City and GIAEDC evidencing that Company has at least forty-three (43) FTE's at its facilities in Grand Island being compensated at the Minimum Hourly Rate.

(d) The maximum amount City shall disburse to Company for job creation shall be Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00).

5. Disbursement of LB 840 Funds for Infrastructure. Disbursement of the economic incentive funds for infrastructure shall be paid to Company by City in accordance with the following schedule:

(a) A disbursement for infrastructure in the amount of One Hundred Thirty Five Thousand and No/100 Dollars (\$135,000.00) shall be paid by City to Company within thirty (30) days of the issuance of a certificate of occupancy for the chicken hatchery being constructed to commence operations in Grand Island;

(b) The maximum amount the City shall disburse to Company for infrastructure shall be One Hundred Thirty-Five Thousand and No/100 Dollars (\$135,000.00); and

(c) Company agrees to allow City and GIAEDC to inspect the chicken hatchery prior to the payments required by this Section 5.

6. Total Disbursements. The maximum total amount City shall disburse to Company pursuant to this Agreement shall be Six Hundred Thousand and No/100 Dollars (\$600,000.00).

7. Company's Representations and Warranties. Company represents and warrants to City and GIAEDC as follows:

(a) Organization, Standing and Power. Company is a limited liability company duly formed, validly existing and in good standing under the laws of the State of Delaware and has the legal power to carry on its business as it is now being conducted.

(b) Authority. The execution, delivery and performance of this Agreement by Company has been duly and validly authorized and approved by all necessary legal action on the part of Company.

(c) Binding Agreement. This Agreement, when executed and delivered, will constitute the legal, valid and legally binding agreement of Company, enforceable against Company in accordance with its terms.

(d) No Conflict with Other Instruments or Agreements. The execution, delivery and performance of this Agreement by Company will not result in a breach or violation of, or constitute a default under any agreement to which Company is bound, and will not be in violation of any statute, judgment, order, rule or regulation of any court, or any federal, state or other regulatory authority or governmental body having jurisdiction over Company in effect as of the Effective Date.

(e) No Brokers. Company has not retained or agreed to compensate any broker or finder in connection with the transactions contemplated by this Agreement.

(f) Operations. During the term of this Agreement, Company shall maintain operations in Grand Island, Nebraska and maintain the hatchery facility in good operating condition, ordinary wear and tear excepted.

(g) Minimum Number of Employees. From December 31, 2017 through the remainder of the term of this Agreement, Company shall employ at least forty-three (43) FTE's at the Minimum Annual Rate at the chicken hatchery in Grand Island, Nebraska.

In the event that Company breaches any of the foregoing representations and warranties, all amounts distributed by City to Company pursuant to this Agreement shall immediately become due and owing by Company to City and if unpaid shall accrue interest at the rate of eight percent (8%) per annum until such amounts are repaid in full.

8. Company's Obligation to Repay Funds. The Parties acknowledge and agree that the funds to be provided by City to Company pursuant to this Agreement are being provided in the form of an economic development loan and are subject to repayment in accordance with the terms and conditions of this Agreement if Company fails to perform its obligations under this Agreement. The Parties further acknowledge and agree that City shall forgive the entire economic development loan disbursed to Company representing a total of Six Hundred Thousand and No/100 Dollars (\$600,000.00) upon Company meeting the following conditions:

(a) Company shall have complied with the terms and provisions of Sections 2-7 of this Agreement in all respects; and

(b) If Company remains in compliance with the terms and provisions of Sections 2-7 of this Agreement in all respects, the economic development loan will be forgiven pursuant to the following schedule:

(i) On the first (1<sup>st</sup>) anniversary of the Effective Date, one-fourth (1/4) or One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) of the economic development loan shall be forgiven;

(ii) On the second (2<sup>nd</sup>) anniversary of the Effective Date, one-fourth (1/4) or One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) of the economic development loan shall be forgiven;

(iii) On the third (3<sup>rd</sup>) anniversary of the Effective Date, one-fourth (1/4) or One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) of the economic development loan shall be forgiven; and

(iv) On the fourth (4<sup>th</sup>) anniversary of the Effective Date, one-fourth (1/4) or One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) of the economic development loan shall be forgiven.

9. Default. In the event that Company fails to comply with any of the terms of this Agreement, City and GIAEDC may declare Company to be in breach. Any such declaration shall be in writing and delivered to Company at its last known address. In the event that City and GIAEDC declare Company to be in breach, all amounts distributed by City to Company pursuant to this Agreement shall immediately become due and owing by Company to City and if unpaid shall accrue interest at the rate of eight percent (8%) per annum until such amounts are repaid in full.

10. Actions after Effective Date. From time to time after the Effective Date, without further consideration, each of the Parties will execute and deliver such documents and instruments as any other Party shall reasonably request to give full effect to the transactions contemplated by this Agreement.

11. Term. This Agreement (and all representations, covenants, agreements, obligations and warranties of Company, City and the GIAEDC contained in this Agreement), shall remain in full force and effect until the earlier of the date that (a) the entire economic development loan has been forgiven pursuant to Section 8, or (b) Company has repaid all amounts provided to Company pursuant to this Agreement (in the event Company breaches its obligations under this Agreement) (such date, the "Termination Date"). From and after the Termination Date, this Agreement shall be of no further force or effect and no Party shall have any further obligations pursuant to this Agreement.

12. Amendment. No amendment or modification of this Agreement shall be binding on any Party unless the same shall be in writing and signed by all Parties.

13. Communication. Company agrees to inform City and GIAEDC of any changes in Company's address, telephone number, email address or leadership within three (3) business days of such changes. Company also agrees to fully respond within fifteen (15) calendar days to any request for information from City and/or GIAEDC related to Company's compliance with the terms of this Agreement. All responses to inquiries shall be in writing and provided to City and GIAEDC at the following addresses:

BKR

Grand Island City Administrator  
100 East First Street  
P.O. Box 1968  
Grand Island, NE 68802-1968  
[Cityadministrator@grand-island.com](mailto:Cityadministrator@grand-island.com)

Grand Island Area Economic Development Corporation  
123 North Locust Street, Suite 201B  
P.O. Box 1151  
Grand Island, NE 68802  
[mberlie@grandisland.org](mailto:mberlie@grandisland.org)

14. Indemnification. Company agrees to indemnify, defend and hold City, GIADEC and their employees, officers, directors, agents, attorneys, affiliates and their respective successors and assigns (collectively, the "Indemnified Parties") harmless from and against any and all loss, liability, obligation, damage, penalty, judgment, claim, deficiency and expense (including interest, penalties, attorneys' fees and amounts paid in settlement) to which the Indemnified Parties may become subject arising out of or based upon a breach or default by Company of this Agreement.

15. Expenses. The Parties shall all pay their respective expenses incident to the preparation, execution and consummation of this Agreement.

16. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties and their respective successors and assigns (including, without limitation, any purchaser of, or successor to, Company whether by purchase, merger, consolidation, reorganization, liquidation or any other type of transaction).

17. Severability. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

18. Non-Waiver. Waiver of or acquiescence by City and/or GIAEDC in any default by Company, or any failure of City and/or GIAEDC to insist upon strict performance by Company of any warranties, agreements or other obligations contained in this Agreement shall not constitute a waiver of any subsequent or other default, failure or waiver of strict performance, whether similar or dissimilar.

19. Relationship of Parties. The Parties have entered into this Agreement solely for the purposes set forth in this Agreement. Nothing contained in this Agreement shall be construed to create or imply any (a) partnership or joint venture by or among of the Parties, or (b) any principal and agency relationship by or among the Parties.

20. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of Nebraska, without giving effect to its conflict of laws principles.

21. Entire Agreement. This Agreement and the documents referred to in this Agreement constitute the entire agreement of the Parties respecting the subject matter contained in this Agreement and supersede any prior offers, understandings, agreements or



representations by and between the Parties, written or oral, which may have related to the subject matter of this Agreement in any way.

22. Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but which together shall constitute the same instrument.

**[The Remainder of This Page Intentionally Left Blank; Signature Page to Follow.]**

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date first above written.

Hendrix ISA, LLC, a Delaware limited liability company

By: Benjamin J. Rathman  
Its: Director of Finance

City of Grand Island, Nebraska

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Grand Island Area Economic Development Corporation

By: Dave Tye  
Its: President

RESOLUTION 2017-191

WHEREAS, on November 6, 2012, the City of Grand Island adopted an Economic Development Program and a Citizens Advisory Review Committee to oversee the process of approving applications for economic development incentives; and

WHEREAS, Hendrix ISA, LLC has applied for a forgivable loan for job creation, job training and infrastructure in the amount of \$600,000.00 from the Grand Island Area Economic Development Corporation in accordance with the Economic Development Program; and

WHEREAS, such application has been approved by the executive committee of the Economic Development Corporation on March 16, 2017 and was approved on June 14, 2017 by the Citizens Advisory Review Committee; and

WHEREAS, Hendrix ISA, LLC will be required to meet or exceed employment numbers and employee salary levels as outlined in the Economic Development Agreement to retain all of the economic incentives granted under the agreement; and

WHEREAS, it is in the best interests of the City to provide economic development funding to Hendrix ISA, LLC as provided by the Grand Island Economic Development Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Economic Development Agreement by and between the City, the Grand Island Area Economic Development Corporation and Hendrix ISA, LLC, to provide \$600,000.00 in economic assistance to Hendrix ISA, LLC to be used for construction of its business in Grand Island, is hereby approved.

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, June 27, 2017.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

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

Approved as to Form	☐ _____
June 23, 2017	☐ City Attorney



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item J-1

### **Approving Payment of Claims for the Period of June 14, 2017 through June 27, 2017**

*The Claims for the period of June 14, 2017 through June 27, 2017 for a total amount of \$5,472,411.83.  
A MOTION is in order.*

Staff Contact: Renae Jimenez