
City of Grand Island



Tuesday, January 25, 2022 Council Session Agenda

City Council:

Jason Conley
Michelle Fitzke
Bethany Guzinski
Chuck Haase
Maggie Mendoza
Vaughn Minton
Mitchell Nickerson
Mike Paulick
Justin Scott
Mark Stelk

Mayor:

Roger G. Steele

City Administrator:

Jerry Janulewicz

City Clerk:

RaNae Edwards

7:00 PM

Council Chambers - City Hall
100 East 1st Street, Grand Island, NE 68801

Call to Order

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

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

Invocation - Father Don Buhrman, St. Leo's Catholic Church, 2410 South Blaine Street

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

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

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

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



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-1

Public Hearing on Proposed Blighted and Substandard Area 35 for approximately 3.4 Acres located in the Northwest Part of Grand Island at Capital Avenue and Engleman Road (Engleman School) (Grand Island Public Schools)

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Naby, Regional Planning Commission
Meeting: January 25, 2022
Subject: GIPS Blight Study (Proposed Area #35)
Presenter(s): Chad Naby, Regional Planning Commission

Background

Grand Island Public Schools has commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 35. This study is approximately 3.4 acres of property located along the north of Capital Avenue and east of Engleman Road (Old Engleman Elementary School) in northwest Grand Island (Study Area).

On November 9 Council referred the attached study to the Planning Commission for its review and recommendation. The study as prepared and submitted indicates that this property could be considered blighted and substandard. The full study is attached for your review and consideration.

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:

18-2109. Redevelopment plan; preparation; requirements; planning commission or board; public hearing; notice; governing body; public hearing; notice.

(1) 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 the public hearings required under this section, declared such area to be a substandard and blighted area in need of redevelopment.

(2) Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is substandard and blighted and shall submit the question of whether such area is substandard and blighted to the planning

commission or board of the city for its review and recommendation. The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

(3) Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing required under subsection (2) of this section, the governing body shall hold a public hearing on the question of whether the area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.

(4) Copies of each substandard and blighted study or analysis conducted pursuant to subsection (2) of this section shall be posted on the city's public web site or made available for public inspection at a location designated by the city.

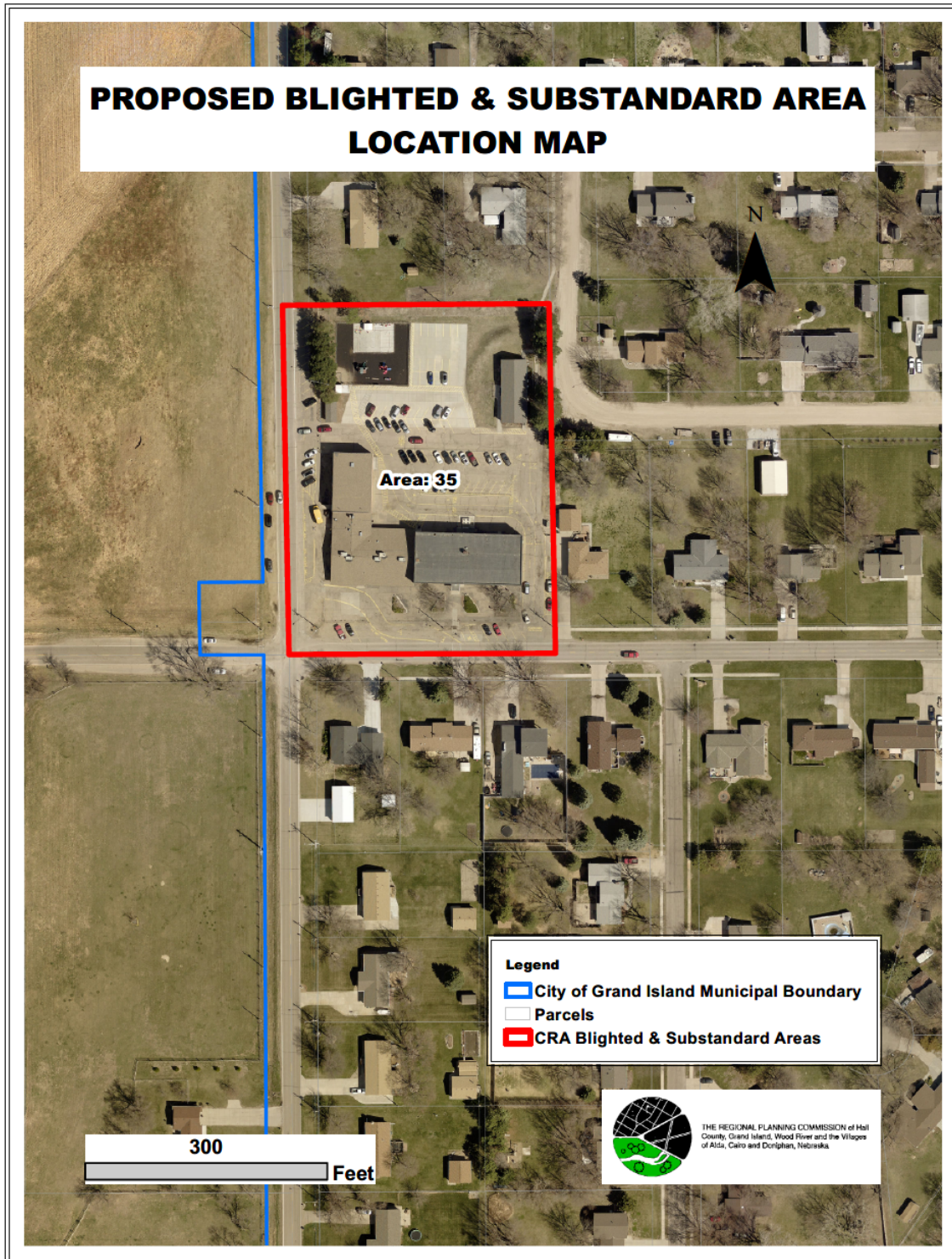
~Reissue Revised Statutes of Nebraska 7-19-18

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 September 21, 2021, 24.08% of the City has been declared blighted and substandard. This study for area 34 would add 86.04 acres or 0.44%. The total area declared blighted and substandard if area 34 is approved is 24.48%.

Redevelopment Area 33



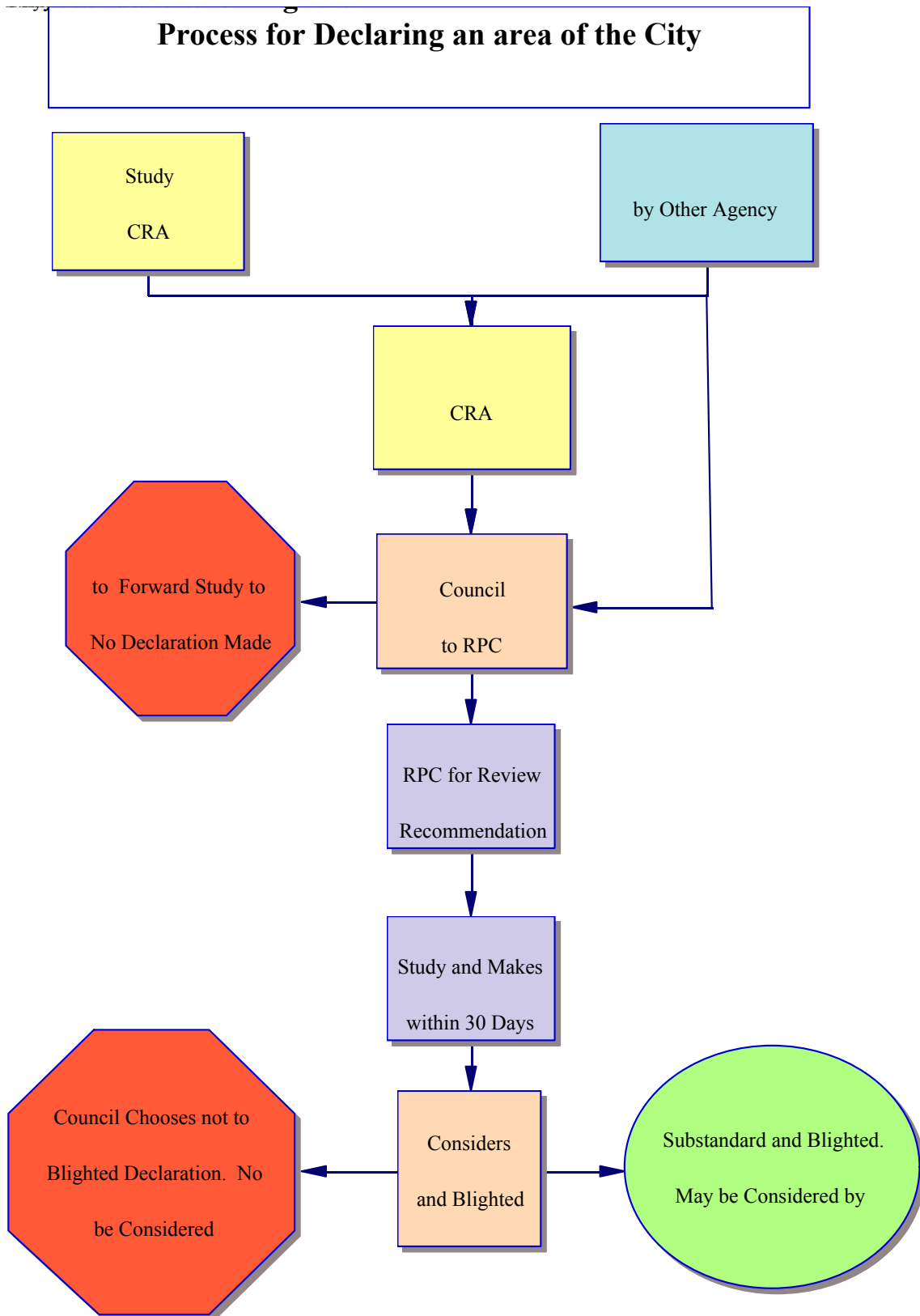


Figure 1 Blight Declaration Process (Planning Commission Recommendation is the second purple box).

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 2 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:

(3) **Blighted area means** an area (a) which, 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 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;

(31) **Substandard area 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; and

~Reissue Revised Statutes of Nebraska 7-19-18

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 pages 6 to 19 of the study.

FINDINGS FOR GRAND ISLAND

Study Area 35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighting Summary

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

- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Sidewalks are missing within 100.0% of the entire study area.
 - Streets through the study area were of an average or poorer condition.
- **Insanitary and Unsafe Conditions**
 - Broken glass outside of windows on the structures.
 - Lack of ADA ramp access to the structures.
 - Potholes on walking surface around the structures.
 - Asphalt surface around structures slopes into the structures, leading to potentially poor drainage and or water ponding. Water ponding can be a breeding ground for communicable diseases.

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.

- 3 (100.0%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 58.0 years.

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

- Factors Which Are Impairing And/or Arresting Sound Growth
 - Diversity of Ownership
 - Dangerous conditions to life or property due to fire or other causes.
 - Faulty lot layout.
 - Improper subdivision or obsolete platting.
 - Stable or decreasing population based on the last two decennial censuses.

- 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.
- One-half of unimproved property is over 40 years old.
- 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 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.

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor’s and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

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;”

Study Area #35 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #35

Blight Study Area #35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements.

- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

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

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 35 during its meeting on September 1, 2021. This study is approximately 3.4 acres of located along the north of Capital Avenue and east of Engleman Road (Old Engleman Elementary School) in northwest Grand Island.

O'Neill opened the public hearing:

Nabity stated the property is the old Engleman School site and is approximately 3.4 acres of property. The School District is looking into tearing the vacant building down and sell the property to a redeveloper and is bring forth the blight study to help with the development process while there are existing structures on the property. Nabity noted that the school district submitted the blight study with hopes of TIF being used to help develop the property for possible housing which may lead to potentially have students part take in the building process of these homes.

Keith Marvin spoke and explained that the study can be considered a micro blight area and that there is more than one structures on the property based on the assessors data and that it meets the age requirements, the property is deteriorating as well as meets the statutory requirements to be declared blighted and substandard.

Dan Petsch representing the schools was there for any questions. Petsch explained the school district is not against TIF and is supportive of TIF if being used for infill developments compared to blighting a corn field and developing 500 homes that will not be on the tax roll but may produce students and affect the school district resources for supporting those students.

O'Neill closed the public hearing.

A motion was made by Rainforth and second by Randone to approval of Proposed CRA Area #35 and Resolution 2022-04.

The motion carried with eleven members voting in favor (O'Neill, Allan, Ruge, Nelson, Rainforth, Olson, Robb, Monter, Hendricksen, Randone and Doane) and no members voting no. O'Neill closed the public hearing:

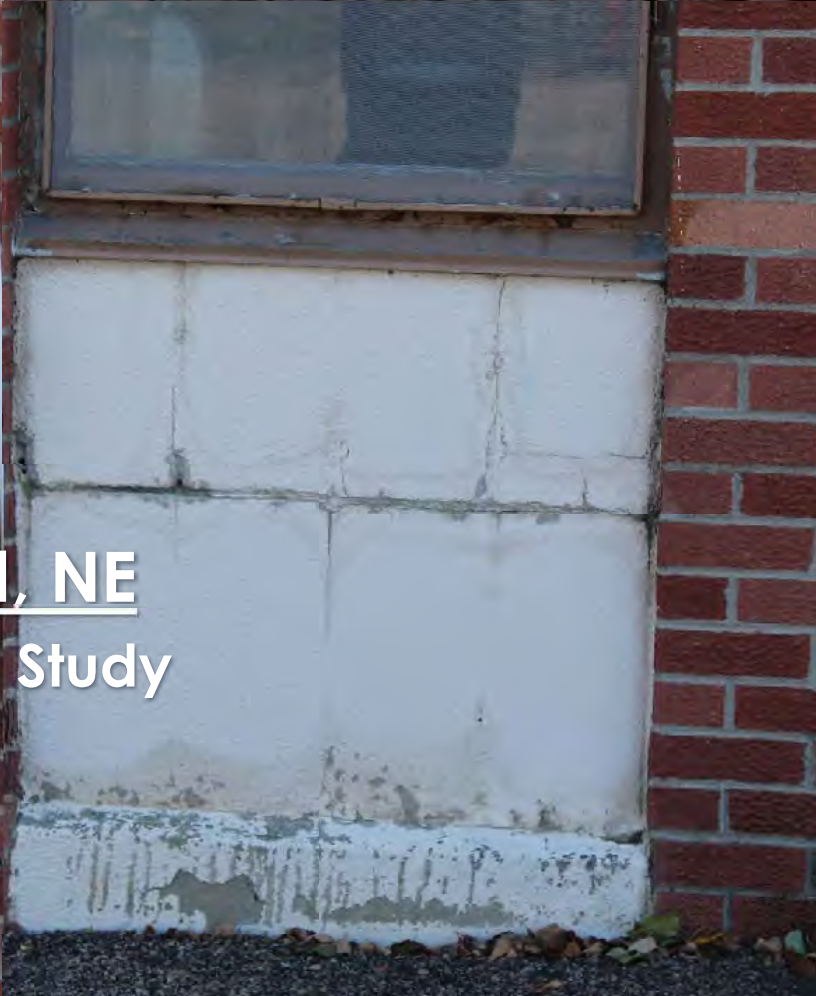
Alternatives

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. 35 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.



City of Grand Island, NE
Blight and Substandard Study
Area #35
November 2021

PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within Study Area 35 of the City of Grand Island. This study has been commissioned by Grand Island Public Schools to analyze the possibility of declaring the area as blighted and substandard within this specific study area.

The Hall County Regional Planning Commission and Grand Island City Council, 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 the Community Development Law, shall afford maximum opportunity, consistent with the 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 the Community Development Law, 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 of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the 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; disaster assistance; effect. 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.”

“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

“Blighted area means an area (a) which, 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;"

“Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

“Substandard area 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; and"

“Workforce housing means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

This Blight and Substandard Study is only for a portion of the corporate limits of the city which has not previously been so designated. The Study is intended to give the 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.

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

The study area is indicated in Figure 1 of this report. The existing use is Public.

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 is intended to redevelop and improve areas of the community. 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 the City of Grand Island.

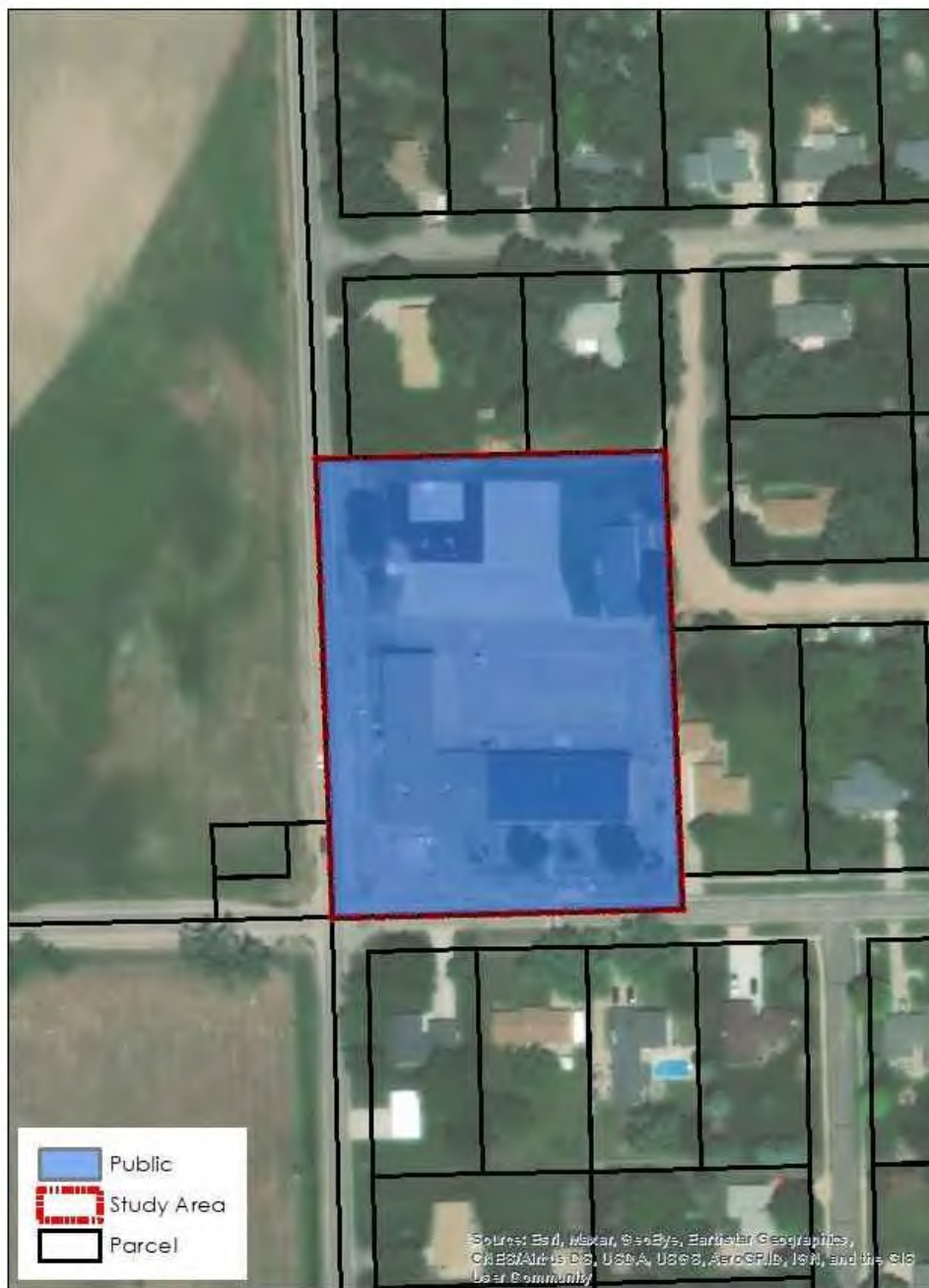
Point of beginning (POB) is the intersection of the centerlines of Engelman Rd N and Capital Ave W going northerly along the centerline of Engelman Rd N to the extended north property line of a tract referred to as Miscellaneous Tracts 2-11-10 to City of Grand Island Pt W ½ SW ¼ 2 AC; thence easterly along the northern property line of said lot continuing to the northeast corner of said lot; thence southerly along the eastern property line of said lot continuing to the centerline of Capital Ave W; thence westerly along the centerline of Capital Ave W continuing to the POB, +/- 3.4 acres.

Study Area

Figure 1
Study Area Map



Figure 2
Existing Land Use Map



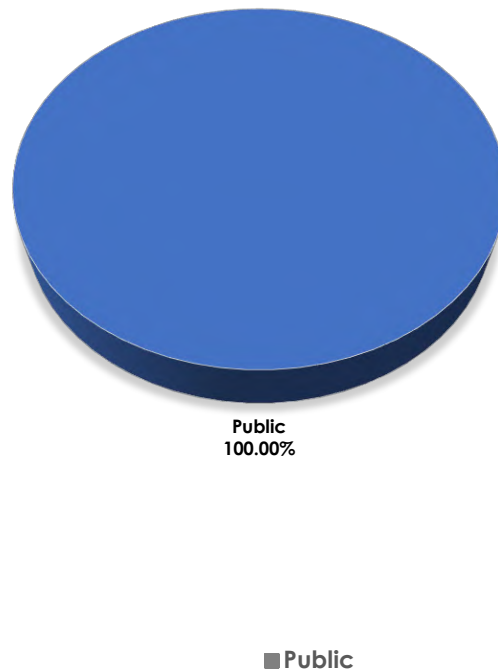
Blight Study - Land Use
Grand Island, Nebraska



EXISTING LAND USE

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. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of 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.

FIGURE 3: EXISTING LAND USE, Study Area 35 – 2021



Source: Marvin Planning Consultants 2021

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 tract in the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the only use present in the study area is Public.

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. These conditions 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: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data and rating system come from the Hall

County Assessor's database and is the same database used to value properties in the area. According to the data there are three different structures making up the facility.

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

- **0 (0.00%) structure rated as Excellent**
- **0 (0.00%) structure rated as Very Good**
- **0 (0.00 %) structures rated as Above Normal**
- **0 (0.00%) structures rated Normal**
- **3 (100.00%) structures rated Below Normal**
- **0 (0.00%) structure rated Poor**
- **0 (0.00%) structure rated as Very Poor**

Based upon these data, an assumption has been made that normal condition and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal 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 considered as Below Normal.

Due to the stated conditions found in the field analysis, the condition of the structures is a contributing factor. See photos 1 – 13 below.



Photo 1



Photo 2

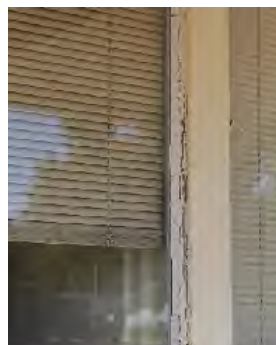


Photo 5

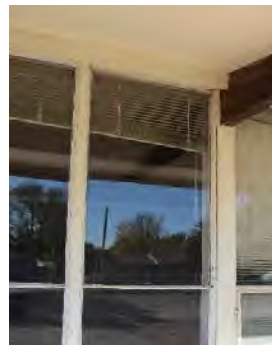


Photo 4



Photo 3



Photo 11



Photo 10



Photo 8



Photo 9



Photo 7



Photo 6



Photo 12

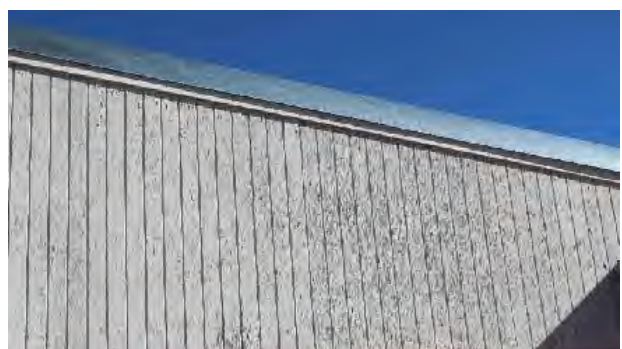


Photo 13

Deterioration of Site or Other Improvements**Sidewalk Conditions**

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

The sidewalk conditions analyzed in the Study Area were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 710 lineal feet or 0.13 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- **0 (0.00%) lineal feet of Excellent sidewalk**
- **0 (0.00%) lineal feet of Good sidewalk**
- **0 (0.00%) lineal feet of Average sidewalk**
- **0 (0.00%) lineal feet of Fair sidewalk**
- **721 (100.0%) lineal feet of Poor or Missing sidewalk**

There is no sidewalk present in the study area. Sidewalk is critical to the overall pedestrian movement of an area long-term. Even sidewalk constructed, which at present there is none, will eventually connect to several portions of the community. Because 100.0% of the area is missing sidewalk, sidewalks are considered a direct contributing factor. See photo 14 and 15 below for areas where sidewalk could be located but is not.

**Photo 14****Photo 15**

Figure 4
Structural Conditions



Figure 5
Sidewalk Conditions



Blight Study - Sidewalk Conditions
Grand Island, Nebraska



Figure 6
Curb and Gutter Conditions



Blight Study - Curb and Gutter Conditions
Grand Island, Nebraska

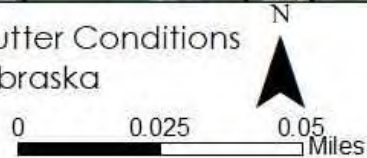


Figure 7
Street Conditions



Blight Study - Street Conditions
Grand Island, Nebraska



Curb and Gutter

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 735 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- **0 (0.0%) lineal feet of Excellent curb and gutter**
- **0 (0.00%) lineal feet of Good curb and gutter**
- **0 (0.00%) lineal feet of Average curb and gutter**
- **0 (0.00%) lineal feet of Fair curb and gutter**
- **735 (100.0%) lineal feet of Poor or Missing curb and gutter**
-

Due to the large amount of deteriorating and missing curb and gutter, the curb and gutter conditions would be a direct contributing factor.

Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 760 lineal feet or 0.14 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- **0 (0.0%) lineal feet of Excellent street**
- **0 (0.0%) lineal feet of Good street**
- **760 (100.0%) lineal feet of Average street**
- **0 (0.00%) lineal feet of Fair street**
- **0 (0.00%) lineal feet of Poor street**

Within the study area Engelman Rd N and Capital Ave are both paved. The streets in the study area appear to have been paved in some sort of asphaltic material or armor coated. The streets in the study area are both average. See photos 16 and 17 below to see street conditions.



Photo 16



Photo 17

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 data provided by the Director of Buildings and Grounds for Grand Island Public Schools.

TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor’s and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Figure 8
Age of Structures



Blighting Summary

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

- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Sidewalks are missing within 100.0% of the entire study area.
 - Streets through the study area were of an average or poorer condition.
- **Insanitary and Unsafe Conditions**
 - Broken glass outside of windows on the structures.
 - Lack of ADA ramp access to the structures.
 - Potholes on walking surface around the structures.
 - Asphalt surface around structures slopes into the structures, leading to potentially poor drainage and or water ponding. Water ponding can be a breeding ground for communicable diseases.



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 20

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.

- 3 (100.0%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 58.0 years.

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

- Factors Which Are Impairing And/or Arresting Sound Growth
 - Diversity of Ownership
 - Dangerous conditions to life or property due to fire or other causes.
 - Faulty lot layout.
 - Improper subdivision or obsolete platting.
 - Stable or decreasing population based on the last two decennial censuses.
 - 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.
 - One-half of unimproved property is over 40 years old.
 - 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 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.

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor’s and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

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;”

Study Area #35 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #35

Blight Study Area #35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

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

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 November 10, 2021 meeting, referred the **Blight and Substandard Study for CRA Area 35, commissioned by Grand Island Public Schools** 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 held a public hearing regarding said Blight and Substandard Study at their meeting on December 1, 2021, 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,
- 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: December 1, 2021

HALL COUNTY REGIONAL PLANNING COMMISSION

By: _____
Chair

ATTEST:

By: Leshia E. Ruge
Secretary



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-2

Public Hearing on Proposed Blighted and Substandard Area 36 for approximately 55.3 Acres located in the Northwest Part of Grand Island on either side of Independence Avenue and South of Nebraska Highway 2 (Empire Development)

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, Regional Planning Commission

Meeting: January 25, 2022

Subject: FAmos Construction and O’Neill Wood Resources Study
(Proposed Area #36) C-23-2021GI

Presenter(s): Chad Nabity, Regional Planning Commission

Background

FAmos Construction and O’Neill Wood Resources commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 36. This study is approximately 55.4 acres of property located on either side of Independence Avenue south of Nebraska Highway 2 in northwest Grand Island (Study Area).

On November 9, 2021, Council referred the attached study to the Planning Commission for its review and recommendation. The study as prepared and submitted indicates that this property could be considered blighted and substandard. The full study is attached for your review and consideration.

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:

18-2109. Redevelopment plan; preparation; requirements; planning commission or board; public hearing; notice; governing body; public hearing; notice.

(1) 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 the public hearings required under this section, declared such area to be a substandard and blighted area in need of redevelopment.

(2) Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is substandard and blighted

and shall submit the question of whether such area is substandard and blighted to the planning commission or board of the city for its review and recommendation. The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

(3) Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing required under subsection (2) of this section, the governing body shall hold a public hearing on the question of whether the area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.

(4) Copies of each substandard and blighted study or analysis conducted pursuant to subsection (2) of this section shall be posted on the city's public web site or made available for public inspection at a location designated by the city.

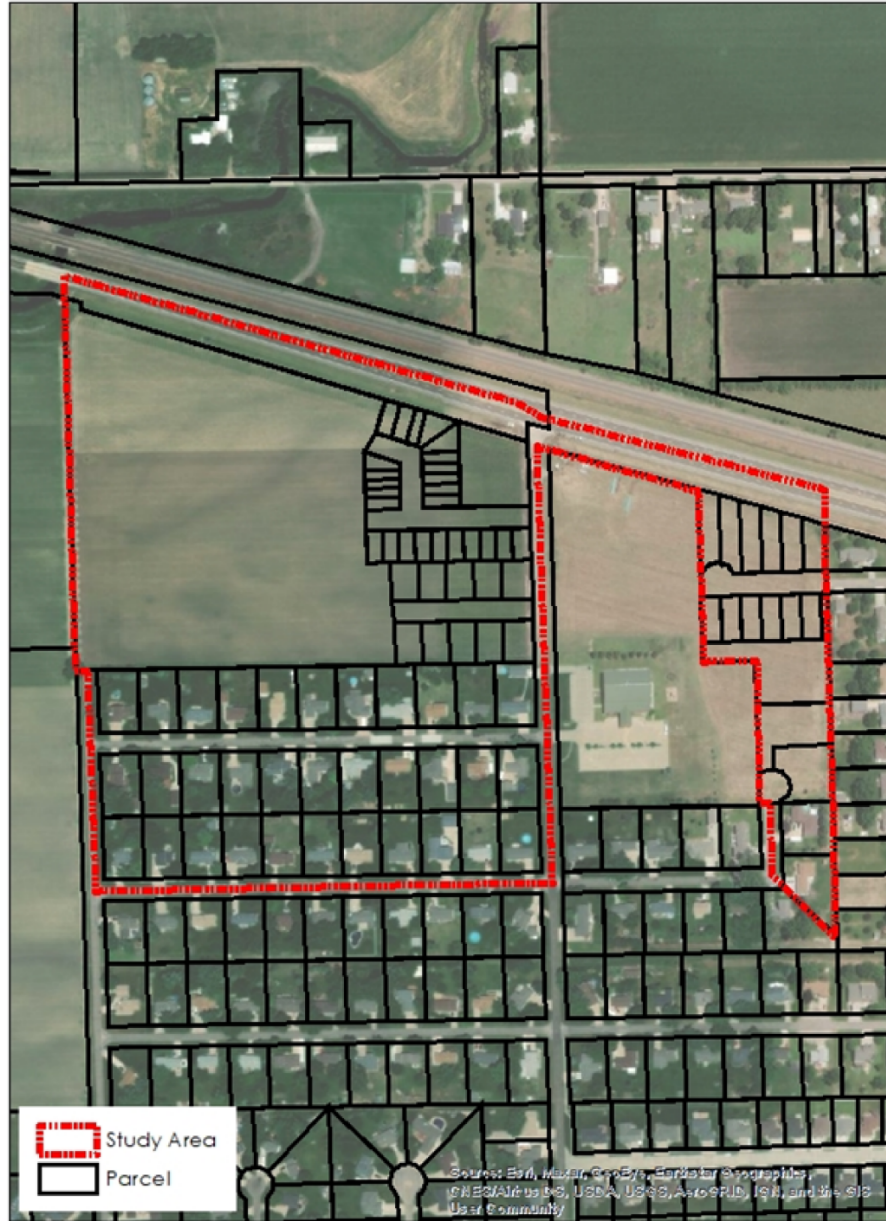
~Reissue Revised Statutes of Nebraska 7-19-18

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 January 11, 2022, 24.48% of the City has been declared blighted and substandard. This study for area 36 along with the study are for area 25 would add 58.7 acres or 0.30%. The total area declared blighted and substandard if both areas 35 and 26 are approved is 24.78%.

Redevelopment Area 36



Blight Study - Study Area
Grand Island, Nebraska



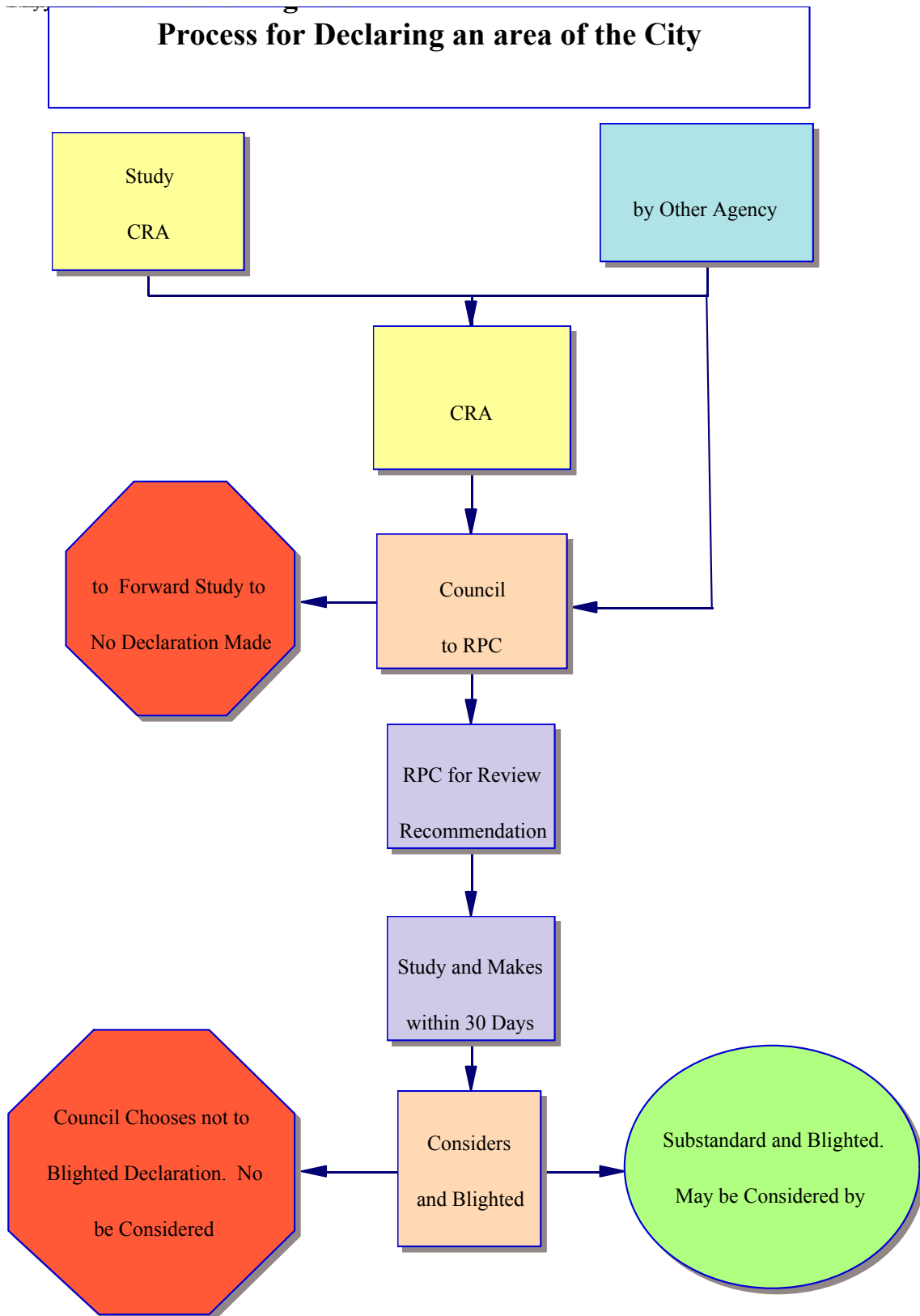


Figure 1 Blight Declaration Process (Planning Commission Recommendation is the second purple box).

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 2 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:

(3) **Blighted area means** an area (a) which, 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;

(31) **Substandard area 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; and

~Reissue Revised Statutes of Nebraska 7-19-18

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 pages 7 to 18 of the study.

FINDINGS FOR GRAND ISLAND

Study Area 36 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighting Summary

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

- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Streets through the study area were of an average condition.
 - Sidewalks are missing within 100.0% of the entire study area.
- **Insanitary and Unsafe Conditions**
 - Lack of curb and gutter could lead to ponding of water. Water ponding can become a breeding ground for communicable diseases.

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.

- 27 (77.1%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 40.1 years.

These other criteria for Blight were present in the area:

- Diversity of Ownership

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

- Factors Which Are Impairing And/or Arresting Sound Growth
- Dangerous conditions to life or property due to fire or other causes.
- Faulty lot layout.
- Improper subdivision or obsolete platting.
- Stable or decreasing population based on the last two decennial censuses.
- 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.

- One-half of unimproved property is over 40 years old.
- 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 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;”

Study Area #36 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #36

Blight Study Area #36 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Deterioration of site or other improvements.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

- Average age of the structures in the area is at least 40 years.
- Diversity of Ownership

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 36 during its meeting on January 2, 2022. This study is approximately 55.4 acres of on either side of Independence Avenue south of Nebraska Highway 2 (C-11-2022GI)

Chairman O’Neill stepped out of the room due to a conflict of interest.

Monter opened the public hearing.

Nabity stated the proposed CRA Area #36 is approximately 55.4 acres of property in northwest Grand Island on either side of Independence Avenue south of Nebraska Highway 2. The study was conducted by Marvin Planning Consultants. The study indicated the area could be declared blighted and substandard. If approved, the area that includes Highland North Subdivision and Northwest Gateway Subdivision will anticipate to see tax increment financing applications for these developments.

Keith Marvin with Marvin Planning Consultants - stated based on his research the area does meet the criteria blighted and substandard.

Zack Butts, 308 N. Locust, Grand Island, NE- an attorney representing Amos Anson talked about all the positive impacts CRA Area #36 would have if declared blighted and substandard.

Amos Anson, 4234 Arizona Ave, Grand Island, NE – went over the project and was available for questions.

Monter closed the public hearing.

A motion was made by Robb and second by Doane to approve the study for CRA Area #36 as substandard and blighted and Resolution 2022-05.

The motion was carried with eight members voting in favor (Ruge, Olson, Robb, Monter, Rainforth, Hendricksen, Doane, and Randone) and one member abstaining (O’Neill).

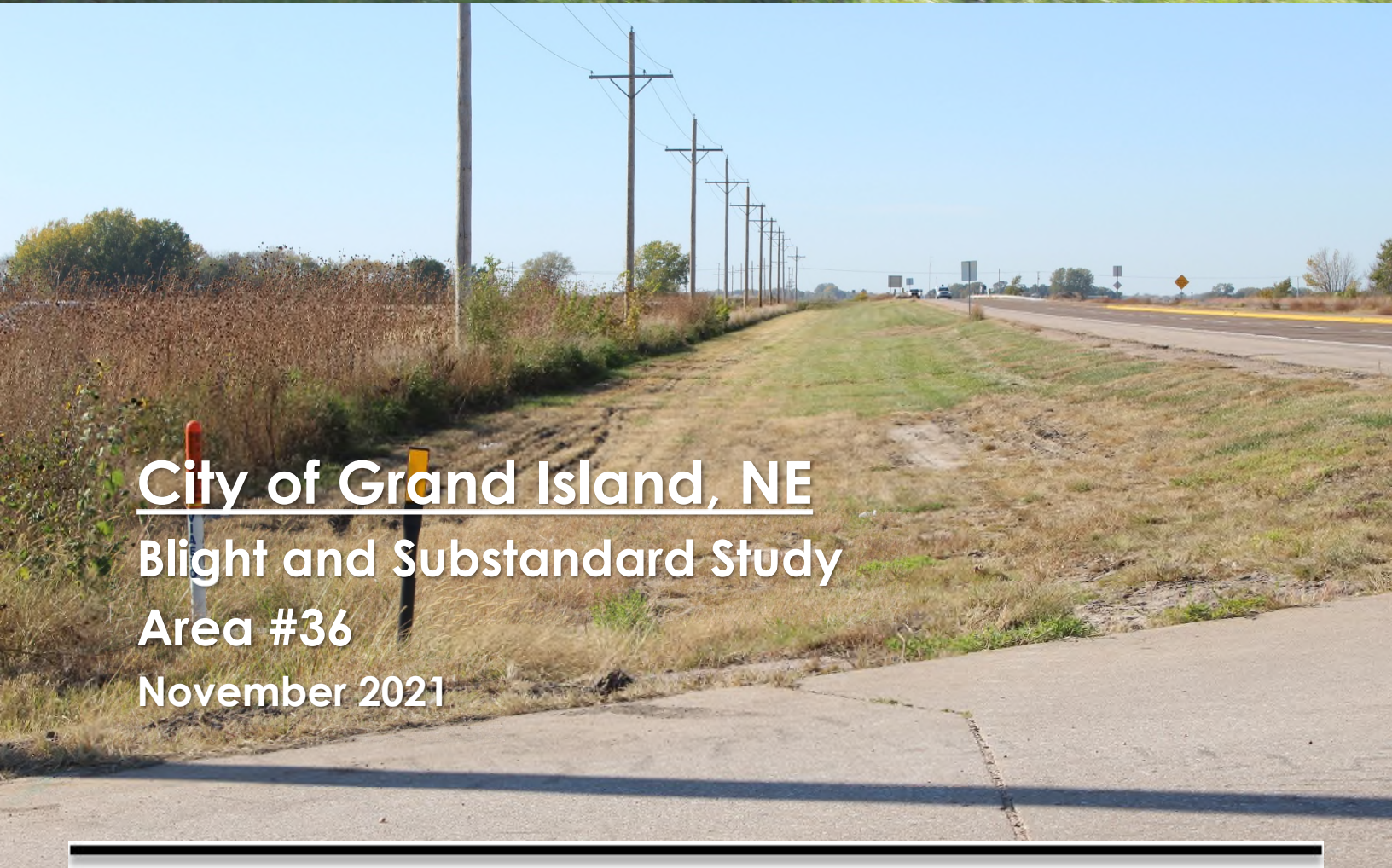
Alternatives

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. 36 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.



City of Grand Island, NE
Blight and Substandard Study
Area #36
November 2021

PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within Study Area 36 of the City of Grand Island. This study has been commissioned by the FAmos Construction and O'Neill Wood Resources to analyze the possibility of declaring the area as blighted and substandard within this specific study area.

The Hall County Regional Planning Commission and Grand Island City Council, 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 the Community Development Law, shall afford maximum opportunity, consistent with the 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 the Community Development Law, 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 of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the 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; disaster assistance; effect. 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.”

“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

“Blighted area means an area (a) which, 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;"

“Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

“Substandard area 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; and"

“Workforce housing means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

This Blight and Substandard Study is only for a portion of the corporate limits of the city which has not previously been so designated. The Study is intended to give the 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.

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets the entire corporate limits of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses are vacant, residential, and public.

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 is intended to redevelop and improve areas of the community. 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 the City of Grand Island.

Point of beginning (POB) is the intersection of the centerlines of Nevada Ave and the west right of way line of Northwest Ave going northerly to the southwestern corner of a tract referred to as Miscellaneous Tracts 2-11-10 PT NW ¼ XC 1.08 AC Hwy 23.26 AC; thence northerly along the western property line of said lot continuing to the centerline of Nebraska Hwy 2 W; thence southeasterly along the centerline of Nebraska Highway 2 to the extended property line of a tract referred to as Northwest Gateway Sub Lt 6; thence southerly along the eastern property line of said lot continuing to the southeastern corner of a tract referred to as Ross Heights Second Sub Lt 7; thence northwesterly along the southern property line of said lot to the intersection of the centerlines of Colorado Ave and Nevada Ave; thence northerly along the centerline of Colorado Ave continuing to the southern property line of a tract set aside for future extension of Colorado Ave; thence westerly along the southern property line of said lot continuing to the southwestern property line of said lot; thence northerly along the western property line of said lot continuing to the northeastern corner of the southern half of a tract referred to as Hw Sub Lt 1; thence westerly along the northern property line of the southern half of said lot continuing to the eastern property line of the northern half of said lot; thence northerly along the eastern property line of the northern half of said lot continuing to the northeastern corner of said lot; thence northwesterly along the northern property line of said lot continuing to the centerline of Independence Ave; thence southerly along the centerline of Independence Ave continuing to the POB, +/- 55.3 acres.

Study Area Figure 1

Study Area Map



Blight Study - Study Area
Grand Island, Nebraska



Figure 2
Existing Land Use Map



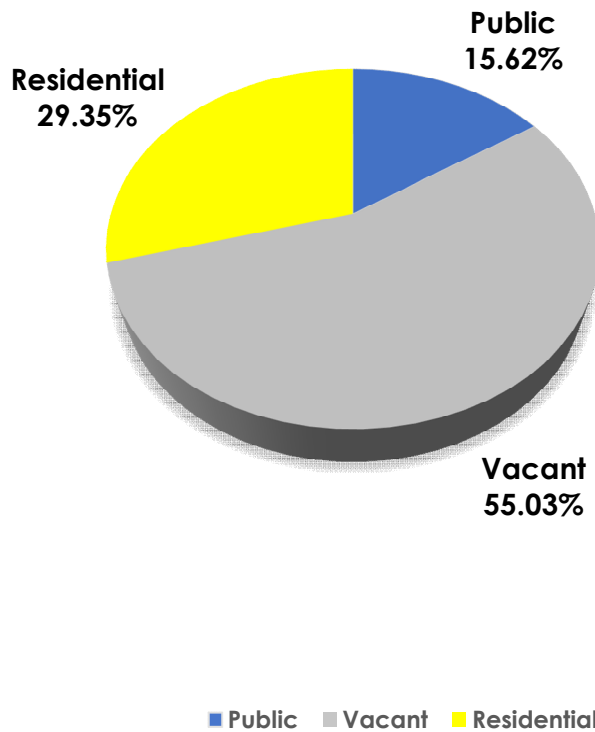
Blight Study - Land Use
Grand Island, Nebraska



EXISTING LAND USE

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. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of 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.

FIGURE 3: EXISTING LAND USE, Study Area 35 – 2021



Source: Marvin Planning Consultants 2021

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 tract in the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the uses present in the study area are residential, public, and vacant. The study area is primarily vacant.

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. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

Deterioration of Site or Other Improvements

Sidewalk Condition

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

The sidewalk conditions analyzed in the Study Area were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 8,003 lineal feet or 1.5 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- **0 (0.00%) lineal feet of Excellent sidewalk**
- **0 (0.00%) lineal feet of Good sidewalk**
- **0 (0.00%) lineal feet of Average sidewalk**
- **0 (0.00%) lineal feet of Fair sidewalk**
- **8,003 (100.0%) lineal feet of Poor or Missing sidewalk**

There is no sidewalk present in the study area. Sidewalk is critical to the overall pedestrian movement of an area long-term. Even sidewalk constructed, which at present there is none, will eventually connect to several portions of the community. There is a portion of sidewalk that was laid by property owners, though it does not connect throughout the neighborhood, and is not ADA compliant. Because 100.0% of the area is missing sidewalk, sidewalks are considered a direct contributing factor.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 1



Photo 6



Photo 7



Photo 8

Figure 4
Sidewalk Condition

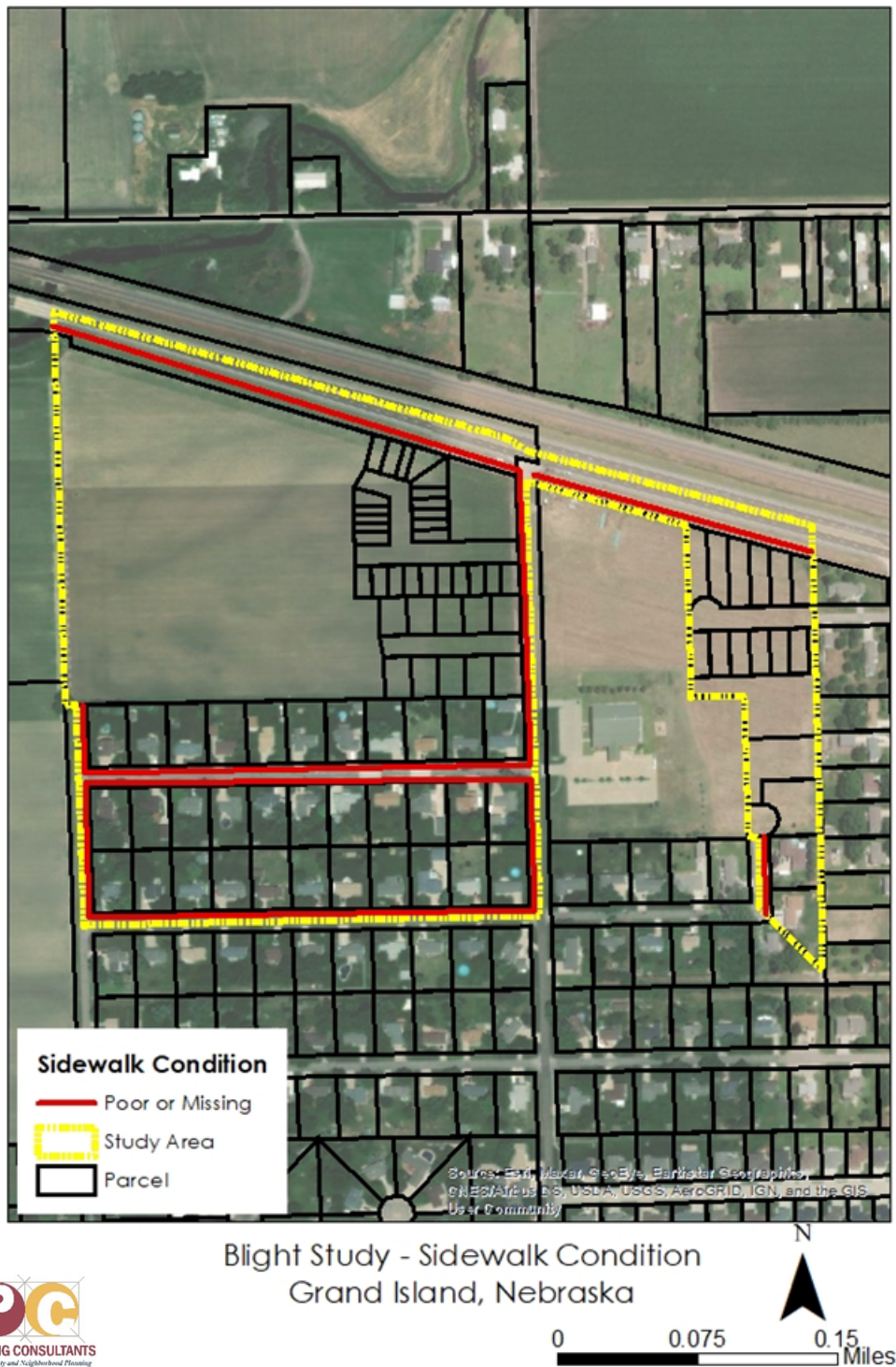


Figure 5
Curb and Gutter Condition



Blight Study - Curb and Gutter Condition
Grand Island, Nebraska

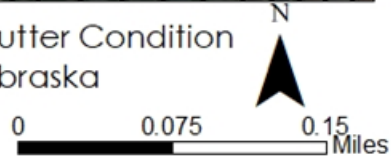


Figure 7
Street Condition



Blight Study - Steet Condition
Grand Island, Nebraska



Curb and Gutter

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 5,781 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- **0 (0.0%) lineal feet of Excellent curb and gutter**
- **0 (0.00%) lineal feet of Good curb and gutter**
- **0 (0.00%) lineal feet of Average curb and gutter**
- **0 (0.00%) lineal feet of Fair curb and gutter**
- **5,781 (100.00%) lineal feet of Poor or Missing curb and gutter**

Due to the study area completely missing curb and gutter, curb and gutter conditions would be a direct contributing factor.



Photo 9



Photo 10

Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 6,726 lineal feet or 1.27 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- **0 (0.0%) lineal feet of Excellent street**
- **0 (0.0%) lineal feet of Good street**
- **6,726 (100.0%) lineal feet of Average street**
- **0 (0.00%) lineal feet of Fair street**
- **0 (0.00%) lineal feet of Poor street**

All streets within the study area are paved. The streets in the study area appear to have been paved in some sort of asphaltic material, concrete, or armor coating. The streets in the study area were all rated as average.



Photo 11



Photo 12



Photo 13

Age of Structures

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 Hall County Assessor’s website.

Table 1: Average Structural Age, By Method - 2021			
Number	Year	Age	Cumulative
1	1977	44	44
1	1991	30	74
1	1977	44	118
1	1978	43	161
1	1991	30	191
1	1992	29	220
1	1994	27	247
1	1981	40	287
1	1977	44	331
1	1978	43	374
1	2007	14	388
1	1977	44	432
1	1992	29	461
1	1977	44	505
1	1977	44	549
1	1980	41	590
1	1977	44	634
1	1977	44	678
1	1993	28	706
1	1998	23	729
1	1977	44	773
1	1977	44	817
1	1975	46	863
1	1975	46	909
1	1976	45	954
1	1975	46	1,000
1	1977	44	1,044
1	1976	45	1,089
1	1976	45	1,134
1	1975	46	1,180
1	1975	46	1,226
1	1975	46	1,272
1	1974	47	1,319
1	1977	44	1,363
1	1979	42	1,405
35			24,067
			40.1

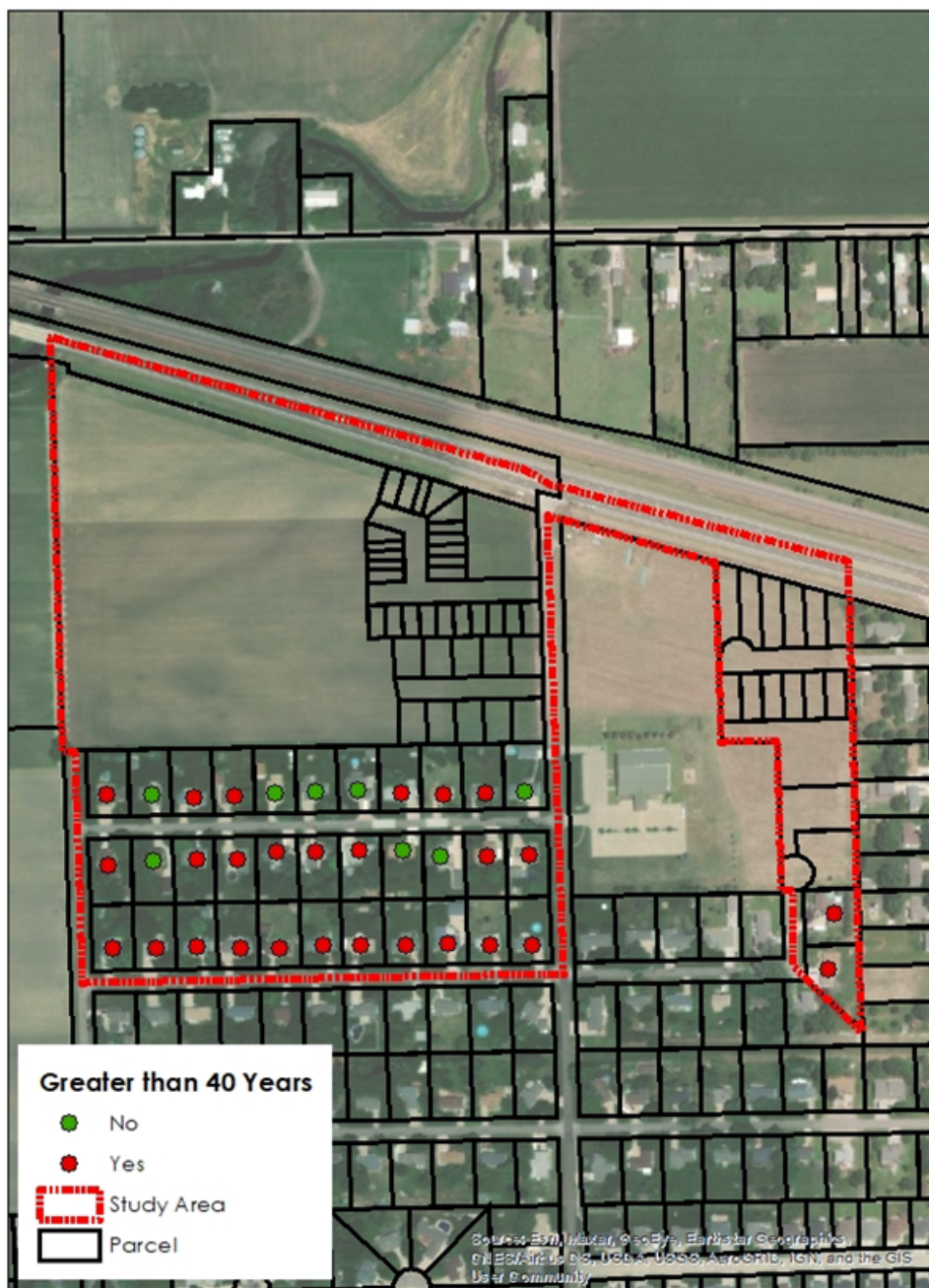
Source: Hall County Assessor’s and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are 35 primary structures. After researching the structural age on the Hall County Assessor’s website, 27 (77.1%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1 the average age of the primary structures is equal to 40.1 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Figure 8
Age of Structures



Blight Study - Age of Structures
Grand Island, Nebraska



Blighting Summary

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

- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Streets through the study area were of an average condition.
 - Sidewalks are missing within 100.0% of the entire study area.
- **Insanitary and Unsafe Conditions**
 - Lack of curb and gutter could lead to ponding of water. Water ponding can become a breeding ground for communicable diseases.

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.

- 27 (77.1%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 40.1 years.

These other criteria for Blight were present in the area:

- Diversity of Ownership

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

- Factors Which Are Impairing And/or Arresting Sound Growth
- Dangerous conditions to life or property due to fire or other causes.
- Faulty lot layout.
- Improper subdivision or obsolete platting.
- Stable or decreasing population based on the last two decennial censuses.
- 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.
- One-half of unimproved property is over 40 years old.
- 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 Structures

Average 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 Hall County Assessor's website.

Table 2: Average Structural Age, By Method - 2021			
Number	Year	Age	Cumulative
1	1977	44	44
1	1991	30	74
1	1977	44	118
1	1978	43	161
1	1991	30	191
1	1992	29	220
1	1994	27	247
1	1981	40	287
1	1977	44	331
1	1978	43	374
1	2007	14	388
1	1977	44	432
1	1992	29	461
1	1977	44	505
1	1977	44	549
1	1980	41	590
1	1977	44	634
1	1977	44	678
1	1993	28	706
1	1998	23	729
1	1977	44	773
1	1977	44	817
1	1975	46	863
1	1975	46	909
1	1976	45	954
1	1975	46	1,000
1	1977	44	1,044
1	1976	45	1,089
1	1976	45	1,134
1	1975	46	1,180
1	1975	46	1,226
1	1975	46	1,272
1	1974	47	1,319
1	1977	44	1,363
1	1979	42	1,405
35			24,067
			40.1

Source: Hall County Assessor's and Marvin Planning Consultants 2021

Age of Structures

Within the study area there are 35 primary structures. After researching the structural age on the Hall County Assessor's website, 27 (77.1%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 2 the average age of the primary structures is equal to 40.1 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

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;”

Study Area #36 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #36

Blight Study Area #36 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Deterioration of site or other improvements.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

- Average age of the structures in the area is at least 40 years.
- Diversity of Ownership

Resolution Number 2022-05

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 November 10, 2021 meeting, referred the **Blight and Substandard Study for CRA Area 36, commissioned by Empire Development** 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 held a public hearing regarding said Blight and Substandard Study at their meeting on December 1, 2021, 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,
- 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: January 5, 2022

HALL COUNTY REGIONAL PLANNING COMMISSION

ATTEST:

By: Leslie E. Ruge
Secretary

By:
Chair

[Signature]



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-3

**Public Hearing on Redevelopment Plan for CRA No. 1 for
Property located at 118 North Locust Street (Artisan's Alley LLC)**

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP CRA Director

Meeting: January 25, 2022

Subject: Site Specific Redevelopment Plan for CRA Area #1

Presenter(s): Chad Nabity, AICP CRA Director

Background

Artisan's Ally LLC is proposing to renovate 118 W. Second Street with commercial and residential uses on the first floor and second floor apartments. The property is zoned B-3 Heavy Business the proposed uses are permitted in this zoning district Staff has prepared a redevelopment plan for this property consistent with the TIF application.

The CRA reviewed the proposed development plan on December 2, 2021 and forwarded it to the Hall County Regional Planning Commission for recommendation at their meeting on January 5, 2022. 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 January 5, 2022. The Planning Commission approved Resolution 2022-06 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 approved Resolution 376 forwarding the redevelopment plan along with the recommendation of the planning commission to the City Council for consideration.

Discussion

Tonight, Council will hold a public hearing to take testimony on the proposed plan (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 and to find that this project would not be financially feasible at this location

without the use of TIF. The redevelopment plan amendment specifies that the TIF will be used to offset allowed costs for acquisition and redevelopment the Bartenbach building for residential, commercial and 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. The bond for this project will be issued for a period of 15 years. The proposed bond for this project will be issued for the amount of \$522,064.

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
November 2021**

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 118 W 2nd 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 entire Bartenbach building located at 118 W. 2nd street. to create 5 new offices facing the private alley, along with resizing and building out the front six units fronting on to Locust street on the lower level of the building to allow for a mixed-use professional office space and retail space. The upper story will have 8- 1 bedroom/1 bath units, 1 2 bedrooms/1 bath unit and a two story loft with 3 bedrooms/2 baths. A rooftop terrace will be added for the second floor units to have a private outdoor space. This project would not be feasible without the use of TIF.

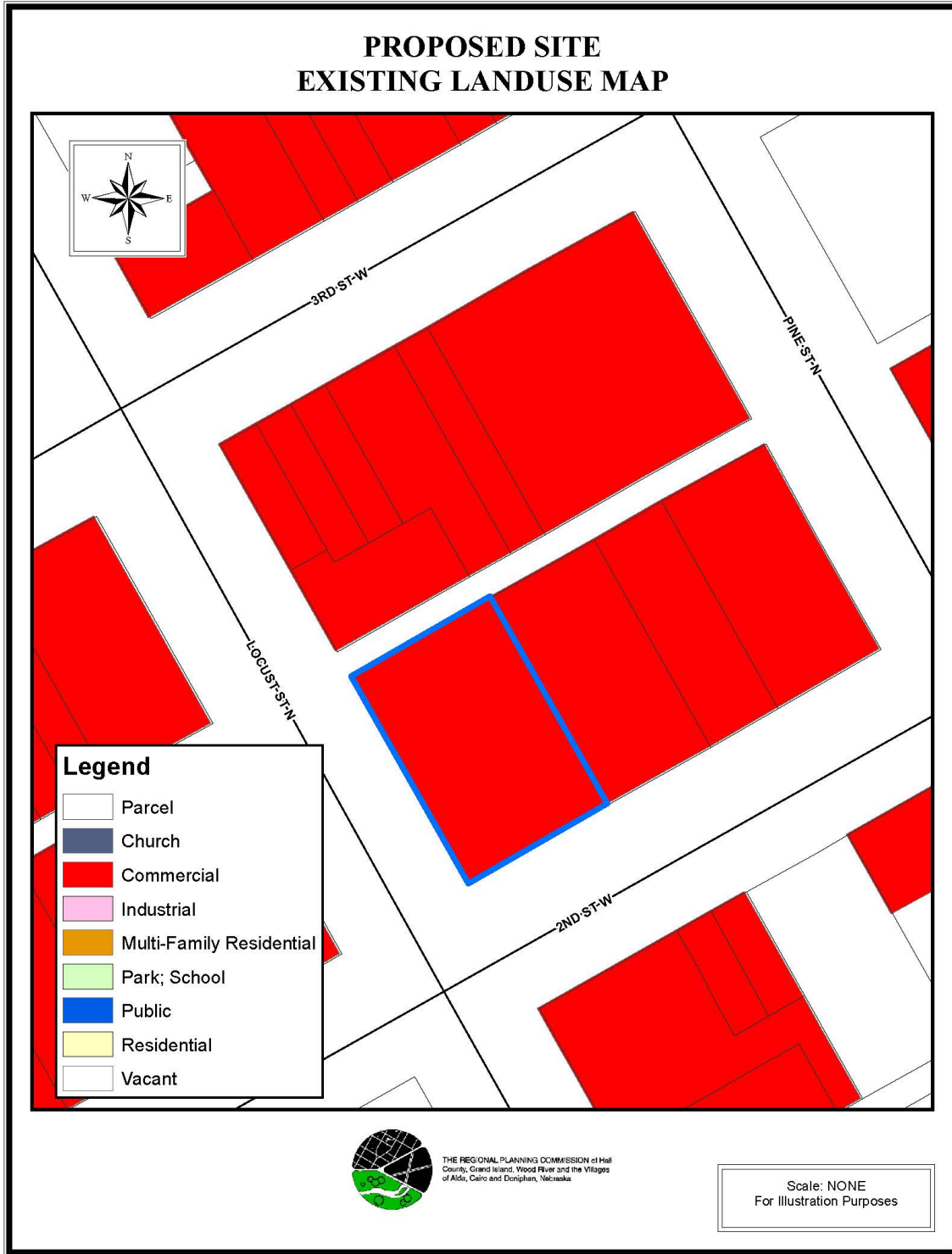
Artisans' Alley LLC is the purchasing this building. They are purchasing the property for \$550,000. The purchase price is included as an eligible TIF activity. The developer is responsible for and has provided evidence that they can secure adequate debt financing to cover the costs associated with the 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, 2023 towards the allowable costs and associated financing for rehabilitation.

TAX INCREMENT FINANCING TO PAY FOR THE REHABILITATION OF THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:
Property Description (the “Redevelopment Project Area”)

The second floor and necessary first floor exits and entrances at 118 W. 2nd Street in Grand Island Nebraska. The actual legal will be provided with the master deed for the condominium.

Legal Descriptions: The West 1/3 of Lot Six (6) and all of Lot Five (5) in Block Sixty-Six (66) in the Original Town, now City of Grand Island, Hall County, Nebraska.

**PROPOSED SITE
EXISTING LANDUSE MAP**



Existing Land Use and Subject Property

The tax increment will be captured for the tax years the payments for which become delinquent in years 2023 through 2037 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 portion of the 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 January 5, 2022 and passed Resolution 2022-06 confirming that this project is consistent with the Comprehensive Plan for the City of Grand Island. The Grand Island Public School District has submitted a formal request to the Grand Island CRA to notify the District any time a TIF project involving a housing subdivision and/or apartment complex is proposed within the District. The school district was notified of this plan amendment at the time it was submitted to the CRA for initial consideration.

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. The developer has acquired the property and will be including acquisition as an eligible activity. There is no proposed acquisition by the authority.

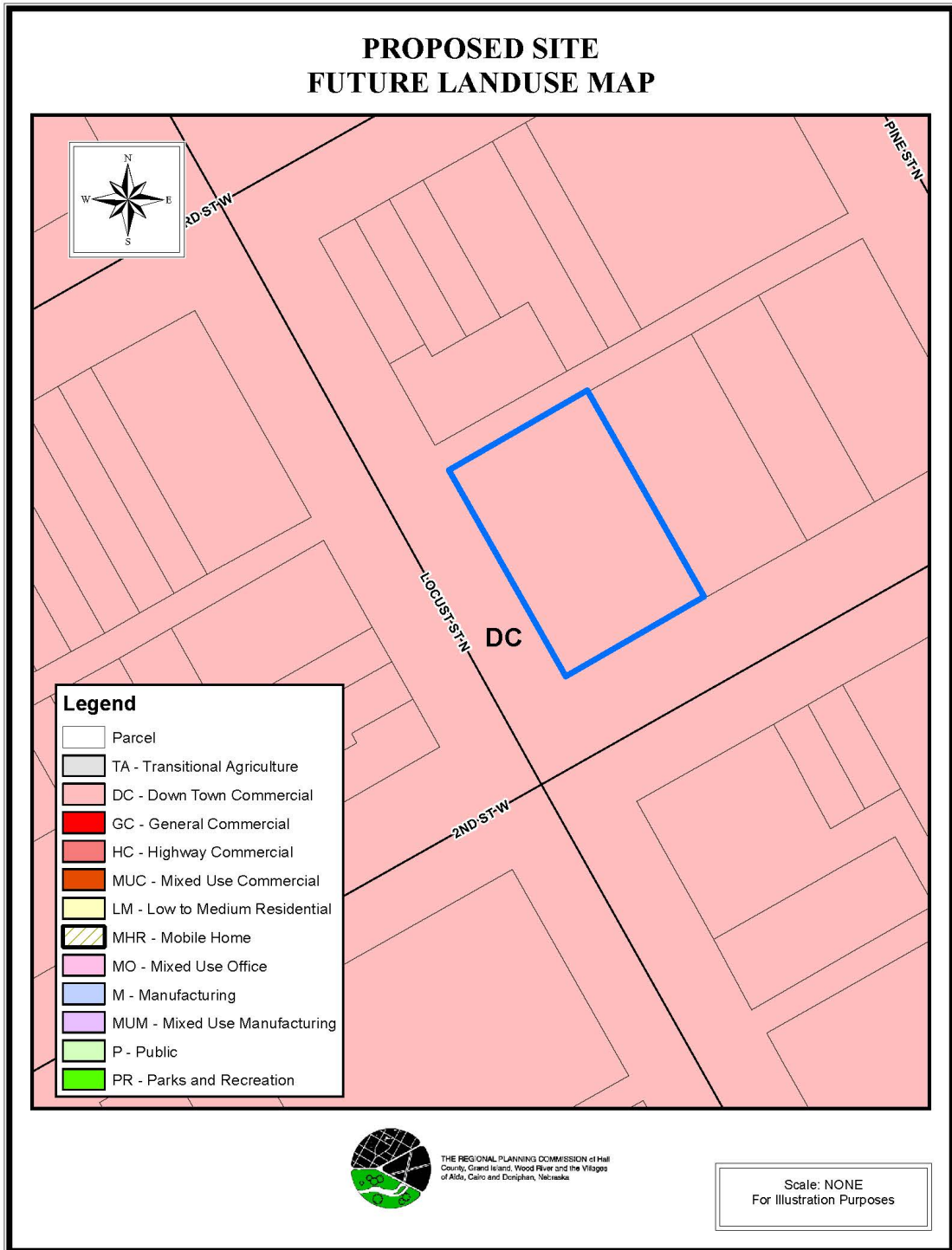
b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal any structures on this property. Demotion of internal structures to accommodate the redevelopment is anticipated and permitted.

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)]

PROPOSED SITE FUTURE LANDUSE MAP



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. .

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 is vacant and has not been used for any residential purposes. [§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] No 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 purchased the property for \$550,000. The estimated costs of rehabilitation of this property is \$1,033,000. Other construction and soft cost is \$265,000 Legal, Developer and Audit Fees of \$5,600 for reimbursement to the City and the CRA for costs to prepare the contract and monitor the project over the course of the development are included in the eligible expenses. The total of eligible expenses for this project exceeds \$1,873,400.

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 \$522,064 from the proceeds of the TIF. 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, 2023 through December 2038.

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 Railside Business Improvement District and the Grand Island City Council of increasing the number of residential units available in the Downtown area and refurbish street level commercial space that has been underutilized for several years as well as encouraging new roof top development that will add to the ambiance of Railside.

8. Time Frame for Development

Development of this project is anticipated to be completed by June 2022. Excess valuation should be available for this project for 15 years beginning with the 2023 tax year.

9. Justification of Project

This is an historic building in downtown Grand Island that will be preserved with this project. The addition of new residential units is consistent with goals to build new residential units in downtown Grand Island and with the goals of the 2020 Grand Island housing study and Grow Grand Island. The primary use of the street level space for commercial development is consistent with the long term development plans for Downtown. The addition of rooftop space will further enhance the Railside experience.

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 \$522,064 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 Façade grant. This investment by the Authority will leverage \$1,867,800 in private sector financing; a private investment of \$3.57 for every TIF or grant dollar invested.

Use of Funds	Source of Funds.			
Description	TIF Funds	Other Grants	Private Funds	Total
Site Acquisition	\$522,064		\$127,000	\$550,000
Legal and Plan*			\$5,600	\$5,600
Renovation			\$1,198,000	\$1,198,000
Other*			\$100,000	\$100,000
Contingency			\$19,800	\$19,800
TOTALS	\$522,064		\$1,351,336	\$1,873,400

*Other includes soft costs for private legal services, consulting on the TIF and construction, environmental review accounting, interest, financing fees, appraisal, title and hazard insurance and marketing.

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2022, valuation of approximately \$340,367. Based on the 2020 levy this would result in a real property tax of approximately \$7,408. It is anticipated that the assessed value will increase by \$1,599,094 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$34,804 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 2021 assessed value:	\$340,367
Estimated value after completion	\$1,939,461
Increment value	\$1,599,094
Annual TIF generated (estimated)	\$34,804
TIF bond issue	\$522,064

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

The redevelopment project area currently has an estimated valuation of \$340,367. The proposed redevelopment will create additional valuation of \$1,599,094. 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;

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. 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 and a second exit actually 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 and commercial space 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 and will refurbish Downtown commercial space.

(e) Impacts on student populations of school districts within the City or Village:

This development will have a minimal impact on the Grand Island School system as it will likely not result in any increased attendance. The majority of the units to be developed with this project is a one bedroom unit and unlikely to be a family unit, especially for families with school age children.

The average number of persons per household in Grand Island for 2015 to 2019 according to the American Community Survey is 2.61. According to the 2010 census 19.2% of the population of Grand Island was between the ages of 5 and 18. 2020 census number for this population cohort are not yet available but 27.6% of the 2021 population is less than 18 years of age this is the same percentage as the under 18 age cohort in 2010. If the averages hold it would be expected that there would be a maximum of five school age children generated by this development though that is mitigated by the fact that that majority of these are small 1 bedroom units. According to the National Center for Educational Statistics the 2019-20 enrollment for GIPS was 10,070 students and the cost per student in 2017-18 was \$12,351 of that \$4,653 is generated locally. The Grand Island Public School System was notified on November 4, 2021 that the CRA would be considering this application at their November 10, 2021 meeting.

(f) 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 June 2022. The base tax year should be calculated on the value of the property as of January 1, 2022. Excess valuation should be available for this project for 15 years beginning in 2023 with taxes due in 2024. 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 \$522,064 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 \$1,867,800.00 on TIF eligible activities in excess of other grants given.

¹ https://nces.ed.gov/ccd/districtsearch/district_detail.asp?ID2=3100016



BACKGROUND INFORMATION RELATIVE TO TAX INCREMENT FINANCING REQUEST

Project Redeveloper Information

Business Name:

Artisans' Alley LLC

Address:

3122 Brentwood Drive, Grand Island, NE 68801

Telephone No.: (402) 309-9935

Fax No.:

Email: intheblack715@gmail.com

Contact:

Catey Sack

Application Submission Date: _____

Brief Description of Applicant's Business:

Artisans' Alley LLC is a real estate developer and contractor specializing in mixed use space in downtown properties.

Legal Description/Address of Proposed Project

Situs: 118 W 2nd Street, Grand Island, NE 68801 Legal Description: ORIGINAL TOWN W 1/3
~~LT 6 & ALL LT 5 BLK 66~~

Community Redevelopment Area Number _____

Present Ownership Proposed Project Site:

Peaceful Root LLC pending sale to Artisans' Alley LLC with closing date of Nov. 4, 2021.

Is purchase of the site contingent on Tax Increment Financing Approval? Yes No

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

The building is currently mostly vacant and over time has been stripped of its historical character.

Artisans' Alley LLC will be renovating the building to be a downtown centerpiece, balancing historical character with modern amenities. Imperatives of all Artisans' Alley LLC's projects are community, the arts, building longevity of use and purpose, and environmental sustainability.

The Bartenbach building comes with it's own private alley. This alley will be made into a gated outdoor area with ambiance for tenants and guests of tenants to enjoy. There will be 5 new offices facing the alley. The front six units will be resized and finished out to better create a mixed use space for a variety of professional office space or retail space. The second floor will be 8- 1 bedroom/1 bath units, also will be a two story loft with 3 bedrooms/2 baths, and 1 unit will be an end unit with 2 bedrooms/1 bath.

The current building is brick construction. All new windows and doors will be installed with detail restoring the building's original character. Windows will be taller, historical colors and finishings, etc. A rooftop terrace will be added for the second floor units to have a private outdoor space. The building will be entirely spray foam insulated to reduce power usage.

If Property is to be Subdivided, Show Division Planned:

VI. Estimated Project Costs:

Acquisition Costs:

A. Land	\$ 0
B. Building	\$ 550,000.00

Construction Costs:

A. Renovation or Building Costs:	\$ 51,033,000.00
B. On-Site Improvements:	
Sewer (including in plumbing on attached page)	\$ _____
Water (included in plumbing on attached page)	\$ _____
Electric	\$ 100,000.00
Gas	\$ 0
Public Streets/Sidewalks	\$ 15,000.00

Private Streets	\$	35,000.00
Trails	\$	0
Grading/Dirtwork/Fill	\$	0
Demolition	\$	15,000.00
Other	\$	100,000.00
Total	\$	265,000.00

Soft Costs:

A. Architectural & Engineering Fees:	\$	0
B. Financing Fees:	\$	0
C. Legal	\$	0
D. Developer Fees:	\$	0
E. Audit Fees	\$	0
F. Contingency Reserves:	\$	0
G. Other (Please Specify)	\$	19,800.00
Insurance, real estate taxes, interest, and all other carrying expenses during duration of project)	\$	1,867,800.00
TOTAL	\$	1,867,800.00

Total Estimated Market Value at Completion: \$ 1,200,000.00*

Source for Estimated Market Value _____

Source of Financing:

A. Developer Equity:	\$	315,000.00
B. Commercial Bank Loan:	\$	1,552,800.00
C. Tax Credits:		
1. N.I.F.A.	\$	0
2. Historic Tax Credits	\$	0
3. New Market Tax Credits	\$	0
4. Opportunity Zone	\$	0
D. Industrial Revenue Bonds:	\$	0
E. Tax Increment Assistance:	\$	522,064
F. Enhanced Employment Area	\$	0

G. Nebraska Housing Trust Fund	\$ <u>0</u>
H. Other	\$ <u>0</u>

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

Architect: Stacy Spotanski, 724 W. Hedde Street, #4, Grand Island, NE 68801

Structural Engineer: Mike Splnek, Olsson Associates, 201 E. 2nd Street,
Grand Island, NE 68801

General Contractor: Gabe Corn, Corn Construction, 3122 Brentwood Drive,
Grand Island, NE 68801

Phone and fax numbers available upon request.

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

Project Construction Schedule:

Construction Start Date:

November 4, 2021

Construction Completion Date:

June 4, 2022

If Phased Project:

_____	Year	_____	% Complete
_____	Year	_____	% Complete
_____	Year	_____	% Complete
_____	Year	_____	% Complete
_____	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:

Artisans' Alley LLC is requesting \$522,064.00 in TIF. The TIF will allow the project to cash flow and therefore be a success. These funds are especially important during this time of unexpected price increases and delays in materials.

**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. We are developing this building with the thought in mind to promote business opportunity to both emerging and established professionals. 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:

Artisans' Alley LLC is a new LLC formed between Gabe Coin and Cathryn Sack. If you would like our personal or business tax returns, please request.

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

Rashad Moxey

From: Cathryn Sack <intheblack715@gmail.com>
Sent: Thursday, November 4, 2021 6:21 PM
To: Rashad Moxey
Subject: Re: TIF Bartenbach

This message was sent from outside the company. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe. If you are unsure submit a helpdesk ticket at <https://helpdesk.grand-island.com>

Sorry it's the 11 units. The 12th undecided. The floor plans Kristi used are these with 11 units. Original only had 9 or 10 total.

On Thu, Nov 4, 2021 at 5:34 PM Cathryn Sack <intheblack715@gmail.com> wrote:
Hi Rashad! We are doing 12 units instead of 10.

12B will be above 11b, identical in plan.

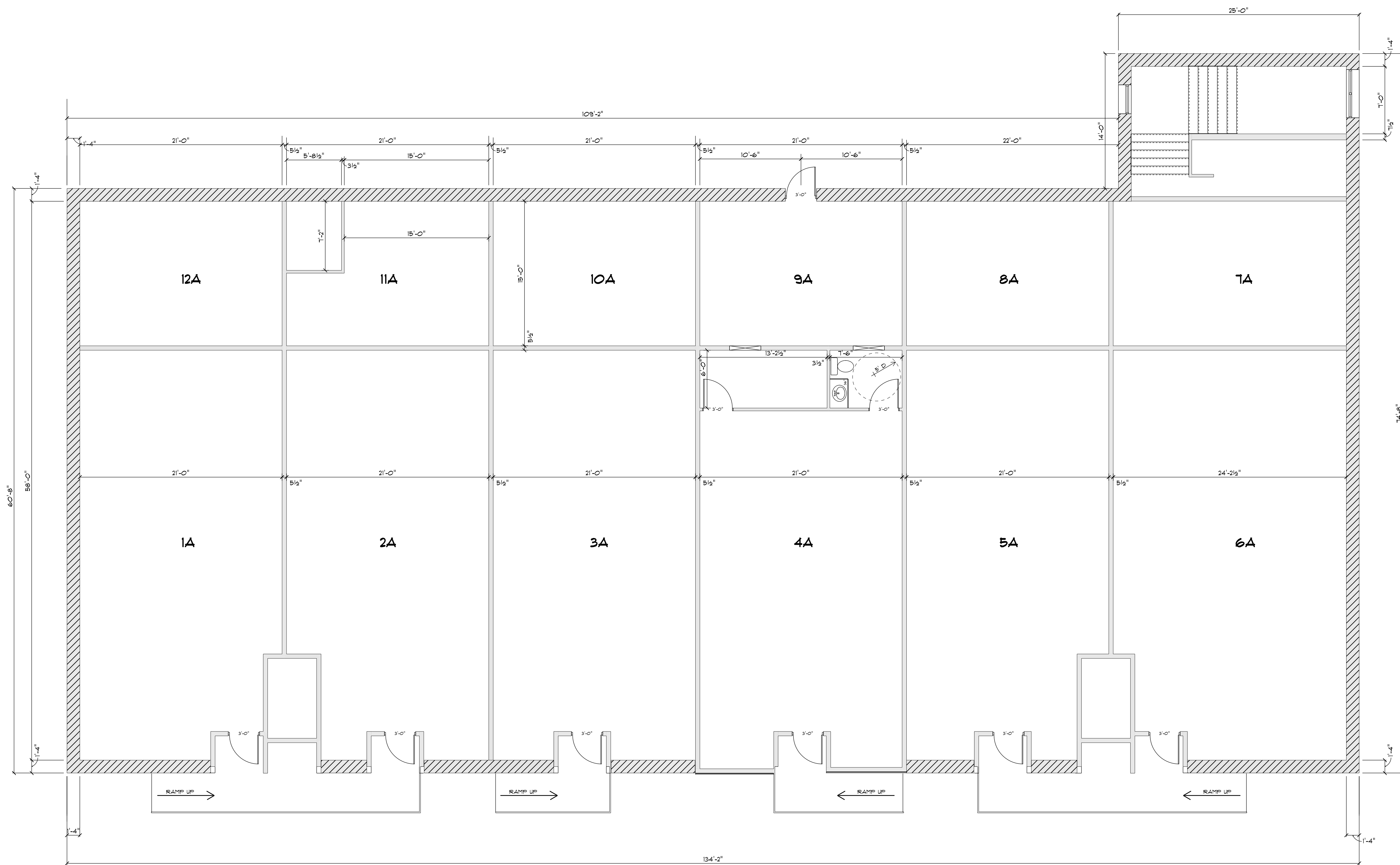
----- Forwarded message -----

From: Cathryn Sack <intheblack715@gmail.com>
Date: Thu, Nov 4, 2021 at 4:25 PM
Subject: Re: TIF Bartenbach
To: Chad Naby <ChadN@grand-island.com>

Ah. Here is also what I have for blueprints.

On Thu, Nov 4, 2021 at 4:13 PM Cathryn Sack <intheblack715@gmail.com> wrote:
Here you are! Have a great weekend!

Catey

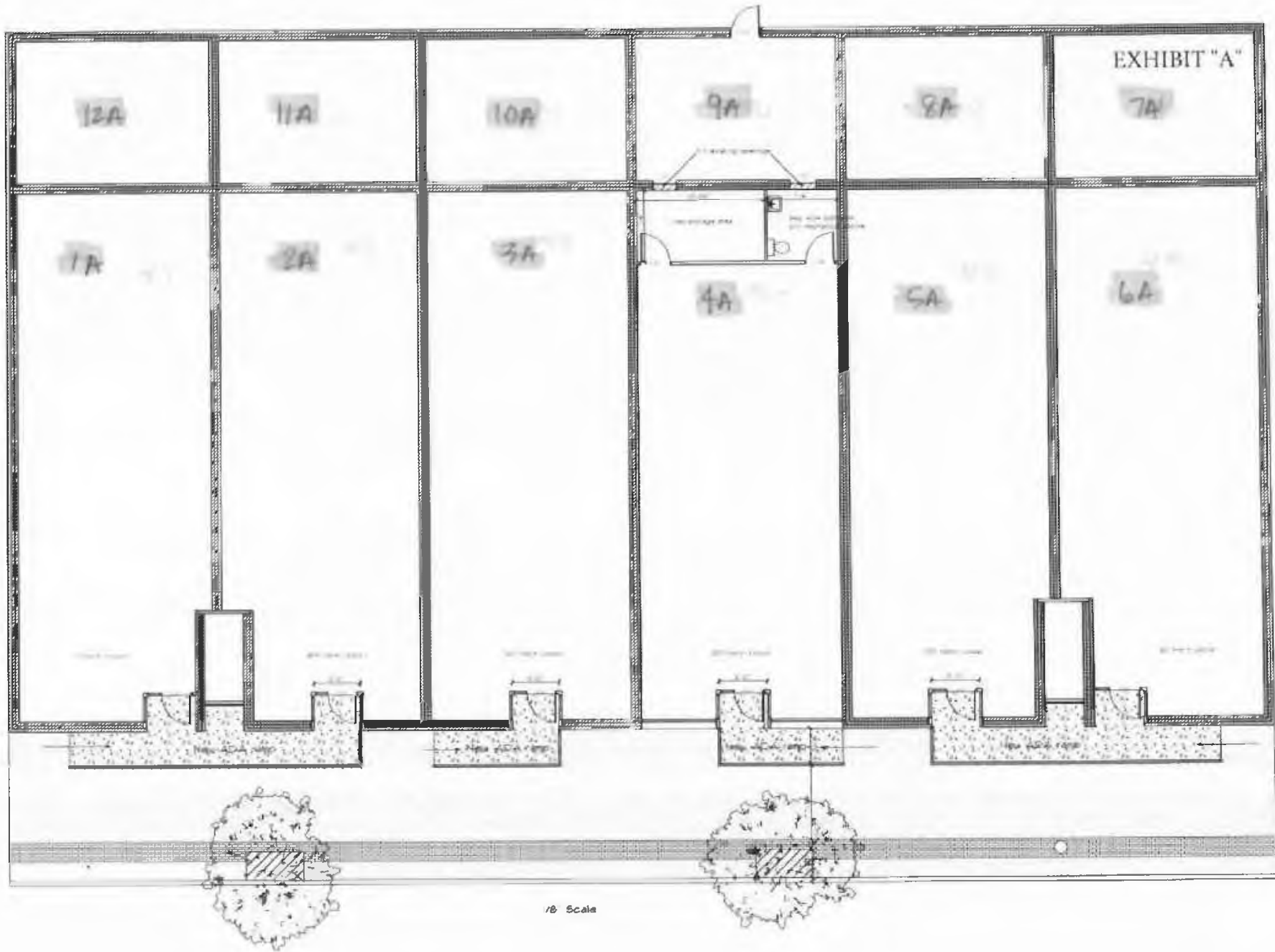


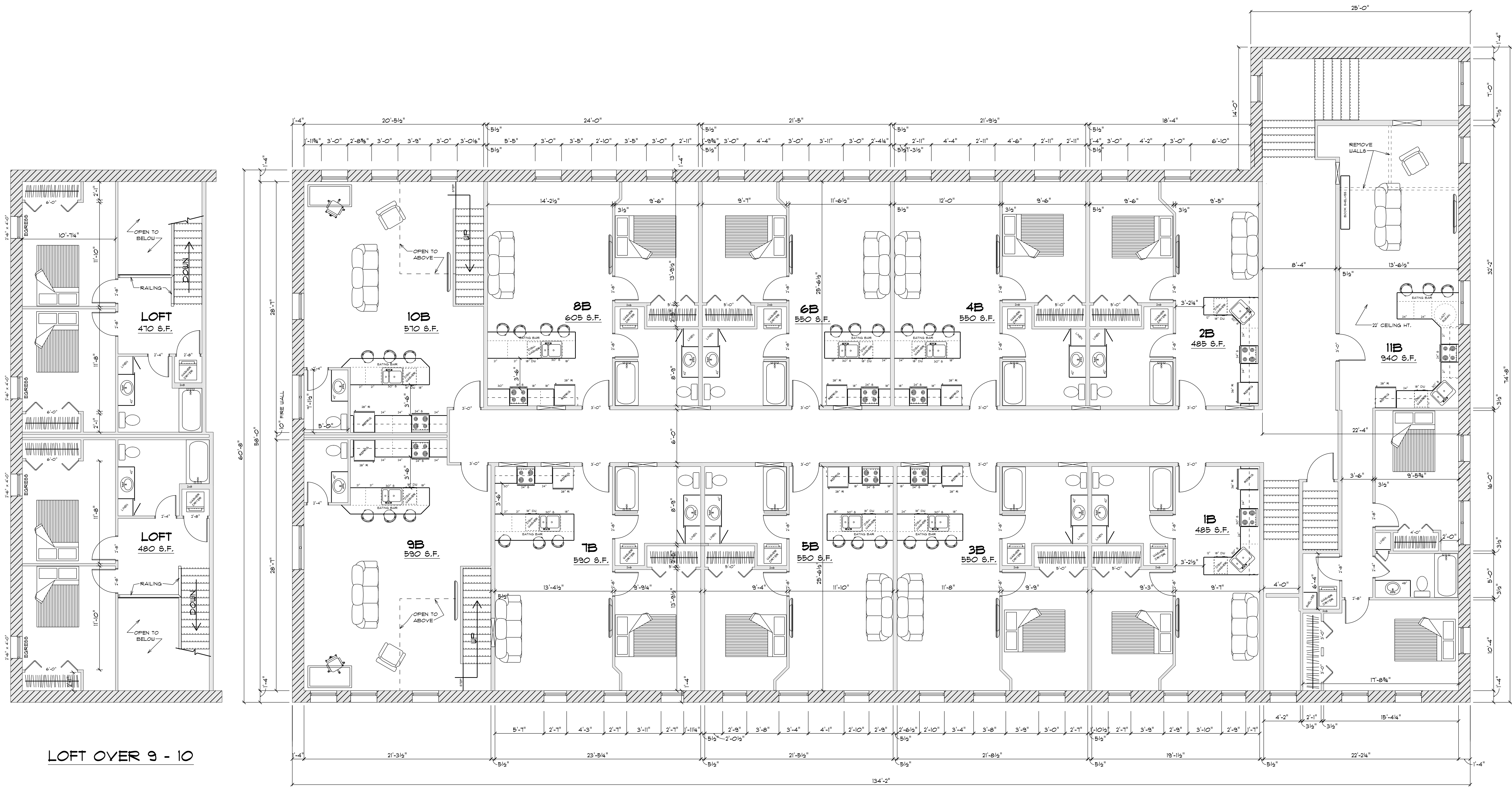
1st FLOOR PLAN
SCALE: 3/16" = 1'-0"

PRELIMINARY PLAN
11-2-21

PROJECT NO.	03-19-21
DRAWN BY	TODD KOOPMAN
DATE	
PROJECT NAME	GABE & CATEY APARTMENTS
LOCATION	GRAND ISLAND, NE
PROJECT NO.	03-19-21
DRAWING NO.	1
DATE	11-2-21
SCALE	3/16" = 1'-0"
PROJECT NAME	GABE & CATEY APARTMENTS
LOCATION	GRAND ISLAND, NE
PROJECT NO.	03-19-21
DRAWING NO.	1
DATE	11-2-21
SCALE	3/16" = 1'-0"

ODKO
ODKO DRAFTING SERVICE
1000 S. 10TH ST. SUITE 100
LINCOLN, NE 68502
PHONE: 402.478.1000
WWW.ODKO.COM





LOFT OVER 9 - 10

2nd FLOOR PLAN
 SCALE: 3/16" = 1'-0"

PRELIMINARY PLAN
 10/19/21
 10/22/21
 10/26/21
 11/22/21



COMMUNITY REDEVELOPMENT AUTHORITY

November 4, 2021

Dr. Ken Schroeder
Chief Financial Officer
Grand Island Public Schools
123 S. Webb Road
P.O. Box 4904
Grand Island, NE 68802-4904

Dear Dr. Schroeder,

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 residential units in the Bartenbach Building in downtown Grand Island.

The application seeks \$296,000 in TIF assistance for the development of the up to 10 units of downtown upper story apartments (8 one bedroom, 1 two bedroom and 1 3 bedroom units). The TIF will be used to support acquisition and rehabilitation of the property. It is estimated that this phase of the project will be completed in 2022. The property is located at 1118 W. 2nd Street.

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

- CRA receives initial application, 4 p.m., November 10.
- Regional Planning Commission holds public hearing 6 p.m., December 1.
- CRA reviews Planning Commission recommendation, 4 p.m. December 2.
- Grand Island City Council holds public hearing and takes action, 7 p.m., January 11.
- CRA considers redevelopment contract, 4 p.m. on or after January 12.

Additional notification will be provided to the school board via certified mail prior to the public hearings before both planning commission and council. Should you have any questions or comments, please call me at (308) 385-5240.

Sincerely,

Chad Nabity, AICP
Director

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

RESOLUTION NO. 370

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY
OF GRAND ISLAND, NEBRASKA, SUBMITTING A PROPOSED
REDEVELOPMENT CONTRACT 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 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 2nd day of December, 2021

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

By 
Chairperson

ATTEST:


Secretary

Bartenbach Building 118 W 2nd-Artisan's Alley LLC-Area 1

COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF GRAND ISLAND,
NEBRASKA

RESOLUTION NO. 371

RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF GRAND ISLAND, NEBRASKA, PROVIDING NOTICE OF INTENT TO ENTER INTO A REDEVELOPMENT CONTRACT 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, from Artisan's Alley LLC, (The "Developer") for redevelopment of the Bartenbach building at 118 W. 2nd Street in 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 2nd day of December, 2021.

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

By 
Chairperson

ATTEST:


Secretary

Bartenbach Building 118 W 2nd-Artisan's Alley LLC-Area 1

Exhibit 1

Legal Description:

The west ½ of Lot 6 and all of Lot 5 of Block 66 Original Town in the City of Grand Island, Hall County, Nebraska.

Bartenbach Building 118 W 2nd-Artisan's Alley LLC-Area 1

Resolution Number 2022-06

HALL COUNTY REGIONAL PLANNING COMMISSION

A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO A REDEVELOPMENT PLAN IN 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 amendment of the Redevelopment Plan for CRA Area 1 requested by Artisan's Alley 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 held a public hearing on the proposed plan on January 5, 2022, and

WHEREAS, the chair or president of Hall County Board, Grand Island School Board, Central Platte Natural Resources District, Educational Service Unit #10 and Central Community College were notified by certified mail of said hearing, and

WHEREAS, the Commission advertised the time, date and location public hearing in the Grand Island Independent on Friday December 17th and Friday December 24th, and

WHEREAS, there are no Neighborhood Associations registered with the City of Grand Island, 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;

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 finding that it is in conformance with the comprehensive development plan (general plan for development) for the City of Grand Island.

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: January 5, 2022

HALL COUNTY REGIONAL PLANNING COMMISSION

ATTEST:

By: _____
Chair

By: Leshi E. Ruge
Secretary

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

RESOLUTION NO. 376

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA; RECOMMENDING APPROVAL OF A REDEVELOPMENT PROJECT OF THE CITY OF GRAND ISLAND, NEBRASKA; APPROVING A COST BENEFIT ANALYSIS FOR SUCH PROJECT; AND APPROVAL OF RELATED ACTIONS

WHEREAS, the Mayor and Council of the City of Grand Island, Nebraska (the “City”), upon the recommendation of the Planning Commission of the City of Grand Island, Nebraska (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), duly declared the redevelopment area legally described on **Exhibit A** attached hereto (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment; and

WHEREAS, pursuant to and in furtherance of the Act, a Redevelopment Plan (the “Redevelopment Plan”), has been prepared by Community Redevelopment Authority of Grand Island, Nebraska, (the “Authority”) pursuant to an application by Aritisan’s Alley LLC. (the “Redeveloper”), in the form attached hereto as **Exhibit B**, for the purpose of redeveloping Redevelopment Area legally described on **Exhibit A**, referred to herein as the Project Area (the “Project Area”); and

WHEREAS, pursuant to the Redevelopment Plan, the Authority would agree to incur indebtedness and make a grant for the purposes specified in the Redevelopment Plan (the “Project”), in accordance with and as permitted by the Act; and

WHEREAS, the Authority has conducted a cost benefit analysis of the Project (the “Cost Benefit Analysis”) pursuant to Section 18-2113 of the Act, a which is included in the Redevelopment Plan attached hereto as **Exhibit B**; and

WHEREAS, the Authority has made certain findings and pursuant thereto has determined that it is in the best interests of the Authority and the City to approve the Redevelopment Plan and approve the Redevelopment Project and to approve the transactions contemplated thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF GRAND ISLAND, NEBRASKA AS FOLLOWS:

Section 1. The Authority has determined that the proposed land uses and building requirements in the Redevelopment Plan for the Project Area are designed with the general purposes of accomplishing, and in conformance with the general plan 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 in 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 provisions 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 communitive 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.

Section 2. The Authority has conducted a Cost Benefit Analysis for the Project, included in the Redevelopment Plan attached hereto as Exhibit B, in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the 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 and have been found to be in the long term best interests of the community impacted by the Project.

Section 3. In compliance with section 18-2114 of the Act, the Authority finds and determines as follows: (a) the Redevelopment Area constituting the Redevelopment Project will not be acquired by the Authority and the Authority shall receive no proceeds from disposal to the Redeveloper; (b) the estimated cost of project acquisition and the estimated cost of preparation for redevelopment including site work, onsite utilities, renovation and related costs are described in detail in Exhibit B attached hereto; (c) the method of acquisition of the real estate shall be by private contract by the Redeveloper and not by condemnation; and (d) the method of financing the Redevelopment Project shall be by issuance of tax increment revenue bond issued in the approximate amount of \$522,064 which shall be granted to the Redeveloper and from additional funds provided by the Redeveloper. No families will be displaced from the Redevelopment Project Area as a result of the project.

Section 4. The Authority hereby recommends to the City approval of the Redevelopment Plan and the Redevelopment Project described in the Redevelopment Plan.

Section 5. All prior resolutions of the Authority in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 6. This resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 12th day of January 2022.

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

ATTEST:

By: 

Chair

By: 

Secretary

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

The West 1/3 of Lot Six (6) and all of Lot Five (5) in Block Sixty-Six (66) in the Original Town, now City of Grand Island, Hall County, Nebraska

EXHIBIT B

FORM OF REDEVELOPMENT PLAN



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-4

Public Hearing on Zoning Change to Property located North of State Street and West of Wheeler Avenue from B2 General Business, R3 Medium Density Residential and R2 Low Density Residential to R3-SL Medium Density Small Lot Residential (Mesner Development Co.)

Council action will take place under Ordinances item F-1.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Naby AICP, Regional Planning Director

Meeting: January 25 2022

Subject: Change of Zoning from B2 General Business, R2 Low Density Residential and R3 Medium Density Residential to R3-SL Medium Density Small Lot Residential

Presenter(s): Chad Naby AICP, Regional Planning Director

Background

The owners of property east of the Five Points Super Saver and north of Blessed Sacrament Church (Ray O'Connor and the Grand Island Catholic Diocese) have requested that their property be rezoned pending a sale to Mesner Development. They are requesting that the property be changed from B2 General Business, R2 Low Density Residential and R3 Medium Density Residential to R3-SL Medium Density Small Lot Residential to accommodate a planned townhouse development at this location.

Discussion

At the regular meeting of the Regional Planning Commission, held January 5, 2022 the above item was considered following a public hearing.

O'Neill opened the public hearing.

Naby stated the plan is a request to rezone for property located north of Blessed Sacrament Church and east of Super Saver. The current zoning on the properties is B-2 General Business, R2 Low Density Residential and R3 Medium Density Residential. The developers, Mesner Development, has submitted plans to build between 64 and 72 townhome style units on the property. The area is planned for either commercial or residential use. The proposal is consistent with the comprehensive plan.

Anita Graf, 2404 N. Locust, Grand Island, NE – Anita Graf stated she was present on behalf of Blessed Sacrament Church and was in favor with the zoning change and project.

Margaret Pickering, 312 W. 18th Street, Grand Island, NE – Margaret Pickering is against the project. Margaret stated her concerns. She said this would basically be in her back yard. Some of the concerns mentioned were safety, amount of traffic and she stated that they have already had property vandalized/stolen at their home south of this project.

Cliff Mesner, 1415 16th Street, Central City, NE – Mr. Mesner stated the townhomes are designed for first time or last time buyers. He explained you will end up with young couples that are starting a family but you will not have a lot of kids in the neighborhood. They have seen very few children in the other communities they have done.

O’Neill closed the public hearing.

A motion was made by Hendrickson and second by Robb to approve a change of zoning for property located north of State and west of Wheeler Avenue from B2 General Business, R3-Medium Density Residential and R-2 Low Density Residential to R3-SL Medium Density Small Lot Residential.

The motion carried with nine members voting in favor (O’Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) and no members voting no.

The memo sent to the planning commission with staff recommendation is attached for review by Council.

Alternatives

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

1. Approve the comprehensive plan amendment and rezoning request as presented
2. Modify the comprehensive plan amendment and rezoning request to meet the wishes of the Council
3. Postpone the issue

Recommendation

City Administration recommends that the Council approve the proposed changes as recommended.

Sample Motion

Move to approve the ordinance as presented.

Agenda Item 6

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

September 24, 2021

SUBJECT: *Zoning Change (C-14-22GI)*

PROPOSAL: The Regional Planning Department staff is recommending a change of zoning be considered for property located north of State Street and west of Wheeler Avenue including 620 W. State Street (located east of 5 Point Super Saver and north of Blessed Sacrament Church. An application has been made to rezone these properties to R3-SL Medium Density Small Lot Residential zone. The current zoning on the properties is B2 General Business, R2 Low Density Residential and R3 Medium Density Residential. The developers, Mesner Development, has submitted plans to build between 64 and 72 townhome style units on the property. The properties are owned by the Catholic Diocese and Ken Ray LLC and under contract for sale to Mesner Development subject to approval of TIF financing and rezoning and subdivision.

OVERVIEW:

Site Analysis

Current zoning designation:

R2- Low Density Residential
R3- Medium Density Residential
B2- General Business

Permitted and conditional uses:

R2- Residential uses at a density of 7 dwelling units per acre with 35% coverage, recreational uses, religious uses and limited non-profit and institutional uses along with agricultural uses.

R3- Residential uses at a density of 14 dwelling units per acre with 50% coverage, recreational uses, religious uses non-profit and institutional uses along with agricultural uses.

B2- Commercial and office uses, institutional, non-profit and religious uses, along with residential uses at a density of 42 dwelling units per acre with up to 100% coverage less required landscaping,.

Comprehensive Plan Designation:

General Commercial (east of Super Saver to the church)
Low to Medium Density Residential (north of the church)

Existing land uses.

Vacant Property

Proposed Zoning Designation

R3-SL Medium Density Small Lot Residential Zone

Intent of zoning district:

R3-SL: The intent of this zoning district is to provide for residential uses at a maximum density of fourteen to fifteen

dwelling units per acre with supporting community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing zones. Specifically this zoning is intended to provide market flexibility regarding lot size and housing configuration.

Permitted and conditional uses: R3-SL: Residential uses at a density of 14 to 15 units per acre on smaller lots than otherwise allowed dwelling units (Row houses if planned for with the plat may exceed the 15 units per acre) with 50% coverage, recreational uses, religious uses non-profit and institutional uses along with agricultural uses.

Adjacent Properties Analysis

Current zoning designations:

North: RD- Residential Development Zone

B2- General Business

East: R2- Low Density Residential Zone,

South: R2- Low Density Residential Zone,

R3- Medium Density Residential Zone

West: B2- General Business

Intent of zoning district:

RD- The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use

R2: The intent of this zoning district is to provide for residential neighborhoods at a maximum density of seven dwelling units per acre with supporting community facilities.

R3: The intent of this zoning district is to provide for residential uses at a maximum density of fourteen to fifteen dwelling units per acre with supporting community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing zones.

B2: The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.

Permitted and conditional uses:

RD- Any uses found in the regular residential zoning districts at densities of up to 43 units per acre except those uses that are specifically excluded (rail right of way, truck bush farming, boarding and lodging houses, non-profit community buildings and social welfare establishments providing living accommodations). Up to 30% of the area of the RD zone may be covered with buildings as approved with the development plan.

R2- Residential uses at a density of 7 dwelling units per acre with 35% coverage, recreational uses, religious uses and limited non-profit and institutional uses along with agricultural uses.

R3- Residential uses at a density of 14 dwelling units per acre with 50% coverage, recreational uses, religious uses non-profit and institutional uses along with agricultural uses.

B2- Commercial and office uses, institutional, non-profit and religious uses, along with residential uses at a density of 42 dwelling units per acre with up to 100% coverage less required landscaping.

Existing land uses:

North: Residential (Holiday Garden Apartments)

South: Blessed Sacrament Church and parking lot and residential single family homes

East: Residential single family homes

West: Commercial Super Saver and Five Points Bank

EVALUATION:

Positive Implications:

- *Consistent with the City's Comprehensive Land Use Plan:* The subject property is designated for General Commercial near the Super Saver at the west side of the property and low to medium density residential north of Blessed Sacrament. All standard commercial districts in Grand Island allow residential uses by right.
- *Consistent with the existing development in the neighborhood:* The proposed changes allow for a transition between the commercial on the west and the apartments to the north. property is near a high volume corridor; the proposal will act as traffic barrier for residential neighborhoods.
- *Walkable Communities:* The proposal will create residential uses in a mixed-use neighborhood across from a city park, next to a grocery store with a deli and pharmacy and next to a church. There are other churches, shopping and personal services within a 10 minute walk from this site.
- *Consistent with existing uses:* This change is consistent with the existing uses in the area.

Negative Implications:

- *None foreseen.*

Other Considerations

This proposal is consistent with the 2004 comprehensive plan. The proposed property has been designated possible commercial and residential uses as shown below on the Future Land Use Map for the City of Grand Island.

RECOMMENDATION:

That the Regional Planning Commission recommends that the Grand Island City Council change the zoning on this site to R3-Medium Density Small Lot Residential.

_____ Chad Nabity

Proposed Zoning Change Future Landuse Map

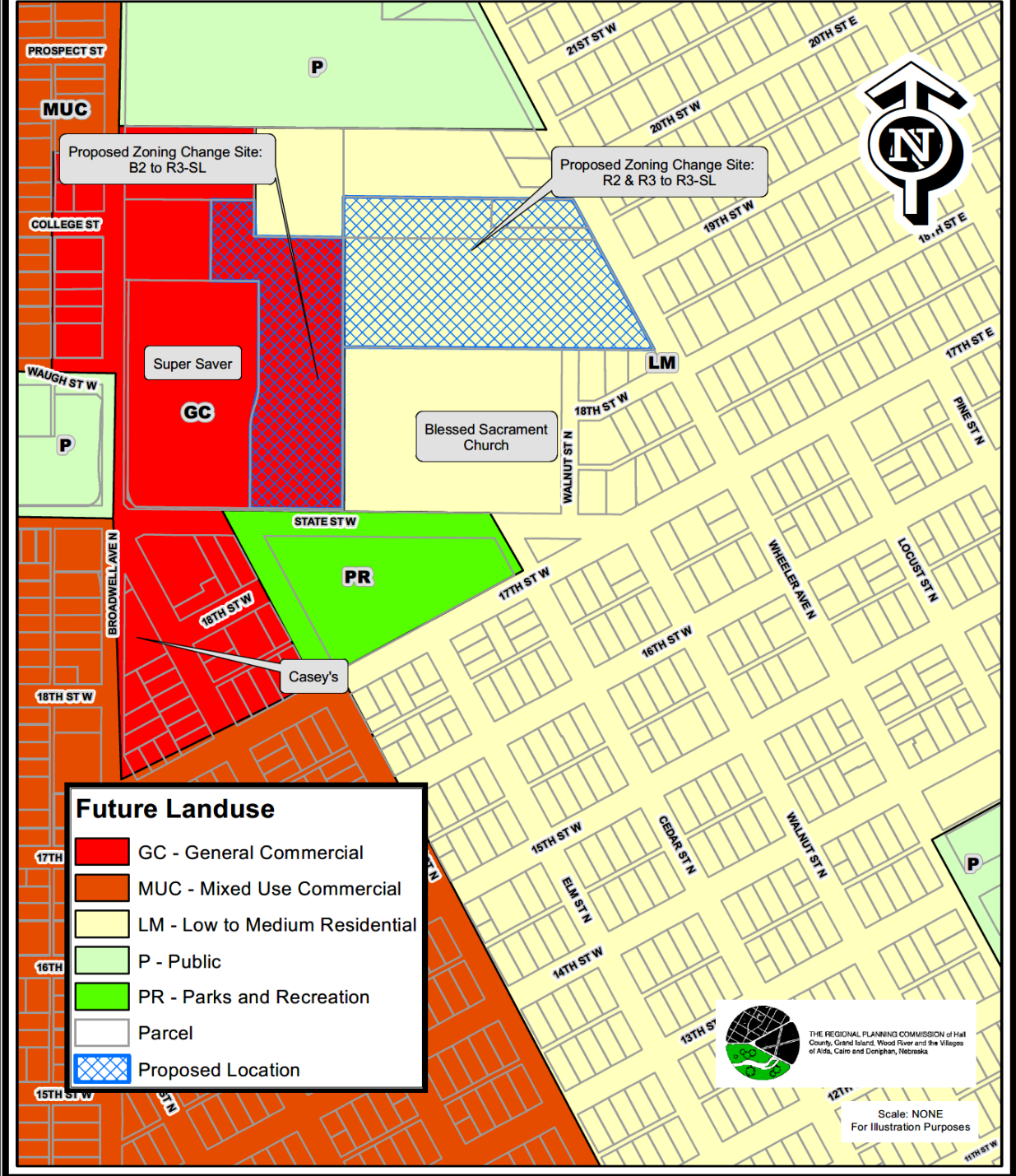


Figure 1 Future Land Use Map from the Grand Island Comprehensive Plan



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-5

**Public Hearing on Zoning Change to Property located at 641
Cherry Street from RD Residential Development to R3 Medium
Density (John Nikodym)**

Council action will take place under Ordinances item F-2.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Naby AICP, Regional Planning Director

Meeting: January 25, 2022

Subject: Change of Zoning from RD Residential Development Zone to R3 Medium Density Residential

Presenter(s): Chad Naby AICP, Regional Planning Director

Background

John Nikodym representing JNIK, LLC the owners of Lot 2 of Nikodym Second Subdivision is requesting that the zoning on property be changed from RD Residential Development Zone to R2 Medium Density Residential. This property was change from CD Commercial Development Zone to RD Residential Development Zone in January of 2020. When that change was made there were no plans for development of this property and council limited development on the property to agricultural uses until such time as a plan for development was brought forward. Mr. Nikodym is bringing forward a plan to create streets connecting Cherry Street and Bismark Road along with the development of 47 lots intended for single family detached and attached housing and duplexes.

Discussion

At the regular meeting of the Regional Planning Commission, held January 5, 2022 the above item was considered following a public hearing.

O'Neill opened the public hearing

Naby stated property is located around the old Super Bowl building. They are proposing to create 47 lots for residential development. The proposed development will provide a developed buffer between the apartments to the north and the houses south of Bismark. Staff is recommending approval.

No member of the pubic spoke during the hearing. Mr. Nikodym was available for questions.

O'Neill closed the public hearing

A motion was made by Ruge and second by Randone to approve the change of zoning for property located east of Cherry Street and north of Bismark Road from RD Residential Development Zone to R3- Medium Density Residential.

The motion carried with nine members voting in favor (O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) and no members voting no.

The memo sent to the planning commission with staff recommendation is attached for review by Council.

Alternatives

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

1. Approve the comprehensive plan amendment and rezoning request as presented
2. Modify the comprehensive plan amendment and rezoning request to meet the wishes of the Council
3. Postpone the issue

Recommendation

City Administration recommends that the Council approve the proposed changes as recommended.

Sample Motion

Move to approve the ordinance as presented.

Agenda Item 7

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 27, 2021

SUBJECT: *Zoning Change (C-15-22GI)*

PROPOSAL: The Regional Planning Department staff is recommending a change of zoning be considered for property located east of Cherry Street and north of Bismark Road at 641 S. Cherry Street (Lot 2 of Nikodym Second Subdivision). An application has been made to rezone this property from **RD** Residential Development to **R3** Medium Density Residential Zone. This property was rezoned from **CD** Commercial Development to **RD** in June of 2020. At that time the owners had no plans for this property and agreed to limit development until such time as a plan was approved by Council. They are now bringing forward a plan for development that includes 47 residential lots on the 13.35 acres fronting on to a 37' public street with all lots served by sewer and water.

OVERVIEW:

Site Analysis

Current zoning designation: **RD-** Residential Development Zone

Permitted and conditional uses: **RD-** Any uses found in the regular residential zoning districts at densities of up to 43 units per acre except those uses that are specifically excluded (rail right of way, truck bush farming, boarding and lodging houses, non-profit community buildings and social welfare establishments providing living accommodations). Up to 30% of the area of the RD zone may be covered with buildings as approved with the development plan.

Comprehensive Plan Designation: Recreational (Based on the former use as an entertainment center) that use has been gone for 2 years.

Existing land uses. Vacant Property

Proposed Zoning Designation **R3-** Medium Density Residential

Intent of zoning district: **R3:** The intent of this zoning district is to provide for residential uses at a maximum density of fourteen to fifteen dwelling units per acre with supporting community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing zones.

Permitted and conditional uses: **R3-** Residential uses at a density of 14 dwelling units per acre with 50% coverage, recreational uses, religious uses non-profit and institutional uses along with agricultural uses.

Adjacent Properties Analysis

Current zoning designations:

North: RD – Residential Development Zone
West: R2- Low Density Residential, **CD:** Commercial Development Zone
South: RD – Residential Development Zone and R1- Suburban Density Residential
East: B2- General Business Zone,

Intent of zoning district:

R2: The intent of this zoning district is to provide for residential neighborhoods at a maximum density of seven dwelling units per acre with supporting community facilities.

R1- The intent of this zoning district is to provide for residential neighborhoods at a maximum density of four dwelling units per acre with supporting community facilities.

B2: The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.

RD- The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use.

CD- The intent of this zoning district is to permit a more flexible regulation of land use so as to more fully implement comprehensive planning for large parcels of land proposed for commercial use.

Permitted and conditional uses:

R2- Residential uses at a density of 7 dwelling units per acre with 35% coverage, recreational uses, religious uses and limited non-profit and institutional uses along with agricultural uses.

R1- Residential uses at a density of 4 dwelling units per acre with 30% coverage, recreational uses, religious uses and limited non-profit and institutional uses along with agricultural uses.

RD- Any uses found in the regular residential zoning districts at densities of up to 43 units per acre except those uses that are specifically excluded (rail right of way, truck bush farming, boarding and lodging houses, non-profit community buildings and social welfare establishments

providing living accommodations). Up to 30% of the area of the RD zone may be covered with buildings as approved with the development plan. (The Cherry Park Apartments and East Park on Stuhr Apartments are generally at a density similar to the R3 zoning district.)

B2- Commercial and office uses, institutional, non-profit and religious uses, along with residential uses at a density of 42 dwelling units per acre with up to 100% coverage less required landscaping.

CD- Commercial retail, recreational and office uses, institutional uses, and non-profit uses covering up to 50% of the planned area with buildings.

Existing land uses:

North: Residential (Apartments)

South: Residential

East: Agricultural/Residential

West: Residential and Limited Commercial

EVALUATION:

Positive Implications:

- *Consistent with the City's Comprehensive Land Use Plan:* The subject property is designated for recreational uses based on the previous use. The mix of residential in the area would support this medium density zoning between the apartments to the north and the larger single family lots south of Bismark.
- *Consistent with the existing residential development:* This proposed development will provide a developed buffer between the apartments to the north and the houses south of Bismark.
- *Consistent with existing uses:* This change is consistent with the existing uses in the area.

Negative Implications:

- *None foreseen.*

Other Considerations

Development of this property was limited by Council until such time as the owner brought forward a plan for development. The proposed plan for 47 lots fronting onto a 37' city street connecting Cherry and Bismark with most of the lots sized appropriately development of duplexes and single family homes is appropriate for the area.

RECOMMENDATION:

That the Regional Planning Commission recommends that the Grand Island City Council change the zoning on this site from RD – Residential Development Zone to R3- Medium Density Residential.

_____ Chad Nabity

Proposed Zoning Change Future Landuse Map

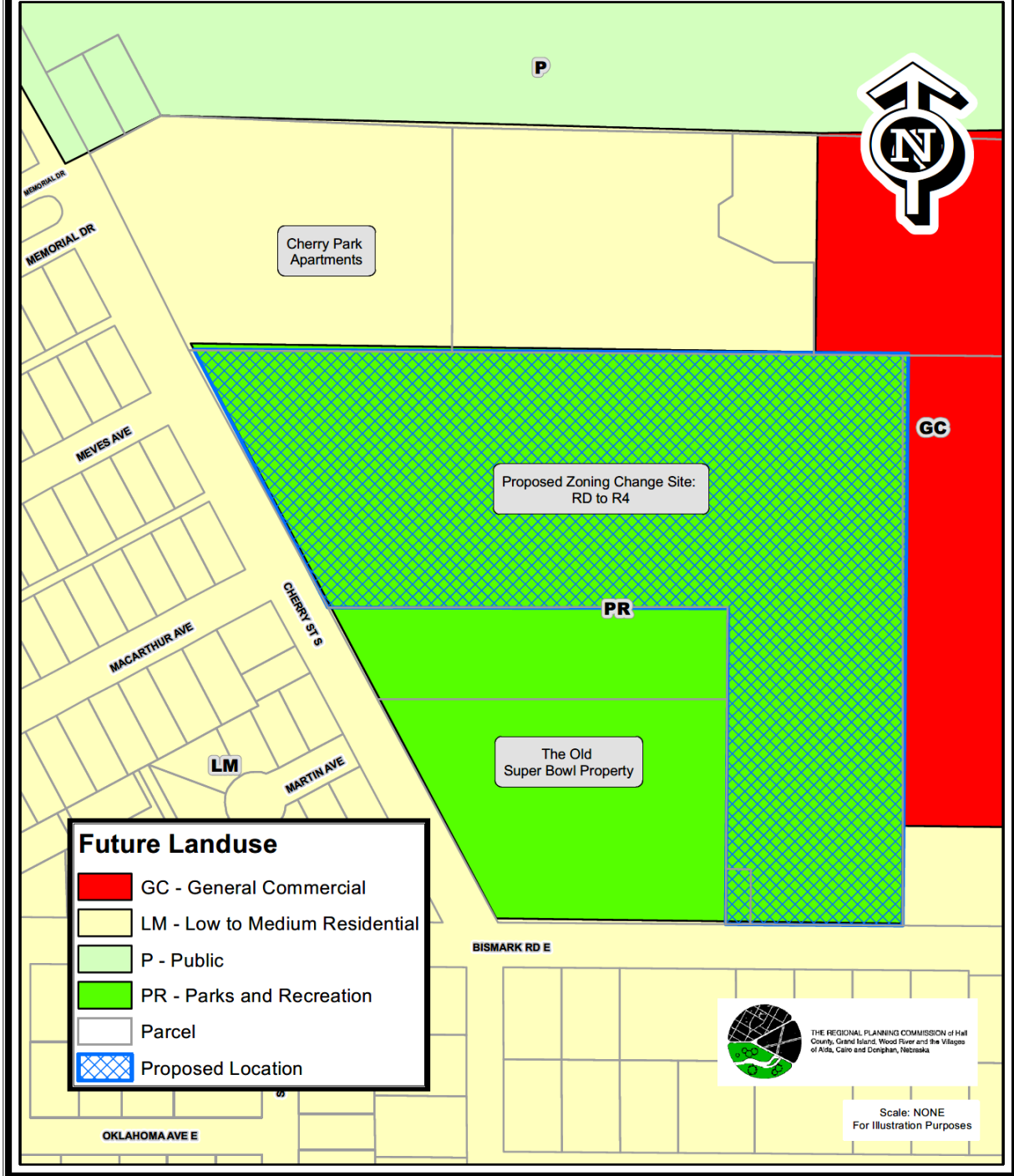


Figure 1 Future Land Use Map from the Grand Island Comprehensive Plan



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-6

Public Hearing on Changes to Chapter 36 of the Grand Island City Code Relative to 36-26; Permitted Obstruction in Required Yards, 36-76; Commercial Development Zone, 36-77; TD Travel Development, 36-78; RD Residential Development Zone and 36-96; Off Street Parking

Council action will take place under Ordinances item F-4.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: January 25, 2022

Subject: Concerning proposed amendments to Section 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking

Presenter(s): Chad Nability, AICP Planning Director

Background

Staff has been reviewing the Grand Island Zoning Regulations and is suggesting changes to several sections as outlined below and in the ordinance that will provide better direction to both staff and the general public dealing with these section of the code. Some changes such as those to 36-26 have been a common practice as a matter of course for years since escape windows are part of the building code for residences with basement rooms. This code requirement was added and adopted by the City but it wasn't until recently that it was discovered that this common practice was not granted an exception in the zoning regulations. Similarly the interpretations of the buffer yard and landscaping in the CD and RD zones has generally excluded interior property lines but that is not apparent from a strict reading of the ordinance as written. Staff presented the proposed changes to the parking regulation to the Planning Commission in November and as a group they indicated that we should move forward with the proposed changes and prepare them for consideration by Council. All of these changes are before the Council with this ordinance.

Discussion

The proposed changes are attached with the memo sent to the planning commission. ~~Strikeouts~~ will be removed from the regulation and underlined will be added to the regulations. All changes are shown in red typeface in the proposed ordinance. The proposed changes to 36-26 would allow escape windows as an allowable projection into a setbacks. The changes to 36-76 would change the buffer yard requirements for internal lot line and right of way when the adjoining property is zoned either CD or RD and allow residential uses in the CD zone. The changes to 36-77 would add recreational centers and sports fields to the current conditional uses. The changes to 36-78 would change the buffer yard requirements for internal lot line and right of way when the adjoining property is zoned either CD or RD zone and clean up some language with the listed

zoning districts. The changes to 36-96 would impact parking requirements for collective parking serving both residential and commercial properties in certain neighborhoods.

A complete copy of the proposed changes is included as an attachment to this memo and in the ordinance.

From the January 5, 2022 Regional Planning Commission Meeting Minutes:

Public Hearing – Proposed Changes to Zoning Ordinance – Grand Island - Public Hearing to consider changes to 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-76 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking (C-09-22GI)

Chairman O’Neill opened the public hearing.

Nabity stated the building department has asked to bring forward the proposed changes to 36-26 to allow escape windows as an allowable projection into a setback. It is required in the building code when complying rooms in basement. Nabity also stated the changes to 36-76 Commercial Development Zone, 36-76 and 36-78 RD Residential Development Zone would change the buffer yard requirements for internal lot line and right of way when the adjoining property is zoned either CD or RD and allow residential uses in the CD zone. The changes to 36-77 would add recreational centers and sports fields to current conditional uses. The changes to 36-96 would make new provisions for collective parking facilities that serve both residential and commercial properties by allowing a reduction of up to 25% of the required commercial spaces under certain conditions. The changes to the parking were discussed with the Planning Commission at the November 2021 meeting and the Commission recommended bring them back for consideration and potential approval.

No members of the public spoke at the hearing.

Chairman O’Neill closed the public hearing.

A motion was made by Olson and second by Ruge to approve the changes to the Zoning Ordinance 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-76 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking.

The motion carried with nine members voting in favor (O’Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) and no members voting no.

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 proposed changes as presented.

Sample Motion

Move to approve as recommended.

§36-25. Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

(A) All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys and window wells projecting twenty-four (24) inches window wells for escape windows thirty-six (36) inches or less into the yard; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.

(B) Front Yards: Bay windows projecting three (3) feet or less into the yard are permitted.

Rear and Side Yards: Open off-street parking spaces or outside elements of central air conditioning systems.

(C) Building Groupings: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

§36-76. (CD) Commercial Development Zone

(A) Intent: The intent of this zoning district is to permit a more flexible regulation of land use so as to more fully implement comprehensive planning for large parcels of land proposed for commercial use.

(B) Boundaries: The boundaries of the (CD) Commercial Development Zoning District shall be fixed by amendment of the Official Zoning Map, at such times in the future as such district is applied to properties within the City's zoning jurisdiction.

(C) Limitations:

(1) In a (CD) Commercial Development Zoning District, there shall be provided a minimum size of 1.5 acres

(2) Any proposed development shall be constructed in accordance with an overall plan of development.

(3) Any proposed plan of development shall be designed as a single architectural scheme with appropriate common landscaping

(4) Adequate parking space shall be provided for all employees', visitors', and users' vehicles, and such parking, loading or service areas that shall be used for motor vehicles shall be located within the boundary lines of the (CD) Commercial Development Zoning District and shall be physically separated from any public street, right-of-way or property line by a buffer strip of not less than 30 feet along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(5) No building or other permanent structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(6) The maximum ground coverage shall not exceed 50% of each site within the (CD) Commercial Development Zoning District.

(7) The minimum off-street parking requirement shall be provided as defined in this chapter of the city code.

(D) Ownership: A (CD) Commercial Development Zoning District shall require a tract of land which is developed as a unit under single ownership or control, or which is under single designated control by a common ownership at the time it is certified as a (CD) Commercial Development Zone.

(E) Permitted Uses:

(1) Public and quasi-public buildings for cultural use

(2) Nonprofit community buildings and social welfare establishments

(3) Radio and television stations (no antennae), and meeting halls

(4) Offices and office buildings

(5) Stores and shops for the conduct of retail business, provided, all activities and displays of goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open.

(6) Retail uses as found in the Zoning Matrix [Attachment A hereto]

(7) Agencies as found in the Zoning Matrix [Attachment A hereto]

(8) Shops as found in the Zoning Matrix [Attachment A hereto]

(9) Motel and hotel uses.

(10) Residential uses with the largest percentage at least 75% above the ground level.

(11) Other uses as found in the Zoning Matrix [Attachment A hereto]

(F) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (CD) Commercial Development Zoning District as approved by City Council.

(1) Towers

(G) Permitted Accessory Uses:

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

(H) Procedure:

(1) An application to amend the Official Zoning Map to establish a CD-Commercial Development Zone shall be initiated in the manner prescribed in Article X of this chapter.

(2) Said application shall be filed with the city clerk in such form as shall be required by the city council, and shall be accompanied by the following information:

(a) Site plan showing preliminary location and dimensions of all building areas, recreation, green or landscaped areas, parking and loading facilities, walkways or malls, screen walls, or plantings, waste disposal areas, illumination facilities, signs, curb cuts, utilities and service, private or dedicated drives or streets, etc.

(b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be so determined.

(c) Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.

(d) Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.

(e) Evidence of ownership or control of the entire parcel to be used as a planned unit development by a single person, association, firm, etc., as defined herein.

(f) Evidence of economic feasibility: a copy of such application and supplementary information shall then be forwarded by the city clerk to the Planning Commission for review, hearing, and recommendation.

(3) In reviewing the application for amendment, the Planning Commission shall determine the following factors:

(a) That the proposed development will be in the public interest, in harmony with the purpose of this chapter and with comprehensive development plans for the City and will not adversely affect nearby property.

(b) That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.

(c) That the development to be permitted shall be for the purpose of developing an integrated site plan in conformity with the regulations for a CD-Commercial Development Zone.

(4) The Planning Commission shall hold a public hearing on the proposed amendment and shall transmit its recommendation to the city council; a copy of the recommendation shall be sent to the applicant and one copy shall be retained in the permanent files of the Planning Commission.

(5) Procedure and action by the city council shall be the same as considering an amendment to a (CD) Commercial Development Zoning District as in Article X of this chapter.

(I) Miscellaneous Provisions:

(1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of the subdivision regulations for both the preliminary and final plat and that approval for plans and plats be considered simultaneously.

(2) The approved and filed final plan and plat shall be the basis for issuance of a building permit in conformity therewith; the initial building permit shall include as a minimum 50% of the main building or structure; free-standing subordinate buildings shall not be included in the initial permit and shall not receive a permit until the initial permit phase is over 50% constructed; plan changes which increase the number of buildings, increase building height or bulk, or change the location of buildings or other features which materially affect the basic design of the development shall require resubmission of the amendment. Minor adjustments in orientation, height or bulk of buildings, or decrease in number of buildings shall be approved by the Planning Director.

(3) Should any successful applicant for an amendment hereunder fail to have completed the construction of the footings and foundations for the initial building permit within eighteen (18) months after the city council shall approve a rezoning to a (CD) Commercial Development Zoning District, the area in its entirety shall be reverted to its former zoning classification by appropriate action of the city council, provided, that the city council shall have the power to extend said period by six (6) months in the event of special and unique hardships and circumstances.

(4) Control of the development following completion:

- (a) The chief building official shall issue a certificate certifying the completion of the planned development, and shall note the issuance of the certificate on the final development plan.
- (b) After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the (CD) Commercial Development Zoning District will be governed by the approved final development plan exclusively.
- (c) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:
 - (i) Any minor extensions, alterations, or modifications of existing buildings or structures shall be authorized by the Planning **Director Commission** if they are consistent with the purposes and intent of the final plan; no change authorized by this subsection may increase the density of any building or structure by more than ten percent.
 - (ii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under subsection (iii) hereof.
 - (iii) All other changes in the final development plan as approved by the city council must be made by the city council under the procedures authorized under Article X for amendment of the Official Zoning Map; no changes may be made in the final development plan unless they are found by the city council to be required for the continued successful functioning of the commercial development, or unless they are found by the city council to be required by changes in conditions that have occurred since the final plan was improved or by changes in the comprehensive planning and development policy of the City.

§36-77. (TD) Travel Development Zone

Intent: The intent of this zoning district is to provide for only those trade and service uses in connection with federal interstate highway interchanges as are needed and considered appropriate to the location.

(A) Permitted Principal Uses:

- (1) Motels and/or hotels
- (2) Restaurants and cafes, with or without drive-in facilities
- (3) Lounges and/or taverns
- (4) Automobile service stations and truck service centers
- (5) Automobile and truck wash
- (6) Billboards
- (7) Other uses as found in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (TD) Travel Development Zone as approved by City Council.

- (1) Utility substations
- (2) Motor home and travel trailer parks and camping facilities
- (3) Recreational uses such as amusement parks, miniature golf courses, exhibition halls and centers, **recreation centers and sports fields**
- (4) Towers

(C) Permitted Accessory Uses:

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

(D) Specifically Excluded Uses:

- (1) Any residential use except quarters for management within the principal building

(E) Space Limitations:

Uses	Minimum Setbacks						Maximum Ground Coverage	Maximum Building Height (feet)
	A	B	C	D	E			
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
Permitted Uses	40,000	200	50	20	10	50	60%	50

Conditional Uses	40,000	200	50	20	10	50	60%	50
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¹with 15 feet adjacent to a street landscaped to satisfaction of the zoning official.

(F) Miscellaneous Provisions:

- (1) Landscaping shall be provided in the entire area of all required front yards except for necessary paving of walkways and of driveways to reach parking and loading areas in the side or rear yards, provided, that any driveways in the front yard shall not be wider than 30 feet. Landscaping shall include but is not limited to screen plantings, lawn area, pools, trees, shrubs, fences, and walls. Crushed rock, gravel, bark chips shall not substitute for lawn area. Landscaping shall be provided within two years of issuance of the occupancy permit for the principal structure and thereafter be properly maintained.
- (2) Supplementary regulations shall be complied with as defined herein.
- (3) Only one principal building shall be permitted on one zoning lot, except as otherwise provided herein.

§36-78. (RD) Residential Development Zone

(A) Intent: The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use.

(B) Boundaries: The boundaries of RD-Residential Development Zone shall be fixed by amendment of the Official Zoning Map at such times in the future as such zoning district is applied to properties within the City's zoning jurisdiction.

(C) Limitations:

- (1) In a (RD) Residential Development Zone there shall be provided a minimum size of 1.5 acres.
- (2) Any proposed development shall be constructed in accordance with an overall plan of development.
- (3) Any proposed plan of development shall be designed as a single architectural scheme with appropriate common landscaping.
- (4) Adequate parking space shall be provided for all residential units and for all employee's, visitor's, and user's vehicles, and such parking, loading, or service areas that shall be used for motor vehicles, and shall be located within the boundary lines of the (RD) Residential Development Zone, and shall be physically separated from any public street, right-of-way, or property line by a buffer strip of not less than 30 feet *along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.*
- (5) No residential building or other permanent residential structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line *along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.*
- (6) The maximum ground coverage shall not exceed 30 percent of the property within the (RD) Residential Development Zone.
- (7) The minimum off-street parking requirement shall be two parking spaces for every dwelling unit, plus one for each full-time employee.
- (8) In the alternative to complying with the 30 foot buffer strip or setback as identified in subsections (4) and (5) above, a ten (10) foot wide landscaped *screen buffer compliant with the installation requirements with plantings of at least 2 understory or ornamental trees and 3 shrubs per 100 foot or fraction thereof of exterior street frontage or property line approved as part of the development plan. of Section 36-102 shall be followed.*

(D) Ownership: A (RD) Residential Development Zone shall require a tract of land which is developed as a unit under single designated control by a common ownership at the time it is certified as an (RD) Residential Development Zone.

(E) Permitted Principal Uses: The following principal uses are permitted in the (RD) Residential Development Zone.

- (1) Uses as listed under permitted principal uses of the ~~(TA) Transitional Agricultural Zone~~ *(LLR) Large Lot Residential Zone*, (R-1) Suburban Residential Zone, (R-2) Low Density Residential Zone, (R-3) Medium Density Residential Zone, *(R3-SL) Medium Density Small Lot Residential Zone*, and (R-4) High Density Residential Zone except as listed under specifically excluded uses.

(2) Nonprofit community buildings and social welfare establishments other than those providing living accommodations.

(3) All other Permitted Principal Uses indicated as permitted within the Zoning Matrix [Attachment A hereto].

(F) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (RD) Residential Development Zone as approved by City Council.

(1) Towers

(2) Nursing, convalescent & rest home services

(3) Residential assisted living, retirement or assisted living

(4) All other Conditional Uses indicated as permitted within the Zoning Matrix [Attachment A hereto]

(G) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal use

(H) Specifically Excluded Uses:

(1) Railway right-of-way, including railway yards or facilities.

(2) Truck, bush, and tree farming.

(3) Boarding and lodging housing.

(4) Nonprofit community buildings and social welfare establishments providing living accommodations.

(5) Nonresidential uses.

(I) Procedure:

(1) An application to establish a (RD) Residential Development Zone shall be initiated in the manner prescribed in Article X of this chapter.

(2) Said application shall be filed with the city clerk in such form as shall be required by the city council and shall be accompanied by the following information:

(a) Site plan showing preliminary location and dimensions of all building areas, recreation, green or landscaped areas, parking and loading facilities, walkways or malls, screen walls, or plantings, waste disposal areas, illumination facilities, signs, curb cuts, utilities and services, private or dedicated drives or streets, etc.

(b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be determined.

(c) Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.

(d) Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.

(e) Evidence of ownership or control of the entire parcel to be used as a planned unit development by a single person, association, firm, etc., as defined herein.

(f) Evidence of economic feasibility. A copy of such application and supplementary information shall then be forwarded by the city clerk to the Planning Commission for review, hearing, and recommendation.

(3) In reviewing the application for amendment herein, the Planning Commission shall determine the following factors.

(a) That the proposed development will be in the public interest, in harmony with the purpose of this chapter and with comprehensive plans for the City, and will not adversely affect nearby property.

(b) That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.

(c) That the development to be permitted shall be for the purpose of developing an integrated site plan in conformity with the regulations for a (RD) Residential Development Zone.

(4) The Planning Commission shall hold a public hearing on the proposed amendment and shall transmit its recommendation to the city council. A copy of the recommendation shall be sent to the applicant and one copy shall be retained in the permanent files of the Planning Commission.

(5) Procedure and action by the city council shall be the same in considering an amendment to the (RD) Residential Development Zone as in Article X of this chapter.

(J) Miscellaneous Provisions:

(1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of Chapter 33 of this code for both the preliminary and final plat, and that approval for plans and plats be considered simultaneously.

(2) The approved and filed final plan and plat shall be the basis for issuance of a building permit in conformity therewith. Plan changes which increase the number of buildings, increase building height or bulk, or change the location of buildings or other features which materially affect the basic design of the development shall require

resubmission of the amendment. Minor adjustments in orientation, height or bulk of buildings, or decrease in the number of buildings may be approved by the Planning Director.

(3) Should any successful applicant for an amendment hereunder fail to have completed the construction of the footings and foundations for the initial building permit within eighteen (18) months after the city council shall approve a rezoning to a (RD) Residential Development Zone, the area in its entirety shall be reverted to its former zoning classification by appropriate action of the city council, provided, that the city council shall have the power to extend said period by six months in the event of special and unique hardships and circumstances.

(4) Control of the development following completion:

(a) The chief building official shall issue a certificate certifying the completion of the planned development, and shall note the issuance of the certificate on the final development plan.

(b) After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the residential development will be governed by the approved final development plan exclusively.

(c) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below.

(i) Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Director if they are consistent with the purposes and intent of the final plan. No change authorized by this subsection may increase the density of any building or structure by more than ten percent.

(ii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under subsection (iii) hereof.

(iii) All other changes in the final development plan as approved by the city council must be made by the city council under the procedures authorized under Article X of this chapter. No changes may be made in the final development plan unless they are found by the city council to be required for the continued successful functioning of the residential development, or unless they are found by the city council to be required by changes in conditions that have occurred since the final plan was approved or by changes in the comprehensive planning and development policy of the City.

§36-96. Off-Street Parking Requirements

(A) Purposes:

(1) It is the intent of this section that all buildings and uses shall provide off-street parking and loading facilities in a minimum amount as required herein to meet the needs of such buildings and uses on private property and under the same ownership as such buildings or uses. The accommodations may consist of lots, garages, or other buildings, and accessories; they may be surface facilities or facilities above or under the ground.

(2) It is the further intent of this section that all off-street parking and loading spaces and facilities shall be sited and built according to the requirements contained in this section, and shall require an application for and issuance of a building permit pursuant to §8-22.

(B) Application. Each building or use hereafter constructed, and each addition to or altered building or use shall be provided with off-street parking and loading spaces as required herein. Each off-street parking space or loading facility and space hereafter constructed, upon proper application and permit being granted shall be sited and constructed pursuant to the requirements of this section. No application for a building permit for such building, addition, alteration, or use shall be approved unless accompanied by a plot plan showing the location and amount of off-street parking and loading spaces as required herein for the existing or proposed building or use and including all such additions or alterations. No occupancy or use permit shall be issued unless the required parking and loading facilities shall have been provided in accordance with the approved plot plan. Requirements shall be applicable to all zones and districts but not to include the following business districts or tracts of land as identified below:

(1) *Central Business District* Beginning at the intersection of Sycamore Street and First Street; thence westerly on First Street to Pine Street; thence southerly on Pine Street to the southerly boundary of Courthouse Addition; thence westerly along the southerly boundary of Courthouse Addition to Locust Street; thence westerly on Division Street to Walnut Street; thence northerly on Walnut Street to the alley between Division Street and First Street; thence westerly on said alley to Cedar Street; thence northerly on Cedar Street to the alley between Second Street and Third Street; thence westerly on said alley to Elm Street; thence northerly on Elm Street to a point 40 feet north of the southerly right-of-

way line of the Union Pacific Railroad; thence easterly parallel to and 40 feet from said right-of-way line to Walnut Street; thence northerly on Walnut Street to a point 100 feet north of the northerly right-of-way line of South Front Street; thence easterly parallel to and 100 feet from said right-of-way line to Kimball Avenue extended; thence southerly on Kimball Avenue extended and Kimball Avenue to the alley between Third Street and Second Street; thence southerly on Sycamore Street to the point of beginning.

(2) *Fourth Street Business District.* Beginning at the intersection of Eddy Street and the alley in the block between Fourth and Fifth Streets; thence easterly on the alley to the intersection of the alley with Sycamore Street; thence southerly on Sycamore Street to 100 feet south of the south right-of-way line of North Front Street; thence westerly on the aforesaid line to its intersection with Eddy Street; thence northerly on Eddy Street to the point of beginning.

(3) Tracts of land ten acres or more used for seasonal events (one event every three months) of not more than fourteen consecutive days in duration and a minimum of fourteen days between events.

(C) Area and Computation: An off-street parking space shall be of appropriate dimensions of not less than 180 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than seven feet. An off-street loading space shall be of appropriate dimensions of not less than 360 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than fourteen feet. When determination of the number of off-street parking or loading spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(D) Location: All off-street parking spaces shall be on the same lot as the building or within 300 feet of the lot. Permanent off-street parking spaces shall not be permitted within the required front yard setback, provided, however, that for a building containing three dwelling units or less, one space per unit may be placed within the front yard setback if such space is not directly in front of the building excluding garages or carports.

(E) Collective Facilities: Off-street parking facilities for separate or mixed buildings or uses may be provided collectively so long as the total number of spaces is not less than the sum of the separate required spaces *except as provided below*, and provided further, that the requirement concerning location of such facility with respect to distance from the building or use served shall be complied with. In order to eliminate a multiplicity of entrances and exits and diminish traffic hazards to conserve space where space is at a premium and to promote orderly development generally, the city council is hereby authorized to plan and group parking facilities collectively for a number of businesses in a given area, and especially in the central business district, in such a manner as to obtain a maximum of efficiency and capacity in parking and traffic movement.

Exceptions:

The total number of commercial parking spaces in a collective lot may be reduced by 25% at the time of construction if the following qualifications are met:

The overall development is planned for at least 20 acres and the commercial property is primarily intended to serve the neighborhood and occupies no more than 25% of the development not to exceed 10 acres.

All spaces required for residential units must be provided at the time of occupancy.

Provisions are made in the development for hike/bike trails through the development with connections to the commercial node.

Adequate property exists to within the parking area to add the required spaces if it is determined that they are needed in the future.

(F) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

(G) Design Standards. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley and contain adequate and safe maneuvering areas. Detailed plans shall be submitted to the public works director for approval of all curb cuts or driveway openings before a permit may be obtained therefor. No signs shall be displayed except such signs as required for the orderly use of the facilities. All facilities shall be provided with a permanent type, dust-free surface meaning asphaltic cement concrete, Portland cement concrete, or paving brick.

All parking lots containing five or more parking spaces, which are within 30 feet of property occupied by a residential use in a Large Lot Residential Zoning District or of property within a Suburban Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, High Density Residential Zoning District or Residential Development Zoning District, shall provide a sight-obscuring fence or screen not less than six feet nor more than eight feet in height along the boundary of the parking lot adjacent to such districts. No fence or screen shall be required between abutting parking lots or adjacent to an alley. The height of any fence or screen shall be subject to other restrictions provided by the City Code.

(H) Maintenance: The parking and loading facilities required by this section shall be provided and maintained so long as the use exists which the facilities are designed to serve. Reasonable precautions must be taken by the owners of particular uses to assure the use of the parking facilities only by the employees or the social or business visitors of the premises for which the facilities are provided. The facilities must be so designed and maintained as not to constitute a nuisance at any time and must not be used in such a manner as to constitute a hazard or unreasonable impediment to traffic.

(I) Reduction of Number of Spaces: Off-street parking or loading facilities shall not be reduced in total extent, after their provision required hereunder, except upon the approval of the Board of Adjustment, and then only after proof that the parking or loading spaces are no longer required by reason of a change in use of the premises of which the facilities are adjunct.

(J) Requirement for Uses Not Listed: For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment.

(K) Administration and Enforcement: The off-street parking and loading provisions of this section shall be administered by the zoning official and enforced by the chief building official, who shall also serve in advisory capacity to the city council on matters relative to any phase of such provisions.

(L) Penalty for Violation: The provisions of parking and loading facilities as required by this section shall be a continuing obligation of the owner or sponsor of a given building or use so long as the building or use is in existence and so long as parking and loading facilities are required hereunder in connection therewith, and it shall be unlawful to discontinue, change, or dispense with such facilities without establishing alternate facilities that meet the requirements herein. Penalty provisions applicable to this chapter as a whole shall apply to the violations of these provisions. In addition, at such time as the facilities required hereunder shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be canceled and become null and void.



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item E-7

Public Hearing on Acquisition of Utility Easement - 655 S. Cherry St and 1010 E. Bismark Road (Nikodym)

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

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Tim Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: January 25, 2022

Subject: Acquisition of Utility Easement – 655 S. Cherry St and
1010 E. Bismark Rd – John Nikodym

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Nebraska State Law requires that acquisition of property must be approved by City Council. The Utilities Department needs to acquire an easement relative to the property of John Nikodym, along with JNIK, LLC, through a part of Lot One (1), and Lot Two (2), of Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska (655 S. Cherry St and 1010 E. Bismark Rd), in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Discussion

Due to the re-subdividing of Nikodym Second Subdivision and to realign the current existing easement, the City will need to vacate two (2) existing easements and acquire a new sixteen (16.0) foot wide Utility Easement. The new sixteen (16.0) foot wide Utility Easement will accommodate the existing electrical services that currently feed Lot One (1) and Lot Two (2) of Nikodym Subdivision. The proposed easement will allow the Department to install, access, operate, and maintain the electrical infrastructure at this location.

Alternatives

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

1. Make a motion 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 for the acquisition of the easement for one dollar (\$1.00).

Sample Motion

Move to approve acquisition of the Utility Easement.

NIKODYM

LOT 2

SECOND

N.E. CORNER- LOT 2, NIKODYM SUB.

652.55'
NORTH LINE- LOT 2, NIKODYM SUB.

LOT 2

NIKODYM

570.73'

16.0'
N61°21'38"E

154.42'
S28°38'22"E

183.36'
N28°38'22"W

16.0'
S89°42'11"E

20.0'
N0°17'49"E

SUB.

EAST LINE- LOT 1, NIKODYM SUB.

LOT 1

SUBDIVISION

CHERRY STREET

STREET

16.0'
N0°17'49"E

95.0'
S89°45'18"E

95.0'
N89°45'18"W

333.88'
S0°17'49"W

40.0'
LOT 1

90.0'

SOUTH LINE- LOT 1, NIKODYM SUB.

372.02'

SECTION LINE 40'

BISMARCK ROAD

16.0'
N89°36'00"W (ASSUMED)

POINT OF BEGINNING

S.E. CORNER- LOT 1, NIKODYM SUB.

LEGEND



INDICATES 16' WIDE UTILITY EASEMENT



CITY OF GRAND ISLAND UTILITIES DEPARTMENT

EXHIBIT "A"

100'



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-1

#9868 - Consideration of Approving Zoning Change to Property located North of State Street and West of Wheeler Avenue from B2 General Business, R3 Medium Density Residential and R2 Low Density Residential to R3-SL Medium Density Small Lot Residential (Mesner Development Co.)

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9868

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of Lot 2 of Skag-Way Fourth Subdivision, Lots 1 and 2 of Natrass Subdivision and Lot 9 of Home Subdivision to the City of Grand Island, Hall County, Nebraska, from B-2 General Business, R-2 Low Density Residential and R-3 Medium Density Residential to R3-SL Medium Density Small Lot Residential as more particularly described below; directing that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on January 5, 2022, held a public hearing on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on January 25, 2022, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land is hereby rezoned, reclassified and changed from B-2 General Business, R-2 Low Density Residential and R-3 Medium Density Residential to R3-SL Medium Density Small Lot Residential;

A TRACT OF LAND CONSISTING OF ALL OF LOT 2 OF SKAG-WAY FOURTH SUBDIVISION, LOTS 1 AND 2 OF NATRASS SUBDIVISION AND LOT 9 OF HOME SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

ORDINANCE NO. 9868 (Cont.)

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

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

Enacted: January 25, 2022

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-2

#9869 - Consideration of Approving Zoning Change to Property located at 641 Cherry Street from RD Residential Development to R3 Medium Density (John Nikodym)

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

Staff Contact: Chad Nabity

ORDINANCE NO. 9869

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of Lot 2 Nikodym Second Subdivision in the City of Grand Island, Hall County, Nebraska, from RD Residential Development Zone to R-3 Medium Density Residential as more particularly described below; directing that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on January 5, 2022, held a public hearing on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on January 25, 2022, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land is hereby rezoned, reclassified and changed from RD Residential Development Zone to R-3 Medium Density Residential;

A TRACT OF LAND CONSISTING OF ALL OF LOT TWO (2) OF NIKODYM SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

ORDINANCE NO. 9869 (Cont.)

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

Enacted: January 25, 2022

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-3

#9870 - Consideration of Vacation of Utility Easements - 655 S. Cherry and 1010 E. Bismark - Nikodym

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: January 25, 2022

Subject: Ordinance #9870 - Consideration of Vacation of Utility Easements – 655 S. Cherry and 1010 E. Bismark

Presenter(s): Timothy Luchsinger, Utilities Director

Background

John and Janice Nikodym are in the process of re-subdividing Nikodym Second Subdivision into lots for single family dwellings located at Cherry Street and Bismark Road. They have requested the vacation of two existing easements: a sixteen (16.0) foot wide Power Easement originally platted on Superbowl Subdivision and a twenty (20.0) foot wide Utility Easement described in Instrument Number 202004934, both recorded in the Hall County Register of Deeds Office. A new sixteen (16.0) foot wide Utility Easement will be acquired to cover the existing electrical services.

Discussion

Due to the re-subdividing of Nikodym Second Subdivision and to realign the current existing easement, the City will need to vacate two (2) existing easements and acquire a new sixteen (16.0) foot wide Utility Easement. The new sixteen (16.0) foot wide utility easement will accommodate the existing electrical services that currently feed Lot One (1) and Lot Two (2) of Nikodym Subdivision (655 S. Cherry Street and 1010 E. Bismark Road).

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 Ordinance, and that the described easement tracts be vacated.

Sample Motion

Move to approve the Ordinance and vacate the utility easements as described.

ORDINANCE NO. 9870

This ordinance is to vacate two (2) easement tracts currently located in parts of Nikodym Subdivision and Nikodym Second Subdivision, and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; and to provide for the publication and the effective date of this ordinance.

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

SECTION 1. That the two (2) easement tracts located in parts of Nikodym Subdivision and Nikodym Second Subdivision, and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska being more particularly described as follows:

TRACT 1

A twenty (20.0) foot wide Utility Easement tract described in Instrument Number 202004934, recorded in the Hall County Register of Deeds Office being located in a part of Lot Two (2), Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easement and right-of-way tract being more particularly described as follows:

Commencing at the Northeast corner of Lot Two (2), Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska; thence westerly along the northerly line of said Lot Two (2), a distance of forty-four and seventy-two hundredths (44.72) feet to the ACTUAL Point of Beginning; thence deflecting left 58°41'18" and running in a southwesterly direction, a distance of ninety-four (94.0) feet to the point of termination. The side lines of the above described tract shall be prolonged or shortened as required to terminate on the boundary of Grantor's property.

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

ORDINANCE NO. 9870 (Cont.)

TRACT 2

The entire sixteen (16.0) foot wide Power Easement tract as originally platted on Lot One (1), Superbowl Subdivision in the City of Grand Island, Hall County, Nebraska, recorded as Instrument Number 91106036 in the Hall County, Nebraska Register of Deeds Office.

Such Utility Easements to be vacated as shown on Exhibit "A" attached hereto dated 1/7/2022 and incorporated herein by reference.

SECTION 2. This Ordinance is hereby directed to be recorded in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage and publication within fifteen (15) days in one issue of the Grand Island Daily Independent as provided by law.

Enacted: January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

NIKODYM

LOT 2

SECOND

EXISTING
16' POWER EASEMENT

N.E. CORNER- LOT 2,
NIKODYM SUB.

POINT OF
BEGINNING

652.55'

58°41'18"

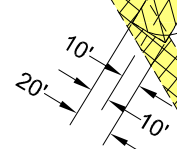
44.72'

NORTH LINE- LOT 2,
NIKODYM SUB.

TRACT 1-
20' UTILITY
EASEMENT
(INSTRUMENT
NO. 202004934

NIKODYM

LOT 2



570.73'

150.0'

TRACT 2-
16' POWER EASEMENT ORIGINALLY
PLATTED IN PART OF LOT 1,
SUPERBOWL SUBDIVISION.
(INSTRUMENT NO. 91106036.

SUB.

CHERRY

STREET

LOT 1

EXISTING
16' POWER EASEMENT

SUBDIVISION

366.97'

40.0'

90.0'

LOT 1

372.02'

BISMARCK ROAD

SECTION LINE

LEGEND



TRACT 1- INDICATES 20' WIDE UTILITY
EASEMENT TO BE VACATED
(INSTRUMENT #202004934)



TRACT 2- INDICATES 16' WIDE POWER
EASEMENT TO BE VACATED (PLATTED)



EXHIBIT "A"

CITY OF
GRAND ISLAND
UTILITIES DEPARTMENT

PLAT TO ACCOMPANY
ORDINANCE NO. 9870

100'



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-4

#9871 - Consideration of Approving Changes 36 of the Grand Island City Code Relative to 36-26; Permitted Obstruction in Required Yards, 36-76; Commercial Development Zone, 36-77; TD Travel Development, 36-78; RD Residential Development Zone and 36-96; Off Street Parking

This item relates to the aforementioned Public Hearing item E-6.

Staff Contact: Chad Nabity

ORDINANCE NO. 9871

An ordinance to amend Chapter 36 of the Grand Island City Code specifically, to amend Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication in pamphlet form and the effective date of this ordinance.

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

SECTION 1. Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking of this ordinance, of Grand Island City Code are hereby amended to read as follows:

§36-25. Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

(A) All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys and window wells projecting twenty-four (24) inches, window wells for escape windows thirty-six (36) inches or less into the yard; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.

(B) Front Yards: Bay windows projecting three (3) feet or less into the yard are permitted.

Rear and Side Yards: Open off-street parking spaces or outside elements of central air conditioning systems.

(C) Building Groupings: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

§36-76. (CD) Commercial Development Zone

(A) Intent: The intent of this zoning district is to permit a more flexible regulation of land use so as to more fully implement comprehensive planning for large parcels of land proposed for commercial use.

(B) Boundaries: The boundaries of the (CD) Commercial Development Zoning District shall be fixed by amendment of the Official Zoning Map, at such times in the future as such district is applied to properties within the City's zoning jurisdiction.

(C) Limitations:

(1) In a (CD) Commercial Development Zoning District, there shall be provided a minimum size of 1.5 acres

(2) Any proposed development shall be constructed in accordance with an overall plan of development.

(3) Any proposed plan of development shall be designed as a single architectural scheme with appropriate common landscaping

(4) Adequate parking space shall be provided for all employees', visitors', and users' vehicles, and such parking, loading or service areas that shall be used for motor vehicles shall be located within the boundary lines of the (CD) Commercial Development Zoning District and shall be physically separated from any public street, right-of-way or property line by a buffer strip of not less than 30 feet along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(5) No building or other permanent structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(6) The maximum ground coverage shall not exceed 50% of each site within the (CD) Commercial Development Zoning District.

(7) The minimum off-street parking requirement shall be provided as defined in this chapter of the city code.

(D) Ownership: A (CD) Commercial Development Zoning District shall require a tract of land which is developed as a unit under single ownership or control, or which is under single designated control by a common ownership at the time it is certified as a (CD) Commercial Development Zone.

(E) Permitted Uses:

(1) Public and quasi-public buildings for cultural use

(2) Nonprofit community buildings and social welfare establishments

(3) Radio and television stations (no antennae), and meeting halls

(4) Offices and office buildings

(5) Stores and shops for the conduct of retail business, provided, all activities and displays of goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open.

(6) Retail uses as found in the Zoning Matrix [Attachment A hereto]

(7) Agencies as found in the Zoning Matrix [Attachment A hereto]

(8) Shops as found in the Zoning Matrix [Attachment A hereto]

(9) Motel and hotel uses.

(10) Residential uses with the largest percentage at least 75% above the ground level.

(11) Other uses as found in the Zoning Matrix [Attachment A hereto]

(F) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (CD) Commercial Development Zoning District as approved by City Council.

(1) Towers

(G) Permitted Accessory Uses:

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

(H) Procedure:

(1) An application to amend the Official Zoning Map to establish a CD-Commercial Development Zone shall be initiated in the manner prescribed in Article X of this chapter.

(2) Said application shall be filed with the city clerk in such form as shall be required by the city council, and shall be accompanied by the following information:

(a) Site plan showing preliminary location and dimensions of all building areas, recreation, green or landscaped areas, parking and loading facilities, walkways or malls, screen walls, or plantings, waste disposal areas, illumination facilities, signs, curb cuts, utilities and service, private or dedicated drives or streets, etc.

ORDINANCE NO. 9871 (Cont.)

- (b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be so determined.
 - (c) Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.
 - (d) Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.
 - (e) Evidence of ownership or control of the entire parcel to be used as a planned unit development by a single person, association, firm, etc., as defined herein.
 - (f) Evidence of economic feasibility: a copy of such application and supplementary information shall then be forwarded by the city clerk to the Planning Commission for review, hearing, and recommendation.
- (3) In reviewing the application for amendment, the Planning Commission shall determine the following factors:
- (a) That the proposed development will be in the public interest, in harmony with the purpose of this chapter and with comprehensive development plans for the City and will not adversely affect nearby property.
 - (b) That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.
 - (c) That the development to be permitted shall be for the purpose of developing an integrated site plan in conformity with the regulations for a CD-Commercial Development Zone.
- (4) The Planning Commission shall hold a public hearing on the proposed amendment and shall transmit its recommendation to the city council; a copy of the recommendation shall be sent to the applicant and one copy shall be retained in the permanent files of the Planning Commission.
- (5) Procedure and action by the city council shall be the same as considering an amendment to a (CD) Commercial Development Zoning District as in Article X of this chapter.
- (I) Miscellaneous Provisions:
- (1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of the subdivision regulations for both the preliminary and final plat and that approval for plans and plats be considered simultaneously.
 - (2) The approved and filed final plan and plat shall be the basis for issuance of a building permit in conformity therewith; the initial building permit shall include as a minimum 50% of the main building or structure; free-standing subordinate buildings shall not be included in the initial permit and shall not receive a permit until the initial permit phase is over 50% constructed; plan changes which increase the number of buildings, increase building height or bulk, or change the location of buildings or other features which materially affect the basic design of the development shall require resubmission of the amendment. Minor adjustments in orientation, height or bulk of buildings, or decrease in number of buildings shall be approved by the Planning Director.
 - (3) Should any successful applicant for an amendment hereunder fail to have completed the construction of the footings and foundations for the initial building permit within eighteen (18) months after the city council shall approve a rezoning to a (CD) Commercial Development Zoning District, the area in its entirety shall be reverted to its former zoning classification by appropriate action of the city council, provided, that the city council shall have the power to extend said period by six (6) months in the event of special and unique hardships and circumstances.
 - (4) Control of the development following completion:
 - (a) The chief building official shall issue a certificate certifying the completion of the planned development, and shall note the issuance of the certificate on the final development plan.
 - (b) After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the (CD) Commercial Development Zoning District will be governed by the approved final development plan exclusively.
 - (c) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:
 - (i) Any minor extensions, alterations, or modifications of existing buildings or structures shall be authorized by the Planning ~~Director Commission~~ if they are consistent with the purposes and intent of the final plan; no change authorized by this subsection may increase the density of any building or structure by more than ten percent.
 - (ii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under subsection (iii) hereof.
 - (iii) All other changes in the final development plan as approved by the city council must be made by the city council under the procedures authorized under Article X for amendment of the Official Zoning Map; no changes may be made in the final development plan unless they are found by the city council to be required for the continued successful functioning of the commercial development, or unless they are found

ORDINANCE NO. 9871 (Cont.)

by the city council to be required by changes in conditions that have occurred since the final plan was improved or by changes in the comprehensive planning and development policy of the City.

§36-77. (TD) Travel Development Zone

Intent: The intent of this zoning district is to provide for only those trade and service uses in connection with federal interstate highway interchanges as are needed and considered appropriate to the location.

(A) Permitted Principal Uses:

- (1) Motels and/or hotels
- (2) Restaurants and cafes, with or without drive-in facilities
- (3) Lounges and/or taverns
- (4) Automobile service stations and truck service centers
- (5) Automobile and truck wash
- (6) Billboards
- (7) Other uses as found in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (TD) Travel Development Zone as approved by City Council.

- (1) Utility substations
- (2) Motor home and travel trailer parks and camping facilities
- (3) Recreational uses such as amusement parks, miniature golf courses, exhibition halls and centers, recreation centers and sports fields
- (4) Towers

(C) Permitted Accessory Uses:

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

(D) Specifically Excluded Uses:

- (1) Any residential use except quarters for management within the principal building

(E) Space Limitations:

Uses	Minimum Setbacks					Maximum Ground Coverage	Maximum Building Height (feet)	
	A	B	C	D	E			
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
Permitted Uses	40,000	200	50	20	10	50	60%	50
Conditional Uses	40,000	200	50	20	10	50	60%	50

¹with 15 feet adjacent to a street landscaped to satisfaction of the zoning official.

(F) Miscellaneous Provisions:

- (1) Landscaping shall be provided in the entire area of all required front yards except for necessary paving of walkways and of driveways to reach parking and loading areas in the side or rear yards, provided, that any driveways in the front yard shall not be wider than 30 feet. Landscaping shall include but is not limited to screen plantings, lawn area, pools, trees, shrubs, fences, and walls. Crushed rock, gravel, bark chips shall not substitute for lawn area. Landscaping shall be provided within two years of issuance of the occupancy permit for the principal structure and thereafter be properly maintained.
- (2) Supplementary regulations shall be complied with as defined herein.
- (3) Only one principal building shall be permitted on one zoning lot, except as otherwise provided herein.

§36-78. (RD) Residential Development Zone

(A) Intent: The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use.

ORDINANCE NO. 9871 (Cont.)

(B) Boundaries: The boundaries of RD-Residential Development Zone shall be fixed by amendment of the Official Zoning Map at such times in the future as such zoning district is applied to properties within the City's zoning jurisdiction.

(C) Limitations:

- (1) In a (RD) Residential Development Zone there shall be provided a minimum size of 1.5 acres.
- (2) Any proposed development shall be constructed in accordance with an overall plan of development.
- (3) Any proposed plan of development shall be designed as a single architectural scheme with appropriate common landscaping.
- (4) Adequate parking space shall be provided for all residential units and for all employee's, visitor's, and user's vehicles, and such parking, loading, or service areas that shall be used for motor vehicles, and shall be located within the boundary lines of the (RD) Residential Development Zone, and shall be physically separated from any public street, right-of-way, or property line by a buffer strip of not less than 30 feet along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(5) No residential building or other permanent residential structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(6) The maximum ground coverage shall not exceed 30 percent of the property within the (RD) Residential Development Zone.

(7) The minimum off-street parking requirement shall be two parking spaces for every dwelling unit, plus one for each full-time employee.

(8) In the alternative to complying with the 30 foot buffer strip or setback as identified in subsections (4) and (5) above, a ten (10) foot wide landscaped screen buffer compliant with the installation requirements with plantings of at least 2 understory or ornamental trees and 3 shrubs per 100 foot or fraction thereof of exterior street frontage or property line approved as part of the development plan, of Section 36-102 shall be followed.

(D) Ownership: A (RD) Residential Development Zone shall require a tract of land which is developed as a unit under single designated control by a common ownership at the time it is certified as an (RD) Residential Development Zone.

(E) Permitted Principal Uses: The following principal uses are permitted in the (RD) Residential Development Zone.

(1) Uses as listed under permitted principal uses of the ~~(TA) Transitional Agricultural Zone (LLR) Large Lot Residential Zone~~, (R-1) Suburban Residential Zone, (R-2) Low Density Residential Zone, (R-3) Medium Density Residential Zone, (R3-SL) Medium Density Small Lot Residential Zone, and (R-4) High Density Residential Zone except as listed under specifically excluded uses.

(2) Nonprofit community buildings and social welfare establishments other than those providing living accommodations.

(3) All other Permitted Principal Uses indicated as permitted within the Zoning Matrix [Attachment A hereto].

(F) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (RD) Residential Development Zone as approved by City Council.

- (1) Towers
- (2) Nursing, convalescent & rest home services
- (3) Residential assisted living, retirement or assisted living
- (4) All other Conditional Uses indicated as permitted within the Zoning Matrix [Attachment A hereto]

(G) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal use

(H) Specifically Excluded Uses:

- (1) Railway right-of-way, including railway yards or facilities.
- (2) Truck, bush, and tree farming.
- (3) Boarding and lodging housing.
- (4) Nonprofit community buildings and social welfare establishments providing living accommodations.
- (5) Nonresidential uses.

(I) Procedure:

(1) An application to establish a (RD) Residential Development Zone shall be initiated in the manner prescribed in Article X of this chapter.

ORDINANCE NO. 9871 (Cont.)

(2) Said application shall be filed with the city clerk in such form as shall be required by the city council and shall be accompanied by the following information:

- (a) Site plan showing preliminary location and dimensions of all building areas, recreation, green or landscaped areas, parking and loading facilities, walkways or malls, screen walls, or plantings, waste disposal areas, illumination facilities, signs, curb cuts, utilities and services, private or dedicated drives or streets, etc.
- (b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be determined.
- (c) Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.
- (d) Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.
- (e) Evidence of ownership or control of the entire parcel to be used as a planned unit development by a single person, association, firm, etc., as defined herein.
- (f) Evidence of economic feasibility. A copy of such application and supplementary information shall then be forwarded by the city clerk to the Planning Commission for review, hearing, and recommendation.

(3) In reviewing the application for amendment herein, the Planning Commission shall determine the following factors.

- (a) That the proposed development will be in the public interest, in harmony with the purpose of this chapter and with comprehensive plans for the City, and will not adversely affect nearby property.
- (b) That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.
- (c) That the development to be permitted shall be for the purpose of developing an integrated site plan in conformity with the regulations for a (RD) Residential Development Zone.

(4) The Planning Commission shall hold a public hearing on the proposed amendment and shall transmit its recommendation to the city council. A copy of the recommendation shall be sent to the applicant and one copy shall be retained in the permanent files of the Planning Commission.

(5) Procedure and action by the city council shall be the same in considering an amendment to the (RD) Residential Development Zone as in Article X of this chapter.

(J) Miscellaneous Provisions:

(1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of Chapter 33 of this code for both the preliminary and final plat, and that approval for plans and plats be considered simultaneously.

(2) The approved and filed final plan and plat shall be the basis for issuance of a building permit in conformity therewith. Plan changes which increase the number of buildings, increase building height or bulk, or change the location of buildings or other features which materially affect the basic design of the development shall require resubmission of the amendment. Minor adjustments in orientation, height or bulk of buildings, or decrease in the number of buildings may be approved by the Planning Director.

(3) Should any successful applicant for an amendment hereunder fail to have completed the construction of the footings and foundations for the initial building permit within eighteen (18) months after the city council shall approve a rezoning to a (RD) Residential Development Zone, the area in its entirety shall be reverted to its former zoning classification by appropriate action of the city council, provided, that the city council shall have the power to extend said period by six months in the event of special and unique hardships and circumstances.

(4) Control of the development following completion:

- (a) The chief building official shall issue a certificate certifying the completion of the planned development, and shall note the issuance of the certificate on the final development plan.
- (b) After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the residential development will be governed by the approved final development plan exclusively.
- (c) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below.
 - (i) Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Director if they are consistent with the purposes and intent of the final plan. No change authorized by this subsection may increase the density of any building or structure by more than ten percent.
 - (ii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under subsection (iii) hereof.

ORDINANCE NO. 9871 (Cont.)

(iii) All other changes in the final development plan as approved by the city council must be made by the city council under the procedures authorized under Article X of this chapter. No changes may be made in the final development plan unless they are found by the city council to be required for the continued successful functioning of the residential development, or unless they are found by the city council to be required by changes in conditions that have occurred since the final plan was approved or by changes in the comprehensive planning and development policy of the City.

§36-96. Off-Street Parking Requirements

(A) Purposes:

(1) It is the intent of this section that all buildings and uses shall provide off-street parking and loading facilities in a minimum amount as required herein to meet the needs of such buildings and uses on private property and under the same ownership as such buildings or uses. The accommodations may consist of lots, garages, or other buildings, and accessories; they may be surface facilities or facilities above or under the ground.

(2) It is the further intent of this section that all off-street parking and loading spaces and facilities shall be sited and built according to the requirements contained in this section, and shall require an application for and issuance of a building permit pursuant to §8-22.

(B) Application. Each building or use hereafter constructed, and each addition to or altered building or use shall be provided with off-street parking and loading spaces as required herein. Each off-street parking space or loading facility and space hereafter constructed, upon proper application and permit being granted shall be sited and constructed pursuant to the requirements of this section. No application for a building permit for such building, addition, alteration, or use shall be approved unless accompanied by a plot plan showing the location and amount of off-street parking and loading spaces as required herein for the existing or proposed building or use and including all such additions or alterations. No occupancy or use permit shall be issued unless the required parking and loading facilities shall have been provided in accordance with the approved plot plan. Requirements shall be applicable to all zones and districts but not to include the following business districts or tracts of land as identified below:

(1) *Central Business District* Beginning at the intersection of Sycamore Street and First Street; thence westerly on First Street to Pine Street; thence southerly on Pine Street to the southerly boundary of Courthouse Addition; thence westerly along the southerly boundary of Courthouse Addition to Locust Street; thence westerly on Division Street to Walnut Street; thence northerly on Walnut Street to the alley between Division Street and First Street; thence westerly on said alley to Cedar Street; thence northerly on Cedar Street to the alley between Second Street and Third Street; thence westerly on said alley to Elm Street; thence northerly on Elm Street to a point 40 feet north of the southerly right-of-way line of the Union Pacific Railroad; thence easterly parallel to and 40 feet from said right-of-way line to Walnut Street; thence northerly on Walnut Street to a point 100 feet north of the northerly right-of-way line of South Front Street; thence easterly parallel to and 100 feet from said right-of-way line to Kimball Avenue extended; thence southerly on Kimball Avenue extended and Kimball Avenue to the alley between Third Street and Second Street; thence southerly on Sycamore Street to the point of beginning.

(2) *Fourth Street Business District.* Beginning at the intersection of Eddy Street and the alley in the block between Fourth and Fifth Streets; thence easterly on the alley to the intersection of the alley with Sycamore Street; thence southerly on Sycamore Street to 100 feet south of the south right-of-way line of North Front Street; thence westerly on the aforesaid line to its intersection with Eddy Street; thence northerly on Eddy Street to the point of beginning.

(3) Tracts of land ten acres or more used for seasonal events (one event every three months) of not more than fourteen consecutive days in duration and a minimum of fourteen days between events.

(C) Area and Computation: An off-street parking space shall be of appropriate dimensions of not less than 180 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than seven feet. An off-street loading space shall be of appropriate dimensions of not less than 360 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than fourteen feet. When determination of the number of off-street parking or loading spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(D) Location: All off-street parking spaces shall be on the same lot as the building or within 300 feet of the lot. Permanent off-street parking spaces shall not be permitted within the required front yard setback, provided, however, that for a building containing three dwelling units or less, one space per unit may be placed within the front yard setback if such space is not directly in front of the building excluding garages or carports.

(E) Collective Facilities: Off-street parking facilities for separate or mixed buildings or uses may be provided collectively so long as the total number of spaces is not less than the sum of the separate required spaces **except as provided below**, and provided further, that the requirement concerning location of such facility with respect to distance from the building or use served shall be complied with. In order to eliminate a multiplicity of entrances and exits and diminish traffic hazards to conserve space where space is at a premium and to promote orderly development generally, the city council is hereby authorized to plan and group parking facilities

ORDINANCE NO. 9871 (Cont.)

collectively for a number of businesses in a given area, and especially in the central business district, in such a manner as to obtain a maximum of efficiency and capacity in parking and traffic movement.

Exceptions:

The total number of commercial parking spaces in a collective lot may be reduced by 25% at the time of construction if the following qualifications are met:

The overall development is planned for at least 20 acres and the commercial property is primarily intended to serve the neighborhood and occupies no more than 25% of the development not to exceed 10 acres.

All spaces required for residential units must be provided at the time of occupancy.

Provisions are made in the development for hike/bike trails through the development with connections to the commercial node.

Adequate property exists to within the parking area to add the required spaces if it is determined that they are needed in the future.

(F) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

(G) Design Standards. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley and contain adequate and safe maneuvering areas. Detailed plans shall be submitted to the public works director for approval of all curb cuts or driveway openings before a permit may be obtained therefor. No signs shall be displayed except such signs as required for the orderly use of the facilities. All facilities shall be provided with a permanent type, dust-free surface meaning asphaltic cement concrete, Portland cement concrete, or paving brick.

All parking lots containing five or more parking spaces, which are within 30 feet of property occupied by a residential use in a Large Lot Residential Zoning District or of property within a Suburban Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, High Density Residential Zoning District or Residential Development Zoning District, shall provide a sight-obscuring fence or screen not less than six feet nor more than eight feet in height along the boundary of the parking lot adjacent to such districts. No fence or screen shall be required between abutting parking lots or adjacent to an alley. The height of any fence or screen shall be subject to other restrictions provided by the City Code.

(H) Maintenance: The parking and loading facilities required by this section shall be provided and maintained so long as the use exists which the facilities are designed to serve. Reasonable precautions must be taken by the owners of particular uses to assure the use of the parking facilities only by the employees or the social or business visitors of the premises for which the facilities are provided. The facilities must be so designed and maintained as not to constitute a nuisance at any time and must not be used in such a manner as to constitute a hazard or unreasonable impediment to traffic.

(I) Reduction of Number of Spaces: Off-street parking or loading facilities shall not be reduced in total extent, after their provision required hereunder, except upon the approval of the Board of Adjustment, and then only after proof that the parking or loading spaces are no longer required by reason of a change in use of the premises of which the facilities are adjunct.

(J) Requirement for Uses Not Listed: For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment.

(K) Administration and Enforcement: The off-street parking and loading provisions of this section shall be administered by the zoning official and enforced by the chief building official, who shall also serve in advisory capacity to the city council on matters relative to any phase of such provisions.

(L) Penalty for Violation: The provisions of parking and loading facilities as required by this section shall be a continuing obligation of the owner or sponsor of a given building or use so long as the building or use is in existence and so long as parking and loading facilities are required hereunder in connection therewith, and it shall be unlawful to discontinue, change, or dispense with such facilities without establishing alternate facilities that meet the requirements herein. Penalty provisions applicable to this chapter as a whole shall apply to the violations of these provisions. In addition, at such time as the facilities required hereunder shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be canceled and become null and void.

ORDINANCE NO. 9871 (Cont.)

SECTION 2. Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

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

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within 15 days according to law.

Enacted: January 25, 2022

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-5

#9872 - Consideration of Vacation of Public Right-of-Way in Roberts Subdivision; Roberts Court (South of Roberts Street)

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: January 25, 2022

Subject: Consideration of Vacation of Public Right-of-Way in Roberts Subdivision; Roberts Court (South of Roberts Street)

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

Background

The section of Roberts Court, south of Roberts Street has been requested for vacation by the adjacent property owner.

Discussion

The adjacent property owner is working with the Planning Department to replat the six (6) lots they own on either side of Roberts Court into two (2) lots in CGI Subdivision. The area of Roberts Court serves no useful purpose as it has no destination points. The utilities within this area will become private with this vacation. The attached sketch details the referenced area.

Ownership of the vacated right-of-way will revert to the adjacent property owner.

Alternatives

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

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

Recommendation

City Administration recommends that the Council pass an ordinance vacating the public right-of-way in Roberts Subdivision; Roberts Court (south of Roberts Street).

Sample Motion

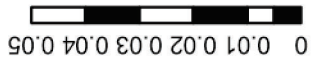
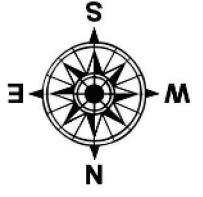
Move to pass an ordinance vacating the public right-of-way.

This map is produced via the Hall County / Grand Island GIS Viewer. The use of this map, and the site that produced it, are provided as a service to the user and are not the official government records of Hall County or the City of Grand Island, Nebraska. This map and the data contained herein may contain information that is incorrect, out of date, or may inadvertently omit data that is part of the official government records. This map and the data contained herein is provided "AS IS," and the user shall be solely liable for user's use or dissemination of any copyrighted, intellectual property, proprietary information, or trade secrets. If any provisions above are held to be invalid, void, or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder and shall in no way affect, impair, or invalidate any other provisions.



East Community Maps Contributors, Nebraska Game & Parks Commission, BuildingFootprintsUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

Legend
Parcel



Map generated 8/5/2021 1:40 PM

ORDINANCE NO. 9872

An ordinance to vacate an existing right-of-way and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; to repeal any ordinance or parts of ordinance in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. That an existing right-of-way known as Roberts Court, south of Roberts Street, more particularly described as follows:

THAT PORTION OF STREET RIGHT-OF-WAY LOCATED GENERALLY BETWEEN LOTS 1, 2, 3, 4, 5, AND 6, ROBERTS SUBDIVISION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

is hereby vacated. Such right-of-way to be vacated is shown and more particularly described on Exhibit A attached hereto.

SECTION 2. The property vacated by Section 1 shall revert to the adjacent owner, and all utilities in the area vacated shall become private.

SECTION 3. The title to the property vacated by Section 1 of this Ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

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

Approved as to Form	▣ _____
January 21, 2022	▣ City Attorney

ORDINANCE NO. 9872 (Cont.)

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen (15) days in one issue of the Grand Island Independent as provided by law.

Enacted: January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-1

Approving Minutes of January 11, 2022 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 11, 2022

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 January 11, 2022. Notice of the meeting was given in *The Grand Island Independent* on January 5, 2022.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Mike Paulick, Michelle Fitzke, Mark Stelk, Jason Conley, Vaughn Minton, Bethany Guzinski, Mitch Nickerson, Justin Scott, Maggie Mendoza and Chuck Haase. The following City Officials were present: City Administrator Jerry Janulewicz, Deputy City Clerk Jill Granere, Finance Director Patrick Brown, Interim City Attorney Stacy Nonhof and Public Works Director John Collins.

INVOCATION was given by Pastor Kelly Karges, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Steele introduced Community Youth Council members Sonya and Glenda Ramirez.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement - 1601 S. Locust Street (Bosselman Real Estate, LLC). Utilities Director Tim Luchsinger reported that a utility easement was needed at 1601 South Locust to accommodate the new electrical service. The proposed easement would allow the Utilities Department to access, operate, and maintain the electrical infrastructure at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Plan for CRA No. 6 for Property located North of State Street and West of Wheeler Avenue (Mesner Development Co.). Planning Director Chad Nability reported Mesner Development submitted an application for tax increment financing to aid in redeveloping property north of State Street and west of Wheeler Avenue by Blessed Sacrament Church and Five Point Super Saver. The intended use of the property is 60 to 70 units of attached single family townhomes. Nability further explained the Hall County Regional Planning Commission held a public hearing on the plan amendment at the meeting on December 1, 2021. The Planning Commission approved Resolution 2022-03 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 redevelopment plan amendment specified that the TIF would be used to offset allowed costs for acquisition and redevelopment of age restricted apartments at this location. The cost benefit analysis included in the plan finds that this project meets the statutory requirements for as eligible TIF project and that it would not negatively impact existing services within the community or shift additional costs onto the current residents of Grand Island and the impacted school districts. The bond for this project would be issued for a period of 15 years. The proposed bond for this project would be issued for the amount of \$1,779,000. Staff

recommended approval.

Cliff Mesner with Mesner Development, 1415 16th Street, Central City, discussed the need for more developments in the area.

Public Hearing on Acquisition of Public Drainage Easement for Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1. Public Works Director John Collins reported the Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1 was for the improvement of Capital Avenue from the Moores Creek Drainway to the roundabout at North Road. This would be a concrete curb and gutter roadway section with associated sidewalk, traffic control, drainage and all other related improvements needed to complete the project. Public drainage easements are needed to accommodate the roadway improvements along Capital Avenue. The property owner had signed the necessary documents to grant the property. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way for Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1. Public Works Director John Collins reported the Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1 was for the improvement of Capital Avenue from the Moores Creek Drainway to the roundabout at North Road. This would be a concrete curb and gutter roadway section with associated sidewalk, traffic control, drainage and all other related improvements needed to complete the project. Public right-of-way was needed to accommodate the roadway improvements along Capital Avenue. The property owner had signed the necessary documents to grant the property. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Motion by Guzinski, second by Stelk to approve the Consent Agenda excluding items G-5, G14, G15 and G18. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 28, 2021 City Council Regular Meeting.

#2022-1 - Approving Updated East Central 911 Interlocal Agreement.

#2022-2 - Approving Contract with Motorola CallWorks for 911 System Support in the amount of \$78,790.53 over 5 annual payments.

#2022-3 - Approving Acquisition of Utility Easement - 1601 S. Locust Street (Bosselman Real Estate, LLC).

#2022-4 - Approving Bid Award - Tree Removal Project 2022-TR-1 with Leetch Tree Service, LLC of Grand Island, Nebraska. Utility Director Tim Luchsinger discussed only get one bid assuming tree companies are overwhelmed with work.

Motion by Nickerson, second by Fitzke to approve G-5. Upon roll call vote, all voted aye. Motion adopted.

#2022-5 - Approving the Certificate of Compliance with the Nebraska Department of Transportation for Maintenance Agreement No. 12; Calendar Year 2021.

#2022-6 - Approving Bid Award for Asphalt Hot-Mix 2022 with Asphalt Paving Co. and Gary Smith Construction Co., both of Grand Island, Nebraska.

#2022-7 - Approving Bid Award for Concrete Ready-Mix for 2022 with Gerhold Concrete Co, Inc and Consolidated Concrete Co., both of Grand Island, Nebraska.

#2022-8 - Approving On-Board Mobile Video Surveillance System for the Transit Division of the Public Works Department with Safety Vision, LLC of Houston, Texas in the Amount of \$103,242.00.

#2022-9 - Approving Amendment No. 1 to Engineering Consulting Services for Lift Station No. 28 Equalization Tank; Project No. 2022-S-3 with Olsson, Inc. of Grand Island, Nebraska for an Increase of \$98,100.00 and Revised Contract Amount of \$134,800.00.

#2022-10 - Approving Acquisition of Public Drainage Easement for Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1.

#2022-11 - Approving Acquisition of Public Right-of-Way for Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1.

#2022-12 - Approving Temporary Construction Easement for Capital Avenue- Moores Creek Drainway to North Road Roadway Improvements; Project No. 2020-P-1.

#2022-13 - Approving Fundraising Agreement for the Construction of a New Playground at Ryder Park with Central Community College Foundation, Inc. of Grand Island, Nebraska. Parks Director Todd McCoy discussed the great opportunity this is for the City of Grand Island.

Motion by Nickerson, second by Minton to approve G-13. Upon roll call vote, all voted aye. Motion adopted.

#2022-14 - Approving Re-Construction of Heartland Public Shooting Park Rifle/Pistol Baffle System with Lacy Construction Company of Grand Island, Nebraska in the Amount of \$923,175.00. Parks Director mentioned the damage to the baffles due to storms. Discussion was held regarding the bid exceeding the estimate, where funds are coming from and maintenance plan.

Motion by Paulick, second by Scott to approve G-15. Upon roll call vote, all voted aye. Motion adopted.

#2022-15 - Approving New Playground Equipment to be Installed at Stolley Park with Creative Sites, LLC of Omaha, Nebraska in the Amount of \$134,647.00.

#2022-16 - Approving Consent for Rental Use of the Grand Generation Center.

#2022-17 - Approving Emergency Coal Purchase with Hastings Utilities in an estimated Amount of up to \$215,000.00. Utilities Director Tim Luchsinger mentioned issues with getting coal trains in and unknown time frames on when the next train will be.

Motion by Stelk, second by Nickerson to approve G-17. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTION:

#2022-18 - Consideration of Approving Amendment to the Redevelopment Plan for CRA No. 6 for Property located North of State Street and West of Wheeler Avenue (Mesner Development Co.). This item was related to the aforementioned Public Hearing.

Cliff Mesner, with Mesner Development, 1415 16th Street, Central City, answered questions regarding the development of the property.

Motion by Haase, second by Minton to approve Resolution #2021-18. Upon roll call vote, Councilmembers Haase, Nickerson, Mendoza, Guzinski, Minton, Conley, Stelk, Fitzke and Scott all voted aye. Councilmember Paulick voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Haase to approve the payment of claims for the period of December 29, 2021 through January 11, 2022 for a total amount of \$ 3,093,703.56. Upon roll call vote, all voted aye. Motion adopted. Discussion was held on two line items.

ADJOURNMENT: The meeting was adjourned at 8:36 p.m.

Jill Granere
Deputy City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-2

Approving Preliminary Plat for Nikodym Third Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: January 25, 2022
Subject: Nikodym Third Subdivision -- Preliminary Plat
Presenter(s): Chad Nabity, AICP, Regional Planning Director

Background

This property is located east of Cherry Street and north of Bismark Avenue in Grand Island, Nebraska. This is approval for the preliminary plat. A final plat will be brought forward for approval in the near future if this is approved. Proposed zoning R3 Medium Density Residential. (47 lots, 13.35 acres).

Discussion

The final plat for Nikodym Third Subdivision was considered at the Regional Planning Commission at the January 5, 2022 meeting.

A motion was made by Rainforth and second by Randone to approve preliminary and final plat for Nikodym Third Subdivision.

A roll call vote was taken and the motion passed.

The motion was carried with nine members voting in favor (O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) no members present 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

Recommendation

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

Sample Motion

Move to approve as recommended.

Developer/Owner
JNIK INC.
1010 E. Bismark Rd
Grand Island, NE 68801

To create

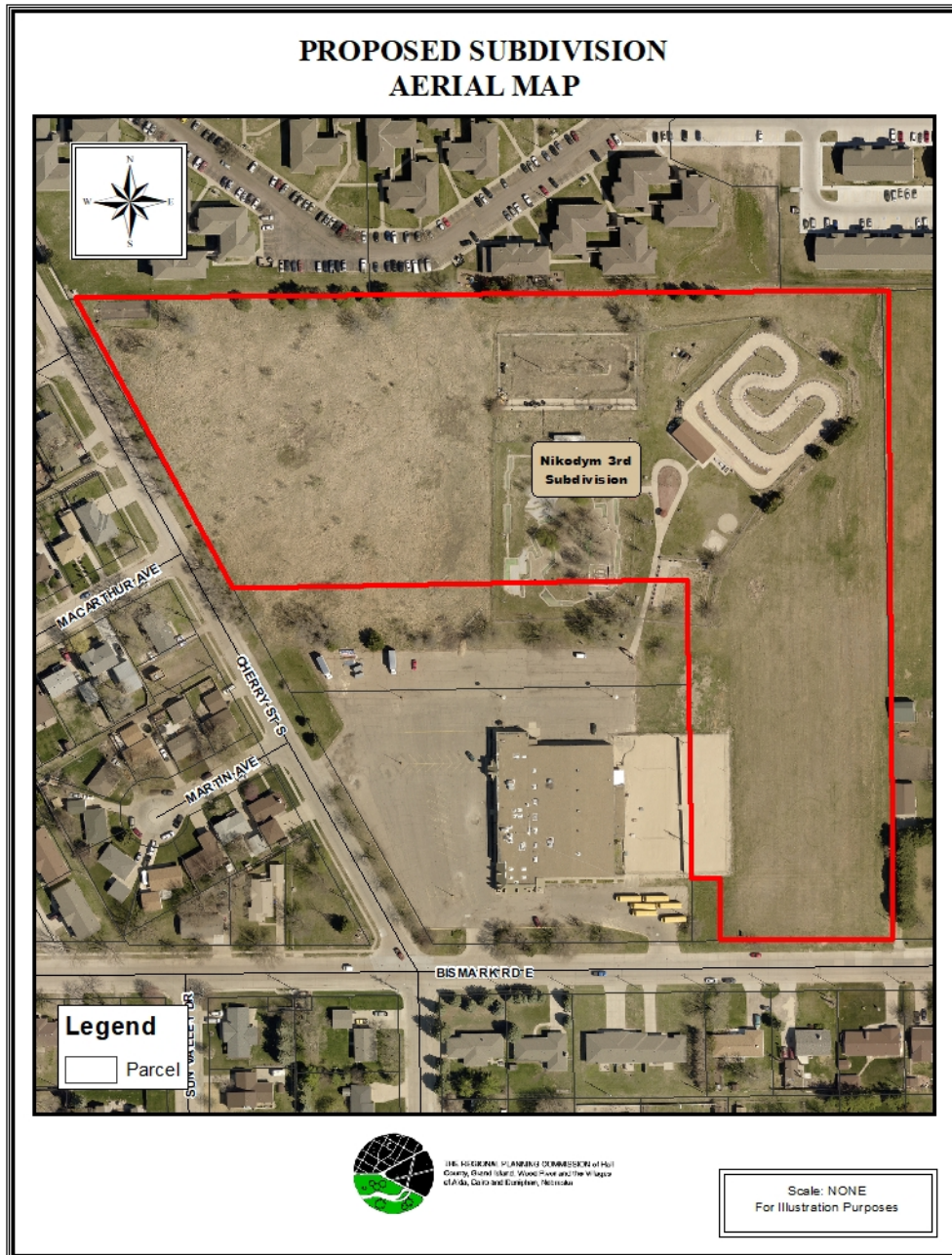
Size: Final Plat 47 lots, 13.35 Acres

Zoning: R3 Medium Density Residential

Road Access: Existing city streets. New streets are proposed as 37' concrete curb and gutter streets.

Water: City water is available to the subdivision and will be extended to all new lots.

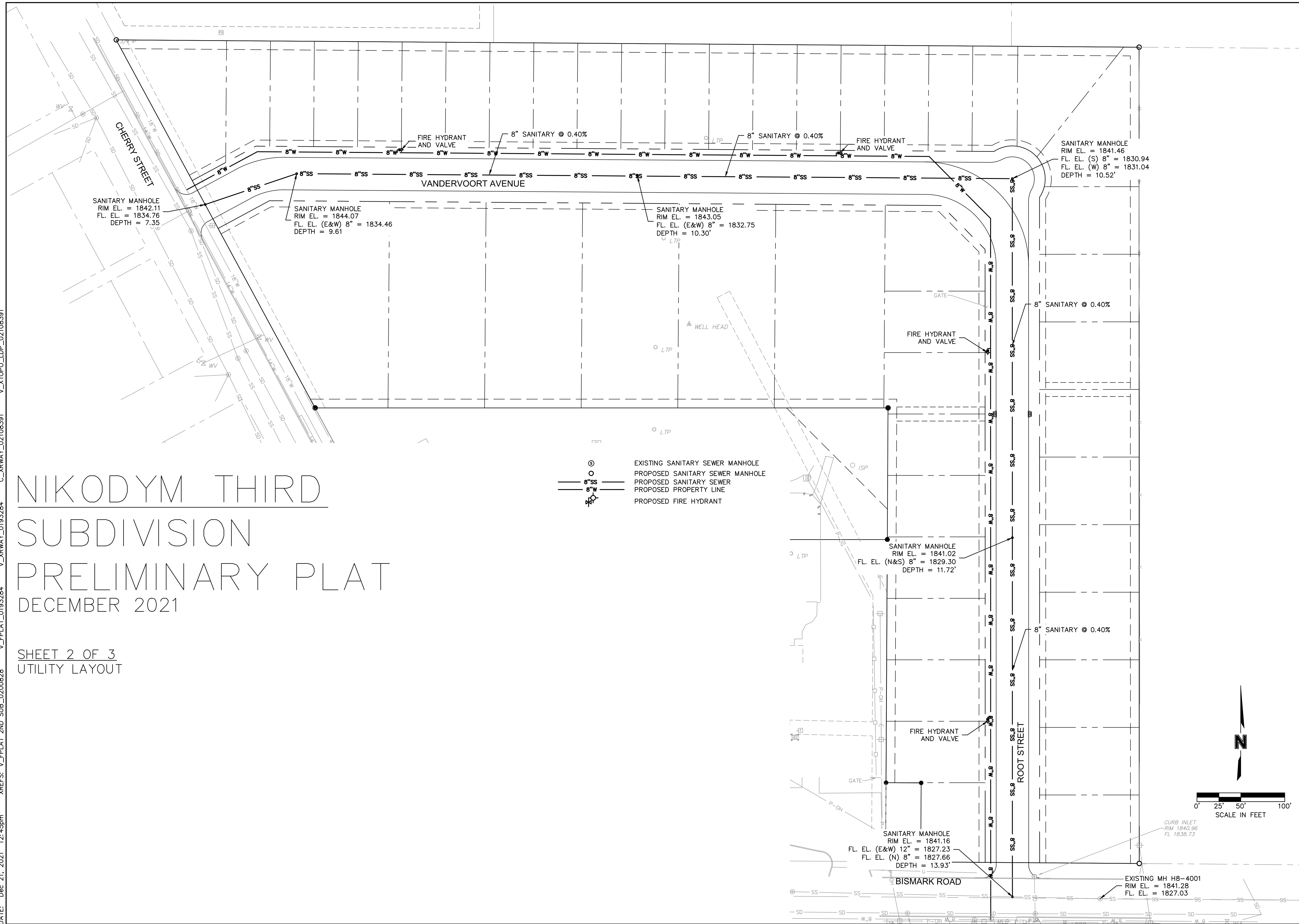
Sewer: City sewer is available to the subdivision and will be extended to all new lots.

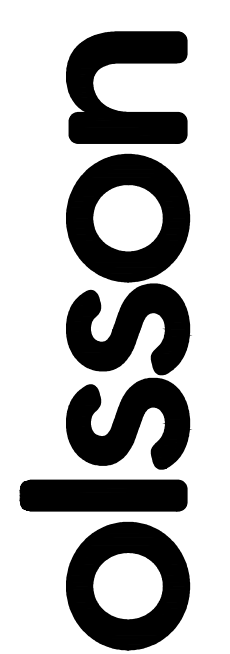


DWG: F:\2021\08001-08500\021-08391\40-Design\AutoCAD\Preliminary Plat\C_PRE_PLAT_02108391_12.20.2021.dwg
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NIKODYM THIRD SUBDIVISION PRELIMINARY PLAT DECEMBER 2021

SHEET 2 OF 3
 UTILITY LAYOUT





201 East 2nd Street
 Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

UTILITY LAYOUT
 NIKODYM THIRD SUBDIVISION
 PRELIMINARY PLAT

2021
 GRAND ISLAND, NEBRASKA

drawn by: _____	LJS
checked by: _____	BJB
approved by: _____	BJB
QA/QC by: _____	021-08391
project no.: _____	drawing no.:
date: _____	12.21.2021

SHEET
2 of 3

DWG: F:\2021\08001-08500\021-08391\40-Design\AutoCAD\Preliminary\Plat\C_PRE_PLAT_02108391_12.20.2021.dwg
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 USER: njensen
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 V_XTDFPO_LDP_02108391
 V_FPLAT_0193284
 V_XRWAY_0193284

NIKODYM THIRD SUBDIVISION PRELIMINARY PLAT DECEMBER 2021

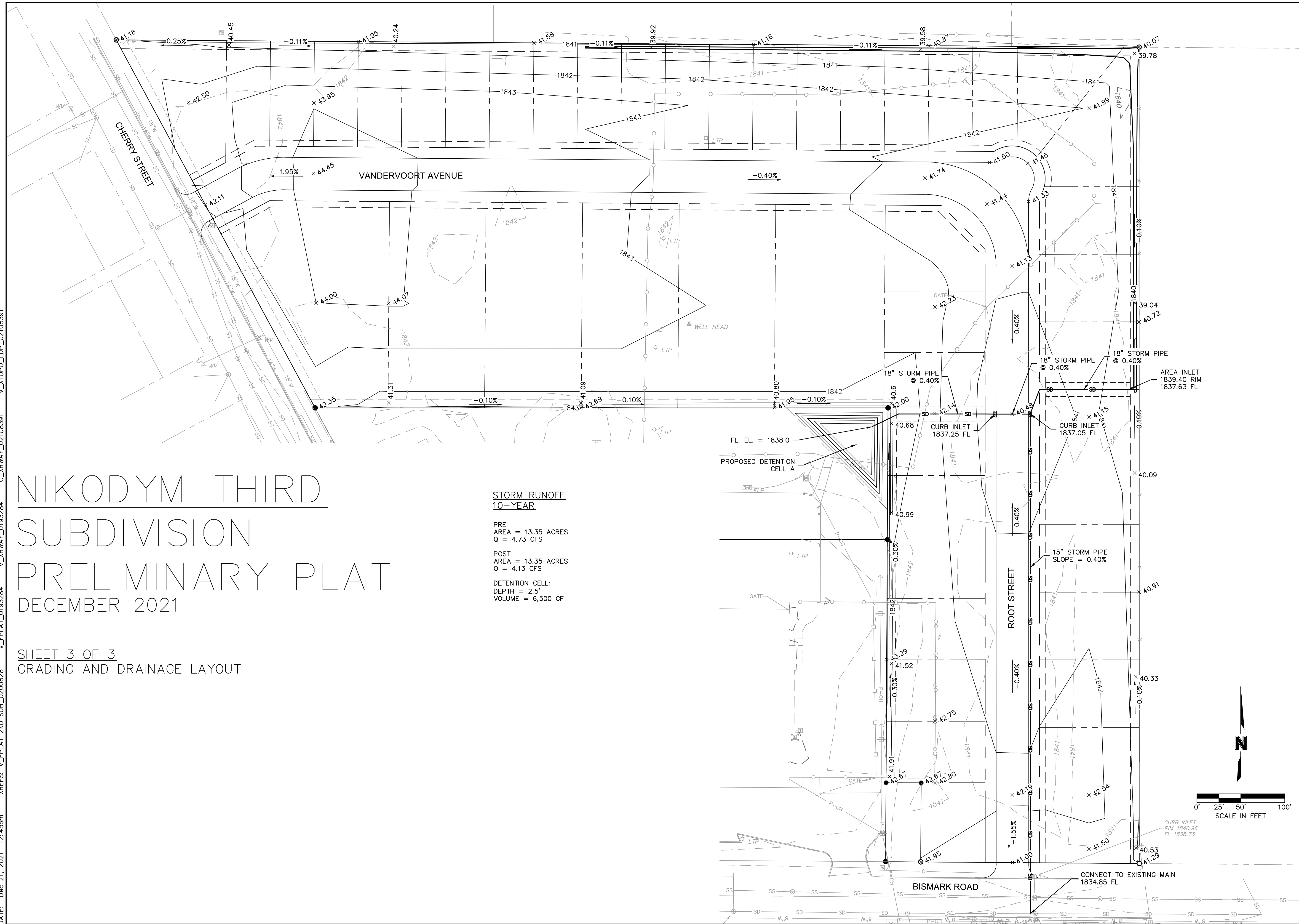
SHEET 3 OF 3
GRADING AND DRAINAGE LAYOUT

**STORM RUNOFF
10-YEAR**

PRE
AREA = 13.35 ACRES
Q = 4.73 CFS

POST
AREA = 13.35 ACRES
Q = 4.13 CFS

DETENTION CELL:
DEPTH = 2.5'
VOLUME = 6,500 CF



olsson

201 East 2nd Street
Grand Island, NE 68801 TEL 308.384.8750 www.ollson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

GRADING AND DRAINAGE LAYOUT

NIKODYM THIRD SUBDIVISION
PRELIMINARY PLAT

GRAND ISLAND, NEBRASKA

2021

drawn by: _____ LS
 checked by: _____ BB
 approved by: _____ BB
 QA/QC by: _____
 project no.: 021-08391
 drawing no.: _____
 date: 12.21.2021

SHEET
3 of 3



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-3

#2022-19 - Approving Final Plat for WWTP Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: January 25, 2022
Subject: WWTP Subdivision – Final Plat
Presenter(s): Chad Naby, AICP, Regional Planning Director

Background

This property is located west of Shady Bend Road south of Seedling Mile Road in Grand Island, Nebraska. This property is zoned M2 Heavy Manufacturing and TA Transitional Agriculture. (2 lots, 87.415 acres).

Discussion

The final plat for WWTP Subdivision was considered at the Regional Planning Commission at the January 5, 2022 meeting.

A motion was made by Rainforth and second by Randone to approve final plat for Nikodym Third Subdivision.

A roll call vote was taken and the motion passed.

The motion was carried with nine members voting in favor (O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) no members present 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

Recommendation

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

Sample Motion

Move to approve as recommended.

Developer/Owner
City of Grand Island
100 East 1st Street
Grand Island, NE 68801

To create

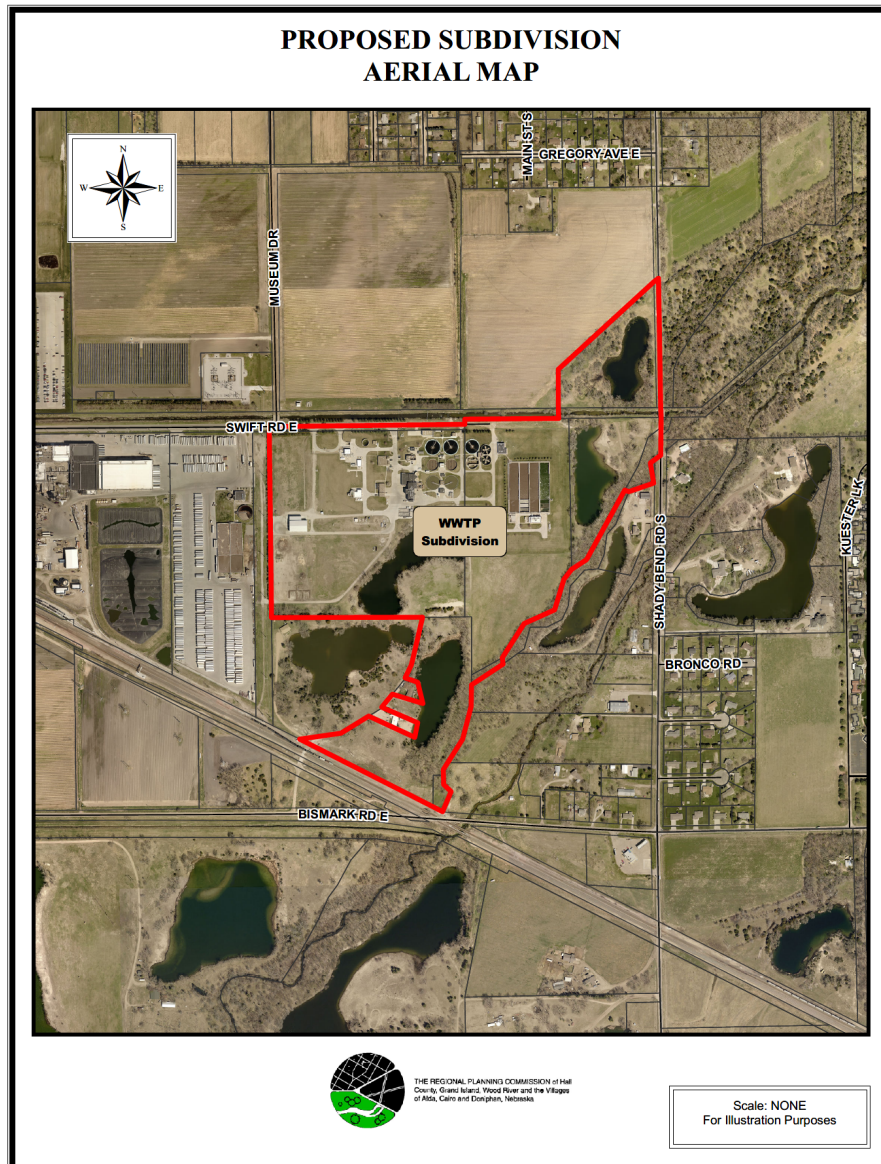
Size: Final Plat 2 lots, 87.415 Acres

Zoning: M2 Heavy Manufacturing and TA Transitional Agricultural

Road Access: Existing rural section city street (Shady Bend Road)

Water: City Water is available to the subdivisions.

Sewer: City Sewer is available to the subdivision.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

WWTP SUBDIVISION

LOTS 1 and 2 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, CITY OF GRAND ISLAND, hereinafter called the Subdivider, as owner of a tract of land in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

A TRACT OF LAND CONSISTING OF PART OF LOTS 57-61 AND 85-92, ALL IN INDUSTRIAL ADDITION; PART OF LOTS 1 AND 2, ON THE MAINLAND; PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION FOURTEEN (14), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S01°37'37"W, ALONG THE AMENDED SECTION LINE PER SURVEY BY L.R. RUDD, SURVEY BOOK 2, PAGE 254, A DISTANCE OF 253.58 FEET TO A NORTHERLY CORNER OF B & T SUBDIVISION; THENCE

S54°01'27"W A DISTANCE OF 87.60 FEET TO A WESTERLY CORNER OF LOT 1, BILLY POE SUBDIVISION; THENCE S08°43'13"E, ALONG A WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 139.33 FEET; THENCE S72°49'17"W A DISTANCE OF 219.06 FEET; THENCE S29°49'59"W A DISTANCE OF 508.12 FEET; THENCE S57°52'36"W A DISTANCE OF 121.40 FEET; THENCE S38°18'03"W A DISTANCE OF 84.76 FEET; THENCE S38°18'03"W A DISTANCE OF 84.76 FEET; THENCE S18°29'46"W A DISTANCE OF 213.57 FEET; THENCE S66°36'27"W A DISTANCE OF 224.89 FEET; THENCE S33°31'07"W A DISTANCE OF 273.91 FEET; THENCE S04°17'33"E A DISTANCE OF 41.60 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1, ADVENT SUBDIVISION; THENCE S57°21'23"W, ALONG SAID WESTERLY LINE OF LOT 1, ADVENT SUBDIVISION, A DISTANCE OF 253.36 FEET; THENCE S02°02'06"W, ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 145.85 FEET; THENCE S16°06'01"W, ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 40.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, ADVENT SUBDIVISION AND ALSO BEING THE NORTHWEST CORNER OF LOT 3, B & T SUBDIVISION; THENCE S16°06'01"W, ALONG THE WESTERLY LINE OF SAID LOT 3, B & T SUBDIVISION, A DISTANCE OF 190.32 FEET; THENCE S33°30'57"W, ALONG SAID WESTERLY LINE OF LOT 3, B & T SUBDIVISION AND THE WESTERLY LINE OF LOT 1, SHADY LANE SECOND SUBDIVISION, A DISTANCE OF 243.16 FEET; THENCE S00°48'20"E, ALONG SAID WESTERLY LINE OF LOT 1, SHADY LANE SECOND SUBDIVISION, A DISTANCE OF 100.21 FEET; THENCE S46°23'43"E, ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 67.10 FEET; THENCE S23°26'17"W, ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 146.70 FEET TO A POINT ON THE NORTHEASTERLY BNSF RAILROAD RIGHT-OF-WAY LINE; THENCE N62°05'52"W, ALONG SAID NORTHEASTERLY RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 1079.81 FEET; THENCE N82°51'38"E A DISTANCE OF 279.19 FEET; THENCE N59°26'37"E A DISTANCE OF 222.59 FEET; THENCE S64°10'31"E A DISTANCE OF 341.27 FEET; THENCE N11°44'22"E A DISTANCE OF 99.34 FEET; THENCE N65°44'34"W A DISTANCE OF 263.71 FEET; THENCE N40°27'27"E A DISTANCE OF 115.54 FEET; THENCE

S72°07'34"E A DISTANCE OF 215.00 FEET; THENCE N13°28'31"W A DISTANCE OF 146.43 FEET; THENCE N69°13'24"W A DISTANCE OF 90.00 FEET; THENCE N27°07'42"E A DISTANCE OF 98.82 FEET; THENCE N14°12'58"E A DISTANCE OF 327.67 FEET TO A POINT ON THE SOUTH LINE OF LOT 89, INDUSTRIAL ADDITION; THENCE N89°08'07"W, ALONG THE SOUTH LINE OF LOTS 89-92, INDUSTRIAL ADDITION, A DISTANCE OF 1018.85 FEET TO THE SOUTHWEST CORNER OF SAID LOT 92, INDUSTRIAL ADDITION; THENCE N00°12'33"E ALONG THE WEST LINE OF LOTS 92, 85, 61, AND 54, INDUSTRIAL ADDITION, A DISTANCE OF 1324.58 FEET TO THE NORTHWEST CORNER OF LOT 54 AND ALSO BEING THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 14-T11N-R9W; THENCE S89°29'51"E, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, A DISTANCE OF 2647.49 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,807,805.17 SQUARE FEET OR 87.415 ACRES MORE OR LESS OF WHICH 0.247 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY.

AND

LOT 2 A TRACT OF LAND CONSISTING OF PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION FOURTEEN (14), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER; THENCE ON AN ASSUMED BEARING OF N00°01'43"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE N89°37'51"W, ALONG THE NORTH LINE OF A 66 FT. WIDE OUTFALL DITCH RECORDED IN MISC BOOK R, PAGE 29, DATED 11-27-1925, A DISTANCE OF 674.37 FEET; THENCE N00°07'52"W A DISTANCE OF 252.82 FEET; THENCE N48°29'58"E A DISTANCE OF 900.60 FEET TO A POINT ON SAID EAST LINE; THENCE S00°01'43"E, ALONG SAID EAST LINE, A DISTANCE OF 853.93 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 373,362.92 SQUARE FEET OR 8.571 ACRES MORE OR LESS OF WHICH 0.768 ACRES IS NEW DEDICATED ROAD RIGHT-OF-WAY;

desires to have subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as WWTP SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and the City Council to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said WWTP SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following improvements:

1. **Paving.** The Subdivider agrees to waive the right to object to the creation of any paving or repaving district for Shady Bend Road where it abuts the subdivision.

2. **Water.** Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision and the Subdivider agrees to extend, connect and provide sanitary sewer service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the

City's inspection.

4. **Storm Drainage.** The Subdivider agrees to provide and maintain positive drainage from all lots, according to the drainage plan, so that storm drainage is conveyed to a public right-of-way or to other drainage systems so approved by the Director of Public Works. If the Subdivider fails to grade and maintain such drainage the City may create a drainage district to perform such work. The Subdivider agrees to waive the right to object to the creation of any drainage district benefitting the subdivision.

5. **Sidewalks.** Immediate sidewalk construction adjacent to Shady Bend Road shall be waived. However, the sidewalks shall be constructed when the property owner is directed to do so by the City Council. In the event a Street Improvement District is created to pave any public street in the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk policy.

6. **Electric.** The Subdivider agrees to install all conduit, both primary and secondary, as well as all necessary transformer pads in the subdivision in accordance with plans and specifications approved by the Utilities Department, and subject to the City's inspection.

7. **Flood Plain.** Since portions of the subdivision are within a delineated flood plain, all structures within areas identified as a special flood hazard area constructed shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood as determined by the building permit received by the Subdivider or successors from the Building Department under the provisions of applicable Federal, State, or local laws and regulations. No basement shall be constructed in connection with any structure in the flood plain unless such basement is flood proofed and certified as such by a qualified engineer or architect.

8. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and plans as submitted to and approved by the City's Building Department.

9. **Easements.** Any easements shall be kept free of obstructions and the Subdivider shall indemnify the City for any removal or repair costs caused by any obstructions. In addition, the duty to maintain the surface of any easements to keep them clear of any worthless vegetation or nuisance shall run with the land.

10. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a professional engineer registered in the State of Nebraska and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional engineer registered in the State of Nebraska, and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a professional engineer registered in the State of Nebraska shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

11. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as WWTP SUBDIVISION, and that an abstract of title or title insurance commitment will be submitted for examination, if necessary, upon request of the City of Grand Island.

12. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated _____, 2022.

CITY OF GRAND ISLAND, Subdivider

By: _____
Roger G. Steele, Mayor

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Roger G. Steele known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: _____
Roger G. Steele, Mayor

WWTP SUBDIVISION

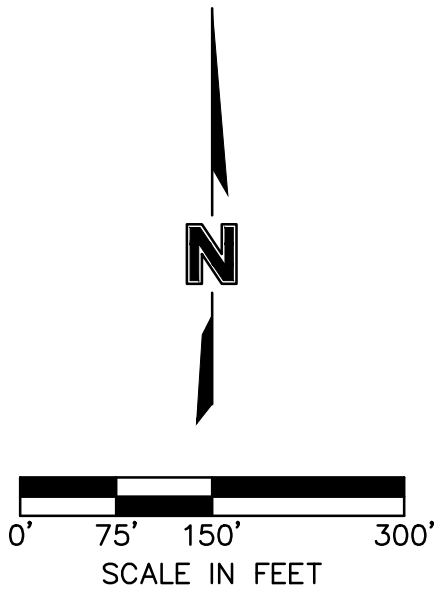
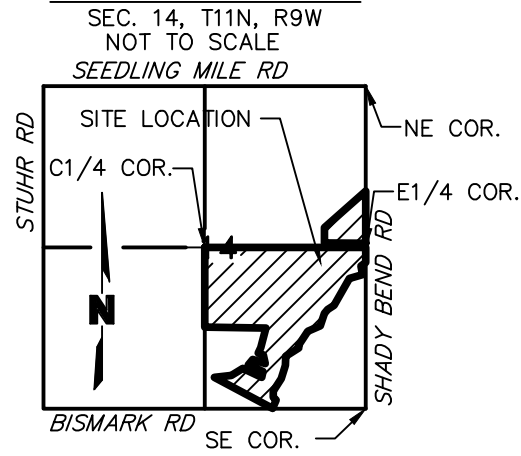
GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT

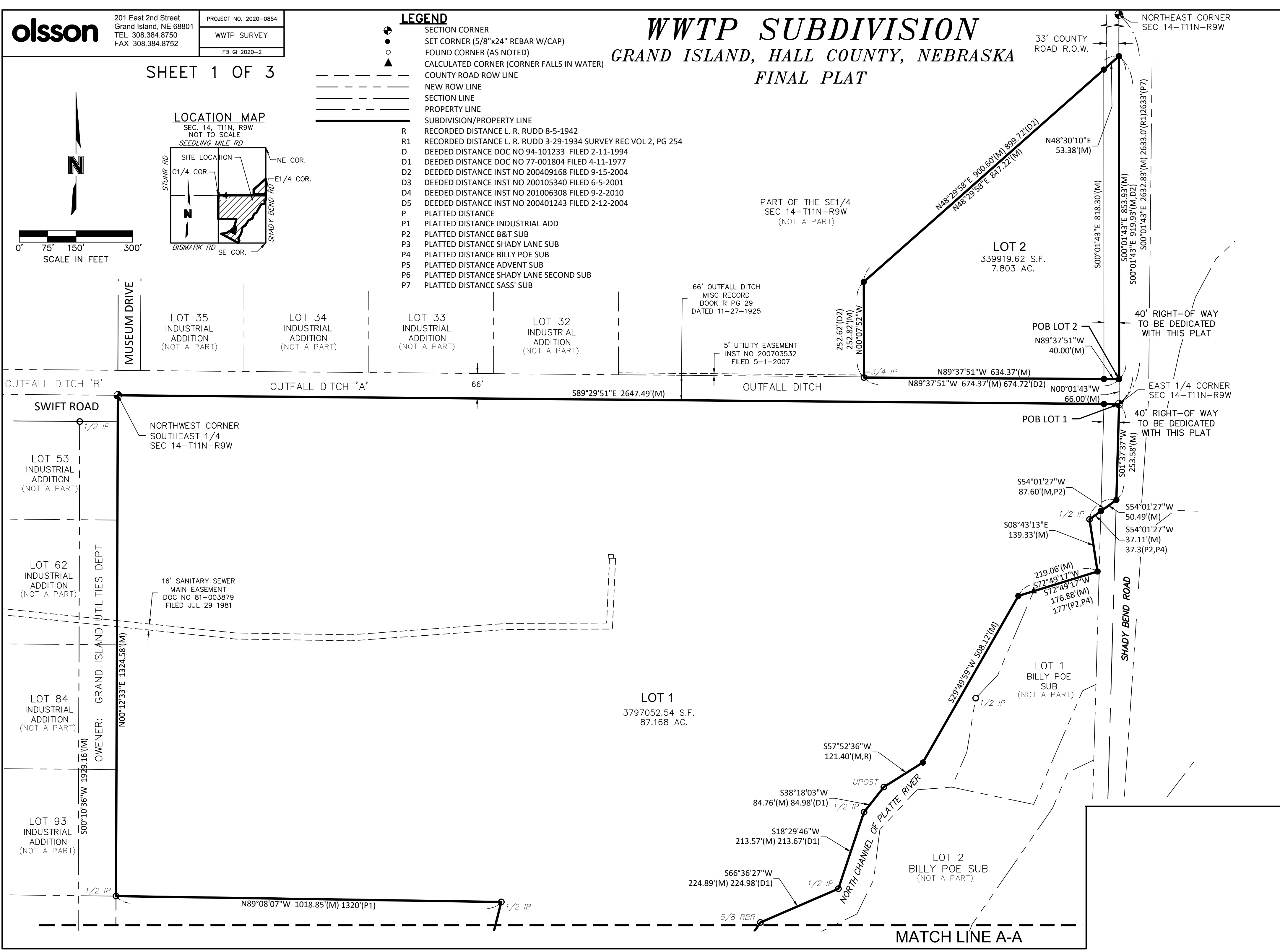
LEGEND

- SECTION CORNER
- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- ▲ CALCULATED CORNER (CORNER FALLS IN WATER)
- COUNTY ROAD ROW LINE
- NEW ROW LINE
- SECTION LINE
- PROPERTY LINE
- SUBDIVISION/PROPERTY LINE
- R RECORDED DISTANCE L. R. RUDD 8-5-1942
- R1 RECORDED DISTANCE L. R. RUDD 3-29-1934 SURVEY REC VOL 2, PG 254
- D DEEDED DISTANCE DOC NO 94-101233 FILED 2-11-1994
- D1 DEEDED DISTANCE DOC NO 77-001804 FILED 4-11-1977
- D2 DEEDED DISTANCE INST NO 200409168 FILED 9-15-2004
- D3 DEEDED DISTANCE INST NO 200105340 FILED 6-5-2001
- D4 DEEDED DISTANCE INST NO 201006308 FILED 9-2-2010
- D5 DEEDED DISTANCE INST NO 200401243 FILED 2-12-2004
- P PLATTED DISTANCE
- P1 PLATTED DISTANCE INDUSTRIAL ADD
- P2 PLATTED DISTANCE B&T SUB
- P3 PLATTED DISTANCE SHADY LANE SUB
- P4 PLATTED DISTANCE BILLY POE SUB
- P5 PLATTED DISTANCE ADVENT SUB
- P6 PLATTED DISTANCE SHADY LANE SECOND SUB
- P7 PLATTED DISTANCE SASS' SUB

LOCATION MAP



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XREFS: V_XRWAY_LDP_0200854



WWTP SUBDIVISION

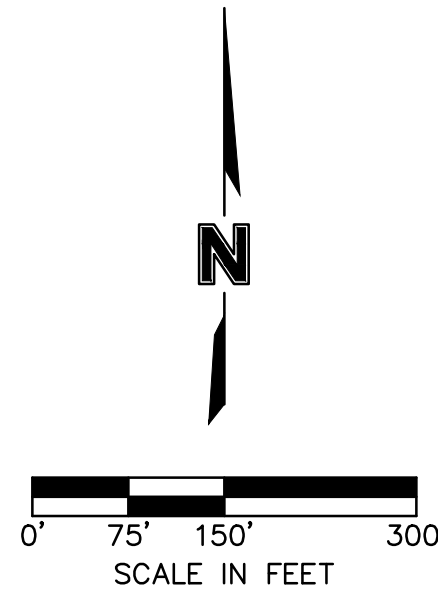
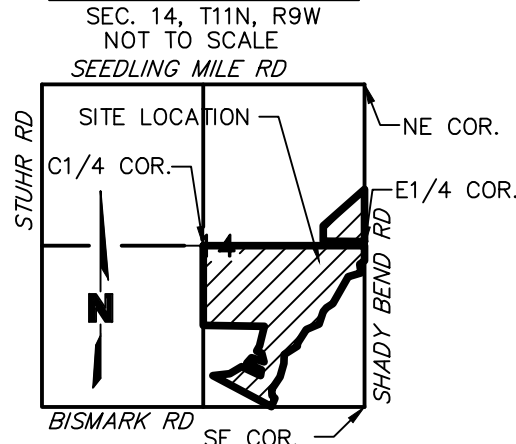
GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT

LEGEND

- ⊕ SECTION CORNER
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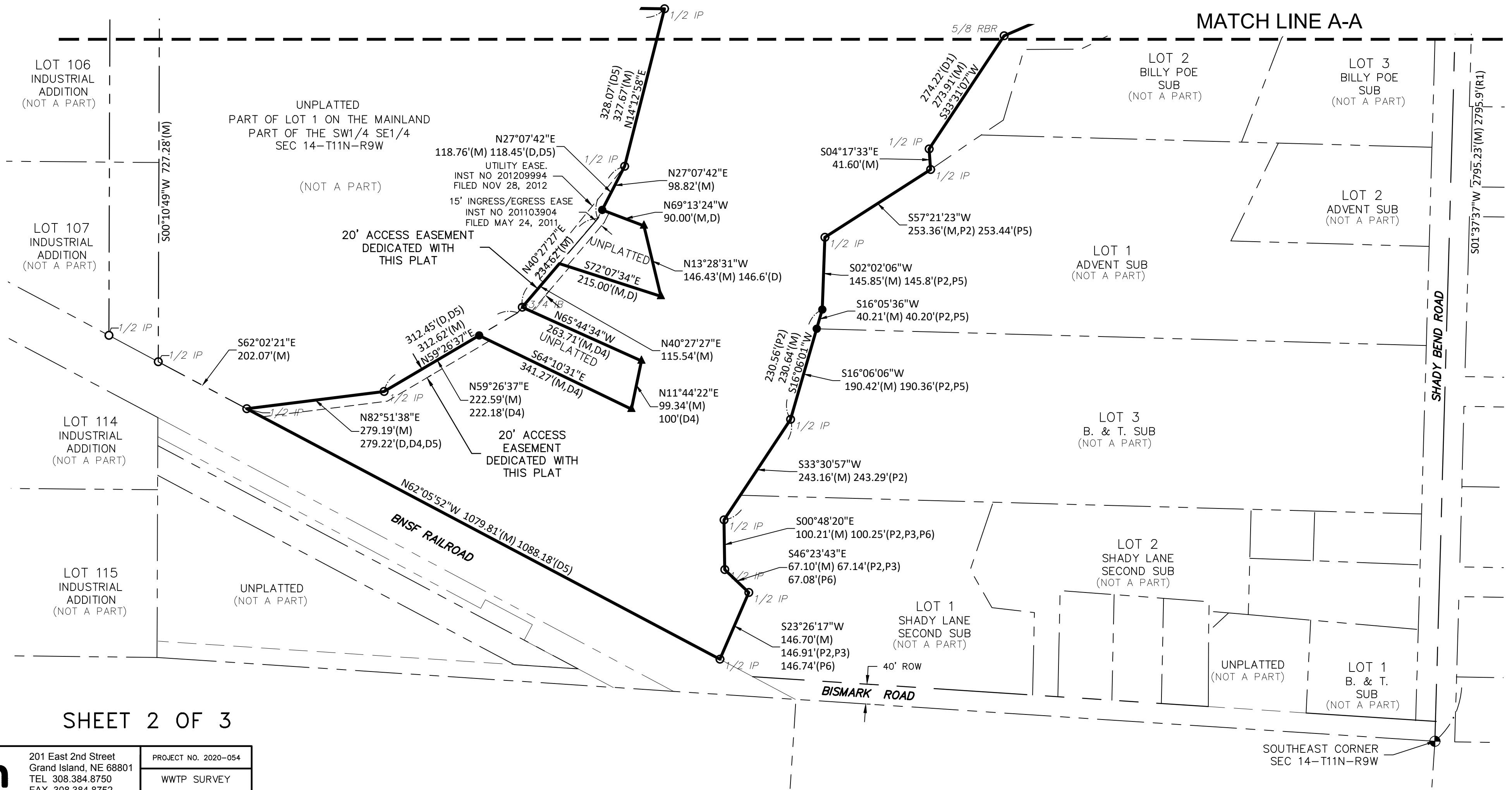
LOCATION MAP



SECTION TIES

- NORTHEAST CORNER, SEC. 14-T11N-R9W**
 FOUND SURVEY SPIKE w/ID WASHER AT GRADE IN CENTERLINE ASPHALT ROAD INTERSECTION
 NW 51.18' TO RED HEAD NAIL IN POWER POLE
 SW 45.08' TO RED HEAD NAIL IN POWER POLE
 SSW 62.05' TO TOP OPERATION NUT ON FIRE HYDRANT
 SE 48.80' TO NEAR FACE OF STEEL CORNER FENCE POST
- NORTHWEST CORNER, SOUTHEAST 1/4, SEC. 14-T11N-R9W**
 FOUND 1/2" IRON PIPE w/PSC, 0.3' BELOW GRADE, SOUTH BANK OF OUTFALL DITCH
 S 14.70' TO BACK OF CURB ON SWIFT ROAD
 SE 66.90' TO 'X' NAIL IN POWER POLE
 ESE 14.72' TO 5/8" REBAR
 NE 47.63' TO CHISELED 'X' NORTH END OF WEST CONCRETE BRIDGE RAIL

- EAST 1/4 CORNER, SEC. 14-T11N-R9W**
 FOUND SURVEY SPIKE w/WASHER AT GRADE IN CENTERLINE NORTH/SOUTH ASPHALT ROAD
 E 22.32' TO CHISELED 'X' IN SE WGW
 W 21.42' TO CHISELED 'X' IN SW WGW
 SW 46.53' TO MAG NAIL IN POWER POLE
 WSW 25.90' TO MAG NAIL IN WOODEN GDR POST
- SOUTH 1/4 CORNER, SEC. 14-T11N-R9W**
 FOUND SURVEY SPIKE AT GRADE IN ASPHALT ROAD INTERSECTION
 N 2.0' TO CENTERLINE EAST/WEST ROAD
 E 4.0' TO CENTERLINE NORTH/SOUTH ROAD
 NW 54.13' TO MAG NAIL w/WASHER IN POWER POLE
 SW 43.81' TO MAG NAIL w/WASHER IN POWER POLE
 SE 51.75' TO MAG NAIL w/WASHER IN POWER POLE



SHEET 2 OF 3



201 East 2nd Street
 Grand Island, NE 68801
 TEL 308.384.8750
 FAX 308.384.8752

PROJECT NO. 2020-054
WWTP SURVEY
FB GI 2020-2

DWG: F:\2020\0501-1000\020-0854\40-Design\Survey\SRVY\Sheets\1_V_FPLAT_0200854.dwg
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 V_XRWAY_LDP_0200854

RESOLUTION 2022-19

WHEREAS know all men by these presents, that THE CITY OF GRAND ISLAND, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "WWTP SUBDIVISION", A tract of land consisting of part of lots 57-61 and 85-92, all in industrial addition, part of lots 1 and 2, on the Mainland; Part of the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., City of Grand Island, Hall County, Nebraska.

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-4

**#2022-20 - Approving Final Plat for (ETJ) C & C Smith
Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: January 25, 2022
Subject: C & C Smith Subdivision – Final Plat
Presenter(s): Chad Nabity, AICP, Regional Planning Director

Background

This property is located north of Guenther Road and west of U.S. Highway 281. This property is zoned TA Transitional Agriculture. The original parcel was created in 1971 and should have been subdivided but was not. This corrects that error and brings the property into compliance. (1 lot, 2.75 acres).

Discussion

The final plat for C & C Smith Subdivision was considered at the Regional Planning Commission at the January 5, 2022 meeting.

A motion was made by Rainforth and second by Randone to approve final plat for C & C Smith Subdivision.

A roll call vote was taken and the motion passed.

The motion was carried with nine members voting in favor (O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Randone, Doane and Hendricksen) no members present 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

Recommendation

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

Sample Motion

Move to approve as recommended.

Developer/Owner
Curt Smith
3468 W Guenther Road
Grand Island, NE 68803

To create
Size: Final Plat 1 lot, 2.75 Acres
Zoning: TA - Transitional Agriculture
Road Access: Existing county highway
Water: City Water is not available to the subdivisions.
Sewer: City Sewer is not available to the subdivision.



* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

C. C. SMITH SUBDIVISION

Lot 1

In the City of Grand Island, Hall County Nebraska

The undersigned, CURT SMITH and CHRISTINE SMITH, HUSBAND AND WIFE hereinafter called the Subdivider, as owner of a tract of land in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska excepting a tract of ground more particularly described as follows: A Tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12) above described, thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) a distance of 330 feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said

line a distance of 132 feet to the place of beginning & A tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten(10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter(SW1/4SE1/4) a distance of 330 Feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 :Feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said line a distance of 132 feet to the of the beginning.

desires to have subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as C.C. SMITH SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and the City Council to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said C.C. SMITH SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following improvements:

1. **Paving.** The Subdivider agrees to waive the right to object to the creation of any paving or repaving district for Guenther Road where it abuts the subdivision.

2. **Water.** Public water supply is not available to the subdivision. Therefore, individual water well systems shall be permissible on an initial basis. The Subdivider waives the right to protest the creation of any future water district within or abutting the subdivision.

3. **Sanitary Sewer.** Public sanitary sewer main is not available to the subdivision; therefore individual systems shall be permissible on an initial basis. However, the Subdivider waives the right to protest the creation of a sanitary sewer district within or abutting the subdivision.

4. **Storm Drainage.** The Subdivider agrees to provide and maintain positive drainage from all lots, according to the drainage plan, so that storm drainage is conveyed to a public right-of-way or to other drainage systems so approved by the Director of Public Works. If the Subdivider fails to grade and maintain such drainage the City may create a drainage district to perform such work. The Subdivider agrees to waive the right to object to the creation of any drainage district benefitting the subdivision

5. **Sidewalks.** Immediate sidewalk construction adjacent to Guenther Road shall be waived. However, the sidewalks shall be constructed when the property owner is directed to do so by the City Council. In the event a Street Improvement District is created to pave any public street in the subdivision, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

6. **Easements.** Any easements shall be kept free of obstructions and the Subdivider shall indemnify the City for any removal or repair costs caused by any obstructions.

In addition, the duty to maintain the surface of any easements to keep them clear of any worthless vegetation or nuisance shall run with the land.

7. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a professional engineer registered in the State of Nebraska and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional engineer registered in the State of Nebraska, and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a professional engineer registered in the State of Nebraska shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

8. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as C.C. SMITH SUBDIVISION, and that an abstract of title or title insurance commitment will be submitted for examination, if necessary, upon request of the City of Grand Island.

9. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated _____, 2022.

CURT SMITH, Subdivider

CHRISTINE SMITH, Subdivider

By: _____

By: _____

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Curt Smith, owner, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

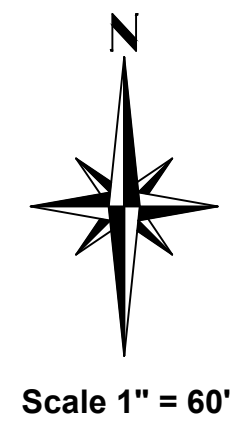
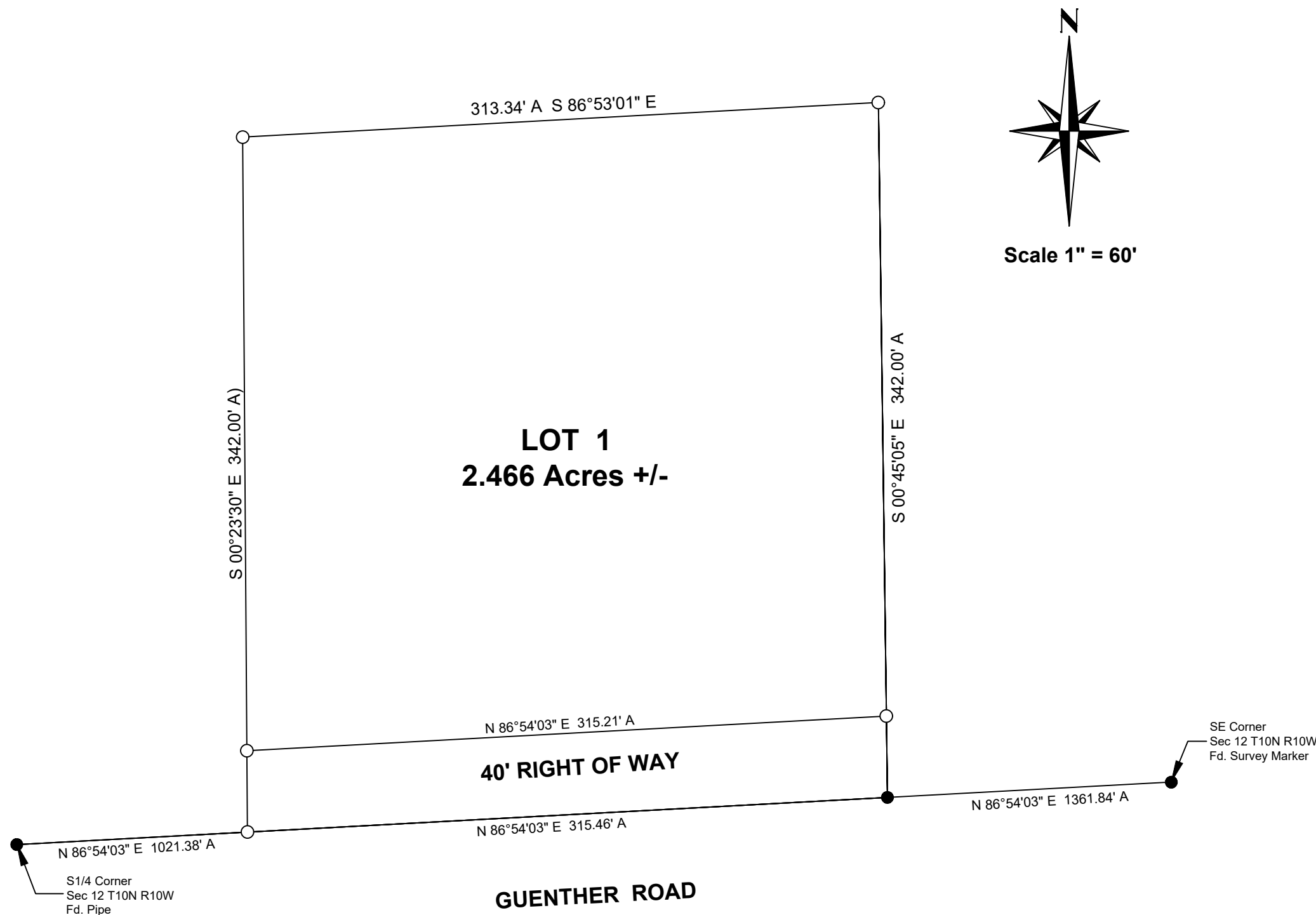
On _____, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Christine Smith, owner, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

C & C SMITH SUBDIVISION



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Curt Smith and Christine Smith Husband and Wife, being the owners of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as C & C SMITH SUBDIVISION' in Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, if any, as shown thereon for the location, construction and maintenance of public service utilities, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements; and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat is made with the free consent and in accordance with the desires of the undersigned owner and proprietor. IN WITNESS WHEREOF, I have affixed my signature hereto, at Grand Island, Nebraska.

Curt Smith
Date _____

Christine Smith
Date _____

ACKNOWLEDGEMENT

State of Nebraska
County of Hall

On the ____ day of _____, 2022, before me _____ a Notary Public within and for said County, personally appeared Curt Smith and Christine Smith married Couple, and to me personally known to be the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.

My commission expires _____ .20__

Notary Public

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and The Villages of Alda, Cairo, and Doniphan, Nebraska

Chairman Date

Approved and accepted by the Hall County Board of Supervisors, this Day of _____, 2022

Chairman of the Board

Approved and accepted by the City of Grand Island, Hall County, Nebraska this _____
Day of _____, 2022

Mayor

City Clerk

LEGAL DESCRIPTION

Part of the Instrument Number: 0200700153

The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska excepting a tract of ground more particularly described as follows: A Tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12) above described, thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) a distance of 330 feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said line a distance of 132 feet to the place of beginning

&

A tract of land located in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten(10) West of the 6th P.M., Hall County, Nebraska, described as commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twelve (12), thence running in a Northerly direction along and upon the East line of the Southwest Quarter of the Southeast Quarter(SW1/4SE1/4) a distance of 330 Feet; thence at right angle West a distance of 132 feet; thence at a right angle South a distance of 330 :Feet to a point on the South line of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), thence at a right angle on said line a distance of 132 feet to the place of beginning

SURVEYORS CERTIFICATE

I hereby certify that on December 2, 2021, I completed an accurate survey of 'C & C SMITH SUBDIVISION', in Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

Brent D Cyboron
Nebraska Professional Registered Land Surveyor No. 727

Legend

- - Corner Found 1/2" Pipe Unless Otherwise Noted
- - 1/2 Rebar Placed W/Survey Cap Unless Otherwise Noted
- ⊙ - Temporary Point
- All Distances on Curves are Chord Distance
- R - Recorded Distance
- A- Actual Distance
- P- Prorated Distance

INITIAL POINT SURVEYING LLC
1811 W 2nd Street, Suite 280
Grand Island, NE 68803
308-383-6754 Cell
308-675-4141 Office

LOCATION: (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12), Township Ten (10) North, Range Ten (10) West			
TITLE: C & C Smith Subdivision Hall County, Nebraska			
SCALE AT ALL: 1" = 100'	DATE: 12/22/2021	DRAWN BY: Brent C.	PAGE: 1 OF 1
BENESCH PROJECT NO:	DRAWING NO:	REVISION:	

RESOLUTION 2022-20

WHEREAS know all men by these presents, that Curt Smith and Christine Smith Husband and Wife, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as "C & C SMITH SUBDIVISION", The East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E1/2 E1/2 SW1/4 SE1/4) of Section Twelve (12) , Township Ten (10) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska.

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-5

#2022-21 - Approving Acquisition of Utility Easement - 655 S. Cherry St and 1010 E. Bismark Road (Nikodym)

This item relates to the aforementioned Public Hearing item E-7.

Staff Contact: Tim Luchsinger, Stacy Nonhof

RESOLUTION 2022-21

WHEREAS, a public utility easement is required by the City of Grand Island from John Nikodym, along with JNIK, LLC, to survey, construct, inspect, maintain, repair, replace, relocate, extend, remove, and operate thereon, public utilities and appurtenances, including power lines; and

WHEREAS, a public hearing was held on January 25, 2022, for the purpose of discussing the proposed acquisition of a Sixteen (16.0) foot wide easement and right-of-way tract located through a part of Lot One (1), and Lot Two (2), of Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:

Beginning at the Southeast corner of Lot One (1), Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska; thence westerly, along the southerly line of said Lot One (1), on an assumed bearing of N89°36'00"W, a distance of sixteen (16.0) feet; thence N0°17'49"E, a distance of one hundred thirty-three and fifty-two hundredths (133.52) feet; thence N89°45'18"W, a distance of ninety-five (95.0) feet; thence N0°17'49"E, a distance of sixteen (16.0) feet; thence S89°45'18"E, a distance of ninety-five (95.0) feet; thence N0°17'49"E, a distance of one hundred thirty-one and twenty-seven hundredths (131.27) feet; thence N28°38'22"W, a distance of one hundred eighty-three and thirty-six hundredths (183.36) feet; thence N61°21'38"E, a distance of sixteen (16.0) feet; thence S28°38'22"E, a distance of one hundred fifty-four and forty-two hundredths (154.42) feet; thence N0°17'49"E, a distance of twenty (20.0) feet; thence S89°42'11"E, a distance of sixteen (16.0) feet to a point on the easterly line of said Lot One (1), thence S0°17'49"W, along the easterly line of said Lot One (1), a distance of three hundred thirty-three and eighty-eight hundredths (333.88) feet to the said Point of Beginning.

The above-described easement and right-of-way containing a total of .22 acres, more or less as shown on the plat dated 1/7/2022, marked Exhibit "A", attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire a public utility easement from John Nikodym, along with JNIK, LLC, on the above-described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
January 21, 2022 ☐ City Attorney

NIKODYM

LOT 2

SECOND

N.E. CORNER- LOT 2, NIKODYM SUB.

652.55'

NORTH LINE- LOT 2, NIKODYM SUB.

LOT 2

570.73'

NIKODYM

16.0'
N61°21'38"E

154.42'
S28°38'22"E

183.36'
N28°38'22"W

16.0'
S89°42'11"E

20.0'
N0°17'49"E

SUB.

EAST LINE- LOT 1, NIKODYM SUB.

LOT 1

CHERRY

STREET

SUBDIVISION

16.0'
N0°17'49"E

95.0'
S89°45'18"E

95.0'
N89°45'18"W

333.88'
S0°17'49"W

40.0'

LOT 1

90.0'

SOUTH LINE- LOT 1, NIKODYM SUB.

372.02'

SECTION LINE 40'

BISMARCK ROAD

16.0'
N89°36'00"W (ASSUMED)

POINT OF BEGINNING
S.E. CORNER- LOT 1, NIKODYM SUB.

LEGEND



INDICATES 16' WIDE UTILITY EASEMENT



CITY OF GRAND ISLAND UTILITIES DEPARTMENT

EXHIBIT "A"

100'



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-6

#2022-22 - Approving Amendment No. 1 to the Renewable Energy Credit Purchase

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: January 25, 2022

Subject: Amendment No. 1 to Renewable Energy Credit Purchase and Sale Agreement – City of Neligh

Presenter(s): Timothy Luchsinger, Utilities Director

Background

On June 9, 2015, Council approved execution of a Power Purchase Agreement with Invenergy Inc., for the Prairie Breeze III (PBIII) Wind Energy Project. On September 8, 2015, Council approved an agreement with the City of Neligh for the sale of approximately 5.59% of the PBIII output including the Renewable Energy Credits (REC's). Currently, the Grand Island Utilities Department is maintaining Neligh's RECs in a subaccount of the Grand Island Utilities Department's REC registry account. Discussions by the Grand Island Utilities Department with Neligh management resulted in the request by Neligh to participate in the Grand Island Utilities Department's REC marketing process. An agreement with Evergy, for the purchase and sale of RECs by the Department's wind facilities, including PBIII, was approved by Council on October 12, 2021.

Discussion

Based on the recommendation of Fraser Stryker, the outside legal counsel used in the original agreement with the PBIII power purchase agreement and the Neligh sale agreement, an amendment to the Neligh agreement, authorizing Grand Island to include Neligh RECs in the Evergy agreement with the revenue realized on transactions to be returned to Neligh, was drafted. Grand Island Utilities Department and Legal staff recommend approval of Amendment No. 1 to the Renewable Energy Credit Purchase and Sale Agreement executed with the City of Neligh.

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 a future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve Amendment No. 1 to the Renewable Energy Credit Purchase and Sale Agreement executed with the City of Neligh.

Sample Motion

Move to approve Amendment No. 1 to the Renewable Energy Credit Purchase and Sale Agreement executed with the City of Neligh.

**AMENDMENT NO. 1 TO RENEWABLE ENERGY CREDIT
PURCHASE AND SALE AGREEMENT**

This Amendment No. 1 (“Amendment No. 1”), is made and effective this 25th day of January, 2022 by and between the CITY OF GRAND ISLAND, NEBRASKA, a municipal corporation and city of the first class organized and existing pursuant to Neb. Rev. Stat. §§ 16-101 et seq. (“GRAND ISLAND”), and the CITY OF NELIGH, NEBRASKA, a municipal corporation and city of the ___ class organized and existing pursuant to Neb. Rev. Stat. §§ _____ et seq. (“BUYER”). GRAND ISLAND and BUYER may be referred to individually herein as “Party” and collectively as “Parties.”

WHEREAS, effective June 9, 2015, Grand Island entered into a Power Purchase Agreement with Prairie Breeze Wind Energy III, LLC for the output of a 35.8 Megawatt wind energy facility (the "Plant"); and

WHEREAS, on October 15, 2015, Grand Island and Buyer entered into a Renewable Energy Credit Purchase and Sale Agreement ("Agreement") by which Grand Island agreed to sell and Buyer agreed to purchase certain Environmental Attributes related to the Plant (as those capitalized terms are defined in the Agreement); and

WHEREAS, contemporaneously with the execution of this Amendment No. 1, Grand Island intends to enter into a Renewable Energy Certificate Purchase Agreement ("REC Agreement") with Evergy Central, Inc. ("Evergy") by which Evergy will market the sale of Renewable Energy Certificates ("RECs") associated with generation from the Plant; and

WHEREAS, Buyer desires to have Grand Island include Buyer's RECs under the Agreement in the marketing of Grand Island's RECs by Evergy under the REC Agreement, pursuant to the terms of this Amendment No. 1.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to amend the Agreement as follows:

1. **Capitalized Terms.** For purposes of this Amendment No. 1, unless otherwise stated, capitalized terms shall have the meaning set forth in the Agreement.

2. **Marketing of RECs.** Under the terms of the Agreement, Grand Island agrees to sell and deliver, and Buyer agrees to purchase, approximately 5.59 percent (5.59%) of the RECs associated with generation from the Plant (the "Buyer's RECs"). As Grand Island is entering into a Renewable Energy Certificate Purchase and Sale Agreement with Evergy Kansas Central, Inc. (Evergy), Buyer elects to have Grand Island include Buyer's RECs in the marketing of Grand Island's RECs under the terms of the REC Agreement with Evergy. Grand Island shall include the Buyer's RECs in the RECs to be marketed by Evergy under the REC Agreement, and in all respects such Buyer's RECs shall be subject to the terms of the REC Agreement. For reference, Exhibit A of the Evergy REC Agreement is attached to this Amendment No. 1 as Exhibit A.

Buyer shall cooperate reasonably with Grand Island and, as required, with Evergy, with respect to the marketing and sale of the Buyer's RECs, including the execution of all documents needed in connection therewith. Within a reasonable time of its receipt of payment from Evergy for any sale of the Buyer's RECs, Grand Island shall make payment for such sales to Buyer.

2. **Effect of Amendment No. 1.** Except as expressly modified in this Amendment No. 1, the Agreement shall remain in full force and effect.

This Amendment No. 1 to the Renewable Energy Purchase and Sale Agreement is executed in duplicate originals this 25th day of January, 2022.

CITY OF GRAND ISLAND, NEBRASKA

By: _____
Name: _____
Title: _____

CITY OF NELIGH, NEBRASKA

By: _____
Name: _____
Title: _____

EXHIBIT A

Renewable Energy Certificate Purchase and Sale Agreement Exhibit A

RESOLUTION 2022-22

WHEREAS, on June 9, 2015, Council approved the execution of a Power Purchase Agreement with Invenergy Inc., for the Prairie Breeze III Wind Energy Project, on September 8, 2015 Council approved an agreement with the City of Neligh for the sale of approximately 5.59% of the PBIII output including the Renewable Energy Credits, and on October 12, 2021 Council approved an agreement with Evergy for the purchase and sale of REC's by the Department's wind facilities; and

WHEREAS, the Grand Island Utilities Department is maintaining Neligh's Renewable Energy Credits in a subaccount of the Grand Island Utilities Department's REC marketing process; and

WHEREAS, Neligh has requested to participate in the Grand Island Utilities Department's REC marketing process.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 1 to the Renewable Energy Credit Purchase and Sale Agreement is approved, and 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, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-7

#2022-23 - Approving Purchase of a 2023 Aerial Truck for the Line Division

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: January 25, 2022

Subject: Approving Purchase of a 2023 Ford F550 with 41 Foot
Articulating Aerial Device for Electric Overhead
Division

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The Electric Overhead Division of the Utilities Department has a 2013 Ford F550 with a 42-foot articulating aerial device. This vehicle has approximately 58,000 miles and 8200 hours which is equivalent to approximately 260,000 miles on the engine and power transmission equipment. This vehicle is heavily used for all after hours calls and daily service repairs. This vehicle is in need of replacement due to a variety of potentially costly maintenance issues. The truck has recurring issues with the main PTO pump, inside wiring and hydraulic reservoir. Due to the published delivery date of 2024/2025, it is recommended to order a replacement as soon as possible.

Discussion

The Grand Island City Council approved the use of the National Joint Powers Alliance Buying Group (NJPA) on October 28, 2014 with Resolution 2014-326. To meet competitive bidding requirements, the Utilities Department obtained pricing from the NJPA Contract No.031014-ALT awarded to Altec Industries, Inc.

Specifications for replacement of Unit #1562 were prepared by Department staff resulting in a recommendation of a 2023 Ford F550 with a 41-foot articulating aerial device from Altec Industries Inc., of St. Joseph, Missouri, in the amount of \$224,218.00.

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 the 2023 Ford F550 with a 41-Foot Articulating Aerial Device for the Line Division of the Utilities Department, from Altec Industries Inc., in St. Joseph, Missouri, in the amount of \$224,218.00.

Sample Motion

Move to approve the purchase of a 2023 Ford F550 with a 41-Foot Articulating Aerial Device from Altec Industries Inc, of St. Joseph, Missouri, in the amount of \$224,218.00.



RESOLUTION 2022-23

WHEREAS, the existing 2013 Ford F550 with a 42-foot articulating aerial device has an equivalent of approximately 260,000 miles on the engine and power transmission equipment and has a variety of maintenance issues; and

WHEREAS, National Joint Powers Alliance Buying Group contract #031014-ALT was awarded to Altec Industries, Inc., of St. Joseph, Missouri; and

WHEREAS, specifications to replace Unit #1562 were prepared by Department staff and a 2023 Ford F550 with a 41-foot articulating aerial device from Altec Industries, Inc., of St. Joseph, Missouri would cost \$224,218.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Line Department purchase a 2023 Ford F550 with a 41-foot articulating aerial device from Altec Industries Inc., of St. Joseph, Missouri, in the amount of \$224,218.00 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-8

#2022-24 - Approving Amendment No. 1 to Engineering Consulting Services for Wastewater Treatment Plant Flow Improvements; Project No. 2020-WWTP-4

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: January 22, 2022

Subject: Approving Amendment No. 1 to Engineering Consulting Services for Wastewater Treatment Plant Flow Improvements; Project No. 2020-WWTP-4

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

Background

Public Works Engineering staff has identified several areas in which improvements are desired to be evaluated. Staff is looking at the following items to improve plant operations and monitoring.

- Industrial Flow Measurement
- Industrial Flow Diversion
- Buried Infrastructure Evaluation
- Internal Recycle System

On December 22, 2020, via Resolution No. 2020-340, City Council approved an agreement with HDR Engineering, Inc. of Omaha, Nebraska in the amount of \$437,955.00 for Wastewater Treatment Plant Flow Improvements; Project No. 2020-WWTP-4.

Discussion

To allow for additional design, construction phase and project closeout services for Wastewater Treatment Plant Flow Improvements; Project No. 2020-S-4 Amendment No. 1 to the original agreement with HDR Engineering, Inc. is being requested. This amendment will be in the amount of \$644,177.00 for a revised agreement of \$1,082,132.00.

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 Amendment No. 1 to the original agreement with HDR Engineering, Inc. of Grand Island, Nebraska, in the amount of \$644,177.00.

Sample Motion

Move to approve the resolution.

RESOLUTION 2022-24

WHEREAS, on December 22, 2020, via Resolution No. 2020-340, City Council approved an agreement with HDR Engineering, Inc. of Grand Island, Nebraska in the amount of \$437,955.00 for Wastewater Treatment Plant Flow Improvements; Project No. 2020-WWTP-4; and

WHEREAS, the original agreement is now being amended to allow for additional design, construction phase and project closeout services; and

WHEREAS, such amendment is in the amount of \$644,177.00, for a revised agreement amount of \$1,082,132.00; and

WHEREAS, Amendment No. 1 to the original agreement with HDR Engineering, Inc. of Omaha, Nebraska is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 1 with HDR Engineering, Inc. of Omaha, Nebraska for engineering consulting services related to Wastewater Treatment Plant Flow Improvements; Project No. 2020-WWTP-4 is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-9

#2022-25 - Approving Bid Award for Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 (Phase II)

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: January 25, 2022

Subject: Approving Bid Award for Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 (Phase II)

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

Background

The Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 is for the rehabilitation of Custer Avenue. The project will improve the ride/pavement condition along this stretch of existing concrete curb and gutter roadway. The curb and gutter section will be removed and replaced in areas where it is in poor condition. This will speed construction and will not require any driveway, sidewalk or landscaping replacement.

To lessen the impact on traffic this project has been broken into phases, which consist of:

- Phase I- Old Potash Highway to Faidley Avenue;
- Phase II- Faidley Avenue to 13th Street;
- Phase III- 13th Street to Forrest Street.

On October 12, 2021, via Resolution No. 2021-270, City Council approved the bid award of Custer Avenue- Old Potash Highway to Faidley Avenue; Project No. 2019-P-13 (Phase I) to The Diamond Engineering Company of Grand Island, Nebraska in the amount of \$1,246,840.95.

On December 15, 2021 the Engineering Division of the Public Works Department advertised for bids for the second phase of Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8; with the third phase to be bid bid FY 2022/2023. There were thirty-one (31) potential bidders for this project.

Discussion

One (1) bid was received and opened on January 11, 2022. The bid submitted is in compliance with the contract, plans and specifications. A summary of the bid is shown below.

<i>Bidder</i>	<i>Exceptions</i>	<i>Base Bid</i>
The Diamond Engineering Co. of Grand Island, Nebraska	None	\$962,102.75

There are sufficient funds in Account No. 21000001-2100-40042 to fund this project.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve awarding the contract for Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 (Phase II) to The Diamond Engineering Company of Grand Island, Nebraska in the amount of \$962,102.75.

Sample Motion

Move to approve the bid award.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: January 11, 2022 at 2:00 p.m.

FOR: Custer Avenue – Faidley Avenue to 13th Street Roadway
Rehabilitation; Project No. 2021-P-8 (Phase II)

DEPARTMENT: Public Works

ESTIMATE: \$1,115,000.00

FUND/ACCOUNT: 21000001-2100-40042

PUBLICATION DATE: December 15, 2021

NO. POTENTIAL BIDDERS: 31

SUMMARY

Bidder: The Diamond Engineering Co.
Grand Island, NE

Bid Security: Universal Surety company

Exceptions: None

Bid Price: \$962,102.75

cc: John Collins, Public Works Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, Admin. Asst. Public Works
Patrick Brown, Finance Director
Keith Kurz, Assistant Public Works Director

P2334

RESOLUTION 2022-25

WHEREAS, the City of Grand Island invited sealed bids for Custer Avenue-Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 (Phase II), according to plans and specifications on file with the City Engineer/Public Works Director; and

WHEREAS, on January 11, 2022 bids were received, opened, and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$962,102.75; and

WHEREAS, The Diamond Engineering Company's bid was below the engineer's estimate for the project: and

WHEREAS, funds are available in the Fiscal Year 2021/2022 budget for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of The Diamond Engineering Company of Grand Island, Nebraska in the amount of \$962,102.75 for Custer Avenue- Faidley Avenue to 13th Street Roadway Rehabilitation; Project No. 2021-P-8 (Phase II) is hereby approved as the lowest responsible bid.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-10

**#2022-26 - Approving Bid Award for Moores Creek Drainage
Culvert Extension; Project No. 2021-D-2(A)**

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: January 25, 2022

Subject: Approving Bid Award for Moores Creek Drainage Culvert Extension; Project No. 2021-D-2(A)

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

Background

On December 22, 2021 the Engineering Division of the Public Works Department advertised for bids for Moore Creek Drainage Culvert Extension; Project No. 2021-D-2(A). The bid package for this project was sent to fifteen (15) potential bidders.

This project consists of the culvert extension of the ditch under Engleman Road near the Grand Island Utilities water storage tower.

Discussion

Four (4) bids were received and opened on January 11, 2022. The Engineering Division of the Public Works Department and the Purchasing Division of the City Attorney's Office have reviewed the bids that were received. A summary of the bids is shown below.

<i>Bidder</i>	<i>Exceptions</i>	<i>Bid Price</i>
The Diamond Engineering Company of Grand Island, NE	None	\$267,262.20
AMP Works, LLC of Grand Island, NE	None	\$270,260.05
Elsbury Construction, LLC of Grand Island, NE	None	\$313,338.48
Van Kirk Bros. Contracting of Sutton, NE	None	\$339,794.80

The bid of The Diamond Engineering Company of Grand Island, Nebraska is considered fair and reasonable and is well below the engineer's estimate.

Funds are available in Account No. 40000400-2000-40054.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the bid award to The Diamond Engineering Company of Grand Island, Nebraska in amount of \$267,262.20.

Sample Motion

Move to approve the bid award.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: January 11, 2022 at 2:15 p.m.
FOR: Moores Creek Drainage Culvert Extension; Project No. 2021-D-2(A)
DEPARTMENT: Public Works
ESTIMATE: \$304,000.00
FUND/ACCOUNT: 40000400-2000-40054
PUBLICATION DATE: December 22, 2021
NO. POTENTIAL BIDDERS: 15

SUMMARY

Bidder:	<u>Van Kirk Bros. Contracting</u> Sutton, NE	<u>The Diamond Engineering Co.</u> Grand Island, NE
Bid Security:	Universal Surety Company	Universal Surety Company
Exceptions:	None	None
Bid Price:	\$339,794.80	\$267,262.20
Bidder:	<u>Elsbury Construction LLC</u> Grand Island, NE	<u>AMP Works LLC</u> Grand Island, NE
Bid Security:	Universal Surety Company	Granite RE, Inc.
Exceptions:	None	None
Bid Price:	\$313,338.48	\$270,260.05

cc: John Collins, Public Works Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Coordinator
Patrick Brown, Finance Director
Keith Kurz, Assist. PW Director

P2336

RESOLUTION 2022-26

WHEREAS, the City of Grand Island invited sealed bids for Moores Creek Drainage Culvert Extension; Project No. 2021-D-2(A), according to plans and specifications on file with the Public Works Department; and

WHEREAS, on January 11, 2022, bids were received, opened, and reviewed; and

WHEREAS, The Diamond Engineering Company of Grand Island, Nebraska submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$267,262.20; and

WHEREAS, The Diamond Engineering Company's bid is considered fair and reasonable for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of The Diamond Engineering Company of Grand Island, Nebraska in amount of \$267,262.20 for Moores Creek Drainage Culvert Extension; Project No. 2021-D-2(A) is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-11

#2022-27 - Approving Agreement with Alfred Benesch & Co. for Preliminary Design Services for Stolley Park Roadway and Parking Improvements for the Parks & Recreation Department

Staff Contact: Todd McCoy, Parks & Recreation Director

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director

Meeting: January 25, 2022

Subject: Approve Preliminary Design Services for Stolley Park Roadway and Parking Improvements

Presenter: Todd McCoy, Parks and Recreation Director

Background

In 1974 the City of Grand Island took ownership of Stolley State Park. Today, Stolley is one of Grand Island most popular parks. Stolley Park offers a wading pool, playground equipment, disc golf, train rides, pickleball courts, horseshoe pits, basketball courts, ball fields, picnic areas, and more. Stolley is home to numerous community events such corporate picnics, Art in the Park and car shows.

Discussion

The City advertised a Request for Qualifications (RFQ) for firms to evaluate and provide preliminary design services for constructing improved parking and roadways in Stolley Park.

Two (2) RFQ's were received.

Alfred Benesch & Company, Grand Island, NE
JEO, Grand Island, NE

Staff recommends contracting Alfred Benesch & Company for preliminary design services for the project. Alfred Benesch was selected based on the criteria of approach, experience, resume of staff, schedule, and value. The contact amount is \$34,922.00. KENO proceeds will be utilized.

Alternatives

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

1. Approve the agreement.
2. Take no action on the issue.

Recommendation

City Administration recommends that Council approve the agreement with Alfred Benesch & Company of Grand Island, Nebraska for preliminary design services for improving Stolley Park roadways and parking.

Sample Motion

Move to approve the agreement with Alfred Benesch & Company for preliminary design services in the total contact amount of \$34,922.00.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

**2ND REQUEST FOR QUALIFICATIONS
FOR
ENGINEERING SERVICES FOR THE
2022 CAPITAL IMPROVEMENT PROJECTS;
SELECTED LOCATIONS**

RFP DUE DATE: November 10, 2021 at 4:15 p.m.
DEPARTMENT: Public Works
PUBLICATION DATE: October 22, 2021
NO. POTENTIAL BIDDERS: 16

PROPOSALS RECEIVED

Olsson
Grand Island, NE

JEO Consulting Group
Grand Island, NE

Benesch
Grand Island, NE

cc: John Collins, Public Works Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Assist.
Patrick Brown, Finance Director
Keith Kurz, Assist. PW Director

P2322



CONSULTING SERVICES AGREEMENT

CLIENT	City of Grand Island	Project Name	City of Grand Island
Address	City Hall, 100 East First Street	Stolley Park Paving Improvements	
	Grand Island, NE 68802		
		Project Location	Grand Island, NE
		Stolley Park	
Telephone	308-385-5444		
Client Contact	Todd McCoy	Consultant PM	Terry Brown
Client Job No.		Consultant Job No.	

This Agreement is made by and between City of Grand Island, hereinafter called "Client," and Alfred Benesch & Company, hereinafter called "Consultant", for professional consulting services as specified herein. Consultant agrees to provide Client with requested consulting services more specifically described as follows (or shown in Attachment A):

The General Conditions and the following Attachments are hereby made a part of the Agreement:

- Attachment A: Scope of Services and Fee Estimate
 - Attachment B: Schedule of Unit Rates
 - Attachment C: _____
- or
- Exhibit A: Work Authorizations specifying Method of Payment, Scope, and Fee

By signing this Agreement, Client acknowledges that it has read and fully understands this Agreement and all attachments thereto. Client further agrees to pay Consultant for services described herein upon receipt of invoice by Client for the Consultant's estimated fee as described below:

- By Lump Sum: \$ ____.
- By Time and Materials: \$34,922.
- By Other Payment Method (See Attachment ____): \$ ____.
- As shown on serially numbered Work Authorizations Using Exhibit A

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement:

CLIENT

ALFRED BENESCH & COMPANY

BY: _____
 AUTHORIZED REPRESENTATIVE

BY: _____
 AUTHORIZED REPRESENTATIVE

PRINT NAME: _____

PRINT NAME: Anthony Dirks

TITLE: _____

TITLE: Senior Vice President

DATE: _____, 2022

DATE: January 11, 2022

BENESCH OFFICE: Lincoln

ADDRESS: 825 M Street, Suite 100

Lincoln, NE 68508

PLEASE SIGN AND RETURN ONE COPY TO ALFRED BENESCH & COMPANY (ADDRESS ABOVE).



STANDARD TERMS AND CONDITIONS

SECTION 1 – Services by Consultant

1.1 General

Consultant shall provide services under this Agreement only upon request of the Client, and only to the extent defined and required by the Client. These services may include the use of outside services, outside testing laboratories, and special equipment.

Attachments to this Agreement are as identified on the signature page to this Agreement or using serially numbered Work Authorizations, and with these GENERAL CONDITIONS, are all as attached hereto, and made a part of this Agreement.

1.2 Scope of Services and Fees

The services to be performed by Consultant and the associated fee are attached hereto and made a part of this Agreement or by using serially numbered Work Authorizations, all as identified on the signature page to this Agreement, and shall be performed by the Consultant in accordance with the Client's requirements. The Scope of Services and Fee Estimate (Attachment A) is valid for sixty (60) days, after which Consultant reserves the right to revise the Scope or Fee Estimate.

It is mutually understood that Consultant's fee is not a firm contractual amount, except the total fee by the Consultant shall not be exceeded unless authorized in writing by the Client. The intent of the Scope of Services is to identify the services to be provided by Consultant. However, it is specifically understood that by written notice to Consultant, Client can decrease or, with concurrence of Consultant, increase the Scope of Services.

SECTION 2 – Payments to Consultant

2.1 Method of Payment

Payment for Consultant's personnel services and direct expenses shall be based on the Method of Payment which is identified on the signature page to this Agreement or serially numbered Work Authorizations, attached hereto, and made a part of this Agreement.

2.2 Payment for Personnel Services

2.2.1 Payment

Payment for the services rendered by Consultant's personnel shall be based on the hours of chargeable time and in accordance with Consultant's Schedule of Unit Rates, which is identified on the signature page to this Agreement and attached hereto, and made a part of this Agreement.

2.2.2 Chargeable Time

Chargeable time for Consultant's personnel is that portion of their time devoted to providing services requested by Client. Chargeable time for field personnel located away from Consultant's office for more than one week is a minimum of eight hours per day and five days per calendar week, except for Consultant observed legal holidays or during an employee's sick leave or vacation time. Travel

time from Consultant's office to an assigned work site, and return to Consultant's office, is chargeable time; or if more economical for Client, Consultant shall lodge its personnel overnight near the work site in lieu of traveling back to Consultant's office at the end of each work day.

2.2.3 Overtime Rates

The basis for payment to Consultant for each hour worked in excess of forty (40) hours in any calendar week shall be the applicable hourly rate as specified in the Schedule of Unit Rates.

2.3 Payment for Direct Expenses

2.3.1 Payment

For Direct Expenses incurred by Consultant, payment to Consultant by the Client shall be in accordance with Consultant's Schedule of Unit Rates.

2.3.2 Direct Expenses

For the purposes of this Agreement, Direct Expenses to be contracted and managed by Consultant and payable by Client to Consultant shall include: Outside Services including the services and reimbursable expenses for firms other than Consultant which are necessary for the work the Consultant is directed to perform; Laboratory Tests and related reports necessary for the work the Consultant is directed to perform, either by the Consultant or by an outside service for the Consultant; Special Equipment expenses including the costs of the Consultant locating, acquiring, leasing, or renting any equipment or facilities not currently owned, leased, or rented by Consultant at the time of the request for services which are necessary to enable Consultant to provide the services requested; vehicles furnished by Consultant for Consultant's authorized travels and for Consultant's field personnel; Per Diem expense or actual costs of maintaining Consultant's field personnel on or near the Project site, for each day of field assignment away from Consultant's office; and Other Direct Expenses associated with all services provided hereunder and identified in the Schedule of Unit Rates.

2.4 Payment Conditions

2.4.1 Consultant shall submit monthly invoices for all personnel services and direct expenses under this Agreement and a final invoice upon completion of services.

2.4.2 Invoices are due and payable upon receipt by Client. Interest at a rate of 1.5% per month, or the maximum allowed by law, will be charged on all past due amounts starting thirty (30) days after date of invoice. Payments will first be credited to interest and then to principal.

2.4.3 In the event of a disputed or contested invoice, Client must provide written notice to Consultant within ten (10) days of the date of any invoice, otherwise the invoice will be considered to be correct. In the event Client timely submits in writing a dispute on a particular invoice, only that portion so contested will be withheld from payment and the Client will pay the undisputed portion. No interest will accrue on any reasonably contested portion of the invoice until mutually resolved.

2.4.4 If Client fails to make payment in full to Consultant of amounts owed pursuant to this Section 2 within forty-five (45) days of the date of the invoice, Consultant may, after giving seven (7) days' written notice to Client, suspend services under this Agreement until paid in full, including interest. Consultant shall have no liability to Client for delays or damages caused by such suspension of services. Client agrees to pay all costs of collection, including reasonable attorney's fees, incurred by Consultant as a result of Client's failure to make payments in accordance with this Agreement. No final plans, documents or reports will be released for any purpose until Consultant has been paid in full.

2.4.5 The billing rates specified in the Schedule of Unit Rates for subsequent years shall be adjusted annually in accordance with Consultant's costs of doing business, subject to Client's review and concurrence.

SECTION 3 - Term of Agreement

3.1 Term

Consultant's obligations to perform under this Agreement shall extend from the date of execution until terminated by either party.

3.2 Abandonment of Work

Client shall have the absolute right to abandon any work requested hereunder or to change the general scope of the work at any time, and such action on its part shall in no event be deemed a breach of contract.

3.3 Termination of Agreement

3.3.1 Termination with Cause

The obligation to provide further services under this Agreement may be terminated with cause by either party by written notice stating the basis for the termination and providing 7 days to cure. The termination will be effective seven (7) days after delivery of written notice thereof if the basis for the termination has not been cured. In the event of termination by Consultant caused by failure of the Client to perform in accordance with the terms of this Agreement, Client shall pay for all services performed prior to the effective date of the termination, including all project termination expenses, collection fees and legal expenses. Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment. In the event of termination by the Client caused by failure by Consultant to perform in accordance with the terms of this Agreement, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination and provide information and documents developed under the terms of this Agreement to the Client. Upon receipt of all other information and documents, Client shall pay Consultant for services performed prior to the effective date of the termination.

3.3.2 Termination without Cause

Either party may, at its sole discretion, terminate this

Agreement without cause at any time. In the event of such termination, the terminating party will promptly notify and confirm the termination in writing to the other party. The termination will be effective seven (7) days after delivery of written notice thereof. Upon termination, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment.

3.4 Payment for Work Upon Abandonment or Agreement Termination

If Client abandons requested work or terminates this Agreement, Consultant shall be paid on the basis of work completed to the date of abandonment or effective date of termination. Consultant shall perform no activities other than reasonable wrap-up activities after receipt of notice of abandonment or termination. Payment for the work shall be as established under Section II.

SECTION 4 - General Considerations

4.1 Assignment and Responsibility for Personnel

4.1.1 The assignment of personnel and all phases of the undertaking of the services which Consultant shall provide hereunder shall be subject to the oversight and general guidance of Client.

4.1.2 While upon the premises of Client or property under its control, all employees, agents, and subconsultants of Consultant shall be subject to Client's rules and regulations respecting its property and the conduct of its employees thereon.

4.1.3 However, it is understood and agreed that in the performance of the work and obligations hereunder, Consultant shall be and remain an independent Consultant and that the employees, agents or subconsultants of Consultant shall not be considered employees of or subject to the direction and control of Client. Consultant shall be responsible for the supervision and performance of all subconsultants which are to perform hereunder.

4.2 Insurance

4.2.1 Consultant shall furnish Client a certificate of insurance upon request showing amounts and types of insurance carried by Consultant, which certificate shall contain a commitment by the Insurance Company that during the time any work is being performed by Consultant under this Agreement it will give Client notice of cancellation or non-renewal of the insurance coverage shown on such certificates in accordance with policy provisions.

4.2.2 Any construction contracts relative to Consultant's Services shall require that the Client and Consultant be included as additional insureds on the contractor's and contractor's subcontractors' commercial general liability and commercial automobile liability insurance policies and that the coverage afforded Client and Consultant is primary to any insurance maintained by Client or Consultant and that Client and Consultant's insurance is non-contributory with any coverage afforded by contractor and subcontractors. Client will also require contractor and all subcontractors to purchase and maintain workers' compensation and employer's liability insurance.

Consultant will name the Client as additional insured on Consultant's commercial general liability insurance.

4.3 Successors and Assigns

4.3.1 Client and Consultant each binds itself and its partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, executors, administrators, assigns, and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this Agreement.

4.3.2 Neither Consultant nor Client shall assign or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other party, except as stated in paragraph 4.3.1 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Consultant from employing such independent consultants, associates, and subconsultants as it may deem appropriate to assist in the performance of services hereunder.

4.3.3 Nothing herein shall be construed to give any rights or benefits hereunder to any one other than Client and Consultant except as otherwise provided herein.

4.4 Compliance with Law

4.4.1 Consultant shall exercise the professional standard of care to comply with, and cause its subconsultants to comply with, applicable Federal, state, and local laws, orders, rules, and regulations in effect at the time services are rendered, and relating to the performance of the services Consultant is to perform under this Agreement. If the Scope of Services requires Consultant to prepare an application for a permit, Consultant does not represent or warrant that said permit or approval will be issued by any governmental body.

4.4.2 Neither the Consultant nor the Consultant's agents or employees shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement with respect to hiring, tenure, terms, conditions, or privileges of employment, because of race, color, religion, sex, or national origin.

4.5 Ownership and Reuse of Documents

4.5.1 All drawings, specifications, test reports, and other materials and work products which have been prepared or furnished by Client prior to this Agreement shall remain Client's property. Consultant shall be permitted to rely on Client furnished documents and Client shall make available to Consultant copies of these materials as necessary for the Consultant to perform the services requested hereunder.

4.5.2 All drawings, specifications, test reports, and other materials and work products, including computer aided drawings, designs, and other data filed on electronic media which will be prepared or furnished by Consultant (and Consultant's independent professional associates and subconsultants) under this Agreement, are instruments of

service in respect to the Project and Consultant shall retain an ownership and property interest therein whether or not the Project is completed. Client may make and retain copies for information and reference in connection with the use and the occupancy of the Project by Client and others; however, such documents are not intended or represented to be suitable for reuse by Client or others acting on behalf of Client on extensions of the Project or on any other project. Further, Consultant makes no warranty as to the compatibility of computer data files with computer software and software releases other than that used by Consultant in performing services herein, and to the condition or availability of the computer data after an acceptance period of thirty (30) days from delivery to Client. Any reuse without written verification or adaptation by Consultant for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Consultant or to Consultant's independent professional associates or subconsultants, and Client shall indemnify and hold harmless Consultant and Consultant's independent professional associates and subconsultants from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Consultant to further compensation at rates to be agreed upon by Client and Consultant.

4.6 Consultant's Personnel at Project Site

4.6.1 The presence or duties of the Consultant personnel at a Project site, whether as onsite representatives or otherwise, do not make the Consultant or its personnel in any way responsible for those duties that belong to the Client and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the project documents and any health or safety precautions required by such construction work. The Consultant and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor or other entity or any other persons at the site except Consultant's own personnel.

4.6.2 To the extent Consultant's Scope of Work includes construction observation, the Consultant shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and report to the Owner (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work. Consultant neither guarantees the performance of the contractor(s) nor assumes responsibility for contractor(s)' failure to perform their work in accordance with the project documents.

4.7 Opinions of Cost, Financial Considerations, and Schedules

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the Project, the Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions. Consultant's opinions of probable Total Project Costs and Construction Costs provided for herein as appropriate are made on the basis of Consultant's experience and qualifications and represent Consultant's judgments as an experienced and qualified professional consultant familiar with the construction industry. Consultant makes no warranty that the Client's actual Total Project or Construction Costs, financial aspects, economic feasibility, or schedules will not vary from the Consultant's opinions, analyses, projections, or estimates. If Client wishes greater assurance as to any element of the Total Project or Construction cost, feasibility, or schedule, Client will employ an independent cost estimator, contractor, or other appropriate advisor.

4.8 Discovery of Unanticipated Pollutant and Hazardous Substance Risks

4.8.1 If Consultant, while performing the services, discovers pollutants and/or hazardous substances that pose unanticipated risks, it is hereby agreed that the scope of services, schedule, and the estimated cost of Consultant's services will be reconsidered and that this Agreement shall immediately become subject to renegotiation or termination.

4.8.2 In the event that the Agreement is terminated because of the discovery of pollutants and/or hazardous substances posing unanticipated risks, it is agreed that Consultant shall be paid for its total charges for labor performed and reimbursable charges incurred to the date of termination of this Agreement, including, if necessary, any additional labor or reimbursable charges incurred in demobilizing.

4.8.3 Client also agrees that the discovery of unanticipated pollutants and/or hazardous substances may make it necessary for Consultant to take immediate measures to protect health and safety. Consultant agrees to notify Client as soon as practically possible should unanticipated pollutants and/or hazardous substances be suspected or encountered. Client authorizes Consultant to take measures that in Consultant's sole judgment are justified to preserve and protect the health and safety of Consultant's personnel and the public. Client agrees to compensate Consultant for the additional cost of taking such additional precautionary measures to protect employees' and the public's health and safety. This section is not intended to impose upon Consultant any duties or obligations other than those imposed by law.

SECTION 5 - Professional Responsibility

5.1 Performance of Services

Consultant shall perform its services consistent with the professional skill and care ordinarily provided by firms practicing in the same or similar locality under the same or similar circumstances (hereinafter the "Standard of Care").

Consultant expressly disclaims all express or implied warranties and guarantees with respect to the performance of professional services, and it is agreed that the quality of such services shall be judged solely as to whether the services were performed consistent with the Standard of Care. Consultant owes Client only that level of performance defined in this Section 5.1, and nothing herein shall be construed as creating a fiduciary relationship.

If at any time prior to construction Client believes Consultant's services are deficient due to not meeting the Standard of Care, Client must immediately inform Consultant in writing and shall afford Consultant the opportunity to correct such deficiency. If, upon review by Consultant it is determined there is a deficiency that fails to meet the standard of care and it is attributable to Consultant, the deficiency shall be corrected at no additional cost to Client.

5.2 Limitation of Liability

Client and Consultant agree to allocate certain of the risks so that, to the fullest extent permitted by law, Consultant's total liability to Client is limited to the amount paid under the contract or \$50,000 whichever is greater, this being the Client's sole and exclusive remedy for any and all injuries, damages, claims, losses, expenses, or claim expenses (including attorney's fees) arising out of this Agreement from any cause or causes. Such causes include, but are not limited to, Consultant's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty.

5.3 No Special or Consequential Damages

Client and Consultant agree that to the fullest extent permitted by law neither party shall be liable to the other for any special, indirect, or consequential damages whatsoever, whether caused by either party's negligence, errors, omissions, strict liability, breach of contract, breach of warranty, or other cause or causes.

5.4 Indemnification

To the fullest extent permitted by law, Client and Consultant mutually agree to indemnify and hold each other harmless from and against any and all claims, damages, losses and expenses, defense costs including reasonable attorneys' fees, and court or arbitration costs and other liabilities arising from their own negligent acts, errors or omissions in performance of their services under this Agreement, but only to the extent caused that each party is responsible for such damages, liabilities and costs on a comparative basis of fault.

5.5 No Third Party Beneficiaries

Client and Consultant expressly agree that this Agreement does not confer upon any third party any rights as beneficiary to this Agreement. Consultant accepts no responsibility for damages, if any, suffered by any third party as the result of a third party's use of the work product, including reliance, decisions, or any other action taken based upon it.

Client agrees that Consultant's services and work products are for the exclusive present use of Client. Client agrees

that Consultant's compliance with any request by Client to address or otherwise release any portion of the work product to a third party shall not modify, rescind, waive, or otherwise alter provisions of this Agreement nor does it create or confer any third party beneficiary rights on any third party.

SECTION 6 - Miscellaneous Provisions

6.1 Notices

Any notice to either party herein shall be in writing and shall be served either personally or by registered or certified mail addressed to the signing party shown on the signature page.

6.2 Joint Preparation

For purposes of contract interpretation and for the purpose of resolving any ambiguity in this Agreement, the parties agree that this Agreement was prepared jointly by them and/or their respective attorneys.

6.3 Headings

Headings used in this Agreement are for the convenience of reference only and shall not affect the construction of this Agreement

6.4 Severability

If any of the provisions contained in this Agreement are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

6.5 Dispute Resolution

If negotiation in good faith fails to resolve a dispute within thirty (30) days of written notice of the dispute by either party, then the parties agree that, with the exception of claims that are subject to the applicable venue's small claims court jurisdiction, each dispute, claim or controversy arising from or related to this Agreement or the relationships which result from this Agreement shall be subject to mediation as a condition precedent to initiating legal or equitable actions by either party. Unless the parties agree otherwise, the mediation shall be in accordance with the Commercial Mediation Procedures of the American Arbitration Association then currently in effect. A request for mediation shall be filed in writing with the American Arbitration Association and the other party. No legal or equitable action may be instituted for a period of ninety (90) days from the filing of the request for mediation unless a longer period of time is provided by agreement of the parties. Cost of mediation shall be shared equally between the parties and shall be held in a location mutually agreed upon by the parties. The parties shall memorialize any agreement resulting from the mediation in a mediated settlement agreement, which agreement shall be enforceable as a settlement in any court having jurisdiction thereof.

During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations

hereunder. Any dispute not resolved through mediation shall be subject to litigation in a court of competent jurisdiction in the state in which the project is located.

6.6 Equal Opportunity

Consultant will, in the performance of this Agreement, comply with federal, state, and local laws, and all regulations and orders issued under any applicable law related to equal employment opportunity, non-discrimination, or employment generally.

Consultant certifies that it will not knowingly employ or contract with a non-legal resident of the United States to perform work under this Agreement, and verifies or attempts to verify employee eligibility of its employees through participation in the U.S. Department of Homeland Security and Social Security Administration's E-Verify system.

6.7 Governing Law

This Agreement is to be governed by the laws of the jurisdiction in which the project is located. For locations outside of the United States, this Agreement shall be governed by the laws of the State of Illinois.

6.8 Entire Agreement

This Agreement, along with those documents specified, attached, or hereby cited together, and serially numbered Work Authorizations if used, constitute the entire Agreement between the parties hereto and no changes, modifications, extensions, terminations, or waivers of this Agreement, or other documents, or any of the provisions herein, or therein contained, shall be valid unless made in writing and signed by duly authorized representatives of both parties.

SUPPLEMENTAL CONDITIONS FOR SURVEY, ENVIRONMENTAL OR GEOTECHNICAL SERVICES

Supplemental Condition is incorporated herein when the applicable box is checked.

S.1 Location of Underground Utilities

It shall be the Client's responsibility to locate and physically mark all underground utilities and structures which lie within the work area prior to the start of subsurface investigations. If the Client elects not to assume this responsibility, Client shall notify Consultant and shall compensate Consultant for all costs associated with locating and physically marking said underground utilities and structures over and above the estimated project fee. Client shall indemnify and hold Consultant harmless from any damages and delays resulting from unmarked or improperly marked underground utilities and structures. For reasons of safety, Consultant will not begin work until this has been accomplished.

S.2 Subsurface Investigations

In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics might vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect Project cost and/or execution. These conditions and cost/execution effects are not the responsibility of the Consultant.

S.3 Disposition of Samples and Equipment

S.3.1 Disposition of Samples

No samples and/or materials will be kept by Consultant

longer than thirty (30) days after submission of the final report unless agreed otherwise.

S.3.2 Hazardous or Potentially Hazardous Samples and Materials

In the event that samples and/or materials contain or are suspected to contain substances or constituents hazardous or detrimental to health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances, Consultant will, after completion of testing, return such samples and materials to Client, or have the samples and materials disposed of in accordance with Client's directions and all applicable laws. Client agrees to pay all costs associated with the storage, transportation, and disposal of samples and materials. Client recognizes and agrees that Consultant at no time assumes title to said samples and materials, and shall have no responsibility as a handler, generator, operator, transporter, or disposer of said samples and materials.

S.3.3 Contaminated Equipment

All laboratory and field equipment contaminated in Consultant's performance of services will be cleaned at Client's expense. Contaminated consumables will be disposed of and replaced at Client's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of Client. At Client's expense, such equipment shall be delivered to Client, or disposed of in the same manner specified in S.3.2 above. Client agrees to pay Consultant the fair market value of any such equipment which cannot reasonably be decontaminated and is delivered to Client pursuant to this Agreement.

ATTACHMENT A

Scope of Services

City of Grand Island Stolley Park Paving Improvement Project

TASK 1. Preliminary Design

a. Project Management

Benesch Project Manager will serve as point of contact, maintain project schedule and budget, and be responsible for coordinating work.

b. Topographic Survey

Benesch will perform the necessary topographic ground survey with a combination of Benesch staff and Initial Point Surveying to confirm horizontal and vertical control, confirmation of section and property corners along the selected project locations. Survey will extend to tie locations to include pavement and utilities at existing intersections. A topographic survey will be performed using the latest GPS technology and total station surveying. Natural topographic features and man-made features will be recorded by coordinates to the nearest one-tenth (0.1) of a foot. All such topographic features, which are pertinent to the design or are necessary to properly show the effect of the proposed work upon the adjoining property and/or improvements, will be recorded. Benesch shall provide a list of horizontal control points with coordinates, descriptions, station and offset. Horizontal control will be referenced to the Modified State Plane using known land survey monuments provided by the City of Grand Island. Vertical control will be completed by differential level circuit referenced to NAVD 88. Benesch will survey section corners in order to assemble the geometry to create the right-of-way drawings and confirm any locations already established by the City of Grand Island. Utilities will be drawn from surveying above ground features, including markings by utility companies resulting from the locate request. Information supplied by utility companies will be used to complete the placement of existing utilities on the plans. Locations from utility plans will be transferred into the topographic survey. Where available, above-ground features will be used to improve accuracy. Benesch will add a disclaimer to the drawings with respect to the undetermined location of underground utilities. Benesch will add additional information to the established base map from the City of Grand Island using any new topographic survey data.

c. Existing Pavement Verification

Benesch will conduct existing pavement wet drilling to obtain cores samples to provide pavement improvement options. Benesch will evaluate the samples for structural composition. Benesch will take an estimated 26 core samples to get a good representation of the existing pavement conditions. The estimated core locations are assumed to be 2 per parking area and one to two per driveways between the parking areas. At present there is approximately 23,300 SY of asphaltic pavement and approximately 307 parking stalls. The actual number of cores will be determined based on the consistency of the cores.

d. Geotechnical/Paving Evaluation

Laboratory testing will be performed to assist with classification and consistency of core materials and the general soil conditions in the area based on past experience in the area. Benesch shall prepare geotechnical and pavement recommendations for the primary purpose of developing geotechnical and pavement design criteria for use in designing the subgrade preparation and determination of the pavement section for the project. Benesch shall prepare and submit an electronic copy of the report to the City Project Manager for review.

ATTACHMENT A

Page 1 of 2

Geotechnical borings and report are not included and this time but could be added in the future at the city staff request.

e. *Project Determination/Prioritization*

Benesch will review the desired parking, traffic and pavement conditions and revise the project list for approval by the City. The parking and pavement conditions will be used to study the park access and driveways and parking areas and provide the best design alternatives for each section. A memorandum will be submitted to the city for review and provide guidance on the project determination and priority list.

f. *Drainage Analysis*

Benesch, coordinating with City of Grand Island staff, will determine any drainage concerns within the park that would be affected by pavement improvements.

g. *Preliminary Design (30%+)*

Benesch shall prepare project base files and plan sheets following the standard layout appearance of City of Grand Island documents. Design is assumed to be at least 30% complete and less than 50% complete that gives the city a reliable cost estimate of overall construction costs for this project. Plan sheets to be included in the Preliminary submittal include the following:

- Existing Conditions
- Preliminary Typical Section(s)
- Roadway / Parking Plan and Profile

h. *Cost Estimates*

Benesch shall prepare an updated total project cost estimate. This shall include Preliminary Engineering, utility concerns, and construction cost, and Construction Engineering on the appropriate forms. The cost estimate will assist in determining phase of the project over several years and based on available funding for the project. *A range for the conceptual cost of the overall pavement improvement project is estimated to be \$650,000 (if all Asphalt can be milled and filled) and up to \$2,000,000 if all pavement is removed and replaced with concrete pavement. The conceptual estimated is based on the approximately 23,300 SY of existing pavement.*

Task 1 services would start upon NTP and is assumed to be Jan 2022. Completion of Task 1 is estimated at 6 months after NTP approximately end of May 2022.

ATTACHMENT A

Page 2 of 2



2021 EMPLOYMENT CLASSIFICATION AND RATE SCHEDULE

<u>CLASSIFICATION</u>	<u>BILLABLE RATE</u>
Project Manager I	\$150.00
Project Manager II	\$178.00
Senior Project Manager	\$199.00
Project Principal	\$246.00
Project Engineer I	\$101.00
Project Engineer II	\$124.00
Senior Project Engineer	\$166.00
Construction Representative I	\$91.00
Construction Representative II	\$101.00
Construction Representative III	\$124.00
Resident Project Manager I	\$140.00
Resident Project Manager II	\$166.00
Senior Resident Project Manager	\$178.00
Inspector I	\$71.00
Inspector II	\$83.00
Senior Inspector	\$91.00
Designer I	\$91.00
Designer II	\$101.00
Technologist I	\$71.00
Technologist II	\$91.00
Senior Technologist	\$124.00
Technical Specialist I	\$101.00
Technical Specialist II	\$124.00
Senior Technical Specialist	\$140.00
Intern	\$60.00
Field/Lab Technician I	\$71.00
Field/Lab Technician II	\$83.00
Field/Lab Technician III	\$91.00
Senior Field/Lab Technician	\$101.00
Construction Technical Rep I	\$83.00
Construction Technical Rep II	\$91.00
Construction Technical Rep III	\$101.00
Senior Construction Technical Rep	\$111.00
Construction Technical Rep Manager	\$124.00
Instrument Operator	\$71.00
Party Chief	\$83.00
Surveyor (RLS)	\$101.00
Senior Surveyor (RLS)	\$124.00

Scientist I	\$71.00
Scientist II	\$83.00
Project Scientist I (Environmental)	\$91.00
Project Scientist II (Environmental)	\$101.00
Project Scientist III (Environmental)	\$124.00
Senior Project Scientist	\$140.00
Project Scientist I (Geotechnical)	\$83.00
Project Scientist II (Geotechnical)	\$91.00
Marketing Assistant	\$71.00
Marketing Coordinator	\$83.00
Marketing Manager	\$124.00
Office Assistant	\$60.00
Project Assistant I	\$60.00
Project Assistant II	\$71.00
Division Administrative Assistant I	\$60.00
Division Administrative Assistant II	\$71.00

RESOLUTION 2022-27

WHEREAS, the City of Grand Island issued a Request for Qualifications (RFQ) for Preliminary Design Services for Stolley Park Roadway and Parking Improvements; and

WHEREAS, two (2) request for qualifications were received; and

WHEREAS, Alfred Benesch & Company from Grand Island, Nebraska, submitted a proposal for such project in accordance with the Request for Qualifications; and

WHEREAS, a contract amount of \$34,922.00 has been negotiated for Preliminary Design Services for Stolley Park Roadway and Parking Improvements; and

WHEREAS, such project will be funded through the KENO Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal from Alfred Benesch & Company from Grand Island, Nebraska for Preliminary Design Services for Stolley Park Roadway and Parking Improvements is hereby approved at a cost of \$34,922.00.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
January 21, 2022 ✕ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item G-12

#2022-28 - Approving Environmental Review Consultation for Properties Owned and/or Managed by Hall County Housing Authority

Staff Contact: Amber Alvidrez

Council Agenda Memo

From: Amber Alvidrez, Community Development

Meeting Date: January 25, 2021

Subject: Approving Request from Hall County Housing Authority for Formal Environmental Review Determination and Applicable Certifications

Presenter(s): Amber Alvidrez, Community Development Administrator

Background

In 2015 the City of Grand Island formally accepted the Entitlement Community Status. With this the City receives annual federal funding in the form of the Community Development Block Grant. As a unit of local government, the City gained Environmental Responsibilities from the Department of Housing and Urban Development (HUD) for all activities and projects that are subject to 24 CFR part 58 and adhering to compliance measures of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and other related laws and authorities.

Discussion

At this time the Hall County Housing Authority has requested a formal Environmental review consultation by the City and has provided information on all activities that are to be federally funded. These activities will take place on property currently owned or managed by the Hall County Housing Authority and are subject to 24 CFR part 58 Environmental Review obligations. The Community Development Division (CDD) will complete the Environmental Review consultation process and categorize formal findings and/or mitigations under the Department of HUD's correct determinations before submitting to HUD. NEPA requires responsible Entities to consider the environmental impact of proposed actions early in the planning and decision-making process to avoid and mitigate negative impacts to human health and the environment. Throughout the Environmental Review Process the CDD will check for on-site dangerous hazards and verify with other state, local and federal organizations for potential hazards on each property and if needed will formulate a written plan to mitigate hazards.

Attached is information on the various scattered sites owned and managed by the Hall County Housing Authority and the anticipated activities to take place at each location where Environmental reviews are required.

Alternatives

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

1. Accept the completion of the Environmental Review consultation process on behalf of the Hall County Housing Authority.
2. Do not accept the completion of the Environmental Review consultation process on behalf of the Hall County Housing Authority.

Recommendation

City Administration recommends that the Council accept the Environmental Review Consultation process and submit completed Environmental Review Records and applicable certifications to the Department of Housing and Urban Development on behalf of the Hall County Housing Authority.

Sample Motion

Move to accept the Environmental Review Consultation process and submittal of completed Environmental Review records and applicable certifications on properties owned or managed by the Hall County Housing Authority to the Department of Housing and Urban Development.

Part A. PHA Information

Name of PHA:	Hall County Housing Authority (HCHA)
PHA Code:	NE003001
PHA Contact Name:	Chris Jensen
Contact Phone No:	308 – 385 – 5530
Contact Email:	Chrisj@hcha.net
Responsible Entity Name:	City of Grand Island Planning and Development Department
Five-Year Clearance Period:	2022-2027

Part B. Environmental Review Project Site

Project Name:	Amp 1 – Centennial Towers, Golden Towers, Rainbow Terrace, Pletcher Terrace,	
Related AMP(s):	Amp 3 – Island Terrace, Broadwell Courts	
Property Address:	1834 West 7th ST, Grand Island, NE. 68803	
Description of non-dwelling property:	Maintenance Shop & Garage, Broadwell Courts Chapel, MAAA Building, Boy Scout Building, HCHA Office	
Number of Units:	292	
Building Type:	<input checked="" type="checkbox"/> Multifamily <input checked="" type="checkbox"/> Scattered Site (1-4 units)	
Age of Building:	Varies	
Estimated Annual Funding:	Source Name	<u>Estimated Funding Amount</u>
	Operating Fund	Click here to enter text.
	Capital Fund	Click here to enter text.
	Other <small>Click here to enter text.</small>	Click here to enter text.
	Non-federal funds	Click here to enter text.
	<i>Subtotal</i>	Click here to enter text.
	<i>X 5</i>	Click here to enter text.

Part C. Activities

The PHA intends to engage in the activities outlined below directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons at the property address identified in Section B during the Five-Year Clearance Period identified in Section A. See 24 CFR 58.35(a)(2).

The proposed activities are required as conditions of remedial orders or agreements entered by a court or executed by an administrative agency.

The PHA intends to purchase the following equipment:

Appliances – (refrigerators, electric ranges, washers, dryers, rangehoods, window air conditioners). Commercial rooftop air conditioner units. Commercial boilers equipment; including circulating pumps, control valves and software upgrades, roof ventilation motors, electrical equipment & lighting upgrades, commercial air compressor, expansion tanks, commercial holding tanks (domestic water), shower valves, faucets, toilets, sinks, backflow devices, commercial tank/tankless water heaters, doors, flooring (non-routine), elevator equipment and software, cabinets, commercial roofing materials, residential roofing material, concrete, residential HVAC equipment, irrigation equipment, fire protection equipment and software, fencing.

The PHA intends to engage in the activities outlined below at the property address identified in Section B during the Five-Year Clearance Period identified in Section A:

Centennial Towers (910 N Boggs Avenue): Centennial Towers is an 11-story high rise and has 123 units. It was built in 1964 and is used for public housing. HCHA plans to engage in the following activities as budget allows. Replace commercial flat roofs, remodel/renovate selected apartments; mainly kitchen areas and updated flooring. Finish asbestos removal in areas that pertain. Replace VCT tile in common areas. Replace rooftop air-conditioning units. Replace boiler pneumatic thermostats and control valves with 24V electric, as well as upgrades to pumps and software as needed. Replace all refrigerators and ranges that have reached their life expectancy. Re-vamp trash collection areas. Possibly replace domestic hot water heaters and holding tanks. Replace waistlines, valves, fixtures and other plumbing upgrades as needed. Upgrades to elevator equipment and software if needed. Electrical upgrades as needed, both interior and exterior. Upgrades to laundry facility. Replace back entrance store front door.

Golden Towers (804 N Boggs Avenue): Golden Towers is a five-story high rise has 81 public housing units. It was built in 1968. HCHA plans to engage in the following activities as budget allows. Finish any asbestos removal in areas that pertain. Remove original non-operational boiler, holding tank and boiler exhaust equipment. Install a tankless heat on demand system for domestic hot water. Replace boiler pneumatic thermostats and control valves to 24V electric as well as upgrades to pumps and software as needed. Re-vamp trash collect area. Plumbing system upgrades including waistlines, valves and fixtures. Electrical upgrades, both interior and exterior. Possible window replacement. Upgrades or possible new laundry facility in building. Replace first floor common area flooring. Replace skin on first floor flat roof overhangs. Upgrades to elevator equipment and software as needed.

Rainbow Terrace (915 Baumann Dr.): Rainbow Terrace is a single-story building that has 27 public housing units. It was built in 1983. HCHA plans to engage in the following activities as budget allows: Replace all refrigerator and ranges that have reached their life expectancy. Replace windows, both in units and common areas. Replace domestic hot water tanks, converting to tankless as needed. Paint exterior stucco and metal gables. Electrical upgrades as needed. Upgrades to plumbing fixtures as needed. Upgrades to HVAC system as needed.

Pletcher Terrace (101-112 and 114-150 Pletcher Terrace): Pletcher Terrace has 49 units in 11 buildings. It was built in 1959 and is used for public housing. HCHA plans to engage in the following activity as budget allows: Replace HVAC systems in units. Replace windows that have gasket failings. Electrical upgrades; including both interior upgrades to panel and exterior pole lights. Possible installation of individual gas, water, and electric meters to units to replace master meter systems. Plumbing upgrades; including sewer lines, fixtures, waistlines. Convert water heaters to tankless on an as needed basis.

MAAA Building (2020 W 7th Street): HCHA plans to renovate this currently vacant building and will engage in the following activity: Replace flat roof and fascia, convert interior into possible laundry, exercise, community room for residents in Pletcher Terrace.

Broadwell Courts (191–196 Stoeger Drive, 197-200 Stoeger Drive): Broadwell Courts is two one story buildings used for public housing. A six plex and a four plex with attached two car garage was originally built in . HCHA plans to do routine and non-routine maintenance during the next five years. Possible activity includes: replacing asphalt roof, stucco repairs, water heater replacement as needed, furnace replacement as needed, electrical and plumbing upgrades as needed. HCHA plans to demo these building within the next five to ten years.

All Faith Memorial Chapel (801 Stoeger Drive): This building was once used as a chapel with Sunday services for tenants. It was originally built in 1965. Currently this building is vacant. HCHA plans to demo this building in the next five to ten years.

Boy Scout Building (807 N Boggs Avenue): This HCHA building was originally intended for office space. Currently, it is vacant and primarily used for storage. HCHA's future intentions are to demo this building in the next five to ten years and develop additional housing.

Maintenance Shop and Garage (925,927 N Boggs): These HCHA owned buildings are used for the maintenance staff, there supplies and equipment. HCHA plans to build an addition storage building on ground directly behind 925 N Boggs. In addition, installation of a security/privacy fence around this area and concrete replacement and expansion.

Island Terrace (911 Bauman Dr): **This AMP 3 project is related to Amp 1 geographically.** This HCHA owned building was renovated in 2012 and accommodated 3 ADA accessible units for public housing. HCHA planned activities include: upgrades to mechanical systems if needed. Convert water heaters to tankless and they fail. Possible flooring replacement and light remodel work.

Hall County Housing Authority Office (1834 West 7th street): HCHA’s main office building since 2011. HCHA planned activity only include routine maintenance and upkeep.

Click or tap here to enter text.

Form HUD-53245 Instructions:

All PHAs requesting an environmental review under Part 50 are required to submit this form HUD-53245. Additionally, this form is a recommended, but not required format for requesting an environmental review under Part 58 from the PHA's Responsible Entity. The responsible entity or HUD documents in writing its environmental determination. After receiving an environmental clearance from the responsible entity or HUD, the PHA may begin work on the proposed activities.

If a PHA wishes to fund an activity that was not included on the original environmental review, they must ask the RE to perform a new environmental review for that activity. Additionally, PHAs are mandated to inform the RE or HUD promptly of any: proposed substantial changes in the nature, magnitude, or extent of the project, including adding new activities not anticipated in the original scope of the project; new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or selection of an alternative not in the original finding, in order for the RE or HUD to reevaluate and update the ERR.

Part A. PHA Information

This section provides HUD or the Responsible Entity with general contact information regarding the PHA and environmental review request. Complete the following questions. PHAs must request HUD or the Responsible Entity to complete one environmental review per public housing site every five years. PHAs are required to request an environmental review for a five-year period (or prior to requesting a revision to a PHA annual plan) based on the requirements in 24 CFR 903.21(a)(2), 905.300(b)(1), and 905.308(b)(2) with regard to the CFP 5-Year Action Plan; 990.116 with regard to the Operating Fund; and 50.36, 58.30(b), and 58.47(a)(1) and (2) implementing the environmental review requirements. The Five-Year Clearance Period request is a "fixed" five-year period.

Part B. Environmental Review Project Site

Since environmental conditions vary from one geographic area to the next, environmental reviews are completed for each separate environmental project site (i.e., not on the basis of funding), including non-dwelling buildings. For purposes of environmental review, an environmental project site could be a public housing development (under a particular HUD ID Number), a portion of a public housing development, or a group of public housing developments (e.g., under an AMP). When several PHA assisted properties (e.g., scattered site developments) are located within a clearly defined subdivision and/or discreet neighborhood, these can be considered together in a single environmental review, where all reasonably foreseeable activities that might occur over the five-year period are considered together.

Asset management PHAs must examine their individual AMP structure to determine if it is an appropriate basis for conducting an environmental review. During the transition to Asset Management, HUD advised PHAs that combining buildings not in proximity was not recommended; PIH field offices then reviewed the proposed AMP structures for reasonableness. Accordingly, AMPs likely are an appropriate basis for an environmental review project site, but all PHAs are still required to carefully assess how to determine project sites. An appropriate environmental project site may comprise an AMP site, multiple AMPs, or partial AMPs. PHAs that did not transition to asset management or that operate scattered site units pay special attention to determine whether their development structure is appropriate for the scope of the environmental review. For scattered site units, the project site is defined at the neighborhood level, so long as the boundaries of the neighborhood are clearly identified. If environmental conditions change, PHAs reexamine their environmental project sites to determine if descriptions remain appropriate.

Project Name: If there is a one to one relationship between the AMP and the Environmental Review Project Site, the PHA should enter in the name of the AMP. If no such relationship exists, the PHA is instructed to choose a Project Name that has an understandable nexus to the site. For example, if a scattered-site AMP with the AMP Name of "Scattered Sites" is split between two distinct geographic neighborhoods named "Downtown" and "The Heights," the respective Project Names may be "Scattered-Downtown" and "Scattered-Heights." Another example is two AMPs named "Ocean City" and "Mill Homes" are contiguous and should be reviewed as a single Environmental Review Project Site, an appropriate Project Name may be "Ocean City-Mill Homes."

Project Address: If a property has multiple addresses or is a scattered site property, choose one that is typical or representative of the entire project.

Description of non-dwelling property included in this location: The PHA should include a simple description of any non-dwelling property, whether or not it is included in the PIH Information Center (PIC). For example, a PHA may enter "maintenance shed."

Estimated Funding Sources: The PHA should reasonably expect to receive continued annual funding through Public Housing Operating Funds, Public Housing Capital Funds, and Housing Choice Voucher Funding for the continued

operation of this property. The estimated funding amount will likely be the amount received in the year prior to submitting this form. Additionally, the PHA should enter in any non-federal funds they intend to use as part of the operations of the property.

Part C. Activities

This section provides HUD or the Responsible Entity with a list of activities that a PHA may reasonably expect to engage in during the Five-Year Clearance Period. Provide a narrative project description, separating out activities that will occur pursuant to 24 CFR 58.35(a)(2) and purchases of equipment. Additionally, if the proposed activities are required as conditions of remedial orders or agreements entered by a court or executed by an administrative agency, indicate by marking the box. The project description clearly identifies the project site and captures the maximum anticipated scope of activities for the fixed five-year period. PHAs include in the project scope all reasonably foreseeable maintenance (not already determined to be categorically excluded per the programmatic determination in PIH Notice 2016-XX, Appendix A), equipment purchase, modernization, and rehabilitation for each public housing site. The project description must include sufficient specificity to allow members of the public, reviewing agencies, and the RE or HUD to understand the overall scope of proposed activities and to allow the RE or HUD to determine whether an activity is maintenance or rehabilitation. Project descriptions for new construction, substantial rehabilitation, and transfers of assistance also include: the location, purpose and need, proposed scope of work, physical description of existing and/or proposed new buildings, timeframe for implementation, size of the project, area setting, and development partners. The PHA also indicates whether they expect to engage in rehabilitation activities or special projects for mobility and accessibility.

Part A. PHA Information

Name of PHA:	Hall County Housing Authority (HCHA)
PHA Code:	PHA code: NE003001 Amp code: NE003002
PHA Contact Name:	Chris Jensen
Contact Phone No:	308-385-5530
Contact Email:	chrisj@hcha.net
Responsible Entity Name:	Grand Island Planning and Development Department
Five-Year Clearance Period:	2022-2027

Part B. Environmental Review Project Site

Project Name:	Amp 2 – Western Apartments, Orleans Apartments, Stolley Park Duplexes Shady Bend Apartments, Scattered Site Housing.	
Related AMP(s):	Shady Bend Villas	
Property Address:	1834 West 7th Street, Grand Island, NE 68803	
Description of non-dwelling property:	Click here to enter text.	
Number of Units:	111 units (Amp2); 20 units (Shady Bend Villas)	
Building Type:	<input checked="" type="checkbox"/> Multifamily <input checked="" type="checkbox"/> Scattered Site (1-4 units)	
Age of Building:	Varies	
Estimated Annual Funding:	Source Name	<u>Estimated Funding Amount</u>
	Operating Fund	Click here to enter text.
	Capital Fund	Click here to enter text.
	Other Click here to enter text.	Click here to enter text.
	Non-federal funds	Click here to enter text.
	<i>Subtotal</i>	Click here to enter text.
	<i>X 5</i>	Click here to enter text.

Part C. Activities

The PHA intends to engage in the activities outlined below directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons at the property address identified in Section B during the Five-Year Clearance Period identified in Section A. See 24 CFR 58.35(a)(2).

Shady Bend Apartments (303-307 Shady Bend Way, 309-312 Shady Bend Way, 304,306,308, 310, 312, 314 Shady Bend Circle): Shady Bend Apartments has 15 units in three tri-plex’s and three duplexes. These units are multi-family /accessible units and were built in 1995. HCHA is in a section 504 voluntary agreement to comply with identified violation. Bathrooms, walkways and other impediments have been and will continue to be renovated in the next five years.

The proposed activities are required as conditions of remedial orders or agreements entered by a court or executed by an administrative agency.

The PHA intends to purchase the following equipment:

Appliance - refrigerators, electric ranges, washers, dryers, rangehoods. Residential HVAC equipment, including condensing units, furnaces, motors, coil packs, etc. Plumbing equipment including water heaters, tankless water heaters, valves, backflows, expansion tanks, sprinkler irrigation. Plumbing fixtures including, toilets, faucets, sinks, shower valves, etc. Flooring; (non-routine) mainly vinyl plank, Interior and exterior doors and door hardware and software. Other items, including kitchen cabinets, vanities, countertops, windows, playground equipment, concrete, fencing, electrical fixture and supplies, building supplies, camera equipment and software, landscaping material, roofing and siding materials.

The PHA intends to engage in the activities outlined below at the property address identified in Section B during the Five-Year Clearance Period identified in Section A:

Western Apartments (3021,3105,3113,3121 W North Front Street): Western apartments consists of four two-story buildings with separate single-story laundry and community buildings on the South end of property. It has 48 units, is used for multi-family public housing and was built in 1983. HCHA plans the following activities as budget and need allow: installing kitchen cabinets and countertops, possible window replacement in units, new residential roof replacement (asphalt/fiberglass shingles), replacement of selected HVAC equipment, water heater replacement; both tank and tankless, fascia metal replacement, plumbing upgrades; mainly fixtures, valves, drainage. Other activities include: irrigation sprinkler upgrades, flooring replacement, interior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, washers, dryers, etc. Selected concrete replacement. Electrical upgrades; including fixtures, receptacles and exterior lighting. Routine painting, routine carpet replacement and routine maintenance of grounds.

Orleans Place Apartments (706,712,718 Orleans Drive): Orleans Apartments consists of three two-story buildings with attached maintenance and laundry rooms on the 712 building. It has 24 units, serves as multi-family public housing and was built in 1983. HCHA plans the following activities as budget and need allow: installing kitchen cabinets and countertops, possible window replacement in units, new residential roof replacement (asphalt/fiberglass shingles), replacement of selected HVAC equipment, water heater replacement; both tank and tankless, fascia metal replacement, plumbing upgrades; mainly fixtures, valves, drainage. Other activities include: Irrigation sprinkler upgrades, flooring replacement, interior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, washers, dryers, etc. Selected concrete replacement. Electrical upgrades; including fixtures, receptacles, exterior lighting. Routine painting, routine carpet replacement and routine maintenance of grounds.

Stolley Park Duplexes (304,306,312,314 Stolley Park Road): Stolley Park Duplexes consist of two single-story duplexes built in 1983. It has four units and is used for multi-family public housing. HCHA plans the following activities as budget and need allow: installing kitchen cabinets and countertops, replacement of selected HVAC equipment, water heater replacement; both tank and tankless, plumbing upgrades; mainly fixtures, valves, drainage. Other activities include: Irrigation sprinkler upgrades, flooring replacement, interior and exterior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, etc. Selected concrete replacement. Electrical upgrades, mainly fixtures and receptacles. Routine painting, routine carpet replacement and routine maintenance of grounds.

Shady Bend Apartments (304 Shady Bend Way): Shady Bend Apartments has 15 units in three tri-plex's and three duplexes. These units are multi-family /accessible units and were built in 1995. HCHA is in a section 504 voluntary agreement to comply with identified violation. Bathrooms, walkways and other impediments have been and will continue to be renovated in the next five years. Other possible activities include: installing kitchen cabinets and countertops, possible window replacement in units, possible residential roof replacement (asphalt/fiberglass shingles), replacement of selected HVAC equipment, water heater replacement; both tank and tankless, fascia metal replacement, plumbing upgrades; mainly fixtures, valves, drainage. Additional activities include: Irrigation sprinkler upgrades, flooring replacement, interior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, washers, dryers, etc. Selected concrete replacement. Electrical upgrades, mainly fixtures and receptacles. Routine painting, routine carpet replacement and routine maintenance of grounds.

Scattered Site Housing: Scattered Site Housing consists of nineteen single and two-story buildings containing a total of twenty units. These buildings were put into service by HCHA in 1988 and provide multi-family housing. All addresses are located in Grand Island, Nebraska and are as follows: **104-108 S Oak Street, 237 N Waldo, 312 E South Street, 407 E 16th Street, 412 E South Street, 419 E Phoenix, 436 E south Street, 612 S Washington, 635 East Meves, 817 E 14th Street, 1025 N Hancock, 1112 S Sycamore, 1132 S Orange, 1212 West 3rd Street, 1803 W 1st Street, 2122 Brahma, 2712 W Division, 3507 E Gregory, 4014 Reed Road.** HCHA activities on scattered site properties are as needed and as budget allows. These possible activities include: installing kitchen cabinets and countertops, possible window replacement in selected units, possible residential roof replacement (asphalt/fiberglass shingles), replacement of selected HVAC equipment, water heater replacement; both tank and tankless, fascia metal replacement, plumbing upgrades; mainly fixtures, valves, waistlines, drainage. Other activities include: Irrigation sprinkler upgrades, flooring replacement, interior and exterior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, etc. Selected concrete replacement. Electrical upgrades; including fixtures, receptacles, panel replacements and exterior lighting. Possible siding replacement. Routine painting, routine carpet replacement and routine maintenance of grounds.

Shady Bend Villa (220 Shady Bend Lane): Shady Bend Villas is an HCHA owned multi-family/accessible tax credit property. It was built in 2015 and consists of nine two story-duplexes and one single-story duplex totaling twenty units. HCHA activities on these properties are as needed and as budget allows. These possible activities include: installing kitchen cabinets and countertops, possible window replacement in selected units, possible residential roof replacement (asphalt/fiberglass shingles), replacement of selected HVAC equipment, water heater replacement; both tank and tankless, fascia metal replacement, plumbing upgrades; mainly fixtures, valves, waistlines, drainage. Other activities include: Irrigation sprinkler upgrades, flooring replacement, interior and exterior door replacement, appliance replacement; including refrigerators, ranges, rangehoods, bathroom exhaust fans, etc. Selected concrete replacement. Electrical upgrades; including fixtures, receptacles, panel replacements and exterior lighting. Possible siding replacement. Routine painting, routine carpet replacement and routine maintenance of grounds.

Click or tap here to enter text.

Form HUD-53245 Instructions:

All PHAs requesting an environmental review under Part 50 are required to submit this form HUD-53245. Additionally, this form is a recommended, but not required format for requesting an environmental review under Part 58 from the PHA's Responsible Entity. The responsible entity or HUD documents in writing its environmental determination. After receiving an environmental clearance from the responsible entity or HUD, the PHA may begin work on the proposed activities.

If a PHA wishes to fund an activity that was not included on the original environmental review, they must ask the RE to perform a new environmental review for that activity. Additionally, PHAs are mandated to inform the RE or HUD promptly of any: proposed substantial changes in the nature, magnitude, or extent of the project, including adding new activities not anticipated in the original scope of the project; new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or selection of an alternative not in the original finding, in order for the RE or HUD to reevaluate and update the ERR.

Part A. PHA Information

This section provides HUD or the Responsible Entity with general contact information regarding the PHA and environmental review request. Complete the following questions. PHAs must request HUD or the Responsible Entity to complete one environmental review per public housing site every five years. PHAs are required to request an environmental review for a five-year period (or prior to requesting a revision to a PHA annual plan) based on the requirements in 24 CFR 903.21(a)(2), 905.300(b)(1), and 905.308(b)(2) with regard to the CFP 5-Year Action Plan; 990.116 with regard to the Operating Fund; and 50.36, 58.30(b), and 58.47(a)(1) and (2) implementing the environmental review requirements. The Five-Year Clearance Period request is a "fixed" five-year period.

Part B. Environmental Review Project Site

Since environmental conditions vary from one geographic area to the next, environmental reviews are completed for each separate environmental project site (i.e., not on the basis of funding), including non-dwelling buildings. For purposes of environmental review, an environmental project site could be a public housing development (under a particular HUD ID Number), a portion of a public housing development, or a group of public housing developments (e.g., under an AMP). When several PHA assisted properties (e.g., scattered site developments) are located within a clearly defined subdivision and/or discreet neighborhood, these can be considered together in a single environmental review, where all reasonably foreseeable activities that might occur over the five-year period are considered together.

Asset management PHAs must examine their individual AMP structure to determine if it is an appropriate basis for conducting an environmental review. During the transition to Asset Management, HUD advised PHAs that combining buildings not in proximity was not recommended; PIH field offices then reviewed the proposed AMP structures for reasonableness. Accordingly, AMPs likely are an appropriate basis for an environmental review project site, but all PHAs are still required to carefully assess how to determine project sites. An appropriate environmental project site may comprise an AMP site, multiple AMPs, or partial AMPs. PHAs that did not transition to asset management or that operate scattered site units pay special attention to determine whether their development structure is appropriate for the scope of the environmental review. For scattered site units, the project site is defined at the neighborhood level, so long as the boundaries of the neighborhood are clearly identified. If environmental conditions change, PHAs reexamine their environmental project sites to determine if descriptions remain appropriate.

Project Name: If there is a one to one relationship between the AMP and the Environmental Review Project Site, the PHA should enter in the name of the AMP. If no such relationship exists, the PHA is instructed to choose a Project Name that has an understandable nexus to the site. For example, if a scattered-site AMP with the AMP Name of "Scattered Sites" is split between two distinct geographic neighborhoods named "Downtown" and "The Heights," the respective Project Names may be "Scattered-Downtown" and "Scattered-Heights." Another example is two AMPs named "Ocean City" and "Mill Homes" are contiguous and should be reviewed as a single Environmental Review Project Site, an appropriate Project Name may be "Ocean City-Mill Homes."

Project Address: If a property has multiple addresses or is a scattered site property, choose one that is typical or representative of the entire project.

Description of non-dwelling property included in this location: The PHA should include a simple description of any non-dwelling property, whether or not it is included in the PIH Information Center (PIC). For example, a PHA may enter "maintenance shed."

Estimated Funding Sources: The PHA should reasonably expect to receive continued annual funding through Public Housing Operating Funds, Public Housing Capital Funds, and Housing Choice Voucher Funding for the continued operation of this property. The estimated funding amount will likely be the amount received in the year prior to submitting

this form. Additionally, the PHA should enter in any non-federal funds they intend to use as part of the operations of the property.

Part C. Activities

This section provides HUD or the Responsible Entity with a list of activities that a PHA may reasonably expect to engage in during the Five-Year Clearance Period. Provide a narrative project description, separating out activities that will occur pursuant to 24 CFR 58.35(a)(2) and purchases of equipment. Additionally, if the proposed activities are required as conditions of remedial orders or agreements entered by a court or executed by an administrative agency, indicate by marking the box. The project description clearly identifies the project site and captures the maximum anticipated scope of activities for the fixed five-year period. PHAs include in the project scope all reasonably foreseeable maintenance (not already determined to be categorically excluded per the programmatic determination in PIH Notice 2016-XX, Appendix A), equipment purchase, modernization, and rehabilitation for each public housing site. The project description must include sufficient specificity to allow members of the public, reviewing agencies, and the RE or HUD to understand the overall scope of proposed activities and to allow the RE or HUD to determine whether an activity is maintenance or rehabilitation. Project descriptions for new construction, substantial rehabilitation, and transfers of assistance also include: the location, purpose and need, proposed scope of work, physical description of existing and/or proposed new buildings, timeframe for implementation, size of the project, area setting, and development partners. The PHA also indicates whether they expect to engage in rehabilitation activities or special projects for mobility and accessibility.

RESOLUTION 2022-28

WHEREAS, on August 25, 2015, the City of Grand Island became an Entitlement Community, as a local Unit of government the City of Grand Island accepted the roles of a Responsibility Entity; and

WHEREAS, the United States Department of Housing and Urban Development requires multiple certifications for those that utilize federally related funding within the City of Grand Island; and

WHEREAS, all grantees are required to show compliance with the National Environmental Policy Act of 1969(NEPA) (42 U.S.C. 4321) and other related laws and authorities with completion of an Environmental Review signed by the Responsible Entity; and

WHEREAS, the Hall County Housing Authority has submitted a request for a formal Environmental Review to be completed by the Responsible Entity and has provided sufficient information on federally funded activities for Environmental review to be completed on Grantees behalf by the City of Grand Island.

\ NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA hereby approves and adopts the environmental review processes and determined findings in relation to Hall County Housing Authority's related Activities; and the Mayor is hereby authorized to sign such certifications on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item I-1

#2022-29 - Consideration of Approving Proposed Blighted and Substandard Area 35 for approximately 3.4 Acres located in the Northwest Part of Grand Island at Capital Avenue and Engleman Road (Engleman School) (Grand Island Public Schools)

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

Staff Contact: Chad Nabity

RESOLUTION 2022-29

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, Grand Island Public Schools has caused to be prepared a Blight and Substandard Study for an area of referred to as Area No. 35; 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 November 9, 2021, and

WHEREAS, on November 9, 2021, 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 December 1, 2021 meeting; and

WHEREAS, a public hearing to consider approval of a Blighted and Substandard designation was held on January 25, 2022.

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. 35 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, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
January 21, 2022	☒ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item I-2

#2022-30 - Consideration of Approving Proposed Blighted and Substandard Area 36 for approximately 55.3 acres located in the Northwest Part of Grand Island on either side of Independence Avenue and South of Nebraska Highway 2 (Empire Development)

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

Staff Contact: Chad Nabity

RESOLUTION 2022-30

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, FAmos Construction and O'Neill Wood Resources has caused to be prepared a Blight and Substandard Study for an area of referred to as Area No. 36; 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 November 9, 2021, and

WHEREAS, on November 9, 2021, 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 January 5, 2022 meeting; and

WHEREAS, a public hearing to consider approval of a Blighted and Substandard designation was held on January 25, 2022.

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. 36 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.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
January 21, 2022 ✕ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item I-3

#2022-31 - Consideration of Approving the Redevelopment Plan for CRA No. 1 for Property located at 118 North Locust Street (Artisan's Alley LLC)

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

Staff Contact: Chad Nabity

RESOLUTION 2022-31

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: to redevelop property for commercial and residential purposes including necessary costs for acquisition, demolition, renovation and eligible planning expenses and fees associated with the redevelopment project and that such project would not be economically feasible without such aid as is proposed within the Redevelopment Plan. 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:

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

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 CRA is 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.

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, January 25, 2022

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item I-4

#2022-32 - Approving Establishing a Police and Fire Personnel Stabilization Fund

Staff Contact: Patrick Brown

Council Agenda Memo

From: Patrick Brown, Finance Director

Meeting: January 25, 2022

Subject: Establishing a Police and Fire Personnel Stabilization Fund

Presenter(s): Patrick Brown, Finance Director

Background

During prior economic downturns Police and Fire positions were frozen and were not filled in order to balance the budget. It has been brought to Mayor Steele's attention that such past actions have been harmful to future hiring of Police and Fire personnel. By establishing a Police and Fire Stabilization Fund, the City could avoid freezing public safety positions and would supplement Police and Fire personnel costs in the General Fund.

Discussion

The proposed Police and Fire Personnel Stabilization fund is intended to insure that first responders are not laid off during difficult economic times. For example, in 2018 the City eliminated one Community Service Officer and 2 police officer positions. Subsequently the reduction in workforce in the Police Department has had an adverse effect in recruiting and retaining police officers. Establishing such a fund provides two distinct benefits. One, the City is committed to fund public safety in good or bad economic times. Secondly, moving these funds to a separate fund shows current and future public safety employees the commitment the City is making to public safety. These funds would be used to fund personnel costs only as defined in the City's annual budget. The initial investment would be funded with excess cash reserves currently in the General Fund.

Administration is proposing to invest \$1,000,000 into a newly created Police and Fire Stabilization Fund. If funds are used out of the Police and Fire Stabilization Fund, then replenishment of the fund would come from Police and Fire vacancy savings but only after the General Funds cash reserves meet the City's Fiscal Policy.

Alternatives

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

1. Approve the creation of the Police and Fire Stabilization Fund and funding it with \$1,000,000 transfer from General Fund cash reserves.
2. Postpone the issue to a future meeting.
3. Take no action.

Recommendation

City Administration recommends that the Council approve the creation of the Police and Fire Stabilization Fund and funding it with \$1,000,000 transfer from General Fund cash reserves.

Sample Motion

Move to approve the creation of the Police and Fire Stabilization Fund and funding it with \$1,000,000 transfer from General Fund cash reserves.

RESOLUTION 2022-32

WHEREAS, the City of Grand Island proposes to create a Police and Fire Stabilization Fund; and

WHEREAS, the purpose of this fund is to pay police and fire personnel costs in lieu of eliminating or freezing positions in times of economic downturn; and

WHEREAS, General Fund cash reserves of \$1,000,000 shall be transferred to the Police and Fire Stabilization Fund for initial funding; and

WHEREAS, funds from the Police and Fire Stabilization Fund shall only be accessed in difficult economic times as determined by City Council and shall be used to maintain the City's police and fire staffing levels; and

WHEREAS, funds from the Police and Fire Stabilization Fund shall only be expended for police and fire personnel services by transfer to the General Fund; and

WHEREAS, replenishment of the Police and Fire Stabilization Fund up to \$1,000,000 will be from Police and Fire vacancy savings after the General Fund meets its cash reserve threshold as established by the City's Fiscal Policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Finance Director is directed to create a Police and Fire Stabilization Fund and transfer \$1,000,000 to the Police and Fire Stabilization Fund from cash reserves in the General Fund.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 25, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item J-1

Approving Payment of Claims for the Period of January 12, 2022 through January 25, 2022

The Claims for the period of January 12, 2022 through January 25, 2022 for a total amount of \$4,245,516.06. A MOTION is in order.

Staff Contact: Patrick Brown