
City of Grand Island



Tuesday, September 13, 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 - Pastor Adam Snoberger, Trinity Lutheran Church, 212 West 12th 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, September 13, 2022

Council Session

Item C-1

Presentation on Update of the Pinnacle Bank Sports Complex

An update on the Pinnacle Bank Sports Complex will be presented to the Mayor and City Council.

Staff Contact: Mayor Roger Steele



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item C-2

Presentation by the White Lotus Group on an Update of the Veterans Home Campus

Representatives from the White Lotus Group will present an update on the former Veterans Home Campus.

Staff Contact: Mayor Roger Steele



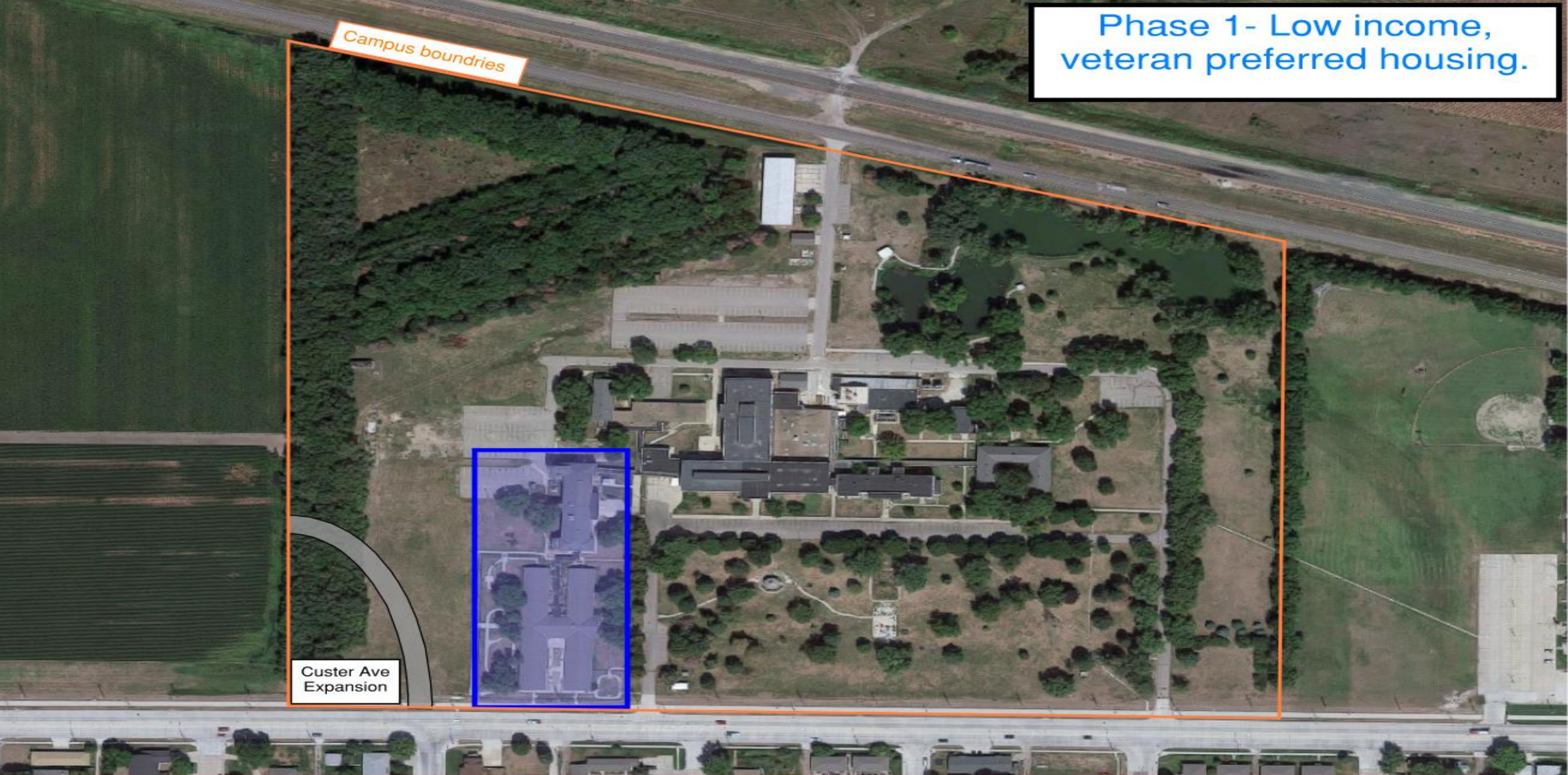
The Grand Island Liberty Campus



PROJECT MISSION

**To honor our Veterans, our Seniors
and their families by revitalizing
Grand Island's historic Campus into
a vibrant inter-generational
facility.**

Phase 1- Low income, veteran preferred housing.



Grand Island Liberty Campus Redevelopment Plan





Phase 1 – Anderson & Pershing

- New affordable housing.
 - Targeted to older adult (55+ years) and older veterans and/or spouses.
- 48 units between the two buildings.
- Mixture of 1 & 2 bedroom units

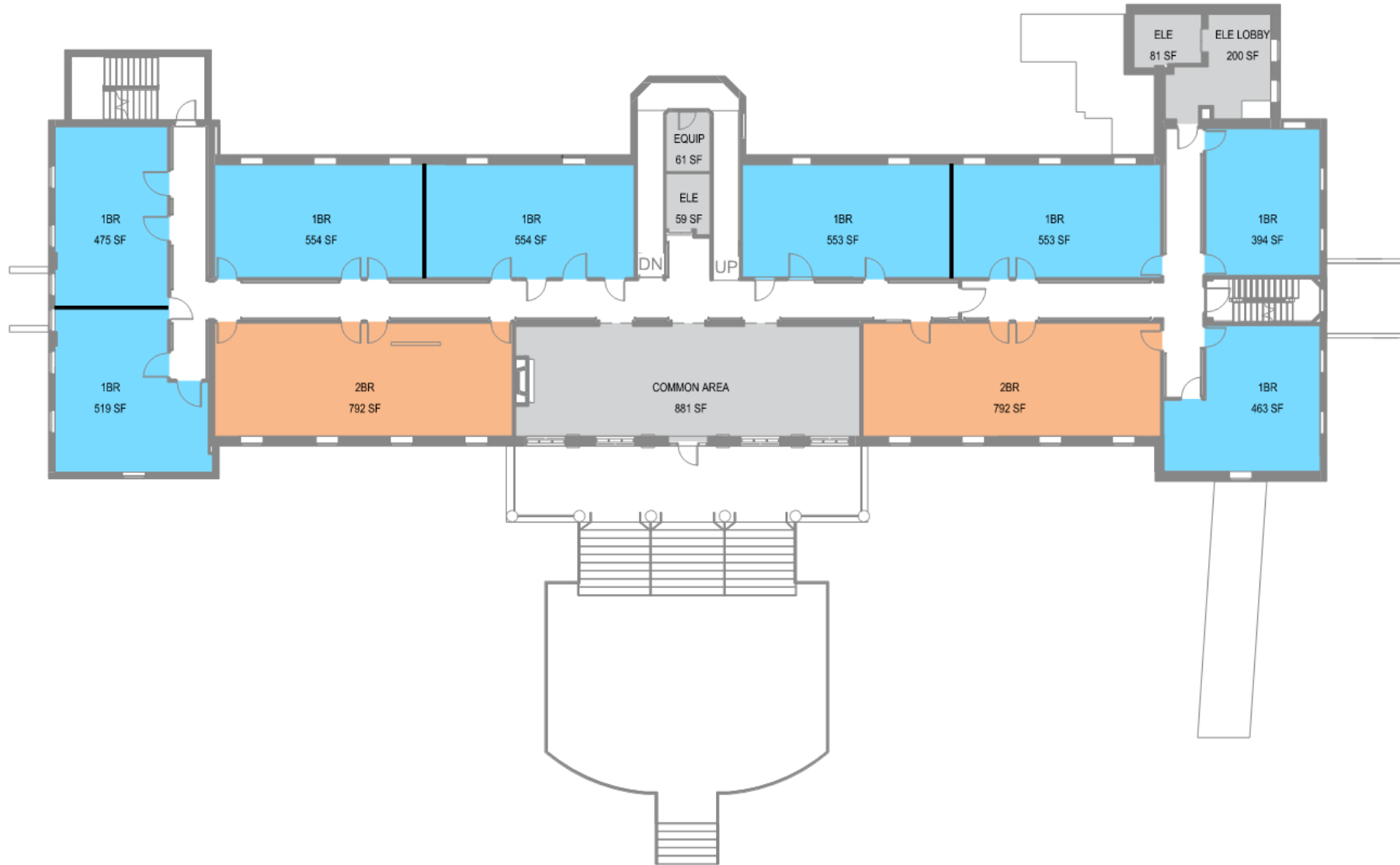


The Grand Island
Liberty Campus





Anderson – 1 Floor. 21,400 sqft



Pershing – 3 Floors. 23,636 sqft

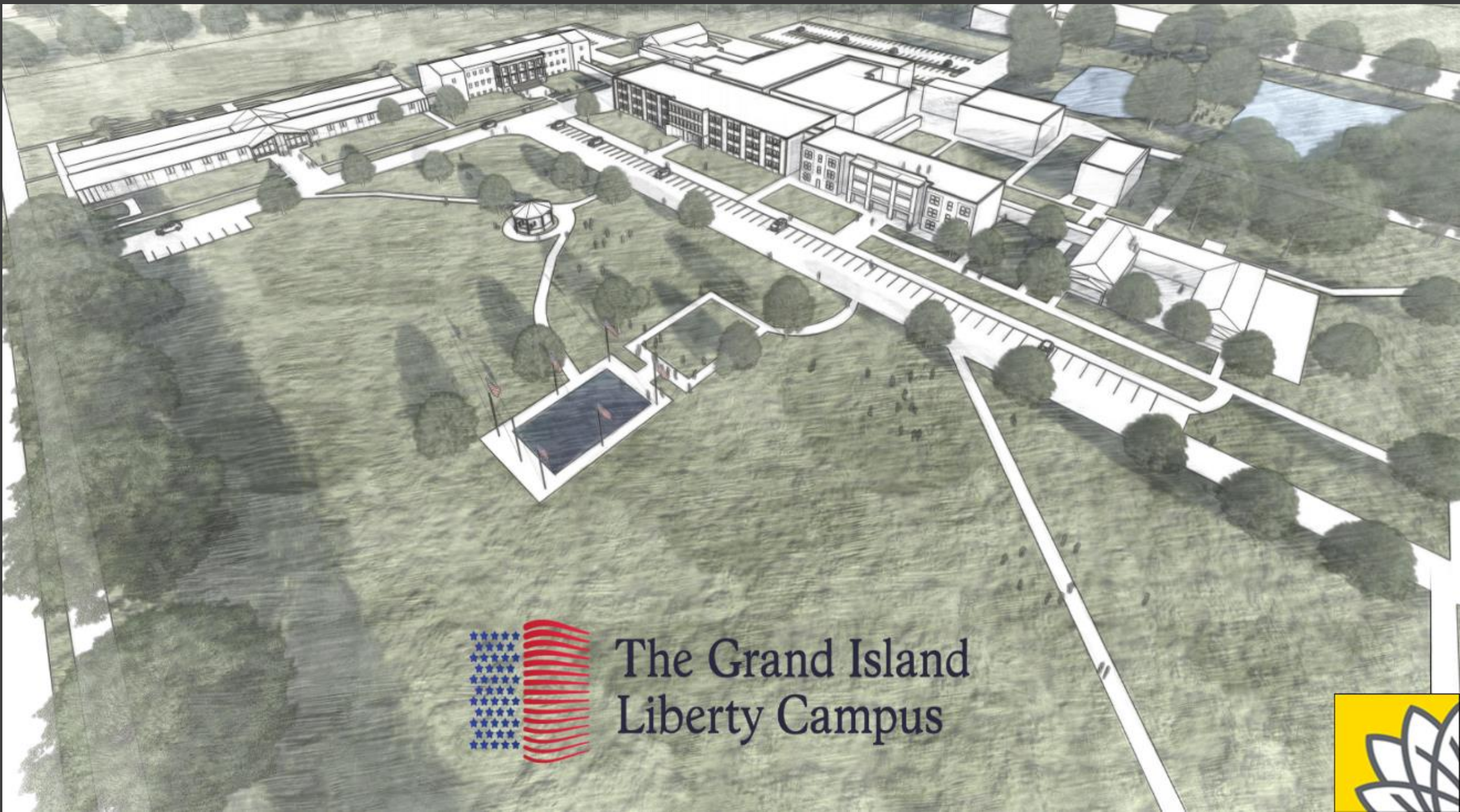


Phase 2 & Beyond - Goals

- Employer partnered young professional & skilled labor housing.
- Partner with local business leaders to bring in and retain talent in Grand Island.
- Mortgage ready housing options.



The Grand Island
Liberty Campus



The Grand Island Liberty Campus





City of Grand Island

Tuesday, September 13, 2022

Council Session

Item E-1

Public Hearing on Request from Kiko's Cantina and Mexican Eats, LLC dba Kiko's Cantina, 101 West 3rd Street for a Class "C" Liquor License

Council action will take place under Consent item G-8.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 13, 2022

Subject: Public Hearing on Request from Kiko’s Cantina and Mexican Eats, LLC dba Kiko’s Cantina, 101 West 3rd Street for a Class "C" Liquor License and Liquor Manager Designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska

Presenter(s): RaNae Edwards, City Clerk

Background

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

Declared Legislative Intent

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

Discussion

Kiko’s Cantina and Mexican Eats, LLC dba Kiko’s Cantina, 101 West 3rd Street submitted an application for a Class "C" Liquor License. A Class “C” Liquor License allows for the sale of alcohol and distilled spirits on and off sale inside the corporate limits of the city.

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

Also submitted was a request for Liquor Manager Designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska.

Alternatives

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

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

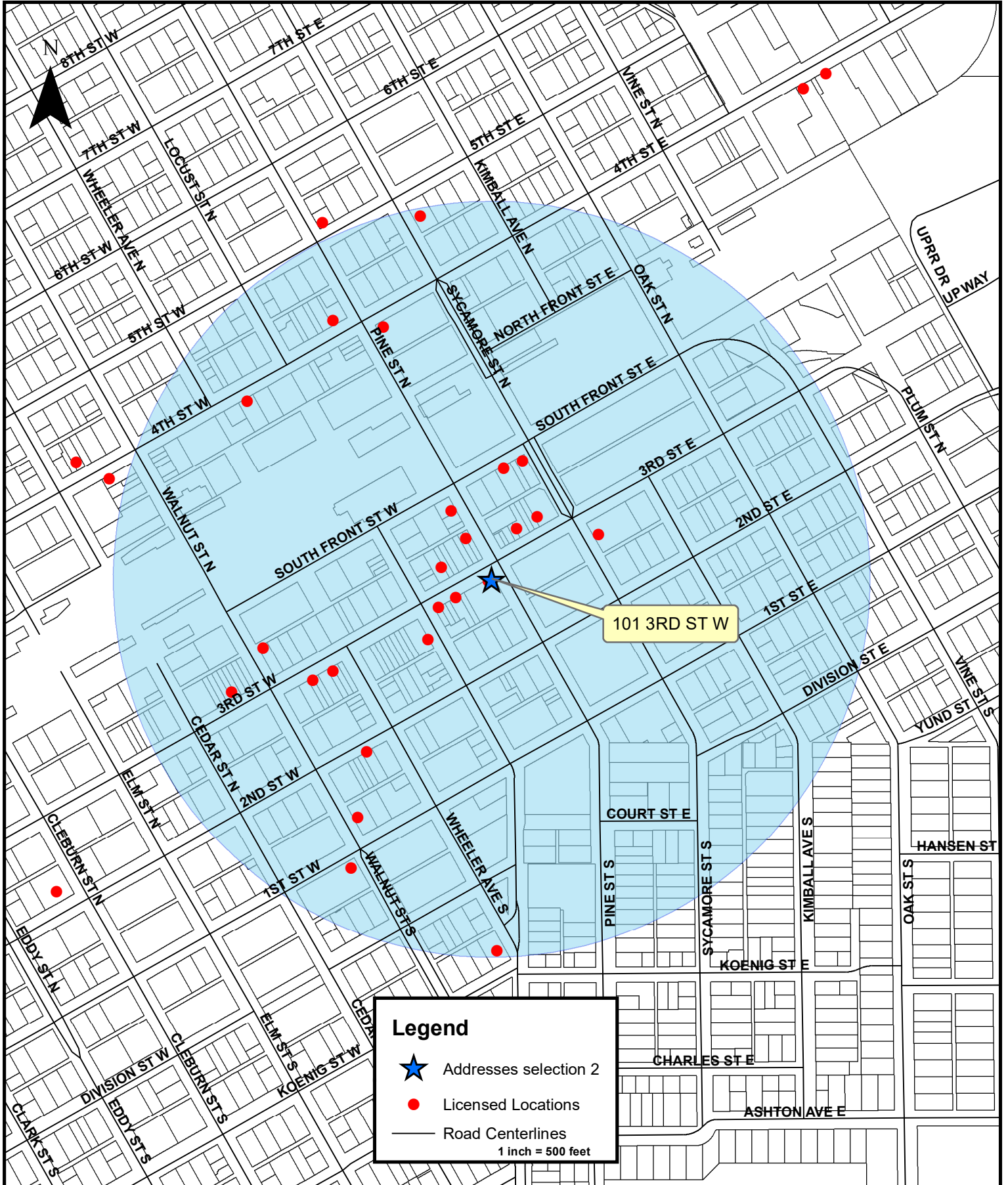
Recommendation

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

Sample Motion

Move to approve the application for Kiko's Cantina and Mexican Eats, LLC dba Kiko's Cantina, 101 West 3rd Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager designation for Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska.

Liquor License Application: Class "C": Kiko's Cantina



08/30/22	Law Incident	Liquor Lic Inv L18100742	related
08/23/22	Name	Garcia, Maria Dejesus	involved
08/23/22	Name	Garcia, Francisco J Jr	proposed manager
08/23/22	Name	Garcia, Vanessa	involved

09/08/22

Narrative

309 Liquor License Investigation
Grand Island Police Department

Kiko's Cantina and Mexican Eats LLC has applied for a Class C Liquor License; Beer Wine Distilled Spirits on and off sale, for a new business named Kiko's Cantina. The Garcia family owns the building, and the new LLC. Francisco Garcia applied as Liquor Manager for the new business.

Responsible LEO:

Approved by:

Date

09/08/22

Supplement

309

Kiko's Cantina License Application

Grand Island Police Department
Supplemental Report

Date, Time: 8-28-22

Reporting Officer: Sgt Dvorak #309

Unit #: CID

The Garcia family, via Kiko's Cantina and Mexican Eats LLC, has applied for a new Class C Liquor license; beer, wine and distilled spirits on and off sale, for their new venture at 101 W 3rd; Kiko's Cantina. Maria, Francisco Jr and Vanessa Garcia are listed each as 1/3 owners of the LLC.

I am familiar with the Garcia family, and their property ownership on the south side of 3rd Street. Azteca Market has been a successful market and restaurant, and the Brickhouse, Level Up Arcade, and Azteca reception hall are all currently in operation. Because Azteca Market and Brickhouse both are current liquor license holders, I conferred with Lt Vitera about his investigations into those establishments. I also requested, and attached, a density map for the entire downtown area, because I questioned why the Garcia's need a third liquor license for three separate entities in the same building.

Vitera advised that he has never recommended approval of the previous liquor licenses, but has not recommended denial either. The Grand Island Police Department will remain neutral on this application as well. Vitera explained several of the issues that he addressed in L16032600 and L18100742, which I have added as related to this report. I would also like to note that I received correspondence from City Building Department and City Fire Department personnel that no final inspections of the remodel to Kiko's Cantina have been performed/passed, so any recommendation on my part would have to be qualified as "pending final inspections" from those entities.

Because Lt Vitera completed extensive background checks in 2016 and 2018, and because the Garcia family already has three valid liquor licenses for their businesses, I only checked the period from September 2018 until present day when completing my background checks. I did find that Azteca Market was cited for Selling Alcohol to a Minor in December 2021. They were assessed, and paid, a fine \$1211.23 by the Commission.

I first noted that there were no active arrest warrants for any of the LLC owners. I utilized our local database, State NCJIS files, and a paid law enforcement only site that typically discloses personal information and matters of a civil nature such as bankruptcies, judgements and liens. Francisco Jr received a citation in 2018 for defective equipment. Vanessa was ticketed in 2018 for careless driving. Both of these were disclosed in the application process. Maria has no listed violations. The law enforcement only database revealed no historical or current bankruptcies, liens or judgements against any of the LLC shareholders. No disqualifying information was noted for any of the applicants.

I noted in Spillman files that officers have responded to disturbances, fights, assaults, sex offenses, or damage to property calls at the Brickhouse more than 50 times since the establishment was granted a liquor license in 2016.

I left messages for Francisco Jr in an effort to meet with him and/or his

09/08/22

mother. I responded to Azteca Market on 8-29. Neither Francisco Jr nor Maria were present at the store. Francisco Sr was working, and he used his cell phone to call Maria and let me speak to her. Maria said she believes she currently holds the three active liquor licenses, not Francisco Jr. She said Francisco Jr will be the manager for Kiko's Cantina. Maria advised that Francisco Jr was currently in Las Vegas, and would not return until Thursday evening.

I asked Maria why they applied for a Class C license for the new restaurant. Maria explained that they were not offering carry out beer or liquor sales, but were told by the Commission or their lawyer that they had to apply for a Class C license since they intend to have an al fresco dining area on the sidewalk to the east side of the building.

I contacted Shannon from the Liquor Commission. She confirmed that Maria is the license holder for a Class I license at Level Up #122716; a Class I license for Brickhouse #119813; and Class D license at Azteca Market #122717.

09/08/22



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item E-2

Public Hearing on Acquisition of Public Utility Easements in Grand Island Mall Eighteenth Subdivision- North of State Street; East of US Highway 281

Council action will take place under Consent item G-16.

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: September 13, 2022

Subject: Public Hearing on Acquisition of Public Utility Easements in Grand Island Mall Eighteenth Subdivision-North of State Street; East of US Highway 281

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council.

Public utility easements are needed to accommodate public utilities for development in the area of State Street and US Highway 281.

A sketch is attached to show the easement areas.

Discussion

To allow for further development of the Grand Island Mall Eighteenth Subdivision it is requested that the City of Grand Island acquire public utility easements, according to the attached sketches.

There will be no cost of such easements to the City.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the public utility easements.

Sample Motion

Move to approve the public utility easements.

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

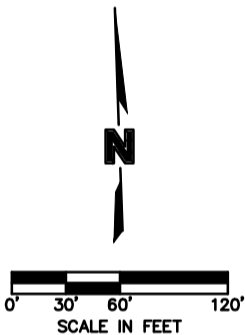
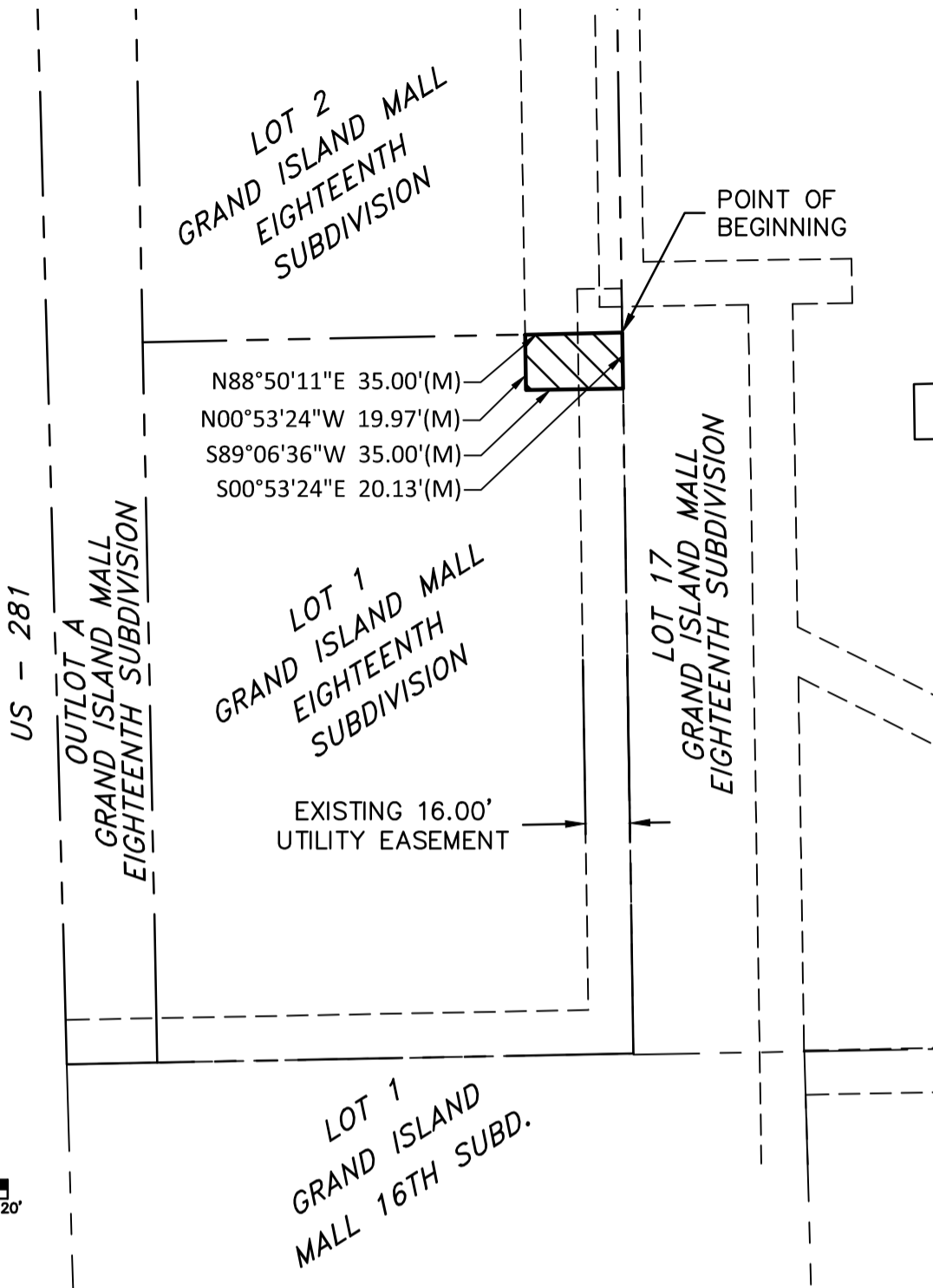
142360_2021 ROW PLAT

142360_FP GI Mall 18th

0142360_P&P SANITARY (RECORD DRAWING)

0142360_PBASE (Record Drawing)

DWG: F:\projects\014-2360\SRVY\EASEMENTS\014-2360_GI MALL EASEMENT 2022.dwg
 DATE: Aug 15, 2022 4:04pm
 USER: jjimenez
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 142360_Mall 18thOLD



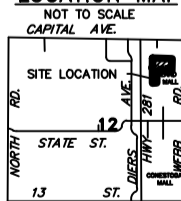
UTILITY EASEMENT DESCRIPTION

A UTILITY EASEMENT LOCATED IN PART OF LOT 1, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 20.13 FEET; THENCE S89°06'36"W, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 19.97 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 702 SQUARE FEET OR 0.02 ACERS MORE OR LESS.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

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

EXHIBIT
1

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

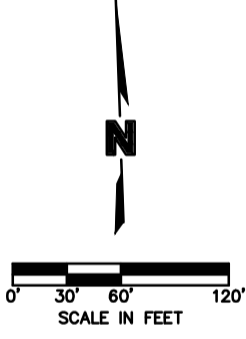
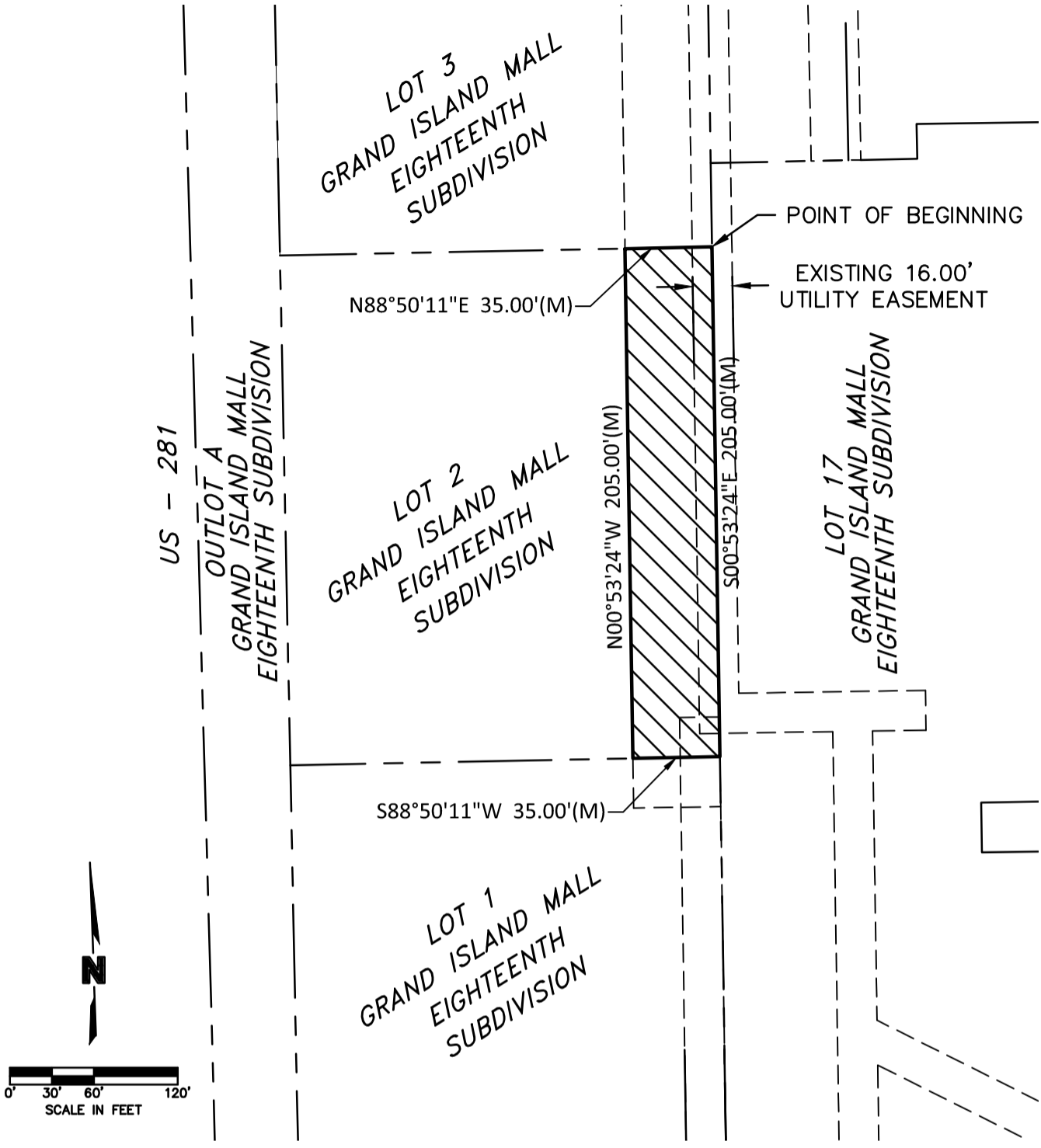
142360_2021 ROW PLAT

142360_FP GI Mall 18th

0142360_P&P SANITARY (RECORD DRAWING)

0142360_PBASE (Record Drawing)

DWG: F:\projects\014-2360\SRVY\EASEMENTS\014-2360_GI_MALL_EASEMENT_2022.dwg
 DATE: Aug 15, 2022 4:02pm
 USER: jjimenez
 0142360_PBASE (Record Drawing)
 142360_Mall 18thOLD



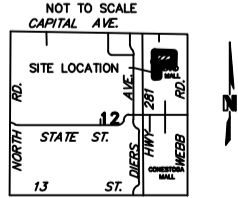
UTILITY EASEMENT DESCRIPTION

A UTILITY EASEMENT LOCATED IN PART OF LOT 2, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 205.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S88°50'11"W ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 205.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 7175 SQUARE FEET OR 0.16 ACERS MORE OR LESS.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

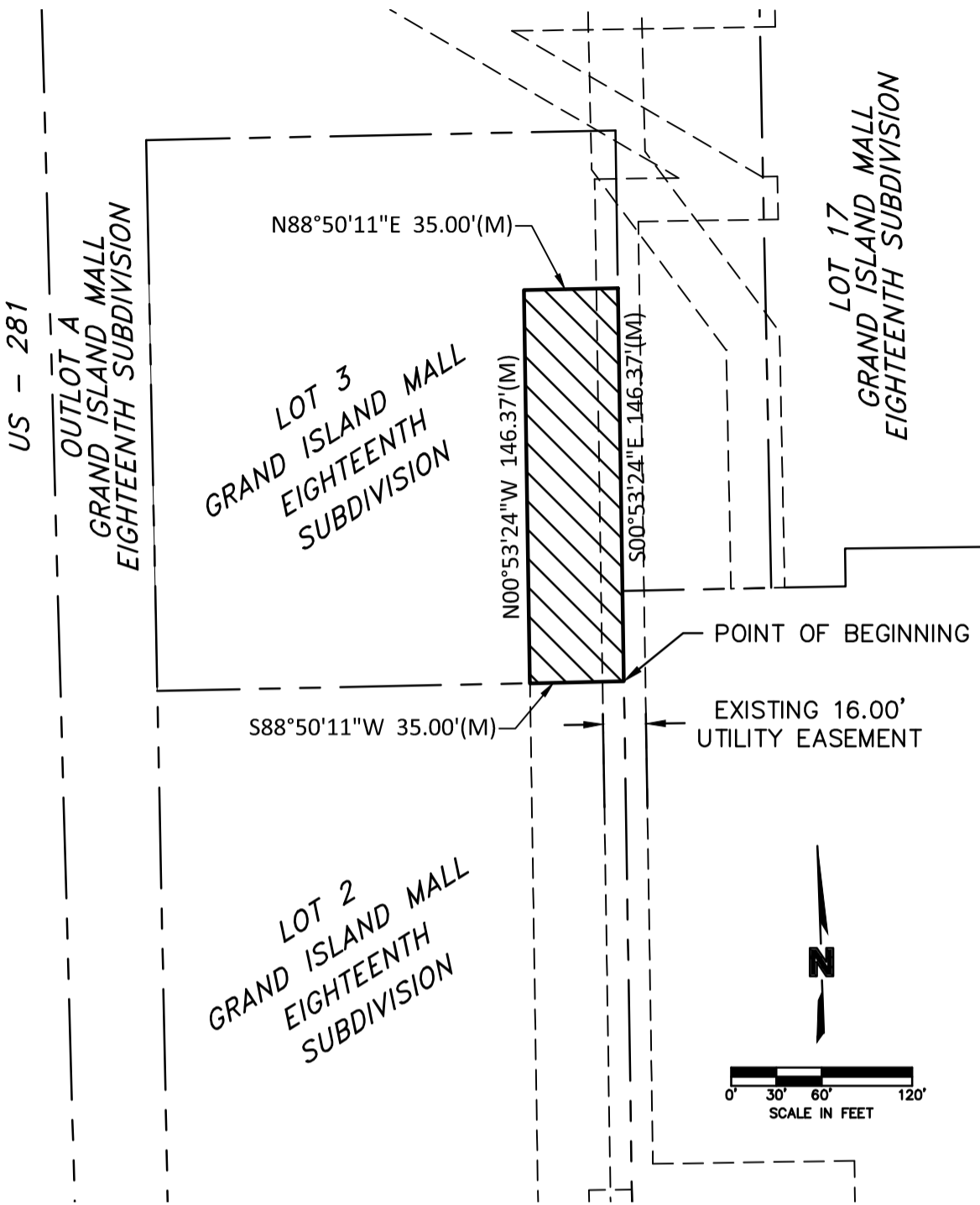
201 East 2nd Street
 Grand Island, NE 68801
 TEL 308.384.8750

EXHIBIT
1

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

DWG: F:\projects\014-2360\SRVY\EASEMENTS\014-2360_GI_MALL_EASEMENT_2022.dwg
 DATE: Aug 15, 2022 4:00pm
 USER: jjimenez
 0142360_PBASE (Record Drawing)
 142360_Mall 18thOLD
 0142360_P&P SANITARY (RECORD DRAWING)
 142360_FP GI Mall 18th
 142360_2021 ROW PLAT



UTILITY EASEMENT DESCRIPTION

A UTILITY EASEMENT LOCATED IN PART OF LOT 3, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S88°50'11"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W, A DISTANCE OF 146.37 FEET; THENCE N88°50'11"E A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°53'24"E ALONG SAID EAST LINE A DISTANCE OF 143.37 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 5122 SQUARE FEET OR 0.12 ACERS MORE OR LESS.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

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

EXHIBIT	1
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City of Grand Island

Tuesday, September 13, 2022

Council Session

Item E-3

Public Hearing on Acquisition of Public Right-of-Way for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 (Staab Brothers Partnership- 1810 N Diers Avenue)

Council action will take place under Consent item G-18.

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: September 13, 2022

Subject: Public Hearing on Acquisition of Public Right-of-Way for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 (Staab Brothers Partnership- 1810 N Diers Avenue)

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

The Claude Road; Faidley Avenue to State Street project is for the addition and improvement of several roadways in the City of Grand Island. It is anticipated that these projects will occur over several years at a pace dictated by budgets, development growth and need. A Claude Road extension from just north of Faidley Avenue to State Street is the major focus of this project. It is desired to build this roadway and several connections to Diers Avenue guided by an existing City of Grand Island concept plan. This project will allow for improvements to the Diers Avenue corridor intended to control access and improve traffic performance and safety. These Diers Avenue improvements are the second component to this project. Also associated with this project is the potential for improvements to the Highway 281 and 30 corridors adjacent to the other project areas. These improvements would focus on creating north and southbound left-turn lane offsets as well as right turn lanes to exit from the highway. This portion of the project would involve potential application of NDOT safety funds and would involve coordination with NDOT throughout the project.

The Public Works Department is proposing a concrete curb and gutter roadway section along with sidewalk, traffic control, drainage and all other associated improvements needed to complete the project.

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council.

Discussion

Public right-of-way is needed to accommodate one of the connections from Diers Avenue to the new Claude Road section. The property owner has signed the necessary documents to grant the property, as shown on the attached drawing.

Engineering staff of the Public Works Department negotiated with the property owner for such purchase.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
<p>Staab Brothers Partnership</p>	<p>A TRACT OF LAND CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN INSTRUMENT NO. 93-108517, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF DIERS AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°28'55"W ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 344.28 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 68.63 FEET; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING N86°40'23"E FOR A DISTANCE OF 27.93 FEET; THENCE N89°28'55"E ALONG A LINE BEING 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING N83°02'13"E FOR A DISTANCE OF 48.27 FEET; THENCE N76°35'31"E A DISTANCE OF 8.27 FEET; THENCE N46°35'31"E A DISTANCE OF 21.08 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 09°26'41", AN ARC LENGTH OF 46.16 FEET AND A CHORD BEARING S25°47'28"E FOR A DISTANCE OF 46.10 FEET; THENCE CONTINUING ALONG SAID WEST R.O.W. LINE S30°49'40"E A DISTANCE OF 57.82 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 23,122 SQUARE FEET MORE OR LESS.</p>	<p>\$234,460.00</p>

Total= \$234,460.00

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 conduct a Public Hearing and approve acquisitions of the public right-of-way from the affected property owner, in the total amount of \$234,460.00.

Sample Motion

Move to approve the acquisitions.

RIGHT-OF-WAY

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
TRACT NO. 7
DIERS AVENUE / CLAUDE ROAD PAVING IMPROVEMENTS

LOT 2,
TOUKAN 2ND SUBD.
(NOT A PART)

LOT 3 & N. 140' LOT 4,
TOUKAN 2ND SUBD.
INST. NO. 93-108517

R=280.00'(M&P)
 $\Delta=029^{\circ}59'26''$
L=146.56'(M), 146.61'(P)
CB=S15°31'06"E
CH=144.89'(M), 144.94'(P)

N46°35'31"E 21.08'
N76°35'31"E 8.27'
R=285.00'
 $\Delta=005^{\circ}37'03''$
L=27.94'
CB=N86°40'23"E
CH=27.93'

R=215.00'
 $\Delta=012^{\circ}53'24''$
L=48.37'
CB=N83°02'13"E
CH=48.27'

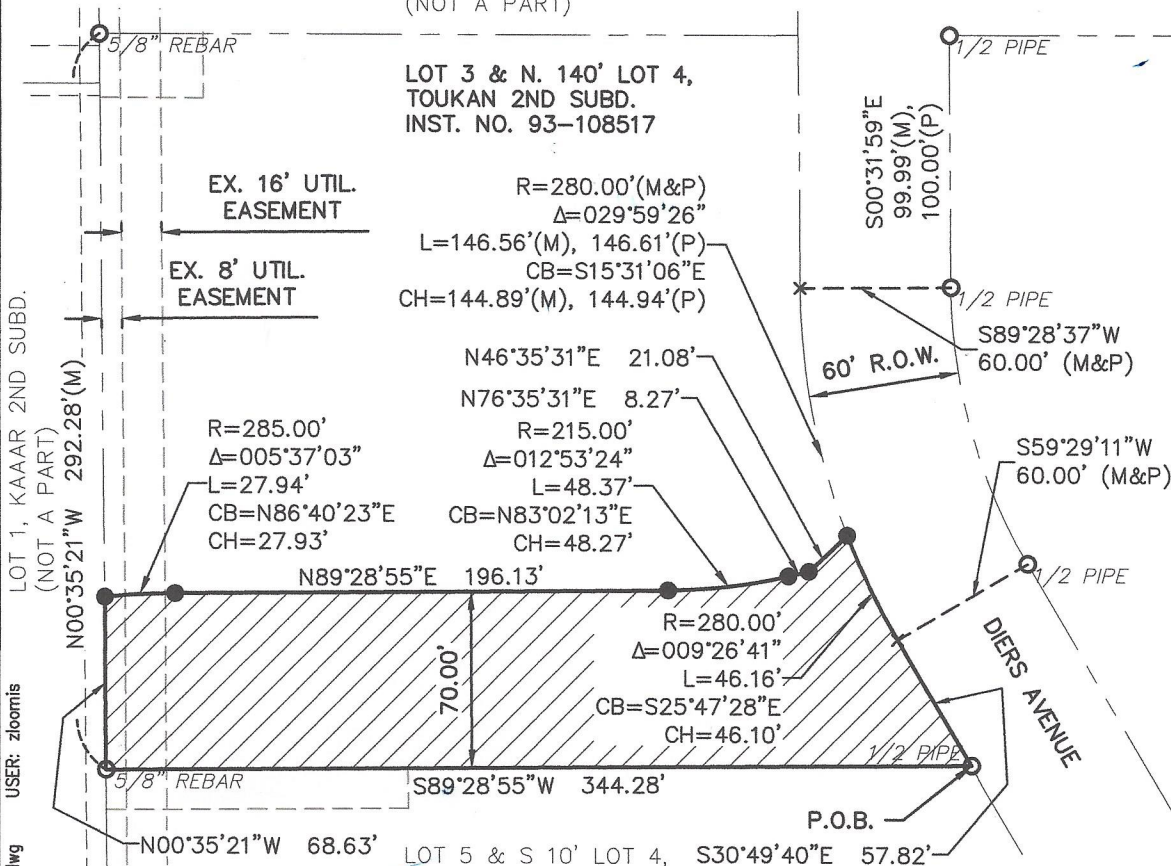
N89°28'55"E 196.13'

R=280.00'
 $\Delta=009^{\circ}26'41''$
L=46.16'
CB=S25°47'28"E
CH=46.10'

S89°28'55"W 344.28'

N00°35'21"W 68.63'

LOT 5 & S 10' LOT 4,
TOUKAN 2ND SUBD.
(NOT A PART)
S30°49'40"E 57.82'

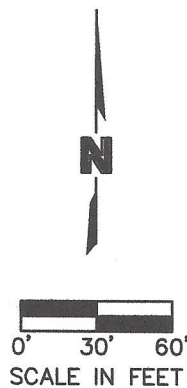


LOT 1, KAAAR 2ND SUBD. (NOT A PART)

DWG: F:\2021\07001-07500\021-07494\40-Design\Exhibits\ROW & Easement Exhibits\Tract 7 ROW_02107494.dwg
DATE: May 04, 2022 12:53pm
USER: zboomis
V_XTOPO_LDP_02107494
V_XRWAY_LDP_02107494

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- X CALCULATED POINT
- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE
- RIGHT OF WAY BOUNDARY LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE



olsson

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

EXHIBIT
1

RIGHT-OF-WAY

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
TRACT NO. 7

DIERS AVENUE / CLAUDE ROAD PAVING IMPROVEMENTS

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INST. NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN INST. NO. 93-108517, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF DIERS AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°28'55"W ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 344.28 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 68.63 FEET; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING N86°40'23"E FOR A DISTANCE OF 27.93 FEET; THENCE N89°28'55"E ALONG A LINE BEING 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING N83°02'13"E FOR A DISTANCE OF 48.27 FEET; THENCE N76°35'31"E A DISTANCE OF 8.27 FEET; THENCE N46°35'31"E A DISTANCE OF 21.08 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 09°26'41", AN ARC LENGTH OF 46.16 FEET AND A CHORD BEARING S25°47'28"E FOR A DISTANCE OF 46.10 FEET; THENCE CONTINUING ALONG SAID WEST R.O.W. LINE S30°49'40"E A DISTANCE OF 57.82 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 23,122 SQUARE FEET MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____ UNDER MY PERSONAL SUPERVISION, I COMPLETED AN ACCURATE SURVEY OF A TRACT OF LAND BEING PART OF LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING SURVEY RECORD THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED WERE FOUND OR PLACED AT ALL PROPERTY CORNERS; THAT THE DIMENSIONS OF THE TRACT ARE AS SHOWN ON THE SURVEY RECORD; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST
NEBRASKA REGISTERED LAND SURVEYOR NO. LS-630

DWG: F:\2021\07001-07500\021-07494\40-Design\Exhibits\ROW & Easement Exhibits\Tract 7 ROW_02107494.dwg
DATE: May 04, 2022 1:12pm
XREFS: V_XRWAY_LDP_02107494
V_XTOPO_LDP_02107494
USER: zibornis

olsson

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

EXHIBIT

1



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-1

Approving Minutes of August 30, 2022 City Council Special Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL SPECIAL MEETING

August 30, 2022

Pursuant to due call and notice thereof, a Special Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on August 30, 2022. Notice of the meeting was given in *The Grand Island Independent* on August 24, 2022.

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

The PLEDGE OF ALLEGIANCE was said.

PUBLIC HEARINGS:

Public Hearing on FY 2022-2023 Annual Single City Budget and the Annual Appropriations Bill. Finance Director Patrick Brown reported that the following was a comparison of the fiscal year 2023 proposed budget to the FY2022 adopted budget:

- The FY2023 budget appropriation is 8.8% or \$20,435,226 higher than the FY2022 adopted budget. The difference is mainly due to increase costs from inflation, delayed capital purchases from FY2022 (supply chain issues), and appropriation of American Rescue Plan funds of \$4,546,940 for potential project(s).
- All Funds Revenue projections for FY2023 increased 8.3% or \$16,200,412 over FY2022 budget.
- Overall the City's property tax valuation increased 5%. The City is requesting to increase its tax ask for Property Tax by 4% of which the City keeps 3% and the County gets an administration fee of 1%. Community Redevelopment Authority is requesting the same tax ask as FY2022 (\$745,146) and an additional 1% fee for Hall County's administration fee. The City's mill levy will decrease for the fourth straight year from 0.323600 to 0.319454.
- Total Sales Tax revenue is forecasted at \$24,085,936 for FY2023. It is a 10.4% or \$2,275,300 increase over FY2022 budget. The increase was due to the sustained increase in sales tax collections in the last year and quarter.
- All other revenue sources in the General Fund account for \$2,766,770 increase over FY2022 budget. A large portion of the increase is due to the rebalancing of revenues and costs between the General Fund and Enterprise Funds.
- Transfers decreased in the FY2023 by \$7,057,176 due to American Rescue Plan funds not being transferred (they have been including in budget authority to spend) and not transferring funds to Solid Waste for financing the improvements at the Transfer Station.

Costs have increased for the Transfer Station project therefore it will be forwarded to Council for approval along with proposed funding.

Reviewed were the additional FTE's and reclassifications along with Capital Improvement Projects. Staff recommended approval

Mary Berlie, 123 No. Locust Street gave a presentation and supported the Downtown Festoon Lighting funding. Jay Vavricek, 2729 Brentwood Blvd. spoke in support of the Festoon Lighting. No further public testimony was heard.

Public Hearing on FY 2022-2023 General Property and Community Redevelopment Authority (CRA) Tax Request. Finance Director Patrick Brown reported that the 2022 Valuations for the City of Grand Island increased over the 2021 valuation by \$194,988,808 or 5%. If the City applied the FY2021-2022 mill levy of 0.3441 to the new valuation of \$3,821,381,633, the City's Property Tax revenue would be \$13,149,374, a tax increase of \$669,594 over the prior year. The City and Community Redevelopment Authority tax ask for FY2023 was \$12,960,137.

If the City and CRA applied the FY2021-2022 Property Tax Ask to the new valuation there would be no tax increase and the mill levy would decrease to 0.3266 for the City and CRA. Staff recommended approval.

Jay Vavricek, 2729 Brentwood Blvd spoke in support of increasing the CRA budget. No further public testimony was heard.

Public Hearing on FY 2022-2023 Annual Budget for Parking District #2 (Ramp) Tax Request. Finance Director Patrick Brown reported that the 2022 Valuations for the Downtown Improvement District #2 (Ramp) increased over the 2021 valuation by \$9,762,744 or 17%. The Downtown Improvement District #2 (Ramp) was not requesting an increase in Property Tax thereby reducing the mill levy from 0.01409 to 0.01204. The Downtown Improvement District #2 (Ramp) Property Tax revenue request was \$8,080. Staff recommended approval. No public testimony was heard.

ADJOURNMENT: The meeting was adjourned at 7:33 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-2

Approving Minutes of August 30, 2022 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
August 30, 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 August 30, 2022. Notice of the meeting was given in *The Grand Island Independent* on August 24, 2022.

Mayor Roger G. Steele called the meeting to order at 7:33 p.m. The following City Council members were present: Mike Paulick, Justin Scott, Michelle Fitzke, Mark Stelk, Jason Conley, Vaughn Minton, Bethany Guzinski, Maggie Mendoza, Mitch Nickerson, and Chuck Haase. The following City Officials were present: City Administrator Jerry Janulewicz, City Clerk RaNae Edwards, Finance Director Patrick Brown, Interim City Attorney Stacy Nonhof and Public Works Street Superintendent Shannon Callahan.

BOARD OF EQUALIZATION: Motion by Minton, second by Nickerson to adjourn to the Board of Equalization. Upon roll call vote, all voted aye. Motion adopted.

#2022-BE-1 - Consideration of Determining Benefits for Railside Business Improvement District. Finance Director Patrick Brown reported that the 2022-2023 Budget provided for special assessments on land and real property in the District as of January 1, 2022 in the amount of \$0.2625461 per \$100 of real property. The total taxable value of \$51,349,093 provides for assessments of \$133,842.76. Staff recommended approval.

Amos Anson, 4243 Arizona Avenue answered questions regarding the Festoon Lighting.

Motion by Guzinski, second by Stelk to approve Resolution #2022-BE-1. Upon roll call vote, all voted aye. Motion adopted.

#2022-BE-2 - Consideration of Determining Benefits for Fonner Park Business Improvement District. Finance Director Patrick Brown reported that the budgeted assessments for Fonner Park Business Improvement District of \$53,202 would be charged to property owners in the district based on their front footage. Staff recommended approval.

Motion by Paulick, second by Mendoza to approve Resolution #2022-BE-2. Upon roll call vote, all voted aye. Motion adopted.

#2022-BE-3 - Consideration of Determining Benefits for South Locust Business Improvement District. Finance Director Patrick Brown reported that the budgeted assessments for South Locust Business Improvement District of \$104,616.97 would be charged to property owners in the district based on their front footage. Staff recommended approval.

Motion by Stelk, second by Conley to approve Resolution #2022-BE-3. Upon roll call vote, all voted aye. Motion adopted.

#2022-BE-4 - Consideration of Determining Benefits for Vehicle Off-Street Parking District #3. Finance Director Patrick Brown reported that the budgeted assessments for Vehicle Off-Street Parking District #3 of \$71,849.59 or \$0.0441/square foot would be charged to property owners in the district based on the entire square footage of their buildings. Staff recommended approval.

Elaine Rivera, 123 E. South Front Street asked that her parking assessment be waived as they had no parking in and around the building which was being used as a church. Assistant Finance Director Brian Schultz explained how the assessments were calculated.

Motion by Minton, second by Guzinski to approve Resolution #2022-BE-4.

Motion by Haase, second by Nickerson to amend the motion and give a 50% deduction to parcel #40004119 and #40004127. Upon roll call vote, Councilmembers Haase, Nickerson, Conley, Scott, and Paulick voted aye. Councilmembers Mendoza, Guzinski, Minton, Stelk, and Fitzke voted no. Mayor Steele voted no. Motion failed.

Upon roll call vote on the main motion, Councilmembers Haase, Nickerson, Mendoza, Guzinski, Minton, Stelk, Fitzke, Scott, and Paulick voted aye. Councilmember Conley voted no. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Minton, second by Guzinski to return to Regular Session. Motion adopted.

ORDINANCES:

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

- #9894 - Consideration of Amending Grand Island City Section 2-18 Relative to Mayor Compensation (Second and Final Reading)
- #9895 - Consideration of Approving Salary Ordinance
- #9896 - Consideration of Approving FY2022-2023 Annual Single City Budget and the Annual Appropriations Bill
- #9897 - Consideration of Approving Assessments for Railside Business Improvement District
- #9898 - Consideration of Approving Assessments for Fonner Park Business Improvement District
- #9899 - Consideration of Approving Assessments for South Locust Business Improvement District
- #9900 - Consideration of Approving Assessments for Vehicle Off-Street Parking District #3

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of these ordinances on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9894 - Consideration of Amending Grand Island City Section 2-18 Relative to Mayor Compensation (Second and Final Reading)

Human Resources Director Aaron Schmid reported this ordinance was approved by the City Council on first reading at their August 23, 2022 City Council meeting.

Jay Vavricek, 2729 Brentwood Blvd. spoke in favor of increasing the Mayor's salary above \$16,000.00.

Motion by Paulick, second by Haase to take no action on Ordinance #9894. Upon roll call vote, all voted aye. Motion adopted.

#9895 - Consideration of Approving Salary Ordinance

Human Resources Director Aaron Schmid reported this ordinance was part of the budget process. He explained this ordinance reflected the union contracts and the non-union salary survey.

Motion by Paulick, second by Stelk to approve Ordinance #9895.

Discussion was held regarding those employees who did not get a raise. Finance Director Patrick Brown stated there was a 5% increase for all non-union positions figured in to the salary ordinance and five employees whose salary did not change due to the salary survey.

Motion by Haase, second by Scott to establish a minimum increase of 3% to the minimum and maximum rates for non-union members in Section 1 receiving a 3% or less increase based on comparability and COLA, excluding those whose adjustments were approved previously since October 1, 2021 such as Police Chief and Public Works Director positions and the 2 AFSCME positions listed in this Section. Upon roll call vote, Councilmembers Haase, Nickerson, Conley, Stelk, and Scott voted aye. Councilmembers Mendoza, Guzinski, Minton, Fitzke, and Paulick voted no. Mayor Steele vote no. Motion failed.

City Clerk: Ordinance #9895 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9895 is declared to be lawfully adopted upon publication as required by law.

RESOLUTIONS:

#2022-237 - Consideration of Approving FY 2022-2023 General Property and Community Redevelopment Authority (CRA) Tax Request. Finance Director Patrick Brown stated this item relates to the Public Hearing item E-2 from the Special Meeting of August 30, 2022.

Motion by Paulick, second by Stelk to approve Resolution #2022-237. Upon roll call vote, all voted aye. Motion adopted.

#2022-238 - Consideration of Approving FY 2022-2023 Annual Budget for Parking District #2 (Ramp)Tax Request. Finance Director Patrick Brown stated this item relates to the Public Hearing item E-3 from the Special Meeting of August 30, 2022.

Motion by Minton, second by Guzinski to approve Resolution #2022-238. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

#9896 - Consideration of Approving FY2022-2023 Annual Single City Budget and the Annual Appropriations Bill

This item was related to the Public Hearing at the Special Meeting held just before this meeting. Discussion was held regarding the 5 year projections of the budget. Fire Chief Cory Schmidt answered questions regarding the 3 FTE;s and how to fill those positions.

Motion by Paulick, second by Minton to approve Ordinance #9896.

City Clerk: Ordinance #9896 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9896 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9896 is declared to be lawfully adopted upon publication as required by law.

#9897 - Consideration of Approving Assessments for Railside Business Improvement District

This item was related to the aforementioned Board of Equalization. Staff recommended approval.

Motion by Guzinski, second by Nickerson to approve Ordinance #9897

City Clerk: Ordinance #9897 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9897 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9897 is declared to be lawfully adopted upon publication as required by law.

#9898 - Consideration of Approving Assessments for Fonner Park Business Improvement District

This item was related to the aforementioned Board of Equalization. Staff recommended approval.

Motion by Scott, second by Fitzke to approve Ordinance #9898.

City Clerk: Ordinance #9898 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9898 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9898 is declared to be lawfully adopted upon publication as required by law.

#9899 - Consideration of Approving Assessments for South Locust Business Improvement District

This item was related to the aforementioned Board of Equalization. Staff recommended approval.

Motion by Paulick, second by Conley to approve Ordinance #9899.

City Clerk: Ordinance #9899 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9899 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9899 is declared to be lawfully adopted upon publication as required by law.

#9900 - Consideration of Approving Assessments for Vehicle Off-Street Parking District #3

This item was related to the aforementioned Board of Equalization. Staff recommended approval.

Motion by Guzinski, second by Minton to approve Ordinance #9900.

City Clerk: Ordinance #9900 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9900 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9900 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Paulick, second by Scott to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 23, 2022 City Council Regular Meeting.

#2022-234 - Approving Proposal for Furnace & Air Conditioner Replacement at the Grand Generation Center with Jerry's Sheet Metal Heating and Cooling Co. or Grand Island, Nebraska in an Amount of \$37,280.00.

#2022-235 - Approving Microsoft Licensing Enterprise Agreement with CDW-G, Nebraska State Contract reseller in an Amount of \$448,639.38 for three years.

#2022-236 - Approving 2022 Police Department Justice Assistance Grant (JAG) Application and MOU.

ADJOURN TO EXECUTIVE SESSION: Motion by Minton, second by Guzinski to adjourn to Executive Session at 9:30 p.m. for the purpose of a strategy session pending litigation. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Nickerson, second by Minton to return to Regular Session at 9:57 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:57 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-3

Receipt of Official Document – Tort Claim filed by Brad Johnson

Staff Contact: Laura McAloon

Council Agenda Memo

From: Laura McAloon, City Attorney

Meeting: September 13, 2022

Subject: Receipt of Official Document – Tort Claim filed by Brad Johnson

Presenter(s): Laura McAloon, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim from Brad Johnson alleging certain claims for an incident which occurred on September 14, 2021. Mr. Johnson, individually and as the Special Administrator of the Estate of Carley Johnson is claiming negligent handling of a prior traffic incident caused the automobile collision on I-80 Westbound resulting in the injuries and death of Carley Johnson. The claim does not allege any actions on the part of the City or City employees and simply states that the City is being put on notice of the claims against other government agents in case the City had some involvement with the incidents on September 14, 2021. A copy of the claim is attached.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Brad Johnson is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

For a person to assert a tort claim against the City of Grand Island, a written notice of the claim must be filed with the City Clerk, Secretary or other official responsible for keeping official records. The claim must be filed within one year of the accrual of the claim, and the Council has six months to act on the claim. No suit can be filed until after the Council acts on the claim, or the six months has run.

Historically, the City of Grand Island has simply let the six months run. Not all claims result in a suit being filed, so it makes good sense to not act affirmatively in many instances. In any event, if you wish to look further into this claim, please contact the City Attorney's office, and we will provide you with any additional information we may have regarding the claim. Our recommendation is to continue to take no affirmative action on tort claims. It must be emphasized that by providing copies of alleged claims to you, we are not making an admission or representation that a claim has been properly filed in any respect. We also recommend that no comments concerning a particular claim be made during Council meetings, unless you decide to bring the matter on for formal

consideration. Even then, we ask that comments be carefully considered so that the legal rights of all parties are preserved.

Discussion

This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

Sample Motion

Move to approve acknowledgement of the Tort Claim filed by Brad Johnson.

Herbert J. Friedman
Daniel H. Friedman
Robert R. Moodie
Gregory R. Coffey
Stephen A. Sael



NOTICE OF CLAIM UNDER POLITICAL SUBDIVISIONS TORT CLAIMS ACT

September 2, 2022

VIA US MAIL AND CERTIFIED MAIL-RETURN RECEIPT REQUESTED, EMAIL AND/OR HAND DELIVERY

Marla Conley, Hall County Clerk
121 S. Pine St.
Grand Island, NE 68801
marlac@hallcountyne.gov

Martin Klein, Hall County Attorney
Sarah Carstensen,
231 S. Locust St.
Grand Island, NE 68801
sarahc@hallcountyne.gov



Kim Dugan, Hall County Board Assistant
121 S. Pine St
Grand Island, NE 68801
board@hallcountyne.gov

Butch Hurst, Hall County District 1 Commissioner, Board Vice Chair
2009 Sheridan Ave
Grand Island, NE 68803
butchh@hallcountyne.gov

Karen Bredthauer, Hall County District 2 Commissioner
940 S. North Road
Grand Island, NE 68803
karenb@hallcountyne.gov

Scott Sorensen, Hall County District 3 Commissioner
1410 Birdie Blvd
Cairo, NE 68824
scotts@hallcountyne.gov

Pamela Lancaster, Hall County District 4 Commissioner
2809 Apache Rd
Grand Island, NE 68801
paml@hallcountyne.gov

Jane Richardson, Hall County District 5 Commissioner
47 Kuester Lake
Grand Island, NE 68801
janer@hallcountyne.gov

Gary Quandt, Hall County District 6 Commissioner
609 W. 14th St
Grand Island, NE 68801
garyq@hallcountyne.gov

Ron Peterson, Hall County District 7 Commissioner, Board Chair
3115 Brentwood Blvd
Grand Island, NE 68801
ronp@hallcountyne.gov

Hall County Clerk and/or Secretary responsible for maintaining the official records of the political subdivision
111 W. 1st St
Grand Island, NE 68801

Hall County Sheriff's Department
111 Public Safety Drive
Grand Island, NE 68801

RaNae Edwards, City Clerk
100 East First Street
Grand Island, NE 68801

Grand Island City Clerk and/or Secretary responsible for maintaining the official records of the political subdivision
100 East First Street
Grand Island, NE 68801

ATTN: RaNae Edwards, City Clerk

RE: Claimant: Brad Johnson, Individually, and as the Special Administrator of the Estate of Carley Johnson, Deceased
Date of Incident: September 14, 2021, at approximately 5:41 p.m.
Place of Incident: I-80 Westbound – approximately 158 East of milepost 295.5,

Hall County, Nebraska

To Whom It May Concern:

Please be advised that this office represents Brad Johnson, individually, and as Special Administrator of the Estate of Carley Johnson, Deceased, with regard to an automobile collision that occurred on September 14, 2021 at approximately 5:41 p.m. on I-80 Westbound, approximately 158 feet east of milepost 295.5 in Hall County, Nebraska. (See State of Nebraska Investigator's Motor Vehicle Crash Report, L21091284, attached hereto as Exhibit A). Carley Johnson was injured and killed in that collision.

Earlier that day, in and around the same general vicinity, there was another automobile collision, where a pickup truck hauling a fifth wheel camper lost control and rolled into the ditch, apparently spilling fuel onto the surface of the interstate in the process. Upon information and believe, the earlier auto collision was L21091268 and occurred at approximately 12:33 p.m. and was about 2,000 feet east of mile post 295 on I-80 West. (See State of Nebraska Investigator's Motor Vehicle Crash Report, L21091268, attached hereto as Exhibit B).

While it was reported that the roadway was cleared from the prior collision at 3:40 p.m., see Exhibit B, around the time of the 5:41 p.m. collision, traffic on I-80 was backed up for about half a mile.

Upon information and belief, this was due to the mishandling of the process of cleaning up, clearing, and otherwise responding to the 12:33 p.m. collision. A news report from the Hall County Sheriff's Department indicates that "traffic was slowed due to a HAZMAT cleanup form an earlier rollover accident, which was off the roadway. This cleanup involved a fuel leak."

Upon information and believe, there were no warning signs, there were no detour or diversion signs, no detour of traffic was in process, traffic was no diverted, cleanup was not done in a timely or proper or timely manner, there were either insufficient policies and/or procedures to effectuate the cleanup and/or such policies and/or procedures, there was a failure to properly hire, train, retain, and contract with the individuals/entities responsible for cleaning up the roadway, and actions were otherwise below the standard of care, violated Nebraska and/or federal law, and/or were negligent.

As a result, Carley Johnson collided into the Ford F-350 pickup truck ahead of her on I-80, resulting in her injuries and death. Carley Johnson died at the scene of the collision.

To date, both the Hall County Attorney's office as well as the Hall County Sheriff's Department have refused to provide any information to Ms. Johnson's parents concerning what transpired and why the fuel spill was still causing traffic to back up more than two hours later after the Exhibit B indicates that the roadway was cleared.

Our investigation to date reveals that appropriate rules, policies, procedures were not properly followed in responding to the prior automobile collision by Hall County's employees, agents, and/or independent contractors responsible for these matters. These entities proximately caused Carley Johnson's injuries and death through their actions and inactions related to this matter.

To the extent that the City of Grand Island or the City of Grand Island Police Department or City of Grand Island Fire Department was involved in responding to this/these incident(s), the undersigned is also placing that political subdivision on notice of these claims.

Demand is hereby made against each entity named in this notice, including the Hall County Sheriff's Department and Hall County and the City of Grand Island in the amount of \$1,000,000.00 (one-million dollars) each.

Very truly yours,



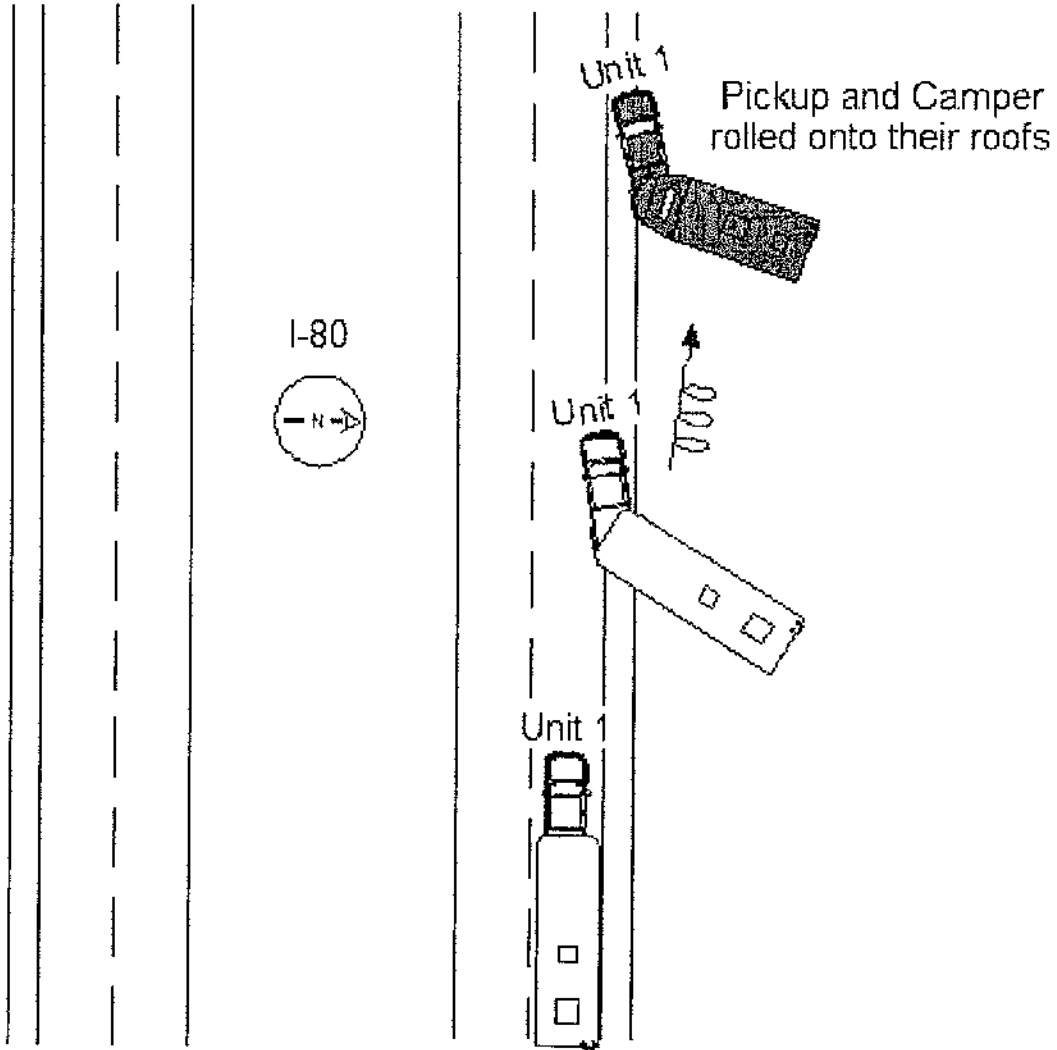
Daniel H. Friedman
Stephen A. Sael

Enclosures

State of Nebraska
Investigator's Motor Vehicle Crash Report

TOTAL NO. OF VEHICLES 1		LOCAL NO./DISTRICT:		AGENCY CASE NO. L21091268		PHOTOGRAPHS TAKEN? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		INVESTIGATION MADE AT SCENE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DATE OF CRASH 09/14/2021		MM/DD/YYYY		S M T W T H F S <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		TIME OF CRASH (Military Time) 12:33		TIME OF ROADWAY CLEARANCE 15:40	
PLACE OF CRASH HALL		COUNTY		CITY		SECONDARY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LATITUDE 040.7284461	
ROAD ON WHICH CRASH OCCURRED		STREET/HIGHWAY NO. I-80		PRIVATE PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LONGITUDE -98.6649860			
DISTANCE FROM MILEPOST 2224		FEET		N S E W OF MILEPOST <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		HIGHWAY NO. 80			
IF AT INTERSECTION					IF NOT AT INTERSECTION				
NAME OF INTERSECTING ROADWAY					2 <input type="checkbox"/> FEET <input checked="" type="checkbox"/> MILES N S E W OF NEAREST STREET, BRIDGE, RAILROAD CROSSING 190TH RD				
IF CRASH WAS OUTSIDE CITY LIMITS, INDICATE DISTANCE FROM NEAREST TOWN									
MILES 3.21		N S E W AND MILES <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 2.99		N S E W OF NEAREST CITY OR TOWN <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SHELTON					
CRASH DATA									
DOES CRASH INVOLVE DAMAGE TO NEBRASKA DEPT. OF TRANSPORTATION PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TYPE OF INTERSECTION Number of Approaches 01 - Not at Intersection 02 - Two (2) 01 03 - Three (3) 04 - Four (4) 05 - Five or more (5+)			CONTRIBUTING CIRCUMSTANCES - ROADWAY ENVIRONMENT (up to 2 choices) 00 - None 98 01 - Absence of Sidewalks 02 - Animal(s) 03 - Prior Crash 04 - Prior Non-Recurring Incident 05 - Backup Due to Regular Congestion 06 - Debris 07 - Glare 08 - Obstructed Crosswalks 09 - Non-Highway Work 10 - Obstruction in Roadway 11 - Related to a Bus Stop 12 - Road Surface Condition (wet, icy, snow, slush, etc.) 13 - Roadway Width Restricted 14 - Ruts, Holes, Bumps 15 - Shoulders (none, low, soft, high) 16 - Toll Booth/Plaza Related 17 - Traffic Control Device 18 - Traffic Incident 19 - Visual Obstruction(s) 20 - Weather Conditions 21 - Work Zone (construction/maintenance/utility) 22 - Worn, Travel-Polished Surface 98 - Other 99 - Unknown			WORK ZONE Was the crash in a construction, maintenance or utility work zone, or was it related to an activity within a work zone? 01 - Yes 01 02 - No 99 - Unknown Workers Present? 01 - Yes 02 - No 97 - Not Applicable 02 98 - Unknown Type of Work Zone 01 - Intermittent or Moving Work 02 - Lane Closure 03 - Lane Shift/Crossover 04 - Work on Shoulder or Median 97 - Not Applicable 04 98 - Other 04 99 - Unknown Location of the Crash 01 - Before Work Zone Warning Sign 02 - Advance Warning Area 03 - Transition Area 04 - Activity Area 05 - Termination Area 97 - Not Applicable 98 98 - Other 99 - Unknown Law Enforcement Present 01 - Officer Present 02 - Not Present 03 - Only Law Enforcement Vehicle Present 97 - Not Applicable 02 99 - Unknown SCHOOL BUS RELATED 00 00 - No 01 - School Bus Directly Involved 02 - School Bus Indirectly Involved 99 - Unknown	
RELATION TO JUNCTION Within Interchange Area? 01 - Yes 02 02 - No 99 - Unknown Specific Junction Location 00 - Non-Junction 01 - Acceleration/Deceleration Lane 02 - Crossover Related 03 - Driveway Access or Related 04 - Entrance/Exit Ramp or Related 05 - Intersection or Related 06 - Railway Grade Crossing 00 07 - Shared Use Path or Trail 08 - Other Location (median, shoulder or roadside) 99 - Unknown		Overall Intersection Geometry 01 - Angled/Skewed Y 97 02 - Roundabout/Traffic Circle O 03 - Perpendicular + or T 97 - Not Applicable Overall Traffic Control Device 01 - No Control 02 - Signalized 03 - Stop - All Way 97 04 - Stop - Partial 05 - Yield 97 - Not Applicable			WEATHER CONDITIONS (up to 2 choices) 01 - Blowing Sand, Soil, Dirt 03 02 - Blowing Snow 03 - Clear 04 - Cloudy 05 - Fog, Smog, Smoke 06 - Freezing Rain/Drizzle 07 - Rain 08 - Severe Crosswinds 09 - Sleet or Hail 10 - Snow 98 - Other 99 - Unknown			MANNER OF CRASH / COLLISION IMPACT 00 - Not a Collision Between Two Motor Vehicles 00 01 - Angle 02 - Front-to-Front 03 - Front-to-Rear 04 - Rear-to-Rear 05 - Rear-to-Side 06 - Sideswipe-Opposite Direction 07 - Sideswipe-Same Direction 98 - Other 99 - Unknown	
ROADWAY SURFACE CONDITION 01 - Dry 01 02 - Ice/Frost 03 - Mud, Dirt, Gravel 04 - Oil 05 - Sand 06 - Slush 07 - Snow 08 - Water (standing, moving) 09 - Wet 98 - Other 99 - Unknown		ROADWAY SURFACE 01 - Asphalt 01 02 - Brick 03 - Concrete 04 - Dirt 05 - Gravel 98 - Other 99 - Unknown			LIGHT CONDITION 01 - Daylight 01 02 - Dawn/Dusk 03 - Dark-Lighted 04 - Dark-Not Lighted 05 - Dark-Unk. Lighting 98 - Other 99 - Unknown				
PROPERTY	OBJECT DAMAGED	OWNER NAME	ADDRESS	PHONE	APPROX. COST OF DAMAGE				
	OBJECT DAMAGED	OWNER NAME	ADDRESS	PHONE	APPROX. COST OF DAMAGE				
WITNESS	NAME	ADDRESS	PHONE						
	LUTHER, MICHAEL R	6109 S AVE KEARNEY, NE 68647	(308) 627-6959						
NAME	ADDRESS	PHONE							
NEWTON, SEAN A	1604 N. 94TH ST OMAHA, NE 68114	(308) 520-4741							
OFFICER NO. 9082	TROOP/TEAM/BEAT	DEPARTMENT HALL COUNTY SHERIFF'S OFFICE							
INVESTIGATOR NAME (Print or type)			INVESTIGATOR SIGNATURE APPROVED BY			DATE OF REPORT			

CRASH DIAGRAM



Check if diagram is submitted on a separate page.

DESCRIPTION OF CRASH BASED ON OFFICER'S INVESTIGATION

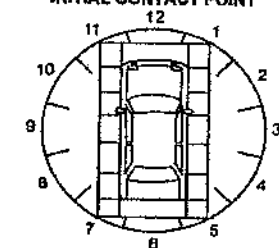
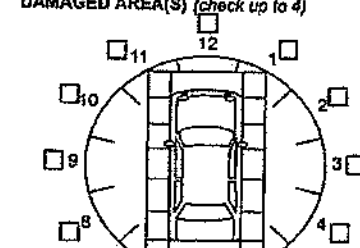
DRIVER ADVISED SEMI PUSHED HIM OFF OF THE ROAD INTO THE DITCH WHERE HE LOST CONTROL AND ROLLED. WITNESS ADVISED THEY ONLY SAW HIM GO OFF ROAD AND THE TRAILER SWING INTO THE DITCH CAUSING HIM TO ROLL. ONE WITNESS DIDN'T SEE ANY SEMI CLOSE THE OTHER SAID THERE COULD HAVE BEEN ONE AHEAD OF HIM AWAYS. THE 5TH WHEEL CAMPER IS A ASTORIA VIN: 4YDFAAP28NM9151132 BEING TRANSPORTED TO A DEALERSHIP.

Agency Case No. L21091268

Investigator's Motor Vehicle Crash Report - Vehicle

VEHICLE NO. 1	MOTOR VEHICLE UNIT TYPE 01 - Motor Vehicle In Transport 02 - Parked Motor Vehicle 03 - Working Vehicle/Equipment 01	DRIVER PRESENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
VEHICLE OWNER NAME (Last, First, Middle) CLEMENT, JESSE, S		CONTACT PHONE (321) 514-4497
MAILING ADDRESS 533 MAGNOLIA AVE		CITY MELBOURNE
LICENSE PLATE NO. NBRJ88	STATE FL	REG. YEAR 2021
LICENSE PLATE TYPE TRUCK COMMERCIAL	MAKE DODGE	MODEL RAM 3500
INSURANCE COVERAGE 01 - Yes 02 - No 99 - Unk. 01	INSURANCE COMPANY CANAL INSURANCE COMPANY	INSURANCE POLICY NO. I-531254001-1

MOTOR VEHICLE TYPE CATEGORY Body Type 01 - All-Terrain Vehicle / Cycle (ATV/ATC) 02 - Golf Cart 03 - Low Speed Vehicle 04 - Recreational Off-Highway Vehicles (ROV) 05 - Snowmobile 06 - Moped or motorized bicycle 07 - Motorcycle - 2 Wheel 08 - Motorcycle - 3 Wheel 09 - Autocycle 10 - Passenger Car 11 - Passenger Van (less than 9 seats) 12 - (Sport) Utility Vehicle 13 - Pickup (10,000 lbs or less) 14 - Pickup (greater than 10,000 lbs)** 15 - Medium/Heavy Truck (greater than 10,000 lbs GVWR)** 16 - Single-Unit Truck** 17 - Truck Tractor** 18 - Other Trucks 19 - 9 or 12-Passenger Van** 20 - 15-Passenger Van** 21 - Cargo Van (10,000 lbs or less) 22 - Cargo Van (greater than 10,000 lbs GVWR)** 23 - Large Limo** 24 - Mini-bus** 25 - School Bus** 26 - Transit Bus** 27 - Other Bus Type** 28 - Motor Home (10,000 lbs or less GVWR) 29 - Motor Home (greater than 10,000 lbs GVWR)** 30 - Motorcoach** 31 - Construction Equipment (backhoe, bulldozer, etc.) 32 - Farm Equipment (tractor, combine harvester, etc.) 98 - Other 99 - Unknown Did this motor vehicle display a hazardous materials (HM) placard? 01 - Yes** 97 - Not Applicable 02 - No 99 - Unknown **Heavy Truck/Bus form must be completed Number of trailing units 97 - Not Applicable (vehicle with no trailing units)	SPECIAL FUNCTION OF MOTOR VEHICLE IN TRANSPORT 00 - No Special Function 01 - Ambulance 02 - Bus - Charter/Tour 03 - Bus - Childcare/Daycare 04 - Bus - Intercity 05 - Bus - School (Public or Private) 06 - Bus - Shuttle 07 - Bus - Transit/Commuter 08 - Bus - Other 09 - Farm Vehicle 10 - Fire Truck 11 - Highway Maintenance 12 - Mail Carrier 13 - Military 14 - Non-Transport Emergency Services Vehicle 15 - Other Incident Response 16 - Police 17 - Public Utility 18 - Rental Truck (Over 10,000 lbs) 19 - Safety Service Patrols - Incident Response 20 - Taxi 21 - Towing - Incident Response 22 - Truck Acting as Crash Attenuator 23 - Vehicle Used for Electronic Ride-hailing (Uber, Lyft, etc.) 98 - Other 99 - Unknown HIT AND RUN? 01 - Yes - Driver or Car/Driver Left Scene 02 - No - Did Not Leave Scene 99 - Unknown VEHICLE MANEUVER / ACTION 01 - Movement Essentially Straight Ahead 02 - Backing 03 - Changing Lanes 04 - Entering Traffic Lane 05 - Leaving Traffic Lane 06 - Making a U-Turn 07 - Negotiating a Curve 08 - Parked 09 - Passing/Overtaking a Vehicle 10 - Slowing 11 - Stopped in Traffic 12 - Turning Left 13 - Turning Right 98 - Other 99 - Unknown	EMERGENCY MOTOR VEHICLE USE 01 - Emergency Operation, Emergency Warning Equipment In Use 02 - Emergency Operation, Emergency Warning Equipment Not In Use 03 - Non-Emergency, Non-Transport 04 - Non-Emergency, Transport 97 - Not Applicable 99 - Unknown MOTOR VEHICLE AUTOMATED DRIVING SYSTEM(S) Automation System(s) in Vehicle? 01 - Yes 02 - No 99 - Unknown Automation System Levels in Vehicle (up to 5 choices) 00 - No Automation 01 - Driver Assistance 02 - Partial Automation 03 - Conditional Automation 04 - High Automation 05 - Full Automation 06 - Automation Level Unknown 99 - Unknown Automation System Levels Engaged at Time of Crash (up to 5 choices) 00 - No Automation 01 - Driver Assistance 02 - Partial Automation 03 - Conditional Automation 04 - High Automation 05 - Full Automation 06 - Automation Level Unknown 99 - Unknown
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INITIAL CONTACT POINT  00 - Non-Collision 13 - Top 14 - Undercarriage 15 - Cargo Loss 16 - Vehicle Not at Scene 99 - Unknown	DAMAGED AREA(S) (check up to 4)  00 - No Damage 13 - Top 14 - Undercarriage 15 - All Areas 16 - Vehicle Not at Scene 99 - Unknown	Vehicle crash damages equal to or less than \$1,000 are classified as non-reportable. DAMAGE ESTIMATE <input checked="" type="checkbox"/> Totaled \$ 50000 EXTENT OF DAMAGE 00 - No Damage 01 - Minor Damage 02 - Functional Damage 03 - Disabling Damage 04 - Vehicle Not at Scene
VEHICLE CONTRIBUTING CIRCUMSTANCE(S) 00 - None 01 - Body, Doors 02 - Brakes 03 - Exhaust System 04 - Lights (head, signal, tail) 05 - Mirrors 06 - Power Train 07 - Steering 08 - Suspension 09 - Tires 10 - Truck Coupling/Trailer Hitch/Safety Chains 11 - Wheels 12 - Windows/Windshield 13 - Wipers 98 - Other 99 - Unknown		TOWED DUE TO DISABLING DAMAGE 01 - Not Towed 02 - Towed Due to Disabling Damage 03 - Towed Not Due to Disabling Damage

Agency Case No. L21091288

VEHICLE NO. 1 (cont'd)	
MOST HARMFUL EVENT FOR THIS MOTOR VEHICLE 17 <ul style="list-style-type: none"> Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overtum/Rollover 18 - Thrown or Falling Object Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle in Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Vehicle in Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment Collision With Fixed Object 32 - Bridge Overhead Structure 33 - Bridge Pier or Support 34 - Bridge Rail 35 - Cable Barrier 36 - Concrete Traffic Barrier 37 - Culvert 38 - Curb 39 - Ditch 40 - Embankment 41 - Fence 42 - Guardrail End Terminal 43 - Guardrail Face 44 - Impact Attenuator/Crash Cushion 45 - Mailbox 46 - Other Fixed Object (wall, building, tunnel, etc.) 47 - Other Post, Pole or Support 48 - Other Traffic Barrier 49 - Traffic Sign Support 50 - Traffic Signal Support 51 - Tree (standing) 52 - Utility Pole/Light Support 53 - Unknown Fixed Object 	SEQUENCE OF EVENTS (up to 4 choices) <ul style="list-style-type: none"> Non-Harmful Events 01 - Cross Centerline 07 First Event 02 - Cross Median 03 - End Departure 17 Second Event (T-Intersection, dead-end, etc.) 04 - Downhill Runaway 05 - Equipment Failure (blown tire, brake failure, etc.) 06 - Ran Off Roadway Left 07 - Ran Off Roadway Right 08 - Reentering Roadway 09 - Separation of Units Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overtum/Rollover Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle in Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Motor Vehicle in Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment Collision With Fixed Object 32 - Bridge Overhead Structure 33 - Bridge Pier or Support 34 - Bridge Rail 35 - Cable Barrier 36 - Concrete Traffic Barrier 37 - Culvert 38 - Curb 39 - Ditch 40 - Embankment 41 - Fence 42 - Guardrail End Terminal 43 - Guardrail Face 44 - Impact Attenuator/Crash Cushion 45 - Mailbox 46 - Other Fixed Object (wall, building, tunnel, etc.) 47 - Other Post, Pole or Support 48 - Other Traffic Barrier 49 - Traffic Sign Support 50 - Traffic Signal Support 51 - Tree (standing) 52 - Utility Pole/Light Support 53 - Unknown Fixed Object
TRAFFIC CONTROL DEVICE TYPE (up to 4 choices) TCD Type(s) 00 - No Controls 00 01 - Person (tagger, law enforcement, crossing guard, etc.) Signs 02 - Railroad Crossing Sign 03 - School Zone Sign 04 - Stop Sign 05 - Yield Sign 06 - "Curve Ahead" Warning Sign 07 - Pedestrian Crossing Sign 08 - "Intersection Ahead" Warning Sign 09 - "Reduce Speed Ahead" Warning Sign 10 - Bicycle Crossing Sign 11 - Other Warning Sign Signals 12 - Flashing Traffic Control Signal 13 - Ramp Meter Signal 14 - Lane Use Control Signal 15 - Traffic Control Signal 16 - Flashing Railroad Crossing Signal (may include gates) 17 - Flashing School Zone Signal 18 - Other Signal Pavement Markings 19 - School Zone 20 - Railroad Crossing 21 - Pedestrian Crossing 22 - Bicycle Crossing 23 - Other Pavement Marking (excluding edgelines, centerlines or lane lines) 98 - Other 99 - Unknown TRAFFIC CONTROL DEVICE WORKING 00 - No Controls 00 01 - Device Not Functioning 02 - Device Functioning Improperly 03 - Device Functioning Properly 99 - Unknown	TRAFFICWAY DESCRIPTION Travel Directions 02 01 - One-Way 02 - Two-Way Divided 00 - Not Divided 01 - Not Divided, With a Continuous Left-Turn Lane 02 - Divided, Flush Median (greater than 4 ft. wide) 04 03 - Divided, Raised Median (curbed) 04 - Divided, Depressed Median 99 - Unknown Barrier Type 00 - No Barrier 00 01 - Cable Barrier 02 - Concrete Barrier (e.g. Jersey barrier) 03 - Earth Embankment 04 - Guardrail 98 - Other DIRECTION OF TRAVEL 04 00 - Not on Roadway 01 - Northbound 02 - Southbound 03 - Eastbound 04 - Westbound 99 - Unknown Name of street traveling on: I-80 POSTED SPEED LIMIT 75 mph 97 - Not Applicable 99 - Unknown
PAVEMENT MARKINGS Edgeline Presence/Type 00 - No Marked Edgeline 01 01 - Standard Width Edgeline 02 - Wide Edgeline 98 - Other 99 - Unknown Centerline Presence/Type 00 - No Marked Centerline 02 01 - Centerline With Centerline Rumble Strip 02 - Standard Centerline Markings 99 - Unknown Lane Line Markings 00 00 - No Lane Markings 01 - Standard Lane Line 02 - Wide Lane Line 99 - Unknown	TOTAL LANES IN ROADWAY Undivided Trafficways Number of Through Lanes in Both Directions, excluding Auxiliary Lanes 0 97 - Not Applicable Number of Auxiliary Lanes in Both Directions 0 97 - Not Applicable Divided Trafficways Number of Through Lanes in the Vehicle's Direction, excluding Auxiliary Lanes 4 97 - Not Applicable Number of Auxiliary Lanes in the Vehicle's Direction 0 97 - Not Applicable
GRADE / ROADWAY ALIGNMENT Horizontal Alignment 01 - Curve Left 03 02 - Curve Right 03 - Straight 99 - Unknown Grade 01 - Downhill 03 02 - Hillcrest 03 - Level 04 - Sag (Bottom) 05 - Uphill 99 - Unknown	PRESENCE / TYPE OF BICYCLE FACILITY Facility 00 - None 00 01 - Marked Bicycle Lane 02 - Separate Bicycle Path/Trail 03 - Unmarked Paved Shoulder 04 - Wide Curb Lane 99 - Unknown Signed Bicycle Route? 01 - Yes 02 - No 02 97 - Not Applicable 99 - Unknown

Agency Case No. L21091268

Investigator's Motor Vehicle Crash Report - Driver

VEHICLE NO. 1 (cont'd)		DRIVER NAME (Last, First, Middle) CLEMENT, JESSE, S		CONTACT PHONE (321) 514-4497		SEX 01 - Male 01 02 - Female 99 - Unk.		
MAILING ADDRESS 533 MAGNOLIA AVE			CITY MELBOURNE		STATE FL	ZIP 32935		
DATE OF BIRTH (MMDDYYYY)		DOB Unk. <input type="checkbox"/>	DRIVER'S LICENSE NO.		STATE FL	CITATION <input checked="" type="checkbox"/> NO VIOLATION <input type="checkbox"/> UNKNOWN 1 _____ 2 _____		
DRIVER LICENSE JURISDICTION 00 - Not Licensed 01 - Canadian* 05 02 - Indian Nation* 03 - International License* (other than Mexico, Canada) 04 - Mexican* 05 - U.S. State 06 - U.S. Government 07 - Not Applicable 99 - Unknown * Name of Jurisdiction Include the specific State, Province or Nation indicated on the Driver's License FLORIDA		DRIVER LICENSE STATUS Type Applicable for this Person 01 - Commercial Driver License (CDL) 99 02 - Non-CDL Driver License 03 - Non-CDL Restricted Driver License (learner's permit, temporary/limited, graduated driver license, etc.) 99 - Unknown Status 00 - Not Licensed 01 - Canceled or Denied 06 02 - Disqualified (CDL) 03 - Expired 04 - Revoked 05 - Suspended 06 - Valid License 99 - Unknown		DRIVER LICENSE RESTRICTIONS (up to 3 choices) 00 - None 00 <input type="checkbox"/> <input type="checkbox"/> 01 - Alcohol Interlock Device 02 - Automatic Transmission 03 - CDL Intrastate Only 04 - Corrective Lenses 05 - Except Class A & Class B Bus 06 - Except Class A Bus 07 - Except Tractor-Trailer 08 - Farm Waiver 09 - Intermediate License Restrictions 10 - Learner's Permit Restrictions 11 - Limited to Daylight Only 12 - Limited to Employment 13 - Limited-Other 14 - Mechanical Devices (special brakes, hand controls, or other adaptive devices) 15 - Military Vehicles Only 16 - Motor Vehicles Without Air Brakes 17 - Outside Mirror 18 - Prosthetic Aid 99 - Unknown				
DRIVER LICENSE TYPE 00 - Not Licensed 01 01 - Full Driver License 02 - Intermediate Driver License 03 - Learner's Permit 04 - School Permit 05 - Temporary License 99 - Unknown License Type		CLASS 00 - None 98 01 - Class A 02 - Class B 03 - Class C 04 - Class M 05 - Regular Driver License 97 - Not Applicable 98 - Other 99 - Unknown		ENDORSEMENTS (up to 4 choices) 00 - None 00 01 - H - Hazardous Materials 02 - M - Motorcycle 03 - N - Tank Vehicle 04 - P - Passenger 05 - S - School 06 - T - Double / Triple Trailers 07 - X - Combination Tank Vehicle & Hazardous Materials 98 - Other Non-Commercial License Endorsements 99 - Unknown		ALCOHOL INTERLOCK PRESENT? 01 - Yes 02 02 - No 99 - Unknown SPEEDING RELATED 00 - No 00 01 - Exceeded Speed Limit 02 - Racing 03 - Too Fast for Conditions 99 - Unknown		
COMMERCIAL DRIVER LICENSE (CDL) 01 - Yes 02 - No 99 99 - Unknown		DRIVER ACTIONS AT TIME OF CRASH (up to 4 choices) 00 - No Contributing Action 14 <input type="checkbox"/> 01 - Disregarded Red Light <input type="checkbox"/> 02 - Disregarded Stop Sign <input type="checkbox"/> 03 - Disregarded Road Markings 04 - Disregarded Traffic Sign 05 - Failed to Keep in Proper Lane 06 - Failed to Yield Right-of-Way 07 - Followed too Closely 08 - Improper Backing 09 - Improper Passing 10 - Improper Turn 11 - Operated Motor Vehicle in Inattentive, Careless, Negligent or Erratic Manner 12 - Operated Motor Vehicle in Reckless or Aggressive Manner 13 - Over-Correcting/Over-Steering 14 - Ran Off Roadway 15 - Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway, etc. 16 - Wrong Side or Wrong Way 98 - Other Contributing Action 99 - Unknown		DRIVER DISTRACTED BY Action 00 - Not Distracted 99 01 - Talking/Listening 02 - Manually Operating (texting, dialing, playing game, etc.) 03 - Other Action (looking away from task, etc.) 99 - Unknown Source 01 - Hands-free Mobile Phone 02 - Hand-held Mobile Phone 03 - Other Electronic Device 99 04 - Vehicle-Integrated Device 05 - Passenger/Other Non-Motorist 06 - External (to vehicle/non-motorist area) 07 - Other Distraction (animal, food, grooming, etc.) 08 - Other cell phone use like GPS navigation 97 - Not Applicable 99 - Not Applicable (not distracted)		DRIVER CONDITION AT TIME OF CRASH (up to 2 choices) 01 - Apparently Normal 01 02 - Asleep or Fatigued 03 - Emotional (depressed, angry, disturbed, etc.) 04 - Ill (sick, fainted) 05 - Physically impaired 06 - Under Influence of Alcohol, Drugs or Medication 97 - Not Applicable 98 - Other 99 - Unknown if Impaired		
ALCOHOL	ALCOHOL SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		ALCOHOL TEST STATUS 01 - Test Given 02 - Test Not Given 02 03 - Test Refused 99 - Unknown if Tested		ALCOHOL TEST TYPE 01 - Blood "BAC" 02 - Breathalyzer "BrAC" <input type="checkbox"/> 03 - Urine 98 - Other 97 - Not Applicable 99 - Unknown		ALCOHOL TEST RESULT 01 - Negative 02 - Positive <input type="checkbox"/> 03 - Pending 99 - Unknown BAC Level: (ex: 0.132) _____	
	DRUGS	DRUGS SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		DRUG TEST STATUS 01 - Test Given 02 - Test Not Given 02 03 - Test Refused 99 - Unknown if Tested		DRUG TEST TYPE 01 - Blood 02 - Urine 03 - Saliva 98 - Other 99 - Unknown		DRUG TEST RESULT 01 - Negative 02 - Positive <input type="checkbox"/>
DRUG TYPE (up to 4 choices) 01 - Amphetamine 02 - Cocaine 03 - Marijuana 04 - Opiate 05 - Other Controlled Substance 06 - PCP 07 - Other Drug (excludes post-crash drugs) 97 - Not Applicable 99 - Unknown								

Agency Case No. L21091268

PERSON TYPE P1. Incident Responder? 01 - Yes 02 - No P2. If yes, type of Incident Responder 01 - EMS 02 - Fire 03 - Police 04 - Tow Operator 05 - Transportation (maintenance workers, safety service operators, etc.) 98 - Other 99 - Unknown Does the crash involve a Non-Motorist? 01 - Yes - Complete Non-Motorist Report NDOT Form 178 for the following person types: - Bicyclist - Other Cyclist - Pedestrian - Other Pedestrian (wheelchair, skater, person in a building, parked vehicle, or a personal conveyance, etc.) - Occupant of a Non-Motor Vehicle Transportation Device - Unknown Type of Non-Motorist** 02 - No - Continue to P3 below. P3. Occupant of Motor Vehicle 01 - Driver 02 - Occupant 03 - Occupant of MV Not in Transport	SEATING POSITION P4. Row 01 - Front 02 - Second 03 - Third 04 - Fourth 05 - Other Row (bus, 15-passenger van, etc.) 99 - Unknown P5. Seat 01 - Left 02 - Middle 03 - Right 98 - Other 99 - Unknown P6. Other Location 01 - Enclosed Cargo Area 02 - Riding on Motor Vehicle Exterior (non-trailing unit) 03 - Steeper Section of Cab (truck) 04 - Trailing Unit 05 - Unenclosed Cargo Area 97 - Not Applicable 98 - Other 99 - Unknown P7. Ejection 01 - Not Ejected 02 - Ejected, Partially 03 - Ejected, Totally 97 - Not Applicable 99 - Unknown	RESTRAINT SYSTEM / HELMET USE P8. Restraint System 01 - Booster Seat 02 - Child Restraint System - Forward Facing 03 - Child Restraint System - Rear Facing 04 - Child Restraint System - Type Unknown 05 - Lap Belt Only Used 06 - None Used - Motor Vehicle Occupant 07 - Restraint Used - Type Unknown 08 - Shoulder & Lap Belt Used 09 - Shoulder Belt Only Used 10 - Stretcher 11 - Wheelchair Motorcycle Helmet Use 12 - DOT-Compliant Motorcycle Helmet 13 - Non DOT-Compliant Motorcycle Helmet 14 - Unknown if DOT-Compliant Motorcycle Helmet 15 - No Helmet 97 - Not Applicable 98 - Other 99 - Unknown P9. Any Indication of Improper Restraint Use? 01 - Yes 02 - No 99 - Unknown P10. Air Bag Deployed (up to 4 choices) 00 - Not Deployed 02 - Curtain 03 - Front 04 - Side 97 - Not Applicable 98 - Other (knee, air belt, etc.) 99 - Unknown P11. School Bus Restraint Availability (excludes driver) 00 - No Restraint Available 01 - Lap Belt Available & Not Used 02 - Shoulder & Lap Available & Not Used 97 - Not Applicable 99 - Unknown	INJURY P12. Injury Status 00 - No Apparent Injury 01 - Fatal Injury [must complete Fatal Crash Report NDOT Form 179] 02 - Suspected Serious Injury* 03 - Suspected Minor Injury 04 - Possible Injury 99 - Unknown * Suspected Serious Injury: Any injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood, broken or distorted extremity (arm or leg), crush injuries, suspected skull, chest, or abdominal injury other than bruises or minor lacerations, significant burns (second and third degree burns over 10% or more of the body), unconsciousness when taken from the crash scene, or paralysis. P13. Injury Area 00 - None 01 - Abdomen & Pelvis 02 - Entire Body 03 - Face 04 - Head 05 - Lower Extremity (legs) 06 - Neck 07 - Spine 08 - Chest (thorax) 09 - Upper Extremity (arms) 10 - Unspecified 99 - Unknown P14. Source of Transport to First Medical Facility 00 - Not Transported 01 - EMS Air 02 - EMS Ground 03 - Law Enforcement 98 - Other 99 - Unknown
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All Drivers & Occupants

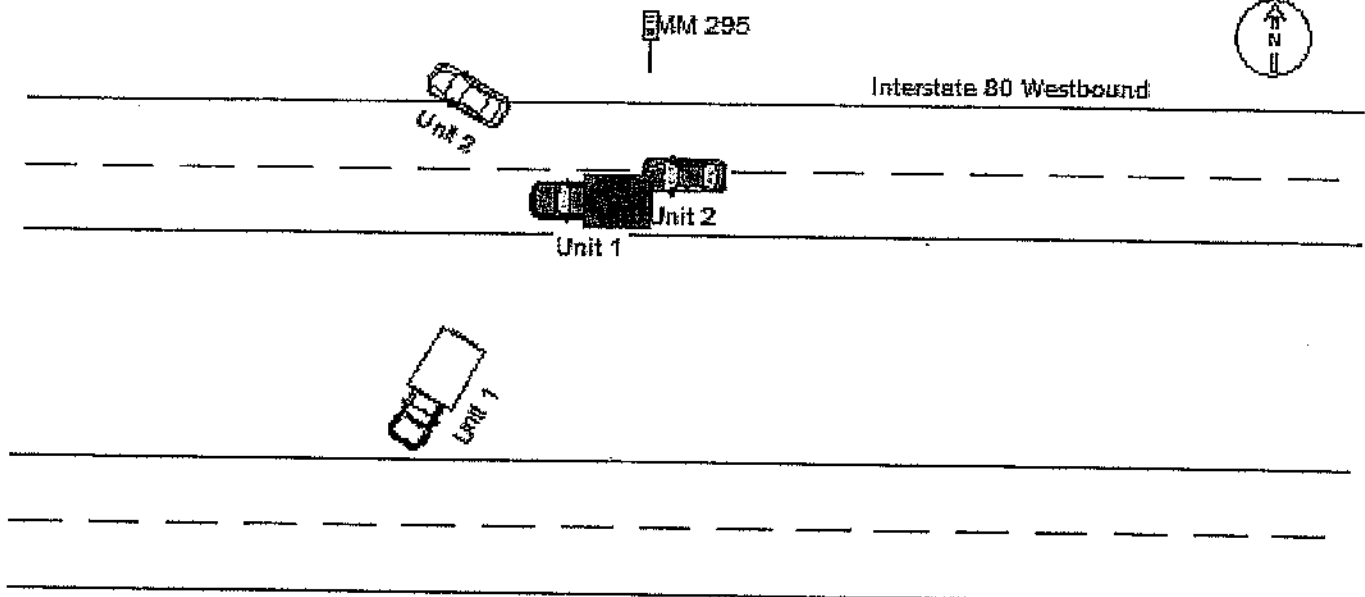
Vehicle No. <input type="text" value="1"/>	Occupant No. <input type="text" value="1"/>	NAME OF PERSON INVOLVED (Last, First, Middle) CLEMENT, JESSE, S	SEX 01 - Male 02 - Female 99 - Unk. <input type="text" value="01"/>
ADDRESS 533 MAGNOLIA AVE		CITY, STATE, ZIP MELBOURNE, FL, 32935	DATE OF BIRTH (MMDDYYYY) <input type="text"/> DOB Unk. <input type="checkbox"/>
Person Type P1 <input type="text" value="2"/> P2 <input type="text"/> P3 <input type="text" value="01"/>	Seating Position P4 <input type="text" value="01"/> P5 <input type="text" value="01"/> P6 <input type="text" value="97"/> P7 <input type="text" value="01"/>	Restraint System / Helmet Use P8 <input type="text" value="08"/> P9 <input type="text" value="02"/> P10 <input type="text" value="00"/> <input type="text"/> <input type="text"/> <input type="text"/> P11 <input type="text" value="97"/>	Injury P12 <input type="text" value="00"/> P13 <input type="text" value="00"/> P14 <input type="text" value="00"/>
MEDICAL FACILITY NAME		EMS SERVICE NAME	EMS RUN NO.
Vehicle No. <input type="text"/>	Occupant No. <input type="text"/>	NAME OF PERSON INVOLVED (Last, First, Middle)	SEX 01 - Male 02 - Female 99 - Unk. <input type="text"/>
ADDRESS		CITY, STATE, ZIP	DATE OF BIRTH (MMDDYYYY) <input type="text"/> DOB Unk. <input type="checkbox"/>
Person Type P1 <input type="text"/> P2 <input type="text"/> P3 <input type="text"/>	Seating Position P4 <input type="text"/> P5 <input type="text"/> P6 <input type="text"/> P7 <input type="text"/>	Restraint System / Helmet Use P8 <input type="text"/> P9 <input type="text"/> P10 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> P11 <input type="text"/>	Injury P12 <input type="text"/> P13 <input type="text"/> P14 <input type="text"/>
MEDICAL FACILITY NAME		EMS SERVICE NAME	EMS RUN NO.
Vehicle No. <input type="text"/>	Occupant No. <input type="text"/>	NAME OF PERSON INVOLVED (Last, First, Middle)	SEX 01 - Male 02 - Female 99 - Unk. <input type="text"/>
ADDRESS		CITY, STATE, ZIP	DATE OF BIRTH (MMDDYYYY) <input type="text"/> DOB Unk. <input type="checkbox"/>
Person Type P1 <input type="text"/> P2 <input type="text"/> P3 <input type="text"/>	Seating Position P4 <input type="text"/> P5 <input type="text"/> P6 <input type="text"/> P7 <input type="text"/>	Restraint System / Helmet Use P8 <input type="text"/> P9 <input type="text"/> P10 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> P11 <input type="text"/>	Injury P12 <input type="text"/> P13 <input type="text"/> P14 <input type="text"/>
MEDICAL FACILITY NAME		EMS SERVICE NAME	EMS RUN NO.

Agency Case No. L21091268

State of Nebraska
Investigator's Motor Vehicle Crash Report

TOTAL NO. OF VEHICLES 2		LOCAL NO./DISTRICT:		AGENCY CASE NO. L21091284		PHOTOGRAPHS TAKEN? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		INVESTIGATION MADE AT SCENE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DATE OF CRASH 09/14/2021		MM / DD / YYYY		S M T W TH F S <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		TIME OF CRASH (Military Time) 17:41		TIME OF ROADWAY CLEARANCE 22:22	
PLACE OF CRASH HALL		COUNTY		CITY		SECONDARY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LATITUDE 040.7311341	
ROAD ON WHICH CRASH OCCURRED		STREET/HIGHWAY NO. F-80		PRIVATE PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		LONGITUDE -098.6587174			
DISTANCE FROM MILEPOST 158		FEET		N S E W OF MILEPOST <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 295.5		HIGHWAY NO. 80			
IF AT INTERSECTION NAME OF INTERSECTING ROADWAY					IF NOT AT INTERSECTION 2 <input type="checkbox"/> FEET <input checked="" type="checkbox"/> MILES N S E W OF NEAREST STREET, BRIDGE, RAILROAD CROSSING 190TH RD				
IF CRASH WAS OUTSIDE CITY LIMITS, INDICATE DISTANCE FROM NEAREST TOWN									
MILES 3.37		N S E W <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		AND MILES 2.89		N S E W <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		OF NEAREST CITY OR TOWN SHELTON	
CRASH DATA									
DOES CRASH INVOLVE DAMAGE TO NEBRASKA DEPT. OF TRANSPORTATION PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TYPE OF INTERSECTION Number of Approaches 01 - Not at Intersection 02 - Two (2) 01 03 - Three (3) 04 - Four (4) 05 - Five or more (5+)			CONTRIBUTING CIRCUMSTANCES -- ROADWAY ENVIRONMENT (up to 2 choices) 00 - None 18 01 - Absence of Sidewalks 02 - Animal(s) 03 - Prior Crash 04 - Prior Non-Recurring Incident 05 - Backup Due to Regular Congestion 06 - Debris 07 - Glare 08 - Obstructed Crosswalks 09 - Non-Highway Work 10 - Obstruction in Roadway 11 - Related to a Bus Stop 12 - Road Surface Condition (wet, icy, snow, slush, etc.) 13 - Roadway Width Restricted 14 - Ruts, Holes, Bumps 15 - Shoulders (none, low, soft, high) 16 - Toll Booth/Plaza Related 17 - Traffic Control Device 18 - Traffic Incident 19 - Visual Obstruction(s) 20 - Weather Conditions 21 - Work Zone (construction/maintenance/utility) 22 - Warn. Travol-Polished Surface 98 - Other 99 - Unknown			WORK ZONE Was the crash in a construction, maintenance or utility work zone, or was it related to an activity within a work zone? 01 - Yes 01 02 - No 99 - Unknown Workers Present? 01 - Yes 02 - No 97 - Not Applicable 02 99 - Unknown Type of Work Zone 01 - Intermittent or Moving Work 02 - Lane Closure 03 - Lane Shift/Crossover 04 - Work on Shoulder or Median 97 - Not Applicable 98 - Other 04 99 - Unknown Location of the Crash 01 - Before Work Zone Warning Sign 02 - Advance Warning Area 03 - Transition Area 04 - Activity Area 05 - Termination Area 97 - Not Applicable 98 98 - Other 99 - Unknown Law Enforcement Present 01 - Officer Present 02 - Not Present 03 - Only Law Enforcement Vehicle Present 97 - Not Applicable 01 99 - Unknown SCHOOL BUS RELATED 00 00 - No 01 - School Bus Directly Involved 02 - School Bus Indirectly Involved 99 - Unknown	
RELATION TO JUNCTION Within Interchange Area? 01 - Yes 02 02 - No 99 - Unknown Specific Junction Location 00 - Non-Junction 01 - Acceleration/Deceleration Lane 02 - Crossover Related 03 - Driveway Access or Related 04 - Entrance/Exit Ramp or Related 05 - Intersection or Related 00 06 - Railway Grade Crossing 07 - Shared Use Path or Trail 98 - Other Location (median, shoulder or roadside) 99 - Unknown		Overall Intersection Geometry 01 - Angled/Skewed Y 02 - Roundabout/Traffic Circle O 03 - Perpendicular + or T 97 97 - Not Applicable Overall Traffic Control Device 01 - No Control 02 - Signalized 03 - Stop - All Way 97 04 - Stop - Partial 05 - Yield 97 - Not Applicable			WEATHER CONDITIONS (up to 2 choices) 01 - Blowing Sand, Soil, Dirt 03 02 - Blowing Snow 03 - Clear 04 - Cloudy 05 - Fog, Smog, Smoke 06 - Freezing Rain/Drizzle 07 - Rain 08 - Severe Crosswinds 09 - Sleet or Hail 10 - Snow 98 - Other 99 - Unknown			MANNER OF CRASH / COLLISION IMPACT 00 - Not a Collision Between Two Motor Vehicles 03 01 - Angle 02 - Front-to-Front 03 - Front-to-Rear 04 - Rear-to-Rear 05 - Rear-to-Slide 06 - Sideswipe-Opposite Direction 07 - Sideswipe-Same Direction 98 - Other 99 - Unknown	
ROADWAY SURFACE CONDITION 01 - Dry 01 02 - Ice/Frost 03 - Mud, Dirt, Gravel 04 - Oil 05 - Sand 06 - Slush 07 - Snow 08 - Water (standing, moving) 09 - Wet 98 - Other 99 - Unknown		ROADWAY SURFACE 01 - Asphalt 01 02 - Brick 03 - Concrete 04 - Dirt 05 - Gravel 98 - Other 99 - Unknown			LIGHT CONDITION 01 - Daylight 01 02 - Dawn/Dusk 03 - Dark-Lighted 04 - Dark-Not Lighted 05 - Dark-Unk. Lighting 98 - Other 99 - Unknown				
PROPERTY	OBJECT DAMAGED	OWNER NAME	ADDRESS	PHONE	APPROX. COST OF DAMAGE				
	OBJECT DAMAGED	OWNER NAME	ADDRESS	PHONE	APPROX. COST OF DAMAGE				
WITNESS	NAME	ADDRESS	PHONE						
	WILLIAMSON, ZANE A	3403 L AVE KEARNEY, NE 68847	(308) 529-0632						
OFFICER NO.	TROOP/TEAM/BEAT	DEPARTMENT							
90820		HALL COUNTY SHERIFF'S OFFICE							
INVESTIGATOR NAME (Print or type)	INVESTIGATOR SIGNATURE	DATE OF REPORT							
CINDY CLEMENT	APPROVED BY CINDY CLEMENT	09/15/2021							

CRASH DIAGRAM



Not To Scale

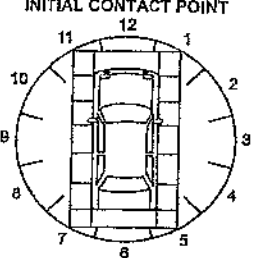
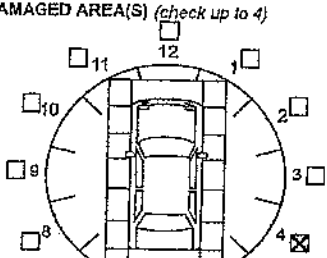
Check if diagram is submitted on a separate page.

DESCRIPTION OF CRASH BASED ON OFFICER'S INVESTIGATION

DRIVER OF VEHICLE #1 STATED HE WAS TRAVELING WESTBOUND IN THE PASSING LANE WHEN TRAFFIC CAME TO A STOP. WHILE STOPPED IN THE TRAFFIC LANE WAITING FOR THE TRAFFIC IN FRONT OF VEHICLE #1 TO MOVE, VEHICLE #2 ALSO WESTBOUND STRUCK THE REAR OF VEHICLE #1. THE FRONT LEFT OF VEHICLE #2 STRUCK THE RIGHT REAR OF VEHICLE #1. THE DRIVER OF VEHICLE #2 WAS DECEASED.

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Vehicle

VEHICLE NO. 1	MOTOR VEHICLE UNIT TYPE 01 - Motor Vehicle In Transport 02 - Parked Motor Vehicle 03 - Working Vehicle/Equipment	01	DRIVER PRESENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
VEHICLE OWNER NAME (Company Name) TRIPLE C MFG INC		CONTACT PHONE (785) 284-3674	
MAILING ADDRESS 902 K-246 HWY		CITY SABETHA	STATE KS
LICENSE PLATE NO. 259LGX		STATE KS	REG. YEAR 2021
LICENSE PLATE TYPE PASSENGER		MAKE FORD	MODEL F350
INSURANCE COVERAGE 01 - Yes 02 - No 99 - Unk. 01		INSURANCE COMPANY CONTINENTAL CASUALTY COMPANY	INSURANCE POLICY NO. 6024522563
MOTOR VEHICLE TYPE CATEGORY Body Type 01 - All-Terrain Vehicle / Cycle (ATV/ATC) 02 - Golf Cart 03 - Low Speed Vehicle 04 - Recreational Off-Highway Vehicles (ROV) 05 - Snowmobile 06 - Moped or motorized bicycle 07 - Motorcycle - 2 Wheel 08 - Motorcycle - 3 Wheel 09 - Autocycle 10 - Passenger Car 11 - Passenger Van (less than 9 seats) 12 - (Sport) Utility Vehicle 13 - Pickup (10,000 lbs or less) 14 - Pickup (greater than 10,000 lbs)** 15 - Medium/Heavy Truck (greater than 10,000 lbs GVWR)** 16 - Single-Unit Truck** 17 - Truck Tractor** 18 - Other Trucks 19 - 9 or 12-Passenger Van** 20 - 15-Passenger Van** 21 - Cargo Van (10,000 lbs or less) 22 - Cargo Van (greater than 10,000 lbs GVWR)** 23 - Large Limo** 24 - Mini-bus** 25 - School Bus** 26 - Transit Bus** 27 - Other Bus Type** 28 - Motor Home (10,000 lbs or less GVWR) 29 - Motor Home (greater than 10,000 lbs GVWR)** 30 - Motorcoach** 31 - Construction Equipment (backhoe, bulldozer, etc.) 32 - Farm Equipment (tractor, combine harvester, etc.) 98 - Other 99 - Unknown Did this motor vehicle display a hazardous materials (HM) placard? 01 - Yes** 97 - Not Applicable 02 - No 99 - Unknown **Heavy Truck/Bus form must be completed Number of trailing units 97 - Not Applicable (vehicle with no trailing units)		SPECIAL FUNCTION OF MOTOR VEHICLE IN TRANSPORT 00 - No Special Function 01 - Ambulance 02 - Bus - Charter/Tour 03 - Bus - Childcare/Daycare 04 - Bus - Intercity 05 - Bus - School (Public or Private) 06 - Bus - Shuttle 07 - Bus - Transit/Commuter 08 - Bus - Other 09 - Farm Vehicle 10 - Fire Truck 11 - Highway/Maintenance 12 - Mail Carrier 13 - Military 14 - Non-Transport Emergency Services Vehicle 15 - Other Incident Response 16 - Police 17 - Public Utility 18 - Rental Truck (Over 10,000 lbs) 19 - Safety Service Patrols - Incident Response 20 - Taxi 21 - Towing - Incident Response 22 - Truck Acting as Crash Attenuator 23 - Vehicle Used for Electronic Ride-hailing (Uber, Lyft, etc.) 98 - Other 99 - Unknown HIT AND RUN? 01 - Yes - Driver or Car/Driver Left Scene 02 - No - Did Not Leave Scene 99 - Unknown VEHICLE MANEUVER / ACTION 01 - Movement Essentially Straight Ahead 02 - Backing 03 - Changing Lanes 04 - Entering Traffic Lane 05 - Leaving Traffic Lane 06 - Making a U-Turn 07 - Negotiating a Curve 08 - Parked 09 - Passing/Overtaking a Vehicle 10 - Slowing 11 - Stopped in Traffic 12 - Turning Left 13 - Turning Right 98 - Other 99 - Unknown	
EMERGENCY MOTOR VEHICLE USE 01 - Emergency Operation, Emergency Warning Equipment in Use 02 - Emergency Operation, Emergency Warning Equipment Not in Use 03 - Non-Emergency, Non-Transport 04 - Non-Emergency, Transport 97 - Not Applicable 99 - Unknown		MOTOR VEHICLE AUTOMATED DRIVING SYSTEM(S) Automation System(s) in Vehicle? 01 - Yes 02 - No 99 - Unknown Automation System Levels in Vehicle (up to 5 choices) 00 - No Automation 01 - Driver Assistance 02 - Partial Automation 03 - Conditional Automation 04 - High Automation 05 - Full Automation 06 - Automation Level Unknown 99 - Unknown Automation System Levels Engaged at Time of Crash (up to 5 choices) 00 - No Automation 01 - Driver Assistance 02 - Partial Automation 03 - Conditional Automation 04 - High Automation 05 - Full Automation 06 - Automation Level Unknown 99 - Unknown	
INITIAL CONTACT POINT 		DAMAGED AREA(S) (check up to 4) 	
00 - Non-Collision 13 - Top 14 - Undercarriage 15 - Cargo Loss 16 - Vehicle Not at Scene 99 - Unknown		Vehicle crash damages equal to or less than \$1,000 are classified as non-reportable. DAMAGE ESTIMATE <input type="checkbox"/> Totaled \$ 8000 EXTENT OF DAMAGE 00 - No Damage 01 - Minor Damage 02 - Functional Damage 03 - Disabling Damage 04 - Vehicle Not at Scene	
05		03	
VEHICLE CONTRIBUTING CIRCUMSTANCE(S) 00 - None 01 - Body, Doors 02 - Brakes 03 - Exhaust System 04 - Lights (head, signal, tail) 05 - Mirrors 06 - Power Train 07 - Steering 08 - Suspension 09 - Tires 10 - Truck Coupling/Trailer Hitch/Safety Chains 11 - Wheels 12 - Windows/Windshield 13 - Wipers 98 - Other 99 - Unknown		TOWED DUE TO DISABLING DAMAGE 01 - Not Towed 02 - Towed Due to Disabling Damage 03 - Towed Not Due to Disabling Damage	

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Vehicle (cont'd)

VEHICLE NO. 1 (cont'd)	
MOST HARMFUL EVENT FOR THIS MOTOR VEHICLE 22	
Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overturn/Rollover 18 - Thrown or Falling Object Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle In Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Vehicle In Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment	Collision With Fixed Object 32 - Bridge Overhead Structure 33 - Bridge Pier or Support 34 - Bridge Rail 35 - Cable Barrier 36 - Concrete Traffic Barrier 37 - Culvert 38 - Curb 39 - Ditch 40 - Embankment 41 - Fence 42 - Guardrail End Terminal 43 - Guardrail Face 44 - Impact Attenuator/Crash Cushion 45 - Mailbox 46 - Other Fixed Object (wall, building, tunnel, etc.) 47 - Other Post, Pole or Support 48 - Other Traffic Barrier 49 - Traffic Sign Support 50 - Traffic Signal Support 51 - Tree (standing) 52 - Utility Pole/Light Support 53 - Unknown Fixed Object
SEQUENCE OF EVENTS (up to 4 choices)	
Non-Harmful Events 01 - Cross Centerline 02 - Cross Median 03 - End Departure (T-Intersection, dead-end, etc.) 04 - Downhill Runaway 05 - Equipment Failure (blown tire, brake failure, etc.) 06 - Ran Off Roadway Left 07 - Ran Off Roadway Right 08 - Reentering Roadway 09 - Separation of Units Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overturn/Rollover Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle In Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Motor Vehicle In Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment	
22 First Event Second Event Third Event Fourth Event	
TRAFFIC CONTROL DEVICE TYPE (up to 4 choices) TCD Type(s) 00 - No Controls 00 01 - Person (flagger, law enforcement, crossing guard, etc.) Signs 02 - Railroad Crossing Sign 03 - School Zone Sign 04 - Stop Sign 05 - Yield Sign 06 - "Curve Ahead" Warning Sign 07 - Pedestrian Crossing Sign 08 - "Intersection Ahead" Warning Sign 09 - "Reduce Speed Ahead" Warning Sign 10 - Bicycle Crossing Sign 11 - Other Warning Sign Signals 12 - Flashing Traffic Control Signal 13 - Ramp Meter Signal 14 - Lane Use Control Signal 15 - Traffic Control Signal 16 - Flashing Railroad Crossing Signal (may include gates) 17 - Flashing School Zone Signal 18 - Other Signal Pavement Markings 19 - School Zone 20 - Railroad Crossing 21 - Pedestrian Crossing 22 - Bicycle Crossing 23 - Other Pavement Marking (excluding edgelines, centerlines or lane lines) 98 - Other 99 - Unknown TRAFFIC CONTROL DEVICE WORKING 00 - No Controls 00 01 - Device Not Functioning 02 - Device Functioning Improperly 03 - Device Functioning Properly 99 - Unknown 	TRAFFICWAY DESCRIPTION Travel Directions 02 01 - One-Way 02 - Two-Way Divided 04 00 - Not Divided 01 - Not Divided, With a Continuous Left-Turn Lane 02 - Divided, Flush Median (greater than 4 ft. wide) 03 - Divided, Raised Median (curbed) 04 - Divided, Depressed Median 99 - Unknown Barrier Type 00 00 - No Barrier 01 - Cable Barrier 02 - Concrete Barrier (e.g. Jersey barrier) 03 - Earth Embankment 04 - Guardrail 98 - Other DIRECTION OF TRAVEL 04 00 - Not on Roadway 01 - Northbound 02 - Southbound 03 - Eastbound 04 - Westbound 99 - Unknown Name of street traveling on: INTERSTATE 80 POSTED SPEED LIMIT 75 mph 97 - Not Applicable 99 - Unknown
PAVEMENT MARKINGS Edgeline Presence/Type 01 00 - No Marked Edgeline 01 - Standard Width Edgeline 02 - Wide Edgeline 98 - Other 99 - Unknown Centerline Presence/Type 01 00 - No Marked Centerline 01 - Centerline With Centerline Rumble Strip 02 - Standard Centerline Markings 99 - Unknown Lane Line Markings 01 00 - No Lane Markings 01 - Standard Lane Line 02 - Wide Lane Line 99 - Unknown	TOTAL LANES IN ROADWAY Undivided Trafficways Number of Through Lanes in Both Directions, excluding Auxiliary Lanes 97 - Not Applicable Number of Auxiliary Lanes in Both Directions 97 - Not Applicable Divided Trafficways Number of Through Lanes in the Vehicle's Direction, excluding Auxiliary Lanes 4 97 - Not Applicable Number of Auxiliary Lanes in the Vehicle's Direction 0 97 - Not Applicable
GRADE / ROADWAY ALIGNMENT Horizontal Alignment 03 01 - Curve Left 02 - Curve Right 03 - Straight 99 - Unknown Grade 03 01 - Downhill 02 - Hillcrest 03 - Level 04 - Sag (Bottom) 05 - Uphill 99 - Unknown	PRESENCE / TYPE OF BICYCLE FACILITY Facility 00 00 - None 01 - Marked Bicycle Lane 02 - Separate Bicycle Path/Trail 03 - Unmarked Paved Shoulder 04 - Wide Curb Lane 99 - Unknown Signed Bicycle Route? 01 - Yes 02 - No 97 - Not Applicable 97 99 - Unknown

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Driver

VEHICLE NO. 1 (cont'd)		DRIVER NAME (Last, First, Middle) WEINMANN, BRODY, DALE		CONTACT PHONE (402) 801-1100		SEX 01 - Male 01 02 - Female 99 - Unk.		
MAILING ADDRESS 2503 SCHOENHEIT ST			CITY FALLS CITY		STATE NE	ZIP 68355		
DATE OF BIRTH (MM/DD/YYYY) 	DOB Unk. <input type="checkbox"/>	DRIVER'S LICENSE NO. 	STATE NE	CITATION 1	<input checked="" type="checkbox"/> NO VIOLATION	<input type="checkbox"/> UNKNOWN 2		
DRIVER LICENSE JURISDICTION 00 - Not Licensed 01 - Canadian* 05 02 - Indian Nation* 03 - International License* (other than Mexico, Canada) 04 - Mexican* 05 - U.S. State 06 - U.S. Government 97 - Not Applicable 99 - Unknown * Name of Jurisdiction Include the specific State, Province or Nation Indicated on the Driver's License NEBRASKA		DRIVER LICENSE STATUS Type Applicable for this Person 01 - Commercial Driver License (CDL) 02 02 - Non-CDL Driver License 03 - Non-CDL Restricted Driver License (learner's permit, temporary/limited, graduated driver license, etc.) 99 - Unknown Status 00 - Not Licensed 06 01 - Canceled or Denied 02 - Disqualified (CDL) 03 - Expired 04 - Revoked 05 - Suspended 06 - Valid License 99 - Unknown		DRIVER LICENSE RESTRICTIONS (up to 3 choices) 00 - None 00 01 - Alcohol Interlock Device 02 - Automatic Transmission 03 - CDL Intrastate Only 04 - Corrective Lenses 05 - Except Class A & Class B Bus 06 - Except Class A Bus 07 - Except Tractor-Trailer 08 - Farm Waiver 09 - Intermediate License Restrictions 10 - Learner's Permit Restrictions 11 - Limited to Daylight Only 12 - Limited to Employment 13 - Limited-Other 14 - Mechanical Devices (special brakes, hand controls, or other adaptive devices) 15 - Military Vehicles Only 16 - Motor Vehicles Without Air Brakes 17 - Outside Mirror 18 - Prosthetic Aid 98 - Other 99 - Unknown				
DRIVER LICENSE TYPE 00 - Not Licensed 01 01 - Full Driver License 02 - Intermediate Driver License 03 - Learner's Permit 04 - School Permit 05 - Temporary License 99 - Unknown License Type		CLASS 00 - None 05 01 - Class A 02 - Class B 03 - Class C 04 - Class M 05 - Regular Driver License 97 - Not Applicable 98 - Other 99 - Unknown		ENDORSEMENTS (up to 4 choices) 00 - None 02 01 - H - Hazardous Materials 02 - M - Motorcycle 03 - N - Tank Vehicle 04 - P - Passenger 05 - S - School 06 - T - Double / Triple Trailers 07 - X - Combination Tank Vehicle & Hazardous Materials 98 - Other Non-Commercial License Endorsements 99 - Unknown		ALCOHOL INTERLOCK PRESENT? 01 - Yes 02 - No 02 99 - Unknown		
COMMERCIAL DRIVER LICENSE (CDL) 01 - Yes 02 - No 02 99 - Unknown				SPEEDING RELATED 00 - No 00 01 - Exceeded Speed Limit 02 - Racing 03 - Too Fast for Conditions 99 - Unknown				
DRIVER ACTIONS AT TIME OF CRASH (up to 4 choices) 00 - No Contributing Action 00 01 - Disregarded Red Light 02 - Disregarded Stop Sign 03 - Disregarded Road Markings 04 - Disregarded Traffic Sign 05 - Failed to Keep in Proper Lane 06 - Failed to Yield Right-of-Way 07 - Followed too Closely 08 - Improper Backing 09 - Improper Passing 10 - Improper Turn 11 - Operated Motor Vehicle in Inattentive, Careless, Negligent or Erratic Manner 12 - Operated Motor Vehicle in Reckless or Aggressive Manner 13 - Over-Correcting/Over-Steering 14 - Ran Off Roadway 15 - Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway, etc. 16 - Wrong Side or Wrong Way 98 - Other Contributing Action 99 - Unknown				DRIVER DISTRACTED BY Action 00 - Not Distracted 00 01 - Talking/Listening 02 - Manually Operating (texting, dialing, playing game, etc.) 03 - Other Action (looking away from task, etc.) 99 - Unknown Source 01 - Hands-free Mobile Phone 02 - Hand-held Mobile Phone 03 - Other Electronic Device 97 04 - Vehicle-Integrated Device 05 - Passenger/Other Non-Motorist 06 - External (to vehicle/non-motorist area) 07 - Other Distraction (animal, food, grooming, etc.) 08 - Other cell phone use like GPS navigation 97 - Not Applicable (not distracted)		DRIVER CONDITION AT TIME OF CRASH (up to 2 choices) 01 - Apparently Normal 01 02 - Asleep or Fatigued 03 - Emotional (depressed, angry, disturbed, etc.) 04 - Ill (sick, fainted) 05 - Physically Impaired 06 - Under Influence of Alcohol, Drugs or Medication 97 - Not Applicable 98 - Other 99 - Unknown if Impaired		
ALCOHOL	ALCOHOL SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		ALCOHOL TEST STATUS 01 - Test Given 02 - Test Not Given 02 03 - Test Refused 99 - Unknown if Tested		ALCOHOL TEST TYPE 01 - Blood "BAC" 02 - Breathalyzer "BrAC" 03 - Urine 98 - Other 97 - Not Applicable 99 - Unknown		ALCOHOL TEST RESULT 01 - Negative 02 - Positive 03 - Pending 98 - Unknown BAC Level: (ex: 0.132) _____	
	DRUGS	DRUGS SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		DRUG TEST STATUS 01 - Test Given 02 - Test Not Given 03 - Test Refused 99 - Unknown if Tested 02		DRUG TEST TYPE 01 - Blood 02 - Urine 03 - Saliva 98 - Other 99 - Unknown		DRUG TEST RESULT 01 - Negative 02 - Positive
				DRUG TYPE (up to 4 choices) 01 - Amphetamine 02 - Cocaine 03 - Marijuana 04 - Opiate 05 - Other Controlled Substance 06 - PCP 07 - Other Drug (excludes post-crash drugs) 97 - Not Applicable 99 - Unknown				

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Vehicle

VEHICLE NO. **2** MOTOR VEHICLE UNIT TYPE **01** DRIVER PRESENT? YES NO

VEHICLE OWNER NAME (Last, First, Middle) **JOHNSON, BRAD** CONTACT PHONE **(402) 845-9295**

MAILING ADDRESS **306 W WALNUT ST** CITY **DONIPHAN** STATE **NE** ZIP **68832-8904**

LICENSE PLATE NO. **8E7343** STATE **NE** REG. YEAR **2021** MAKE **NISS** MODEL **ALTIMA** MODEL YEAR **2017** COLOR **WHI**

LICENSE PLATE TYPE **PASSENGER** VIN **1N4AL3AP7HC157937**

INSURANCE COVERAGE **01** INSURANCE COMPANY **GEICO CASUALTY COMPANY** INSURANCE POLICY NO. **4601085956**

MOTOR VEHICLE TYPE CATEGORY **10**

Body Type

- 01 - All-Terrain Vehicle / Cycle (ATV/ATC)
- 02 - Golf Cart
- 03 - Low Speed Vehicle
- 04 - Recreational Off-Highway Vehicles (ROV)
- 05 - Snowmobile
- 06 - Moped or motorized bicycle
- 07 - Motorcycle - 2 Wheel
- 08 - Motorcycle - 3 Wheel
- 09 - Autocycle
- 10 - Passenger Car
- 11 - Passenger Van (less than 9 seats)
- 12 - (Sport) Utility Vehicle
- 13 - Pickup (10,000 lbs or less)
- 14 - Pickup (greater than 10,000 lbs)**
- 15 - Medium/Heavy Truck (greater than 10,000 lbs GVWR)**
- 16 - Single-Unit Truck**
- 17 - Truck Tractor**
- 18 - Other Trucks
- 19 - 9 or 12-Passenger Van**
- 20 - 15-Passenger Van**
- 21 - Cargo Van (10,000 lbs or less)
- 22 - Cargo Van (greater than 10,000 lbs GVWR)**
- 23 - Large Limo**
- 24 - Mini-bus**
- 25 - School Bus**
- 26 - Transit Bus**
- 27 - Other Bus Type**
- 28 - Motor Home (10,000 lbs or less GVWR)
- 29 - Motor Home (greater than 10,000 lbs GVWR)**
- 30 - Motorcoach**
- 31 - Construction Equipment (backhoe, bulldozer, etc.)
- 32 - Farm Equipment (tractor, combine harvester, etc.)
- 98 - Other
- 99 - Unknown

Did this motor vehicle display a hazardous materials (HM) placard?
 01 - Yes** 97 - Not Applicable
 02 - No 99 - Unknown
 **Heavy Truck/Bus form must be completed

Number of trailing units
 97 - Not Applicable (vehicle with no trailing units) **97**

SPECIAL FUNCTION OF MOTOR VEHICLE IN TRANSPORT **00**

- 00 - No Special Function
- 01 - Ambulance
- 02 - Bus - Charter/Tour
- 03 - Bus - Childcare/Daycare
- 04 - Bus - Intercity
- 05 - Bus - School (Public or Private)
- 06 - Bus - Shuttle
- 07 - Bus - Transit/Commuter
- 08 - Bus - Other
- 09 - Farm Vehicle
- 10 - Fire Truck
- 11 - Highway/Maintenance
- 12 - Mail Carrier
- 13 - Military
- 14 - Non-Transport Emergency Services Vehicle
- 15 - Other Incident Response
- 16 - Police
- 17 - Public Utility
- 18 - Rental Truck (Over 10,000 lbs)
- 19 - Safety Service Patrols - Incident Response
- 20 - Taxi
- 21 - Towing - Incident Response
- 22 - Truck Acting as Crash Attenuator
- 23 - Vehicle Used for Electronic Ride-hailing (Uber, Lyft, etc.)
- 98 - Other
- 99 - Unknown

HIT AND RUN? **02**

- 01 - Yes - Driver or Car/Driver Left Scene
- 02 - No - Did Not Leave Scene
- 99 - Unknown

VEHICLE MANEUVER / ACTION **01**

- 01 - Movement Essentially Straight Ahead
- 02 - Backing
- 03 - Changing Lanes
- 04 - Entering Traffic Lane
- 05 - Leaving Traffic Lane
- 06 - Making a U-Turn
- 07 - Negotiating a Curve
- 08 - Parked
- 09 - Passing/Overtaking a Vehicle
- 10 - Slowing
- 11 - Stopped in Traffic
- 12 - Turning Left
- 13 - Turning Right
- 98 - Other
- 99 - Unknown

EMERGENCY MOTOR VEHICLE USE **97**

- 01 - Emergency Operation, Emergency Warning Equipment in Use
- 02 - Emergency Operation, Emergency Warning Equipment Not in Use
- 03 - Non-Emergency, Non-Transport
- 04 - Non-Emergency, Transport
- 97 - Not Applicable
- 99 - Unknown

MOTOR VEHICLE AUTOMATED DRIVING SYSTEM(S) **02**

Automation System(s) in Vehicle?

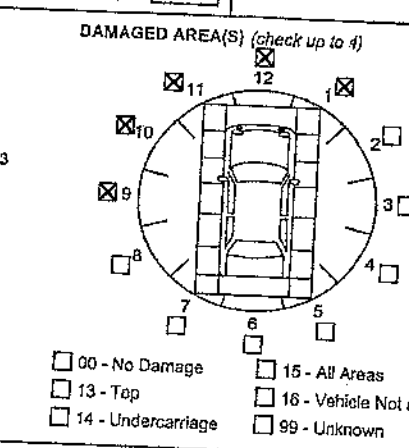
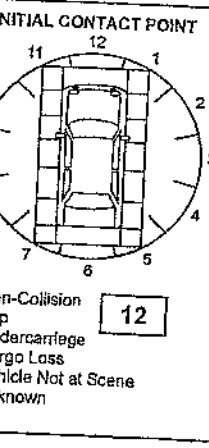
- 01 - Yes
- 02 - No
- 99 - Unknown

Automation System Levels in Vehicle (up to 5 choices) **00**

- 00 - No Automation
- 01 - Driver Assistance
- 02 - Partial Automation
- 03 - Conditional Automation
- 04 - High Automation
- 05 - Full Automation
- 06 - Automation Level Unknown
- 99 - Unknown

Automation System Levels Engaged at Time of Crash (up to 5 choices) **00**

- 00 - No Automation
- 01 - Driver Assistance
- 02 - Partial Automation
- 03 - Conditional Automation
- 04 - High Automation
- 05 - Full Automation
- 06 - Automation Level Unknown
- 99 - Unknown



Vehicle crash damages equal to or less than \$1,000 are classified as non-reportable.

DAMAGE ESTIMATE

Totalled
\$ 15000

EXTENT OF DAMAGE **03**

- 00 - No Damage
- 01 - Minor Damage
- 02 - Functional Damage
- 03 - Disabling Damage
- 04 - Vehicle Not at Scene

VEHICLE CONTRIBUTING CIRCUMSTANCE(S) **00**

- 00 - None
- 01 - Body, Doors
- 02 - Brakes
- 03 - Exhaust System
- 04 - Lights (head, signal, tail)
- 05 - Mirrors
- 06 - Power Train
- 07 - Steering
- 08 - Suspension
- 09 - Tires
- 10 - Truck Coupling/Trailer Hitch/Safety Chains
- 11 - Wheels
- 12 - Windows/Windshield
- 13 - Wipers
- 98 - Other
- 99 - Unknown

TOWED DUE TO DISABLING DAMAGE **02**

- 01 - Not Towed
- 02 - Towed Due to Disabling Damage
- 03 - Towed Not Due to Disabling Damage

Investigator's Motor Vehicle Crash Report - Vehicle (cont'd)

VEHICLE NO. 2 (cont'd)		
MOST HARMFUL EVENT FOR THIS MOTOR VEHICLE 22 Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overturn/Rollover 18 - Thrown or Falling Object Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle in Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Vehicle in Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment Collision With Fixed Object 32 - Bridge Overhead Structure 33 - Bridge Pier or Support 34 - Bridge Rail 35 - Cable Barrier 36 - Concrete Traffic Barrier 37 - Culvert 38 - Curb 39 - Ditch 40 - Embankment 41 - Fence 42 - Guardrail End Terminal 43 - Guardrail Face 44 - Impact Attenuator/Crash Cushion 45 - Mailbox 46 - Other Fixed Object (wall, building, tunnel, etc.) 47 - Other Post, Pole or Support 48 - Other Traffic Barrier 49 - Traffic Sign Support 50 - Traffic Signal Support 51 - Tree (standing) 52 - Utility Pole/Light Support 53 - Unknown Fixed Object	SEQUENCE OF EVENTS (up to 4 choices) Non-Harmful Events 01 - Cross Centerline 02 - Cross Median 03 - End Departure (T-Intersection, dead-end, etc.) 04 - Downhill Runaway 05 - Equipment Failure (blown tire, brake failure, etc.) 06 - Ran Off Roadway Left 07 - Ran Off Roadway Right 08 - Reentering Roadway 09 - Separation of Units Non-Collision Harmful Events 11 - Cargo/Equipment Loss or Shift 12 - Fell/Jumped from Motor Vehicle 13 - Fire/Explosion 14 - Immersion, Full or Partial 15 - Jackknife 16 - Other Non-Collision Harmful Event 17 - Overturn/Rollover Collision With Person, Motor Vehicle or Non-Fixed Object 19 - Animal (live) 20 - Construction Equipment (backhoe, bulldozer, etc.) 21 - Farm Equipment (tractor, combine harvester, etc.) 22 - Motor Vehicle in Transport 23 - Other Non-Fixed Object 24 - Other Non-Motorist 25 - Parked Motor Vehicle 26 - Pedalcycle 27 - Pedestrian 28 - Railway Vehicle (train, engine) 29 - Strikes Object at Rest from Motor Vehicle in Transport 30 - Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle 31 - Work Zone/Maintenance Equipment Collision With Fixed Object 32 - Bridge Overhead Structure 33 - Bridge Pier or Support 34 - Bridge Rail 35 - Cable Barrier 36 - Concrete Traffic Barrier 37 - Culvert 38 - Curb 39 - Ditch 40 - Embankment 41 - Fence 42 - Guardrail End Terminal 43 - Guardrail Face 44 - Impact Attenuator/Crash Cushion 45 - Mailbox 46 - Other Fixed Object (wall, building, tunnel, etc.) 47 - Other Post, Pole or Support 48 - Other Traffic Barrier 49 - Traffic Sign Support 50 - Traffic Signal Support 51 - Tree (standing) 52 - Utility Pole/Light Support 53 - Unknown Fixed Object	
TRAFFIC CONTROL DEVICE TYPE (up to 4 choices) TCD Type(s) 00 - No Controls 01 - Person (flagger, law enforcement, crossing guard, etc.) Signs 02 - Railroad Crossing Sign 03 - School Zone Sign 04 - Stop Sign 05 - Yield Sign 06 - "Curve Ahead" Warning Sign 07 - Pedestrian Crossing Sign 08 - "Intersection Ahead" Warning Sign 09 - "Reduce Speed Ahead" Warning Sign 10 - Bicycle Crossing Sign 11 - Other Warning Sign Signals 12 - Flashing Traffic Control Signal 13 - Ramp Meter Signal 14 - Lane Use Control Signal 15 - Traffic Control Signal 16 - Flashing Railroad Crossing Signal (may include gates) 17 - Flashing School Zone Signal 18 - Other Signal Pavement Markings 19 - School Zone 20 - Railroad Crossing 21 - Pedestrian Crossing 22 - Bicycle Crossing 23 - Other Pavement Marking (excluding edgelines, centerlines or lane lines) 98 - Other 99 - Unknown	TRAFFICWAY DESCRIPTION Travel Directions 01 - One-Way 02 - Two-Way Divided 00 - Not Divided 01 - Not Divided, With a Continuous Left-Turn Lane 02 - Divided, Flush Median (greater than 4 ft. wide) 03 - Divided, Raised Median (curbed) 04 - Divided, Depressed Median 99 - Unknown Barrier Type 00 - No Barrier 01 - Cable Barrier 02 - Concrete Barrier (e.g. Jersey barrier) 03 - Earth Embankment 04 - Guardrail 98 - Other	PAVEMENT MARKINGS Edgeline Presence/Type 00 - No Marked Edgeline 01 - Standard Width Edgeline 02 - Wide Edgeline 98 - Other 99 - Unknown Centerline Presence/Type 00 - No Marked Centerline 01 - Centerline With Centerline Rumble Strip 02 - Standard Centerline Markings 99 - Unknown Lane Line Markings 00 - No Lane Markings 01 - Standard Lane Line 02 - Wide Lane Line 99 - Unknown
TRAFFIC CONTROL DEVICE WORKING 00 - No Controls 01 - Device Not Functioning 02 - Device Functioning Improperly 03 - Device Functioning Properly 99 - Unknown	DIRECTION OF TRAVEL 00 - Not on Roadway 01 - Northbound 02 - Southbound 03 - Eastbound 04 - Westbound 99 - Unknown Name of street traveling on: INTERSTATE 80 POSTED SPEED LIMIT 97 - Not Applicable 99 - Unknown	TOTAL LANES IN ROADWAY Undivided Trafficways Number of Through Lanes in Both Directions, excluding Auxiliary Lanes 97 - Not Applicable Number of Auxiliary Lanes in Both Directions 97 - Not Applicable Divided Trafficways Number of Through Lanes in the Vehicle's Direction, excluding Auxiliary Lanes 97 - Not Applicable Number of Auxiliary Lanes in the Vehicle's Direction 97 - Not Applicable
GRADE / ROADWAY ALIGNMENT Horizontal Alignment 01 - Curve Left 02 - Curve Right 03 - Straight 99 - Unknown Grade 01 - Downhill 02 - Hillcrest 03 - Level 04 - Sag (Bottom) 05 - Uphill 99 - Unknown		PRESENCE / TYPE OF BICYCLE FACILITY Facility 00 - None 01 - Marked Bicycle Lane 02 - Separate Bicycle Path/Trail 03 - Unmarked Paved Shoulder 04 - Wide Curb Lane 99 - Unknown Signed Bicycle Route? 01 - Yes 02 - No 97 - Not Applicable 99 - Unknown

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Driver

VEHICLE NO. 2 (cont'd)		DRIVER NAME (Last, First, Middle) JOHNSON, CARLEY, ELIZABETH		CONTACT PHONE		SEX 01 - Male 02 - Female 99 - Unk. 02	
MAILING ADDRESS 1643 E CEDARVIEW RD		CITY DOONIPHAN		STATE NE		ZIP 68832	
DATE OF BIRTH (MM/DD/YYYY) [REDACTED]		DOB Unk. <input type="checkbox"/>		DRIVER'S LICENSE NO. [REDACTED]		CITATION 1 <input checked="" type="checkbox"/> NO VIOLATION <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	
DRIVER LICENSE JURISDICTION 00 - Not Licensed 01 - Canadian* 02 - Indian Nation* 03 - International License* (other than Mexico, Canada) 04 - Mexican* 05 - U.S. State 05 06 - U.S. Government 07 - Not Applicable 99 - Unknown * Name of Jurisdiction include the specific State, Province or Nation indicated on the Driver's License NEBRASKA		DRIVER LICENSE STATUS Type Applicable for this Person 01 - Commercial Driver License (CDL) 02 02 - Non-CDL Driver License 03 - Non-CDL Restricted Driver License (learner's permit, temporary/limited, graduated driver license, etc.) 99 - Unknown Status 00 - Not Licensed 01 - Canceled or Denied 02 - Disqualified (CDL) 06 03 - Expired 04 - Revoked 05 - Suspended 06 - Valid License 99 - Unknown		DRIVER LICENSE RESTRICTIONS (up to 3 choices) 00 - None 00 01 - Alcohol Interlock Device 02 - Automatic Transmission 03 - CDL Intrastate Only 04 - Corrective Lenses 05 - Except Class A & Class B Bus 06 - Except Class A Bus 07 - Except Tractor-Trailer 08 - Farm Waiver 09 - Intermediate License Restrictions 10 - Learner's Permit Restrictions 11 - Limited to Daylight Only 12 - Limited to Employment 13 - Limited-Other 14 - Mechanical Devices (special brakes, hand controls, or other adaptive devices) 15 - Military Vehicles Only 16 - Motor Vehicles Without Air Brakes 17 - Outside Mirror 18 - Prosthetic Aid 98 - Other 99 - Unknown			
DRIVER LICENSE TYPE 00 - Not Licensed 01 - Full Driver License 01 02 - Intermediate Driver License 03 - Learner's Permit 04 - School Permit 05 - Temporary License 99 - Unknown License Type		CLASS 00 - None 05 01 - Class A 02 - Class B 03 - Class C 04 - Class M 05 - Regular Driver License 97 - Not Applicable 98 - Other 99 - Unknown		ENDORSEMENTS (up to 4 choices) 00 - None 00 01 - H - Hazardous Materials 02 - M - Motorcycle 03 - N - Tank Vehicle 04 - P - Passenger 05 - S - School 06 - T - Double / Triple Trailers 07 - X - Combination Tank Vehicle & Hazardous Materials 98 - Other Non-Commercial License Endorsements 99 - Unknown		ALCOHOL INTERLOCK PRESENT? 01 - Yes 02 - No 02 99 - Unknown	
COMMERCIAL DRIVER LICENSE (CDL) 01 - Yes 02 - No 02 99 - Unknown		DRIVER ACTIONS AT TIME OF CRASH (up to 4 choices) 00 - No Contributing Action 01 - Disregarded Red Light 02 - Disregarded Stop Sign 03 - Disregarded Road Markings 04 - Disregarded Traffic Sign 05 - Failed to Keep in Proper Lane 06 - Failed to Yield Right-of-Way 07 - Followed too Closely 08 - Improper Backing 09 - Improper Passing 10 - Improper Turn 11 - Operated Motor Vehicle in Inattentive, Careless, Negligent or Erratic Manner 99 12 - Operated Motor Vehicle in Reckless or Aggressive Manner 13 - Over-Correcting/Over-Steering 14 - Ran Off Roadway 15 - Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway, etc. 16 - Wrong Side or Wrong Way 98 - Other Contributing Action 99 - Unknown		DRIVER DISTRACTED BY Action 00 - Not Distracted 01 - Talking/Listening 02 - Manually Operating (texting, dialing, playing game, etc.) 03 - Other Action (looking away from task, etc.) 99 99 - Unknown Source 01 - Hands-free Mobile Phone 02 - Hand-held Mobile Phone 03 - Other Electronic Device 04 - Vehicle-integrated Device 05 - Passenger/Other Non-Motorist 06 - External (to vehicle/non-motorist area) 07 - Other Distraction (animal, food, grooming, etc.) 08 - Other cell phone use like GPS navigation 97 - Not Applicable (not distracted) 99		DRIVER CONDITION AT TIME OF CRASH (up to 2 choices) 01 - Apparently Normal 99 02 - Asleep or Fatigued 03 - Emotional (depressed, angry, disturbed, etc.) 04 - Ill (sick, fainted) 05 - Physically Impaired 06 - Under Influence of Alcohol, Drugs or Medication 97 - Not Applicable 98 - Other 99 - Unknown If Impaired	
ALCOHOL SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		ALCOHOL TEST STATUS 01 - Test Given 02 - Test Not Given 02 03 - Test Refused 99 - Unknown If Tested		ALCOHOL TEST TYPE 01 - Blood "BAC" 02 - Breathalyzer "BRAC" 03 - Urine 98 - Other 97 - Not Applicable 99 - Unknown		ALCOHOL TEST RESULT 01 - Negative 02 - Positive 03 - Pending 99 - Unknown BAC Level: (ex: 0.132)	
DRUGS SUSPECTED 01 - Yes 02 - No 02 99 - Unknown		DRUG TEST STATUS 01 - Test Given 02 - Test Not Given 02 03 - Test Refused 99 - Unknown If Tested		DRUG TEST TYPE 01 - Blood 02 - Urine 03 - Saliva 98 - Other 99 - Unknown		DRUG TEST RESULT 01 - Negative 02 - Positive	
		DRUG TYPE (up to 4 choices) 01 - Amphetamine 02 - Cocaine 03 - Marijuana 04 - Opiate 05 - Other Controlled Substance 06 - PCP 07 - Other Drug (excludes post-crash drugs) 97 - Not Applicable 99 - Unknown					

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - All Drivers & Occupants

PERSON TYPE P1. Incident Responder? 01 - Yes 02 - No P2. If yes, type of Incident Responder 01 - EMS 02 - Fire 03 - Police 04 - Tow Operator 05 - Transportation (maintenance workers, safety service operators, etc.) 98 - Other 99 - Unknown Does the crash involve a Non-Motorist? 01 - Yes - Complete Non-Motorist Report NDOT Form 178 for the following person types: - Bicyclist - Other Cyclist - Pedestrian - Other Pedestrian (wheelchair, skater, person in a building, parked vehicle, or a personal conveyance, etc.) - Occupant of a Non-Motor Vehicle Transportation Device - Unknown Type of Non-Motorist** 02 - No - Continue to P3 below. P3. Occupant of Motor Vehicle 01 - Driver 02 - Occupant 03 - Occupant of MV Not in Transport	SEATING POSITION P4. Row 01 - Front 02 - Second 03 - Third 04 - Fourth 05 - Other Row (bus, 15-passenger van, etc.) 99 - Unknown P5. Seat 01 - Left 02 - Middle 03 - Right 98 - Other 99 - Unknown P6. Other Location 01 - Enclosed Cargo Area 02 - Riding on Motor Vehicle Exterior (non-trailing unit) 03 - Sleeper Section of Cab (truck) 04 - Trailing Unit 05 - Unenclosed Cargo Area 97 - Not Applicable 98 - Other 99 - Unknown P7. Ejection 01 - Not Ejected 02 - Ejected, Partially 03 - Ejected, Totally 97 - Not Applicable 99 - Unknown	RESTRAINT SYSTEM / HELMET USE P8. Restraint System 01 - Booster Seat 02 - Child Restraint System - Forward Facing 03 - Child Restraint System - Rear Facing 04 - Child Restraint System - Type Unknown 05 - Lap Belt Only Used 06 - None Used - Motor Vehicle Occupant 07 - Restraint Used - Type Unknown 08 - Shoulder & Lap Belt Used 09 - Shoulder Belt Only Used 10 - Stretcher 11 - Wheelchair Motorcycle Helmet Use 12 - DOT-Compliant Motorcycle Helmet 13 - Non DOT-Compliant Motorcycle Helmet 14 - Unknown If DOT-Compliant Motorcycle Helmet 15 - No Helmet 97 - Not Applicable 98 - Other 99 - Unknown P9. Any Indication of Improper Restraint Use? 01 - Yes 02 - No 99 - Unknown P10. Air Bag Deployed (up to 4 choices) 01 - Not Deployed 02 - Curtain 03 - Front 04 - Side 97 - Not Applicable 98 - Other (knee, air belt, etc.) 99 - Unknown P11. School Bus Restraint Availability (excludes driver) 00 - No Restraint Available 01 - Lap Belt Available & Not Used 02 - Shoulder & Lap Available & Not Used 97 - Not Applicable 98 - Unknown	INJURY P12. Injury Status 00 - No Apparent Injury 01 - Fatal Injury (must complete Fatal Crash Report NDOT Form 179) 02 - Suspected Serious Injury* 03 - Suspected Minor Injury 04 - Possible Injury 99 - Unknown * Suspected Serious Injury: Any injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood, broken or distorted extremity (arm or leg), crush injuries, suspected skull, chest, or abdominal injury other than bruises or minor lacerations, significant burns (second and third degree burns over 10% or more of the body), unconsciousness when taken from the crash scene, or paralysis. P13. Injury Area 00 - None 01 - Abdomen & Pelvis 02 - Entire Body 03 - Face 04 - Head 05 - Lower Extremity (legs) 06 - Neck 07 - Spine 08 - Chest (thorax) 09 - Upper Extremity (arms) 10 - Unspecified 99 - Unknown P14. Source of Transport to First Medical Facility 00 - Not Transported 01 - EMS Air 02 - EMS Ground 03 - Law Enforcement 98 - Other 99 - Unknown
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All Drivers & Occupants

Vehicle No. 1	Occupant No. 1	NAME OF PERSON INVOLVED (Last, First, Middle) WEINMANN, BRODY, DALE		SEX 01 - Male 02 - Female 99 - Unk. 01
ADDRESS 2503 SCHOENHEIT ST		CITY, STATE, ZIP FALLS CITY, NE, 68355		DATE OF BIRTH (MMDDYYYY) DOB Unk. <input type="checkbox"/>
Person Type P1 2 P2 <input type="checkbox"/> P3 01	Seating Position P4 01 P5 01 P6 97 P7 97	Restraint System / Helmet Use P8 08 P9 <input type="checkbox"/> P10 <input type="checkbox"/> P11 97	Injury P12 00 P13 00 P14 00	
MEDICAL FACILITY NAME		EMS SERVICE NAME		
Vehicle No. 1	Occupant No. 2	NAME OF PERSON INVOLVED (Last, First, Middle) STRAHM, PAYTON, LEE		SEX 01 - Male 02 - Female 99 - Unk. 01
ADDRESS 2756 X4 RD		CITY, STATE, ZIP SABETHA, KS, 66534		DATE OF BIRTH (MMDDYYYY) DOB Unk. <input type="checkbox"/>
Person Type P1 02 P2 <input type="checkbox"/> P3 02	Seating Position P4 01 P5 03 P6 97 P7 97	Restraint System / Helmet Use P8 08 P9 02 P10 <input type="checkbox"/> P11 97	Injury P12 00 P13 00 P14 00	
MEDICAL FACILITY NAME		EMS SERVICE NAME		
Vehicle No. 2	Occupant No. 1	NAME OF PERSON INVOLVED (Last, First, Middle) JOHNSON, CARLEY, ELIZABETH		SEX 01 - Male 02 - Female 99 - Unk. 02
ADDRESS 1643 E CEDARVIEW RD		CITY, STATE, ZIP DONIPHAN, NE, 68832		DATE OF BIRTH (MMDDYYYY) DOB Unk. <input type="checkbox"/>
Person Type P1 2 P2 <input type="checkbox"/> P3 01	Seating Position P4 01 P5 01 P6 97 P7 01	Restraint System / Helmet Use P8 06 P9 02 P10 99 P11 97	Injury P12 01 P13 04 P14 00	
MEDICAL FACILITY NAME		EMS SERVICE NAME		

Agency Case No. L21091284

Investigator's Motor Vehicle Crash Report - Fatal Crash Report

All Drivers Involved in Fatal Crashes

LOCAL NO./DISTRICT:		AGENCY CASE NO. L21091284		STATE USE ONLY	
DATE OF CRASH 09/14/2021	MN/DD/YYYY	PLACE OF CRASH HALL	COUNTY	CITY	
ROAD ON WHICH CRASH OCCURRED		STREET/ HIGHWAY NO. I-80			

DRIVER OF VEHICLE 1	DRIVER OF VEHICLE 2	DRIVER OF VEHICLE
ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;">01</div>	ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;">99</div>	ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>
PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;">99</div>	PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;">99</div>	PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>

All Drivers Involved in Fatal Crashes

DRIVER OF VEHICLE 	DRIVER OF VEHICLE 	DRIVER OF VEHICLE
ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>	ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>	ATTEMPTED AVOIDANCE MANEUVER 00 - No Driver Present / Unk. if Driver Present 01 - No Avoidance Maneuver 02 - Accelerating 03 - Accelerating & Steering Left 04 - Accelerating & Steering Right 05 - Braking 06 - Braking & Steering Left 07 - Braking & Steering Right 08 - Braking (Lockup) 09 - Braking (Lockup Unk.) 10 - Releasing Brakes 11 - Steering Left 12 - Steering Right 98 - Other Actions 99 - Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>
PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>	PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>	PRE-IMPACT STABILITY 00 - No Driver Present / Unk. if Driver Present 01 - Skidding Laterally, Clockwise Rotation 02 - Skidding Laterally, Counter-Clockwise Rotation 03 - Skidding Laterally, Rotation Direction Unknown 04 - Skidding Longitudinally 05 - Tracking 98 - Other Vehicle Loss-Of-Control 99 - Pre-crash Stability Unknown <div style="text-align: right; border: 1px solid black; padding: 2px; width: 40px; margin: 5px auto;"></div>



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-4

Approving Re-Appointments of Jason Morledge, Jason Roe, and Tom O'Neill to the Citizens Advisory Review Committee

Mayor Steele has submitted the re-appointments of Jason Morledge, Jason Roe, and Tom O'Neill to the Citizens Advisory Review Committee. These appointments would become effective October 1, 2022 upon approval by the City Council and would expire on September 30, 2024.

Staff Contact: Mayor Roger Steele



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-5

Approving Re-Appointment of Chris Schwieger to the Community Redevelopment Authority Board

Mayor Steele has submitted the re-appointment of Chris Schwieger to the Community Redevelopment Authority Board. This appointment would become effective October 1, 2022 upon approval by the City Council and would expire on September 30, 2027.

Staff Contact: Mayor Roger Steele



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-6

Approving Appointments of Julie Wright and Susan Bullington to the Citizens Advisory Review Committee

Mayor Steele has submitted the appointment of Julie Wright to the Citizens Advisory Review Committee to fill out the term of David Koubek who resigned. This appointment would become effective immediately upon approval by the City Council and would expire on September 30, 2023. The Mayor has also submitted the appointment of Susan Bullington to replace Jack Sheard. This appointment would become effective October 1, 2022 upon approval by the City Council and would expire on September 30, 2024.

Staff Contact: Mayor Roger Steele



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-7

**Approving Request from Christina Black, 1011 Starwood Avenue,
Apt. 1 for Liquor Manager Designation with Texas Roadhouse, 232
Wilmar Avenue**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 13, 2022

Subject: Request from Christina Black, 1011 Starwood Avenue, Apt. 1 for Liquor Manager Designation with Texas Roadhouse, 232 Wilmar Avenue

Presenter(s): RaNae Edwards, City Clerk

Background

Christina Black, 1011 Starwood Avenue, Apt. 1 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Texas Roadhouse, 232 Wilmar Avenue.

This application has been reviewed by the Police Department and City Clerk's Office. See Police Department report attached.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. Ms. Black has completed a state approved alcohol server/seller program.

Alternatives

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

1. Approve the request.
2. Forward the requests with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve the request for Liquor Manager Designation.

Sample Motion

Move to approve the request from Christina Black, 1011 Starwood Avenue, Apt. 1 for Liquor Manager Designation in conjunction with the Class "IK-096736" Liquor License for Texas Roadhouse, 232 Wilmar Avenue.



Grand Island Police Department

Officer Report for Incident L22081806

Nature: Liquor Lic Inv

Address: 232 WILMAR AVE; TEXAS
ROADHOUSE

Location: PAON

Grand Island NE 68803

Offense Codes:

Received By: Dvorak T

How Received: T

Agency: GIPD

Responding Officers: Dvorak T

Responsible Officer: Dvorak T

Disposition: CLO 08/29/22

When Reported: 14:39:20 08/23/22

Occurred Between: 14:39:20 08/23/22 and 14:39:20 08/23/22

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race: **Sex:**

Phone:

City: ,

Offense Codes

Reported:

Observed:

Circumstances

LT21 LT21 Restaurant

Responding Officers:

Unit :

Dvorak T

309

Responsible Officer: Dvorak T

Agency: GIPD

Received By: Dvorak T

Last Radio Log: **:**.**. **/**/**

How Received: T Telephone

Clearance: CL CL Case Closed

When Reported: 14:39:20 08/23/22

Disposition: CLO **Date:** 08/29/22

Judicial Status:

Occurred between: 14:39:20 08/23/22

Misc Entry:

and: 14:39:20 08/23/22

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description
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08/29/22

08/23/22	Name	Texas Roadhouse,	location
08/23/22	Name	Black, Todd R	spouse
08/23/22	Name	Black, Christina R	proposed manager

08/29/22

Narrative

309 Liquor Manager
Grand Island Police Department

Christina Black has applied to become the new Liquor Manager for the Texas Roadhouse Restaurant on Wilmar Avenue.

Responsible LEO:

Approved by:

Date

08/29/22

Supplement

309 Texas Roadhouse Liquor Manager
Grand Island Police Department
Supplemental Report

Date, Time: 8-24-22
Reporting Officer: Sgt Dvorak #309
Unit #: CID

Christina R Black has applied to be designated the new Liquor Manager for Texas Roadhouse restaurant. Todd Black signed the application as Christina's non-participating spouse. The Blacks indicate they have resided in Grand Island since 2019. Christina indicates she has been employed by Texas Roadhouse for two years.

I utilized our local database, State NCJIS files, and a paid law enforcement only web site to check background information for the couple. I found that neither has an active warrant for their arrest. The Blacks have few entries in Spillman locally, and nothing of concern. In State of NE files I located two minor traffic violations, which were not self reported on the application. However, both convictions were for minor violations and both were four or five years ago, and I am not concerned about the omission.

The private, law enforcement only database tends to cover incidents of a civil nature, to include foreclosures, liens and bankruptcies. I noted nothing current, or anything that would prevent Christina from being a liquor manager.

I contacted Christina Black by telephone, and she confirmed biographical information. We discussed matters involving her new title, and her responsibilities regarding both her's and restaurant staff. Black advised she understood.

The Grand Island Police Department finds no reason that Christina Black should not be appointed Liquor Manager for the Grand Island Texas Roadhouse location.

08/29/22



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-8

#2022-239 - Approving Request from Kiko's Cantina and Mexican Eats, LLC dba Kiko's Cantina, 101 West 3rd Street for a Class "C" Liquor License and Liquor Manager for Vanessa Garcia, 644 Meves Avenue

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

Staff Contact: RaNae Edwards

RESOLUTION 2022-239

WHEREAS, an application was filed by Kiko’s Cantina and Mexican Eats, LLC, dba Kiko’s Cantina, 101 West 3rd Street for a Class "C" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on September 3, 2022; such publication cost being \$17.71; and

WHEREAS, a public hearing was held on September 13, 2022 for the purpose of discussing such liquor license application.

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

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

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

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

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

_____ The City of Grand Island hereby recommends approval of Vanessa Garcia, 644 Meves Avenue, Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
September 9, 2022 ✕ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-9

#2022-240 - Approving Agreement with Clean Community Systems

Staff Contact: Laura McAloon

Council Agenda Memo

From: Laura McAloon, City Attorney

Meeting: September 13, 2022

Subject: Agreement with Grand Island Area Clean Community System

Presenter(s): Laura McAloon, City Attorney

Background

Grand Island Area Clean Community System (CCS) and City Administration are proposing for FY 2022-23 an appropriation of \$30,000.00 for services provided by CCS. Prior to any monies being paid out to CCS for FY 2022-23, an Agreement is needed to specify the obligations of each party and payment terms.

Discussion

The City is authorized to establish and provide for the support of any service, facility, or system required by the Integrated Solid Waste Management Act pursuant to the authority of Section 13-2021 of the Nebraska Revised Statutes, as amended. The Integrated Solid Waste Management Act requires the implementation of a solid waste management plan to provide for a local waste reduction and recycling program. CCS actively educates the public on recycling and solid waste and other environmental issues, and provides an educational resource center on such issues. CCS proposes a contract with the City to provide the following services:

1. Develop and print 20,000 utility bill inserts one to two times per year on environmental issues.
2. Develop and print 20,000 recycling brochures annually, updating recycling opportunities in Grand Island.
3. Work with local recyclers to identify public misunderstanding of existing recycling programs. Assist in providing public education to maximize recycling program use and minimize problems.
4. Foster and support corridor litter controls and beautification groups and organizations.
5. Provide and maintain information on environmental/recycling issues and concerns.
6. Provide consulting services to implement integrated solid waste plans.
7. Endorse and encourage recycling through educational presentations.

8. Conduct presentations on environmental issues and concerns to school groups, civic organizations and governmental agencies.
9. Coordinate community clean-ups with the City of Grand Island Solid Waste Superintendent.
10. Work with the Solid Waste Superintendent to collect and evaluate recycling/diversion data from local recyclers.
11. Secure grant funding on an annual basis to provide household hazardous waste collection and disposal services for the citizens of Grand Island.

In consideration of CCS performing the services provided for in this agreement, the City agrees to pay CCS Thirty Thousand and No/100 Dollars (\$30,000.00) annually.

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 Agreement with Grand Island Area Clean Community System.

Sample Motion

Move to approve the Agreement with Grand Island Area Clean Community System.

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2022, by and between the **CITY OF GRAND ISLAND, NEBRASKA**, a Municipal Corporation, hereinafter referred to as "City", and **GRAND ISLAND AREA CLEAN COMMUNITY SYSTEM**, hereinafter referred to as "CCS".

WHEREAS, the City is authorized to establish and provide for the support of any service, facility, or system required by the Integrated Solid Waste Management Act pursuant to the authority of Section 13-2021 of the Nebraska Revised Statutes, as amended; and

WHEREAS, the Integrated Solid Waste Management Act requires the implementation of a solid waste management plan to provide for a local waste reduction and recycling program; and

WHEREAS, the CCS actively educates the public on recycling and solid waste and other environmental issues, and provides an educational resource center on such issues; and

WHEREAS, the City desires to and the City Council has approved such expenses within the 2022-2023 fiscal year's budget adopted by City Council on _____, 2022 to contract with CCS to perform certain services associated with environmental, solid waste and recycling matters.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the City and the CCS agree as follows:

1. **RESPONSIBILITIES.** The CCS agrees to perform the following services pursuant to this agreement:

(A) Develop and print 20,000 utility bill inserts one to two times per year on environmental issues.

(B) Develop and print 20,000 recycling brochures annually, updating recycling opportunities in Grand Island.

(C) Work with local recyclers to identify public misunderstanding of existing recycling programs. Assist in providing public education to maximize recycling program use and minimize problems.

(D) Foster and support corridor litter controls and beautification groups and organizations.

(E) Provide and maintain information on environmental/recycling issues and concerns.

(F) Provide consulting services to implement integrated solid waste plans.

(G) Endorse and encourage recycling through educational presentations.

(H) Conduct presentations on environmental issues and concerns to school groups, civic organizations and governmental agencies.

(I) Coordinate community clean-ups with the City of Grand Island Solid Waste Superintendent.

(J) Work with the Solid Waste Superintendent to collect and evaluate recycling/diversion data from local recyclers.

(K) Secure grant funding on an annual basis to provide household hazardous waste collection and disposal services for the citizens of Grand Island.

2. COMPENSATION. In consideration of the CCS performing the services provided for in this agreement, the City agrees to pay the CCS Thirty Thousand and No/100 Dollars (\$30,000.00) annually for a total contract price of Thirty Thousand Dollars and No/100 (\$30,000.00) Payment shall be made in four (4) quarterly installments of Seven Thousand Five Hundred Dollars and No/100 (\$7,500.00) with the first installment due and payable upon execution of this agreement by all parties, and upon approval of this agreement by the Grand Island City Council.

3. TERM. This agreement shall take effect on October 1, 2022, after its approval by the City Council and execution by the Mayor, and shall terminate on September 30, 2023.

4. LIMITATION. CCS hereby agrees that the money paid by the City hereunder shall be used solely and specifically for the purposes stated herein.

5. TERMINATION. Either party may terminate this contract upon sixty (60) days written notice to the other party.

6. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the City and CCS notwithstanding any other oral agreements or understandings to the contrary and may be amended only in writing, approved and executed as required by law.

IN WITNESS WHEREOF, this agreement is executed by the respective parties.

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation,

By: _____
Roger G. Steele, Mayor

Attest: _____
RaNae Edwards, City Clerk

Stacy R. Wankel
Assistant City Attorney

GRAND ISLAND AREA CLEAN
COMMUNITY SYSTEM

By:



L. Denise McGovern-Gallagher, Executive Director

Grand Island Area Clean Community System Partnership with the City of Grand Island Annual Report

DATE: August 1, 2022

TO: Mayor Steele, members of the City Council, City Administrator Jerry Janulewicz, Jeff Wattier, Solid Waste Superintendent, and Citizens of Grand Island.

FROM: L. Denise McGovern-Gallagher, Executive Director

Hazardous waste has a huge impact on the environment. Air, soil, water and wildlife health are all affected by the amounts of hazardous waste generated every day by individuals, businesses, and industry. Regulations exist to help safely dispose of it, but contamination still occurs. In fact, the U.S. Environmental Protection Agency (EPA) recorded voluntary disclosure and certified corrections of violations at more than 1,900 facilities in 2019. This was a 20% increase over the number of cases recorded in 2018. The main danger in the short term is water pollution. The chemicals that are disposed of into our waterways make streams, rivers, lakes and aquifers unsafe to use for drinking or agricultural purposes. Animals and plants sicken and die when they drink from these waters, and human health in areas downstream may be affected. Long-term effects include signs of mutation in animals, cancer and other diseases in humans, trash in our waterways and green spaces, and the destruction of many natural resources. Populations of insects such as bees, which are crucial to preserving the fertility of plant life, are dying off faster than they can repopulate due to human pollution. Another long-term impact of hazardous waste is the danger it poses to our water table. The area we serve sits on top of one of the largest aquifers in the United States. Chemicals can soak through soil and enter underground aquifers. What may have been a spill that occurred in a small area can quickly grow to impact an extremely large area. Even more frightening, the true impact of this can go undetected for a long periods of time. Even if spills are quickly contained, the chemicals can seep into soil, interrupting plants normal growth process.

Household Hazardous Waste (HHW) programs/facilities can benefit communities in several important ways. They can reduce the risks to health and the environment resulting from improper storage and disposal of HHW. They can reduce communities' liability for the cleanup of contamination resulting from improper HHW disposal. HHW programs/facilities can increase community resident's awareness of the potential risks associated with HHW and promote a better understanding of waste issues in general. In 2012 Grand Island Area Clean Community System (CCS) established a permanent regional facility to manage hazardous waste year-round.

On an average every household generates 20 pounds of HHW every year and this waste ends up in our landfills, but even worse, as much as 100+ pounds can accumulate in the home, often remaining there until the resident moves out or do an extensive cleanout. HHW is a major environmental and health issue. As long as manufacturers continue to produce chemicals for home use such as pesticides, insecticides, cleaning chemicals, the need for a collection

facilities like ours will continue. Clean Community System accepts and properly disposed of products such as stains, paint thinner, pool chemicals, lawn and garden chemicals (many now banned by the EPA), household cleaners such as caustic toilet and oven cleaners, Clorox, ammonia, Mercury, thermometers and thermostats, latex paint, florescent bulbs, and CFL bulbs. When individuals call to ask what we take we find it easier to tell them what we don't take. Through changes in landfill management and community awareness the use of this facility continues to improve.

Going back to 2012, this established facility has accepted over one million pounds of waste. By maximizing participation in our facility, the quantity of hazardous materials will be reduced in both the solid waste stream and the wastewater stream. Greater participation will mean higher costs for disposal of this waste, but in the short run will help avoid or reduce costs associated with potential environmental cleanups. It will also help to prevent or minimize health and safety problems associated with improper HHW storage and handling in homes. By expanding reuse and recycling our facility will conserve natural resources. Our current budget to safely dispose of hazardous waste is \$115,054.

In our efforts to reduce hazardous waste from our landfills and environment, we established a program whereas we recycle or offer for use as much of the collected waste as possible. Our "Swap Shop" helps reduce the amount of HHW that gets destroyed which significantly lowers our contractual costs. Our largest product available is paint. Other products we have available for reuse are lawn chemicals and fertilizers, cleaning products, automotive products including oil, calking, outdoor cleaning products, indoor/outdoor stains, aerosol paints, adhesives, and paint related products. Any product offered for reuse must be in its original container and the original label must also be intact and legible. Products that are banned, leaking, rusting, or otherwise damaged will not be made available. There is also no repackaging allowed. As for used oil, we do accept good used oil that has no water, debris, or otherwise compromised which is refined for burning as a supplemental fuel. Since the establishment of the "Swap Shop", CCS and its patrons, have reused 222,382 pounds of waste or approximately one-fifth (1/5) of what actually comes in as waste. CCS does not take all hazardous waste. We do not take radioactive materials (some smoke detectors), explosives, banned pesticides, and compressed gas cylinders.

Hazardous waste is any waste material that is corrosive, inflammable, chemically unstable, or contains an excessive amount of toxins. These waste materials cannot be disposed of with regular trash, because they will end up in landfills and cause immediate or long-term damage to human and animal health. All of us have a contribution in the generation of hazardous waste. A few simple changes in the products we use can result in a sizable reduction in hazardous waste, which in turn can save the environment. Proper disposal of hazardous waste is essential to our environment. Think of hazardous waste as this: would you drink from a water pitcher that previously contained lawn chemicals or paint? Of course not. So individuals should not be adding chemicals to our water supply. Individuals who use this facility are being responsible to our environment and to themselves. The waste we accept is incinerated and not landfilled which effectively mitigate hazardous waste.

To comply with the terms of our agreement, CCS ongoing Public Education helps teach the importance of not only hazardous waste but we instill the importance of reduce, reuse, and recycle. In 2021 our education helped 12,035 students and 1,273 educators understand the importance of the 3 R's. These numbers are based on direct programming and engagement.

Our dedication to Grand Island and its litter problem is very important to us. We have had more groups out early this year than in years past. They have already cleaned over 100 miles and 93.5 acres picking up over 10,000 pounds of trash in 274 hours. At the time of this report, we are conducting our City-wide Clean-up. There are a lot of returning teams and individuals who care about our community. Thank you to all these people and a big "thank you" to the City of Grand Island for being involved. We believe the City looks fantastic.

We appreciate the support the City of Grand Island continues to provide and look forward to a long relationship that will benefit the citizens of Grand Island and Hall County.



Grand Island Area Clean Community System
L. Denise McGovern-Gallagher
Executive Director

RESOLUTION 2022-240

WHEREAS, the City of Grand Island is authorized to establish and provide for the support of any service, facility, or system required by the Integrated Solid Waste Management Act pursuant to the authority of Section 13-2021 of the Nebraska Revised Statutes, as amended; and

WHEREAS, the Integrated Solid Waste Management Act requires the implementation of a solid waste management plan to provide for a local waste reduction and recycling program. Grand Island Area Clean Community System (GIACCS) actively educates the public on recycling and solid waste and other environmental issues, and provides an educational resource center on such issues; and

WHEREAS, GIACCS proposes a contract with the City to provide the following services:

1. Develop and print 20,000 utility bill inserts one to two times per year on environmental issues.
2. Develop and print 20,000 recycling brochures annually, updating recycling opportunities in Grand Island.
3. Work with local recyclers to identify public misunderstanding of existing recycling programs. Assist in providing public education to maximize recycling program use and minimize problems.
5. Foster and support corridor litter controls and beautification groups and organizations.
6. Provide and maintain information on environmental/recycling issues and concerns.
7. Provide consulting services to implement integrated solid waste plans.
8. Endorse and encourage recycling through educational presentations.
9. Conduct presentations on environmental issues and concerns to school groups, civic organizations and governmental agencies.
10. Coordinate community clean-ups with the City of Grand Island Solid Waste Superintendent.
11. Work with the Solid Waste Superintendent to collect and evaluate recycling/diversion data from local recyclers.
12. Secure grant funding on an annual basis to provide household hazardous waste collection and disposal services for the citizens of Grand Island.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreement with Grand Island Area Clean Community System for services as set forth above for a fee of Thirty Thousand and No/100 Dollars (\$30,000.00) annually for a total contract price of Thirty Thousand Dollars and No/100 (\$30,000.00).

Approved as to Form	☐ _____
September 7, 2022	☐ City Attorney

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

- 2 -



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-10

**#2022-241 - Approving Bid Award - Coal Bunker Unloading
Platform Concrete Coating**

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting Date: September 13, 2022

Subject: Coal Bunker Unloading Platform Concrete Coating

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

Background

The Platte Generating Station utilizes a coal-fired boiler for its operation. The unit uses Powder River Basin Coal from various mines in the basin. Coal is stored in four elevated silos built integral to the building superstructure. Each coal silo can store 650 tons of coal. A 25' by 150' staging area serves as an unloading platform. In the case of a unit trip, the coal silos are unloaded into trucks and the unburned coal is piled on the south side of the plant site.

The concrete staging area is original to the plant and is showing signs of wear. To prevent further damage of the concrete surface, Plant staff developed a scope of work and specification to repair and resurface the platform.

Discussion

Specifications for the Coal Bunker Unloading Platform Concrete Coating were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on August 23, 2022. The engineer's estimate for this project was \$90,000.00.

Bidder	Bid Price
Allen Blasting and Coating, Wever, Iowa	\$ 50,346.00
McGill Restoration, Omaha, Nebraska	\$ 67,784.25
TMI Coatings, Inc., St. Paul, Minnesota	\$ 84,710.00

Bids were reviewed by plant engineering staff. The bid from Allen Blasting and Coating is compliant with specifications and less than the engineer's estimate.

Alternatives

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

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

Recommendation

City Administration recommends that Council award the Contract for the Coal Bunker Unloading Platform Concrete Coating to Allen Blasting and Coating of Wever, Iowa, as the low responsive bidder, with the bid in the amount of \$50,346.00.

Sample Motion

Move to approve the bid in the amount of \$50,346.00 from Allen Blasting and Coating of Wever, Iowa, for the Coal Bunker Unloading Platform Concrete Coating.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: August 23, 2022 at 2:00 p.m.
FOR: Coal Bunker Unloading Platform Concrete Coating
DEPARTMENT: Utilities
ESTIMATE: \$90,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: August 3, 2022
NO. POTENTIAL BIDDERS: 4

SUMMARY

Bidder:	<u>TMI Coatings, Inc.</u> St. Paul, MN	<u>Allen Blasting and Coating, Inc.</u> Wever, IA
Bid Security:	Swiss Re Corporate Solutions America	United Fire & Casualty Co.
Exceptions:	Noted	None
Bid Price:		
Surface Repair:	\$12,900.00	\$10,458.00
Prep & Coating:	\$71,810.00	\$39,888.00
Sales Tax:	<u>N/A</u>	<u>N/A</u>
Total Bid:	\$84,710.00	\$50,346.00

Bidder:	<u>McGill Restoration, Inc.</u> Omaha, NE
Bid Security:	Universal Surety Co.
Exceptions:	None
Bid Price:	
Surface Repair:	\$13,765.00
Prep & Coating:	\$54,018.75
Sales Tax:	<u>N/A</u>
Total Bid:	\$67,784.25

cc: Tim Luchsinger, Utilities Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Tylor Robinson, Plant Superintendent
Patrick Brown, Finance Director
Karen Nagel, Utilities Secretary

P2390

RESOLUTION 2022-241

WHEREAS, the City of Grand Island invited sealed bids for Coal Bunker Unloading Platform Concrete Coating according to plans and specifications on file with the Utilities Department; and

WHEREAS, on August 23, 2022, bids were received, opened and reviewed; and

WHEREAS, Allen Blasting and Coating of Wever, Iowa, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$50,346.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Allen Blasting and Coating, for the Coal Bunker Unloading Platform Concrete Coating, in the amount of \$50,346.00, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-11

#2022-242 - Approving Bid Award - PGS Boiler Inspection and Repair - Fall Outage 2022

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting Date: September 13, 2022

Subject: Boiler Inspection and Repair - Fall 2022 Outage

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

Background

During the fall outage at Platte Generating Station, the boiler must be inspected and repaired for damages that occur during operation. The Fall 2022 Outage is currently scheduled for September 22, 2022, through October 8, 2022, during which time inspection and maintenance on the boiler will be performed. This package of work on the boiler includes hydro testing of the boiler with inspection for tube leaks and tube repairs, boiler tube alignment attachment repairs, and the installation of tube shields. Plant engineering staff developed the specifications issued for bids covering this scope of work.

Discussion

The specification for the Boiler Inspection and Repair-Fall 2022 Outage was advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on August 23, 2022. Specifications were sent to three potential bidders and responses were received as listed below. The engineer's estimate for this project was \$200,000.00.

Bidder	Base Bid
Locke AMI, LLC Olathe, Kansas	\$ 125,552.00
TEiC Construction Services, Inc. Duncan, South Carolina	\$ 137,350.00
High Plains Boiler and Mechanical Kearney, Nebraska	\$ 142,563.70

The Bids were reviewed by Utility Engineering staff and exceptions were noted. The exceptions from Locke AMI, LLC were reviewed and found to be acceptable. The bid

from Locke AMI, LLC was otherwise found compliant with the specifications and less than the engineer's estimate.

Alternatives

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

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

Recommendation

City Administration recommends that Council award the Contract for Boiler Inspection and Repair-Fall 2022 Outage to Locke AMI, LLC of Olathe, Kansas, as the low responsive bidder, with the bid in the amount of \$125,552.00.

Sample Motion

Move to approve the bid of \$125,552.00 from Locke AMI, LLC of Olathe, Kansas for the Boiler Inspection and Repair-Fall 2022 Outage at Platte Generating Station.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: August 23, 2022 at 2:15 p.m.
FOR: Boiler Inspection and Repair – Fall 2022
DEPARTMENT: Utilities
ESTIMATE: \$200,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: August 3, 2022
NO. POTENTIAL BIDDERS: 6

SUMMARY

Bidder: TEiC Construction Services, Inc. Locke AMI
Windsor, CO Olathe, KS
Bid Security: Atlantic Specialty Ins. Co. Continental Casualty Co.
Exceptions: Noted Noted

Bid Price:
Mobilization: \$45,572.00 \$26,530.00
Feedwater Valve: \$23,082.00 \$46,843.00
Labor: \$66,276.00 \$51,179.00
Sales Tax: \$ 2,421.00 N/A
Total Bid: \$137,350.00 \$125,552.00

Bidder: High Plains Boiler and Mechanical
Kearney, NE
Bid Security: Liberty Mutual Ins. Co.
Exceptions: None

Bid Price:
Mobilization: \$127,036.00
Feedwater Valve: Inc.
Labor: Inc.
Sales Tax: \$ 9,527.70
Total Bid: \$142,563.70

cc: Tim Luchsinger, Utilities Director Tylor Robinson, Plant Superintendent

Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Patrick Brown, Finance Director
Karen Nagel, Utilities Secretary

P2391

RESOLUTION 2022-242

WHEREAS, the City of Grand Island invited sealed bids for Boiler Inspection and Repair at Platte Generating Station – Fall Outage 2022, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on August 23, 2022, bids were received, opened and reviewed; and

WHEREAS, Locke AMI, LLC, of Olathe, Kansas, 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 \$125,552.00; and

WHEREAS, the bid of Locke AMI, LLC, is less than the estimate for Boiler Inspection and Repair at Platte Generating Station – Fall Outage 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Locke AMI, LLC, in the amount of \$125,552.00, for Boiler Inspection and Repair at Platte Generating Station – Fall Outage 2022, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-12

#2022-243 - Approving Purchase of 2024 Freightliner (OH Division)

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: September 13, 2022

Subject: 2024 Freightliner M2-106 with Hydraulic Rotating
Digger Derrick - Electric Overhead Division

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The Electric Overhead Division of the Utilities Department has a 2010 Freightliner with a digger derrick. This vehicle has approximately 46,000 miles and 7,800 hours which is equivalent to approximately 260,000 miles on the engine and power transmission equipment. This is the largest digger derrick in our fleet. It is the only truck capable of setting transmission poles and laminate distribution poles. This vehicle is in need of replacement due to a variety of potentially costly maintenance issues. The truck has multiple hydraulic leaks and needs a new hydraulic pump. Due to the extended lead time of two years or more currently being experienced on vehicles, 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 (now Sourcewell) on October 28, 2014 with Resolution 2014-326. To meet competitive bidding requirements, the Utilities Department obtained pricing from the Sourcewell Contract No.110421-TER awarded to Terex Corp.

Specifications for replacement of Unit #1573 were prepared by Department staff resulting in a recommendation of a 2024 Freightliner M2-106 with Hydraulic Rotating Digger Derrick from Terex Corp., of Watertown, South Dakota, in the amount of \$434,343.00.

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 2024 Freightliner M2-106 with Hydraulic Rotating Digger Derrick from Terex Corp., of Watertown, SD, in the amount of \$434,343.00.

Sample Motion

Move to approve the purchase of a 2024 Freightliner M2-106 with Hydraulic Rotating Digger Derrick from Terex Corp., of Watertown, SD, in the amount of \$434,343.00.



RESOLUTION 2022-243

WHEREAS, the existing 2010 Freightliner with a digger derrick 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 (now Sourcewell) was approved for use by Council on October 28, 2014; and

WHEREAS, an acceptable replacement vehicle with the necessary attachments was quoted by Terex Corporation of Watertown, South Dakota, in the amount of \$434,343.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Overhead Department purchase a 2024 Freightliner M2-106 with Hydraulic Rotating Digger Derrick from Terex Corporation of Watertown, South Dakota, in the amount of \$434,343.00 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-13

**#2022-244 - Approving Change Order #1 for Water Main Project
2022-W-1 - 18th Street**

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: September 13, 2022

Subject: Change Order #1 for Water Main
Project 2022-W-1 – 18th Street

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Water Main Project 2022-W-1 installed approximately 328 linear feet of 6” diameter ductile iron pipe for water main lowerings in the 18th Street/Park Avenue, 18th Street/Grand Island Avenue and 18th Street/Huston Avenue intersections. The project resolved previously unknown storm sewer and water main conflicts within the three intersections.

Discussion

The original contract was awarded by City Council on March 22, 2022, in the amount of \$156,216.80 to The Diamond Engineering Company of Grand Island, Nebraska.

Additional items were required to complete the project. Three existing water services were encountered within the abandonment areas and needed to be reconnected. Additional water main fittings were installed to maintain required clearances between water main and storm sewer and due to the existing water main being oversized. The total cost for additional items is \$5,075.00.

During the process of constructing the contract, materials were added or deducted to complete the work. Unit prices were provided in the Contract and specified that the contractor be paid on the basis of actual quantity installed, times the Contract’s unit price. A significant portion of this increase was due to the existing water main alignment and location of existing water main joints. Water main tap locations had to be adjusted therefore affecting the amount of slip joint pipe and mechanical joint pipe installed. This total is \$6,310.65.

The original Engineer's estimate was \$200,000.00. The original contract was for \$156,216.80. The total changes to the contract amount to \$11,385.65. This results in a final contract cost of \$167,602.45.

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 Change Order #1 to the Water Main Project 2022-W-1 Contract in the amount of \$11,385.65, for a final contract amount of \$167,602.45.

Sample Motion

Move to approve Change Order #1 with The Diamond Engineering Company to the Water Main Project 2022-W-1 Contract in the amount of \$11,385.65, for a final contract amount of \$167,602.45.

*Working Together for a
 Better Tomorrow, Today.*

CHANGE ORDER #1

NAME OF PROJECT: Water Main Project 2022-W-1, 18TH STREET CONFLICTS

CONTRACTOR: The Diamond Engineering Company
 1521 W. Anna, PO Box 1327
 Grand Island, NE 68802-1327

OWNER: City of Grand Island, NE

THE FOLLOWING MODIFICATIONS TO THE CONTRACT ARE HEREBY ORDERED:

ITEM	DESCRIPTION	BID			INSTALLED		
		QUANTITY	UNIT	Unit Price \$	QUANTITY	UNIT	\$ +/-
D.1.01	6" S.J. D.I. PIPE	195.00	LF	\$140.00	265.10	LF	\$9,814.00
D.1.02	6" M.J. D.I. PIPE (INSTALLATION ONLY)	105.90	LF	\$95.00	62.50	LF	-\$4,123.00
D.1.09	6" SOLID SLEEVE	1.00	EA	\$438.00	0.00	EA	-\$438.00
D.1.10	6" M.J. PLUG	3.00	EA	\$285.00	0.00	EA	-\$855.00
D.1.12	6" RETAINER GLAND	80.00	EA	\$104.00	75.00	EA	-\$520.00
D.1.15	POLYWRAP	300.90	LF	\$2.00	327.60	LF	\$53.40
D.1.16	THRUST BLOCK	5.00	EA	\$327.00	4.00	EA	-\$327.00
D.1.19	DUC-LUGS & REDI-ROD	4.00	SET	\$175.00	0.00	SET	-\$700.00
D.1.20	REMOVE AND DISPOSE EXISTING WATER MAIN	18.00	LF	\$20.00	18.50	LF	\$10.00
D.1.21	REMOVE CURB	173.00	LF	\$2.50	173.30	LF	\$0.75
D.1.22	REPLACE CURB	173.00	LF	\$9.50	173.30	LF	\$2.85
D.1.23	REMOVE CONCRETE ROADWAY	249.20	SY	\$12.00	259.60	SY	\$124.80
D.1.24	REPLACE CONCRETE ROADWAY (47B MODIFIED)	249.20	SY	\$88.00	259.60	SY	\$915.20
D.1.25	REMOVE SIDEWALK	614.00	SF	\$2.00	731.10	SF	\$234.20
D.1.26	REPLACE SIDEWALK	614.00	SF	\$7.50	731.10	SF	\$878.25
D.1.28	SODDING	1,342.50	SF	\$2.60	1,819.50	SF	<u>\$1,240.20</u>
SUBTOTAL D.1.01-D.1.30 (ADD):							\$ 6,310.65

-	2018 W. 18 TH STREET WATER SERVICE RECONNECTION	-	-	\$992.80	1.00	LS	\$992.80
-	1810 N. PARK AVE WATER SERVICE RECONNECTION	-	-	\$2,058.20	1.00	LS	\$2,058.20
-	1814 W. 18 TH STREET WATER SERVICE RECONNECTION	-	-	\$1,072.00	1.00	LS	\$1,072.00
-	6" FOSTER ADAPTOR	-	-	\$410.00	1.00	EA	\$410.00
-	6" ROMAC COUPLING	-	-	\$542.00	1.00	EA	<u>\$542.00</u>
SUBTOTAL ADDITIONAL ITEMS (ADD):							\$ 5,075.00

THIS CHANGE ORDER AMOUNT (ADD): \$ 11,385.65
 ORIGINAL CONTRACT AMOUNT: \$ 156,216.80
REVISED CONTRACT AMOUNT (including this Change Order) \$ 167,602.45

REASONS FOR MODIFICATIONS:

During the process of constructing the contract, materials were added or deducted to complete the work. Unit prices were provided in the Contract and specified that the contractor be paid on the basis of actual quantity installed, times the Contract's unit prices. A significant portion of this increase was due to the existing water main alignment and location of existing water main joints. Water main tap locations had to be adjusted therefore affecting the amount of slip joint pipe and mechanical joint pipe installed. Additional items were required to complete the project. Three existing water services were encountered within the abandonment areas and needed to be reconnected. Additional water main fittings were installed to maintain required clearances between water main and storm sewer and due to the existing water main being oversized.

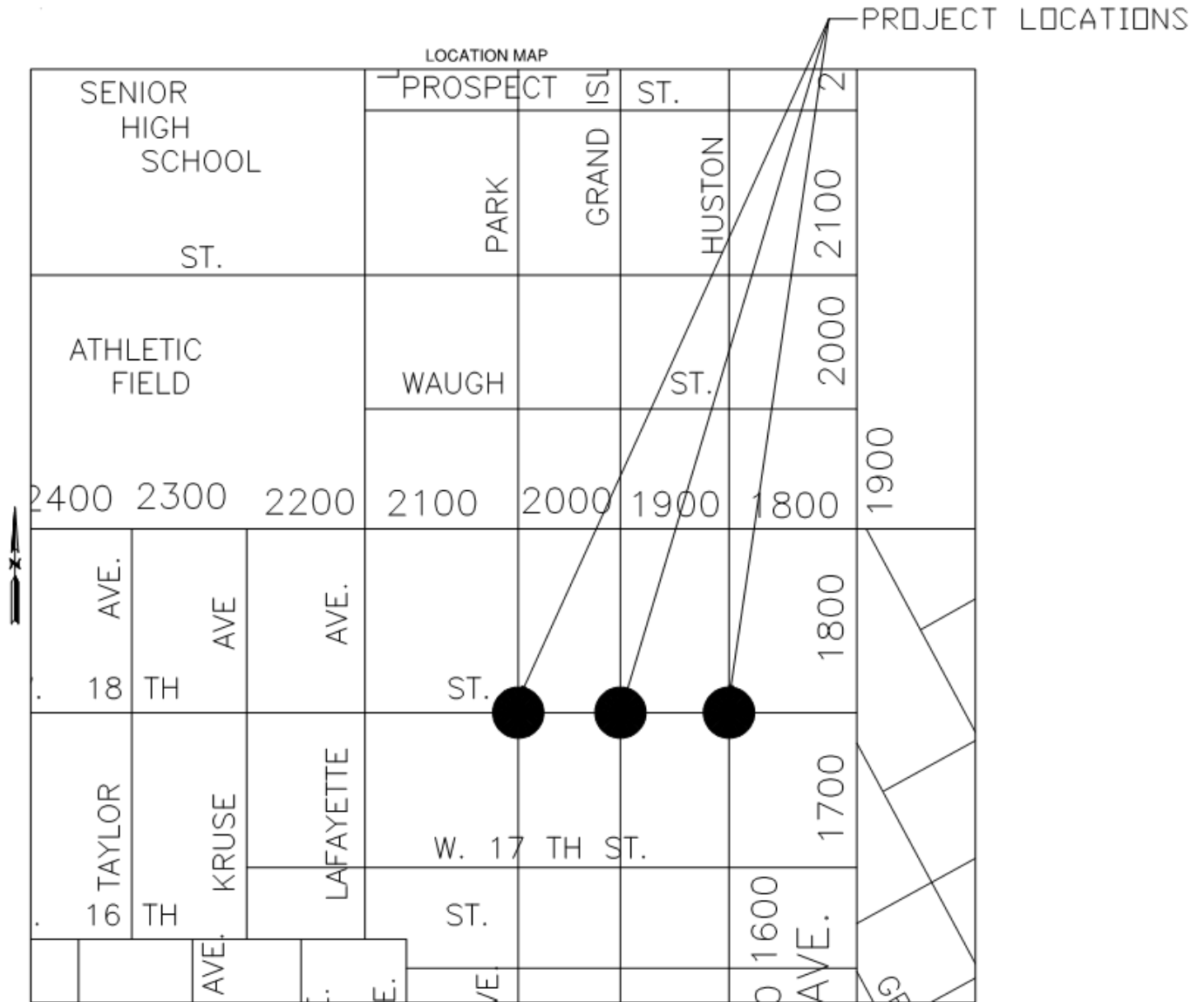
Contractor: _____
The Diamond Engineering Company

Date: _____

Owner: _____
City of Grand Island, NE

Date: _____

WATER MAIN PROJECT 2022-W-1



RESOLUTION 2022-244

WHEREAS, Water Main Project 2022-W-1 installed a 6” diameter ductile iron water main along 18th Street from Park Avenue to Huston Avenue; and

WHEREAS, the original contract was awarded by Council on March 22, 2022, in the amount of \$156,216.80 to The Diamond Engineering Company, of Grand Island, Nebraska; and

WHEREAS, during the process of constructing the water main, materials were added or deducted to complete the work and unit prices were provided in the Contract and specified that the contractor be paid on the basis of actual quantity installed, times the Contract’s unit price; and

WHEREAS, the original contract amount was \$156,216.80, and the total change to the contract amount was \$11,385.65, resulting in a final contract cost of \$167,602.45.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 for the construction of Water Main Project 2022-W-1 in the amount of \$11,385.65, is approved, and the Mayor is hereby authorized to sign the Change Order on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
September 9, 2022	☒ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-14

#2022-245 - Approving Designation of Sole Source for Raw Sewage Pumps at the Wastewater Treatment Plant

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Matt Walker PE, Assistant Public Works Director-
Wastewater

Meeting: September 13, 2022

Subject: Approving Designation of Sole Source for Raw Sewage
Pumps at the Wastewater Treatment Plant

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

There are six (6) total raw sewage pumps located in the Headworks building at the Wastewater Treatment Plant, which are used to pump incoming sewage for treatment. Two (2) of these pumps can run up to six (6) million gallons a day (mgd), with the other four (4) pumps able to run up to ten (10) million gallons a day. The pumps are in two (2) redundant wet wells, with each designed to handle the normal daily influent flow while allowing maintenance to be done on the pumps and ancillary equipment in one (1) wet well at a time.

Due to a large piece of debris going through the pump station one of the 10 mgd raw sewage pumps was damaged beyond repair, thus a replacement is necessary. The replacement pump is needed to keep the redundancy of the pump station in place and to maintain capacity for wet weather events at design levels.

Discussion

Iowa Pump Works of Ankeny, Iowa has a factory refurbished pump on hand for quick placement at the Wastewater Treatment Plant. Iowa Pump Works does have the secured sales territory for Grand Island, letter attached for reference.

The Wastewater Treatment Plant is seeking approval to purchase the refurbished pump from Iowa Pump Works of Ankeny, Iowa in the total amount of \$40,400.00 (\$400.00 is to cover shipping & handling).

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 Raw Sewage Pump purchase from Iowa Pump Works of Ankeny, Iowa in the total amount of \$40,400.00, as well as deeming them sole source provider for such pumps.

Sample Motion

Move to approve the resolution.

Iowa Pump Works Inc.
825 SW Ordnance Road
Ankeny, IA 50023

Date: September 7, 2022

Subject: Iowa Pump Works as exclusive Contracted Sulzer ABS representative for Grand Island, NE

To Whom it May Concern:

The purpose of this letter is to confirm that Iowa Pump Works with main offices located in Ankeny, Iowa and Dundas, Minnesota is an Authorized Distributor for the Sulzer/ABS municipal wastewater collections and treatment markets. In those markets, Iowa Pump Works is the sole authorized distributor for our XFP Pumps, Piranha Grinder Pumps, XRW Mixers, Service and Controls for the State of Nebraska..

Should you have any questions regarding this contracted territory please feel free to contact me.

Sincerely,

Steve Lammey

Steve Lammey
Regional Sales Manager
Municipal Wastewater, U.S. Central Region

SULZER CONFIDENTIAL

RESOLUTION 2022-245

WHEREAS, there are six (6) total raw sewage pumps located in the Headworks building at the Wastewater Treatment Plant, which are used to pump incoming sewage for treatment; and

WHEREAS, the pumps are in two (2) redundant wet wells, with each designed to handle the normal daily influent flow while allowing maintenance to be done on the pumps and ancillary equipment in one (1) wet well at a time; and

WHEREAS, due to a large piece of debris going through the pump station one of the raw sewage pumps was damaged beyond repair, thus a replacement is necessary; and

WHEREAS, the replacement pump is needed to keep the redundancy of the pump station in place and to maintain capacity for wet weather events at design levels; and

WHEREAS, Iowa Pump Works of Ankeny, Iowa has a factory refurbished pump on hand for quick placement at the Wastewater Treatment Plant; and

WHEREAS, Iowa Pump Works does have the secured sales territory for Grand Island; and

WHEREAS, the Wastewater Treatment Plant is seeking approval to purchase the refurbished pump from Iowa Pump Works of Ankeny, Iowa in the total amount of \$40,400.00 (\$400.00 is to cover shipping & handling).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the purchase of the above noted pump, in the total amount of \$40,400.00 from Iowa Pump Works of Ankeny, Iowa is hereby approved.

BE IT FURTHER RESOLVED, that Iowa Pump Works is hereby designated as the sole source provider for the raw sewage pumps at the Wastewater Treatment Plant.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-15

**#2022-246 - Approving Section 5339 Capital Grant Application
and Agreement for the Transit Division of the Public Works
Department- FY 2023**

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Charley Falmlen, Transit Program Manager

Meeting: September 13, 2022

Subject: Approving Section 5339 Capital Grant Application and Agreement for the Transit Division of the Public Works Department- FY 2023

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

Commencing July 1, 2016 public transportation services were led by the City of Grand Island utilizing urban transportation funds from the Federal Transit Administration, and with Hall County participating by utilizing State of Nebraska Rural Transportation funds.

Discussion

The City and State of Nebraska desire to secure and utilize grant funds to purchase buses and related equipment to be used in public transit services throughout the Urbanized Area of Grand Island.

Two (2) vans, which are owned by Hall County, in the current transit fleet are scheduled for replacement. These vans will be removed from the active fleet and kept as backup until such time they are disposed of in coordination with the State of Nebraska.

The request at this time is to purchase two (2) Lowered Floor Minivans, which will be owned by the City, to be used within the public transit service provided through the Urbanized Area of Grand Island. Section 5339 Capital Grant Application and agreement will provide for 80% or \$104,000.00 of such purchases to be paid by Federal funds and 20% or \$26,000 to be paid by the City. The application is attached for review.

A public notice was published in the Grand Island Independent on September 2, 2022.

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 Section 5339 Capital Grant Application and subsequent agreement for the Transit Division of the Public Works Department.

Sample Motion

Move to approve the Application.

Section 5339 Capital Grant Application FY- 2023

General Information

Legal Name of Applicant Organization: Grand Island, City of		
Unique Entity Identifier (UEI) 47-6006205		
Address (include City, State, and Zip Code): 100 E 1st Street, PO Box 1968, Grand Island, NE 68802		
Name of Project Director or Supervisor: Charley Falmlen	Phone No.: 308-646-6571	Email Address: CharleyF@grand-island.com
Name of Person Preparing this Application: Libby Finochiaro	Phone No.: 308-385-5444	Email Address: LibbyF@grandisland.com
Services Generally Provided by Applicant: Demand Response Service		

Demographics

Ethnicity of Clientele	Service Area Population	Percent of Total Service Area Population
Black or African American	1859	3%
Hispanic or Latino	18594	30%
Native Hawaiian or other Pacific Islander	371	0%
Asian	868	1%
Native American or Alaska Native	1240	2%
Non-Minority	39047	63%
Total	61979	100%

Transportation Project

Identify the Geographical Areas to be Served: (Towns, Counties) City of Grand Island Nebraska, Hall County Nebraska
Intended Use: (Check one) <input checked="" type="radio"/> Replace Existing Service <input type="radio"/> Expand Existing Service <input type="radio"/> Start New Service <input type="radio"/> Enhance Existing Service

Capital Assistance

Vehicle(s) Requested

Prioritize Vehicle(s) Requested (1, 2, 3)	No. of Units	Vehicle	Vehicle Cost	Total Cost
		Small Bus	\$92,000	\$
		Seven-Passenger Van *	\$70,000	\$
1	2	Lowered Floor Minivan	\$65,000	\$ 130,000
Total Costs:				\$ 130,000
Total Federal Funds requested (80% of total costs)				\$ 104,000.00
Local Share (20% difference between Federal funds requested and total costs)				\$ 26,000.00

Maintenance of Vehicles

To assure that vehicles acquired with Federal Transit Assistance funds are maintained in optimal operating condition, it is required that they be maintained in accordance with the **vehicle manufacturer's recommended maintenance schedule**. Applicants must verify by certifying below.

Maintenance Certification

The City of Grand Island _____ certifies that vehicles purchased under Section 5339 will be maintained in accordance with detailed maintenance and inspection schedule provided by the manufacturer.

 Roger G. Steele
(Printed Name of Person Signing)

 Mayor
(Title)

(Signature of Authorized Representative)

(Date)

Vehicle Being Replaced (If Applicable)

This vehicle will be taken out of regular service (*can be used as backup*).

Year of Vehicle Being Replaced: _____

(*Vehicle must have been in service for at least four years or has a minimum of 100,000 miles*)

Make: _____

Model: _____

Vehicle Identification No.: _____

Mileage: _____

Vehicle Condition: _____

COMPLETE THE APPLICATION BY SIGNING BELOW.

CERTIFICATION: I hereby certify the information in this application is accurate and, as the authorized official for this project, hereby agree to comply with all provisions of the grant program and all other applicable state and federal laws.

<i>Applicant's Authorized Representative</i>	Mayor <i>Title</i>	<i>Date</i>
--	-----------------------	-------------

RESOLUTION 2022-246

WHEREAS, funds are available through the State of Nebraska to aid the City financially in providing public transit services; and

WHEREAS, the City and State desire to secure and utilize grant funds to purchase buses and related equipment to be used in public transit services throughout the Urbanized Area of Grand Island; and

WHEREAS, the request at this time is to purchase two (2) Lowered Floor Minivans, which will be owned by the City, to be used within the public transit service provided through the Urbanized Area of Grand Island; and

WHEREAS, Section 5339 Capital Grant Application and agreement will provide for 80% or \$104,000.00 of such purchases to be paid by Federal funds and 20% or \$26,000.00 to be paid by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized and directed to sign the Section 5339 Capital Grant Application and subsequent agreement.

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-16

#2022-247 - Approving Acquisition of Public Utility Easements in Grand Island Mall Eighteenth Subdivision- North of State Street; East of US Highway 281

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

Staff Contact: Keith Kurz PE, Interim Public Works Director

RESOLUTION 2022-247

WHEREAS, public utility easements are required by the City of Grand Island, from Grand Island Joint Venture, LLC in Lots 1 and 2 of Grand Island Mall Eighteenth Subdivision and JammaIn, LLC in Lot 3 of Grand Island Mall Eighteenth Subdivision, City of Grand Island, Hall County, Nebraska and more particularly described as follows:

GRAND ISLAND JOINT VENTURE, LLC-

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 20.13 FEET; THENCE S89°06'36"W, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 19.97 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 702 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

AND

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 205.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S88°50'11"W ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 205.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 7175 SQUARE FEET OR 0.16 ACRES MORE OR LESS.

AND

JAMMAIN, LLC-

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S88°50'11"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W, A DISTANCE OF 146.37 FEET; THENCE N88°50'11"E A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°53'24"E ALONG SAID EAST LINE A DISTANCE OF 143.37 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 5122 SQUARE FEET OR 0.12 ACRES MORE OR LESS.

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 such public utility easements from the property owners on the above described tracts of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

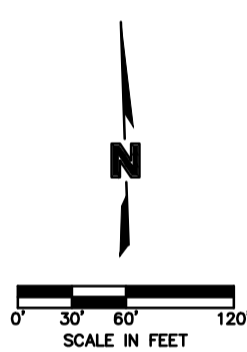
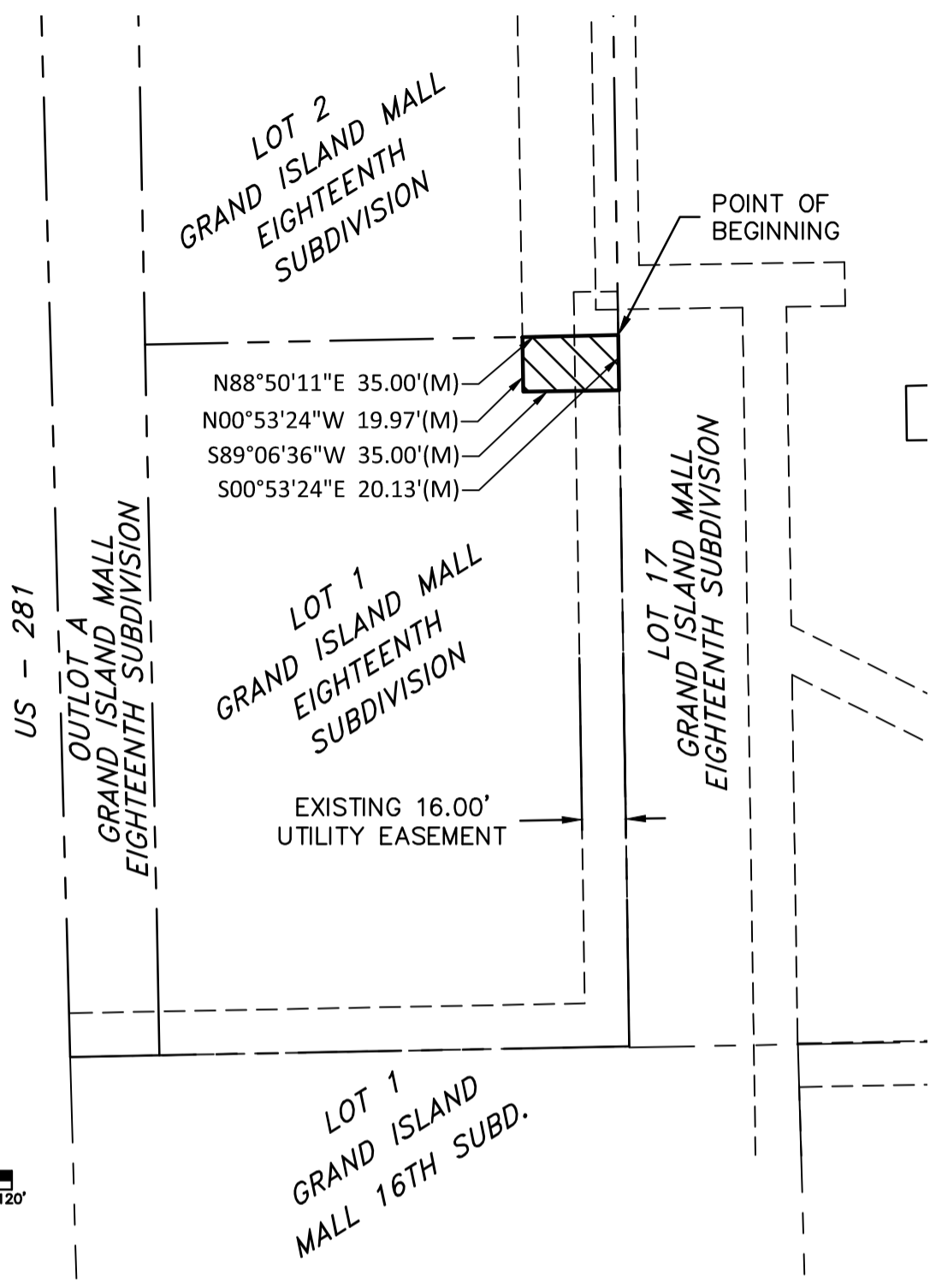
142360_2021 ROW PLAT

142360_FP GI Mall 18th

0142360_P&P SANITARY (RECORD DRAWING)

0142360_PBASE (Record Drawing)

DWG: F:\projects\014-2360\SRVY\EASEMENTS\014-2360_GI MALL EASEMENT 2022.dwg
 DATE: Aug 15, 2022 4:04pm
 USER: jjimenez
 0142360_PBASE (Record Drawing)
 142360_Mall 18thOLD



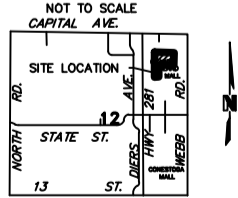
UTILITY EASEMENT DESCRIPTION

A UTILITY EASEMENT LOCATED IN PART OF LOT 1, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 20.13 FEET; THENCE S89°06'36"W, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 19.97 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 702 SQUARE FEET OR 0.02 ACERS MORE OR LESS.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

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

EXHIBIT
1

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

142360_2021 ROW PLAT

142360_FP GI Mall 18th

0142360_P&P SANITARY (RECORD DRAWING)

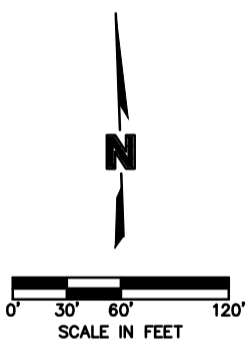
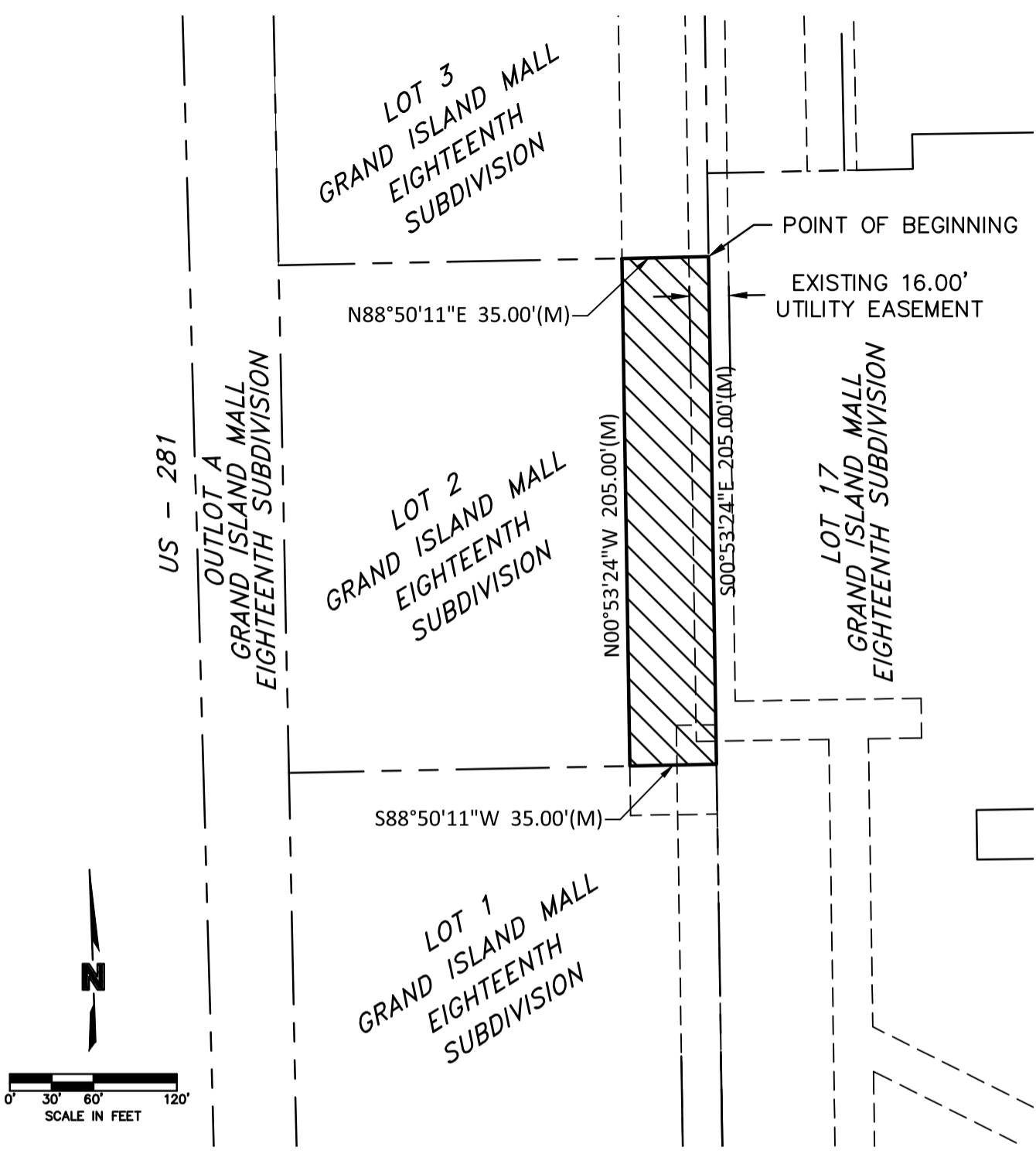
0142360_PBASE (Record Drawing)

USER: jjimenez

0142360_Mall 18thOLD

DWC: F:\projects\014-2360\SRVY\EASEMENTS\014-2360_GI_MALL EASEMENT 2022.dwg

DATE: Aug 15, 2022 4:02pm



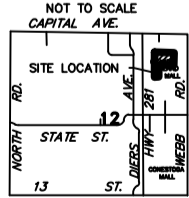
UTILITY EASEMENT DESCRIPTION

A UTILITY EASEMENT LOCATED IN PART OF LOT 2, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S00°53'24"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 205.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S88°50'11"W ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W A DISTANCE OF 205.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE N88°50'11"E ALONG SAID NORTH LINE A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 7175 SQUARE FEET OR 0.16 ACERS MORE OR LESS.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

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

EXHIBIT
1

UTILITY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

142360_2021 ROW PLAT

142360_FP GI Mall 18th

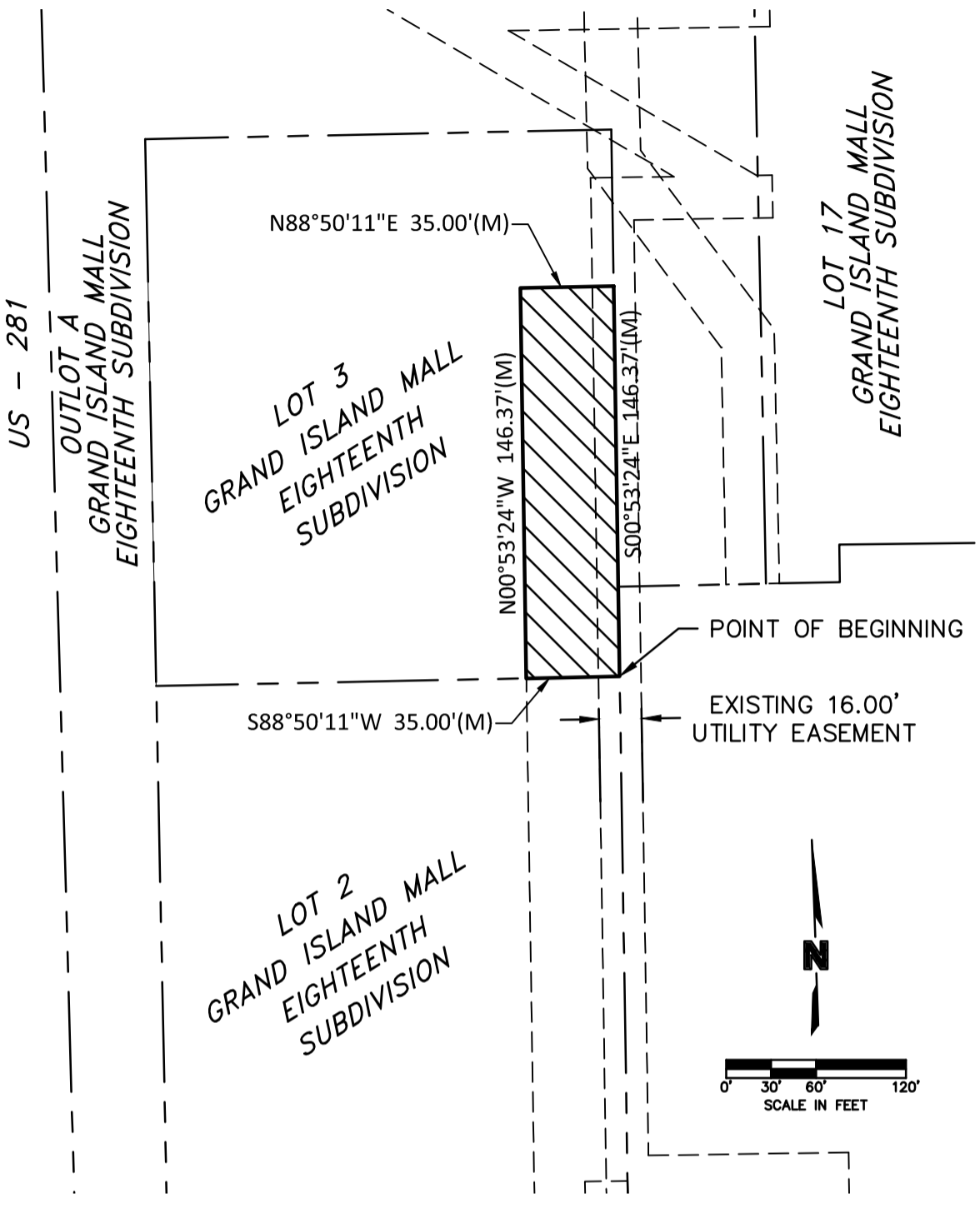
0142360_P&P SANITARY (RECORD DRAWING)

0142360_PBASE (Record Drawing)

0142360_Mall 18thOLD

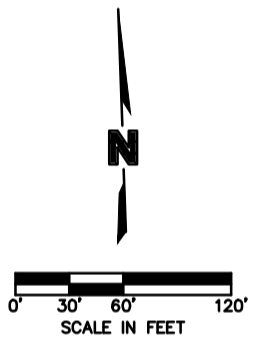
014-2360_GI MALL EASEMENT 2022.dwg

USER: jjimenez
DATE: Aug 15, 2022 4:00pm



UTILITY EASEMENT DESCRIPTION

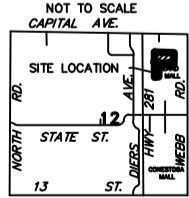
A UTILITY EASEMENT LOCATED IN PART OF LOT 3, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, GRAND ISLAND MALL EIGHTEENTH SUBDIVISION; THENCE ON AN ASSUMED BEARING OF S88°50'11"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 35.00 FEET; THENCE N00°53'24"W, A DISTANCE OF 146.37 FEET; THENCE N88°50'11"E A DISTANCE OF 35.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°53'24"E ALONG SAID EAST LINE A DISTANCE OF 143.37 FEET TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 5122 SQUARE FEET OR 0.12 ACERS MORE OR LESS.



LEGEND

- PROPERTY LINE
- UTILITY EASEMENT AREA

LOCATION MAP



PROJECT NO:	014-2360
DRAWN BY:	TRE
DATE:	05/26/2022

UTILITY EASEMENT

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

EXHIBIT
1



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-17

**#2022-248 - Approving Increase to the City's Share of
Improvements to US Highway 30 Bridges in Grand Island; Project
No. NH-30-4(162); Control No. 42776**

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: September 13, 2022

Subject: Approving Increase to the City's Share of Improvements to US Highway 30 Bridges in Grand Island; Project No. NH-30-4(162); Control No. 42776

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

On February 26, 2019 the Grand Island City Council, via Resolution No. 2019-78, approved the agreement between the City and Nebraska Department of Transportation (NDOT) for the improvements to US Highway 30 bridges at the junction of US Highway 30 and US Highway 281/North 2 and from the intersection of US Highway 30 and Old Lincoln Highway east to the intersection of US Highway 30 and Grant Street.

Improvements to this stretch of roadway consist of:

- Repairing and milling the existing roadway and resurfacing with asphalt;
- Replacing approaches, remodeling abutments and wing walls, replacing or constructing median barrier, and sidewalk overlay, as well as other necessary repairs.

The total cost of work within City limits was originally estimated to be 1,842,000.00, with the City's share at \$213,200.00. The City of Grand Island will pay 10% of the construction for the roadway improvements, and 50% of the construction costs for the pedestrian detour, as well as 5% of the construction engineering services, calculated at 5% of the City's total construction costs.

Discussion

The total construction contract was awarded to Iowa Civil Contracting, Inc. by NDOT in the amount of \$2,395,446.29, with a 2% contingency (\$47,908.93) factored in for a total possible construction amount of \$2,443,355.22. The City's share of construction costs for the improvements is \$297,496.61, with an additional \$14,874.83 to cover construction engineering. With project contingencies and construction engineering the City's share has increased from the estimated \$213,200.00 to \$312,371.44. The NDOT invoice for this project has been attached for review.

At this time the City has paid \$150,645.85 towards the amount owed.

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 increase of the City's share for the US Highway 30 Bridges in Grand Island; Project No. NH-30-4(162); Control No. 42776 with the Nebraska Department of Transportation, for a total amount of \$312,371.44.

Sample Motion

Move to approve the resolution.

INVOICE

TO: CITY OF GRAND ISLAND
C/O CITY CLERK
P.O. BOX 1968
GRAND ISLAND NE 68802

Billing Address:
Nebraska Department of Transportation
c/o Controller Division
PO Box 94759
Lincoln NE 68509-4759

DATE
08-25-2022

ACCOUNT NUMBER
G7500

INVOICE NUMBER
0646253

COST DESCRIPTION

COST

PROJECT NO. NH-30-4(162)
CONTROL NO. 42776
AGREEMENT NO. XL1909
IN GRAND ISLAND BRIDGES

SEE ATTACHED FOR DETAILS

AMOUNT DUE THIS INVOICE \$ 161,725.59

161,725.59

CONTACT M BOHUSLAVSKY AT 402-479-4305 WITH ANY QUESTIONS

PREPARED BY:

S WURSTER

DESCRIPTION

NH 30-4(162)

PAY THIS AMOUNT

161,725.59

DETACH THIS PORTION AND RETURN WITH A PAYMENT

08-25-2022

DATE OF INVOICE

TERMS

This amount is due
upon receipt of this
invoice

Make Checks Payable to & Mail to:

CITY OF GRAND ISLAND

CUSTOMER NAME

Nebraska Dept. of Transportation

c/o Controller Division
PO Box 94759
Lincoln NE 68509-4759

SPD NUMBER

INVOICE NUMBER
0646253

ACCOUNT NUMBER
G7500

AMOUNT
161,725.59

Page

INVOICE SUPPORT DETAIL

Responsible Party: City of Grand Island
Project No. NH 30-4(162)
Control No. 42776
Agreement No. XL1909
Expenses Thru: August 11, 2022
Description: In Grand Island Bridges
Invoice: 0646253

Work Phase	Total Expenses	City Funding Percent	City Costs Share
Construction:			
Iowa Civil Contracting, Inc.			
Construction Contract	2,265,149.50		
Plus Contingencies	2% <u>45,302.99</u>		
City Share	2,310,452.49	10%	231,045.25 ✓
Construction Contract	130,296.79		
Plus Contingencies	2% <u>2,605.94</u>		
City Share	132,902.73	50%	66,451.36 ✓
Construction Engineering:			
Construction Engineering	297,496.61	5%	14,874.83 ✓
City Cost Share			<u>312,371.44</u>
Less Previous Invoices Issued			<u>(150,645.85) ✓</u>
Amount Due This Invoice			\$ 161,725.59 ✓

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Z:\Bul & Finance\W\ry\Invoice Template\Dist\rc14\CW 42776 (8-25-22).xls\City

RESOLUTION 2022-248

WHEREAS, the Grand Island City Council approved Resolution No. 2019-78 on February 26, 2019, which provided for the City to cost share with the Nebraska Department of Transportation (NDOT) in improving US Highway 30 bridges at the junction of US Highway 30 and US Highway 281/North 2 and from the intersection of US Highway 30 and Old Lincoln Highway east to the intersection of US Highway 30 and Grant Street; and

WHEREAS, such improvements consist of repairing and milling the existing roadway and resurfacing with asphalt; and replacing approaches, remodeling abutments and wing walls, replacing or constructing median barrier, and sidewalk overlay, as well as other necessary repairs; and

WHEREAS, the City's share was originally estimated to be \$213,200.00; and

WHEREAS, the total construction contract was awarded to Iowa Civil Contracting, Inc. by Nebraska Department of Transportation (NDOT) in the amount of \$2,395,446.29 with a 2% contingency (\$47,908.93) factored in for a total possible construction amount of \$2,443,355.22; and

WHEREAS, the City's share of construction costs for the improvements is now \$297,496.61, with an additional \$14,874.83 to cover construction engineering; resulting in the City's share increasing to a total of \$312,371.44.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City's share of \$312,371.44 for such roadway improvements is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-18

#2022-249 - Approving Acquisition of Public Right-of-Way for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 (Staab Brothers Partnership- 1810 N Diers Avenue)

This item relates to the aforementioned Public Hearing item E-3.

Staff Contact: Keith Kurz PE, Interim Public Works Director

RESOLUTION 2022-249

WHEREAS, public right-of-way is required by the City of Grand Island for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4, from property described as follows:

<i>Property Owner</i>	<i>Legal Description</i>	<i>Amount</i>
STAAB BROTHERS PARTNERSHIP	A TRACT OF LAND CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN INSTRUMENT NO. 93-108517, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF DIERS AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°28'55"W ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 344.28 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 68.63 FEET; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING N86°40'23"E FOR A DISTANCE OF 27.93 FEET; THENCE N89°28'55"E ALONG A LINE BEING 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING N83°02'13"E FOR A DISTANCE OF 48.27 FEET; THENCE N76°35'31"E A DISTANCE OF 8.27 FEET; THENCE N46°35'31"E A DISTANCE OF 21.08 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUTNER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 09°26'41", AN ARC LENGTH OF 46.16 FEET AND A CHORD BEARING S25°47'28"E FOR A DISTANCE OF 46.10 FEET; THENCE CONTINUING ALONG SAID WEST R.O.W. LINE S30°49'40"E A DISTANCE OF 57.82 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 23,122 SQUIRE FEET MORE OR LESS.	\$234,460.00

Total= \$234,460.00

WHEREAS, an agreement for the public right-of-way has been reviewed and approved by the City Legal Department.

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 enter into the Agreement for the public right-of-way on the above

Approved as to Form <input type="checkbox"/> _____ September 9, 2022 <input type="checkbox"/> City Attorney
--

described tract of land.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

RIGHT-OF-WAY

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
TRACT NO. 7
DIERS AVENUE / CLAUDE ROAD PAVING IMPROVEMENTS

LOT 2,
TOUKAN 2ND SUBD.
(NOT A PART)

LOT 3 & N. 140' LOT 4,
TOUKAN 2ND SUBD.
INST. NO. 93-108517

R=280.00'(M&P)
 $\Delta=029^{\circ}59'26''$
L=146.56'(M), 146.61'(P)
CB=S15°31'06"E
CH=144.89'(M), 144.94'(P)

N46°35'31"E 21.08'
N76°35'31"E 8.27'
R=285.00'
 $\Delta=005^{\circ}37'03''$
L=27.94'
CB=N86°40'23"E
CH=27.93'

R=215.00'
 $\Delta=012^{\circ}53'24''$
L=48.37'
CB=N83°02'13"E
CH=48.27'

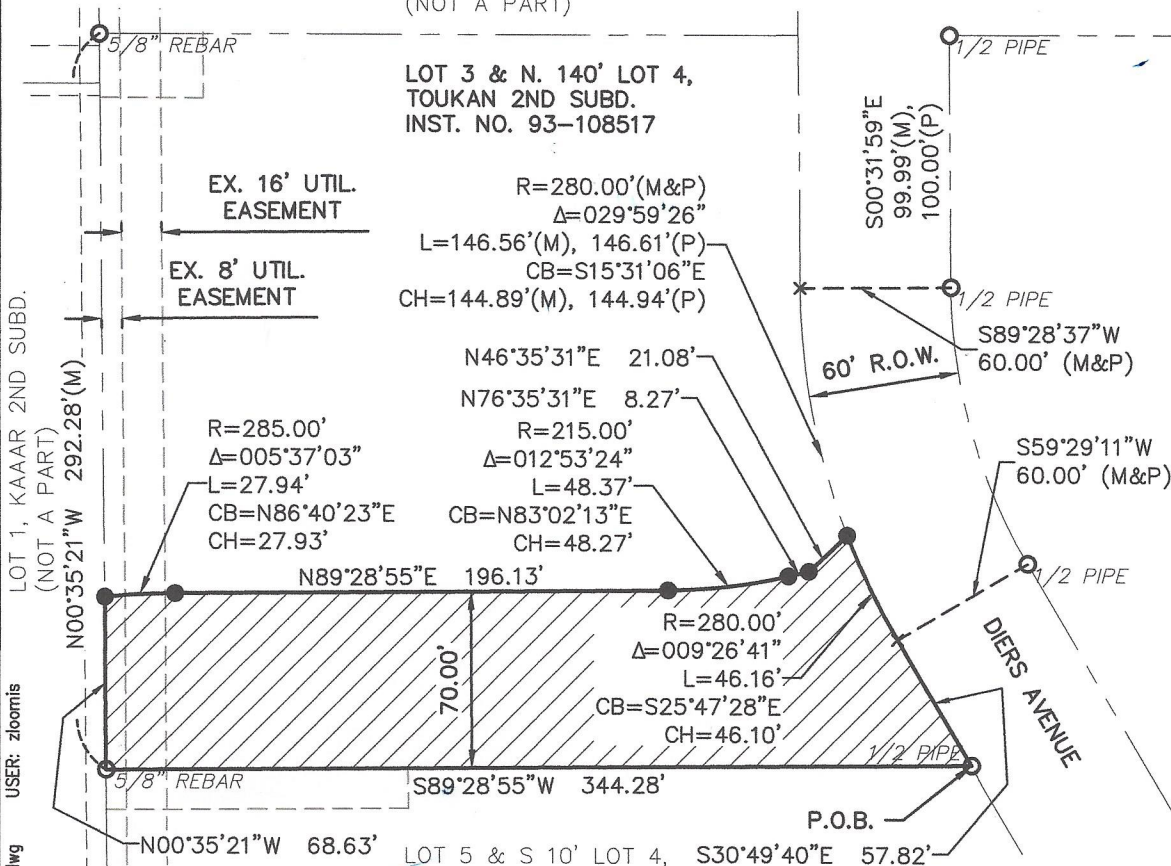
N89°28'55"E 196.13'

R=280.00'
 $\Delta=009^{\circ}26'41''$
L=46.16'
CB=S25°47'28"E
CH=46.10'

S89°28'55"W 344.28'

N00°35'21"W 68.63'

LOT 5 & S 10' LOT 4,
TOUKAN 2ND SUBD.
(NOT A PART)
S30°49'40"E 57.82'



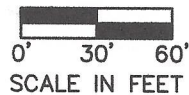
LOT 1, KAAAR 2ND SUBD. (NOT A PART)
N00°35'21"W 292.28'(M)
N00°35'21"W 68.63'

USER: zboomis

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DATE: May 04, 2022 12:53pm
XREFS: V_XRWAY_LDP_02107494 V_XTOPO_LDP_02107494

LEGEND

- SET CORNER (5/8"x24" REBAR W/CAP)
- FOUND CORNER (AS NOTED)
- X CALCULATED POINT
- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE
- RIGHT OF WAY BOUNDARY LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE



olsson

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

EXHIBIT
1

RIGHT-OF-WAY

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA
TRACT NO. 7

DIERS AVENUE / CLAUDE ROAD PAVING IMPROVEMENTS

LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INST. NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN INST. NO. 93-108517, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF DIERS AVENUE AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°28'55"W ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 344.28 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 68.63 FEET; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING N86°40'23"E FOR A DISTANCE OF 27.93 FEET; THENCE N89°28'55"E ALONG A LINE BEING 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING N83°02'13"E FOR A DISTANCE OF 48.27 FEET; THENCE N76°35'31"E A DISTANCE OF 8.27 FEET; THENCE N46°35'31"E A DISTANCE OF 21.08 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 09°26'41", AN ARC LENGTH OF 46.16 FEET AND A CHORD BEARING S25°47'28"E FOR A DISTANCE OF 46.10 FEET; THENCE CONTINUING ALONG SAID WEST R.O.W. LINE S30°49'40"E A DISTANCE OF 57.82 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 23,122 SQUARE FEET MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____ UNDER MY PERSONAL SUPERVISION, I COMPLETED AN ACCURATE SURVEY OF A TRACT OF LAND BEING PART OF LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING SURVEY RECORD THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED WERE FOUND OR PLACED AT ALL PROPERTY CORNERS; THAT THE DIMENSIONS OF THE TRACT ARE AS SHOWN ON THE SURVEY RECORD; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST
NEBRASKA REGISTERED LAND SURVEYOR NO. LS-630

DWG: F:\2021\07001-07500\021-07494\40-Design\Exhibits\ROW & Easement Exhibits\Tract 7 ROW_02107494.dwg
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V_XTOPO_LDP_02107494
USER: zboomis

olsson

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

EXHIBIT

1



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-19

#2022-250 - Approving Temporary Construction Easement for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 (Staab Brothers Partnership- 1810 N Diers Avenue)

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: September 13, 2022

Subject: Approving Temporary Construction Easement for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 (Staab Brothers Partnership- 1810 N Diers Avenue)

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

The Claud Road; Faidley Avenue to State Street project is for the addition and improvement of several roadways in the City of Grand Island. It is anticipated that these projects will occur over several years at a pace dictated by budgets, development growth and need. A Claude Road extension from just north of Faidley Avenue to State Street is the major focus of this project. It is desired to build this roadway and several connections to Diers Avenue guided by an existing City of Grand Island concept plan. This project will allow for improvements to the Diers Avenue corridor intended to control access and improve traffic performance and safety. These Diers Avenue improvements are the second component to this project. Also associated with this project is the potential for improvements to the Highway 281 and 30 corridors adjacent to the other project areas. These improvements would focus on creating north and southbound left-turn lane offsets as well as right turn lanes to exit from the highway. This portion of the project would involve potential application of NDOT safety funds and would involve coordination with NDOT throughout the project.

The Public Works Department is proposing a concrete curb and gutter roadway section along with sidewalk, traffic control, drainage and all other associated improvements needed to complete the project.

A temporary construction easement is needed to accommodate the construction activities for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4, which must be approved by City Council. The temporary construction easement will allow for the roadway improvements to this area.

A sketch is attached to show the temporary construction easement area.

Discussion

A temporary construction easement is needed for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4 to be constructed.

Engineering staff of the Public Works Department negotiated with the property owner for use of such temporary construction easement area.

<i>Property Owner</i>	<i>Legal Description</i>	<i>Cost</i>
STAAB BROTHERS PARTNERSHIP	<p>A TEMPORARY EASEMENT CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN INSTRUMENT NO. 93-108517; THENCE ON AN ASSUMED BEARING OF N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE NORTH LINE OF PROPOSED ROAD RIGHT-OF-WAY (R.O.W.), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE N00°35'21"W A DISTANCE OF 28.87 FEET; THENCE N89°28'55"E A DISTANCE OF 215.07 FEET; THENCE N00°27'56"E A DISTANCE OF 29.87 FEET; THENCE S89°32'04"E A DISTANCE OF 69.49 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 07°23'44", AN ARC LENGTH OF 36.14 FEET AND A CHORD BEARING S17°22'16"E FOR A DISTANCE OF 36.12 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE NORTH LINE OF PROPOSED ROAD R.O.W.; THENCE S46°35'31"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 21.08 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S76°35'31"W A DISTANCE OF 8.27 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTH LINE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING S83°02'13"W FOR A DISTANCE OF 48.27 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S89°28'55"W A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG</p>	\$44,710.00

	<p>SAID NORTH LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING S86°40'23"W FOR A DISTANCE OF 27.93 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY EASEMENT CONTAINS 9,926 SQUARE FEET MORE OR LESS.</p>	
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Total= \$44,710.00

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 Temporary Construction Easement between the City of Grand Island and the affected property owner for Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4, in the total amount of \$44,710.00.

Sample Motion

Move to approve the temporary construction easement.

RESOLUTION 2022-250

WHEREAS, a temporary construction easement is required by the City of Grand Island, from property described below to construct Claude Road; Faidley Avenue to State Street; Project No. 2022-P-4:

<i>Property Owner</i>	<i>Legal Description</i>	<i>Cost</i>
STAAB BROTHERS PARTNERSHIP	<p>A TEMPORARY EASEMENT CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN INSTRUMENT NO. 93-108517; THENCE ON AN ASSUMED BEARING OF N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE NORTH LINE OF PROPOSED ROAD RIGHT-OF-WAY (R.O.W.), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE N00°35'21"W A DISTANCE OF 28.87 FEET; THENCE N89°28'55"E A DISTANCE OF 215.07 FEET; THENCE N00°27'56"E A DISTANCE OF 29.87 FEET; THENCE S89°32'04"E A DISTANCE OF 69.49 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 07°23'44", AN ARC LENGTH OF 36.14 FEET AND A CHORD BEARING S17°22'16"E FOR A DISTANCE OF 36.12 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE NORTH LINE OF PROPOSED ROAD R.O.W.; THENCE S46°35'31"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 21.08 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S76°35'31"W A DISTANCE OF 8.27 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTH LINE AROUND A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING S83°02'13"W FOR A DISTANCE OF 48.27 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S89°28'55"W A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTH LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING S86°40'23"W FOR A DISTANCE OF 27.93 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY EASEMENT CONTAINS 9,926 SQUARE FEET MORE OR LESS.</p>	\$44,710.00

Total= \$44,710.00

Approved as to Form <input type="checkbox"/> _____ September 9, 2022 <input type="checkbox"/> City Attorney
--

WHEREAS, such Temporary Construction easement has been reviewed and approved by the City Legal Department.

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 compensate the affected property owner for the Temporary Construction easement on the above described tract of land.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

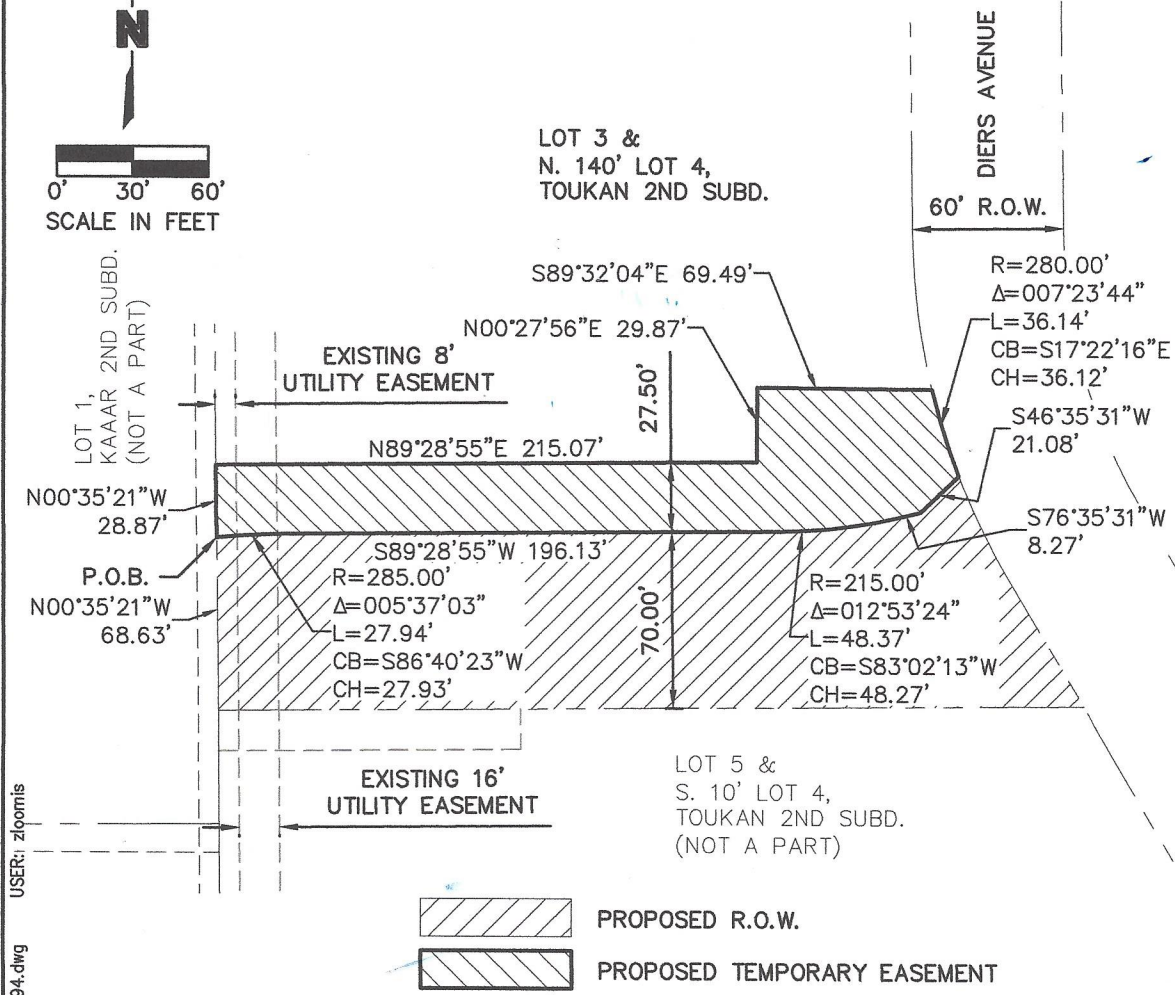
RaNae Edwards, City Clerk

TEMPORARY EASEMENT

CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

TRACT NO. 7

DIERS AVENUE / CLAUDE ROAD PAVING IMPROVEMENTS



USER: zlpomis
 DWG: F:\2021\07001-07500\021-07494-40-Design\Exhibits\ROW & Easement Exhibits\TRACT 7 TE_02107494.dwg
 DATE: May 05, 2022 6:58am
 XREFS: V_XRWAY_LDP_02107494

EASEMENT DESCRIPTION

A TEMPORARY EASEMENT CONSISTING OF PART OF A PARCEL DESCRIBED IN WARRANTY DEED INST. NO. 93-108517, BEING LOT 3 AND THE NORTH 140 FEET OF LOT 4 OF TOUKAN SECOND SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN INST. NO. 93-108517; THENCE ON AN ASSUMED BEARING OF N00°35'21"W ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE NORTH LINE OF PROPOSED ROAD RIGHT-OF-WAY (R.O.W.), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE N00°35'21"W A DISTANCE OF 28.87 FEET; THENCE N89°28'55"E A DISTANCE OF 215.07 FEET; THENCE N00°27'56"E A DISTANCE OF 29.87 FEET; THENCE S89°32'04"E A DISTANCE OF 69.49 FEET TO A POINT ON THE WEST R.O.W. LINE OF DIERS AVENUE; THENCE ALONG SAID WEST R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 280.00 FEET, A DELTA ANGLE OF 07°23'44", AN ARC LENGTH OF 36.14 FEET AND A CHORD BEARING S17°22'16"E FOR A DISTANCE OF 36.12 FEET TO THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE AND THE NORTH LINE OF PROPOSED ROAD R.O.W.; THENCE S46°35'31"W ALONG SAID NORTH R.O.W. LINE A DISTANCE OF 21.08 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S76°35'31"W A DISTANCE OF 8.27 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTH LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 215.00 FEET, A DELTA ANGLE OF 12°53'24", AN ARC LENGTH OF 48.37 FEET AND A CHORD BEARING S83°02'13"W FOR A DISTANCE OF 48.27 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S89°28'55"W A DISTANCE OF 196.13 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID NORTH LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 285.00 FEET, A DELTA ANGLE OF 05°37'03", AN ARC LENGTH OF 27.94 FEET AND A CHORD BEARING S86°40'23"W FOR A DISTANCE OF 27.93 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY EASEMENT CONTAINS 9,926 SQUARE FEET MORE OR LESS.

	201 East 2nd Street Grand Island, NE 68801 TEL 308.384.8750	EXHIBIT
		1



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-20

**#2022-251 - Approving Assistance to Firefighters Grant Program
for the Purchase of SCBAs**

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Cory Schmidt, Fire Chief
Meeting: September 13, 2022
Subject: Approving Assistance to Firefighter Grant
Presenter(s): Cory Schmidt, Fire Chief

Background

The Grand Island Fire Department (GIFD) utilizes self-contained breathing apparatus (SCBA) to supply safe breathing air to firefighters while they are working in atmospheres that are immediately dangerous to life and health. The current SCBAs in use are over 15 years old and in need of replacement. Due to budget challenges, the decision was made to apply for an Assistance to Firefighters Grant to help with the cost.

Discussion

The GIFD applied for a grant from the Assistance to Firefighters Grant program on January 21, 2022 to assist with the purchase of SCBAs. On August 31, 2022, the GIFD was notified that an AFG was awarded in the amount of \$352,545.45. Fire administration is requesting Council's approval to accept the grant. In addition to the grant funds, the City will have approximately \$150,000 in additional expense to purchase SCBAs for the fire department. The purchase of new SCBAs was included in the GIFD's capital budget request for FY 2022-23.

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 accept the grant from the Assistance to Firefighter Grant program for the purchase of SCBAs.

Sample Motion

Move to approve acceptance of the grant from the Assistance to Firefighters Grant program for the purchase of SCBAs.

RESOLUTION 2022-251

WHEREAS, the Grand Island Fire Department (GIFD) utilizes self-contained breathing apparatus (SCBA) to supply safe breathing air to firefighters; and

WHEREAS, the current SCBAs used by the GIFD are over 15 years old and need replaced; and

WHEREAS, on January 21, 2022, fire administration applied for a grant through the Assistance to Firefighters Grant program to help cover the cost of new SCBAs; and

WHEREAS, on August 31, 2022 the GIFD was notified of a pending grant award in the amount of \$352,545.45.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, move to approve the acceptance of the grant from the Assistance to Firefighters Grant program in the amount of \$352,545.45 for the purchase of SCBAs.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-21

#2022-252 - Approving Purchase of SCBAs

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Cory Schmidt, Fire Chief
Meeting: September 13, 2022
Subject: Purchase of SCBAs
Presenter(s): Cory Schmidt, Fire Chief

Background

The Grand Island Fire Department (GIFD) utilizes self-contained breathing apparatus (SCBA) to supply safe breathing air to firefighters while they are working in atmospheres that are immediately dangerous to life and health. The current SCBAs in use are over 15 years old and in need of replacement.

Discussion

The GIFD requests Council approval to purchase 57 SCBAs, 114 air bottles, 76 facepieces, 4 RIT packs, and other related accessories to replace their current outdated units. A committee of GIFD members identified MSA as the preferred SCBA manufacturer based on quality, features, warranty, and service after the sale. The GIFD utilized the HGAC buying group to solicit a competitive bid from MSA Safety Sales LLC of Cranberry Township, PA for the amount of \$499,843.20. The GIFD's FY 2022-23 capital budget included budget authority of \$525,000 for the purchase of SCBAs. Due the \$352,545.45 grant from FEMA's Assistance to Firefighters Grant program, the City's total cost will be approximately \$150,000.

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 approved the purchase of SCBAs and related equipment from MSA Safety Sales LLC of Cranberry Township, PA for the amount of \$499,843.20.

Sample Motion

Move to approve the purchase of SCBAs and related equipment from MSA Safety Sales LLC of Cranberry Township, PA for the amount of \$499,843.20.



CONTRACT PRICING WORKSHEET
For Standard Equipment Purchases

Contract No.:

EE-0819

Date Prepared:

8/11/2022

*This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.*

Buying Agency:	GRAND ISLAND FIRE DEPARTMENT	Contractor:	MSA
Contact Person:	TIM HIEMER	Prepared By:	STEVE EARLE
Phone:	(308) 385-5311	Phone:	314-607-6849
Fax:		Fax:	
Email:	THIEMER@GRAND-ISLAND.COM	Email:	STEVE.EARLE@MSASAFETY.COM

Product Code:	Description:	MSA G1 SCBA PURCHASE
---------------	--------------	----------------------

A. Product Item Base Unit Price Per Contractor's H-GAC Contract:

B. Published Options - Itemize below - Attach additional sheet if necessary - Include Option Code in description if applicable
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
A-G1FS-422MA2COLAR (X57) - G1 SCBA	338374.8		
10156424-SP - (x114) G1 SCBA cylinder - 4500/45 min	90674.46		
10161810 - (x76) G1 face piece - medium	29260		
10147841-SP (x10) G1 Lion reachrgeable battery-Accessory	4064.9		
10158385 (x4) - Charging station - Accessory	3149.36		
10207542 - (x4) -RescueAire 2 RIT pack, UEBSS-Accessory	18325.28		
10156426-SP (x4) - G1 SCBA cylinder - 4500/60 min.	5000		
10192834 - (x8) Premaire Cadet - Configured - Accessory	10994.4		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	499843.2

C. Unpublished Options - Itemize below - Attach additional sheet if necessary
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	
		Subtotal C:	0

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 0%

D. Total Cost before any other applicable Charges, Trade-Ins, Allowances, Discounts, Etc. (A+B+C)

Quantity Ordered:		X Subtotal of A + B + C:	499843.2	=	Subtotal D:	0
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E. Other Charges, Trade-Ins, Allowances, Discounts, Etc.

Description	Cost	Description	Cost
		Subtotal E:	0

Delivery Date: _____ **F. Total Purchase Price (D+E):** 0

RESOLUTION 2022-252

WHEREAS, the Grand Island Fire Department (GIFD) utilizes self-contained breathing apparatus (SCBA) to supply safe breathing air to firefighters; and

WHEREAS, the current SCBAs used by the GIFD are over 15 years old and need replaced; and

WHEREAS, GIFD personnel identified MSA as the preferred manufacturer of SCBAs based on quality, features, warranty, and service after the sale; and

WHEREAS, the HGAC buying group was utilized to locate a competitive bid;

WHEREAS, MSA Safety Sales LLC of Cranberry Township, PA was the chosen vendor for the SCBAs, spare bottles, facepieces, and accessories for a total cost of \$499,843.20.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, move to approve the purchase of SCBAS, spare bottles, facepieces, and accessories from MSA Safety Sales LLC of Cranberry Township, PA for a cost of \$499,843.20.

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-22

#2022-253 - Approving Memorandum of Understanding to the Labor Contract between the City of Grand Island and the Fraternal Order of Police Grand Island Lodge No. 24 Bargaining Unit

Staff Contact: Aaron Schmid, Human Resources Director

Council Agenda Memo

From: Aaron Schmid, Human Resources Director

Meeting: September 13, 2022

Subject: Consideration of Approving Memorandum of Understanding to the Labor Contract between the City of Grand Island and the Fraternal Order of Police (FOP) Grand Island Lodge No. 24 Bargaining Unit

Presenter(s): Aaron Schmid, Human Resources Director

Background

The City Of Grand Island (City) maintains a labor agreement with the Fraternal Order of Police (FOP) Grand Island Lodge No. 24. Proposed changes to the labor agreement must be mutually agreed upon between the City and the Union.

In December of last year, Council approved a referral incentive for existing Officers who successfully recruit applicants. The referral program offers a \$300 incentive towards the referral of one non-certified applicant that makes the Civil Service eligibility list. A \$500 incentive for the referral of two or more non-certified applicants that make the eligibility list. A \$500 incentive for the referral of one or more certified applicants the make the eligibility list. Lastly, a \$1,700 incentive if one or more of the referred applicants is hired.

Discussion

The staffing of Police Officers at the Grand Island Police Department continues to be an issue. While positions are being filled, turnover is outpacing recruitment.

The Police Department and FOP would like to continue the referral incentive program to run concurrent with the new labor agreement. The labor agreement runs from October 1, 2022 through September 30, 2025. The referral incentive has been beneficial. We have seen an increase in quality applicants and now certified applicants. In the May 2022 testing cycle, three non-certified applicant referrals made the eligibility list and two non-certified candidates were hired. In the August 2022 testing cycle, four non-certified applicant referrals and two certified applicant referrals made the eligibility list. Employment offers are still in process in the current cycle.

Alternatives

It appears 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

The City Administration recommends approval of the Memorandum of Understanding to the Labor Contract between the City of Grand Island and the Fraternal Order of Police (FOP) Grand Island Lodge No. 24 Bargaining Unit.

Sample Motion

Move to approve the MOU to the Labor Contract between the City and the FOP.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) between the City of Grand Island, Nebraska (City), and the Fraternal Order of Police Grand Island Lodge No. 24 (FOP) sets forth terms and conditions agreed to by the parties as follows:

I.

The parties agree the present labor agreement (Labor Agreement) between the City and FOP for those employees of the City's Police Department represented by the FOP remains in effect for the period previously negotiated by the parties, that being through September 30, 2025.

The parties agree this MOU does not alter the terms of the Labor Agreement or make those terms subject to renegotiation before the expiration (September 30, 2025) without a separate written agreement between the parties memorializing such.

The parties agree this MOU only affects the provisions contained herein, temporarily alters certain provisions regarding referral incentives as stated below, those alterations are of an experimental nature with the consent of the parties, and any permanent alterations will require a formal amendment of the Labor Agreement with approval of the parties.

II.

The terms of the MOU will commence upon City Council approval and end on September 30, 2025.

III.

Either party may terminate the MOU with or without cause by providing written notice to the other party at least thirty (30) days prior to the date of termination.

IV.

The following provisions of the Labor Agreement shall be altered for the period this MOU is in effect. Alterations pursuant to this MOU will be in *italics* and **bold** faced type. The alterations listed below are not of a permanent nature, are only in effect while the MOU is in effect, and do not make the terms listed below or any of the terms contained in the Labor Agreement subject to renegotiation.

ARTICLE VIII - SPECIAL PAY

D. REFERRAL INCENTIVE

The department shall use a referral incentive to award employees of the bargaining unit who successfully bring new talent into the department by helping to recruit Police Officer positions. The following details the terms of the incentive.

A three hundred dollar (\$300) incentive for the referral of one (1) non-certified applicant that is placed on the Civil Service Commission's list of persons eligible for appointment in the hiring cycle.

A five hundred dollar (\$500) incentive for the referral of two or more (2+) non-certified applicants that are placed on the Civil Service Commission's list of persons eligible for appointment in the hiring cycle.

A five hundred dollar (\$500) incentive for the referral of one or more (1+) certified Police Officer applicants that are placed on the Civil Service Commission's list of persons eligible for appointment in the hiring cycle.

An additional seventeen hundred dollar (\$1,700) incentive if the department hires one or more (1+) of the referred applicants, certified or non-certified.

An eligibility list is defined as those eligible for appointment to the department by the appointing authority. "Hired" is defined as the new employee beginning the first day of employment. Referrals will be based on hiring cycles. A hiring cycle commences when the appointing authority makes a requisition upon the Civil Service Commission for the names and addresses of persons eligible for appointment and is complete once an eligibility list has been certified.

The parties agree this document constitutes the entirety of the terms and conditions of this MOU. This MOU shall not be altered or modified in any way unless agreed to by all parties thereto, memorialized in writing, and executed by the parties.

Witness Our Hands:

THE CITY OF GRAND ISLAND

Date

By _____
Roger G. Steele, Mayor

FOP GRAND ISLAND LODGE NO. 24

Date

By _____
Dale Hilderbrand, President

RESOLUTION 2022-253

WHEREAS, pursuant to Neb. Rev. Stat., §16-201, the City has the authority to make all contracts and do all other acts in relation to the property and concerns of the City necessary to the exercise of its corporate powers; and

WHEREAS, an employee bargaining unit at the City Of Grand Island is represented by the Fraternal Order of Police (FOP) Grand Island Lodge No. 24; and

WHEREAS, representatives of the City and FOP met to negotiate a labor memorandum of understanding; and

WHEREAS, the labor memorandum of understanding renews the referral incentive for FOP members; and

WHEREAS, the City reached an agreement with the FOP and the agreement has been presented to City Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized to execute the Labor Memorandum of Understanding by and between the City Of Grand Island and the Fraternal Order of Police (FOP) Grand Island Lodge No. 24 for the period of September 13, 2022 through September 30, 2025.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

ATTEST:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-23

#2022-254 - Approving Ryder Park Playground Fundraising Agreement Amendment

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director

Meeting: September 13, 2022

Subject: Approving Amendment to Fundraising Agreement for the Fundraising of a New Playground at Ryder Park

Presenter(s): Todd McCoy, Parks and Recreation Director

Background

City was approached by students and staff from the Central Community College Occupational Therapy Class with the idea of raising funds to building a new community inclusive playground. After much discussion and excitement generated from community leaders, City staff, and the Community Foundation, the decision was made to move forward to raise money for the project proposed at Ryder Park. The location was chosen because Ryder Park is centrally located, has good access to parking and restrooms, and has potential to benefit from future park developments.

In July of 2021 City Council approved Resolution 2021-186 to add a new playground in Ryder Park.

On January 11, 2022 via Resolution 2022-13 City Council approved an agreement with the Central Community College Foundation, Inc. (CCCF) and the Greater Grand Island Community Foundation for fundraising of the Ryder Park playground.

On April 12, 2022 City Council approved Resolution 2022-104 to name the proposed playground after Tom and Sue Pirnie because of their \$200,000 gift and recognize donors of \$5,000 or more with onsite signage.

Discussion

Initially CCCF planned to handle all the fundraising efforts for the playground; however, CCCF found that there are potential grants that requires the owner to apply.

City staff recommends amending the fundraising agreement so that the City can help with fundraising efforts by applying for grants that require the owner's submission.

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 City Council approve the agreement amendment for fundraising of a donated playground to be constructed in Ryder Park so that private funds can be raised for the project.

Sample Motion

Move to approve the agreement amendment.

FIRST AMENDMENT TO AGREEMENT RYDER PARK PLAYGROUND

THIS FIRST AMENDMENT TO AGREEMENT RYDER PARK PLAYGROUND ("Addendum") is made between CENTRAL COMMUNITY COLLEGE FOUNDATION, INC. ("CCCF"), the CITY OF GRAND ISLAND, NEBRASKA, a Nebraska political subdivision ("City") and THE GREATER GRAND ISLAND COMMUNITY FOUNDATION ("GGICF").

WHEREAS, CCCF, the City, and GGICF entered into an Agreement with respect to a new inclusive playground at Ryder Park, Grand Island, Nebraska; and

WHEREAS, the parties desire to amend the Agreement to revise provisions regarding respective right, duties, and obligations.

WHEREAS, the City will be owner and responsible for the playground as such a donor may require the City to be the applicant for donations.

NOW, THEREFORE, in consideration of the above, the parties agree as follows:

1. Playground Project Funding. Section 1 of the Agreement is revised to allow any of the parties to raise funds necessary for the construction of the Playground and its endowment. The City is open to assist in raising funds should it be required by a donor.
2. Binding Effect. Except as amended by this Amendment, all other terms and conditions stated in the Agreement shall remain binding.

CENTRAL COMMUNITY COLLEGE FOUNDATION, INC.,
A Nebraska nonprofit corporation

GREATER GRAND ISLAND COMMUNITY FOUNDATION,
A Nebraska nonprofit corporation

By: *Grazi L. Kalberg*
Executive Director

By: _____
Chief Executive Officer

ATTEST:

CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation

By: _____
City Clerk

By: _____
Mayor

By: _____
City Attorney

RESOLUTION 2022-254

WHEREAS, the City was approached by students and staff from Central Community College Occupational Therapy Class with the idea of raising funds to build a new community inclusive playground in Ryder Park; and

WHEREAS, on July 21, 2021 City Council approved Resolution 2021-186 to add a new playground in Ryder Park, on January 11, 2022 approved Resolution 2022-13 for the City Council to approve an agreement with the Central Community College Foundation, Inc. (CCCF) and the Greater Grand Island Community Foundation for fundraising of the Ryder Park playground and on April 12, 2022 approved Resolution 2022-104 for the City Council to approve the recognition of donors of \$5,000 or more with onsite signage; and

WHEREAS, initially CCCF planned to handle all the fundraising efforts for the playground; however, CCCF found that there are potential grants that requires the owner to apply; and

WHEREAS, City staff recommends amending the fundraising agreement so that the City can help with fundraising efforts by applying for grants that require the owner's submission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Council approve the Agreement Amendment so that the City can help with fundraising efforts by applying for grants that require the owner's submission.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-24

#2022-255 - Approving Ryder Park Playground Grant Application

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director
Meeting: September 13, 2022
Subject: Peter Kiewit Grant Application Approval
Presenter: Todd McCoy, Parks and Recreation Director

Background

The Parks and Recreation Department in cooperation with the Central Community College Foundation (CCCF) is proposing to submit a grant application to the Peter Kiewit Foundation for funding to build a new playground proposed at Ryder Park. The application will be requesting up to \$150,000 to assist in funding of the estimated \$1.1 million project.

In July of 2021 City Council approved Resolution 2021-186 to add a new playground in Ryder Park.

On January 11, 2022 via Resolution 2022-13 City Council approved an agreement with the Central Community College Foundation, Inc. (CCCF) and the Greater Grand Island Community Foundation for fundraising of the Ryder Park playground.

On April 12, 2022 City Council approved Resolution 2022-104 to name the proposed playground after Tom and Sue Pirnie because of their \$200,000 gift and recognize donors of \$5,000 or more with onsite signage.

Discussion

Initially CCCF planned to handle all the fundraising efforts for the playground; however, CCCF found that there are potential grants that requires the owner to apply.

City staff recommends submitting the playground application to the Peter Kiewit Foundation so that the City can help with fundraising efforts by applying for grants that require the owner's submission.

Alternatives

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

1. Approve the application.
2. Take no action on the issue.

Recommendation

City Administration recommends that Council approve the grant application submission to the Peter Kiewit Foundation for funding to build a new playground proposed at Ryder Park and authorize the Mayor to sign all related documents.

Sample Motion

Move to approve the grant application for the Peter Kiewit Foundation and authorize the Mayor to sign all related documents.

RESOLUTION 2022-255

WHEREAS, the Parks and Recreation Department in cooperation with the Central Community College Foundation (CCCF) is proposing to submit a grant application to the Peter Kiewit Foundation for funding to build a new playground proposed at Ryder Park. The application will be requesting up to \$150,000 to assist in funding of the estimated \$1.1 million project; and

WHEREAS, initially Central Community College Foundation, Inc. (CCCF) and the Greater Grand Island Community Foundation planned to handle all the fundraising efforts for the playground; however, CCCF found that there are potential grants that requires the owner to apply; and

WHEREAS, City staff recommends submitting the playground application to the Peter Kiewit Foundation so that the City can help with fundraising efforts by applying for grants that require the owner's submission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City Council approve the grant application submission to the Peter Kiewit Foundation for funding to build a new playground proposed at Ryder Park and authorize the Mayor to sign all related documents.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-25

#2022-256 - Approving Change Order #1 for Stolley Park Splash Pad

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director

Meeting: September 13, 2022

Subject: Approving Stolley Park Splash Pad Change Order No. 1

Presenter(s): Todd McCoy, Parks and Recreation Director

Background

Replacing the Stolley Park wading pool with a new splash pad is included in the current City budget. The Stolley wading pool is nearly 40 years old and is labor intensive to maintain. A modern splash pad will require less maintenance and be an attractive addition to Stolley Park.

On March 8, 2022 City Council approved Resolution 2022-59 to demo the existing Stolley wading pool.

On April 26, 2022 Council approved Resolution 2022-121 to construct a new splash pad at Stolley Park.

Discussion

Staff is recommending adding Life Floor safety surfacing to enhance the splash pad project at Stolley Park. Adding the nonslip rubberized flooring will not only increase safety but make the splash pad more appealing and attractive to users.

From the Life Floor website www.lifefloor.com:

“At Life Floor, we believe safety surfacing dramatically improves the user experience. It completes the immersive experience you’ve planned and budgeted for, combining safety, playfulness, and utility all in one. In fact, because of the way Life Floor performs with water, it’s actually an additional added feature that activates the entire splash pad. Life Floor is a feature because it encourages different kinds of play. The entire splash zone is energized when Life Floor is the surface. Kids cartwheel, jump, somersault, crawl, and tumble their way through spray features. In other words, users play in more ways with Life Floor. By equipping the surface for play, designers can engage 90% more of the aquatic facility.”



Approval of Change Order No. 1 will increase the cost of the contract with Crouch Recreation to construct a splash pad by \$38,450.00.

Food and Beverage Tax proceeds will be utilized to complete the 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 City Council approve Change Order No. 1 with Crouch Recreation, Inc. of Elkhorn, Nebraska in the amount of \$38,450.00 for a new contract total of \$233,355.

Sample Motion

Move to approve Change Order No. 1 to Crouch Recreation, Inc. of Elkhorn, Nebraska.



Working Together for a Better Tomorrow, Today.

CHANGE ORDER #1

TO: Crouch Recreation Inc.
2435 S 156th Circle
Omaha, NE 68130

PROJECT: New Stolley Park Splash Pad

You are hereby directed to make the following change in your contract.

- 1. Add a Life Floor Safety Surface increase \$38,450.00

The original Contract Sum \$194,905.00

Previous Change Order Amount \$ 0.00

The Contract Sum is increased by this Change Order \$ 38,450.00

The total modified Contract Sum to date \$233,355.00

The Contract Time is revised.

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described herein. Additional claims will not be considered.

APPROVED: CITY OF GRAND ISLAND

By _____ Date _____
Mayor

Attest _____

Approved as to Form, City Attorney

ACCEPTED: Crouch Recreation Inc.

By _____ Date _____

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444 ext. 290 • Fax: 385-5488

RESOLUTION 2022 256

WHEREAS, on April 26, 2022 by Resolution 2022-121, the City Council of the City of Grand Island awarded Crouch Recreation Inc. from Elkhorn, Nebraska, the bid in the amount of \$194,905.00, for Stolley Park Splash Pad; and

WHEREAS, staff is recommending adding a Life Floor Safety Surfacing to enhance the splash pad project; and

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

WHEREAS, such modifications will be funded through the Food & Beverage Tax; and

WHEREAS, the result of such modifications will increase the contract amount by \$38,450.00 for a revised contract price of \$233,355.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Crouch Recreation Inc. from Elkhorn, Nebraska to provide the modifications set out as follows:

1. Adding a Life Floor Safety Surface increase \$38,450.00

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-26

#2022-257 - Approving Change Order #3 for JBS Trail

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director
Meeting: September 13, 2022
Subject: Approve Change Order No. 3 to Diamond Engineering Co. for the JBS Connector Trail Construction
Presenter(s): Todd McCoy, Parks and Recreation Director

Background

The Diamond Engineering Company of Grand Island, Nebraska was awarded a \$618,752.16 contract on July 27, 2021, via Resolution No. 2021-180, to build a new ten (10) foot wide concrete trail approximately one (1) mile extending from the existing John Brownell Beltline trail east and ending at the JBS plant.

On August 24, 2021, via Resolution No. 2021-208, City Council approved Change Order No. 1 to the JBS Trail construction project to modify the pedestrian crossing system. Such change order decreased the original contract amount by \$15,952.00, resulting in a revised amount of \$602,800.16.

On October 26, 2021, via Resolution No. 2021-208, City Council approved Change Order No. 2 to the JBS Trail construction project to reconstruct a proposed culver. Such change order funded by Public Works increase the original contract amount by \$231,500.00, resulting in a revised amount of \$834,300.16.

Discussion

The following additional items were found to be required for the successful completion/enhancement of the project.

New Trail Bridge Railing	\$2,900.00
Construct French Drain	\$2,200.00
Construct Retaining Wall to Protect Utility Pole	\$6,960.00
Add Four Concrete Barricades	<u>\$2,000.00</u>
Change Order No. 3 Total:	\$14,060.00

The new contract amount as a result of Change Order No. 3 is \$848,360.16.

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 City Council approve JBS Connector Trail Change Order No. 3 in the amount of \$14,060.00. Doing so will increase the total amount of the contract with Diamond Engineering Co. to \$848,360.16.

Sample Motion

Move to approve Change Order No. 3 to Diamond Engineering Co.



Working Together for a Better Tomorrow, Today.

CHANGE ORDER #3

TO: Diamond Engineering Co.
PO Box 1327
Grand Island, NE 68802

PROJECT: JBS Connector Trail Construction

You are hereby directed to make the following change in your contract.

- 1. New Trail Bridge Railing increase \$2,900.00
2. Construct French Drain increase \$2,200.00
3. Construct Retaining Wall to Protect Utility Pole increase \$6,960.00
4. Add Four Concrete Barricades increase \$2,000.00

Table with 2 columns: Description and Amount. Rows include The original Contract Sum (\$618,752.16), Previous Change Order Amount (\$215,548.00), The Contract Sum is increased by this Change Order (\$ 14,060.00), and The total modified Contract Sum to date (\$848,360.16).

The Contract Time is revised.

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described herein. Additional claims will not be considered.

APPROVED: CITY OF GRAND ISLAND

By _____ Date _____
Mayor

Attest _____

Approved as to Form, City Attorney

ACCEPTED: Diamond Engineering Co.

By _____ Date _____

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444 ext. 290 • Fax: 385-5488

RESOLUTION 2022-257

WHEREAS, on July 27, 2021 by Resolution 2021-180, August 24, 2021 by Resolution 2021-208 and October 26, 2021 by Resolution 2021-297 the City Council of the City of Grand Island awarded Diamond Engineering Co. of Grand Island, Nebraska, the bid in the amount of \$618,752.16, Change Order #1 amount (-\$15,952.00) and Change Order #2 amount \$231,500.00 for the JBS Connector Trail Construction; and

WHEREAS, additional items were found to be required for the successful completion/enhancement of the project; and

WHEREAS, such modifications will be funded through the JBS Donation Account and Food and Beverage Tax; and

WHEREAS, such modifications have been incorporated into Change Order No. 3; and

WHEREAS, the result of such modifications will increase the contract amount by \$14,060.00 for a revised contract price of \$848,360.16.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 3 between the City of Grand Island and Diamond Engineering Co. of Grand Island, Nebraska to provide the modifications set out as follows:

- 1. New Trail Bridge Railing..... increase \$2,900.00
- 2. Construct French Drain.....increase \$2,200.00
- 3. Construct Retaining Wall to Protect Utility Pole.....increase \$6,960.00
- 4. Add Four (4) Concrete Barricades.....increase \$2,000.00

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
September 9, 2022 ☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-27

**#2022-258 - Approving Change Order #1 for Ashley Park
Irrigation**

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director
Meeting: September 13, 2022
Subject: Ashley Park Irrigation Change Order No. 1
Presenter(s): Todd McCoy, Parks and Recreation Director

Background

On April 12, 2022 via Resolution 2022-86 City Council approved the contract with Precision Sprinklers of Hastings, Nebraska in the amount of \$96,500.00 to install a new sprinkler system in Ashley Park.

Discussion

During construction the following additional items were found to be required to successfully complete the project.

<i>Item</i>	<i>Unit Price</i>	<i>Quantity</i>	<i>Total Price</i>
I-20 Rotors	\$13.05	60	\$783.00
Hunter Decoders	\$143.30	3	\$429.90
Hunter 1 ½" Valves	\$59.27	3	\$177.81
Valve Boxes	\$26.99	3	\$80.97
Plumbing water out of pit	\$502.65	1	\$502.65
Additional 3" Poly Main Line	\$2,400.00	1	\$2,400.00
			\$4,374.33

The total increase to the existing contract from Change Order No. 1 is \$4,374.33.

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 City Council approve Ashley Park Irrigation Change Order No. 1 in the amount of \$4,374.33. Doing so will increase the total amount of the contract with Precision Sprinklers to \$100,874.33.

Sample Motion

Move to approve Change Order No. 1 to Precision Sprinklers of Hastings, Nebraska.



Working Together for a Better Tomorrow, Today.

CHANGE ORDER #1

TO: Precision Sprinklers Inc.
PO Box 306
Hastings, NE 68902

PROJECT: Furnishing and Installation of Irrigation in Ashley Park

You are hereby directed to make the following change in your contract.

- 1. I-20 Rotors increase \$ 783.00
2. Hunter Decoders increase \$ 429.90
3. Hunter 1 1/2" valves increase \$ 177.81
4. Valve Boxes increase \$ 80.97
5. Plumbing water out of pit increase \$ 502.65
6. Additional 3" Poly Main Line increase \$2,400.00

Table with 2 columns: Description and Amount. Rows include: The original Contract Sum (\$96,500.00), Previous Change Order Amount (\$0.00), The Contract Sum is increased by this Change Order (\$4,374.33), and The total modified Contract Sum to date (\$100,874.33).

The Contract Time is revised.

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described herein. Additional claims will not be considered.

APPROVED: CITY OF GRAND ISLAND

By _____ Date _____
Mayor

Attest _____

Approved as to Form, City Attorney

ACCEPTED: Precision Sprinklers Inc.

By _____ Date _____

City Hall • 100 East First Street • Box 1968 • Grand Island, Nebraska 68802-1968
(308) 385-5444 ext. 290 • Fax: 385-5488

RESOLUTION 2022-258

WHEREAS, on April 12, 2022 by Resolution 2022-86, the City Council of the City of Grand Island awarded Precision Sprinklers from Hastings, Nebraska, the bid in the amount of \$96,500.00, for the Furnishing and Installation of Irrigation System at Ashley Park; and

WHEREAS, it has been determined that additional irrigation supplies are needed to successfully complete the project; and

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

WHEREAS, such modifications will be funded through the Food & Beverage Tax; and

WHEREAS, the result of such modifications will increase the contract amount by \$4,374.33 for a revised contract price of \$100,874.33.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor be, and hereby is, authorized and directed to execute Change Order No. 1 between the City of Grand Island and Precision Sprinklers from Hastings, Nebraska to provide the modifications set out as follows:

- | | |
|---------------------------------|---------------------|
| 1. I-20 Rotors | increase \$ 783.00 |
| 2. Hunter Decoders | increase \$ 429.90 |
| 3. Hunter 1 1/2" valves | increase \$ 177.81 |
| 4. Valve Boxes | increase \$ 80.97 |
| 5. Plumbing Water Out of Pit | increase \$ 502.65 |
| 6. Additional 3" Poly Main Line | increase \$2,400.00 |

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ✕ _____
September 9, 2022 ✕ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-28

#2022-259 - Approving Final Plat and Subdivision Agreement for Continental Gardens Third Subdivision

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: September 13, 2022
Subject: Continental Gardens Third Subdivision- Final Plat
Presenter(s): Chad Naby, AICP, Regional Planning Director

Background

This property is located north of State Street and east of Webb Road. This property is zoned RO Residential Office. All of the lots can be served by the existing streets and water and sewer will be extended as needed. (3 Lots, 3.156 Acres)

Discussion

The final plat for Continental Gardens Third Subdivision was considered at the Regional Planning Commission at the September 7, 2022 meeting on the consent agenda.

A motion was made by Ruge and second by Randone to approve all items the consent agenda.

The motion was carried with ten members voting in favor (Nelson, O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Hendricksen, Rubio and Randone) and no members voting no or abstaining.

Alternatives

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

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

Recommendation

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

Sample Motion

Move to approve as recommended.

Developer/Owner

GH Construction c/o Dustin Hasselmann
3761 Starwood Drive
Grand Island, NE 68803

To create 3 Lots from a single parcel

Size: Final Plat 3 lots, 3.156 Acres

Zoning: RO Residential Office

Road Access: State Street and Webb Road are commercial standard streets. Access will be restricted on Webb Road.

Water: City water is available to the subdivision.

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



CONTINENTAL GARDENS THIRD SUBDIVISION

GRAND ISLAND, HALL COUNTY, NEBRASKA

FINAL PLAT

LEGAL DESCRIPTION

A REPLAT OF ALL OF LOT 2, CONTINENTAL GARDENS SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 137497.02 SQUARE FEET OR 3.156 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON _____, 2022, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND CONSISTING OF A REPLAT OF ALL OF LOT 2, CONTINENTAL GARDENS SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

_____ JESSE E. HURT, REGISTERED LAND SURVEYOR NUMBER, LS-674

APPROVAL

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

CHAIRPERSON DATE

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS ____ DAY OF _____, 2022.

MAYOR

CITY CLERK

DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT HASSELMANN DEVELOPMENT, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "*CONTINENTAL GARDENS THIRD SUBDIVISION*" A REPLAT OF ALL OF LOT 2, CONTINENTAL GARDENS SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC FOR THEIR USE FOREVER FOR THE LOCATION, CONSTRUCTION AND MAINTENANCE FOR PUBLIC SERVICE UTILITIES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, 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 OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT GRAND ISLAND, NEBRASKA

THIS ____ DAY OF _____, 2022.

DUSTIN HASSELMANN, MANAGER
HASSELMANN DEVELOPMENT, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

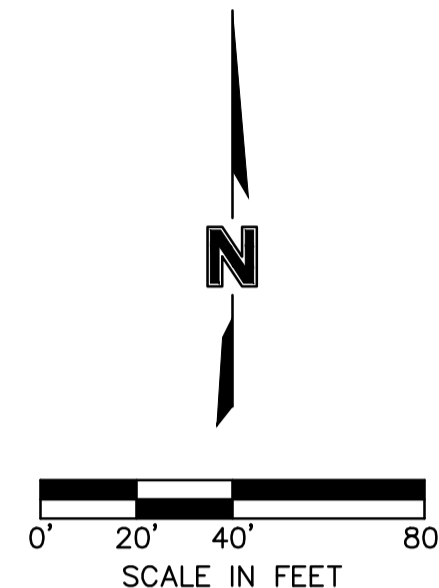
ACKNOWLEDGMENT

STATE OF NEBRASKA SS
COUNTY OF HALL

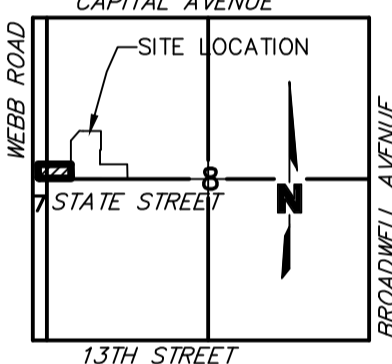
ON THIS ____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED DUSTIN HASSELMANN, MANAGER, HASSELMANN DEVELOPMENT, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED 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 _____

NOTARY PUBLIC



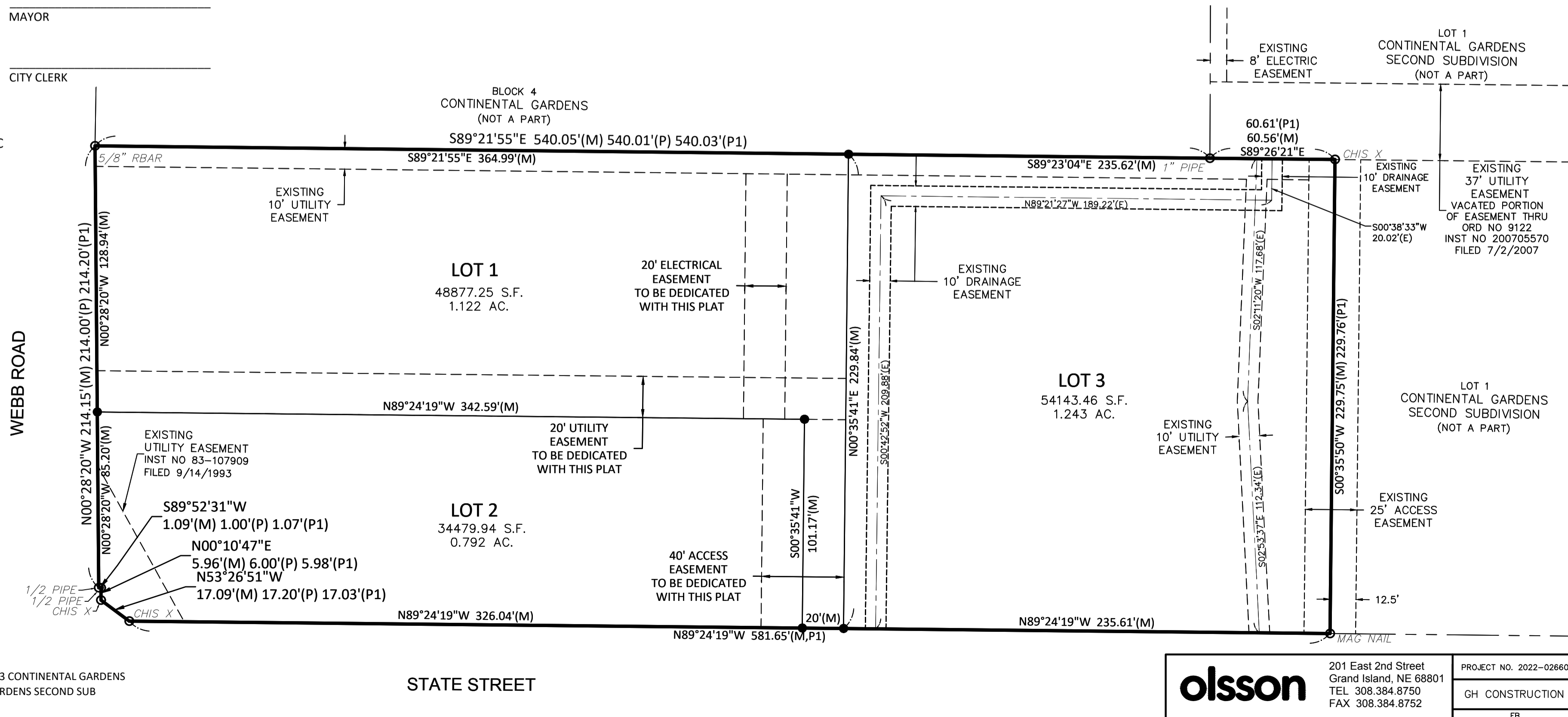
LOCATION MAP
FRACTIONAL SEC 7 & SEC 8, T11N-R9W
NOT TO SCALE



OWNERS: HASSELMANN DEVELOPMENT, LLC
SUBDIVIDER: HASSELMANN DEVELOPMENT, LLC
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 3

USER: jjimenez

DWG: F:\2022\02501-03000\022-02660\40-Design\Survey\SRV\Sheets\PLAT\02202660.dwg
DATE: Sep 06, 2022 3:18pm
XREFS: V_XTPOPO_LDP_02202660 V_XRWAY_LDP_02202660



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

PROJECT NO. 2022-02660

GH CONSTRUCTION

FB

* This Space Reserved for Register of Deeds *

SUBDIVISION AGREEMENT

CONTINENTAL GARDENS THIRD SUBDIVISION

Lots 1-3 Inclusive

In the City of Grand Island, Hall County Nebraska

The undersigned, HASSELMAN DEVELOPMENT, LLC, a Nebraska Limited Liability Company, 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 REPLAT OF ALL OF LOT 2, CONTINENTAL GARDENS SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 137497.02 SQUARE FEET OR 3.156 ACRES MORE OR LESS.

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 CONTINENTAL GARDENS THIRD 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 CONTINENTAL GARDENS THIRD 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 State Street and Webb Road where they abut the subdivision.

2. **Water.** Public water supply is available to the subdivision, and all new structures requiring service shall be connected to such water supply.

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. **Sidewalk.** The Subdivider shall maintain all public sidewalks required by the City of Grand Island.

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. **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.

8. **Access.** The subdivider agrees that no access shall be provided to this property from Webb Road. Lots One (1), Two (2) and Three (3) shall only have access to State Street. Drive way access shall be approved by the Director of Public Works.

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 CONTINENTAL GARDENS THIRD 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.

HASSELMANN DEVELOPMENT, LLC,
Subdivider

By: _____
Dustin Hasselmann, Manager

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 Dustin Hasselman, Manager of Hasselmann Development, LLC., 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 on behalf of Hasselman Development, LLC.

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

Attest: _____

—

RaNae Edwards, City Clerk

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2022, before me, the undersigned,, a Notary Public in and for said County and State, personally came Roger G. Steele, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution 2022-____, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

RESOLUTION 2022-259

WHEREAS know all men by these presents, that “Hasselmann Development , LLC, A Nebraska Limited Liability Company, being the owner of the land described hereon, has caused same to be surveyed, subdivided, platted and designated as “CONTINENTIAL GARDENS THIRD SUBDIVISION”, A Replat of all of Lot 2, Continental Gardens Second Subdivision, in the 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 CONTINENTAL GARDENS THIRD SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item G-29

#2022-260 - Approving Renewal of Machinery Property Peril, Fire and Terrorism Insurance with FM Global for 2022-23

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: September 13, 2022

Subject: Renewal of Machinery Property Peril, Fire and Terrorism Insurance with FM Global for 2022 - 2023

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The Utilities Department Boiler and Machinery Property Peril and Fire insurance is specifically designed for Electric Utility and is readily adaptable to the Water Utility, which is also included in the coverage. The standard policy excludes losses due to acts of terrorism unless the optional Terrorism Insurance is accepted. The Utilities Department's insurance provider, FM Global, provided the attached proposal for renewal of the present coverage.

The complete policy is available in the Utilities office for review, along with a Policy Holder Disclosure form for execution by the City, either accepting or rejecting terrorism coverage. The renewal proposal and proposed policy have been reviewed by the Legal Department.

Discussion

The proposed renewal is based on an insured valuation of \$561,571,878, an increase of 10% from the previous year, with the annual all-risk premium changing from \$549,612 for the current year to \$634,802 for the 2022-2023 year, and an annual Terrorism Insurance premium of \$36,713. The increase in valuation is due to the current escalation of construction costs. FM Global has applied a 10% membership credit of \$87,949 in recognition of the long relationship between FM and the City as well as a 5% resiliency credit of \$29,316 for improvements to strengthen Department facilities from natural risks. This results in a total premium of \$592,750, which includes the Terrorism Insurance and policy fee of \$38,500 from our broker, FNIC.

The probability that a relatively remote location in the central part of the nation would be targeted for a terrorist attack may be very unlikely, but the determination of a terrorist attack is not clearly defined, such as an attack like the Oklahoma City Federal Building.

Regardless of the cause, the loss of a high valued asset as the Platte Generating Station must be protected from risk, and the acceptance of Terrorism Insurance is recommended.

Execution of the Notice of Terrorism Insurance Coverage form is required annually and is recommended by the Utilities Department for approval.

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 renewal of the Utilities Department's Terrorism Insurance with FM Global with execution of the Notice of Terrorism Insurance Coverage form to accept that coverage.

Sample Motion

Move to approve renewal of the Utilities Department's Terrorism Insurance with FM Global with execution of the Notice of Terrorism Insurance Coverage form to accept that coverage.

Terrorism

US Terrorism

The Terrorism Risk Insurance Act of 2002 as amended and extended in 2005, 2007, 2015 and again in 2019, requires that insurers advise clients of their option to elect or reject terrorism coverage under the act as part of their property program. It also requires insurers to disclose the cost of such coverage for the policy term. As a brief reminder, the act provides licensed, admitted carriers with a substantial federal reinsurance backstop for terrorism acts that are certified by the Secretary of the Treasury of the United States as covered events (known as certified losses). Generally speaking, the act responds strictly to events that take place within the United States, its protectorates, territories, and possessions. The Act has been extended to expire on 31 December 2027.

Pursuant to the act, we are offering certified terrorism cover in the United States with no specific terrorism limit of liability meaning your certified terrorism limit would be equal to the policy limit of liability or any location or coverage sublimits in your policy. In addition, in the United States, the policy would no longer be subject to a terrorism sublimit for Flood, Miscellaneous Unnamed Locations, Miscellaneous Personal Property, Off Premises Storage For Property Under Construction, and Temporary Removal of Property and any terrorism exclusion for Service Interruption, Contingent Time Element Extended, Protection And Preservation of Property, Ingress/Egress, Logistics Extra Cost, Extended Period of Liability, Crisis Management and Attraction Property coverages.

The premium for certified coverage is **USD 36,713** for the term of October 1, 2022 to October 1, 2023 and does not include applicable taxes or surcharges.

We have provided the Policyholder Disclosure Notice of Terrorism Coverage document. Please note the Disclosure form must be completed, signed and returned to Kevin Doak, Account Manager – Client Service, FM Global indicating your choice to accept or reject the certified terrorism coverage offered.

TERRORISM

As respects locations outside the United States and Puerto Rico, terrorism coverage is provided with a limit of USD5,000,000 in the aggregate during any policy year but not to exceed the following limit(s) in the aggregate during any policy year:

- a) USD5,000,000 limit in the aggregate during any policy year for miscellaneous unnamed locations, MISCELLANEOUS PERSONAL PROPERTY, OFF PREMISES STORAGE FOR PROPERTY UNDER CONSTRUCTION and TEMPORARY REMOVAL OF PROPERTY combined
- b) USD5,000,000 limit in the aggregate during any policy year for flood when caused by or resulting from terrorism

These limits shall not include the actual cash value portion of fire damage caused by terrorism. Please see the attachment for the Terrorism Disclosure.

Insurance Proposal for The City of Grand Island
August 2022
Page 7 of 8

**POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM INSURANCE COVERAGE**

Insured Name: The City of Grand Island

Account Number: 05249

The Terrorism Risk Insurance Act of 2002, as amended and extended in 2005, 2007, 2015 and again in 2019, gives you the right as part of your property renewal policy to elect or reject insurance coverage for locations within the United States or any territory or possession of the United States for losses arising out of acts of terrorism, as defined and certified in accordance with the provisions of the act.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. UNDER THIS FORMULA, THE UNITED STATES GOVERNMENT GENERALLY PAYS 80% OF COVERED TERRORISM LOSSES EXCEEDING A STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURER REFERENCED ABOVE. **ALSO, THERE IS A \$100,000,000,000 CAP ON THE FEDERAL AND INSURER SHARE OF LIABILITY STATING THAT IF THE AGGREGATE INSURED LOSSES EXCEED \$100,000,000,000 DURING ANY CALENDAR YEAR, NEITHER THE UNITED STATES GOVERNMENT NOR ANY INSURER THAT HAS MET ITS INSURER DEDUCTIBLE SHALL MAKE PAYMENT OR BE LIABLE FOR ANY PORTION OF THE AMOUNT OF SUCH LOSSES THAT EXCEED \$100,000,000,000.** THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

ACCEPTANCE OR REJECTION OF TERRORISM INSURANCE COVERAGE: UNDER FEDERAL LAW, YOU HAVE THE RIGHT TO ACCEPT OR REJECT THIS OFFER OF COVERAGE FOR TERRORIST ACTS COVERED BY THE ACT AS PART OF YOUR RENEWAL POLICY. IF WE DO NOT RECEIVE THIS SIGNED DISCLOSURE FORM PRIOR TO THE RENEWAL POLICY EFFECTIVE DATE OF OCTOBER 1, 2022, THEN YOUR RENEWAL POLICY WILL REFLECT YOUR DECISION NOT TO PURCHASE THE TERRORISM COVERAGE PROVIDED BY THE ACT.

_____ I hereby elect to purchase coverage for terrorist acts covered by the act for an annual premium of USD 36,713. This premium does not include applicable taxes or surcharges.

_____ I hereby decline this offer of coverage for terrorist acts covered by the act.

_____ Policyholder/Applicant Signature

_____ Print Name

_____ Date

Insurance Proposal for The City of Grand Island
August 2022
Page 8 of 8

RESOLUTION 2022-260

WHEREAS, the City's Utility Department subscribes to insurance for boiler and machinery, property, peril and fire coverage; and

WHEREAS, the boiler and machinery, property, peril and fire coverage insurance term expires October 1, 2022; and

WHEREAS, the insurance of electric and water utilities facilities is a specialized market with a limited number of potential providers; and

WHEREAS, a proposal to renew insurance for the 2022 – 2023 fiscal year was received from the current provider, Factory Mutual Insurance Company of St. Louis, Missouri, for a renewal premium, with discounts, of \$592,750.00, and includes the terrorism coverage for \$36,713.00; and

WHEREAS, the City has opted to accept the optional Terrorism Insurance Coverage; and

WHEREAS, the insurance provider requires that the City either except or reject Terrorism Insurance Coverage by executing the form provided.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of Factory Mutual Insurance Company of St. Louis, Missouri, with premium in the amount of \$592,750.00, and to execute the form to accept Terrorism Insurance Coverage, with a premium in the amount of \$36,713.00. The Mayor is hereby authorized to sign the acceptance form for the Terrorism Insurance on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 9, 2022	☐ City Attorney



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item H-1

Consideration of Referring Blighted and Substandard Study for Area #28 to the Regional Planning Commission (Conestoga Mall)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Naby, Director Grand Island CRA

Meeting: September 13, 2022

Subject: Proposed Blighted and Substandard Area #28

Presenter(s): Chad Naby, Director Grand Island CRA

Background

Enclosed you will find a copy of a Substandard and Blight Study as prepared for Woodsonia Acquisitions LLC by Marvin Planning Consultants. This study is approximately 78.45 acres of property in northwest Grand Island located between U.S. Highway 281 and Webb Road and State and 13th Streets. 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. A similar study was prepared and submitted to Council in November of 2018. Council submitted the study to the Planning Commission but no action was ever taken on that study as the developer/applicant pulled the study from consideration prior to any action.

Woodsonia Acquisitions LLC has submitted this study for the review and consideration of the Grand Island City Council as permitted by Nebraska law. The decision on whether to declare an area blighted and substandard is entirely within the jurisdiction of the City Council with a recommendation from the Planning Commission. If the study is approved it is anticipated that an application for Tax Increment Financing would follow.

The question before Council will be whether to send the study to the Planning Commission for its review and feedback. If the item is not sent to the Planning Commission, the Council cannot declare the area blighted and substandard. Planning Commission will meet October 5, and would have a recommendation ready following that meeting.

Once an area has been declared blighted and substandard, the CRA can accept redevelopment proposals for the area. Woodsonia Acquisitions LLC has a contract to purchase the Conestoga Mall Property including Lots 1, 4 and 5 of Conestoga Mall Eighth Subdivision including the Mall and Sears building and the former Napoli's building. It is the intent of the applicants to redevelop this property if it can be acquired for commercial and residential purposes. The contract to purchase the property is contingent on city approval for Tax Increment Financing.

Discussion

The action item tonight relates to the study for proposed CRA Area No. 28 (this number has been held in reserve since 2018) in northwest Grand Island as shown below. The study was prepared for 55.3 acres, all of which is in the Grand Island City Limits.

Figure 1
Study Area Map



While practicing as Grand Island City Attorney, Jerry Janulewicz reviewed the Nebraska Statutes and case law pertaining to the declaration of property as blighted and substandard. His comments on this application are as follows:

The statutes which provide for the creation of a redevelopment area or redevelopment project within a redevelopment area require the following procedure:

- A request is made to the city council to declare an area to be substandard and blighted and in need of development for purposes of enabling the creation of a redevelopment area or a redevelopment project within a redevelopment area.
- The city council submits the question of whether an area is substandard and blighted to the planning commission for its review and recommendation prior to making its declaration that an area is substandard and blighted.
- The planning commission must hold a public hearing and submit its written recommendations within 30 days holding a public hearing on the request.
- Upon receipt of the recommendations from the planning commission the city council may make its findings and declaration with respect to the property within an area.
- Unless the city council of the city in which such area is located has, by resolution adopted after a public hearing with notice, declared such area to be a substandard and blighted area in need of redevelopment, the Community Redevelopment Agency cannot prepare a redevelopment plan for a redevelopment project area.
- Following a declaration that an area is substandard and blighted, the Community Redevelopment Agency is authorized to prepare or cause to be prepared and recommend redevelopment plans to the governing body of the city and to undertake and carry out redevelopment projects within its area of operation and may enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the authority may deem necessary to prevent a recurrence of substandard and blighted areas or to effectuate the purposes of the Community Development Law, and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. Within the area of operation of the Community Redevelopment Authority, the authority may exercise its statutory powers with respect to the redevelopment project.

Neb. Rev. Stat. §§ 18-2107; 18-2109.

As stated in Fitzke v. City of Hastings, 582 N.W.2d 301 (Neb. 1998):

A CRA is not authorized to prepare a redevelopment plan for a redevelopment project area unless the governing body of the city first enacts a resolution declaring such area to be “a substandard or blighted area in need of redevelopment.” § 18–2109. After such a declaration has been made and a redevelopment plan has been prepared and approved, a CRA is authorized to enter into contracts with redevelopers of property containing covenants,

restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the [CRA] may deem necessary to prevent a recurrence of substandard or blighted areas ... and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. § 18-2107(4). The CRA may utilize tax increment financing to pay for redevelopment projects undertaken pursuant to the CDL. § 18-2124.

“Under this statutory scheme, a private development project would be eligible for tax increment financing only if it is included within an area which has previously been declared blighted or substandard and is in furtherance of an existing redevelopment plan for that area. The declaration of property as blighted or substandard is not simply a formality which must be met in order to assist a private developer with tax increment financing; it is the recognition of a specific public purpose which justifies the expenditure of public funds for redevelopment.” *Fitzke, id.*, citing *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 277 N.W.2d 423 (1979). The legislative intent underlying the Community Development Law is the elimination of blighted and substandard areas and to prevent the reoccurrence of blight through a cooperative effort of the public and private sectors, not to aid private developers. *Fitzke, id.*

At this point, Council is only making a decision about whether to forward the study to the Planning Commission for its recommendation or not. According to NRSS §18-2109, it is clear that the Planning Commission must hold a public hearing and have the opportunity to review the Blight Study prior to Council declaring the property substandard and blighted. If Council wishes to consider a declaration of substandard and blight, State Statute requires that the question of whether an area is substandard and blighted is submitted to the Planning Commission for hearing, review and recommendation.

Blighted Area of the Community

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 6, 2022, 24.78% of the City has been declared blighted and substandard. Area 28 would add 78.45 acres to the total of blighted and substandard property and would, if approved, add 0.40% to the total area declared blighted and substandard bringing the total to 25.19%. A companion study has also been submitted that identifies areas of Grand Island including this area that could also be declared extremely blighted. Any area that is declared extremely blighted is not counted against the 35% maximum area that can be declared blighted and substandard so if those areas are identified as extremely blighted the total will drop below 25%.

It does not appear that the declaration of Area 28 would significantly impact the City’s ability to declare other areas blighted and substandard.

Alternatives

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

1. Move to forward the Study to the Planning Commission for its recommendation.
2. Move to not forward the Study to the Planning Commission for its recommendation.
3. Refer the issue to a committee.
4. Postpone the issue to future date.
5. Take no action on the issue.

Recommendation

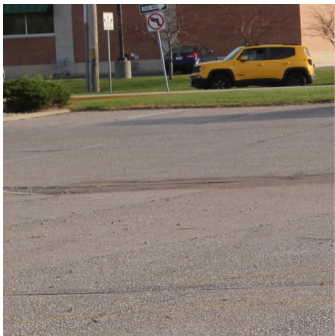
City Administration recommends that the Council move to forward the study to the Planning Commission if Council wishes to consider the use of Tax Increment Financing as a redevelopment tool for this property.

Sample Motion

Move to forward the Study to the Planning Commission for their review and recommendation.



**Grand Island, Nebraska
Blight and Substandard Study - Area 28
Prepared for: Tunnel Wash I LLC**



PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Grand Island. Woodsonia Acquistitions, LLC commissioned the study to analyze the possibility of declaring the area as blighted and substandard.

The City of Grand Island, when considering conditions of Blight and Substandard, look 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 the 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 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;"

"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 Blighted and Substandard Area 28. The Study is intended to give the Grand Island Community Redevelopment Authority, Hall County Regional Planning Commission and Grand Island City Council the basis for identifying and declaring Blighted and Substandard conditions are existing within the City's jurisdiction and as allowed under Chapter 18. Through this process, the City and property owners will attempt to address economic and/or social liabilities which are harmful to the well-being of the entire community.

Figure 1 shows the study area of this report. A Redevelopment Plan to be submitted in the future containing, by 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.

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

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets a specific area within an established part of the community for evaluation. The area indicated in Figure 1 of this report. The findings are presented in the coming pages of the report.

Study Area

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

Point of beginning is the intersection of the centerlines of US Highway 281 and West State Street; thence bearing easterly along the centerline of West State Street to the intersection of the centerline of North Webb Road; thence, southerly along the centerline of North Webb Road to the intersection with the centerline of West 13th Street; thence, westerly along the centerline of West 13th Street to the intersection with the centerline of US Highway 281; thence, northerly along the centerline of US Highway 281 to the point of beginning.

EXISTING LAND USES

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

The study area is within a highly commercial part of Grand Island. There are commercial uses to all sides of the study, including the redeveloping area of Blight and Substandard Area 9 from 2012.

Existing Land Use Analysis within Study Area

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

TABLE 1: EXISTING LAND USE, GRAND ISLAND - 2022

Type of Use	Acres	Percent of Developed land within the Study Area	Percent of Study Area
Residential	0	0.0%	0.0%
Single-family	0	0.0%	0.0%
Multi-family	0	0.0%	0.0%
Manufactured Housing	0	0.0%	0.0%
Commercial	63.45	87.3%	80.9%
Industrial	0	0.0%	0.0%
Quasi-Public/Public	0	0.0%	0.0%
Parks/Recreation	0	0.0%	0.0%
Transportation	9.22	12.7%	11.7%
Total Developed Land	72.67	100.0%	-
Vacant/Agriculture	5.78		7.4%
Total Area	78.45		100.0%

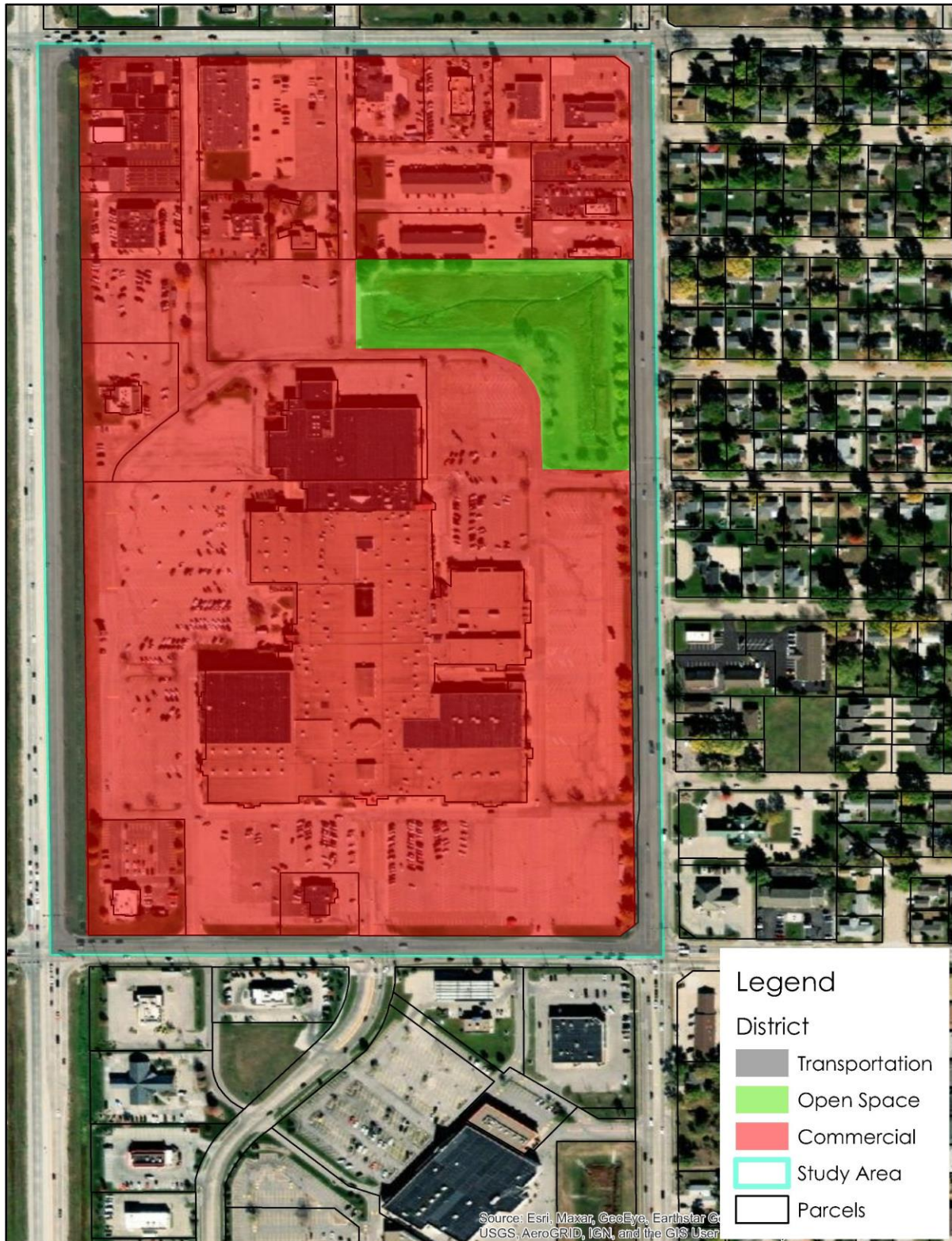
Source: Marvin Planning Consultants 2022

Table 1 includes the existing land uses for the entire study area. The table contains the total acres determined per land use from the survey; next is the percentage of those areas compared to the total developed land; and finally, the third set of data compare all land uses to the total area within the Study Area. The Study Area is made up of Commercial (80.9%), Open Space (7.4%), and Transportation oriented land (street and R.O.W; 11.7%). The entire area is considered completely developed.

Figure 1
Study Area Map



Figure 2
Existing Land Use Map



FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the study examines the conditions found within the study area. The Findings Section reviews the conditions based upon the statutory definitions.

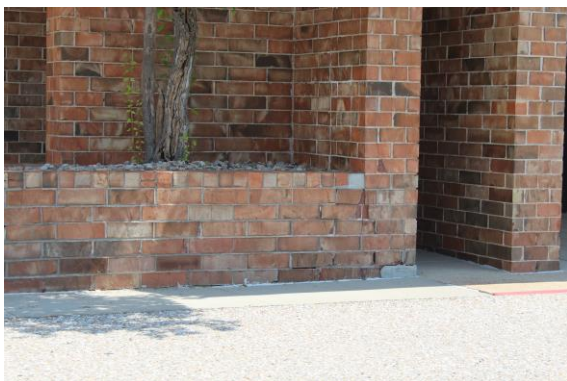
CONTRIBUTING FACTORS UNDER PART A OF THE BLIGHT DEFINITION

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

Structural Conditions

Existing structural conditions of buildings in the study area were determined using the Hall County Assessor's database. Structures rated out as either Very Good, Good, Fair, Average, or badly worn. Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 2 (5.7%) structures rated as very good
- 5 (14.3%) structures rated as good
- 0 (0.0%) structure rated as fair
- 28 (80.0%) structures rated as average
- 0 (0.0%) structures rated as badly worn



The exterior portion of the mall is showing considerable wear, likely due to deferred maintenance. In the photos on the previous page, there are examples of where masonry and wood construction has been compromised and is in danger of falling from the building onto the ground. Based upon a visual ground inspection, it appears like there is considerable water penetration in the brick-and-mortar system. Said photos also show water penetration inside one of the structures. An assumption was made, based upon the data, that an average condition or less would constitute less than desirable conditions due to age and condition of the structure/building. It is common for older structures to get more maintenance and upkeep to maintain a good or higher condition. Even an average structure shows some signs of deteriorating which in turn can become a dilapidated structure in the future if not maintained. Overall, 80.0% of the structures in this study area are an average condition or worse.

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

Deterioration of Site or Other Improvements

Site Improvements Conditions

The site improvements include the areas determined to be common areas for public ingress and egress to the study area as well as the area designed to move vehicular traffic through the site. Also, this includes the actual surface parking areas. The condition of the site improvements varies greatly. The Study Area contains a major deteriorated condition; the parking areas throughout the area, as well as the demarcated driving areas. The parking areas throughout the entire Study Area are in a serious state of deterioration. They are not yet in a dilapidated condition. The parking surface and driving areas contain major surface cracking, small break-ups and spawling. These conditions have been likely caused by several circumstances over the years, including:

- Lack of maintenance
- Sub-soil conditions
- Heavier than expected traffic
- Freeze/thaw cycles

Preventing a number of these items are possible through proper design, enforcement, and maintenance, with maintenance being a key. Photos below indicate examples of different deteriorated conditions within the parking and driving areas across the entire site. Due to a large amount of broken pavement in the Study Area, the parking areas are considered to be deteriorated or in a state of deteriorating; therefore, they are a direct contributing factor to the conditions of blight.



Diversity of Ownership

Throughout the study area, there are 13 different property owners. However, in most cases, the difference is that one company owns the structure on the site; while, another entity, usually, Conestoga North or Conestoga Realty owns the ground underneath the structure. This creates potential issues with future redevelopment of structures and property if the different ownership groups disagree. Also, the fact structures sit on land owned by another party will create a potential detriment to future redevelopment. Due to this factor, it may be necessary for a public intervention to guide future redevelopment activities in this specific study area. Based upon the analysis, sufficient ownership issues present to make Diversity of Ownership a contributing factor for Blighting.

Improper Subdivision or Obsolete Platting

Improper Subdivision or Obsolete Platting is present in several ways. These factors are bulleted below:

- First and foremost are the private streets on the north side of the study area, Conestoga Drive and Overland Road.
- The developed area in the northeast corner of the study area has been built out in a clustered manner, making traffic circulation difficult.
- The positioning of lots along West State Street and North Webb Road have access drives in a manner that makes traffic control and congestion problematic.

See Figure 5 for specific locations of the discussed items above. Based upon the analysis, sufficient ownership issues present to make Improper Subdivision or Obsolete Platting a contributing factor for Blighting.

Faulty Lot Layout

Similar to Improper Subdivision or Obsolete Platting, Faulty Lot Layout is present in similar ways. These factors are bulleted below:

- The developed area in the northeast corner of the study area has been built out in a clustered manner, making traffic circulation difficult.
- The positioning of lots along West State Street and North Webb Road have access drives in a manner making traffic control and congestion problematic.

See Figure 6 for specific locations of the discussed items above. Based upon the analysis, sufficient ownership issues present to make Faulty Lot Layout a contributing factor for Blighting.

Combination of factors which are impairing and/or arresting sound growth

There are several factors present within the study area meeting this criterion are discussed in the following paragraphs.

Functional Obsolescence

The primary structure within the study area is the Conestoga Mall. The mall was constructed in the mid-1970's and was designed using common mall layouts and concepts. However, as the retail markets have been changing, these types of facilities have been losing popularity. It is a similar issue seen by the Grand Island Mall which was declared Blighted and Substandard in 2012 and has been the focus of several redevelopment projects since the declaration.

Malls and retail use constructed in today's economy are more open air, even in colder climate regions. The newer mall models are doing more to make the shopping experience more than "just shopping." These older regional malls have lost favor with consumers across the United States. Some examples within the region include the Imperial Mall in Hastings, the mall in North Platte, the mall in Hutchinson, KS. The phenomena have also affected larger cities such as Omaha; Kansas City, MO; Overland Park, KS; and more.

The survival of this mall into the future will be dependent on ownership willingness to re-focus the mall itself.

Figure 3
Structural Conditions



Figure 4
Deterioration of Site

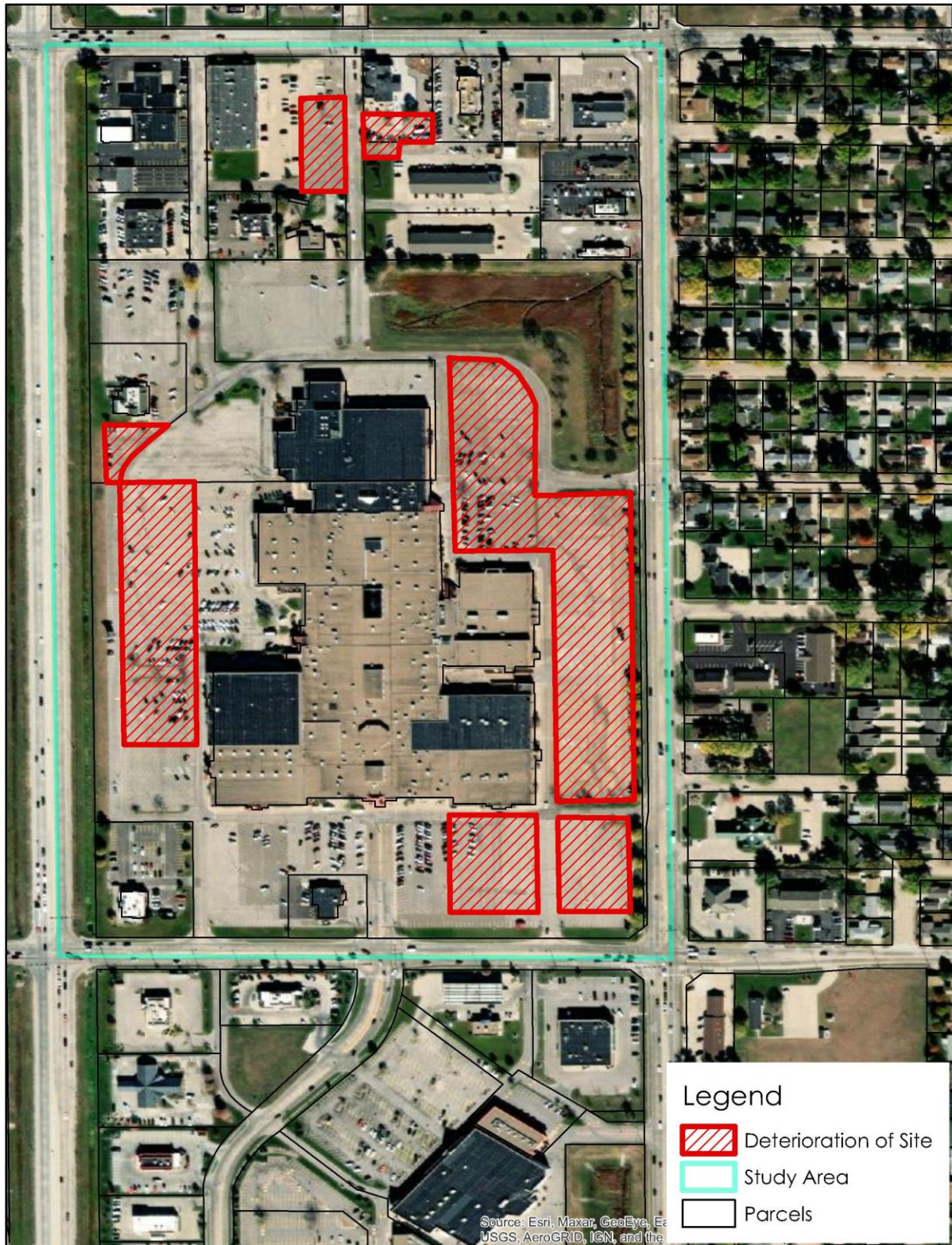


Figure 5
Improper Platting

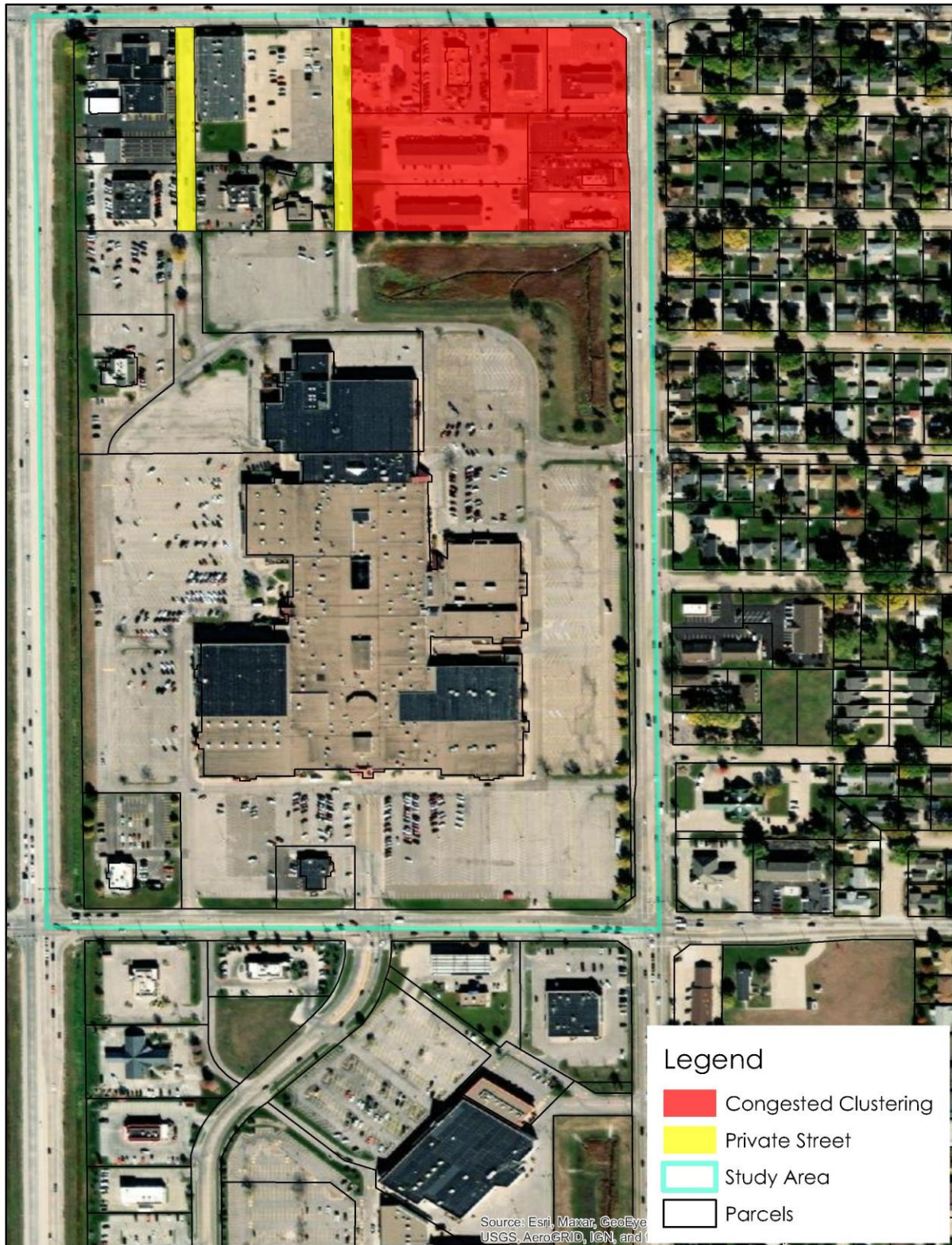
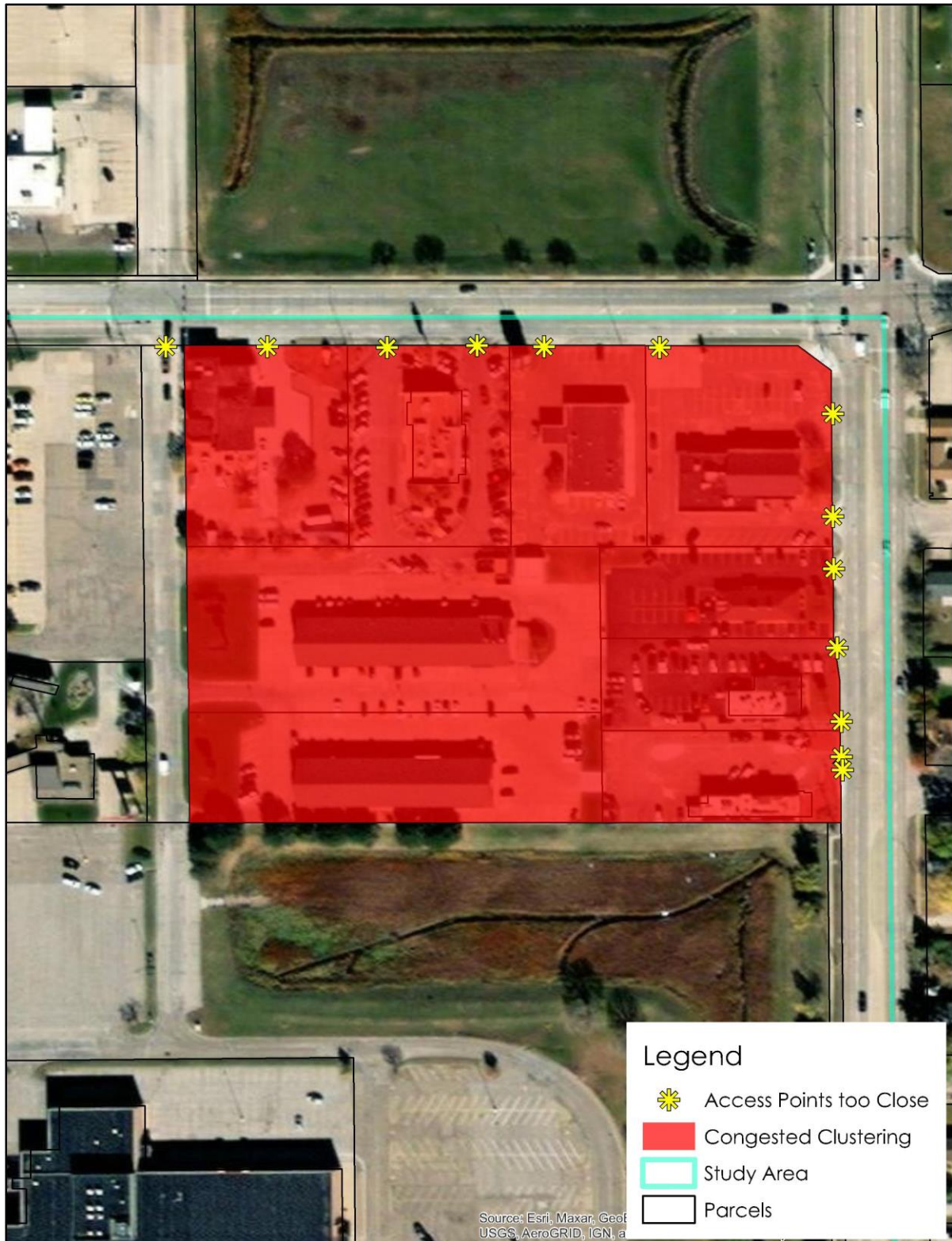


Figure 6
Faulty Lot Layout



Retail Markets of the 21st Century

Retail in the 21st Century has been evolving rapidly. The evolution led by consumers wanting more than the 1960 to 1970 malls with their shopping experience has been a big factor; however, the rise of e-commerce and Amazon has also been a major contributing factor to the retail revolution.

With the retail revolution of the 21st Century, several mainstream retailers have had trouble competing. The major tenants of Sears, Yonkers, and JC Penneys have all vacated their spaces at the Conestoga Mall. Yonkers left in 2015, while the other two left shortly after. Sears filed for Chapter 11 bankruptcy protection, and closed February 2019. All three tenants left behind empty boxes, merchandise, and storage equipment in the spaces. A lack of major retailers located at Conestoga Mall impairs and arrests sound growth of this facility in the future.

The buildup of the mall area

Looking at the Conestoga Mall on aerials, the mall is located on the southernmost location of the land. North of the primary mall was eventual built-out with smaller strip centers. These strip centers to the north impair the future expansion of the primary mall. Also, the location of the primary mall and strip centers creates an issue with expanding parking on the mall property. These factors do impair and arrest sound growth of the study area.



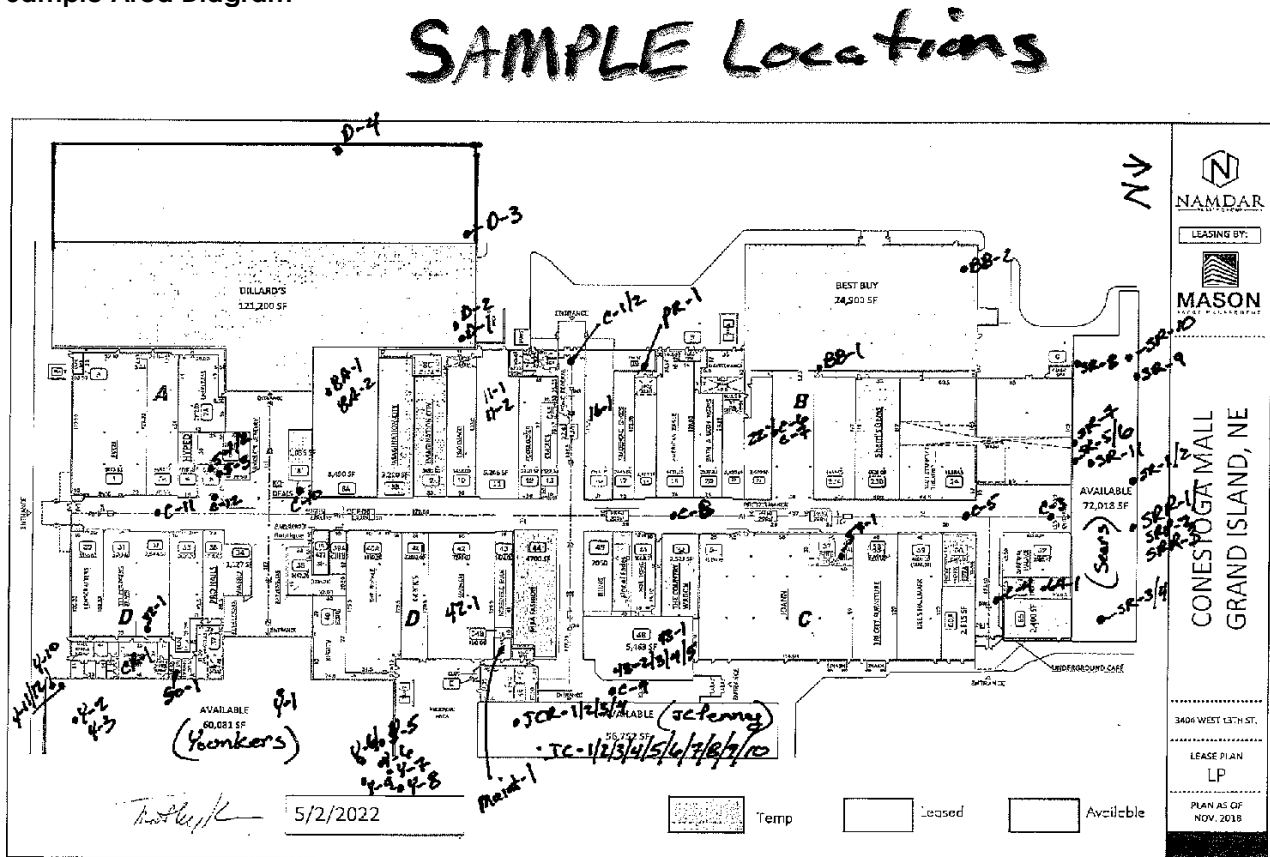
Defective/Inadequate Street Layouts

Under normal blight evaluation, this criteria would apply to public streets. However, in the case of this study area, it applies to the internal traffic circulation of the mall property and the adjoining strip centers to the north. Figure 8 indicates the primary and secondary circulation loops. The Figure also indicates potential concerns with the layouts on the site. There are enough circulation concerns on-site to make Defective/Inadequate Street Layouts a contributing factor to declaring the area as Blighted.

INSANITARY AND UNSAFE CONDITIONS

Woodsonia commissioned an asbestos analysis of the Conestoga Mall portion of the study area. The study was completed by Heartland Testing and Consulting LLC in August 2022. The following areas for the mall were reviewed and/or sampled. Inspection of the following occupied spaces were not completed due to no access: Units 3A, 4, 7A, 9, 23B, 33, 34, 38 & 40. Inspection of sub-flooring in the occupied tenant spaces of the facility were limited due to current sales area floor coverings. Additional review of the occupied spaces sales are sub-floors should be completed when the spaces are available for destructive review. Below is a summary of the spaces with limited review: 8, 9, 10, 12, 13, 17, 19, 20, 23A, 24, 30, 31, 36, 37, 39A, 40A, 41, 42, 44, 49, 50, 52, 54, 58, 59, 60, 62, Best Buy and Dillard's.

**Figure 7
Sample Area Diagram**



Source: Heartlan Testing Report 2022

The findings of the study found the following:

- Sample SR-2 – 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample SR-4 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample SR-8 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- **Sample C-2 – Drywall Joint Compound contains 0.5% chrysotile asbestos.**
- Sample C-8 – Ceiling Texture contains 10% chrysotile asbestos.
- Sample C-11 – Ceiling Texture contains 10% chrysotile asbestos. Sample Y-4 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample Y-10 - 12"x12" Tile contains 3% chrysotile asbestos.
- Sample 8B-1 – Black Mastic contains 4% chrysotile asbestos.
- Sample 41-1 – 12"x12" Tile contains 3% chrysotile asbestos. Sample 41-1 – Black Mastic contains 5% chrysotile asbestos.
- Sample 48-1 – Vinyl Sheet Flooring contains 20% chrysotile asbestos.
- Sample 48-2 - Vinyl Sheet Flooring contains 20% chrysotile asbestos.
- Sample JC-4 – 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample JC-8 – Black/Yellow Mastic contains 2% chrysotile asbestos.
- Sample JC-9 – Black Mastic contains 4% chrysotile asbestos.

- Sample JC-10 – Silver/Black HVAC Sealant contains 6% chrysotile asbestos.
- Sample D-1 – Black mastic contains 5% chrysotile asbestos.
- Sample SRR-2 – Gray/Black Roof Patch contains 3% chrysotile asbestos.
- Assumed – Transite Panels at skylight soffit areas.

Based upon information in the report, all but one (highlighted in yellow) of the sample areas require mitigation of the materials by a State of Nebraska certified asbestos contract prior to renovation or demolition activities. Additional information regarding the study findings can be seen in the complete study attached to this report.

Therefore, based upon the findings of this asbestos study, the asbestos is a contributing factor to insanitary and unsafe conditions of the study area.

DANGEROUS CONDITIONS TO LIFE OR PROPERTY DUE TO FIRE OR OTHER CAUSES

Woodsonia commissioned an asbestos analysis of the Conestoga Mall portion of the study area. The study was completed by Heartland Testing and Consulting LLC in August 2022. The following areas for the mall were reviewed and/or sampled. Inspection of the following occupied spaces were not completed due to no access: Units 3A, 4, 7A, 9, 23B, 33, 34, 38 & 40. Inspection of sub-flooring in the occupied tenant spaces of the facility were limited due to current sales area floor coverings. Additional review of the occupied spaces sales are sub-floors should be completed when the spaces are available for destructive review. Below is a summary of the spaces with limited review: 8, 9, 10, 12, 13, 17, 19, 20, 23A, 24, 30, 31, 36, 37, 39A, 40A, 41, 42, 44, 49, 50, 52, 54, 58, 59, 60, 62, Best Buy and Dillard's, see Figure 7.

The findings of the study found the following:

- Sample SR-2 – 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample SR-4 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample SR-8 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- **Sample C-2 – Drywall Joint Compound contains 0.5% chrysotile asbestos.**
- Sample C-8 – Ceiling Texture contains 10% chrysotile asbestos.
- Sample C-11 – Ceiling Texture contains 10% chrysotile asbestos. Sample Y-4 - 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample Y-10 - 12"x12" Tile contains 3% chrysotile asbestos.
- Sample 8B-1 – Black Mastic contains 4% chrysotile asbestos.
- Sample 41-1 – 12"x12" Tile contains 3% chrysotile asbestos. Sample 41-1 – Black Mastic contains 5% chrysotile asbestos.
- Sample 48-1 – Vinyl Sheet Flooring contains 20% chrysotile asbestos.
- Sample 48-2 - Vinyl Sheet Flooring contains 20% chrysotile asbestos.
- Sample JC-4 – 12"x12" Black Mastic contains 5% chrysotile asbestos.
- Sample JC-8 – Black/Yellow Mastic contains 2% chrysotile asbestos.
- Sample JC-9 – Black Mastic contains 4% chrysotile asbestos.
- Sample JC-10 – Silver/Black HVAC Sealant contains 6% chrysotile asbestos.
- Sample D-1 – Black mastic contains 5% chrysotile asbestos.
- Sample SRR-2 – Gray/Black Roof Patch contains 3% chrysotile asbestos.
- Assumed – Transite Panels at skylight soffit areas.

Based upon information in the report, all but one (highlighted in yellow) of the sample areas require mitigation of the materials by a State of Nebraska certified asbestos contract prior to renovation or demolition activities. Additional information regarding the study findings can be seen in the complete study attached to this report.

Therefore, based upon the findings of this asbestos study, the asbestos is a contributing factor to dangerous conditions to life or property due to fire or other causes within the study area.

CONTRIBUTING FACTORS UNDER PART B OF THE BLIGHT DEFINITION

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

Age of Structure

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

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD - 2018

Number	Year Built	Age	Cumulative Age	Running Total
1	1960	62	62	62
1	1970	52	52	114
15	1974	48	720	834
4	1975	47	188	1,022
1	1976	46	46	1,068
2	1978	44	88	1,156
1	1979	43	43	1,199
1	1980	42	42	1,241
2	1981	41	82	1,323
1	1989	33	33	1,356
3	1993	29	87	1,443
1	1995	27	27	1,470
2	1996	26	52	1,522
1	1998	24	24	1,546
1	2007	15	15	1,561
1	2021	1	1	1,562
35			Average	41.8

Source: Hall County Assessor's and Marvin Planning Consultants 2022

Another method to analyze this area is using square footage. State statute discusses commercial units; in the commercial world, it is not about the building as much as it is about square footage. Therefore, this analysis is also examining the age of the built square footage. Based upon data from the Hall County Assessor's office, there is a total of 647,019 built square footage in the area. Of the 647,019 total square footage, 610,089 built square feet are 40 years or older, which is 94.3% of the total build out. Therefore, more than 50% of the square footage is 40 years of age or older.

Figure 8
Defective Street Layout

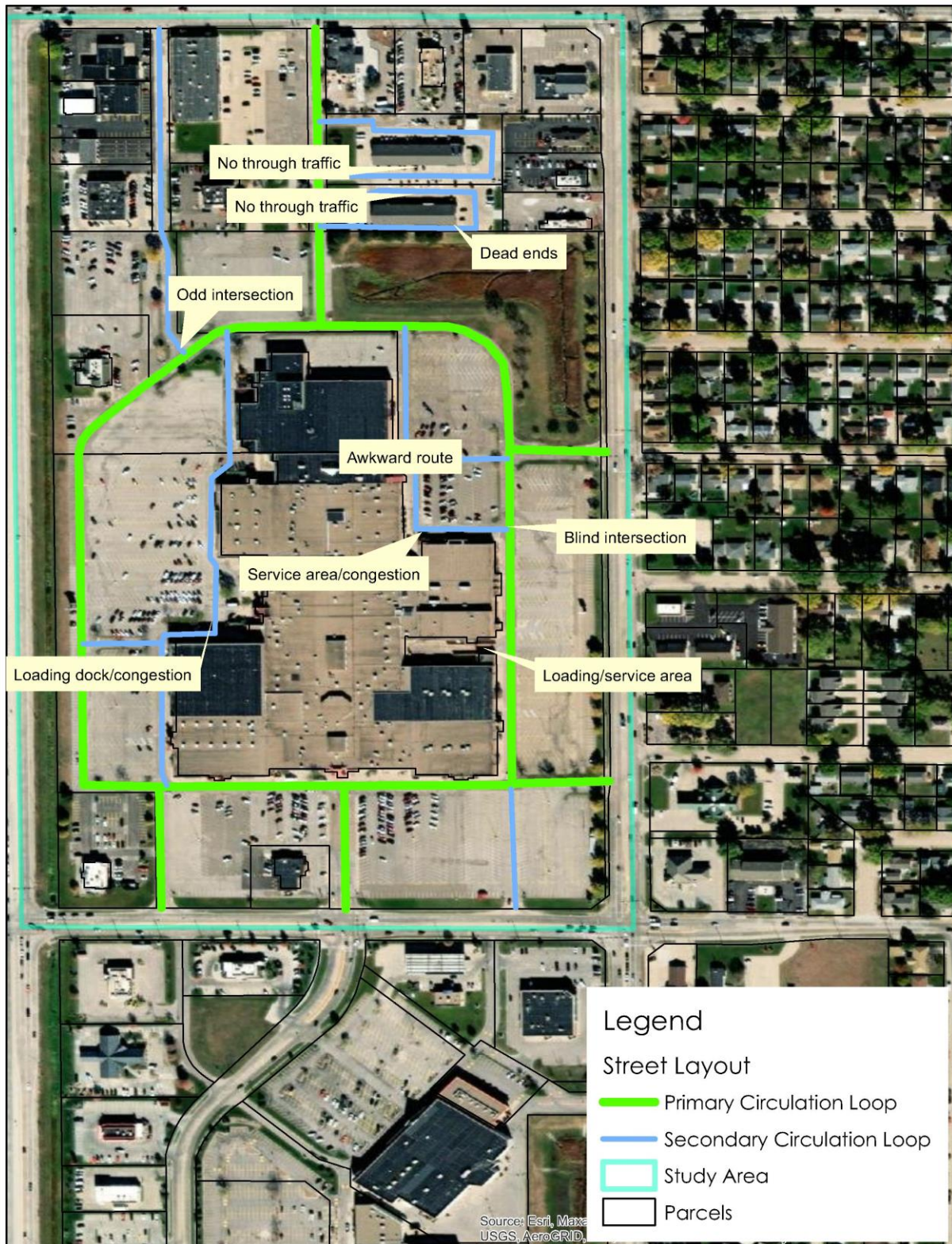


Figure 9
Structure Age



The final means to examine the age of structures is the actual number of structures within the 40 years or more or less than 40 years categories. Overall, there are 35 structures within the study area, based upon the Hall County Assessor's data (Hall County Assessor divides the primary mall structure into 11 separate units, thus 35 total). After researching the structural age on the Hall County Assessor's and Treasurer's websites, the following breakdown was determined:

- 28 (80.0%) unit were determined to be 40 years of age or older
- 7 (20.0%) unit were determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 41.8 years; thus, meeting the requirements of the statutes.

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

Stable or decreasing population based upon the last two decennial census

The population of the study area has seen a stable population based upon the last two decennial census'. Over the course of the past 40 years there have not been any residential units within this study area.

Therefore, stable or decreasing population based upon the last two decennial censuses is a contributing factor to the blighted conditions of the area.

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

Criteria under Part A of the Blight Definition

- **Substantial number of deteriorating structures**
 - Within the study are 80.0% of the structures were deemed to be in either average or badly worn condition.
 - Several locations around the primary mall are indicating moisture damage to the brick façade. There is clear moisture damage inside of the mall as well.
- **Deterioration of site or other improvements**
 - The majority of the asphalt parking areas around the primary mall is in a deteriorating state and appears to have forgone updating for a considerable time.
 - There are several places where the parking surfaces are in a worse than deteriorated state based upon the photographs in the report.
- **Diversity of Ownership**
 - There are 13 different property owners within the study area.
 - The majority of the buildings owned by corporations, sit on top of ground owned by another party, typically, Conestoga Realty or Conestoga North.
- **Improper Subdivision or Obsolete Platting**
 - First and foremost are the private streets on the north side of the study area, Conestoga Drive and Overland Road.
 - The developed area in the northeast corner of the study area has been built out in a clustered manner, making traffic circulation difficult.
 - The positioning of lots along West State Street and North Webb Road have access drives in a manner that makes traffic control and congestion problematic.
- **Faulty Lot Layout**
 - The developed area in the northeast corner of the study area has been built out in a clustered manner, making traffic circulation difficult.
 - The positioning of lots along West State Street and North Webb Road have access drives in a manner making traffic control and congestion problematic.

- **Combination of factors which are impairing and/or arresting sound growth**
 - Functional Obsolescence is a contributing factor to sound growth
 - Retail markets of the 21st Century are impairing growth of the area
 - The buildup of the outlots of the mall area
- **Defective/Inadequate street layouts**
 - The layout of the primary and secondary thoroughfares on site are in conflict with key functional areas such as deliveries and loading docks
 - The two primary streets entering the mall property from the north are private streets
 - There are several points along the outer travel route that comes into conflict with secondary travel paths.
- **Insanitary and Unsafe Conditions**
 - The Conestoga Mall portion of the study area was tested for the presence of asbestos and the report filed in August 2022 indicated mitigatable levels of asbestos present throughout the facility
- **Dangerous conditions to life or property due to fire or other causes**
 - The Conestoga Mall portion of the study area was tested for the presence of asbestos and the report filed in August 2022 indicated mitigatable levels of asbestos present throughout the facility

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**
 - 28 (80.0%) buildings or improvements were determined to be 40 years of age or older
 - 7 (20.0%) buildings or improvements were determined to be less than 40 years of age
 - The average age based upon a cumulative age calculation is 41.8 years.
 - 94.3% of the built square footage in the study area is 40 years of age or older.
- **Stable or decreasing population based upon the last two decennial census**
 - The study area has had a stable or decreasing population over the last two decennial census.

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

- Tax or special assessment delinquency exceeding fair value of the land.
- Defective or unusual condition of title,
- Unemployment in the designated area is at least 120% of the state or national average.
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

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

Substandard Conditions

Age of Structure

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

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD - 2018

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1	2021	1	1	1,562
35			Average	41.8

Source: Hall County Assessor's and Marvin Planning Consultants 2022

Another method to analyze this area is using square footage. State statute discusses commercial units; in the commercial world, it is not about the building as much as it is about square footage. Therefore, this analysis is also examining the age of the built square footage. Based upon data from the Hall County Assessor's office, there is a total of 647,019 built square footage in the area. Of the 647,019 total square footage, 610,089 built square feet are 40 years or older, which is 94.3% of the total build out. Therefore, more than 50% of the square footage is 40 years of age or older.

The final means to examine the age of structures is the actual number of structures within the 40 years or more or less than 40 years categories. Overall, there are 35 structures within the study area, based upon the Hall County Assessor's data (Hall County Assessor divides the primary mall structure into 11 separate units, thus 35 total). After researching the structural age on the Hall County Assessor's and Treasurer's websites, the following breakdown was determined:

- 28 (80.0%) unit were determined to be 40 years of age or older
- 7 (20.0%) unit were determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 41.8 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;"

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

FINDINGS FOR GRAND ISLAND BLIGHT STUDY AREA #28

Blight Study Area #28 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions under Part A

- **Substantial number of deteriorating structures**
- **Deterioration of site or other improvements**
- **Diversity of Ownership**
- **Improper Subdivision or Obsolete Platting**
- **Faulty Lot Layout**
- **Combination of factors which are impairing and/or arresting sound growth**
- **Defective/Inadequate street layouts**
- **Insanitary and Unsafe Conditions**
- **Dangerous conditions to life or property due to fire or other causes**

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**
- **Stable or decreasing population based upon the last two decennial census**

Substandard Conditions

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

Asbestos Study

HEARTLAND TESTING & CONSULTING, LLC

LIMITED NESHAP ASBESTOS SAMPLING REPORT

**Conestoga Mall
3404 W 13th Street
Grand Island, Nebraska**

Prepared for:

**Woodsonia Acquisitions, LLC
20010 Manderson Street Ste: 2
Elkhorn NE 68022**

August 5, 2022

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MIKE@ONEILLWR.COM

HEARTLAND TESTING & CONSULTING, LLC

LIMITED NESHAP ASBESTOS SAMPLING REPORT

Date of Report: August 5, 2022

Project Name: Limited NESHAP Asbestos Inspection

Site Characterization: Conestoga Mall
3408 W 13th Street
Grand Island, NE 68803

Inspection Date: July 11th, July 12th, July 14th, July 21 & July 27, 2022

Inspector Name/License #: Michael A. Smith
NE Asbestos Inspector/Management Planner #920

Outside Information: None

Inspection Limitations: Inspection of the following occupied spaces were not completed due to no access: **Units 3A, 4, 7A, 9, 23B, 33, 34, 38 & 40**

Inspection of sub-flooring in the occupied tenant spaces of the facility were limited due to current sales area floor coverings. Additional review of the occupied spaces sales are sub-floors should be completed when the spaces are available for destructive review. Below is a summary of the spaces with limited review: **8, 9, 10, 12, 13, 17, 19, 20, 23A, 24, 30, 31, 36, 37, 39A, 40A, 41, 42, 44, 49, 50, 52, 54, 58, 59, 60, 62, Best Buy and Dillard's.**

Summarized Findings:

The following is a summary of the asbestos-containing materials identified in the inspection areas of the structure:

Sample SR-2 – 12”x12” Black Mastic contains 5% chrysotile asbestos.
Sample SR-4 - 12”x12” Black Mastic contains 5% chrysotile asbestos.
Sample SR-8 - 12”x12” Black Mastic contains 5% chrysotile asbestos.
Sample C-2 – Drywall Joint Compound contains 0.5% chrysotile asbestos.
Sample C-8 – Ceiling Texture contains 10% chrysotile asbestos.
Sample C-11 – Ceiling Texture contains 10% chrysotile asbestos.
Sample Y-4 - 12”x12” Black Mastic contains 5% chrysotile asbestos.
Sample Y-10 - 12”x12” Tile contains 3% chrysotile asbestos.
Sample 8B-1 – Black Mastic contains 4% chrysotile asbestos.
Sample 41-1 – 12”x12” Tile contains 3% chrysotile asbestos.
Sample 41-1 – Black Mastic contains 5% chrysotile asbestos.
Sample 48-1 – Vinyl Sheet Flooring contains 20% chrysotile asbestos.
Sample 48-2 - Vinyl Sheet Flooring contains 20% chrysotile asbestos.
Sample JC-4 – 12”x12” Black Mastic contains 5% chrysotile asbestos.
Sample JC-8 – Black/Yellow Mastic contains 2% chrysotile asbestos.
Sample JC-9 – Black Mastic contains 4% chrysotile asbestos.
Sample JC-10 – Silver/Black HVAC Sealant contains 6% chrysotile asbestos.
Sample D-1 – Black mastic contains 5% chrysotile asbestos.
Sample SRR-2 – Gray/Black Roof Patch contains 3% chrysotile asbestos.
Assumed – Transite Panels at skylight soffit areas.

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HEARTLAND TESTING & CONSULTING, LLC

Any building material that contains greater than 1% asbestos is considered regulated and should be removed by a State of Nebraska certified asbestos abatement contractor prior to renovation or demolition activities.

Any presumed or building material known to contain <1% asbestos must be removed prior to renovation work to meet OSHA occupational exposure requirements.

Sample C-2: Wall Board System Joint Compound

The definition of asbestos-containing material (ACM) presented at 29 CFR 1910.1001(b), 29 CFR 1915(b), and 29 CFR 1926.1101(b); OSHA regards each of the items used to construct wall shells from wallboard panels as separate materials. Each of these materials that may contain asbestos must be analyzed separately for their asbestos content. OSHA does not regard wallboard/gypsum wallboard and joint compound as a surfacing material. If a wall shell is constructed of ACM joint compound and wallboard panels that are not ACM, then removal of the wall shell is considered OSHA Class II asbestos work.

For a full listing of materials tested please see table 1. Laboratory analytical results are presented in Appendix D. Asbestos sample photographs are presented in Appendix E. Facility diagram is presented in Appendix F.

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HEARTLAND TESTING & CONSULTING, LLC

Table 1: Sample Analysis Results

Material	Location	Quantity *	Asbestos %	Friable	Sample #
12"x12" Gray/Tan Mottled VFT w/ Yellow Mastic	Sears	-	ND	No	SR-1
VFT & Black Mastic (Under SR-1)	Sears	60,000 sf.	Mastic – 5% Chrysotile	No	SR-2
12"x12" Gray Mottled VFT w/ Yellow Mastic	Sears	-	ND	No	SR-3
VFT (Under SR-3) & Black Mastics	Sears	SR-2	Mastic – 5% Chrysotile	No	SR-4
12"x12" White/Black/Gray VFT w/ Yellow Mastic	Sears	-	ND	No	SR-5
12"x12" White w/ Black Streaked VFT w/ Yellow Mastic	Sears	-	ND	No	SR-6
Drywall	Sears	-	ND	No	SR-7
12"x12" Tan Mottled VFT & Black Mastic	Sears	SR-2	Mastic – 5% Chrysotile	No	SR-8
Drywall & Joint Compound (Composite)	Sears	-	ND	No	SR-9
12"x12" White w/ Black Specks VFT w/ Yellow Mastic	Sears	-	ND	No	SR-10
12"x12" Gray w/ Black Specks VFT w/ Yellow Mastic	Sears	-	ND	No	SR-11
2'x4' Ceiling Tile w/ Large/Small Dents	Corridors	-	ND	No	C-1
Drywall & Joint Compound	Original Structure	Walls & Ceilings	Joint Compound – 0.5%	No	C-2
Ceiling Texture	Corridor	-	ND	No	C-3
2'x4' Ceiling Tile w/ Pinholes & Large/Small Dents	Corridor	-	ND	No	C-4
Ceiling Texture	Corridor	-	ND	No	C-5
2'x4' Ceiling Tile w/ Fissures & Pinholes	Corridors	-	ND	No	C-6
Drywall & Joint Compound	Corridor	-	ND	No	C-7
Ceiling Texture	Original Corridor	13,000 sf.	10% Chrysotile	No	C-8
Ceiling Texture	Corridor	-	ND	No	C-9
2'x4' Ceiling Tile w/ Pinholes and Dents	Corridor	-	ND	No	C-10
Ceiling Texture	Original Corridor	C-8	10% Chrysotile	No	C-11
Wood Flooring w/ Black Mastic	Unit 5	-	ND	No	C-12
12"x12" Gray Mottled w/ Black Streaked VFT	Unit 5	-	ND	No	5-1
Black Baseboard	Unit 5	-	ND	No	5-2
Mudded Fitting	Unit 5	-	ND	No	5-3
12"x12" Tan Mottled VFT w/ Yellow Mastic	Younkers	-	ND	No	Y-1
12"x12" Gray VFT	Younkers	-	ND	No	Y-2
12"x12" White w/ Blue/Gray Streaked VFT & Yellow Mastic	Younkers	-	ND	No	Y-3
12"x12" Black VFT w/ Black Mastic	Younkers	10 sf.	Mastic – 5% Chrysotile	No	Y-4
12"x12" White w/ Brown Streaked VFT	Younkers	-	ND	No	Y-5
12"x12" VFT with 1/2" Square Pattern	Younkers	-	ND	No	Y-6
Drywall & Joint Compound	Younkers	-	ND	No	Y-7
Brown Baseboard w/ Brown Adhesive	Younkers	-	ND	No	Y-8
Mudded Pipe Hanger	Younkers	-	ND	No	Y-9
12"x12" White w/ Brown Streaked VFT & Black Mastic	Younkers	5,000 sf.	Tile – 3% Chrysotile	No	Y-10
12"x12" Blue/Green VFT	Younkers	-	ND	No	Y-11
12"x12" Off-White w/ Blue Streaked VFT	Younkers	-	ND	No	Y-12
Ceiling Texture (E & S Vestibules)	Younkers	C-8	10% Chrysotile	No	C-8
12"x12" Tan Mottled VFT & Yellow Mastic	Unit 8A	-	ND	No	8A-1
Tan Carpet Mastic	Unit 8A	-	ND	No	8A-2

ND-Non-Detect SF.-Square Foot LF.-Lineal Feet CT-Ceiling Tile VFT-Vinyl Floor Tile VSF-Vinyl Sheet Flooring

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Material	Location	Quantity *	Asbestos %	Friable	Sample #
VSF w/ Mastic (Bathroom)	Unit 8B	80 sf.	Mastic - 4% Chrysotile	No	8B-1
12"x12" VFT w/ Yellow Mastic	Unit 8B	-	ND	No	8B-2
Gray Pebble Pattern VSF	Unit 11	-	ND	No	11-1
12"x12" White w/ Gray Streaked VFT	Unit 11	-	ND	No	11-2
Black Mastic	Unit 17	-	ND	No	17-1
12"x12" Tan Mottled VFT w/ Yellow Mastic	Unit 20-1	-	ND	No	20-1
12"x12" White w/ Brown Mottled VFT	Unit 23A-1	-	ND	No	23A-1
Black Mastic	Unit 24	-	ND	No	24-1
12"x12" White w/ Gray Mottled VFT	Unit 31	-	ND	No	31-1
Black Mastic	Unit 39	-	ND	No	39-1
VSF	Unit 40A	-	ND	No	40A-1
12"x12" Tan w/ Brown Pitted VFT & Black Mastic	Unit 41	300 sf.	Tile - 3% Chrysotile Mastic - 5% Chrysotile	No	41-1
12"x12" VFT and Mastic	Unit 42	-	ND	No	42-1
12"x12" Black VFT	Unit 43	-	ND	No	43-1
Tan VSF	Unit 48	150 sf.	20% Chrysotile	No	48-1
Tan Designed VSF	Unit 48	200 sf.	20% Chrysotile	No	48-2
Drywall & Joint Compound	Unit 48	-	ND	No	48-3
Wall Texture	Unit 48	-	ND	No	48-4
Mudded Fitting	Unit 48	-	ND	No	48-5
12"x12" VFT	Unit 49	-	ND	No	49-1
VSF	Unit 51	-	ND	No	51-1
12"x12" White w/ Black Streaked VFT	Unit 52	-	ND	No	52-1
12"x12" VFT	Unit 58	-	ND	No	58-1
12"x12" White w/ Black Streaked VFT & Yellow/Tan Mastic	Maint. Room	-	ND	NO	Maint-1
12"x12" Tan w/ Brown Streaked VFT & Black Mastic	JC Penny	-	ND	No	JC-1
12"x12" Brown VFT w/ Brown Mastic	JC Penny	-	ND	No	JC-2
12"x12" Black w/ White Streaked VFT	JC Penny	-	ND	No	JC-3
12"x12" Tan Marbled VFT & Black Mastic	JC Penny	30,000 sf.	Mastic - 5% Chrysotile	No	JC-4
12"x12" Beige Mottled VFT & Yellow Mastic	JC Penny	-	ND	No	JC-5
12"x12" Off-White/Tan Mottled VFT & Yellow Mastic	JC Penny	-	ND	No	JC-6
Ceiling Tile w/ Pinholes and Holes	JC Penny	-	ND	No	JC-7
Black/Yellow Mastic	JC Penny	JC-4	2% Chrysotile	No	JC-8
12"x12" White w/ Black Streaked VFT & Black Mastic (Sales Floor)	JC Penny	JC-4	Mastic - 4% Chrysotile	No	JC-9
Silver/Black HVAC Duct Sealant (JC Penny Roof)	JC Penny	80 sf.	6% Chrysotile	No	JC-10
12"x12" Cream w/ Brown Streaked VFT Black Mastic	Unit 16	-	ND	No	16-1
12"x12" Tan/Olive/Blue Mottled VFT	Unit 22	-	ND	No	22-1
12"x12" VFT (Under Carpet) w/ Yellow Carpet and Black Mastics	Paint Room	-	ND	No	PR-1
12"x12" Cream w/ Brown Streaked VFT & Black Mastic	Unit 57	-	ND	No	57-1
Tan 4" Square Design VSF	Unit 64	-	ND	No	64-1
12"x12" White w/ Black Streaked VFT & Yellow Mastic	Security Office	-	ND	No	SO-1
2'x2" Ceiling Tile w/ Deep Design	Civic Room	-	ND	No	CR-1

ND-Non-Detect SF.-Square Foot LF.-Lineal Feet CT-Ceiling Tile VFT-Vinyl Floor Tile VSF-Vinyl Sheet Flooring

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Material	Location	Quantity *	Asbestos %	Friable	Sample #
Black Roof Flashing Tar	Sears Roof	-	ND	No	SRR-1
Gray/Black Patch Sealant	Sears Roof	1 sf.	3% Chrysotile	No	SRR-2
Black Roof Flashing Tar	Sears Roof	-	ND	No	SRR-3
Black Roof Tar	JCP Roof	-	ND	No	JCR-1
Black Speckled Asphalt Roll & Black Tar	JCP Roof	-	ND	No	JCR-2
Black Roof Tar	JCP Roof	-	ND	No	JCR-3
Black Speckled Asphalt Roll & Black Tar	JCP Roof	-	ND	No	JCR-4
VSF w/ Adhesive	Unit 8B	-	ND	No	8B-1
12"x12" VFT w/ Yellow Mastic	Unit 8B	-	ND	No	8B-2
Black Mastic	Unit 17	-	ND	No	17-1
12"x12" Tan Mottled VFT w/ Yellow Mastic	Unit 20	-	ND	No	20-1
12"x12" White w/ Brown Mottled VFT	Unit 23	-	ND	No	23A-1
Black Mastic	Unit 24	-	ND	No	24-1
12"x12" White w/ Gray Mottled VFT	Unit 31	-	ND	No	31-1
Black Mastic	Unit 39	-	ND	No	39-1
VSF	Unit 40A	-	ND	No	40A-1
12"x12" Tan w/ Brown Pitted VFT and Black Mastic	Unit 41	-	ND	No	41-1
12"x12" VFT and Yellow Mastic	Unit 42	-	ND	No	42-1
12"x12" Black VFT	Unit 43	-	ND	No	43-1
Mudded Fitting (Roof Drain)	Unit 48	-	ND	No	48-5
12"x12" VFT	Unit 49	-	ND	No	49-1
VSF	Unit 51	-	ND	No	51-1
12"x12" White w/ Black Streaked VFT	Unit 52	-	ND	No	52-1
12"x12" VFT	Unit 58	-	ND	No	58-1
Drywall & Joint Compound	Best Buy		ND	No	BB-1
Tan Vinyl Plank Flooring	Best Buy		ND	No	BB-2
12"x12" Blue/Gray Mottled VFT & Black Mastic	Dillard's	120,000 sf.	Mastic – 5% Chrysotile	No	D-1
Drywall	Dillard's		ND	No	D-2
12"x12" Tan w/ Blue Mottled VFT	Dillard's		ND	No	D-3
Mudded Fitting	Dillard's		ND	No	D-4
Transite Soffit Panels	Sky Light Areas	3,000 sf.	Assumed	No	----

ND-Non-Detect SF-Square Foot LF-Lineal Feet CT-Ceiling Tile VFT-Vinyl Floor Tile VSF-Vinyl Sheet Flooring

*The quantities listed above are based upon the inspector's field measurements and are provided as estimates only.

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Scope of Services

A visual inspection and sampling survey was conducted in general accordance with EPA/NESHAP guidelines to determine the presence of suspect asbestos-containing building materials (ACBM) in demolition and renovation projects.

Survey Methodology

This asbestos survey was performed by a State of Nebraska licensed asbestos inspector. An initial building walk through was conducted to determine the presence of suspect materials, homogeneous materials, and functional spaces throughout the facility. Following the walk through, the inspector collects samples of selected materials identified as suspect ACBM. Sampling is limited to those materials which do not involve destruction of building elements, physical barriers, or the structural integrity of the item being tested. Confined spaces and areas with structural deficiencies are also not inspected unless noted. EPA guidelines were used to determine the sampling protocol. Sampling locations were chosen to be representative of the homogeneous sampling area. While an effort was made to collect samples randomly, samples were taken preferentially from areas which were the least visible to minimize disturbance of the material.

Laboratory Methodology

Bulk samples obtained from the facility were analyzed at an accredited laboratory listed on the National Voluntary Laboratory Accreditation Program (NVLAP) using Polarized Light Microscopy (PLM) or point count methodology (PC) as needed. Laboratory certifications and statements of qualifications can be provided as needed.

Warranty

HTC and its inspectors are trained and licensed to perform the services provided. All care is taken to provide a product of the highest quality in line with professional standards. All care is taken to examine the entirety of the facility or area requested in so far as it is safe to do so. The value of the warranty or any claims cannot exceed the value paid for this report or survey.

Survey and Analysis Results

For a detailed report on laboratory findings please refer to Appendix D. Quantities of materials sampled are estimated from field measurements. Owner, contractor, or other operators should field verify all quantities to ensure accuracy.

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Appendix A – Licensing:

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Public Health Licensure Unit Certification of Licensure

This certificate serves as primary source verification of licensure in the State of Nebraska as of the close of the business day before 6/24/2021.

Name: Michael Aaron Smith
Type: Asbestos Management Planner
Number: 920
Status: Active
Issued: 01/29/2015
Expiration: 02/28/2023
Education: None on record at this time

Disciplinary/Non-Disciplinary Information:

No disciplinary/non-disciplinary actions taken against this license.

If you have questions about this information, please contact the Licensure Unit at (402) 471-2115 or DHHS.LicensureUnit@nebraska.gov.

State of Nebraska

Department of Health and Human Services
Division of Public Health

Michael Aaron Smith
Asbestos Management Planner

License #: 920
Status: Active

Expiration: 02/28/2023



Appendix B – Regulatory Overview:

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There are several government agencies with regulations pertaining to asbestos, renovation, and demolition projects in Nebraska. The following items are summaries of their involvement.

Environmental Protection Agency

Asbestos Hazard Emergency Response Act (AHERA) – This act contains many regulations pertaining exclusively to schools and can be found in 40 Code of Federal Regulation (CFR), Part 763.

National Emissions Standards for Hazardous Air Pollutants (NESHAP) – NESHAP regulations govern most of the asbestos related renovation and demolition projects. The full text can be found in 40 CFR. Part 61.

- Requires an asbestos inspection prior to renovation and demolition projects.
- Requires removal of materials prior to being disturbed by renovation or demolition activities.
- Requires ten government working day notification prior to any renovation, demolition, or asbestos removal activities on projects greater than 160 square feet or 260 lineal feet. All demolition projects must be notified regardless of if asbestos is present.
- Regulates the training requirements for asbestos professionals.
- Regulates the identification, removal, transportation, and disposal of asbestos containing materials.

Nebraska Department of Health & Human Services Asbestos Control Program

This state agency is delegated certain responsibilities created by the EPA regulations. For more information visit the programs website located at <https://dhhs.ne.gov/Pages/Asbestos.aspx>.

- Requires an asbestos inspection be performed by a licensed inspector prior to any renovation or demolition project. From the Program website:

“Before you begin demolition or renovation of a project by anyone other than a homeowner (in that person’s residential property of 4 units or less), each residential or commercial property owner must have a thorough inspection for asbestos-containing materials. This inspection must be performed by a Nebraska-certified asbestos inspector.”

- Requires a ten-day (14 calendar day) notification on projects greater than 160 square feet or 260 lineal feet.
- Requires state licensed personnel do all asbestos work except that exempted by the residential exemption found in glossary.
- Regulates work practices for all asbestos work.
- Enforces State regulations and some EPA regulations.

Nebraska Department of Environment and Energy (NDEE)

NDEE regulations require removal of asbestos prior to demolition or renovation. NDEE also regulates the disposal of asbestos wastes and construction and demolition (C & D) materials.

- Requires use of personnel licensed in accordance with NDOH.
- Requires inspection and removal of ACM in demolition and renovations projects.
- Requires the same ten-day notification as above.
- Requires all asbestos waste be disposed of in a licensed landfill permitted to accept asbestos.

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- Requires all C&D material be disposed of or recycled in a permitted facility.
- Requires an inspection and removal of any ACM prior to a fire training exercise. Also requires disposal of ashes from said burn in a licensed landfill.

Occupational Safety and Health Administration (OSHA)

OSHA regulates asbestos as it pertains to the safety and health of all workers on site. Further information can be found in 29 cfr. 1926.1101.

- Requires owners of facilities to perform a survey of asbestos containing materials and institute an operations and maintenance plan to keep materials in good condition.
- Regulates work practices for removal and repair of ACM as it pertains to employee safety.
- Requires air monitoring be performed in certain situations to protect safety of asbestos workers as well as any other workers that may be in the area or structure.
- Requires medical monitoring, respiratory protection, and education of employees working with asbestos.
- OSHA may regulate materials whose asbestos content does not meet the EPA definition of an asbestos containing material.

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Appendix C - Glossary of Terms:

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Approved Asbestos Waste Disposal Site - means a solid waste disposal area that is operated under a permit issued by the Nebraska Department of Environmental Quality and is authorized to receive asbestos containing solid wastes. See Appendix E.

Asbestos – means asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.

Asbestos Containing Materials or ACM – means any material or product, which contains more than 1% asbestos.

Asbestos Project – means an asbestos encapsulation project, an asbestos removal project, an asbestos enclosure project, an asbestos related demolition project or an asbestos related dismantling project, but shall not include any activities which affect three (3) square feet or less or three (3) linear feet or less of ACM on or in a structure or equipment or any appurtenances thereto, or (b) any activities physically performed by a homeowner, a member of the home owner's family or an unpaid volunteer on or in the home owner's residential property of four units or less.

Bulk Sample – a solid quantity of a building material suspected of containing asbestos and that will be analyzed for the presence of asbestos.

Demolition – means the wrecking, razing, or removal of any structure or load-supporting structural item of any structure, including any related material handling operations, and includes the intentional burning of any structure.

Friable Asbestos – means asbestos in a form which can be crumbled, pulverized, or reduced to powder by hand pressure.

Caution: Non-friable asbestos which becomes friable is classified as friable asbestos.

Inspector – means an individual who is certified by the Department to identify and assess the condition of ACM. Inspectors shall perform their duties in accordance with the techniques, knowledge, training and responsibilities outlined in 008.04A8.

Management Planner – means an individual who is certified by the Department to assess the hazard of materials containing asbestos, to determine the appropriate response actions and to write management plans.

Non-friable ACM – any material containing more than one percent asbestos (as determined by Polarized Light Microscopy), that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure, Nonfriable asbestos is further divided into categories I and II. Category I includes packings, gaskets, resilient floor covering, and asphalt roofing. Category II includes any material not in Category I.

Project Designer – means an individual who is certified by the Department to formulate plans and write specifications for conducting asbestos projects.

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RACM – Regulated Asbestos-Containing Material (ACM) is:

- Friable asbestos;
- Category I non-friable ACM that has become friable due to destructive handling;
- Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or
- Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material during demolition or renovation operations regulated by the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP).

Renovation – means the altering of a structure, one or more structural items, or one or more equipment items in any way, including any asbestos project performed on a structure, structural item, or equipment item.

Structure or Structural Item – means roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

Thermal System Insulation (TSI) – ACM applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain.

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Appendix D – Laboratory Analytical Results

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

Order #: JH22138748
Project #: 2973888
Date Received: 13-Jul-2022
Date Analyzed: 14-Jul-2022
Date Reported: 15-Jul-2022

EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
SR-1	LAYER 1 Floor Tile, Beige, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
SR-2	LAYER 1 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Floor Tile, Beige, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 3 Mastic, Black, Homogeneous	Chrysotile 5%	Non-Fibrous Material	95%
SR-3	LAYER 1 Floor Tile, Off White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
SR-4	LAYER 1 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Floor Tile, White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 3 Mastic, Black, Homogeneous	Chrysotile 5%	Non-Fibrous Material	95%
SR-5	LAYER 1 Floor Tile, Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%

Anh Phung Analyst


 Scott Ward, Ph.D. Lab Director

Results apply to the sample as received and relate only to the items tested. This report is for the exclusive use of the addressed client and shall not be reproduced except in full, without written approval by Eurofins J3 Resources, Inc. (EJ3). Samples are analyzed according to the methods listed above and are subject to the inherent limitations of PLM and interference of matrix components. Reporting limit for the above method is a function of the quantity of sample analyzed, matrix interference, sample preparation, fiber size, and distribution. Asbestos may be detected in concentrations of <1% by area if sufficient material is analyzed. All reported results have been determined by calibrated visual estimation (CVE) unless otherwise noted. According to the USEPA 1991 Clarification and the Texas Asbestos Health Protection Rule, a material containing asbestos of <10% by CVE (including <1% asbestos) can only be demonstrated as a non-asbestos containing building material (non-ACBM) if confirmed by point counting. EJ3 recommends TEM confirmation of soils, vermiculite and non-friable organically bound materials (NOB) reported as None Detected or < 1% Asbestos by PLM. All samples received in good condition unless otherwise noted. This report shall not be used to claim product approval, certification, or endorsement by NVLAP, NIST, or any agency of the federal government.

NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


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Project #: 2973888
Date Received: 13-Jul-2022
Date Analyzed: 14-Jul-2022
Date Reported: 15-Jul-2022

EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
SR-6	LAYER 1 Floor Tile, Lt. Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
SR-7	Wallboard, Brown/ White, Homogeneous	None Detected	Cellulose Fiber Fibrous Glass Non-Fibrous Material	10% <1% 90%
SR-8	LAYER 1 Mastic, Gray/ Clear, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Floor Tile, Beige, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 3 Mastic, Black, Homogeneous	Chrysotile 5%	Non-Fibrous Material	95%
SR-9	LAYER 1 Joint Compound, White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Wallboard, Brown/ White, Homogeneous	None Detected	Cellulose Fiber Fibrous Glass Non-Fibrous Material	10% <1% 90%
SR-10	LAYER 1 Mastic, Gray/ Clear, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Floor Tile, Off White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 3 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%

Anh Phung Analyst


 Scott Ward, Ph.D. Lab Director

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NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

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Order #: JH22138748
Project #: 2973888
Date Received: 13-Jul-2022
Date Analyzed: 14-Jul-2022
Date Reported: 15-Jul-2022

EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents
SR-11	LAYER 1 Floor Tile, Gray, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
C-1	Ceiling Tile, White/ Gray, Homogeneous	None Detected	Cellulose Fiber 60% Mineral Wool 20% Non-Fibrous Material 20%
C-2	LAYER 1 Joint Compound, Beige, Homogeneous	Chrysotile 2%	Non-Fibrous Material 98%
	LAYER 2 Wallboard, Brown/ White, Homogeneous	None Detected	Cellulose Fiber 10% Fibrous Glass <1% Non-Fibrous Material 90%
C-3	Ceiling Texture, White, Homogeneous	None Detected	Non-Fibrous Material 100%
C-4	Ceiling Tile, White/ Gray, Homogeneous	None Detected	Cellulose Fiber 60% Mineral Wool 20% Non-Fibrous Material 20%
C-5	Ceiling Texture, White, Homogeneous	None Detected	Non-Fibrous Material 100%
C-6	Ceiling Tile, White/ Gray, Homogeneous	None Detected	Cellulose Fiber 60% Mineral Wool 20% Non-Fibrous Material 20%

Anh Phung Analyst


 Scott Ward, Ph.D. Lab Director

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NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

Page 3 of 5

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

Order #: JH22138748
Project #: 2973888
Date Received: 13-Jul-2022
Date Analyzed: 14-Jul-2022
Date Reported: 15-Jul-2022

EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents
C-7	LAYER 1 Joint Compound, White, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Wallboard, Brown/ White, Homogeneous	None Detected	Cellulose Fiber 10% Fibrous Glass <1% Non-Fibrous Material 90%
C-8	Ceiling Texture, White, Homogeneous	Chrysotile 10%	Non-Fibrous Material 90%
C-9	Ceiling Texture, White, Homogeneous	None Detected	Non-Fibrous Material 100%
C-10	Ceiling Tile, White/ Gray, Homogeneous	None Detected	Cellulose Fiber 70% Mineral Wool 10% Non-Fibrous Material 20%
C-11	Ceiling Texture, White, Homogeneous	Chrysotile 10%	Non-Fibrous Material 90%
C-12	LAYER 1 Wood Flooring, Brown, Homogeneous	None Detected	Cellulose Fiber 100%
	LAYER 2 Mastic, Brown, Homogeneous No Black Mastic Present	None Detected	Cellulose Fiber 2% Non-Fibrous Material 98%
32-1	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%

Anh Phung Analyst


 Scott Ward, Ph.D. Lab Director

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NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

Order #: JH22138748
Project #: 2973888
Date Received: 13-Jul-2022
Date Analyzed: 14-Jul-2022
Date Reported: 15-Jul-2022

EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
8A-1	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%

Anh Phung Analyst


 Scott Ward, Ph.D. Lab Director

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)
EPA 600/M4-82-020; 600/R-93/116 - Point Count Method


Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

Order #: JH22138951
Project #: 2973888
Date Received: 20-Jul-2022
Date Analyzed: 20-Jul-2022
Date Reported: 22-Jul-2022

PC-JH22138748-EMLab ID 2973888

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents
C-2 LAYER 1	Joint Compound, Beige, Homogeneous Original PLM Result: Chrysotile 2%	Chrysotile 0.50%	Non-Fibrous Material 99.50%
400 pt. POINT COUNT			

Taylor Smylie Analyst


 Scott Ward, Ph.D. Lab Director

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NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

Page 1 of 1

Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
 Date of Receipt: 07-13-2022
 Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Total Samples Submitted: 29

Total Samples Analyzed: 29

Total Samples with Layer Asbestos Content > 1%: 4

Location: 5-1, 12"x12" Gray Mottled w/ Brown Streaked VFT

Lab ID-Version‡: 14304823-1

Sample Layers	Asbestos Content
Gray Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: 5-2, Black Baseboard

Lab ID-Version‡: 14304824-1

Sample Layers	Asbestos Content
Black Baseboard	ND
Yellow Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: 5-3, Mudded Fitting

Lab ID-Version‡: 14304825-1

Sample Layers	Asbestos Content
Gray Semi-Fibrous Material	ND
Composite Non-Asbestos Content:	15% Glass Fibers 5% Cellulose
Sample Composite Homogeneity:	Good

Location: Y-1, 12"x12" Tan Mottled VFT w/ Yellow Mastic

Lab ID-Version‡: 14304826-1

Sample Layers	Asbestos Content
Tan Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity:	Moderate

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

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Client: Heartland Testing & Consulting
C/O: Mike Smith
Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
Date of Receipt: 07-13-2022
Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: Y-2, 12"x12" Gray VFT

Lab ID-Version‡: 14304827-1

Sample Layers	Asbestos Content
Gray Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity: Moderate	

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
 Date of Receipt: 07-13-2022
 Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: Y-3, 12"x12" White w/ Blue/Gray Streaked VFT w/ Yellow Mastic

Lab ID-Version‡: 14304828-1

Sample Layers	Asbestos Content
White Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity: Moderate	

Location: Y-4, 12"x12" Black VFT w/ Black Mastic

Lab ID-Version‡: 14304829-1

Sample Layers	Asbestos Content
Black Floor Tile	ND
Black Mastic	5% Chrysotile
Sample Composite Homogeneity: Moderate	

Location: Y-5, 12"x12" White w/ Brown Streaked VFT

Lab ID-Version‡: 14304830-1

Sample Layers	Asbestos Content
White Floor Tile	ND
Black Mastic	ND
Sample Composite Homogeneity: Moderate	

Location: Y-6, 12"x12" VFT w/ 1/2" Square Pattern

Lab ID-Version‡: 14304831-1

Sample Layers	Asbestos Content
Gray Floor Tile	ND
Sample Composite Homogeneity: Good	

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
 Date of Receipt: 07-13-2022
 Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: Y-7, Drywall & Joint Compound (COMPOSITE SAMPLE)

Lab ID-Version‡: 14304832-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Joint Compound	ND
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Moderate

Location: Y-8, Brown Baseboard w/ Brown Adhesive

Lab ID-Version‡: 14304833-1

Sample Layers	Asbestos Content
Brown Baseboard	ND
Brown Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: Y-9, Mudded Pipe Hager Fitting

Lab ID-Version‡: 14304834-1

Sample Layers	Asbestos Content
Gray Semi-Fibrous Material	ND
Composite Non-Asbestos Content:	15% Glass Fibers 5% Cellulose
Sample Composite Homogeneity:	Good

Location: 11-1, Gray Pebble Pattern VSF

Lab ID-Version‡: 14304835-1

Sample Layers	Asbestos Content
Gray Sheet Flooring with Fibrous Backing	ND
Composite Non-Asbestos Content:	15% Cellulose
Sample Composite Homogeneity:	Good

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Client: Heartland Testing & Consulting
C/O: Mike Smith
Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
Date of Receipt: 07-13-2022
Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: 11-2, 12"x12" White w/ Gray Streaked VFT w/ Yellow Mastic

Lab ID-Version‡: 14304836-1

Sample Layers	Asbestos Content
White Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: 48-1, Tan VSF

Lab ID-Version‡: 14304837-1

Sample Layers	Asbestos Content
Tan Sheet Flooring with Fibrous Backing	20% Chrysotile
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Good

Location: 48-2, Tan Designed VSF

Lab ID-Version‡: 14304838-1

Sample Layers	Asbestos Content
Yellow Mastic	ND
Tan Sheet Flooring with Fibrous Backing	20% Chrysotile
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Moderate

Location: 48-3, Drywall & Joint Compound

Lab ID-Version‡: 14304839-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Good

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Client: Heartland Testing & Consulting
C/O: Mike Smith
Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
Date of Receipt: 07-13-2022
Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: 48-4, Wall Texture

Lab ID-Version‡: 14304840-1

Sample Layers	Asbestos Content
White Texture	ND
Sample Composite Homogeneity: Good	

Location: Maint-1, 12"x12" White w/ Black Streaked VFT w/ Tan-Yellow Mastic

Lab ID-Version‡: 14304841-1

Sample Layers	Asbestos Content
White Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity: Moderate	

Location: JC-1, 12"x12" Tan w/ Brown Streaked VFT w/ Black Mastic

Lab ID-Version‡: 14304842-1

Sample Layers	Asbestos Content
Tan Floor Tile	ND
Black Mastic	ND
Sample Composite Homogeneity: Moderate	

Location: JC-2, 12"x12" Brown VFT w/ Brown Mastic

Lab ID-Version‡: 14304843-1

Sample Layers	Asbestos Content
Brown Floor Tile	ND
Brown Mastic	ND
Sample Composite Homogeneity: Moderate	

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Client: Heartland Testing & Consulting
C/O: Mike Smith
Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
Date of Receipt: 07-13-2022
Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: JC-3, 12"x12" Black w/ White Streaked VFT

Lab ID-Version‡: 14304844-1

Sample Layers	Asbestos Content
Black Floor Tile	ND
Sample Composite Homogeneity: Good	

Location: JC-4, 12"x12" Tan Mottled VFT w/ Yellow Mastic

Lab ID-Version‡: 14304845-1

Sample Layers	Asbestos Content
Tan Floor Tile	ND
Black Mastic	5% Chrysotile
Sample Composite Homogeneity: Moderate	

Location: JC-5, 12"x12" Beige Mottled VFT w/ Yellow Mastic

Lab ID-Version‡: 14304846-1

Sample Layers	Asbestos Content
Beige Floor Tile	ND
Sample Composite Homogeneity: Good	

Location: JC-6, Off-White w/ Tan Mottled VFT w/ Yellow Mastic

Lab ID-Version‡: 14304847-1

Sample Layers	Asbestos Content
Off-White Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity: Moderate	

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-11-2022
 Date of Receipt: 07-13-2022
 Date of Report: 07-18-2022

ASBESTOS PLM REPORT

Location: JC-7, 2x4 CT w/ Pineholes and Holes

Lab ID-Version‡: 14304848-1

Sample Layers	Asbestos Content
Beige Ceiling Tile with White Surface	ND
Composite Non-Asbestos Content:	40% Cellulose 40% Glass Fibers
Sample Composite Homogeneity:	Good

Location: 16-1, 12"x12" Cream w/ Brown Streaked VFT w/ Black Mastic

Lab ID-Version‡: 14304849-1

Sample Layers	Asbestos Content
Cream Floor Tile	ND
Black Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: 22-1, Tan/Olive/Blue Mottled VFT

Lab ID-Version‡: 14304850-1

Sample Layers	Asbestos Content
Tan Floor Tile	ND
Sample Composite Homogeneity:	Good

Location: PR-1, 12"x12" VFT (Under Carpet in Restroom)

Lab ID-Version‡: 14304851-1

Sample Layers	Asbestos Content
Yellow Mastic	ND
Cream Floor Tile	ND
Black Mastic	ND
Sample Composite Homogeneity:	Poor

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-12-2022
 Date of Receipt: 07-14-2022
 Date of Report: 07-19-2022

ASBESTOS PLM REPORT

Total Samples Submitted: 12
Total Samples Analyzed: 12
Total Samples with Layer Asbestos Content > 1%: 1

Location: CR-1, 2x2 CT w/ Deep Design

Lab ID-Version‡: 14309731-1

Sample Layers	Asbestos Content
Gray Ceiling Tile with White Surface	ND
Composite Non-Asbestos Content:	60% Glass Fibers 20% Cellulose
Sample Composite Homogeneity:	Good

Location: SO-1, 12x12 White w/ Black Streaked VFT and Yellow Mastic

Lab ID-Version‡: 14309732-1

Sample Layers	Asbestos Content
White Floor Tile	ND
Yellow Mastic	ND
Sample Composite Homogeneity:	Moderate

Location: 8A-2, Yellow Carpet Mastic

Lab ID-Version‡: 14309733-1

Sample Layers	Asbestos Content
Yellow Mastic	ND
Sample Composite Homogeneity:	Good

Location: 57-1, 12x12 Cream w/ Beige Streaked VFT w/ Black Mastic

Lab ID-Version‡: 14309734-1

Sample Layers	Asbestos Content
Cream Floor Tile	ND
Black Mastic	ND
Sample Composite Homogeneity:	Moderate

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-12-2022
 Date of Receipt: 07-14-2022
 Date of Report: 07-19-2022

ASBESTOS PLM REPORT

Location: 64-1, Tan Square Design VSF

Lab ID-Version‡: 14309735-1

Sample Layers	Asbestos Content
Tan Sheet Flooring with Fibrous Backing	ND
Composite Non-Asbestos Content:	20% Cellulose
Sample Composite Homogeneity:	Good

Location: SRR-1, Black Flashing Tar

Lab ID-Version‡: 14309736-1

Sample Layers	Asbestos Content
Black Roof Flashing	ND
Sample Composite Homogeneity:	Good

Location: SRR-2, Black Flashing Tar

Lab ID-Version‡: 14309737-1

Sample Layers	Asbestos Content
Gray/Black Roof Flashing	3% Chrysotile
Sample Composite Homogeneity:	Good

Location: SRR-3, Black Flashing Tar

Lab ID-Version‡: 14309738-1

Sample Layers	Asbestos Content
Black Roof Flashing	ND
Sample Composite Homogeneity:	Good

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Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-12-2022
 Date of Receipt: 07-14-2022
 Date of Report: 07-19-2022

ASBESTOS PLM REPORT

Location: JCR-1, Black Roof Tar

Lab ID-Version‡: 14309739-1

Sample Layers	Asbestos Content
Black Roofing Tar	ND
Sample Composite Homogeneity: Good	

Location: JCR-2, Black Asphalt Roll w/ Black Tar

Lab ID-Version‡: 14309740-1

Sample Layers	Asbestos Content
Black Roofing Material with Grey Pebbles	ND
Black Tar	ND
Sample Composite Homogeneity: Moderate	

Location: JCR-3, Black Roof Tar

Lab ID-Version‡: 14309741-1

Sample Layers	Asbestos Content
Black Roofing Tar	ND
Sample Composite Homogeneity: Good	

Location: JCR-4, Black Asphalt Roll w/ Black Tar

Lab ID-Version‡: 14309742-1

Sample Layers	Asbestos Content
Black Roofing Material with Grey Pebbles	ND
Black Tar	ND
Sample Composite Homogeneity: Moderate	

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

Order #: JP221037792
Project #: 2982869
Date Received: 26-Jul-2022
Date Analyzed: 27-Jul-2022
Date Reported: 27-Jul-2022

EMLab ID 2982869

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents	
8B-1	LAYER 1 Sheet Flooring, Beige, Homogeneous	None Detected	Fibrous Glass Non-Fibrous Material	4% 96%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 3 Float, Gray, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 4 Mastic, Black, Homogeneous	Chrysotile 4%	Non-Fibrous Material	96%
8B-2	LAYER 1 Floor Tile, White, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
17-1	Mastic, Black, Homogeneous	None Detected	Cellulose Fiber Non-Fibrous Material	5% 95%
20-1	LAYER 1 Floor Tile, Tan/ Mottled, Homogeneous	None Detected	Non-Fibrous Material	100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material	100%
23A-1	Floor Tile, White/Brown/ Mottled, Homogeneous	None Detected	Non-Fibrous Material	100%
24-1	Mastic, Black, Homogeneous	None Detected	Cellulose Fiber Non-Fibrous Material	5% 95%
31-1	Floor Tile, White/ Gray/ Mottled, Homogeneous	None Detected	Non-Fibrous Material	100%

Duane Salinas Analyst


 Scott Ward, Ph.D. Lab Director

Results apply to the sample as received and relate only to the items tested. This report is for the exclusive use of the addressed client and shall not be reproduced except in full, without written approval by Eurofins J3 Resources, Inc. (EJ3). Samples are analyzed according to the methods listed above and are subject to the inherent limitations of PLM and interference of matrix components. Reporting limit for the above method is a function of the quantity of sample analyzed, matrix interference, sample preparation, fiber size, and distribution. Asbestos may be detected in concentrations of <1% by area if sufficient material is analyzed. All reported results have been determined by calibrated visual estimation (CVE) unless otherwise noted. According to the USEPA 1991 Clarification and the Texas Asbestos Health Protection Rule, a material containing asbestos of <10% by CVE (including <1% asbestos) can only be demonstrated as a non-asbestos containing building material (non-ACBM) if confirmed by point counting. EJ3 recommends TEM confirmation of soils, vermiculite and non-friable organically bound materials (NOB) reported as None Detected or < 1% Asbestos by PLM. All samples received in good condition unless otherwise noted. This report shall not be used to claim product approval, certification, or endorsement by NVLAP, NIST, or any agency of the federal government.

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


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Order #: JP221037792
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Date Received: 26-Jul-2022
Date Analyzed: 27-Jul-2022
Date Reported: 27-Jul-2022

EMLab ID 2982869

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents
39-1	Mastic, Black, Homogeneous	None Detected	Non-Fibrous Material 100%
40A-1	LAYER 1 Sheet Flooring, White, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
41-1	LAYER 1 Floor Tile, Tan/Brown/Pitted, Homogeneous	Chrysotile 3%	Non-Fibrous Material 97%
	LAYER 2 Mastic, Black, Homogeneous	Chrysotile 5%	Non-Fibrous Material 95%
42-1	LAYER 1 Floor Tile, White/Gray Streaks, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
43-1	Floor Tile, Black, Homogeneous	None Detected	Non-Fibrous Material 100%
48-5	Mud Insulation, Gray, Homogeneous	None Detected	Fibrous Glass 25% Non-Fibrous Material 75%
49-1	LAYER 1 Floor Tile, White, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%

Duane Salinas Analyst



Scott Ward, Ph.D. Lab Director

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Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


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10900 Brittmoore Park Drive, Ste. G
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Order #: JP221037792
Project #: 2982869
Date Received: 26-Jul-2022
Date Analyzed: 27-Jul-2022
Date Reported: 27-Jul-2022

EMLab ID 2982869

Sample ID #	Sample Description	Asbestos Constituents	Non-Asbestos Constituents
51-1	Sheet Flooring, Beige, Homogeneous	None Detected	Cellulose Fiber 20% Fibrous Glass 2% Non-Fibrous Material 78%
52-1	LAYER 1 Floor Tile, White/Black Streaks, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
58-1	LAYER 1 Floor Tile, Tan, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
Y-10	LAYER 1 Floor Tile, White/Brown Streaks, Homogeneous	Chrysotile 3%	Non-Fibrous Material 97%
	LAYER 2 Mastic, Black, Homogeneous	None Detected	Cellulose Fiber 2% Non-Fibrous Material 98%
Y-11	LAYER 1 Floor Tile, Blue/ Green, Homogeneous	None Detected	Non-Fibrous Material 100%
	LAYER 2 Mastic, Yellow, Homogeneous	None Detected	Non-Fibrous Material 100%
Y-12	Floor Tile, White/Blue Streaks, Homogeneous	None Detected	Non-Fibrous Material 100%
JC-8	Mastic, Black/ Yellow, Homogeneous	Chrysotile 2%	Non-Fibrous Material 98%

Duane Salinas Analyst


 Scott Ward, Ph.D. Lab Director

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Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


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Order #: JP221037792
Project #: 2982869
Date Received: 26-Jul-2022
Date Analyzed: 27-Jul-2022
Date Reported: 27-Jul-2022

EMLab ID 2982869

Sample ID #	Sample Description	Asbestos Constituents		Non-Asbestos Constituents	
		Constituent	Percentage	Constituent	Percentage
JC-9	LAYER 1 Floor Tile, White/Black Streaks, Homogeneous	None Detected		Non-Fibrous Material	100%
	LAYER 2 Mastic, Black, Homogeneous	Chrysotile	4%	Non-Fibrous Material	96%
JC-10	Duct Sealant, Silver/ Black, Homogeneous	Chrysotile	6%	Non-Fibrous Material	94%

Duane Salinas Analyst


 Scott Ward, Ph.D. Lab Director

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NVLAP Lab Code: 600120-0 AIHA-LAP, LLC Lab ID: 157714 TDSHS License: 30-0457 Page 4 of 4

Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-27-2022
 Date of Receipt: 07-28-2022
 Date of Report: 08-02-2022

ASBESTOS PLM REPORT

Total Samples Submitted:	6
Total Samples Analyzed:	6
Total Samples with Layer Asbestos Content > 1%:	1

Location: BB-1, Drywall and Joint Compound

Lab ID-Version‡: 14372398-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Joint Compound with Paint	ND
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Moderate

Location: BB-2, Tan Vinyl Plank Flooring

Lab ID-Version‡: 14372399-1

Sample Layers	Asbestos Content
Tan Sheet Flooring	ND
Sample Composite Homogeneity:	Good

Location: D-1, 12"x12" Tan w/ Lt. Blue/Gray Mottled VFT & Black Mastic

Lab ID-Version‡: 14372400-1

Sample Layers	Asbestos Content
Tan Floor Tile	ND
Black Mastic	5% Chrysotile
Sample Composite Homogeneity:	Good

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‡ A "Version" indicated by -"x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Client: Heartland Testing & Consulting
 C/O: Mike Smith
 Re: Conestoga Mall; NESHAP

Date of Sampling: 07-27-2022
 Date of Receipt: 07-28-2022
 Date of Report: 08-02-2022

ASBESTOS PLM REPORT

Location: D-2, Drywall

Lab ID-Version‡: 14372401-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Composite Non-Asbestos Content:	10% Cellulose
Sample Composite Homogeneity:	Good

Location: D-3, 12"x12" Beige/Tan Mottled VFT

Lab ID-Version‡: 14372402-1

Sample Layers	Asbestos Content
Beige Floor Tile	ND
Sample Composite Homogeneity:	Good

Location: D-4, Mudded Fitting

Lab ID-Version‡: 14372403-1

Sample Layers	Asbestos Content
White Semi-Fibrous Material	ND
Composite Non-Asbestos Content:	15% Glass Fibers
Sample Composite Homogeneity:	Good

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‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Appendix E – Asbestos Sample Photographs

P.O. BOX 290 • ALDA • 6 8 8 10
PHONE: (3 0 8) 708-0604 • FAX: (3 0 8) 3 8 1 - 1 6 9 7
MIKE@ONEILLWR.COM

HEARTLAND TESTING & CONSULTING, LLC



Photo 1:

**View of
Sample SR-1 &
SR-2.**



Photo 2:

**View of
Sample SR-3 &
SR-4.**

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MIKE@ONEILLWR.COM

HEARTLAND TESTING & CONSULTING, LLC

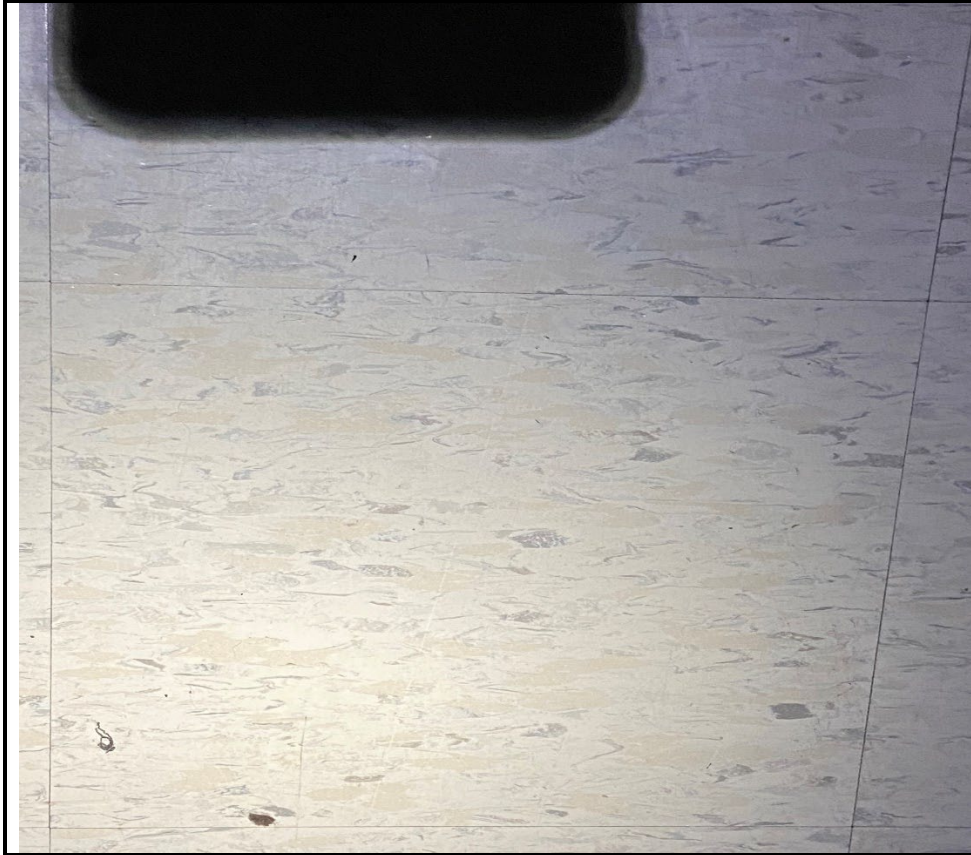


Photo 3:
View of
Sample SR-8.



Photo 4:
View of sample
C-2.

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Photo 5:

**View of
Sample C-8 &
C-11.**



Photo 6:

**View of
Sample Y-4 &
Y-10.**

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Photo 7:
View of
Sample 41-1.



Photo 8:
View of
Sample 48-1.

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Photo 9:

**View of
Sample 48-2.**



Photo 10:

**View of
Sample JC-4.**

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Photo 11:

**View of
Sample JC-10.**



Photo 12:

**View of
Sample SRR-2,
material
appears to be a
patch material.**

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Photo 13:

**View of
sample D-1.**



Photo 14:

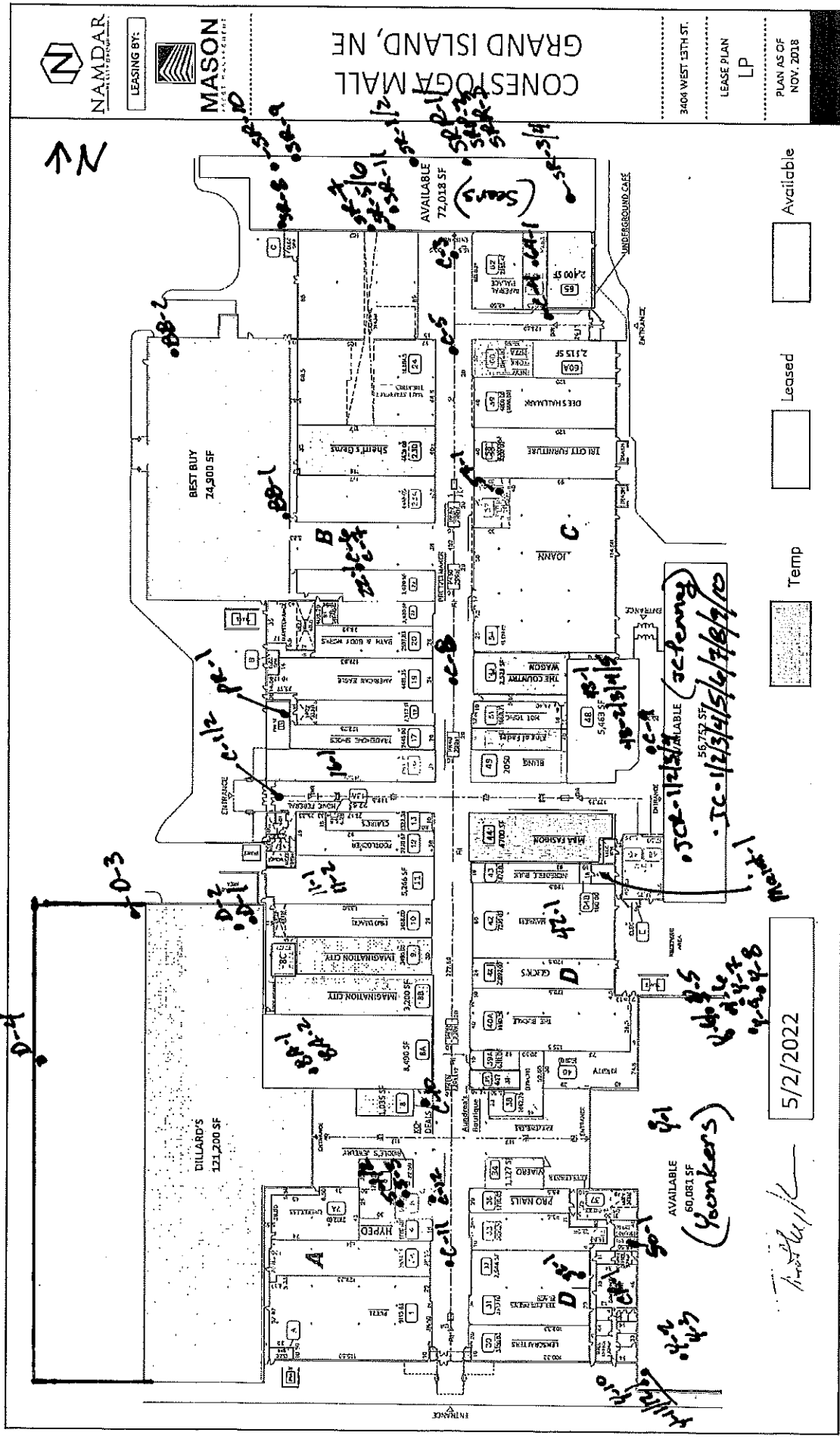
**View of
Assumed
transite soffit.**

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MIKE@ONEILLWR.COM

Appendix F – Facility Diagrams

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PHONE: (3 0 8) 708-0604 • FAX: (3 0 8) 3 8 1 - 1 6 9 7
MIKE@ONEILLWR.COM

SAMPLE Locations





LEASING BY:



CONESTOGA MALL GRAND ISLAND, NE

3404 WEST 13TH ST.

LEASE PLAN
LP

PLAN AS OF
NOV. 2018

Original Bidding



Available Leased Temp

5/2/2022

Handwritten signature

Ceiling Texture
Floor Tile/Mastic
V/SF Flooring



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item H-2

Consideration of Referring Extremely Blighted Property Analysis for Grand Island to the Regional Planning Commission (Conestoga Mall)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, Director Grand Island CRA
Meeting: September 13, 2022
Subject: Proposed Extremely Blighted Areas September 2022
Presenter(s): Chad Nabity, Director Grand Island CRA

Background

Enclosed you will find a copy of a Substandard and Blight Study as prepared for Woodsonia Acquisitions LLC by Kurt Elder, AICP working with Marvin Planning Consultants. This study identifies those areas of Grand Island that could qualify as Extremely Blighted as defined by N.R.S.S 18-2103 (13).

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 or American Community Survey 5-Year Estimate 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;

Mr. Elder is a planner with the City of Lincoln Community Development Division and worked closely with the University of Nebraska at Omaha's Center for Public Affairs and Senator Justin Wayne's office to develop this methodology for designating areas as Extremely Blighted. The City of Lincoln has used this methodology to designate portions of Lincoln as Extremely Blighted.

Discussion

Designating an area as Extremely Blighted provides two potential benefits to redevelopment in the area and any residents in the area along with a benefit to the City.

1. The term of TIF bonds in Extremely Blighted areas is may be extended from 15 years to 20 years. This will provide additional capital to the project making it more likely to succeed and to be built out in a shorter time frame.
2. Provide an income tax credit of up to \$5000 to first time home buyers that purchase qualifying homes in areas that have been declared Extremely Blight as their primary residence prior to January 1, 2026. N.R.S.S. 77-2715.07
3. Remove those areas that are declared Extremely Blighted from the 35% cap on area that can be declared Blighted and Substandard N.R.S.S. 18-2103 (3)

The action item tonight relates to the study for proposed Extremely Blighted Areas within the City of Grand Island as detailed and defined in the attached study.

At this point, Council is only making a decision about whether to forward the study to the Planning Commission for its recommendation or not. According to NRSS §18-2109, it is clear that the Planning Commission must hold a public hearing and have the opportunity to review the Extreme Blight Study prior to Council declaring the property Extremely Blighted. If Council wishes to consider such a declaration State Statute requires that the question of whether an area is Extremely Blighted is submitted to the Planning Commission for hearing, review and recommendation.

Blighted Area of the Community

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 6, 2022, 24.78% of the City has been declared blighted and substandard. Area 28 would add 78.45 acres to the total of blighted and substandard property and would, if approved, add 0.40% to the total area declared blighted and substandard bringing the total to 25.19%.

Any area that is declared extremely blighted is not counted against the 35% maximum area that can be declared blighted and substandard. If all of the areas identified in this study as qualifying as Extremely Blight are declared as such the possible 25.19% would be reduced to about 19%

Alternatives

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

1. Move to forward the Study to the Planning Commission for its recommendation.
2. Move to not forward the Study to the Planning Commission for its recommendation.
3. Refer the issue to a committee.
4. Postpone the issue to future date.
5. Take no action on the issue.

Recommendation

City Administration recommends that the Council move to forward the study to the Planning Commission if Council wishes to consider declaring these properties Extremely Blighted.

Sample Motion

Move to forward the Study to the Planning Commission for their review and recommendation.



**EXTREMELY BLIGHTED DETERMINATION STUDY
CITY OF GRAND ISLAND, NEBRASKA
AUGUST 2022**

A study to determine if areas already declared Blighted and Substandard meet the Legislative requirements to be declared extremely blighted for purposes of receiving potential funding, extended TIF periods and tax credits.

Prepared by Marvin Planning Consultants, Inc and Kurt Elder, AICP
AUGUST 2022

BLIGHT and EXTREMELY BLIGHTED AREA STUDY

REF: Statute 18-2101 to 18-2154 and section of the act, aka Community Development Law

REASONS FOR COMPLETING AN EXTREMELY BLIGHTED STUDY

Section 2: (1) For any city that (a) intends to carry out a redevelopment project which will involve the construction of workforce housing in an extremely blighted area as authorized under subdivision (28)(g) of section 18-2103, (b) intends to declare an area as an extremely blighted area for purposes of funding decisions under subdivision (1)(b) of section 58-708, or (c) intends to declare an area as an extremely blighted area in order for individuals purchasing residences in such area to qualify for the income tax credit authorized in subsection (7) of section 77-2715.07, **the governing body of such city shall first declare, by resolution adopted after the public hearings required under this section, such area to be an extremely blighted area.**

LEGISLATIVE DIRECTION

Section 2: (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 extremely blighted and shall submit the question of whether such area is extremely blighted to the planning commission or board of the city for its review and recommendation. (...) The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

PROCESS

Brief: For an area to be designated as extremely blighted and substandard two finding, through three facets, need to be meet. These facets are defined in Nebraska statute. (i.e. 18-2103 – Terms, ...) However, for brevity they are simplified into two broad components **(a)** areas that have been found blighted and substandard through city council action, and **(b)** have been found to be contain extremely blighted components.

This study primarily determines which areas meet the statutory definition of extremely blighted

An approved blighted and substandard area is also extremely blighted if **(i)** the average rate of unemployment in the area during the period covered by the most recent federal decennial census or American Community Survey 5-Year Estimate is at **least two hundred percent of the average rate of unemployment in the state** during the same period; and **(ii)** 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**

Because Grand Island's approved blight areas do not conform to defined census geographies. This study honors the intention of the statute and completes an independent analysis of poverty and unemployment components. Census areas that are qualified in each study form the basis for determining extreme blight. To be clear if 'Geography A' was qualified in both studies then any declared blight in 'Geography A' could be nominated as extremely blighted.

Lastly, if a census geography or portion of is in the City of Grand Island corporate limits it was considered in the development of the separate components.

DATA TABLES

Council Approved Blight -

The Community development law requires that an Extremely Blighted and Substandard area be an approved blighted area. The City of Grand Island keeps a list of approved blight areas in their offices and online at <https://www.grand-island.com/departments/regional-planning/community-redevelopment-authority-cra/blight->

[study-areas](#). Also, attached is 'Proposed Blight Area' and 'Proposed Extreme Blight Area' which details a blighted area. Both blight and extreme blight can share common public hearings.

Extremely Blighted Components -

Part (i) is a state comparison. The 2020 Nebraska Unemployment rate according to the US Census American Community Survey (five-year average) was 3.37%. Therefore, the average rate of our selected area would require an unemployment rate of at least 6.74%

Marvin Planning Consultants, Inc. and Kurt Elder (The Team) developed an area with an average unemployment greater than of 7.52%. An area average is determined by using the sum of estimated factors and NOT the average of each piece. Attached is 'Unemployment Area', which details our proposed unemployment area.

Part (ii) is a local area finding. Grand Island's 2020 poverty rate was 11.83% but in line with state statute, we developed an area with greater than 20% poverty. An area average is determined by using the sum of estimated factors and NOT the average of each piece. Attached is 'Poverty Review', which details our proposed poverty area.

All data was 2020 US Census American Community 5-year Survey data. We choose to utilize only block-group level information from the census to minimize independent margins of error. Furthermore, our data methodology and averaging process/interpretation received support from UNO's David Drozd Research Coordinator at the UNO Center for Public Affairs and notified Sen. Justin Wayne (i.e., Nebraska Legislature, Chair of the Urban Affairs Committee) office to confirm his support. His legislative assistant relayed support.

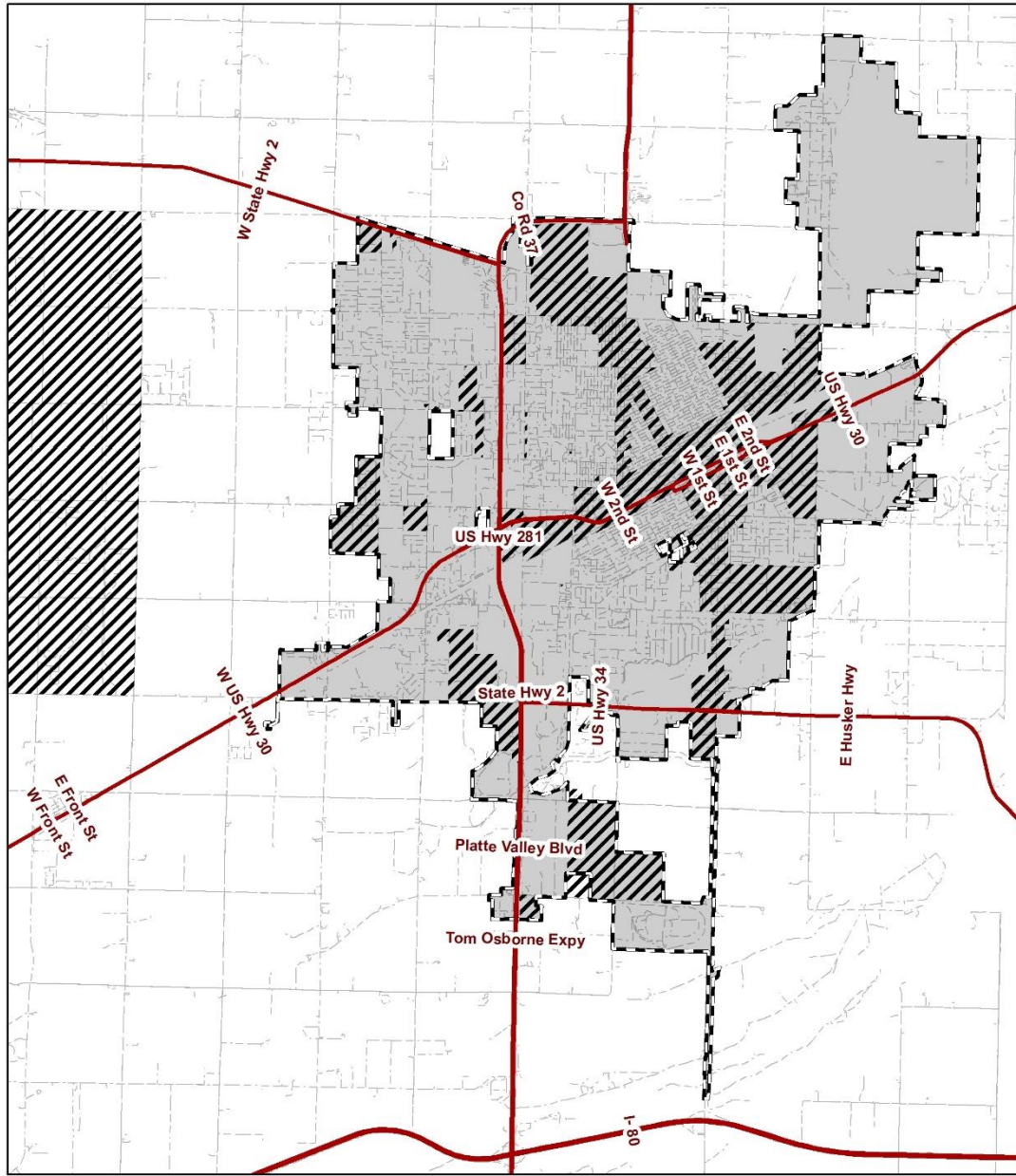
ANALYSIS

The Team overlaid these three facets/area reviews (i.e., approved blight, 20%+ poverty, 200%+ of the Nebraska's unemployment rate, and delineated areas where the three intersected. This proposed extremely blighted area is attached as 'Proposed Extreme Blight Area'.

Study completed, compiled, and submitted by The Team

ATTACHMENTS

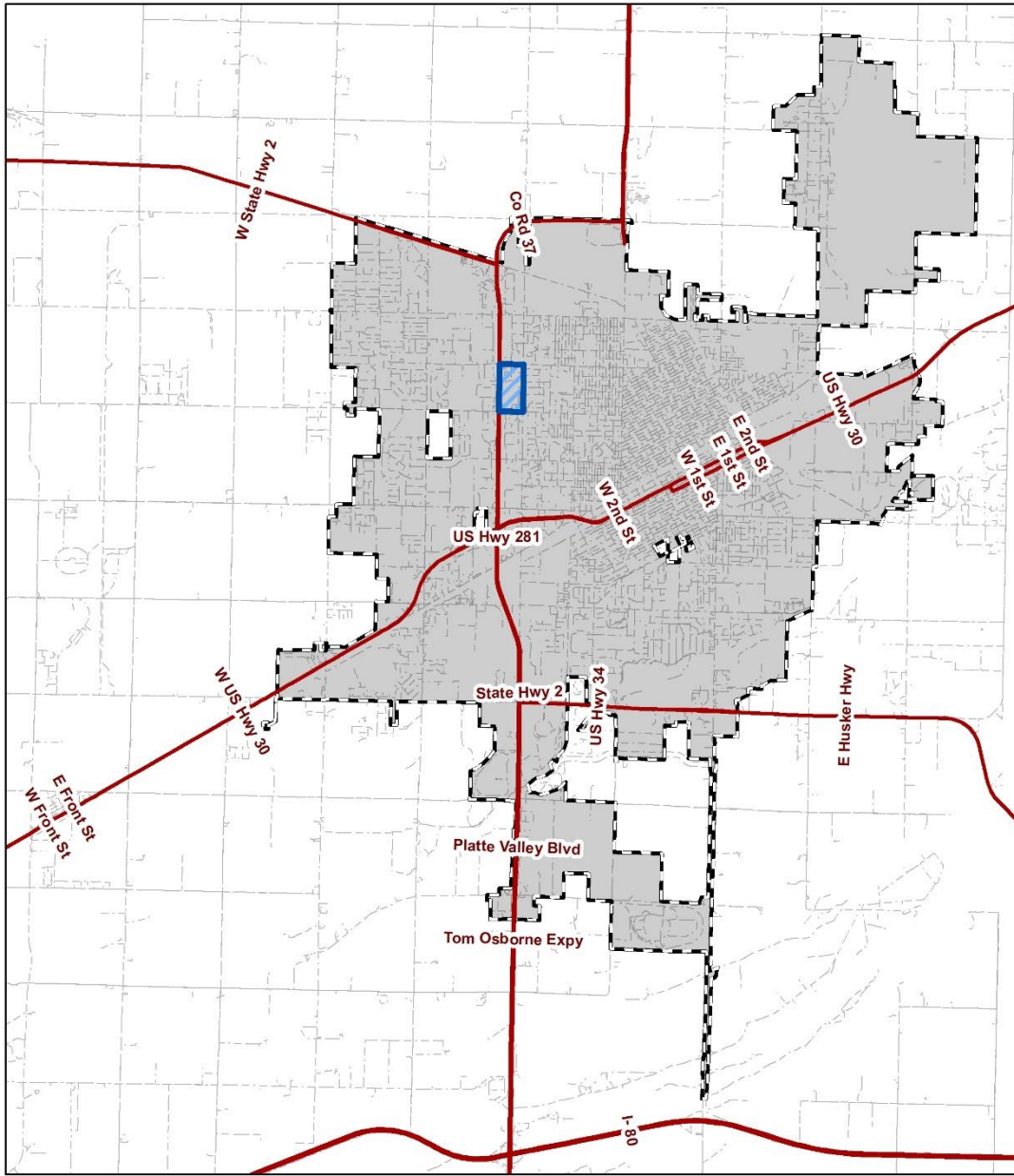
- 'Existing Blight Area'
- 'Proposed Blight Area'
- 'Proposed Blight Area - Detail'
- 'Employment Review'
- 'Poverty Review'
- 'Proposed Extreme Blight Area'



City of Grand Island: Existing Blight Areas

-  City Limit
-  Declared/Existing Blighted
-  Primary Roads

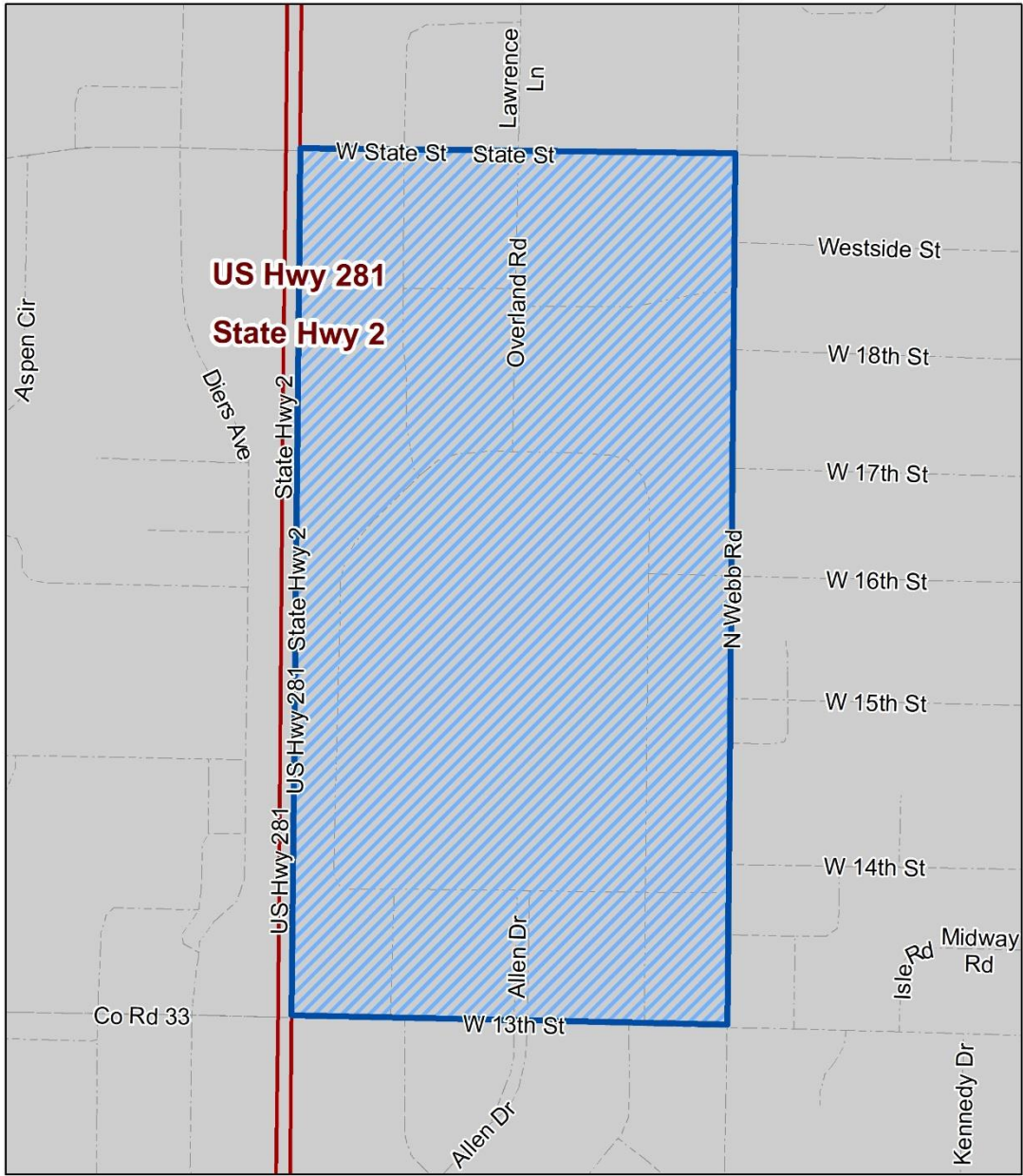




City of Grand Island: Proposed Blight Area

-  City Limit
-  Proposed Blight
-  Primary Roads

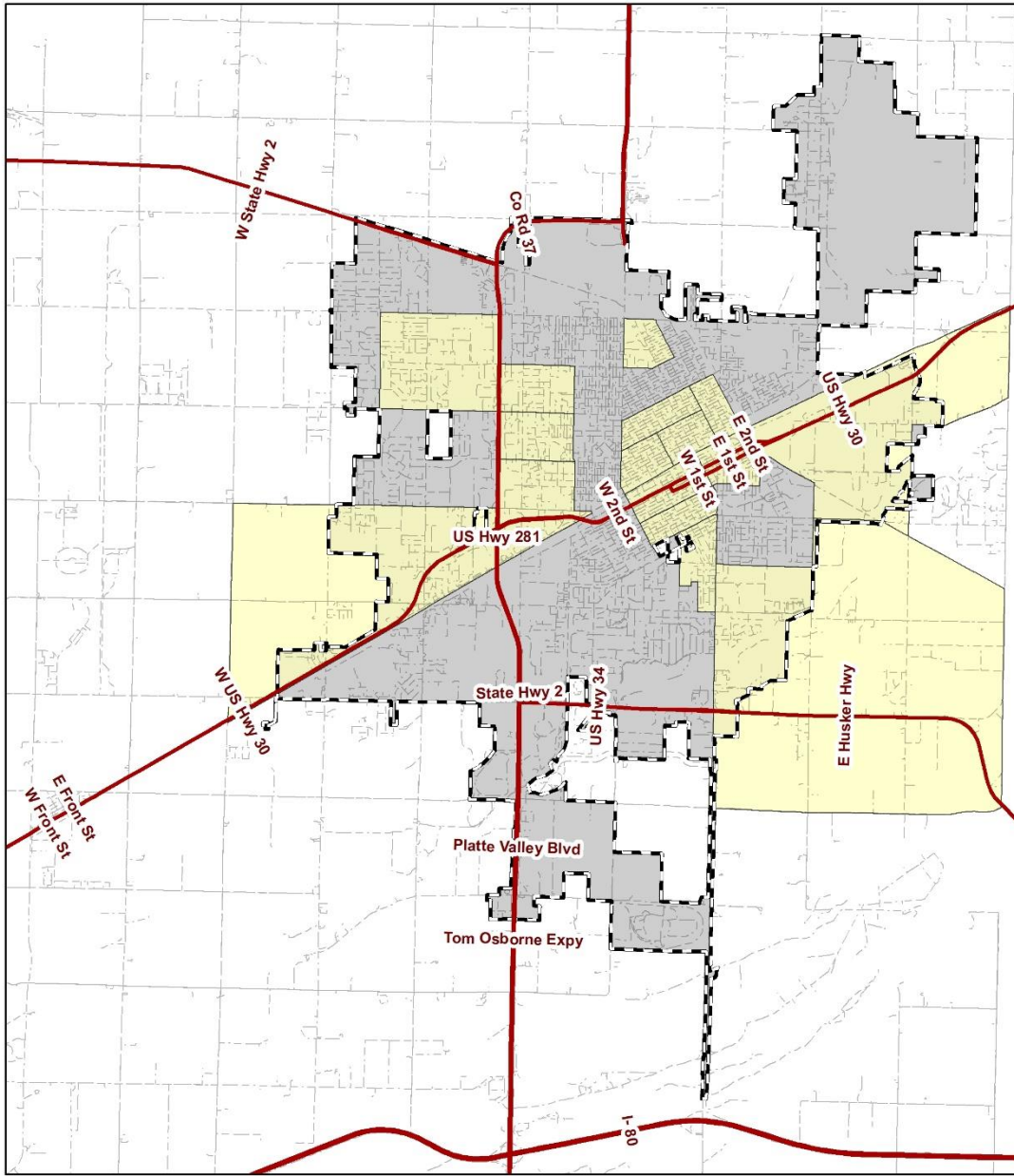




City of Grand Island: Proposed Extreme Blight Areas - Detail

-  City Limit
-  Proposed Blight
-  Primary Roads

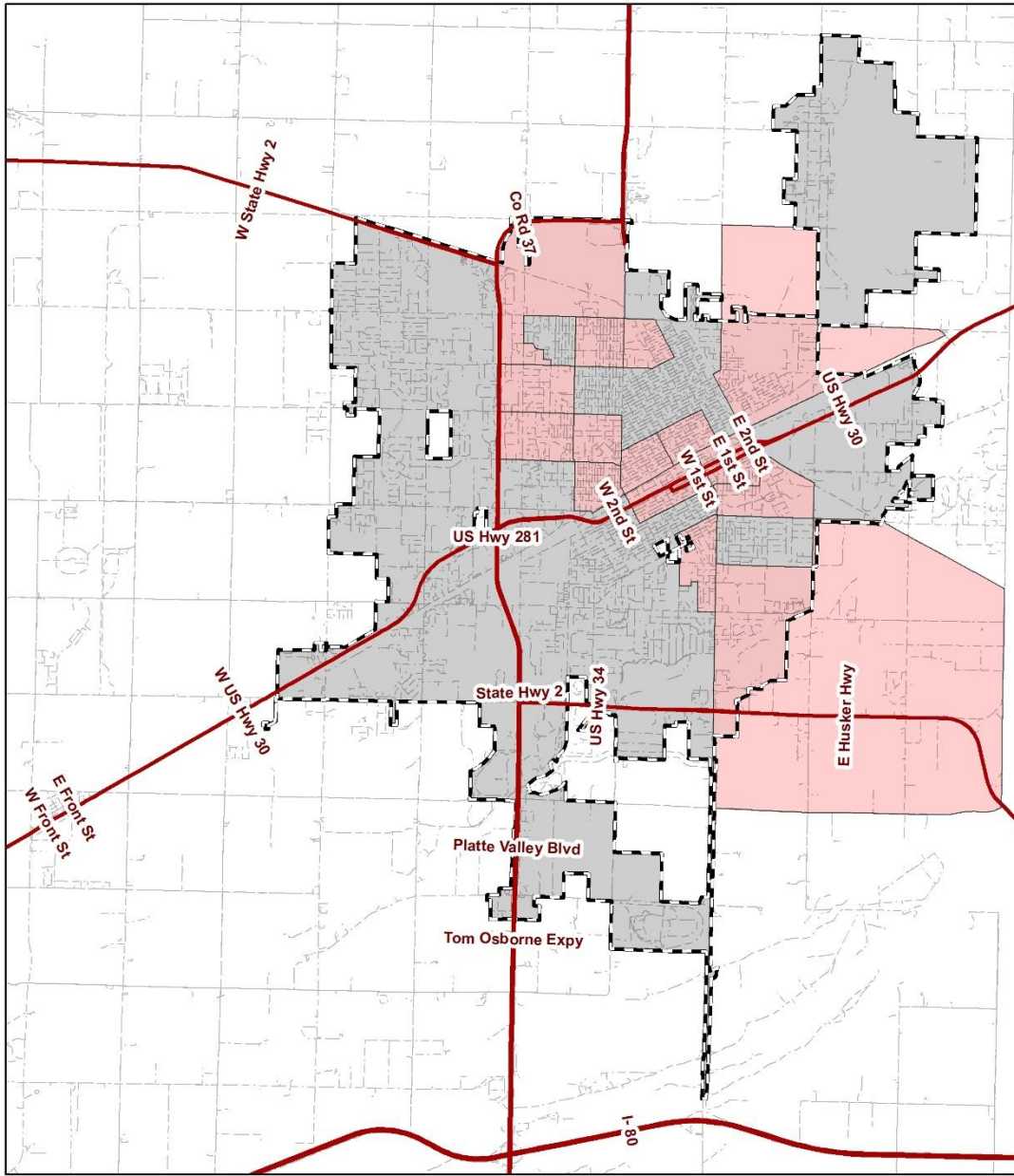




City of Grand Island: Employment Review

- City Limit
- Avg Unemployment > NEBR Unemployment Rate Threshold 6.74% (2020 ACS)
- Primary Roads

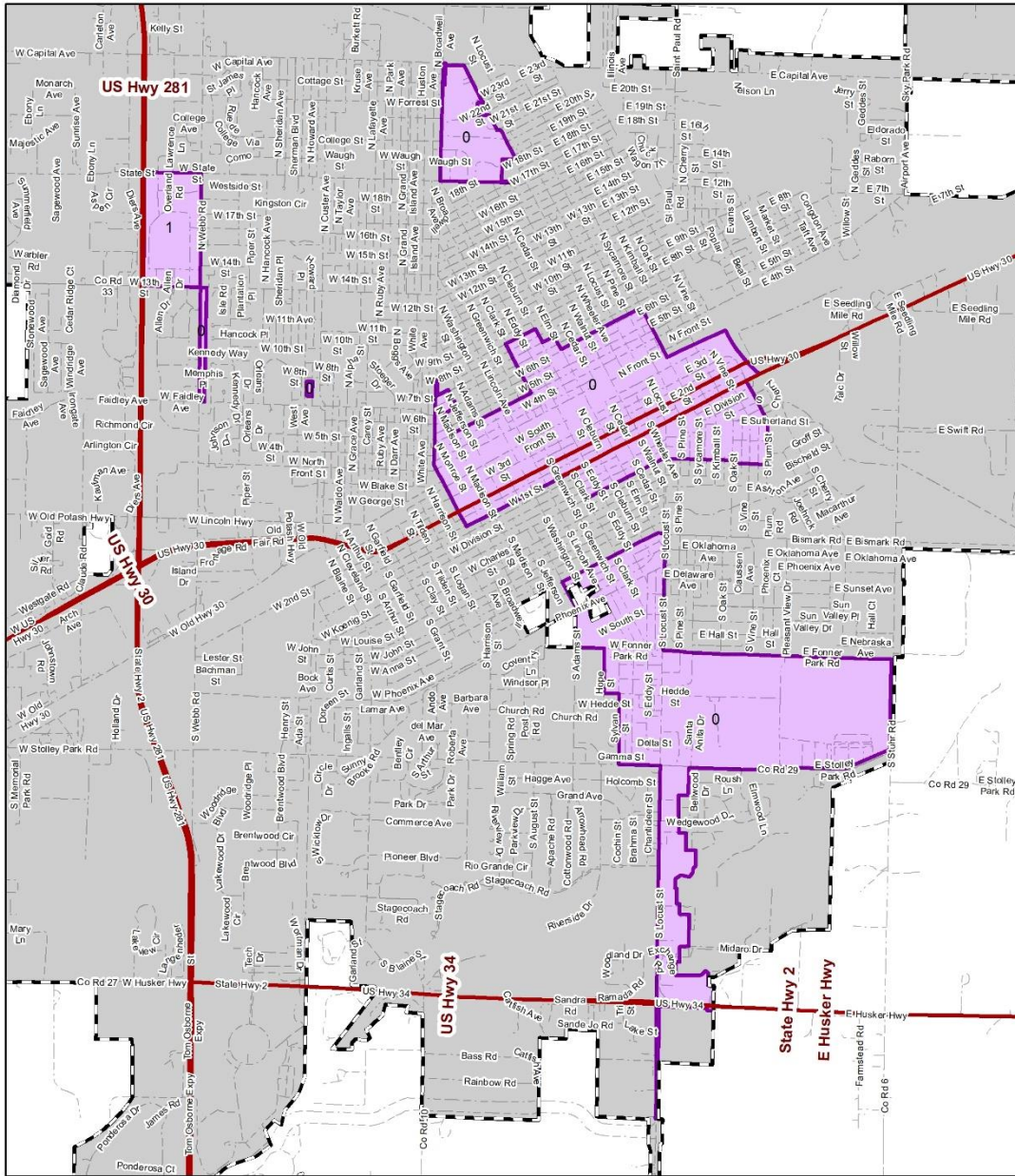




City of Grand Island: Poverty Review

- City Limit
- Avg Poverty >20% (2020 ACS)
- Primary Roads

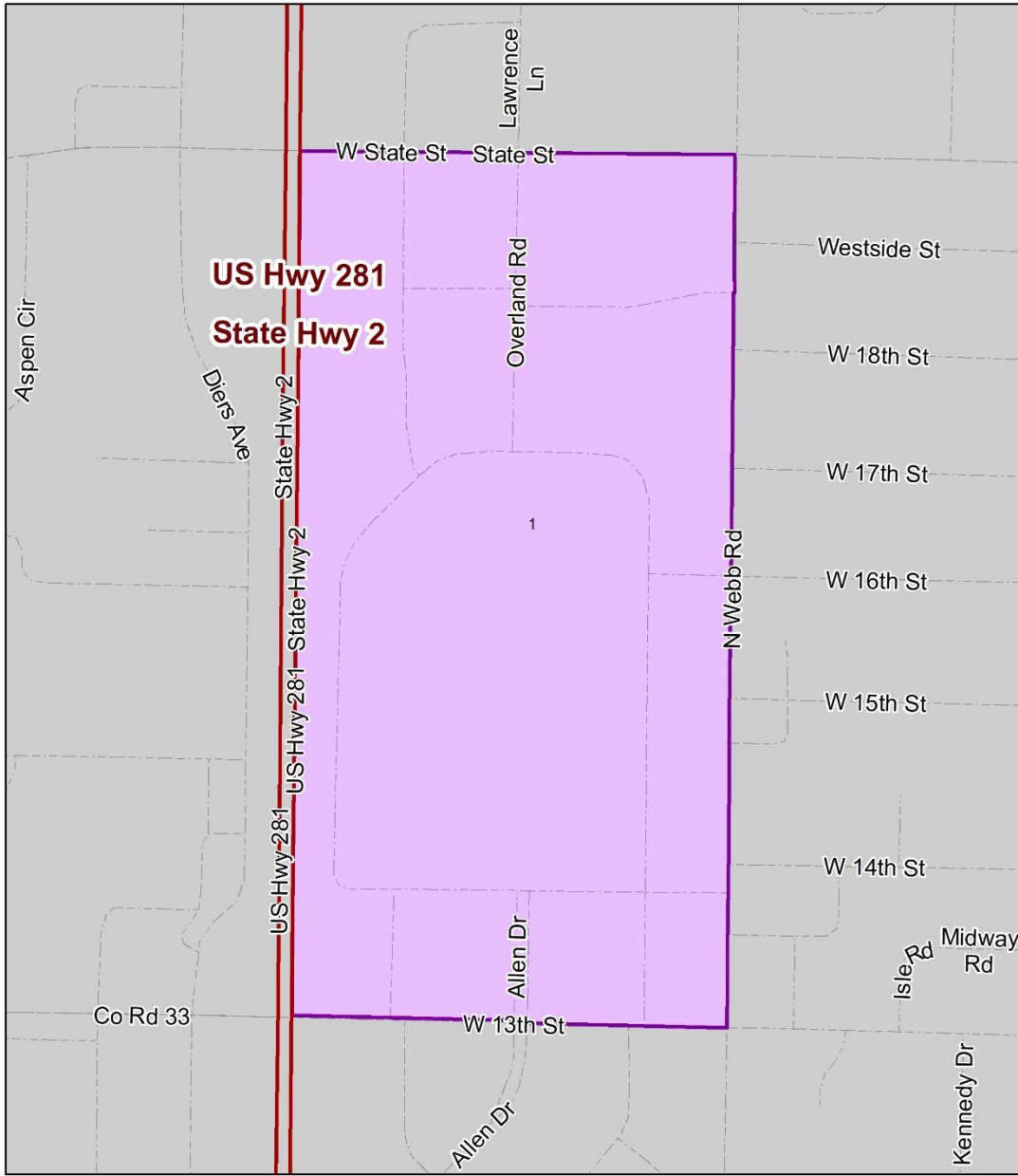




City of Grand Island: Proposed Extreme Blight Areas

- City Limit
- Proposed Extreme Blight Areas
- Primary Roads





City of Grand Island: Proposed Extreme Blight Area

-  City Limit
-  Proposed Extreme Blight Areas
-  Primary Roads





City of Grand Island

Tuesday, September 13, 2022

Council Session

Item J-1

Approving Payment of Claims for the Period of August 24, 2022 through September 13, 2022

The Claims for the period of August 24, 2022 through September 21, 2022 for a total amount of \$9,189,711.23. A MOTION is in order.

Staff Contact: Patrick Brown



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item X-1

Strategy Session Regarding Negotiations Relative to Redevelopment Incentives of Conestoga Mall

The City Council may hold a closed or Executive Session as permitted by Neb. Rev. Stat. Sec. 84-1410. Closed sessions may be held for, but shall not be limited to such reasons as:

- 1. Protection of the public interest.*
- 2. Needless injury to the reputation of an individual.*
- 3. Strategy sessions with respect to*
 - a. collective bargaining,*
 - b. real estate purchases,*
 - c. pending litigation, or*
 - d. imminent or threatened litigation.*
- 4. Discussion regarding deployment of security personnel or devices.*
- 5. For the Community Trust created under Sec. 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.*

Staff Contact: Chad Nabity



City of Grand Island

Tuesday, September 13, 2022

Council Session

Item X-2

Strategy Session Regarding Labor Negotiations with IBEW Wastewater Treatment Plant Labor Contract

The City Council may hold a closed or Executive Session as permitted by Neb. Rev. Stat. Sec. 84-1410. Closed sessions may be held for, but shall not be limited to such reasons as:

- 1. Protection of the public interest.*
- 2. Needless injury to the reputation of an individual.*
- 3. Strategy sessions with respect to*
 - a. collective bargaining,*
 - b. real estate purchases,*
 - c. pending litigation, or*
 - d. imminent or threatened litigation.*
- 4. Discussion regarding deployment of security personnel or devices.*
- 5. For the Community Trust created under Sec. 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.*

Staff Contact: Aaron Schmid, Human Resources Director