
City of Grand Island



Tuesday, November 8, 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 Trevon Buchanan, Stolley Park Church of Christ, 2822 West Stolley Park Road

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, November 8, 2022

Council Session

Item E-1

Public Hearing on Proposed Blighted and Substandard Area 28 for approximately 78.45 Acres Located Northwest part of Grand Island between 13th St and State St and between Webb Road and Capital Ave including Conestoga Mall and the Development to the North of the Mall (Woodsonia Acquisitions LLC)

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: November 8, 2022
Subject: Woodsonia Blight Study (Proposed Area #28)
Presenter(s): Chad Nabity, AICP

Background

Woodsonia Acquisitions LLC has commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 28. This study is approximately 78.45 acres of property located in northwest Grand Island located between U.S. Highway 281 and Webb Road and State and 13th Streets including the Conestoga Mall (Study Area).

On September 13, 2022 Council referred the attached study to the Planning Commission for its review and recommendation. The study as prepared and submitted indicates that this property could be considered blighted and substandard. The full study is attached for your review and consideration.

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

Discussion

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

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

(1) An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the city in which such area is located has, by resolution adopted after the public hearings required under this section, declared such area to be a substandard and blighted area in need of redevelopment.

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

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

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

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

~Reissue Revised Statutes of Nebraska 7-19-18

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

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

The City of Grand Island, as a City of the First Class, is permitted to designate an area of up to 35% of the municipal limits as blighted and substandard. As of September 6, 2022, 24.78% of the City has been declared blighted and substandard. This study for area 34 would add 78.45 acres or 0.4%. The total area declared blighted and substandard if area 34 is approved is 25.18%.

Redevelopment Area 28

Figure 1
Study Area Map



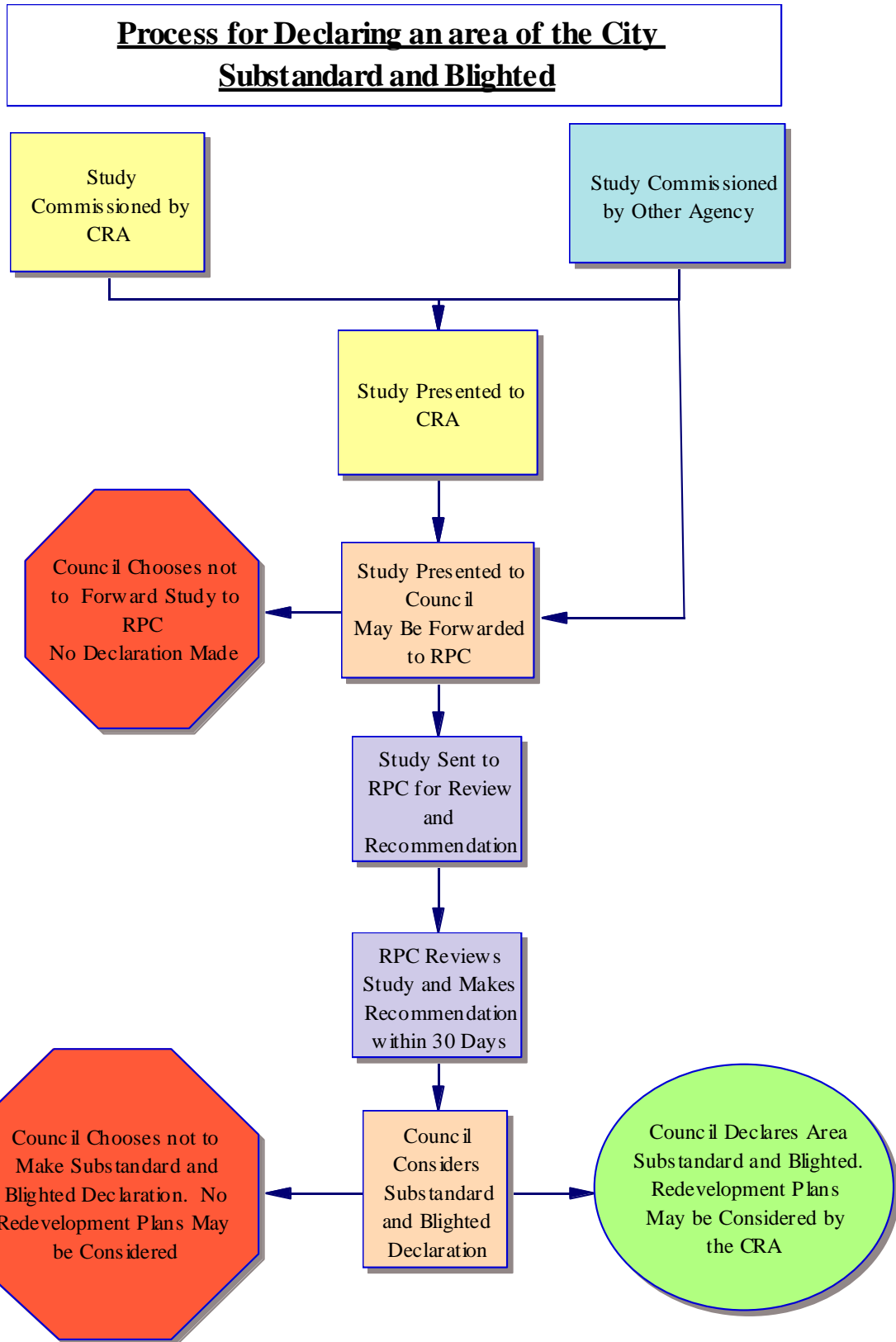


Figure 1 Blight Declaration Process (Planning Commission Recommendation is the second purple box).

Substandard and Blighted Declaration vs. Redevelopment Plan



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

Figure 2 Blight and Substandard Declaration compared to a Redevelopment Plan

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

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

Blighted and Substandard Defined

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

Section 18-2103

Terms, defined.

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

(3) **Blighted area means** an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment

project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;

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

~Reissue Revised Statutes of Nebraska 7-19-18

ANALYSIS-Blight and Substandard Study

The following findings are copied directly from the Study. The analysis of the substandard and blighted factors is conducted on pages 7 to 23 of the study.

FINDINGS FOR GRAND ISLAND

Study Area 28 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighting Summary

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

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 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**

Recommendation

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

Recommend Questions for City Council

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

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

Planning Commission Recommendation

The Regional Planning Commission held a public hearing and took action on the blight and substandard study proposed Area 28 during its meeting on October 5, 2022.

O'Neill opened the public hearing for item number 7 and number 8 Extremely Blighted Study.

Nabity stated the study does show the property can be declared blighted and substandard. The study area is approximately 78.45 acres of property located between U.S Highway 281 and Webb Road and 13th Streets including the Conestoga Mall. Nabity also mentioned the Woodsonia, an Omaha based real estate company, has the Grand Island Mall property under contract. The project is based on complying with some components which includes getting declared blighted and substandard and approved for tax increment financing.

Planning Commission staff recommends approval.

Nabity stated the Extremely Blighted Study is a designation that was put into place by the Legislature about 4 years ago. For an area to be designated as extremely blighted and substandard 1- area had to have been declared blighted and substandard 2) an unemployment rate twice the state's unemployment rate based on US Census data and 3) a poverty rate of 20 percent or more

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 may extended from 15 years to 20 years.
2. First time home buyers that purchase qualifying homes in areas that have been declared Extremely Blighted as their primary residence prior to January 1, 2026 will receive an income tax credit of up to \$5000.
3. Remove those areas that are declared Extremely Blighted from 35% cap on area that can be declared Blighted and Substandard

Keith Marvin – Marvin Planning Consultants –

Drew Snyder – 20010 Manderson Street ,Omaha, NE – Mr. Snyder with Woodsonia Real Estate – went over the project and was available for questions.

O'Neill closed the public hearing.

A motion was made by Robb and second by Randone to approve the Substandard and Blight Study for CRA Area No. 28 and Resolution 2023-03 and Extremely Blighted Study and Resolution 2023-04.

The motion was carried with nine members voting in favor (Allan, Nelson, Ruge, Olson, Robb, Monter, Rainforth, Rubio, and Randone) and one member abstaining (O'Neill) and no members voting no (Hendricksen and Doane were absent).

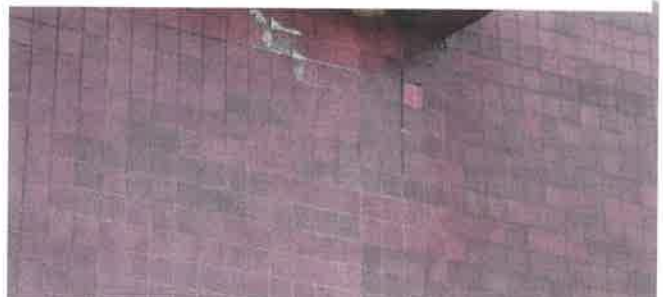
Alternatives

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

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

Sample Motion

If Council wishes to approve the designation of this property as blighted and substandard, an action required if Tax Increment Financing is to be used for the redevelopment of properties in this area, a motion should be made to approve the Substandard and Blight Designation for Redevelopment Area No. 28 in Grand Island, Hall County, Nebraska finding the information in the study to be factual and supporting such designation. A resolution authorizing the approval of this study has been prepared for Council consideration.



Grand Island, Nebraska
Blight and Substandard Study - Area 28
 Prepared for: Woodsonia Acquisitions, 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. ~~XX~~ 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 plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

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

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

"Workforce housing means:

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

This Blight and Substandard Study is 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%

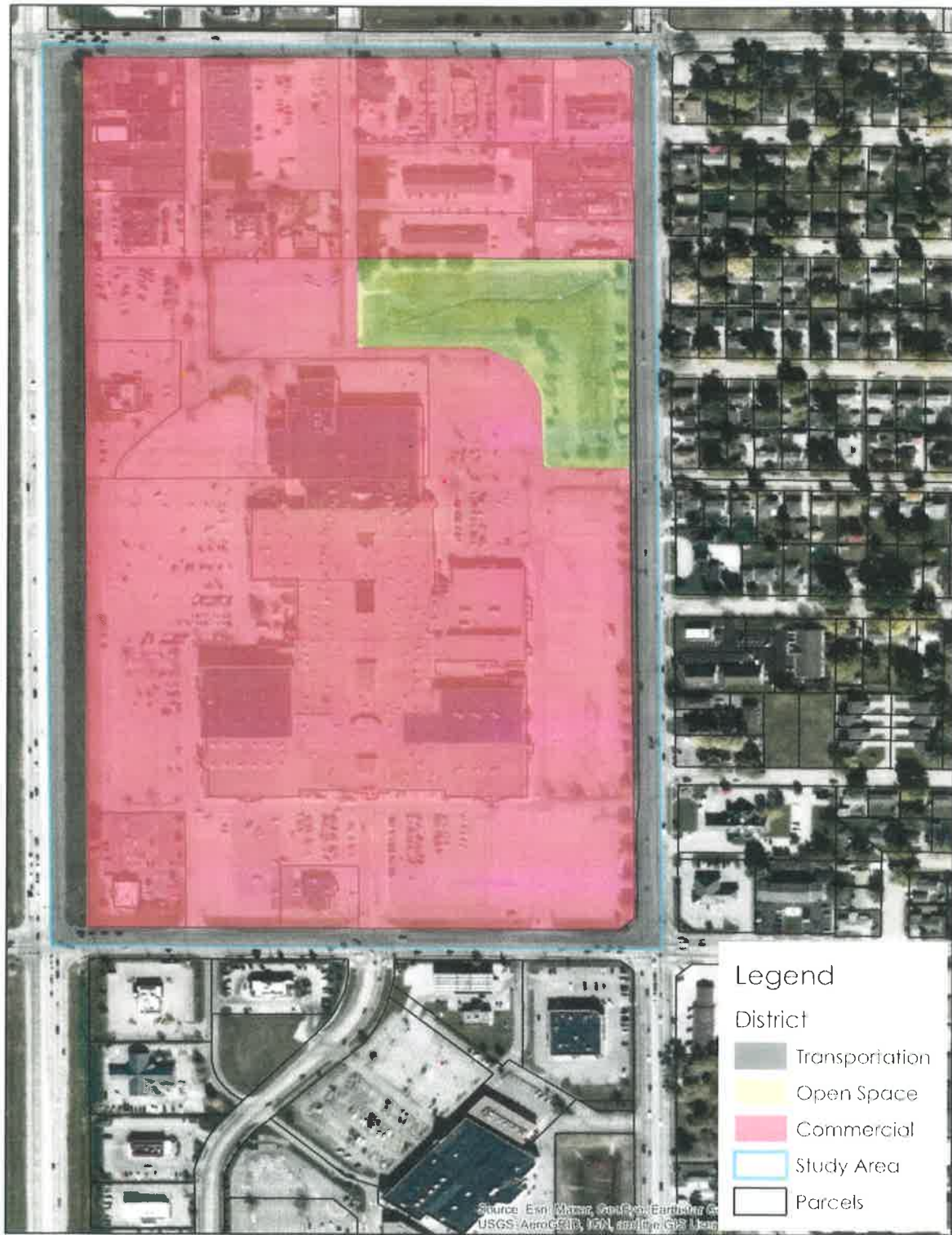
Source: Marvin Planning Consultants 2022

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, including survival of its Functional Obsolescence, will be dependent on ownership willing to re-focus the mall itself.

Figure 3
Structural Conditions



Figure 4
Deterioration of Site

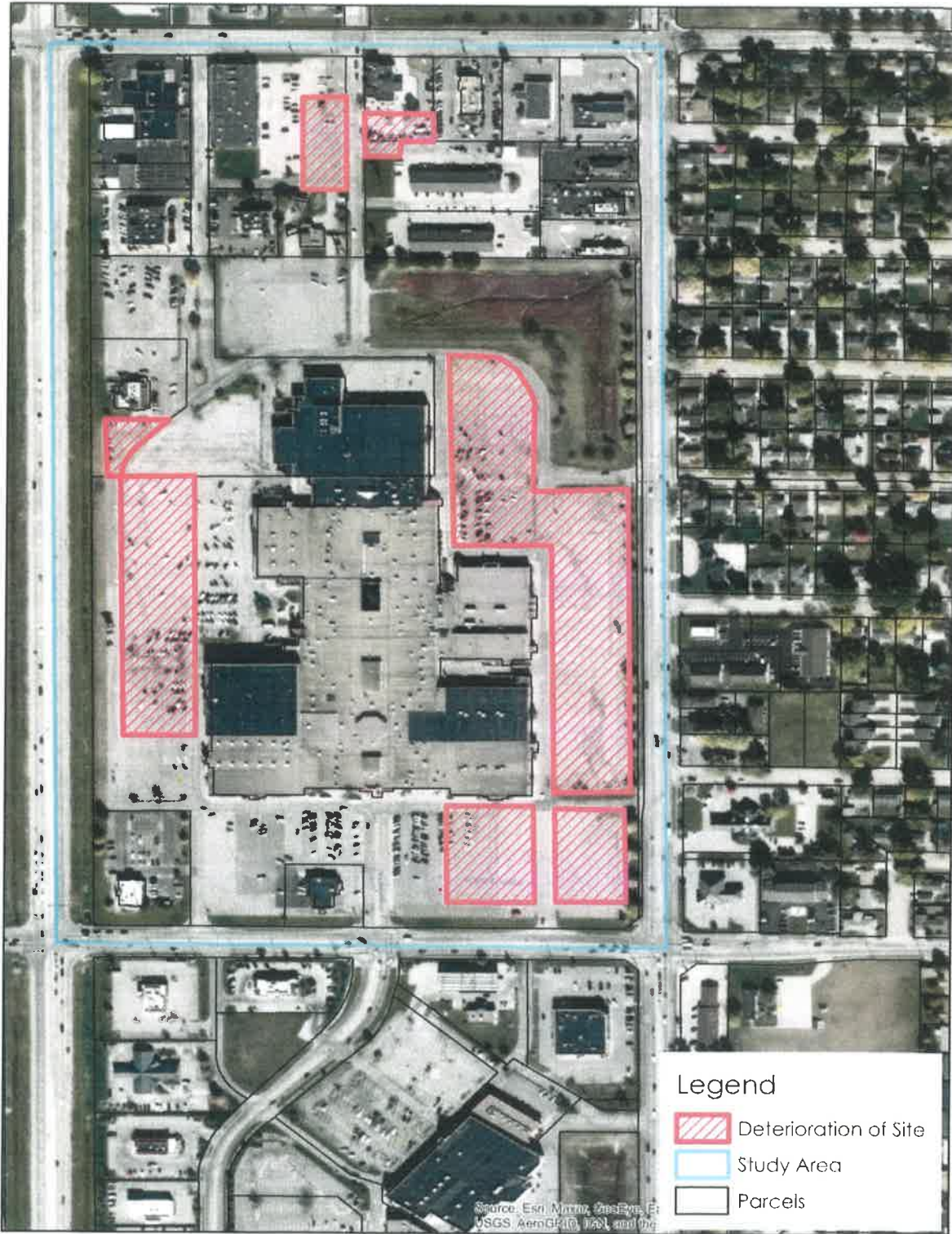
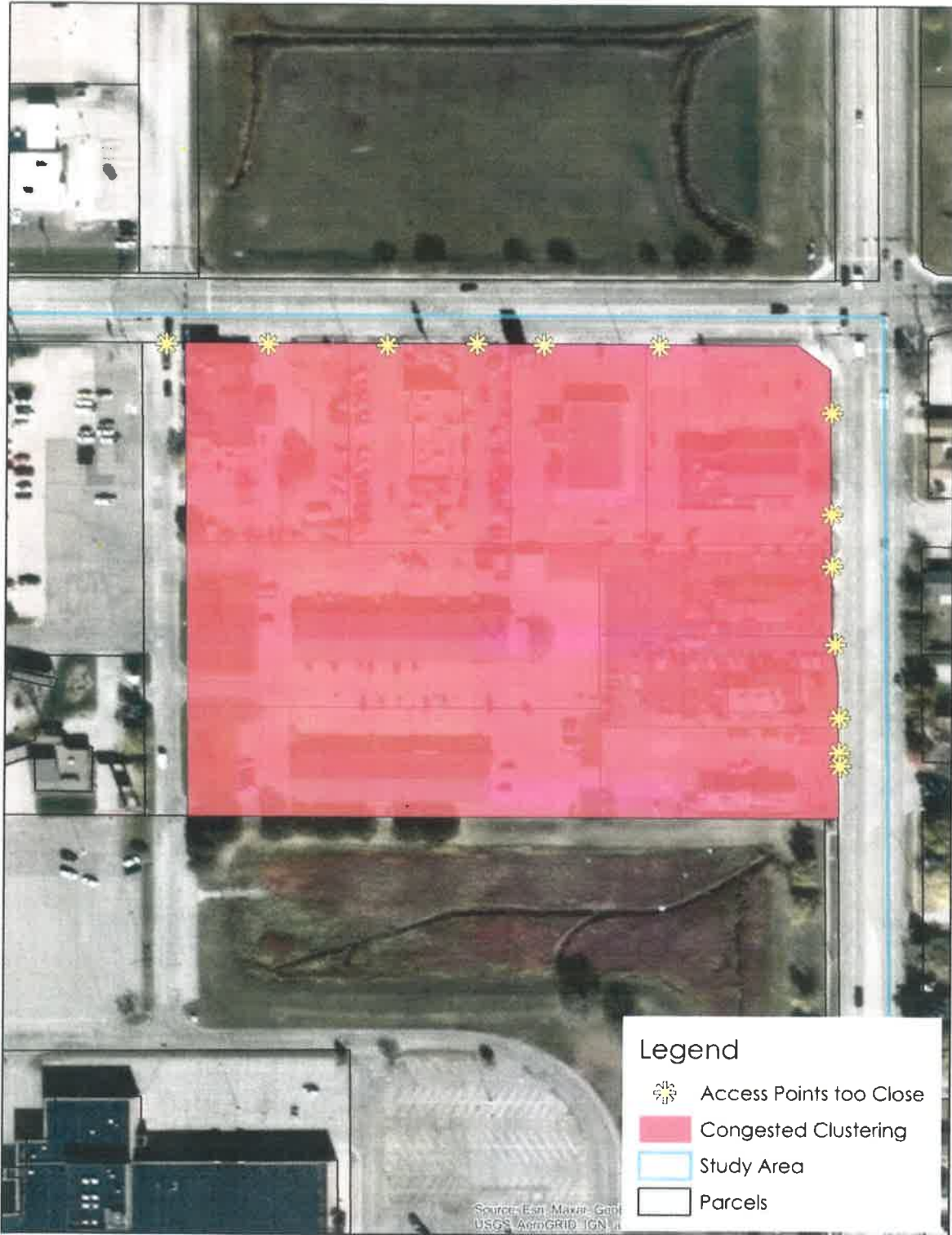


Figure 5
Improper Platting



Figure 6
Faulty Lot Layout



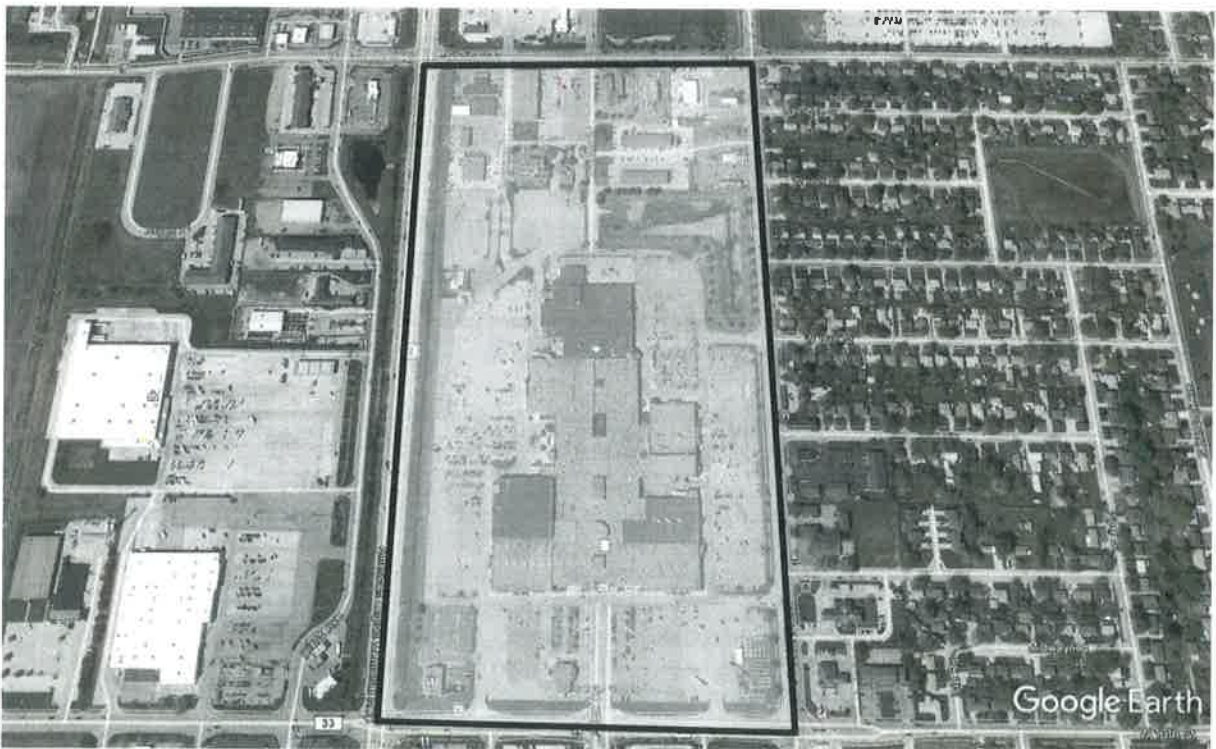
Retail Markets of the 21st Century

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.



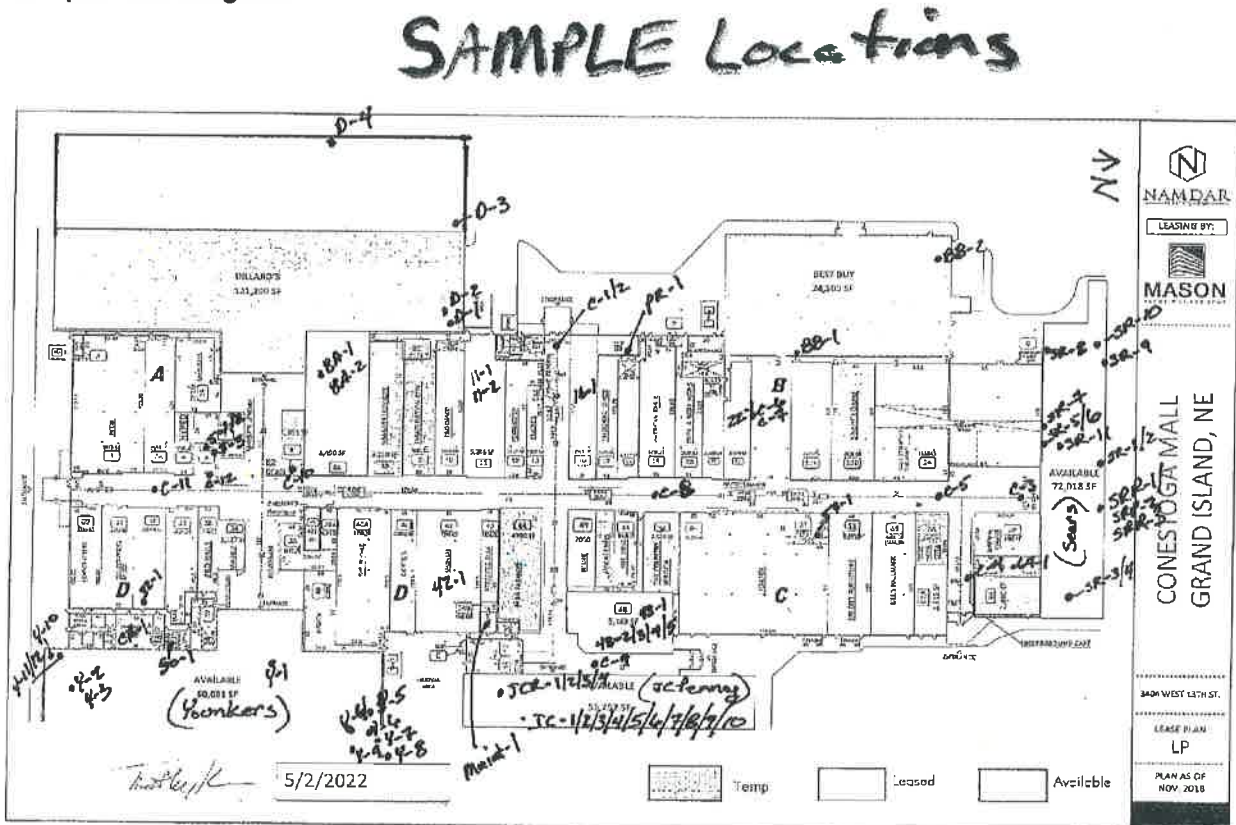
Defective/Inadequate Street Layouts

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.
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- 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

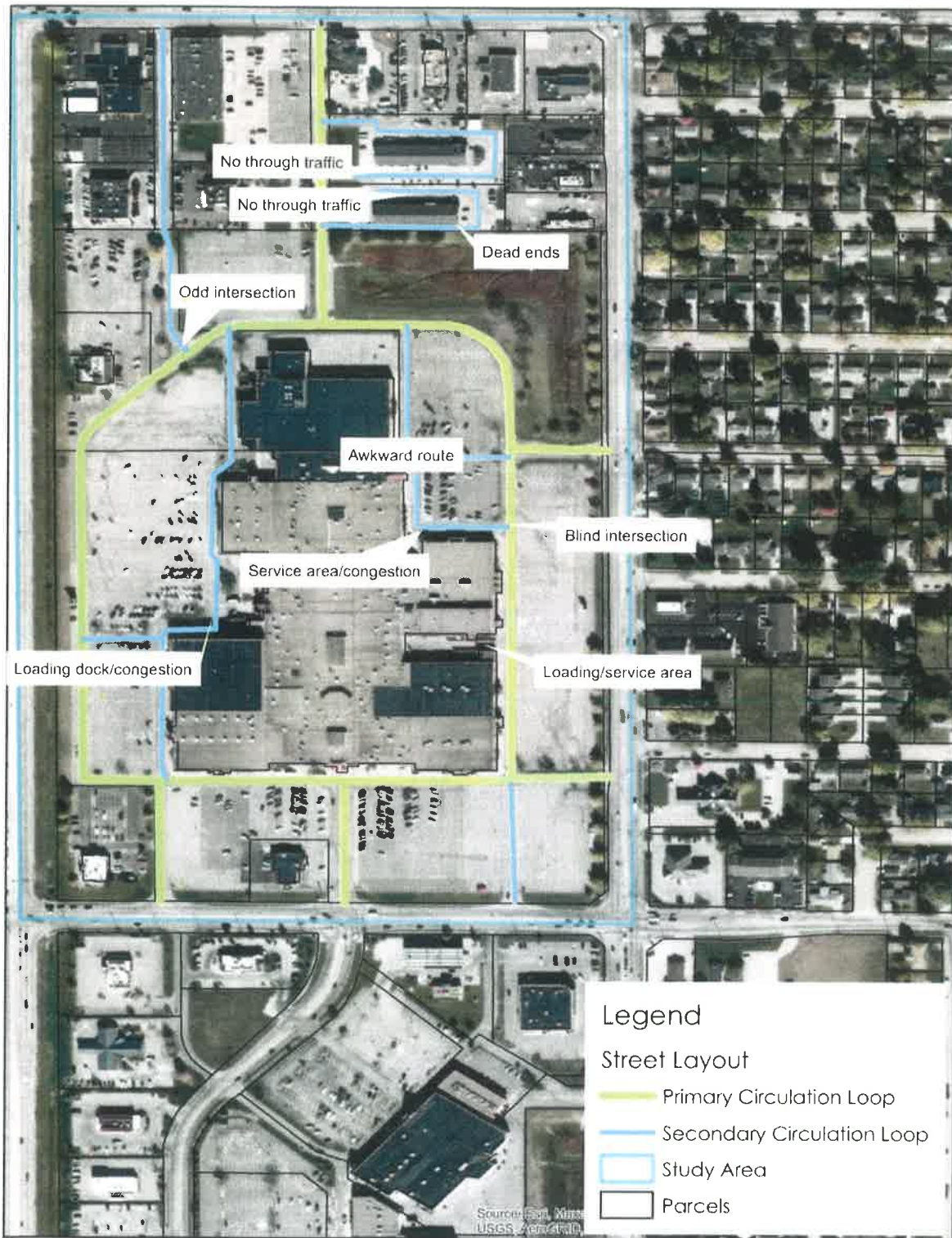


Figure 9
Structure Age



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 was determined to be 40 years of age or older
- 7 (20.0%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 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.

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



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

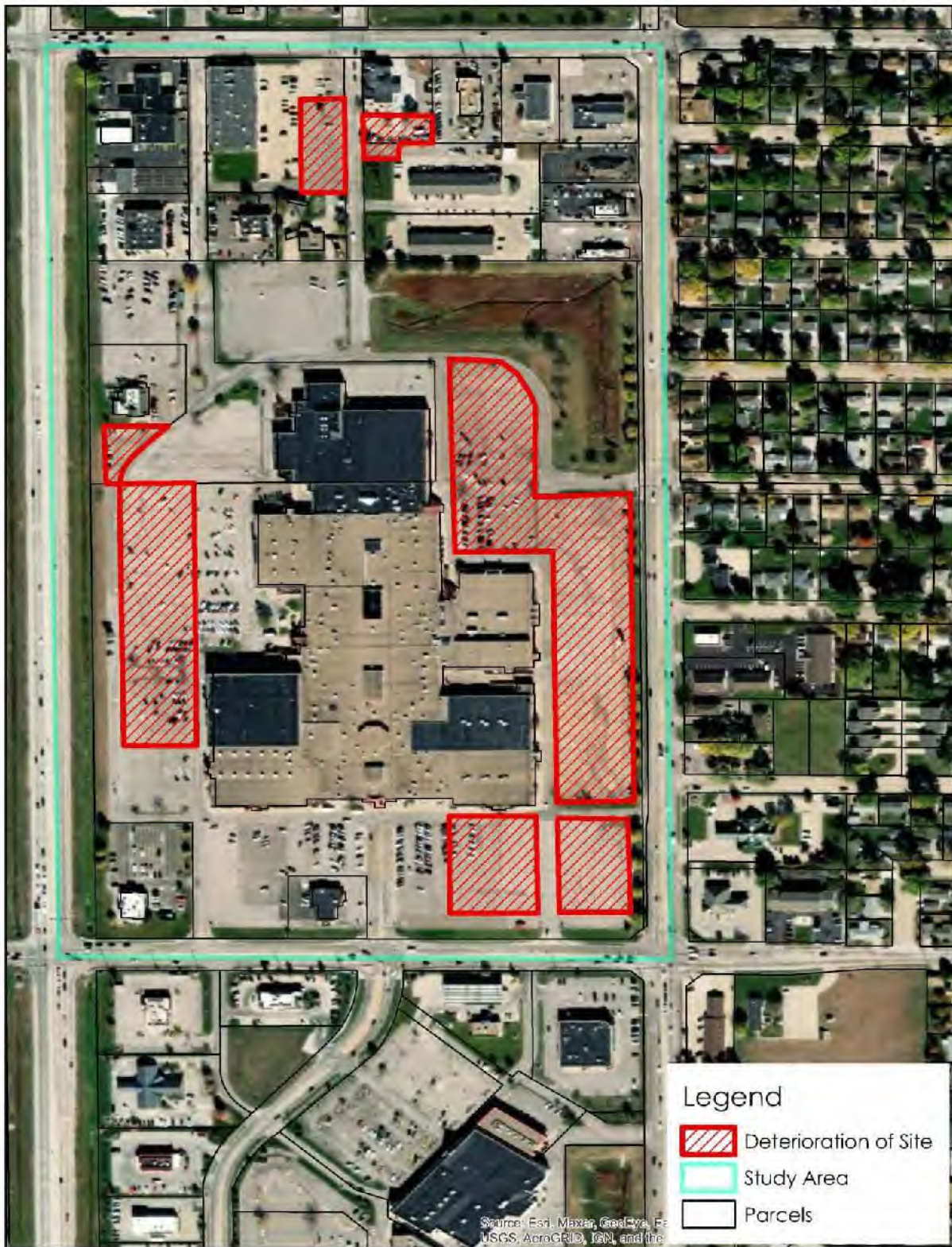


Figure 5
Improper Platting

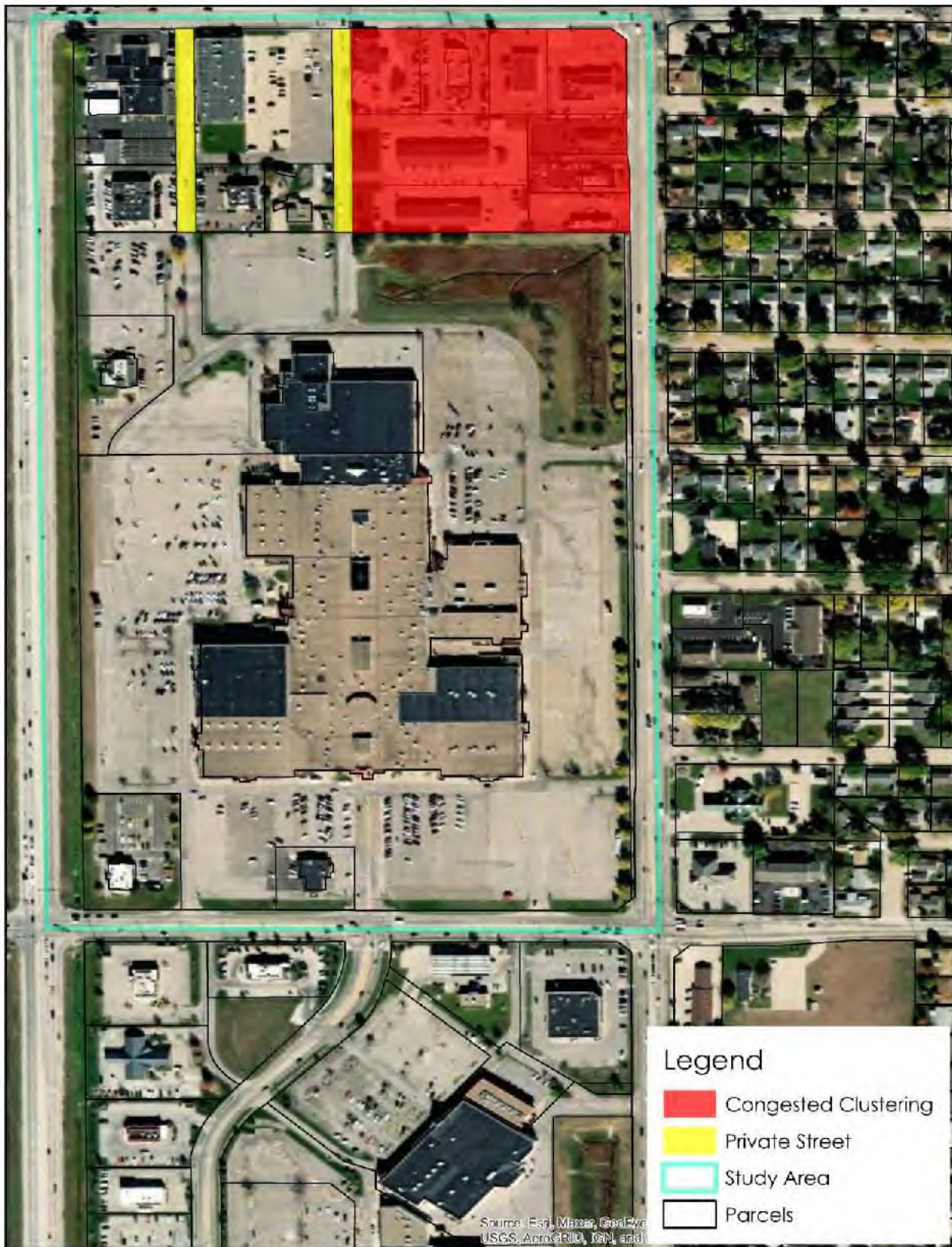
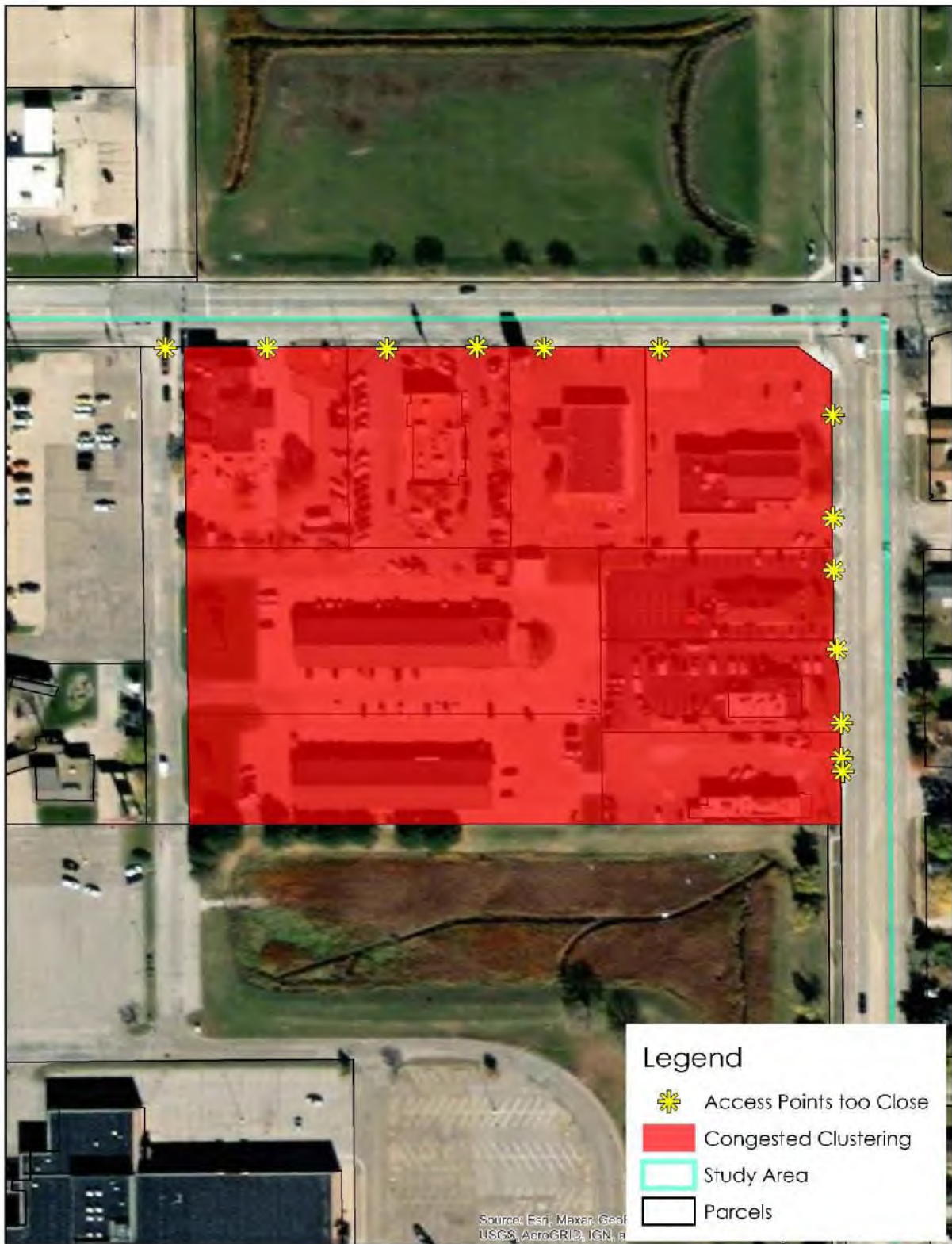


Figure 6
Faulty Lot Layout



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.



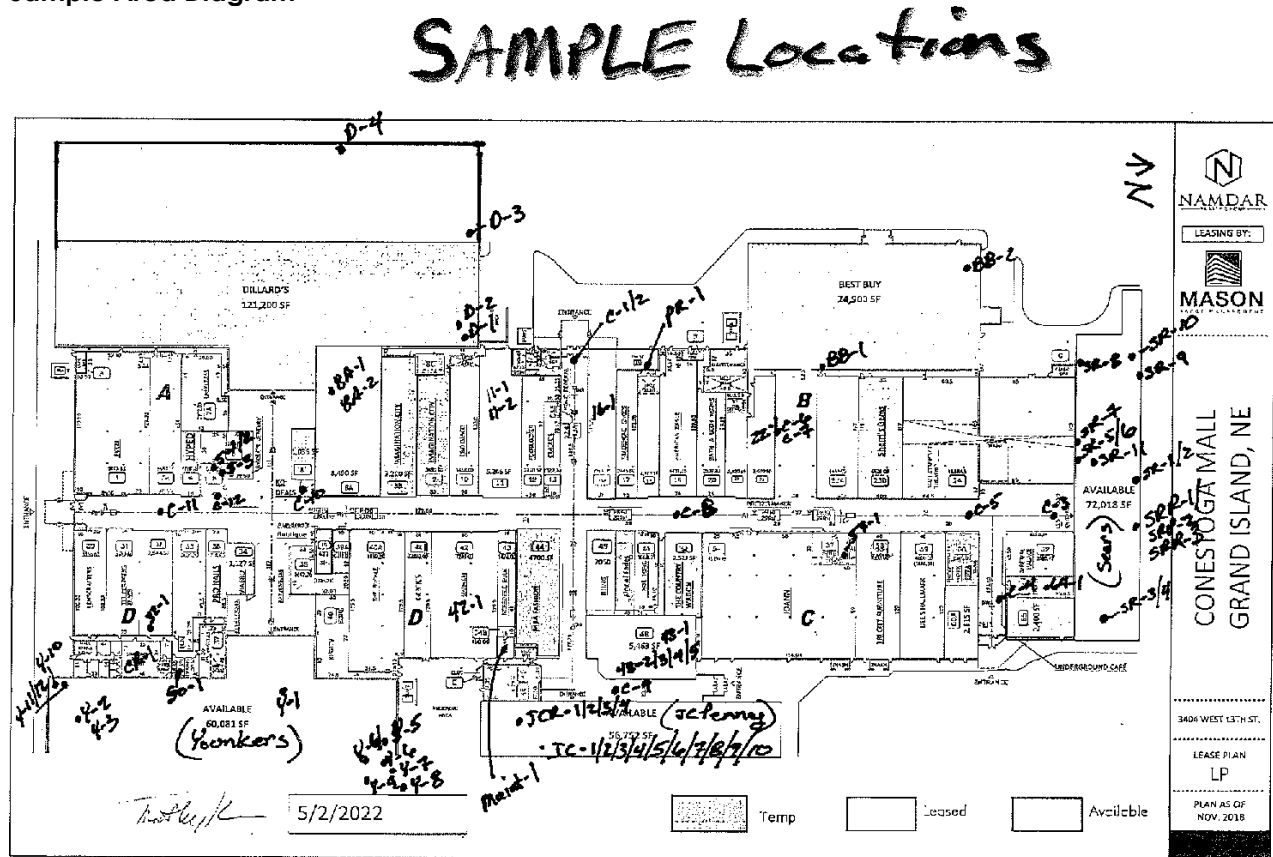
Defective/Inadequate Street Layouts

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

Number	Year Built	Age	Cumulative Age	Running Total
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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

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

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.

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

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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.

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

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)
Appx E Sub E 40 CFR 763 / EPA 600/R-93/116


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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

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


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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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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NVLAP Lab Code: 200525-0

TDSHS License: 30-0273

Page 5 of 5

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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Eurofins EPK Built Environment Testing, LLC

EMLab ID: 2974469, Page 3 of 9

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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Eurofins EPK Built Environment Testing, LLC

EMLab ID: 2975278, Page 3 of 4

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

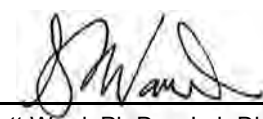
Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

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 4% Non-Fibrous Material 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 5% Non-Fibrous Material 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 5% Non-Fibrous Material 95%
31-1	Floor Tile, White/ Gray/ Mottled, Homogeneous	None Detected	Non-Fibrous Material 100%

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 1 of 4

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116

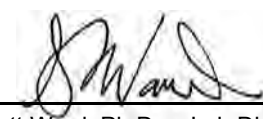
Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

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	
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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NVLAP Lab Code: 600120-0 AIHA-LAP, LLC Lab ID: 157714 TDSHS License: 30-0457 Page 2 of 4

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116

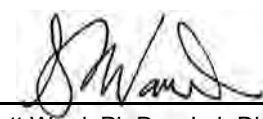
Donnie Combs
Eurofins EMLab P&K - Houston
10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

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
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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NVLAP Lab Code: 600120-0 AIHA-LAP, LLC Lab ID: 157714 TDSHS License: 30-0457 Page 3 of 4

Bulk Asbestos Fiber Analysis by Polarized Light Microscopy (PLM)

Appx E Sub E 40 CFR 763 / EPA 600/R-93/116

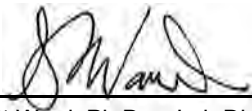
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10900 Brittmoore Park Drive, Ste. G
Houston TX 77041

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
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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MIKE@ONEILLWR.COM

HEARTLAND TESTING & CONSULTING, LLC



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.

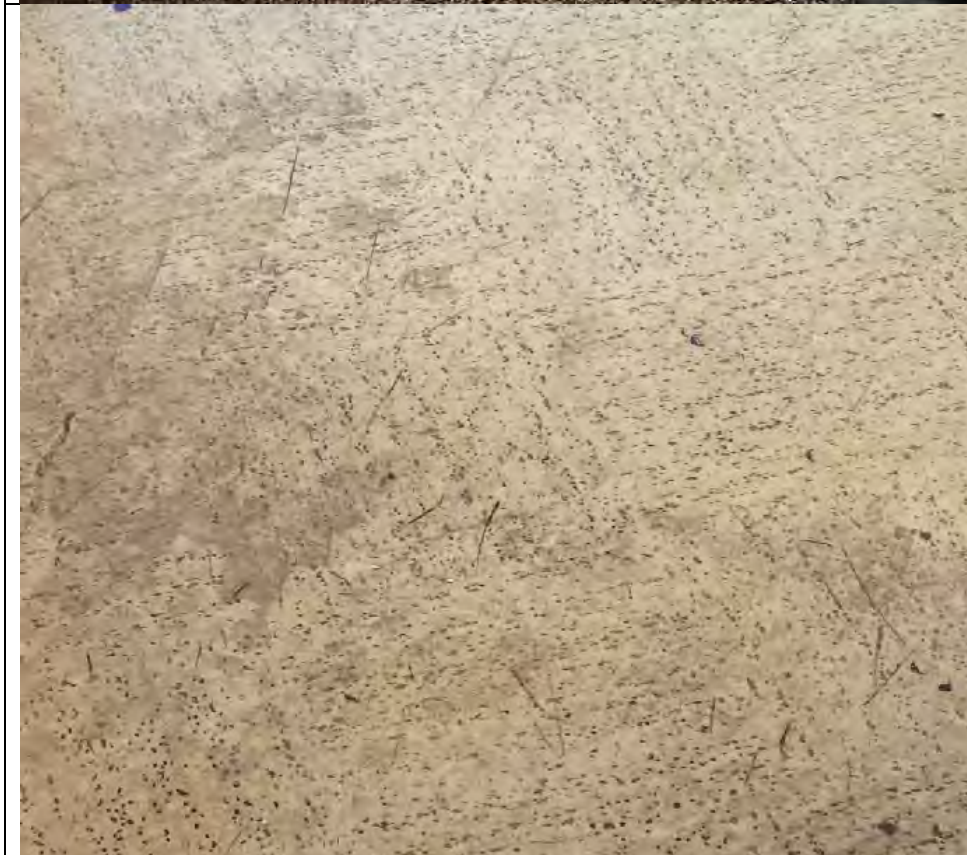


Photo 8:
View of
Sample 48-1.

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 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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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 13:
**View of
sample D-1.**



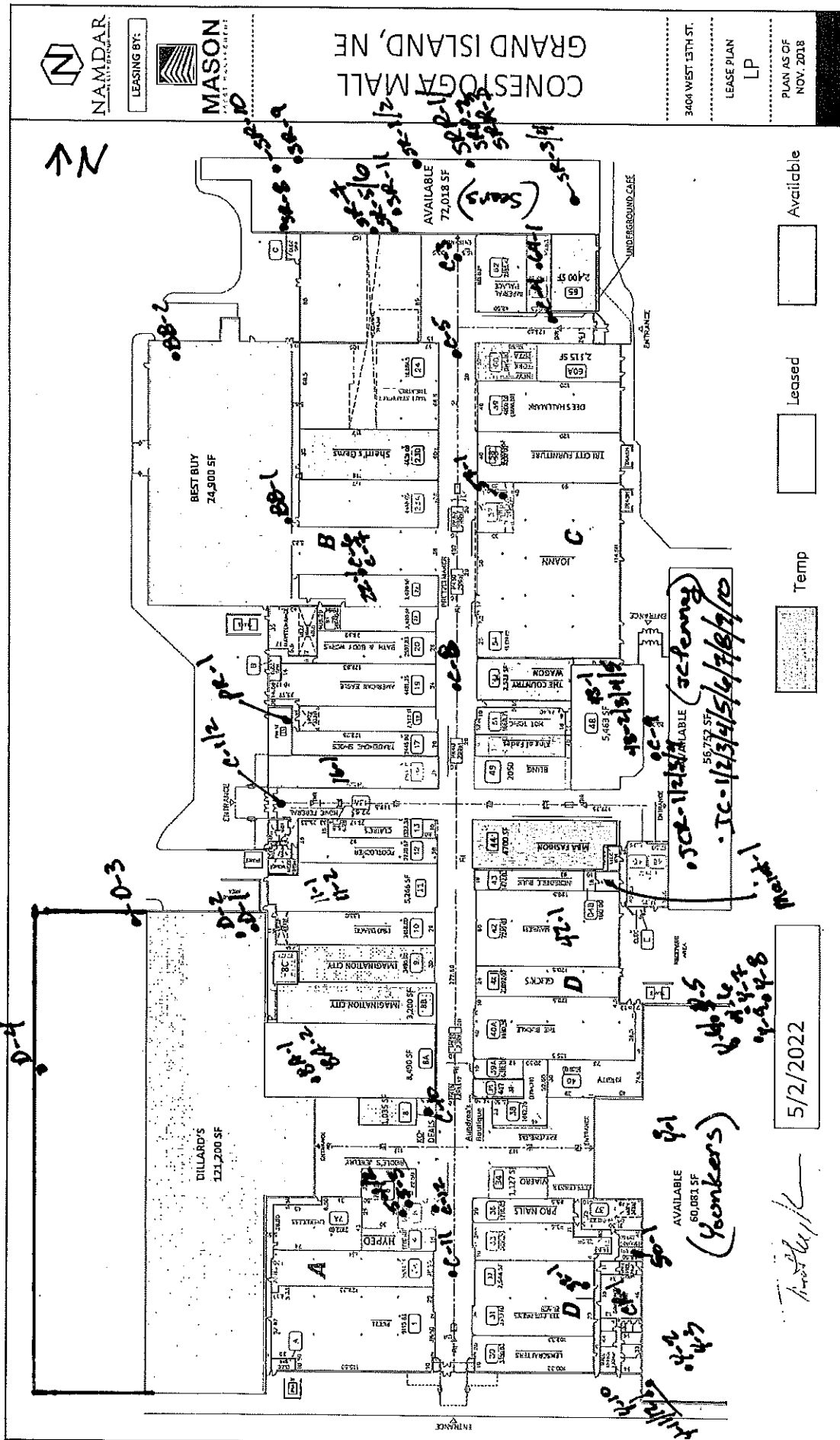
Photo 14:
**View of
Assumed
transite soffit.**

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

Appendix F – Facility Diagrams

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

SAMPLE Locations





LEASING BY:



MASON

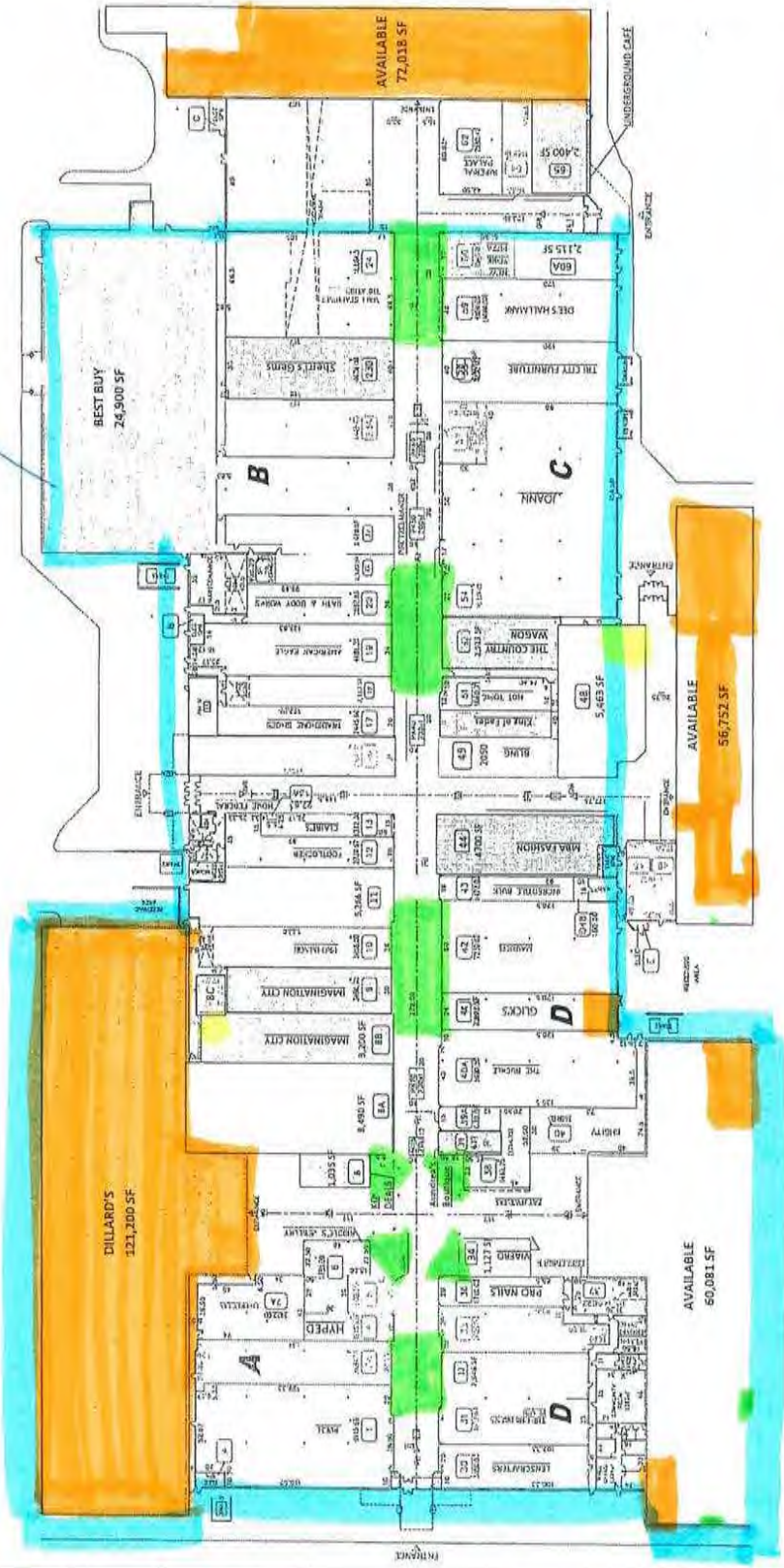
CONESTOGA MALL GRAND ISLAND, NE

3404 WEST 13TH ST.

LEASE PLAN
LP

PLAN AS OF
NOV. 2018

Original Bidding



Temp Leased Available

5/2/2022

Tracy L...

Ceiling Texture
Floor Tile/Mastic
VSF Flooring

Resolution Number 2023-03

HALL COUNTY REGIONAL PLANNING COMMISSION

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

WHEREAS, the Grand Island City Council at its September 13, 2022 meeting, referred the **Blight and Substandard Study commissioned by Woodsonia Acquisitions LLC** to the Hall County Regional Planning Commission, (the "Commission") for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to the Nebraska Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"); and

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

- This property as presented in the study meets the requirements to be declared substandard,
- This property as presented in the study meets the requirements to be declared blighted,
- The factors are necessary to declare the property blighted and substandard are sufficiently distributed to impact development across the entire site,
- That development of this property to its full potential is in the best interest of the City of Grand Island and the entire region,
- That there are projects ready to develop at this site if they can meet the financial goals of the developers,

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

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

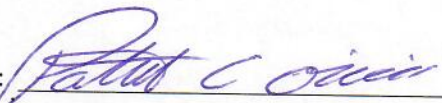
Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

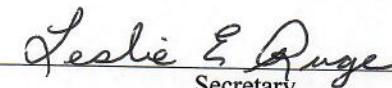
Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: October 5, 2022.

HALL COUNTY REGIONAL PLANNING COMMISSION

ATTEST:

By: 
Chair

By: 
Secretary



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item E-2

Public Hearing on Proposed Extremely Blighted Study located in the Northwest part of Grand Island between 13th Street and State Street and between Webb Road and Capital Avenue including Conestoga Mall and the Development to the North of the Mall (Woodsonia Acquisitions LLC)

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission
Meeting: November 8, 2022
Subject: Extremely Blighted Study
Presenter(s): Chad Nability, AICP

Background

Woodsonia Acquisitions LLC has commissioned a study to identify areas in the City of Grand Island that can qualify as Extremely Blighted per Nebraska Community Redevelopment Law. Marvin Planning Consultants and Kurt Elder, AICP have prepared a study that identifies those areas. The study is attached.

On September 13, 2022 Council referred the attached study to the Planning Commission for its review and recommendation. The study as prepared and submitted identifies areas within Grand Island that meet the qualifications to be declared extremely blighted. The full study is attached for your review and consideration.

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;

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

Discussion

The Statutory authority and direction to the Council and Planning Commission is referenced below:

18-2101.02. Extremely blighted area; governing body; duties; review; public hearing; map.

(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.

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

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

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

(5) The study or analysis required under subsection (2) of this section may be conducted in conjunction with the study or analysis required under section 18-2109. The hearings required under this section may be held in conjunction with the hearings required under section 18-2109.

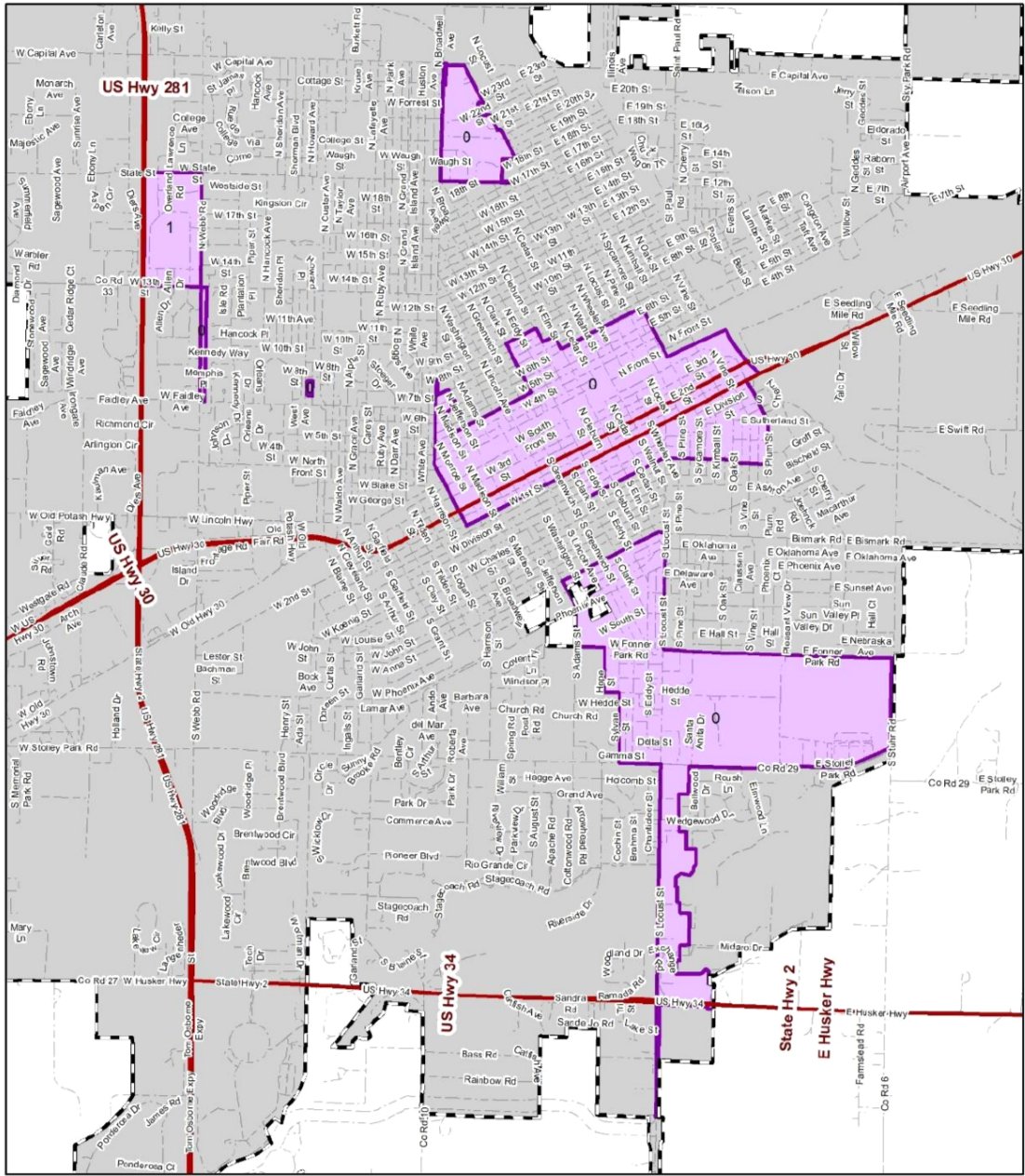
Designating an area as Extremely Blighted provides two potential benefits to redevelopment in the area and any residents in the area along with a benefit to the City.

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 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%.

Areas that Qualify as Extremely Blighted



City of Grand Island: Proposed Extreme Blight Areas



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

1. review the study,
2. take testimony from interested parties,
3. review the recommendation and findings of fact identified by the Planning Commission
4. make findings of fact, and
5. include those findings of fact as part of its motion to approve or deny the request to declare this area blighted and substandard. Council can make any findings they choose regarding the study and the information presented during the public hearing to support the decision of the Council members regarding this matter.

Recommendation

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

Recommend Questions for City Council

- Does this property meet the statutory requirements to be considered Extremely Blighted and substandard? (See the prior statutory references.)
- Is public intervention appropriate and/or necessary for the redevelopment of the area?
- What is the policy of the City toward increasing development and redevelopment in this area of the City?

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

Planning Commission Recommendation

The Regional Planning Commission held a public hearing and took action on the Extremely Blighted Areas Study during its meeting on October 5, 2022.

O'Neill opened the public hearing for item number 7 and number 8 Extremely Blighted Study.

Nabity stated the study does show the property can be declared blighted and substandard. The study area is approximately 78.45 acres of property located between U.S Highway 281 and Webb Road and 13th Streets including the Conestoga Mall. Nabity also mentioned the Woodsonia, an Omaha based real estate company, has the Conestoga Mall property under contract. The project is

based on complying with some components which includes getting declared blighted and substandard and approved for tax increment financing.

Planning Commission staff recommends approval.

Nabity stated the Extremely Blighted Study is a designation that was put into place by the Legislature about 4 years ago. For an area to be designated as extremely blighted and substandard 1- area had to have been declared blighted and substandard 2) an unemployment rate twice the state's unemployment rate based on US Census data and 3) a poverty rate of 20 percent or more

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 may extended from 15 years to 20 years.
2. First time home buyers that purchase qualifying homes in areas that have been declared Extremely Blighted as their primary residence prior to January 1, 2026 will receive an income tax credit of up to \$5000.
3. Remove those areas that are declared Extremely Blighted from 35% cap on area that can be declared Blighted and Substandard

Keith Marvin – Marvin Planning Consultants –

Drew Snyder – 20010 Manderson Street ,Omaha, NE – Mr. Snyder with Woodsonia Real Estate – went over the project and was available for questions.

O'Neill closed the public hearing.

A motion was made by Robb and second by Randone to approve the Substandard and Blight Study for CRA Area No. 28 and Resolution 2023-03 and Extremely Blighted Study and Resolution 2023-04.

The motion was carried with nine members voting in favor (Allan, Nelson, Ruge, Olson, Robb, Monter, Rainforth, Rubio, and Randone) and one member abstaining (O'Neill) and no members voting no (Hendricksen and Doane were absent).

Alternatives

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

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

Sample Motion

If Council wishes to approve the designation of these areas as extremely blighted a motion should be made to approve the Extremely Blighted Study finding the information in the study to be factual and supporting such designation. A resolution authorizing the approval of this study has been prepared for Council consideration.



**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.

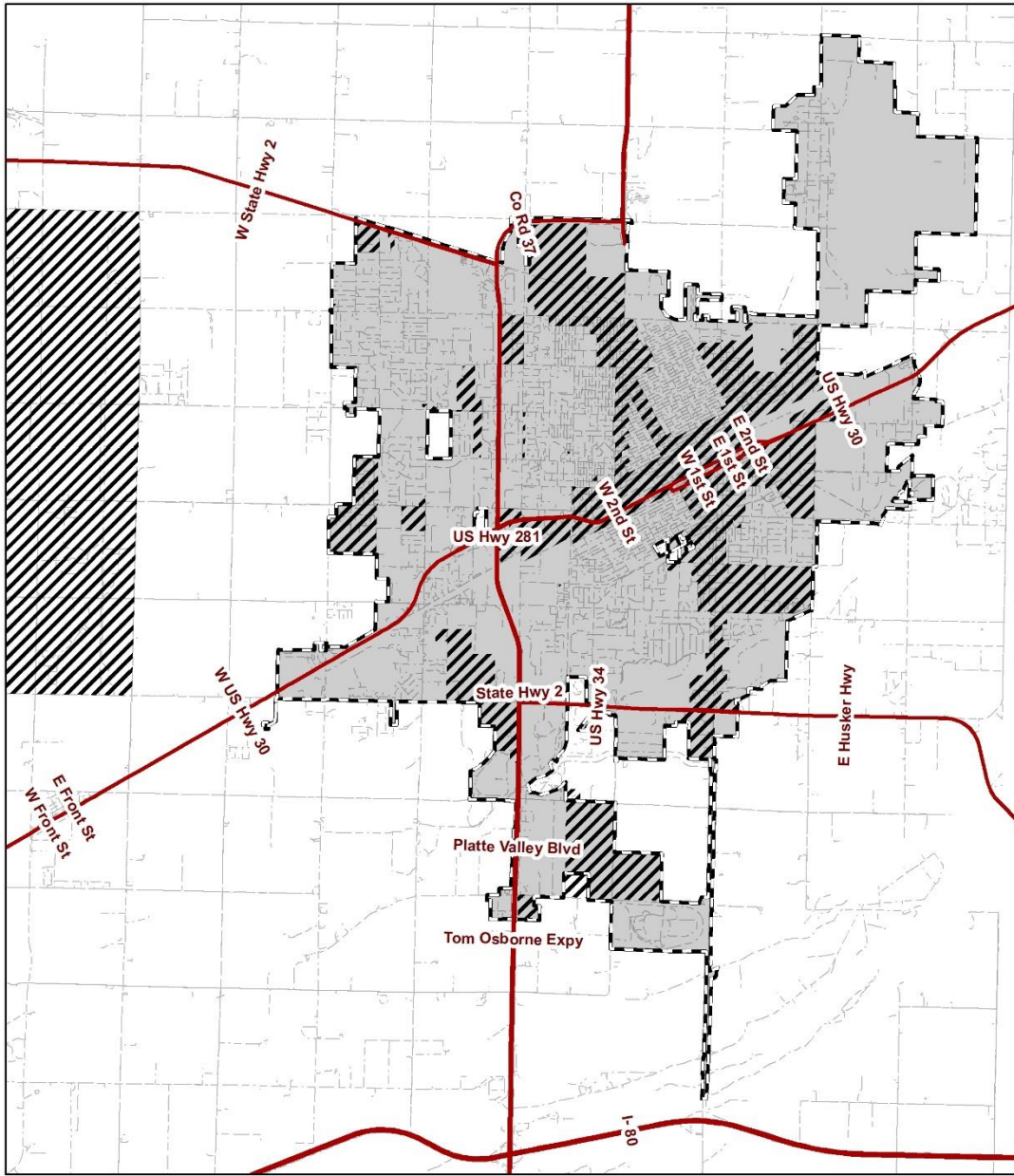
ANALYSIS

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

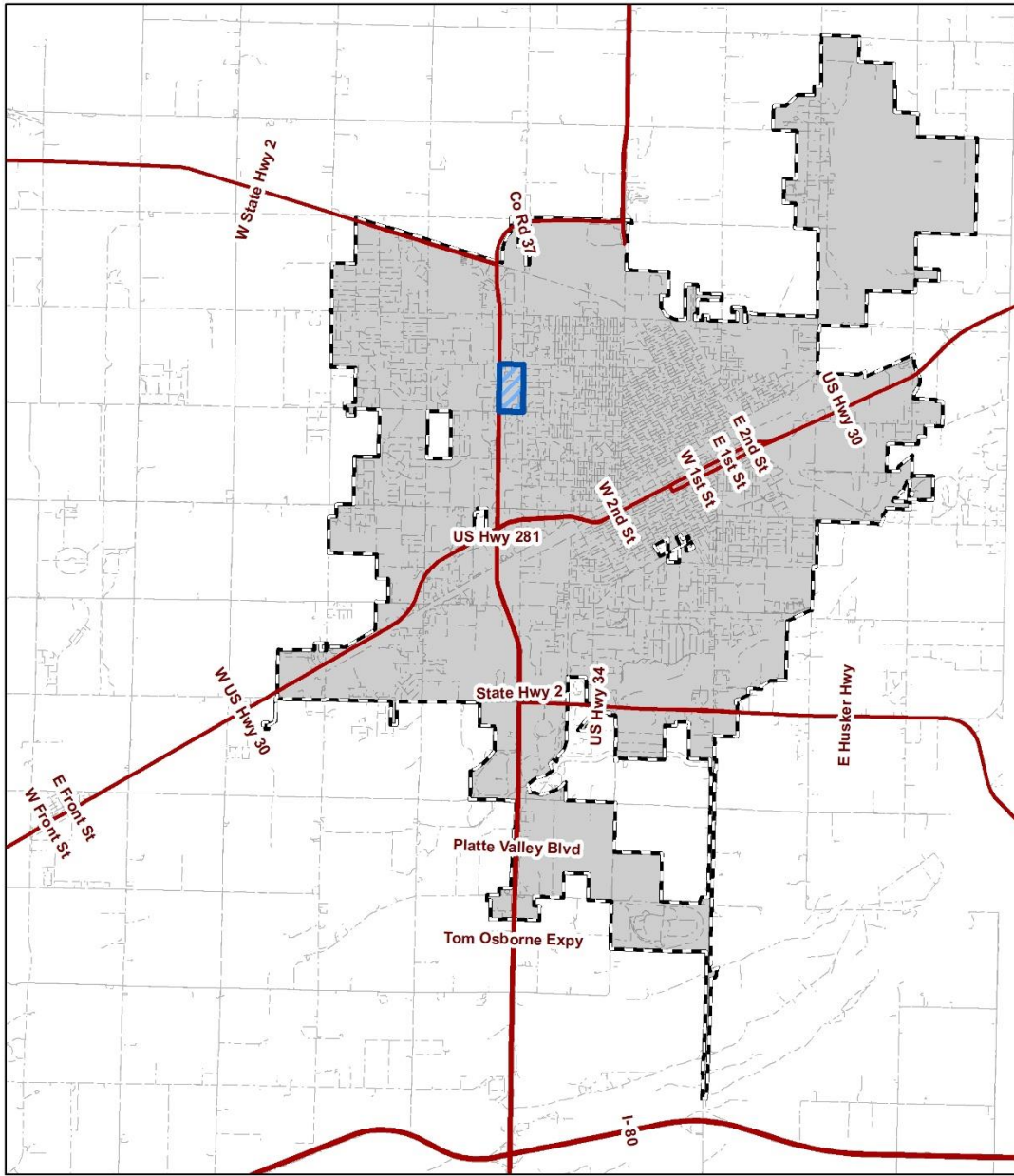
- 'Existing Blight Area'
- 'Proposed Blight Area'
- 'Proposed Blight Area - Detail'
- 'Employment Review'
- 'Poverty Review'
- 'Proposed Extreme Blight Area'



City of Grand Island: Existing Blight Areas

- City Limit
- Declared/Existing Blighted
- Primary Roads

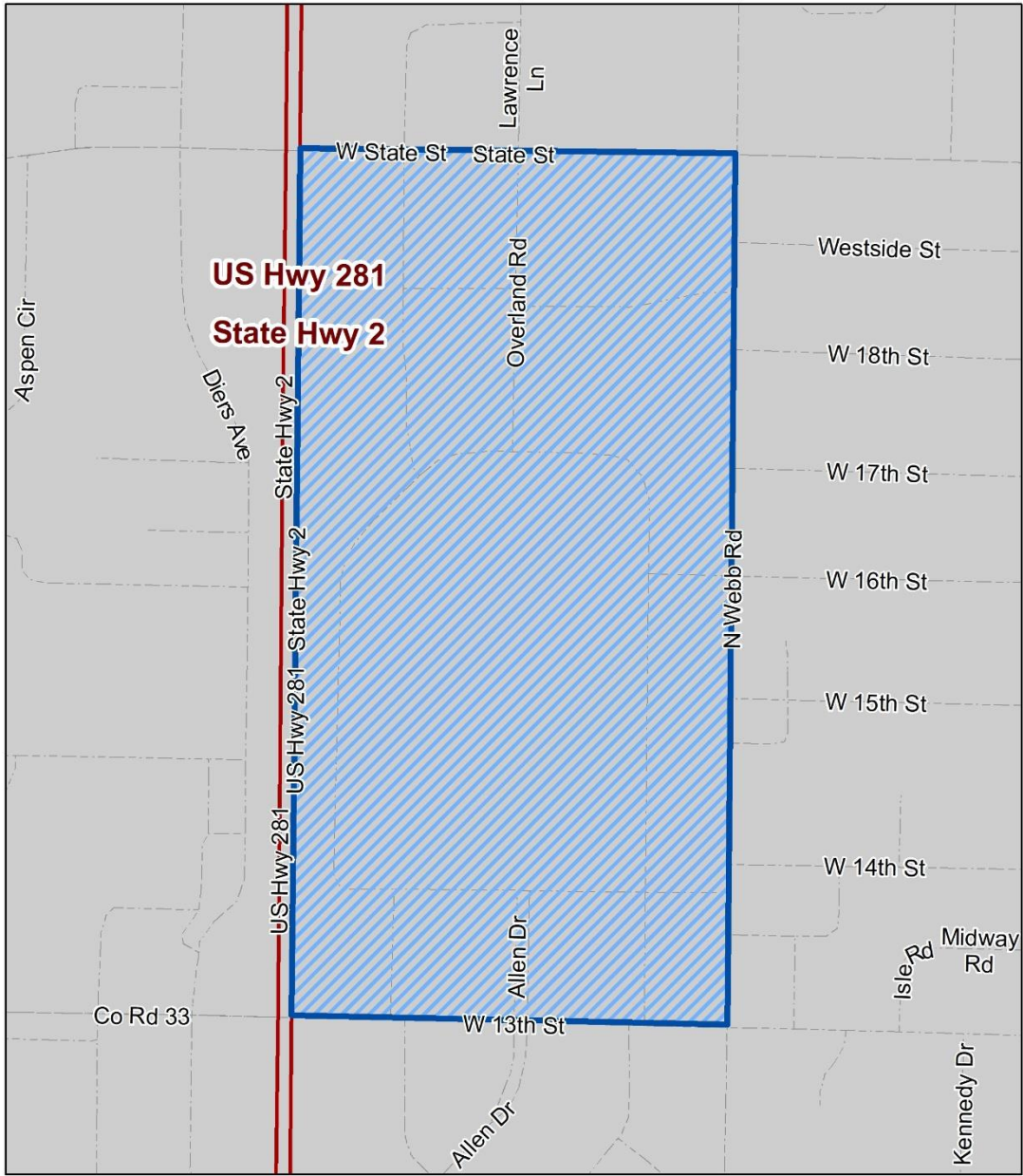




City of Grand Island: Proposed Blight Area

-  City Limit
-  Proposed Blight
-  Primary Roads

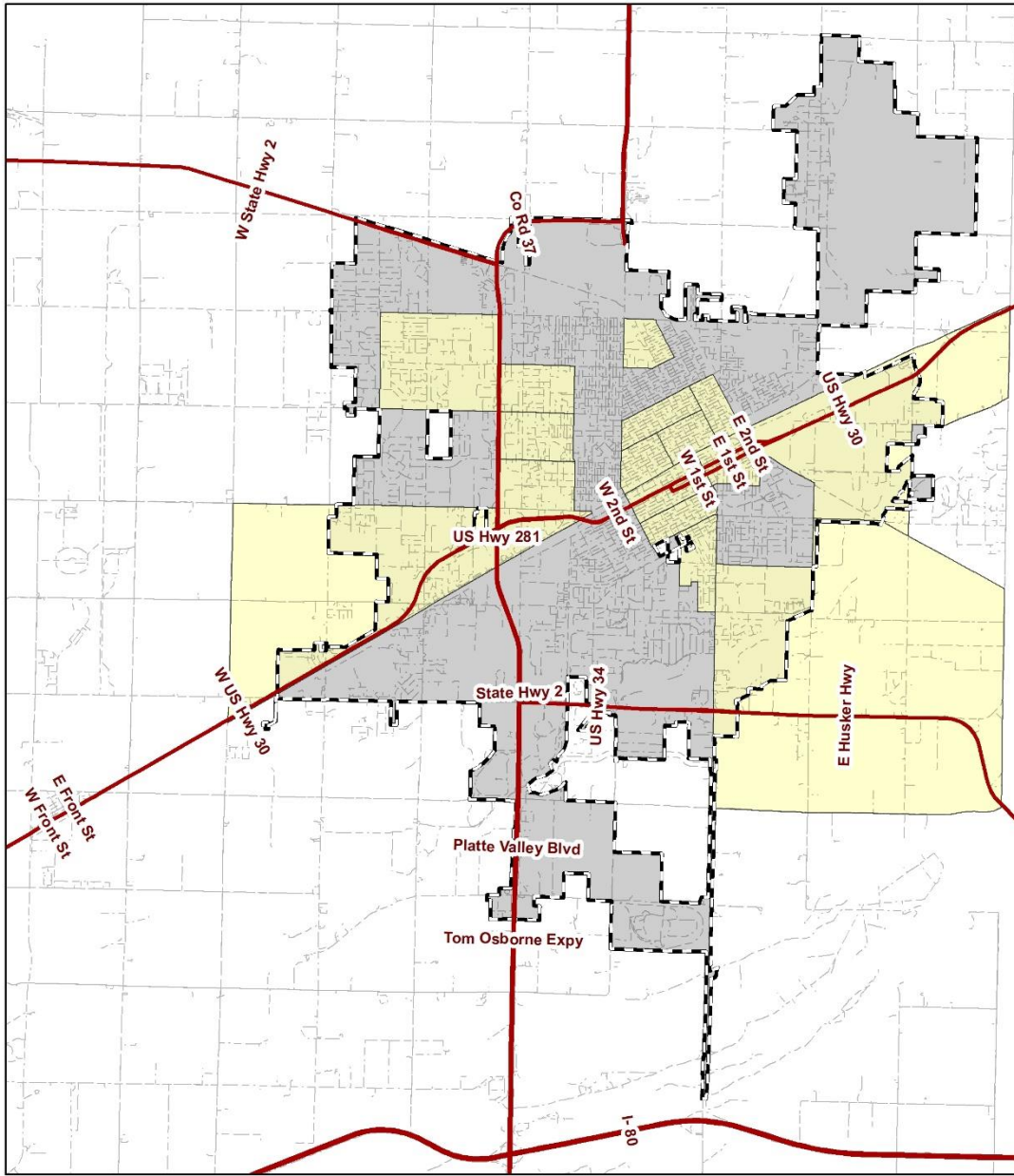







City of Grand Island: Proposed Extreme Blight Areas - Detail

-  City Limit
-  Proposed Blight
-  Primary Roads

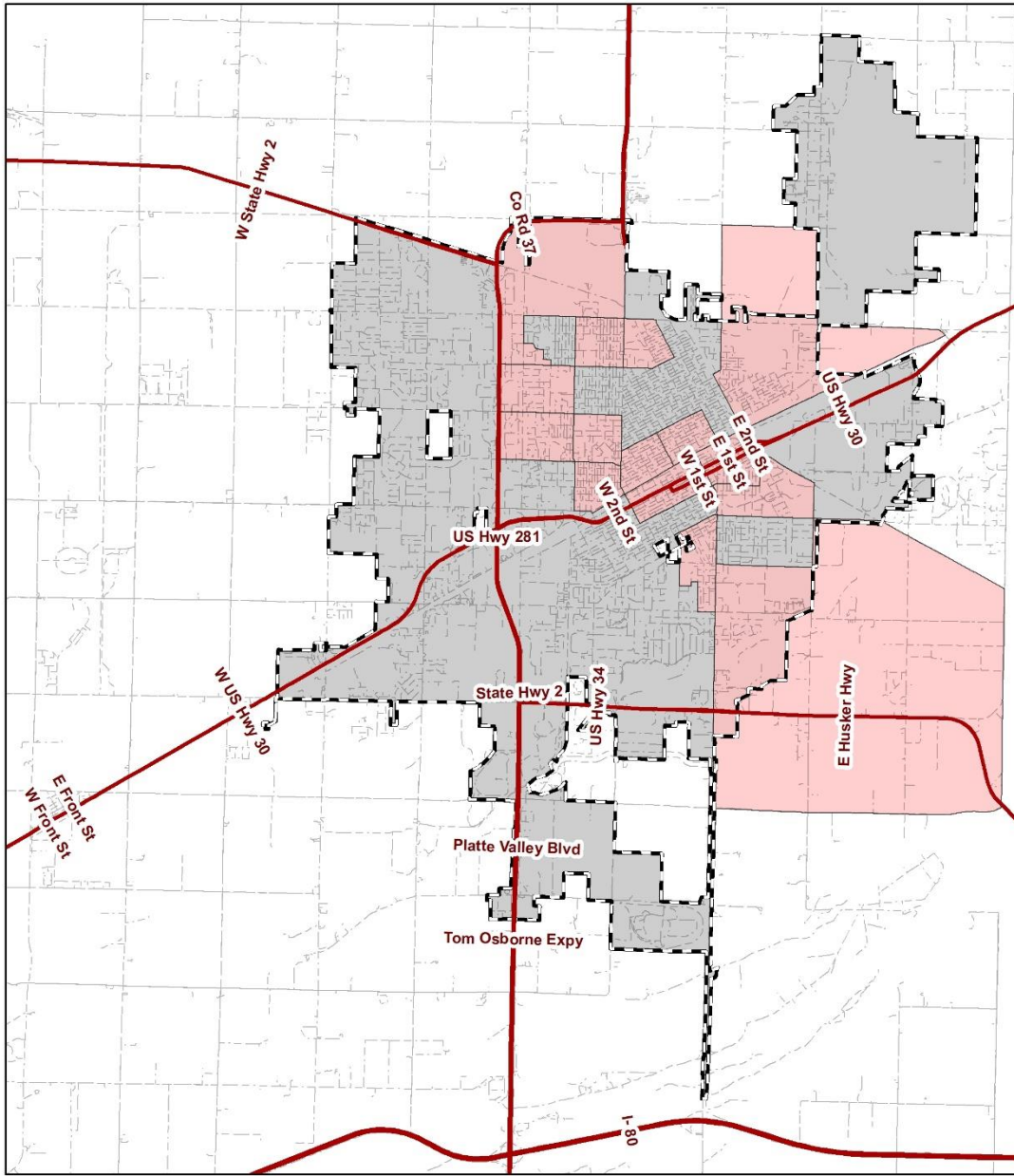




City of Grand Island: Employment Review

-  City Limit
-  Avg Unemployment > NEBR Unemployment Rate Threshold 6.74% (2020 ACS)
-  Primary Roads

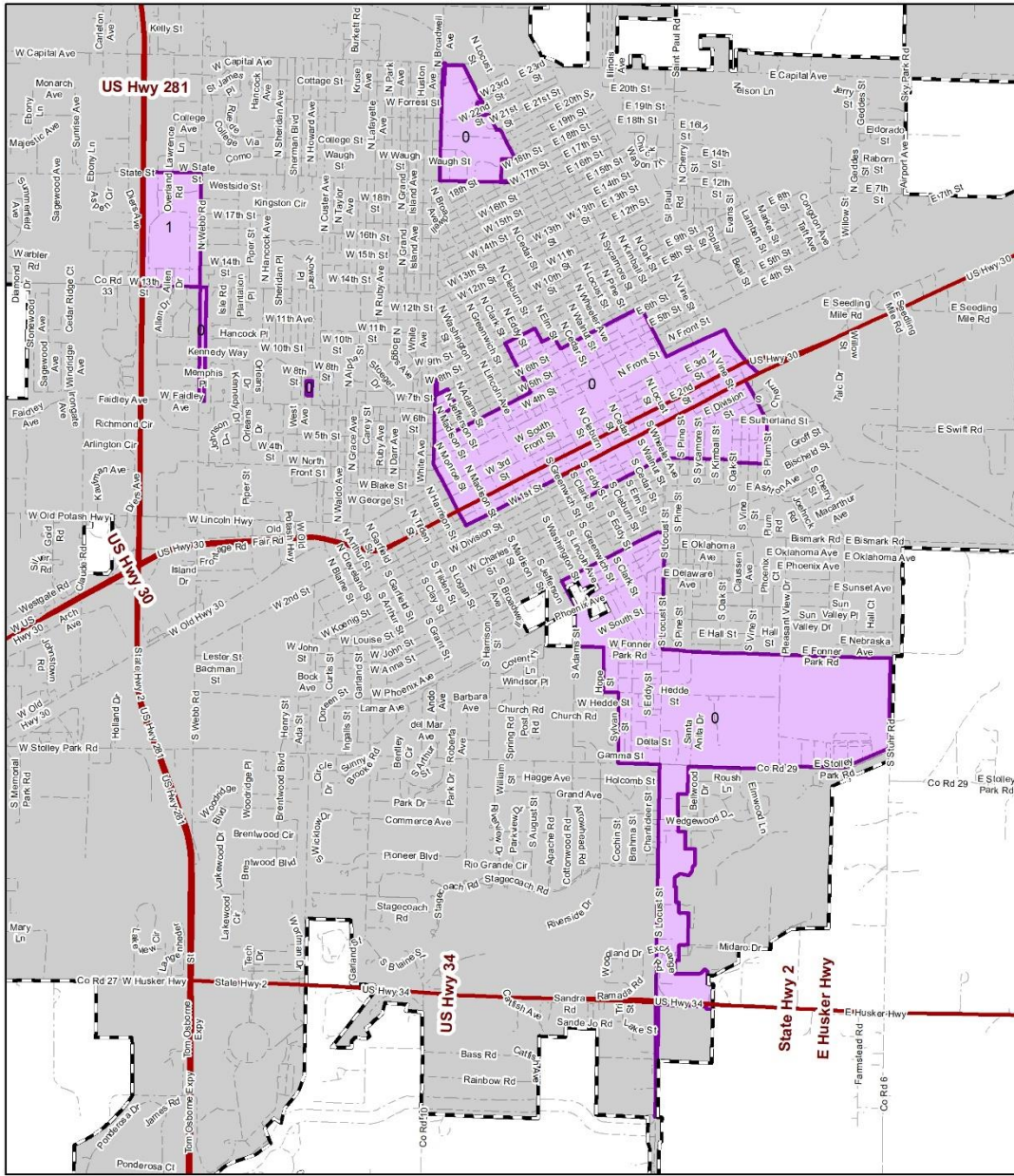




City of Grand Island: Poverty Review

-  City Limit
-  Avg Poverty >20% (2020 ACS)
-  Primary Roads

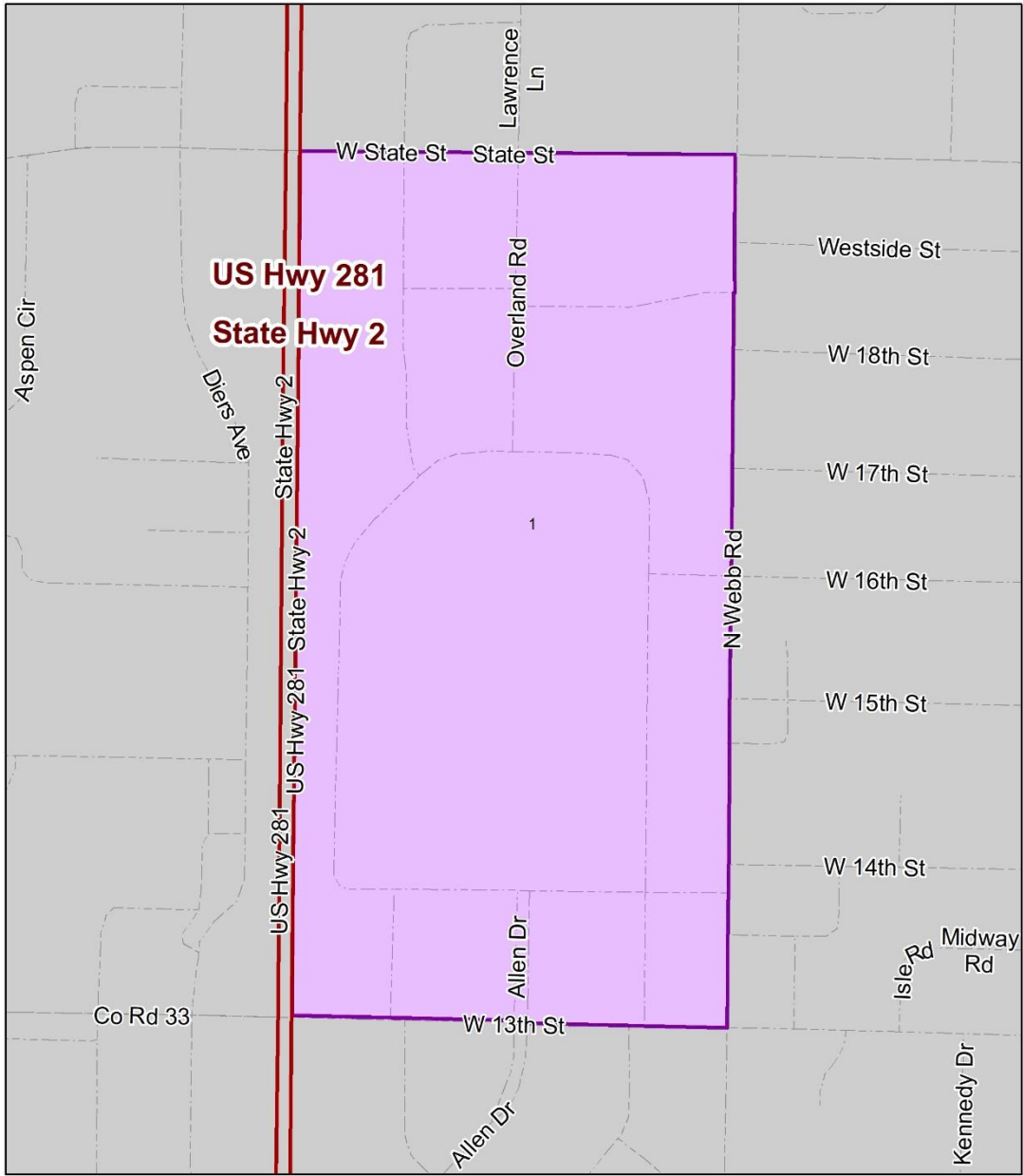




City of Grand Island: Proposed Extreme Blight Areas

- City Limit
- Proposed Extreme Blight Areas
- Primary Roads





City of Grand Island: Proposed Extreme Blight Area

-  City Limit
-  Proposed Extreme Blight Areas
-  Primary Roads



Resolution Number 2023-04

HALL COUNTY REGIONAL PLANNING COMMISSION

A RESOLUTION RECOMMENDING APPROVAL OF AN EXTREMELY BLIGHTED TO THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

WHEREAS, the Grand Island City Council at its August September 12, 2022 meeting, referred a study identifying areas within the City of Grand Island that can be declared Extremely Blighted, commissioned by Woodsonia Acquisitions, LLC to the Hall County Regional Planning Commission, (the "Commission") for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to the Nebraska Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"); and

WHEREAS, the Commission held a public hearing regarding said Study at their meeting on October 5, 2022, and:

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

- This property as presented in the study meets the requirements to be declared extremely blighted including:
 - Identified properties have been declared blighted and substandard or will be prior to adoption of this study,
 - Identified properties have an average rate of unemployment rate of at least two hundred percent of the average rate of unemployment base on U.S. Census data
 - Identified properties have an average poverty rate of more at least 20% based on U.S. Census data
- That development of this property to its full potential is in the best interest of the City of Grand Island and the entire region,

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

Section 1. The Commission hereby recommends approval of the Study.

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

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

DATED: October 5, 2022

HALL COUNTY REGIONAL PLANNING COMMISSION

ATTEST:

By: 
Chair

By: 
Secretary

Secretary



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-1

Approving Minutes of October 25, 2022 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 25, 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 October 25, 2022. Notice of the meeting was given in *The Grand Island Independent* on October 19, 2022.

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

INVOCATION was given by Pastor Todd Bowen, Grace Covenant Church, 418 West 12th Street followed by the PLEDGE OF ALLEGIANCE.

PUBLIC HEARINGS:

Public Hearing on Comprehensive Plan Amendment for Changes to the Future Land Use Map for Property Located between Capital Avenue and Airport Road and Broadwell Avenue and Webb Road in Grand Island, Nebraska. Regional Planning Director Chad Nabity reported that staff was recommending amendments to the future land use map for the City of Grand Island for the area around the former veterans' home. The proposed changes were consistent with the Veteran's Legacy Plan. The Veteran's Legacy Plan envisions a variety of recreational uses along with commercial, office and residential development across the site. These changes will facilitate the redevelopment of this property. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Plan for CRA No. 16 for Property Located at 2206 and 2300 Capital Avenue (Veteran's Home), Grand Island, Nebraska for Residential Purposes (Liberty Campus, GI LLC). Regional Planning Director Chad Nabity reported that Liberty Campus GI, LLC was proposing to redevelop a portion of the former veteran's home property. The plan deals specifically with the Pershing and Anderson Buildings at the southwest corner of the property north of Capital Avenue and east of Custer Street. The proposed plan would redevelop these buildings into 48 one and two bedroom apartments. The units would be available to low income individuals with a preference for veterans, gold star families and veteran spouses. Staff recommended approval. Arun Agalwal, CEO for White Lotus Group and Alex Bollington, 3601 Jones Street, Omaha, Nebraska spoke in support. No further public testimony was heard.

Public Hearing on Redevelopment Plan for CRA No. 34 for Property Located North of Faidley Avenue and East of Claude Road, Grand Island, Nebraska for Commercial Purposes (KER Enterprises, LLC). Regional Planning Director Chad Nabity reported that KER Enterprises, LLC was proposing to develop property north of Faidley Avenue and east of Claude Road for commercial purposes including a family entertainment center with miniature golf, laser tag, axe

throwing, duck pin bowling, and an arcade along with food and drink. Staff recommended approval. Zach Butz, 308 N. Locust Street, Suite 501; Bruce Schriener, 2535 No. Carlton Avenue; and Brad Kissler, 605 Sandalwood Drive spoke in support. No further public testimony was heard.

Public Hearing on Request from Coranco Great Plains, Inc. on behalf of LPB, LLC for a Conditional Use Permit for continued Operation of a Soil and Groundwater Remedial System located at 704 West 3rd Street. Building Department Director Craig Lewis reported that Coranco Great Plains, Inc. on behalf of LPB, LLC submitted an application for a Conditional Use Permit to allow for the extended placement of a soil vapor extraction trailer to facilitate the removal of free phase petroleum from soil and groundwater at 724 West 3rd. Street. Staff recommended approval. No public testimony was heard.

RESOLUTION:

#2022-314 - Consideration of Approving the Labor Agreement between the City of Grand Island and the Nebraska Public Employees, Local 251 of the American Federation of State, County and Municipal Employees, AFL-CIO. Human Resources Director Aaron Schmid reported that a combination of twelve job classifications in the Parks and Recreations Department, Library and Public Works Department were included under the conditions outlined in the labor agreement between the City of Grand Island (City) and the Nebraska Public Employees, Local 251 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME.) The current labor agreement expired as of midnight September 30, 2022. The City and AFSCME met to negotiate the terms of a new agreement. The negotiations were handled in good faith with both parties focused on a fair contract. Staff recommended approval.

Motion by Nickerson, second by Haase to approve Resolution #2022-314. Upon roll call vote, all voted aye. 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:

#9902 - Consideration of Approving Zoning Change to Property located at 3600 Husker Highway from R2 Low Density Residential to CD Commercial Development (Innate Development 2, LLC) (Second & Final Reading)

#9903 - Consideration of Approving Salary Ordinance

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.

#9902 - Consideration of Approving Zoning Change to Property located at 3600 Husker Highway from R2 Low Density Residential to CD Commercial Development (Innate Development 2, LLC) (Second & Final Reading)

Regional Planning Director Chad Nabity reported that Innate Development 2, LLC the owners of 200 acres located north of Husker Highway and west of Prairieview Street were requesting that the zoning on property be changed on a portion of this property from R2 Low Density Residential to RD Residential Development Zone and Commercial Development Zone. The proposal was to build 150 units of three story apartments in 10 unit buildings along with 4 carriage house apartments on the Residential Development portion of this property. Staff recommended approval.

Motion by Guzinski, second by Minton to approve Ordinance #9902 on second and final reading. Upon roll call vote, all voted aye. Motion adopted.

#9903 - Consideration of Approving Salary Ordinance

Human Resources Director Aaron Schmid reported that the proposed salary ordinance recognized the changes to the collective bargaining agreement between the City of Grand Island and the Nebraska Public Employees, Local 251 of the American Federation of State, County and Municipal Employees, AFL-CIO effective October 23, 2022. This ordinance would also create an Evidence Technician PT classification to allow for hiring the 0.5 of the 1.5 FTE request. Wages would mirror the wages of the Evidence Technician FT classification. Staff recommended approval.

Motion by Haase, second by Fitzke to approve Ordinance #9903.

City Clerk: Ordinance #9903 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 #9903 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 #9903 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-6, G-9, and G-11 (Resolutions #2022-294, #2022-297, and #2022-299) were pulled for further discussion. Motion by Stelk, second by Conley to approve the Consent Agenda excluding items G-6, G-9 and G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 11, 2022 27, 2022 City Council Regular Meeting.

Approving Minutes of October 18, 2022 City Council Study Session.

Approving Request from Morwenna Limper, 621 S. Denver Avenue, Hastings, Nebraska for a Liquor Manager Designation with Riverside Golf Club, 2720 Riverside Drive.

Approving Request from Hall County Livestock Improvement Association dba Fonner Park, 700 E. Stolley Park Road for a Deletion of a Portion of Class "CK-78819" Liquor License.

#2022-278 - Approving Final Plat and Subdivision Agreement for Legacy 34 Second Subdivision. It was noted that Innate Development 2, LLC, owners, had submitted the Final Plat and Subdivision Agreement for Legacy 34 Second Subdivision located north of Husker Highway and west of Prairieview Street for the purpose of creating 23 lots and 10 Outlots on 20.109 acres.

#2022-294 - Approving Final Plat and Subdivision Agreement for Northwest Gateway Second Subdivision. It was noted that Famos Construction, Inc., owner had submitted the Final Plat and Subdivision Agreement for Northwest Gateway Second Subdivision located at the north end of Colorado Avenue for the purpose of creation 4 lots on 2.290 acres.

Amos Anson, 4243 Arizona Avenue answered questions concerning the lot sizes, drainage and types of home to be built.

Motion by Nickerson, second by Haase to approve Resolution #2022-294. Upon roll call vote, all voted aye. Motion adopted.

#2022-295 - Approving Final Plat and Subdivision Agreement for Woodland Park 19th Subdivision. It was noted that McKayla Nelson, owner, had submitted the Final Plat and Subdivision Agreement for Woodland Park 19th Subdivision located east of Independence Avenue and south of Pennsylvania Avenue for the purpose of creating 2 lots on 6.979 acres.

#2022-296 - Approving City Council Meeting Schedule for 2023.

#2022-297 - Approving Extension of Option to Lease Agreement - Grand Island Children's Museum. City Administrator Jerry Janulewicz reported that the Grand Island Children's Museum had been unable to raise donations and pledges in the amount of \$7,000,000 and were requesting a one year extension of the option to lease.

Audrey Rowley, 1913 W. Louise Street representing the Grand Island Children's Museum spoke in support and stated they were still raising funds.

Motion by Nickerson, second by Guzinski to approve Resolution #2022-297. Upon roll call vote, all voted aye. Motion adopted.

#2022-298 - Approving Change Order #1 for Water System Uranium Removal System with Water Remediation Technology for an Increase of \$39,350.00 and a Revised Contract Amount of \$242,820.00.

#2022-299 - Approving Bid Award - Rogers Pumping Station Controls Upgrade with HOA Solutions, Inc. of Lincoln, Nebraska in an Amount of \$66,600.00. Utilities Director Tim Luchsinger reported that specifications for the Rogers Pumping Station Controls Upgrade were advertised and issued for bid in accordance with the City Purchasing Code. Bids were publicly opened on September 13, 2022. The engineer's estimate for this project was \$175,000.00. Mr. Luchsinger answered questions regarding the estimate and the bid price which came in well below the estimate.

Motion by Nickerson, second by Guzinski to approve Resolution #2022-299. Upon roll call vote, all voted aye. Motion adopted.

#2022-300 - Approving Lease Agreement with Union Pacific Railroad for Utility Property at 1209 W. North Front Street in an Amount of \$3,000.00.

#2022-301 - Approving Bid Award - Tree Removal Contract 2023-TR-1 with Leetch Tree Service of Grand Island, Nebraska for various amounts.

#2022-302 - Approving Annual Payment for Utility Billing Software Support with N. Harris Computer Corporation dba Advanced Utility Systems in an Amount of \$95,113.45.

#2022-303 - Approving Bid Award for Drainage Ditch Grading, Excavating, and Hauling 2022-2023 with AMP Works, LLC of Grand Island, Nebraska for various amounts.

#2022-304 - Approving Supplemental Agreement No. 1 with NDOT- Local Assistance Division for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2023 Fiscal Year TRANSIT, Section 5305, Transportation Planning Program.

#2022-305 - Approving Amendment No. 1 to the Public Transit Vehicle Provider with Davey Coach Sales, Inc. of Sedalia, Colorado for a Revised Contract Amount from \$74,985.00 to \$84,663.00.

#2022-306 - Approving Change Order No. 2 for Final Clarifier No. 1 Renovation; Project No. 2021-WWTP-3 with Fab Tech Wastewater Solutions, LLC of O'Fallon, Missouri for an Increase of \$13,310.00 and a Revised Contract Amount of \$205,310.00 and Final Completion from September 30, 2022 to November 15, 2022.

#2022-307 - Resolution Directing Property Owner to Repair Sidewalk at 1715 Bass Road, 1320 N Broadwell Avenue and 239 S Plum Street.

#2022-308 - Approving Agreement with Nebraska Department of Transportation (NDOT) for Grand Island & South (SB); Project No. NH-34-4(134); Control No. 42819.

#2022-309 - Approving Application for State of Nebraska Ambulance Grant.

#2022-310 - Approving Bid Award for Surface Prep and Painting of Lincoln Park Swimming Pool with Mongan Painting, LLC of Cherokee, Iowa in an Amount of \$40,310.00.

REQUESTS AND REFERRALS:

Consideration of Approving the Request from Coranco Great Plains, Inc. on behalf of LPB, LLC for a Conditional Use Permit for continued Operation of a Soil and Groundwater Remedial System located at 704 West 3rd Street. This item was related to the aforementioned Public Hearing.

Motion by Guzinski, second by Haase to approve. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2022-311 - Consideration of Approving the Comprehensive Plan Amendment for Changes to the Future Land Use Map for Property Located between Capital Avenue and Airport Road and Broadwell Avenue and Webb Road in Grand Island, Nebraska. This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Minton to approve Resolution #2022-311. Upon roll call vote, all voted aye. Motion adopted.

#2022-312 - Consideration of Approving the Redevelopment Plan for CRA No. 16 for Property Located at 2206 Capital Avenue (Veteran's Home), Grand Island, Nebraska for Residential Purposes (Liberty Campus, GI LLC). This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Stelk to approve Resolution #2022-312. Upon roll call vote, all voted aye. Motion adopted.

#2022-313 - Consideration of Approving the Redevelopment Plan for CRA No. 34 for Property Located North of Faidley Avenue and East of Claude Road, Grand Island, Nebraska for Commercial Purposes (KER Enterprises, LLC). This item was related to the aforementioned Public Hearing. Brad Kissler, 605 Sandalwood Drive commented on the project and what it all entailed. Mr. Nabity answered questions regarding the TIF application for this project.

Motion by Nickerson, second by Minton to approve Resolution #2022-313. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Guzinski to approve the payment of claims for the period of October 12, 2022 through October 25, 2022 for a total amount of \$8,584,104.34. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:07 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-2

Approving Appointment of Dana Jelinek to the Railside Business Improvement District

Mayor Steele has submitted the appointment of Dana Jelinek to the Railside Business Improvement District board to replace Jay Vavricek. This appointment would become effective immediately upon approval by the City Council.

Staff Contact: Mayor Roger Steele



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-3

#2022-315 - Approving Contract for Engineering Services

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: November 8, 2022

Subject: Approving Contract for Engineering Services

Presenter(s): Timothy Luchsinger, Utilities Director

Background

The Utilities Department retains the services of a consulting engineer to perform required reoccurring engineering tasks. The current engineering services contract expires on December 31, 2022. A Request for Proposals to perform the following tasks over the next five (5) years were developed by Department management staff.

- 1) Every three (3) years, as good practice, the Utilities Department performs Electric & Water Cost of Service Studies to analyze its revenue stream as well as its internal processes to verify future sustainability. The current scope of work will include the following:
 - 2023 Water Cost of Service Study
 - 2026 Water Cost of Service Study
 - 2024 Electric Cost of Service Study
 - 2027 Electric Cost of Service Study
- 2) The Utilities Department has a Power Purchase Agreement with the Western Area Power Administration (WAPA). As part of this agreement, the Utilities Department is required to provide WAPA with an Integrated Resource Plan every five (5) years. The current scope of work will include the following:
 - 2027 Integrated Resource Plan
- 3) Every four (4) years, the Public Works Department performs a Sewer Cost of Service Study to analyze its revenue stream as well as its internal processes to verify future sustainability. The current scope of work will entail the following:
 - 2023 Wastewater Cost of Service Study
 - 2027 Wastewater Cost of Service Study

Discussion

The Request for Proposal was advertised on Tuesday, September 20, 2022, and three (3) proposals were received on Tuesday, October 18, 2022, from the following Consultants:

JK Energy Consulting – Smithfield, NE
Nebraska Municipal Power Pool – Lincoln, NE
GDS Associates – Marietta, GA

Using a matrix of the Utility Department’s established evaluation criteria, which included Proposal Responsiveness, Company Experience, Personnel Experience, Commercial Terms, and Engineering Fees, the proposals were reviewed by both Utility and Public Works Department personnel. A tabulation of the evaluation factors favored the proposal of JK Energy Consulting. Total fees to be paid to JK Energy Consulting to perform these tasks over the five-year term of the contract are approximately \$119,500.00, which are also the lowest fees of the proposals submitted.

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 award the Contract for Engineering Services to JK Energy Consulting of Lincoln, Nebraska.

Sample Motion

Move to approve the resolution authorizing the Mayor to execute a contract with JK Energy Consulting of Lincoln, Nebraska for Engineering Services for the Utilities Department in the amount of \$119,500.00.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL
FOR
ENGINEERING SERVICES**

RFP DUE DATE: October 18, 2022 at 4:00 p.m.

DEPARTMENT: Utilities

PUBLICATION DATE: September 26, 2022

NO. POTENTIAL BIDDERS: 6

PROPOSALS RECEIVED

JK Energy Consulting, LLC
Smithfield, NE

GDS Associates, Inc.
Marietta, GA

Nebraska Municipal Power Pool
Lincoln, NE

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

Ryan Schmitz, Assist. Utility Director
Patrick Brown, Finance Director

P2403

ENGINEERING SERVICES - CONTRACT AGREEMENT

THIS AGREEMENT made and entered into by and between **JK ENERGY CONSULTING, LLC**, hereinafter called the Contractor, and the **CITY OF GRAND ISLAND, NEBRASKA**, hereinafter called the City.

WITNESSETH:

THAT, WHEREAS, in accordance with law, the City has caused contract documents to be prepared and an advertisement calling for proposals to be published for *ENGINEERING SERVICES* and

WHEREAS, the City, in the manner prescribed by law, has evaluated the proposals submitted, and has determined the aforesaid Contractor to be the responsible proposer, and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, portions thereof being attached to and made a part of this contract.

NOW, THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreements herein contained, the parties have agreed and hereby agree, the City for itself and its successors, and the Contractor for itself, him/herself, or themselves, and its, his, or their successors, as follows:

ARTICLE I. That the following documents shall comprise the Contract, and shall together be referred to as the "Agreement" or the "Contract Documents";

1. This Contract Agreement.
2. JK Energy Consulting Proposal dated October 18, 2022.
3. City of Grand Island Request for Proposals.

In the event of any conflict between the terms of the Contract Documents, the provisions of the document first listed shall prevail.

ARTICLE II. That the Contractor shall (a) furnish all tools, equipment, superintendence, transportation, and other construction materials, services and facilities; (b) provide and perform all necessary labor; and (c) in a good substantial and workmanlike manner and in accordance with the requirements, stipulations, provisions, and conditions of the contract documents as listed in the attached General Specifications, said documents forming the contract and being as fully a part thereof as if repeated verbatim herein, perform, execute, construct and complete all

work included in and covered by the City's official award of this contract to the said Contractor, such award being based on the acceptance by the City of the Contractor's proposal;

ARTICLE III. That the City shall pay to the Contractor for the performance of the work embraced in this contract and the Contractor will accept as full compensation therefore the sum (subject to adjustment as provided by the contract) of **One Hundred Nineteen Thousand Five Hundred and no/100 Dollars (\$119,500.00)** for all services and work covered by and included in the contract award and designated in the foregoing Article II; payments thereof to be made in cash or its equivalent in the manner provided in the General Specifications.

The total cost of the Contract includes:

Base Bid:	\$	119,500.00
Sales Tax on Materials/Equipment:	\$.00
Sales Tax on Labor:	\$	<u>.00</u>
Total	\$	119,500.00

The City of Grand Island, Nebraska operates on a fiscal year beginning October 1st and ending on the following September 30th. It is understood and agreed that any portion of this agreement which will be performed in a future fiscal year is contingent upon the City Council adopting budget statements and appropriations sufficient to fund such performance.

ARTICLE IV. The Contractor hereby agrees to act as agent for the City. The invoice for contractor's services will be paid after approval at the next regularly scheduled City Council meeting and occurring after departmental approval of invoice. The City Council typically meets the second and fourth Tuesday of each month. Invoices must be received well in advance of Council date to allow evaluation and processing time.

ARTICLE V. The Contractor agrees to comply with all applicable State fair labor standards in the execution of this contract as required by Section 73-102, R.R.S. 1943. The Contractor further agrees to comply with the provisions of Section 48-657, R.R.S. 1943, pertaining to contributions to the Unemployment Compensation Fund of the State of Nebraska. During the performance of this contract, the Contractor and all subcontractors agree not to discriminate in hiring or any other employment practice on the basis, of race, color, religion, sex, national origin, age or disability. The Contractor agrees to comply with all applicable Local, State and Federal rules and regulations. The Contractor agrees to maintain a drug-free workplace policy and will provide a copy of the policy to the City upon request. Every public contractor and his, her or its subcontractors who are awarded a contract by the City for the physical performance of services within the State of Nebraska shall register with and use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

GRATUITIES AND KICKBACKS

City Code states that it is unethical for any person to offer, give, or agree to give any City employee or former City employee, or for any City employee or former City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

JK ENERGY CONSULTING LLC

By  Date October 25, 2022

Title President / Sole Owner

CITY OF GRAND ISLAND, NEBRASKA

By _____ Date _____
Mayor

Attest: _____
City Clerk

The contract is in due form according to law and hereby approved.

Attorney for the City Date _____

RESOLUTION 2022-315

WHEREAS, the City of Grand Island invited proposals for Engineering Services, according to plans and specifications on file with the Utilities and Public Works Departments; and

WHEREAS, on October 18, 2022 proposals were received, opened and reviewed; and

WHEREAS, JK Energy Consulting of Smithfield, Nebraska, submitted a proposal in accordance with the terms of the advertisement and plans and specifications and all other statutory requirements contained therein, such proposal being in the amount of \$119,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that proposal from JK Energy Consulting for Engineering Services for the Utilities Department is hereby approved and the Mayor is hereby authorized to sign the Contract on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
November 4, 2022	☒ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-4

#2022-316 - Approving Tree Trimming Project 2023-TT-1

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

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

Meeting: November 8, 2022

Subject: Tree Trimming Contract 2023-TT-1

Presenter(s): Timothy Luchsinger, Utilities Director

Background

Specifications for Contract 2023-TT-1 were prepared for trimming trees from around powerlines throughout the Utility Department's Electrical Service Area. The work by private firms helps maintain the proper clearances for safe operation of the Department's electrical transmission and distribution lines.

Discussion

The Utilities Department selected eight (8) areas for inclusion in this year's project. The attached drawing shows the sections for tree trimming by outside contractors for this fiscal year.

The contract documents for the work were publicly advertised, and notification sent to ten (10) potential firms. The project's specifications provide that the City may select any or all sections to be awarded under this Contract. The project's estimate was \$225,000.

One bid was received and publicly opened on October 25, 2022. The bid from Leetch Tree Service, of Grand Island, NE has been reviewed and evaluated. It is without exceptions and in compliance with the specifications. Their total bid for all eight (8) sections was \$183,760.00.

It is recommended that all eight (8) sections (13, 17, 18, 21, 22, 23, 25 and 43) be awarded for a total contract amount of \$183,760.00.

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 a future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council award the Tree Trimming Contract 2023-TT-1 to the low responsive bidder, Leetch Tree Service, LLC, of Grand Island, NE in the amount of \$183,760.00.

Sample Motion

Move to approve the resolution authorizing the Mayor to execute a contract with Leetch Tree Service, LLC of Grand Island, Nebraska for Tree Trimming Contract 2023-TT-1 in the amount of \$183,760.00.



Stacy Nonhof, Purchasing Agent

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Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: October 25, 2022 at 2:00 p.m.
FOR: Tree Trimming Contract 2023-TT-1
DEPARTMENT: Utilities
ESTIMATE: 225,000.00
FUND/ACCOUNT: 520
PUBLICATION DATE: September 26, 2022
NO. POTENTIAL BIDDERS: 10

SUMMARY

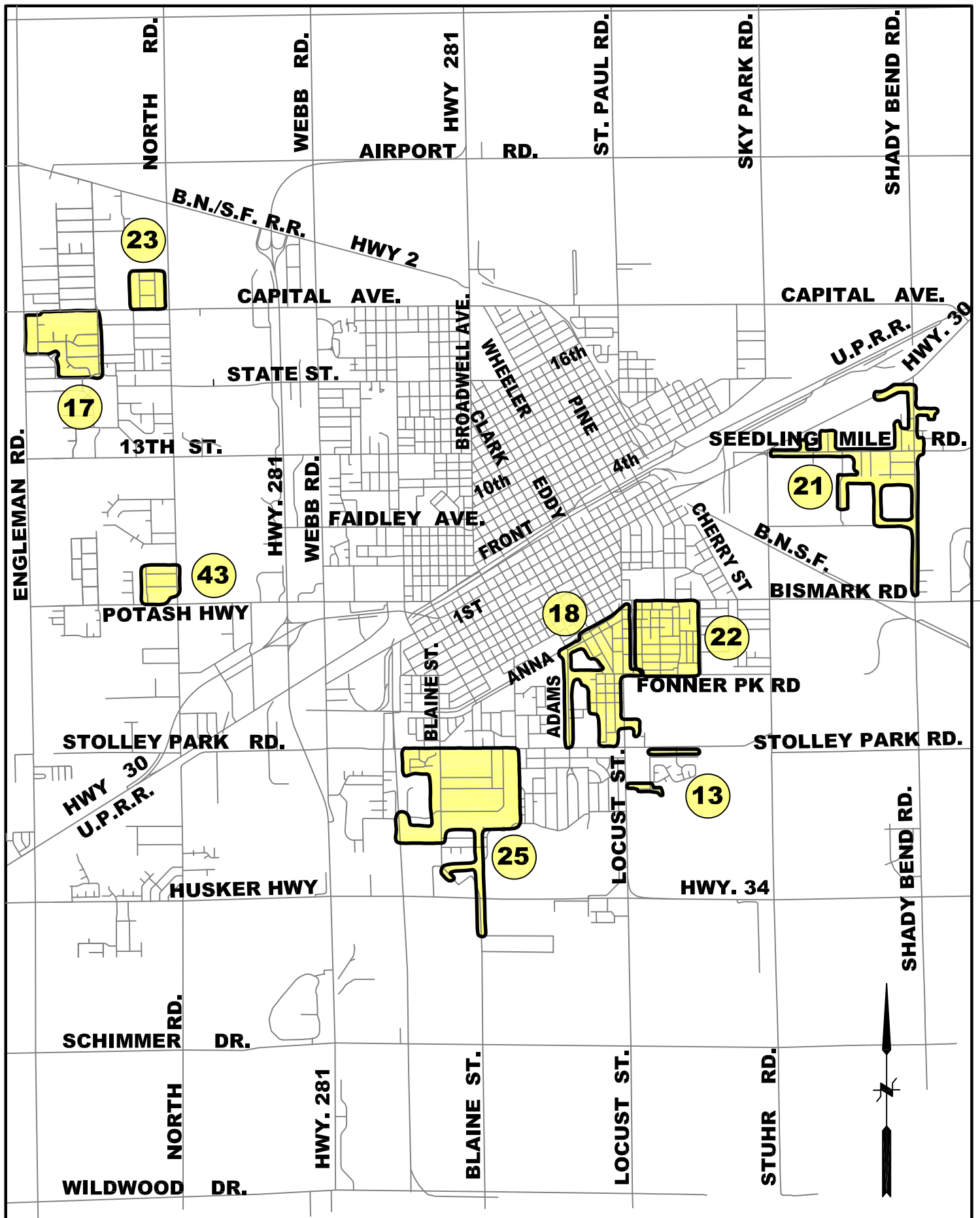
Bidder: Leetch Tree Services, Inc.
Grand Island, NE
Bid Security: Western Surety Company
Exceptions: None

Bid Price:
Section 13: \$ 6,950.00
Section 17: \$31,775.00
Section 18: \$23,460.00
Section 21: \$24,125.00
Section 22: \$45,275.00
Section 23: \$ 7,750.00
Section 25: \$38,175.00
Section 43: \$ 6,250.00
Total: \$183,760.00

cc: Tim Luchsinger, Utilities Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent
Bryan Fiala, Electric Distribution Supt.

Christy Leshner, Utilities Secretary
Patrick Brown, Finance Director
Jamie Royer, Senior Civil Engineer

P2404



CITY OF

DRAWN BY: K.J.M.

TREE TRIMMING PROJECT

RESOLUTION 2022-316

WHEREAS, the City of Grand Island invited sealed bids for Tree Trimming Contract 2023-TT-1, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on October 25, 2022, one bid was received, opened and reviewed; and

WHEREAS, Leetch Tree Service, LLC, of Grand Island, Nebraska, submitted a bid in accordance with the terms of the advertisement of bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$183,760.00; and

WHEREAS, the bids of Leetch Tree Service, LLC, is less than the estimate for Tree Trimming Contract 2023-TT-1.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Leetch Tree Service, LLC, in the amount of \$183,760.00, is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-5

#2022-317 - Approving Lease Renewal for Dedicated Parking Stalls in the Public Parking Lot at 3rd Street and Pine Street- ProCon Management, Inc.

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: November 8, 2022

Subject: Approving Lease Renewal for Dedicated Parking Stalls in the Public Parking Lot at 3rd Street and Pine Street-ProCon Management, Inc.

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

Background

ProCon Management, Inc., owner of 208 North Pine Street, has leased thirteen (13) parking stalls in the public parking lot at the southeast corner of the 3rd Street and Pine Street intersection dating back to 2004.

Discussion

The parking lease agreement between the City and ProCon Management, Inc. has expired, with both parties desiring to renew such. The updated fee is set at \$300.00 per year, per stall; for a total of \$3,900.00 annually. It should be noted there are current parking lease agreements in place at the following locations.

- Northern portion of 3rd Street and Pine Street parking lot- Pinnacle Bank
- Oak Street and South Front Street (southeast) parking lot- American Red Cross
- South Front Street (east of YMCA) parking lot- YMCA

Alternatives

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

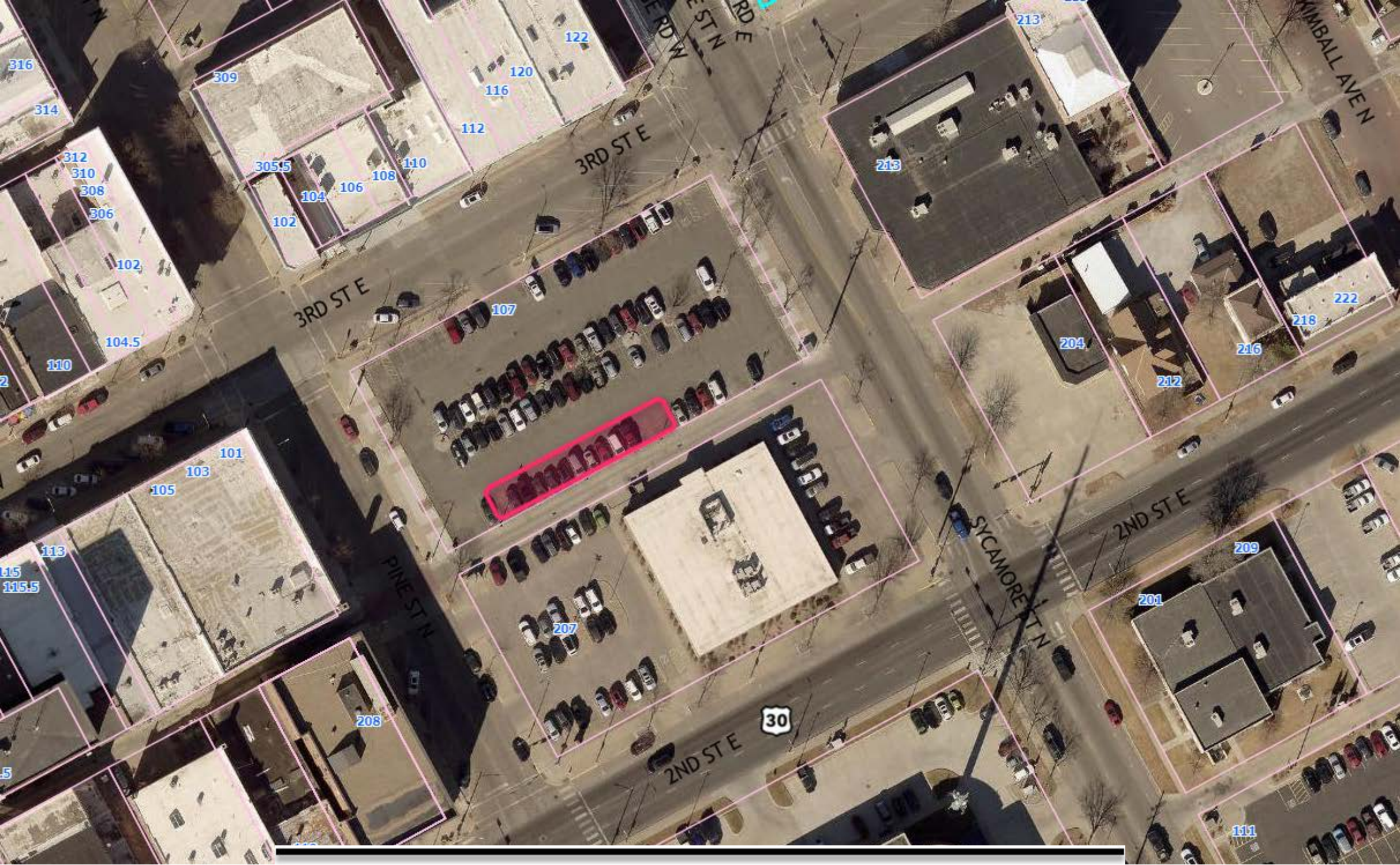
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the resolution authorizing the parking lease agreement at 3rd Street and Pine Street public parking lot for ProCon Management, Inc., according to Exhibit "A".

Sample Motion

Move to approve the resolution.



RESOLUTION 2022-317

WHEREAS, the City Council, by authority of 22-77 of the Grand Island City Code, may be resolution, entirely prohibit, or fix a time limit for the parking and stopping of vehicles in or on any public street, public property, or portion thereof; and

WHEREAS, ProCon Management, Inc. requests to dedicate twelve (12) parking stalls in the public parking lot at 3rd Street and Pine Street, according to attached Exhibit "A"; and

WHEREAS, an agreement for such dedicated parking stalls has been reviewed and approved by the City Legal Department; and

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 Parking Lease Agreement with ProCon Management, Inc. for their location at 208 North Pine Street, according to the attached Exhibit "A".

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, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney

LEASE

This lease agreement is made on October _____, 2022 by and between the CITY OF GRAND ISLAND, NEBRASKA, a Municipal Corporation, hereafter referred to as “City” and PROCON MANAGEMENT, INC., a Corporation, hereinafter referred to as “Procon”.

1. STATEMENT OF PURPOSE. The purpose of this agreement is to set forth the terms and conditions under which Procon will lease from the City thirteen (13) parking spaces northeast of their property addressed as 208 N Pine Street, the location of which is shown on Exhibit “A”, attached hereto and made a part hereof by reference.

2. TERM OF LEASE. This lease shall run for a term of two (2) years commencing on October 1, 2023. This lease shall be automatically renewable for up to two (2) additional two (2) year terms unless Procon notifies the City in writing prior to the end of the then current term of its intention not to renew this lease for an additional term.

3. CONSIDERATION. In consideration of this lease Procon agrees to pay to the City as rentals for the thirteen (13) parking spaces Three Thousand Nine Hundred Dollars (\$3,900.00) per year or Three Hundred Dollars (\$300.00) per stall per year. This rental shall be due and payable to the city of Grand Island in annual installments on or before January 1 of the current year. Any partial year rental will be pro-rated.

4. SIGNS AND MARKINGS. The City will supply and install sign posts. Procon shall supply the signs and name placard (maximum size of 12” x 18”) indicating that the aforementioned parking spaces are leased for private parking, and shall be responsible for any damage, theft, etc. of such signs. The signs will indicate that the aforementioned parking spaces are for use by the Nebraska Department of Health and Human Services parking and that violators will be towed at owner’s expense.

5. ENFORCEMENT. Procon shall be responsible for enforcing that parking is only for use specified in Section 4. Procon shall be responsible for calling tow companies for parking violations. Procon shall not call Grand Island Police Department for enforcement.

6. NOTICES. All notices in connection with this lease shall be sent to the following addresses by first class mail, postage prepaid:

City of Grand Island
Public Works Administration
P.O. Box 1968
Grand Island, NE 68802

Procon Management, Inc.
1319 W North Front Street
Grand Island, NE 68801

7. CHOICE OF LAWS. This agreement shall be construed in accordance with the laws of the State of Nebraska.

8. ENTIRE AGREEMENT. This lease constitutes the entire agreement between the parties hereto, notwithstanding any other written or oral agreements to the contrary. This lease may be amended only in writing, duly approved and executed by both parties.

PROCON MANAGEMENT, INC.
a Nebraska Corporation

By _____ Date _____

Title _____

STATE OF NEBRASKA)
) ss:
COUNTY OF HALL)

The foregoing document was executed before me on _____, 2022 by _____, _____ of PROCON MANAGEMENT, INC., on behalf of said corporation.

Notary Public

CITY OF GRAND ISLAND, NEBRASKA

By _____
Roger Steele, Mayor

Date _____

Attest: _____
City Clerk

The contract is in due form according to law and hereby approved.

Attorney for the City

Date _____



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-6

#2022-318 - Approving Engineering Consulting Agreement for Street/Fleet Service Facility Improvement Study

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: November 8, 2022

Subject: Approving Engineering Consulting Agreement for Street/Fleet Service Facility Improvement Study

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

Background

On July 22, 2022 the Engineering Division of the Public Works Department advertised for Engineering Consulting Services for Street/Fleet Service Facility Improvement Study, with twenty-two (22) potential respondents.

The current Street/Fleet Division location is a shared campus at 1111 W North Front Street, 346 N Lincoln Avenue, and 353 N Lincoln Avenue. Part of the campus is owned by the City of Grand Island and part is leased from the Union Pacific Railroad.

The Street Division use of the property includes office space, equipment storage, small laydown yard, street sweeping collection, and equipment water filling and washout. The Fleet Service Division hosts both the shop garage and fueling station with in the North Front property. The 6,000 square foot shop houses office space, parts room, tire storage, seven (7) equipment bays with several hoists to accommodate a range of equipment from cars to heavy duty trucks. There is also a truck service pit and a welding/fabrication area located in the shop garage. The fueling station is comprised of three (3) underground tanks and four (4) fuel pumps, which are used by all City departments including Fire, Police, Utilities, and Public Works.

Discussion

Four (4) engineering firms submitted qualifications for the engineering consulting services for the Street/Fleet Service Facility Improvement Study. Davis Design, Inc. of Lincoln, Nebraska was selected as the top engineering firm based on the pre-approved selection criteria.

- Firm experience and qualifications on similar work (50%)
- Proposed project schedule / approach (40%)
- Past experience working with the City of Grand Island Public Works Department (10%)

Compensation for Davis Design, Inc. services will be provided on a time and expense basis not to exceed \$149,130.00.

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 agreement with Davis Design, Inc. of Lincoln, Nebraska, in the amount of \$149,130.00.

Sample Motion

Move to approve the resolution authorizing the Mayor to execute an agreement with Davis Design, Inc. of Lincoln, Nebraska for Engineering Consulting Services for Street/Fleet Service Facility Improvement Study in an amount of \$149,130.00.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

**REQUEST FOR QUALIFICATIONS
FOR
ENGINEERING SERVICES FOR STREET/FLEET SERVICE FACILITY**

RFP DUE DATE: August 18, 2022 at 4:00 p.m.

DEPARTMENT: Public Works

PUBLICATION DATE: July 22, 2022

NO. POTENTIAL BIDDERS: 22

PROPOSALS RECEIVED

Davis Design
Lincoln, NE

Clark & Enersen
Lincoln, NE

JEO Consulting Group
Grand Island, NE

AO
Omaha, NE

cc: Keith Kurz, Interim Public Works Director
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Catrina DeLosh, PW Admin. Assist.
Patrick Brown, Finance Director

P2389

RESOLUTION 2022-318

WHEREAS, on July 22, 2022 the Engineering Division of the Public Works Department advertised for Engineering Consulting Services for Street/Fleet Service Facility Improvement Study; and

WHEREAS, on August 18, 2022 proposals were received, reviewed, and evaluated in accordance with established criteria; and

WHEREAS, based on the pre-approved selection criteria Davis Design, Inc. of Lincoln, Nebraska was selected as the top engineering firm; and

WHEREAS, the City of Grand Island and Davis Design, Inc. wish to enter into an agreement to provide engineering consulting services for such project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement between the City of Grand Island and Davis Design, Inc. of Lincoln, Nebraska for engineering consulting services related to Street/Fleet Service Facility Improvement Study, in the amount of \$149,130.00, is hereby approved.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-7

**#2022-319 - Year-End Certification of City Street Superintendent
for Determining Incentive Payment for Calendar Year 2022**

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Keith Kurz PE, Interim Public Works Director

Meeting: November 8, 2022

Subject: Year-End Certification of City Street Superintendent for Determining Incentive Payment for Calendar Year 2022

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

Background

The Nebraska Department of Transportation offers an incentive payment to each municipality that employs a licensed Street Superintendent. The incentive payment is based on the level of licensure of such employee and the population of the municipality, as set by Nebraska State Statute 39-2515. Grand Island would receive \$4,000 for a Class B License and \$8,000 for a Class A License.

Furthermore, State of Nebraska Statutes, sections 39-2302 and 39-2511 thru 39-2515 require a Municipality to certify having a licensed Street Superintendent in its employ during the calendar year preceding the year in which payment is made.

Discussion

Shannon Rose Callahan, City of Grand Island Street Superintendent, held a Class A Street Superintendent License (No. S-1485) and was employed with the City of Grand Island during the 2022 calendar year; therefore the City will receive the 2022 annual incentive payment of \$8,000 from the Nebraska Department of Transportation in February or March of 2023. Ms. Callahan has been employed with the City since August 2011.

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 signing of the Year-End Certification of City Street Superintendent for determining incentive payment for the 2022 calendar year.

Sample Motion

Move to approve the resolution for signing the Year-End Certification of City Street Superintendent for determining incentive payment for the 2022 calendar year.

Do not recreate or revise this document. Revisions and recreations will not be accepted. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2022. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2022.

RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2022

Resolution No. 2022-319

State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements

Whereas:

that must be met in order for a municipality to qualify for an annual Incentive Payment; and

The State of Nebraska Department of Transportation (NDOT) requires that each incorporated

Whereas:

municipality must annually certify (by December 31st of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

The NDOT requires that each certification shall also include a copy of the documentation of the city

Whereas:

street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be

Whereas:

signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor Village Board Chairperson of City of Grand Island

(Check one box)

(Print Name of Municipality)

is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

_____ Adopted this 8th day of November, 2022 at Grand Island, Nebraska.

(Date) *(Month)*

City Council/Village Board Members

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed, and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2022. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2022.

Year-End Certification of City Street Superintendent For Determining Incentive Payment in Calendar Year 2022

Separate forms may be needed to account for the entire year, see (3) below

This Form Covers the Following Period: January 1, 2022 to December 31, 2022
(Month) (Day) (Month) (Day)

*(1)(a) The municipality of Grand Island certifies that: Shannon Rose Callahan
(Print name of City or Village) (Print name of Superintendent as it appears on license card if applicable)
was the appointed City Street Superintendent during the above period. **IF A NAME IS NOT ENTERED ABOVE (NO APPOINTED CITY STREET SUPERINTENDENT FOR THIS PERIOD), SKIP TO (2) BELOW.**

(b) the superintending services of the above listed individual were provided by: (Check one box)

- Employment with this Municipality
- Contract (consultant) with this Municipality
- Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

(c) and the above listed individual assisted in the following: Reference Neb. Rev. Stat. §39-2512

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

(d) the above listed individual also served as (Check all boxes that apply) city engineer village engineer
public works director city manager city administrator street commissioner

(e) If the above listed individual is a Licensed City Street Superintendent, enter their Superintendent's License Number S- 1485
and Class of License A, and/or
(A or B)

(f) If the above listed individual is a Licensed Engineer in Nebraska, enter their Engineer's License Number E- _____

(2) _____
Signature of Mayor Village Board Chairperson

*(3) If during the calendar year your municipality (a) did not have a city street superintendent for any portion(s) of the year; or (b) had an appointed city street superintendent that was not licensed for any portion(s) of the year; or (c) had one or more appointed licensed city street superintendents for any portion(s) of the year; or (d) had two or more successive licensed superintendents for any portion of the year, please complete a separate Year-End Certification form for each period. Copy this form as needed to account for these separate periods.

(4) The payment amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) the number of full calendar months served by the appointed superintendent who is licensed or exempted from licensure under the Superintendents Act; (c) class of license, A or B if applicable; and (d) if the appointed City Street Superintendent assisted with the required duties in (1)(c) above. Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.

(5) Failure to return by December 31, 2022, the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2022 to:
Highway Local Liaison Coordinator
Boards-Liaison Services Section
Local Assistance Division
Nebraska Department of Transportation
PO Box 94759
Lincoln NE 68509-4759



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-8

#2022-320 - Approving Amendment to CDBG Subrecipient Agreement with RAILSIDE DOWNTOWN BID

Staff Contact: Amber Alvidrez

Council Agenda Memo

From: Amber Alvidrez, Community Development

Meeting: November 8, 2022

Subject: Approving CDBG Contract #2020-3 with the Downtown Business Improvement District

Presenter(s): Amber Alvidrez, Community Development Administrator

Background

In May of 2021, the City of Grand Island was awarded an annual allocation of \$427,392.00 from the United States Department of Housing and Urban Development's Community Development Block Grant Program. In March of 2021, City Council approved the 2020-2021 Annual Action Plan, which included various projects throughout Grand Island, all of which benefit low to moderate income persons or areas. Each one of these projects requires a separate contract, which comes before City Council.

Discussion

The Downtown Business Improvement District was included in the 2020-2021 Annual Action Plan to use \$100,000 of Community Development Block Grant funds for sidewalk improvements to address sidewalk issues that have been caused by tree roots in the downtown area. The primary goals of the project will be repairing broken sidewalks and other barriers caused by tree roots in the public right away in the LMI census tract 10 and block group 1 & 2. These repairs will aid in creating an enticing walking environment for individuals with mobility disabilities by making the sidewalks comply with the American's with Disabilities Act (ADA).

The original sub-recipient agreement included an end date of November 9, 2022 to complete all aspects of the project, at this time due to chain of supply for materials needed, and the availability to meet federal regulations while completing the project, the Community Development Division proposes to extend the current sub-recipient contract until July 31, 2023.

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 approves amendment to CDBG Contract #2020-3 with the Railside Downtown Business Improvement District and authorizes Mayor to sign all related documents.

Sample Motion

Move to approve the resolution amending the Subrecipient Agreement to CDBG Contract #2020-3 with the Railside Downtown Business Improvement District and authorize the Mayor to sign all related documents.



Amendment #1

PROJECT: CDBG 2020-3 Railside Sidewalk and Tree Repair

CONTRACTOR: Railside Downtown Business Improvement District

AMOUNT OF ORIGINAL CONTRACT: \$100,000

CONTRACT START DATE: November 9, 2021

Revision #1 – Contract Extension date

Original Completion Date ----- November 9, 2022

Revised Completion Date ----- July 30, 2023

Contractor Railside Downtown Business Improvement District

By _____ **Date** _____

Title: Sherry Swiniski, Executive Director

CITY OF GRAND ISLAND, NEBRASKA

By _____ **Date** _____
Mayor

Attest _____
City Clerk

RESOLUTION 2022-320

WHEREAS, the United States Department of Housing and Urban Development requires multiple certifications in order to comply with the Community Development Block Grant Program requirements; and

WHEREAS, the City of Grand Island completed a 2019-2023 Consolidated Plan and 2020 Annual Action Plan in order to receive Community Development Block Grant funds through CARES Act; and

WHEREAS, the City must enter into a Sub-Recipient Agreement with each organization to identified in the 2019-2023 Consolidated Plan and 2020 Annual Action Plan; and

WHEREAS, Downtown Business Improvement District was allocated funds from 2020 Annual Action Plans for sidewalk and Tree repair which requires an amendment to the original agreement in order to continue using the allocated CDBG funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the City of Grand Island, Nebraska hereby approves and adopts the amendment to the sub-recipient agreement 2020 CDBG-3 between the City of Grand Island and Downtown Business Improvement District to continue implementing the Sidewalk and Tree Repair project with the use of CDBG funds; and the Mayor is hereby authorized to sign such certifications on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☒ _____
November 4, 2022	☒ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item G-9

#2022-321 - Approving Overhead Door Replacement at Fire Station 1 & 2

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Cory Schmidt, Fire Chief
Meeting: November 8, 2022
Subject: Garage Doors
Presenter(s): Tim Hiemer, Division Chief

Background

The Grand Island Fire Department was authorized a budget of \$73,500 for the replacement of seven (7) overhead garage doors for Station One and Station Two in the fiscal year 2022-23. The overhead doors currently in use are experiencing frequent mechanical issues such as broken springs, tracks, rollers, and more. It was recommended by door repair technicians to upgrade the doors to a heavier, commercial style door to alleviate the problems we are currently experiencing.

Discussion

The Grand Island Fire Department solicited Request for Proposals (RFP) and received proposals from three companies. All three proposals met the needs of the department and were similar in design and features. It is fire administration's recommendation to accept the lowest priced proposal of \$62,061 from Overhead Door of Grand Island, NE.

Alternatives

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

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

Recommendation

City Administration recommends that the Council approve the resolution to purchase and install overhead garage doors from Overhead Door of Grand Island, NE for the amount of \$62,061.

Sample Motion

Move to approve the resolution to purchase and install overhead garage doors provided by Overhead Door of Grand Island, NE for the cost of \$62,061.



Stacy Nonhof, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

**REQUEST FOR PROPOSAL
FOR
OVERHEAD DOOR REPLACEMENT AT FIRE STATION 1 & 2**

RFP DUE DATE: October 27, 2022 at 4:15 p.m.
DEPARTMENT: Fire
PUBLICATION DATE: September 26, 2022
NO. POTENTIAL BIDDERS: 4

PROPOSALS RECEIVED

Cornerstone Overhead Doors
Grand Island, NE

Pioneer Door, Inc.
Grand Island, NE

Overhead Door Company
Grand Island, NE

cc: Cory Schmidt, Fire Chief
Jerry Janulewicz, City Administrator
Stacy Nonhof, Purchasing Agent

Rose Rhoads, Fire Admin. Assist.
Patrick Brown, Finance Director

P2399

RESOLUTION 2022-321

WHEREAS, the Grand Island Fire Department was budgeted funds to replace seven overhead garage doors; and

WHEREAS, Request for Proposals process was utilized to secure competitive pricing in accordance with City procurement policy; and

WHEREAS, Three proposals were received and evaluated, and

WHEREAS, Overhead Door Company of Grand Island, NE had the lowest priced proposal for replacing and installing seven overhead garage doors at a price of \$62,061.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a purchase order and subsequent payment is authorized for the garage doors is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item I-1

#2022-322 - Consideration of Approving the Proposed Blighted & Substandard Area 28 Located Northwest part of Grand Island between 13th St and State St and between Webb Rd and Capital Ave including Conestoga Mall and the Development to the North of the Mall (Woodsonia Acquisitions LLC)

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

Staff Contact: Chad Nabity

RESOLUTION 2022-322

WHEREAS, on June 27, 1994, the City of Grand Island enacted Ordinance No. 8021 creating the Community Redevelopment Authority of the City of Grand Island, Nebraska, to address the need for economic development opportunities through the vehicles provided in the Nebraska Community Development law at Neb. Rev. Stat. §18-2101, et seq., as amended; and

WHEREAS, Woodsonia Acquisitions LLC has caused to be prepared a Blight and Substandard Study for an area of referred to as Area No. 28; and

WHEREAS, Marvin Planning Associates completed such Blight and Substandard Study and has determined that the area should be declared as substandard or blighted area in need of redevelopment; and

WHEREAS, such study was presented to the Grand Island City Council on September 13, 2022, and

WHEREAS, on September 13, 2022, the Grand Island City Council referred such study to the Hall County Regional Planning Commission for review and recommendation; and

WHEREAS, the Regional Planning Commission held a public hearing and made a recommendation regarding the study at its October 5, 2022 meeting; and

WHEREAS, a public hearing to consider approval of a Blighted and Substandard designation was held on November 8, 2022; and

WHEREAS, the Grand Island City Council finds that the property identified in the study meets the statutory qualifications to be declared Blighted and Substandard and that such designation would encourage development and redevelopment of this property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Blight and Substandard Study for Redevelopment Area No. 28 as identified above is hereby approved, and those areas identified in said study are declared to be blighted and substandard and in need of redevelopment as contemplated in the Community Development law.

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item I-2

#2022-323 - Consideration of Approving the Proposed Extremely Blighted Study located in the Northwest part of Grand Island between 13th Street and State Street and between Webb Road and Capital Avenue including Conestoga Mall and the Development to the North of the Mall (Woodsonia Acquisitions LLC)

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

Staff Contact: Chad Nabity

RESOLUTION 2022-323

WHEREAS, on June 27, 1994, the City of Grand Island enacted Ordinance No. 8021 creating the Community Redevelopment Authority of the City of Grand Island, Nebraska, to address the need for economic development opportunities through the vehicles provided in the Nebraska Community Development law at Neb. Rev. Stat. §18-2101, et seq., as amended; and

WHEREAS, Woodsonia Acquisitions LLC has caused to be prepared a study of areas within Grand Island that can be declared extremely blighted; and

WHEREAS, Marvin Planning Associates and Kurt Elder, AICP completed such and identified areas can be declared as extremely blighted; and

WHEREAS, such study was presented to the Grand Island City Council on September 13, 2022, and

WHEREAS, on September 13, 2022, the Grand Island City Council referred such study to the Hall County Regional Planning Commission for review and recommendation; and

WHEREAS, the Regional Planning Commission held a public hearing and made a recommendation regarding the study at its October 5, 2022 meeting; and

WHEREAS, a public hearing to consider approval of an Extremely Blighted was held on November 8, 2022; and

WHEREAS, the methodology for determining areas qualified as Extremely Blighted is identical to that used by the City of Lincoln and has been vetted by The University of Nebraska Omaha's Center of Public Affairs and Senator Justin Wayne, Chair of the Nebraska Unicameral's Urban Affairs Committee; and

WHEREAS, the Grand Island City Council finds that the property identified in the study meets the statutory qualifications to be declared Extremely Blighted and that such designation would encourage, home ownership through incentives provided by the State of Nebraska and create opportunities for more redevelopment with the city.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Extremely Blighted Study is hereby approved, and those areas identified in said study are declared to be extremely blighted as contemplated in the Community Development law.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 8, 2022.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 4, 2022	☐ City Attorney



City of Grand Island

Tuesday, November 8, 2022

Council Session

Item J-1

Approving Payment of Claims for the Period of October 26, 2022 through November 8, 2022

The Claims for the period of October 26, 2022 through November 8, 2022 for a total amount of \$3,662,849.16. A MOTION is in order.

Staff Contact: Patrick Brown, Finance Director