
City of Grand Island



Tuesday, January 8, 2013
Council Session Packet

City Council:

Linna Dee Donaldson
Scott Dugan
John Gericke
Peg Gilbert
Chuck Haase
Julie Hehnke
Vaughn Minton
Mitchell Nickerson
Bob Niemann
Mike Paulick

Mayor:

Jay Vavricek

City Administrator:

Mary Lou Brown

City Clerk:

RaNae Edwards

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

Call to Order

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

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

Invocation - Pastor Mike Reiners, Peace Lutheran Church, 1710 N. North 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, January 8, 2013

Council Session

Item C1

Presentation of a Killed In Action Flag to the City of Grand Island

Staff Contact: Mayor Jay Vavricek



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item C2

Status of North Interceptor Repair

Staff Contact: Terry Brown, Interim Public Works Director



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item E1

Public Hearing on Request from Turkey Maes LLC dba Peacock Lounge, 2430 North Broadwell Avenue for a Beer Garden Addition to Class “C-100448” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 8, 2013

Subject: Public Hearing on Request from Turkey Maes LLC dba Peacock Lounge, 2430 North Broadwell Avenue for an Addition of a Beer Garden to Class “C-100448” Liquor License

Item #'s: E-1 & I-1

Presenter(s): RaNae Edwards, City Clerk

Background

Turkey Maes LLC dba Peacock Lounge, 2430 North Broadwell Avenue has submitted an application for a Beer Garden, an addition to their Class “C-100448” Liquor License. The request includes an area of approximately 10’ x 35’ to be added to the south side of the existing building. (See attached drawing.)

Discussion

Chapter 2, Section 012.07 of the Nebraska Liquor Control Commission Rules and Regulations define “Beer garden” as “an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors, and which is contained by a fence or wall preventing the uncontrolled entrance or exit of persons from the premises, and preventing the passing of alcoholic liquors to persons outside the premises”. City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, and Health Departments.

Alternatives

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

1. Approve the application.

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

Recommendation

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

Sample Motion

Move to approve the request from Turkey Maes LLC dba Peacock Lounge, 2430 North Broadwell Avenue for a 10' x 35' Beer Garden addition to Liquor License "C-100448" contingent upon final inspections.

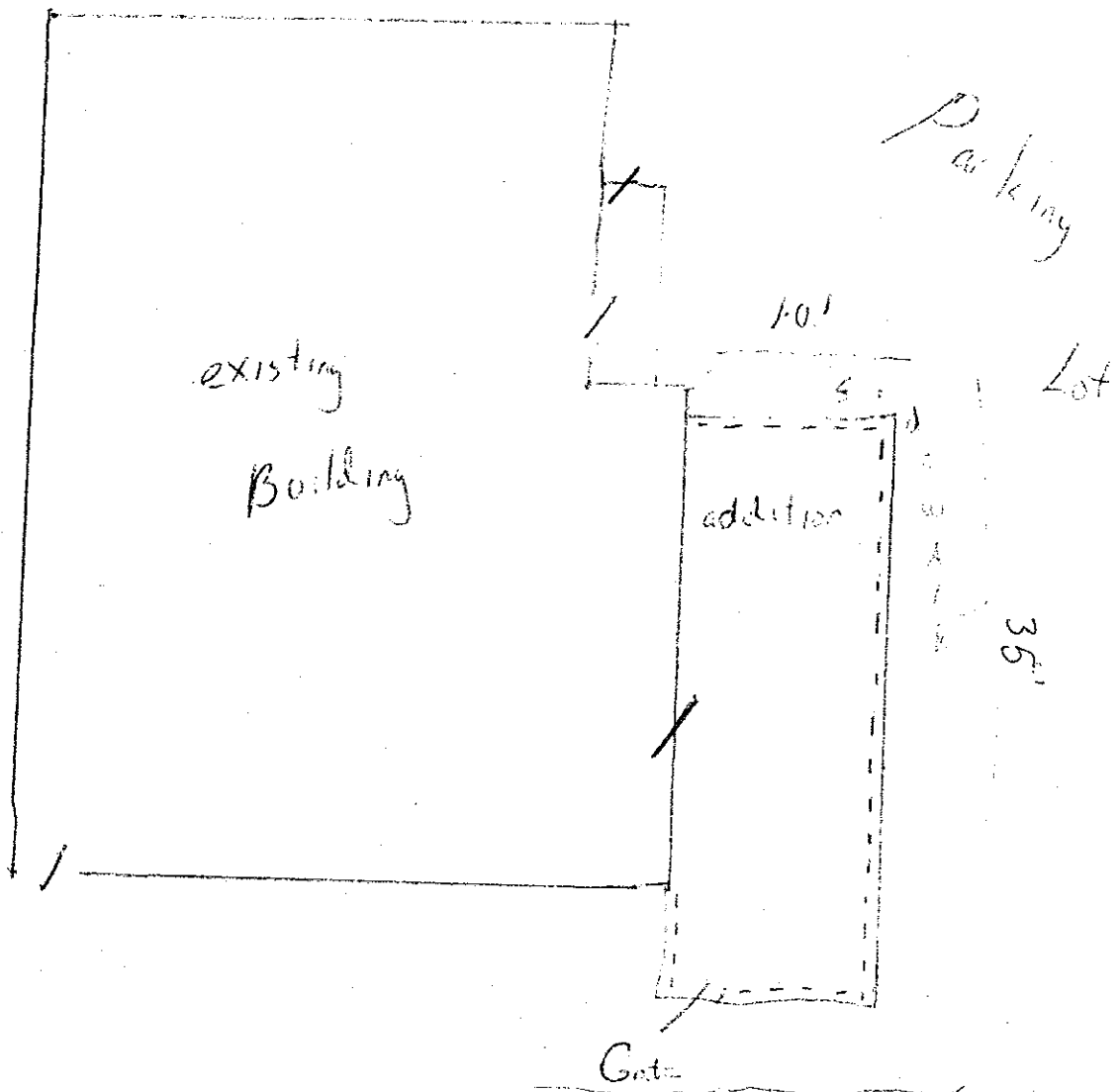
RECEIVED

NOV 29 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

N. Broadwell

NORTH





City of Grand Island

Tuesday, January 8, 2013

Council Session

Item E2

Public Hearing on Acquisition of Permanent Easement Located in the US 30 Drainage Improvement Area (O'Connor Residential, LLC)

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: January 8, 2013

Subject: Public Hearing on Acquisition of Permanent Easement
Located in the US 30 Drainage Improvement Area
(O'Connor Residential, LLC)

Item #'s: E-2 & G-13

Presenter(s): Terry Brown, Interim Public Works Director

Background

Nebraska State Statutes stipulate that the acquisition of property requires a public hearing to be conducted with the acquisition approved by the City Council. A permanent easement is needed adjacent to 1811 West 2nd Street to accommodate the US 30 Drainage Improvement Project.

Discussion

A permanent easement is needed from the property owner at 1811 West 2nd St, O'Connor Residential, LLC., at the intersection of 1st Street and Logan Street. This easement will allow for installation of storm sewer in the southwest corner of the O'Connor property. The storm sewer is being installed across private property to avoid costly utility conflicts with City water and CenturyLink. O'Connor Residential, LLC will be compensated \$830.00 for such permanent easement.

Alternatives

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

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

Recommendation

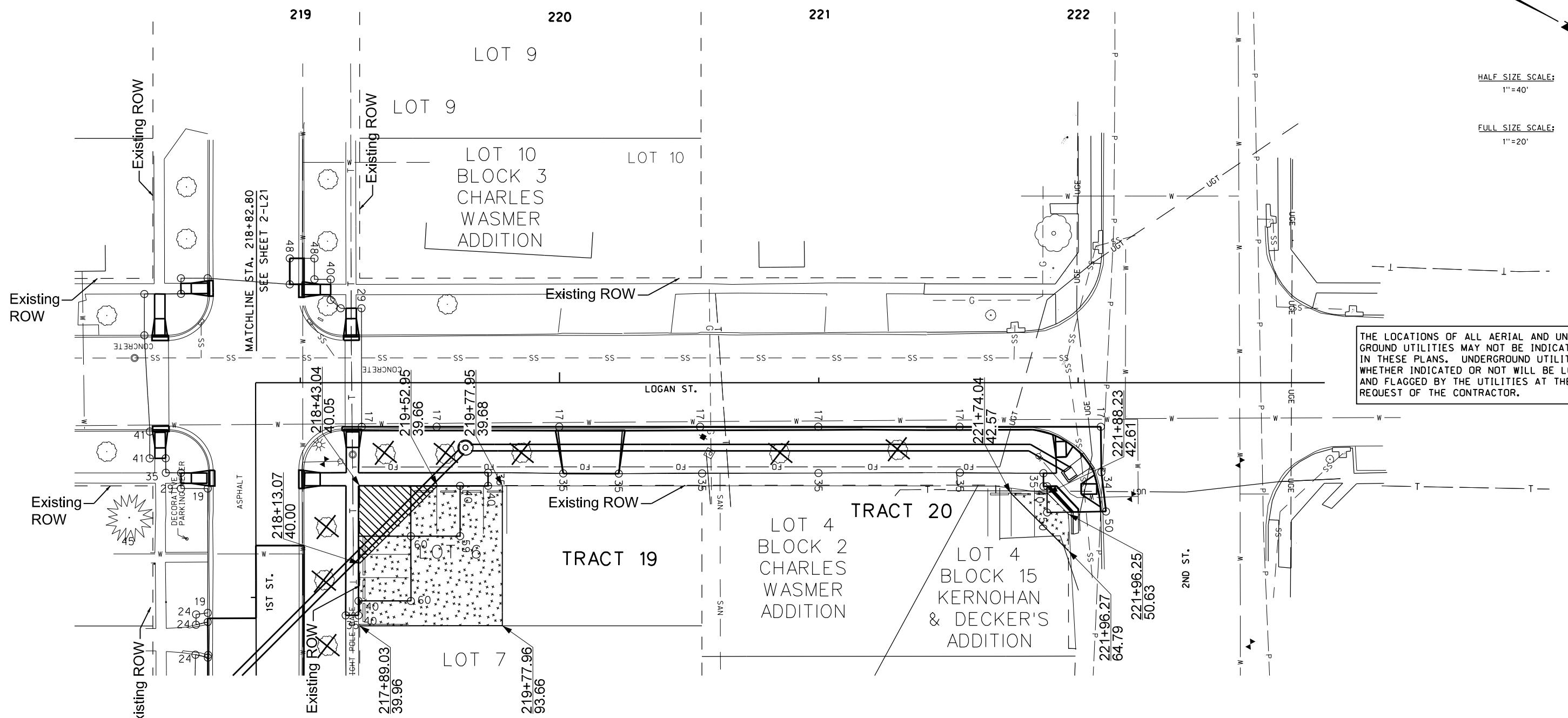
City Administration recommends that the Council conduct a Public Hearing and approve acquisition of the Easement.

Sample Motion

Move to approve the acquisition of the Easement.

TRACT NO. 20
O'CONNER RESIDENTIAL, LLC

PART OF LOT 4, BLOCK 15, KERNOHAN & DECKER'S ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE EAST ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 24.96 FEET; THENCE SOUTH PERPENDICULAR TO SAID NORTH LINE OF LOT 4, A DISTANCE OF 6.20 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 2ND STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHWEST, A DISTANCE OF 31.43 FEET, TO THE EAST RIGHT OF WAY LINE OF LOGAN STREET; THENCE NORTHWEST ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 14.19 FEET; THENCE NORTHEAST CONTINUING ON SAID EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 11.34 FEET; THENCE NORTHEAST ON SAID SOUTH RIGHT OF WAY LINE OF 2ND STREET, A DISTANCE OF 14.16 FEET, TO THE POINT OF BEGINNING



TRACT NO. 19
O'CONNER RESIDENTIAL, LLC

PART OF LOT 6, BLOCK 2, CHARLES WASMER ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6 BLOCK 2; THENCE NORTHWEST ON THE EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 30.00 FEET; THENCE SOUTHEAST, A DISTANCE OF 42.44 FEET TO THE NORTH RIGHT OF WAY LINE OF 1ST STREET; THENCE SOUTHWEST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND PART OF LOT 6, BLOCK 2, CHARLES WASMER ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6 BLOCK 2; THENCE NORTHWEST ON THE EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 30.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET; THENCE NORTHEAST A DISTANCE OF 53.99 FEET, TO THE EAST LINE OF SAID LOT 6 BLOCK 2; THENCE SOUTHEAST ON SAID EAST LINE, A DISTANCE OF 55.00 FEET, TO THE NORTH RIGHT OF WAY OF 1ST STREET; THENCE SOUTHWEST ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 24.03 FEET; THENCE NORTHWEST 42.44 FEET, TO THE POINT OF BEGINNING

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE

RIGHT OF WAY



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G1

Approving Minutes of December 18, 2012 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING December 18, 2012

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 December 18, 2012. Notice of the meeting was given in *The Grand Island Independent* on December 12, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Bob Niemann, Linna Dee Donaldson, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Scott Dugan, Mike Paulick, and Vaughn Minton. Councilmember Chuck Haase was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor Stan Davis, New Life Community Church, 301 West 2nd Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Stephanie Chandler.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by the Barbershop Harmony Quartet with a Celebration of the Holidays. The Barbershop Harmony Quartet sang several holiday songs.

Presentation of the "Mayor's Builder Award" to Bennett Chamness. Mayor Vavricek and Council President Niemann presented the "Mayor's Builder Award" to Bennett Chamness for his tireless efforts in supporting our troops with "Wear Red on Fridays". Mr. Chamness was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 30, 2012; notice to the general public of date, time, and place of hearing published on December 8, 2012; notice to the applicant of date, time, and place of hearing mailed on November 30, 2012; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report under the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application. Nathan Bruner, 3423 2nd Avenue, Kearney, NE requested the City Council send a "no recommendation" to the NLCC. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located in the 3800 Block of East Highway 34 (Charles & Laura Bosselman). Utilities Director Tim Luchsinger reported that acquisition of a

utility easement located in the 3800 Block of East Highway 34 was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing underground conduit, primary power cable and a pad-mounted transformer to provide electrical service to a new home. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Agenda item G-16 was removed from the agenda at the request of the Finance Director. Motion by Donaldson, second by Dugan to approve the Consent Agenda excluding item G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Corrections to the Minutes of February 28, 2012 City Council Regular Meeting.

Approving Minutes of December 4, 2012 City Council Regular Meeting.

Approving Minutes of December 11, 2012 City Council Study Session.

Approving Re-Appointments to the Electrical Board.

Approving Re-Appointments to the Mechanical Examining Board.

Approving Re-Appointments to the Plumbers Examining Board.

#2012-355 – Approving Purchase of Mobile Field reporting forms and Field Interview Software with Spillman Technologies Inc. of Salt Lake City, Utah in an Amount of \$46,443.00.

#2012-356 – Approving Acquisition of Utility Easement located in the 3800 Block of East Highway 34 (Charles and Laura Bosselman).

#2012-357 – Approving Bid Award for Tree Trimming Contract 2013-TT-1 with Tom's Tree Service of Grand Island, NE for Sections 2, 3, 5, 7, 8, 9, and 10 in an Amount of \$30,775.00 and Asplundh Tree Expert Company of Urbandale, Iowa for Sections 1, 4, and 6 in an Amount of \$64,779.00.

#2012-358 – Approving Pipeline Crossing Agreement for Water Main Project 2013-W-1 – Clark Street at the UPRR Crossing.

#2012-359 – Approving Bid Award for Feedwater Heater #5 Replacement at Platte Generating Station with Thermal Engineering International of Santa Fe Springs, CA in an Amount of \$401,750.00.

#2012-360 – Approving Bid Award for 5th Street Sanitary Sewer Improvements; Sewer Project No. 2012-S-3 with Van Kirk Brothers Contracting of Sutton, NE in an Amount of \$1,734,105.93.

#2012-361 – Approving Standardizing on Allen-Bradley Electrical Components for Headworks Improvements Project, WWTP-2013-1.

#2012-362 – Approving Pre-Selected Grit Systems for Headworks Improvements Project, WWTP-2013-1.

#2012-363 – Approving Interdepartmental Fund Transfer for Utility Relocation at the Broadwell Avenue/Burlington Northern Santa Fe Railroad Crossing.

#2012-364 – Approving CentruyLink Participating Addendum in an Amount of \$488.00. This item was pulled from the agenda at the request of the Finance Department.

RESOLUTIONS:

#2012-365 – Consideration of Request from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class "I" Liquor License and Liquor Manager Designation for Bernice Real, 2010 West 39th Street, Apt. A, Kearney, NE. This item related to the aforementioned Public Hearing. Ms. Edwards explained the process of the denial to the LCC. Answered were questions concerning stipulations.

Motion by Gericke, second by Niemann to deny Resolution #2012-365 based on the Police Department report of a false application. Upon roll call vote, all voted aye. Motion adopted.

#2012-366 – Consideration of Agreement with NDOR for Fiscal Year 2013 Statewide Planning Research (SPR) Agreement (Metropolitan Planning Organization Startup). Interim Public Works Director Terry Brown reported that the Nebraska Department of Roads (NDOR) had reserved planning dollars for the City for the formation of the Metropolitan Planning Organization (MPO). The Planning Agreement between the City and the NDOR would provide financial assistance for startup expenses for FY 2013 as a new MPO.

Motion by Dugan, second by Gericke to approve Resolution #2012-366. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of November 28, 2012 through December 18, 2012, for a total amount of \$7,129,635.92. Unanimously approved.

Councilmember Gericke recused himself from the meeting at 7:50 p.m.

RESOLUTIONS:

#2012-367 – Pre-84 Retirees – Public Safety Pension Plans – Remedy Request of Most Recent Retiree Claim. Finance Director Jaye Monter reported that Resolution #2012-367 (A) would direct City staff, the Police Pension Committee, and Sergeant Cole to recalculate Sergeant Cole's lump sum pension benefit using a straight life annuity and reimbursement of the difference. Resolution #2012-367 (B) would require no change in the pension paid to Sergeant Cole.

Ms. Monter introduced Robert Evnen – Attorney for Woods & Aitken of Lincoln and Terry Galloway, Auditor for the city. City Attorney Robert Sivick explained the reasons for hiring outside counsel with regards to this matter.

Joyce Haase, 3024 Colonial Lane spoke in support of the reimbursement. Jarrett Daugherty, President of the FOP and Kelly Mossman, Chairman of the Police Retirement Committee spoke in favor of not requiring Sgt. Cole to make reimbursement. Mary Lanfear, 2128 North Custer commented about litigation and the process of paying the pension.

Motion by Paulick, second by Minton to approve Resolution #2012-367 (B).

Discussion was held regarding previous retirees' pension payments. Comments were made concerning time to gather more facts, possible litigation and moving too fast. Mr. Sivick answered questions regarding state statutes on the time frame in which to pay out pension funds. He also explained the process if part (A) of the Resolution was approved. Robert Evnen – Attorney commented on the effect of postponing this item. He stated the Council could postpone but would need to make a decision no later than January 2013.

Motion by Gilbert, second by Dugan to postpone a decision on Resolution #2012-367 to the January 15, 2013 Study Session. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Hehnke, Donaldson, and Niemann voted aye. Councilmembers Paulick and Nickerson voted no. Motion adopted.

#2012-368 – Pre-84 Retirees – Public Safety Pension Plans – Remedy of Past Claims for Police. Finance Director Jaye Monter reported that Resolution #2012-368 (A) would direct City staff, the Police Pension Committee, and the four Police retirees to recalculate their lump sum pension benefit using a straight life annuity and reimbursement of the difference. Resolution #2012-368 (B) would require no change in the pension paid to the four Police retirees.

Discussion was held regarding the number of retirees. Ms. Monter stated there were 4 names instead of 5 as mentioned at the December 11, 2012 meeting.

Motion by Gilbert, second by Dugan to postpone a decision on Resolution #2012-368 to the January 15, 2013 Study Session. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

#9414 – Pre-84 Retirees – Public Safety Pension Plans

Motion by Gilbert, second by Paulick to postpone Ordinance #9414 to the January 15, 2013 Study Session. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTION:

#2012-369 – Pre-84 Retirees – Public Safety Pension Plans – City Budget Appropriation Transfer. Finance Director Jaye Monter reported this would authorize city staff to transfer money from the General Fund to the Police Fund to pay for the most recent retiree, Captain Pete Kortum.

John Mayer, Chairman for the Fire Pension Committee commented on the separate pension funds for the Police and Fire as stated in state statutes. He stated the Fire Pension Committee was

not in favor of moving funds from the Fire Pension Fund to the Police Pension Fund. Explained was the makeup and role of the Fire Pension Committee and how meetings were conducted.

Joyce Haase, 3024 Colonial Lane commented on the Fire Pension fund was to be used on disabled Firefighters also.

Motion by Gilbert, second by Dugan to deny Resolution #2012-369. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gilbert, Donaldson, and Niemann voted aye. Councilmembers Nickerson and Hehnke voted no. Motion adopted.

Council requested information for the Study Session on January 15, 2013. Discussion was held regarding the process of submitting questions. Mayor stated City Administration would come up with a process for Council to submit questions.

ADJOURNMENT: The meeting was adjourned at 9:11 p.m.

RaNae Edwards
City Clerk



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G2

Approving Councilmember Appointments to Boards and Commissions

Staff Contact: Mayor Jay Vavricek

Council Agenda Memo

From: Mayor Jay Vavricek

Meeting: January 8, 2013

Subject: Approving Councilmember Appointments to Boards and Commissions

Item #'s: G-2

Presenter(s): Mayor Jay Vavricek

Background

It is customary each year for the Mayor to recommend appointments of Councilmembers to represent the City on various Boards and Commissions. After a thorough review, Mayor Vavricek has submitted the following appointments for 2013.

Discussion

The following appointments have been submitted by the Mayor for approval. These appointments will become effective January 1, 2013 and will expire on December 31, 2013:

Business Improvement District #4: (<i>So. Locust – Stolley to Fonner</i>)	Peg Gilbert
Business Improvement District #7: (<i>So. Locust – Hwy 34 to Stolley</i>)	Mike Paulick
Central District Health Board (<i>Term of 3 years</i>):	Chuck Haase
Central Nebraska Humane Society:	Linna Dee Donaldson
Community Development Advisory Board:	Linna Dee Donaldson
Community Redevelopment Authority:	Vaughn Minton
Emergency Management/Communications:	John Gericke & Mitch Nickerson
Grand Generation Center:	Scott Dugan
GI Area Economic Development Corp.:	Bob Niemann

Heartland Events Center:	Bob Niemann
Library Board:	Julie Hehnke
Problem Resolution Team:	Linna Dee Donaldson & John Gericke
Regional Planning Commission:	Mitch Nickerson
Systems Information Advisory Committee (Spillman): (City/County)	Scott Dugan

Alternatives

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

1. Move to approve the appointments of Councilmembers to Board and Commissions
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 recommendation of the Mayor.

Sample Motion

Move to approve the appointments of Councilmembers to the Boards and Commissions for 2013 as recommended by the Mayor.



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G3

#2013-1 - Approving the Purchase of Seven (7) 500 kVA Padmount Transformers

Staff Contact: Tim Luchsinger, Utilities Director

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: January 8, 2012

Subject: Purchase of Seven (7) 500 kVA Padmount Transformers

Item #'s: G-3

Presenter(s): Timothy Luchsinger, Utilities Director

Background

A request for bids for seven (7) 500 kVA padmount transformers was publicly advertised on Monday, November 19, 2012. Requests were also mailed to five companies. On December 18, 2012, bids were publicly opened from four firms for the specified padmount transformers. This type of transformer is used for large commercial customers; five of them will be used for the Sterling Apartments, a new complex under construction on Capital Avenue, west of Wal-Mart. The other two are to replace inventory.

Discussion

The Utilities Department changed this transformer specification from a painted base metal to painted stainless steel to try to increase the expected life of the transformers. The metal body of the transformers purchased in the last ten years are already showing rust and degradation which compromises the safety of the transformers. Other utilities changing to stainless steel have reported a much longer life.

All transformer bids are evaluated for efficiency at various loads of operation to determine a total cost to the City over a 20-year life of the transformers. The evaluation criteria factors are provided to each of the suppliers so that each supplier can design the transformers and offer bids accordingly. The lifetime cost of operation is then used to determine the lowest total overall cost to the City. The lowest evaluated bid is recommended for approval.

Bids for Padmount Transformers were received in accordance with City Procurement Code requirements, as tabulated below:

Bidder	Manufacturer	Quantity	Price Each	Evaluated Price
WESCO	ABB	7	\$17,018.00	\$26,211.25
Cahoon Sales	Ermco	7	\$14,610.00	\$29,414.50
Dutton Lainson	Howard	7	\$17,189.00	\$30,833.75
Moehn Elec. Sales	CG Power Systems	7	\$16,708.00	\$30,906.75

The low evaluated bid for the seven (7) 500 kVA transformers was provided by WESCO of Sioux City, Iowa, to provide ABB transformers. The bid of \$119,126.00, plus tax, is more than the engineer's estimate of \$105,000.00, due to the stainless steel casings.

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 the Council approve the purchase of seven (7) 500 kVA transformers from WESCO, of Sioux City, Iowa, in the amount of \$119,126.00, plus tax.

Sample Motion

Move to approve the purchase of seven (7) 500 kVA transformers from WESCO in the amount of \$119,126.00, plus tax.

RESOLUTION 2013-1

WHEREAS, the City of Grand Island invited bids for seven (7) 500 kVA 13.2/208/120 Padmount Transformers, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on December 18, 2012, bids were received, opened and reviewed; and

WHEREAS, WESCO, of Sioux City, Iowa, submitted a bid in accordance with the terms of the advertisement for bids and plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$119,126.00 plus tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid from WESCO, in the amount of \$119,126.00 plus tax for seven (7) 500 kVA 13.2/208/120 Padmount Transformers is hereby approved as the lowest responsible evaluated bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G4

**#2013-2 - Approving Change Order #1 - Transmission Line Work
(Northwest Line - St. Libory)**

Staff Contact: Tim Luchsinger, Robert Sivick

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Robert Sivick, City Attorney

Meeting Date: January 8, 2013

Subject: Transmission Line Work - Change Order #1

Item #'s: G-4

Presenter(s): Timothy Luchsinger, Utilities Director

Background

On April 21, 2009, a presentation was made during a Council Study Session summarizing a 115 kV Transmission line route study for a new transmission line to be constructed northwest of the City to NPPD's St. Libory substation. During the following City Council meeting on April 28, 2009, Council authorized the Utilities Department to proceed with the necessary engineering, permits and other services required to construct the new transmission line. During the next approximately three and half years, easements and permits were obtained and the design of the new line was finalized. On October 5, 2011, a contract was signed with IES Industrial, Inc., in the amount of \$3,732,714.50 to construct the line. Construction was completed in November, 2012 and the line was energized.

Discussion

During the construction of the line, several minor changes were made in order to correct deficiencies with the pole design, modify area distribution circuits, and meet requirements by Nebraska Public Power District and Southern Public Power District. Also, a variety of spare parts were acquired from the contractor upon completion of the construction. In addition, various credits have been applied to the change order for work that was originally bid, but not needed. The total for this change order is \$38,260.10 and increases the contract by 1% to \$3,770,974.60.

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 Council award Change Order #1 to the Contract for Transmission Line Work to IES Industrial, Inc., in the amount of \$38,260.10, for a final contract amount of \$3,770,974.60.

Sample Motion

Move to approve Change Order #1 for Transmission Line Work to IES Industrial, Inc., in the amount of \$38,260.10, for a final contract amount of \$3,770,974.60.

Transmission Line Work

Comments: Changes due to design change and landowner issues

Contract: IES Commercial, Inc.

\$3,732,714.50

<u>Change Order Request</u>	<u>Description</u>	<u>Amount</u>
001	Static Arms	\$ 20,817.00
002	Pier Foundation Modifications	\$ 45,399.00
003	Dead End Arm Lengths	\$ 776.00
004	Staking Credit	\$ (2,870.00)
005	Koch Well	\$ 20,668.00
006	CorroCote	\$ 460.10
007	St. Libory Fiber Credit	\$ (472.00)
008	Pole Changes	\$ 3,944.00
009	TOFGW-2	\$ 531.00
010	TOFGWM	\$ 354.00
011	Stop Work Unit Credit	\$ (56,600.00)
012		
013	Spare Parts	
014	T-2 336 Conductor	\$ 3,725.00
015	Braced Post Assembly	\$ 1,528.00
017		
018		
019		
020		
021		
023		
024		
028		
029		
030		
	Total	\$ 38,260.10



*Working Together for a
Better Tomorrow. Today.*

TO: IES Commercial Inc.
120 South Lincoln St.
PO Box 27
Holdredge, NE 68949

PROJECT: Contract for "Transmission Line Work"

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

1 Additional payment per the attached spreadsheet.

ADDITION \$38,260.10

The original Contract Sum	<u>\$3,732,714.50</u>
Previous Change Order Amounts	<u>\$ -</u>
The Contract Sum is increased by this Change Order	<u>\$ 38,260.10</u>
The Contract Sum is decreased by this Change Order	<u>\$</u>
The total modified Contract Sum to date	<u>\$ 3,770,974.60</u>

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described therein.

APPROVED: CITY OF GRAND ISLAND

By: _____

Date _____

Attest: _____

Approved as to Form, City Attorney

ACCEPTED: IES COMMERCIAL, INC.

By: _____

Date _____

RESOLUTION 2013-2

WHEREAS, on April 28, 2009, City Council authorized the Utilities Department to proceed with engineering, permits and other services required to construct a new transmission line northwest of the City; and

WHEREAS, on October 5, 2011, a contract was signed with IES Industrial, Inc., in the amount of \$3,732,714.50 to construct the line; and

WHEREAS, construction was completed in November, 2012; and

WHEREAS during construction of the line, several minor changes were made in order to correct deficiencies with the pole design, modify area distribution circuits, and meet requirements by the Nebraska Public Power District and Southern Public Power District; and the total additional cost for these changes was \$38,260.10, for a final contract amount of \$3,770,974.60 (about a 1% increase).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 for Transmission Line Work, for an additional amount of \$38,260.10, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G5

**#2013-3 - Approving Change Order #1 - Turbine Overhaul at
Platte Generating Station**

Staff Contact: Tim Luchsinger, Robert Sivick

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Robert Sivick, City Attorney

Meeting: January 8, 2013

Subject: Turbine Generator Inspection and Repair –
Change Order #1

Item #'s: G-5

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

Background

A major inspection and overhaul of the turbine generator at the Platte Generating Station is performed every five years. The overhaul was performed in the fall of 2012. During this inspection, the turbine generator was completely disassembled and all components cleaned, inspected, repaired or replaced as necessary. The contract for this work included all labor to open, inspect, clean, and close the turbine and the generator, with the City to supply all parts and materials. Included in the bid was a base amount of 800 man-hours of repair labor for work required on the turbine diaphragm blades. The bid also included labor rates for additions or reductions in the repair labor base amount, as the amount of actual work required was not known until the unit was disassembled and inspected.

The contract was awarded by Council to the low responsive bidder, Magnetech Industrial Services, Inc., of Saraland, Alabama, for \$496,338.00 on April 10, 2012.

Discussion

The contractor completing the repair work found more extensive damage to the turbine diaphragm blades which required additional man-hours above the base amount to complete the repairs. The total cost of the additional repair work was \$136,822.10, for a final contract cost of \$633,160.10.

Alternatives

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

1. Move to approve

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

Recommendation

City Administration recommends authorizing Change Order #1 for Turbine Generator Inspection and Repair at Platte Generating Station, for an addition to the contract price of \$136,822.10 to Magnetech Industrial Services, Inc.

Sample Motion

Move to approve Change Order #1 with Magnetech Industrial Service, Inc., in the amount of \$136,822.10, for the Turbine General Inspection and Repair.

**INTEROFFICE
MEMORANDUM**



*Working Together for a
Better Tomorrow. Today.*

TO: Magnetech Industrial Services, Inc.
800 Nave Road, S.E.
Massillon, OH 44646
Attn: Tony Williamson

PROJECT: Turbine Generator Inspection and Repair

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

1 Additional payment per the attached spreadsheet.

ADD: \$136,822.10

The original Contract Sum	<u>\$496,338.00</u>
Previous Change Order Amounts	<u>\$0.00</u>
The Contract Sum is increased by this Change Order	<u>\$136,822.10</u>
The Contract Sum is decreased by this Change Order	<u>\$</u>
The total modified Contract Sum to date	<u>\$633,160.10</u>

Approval and acceptance of this Change Order acknowledges understanding and agreement that the cost and time adjustments included represent the complete values arising out of and/or incidental to the work described therein.

APPROVED: CITY OF GRAND ISLAND

By: _____

Date _____

Attest: _____

Approved as to Form, City Attorney

ACCEPTED: Magnetech Industrial Services, Inc.

By: 

Date 12-21-12

Turbine Generator Inspection and Repair

Comments:

Additional work done repairing the turbine diaphragm buckets during the overhaul.

Contractor: Magnetech Industrial Services, Inc.

\$496,338.00

<u>Change Order Request</u>	<u>Description</u>	<u>Amount</u>
001	Reliable Turbine Services, subcontractor for Magnetech,	
002	for the diaphragm repairs (stationary blades)	\$136,822.10
003		
004		
005		
006		
007		
008		
009		
010		
011		
012		
013		
014		
015		
017		
018		
019		
020		
021		
023		
024		
028		
029		
030		
	Total	\$136,822.10

RESOLUTION 2013-3

WHEREAS, on April 10, 2012, the contract was awarded by Council to Magnetech Industrial Services, Inc., of Saraland, Alabama for the major inspection and overhaul of the turbine generator at Platte Generating Station in the amount of \$496,338.00; and

WHEREAS, during this inspection, the bid included a base amount of 800 man-hours of repair labor for the work required on the turbine diaphragm blades; and

WHEREAS, the bid also included labor rates for additions or reductions in the repair labor amount, as the amount of actual work required was not known until the unit was disassembled and inspected; and

WHEREAS during the work, more extensive damage to the turbine diaphragm blades was found to need repairs, and the total additional cost to repair the turbine was \$136,822.10, for a final contract amount of \$633,160.10.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Change Order #1 for the Turbine Generator Inspection and Repair for an additional amount of \$136,822.10 is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2013	☐ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G6

#2013-4 - Approving Physio-Control Cardiac Monitor Maintenance Contract

Staff Contact: Russ Blackburn

Council Agenda Memo

From: Russ Blackburn, EMS Division Chief

Meeting: January 8, 2013

Subject: Physio-Control Cardiac Monitor Maintenance Contract

Item #'s: G-6

Presenter(s): Russ Blackburn, EMS Division Chief

Background

For the past six years the City has entered into an agreement with Physio Control for service and maintenance of the Grand Island Fire Department heart monitors. The contract covers monitors not still under warranty, and eliminates annual increases for this service by committing to a three year agreement.

Discussion

We purchased two additional LifePak 1000 Automated External Defibrilators in the end of 2012 that need to be added to the maintenance contract. The two additional defibrilators allow more units to the ability to defibrillate a cardiac arrest patient.

The LifePak 1000s are on the engines and ladder. The 1000s can defibrillate in either an automatic mode for EMTs or be put in manual mode by the paramedics.

Having the monitors inspected annually and repaired when needed reduces the City of Grand Island's liability for the performance of these monitors. Repairs are done at no additional cost, saving the City money over the duration of the contract. When a monitor needs repairs Physio sends a replacement monitor to use while the repairs are completed, not reducing our available assets.

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 the Council approve the addition of the two new LifePak 1000 AEDs to the maintenance contract with Physio Control Corporation.

Sample Motion

Move to approve the addition of the two new LifePak 1000 AEDs to the maintenance contract with Physio Control Corporation.

RESOLUTION 2013-4

WHEREAS, the City of Grand Island Fire Department has added two LifePak-1000 cardiac monitors to care for our patients with cardiac symptoms; and

WHEREAS, the cardiac monitors have to be inspected yearly for proper performance as protection from liability; and

WHEREAS, the three year maintenance contract with Physio-Control specifies yearly inspections and no additional cost maintenance for the term of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, to approve the addition of two LifePak 1000s to the 3 year maintenance agreement with Physio-Control.

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G7

#2013-5 - Approving Bid Award for Utility Vehicles for Jackrabbit Run Golf Course

Staff Contact: Todd McCoy

Council Agenda Memo

From: Todd McCoy, Parks and Recreation Director

Meeting: January 8, 2013

Subject: Bid Award for (2) 2006 or Newer Heavy Duty Utility Vehicles for Jackrabbit Run Golf Course

Item #'s: G-7

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

Background

On November 14, 2012 the Parks and Recreation Department advertised for bids for the purchase of two heavy duty utility vehicles for Jackrabbit Run Golf Course. These vehicles will replace two 30 year old units.

The replacement utility vehicles are necessary as the current equipment is becoming less dependable. The new equipment will provide additional years of service and meets the requirements of the golf maintenance operation.

Discussion

Bids were received from Turfwerks of Johnston, Iowa and Midwest Turf and Irrigation of Omaha, Nebraska. Both bids included additional options.

Option A	Turfwerks	Two 2006 Cushman Slight Used Utility Vehicles – 47” box	\$28,500
Option B	Turfwerks	Two 2006 Cushman Slight Used Utility Vehicles – 60” box	\$30,000
Option C	Midwest Turf	Two 2012 Toro Slight Used Utility Vehicles – 60” box	\$38,176
Option D	Turfwerks	Two New Cushman Utility Vehicles – 47” box	\$43,000
Option E	Turfwerks	Two New Cushman Utility Vehicles – 60” box	\$44,500
Option F	Midwest Turf	New Toro Utility Vehicles – 60” box	\$44,706

Staff recommends Option B for a total purchase amount of \$30,000. Option B meets all the requirements of the bid specifications. The larger 60” box increases the dirt and sand carrying capacity which will result in increased staff efficiency. Golf Course maintenance staff has inspected both utility vehicles and found them to be satisfactory. Option B equals the approved City Budget amount in account line item 51040001-85625.

Alternatives

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

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

Recommendation

City Administration recommends that the City Council approve Option B to purchase (2) 2006 Cushman Used Utility Vehicles from Turfwerks of Johnston, Iowa.

Sample Motion

Move to approve Option B to purchase (2) 2006 Cushman Used Utility Vehicles from Turfwerks for a total amount of \$30,000.00.



*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: November 14, 2012 at 2:00 p.m.

FOR: (2) 2006 or Newer Heavy Duty Utility Vehicles for
Jackrabbit Run Golf Course

DEPARTMENT: Pars & Recreation

ESTIMATE: \$30,000.00

FUND/ACCOUNT: 51040001-85615

PUBLICATION DATE: November 4, 2012

NO. POTENTIAL BIDDERS: 3

SUMMARY

Bidder:	<u>Turfwerks</u> Johnston, IA	<u>Midwest Turf & Irrigation</u> Omaha, NE
Exceptions:	None	None
Bid Price:		
(1) 2006 or Newer:	\$14,500.00 to \$22,250.00 (w/options)	\$19,088.00 to \$21,853.00
Make & Model:	Cushman (new & used)	Toro Workman HDX (new & used)
(1) 2006 or Newer:	\$14,000.00 to \$22,250.00 (w/options)	\$19,088.00 to \$21,853.00
Make & Model:	Cushman (new & used)	Toro Workman HDX (new & used)
Total Bid:	\$28,500.00 to 44,500.00	\$38,176.00 to \$43,706.00

cc: Todd McCoy, Parks & Recreation Director
Mary Lou Brown, City Administrator

Patti Buettner, Parks & Rec. Secretary

P1604

RESOLUTION 2013-5

WHEREAS, the City of Grand Island invited sealed bids for (2) 2006 or Newer Heavy Duty Utility Vehicles, according to plans and specifications on file with the Parks and Recreation Department, Golf Course Division; and

WHEREAS, on November 14, 2012, bids were received, opened and reviewed;
and

WHEREAS, Turfwerks from Johnston, Iowa submitted a bid in accordance with the terms of the advertisement of bids, plans and specifications and all other statutory requirements contained therein, such bid being in the amount of \$30,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the bid of Turfwerks from Johnston, Iowa, in the amount of \$30,000.00 for (2) 2006 or Newer Heavy Duty Utility Vehicles is hereby approved as the lowest responsible bid.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G8

#2013-6 - Approving CenturyLink Addendum

Staff Contact: Jaye Monter

Council Agenda Memo

From: Jaye Monter, Finance Director

Meeting: January 8, 2013

Subject: Approving Century Link Addendum

Item #'s: G-8

Presenter(s): Jaye Monter, Finance Director and Andrew Duey, City of Grand Island Network Consultant - Duey's Computer Service, Inc.

Background

On October 23, 2012, City Council approved Resolution 2012-307 for the replacement of the 19 year old telephone system located in City Hall. Currently there are 29 analog circuits that serve departments located in City Hall with the exclusion of those dedicated to Emergency Management. As part of the upgrade in technology for the new phone system we would like to upgrade the monthly telephone service with Century Link to include an ISDN (Integrated Services Digital Network) PRS (Primary Rate Service) technology or more commonly referred to as a PRI (Primary Rate Interface).

Discussion

Our final step with the new phone system installation will be the installation of a 23 channel PRI and 300 DIDs (Direct Inward Dialing). A PRI will add additional flexibility because a channel can carry any type of connection and lines can be dynamically allocated based on departmental needs. Purchasing a block of DIDs will minimize the need for the current telephone tree and allow a caller to directly call a department or dial directly to an individual staff line.

Three quotes were received for a standard PRI. The lowest pricing is using the State of Nebraska Service Contract with Century Link for \$488 per month with no installation cost. Along with the monthly recurring cost of the PRI, 300 DIDs will cost \$.15 each per month with a onetime setup charge of \$1 per number. Total monthly recurring cost will be \$533 (\$488 + \$45(DIDs) to upgrade to this technology.

We currently use the State of Nebraska Service Contract pricing with Century Link and pay \$14.25 per line before taxes, fees and listing charges. Those 29 lines amount to

\$413.25 per month. Adding the PRI service will eliminate the \$413.25 per month and change the monthly phone line charges to \$533, thereby increasing by \$119.75 per month.

Alternatives

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

1. Approve the participating addendum with Century Link using the State Contract pricing of \$488 per month with no installation charge and the addition of 300 DIDs in the amount of \$45 per month with a \$300 setup charge.
2. Deny the upgraded technology for the newly purchased phone system.
3. Postpone the issue to a future date
4. Take no action on the issue

Recommendation

City Administration recommends the Council approve upgrading the telephone service in City Hall with Century Link to an ISDN PRI for a monthly recurring cost of \$533 before taxes, fees and listing charges.

Sample Motion

Move to approve the addendum agreement with Century Link to install an ISDN PRI in City Hall in the amount of \$488 per month before taxes, fees and listing charges and additional charges of \$45 per month with a \$300 setup charge.

Agreement Number: _____
Billing Number: _____

**PARTICIPATING ADDENDUM
FOR
CENTURYLINK LOYAL ADVANTAGE VOICE MASTER SERVICE AGREEMENT
STATE OF NEBRASKA QC BULK RATED ISDN PRS AND/OR DSS ADVANCED AND/OR UAS SERVICE
BETWEEN
CITY OF GRAND ISLAND
AND
QWEST COMMUNICATIONS COMPANY, LLC D/B/A CENTURYLINK QCC**

The undersigned hereby represents, acknowledges, and agrees as follows:

1. The undersigned is a State of Nebraska participating eligible purchaser. Such participating eligible purchaser requests CenturyLink telecommunication services ("Service(s)") pursuant to the terms and conditions of the CenturyLink Loyal Advantage Voice Master Service Agreement by and between Qwest Communications Company, LLC d/b/a CenturyLink QCC, including its subsidiaries ("QCC" or "CenturyLink") and State of Nebraska ("Customer") effective as of March 31, 2011, Content ID:352533, as amended, including its Exhibits and Attachments (hereafter the "Underlying Agreement").

2. The undersigned participating eligible purchaser (also referred to as "Customer") is executing this Participating Addendum for the purpose of purchasing Service from CenturyLink pursuant to the Underlying Agreement. Customer will be subject to all terms and conditions of this Participating Addendum and the Underlying Agreement. Customer will be responsible for any and all use of Services under this Participating Addendum and the Underlying Agreement, including but not limited to responsibility for payment obligations. Customer will be CenturyLink's customer of record for the Services provided to Customer under this Participating Addendum and the Underlying Agreement.

3. DESCRIPTION OF SERVICES.

(a) **ISDN PRS.** If Customer purchases ISDN PRS, Qwest Corporation d/b/a CenturyLink QC ("QC" or "CenturyLink") will provide digital intraLATA, intrastate, switched local exchange telecommunications service utilizing ISDN PRS technology that transports and distributes voice, data, image, and/or facsimile communications separately or simultaneously over the public, switched, local exchange network. An ISDN PRS circuit includes a DS1 facility, an ISDN PRS service configuration, and trunks. ISDN PRS operates at 1.544 megabits per second (Mbps). ISDN PRS may be configured as 23 B channels and one D channel, 24 B channels only (24B), or 23 B channels and one back-up D channel (23B+BUD). Each B channel transmits voice or data at 64 kilobits per second (Kbps). The D channel carries signaling information at 64 Kbps.

(b) **ISDN PRS-UAS.** If Customer purchases ISDN PRS, Customer may also select Uniform Access Solution service as an optional feature as that service is defined in the Tariff under Primary Rate Service. An ISDN PRS-UAS circuit provides digital service with single-number route indexing, which includes a DS1 facility with common equipment, and a network connection which provides for local exchange, toll network access. Each DS1 facility utilizes the channels configured as: (i) in-only trunking; or (ii) two-way trunking.

4. **TERM.** This Participating Addendum is effective on the latest signature date and will expire co-terminously with the Term of the State of Nebraska QC Bulk Rated ISDN PRS and/or Bulk Rated DSS Advanced and/or Bulk Rated UAS Service Exhibit in the Underlying Agreement.

5. **PRIMARY CONTACT.** The primary Customer contact individual for this Participating Addendum is as follows:

Name: City of Grand Island
Phone: 308 385-5400
Email: RobynS@grand-island.com

6. This Participating Addendum and the Underlying Agreement set forth the entire agreement between the parties and supercede all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Participating Addendum and the Underlying Agreement will not be added to or incorporated into this Participating Addendum or the Underlying Agreement, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Participating Addendum and the Underlying Agreement will prevail and govern in the case of any such inconsistent or additional terms.

IN WITNESS WHEREOF, the parties have executed this Participating Addendum as of the date of execution by all parties below.

Customer: CITY OF GRAND ISLAND

Qwest Communications Company, LLC d/b/a CenturyLink QCC

DocuSigned by:

Mikle Fizer

Authorized Signature of Participant

Authorized Signature

Mikle Fizer

Name Typed or Printed

Name Typed or Printed
Sales Manager

Title

Title
12/10/2012

Date

Date

Address for Notices:
City of Grand Island
PO Box 1968
Grand Island, NE 68802

Address for Notices:
CenturyLink
1801 California Street, 9th Floor
Denver, Colorado 80202
Attn: Legal Department

Approved: *RJH*
12/12/12 City Attorney

CENTURYLINK LOYAL ADVANTAGE® VOICE MASTER SERVICE AGREEMENT
STATE OF NEBRASKA QC BULK RATED ISDN PRS AND/OR DSS ADVANCED AND/OR UAS SERVICE EXHIBIT

Pricing Attachment

City of Grand Island
Customer

Service Term: expiration 06-30-2014 Months

AQCB Contract Number:				
Service Location including City and State	Circuit ID or BTN	Type of Service & (USOC)	Qty.	Higher Facility (Yes or No)
100 E 1 st St	NA	Z4D	1	NO
Total MRC:				488.00

RESOLUTION 2013-6

WHEREAS, the City of Grand Island is a State of Nebraska participating eligible purchaser; and

WHEREAS, the City of Grand Island is executing the Participating Addendum for the purpose of purchasing Service from Century Link pursuant to the Underlying Agreement; and

WHEREAS, the City of Grand Island will be provided an ISDN PRS/PRI technology to transport communications in the amount of \$488 per month; and

WHEREAS, the City of Grand Island will obtain 300 DID's in the amount of \$45 per month with a setup charge of \$300, to be utilized with the Voice Communication System approved by ordinance 2012-307; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney's office;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Participating Addendum with CenturyLink in the amount of \$488 for the City of Grand Island is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐
January 4, 2013	☐ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G9

**#2013-7 - Approving the Certificate of Compliance with the
Nebraska Department of Roads for Maintenance Agreement No.
12; Calendar Year 2012**

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Shannon Callahan, Street Superintendent

Meeting: January 8, 2013

Subject: Approving the Certificate of Compliance with the Nebraska Department of Roads for Maintenance Agreement No. 12; Calendar Year 2012

Item #'s: G-9

Presenter(s): Terry Brown, Interim Public Works Director

Background

The City of Grand Island and the Nebraska Department of Roads have had an agreement for the maintenance of state highways within the City limits dating back to 1970. Maintenance responsibilities for State highways within the corporate City limits are defined by state statute.

The Nebraska Department of Roads (NDOR) is responsible for the cost of the maintenance of the highway lanes through a community and the City is responsible for the cost of the maintenance of any highway widening including parking, additional thru lanes or left turn lanes. The statutes provide that the NDOR is to reimburse the City for work the City performs on NDOR's highway lanes.

Discussion

The agreement requires the City to certify that it has completed the maintenance work required by the agreement for the 2012 calendar year.

The NDOR performs snow removal on NE Highway 2, US Highway 281, US Highway 34, and a portion of US Highway 30 from the west City limits to Johnstown Road. The City performs snow removal on US Highway 30 from Johnstown Road through town to the east City limits at Shady Bend Road. The City performs the surface maintenance on all state highways within the City limits. The net result of this exchange of services is a payment by the Nebraska Department of Roads to the City of Grand Island in the amount of \$40,814.50.

Alternatives

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

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

Recommendation

City Administration recommends that the Council pass a resolution authorizing the Mayor to sign the Certificate of Compliance.

Sample Motion

Move to approve the Certificate of Compliance for Maintenance Agreement No. 12.

RESOLUTION 2013-7

WHEREAS, each year the City of Grand Island enters into a maintenance agreement with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, the City has complied with all surface maintenance work for the calendar year 2012 in accordance with the agreement; and

WHEREAS, upon receiving the City's Certificate of Compliance, the State will reimburse the City for maintenance work performed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island has complied with the terms of Maintenance Agreement No. 12 for calendar year 2012; and the Mayor is hereby authorized and directed to execute the Certificate of Compliance for such agreement on behalf of the City of Grand Island.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G10

#2013-8 - Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads for Calendar Year 2013

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Shannon Callahan, Street Superintendent

Meeting: January 8, 2013

Subject: Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads for Calendar Year 2013

Item #'s: G-10

Presenter(s): Terry Brown, Interim Public Works Director

Background

Each year the City and the Nebraska Department of Roads enter into an agreement for the maintenance of Highways within the City Limits. The certification that calendar year 2012 work was performed by the City is being presented at the January 8, 2013 council meeting. The agreement for 2013 has been prepared. The content and scope of the agreement is the same as that of previous years.

Discussion

The maintenance responsibilities by statute are detailed in Exhibit A of the agreement. Calculations for payments are detailed in Exhibit B. Surface maintenance and snow removal responsibilities from an operational efficiency stand point are detailed in Exhibit C. The net result of this exchange of services for 2012 will be a payment to the City of \$40,814.50.

Alternatives

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

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

Recommendation

City Administration recommends that the Council pass a resolution approving Maintenance Agreement No. 12 for calendar year 2013.

Sample Motion

Move to approve Maintenance Agreement No. 12 for calendar year 2013.

RESOLUTION 2013-8

WHEREAS, on December 22, 1992, the City of Grand Island approved and entered into Maintenance Agreement No. 12 with the State of Nebraska Department of Roads with respect to the maintenance of state highways within the corporate limits of Grand Island; and

WHEREAS, this agreement requires annual renewal by both parties thereto; and

WHEREAS, it is in the best interest of the City of Grand Island to approve Maintenance Agreement No. 12 to be effective January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Maintenance Agreement No. 12 between the City and the State of Nebraska Department of Roads for the term January 1, 2013 through December 31, 2013 is hereby approved; and 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, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G11

#2013-9 - Approving Agreement for Negotiation Services for the State Street and Capital Avenue Connector Trail Project

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: January 8, 2013

Subject: Approving Agreement for Negotiation Services for the State Street and Capital Avenue Connector Trail Project

Item #'s: G-11

Presenter(s): Terry Brown, Interim Public Works Director

Background

All agreements must be approved by the City Council.

The Federal-aid Transportation Enhancement (TE) Program provides funding to construct and restore transportation infrastructure that are not eligible to be funded through other programs. TE activities offer funding opportunities to help expand transportation choices and enhance the transportation experience. Project types eligible for this funding are hike/bike trails, historic preservation, and scenic or historic byways.

The State Street and Capital Avenue Connector Trail Project will construct a 0.5 mile, 10' wide concrete recreational trail for bicycle and pedestrian use in northwest Grand Island. This project will begin on the State Street Trail 0.25 mile west of US Highway 281, extend north within City right-of-way along the west side of the Moores Creek Drainway, and end at the west end of the concrete trail that was recently completed along Capital Avenue under project STPAA-5436 for the Eagle Scout Trail.

Additional 12' wide easements will be acquired on the west side of the City right-of-way for construction of a small ditch and area inlets.

Discussion

The law governing acquisition and relocation on federally assisted projects is Public Law 91-646; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, commonly called the Uniform Act. The procedures to comply with this Act are found in Section 49, Part 24 of the Code of Federal Regulations. On federally funded transportation projects requiring acquisition of right-of-way, Local Public Agencies are

required to present to the Nebraska Department of Roads a Right-of-Way Certificate that certifies property was acquired in accordance with the Uniform Act.

As per the *Right-of-Way Acquisition Guide for Local Public Agencies*, after formal property valuation documents are prepared and reviewed, property acquisition may begin. On the State Street and Capital Avenue Connector Trail Project, "Compensation Estimates" were prepared for four tracts where permanent 12' wide trail easement will be acquired. Two tracts have identical ownership.

Selection of the firm Midwest Right Of Way Services, Inc. was made in accordance with the *Right-of-Way Acquisition Guide for Local Public Agencies*. The Negotiation Services Contract must be executed before property acquisition can begin. The basis of the final fee is as follows.

Acquisition Negotiation – 4 Owners at \$1,425.00 Each = \$5,700.00

TOTAL FEE = \$5,700.00

Approval of Environmental Documents was received in January, 2012. Acquisition of permanent easements are anticipated to be completed in the next three months. Construction of this project is anticipated to begin in fall of 2013.

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 Midwest Right Of Way Services, Inc. for negotiation services for the State Street and Capital Avenue Connector Trail.

Sample Motion

Move to approve the agreement.

ACQUISITION SERVICES CONTRACT

This agreement, entered into this day of , 20 , by the City of Grand Island, (herein called "Local Public Agency") and Midwest Right of Way Services, Inc., (herein called "Acquisition Consultant") agrees:

In return for the total fee of \$5,700.00, as itemized in Appendix B, it is agreed that the Acquisition Consultant shall negotiate on behalf of the Local Public Agency with the owners of each tract identified for the acquisition of certain property rights in accordance with the Acquisition Services Specifications, of which a copy is attached and made a part of this contract. The acquisition of these certain property rights will be used in connection with:

Project: ENH-40(59)

C. N.: 42650

Location: State Street and Capital Avenue Connector Trail

An additional fee will be negotiated with the Acquisition Consultant for each additional parcel added to this contract.

The fee for supplemental or revised tracts, which result in new or revised acquisition documents, as a result of changes in the taking caused by the Local Public Agency, will be negotiated with the Acquisition Consultant.

A billing statement for completed negotiations with a tract may be submitted to the Local Public Agency at the time the Acquisition Consultant submits the Deliverables noted in paragraph I of the Acquisition Services Specifications. Payment of eighty percent (80%) of the total fee will be paid at that time. The balance of the total fee will be paid within ninety (90) days, providing the documents are found to be acceptable and in accordance with the contract upon Local Public Agency review. In the event the documents are found unacceptable by reason of noncompliance with the terms of this contract, the final payment shall be withheld until such documents have been revised or supplemented, without additional cost to the Local Public Agency, and found acceptable.

In the event a dispute arises concerning a question or fact in connection with the work not specifically covered or referenced by any other terms of this contract, the Local Public Agency's management will determine the final position. Where no agreement can be reached, this contract shall be terminated.

The contract may also be terminated when, in the opinion of the Local Public Agency, the Acquisition Consultant's services are unsatisfactory, or because of the Acquisition Consultant's failure to prosecute the work with due diligence, or within the time limits specified in this agreement, or because of the Acquisition Consultant's disability or death. The Local Public Agency may terminate the services of the Acquisition Consultant by giving five (5) days written notice. In such an event, the work, which has been completed, when the notice of termination is given by the Local Public Agency, becomes the property of the Local Public Agency. The Local Public Agency's management shall arbitrate settlement for the completed work.

The Acquisition Consultant, as a condition of the above lump fee, agrees to attend necessary meetings and conferences with representatives of the Local Public Agency, the Nebraska Department of Roads and the United States Federal Highway Administration to discuss the various aspects and phases of the work required by this contract. However, it is agreed that additional payment for conferences with Local Public Agency attorneys for testimony in court or witness fees for appearance in court shall be \$350.00 for each half day or portion thereof, or \$700.00 per day for any part of a day exceeding a half day.

All expenses incurred by the Acquisition Consultant are considered to be their liability and are not to become an expense to the Local Public Agency except as provided for in this agreement.

The Acquisition Consultant agrees to complete the requirements noted in the Acquisition Services Specifications on or before April 15, 2013. The Local Public Agency assumes no liability for work performed or costs incurred prior to the beginning date or subsequent to the contract completion date. Supplemental or revised acquisition documents caused by the Local Public Agency's actions will be cause to change this to a later date only by mutual written agreement between the parties to this contract. It is further agreed by the Acquisition Consultant that they will furnish the Local Public Agency a written progress report of the work accomplished on the Project as requested.

A penalty of \$75.00 per normal working day will be assessed against and deducted from the agreed-upon Fee, as per this contract, for each normal working day that the completed assignment is overdue. A normal working day is defined as Monday through Friday. Any extension beyond the agreed-upon completion date of April 15, 2013 will be only by mutual written agreement between the parties of this contract.

The Acquisition Consultant warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Acquisition Consultant, to solicit or secure this contract, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Acquisition Consultant, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the Local Public Agency shall have the right to annul this contract without liability.

If the Acquisition Consultant discovers or is informed by the Local Public Agency of the existence of any possible conflict of interest on the part of the Acquisition Consultant, the Acquisition Consultant shall immediately cease all activity in connection with such services, and promptly notify the Local Public Agency, in writing, of all relevant facts and circumstances pertaining to such conflict, so the Local Public Agency may take such action as it deems appropriate, including but not limited to, the exclusion of any tract or tracts involved from this agreement.

The acquisition documents are agreed to be confidential between the parties hereto, and a breach of such confidence shall be considered material breach of this contract unless the disclosure of the contents of the report shall be in response to a subpoena or other lawful court order.

It is the intention of the parties that the valuation documents and services contracted for are the personal services of the Acquisition Consultant as named. Subletting or transferring the work contracted for in this agreement is expressly prohibited and failure to comply shall be deemed a material breach of the contract.

The Acquisition Consultant agrees to abide by the provisions of the Nebraska Fair Employment Practice Act as provided by Nebraska Revised Statute, Section 48-1101 through 48-1126 (Reissue 1988), and all regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49 CFR, Parts 21 and 27, the Minority Business Enterprises Policy and the Drug-Free Workplace Policy as set forth in Appendix "A" attached hereto and hereby made a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the Acquisition Consultant this *31st* day of *December*, 20 *12*.



Witness



Acquisition Consultant

EXECUTED by this day of , 20 .

Local Public Agency

APPROVED:

Authorized Signature

APPENDIX B

LIST OF TRACTS TO BE ACQUIRED

TRACT NUMBER	TYPE OF VALUATION DOCUMENT	FEE
1 Permanent Easement	Compensation Estimate	\$ 1,425.00
2 Permanent Easement	Compensation Estimate	\$ 1,425.00
3 Permanent Easement	Compensation Estimate	\$ 1,425.00
4 Permanent Easement	Compensation Estimate	\$ 1,425.00
TOTAL FEE		\$ 5,700.00

Full Day County Court Fee	\$ 700.00	Half Day County Court Fee	\$ 350.00
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Start Date January 9, 2013

Completion Date: April 15, 2013

Submitted by: Jack M. Borgmeyer
Please Print

Jack M. Borgmeyer
Please Sign

Address: MIDWEST RIGHT OF WAY SERVICES, INC.
13925 A Street
Omaha, NE 68144

RESOLUTION 2013-9

WHEREAS, the City of Grand Island, in accordance with the Right-of-Way Acquisition Guide for Local Public Agencies, has negotiated property acquisition services with Midwest Right of Way Services, Inc. for the State Street and Capital Avenue Connector Trail Project; and

WHEREAS, such services include Acquisition Negotiation of \$5,700.00 for four (4) properties, with the possibility of half day (\$350) and daily (\$700) rates being applied, per contract, should attendance at meetings pertaining to this project become necessary.

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 Midwest Right of Way Services, Inc. for acquisition negotiation services in connection with the State Street and Capital Avenue Connector Trail Project 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, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G12

#2012-10 - Approving Agreements for Temporary Construction Easements for the US-30 Drainage Improvement Project – AutoZone & O'Connor Residential, LLC.

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, PW Project Manager

Meeting: January 8, 2013

Subject: Approving Agreements for Temporary Construction Easements for the US-30 Drainage Improvement Project – AutoZone & O’Connor Residential, LLC.

Item #’s: G-12

Presenter(s): Terry Brown, Interim Public Works Director

Background

The purpose of the US-30 Drainage Improvement project is to construct storm sewer to the detention cell at the former location of the Wasmer Elementary School from connections on Second Street at Logan Street, Broadwell Avenue, and Madison Street. The improvements will significantly reduce the likelihood of flooding during storm events on Second Street. The project includes constructing drainage inlets on First Street and Division Street between Logan Street and Madison Street, which will provide drainage relief in those areas as well.

This project will receive Federal Funding through the Surface Transportation Program (STP).

Temporary Construction easements and Leasehold Agreements are necessary for this project to be completed, which must be approved by City Council.

City Council approved 15 temporary construction easements from property owners, along with 3 leasehold agreements, in this drainage project area at the November 13, 2012 Council meeting.

Discussion

The planned work, as stated in the background will significantly reduce the likelihood of flooding during storm events on Second Street. A temporary construction easement is needed from AutoZone and O’Connor Residential, LLC, along with a permanent easement from O’Connor Residential, LLC for this drainage project to proceed. All documents have been signed and returned by the property owners for such easements to

be granted to the City. Authorization of the documents is contingent upon City Council approval.

AutoZone will receive \$1,020.00 for use of the temporary easement site, as well as \$1,150.00 for the replacement of damaged underground sprinklers, for a total payment of \$2,170.00.

O'Connor Residential, LLC will receive \$2,000.00 for use of the temporary easement site, \$440.00 to disconnect and repair the lawn irrigation system, and \$830.00 for purchase of the permanent easement, for a total payment of \$3,270.00.00. The permanent easement is being presented at tonight's meeting, as a separate item.

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 Easement Agreements with AutoZone and O'Connor Residential, LLC and the City of Grand Island for the US-30 Drainage Improvement Project.

Sample Motion

Move to approve the Easements.

RESOLUTION 2013-10

WHEREAS, temporary construction easements are required by the City of Grand Island, from the affected property owner in the US-30 Drainage Improvement Project area, as follows:

No.	Property Owner	Temp Easement Address	Legal Description	Easement Payment (minimum \$100.00)	Payment of Damages	Total
17	AutoZone	1717 W 2 nd St	The E 10' of the N 139.37' of the S 225.00' of Lot 1, AutoZone Subdivision in the City of Grand Island, Hall County, Nebraska, except that part of Instrument No. 200610814, containing 1,394 s.f., more or less.	1,394 s.f. @ \$.73/s.f.	Replace damaged underground sprinkler system @ \$1,150.00	\$ 2,170.00
19	O'Connor Residential, LLC	1811 W 2 nd St	Part of Lot 6, Block 23, Charles Wasmer Addition in the City of Grand Island, Hall County, Nebraska	2,521 s.f @ \$7.30 (10%)/s.f.	Disconnect/repair the lawn irrigation system @ \$440.00	\$ 2,280.00
20	O'Connor Residential, LLC	1811 W 2 nd St	Part of Lot 4, Block 15, Kernohan & Decker's Addition in the City of Grand Island, Hall County, Nebraska	214 s.f. @ \$7.30 (10%)/s.f.	N/A	\$ 160.00
Grand Total of Temporary Easement & Damages						\$ 4,610.00

WHEREAS, an Agreement for Temporary Easement Agreement has been reviewed and approved by the City Legal Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreements for Temporary Easement on the above described tracts of land.

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

Approved as to Form ☐ _____
January 4, 2013 ☐ City Attorney

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

- 2 -



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item G13

#2013-11 - Approving Acquisition of Permanent Easement Located in the US 30 Drainage Improvement Area (O'Connor Residential, LLC)

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

Staff Contact: Terry Brown, Interim Public Works Director

RESOLUTION 2013-11

WHEREAS, a permanent easement is required by the City of Grand Island, from O'Connor Residential, LLC.; and

WHEREAS, a public hearing was held on January 8, 2013, for the purpose of discussing the proposed acquisition of such permanent easement; and

WHEREAS, the following legal description details the acquired permanent easement:

O'Connor Residential, LLC. – TRACT NO. 19

PART OF LOT 6, BLOCK 2, CHARLES WASMER ADDITION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, BLOCK 2; THENCE NORTHWEST ON THE EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 30.00 FEET; THENCE SOUTHEAST, A DISTANCE OF 42.44 FEET TO THE NORTH RIGHT OF WAY LINE OF 1ST STREET; THENCE SOUTHWEST ON SAID RIGHT OF LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to acquire the necessary permanent easement from O'Connor Residential, LLC., on the above described tracts of land, in the amount of \$830.00.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

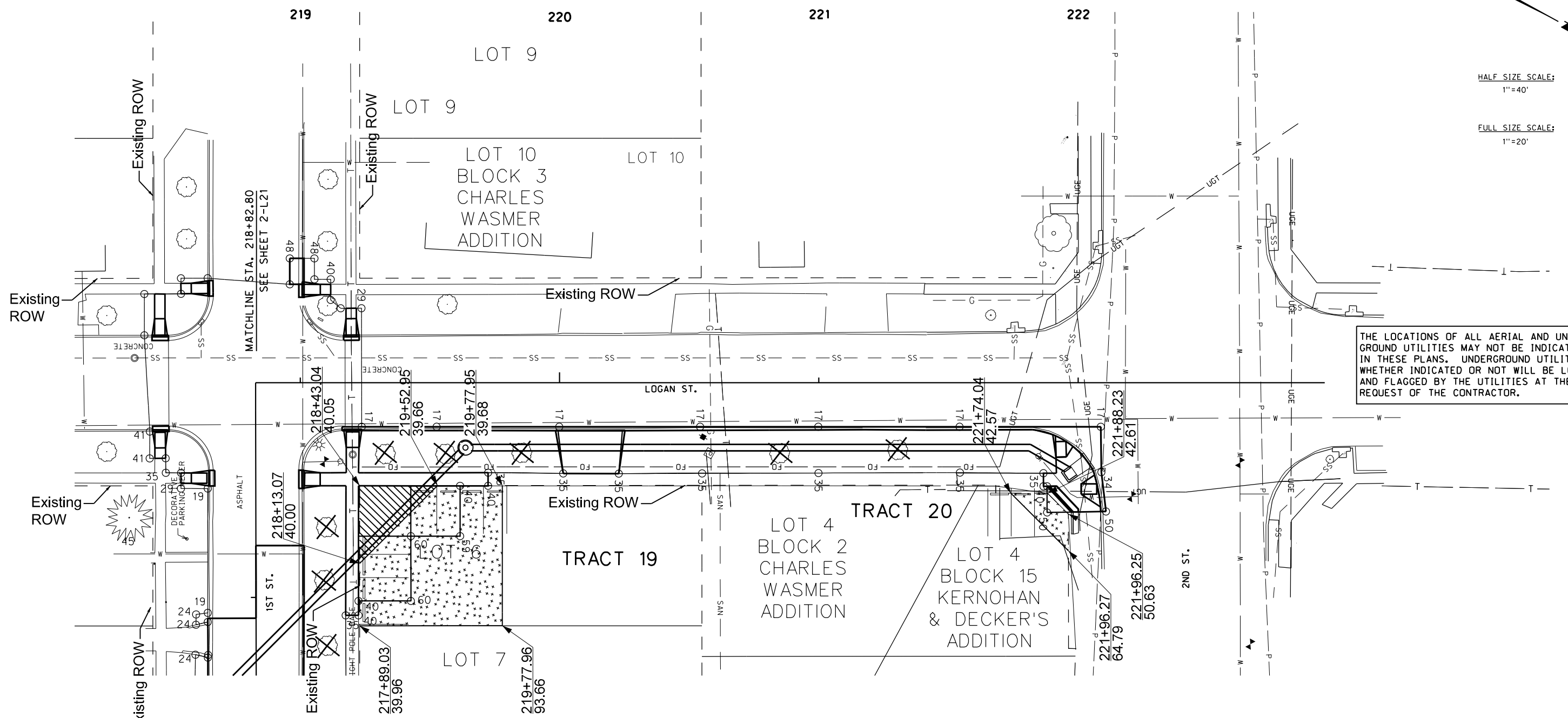
Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2013	☐ City Attorney

TRACT NO. 20
O'CONNER RESIDENTIAL, LLC

PART OF LOT 4, BLOCK 15, KERNOHAN & DECKER'S ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE EAST ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 24.96 FEET; THENCE SOUTH PERPENDICULAR TO SAID NORTH LINE OF LOT 4, A DISTANCE OF 6.20 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 2ND STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHWEST, A DISTANCE OF 31.43 FEET, TO THE EAST RIGHT OF WAY LINE OF LOGAN STREET; THENCE NORTHWEST ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 14.19 FEET; THENCE NORTHEAST CONTINUING ON SAID EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 11.34 FEET; THENCE NORTHEAST ON SAID SOUTH RIGHT OF WAY LINE OF 2ND STREET, A DISTANCE OF 14.16 FEET, TO THE POINT OF BEGINNING



THE LOCATIONS OF ALL AERIAL AND UNDERGROUND UTILITIES MAY NOT BE INDICATED IN THESE PLANS. UNDERGROUND UTILITIES, WHETHER INDICATED OR NOT WILL BE LOCATED AND FLAGGED BY THE UTILITIES AT THE REQUEST OF THE CONTRACTOR.

TRACT NO. 19
O'CONNER RESIDENTIAL, LLC

PART OF LOT 6, BLOCK 2, CHARLES WASMER ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6 BLOCK 2; THENCE NORTHWEST ON THE EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 30.00 FEET; THENCE SOUTHEAST, A DISTANCE OF 42.44 FEET TO THE NORTH RIGHT OF WAY LINE OF 1ST STREET; THENCE SOUTHWEST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING AND PART OF LOT 6, BLOCK 2, CHARLES WASMER ADD., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6 BLOCK 2; THENCE NORTHWEST ON THE EAST RIGHT OF WAY LINE OF LOGAN STREET, A DISTANCE OF 30.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET; THENCE NORTHEAST A DISTANCE OF 53.99 FEET, TO THE EAST LINE OF SAID LOT 6 BLOCK 2; THENCE SOUTHEAST ON SAID EAST LINE, A DISTANCE OF 55.00 FEET, TO THE NORTH RIGHT OF WAY OF 1ST STREET; THENCE SOUTHWEST ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 24.03 FEET; THENCE NORTHWEST 42.44 FEET, TO THE POINT OF BEGINNING

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE

RIGHT OF WAY



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item I1

#2013-12 - Consideration of Request from Turkey Maes LLC dba Peacock Lounge, 2430 North Broadwell Avenue for a Beer Garden Addition to Class “C-100448” Liquor License

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

Staff Contact: RaNae Edwards

RESOLUTION 2013-12

WHEREAS, an application was filed by Turkey Maes LLC doing business as Peacock Lounge, 2430 North Broadwell Avenue for a Beer Garden Addition to Class "C-100448" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on December 29, 2012; such publication cost being \$17.26; and

WHEREAS, a public hearing was held on January 18, 2013 for the purpose of discussing such liquor license application.

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

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

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

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

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

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2013	☐ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item I2

**#2013-13 - Consideration of Approving Bid Award for Platte
Generating Station Unit #1 Mercury & Air Toxic Standards
(MATS) Retrofit Project**

Staff Contact: Tim Luchsinger, Robert Sivick

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Robert Sivick, City Attorney

Meeting: January 8, 2013

Subject: Bid Award for MATS Compliance Retrofit Project

Item #'s: I-2

Presenter(s): Timothy Luchsinger, Utilities Director

Background

On December 21, 2011, EPA released the Mercury and Air Toxics Standards (MATS), requiring the maximum achievable control technology for mercury and other hazardous pollutants from electric generating units, with a compliance date of March, 2015, although an additional one year for compliance may be granted by individual states.

To achieve long-term compliance for MATS, it was anticipated that the Department would need to install a fabric filter, carbon injection system, and, depending on the amount of reduction needed, either a dry sorbent injection or a dry scrubber at Platte Generating Station, along with associated by-product removal systems and disposal sites, in the next three to four years. It was estimated that these modifications would cost the utility approximately \$35 million and take 3 to 5 years for financing, design, and construction. Although this equipment will also result in additional operating costs that may affect rates, the City proceeded with refinancing of current electric bonds to reduce rate impacts due to debt service of capital expenditures. Current plans are to complete this installation during the last quarter of 2014 to coincide with a scheduled plant maintenance outage, with system startup and testing to continue into the first quarter of 2015. This will provide a margin for the implementation of the system and minimize plant downtime.

For large capital improvement projects of this type, the Department has traditionally used the Design-Build approach with multiple contracts, where proposals are solicited for a consulting engineer, who then proceeds with detailed design and developing specifications for bids to acquire equipment and contractors to complete the project. This type of approach can achieve more control of the details of the project, but can also take more time to complete and final project costs are not known until the final contract is awarded. A project approach being used more by utilities for capital projects is the

Engineer-Procure-Construct (EPC) method. Specifications are developed emphasizing final system performance and operating parameters instead of technical features, and consortiums of engineers, suppliers, and construction contractors then team together to provide bids for a total system package. The project is awarded to the lowest compliant bid, normally with provisions of penalties for not meeting guarantees or incentives for exceeding requirements. The EPC approach is recommended by the Department for the air emission control equipment project as we do not have a preference for the various air emission control technologies, and this method will allow for the market to determine the most cost effective and timely implementation. Project costs will also be known early and enable financing methods to be determined to minimize rate impacts to customers.

Utilities and other entities performing EPC projects normally retain the services of an Owner's Engineer to develop the EPC specifications and provide third party project administrative functions. On March 26, 2012, Kiewit Power Engineers was awarded the contract for providing engineering services for this project. The services for the Owner's Engineer included the following.

- A high level determination of emission reduction limits and system components.
- Preparation of specifications for bids.
- Evaluation of bids.
- Financial analysis and preparation of pro-formas for bond underwriters.
- Assistance in air emission permitting with EPA and NDEQ.
- Final system testing and determination of compliance with contract conditions.

In June, 2012, Kiewit completed a technical and economic evaluation of the two most recognized processes suitable for use at Platte to achieve the MATS requirements, dry sorbent injection (DSI) and a dry scrubber system. DSI processes are relatively new to the electric utility industry and can provide a low capital cost solution to applications requiring lower emission reduction rates. Dry scrubber systems are the current industry standard for power plants to meet sulfur dioxide emission standards and have been in use for over 20 years. Based on estimated capital and 20-year operating and maintenance costs, the processes were evaluated to have similar life cycle costs. With a similar life cycle cost, however, the potential for meeting future potential emission standards and the established history of dry scrubber systems resulted in a recommendation of a dry scrubber system for Platte. Department staff concurred with this recommendation and directed Kiewit to proceed with detailed specifications to be issued for bid. In order to provide a cost-effective solution to meet the MATS requirements, the specifications were drafted on a performance basis. A performance basis specification identifies the current conditions and the required end result, but not the specific method, which allows the various emission control industry engineers, suppliers, and contractors latitude to bid their best solution for our application. Included in the specification was a spreadsheet that would be used to evaluate the low bidder that included the factors used in the calculation of project capital financing and annual operating and maintenance costs for use by the vendors in determining their best solution for the lowest overall project cost. These specifications were issued for bid in accordance with City purchasing procedures.

Discussion

On November 2, 2012, the following bids for the MATS Retrofit compliance were received.

Bidder	Bid Amount	20-Year Life Cycle Evaluated Bid Amount
AMEC, Tucker, GA	\$ 41,189,331	\$ 100,146,273
Hayes Mechanical, Chicago, IL	\$ 39,970,000	\$ 104,533,161
Black & Veatch, Overland Park, KS	\$ 52,393,500	\$ 107,391,553
KBR, Birmingham, AL	\$ 45,779,843	\$ 107,873,867
Burns & McDonnell, Kansas City, MO	\$ 48,919,000	\$ 109,252,188
Babcock & Wilcox, Barberton, OH	\$ 57,124,037	\$ 110,851,160
Zachary Industrial, Inc. San Antonio, TX	\$ 58,495,815	\$ 115,855,244
Babcock Power Inc., Worchester, MA	\$ 65,280,488	\$ 123,077,751

Kiewit completed the evaluation using life cycle cost spreadsheet included in the specifications and those costs are included above.

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 the MATS Compliance Retrofit Project at Platte Generating Station to the low evaluated bidder, AMEC of Tucker, Georgia, for the contract price of \$41,189,331.00.

Sample Motion

Move to approve the contract for the MATS Compliance Retrofit Project at Platte Generating Station to the low evaluated bidder, AMEC of Tucker, Georgia, for the contract price of \$41,189,331.00.



Jason Eley, Purchasing Agent

*Working Together for a
Better Tomorrow, Today*

BID OPENING

BID OPENING DATE: November 2, 2012 at 2:00 p.m.

FOR: Platte Generating Station Unit #1 MATS Compliance
Retrofit Project

DEPARTMENT: Utilities

ESTIMATE: \$49,284,669.00

FUND/ACCOUNT: 520

PUBLICATION DATE: August 14, 2012

NO. POTENTIAL BIDDERS: 9

SUMMARY

Bidder:	<u>Hayes Mechanical</u> Chicago, IL	<u>Babcock & Wilcox</u> Barberton, OH
Bid Security:	Great American Ins. Co.	Federal Ins. Co., et al
Exceptions:	Noted	Noted
Bid Price:		
Material:	\$17,015,876.00	\$23,983,522.00
Labor:	\$21,763,011.00	\$31,379,280.00
Sales Tax:	<u>\$ 1,191,113.00</u>	<u>\$ 1,761,235.00</u>
Total Bid:	\$39,970,000.00	\$57,124,037.00
Bidder:	<u>Burns & McDonnell</u> Kansas City, MO	<u>AMEC</u> Tucker, GA
Bid Security:	Fidelity & Deposit Co.	Ins. Co. of the State of PA
Exceptions:	Noted	Noted
Bid Price:		
Material:	\$19,783,000.00	\$23,170,124.00
Labor:	\$27,828,000.00	\$16,542,557.00
Sales Tax:	<u>\$ 1,308,000.00</u>	<u>\$ 1,476,650.00</u>
Total Bid:	\$48,919,000.00	\$41,189,331.00
Bidder:	<u>Babcock Power, Inc.</u>	<u>KBR</u>

Bid Security: Worcester, MA
Exceptions: National Union Fire Ins. Co.
Noted

Birmingham, AL
Federal Insurance Co.
Noted

Bid Price:
Material: \$50,542,012.00
Labor: \$13,774,277.00
Sales Tax: \$ 964,199.00
Total Bid: \$65,280,488.00

\$29,885,622.00
\$13,776,238.00
\$ 2,117,983.00
\$45,779,843.00

Bidder: Zachry Industrial, Inc.
San Antonio, TX
Bid Security: Travelers Casualty & Surety Co.
Exceptions: Noted

Black & Veatch
Overland Park, KS
Federal Insurance Co.
Noted

Bid Price:
Material: \$24,540,083.00
Labor: \$32,481,547.00
Sales Tax: \$ 1,474,185.00
Total Bid: \$58,495,815.00

\$32,932,342.00
\$17,768,658.00
\$ 1,692,500.00
\$52,393,500.00

cc: Tim Luchsinger, Utilities Director
Jason Eley, Purchasing Agent
Lynn Mayhew, Assist. Utilities Director

Bob Smith, Assist. Utilities Director
Pat Gericke, Utilities Admin. Assist.
Kurt Spiehs, Utilities Dept.

P1593

Mercury and Air Toxics Standard Compliance Retrofit Project

Utilities Department
Platte Generating Station
January 8, 2013

Mercury and Air Toxics Rule

- Original Mercury Rule vacated in 2008
- New MATS Rule to reduce mercury and acid gases
 - Published March 2012
 - Effective May 2015
 - One year extension approved by NDEQ

MATS Pollutants





- Mercury (>90.5% removal)
- Particulates (< 0.03 #/mmBtu, current 0.1 #/mmBtu)
 - Antimony Arsenic Beryllium
 - Cadmium Chromium Cobalt
 - Lead Manganese Nickel
 - Selenium
- Hydrogen Chloride (>83.6% removal)
 - Sulfur dioxide as surrogate

Owner's Engineer





- On March 26, 2012, Kiewit Power Engineers was awarded the contract for providing engineering services for this project
 - Regulatory Compliance Review
 - Conceptual Technology Selection
 - Bid Specification Development
 - Life Cycle Cost Bid Evaluation
 - Financial Pro-Forma
 - Acceptance Testing Review

MATS Prospective Technologies

Dry Sorbent Injection (DSI)

-  Sodium Bicarbonate reagent
-  Lower capital cost
-  Less efficient reagent usage
-  Minimal operating history

Dry Scrubber

-  Lime reagent
-  Higher capital cost
-  Established operating record (20 to 25 years)
-  Potential for additional compliance solutions

Final MATS Compliance Selection

- Activated Carbon Injection
- Dry Scrubber
- Pulse Jet Fabric Filter
- Auxiliary Equipment
 - Draft Booster Fan
 - Byproducts Removal System
 - Continuous Emission Monitoring System
 - Electrical/Controls

MATS Compliance Contract Format

- Engineer – Procure – Construct (EPC)
- Performance Specification
 - Low bid determined on 20-year life cycle cost analysis
 - Technology and participant selections by Contractor
- Project cost known at beginning of project

MATS Bid Tabulation

Bidder	Bid Amount	20-Year Life Cycle Evaluated Bid Amount
AMEC, Tucker, GA	\$ 41,189,331	\$ 100,146,273
Hayes Mechanical, Chicago, IL	\$ 39,970,000	\$ 104,533,161
Black & Veatch, Overland Park, KS	\$ 52,393,500	\$ 107,391,553
KBR, Birmingham, AL	\$ 45,779,843	\$ 107,873,867
Burns & McDonnell, Kansas City, MO	\$ 48,919,000	\$ 109,252,188
Babcock & Wilcox, Barberton, OH	\$ 57,124,037	\$ 110,851,160
Zachary Industrial, Inc. San Antonio, TX	\$ 58,495,815	\$ 115,855,244
Babcock Power Inc., Worchester, MA	\$ 65,280,488	\$ 123,077,751

MATS Project Summary

- \$42M capital cost
 - \$2M to \$2.5M annual O&M cost
 - \$4.5M to \$5M annual cost impact
 - 6 to 8 percent impact to annual budget
-
- Revenue Bond financing for capital cost
 - Determination of future rate adjustments

Discussion



RESOLUTION 2013-13

WHEREAS, the City of Grand Island requested proposals for Mercury and Air Toxic Standards Retrofit Project at Platte Generating Station, according to plans and specifications on file with the Utilities Department; and

WHEREAS, on November 2, 2012, proposals were received, opened and reviewed; and

WHEREAS, AMEC, of Tucker, Georgia, submitted a proposal in accordance with the terms of the advertisement for proposals and plans and specifications and all other statutory requirements contained therein, such proposal being in the amount of \$41,189,331.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the proposal of AMEC, of Tucker, Georgia, in the amount of \$41,189,331.00, for the Mercury and Air Toxic Standards Retrofit Project at Platte Generating Station is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, January 8, 2013.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	▣ _____
January 4, 2013	▣ City Attorney



City of Grand Island

Tuesday, January 8, 2013

Council Session

Item J1

Approving Payment of Claims for the Period of December 19, 2012 through January 8, 2013

The Claims for the period of December 19, 2012 through January 8, 2013 for a total amount of \$4,718,421.85. A MOTION is in order.

Staff Contact: Jaye Monter