



# **City of Grand Island**

**Tuesday, March 12, 2013**

**Council Session**

## **Item G6**

**#2013-59 - Approving Amendment #1 to the Plan Review  
Agreement between the City of Grand Island and NE Dept. of  
Health & Human Services**

**Staff Contact: Tim Luchsinger, Stacy Nonhof**

# **Council Agenda Memo**

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

**Meeting:** March 12, 2013

**Subject:** Agreement between the City of Grand Island and the Nebraska Department of Health and Human Services – Amendment No. 1

**Item #'s:** G-

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

## **Background**

The Utilities Department operates under the authority of a license granted by the State of Nebraska, Division of Public Health of the Department of Health and Human Services. The State establishes operating rules and regulations for all public water systems under Title 179, Public Water Systems. Chapter 2 of Title 179 was revised on April 4, 2010.

Prior to April 4, 2010, the City of Grand Island had the authority to extend water mains within its established service area by its own authority. City engineering staff developed and enforced specifications in accordance with the State's Title 179 requirements and used those specifications for all City water distribution system extensions and additions. Historically, major system expansions, such as transmission line to the City Wellfield or the recent system extension to Alda, required that the design specifications and drawings be sent to the state for review and approval. As of the April 4, 2010 revisions to Title 179, not only major expansions but all water system extensions and additions must now be submitted to the Department of Health and Human Services (HHS) for review and approval. The authority of the local jurisdiction to design, review and approve the routine water system extensions has been removed.

Included in the April 4, 2010 regulatory changes is a program for larger water systems that allow local jurisdictions to retain approval authority for most of their water system extension projects. The program requires the local water system to make a one-time submittal of its standard specifications for review and approval in accordance with an agreement between the parties. This program was initiated in 2010 between the Utilities Department and HHS for three years and is now subject to renewal. A copy of a proposed amendment which will allow renewal of the original agreement is attached. If approved by the parties, the local water system is authorized, for a three year period, to

conduct the required reviews of water system extension projects. Application to HHS for the review agreement authorization includes submittal of a fee of \$900.00, and an annual review fee of \$900.00 for the term of the Amendment.

### **Discussion**

Review fees for projects that have been submitted to the State often exceed \$1,000.00 per project and for the last four years, the number of water main projects has averaged thirteen per year. The Utilities Department has the personnel and expertise on staff to comply with the State program without additional expense.

### **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 between the Nebraska Department of Health and Human Services and the City of Grand Island, and authorize the Mayor to sign Amendment No. 1 to the Agreement.

### **Sample Motion**

Make a motion to approve Amendment No. 1 to the Agreement between the Nebraska Department of Health and Human Services and the City of Grand Island.

## Amendment No. 1

This amendment is made to the attached agreement pertaining to water main construction (copy attached) previously executed by and between Division of Public Health of the Department of Health and Human Services and City of Grand Island (System No. NE3107902).

The signature of both parties on this Amendment No. 1 will extend the attached agreement until April 27, 2016. The Division of Public Health of the Department of Health and Human Services and the City of Grand Island agree that all other terms and conditions of the agreement that are not hereby amended remain in full force and effect.

### FOR THE SYSTEM

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

NE3107902  
City of Grand Island  
PO Box 1968  
Grand Island, NE 68802-1968

\_\_\_\_\_  
Date

### FOR THE DEPARTMENT

\_\_\_\_\_  
Jack L. Daniel, Administrator  
Office of Drinking Water and  
Environmental Health  
P.O. Box 95026  
Lincoln, NE 68509-5026

\_\_\_\_\_  
Date

Please check:

☐ Checking this box reaffirms that City of Grand Island will follow the standard specifications and standard drawings approved by the Department on June 22, 2010

*New 2013 Standards & Drawings Enclosed*

PO Box 95026, Lincoln, NE 68509-5026  
402/471-0597 • FAX 402/471-6436 • TDD 402/471-9570

## RESOLUTION 2013-

WHEREAS, the City of Grand Island Water Department operates under the authority of a license granted by the State of Nebraska, Division of Public Health of the Department of Health and Human Services; and

WHEREAS, the State establishes operating rules and regulations for all public water systems under Title 179, Public Water Systems; and

WHEREAS, the City of Grand Island has entered into an Agreement with the Nebraska Department of Health and Human Services that allows the City to use approved standard plans for water main projects; and

WHEREAS, Amendment No. 1 to the original Agreement has been written between the City of Grand Island and the Nebraska Department of Health and Human Services to continue until April 27, 2016 for water main project plans review pursuant to Chapter 2 of Title 179, Public Water Systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment No. 1 to the Agreement between the City of Grand Island and the Nebraska Department of Health and Human Services, is hereby approved.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 12, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 8, 2013	☐ City Attorney